



**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**July 23, 2019 – 6:30 pm**

Dan Langley City Attorney	David Woods Vice-Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan Chairman District 4	Rainey Lane District 5	Open District 6	Leonard Hobbs District 7
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On Tuesday, July 23, 2019, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers.

Present was Chairman Holihan, Vice Chairman Woods, Board member Lane, Board member Shenefelt and Board member Hobbs. Also present was Attorney Geller, City Manager Francis, City Planner April Fisher and City Clerk Yolanda Quiceno.

Absent was Board Member Jarvis and open District 6 seat.

1. Call to Order

Chairman Holihan called the meeting to order at 6:30 pm and opened with the Pledge of Allegiance.

2. Approval of June 25, 2019 minutes

Attorney Geller requested a correction to the minutes to reflect that the City Attorney was present.

**Board member Lane motioned to approve the minutes of June 25, 2019, as corrected.**

**Vice-Chairman Woods seconded the motion which passed unanimously 5:0.**

April Fisher, City Planner requested Item #5: Discussion on Land Development Code Changes be tabled to the next meeting to allow staff to gather additional information.

**Council consensus was to table Item #5 to the next scheduled Planning & Zoning meeting.**

Chairman Holihan requested that the email request sent by Emily Wakley regarding Item #5 be added for the record.

3. Public Hearing Case #2019-07-002 – Pursuant to Belle Isle Code Sec. 42-63 AND SEC. 54-75 (c) (5) the Board shall consider and take action on a requested special exception to allow conversion of a previously permitted storage shed to become what the land development code defines as a guest cottage on a single-family residential property with a primary detached single-family dwelling, submitted by applicant josh brown, located at 2705 Nela Avenue, Belle Isle, FL 32809 also known as Parcel # 19-23-30-5888-03-060.

April Fisher, City Planner, gave a brief overview of the variance requesting a special exemption on permitted storage shed to a guest cottage. There is a provision in the code to allow a guest cottage, however, will need to be approved by the Board. The code does not define a structure with bathroom facilities or a/c outside the primary residence, because it can be construed an accessory dwelling unit. The shed was approved in 2014 and based on limited records; it is difficult to determine if what is built on the site currently conforms to the structure that was permitted at that time. The applicant has provided supporting documentation addressing the special exception criteria.

Based on Section 54-75(c)(5), Ms. Fisher has recommended approval of the request subject to the following conditions;

1. The guest cottage shall be used exclusively for housing members of the family occupying the principal building and their nonpaying guests, such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling;
2. The plans shall be revised to remove the kitchen facilities before submitting for building permitting;
3. The guest cottage must be maintained in a functional and aesthetically pleasing manner so as not to impact the public interest adversely; and,

4. Since the structure currently exists in a manner and materials different than what would normally be approved for a storage shed, the building permit application, survey, and plans must provide certification that all setbacks, maximum structure height, and size of the guest cottage structure meet code requirements as at the time originally permitted for an accessory building. Otherwise, a variance approval will be required for any deficiency before the building permit approval may be granted.

Board member Shenefelt disclosed that he is the property owner next door to the applicant and has spoken to Ms. Fisher on the variance.

John Brown applicant and homeowner of 2705 Nela Avenue spoke briefly on the background of the storage shed approval. He said he communicated with the original architect and submitted plans to convert the storage shed to use year-round and provide a better use of the structure. He will not change the footprint of the existing structure but will update some of the windows and add an additional door.

Vice-Chairman Woods said the plans did show a sink and a refrigerator and asked if they were planning on having a kitchen. The applicant said no, however, he would like to have a wet-bar available.

Chairman Holihan opened for public comment.

- Kirk Leff residing at 2704 Nela Avenue is the property owner across the street from the applicant spoke in favor of the variance.

There being no further comment Chairman Holihan closed public comment and opened for Board discussion and motion.

Chairman Holihan disclosed that the Board did receive a couple of emails in favor and one opposed for the record.

Board member Shenefelt asked how the City will enforce the conditions if approved. Ms. Fisher said the first condition is a code issue and will have to be met even if he sells the home. The other three conditions will have to be reviewed and approved during the building permit process.

