



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, January 24, 2023, * 6:30 pm
MINUTES

Planning and Zoning Board Members

District 5 member – Rainey Conduff, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – OPEN

District 4 member – Vinton Squires | District 6 member – Andrew Thompson

District 7 member – Dr. Leonard Hobbs

The Belle Isle, Planning & Zoning Board met on October 25, 2022, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Conduff
Board member Shenefelt
Board member Squires
Board member Thompson

Absent was:

Board member Woods
District 3 - OPEN
Board member Hobbs

Also present were City Manager Bob Francis, Attorney Dan Langley, and City Planner Raquel Lozano.

1. **Invocation and Pledge to Flag** – Board member Conduff, District 5
Board Member Conduff gave the invocation and led the pledge to the flag.
2. **Call to Order and Confirmation of Quorum**
Chairman Conduff opened the meeting at 6:30 pm and confirmed the quorum.
3. **Approval of Minutes**
 - a. Approval of October 25, 2022, meeting minutes
 - c. November & December 2022 meetings canceled**Board member Squires moved to approve the minutes as presented.**
Board member Thompson seconded the motion, which passed unanimously 4:0.
3. **Public Hearings**
 - a. 2022-08-008 - PURSUANT TO BELLE ISLE CODE SEC. 50-102(B)(5), SEC. 50-102(B)(6), SEC. 50-102(B)(16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF THE CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

Board member Thompson read Public Hearing Case 2022-08-008 by Title.

Raquel Lozano, City Planner, said the applicant seeks a variance to allow a decorative front yard fence and within the City Right-of-Way from Sec 50-102(b)(5)(a) and 50-102(b)(6). She said the applicant is seeking approval for the safety of their pets and family. Based on the applicant's identification, staff cannot support the variance. Additionally, private fencing in the City's right of ways is prohibited. If the Board moves to approve the request, staff recommends that the applicant files and records a right-of-way agreement with the City before applying for a permit.

Ms. Lozano said they are within their setback configurations; however, due to the configuration of their lot, it falls within the City's right of way. They are the only property in the area with a temporary fence on the City's right of way. The only change from the initial variance application is that the City has created a Right of Way agreement that may be approved with justifying criteria. She further added, If the City needs to access the right-of-way, they do not need homeowner approval to gain access.

The applicant Kevin Keeney residing at 5428 Parkway Drive, said he is requesting the fence for the safety of their pets, and it will act as a barrier from the road. Mr. Keeney noted that he did provide petitions at the initial hearing from his neighbors in favor of the request.

Chairman Conduff called for public comment.

Ben Brown, the homeowner of 2118 Hoffner Avenue, spoke in favor of the request. He said the Keeneys have a nice-looking yard, and the fence would be a nice addition.

There being no further comments, Chairman Conduff closed public comments.

After discussing the fence's property line and location, Board member Squires moved pursuant to Belle Isle SEC. 50-102 (B) (6), SEC. 50-102 (B) (16) AND SEC. 42-64 of the Belle Isle Land Development Code, having been met **TO APPROVE A TEMPORARY FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100 WITH THE FOLLOWING CONDITIONS,**

- **Apply and record a Right-of-way Use Agreement with the City**
- **The City may remove the fence if access is required on the right of way**
- **Apply for a Fence Permit. Installation consistent with the current height, material, and temporary installation**

Board member Thompson seconded the motion, which passed unanimously 4:0.

Chairman Conduff said there is a 15-day waiting period for any appeals before starting any work on the fence.

- b. 2022-12-031 - PURSUANT TO BELLE ISLE CODE SEC. 50-102(B)(5), AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO KEEP A FENCE THREE FEET IN HEIGHT IN THE FRONT YARD OF A RESIDENTIAL PROPERTY SUBMITTED BY APPLICANT PERRY JAMES WILSON LOCATED AT 2411 NELA AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS PARCEL # 19-23-30-5888-03-210.

Board member Thompson read Public Hearing Case 2022-12-031 by Title.

Raquel Lozano, City Planner, said the applicant seeks a variance to keep a 3-foot fence in the front yard. Based on the background of this property, the redevelopment of the land relocated the drain field and septic tank from the rear yard to the front yard. As a result, the construction of the principal building created an elevated earth mound in a portion of the front yard. The applicant installed a three-foot wall along the perimeter of the earth mound without a permit to redirect stormwater runoff from channeling towards the principal building. The variance satisfies the criteria as a special condition, and staff recommends approval if the front wall barrier does not exceed its intended use, nor would it drastically alter or deviate from the overall character of the neighborhood.

The applicant Perry James resides at 2411 Nela Avenue; he said he was unaware that he needed a permit and would be thankful if the Board could approve his request. The drain field is designed high in the back corner and down towards the street and was inspected by the Environmental Department. The fence is placed outside the slope and designed to not allow the dirt/mound from collapsing towards the house. The drain field has a specific type of soil to help it percolate. He added that Universal Engineering recommended a retaining wall in the future before it settles. However, the fence consisting of PVC-High Grade was the least aggressive and aesthetically pleasing installation. He also placed French drains from the driveway to the backyard to avoid a runoff.

Chairman Conduff called for public comment. There being no public comment, she closed the public comment section. The Board noted that they did receive many letters of support from the surrounding neighbors. There were no letters in opposition received by staff.

After discussion, Board member Shenefelt moved pursuant to Belle Isle SEC. 50-102 (B) (5) AND SEC. 42-64 of the Belle Isle Land Development Code, having been met **TO APPROVE A FENCE THREE FEET IN HEIGHT IN THE FRONT YARD OF A RESIDENTIAL PROPERTY SUBMITTED BY APPLICANT PERRY JAMES WILSON LOCATED AT 2411 NELA AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS PARCEL # 19-23-30-5888-03-210.**

Board member Conduff seconded the motion, which passed unanimously 4:0.

Chairman Conduff said there is a 15-day waiting period for any appeals before starting any work on the property. Ms. Lozano noted that after 15 days, the applicant could submit the permit and plans for review and approval.

4. Other Business

Motion to Excuse Absence

Chairman Conduff called for a motion to excise Board members Hobbs and Woods from the meeting.

Board member Squires moved to excuse Board members Hobbs and Woods.

Board member Shenefelt seconded the motion, which passed unanimously 4:0.

Other Business a. Discussion of Artificial Turf and Public Opinion Survey Results

Raquel Lozano, City Planner, summarized the Staff report and Artificial Turf Public Opinion Survey. As requested by the Board, the survey was developed to ensure the questions were understandable to the general public. The survey yielded a maximum of 107 responses, and the lowest documented response (Question 5) yielded 99 responses. In addition to the survey, she requested information from other City Planners. Based on the interviews, she found a relatively low but steady demand for artificial turf among residential properties. The Code Enforcement department among Florida municipalities typically oversees the final implementation and maintenance of the synthetic product after its installation. The issue citations of the product are not secured and preserved. Among Florida Based Planners, each respondent cited historical and environmental issues regarding artificial turf for its impact on the community permitting process, neighborhood aesthetics, allowable impervious area for a singular lot, and residential landscaping options.

In speaking with Florida Based Planners, she said the most common concerns about allowing artificial turf within the City,

- Creation of a Code to establish parameters and setback requirements
- Provide education to the residents on the use, materials, and installation
- Some materials are not favorable in Florida/Tropical Environment (heat and mold)
- Consideration of pervious material or should it be treated like pavers and concrete

Ms. Lozano said that at a previous Council meeting, a resident addressed serious environmental concerns if artificial turf being allowed in the City.

Chairman Conduff shared her concerns and said artificial turf is not conducive in Florida and may cause mold. She wants to hear from Engineers and environmentalists on heat, mold, and upkeep. Mr. Francis said there might be equal responses from both sides and recommended that Board members do some research for more information.

Board member Shenefelt said he visited a City down South and spoke on favorable aspects of the installation if appropriately maintained. If allowed, the City should have clear guidelines, permeability study, and stiff penalties, if any.

After discussion, Ms. Lozano recommended that Artificial Turf not be allowed in the City because it may be difficult to enforce. If allowed and recommended by the Board,

- The application should be treated as a Building Permit and be approved and inspected by an Engineer
- Strict code verbiage that addresses setbacks, hard surfaces (pervious/impervious), where allowed, drainage plan, product material, installation, and maintenance plan
- Approve on a case-by-case basis and develop a criterion that applies to the variance process for artificial turf.
- Existing installations before April 2022 may be grandfathered in
- Fee Schedule application
- Artificial Turf Recorded Contract Agreement

Attorney Langley recommends drafting an ordinance that will prohibit the use with strict guidelines and receive variances on a case-by-case basis.

After discussion, Board member Thompson extended the artificial turf moratorium for an additional 6-months to allow for further research and discussion. Board member Shenefelt seconded the motion, which passed unanimously 4:0.

5. Adjournment

There being no further business, the meeting was unanimously adjourned at 7:45 pm.