

August 13, 2021

Variance Application: 7315 Lake Drive

Applicant Request: PUBLIC HEARING CASE #2021-08-010 - PURSUANT TO BELLE ISLE CODE 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 A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021.

Existing Zoning/Use: R-1-AA/ single-family home

This application seeks a variance to allow a fence taller than six feet that will also project into Lake Conway to the end of the property's existing dock.

Security and safety of the property owners' dogs and themselves are a concern due to an abutting neighbor's dog that and other dogs that access the lake from Swann Avenue Park. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

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.

Staff Recommendation

Based on the applicant's identification that security and safety are concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being

requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.