



## CITY OF BELLE ISLE, FL

### Planning and Zoning: Staff Report

July 20, 2023

**Variance Request:** 3025 Indian Drive

**Applicant Request:** PUBLIC HEARING CASE #2023-06-009 - PURSUANT TO BELLE ISLE CODE SEC. 48-32 (A) (3), (A) (6) (A), AND SEC. 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DOCK TO EXCEED THE ALLOWABLE TOTAL AREA FOR A TERMINAL PLATFORM AT 720 SQUARE FEET AND TO ALLOW A BOAT DOCK TO EXTEND GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK WITHIN 300 FEET OF THE PROPOSED LOCATION, SUBMITTED BY APPLICANT JASON LOUCHE REPRESENTING HOMEOWNER ALAN TWICHELL LOCATED AT 3025 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-01-080.

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

#### Overview of Variance Application

The application seeks a variance from sec. 48-32 (a) (6) (a) to build a boat dock with a lakeward projection of approximately 24 feet from the neighboring docks at 2935 and 3007 Nela Avenue, and 3013 Indian Drive. The application also seeks a variance to exceed the allowable terminal platform size from the allowed 700 square feet to 720 square feet. The allowable size is determined by the shoreline footage of the property per sec. 48-32 (a) (3).

According to Orange County Property Appraiser, a boat dock permit was issued by Orange County government in 1993. Staff found no other dock permit for the property issued by Orange County or the City of Belle Isle since then.

#### 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):

Under sec. 48-33, a dock variance must meet the criteria of approval established by sec. 42-64 (1), except for subsection 42-64 (1) (d).

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

The requested variance from sec. 48-32 (a) (6) (a) is not self-created as the applicant is seeking to rebuild a boat dock with a similar lakeward projection of the existing dock. The proposed dock plan satisfies the allowable dock length with a lake bottom of 79.5 (NAVD 88) per sec. 48-32 (a) (2). An aerial view of the property shows that the shoreline location varies between 2935 Nela Ave to 3025 Indian Dr.

The requested variance from sec. 48-32 (a) (3) to expand the dock's terminal platform size is self-created. The code allows the terminal platform size to be 700 square feet based on the property's linear shoreline footage of 70 feet. The proposed terminal platform size with the roof overhang is 708.5 square feet. The proposed terminal platform size exceeds the allowable area by 8.5 square feet. The applicant

seeks to expand the terminal platform size to 720 square feet for the owner's platoon boat, which is a personal hardship.

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

The requested variance per sec. 48-32 (a) (6) (a) is the minimum possible variance to make reasonable use of the land. Removing the existing dock and constructing a new one to maintain a similar boat dock length would be the most reasonable use of the land. The requested variance per sec. 48-32 (a) (3) does not meet the minimum possible variance to make reasonable use of the land as the applicant seeks to increase the terminal platform size from the proposed plans.

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

The requested variance from sec. 48-32 (a) (6) (a) could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood. The proposed dock location does not exceed 15 feet lakeward of the existing docks east of the site. A record request was submitted to the city's Code Enforcement Department, and their records found no complaints on file for the address.

As for the requested variance from sec. 48-32 (a) (3), it is neither injurious to the neighborhood nor does it satisfy the purpose and intent of the land development code as it may serve as a special benefit to the homeowner.

5. Additional Criteria for Dock Variance Approval (Section 48-33):

The board shall not approve an application for a variance unless and until each of the following criteria have been met:

- xi. The dock shall not create conditions hazardous to navigation nor any safety hazards;
- xii. The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;
- xiii. The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;
- xiv. 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
- xv. The requirements of subsection 42-64(1), except for subsection 42-64(1)d.

Staff provides a recommendation to approve the requested variance from sec. 48-32 (a) (6) (a) and deny the requested variance from sec. 48-32 (a) (3) as the land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved. Should the board approve the request variance from sec. 48-32 (a) (3), the board may condition a maximum platform size for approval.

**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.