



# CITY OF BELLE ISLE, Florida

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## Planning and Zoning: Staff Report

November 20, 2024

**Variance Request:** 2801 Hoffner Avenue

**Application Request:** PURSUANT TO SECTION 48-32 (A) (3), AND 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BOAT DOCK DESIGN TO EXCEED THE ALLOWABLE MAXIMUM TERMINAL PLATFORM SIZE BY AN ADDITIONAL 43.5 SQUARE FEET, SUBMITTED BY APPLICANT GEORGE AND DEBRA KENNEDY FAMILY TRUST, C/O ALEX DINGER WITH SUMMERTIME DECK AND DOCK, LOCATED AT 2801 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #18-23-30-4388-03-970.

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

### **Background**

Sec. 48-33 (b) states that the board shall not approve an application for a dock 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 dock variance criteria for the application below.

1. The dock does not create conditions hazardous to navigation or any safety hazards as proposed. The proposed boat dock meets the city's design criteria for length, location, setbacks, height, and all other applicable zoning requirements. Because the proposed dock meets all other design standards, it does not present a hazardous condition.
2. The proposed dock's terminal platform size is incompatible with other docks in the area. The abutting lakefront properties appear to possess a boat dock design allowing for one boat slip underneath the roofed structure based on their linear shoreline frontage.
3. The current lake level is not a factor in variance request, as it is not seeking to augment the lake level. The proposed additional dock length does not exceed 15 feet lakeward of the neighboring boat docks, as required by the city code.

4. The application obtains a special benefit to the landowner over and above the adjoining landowners as the neighboring properties consist of terminal platforms within the allowable footprint size per section 48-32 (A) (3). The proposed dock does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property. The proposed dock creates a more significant side setback than the current structure onsite and would not impede boat travel as the new structure is situated closer to the centerline of the property owner's shoreline frontage.
5. The requirements of subsection 42-64(1), except for subsection 42-64(1)d apply for dock variances:
  - (1) Special Conditions and/ or Circumstances (Section 42-64 (1) d):  
Per Sec. 48-33 (b) (5), this criterion is not applicable to consideration of a dock variance.
  - (2) Not Self- Created (Section 42-64 (1) e):  
The request for a variance is a self-created situation. The application seeks to exceed the allowable terminal platform size, which is contingent upon the property's linear shoreline frontage by 43.5 square feet. The request is based on a personal preference to accommodate two boat slips, instead of one as it currently exists.
  - (3) Minimum Possible Variance (Section 42-64 (1) f):  
The requested variance does not satisfy the minimum possible variance to make reasonable use of the structure, as the proposed terminal platform expansion seeks to accommodate an additional watercraft vehicle.
  - (4) Purpose and Intent (Section 42-64 (1) g):  
The requested variance is not in harmony with the general purpose and intent of the land development code and seeks to accommodate an extra watercraft vehicle within a cove area. The proposed dock design is not consistent with the other neighboring dock configurations.

Based on consideration of these review criteria, staff recommends denial of the requested variance application.

#### **Additional Notes**

Please note that the Board may approve the proposed special exception 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.