

August 25, 2017

Daniel C. Hartley, PE Peninsula Engineering 2600 Golden Gate Parkway Naples, FL 34105

RE: AVA-PL20170002759, Administrative Fence Variance (AVA) for Rhodora J. Donahue Academy, located at 4955 Seton Way; AKA: Ave Maria Phase One Tract S Less Ave Maria Unit 7 Liberty Park, in Section 32, Township 47 South, Range 29 East of unincorporated Collier County, Florida; Property Identification/Folio No.: 22671002305.

Dear Mr. Hartley:

Requests for variances from the height limitations of fences and walls in commercial and industrial districts may be administratively approved by the Planning and Zoning Director when at least one health, safety, or welfare hazard peculiar to the property is identified, and that such approval does not address a generic problem more properly corrected by an amendment to the Land Development Code (LDC Section 5.03.02 D.2.).

<u>Submittal Documents:</u> AVA Application; Narrative Statement; Site Plan, and photograph of a typical fence section.

<u>Project Summary:</u> The above described property has received development approval as a private K-12 school, Rhodora J. Donahue Academy, by means of a Site Development Plan; SDPA-2006-AR-9326. The applicant seeks to construct a 6-foot vinyl privacy fence along the circumference of the property; without the subject AVA said fence is limited to 4-feet in height.

**Zoning:** The subject property is located within an area designated Agricultural (A) that has a Mobile Home Overlay (MHO) and is further located within a Rural Lands Stewardship Area (RLSA) Zoning Overlay District and the Town of Ave Maria Stewardship Receiving Area (SRA). All neighboring properties are within the same zoning designation.

REQUESTED ACTION: The applicant requests an Administrative Fence Variance to exceed the 4-foot height limitation forward of primary facades, on sites with structures that are subject to LDC Section 5.05.08, Architectural & Site Design Standards, by 2-feet to accommodate a 6-foot ornamental metal fence around the circumference of the subject property. The applicant states that a 6-foot high fence is necessary for reasons of safety; more specifically, to deter and inhibit the abduction of a student. The site was developed per SDPA-2006-AR-9326, as may have been amended.



## **STAFF FINDINGS and RECOMMENDATION:**

Zoning Services staff notes that variances of this type are intended for commercial and industrial locations; however, in this case staff is evaluating an educational facility located within an agricultural/residential area that would essentially have no fence height regulations were it not for the site needing to satisfy architectural standards intended for commercial/industrial uses. It is the opinion of the Zoning Manager that, in this case, the subject AVA request satisfies the intent of the Code. Staff accepts the applicant's argument and finds no compelling reason(s) to reject the applicant's administrative variance request, thus staff hereby recommends approval of said request.

## **ADMINISTRATIVE APPROVAL:**

Absent compelling factors to the contrary, the proposed administrative variance – administrative fence variance is granted subject to the following:

- A. Approval of this Administrative Variance is predicated on the information outlined above and the exhibits provided with the application request. Any changes to the facilities or business conditions or conversion to another business and/or use or changes to on-site conditions shall necessitate a re-review of the variance;
- B. If at any time it is deemed necessary by Collier County staff a reconsideration of this variance may necessitate a re-review of this variance if noise, visual or other complaints are received and determined to be justified by Collier County staff.
- C. The applicant and/or property owner shall obtain all required building permits for the described fence prior to commencing construction of said fence and all other Code requirements shall be satisfied.

You may wish to have this letter recorded in the official records of Collier County as a permanent record of the variance approval. Additionally, please note that LDC Section 5.03.02 H.4.a. requires that notice of this administrative variance approval and it's basis be noted on the site's future site development plans (SDPs).

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Michael Bosi, AICP, Director

Zoning Division

Attachments

cc: Raymond V. Bellows, Planning Manager

John A. Kelly, Senior Planner





