

STAFF REPORT
Community Development Department
Petition Number: VAR-16-003

To: The Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Planning and Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: August 3, 2016

BZA meeting date: August 10, 2016

Requested Action and General Information:

Jim Benson, agent for Bernd and Ingrid Duerrschmidt, is requesting a variance to increase the maximum height permitted for an opaque fence in a front yard from three feet to six feet in the Residential Single-family-3.5 (RSF-3.5) zoning district. This property is located at **9920 Winnipeg Street** in South Gulf Cove (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is *Residential Single-family-3.5* (RSF-3.5). This property has a *Low Density Residential*, Future Land Use Map (FLUM) designation. The attached **Aerial Photograph** shows this regular shaped parcel (lots 51 & 52), which was created by the *Port Charlotte Subdivision Section 87* in 1961. Staff has attached a copy of the current **Fence Regulations** (**Exhibit A**) (*section 3-9-72 Fences - Walls*), which establishes height and location limitations for fences and walls.

On October 16, 2015 the owners applied for, and were issued, a **Fence Permit** (**Exhibit B**) for a six-foot high privacy fence. The attached exhibit labeled **Fence Plan** (**Exhibit B-2**) is from permit file number 20151017888, which is a drawing showing the proposed location of the six-foot high privacy fence, with a yellow highlighter, and indicates that the proposed fence would be located 25 feet back from the front lot line. This **Fence Plan** (**Exhibit B-2**) was drawn by staff, to assist the applicant with their application, and was based on information provided by the applicant to staff. This also shows that the existing home is located 35 feet from the front lot line, which was in error.

On November 3, 2015 the County inspected the fence for compliance with the fence permit and County codes. This inspection found that the six-foot fence is located within the required 25-foot front yard and does not meet the required 25-foot setback for opaque fences over three feet in height. As such, an **Advisory Notice** (**Exhibit C**) was issued by the inspector.

The applicant has applied for this variance to allow the fence to remain "as is" at its current location. The attached **Boundary Survey** (**Exhibit D**) shows that the existing six-foot high fence is located 13.3 feet from the front lot line. This requires a variance of three feet to allow an increase in the three-foot height limit for an opaque fence permitted in the required front yard. The applicant has drawn on a copy of the survey (**Exhibit D-2**) to show other improvements related to this fence, including a parking pad, sidewalks and patio area.

The applicant has also submitted the attached **Narrative** (Exhibit E) explaining why the applicant believes this request for a variance should be granted. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit F) dated July 20, 2016.

Findings: The five standards for approval of a variance to increase the fence height for an opaque fence in a front yard 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: These lots, which were platted in 1961, are regular shaped lots, which together make up nearly a half-acre (160' by 125') parcel. This double lot has no unique or peculiar conditions or circumstances relating to the location of the residence, shape of the lot, or characteristics of the land. Subject property is very similar to other properties in the surrounding area. The property owner has more land area than most lot owners and has ample land area that may be enclosed with a six-foot high privacy fence.

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: Strict and literal enforcement of the three-foot height limit on opaque fences located in the front yard would not create an undue hardship as distinguished from a mere inconvenience. This fence could be reduced in height, or relocated, in order to comply with the fence height restrictions of County Codes.

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: Staff is not aware of any evidence that indicates that the existing six-foot high privacy fence would be injurious to or incompatible with contiguous uses or detrimental to the public welfare of the surrounding properties.

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 conditions given rise to the requested variance have been created by the applicant or property owners who constructed the fence in the wrong location and contrary to the approved **Fence Plan** (Exhibit B-2) submitted with the fence permit application.

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

Finding: A variance of three feet to increase the fence height to six feet is not the minimum modification of the regulation at issue that will afford relief because, this fence and related improvements could be modified to locate the fence out of the front yard. As an alternative the fence height could be reduced to four or five feet.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting a variance to increase the height of an opaque fence located in a front yard to six feet, staff believes that the requested variance does not meet all five criteria for granting a variance, specifically criteria numbered 1, 2, 4 and 5.

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 the fence is in compliance with the purpose and intent of the Zoning Code. The recommended condition(s) are as follows:

1. The variance, as approved by the Board of Zoning Appeals, is to increase the height of an opaque fence located in a front yard from three feet to six feet to allow the existing six-foot high fence to remain "as is".
2. This variance shall only apply to the existing six-foot high privacy fence. If this structure is at a later date demolished, removed, replaced or relocated by the owner 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.
3. The expiration of this variance, mentioned in condition number two above, shall not apply to any specific accidental event, beyond the control of the owner, such as high winds or fire, which may damage or destroy this six-foot privacy fence. If such an accidental event occurs then the owner may repair or replace this fence at the same height and location.

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, Aerial Photo, Section 3-9-72, Permit No. 20151017888 (4), Advisory Notice, Boundary Survey (2), Narrative (2) and Environmental Specialist Memo



Community Development

CHARLOTTE COUNTY

Location Map for VAR-16-003

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov



21/41/21 West 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 guarantees, 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 - D. Vance -8124 Date Saved: 7/7/2016 10:29:53 AM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2016\Variance\VAR\VAR-16-003\PKT\LocationMap\VAR-16-003.mxd



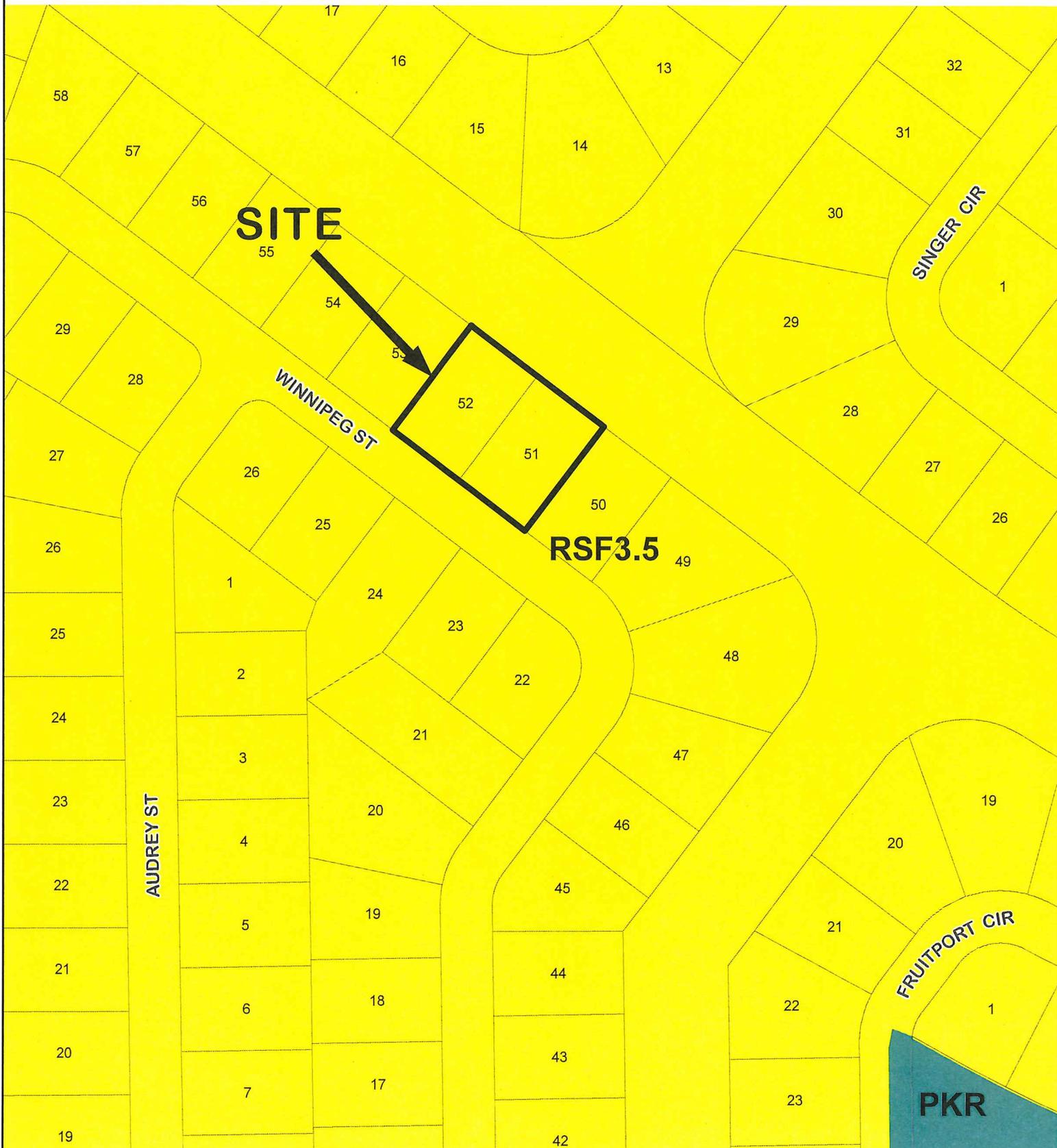
© Copyright 2016 Port Charlotte, FL by Charlotte County



