

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR FENCE HEIGHT VARIANCE FROM 6.5 FT TO 8 FT FOR A PROPOSED PRIVACY FENCE IN THE R-1AA (SINGLE FAMILY DWELLING DISTRICT); (TODD HARTLEY, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Jason Showe EXT. 7398

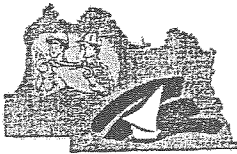
Agenda Date 10-25-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR FENCE HEIGHT VARIANCE FROM 6.5 FT TO 8 FT FOR A PROPOSED PRIVACY FENCE IN THE R-1AA (SINGLE FAMILY DWELLING DISTRICT); (TODD HARTLEY, APPLICANT); OR
2. **DENY** THE REQUEST FOR FENCE HEIGHT VARIANCE FROM 6.5 FT TO 8 FT FOR A PROPOSED PRIVACY FENCE IN THE R-1AA (SINGLE FAMILY DWELLING DISTRICT); (TODD HARTLEY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	TODD HARTLEY, APPLICANT 1136 TUSKAWILLA POINT EAST WINTER SPRINGS, FL 32779	R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO INSTALL AN 8 FOOT DECORATIVE PRIVACY FENCE THAT WOULD BE 1.5 FT TALLER THAN THE MAXIMUM HEIGHT PERMITTED BY THE LAND DEVELOPMENT CODE. • ELEVATIONAL DRAWINGS FROM THE ORIGINAL PLANS SHOW AN ELEVATION DROP FROM THE PROPERTY'S STREET FRONTAGE (38.4 FEET) TO THE REAR OF THE PROPERTY (36.0 FEET). • A FENCE HEIGHT VARIANCE FROM 6.5 FT TO 8 FT IS THEREBY REQUESTED. 	
STAFF FINDINGS	<p>THE APPLICANT HAS SATISFIED THE STANDARDS FOR THE GRANTING OF THE REQUESTED VARIANCE AS FOLLOWS:</p> <ul style="list-style-type: none"> • THE REAR AND SIDE YARDS OF THE SUBJECT PROPERTY SLOPE DOWNWARD TOWARD THE NORTH, WHICH HAS REDUCED THE EFFECTIVENESS OF A 6.5 FT TALL FENCE TO PROVIDE PRIVACY ALONG THE REAR AND SIDE PORTIONS OF THE LOT. THE DIFFERENCE IN 	

	<p>ELEVATION BETWEEN THE HOME'S FINISHED FLOOR ELEVATION (39.4 FEET) AND THE LOWEST EDGE OF THE REAR YARD (36.0 FEET) APPEARS TO SUPPORT THE AMOUNT OF VARIANCE REQUESTED (1.5 FT). THIS IS A SPECIAL CIRCUMSTANCE UNIQUE TO THE TOPOGRAPHY OF THE SUBJECT PROPERTY.</p> <ul style="list-style-type: none">• THE SPECIAL CIRCUMSTANCES DESCRIBED DID NOT RESULT FROM THE APPLICANT'S ACTIONS.• THE GRANT OF THE REQUESTED VARIANCE WOULD NOT CONFER SPECIAL PRIVILEGES TO THE APPLICANT.• THE APPLICATION OF THE MAXIMUM FENCE HEIGHT STANDARD WOULD DEPRIVE THE APPLICANT OF BASIC PRIVACY RIGHTS COMMONLY ENJOYED BY NEIGHBORING PROPERTIES.• THE REQUESTED VARIANCE IS THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY.• THE REQUESTED VARIANCE WOULD BE CONSISTENT WITH THE GENERAL INTENT AND PURPOSE OF THE LAND DEVELOPMENT CODE AND THEREFORE NON-INJUROUS TO THE PUBLIC WELFARE.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none">• STAFF RECOMMENDS APPROVAL OF THE REQUEST BASED ON THE FINDINGS STATED IN THIS REPORT, SUBJECT TO THE FOLLOWING CONDITIONS:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE FENCE AS DEPICTED ON THE ATTACHED SITE PLAN; AND○ THE PROPOSED FENCE SHALL ALLOW FOR DRAINAGE TO THE NORTH; AND○ ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7388 FAX

COPY APP NO: BV 2004-146

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** FENCE HEIGHT FROM 6' TO 8'
- 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**

RECEIVED

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>TODD HARTLEY</u>	
ADDRESS	<u>1136 TUSKAWILLA POINT EAST WINTER SPRINGS, FL</u>	
PHONE 1	<u>407-673-3737</u>	
PHONE 2	<u>407-673-4432</u>	
E-MAIL	<u>THARTLEY2@CFL.RR.COM</u>	

PROJECT NAME: PERSONAL RESIDENCE PERIMETER PRIVACY FENCE

SITE ADDRESS: 1136 TUSKAWILLA POINT EAST, WINTER SPRINGS, FL

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: LOT 7 EAGLES POINT PH2 PB48 PGS 66 THRU 68

SIZE OF PROPERTY: .25 acre(s) PARCEL I.D. 24-21-30-513-0000-0070

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 10-25-04 (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.

Todd Hartley SIGNATURE OF OWNER OR AGENT* 9/16/04 DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

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

NATURE OF THE APPEAL _____

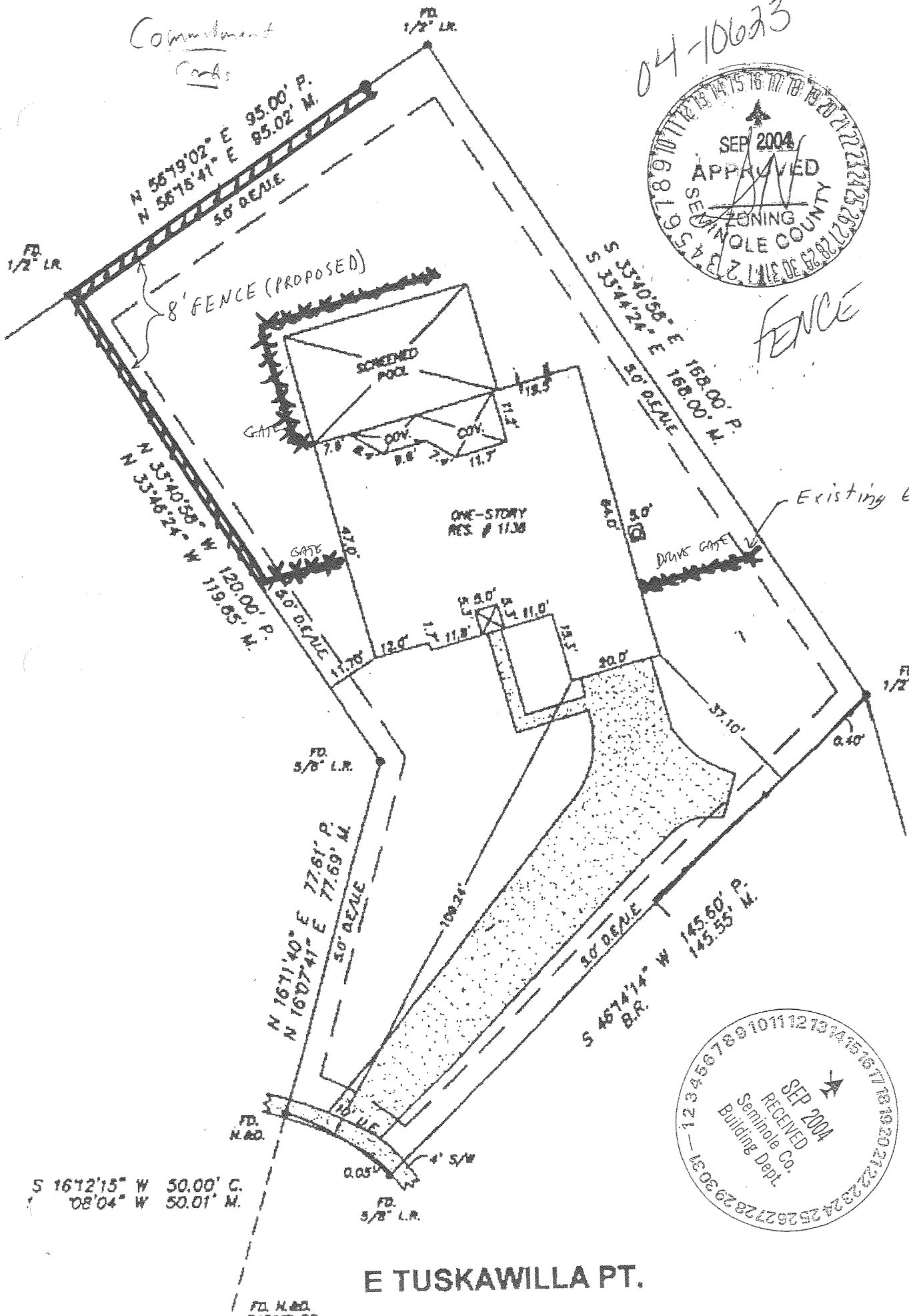
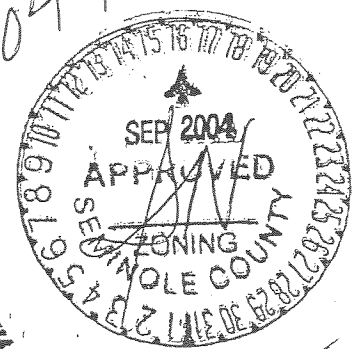
_____ SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
 FEE: 196.00 COMMISSION DISTRICT 2 FLU/ZONING R-1AA ^{LDR}
 BCC HEARING DATE 10/25/04
 LOCATION FURTHER DESCRIBED AS on the N side of E. Tuskawilla Point
approx. 200' E. of Black Walnut Ct.
 PLANNER JV DATE 9/16/04
 SUFFICIENCY COMMENTS _____

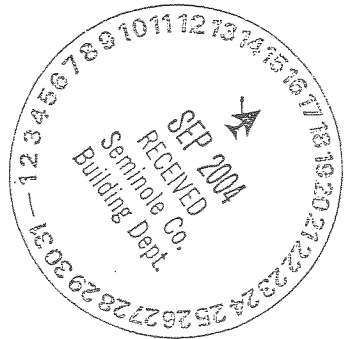
Commitment
Cards

04-10673




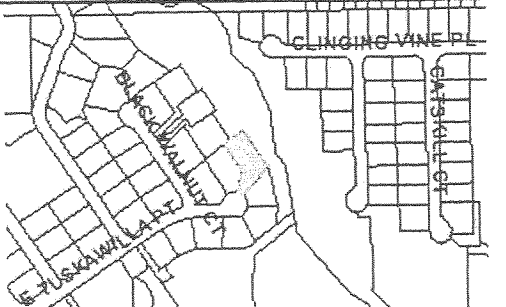

FENCE

Existing 6' fence

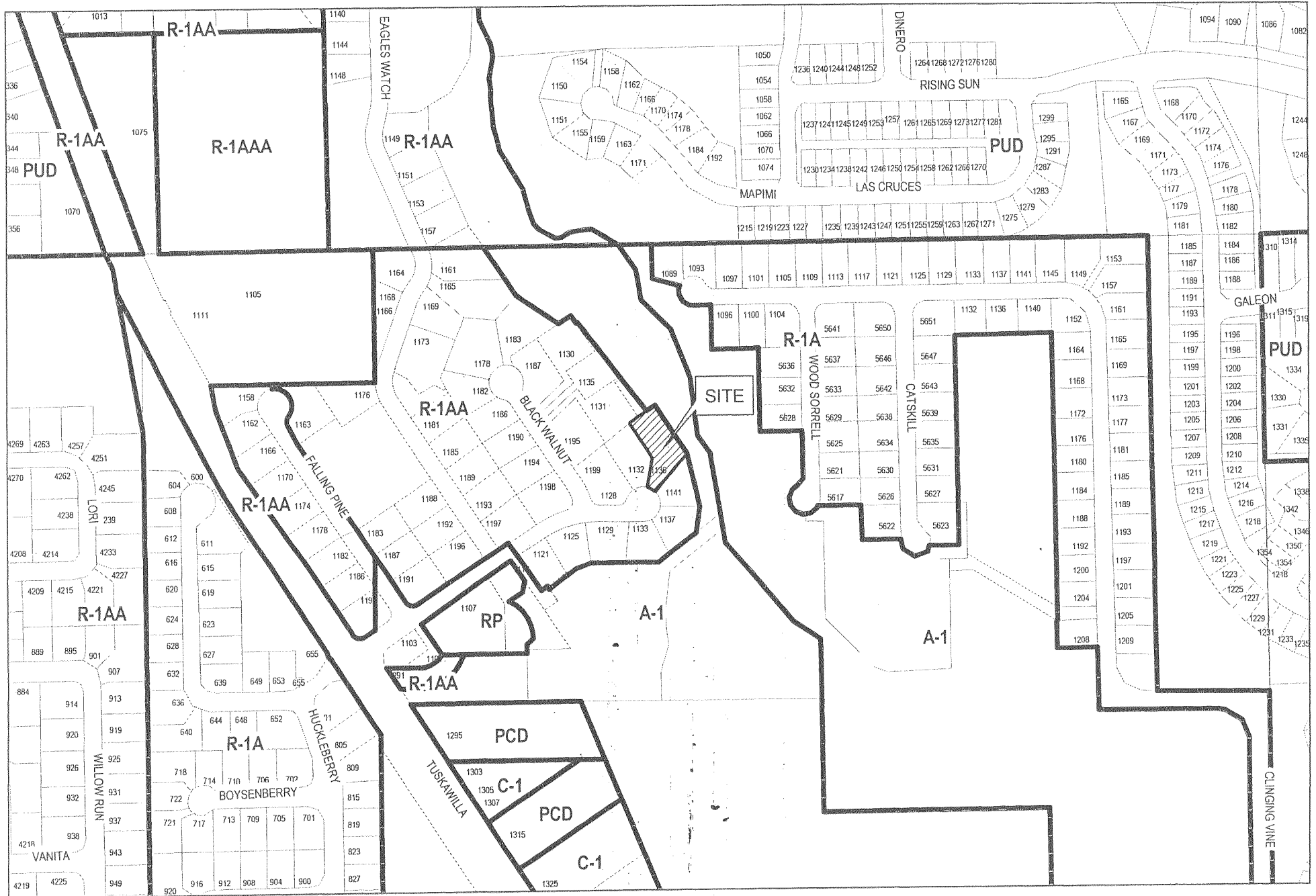


E TUSKAWILLA PT.

Propri...

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																																																		
 <p> Seminole County <i>Property Appraiser Services</i> 1101 E. First St. Sanford FL 32771 407-605-7506 </p>																																																							
<p align="center">GENERAL</p> <p> Parcel Id: 24-21-30-513-0000-0070 Tax District: 01-TX DIST 1 - COUNTY Owner: HARTLEY TODD C & SALLY A Exemptions: 00-HOMESTEAD Address: 1136 E TUSKAWILLA PT City,State,ZipCode: WINTER SPRINGS FL 32708 Property Address: 1136 TUSKAWILLA POINT E WINTER SPRINGS 32708 Subdivision Name: EAGLES POINT PH 2 Dor: 01-SINGLE FAMILY </p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$186,080 Depreciated EXFT Value: \$17,526 Land Value (Market): \$48,000 Land Value Ag: \$0 Just/Market Value: \$251,606 Assessed Value (SOH): \$211,342 Exempt Value: \$25,000 Taxable Value: \$186,342 </p> <p align="center">2004 Notice of Proposed Property Tax</p>																																																				
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																							

Todd Hartley
1136 E Tuskawilla Pt



North
Property
Line



West side of
Property
Facing North



Proposed fence for 1136 Tuskawilla Point East:

1) Would like to build as soon as possible:
Inner privacy fence around pool and two sections
at front of house, shown in red on attached diagram.
1/2" by 6" by 6 feet tall, board on board cypress,
sealed and stained a maple color,
with posts of pressure treated pine 4" by 4" 2 feet deep
and anchored in concrete. Gate posts 4 ft deep.

2) Will also be applying separately for a fence height
variance of 8 ft for an outer fence shown with
cross-hatching, to be built later from 1" by 6" p.t. pine.
Height requested due to a 2 foot deep swale where fence
would rest between my house and both adjoining properties.
If variance not granted, this outer fence would be
6 ft tall instead. It would also be sealed and stained a maple color.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 25, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 7 EAGLES POINT PH 2 PB 48 PGS 66 THRU 68

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

FINDINGS OF FACT

Property Owner: TODD HARTLEY
1136 E TUSKAWILLA POINT
WINTER SPRINGS, FL 32708

Project Name: EAST TUSKAWILLA POINT (1136)

Requested Development Approval:

FENCE HEIGHT VARIANCE FROM 6.5 FT TO 8 FT

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: Jason Showe, 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:
 - a) The variance granted will apply only to the proposed fence as shown on the attached site plan and elevation drawings
 - b) The proposed fence shall allow for drainage to the north
- (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: