



**City of Belle Isle  
Planning & Zoning Board Regular Session Minutes  
June 23, 2015 – 6:30pm**

Frank Kruppenbacher City Attorney	David Woods District 1 Chairman	Chris Shenefeld District 2	Nicolette Kramer District 3	Gregg Templin District 4	Dr. Stuart Bernstein District 5	John McLeod District 6	Nicholas Fouraker District 7
Absent	Present	Present	Present	Present	Present	Absent	Absent

On Tuesday, June 23, 2015 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Chairman Woods, Board member Shenefeld, Board member Kramer, Board member Templin, Board member Bernstein and City Clerk Yolanda Quiceno. Absent were City Attorney Kruppenbacher, Board member McLeod and Board member Fouraker.

**CALL TO ORDER**

Chairman Woods called the meeting to order at 6:30pm and opened with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Chairman Woods called for approval of the May 26, 2015 minutes.

Board member Kramer requested the edit as follows,  
Page 6, Paragraph 4 reads, "She does not believe the PSA falls under the public welfare it does help getting the word out on an Amber alert or hurricane announcement."

Should read, "She does ~~not~~ believe the PSA falls under the public welfare and it does help getting the word out on Amber alerts or hurricane announcements."

Board member Templin moved to approve the minutes as corrected.

Board member Shenefeld seconded the motion which passed unanimously.

**PUBLIC HEARING CASE #2015-06-008**

Request by applicant J. Alden Baker requests a variance on 1721 Stafford Drive, Belle Isle, FL also described as Parcel I.D #30-23-30-0610-00-580, from Section 50-102(b) to construct an eight (8) foot fence along the north property line.

Chairman Woods informed the Board that the applicant has withdrawn this application.

**CHAIRMAN OVERVIEW OF MEETING PROCESS**

Chairman Woods provided an overview, in brief, of the variance process and criteria for approval.

**PUBLIC HEARING CASE #2015-06-004**

Request by applicant Mark Nasrallah, on behalf of property owner John Walker, requests a variance on 5210 Oak Island Road, Belle Isle, FL also described as Parcel I.D #18-23-30-7160-01-140, from Chapter 50 Article II Sec. 50-73(a) to allow a rear setback of 27' in lieu of 35'-0" for a proposed new home.

Mark Nasrallah residing at 3920 Edgewater Drive, Orlando, FL said the applicant submitted a variance a few years ago and was approved on an identical setback request. Due to financial considerations, the project was put on hold. The applicant did not realize that the approval was for only six months. Since the last variance, the applicant is now asking for less of a setback variance to keep the house off the north east corner of the lot. The uniqueness of the application is that the rear of the lot is a flag lot, on the lake side, and is owned by the State of Florida. In addition, the location designated to build the

new home will not impact the property owner to the west. He stated that he has written correspondence from the State of Florida that states that they will never build on that property.

Board member Templin asked if, at any time, the State can place a fence around that property. Mr. Nasrallah said yes they can.

Board member Bernstein asked what is the difference in the variance application from 2012. Mr. Nasrallah said in 2012 they were requesting a 15 foot variance and today, the house has been designed substantially smaller and are asking for a three foot variance.

Chairman Woods shared his concern that the plans presented show a zero lot line setback for some patios. Mr. Nasrallah said the error was made by the landscape architect and that the applicant is not asking for that setback. He stated that the plans will be revised before permitting. Chairman Woods clarified that the Board will not be approving a zero lot line setback for patios.

Chairman Woods said it was not clear if the privacy wall on the south side will be attached to the house. Mr. Nasrallah stated that the wall will not be attached to the house.

Chairman Woods opened for public comment.

- Chris Whittaker residing at 5220 Oak Island Road located to the south, adjacent to the applicant's home. He said he is not here to speak for nor against the setback variance. He wanted to confirm and clarify that the rear property is classified by the State of Florida as swamp land. He was informed of the information when he applied to purchase the property.
- Michael Lee Leonard residing at 5124 Oak Island Road spoke in opposition of the request. He stated that the State owned lot is very important to him and his wife and used quite a bit by himself and the neighbors. He does not feel there is any undue hardship placed upon the applicant and believes the applicant should follow the current city code. The Board provided Mr. Leonard the opportunity to review the proposed site plan because it provides a clearer view of the request and shows that the house is not close to the lake. Discussion ensued and Mr. Leonard stated that he still believes the applicant should not be allowed to go against the city code.
- Mrs. McGuinness residing at 2211 Crosslake Road spoke in favor of the application. She is thrilled about the proposed plan and believes it will raise property values.

Board member Bernstein asked Mr. Leonard in what way the [State] property is important to him. Mr. Leonard said not everyone lives on the lake and the residents who do not live on lake front benefit from walking through that property.

Board member Kramer asked how many trees will be taken down for this variance. Mr. Nasrallah said no additional trees will be taken down.

Board member Kramer asked, "Will the variance impede anyone who does not have lake access who uses that dirt road owned by the State to access the lake." Mr. Nasrallah said in his professional opinion he said no. They are still 30 feet away from where the lot starts. There will be a fence erected on the property line for the pool that will be between their lot and the State lot.

Board member stated the Board not only needs to evaluate the hardship they also have to evaluate the uniqueness of the lot itself. The way the plot is shaped and located makes this variance unique.

Board member Shenefeld asked Mr. Leonard how the variance will limit the use of the property by other residents. Mr. Leonard said the residents will still be able to use the property. He doesn't believe the encroachment is necessary and the property needs to keep it the way it is.

Board member Templin said at the last approved variance there were no objections to that variance from the public and this variance is less than the one approved before. He certainly does not have any objection to the request.

There being no further public comment Chairman Woods closed public comments section and called for Board discussion.

Board member Templin moved, the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met to approve this request for a variance from Chapter 50 Article II Sec. 50-73(a) to allow a rear setback of 27' in lieu of 35'-0" for a proposed new home on the property described as 5210 Oak Island Road, Belle Isle, FL also described as Parcel I.D #18-23-30-7160-01-140, Orange County, FL.

Board member Kramer seconded which passed unanimously.

Chairman Woods stated that the applicant should not start any properly permitted construction prior to 15 days to allow for any appeals.

**APPOINTMENT OF CHAIRMAN**

Chairman Woods called for nominations for Chairman.

Board member Templin motioned to re-nominate Board member Woods for Chairman.  
With no other nominations or objections from the Board the motion passed unanimously.

**ADJOURN**

There being no further business the Board motioned to adjourn at 7:20pm.

Yolanda Quiceno, CMC  
City Clerk