

**MEMORANDUM**

**TO:** Planning and Zoning Board

**DATE:** April 26, 2022

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 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.

**Background:**

1. On March 23, 2022, the applicants, Craig and Rachelle Huff, submitted a request, application, and required paperwork. On April 13<sup>th</sup> the applicants submitted a revised application and supplement.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, April 16, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on April 15, 2022.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board will need to determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

**SAMPLE MOTION TO APPROVE:**

"I move, pursuant to Belle Isle SEC. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), AND SEC. 50-102 (B) (8), having been met **TO APPROVE 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.**

**SUBSECTION (D)**, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

**SUBSECTION (E)**, personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

**SUBSECTION (F)**, the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

City of Belle Isle - Planning and Zoning Board Meeting

**SAMPLE MOTION TO DENY:**

"I move, pursuant to Belle Isle Code SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, having NOT been met; [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] having NOT been met; [may be used in addition to above or alone] TO DENY SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), AND SEC. 50-102 (B) (8),

- 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,
- 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.

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 \* Tel 407-851-7730 \* Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: January 26, 2022 P&Z CASE #: \_\_\_\_\_

✓ VARIANCE □ SPECIAL EXCEPTION □ OTHER DATE OF HEARING: \_\_\_\_\_

Table with 2 columns: Applicant/Owner (Craig & Rachelle Huff), ADDRESS (6805 Barby Lane Belle Isle FL 32812), PHONE (407.952.2481), PARCEL TAX ID #: (20 - 23 - 30 - 8860 - 00 - 010)

LAND USE CLASSIFICATION: 0131 - SFR - CANAL FRONT ZONING DISTRICT: R - 1 - AA

Requesting to keep; -Front fence at the height of 4ft, length of 35ft
-Fence gate at 6ft height.
-Backyard fence at height of 6ft, length 70ft.

Requesting to complete:

- Replace the "Rough Side" of the fence that currently faces the next door neighbors to a "Finished Side".
-Install front yard fence that connects to the current fence, length 38ft, height 4ft.

SECTION OF CODE VARIANCE REQUESTED ON: CHAPTER 50 ARTICLE IV - 50 - 102 (B)

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board...
By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property...
Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application...
Sec. 42-64. - Variances. The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d-g of this section of the criteria set forth in this section.
b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
d. It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

Revised: 4/13/2022

The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

Cuyale  
APPLICANT'S SIGNATURE

Cuyale  
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

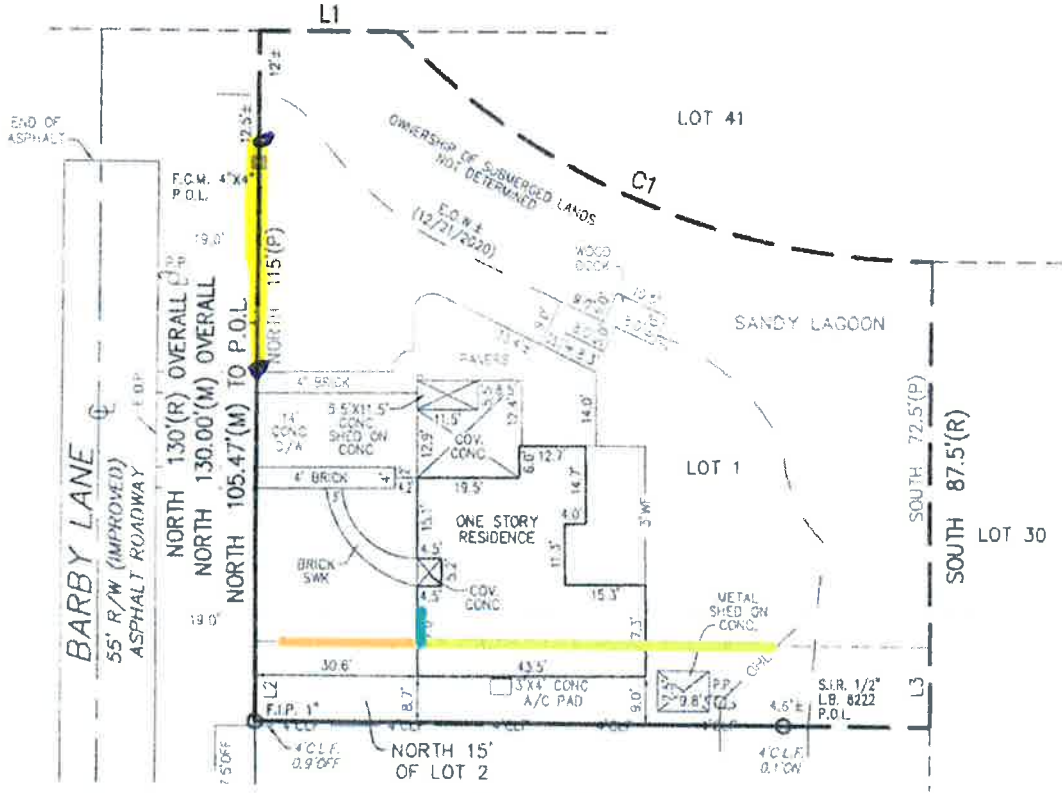
LL  
3/23/22      111232477  
Date Paid      Check/Cash      Rec'd By  
HICP

