



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle

Held the 4th Tuesday of Every Month

Tuesday, April 25, 2023 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, 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

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at www.belleislefl.gov. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Hobbs
3. **Approval of Minutes**
 - a. Approval of February 28, 2023 meeting minutes
 - b. Approval of April 11, 2023 meeting minutes
4. **Public Hearings**
 - a. **PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.**
5. **Other Business**
 - a. Discussion on Belle Isle Code change to Section 50-102(b) regarding Fences
6. **Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. --Page 1 of 1



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

**Tuesday, February 28, 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 February 28, 2023, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

- Board member Woods
- Board member Shenefelt
- Board member Squires
- Board member Hobbs
- Board member Thompson

Absent was:

- Board member Conduff
- District 3 - OPEN

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

1. Call to Order and Confirmation of Quorum

Chairman Woods opened the meeting at 6:30 pm and confirmed the quorum.

2. Invocation and Pledge to Flag – Board member Woods, District 1

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

3. Approval of Minutes

a. Approval of January 24, 2023, meeting minutes

Board member Squires moved to approve the minutes as presented.

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

3. Public Hearings

- Permit #2023-02-008 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (5) (A) AND SEC. 50-102 (A) (5) (F), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23- 29-5884-18-220.

Board member Woods read Public Hearing Case 2022-02-008 by Title.

The applicant, Rob Kershner, the homeowner of 5428 Parkway Drive, said he is looking to construct a hobby shop garage and invited Kyle Shepherd, Contractor, to provide an overview of the project.

Kyle Shepherd said the new garage caters to automotive hobbyist owners who wish to have a workshop on their property. The area of the structure is designed to be no deeper than the width of the current home to the north side of the house for natural sunlight. The front door is split into two doors for curb appeal. Placement and use of the two-car garage and porch would not impact adjacent properties more than expected for a total of 744sf garage and 377sf porch.

Board member Woods asked for clarification and discussion on Subsection E; personal hardship is not grounds for a variance. Board member Woods said this project is the homeowner's choice, not a hardship. Mr. Shepherd said yes, it would help the homeowner with having his hobby cars onsite only.

Vice Chairman Woods said if the garage were connected to the home, there would not be a need for the variance at all, and he wondered if the applicant considered that. Mr. Shepherd said it would eliminate the natural light and butt up against a bedroom without direct access to the home. To accomplish the buildout, they are anticipating removing an Oak tree. Mr. Kershner said he would remove the tree and add trees and landscaping to help with the streetside appearance.

Board member Thompson asked about the purpose of having the second story. Mr. Kershner said it is mainly for height and noted that the roof height is taller than the house. There can be a possibility in the future to connect the structure to the home for easier access.

Raquel Lozano, City Planner, said the applicant seeks the variance due to the encroachment of the rear setback and size. The detached structure is 1,125.2 square feet overall, with the porch dimensions included. If the porch is removed, it will be 744 sq ft less. Staff provides a recommendation not to approve the requested variance. The Board may grant an alternative square footage allowance to satisfy the applicant's request or advise the applicant to meet the maximum size and setback requirements per Sec. 50-102 (1) (5) (a) and Sec. 50-102 (1) (5) (f). If the Board approves the requested variance, Staff recommends that the homeowners obtain an updated property survey. The survey provided with their application is dated July 7, 1965. Staff also request that a condition be placed on the detached structure to only serve as a garage space, and the space cannot be converted into an accessory building upon variance approval. As required by code sec. 50-74, onsite retention must be created for residential properties with an impervious surface ratio greater than 35 percent.

Vice Chair Woods called for public comment.

- Vice Chairman Woods read a comment for the record from LJ Mauerman, residing at 7315 Lake Drive Belle Isle, 32809, in opposition to the variance.

There being no further comments, Vice Chairman Woods closed public comments.

Vice Chairman Woods said the application does not meet the required criteria: Sections E, F, and G. The Board has limited ability to approve a variance. The applicant can appeal the decision to the City Council within 15 days if the variance is denied. The Board discussed considerations that may authorize the request to meet Code 1-if the porch is removed or 2-smaller square footage.

After discussion, Board member Shenefelt moved pursuant to Belle Isle Code Sec. 50-102 (A) (5) (A), Sec. 50-102 (A) (5) (F), and Sec. 42-64, the justifying criteria of the Belle Isle Land Development Code Section F, having not been met TO DENY A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-18-220.

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

- Site Plan Review: Permit #2023-02-016 - PURSUANT TO BELLE ISLE CODE SEC. 54-82 (F) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN REVIEW TO CONSTRUCT A NEW ADDITIONAL BUILDING, DEMOLISH, REBUILD, AND EXPAND AN EXISTING BUILDING, RENOVATE AN EXISTING BUILDING, CONSTRUCT AN OPEN CANOPY, AND CREATE ADDITIONAL PARKING, SUBMITTED BY PAUL KUCK, CHIEF OPERATING OFFICER OF REGAL MARINE INDUSTRIES LOCATED AT 2300 JETPORT DRIVE AND JETPORT DRIVE ALSO KNOWN AS 31-23-30-0000-00-004, 31-23-30-0000-00-011, 31-23-30-0000-00-012, 31-23-30-0000-00-027, AND 31-23-30-0000-00-029.

Vice Chairman Woods opened the workshop for Site Plan Review #2023-02-016.

After speaking with the City Attorney, City Manager Francis stated that the Public Hearing for Regal Boats was canceled since the applicant must file a special exception for the expansion to include all the project parcels. He

requested to continue as a workshop to answer questions on the proposed plans and reschedule the hearing to a date certain for approval.

Gary Davis, Contractor for Regal Marines, and Paul Kuck, Chief Operating Officer, presented the project for discussion. Mr. Davis said the property is zoned Industrial and immediately adjacent to the north Jetport Drive and SR528, a State-owned Railroad facility; to the east is the City of Orlando Industrial Park, and to the west is the FDOT Retention Pond. Per the Code, they request a 10ft side property line, 40.3 maximum building height, and an impervious surface ratio of 83, which all fall under the Code's requirements. However, Boat Manufacturing is a special exception and requires that all parcels are designated as such.

Vice Chairman Woods said the retention pond is smaller, increasing the impervious area. He knows St Johns has provided a report and reviewed the location. Mr. Kuck noted an existing pond and added a new one to the east/west. There are currently five septic tanks and drainage fields on various parts of the property that will be redirected to a lift station in the City of Orlando. They have stormwater and sewer permits on file and have answered review questions from Universal Engineering and Harris Engineering.

Vice Chairman Woods asked about the east side parking closer to the property line. Mr. Kuck said the parking is increased to be "person-friendly" in relation to the facility. There are a series of trees in the area they are working around.

As a housekeeping note, Vice Chairman Woods said some documents addressing comments had many misspellings and requested careful checks before submitting the final.

Regal shared their concern with the planning expansion to include a new facility damaged due to a fire. He is requesting consideration to approve construction before approval of the site plan to allow Regal to continue service to their clients. Can they start the building review before approving the site plan and start permits with St. Johns Water Management? Vice Chairman Woods said the request is beyond the Board's review and should be discussed with the City Attorney and City Manager. Staff noted they would re-advertise the Special Exception and Site Plan review for the next Planning & Zoning meeting.

4. Other Business - na

5. Adjournment

There was no further business, so the meeting was unanimously adjourned at 7:40 pm.



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

Tuesday, April 11, 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 April 11, 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 Woods
- Board member Shenefelt
- Board member Squires
- Board member Hobbs

Absent was:

- District 3 - OPEN
- Board member Thompson

Also present were Interim City Manager Travis Grimm, Attorney Geller, and City Planner Raquel Lozano.

1. **Invocation and Pledge to Flag** – Board member Hobbs, District 7
Board Member Hobbs 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** - na
3. **Public Hearings**
 1. PUBLIC HEARING CASE #2023-03-001 -PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND CODE SEC. 54-82 (F) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A NEW BOAT MANUFACTURING FACILITY WITH RENOVATIONS TO THE EXISTING STRUCTURES IN ADDITION TO CONSTRUCTING AN OPEN CANOPY AND NEW PARKING STALLS ON AN INDUSTRIAL PROPERTY, SUBMITTED BY PAUL KUCK, CHIEF OPERATING OFFICER OF REGAL MARINE INDUSTRIES INC., C/O GARY DAVIS, AT 2300 JETPORT DRIVE AND JETPORT DRIVE, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-011, 30-23-30-0000-00-012, 30-23-30-0000-00-027, AND 30-23-30-0000-00-029.

