



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue
Held the 4th Tuesday of Every Month
Tuesday, May 25, 2021 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefeld | District 3 member – Michael Statham
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | 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 cityofbelleislefl.org. 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. **Welcome New Board Member - Michael Statham, District 3**
2. **Call to Order and Confirmation of Quorum**
3. **Invocation and Pledge to Flag – Board Member Hobbs**
4. **Approval of Minutes**
 - a. Approval of the March 23, 2021 minutes
 - b. Approval of the April 27, 2021 minutes
5. **Public Hearings**
 - a. PUBLIC HEARING CASE #2021-04-016- 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 IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.
6. **Other Business**
 - a. Discussion definition on Artificial Turf - Land Development Code language change
 - b. Discussion definition on ISR - Land Development Code language change
 - c. Discussion definition of Kitchen and Wet Bar
7. **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, March 23, 2021, * 6:30 pm
MINUTES

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – OPEN SEAT
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | District 6 member – Andrew Thompson |
District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met in a regular session on March 23, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Chairman Holihan
Board member Woods
Board member Shenefelt
Board member Thompson
Board member Hobbs

Absent was:

District 3 - OPEN

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

1. Call to Order and Confirmation of Quorum

Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.

2. Invocation and Pledge to Flag – Board Member, Shenefelt

Board member Shenefelt gave the invocation and led the Pledge to the Flag.

3. Approval of Minutes

a. Approval of February 23, 2021 minutes

Board member Woods moved to approve the minutes as presented

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

Board member Lane joined the meeting.

4. Public Hearings

a. PUBLIC HEARING CASE#2021-02-032 – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-133, TO ALLOW A CAMPER TRAILER TO BE PARKED IN THE DRIVEWAY OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT SEAN S. EDSON, LOCATED AT 1614 OVERLOOK ROAD, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #25-23-29-5884-11-060.

Chairman Holihan opened the Public Hearing and read aloud the rules of the meeting.

April Fisher, City Planner, said the applicant seeks a variance to park a camper trailer in the driveway of the owner's single-family residential lot. The Code (Sec. 30-133) does not allow recreational vehicles to be parked in the driveway or the front yard of houses. The applicant submitted support for the application that is included in the packet.

Ms. Fisher spoke on the staff analysis based on the Code, which included the following,

- The camper trailer is a 2013 Coachmen Catalina Deluxe 27fbck. The dimension of the camper trailer is 30 feet long, 9 feet wide, and 12 feet high.

- Recreational vehicles are required to be parked in an enclosed garage or structure or the side or rear yards. The applicant cannot park per Code and seeks relief from this restriction due to the lack of access to and space in their side or rear yards to park the recreational vehicle.
- The code requirements for parking on residential lots vary by the type of vehicle being parked. Sec. 30-133 (b) and (c) (4) and Sec 30-82 identifies that no recreational vehicles may be parked in the front yards of single-family residential properties.

Staff does not find that all the criteria have been met by this application and recommends denial of the variance for the following reasons:

1. Although access to this property's rear and side yards may be limited for the camper trailer, it is not due to an unusual property configuration. The subject property is zoned R-1-A, a smaller configuration than the R-1-AA zoning district by the lot size requirements. The subject property and layout of the home existed before the current owner purchasing the property. The lot lines of the property are perpendicular and parallel, forming a standard rectangular lot configuration.
2. Granting of this variance is not in harmony with the Code nor the character of the neighborhood. The Code expressly prohibits the parking of recreational vehicles in the front yards. This can be interpreted as existing to preserve the neighborhood character where no other recreational vehicles are parked in front yards. The subject property abuts other properties zoned R-1-A with similar lot configurations. If this application is granted, the proposed camper trailer will occupy over 50% of the property's driveway. This is not in keeping with the neighborhood character of Overlook Road.
3. This request may be the minimum variance possible for the location of the recreational vehicle on the subject site; however, off-site options exist for storing recreational vehicles when they cannot comply with Belle Isle Code requirements.

Chairman Holihan opened for public comment.

Sean Edson, the applicant residing at 1614 Overlook Road, said he is seeking the variance because the configuration of the side yard and where the home sits does not allow him the space to park his camper trailer. It will also block a screen door that is used as fire access and two windows. He said he has not been working since March and cannot continue to pay for the outside parking accommodations. Mr. Edson clarified that he does not intend to use the trailer as an Airbnb or to live in it at any time.

Chairman Woods asked if he has any written documentation from the neighbors in favor of or opposed to his variance. He said no, he does not have any written documentation.

R.D. Philips, residing at 1602 Overlook, spoke in favor of the request and said he does not have any problems with the variance request.

Charlotte Brown, residing at 1511 Nela Avenue, spoke in opposition of the request and said it is an invitation for use as an Airbnb and a short-term rental. There are already limitations to space on this property, and his request does not qualify as a hardship. Approval of the request can affect property values, charm and appeal of the community, and general welfare.

Jeanine Hollingsworth, residing at 2229 Nela Avenue, spoke in opposition of the variance request and said the Code is clear and does not allow such use. If recreational vehicles do not fit on the property, they should be stored elsewhere.

Board member Woods said he does not see a unique situation that makes it necessary to approve the variance. If the trailer is 9ft wide, it is not street legal and may fit the side yard with some adjustments. Discussion ensued.

Board member Thompson asked if there was a temporary use that can be allowed. April Fisher said this came about through a Code Enforcement issue, and the Code does not specify a temporary approval process.

Board member Woods moved, pursuant to Belle Isle Code SEC. 42-64, SEC 30-82 and SEC 30-133, having not been met under all the Subsections: TO DENY A CAMPER TRAILER TO BE PARKED IN THE DRIVEWAY OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT SEAN S. EDSON, LOCATED AT 1614 OVERLOOK ROAD, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #25-23-29-5884-11-060.

Board member Shenefelt seconded the motion, which passed 5:1 with Board member Thompson, nay.

Chairman Holihan stated that the applicant could appeal the decision to City Council within 15 days of the motion.

- b. PUBLIC HEARING CASE #2020-09-007 - PURSUANT TO BELLE ISLE CODE SEC. 54-84 (G) (2) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN FOR WALLACE PARK IMPROVEMENTS, SUBMITTED BY THE APPLICANT CITY OF BELLE ISLE, LOCATED AT E. WALLACE STREET, BELLE ISLE, FL 32809, ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

April Fisher, City Planner, said the proposed application has been in front of the Board before and was continued. The application is to develop a public park that will also include practice fields for the Cornerstone Charter School. The property is located within the jurisdiction and owned by the City of Belle Isle, with a zoning designation of Open Space. Previously the Board had considered a Special Exception to allow active components on the park. Subsequent to that, it was appealed to City Council, and the Board decision was upheld, allowing the Site Plan to move forward for consideration. The staff report has not changed since the last report indicating the conditions. There is no discussion on the general use, just about the Site Plan and how it will be used and how it will be carried out on the property.

City Manager Francis spoke on the changes since the last hearing meeting as follows,

- CCA and Academica submitted 3-change sheets to include 13-additional trees on the property. On the previous site plan, the School did not add the existing trees along the fence on the Southside and are now listed on the revised sheets;
- One of the issues addressed was the flooding in the park. The plans call for a swale on three sides of the park then between the roadways. There is a retention pond by the parking spaces, with overflow routed to the County's 18" reinforced pipe.
- If AstroTurf is approved, it will have its drainage system. The School is placing artificial turf on the football field permitted through St. Johns Water Management. The same system will be used if artificial turf is allowed on Wallace field.
- NAV Board has completed their study on the Lake. One of the projects they have planned is an underground up flow (Baffle Box) in the right-of-way on East Wallace Street, on the Northside, to treat all of the runoff coming from the sub-basin CON0460-approximately 30.7 acres. The City said it had shared its interest in partnering with the NAV Board on the project.
- The flooding on Matchett has been addressed and belongs to the County. A few years ago, the City asked the County to hold on to a drainage project because the neighborhood residents did not want to move forward with the proposed plan.

Board member Woods asked for clarification on the following items,

- Retention Pond - He said he is unsure how the retention pond project would work because the pond's outlet is half a foot higher than the berm.
- Parking – The demand for parking has not been addressed. Board member Woods proposed the School be responsible for overflow parking and added it to the operating agreement.
- Handicap spaces – The current plan shows two handicap spaces. The building requirement is to provide one space per 25-regular spaces.
- Emergency Vehicles – The outline shows contact with the gates on the property. Accordingly, to the drawings, an emergency vehicle will not have any wiggle room for turning on the road, and their wheels will be essentially on the pavement/swales.
- Septic tank – The location of a septic system is not designated on the plans.
- PlayGround – He would like to see a playground in the park for younger children.

City Manager Francis said he would address the concerns with the Engineer.

Board member Shenefelt stated that he continues to have a concern with the proposed AstroTurf because it will become an attractive nuisance in a public park.

Board member Lane addressed the maintenance of the park facilities and vandalism. She believes the School should be responsible for the overflow parking. Discussion ensued. Mr. Francis said the park would be managed similarly to Warren Park with open/close down to dusk. As part of the Use Agreement, the School will be responsible for maintaining the park facilities. He further added that the City would prioritize the use of the park for special events and maintain the calendar schedule. He clarified that the School would be responsible for all construction aspects, i.e., landscaping, building, and drainage

Chairman Holihan opened for public comment.

Alexa Dowlen, residing at 3306 Quando Drive, spoke in favor of the proposed site plan. She would like to see the project move forward after so many years of discussion. The Astroturf is very durable and drains immediately. She submitted a petition with 246 names in favor of the site plan.

Hilary Maul and Jeff Maul, residing at 1130 Waltham, shared their concerns, including the following issues with the site plan and the existing drainage design, septic, bathrooms, parking, and weekend use of the park, disturbing their peace and tranquility of their home. She clarified that neither she nor her husband is opposed to the School for the record. She asks that the City be transparent with all construction, considers the surrounding residents, and construct a wall.

David Evertsen, residing at 5131 St Michael, spoke in favor of the site plan and asked that the Board move forward for the residents of Belle Isle and CCA students. He said Astroturf is a consistent surface year-round, easy to maintain, and safe material for all purposes.

James Koontz, residing at 1309 E Wallace Street, said he favors the School and the park. He shared his concerns with the non-transparent proposed developments, parking, CCA Use Agreement, and park and public use control. In addition, he said public restrooms would create a safety issue and become a hot spot for transients and the homeless.

Ardis Meloon residing at 6101 Matchett Road, shared her concerns with the proposed plan and asked for clarification on the use of the park, policing hours, dogs, CCA activities, increased noise, and parking.

Gary Meloon, residing at 6101 Matchett, shared his concerns and said they have never been against the school use. However, there are concerns with the attractive nuisance of Astroturf and, most importantly, the quality of the water and the Football Field and Wallace field outflow. He said he would like to see a drainage plan before any construction on the Field.

Alexander Muszynski, residing at 1438 Belle Vista Drive, said he also shares the same concerns as Mr. Meloon, including the onsite parking. He is also greatly concerned that the issues made by the surrounding neighbors haven't been worked out with the City.

Larry Miles, residing on 6110 Matchett Road, spoke on the use of the Field and said it appears that the area is being designed for sports creating several problems, i.e., amplified music, overflow parking, additional trees, and aesthetics of the proposed buildings. He would like to see the School enforce and provide parking on their grounds.

Jim McCrae, residing at 1303 E Wallace, said the proposed site plan is a half-baked idea with no drainage detail and raises more questions than answers. It is consistent with the lack of transparency. He further asked for Council approval for the extension of the brick wall along the north and east boundaries for the privacy of the surrounding residents.

Mike Jennings, residing at 3512 Edlingham Court, spoke in favor of the proposed plan. He said the park is unusable in its current form and urged the Council to approve the site plan.

Mike Stuart, residing at 1307 E Wallace Street, spoke on the proposed drainage and said he agrees with the concerns shared by others. He favored the landscape buffer and said the site plan should be approved with conditions addressing the drainage. He submitted a letter to the City for the record and said it represents all the residents adjacent to the property.

Jason Hunter, residing at 5130 St Michael, spoke in support of the project. He addressed some of his concerns and asked that Council should consider some amenities for young children, such as a playground with swings.

Mary McNutt, residing at 3411 Warren Park, spoke in support of the site plan. She said Orange County and the City had been well maintained and would like to ease the neighbors' concerns. Ms. McNutt favors the landscape wall for the residents' privacy and is opposed to the artificial turf. She favors expanding the facilities for the school children as long as it does not take away the privacy from the surrounding homes.

Amy Garcia, residing at Monet Avenue, spoke in support of the proposed site plan. She asked for consideration of a track run around the football field to promote additional school sports.

The resident at 1438 Belle Vista Drive spoke in opposition to the proposed site plan. She admires the open space and urges Council to maintain the green area.

Jen Barnes, residing at 5405 Pasadena Drive, said she is in support of the site plan. She has seen many families leave the School because of the lack of space for athletics and would like to see the park developed for the safe use of students and residents. She further said she in support of the landscape wall.

Tammy Franklin, residing at 1038 Waltham Avenue, spoke in opposition to the site plan and said she was not happy. The School has not treated the surrounding area residents nicely. She shared her concerns with the existing amenities at the football field and the flooding to her property that has not been addressed.

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

Board member Woods said if the site plan is approved, the project will move forward. Attorney Langley noted the Board could approve the site plan with conditions, deny the application, or continue the hearing and specify the reason to bring more information or correct some of the concerns.

Board member Woods said one of the significant issues that have not been addressed is the noise and resident privacy and security. He said a wall is very costly and asked who will be responsible for the cost.

Chairman Holihan said installing a wall is approximate \$150,000-200,000 and is a huge ask. He does have concerns about the drainage and the parking, especially if there was a scheduled event.

The Board discussed the park use and asked if the City can restrict access. Mr. Francis said he is not sure if the City can limit the public. Attorney Langley said it might cause an enforcement issue. In addition, to make the limited park access, the City will have to have the school control and operate the facility and give lease arrangements to the City for events.

The Board also discussed the possibility of controlled use of outside team sport athletic practice and if anyone can use the Field without notice. Discussion ensued.

Board member Lane asked if stadium-type lighting will be permitted on Wallace field. April Fisher said the Board could approve the site plan with conditions not to allow such use. Once approved, if the applicant wants to allow any other Use in the future, they must come back to the Planning & Zoning Board for approval.

Board member Shenefelt said he is not in favor of artificial turf and a motion to approve or deny is pure subjectivity. The Board has heard that many favor the site plan; however, the opposition has a stronger argument. Mr. Shenefelt said he believes that artificial turf will impact the use of the property.

Attorney Langley said the use had been decided, which allows active recreation. The P&Z Board is looking at the layout and addresses the site plan's technical requirements under the Code. The Board can factor in concerns that mitigate impact to the neighborhood. The motion is unique because there is a condition in the open space zoning that requires before a building permit is pulled that the board review and provide approval of a site plan. In their professional opinion, the Board should consider that the motion does not violate any code provision, have adequate parking and stormwater, and meets the buffering requirements.

Board member Woods asked if the rules applied to the park after construction can be applied to the site plan approval to mitigate concerns (i.e., dog park allowed, radios allowed, large gatherings).

April Fisher said the conditions in the staff report are established from the staff analysis. The Board discussed the review process of the building permit submittal. Ms. Fisher said the review process is a team effort. Ms. Fisher said she handles the zoning and land use review and any documents that need to be provided. Harris Engineering reviews the engineering portion, and Universal Engineering conducts the building structure review.

Chairman Holihan shared his concern with water pollution. April Fisher said Harris Engineering would ensure compliance with the water management before approval. Board member Woods said the trouble is we have existing drainage problems in the area. Generally, it takes land to solve those problems, and we are consuming land without solving an overall problem. We have this opportunity to make better use of the land without impacting the use as delineated in the site plan. Discussion ensued.

Mr. Francis said he is concerned that most of the inadequate drainage comments stating that Wallace Field is the only park polluting the Lake. He reminded the Board that 30 acres contribute to the 48" pipe that runs through the Meloon property. The main problem is not Wallace Field; it is everything beyond Wallace Field. He stated that he submitted a project to Orange County and a grant to St. John Water Management for an underground storage system on Wallace Field to capture all the runoff and irrigate the Field. Unfortunately, the timing was not right to continue with the grant. If it takes a combined effort to take care of the 30+ acres, he will move on to that project. It may take one year to eighteen months, and we would have to see if CCA can use the Field in the interim. Discussion ensued.

Chairman Holihan favored the staff report's approval and asked April Fisher to read the conditions for the record.

For the Board's consideration, April Fisher read the conditions applicable to the approval of a proposed site plan as follows:

1. Specifications on the artificial turf must be provided to verify whether it is pervious or impervious to determine if the impervious surface ratio standard is met. If this cannot be substantiated or is not pervious, the application will be required to return to the Board for formal review again.
2. Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-84 (g) (1) shall be provided for review with the building permit application.
3. A restriction that lighting of the practice field is not permitted to prevent light pollution on adjacent residential properties.
4. A prohibition on any private business or commercial enterprise running a business from the property such as, but not limited to, private lessons or outdoor classes such as yoga, group events, or non-profit special events not approved by the City.
5. An executed Memorandum of Understanding or other Agreement, as approved by City Council, between the City of Belle Isle and Cornerstone Charter School regarding each party's responsibilities and authorities regarding the development of the park and operation of the park such as hours available for public use and access coordinated with use by the School, including property maintenance, gate operations, field maintenance, and authorized use of the proposed building.
6. A detailed parking/traffic plan be provided indicating how the applicant anticipates handling additional park traffic on E. Wallace Street and Matchett Road with users accessing the park or field practice operation, whether there is any impact; and,
7. A detailed plan identifying how the park will be accessed by the public and hours of daily availability for public use. This plan should also address how the park will be secured, monitored, and restricted during closed hours.

Board member Woods asked if there is an opportunity to involve the community in completing the operating agreement. Chairman Holihan said that it would be up to the staff to decide and implement. Attorney Langley noted the approval of the agreement would have to go to Council for approval and would give the additional public time to participate in a public hearing setting.

Attorney Langley said some individuals are asking for a wall. If the applicant is not offering it up as a condition, the staff is not showing it as a condition, and the Code does not require it, then should it be imposed on the applicant? If there is no code basis for the condition and the Board is not mitigating an impact deriving from the Code, it should not be imposed.

