



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Public Hearing – Appeal of P&Z Decision (Front yard Fence- 5115 La Croix)

Background: The P&Z Board denied a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.

The denial was based on the determination that the variance did not meet the criteria as outlined in the BIMC as stated in the staff report to the P&Z Commission.

The procedure for this appeal is the same as other recent appeals.

With the decision of the P&Z Board being appealed, Section 42-71 (b) (3) states that “The council shall conduct a trial de novo hearing upon any appeal taken from the ruling of the board, and hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal and may, in conformity with this article and the Land Development Code, rules and regulations adopted thereunder, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the board.”

De Novo Hearing: The city council shall hear the appeal as a new matter.

Before the meeting on Tuesday evening, the Council Members should familiarize themselves with BIMC ARTICLE IV. - EX PARTE COMMUNICATIONS, Sec. 2-163.

Staff Recommendation: Based on the information presented, Council should deny the variance.

Suggested Motion: I move to deny the variance to replace a fence in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.

Alternatives: Approve the variance.

Fiscal Impact: None

Attachments: P&Z Meeting Packet containing staff report, application, and justification for the variance