



April Fisher, AICP
PRESIDENT
407.494.8789
fisherpds@outlook.com

August 14, 2020

Variance Application: 5842 COVE DRIVE

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 48-33 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (A) (1) AND SEC. 48-34 TO ALLOW AN EXPANSION OF THE DOCK TO EXTEND THE ROOF OF AN EXISTING NONCONFORMING DOCK, ALLOW REPLACEMENT OF PILINGS AND DECKING ON THE NONCONFORMING DOCK, AND ALLOW A VARIANCE FROM THE REQUIRED SIDE SETBACK FOR THE EXISTING DOCK, SUBMITTED BY APPLICANT JEFFREY GILES, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL NUMBER 20-23-30-1660-00-090.

Zoning/ Existing Use: R-1-AA/ Single-family Residence

Review Comments

This application filed seeks a variance from the Code regarding meeting the minimum side setback for docks, repairing pilings/decking, and extending the roof of a nonconforming existing dock. The repair work and roof extension were completed prior to seeking these variance requests as well as prior to seeking a building permit for the work.

The property is currently developed with a primary single-family home and has an existing dock. The dock was built prior to the current code that requires a five-foot side yard setback. No building permit records are available for the existing dock.

Property Appraiser aeriels reveal that between 2017 and 2018, a new roof was put on the dock that enlarged the roof over what was previously there. Pictures provided to the City reveal several new pilings being installed more recently (please see the pictures attached).

Both a new roof that changed the original design and new pilings requires full dock permit review with plans. Sec. 48-34 of the Code prohibits changes such as these on a non-conforming dock unless it comes into conformity with current City regulations through a new permit application or the City's determination that the modifications decrease the nonconformity.

The applicant has provided supporting documentation addressing the variance criteria.

Sec. 48-33 (b) states that the board shall not approve an application for a dock variance unless and until each of the following criteria have been met:

- (1) The dock shall not create conditions hazardous to navigation nor any safety hazards;
- (2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;
- (3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;

(4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property; and

(5) The requirements of subsection 42-64(1), except for subsection 42-64 (1) d.

Staff Recommendations

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

- (1) The dock does not create conditions hazardous to navigation nor any safety hazards as proposed. Because it is an existing dock and the applicant is not seeking to increase the terminal platform, it is not creating a hazardous condition. If the applicant were seeking to increase the size of the terminal platform, it should be rebuilt to meet the side setback requirement.
- (2) The location and placement of the dock will be compatible with other docks in the area, and the NHWC of the lake as it does seek a similar pattern to other dock configurations and will not restrict canal navigation.
- (3) The current level of the lake is not a factor in request of the variance as it is not seeking to augment the lake level or gain additional dock length based on lake level.
- (4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property as it is consistent with other similar dock layouts on the lake in this neighborhood, and it will not impede boat travel as it is currently built.
- (5) The requirements of subsection 42-64(1), except for subsection 42-64(1)d are met:

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

Per Sec. 48-33 (b) (5), this criterion is not applicable to consideration of a dock variance.

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

The request for a variance is not due to a self-created situation, as the application is seeking to repair an existing dock in the same configuration and extend the roof. The dock already sits closer than five feet to the side property line and this application does not create this condition.

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

The requested variance is the minimum possible variance to make reasonable use of the land and building as the proposed repairs and roof addition do not increase an existing setback nonconformity.

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

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it seeks to repair an existing dock structure and not dredge or disturb the lake bottom. It is consistent with other similar dock configurations, and it will not impede boat travel as the configuration exists.

Based on consideration of these review criteria staff **recommends approval** of the requested variance application.

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 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.



