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## NOTICE OF PUBLIC MEETING

JANUARY 22, 2019 – 6:30PM

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### CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

#### ITEM 6

#### MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** January 11, 2019

**PUBLIC HEARING CASE #2018-08-062** - PROPOSED DEVELOPMENT SITE PLAN. PURSUANT TO BELLE ISLE CODE SEC. 54-79 (F) (4), THE BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN, SUBMITTED BY APPLICANT CAPITAL LODGING, LLC, LOCATED AT 1853 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 30-23-30-0000-00-012.

**Background:**

1. On August 30, 2018, Capital Lodging LLC submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, January 12, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, January 10, 2019.

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 will need to determine if the criteria set forth 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.

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Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.

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#### PUBLIC HEARING CASE #2018-08-062

##### **SAMPLE MOTION TO APPROVE:**

"I move, the criteria of Chapter 42, Article III, Section SEC. 54-79 (f) (4) and 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** (WITH THE STAFFS RECOMMENDED CONDITIONS) this request for a Proposed Development Site Plan pursuant to Belle Isle Code Sec. 54-79 (f) (4) submitted by applicant Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.

##### **SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met; ***[use only if NONE of the justifying criteria have been met]*** the requirements of section 42-64(1) Subsections: ***[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]*** **having NOT been met; *[may be used in addition to above or alone]* TO DENY** this request for a Proposed Development Site Plan pursuant to Belle Isle Code Sec. 54-79 (F) (4) submitted by applicant Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.

**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.

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