



**CITY OF LABELLE, FLORIDA**

**Planning Staff Report  
For  
495 Davis Street Fence Variance**

**TYPE OF CASE:** Variance

**STAFF REVIEWER:** Patty Kulak

**DATE:** June 12, 2025

**APPLICANT:** Roel and Belinda Herrera

**AGENT:** Same as Applicant

**REQUEST:** To allow the installation of a 5' tall link fence within the front yard, extending beyond the front façade of the existing dwelling unit at the property located at 495 Davis Street.

**LOCATION:** 495 Davis Street

**PROPERTY SIZE:** 0.29 acres

**FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:**

Existing Future Land Use Designation: Residential  
Existing Zoning: Residential (R-1)  
Land Use: Single Family Residence

**SURROUNDING LAND USE:**

**North:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**South:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**East:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**West:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**STAFF NARRATIVE:**

The property owner is requesting a variance from Section 4-84 of the City of LaBelle Land Development Code (LDC) to allow the installation of a chain link fence within the front yard of the single-family residential property located at 495 Davis Street. Specifically, the variance would permit the proposed fence to extend beyond the front façade of the existing home, which is otherwise prohibited under current LDC regulations for front yard fencing materials and placement.

The subject property is zoned R-1 (Residential) and lies within the Residential Future Land Use category. The variance is being sought due to ongoing safety concerns expressed by the homeowner related to repeated incidents involving neighboring animals entering the yard. The proposed fence is intended to provide a secure and enclosed front yard area for the protection of the applicant's children and pets, while maintaining visibility and compliance with public safety standards.

The variance request is based on the property's corner lot configuration, which increases its exposure and accessibility from surrounding areas. These conditions have led to repeated intrusions that cannot be reasonably corrected or avoided without allowing the fence to extend beyond the front building line. Strict enforcement of the code would pose a safety-related hardship for the homeowner.

The request is limited in scope and does not involve any structural modifications to the home or additional site development. A site visit was conducted by the Superintendent of Public Works on May 15, 2025, with no objections raised per attached email correspondence.

Should the variance be approved, the applicant will be required to obtain all necessary permits and comply with applicable construction and design standards. Staff has provided the following analysis of the variance criteria outlined in the LDC.

**VARIANCE REVIEW CRITERIA:**

The following is Staff's analysis of the Applicant's request in relation to LDC Section 3-22, which sets forth the review criteria for special exceptions.

- 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.

**The applicant has stated the unique conditions include recurring issues with neighboring animals entering the yard, creating safety concerns for both their pets and children. The site is also a corner lot with open frontage and exposure to neighboring properties.**

- 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 disability of the applicant and other considerations may be considered where relevant to the request.

**Strict enforcement of the code would prevent the applicant from installing a chain link fence in the front yard.**

- 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.

**The granting of the variance would not be injurious to neighboring properties or incompatible with the surrounding residential character. A site visit conducted by the City's Superintendent of Public Works confirmed that the proposed fence placement poses no concerns, indicating that the request is not 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.

**This is not a condition created by the current property owner. Given the property's configuration and ongoing safety concerns.**

- e. The requested variance is the minimum modification of the regulation at issue that will afford relief.

**The requested variance is the minimum modification necessary to allow a chain link fence in the front yard of a residentially zoned lot. The fence will only extend into the portion of the front yard needed to address the specific safety concerns and will not exceed what is required to achieve that purpose.**

- 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.

**The request is based on specific site-related safety concerns and is consistent with the intent of the Land Development Code to allow reasonable accommodations when justified. Other property owners may request variances, which will be evaluated based upon the merits of the petition.**

#### **STAFF RECOMMENDATION**

Staff recommends APPROVAL subject to the following conditions:

1. The variance request applies to the property described in Exhibit 'A'.
2. The fence is limited to a 5-foot tall, black chain link fence with three 12-wide double gates as shown on the Site Plan.

**SUGGESTED MOTION(S):**  
**APPROVAL:**

I make a motion to approve the Variance request at 495 Davis Street.

**APPROVAL WITH CONDITIONS:**

I make a motion to approve the Variance request at 495 Davis Street, with the following condition(s):

- 1) as outlined in the staff report;  
**OR**
- 2) as outlined in the staff report and amended as follows;  
**OR**
- 3) with the following conditions:

**DENIAL:**

I make a motion to deny the Variance request at 495 Davis Street. The request does not meet the Variance criteria:

## Site Plan

ROEL HERRERA  
495 DAVIS ST  
LABELLE FL 33935

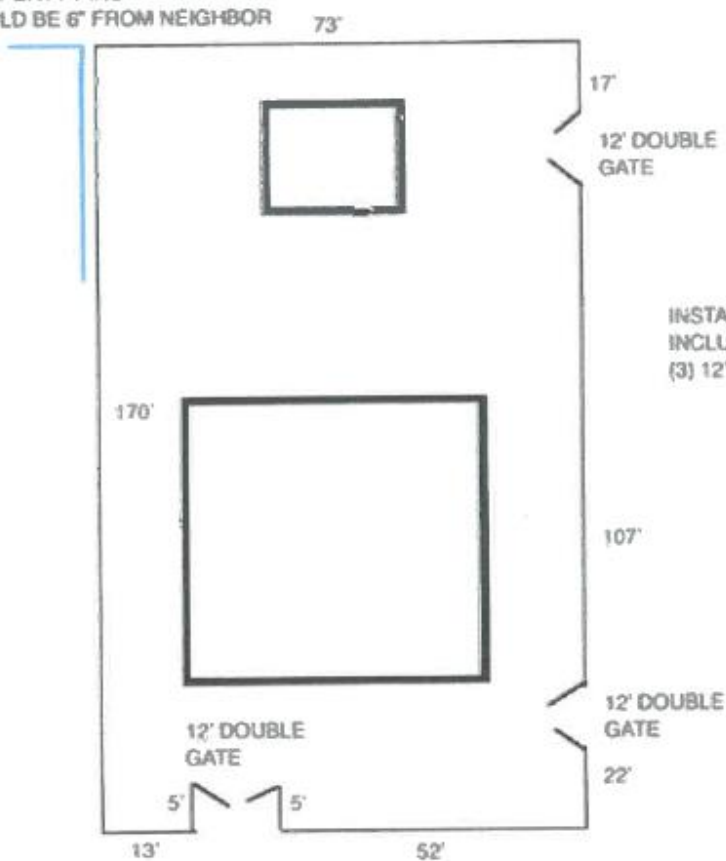


\_\_\_\_\_  
Customer Signature

MATERIAL TYPE:  
5'H BLACK CHAIN LINK FENCE WITH BOTTOM TENSION WIRE

CUSTOMER REMOVING VEGETATION  
AND FENCE PRIOR TO INSTALL DATE

GAP BASED OFF  
PROPERTY PINS  
COULD BE 6" FROM NEIGHBOR



INSTALL 500' OF FENCE WITH BOTTOM WIRE  
INCLUDING  
(3) 12'W DOUBLE GATES

# **EXHIBIT A**

LOT 16, LESS THE SOUTH 25 FEET THEREOF, AND THE SOUTH ONE-HALF OF LOT 17, BLOCK 112 CF SUBURB BEAUTIFUL, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 26, PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.