Vice Chairman Woods read Public Hearing Case 2023-03-001 by Title.

Gary Davis, General Contractor representing Regal Marine, with offices at 543 Merigus Road Orlando, FL 32839, and Paul Kuck, Chief Operating Officer, spoke briefly on their project. Mr. Davis said the property is zoned Industrial and immediately adjacent to SR528, State owner Railroad facility, the City of Orlando Industrial Park, and FDOT Retention Pond. He said they are requesting a 10ft side property line, 40.3 maximum building height, and an impervious surface ratio of 83, which all fall under the code's requirements. However, Boat Manufacturing is a special exception and requires that all parcels are designated as such.

Chairman Conduff called for public input. There being none, she closed public comments and opened for Board discussion.

There being no further discussion, Vice Chairman Woods moved pursuant to Belle Isle Code SEC. 42-63 AND CODE SEC. 54-82 (C)(1) TO APPROVE the SPECIAL EXCEPTION TO ALLOW A NEW BOAT MANUFACTURING FACILITY WITH RENOVATIONS TO THE EXISTING STRUCTURES IN ADDITION TO CONSTRUCTING AN OPEN CANOPY AND NEW PARKING STALLS ON AN INDUSTRIAL PROPERTY submitted by applicant Paul Kuck Chief Operating Officer of Regal Marine Industries, Inc., at 2300 Jet Port Drive, Belle Isle, FL 32809, also known as Parcel #30-23-30-0000-00-011, 30-23-30-0000-00-012, 30-23-30-0000-00-027, and 30-23-30-0000-00-029.

**Motion corrected to reflect Section 54-82 (C)(1) of the code.
Board member Squires seconded the motion, which passed unanimously 5:0.**

- 2. PUBLIC HEARING CASE #2023-02-016 - PROPOSED SITE PLAN. PURSUANT TO BELLE ISLE CODE SEC. 54-82 (F) (3), THE BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN REVIEW, SUBMITTED BY PAUL KUCK, CHIEF OPERATING OFFICER OF REGAL MARINE INDUSTRIES INC., C/O GARY DAVIS, FOR A PROPOSED BOAT MANUFACTURING DEVELOPMENT AT 2300 JETPORT DRIVE AND JETPORT DRIVE, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-011, 30-23-30-0000-00-012, 30-23-30-0000-00-027, AND 30-23-30-0000-00-029.

Mr. Davis said they are requesting site plan approval for the special exception approval. The proposed improvements were summarized as follows,

- Additional parking for employees and guests along the NE corner of the main building
- Abandonment of 4 existing septic systems and connection to the City of Orlando's sanitary system, which the City of Orlando has permitted.
- Modification of the existing stormwater system to allow for expansion which has been issued permits by South Florida Management.
- Building expansion – Orange County Fire has provided comments that are being addressed.

Vice Chairman Woods asked for clarification of the stormwater lines placement by three large, protected oak trees. How will Regal deal with placing the line without removing those trees? Mr. Davis said they have a landscaping plan and will ensure they take all measures, including altering the method. If needed. They will not endanger any protected trees on the site.

He further asked the following,

- Basin R30, Sheet C2.1 – This building slopes to the East and has downspouts underground; where does the water flow? Mr. Kuck said an existing pipe runs down to the side of the building.
- Basin R30, Sheet C2.2 – The Basin is larger and paved; however, the curved number has decreased. Mr. Davis said the plans were presented to the Stormwater District and were approved.
- Sheet C.6.0 – Swale on the west side is too small for the area. There is no detail for the swale. Mr. Davis assured the City that it would hold the capacity needed.
- Architectural Plan, A 4.03 arrow markers on items 1 & 2 are going in the wrong direction.

Chairman Conduff called for public input. There being none, she closed public input for Board discussion.

There being no further discussion, Chairman Conduff moved pursuant "I move, pursuant to Belle Isle SEC. 54-82(f)(3) TO APPROVE the proposed site plan (with specific conditions, for a proposed boat manufacturing development submitted by applicant Paul Kuck Chief Operating Officer of Regal Marine Industries, Inc., at 2300 Jet Port Drive, Belle Isle, FL 32809, also known as Parcel #30-23-30-0000-00-011, 30-23-30-0000-00-012, 30-23-30-0000-00-027, AND 30-23-30-0000-00-029.

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

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

Mr. Davis asked if Universal Engineering's reviewing of the Plans fell under the 15 days. Mr. Kuck said they are behind schedule and would like to proceed with the plan review. Vice Chairman Woods asked if Regal Marine is willing to agree to pay for the review time before the 15 days appeal period only if there is an appeal. In exchange, the plan review will be allowed to start immediately. Attorney Geller said the agreement is a representation by the applicant they are making to the City and will make them financially responsible. The Board agreed.

- 3. PUBLIC HEARING CASE #2023-03-017. Notice is hereby given that the City of Belle Isle Planning & Zoning Board will conduct a public hearing at the aforesaid date, time, and place to take public comments, consider and make recommendations concerning the following proposed Ordinance: ORDINANCE 23-1 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA REZONING THOSE CERTAIN PROPERTIES OWNED BY THE CITY OF BELLE ISLE LOCATED AT 5903 RANDOLPH AVENUE, 906 WALTHAM AVENUE, 6300 HANSEL AVENUE, "SUB OF HARNEY HOMESTEAD C/53 LOT 9 (LESS W 224.28 FT OF LOT 9 & LESS E 228.47 FT OF SAID LOT 9 & LESS R/W ON N & S)", AND 6049 RANDOLPH AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCELS # 24-23-29-3400-00-073, 24-23-29-3400-00-092, 24-23-29-3400-00-094, 24-23-29-3400-00-095, AND 24-23-29-3400-00-114, FROM C-1, C-2, R-1A, AND R-2 ZONING DISTRICTS TO PLANNED DEVELOPMENT DISTRICT (PD); REZONING THAT CERTAIN PROPERTY OWNED BY CORNERSTONE CHARTER ACADEMY, INC. LOCATED AT 5929 HANSEL AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL #24-23-29-8820-00-050, FROM C-1 ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD); REZONING THAT CERTAIN PROPERTY OWNED BY PINE CASTLE METHODIST CHURCH, INC. LOCATED AT 942 FAIRLANE AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL #24-23-29-3400-00-093, FROM C-1 ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD); PROVIDING FOR CERTAIN PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES AND DEVELOPMENT STANDARDS AND REQUIREMENTS WITHIN THE PLANNED DEVELOPMENT; DESCRIBING THE PLANNED DEVELOPMENT INCLUDING ALL THE AFORESAID PROPERTIES AS THE CORNERSTONE CHARTER ACADEMY PD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Vice Chairman Woods read Public Hearing Case 2023-03-017 by Title.

Former Mayor of the City of Belle Isle William Brooks, Chairman of the CCA Board of Directors, gave a brief history of the start of Cornerstone Charter School. He stated that Cornerstone Charter Academy applies with co-applicants City of Belle Isle and Pine Castle Methodist Church. The Campus is a K-12 high-performing school focusing on Life Sciences and the Arts with expansion to include eight state-of-the-art science labs, new gymnasiums, two cafeterias, and corrective action for traffic shortcomings.

John Abuon from FEG spoke on the project scope, consisting of seven parcels with a total land area of approximately three quadrants - 14.9 acres under one zoning designation consistency of planned development. The expansion will add six buildings: a three-story High School Annex Building located at the existing Bank of America site, a two-story Student Services Building at the old Texaco station, a four-story Elementary Classroom Building east of the current elementary school building, a new Gymnasium on the east side of Randolph Avenue a Press Box Building and a Concession Building near the football field: additional parking, drainage ponds, and retention pond.

He stated that over the last seven months, they have met with Staff, had community meetings, and a full Traffic Impact Assessment (TIA) Study was performed to assess the effect of the current and proposed school expansion on the surrounding roadway network and the local streets in the immediate vicinity of the school site.

Rolando Llanes from Civica Architectural presented the Master Plan proposal. He stated that the benefits of a plan development approach should create a cohesive idea rather than a piecemeal

approach to zoning and planning. They took great care to create a defined edge with the proposed buildings around the Campus; all queuing of vehicles will be on-site and consolidate one entry point on the NW of the Campus.

Mr. Llanes stated that the following were recommendations made by Staff:

- Three (3) shifts for Elementary, Middle, and High School, approximately 30 minutes apart.
- On-site vehicle stacking within the parking lot on the property east of Randolph Avenue.
- At the City's request, Randolph Avenue will be closed to Traffic from the north on Waltham Avenue and the south on Wallace Street during school hours.
- Fairlane Avenue will become 1-Way only westbound, and vehicles will exit right only on Hansel Avenue.
- Police/traffic attendant guidance at Hansel Avenue/Waltham Avenue and Hoffner Avenue/Randolph Avenue intersections.
- Station staff members/traffic attendants within the site and at the entry driveways to guide Traffic into the school site queue and ensure proper circulation.
- Conservative Traffic study considered 100% student vehicle drop-off/pick-up as a conservative analysis.
 - A large portion of pedestrian and "golf-cart" pick-up locations
 - The school expansion will also expand the after-school programs, which will account for a percentage of students staying on Campus after dismissal times and reduce the number of vehicles arriving at the site at drop-off/dismissal.

Following Ordinance 23-01, Mr. Llanes stated that the report would include,

- Concept Plan and Code Provisions
- Permitted Uses and Special Exception Uses
- Maximum Building Height ▪ 4 stories / 57 feet
- Setbacks consistent with the Concept Plan
- Intensity ▪ 0.40 Floor Area Ratio and Maximum Impervious Surface ▪ .045
- Architectural Features Consistent with the Concept Plan
- Vehicular Parking / Ingress / Egress
- Lighting, Landscaping, Landscaping Buffers, Recreation, Open Space
- Planned Development Name ▪ Cornerstone Charter Academy PD
- Development Plan / PD Expiration and Violation

Vice Chairman Woods corrected the Maximum Impervious Surface.045; it should be .7.

Mr. Llanes added that they received an updated staff recommendations memo and agreed with the three conditions.

Chairman Conduff called for a Staff report.

City Planner Raquel Lozano gave an overview of the process to date. In accordance with Sec. 54-77 (e) (1), the Staff held pre-conference meetings with a panel of appropriate city departments. She said the Staff has no objection to the proposed concept plan. Staff recommends approval of the preliminary concept plan and PD district on the condition that the applicant makes the following changes made to the Concept Plan between now and City Council hearing to avoid confusion in the future:

1. Eliminate the "Required and "Allowable" columns on the site plan and reflect the floor area ratio, impervious surface ratio, and building setbacks standard.
2. The "Site Notes" on page 9 of the concept plans reference the final plans shall be at Final Construction Plan. Under sec. 54-77 (e) (5), the code requires the next phase of the PD process to govern "the use of land and the construction, modifications, or alterations of any buildings, structures or other improvements" on the property. The Site Note must be modified to reference the Development Plan, not the Final Construction Plans.

- 3. The Title of the Plan Set needs to be Cornerstone Charter School CONCEPT Plan, not Development Plan. Consistency with Code verbiage is important to eliminate any confusion in the future.

Ms. Lozano stated that the Board may recommend approval of the proposed Ordinance and concept plan as presented to them, recommend approval with changes, continue the hearing if additional information is being requested, or recommend denial of the Ordinance to the City Council.

Chairman Conduff called for public input.

- Hillary Maul residing at 1130 Waltham Avenue, spoke of her concerns about the closure of Randolph Avenue during school hours which will affect entry/access to her home.
 - Mayor Brooks said that in working with the Staff and Police Department, the recommendation was to close a portion of Randolph Avenue down to North of Wallace during school hours. Fairlane Avenue then becomes a one-way westbound at all times for the safety of the children; the portion from the south end of Waltham down to the north end of Wallace Avenue will be closed during the school day.
- Emily Eddy residing at 4581 Saint Brides Orlando, Fl, asked if phasing has been addressed and how it will be implemented.
 - Mayor Brooks said there is no phasing. There is a sequence of construction to build, one building at a time. The only old building coming down are the Villages. He anticipates construction should start this summer and will be contained within the site area and during school hours; they will work to mitigate the noise during school hours.
- Randolph Rhimes resides by the Baptist Church on Hoffner Avenue and manages the home units along the SW off Wallace Avenue. He opposed the closure of Randolph Avenue for the entire school hours, stating that it would delay his response to calls. He asked about the impact on the Traffic and how many more students would be on Campus. He also shared his concern about the illegal pick-up and drop-off of children in the surrounding area, specifically at the apartment complex. Safety is important; however, an alternative can be an overhead breezeway or crosswalk.
 - Jon Abuon said there are other options to get from one point to another; there is not much distance on either side. Regarding the Traffic on Wallace, the proposed plan is to have a queue of vehicles on site which will help the residents. With the expansion, they anticipate another 900 students to the Campus and will be closed 8-4 pm with Fairlane being a one-way road. The intersection will also be staffed by school staff and the Belle Isle Police Department.
- Ardis Meloon residing at 6101 Matchet Road, said she is very concerned with the Traffic and having Fairlane Avenue as a one-way. She is a senior citizen and represents many senior citizens in the area who could not attend the meeting for different reasons. Fairlane is the safest way to return to Belle Isle from Orange Avenue. She and her neighbors are impacted 24/7, especially during sporting events on the field. The light pollution and the noise are constant; some have experienced flooding in their yards from the raised field, and the City has done nothing to correct this. What are their rights as citizens; 23% of the students are from Belle Isle and Edgewood. She said she would like to have the stakeholders involved in the decision-making and the neighbors be considered.
 - Mayor Brooks said that in terms of Traffic, they did have community meetings with 1200 stakeholders in attendance. They propose three drop-off times with all queuing on the property to address most traffic concerns. They are not proposing additional lighting on the Campus, except safety lighting on the buildings. Mayor Brooks stated that the Staff tries to manage the excessive noise, take all complaints seriously, and do their best to mitigate noise.
- Douglas Cohrs resides at 1909 Wind Willow Road and is a business owner at the Corner of Wallace and Randolph Avenue. He asked for clarification on the traffic flow. Mr. Cohrs said he received a letter two weeks ago and was unaware of this project. He said he opposed having too many people placed in a small location.
 - Mayor Brooks said the street would be closed north of his property to the south side of Waltham.
- Gary Meloon residing at 6101 Matchet Road, said he opposed the expansion and the road closure during school hours. He feels the City misrepresented the residents on this project and is unfair. He would like

to have more involvement in the Community before a decision is made to include traffic calming and possibly the busing of students.

The City Clerk reminded the Community not to speak out of turn to allow for proper minute taking and only to address the Board, not an individual applicant. Vice Chairman Woods stated that the Board would take comments and have the applicant answer the questions after public comment.

