



**CITY OF BELLE ISLE, FL**  
**PLANNING & ZONING BOARD MEETING**  
Held in City Hall Chambers 1600 Nela Ave Belle Isle FL

Tuesday, April 26, 2022 \* 6:30 PM  
**MINUTES**

The Belle Isle Planning & Zoning Board met on April 26, 2022, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Lane  
Board member Thompson  
Board member Squires  
Board member Hobbs

Absent was:

Board member Woods  
Board member Statham  
Board member Shenefelt

Also present were City Manager Bob Francis, Attorney Dan Langley, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

**1. Call to Order and Confirmation of Quorum**

Chairman Lane opened the meeting at 6:30pm. City Clerk confirmed quorum.

**2. Invocation and Pledge to Flag**

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

**3. Approval of Minutes**

- a. Approval of the March 22, 2022 minutes  
**Board member Squires moved to approve the minutes as presented.**  
**Board member Thompson seconded the motion which passed unanimously.**

**4. Public Hearings**

- a. PUBLIC HEARING CASE #2022-03-051 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B)(5), SEC. 50-102 (B)(7), AND SEC. 50-102 (B)(8), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW THE CURRENT FENCE INSTALLATION IN THE FRONT YARD, MAINTAIN THE BACKYARD FENCE BY THE CANAL AT 6 FEET HIGH CONTRARY TO THE CODE STATING NO FENCE LOCATED WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION SHALL EXCEED FOUR FEET IN HEIGHT, AND ALLOW THE STRUCTURAL SMOOTH SIDE OF THE FENCE TO FACE THE PROPERTY OWNER AS THE ROUGH SIDE FACES THE NEIGHBOR IN OPPOSITION TO THE CODE STATING ALL SUPPORTING STRUCTURES OF THE FENCE AND POSTS FACE THE PROPERTY OWNER, SUBMITTED BY APPLICANTS CRAIG AND RACHELLE HUFF, LOCATED AT 6805 BARBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-8860-00-010.

Chairman Lane read the Public Hearing Case number by title.

City Planner Lozano gave a brief background on the application.

Upon reviewing the variance criteria provided, the staff finds the applicant's supplemental report does not address the variance criteria. The variance request is self-created as the property owners did not apply for a permit; the applicant did not list alternative methods to attain the minimum possible variance. The unpermitted installation of the fence has disrupted the whole neighborhood's character, harmony, and public welfare. While the applicant identifies concern for safety, security, and privacy, a barrier can still be maintained by a four-foot-high fence near the canal. The fence can create navigational issues for incoming/outgoing residents with canal access as the fence stands. As a result, the staff recommends denial of this requested variance application.

If the Board decides to approve the fence, the staff recommends that the applicant submit a survey showing the property boundaries to identify fence installation because the current fence abuts the neighbor's fence and may cause some challenges to make it smooth and add panels without having to adjust or remove the installed fence.

Attorney Langley said the Board has limited time and would like to remind the audience to keep their comments brief. Chairman Lane reminded attendees that all comments would have a 3-minute limit.

The applicant, Craig Huff, residing at 6805 Barby Lane, spoke on his variance and provided a copy of an email from EPD dated April 25, 2022, and a copy of the minutes from a P&Z meeting on January 26, 2021. He noted that EPD determined that the fence is not encroaching into the water's surface and is not causing navigational issues; however, they do not have jurisdiction in regards to the fence.

Mr. Huff said with this variance, he is seeking safety and security for his family and has endured extreme hardship. He shared his frustrations and gave examples of the continued problems with his neighbor. He stated that his property is unique in shape and is the only area where they can place a fence for privacy.

Mr. Huff further added that his neighbor's fence is 7 ½ feet into the ROW and will they have to remove their fence as well even if it is grandfathered in before he attempts to make their side smooth per code.

Chairman Lane opened for public comment.

- Rebecca Ellington residing at 6904 Barby Lane shared her concerns and spoke briefly of Mr. Huff's behavior to the residents.
- Francis Rabbitt residing at 3212 Indian Drive shared his concerns about the situation between his neighbors. He said Mr. Huff is either ignorant of the rules or doesn't care.
- He spoke of the ROW and entrance to the canal at the end of the street and Mr. Huff's lack of respect for the rules and the neighborhood.
- Doris Hanna residing at 6811 Barby Lane shared her concerns and said she would like to fence to be removed because it is a sight hazard along with his landscaping. She recently submitted a variance to allow her to replace a chain-link fence in the front/side yard.
- Jeff Rhodes residing at 3135 Indian Drive said he wasn't aware that the fence was not permitted. He is in attendance to understand the variance process for a future application.
- Robert Langholtz residing at 3116 Indian Drive shared his concerns with the events that have occurred with the fence. There is some frustration walking to the canal and he was not aware that the road and the right-of-way were deeded to anyone.
- Michelle Huff residing at 6805 Barby Lane spoke in reference to her variance. She noted that they are brand new homeowners and trusted the fence company to know the rules and regulations. She apologizes for their mistake in not researching the permit process. Many have addressed her husband's behavior however have not addressed the fence installation. Her windows face their neighbors and the fence was installed for safety and security for her family.

There being no further comments, Chairman Lane closed public comments.

City Manager Francis stated the following,

- The applicant is looking a variance for a front yard fence that was placed without a permit;
- The fence was installed smooth side in and is responding to a Code Violation.
- Rear yard fence is 6ft within the 35ft of the shore and was installed without a permit or variance. In addition the neighbor is not in favor of the installation.

The applicant Mr. Huff attended a meeting with the Mayor and City staff regarding landscaping in the right of way. The City staff stated that he was not allowed to place any landscaping and he ignored the discussion and placed them anyway. He later had to remove them at the request of the City. On a separate note, Mr. Huff pulled a mechanical permit in 2019 which was not inspected for a final. Mr. Francis recommends that Mr. Huff close the permit because it can cause a hold on future permits.

The applicant does have the option to appeal the denial of the variance to City Council or correct the violations to comply with the Code. Discussion ensued on Work-Without-A-Permit and After-the-Fact-Permit fees.

**After discussion, Board member Squires moved to:**

- (A) approve the requested variance to allow fence installation in the front yard subject to the following conditions:  
(i) have a professional boundary survey conducted and submitted to the City evidencing that all fences installed by the applicant are solely on the applicant's property, (ii) if any part of the fences are not on applicant's property, applicant must relocate portions of such fences back onto their property, and (iii) consistent with denied variances, modify the applicant's fences to have a smooth side facing towards the neighbors and lower the height within 35 feet of NHWE;**
- (B) deny the variance to maintain the backyard fence by the canal at 6 feet in height (thus applicant must reduce the height of the fence to be code compliant at no more than 4 feet within 35 feet of NHWE); and**
- (C) deny the variance to allow the structural smooth side of the fence to face the applicant's property instead of the neighboring property.**

**Board member Thompson seconded the motion which passed unanimously 4:0.**

City Manager Francis said the applicant should wait 15-days before starting any work to allow for any appeals.

**5. Other Business – N/A**

**6. Adjournment**

There being no further business the meeting was unanimously adjourned at 7:15pm.