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April 15, 2025

Variance Application: 3538 Country Lakes Drive

Planning and Zoning Case Number 2025-01-002: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (C) (1) TO ALLOW A DOCK AND WORK FOR AND ON A DOCK WITHIN A DRAINAGE AND UTILITY EASEMENT, SUBMITTED BY APPLICANT SHEILA CICHRA, ON BEHALF OF THE PROPERTY OWNER DANIEL JOSEPH MCCARTIN, LOCATED AT 3538 COUNTRY LAKES DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-4980-00-030.

Project Description and Background:

This application is to allow a boat dock to sit within a drainage and utility easement. A previous staff report was prepared by the former planner, which is attached here. The current planning staff agrees with the findings in the report.

Staff Recommendation: Approve the requested variance to allow the dock to be located withing a drainage and utility easement, subject to the property owner executing an easement agreement with the City.

Next Steps

The Board may approve the variance application as it is, with specific conditions, continue the application if additional information is requested, or deny the application.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Sec. 42-71.

Motion Examples:

1. Approve the requested variance to allow a dock and work for and on a dock within a drainage and utility easement subject to the condition that the property owner execute an easement agreement with the City.
2. Deny the requested variance to allow a dock and work for and on a dock within a drainage and utility easement [specify which standards are not met] or,
3. Continue the requested variance to allow a dock and work for and on a dock within a drainage and utility easement pending additional information [specify information needed] from the applicant.



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

February 13, 2025

Variance Request: 3538 Country Lakes Drive

Application Request: Planning and Zoning Case Number 2025-01-002: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (C) (1) TO ALLOW A DOCK AND WORK FOR AND ON A DOCK WITHIN A DRAINAGE AND UTILITY EASEMENT, SUBMITTED BY APPLICANT SHEILA CICHRA, ON BEHALF OF THE PROPERTY OWNER DANIEL JOSEPH MCCARTIN, LOCATED AT 3538 COUNTRY LAKES DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-4980-00-030.

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

Background

The property owner submitted a boat dock permit to the City's Building Department for permit issuance. Under zoning review, city staff determined that the proposed dock would be located entirely within a dedicated 37-foot drainage and utility easement along the private property's rear lot line, projecting into the abutting canal channel. Under section 48-32 (C) (1), no dock or work for or on a dock shall be within areas that constitute easements for ingress, egress, or drainage held by individuals or the general public.

As a result, the applicant must seek variance approval from the Planning Board to build a dock along the canal front of the residential property. The subdivision plat for The Landings of Lake Conway details that the 37-foot drainage and utility easement is dedicated to the public, which provides that the local government has jurisdiction over the property and owns the easement. The City can require an easement encroachment agreement between the owner and the City to grant the variance sought as a condition of approval to allow the dock into and onto the easement.

City staff have also contacted Orange County's Public Works Department, as the County is responsible for maintaining Lake Conway and the connecting channels, to verify the existence of any underground infrastructure. As of February 13, 2025, Orange County's Chief Engineer with Orange County Stormwater Management, Daniel Negroni, confirmed that Stormwater Management has no infrastructure in the area.

City staff has requested the City Attorney create an easement agreement for the applicant to sign as a condition of approval for the requested variance, should the Board approve the requested variance to build a dock within the existing drainage and utility easement.

Criteria for Dock Variance Cases

Pursuant to section 48-33, the board shall not approve an application for a 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 Recommendation

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

- (1) The requested variance for the dock location does not create conditions hazardous to navigation nor any safety hazards as proposed. The applicant's submitted site plan notes that the proposed dock would maintain a 20-foot distance from an existing dock across the canal axis (center). The code requires a minimum navigable travel way of 15 feet width along the center of the canal between all docks and potential docks.
- (2) The proposed location and placement of the new dock would be compatible with the other docks in the area.
- (3) The lake's current level is not a factor in the requested variance as they do not seek to augment the lake level or gain additional dock length based on the lake level.
- (4) The application does not confer a special benefit to the landowner over and above the adjoining landowners. The requested variance 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 docks on the canal and will not impede boat travel in the canal as the configuration proposes.
- (5) The requirements of subsection 42-64 (1), except for subsection 42-64 (1) (d):

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

Per section 48-33 (b) (5), the criterion is not applicable for consideration of a dock variance.

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

The requested variance is not self-created, as the applicant seeks to build a conforming boat dock per the design standards established in the city code.

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

The requested variance seeks the minimal possible variance to make reasonable of the land as the applicant meets all other code requirements for constructing a boat dock.

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

The requested variance could be construed to be in harmony with the general purpose and is compatible with the surrounding land uses as other residences.

Based on consideration of the review criteria, staff recommends approval of the requested variance application with the condition that the applicant signs and submits an easement agreement with the city for the request to build a permanent structure within the city's dedicated drainage and utility easement.

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.