



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, January 28, 2025 * 6:30 PM

MINUTES

The Belle Isle Planning & Zoning Board met on February 25, 2025, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Holihan
Board member Thompson
Board member Squires

Absent was:

Board member Hobbs
District 1 - OPEN
District 2 - OPEN

Board member Conduff

City Manager Rick Rudometkin, Attorney Hilary Griffith, City Planner April Fisher, and City Clerk Yolanda Quiceno were also present.

1. Call to Order and Confirmation of Quorum

Vice Chairman Squires opened the meeting at 6:30 p.m., and the Clerk confirmed the quorum.

2. Invocation and Pledge to Flag

Board member Squires gave the invocation and led the pledge to the flag.

City Manager Rudometkin announced a change to the agenda. He announced that the Public Hearing 2025-01-002, 3538 Country Lakes Drive, has been withdrawn by the applicant.

Board member Squires moved to approve the request and remove item 7c from the agenda.

Board member Lane seconded the motion, which passed unanimously.

City Manager Rudometkin introduced City Planner April Fisher. He announced that Raquel Lozano is no longer with the City and is currently working with the City of Orlando.

3. Approval of Minutes

- a. Approval of the P&Z Board Meeting Minutes – January 28, 2025

Board member Thompson moved to approve the minutes as presented.

Board member Lane seconded the motion, which passed unanimously.

4. Public Hearings

- a. Planning and Zoning Case Number 2024-12-009: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (A) (3), 48-32 (A) (4), AND 48-32 (C) (2), TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNDRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

City Manager Rudometkin read Public Hearing case number 2024-12-009 by title.

City Manager Rudometkin gave a summary of the variance and presented the staff report. He said the applicant seeks to build a new dock 17 feet in height, measuring from the water line to the roof's peak, to exceed the maximum allowable terminal platform size by an additional 113 square feet to create an overall size of 1,113 square feet that includes the first level and second level's roof overhang dimensions, and create a flat roof feature to allow a sun deck area. Pursuant to section 48-33, the board shall not approve an application for a variance unless the criteria have been met.

The Staff's evaluation on the variance criteria for the application was provided and based on consideration of the dock variance criteria, staff recommend that the Board deny the three requested variances for the proposed dock height, terminal platform size, and allow a flat roof per section 48-33(4) and section 48-33(5).

1. The requested variances for the dock height, terminal platform size, and flat roof feature do not create conditions hazardous to navigation nor any safety hazards as proposed. The applicant proposes to rebuild a new dock with a 14.6-foot southern side setback from the nearest side lot line and nearly a 60-foot side setback from the northern side lot line.
2. The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake. However, the proposed design of the new dock height, terminal platform size, and flat roof feature are incompatible with the other docks in the area.
3. The lake's current level is not a factor in the request of the variance requests as the three variance requests do not seek to augment the lake level or gain additional dock length based on the lake level.
4. The application confers a special benefit to the landowner over and above the adjoining landowners due to the proposed design features.
5. The requirements of subsection 42-64 (1), except for subsection 42-64 (1) (d):
 - a. **Special Conditions and/or Circumstances (Section 42-64 (1) d):**
Per section 48-33 (b) (5), the criterion is not applicable for consideration of a dock variance.
 - b. **Not Self-Created (Section 42-64 (1) e):**
The requested variances are self-created as the applicant seeks to demolish and rebuild a nonconforming boat dock contrary to the design standards established in the city land development code. A personal hardship is not grounds for a variance approval.
 - c. **Minimum Possible Variance (Section 42-64 (1) f):**
The requested variance does not seek the minimal possible variance to make reasonable use of the land as the applicant seeks to obtain multiple variances with significant design deviations than allotted by the city's current code requirements.
 - d. **Purpose and Intent (Section 42-64 (1) g):**
The requested variance does not negatively impact the adjacent properties or neighborhood. However, the project proposal is incompatible with the surrounding boat dock designs.

CM Rudometkin further stated that emails had been provided to the Board submitted by the public. Chairman Holihan noted for the record,

- In favor of the variance: Mathew McCloud 5805 Cove Drive, Nicholas Fouraker 5826 Cove Drive, and
- In Opposition of the variance: Karl Williams 5834 Cove Drive, and
- Letter of concurrence set back waiver from John Giles.

Peter Fleck and Neil Thomas, Q-Ice Builders, 10820 Wonder Lane, Windemere, Florida, said that traditionally, the City mirrors Orange County. The County changed their code in 2022 and was wondering if the City could take that into consideration. Some discrepancies arose from how the Code was interpreted, including the allowance of second-story docks and the inclusion of overhangs. Boats are becoming larger and taller, resulting in some of the required variances.

