

**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**September 26, 2017 – 6:30pm**

Frank Kruppenbacher City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Steve Jervis District 3	Gregg Templin District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, September 26, 2017 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Vice Chairman Woods, Board member Cheezum, Board member Shenefelt, City Manager Bob Francis, Attorney Tom Callan and City Clerk Yolanda Quiceno. Absent were Board member Templin, Board member Jervis, Board member Lane and City Planner April Fisher.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

- Approval of Planning & Zoning minutes for August 22, 2017  
 Chairman Fouraker stated that there are no minutes to be reviewed. The minutes for August 22, 2017 will be made available and reviewed at the next Planning & Zoning meeting.

Chairman Fouraker asked for Board approval to rearrange the order of the agenda items. He requested Board approval, per the City Manager’s memo dated September 24, 2017, to move item# 4 P&Z Case number 2017-08-025 to a later date to allow staff time to further review the history surrounding the parcel and the adjoining property.

**P&Z Case Number 2017-08-025:**

PURSUANT TO BELLE ISLE CODE SEC. 48-32 (3) AND SEC. 48-33, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO BUILD A 930 SQUARE FOOT ROOF STRUCTURE OVER AN EXISTING RESIDENTIAL DOCK, WITH A LARGER AREA THAN WHAT IS NORMALLY PERMITTED BASED ON THE LINEAR SHORE LINE FRONTAGE FOR THE LOT, SUBMITTED BY APPLICANT SUMMERTIME DECK AND DOCK, LOCATED AT 7210 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL NUMBER 29-23-30-4389-04-050

**Vice Chairman Woods motioned to move Case No. 2017-08-025 to the following Planning and Zoning meeting.**

**Board member Cheezum seconded the motion, which passed 4:0.**

**P&Z Case Number 2017-08-035:**

PURSUANT TO BELLE ISLE CODE SEC. 50-102 (D) (1) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A SWIMMING POOL CLOSER THAN 35 FEET FROM THE NORMAL HIGH-WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT FREDERICK CHRISTENSEN, JR., LOCATED AT 2203 HOFFNER AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL NUMBER 18-23-30-5120-00-360. THE APPLICANT IS SEEKING TO USE 7.1 FEET OF THE REQUIRED 35-FOOT SETBACK TO BUILD THE POOL AND POOL DECK.

Ashley Papagni and Frederick Christensen homeowners of 2203 Hoffner Avenue said they just moved into the City in June and are looking to build a pool. Brian from All Seasons Pools is also available to answer any questions.

Vice Chairman Woods noticed on the sketch that the incorrect datum was used. Attorney Callan stated that the datum must be correct as part of the condition of the variance.

Vice Chairman Woods further added that the applicant is requesting a variance for the pool setback but the dimension from the pool to the NHW contour is not noted on the plans as required. Due to the fact that the pool setback is not shown and the deck will also require a variance the applicant will have to resubmit for a new hearing. He further noted that the yellow sign posted at the applicant's home was not up continuously for the entire 10 days before the hearing would leave the results open for dispute. The applicant stated that he removed the sign not knowing that it had to be posted for the ten days.

Attorney Callan said removal of the posting affects the notice. The variance will need to be re-advertised and posted for the next Public Hearing. He recommends that the applicant withdraw his application and resubmit a new variance application showing the correct datum, pool deck setback and the pool edge setback for a new hearing.

The applicants withdrew their application and stated that they will resubmit as recommended.

Attorney Callan gave a brief overview of P&Z Case Number 2017-08-025 located at 7210 Seminole Drive. He said there are numerous problems with the application,

1. the wrong address on the survey;
2. the application and the property have two different numbers;
3. quality of the survey data is not the greatest;
4. with a non-conforming boat dock, it is not eligible to have any type of variance to increase a non-conforming situation and cannot legally satisfy the requirements of a variance; and
5. the issue that the placement of the dock in relation to the side lot line may be encroaching on the neighboring property.

Attorney Callan recommends the Board table the variance request as presented for further research by staff. He asked the applicant to contact the City Manager and City staff for further information.

**ORDINANCE 17-08:**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A DEFINITION FOR "AUTOMATED EXTERNAL DEFIBRILLATORS"; CREATING CHAPTER ENTITLED "AUTOMATED EXTERNAL DEFIBRILLATORS" TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS AT CERTAIN BUILDINGS; PROVIDING FOR THE INSTALLATION AND OPERATION REQUIREMENTS TO MAINTAINING AN AUTOMATED EXTERNAL DEFIBRILLATOR; PROVIDING FOR FEES, PENALTIES AND APPLICABILITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

Chairman Fouraker read the Ordinance for the record.

City Manager Francis said, per Council's request, the draft ordinance is to be considered, especially for places of public assembly and in the best interest of the public to require Automatic External Defibrillators (AED) in buildings. Nothing has occurred in Belle Isle; however throughout the nation there is data and case studies that AED's are beneficial. This will require placement of the AED's per the Florida Building Code. The City has agreed to assist those businesses, who are experiencing a hardship, with grants to apply for funding. The cost of the AED unit will run from \$1,200-\$1,900 per unit, not including maintenance.

Chairman Fouraker provided a supplemental document by Chairman Woods referencing Section 304 of the Florida Building Code. Vice Chairman Woods said he spoke with a few businesses who stated that

some already have AED units and have not had the need to use them within the past seven years. In addition, the annual maintenance costs will run approximately \$100-\$200 per unit.

Chairman Fouraker asked if this Ordinance is enacted who will be enforcing compliance, who decides who qualifies for a unit and what is the time frame for placement. Mr. Francis said the City will review all large existing commercial businesses and new development in the City and will provide their determination. The unit will be required to be placed within 180 days of approval.

Vice Chairman Woods said it seems like the City is creating a burden for businesses to solve a problem that may never occur. We don't want to give businesses additional burden to do business in our City. City Manager Francis said the AED may never be needed however, it is a life safety issue such as a fire extinguisher; you may never need it but you will be glad that it's there.

Vice Chairman Woods said there are a few businesses that already have AED's and is wondering if there are State Regulations that require the equipment on premises of specific business types. Discussion ensued on the permitting process. After discussion, Attorney Callan made the following revisions to the Ordinance as follows,

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Section reads, "The owner of an existing building required to have an automated external defibrillator device shall comply with this chapter within 180 days of the effective date of this chapter. After the effective date of this chapter, the owner of any new building constructed that is required to have an automated external defibrillator device shall comply with this chapter."

Should read, "The owner of an existing building required to have an automated external defibrillator device shall comply with this chapter within 180 days of the effective date of this chapter unless given an additional 90 day extension by the City Manager upon request. After the effective date of this chapter, the owner of any new building constructed that is required to have an automated external defibrillator device shall comply with this chapter."

Vice Chairman Woods said he believes this is being put in place without sufficient research and we currently do not have any input from the business in Belle Isle. He polled the audience and found no local business owners present. Discussion ensued on public assembly areas and how it applies to the Florida Building Code.

Board member Shenefelt said he is in general hesitant to create more regulations however, he understands the need for public safety.

Chairman Fouraker opened for public comment.

Kent Peroux residing at 7222 Seminole Drive said he is aware of several small businesses who have volunteered to purchase defibrillators. The AED is a computer that automatically does everything and the safety issue out weights the fee associated.

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

Vice Chairman Woods suggested sending a brief survey to the businesses to allow them a chance to weigh in on the regulation. The survey can include questions asking about their business size i.e. Size of building,

staff, number of seats; do they have a defibrillator; would they purchase a defibrillator, and at what cost; and are there any existing regulations in their industry that would require one. Or, maybe instead of a regulation we can have implement some public education to encourage voluntary AEC installations.

**After discussion, City Manager Francis withdrew the request to allow staff to research further. Board consensus was to accept Mr. Francis' request to withdraw his request of Ordinance 17-08 for further research.**

**ORDINANCE 17-12:**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO PUBLIC BUILDINGS DISTRICT(PUB); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

City Manager Francis gave a brief overview of the Wallace Property. The Wallace property was purchased by the City two years ago and zoned R1AA. The City Council would like to have this location added to the open space inventory. At the request of Council, he is bringing forward Ordinance 17-12 for an open space zoning change to PUB classification. The only structure to be placed on this property will be a surrounding fence and a gate to maintain access. The Board discussed possible joint maintenance responsibilities with Cornerstone Charter School.

Vice Chairman Woods asked if the Board can write into the ordinance that it will remain as open space. Attorney Callan said City Council's ownership of land is a legislative act and would not recommend City Council to limit the use of City property.

Attorney Callan said the sole purpose for this Board is to get the zoning in place to ensure that the use of the property by the City is not in violation and to allow the approval process to begin.

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

Board member Shenefelt recommended to change the zoning of the Wallace Property also know as Parcel #24-23-29-8977-00-021 from R1AA to Public Buildings PUB.

Board member Cheezum seconded the motion which passed 4:0.

## **OTHER BUSINESS**

Vice Chairman Woods said in reviewing the Charter he has found that it references the NHWL 86.4 contour line. He would like to look through the Code and change these references to the "NHW Contour", as we recently defined in the new dock ordinance, so that when the County datum changes the City will not have to re-do the code.

## **ADJOURNED**

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 7:50pm.

Yolanda Quiceno

City Clerk, CMC