

MEMORANDUM

TO: Planning and Zoning Board

DATE: January 3, 2024

RE: Variance Application – 3104 Indian Drive

(Continued from November 28, 2023)

Public Hearing #2023-09-028 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT MARK ADAMS, LOCATED AT 3104 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-03-040.

Background:

1. On October 4, 2023, the applicant submitted a variance application and the required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Saturday, Nov 18, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Nov 14, 2023.
4. On November 28, 2023, the P&Z Board moved to continue the discussion to a date certain of January 3, 2024, at 6:30 pm.
5. Letters to the abutting property owners were mailed within 300 feet of the subject property on Dec 19, 2023.

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 must determine if the criteria outlined 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, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), **TO APPROVE** A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS SUBMITTED BY APPLICANT MARK ADAMS, LOCATED AT 3104 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-03-040.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 50-102 (A) (1), HAVING NOT BEEN MET, **TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS SUBMITTED BY APPLICANT MARK ADAMS, LOCATED AT 3104 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-03-040.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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.