

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: 1 July 2021 P&Z CASE #: 2021-07-001

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: _____

Applicant	<u>ALAN LEOW</u>	Owner	<u>Same</u>
ADDRESS	<u>2802 ALSACE CT</u>		<u>SAME</u>
PHONE:	<u>407-286-6695</u>		
PARCEL TAX ID #:	<u>18-23-30-4385-04-241</u>		

LAND USE CLASSIFICATION: 0030 ZONING DISTRICT: R-1-AA

DETAILED VARIANCE REQUEST: Existing code requires a 50' lake setback. Applicant requests a variance to reduce the setback to 30' for garage, carport and garage stair. The variance will apply to a maximum of 85' of lakefront and will apply only along the Northeast corner of the property (applicant will have the flexibility to determine the exact location).

SECTION OF CODE VARIANCE REQUESTED ON: Section 50-73 (50' Lake Setback)

- 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.
 - Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - 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.
 - Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - 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.
 - 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.
 - 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.
 - It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 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.

Alan Leow

APPLICANT'S SIGNATURE

Alan Leow

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

7/1/21
Date Paid

CK#
1402
Check/Cash

Hkp
Rec'd By

Determination

Appealed to City Council: ☐ Yes ☐ No

Council Action:

Variance Request – Application Supplement

Special Conditions and/or Circumstances

Belle Isle code requires a 50' lake setback. The purpose of this setback is to prevent builders from constructing a home too close to the lake, thus blocking the lake views of the neighbors.

This property is very unusual because it is a peninsula with the lake on 3 sides. Most properties are subject to the lake setback on only 1 side. The requirement of the lake setback on 3 sides imposes a very severe restriction on buildable land on this property and forces a home design that is unnaturally long and thin.

Ironically, the lake setback requirement is not even needed on this property because there is no way for any building on this property to block the views of its neighbors. The lake setback requirement was intended for properties with lakefront on 1 or 2 sides. It makes no sense for a property like this with 3 sides of lakefront.

Not Self Created

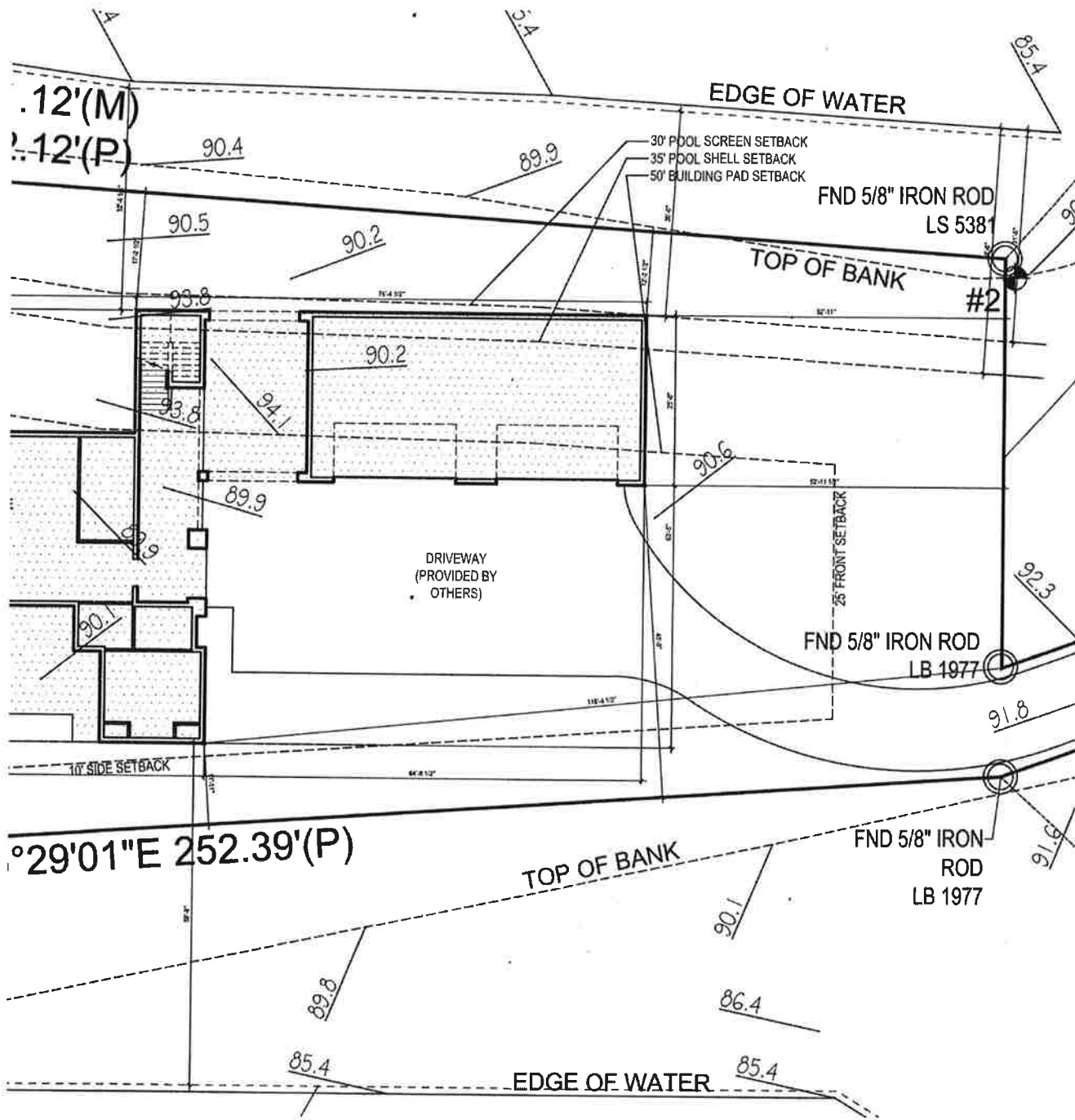
The circumstances of this property are inherent to the property and not created by the applicant or anybody else.

