



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

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

MINUTES

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

Present was:

District 4 - OPEN
Board member Woods
Board member Statham
Board member Lane
Board member Shenefelt
Board member Thompson
Board member Hobbs

Absent was:

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

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

3. Approval of Minutes

- a. Approval of the May 25, 2021 minutes

City Manager Francis stated that the minutes should be revised to reflect that he was absent.

Board member Statham made the following correction,

Page 3, Paragraph 9 reads,

After discussion, Board member Woods moved to recommend that the 35% impervious ratio be maintained.

Board member Hobbs seconded the motion, which passed 6:1 with ~~Comm~~ Statham, nay.

Should read,

After discussion, Board member Woods moved to recommend that the 35% impervious ratio be maintained.

Board member Hobbs seconded the motion, which passed 6:1 with Board member Statham, nay.

Board member Lane moved to approve the minutes as amended.

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

4. Public Hearings

- a. **PUBLIC HEARING CASE #2021-07-001 - PURSUANT TO BELLE ISLE CODE SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64, THE BOARD SHALL 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 PARCEL #18-23-30-4385-04-241.**

Vice-Chairman Woods gave an overview of the conditions for approval.

Mr. Leow, the property owner, referenced a site plan of his property and said the code does not apply in this case because his property is unique as it is a peninsula surrounded by Lake Conway. The lake set back to the south was not

intended for his type of property because he does not have any neighbors immediately to the North or south of his property line on the lake. The code is designed to prevent residents from building too close to the property line and other homes. If he follows the current code, his new home will have very tight restrictions and leave very little space to have a vehicle turn around on his driveway. The house is in the plan stages, and he said he would like to possibly build his home further north to allow additional room on the driveway. Additionally, Mr. Leon said he plans to remove as few trees as possible and have little impact on the surrounding neighbors' view.

Chairman Woods asked if he considered moving the driveway a little further south with a 30-foot setback. Mr. Leow said shifting the driveway will allow less than 10-feet.

Vice-Chairman Woods said another reason for the setbacks is to allow the land area between the built-up area and the water to absorb the runoff from a roof or driveway.

Vice-Chairman opened for public comment.

- Patsy Moser, property owner and neighbor to 2802 Alsace Court, said she is in favor of the proposed plan.

There being no further comment, he closed public comment and opened for Board discussion.

Vice-Chairman Woods commented that this application does not meet the requirement of the minimal variance to accomplish the task. It is possible to move the garage further south and allow an additional 15-foot turnaround area. He said the Board might consider his comment and plan to relocate the house further north in any motion that is made and request a new site plan. Discussion ensued.

Board member Statham asked if the applicant knows his impervious surface ratio. The applicant said he does not know the impervious percentage because he is in the preliminary stage. Vice-Chairman Woods asked if the calculation could be inclusive of the surface between the applicant's property line and normal high water line. April Fisher said the applicant could use the area within the property boundary to use in their calculations. Ms. Fisher said she and staff, previous to submitting his application, have met with staff and are aware of the property standards. The pool setbacks are 35ft to the water's edge and 30ft to the edge of the patio, and the requirements for the pool can be met with the preliminary plans without needing a variance. There is nothing that requires the applicant to submit all the possible variances at this time. However, if he runs into the need, he must submit to the Planning & Zoning Board for approval.

Vice-Chairman Woods said this is a unique property, and a good compromise may be to allow a 10-foot variance all around the house, creating a 40-foot setback to the North. Discussion ensued. April Fisher, City Planner, said she would caution the Board in conversation in the area of design. Board member Statham said allowing a 10-ft variance around the house may cause a problem and set a precedent.

The applicant said there is still a concern about the garage area and the entry road to the house. He said he would like to request the variance not to exceed the eastern 85ft on the north side of the home where the garage and stairs are located. Discussion ensued.

After discussion, Board member Statham moved pursuant to Belle Isle Code SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE a building setback of 30 feet from the NHWE for the easternmost 150 feet of the north property line exclusive of the flag portion of the lot submitted by applicant ALAN LEOW located at 2802 Alsace Court, Belle Isle, FL 32812 also known as Parcel #18-23-30-4385-04-241.

Board member Shenefelt seconded the motion, which passed 5:1 with Board member Thompson, nay.

Vice-Chairman Woods stated that the applicant should wait 15 days before any construction to allow for any appeals. City Manager Francis asked if the applicant is still interested in purchasing the submerged land reclaimed by the State. The applicant said yes, he would be interested. During discussions with staff, Mr. Leon said he offered to allow the City to build a boat dock for Police Department use.

5. Other Business

- a. **Review and Discussion: Comp Plan Amendment Private Property Rights Element ORDINANCE NO. 21-09 - AN ORDINANCE OF THE CITY OF BELLE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BELLE ISLE TO ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT TO COMPLY WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.**

Attorney Langley said one of the Bills passed during the Legislative session required all local governments to pass a Comp Plan property rights element. It is a generalized statement on how the City, in its decision-making process, should consider the rights of property owners. The Statute mandates that until an Ordinance is passed, a City will not be able to pass any other Comp Plan amendments. Attorney Langley recommended approval of the Ordinance at the next Planning & Zoning meeting for recommendation to Council for approval on September 7, 2021.

- b. **Discussion of Accessory Dwelling Units**

City Planner April Fisher said this is a follow-up to prior Board discussions. The Board requested a broader focus on the definition of kitchen and wet bar in accessory dwelling units. Currently, the Code definition is open to interpretation concerning rental properties. She provided an example of dwelling unit code language from the City of Miramar. Staff is seeking direction from the Board as to whether they would like an ordinance prepared for formal consideration. Discussion ensued.

The Board discussed long-term rentals and single-family residents with secondary kitchens to allow elder family care.

After discussion, the Board consensus allowed was for the Board to review the attachments and bring forward comments at the August meeting.

City Manager Francis said the staff would advertise for the open seat. He said Comm Holihan stated that he might have a candidate for District 4 for Council consideration. In addition, the nominations of Chairman can be placed in the August agenda.

6. Adjournment

There being no further business, Vice Chairman Woods called for a motion to adjourn the meeting, unanimously approved at 7:40 pm.