



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, April 27, 2021, * 6:30 pm

MINUTES

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – OPEN SEAT
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | District 6 member – Andrew Thompson
District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met in a regular session on April 27, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Chairman Holihan
Board member Woods
Board member Lane
Board member Thompson
Board member Hobbs

Absent was:

District 3 - OPEN
Board member Shenefelt

Also present was City Manager Bob Francis, City Planner April Fisher, Attorney Dan Langley, and City Clerk Yolanda Quiceno.

1. Call to Order and Confirmation of Quorum

Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.

2. Invocation and Pledge to Flag – Board Member Hobbs, District 7

Board member Hobbs gave the invocation and led the Pledge to the Flag.

3. Approval of Minutes - No report.

4. Public Hearings

- a. PUBLIC HEARING CASE #2021-04-001- 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 the applicant Pete Clarke, located at 7600 Daetwyler Drive, Belle Isle FL 32812, also known as Parcel # 29-23-30-8036-02-010.

Chairman Holihan opened for Public Hearing 2021-04-001.

April Fisher, City Planner, said the applicant requests a one-foot variance from the required 7.5-foot side building setback. The applicant based his variance on the house's original footprint, which identifies that the house does not sit parallel to the side setback causing the encroachment. Section 41-64(1)e was not met in the staff evaluation of the application.

Staff provides a recommendation not to approve the requested variance based on not meeting Criterion from Section 42-64(1)e-Not Self-Created. The addition could be redesigned to meet that side setback and at the same time not encroach onto any others.

Pete Clarke, the applicant, spoke briefly on the purchase of the home and renovations. Upon obtaining a new survey, he found that the house is not straight on the property on the Daetwyler side. The proposed addition will have a south property line setback of 6.5 feet on the east end and 8.5 feet on the west end of the home. This leaves only half of the construction encroaching on the code setback. There is no home or building that the proposed request would impact. There will be a financial impact to move the footers to comply with the current Code.

Kelly Carr, the Designer of the plans, spoke on behalf of the applicant. Ms. Carr said having the house sitting at a slight angle has made it much harder to accomplish the design. The garage part of the house sits 6.6 from the property line. When the plans were developed, it was measured from the original survey that showed a fence. After moving forward with a current survey, they found that the initial survey was drawn out of scale, affecting all the measurements of the existing design.

Chairman Holihan called for public comment. There being none, he closed public comment.

Board member Woods said the applicant submitted a letter in favor of the request from the neighbor to the South who would be the most impacted by the variance.

There being no further Board discussion, Board member Lane moved pursuant to Belle Isle Code SEC. 42-64 and SEC 50-73(a) of the Belle Isle Land Development Code having been met TO APPROVE 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.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

Ms. Fisher said there is a 15-day appeal waiting period before starting any construction.

- b. PUBLIC HEARING CASE #2021-04-002- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.
- c. PUBLIC HEARING CASE #2021-04-005- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031.
- d. PUBLIC HEARING CASE #2021-04-003- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.
- e. PUBLIC HEARING CASE #2021-04-004- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

Ms. Fisher said the next four hearings are the same type of applications. Staff would like to request consideration of the hearings in a discussion and take individual action on each one.

Attorney Langley said if there are distinctions between the applications in any way, they must be clarified in the record.

Ms. Fisher said each request (6810, 6814, 6820, and 6822 Seminole Drive) submitted a variance to allow decorative columns because of their design. The cap will be a little over 6-feet, and the gate in between will follow in line. The rest of the property is identified to be a hedge.

One of the properties in question (6810 Seminole) has had criminal activity and trespassing issues. Because of that, they are requesting the columns with the gate in the front yard. The other three properties are neighbors to that subject property, and they have witnessed a concern for their safety.

The Code has separate criteria for the consideration of fences in the front yard. The Board can consider that threshold as leading a variance request to establish in the regular section of the Code. One of the items identified in the Code is safety concerns and enjoyment of your property. Each application has requested their fence in the front yard based on safety.

The staff has found that each application meets the requirements for a variance. They had different gates and columns. She recommends identifying the height and design of the gate for each property.

Chairman Holihan opened for public comment. He asked the City Clerk if there were any emails sent in response to the Public Hearings. The City Clerk said yes, and they have been entered into the record. Chairman Holihan recognized the emails as received.

- The homeowner of 6810 Seminole Drive said his application is based on the safety and security of his family. He said there would be no fence installed but decorative columns with podocarpus hedge going across the front of the property 20-feet from the edge of the pavement. He has had four instances where he had to have the Police Department respond.
- Dan Barnes residing at 6803 Seminole Drive, spoke in favor of the variances. He said within two years at his home; he experienced theft on his property. Like the variances, his house has a deep driveway and makes it a bit secluded and tricky to monitor without a fence.
- Jennifer McDaniel residing at 2626 Nela spoke in opposition of the variances and asked that the emails received in opposition be read aloud to the public.

Chairman Holihan stated that the Board received the following emails: Christopher George–In favor, Sue John–Opposed, Emily Wakely–Opposed, Greg Gent–Opposed and Nancy Weinsier–Opposed basically for the same reasons, (1) restriction of the look of openness, (2) driving sightlines and (3) are opposed to front yard fences in general.

April Fisher said she would be comfortable recommending a setback for the columns of 20-foot from the right of way. Discussion ensued on established use and running room to see if anyone is coming and create a sight triangle for safety.

Board member Woods said he agrees with the opposing views in the emails. He said the problem with a high wall is that if someone is hiding behind them, they won't be seen by the homeowner or law enforcement, creating a safety concern. Ms. Fisher said the Board could establish a condition of approval to limit the height of the hedge. Also, the total height of the columns can be established. The Board's consensus was that the City should not attempt to control the height of hedges.

Board member Thompson asked if it was appropriate to approve a variance on a lot that has not been developed. Attorney Langley said yes, the variance is not tied to the home being built.

Board member Thompson moved, pursuant to Belle Isle Code 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE a variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021 subject to the following conditions,

- **The height of the decorative columns be no higher than 6-foot-6-inches; and**
- **The center of the gate to be no higher than 7-foot-6-inches**
- **With a setback of 20-feet from the right of way.**

Board member Lane seconded the motion, which passed unanimously 6:0.

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Woods seconded the motion, which passed unanimously 6:0.

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- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

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- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

Ms. Fisher said there is a 15-day appeal waiting period before starting any construction.

4. Other Business

Bob Francis reported that the Council has a nomination for approval at the next City Council meeting for a P&Z Board member for District 3, Michael Statham.

5. Adjournment

There being no further business, Chairman Holihan called for a motion to adjourn the meeting, unanimously approved at 7:30 pm.