

**NOTICE OF PUBLIC MEETING  
JANUARY 28, 2020- 6:30 PM**

**CITY OF BELLE ISLE  
PLANNING AND ZONING BOARD REGULAR SESSION**

**ITEM 4**

**M E M O R A N D U M**

TO: Planning and Zoning Board

DATE: January 17, 2020

**Public Hearing Case #2019-12-024** - Pursuant to Belle Isle Code Sec. 48-33 the Board shall consider and take action on a requested variance from SEC. 48-32 (A) (3) to allow a terminal platform total area larger than allowed, take action on a requested variance from SEC. 48-32 (B) to allow a boat lift to be added to an existing dock that would extend the dock area to a width greater than fourteen feet along the canal frontage and result in a navigable travel way less than 15 feet in width along the axis (center) of the canal, submitted by applicant Richard Higgins, located at 3740 Quando Circle, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1646-01-000.

**Background:**

1. On December 11, 2019, Richard Higgins submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, January 18, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Friday, January 17, 2020.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

**SAMPLE MOTION TO APPROVE:**

"I move, pursuant to Belle Isle Code Sec. 48-33 having been met TO APPROVE the requested variance from SEC. 48-32 (A) (3) to allow a terminal platform total area larger than allowed, the variance from SEC. 48-32 (B) to allow a boat lift to be added to an existing dock that would extend the dock area to a width greater than fourteen feet along the canal frontage and result in a navigable travel way less than 15 feet in width along the axis (center) of the canal, submitted by applicant Richard Higgins, located at 3740 Quando Circle, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1646-01-000.

**SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code, having NOT been met; *[use only if NONE of the justifying criteria have been met]* the requirements of section 42-63, Subsections: *[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]* having NOT been met; *[may be used in addition to above or alone]* TO DENY the requested variance from SEC. 48-32 (A) (3) to allow a terminal platform total area larger than allowed, take action on a requested variance from SEC. 48-32 (B) to allow a boat lift to be added to an existing dock that would extend the dock area to a width greater than fourteen feet along the canal frontage and result in a navigable travel way less than 15 feet in width along the axis (center) of the canal, submitted by applicant Richard Higgins, located at 3740 Quando Circle, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1646-01-000.

**SUBSECTION (D)**, a 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.

**SUBSECTION (E)**, 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 Code or for the purpose of obtaining a variance.

**SUBSECTION (F)**, the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the 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.



*April Fisher, AICP*  
PRESIDENT  
407.494.8789  
fisherpds@outlook.com

January 17, 2020

**Variance and Special Exception Application:** 3740 QUANDO CIRCLE

**Applicant Request:** PUBLIC HEARING CASE #2019-12-024 - PURSUANT TO BELLE ISLE CODE SEC. 48-33 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (A) (3) TO ALLOW A TERMINAL PLATFORM TOTAL AREA LARGER THAN ALLOWED, TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (B) TO ALLOW A BOAT LIFT TO BE ADDED TO AN EXISTING DOCK THAT WOULD EXTEND THE DOCK AREA TO A WIDTH GREATER THAN FOURTEEN FEET ALONG THE CANAL FRONTAGE AND RESULT IN A NAVIGABLE TRAVEL WAY LESS THAN 15 FEET IN WIDTH ALONG THE AXIS (CENTER) OF THE CANAL, SUBMITTED BY APPLICANT RICHARD HIGGINS, LOCATED AT 3740 QUANDO CIRCLE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL NUMBER 20-23-30-1646-01-000.

**Zoning/ Existing Use:** R-1-AA/ Single-family Residence

**Review Comments**

This application filed seeks a variance from the Code regarding the maximum size allowed for the terminal platform of a boat dock to accommodate the addition of a boat lift. The property sits on a canal and therefore must seek a variance to extend into the waterway as it would be wider than fourteen feet along the canal frontage and result in a navigable travel way less than fifteen feet in width along the center of the canal.

The property is currently developed with a primary single-family home and has an existing dock that is 576 square feet in size. The applicant is seeking to add a boat lift, abutting and parallel with the existing dock, which would bring the total size to 840 square feet. The linear frontage, measured in a straight line, is 88 feet. This results in a maximum terminal platform allowed of 815 square feet. It must be noted that the majority of the existing dock is over land, not the canal, so it may be construed that the dock/terminal platform is not inconsistent with Code.

The applicant has provided supporting documentation addressing the variance criteria.

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 Recommendations

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

- (1) The dock does not create conditions hazardous to navigation nor any safety hazards as proposed. The site sketch identifies that the boat lift addition will still be offset from the nearest dock across the canal by 43 feet diagonally and will be 34 feet from directly across the canal. This will still enable a boat to pass.
- (2) The location and placement of the dock will be compatible with other docks in the area, and the NHWC of the lake as it does seek a similar pattern to other dock configurations and will not restrict canal navigation.
- (3) The current level of the lake is not a factor in request of the variance as it is not seeking to augment the lake level or gain additional dock length based on lake level.
- (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 as it is consistent with other similar dock and boat lift systems on the lake, and it will not impede boat travel in the canal as the configuration proposes.
- (5) The requirements of subsection 42-64(1), except for subsection 42-64(1)d are met:

**a)** 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.

**b)** Not Self- Created (Section 42-64 (1) e):

The request for a variance is not self-created as the application is seeking to build a structure for the storage/protection of a boat along an existing dock in a canal. The canal is a limiting factor in terms of space and navigation for docks and boat lifts that is not common to most lake front properties in the City.

**c)** Minimum Possible Variance (Section 42-64 (1) f):

The requested variance is the minimum possible variance to make reasonable use of the land and building as the proposed boat lift is sized for one boat and does not span the entire width of the existing dock.

**d)** Purpose and Intent (Section 42-64 (1) g):

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it seeks to attach the boat lift to an existing dock structure and not dredge or disturb the lake bottom. It is consistent with other similar dock and boat lift configurations, and it will not impede boat travel in the canal as the configuration proposes.

Based on consideration of these review criteria staff **recommends approval** of the requested variance application.

**Additional Notes**

Please note that 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 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.

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: 12-11-19

P&Z CASE #: 2019-12-024

VARIANCE  SPECIAL EXCEPTION  OTHER

DATE OF HEARING: January

APPLICANT: Richard Higgs

OWNER: Richard Higgs

ADDRESS: 3740 Quanta Circle  
Belle Isle, FL 32812

Boat House Variation to  
Add litt.

PHONE: 407 468-1423

PARCEL TAX ID #: Lot 100

LAND USE CLASSIFICATION: Single Family Home ZONING DISTRICT: Orange County

DETAILED VARIANCE REQUEST: Dock extension into Canal to Add

a covered Boat Litt. I can't Remove the

Boat litt from the Existing Dock because I'd have to dredge

& take out more Area & don't want to mess w/ structure!

SECTION OF CODE VARIANCE REQUESTED ON: Minimum Possible Variance Sect 42-64.

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.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

|  |               |           |            |          |
|--|---------------|-----------|------------|----------|
| FOR OFFICE USE ONLY:   | FEE: \$150.00 | 12/31/19  | CK #1256   | HHP      |
|  |               | Date Paid | Check/Cash | Rec'd By |
| Determination _____  |               |           |            |          |
| Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Action: _____ |               |           |            |          |

Rick@lottsconcrete.com

Labels 32

To the City of Belle Isle,

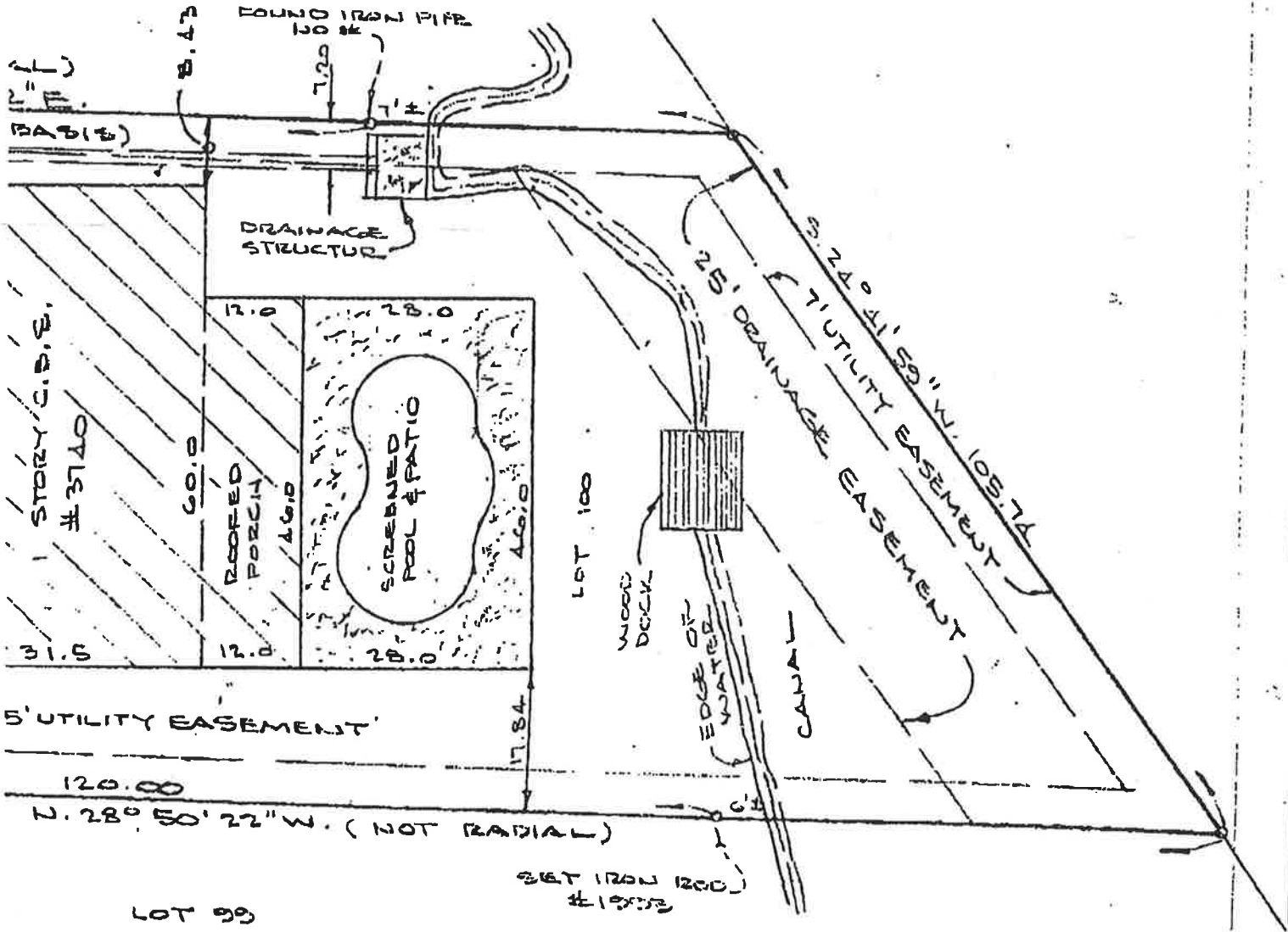
Variance Request for Richard Higgins, 3740 Quando Circle, Belle Isle Fl. 32812. Addition of Boat lift to my existing Dock.

1. The dock is pre-existing to my purchase of the property 2 years ago and I believe before the new codes were written. The property is landlocked by my neighbors on both sides and they approve of me adding in the lift. I'd like to do this without having to bring equipment through their properties and having to dredge out the existing canal and dock to get the boat cradle in deep enough. I'd have to haul off the excess dirt and have St. Johns water management involved in dredging the water deeper and cutting out some of the existing dock. The best not only cost for me, is adding it parallel to the existing dock. The water is deep enough there. There is still plenty of nautical clearance per the code, and is the most ecofriendly to the lake environment. This will also keep from disrupting my neighbors property. The previous owner had metal boat lift in the same area in the water which was rusty and an eye sore. This was removed. I don't want to do this same method again even though its much cheaper. I'd rather the finished product look good for my neighbors and myself thus adding value to all surrounding properties.
2. The dock was pre-existing even before the codes were written I've been told so I'm trying to make this a feasible project by still staying as close to the new guidelines as possible. I'm also trying to keep this a eco-friendly as possible as I spend a lot of my free-time on the water with my family.
3. I have asked many of the dock builders in the industry the best way to accomplish this and have also been receiving help from April at the City Hall which has been extremely helpful. Adding the lift to where I've should on the drawings is the best solution. The other alternatives would be disturbing the canal environment with machinery to get adequate depth, and a longer time period to achieve the same result. All of my neighbors are ok with me adding the lift and boat house cover built to codes. Other cantalvered boat lifts in the canal that are already existing only allow 10/13' of passage in the narrow part of the canal. After my new lift is installed there is still 35' of passage clearance and I believe the code calls for 15' from the structure. So this will not impede any boat traffic to the end of the canal. Most non-permanent lifts are also an eyesore for my neighbors. I'm a neat freak, I'd rather have a cleaned finished project that in turn will help everyone's property value, and is also more eco-friendly to the lake.
4. The new boat lift will enhance the overall look of the property, which in enhance their property values as well. This will not impede any boat traffic, and is the most eco-friendly way to install the boat lift. The alternative is add a non-permanent lift which is not as ecofriendly and is an eyesore in most cases. I'm trying to do the best job and in the correct manor to preserve my investment in my boat lift and for the lake environment as well.

Thank you for your time and consideration.

Rick Higgins

Rick@lottsconcrete.com



FOR:  
 NICKI J. KERANEN

**HERRICK AND ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 1012 N. PINE HILLS ROAD  
 ORLANDO, FLORIDA 32808  
 PHONE NO (407) 298-6362

|                                    |             |                    |
|------------------------------------|-------------|--------------------|
| TYPE OF SURVEY:<br>BOUNDARY SURVEY |             | SCALE:<br>1"=20'   |
| DATE: MAY 3, 1994                  | F.B. SKETCH | ORDER # 13600-94-2 |
| REV.                               |             |                    |
| REV.                               |             |                    |
| REV.                               |             |                    |

# AERIAL PROPERTY APPRAISER MAP

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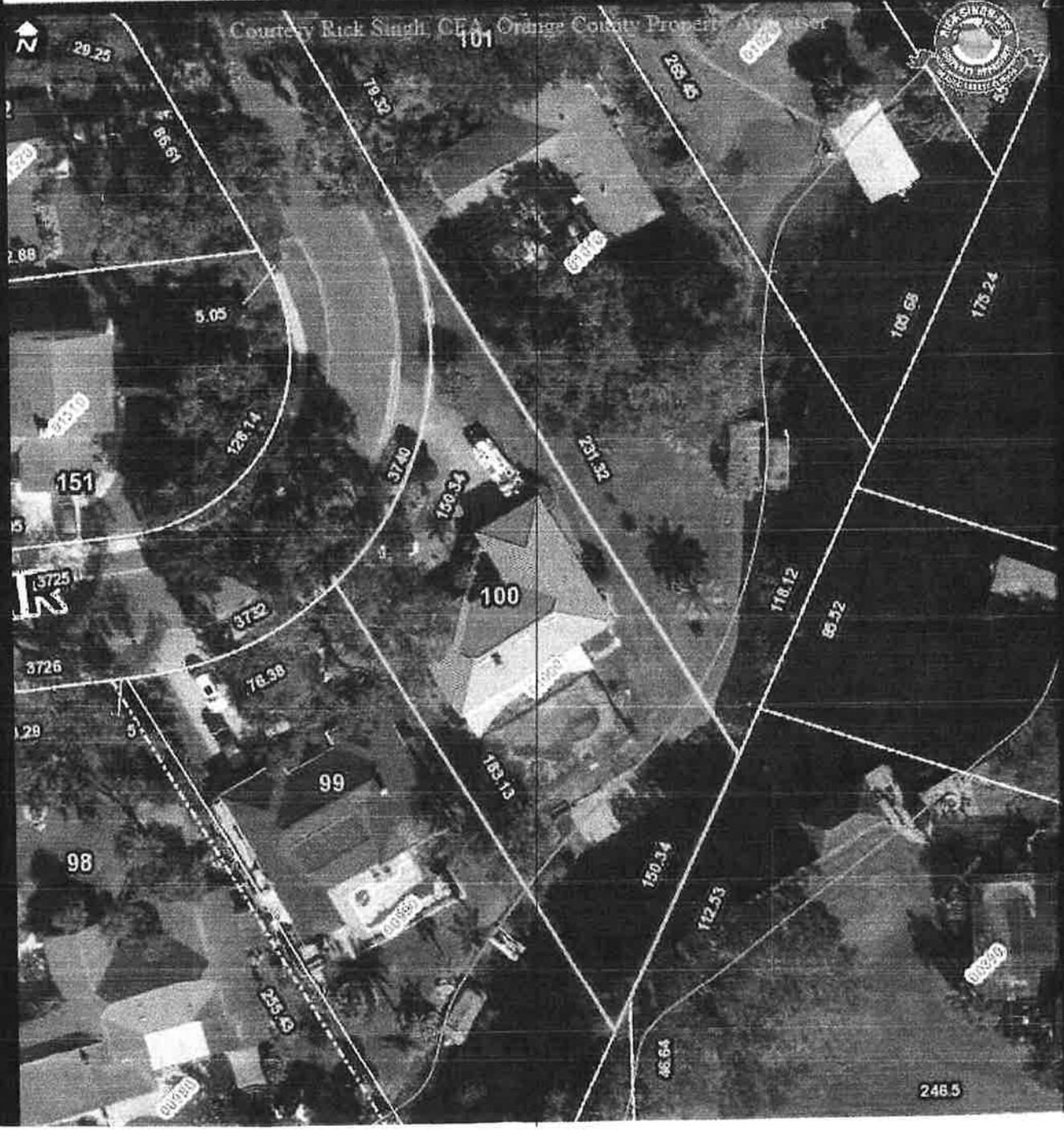
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| OCA Web Map       |                         | Proposed Road | Residential              | Local/Ordn Industrial Vacant Land | Parcel           | Lot Number       |
|-------------------|-------------------------|---------------|--------------------------|-----------------------------------|------------------|------------------|
| Flinders turnpike | Public Roads            | Emek Road     | Agriculture              | Agricultural Curtilage            | Lakes and Rivers | Parcel Number    |
| Interstates A     | Gated Roads             | Block Line    | Commercial Institutional | Hydro                             | Building         | Parcel Address   |
| Toll Road         | Road Under Construction | Lot Line      | Govt Institutional Misc  | Waste Land                        | Block Number     | Parcel Dimension |



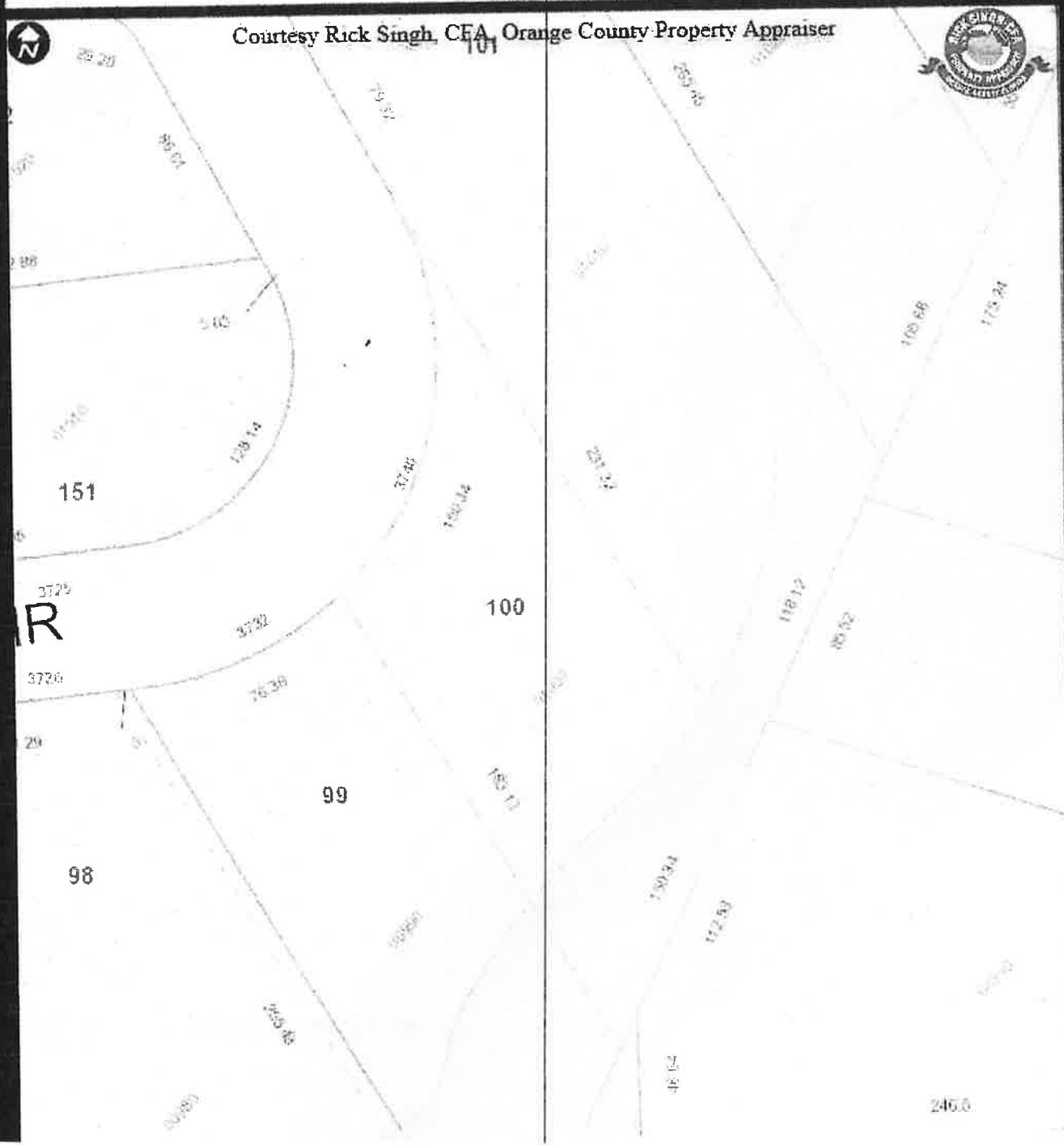


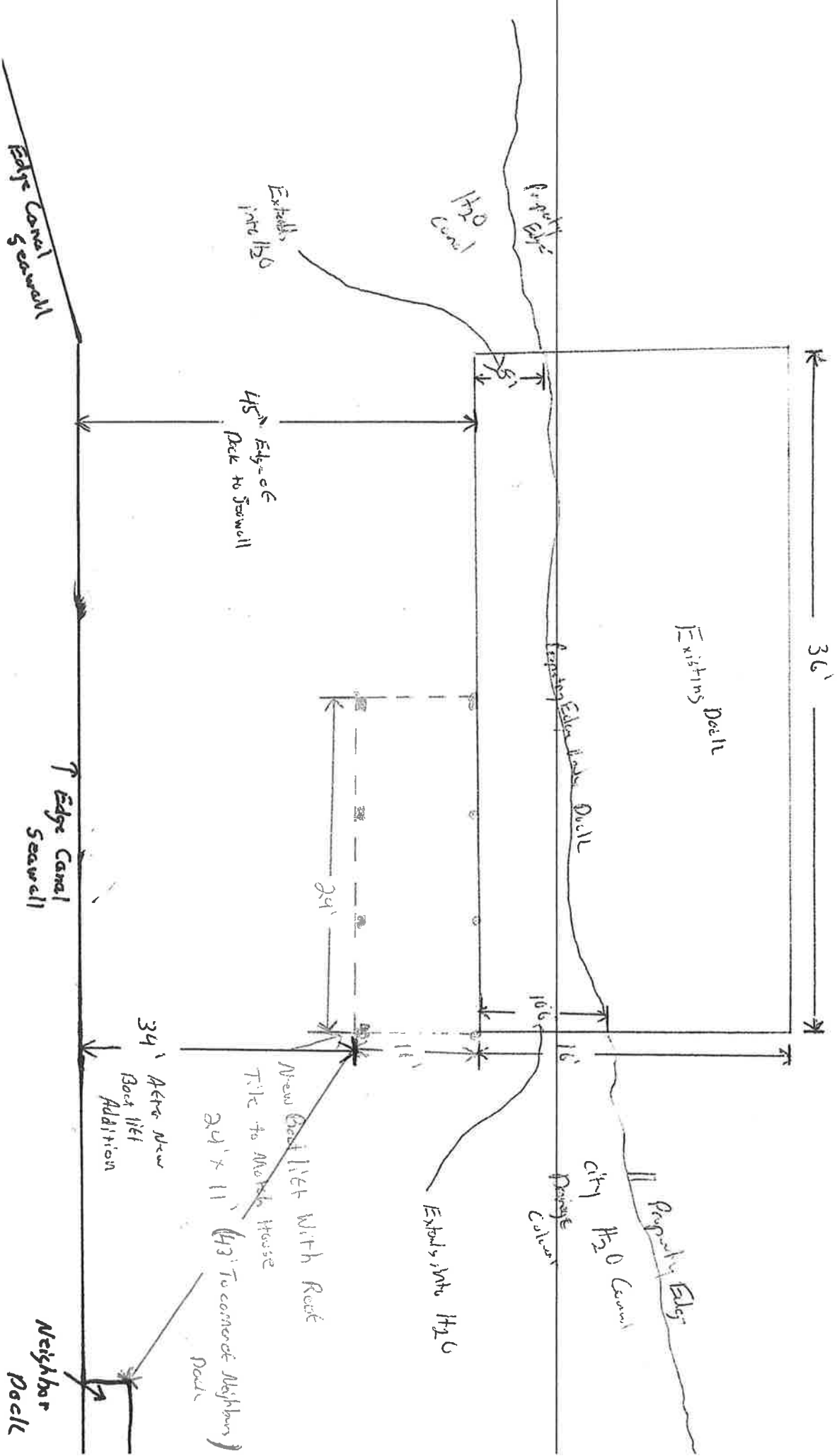
# PROPERTY APPRAISER MAP

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**OCPA Web Map**

|                  |                         |               |                               |                        |                  |                 |
|------------------|-------------------------|---------------|-------------------------------|------------------------|------------------|-----------------|
| Florida Turnpike | Major Roads             | Proposed Road | Residential                   | Industrial/Commercial  | Parts            | Lot Number      |
| Interstate 4     | Public Roads            | Broken Road   | Agriculture                   | Vacant Land            | Lease and Rivers | Parcel Number   |
| Toll Road        | Gated Roads             | Block Line    | Commercial/Institutional      | Agricultural Curtilage | Building         | Parcel Address  |
|                  | Road Under Construction | Lot Line      | Government/Institutional/Misc | Hydro                  | Block Number     | Parcel Elements |





\* Modified #2  
 Measure with  
 M/Estimate  
 to opposite  
 side of  
 Canal

Ricki Hyskins  
 3740 Quanta Circle  
 Belle Fsk, RZ 32812