



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, July 26, 2022, * 6:30 PM

MINUTES

Planning and Zoning Board Members

District 5 member – Rainey Lane-Conduff, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – Michael Statham

District 4 member – Vinton Squires | District 6 member – Andrew Thompson

District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met on July 26, 2022, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Lane -Conduff

Board member Statham

Board member Squires

Board member Shenefelt

Board member Hobbs

Absent was:

Board member Woods

Board member Thompson

Also present were City Manager Bob Francis, Attorney Dan Langley, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

1. Call to Order and Confirmation of Quorum

Chairman Lane-Conduff opened the meeting at 6:30 pm. The City Clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Board member Hobbs, District 7

Board Member Hobbs gave the invocation and led the pledge to the flag.

Chairman Lane-Conduff moved to approve the absence of Board members Woods, Dr. Hobbs, and Thompson.

Board member Statham moved to excuse the absence.

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

3. Approval of Minutes

a. Approval of the June 26, 2022, meeting minutes

Board member Statham moved to approve the minutes as presented.

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

4. Public Hearings

a. PUBLIC HEARING 2022-06-029: PURSUANT TO BELLE ISLE CODE SEC. 42-64 and SEC. 48-32 (A) (1), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO HAVE A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

Board member Squires read Public Hearing 2022-06-029 by title.

Raquel Lozano, City Planner, gave an overview of the request and said the applicant seeks a variance from the Code regarding the minimum side setback requirement for boat docks on the property line. The proposed building plan would be within five feet of the neighboring dock. The dock at 5834 Cove Drive has a grandfathered, nonconforming dock already located within the five-foot setback of the property line. The applicant has provided documentation of the proposed boat dock building design. In the Narrative Letter, the applicant states they would meet all other Code considerations listed under the Design Criteria of Docks.

Considering the variance request criteria, the Staff does not recommend approval for the requested variance. The applicant does not satisfy the hardship test required for variance requests. If the Board does accept the variance request, I recommend that a minimum setback distance should be identified and implemented for safety considerations with the design of this structure. Another condition for this request should ensure the applicant has no open environmental complaints with the Orange County Environmental Protection Division. Any use of heavy equipment needs approval from Orange County EPD, and notice must be provided to Belle Isle City Hall.

Attorney Brendan Sweeney, representing the applicant Jeffrey Giles, said he had appeared in a prior hearing on the non-conforming dock. He advised his client that the boat dock should be removed and is seeking a variance for installing a new dock consistent with the adjacent homeowner. He stated concern about swimming within five feet of the shoreline. The Board asked if the pylons were removed, and Chairman Lane noted that the pylons were still there during her visit before this hearing.

The Board asked if the applicant had submitted supplemental renderings of a conforming boat dock. Attorney Sweeney said no, the applicant has not. However, he stated that the new plans are similar to what was there. The Board stated if possible, they would like to see the applicant show a reasonable effort that complies with the Land Development Code.

City Planner Lozano stated that the neighboring dock also has a 5-foot setback, which is grandfathered-in; however, if that homeowner decides to make any changes that affect the pylons or the dock's roof, he must conform to the current Code.

To clarify the current project, City Manager Francis said the packet shows a picture of the old dock, which the applicant removed without a permit. The applicant then built a new dock, which was enlarged and installed without a permit, and added electrical and plumbing. The City required that it be removed due to non-compliance and working without a permit from the City and Environmental Protection Department. The 5-foot setback is a minimum, and the applicant can accommodate the new plans to conform to the current Code. The applicant is looking for approval of a zero variance setback regardless of a small size dock.

Chairman Lane-Conduff opened for public comment.

Lorraine Williams, the homeowner, and Dale Robinson's daughter residing at 5834 Cove Drive said those two boat houses were always close despite the historical fact. It was still not touching, but it benefited both property owners. She is opposed to the variance for several reasons.

- Mr. Giles expanded the dock without a permit, made egregious incursions on her property, and had the boat docks touch each other.
- Mr. Giles never spoke to her or her father about the buildout and that the docks now are touching.
- It doesn't show any personal responsibility, trust, or integrity
- Minor damage was done to their existing boat dock without a remedy or communication
- This has created legal issues for current and future owners regarding access to, repair, and maintenance of either boat dock.

There is a history of unpermitted work, and Mr. Giles has a track record of invasion. He has not been a good steward of the environment and requests that the variance be denied.

After discussion, Board member Statham moved Sec. 42-64, the justifying criteria of the Belle Isle Land Development Code, and SEC. SEC. 48-32 (A) (1), having not been met, to deny a private boat dock permitted within the five-foot side setback of the neighboring dock submitted by applicant Brendan Sweeney located at 5842 Cove Drive, Belle Isle, FL 32812, also known as Parcel # 20-23-30-1660-00-090. Board member Shenefelt seconded the motion, which passed unanimously 4:0.

- b. PUBLIC HEARING 2022-06-030: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

Attorney Langley read Public Hearing 2022-06-030 by title.

City Planner Raquel Lozano said the applicant seeks a variance from Sec. 50-102 (B) (5) (A) to install a front yard fence with two concrete columns at 6.8 feet in height. The applicant has cited concerns for safety and privacy in their Narrative Letter as they are located adjacent to a public park. The proposed fence installation meets the standard height requirement per City Code, except for the two columns supporting the entrance gate. This request does not conflict with the characteristics of the neighborhood and upholds an established pattern by surrounding properties to have a front yard fence. The applicant would maintain conformance with the community aesthetic with the front yard fence installation. The Board, in granting an application for the variance, may consider as justifying the criteria the following:

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction material of already existing abutting walls or fences; and
3. Conditions existing upon or occupational use of adjacent property create the applicant's security need.

Based on the applicant's identification that privacy and security are primary considerations for installing the front yard fence, coupled with the existing abutting fence along the side of the property, Staff recommends approval of the requested variance.

Chairman Lane-Conduff opened for public comment.

Kenneth Grainger, the homeowner of 7208 Seminole Drive, said their request is for their family's and home's safety. They are the only home on Seminole without a fence, and this has caused privacy concerns. He doesn't see the neighbors having any challenges concerning the requested height. The 6.8-foot columns will be concrete with stone matching the home, 5-foot aluminum around the column, and an approximate 6-foot gate consistent with the other houses.

After discussion, Board member Vinton Squires moved pursuant to Belle Isle Sec. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5) (A), having been met to approve a front yard fence installation of 5 feet in height with columns of 6.8 feet in height, submitted by applicant Kenneth Granger, located at 7208 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-04-040.

Ms. Lozano said the applicant should wait for 15 days before any construction to allow for any appeals.

- c. PUBLIC HEARING 2022-07-031: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.

Attorney Langley read Public Hearing 2022-07-031 by title.

City Planner Raquel Lozano said given the property's extensive work in remodeling and adding to the original building plan, the variance request satisfies the criteria as a special condition. The property initially had the drain field area and septic tank located in the rear but was relocated years ago to the front yard to meet building plans for an addition in the backyard. The unique circumstance of this variance request is self-created, as the property owner approved the relocated drain field and septic tank in recent years. The applicant has examined other options but faced hurdles to keeping the drain field and septic tank in the backyard, especially for maintaining the new cottage structure in the back and expanding the ongoing home renovations at the original site. The proposed low wall separates the designated driveway area from the relocated drain field and septic tank on site. This variance request primarily aims to protect the drain field and septic tank from vehicles.

Staff recommends approving the requested variance. The applicant proposed that the retaining wall be 16 to 24 inches tall. The Board may set the maximum height allowed to satisfy the applicant's request to contain the drain field area. By establishing a height requirement, the Board can ensure the front wall barrier does not exceed its intended use, nor would it drastically alter or deviate from the overall character of the neighborhood.

Chairman Lane-Conduff opened for public comment.

The homeowner, Mark Jones, spoke on behalf of his provided variance and said he is trying to keep a functional design and use the same home aesthetics. Pedro Rodriguez from Urban Perch clarified that the retaining wall is 24" and slopping down to 8" inches to allow for the raised dirt to the driveway.

After discussion, Board member Shenefelt moved Sec. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5) (A), having been met to approve a front yard fence installation of 24 inches in height, submitted by applicant Urban Perch, located at 2520 Homewood Drive, Belle Isle, FL 32809, also known as Parcel #19-23-30-5888-06-122.

Ms. Lozano said the applicant should wait for 15 days before any construction to allow for any appeals.

5. Other Business – n/a

6. Adjournment

There was no further business, so the meeting was unanimously adjourned at 7:20 pm.