- Andrea Jackson residing in Orlando, FL, shared her concerns with Traffic. She has four children attending this amazing school. She wanted to let everyone know that it is an amazing school with amazing Staff that is thinking of expansion and road closure for the safety of the children.
- Mark Jordis residing at 745 S Conway Circle, said 72% of the student population is not from the Belle Isle/Edgewood area. He asked, with this expansion, why is there a waiting list for Belle Isle residents? He further asked about the roof playground and said it is against FI Statute to have young children on a rooftop and how they will be kept cool and away from the sun's rays.
- Mathew Troy residing at 5112 Pelleport Drive, said the school is a great asset to the Community. This expansion addresses many concerns of the school and provides the opportunity for a safe environment. This Community is growing, and the growth of the school is needed.
- Michelle Casey residing on Oak Island is also the Vice Principal. This school has been incredible for the Community. She would also like everyone to think about controlling the narrative of the surrounding area's growth. They have proven that they can educate, and we can all be good community stewards.
- Holly Bobrowski, residing at 2400 Hoffner Avenue, said that she understands the traffic concerns as a crossing guard for the school. The closing of Randolph Avenue may take valuable time for residents; however, everyone who rides those roads is very cognizant of the schoolchildren. She suggests having a full-time employee overseeing the road and leaving the traffic plan as it currently is.
- Anthony Rimes residing at 5603 Marinelle Drive, spoke of a crosswalk at the Mt Dora Middle School. He said he would provide the Staff with a copy of the crosswalk for the record.
- Resident Drive reviewed the study and noted that one of the most important intersections, Oakridge, and Hansel, was omitted. Staff is used to controlling a non-signalized intersection. There is an opportunity to use another intersection and get Staff off Waltham, a State Road. She asked that the study evaluate adjacent signal light intersections to drive trips to those intersections instead of away from them to get away from the costly manpower.
- Harmony (CCA Student) spoke in favor of the expansion. She is excited about the plans and looks forward to education through her senior year.
 - Attorney Geller stated that this is a recommending Board to City Council. They may disapprove, approve, or approve with conditions for Council consideration.
 - Interim City Manager Grimm stated that the public comment section is closed.
 - Mayor Brooks responded to the questions as follows,
 - CCA will be adding approx.—900+ students with this expansion.
 - CCA has worked with City staff, consultants, and the Police Department on growth management and planning, and the team has reviewed the Ordinance.
 - The proposed plan is not new; CCA has had a couple of public meetings and provided the minutes in the packet.
 - As students move or graduate, the vacancies are filled by those on the waiting list. CCA is open to Belle Isle, Edgewood, and neighbors in the surrounding areas; everyone is treated equally. The Community, in its entirety, deserves a great school.
 - CCA meets all Statutes with respect to playgrounds. There will be a recess time, water fountains, and restrooms available for all students.
 - Busing has been discussed. CCA was clear in their application 14 years ago to Orange County that they would not use buses because the City does not have the density to justify purchasing buses, paying employees, insurance, and taking risks. The project will pick up good improvement with the golf carts, walkers, and bikers.

- The portion of Wallace is open and available to vehicles. CCA pays for the School Resource Officer and will hire another person after project completion for traffic calming and other duties.
- Use of the alleyway is not viable because a large utility pipe will not allow access.
- Vice Chairman Woods asked if the study examined the through traffic count on Randolph between starting and stopping school. Ms. Mina said no, the study only looked at the am and pm hours.

There being no further comment, Chairman Conduff closed public input for Board discussion.

Board member Shenefelt shared his concerns about the traffic concerns. The study was conservative. The expansion is the size of Oakridge High School, and he does not favor the additional population and Traffic it brings. He would like to look deeper into the traffic concerns; if the three roads don't meet the standard now, four-under standard roads will meet it even less.

Board member Woods said he agrees with the result of the study in that there should be lower congestion away from the school than there is currently, i.e., Hoffner Avenue. Under the proposed site circulation on Page 30 of the Traffic Study, it states that Randolph Avenue will be blocked during pick-up and drop-off times only. Randolph is the only local north-south street in this part of town. Most people are aware of the school and drive cautiously and avoid all the lights on Hansel going south. Board member Woods said it would be a good compromise to have Randolph Avenue open during school hours outside of pick up and drop off and would benefit all in the Community. He asked if it was considered to have the retention pond used as a play area. Jon Aboun said he doesn't recommend it, and it is not allowed per code.

Mayor Brooks said Traffic and growth are coming, but we also have a need for a top-notch education facility for our kids and the surrounding communities. He addressed some of the discussion comments as follows,

- The Traffic study did include Marinelle. It is proposed to keep the entire vehicle queuing on the property.
- This school did not just pop up; it was Pine Castle Christian Academy, and Pine Castle Elementary School was adjacent.
- They are not proposing any additional field lights.
- Exfiltration ponds were considered. However, not feasible at this location.
- The site circulation plan was changed after discussing with Staff and the then Police Chief promoting safety.
- Fairlane one-way is because the lights are signaled control.
- CCA will follow State Statutes and keep our children safe.

Board member Woods asked if the Board approves the development plan and how much of the conceptual plan we are locking in. Attorney Geller said that in the preliminary concept plan stage of a PD Ordinance, a development plan will come nine months later containing all provisions (covenants, restrictions, conditions, agreements, water, sewer, locations, dimensions, fire, utilities, etc.). If the Board recommends approval to Council, it can be made with conditions. Attorney Geller said the development plan must be consistent with the conceptual plan.

Board member Hobbs said he understands the traffic concerns; however, the proposed plan is an excellent road plan.

Board member Squires said that growth is everywhere regardless of the school expansion. He would like to see the City, residents, and the school come to a compromise to move forward with a conceptual plan.

After discussion, Board member Woods moved pursuant to the Belle Isle Code to approve Ordinance 23-01 to City Council with the following conditions,

- 1. Randolph Avenue be closed only during the pick-up and drop-off hours of the school and shall include appropriate pedestrian safety measures.**

2. Eliminate the "Required and "Allowable" columns on the site plan and reflect the floor area ratio, impervious surface ratio, and building setbacks standard.
3. The "Site Notes" on page 9 of the concept plans reference the final plans shall be at Final Construction Plan. Under sec. 54-77 (e) (5), the code requires the next phase of the PD process to govern "the use of land and the construction, modifications, or alterations of any buildings, structures or other improvements" on the property. The Site Note must be modified to reference the Development Plan, not the Final Construction Plans.
4. The Title of the Plan Set needs to be Cornerstone Charter School CONCEPT Plan, not Development Plan. Consistency with Code verbiage is important to eliminate any confusion in the future. Board member Squires seconded the motion, which passed 4:1 with Comm Shenefeld, nay.

4. Other Business na

5. Adjournment

There being no further business, the meeting was unanimously adjourned at 9:15 pm.

MEMORANDUM

TO: Planning and Zoning Board

DATE: April 25, 2023

RE: Variance Application – 2120 Homewood Drive

Public Hearing #2023-03-034:

PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Background:

1. On February 24, 2023, the applicant, Christopher Heath, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, April 15, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on April 12, 2023.

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 outlined 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.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle SEC. 50-102 (B) (7) of the Belle Isle Land Development Code, having been met **TO APPROVE A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.**

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 50-102 (B) (7), the justifying criteria of the Belle Isle Land Development Code, having NOT been met; *[use only if NONE of the justifying criteria have been met] the requirements of, 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 A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.**

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

a.

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT	Chris Heath	OWNER	Chris Heath
ADDRESS	5818 Labelle St, Belle Isle	PROJECT ADDRESS	2120 Hornewood Dr Belle Isle
CONTACT NUMBER	321-229-0772	OWNER'S CONTACT NUMBER	321-229-0772
EMAIL	cmheath33@yahoo.com	OWNER'S EMAIL	cmheath33@yahoo.com
PARCEL ID#	19-23-30-5888-06-310		
LAND USE CLASSIFICATION	Residential	ZONING DISTRICT	
SECTION OF THE CODE VARIANCE REQUESTED ON	50-102		
DETAILED VARIANCE REQUEST			
<p>1) Install 5' fence down property line to RHWL without step-down to 4' w/in 35' of RHWL (to also satisfy pool code)</p> <p>2) Install 2 columns (2.5' x 6' tall) on each side of driveway</p>			
<ul style="list-style-type: none"> 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 of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property. By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. 			
APPLICANTS SIGNATURE		OWNER'S SIGNATURE	
Chris Heath		Chris Heath	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	
		P&Z CASE NUMBER	DATE OF HEARING
		2023-03-034	4/25/2023

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.

c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.

d. It is determined that 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.

e. It has been determined that 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 Land



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a.

Variance and Special Exception Application

Development Code or for the purpose of obtaining a variance.

- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development 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.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance.

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and 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. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed 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.

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 comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY: FEE: \$300	<u>2/24/23</u> Date Paid	<u>5073</u> Check/Cash	<u>L. Simons</u> Rec'd By
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If you own and occupy property as your primary residence as of January 1, 2023, you may qualify for an exemption. The deadline to file a 2023 exemption application is March 1, 2023.

[Click Here To Apply for Homestead and Other Exemptions Online](#)



Amy Mercado
Orange County
Property Appraiser

OCPA Lobby Open by Appointment Only

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[Parcel 19-23-30-5888-06-310 X](#)

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2120 Homewood Dr 19-23-30-5888-06-310

Name(s):	Heath Christopher Kovacova Zuzana	Physical Street Address:	2120 Homewood Dr	Property Use:	0030 - Vacant Water
Mailing Address On File:	5818 Labelle St Belle Isle, FL 32809-3545	Postal City and Zip:	Orlando, FL 32809	Municipality:	Belle Isle
Incorrect Mailing Address?					



