



**CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING**

Tuesday, October 22, 2024 * 6:30 PM

MINUTES

The Belle Isle Planning & Zoning Board met on October 22, 2024, 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 Holihan
Board member Squires
Board member Hobbs
Board member Conduff

Absent was:

District 1 - OPEN
District 2 - OPEN

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

1. Call to Order and Confirmation of Quorum

Chairman Holihan opened the meeting at 6:30 p.m., and the Clerk 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 – na

4. Public Hearings

- a. P&Z Case Number 2024-08-009: PURSUANT TO SECTION 54-80 (F) (4), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN FOR COMMERCIAL IMPROVEMENT, SUBMITTED BY APPLICANT PHILLIPS BUSWELL LLC, C/O JPC CONSTRUCTION INC., TO INSTALL THREE BOLLARDS LOCATED AT 6001 S. ORANGE AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #24-23-29-8680-05-013.

City Manager Rudometkin read Public Hearing 2024-08-009 by title.

Raquel Lozano, City Planner, presented the site plan to construct three bollards on the commercial property, abutting the northwest side of the existing establishment at the intersection of S. Orange and Fairlane Avenue. The proposed bollard location is entirely on private property, intended to protect the building and its occupants from vehicular impact. The establishment has experienced car crashes along the building side of the proposed bollard location. The Site Plan submittal includes photographs of these crashes. Staff recommends approval of the requested site plan based on the applicant's demonstrated need to install the proposed bollards at the commercial property due to previous vehicular damage to the building on more than one occasion. The proposed bollards do not obstruct the pedestrian walkway for public access and do not encroach within the city right-of-way.

John Carr, JPC Construction, did not comment on the staff recommendation.

Chairman Holihan asked if the Code calls for specific design specifications. Ms. Lozano said no, it does not call for specific specs for a bollard design.

There being no further discussion, Board Member Squires moved, pursuant to Belle Isle Code 54-80 (F)(4), to approve the proposed site plan for commercial improvement to install three bollards, submitted by applicant Phillips Buswell LLC, C/O JPC Construction Inc., at 6001 S. Orange Avenue, Belle Isle, Florida 32809, also known as Parcel ID #24-23-29-8680-05-013.

Board Member Conduff seconded the motion, which passed unanimously 5:0.

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

- b. P&Z Case Number 2024-09-008: PURSUANT TO SECTION 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.

City Manager Rudometkin read Public Hearing 2024-09-008 by title.

Raquel Lozano, City Planner, presented Case Number 2024-09-008. Ms. Lozano said this applicant is seeking two variance requests: one regarding the height of the fence and the other regarding the parking extension to their driveway.

Regarding the fence height, the applicant requests to construct a fence eight feet in height along the residential property's side and rear lot lines. The city's land development code allows fences eight feet in height with the written consent of the abutting property owners within 50 feet of the proposed site. Based on the variance criteria of sections 42-64 and 50-102(B)(16), staff recommends that the Board approve the requested variance to construct a fence eight feet in height. The proposal is the minimal possible variance from the city code and demonstrates existing conditions for safety and privacy.

Ms. Lozano stated that the applicant has attempted to contact the neighbors to obtain letters of consent but was unable to provide that with the application. Ms. Mustafa said she has letters from the three abutting neighbors and can give it to the City.

The applicant also requests to expand their driveway layout. The proposed driveway improvement is approximately 9.5 feet by 29.5 feet in the designated front yard and is located three feet from the Driscoll right-of-way and three feet from the side lot line. The proposed driveway extends into the side yard entirely with zero setbacks from the side lot line. The proposed driveway is designed to accommodate their boat and trailer. Staff recommends that the Board not approve the requested variance to expand the driveway within three feet of the side lot line in the front yard and not allow the front edge of the surface to be less than five feet from the front property line. Utility easements are dedicated to other entities in perpetuity unless the easement is abandoned, or consent is granted to utilize the area.

Board Member Conduff said she would like to hear about the drainage indicated on the site plan. Ms. Lozano noted that the applicant recently provided an on-site retention plan to accommodate the ISR criteria. They did not include a variance request for the ISR and will have to comply with the requirement.

Jose Mendoza, Contractor with offices at 4952 Cobblestone Orlando, FL 32810, said he is available to answer any questions.

Chairman Holihan provided a recent picture of the front of the property for the Board to review, showing an enclosed trailer and a truck creating a possible code issue. The property owner, Ms. Mustafa, stated that they are in the process of fixing the floors, which is why the trucks are on the property. She requests the pavers to accommodate her boat and the fence to provide her family privacy.

Chairman Holihan opened for public comment.

Candy Brooks, the owner of 5225 St. Regis Place, who was adjacent to the applicant, opposed the request because it would lower our community standards.

Since the applicant did not provide the letters from the abutting neighbors as required, the Board discussed postponing the hearing so that the applicant could submit the letters for the record. In addition, the Board stated that the applicant should be aware that the homeowner is responsible for replacing any change to a utility easement.

Board member Thompson moved to reorder item 4b after discussing and determining the next meeting date, item 5a. Board member Hobbs seconded the motion, which passed unanimously 5:0.

Chairman Holihan opened for discussion to reschedule the November and December meeting dates.

- a. Reschedule or combine the November 26th and December 24th P&Z Meetings
The Board discussed rescheduling the November and December meetings due to the holiday schedule. After discussion, Board Member Thompson moved to combine the two meetings to Wednesday, December 11, 2024, at 6:30 pm. Board Member Hobbs seconded the motion, which passed unanimously 5:0.

Board Member Thompson moved to postpone P&Z Case Number 2024-09-008 until Wednesday, December 11, 2024, and for the applicant to bring the following to staff.

- **Letters from the neighbor's approval of the 8ft fence application**
- **Letter from the utility company regarding the easement**

Board Member Conduff seconded the motion, which passed unanimously 5:0.

- c. P&Z Case Number 2024-09-025: PURSUANT TO SECTION 50-73 (A), 54-75 (C) (9), AND 42-63, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A TEN-FOOT REDUCTION OF THE FRONT YARD SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE TO 20 FEET INSTEAD OF THE REQUIRED 30-FOOT FRONT YARD BUILDING SETBACK, SUBMITTED BY APPLICANT CASAGALAN LLC, LOCATED AT 4010 ISLE VISTA AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-220.

City Manager Rudometkin read Public Hearing 2024-09-025 by title.

Raquel Lozano, City Planner, presented the special exception and said the applicant seeks to construct a new single-family home within ten feet of the required 30-foot front yard setback. Staff recommends approval for the special exception use to allow a 10-foot reduction of the front yard, per section 54-75 (C) (9), as the property is located within (1) a private, gated community that is not accessible to the general public; (2) the proposed setback reduction does not exceed a total of ten feet; (3) the city-approved preliminary subdivision plan for Belle Vista showcases properties within the front and/or rear building setbacks; and (4) the proposed reduction is not injurious to the health, safety or welfare of the public or surrounding property owners, and meets the character of surrounding properties.

Joseph Galan, who lives at 5025 S Orange Avenue, Orlando, spoke on his variance. He said most neighbors have a 20-foot setback from the property line and want to match the neighborhood's design.

Board member Thompson said he is aware of a more detailed design document that has been provided to the HOA Architectural Committee and would like to have that document for the board's consideration. The applicant said the HOA questioned the sidewalk measurements and requested a new site plan, which is still under review. He further noted that the elevation plans have also been provided to the Committee. Ms. Lozano highlighted that today's request is specific to the single-family home permit; the sidewalk and driveway are separate permits and not part of this variance request. The applicant must submit a City Right of Way permit for staff and engineer approval.

Chairman Holihan opened for citizen comment.

Doug Dore, who lives at 4111 Isle Vista Avenue directly across from the property, shared his concern with the 10 ft reduction and preferred that it be stated that it is 20 ft from the front of the home.

Dan Sharpe, who lives at 4017 Isle Vista Avenue, opposed the variance. He provided pictures for the file and expressed his concern about the 9-foot distance from the house changing the character of the existing homes in the neighborhood. He briefly addressed some code enforcement violations.

Valerie Ford, who resides at 4004 Isle Vista, spoke in opposition and shared her concerns that the variance does not conform to the community's character standards.

Nancy Sharpe, who lives at 4017 Isle Vista Avenue, said two additional lots are empty in the neighborhood going out to the lake, and the applicant is looking to build a very large home. Ms. Lozano said the applicant has provided plans for the home and meets the setback requirements.

The applicant, Mr. Galan, said he measured from the garage to the sidewalk, and it is 20 feet. Most homes and the furthest portion of the house from the front door to the street are 30 feet from the sidewalk. Ms. Lozano clarified in the Code that the setback is measured from the front lot line. The front lot line does not take into consideration the right of way, which is often where the sidewalk is to the edge of the road. Discussion ensued on the site plan design. Ms. Lozano explained the difference between a variance and a special exception. The Board's role is to determine that the special exception application is not an issue or negatively impacts the area and is in conformity with the subdivision.

Brian Thomas, who lives at 4004 Isle Vista Avenue, asked if the proposed garage aligns with the other homes. The applicant said yes, they have a building permit and will build a 3,433-square-foot home.

There being no further discussion, Board Member Conduff moved, pursuant to Belle Isle Code 42-63 and 50-73 (A), 54-75 (C) (9), to approve a ten-foot reduction of the front yard setback for a new single-family residence to 20 feet instead of the required 30-foot front yard building setback, submitted by applicant CASAGALAN LLC, located at 4010 Isle Vista Avenue, Belle Isle, Florida 32812, also known as Parcel ID # 20-23-30-0668-00-220.

Board Member Thompson amended the motion to include that the garage line at the 20 ft setback is in line with the neighbor's property to the north.

Board member Squires seconded the motion for discussion.

The motion passed 4:1 as amended, with Board Member Conduff nay.

5. Other Business

b. Schedule Discussion and Review of the City's Boat Dock Requirements

The board consensus is to forward a review of boat dock revisions to the December 11, 2024, scheduled meeting.

c. Schedule Discussion and Review of the Overlay District (i.e. McCoy Road)

The board consensus is to schedule a discussion of an overlay district for the January 2025 session.

6. Adjournment

There being no further discussion, Chairman Holihan moved to adjourn, unanimously approved at 7:36 pm.