

CITY OF BELLE ISLE
LOCAL PLANNING AGENCY MEETING

Tuesday, August 22, 2006

The City of Belle Isle Planning and Zoning Board met on Tuesday, August 22, 2006, at 7:00 PM at Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809 for a Local Planning Agency Meeting.

The following members were present:

Boardmember McGee District 1 Boardmember McDonald, District 3
Boardmember Trimble District 4

Boardmember Bruning District 5 Boardmember McLeod District 6 Boardmember
Stalder District 7

Not present was, Chairman Rodgers, District 2

Also present were Gayle Owens, City Attorney; Suzanne O'Shea, General Services Coordinator, and Miriam Rodriguez, Administrative Assistant.

Meeting was called to order by Acting Chairman McGee at 7:10 PM

Local Planning Agency

Review the Evaluation and Appraisal Report (EAR)

Kristin Dion of Boyle Engineering said she was here tonight to receive input regarding the City of Belle Isle and the evaluation and appraisal report. This is the first preliminary portion to get input from the local planning agency and the public. I am here to see if you have any additional issues, so far I have had input from Commissioner Readey and Commissioner Ady and I can state those issues for you. Our goal tonight is to walk away with a list that I can submit to the state agencies for their input, and after that submit a letter to DCA.

Commissioner Readey has requested (1) the deteriorated curbing in the older districts. (2) Drainage problems

Commissioner Ady has requested installation of fire hydrants in District 4.

Kristin Dion said that the EAR serves as an evaluation of existing policies and recommends for any necessary changes. The comprehensive plan is broad in nature dictates what ordinances may be approved by the City. These issues are very specific. What we can do is address these issues and make recommendations to implement goals such as the curbing and drains stay in tact.

Acting Chairman McGee said what you are saying is that the suggestions are more specific than the planning guidelines

Kristin Dion said exactly.

Acting Chairman McGee opened the public hearing.

1. Commissioner Larry Ady, 2495 Trentwood said his concern is a fire hydrant in the area. He said this area did not have functional fire hydrants. The nearest fire hydrant only has a 3" feeder line. If they were to have a heavy fire he said they do not have the adequate fire hydrants in his area. The County said back in 2004 they would take care of it. When Larry Williams, the City Manager told the County since it's their water system, they should put these fire hydrants in, the County said they would. I would like to get this suggestion in the report.

2. Commissioner Harvey Readey, 2121 Nela Avenue, said the curbing in the older parts of the City is being broken by traffic, or fallen tree limbs which I believe is time to be repaired or replaced and resurfacing of roads as well. The other item I was concerned about, is moving the R/V's, maybe we could relieve some of that pressure and actually look for a lot closer to the City where we could park these vehicles, move the Sheriff's office and the maintenance department to that area and rent out space. If we had a City lot, we might be able to provide better service.

Boardmember McGee asked if this lot would be exclusively for Belle Isle Residents

Commissioner Readey said or to others at a higher rate. He went on to say that we have a continuing problem with the drains, some need maintenance, some, I think need an engineering study.

Boardmember Trimble said I understand there has been development in Pine Castle for the lot purpose.

3. Commissioner Charles Scott, 7315 Lake Drive, said he has the same issues as Harvey Readey brought up. We have a big project on Swann and Lake on the lower end toward Lake, curbing would help. We have several property damages from the water causing the street to flood.

Acting Chairman McGee closed the public hearing and opened it to the Board for discussion.

Boardmember McDonald said he would like to add the issue of annexation. Every comprehensive plan I have read never deals with annexation and I think the City of Bradenton just adopted in their EAR, an annexation with criteria and objectives, which I can email you (to Kristin Dion).

Attorney Owens asked if Kristin Dion could do a quick review to the Board, telling them the categories.

Kristin Dion said there is a future land use element, conservation element, housing element, parks/recreation, open space, there is a new element for public schools, which do not exist in Belle Isle, there is solid waste and water waste

which fall under the capital improvement element, there is transportation.

Acting Chairman McGee asked if this Board had any feelings or objectives to the general category list, we are addressing the fire hydrants, we can include that in the categories mentioned. Any thoughts? How about the R/V storage, how would we fit that in?