Board member Thompson asked if the applicant obtained permission from the adjacent neighbors and FDEP. He said yes. He asked for clarification on mitigating. Mr. Fleck stated that to mitigate the shading impact on a larger terminal platform, the designer employs a uniform assessment method, and the calculated functional loss determines the amount of mitigation required. Mr. Thompson said that because the lot was a combination of two lots, presumably, what would be the coverage area for the two docks proposed? Mr. Fleck said that had the lot not been separated, the code allows for 1,000 sqft per parcel, with a maximum of 2,000 sqft. A discussion ensued regarding FDEP requirements and State calculation regulations.

Board member Thompson asked if the top portion (proposed sundeck, 113 sq ft) had been calculated to include what would be directly on top of the terminal platform. Chairman Holihan said it is the area that covers the water. The top portion does not add to the square footage. The special benefit is that the dock is larger and higher and provides for a usable second floor. Mr. Fleck said the surrounding overhang caused the 113 ft overage. A discussion ensued regarding going over the required 1000 sq ft. Mr. Fleck noted that if they were to reduce the second-floor footprint to remove the overhang, it would be approximately 998 sq ft.

Chairman Holihan opened for public comment.

- John Giles, adjacent to the applicant residing at 5820 Cove Drive, spoke in favor of the variance request.
- Kristna Giles, adjacent to the applicant residing at 5820 Cove Drive, spoke in favor of the variance request. Ms. Giles said she is worried about safety and diving from the second-floor sun deck. Ms. Giles said she believes the proposed overhang should be allowed and approved by the Board.

There being no further comment, Chairman Holihan closed the public comment.

City Manager Rudometkin stated that the Code currently lacks the necessary mechanism to permit sun decks. The Board shared their concern with the approval of a second-floor sundeck.

After discussion, Chairman Holihan moved pursuant to Belle Isle Code 48-33, 48-32(A)(3) AND 48-32, TO

- **ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET,**
 - **DENY A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNDRED THIRTEEN SQUARE FEET,**
 - **SHOULD BE 998 SQ FT, AND**
 - **DENY A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK,**
- SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.**

Board member Squires seconded the motion, which passed 3:1 with Board member Thompson voting nay.

City Manager Rudometkin stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

The applicant, Paul Kuck, had questions to clarify the minimum roof pitch and open stairs. City Manager Rudometkin stated that the Board had already made its motion and cannot reopen the Public Hearing; however, he may be able to clarify some concerns before the building permit is submitted.

- b. Planning and Zoning Case Number 2024-12-010: PURSUANT TO SECTION 54-82 (E) AND 54-82 (F) (3), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SITE PLAN, SUBMITTED BY APPLICANT GARY DAVIS, ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.

City Manager Rudometkin read Public Hearing case number 2024-12-010 by title.

City Manager Rudometkin gave a background summary of the variance and presented the staff report. In April 2023, the applicant and property owner presented a site plan to the City's Planning and Zoning Board to build a new boat-manufacturing facility and modify the existing infrastructure and onsite retention pond. The Board reviewed the case, and the site plan was approved. The staff recommendation is based on the requirements for Industrial Districts under section 54-82. The City recommends approval of the proposed site plan, contingent upon the following conditions before the issuance of a building permit:

1. The applicant must submit complete, detailed Construction Documents with clouds and deltas showing the changes made since the permit was approved for the plans in April 2023.
2. The applicant must provide a cross-section and profile of the pipe connection, as shown in the application package, between the reduced pond and the new pond.
3. The applicant must submit a revised stormwater report that includes the stormwater retention calculations for the stormwater retention volume required by code and the amount provided.
4. A letter from South Florida Water Management District (SFWMD) approving the modification to the retention pond.
5. A letter from the City of Orlando to permit approval of the development on the lot located outside of Belle Isle's city limits.
6. The applicant must submit an updated site plan to document that no new impervious area will be added to the site without site-plan approval from the Board and an accurate building setback from the proposed canopy to the parcel's lot lines.
7. The applicant must submit a Lot Grading Plan during the building permit process for the retention pond location, as shown on C-5.1.

Paul Kuck, the applicant, said the variance is a modification of the pond from the original approved plan. He noted that all other agencies have approved the plans.

Chairman Holihan opened for public comment. There being no comment, Chairman Holihan closed the public comment.

BOARD MEMBER SQUIRES MOVED PURSUANT TO BELLE ISLE CODE 54-82 (E) AND 54-82 (F) (3), TO APPROVE A REQUESTED SITE PLAN SUBMITTED BY APPLICANT GARY DAVIS ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.

BOARD MEMBER THOMPSON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY 4:0.

City Manager Rudometkin stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

- c. Planning and Zoning Case Number 2025-01-002: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (C) (1) TO ALLOW A DOCK AND WORK FOR AND ON A DOCK WITHIN A DRAINAGE AND UTILITY EASEMENT, SUBMITTED BY APPLICANT SHEILA CICHRA, ON BEHALF OF THE PROPERTY OWNER

DANIEL JOSEPH MCCARTIN, LOCATED AT 3538 COUNTRY LAKES DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-4980-00-030.

The item has been pulled from the agenda per the applicant's request.

- d. Planning and Zoning Case Number 2025-01-028: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

City Manager Rudometkin read Public Hearing case number 2025-01-028 by title. He stated that there is no representation for the applicant; however, he is familiar with the project and its nuances.

City Manager Rudometkin gave a summary of the variance and presented the staff report. The applicant owns a unique property comprising of two separate residential parcels (Lots 22A and 22B) adjacent to one another on Saint Partin Place within The Landings of Lake Conway subdivision. Lot 22A is the primary residence located inland, and Lot 22B is situated along a canal channel and features an Orange County lift station. Access to the applicant's boat dock has been restricted because Orange County has placed a lift station next to his property, which includes a driveway, pumps, and electrical components. The staff provided an image of the proposed walkway's location.

The requested variance does not affect the adjacent properties or the surrounding neighborhood. The requested variance could be construed to be in harmony with the general purpose of the Land Development Code, given that it is not injurious to the neighborhood nor detrimental to the public welfare. It will not contradict the public interest, as multiple houses in the neighborhood and adjacent houses across the canal channel have impervious areas near the water's edge. See attached aerial views from Orange County Property Appraiser. Based on the variance criteria under section 42-64 (d-g), the Staff recommends that the Board approve the requested variance to allow an impervious paver patio/deck area to the edge of the property's water line.

Chairman Holihan opened for public comment. There being no comment, Chairman Holihan closed the public comment.

There being no discussion, BOARD MEMBER LANE MOVED PURSUANT TO BELLE ISLE CODE 50-73 (A) AND 42-64, TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

BOARD MEMBER THOMPSON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY 4:0.

City Manager Rudometkin stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

5. Other Business

a. Proposed Ordinance to Allow Residential Flag Lots on Non-Lakefront Properties

City Manager Rudometkin said the Staff and Council reviewed multiple lot split cases. The City's current lot width definition requires that lot width be measured from the zoning district's designated front yard setback from the front lot line, or the Council may prescribe a front yard setback established at a greater distance than required by the applicable zoning district pursuant to a deed restriction granted by the property owner in favor of the City. In December 2024, the lot split case for 7306 Matchett Road was continued for further deliberation until April 15th, 2025, to allow the Planning Board to review and discuss the allowance of flag lots on non-lakefront properties.

After further research by staff, the Planning Department recommends that the Board deny all flag lots within the City as flag lots are inconsistent with the City's current land use pattern (except a cluster of properties along Hoffner Avenue and a number of lakefront lots). Should the Board recommend approval of the attached ordinance, the City recommends that conditions for flag lots be established under special circumstances and as part of application submissions for formal or informal subdivisions within the City limits.

City Manager Rudometkin reads the proposed ordinance change as follows,

“The creation of new flag-shaped lots is prohibited as a result of a lot split or subdivision of (i) any parcel adjacent to a lake or canal connected to a lake, or (ii) any parcel designated with a zoning category other than a single-family residential zoning category. The creation of new flag-shaped lot for non-lake front single-family residential lots and non-canal single-family residential front lots is discouraged but may be allowed in extraordinary circumstances with city council approval subject to (i) the creation of a deed restriction establishing a front yard setback along the public right-of-way at a greater distance than required by the applicable zoning district, and (ii) a determination that no traffic safety or vehicle access issues are being created. A lot split is not permitted if the parcel proposed to be subdivided has a non-conforming use or non-conforming structure(s) that will not be brought into compliance with the Land Development Code. No variance will be given for any lot split that results in a lot or parcel of development that does not conform in every respect to the Land Development Code's requirement for newly created lots or parcels. For example, no variance will be given for any lot split that results in a substandard lot or in the creation of a lakefront or canal front flag lot.”

After a brief discussion, Board Member Thompson moved to recommend the Ordinance as presented to the City Council for discussion and consideration. Board Member Lane seconded the motion, which passed unanimously 4:0.

6. Adjournment

There being no further discussion, Chairman Holihan moved to adjourn, unanimously approved at 7:45 pm.