BV2003-040

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR FENCE SETBACK VARIANCE FROM 20 FT TO 6.7 FT FOR PROPERTY LOCATED AT 591 BROOKFIELD LOOP.

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR FENCE SETBACK VARIANCE FROM 20 FT TO 6.7 FT FOR PROPERTY LOCATED AT 591 BROOKFIELD LOOP; OR
2. **DENY** THE REQUEST FOR FENCE SETBACK VARIANCE FROM 20 FT TO 6.7 FT FOR PROPERTY LOCATED AT 591 BROOKFIELD LOOP; OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #4 , Henley) (Earnest McDonald, Principal Coordinator)

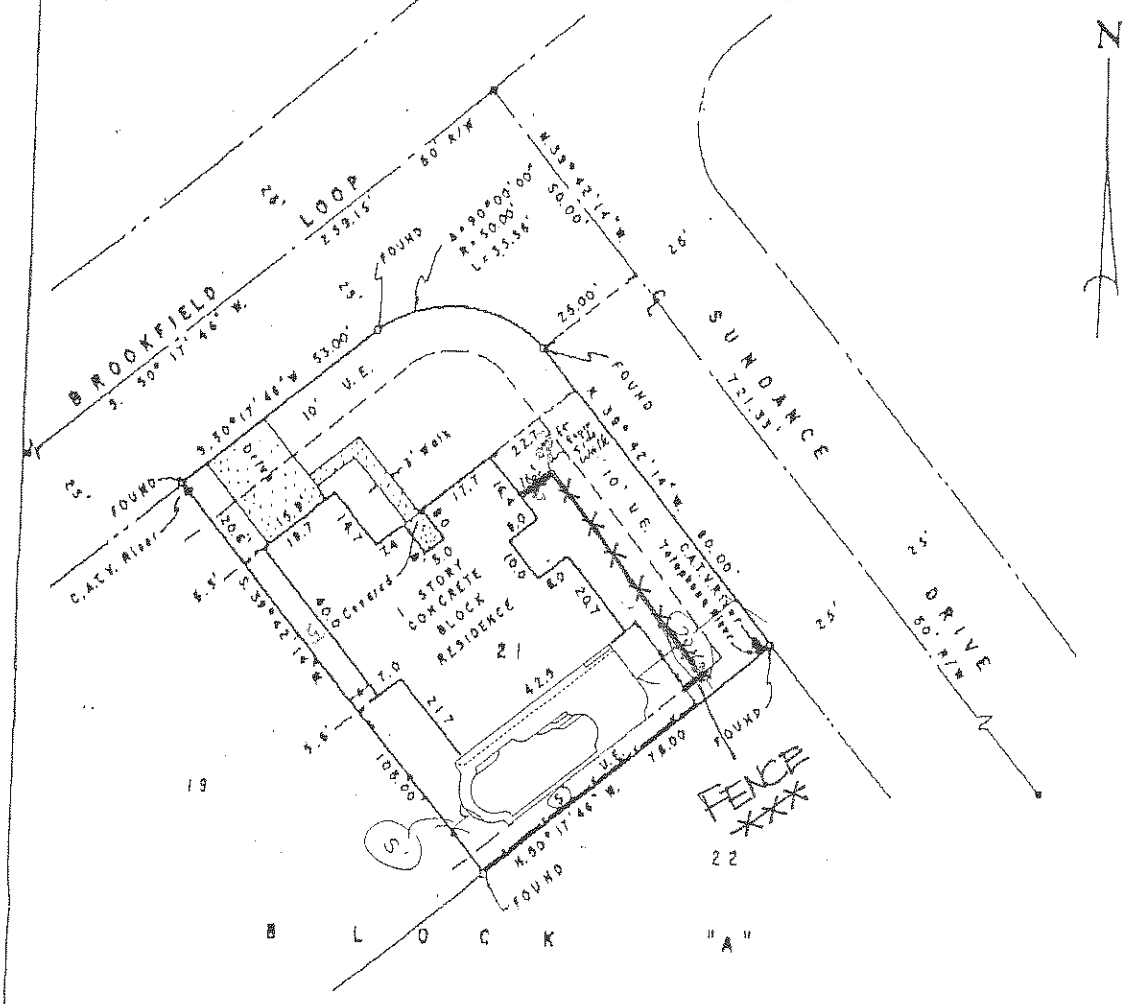
GENERAL INFORMATION	591 BROOKFIELD LOOP LAKE MARY, FL 32746	PUD DISTRICT, LDC SECTION 30.451(d) & DEVELOPER'S COMMITMENT AGREEMENT FOR LAKEWOOD AT THE CROSSINGS
BACKGROUND / REQUEST	• THE APPLICANT PROPOSES TO ERECT A PRIVACY FENCE APPROXIMATELY 6.7 FT FROM THE PROPERTY LINE ABUTTING SUNDANCE DRIVE AND ENCROACH 16 FT INTO THE 20 FT MINIMUM SIDE STREET SETBACK. • A VARIANCE FROM 20 FT TO 6.7 FT IS THEREBY REQUESTED.	
STAFF FINDINGS	• THE SUBJECT PROPERTY CONFORMS ALMOST EXACTLY TO THE LAKEWOOD PUD DISTRICT MINIMUM SETBACK STANDARDS. UNLIKE TYPICAL INTERIOR LOTS OF THE SAME SIZE AND CONFIGURATION, THE SUBJECT PROPERTY MUST CONFORM TO A STREET SIDE YARD SETBACK EQUIVALENT TO A FRONT YARD SETBACK SINCE ITS SIDE YARD ABUTS A RIGHT-OF-WAY. THE APPLICATION OF THE 20 FT SIDE STREET SETBACK STANDARD ALONG SUNDANCE DRIVE, AS OPPOSED TO THE TYPICAL 3 FT OR 7 FT SIDE YARD STANDARD FOR SIMILARLY SIZED INTERIOR LOTS RESULTED IN REDUCED BUILDABLE AREA IN THE SIDE	

