

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: VAR-15-007**

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**To:** The Charlotte County Board of Zoning Appeals  
**From:** Shaun Cullinan, Planning and Zoning Official  
**Prepared By:** Ken Quillen, AICP, Planner III  
**Report Date:** November 11, 2015                      **BZA meeting date:** November 18, 2015

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**Requested Action/General Information:**

Mr. Jeff Tinnon, agent for Mr. Nazeema Sattar (owner of A and B Auto Repair), is requesting a variance to reduce the required 15-foot front yard setback by 9.5 feet to allow a 5.5-foot front setback for a six-foot high privacy fence in the Commercial General (CG) zoning district. Subject property is located at **4322 Duncan Road**, east of Punta Gorda (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is *Commercial General (CG)*. This property has a *Commercial*, Future Land Use Map (FLUM) designation.

The attached **Aerial Photograph** shows subject property, which is an irregular shaped un-platted parcel of land (P-42) resulting from various developments, lot splits and ROW acquisitions for Duncan Road (U.S. Highway 17). According to the Property Appraiser's records a garage was constructed in 1962 and a single-family residence was constructed in 1972 on subject property. As such, staff believes the existing uses and structures are all legal non-conformities. **Exhibit A** is the **2002 Aerial Photograph** showing reconstruction and widening of Duncan Road. Additional right-of-way was acquired by FDOT in 1997 for this project, which created the existing non-conforming front setbacks for the existing structures. Staff has attached a copy of the **Commercial General (Exhibit B)** zoning district regulations, which sets development standards for properties in the CG zoning district. This parcel meets the minimum lot width requirement of 100 feet (195'), as well as, the 12,000 square foot (35,138 sq. ft.) minimum lot size requirement.

Fence Outlet of North Port, was issued a **Fence Permit 20140812177 (Exhibit C-1)** on August 29, 2014 for a six-foot high vinyl fence as shown on the **Fence Site Plan (Exhibit C-2)** submitted. A follow-up inspection found that a new six-foot high vinyl fence had also been erected in the front yard along Duncan Road, which was not included in the permit and is a violation of code. A copy of **Section 3-9-72 (Exhibit D)** is attached, which establishes the regulations for fences and walls in non-residential districts. Section 3-9-72(b) requires that: "Front setback requirements shall apply to opaque fences or walls of four feet or higher." As such, the applicant is requesting a variance to allow a six-foot high privacy fence in the front yard.

The applicant has submitted the attached **Boundary Survey (Exhibit E-1)**, which was done on January 26, 2014, and **Fence Plan (Exhibit E-2)** showing the location and dimensions for the existing six-foot high vinyl fence, which has existing setbacks ranging from 5.5 feet to 6.6 feet. The applicant is requesting this variance to allow this fence to remain at its present location.

The applicant has also submitted the attached **Narrative (Exhibit F)** explaining why the applicant believes this request for a variance should be granted. An Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit G)** dated October 27, 2015. This review states that there are no environmental issues regarding the requested variance.

**Findings: The five standards for approval of variance according to Section 3-9-6.3(i) of the Charlotte County Zoning Code are as follows:**

1. Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures.

Finding: Although subject property meets the minimum lot width and lot size requirements of code it is unique because the easterly building is less than two feet from the front lot line and the westerly building is less than 15 feet from the front lot line. These conditions were created when additional right-of-way was acquired for widening the highway. Therefore, peculiar conditions do exist that are not generally applicable to other properties.

2. The strict and literal enforcement of the zoning section of the Land Development Regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.

Finding: A fence is a typical accessory structure for commercial uses. A strict and literal enforcement of the 15-foot front yard setback for the six-foot fence could be considered an undue hardship as distinguished from a mere inconvenience, because of the close proximity of the traffic lanes of a major highway to the existing buildings.

3. The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.

Finding: This variance request to allow a six-foot fence, as proposed, would not be injurious to or incompatible with the surrounding land uses or detrimental to the public welfare.

4. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.

Finding: The applicant acquired subject property in March of 2014 with all of the existing structures and conditions already in place. The buildings were constructed in 1962 and 1972 and FDOT acquired additional right-of-way in 1997. These conditions cannot reasonably be corrected by the applicant and were created in 1997 when FDOT acquired additional right-of-way for Duncan Road (U. S. Highway 17).

5. The requested variance is the minimum modification of the regulation at issue that will afford relief.

Finding: The requested variance of 5.5 feet is the minimum modification that will afford relief, according to the applicant, because this is the location of the existing fence. This fence would allow reasonable use of this property and provide a screen or buffer from the traffic noise coming from the nearby highway.