Community Development

CHARLOTTE COUNTY

Zoning Map for VAR-16-003



21/41/21 West 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-D. Vance 8124 Date Saved: 7/7/2016 10:29:09 AM

Path: M:\Departments\LIS\Projects\Petition_Maps\Current_Planning\2016\Variance\VAR\VAR-16-003\PCCKTZoningMap\VAR-16-003.mxd



(NOT TO SCALE)

© Copyright 2016 Port Charlotte, FL by Charlotte County



Community Development

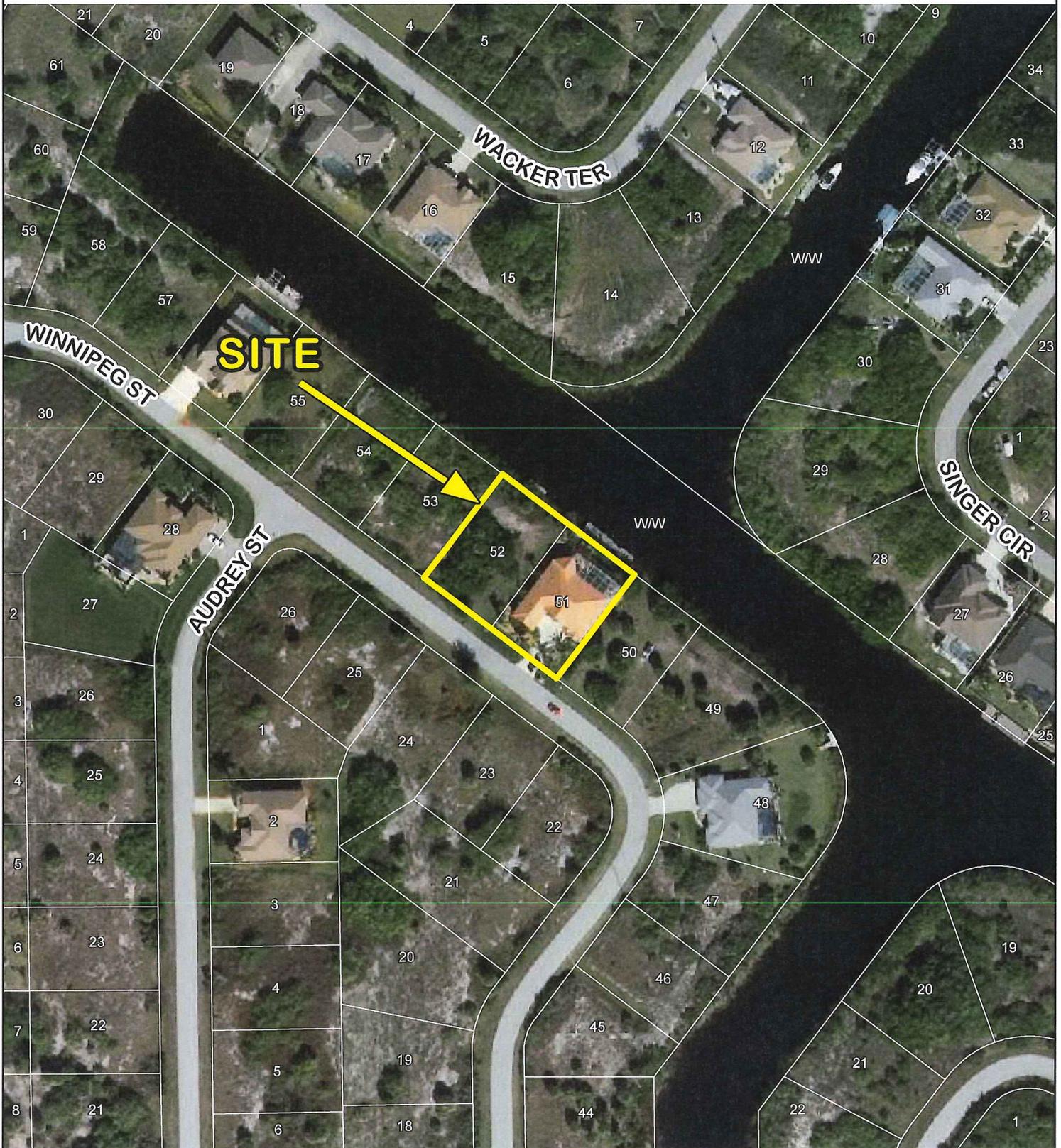
CHARLOTTE COUNTY

2014 Aerial View for VAR-16-003

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov



21/41/21 West 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 - D. Vance 8124 Date Saved: 7/7/2016 10:21:14 AM



(NOT TO SCALE)

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 off 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 of 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; 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 3-9-32
(Exhibit A)**



Community Development Zoning Division

18400 Murdock Circle, Port Charlotte, FL 33948-1094
Phone: (941) 743-1964 (941) 743-1230 Fax: (941) 743-1598
www.charlottecountyfl.com

"Leading the Way in Defining Community Development"

Residential Fence Permit - Application

Incomplete applications will not be accepted.

Date Received: 10-16-15 Receipt Number: _____
 Permit Number: 20151017888 Zoning Tech. Signature: [Signature]

1. Job Site Address: 9920 Winnipeg St., Port Charlotte 33981
(Address) (City) (Zip + four)

2. Legal description: Lot(s): 52 Block(s): 4580
 Subdivision: South Gulf Cove Unit or Sub-section: _____
 Parcel(s) or Tract(s): _____
 Section(s): _____; Township: _____ (South); Range: _____ (East)

3. Property Owner: Bernad & Ingrid Duerschmidt
Same as above
(Address) (City) (State) (Zip + four)
(Phone Number) (Fax Number) (E-mail Address)

4. Name of Contractor (Applicant): Fence Dynamics
7541 Sawyer Circle, Port Charlotte, FL 33981
(Address) (City) (State) (Zip + four)
941-697-2153 / 941-698-9862 / blaseb@fencedynamics.com
(Phone Number) (Fax Number) (E-mail Address)

5. Zoning Classification of Property: Residential

6. Description of Work to be done: Fence Install to privacy