	STREET YARD FOR THE CONSTRUCTION OF A FENCE. • THE SPECIAL CIRCUMSTANCE DESCRIBED DID NOT RESULT FROM THE APPLICANT'S ACTIONS. • THE GRANT OF THE VARIANCE WOULD CONFER SPECIAL PRIVILAGES TO THE APPLICANT BY ALLOWING ENCROACHMENT INTO THE SIDE STREET YARD BEYOND ESTABLISHED LIMITS IN THE NEIGHBORHOOD. • THE APPLICATION OF THE MINIMUM SIDE STREET SETBACK STANDARD WOULD NOT DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE LAKEWOOD PUD, SINCE A PRIVACY FENCE CURRENTLY SURROUNDS A POOL AND PATIO AREA TO THE REAR OF THE EXISTING HOME. • THE REQUESTED VARIANCE IS NOT THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY, SINCE REASONABLE USE WOULD BE RETAINED WITHOUT THE GRANT OF A VARIANCE. • THE TRAFFIC ENGINEERING DIVISION HAS CONFIRMED THE REQUEST WOULD NOT ADVERSELY IMPACT VEHICULAR SIGHT DISTANCE ALONG SUNDANCE DRIVE, SHOULD THE BOARD APPROVE A VARIANCE FOLLOWING THE DEMONSTRATION OF A HARDSHIP BY THE APPLICANT.
STAFF RECOMMENDATION	• STAFF RECOMMENDS DENIAL OF THE REQUEST, BASED ON THE FINDINGS STATED IN THIS REPORT, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION: o ANY FENCE SETBACK VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED SECTIONS OF FENCE THAT ENCROACH INTO THE SIDE STREET SETBACK ALONG SUNDANCE DRIVE, AS DEPICTED ON THE ATTACHED SITE PLAN.

720 PALMER

LOT 21 BLOCK "A"
LAKEWOOD AT THE CROSSINGS UNIT TWO

ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 33, PAGES 49,50,51,52 and 53
PUBLIC RECORDS OF SEMINOLE COUNTY - FLORIDA



Brian & Juliet Donohue 6/24/97
HARTY VOGEL, JR. 591 Brookfield Loop

THE PROPERTY SHOWN HEREON LIES
IN FLOOD ZONE "C" PER F.I.R.M.
MAP PANEL NO. 120289 0103 B
Effective 05/05/81

BOUNDARY SURVEY

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS
SEALED WITH EMBOSSED SURVEYOR'S SEAL.

