



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

Tuesday, August 24, 2021, \* 6:30 pm

### MINUTES

The Belle Isle Planning & Zoning Board met in a regular session on August 24, 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 Shenefelt  
Board member Hobbs

Absent was:

Board member Lane  
Board member Thompson

Also present were City Manager Bob Francis, Attorney Dan Langley, and Clerk Heidi Peacock.

**1. Call to Order and Confirmation of Quorum**

Vice-Chairman Woods called the meeting to order at 6:30 pm. The clerk confirmed the 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 July 27, 2021 minutes

**Board member Statham moved to approve the minutes as presented.**

**Board member Woods seconded the motion, which passed unanimously 4:0**

**4. Public Hearings**

- a. **PUBLIC HEARING CASE #2021-08-010 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (7) AND SEC. 50-102 (B) (8) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021.**

Vice-Chairman Woods read the variance by title.

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

The homeowners, Debra and Lawrence Weil, were both present. Ms. Weil said they already have a 6-foot wooden fence on the south side of the property that also has a 4-foot chain-link fence into the water. They have small dogs, and the neighbor has a dog that is not kept on a leash. There was an incident where their dog came onto their property, attacked her husband, and tried to attack her dogs. It was the worst situation that has happened thus far. They are also two lots down from Swann Beach, and on a regular occurrence, the dogs visiting Swann Beach go on to her property. The request is made to protect her family and her dogs. They would like to raise the north side of the property fence to match the south side and allow an 8-foot chain-link to go to the water for their safety. The sea wall elevates the neighbor's yard, so it is easy for other dogs to go around or jump the 4-foot fence. They provided pictures for the file. Discussion ensued.

Mr. Weil said the problem is the unfenced area 20-feet from the existing fence to the boat dock; many of the park visitor's pets come onto the property, creating an unsafe situation.

Vice-Chairman Woods said Section 9 of the Code excludes chain link fences. He asked how the Board would rectify the request because an ornamental fence would not be the best material to use on the water.

Mr. Francis said the Board has the latitude to allow for a chain-link fence. He said the City had cited the neighbor multiple times regarding their pets. Orange County Animal Services have cited them. However, Mr. Francis said he is not sure if the City has the authority to approve the fence to be placed so far into the water; it may have to be approved by Orange County EPD. Mr. Francis said since the applicant has a 15-day waiting period, it will allow him enough time to receive a response from EPD.

Vice-Chairman Woods shared his concern with an 8-foot fence into the water and asked if the applicant is willing to compromise to a 10-foot transition from 8-foot to a 6-foot fence, not creating a visual hazard but providing a barrier to the animals. The applicant agreed.

Vice-Chairman Woods opened for public comment. There being none, he closed public comment for Board discussion.

**After discussion, Board member Woods moved pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (7) AND SEC. 50-102 (B) (8) of the Belle Isle Land Development Code having been met TO APPROVE A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, with a 10-foot transition from 8-foot to six-foot at the beginning of the chain-link fence continuing at 6-foot to its termination, and subject to any approval/dispute by Orange County, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021**

**Board member Hobbs seconded the motion, which passed 4:0.**

Vice-Chairman Woods stated that the applicant has a 15 day wait period before any construction to allow for any appeals.

## **5. Other Business**

- a. **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.**

Vice-Chairman Woods read by title for the record.

Attorney Langley said the Legislature passed a bill that requires every local government in the State of Florida to adopt the State's property rights element in its Comprehensive Plan. The Ordinance, in policy, adopts the language the Legislature requires. This amendment is not intended to create additional property rights and due process. If the Ordinance is not passed as necessary, the City will not be able to make any changes to their Comprehensive Plan moving forward. He further indicated the City has no choice in this matter according to the State.

**Board member Woods moved to recommend Ordinance 21-09 for Council approval.**

**Board member Stratham seconded the motion, which passed 4:0.**

- b. **ORDINANCE NO. 21-10 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING SECTION 50-103(a) OF THE CITY'S CODE OF ORDINANCES AS SUCH PERTAINS TO HOME BASED OCCUPATIONS; PROVIDING FOR HOME BASED BUSINESS REGULATIONS CONSISTENT WITH GENERAL LAW; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

Vice-Chairman Woods read by title for the record.

Attorney Langley explained the new law and said, based on the Legislature, it preempts local government regulation. This Ordinance mandates restrictions to the code that is allowed and defined by the Statute. Businesses will still be required to obtain a business tax receipt to operate. Discussion ensued on multiple business owners and additional parking of vehicles on a residential property. Chairman Woods pointed this out as a further step to remove self rule in our city.

**After discussion, Board member Woods moved to recommend Ordinance 21-10 for Council approval.**

**Board member Stratham seconded the motion, which passed 3:1 with Comm Shenefelt, nay.**

c. **Discussion of Accessory Dwelling Units**

Board member Woods said the discussion comes centers around two different concepts (1) accessory dwellings and (2) what is a kitchen? The problem with a kitchen is that it can create a dwelling that is not allowed by code. There is an element in the City's Comprehensive Plan that provides affordable housing and a current need for approximately 80-units in the next decade. Board member Woods shared his concern and gave a summary of what we may want to see moving forward (potential for mother-in-law quarters, kids coming back home, and assisted living caretaker). Vice-Chairman Woods spoke on and provided a copy of a Policy & Procedure used in Sonoma County and Winter Park addressing the Definition of a Kitchen and Determining a Dwelling Unit. Discussion ensued on enforceability, short-term rentals, and the current need in the community.

Staff is seeking direction from the Board as to whether they would like an ordinance prepared for formal consideration.

Vice-Chairman Woods said it appears the consensus is that the City does not want short-term rentals and is open to accessory dwellings to allow caretakers, elderly, and returning children. The Board recommended incorporating some of the code language used in Marimar and Winter Park, further research about additional parking, setbacks, and enforcement. Discussion ensued on possible impact fees for dwelling upgrades.

6. **Adjournment**

There being no further business, Vice Chairman Woods called for a motion to adjourn the meeting, unanimously approved at 8:00 pm.