



CITY OF LABELLE, FLORIDA

**Planning Staff Report
990 Tropicana Street
Variance**

TYPE OF CASE: Variance

STAFF REVIEWER: Patty Kulak

DATE: February 12, 2026

APPLICANT: Nathan J. Powers

AGENT: Kenneth E. Kinney Jr.

REQUEST: Variance from side and rear yard setbacks applicable to accessory structures in the Multifamily Residential (R-3) zoning district, to allow a minimum side yard setback of 5 feet on the north property line of the subject property located at 990 Tropicana Street, whereas the Land Development Code requires a 7.5-foot side setback for accessory structures pursuant to Section 4-76(a).

LOCATION: 990 Tropicana Street

PROPERTY SIZE: 0.213+/-acres

FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:

Existing Future Land Use Designation:	Residential
Existing Zoning:	Multifamily Residential – R-3
Land Use:	Single-Family Residence

SURROUNDING LAND USE:

North: FLU – Residential
Zoning – Multifamily Residential (R-3)
Land Use – Single Family Residence

South: FLU – Multi-Use (Hendry County)
Zoning – Hendry County Agriculture (A-2)
Land Use – Vacant

East: FLU – Residential

Zoning – Single-Family Residential (R-1)
Land Use – Residential (Mobile Home)

West: FLU – Residential
Zoning – Medium Density Residential (R-3)
Land Use – Residential (Mobile Home)

STAFF NARRATIVE:

The property owners of 990 Tropicana Street are requesting a variance from the Multi-Family Residential (R-3) zoning district development standards in Section 4-76(a) of the City of LaBelle Land Development Code to allow a reduced side yard setback for an accessory shed structure. The request seeks approval of a 5-foot side setback, where a minimum of 7.5 feet is required.

The subject property contains an existing mobile home and is developed with standard residential improvements. The lot configuration and placement of the septic areas limit the available area within the rear yard that can accommodate an accessory structure while meeting all required setbacks.

As depicted on the submitted site plan, the proposed accessory shed is proposed in the north portion of the property and positioned to minimize impacts to existing on-site improvements, trees and future development on adjacent properties. The accessory shed is proposed to be positioned as a 5-foot side yard setback, where a minimum of 7.5 feet is required,

Accessory structures are permitted within the R-3 zoning district, subject to compliance with applicable development standards. The requested variance represents the minimum requirements from the code requirements and is intended to allow reasonable use of the property given the existing site constraints. The mobile home on the abutting lot is positioned on the western side of the property, thereby reducing potential impacts to the neighboring property.

The variance request was reviewed by applicable City Departments as part of the review process. No additional conditions or technical concerns were identified through staff review. Approval of the variance would not be injurious to the surrounding neighborhood nor detrimental to the public welfare.

If approved, the applicant will be required to obtain all applicable building permits from the City of LaBelle Building Department prior to construction.

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 unique condition is the limited buildable lot depth due to septic requirements in the rear yard. This restricts the area available for accessory structures on the property.

- 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 application of the required setbacks would create a hardship based on existing site conditions. The presence of the septic system limits practical use of the rear yard for placement of an accessory structure, and the remaining sides of the property front public streets where locating a shed would be visually intrusive and inconsistent with neighborhood character.

- 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.

Based on the proposed conditions, the variance will not be injurious to the surrounding neighborhood. The applicant provided a site drawing showing the location of the shed to be within property lines. The proposed placement will not negatively affect public health, safety, or 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.

The condition giving rise to the requested variance is due to the existing placement of the primary structure, which was not created by the current property owner. Should the Commission approve the variance request, the applicant must then obtain applicable permits for the accessory structure and adhere to any additional requirements during the building process to ensure compliance with all local and state regulations.

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

The drawing supplied by the Applicant demonstrates that the proposed variance represents the minimum relief needed to allow the placement of the accessory structure on the property in their proposed location.

- 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.

Due to the existing configuration of the subject property, the requested variance will not confer special privileges. Property owners are able to apply for similar relief from setbacks and development regulations based on the merits of their specific request.

STAFF RECOMMENDATION

Staff recommends APPROVAL subject to the following conditions:

1. The variance request applies to the subject property described in Exhibit "A".
2. The minimum setbacks for the proposed accessory structure shall be approximately 5 feet measured to the northern side property line, whereas the remaining setbacks exceed the minimum requirements of the Land Development Code as demonstrated on the approved site plan.
3. All other standards for residential accessory structures on the property must comply with LDC Section 4-60 and 4-76(a).
4. The accessory structure must be enclosed on three (3) sides. Decorative lattice may be used to meet this requirement.
5. A building permit must be obtained prior to construction.

