



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING

Tuesday, March 26, 2024 * 6:30 PM

MINUTES

The Belle Isle Planning & Zoning Board met on March 26, 2024, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board Member Shenefelt
Board Member Holihan
Board member Squires
Board member Hobbs
Board member Conduff

Absent was:

District 1 - OPEN
Board member Thompson

1. Call to Order and Confirmation of Quorum

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

2. Invocation and Pledge to Flag – Board member Hobbs, District 7

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

3. Approval of Minutes

Approval of the January 3, 2024, meeting minutes

Board member Holihan moved to approve the minutes as presented.

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

4. Public Hearings

- a. PUBLIC HEARING #2024-02-017 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FOR A MAXIMUM BUILDING HEIGHT OF 40 FEET INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00220.

Chairman Conduff read the Hearing by title.

Raquel Lozano, City Planner, presented her staff report and stated that the applicant seeks to build a new two-story family residence that exceeds the standard maximum building height of 35 to 40 feet. The code defines building height as the vertical distance from the grade to the road's highest point, including all appurtenances. Based on the City Code definition and reasoning behind the building, it does not satisfy the variance criteria, and staff recommends that the Board not approve the requested variance. The structure can be modified to comply with our current code regulation.

Jason Lee, with MJS Custom Home Design, 815 Orienta Avenue Altamonte Springs, representing the applicant, said in response to the building height, he had amended the plans to measure from the roof's peak to the finish floor. One of the issues they are experiencing is the typography down to the lake. There is a substantial drop from the front to the back of the property. They are trying to work around large trees on the property, keeping the house forward, which adds to staying on the natural grade. Less than 10% of the overall roof structure of the house exceeds the maximum height.

Greg Meerbaum, homeowner, said the house is unique. He purposely kept all 12 fully mature live oaks and designed the house around the limbs based on what was there. Working around the trees and with the downward slope to the lake is challenging.

Chairman Conduff opened for public comment, there being none, she closed public comment.

Board member Shenefelt said he does not understand what 40 feet looks like and would have liked to have a rendering from the street. Mr. Meerbaum said most two-story homes peak around 35 feet. He stated that in the rendition, reference lines were added to the section of the roof that is over, and five feet is barely visible to the naked eye. The Board reviewed the handouts submitted. Mr. Meerbaum said that the trusses were ordered due to some delivery concerns. Ms. Lozano reminded the board that financial hardship is not a criterion for approval but is based on the land and the structures.

Board member Holihan reminded the Board of previous variances from commercial properties for height requests, which may allow those requests to be reconsidered. Board member Hobbs said variances are approved on a case-by-case basis and disagrees.

Chairman Conduff read an email from Board member Woods dated March 15, 2024, which stated that the building is 35' from the finish floor to the peak, and the finish floor is 1.3' above the surrounding ground. The entry steps could be reduced by 2, lowering the building by .87 feet, making the encroachment only 0.43'. Since there does not appear to be a clear definition of where the 35' is to be measured and the finish floor should be at least 3" above natural grade (FHA recommends 6"), this should be acceptable. It does not appear that the height will adversely affect the neighbors on either side due to the slope and style of the roof, which keeps the peaks away from the property lines.

Mr. Lee said he had discussed the same concerns with Board member Woods and had updated his plans to address the drainage concern to reduce the step count. Ms. Lozano said that when she finds a grading concern, the city refers the plans to the city civil engineering department for a response. Board member Holihan said if the variance is denied, the applicant could appeal to the Council, or the Board could table the request to allow the applicant to make the necessary changes.

Ms. Lozano said, for the record, she has heard from a neighbor, Bill Peeper, residing at 1910 Hoffner Avenue, who verbally noted that he does not oppose the variance request. Mr. Meerbaum said he has three letters from neighbors and can provide them for the record. The City Clerk stated any documents should be presented on the day of the hearing and not after the fact.

After further discussion, Board member Holihan moved pursuant to Belle Isle Code Section 42-64 and 50-73 (A), having not been met to deny a maximum building height of 40 feet instead of the standard maximum building height in an R-1-AA zoning district of 35 feet, submitted by applicant Jason Lee, representing property owner Greg Meerbaum, located at 1916 Hoffner Avenue, Belle Isle, FL 32809, also known as Orange County Tax Parcel ID #18-23-30-3648-00-220.

The motion dies for lack of a second.

Board member Hobbs moved pursuant to Belle Isle Code Section 42-64 and 50-73 (A), having been met to Approve a maximum building height of 40 feet instead of the standard maximum building height in an R-1-AA zoning district of 35 feet, submitted by applicant Jason Lee, representing property owner Greg Meerbaum, located at 1916 Hoffner Avenue, Belle Isle, FL 32809, also known as Orange County Tax Parcel ID #18-23-30-3648-00-220.

Board member Conduff seconded the motion, which passed 4:1 with Board member Holihan, nay.

Ms. Lazano stated that there is a 15-day appeal period before moving forward with the building process.

- b. PUBLIC HEARING #2024-02-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT, SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

Chairman Conduff read the Hearing by title.

Raquel Lozano, City Planner, presented her staff report and stated the applicant seeks to demolish and build a new single-family home within the designated building setbacks for an R-1-AA zoning district, according to section 50-73 (A). The property maintains a unique lot configuration, as it abuts Wind Harbor Road to the north and east. The property is at the street end of the cul-de-sac. The front-facing side of the existing single-family residence faces east. The sides of the residential building face north and south, and the rear yard faces west. The designated yards and applicable building setbacks may be reviewed and determined by the Board.

Based on the Staff Report and variance criteria under section 42-64 (d-f), City staff recommends that the Board not approve the requested variances to allow a 22-foot front yard building setback from the required 30-foot setback and a 20-foot rear building setback from the required 35-foot setback.

Should the Board approve the requested variances for the front and rear building setbacks, City Staff recommends the following conditions of approval:

- At the recommendation of legal counsel, the applicant Timothy Shipe must update the property appraiser's information through the County to show the owner as "Timothy Shipe as Trustee of the Gary Shipe Trust dated January 27, 1999."
- Under sections 42-67, the code outlines limits and extensions for variance cases. Under section 42-67(A), variance approvals are valid for six months after the Board's decision or one year after issuance of the last permit necessary for utilizing the variance. The Board may assign a different me limit for the requested variances.

Frank Wilson, residing at 7449 Megan Ellisa Lane, Orlando, Florida, representing the applicant, Tim Shipe. Mr. Wilson provided a copy of the plat survey with additional comments on the lot size. He said a typical lot is 94x155, and based on that configuration, it gives more flexibility to the building envelope. The new copy shows the neighbor and their building envelope, which is bigger than theirs because of the configuration of the street. The current home is the dotted line and is 10.3 feet on the far west corner. They will meet 35 feet and 30 feet in the front. They will be limited to a long, skinny house and cannot place an outside living porch in the back.

Chairman Conduff read for the record an email submitted by Board member Woods that stated that no plat defines the front of the property. An argument can be made that the front of the property is on the north side and is a corner lot. With this interpretation, there is substantially more buildable area and the opportunity for a completely different home and yard arrangement that would not require a variance. He further noted other issues that may be of concern on this site and said that based on the proposed site plan, the ISR is about 55%, which is substantially greater than the limit of 35%. An accessory structure (detached garage) is shown but no height information is shown. Based on the shape, it appears to be for a motorhome. The code limits the height of accessory structures to 14'. This needs to be addressed.

Mr. Wilson noted that they hadn't designed the home exactly. However, the homeowners' goal is to add an outside back porch and will try to meet the concerns of Board member Woods.

Chairman Conduff opened for public comment.

Mary Bloss, residing at 1841 Wind Willow Road, said she lives behind the Shipe property and stated that she is not concerned with the house; however, she has been looking at a box cart-size mobile home in her view, which is a negative for her property view.

Tim Shipe, the applicant residing at 7415 Lake Drive, said the home had been rented since they purchased it. It has been in disrepair, and his daughter has been living in the mobile home. They need to renovate the home or rebuild.

Thad Taylor, a neighbor at 1816 Wind Harbor Road, said the variance would greatly improve the current property. The home sits on a cul-de-sac, and squeezing in a new home will be hard. Mr. Taylor said the code allows a homeowner to live in a trailer while it is being renovated and favors the request.

Ms. Lozano noted, in speaking with Board member Woods, that this could be considered a corner lot, and the code states that a corner lot can be seen at the intersection of two roads. According to the plans, the existing home has setbacks like those of the neighbor to the west. Meeting the 30-foot front setback north and approximately the 35-set back rear yard south. The detached garage was not considered for this variance because the principal building must be approved before an accessory structure is approved.

After further discussion, Board member Holihan moved pursuant to Belle Isle Code Section 42-64 AND 5073 (A), having been met to approve the building setback requirement of an R-I-AA zoning district submitted by applicants Timothy Shipe as Trustee of the Gary Shipe Trust dated January 27, 1999, and Frank Wilson located at 1832 Wind Harbor Road, Belle Isle, FL 32809 also known as Orange County Tax Parcel ID #30-2330-9330-00-260 with the conditions stated,

- **the applicant, Timothy Shipe, must update the property appraiser's information through the County to show the owner as "Timothy Shipe as Trustee of the Gary Shipe Trust dated January 27, 1999, within six months.**
- **Permit limitation will be valid for two years; and**
- **22-feet front yard building set back (east) from the required 30-feet setback; and**
- **14.5-feet rear building setback (west) from the required 35-feet setback; and**
- **30-feet setback (north) and 7.4-feet setback (south).**

Board member Shenefelt clarified whether the approval includes a porch setback or applies to the house. Ms. Lozano said the motion applies to the structure's setback; the City cannot require specific design structures.

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

5. Other Business - na

6. Adjournment

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