



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

December 20, 2023

Variance Request: 3433 Cullen Lake Shore Drive

Application Request: Public Hearing #2023-11-033 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-73 (A), 54-3(D) AND 54-3(E), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY, TO ALLOW STRUCTURAL ALTERATIONS TO AN EXISTING NONCONFORMING STRUCTURE AND TO ALLOW AN EXTENSION OF A NONCONFORMING STRUCTURE, SUBMITTED BY APPLICANTS NATHIN AND KRISTINE DAVENPORT, LOCATED AT 3433 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #17-23-30-4380-04-140.

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

Background

The applicants inherited the existing rear porch area upon purchasing the property in 2019. The property survey shows the rear setback from the waterline is approximately 46 feet from the existing covered porch, and the setback from the porch to the seawall is 50 feet and 11 inches. The current porch area partially encroaches four feet within the designated setback from the normal high-water elevation of Lake Conway. The covered porch area aligns with the setback of the principal building. Under section 54-3(d) and (e), a nonconforming building or structure may be maintained and repaired so long as there are no structural changes, extensions, or enlargements to the site. The covered porch area shows signs of visible damage, as provided in the variance application, and the extent of damage is only determined once construction work commences.

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 variance request to repair the existing covered porch area creates an unnecessary hardship as the application of the 50-foot rear setback is determined and affected by the shoreline's orientation and location of the normal high-water elevation. The property maintains a seawall along half of the shoreline frontage, and the other half of the shoreline directly abuts the lake. The expansion of the porch area does not encroach within 50 feet of the required rear building setback.

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

The request to structurally repair the covered porch area within four feet of the designated rear setback is not self-created. The applicants seek to fix an existing nonconforming structure and address structural and drainage issues for the project site.

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

The variance request makes reasonable use of the land and structure as the applicants seek to repair an existing nonconforming structure, and the expansion meets the required 50-foot setback.

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

The variance request to allow a building setback of 45 feet and 11 inches from the normal-high water elevation of Lake Conway instead of the required 50-foot building setback will not be injurious to the neighborhood and is not detrimental to the public welfare.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board approve the requested variances to allow a building setback of 45 feet and 11 inches from the required 50-foot setback of the normal-high water elevation of Lake Conway.

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 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.