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**Meeting Name:** Planning and Zoning Board

**Meeting Date:** February 2, 2026

**Prepared By:** Stephen Mayer

**Item Title:** Variance Request – (Shirk) 460 Jupiter Lane, 451 S Juno Lane & 461 S Juno Lane

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**BACKGROUND:**

The three (3) contiguous subject properties are located at 460 Jupiter Lane, 451 S Juno Lane and 461 S Juno Lane and under the same ownership (Meredith Shirk, Owner). The application was filed by Brown Carrington PLLC. The properties are within the Residential Single-Family (RS-2) Zoning District. The surrounding properties are all within the same zoning district.

**Location Map**



The applicant is seeking a variance from the Town's Zoning Code Section 34-905(1) – maximum height of walls and fences – rear and side yard for residential properties to allow the construction of eight (8)-foot fences on the side and rear property lines. According to the zoning code, the maximum height for walls and fences on the side and rear yard for residential property is six (6) feet.

It is important to note that two of the properties are corner lots. Per Section 34-4, the side yard “means a yard extending from the rear line of a required front yard to the opposite property line, or in cases where more than one front yard is required, as on a through lot, to the rear line of the second front yard. In the case of corner lots, all yards adjacent to streets shall be considered front yards. Width of a required side yard shall be measured so that the yard established is a strip of the minimum depth required with its inner edge parallel to the side lot line”.

To clarify when a fence must be lowered from six (6) feet to four (4) feet, the front yard, “means a yard adjacent to a street and extending across the entire front of the lot to the face of the building wall closest to the front property line or the required front yard setback, whichever is greater. Through lots extending through blocks in such a way as to have frontage on two public or private streets shall provide front yards adjacent to each street. The depth of required front yards shall be measured perpendicular to a straight line joining the foremost points of the side lot lines. The foremost points of side lot lines, in the case of rounded property corners, as at street intersections, or irregular corners, shall be assumed to be the points at which lines would have met without rounding or irregularity”.

In practice, this means any fence/wall standing closer to the road than the façade, or face of the building has a maximum height of four (4) feet, while a fence that is located on the side and behind the façade of the building (or the corners of the building) may be a maximum of six (6) feet high.

Per the Variance request, the applicant is requesting a two (2)-foot increase to the maximum height of a fence, to allow an eight (8)-foot-high fence, architecturally compatible with the houses. The goal for the applicant is to provide enhanced security and privacy. Please note that the applicant has modified the existing permitted fences by attaching two (2) feet of material on top of existing six (6)-foot fences, installed an unpermitted pole mounted camera and installation of fences without a permit in certain locations, all subject of code enforcement case on the three properties (CE-24-10-59, CE-26-01-1, CE-25-10-60, and CE-25-10-62)

The applicant describes the request as “installation and maintenance of an eight-foot privacy fence along the shared rear and side-yard boundaries of these properties, replacing the existing fencing currently in place, which slightly exceeds the maximum height permitted under the Town Code”...“The replacement fencing will be constructed as a continuous, architecturally consistent structure using high-quality materials and professional installation, ensuring visual harmony with the surrounding residential character of the neighborhood. No temporary extensions, add-on elements or piecemeal modifications will be used.

## **DISCUSSION:**

The Town Code definition of a *variance* is a relaxation of the terms of the [code] where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of said ordinance would result in unnecessary and undue hardship on the land. To that end, the Board of Adjustment may grant a variance only if it determines that each of the five criteria are met. Please see below the five variance criteria, the applicant's response to the criteria is part of the application and are attached, staff's response in **bold**:

**Staff notes fence height restrictions in residential areas are routinely limited to six (6) feet in multiple municipal codes. This limitation exists to ensure safety (visibility for drivers and pedestrians), maintaining consistent neighborhood aesthetics, preventing visual obstruction of light and views, and ensuring property values by preventing overly imposing structures on another person's property line. Taller walls and fences block sightlines, cast excessive shade, blocks airflow and sunlight to neighboring yards, and creates a "walled city" affect that may be considered blight. Tall fences and walls can obstruct sight lines, making it difficult for drivers and pedestrians to navigate safely, especially near roads and intersections.**

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

**The applicant claims that the subject properties are unique because they collectively form a "unified residential compound". However, such a term is not a use by right in our code nor has the Town approved a site plan to create such a unique single-family compound spanning three properties. These are three historically plated residential lots with three separate single-family houses. They are surrounded by similar circumstances. They do not have special circumstances that are not applicable to the single-family houses that surround the property; and therefore, they should not be given special conditions peculiar to the land, structures, or buildings involved.**

- (2) The special conditions or circumstances do not result from the actions of the applicant;

**The applicant claims that her unique profession has created unique or special conditions that do not result from the actions of the applicant in the form of online harassment and stalking. The Town sympathizes with the owner from being the target of repeated online harassment, threatening communications, and unwanted attention from strangers, and fully condemns the alleged activities. These alleged activities do not result from the actions of the applicant. However, staff does not find the need for enhanced fencing because of the result of special conditions or circumstances. Harassment and stalking is a multifaceted issue that is not unique to the site, as required to be met by the criteria for variance, but rather linked to the person. The Town has a six (6)-foot limit on fences in the side and rear yard that are generally and commonly applied to all.**

- (3) A granting of the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district;

**The application requests recognition that the property owner requires extra safety and privacy commonly afforded to all other residents. By granting this variance, special privileges would be granted to the subject properties, otherwise denied to other properties. The applicant stipulates in their application statement that "many homeowners in Juno Beach enjoy privacy due to landscaping". However, the justification does not explain why landscaping is not an option for this property.**

**Additionally, an eight (8)-foot wall limited to this location exclusively would create a compound aesthetic and be uniquely different in appearance. Because of the unique nature, it may draw unwanted attention to the properties. This is antithetical to the reasoning**

provided, as drawing attention to the home would encourage less privacy, less anonymity and potentially less security. Staff notes that six (6)-foot-high fences reinforces Crime Prevention Through Environmental Design (CPTED). This is a strategy using urban/architectural design and management to reduce crime opportunities and fear by shaping the physical environment, employing principles like natural surveillance, making spaces less attractive to offenders and safer for legitimate users. By raising the height of the fence, the natural surveillance of your neighbors will be unnaturally and uniquely jeopardized.

- (4) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter and would work unnecessary and undue hardship on the applicant; and

**The literal interpretation of the code provisions does not deprive the applicant of any common rights enjoyed by other properties within the RS-2 zoning district. The applicant has not proven that the code does not provide commonly shared safety and privacy measures in the six (6)-foot height limitation and that the limitations create unnecessary and undue hardship.**

- (5) A prior application for the granting of the variance had not been submitted within the preceding 12 months.

**The applicant has not filed for a variance within the past 12 months.**

### **RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board recommend to the Town Council, sitting as the Board of Adjustments and Appeals, the requested variance from Code Section 34-905(1) of the Town's Code of Ordinances to increase the maximum fence or wall height to eight (8) feet **be denied**.

Attachment(s):

1. Variance Application w/ applicant's backup material.