7. Setbacks: front, _____; rear, _____; side, _____; side, _____

8. Construction Cost: \$7511.00

Applicant Check List

- 1) Application _____
- 2) Site plan drawn to scale with accessory affidavit or survey showing location of proposed fence (2 copies)
- 3) Notice of Commencement over \$2,500.00 _____
- 4) Copy of Release of Easement (if applicable) _____

(Return completed form to the Zoning Office)

Wade

I 10'

OFFICE COPY

Install 6' Privacy

Plan approved subject to compliance with Charlotte County Zoning Regulations. Date: OCT 16 2015

[Signature]

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.

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



10.5'

35'

35'

Low

9920 Winnipeg St.

Fence Permit (Exhibit B-2)



STATE OF FLORIDA
COUNTY OF CHARLOTTE

Notice Of Commencement

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4020 PAGE 654 PAGE: 1 OF 1
INSTR # 2388977 Doc Type: NOC
Recorded: 10/16/2015 at 3:31 PM
Rec. Fee: RECORDING \$10.00
Cashier By: AMANDAD

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.



This Space Reserved for Recording

Permit Number _____

Description of work to be done: Fence

Address: 9920 Winnipeg St. Port Charlotte FL 33981 Building #: _____ Unit #: _____
Number & Street Name

Tax Folio: _____ Lot: _____ Block: _____ Subdivision _____ Section: _____

Interest in Property _____

Name of Fee Simple Titleholder (if not owner) _____ Phone No. _____

Fee Simple Titleholder Address _____ Fax No. _____

Contractor Name Fence Dynamics Phone No. 941-697-2153

Contractor Address 7541 Sawyer Cr., Port Charlotte, FL 33981 Fax No. 941-695-9862

Bonding Company Name _____ Amount of Bond _____ Phone No. _____

Bonding Company Address _____ Fax No. _____

Lending Company Name _____ Phone No. _____

Lending Company Address _____ Fax No. _____

Persons within the State of Florida designated by the Owner upon whom notices or other documents may be served as provided in Section 713.13(1)(b), Florida Statutes.
Name: _____
Address: _____
Phone No. _____ Fax No. _____

In addition to himself or herself, Owner designates _____ of _____ to receive a copy of the Lienor's notice as provided in Section 713.13(1)(b), Florida Statutes.

Owner Name Bernd Duerschmidt + Ingrid Duerschmidt
Please Print
Owner Address 9920 Winnipeg St Pt Char FL 33981
Signature of Owner Bernd Duerschmidt + Ingrid Duerschmidt

State of Florida, County of Charlotte
The foregoing instrument was acknowledged before me this 16 day of Oct 20 15 by Bernd + Ingrid Duerschmidt who is personally known to me or who has produced _____

Seal

SUSAN COOPER
Commission # FF 218339
My Commission Expires
April 08, 2019

as identification and who did not take an oath.
Signature of Notary Susan Cooper
Printed Name of Notary Susan Cooper
Commission Number FF 218339

**Fence Permit
(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. This permit may be revoked at any time upon the violation of any of the provisions of said laws, ordinances, or rules and regulations or upon any change in the plans and specifications unauthorized by this department. Permit is void after 180 days from the date of issuance if work is not started. To keep this permit valid, a legitimate inspection must be passed within 180 days of the previous passed inspection. NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies.

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

Confirmation
178314

Permit No. 20151017888

Permit Type / Sub-Type : Growth Mgmt / Zoning Permits / Residential Fence

Job Address : 9920 WINNIPEG ST, Port Charlotte, FL, 33981

Section : 21 Township : 41 Range : 21 Folio # : 412121357007

Lot / Block : 0051 / 4580 Subdivision : PCH

Owner Name : DUERRSCHMIDT BERND & INGRID

Contractor: TARPON BAY GENERAL CONTRACTING INC

License #: CGC058248

Phone : (941) 815-4206

GENERAL

Construction Cost : \$7,511.00 Inside Lot : CHECKED
Flood Zone : 8AE In SFHA : Y

FENCE

Fence Height : 6

Description of Work : Install 6' Privacy

Date Issued : 10/16/2015

Issued By : Alexis Garcia

INSPECTIONS

IVR #	Inspection Type	Inspector	Status	Date
965	Zoning Final		Pending	

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. Any inspection rejection fees will be added at the time the inspection is rejected. All fees are due to be paid prior to scheduling 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 B-4)

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

REJECTION/ADVISORY NOTICE

The following additions or corrections shall be made before this job will be accepted.

Permit # 20151017888

Address 9920 Winnipig St.

The Fence Does not
meet the 25 ft.

Front Setback Requirements

1) move the fence 25 ft.
from the front property
line.

2) Recall zoning fence

Inspector #41

Phone 941-743-1964

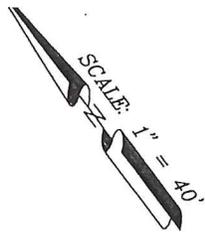
Date 11/3/15

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
DEPARTMENT

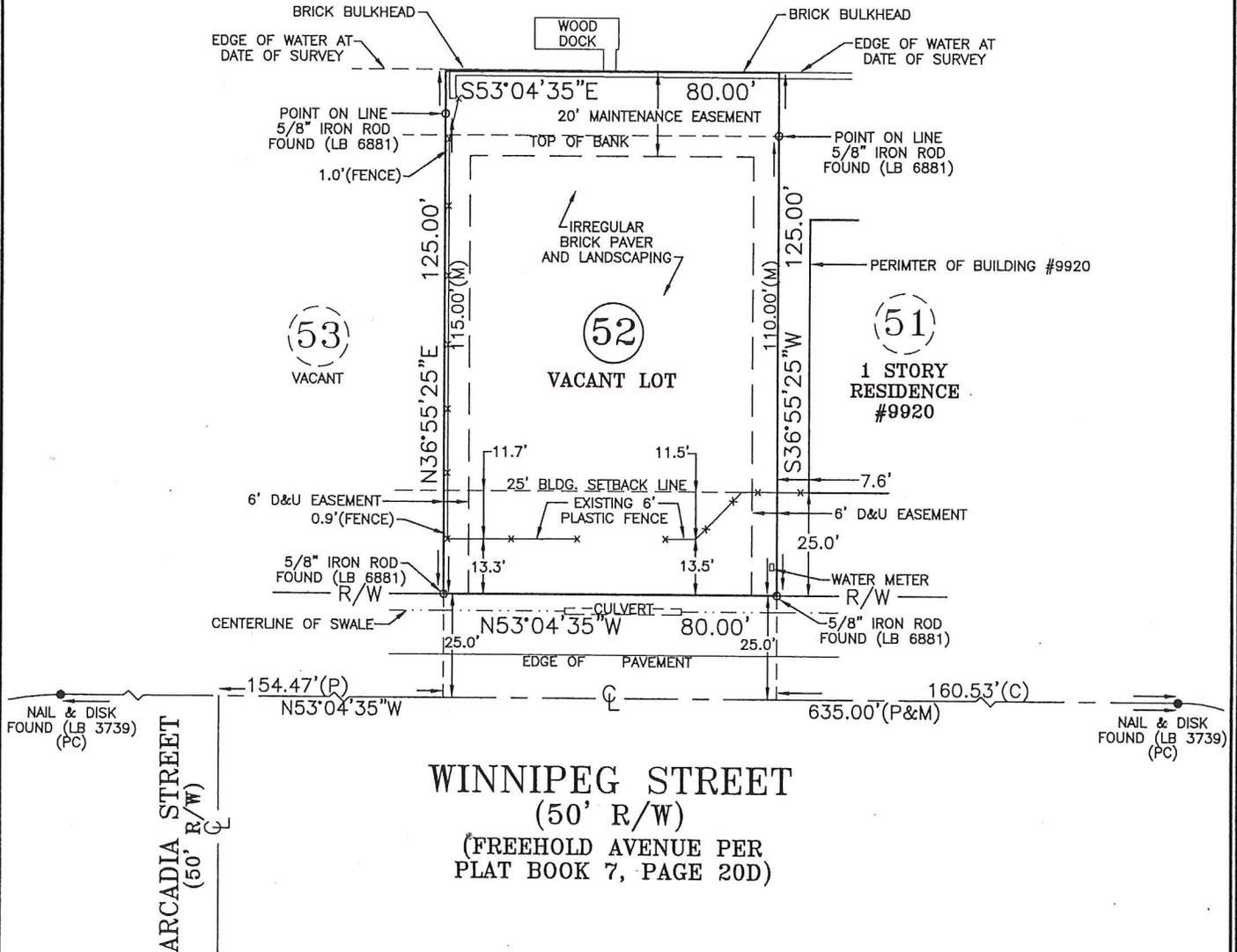
18500 Murdock Circle
Port Charlotte, FL 33948

**Advisory Notice
(Exhibit C)**

DO NOT REMOVE



KEYSTONE WATERWAY
(100' WIDE)



WINNIPEG STREET
(50' R/W)
(FREEHOLD AVENUE PER
PLAT BOOK 7, PAGE 20D)

LEGAL DESCRIPTION: (AS FURNISHED BY CLIENT)

LOT 52, BLOCK 4580, PORT CHARLOTTE SUBDIVISION SECTION EIGHTY SEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGES 20A-20N OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

NOTES:

- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE SEARCH AND MAY OR MAY NOT DEPICT ALL RESTRICTIONS OF RECORD AFFECTING SUBJECT P
- 2) BEARING BASIS: RECORD PLAT (SEE LEGAL DESC)
- 3) AREA: 10,000 SQ. FT. OR 0.23 ACRES MORE OR LESS
- 4) BASED ON INFORMATION SHOWN ON FLOOD INSURANCE COMMUNITY-PANEL NO. 120061 0213 F, DATED 11/11/83 AND ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE DESCRIBED PROPERTY IS IN FLOOD ZONE "A"
- 5) ALL BEARINGS AND DISTANCES SHOWN HEREON ARE VERIFIED THROUGH FIELD MEASUREMENT, OR CALL TO RECORDS, OR BOTH.
- 6) NO UNDERGROUND IMPROVEMENTS WERE LOCATED.

LEGEND:

- CONCRETE MONUMENT FOUND
- NAIL FOUND
- NAIL SET (LB 8881)
- R/W
- CONTROL POINT
- REFERENCE MONUMENT
- PC = POINT OF CURVATURE

SCALE: 1" = 40'

SURVEY DATE:

4/14/16

PROJECT NO. 161087

14206

F.B.59, PG.40

REVISIONS:

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

CERTIFICATION:

I, HEREBY CERTIFY THAT THIS SURVEY IS IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY CHAPTER 61G17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

[Signature]
SLATER GROUP INCORPORATED

4/30/16



**SLATER
GROUP
INCORPORATED**

5/16/2016

9920 Winnipeg Street

Port Charlotte, FL 33981

Narrative for variance Application:

We live on a low traveled road in South Gulf Cove and in September 2015, I noticed a vehicle traveling slow and frequently down our road. One day I followed the vehicle and discovered that its owner was a registered sex offender residing at 15509 Alsace Circle Port Charlotte, FL 33981 only 2.2 miles from our home. We have two young girls age 1 month and 3 years (at the time). We immediately became concerned for our families safety and privacy as we are outside playing with the girls all the time.

On October 16th, 2015, I visited CC zoning & permitting to obtain a fence permit to block the view into our yard and help keep perverts out! I explained to the County Employee that I needed to know where I could put the fence and how high I could go. The County employee directed me to visit another department, obtain my notice of commencement and she would have the permit ready when I returned. I returned shortly thereafter and the employee had a drawing of where I could place the fence & the height. She explained the setbacks and the right of way, I told her I did not have an existing survey, she said it wasn't needed. In her diagram, the existing home was shown as 35' off of the right of way as she indicated on the drawing; she indicated there was a 25' set back. At that point, I asked if I could install the fence 10' in front of the garage at a 6' height, her reply was yes. She then issued me a permit along with her stamped drawing.

With permit in hand and the drawing made by the County employee, I had the fence built EXACTLY to the specifications. On 11/3/2015 the fence was inspected by the County and failed because I was in the right of way. How could this be, County staff told my house was 35' from the right of way and that the setback was 25', I could place the fence 10' in front of the garage AND I could build it to 6'! All supporting documentation is attached.

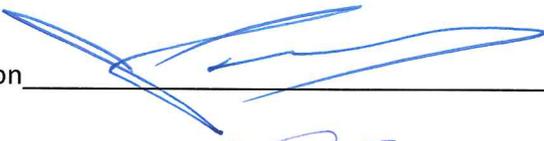
My hardship is twofold... I've got 2 kids with a pervert driving past my home, I spent \$9,000 on a fence to protect my kids and a County Employee told me to put it in the wrong place. The fence is aesthetically pleasing, professionally installed and in no way hinders traffic views or underground utilities. We built this fence EXACTLY as directed by a County Employee and should not be burdened with the expense of moving it. I am asking the Appeals board to grant us permission to leave the fence as it is and allow our kids to have a safe roomy area to play.

Narrative
(Exhibit E-1)

Timeline:

September 2015: We notice a registered sex offender driving slowly and frequently past our home
Oct 16th, 2015: I visit the county admin building to get a permit for a fence and ask an Employee for help.
The employee provides me with a drawing of exactly where and how high I can build a fence.
Oct 25th, 2015: I have the fence built exactly to the specifications provided by the County
Nov 3rd, 2015: County Inspector # 41 (Gloria) rejects my fence during final inspection
Various Dates: I've had numerous conversations with numerous Staff to resolve the situation.
March 22nd, 2016: Mary Ann Franks acknowledges that the Employee was wrong and was "just trying to help me out" and that I would have to spend \$880 on a variance application to try and correct the employees mistake, this also turned into another \$250 for the enclosed survey.
May 16th, 2016: After finally obtaining a drawing from my surveyor, I am submitting for the variance

While trying to protect the privacy of my kids from a neighborhood pervert, I was given incorrect information for a \$9,000 property improvement by a County Employee who I believe had the authority and competency to provide me with such information.

James Benson  Date 5/16/16

Nicole Duerschmidt  Date 5-16-16

Narrative
(Exhibit E-2)



MEMORANDUM

Date: July 20, 2016
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: VAR-16-003, Fence Height Variance at 9920 Winnipeg Street

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 two previously cleared and developed killed and combined 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 F)

P:\animal\Specexcep_Variences\2016\VAR-16-003(WinnipegFenceHeightVariance).doc