

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

**SUBJECT:** REQUEST FOR (NORTH) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR A PROPOSED 6 FOOT WOOD PRIVACY FENCE IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (ROXIE MARSHALL, APPLICANT).

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

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

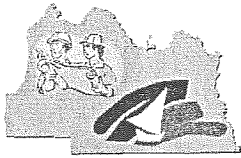
**Agenda Date** 05/23/05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (NORTH) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR A PROPOSED 6 FOOT WOOD PRIVACY FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ROXIE MARSHALL, APPLICANT); OR
2. **DENY** REQUEST FOR (NORTH) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR A PROPOSED 6 FOOT WOOD PRIVACY FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ROXIE MARSHALL, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: ROXIE MARSHALL LOCATION: 370 E 5 <sup>TH</sup> STREET ZONING: R-1A (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A 6 FOOT PRIVACY FENCE THAT WOULD ENCROACH 25 FEET INTO THE MINIMUM 25 FOOT FRONT YARD SETBACK;</li> <li>• A VARIANCE FOR A SIDE STREET SETBACK REDUCTION TO 8 FEET ON THE SOUTHEAST SIDE OF THIS PROPERTY WAS GRANTED IN 1990.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF

	<p>HAS DETERMINED THAT:</p> <ul style="list-style-type: none"><li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED REPLACEMENT FENCE HAVE BEEN DEMONSTRATED.</li><li>• THE PROPOSED FENCE COULD BE BUILT TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS AND STILL PROVIDE REASONABLE USE OF THE PROPERTY.</li><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.</li></ul>
<p><b>STAFF RECOMMENDATION</b></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"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED REPLACEMENT FENCE AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



**COPY**

APPL. NO. BV 2005-037

**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 25' to 0' for a proposed 6' wood 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>ROXIE R. MARSHALL</u>	
ADDRESS	<u>370 E. 5TH ST.</u>	
PHONE 1	<u>407-366-4319</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: East 5<sup>th</sup> Street (370)

SITE ADDRESS: 370 E. 5TH ST.

CURRENT USE OF PROPERTY: RESIDENTIAL

LEGAL DESCRIPTION: LEG Lot 1 BLK 43

NORTH CHULLOTA 1ST ADD PB12 PG4

SIZE OF PROPERTY: 75' X 150' acre(s) PARCEL I.D. 28-21-32-502-4300-0010

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 5/23/05 (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.

Roxie R. Marshall  
 SIGNATURE OF OWNER OR AGENT\*

3-30-05  
 DATE

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

3MR

**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): \$150 COMMISSION DISTRICT 1 FLU/ZONING LDR/R-1A  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS on the SW corner of Avenue F and E. 5th Street  
PLANNING ADVISOR JV DATE 3/30/05  
SUFFICIENCY COMMENTS \_\_\_\_\_



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																											
<p><b>GENERAL</b></p> <p>Parcel Id: 28-21-32-502-4300-0010 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MARSHALL JOHN J &amp; ROXIE R Exemptions: 00-HOMESTEAD</p> <p>Address: PO BOX 660731</p> <p>City,State,ZipCode: CHULUOTA FL 32766</p> <p>Property Address: 370 5TH ST E OVIEDO 32766</p> <p>Subdivision Name: NORTH CHULUOTA 1ST ADD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$51,813</p> <p>Depreciated EXFT Value: \$2,889</p> <p>Land Value (Market): \$23,175</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$77,877</p> <p>Assessed Value (SOH): \$50,725</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$25,725</p> <p>Tax Estimator</p>																									
<p><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>WARRANTY DEED</td> <td>02/1986</td> <td>01712</td> <td>0466</td> <td>\$40,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1979</td> <td>01239</td> <td>0894</td> <td>\$26,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1979</td> <td>01230</td> <td>0364</td> <td>\$25,000</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	02/1986	01712	0466	\$40,000	Improved	WARRANTY DEED	08/1979	01239	0894	\$26,900	Improved	WARRANTY DEED	06/1979	01230	0364	\$25,000	Improved	<p><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$717</p> <p>2004 Tax Bill Amount: \$410</p> <p>Save Our Homes (SOH) Savings: \$307</p> <p>2004 Taxable Value: \$24,248</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>																											





LOT 2 SR 7-92V

Roxie R. Marshall  
 370 E. 5th St.  
 Chuluota, FL 32766




**Seminole County Board of Adjustment**  
 May 23, 2005  
 Case: BV2005-037  
 Parcel No: 28-21-32-502-4300-0010

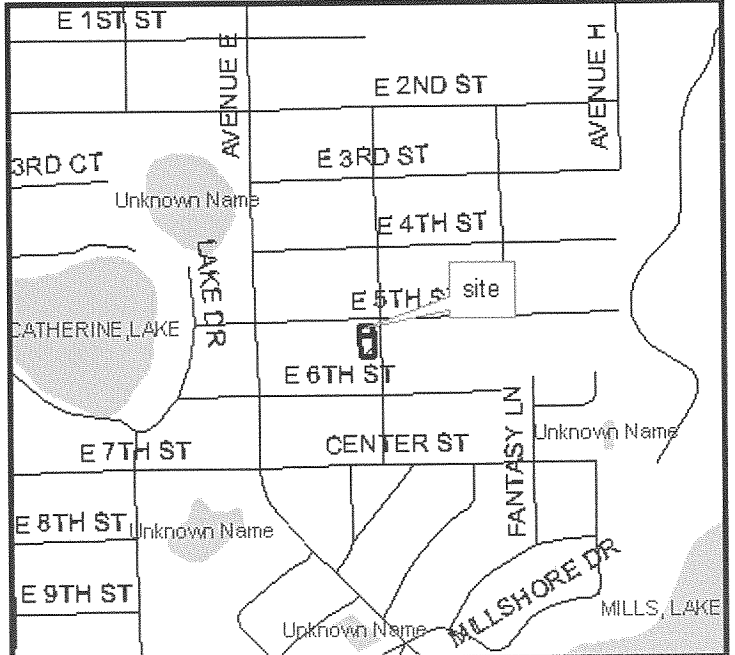
**Zoning**

-  R-1A Single Fam-9000
-  R-1 Single Fam-8400
-  R-3 Multi-Family-13DU
-  BV2005-037

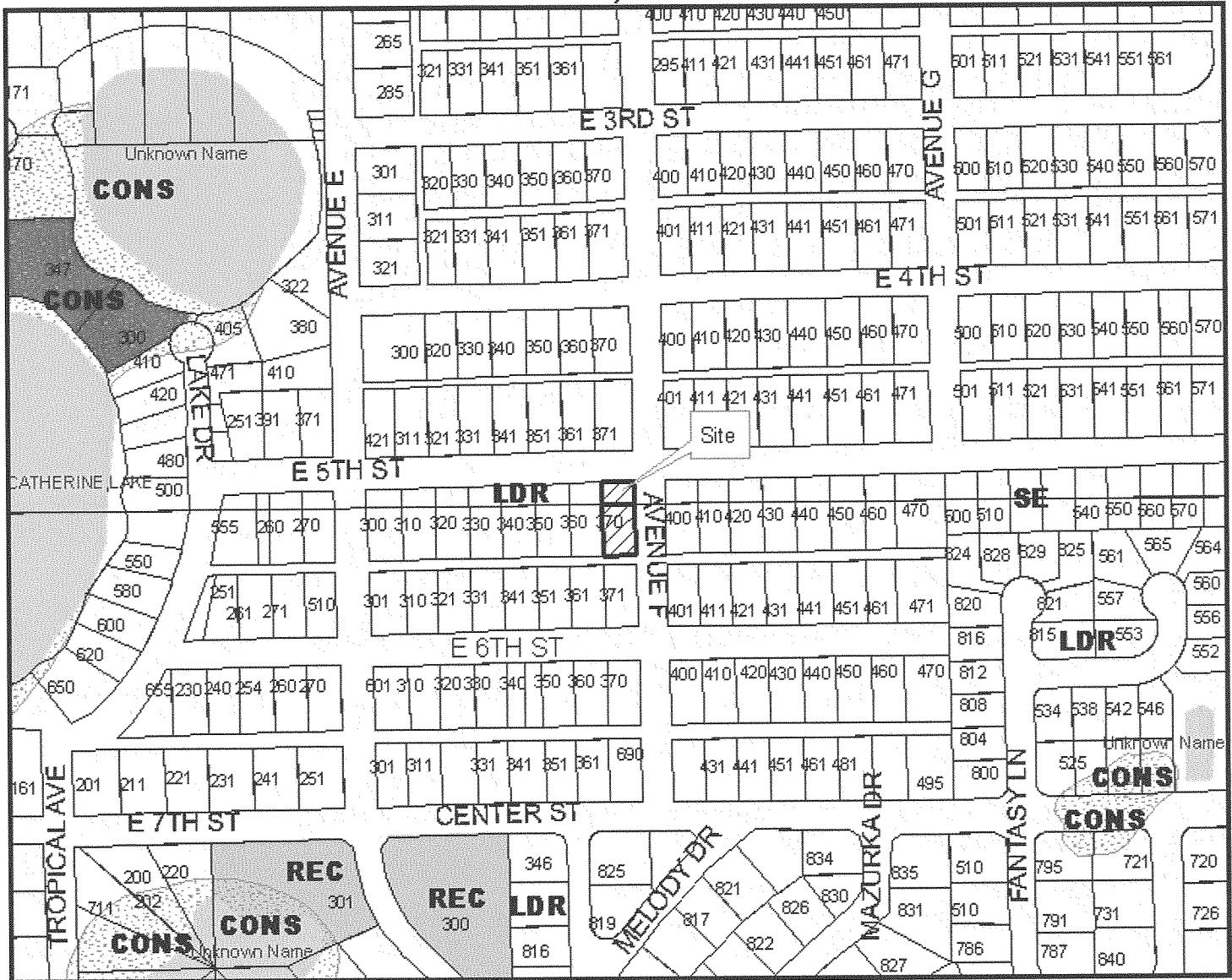
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0 70 140 280 420 560 Feet



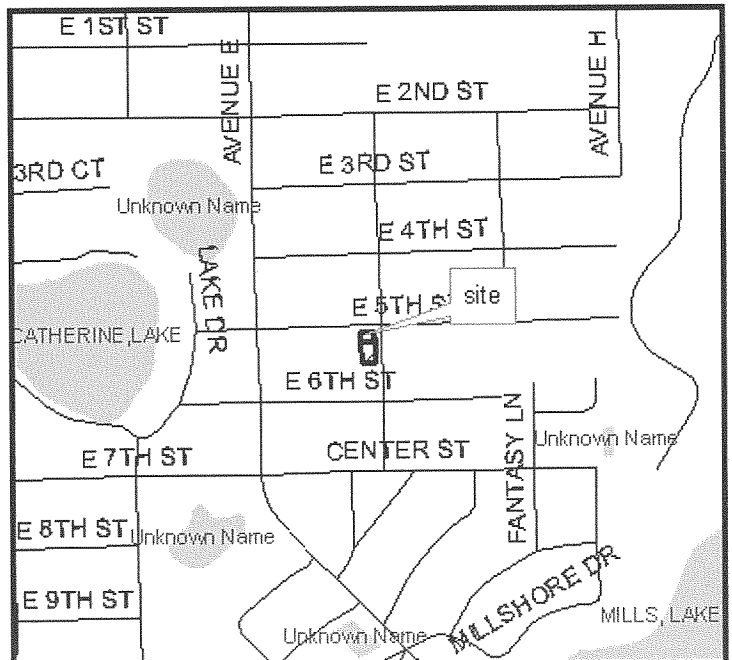
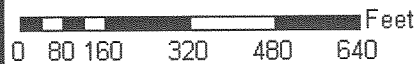
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 370 E. 5th St.  
 Chuluota, FL 32766



Seminole County Board of Adjustment  
 May 23, 2005  
 Case: BV2005-037  
 Parcel No: 28-21-32-502-4300-0010

**Future Land Use**

- CONS, REC
- CONS, LDR
- CONS, HDR
- REC, NONE
- LDR, NONE
- HDR, NONE
- BV2005-037





## SEMINOLE COUNTY DEVELOPMENT ORDER

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

LEG LOT 1 BLK 43 NORTH CHULUOTA 1<sup>ST</sup> ADD PB 12 PG 4

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

### FINDINGS OF FACT

**Property Owner:** ROXIE & JOHN MARSHAL  
370 E. 5<sup>TH</sup> STREET  
OVIEDO, FL 32766

**Project Name:** EAST 5<sup>TH</sup> STREET (370)

**Requested Development Approval:**

(NORTH) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 0 FEET FOR A PROPOSED 6 FOOT WOOD 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 proposed 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 \_\_\_\_\_, 2005.

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

My Commission Expires: