



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

July 20, 2023

Variance Request: 2802 Alsace Court

Applicant Request: PUBLIC HEARING CASE #- PURSUANT TO BELLE ISLE CODE SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING ENCROACHMENT WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT ALAN LEOW LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

Existing Zoning/Use: R-1-AA / Vacant (Single-Family Home To Be Built)

Overview of Variance Application

The application requests a variance from the 50-foot building setback from the Normal High Water Elevation (NHWE) for portions of a new single-family home. The applicant has provided supporting documentation addressing the variance criteria.

Mr. Leow is resubmitting a similar variance application from sec. 50-73 (a), sec. 50-102 (a) (4), (5), and (8) in July 2021. The request was approved by the board in July 2021, however, under sec. 42-67, the validity of the approved variance has expired. Mr. Leow has recently filed a building permit through Universal Engineering Sciences to construct the new home.

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):

This property is unique as it is a peninsula, surrounded on three sides by Lake Conway. With the 50-foot setback from the NHWE requirement, this leaves limited building footprint area. The applicant is seeking a 20-foot variance (setback would be 30 feet from the NHWE) along the northeast corner only. This is to accommodate the garage, carport, and garage stairs for a new single-family home. With the configuration of property access, the applicant would like to be able to have a turnaround area for cars in front of the garage area that is wide enough.

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

The request for a variance is not self-created as the property lines and lot configuration were created prior to the property owner seeking to develop the site for a single-family home.

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

The requested variance is the minimum possible variance to make reasonable use of the land. The application does not seek to extend the existing development footprint closer to the water on any of the other sides of the property.

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

The requested variance is in harmony with the general purpose and intent of the Land Development Code and therefore is not injurious to the neighborhood, nor detrimental to the public welfare, and will not be contrary to the public interest. This is because the applicant seeks to maintain the 50-foot NHWE setback on all other sides of the property fronting Lake Conway and will not be impeding any viewshed of adjacent lake properties.

Staff provides a recommendation to approve the requested variance based on meeting all the above criteria. The Land Development Code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.

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.