

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 6/2/2022

P&Z CASE #:

2022-06-029

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING:

July 28 2022

Applicant	Brendan Sweeney, Esq.	Owner	Jennifer Giles
ADDRESS	5842 Cove Drive, Belle Isle, FL 32812		5842 Cove Drive, Belle Isle, FL 32812
PHONE:	(954) 440-3993		407-509-8309
PARCEL TAX ID #:	20 23 30 1660 00 090		20 23 30 1660 00 090

LAND USE CLASSIFICATION:

0130-SFR-LF

ZONING DISTRICT:

DETAILED VARIANCE REQUEST: The dock on 5842 Cove Drive was grandfathered in along with the neighboring docks with no 5' side setback. The dock on 5842 was demolished; a new legally conforming dock with five feet side setback would be hazardous and subject swimmers to injuries. This is especially true since the neighboring dock is lying on the property line with no setback. This is a request for a variance to permit the building of the new dock in the same location as the old dock. The approval of this variance does not present a hazardous condition; the dock would be conformity with the other docks, as originally placed; it does not confer a benefit on the landowner over adjoining landowners; and the dock would still be in compliance with the other sections of the Municode. Attached is the plan for the dock and a photo of the grandfathered abutting docks.

SECTION OF CODE VARIANCE REQUESTED ON: Sec. 48-32

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
- By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
- Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
- **Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - d. It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
 - e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

DocuSigned by:

Brundan Sweeney

82DB3145541F48B...

APPLICANT'S SIGNATURE

DocuSigned by:

Jennifer Giles

17446B63388947C...

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

6/2/22
Date Paid

Cash
Check/Cash

Huy
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

Narrative addressing how the variance complies with the following:

1) The literal enforcement of the provisions of the zoning ordinance would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved including, but not limited to, dimensions, topography or soil conditions.

The dock at 5842 Cove Drive was grandfathered in along with the neighboring docks with no 5' setback. The dock at 5842 was demolished; a new legally conforming dock with 5' setback would be hazardous and subject swimmers and boaters to injuries. This is especially true since the neighboring dock is lying on the property line with no setback.

2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.

This is a request for a variance to permit the building of a new dock in the same location as the old dock. The approval of this variance does not present a hazardous condition. The dock would be in conformity with the other docks as originally placed. It does not confer a benefit to the landowner over adjoining landowners.

3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.

The new dock will still be in compliance with other sections of the Municode.

4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

The new dock will be in the same location as the old dock that was grandfathered in and would not be contrary to the public interest.

5842 Cove Dr 20-23-30-1660-00-090

Name(s):

Giles Jeffrey

Giles Jennifer L

Physical Street Address:

5842 Cove Dr

Property Use:

0130 - Sfr - Lake Front

Mailing Address On File:

5842 Cove Dr

Belle Isle, FL 32812-2819

[Incorrect Mailing Address?](#)

Postal City and Zip:

Orlando, FL 32812

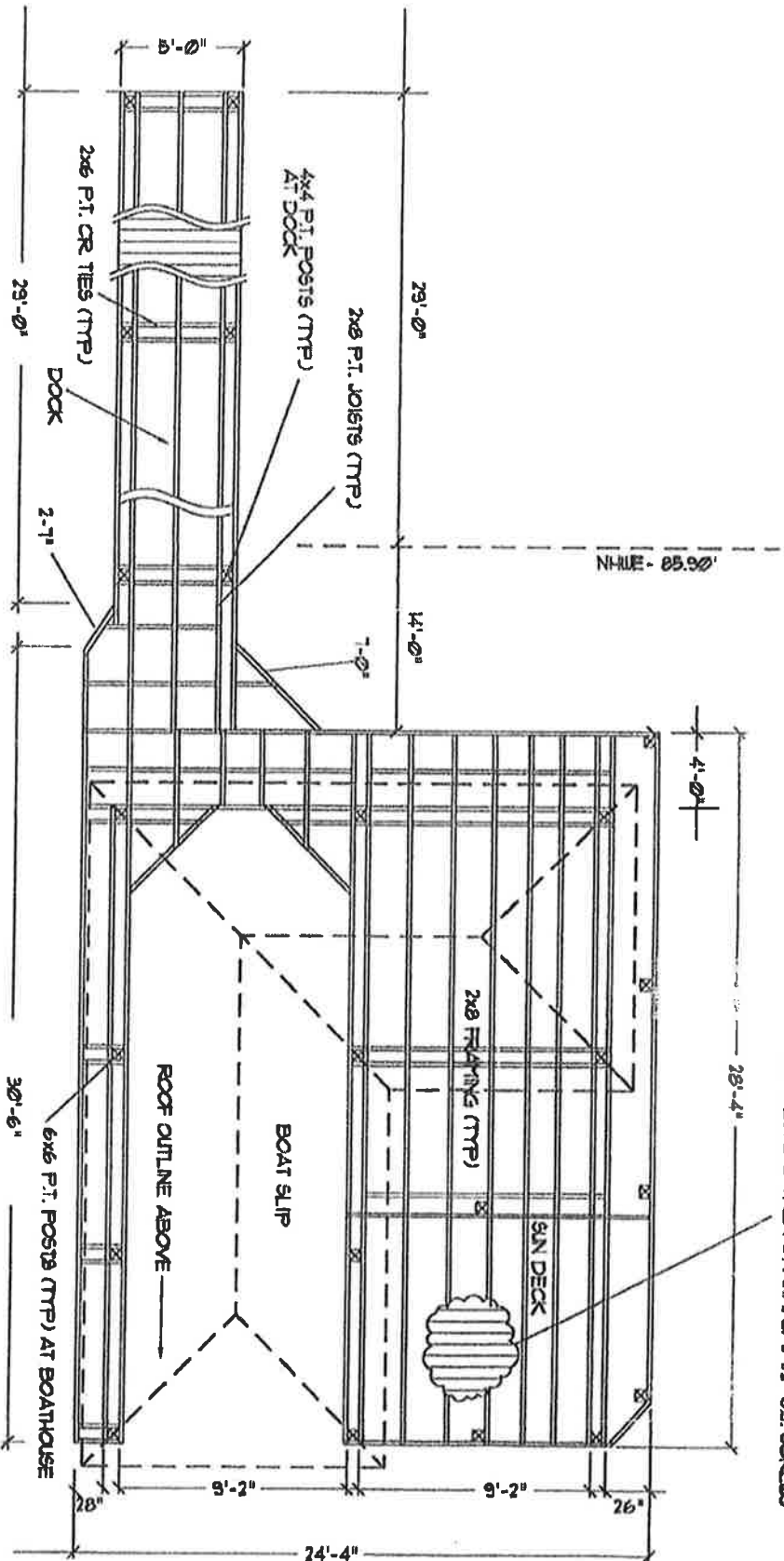
Municipality:

Belle Isle



5842 COVE DR, BELLE ISLE, FL 32812 1/6/2022 11:38 AM

2x6 DECKING - TREX OR SIM. W/ 2 1/2" S.S. SCREWS



PLAN VIEW
SCALE: N.T.S.

FRAMING NOTES:
FRAMING MATERIAL:
2" S.T.P. MINIMUM

FOUNDATION NOTE:
ROOF POLES SHALL BE EMBEDDED
12" IN SOIL (MIN) OR TO HARDPAN

HIP ROOF 4/12 PITCH
2x6 P.T. RIDGE BEAM
2x6 P.T. RAFTERS @ 24" C/C
2x6 P.T. COLLAR BEAMS @ 48" C/C
2x6 P.T. HIP
1/2" T-I

5x8 ROOFING FELT
2x8 P.T. FALSA
ROOFING: SHINGLE (TO MATCH EXISTING)
(2) 2x10 P.T. HEADERS NAILED &
BOLTED TO 6x6 POSTS

WOOD TREATMENT:
FRAMING / DECKING LUMBER - ACQ
FASTENERS TO BE 316 S.S. SCREWS
6x6 P.T. POLES - CCA @ 280
1/2" GALV. CARTRIDGE BOLTS @ EA
HEADER/COLUMN
1" W/ (3) BOLTS @ CORNER POSTS
(1) BOLTS @ INTERMEDIATE POSTS
STEEL STRONG TIE (425 @ EA
RAFTER/BEAM CONNECTION)

Pavol Stankey
c=US, o=Unaffiliated,
ou=A01410C00000170C1228ED
E00008FDB, cn=Pavol Stankey
2020.06.03 08:01:58 -04'00'

PROPOSED DECK & DOCK

J. GILES RESIDENCE

5842 COVE DRIVE
ORLANDO, FL 32832

S.I.



