



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

**Tuesday, May 23, 2023, * 6:30 pm
MINUTES**

The Belle Isle, Planning & Zoning Board met on May 23, 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 Squires
Board member Hobbs

Absent was:

Board member Shenefelt
District 3 - Vacant
Board member Thompson

Also present were Interim City Manager Travis Grimm, Attorney Langley, 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** – na
4. **Public Hearings**
 - a. Public Hearing #2023-04-046 - PURSUANT TO BELLE ISLE CODE SEC. 54-82 (F) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN REVIEW SUBMITTED BY LEGACY LAND LLC AND LEGACY HOLDINGS, C/O GARY DAVIS, LOCATED AT 1900 JETPORT DRIVE AND 2200 JETPORT DRIVE, ALSO KNOWN AS 31-23-30-0000-00-015 AND 31- 23-30-0000-00-017.

Attorney Langley read Public Hearing 2023-04-046 by Title.

Gary Davis, General Contractor for Regal Marine, presented that Regal Marine has an existing concrete accessway to a small private pond (south) on their property at 2300 Jetport Drive, Zoned Industrial. They use that area to perform final in-water tests and quality control checks. That existing structure was engineered to have a roof over it, but it was never constructed. Regal Marine is requesting a pre-engineered steel roof structure on the existing foundation. This cover from the elements will allow Regal's team to work in poor weather conditions and keep their production lines flowing more efficiently. Regarding any requirement for screening, the location of this proposed new roof structure is far from Regal's property's interior and not visible from anywhere outside Regal's boundary. Additionally, existing fencing and landscaping will remain on all sides of the new construction area, and multiple buildings in place also block the visibility of this area. Mr. Davis presented a map of the property showing the southern and northern property lines and the surrounding area. They are proposing a 57 sqft new roof area, a rear setback of 100 ft, a building height of 26.2 inches, and an impervious surface with no net change. Industrial zoning allows for permitted use and can be interpreted at outdoor storage.

Chairman Conduff opened for public comment. There being none, she closed public comment.

City Planner Raquel Lozano reviewed the following considerations as part of the proposed site plan:

1. The structure description meets the permitted use of the I-2 industrial district in a C-3 District. Under sec. 54-81 (12) and 54-81 (13), the code refers to "testing of materials and equipment and products" and "machinery sales and storage" as permissible uses for C-3 zoning districts. Based on the intended use of the dock roof, it acts as a storage space for Regal's boats to test their products.
2. The site plan does not alter or create additional impervious areas or parking spaces for the two parcels.
3. The site plan does not alter or change the existing landscape.
4. The proposed height for the structure is approximately 20 feet from the top to the bottom.
5. Under sec. 54-82 (f) (1) of Industrial Districts, the general requirements state, "the open storage of equipment, materials or commodities shall be screened. Such screen shall be in the form of walls, fences or landscaping; shall be at least six feet in height; and shall be at least 50-percent opaque."
6. Mr. Davis has maintained that the existing landscaping surrounding the properties is a form of screening for the proposed dock roof. Please see the aerial view attachment provided by the applicant.

With these considerations, the staff recommends approval of the proposed dock roof for the existing dock. The Board may consider applying conditions to the site plan as they deem fit. Upon approval of a site plan, it becomes part of the building permit and may be amended only by the Planning and Zoning Board per sec. 54-82 (f) (3).

Without discussion, Board member Woods moved pursuant to Belle Isle SEC. 54-82 (F) (3), TO APPROVE THE SITE PLAN SUBMITTED BY LEGACY LAND LLC AND LEGACY HOLDINGS, C/O GARY DAVIS, LOCATED AT 1900 JETPORT DRIVE AND 2200 JETPORT DRIVE, ALSO KNOWN AS 31-23-30-0000-00-015 AND 31-23-30-0000-00-017.

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

Ms. Lozano noted a 15-day waiting period before construction to allow for any appeals to the Council.

- b. Public Hearing #2023-04-006 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 30-133 (e) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE, SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.

Attorney Langley read Public hearing 2023-04-006 by Title.

City Planner Raquel Lozano stated that when reviewing driveway permits and parking requirements, the code does not explicitly outline setback criteria for a driveway. The existing asphalt was a county road that was later abandoned and now grandfathered in. She provided a brief staff report and noted, based on the variance request for the applicant to be allowed to park within 3 ft of the side property line:

- Under sec. 42-64 (1) (d), the physical conditions and circumstances of the property qualities as a special condition and circumstance to replace the paved area for vehicular access to the detached garage in the rear yard.
- Under sec. 42-64 (1) (e), the applicant purchased the property in 2005 with the asphalt driveway paved within the setback area. As such, it is not a self-created hardship.
- Under sec. 42-64 (1) (f), the applicant has approximately 10 feet of distance between the side of the house and the side property line to fit a vehicle or vessel from the front yard to the rear yard.
- Under sec. 42-64 (1) (g), the applicant would not be altering the existing use of the land, which is to be replaced with pavers instead of concrete. The proposed paved area abuts a commercial lot and does not noticeably impact the neighboring residential properties. The purpose and intent of the proposed variance would not be harmful to the neighborhood or detrimental to the Public.

Staff recommends that the Board approve the requested variance per sec. 42-64 (1) (d-f). The applicant is aware of the ISR requirements of sec. 50-74, and Mr. Shook is working to create onsite retention for the property.

Vice Chairman Woods said the legal advertisement is inconsistent with the variance application. However, the intent is to remove and replace the existing drive, changing the infrastructure.

