



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Wednesday, December 11, 2024 * 6:30 PM

MINUTES

The Belle Isle Planning & Zoning Board met on December 11, 2024, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Thompson
Board member Squires
Board member Hobbs
Board member Conduff

Absent was:

District 1 - OPEN
District 2 - OPEN
Board Member Holihan

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

Board member Thompson moved to approve the minutes as presented.

Board member Conduff seconded the motion, which passed unanimously.

City Manager Rudometkin asked for consideration in rearranging the agenda items and moving agenda item 5a before public hearings. City Manager Rudometkin read the proposed Ordinance by title and stated that the staff is looking for a recommendation to the Council for approval.

Ordinance Recommendation to Council - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT RELATING TO THE WATER SUPPLY FACILITIES WORK PLAN, PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Rudometkin read the Ordinance by title.

Alexis Crespo, City's Consultant with RVi Planning & Landscape Architecture, said as part of the state review process and in coordination with St. John's River Management District, the 2025-2034 Water Supply Plan is a required amendment to the Comprehensive Plan to bring the City's submittal into compliance. The Water Plan is straightforward in terms of its contents, as the City does not provide potable water to its residents and relies on Orange County and Orlando Utilities to provide this service. Ms. Crespo briefly introduced Task 8 to the required standards, map, service standards, and framework for the submittal. Staff requests a recommendation by the P&Z Board for Council approval to transmit the 2025-2034 Water Supply Plan.

After a brief discussion and clarification of the report, Board member Thompson recommended approving the City of Belle Isle Infrastructure Element Water Supply Facilities Work Plan 2025-2034 as presented to the State.

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

4. Public Hearings

- a. P&Z Case Number 2024-09-008: Continuance-PURSUANT TO SECTION 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30133 (E) (3), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.

City Manager Rudometkin read Public Hearing 2024-09-008 by title.

Vice Chairman Squires opened for the Staff Report.

City Planner Raquel Lozano summarized the continuance of the October 22, 2024, Public Hearing. She stated that the Board approved a continuance to allow the applicant to provide any letters of consent from the abutting property owners within 50 feet of the proposed fence site, written letter(s) of consent from the local utility companies allowing the applicant to build on the existing five-foot utility easement, and a written acknowledgment from the property owners regarding the use of the utility easement for their consideration.

Ms. Lozano said she had not received the required documents to date. The homeowner is not present today; however, the contractor is present to provide the documentation and speak on her behalf.

The applicant requests to encroach within three feet of the side lot line in the front yard, extend the driveway in the side yard with no setbacks to the side lot line, and create the front edge of the prepared surface within five of the front property line. The site plan notes that the property maintains a five-foot utility easement along the side and rear lot lines, typical for residential properties.

Staff recommends that the Board deny the requested variance to expand the driveway within three feet of the side lot line in the front yard and not allow the front edge of the surface to be less than five feet from the front property line. Utility easements are dedicated to other entities in perpetuity unless the easement is abandoned or consent is granted to utilize the area. Should the Board approve the requested variance for the driveway, staff recommends that a condition of approval be placed on the request to ensure that the applicant receives written consent from the utility company to allow pavers within the five-foot utility easement.

As for the request of the 8 ft fence on the northernly side yard, per Sections 42-64 and 50-102(B)(16), staff recommends that the Board approve the requested variance to construct a fence eight feet in height as the proposal is the minimal possible variance from the City Code and demonstrates existing conditions for privacy needs.

Board member Thompson asked if the documents are required before submitting a recommendation for approval. Ms. Lozano said the documents could have been a condition of approval; however, for the fence, the applicant will need the consent of all surrounding neighbors 50 feet from the property. There was hearsay that the applicant could receive some of the consents. The documents should be produced those documents for approval.

Vice Chair Squires called for the applicant to present.

The Contractor, Mr. Herbert Bettencourt, representing Claudia Mustafa, provided two of the three documents from the surrounding neighbors. He stated that the west side neighbor would consent if they placed their eight-foot fence behind them. The neighbor to the north has been challenging, and they have

not been able to speak with them. He presented a letter from Duke Energy vacating the five-foot utility easement to allow them to add the pavers behind the fence. The City Clerk stated that the City had received a letter from a neighbor behind the applicant's home, Candance Brooks, in objection to the request to change or add to the rear adjoining fence line and had no objection to the northern side of the property.

Mr. Bettencourt stated that the fence is because they have a clear, straight view into the home to the back of their property and would like some privacy.

City Planner Lozano said the legal ad advertised installing an 8-foot fence on the northern side of the property only. Ms. Lozano said if the opposing neighbor has changed their mind, the City will need it in writing. In response to the driveway, they want to extend it completely into the side yard to connect to the utility easement with a three-foot encroachment from the 5-foot utility easement requirement. Ms. Lozano read Sections 30-133(D)(3) and 30-133(E)(3) Prepared Parking Spaces Criteria for the record.

Board member Thompson clarified the following.

The applicant has provided the neighboring consent letters for the 8-foot northern fence. Ms. Lozano said she would need to review the letters submitted. The neighbor to the north has not submitted a letter of consent, but the homeowner to the south has. The two owners to the west—one is opposed, and the other has given consent. Board member Thompson said the question before the board is whether or not letters of consent should be required for all surrounding neighbors. He suggested postponing approval of the fence until staff can review the submitted documents.

After discussion, Board Member Conduff moved, PURSUANT TO BELLE ISLE CODE 42-64 AND 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3) TO APPROVE A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.

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

Ms. Lozano stated that staff will communicate the findings of the submitted documents. The Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

- b. P&Z Case Number 2024-10-015: PURSUANT TO SECTION 50-102 (A) (4) (C) AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AN ACCESSORY BUILDING WITHIN SIX FEET OF AN EXISTING SCREEN ENCLOSURE ON THE SAME LOT, CONTRARY TO THE CITY'S LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT TRACEY BRYSON, C/O RVD GENERAL CONTRACTORS, LOCATED AT 3945 ISLE VISTA DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-950.

City Manager Rudometkin read Public Hearing 2024-10-015 by title.

Raquel Lozano, City Planner, presented Case Number 2024-10-015. Ms. Lozano said this applicant is seeking a building permit to construct a roofed pergola underneath an existing screen enclosure. Under section 50-102 (A) (4) (C), accessory buildings must be located at least six feet from all other accessory buildings, nonpermanent carports, garages, or screen enclosures on the same lot.

The staff finds that the lot's configuration does not create special conditions or circumstances to allow the requested variance (1) The rear yard provides ample space for a pergola six feet from the existing screen enclosure. (2) The request to build an accessory structure is self-created, as the applicant seeks to construct the proposed structure for shade. A personal hardship is not grounds for a variance. (3) The requested variance seeks the maximum possible deviation from the land development code as the applicant seeks to construct an accessory building with no setback from the existing screen enclosure, and (4) The variance requests to allow a roofed pergola underneath the existing screen enclosure do not meet the purpose and intent of the land development code.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board deny the requested variance to allow an accessory building within the designated six-foot setback from the screen enclosure. Should the Board approve the requested variance, staff recommends that the applicant obtain approval from their local homeowner's association's architectural review board before issuing a building permit.

The applicant, Eric Meyers, residing at 3444 Parkway Centre Court Orlando, FL, said the main reason for the location is the access in and out of the house, which is attached to the house. The back of the pergola is a partially permanent screened wall. He provided photos of the porch area and has included a document of approval from the HOA to the City Planner for the file.

Vice Chairman Squires opened for public comment. There being none, he closed public comment.

After further discussion, Vice Chairman Squires moved PURSUANT TO BELLE ISLE CODE 50-102 (A) (4) (C) AND 42-64 TO APPROVE AN ACCESSORY BUILDING WITHIN SIX FEET OF AN EXISTING SCREEN ENCLOSURE ON THE SAME LOT, CONTRARY TO THE CITY'S LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT TRACEY BRYSON, C/O RVD GENERAL CONTRACTORS, LOCATED AT 3945 ISLE VISTA DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-300668-00-950. Board member Conduff seconded the motion, which passed unanimously 4:0.

Ms. Lozano stated that the Public has 15 days to appeal the Board's decision. If no appeal is received, the permit issued will be in full effect.

- c. P&Z Case Number 2024-11-009: PURSUANT TO SECTIONS 48-32 (A) (3), AND 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BOAT DOCK DESIGN TO EXCEED THE ALLOWABLE MAXIMUM TERMINAL PLATFORM SIZE BY AN ADDITIONAL 43.5 SQUARE FEET, SUBMITTED BY APPLICANT GEORGE AND DEBRA KENNEDY FAMILY TRUST, C/O ALEX DINGER WITH SUMMERTIME DECK AND DOCK, LOCATED AT 2801 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #18-23-30-4388-03-970.

City Manager Rudometkin read Public Hearing 2024-11-009 by title.

Raquel Lozano, City Planner, presented the evaluation based on the dock variance criteria for the application. Staff finds, (1) Per Sec. 48-33 (b) (5), this criterion is not applicable to consideration of a dock variance; (2) the request for a variance is a self-created situation. The application seeks to exceed the allowable terminal platform size, contingent upon the property's linear shoreline frontage by 43.5 square feet. The request is based on a personal preference to accommodate two boat slips instead of one as it currently exists; (3) the requested variance does not satisfy the minimum possible variance to make reasonable use of the structure, as the proposed terminal platform expansion seeks to accommodate an additional watercraft vehicle; and (4) the requested variance is not in harmony with the general purpose and intent of the land development code and seeks to accommodate an extra watercraft vehicle within a cove area. The proposed dock design is not consistent with the other neighboring dock configurations. Based on these review criteria, the staff recommends denial of the requested variance application.

Vice Chairman opened for the applicant's testimony.

Daniel Kennedy, who resides at 2801 Hoffner Road, Orlando, FL, said the dock is in bad shape. He is not looking for an additional deck or platform but to accommodate the two vessels out to the dock, which will be centered on the property. He noted that he tried to contact both surrounding neighbors. Both homes are on the market and not lived in at the moment.

Board member Conduff said the proposed variance was to create one walkway (19 feet) to accommodate both boats. The pie-shaped lot creates a unique situation.

Vice Chairman called for public comment.

Alex Dinger, the homeowner's contractor, said that one of the existing slips has a minimal environmental effect on the lake bottom. He will primarily use the slips to store his boats instead of having them on his property.

Richard Warren, residing at 5106 Leeward Way, Edgewood, FL, said his profession is permitting and design. He asks what code allows variances to be approved. In this particular case, an FDEP report is required and obtained. Ms. Lozano read Section 38-32(A)(3) allowable terminal platform for the record.

Tina Demosney, a Conway Chain of Lakes resident, said a conflicted site plan shows a roof overhang that has been included in the terminal platform calculations. Mr. Dinger said a self-certification has been provided, and there is no roof overhang, which has been discussed with staff. Ms. Lozano, the City Planner, confirmed that there was no roof overhang, which will be clarified and corrected in the building plans for official permitting. Discussion ensued on the property site plan and square footage with the proposed minimal footprint.

There being no further discussion, Board Member Thompson moved PURSUANT TO BELLE ISLE CODE 48-32 (A) (3), AND 48-33, TO APPROVE A BOAT DOCK DESIGN TO EXCEED THE ALLOWABLE MAXIMUM TERMINAL PLATFORM SIZE BY AN ADDITIONAL 43.5 SQUARE FEET, SUBMITTED BY APPLICANT GEORGE AND DEBRA KENNEDY FAMILY TRUST, C/O ALEX DINGER WITH SUMMERTIME DECK AND DOCK, LOCATED AT 2801 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #18-23-30-4388-03-970 with the condition that the building plans be provided with correction with the drafting area that there will be no roof overhang to the existing structure.

Board member Conduff seconded the motion for discussion.

5. Other Business

- a. Ordinance Recommendation to Council - The Ordinance recommendation to the Council was moved to the front of the agenda.
- b. Discussion and Review of the Overlay District (i.e., McCoy Road)
City Planner Lozano gave a brief overview of the city staff's recommendations that the Board define the purpose of the district, identify the properties that the district will contain, and develop rules that will apply to the district. The board consensus is to schedule a discussion of an overlay district for the January 2025 session.
- c. Discussion of Boat Dock Ordinance
City Planner Lozano gave a brief overview of the City's current boat dock zoning requirements, the applicable design standards from the Florida Department of Environmental Protection (FDEP), and a comparison of other local municipalities' zoning regulations for boat dock construction. City staff recommends code changes regarding the application requirements and permitting procedures for reviewing and approving boat dock

building permits to address recent citizen concerns, FDEP suggestions and rules, allowing public notice before issuing permit approval, and practices for council involvement on boat dock permit submittals.

Richard Warren, Edgewood City Council President, said the focus in revising the ordinances for both the City of Edgewood and Orange County was on streamlining the process where possible. He recommended that staff and the Board consider adopting a new code that closely mirrors the codes of Orange County and the City of Edgewood and that it would benefit surrounding cities on Lake Conway within a similar code criterion. Mr. Warren handed out a brief summary of specific code recommendations.

Tina Demosney volunteered her professional service to review any future code changes.

6. Adjournment

There being no further discussion, Vice Chairman Squires moved to adjourn, unanimously approved at 8:20 pm.