

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

SUBJECT: REQUEST FOR MAXIMUM FENCE HEIGHT VARIANCE FROM 6.5 FEET TO 8 FEET FOR A PROPOSED WOOD FENCE REPLACEMENT IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (CAMERON GROVE HOMEOWNERS' ASSOCIATION, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 09-27-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MAXIMUM FENCE HEIGHT VARIANCE FROM 6.5 FEET TO 8 FEET FOR A PROPOSED WOOD FENCE REPLACEMENT IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (CAMERON GROVE HOMEOWNERS' ASSOCIATION, APPLICANT); OR
2. **DENY** REQUEST FOR MAXIMUM FENCE HEIGHT VARIANCE FROM 6.5 FEET TO 8 FEET FOR A PROPOSED WOOD FENCE REPLACEMENT IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (CAMERON GROVE HOMEOWNERS' ASSOCIATION, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	CAMERON GROVE HOMEOWNERS' ASSOC. PO BOX 160580 ALTAMONTE SPRINGS, FL 32716-0580 R-1BB (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO REPLACE AN EXISTING 6.5 FOOT WOOD FENCE WITH AN 8 FOOT WOOD FENCE. • THE FINISHED FLOOR ELEVATIONS OF THE HOUSES ON THE ADJACENT SUBDIVISION (BALLENTYNE) TO THE WEST ARE APPROXIMATELY 2.5 FEET HIGHER THAN THOSE OF THE HOUSES IN THE CAMERON GROVE SUBDIVISION. 	
STAFF FINDINGS	THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:	

	<ul style="list-style-type: none">• DUE TO THE TOPOGRAPHY OF THE AREA, THE HOMES ALONG THE WESTERN BOUNDARY OF THE CAMERON GROVE SUBDIVISION ARE APPROXIMATELY 2.5 FEET LOWER THAN THE ABUTTING HOMES TO THE WEST IN THE BALLENTYNE SUBDIVISION.• THE ELEVATIONAL DIFFERENCES BETWEEN THE TWO SUBDIVISIONS CONSTITUTE A SPECIAL CIRCUMSTANCE APPLICABLE TO THE PROPERTIES ABUTTING THE BALLENTYNE SUBDIVISION.• THE SPECIAL CIRCUMSTANCE DESCRIBED DID NOT RESULT FROM THE APPLICANT'S ACTIONS.• THE EFFECTIVENESS OF A 6 FOOT TALL PRIVACY FENCE IS DIMINISHED FOR THESE HOMES.• THE APPLICATION OF THE MAXIMUM FENCE HEIGHT STANDARD WOULD DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE CAMERON GROVE PUD.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED FENCE REPLACEMENT AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

VARIANCE APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

COPY

0 5 2004

APPLICANT: Cameron Grove Homeowner's Association
COMPLETE MAILING ADDRESS: PO Box 160580 Altamonte Springs, FL 32716-0580
PHONE: WORK: 407-862-2292 HOME: Ext.10 FAX: 407-862-1819
CELL PHONE: Email: mk@markmgmt.com
PROPERTY OWNER OF RECORD: Cameron Grove Homeowner's Association
SITE OF REQUEST: Between Cameron Grove & Ballentyne Subdivisions
STATEMENT OF HARDSHIP:

REQUEST: Replace the existing wooden fence with an 8' wooden fence. Subdivision behind is built up so much higher than ours.

LEGAL DESCRIPTION OF PROPERTY: Cameron Grove, A Replat of Lot 34 & part of Lot 35 McNeil's Orange Villa, recorded in Plat Book 2, Pages 99 thru 101 Section 17, Township 21 South, Range 29 East Seminole County, Florida
TAX PARCEL ID NO. 59-3529275

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY:

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: [Handwritten Signature] DATE: 8/4/04

FOR OFFICE USE ONLY
FEE: 150.00 CK# RECEIPT# DATE ZONING DISTRICT:
FURTHER DESCRIBED AS: LOT SIZE:
PROCESSING:
A. LEGAL AD TO NEWSPAPER B. NOTICE TO PROPERTY OWNERS
C. PLACARDS / NOTICE D. PROJECT NO.
E. BOARD ACTION / DATE F. LETTER TO APPLICANT
G. PUD SETBACKS

New application in its way

INITIAL CONFERENCE BCC DISTRICT
PLANNER FILE NO. BV 2004-138

MEETING DATE September 27, 2004



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV 2004-138

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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

VARIANCE Replace existing wooden fence with an 8' wooden fence.

