

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

SUBJECT: Request for side street setback from 25 feet to 12 feet for a proposed fence in the R-1A (Single Family Dwelling District); (Jeffrey & Kristine Kugler, applicants).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 03-27-06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for side street setback from 25 feet to 12 feet for a proposed fence in the R-1A (Single Family Dwelling District); (Jeffrey & Kristine Kugler, applicants).
2. **DENY** the request for side street setback from 25 feet to 12 feet for a proposed fence in the R-1A (Single Family Dwelling District); (Jeffrey & Kristine Kugler, applicants).
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Property Owners: Jeffrey & Kristine Kugler Location: 1518 Thornhill Circle Zoning: R-1A (Cobblestone)
BACKGROUND REQUEST	/ <ul style="list-style-type: none"> • The applicant proposes to construct a privacy fence that would encroach 13 feet into the 25 foot side street setback. • The previous owner was denied a side street setback from 25 feet to 10 feet from the Board of Adjustment. • The Cobblestone development has two variances granted for side street setbacks for fences from 25 feet to 15 feet.
STAFF FINDINGS	<ul style="list-style-type: none"> • The applicant would retain reasonable use of their property without the granting of the variance. • The granting of the side street setback would grant the applicant special privileges that are denied to others in Cobblestone neighborhood. This would be the first variance granted in Cobblestone neighborhood for a side street setback for less than 15 feet.

STAFF RECOMMENDATION	Based on the stated findings staff recommends denial of the request, subject to the following conditions: <ol style="list-style-type: none">1. Any variance granted should apply only to the proposed fence, as depicted on the attached site plan.2. Any additional conditions deemed appropriate, based on information presented at the public hearing.
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COPY

01-26-06P12:50 PCVD
 APPL. NO. BU 2006-023

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** side street setback VARIANCE from 25 ft. to 12 ft for AN proposed fence
- SPECIAL EXCEPTION**
- LIMITED USE**

- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED _____

- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Jeffrey & Kristine Kugler</u>	
ADDRESS	<u>1518 Thorn hill Circle</u>	
	<u>Oviedo FL 32765</u>	
PHONE 1	<u>407/310-5423</u>	
PHONE 2	<u>914/563-6289</u>	
E-MAIL	<u>KKugs66@hotmail.com</u>	

PROJECT NAME: _____

SITE ADDRESS: 1518 Thorn hill Circle Oviedo FL 32765

CURRENT USE OF PROPERTY: residence

LEGAL DESCRIPTION: Leg Lot 18 Cobblestone PB 40 PGS 23 & 24

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 19-21-31-509-0000-0180

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS none

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 03, 27, 06 (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.

Kristine Kugler
 SIGNATURE OF OWNER OR AGENT*

01/26/2006
 DATE

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 150.00

COMMISSION DISTRICT

FLU/ZONING

R-1A/LOR

BCC HEARING DATE

(FOR APPEAL)

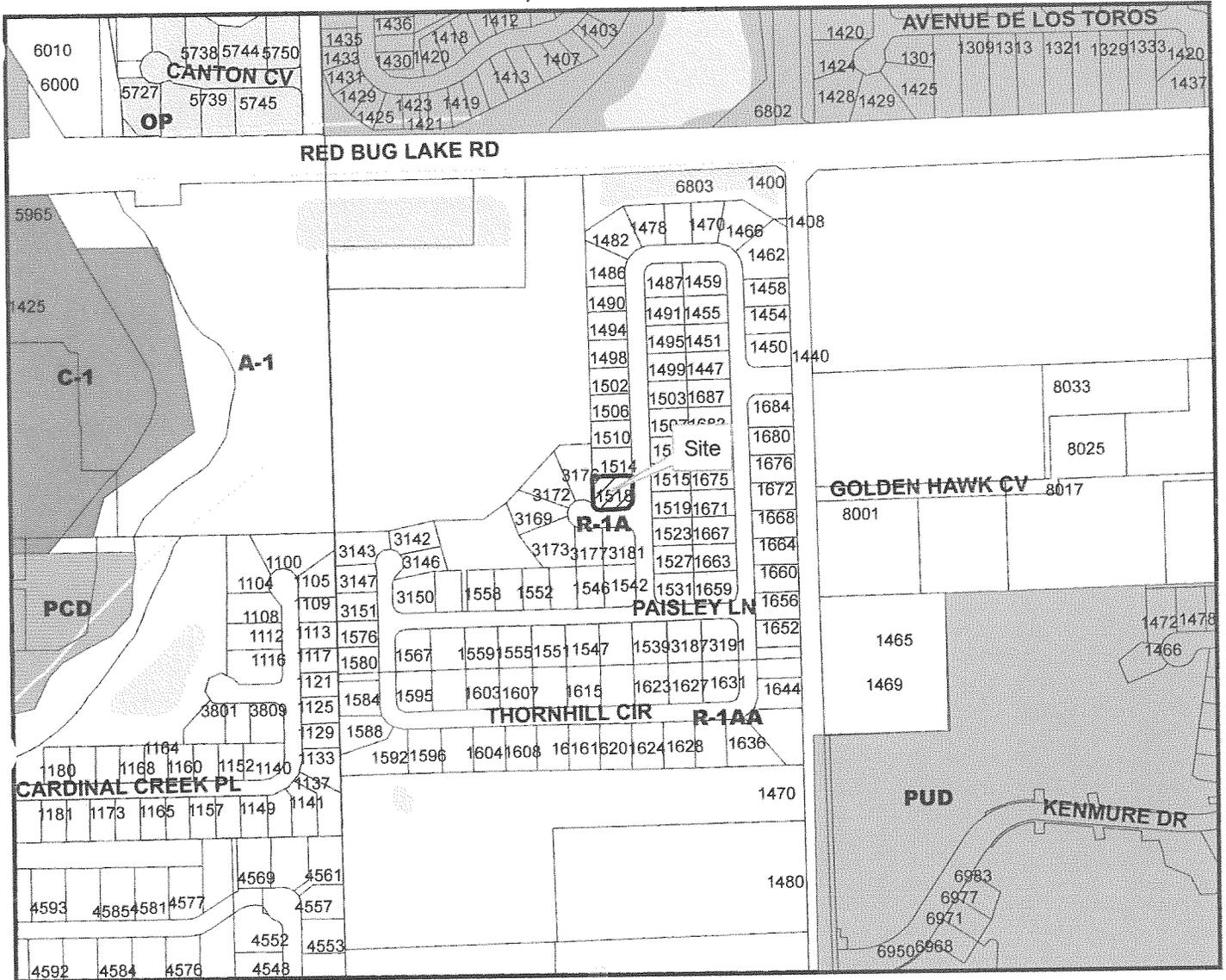
LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

