



# CITY OF BELLE ISLE, Florida

## Planning and Zoning: Staff Report

March 18, 2024

Variance Request: **1916 Hoffner Avenue**

Application Request: Public Hearing #2024-02-017 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FOR A MAXIMUM BUILDING HEIGHT OF 40 FEET, INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00-220.

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

### **Background**

The applicant seeks to build a new two-story single-family residence that exceeds the standard maximum building height of 35 to 40 feet. Under section 41-4, for Definitions and Rules of Construction, the code defines building height as “the vertical distance from the grade to the highest point of the roof, including all appurtenances.”

### **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 literal enforcement of the code does not result in an unnecessary hardship for the applicant to build a new single-family residence in compliance with the City’s height requirement. An unnecessary hardship exists when compliance would unreasonably prevent or burden the homeowner from using the property for a permitted purpose.

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

The owner/applicant’s preference for the architectural design of a new single-family residence is a self-created hardship. A personal hardship is not an allowable basis for granting a variance approval; a hardship results from the conditions of the property or the structure.

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

The variance request makes reasonable use of the land, as the proposed structure meets all other zoning requirements for a new single-family residence. The applicant had revised the applicable building height sheets to their active building permit to detail the building height measurement from the finished floor to the roof's peak, including appurtenances, as 35 feet in height. The five-foot difference in height for the requested variance accounts for the natural elevations and sloping of the land from the finished floor of the proposed structure.

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

The proposed variance request is not in harmony with the purpose and intent of the land development code.

Based on the variance criteria of sections 42-64 (d), (e), and (g), City staff recommends that the Board not approve the requested variance to build a new single-family residence at a height of 40 feet from the natural grade. City staff have determined there are no special conditions or circumstances of the land, the request is a self-created hardship, and it does not meet the purpose and intent of the city code.

**Additional Notes**

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.