

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (BILLY MENDEZ, APPLICANT).

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

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

Agenda Date 5-23-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (BILLY MENDEZ, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (BILLY MENDEZ, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: BILLY MENDEZ LOCATION: WEST CUMBERLAND CIRCLE (229) ZONING: PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A FENCE THAT WOULD ENCROACH 5 FEET INTO THE MINIMUM 20 FOOT SIDE STREET SETBACK; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED FENCE HAVE BEEN DEMONSTRATED.</li> <li>• THE FENCE COULD BE LOCATED TO COMPLY WITH SETBACK REQUIREMENTS.</li> </ul>

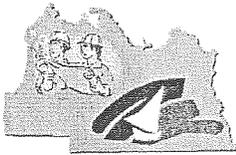
	<ul style="list-style-type: none"><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE FOX HUNT SECTION 3 PUD.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE 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 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>

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 5, 6, 7 TWP: 21 RNG: 29  
 PROJ. #

<b>DEVELOPMENT:</b>		Fox Hunt Section 3 (Wekiva Hunt Club PUD)				<b>DEVELOPER:</b>		The Greater Construction Corp.					
<b>LOCATION:</b>		287 Lots – 114 Acres											
<b>FILE#: P&amp;Z:</b>		<b>BA:</b>		<b>SP:</b>		<b>BCC:</b>		6/19/73					
<b>PB</b>	18	<b>PG</b>	88-92	<b>Lot</b>		<b>Blk</b>		<b>Parcel</b>		<b>DBA</b>		<b>Comm Dist</b>	
<b>DEVEL. ORDER #:</b>						<b>TAX PAR. I.D. #:</b>							
<b>SIDEWALKS:</b>						<b>SETBACK REQUIREMENTS</b>							
						<b>FY:</b>	20'	<b>SIDE ST.:</b>		<b>SY:</b>	7.5'	<b>RY:</b>	30'
<b>ROAD TYPE:</b>						<b>MAIN STRUCTURE OTHER:</b>							
						Single Family: Minimum Lot Size: 8,400 sq. ft.; Maximum Building Height: 35'; F.Y.: 20'; S.Y.: 10'; B.Y.: 30'. Multi-Family: Minimum Lot Size: 2,700 sq. ft.; Maximum Building Height: 35'; F.Y.: 20'; S.Y.: 10'; B.Y.: 30'.							
<b>COMMENTS OTHER:</b>						<b>ACCESSORY STRUCTURE SETBACKS:</b>							
1) Lots 723-731 walling at rear (Double front lots).						<b>SY:</b>	10'	<b>RY:</b>	10'				
2) Wall on Lots 630-636, 647-651 on property line on Sand Lake Road.						<b>ACCESSORY STRUCTURE OTHER:</b>							
3) Chain link fence on property line on Lots 630-636, 647-651.													
4) No minimum size for dwellings.													

5) Vacated and abandoned drainage, utility and sidewalk easements in two parks located in Fox Hunt 3 and dedicated easements to Seminole County. Commitment made to place at least one sign at each park stating "this property has been dedicated as a park area for the use and benefit of subject to drainage, utility, and sidewalk easements." Signs cannot exceed 48 sq. ft. and cannot be located closer than 25' from any road intersection.	<b>IMPACT FEES</b>	
	<b>SCREEN:</b>	
	<b>TRAFFIC ZONE:</b>	163
	<b>LAND USE:</b>	
	1. ROAD-CO. WIDE	
	2. ROAD-COLL.	
	3. LIBRARY	
	4. FIRE	\$10.00
	5. PARK	
	6. SCHOOL SF	\$300.00
6a. SCHOOL MF	\$200.00	
7. LAW		
8. DRAINAGE		
<b>TOTAL</b>		
<b>REMARKS:</b>		



**COPY** APPL. NO. BU 2005-041

**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** Side Street setback variance from 20' To 15' 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**

RECEIVED  
 MAR 30 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Billy J Mendez	
ADDRESS	229 W. Cumberland Cir Longwood, FL 32779	
PHONE 1	407-774-7922	
PHONE 2	407-466-5239	
E-MAIL	mdzbilly@hotmail.com	

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 229 W Cumberland Cir Longwood, FL 32779

CURRENT USE OF PROPERTY: Residence (primary) - single family

LEGAL DESCRIPTION: LEG LOT 637 Wekiva Hunt Club Fox Hunt  
Sec 3 PG 18 PGS 88 to 92

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 06-21-29-5DH-0000-6370

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 3/23/05 (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] 3/30/05  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

5V

**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): \$ 150.00 COMMISSION DISTRICT 3 FLU/ZONING PUD/PO

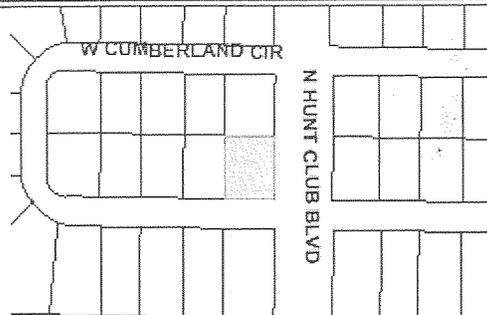
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. of <sup>North</sup> Cumberland Cr. at the corner of N Hunt Club Blvd + E. Cumberland Cr.

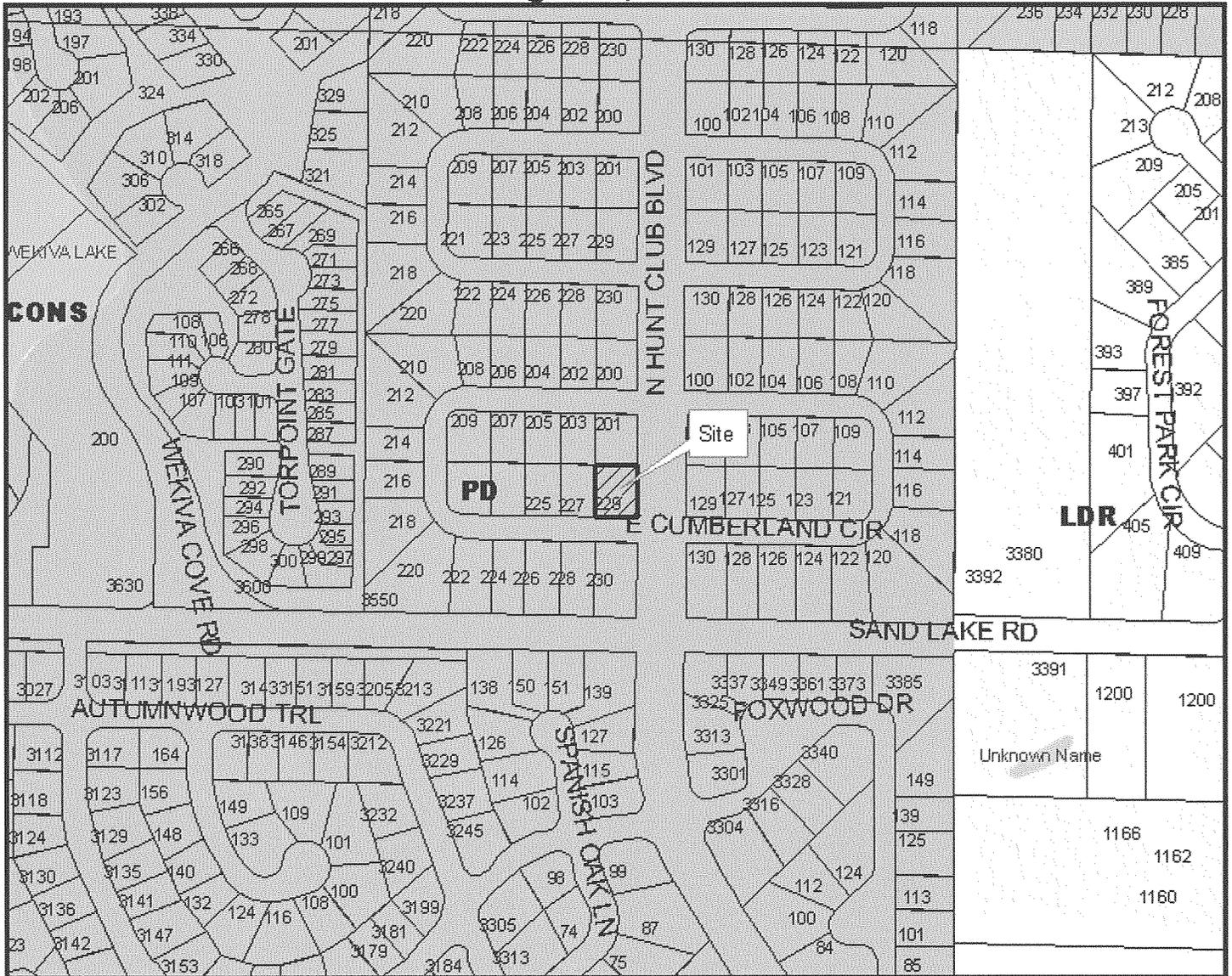
PLANNING ADVISOR \_\_\_\_\_ DATE 3/31/05

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 align="center"><b>GENERAL</b></p> <p>Parcel Id: 06-21-29-5DH-0000-6370 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MENDEZ BILLY J &amp; Exemptions: 00-HOMESTEAD</p> <p>Own/Addr: TRISKA MARIA E</p> <p>Address: 229 CUMBERLAND CIR W</p> <p>City,State,ZipCode: LONGWOOD FL 32779 <i>fw</i></p> <p>Property Address: 229 CUMBERLAND CIR W LONGWOOD 32779</p> <p>Subdivision Name: WEKIVA HUNT CLUB 3 FOX HUNT SEC 3</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: \$133,560</p> <p>Depreciated EXFT Value: \$600</p> <p>Land Value (Market): \$27,500</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$161,660</p> <p>Assessed Value (SOH): \$152,712</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$127,712</p> <p align="right">Tax Estimator</p>																																											
<p align="center"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>TRUSTEE DEED</td> <td>08/2003</td> <td>05000</td> <td>0640</td> <td>\$167,500</td> <td>Improved</td> </tr> <tr> <td>TRUSTEE DEED</td> <td>03/2003</td> <td>04969</td> <td>0877</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/2001</td> <td>04072</td> <td>1236</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1997</td> <td>03342</td> <td>1579</td> <td>\$114,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1980</td> <td>01277</td> <td>0152</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01102</td> <td>0637</td> <td>\$46,500</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	TRUSTEE DEED	08/2003	05000	0640	\$167,500	Improved	TRUSTEE DEED	03/2003	04969	0877	\$100	Improved	QUIT CLAIM DEED	04/2001	04072	1236	\$100	Improved	WARRANTY DEED	12/1997	03342	1579	\$114,000	Improved	QUIT CLAIM DEED	04/1980	01277	0152	\$100	Improved	WARRANTY DEED	01/1976	01102	0637	\$46,500	Improved	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$2,083</p> <p>2004 Tax Bill Amount: \$2,083</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2004 Taxable Value: \$123,264</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
Deed	Date	Book	Page	Amount	Vac/Imp																																								
TRUSTEE DEED	08/2003	05000	0640	\$167,500	Improved																																								
TRUSTEE DEED	03/2003	04969	0877	\$100	Improved																																								
QUIT CLAIM DEED	04/2001	04072	1236	\$100	Improved																																								
WARRANTY DEED	12/1997	03342	1579	\$114,000	Improved																																								
QUIT CLAIM DEED	04/1980	01277	0152	\$100	Improved																																								
WARRANTY DEED	01/1976	01102	0637	\$46,500	Improved																																								
<p align="center"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>27,500.00</td> <td>\$27,500</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	27,500.00	\$27,500	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOT 637 WEKIVA HUNT CLUB FOX HUNT SEC 3</p> <p>PB 18 PGS 88 TO 92</p>																															
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																								
LOT	0	0	1.000	27,500.00	\$27,500																																								
<p align="center"><b>BUILDING INFORMATION</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Heated SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1976</td> <td>6</td> <td>1,841</td> <td>2,617</td> <td>1,841</td> <td>CONC BLOCK</td> <td>\$133,560</td> <td>\$151,773</td> </tr> <tr> <td colspan="3"></td> <td>Appendage / Sqft</td> <td colspan="6">OPEN PORCH FINISHED / 200</td> </tr> <tr> <td colspan="3"></td> <td>Appendage / Sqft</td> <td colspan="6">GARAGE FINISHED / 576</td> </tr> </tbody> </table>						Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	1976	6	1,841	2,617	1,841	CONC BLOCK	\$133,560	\$151,773				Appendage / Sqft	OPEN PORCH FINISHED / 200									Appendage / Sqft	GARAGE FINISHED / 576					
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																				
1	SINGLE FAMILY	1976	6	1,841	2,617	1,841	CONC BLOCK	\$133,560	\$151,773																																				
			Appendage / Sqft	OPEN PORCH FINISHED / 200																																									
			Appendage / Sqft	GARAGE FINISHED / 576																																									
<p align="center"><b>EXTRA FEATURE</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>FIREPLACE</td> <td>1976</td> <td>1</td> <td>\$600</td> <td>\$1,500</td> </tr> </tbody> </table>						Description	Year Blt	Units	EXFT Value	Est. Cost New	FIREPLACE	1976	1	\$600	\$1,500																														
Description	Year Blt	Units	EXFT Value	Est. Cost New																																									
FIREPLACE	1976	1	\$600	\$1,500																																									
<p><small>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.</small></p>																																													

