



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, October 24, 2023, * 6:30 p.m.

MINUTES

The Belle Isle Planning & Zoning Board met on October 24, 2023, at 6:47 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Woods
Board member Shenefelt
Board Member Holihan
Board member Hobbs

Absent was:

Board member Thompson
Board member Conduff
Board member Squires

Also present were Interim City Manager Travis Grimm, Attorney Hilary Griffith, Attorney Dan Langley, City Planner Raquel Lozano, and Clerk Heidi Peacock.

1. Call to Order and Confirmation of Quorum

Chairman Conduff opened the meeting at 6:30 p.m. and 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.

3. Approval of Minutes

a. Approval of P&Z Meeting Minutes – September 26, 2023

Board member Hobbs moved to approve the September 26, 2023, minutes.

Board member Shenefelt seconded the motion, which passed unanimously.

4. Public Hearings

a. PUBLIC HEARING #2023-09-026 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 54-132 (D), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

Vice Chairman Woods read Public Hearing 2023-09-026 by title.

Applicant Alan Leow spoke briefly on his request and provided a summary and additional handout for the Board in response to his request for an extra 2 feet of roof overhang.

Vice Chairman Woods opened for public comment. There being none, he closed public comment and opened for Council discussion.

After a brief discussion, Board member Holihan moved, pursuant to Belle Isle Code Section 42-64 and 54-132 (D), to approve the request of roof projections for a new single-family residence within the required yards by forty-eight inches submitted by applicants Alans and Cathy Leow, located at 2802 Alsace Court, Belle Isle, FL 32812 also known as orange County Tax Parcel ID #18-23-30-4385-04-241.

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

- b. PUBLIC HEARING #2023-08-018 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

Vice Chairman Woods read Public Hearing 2023-08-018 by title.

The applicant, Johnny Nelson, briefly explained his variance and noted that the neighbors agreed that if their fence is removed, he will be required to reinstall his fence smooth side out.

Vice Chairman Woods opened for public comment.

- Harry Shane, residing at 1615 Wind Harbor Road, said he opposed approving the request because he did not get a variance approval before completing the installation.

There being no further comment, Vice-Chairman Woods closed public comments.

City Planner Lozano said the fence installation along each side lot line was built with the smooth side facing into the property and the rough side (including the supporting structures) facing the neighboring properties. Section 50-102 (b) (8) states: A structural fence or wall shall be erected so that the fence and all supporting structures are entirely on the owner's property. Fence posts, all other supporting structures, and the rough side of the fence, if any, shall face the owner's property, except when said fence separates a residential lot from a business or industrial one. Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board not approve the requested variance.

Board member Holihan moved, pursuant to Belle Isle Code Section 42-64 and 50-102 (B) (8), to approve fence posts and supporting structures, as well as the rough side of the fence to face two neighboring properties, submitted by applicant Johnny Nelson, located at 1610 Wind Willow Road, Belle Isle, FL 32809 also known as Orange County Tax Parcel ID #30-23-30-9330-00-010 with the condition if at any time the other fences be removed, destroyed or altered the applicant will have to reinstall his fence smooth side out.

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

- c. PUBLIC HEARING #2023-08-023 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (7) AND 50-102 (D) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DECK SETBACK OF SEVENTEEN FEET FROM THE CONTOUR LINE OF LAKE CONWAY AND A VARIANCE TO ALLOW A SWIMMING POOL SETBACK OF TWENTY FEET FROM THE NORMAL HIGH-WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANTS ELIO AND ANNETTE M FLORIN, LOCATED AT 1432 BELLE VISTA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #24-23-29-5306-01-120.

Vice Chairman Woods read Public Hearing 2023-08-023 by title.

The applicant, Elio Florin, summarized his variance request and noted that he received letters of support from each abutting neighbor.

Vice Chairman Woods opened for public comment. There being none, he closed public comment and opened for Council discussion.

City Planner Lozano said the request is to encroach within 13 feet of the 30-foot deck setback and 15 feet of the 35-foot swimming pool setback to the normal-high water elevation would not be harmful to the

neighborhood and would not be detrimental to the public welfare. Based on the variance criteria under section 42-64 (d-g), the Staff recommends that the Board approve the requested variance to allow a 17-foot setback from the pool deck to the normal high-water elevation and a 20-foot setback from the swimming pool edge to the normal high-water elevation.

Board member Holihan moved, pursuant to Belle Isle Code Section 42-64 and 50-102 (A) (7) and 50-102 (D) (1), to approve a deck setback of seventeen feet from the contour line of Lake Conway and a variance to allow a swimming pool setback of twenty feet from the normal high-water elevation of Lake Conway, submitted by applicants Elio and Annette M Florin, located at 1432 Belle Vista Drive, Belle Isle, FL 32809 also known as Orange County Tax Parcel ID #24-23-29-5306-01-120.

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

Vice Chairman Woods said there is a 15-day appeal process. After that date, the applicant can start construction.

5. Other Business

a. Continued Discussion and Recommendation on Live Local Act

Vice Chairman Woods provided additional information for Board consideration.

City Planner Lozano said she has reached out to other cities and found they are in the research stage. She asked the City Attorney for clarification on the definition of mixed-use. She noted that our Code references only one zoning use, and building is allowed per property. If a municipality has less than 20% of the land dedicated to commercial and industrial use, the affordable housing project must be approved as a mixed-use residential development.

Attorney Langley said the provision of 1% addresses situations where the City has such low commercial zoned areas that the mixed-use requirement allows the legislature to allow some commercial and professional use along with multi-family for long-term planning. The statute does not legally require us to create new zoning categories to accommodate mixed-use. We must accommodate mixed-use projects through the administrative approval process if they meet the requirements of the letter of the Code. We may want to define classification terms in the Code for height and set parameters for what is required to verify affordable housing units and long-term deed restrictions. He noted, for example, that some ordinances state that Planning Development is not by right a mixed-use category. Discussion ensued.

Board member Holihan said he had contacted a representative from RVi Planning and asked them to provide a summary of their findings with the Live Local Act and provide it to Staff and the Board for discussion.

City Planner Lozano asked the Board if they would like to recommend that Staff make changes to the Code to define terms on residential density, height, and mixed-use criteria to be adopted in the Code.

Vice Chairman Woods said if the Board is going to move forward with defining the Code, we may want to consider language clarifying what consists of affordable housing bedrooms and develop a document to prevent the probability of fraud. Discussion ensued.

6. Adjournment

There being no further business, the meeting unanimously adjourned at 8:00 p.m.