



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

April 26, 2022

Variance Application: 6805 Barby Lane

Applicant Request: 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 TO 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.

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

This variance application seeks a variance from Sec. 50-102 (b) (5) to allow a fence in the front yard, Sec. 50-102 (b) (7) to allow a six-foot high fence within 35 feet of the Normal High Water Elevation of Lake Conway, and to allow the rough side of the fence to face the neighboring lot contrary to Sec. 50-102 (b) (8).

The applicant has provided information supporting the variance request with commentary from surrounding neighbors citing the character of the property's new fence. Please see this information enclosed with this agenda item packet.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below:

Staff finds the applicant's supplement report does not address the variance application criteria (d-g). The variance request is self-created as the property owners did not apply for a permit or abide by the City's code for fences. Additionally, the applicants did not list alternative methods in pursuit of attaining the minimum possible variance for their special circumstance. The unpermitted installation of the side fence has disrupted the character, harmony and public welfare of the whole neighborhood. 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. As the fence stands, the six foot height can create a navigational issue for incoming/outgoing residents with access to the canal. Please see attached photos as evidence.

As a result, staff recommends denial of this requested variance application.

However, should the Board decide to approve this variance, a condition should be placed for the applicants to provide a survey of the house from a certified surveyor that clearly identifies that all portion of the fence is located on the owner's property line when installing a smooth side to the fence facing their neighbor. While the applicant would like to make both sides of the fence smooth, the project proposal may be impossible to pursue as the property owner and neighbor fence abut one another. Please see attached photos.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, and continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-64.