

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR (1) (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR THE REPLACEMENT OF AN EXISTING PRIVACY FENCE; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR THE REPLACEMENT OF AN EXISTING PRIVACY FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ADRIANNE HETZEL, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

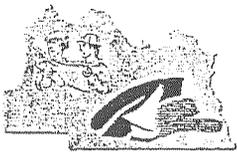
**Agenda Date** 07-26-04 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR THE REPLACEMENT OF AN EXISTING PRIVACY FENCE; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR THE REPLACEMENT OF AN EXISTING PRIVACY FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ADRIANNE HETZEL, APPLICANT); OR
2. **DENY** REQUEST FOR (1) (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR THE REPLACEMENT OF AN EXISTING PRIVACY FENCE; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR THE REPLACEMENT OF AN EXISTING PRIVACY FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ADRIANNE HETZEL, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

|                            |   |   |
|----------------------------|---|---|
| <b>GENERAL INFORMATION</b> | APPLICANT:<br>LOCATION:<br>ZONING:  | ADRIANNE HETZEL<br>600 AVENUE E<br>R-1A (SINGLE-FAMILY DWELLING DISTRICT) |
| <b>BACKGROUND/ REQUEST</b> | <ul style="list-style-type: none"> <li>• THE APPLICANT WISHES TO REPLACE AN EXISTING PRIVACY WOOD FENCE, WHICH IS LOCATED ALONG THE PROPERTY LINES OF A CORNER LOT.</li> <li>• AS SHOWN ON THE SUBMITTED SITE PLAN, THE PROPOSED FENCE WOULD BEYOND THE FRONT OF THE EXISTING HOME ALONG BOTH EAST 6<sup>TH</sup> STREET AND AVENUE E, WHICH EXPLAINS THE REQUEST.</li> <li>• THE SUBJECT PROPERTY IS LOCATED IN THE NORTH</li> </ul> |   |

|                             |   |
|-----------------------------|---|
|                             | <p>CHULUOTA PLAT IN WHICH A MINIMUM OF 25 FEET SEPARATES THE EDGE OF PAVEMENT FROM THE ABUTTING PROPERTY LINES.</p> <ul style="list-style-type: none"><li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li></ul>  |
| <b>STAFF FINDINGS</b>       | <p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"><li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR EXISTING/PROPOSED FENCE SECTIONS HAVE BEEN DEMONSTRATED BY THE APPLICANT.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE, AS THE FENCE COULD BE ERECTED TO COMPLY WITH APPLICABLE SETBACKS.</li><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT.</li></ul> |
| <b>STAFF RECOMMENDATION</b> | <p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED PRIVACY FENCE AS DEPICTED ON THE ATTACHED SITE PLAN;</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>  |



**COPY**

APPL. NO. BV2004-096

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

- VARIANCE** SIDE (NORTH) YARD SETBACK VARIANCE  
FROM 25' TO 0' FOR FENCE REPLACEMENT
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING**  **PROPOSED**  **REPLACEMENT**
- MOBILE HOME IS FOR \_\_\_\_\_
- YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

|         | PROPERTY OWNER                 | AUTHORIZED AGENT * |
|---------|--------------------------------|--------------------|
| NAME    | ADRIANNE HETZEL                |                    |
| ADDRESS | 600 AVE E<br>CHULUOTA FL 32766 |                    |
| PHONE 1 | 407-971-1522 HOME              |                    |
| PHONE 2 | 407-365-6204                   |                    |
| E-MAIL  |                                |                    |

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: SAME AS ABOVE

CURRENT USE OF PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: See Attached

SIZE OF PROPERTY: 75.150 acre(s) PARCEL I.D. 21-21-32-5CF-4800-0080

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO CALL

This request will be considered at the Board of Adjustment regular meeting on JULY 26 6 PM (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Adrienne Hetzel  
 SIGNATURE OF OWNER OR AGENT\*

5-12-04  
 DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

FRONT YARD SET BACK VARIANCE FROM 25'  
TO 0' FOR FENCE REPLACEMENT

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

|         | PROPERTY OWNER | AUTHORIZED AGENT * |
|---------|----------------|--------------------|
| NAME    |                |                    |
| ADDRESS |                |                    |
| PHONE 1 |                |                    |
| PHONE 2 |                |                    |
| E-MAIL  |                |                    |