Boardmember Bruning said we certainly have a problem with that. It seems we need to put it in a new category. We don't have to own the property; the issue is someone has to do something for our residents. I don't think this is a subject we can get into details but I think we should add it.

Acting Chairman McGee asked if we needed to use an exact language?

Kristin Dion responded no, the list will be sent out to all of you and to Council for final approval. The next step would be the scoping meeting with a draft of the letter to DCA. After the scoping meeting, DCA has to approve it. Once we get approval, then we can start figuring out how we can begin making the changes.

Acting Chairman McGee asked if there were any further additions or discussions.

Attorney Owens said any issues that come before this Board, where the Board sees the need to change codes/zoning issues, land use classifications, any other standard of developments that we want to look at.

Boardmember McDonald said the RV lot aside, it seems to be more of a parking issue, then it does a Planning and Zoning issue.

Attorney Owens said I was asking it as a general question, our land use code is old and if there is anything that pops out to this Board that needs to be changed.

Acting Chairman McGee asked if there was a motion to approve the categories.

Boardmember Trimble, I so, move.

Boardmember Bruning seconded the motion which passed unanimously.

Acting Chairman McGee asked for a motion to adjourn the LPA meeting.

Boardmember Trimble motioned to adjourn. Boardmember Bruning seconded the motion which passed unanimously.

CITY OF BELLE ISLE

PLANNING AND ZONING BOARD MEETING

Regular Session

Tuesday, August 22, 2006

Acting Chairman McGee called the regular Planning and Zoning Board meeting to order at 7:30 PM

APPROVAL OF MINUTES OF August 2, 2006

Acting Chairman McGee said Boardmember Trimble had a comment. Boardmember Trimble said on Page 6, third paragraph it states rear northwest side of the property. My recommendation would be, before we approve that northwest side of the property, Staff to get with the property owner to see where the fence is going to go, should be south east not north west.

Acting Chairman McGee asked for an approval of the minutes with that one change.

Boardmember Trimble moved to approve the minutes of August 2nd, 2006 with the change. Boardmember Stalder seconded the motion, which passed unanimously.

PUBLIC HEARING CASE #06-08-001

Consideration of a request by Emily Wakley, owner of 3019 Indian Dr., Orlando, FL 32812, also described as Parcel I.D. #29-23-30-4389-01-070, requests a variance to permit parking/storage of a Utility Trailer in the front driveway of the residence.

Property Owner, Emily Wakley said the utility trailer has been there for a number of years in the front yard. I believe in the ordinance it states that it has to be in the side of the house. I don't have any way to get it back there. We do have a garage but the trailer is too tall and I would like to leave it where it is. The trailer was on blocks but the hurricane knocked it and we moved it to the driveway. My grandfather passed away and left the house to me and my brother.

Acting Chairman McGee opened the public hearing. There being no public comments, he closed the public hearing and opened it to the Board for discussion and questions.

Boardmember McDonald asked if the trailer was there permanently.

Emily Wakley said it was left to her brother, he is under eighteen (18), and they can't do anything with it.

Boardmember Bruning said your home is quite a distance, there is a lot of property, because of all that space, is there any space at all where you can build or screen the trailer?

Emily Wakley said I could figure something out, I just don't understand the regulations.

Boardmember Bruning said the property has a large amount of land, it is heavily tree, one of the issues we can deal with is can she screen it.

Emily Wakley said there used to be a fence on the side but the hurricane knocked it down.

Boardmember Trimble said the Council was very much in favor of this ordinance. We have been very consistent in not allowing this because it conflicts the purpose and intent of the ordinance. I can not be in favor of it, the way the ordinance stands now.

Boardmember McLeod said it appears to me there is sufficient room to move the trailer to the rear or side of the house.

Emily Wakley said she is willing to fix it, she just doesn't know how to do it.

Acting Chairman McGee asked if she had talked to Staff about her options.

Suzanne O'Shea said she has not been to her property, but she can go to the property with her and advise her of her options.

Boardmember McDonald said the issue is that there is an ordinance that prohibits parking of utility trailers in the front yard and I'm very much in favor of that. We have to consider if there is a hardship that would warrant for your property to leave it there. What we are struggling with is if we could know specifically if there is room or if there isn't room on either side. I would maybe like to see if we could postpone it to next month and give her an opportunity to come into compliance.

Attorney Owens said the Board can continue the matter, if there is more information that the Board would like to have. In terms of specific measurements, Staff can go out there check it out and see if we can comply with the code. If someone would like to make a motion to continue it...

Boardmember Trimble said it is still going to be in the front yard.

Boardmember McLeod said I don't think all options have been considered by the resident. I think Staff should go take a look and see if the trailer can be moved to the other side.

Boardmember Bruning said I am not sure if the property owner fully understands the problem that was laid out, I would recommend that she works with Staff somehow to look at the issue to see if it can be worked out.

Acting Chairman McGee said it could be too that if there is a motion to deny, Staff can still work with property owner to come into compliance.

Boardmember McDonald said and then she has the opportunity to appeal to the Council if we do deny the variance tonight.

Suzanne O'Shea asked property owner to call her tomorrow so they can work on it.

Boardmember Trimble said I move the criteria of the Belle Isle Land Development Code, Chapter 30, Article III, Division 3, Section 30-137(4), Subsection (b) having NOT been met, to deny this request for a variance to permit parking/storage of a Utility Trailer in the front driveway of the residence on

the property described as 3019 Indian Dr., Orlando, FL 32812, also described as Parcel I.D. #29-23-30-4389-01-070, Belle Isle, Orange County, Florida.

Boardmember McLeod seconded the motion which passed unanimously.

Acting Chairman McGee advised property owner that the request for a variance has been denied. She has fifteen days to appeal the Board's decision. Please call Staff and see if they can set something up to see if we can bring you into compliance.

PUBLIC HEARING CASE #06-08-002

Consideration of a request by Carol Studer, owner of 2914 Trentwood Blvd., Orlando, FL 32812, also described as Parcel I.D. # 29-23-30-1876-02-160, requests a variance in side setback on the west side from 7 ½ feet (7 ½') to 7 feet (7').

Suzanne O'Shea said this case has been canceled until next month.

PUBLIC HEARING CASE #06-08-003

Consideration of a request by Robert Daley, property owner of 1613 Stafford Drive, Orlando, FL 32809, also described as Parcel I.D. #30-23-30-0610-00-500, requests a variance to permit a Recreational Vehicle in the side yard of the residence to remain unscreened along the side.

Suzanne O'Shea said Mr. Daley is in the back, everybody needs to speak up as he has a medical condition.

Property Owner asked if he could move closer to hear what was going on.

Suzanne O'Shea asked if it was ok for her to present the case. Mr. Daley was cited through Code Enforcement. The Code Enforcement Board asked him to go before Planning and Zoning to request a variance. Mr. Daley is willing to fence it. Unfortunately he would be going into his neighbor's property. This is the estimate for the fence along the front, these are photos I took to help Mr. Daley and to show how close he goes to the neighbor's property. He is willing to screen it but he can only screen it from the front.

Acting Chairman McGee asked in granting these variances, what are the options.

Attorney Owens said the Board can condition it to this particular vehicle. You can limit it to, so only this particular R/V can be parked there.

Acting Chairman McGee said the motion can be conditioned to this owner and this R/V

Mr. Robert Daley said his motor home sits thirty feet (30') from the street, and it is not seen from the street, until you stop directly in front of my home and look for it. What I'm scared about with the fence in the front is that I worry about somebody trying to break into it and I can't hear them. The way it is now, I have

neighbors that look out for me. If it is shielded, no one can see it if it is being broken into. This would add to the stress I am under on a daily basis. I have ringing in my ears all day long from military explosives. I am a disabled vet on a limited income. I need my driveway replaced, I had my air conditioner repaired, and you want me to spend \$895 for a fence.

Acting Chairman McGee said the application says for a fence in the front yard.

Suzanne O'Shea said we had both options, he is looking to have it totally unscreened on the side yard.

Attorney Owens said that is the only thing we can address at this point.

Boardmember Stalder asked if Mr. Daley could modify his request.

Acting Chairman McGee said your request today is just that it remain unscreened on the side yard, we are not granting a variance to have it unscreened in the front yard. Do you want us to consider screening on both sides.

Mr. Daley said that is what I want and Mrs. O'Shea suggested that I put that in the request. I have been thinking about it and I am telling you is going to cause additional stress to me. I can't hear if someone tries to break into it.

Acting Chairman McGee asked Mr. Daley if he wanted to go forward with the screen issue on the side yard and not request a variance in the front yard.

Mr. Daley asked if he could do that at a later time.

Attorney Owens said if you want a variance to the front yard and side yard, my suggestion would be to continue this and bring it back next month. The only thing that the Board can decide tonight is the variance to the screening requirement to the side. If you want the Board to consider no screen at all, my suggestion is bring it back next month. The only thing they can consider today is no side screen; they can't address front screen today because it was not noticed. It is your decision.

Boardmember Trimble said bear in mind that there is no guarantee that if we continue the matter next month that it would be passed.

Acting Chairman McGee opened the public hearing.

1. Evelyn Peronard of 1637 Stafford said that she has lived there since 1999 and has never had a problem seeing his RV in the side yard. We are only finding out about this ordinance because we are being penalized. He has a legitimate right, we have continued break ins. I live three houses down. He is a very good neighbor. Even in his condition, I have seen him walk around the neighborhood helping others. I would like to see a variance granted for this man.

There being no further comments, Acting Chairman McGee closed the public hearing and opened it to the Board for comments and questions.

Boardmember Trimble said if someone makes a motion to approve this screen in

the front only, I think a stipulation should be put in the motion only for this vehicle and this gentleman.

Boardmember McLeod said you can see it from the road, I have no problem with the side yard. It appears to be on the property line. I have no real problem with that, you can take an RV that size, you will see it no matter what you put in front of it. It would just be cosmetic, if you put a six ft (6') fence and you put a twelve foot (12') vehicle behind it. As far as the side yard screening, I have no problem with that either.

Mr. Daley said he had letters from his neighbors. The neighbor on the left and the neighbor on the right as well.

Boardmember Stalder said we are intended to consider hardship and there is a hardship involved

Boardmember McLeod said an RV is a luxury not a necessity.

Acting Chairman McGee said we have a letter from Kathy Gunther of 1607 Stafford stating that the RV does not bother her.

A letter from Anthony and Janet Calabro also stating that the RV does not pose a problem to them.

A letter from Alexander Gonzalez of 1614 Stafford Drive stating that they have no issues or complaints regarding Mr. Daley's RV.

A letter from Kathy Dobbins of 1619 Stafford, he lives to the right of Mr. Daley and he says the RV does not create a problem.

A letter from Robe Hyde of 1668 Colleen Drive, which states he does not consider it an eyesore or problem.

Boardmember Stalder said I move, the criteria of Chapter 30, Article III, Division 3, Section 30-137(4) Subsection (C) of the Belle Isle Land Development Code having been met, to approve this request for a variance to permit a recreational vehicle in the side yard of the residence to remain unscreened along the side, on the property described as 1613 Stafford Dr., Orlando, FL 32812, with the exception that only this one RV and this owner shall be granted this particular variance at this address, also described as Parcel I.D. #30-23-30-0610-00-500, Belle Isle, Orange County, Florida.

Upon roll call motion passed with a 4-2 vote.

Boardmember Bruning – Nay

Boardmember McDonald – Aye

Acting Chairman McGee - Aye

Boardmember McLeod – Aye

Boardmember Stalder – Aye

Boardmember Trimble - Nay

Acting Chairman McGee advised Mr. Daley that he had his variance and that it was limited to him and this RV. If someone wishes to take issue with our decision, you have fifteen days.

Suzanne O'Shea said asked Mr. Daley to call the office in the morning.

Boardmember McLeod asked Mrs. O'Shea to make it clear to him on the limited motion.

There being no further business to come before the Board, Boardmember Trimble motioned to adjourn. Boardmember McDonald seconded the motion which passed unanimously. Meeting was adjourned at 8:10 P.M.

Miriam Rodriguez

Administrative Assistant