



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

March 18, 2024

Variance Request: **1832 Wind Harbor Road**

Application Request: Public Hearing #2024-02-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT, SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

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

Background

The applicant seeks to demolish and build a new single-family home within the designated building setbacks for an R-1-AA zoning district, according to section 50-73 (A). The property maintains a unique lot configuration, as it abuts Wind Harbor Road to the north and east. The property is at the street end of the cul-de-sac. The front-facing side of the existing single-family residence faces east. The sides of the residential building face north and south, and the rear yard faces west.

The applicant has provided two different site plans to show the existing single-family home setbacks, the proposed SFR and its building setbacks, and an outline of the applicable building setbacks for the lot. Please note: the applicant has applied the required building setbacks based on the structure's orientation to the lot.

The designated yards and applicable building setbacks may be reviewed and determined by the Board.

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 applicant seeks to build a new single-family residence eight feet within the designated 30-foot front yard setback and approximately twenty feet within the designated 35-foot rear setback to accommodate an attached, covered porch area. The porch areas do not affect the living areas of the proposed principal building. While the property maintains a unique lot configuration, the requested variances to build a

new single-family residence within the designated front and rear setback are not based on the special conditions or circumstances of the lot.

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

The request to build a front and rear covered porch area within eight feet of the designated front setback and 20 feet within the designated rear setback is self-created. The applicants have provided a site plan for the proposed single-family residence, demonstrating that the principal building's living area meets the code's designated building setbacks. The attached covered porch areas are optional and not required for the new house. The strict compliance with the city code does not prevent or burden the applicant from meeting the zoning district's designated building setbacks.

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

The variance request does not make reasonable use of the land and structure as the applicants seek to encroach within the front and rear building setbacks.

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

The variance request to allow a front building setback of 22 feet from the required 30-foot building and a rear building setback of 14.5 feet from the required 35-foot building setback will not be injurious to the neighborhood and will not be detrimental to the public welfare. The existing property and single-family structure provide limited backyard space.

Based on the variance criteria under section 42-64 (d-f), City staff recommends that the Board not approve the requested variances to allow a 22-foot front yard building setback from the required 30-foot setback and a 20-foot rear building setback from the required 35-foot setback.

Should the Board approve the requested variances for the front and rear building setbacks, City Staff recommends the following condition of approval:

1. At the recommendation of legal counsel, the applicant Timothy Shipe must update the property appraiser's information through the County to show the owner as "Timothy Shipe as Trustee of the Gary Shipe Trust dated January 27, 1999."
2. Under section 42-67, the code outlines time limits and extensions for variance cases. Pursuant to section 42-67(A), variance approvals are valid for six months after the Board's decision or one year after issuance of the last issued permit necessary for the utilization of the variance. The Board may choose to assign a different time limit for the requested variances.

Additional Notes

The Board may approve the proposed variance 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.