BEARINGS BASED ON RECORD PLAT.

CERTIFIED TO:
HARTY VOGEL, JR.
RUSH MARSHALL
ATTORNEY'S TITLE INSURANCE FUND
NAVY ORLANDO FEDERAL CREDIT UNION
FIRST SOUTHWESTERN TITLE COMPANY

U.E. = Utility Easement
R = Radial
N.R. = Non Radial

● = Permanent Control Point
O = Rebar with Cap No. L.B. 2545
□ = Permanent Reference Monument No. L.B. 1281
—x——x— = 6' Wood Fence

I CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, IN CH. 21 HH-6 F.A.C., PURSUANT TO SECTION 472.027 FL. STATUTES.

PREPARED FOR:
HARTY VOGEL JR.

PREPARED BY:
D G A

RECERTIFIED
DATE:
RC. F.B. PG.

FINAL SURVEY
DATE: 11-12-80

Single Family Detached

Front setbacks - 20 feet; rear yard setback - 15 feet and side yard setbacks 3 feet on one side and 7 feet on the other. Minimum distance of 10 feet between buildings. Corner lots will have 20 foot side yard setbacks from road right-of-way.

Patio/Clusters/Townhouses

Front setbacks 20 feet from road right-of-way and 20 feet from edge of pavement on private drives. Rear yard setback 15 feet and side yard setbacks 0 feet both sides, and 7 feet from structure to structure. Corner lots will have 20 foot side yard setbacks from road right-of-way or 20 feet from the edge of pavement on private drives.

On the front, rear, or non-zero sidewalls, fireplaces will be allowed to protrude from the house to a maximum distance of 30 inches into the setback. Such protrusion shall not be included in the calculation of the governing setback.

Multi-Family

Setbacks will comply with those of an R-3 district.

Church/Residential Professional (RP)

Setbacks and buffer requirements will comply with (OP) Office District. Uses will comply with RP, including use as a church.

Commercial

Commercial setbacks and uses will comply with requirements contained in the C-1 Zoning District.

Accessory Buildings

Screen porches, pools and accessory buildings will have a 5 foot minimum rear yard setback with side yard setbacks being the same as for the main structure and will not project beyond the main building line of the main structure.

D. Height of Structures:

The maximum height of any structure on the project shall be 35 feet.

Steven Douglas
05/07/2003 03:20 PM

To: Earnest McDonald/Seminole@Seminole
cc: Marcia Haeffner/Seminole@Seminole
Subject: Re: Request for side street setback reduction for lot 21 block "A" Lakewood At The Crossings Unit II

Earnest,

As requested we have reviewed the possibility of reducing the current side yard setback for lot 21 described above. Upon completing our review of the proposed fence we found the following: Motorists traveling northbound on Sundance Drive approaching Brooksfield Loop are regulated by an existing stop condition and would not be effected by the proposed fence if it were constructed as shown on the survey. Motorists traveling westbound on Brookfield Loop making a left turn on to Sundance Drive would not be effected by the proposed fence if it were constructed as proposed. Sight distance to the south for motorists traveling eastbound on Brookfield Loop making a right turn on to Sundance Drive would be partly restricted due to the proposed fence. This causes some concern due to the fact that lot 22 south of the subject property has an existing driveway that is approximately +-130 feet from the intersection. However, currently a row of shrubs exists along the neighboring driveway that extend outward perpendicular to Sundance Drive further than the proposed fence would. Our review found that the proposed fence will not hinder visibility for drivers exiting the neighboring driveway any more than the existing shrubbery.

Steve Douglas, E.I. Engineer
Seminole County Traffic Engineering
140 Bush Loop, Sanford Fl 32773
email: sdouglas@co.seminole.fl.us
Phone: (407) 665-5690
Fax: (407) 665-5623