



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

December 20, 2023

Variance Request: 3104 Indian Drive

Application Request: 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 TO 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.

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

Background

The applicant seeks to build a detached metal garage in the rear yard.

Section 50-102 (A) (1) defines a garage as: *buildings which are detached from the principal building and are designed or used for the purpose of parking and/or storing motor vehicles, boats, and/or recreational vehicles, and related items, and are architecturally similar to the principal building and of like materials.*

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 nor are there any physical or topographic special conditions and circumstances peculiar to the land. The existing principal building accommodates an attached one-car garage.

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

According to the applicant's Narrative Letter, the request to build a garage with architectural materials different than those of the principal building is a financial hardship. A financial hardship is not an allowable basis for granting a variance approval. A hardship results from the conditions of the property.

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

The variance request does make reasonable use of the land as the proposed structure meets all other zoning requirements for a detached garage and would not be visible from the main road as the side yard is ten to thirteen feet and the proposed structure's side setback of eight feet from the nearest lot line.

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

The structure's purpose is to store the owner's motor vehicles. The homeowner does not intend to include a driveway to the proposed structure. Staff found three properties within the neighborhood that possess a detached garage in the front yard architecturally similar to the principal building. 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), Staff recommends that the Board not approve the requested variance to build a detached garage architecturally different from the principal building with unlike materials as there are no special conditions or circumstances of the land, the request is a self-created hardship, and does not meet the purpose and intent of the city code.

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.