



*April Fisher, AICP*  
PRESIDENT  
407.494.8789  
fisherpds@outlook.com

May 14, 2021

**Variance Application: 5428 Parkway Drive**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

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

This application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a four-foot-high aluminum decorative fence in the front yard of the property and is proposed to extend into City right-of-way. The applicant has indicated that this request is for containment of a pet and that there is no backyard. Please see pictures provided by the property owner 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 this variance request is for containment of a pet and that there is no backyard the variance request cannot be supported by staff. These reasons are not 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. Additionally, private fencing of City rights-of-way is not permitted. There are alternative measures to securing pets as well. Therefore, staff recommends denial of this requested variance application.

**Additional Notes**

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.