

**April 16, 2021**

**Variance Application:** 7600 DAETWYLER DRIVE

**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 (A) TO ALLOW A VARIANCE FROM THE REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT PETE CLARKE, LOCATED AT 7600 DAETWYLER DRIVE, BELLE ISLE FL 32812, ALSO KNOWN AS PARCEL # 29-23-30-8036-02-010.

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

This variance application seeks a variance as identified above. The applicant has provided supporting documentation addressing the variance criteria.

The application requests a one-foot variance from the required 7.5-foot side building setback in the R-1-AA Zoning District for a proposed addition to the primary residence that would be 6.5 feet from the side property line. The proposed addition in the area affected is for a garage addition.

#### 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 application requests a variance from the 7.5-foot side building setback. The house is not built parallel to the property lines but sits at an angle, so the side where the garage addition is proposed would be closer to the side property line.

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

The request for a variance is self-created as the proposed addition could be redesigned to meet the required setback while also not impacting any other setback areas.

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

The requested variance is the minimum possible variance to make reasonable use of the land. The house is not built parallel to the property lines so the side where the garage addition is

proposed would be closer to the side property line and this request is for a 1-foot variance due to the angle of the current house to place the addition. It does not seek a greater variance such as sitting on the property line.

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

The requested variance could be construed to be in harmony with the general purpose and intent of the Land Development Code given that the request is encroaching into the required side yard by one foot in a limited section of the side yard, and therefore is not injurious to the neighborhood, nor detrimental to the public welfare, and will not be contrary to the public interest.

Staff provides a recommendation to not approve the requested variance based on not meeting Criterion #2 above, as it is self-created. The Land Development Code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.

**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.