



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, January 28, 2025 * 6:30 PM
MINUTES

The Belle Isle Planning & Zoning Board met on January 28, 2025, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board Member Holihan
Board member Thompson
Board member Squires
Board member Hobbs
Board member Conduff

Absent was:

District 1 - OPEN
District 2 - OPEN

City Manager Rick Rudometkin, Attorney Hilary Griffith, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno were also present.

1. Call to Order and Confirmation of Quorum

Vice Chairman Squires opened the meeting at 6:30 p.m., and 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 P&Z Board Meeting Minutes - December 11, 2024

Board member Conduff moved to approve the minutes as presented.

Board member Squires seconded the motion, which passed unanimously.

4. Public Hearings

- b. P&Z Case Number 2024-12-001: PURSUANT TO SECTION 50-102 (A) (4) (A), 54-3 (E), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AND MAINTAIN AN ACCESSORY BUILDING WITHIN FIVE FEET OF THE SIDE AND REAR PROPERTY LINE AND MAINTAIN AN ENLARGED NONCONFORMING STRUCTURE, CONTRARY TO THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEXIS HERNANDEZ, LOCATED AT 1606 IDAHO AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-23-071.

City Manager read Case Number 2024-12-001 by Title.

City Planner Raquel Lozano presented her staff report and said the applicant submitted an after-the-fact building permit to allow and maintain an enlarged, nonconforming shed in the backyard. The applicant purchased the property two years ago, with the shed located initially three feet from the rear lot line and approximately three feet and eight inches from the nearest side lot line. The applicant provides that they expanded the shed size in length only, maintaining the shed's original side and rear setbacks. After further research, city staff found that the surveying company, First Choice Surveying Inc., made a technical error in depicting the shed setbacks. See attached a copy of a property survey from 2023, when the applicant purchased the property, and a revised copy from 2025. Under section 50-102 (A) (4) (A), accessory buildings must be at least five feet from the lot line. Additionally, pursuant to section 54-3 (E) for nonconforming

uses, the city land development code states that buildings or structures that are nonconforming cannot be extended or enlarged. Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board deny the requested variance to allow and maintain an accessory building within five feet of a property line and maintain the enlarged nonconforming structure.

Alexis Hernandez, who lives at 1606 Idaho Avenue, said they extended the shed to provide additional space for equipment and tools.

Chairman Holihan called for public comment.

Mr. Olko, who resides at 1605 Perkins, expressed his opposition to the request and cited the code, stating that it does not constitute a basis for approval. He noted that the expansion has created water retention/pooling on his property.

The Board clarified that the applicant has a five-foot setback; they are conforming on the side and rear setback, and all the applicant has done is expand the length only. They have not changed the existing setback of the non-conforming structure. They also provided sufficient on-site. Ms. Lozano noted that there was an error in the original survey on the shed setback, which had then been corrected. In addition, the applicant has submitted the ISR calculations to the City Engineers for the shed expansion.

After discussion, Board member Squires moved PURSUANT TO BELLE ISLE CODE 50-102 (A) (4) (A), 54-3 (E), AND 42-64, TO APPROVE AND MAINTAIN AN ACCESSORY BUILDING WITHIN FIVE FEET OF THE SIDE AND REAR PROPERTY LINE AND MAINTAIN AN ENLARGED NONCONFORMING STRUCTURE, CONTRARY TO THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEXIS HERNANDEZ, LOCATED AT 1606 IDAHO AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-23-071.

Board member Hobbs seconded the motion, which passed unanimously.

Ms. Lozano stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time. If an appeal is received, the applicant has the opportunity to have a Denovo hearing with the City Council.

- c. P&Z Case Number 2024-12-012: PURSUANT TO SECTION 50-102 (A) (4) (G), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A 500- SQUARE-FOOT ACCESSORY BUILDING WITH AN ATTACHED PORCH, CONTRARY TO THE MAXIMUM ALLOWABLE SIZE FOR AN ACCESSORY STRUCTURE PER THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEC EDDINGER C/O DETAILS CONSTRUCTION GROUP, LOCATED AT 3316 FLOWERTREE ROAD, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 29-23-30-1876-01-060.

City Manager read Case Number 2024-12-012 by Title.

City Planner Raquel Lozano presented her staff report and said the applicant seeks to create a 500-square-foot detached accessory structure with an attached porch area. The applicant details that the homeowner intends to use the structure for recreational activities only.

Ms. Lozano stated that the variance request does not affect the adjacent properties or the surrounding neighborhood. The property abuts a vacant commercial property along the rear lot line and nearly doubles the square footage allowance the city land development code provides.

The lot's configuration does not create special conditions or circumstances to allow the requested variance. The applicant once possessed a legally nonconforming structure, which has since been demolished. Any new structures created within the city must conform to the current land development code requirements for zoning approval. The requested variance to create an accessory structure exceeding the allowable

square footage by 200 square feet is self-created, as the applicant seeks to enlarge the structure for personal use. A personal hardship is not grounds for a variance approval.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board deny the requested variance to allow a 500-square-foot accessory building with the attached porch feature.

Mr. Eddinger said they are looking for additional space outside the house. They spoke with the neighbors and did not receive any opposition. The lot is sizable enough to hold the structure and SR 528 in the backyard.

Chairman Holihan opened for public comment.

- Christopher Jenkins, who lives at 3213 Flowertree, is not opposed to the variance. However, he wants to ensure that it will only be used for its intended purpose and not become a rental or livable space.
- Bobby Lance, who lives at 3401 Trentwood Blvd, is not opposed to the variance.

There being no further comment Chairman Holihan closed public comment.

After discussion, Board member Conduff moved, PURSUANT TO BELLE ISLE CODE 50-102 (A) (4) (G), AND 42-64, TO APPROVE A 500-SQUARE-FOOT ACCESSORY BUILDING WITH AN ATTACHED PORCH, CONTRARY TO THE MAXIMUM ALLOWABLE SIZE FOR AN ACCESSORY STRUCTURE PER THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEC EDDINGER C/O DETAILS CONSTRUCTION GROUP, LOCATED AT 3316 FLOWERTREE ROAD, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 29-23-30-1876-01-060.

Board member Squires seconded the motion, which passed unanimously.

Ms. Lozano stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time. If an appeal is received, the applicant has the opportunity to have a Denovo hearing with the City Council.

- d. P&Z Case Number 2024-12-024: PURSUANT TO SECTION 50-73 (A), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A 30-FOOT REAR BUILDING SETBACK FOR A RESIDENTIAL BUILDING, INSTEAD OF THE REQUIRED 35-FOOT REAR BUILDING SETBACK, SUBMITTED BY APPLICANT WILLIAM E CARR, C/O JOHN CARR WITH JPC CONSTRUCTION, LOCATED AT 4228 KEZAR COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1661-00-900.

City Manager read Case Number 2024-12-024 by Title.

City Planner Raquel Lozano presented her staff report and said this is a unique case because of the location. City records show that the initial development of the Conway Groves subdivision received a Special Exception approval from the City's Planning and Zoning Board on January 23, 1996. The board granted approval for single-family residential buildings within the gated community to reduce front and rear setbacks by five to ten feet, as permitted per section 54-75 (C). The applicant seeks to expand the existing residence to provide a 30-foot rear building setback, as the submitted site plan shows, contrary to the required 35-foot rear building setback for an R-1-AA zoning district. A portion of the residential structure currently encroaches five feet into the required 35-foot rear building setback. The city code prescribes time limits for the validity of Special Exceptions, which does not allow further modifications to the principal building without the Board's approval.

Based on consideration of these review criteria, staff recommends approval of the requested variance application. The requested variance qualifies as a special condition/circumstance due to the Board-

approved decision to allow the residential development of the Conway Groves subdivision plan to encroach within the required building setbacks for an R-1-AA zoning district in which this property is located. The requested variance to modify the principal building setback is self-created, as the applicant seeks to attach a pool and spa room to the principal building for personal use. A personal hardship is not grounds for a variance approval. The proposed rear setback encroachment does not exceed the established rear setback for the existing structure. The encroachment of five feet within the required 35-foot rear building setback does not negatively impact on the adjacent properties or neighborhood. The project proposal is compatible with the surrounding land uses as other residences provide similar rear setback encroachments.

Chairman Holihan called for public comment.

- Mr. Bill Carr, the applicant, said the building will not exceed the existing setback. He is adding a closet and walkway to the pool area for health purposes to allow him to walk comfortably under cover from the sun.
- Charles Downs, residing at 4234 Kezar Court, said they do not have any objections to the proposed variance. He asked if approval from the Board overrules the HOA requirements. Ms. Lozano noted that the applicant must get HOA approval before submitting the building permit.

After discussion, Board member Squires moved, PURSUANT TO BELLE ISLE CODE 50-73 (A) AND 42-64, TO APPROVE A 30-FOOT REAR BUILDING SETBACK FOR A RESIDENTIAL BUILDING INSTEAD OF THE REQUIRED 35-FOOT REAR BUILDING SETBACK, SUBMITTED BY APPLICANT WILLIAM E CARR, C/O JOHN CARR WITH JPC CONSTRUCTION, LOCATED AT 4228 KEZAR COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1661-00-900.

Board member Hobbs seconded the motion, which passed unanimously.

Ms. Lozano stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time. If an appeal is received, the applicant has the opportunity to have a Denovo hearing with the City Council.

2. Other Business

- a. Protocol and Disclosure – City Manager Rudometkin gave a brief overview of the Sunshine and Ethics Law.

3. Adjournment

There being no further discussion, Vice Chairman Squires moved to adjourn, unanimously approved at 7:30 pm.