



VARIANCE PETITION
CITY OF LABELLE, FLORIDA

Date Received _____
File Number: VAR 202 -

Petitioner (applicant name): Kirk Matthew Rentz II
Petitioner Address: 471 E. Ft. Thompson Ave., LaBelle, FL 33935
Telephone#: (239) 738-4484 E-mail: Matt@HBLWT.com

Agent for Petitioner (if applicable): _____
Address of Agent: _____
Telephone#: _____ E-mail: _____

Address/Location of Subject Property: 471 E. Ft. Thompson Ave., LaBelle, FL 33935

Legal Description of Property Involved:

The Northwest one-quarter of BLOCK 18, CITY OF LABELLE, according to the plat thereof, recorded in
Plat Book 1, Page 47, Public Records of Hendry County, Florida.

Existing Zoning: R-1 Total Acreage/Square Footage of Subject Property: .59

Current Use of Land: Residential

Appeal from Section Appendix B, § 4-84.4(A) of the Comprehensive Development Code,
which requires a maximum fence height of four (4) feet within the required front yard of a residential property.

Findings required. Before making a finding on an application for a variance, the City Commission shall first determine that the proposed variation in the application of this code:

- (a) Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures in the same district.
- (b) The strict and literal enforcement of the zoning section of the land development regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disabilities of the applicant and other considerations may be considered where relevant to the request.
- (c) The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.
- (d) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.
- (e) The requested variance is the minimum modification of the regulation at issue that will afford relief.
- (f) The variance granted will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions.

Summary of Facts

See following page.

[illegible]

SUMMARY OF FACTS

The subject property is uniquely situated on Fort Thompson Avenue, a principal east-west connector serving traffic between the City's only river crossing, downtown, eastern LaBelle, and State Road 80. Unlike interior residential streets, the property experiences substantially greater vehicular traffic, speeding, pedestrian activity, and animal traffic. Fort Thompson Avenue sits at an elevation slightly above the subject property, reducing the effective screening and safety afforded by a four-foot fence. Further, because of the placement of the residence on the double-frontage lot, the principal outdoor recreational area for the residence is located within the front and side yards rather than behind the home. These physical characteristics are unique to the property and are not common to most residential lots within the City. Strict application of the four-foot limitation therefore deprives this property of a reasonable level of safety and functional residential use that many other residential properties naturally enjoy because they possess larger rear yards, lower traffic exposure, or both.

The Petitioner and his wife are raising five children at the property (17, 13, 10, 5, 4 months). As a family, they spend a significant amount of time outdoors, and because of the configuration of the property, those everyday activities necessarily occur primarily within the front and side yards adjacent to Fort Thompson Avenue rather than behind the home. The family also maintains three dogs and a small flock of chickens, all of which benefit from a secure enclosure. The combination of frequent speeding traffic, the City's planned sidewalk improvements, regular pedestrian activity, roaming wildlife, and loose hunting dogs presents an unusual safety concern for a family whose primary outdoor living area fronts one of the City's busiest residential thoroughfares. The requested one-foot increase in height is not sought for aesthetics or convenience, but to provide a modest yet meaningful increase in protection that will allow the family to safely use and enjoy their home while remaining consistent with the open character of the proposed ranch-style fence.

The requested variance is consistent with, and advances, the purpose of the City's fence ordinance. Unlike a solid privacy fence, the proposed five-foot ranch-style fence with interior woven-wire mesh is an open, visually permeable design that preserves sight lines, maintains the open character of the neighborhood, and minimizes visual impact. The requested one-foot increase in height provides a meaningful improvement in safety for this uniquely situated property without undermining the objectives of the Comprehensive Development Code. Accordingly, granting the requested variance would further the ordinance's intent, preserve the open character of the neighborhood, and allow this uniquely situated residential property to be safely and reasonably enjoyed as a family home.

Has a public hearing been held on this property in the past twenty-four months? NO

If yes, application number or resolution number: _____

Is this hearing being requested as a result of a violation notice? NO

If yes, to whom was the violation written? _____

NOTE: IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, THE POWER OF ATTORNEY ON PAGE 4 MUST BE PROPERLY EXECUTED.

IF DRAWINGS PREPARED BY AN ARCHITECTURAL, ENGINEERING OR OTHER FIRM ARE SUBMITTED, THE FIRM MUST EXECUTE THE PERMISSION TO REPRODUCE ON PAGE 5.

LETTER OF AUTHORIZATION: TO BE SIGNED BY PROPERTY OWNER

ATTEST:

I/We, _____, being first duly sworn, depose and say that we/I are/am the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, all sketches, data, and other supplementary matter attached to and made a part of this application, are true and correct to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer-generated or City printed shall not be altered.

As property owner I/We, _____ further authorize
_____ to act as our/my representative in any matters regarding this
Petition.

(Signature of Property Owner)

(Signature of Property Owner)

(Typed or Printed Name of Owner)

(Typed or Printed Name of Owner)

State of Florida

County of Hendry

The foregoing instrument was acknowledged before me this ____ day of _____, 20____,

By _____ who is personally known to me or has produced as
identification.

(Signature of Notary Public – State of Florida)

(Print, Type, or Stamp Commissioned
Name of Notary Public)

PERMISSION TO REPRODUCE: TO BE COMPLETED BY ENGINEER

KNOW ALL MEN THAT I, _____(Title/Name), of the firm of _____, do hereby grant the City of LaBelle permission to reproduce all or a portion of all plans, drawings, etc., submitted in connection with the foregoing petition.

State of Florida

County of Hendry

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, By _____ who is personally known to me or has produced as identification.

(Signature of Notary Public – State of Florida)

(Print, Type, or Stamp Commissioned
Name of Notary Public)

PROCEDURE:

1. Petitions for variances from zoning requirements may be obtained online at www.citylabelle.com. The petition must be completed and submitted to the City Planner via email: acrespo@rviplanning.com, cc: kimbarselou@citylabelle.com. The required fee can be submitted to City Hall at 481 W. Hickpochee Avenue, LaBelle, or by mail PO Box 458, LaBelle, FL 33975 attn: Kim Barselou
2. **Petitioners are required to arrange a pre-application meeting with the City Planner prior to submittal. Petitioners may arrange an appointment by email: acrespo@rviplanning.com.**
3. Upon sufficiency and review of the application, staff will inform the applicant of the date and time of the public hearing. The City Clerk will give due public notice that a public hearing will be held at a City Commission meeting to consider the request. Owners of property within 750 feet of the site will be notified of the request and invited to comment.
4. Approximately one week before the public hearing, a sign will be placed on the subject property notifying the general public of the hearing.
5. The petitioner or his authorized representative shall appear at the City Commission hearing. The petitioner should be prepared to address the guidelines and standards listed for the variances from the zoning requirements. After considering the recommendation of the staff and comments by the petitioner and the public, the City Commission will approve, deny, or approve the request with conditions.

REQUIRED SUPPORTIVE MATERIALS:

- A. A check made payable to the City of LaBelle for the application fee as stated in the fee schedule to be found at www.citylabelle.com
- B. 1 electronic copy of the application packet to include:
 1. Completed petition form
 2. Proof of ownership
 3. A colored Site Plan, and any other necessary supportive materials. All plans must be at a suitable scale and be no smaller than 8½" x 11" and no larger than 24" x 36" the architectural, engineering or other firm preparing the plans MUST SIGN permission to reproduce on Page 5 of the application and have his or her signature notarized; and

The site plan must show all data pertinent to the proposed variance, including at least the following:

1. Date of drawing
2. Scale
3. North arrow

4. Name of person or firm who drew the plan
5. Location of property, property dimensions, abutting rights of way, easements, setbacks, off-street parking, proposed landscaping, existing or proposed structures
6. All properties immediately adjacent to and across an alley or street: show location of building footprints, access points, other significant features
7. If the variance involves the encroachment of required setbacks, the site plan shall locate the structure on the site and the portions that encroach the setback shall be shaded.
8. A residential impact statement petition may also be required.

PLEASE NOTE: If the petition is continued *for any reason*, additional folded plans *may* be required OR, if any changes are made, an additional plans will absolutely be required. The City of LaBelle reserves the right to refuse to accept a petition if incomplete on the filing deadline date. The complete petition may be submitted for the following month's meeting.

METHOD OF APPROVAL:

The intent of granting a variance from zoning requirements is to provide an exemption where special conditions or circumstances exist, which is consistent and in harmony with the intent of the zoning ordinance, which is the most practical or logical solution, and which will achieve equal or greater aesthetic character than a literal interpretation of the zoning ordinance would otherwise produce. In addition, variance petitions shall be assessed for consistency with the surrounding neighborhood and impact on adjacent properties.

PROPOSED POLICY GUIDELINES FOR PRESENTATIONS OF PETITIONS TO THE LABELLE CITY COMMISSION

- A. Petitioner's presentation shall occur first and the petitioner shall have up to 7 minutes (uninterrupted) to present their petition. (Followed by questions from the Commission)
If additional time is requested, the Commission will vote on the request for any additional time prior to the petitioner's presentation.
- B. Staff will analyze the petition. (Followed by questions from the Commission to staff)
- C. Public comment - each speaker will have up to 3 minutes to present their comments on the petition. (Followed by questions from the Commission)
- D. Petitioner will have up to 3 minutes to present any final summation. (Followed by questions from Commissioners for petitioner.)
- E. The Public Hearing will be closed.
- F. Commission discussion/motion/vote.

PLEASE NOTE:

- Commissioners may initiate discussion, or ask questions of any participant, upon conclusion of participant's presentation.
- Questions of an informational nature from the petitioners or public speakers may be asked through the Chair; however, direct questions between witnesses will not be allowed.

TO REQUEST ADDITIONAL TIME TO PRESENT A PETITION

If you believe your petition may require more than 7 minutes to present, please submit your request in writing to the City Clerk estimating the amount of time you anticipate you will need accompanied by a brief explanation of your reason(s) why.

SPECIAL NEEDS FOR EXHIBITS

If you will need special equipment or additional time to set up any exhibits prior to your presentation, please include that information with the submission of your petition.