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$200 COMMISSION DISTRICT 1 FLU ZONING LDR / RA-A

LOCATION FURTHER DESCRIBED AS ON THE SE CORNER OF  
E. 6TH ST AND AVENUE E

PLANNER VB

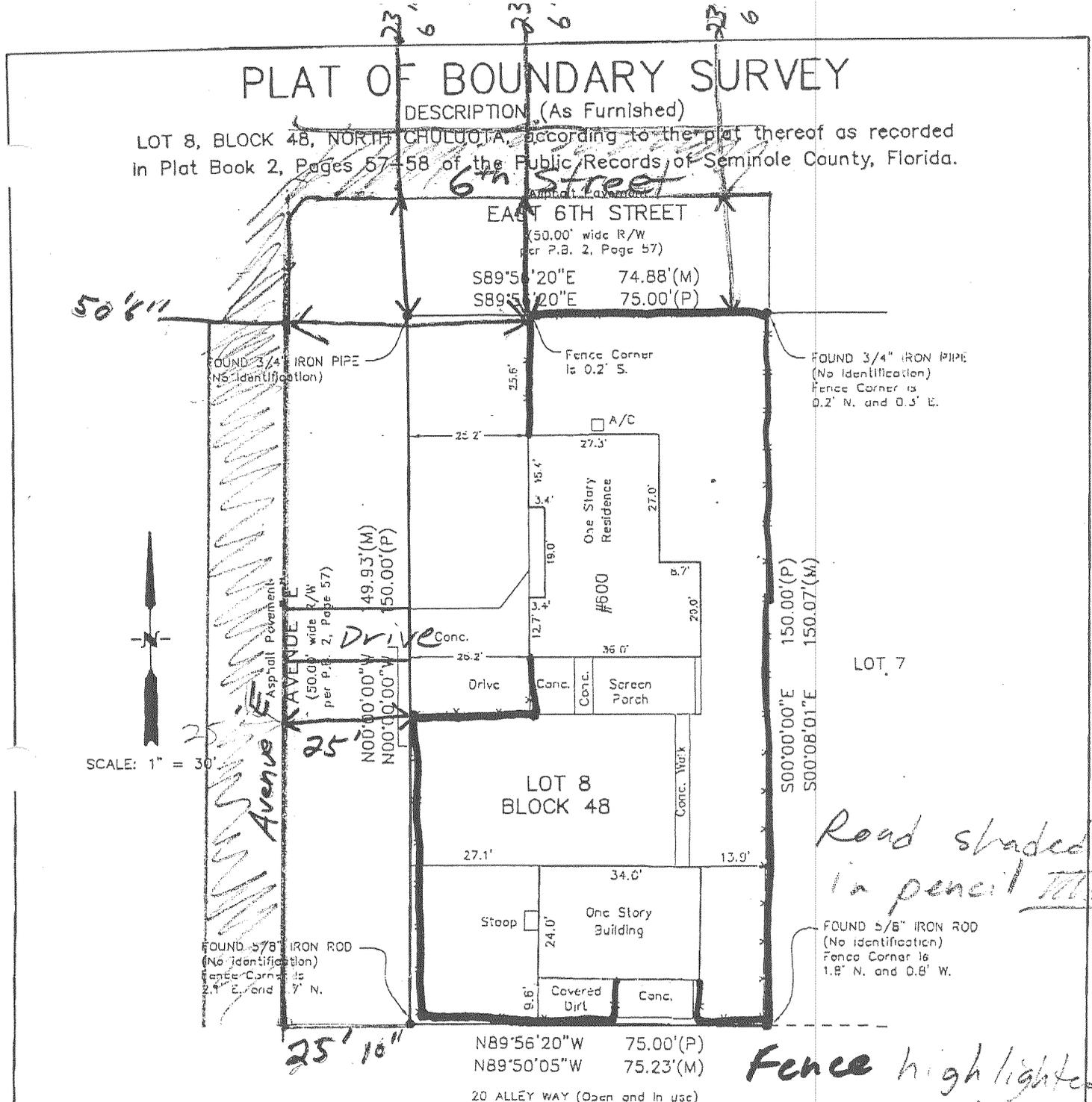
DATE 5/12/04

SUFFICIENCY COMMENTS \_\_\_\_\_

# PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 8, BLOCK 48, NORTH CHULLUOTA according to the plat thereof as recorded in Plat Book 2, Pages 57-58 of the Public Records of Seminole County, Florida.



Road shaded in pencil

Fence highlighted in red

Road & dimensions not to exact scale

dimensions shown exact measurement

CERTIFIED TO:  
ADRIANNE HETZEL  
TITLE CORP OF FLORIDA  
FLAGSTAR BANK, FSB

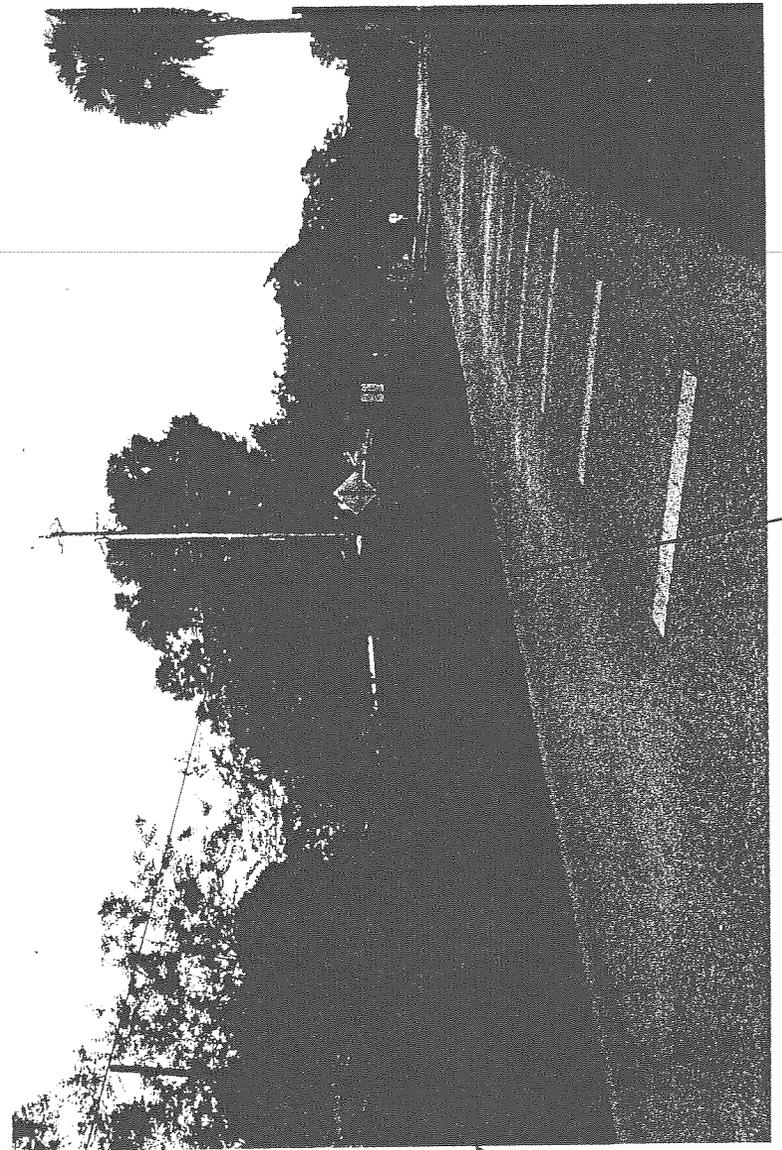
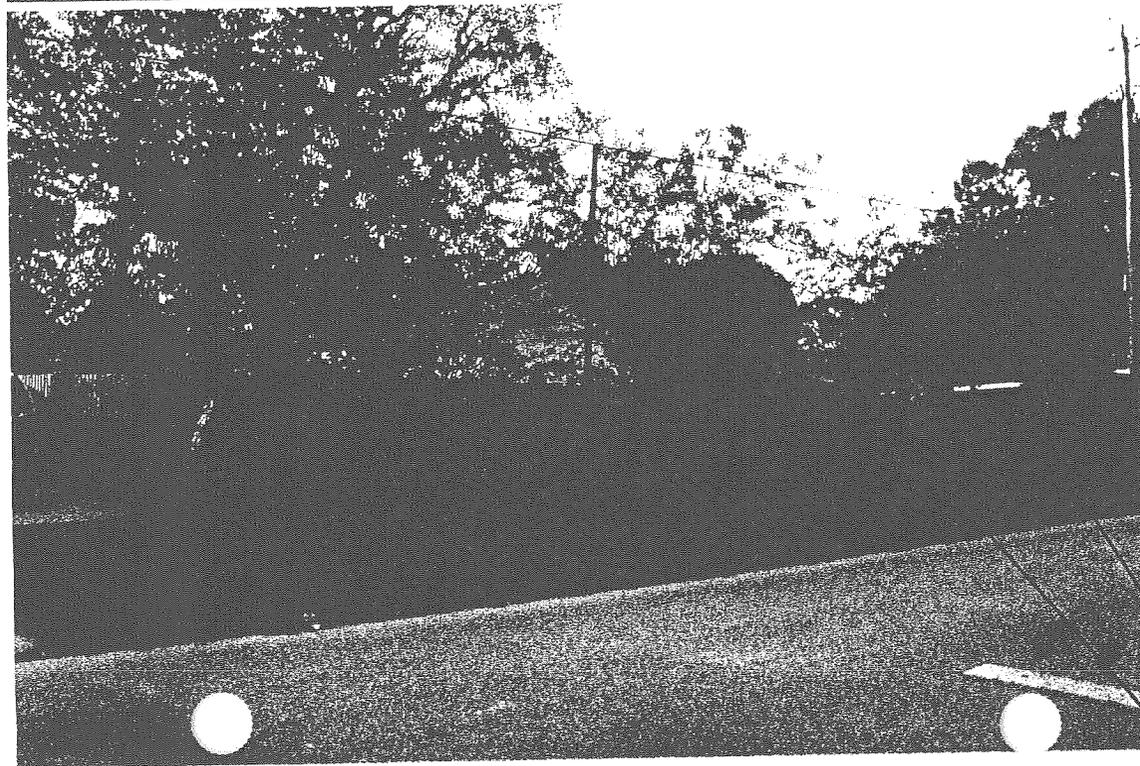
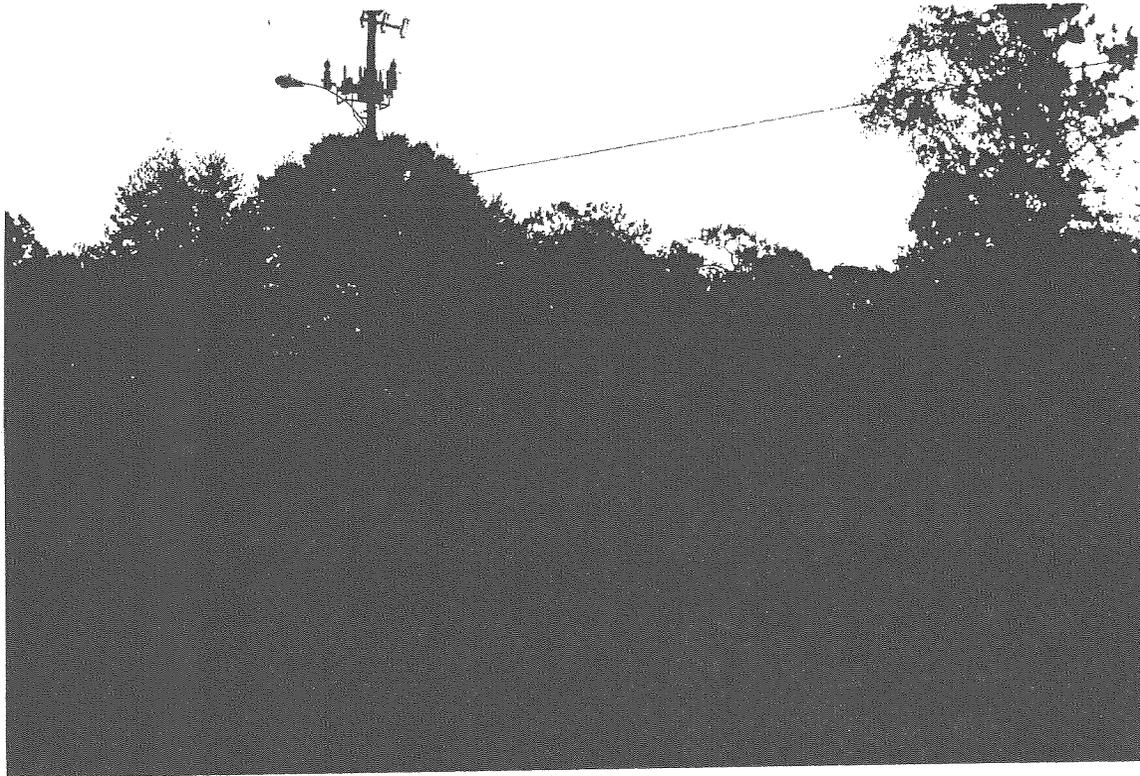
NOTE:  
NO EASEMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.  
NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY OR THOSE OF ADJOINING LANDS HAVE BEEN PROVIDED. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Seminole County, Florida, Community Panel Number 120289/12117C 01/D E, dated April 17, 1995 it appears from a scaling of said map that the land described hereon is shown to be within "ZONE X" (Areas determined to be outside 500-year floodplain). Said map is not a survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

- This Plat represents a Boundary Survey of the description as furnished Harrison Surveying and Mapping, Inc. per client's instruction and makes no claims regarding ownership or rights of possession.
- Bearings shown hereon are based on the West line of Lot 8, Block 48, TOWNSITE OF NORTH CHULLUOTA, Plat Book 2, Page 58 as S 00°00'00" W (per plat).

| REVISIONS AND ADDITIONS |  |
|-------------------------|--|
|                         |  |
|                         |  |
|                         |  |

| LEGEND: |                            |
|---------|----------------------------|
| P.C.    | Point of Curvature         |
| P.R.C.  | Point of Reverse Curve     |
| P.T.    | Point of Tangency          |
| P.B.    | Plat Book                  |
| pg.(s)  | Page(s)                    |
| Conc.   | Concrete                   |
| C.L.F.  | Chain Link Fence           |
| A/C     | Air Condition              |
| D.E.    | Drainage Easement          |
| S.E.    | Sidewalk Easement          |
| CHUL    | Overhead Utility Line(s)   |
| O.R.B.  | Official Records Book      |
| Δ       | Delta (Intersection Angle) |



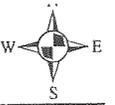
CORNER OF NEIGHBOR'S FENCE

NEIGHBOR'S FENCE BEGINS

FENCE UNDER VARIANCE (ADRIANNE HETZEL'S FENCE)

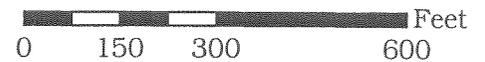


# Adrienne Hetzel 600 Avenue E



Parcel: 21-21-32-5CF-4800-0080 / District: 1

**BV2004-096**  
**July, 2004**



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK 48 NORTH CHULUOTA PB 2 PGS 54 TO 58

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owners:** ADRIANNE HETZEL  
600 AVENUE E  
CHULUOTA, FL 32766

**Site Address:** 600 AVENUE E

**Requested Development Approval:**

- 1) SIDE STREET (NORTH) SETBACK VARIANCE FROM 25 FEET TO 0 FEET; AND
- (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR A PROPOSED PRIVACY FENCE REPLACEMENT.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

THE VARIANCES GRANTED SHALL APPLY ONLY TO THE REPLACEMENT FENCE, AS DEPICTED ON THE ATTACHED SITE PLAN.

- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: