

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Appeal the Board of Adjustment decision to deny a side street setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development). 899 Bates Court (Jeffrey Ecker, applicant)

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord                      **CONTACT:** Joy Williams                      **EXT:** 7399

**MOTION/RECOMMENDATION:**

1. Uphold the Board of Adjustment decision to deny a side street setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development); or
2. Reverse the Board of Adjustment decision to deny a side street 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.

District 1 Bob Dallari

Joy Williams

**BACKGROUND:**

At the January 28, 2008, regular meeting, the Board of Adjustment denied the applicant's request for a side street setback variance from 20 feet to 10 feet for an existing wood privacy fence. On February 7, 2008, the applicant appealed the Board of Adjustment's decision to the Board of County Commissioners.

**STAFF FINDINGS:**

The Board of County Commissioners shall have the power to hear and decide appeals from Board of Adjustment decisions, including variances the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination that all of the following provisions of Section 30.43(b)(3) are satisfied:

a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification.

No special conditions or circumstances exist which are peculiar to the land.

b) That the special conditions and circumstances do not result from the actions of the applicant.

No special conditions or circumstances exist as a result of the actions of the applicant.

c) That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning classification.

The granting of the variance would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, and structures in the same zoning classification.

d) That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant.

The literal interpretation would not deprive the applicant of rights commonly enjoyed by others.

e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The applicant will still retain reasonable use of the property without the requested variance.

f) That the grant of the variance will be in harmony with the general intent and purpose of Chapter 30, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The grant of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**STAFF RECOMMENDATION:**

Staff recommends the Board of County Commissioners deny a side street setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development).

**ATTACHMENTS:**

1. Notice of Appeal to BCC
2. Reduced Copy of Site Plan
3. BOA Meeting Minutes
4. Location Map

<b>Additionally Reviewed By:</b> <input checked="" type="checkbox"/> County Attorney Review ( David Shields )
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RECEIVED FEB 07 2008

Jeffrey Ecker  
899 Bates Court  
Casselberry, FL 32707

February 6, 2008

Planning and Development Department  
Planning Division  
1101 East First Street  
Sanford, FL 32771-1468

Re: Variance Denial, Bates Court (899) (BV2007-150)

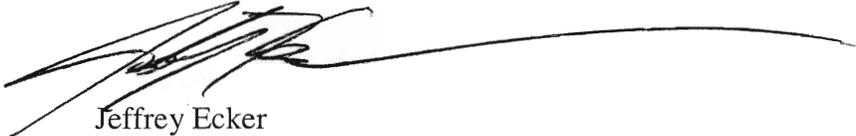
To Whom It May Concern:

This letter is to inform you of my intent to appeal the decision by the Seminole County Board of Adjustment to deny my variance request for the address above.

Enclosed is a check for the \$150 fee. Please contact me at (407) 496-1815 if there are any further actions to be taken on my part or if there is any further information you require.

Thank you for your time.

Sincerely,



Jeffrey Ecker



**MINUTES FOR THE SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
JANUARY 28, 2008 MEETING  
6:00 P.M.**

**Members Present:** Alan Rozon, Chairman; Tom O' Daniel, Bob O' Malley, Curtis Gashlin and Michael Bass

**Staff Present:** Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; Alison Stettner, Planning Manager; and Patty Johnson, Staff Assistant

Mr. Rozon, Chairman; called the meeting to order at 6:00 P.M. Mr. Rozon then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

Mr. Rozon then stated that the applicants for Item # 10 and Item # 14 requested a continuance until the February 25, 2008 Board of Adjustment Meeting.

**PUBLIC HEARING**

**17. 899 Bates Court** – Jeffrey Ecker, 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); Located on the east side of Bates Court approximately ¼ mile west of Dodd Road; (BV2007-150). (District 1)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested a variance for an existing wood privacy fence that encroached 10 feet into the required 20 feet side street setback. She further stated that in September of 2007, the applicant received a notice of code violation for replacing an existing fence without a permit. She then stated that the property received two prior variances; in 1992 a rear yard setback variance was approved from 15 feet to 10 feet for a screen room and in 1996 a rear yard variance was approved from 5 feet to 2 feet and a side street variance from 20 feet to 12 feet for a pool screen enclosure.

Jeffrey Ecker stated his name.

Mr. Rozon asked if the applicant wanted to add anything to staff's presentation.

Jeffrey Ecker stated that staff pretty much summed it up.

Mr. Rozon asked the applicant how long had he lived on the property.

Jeffrey Ecker stated that he and his wife purchased the property in February of 2000.

Mr. Rozon asked how long had the fence been up.

Jeffrey Ecker stated since April of 2007.

**Mr. Bass made a motion to approve the request.**

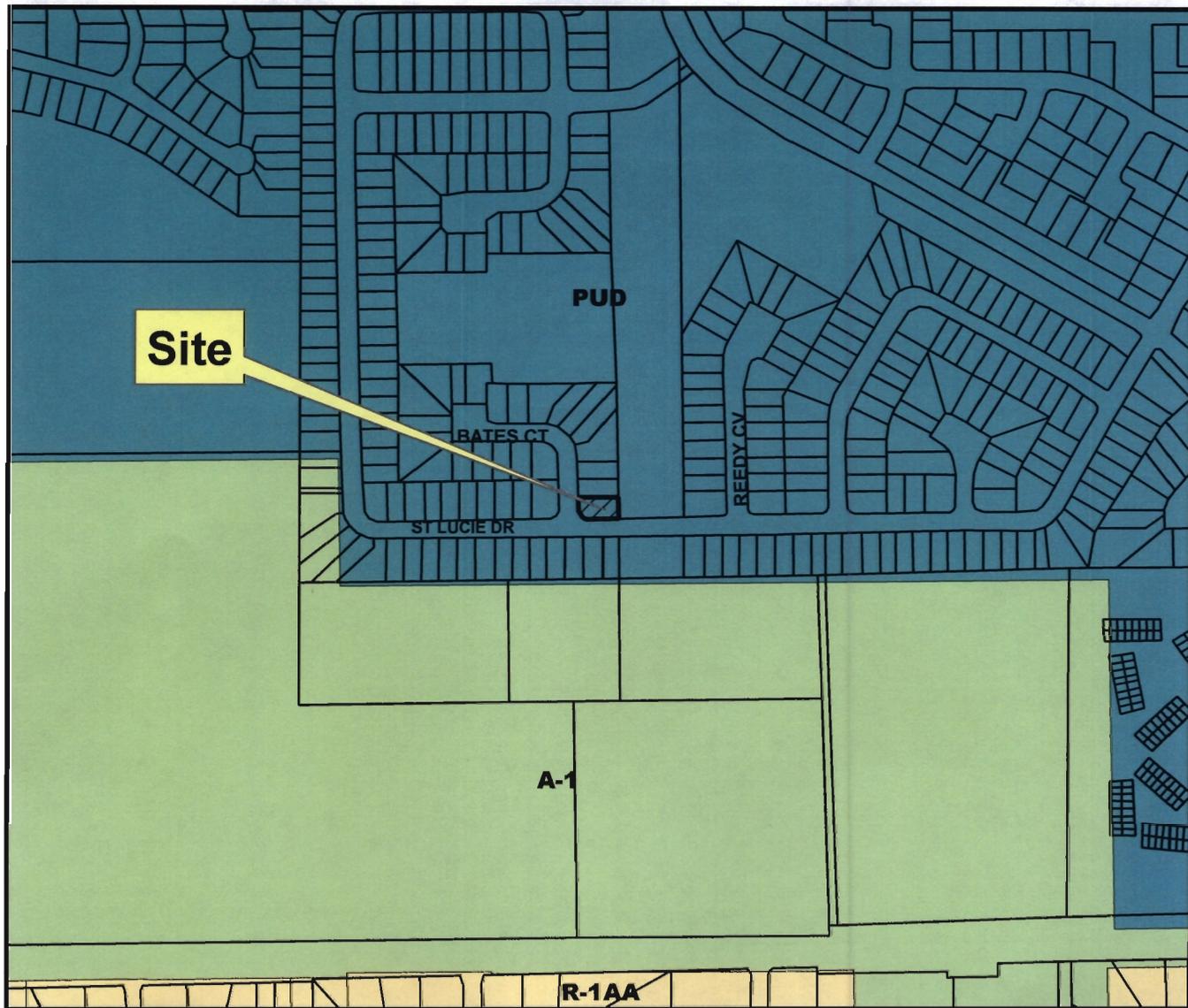
**The motion died for a lack of a second.**

**Mr. O' Malley made a motion to deny the request.**

**Mr. Gashlin seconded the motion.**

**The motion passed by a (4-1) vote. Mr. Bass was in opposition.**

Jeffrey Ecker  
899 Bates Court  
Casselberry, Florida 32707



Seminole County  
Board of County Commissioners  
May 6, 2008  
Case: BV2007-150  
(Map 3211, Grid A1)  
Parcel No: 23-21-30-518-0000-3070

Zoning

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

