

## MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** January 3, 2024

**RE:** Variance Application – 3433 Cullen Lake Shore Drive

PUBLIC HEARING #2023-11-033 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-73 (A), 54-3(D), AND 54-3(E), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY, TO ALLOW STRUCTURAL ALTERATIONS TO AN EXISTING NONCONFORMING STRUCTURE AND TO ALLOW AN EXTENSION OF A NONCONFORMING STRUCTURE, SUBMITTED BY APPLICANTS NATHIN AND KRISTINE DAVENPORT, LOCATED AT 3433 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #17-23-30-4380-04-140.

### Background:

1. On November 22, 2023, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on Dec 19, 2023.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Dec 23, 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 50-73 (A), **TO APPROVE** A REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE OF LAKE CONWAY, TO ALLOW STRUCTURAL ALTERATIONS TO AN EXISTING NONCONFORMING STRUCTURE AND TO ALLOW AN EXTENSION OF A NONCONFORMING STRUCTURE, SUBMITTED BY APPLICANTS NATHIN AND KRISTINE DAVENPORT, LOCATED AT 3433 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #17-23-30-4380-04-140.

### SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 50-73 (A), 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 REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE OF LAKE CONWAY, TO ALLOW STRUCTURAL ALTERATIONS TO AN EXISTING NONCONFORMING STRUCTURE AND TO ALLOW AN EXTENSION OF A NONCONFORMING STRUCTURE, SUBMITTED BY APPLICANTS NATHIN AND KRISTINE DAVENPORT, LOCATED AT 3433 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #17-23-30-4380-04-140.

**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 the title to the property has passed and 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.