

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

SUBJECT: 165 Monroe Road – Douglas Lamb, applicant; Request for 1) a front yard setback variance from 25 feet to 0 feet and 2) a side street setback variance from 25 feet to 0 feet for a proposed stockade fence in R-1A (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 7/28/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Approve** the request for 1) a front yard setback variance from 25 feet to 0 feet and 2) a side street setback variance from 25 feet to 0 feet for a proposed stockade fence in R-1A (Single Family Dwelling) district; or
2. **Deny** the request for 1) a front yard setback variance from 25 feet to 0 feet and 2) a side street setback variance from 25 feet to 0 feet for a proposed stockade fence in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Douglas Lamb Cayce Forrester 165 Monroe Road R-1A (Single Family Dwelling) district A J Petersons Subdivision
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a stockade type fence across the front of the property that will encroach 25 feet into the required front yard setback. • The fence will also encroach 25 feet into the required side street setback where the fence ties back into an existing chain link fence on the property line along Palm Terrace. • The County recently widened CR 15 and as a result the 	

Reviewed by:
Co Atty: _____
Pln Mgr: AS

	<p>applicant lost the bulk of the front setback to the widening. The travel lanes of CR-15 are also substantially closer to the home.</p> <ul style="list-style-type: none">• When taking the right-of-way for the CR-15 widening, the County accommodated for the traffic site lines at the corner of Palm Terrace by taking a corner triangle from this property as a permanent part of the right-of-way.• CR-15 now serves as the main link between SR 46 and the new I-4 interchange at Orange Blvd. and SR 17-92.• Traffic engineering concurs with the variance as requested.• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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.• Special conditions and circumstances did not result from the actions of the applicant.• The granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would be in harmony with the general intent of Chapter 30.

STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends the request. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the front fence and the portion of the fence where the front fence meets the side at Palm Terrace as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.
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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
- Applicant Authorization Form
- 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

COPY

Application # BV2008-62
Meeting Date 7-28-08



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: CAYCE N. FORRESTER

Address: 165 C.R.15 - 165 MONROE RD City: _____ Zip code: _____

Project Address: 165 C.R.15 SANFORD, FL City: SANFORD Zip code: 32771

Contact number(s): 407 687 6422 / 901-262-6910

Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

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

RECEIVED JUN 06 2008

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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25</u>	Proposed setback: <u>0'</u>
<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>25</u>	Proposed setback: <u>0'</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:
[] Total number of variances requested _____			

NO 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: Douglas G. Lane

FOR OFFICE USE ONLY

Date Submitted: 6-6-08 Reviewed By: P. Johnson
 Tax parcel number: 28-19-30-503-0000-0100 Zoning/FLU R-1A/H10-II
 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!

<p><i>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.</i></p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. View a site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<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.

Address of Property: 165 Monroe Road (C.R. 15) Sanford, FL 32771

Requested Variance: Reduction of the Requirement for Setback of structures from traveled surface of roadway and allowance of fence or wall 6' in height to be set at a distance of 17' 6" at the nearest point to the traveled surface of the roadway. (See attached drawing.)

Reasons for Request: Safety and Security of dwelling and residents of dwelling, as it exists on a heavily-traveled roadway—Monroe Road having a history of crashes and damages to property owner. Increases in potential for damages to owner's property, pet and residents of dwelling has been increased as a result of widening of roadway and reduction of setback by Seminole County. Property owner is seeking variance to be able to protect the property and to be able to use the dwelling and to have reasonable privacy and protection that has been, through necessity of the road-widening reduced or removed altogether. (See Details.)

Details:

Monroe Road has recently been widened for the addition of traffic lanes. This widening resulted in the loss of setback, loss of trees and buffer between the traveled part of the roadway and the owner's dwelling. The resultant loss of setback and buffering landscaping has placed the owner's dwelling closer to the traveled part of the road than presently allowed by Seminole County and has increased the risk to the owner of damage from public use of the newly-constructed roadbed.

Historical Events Establishing the Need for Protection From Vehicles, Debris and Criminal Activities:

1989-2005

- Truck parked in driveway was struck by a piece of metal falling from truck traveling on Monroe Road, causing damage.
- Car parked in driveway was struck by falling rocks from dump truck.
- Vehicle with boat in tow veered from roadway on Monroe Road into property owner's driveway drive way while property owner was backing out, property owner struck boat in driveway.
- Construction wrench approximately 1foot in length flew from truck traveling on Monroe Road and broke windshield of property owner's vehicle.
- Dump truck hauling rock spilled load while driving on road, several rocks struck property owner's house.
- Car lost control on Monroe Road, and ran through property-owner's front yard and later crashed in ditch further north on Monroe Road.
- Bottle thrown from car on traveling north on Monroe Road struck property-owner's windshield, breaking glass.
- Bottle thrown from car traveling north on Monroe Road struck property owner's dwelling and broke causing damage to paint.
- Summer 1998—Driver traveling southbound on Monroe Road stopped dumped an unknown yellow material from a bucket and sped off the material caught fire after several

seconds and also caught the grass on fire on the west side of the street. Sparks from the fire blew across the street and started another fire on owner's property, which was put out with water. Property owner proceeded to put out fire on other side of road to prevent further involvement.

- Rocks thrown from dump truck traveling north on Monroe Road struck siding on detached building which was more than 30' from edge of roadway, causing damage to siding.
- Car insurance company de-rated insurance due to excessive amount of glass claims.
- Driver of vehicle turning onto Palm Terrace lost control and ran from roadway into ditch and struck property-owner's fence. Car had to be towed and left large ruts in grass.
- December, 2003 car driving north in southbound lane swerved to avoid oncoming traffic, running another car from roadway and swerved again into property-owner-s driveway, hitting property owner's truck front bumper. Bumper had to be replaced.
- Summer 2006, property owner was cleaning from yard and was nearly struck by a piece of re-bar which fell from truck that was speeding southbound on Monroe Road.
- Summer, 2007, truck turning onto Palm Terrace from Monroe Road lost control, narrowly missed property owner's dwelling, struck fence, causing fence to need replacement.
- Monroe Road has always been used as a cut-through for Interstate 4 traffic when Interstate 4 is impassable across the Lake Monroe Bridge. This causes the entire flow of traffic from the interstate to route in front of property-owner's dwelling, including all truck traffic. Such routing has resulted in traffic jams and road rage in front of property-owner's dwelling, as well as numerous car crashes and fender-benders.
- Numerous bags of trash have fallen from cars exiting the apartment complex on the west side of Monroe Road, the trash has then been run-over by other vehicles and flung into property owners yard and carport.
- Liquor Store was robbed and armed robber ran north on Monroe Road cut through property-owner's yard and turned right onto Palm Terrace in an effort to escape.
- Large trucks have parked in property owner's driveway while doing business at Sobiks Subs, causing destruction of driveway surface and cracks in concrete. Property owner had to erect barriers to prevent truck parking and file complaints. (No parking signs installed were plowed over by trucks several times.)

Current Reasons Establishing the Need for Protection From Vehicles, Debris and Criminal Activities:

- Before the widening of the road there was a setback from the roadway of more than 30 feet from the dwelling to the traveled part of the road. A ditch prevented un-controlled vehicles from crashing into the dwelling. With that damage to the dwelling vehicles and nearest detached building still occurred. The setback has been reduced to 17' 6" by Seminole County, which is out of compliance with minimum standards set by Seminole County Zoning.

- The large trees and shrubs that once served as barriers to un-controlled vehicles have been removed.
- The ditches have been removed and the new surface of Monroe Road is set higher than the elevation of the dwelling. Further the roadway and the frontage is pitched toward the dwelling. An un-controlled vehicle leaving the roadway on the north-bound side will be steered into the property-owner's bedroom by the pitch of the land and lack of obstructions.
- The amount of traffic on Monroe Road has continued to increase and will increase with the completion of the project.
- A new commercial development is under construction on the southwest side of the road which will further increase traffic and the potential for traffic crashes.
- Monroe Road will continue to serve as an alternate route for Interstate 4 traffic, including large semi-trailers and fuel tankers.
- Without a tall fence or wall, there is no method to slow or stop an out-of control vehicle from crashing into the dwelling. In the bedroom closest to Monroe Road the maximum distance of the bed to the outside wall is 7'. This places the bed approximately 26 feet from the Traveled surface of the roadway, with the pitch of the finished surfaces toward that bedroom.
- Law-Enforcement and rescue vehicles frequently use the road. The property is located on a section of road between several stores that have been robbed or burglarized in the past. The owner's property has been burglarized in the past and owner has been advised to install more barriers to prevent future occurrences.
- A sidewalk in front of the property will provide further public access within 5 feet of the owner's property. Without a large fence or wall, there will be no means of protecting the property from dumping of trash, easy access for theft, public using owner's property for shelter.