SUGGESTED MOTION(S):

APPROVAL:

I make a motion to approve the 990 Tropicana Street Variance.

APPROVAL WITH CONDITIONS:

I make a motion to approve the 990 Tropicana Street Variance, 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 990 Tropicana Street Variance. The request does not meet the Variance criteria:

EXHIBIT A

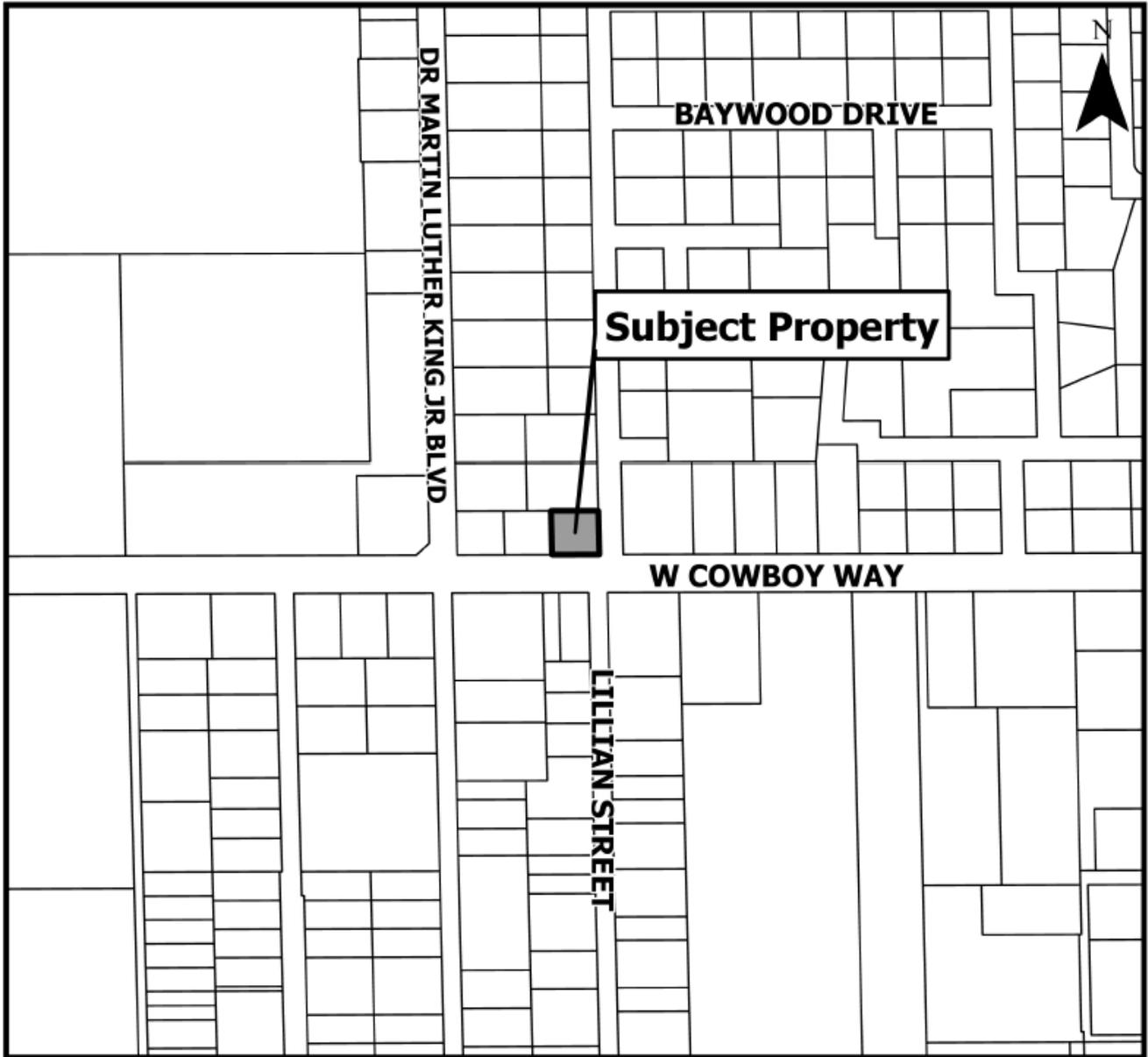


EXHIBIT B
SITE PLAN

