



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

August 15, 2024

Variance Request: 1604 Swann Avenue

Application Request: Public Hearing #2024-07-014 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (2), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A COVERED SCREEN ENCLOSURE IN THE FRONT YARD CONTRARY TO THE PERMITTABLE SCREEN ENCLOSURE LOCATIONS IN THE SIDE AND REAR YARDS, SUBMITTED BY APPLICANT JOSEPH ALLEN ON BEHALF OF PROPERTY OWNER JAMES LAPIN, LOCATED AT 1604 SWANN AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #25-23-29-5884-19-090.

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

Background

The applicant seeks to maintain a permitted screen room in the front yard. In their building permit submission, the site plan shows that the screen enclosure would be located underneath the principal building's covered entrance. After building the structure, City Staff found that the submitted site plan design does not accurately portray the new improvements. As a result, the applicant built a screen room extending into the front yard setback by six feet and one inch.

Under section 50-102 (A)(2), screen rooms are only permitted in the side or rear yards. The building permit was initially zoning-approved as the site plan depicted the enclosure was limited to the existing porch cover area with no encroachment into or changes to the front yard building setback, as shown on the original or first property survey featured in the variance packet. The second site plan was provided by the applicant to show the actual front yard setbacks with the new improvements as 18 feet and five inches from the front lot line.

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):

The literal enforcement of the code does not result in an unnecessary hardship nor are there any physical or topographic special conditions and circumstances peculiar to the land for a conforming screen room. The existing principal building provides space in the rear yard to accommodate a screen enclosure.

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

The request to build a screen room in the front yard is self-created, as the applicant provided inaccurate setback information with their original permit submission. Financial or personal hardship is not an allowable basis for granting a variance approval. An unnecessary hardship results from the special conditions and/or circumstances of the land and structures.

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

The variance request makes reasonable use of the land as the proposed structure meets all other zoning requirements for a screen enclosure.

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

City Staff reviewed properties within the neighborhood and found no other screen rooms in the front yard. The proposed variance request is not in harmony with the purpose and intent of the land development code.

Based on the variance criteria of sections 42-64 (d), (e), and (g), Staff recommends that the Board not approve the requested variance to allow a screen enclosure to be maintained in the front yard as there are no special conditions or circumstances of the land and that the request is a self-created hardship.

Additional Notes

Please note that the Board may approve the proposed variance application as 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.