

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: 2/12/2020

P&Z CASE #: 2020-02-013

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: _____

APPLICANT: THIRUMALA HOTEL, LLC

OWNER: THIRUMALA PROPERTIES, LLC

ADDRESS: 1936 MCOY RD.
ORLANDO, FL. 32809

10644 LAGO BELLA DR.
ORLANDO, FL. 32832

PHONE: (321) 356-7308

(321) 356-7308

PARCEL TAX ID #: 30-23-30-0000-00-005

LAND USE CLASSIFICATION: COM ZONING DISTRICT: C-1

DETAILED VARIANCE REQUEST: _____

TO PUT A/C EQUIPMENT ON THE ROOF OF A
48 FT TALL HOTEL. THE A/C EQUIPMENT IS 2 FT
TALL. TOTAL HEIGHT OF BUILDING AND EQUIPMENT IS 50 FT.

SECTION OF CODE VARIANCE REQUESTED ON: SEC. 50-73(a)

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.

[Signature]
APPLICANT'S SIGNATURE

[Signature]
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

02/12/2020
Date Paid

CK# 2108
Check/Cash

Hep
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

Feb 10, 2020

WYNDHAM
re: ~~Hilton~~ Garden Hotel 2635 McCoy Road

• **VARIANCE REQUEST: - Application Supplement**

The following information is provided for a Variance Request / Special Exception to allow air-conditioning equipment on top of a 48 ft tall hotel which is under construction.

WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCE UNIQUE TO YOUR PROPERTY? WHAT WOULD THE BE THE UNNECESSARY HARDSHIP?

The unique circumstance to the subject property is the allowed building height of 48 ft which did not include roof top equipment. The unnecessary hardship will be with the air-conditioning located on the ground the noise will be noticeable.

HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

The height of the building is 48 ft and the roof equipment will add 2 ft to the height.

• **CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVE YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.**

The air-condition equipment could be located on the ground.

WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FORE EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USES OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC.

The effects of the equipment on the roof will have no effect to the surrounding area. The 2 ft addition is located near the center of the roof and will not be visible from the ground.

ITEM 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2020

PUBLIC HEARING CASE #2020-02-013 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73, TO ALLOW A PREVIOUSLY APPROVED VARIANCE FOR A BUILDING HEIGHT OF 48 FEET TO NOW BE INCREASED TO A MAXIMUM BUILDING HEIGHT OF 50 FEET INSTEAD OF THE STANDARD MAXIMUM ALLOWED BUILDING HEIGHT IN THE C-1 ZONING DISTRICT OF 30 FEET. THIS WILL ENABLE THE ACCOMODATION OF AIR CONDITIONING EQUIPMENT THAT ARE TWO FEET TALLER THAN THE 48 FEET APPROVED IN THE PREVIOUS VARIANCE REQUEST, SUBMITTED BY APPLICANT THIRUMALA HOTELS, LLC, LOCATED AT 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

Background:

1. On February 12, 2020, Thirumala Hotel, LLC submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 15, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Friday, February 14, 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, the criteria of Section 42-64 of the Belle Isle Land Development Code having been met TO APPROVE the requested variance from Sec. 50-73 TO ALLOW A PREVIOUSLY APPROVED VARIANCE FOR A BUILDING HEIGHT OF 48 FEET TO NOW BE INCREASED TO A MAXIMUM BUILDING HEIGHT OF 50 FEET INSTEAD OF THE STANDARD MAXIMUM ALLOWED BUILDING HEIGHT IN THE C-1 ZONING DISTRICT OF 30 FEET. THIS WILL ENABLE THE ACCOMODATION OF AIR CONDITIONING EQUIPMENT THAT ARE TWO FEET TALLER THAN THE 48 FEET APPROVED IN THE PREVIOUS VARIANCE REQUEST, SUBMITTED BY APPLICANT THIRUMALA HOTELS, LLC, LOCATED AT 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

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. 50-73 TO ALLOW A PREVIOUSLY APPROVED VARIANCE FOR A BUILDING HEIGHT OF 48 FEET TO NOW BE INCREASED TO A MAXIMUM BUILDING HEIGHT OF 50 FEET INSTEAD OF THE STANDARD MAXIMUM ALLOWED BUILDING HEIGHT IN THE C-1 ZONING DISTRICT OF 30 FEET. THIS WILL ENABLE THE ACCOMODATION OF AIR CONDITIONING EQUIPMENT THAT ARE TWO FEET TALLER THAN THE 48 FEET APPROVED IN THE PREVIOUS VARIANCE REQUEST, SUBMITTED BY APPLICANT THIRUMALA HOTELS, LLC, LOCATED AT 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

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.

ITEM 5

Other Business

-Adding Invocation with the Pledge of Allegiance to the Agenda

ITEM 6

Adjournment