

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT AGENDA MEMORANDUM**

**Subject:** Planning Manager Appeal  
**Naviline Project Number:** 23-33000003  
**Agenda Date:**

**Special Exception** ☒ **Continued** ☐ **Consent** ☐ **Public Hearing** ☒

**County Attorney Office Review:**

**TITLE**

**Planning Manager Appeal** – Appeal of the Planning Manager’s determination in the measurement of a setback from the first vertical plan; (Douglas K. Gartenlaub, Appellant) Countywide (Mary Moskowitz, Planning Manager)

**DEPARTMENT**

Development Services

**DIVISION**

Planning & Development Division

**CONTACT**

Kathy Hammel – (407) 665-7389

**MOTION/RECOMMENDATION**

1. Uphold the Planning Manager’s determination in the measurement of a setback from the first vertical plan; or
2. Overturn the Planning Manager’s determination in the measurement of a setback from the first vertical plan; or
3. Continue the request to a time and date certain.

**BACKGROUND**

On March 1, 2023, Douglas K Gartenlaub, Appellant, filed a Notice of Appeal of the February 2, 2023 Planning Manager’s determination/decision. The Planning Manager determined that her interpretation of the code related to Seminole County Land Development Code Section 30.1343 is that the setback shall be measured from the posts supporting the roofline, as these posts would be considered the first vertical planes that intersect with any portion of the structure.

The appellant had the option of applying for a variance to correct the encroachment of the structure into the rear yard setback but decided to appeal the Planning Manager's Determination.

### **STAFF RECOMMENDATION**

Staff recommends the Board of Adjustment uphold the decision of the Planning Manager determination in the measurement of a setback from the first vertical plan.