Conclusion:

The safety of the residents of the dwelling has been greatly reduced by the removal of natural barriers and the reduction of setback from the traveled surface of the road through the activities of Seminole County.

The activities of Seminole County have caused the property to become out of compliance with the established zoning rules of Seminole County.

The established Zoning Rules of Seminole County prevent the property owner from taking reasonable measures to protect the dwelling and the land from damage from vehicles traveling a public highway. These Rules have also prevented the property owner from protecting inhabitants of the dwelling from potential injury or death resulting from accidents on this heavily-used roadway with a history of many vehicle accidents.

The property owner respectfully requests a variance to allow for the installation of a barrier to protect the dwelling and the people within the structure from harm.

C.R. 157 MONROE ROAD

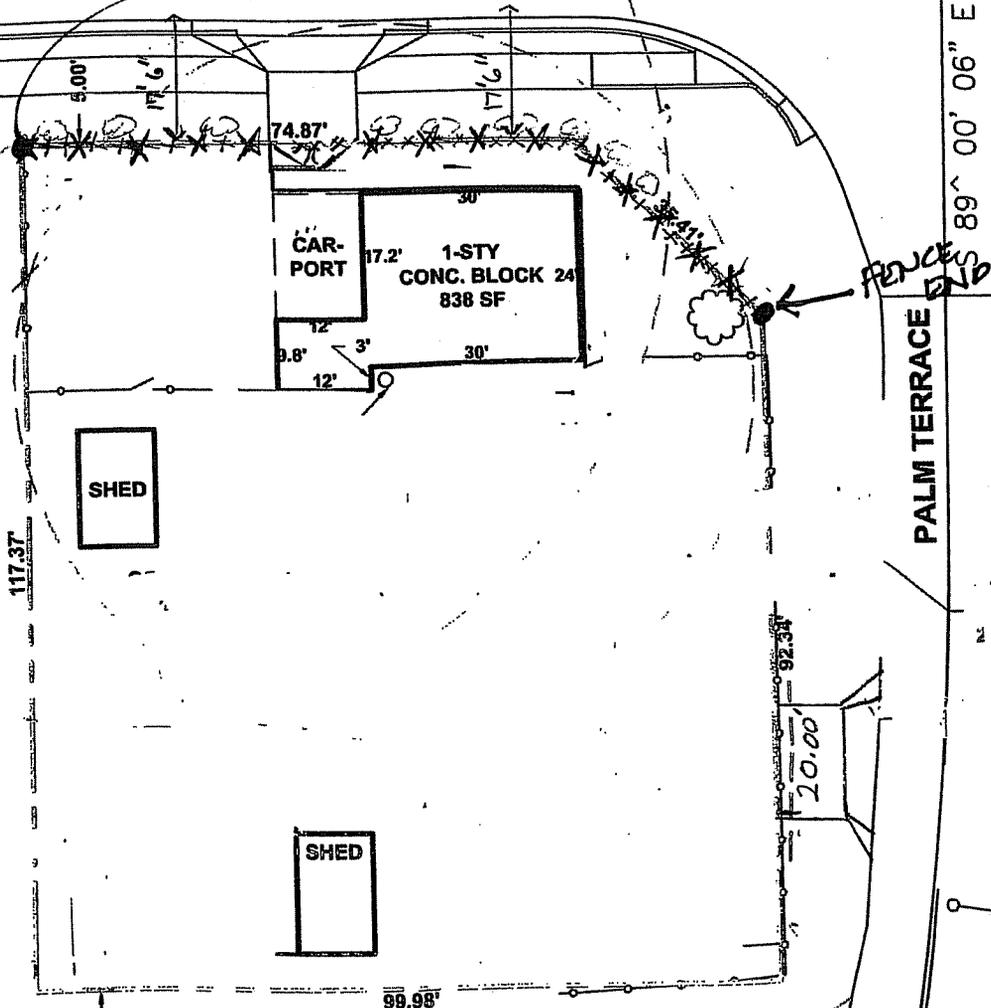
15

16



NEW PROPERTY LINE
FENCE START

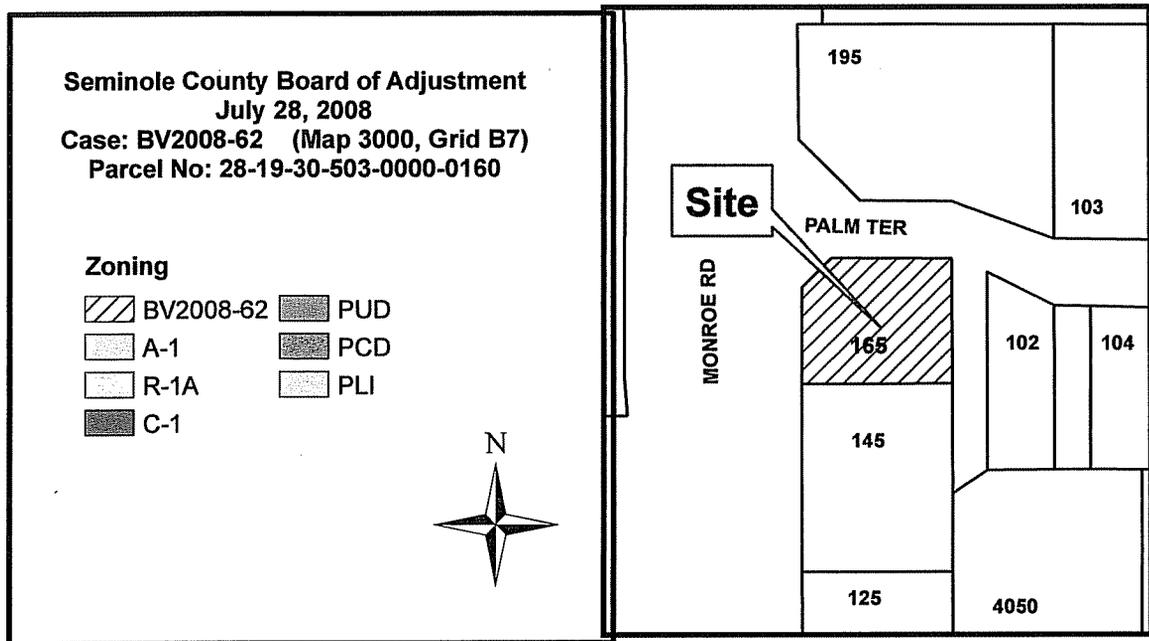
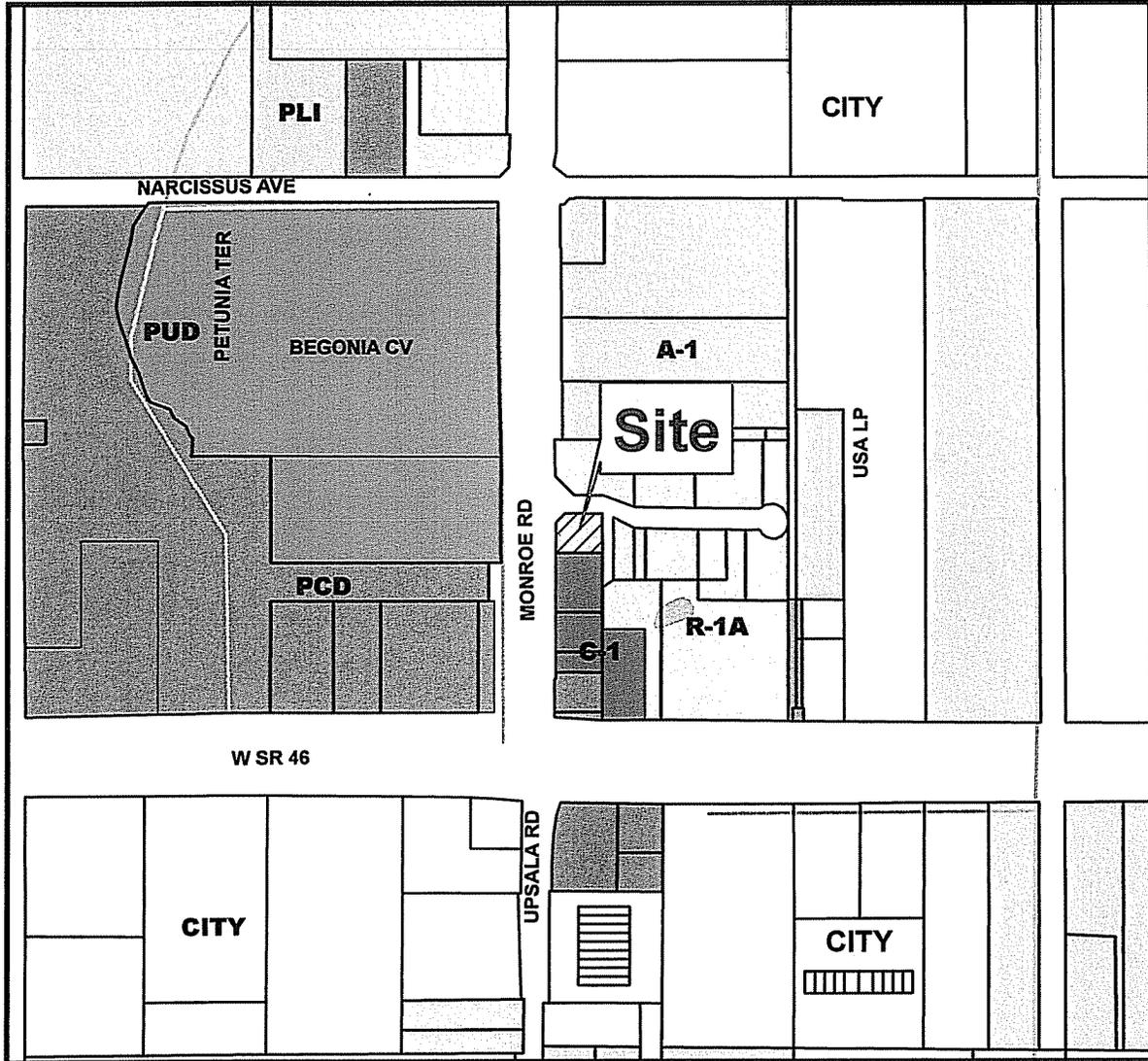
PROPOSED 6' HEIGHT
WOOD FENCE
W/ 8' WIDE PANELS
SET UPON 6"X6"
WOOD POSTS
NEAR PROPERTY LINE
HAVING A SETBACK
FROM MONROE ROAD
AND PALM TERRACE
OF 17'6" AT THE
NEAREST POINT
FROM THE TRAVELED
SURFACE OF MONROE
ROAD.



REF
PRI

PI STA.

Douglas Lamb
 165 Monroe Road
 Sanford, Florida 32771



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

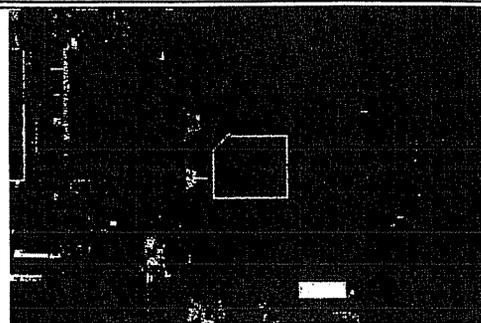
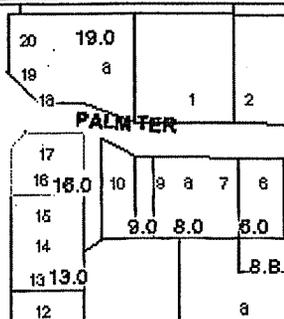
PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-565-7508

GERANIUM LN

MONROE RD



GENERAL

Parcel Id: 28-19-30-503-0000-0160
 Owner: FORRESTER CAYCE N
 Mailing Address: 165 MONROE RD
 City,State,ZipCode: SANFORD FL 32771
 Property Address: 165 MONROE RD SANFORD 32771
 Subdivision Name: PETERSON SUBD A J
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (1994)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$40,911
 Depreciated EXFT Value: \$384
 Land Value (Market): \$37,122
 Land Value Ag: \$0
 Just/Market Value: \$78,417
 Assessed Value (SOH): \$38,162
 Exempt Value: \$25,000
 Taxable Value: \$13,162

Tax Estimator

Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	09/1988	01995	1194	\$43,000	Improved	Yes
WARRANTY DEED	12/1979	01259	0736	\$100	Improved	No
WARRANTY DEED	01/1975	01060	0827	\$5,000	Improved	No

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

Tax Amount(without SOH): \$834
 2007 Tax Bill Amount: \$178
 Save Our Homes (SOH) Savings: \$656
 2007 Taxable Value: \$12,050

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	11,422	3.25	\$37,122

LEGAL DESCRIPTION

PLATS:

LOTS 16 & 17 (LESS RD) A J PETERSONS
SUBD PB 10 PG 60

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	1960	3	720	1,116	720	CONC BLOCK	\$40,911	\$56,821
Appendage / Sqft		SCREEN PORCH FINISHED / 120							
Appendage / Sqft		OPEN PORCH FINISHED / 24							
Appendage / Sqft		CARPORT FINISHED / 252							

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
WOOD UTILITY BLDG	1991	160	\$384	\$960

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
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: CAYCE N. FORRESTER
Address: 168 C.R. 15
City/Zip: SANFORD FL 32771
Phone #: 407-330-9870

Name: DOUGLAS G. LAMB
Address: 168 C.R. 15
City/Zip: SANFORD FL 32771
Phone #: 321-262-6910

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
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.

N/A

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
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.

N/A

Name of Trust: _____
Trustees: _____
Address: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(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.

N/A

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
City/Zip: _____ City/Zip: _____

(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.

N/A

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____
City/Zip: _____ City/Zip: _____

(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.

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.

06/06/08
Date

[Signature]
Owner/Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 6 day of June, 2008 by Cayce Forester

[Signature] MARLENE FORD
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____

DD0632675
MARLENE E. FORD
Comm# DD0332675
Expires 1/23/2011
Florida Notary Assoc., Inc.

1/23/2011

For Use by Planning & Development Staff
Date: _____ Application Number: _____

MARLENE E. FORD
Comm# DD0332675
Expires 1/23/2011
Florida Notary Assoc., Inc.

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I CAJCE N. FORRESTER, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s) LOT 16 AN 17
A.J. PETERSON'S SUBDIVISION, PG 10, PAGE 60

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
(circle one or more) from _____ to _____ and affirm that _____
DOUGLAS G. LAMB is hereby designated to act as my / our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request.

Owner's Signature [Signature] 06-06-08

I certify that I have examined the application and that all statements and diagrams submitted are true and
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become
part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 6 day of June, 2008.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to
take acknowledgments, personally appeared Cajce Forrester, who is personally known to me or
who has produced _____ has identification and who executed the foregoing instrument and sworn
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 6 day of
June, 2008.
[Signature]
Notary Public in and for the County and State
Aforementioned

My Commission Expires: 01/23/2011



Gibbs, Denny

TRAFFIC ENGINEERING COMMENTS

From: Haeffner, Marcia
ent: Monday, June 23, 2008 11:42 AM
To: Gibbs, Denny
Subject: 165 CR 15 (Upsala Rd)

Denny,

We have reviewed the above referenced address regarding the construction of a wooden fence on the lot line in the front yard. We currently see no problem as it relates to traffic safety in allowing the variance as requested.

Thanks, Marcia



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LOTS 16 &17 (LESS RD) A J PETERSONS SUBD PB 10 PG 60

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

FINDINGS OF FACT

Property Owner: Cayce N Forrester
165 Monroe Rd
Sanford FL 32771

Project Name: Monroe Road (165)

Requested Development Approval:

Request for 1) a front yard setback variance from 25 feet to 0 feet and 2) a side street setback variance from 25 feet to 0 feet for a proposed stockade fence in R-1A (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Denny Gibbs, Senior 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. Any variance granted shall apply only to the front fence and the portion of the fence where the front fence meets the side at Palm Terrace 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

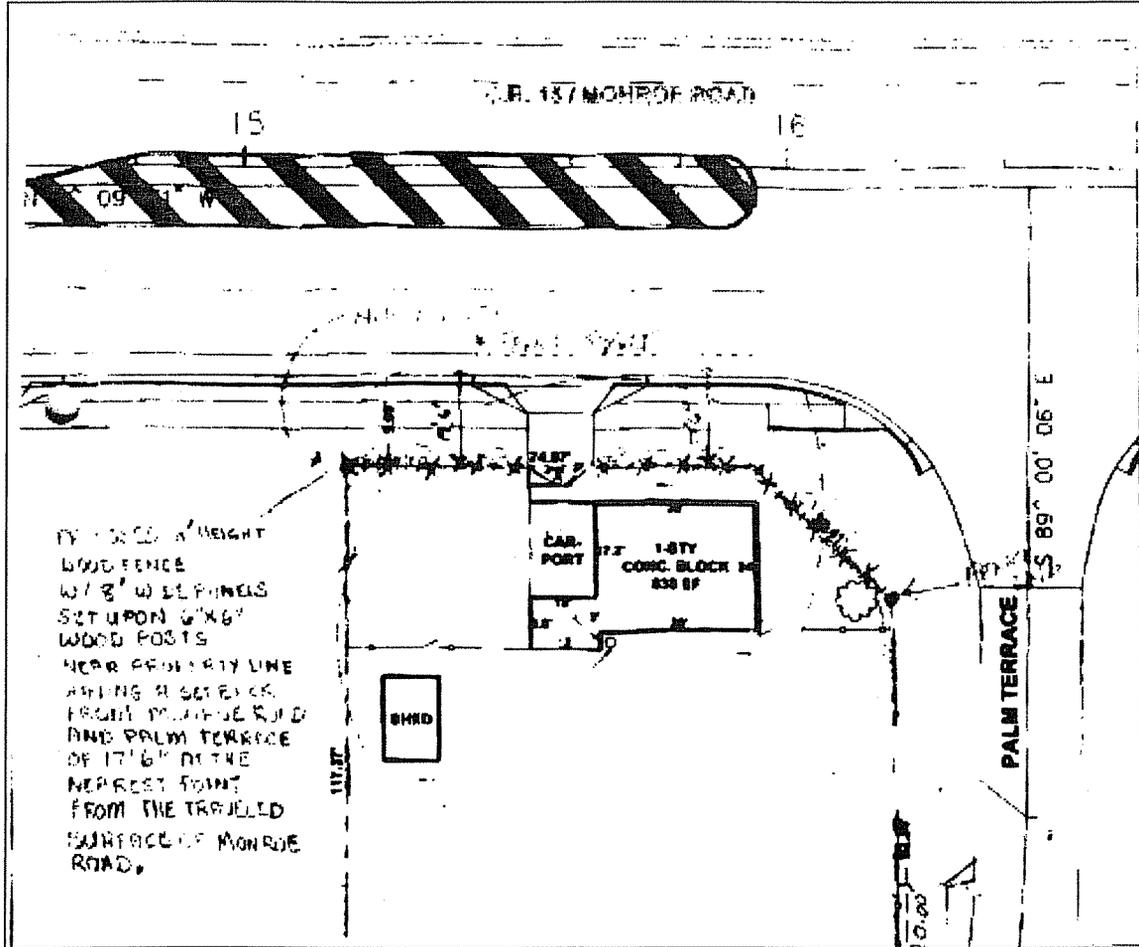
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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:



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

LOTS 16 &17 (LESS RD) A J PETERSONS SUBD PB 10 PG 60

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

FINDINGS OF FACT

Property Owner: Cayce N Forrester
165 Monroe Rd
Sanford FL 32771

Project Name: Monroe Road (165)

Requested Development Approval:

Request for 1) a front yard setback variance from 25 feet to 0 feet and 2) a side street setback variance from 25 feet to 0 feet for a proposed stockade fence in R-1A (Single Family Dwelling) district.

The Development Approval was sought to construct a stockade type fence within the front yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

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: