

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 899 Bates Ct – Jeffrey Eckler, applicant; Request for a side street (south) setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

**Agenda Date** 01/28/08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a side street (south) setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development); or
2. **Approve** the request for a side street (south) setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning: Subdivision:	Jeffrey Ecker 899 Bates Ct PUD (Planned Unit Development) Hollowbrook West PH 4
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting a variance for an existing wood privacy fence that is encroaching 10 feet into the required 20-foot side street setback.</li> <li>• In September of 2007, the applicant received a notice of code violation for replacing the existing fence without a permit.</li> <li>• This property received two prior variances; in 1992 a rear yard setback variance was approved from 15 feet to 10 feet for a screen room. In 1996 a rear yard variance was approved from 5 feet to 2 feet and a side street</li> </ul>	

	variance from 20 feet to 12 feet for a pool and screen enclosure.
<b>STAFF FINDINGS</b>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the fence as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

**Support information:**

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2007-150  
Meeting Date 1-28-08



# VARIANCE APPLICATION

## SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED OCT 30 2007

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: JEFFREY ECKER  
Address: 899 BATES COURT City: CASSELBERRY Zip code: 32707  
Project Address: 899 BATES COURT City: CASSELBERRY Zip code: 32707  
Contact number(s): (407) 388-0968  
Email address: \_\_\_\_\_

Is the property available for inspection without an appointment?  Yes  No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>WOOD; 6'</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>20'</u>	Proposed setback:	<u>10'</u>
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Total number of variances requested <u>1</u>				

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Submitted: 10-30-07 Reviewed By: DM  
 Tax parcel number: 23-21-30-519-0000-3070 Zoning/FLU POD/ PD  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)  
 Platted Lot (check easements as shown on lots, in notes or in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

*After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.*

	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<input type="checkbox"/> Please start with a clean survey ( <i>ex: white out old approval stamps</i> )
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07-\_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>JEFFREY ECKER</u>	Name: <u>SHELLY ECKER</u>
Address: <u>899 BATES COURT CASSELBERRY</u>	Address: <u>899 BATES COURT CASSELBERRY</u>
Phone #: <u>(407) 388-0968</u>	Phone #: <u>(407) 388-0968</u>

Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10/30/07  
Date

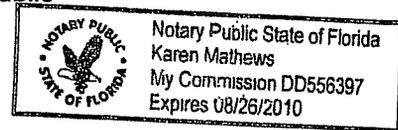
[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 30 day of October, 2007 by \_\_\_\_\_

[Signature] Karen Mathews  
Signature of Notary Public Print, Type or Stamp Name of Notary Public

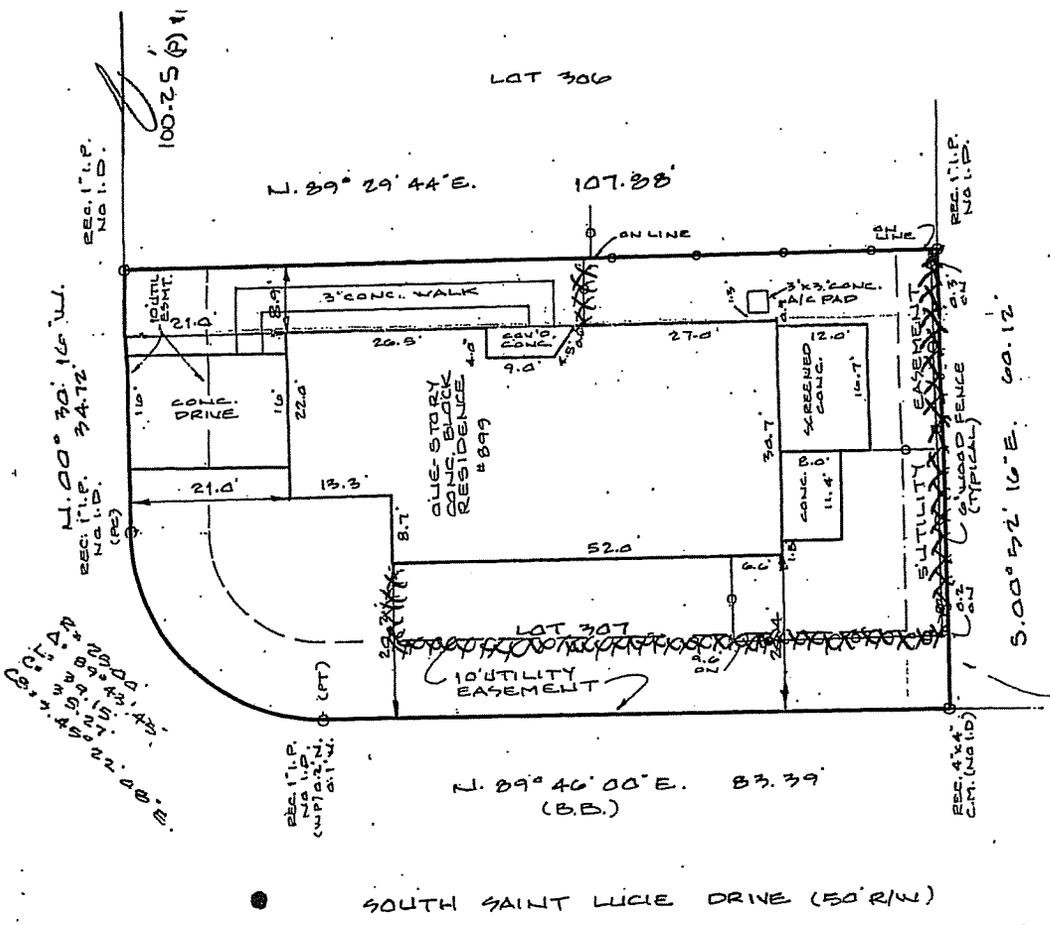
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced FLA Drivers License



**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

PATE'S COURT (50' R/W)



175 FLORIDA POWER CORP. EFM.T.  
 O.R. BOOK 526, PG. 255, 256 &  
 O.R. BOOK 487, PG. 651  
 TRACT "D"

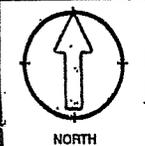
**GRUSENMEYER-SCOTT & ASSOC., INC. — LAND SURVEYORS**

5400 E. COLONIAL DR. ORLANDO, FL 32807 (407) 277-3232 FAX. (407) 658-1436

- NOTES:
1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-8 FLORIDA ADMINISTRATIVE CODE PURSUANT, TO SECTION 472-027, FLORIDA STATUTES.
  2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
  3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
  4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
  5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
  6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
  7. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.)
  8. ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

- LEGEND —
- P — PLAT
  - F — FIELD
  - I.P. — IRON PIPE
  - I.R. — IRON ROD
  - C.M. — CONCRETE MONUMENT
  - SET I.R. — "W" I.R. W/LO 4558
  - REC. — RECOVERED
  - P.O.B. — POINT OF BEGINNING
  - P.O.C. — POINT OF COMMENCEMENT
  - C.L. — CENTER LINE
  - N&D — NAIL & DISC
  - T&W — TIGHT-ON-WAY
  - ESMT. — EASEMENT
  - DRAIN. — DRAINAGE
  - UTIL. — UTILITY
  - CL.F.C. — CHAIN LINK FENCE
  - W.D.F.C. — WOOD FENCE
  - C.B. — CONCRETE BLOCK
  - P.C. — POINT OF CURVATURE
  - P.T. — POINT OF TANGENCY
  - DESC. — DESCRIPTION

- LEGEND —
- R — RADIUS
  - L — ARC LENGTH
  - A — CENTRAL ANGLE
  - C — CHORD
  - C.B. — CHORD BEARING
  - P.O.L. — POINT ON LINE
  - TYP. — TYPICAL
  - P.O.R. — POINT OF REVERSE CURVATURE
  - P.O.C. — POINT OF COMPOUND CURVATURE
  - R.A.D. — RADIAL
  - N.R. — NON-RADIAL
  - W.P. — WITNESS POINT
  - CALC. — CALCULATED
  - PR.M. — PERMANENT REFERENCE MONUMENT
  - F.F. — FINISHED FLOOR ELEVATION
  - B.S.L. — BUILDING SETBACK LINE
  - B.M. — BENCHMARK



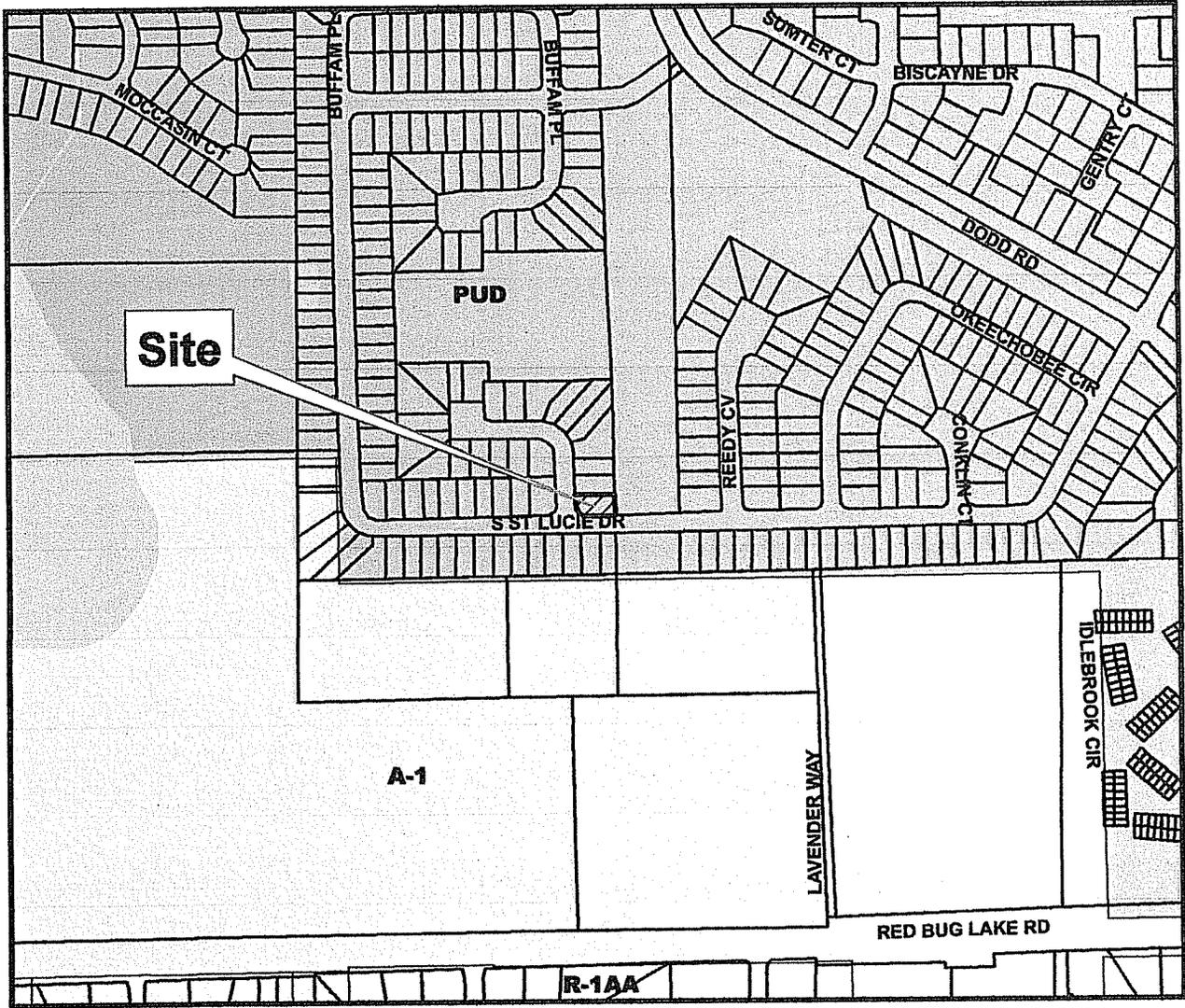
THIS BUILDING/PROPERTY DOES NOT LIE WITHIN THE ESTABLISHED SPECIAL FLOOD HAZARD AREA PER "FIRM" ZONE X PANEL # 120289-0145E-4-17-95

CERTIFIED BY: D. O. F.  
 JAMES W. SCOTT, R.L.S. No. 4801

R.L.S. No. #5678  
 GRUSENMEYER, R.L.S. No. 4714  
 J. FORAN, R.L.S. 5678

SCALE 1" = 20'	
FIELD DATE <u>BOUNDARY</u>	ORDER No. <u>1-17-00</u>
DRAWN BY: <u>MA</u>	CHECKED BY:

Jeffrey Ecker  
899 Bates Court  
Casselberry, Florida 32707



Seminole County Board of Adjustment  
January 28, 2008  
Case: BV2007-150 (Map 3211, Grid A1)  
Parcel No: 23-21-30-518-0000-3070

**Zoning**

-  BV2007-150
-  A-1
-  R-1AA
-  PUD



<b>PARCEL DETAIL</b>				
DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		304 305 306 307 S ST LUCIE DR TRACT E		

**GENERAL**

Parcel Id: 23-21-30-518-0000-3070  
 Owner: ECKER JEFFREY T &  
 Own/Addr: STEVICK SHELLY E  
 Mailing Address: 899 BATES CT  
 City,State,ZipCode: CASSELBERRY FL 32707  
 Property Address: 899 BATES CT CASSELBERRY 32707  
 Subdivision Name: HOLLOWBROOK WEST PH 4  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$151,612  
 Depreciated EXFT Value: \$1,423  
 Land Value (Market): \$40,000  
 Land Value Ag: \$0  
 Just/Market Value: \$193,035  
 Assessed Value (SOH): \$193,035  
 Exempt Value: \$0  
 Taxable Value: \$193,035  
 Tax Estimator  
 Tax Reform Analysis

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/2000	03791	0515	\$101,500	Improved	Yes
WARRANTY DEED	11/1998	03566	0381	\$99,000	Improved	Yes
SPECIAL WARRANTY DEED	02/1989	02048	0746	\$82,400	Improved	Yes

[Find Comparable Sales within this Subdivision](#)

**2007 VALUE SUMMARY**

2007 Tax Bill Amount: \$2,864  
 2007 Taxable Value: \$193,933  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	\$40,000

**LEGAL DESCRIPTION**

PLATS:   
 LEG LOT 307 HOLLOWBROOK WEST PH 4  
 PB 36 PGS 77 TO 79

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1989	8	1,364	1,920	1,424	CB/STUCCO FINISH	\$151,612	\$163,024
			Appendage / Sqft	OPEN PORCH FINISHED / 48					
			Appendage / Sqft	GARAGE FINISHED / 448					
			Appendage / Sqft	ENCLOSED PORCH FINISHED / 60					

**NOTE:** Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

**Permits**

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1989	1	\$788	\$1,500
ALUM SCREEN PORCH W/CONC FL	1992	160	\$635	\$1,360

**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.



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 307  
HOLLOWBROOK WEST PH 4 PB 36 PGS 77 TO 79

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

**FINDINGS OF FACT**

**Property Owner:** Jeffrey Ecker & Shelly Stevick  
899 Bates Ct  
Casselberry, Fl 32707

**Project Name:** Bates Ct (899)

**Requested Development Approval:**

Request for a side street (south) setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development).

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: Joy Williams, 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 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: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

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

My Commission Expires: