



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

Tuesday, April 25, 2023, \* 6:30 pm  
**MINUTES**

The Belle Isle, Planning & Zoning Board met on April 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 Thompson  
Board member Hobbs

Absent was:

District 3 - Vacant  
Board member Squires

Also present were Interim City Manager Travis Grimm, Attorney Chumley, and City Planner Raquel Lozano.

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**
  - a. Approval of February 28, 2023, meeting minutes
  - b. Approval of April 11, 2023, meeting minutes

Vice Chairman Woods moved to approve the minutes as presented.  
Chairman Coduff seconded the motion, which passed unanimously 5:0.

#### 4. **Public Hearings**

PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Vice Chairman Woods read the Public Hearing by Title.

City Planner Raquel Lozano provided her staff report, and based on the variance request for the fence five feet in height within 35 feet of the NHWE line, Staff recommends that the Board not approve the requested variance for the rear fence as the application does not meet the conditions for a variance request per sec. 42-64 (1) (d-f). Should the Board approve the fence five feet in height, Staff recommends a condition for the fence variance to enclose the entire pool perimeter under construction to ensure all safety measures are met per Florida Building Code.

- Under sec. 42-64 (1) (d), the physical conditions and circumstances of the property do not inhibit the applicant from meeting the code requirements for fences per sec. 50-102 (b) (7).
- Under sec. 42-64 (1) (e), personal hardship is not grounds for a variance.

- Under sec. 42-64 (1) (f), the request to install a fence five feet in height is self-created based on the aesthetic preferences of the homeowner and the neighboring property owners.
- Under sec. 42-64 (1) (g), the request may be construed as aligning with public interest based on the letters of consent from the next-door neighbors affected by the proposed fence plan.

As for the request to install a gate in the rear yard to access the neighboring properties, the applicant could face potential issues with trespassing onto private property.

Please note that the Board may approve the proposed variance application as presented to them, approve with specific conditions, and continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met. A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.

The applicant, Christopher Heath, spoke on his request and said his first decision was not to install any fence at the back of his property; however, due to the Code, he is requesting the proposed fence at the request of the neighbors, aesthetically pleasing and for safety. He spoke with his side neighbors, who agreed with the proposed fence, side gates, and height and agreed that it would work well with their existing fences. He noted that the City code does not address the columns; technically, the stand-alone columns do not meet the fence definition, there should be no issue. He submitted a permit for the columns and purchased many plants to make the area look pretty. Mr. Heath noted that he has alarms on existing doors and will install a pool alarm if approved.

Ms. Lozano said the application for the columns had not been reviewed and could not be discussed at this time. She spoke briefly of the definition of the City Code on pools. Mr. Lozano asked the City Attorney if there was a legal issue with having a rear gate accessible to the neighbors. Attorney Chumley said that he is not aware of offhand.

Mr. Heath said he could place a 4ft fence to meet Code; however, it would not make the neighbors very happy.

Board member Woods said the problem is that the pool is defined as 2ft deep or deeper, which would make the lake an obstruction if the water was 2ft deep at the edge of the fence; at this time, it is dry land. The Code states that the fence or the pool must be 4ft high on the outside, and the seawall is 2ft tall. At a minimum, the applicant is required to have a 4ft wall or a fence on top of the seawall and a 4ft fence around the steps. With all the shown fencing, it does not meet the fencing requirements for a pool.

The Board agreed that the proposed application is a reasonable request; however, it does not meet the code requirement for approval. The Board decided that the columns and the gate are not subject to variance and will not be addressed.

Attorney Chumley said the City Council passed ordinances to regulate land use. The Code offers the variance to account for a literal application of the Code and is used sparingly.

**Board member Woods moved pursuant to Belle Isle Code SEC. 50-102 (B) (7), the justifying criteria of the Belle Isle Land Development Code, having NOT been met: D, E, and F, TO DENY A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.**

**Board member Shenefelt seconded the motion with passed 3:2 with Board Conduff and Thompson, nay.**

Board member Woods stated to the applicant that they have 15 days to appeal the decision to City Council to the City Clerk.

## 5. Other Business

### Discussion on Fences

The Board discussed the memo dated February 21, 2023, from the City Manager to Council on possible changes to the Code regarding fencing. The Board discussed previous discussions on an overlay district on high-traffic roads, Hoffner and Daetwyler, and potentially the area across Warren Park.

Ms. Lozano said that the City Council had recently revisited right-of-way and front yard fences exception and lots with a front yard depth. City Manager Francis provided an outline for review and discussion to revise the current Code.

Chairman Conduff re-opened public comment.

- Mr. Shif residing at 2503 Homewood, spoke on a possible variance regarding his existing front yard fence. The fence was damaged during that last hurricane and cannot be repaired. He would like to replace the fence, which is currently grandfathered in and is on the right of way. Due to the lot configuration, the fence will run along the middle of his pool deck with today's Code.

**After further discussion of the information provided, Chairman Conduff moved to continue the discussion to the May meeting to allow for further code review. Board member Shenefelt seconded the motion, which passed unanimously 5:0.**

**Chairman Conduff moved to approve an excused absence for Board member Squires. Board member Hobbs seconded the motion, which passed unanimously 5:0.**

## **6. Adjournment**

There being no further business, the meeting was unanimously adjourned at 7:37 pm.