

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

SUBJECT: REQUEST FOR (1)(EAST) MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISTING 6 FOOT WOOD PRIVACY FENCE AND; (2) (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISITING 6 FOOT WOOD PRIVACY FENCE IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (JEFF MARION, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7398

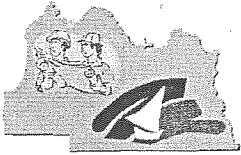
Agenda Date 05/23/05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1)(EAST) MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISTING 6 FOOT WOOD PRIVACY FENCE AND; (2) (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISITING 6 FOOT WOOD PRIVACY FENCE IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (JEFF MARION, APPLICANT);OR
2. **DENY** REQUEST FOR (1)(EAST) MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISTING 6 FOOT WOOD PRIVACY FENCE AND; (2) (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISITING 6 FOOT WOOD PRIVACY FENCE IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (JEFF MARION, APPLICANT);OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT:	JEFF MARION
	LOCATION:	161 E 7 TH STREET
	ZONING:	R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • WITHOUT BUILDING PERMITS, THE APPLICANT REPLACED AN EXISTING PRIVACY FENCE WITH A 	

	<p>FENCE THAT ENCROACHES 25 FEET INTO BOTH THE MINIMUM 25 FOOT SIDE STREET AND FRONT YARD SETBACKS. THE AFOREMENTIONED FRONT AND SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 0 FEET IS THEREBY REQUESTED.</p> <ul style="list-style-type: none"> • THE REPLACED FENCE SECTION WAS DAMAGED BY RECENT HURRICANE EVENTS. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED REPLACEMENT FENCE HAVE BEEN DEMONSTRATED. • THE PROPOSED FENCE COULD HAVE BEEN BUILT TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS AND STILL PROVIDE REASONABLE USE OF THE PROPERTY. • THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> • ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING FENCES AS DEPICTED ON THE ATTACHED SITE PLAN; AND • ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2005-033

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** Request for a side street setback variance from 25 feet To 0 feet and an additional front street setback variance from 25 feet To 0 ft. For an existing 6' High Privacy 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>JEFF D MARION</u>	
ADDRESS		
PHONE 1	<u>402 977-3310</u>	
PHONE 2	<u>407-417-2224</u>	
E-MAIL		

PROJECT NAME: East 7th Street (161)
 SITE ADDRESS: 161 E 7th St Chuluota Fla
 CURRENT USE OF PROPERTY: _____
 LEGAL DESCRIPTION: Lot 9 Blk 50 North Chuluota PB 2 PGS 54 to 58
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 21-21-32-5CF-5000-0090
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 05/23/05 (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.

