



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
December 20, 2018 – 6:30 pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Thursday, December 20, 2018, 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 Fouraker, Vice Chairman Woods, Board member Lane, Board member Shenefelt, Board member Holihan. Also present was Attorney Dan Langley and City Clerk Yolanda Quiceno.

Absent were Board member Jervis, Board Member Cheezum, City Manager Francis and City Planner April Fisher.

CALL TO ORDER

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

APPROVAL OF MINUTES

- a. Approval of the September 25, 2018 minutes

Vice Chairman Woods requested the following edits,
Page 2 – Paragraph 1

Reads, “Ms. Fisher address two items for the record,...”

Should read, Ms. Fisher, addressed two items for the record,

Page 2 – Paragraph 2

Reads, “In lieu of the discussion, Vice Chairman Woods moved the justifying criteria of the Belle...”

Should read, “~~In lieu of the discussion,~~ Vice Chairman Woods moved the justifying criteria of the Belle...”

Page 2 – Paragraph 5

Reads, “Vice Chairman Woods called for a point of order and recused himself from voting because the applicant is a neighbor.”

Should read, Vice Chairman Woods called for a point of order and recused himself from voting because the neighbor at 7312 Lake Drive is a friend. ~~applicant is a neighbor.~~

- b. Approval of the October 23, 2018 minutes

Board member Holihan motioned to approve the minutes as presented.

Vice Chairman Woods seconded the motion, which passed 6:0.

There being no further comment, Chairman Fouraker closed public comment and opened for Board discussion.

PUBLIC HEARING CASE #2018-11-057

PURSUANT TO BELLE ISLE CODE SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF A R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ENCROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290.

Board member Lane announced, for the record, that she has a conflict and will be recusing herself from voting because she is the applicant for Case #2018-11-057

Ms. Lane introduced her project and said the request is mainly for security reasons and would like to have an enclosure for her garage. Gary Conduff residing at 6908 Willoughby further noted that when it rains the garage area and parkway are flooded. The request will divert the water that would be coming onto their property somewhere else. Ms. Lane said because her property is on a curve she is asking for encroachment of a minimum of five feet. Her boundaries are the canal at the back of the house.

Vice Chairman Woods asked why she is in need of a garage that is 32 feet deep. Ms. Lane said the footage includes the square footage of the garage and an additional bedroom. Mr. Woods noted that the room addition was not depicted on the submitted documents. Also, concerning the sketch provided for a carport, he found the following,

- 20 feet is the depth of the existing carport which will work even if it is enclosed
- The applicant can conceivably expand out to the side 8ft without a variance. If the applicant was to consider the straight line approach she will also be able to expand the house 15ft on the opposite side. Ms. Lane said there are a boathouse and a drain field on that side and will not allow for that option
- From the scaling of the drawing, it shows an encroachment of 6 ½ feet. Ms. Lane ensured the Board that it is only 5 ½ feet.
- Mr. Woods asked if the design intended to leave the lean 2-type design of the carport. Mr. Conduff said there still will be a lean 2-type roof design; however with mono trusses on the side and will remain with the same shape and height.

Mr. Woods stated that a complete site plan would have been helpful.

Ms. Lane said she had not received any opposing feedback from the neighbors.

There being no further questions for the applicant, Chairman Fouraker closed the public hearing and opened for public comment.

There is no public comment Chairman Fouraker opened for Board discussion and motion.

Vice Chairman Woods said the applicant should have been aware of the main constraints of the property before the purchase and makes this a self-imposed problem. The setback on the curve is normal in the industry and not an unusual situation. These two issues shoot down two of the criteria's for approval. He further noted that intent of the Code is to have an open streetscape and approving the encroachment defeats the purpose.

The applicant Ms. Lane said she loves the current design of the home and will not change the look at all other than extending the additional space.

Chairman Fouraker asked, for consistency, if the Board believes they received sufficient paperwork regarding the application. Board consensus was yes the information presented was sufficient, and the review of the package was presented as researched without knowing that it was a fellow Board member. Also, they are also relying on the approval of the staff recommendation and no opposition from the surrounding residents was presented.

Board member Holihan moved, the criteria of Chapter 42, Article III, Section 42-64 of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF A R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ENCROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290 with the contingency that April Fisher reviews the final elevation to make sure it is consistency with the character of the existing structure.

Chairman Fouraker seconded the motion with the contingency. The motion passed 3:1 with Vice Chairman Woods nay.

Chairman Fouraker advised the applicant to wait for 15-days before any construction to allow for any appeals.

PUBLIC HEARING CASE #2018-12-009

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 A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANTS PAUL AND BONNIE HEIDBRINK, LOCATED AT OAK ISLAND ROAD (PLEASURE ISLAND F/140 LOT 7 BLK B), BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-7160-02-070.

Paul Heidbrink, the applicant, residing at 5107 Oak Island Road which is directly across the street from the subject property spoke on the proposed project. He said they are building a new home on the Lake on Lot 7 - Oak Island Road. There is an existing guest cottage, which holds historical value, on Lot 7 that has been there since the 1940s. The original thought was to demolish the cottage. However, in doing so, they would have to remove a large Oak Tree in the center of the lot approximately 50 inches in diameter. They would like to leave the guest cottage and the Oak tree on the property in addition to building the new home of two bedrooms. They would like to use the special exceptions provision in the Code that would allow the cottage to remain on the property. The lot is quite long at 275-300 feet long and plenty of room to accommodate the request.

Mr. Heinbrink stated that he had not received any opposing views from any of the surrounding neighbors.

Vice Chairman Woods stated that it appears that the cottage was neglected for a long time. Mr. Heidbrink said that the cottage had been neglected for about a year because they were not sure on what course of action to take. If the City would allow them to keep the cottage they will refurbish the cottage to be consistent with the new home and the roof damage will also be repaired. Mr. Heidbrink provided a picture of the design of the new home and said the building plans were submitted yesterday to Universal Engineering for review and approval.

Chairman Woods stated that the cottage is currently encroaching on the front setback about 12 feet and 3 feet on the side. As an alternative, he asked the applicant if he would be willing to move the cottage back to correct the setbacks and the non-conforming home. Discussion ensued.

Mr. Heidbrink said that Mr. Woods approach is a new consideration, however; an additional expense would not be able to be entertained at this time considering the current cottage is worth no more than \$20,000.

Attorney Langley recognized the staff report provided by April Fisher and the conditions of approval if the Board chooses to vote in favor.

The Board asked what the criteria for a special exception are. Attorney Langley said the criteria in the code is essentially that

- it will not create an adverse effect on the public interest
- the public health, safety, comfort order, convenience, prosperity, morals, and general welfare is promoted, protected or improved through the granting of the application
- special exceptions are not deviations from the code – it is allowed as a use subject to additional review and approval and easier criteria to meet by the property owner
- the Board should make sure that the proposed use does not create conflicts with the neighbors or have adverse impacts to property values

There being no further questions for the applicant, Chairman Fouraker closed the public hearing and opened for public comment.

There is no public comment Chairman Fouraker opened for Board discussion and motion.

Vice Chairman Woods said the house is substantially ahead of the setback and the revised house is not going to be the same old home it was originally made to be, and there is no way to tell what it will become over time. He is fine with removing the kitchen and keeping it up to par. It seems like the Board has an opportunity to bring one more lot in the City to conformance with the code. Discussion ensued.

The Board discussed the thought process and new approach provided by Mr. Woods, however; the desire of the additional cost is not desirable to the applicant at this time.

The Board asked for clarification on the condition to remove the kitchen. Attorney Langley said under the zoning code special exception uses guest cottages are only allowed if they do not have a kitchen. The applicant will not be allowed to keep the cottage with a kitchen with a new house construction to benefit from the special exception.

Vice Chairman Woods moved the criteria of Chapter 42, Article III, Section 42-63 of the Belle Isle Land Development Code having been met TO APPROVE this request for a Special Exception under Belle Isle Code Sec. 42-63 AND SEC. 54-75 (C) (5) to allow a guest cottage on a single family residential property with a primary detached single-family dwelling, submitted by applicants Paul and Bonnie Heidbrink, located at Oak Island Road (Pleasure Island F/140 LOT 7 BLK B), Belle Isle, FL 32809 also known as Parcel # 18-23-30-7160-02-070 with the following recommended staff conditions,

- 1. The existing kitchen must be removed from the structure since the code does not allow guest cottages with kitchens and this demolition must be permitted and complete before the new single-family house construction is permitted; and,**
- 2. The guest cottage must be maintained in a functional and aesthetically pleasing manner so as not to impact the public interest adversely.**
- 3. Deed Restriction to prohibit the rental of the guest cottage separate and apart from the primary structure.**

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

Chairman Fouraker motioned to table the discussion on front yard fences until the next meeting when City Manager Francis and City Planner Fisher can be available.

ADJOURNED

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 7:30 pm.

Yolanda Quiceno
City Clerk, CMC