Minimum Possible Variance

I ask for this variance so that I can build a home whose front entrance is wide enough to turn cars around. I will use the variance to build a garage (with carport and stairs) so that it will leave enough room in the driveway to turn cars around. The buildable area of this property is so narrow that it is not possible to have a reasonable turn-around space for cars without the variance. All the alternatives are tight and inconvenient.

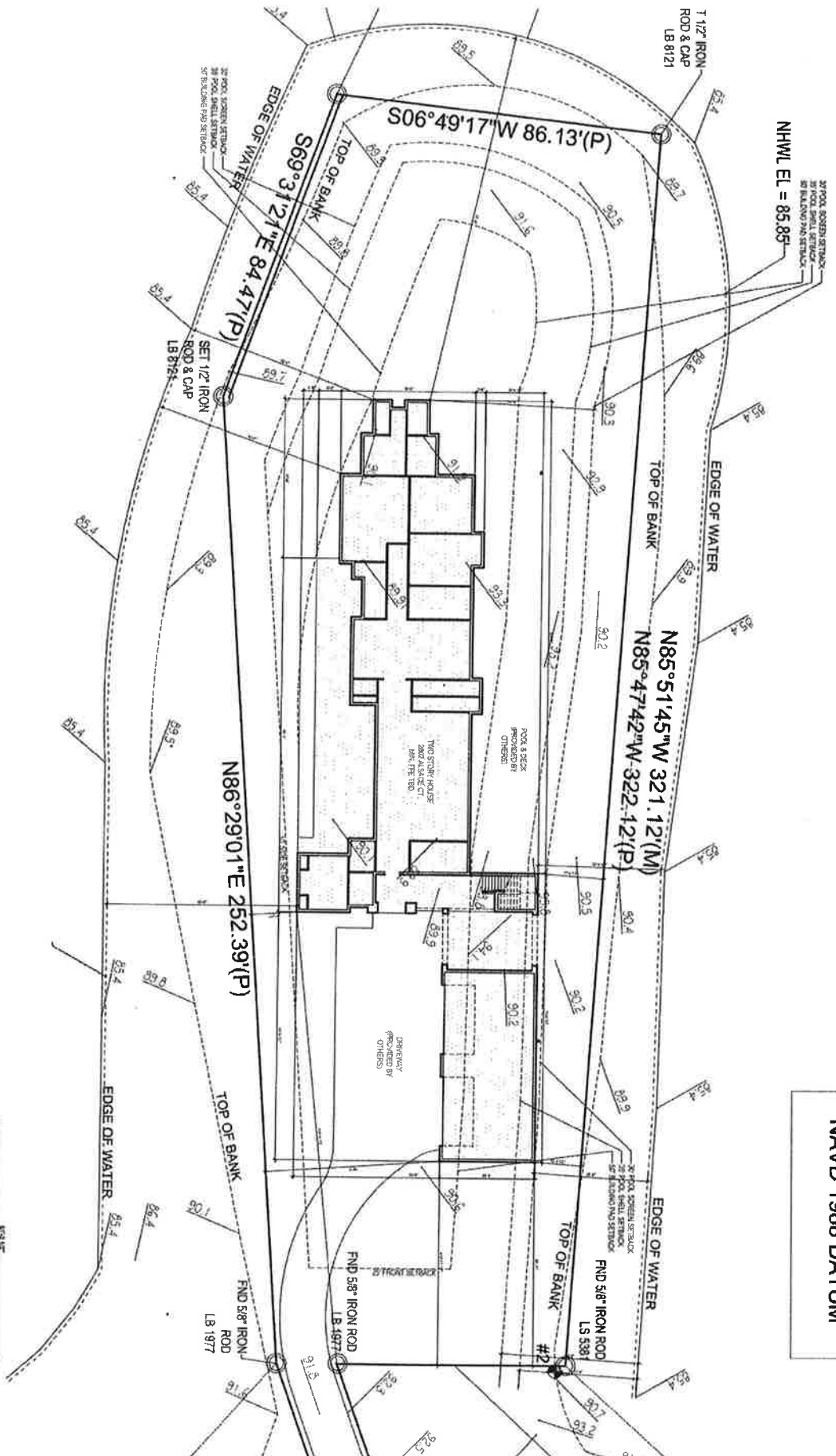
Purpose and Intent

The approval of this variance will have little of no impact on adjacent properties or the surrounding neighborhood. The house of the nearest neighbor is at least 100' away. A dense forest of trees will be on the North and East side of the garage so that, even after the variance, the garage will be mostly behind trees and invisible from everyone.



PARCEL ID#
13-23-29-0000-00-044

NHWL ELEVATION
PER BELLE ISLE
OF 85.85' IS IN
NAVD 1988 DATUM



LAKE
CONWAY

PARCEL ID#
13-23-29-0000-00-044



