

**AD-09-89**

**LOCATION: 7535 Quail Run Court**

**REAL ESTATE NUMBER: 016173-2238**

**DEVIATION SOUGHT: 1. Increase maximum height of fence from 4 feet to 6 feet  
2. Reduce required yard along the southeast property line from 5 feet to 0.5 feet**

**Existing Fence**

**PRESENT ZONING: RLD-60**

**CURRENT LAND USE: LDR**

**PLANNING DISTRICT: 4**

**COUNCIL DISTRICT: 11**

**SIGNS POSTED: 1**

**OWNER: Lynn Remour  
7535 Quail Run Court  
Jacksonville, FL 32244**

**AGENT: None**

**STANDARDS, CRITERIA AND FINDINGS**

<p><b>1. Is this situation unique or similar to other properties in the neighborhood?</b></p>	<p><b>Recommendation:</b> The request is to allow for an existing 6' chain link fence in the required front yard, and an existing accessory structure to remain (utility shed). This situation is both similar and unique in that the topographical layout and configuration of the lot is comparable to surrounding properties in the neighborhood, but the property owner's need for the front yard fence is due to a family member's medical situation (special needs child). While there are several similar fences found in the area that meet the code requirements, it should be noted that another deviation (variance at the time; V-95-56 to reduce the front yard setback) was approved by the Planning Commission for a similar property on Quail Run Court. The fence on the subject property was installed approximately eight (8) years ago upon recommendation by a Jacksonville Sheriff's Office deputy who responded to an emergency call and assisted the family in searching for and finding the property owner's autistic daughter, who wandered away from home. According to the applicant, the fence was constructed mainly to ensure their child's safety (as well as that of other property owners in the area if she were to unknowingly get out and be bitten by a dog, fall/jump in a pool, not understand</p>
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	<p>the danger of/from cars, etc.) and was not built because of any unique characteristics associated with the property itself. The existing shed was on the property prior to the owners acquisition of the property, and due to similar ones existing in the area, request that it remain. Due to the owners' unique household situation, it would be impractical to enforce the strict letter of regulation seeing as the 6' fence in the required front yard has not created any discernable detrimental effects to or within the neighborhood.</p> <p><b><u>Findings:</u></b></p>
<p><b>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</b></p>	<p><b><u>Recommendation:</u></b> The practical difficulties lie in the fact that the owners had the fence installed over eight (8) years ago upon recommendation by the JSO for property confinement purposes. If required to be removed, the owners would not be able to adequately monitor their child's activities and ensure her safety. It is impractical to enforce the strict letter of regulation in light of the property owner's unique situation.</p> <p><b><u>Findings:</u></b></p>
<p><b>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</b></p>	<p><b><u>Recommendation:</u></b> It is generally in the public interest to allow for the expansion, renovation and improvement of existing structures provided it does not negatively affect adjacent property owners. The applicant claims that the 6' fence was necessary for security reasons due to their special needs child. The public benefit in allowing the fence to remain is that it confines the outside activity area of the property for the family. The request does not decrease the costs associated with the improvement. The cumulative effect of maintaining the height of the existing fence on this property would accomplish a result that is in the public interest, and given the family's situation, a chain link fence is more appropriate than a privacy fence.</p> <p><b><u>Findings:</u></b></p>
<p><b>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</b></p>	<p><b><u>Recommendation:</u></b> There is no evidence that the proposed deviation would diminish property values. It is apparent that the property owners want to maximize the useable lot area by placing the fence in the front yard. As constructed, is has not interfered with the rights of others, or those who would be affected by this deviation, such as passers-by and pedestrians who travel along Quail Run Court. This chain link fence placed in the required front yard does not create a visual barrier</p>

	<p>that affects the setting of the surrounding properties and the streetscape, which are important characteristics of a neighborhood. While this high fence, given its placement, could alienate the property from the rest of the neighborhood by removing the sense of "openness" in a community, it has not, given the situational need for it and materials used.</p> <p>Therefore, the proposed deviation has not and will not diminish property values or alter the essential character of the area. The rights of others would not be affected by this deviation because the fence height, special situation, and neighborhood understanding has existed as such for a significant length of time without incident.</p> <p><b><u>Findings:</u></b></p>
<p><b>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</b></p>	<p><b><u>Recommendation:</u></b> The proposed deviation does not conflict with any other applicable law. The fence does not promote any activity that is not otherwise permitted and will not block access by police, fire or other rescue vehicles to this site or surrounding properties.</p> <p>Approval of the deviation, as proposed, will aid in ensuring the safety of the owner's child, as well as the public safety by significantly reducing the chance of her wandering off site. The chain link fencing material used does not affect visibility, nor obstruct views from vehicles entering and exiting the property. The request, if approved will not be detrimental to the public's health, safety, or welfare.</p> <p><b><u>Findings:</u></b></p>
<p><b>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</b></p>	<p><b><u>Recommendation:</u></b> The purpose of the Zoning Code is to promote the health, safety, and general welfare of the public. Given the fact that the existing fence does not create a negative visual impact on the area, while providing an avenue to the property owners to ensure the safety of their child, the request promotes the health, safety, and general welfare of the public.</p> <p><b><u>Findings:</u></b></p>
<p><b>7. The City landscape architect (has/has not) recommended the proposed deviation.</b></p>	<p>N/A</p>
<p><b>8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.</b></p>	<p><b><u>Recommendation:</u></b> The property was entered into the City of Jacksonville's CARE system under issue #2009-132605 on June 5<sup>th</sup>, 2009 for Residential Zoning Violations and was cited by Municipal Code Compliance. It is the opinion of</p>

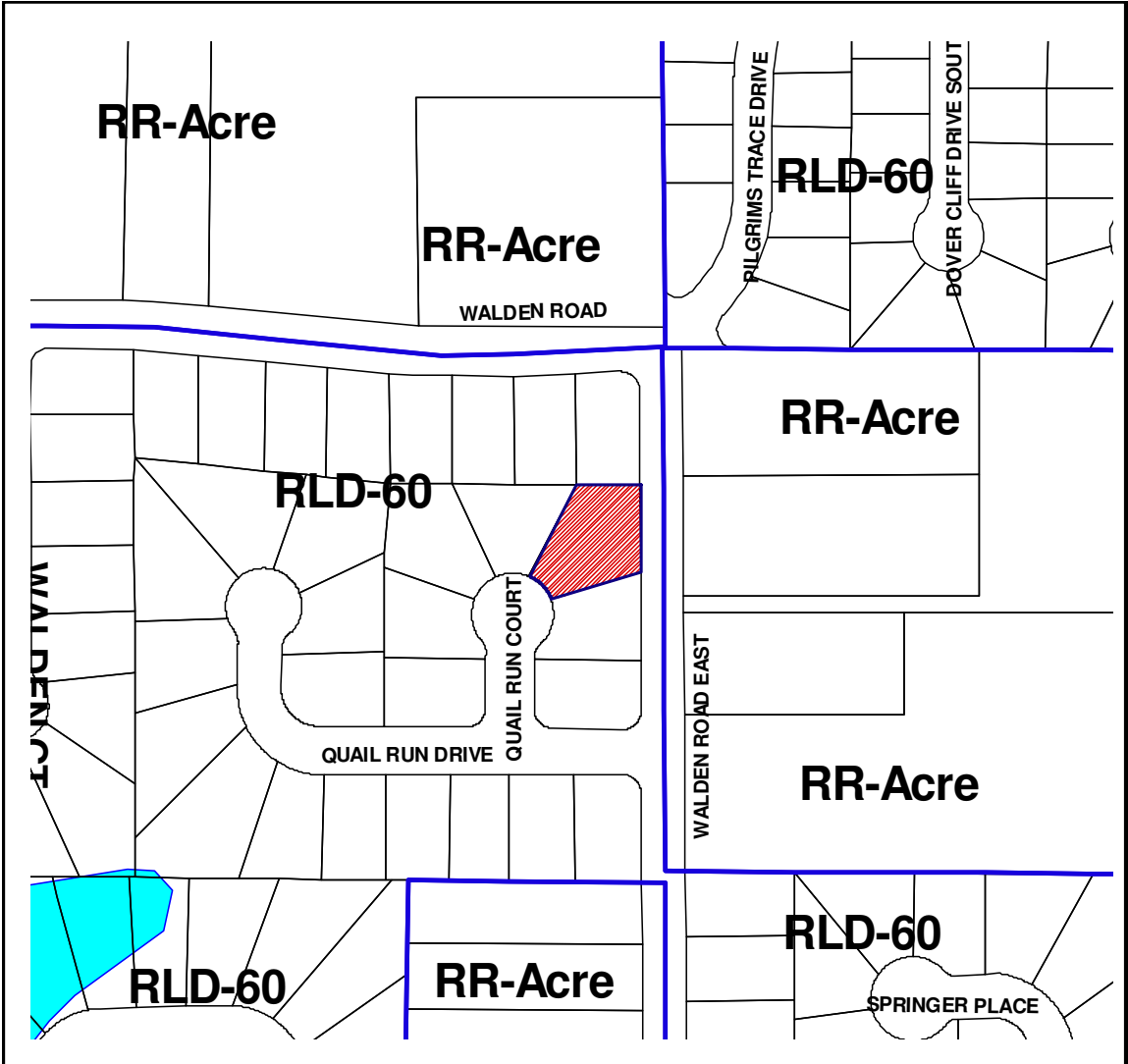
	the Planning and Development Department that the existing fence was not installed by the applicant with the intention to violate the Zoning Code. <b><u>Findings:</u></b>
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**PLANNER RECOMMENDATION: APPROVE**

**DATE OF REPORT: 10/23/09**

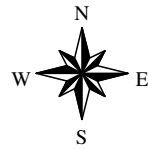
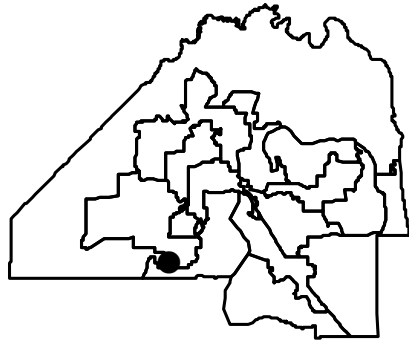
**ZONING ADMINISTRATORS DECISION:**

**DATE:**



**REQUEST SOUGHT:**

**INCREASE FENCE HEIGHT  
FROM 4 FT. TO 6 FT.**



0 100 Feet

**COUNCIL DISTRICT: 11**

**APPLICATION NUMBER:  
AD-2009-0089**

