



**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**May 22, 2018 – 6:30pm**

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn 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, May 22, 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 Cheezum, Board member Lane, Board member Shenefelt and Board member Templin. Absent was: Board member Jervis.

Also present were City Manager Bob Francis, Attorney Dan Langley, City Planner April Fisher and City Clerk Yolanda Quiceno.

**CALL TO ORDER**

Chairman Fouraker called the meeting to order at 6:35 pm and opened with the Pledge of Allegiance. He informed the Board that Board member Jervis called and said he will not be able to attend tonight’s meeting.

Chairman Fouraker asked for Board approval to rearrange the order of the agenda items. He requested Board approval to rearrange the agenda items as follows,

- 3) Public Hearing Case #2018-04-011
- 4) Public Hearing Case #2017-05-008
- 5) Public Hearing Case #2018-04-070
- 6) Public Hearing Case #2018-05-022

**Board member Templin motioned to rearrange the agenda items as requested.**

**Board member Fouraker seconded the motion, which passed unanimously.**

**APPROVAL OF MINUTES**

- Approval of Planning & Zoning minutes for March 27, 2018.

**Vice Chairman Woods motioned to approve the minutes as presented.**

**Board member Templin seconded the motion, which passed 6:0.**

**Public Hearing Case #2018-04-011** PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FOUR-FOOT HIGH WALL IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANTS MICHAEL G. JUNGEN AND PHANOR LENIS, LOCATED AT 2010 HOFFNER AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #18-23-30-3648-00-271. (CONTINUED FROM APRIL 24, 2018)

Chairman Fouraker read by title.

Michael Jungen applicant and homeowner of 2010 Hoffner Avenue said the last dialogue focused on the spatial alignment of the landscape buffer in relation to the sidewalk. He provided a copy of a document illustrating the Hoffner easement and landscape detail of his project. He proposes that the wall be 1-ft back from Hoffner right of way and the majority of the landscape buffer be 4 ft 7 inches and wider at the two points on both sides. He spoke of the 3-criteria required for a variance and proposed corrections to:

1. Wall – the existing wall on the east side is one foot away from Hoffner and will be in front of his proposed wall
2. Elevation - elevation difference will have a hedge of a 3.7 foot buffer
3. Safety – the new design of the wall will provide residential security safety from the high intensity use on Hoffner Avenue.

Vice Chairman Woods said he was not present at the original presentation. Mr. Woods said the two very huge potted plants out in the landscape buffer, which is part of the design, on the right-a-way can block the view as far as exiting. He believes the front landscape buffer should remain as grass to maintain a site triangle for safety.

Vice Chairman Woods asked if one of the reasons for the application is to gain access to the rear yard which a 4ft access. Is there a structure at the west side of the garage? Mr. Jungen stated that the structure at the west side has since been moved. In addition, Mr. Woods believes the applicant did build the garage creating their own problem.

Mr. Jungen said it is about aesthetics and impact on the neighbors. He is looking to create an alignment and appropriateness with each of the neighbors.

Board member Templin asked if the three trees on the right of the property going to be removed. Mr. Jungen said yes; one of the trees will be removed due to damage. An alternative to the removal is to plant palm trees as an accent in the inside of the wall.

Chairman Fouraker opened for public comment. There being none he closed and opened for Board discussion.

Vice Chairman Woods said Hoffner Avenue has a lot of traffic and understands the desire for a wall. A 4-foot wall is not out of line and seems to be similar to the other homes on Hoffner.

For the record, Chairman Fouraker said he spoke with three neighbors, Keith Severns, Bo Bradford and Jennifer and Ray Kennedy who voiced their opposition to the request.

Chairman Fouraker said he can see the trend of having a wall however the application for a wall does not meet the criteria for a variance, there is no hardship. The hardship, which has been self-created, by placing the two structures so close to the road. To have the wall so close to the sidewalk leaves no relief and creates a safety concern. Chairman Fouraker shared his opinion and said he would prefer to see the wall pushed back a few feet.

Vice Chairman Woods stated that he was involved in the design of the walls along Lake Conway Estates. There was a discussion with the Police at that time to determine if a wall is an asset or a liability. The Police told him that the walls make it better for burglars because they can hide behind them.

