

January 18, 2022

Variance Application: 6319 GIBSON DRIVE

Applicant Request: PUBLIC HEARING CASE #2022-01-006 PURSUANT TO BELLE ISLE CODE SEC. 48-33, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (A)(2) AND SEC. 48-32 (A)(6)(A) TO EXTEND A PROPOSED DOCK RENOVATION AND REBUILD BY 20 FEET, WHICH MAY ALSO BE GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK THAT IS WITHIN 300 FEET OF THE PROPOSED DOCK; AND, A VARIANCE FROM SEC. 48-32 (C)(3) TO ALLOW FOR THE DOCK BOATHOUSE TO HAVE ENCLOSED SIDEWALLS, SUBMITTED BY APPLICANT SHEILA CICHRA, LOCATED AT 6319 GIBSON DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL NUMBER 24-23-29-0600-01-030.

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

Review Comments

This application filed seeks a variance from the Code regarding extending the length of the dock 20 feet, which may be greater than 15 feet lakeward of an existing dock within 300 feet, and to allow the dock boathouse to have enclosed sidewalls when it is rebuilt, as it currently has sidewalls.

The property is currently developed with a primary single-family home and has an existing dock. The dock was built prior to the current code and the boathouse was built with enclosed sidewalls. The property also abuts a City Park on the side of the property where the dock is currently located and is planned to be rebuilt. The applicant has provided pictures with their application.

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 Observations

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

- (1) The dock does not create safety hazards. It is in line with other docks adjacent to it and does not create a navigable hazard.
- (2) The location and placement of the dock is compatible with other docks in the area. It proposes to meet the required setbacks for docks in the City.
- (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 may confer a special benefit to the landowner over and above the adjoining landowners as no other new or rebuilt docks in the City are allowed to have enclosed sidewalls. However, a unique aspect of this property is that it abuts a City Park. It could be construed that allowing the enclosed sidewalls in this location would enable to property owner a measure of privacy from public water access that other properties in the City do not have to encounter.
- (5) The requirements of subsection 42-64(1), except for subsection 42-64(1)d are not met:

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.

Not Self- Created (Section 42-64 (1) e): The request for a variance is not self-created in the sense that the property owner is seeking to rebuild the dock at length with a water depth conducive to boating. The current boathouse is enclosed, and the property owner seeks to rebuild the boathouse to maintain this design to also mitigation intrusion from public water access at the City Park.

Minimum Possible Variance (Section 42-64 (1) f): The requested variance may be the minimum possible variance to make reasonable use of the land and building if the Board determines that the sidewalls are justifiable based on the applicants concern for privacy from abutting public access of Lake Conway.

Purpose and Intent (Section 42-64 (1) g): The requested variance may be in harmony with the general purpose and intent of the land development code, and not injurious to the neighborhood if the Board determines that the sidewalls are justifiable based on the applicants concern for privacy from abutting public access of Lake Conway.

Based on consideration of these review criteria staff **neither recommends approval or denial** of the requested variance application. This discussion with respect to a possible use of enclosed sidewalls given the conditions of the subject property is a discussion for the Board.

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.