2120-HOMEWOOD DR, BELLE ISLE, FL 32809 1/17/2023 11:12 AM

[Upload Photos](#)

Applicant: Chris Heath

Address: 2120 Homewood Dr, Belle Isle, FL 32809

To whom it may concern,

This variance request is for 2 independent requests. The house located at 2120 Homewood Dr is under construction as a new residence with estimated completion sometime in April or May, 2023.

Request 1: This house has an exterior swimming pool that will NOT have a pool enclosure/screen. As such, I will be required to install a fence down the property lines to the lake for safety reasons that meet pool code. Zoning code also specifies that fences should not exceed 4' tall within the first 35' of the NHWL from the lake (can go higher after the 35' mark). Upon consultation with neighbors on both sides of the property (see letters attached), they prefer an aluminum fence design with a double-top rail. If I install this type of fence, it would not meet pool code at only 4' tall. The neighbors have stated they would prefer a 5' tall fence the entire length to match the look of an existing fence on their property (on the other side). Both neighbors have also agreed they would like a gate located in the backyard so we can access each other's yard. This request in essence is to run the 5' tall fence the entire length (without the step down at the 35' mark from the NHWL) as well as adding the gates between the properties that would satisfy pool code (latch a certain height from the ground). General description of the proposed fence location and fence profile is attached.

Special Conditions: Satisfy pool code and a fence design that has been requested by the neighbors (for which the code is to protect)

Not-Self Created: This is a request to satisfy both the pool code/safety as well as aesthetic design requested by neighbors

Minimum Possible Variance: The only way to better satisfy would be to use a non-double top rail within 35' of NHWL (to satisfy pool code), then increase the fence height with different design at the 35' mark. This is NOT preferred by the neighbors.

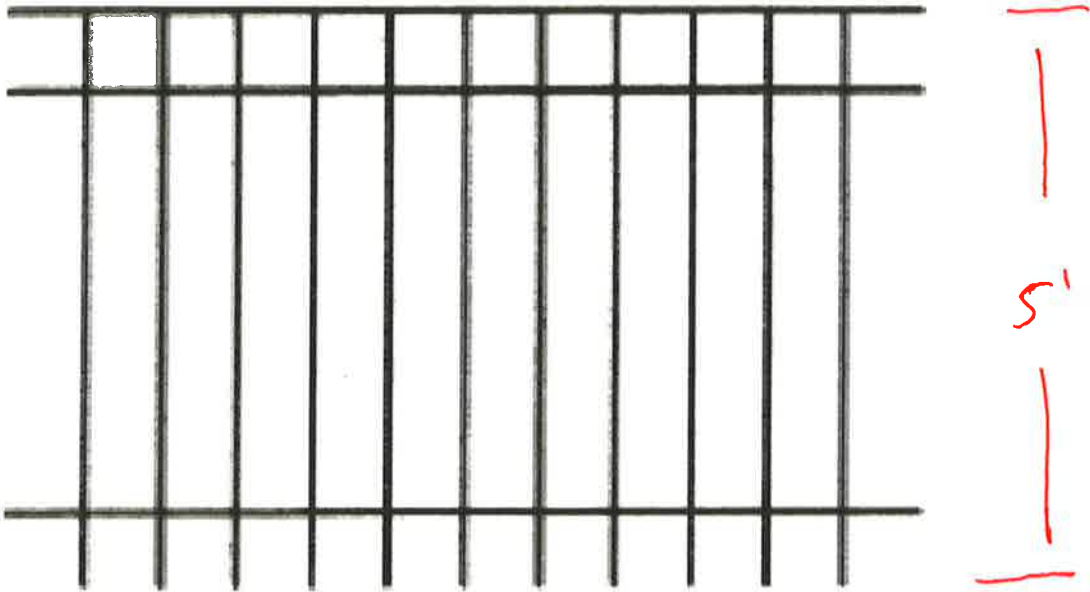
Purpose and Intent: Satisfy pool code and neighbors request for fence design.

Request 2: This request is simply to put to concrete/block columns in the front yard on each side of the driveway (not a gate or fence). This is purely for asthetics and to display the house number. The size of this would not exceed 2.5' x 2.5' x 6' tall, and would be set outside the easement from the sidewalk area. This request is consistent with what other neighbors in the general area have done for their house. Again, this request is completely for asethics of the house.

Thank you,

Chris Heath

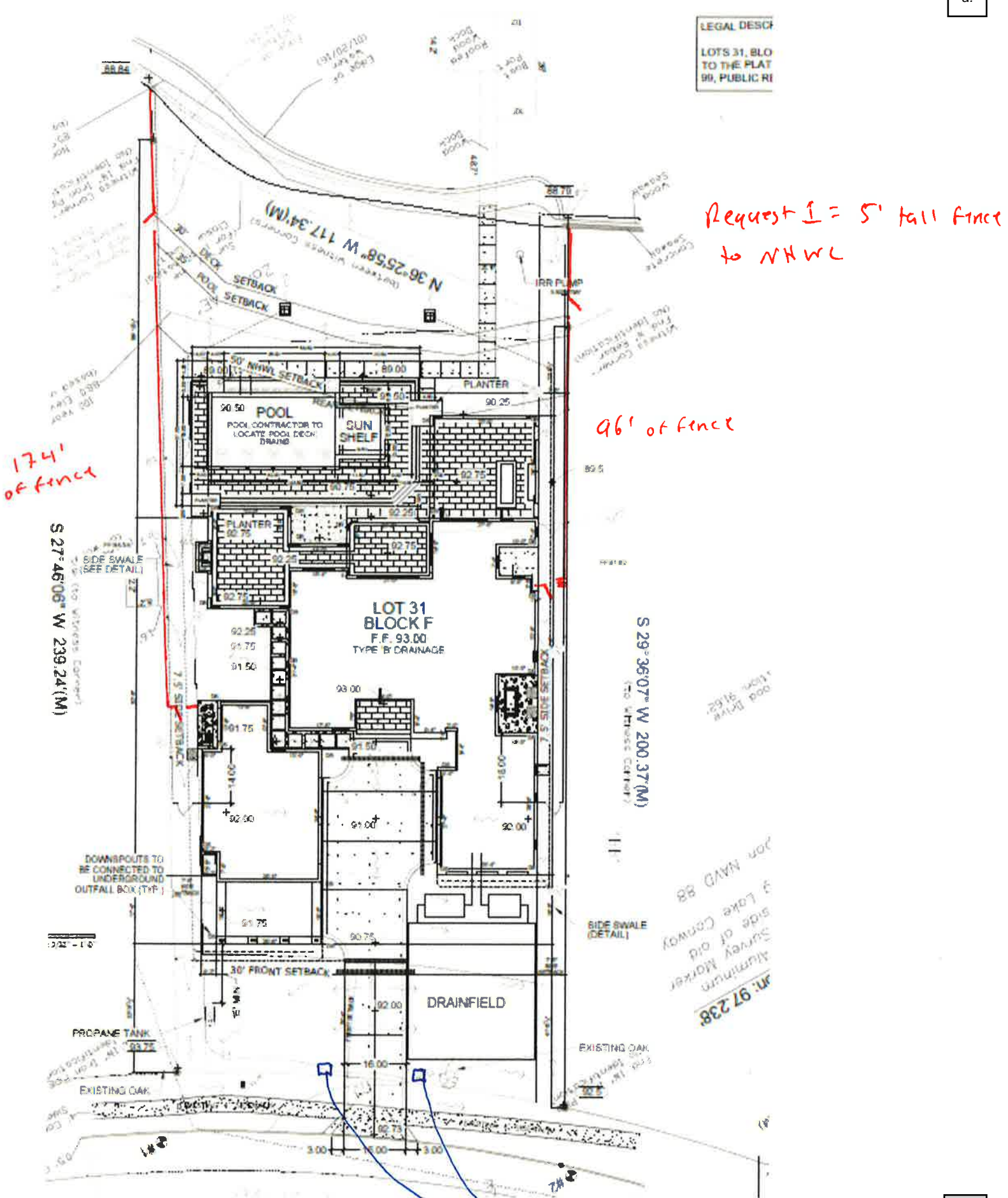
2120 Homewood



proposed fence design + height

(Black Aluminum)

