



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

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**Variance Application: 2635 McCoy Road**

**Applicant Request:** 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.

**Existing Zoning/Use:** Retail Commercial District (C-1)/ Hotel under Construction

**Background**

A hotel is currently being constructed on the subject property. As background, the property owner entered into a Land Donation Agreement with City Council on August 7, 2018 to donate the residentially zoned portion of the property to the City. Part of this Agreement included the City Council granting a height variance to allow the hotel up to a maximum of 48 feet in height. The applicant has now determined that the air conditioning equipment for the hotel is two feet taller than the maximum building height approved at 48 feet and is seeking to amend the previously approved height variance to be a maximum height of 50 feet allowed.

**Staff Review and Recommendations**

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

**1. Special Conditions and/ or Circumstances (Section 42-64 (1) d):**

This criterion is moot for this request. It was determined in the original variance request that this criterion is met. The application is seeking to amend the approved variance of 48 feet to 50 feet.

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

This criterion is moot for this request. It was determined in the original

variance request that this criterion is met. The application is seeking to amend the approved variance of 48 feet to 50 feet.

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

The requested variance from the height requirement is the minimum possible variance needed to accommodate the air conditioning equipment.

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

The requested variance is in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood so long as the proposed air conditioning equipment is positioned in the center of the roof and not visible.

Staff provides a recommendation to approve the requested variance based on the above information and subject to the following conditions:

1. The air conditioning equipment must be set back to the center of the roof so that it is screened from view. If it can not be, then additional parapet is required to screen it from view.
2. No lighting is allowed on the air conditioning equipment. Any roof lighting that was approved as part of the original building height of 48 feet must remain as is and shall not be elevated past what was approved in permitting for the 48-foot building height.
3. This approval does not permit additional rooftop equipment to be placed on the building past 48 feet in height. It is only to allow the air conditioning equipment.

With these conditions, staff recommends approval of the proposed hotel.

The Board may consider any of these conditions or apply others as deemed appropriate by the Board.

**Next Steps**

The Board may approve the proposed variance application as it is, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Sec. 42-71.