Board member Cheezum said he is having trouble saying no because so many people in the areas have walls. It may be aesthetically pleasing.

For the record Mr. Jungen said the structures are conforming and the sidewalk is 7ft; one of the widest in the area. City Manager Francis said the sight distance can be granted by placing a condition to meet the distance requirements. As depicted on the handout the existing entry columns would pose more of a site distance problem because they are located in front of the proposed wall. The applicant proposes to place the wall an entire foot behind the existing columns.

Board member Cheezum asked what will be an acceptable distance from the road. The

Board discussed possibly the same distance of the sidewalk to be acceptable.

April Fisher, City Planner, said based on the applicant's identification that safety is a concern, how it conforms to the rest of the street and the lot fronting in close proximity to the curve on Hoffner Avenue, staff recommends approval of the requested variance. These items identified are consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) and the required criteria in Sec. 42-64 (1).

Mr. Jungen proposed lowering the wall to 2 feet if approved. In addition, he said if he was to move the wall further back his home will be the anomaly.

**After Discussion, Vice Chairman Woods moved to deny the variance request, Public Hearing # 2018-04-011 to place a four-foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Fhanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271 on the basis if it not meeting the criteria of 42-64(1)(e).**

**Chairman Fouraker seconded the motion which failed 3:3 with Board member Templin, Board member Lane and Board member Cheezum, nay.**

**Board member Templin motioned to continue the hearing to the next meeting.**

**Board member Lane seconded the motion which passed unanimously 6:0.**

**PUBLIC HEARING CASE #2018-05-008 PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73, TO ALLOW A MAXIMUM BUILDING HEIGHT OF 48 FEET INSTEAD OF THE STANDARD MAXIMUM ALLOWED BUILDING HEIGHT IN THE C-1 ZONING DISTRICT OF 30 FEET, SUBMITTED BY APPLICANT THIRUMALA PROPERTY'S, LLC, LOCATED AT 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.**

Chairman Fouraker read by title.

JD Elighetti addressed the board. JD Elighetti is one of the main partners for this hotel project and the owner of Comfort Suites on McCoy Rd.

Mr. Elighetti said this has been a very long road and in that time I have seen my partners and the City at odds over some issues. With the help of some residents and the City I have been able to push through and come here today with a plan that I believe takes into consideration the important things for the residents and the minimum things for a business owner so we can together build a modern beautiful hotel that is appropriate for Belle Isle, instead of any motel or parking lot or any other business.

Part of what you will hear today is that we have agreed to preserve the total area of the residential and also 100ft are more on the east buffer so that the conservation and beauty of the community can be preserved. The City has asked if we can sell or donate that area for a tax credit to protect those buffer areas. As you may know, we can only build a beautiful hotel with a certain number of floors and rooms. We have taken all retention on our own property, building a buffer wall and preserving the trees along the edges.

I stand before you today praying that you will see we have come a long way and have, together, found a good path forward and that you see I am here at the end of this process to give you my word and my promise that if approved today and then by the City, this is what shall be done.

John Herbert with American Civil Engineering Company with offices at 207 N. Moss Rd, Winter Springs, FL, representing the applicant, said we have all made progress on a solution to allow for a 48ft tall structure maximum – 4 story hotel in exchange for a conveyed R1AA 4.07 acres to the City to have control of the City to maintain as natural land. In addition, they will build an 8ft masonry wall to protect the noise factor and lighting. Mr. Elighetti would like to build a quality 110 room, 4-story hotel with a good franchise name.

Attorney Langley asked for clarification on the conveyance of all R1A property to the City. Mr. Herbert said they are asking for approval tonight in exchange for a tax credit or income tax donation benefit for the donated property.

Bob Harrell, residing at 2800 Trentwood Blvd requested the applicant have the property to be conveyed appraised. A certified appraiser will certify an IRS form detailing the value of the property. This document will then be provided to the applicant along with a letter from the City accepting the land for submittal to the IRS for an income tax credit. Discussion ensued on an assumed value of the property and tax credit appraisal process.

City Manager Francis said the R1AA property will be donated to the City and City Council can approve the conveyance with a condition that it be reclassified to open space. In addition, if the conveyance is approved the applicant will have to go through a site plan review process with the Planning & Zoning Board before any construction can begin.

Attorney Langley clarified that the applicant is willing to condition this variance for the height increase on the conveyance of land if accepted by the Council. They will then take the benefit of the variance and move forward, if not accepted the variance dissipates.

John Herbert asked if the City Attorney would be able to put the variance condition in writing so they can move forward.

Chairman Fouraker opened for public comment.

- Jill Neil residing at 2508 Trentwood Blvd asked if the height of 48ft would be the feature of an elevator shaft. April Fisher said if it has the height limit then it will include everything because the Code does not exempt additional appurtenances to be higher than the maximum code allowance. It allows for an additional 2 ft. It is not defined as part of the elevator or equipment above that.
- Cathy Ray residing at 2512 Trentwood Blvd. submitted a letter to P&Z for the record in opposition.
- Bob Harrell asked for the Board's consideration of the following for the motion upon approval to include (1) the site plan permitted tonight will be the one submitted for approval showing the residential and commercial, (2) the applicant will give the land to the City before construction and (3) the applicant will build the 8ft wall before any construction can begin.
  - Chairman Fouraker said there is a procedural issue in approving site plan requirements. However, tonight's presentation can be referenced for the delineation between the commercial and residential portion to be conveyed.
- Bill Haan residing at 2904 Trentwood Blvd spoke in favor of the project presented provided there is no cost to the City.
- Kent Perroux residing at 7222 Seminole Drive said he would like the applicant to identify the quality of the hotel which will occupy the space.
- Vincent Ganley residing at 2492 Trentwood Blvd asked that the applicant ensure that the pool will be placed on the side of the hotel to avoid the noise factor and not towards the back of the hotel.
- Vice Chairman Woods stated he had a phone conversation on May 14<sup>th</sup> with Commissioner Mike Sims and said that Commissioner Sims wanted to reinforce the following for the record,
  1. Reinforce that the height variance should be contingent on the site plan submitted; and
  2. The property in gray marked on the site plan be transferred to the City; and
  3. The buffer wall be completed before any construction takes place; and
  4. The property should be designated as Open Space, natural with dense undergrowth and not a park or pathway.

There being no further comments Chairman Fouraker closed public comment for Board discussion and motion.

**Board member Templin moved the criteria of the Belle Isle Land Development Code having been met to approve this request for a variance from Sec. 50-73, to allow a maximum building height of 48 feet instead of the standard maximum allowed building height in the C-1 zoning district of 30 feet, submitted by applicant Thirumala Property's, LLC, located at 2635 McCoy Road, Belle Isle FL 32809, also known as Parcel #30-23-30-0000-00-005 with the following conditions,**

- There will be no building permits or construction approved before the shaded area on the concept plan dated 4/26/18 which shows 150-feet behind the residents and another 100-feet on the west side of Burbank be conveyed to the City; as well as
- The construction of the eight-foot concrete wall.

Attorney Langley modified the conditions as follows,

1. Upon the property owner conveying fee simple ownership of the R-1-A zone portion of the property at no charge to the City and the City Council accept the property conveyance. The R-1-A portion of the property to be conveyed as reflected in the conceptual plan submitted by American Civil Engineers Company dated April 26, 2018, shown to the Planning & Zoning Board at tonight's hearing. The conveyance of the R-1-A property to the City shall occur before any construction occurs on the property and before any site or buildings plan are approved by the City.
2. City Manager Francis stated that during negotiations he and the applicant spoke of the possibility of building a pre-cast concrete wall instead of a masonry type wall. After discussion, the Board consensus was to move forward with the pre-cast wall as part of the motion; and
3. The conveyed property to the City should remain natural.
4. A maximum hotel height of 48-feet.

**Board member Lane seconded the motion.**

Vice Chairman Woods stated that the wall due to its proximity will not be a true soundproof barrier or perform as a normal noise barrier wall. However, the hotel at 40-feet and the natural forest will perform as a good noise barrier.

Vice Chairman Woods said there are some scrivener errors with the traffic report and submitted to the City Manager.

The motion as discussed with conditions 1-4 was approved unanimously 6:0.

**PUBLIC HEARING CASE #2018-04-070 - PURSUANT TO BELLE ISLE CODE SEC. 48-33, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (6) TO BUILD A SECOND DOCK ON THE PROPERTY WHILE KEEPING THE EXISTING DOCK BUT TURNING IT INTO A GAZEBO BY FILLING IT IN SO THAT IT WOULD NOT FUNCTION AS A BOAT SLIP. THIS ALSO REQUIRES A VARIANCE FROM THE TOTAL AREA PROVISION SEC. 48-32 (3) TO ALLOW FOR A TOTAL AREA GREATER THAN 1000 SQUARE FEET AS THE TWO DOCKS WOULD BE A COMBINED TOTAL LARGER THAN 1000 SQUARE FEET (TOTAL MAXIMUM 1400 SQUARE FEET), SUBMITTED BY APPLICANT SHEILA CICHRA, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL NUMBER 18-23-30-4386-03-730.**

Chairman Fouraker read by title.

Sheila Cichra representing the property owners said when the property was purchased there was a floating dock where they intended to place a boat dock. They then found that there was a hidden concrete boathouse under some giant hedges towards the Cove. The dock is not functional and because of its concrete structure, it could not be easily removed and would be extremely expensive to do so. The applicant would like to convert the concrete structure to a storage space and eliminate the boathouse use to allow them to replace the floating dock to a new boathouse.

Vice Chairman Woods said this property has had multiple variances and the concrete structure can be easily preserved and extended 10 feet to function as a boathouse that meets adequate navigational capability at least 80% of the time. Ms. Cichra stated that the County nor the State will not give the permission to dredge; in addition, the draft is only 6 ½ feet off the water. The extension will require a higher roof and is not an option for the applicant. Ms. Cichra asked if the Board will be willing to approve removing the boat slip area and not taking away the concrete block room connected to a stairway to the house.

Mr. Woods said if the boathouse is converted as storage it becomes an accessory structure.

In addition, Mr. Woods said the length being proposed of the new dock is 15-20 feet more than is allowed by code. Ms. Cichra said the applicant is willing to scale it back to code.

Mr. Woods stated the City has received two letters, one opposing and one in support of the application.

Tony Gallippi, the property owner, spoke briefly on the project. He said it is a unique property with 1000 linear feet on three sides. He has met with surrounding neighbors and made them aware of the proposed application. He is willing to remove the concrete structure however it will be very expensive and would prefer the option to modify the slip. He is currently using the floating dock however it does not have a slip which is preferred. Discussion ensued.

Chairman Fouraker said due to the uniqueness of this property there is a limited amount of information presented to make a fair decision.

April Fisher, City Planner, said it is different than a lot of properties. The concrete structure which was massively built will require a site visit by the Board to understand its relationship to the boat slip. There are two requests in front of the Board tonight,

1. Fill in the slip area and keep the concrete block
2. Build a new boat dock that meets code to replace the floating structure

Chairman Fouraker opened for public comment.

- Amy Williams residing at 5013 St Denis Court shared her concerns about the applicant following the code and the safety concerns the new dock may cause.
- Greg Gent residing at 2924 Nela Avenue shared his concern with the decision of the Board and the precedent-setting this approval may cause.
- Sam McLeod residing at 2931 Cullen Lake Shore spoke in opposition to the application.
- Pat Williams residing at 5013 St Denis Court spoke in opposition to the application.
- Sandy Daley residing at 5031 St Denis Court spoke in opposition of the application.

- Mr. Jordan 2203 Homewood Drive spoke in favor of the request.
- Susan Evans residing at 5025 St. Denis Court spoke in opposition of the application.
- Kent Perroux residing at 7222 Seminole Drive said two boat docks for one property can set a precedent and the request if approved, is more than is allowed by code.

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

Vice Chairman Woods said there is fairly strong representation from the neighborhood that feels that one boat dock rule is a good one. Mr. Woods spoke on several options that involve allowing the other boat dock; however, the best use may be by demolishing the existing concrete dock and have one dock which may not require a variance.

**After discussion, Vice Chairman Woods moved the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met the requirements of section 42-64(1) Subsections: (E), (F) and (G) having NOT been met to deny this request for a variance from Sec. 48-32 (6) to build a second dock on the property. This also includes denial of a variance from the total area provision Sec. 48-32 (3) to allow for a total area greater than 1000 square feet as the two docks would be a combined total larger than 1000 square feet (total maximum 1400 square feet), submitted by applicant Sheila Cichra, located at 2913 Cullen Lake Shore Drive, Belle Isle, FL 32812 also known as Parcel #18-23-30-4386-03-730.**

**Board member Templin seconded the motion which passed to deny 5:1 with Chairman Fouraker, nay.**

**PUBLIC HEARING CASE #2018-05-002 - PURSUANT TO BELLE ISLE CODE SEC. 52-62, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 52-33 (7)B AND (7)H TO REPLACE THE EXISTING SIGN WITH A NEW SIGN WITH THE SAME DIMENSIONS BUT ALSO WITH A 23-FOOT REGAL BOAT ON TOP OF THE SIGN. THE VARIANCE REQUESTED IS TO EXCEED THE HEIGHT OF THE STANDARD 30 FEET ALLOWED TO A MAXIMUM HEIGHT OF 57 FEET, AND; EXCEED THE 500 SQUARE FEET OF THE SURFACE AREA ALLOWED. THE NEW SIGN WOULD BE 1080 SQUARE FEET IN SURFACE AREA, WHICH INCLUDES 300 SQUARE FEET FOR EACH SIDE OF THE MAIN SIGN AND 480 SQUARE FEET OF SURFACE AREA FOR THE BOAT, SUBMITTED BY APPLICANT MARKETING BUSINESS ASSOCIATES, LOCATED AT 2300 JETPORT DRIVE, ORLANDO, FL 32828 ALSO KNOWN AS PARCEL NUMBER 31-23-30-0000-00-011.**

Chairman Fouraker read by title.

Duane Kuck President and CEO of Regal Boats with offices at 2300 Jetport Drive, Orlando, FL gave an overview of their Company and application. He said the company's sign was destroyed by the hurricane and during the process of researching replacement he realized that the surrounding signs and the BeeLine improvement have taken away some of the visibility. The structure of the sign was not damaged and the proposed face design will present some distinction from the many surrounding digital billboards and provide identification to their World Headquarters. With the new design, he is requesting 7-feet higher than the existing 50-foot sign.

Board member Templin asked what the weight of the boat will be. Mr. Kuck said the shell will be very light and will not be negative to any of the existing billboards in the area.

Chairman Fouraker opened for public comment.

1. Bob Harrell residing at 2800 Trentwood Blvd. spoke in favor and support of the proposed design.

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

Board member Templin said the current billboard cannot be seen from Trentwood and is in favor of the project.

The Board discussed the surrounding billboards and the height of the signs in the industrial area.

**After discussion, Board member Shenefelt moved the criteria of the Belle Isle Land Development Code having been met to approve this request for a variance from Sec. 52-33 (7)b and (7)h to replace the existing sign with a new sign with the same dimensions but also with a 23-foot regal boat on top of the sign. The variance requested is to exceed the height of the standard 30 feet allowed to a maximum height of 57 feet, and; exceed the 500 square feet of the surface area allowed. The new sign will be 1080 square feet in surface area, which includes 300 square feet for each side of the main sign and 480 square feet of surface area for the boat, submitted by applicant Marketing Business Associates, located at 2300 Jetport Drive, Orlando, FL 32828 also known as Parcel # 31-23-30-0000-00-011.**

**Chairman Fouraker seconded the motion which passed unanimously 6:0.**

#### **OTHER BUSINESS**

Chairman Fouraker announced that Board member Templin has submitted his letter of resignation effective at the closure of this meeting. The Board accepted his resignation and thanked him for his 8-years of service.

#### **ADJOURNED**

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 10:10pm.

Yolanda Quiceno  
City Clerk, CMC