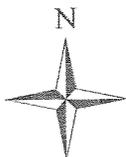
Kristine & Jeffrey Kugler
 1518 Thornhill Circle
 Oviedo, Florida 32765



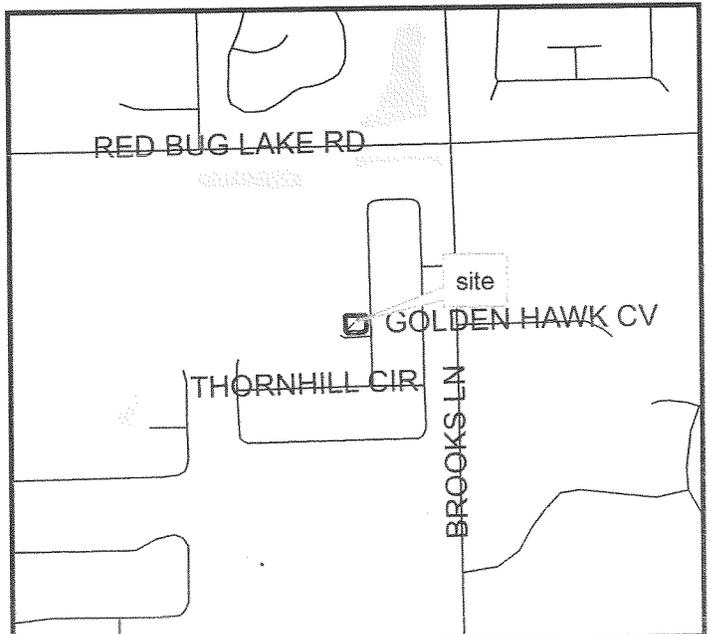
Seminole County Board of Adjustment
 March 27, 2006
 Case: BV2006-023
 Parcel No: 19-21-31-509-0000-0180

Zoning

- | | | | |
|---|------------|---|-----|
|  | BV2006-023 |  | OP |
|  | A-1 |  | C-1 |
|  | R-1AAA |  | PUD |
|  | R-1AA |  | PCD |
|  | R-1A | | |



0 90 180 360 540 720 Feet



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																																															
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 19-21-31-509-0000-0180</p> <p>Owner: KUGLER JEFFREY & KRISTINE D</p> <p>Mailing Address: 32 BAY BERRY BRANCH</p> <p>City,State,ZipCode: CASSELBERRY FL 32707</p> <p>Property Address: 1518 THORNHILL CIR OVIEDO 32765</p> <p>Subdivision Name: COBBLESTONE</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$165,751</p> <p>Depreciated EXFT Value: \$10,883</p> <p>Land Value (Market): \$38,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$214,634</p> <p>Assessed Value (SOH): \$214,634</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$214,634</p> <p>Tax Estimator</p>																																																																													
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JEFF & KRISTINE KUGLER

1518 Thornhill Circle
Oviedo, FL 32765
407/977-3731
407/310-5423 cell

January 27, 2006

Patricia Johnson
Seminole County

Via Fax: 407/665-7385

RE: Application # BV2006-023

Dear Patty:

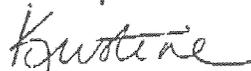
Thank you very much for your help yesterday as I filed our variance request to erect a 6 foot white PVC fence on our property.

As we discussed, I measured from our property line last night and re-drew the fence with notations on the survey. We are willing to work with the zoning department on the measurements so that we will be allowed to erect the fence.

We respectfully request that we be contacted by the person from the zoning department that will be coming to our home to review the site. We would like to meet with this person during that visit so that we may discuss the measurements and what we're trying to accomplish. If our variance isn't viable as submitted, we'd like to determine if there are any alternatives that the zoning department would be comfortable with at that time.

We really appreciate your assistance. Please call if you have any questions on the attached. Thank you.

Sincerely,



Kristine Kugler

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 27, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 18 COBBLESTONE PB 40 PGS 23 & 24

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

FINDINGS OF FACT

Property Owner: JEFFERY & KRISTINE KUGLER
1518 THORNHILL CIRCLE
OVIEDO, FL 32765

Site Address: 1518 THORNHILL CIRCLE

Requested Development Approval:

Request for side street setback from 25 feet to 12 feet for a proposed privacy fence.

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 VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED 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: _____
Tony Walter
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, who is personally known to me and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: