



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING

Tuesday, November 28, 2023 * 6:30 PM

MINUTES

The Belle Isle Planning & Zoning Board met on November 28, 2023, 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 Shenefelt
Board Member Holihan
Board member Hobbs
Board member Conduff

Absent was:

Board member Woods
Board member Squires

Also present were Interim City Manager Travis Grimm, Attorney Hilary Griffith, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

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

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

3. Approval of Minutes

a. Approval of minutes - October 24, 2023

Board member Holihan moved to approve the October 24, 2023, minutes.

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

4. Public Hearings

a. Public Hearing #2023-10-009 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-73 (A), 50-74 (C) (3), AND 50-102 (A) (7), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE RATIO OF 39.3 PERCENT WITHOUT PROVIDING FOR ONSITE RETENTION BASED ON THE DIFFERENCE OF THE THIRY FIVE PERCENT BASE IMPERVIOUS AREA FOR THE ZONING DISTRICT, AND A VARIANCE TO ALLOW A DECK SETBACK OF 20 FEET AND ONE INCH FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 30-FOOT DECK SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

Board member Thompson read Public Hearing 2023-10-009 by title.

Applicant Anthony Gallippi, residing at 2913 Cullen Lake Shore Drive, spoke briefly on his request. The property was purchased in 2017, and the prior owners were approved for a variance to build a structure exceeding the required setbacks. He wants to rebuild his pool and deck to add more grass to the property and decrease the ISR. His property is very long, has a lake on all three sides, and has met all the variance requirements.

Chairman Conduff opened for public comment.

- Brian Fery, residing at 2907 Cullen Lake Shore Drive, spoke in favor of the request and will improve the current conditions.
- Board member Shenefelt noted that the staff did receive another email in favor of the request (Mischelle Harmon, dated Nov 28, 2023).

There being no further comments, Chairman Conduff closed public comment.

City Planner Raquel Lazano gave a brief staff report and said the variance requests to allow a building setback of 21 feet and three inches from the normal-high water elevation of Lake Conway instead of the required 50-foot setback, a deck setback of 20 feet and one inch from the normal-high water elevation of Lake Conway instead of the required 30-foot deck setback, and an actual impervious surface ratio of 39.3 percent without providing onsite retention would not be harmful to the neighborhood. The staff has contacted the city's Code Enforcement Department, Public Works Department, and city engineers to verify reported drainage or flooding issues near the property. Staff found there are no reports or findings regarding these issues. Staff consider the requested variances not detrimental to public welfare.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board approve the requested variances to allow a building setback of 21 feet and three inches from the required 50-foot setback of the normal-high water elevation of Lake Conway, a deck setback of 20 feet and one inch from the required 30-foot deck setback to the normal-high water elevation of Lake Conway, and an allowable impervious surface ratio of 39.3 percent without creating onsite retention.

After Board discussion, Board member Shenefelt moved PURSUANT TO BELLE ISLE CODE SEC 42-64, 50-73 (A), 50-74 (C) (3), AND 50-102 (A) (7) TO APPROVE A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE RATIO OF 39.3 PERCENT WITHOUT PROVIDING FOR ONSITE RETENTION BASED ON THE DIFFERENCE OF THE THIRTY-FIVE PERCENT BASE IMPERVIOUS AREA FOR THE ZONING DISTRICT, AND A VARIANCE TO ALLOW A DECK SETBACK OF 20 FEET AND ONE INCH FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 30-FOOT DECK SETBACK SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

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

Ms. Lozano stated that there is a 15-day waiting period for appeals before starting construction.

Board member Hobbs noted that the scrivener's error should be corrected as follows, "...BASED ON THE DIFFERENCE OF THE ~~THIRY-FIVE~~ PERCENT..." It should read, "...BASED ON THE DIFFERENCE OF THE THIRTY-FIVE PERCENT."

b. Public Hearing #2023-09-028 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT MARK ADAMS, LOCATED AT 3104 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-03-040.

Board member Thompson read Public Hearing 2023-09-028 by title.

Applicant Mark Adams, residing at 3104 Indian Drive, spoke briefly on his request. He said he requests approval to build a two-car garage on the back of the property. The variance is being sought because the costs of similar materials are high if made with block, approximately 452%. However, the building will have identical roof lines and a similar aesthetically pleasing pattern.

Mr. Adams said the garage will not have a driveway, will be used as storage for his motorcycle and lawn equipment, and will not be driven into. Ms. Lozano said the Code does require a driveway/prepared surface if it is used for parking vehicles in front of the structure. She noted that the staff had not received any objections from the neighbors.

City Planner Raquel Lazano gave a brief staff report and said the structure's purpose is to store the owner's motor vehicles. The homeowner does not intend to include a driveway to the proposed structure. Staff found three properties within the neighborhood with a detached garage in the front yard that is architecturally like the principal building. The proposed variance request is not in harmony with the purpose and intent of the land development code. According to the applicant's Narrative Letter, the request to build a garage with architectural materials different than those of the principal building is a financial hardship. A financial hardship is not an allowable basis for granting a variance approval. A hardship results from the conditions of the property.

Based on the variance criteria of sections 42-64 (d), (e), and (g), Staff recommends that the Board not approve the requested variance to build a detached garage architecturally different from the principal building with unlike materials as there are no special conditions or circumstances of the land, the request is a self-created hardship. It does not meet the purpose and intent of the city code.

After discussion, the Board said they would like to see letters in favor of the request from the neighbors. The request does not meet the requirements and does not give the Board a lot of leeway to approve. If the Board denies the application, the applicant can appeal to the City Council, which has more authority to approve and forego the four requirements.

Board member Holihan moved to reschedule Public Hearing 2023-09-28 to January 23, 2023, at 6:30 pm to allow the applicant to obtain letters from their neighbors in favor or against the variance. Board member Shenefelt seconded the motion, which passed unanimously 5:0.

5. Other Business

Reschedule the December 26th Meeting

City Manager Grimm opened the meeting to discuss rescheduling the December 26th meeting. He stated that City Hall would be closed during the Christmas Holiday.

After discussion, Board member Holihan moved to consolidate December 26, 2023, and January 23, 2024, to January 3, 2024, at 6:30 pm.

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

Board member Holihan moved to reschedule the Public Hearing 2023-09-28 to January 3, 2024, at 6:30 pm. Board member Shenefelt seconded the motion, which passed unanimously 5:0.

City Manager Grimm requested an excused absence for Board members Woods and Squires.

Board member Holihan moved for an excused absence for Board members Woods and Squires.

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

6. Adjournment

There being no further business, the meeting unanimously adjourned at 7:15 p.m.