



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

September 11, 2024

Variance Request: 2913 CULLEN LAKE SHORE DRIVE

Application Request: Public Hearing #2024-08-001 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The applicant submitted a variance request to encroach within the applicable building setback and allow a building setback of 21 feet and three inches. Their requested variances were approved at the November 2023 Planning and Zoning Board meeting. Section 42-67 of the City's land development code outlines time limits for variance approvals. The code states that the variance shall become void if, six months after the board approved the variance or special exception, all permits necessary for the utilization of the special exception or variance have not been issued. The applicant's variance approval for the requested building setback expired as of May 28, 2024 since no permit issuance was granted for the scope of work.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

1. Special Conditions and/or Circumstances (Section 42-64 (1) d):

The property is a peninsula surrounded by water along multiple sides of the lot. The configuration of the land and pre-existing structures creates special conditions and circumstances to allow the requested variance.

2. Not Self-Created (Section 42-64 (1) e):

The request to replace the accessory structure with an addition to the principal building is not self-created as the lot configuration provides limited building space from the required 50-foot setback.

3. Minimum Possible Variance (Section 42-64 (1) f):

The variance request for the building setback makes reasonable use of the land as the applicant seeks to replace the existing canopy with an attached cabana structure in approximately the same location with a new setback of 21 feet and three inches from the NHWE. The existing and proposed structure provide a similar function; however, the code requires a greater setback for a principal building at 50 feet from the NHWE than an accessory structure at 35 feet from the NHWE.

4. Purpose and Intent (Section 42-64 (1) g):

The variance requests to allow a building setback of 21 feet and three inches from the normal-high water elevation of Lake Conway instead of the required 50-foot setback would not be harmful to the neighborhood nor detrimental to the public welfare.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board approve the requested variances to allow a building setback of 21 feet and three inches from the required 50-foot setback of the normal-high water elevation of Lake Conway.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.