[Signature] 3-24-05
 SIGNATURE OF OWNER OR AGENT* DATE

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

MR

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 _____

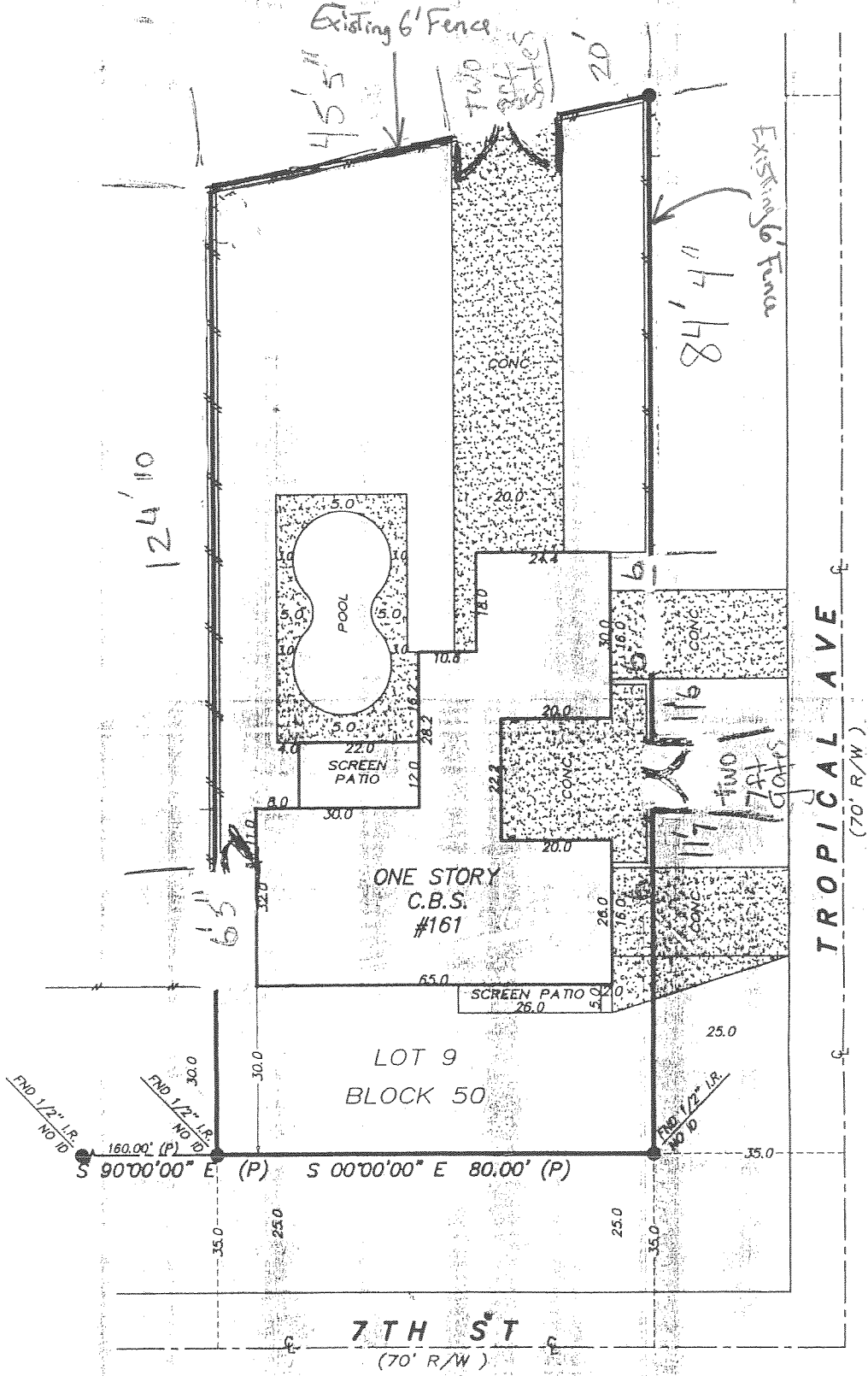
_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$200.00 COMMISSION DISTRICT 1 FLU/ZONING LDR/R-1A
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS north of 7th St at the intersection of
tropical ave + E 7th street
PLANNING ADVISOR MOL DATE 3/24/05
SUFFICIENCY COMMENTS _____

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 9, BLOCK 50, NORTH CHULUOTA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 54-58, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



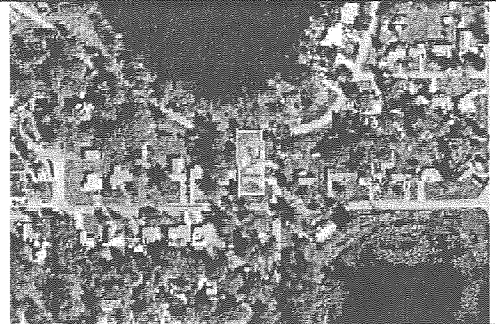
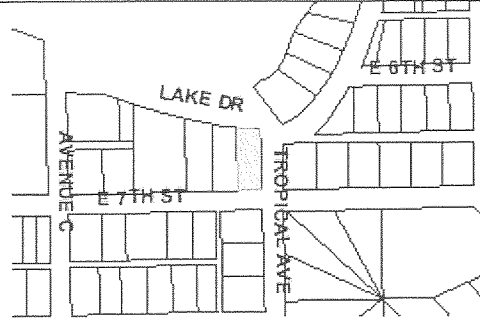
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7508



GENERAL

Parcel Id: 21-21-32-5CF-5000-0090 Tax District: 01-COUNTY-TX DIST 1
 Owner: MARION JEFF D Exemptions: 00-HOMESTEAD
 Address: 161 E 7TH ST
 City,State,ZipCode: OVIEDO FL 32766
 Property Address: 161 7TH ST E CHULUOTA 32766
 Subdivision Name: NORTH CHULUOTA
 Dor: 01-SINGLE FAMILY

R-1A

2005 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$120,773
 Depreciated EXFT Value: \$6,581
 Land Value (Market): \$20,160
 Land Value Ag: \$0
 Just/Market Value: \$147,514
 Assessed Value (SOH): \$140,505
 Exempt Value: \$25,000
 Taxable Value: \$115,505
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	11/2003	05126	1231	\$149,900	Improved
CERTIFICATE OF TITLE	04/2003	04789	0989	\$105,300	Improved
WARRANTY DEED	05/1999	03662	0568	\$120,000	Improved
WARRANTY DEED	09/1984	01579	0692	\$100	Improved
QUIT CLAIM DEED	10/1980	01319	0759	\$100	Improved
WARRANTY DEED	12/1979	01259	0912	\$16,500	Improved

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Amount(without SOH): \$1,883
 2004 Tax Bill Amount: \$1,883
 Save Our Homes (SOH) Savings: \$0
 2004 Taxable Value: \$111,413
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	80	175	.000	225.00	\$20,160

LEGAL DESCRIPTION PLAT

LOT 9 BLK 50 NORTH CHULUOTA PB 2 PGS 54 TO 58

BUILDING INFORMATION

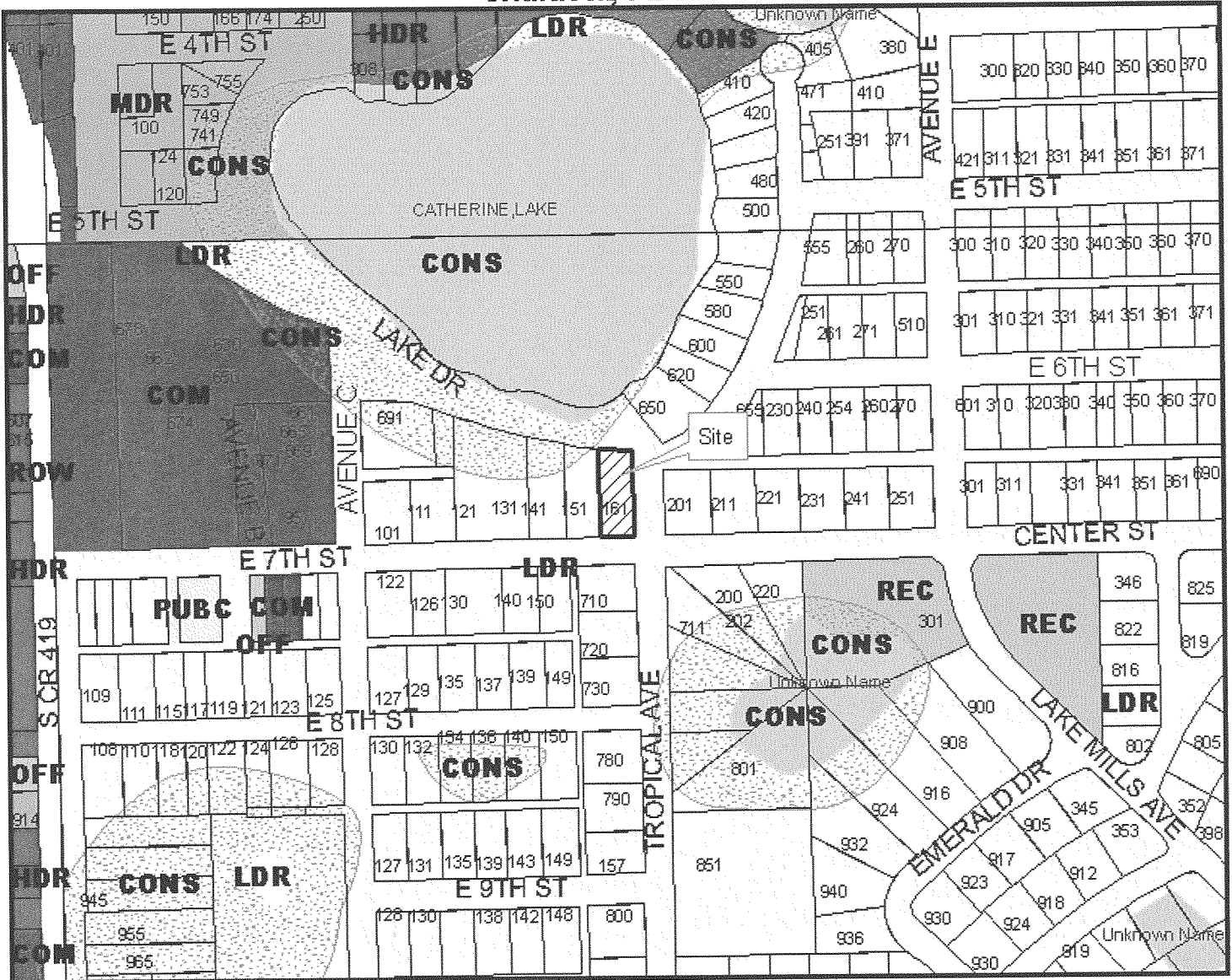
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1960	6	1,799	3,065	1,799	WD/STUCCO FINISH	\$120,773	\$161,031
	Appendage / Sqft		SCREEN PORCH FINISHED / 130						
	Appendage / Sqft		GARAGE FINISHED / 480						
	Appendage / Sqft		GARAGE FINISHED / 656						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1966	450	\$3,600	\$9,000
ALUM SCREEN PORCH W/CONC FL	1991	290	\$1,316	\$2,465
ALUM PORCH W/CONC FL	1991	480	\$1,665	\$3,120

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

Jeff Marion
 161 E. 7th St.
 Chuluota, FL 32766

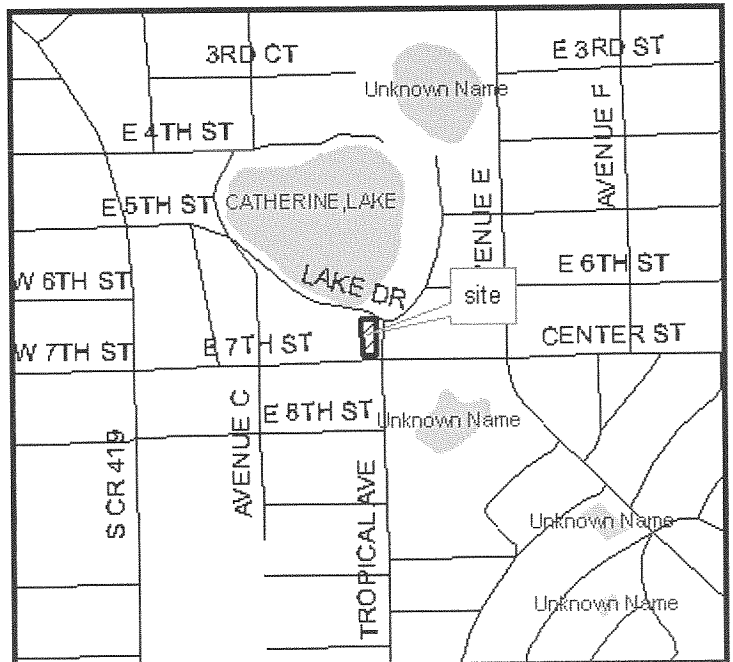


Seminole County Board of Adjustment
 May 23, 2005
 Case: BV2005-033
 Parcel No: 21-21-32-5CF-500-0090

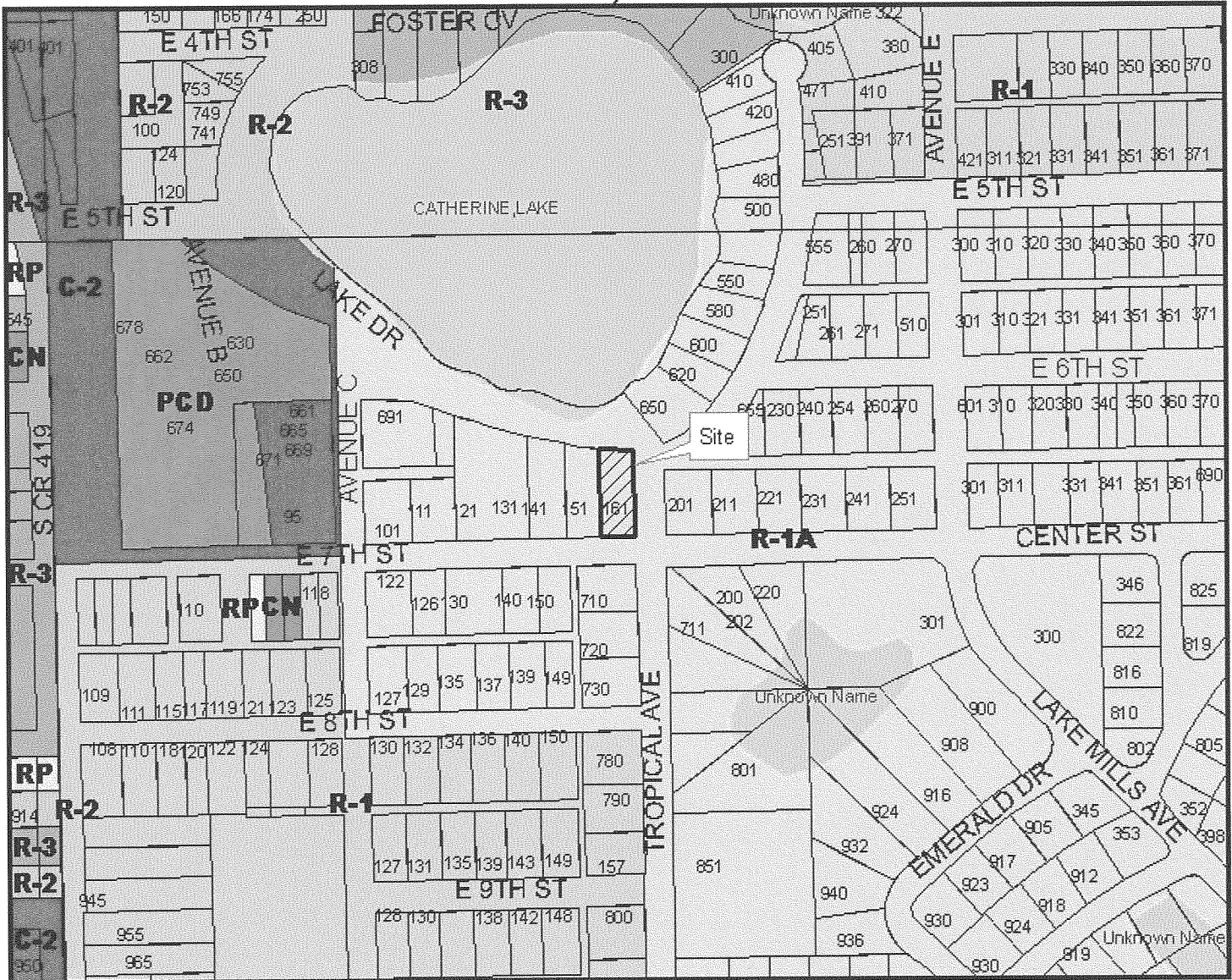
Future Land Use

	CONS, REC		REC, NONE		OFF, NONE
	CONS, PUBC		PUBC, NONE		COM, NONE
	CONS, LDR		LDR, NONE		BV2005-033
	CONS, MDR		MDR, NONE		
	CONS, HDR		HDR, NONE		
	CONS, COM		PD, NONE		

0 80 160 320 480 640 Feet












Jeff Marion
 161 E. 7th St.
 Chuluota, FL 32766




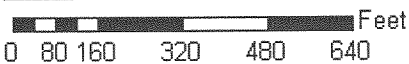
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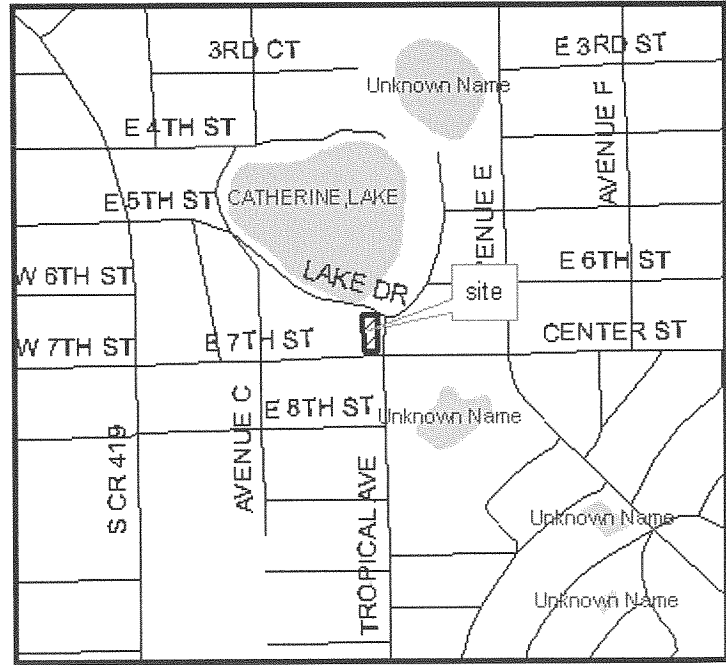
Zoning

-  R-1A Single Fam-9000
-  R-1 Single Fam-8400
-  R-2 One and Two-Family-9000
-  R-3 Multi-Family-13DU
-  RP Residential Professional
-  CN Restricted Neighborhood Comm
-  C-2 Retail Commercial
-  PCD Planned Commercial Dist.

 BV2005-033



 Feet
 0 80 160 320 480 640



SEMINOLE COUNTY DEVELOPMENT ORDER

On May 23, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 9 BLK 50 NORTH CHULUOTA PB 2 PGS 54 TO 58

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

FINDINGS OF FACT

Property Owner: JEFF MARION
161 E 7TH STREET
OVIEDO, FL 32766

Project Name: E 7TH STREET (161)

Requested Development Approval:

(1) (EAST) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISTING 6 FOOT PRIVACY FENCE AND; (2) (NORTH) SIDE STREET YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR AN EXISTING 6 FOOT PRIVACY FENCE IN THE R-1A (SINGLE-FAMILY DWELLING 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: Michael Rumer, 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 two existing 6 foot privacy fences 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: