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**NOTICE OF PUBLIC MEETING**  
**December 20, 2018- 6:30 PM**

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**CITY OF BELLE ISLE**  
**PLANNING AND ZONING BOARD REGULAR SESSION**

1. Call to Order, Confirmation of Quorum and Pledge to the Flag
2. Approval of the Minutes:
  - a. September 25, 2018 minutes
  - b. October 23, 2018 minutes
  - c. November 27, 2018 - meeting canceled
3. **Public Hearing Case #2018-11-057**-PURSUANT TO BELLE ISLE CODE SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF A R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ENCROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290.
4. **Public Hearing Case #2018-12-009**- PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANTS PAUL AND BONNIE HEIDBRINK, LOCATED AT OAK ISLAND ROAD (PLEASURE ISLAND F/140 LOT 7 BLK B), BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-7160-02-070.
5. Other Business
  - a. Discussion on front yard fencing
6. Adjournment

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Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based, Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**September 25, 2018 – 6:30 pm**

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, September 25, 2018, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Vice Chairman Woods, Board member Cheezum, Board member Lane, Board member Shenefelt and Board member Holihan. Absent was: Board member Jervis.

Also present were City Manager Bob Francis, Attorney Dan Langley, City Planner April Fisher and City Clerk Yolanda Quiceno.

**CALL TO ORDER**

Chairman Fouraker called the meeting to order at 6:45 pm and opened with the Pledge of Allegiance. Chairman Fouraker read the disclaimer on the process of the hearings to be heard this evening.

**APPROVAL OF MINUTES**

- a. Approval of the July 24<sup>th</sup>, 2018 minutes
- b. August 28<sup>th</sup>, 2018 – meeting canceled due to use of the facility for Primary Election

**Board member Holihan motioned to approve the minutes as presented.  
Vice Chairman Woods seconded the motion, which passed 6:0.**

- 2. **Public Hearing Case #2018-08-014-** Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence with columns and a gate in the front yard of a residential property, submitted by applicant R.C. Copeland Construction Company, Inc. located at 6806 Seminole Drive, Belle Isle, FL 32809 also known as Parcel #29-23-30-4389-02-010.

Chairman Fouraker read Case # 2018-08-014 by title.

Chairman Fouraker called for the applicant presentation. For the record, there was no one in attendance to present Public Hearing Case #2018-08-014. Chairman Fouraker then opened for public comment.

- Emily Wakely residing at 3019 Indian said that she is not against the request for a fence, however; she believes it should be submitted by the homeowner. Chairman Fouraker submitted, for the record, her email to the Board dated September 24, 2018.
- Greg Gent residing at 2924 Nela Avenue spoke in opposition of the request and said the gate does not conform to the neighborhood and will create a precedent for the future four homes to be built on that property. Mr. Gent referenced Code Section 51-102(6).
- Nancy Weinsier residing at 6824 Seminole Drive said she lives right next door to the properties. She is in agreement with the other two speakers and spoke in opposition to the application. She said the applicant should follow the code.
- Sue Jones residing at 6809 Seminole Drive said she does not have any objections to the request and understands the need for safety. She would like to be reassured that the materials and the fence placement be enforced if approved.
- Ray Thomas residing at 2512 Trentwood spoke in opposition to the application and said the fence will block the view and create a pattern for others to do the same. If the applicant feels they need a fence for safety they can request a temporary construction fence.

There being no further comment, Chairman Fouraker opened for Board discussion.

April Fisher said the applicant has submitted a survey with the application. Ms. Fisher address two items for the record,

1. Correction on the Staff report to state an application for a fence with columns and a gate in the front yard;
2. In response to Mr. Gent's question regarding Code Section 51-102(6), because the proposed fence is going to be set back 30-feet, the measurement for the corner intersection is measured diagonal from the property to the center of the intersection. The applicant does meet the requirement and there was no need for it to be addressed in this application.

After discussion, Vice Chairman Woods shared his concern and said the applicant was not present, did not submit a detailed clear plan, there are a few opposing views in the neighborhood and the applicant does not show a unique hardship on this property. **In lieu of the discussion, Vice Chairman Woods moved the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met, Subsections D, E an F, TO DENY this request for a variance from Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64 to place a fence with columns and a gate in the front yard of a residential property, submitted by applicant R.C. Copeland Construction Company, Inc. located at 6806 Seminole Drive, Belle Isle, FL 32809 also known as Parcel #29-23-30-4389-02-010. Board member Shenefelt seconded the motion which passed unanimously 6:0.**

3. **Public Hearing Case #2018-08-054** - Pursuant to Belle Isle Code Sec. 50-102 (b) (7) the Board shall consider and take action on a requested variance to allow a fence taller than four feet within 35 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicants Debbi Weil and Lawrence Maverman located at 7315 Lake Drive, Belle Isle, FL 32809 also known as Parcel #25-23-29-5884-17-021.

Chairman Fouraker read Case number 2018-08-054 by title.

Vice Chairman Woods called for a point of order and recused himself from voting because the applicant is a neighbor.

Debbie Weil homeowner of 7315 Lake Drive said she currently shares the fence with the adjacent neighbor. The existing fence is approximately 30-years old, in the back of the property and 35 feet back to the water. Her request is to replace the existing fence in the same location with newer material as to not disturb what already exists.

Chairman Fouraker opened for public comment.

- Peter Anderson residing at 7312 Lake Drive spoke in favor of the variance said he resides at the adjacent property and has lived there since 1966. He provided pictures of the property for the record that show the existing privacy fence.

There being no further public comment Chairman Fouraker closed and opened for Board discussion and motion.

**Board member Holihan moved the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance from Sec. 50-102 (b) (7) to allow a fence taller than four feet within 35 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicants Debbi Weil and Lawrence Maverman located at 7315 Lake Drive, Belle Isle, FL 32809 also known as Parcel #25-23-29-5884-17-021.**

**Board member Cheezum seconded the motion which passed unanimously 5:0 with Vice Chairman Woods recused from the vote.**

4. **Public Hearing Case #2018-09-006** - Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place an electric gate in the front yard of a residential property, submitted by applicant John Walker located at 5210 Oak Island Road, Belle Isle, FL 32809 also known as Parcel #18-23-30-7160-01-140.

John Walker the applicant and homeowner of 5210 Oak Island Road said,

1. The fence will deter nuisance solicitors;
2. Front of the home is glass and everyone who walks by his home stop and look into his home;
3. The fence will not interfere with the look of the neighborhood or be intrusive and will provide additional security;
4. Provided a letter from the neighbor to the South in support of the request.

Chairman Fouraker opened for public comment. There being none he closed public comment and opened for Board discussion and motion.

Vice Chairman Woods said all properties to the North do not have gates or substantial hedges and are subject to the same nuisance issue which does not make his situation unique.

In addition, Vice Chairman Woods said this is another reason why the Board should review and update the Fence Code. Vice Chairman Woods clarified if the applicant is only requesting a gate to be installed. The applicant said the gate will be accompanied by the existing 6-foot thick hedge on both sides.

Chairman Fouraker said there were no major opposing views.

**After discussion, Vice Chairman Woods moved the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance from Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64 to place an electric gate in the front yard of a residential property, submitted by applicant John Walker located at 5210 Oak Island Road, Belle Isle, FL 32809 also known as Parcel #18-23-30-7160-01-140. Board member Lane seconded the motion which passed 5:0 with Board member Holihan, nay.**

Chairman Fouraker said the applicant should wait for 15-days from approval for any appeals before submitting for a permit.

5. **Public Hearing Case #2018- 09-19** - Proposed Development Site Plan. Pursuant to Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by Thirumala Property's, LLC, c/o American Civil Engineering, Co. for a proposed commercial development at 2635 McCoy Road, Belle Isle FL 32809, also known as Parcel #30-23-30-0000-00-005.

Chairman Fouraker read Public Hearing Case number 2018-09-019 by title.

The Board asked if the Traffic report submitted with the new application the same that was submitted previously. Vice Chairman Woods stated that the report is riddled with the same errors that have been previously addressed to the applicant several times.

John Herbert, Civil Engineer representing the applicant presented the application documents and asked if the Board had any questions.

Vice Chairman Woods asked the applicant if this submittal takes into account all the concerns discussed previously by the residents and the City. The applicant said yes.

Vice Chairman Woods addressed the following inconsistencies,

1. There are no specific details provided in the drawings that address the 150 buffer concrete panels.
2. The engineering report shows the use of a dry pond; however, the construction plan shows a wet pond which has different requirements in use and size.

3. The report indicates the normal high water elevation lower than shown on the design approximately 8/10 of a foot lower.
4. The boundary drawings have Flower Tree located by at least 40-feet.
5. The power lines are going down the center of Flower Tree Road.
6. In addition, the traffic report continues to show the same inconsistencies as was presented one-year ago. Mr. Woods provided a copy of the list to the applicant and submitted the following significant inconsistencies in the content submitted on Sept 25<sup>th</sup> to staff as follows,
  - a. Table 1 shows the Adopted Level of Service for all of the McCoy Road intersections to be "D" but no clarification is made as to what the "Adopted Level of Service" means. From the little, I know of traffic engineering a LOS D is one step from totally unacceptable and is certainly unsatisfactory.
  - b. The gorilla in the room has been completely ignored. That is the intersection between the McCoy frontage road and McCoy road to the immediate west of the project. I suspect its LOS is F and is likely at its worst in the AM. Including this is not likely to change the overall outcome of the report since FS 163.3180 does not require fixing existing problems.
  - c. The PM peak hour is used for analysis. While this is appropriate for the intersections on the south side of the Beach Line it appears the AM peak may be more appropriate for the analysis of McCoy Road. That can be seen by looking at the traffic counts at McCoy and Via Flora. That being said, it is unlikely the change in study period will change the ultimate result.
  - d. The study assumes a 120 room hotel. The latest site plan shows a 110 room hotel so the study should be conservative.
  - e. The property owner for the hotel to the west of the project, which shares the driveway, has expressed concern that the increased traffic would affect his customers. This has not been addressed.
  - f. Reference is made to use of OUATS to model the traffic from the site and the fact that this analysis did not generate any westbound traffic from the site so they adjusted the results slightly to fix this as shown in Figure 4. Figure 4 does not show any traffic west of the project. Figure 5 is the only illustration showing WB traffic from the site. Again the most likely intersection to be impacted by this is McCoy frontage Road and McCoy Road but this was not included in the study.
  - g. Table 5 shows 5 traffic flows which have degraded by one LOS. I expect impact fees should be imparted accordingly. No mention of this is made in the report.
  - h. Appendix B Traffic Data – Conway Road and McCoy Road are tabulated and illustrated with South being North resulting in much confusion. Also, the lane lines are inaccurate. This illustration and associated tables should be fixed to avoid future confusion.
  - i. Appendix F – The traffic trend for McCoy Road site 8153 from the DOT is shown to be exactly the same for a 6 year period. This needs to at least be suspect. Attached is a copy of the 2017 version of this data. The AADT has jumped from 11000 to 16300. Using the notes it in the document it is clear the data is only an estimate and should not be used as a basis for projection. This new number is listed as computed which is somewhat more accurate since it is based on data gathered elsewhere. Calculating the growth rate averaged over the 6 years comes out to be 6.44% annual increase. That will result in a 13% increase in traffic on McCoy by 2020, the projected completion date. That could cause adverse results in more intersections. Most likely, at the time the report was prepared the 2017 data was unavailable but the 0 growth rate should have cause to seek other data.

Chairman Fouraker asked if the Board will be approving the submitted site plan with the errors discussed.

April Fisher said the Board has more details available tonight than will be required in a site plan approval. The details in this plan set that have been submitted will be reviewed and approved during the Universal Engineering and Storm Water review. The site plan approval process for the Board will look at proposed setbacks, heights, buffering, as well as, parking requirements per the Land Development Code. If there are any deficiencies it can be placed in the conditions set by the Board. She stated, in her report, she has found some minor errors in the landscaping plan that should be addressed in the building stage. In addition, they will be required to provide a lighting study before the construction commences.

Vice Chairman Woods said the intent is to at least correct the Scribner's errors before approval. Mr. Woods said the Board requested more detail with the Tree survey and the updated submittal is the same inadequate survey provided previously. He stated that the two Tree Survey reports are different and not consistent. For the record, Mr. Woods provided the applicant with the 2018 Orange County Property Appraiser's map of Flower Tree. Vice Chairman Woods stated that the City would like to minimize the conflicting information before approval.

Attorney Langley said the Board may place a condition to the motion that approval is subject to a technical review by the City.

Board member Holihan addressed the following,

1. Page 7 – There are no drainage structures identified, going north, showing drainage flow to the Lake and not going into the neighborhood.
2. There are 110 guests rooms and the plan allows for 1 parking space per room, why are there 190 parking spaces. The applicant said there will also be a gathering room for weddings and it will provide overflow parking. The Board shared concerns of there being a second operation in the development that has not been presented for approval. In order to alleviate concerns of the adjacent neighbors, Board member Holihan asked if the last phase of 23 spaces be removed from the plan as a solution. The applicant said with 150-foot barrier he does not believe that warrants losing 22 parking spaces. The Board consensus was to preclude approval of another commercial operation other than what has been presented.

April Fisher said the code is very specific on the parking requirements per use. If there is another use at the hotel it will need to be indicated on the site plan to ensure that it meets code. There is a restriction on multiple uses and will require a separate approval process. The applicant stated that the additional parking is for guests only who are staying at the hotel and then fly out and return in a day or two.

3. Board member Holihan asked if 2 ½ inches in diameter trees are per code. April Fisher said per Section 50-76(3)(b)(5) buffering shrubs at 2 ½ inches in diameter are allowed.
4. Vice Chairman Woods commented on the Traffic Report that was submitted. There was a large omission of the traffic that comes off of SR 528 on Figure 3 of the report. There was an email with the City Manager and the applicant to ascertain what the report should include including the traffic off of SR 528; however, it was not included in the report data at all. Mr. Woods said on his own count it will take McCoy Road from D Service to F "worst" service before the commencement of the proposed project. In addition, Figure 5 does include the ramp and it only shows 5 vehicles on the road. For the record, Mr. Woods stated that a valid traffic report has never been submitted even after he provided a list of inconsistencies six-eight months ago.

Attorney Langley stated that the City is in the process of closing on the donated property. As one of the conditions, if approved, is that the applicant follows through with the closing of the donated property before development.

After discussion, Chairman Fouraker opened for public comment.

- Bob Harrell residing at 2800 Trentwood Blvd spoke in favor of the proposed project and said the applicant has compromised and taken into account the residents' concerns. He realizes there are a lot of issues they will need to resolve however, he would like the Board to proceed with the site plan. In addition, Mr. Harrell asked in staff would be able to measure the tree buffer as discussed to ensure that it meets code.
- Anna Marie Fiola residing at 2493 Trentwood Blvd shared her concerns with the additional parking spaces and would like to make sure that Staff shares the same concerns.
- Ray Thomas residing at 2512 Trentwood Blvd shared his concerns with the additional parking spaces and asked if it is not allowed by code it should not be allowed.

There being no further comment, Chairman Fouraker closed public comment and opened for Board discussion.

Attorney Langley stated the following recommendations if moved to approve,

1. April Fisher has conditions outlined in the staff report that should be addressed as part of the motion as follows,
  - a. A separate dumpster permit shall be required as part of the building permit process.
  - b. An 8-foot high masonry wall with a 15-foot wide transitional buffer is required adjacent to residentially zoned properties. This buffer is identified on the plans as an existing 18-foot buffer. The owner must execute a recordable document which requires maintenance of the wall in good repair. This buffer appears that additional planting may be needed to be consistent with current code requirements. This can be addressed on the landscaping plan. The buffer must include the following plant material per 100 linear feet: 3 canopy trees; 4 understory trees; and, 15 shrubs.
  - c. A landscaping plan consistent with Sec. 50-76 shall be provided for review with the building permit application.
  - d. Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-79 (f) (2) shall be provided for review with the building permit application.
  - e. A lighting plan with foot-candle information shall be required as part of the building permit application process to ensure no light pollution occurs onto adjacent residential properties.
  - f. A separate sign permit application is required.
2. As discussed, the property owner and developer should proceed and convey the land donation agreement to the City prior to moving forward with construction
3. The Board may add another requirement that the applicant provide detailed site construction plans for a technical review
4. Drainage, to the North, needs to be clearly illustrated on the site plan to ensure that it is not flowing into the neighborhood
5. Correct the parking count to account for the additional square feet for assembly use. April Fisher said as long as the development is still under the definition of a hotel, as a condition, the applicant can revise the site plan to identify the 1-space per room and 1-space per hundred sq feet of lobby/office area. They cannot provide another parking configuration without having a second use approved and advertised and will be considered a special exception in C-1 zoning. Discussion ensued on Convention/Assembly use.

The Board asked the applicant if they would have a Wedding/Assembly/Restaurant in the hotel. The applicant said yes. The Board discussed the problematic separate uses that are not addressed or advertised on the site plan being proposed.

Attorney Langley said if the applicant desires the approval of the secondary uses they would need to withdraw the proposed site plan and resubmit the application with all the uses they are proposing with the correct data. He recommended, if the Board approves the site plan as submitted, the Board should add an expressed condition that the Board is only approving the hotel with 110 rooms and no other uses.

The applicant said they would like to move forward with the current use of a hotel with 110 rooms. While UES is reviewing the site plans for the hotel they can then apply for the assembly for approval.

**Attorney Langley recommended the proposed motion as follows,**

**To approve the site plan presented as Public Hearing Case 2018-09-019 in accordance with Belle Isle Code Section 54-79 Subsection F(4) concerning commercial development at 2635 McCoy Road, Belle Isle, Florida with the parcel number indicated for**

- **the use of the 4-story hotel with 110 rooms without any other approval for a secondary use;**
- **subject to all conditions set forth in the staff recommendations of the report from April Fisher dated September 14, 2018;**
- **with the additional condition that the property owner convey the donated property to the City in accordance with the Land Donation Agreement approved by the City Council;**
- **the developer/applicant submit detailed site construction plans for technical review to include a stormwater design plan to accommodate drainage to eliminate offsite impacts including, in regards, to the land proposed to be dedicated to the City;**
- **the Board is not approving any secondary use for the property, any other further uses proposed for this property or structure will have to come through an additional approval process for review from this Board.**

**Board member Holihan motion to adopt the motion as stated by Attorney Langley.**

**Board member Cheezum seconded the motion which passed unanimously 6:0.**

**Chairman Fouraker called for a 10-minute recess.**

**Public Hearing Case #2018-08-057** – Pursuant to Belle Isle Code SEC. 42-64 the Board shall consider and take action on a requested variance from SEC. 50-73, to allow a maximum building height of 33 feet instead of the standard minimum allowed building height in the C-1 zoning district of 30 feet and take action on a requested variance from SEC. 50-72, to allow a parking space ratio of 0.7 spaces for every Hotel room instead of the required 1 space for every hotel room plus 1 for every 100 square feet of office/ lobby area submitted by applicant Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012; and

**Public Hearing Case #2018- 08-062** - Proposed Development Site Plan. Pursuant to Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by applicant Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.

Chairman Fouraker read Public Hearing Case #2018-08-057 by title.

April Fisher stated for the record that she accidentally omitted part of the variance request for the deviation from the required drive aisle width. The parking size does meet the requirement and will not need to be addressed. The Board will not be able to consider the drive width since it was omitted and will recommend that it be re-advertised for a hearing at the next Planning & Zoning meeting.

Mr. Shri, representing the applicant said the project is an existing Day Inn Hotel. They are requesting approval on additional hotel rooms on two different hotel plats. The size of the hotel is 168 rooms and as an operational point of view has made it difficult to maintain full occupancy. The extension will be an extended day hotel. They have submitted an initial concept plan for discussion.

Board member Holihan asked what in the average length of a stay. Mr. Amir said 1.9 days (2-days) and the extended stay is approximately 4-days.



Vice Chairman Woods addressed the overall percentage of the stay per room. The applicant said at this time they have 168 rooms which are too many for that product. The idea is to have 114 exterior room and 54 suites in two separate buildings. The additional building will be connected to the 54 suites and converted to an Extended Stay America and the 114 exterior rooms will remain as the Days Inn.

The Board discussed the parking space and current use. The Board asked if the applicant will have conference rooms or office space because the parking spaces have not been accounted for in the site plan. The applicant said they will have office space and an open space for guest continental breakfast.

Board member Holihan asked for clarification on the 35feet pitch of the roof because the existing structures appear to be 10 feet higher. Chairman Fouraker said in lieu of the findings he will recommend tabling this application to a date certain to allow the applicant time to submit the requested documents. He further asked for staff review of the operating history, police incident reports, any code enforcement issues and a professional parking study due to the change of use of the property.

Chairman Fouraker opened for public comment.

- Holly Bobrowski residing at 2400 Hoffner Avenue voiced her concerns on an extended stay hotel and extremely discounted hotels. Fewer parking spaces, and if the rate is low enough it may turn into low-income housing full of crime and drug problems.

The applicant stated that they have spent a lot of money to upgrade the hotel and will not be booking rooms for local residents to avoid the concerns noted.

There being no further comment, Chairman Fouraker opened for Board discussion.

**Chairman Fouraker moved to approve and continue Public Hearing Case #2018-08-057 and Public Hearing Case #2018- 08-062 to November 27<sup>th</sup> meeting.**

**Board member Holihan seconded the motion which passed unanimously 6:0.**

#### **ADJOURNED**

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 8:52 pm.

Yolanda Quiceno  
City Clerk, CMC



**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**October 23, 2018 – 6:30 pm**

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, October 23, 2018, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Vice Chairman Woods, Board member Lane, Board member Cheezum, Board member Shenefelt, and Board member Holihan. Absent was: Chairman Fouraker and Board member Jervis.

Also present were Attorney Dan Langley, City Planner April Fisher and City Clerk Yolanda Quiceno.

**CALL TO ORDER**

Vice Chairman Woods called the meeting to order at 6:39 pm and opened with the Pledge of Allegiance.

**BOARD MEMBER TRAINING: SUNSHINE LAW AND QUASI-JUDICIAL PROCEEDINGS**

Attorney Dan Langley provided a power point representation and gave an overview of the Sunshine Law covering the following,

1. Sunshine Law – Section 286.011 FL Statutes;
2. Public Records;
3. Quasi-Judicial Proceedings and Exparte Communication;
4. Voting Conflicts or an Ethics Code Violation;
5. Gifts and Financial Disclosures;
6. Misuse of Public Position; and
7. Conflicting Employment and Penalties for Public Officers.

April Fisher, City Planner provided a power point presentation and gave an overview of the Planning Board’s roles and responsibilities covering the Comp Plan in relationship to Zoning. Discussion ensued on the process of code changes.

After the presentation, Vice Chairman Woods asked for Board consensus to add to the next agenda discussion on addressing Front Yard Fences in the Code. Board consensus was to add the item to a future agenda with no objection.

**OTHER BUSINESS**

Reschedule or cancel the November and December P&Z Board meetings due to the upcoming Holidays.  
**The Board consensus was to cancel the November 27<sup>th</sup> meeting and reschedule the December 25<sup>th</sup> meeting.**  
**After discussion, Board member Holihan moved to cancel the November and December meetings.**  
**Board member Cheezum seconded the motion which passed unanimously 5:0.**

**Board member Holihan moved to combine the November and December meeting to Thursday, December 20, 2018, at 6:30 pm. Board member Cheezum seconded the motion which passed unanimously 5:0.**

**ADJOURNED**

There being no further business Vice Chairman Woods called for a motion to adjourn, unanimously approved at 8:10 pm.

Yolanda Quiceno  
City Clerk, CMC

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## NOTICE OF PUBLIC MEETING

DECEMBER 20, 2018 – 6:30PM

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### CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

#### ITEM 3 MEMORANDUM

**TO:** Planning and Zoning Board  
**DATE:** December 11, 2018

**Public Hearing Case #2018-11-057**-PURSUANT TO BELLE ISLE CODE SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF A R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ENCROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290.

**Background:**

1. On November 30, 2018, Rainey Conduff submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, December 8, 2018, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, December 11, 2018.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing.

The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

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**SAMPLE MOTION TO APPROVE:**

"I move, the criteria of Chapter 42, Article III, Section 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** this request for a variance FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF A R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ENCROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290.

**SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met; *[use only if NONE of the justifying criteria have been met]* the requirements of section 42-64(1) Subsections: *[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]* having **NOT** been met; *[may be used in addition to above or alone]* **TO DENY** this request for a variance FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF A R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ENCROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290.

**SUBSECTION (D)**, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

**SUBSECTION (E)**, personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

**SUBSECTION (F)**, the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

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Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



April Fisher, AICP  
[fisherpds@outlook.com](mailto:fisherpds@outlook.com)  
407-494-8789

December 10, 2018

**Variance Application:** 6908 Willoughby Lane

**Applicant Request:** PURSUANT TO BELLE ISLE CODE SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE FRONT BUILDING SETBACK REQUIREMENTS OF AN R-1-AA RESIDENTIAL PROPERTY, TO ALLOW AN ECROACHMENT FIVE FEET INTO THE REQUIRED 30-FOOT FRONT SETBACK, SUBMITTED BY APPLICANT RAINEY CONDUFF, LOCATED AT 6908 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-290.

**Zoning/ Existing Use:** R-1-AA/ Single-family Residence

**Review Comments**

This application seeks a variance as identified above. The property is currently developed with a home and the applicant is seeking a five-foot variance to be able to extend the carport/garage towards the front of the property.

The applicant has provided supporting documentation addressing the variance criteria.

**Staff Recommendation**

Staff provides an evaluation based on the variance criteria for the application below.

**1. Special Conditions and/ or Circumstances (Section 42-64 (1) d):**

Special conditions for this property exist with respect to lot configuration. Typical lots have parallel and perpendicular layouts for parcel boundaries resulting in consistent setbacks along the entire boundary line. In this case, the lot sits on a road curvature, causing a curve in the front property boundary line. If this were a straight line, the front setback could be met. Since it is not, it creates a condition where there is a shortened distance between the front of the house and where the property line is curving.

**2. Not Self- Created (Section 42-64 (1) e):**

The request for the variance is not self-created as the lot configuration was not created or caused by the applicant.

**3. Minimum Possible Variance (Section 42-64 (1) f):**

The requested variance from the front setback is the minimum possible variance to make reasonable use of the land. The drawings provided by the applicant show that they are seeking to extend the existing carport/garage area only.

**4. Purpose and Intent (Section 42-64 (1) g):**

The requested variance is in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood given that the size of the house with the proposed carport/garage extension is in keeping with other surrounding houses.

Staff provides a recommendation to approve the requested variance.

**Additional Notes**

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 \* Tel 407-851-7730 \* Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 11/30/18 P&Z CASE #: 2018-11-057
VARIANCE [checked] SPECIAL EXCEPTION [ ] OTHER [ ] DATE OF HEARING: [ ]

Table with 2 columns: Applicant/Owner, Address, Phone, Parcel Tax ID #. Applicant: RAINIER CONDUIT, Owner: SAUE, Address: 6908 KILMAUGHREY LN, Phone: 407-383-6618.

LAND USE CLASSIFICATION: SFR ZONING DISTRICT: R1AA

DETAILED VARIANCE REQUEST: Due to curvature of the front of the lot, I would not be able to enclose & enlarge my garage unless you grant me a 5'-0" variance

SECTION OF CODE VARIANCE REQUESTED ON: 11/30/18

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board... Sec. 42-64. - Variances. The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.

The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

  
 \_\_\_\_\_  
 APPLICANT'S SIGNATURE

  
 \_\_\_\_\_  
 OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00 11/30/18 651594960 HCP  
 Date Paid Check/Cash Rec'd By

Determination \_\_\_\_\_

Appealed to City Council:  Yes  No

Council Action: \_\_\_\_\_

6908 Willoughby Lane

Dec 20, 2018 - P&Z Board meeting

Applicant Rainey Conduff

Special conditions and circumstances unique to my property.

My home is on a dead-end road. The front lot line is curved. If it had been straight There would not a need of any variance.

How are the special conditions created?

The paved road curves at the end of the street because of the lake/canal.

Can your objective be accomplished another way?

No, it cannot be done any other way due to land restrictions. It's surrounded by water.

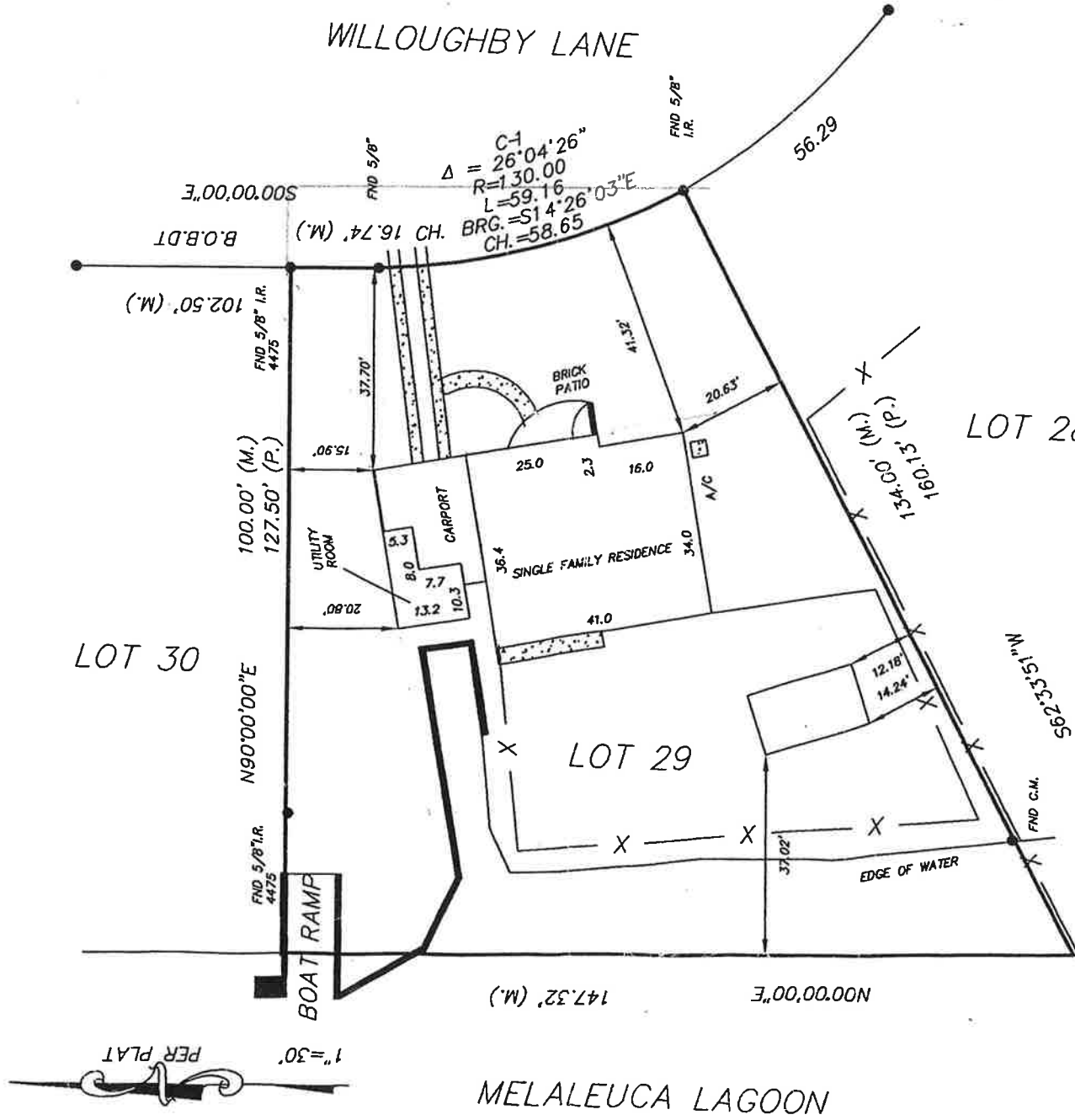
What affects will approval of the variance have an adjacent properties or surrounding neighbors? The large span of the front yard and of the curvature of the road will allow for a 5 foot variance without disruption to neighboring properties.



# BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 29, VENETIAN VILLAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK S, PAGE 69, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PART OF THE ABOVE REFERENCED PROPERTY IS, LOCATED IN ZONE 'AE', WITH A BASE FLOOD ELEVATION OF 89.0, WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M COMMUNITY PANEL NO. 12095C0430 E, ORANGE COUNTY, FLORIDA. MAP DATED DECEMBER 6, 2000.



CERTIFIED TO: SUNBELT TITLE AGENCY  
TITLE RESOURCES GUARANTY COMPANY

### LEGEND

- FOUND CONCRETE MONUMENT
- FOUND PROPERTY CORNER
- SET PROPERTY CORNER
- PERMANENT CONTROL POINT
- △ DELTA
- △ AIR CONDITIONER
- BLK. BLOCK OF BEARING
- BRG. BASIS OF BEARING
- CHD. CHAIN LINK FENCE
- CL.F. CHAIN LINK FENCE
- C.M. CONCRETE MONUMENT
- COR. CORNER
- COV. COVERED
- D. DESCRIBED
- D.E. DRAINAGE EASEMENT
- E. ENTRANCE
- ENCL. ENCLOSURE
- EASMT. EASEMENT
- FOUND FOUND
- I.P. IRON PIPE
- I.R. IRON ROD
- L. LENGTH
- N. NORTH
- N/D. NAIL & DISC
- P.C. POINT OF CURVATURE
- P.C.P. POINT OF CONTROL POINT
- P.T. POINT OF TANGENCY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.L. POINT ON LINE
- P.P. PLAT
- R S SAN. SOUTH
- SCR. SCREEN
- S.W. SIDEWALK
- T TANGENT
- TEL. TELEPHONE RISER BOX
- TYP. TYPICAL
- U.E. UTILITY EASEMENT
- U.R.B. UTILITY RISER BOX
- W. WEST
- W.F. WOOD FENCE
- W.M. WATER METER

### NOTES

1. BEARINGS ARE BASED ON RECORD PLAT.
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
3. ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED.
4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL.
6. THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEFORE THE FINAL SURVEY DRAWING IS FILED.
7. THE SURVEYOR HAS NOT FOUND THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD.
8. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
9. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 619.07, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 619.07, FLORIDA STATUTES.

PREPARED FOR: RALPH R. MEYER

PREPARED BY: CHARLES ROB DEFOOR & ASSOCIATES, INC.

FOOR, P.L.S. 4189  
DATE 10-5-09  
P.O. BOX 1763, APOPKA FLORIDA 32703 (407) 880-9811 427 KNOLL TREE

LOT SURVEY DATE:	
FOUNDATION DATE:	
FINAL SURVEY DATE:	10-5-09
DRAWN DATE:	10-5-09
SCALE:	1" = 30'
PAGE:	1 OF 1
REVISION DATE:	

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## NOTICE OF PUBLIC MEETING

DECEMBER 20, 2018 – 6:30PM

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### CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

#### ITEM 4

#### MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** December 11, 2018

**Public Hearing Case #2018-12-009** - PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANTS PAUL AND BONNIE HEIDBRINK, LOCATED AT OAK ISLAND ROAD (PLEASURE ISLAND F/140 LOT 7 BLK B), BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-7160-02-070.

**Background:**

1. On November 27, 2018, Paul and Bonnie Heidbrink submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, December 8, 2018, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, December 11, 2018.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

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**SAMPLE MOTION TO APPROVE:**

"I move, the criteria of Chapter 42, Article III, Section 42-63 of the Belle Isle Land Development Code having been met **TO APPROVE** this request for a Special Exception PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) TO ALLOW A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANTS PAUL AND BONNIE HEIDBRINK, LOCATED AT OAK ISLAND ROAD (PLEASURE ISLAND F/140 LOT 7 BLK B), BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-7160-02-070 with the following recommended staff conditions,

1. The existing kitchen must be removed from the structure since the code does not allow guest cottages with kitchens and this demolition must be permitted and complete prior to the new single-family house construction is permitted; and,
2. The guest cottage must be maintained in a functional and aesthetically pleasing manner so as not to adversely impact the public interest.

**SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met; ***[use only if NONE of the justifying criteria have been met]*** the requirements of section 42-63, Subsections: ***[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]*** having NOT been met; ***[may be used in addition to above or alone]*** **TO DENY** this request for a Special Exception PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) TO ALLOW A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANTS PAUL AND BONNIE HEIDBRINK, LOCATED AT OAK ISLAND ROAD (PLEASURE ISLAND F/140 LOT 7 BLK B), BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-7160-02-070.

**SUBSECTION (D)**, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

**SUBSECTION (E)**, personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

**SUBSECTION (F)**, the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

---

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



April Fisher, AICP  
[fisherpds@outlook.com](mailto:fisherpds@outlook.com)  
407-494-8789

**December 10, 2018**

**Special Exception Application:** PLEASURE ISLAND F/140 LOT 7 BLK B

**Applicant Request:** PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANTS PAUL AND HEIDI HEIDBRINK, LOCATED AT OAK ISLAND ROAD (PLEASURE ISLAND F/140 LOT 7 BLK B), BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-7160-02-070.

**Zoning/ Existing Use:** R-1-AA/ Single-family Residence

### **Review Comments**

This application seeks a special exception as identified above. The property is currently developed with a small home that was built in the 1940s. The property owner is in the process of designing a new house to be located on the property and because the 1940s house has family historical significance, they would like to retain the small house as a guest cottage in addition to the new house.

The applicant has provided supporting documentation addressing the special exception criteria.

### **Staff Recommendation**

Section 54-75 (C) (5) provides that a guest cottage (without a kitchen) may be permitted in a residential zoning district through the special exception process. The Code identifies that the Planning and Zoning Board will review special exception requests to determine whether the request would adversely affect the public interest and whether public health, safety, and welfare are promoted or improved.

Based on consideration of these review criteria staff recommends approval of the request subject to the following conditions:

1. The existing kitchen must be removed from the structure since the code does not allow guest cottages with kitchens and this demolition must be permitted and complete prior to the new single-family house construction being permitted; and,
2. The guest cottage must be maintained in a functional and aesthetically pleasing manner so as not to adversely impact the public interest.

**Additional Notes**

Please note that the Board may approve the proposed special exception application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

**Paul & Bonnie Heidbrink**  
**5107 Oak Island Road**  
**Belle Isle, FL 32809**  
**Phone: 407-924-4938**

November 27, 2018

Mr. Bob Francis, City Manager  
City of Belle Isle  
1600 Nela Ave.  
Belle Isle, FL 32809

Re: Pleasure Island F/140 Lot 7 Blk B -- Special Exception Application

Dear Mr. Francis:

Please accept this letter as an application for a special exception under Chapter 54 – Zoning Districts and Regulations, Article III. – Zoning Classifications, Sec. 54-75 (c) (5) (“the Regulations”). **As provided under the provisions of the Regulations, we are applying for a special exception that would allow us to build a new house on Pleasure Island F/140 Lot 7 Blk B (“the Lot”) while leaving an existing guest cottage on the Lot. We request that this matter be presented to the Planning & Zoning Board at its meeting on December 20, 2018 at 6:30PM.**

Reasons for Requesting the Special Exception

We are the owners of the above referenced lot and are currently applying for a building permit to build our new home on the Lot. The Lot is currently developed with a 1-story wood frame guest cottage of approximately 500 square feet that we believe was built by my grandfather somewhere around 1940 and a wood boat dock that was built somewhere around 1990.

The Lot together with Lots 8 & 9 were previously part of a contiguous property that has been in our family since the mid-1930's and was owned by my mother and father since the late 1940's until my mother's passing in November 2017. Lots 8 & 9 together with my mother's 2-story single family home, have recently been transferred to our daughter and her husband, Karen and Jonathan Crabb and lot 7 has been recently transferred to me and my wife, Paul and Bonnie Heidbrink.

By letter dated September 20, 2017, Lot 7 was determined by the City of Belle Isle to be a legal stand-alone independent lot of record that may be developed with one new single-family house. The City should have a copy of this letter on file. Our original intent was to raze the existing guest cottage when we began construction on our new house.

Mr. Bob Francis  
November 27, 2018  
Page 2 of 2

After much deliberation and discussions with family and neighbors, we have decided to request a special exception under Sec. 54-75 (c) (5) to leave the guest cottage on the property when we build our new house. Among the things we considered in reaching this decision were:

1. The guest cottage has been in our family for nearly 80 years and has great sentimental value to me and my four siblings, each of whom lived in the cottage at some point.
2. The new house will only have two bedrooms and thus, the guest cottage could continue to be used by our visiting family members.
3. The character of the guest cottage is consistent with and complimentary to other homes in the Oak Island neighborhood and the condition of the cottage would only require relatively minor cosmetic improvements without enlarging it.
4. Because of the location of several large Oak trees on the Lot and our strong desire to not remove or potentially damage those trees, it is not practical to attach our new house or add on to the existing guest cottage.
5. The Lot is 50 feet wide by approximately 275 feet deep which allows plenty of room for both the existing guest cottage and our new house.
6. The guest cottage has never been rented and would continue to be used only for visiting family and guests and would never be rented.
7. We have discussed our plan to leave the guest cottage with a number of our neighbors and they are all in support of our decision.

**Accordingly, we are applying for a special exception that would allow us to build a new house on Pleasure Island F/140 Lot 7 Blk B ("the Lot") while leaving an existing guest cottage on the Lot. We request that this matter be presented to the Planning & Zoning Board at its meeting on December 20, 2018 at 6:30PM.**

Attached is a recent survey of the Lot showing the location of the existing guest cottage and the proposed location of our new house. I can also provide photos of the Lot if you would like.

Sincerely,



Paul Heidbrink

LOT 6

LOT 7

N66°29'45"W 255.28' MEAS  
N66°30'00"W PLAT

S66°30'00"E PLAT

*Large Oak Tree*

BRICK STEPS

58.1'

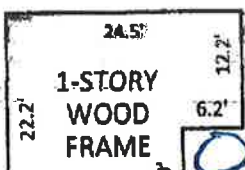
32.8'

17'

3' CLF

0.1'N

2.8'  
2.9'



*Large Oak Tree*

WOOD DECK  
WOOD STEP

SOUTHERLY MOST  
CORNER OF LOT-2.  
FND 4"X4" CM  
LB #4475

S23°30'W 250' PLAT  
S23°33'32"W 249.98' MEAS

S23°30'W 50' PLAT

S23

FND 1-1/2" IP  
NO.#

15.2'

S23°30'00"W 399.98' MEAS

OAK  
(5)

ASPHALT

**Paul Heidbrink**

---

**From:** April Fisher <aprilfisher73@gmail.com>  
**Sent:** Friday, October 26, 2018 9:58 AM  
**To:** Paul Heidbrink  
**Subject:** Re: FW: 5104 Oak Island Rd

Hi Paul,

Below are two links to the Belle Isle Code. The first identifies what is needed in the special exception application and process. The second link identifies the requirement for a special exception in R-1-AA zoning for a guest house. Please let me know if you have any questions or need additional information.

[https://library.municode.com/fl/belle\\_isle/codes/code\\_of\\_ordinances?nodeId=SPBLADECO\\_CH42ADEN\\_ARTIIIVASPEXCH](https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=SPBLADECO_CH42ADEN_ARTIIIVASPEXCH)

[https://library.municode.com/fl/belle\\_isle/codes/code\\_of\\_ordinances?nodeId=SPBLADECO\\_CH54ZODIRE\\_ARTIIIZOCL\\_S54-75SIMIDWDIAAAAA](https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=SPBLADECO_CH54ZODIRE_ARTIIIZOCL_S54-75SIMIDWDIAAAAA)

Thank you,

April

April Fisher, AICP  
Fisher Planning and Development Services  
407-494-8789

On Thu, Oct 25, 2018 at 3:07 PM Paul Heidbrink <[paul@prhcpa.com](mailto:paul@prhcpa.com)> wrote:

April,

I was wondering if you have had a chance to speak to Bob Francis about this yet?

Paul Heidbrink

**From:** Paul Heidbrink [mailto:[paul@prhcpa.com](mailto:paul@prhcpa.com)]  
**Sent:** Thursday, October 18, 2018 4:55 PM  
**To:** 'April Fisher' <[aprilfisher73@gmail.com](mailto:aprilfisher73@gmail.com)>  
**Subject:** FW: 5104 Oak Island Rd



April,

It was nice speaking to you today regarding our plans to build a home on Oak Island Road in Belle Isle, specifically on lot 7 of the attached survey. Ideally, we would like to leave the existing 1 story wood frame house shown on the survey which is approximately 500 square feet and was built sometime in the 1930's or 1940's and has continuously been in our family since it was built. The new house, which will be our primary residence, will be situated on the lake side of the lot with the front of the house being approximately 15' NW of the 50" oak tree (tree number 6 on the survey). The location of the new house has been planned for the primary purpose of leaving the 50" oak tree. The new house will have a footprint of approximately 62' by 37'. The style of the new house will be quite similar to the attached pdf. If permitted, we intend to match the front elevation of the small house to be consistent with the style and appearance of the new house and we believe that the overall appearance of the house(s) would not only be consistent with other houses in the neighborhood but would be an overall enhancement to the neighborhood. As I mentioned, several of our neighbors and all of my four siblings have indicated that they would love to see us be able to keep the small house when we build our new house. The old house has never been rented in all of the years that it has existed and, if allowed to keep the old house, we have no intention of renting it and we would be willing to put that stipulation in a deed restriction or other formal restriction.

Thank you for your consideration,

Paul & Bonnie Heidbrink

**From:** Geri [<mailto:Geri@accurightsurveys.net>]  
**Sent:** Wednesday, August 22, 2018 9:38 AM  
**To:** Paul Heidbrink <[paul@prhcpa.com](mailto:paul@prhcpa.com)>  
**Subject:** 5104 Oak Island Rd

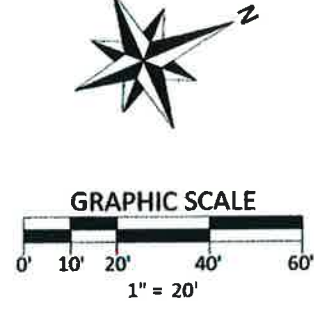
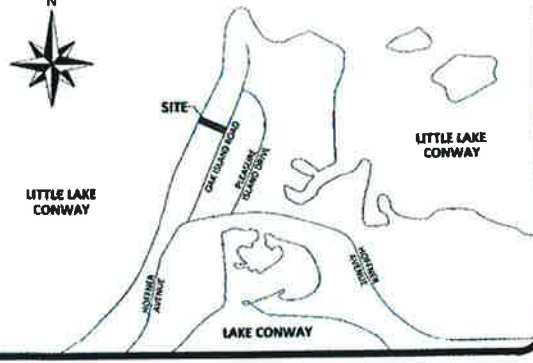
-- Paul  
attached PDF of survey and invoice

once paid in full do you want to pick up the 6 original paper prints OR mail them

Thank you,

Geri Robinson

VICINITY MAP (NOT TO SCALE)



LEGAL DESCRIPTION

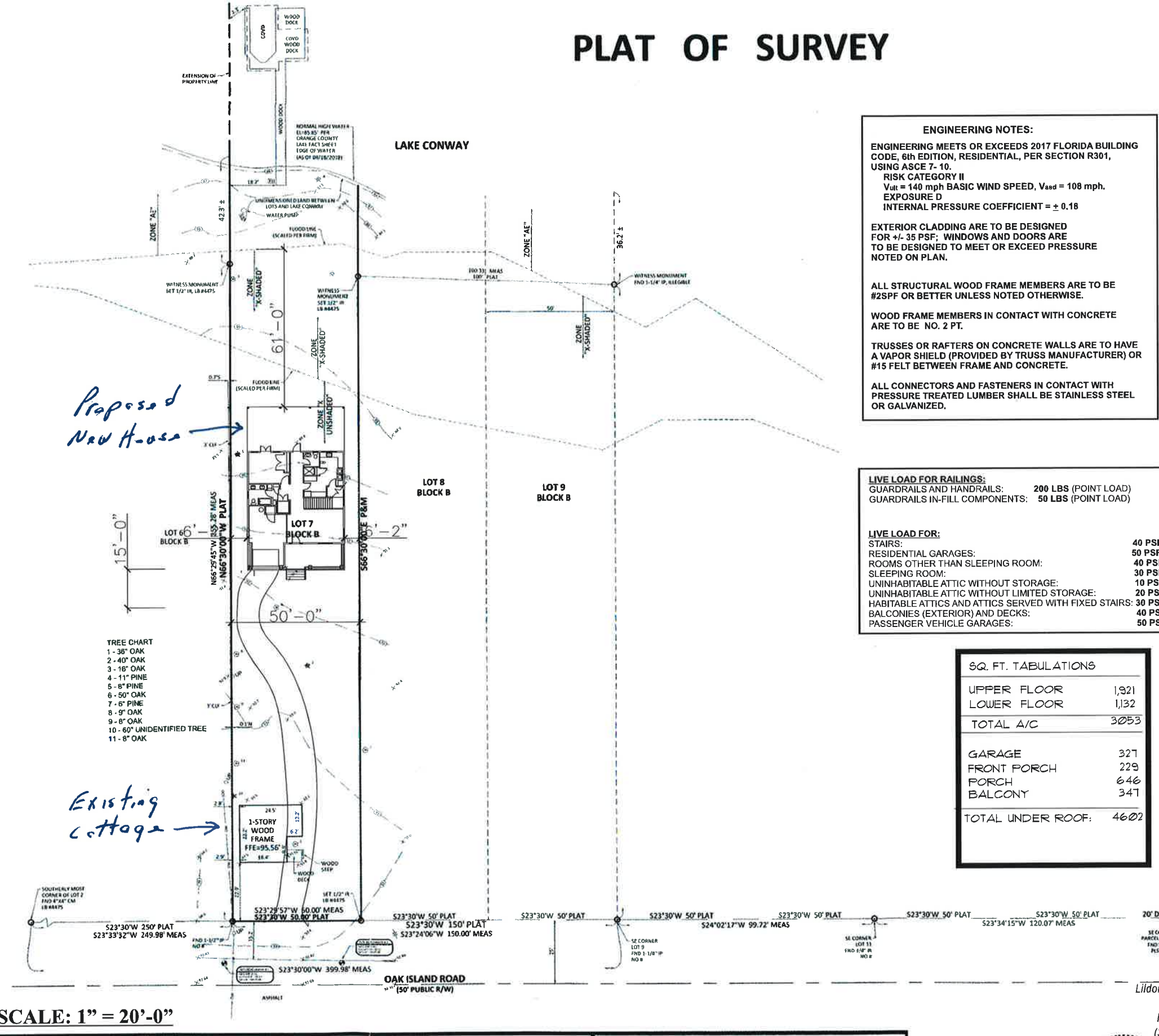
LOT 7, BLOCK B, PLEASURE ISLAND, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK F, PAGE 140 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND ALL THAT PIECE OF LAND LYING BETWEEN THE ABOVE DESCRIBED LOTS AND LAKE CONWAY.

NOTES

- 1. BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED WEST RIGHT-OF-WAY LINE OF OAK ISLAND ROAD BEING S23°30'00"W.
2. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY THE CLIENT OR CLIENTS REPRESENTATIVE.
3. THIS SURVEY WAS MADE ON THE GROUND. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS.
4. THIS BUILDING/LOT LIES IN ZONES "AE", "X SHADED", AND "X NOT SHADED".
5. ACCORDING TO FLORIDA STATUTES, CHAPTER 472.025, A LAND SURVEYOR SHALL NOT AFFIX HIS SEAL OR NAME TO ANY PLAN OR DRAWING WHICH DEPICTS WORK WHICH HE IS NOT LICENSED TO PERFORM OR WHICH IS BEYOND HIS PROFESSION OR SPECIALTY THEREIN.
6. THIS SURVEY WAS MADE WITHOUT BENEFIT OF TITLE.
7. THIS SURVEY IS VALID ONLY FOR THE PARTIES TO WHOM IT IS CERTIFIED.
8. THIS SURVEY EXCEEDS THE ACCURACY REQUIREMENTS SET FORTH IN FLORIDA STATUTES.
9. THE WATER BOUNDARIES SHOWN HEREON ARE SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.
10. ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK NO. 1265, BEING: 90.916 FET (NAVD 88)

Proposed New House

Existing Cottage



PLAT OF SURVEY

ENGINEERING NOTES: ENGINEERING MEETS OR EXCEEDS 2017 FLORIDA BUILDING CODE, 6th EDITION, RESIDENTIAL, PER SECTION R301, USING ASCE 7-10. RISK CATEGORY II. Vult = 140 mph BASIC WIND SPEED, Vwind = 108 mph. EXPOSURE D. INTERNAL PRESSURE COEFFICIENT = +/- 0.18.

EXTERIOR CLADDING ARE TO BE DESIGNED FOR +/- 35 PSF; WINDOWS AND DOORS ARE TO BE DESIGNED TO MEET OR EXCEED PRESSURE NOTED ON PLAN.

ALL STRUCTURAL WOOD FRAME MEMBERS ARE TO BE #2S PF OR BETTER UNLESS NOTED OTHERWISE.

WOOD FRAME MEMBERS IN CONTACT WITH CONCRETE ARE TO BE NO. 2 PT.

TRUSSES OR RAFTERS ON CONCRETE WALLS ARE TO HAVE A VAPOR SHIELD (PROVIDED BY TRUSS MANUFACTURER) OR #15 FELT BETWEEN FRAME AND CONCRETE.

ALL CONNECTORS AND FASTENERS IN CONTACT WITH PRESSURE TREATED LUMBER SHALL BE STAINLESS STEEL OR GALVANIZED.

LIVE LOAD FOR RAILINGS: GUARDRAILS AND HANDRAILS: 200 LBS (POINT LOAD) GUARDRAILS IN-FILL COMPONENTS: 50 LBS (POINT LOAD)

LIVE LOAD FOR: STAIRS: 40 PSF RESIDENTIAL GARAGES: 50 PSF ROOMS OTHER THAN SLEEPING ROOM: 40 PSF SLEEPING ROOM: 30 PSF UNINHABITABLE ATTIC WITHOUT STORAGE: 10 PSF UNINHABITABLE ATTIC WITHOUT LIMITED STORAGE: 20 PSF HABITABLE ATTICS AND ATTICS SERVED WITH FIXED STAIRS: 30 PSF BALCONIES (EXTERIOR) AND DECKS: 40 PSF PASSENGER VEHICLE GARAGES: 50 PSF

Table with 2 columns: Category and Area (sq ft). Rows include Upper Floor (1,921), Lower Floor (1,132), Total A/C (3,053), Garage (327), Front Porch (229), Porch (646), Balcony (347), and Total Under Roof (4,602).

SCALE: 1" = 20'-0"



JAMES D. BRAY, PSM 6507

Legend table listing symbols for various survey features like monuments, easements, and utilities.

Legend table listing symbols for various survey features like monuments, easements, and utilities.

BOUNDARY SURVEY DATE: 08/13/18

per 5J-17.051(3)(b)3 Florida Administrative Code

Table with columns for DATE, JOB #, REVISION, and BY.



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