Attorney Langley said the code provision cited deals with any parking of vehicles three feet off any side property line. He does not see a problem with the notice because it speaks to the parked vehicle's location and a prepared surface. The City Clerk confirmed that the property was posted, and the City had not received any correspondence in favor or opposed.

Ms. Lozano said the staff only relies on the front yard's ISR requirements in that particular code section. This is a unique circumstance. She recommends a future discussion of the Board on specific driveway setbacks to clarify certain code sections.

Nash Shook, the applicant, and resident of 5700 Cove Drive, said the Board approved an existing garage last year and completed it in March. He doesn't have easy access to the garage until he finalizes his application for the driveway. He gave a brief history of the property and stated that the neighbor recently erected a fence that narrowed the access to the approved garage.

After further discussion, Vice Chairman Woods moved pursuant to Belle Isle 42-64 AND 30-133 (e) (3), TO APPROVE A REQUESTED VARIANCE TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE and REMOVE AND REPLACE THE EXISTING DRIVEWAY WITH ZERO SIDE YARD SETBACK SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.

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

Vice Chairman Woods said there is a 15-day period before construction to allow for any appeals to the Council.

- c. Public Hearing #2023-03-015 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EXCEEDING FOUR FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.

Attorney Langley read Public hearing 2023-03-015 by Title.

City Planner Raquel Lozano said that based on the variance request for the fence six feet in height within 35 feet of the NHWE line:

- Under sec. 42-64 (1) (e), the choice of a chain-link fence along both sides of the property line was not created by the applicants. They recently purchased the property in October 2022, according to Orange County Property Appraiser. Privacy issues among the neighboring properties were made known to City Staff at submitting the variance application.
- Under sec. 42-64 (1) (g), the fence height may be construed as unharmonious with the purpose and intent of the Land Development Code. The staff has not received public input regarding approving or disapproving the proposed variance request as of May 22, 2023. Upon request from the applicant, no formal complaint has been filed with City Staff regarding privacy and security concerns.

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) (e) and sec 42-64 (1) (g).

The applicant, Brooke Gallardo, said they withheld documentation on violating their privacy to avoid problems with the community. Ms. Gallardo referred to Section 50-102(b)(5)(1)–Accessory structures and said this allows for an 8ft fence that abuts a boat ramp facility. Their neighbor to the left currently has a boat ramp. They are requesting a 6-foot fence for uniformity in the neighborhood.

Vice Chairman Woods said the 35 ft requirement allows for a lake view from surrounding neighbors. However, this home is on a canal, and rationally, the clause does not make sense. One picture shows the backyard canal with existing 6ft shrubbery. The property was posted, and the City Clerk confirmed that the City received no correspondence in favor or opposition.

Board member Squires moved, pursuant to Belle Isle SEC. 42-64 AND 50-102 (B) (7), TO APPROVE A FENCE NOT TO EXCEED SIX FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.

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

Chairman Conduff said there is a 15-day period before construction to allow for any appeals to the Council.

5. Other Business

Artificial Turf

Vice Chairman Woods said he reviewed the draft ordinance and provided a handout with added changes. He further researched other cities but was unsuccessful; many municipalities installed artificial turf without a code. For athletics, the injury rate is higher on artificial turf; it is a recycled petroleum product, and its recyclable concept is a concern. Further, it is impervious, increasing runoff if not installed correctly.

He noted that the City should do its best to minimize the adverse impact on others. On that bases, he drafted a proposed code section using the draft ordinances provided by staff as a guide. He is not in favor of having a landscape architect install the material, and the resident should have a choice on whether they want to install an impervious or pervious product.

City Planner Lozano said she had received approximately five inquiries on installing artificial turf in the past six months. The City had approved two installations before the moratorium was in place. There have been issues where residents have shared complaints about installation on residential properties or material washing up on the lake. The staff received about 100 participants in the public survey, and many were at the extremes for or against it. The comments did share environmental concerns. Ms. Lozano shared a timeline of the presentation of Artificial Turf to the staff, Board, and City Council.

Chairman Conduff opened for public comment.

Gary Meloon residing on Matchett Road shared his concerns with the artificial turf and spoke of medical studies and cancer concerns. He asked that the Board research the product before approving its use.

Holly Bobrowski shared her concerns on the runoff issues and asked the Board to thoroughly research the product before deciding.

Attorney Langley asked if the consensus of the Board was to have the staff draft an ordinance based n the discussion and bring it forward to the Board for further review and recommendation to City Council. The Board agreed to have the staff draft an ordinance for consideration at the next meeting.

Fence(s)

Vice Chairman Woods said a front yard fence is not that unusual. He believes an overlay district should be established on Hoffner Drive due to the high, noisy traffic and Seminole, Daetwyler Avenue,

Mr. Woods also spoke of a sub-overlay district on Lake Conway Estates. In 2002 they established a community wall on most of the properties. Due to the property's configuration, they could not continue; however, there is little enthusiasm or public funds. There are currently a few residents who want to move forward, and he is proposing a 5ft and up to 10ft easement established in Ord 98-4 and 99-1. There are homes that front Hoffner, and he sometimes proposes a wall and 3-4 ft fence. The idea is that there are a set of specifications for installation, repair, and upkeep that help everyone.

Chairman Conduff opened for public comment.

Jason Hunter residing at 5130 St. Michael Avenue, said the proposed overlay is ideal because of the potential traffic and businesses upcoming on Hoffner Avenue. Allowing the adjacent homes to build their wall would be perfect for those families. He would like the City to consider the ordinance change.

Dave Sharrad, HOA Treasurer, spoke in favor of the fence overlay.

The consensus of the Board was to have the staff draft an ordinance based on the discussion and bring it forward to the Board for further review and recommendation to City Council.

6. Adjournment

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