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	Cameron Grove Homeowner s Assn.	Meridythe Kanaga
ADDRESS	PO Box 160580	
	Altamonte Springs, FL	32716-0580
PHONE 1	407-862-2292 Ext. 10	
PHONE 2	FAX: 407-862-1819	
E-MAIL	mk@markmgmt.com	

PROJECT NAME: Cameron Grove

SITE ADDRESS: Between Cameron Grove and Ballentyne Subdivisions

CURRENT USE OF PROPERTY: Fence

LEGAL DESCRIPTION: Cameron Grove, A Replat of Lot 34 & part of Lot 35
McNeil's Orange Villa, recorded in Plat Book 2, Pages 99 thru 101 Section 17,
Township 21

SIZE OF PROPERTY: acre(s) PARCEL I.D. 59-3529275
South, Range 29
East

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____
Seminole County
Florida

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on September 27, 2004 (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.

Meridythe Kanaga
 SIGNATURE OF OWNER OR AGENT*

8/17/04
 DATE

I:\projects\boa\master forms & lists\boa applications\boa application.doc

RECEIVED

No. 14

Sheet 2 of 3

PLAT BOOK 53

Sheet 3 of 3

PLAT BOOK

53 PAGE 86

CAMERON GROVE

A Replat of Lot 34 and a part of Lot 35

McNEIL'S ORANGE VILLA, recorded in Plat Book 2, Pages 99 thru 101

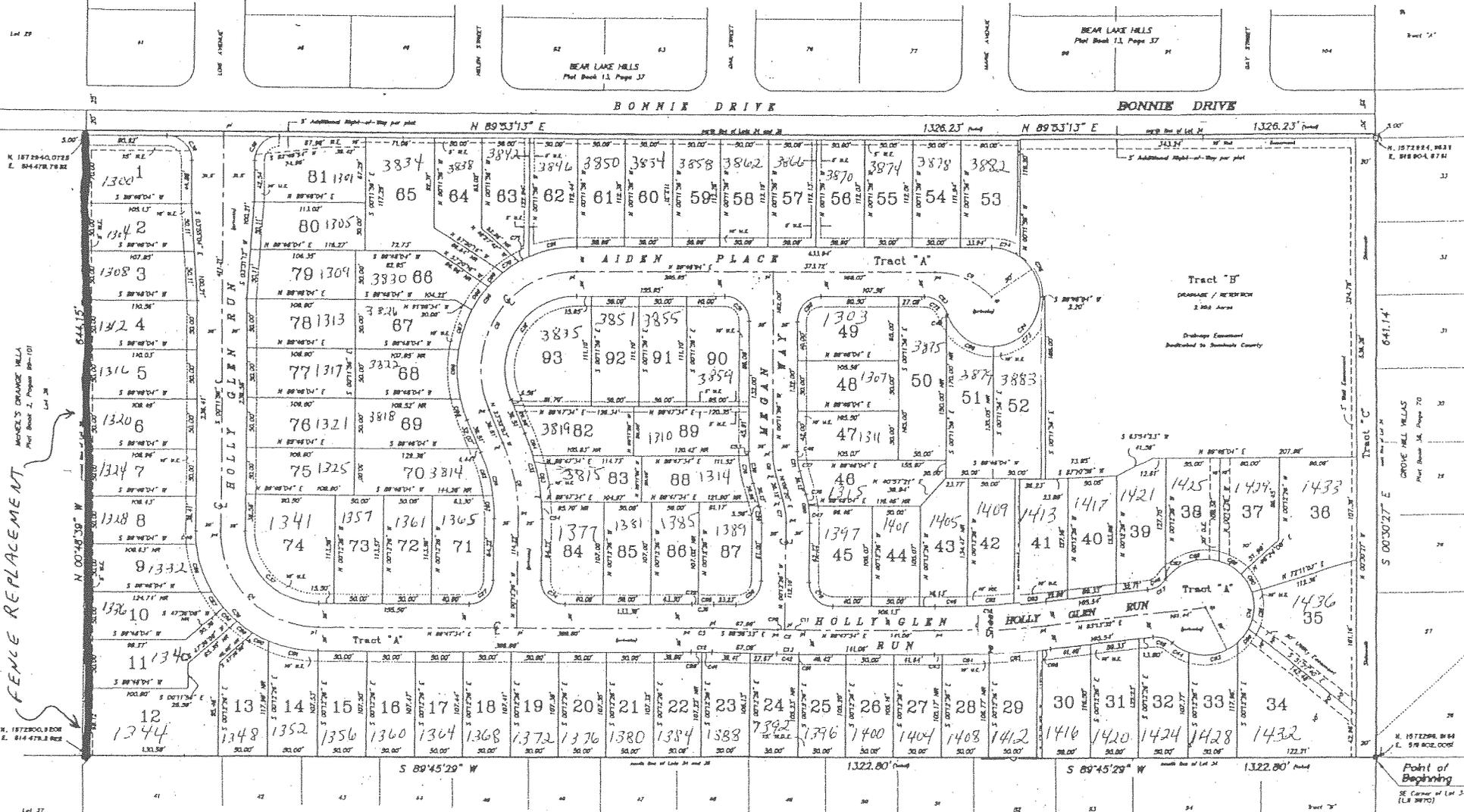
SECTION 17, TOWNSHIP 21 SOUTH, RANGE 29 EAST SEMINOLE COUNTY, FLORIDA

