



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

July 20, 2023

Variance Request: 3019 Indian Drive

Applicant Request: PUBLIC HEARING CASE #2023-06-008 - 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 733 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 EMILY WAKELY DELOZIER LOCATED AT 3019 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-01-070.

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 more than 15 feet lakeward, by approximately 23 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 715.9 to 733 square feet. The allowable size is determined by the linear 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 1962. 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 seeks to rebuild a boat dock with a similar lakeward projection of the existing site. 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 from 3013 to 3019 Indian Drive.

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 715.9 square feet based on the property's linear shoreline footage of 71.59 feet. The proposed dock with the roof overhang is 733 square feet. Without the roof overhang, the terminal platform size is 672 square feet.

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

The requested variance from 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 while maintaining 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 as the applicant and boat contractor as the proposed size of the terminal platform could be modified to comply with the city code.

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 there were no complaints on file for the property owner's dock.

The requested variance from sec. 48-32 (a) (3) could provide a special benefit to the owner.

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:

- vi. The dock shall not create conditions hazardous to navigation nor any safety hazards;
- vii. The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;
- viii. The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;
- ix. 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
- x. 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) as it meets the variance criteria per sec. 48-33. Staff does not recommend approval of 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.

The board may choose to approve the requested variance from sec. 48-32 (a) (6) (a) with the condition that the terminal platform does not project more than approximately 23 feet lakeward of the neighboring dock at 3013 Indian Drive. Should the board approve the requested variance from sec. 48-32 (a) (3), a condition may be placed for the applicant to have a terminal platform size no more than 733 square feet or prescribe an alternative maximum terminal platform size than allowed per code.

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.