Attorney Geller read Section 54-75 aloud for consideration and to ensure that the Board is made aware of the code when considering approval of a special exception.

The Board discussed the required set back requirements for an accessory structure, a guest cottage, and a primary residence. Vice-Chairman Woods said in compliance with the Land Development Code, and the variance d to the guest house an accessory structure, the code is defining for a 5-foot setback. Ms. Fisher agreed.

**After discussion, Board member Shenefelt moved the criteria of Section 42-63 and 54-75 (c)(5) of the Belle Isle Land Development Code having been met TO APPROVE the special exception to allow conversion of an of a previously permitted storage shed to become what the land development code defines as a guest cottage on a single-family residential property with a primary detached single-family dwelling submitted by applicant Josh Brown, located at 2705 Nela Avenue, Belle Isle, FL 32809 also known as Parcel # 19-23-30-5888-03-060 with the following conditions;**

1. The guest cottage shall be used exclusively for housing members of the family occupying the principal building and their nonpaying guests, such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling;
2. The plans shall be revised to remove the kitchen facilities before submitting for building permitting;
3. The guest cottage must be maintained in a functional and aesthetically pleasing manner so as not to impact the public interest adversely; and,
4. Since the structure currently exists in a manner and materials different than what would normally be approved for a storage shed, the building permit application, survey, and plans must provide certification that all setbacks, maximum structure height, and size of the guest cottage structure meet code requirements as at the time originally permitted for an accessory building. Otherwise, a variance approval will be required for any deficiency before the building permit approval may be granted.

**Board member Lane seconded the motion which passed unanimously.**

April Fisher said the applicant should wait for 15-days from approval for any appeals before submitting for a permit.

4. Public Hearing Case #2019-07-020- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a six-foot-high fence with gate in the front yard of a residential property, submitted by applicant Peter Clarke, located at 7600 Daetwyler Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-8036-02-010.

Pete Clarke applicant and homeowner of 7600 Daetwyler Drive gave a brief overview of his proposed fence. Mr. Clarke said the property is heavily wooded, and the main reason for the fence is for security. He further added that the proposed fence does fit in with the neighborhood. Mr. Clarke said he would add landscaping along the fence so that the chain link fence will not be visible.

Vice-Chairman Woods stated that a site plan was not included in his agenda packet for review. April Fisher provided a copy of the site plan for the record and review.

Chairman Holihan asked if Daetwyler is one of the streets the staff is looking at for discussion on Land Development Code Changes. April Fisher said yes.

Chairman Holihan opened for public comment.

- Mike Gentile residing at 7606 Daetwyler spoke in support of the variance.

There being no further comment Chairman Holihan closed public comment and opened for Board discussion and motion.

**After discussion, Board member Lane moved, the criteria of Section 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE the variance to place a six-foot-high fence with gate in the front yard of a residential property, submitted by applicant Peter Clarke, located at 7600 Daetwyler Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-8036-02-010. Vice-Chairman Woods seconded the motion which passed unanimously 5:0.**

April Fisher said the applicant should wait for 15-days from approval for any appeals before submitting for a permit.

#### OTHER BUSINESS

The City Clerk asked for approval on the edits made to the minutes of May 28, 2019, to include,

Edit Page 1

Reads, "Absent were Attorney Langley and City Planner April Fisher.

Should read, "Absent was ~~ere~~ ~~Attorney Langley and~~ City Planner April Fisher.

Edit Page 2

Reads, "...maximum height of 4-feet except for the decorate gate in conformance with the code."

Should read, "...maximum height of 4-feet except for the ~~decorate~~ decorative gate in conformance with the code."

Add – Page 3

"Vice-Chairman Woods was called away to attend to an immediate problem at his home. At this point there was no longer a quorum, so discussion on this issue was terminated."

**Board member Lane moved to approve the changes as submitted.**

**Vice-Chairman Woods seconded the motion which passed unanimously 5:0.**

5. ADJOURNED

There being no further business Chairman Holihan adjourned the meeting at 7:15 pm.

Yolanda Quiceno  
City Clerk, CMC