

Third District Court of Appeal

State of Florida, July Term, A.D. 2007

Opinion filed October 31, 2007.

Not final until disposition of timely filed motion for rehearing.

No. 3D06-3157

Lower Tribunal No. CAP 02-330

Robert P. White and Carol Chabinak,
Appellants,

vs.

David Buckwalter and Ethyl Buckwalter and Henry Finck,
Appellees.

An Appeal from the Circuit Court for Monroe County, Luis M. Garcia,
Judge.

Andrew M. Tobin (Tavernier), for appellants.

Vernis & Bowling and Scott C. Black (Islamorada); Greenman & Manz and
Franklin D. Greenman, for appellees.

Before COPE and WELLS, JJ., and FLETCHER, Senior Judge.

WELLS, J.

Affirmed. See Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.,

114 So. 2d 357, 359 (Fla. 3d DCA 1959) (stating that “it is universally held that

where a structure serves a useful and beneficial purpose, it does not give rise to a cause of action . . . even though it causes injury to another by cutting off light and air and interfer[es] with the view that would otherwise be available over adjoining land in its natural state, regardless of the fact that the structure may have been erected partly for spite”); see also Messett v. Cohen, 741 So. 2d 619, 622 (Fla. 5th DCA 1999) (finding that “a claim of ‘obstructed view’ does not constitute a ‘legally recognizable interest’”); Calusa Golf, Inc. v. Carlson, 464 So. 2d 1271, 1271 (Fla. 3d DCA 1985) (finding that, “even though a spiteful purpose may have partially motivated the construction of the fence,” an injunction preventing the construction was inappropriate where the fence would “serve a useful purpose by protecting the [property] from trespass and vandalism”).