



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

April 25, 2023

Variance Application: 2120 HOMEWOOD DRIVE

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Existing Zoning/Use: R-1-AA / Single-Family Residence

Background Information

The applicant requested a variance to install a black aluminum fence five feet in height within 35 feet of the Normal High Water Elevation line to enclose his swimming pool, which is under construction. Under sec. 50-102 (b) (7), no fence or wall located within 35 feet of the contour line of Lake Conway shall exceed four feet in height. The applicant stated in their request for the rear fence to install a gate with access to the neighboring property's rear yards.

On a separate matter, the applicant is also requested to install two individual columns (or pillars) in the front yard on each side of the driveway. The proposed columns do not connect to any other structure. Based on the design and proposed use of the columns, it does not meet the definition of a fence nor the accessory building criteria per sec. 50-102. The code states an accessory building is any building that is not structurally attached to the principal building and has a floor area larger than 25 square feet. The proposed columns have a floor area of 6.25 square feet.

After reviewing the applicant's narrative letter, Staff researched city records to find the neighboring property at 2206 Homewood Drive was approved for a fence permit in January of 2023 to install a fence of five feet in height along the side property lines with plans to have a portion of the fence within 35 ft of the Normal High Water Elevation line tapered to four feet in height. No fence permit application or approval form is documented with the City for 2112 Homewood Drive.

Staff Recommendation

Based on the variance request for the fence five feet in height within 35 feet of the NHWE line:

- Under sec. 42-64 (1) (d), the physical conditions and circumstances of the property do not inhibit the applicant from meeting the code requirements for fences per sec. 50-102 (b) (7).
- Under sec. 42-64 (1) (e), personal hardship is not grounds for a variance.
- Under sec. 42-64 (1) (f), the request to install a fence five feet in height is self-created based on the aesthetic preferences of the homeowner and the neighboring property owners.
- Under sec. 42-64 (1) (g), the request may be construed as aligning with public interest based on the letters of consent from the next-door neighbors affected by the proposed fence plan.

As for the request to install a gate in the rear yard to access the neighboring properties, the applicant could face potential issues with trespassing onto private property.

Staff recommends that the Board not approve the requested variance for the rear fence as the application does not meet the conditions for a variance request per sec. 42-64 (1) (d-f).

Should the board approve the fence five feet in height, Staff recommends a condition for the fence variance to enclose the entire perimeter of the pool which is under construction to ensure all safety measures are met per Florida Building Code.

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 any aggrieved person to the City Council pursuant to Code Sec. 42-64.