Board member Woods said a compromise for the wall is a hedge that doesn't include a considerable amount of maintenance and creates a very nice visual dense buffer; however, it will do nothing for the sound. Mr. McCrae said he and his neighbor have already planted a hedge along the entire north side of the fence at their expense. As part of the sale to the City, the City planted a hedge on the north side by Mrs. Altice's property; however, it will not address the noise and other concerns, which is why they have a request for a wall.

Mr. Francis said, accordingly, a wall would convey a "special" benefit for the neighbors because of the noise. The City had no intention of putting up a wall because the fence serves the purpose that the neighbors wanted to keep people off their property and not block the view. The wall will create a special benefit because the neighbors were initially concerned with blocking the lake view and now want an 8-ft wall on ¾ of the park blocking the view mitigating the noise. He asked if the neighbors would be willing to share the cost of the wall? The majority of the neighbors present were in agreement.

Mr. McCrae shared his concern and said he is not in accord with the request. He believes the request for the wall should be treated like any other commercial development. Discussion ensued.

Board member Woods moved, pursuant to Belle Isle Code SEC. 54-84 (G) (2) of the Belle Isle Land Development Code, having been met to approve the site plan for Wallace Field Improvements with the conditions outlined by staff as follows,

1. **Specifications on the artificial turf must be provided to verify whether it is pervious or impervious to determine if the impervious surface ratio standard is met. If this cannot be substantiated or is not pervious, the application will be required to return to the Board for formal review again.**
2. **Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-84 (g) (1) shall be provided for review with the building permit application.**
3. **A restriction that lighting of the practice field is not permitted to prevent light pollution on adjacent residential properties.**
4. **A prohibition on any private business or commercial enterprise running a business from the property such as, but not limited to, private lessons or outdoor classes such as yoga, group events, or non-profit special events not approved by the City.**
5. **An executed Memorandum of Understanding or other Agreement, as approved by City Council, between the City of Belle Isle and Cornerstone Charter School regarding each party's responsibilities and authorities regarding the development of the park and operation of the park such as hours available for public use and access coordinated with use by the School, including property maintenance, gate operations, field maintenance, and authorized use of the proposed building.**
6. **A detailed parking/traffic plan be provided indicating how the applicant anticipates handling additional park traffic on E. Wallace Street and Matchett Road with users accessing the park or field practice operation, whether there is any impact; and,**
7. **A detailed plan identifying how the park will be accessed by the public and hours of daily availability for public use. This plan should also address how the park will be secured, monitored, and restricted during closed hours.**

Submitted by applicant City of Belle Isle, located at E. Wallace Street, Belle Isle, FL 32809, also known as Parcel # 24-23-29-8977-00-021.

Board member Woods asked if the technical issues he addressed earlier would also be addressed in the review process. April Fisher said yes.

Board member Hobbs seconded the motion, which passed 4:2 with Board member Lane and Thompson, nay.

5. Other Business – No report.

6. Adjournment

There being no further business, Chairman Holihan called for a motion to adjourn the meeting, unanimously approved at 9:00 pm.



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, April 27, 2021, * 6:30 pm
MINUTES

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – OPEN SEAT
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | District 6 member – Andrew Thompson
District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met in a regular session on April 27, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Chairman Holihan
Board member Woods
Board member Lane
Board member Thompson
Board member Hobbs

Absent was:

District 3 - OPEN
Board member Shenefelt

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

1. Call to Order and Confirmation of Quorum

Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.

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

Board member Hobbs gave the invocation and led the Pledge to the Flag.

3. Approval of Minutes - No report.

4. Public Hearings

- a. PUBLIC HEARING CASE #2021-04-001- Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 50-73 (a) to allow a variance from the required building setbacks, submitted by the applicant Pete Clarke, located at 7600 Daetwyler Drive, Belle Isle FL 32812, also known as Parcel # 29-23-30-8036-02-010.

Chairman Holihan opened for Public Hearing 2021-04-001.

April Fisher, City Planner, said the applicant requests a one-foot variance from the required 7.5-foot side building setback. The applicant based his variance on the house's original footprint, which identifies that the house does not sit parallel to the side setback causing the encroachment. Section 41-64(1)e was not met in the staff evaluation of the application.

Staff provides a recommendation not to approve the requested variance based on not meeting Criterion from Section 42-64(1)e-Not Self-Created. The addition could be redesigned to meet that side setback and at the same time not encroach onto any others.

Pete Clarke, the applicant, spoke briefly on the purchase of the home and renovations. Upon ~~submitting for obtaining~~ a new survey, he found that the house is not straight on the property on the Daetwyler side. ~~The 6 ½ foot setback applies to half of the home then straightens out moving forward to the South~~The proposed addition will have a south property line setback of 6.5 feet on the east end and 8.5 feet on the west end of the home. This leaves only half of the

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 4

construction encroaching on the code setback.- There is no home or building that the proposed request would impact. There will be a financial impact to move the footers to comply with the current Code.

Kelly Carr, the Designer of the plans, spoke on behalf of the applicant. Ms. Carr said having the house sitting at a slight angle has made it much harder to accomplish the design. The garage part of the house sits 6.6 from the property line. When the plans were developed, it was measured from the original survey that showed a fence. After moving forward with a current survey, they found that the initial survey was drawn out of scale, affecting all the measurements of the existing design.

Chairman Holihan called for public comment. There being none, he closed public comment.

Board member Woods said the applicant submitted a letter in favor of the request from the neighbor to the South who would be the most impacted by the variance.

There being no further Board discussion, Board member Lane moved pursuant to Belle Isle Code SEC. 42-64 and SEC 50-73(a) of the Belle Isle Land Development Code having been met TO APPROVE a variance from the required building setbacks, submitted by applicant Pete Clarke, located at 7600 Daetwyler Drive, Belle Isle FL 32812, also known as Parcel # 29-23-30-8036-02-010.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

Ms. Fisher said there is a 15-day appeal waiting period before starting any construction.

- b. PUBLIC HEARING CASE #2021-04-002- 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 decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.
- c. PUBLIC HEARING CASE #2021-04-005- 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 decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031.
- d. PUBLIC HEARING CASE #2021-04-003- 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 decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.
- e. PUBLIC HEARING CASE #2021-04-004- 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 decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

Ms. Fisher said the next four hearings are the same type of applications. Staff would like to request consideration of the hearings in a discussion and take individual action on each one.

Attorney Langley said if there are distinctions between the applications in any way, they must be clarified in the record.