### **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting a variance staff believes that the requested variance to allow a six-foot high privacy fence, as proposed, does meet all five criteria for granting a variance.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that development is in compliance with the purpose and intent of the Land Development Regulations. The recommended conditions are as follows:

1. The variance as approved by the Board of Zoning Appeals is to allow a six-foot high privacy fence in the required front yard as shown on the **Boundary Survey** (Exhibit E-1) and **Fence Plan** (Exhibit E-2).
2. This variance extends only to the fence located on Parcel 42 (parcel ID # 402325255001-) and addressed 4322 Duncan Road.
3. If this fence is at a later date removed this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

**Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (3), Location Map, Zoning Map, Current Aerial Photo, 2002 Aerial Photo, Section 3-9-42 (3), Job Card, Fence Site Plan, Section 3-9-72, Boundary Survey, Fence Plan, Narrative and Environmental Specialist Memorandum



Community Development

# CHARLOTTE COUNTY

## Location Map for VAR-15-007

Charlotte County Government

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### 25/40/23 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-S. Yancey-7262 Date Saved: 10/14/2015 4:32:21 PM

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(NOT TO SCALE)

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Community Development

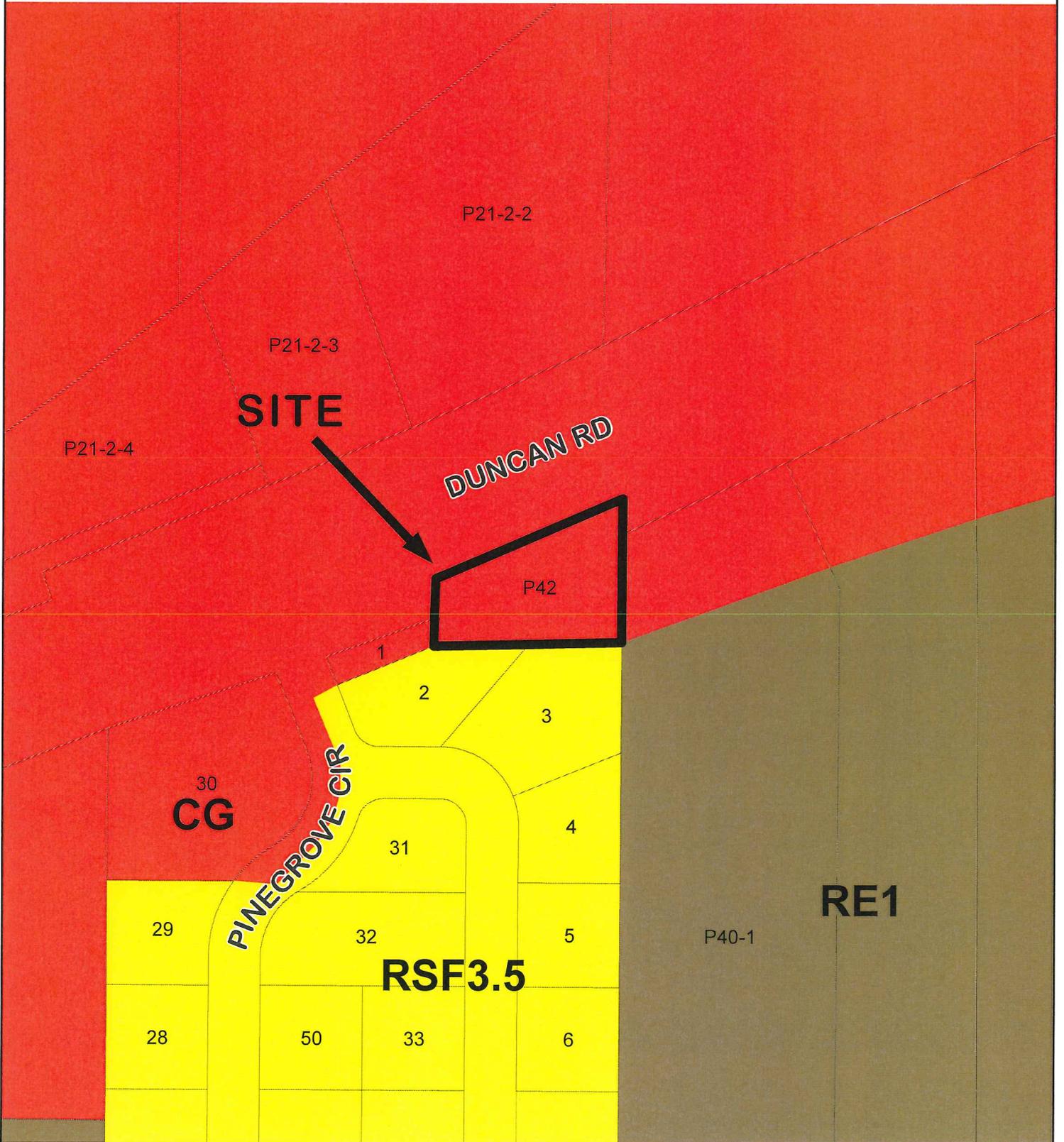
# CHARLOTTE COUNTY

## Zoning Map for VAR-15-007

Charlotte County Government

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# CHARLOTTE COUNTY

## 2014 Aerial View for VAR-15-007

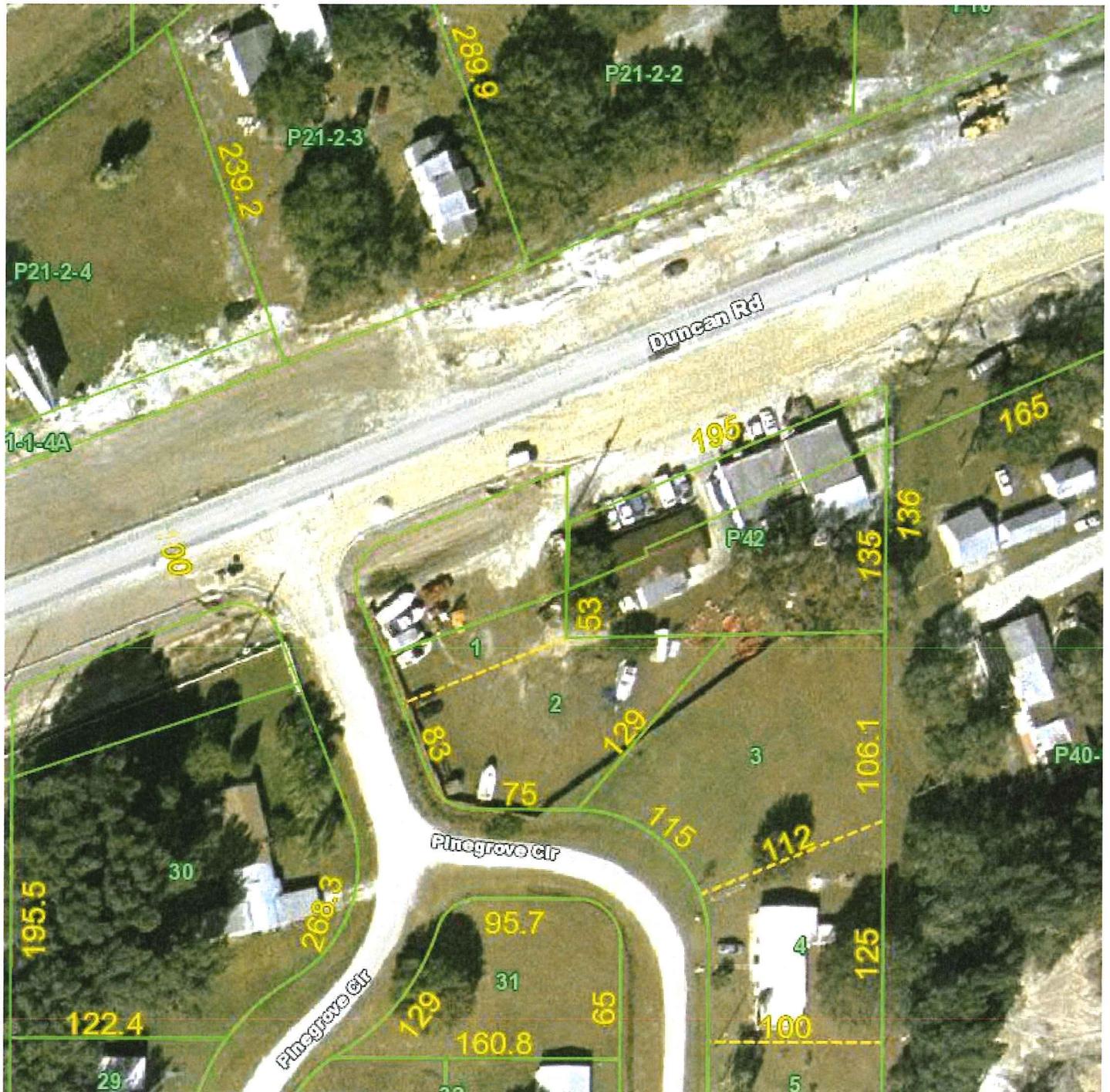


25/40/23 East County

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(NOT TO SCALE)



2002 Aerial Photograph (Duncan Road Widening)

4322 Duncan Road

( Exhibit A )

**Section 3-9-42**

**Commercial General (CG).**

- (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.
- (b) *Permitted Uses and Structures (P):*
