



## **CITY OF BELLE ISLE, FL**

### **Planning and Zoning: Staff Report**

July 26, 2022

#### **Variance Application: 5842 Cove Drive, Belle Isle, FL 32812**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64 and SEC. 48-32 (A) (1), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO HAVE A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

**Existing Zoning/Use:** R-1-AA / Single-Family Residence

#### **Review Comments**

This application seeks a variance from the Code regarding the minimum side setback requirement for boat docks on the property line. The proposed building plan would be within five feet of the neighboring dock. The dock at 5834 Cove Drive has a grandfathered, non-conforming dock already located within the five-foot setback of the property line.

The applicant has provided documentation of the proposed boat dock building design. In the Narrative Letter, the applicant states they would meet all other Code considerations listed under the Design Criteria of Docks.

#### **Staff Recommendation**

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

1. Special Conditions and/or Circumstances

No special conditions or circumstances applicable to this variance request, nor is it specified in the Narrative Letter.

2. Not Self-Created

This variance request is self-created as the boat dock can be constructed in a different location along the resident's shoreline.

3. Minimum Possible Variance

No other options were presented in the Narrative Letter to indicate the applicant sought alternative plans to make possible reasonable use of the land and building structure.

#### 4. Purpose and Intent

The purpose of this request is to recreate a previously established boat dock layout. The placement of the proposed dock is not harmonious with the general purpose and intent of the Land Development Code. Its proximity to the neighboring dock may be construed as detrimental to the public welfare and act contrary to the public interest.

In consideration of the variance request criteria, Staff does not recommend approval for the requested variance. The applicant does not satisfy the hardship test required for variance requests. If the board does accept the variance request, I recommend a minimum setback distance should be identified and implemented for safety considerations with the design of this structure. Another condition for this request should ensure the applicant has no open environmental complaints with the Orange County Environmental Protection Division. Any use of heavy equipment needs approval from Orange County EPD and must provide notice to Belle Isle City Hall.

#### **Additional Notes**

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, and continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met.

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

**Existing Zoning/Use:** R-1-AA / Single-Family Residence

### **Review Comments**

This variance application seeks a variance from Sec. 50-102 (B) (5) (A) to install a front yard fence with two concrete columns at 6.8 feet in height. The applicant has cited concerns for safety and privacy in their Narrative Letter as they are located adjacent to a public park. The proposed fence installation meets the standard height requirement per City Code, except for the two columns supporting the entrance gate. This request does not conflict with the characteristics of the neighborhood and upholds an established pattern by surrounding properties to have a front yard fence. The applicant would maintain conformance with the neighborhood aesthetic with the front yard fence installation.

The board in granting an application for the variance may consider as justifying the criteria, the following:

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction material of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional security need of the applicant.

### **Staff Recommendation**

Based on the applicant's identification that privacy and security are primary considerations for installing the front yard fence, coupled with the existing abutting fence along the side of the property, Staff recommends approval of the requested variance. These items are consistent with meeting the criteria established in Sec. 50-102 (b) (16) and the required criteria of Sec. 42-64 (1). The board may condition the applicant to adjust the height of the two fence columns to six feet or require the applicant to provide written letters of approval to install the columns above the general six-foot height from the natural grade of the land.

### **Additional Notes**

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, and continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met.

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.

**Existing Zoning/Use:** R-1-AA / Single-Family Residence

**Staff Recommendation**

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

1. Special Conditions and/or Circumstances

Given the property's extensive work in remodeling and adding to the original building plan, the variance request satisfies the criteria as a special condition. The property initially had the drain field area and septic tank located in the rear but was relocated years ago to the front yard to meet building plans for an addition in the backyard.

2. Not Self-Created

The unique circumstance of this variance request is self-created as the property owner approved the relocated drain field and septic tank in recent years.

3. Minimum Possible Variance

The applicant has examined other options but faced hurdles to keep the drain field and septic tank in the backyard, especially for maintaining the new cottage structure in the back and to expand the ongoing home renovations at the original site location.

4. Purpose and Intent

The proposed low wall separates the designated driveway area from the relocated drain field and septic tank on site. This variance request aims to protect the drain field and septic tank primarily from vehicles.

Staff provides a recommendation to approve the requested variance. The applicant proposed the retention wall would be 16 to 24 inches tall. The board may set the maximum height allowed to satisfy the applicant's request for containing the drain field area. By establishing a height requirement, the board can ensure the front wall barrier does not exceed its intended use, nor would it drastically alter or deviate from the overall character of the neighborhood.

### **Additional Notes**

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, and continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met.

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.