Ms. Fisher said each request (6810, 6814, 6820, and 6822 Seminole Drive) submitted a variance to allow decorative columns because of the way they are designed. The cap will be a little over 6-feet, and the gate in between will follow in line. The rest of the property is identified to be a hedge.

One of the properties in question (6810 Seminole) has had criminal activity and trespassing issues. Because of that, they are requesting the columns with the gate in the front yard. The other three properties are neighbors to that subject property, and they have witnessed a concern for their safety.

The Code has separate criteria for consideration of fences in the front yard. The Board can consider that threshold as leading a variance request to establish in the regular section of the Code. One of the items identified in the

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 2 of 4

Code is safety concern and enjoyment of your property. Each application has requested their fence in the front yard based on safety.

The staff has found that each application meets the requirements for a variance. They ~~differed by a had~~ different ~~detail with the~~ gates and columns. She recommends identifying the height and design of the gate for each property.

Chairman Holihan opened for public comment. He asked the City Clerk if there were any emails sent in response to the Public Hearings. The City Clerk said yes, and they have been entered into the record. Chairman Holihan recognized the emails as received.

- The homeowner of 6810 Seminole Drive said his application is based on the safety and security of his family. He said there would be no fence installed but decorative columns with ~~Cenocarpus-potocarpus~~ hedge going across the front of the property 20-feet from the edge of the pavement. He has had four instances where he had to have the Police Department respond.
- Dan Barnes residing at 6803 Seminole Drive, spoke in favor of the variances. He said within two years at his home; he experienced theft on his property. Like the variances, his house has a deep driveway and makes it a bit secluded and tricky to monitor without a fence.
- Jennifer McDaniel residing at 2626 Nela spoke in opposition of the variances and asked that the emails received in opposition be read aloud to the public.

Chairman Holihan stated that the Board received the following emails: Christopher George—In favor, Sue John—Opposed, Emily Wakely—Opposed, Greg Gent—Opposed and Nancy Weinsier—Opposed basically for the same reasons, (1) ~~restrict the area,~~ (2) ~~cut the~~ restriction of the look of openness, (2) driving sightlines and (3) are opposed to front yard fences in general.

April Fisher said she would be comfortable recommending a setback for the columns of 20-foot from the right of way. Discussion ensued on established use and running room to see if anyone is coming and create a sight triangle for safety.

Board member Woods said he agrees with the opposing views in the emails. He said the problem with a high wall is that if someone is hiding behind them, they won't be seen by the homeowner or law enforcement, creating a safety concern. Ms. Fisher said the Board could establish a condition of approval to limit the height of the hedge. Also, the total height of the columns can be established. The consensus of the board was that the City should not attempt to control height of hedges.

Board member Thompson asked if it was appropriate to approve a variance on a lot that has not been developed. Attorney Langley said yes, the variance is not tied to the home being built.

Board member Thompson moved, pursuant to Belle Isle Code 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE a variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021 subject to the following conditions,

- **The height of the decorative columns be no higher than 6-foot-6-inches; and**
- **The center of the gate to be no higher than 7-foot-6-inches**
- **With a setback of 20-feet from the right of way.**

Board member Lane seconded the motion, which passed unanimously 6:0.

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 3 of 4

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Woods seconded the motion, which passed unanimously 6:0.

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Lane seconded the motion, which passed unanimously 6:0.

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

Ms. Fisher said there is a 15-day appeal waiting period before starting any construction.

4. Other Business

Bob Francis reported that the Council has a nomination for approval at the next City Council meeting for a P&Z Board member for District 3, Michael Statham.

5. Adjournment

There being no further business, Chairman Holihan called for a motion to adjourn the meeting, unanimously approved at 7:30 pm.

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 4 of 4

May 14, 2021

Variance Application: 5428 Parkway Drive

Applicant Request: 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 IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

Existing Zoning/Use: R-1-AA/ single-family

This application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a four-foot-high aluminum decorative fence in the front yard of the property and is proposed to extend into City right-of-way. The applicant has indicated that this request is for containment of a pet and that there is no backyard. Please see pictures provided by the property owner enclosed with this agenda item packet.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

Staff Recommendation

Based on the applicant's identification that this variance request is for containment of a pet and that there is no backyard the variance request cannot be supported by staff. These reasons are not consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code. Additionally, private fencing of City rights-of-way is not permitted. There are alternative measures to securing pets as well. Therefore, staff recommends denial of this requested variance application.

Additional Notes

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.

ITEM 4(e)
MEMORANDUM

TO: Planning and Zoning Board

DATE: May 25, 2021

PUBLIC HEARING CASE #2021-04-016- 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 IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

Background:

1. On April 12, 2021, the applicant, Kevin Keeney, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 15, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on May 14, 2021.

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.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64**, 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 IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

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, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 4/12/21 P&Z CASE #: 2021-04-016

[x] VARIANCE [] SPECIAL EXCEPTION [] OTHER DATE OF HEARING: May 25, 2021

Table with 2 columns: Applicant/Owner, Address, Phone, Parcel Tax ID #. Applicant: Kevin Keeney, Address: 5428 Parkway Dr, Phone: 407-961-9144, Parcel Tax ID #: 18-23-30-8856-02100. Owner: Kevin Keeney, Address: 5428 Parkway Dr, Email: KMKEENEY@HOTMAIL.COM

LAND USE CLASSIFICATION: RESIDENTIAL ZONING DISTRICT: R1A - CANAL FRONT

DETAILED VARIANCE REQUEST: 4' ALUMINUM DECORATIVE FENCE FOR PET CONTAINMENT IN FRONT YARD (PROPERTY HAS NO BACK YARD)

SECTION OF CODE VARIANCE REQUESTED ON:

- 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 a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
By submitting the application, 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 of my property to which the application applies.
Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
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.
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 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.

City of Belle Isle

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

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which is comprised of seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. The application MUST include:

- a. the \$300.00 filing fee,
b. a completed application form,
c. proof of ownership of the property, or, a notarized statement from the owner with the representative's information,
d. 10 copies of a plot plan or survey showing all improvements to the property, 10 copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large scale documents is required.
e. for boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
f. A narrative addressing how the variance complies with the following:
1) The literal enforcement of the provisions of the zoning ordinance 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.
2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

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 show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon 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:

General Information

- 1. A written application for 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 make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
3. It is determined that the public health, safety, comfort, order, convenience, prosperity, morals or general welfare is promoted, protected or improved.

- 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 gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
4. Sec 42-67 - 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.

Prepared by:
Brian A. Barnes
Principal Title Services, LLC
1833 Edgewater Drive
Orlando, Florida 32804

File Number: 13-8309

DOC# 20130530482 B: 10645 P: 0153
10/04/2013 08:31:01 AM Page 1 of 2 a.
Rec Fee: \$18.50
Deed Doc Tax: \$1,750.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: PRINCIPAL TITLE SERVICES


General Warranty Deed

Made this September 20, 2013 A.D. By **Eugene J. Takash and Rita A. Takash, husband and wife**, hereinafter called the grantor, to **Kevin Keeney, a single man**, whose post office address is: 5428 Parkway Drive, Belle Isle, Florida 32809, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

Lot 10 and 11, Block B, Venetian Gardens, as per plat thereof, recorded in Plat Book L, Page 25; of the Public Records of Orange County, Florida.

Parcel ID Number: 18-23-30-8856-02100

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2012.

Prepared by:
Brian A. Barnes
Principal Title Services, LLC
1833 Edgewater Drive
Orlando, Florida 32804

File Number: 13-8309

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.


Signed, sealed and delivered in our presence:




Witness Printed Name Mary H. Juwale



Eugene J. Takash
Address: _____ (Seal)



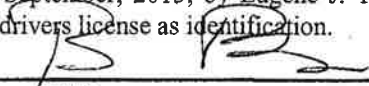
Witness Printed Name Brian A. Barnes



Rita A. Takash
Address: _____ (Seal)

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 20th day of September, 2013, by Eugene J. Takash and Rita A. Takash, husband and wife, who is/are personally known to me or who has produced drivers license as identification.



Notary Public
Print Name: _____
My Commission Expires: _____

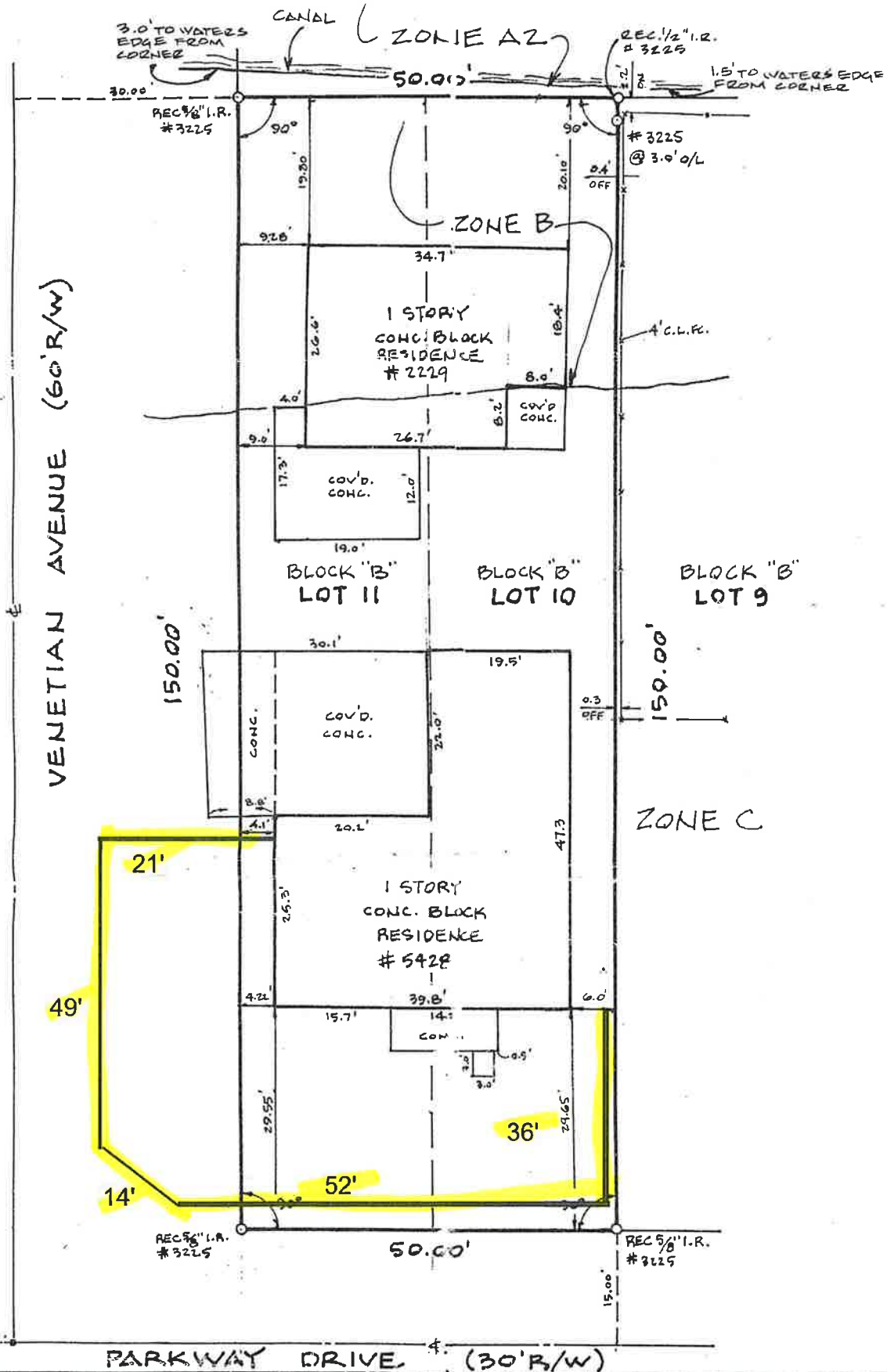


Eugene J. & Rita A. Takash

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO: Timothy Takash & Mary M. Reinagle

Fidelity National Title Insurance Company, Chase Manhattan Mortgage Corporation

DESCRIPTION AS FURNISHED: Lots 10 & 11, Block B, VENETIAN GARDENS, as recorded in Plat Book L, Page 25, Public Records of Orange County, Florida.



Certificates of Elevation

GRUSENMEYER-SCOTT & ASSOC., INC. — LAND SURVEYORS

LEGEND-

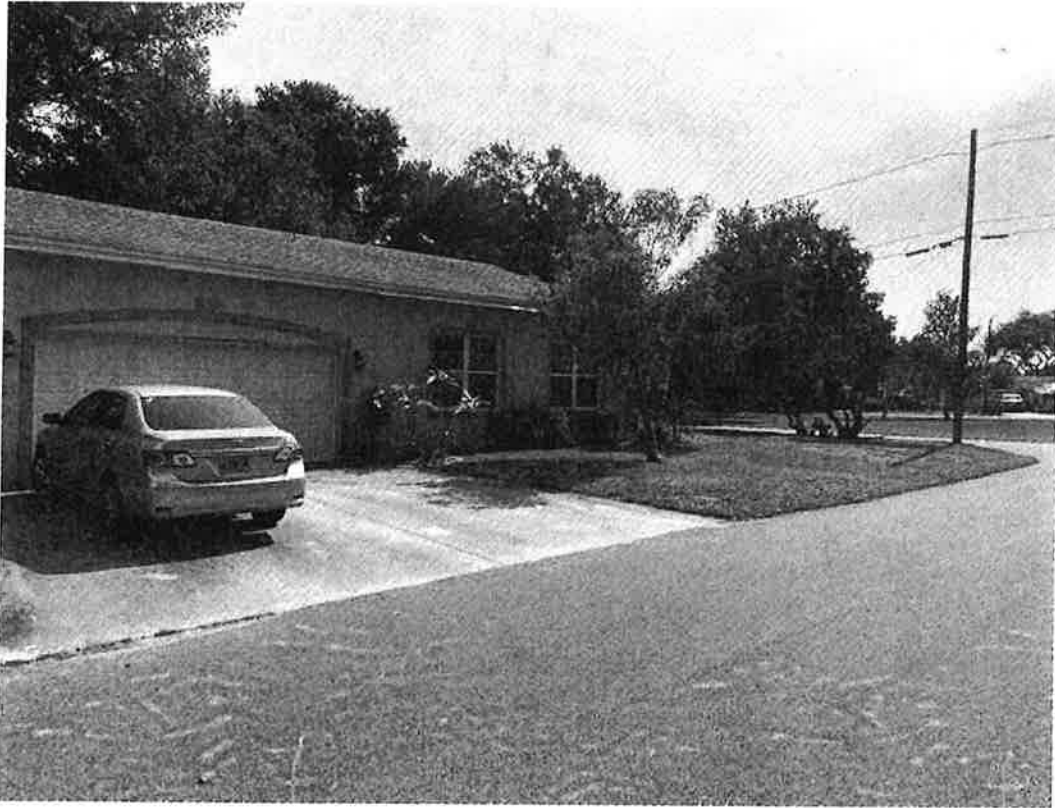
- P PLAT
- F FIELD
- I.P. IRON PIPE



NOTES

1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER





May 14, 2021

Discussion Item: Land Development Code Language Change

Incorporate Regulations for Artificial Turf/ Synthetic Turf into the Code

Staff Discussion

The use of artificial or synthetic turf continues to be more widely used, both commercially, and residentially. Currently, the Belle Isle Code is silent on this and does not provide any regulation or standards for application.

Staff has researched regulatory language that could be incorporated into the code to address this use. We are asking that the Board consider discussion of a draft ordinance to incorporate regulations into the code regarding use of artificial or synthetic turf.

A draft of the ordinance will be provided to the Board for discussion purposes. Following Board discussion and direction to proceed, staff will prepare the ordinance for the Board's formal review and consideration in a public hearing.

ORDINANCE NO. -2021-XX

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 41 “GENERAL PROVISIONS”, AMENDING SECTION 41-4 “DEFINITIONS AND RULES OF CONSTRUCTION”; AMENDING CHAPTER 54 “ZONING DISTRICTS AND REGULATIONS’, ARTICLE IV “SUPPLEMENTARY REGULATIONS, DIVISION 2 “ZONING USES”, BY ENACTING SECTION 54-139 “ARTIFICIAL TURF/SYNTHETIC GRASS” TO PROVIDE FOR REGULATIONS REGARDING ARTIFICIAL TURF/SYNTHETIC GRASS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Council of the City of Belle Isle ("City Council") finds it is periodically necessary to amend its Code of Ordinances and Land Development Code ("Code")in order to update regulations and procedures for maintain consistency with state law and to implement municipal goals and objectives; and

WHEREAS, the City Council finds that, due to concerns about water consumption by turf grass, and due to the availability of improved synthetic turf products which simulate the appearance of natural turf while providing for water permeability, the use of synthetic turf has become more common throughout the State of Florida and property owners now wish to install artificial turf; and; and

WHEREAS, the City Council wishes to amend Section 50-76 and enact Section 50-77 of the City Code to permit synthetic turf on all properties located within the City, provided that it shall not be counted towards the minimum required landscaped areas, buffers, foundation plantings or landscape islands; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the City, held meetings to discuss the use of synthetic turf and at its meeting held on the proposed amendment on [REDACTED] with due public notice and input; and

WHEREAS, the City Council held its first public hearing on [redacted], and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements of the Florida Statutes; and

WHEREAS, the City Council has conducted a second duly noticed public hearing on these regulations as required by law on [redacted] and further finds the proposed changes to the Code necessary and in the best interest of the community.

WHEREAS, the City Council wishes to provide for regulations regarding artificial turf/synthetic grass; and

WHEREAS, the City Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 41 “General Provisions”, Section -41-4 “Definitions and rules of construction”, is amended to add the following terms:

Sec. 50-)41-4 (c) Terms. -

Landscaping means all materials such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and other material such as rocks, pebbles, artificial turf/synthetic grass, walls or fences, and decorative paving materials, all of which are approved by the administrative official.

Pervious areas mean any portion of the ground unobstructed by a non-landscape planting surface or synthetic turf which prevents or slows down the natural seepage of water into the ground.

Synthetic Turf (Artificial Turf) means a dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass.

SECTION 3 – Amendment: Chapter -54 “-Zoning Districts and Regulations”, Article IV “Supplementary Regulations”, Division 2 “ Zoning Uses”, by enacting Section 54-139 “Artificial turf/synthetic grass” to read as follows:

Sec. 54-139. – Artificial turf/synthetic grass.

(a) Minimum material standards. All artificial turf, also referred to as synthetic grass, shall comply with the following minimum standards:

- (1) Artificial turf shall consist of green lifelike individual blades of grass that simulate the appearance of live turf, organic turf, grass, sod or lawn, as approved by the City Zoning Official.
- (2) Artificial turf shall be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches, and shall have a minimum tufted weight of fifty-six (56) ounces per square yard.
- (3) Artificial turf installations shall have a minimum permeability of 30 inches per hour per square yard.
- (4) All artificial turf shall have a minimum eight-year manufacturer's warranty that protects against color fading and a decrease in pile height.
- (5) Artificial turf shall be lead free and flame retardant.
- (6) All materials must include test documentation which declares that the artificial turf yarn and backing materials are disposable under normal conditions, at any US landfill station (Total Content Leach Protocol (TCLP) test).
- (7) The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.
- (8) Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.

(b) *Installation, maintenance and repair.*

- (1) All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.
- (2) All artificial turf shall be installed by a Florida-licensed general contractor in a manner prescribed by the manufacturer
- (2) All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.
- (3) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
- (4) If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
- (5) Artificial turf shall be installed over a subgrade prepared to provide positive drainage and an evenly graded, porous crushed rock aggregate material that is a minimum of three inches in depth. (Alt Language: Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water. Artificial turf shall be visually level, with the grain pointing in a single direction.)
- (6) An appropriate barrier device (e.g., concrete mow strip, bender board, brick pavers, river rock, landscaping) is required to separate artificial turf from soil and live vegetation.
- (7) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.

- (8) All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.
- (9) All artificial turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and/or repairs shall be done with like for like materials from the same manufacturer, if possible, and done so in a manner that results in a repair that blends in with the existing artificial turf.
- (10) An owner or applicant shall obtain a duly-authorized permit from the City's Zoning Officer prior to the installation of any artificial turf.
- (11) The City or other public entity or utility company may remove artificial turf at any time and for any reason, including but not limited to, in order to provide underground access for utility work. The property owner shall bear and pay any and all costs to replace or reinstall the artificial turf.

(c) The following uses are prohibited:

- (1). Synthetic turf in the public rights-of-way or swales.
- (2) Synthetic turf shall not be used as a screening material where screening is required by the code.

(d) *Locations allowed.* Artificial turf/synthetic grass shall be allowed in rear and side yards, but not to exceed 25% of the total lot area (this area is defined as the total parcel area defined as a side or rear yard minus the area of the primary structure) of the rear and side yards. Artificial turf/synthetic grass shall not be allowed in any front yard areas or in any area visible from the public right-of-way (regardless of whether it is in the rear or side yard), unless it is placed in between paver blocks or similar items in a manner where the area for the artificial turf does not exceed four (4) inches in width, provided that the synthetic turf area does not exceed 50% of the total area using the paver blocks. Screening, as approved by the building official, may be used in order to comply with the visibility requirement, further any turf/synthetic grass placed in between paver blocks shall not count toward the 25% maximum amount allowed. No artificial turf shall be installed in the public right-of-way.

(e) *Existing artificial turf.* For those properties where artificial turf is currently installed that is not in compliance with this section, when the existing artificial turf is replaced or repaired, in an amount exceeding 50%, then compliance with this section shall be required. Further, all existing artificial turf, not in compliance with this section, must be replaced within ten (10) years of the adoption of this ordinance.

(f) *Pervious area.* Artificial turf shall be considered as 100% pervious area.

(g) All uses of synthetic turf shall require a building permit. The building permit application shall include, at a minimum, all of the following information:

- (1) A complete landscape plan showing the area of synthetic turf, area of living plant material, and area and method of separation between these areas. Minimum landscape requirements shall be required.

- (2) Details regarding existing or proposed irrigation proximate to the synthetic turf.
- (3) Brand and type of synthetic turf, including all manufacturer specifications and warranties.
- (4) A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.
- (5) A survey of the property with a signed affidavit from the property owner that no changes have occurred since the date of the survey.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the City of Belle Isle, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 8 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this day of , 2021.

SECOND AND FINAL READING this _day of , 2020.

May 14, 2021

Discussion Item: Land Development Code Language Change

Increase Impervious Surface Ratio Maximum for Residential Properties from 35% to 50%

Staff Discussion

The City receives applications for improvements to residential properties that sometimes trip the impervious surface ratio (ISR) threshold of 35%. When this happens, if there is not a master stormwater pond system for the overall subdivision, then each property must mitigate to compensate for stormwater runoff that must be maintained on the property over the 35%.

The mitigation is usually achieved through swales, drain systems, rain barrels or rain gardens. If a property is already over the 35%, then the code provides that the property owner is only required to mitigate for the percentage increase being newly created. The code allows mitigation up to 65% without needing to seek a variance from the Board.

Staff has not been able to identify why the ISR was set at 35% for the City. There are jurisdictions in the surrounding area that have a base ISR of 45% or 50%. This seems to be standard. We are asking that the Board consider discussion of raising the City ISR maximum for residential properties to 50%.

If the Board would like to explore this, staff will provide supporting documentation for the Board's review and consideration before taking formal action.

May 14, 2021

Discussion Item: Land Development Code Language Change

Definition of Kitchen and Wet Bar

Staff Discussion

The City receives applications for new single-family residential development that have “wet bars” and sometimes propose a second kitchen internal to the primary house, which the code prohibits.

To provide a clear, objective definition of what constitutes a kitchen, staff is proposing the following code definitions below be considered by the Board for discussion. If the Board would like to move forward with incorporating these definitions into the code, staff will prepare a draft ordinance for formal consideration in a scheduled public hearing.

Proposed Kitchen definition:

Kitchen shall mean the facilities and equipment or rough in facilities, used in the preparation and serving of food. This may include, but is not limited to, stoves, microwave ovens, hot plates, sinks, refrigerators, cabinets and/or pantry-like shelves, a 220 V outlet or any gas lines (natural gas or propane), a dishwasher, or other food preparation equipment, or any combination thereof; this may not include wet bars, outside grilling facilities, outside sinks or refrigerators, or other items determined by the zoning division manager as not constituting a kitchen.

Proposed Wet Bar definition:

Wet bar shall mean a hand sink and under-the-counter refrigerator with no overhead cabinets.