- (1) Animal hospital, boarding facility.
  - (2) Art, dance, music, photo studio or gallery.
  - (3) Assisted living facility or day care center, adult, six or less. (see [section 3-9-62 Assisted Living Facility](#))
  - (4) Auditorium, convention center, performing arts center.
  - (5) Bank, financial services.
  - (6) Bar, cocktail lounge, nightclub, tavern.
  - (7) Business services.
  - (8) Clubhouse, community center.
  - (9) Day care center, child.
  - (10) Drug store, pharmacy.
  - (11) Dry cleaner.
  - (12) Elementary, middle, or high school.
  - (13) Emergency services.
  - (14) Essential services. (see [section 3-9-71 Essential Services](#))
  - (15) Funeral homes, crematoria.
  - (16) Gas station.
  - (17) General offices.
  - (18) General retail sales and services. (see [section 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage](#))
  - (19) Government uses and facilities.
  - (20) Homeless shelter.
  - (21) Hospital.
  - (22) Hotel, motel, inn.
  - (23) Laundromat.
  - (24) Liquor, package store.
  - (25) Mass transit station.
  - (26) Medical or dental office, clinic.
  - (27) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
  - (28) Model home. (see [section 3-9-78 Model Homes](#))
  - (29) Motor vehicle wash.
  - (30) Nursing home.
  - (31) Paid or public parking lot, garage, structure.
  - (32) Park, public or not-for-profit.
  - (33) Personal services.
  - (34) Place of Worship. (see [section 3-9-82 Places of Worship](#))
  - (35) Post office.
  - (36) Printing facilities.
  - (37) Private clubs.
  - (38) Professional services.
  - (39) Recreation, indoor.
  - (40) Recreation, outdoor.
  - (41) Restaurant.
  - (42) Sexually oriented business. (see [section 3-9-84 Sexually Oriented Businesses](#))
  - (43) Telecommunications facility, 50 feet or less in height. (see [section 3-9-68 Communication Towers](#))
  - (44) University or college.
  - (45) Vocational, trade, or business school.
  - (46) Wholesale sales.
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses, and also including, but not limited to:
- (1) Fences or walls which may be permitted prior to the principal uses and structures.

**Commercial General  
( Exhibit B-1 )**

**Section 3-9-42 Commercial General (CG). (continued)**

- (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a Conditional Use, see section 3-9-69 Conditional Uses and Structures)
  - (1) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)
  - (2) Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers.
  - (3) Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and campers.
  - (4) Building trades contractor's office.
  - (5) Farm equipment sales and service.
  - (6) Laboratories, Class 1, 2 and 3.
  - (7) Marina.
  - (8) Noncommercial vehicle rental.
  - (9) Private off-site parking.
- (e) *Prohibited Uses and Structures:* Any use or structure not expressly, or by reasonable implication permitted herein or permitted by Special Exception shall be unlawful in this district.
- (f) *Special Exceptions (S):* (For procedure see section 3-9-6.2 Special Exceptions)
  - (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
  - (2) Amphitheater.
  - (3) Animal sanctuary.
  - (4) Biofuel production, less than 5,000 gallons per day.
  - (5) Building trades contractor's office with storage yard on-premises, or with more than ten service vehicles and with heavy equipment.
  - (6) Commercial laundry.
  - (7) Commercial vehicle rental.
  - (8) Heavy machinery, equipment rental, sales, service.
  - (9) Heliport, helistop.
  - (10) Industrial marina.
  - (11) Leisure vehicle rental.
  - (12) Light manufacturing and assembly in a completely enclosed building.
  - (13) Lumberyard.
  - (14) Outdoor market or exhibition space.
  - (15) Railroad sidings.
  - (16) Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers.
  - (17) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)
  - (18) Truck stop.
  - (19) Such other uses as determined by the Zoning Official or his/her designee to be:
    - a. Appropriate by reasonable implication and intent of the district.
    - b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
    - c. Not specifically prohibited in that district.

**Commercial General  
( Exhibit B-2 )**

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to section 3-9-6 Board of Zoning Appeals.

**(g) Development Standards:**

	CG
<b>Lot (minimum)</b>	---
Area (square feet)	12,000
Width (feet)	100
<b>Setbacks (minimum feet)</b>	
Front	15
Side (interior)	0
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
<b>Bulk (maximum)</b>	
Lot coverage of all buildings	55%
Height (feet)	60
Density (units/acre)	0

**Section 3-9-42**

**Commercial General (CG). (continued)**

Landscape buffers and screening shall be required in this district in accordance with the provisions of this Code, as the same may be amended.

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-88, Waterfront Property.

(h) *Signs.* Signs shall be in accordance with section 3-9-85.

(i) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981; Res. No. 83-11, § 1, 02-15-1983; Res. No. 83-18, § 1, 03-22-1983; Res. No. 85-105, § 1, 06-11-1985; Res. No. 87-254, § 22, 10-20-1987; Res. No. 87-255, § 6, 10-20-1987; Res. No. 87-258, §§ 1, 2, 10-20-1987; Ord. No. 89-34, § 16, 05-31-1989; Ord. No. 92-44, §§ 1-3, 06-02-1992; Ord. No. 94-55, §§ 28, 29, 11-03-1994; Ord. No. 2001-031, § 1(m), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, § 8, 08-26-2003; Ord. No. 2014-063, § 1, 11-25-2014)

**Commercial General  
( Exhibit B-3 )**



Charlotte County Government
Community Development

PERMIT - INSPECTION JOB CARD

THIS PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE ON THE FRONT OF THE PREMISES BEFORE WORK IS STARTED.

In consideration of the granting of this permit, it is agreed, in all respects, the work is to be performed and completed in accordance with the permitted plans and the applicable codes of Charlotte County, Florida.

24 HOURS NOTICE REQUIRED FOR INSPECTION (941) 833-4086
TOLL FREE FROM ENGLEWOOD (941) 681-3768

Permit No. 20140812177

Permit Type / Sub-Type : Accessories / Commercial / Fence

Job Address : 4322 DUNCAN RD, Punta Gorda, FL, 33982

Section : 25 Township : 40 Range : 23 Folio # : 402325255001

Lot / Block : Subdivision : ZZZ

Owner Name : SATTAR NAZEEMA

Contractor: FENCE OUTLET NORTH PORT LLC License #: AAA-13-00093
Phone : (407) 851-6660

GENERAL

Expiration Date : 10/3/2015 Construction Cost : \$10,788.00
Flood Zone : X In SFHA : No

Description of Work : INSTALL 6' PVC FENCE

Date Issued : 08/29/2014 Issued By : Heidi Clement
Date Issued : 04/06/2015 Issued By : Chris Perin

INSPECTIONS

Table with 5 columns: IVR #, Inspection Type, Inspector, Status, Date. Contains two rows of inspection records.

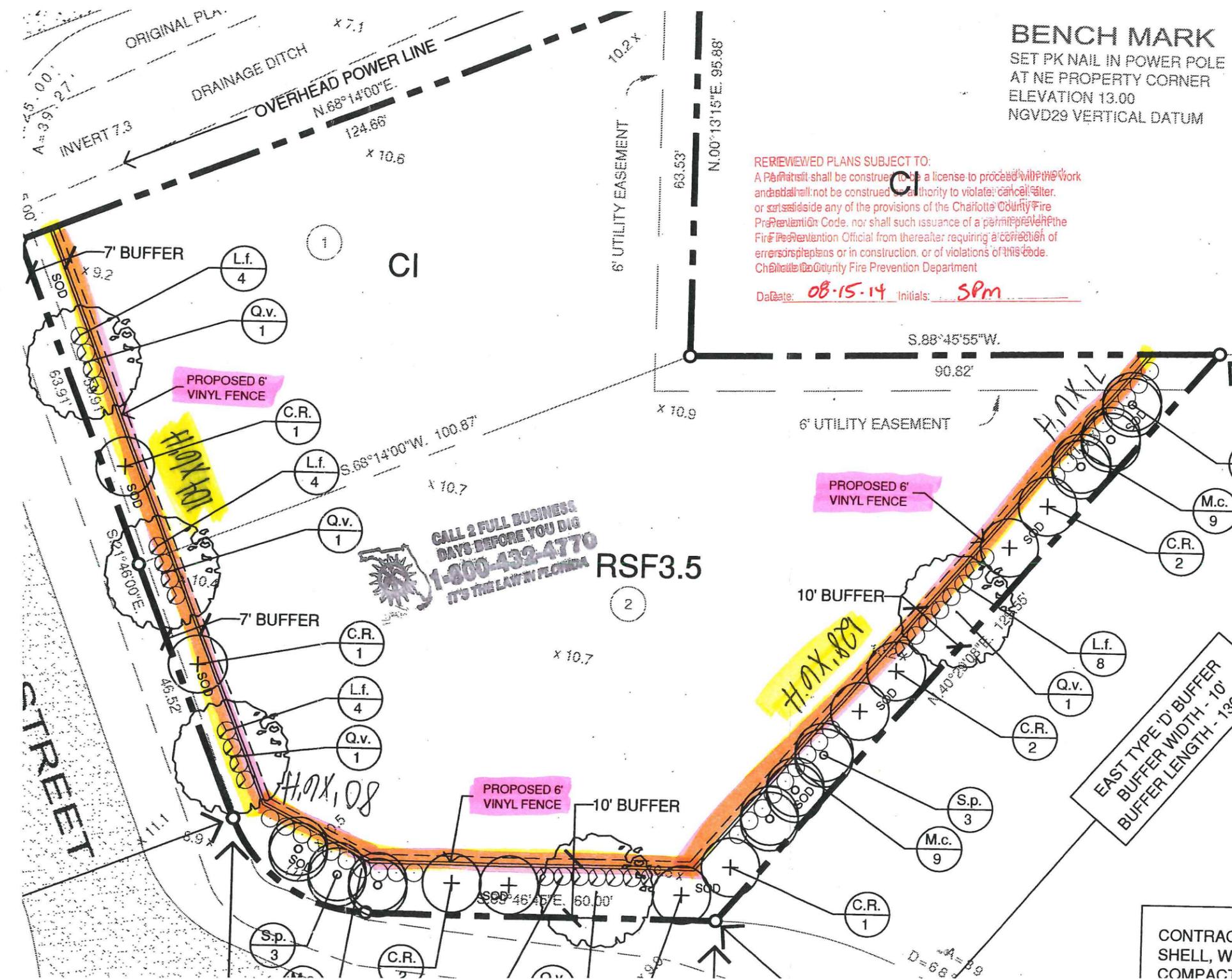
NOTICE TO APPLICANT:

There is an outstanding balance on this permit of \$0.00 in general fees and \$0.00 in Impact Fees. In addition, if this permit is for new residential units, a garbage fee may also apply and will be calculated when you schedule final inspections.

Fees, including Impact Fees, may be paid at any time up to the point that final inspections are scheduled. They do not need to be paid in one lump sum and can be spread out through the life of the permit if this is more convenient for the applicant.

Fence Permit
( Exhibit C-1 )

WARNING TO OWNER : YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. FS 713.135



**BENCH MARK**  
 SET PK NAIL IN POWER POLE  
 AT NE PROPERTY CORNER  
 ELEVATION 13.00  
 NGVD29 VERTICAL DATUM

REVIEWED PLANS SUBJECT TO:  
 A permit shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or suspend any of the provisions of the Charlotte County Fire Prevention Code, nor shall such issuance of a permit prevent the Fire Prevention Official from thereafter requiring a correction of errors or stoppage or in construction, or of violations of this code.  
 Charlotte County Fire Prevention Department  
 Date: 08-15-14 Initials: SPM

OFFICE COPY

There is a legal obligation by the owner and/or builder on this property to comply with the recorded deed restrictions.

Any structure or appurtenance located within an easement will require approval pursuant to the procedure established by the Charlotte County Engineering Department.

Plan approved subject to compliance with Charlotte County Zoning Regulations  
 Date: 8/12/14  
 6' PVC fence as proposed only

CONTRACTOR SHALL REMOVE ALL CONCRETE, SHELL, WEEDS, SOD, STONES, DEBRIS AND COMPACTED SOILS WITHIN THE LANDSCAPE

**Fence Site Plan  
 (Exhibit C-2)**

STREET

CALL 2 FULL BUSINESS DAYS BEFORE YOU DIG  
 1-800-432-4770  
 IT'S THE LAW IN FLORIDA

CI

RSF3.5

RSF3.5

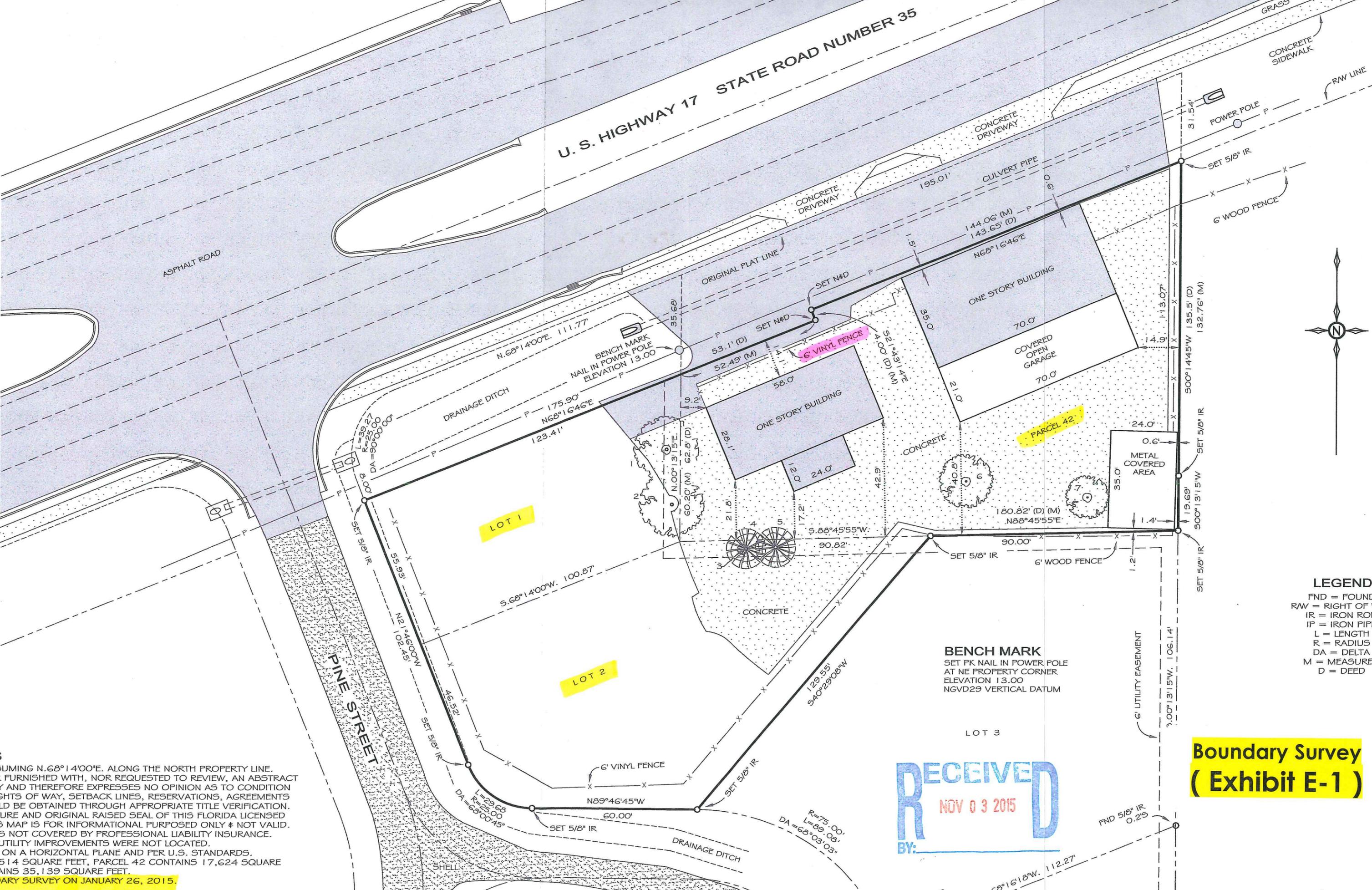
**Section 3-9-72**

**Fences; Walls.**

- (a) In all residential districts except Residential Estate (RE), side and rear setback requirements shall not apply to fences and walls six feet high or less behind the minimum front setback line, except for a corner lot where a side property line abuts a road, the setback shall be a minimum of 7.5 feet of the property line and meet the requirements set forth in section 3-9-89, Visibility at Road Intersections. Front setback requirements shall not apply to opaque fences or walls three feet high or less or non-opaque fences or walls four feet high or less. Fences and walls exceeding six feet in height shall maintain the minimum setback requirements set forth in each zoning district.
- (b) In all non-residential districts and the RE district, fences and walls located on lot lines shall not exceed eight feet in height, except for a corner lot where a side property line abuts a road, the setback shall be a minimum of 7.5 feet of the property line and meet requirements set forth in section 3-9-89, Visibility at Road Intersections. Front setback requirements shall apply to opaque fences or walls for four feet or higher. Fences and walls exceeding eight feet in height shall maintain the minimum setback requirements set forth in each zoning district.
- (c) Fences charged with electricity are permitted only in Agriculture (AG), and Excavation and Mining (EM) districts as well as in RE district with an approved Special Exception for agricultural uses.
- (d) Barbed wire fencing shall be permitted only:
  - (1) In AG and EM districts;
  - (2) In commercial and industrial districts on top of fences or walls; and
  - (3) Around institutional uses and utility installations in any district.
  - (4) In the RE district with an approved Special Exception for agricultural uses.
- (e) Fences and walls exceeding six feet in height shall be permitted and must maintain the minimum setback requirements set forth in each zoning district where the fence or wall is located.
- (f) For the purpose of this section, the height of the fence or wall shall be measured from the finished grade of the site, excluding berms.
- (g) All fences and walls shall be installed with the finished side facing the adjacent property or the public right-of-way. All fence posts must be located on the inside of the fence facing the property on which the fence is located unless the fence is designed and constructed to look the same on both sides. No element of fences and walls shall encroach on an adjacent lot or right-of-way.
- (h) Gates, columns, posts, and finials may exceed the maximum height of the fence by no more than one foot. Pergolas or arches associated with a gate or entrance may be permitted up to ten feet in height.
- (i) If the property abuts a water body, no fence or wall greater than four feet in height shall be permitted closer than 10 feet to the Mean High Water line, seawall, or the property line, whichever is more restrictive.
- (j) Subdivision perimeter walls may be approved through a Site Plan Review process without maintaining the minimum setback requirements set forth in each zoning district.

(Minutes of 12-08-1981, § 8; Ord. No. 89-47, § 8, 06-22-1989; Ord. No. 91-06, § 3, 02-26-1991; 2015; Ord. No. 92-68, § 1, 08-12-1992; Ord. No. 2014-041, § 1, 11-25-2014; Ord. No. 2015-008, § 1, 02-24-2015)

**Section 3-9-72  
( Exhibit D )**



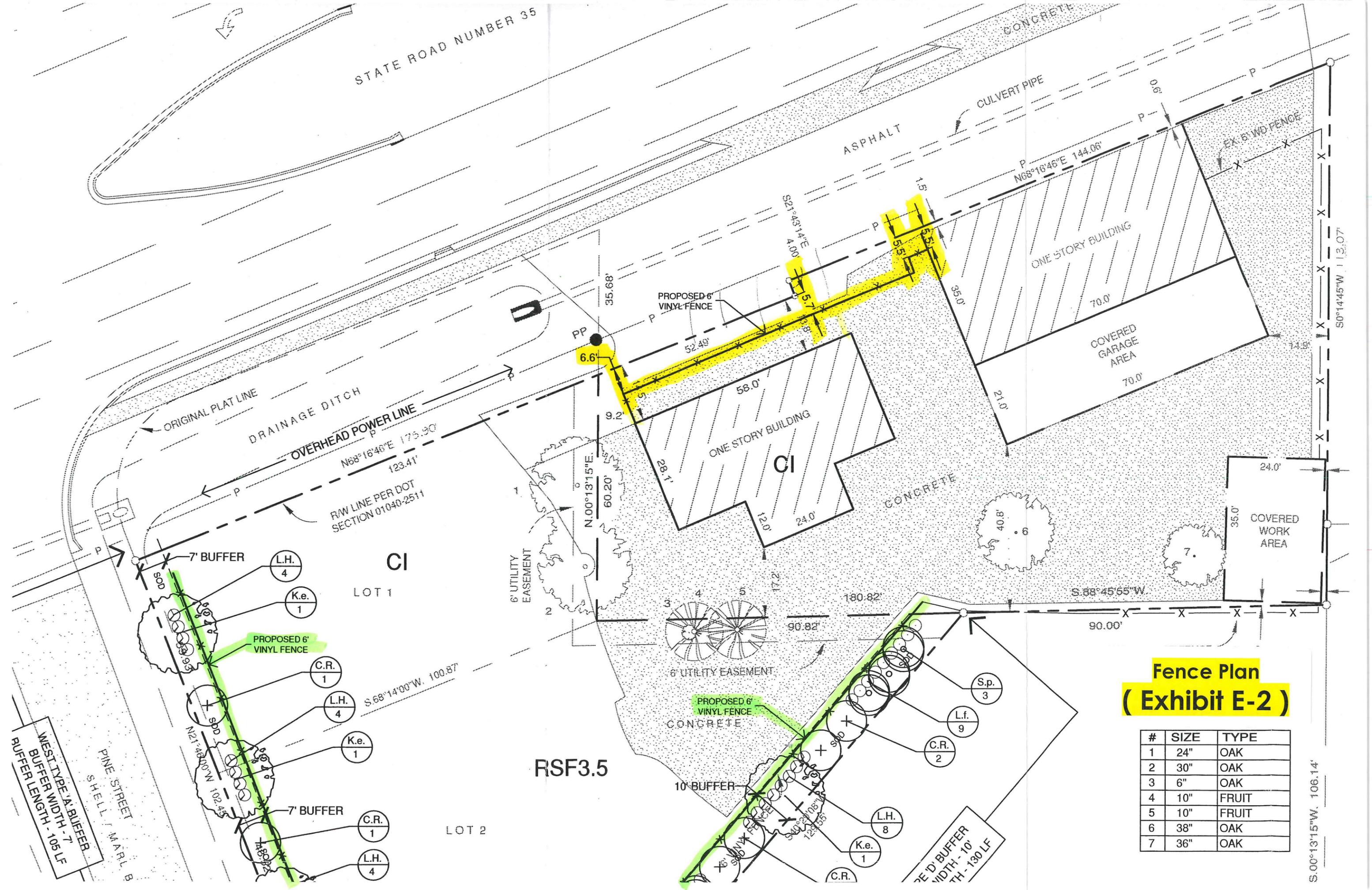
**LEGEND**  
 FND = FOUND  
 R/W = RIGHT OF WAY  
 IR = IRON ROD  
 IP = IRON PIPE  
 L = LENGTH  
 R = RADIUS  
 DA = DELTA  
 M = MEASURED  
 D = DEED

**BENCH MARK**  
 SET PK NAIL IN POWER POLE  
 AT NE PROPERTY CORNER  
 ELEVATION 13.00  
 NGVD29 VERTICAL DATUM

**RECEIVED**  
 NOV 03 2015  
 BY:

**Boundary Survey**  
**(Exhibit E-1)**

SUMING N.68°14'00"E. ALONG THE NORTH PROPERTY LINE.  
 FURNISHED WITH, NOR REQUESTED TO REVIEW, AN ABSTRACT  
 Y AND THEREFORE EXPRESSES NO OPINION AS TO CONDITION  
 HTS OF WAY, SETBACK LINES, RESERVATIONS, AGREEMENTS  
 LD BE OBTAINED THROUGH APPROPRIATE TITLE VERIFICATION.  
 URE AND ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED  
 3 MAP IS FOR INFORMATIONAL PURPOSES ONLY & NOT VALID.  
 S NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.  
 UTILITY IMPROVEMENTS WERE NOT LOCATED.  
 ON A HORIZONTAL PLANE AND PER U.S. STANDARDS.  
 514 SQUARE FEET, PARCEL 42 CONTAINS 17,624 SQUARE  
 AINS 35,139 SQUARE FEET.  
 ARY SURVEY ON JANUARY 26, 2015.



STATE ROAD NUMBER 35

ORIGINAL PLAT LINE  
DRAINAGE DITCH  
OVERHEAD POWER LINE  
N68°16'46"E 175.90'  
123.41'  
R/W LINE PER DOT  
SECTION 01040-2511

ASPHALT  
CONCRETE  
CULVERT PIPE

ONE STORY BUILDING  
70.0'

COVERED GARAGE AREA  
70.0'

ONE STORY BUILDING  
CI

COVERED WORK AREA

7' BUFFER  
L.H. 4  
K.e. 1  
PROPOSED 6' VINYL FENCE  
C.R. 1  
L.H. 4  
K.e. 1  
S.68°14'00"W 100.87'  
7' BUFFER  
C.R. 1  
L.H. 4

6' UTILITY EASEMENT

6' UTILITY EASEMENT

PROPOSED 6' VINYL FENCE  
CONCRETE

10' BUFFER

10' BUFFER  
WIDTH - 10'  
LENGTH - 130 LF

CI  
LOT 1

RSF3.5

LOT 2

**Fence Plan  
(Exhibit E-2)**

#	SIZE	TYPE
1	24"	OAK
2	30"	OAK
3	6"	OAK
4	10"	FRUIT
5	10"	FRUIT
6	38"	OAK
7	36"	OAK

WESTYRE 'A' BUFFER  
BUFFER WIDTH - 7'  
BUFFER LENGTH - 105 LF

PINE STREET  
S HELL MARLB

S.00°13'15"W 106.14'

S.0°14'45"W 113.07'

To whom this may concern,

We are requesting a variance for a fence that we have installed on site address Duncan Rd. We believe the fence meets all criteria needed for the variance to be approved.

1. The front yard setback requirement in the Commercial General (CG) is 15 feet. The easterly building is less than two feet from the front property line and the westerly building is less than 15 feet from the front property line.
2. The owner needs a 6' high privacy fence in the front yard to screen and buffer the loud noises from traffic on highway 17. The strict enforcement of the four foot height restriction in the front yard, or the 15 foot setback requirement for a 6' high fence, would create an undue hardship according to the property owner.
3. There are no neighbors on site ; fence is set behind other building on property.
4. The conditions giving rise to the requested variance has not been created by the current owner, but was created by the Florida Department of Transportation (FDOT) when they acquired additional Right-of-way for the widening of Highway 17. The taking of land from this property for the widening of Highway 17 created the current conditions, constructed traffic lanes closer to these buildings, and thus increasing the traffic noise affecting this property and business owner.
5. The requested variance represents the existing location of the fence, with a 5.5-foot or greater setback. This is the location where the property owner instructed us (Fence Outlet) to erect the six-foot high privacy fence. The property owner made the determination that this would make the most efficient use of their property.

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**Narrative**  
**( Exhibit F )**



## MEMORANDUM

**Date:** October 27, 2015  
**To:** Ken Quillen, Planner III  
**From:** Susie Derheimer, Environmental Specialist  
**Subject:** VAR-15-007, fence height variance, 4322 Duncan Road

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes or ordinances and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The site consists of existing commercial buildings and parking lots.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

SD

**( Exhibit G )**