

## **SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**

### **DECISION ON APPEAL**

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 13<sup>th</sup> day of June 2023, to **UPHOLD** the denial by the Board of Adjustment to **DENY** a variance for a side street (west) setback variance from twenty-five (25) feet to six (6) inches for a fence in the R-1A (Single Family Dwelling) district for property located at 1252 Valley Creek Run.

#### **A. FINDINGS OF FACT**

**Property Owners:** Andrew Gotschall and Marta Barcia  
1252 Valley Creek Run  
Winter Park, FL 32792

**Project Name:** Valley Creek Run (1252)

1. On April 24, 2023 the Board of Adjustment **denied** a variance for a side street (west) setback variance from twenty-five (25) feet to six (6) inches for a fence in the R-1A (Single Family Dwelling) district for property located at 1252 Valley Creek Run.
2. On May 4, 2023 Seminole County received a Notice of Appeal to the Seminole County Board of County Commissioners by the applicant, Marta Barcia.
3. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of the Land Development Code of Seminole County Section 30.43(f).
4. The Board of County Commissioners hereby adopts the findings included in the Agenda Memorandum for the April 24, 2023 Board of Adjustment meeting, and the findings in the record of the June 13, 2023 Board of County Commissioners meeting, both incorporated herein by reference.

#### **B. CONCLUSIONS OF LAW**

Based on the above Findings of Fact, the Board of County Commissioners hereby concludes that the proposed variance is not in the public interest and that failure to grant the variance would not result in an unnecessary and undue hardship.

#### **C. DECISION**

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on June 13, 2023, it is determined by majority vote of members of the Board of County

Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **UPHELD**.

**Done and Ordered on the date first written above.**

Attest: \_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
Amy Lockhart, Chairman  
Board of County Commissioners

## **SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**

### **APPROVAL DEVELOPMENT ORDER**

On June 13, 2023, the Seminole County Board of County Commissioners **OVERTURNED** the denial by the Board of Adjustment to **DENY** a variance for a side street (west) setback variance from twenty-five (25) feet to six (6) inches for a fence in the R-1A (Single Family Dwelling) district for property located at 1252 Valley Creek Run, and issued this Development Order relating to and touching and concerning the following described property:

LOT 101  
LOST CREEK  
PB 46 PGS 72 THRU 75

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

#### **A. FINDINGS OF FACT**

**Property Owners:** Andrew Gotschall and Marta Barcia  
1252 Valley Creek Run  
Winter Park, FL 32792

**Project Name:** Valley Creek Run (1252)

1. On April 24, 2023 the Board of Adjustment denied a variance for a side street (west) setback variance from twenty-five (25) feet to six (6) inches for a fence in the R-1A (Single Family Dwelling) district, located at 1252 Valley Creek Run.
2. On May 4, 2023 Seminole County received a Notice of Appeal to the Seminole County Board of County Commissioners by the applicant, Marta Barcia.
3. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of the Land Development Code of Seminole County Section 30.43(f).
4. The Board of County Commissioners hereby incorporates the findings in the record of the June 13, 2023 Board of County Commission meeting, herein by reference.
5. Based on the above Findings of Fact, the Board of County Commissioners hereby concludes that the proposed variance is in the public interest and that the denial of the variance would result in an unnecessary and undue hardship.

## **B. CONCLUSIONS OF LAW**

The development permit sought is consistent with the Seminole County Comprehensive Plan and in compliance with applicable land development regulations and all other applicable regulations and ordinances.

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The Board hereby overturns the decision by the Board of Adjustment to deny a variance at 1252 Valley Creek Run for a side street (west) setback variance from twenty-five (25) feet to six (6) inches for a fence in the R-1A (Single Family Dwelling) district; and hereby grants a variance as follows:

- a. For a side street (west) setback variance from twenty-five (25) feet to six (6) inches for a fence in the R-1A (Single Family Dwelling) district.

(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, to the extent that such requirements are not inconsistent with this Development Order.

(3) The conditions upon this development permit and the commitments made as to this development permit, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The variance granted will apply only to fence 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.

(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.

(6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.

(7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant and/or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for

issuance of the Development Order if the Applicant and/or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

Attest: \_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
Amy Lockhart, Chairman  
Board of County Commissioners