**Billy J. Mendez**  
**229 W. Cumberland Cr.**  
**Longwood, FL 32779**



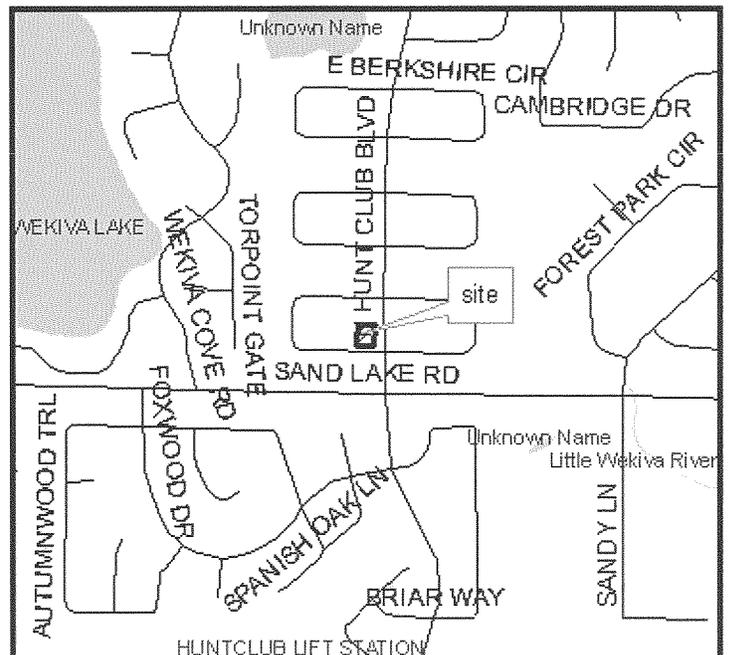
**Seminole County Board of Adjustment**  
**May 23, 2005**  
**Case: BV2005-041**  
**Parcel No: 06-21-29-5DH-0000-6370**

**Future Land Use**

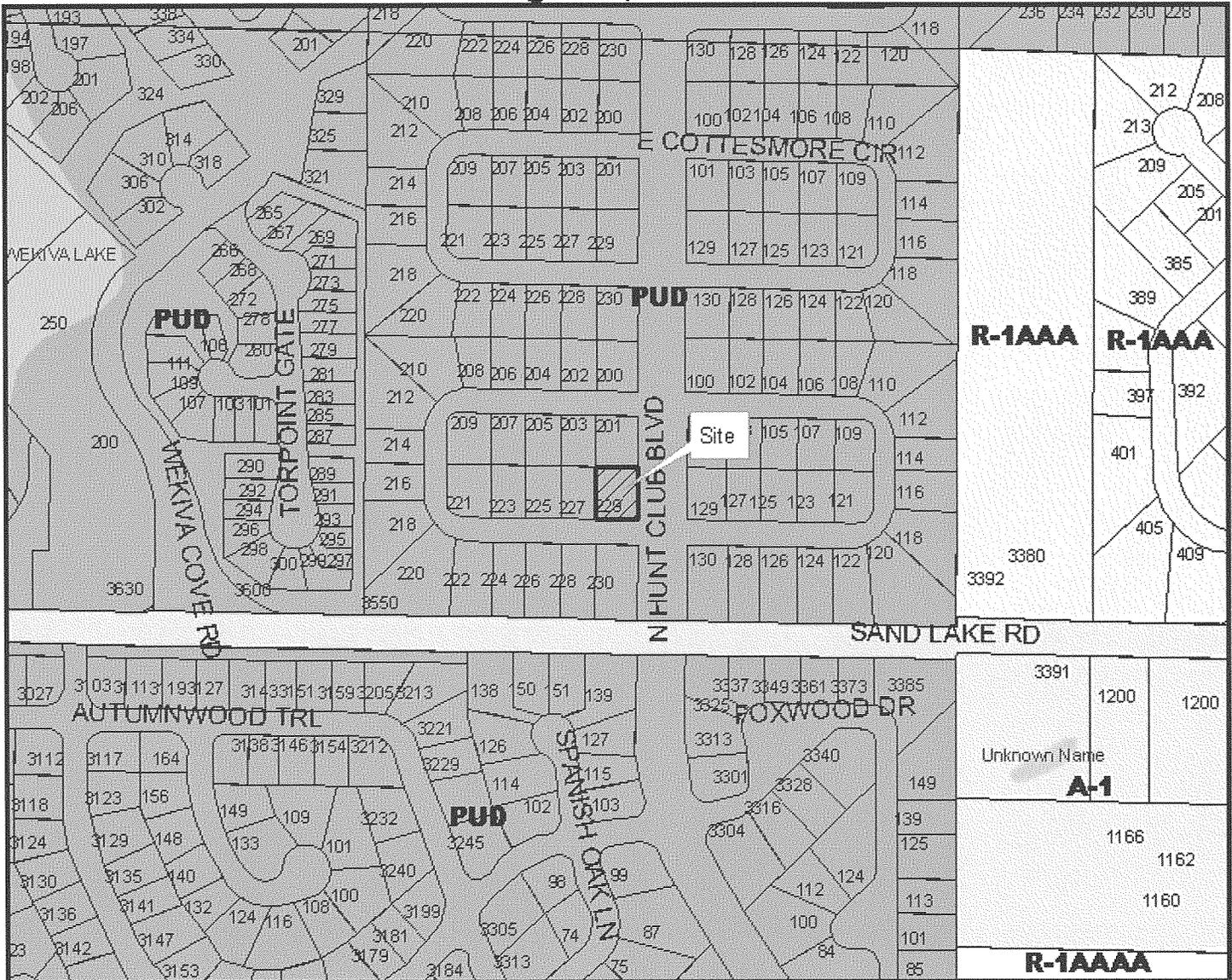
-  BV2005-041
-  LDR, NONE
-  PD, NONE

N

0 87.5 175 350 525 700 Feet



**Billy J. Mendez**  
**229 W. Cumberland Cr.**  
**Longwood, FL 32779**

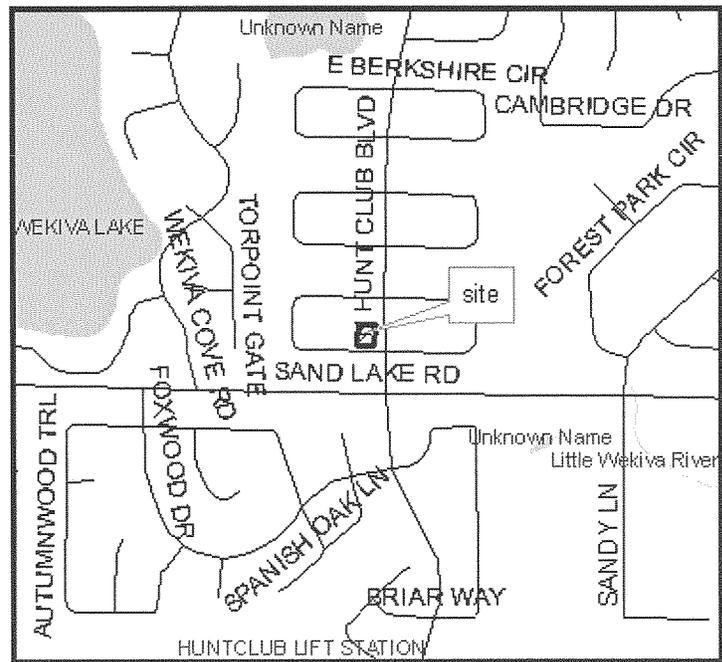


**Seminole County Board of Adjustment**  
**May 23, 2005**  
**Case: BV2005-041**  
**Parcel No: 06-21-29-5DH-0000-6370**

**Zoning**

- A-1 Agricultural-1 Ac
- R-1AAAA Single Fam-21780
- R-1AAA Single Fam-13500
- PUD Planned Unit Dev.
- BV2005-041

Feet  
 0 87.5 175 350 525 700



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

LEG LOT 637 WEKIVA HUNT CLUB FOX HUNT SEC 3 PB 18 PGS 88 THRU 92

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

**FINDINGS OF FACT**

**Property Owner:** BILLY J MENDEZ & MARIA E TRISKA  
229 WEST CUMBERLAND CIRCLE  
LONGWOOD, FL 32779

**Project Name:** WEST CUMBERLAND CIRCLE (229)

**Requested Development Approval:**

MINIMUM SIDE STREET SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED 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 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: