



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

**Tuesday, February 28, 2023, * 6:30 pm
MINUTES**

Planning and Zoning Board Members

District 5 member – Rainey Conduff, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – OPEN

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

District 7 member – Dr. Leonard Hobbs

The Belle Isle, Planning & Zoning Board met on February 28, 2023, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Woods

Board member Shenefelt

Board member Squires

Board member Hobbs

Board member Thompson

Absent was:

Board member Conduff

District 3 - OPEN

Also present were City Manager Bob Francis, Attorney Chumley, and City Planner Raquel Lozano.

1. Call to Order and Confirmation of Quorum

Chairman Woods opened the meeting at 6:30 pm and confirmed the quorum.

2. Invocation and Pledge to Flag – Board member Woods, District 1

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

3. Approval of Minutes

a. Approval of January 24, 2023, meeting minutes

Board member Squires moved to approve the minutes as presented.

Board member Hobbs seconded the motion, which passed unanimously 5:0.

3. Public Hearings

- Permit #2023-02-008 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (5) (A) AND SEC. 50-102 (A) (5) (F), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23- 29-5884-18-220.

Board member Woods read Public Hearing Case 2022-02-008 by Title.

The applicant, Rob Kershner, the homeowner of 5428 Parkway Drive, said he is looking to construct a hobby shop garage and invited Kyle Shepherd, Contractor, to provide an overview of the project.

Kyle Shepherd said the new garage caters to automotive hobbyist owners who wish to have a workshop on their property. The area of the structure is designed to be no deeper than the width of the current home to the north side of the house for natural sunlight. The front door is split into two doors for curb appeal. Placement and use of the two-car garage and porch would not impact adjacent properties more than expected for a total of 744sf garage and 377sf porch.

Board member Woods asked for clarification and discussion on Subsection E; personal hardship is not grounds for a variance. Board member Woods said this project is the homeowner's choice, not a hardship. Mr. Shepherd said yes, it would help the homeowner with having his hobby cars onsite only.

Vice Chairman Woods said if the garage were connected to the home, there would not be a need for the variance at all, and he wondered if the applicant considered that. Mr. Shepherd said it would eliminate the natural light and butt up against a bedroom without direct access to the home. To accomplish the buildout, they are anticipating removing an Oak tree. Mr. Kershner said he would remove the tree and add trees and landscaping to help with the streetside appearance.

Board member Thompson asked about the purpose of having the second story. Mr. Kershner said it is mainly for height and noted that the roof height is taller than the house. There can be a possibility in the future to connect the structure to the home for easier access.

Raquel Lozano, City Planner, said the applicant seeks the variance due to the encroachment of the rear setback and size. The detached structure is 1,125.2 square feet overall, with the porch dimensions included. If the porch is removed, it will be 744 sq ft less. Staff provides a recommendation not to approve the requested variance. The Board may grant an alternative square footage allowance to satisfy the applicant's request or advise the applicant to meet the maximum size and setback requirements per Sec. 50-102 (1) (5) (a) and Sec. 50-102 (1) (5) (f). If the Board approves the requested variance, Staff recommends that the homeowners obtain an updated property survey. The survey provided with their application is dated July 7, 1965. Staff also request that a condition be placed on the detached structure to only serve as a garage space, and the space cannot be converted into an accessory building upon variance approval. As required by code sec. 50-74, onsite retention must be created for residential properties with an impervious surface ratio greater than 35 percent.

Vice Chair Woods called for public comment.

- Vice Chairman Woods read a comment for the record from LJ Mauerman, residing at 7315 Lake Drive Belle Isle, 32809, in opposition to the variance.

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

Vice Chairman Woods said the application does not meet the required criteria: Sections E, F, and G. The Board has limited ability to approve a variance. The applicant can appeal the decision to the City Council within 15 days if the variance is denied. The Board discussed considerations that may authorize the request to meet Code 1-if the porch is removed or 2-smaller square footage.

After discussion, Board member Shenefelt moved pursuant to Belle Isle Code Sec. 50-102 (A) (5) (A), Sec. 50-102 (A) (5) (F), and Sec. 42-64, the justifying criteria of the Belle Isle Land Development Code Section F, having not been met TO DENY A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-18-220.

Board member Hobbs seconded the motion, which passed unanimously 5:0.

- Site Plan Review: Permit #2023-02-016 - PURSUANT TO BELLE ISLE CODE SEC. 54-82 (F) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN REVIEW TO CONSTRUCT A NEW ADDITIONAL BUILDING, DEMOLISH, REBUILD, AND EXPAND AN EXISTING BUILDING, RENOVATE AN EXISTING BUILDING, CONSTRUCT AN OPEN CANOPY, AND CREATE ADDITIONAL PARKING, SUBMITTED BY PAUL KUCK, CHIEF OPERATING OFFICER OF REGAL MARINE INDUSTRIES LOCATED AT 2300 JETPORT DRIVE AND JETPORT DRIVE ALSO KNOWN AS 31-23-30-0000-00-004, 31-23-30-0000-00-011, 31-23-30-0000-00-012, 31-23-30-0000-00-027, AND 31-23-30-0000-00-029.

Vice Chairman Woods opened the workshop for Site Plan Review #2023-02-016.

After speaking with the City Attorney, City Manager Francis stated that the Public Hearing for Regal Boats was canceled since the applicant must file a special exception for the expansion to include all the project parcels. He

requested to continue as a workshop to answer questions on the proposed plans and reschedule the hearing to a date certain for approval.

Gary Davis, Contractor for Regal Marines, and Paul Kuck, Chief Operating Officer, presented the project for discussion. Mr. Davis said the property is zoned Industrial and immediately adjacent to the north Jetport Drive and SR528, a State-owned Railroad facility; to the east is the City of Orlando Industrial Park, and to the west is the FDOT Retention Pond. Per the Code, they request a 10ft side property line, 40.3 maximum building height, and an impervious surface ratio of 83, which all fall under the Code's requirements. However, Boat Manufacturing is a special exception and requires that all parcels are designated as such.

Vice Chairman Woods said the retention pond is smaller, increasing the impervious area. He knows St Johns has provided a report and reviewed the location. Mr. Kuck noted an existing pond and added a new one to the east/west. There are currently five septic tanks and drainage fields on various parts of the property that will be redirected to a lift station in the City of Orlando. They have stormwater and sewer permits on file and have answered review questions from Universal Engineering and Harris Engineering.

Vice Chairman Woods asked about the east side parking closer to the property line. Mr. Kuck said the parking is increased to be "person-friendly" in relation to the facility. There are a series of trees in the area they are working around.

As a housekeeping note, Vice Chairman Woods said some documents addressing comments had many misspellings and requested careful checks before submitting the final.

Regal shared their concern with the planning expansion to include a new facility damaged due to a fire. He is requesting consideration to approve construction before approval of the site plan to allow Regal to continue service to their clients. Can they start the building review before approving the site plan and start permits with St. Johns Water Management? Vice Chairman Woods said the request is beyond the Board's review and should be discussed with the City Attorney and City Manager. Staff noted they would re-advertise the Special Exception and Site Plan review for the next Planning & Zoning meeting.

4. Other Business - na

5. Adjournment

There was no further business, so the meeting was unanimously adjourned at 7:40 pm.