



Inter-Office Communication
Department of Community Development
Station #11 ● Extension 5022

.. 980215

Date: July 16, 1998

To: City Plan Board

From: Planning Division Staff

Subject: **Petition 133TCH-98 PB. City Plan Board. Amend the College Park Special Area Plan to allow variances as defined in Sec. 30-354 of the City of Gainesville Land Development Code, to be granted by the Development Review Board during development plan review.**

Recommendation

Plan Board amend the Gainesville Land Development Code to provide the Development Review Board with the power and duty to authorize variances that are associated with a development plan before the Development Review Board.

Explanation

The Gainesville Land Development Code currently vests the Board of Adjustment with the power and duty to authorize variances, including those associated with a development plan.

This petition would modify this approach so that the Development Review Board (DRB) would authorize variances that are associated with development plans within the College Park Special Area. Staff believes that authorizing the DRB to issue variances associated with development plans within College Park is beneficial for the following reasons:

1. In several instances, determining the merits of a variance requires the authorizing board to have a thorough understanding of the associated development plan. Because development plans are reviewed by the DRB, it is this Board which would have such knowledge when there is a need to determine the merits of a variance.
2. The College Park Special Area Plan contains unconventional development standards that typically require a thorough knowledge of the Plan to understand. Because the DRB must often work with this Plan, the DRB typically has a better understanding of the Plan than the Board of Adjustment.
3. The proposal to consolidate the variance authorization with the development plan review can save the petitioner and the City time and reduce the number of public hearings necessary to process such requests.
4. The College Park Special Area Plan already contains special provisions that grants the DRB the power to authorize exceptions to the architectural standards within the Plan. The proposed

amendment would simply add this same authority to the DRB for variances associated with development plans.

Proposed amendment to the City of Gainesville Land Development Code:

Appendix A. Special Area Plans

Section 3. Special Area Plan for College Park

Variances

The development review board shall have the power and duty to authorize upon appeal from the decision of the administrative official in specific cases such variance from the terms of the College Park Special Area Plan, the land development code, or building chapters as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the College Park Special Area Plan, the land development code, or building chapters would result in unnecessary hardship. In authorizing such variances, the board shall use the procedures and standards as is set out in subsection 30-354(d)(3).

This power and duty shall only be granted in those instances in which the variance is sought as a part of a development plan within the College Park Special Area.

Respectfully Submitted,



Ralph Hilliard,
Planning Manager

RH: dlm: dn

7. **Petition 133TCH-98 PB** City Plan Board. Amend the College Park Special Area Plan to allow variances as defined in Sec. 30-354(1) of the City of Gainesville Land Development Code, to be granted by the Development Review Board during development plan review.

Mr. Dean Mimms was recognized. Mr. Mimms indicated that the petition involved allowing the Development Review Board (DRB) to grant variances in the College Park Area rather than the Board of Adjustment. He explained that the DRB was the board most familiar with the College Park Special Area Plan. He indicated that the action would reduce the procedure time for a petition and only require one hearing instead of two.

There was no public comment on the petition.

<u>Motion By:</u> Mr. McGill	<u>Seconded By:</u> Mr. Shelton
<u>Moved To:</u> Approve Petition 133TCH-98 PB.	<u>Upon Vote:</u> Motion Carried 5-0 Yeas: Guy, Shelton, McGill, Barrow, Carter