LEGAL DESC
LOTS 31, BLO
TO THE PLAT
99, PUBLIC RI

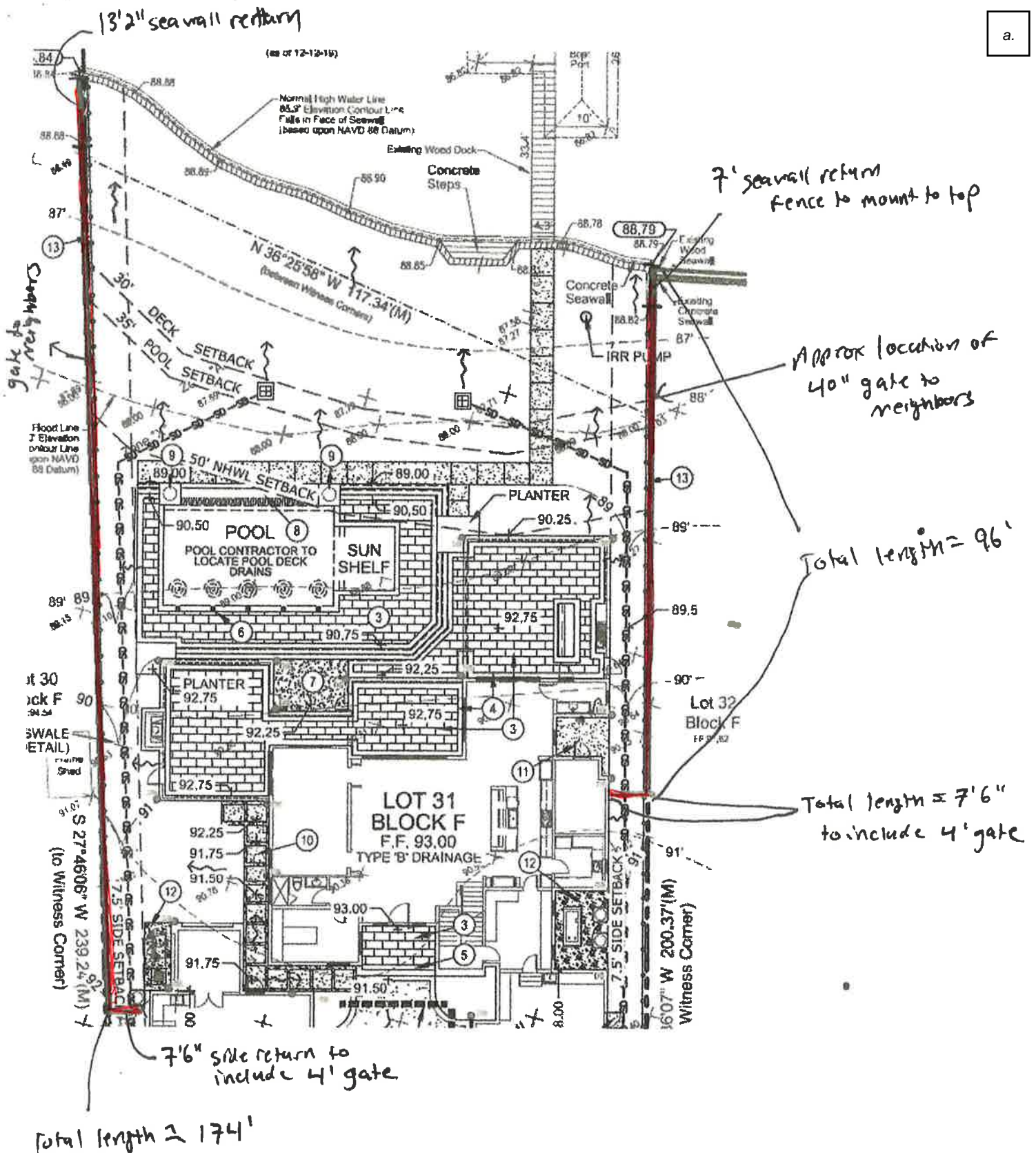


Request 1 = 5' tall fence to NW/SL

174' of fence

96' of fence

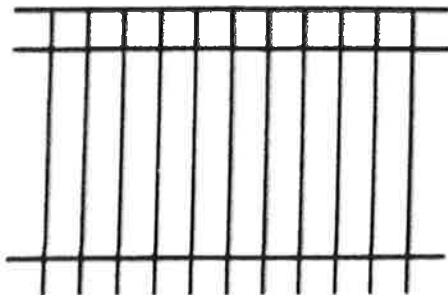
Request 2 = 2 decorative columns not to exceed 2'-5" x 2'-5" x 6"



I, Brandon Carr, am the property owner at 2112 Homewood Dr. This property is neighbors with, and immediately north of Chris Heath residence at 2120 Homewood Dr.

I am aware of the COBI fence requirements of no more than 4' high within 35ft of the NHWL where it can go higher after that. I am supportive of Chris Heath installing a consistent fence (5' high) the entire length between our houses using a fence with the profile shown below.

I am also supportive of Chris installing a gate in the fence within the back yard area to allow cross access between the fence/properties.



BC _____

Brandon Carr

2/23/23 _____

Date



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CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

April 25, 2023

Variance Application: 2120 HOMEWOOD DRIVE

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Existing Zoning/Use: R-1-AA / Single-Family Residence

Background Information

The applicant requested a variance to install a black aluminum fence five feet in height within 35 feet of the Normal High Water Elevation line to enclose his swimming pool, which is under construction. Under sec. 50-102 (b) (7), no fence or wall located within 35 feet of the contour line of Lake Conway shall exceed four feet in height. The applicant stated in their request for the rear fence to install a gate with access to the neighboring property’s rear yards.

On a separate matter, the applicant is also requested to install two individual columns (or pillars) in the front yard on each side of the driveway. The proposed columns do not connect to any other structure. Based on the design and proposed use of the columns, it does not meet the definition of a fence nor the accessory building criteria per sec. 50-102. The code states an accessory building is any building that is not structurally attached to the principal building and has a floor area larger than 25 square feet. The proposed columns have a floor area of 6.25 square feet.

After reviewing the applicant’s narrative letter, Staff researched city records to find the neighboring property at 2206 Homewood Drive was approved for a fence permit in January of 2023 to install a fence of five feet in height along the side property lines with plans to have a portion of the fence within 35 ft of the Normal High Water Elevation line tapered to four feet in height. No fence permit application or approval form is documented with the City for 2112 Homewood Drive.

Staff Recommendation

Based on the variance request for the fence five feet in height within 35 feet of the NHWE line:

- Under sec. 42-64 (1) (d), the physical conditions and circumstances of the property do not inhibit the applicant from meeting the code requirements for fences per sec. 50-102 (b) (7).
- Under sec. 42-64 (1) (e), personal hardship is not grounds for a variance.
- Under sec. 42-64 (1) (f), the request to install a fence five feet in height is self-created based on the aesthetic preferences of the homeowner and the neighboring property owners.
- Under sec. 42-64 (1) (g), the request may be construed as aligning with public interest based on the letters of consent from the next-door neighbors affected by the proposed fence plan.

As for the request to install a gate in the rear yard to access the neighboring properties, the applicant could face potential issues with trespassing onto private property.

Staff recommends that the Board not approve the requested variance for the rear fence as the application does not meet the conditions for a variance request per sec. 42-64 (1) (d-f).

Should the board approve the fence five feet in height, Staff recommends a condition for the fence variance to enclose the entire perimeter of the pool which is under construction to ensure all safety measures are met per Florida Building Code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, and 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 any aggrieved person to the City Council pursuant to Code Sec. 42-64.



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: February 21, 2023

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Discuss Changes to BIMC for Fences

Background: Commissioner Carugno, with approval from Council, requested a discussion take place on possible changes to the municipal code for fencing. The Planning and Zoning Commission previously discussed changes to the code and looked at a possible zoning overlay for fences and walls on Hoffner Avenue. No action was taken by the Commission.

If the Council directs changes to the code for fencing, then it will have to go to the Planning and Zoning Commission for review and action as fencing is part of the Land Development Code.

Staff Recommendation: Discuss what changes are being requested and move this to the Planning Commission for further review and action.

Suggested Motion: None needed, but direct that the changes be reviewed by the Planning Commission at their March meeting.

Alternatives: Do not make any changes

Fiscal Impact: N/A

Attachments: P&Z Meeting minutes

FENCES AND WALLS

Belle Isle Planning and
Zoning Board Meeting
March 26, 2019

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a.

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**DEVELOPMENT CODE, CHAPTER IV, ARTICLE C,
SECTION 1 (B) FENCES; PROVIDING SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Belle Isle City Council has determined it is necessary to amend Chapter IV, Article C, Section 1 – Fences:

WHEREAS, the City of Belle Isle encourages visual openness and the preservation of the natural environment and although fences and walls are inconsistent with this intent they may be desired by residents for safety, noise abatement, and/or security; and

NOW, THEREFORE, BE IT ORDAINED THAT Chapter IV, Article C, Section 1(B) shall be amended as follows:

Section 1.

(B) *Fences and Walls:*

(1) For the purpose of this Ordinance, certain words used herein are defined as follows:

“Fence” shall mean a barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing and/or protecting the property within its perimeter. A fence may be constructed of materials including, but not limited to metal, wood, plastic, or other synthetic material. A fence shall not include construction site barriers, landscape treatments or privacy screens as defined herein.

“Wall” shall mean a barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing and/or protecting the property within its perimeter. A wall may be constructed of finished materials including, but not limited to concrete masonry units, precast concrete panels, bricks, concrete, stucco, or stone.

“Privacy Screen” shall mean a barrier erected within the interior of a parcel of property and not upon, or immediately adjacent to, a property line for the purpose of obscuring patios, decks, courtyards, swimming pools and other similar outdoor features, from observation by persons outside the perimeter of the property. Privacy screens shall not include landscape treatments.

(2) Scope



THE LANGUAGE IN THE
CODE STATES NO FENCES
OR WALLS SHALL BE
PERMITTED IN FRONT YARDS.



7484 DAETWYLER DR, ORLANDO, FL 32812 2/16/2016 9:24 AM

there is conflict, the provisions of Chapter IV, Article A, Section 5(J) and Chapter IV, Article B, Section 3(D), shall prevail over this section 1(B).

(3) General Requirements for Fences, Walls, and Privacy Screens:

No fence, wall or privacy screen shall be installed, erected or maintained except in strict compliance with the following requirements:

- (a) Metal Fences - shall consist of new materials manufactured and/or treated in a manner to prevent rust and corrosion.
- (b) Wood Fences - shall be constructed of new materials and painted, stained or preserved in a manner to maintain the fence in good structural condition.
- (c) Plastic or other Synthetic Material Fences - shall be constructed of material specifically manufactured as fencing, only new such materials shall be used and they shall be treated and maintained in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents.
- (d) Masonry Walls - shall be constructed of finished materials including, but not limited to concrete masonry units, precast concrete panels, bricks, concrete, stucco, or stone.
- (e) Privacy Screens - shall be an integral part of the design of and have an architectural texture, color, and material compatible with the residence on the property.

(4) Conformity, Permit Required:

No person shall erect, build, construct, or reconstruct any fence, wall, or privacy screen or any section or portion thereof unless the same shall conform to these requirements and specifications. No person shall erect or construct any fence, wall, or privacy screen, or dig, auger or otherwise prepare post holes without first obtaining a permit for zoning approval.

(5) Maximum Height and Permitted Locations of Fences, Walls and Privacy Screens:

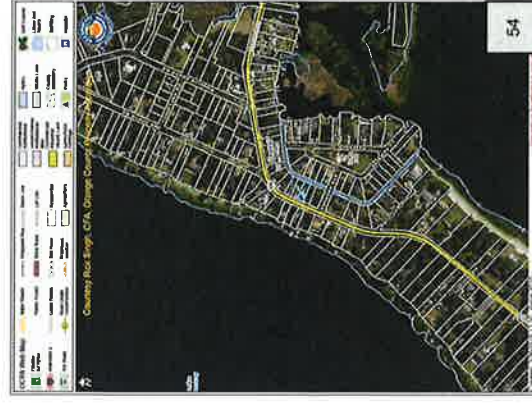
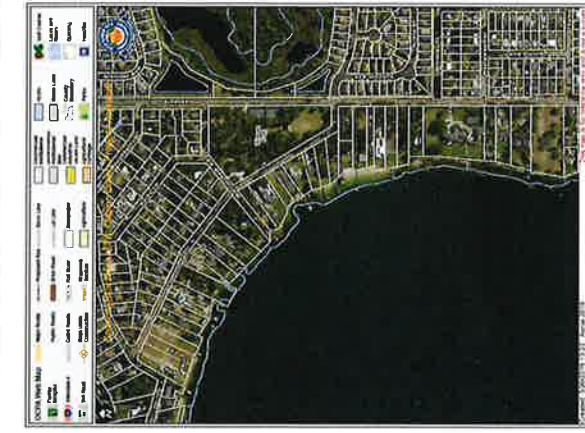
- (a) Except as provided in (b), below, fences and walls shall be limited to a maximum height of six (6) feet above natural grade in the rear and side yards. No fences or walls shall be permitted in front yards.
- (b) A maximum fence height of 8 feet shall be permitted in the following situations:
 - i The property line along which the fence will be installed abuts a boat ramp

Common Characteristics:

Deep Lots

Busy Street Traffic

Many properties with existing fences/walls and gates



6

a.



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MINOLE DR, ORLANDO, FL 32812 9/27/2017 8:00



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FENCES AND WALLS ON SEMINOLE AND DAETWYLER

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a.

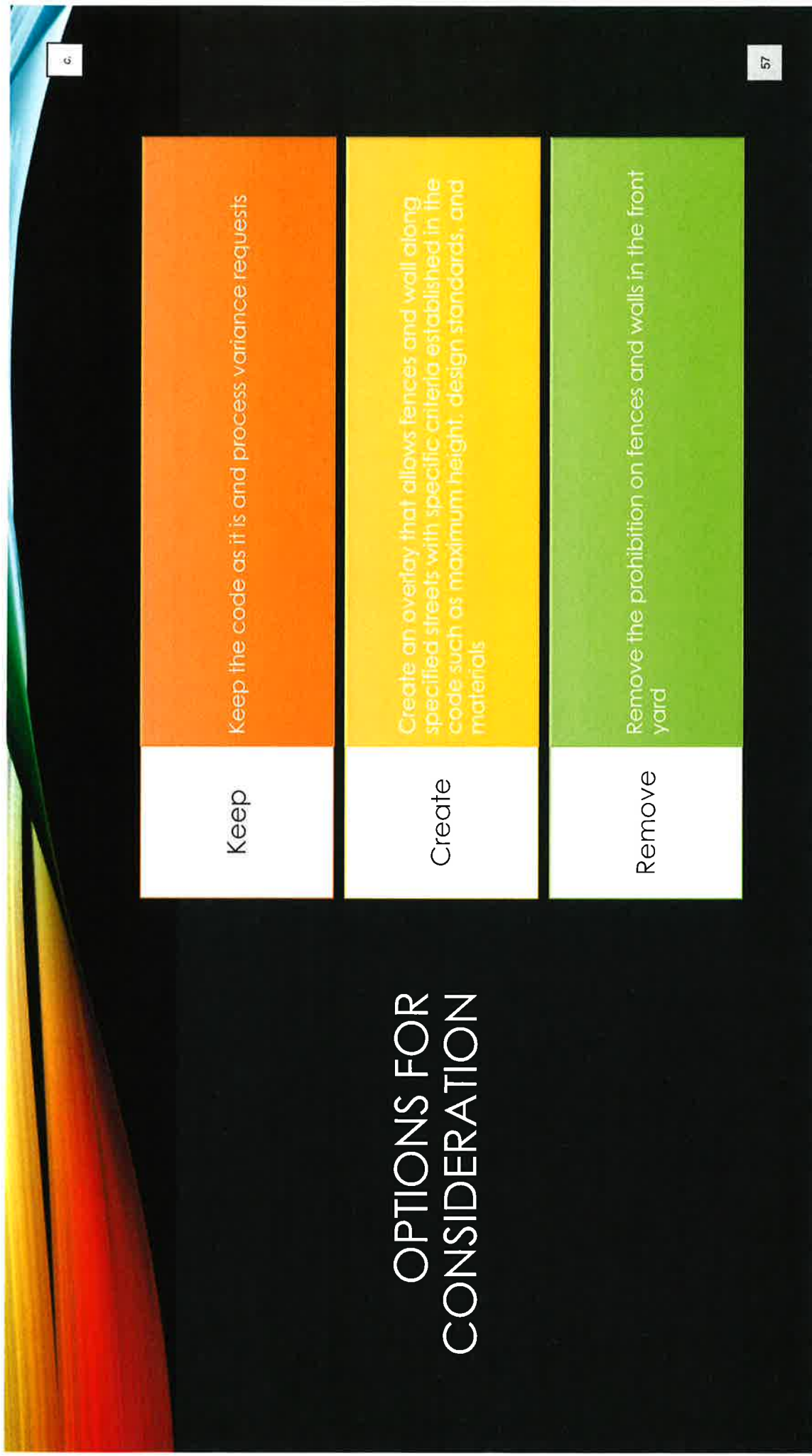
FENCES AND WALLS ON HOFFNER AND OAK ISLAND



2221 HOFFNER AVE, ORLANDO, FL 32809 2/21/2018 2:20 PM

2235 HOFFNER AVE, ORLANDO, FL 32809 12/1/2015 2:21 PM

302318716001080 08/21/2006



OPTIONS FOR CONSIDERATION

Keep

Keep the code as it is and process variance requests

Create

Create an overlay that allows fences and wall along specified streets with specific criteria established in the code such as maximum height, design standards, and materials

Remove

Remove the prohibition on fences and walls in the front yard

- Since P&Z seems to be granting variances for fences. Concerns have been brought up previously on whether or not all of the variance criteria has been met. Since the front fence variances continue to be issued, I would like the following comments to be considered for applications for fence variances and the discussions the board is having about fences since it appears these applications will be approved in almost all cases. I have a concern that granting variances for front fences do not have minimum requirements like other applications for structures. Some of the variance applications have no plans where the fence will go.

Concerns about fences

- 6 ft high allowance is a concern. Homes in the Seminole Dr area that had “grandfathered” fences prior to the ordinance prohibiting front yard fences that were 4ft high. One grandfathered fence is 5 ft high concrete block. The only two 6 ft high fences on the street were granted a variance and an after the fact variance for illegal construction, respectively. The comments regarding the fences mostly being 4ft high can also be extended to the surrounding streets. A maximum front yard height of 4 ft would be more consistent with existing fences prior to ordinance enactment
- While the metal decorative fences can be aesthetically pleasing, a 6 ft high fence looks like a prison and does not provide the open views intended by the existing ordinance prohibiting front yard fences. It does not promote a look a neighborhood and community.
- Fences whether 4ft or 6ft only deter those who do not intend to commit crimes.
- Section 50-102 in the Code requires maximum fence height for back and side yards to be no more than 6 ft tall (with certain exceptions). A front yard fence should have different considerations since it will be viewed from the street and be front and center.
- Request that the P&Z board consider allowing fences limited to 4 ft high.
- Request P&Z consider minimum setbacks from sidewalks and roads, specify car parking allowance in front of fence so as not to interfere with sidewalk or road way traffic. Possibly minimum 1.5 - 2 feet from sidewalk. Frequently homeowners plant vegetation very close to the sidewalk which then inhibits pedestrians from fully utilizing the sidewalk and can create line of sight issues for taller vegetation (walk down Seminole Drive for example).

CITY OF BELLE ISLE, FLORIDA

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: April 4, 2023
To: Honorable Mayor and City Council Members
From: T. Grimm, Interim City Manager
Subject: Discuss Changes to BIMC for Fences

Background: Commissioner Carugno, with approval from Council, requested a discussion take place on possible changes to the municipal code for fencing. The Planning and Zoning Commission previously discussed changes to the code and looked at a possible zoning overlay for fences and walls on Hoffner Avenue. The Commission took no action. The agenda item was postponed at the March 21 CC meeting.

If the Council directs changes to the fencing code, it will have to go to the Planning and Zoning Commission for review and action, as fencing is part of the Land Development Code.

Staff Recommendation: Discuss the requested changes and move this to the Planning Commission for further review and action.

Suggested Motion: None needed, but direct that the Planning Commission review the changes at their April meeting.

Alternatives: Do not make any changes or table discussion until a permanent City Manager is appointed.

Fiscal Impact: N/A

Attachments: P&Z Meeting minutes

It is the intent of this Section to allow the continuation of such non-conforming fences and walls until they are discontinued as provided herein. However, it is not the intent of this Section to encourage the survival of non-conforming fences and walls and such fences and walls that are declared to be incompatible with permitted fences and walls within the City.

An existing fence or wall not allowed by this Section, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to comply with the requirements of this Section. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conformity.

Fences or walls that are currently in the City's right-of-way (ROW) may remain in place if the property owner executes a ROW agreement with the City.

Fences or walls, other than decorative fences and walls, may be erected, placed, or located in front yards not to exceed four (4) feet in height; except that fences and walls up to six (6) feet in height are permissible in front yards having a depth of at least seventy-five (75) feet or more, or where a fence or wall forms a logical connection, or is in-line, with a wall or fence on either side of an existing wall or fence on the adjacent property.

This section does not apply to fences in existence before the effective date of this Ordinance, except that on sale or transfer of the property on which a non-conforming fence is located, or except when the fence is declared a nuisance or hazard as determined by the City Manager, or the Manager's designee, such fence may be made to conform with the requirements of this chapter, or removed within 90 days of the closing or transfer or declaration of the fence as a nuisance or hazard.

Any non-conforming fence may be repaired like-for-like in height, location and material, up to 75% of the overall linear footage of any the total non-conforming section. A section shall be defined as that portion of the fence or wall located on a given property line. The City Manager, or the Manager's designee, can approve repair to a non-conforming fence under that criteria.

Maintenance

- Maintenance of fences and walls shall comply with the following:
 - Fences and walls shall be maintained in good order and repair.
 - Painted surfaces of fences, walls, and other surfaces associated with fences and/or walls shall not be faded and shall be free of discoloration, staining, or peeling.
 - Surfaces of a wall or fence shall be cleaned or repainted if either of the following occurs:
 - When 20% or more of the surface is stained or discolored; or
 - When 15% or more of the paint is peeling off the surface.
- All fences, walls or other similar structures erected in any residential district shall be maintained by the property owner. Property owners shall be responsible for maintaining the appearance of the fence, wall, or other similar structure in a manner that there are no missing boards or slats, cracks, open gaps, leaning sections, crooked

posts, missing blocks or bricks, cracked or crumbling blocks or bricks and to maintain the structural integrity of the fence, wall or similar structure. Any broken, missing, deteriorated, dilapidated, or otherwise damaged portion of a fence, including boards, posts, slats, rails, stiles, structural members or elements, or fittings and any broken, chipped, missing, deteriorated, dilapidated, or otherwise damaged portion of walls shall be replaced.

- Fences and walls shall be maintained in an upright and vertical position, shall not be allowed to lean or to otherwise be out of plumb, and not have the hedge and vegetation material support the fencing. Fence rails and posts shall be structurally sound and shall not be bent, twisted, warped, or otherwise misshaped. Fences shall not be propped up to prevent the fence from falling.
- A building permit shall be required for repair to a fence or wall when the damage exceeds 25%, or more, of the length of the fence or wall section. A section shall be defined as that portion of the fence or wall located on a given property line. The replaced section of the fence or wall shall match the color and material of the existing fence or wall.
- The finished side of all fences shall face the street or adjacent property.

Fence height shall be measured from highest elevation of the ground on either side of the fence. There shall be no more than a 2-inch gap between the ground and the bottom of the fence section.

Civil disputes over the location of a fence or wall at adjoining private properties are not within the enforcement authority of the City to resolve.

Front Yard Types and Materials

1. Front yard fences shall be see-through type fence to avoid vision obstructions. The maximum opacity for fencing in the front yard is 75% (25% of fence must be open, meaning the gaps between boards)
2. Fences may be wood, vinyl or decorative metal
3. Chain-link fences are not permitted in the front yard
4. Front yard fences and walls shall not exceed a height of four feet, except as described in Section ____ above.
5. Fences, if located on a side yard line in the front yard, shall be no more than 4 feet high.

If the changes are adopted, recommend that diagrams be added to the code for clarity, such as:

