

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 20 FEET TO 5 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (NANCY & FRANK CAROLEO, APPLICANTS).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Francisco Torregrosa EXT. 7387

Agenda Date 12-13-04 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 20 FEET TO 5 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (NANCY & FRANK CAROLEO, APPLICANTS); OR
2. **DENY** REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 20 FEET TO 5 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (NANCY & FRANK CAROLEO, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	NANCY & FRANK CAROLEO, APPLICANTS 3742 ST LUCIE COURT HOLLOWBROOK PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS WISH TO ERECT A REPLACEMENT FENCE THAT WOULD ENCROACH 15 FEET INTO THE MINIMUM FRONT YARD SETBACK.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	
<b>STAFF FINDINGS</b>	<p>THE APPLICANTS HAS NOT SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> <li>• A COMPLIANT FENCE COULD BE ERECTED BY PLACING IT ALONG THE EXISTING HOUSE LINE.</li> <li>• THE REQUEST WOULD CONFER UPON THE APPLICANT</li> </ul>	

	<p>SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE PUD DISTRICT.</p> <ul style="list-style-type: none"><li>• THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCE. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED REPLACEMENT FENCE AS DEPICTED ON THE ATTACHED SITE PLAN;</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-3333 FAX

RECEIVED  
 NOV 01 2004

**COPY**

APPL. NO. BV 2004-167

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

**APPLICATION TYPE:**

- VARIANCE** FRONT YARD SETBACK VARIANCE FROM 20 FT TO 7 FT FOR A PROPOSED FENCE
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
  - EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_)
  - REPLACEMENT (YEAR \_\_\_\_\_) SIZE OF MOBILE HOME \_\_\_\_\_
  - ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
  - PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
  - MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT*
NAME	<u>NANCY L CAROLEO</u>	<u>FRANK CAROLEO</u>
ADDRESS	<u>3742 ST LUCIE CT</u>	
	<u>WINTER SPRINGS 32708</u>	
PHONE 1	<u>407 699 5539</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 3742 St Lucie ct Winter Springs  
 CURRENT USE OF PROPERTY: Residence  
 LEGAL DESCRIPTION: Leg Lot 38 Hollowbrook PB 32 Pgs 86+87  
 SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 2421305HX06000380  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 11/24/05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Nancy L Carleo  
 SIGNATURE OF OWNER OR AGENT\*

NOV-1-04  
 DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

**ADDITIONAL VARIANCES**

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): \_\_\_\_\_ COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING PUD

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS North side of Biscayne Dr on the NW corner of the intersection at Biscayne Dr. & St. Lucie Ct.

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

PLAT OF BOUNDARY SURVEY for: GENERAL HOMES

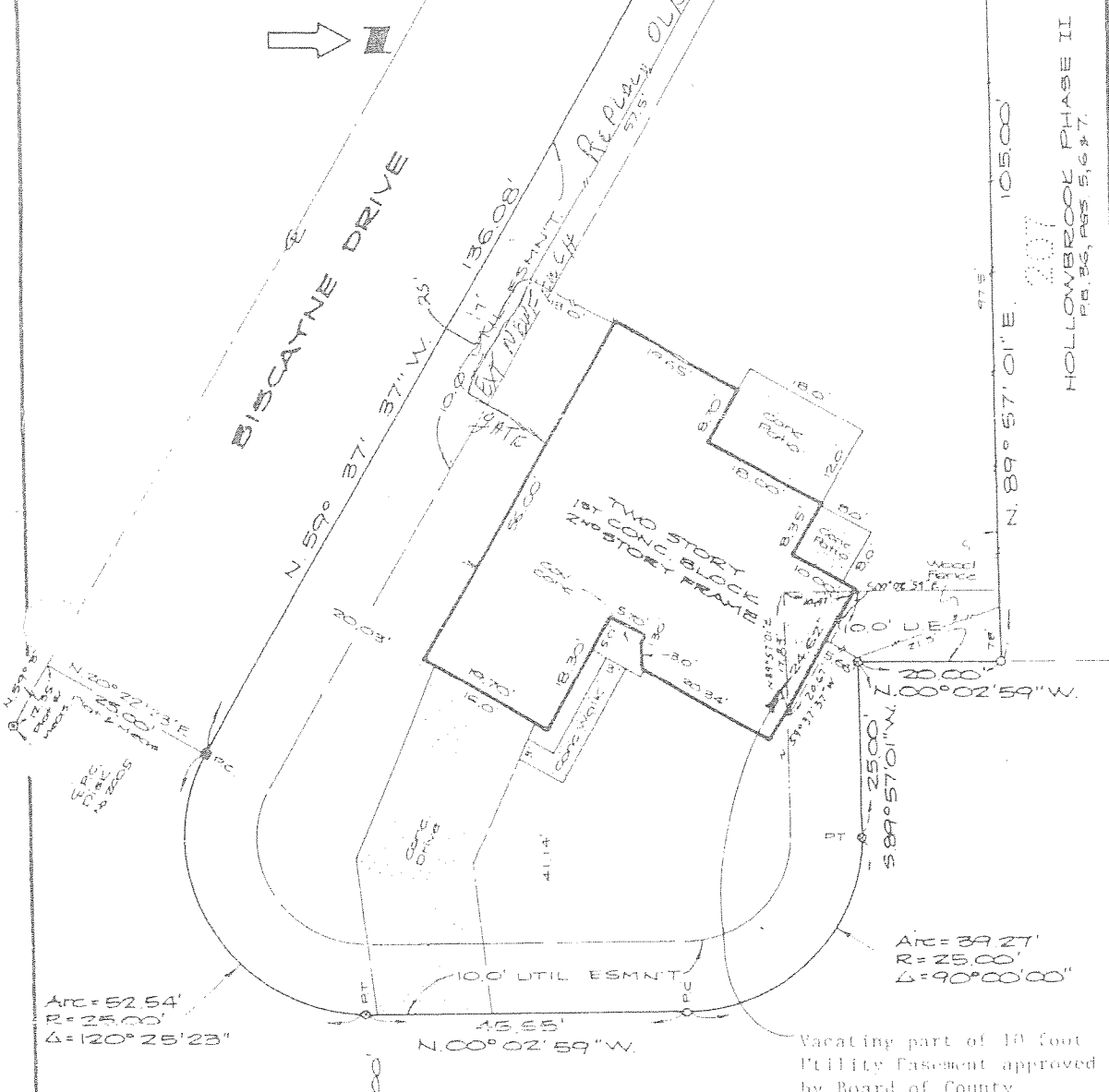
DESCRIPTION: LOT 38, HOLLOWBROOK

RECORDED IN PLAT BOOK 32 PAGE(S) 86 & 87 PUBLIC RECORDS OF Seminole COUNTY, FLORIDA

Based on the Federal Emergency Management Agency flood hazard map, the building site shown hereon DOES NOT LIE within the 100 year flood hazard area. Zone "C"

Panel No. 120289 0145B

Effective Date: 5/5/81



Arc = 52.54'  
R = 25.00'  
Δ = 120° 25' 23"

Arc = 39.27'  
R = 25.00'  
Δ = 90° 00' 00"

"It is hereby certified that there is no visual evidence on or above the ground of use of the property which might suggest a possible claim of easement other than shown on the survey"

Address: 3742  
**ST. LUCIE COURT**

Vacating part of 10 foot Utility Easement approved by Board of County Commissioners, Seminole County, January 26, 1988, Request No. 9.

NOTES:

- 1. BEARINGS BASED ON PLAT
- 2. ○ INDICATES SET IRON PIPE WITH CAP No. 2005
- 3. ⊙ INDICATES RECOVERED IRON PIPE WITH CAP No. 1100
- 4. ⊞ INDICATES RECOVERED 4"x4" CONC. MON. WITH NUMBER 1100
- 5. □ INDICATES SET 4"x4" CONC. MON. WITH No. 2005
- 6. X INDICATES SET CROSS IN
- 7. ⊙ INDICATES RECOVERED REINF. BAR WITH No. 472 027, Florida Statute

CERTIFIED TO: First American Title Insurance Company and First Southwestern Title Company of Florida

This survey meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472 027, Florida Statute

Revised: 1-27-88 Vacating part of 10' Utility Easement

**LAND CAVONE, INC.**  
848 E LAKE STREET (S.R. 427)  
LONGWOOD, FLORIDA 32750  
TELEPHONE: (305) 831-3633

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL

FINAL 11-24-87  
FOUNDATION 8-5-87  
STAKED 7-8-87

SCALE 1" = 20'  
JOB No.

*Dominick F. Cavone*  
Dominick F. Cavone  
Florida Registered Land Surveyor No. 2005

SSS-53121

COMMISSION DISTRICT #:

GUI  
PROJ. #

ZONED: PUD

SEC: 23

TWP: 21

RNG: 30

DEVELOPMENT: Hollowbrook Phase 2		DEVELOPER: General Homes (Brentwood PUD)	
LOCATION: N of Red Bug Lake Road, on the E side of Dodd Road		138 lots	
FILE#:	BA:	SP:	BCC:
P&Z:			
PB	36	PG	5-7
Lot		BIK	
Parcel		DBA	
		Comm Dist	
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS:		<b>SETBACK REQUIREMENTS</b>	
		FY:	20' SIDE ST.: 20' SY: 5' & 5' RY: 15'
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER: Patio Home - Lot size: 6,300 sq ft	
COMMENTS OTHER:		<b>ACCESSORY STRUCTURE SETBACKS:</b>	
		SY:	5' RY: 5'
		ACCESSORY STRUCTURE OTHER: Minimum RY 5' screened porches, pools and accessory building with side yard same as main structure	

	IMPACT FEES	
	SCREEN:	
	TRAFFIC ZONE:	107
	LAND USE:	1
	JURISDICTION:	50
	1. ROAD-CO. WIDE	V-200
	2. ROAD-COLL.	
	3. LIBRARY	
	4. FIRE	V-\$10
	5. PARK	
	6. SCHOOL	V-300
	7. LAW	
	8. DRAINAGE	
	TOTAL	\$510
	REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.



September 28, 2004

Mr. Frank Caroleo  
3742 Saint Lucie Court  
Winter Springs, FL 32708

**RE: No Objection to Installation of a Fence**

Dear Mr. Caroleo:

Please be advised that Progress Energy (formerly known as Florida Power) has "no objection" to the installation of a fence in the Northerly 100 feet of the Southwest 10 foot wide utility easement (side lot) of Lot 38, HOLLOWBROOK, according to the plat thereof, as recorded in Plat Book 32, Pages 86 through 87, of the Public Records of Seminole County.

Before installing your fence, please request a cable locate by calling Sunshine State Call One at 1-800-432-4770.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Janice Carmell".

Janice Carmell  
Operations Support  
North Central Region



FLALTH0101  
Box 153000  
Altamonte Springs, FL 32715

October 13,2004

Mr. Frank Caroleo  
3742 Saint Lucie Court  
Winter Springs, FL 32708

RE : NO OBJECTION TO INSTALLATION OF FENCE

Dear Mr. Caroleo

Please be advised that Sprint Florida Inc. has "no objection" to the installation of a fence in the Northerly 100 feet of the Southwest 10 foot wide utility easement ( side lot) of Lot 38, Hollowbrook, according to the plat thereof, as recorded in Plat Book 32, Pages 86 through 87, of the Public Records of Seminole County.

Before installing your fence, please request a cable locate by calling Sunshine State Call One at 1-800 432-4770.




Should you require any further assistance, please contact Steve O'Brien, the Engineer for this area at 407/830-3279.

Thank you

Steve O'Brien  
CSO/Engineer  
Sprint Florida

A handwritten signature in cursive script that reads "Steve O'Brien".



<b>PARCEL DETAIL</b>		<b>REAL ESTATE</b>	<b>PERSONAL PROP.</b>	<b>TAX ROLL</b>	<b>SALE SEARCH</b>	◀ ◁ Back ▷ ▶																																																		
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																								
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 24-21-30-5HX-0000-0380      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: CAROLEO NANCY L      Exemptions: 00-HOMESTEAD</p> <p>Address: 3742 ST LUCIE CT</p> <p>City,State,ZipCode: WINTER SPRINGS FL 32708</p> <p>Property Address: 3742 ST LUCIE CT</p> <p>Subdivision Name: HOLLOWBROOK</p> <p>Dor: 01-SINGLE FAMILY</p>				<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$113,206</p> <p>Depreciated EXFT Value: \$1,100</p> <p>Land Value (Market): \$21,500</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$135,806</p> <p>Assessed Value (SOH): \$110,188</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$85,188</p>																																																				
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>01/1988</td> <td>01929</td> <td>0441</td> <td>\$107,500</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	SPECIAL WARRANTY DEED	01/1988	01929	0441	\$107,500	Improved	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,884</p> <p>2004 Tax Bill Amount: \$1,405</p> <p>Save Our Homes (SOH) Savings: \$479</p> <p><b>2004 Taxable Value: \$83,133</b></p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																								
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																								

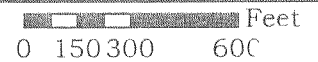
Nancy L. Caroleo  
3742 St. Lucie Ct.



Parcel: 24-21-30-5HX-0000-0380 / District: 1

BV0004-167

DECEMBER 13, 2004



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On December 13, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 38 HOLLOWBROOK PB 32 PGS 86 & 87

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

**FINDINGS OF FACT**

**Property Owner:** NANCY & FRANK CAROLEO  
3742 ST LUCIE COURT  
WINTER SPRINGS, FL 32708

**Project Name:** ST LUCIE COURT (3742)

**Requested Development Approval:**

1. MINIMUM FRONT YARD SETBACK VARIANCE FROM 20 FEET TO 5 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner  
1101 East First Street  
Sanford, Florida 32771

### Order

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

- (1) The aforementioned application for development approval is **GRANTED**.
- (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.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. The variance granted will apply only to the proposed replacement 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. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (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.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: