



**CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING**

**Tuesday, July 25, 2023, * 6:30 pm
MINUTES**

The Belle Isle, Planning & Zoning Board met on July 25, 2023, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Conduff
Board member Woods
Board member Shenefelt
Board member Squires
Board member Thompson
Board member Hobbs

Absent was:

District 3 - Vacant

Also present were Attorney Langley, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

1. **Invocation and Pledge to Flag** – Board member Hobbs, District 7
Board Member Hobbs gave the invocation and led the pledge to the flag.
2. **Call to Order and Confirmation of Quorum**
Chairman Conduff opened the meeting at 6:30 pm and confirmed the quorum.
3. **Approval of Minutes** – na
4. **Public Hearings**
 - a. **PUBLIC HEARING CASE #2023-06-002** - PURSUANT TO BELLE ISLE CODE SEC. 48-32 (A) (6) (A) AND SEC. 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DOCK TO EXTEND GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK WITHIN 300 FEET OF THE PROPOSED LOCATION, SUBMITTED BY APPLICANT MATTHEW LANGBEHN REPRESENTING HOMEOWNER EDWARD HARRISON LOCATED AT 2506 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-160.

Attorney Langley read Public Hearing 2023-06-002 by Title.

Raquel Lozano, City Planner, provided the staff report and overview of the code criteria and said the application for 2506 Homewood Drive seeks a variance from Section 48-32 (a) (6) (a) to build a dock that projects more than 15 feet lakeward of an existing dock at 2432 Homewood Drive by approximately 40 feet. The applicant's existing dock currently projects about 30 feet from the neighboring dock at 2432 Homewood Drive. The proposed dock location would not project 15 feet lakeward of the existing docks at 2514 and 2520 Homewood Drive. The Land Development Code provides in Section 42-64 (1) h. that a variance should not be approved unless all criteria are met.

Staff provides a recommendation to deny the requested variance from Section 48-32 (a) (6) (a) as the request is self-created and does not meet the minimum possible variance to make reasonable use of the land. The Board may approve the proposed variance application as presented, approve with specific conditions, continue the application if additional information is requested for consideration, or deny the application, citing which variance criteria are not met.

Matthew Langbehn from Summertime Deck and Docks 2120 33rd Street, Orlando, FL, spoke on behalf of his client Edward Harrison. Mr. Langbehn stated that a variance would not be needed if the neighboring dock to the west weren't existing and is not consistent with many other docks around the Lake, and their request should not be subject to the Code in comparison. The proposed end of the dock will reach approximately 3 feet of water. They propose moving the dock from the current location to maintain a view of the Lake from the main house.

Ms. Lozano said the Board could approve and condition to exceed 15 feet lakeward and must abide by the length definition in Code 48-32(a)(2). Vice Chairman Woods briefly explained that the primary criteria for the dock length are to allow it to reach NHWL 79.5 to be used 80% of the time over 30 years; the 15 ft lakeward accounts for the slope. Many of the docks on the Lake do not reach deep enough water to be effective as a dock.

Chairman Conduff called for public comment.

- Gary Paskal residing at 2432 Homewood Drive – a 23-year resident, spoke in opposition to the proposed variance due to obstructing his view of the Lake and navigational hazard. His dock was severely damaged to the west of the applicant's home. He has since then repaired the open violations. He further noted that the applicant is asking to place the dock in the shallowest part of the property.
- Michael Murray residing at 2424 Homewood, shared his concerns about the location and spoke in opposition to the location of the proposed dock.
- Chuck Harasell residing at 2514 Homewood Drive on the east side of the property, shared his concern about the dock's location and asked for clarification on the length and normal high water line.

There being no further comment, Chairman Conduff closed public comment.

The Board discussed the obstruction of the view and said the purpose of having the 15-foot variance difference and sending out the notices is to allow the neighbors to discuss an alternative and work it out. The Board noted that the plans call for a dock with more terminal platform area and that variance was not sought. Ms. Lozano said she spoke with the applicant, and they stated they would adjust their plans not to have a roof overhang to meet the allowable requirements.

Attorney Langley said that based on what is on the record, the purpose of a variance is to alleviate hardship, making it impossible to build a dock. However, they can build a dock, and variance is unnecessary. The staff is recommending denial.

Edward Harrison applicant spoke on the 15-foot lakeward request and is confused about where the 300 feet come into play. Discussion ensued on establishing the minimal variance by placing the dock in the middle of the property or the requirements if the dock to the east is demolished.

Board member Woods moved, pursuant to Belle Isle Code Section 48-32 (A)(6)(A) and Section 42-64, subsection E, F, and G having not been met, TO DENY a dock to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location, submitted by applicant Matthew Langbehn representing homeowner Edward Harrison located at 2506 Homewood Drive, Belle Isle, FL 32809 also known as Orange County Tax Parcel ID #19-23-30-5888-06-160.

Board member Shenefelt seconded the motion, which failed 3:3 with Board members Squires, Thompson, and Conduff, nay.

Board member Thompson moved, pursuant to Belle Isle Code Section 48-32 (A)(6)(A) and Section 42-64, TO APPROVE a dock to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location, submitted by applicant Matthew Langbehn representing homeowner Edward Harrison located at 2506 Homewood Drive, Belle Isle, FL 32809 also known as Orange County Tax Parcel ID #19-23-30-5888-06-160.

Board member Squires seconded the motion.

Board member Shenefelt said the dock does not meet the minimum requirement, and if the Board fails the variance, the applicant can appeal to the City Council.

The motion failed 2:4 with Board members Conduff, Hobbs, Woods, and Shenefelt, nay.

Chairman Conduff noted that the applicant will have 15 days to Appeal the Board's decision to City Council.

- b. PUBLIC HEARING CASE #2023-07-015 - PURSUANT TO BELLE ISLE CODE SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING ENCROACHMENT WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT ALAN LEOW LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

Attorney Langley read Public hearing 2023-07-015 by Title.

The application requests a variance from the 50-foot building setback from the Normal High Water Elevation (NHWE) for portions of a new single-family home. The applicant has provided supporting documentation addressing the variance criteria. Mr. Leow is resubmitting a similar variance application from sec. 50-73 (a), sec. 50-102 (a) (4), (5), and (8) in July 2021. The Board approved the request in July 2021; however, under sec. 42-67, the validity of the approved variance has expired. Mr. Leow has recently filed a building permit through Universal Engineering Sciences to construct the new home. Staff recommends approving the requested variance based on meeting all the above criteria.

The applicant Alan Leow gave a brief presentation on his variance that has not changed from the approved variance.

Chairman Conduff called for public comment.

- Patsy Mosher residing at 2806 Alsace Court, spoke in favor of the proposed variance.

There being no further comment, Chairman Conduff closed public comment.

Board member Woods moved, pursuant to Belle Isle Code Section 50-73 (A), SEC. 50-102 (A) (4), (5), and (8) and Section 42-64, TO APPROVE a building setback of 30 feet from the normal high water elevations of Lake Conway along the north shoreline between 50 and 155 feet from the northeast property corner, submitted by applicant Alan Leow located at 2802 Alsace Court, Belle Isle, FL 32812 also known as Orange County Tax Parcel ID #18-23-30-4385-04-241.

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

Ms. Lozano stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

- c. PUBLIC HEARING CASE #2023-06-008 - PURSUANT TO BELLE ISLE CODE SEC. 48-32 (A) (3), AND (A) (6) (A) AND SEC. 42- 64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DOCK TO EXCEED THE ALLOWABLE TOTAL AREA FOR A TERMINAL PLATFORM AND TO ALLOW A BOAT DOCK TO EXTEND GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK WITHIN 300 FEET OF THE PROPOSED LOCATION, SUBMITTED BY APPLICANT EMILY WAKLEY DELOZIER LOCATED AT 3019 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-01-070.

Attorney Langley read Public Hearing 2023-06-008 by Title.

City Planner Raquel Lozano said that the application seeks a variance from sec. 48-32 (a) (6) (a) to build a boat dock more than 15 feet lakeward, by approximately 23 feet, from the neighboring docks at 2935 and 3007 Nela Avenue and 3013 Indian Drive. The application also seeks a variance to exceed the allowable terminal platform size from 715.9 to 733 square feet. The allowable size is determined by the linear shoreline footage of the property per Section 48-32 (a) (3). According to Orange County Property Appraiser,

the Orange County government issued a boat dock permit in 1962. Staff found no other dock permit for the property that Orange County or the City of Belle Isle has issued since then.

Staff provides a recommendation to approve the requested variance from Section 48-32 (a)(6)(a) as it meets the variance criteria per Section 48-33. Staff does not recommend approval of the requested variance from Section 48-32 (a)(3), as the land development code provides in Section 42-64(1)h. that a variance should not be approved unless all criteria are met. The Board may choose to approve the requested variance from Section 48-32(a)(6)(a) with the condition that the terminal platform does not project more than approximately 23 feet lakeward of the neighboring dock at 3013 Indian Drive. Should the Board approve the requested variance from Section 48- 32(a)(3), a condition may be placed for the applicant to have a terminal platform size of no more than 733 square feet or prescribe an alternative maximum terminal platform size than allowed per Code.

The applicant Emily DeLozier presented a PowerPoint showing the difference of less than 5% overhang. The proposed dock will provide an area to sit and enjoy the Lake with protection. For the record, the applicant provided petition sheets from the surrounding neighbors in favor of the request.

Board member Woods corrected the submittal and said the plan's terminal platform is 766 square feet. He noted that a roof is included in the measurement of the terminal platform, and reducing the overhang by 10 inches will allow the plans not to need any further adjustments and meet the Code.

Chairman Conduff called for public comment.

- Alan Twitchell residing at 3025 Indian Drive, spoke in favor of the request.

There being no further comment, Chairman Conduff closed public comment.

City Planner Lozano clarified that the applicant would have a similar length to the old dock, expanding a little longer and meeting the 15 feet lakeward.

Board member Woods moved pursuant to Belle Isle Code Section 48-32(A)(6)(A) and Section 42-64 TO ALLOW a boat dock to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location, submitted by applicant Emily Wakley Delozier located at 3019 Indian Drive, Belle Isle, FL 32812 also known as Orange County Tax Parcel ID #29-23-30-4389-01-070.

Board member Thompson seconded the motion with passed unanimously 6:0.

Board member Woods moved pursuant to Belle Isle Code Section 48-32(A)(3) and 42-64 D, E, and F, having not been met, TO DENY a dock to exceed the allowable total area for a terminal platform submitted by applicant Emily Wakley Delozier located at 3019 Indian Drive, Belle Isle, FL 32812 also known as Orange County Tax Parcel ID #29-23-30-4389-01-070.

Board member Shenefelt seconded the motion with passed 4:2 with Board members Thompson and Squires, nay.

Board member Woods stated that there is a 15-day appeal process, and the applicant can also appeal the decision to the City Council.

- d. PUBLIC HEARING CASE #2023-06-009 - PURSUANT TO BELLE ISLE CODE SEC. 48-32 (A) (3), AND (A) (6) (A) AND SEC. 42- 64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DOCK TO EXCEED THE ALLOWABLE TOTAL AREA FOR A TERMINAL PLATFORM AND TO ALLOW A BOAT DOCK TO EXTEND GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK WITHIN 300 FEET OF THE PROPOSED LOCATION, SUBMITTED BY APPLICANT JASON LOUCHE REPRESENTING HOMEOWNER ALAN TWICHELL LOCATED AT 3025 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-01-080.

Attorney Langley read Public Hearing 2023-06-009 by Title.

Raquel Lozano, City Planner, said the application seeks a variance from Section 48-32 (a) (6) (a) to build a boat dock with a lakeward projection of approximately 24 feet from the neighboring docks at 2935 and 3007 Nela Avenue and 3013 Indian Drive. The application also seeks a variance to exceed the allowable terminal platform size from 700 to 720 square feet. The allowable size is determined by the shoreline footage of the property per Section 48-32 (a) (3). Please note that the Board may approve the proposed variance application as 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

Staff provides a recommendation to approve the requested variance from Section 48-32 (a) (6) (a) and deny the requested variance from Section 48-32 (a) (3) as the land development code provides in Section 42-64 (1) h. that unless all criteria are met, a variance should not be approved. Should the Board approve the request variance from Section 48-32 (a) (3), the Board may condition a maximum platform size for approval.

The applicant Alan Twitchell said the length is not an issue, and there is an additional 8.5 square feet. The purpose is to repair the dock that was damaged in a storm. He did not think the square footage was that important; however, it is.

Chairman Conduff called for public comment.

- Emily Wakley, residing at 3019 Indian Drive, spoke in favor of the request.

There being no further comment, Chairman Conduff closed public comment.

Board member Woods moved pursuant to Belle Isle Code Section 48-32(A)(6)(A) and Section 42-64 TO ALLOW a boat dock to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location, submitted by applicant Jason Louche representing homeowner Alan Twichell located at 3025 Indian Drive, Belle Isle, FL 32812 also known as Orange County Tax Parcel ID #29-23-30-4389-01-080.

Board member Shenefelt seconded the motion with passed unanimously 6:0.

Board member Woods moved pursuant to Belle Isle Code Section 48-32(A)(3) and 42-64 D, E, and F having not been met, TO DENY a dock to exceed the allowable total area for a terminal platform submitted by applicant Jason Louche representing homeowner Alan Twichell located at 3025 Indian Drive, Belle Isle, FL 32812 also known as Orange County Tax Parcel ID #29-23-30-4389-01-080.

Board member Shenefelt seconded the motion with passed 4:2 with Board members Thompson and Squires, nay.

Board member Woods stated that there is a 15-day appeal process, and the applicant can also appeal the decision to the City Council.

Board member Thompson left the meeting at 8:32 pm.

Board member Dr. Hobbs left the meeting at 8:45 pm.

5. Other Business

- At a resident's request, Chairman Conduff opened for public comment.

- Mr. Haag residing at 6509 Matchett Road, asked if Accessory Dwelling Units were allowed in the City. Ms. Lozano said the City does not allow for ADUs however the Code may allow for a special exception for a guest cottage without a kitchen. The Code can be viewed at www.municode.com.

There being no further comment, Chairman Conduff closed public comment.

- Discussion and Review on Amending Fences and Walls Ordinance 23-05 6.

The Board discussed that these two criteria were conflicted so they needed to be resolved. The resolution was to make them both like the second. If this is not in the record, we need to clarify it at our next meeting,

Page 2 of 8

If a driveway gate is installed, then the gate must be setback ~~25~~ 20 feet outside the right-of-way line.

Page 4 of 8

If a driveway gate is installed, the gate shall be at least 20 feet outside the right-of-way line. (No change)

The Board discussed a definition of a sight triangle for use in the fence ordinance to include Areas on either side of any driveway that shall be clear of visual obstructions between 2 feet and 8 feet above ground. The horizontal limits shall be a triangle starting at the intersection of the driveway's edge and the edge nearest to the right of way of the public roadway or sidewalk it intersects. One leg of said triangle shall extend 70 feet along said roadway or sidewalk away from the driveway. The other leg of said triangle shall extend 10 feet toward the private property along said edge of the driveway. The final side shall be a line between the latter two points. Board member Woods said he could forward a complete definition to staff for review.

Chairman Conduff moved to approve the changes as discussed and recommended approval of the Ordinance to the City Council.

Board member Squires seconded the motion, which passed unanimously 4:0.

6. Adjournment

There was no further business, so the meeting was unanimously adjourned at 8:51 pm.