



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

July 20, 2023

Variance Request: 2506 Homewood Drive

Applicant Request: PUBLIC HEARING CASE #2023-06-002 - PURSUANT TO BELLE ISLE CODE SEC. 48-32 (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 EXTEND GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK WITHIN 300 FEET OF THE PROPOSED LOCATION, SUBMITTED BY APPLICANT MATTHEW LANGBEHN REPRESENTING HOMEOWNER EDWARD HARRISON LOCATED AT 2506 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-160.

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

Overview of Variance Application

The application for 2506 Homewood Drive seeks a variance from sec. 48-32 (a) (6) (a) to build a dock that projects more than 15 feet lakeward of an existing dock at 2432 Homewood Drive by approximately 40 feet. The applicant's existing dock currently projects approximately 30 feet from the neighboring dock at 2432 Homewood Drive. The proposed dock location would not project 15 feet lakeward of the existing docks at 2514 and 2520 Homewood Drive.

The dock at 2506 Homewood Drive was permitted by Orange County government in 1990. Staff found no other dock permit for the property issued by Orange County or the City of Belle Isle since then. Recently, 2432 Homewood Drive received a violation notice for the condition of their existing dock by the city's Code Enforcement Department. The homeowner at 2432 Homewood Drive has filed a demolition permit for their dock. However, until the dock's demolition permit for 2432 Homewood Drive is closed, the variance application cannot be approved for the proposed dock plans until all zoning requirements are met per sec. 48-32.

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 established by sec. 42-64 (1), except for subsection 42-64 (1) (d).

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

The property's existing dock was created before sec. 48-32 (a) (6) (a) was adopted under Belle Isle Ordinance 17-02. An aerial view of the property shows that the shoreline location varies from 2432 Homewood Drive to 2506 Homewood Drive. While the shoreline location varies from 2432 to 2506

Homewood Drive, the requested variance is self-created as the applicant seeks to *increase* the lakeward projection of the proposed dock by approximately 10 feet.

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

The requested variance does not meet the minimum possible variance to make reasonable use of the land. The existing dock currently projects approximately 30 feet lakeward from the neighboring dock at 2432 Homewood Drive. Removing the existing dock and constructing a new one to expand a dock's nonconformity to the code does not satisfy the minimum possible variance criteria.

4. 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. The location and placement of the proposed dock are compatible with most other docks within 300 feet (east and west) 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 property owner's dock.

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 has been met:

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

Staff provides a recommendation to deny the requested variance from sec. 48-32 (a) (6) (a) as the request is self-created and does not meet the minimum possible variance to make reasonable use of the land. 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.