



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Wednesday, March 27, 2024 * 6:30 PM

MINUTES

Present was:

Mayor - Nicholas Fouraker
District 1 – OPEN
District 2 – OPEN
District 3 – OPEN
District 4 Commissioner – Jason Carson
District 5 Commissioner – Beth Lowell
District 6 Commissioner – Stan Smith
District 7 Commissioner – Jim Partin

Absent was:

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:32 pm, and the Clerk confirmed quorum.

City Manager Rick Rudometkin, Attorney Dan Langley, DC Millis, Public Works Director Phil Price, and City Clerk Yolanda Quiceno were also present.

2. Invocation and Pledge to Flag – Vice Mayor Lowell, District 6

Vice Mayor Lowell gave the invocation and led the Pledge to the Flag.

3. Presentations

DC Millis recognized the following officers,

- Officer Zachary Mathews was awarded the Patrol Officer of the Year Award
- Detective Tren Trendafilov was presented the Distinguished Officer of the Year Award
- Officer Andrew Clarke was awarded the Supervisor of the Year Award

3. Public Comments

Mayor Fouraker opened for public comment.

- Chris Shenefelt, who resides at 1722 Hoffner Avenue, spoke in opposition to the lot split and stated that he believes the applicant is using the loophole in the code in their favor. He further noted that the property must abide by the current code if any changes are made to a grandfathered use.
- Bruce Lincoln spoke in support of the lot split.
- Gerald Davis, residing at 3235 Raeford Road, spoke in favor of the lot split.
- Debra Philips, residing at 1437 Conway Isle Circle, said she would like to hear the lot split and be able to speak after the presentation.

Mayor Fouraker stated that he and the City Manager have been meeting and have discussed how to run an efficient meeting and meeting protocol. There being no further public comment, Mayor Fouraker closed the public comment section.

5. Consent Items

- a. Approval of the City Council meeting minutes – March 5, 2024
- b. Approval of the Execution of 22FRP106 Standard Grant Agreement: Sol Avenue Rebuild
Comm Smith requested that item B be pulled for discussion.

Comm Carson moved to approve item A as presented.

Vice Mayor Lowell seconded the motion, which passed unanimously at 4:0.

Comm Smith asked for clarification on the Sol Avenue ReBuild. Comm Partin noted that Comm Smith was not present when this was discussed at a previous meeting. Mayor Fouraker noted that Chief Grimm was instrumental in bringing this forward.

Comm Smith moved to approve item B as presented.

Vice Mayor Lowell seconded the motion, which passed unanimously at 4:0.

6. Unfinished Business

SECOND READING AND ADOPTION ORDINANCE 24-01 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING THE MEMBERSHIP REQUIREMENT FOR THE TREE BOARD MEMBERS; SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

The City Clerk read Ordinance 24-01 by Title.

Vice-Mayor Lowell moved to adopt Ordinance 24-01 as presented.

Comm Smith seconded the motion, which passed unanimously at 4:0.

7. New Business

- a. PURSUANT TO BELLE ISLE CODE SECTION 50-33 (6), THE CITY COUNCIL SHALL CONSIDER AND TAKE ACTION ON A REQUESTED LOT SPLIT APPLICATION TO ALLOW A SINGLE-FAMILY RESIDENTIAL PROPERTY TO BE SPLIT INTO TWO LOTS, SUBMITTED BY APPLICANT MARVEL QUEVEDO, LOCATED AT 1711 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32809 ALSO KNOWN AS PARCEL #19-23-30-4390-00-030.

Mayor Fouraker read the Hearing by Title.

Allison Yurko, Land use Attorney, is representing the applicant. Attorney Yurko gave a short PowerPoint presentation and spoke on an overview of the 1711 Hoffner Avenue lot split, covering the timeline from 2019-2023 that led to the purchase of the property. Attorney Yurko stated that the property owner seeks to split the lot into two parcels, resulting in one flagpole lot with lakefront access, not a subdivision, which is allowed by the Code. The applicant provided a Narrative Letter, a petition from neighbors with no objections to the proposal, and a Deed restriction to not permit the flagellate nonconforming commercial building on site after ten years.

Attorney Yurko noted that Lot A is 98.6 sf and Lot B is 116.94 sf with more than 20 feet of street frontage. She spoke on Section 50-32 and stated that the code does not define "Front lot line" or "property line." However, she added that the lot depth, referenced in the Code, is measured along a straight line drawn from the midpoint of the front property line to the midpoint of the rear property line" subject to the restriction that no dwelling shall be erected on a lot which does not abut a street for a distance of at least 15 ft. She provided a sketch for the record.

Attorney Yurko stated that the request meets and exceeds all LDC requirements and represents a fraction of the density that could be requested under the current R1AA zoning. She stated that the owner purchased the property based on the City's written assurance that a new single-family home could be built. She added that if approved, the owner is agreeable to adding a 10-year limitation on the non-residential use of the accessory building at the back of Parcel A.

Raquel Lozano, City Planner, gave an overview of the Lot Split Application. She stated that in 2019, the property owner submitted a complete lot split application, which features a single-family dwelling, a commercial building, and two accessory structures on a 1.94-acre lot. The proposal would maintain the residential and commercial building on one lot, with the second lot used to create a new single-family dwelling. The property is legally nonconforming for residential and commercial uses. The requirements for a lot split approval are pursuant to sections 50-32, 50-33(1), 50-33(6), and 50-35. The applicant agreed that no

trees would be removed if approved. The code states that no variance will be given for any lot split that results in a lot or parcel that does not conform to every aspect of the LDC's requirements and is explicit that no variance will be given for any lot split that results in a substandard lot.

Ms. Lozano spoke regarding lot width in Sections 50-33(6) and 50-32. She stated that the applicant proposed a lot split that creates Lot 1 to meet the 85-ft width and all other subdivision standards; however, Lot 2 proposed a 20-ft wide accessway extending 359.16 ft and widening to an overall lot width of 116.94 ft.

Ms. Lozano stated that the staff does not have a recommendation. The Council must determine if the proposed Lot Split (Lot 1 and 2) satisfies the City's Land Development Code. Following section 50-32, the Council may measure the lot width of Lot 2 as 30ft from the Hoffner Avenue right-of-way or 30 ft from the general front lot line located approximately 389.16 ft from the Hoffner Avenue right-of-way. The Council may also condition a deed restriction granted by the property owner.

If approved, section 50-33(6)(C) required the applicant to record a final plat with Orange County and execute a Notice of No Further Lot Split in the County records.

Mayor Fouraker asked how many accessory structures were on the property. Ms. Lozano said there are currently two accessory structures. If the well structure is more than 25 sqft and detached, it will also be considered an accessory structure. If the greenhouse and the well are preexisting in the code, they are considered legally non-conforming.

For clarification, Ms. Lozano stated that the City did provide the applicant with a letter to address the previous letter sent by former City Manager Mr. Francis. In the letter sent by Interim City Manager Grimm, the City communicated to the applicant that her proposal did not meet the code and she would not be able to proceed based on the code requirements. The letters provided by the former City Manager are null and void. Discussion ensued.

Attorney Langley opined that the former city manager had no authority to send the letter in question. A city manager has the authority to make reasonable interpretations of the land development code (LDC) but does not have the authority to blanket waive provisions of the code. Attorney Langley agreed with the City Planner that there cannot be two homes on one single lot; there can only be one principal structure. The lot width and the non-conforming accessory structures are two separate issues.

Attorney Langley noted a provision on lot frontage in section 41-4 that speaks to the front lot line. The Council must make a policy decision if the lot meets the code's requirements. Mayor Fouraker shared his concerns and spoke about the total accessory structures on the property. City Planner Lozano clarified that if the accessory structures pre-date the code 1992, they are legally non-conforming and grandfathered to remain unless a structural change is made. For a lot of split approval, the applicable lot width, the minimum frontage for the applicable zoning district, and the size in the LDC must be met. The main issue is the lot width, and as a planner, she would measure it 30ft from the right-of-way. Discussion ensued. Ms. Lozano stated, at the Council's discretion, the Council must decide how the lot width is measured; is it 20 ft wide from the 30 ft setback from the Hoffner right-of-way, or should the Council consider 116 ft wide based on the majority of the front lot line.

Mayor Fouraker stated that the letters the former city manager issued without council approval were written with great confusion. He said they should consider whether the city can offer something to make it right. He said he believes the applicant can create conforming lots to move forward.

Attorney Yurko stated that if denied, it may pressure the approval of eight (8) lots. Attorney Yurko offered to impose a 35-ft setback from the 98.6 property line with a deed restriction and provisions. The applicant further offered to remove the well/pump house and greenhouse before issuing the certificate of occupancy.

Mayor Fouraker opened public comment on the hearing.

- Debra Philips, who lives at 1437 Conway Isle, shared her confusion about the proposed lot split and its relation to accessory structures. Her concern was about extra homes and residences in the surrounding area.
- Todd Alley, residing at 1811 Hoffner Avenue, said that to build his house, he was required to remove an existing home and build a new one.
- Mike Alley, residing at 1811 Hoffner Avenue, said they are not opposed to the applicant's proposal; however, he said removing some of the structures would be reasonable.

There being no further comment, Mayor Fouraker closed public comment.

After further discussion, Comm Partin moved to deny the lot split request.
Comm Smith seconded the motion, which passed unanimously at 4:0.

- b. Interview & Possible Appointment of Frank Vertolli to the District 1 Commission seat
Comm Carson moved to appoint Frank Vertolli as the District 1 Commissioner until the next election.
Comm Smith seconded the motion, which passed unanimously, 4:0.
- c. Interview & Possible Appointment of Holly Bobrowski to the District 2 Commission seat
The council discussed Ms. Bobrowski's position on the Special Events Committee and said they would like her to resign effective upon appointment or participate in a diminished capacity to avoid conflicts of interest, per the code's provisions. Attorney Langley stated that section 2-54 states that the candidate will automatically resign from the committee once appointed.
Vice Mayor Lowell moved to appoint Holly Bobrowski as the District 2 Commissioner until the next election
Comm Smith seconded the motion, which passed unanimously, 4:0.
- d. Review and Award of PD and Safety Services Boat Dock RFP 24-01
Vice Mayor Lowell moved to accept the proposal submitted by Fender Marine in the amount of \$155,638.
Comm Partin seconded the motion, which passed unanimously, 4:0.
- e. Approval of Sponsorship for the 5th Annual Hearts Against Hunger 5K
Comm Smith moved to sponsor the 5th Annual Hearts Against Hunger in the amount of \$1,000.
Vice Mayor Lowell seconded the motion, which passed unanimously, 4:0.

- 8. **Attorney's Report** – Attorney Langley said, with Council approval, he would like to schedule a refresher course on Ethics and Sunshine law with the new commissioners on board.

Comm Smith moved to extend the meeting an additional 15 minutes.
Vice Mayor Lowell seconded the motion, which passed unanimously, 4:0.

9. City Manager's Report

City Manager Rudometkin reported on the upgrades at City Hall and new landscaping. He is working on the Centennial and reminded everyone of the Easter Event on Saturday.

a. Chief's Report

In the interest of time, DC Millis did not have a report and welcomed the new Commissioners.

Public Works Report

Phil Price reported that the Cross Lake Project is complete within its time schedule. The staff has been performing all the street sweeping and has almost completed the entire City. The sidewalk repair project continues to move forward.

10. Mayor's Report

- Mayor Fouraker reported that there was an unfortunate incident last night after the P&Z Board and the Belle Isle team responded quickly. He gave condolences to the resident's family.
- Mayor Fouraker reported that David Woods has resigned from the P&Z Board. He would like to hold a ceremony for him, other Board members, and Past Council members for their years of service and gratitude.

Comm Smith moved to extend the meeting an additional 15 minutes.

Vice Mayor Lowell seconded the motion, which passed unanimously, 4:0.

11. Commissioners Report

- Vice Mayor Lowell announced that the Orange County Meeting was postponed to Tuesday, April 2nd. She was disappointed that the cancellation notice had not been sent out earlier in the day.
- Comm Partin wanted to remind the new commissioners that they are under Sunshine law. Attorney Langley agreed and confirmed.
- Comm Smith said he would like to receive updates on an ongoing basis, e.g., the Comp Plan, Property Acquisitions, Lancaster House, and the issues log, which detailed open projects to update the Council on deadlines. Mr. Rudometkin said he is unsure what the issue log is, but he will speak with the Comm for further information.

12. Adjournment

With no further business, Mayor Fouraker called for a motion to adjourn the meeting, which was unanimously approved at 9:17 pm.