



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

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

March 22, 2022

#### **Variance Application: 4221 Kezar Court**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND SEC. 50-102 (A) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AN ENCROACHMENT OF 3 FEET INTO THE REQUIRED 35-FOOT REAR SETBACK, SUBMITTED BY APPLICANT KEVIN SUTTON, LOCATED AT 4221 KEZAR COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1661-01-040.

**Existing Zoning/Use:** R-1-AA single family home

This variance application seeks a variance from Sec. 50-73 (a) to allow for encroachment of 3 feet into the required 35-foot rear setback.

The applicant has provided information supporting the variance request with additional information about the existing neighborhood design and the character of the property they are trying to expand upon for the rear setback. Please see this information enclosed with this agenda item packet.

#### **Staff Recommendation**

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

1. Special Conditions and/or Circumstances

The proposed rear setback is seeking to have their open lanai in the backyard enclosed to comfortably accommodate family members, guests, and provide space for recreational activities. The property owner cites barbecuing as a common recreational activity and argues sufficient space is needed to partake in this act.

2. Not Self-Created

The request for a variance is not self-created as the property owner is trying to maintain the original design of the home with the exception of the outside lanai. Additionally, the neighboring houses currently impose a greater intrusion into the setback area than the applicant's home. The original neighboring structures were established before Sec. 50-

73 (a) was implemented. The City researched its files for the other setbacks but could not find any additional information.

### 3. Minimum Possible Variance

The requested variance makes reasonable use of the land. The property would maintain 32' for the backyard, serving as a minor adjustment to the City's rear setback requirements. This alteration will not impact an adjacent parcel on both sides of the house.

### 4. Purpose and Intent

The requested variance could be construed to be in harmony with the general purpose and intent of the Land Development Code given that the request is in keeping with the overall design of the property, and therefore is not injurious to the neighborhood, nor detrimental to the public welfare, and will not be contrary to the public interest. The property owner has also received a letter of approval for the site plan from the local Homeowner Association.

Staff provides a recommendation to approve the requested variance with the condition that drainage is provided in the applicant's plans to account for exceeding 2.2% of the allowed impervious surface ratio. The applicant can devise a drainage plan that can be reviewed by the City Engineer during the zoning permit process. Overall, the building plan is architecturally similar to the principal building, remaining consistent with the overall character and design layout of the neighboring homes.

### **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 an aggrieved person to the City Council pursuant to Code Sec. 42-64.