Determination \_\_\_\_\_

Appealed to City Council:  Yes  No

Council Action: \_\_\_\_\_

# DETAILED VARIANCE REQUEST



## MAP KEY

**FRONT YARD FENCE DIMENSIONS**  
 HEIGHT 4 FT  
 LENGTH 35 FT

**FENCE GATE DIMENSIONS**  
 HEIGHT 6 FT

**BACK YARD FENCE DIMENSIONS**  
 HEIGHT 6 FT  
 LENGTH 70 FT



6805 BARBY LANE



6911 BARBY LANE



**Mail body:**

TO WHOM IT MAY CONCERN,

MY WIFE AND I HAVE RENTED THIS HOUSE LOCATED AT 6805 BARBY LANE IN BELLE ISLE FOR 2 YEARS AND WE WERE VERY EXCITED TO BE ABLE TO PURCHASE, MAKING IT OUR FOREVER HOME IN JANUARY 2021.

BEING NEW HOMEOWNERS OF THIS HOUSE AND FIRST TIME HOMEOWNERS BOTH MY WIFE AND I, WE WERE EAGER TO START OUR LIST OF HOME IMPROVEMENTS. AS EXCITED AND EAGER AS WE WERE, WE DID NOT GO THROUGH THE CORRECT PROCESS OR PROCEDURES. MY WIFE AND I, WOULD LIKE TO PUBLICLY APOLOGIZE FOR THAT AND SINCE WE ARE THE CURRENT HOMEOWNERS, WE ARE FULLY AWARE THE RESPONSIBILITY LIES WITH US.

THE FENCE VENDOR WE CHOSE TO COMPLETE THE NEW FENCE, DID NOT INFORM US THAT A PERMIT WAS NEEDED. I HAVE SPOKE WITH THE COMPANY REGARDING THE MISINFORMATION, AND AS YOU CAN SEE FOR YOURSELF TODAY, THEY ARE NOT HERE TO EXPLAIN THEIR ACTIONS.

BEFORE OUR FENCE WAS INSTALLED, MY WIFE AND I HAD A PROMINENT VIEW OF OUR NEIGHBORS DISHEVELED APPEARANCE. WE COMPLETELY UNDERSTAND IT'S OUR NEIGHBORS PREROGATIVE TO KEEP THEIR PROPERTY APPEARANCE IN SUCH A WAY. HOWEVER, OUR FAMILY WOULD PERFER NOT TO VIEW SUCH APPEARANCES WHILE ENJOYING OUR HOME. THIS IS THE SOLE REASON FOR BUILDING THE FENCE.

I APPRECIATE YOUR VOLUNTEER WORK ON THIS BOARD AND IT IS SO GREAT TO KNOW THAT NEIGHBORS MAKE UP THIS BOARD. ON BEHALF OF RACHELLE AND I, WE APPRECIATE YOUR CONSIDERATION OF OUR VARIANCE REQUEST.

CRAIG AND RACHELLE HUFF  
6805 BARBY LANE, BELLE ISLE, FL 32812  
407.952.2481  
CRGHFF@YAHOO.COM

# Variance Request – Application Supplement

<p>*Standards of Variance Justification</p>	<p>Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or written document and submit it to the City as part of your variance request.</p>
<p>Special Conditions and/or Circumstances Section 42-64 (1) d</p>	<p>The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions. <b>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?</b></p>
<p>Not Self-Created Section 42-64 (1) e</p>	<p>The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. <b>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</b></p>
<p>Minimum Possible Variance Section 42-64 (1) f</p>	<p>The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. <b>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</b></p>
<p>Purpose and Intent Section 42-64 (1) g</p>	<p>The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. <b>WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)</b></p>

\*For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, you do not have to comply with Sec. 42-64 (1) d and (1) f.



Dear Members of the Zoning Board of Appeals:

The reasoning for the fence variance request is as follows:

- Our variance request is to be able to keep the fence and gate that is located on the right side of the property. This is the same side of where our direct neighbors are located at address 6811 Barby Lane. The fence and gate we would like to keep, will only help with providing our family and pet with security, safety, and privacy.
- Our property is substantially different and unique from our direct neighbor located at address 6811 Barby Lane and other properties in the same zoning district or vicinity. Our property is located at the end of the street, with one direct neighbor located on the right side and 65% of the property (backyard and the left side of the property) is surrounded by water (canal).
- Without the variance, we would be denied the same rights and privileges enjoyed by others in the same zoning district or vicinity, including our direct neighbors located on the right side of our property at address 6811 Barby Lane.
- The variance does not afford our family any special privileges, as we are only requesting to have a fence located on the right side of our property, the only location where a fence can be built due to the uniqueness of where our property is located. This is only to provide our family and pet with security, safety, and privacy.
- Our direct neighbors located to the right side of our property at address 6811 Barby Lane currently has a chain-link fence that is between our two properties. Chain-link fencing provides the least amount of security, safety and privacy and our known for safety hazards.
- Our direct neighbors located to the right side of our property at address 6811 Barby Lane, also has a gate installed on their chain-link fence located in their backyard, providing them with direct access to our property. Our direct neighbors have used this gate to access our property before in the past without permission.

Thank you for your time and consideration for approving our families request for a fence variance.

Revised 4/13/2022

**Mail body:**

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VARIANCE REQUEST - APPLICATION SUPPLEMENT

#1 The circumstance on why we chose to build a fence between our next door neighbor located at 6911 Barby Lane, is because unfortunately their front and back yard is not pleasant to look at. They are collectors of junk and live like Sanford and Son but to each their own. They are more than welcome to live like that, but we should not have to view such disarray, as we are trying to create a beautiful, clean and upgraded property as brand new homeowners.

#2 These special conditions were created by the homeowners Roy & Doris Hannah at property 6911 Barby Lane. The owners are storing junk and other items against their chain link fence, as well as keeping their front and back yard very cluttered with odds and ends. See attached photos.

#3 Unfortunately there are no other way to accomplish our objective. We have tried to speak with them regarding. They are very uncooperative to say the least.

#4 If this variance to keep our beautiful fence is approved are as follows; Our fence improves the value of our home and the surrounding properties, the fence is a very beautiful and modern style fence making it very pleasant to look at, and it's creating privacy for our family to enjoy our front and back yard, not having to look at our neighbors unpleasant kept property. We have attached several letters from our direct surrounding neighbors regarding the fence improvement we have made and as you will read, they are all positive responses.

**WE WOULD LIKE TO ADD;**

We would like to proceed with a similar variance request that property 6904 Seminole Drive was approved for. They have a fence on the left side of the property. The fence is 6 ft in height in the front yard, 8 ft in height along the home and then in the back yard drops back to 6 ft all the way to the waters edge where the sea wall is located. Our fence is a much smaller version of this.

**Mail body:**

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**To whom it concerns,**

**I think the huff family has done a great job with their property and it looks great!**

**Greg Meerbaum  
3129 Indian Drive  
Belle Isle FL 32812**

**Greg Meerbaum  
Founder & CEO  
126 S. Park Avenue, Suite C  
Winter Park, FL 32789  
Office: 1.888.411.2280  
Cell: 561.703.8865  
[Greg@coastalinvc.com](mailto:Greg@coastalinvc.com)  
[www.coastalinvestmentco.com](http://www.coastalinvestmentco.com)**

To whom it may concern,

I am Jeff Rhoades who will be building a Single Family Residence at 3135 Indian Drive, Belle Isle Florida. Craig has reached out to me expressing a desire to have tree and fence within the right away of their property and have the intention of requesting a variance to accommodate this request. I have not permanently moved my residence to Belle Isle at this time but I believe that the requested variance requests for the fence and trees should be approved pending the city's lack of immediate need to use the offset on their property and understanding that the land be relinquished back to the city upon request.

Jeff Rhoades

3135 Indian Drive

Belle Isle, FL 32812

**Mail body: Fw: Huff Residence**

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Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "Craig Heringhaus" <chaus21@aol.com>

**To:** "crgghff@yahoo.com" <crgghff@yahoo.com>

**Sent:** Wed, Mar 23, 2022 at 10:18 AM

**Subject:** Huff Residence

To whom it may concern -

I would like to commend Craig Huff and his family on the continuous improvement they have done to their residence at 6805 Barby Lane.

I have lived at our current home on the Willoughby Canal for nearly 13 years and have seen many tenants come and go from 6805 Barby Lane prior to Craig Huff purchasing it in January 2021. Over the years the home and landscaping appeared to be in constant disarray.

The Huff family has made significant exterior upgrades to their property over during their time living there. From our perspective, the quality of their fence and landscaping are very professionally done has only helped to enhance values of other homes along the Willoughby Canal.

I support Craig Huff and his family for the variance they are requesting to continue enhancing their home's value as well as the rest of the homes along the Willoughby Canal.

Regards,

Craig Heringhaus

3532 Country Lakes Dr

Belle Isle, FL 32812

Dear Craig Huff,

Thank you so much for improving your backyard, as it helps with the overall look while driving down the canal. While so many other neighbors use their backyard as a "trailer park", you are truly helping create more of a "tropical vibe".

- The palms = A+
- Rebuilding your dock with cool lighting = A+
- Fence = A + as well, helps block out other neighbor's houses that don't seem to care!

Only if you could help the other neighbors improve their backyard to continue with the tropical look!

Keep up the great work!

Best regards,

Joel Richwagen  
3520 Country Lakes Dr.  
Belle Isle, FL 32812  
407-451-1103



Prepared by  
Carolyn O'Brien, an employee of  
**First American Title Insurance Company**  
601 N Magnolia Avenue, Suite 300  
Orlando, Florida 32801  
(407)345-0774

Return to: Grantee

File No.: 12655-2663963

### **TRUSTEE'S DEED**

THIS INDENTURE, executed on **January 04, 2021**, between

**Doris E. Hannah, a married woman, individually and as trustee under the Hannah Family Land Trust dated September 7, 2018**

whose mailing address is: , ,  
party of the first part, and

**Craig Huff and Rachelle Huff, husband and wife and Barbara J. Huff, an unmarried woman as joint tenants with right of survivorship**

whose mailing address is: 6805 Barby Ln, Belle Isle, FL 32812-3716,  
party of the second part,

**WITNESSETH:** The party of the first part, for and in consideration of the sum of \$10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirm to the party of the second part, their heirs and assigns, all that certain land situate in **Orange County, Florida**, to-wit:

Lot 1 and the North 15 feet of Lot 2, VENETIAN VILLAS, according to the Plat thereof recorded in Plat Book S, Page 69, Public Records of Orange County, Florida.

Parcel Identification Number: **20-23-30-8860-00010**

**The land** is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**SUBJECT** to covenants, restrictions, easements of record and taxes for the current year.

**TRUSTEE**, Doris Hannah, has full power to sell, transfer, mortgage said real estate.

**TOGETHER WITH** all singular the tenements, hereditaments and appurtenances belonging to or in anywise appertaining to that real property.

**AND** the party of the first part does covenant to and with the party of the second part, their heirs and assigns, that in all things preliminary to and in and about the sale and this conveyance the Laws of Florida have been followed and complied with in all respects.

**IN WITNESS WHEREOF**, the parties of the first part have hereunto set their hand(s) and seal(s) the day and year first above written.

Hannah Family Land Trust dated September 7, 2018



Doris Hannah, Individually and as Trustee

*Signed, sealed and delivered in our presence:*

Carolyn O'Brien  
Witness Signature

Vivian Reppenhan  
Witness Signature

CAROLYN O'BRIEN  
Print Name

Vivian Reppenhan  
Print Name

State of FL

County of Orange

**THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED** before me by means of  physical presence or  online notarization, on Jan 4, 2021, by **Doris E. Hannah, a married woman, individually and as trustee under the Hannah Family Land Trust dated September 7, 2018** who is/are personally known to me or has/have produced driver's license as identification.

Carolyn O'Brien  
Notary Public

\_\_\_\_\_  
(Printed Name)



My Commission expires: \_\_\_\_\_

{Notarial Seal}