

**CITY OF BELLE ISLE
REGULAR SESSION
AUGUST 6th, 2009
5:30 P.M.**

The Belle Isle City Council met in Regular Session on Tuesday, August 6th, 2009 at 5:30 P.M. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, FI 32809.

The following members were present:

William G. Brooks	Mayor
Charles Scott	District 3
Harvey Readey	District 5
Lydia Pisano	District 6
Eric S. Spaulding	District 7

Not present were Vice Mayor Ady, District 4, Commissioner Thomas G. Petruzzi, District 1 and Commissioner Keith Severns, District 2

Also present were City Manager Be Bateman, City Attorney Gayle Owens, City Clerk Miriam Rodriguez, and others

Mayor Brooks called the meeting to order.

CITIZENS' COMMENTS

1. Solarfied gave their presentation on a solar power system for the police department annexation. Mayor Brooks asked them to come back at workshop for further discussion.

CONSENT AGENDA

- a) Minutes of Special Workshop Session, June 23rd, Regular Session July 7th, Continued Session July 14th, Special Budget Meeting July 21st, 2009

Commissioner Readey made changes to Minutes of June 23rd and moved to approve Consent Agenda with changes. (Minutes have been corrected and placed on website.)

Commissioner Spaulding seconded the motion which passed unanimously.

PUBLIC HEARING

Consideration of an appeal by Bob Harrell of 2800 Trentwood Blvd., to the P&Z Board's denial of a variance request to construct an enclosed boat dock in excess of 500 SF

Mr. Harrell, property owner said he has 4-3/4 acres; we have 300 feet on the lake. I didn't think my request of 704 SF dock was totally out of line. The pictures submitted show my existing dock which is 762 SF. The new dock is 704 SF. I have a storage area in the existing dock, we are not asking to enclose the dock. We only want to enclose an area for storage of skis. We are asking for a similar dock. What we are asking to do is more in comparison with the City's rules. It's similar to what we have now. This dock is 25 ft from property line neighbors have no objection.

Mayor Brooks thanked Mr. Harrell and asked him how long the present dock has been there.

Mr. Harrell responded for 29 years, it was built after we bought the home.

Mayor Brooks opened the public hearing, there being no comments he closed the public hearing and opened it for Council discussion.

Commissioner Pisano said I did go out and looked at the property, the other boat dock is old and needs to come out. I am in support of this dock.

Commissioner Scott asked do you have to prove a hardship. What is the hardship?

Mr. Harrell said I don't believe I can stand here and prove a hardship. I think the fact that we have a dock there now.

Attorney Owens said if I could make a comment, the criteria under the Belle Isle code, there are a number of criteria special to boat docks. The applicant has to meet all of these requirements such as; does not create hazard condition, location and placement comparable with other docks, personal hardship is not a consideration for a variance, minimum variance, etc.

Mayor Brooks said correct me if I'm wrong, staff from P&Z, denial was based on their belief not comparable, there is one other dock in that location.

Mr. Harrell said we are not going out one inch further than the dock that is there now.

Commissioner Readey asked does anybody know why we cannot enclose our boat docks.

Mrs. Bateman said for visibility and safety on the lake.

Mayor Brooks said when you talk about location placement, remember he could leave this one where it is which is out further than the dock to the left and the right.

Commissioner Readey said I move to grant the appeal.

Commissioner Pisano seconded the motion.

Attorney Owens said as far as the criteria, it is no longer permitted. When he submits plans to Orange County if they feel it is a structural violation, they will let him know that. What is the square footage requested?

Mr. Harrell said 704 SF

Attorney Owens said anything over 40' from 86.9 gets counted in.

Mr. Harrell said then you would need to add 256 to that plus the 704 is 960 SF. My present dock is 762 SF plus 256 walkway is 1018SF

Mayor Brooks said the application says 704 plus 440 that's 1144 total from 86.9

Motion passes unanimously to grant appeal request. Mayor Brooks said there is a fifteen day waiting period, at that point applicant can ask for a permit from the City.

PUBLIC HEARING

Consideration of an appeal by Walter Schytte of 2909 Trentwood Blvd to the P&Z Board's denial of a variance request to construct a boat dock in excess of 500 SF

Sandy Schytte, wife of applicant and property owner said we are asking for 646 SF going out same as our neighbors. We are not creating a hazardous condition. Mrs. Schytte submitted photos of what the dock will look like and neighbor's signatures.

Mayor Brooks asked Harry Reeves, this drawing is your calculation not including the walkway 646 SF plus 176 SF is a total of 822 SF. You are four parcels to the right of Mr. Harell.

Mayor Brooks opened the public hearing, there being no comments he closed the public hearing and opened it to Council for discussion.

Commissioner Pisano said I would like to make a motion to grant the appeal.

Motion failed for lack of a second.

Mayor Brooks asked for an alternative motion.

Mayor Brooks asked Harry Reeves, your 646 calculation on this sketch; on the drawing you have the boat slip with the catwalk, is that part not under roof open deck that is part of the 646?

Mr. Harry Reeves said yes.

Mayor Brooks said you gave us pictures of the same dock plan that is being built.

Mr. Reeves said it is identical to what we are proposing.

Mayor Brooks asked what is the length of the lake frontage

Mr. Reeves said 100'

Mayor Brooks asked how far west?

Mr. Reeves said 250 ball park

Mayor Brooks said 650' away, we just approved one for 1144

Commissioner Pisano said I would like to make another motion, to grant the variance for 822 SF

Commissioner Readey seconded the motion which passed 3:1 as Commissioner Scott voted nay.

PUBLIC HEARING

Consideration of an appeal by ASAP Towing of 3101 McCoy Road, to the P&Z Board's denial of a variance request for use determination for towing and temporary storage of damaged vehicles.

Attorney Owens said this was not denied by the Board. This was a recommendation by the Board to approve request for use determination

Mayor Brooks said use determination has to come to council for final determination.

Edgardo Velez of 3101 McCoy Road said last time we were here we discussed keeping the property clean, we have kept that up. Vehicles on premise are usually there from 24 hours to 36 days depending on the situation. The recommendation was that we don't have vehicles past sixty days. We have fenced and screened the property. We have managed to keep the property clean.

Mayor Brooks thanked Mr. Velez.

Mayor Brooks asked you have installed a fence on the back of the property? How long ago?

Mr. Velez said three to four months ago.

Mayor Brooks said you also mentioned screening.

Mr. Velez said we screened a portion of the fence.

Attorney Owens said you can attach conditions to use determination. What you are operating under is a C-1 category; you have a list of permitted uses. In fact a recommendation from the Board made to Council was to approve use of the property in C-1 towing not to exceed sixty days, obviously Council has the final determination, add or remove any conditions if you approve the request. The improvements being made here are code enforcement improvements not development improvements.

Commissioner Scott asked the vehicles stored there how do they get there?

Mr. Velez responded towed.

Commissioner Spaulding asked how many vehicles can you store back there.

Mr. Velez responded 20

Mrs. Bateman asked what about noise levels.

Mr. Velez said we have an 8' wall between us and the residents.

Mayor Brooks asked what is the lighting.

Mr. Velez said there is good lighting and we installed 13 motion lights and 8 cameras.

Mayor Brooks opened the public hearing.

1. Alice Readey asked the person that owns the property should have not rented to this type of business?

Mrs. Bateman said once we found out through Code Enforcement, we advised them they had to ask for a variance. This tenant has been very cooperative with the City.

Commissioner Scott asked should the request come from the property owner.

Attorney Owens said not necessarily.

Mayor Brooks closed the public hearing.

Mayor Brooks asked is there any obligation from the tenant to get the authorization from the landlord to use this property?

Mr. Velez said the lease actually says that they do not guarantee the zoning; verbally the landlord said it is zoned.

Commissioner Spaulding moved to approve request for use determination with stipulations as follows: parking in the front of the building to be for customers only and vehicles not engaged in the tow operation. No parking of towed vehicles in the front of the building. Parking of damaged vehicles not to exceed 60 days

Commissioner Readey seconded the motion which passed unanimously.

Mrs. Bateman said very quickly we advertised for RFP for a Special Magistrate, we received three responses. We listed the top three, they are qualified, they all have experience. Staff recommends we award to DeBeaubien, Knight, Simmons as they are our present attorney for Code Enforcement. It is a flat hourly rate

Commissioner Readey moved to accept staff recommendation and award contract for special magistrate to DeBeaubien.

Commissioner Spaulding seconded the motion which passed unanimously.

Commissioner Scott wanted to place on the next workshop agenda, attendance of members.

Commissioner Pisano gave an update on the adult entertainment issue.

Commissioner Scott wanted to go on record and publicly stated that he appreciates all the time and effort Mayor Brooks has spend on the charter school.

There being no further items to come before Council, meeting was adjourned.

Miriam Rodriguez
City Clerk