LEGEND

- INDICATES PERMANENT CONTROL POINT (C.P.) SET NAIL & BRASS PLATE
- INDICATES PERMANENT REFERENCE INTERSECTION POINT (R.I.P.) CONCRETE MONUMENT ALL PLACES
- INDICATES FORM "C" CONCRETE MONUMENT (see notes)
- LINKS ARE BRASS UNLESS OTHERWISE SHOWN
- INDICATES ELEVATION
- INDICATES WALL ELEVATION
- INDICATES MOORE OR LESS
- INDICATES POINT OF BEGINNING
- INDICATES POINT OF CURVE BEGINS
- INDICATES POINT OF REVERSE CURVE BEGINS
- INDICATES RADIAL POINT
- INDICATES RADIUS OF CURVE
- INDICATES RADIUS OF ADJACENT
- INDICATES NON-RADIUS
- INDICATES POINT OF LINE
- INDICATES POINT OF INTERSECTION
- INDICATES RIGHT-OF-WAY
- INDICATES CORNER

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- INDICATES NON-RADIUS
- INDICATES POINT OF LINE
- INDICATES POINT OF INTERSECTION
- INDICATES RIGHT-OF-WAY
- INDICATES CORNER



FENCE REPLACEMENT

N. 187280.00' E. 814.478.78' BEC

N. 187280.00' E. 814.478.78' BEC

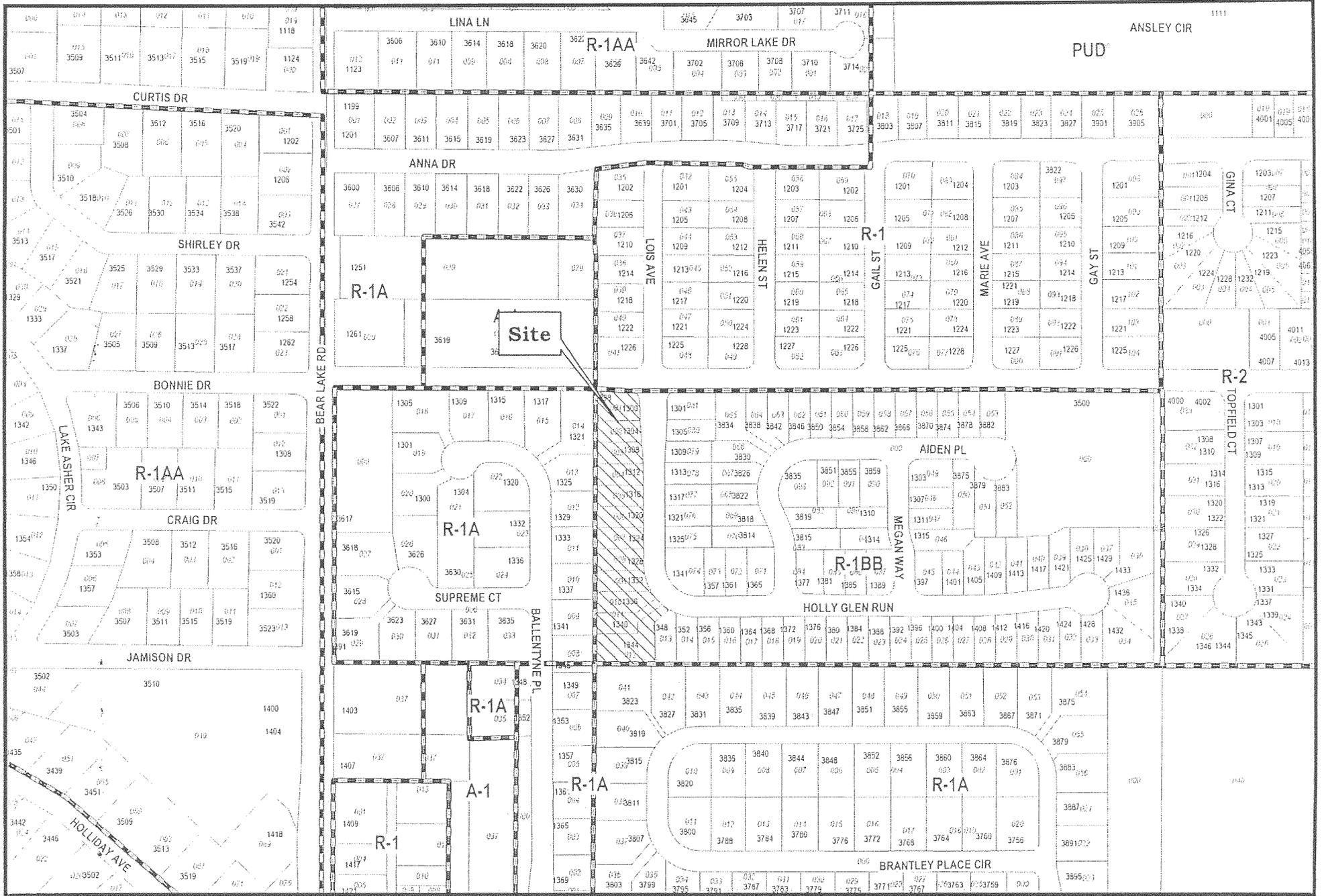
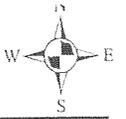
Coordinates above of R.A.M. a registered
State Plane Coordinates and were filed
in Seminole County Horizontal Control
Point: AZMK-9/Medicago and SP8-9

AZMK-9/Medicago N. 1,894,044.224
E. 519,427.219
(1" round scale, mark
with brass disk)

SP8-9 N. 1,898,396.544
E. 516,474.202
(1" round scale, mark
with brass disk)

Lot 34
McNEIL'S ORANGE VILLA
Plat Book 2, Pages 99-101

Ameron Grove Homeowner's Asso. Holly Glen Run



BV2004-138 0 150 300 600 Feet

Parcel 17-21-29-531-0000-0000 / District 3

September 2004

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 1 - 12 CAMERON GROVE PB 53 PGS 85 THRU 87

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

FINDINGS OF FACT

Property Owner: CAMERON GROVE HOMEOWNERS ASSOCIATION
P.O. BOX 160580
ALTAMONTE SPRINGS, FL 32716

Project Name: CAMERON GROVE SUBDIVISION

Requested Development Approval:

1. MAXIMUM FENCE HEIGHT VARIANCE FROM 6.5 FEET TO 8 FEET FOR A PROPOSED WOOD FENCE REPLACEMENT IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT).

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: Francisco Torregrosa, Planner
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:

1. The variance granted will apply only to the proposed wood fence replacement 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 _____ 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: