



April Fisher, AICP
PRESIDENT
407.494.8789
fisherpd@outlook.com

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Variance Application: 5208 Driscoll Court

Planning and Zoning Case Number 2025-08-027: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION SECTION 50-102 (B) (5) (A) TO ALLOW A FENCE HEIGHT TALLER THAN SIX FEET, SUBMITTED BY APPLICANT HERBERT BETANCOURT, ON BEHALF OF THE PROPERTY OWNER, CLAUDIA MUSTAFA FOR THE PROPERTY LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.

Project Description and Background:

This application seeks a variance from Sec. 50-102 (b) (5) (a) to allow an eight-foot tall fence in the rear and side rear yards. The applicant has provided that there is a grade change between the abutting properties that negatively affects privacy. There is currently a six-foot fence on the property.

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.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

Staff Recommendation

Based on the applicant's identification that privacy is a concern due to the grade change between properties, making her backyard visible even with the six-foot fence, staff recommends approval of the requested variance. These items identified are consistent with meeting the criteria established in Sec. 50-102 (b) (16) (1) and the required criteria in Sec. 42-64 (1).

Next Steps

The Board may approve the variance application as it is, with specific conditions, continue the application if additional information is requested, or deny the application.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Sec. 42-71.

Motion Examples:

1. Approve the requested variance to allow a fence height taller than six feet consistent with the plan submitted with this application, or
2. Deny the requested variance to allow a fence height taller than six feet, or
3. Continue the requested variance pending additional information [specify information needed] from the applicant.