

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

(Continued from the 7/25/05 public hearing)

SUBJECT: REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR A PROPOSED FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DEBORAH SENTELL-JOHNSON, APPLICANT).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

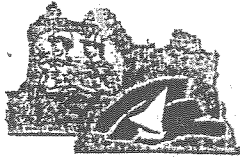
Agenda Date 07-25-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR A PROPOSED FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DEBORAH SENTELL-JOHNSON, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR A PROPOSED FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DEBORAH SENTELL-JOHNSON, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	DEBORAH SENTELL-JOHNSON, APPLICANT 2909 LAGOON COVE R-1AA (STILLWATER)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A FENCE, THAT WOULD ENCROACH 15 FEET INTO THE 25 FOOT SIDE STREET SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE STILLWATER NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO 	

	<p>THE SIDE STREET SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANT.</p> <ul style="list-style-type: none">• THE OPPORTUNITY EXISTS TO CONSTRUCT A COMPLIANT FENCE. THEREFORE, THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED FENCE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



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

COPY

APPL. NO. BV 2005-054

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** Minimum side street setback variance from 25' to 10' for a proposed fence
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD: YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Deborah Sextell-Johnson	
ADDRESS	2909 Lagoon Cove Oviedo, FL 32765	
PHONE 1	407-435-8276 (cell)	
PHONE 2	407-346-2193 (husband cell)	
E-MAIL	sentell2002@gmail.com	

PROJECT NAME: _____
 SITE ADDRESS: 2909 Lagoon Cove, Oviedo, FL 32765
 CURRENT USE OF PROPERTY: primary residence
 LEGAL DESCRIPTION: LEG LOT 122 STILLWATER PH 1 P13 33 PGS 45 TO 48
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 27-21-31-508-0000-1220
 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 6/27/05 (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.

Deborah Sextell-Johnson
 SIGNATURE OF OWNER OR AGENT*

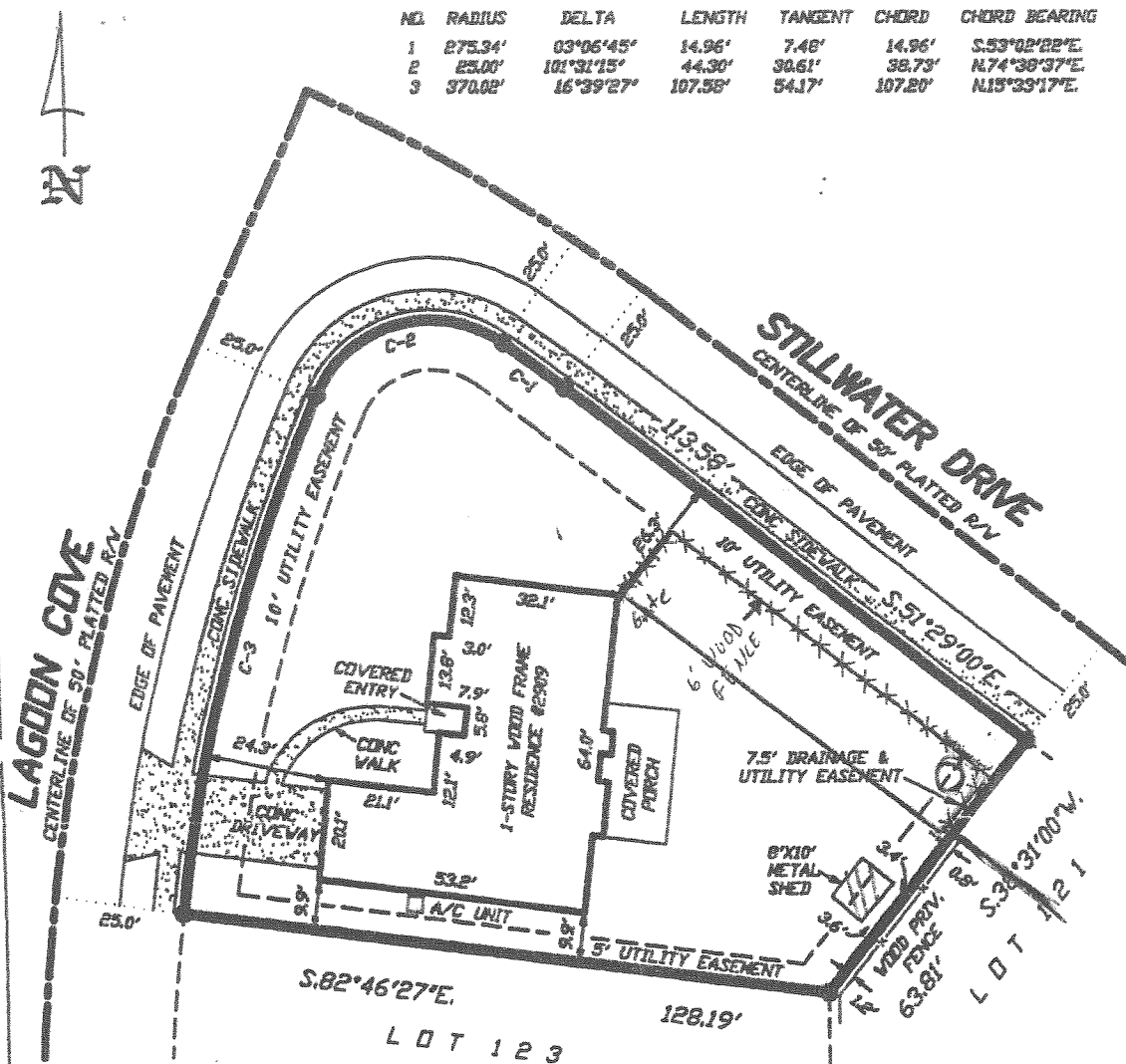
4/29/05
 DATE

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

<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-885-7506</p>																																																														
<p align="center">GENERAL</p> <p>Parcel Id: 27-21-31-508-0000-1220 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SENTELL-JOHNSON Exemptions: DEBORAH</p> <p>Address: 2929 LAGOON CV City,State,ZipCode: OVIEDO FL 32765 Property Address: 2909 LAGOON CV OVIEDO 32765 Subdivision Name: STILLWATER PH 1 Dcr: 01-SINGLE FAMILY</p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$151,873 Depreciated EXFT Value: \$788 Land Value (Market): \$28,400 Land Value Ag: \$0 Just/Market Value: \$181,061 Assessed Value (SOH): \$181,061 Exempt Value: \$0 Taxable Value: \$181,061 Tax Estimator</p>																																																												
<p align="center">SALES</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>WARRANTY DEED</td> <td>05/2004</td> <td>05299</td> <td>0996</td> <td>\$193,000</td> <td>Improved</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>02/1999</td> <td>03591</td> <td>1365</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/1998</td> <td>03491</td> <td>1419</td> <td>\$110,000</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>02/1998</td> <td>03363</td> <td>1173</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>11/1996</td> <td>03160</td> <td>1716</td> <td>\$123,000</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>02/1996</td> <td>03031</td> <td>0085</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1990</td> <td>02228</td> <td>0978</td> <td>\$129,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1986</td> <td>01760</td> <td>1733</td> <td>\$99,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1986</td> <td>01705</td> <td>0979</td> <td>\$752,200</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/imp	WARRANTY DEED	05/2004	05299	0996	\$193,000	Improved	CORRECTIVE DEED	02/1999	03591	1365	\$100	Improved	SPECIAL WARRANTY DEED	08/1998	03491	1419	\$110,000	Improved	CERTIFICATE OF TITLE	02/1998	03363	1173	\$100	Improved	SPECIAL WARRANTY DEED	11/1996	03160	1716	\$123,000	Improved	CERTIFICATE OF TITLE	02/1996	03031	0085	\$100	Improved	WARRANTY DEED	10/1990	02228	0978	\$129,000	Improved	WARRANTY DEED	08/1986	01760	1733	\$99,000	Improved	WARRANTY DEED	01/1986	01705	0979	\$752,200	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$2,667 2004 Taxable Value: \$157,828 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<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>																																																														

CURVE TABLE

NEL	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
1	275.34'	03°06'45"	14.96'	7.48'	14.96'	S.53°02'22"E
2	25.00'	101°31'15"	44.30'	30.61'	38.73'	N.74°38'37"E
3	370.02'	16°39'27"	107.58'	54.17'	107.20'	N.15°33'17"E



NOTES :

1. BEARINGS BASED ON THE N. LINE OF LOT 122 AS BEING S.51°29'00"E.
2. UNDERGROUND IMPROVEMENTS NOT LOCATED.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. SUBJECT PROPERTY LIES IN ZONE "X", PER FLOOD INSURANCE RATE MAP PANEL #120289 0165 E, DATED 4/17/95, AND LIES OUTSIDE THE 500-YEAR FLOOD PLAIN.
5. DATE OF FIELD SURVEY: 4/20/04.

LEGEND

- CONC = CONCRETE
- R/W = RIGHT-OF-WAY
- PC = POINT OF CURVATURE
- = FOUND 1/2" IRON ROD #3382

BOUNDARY SURVEY

DESCRIPTION:

LOT 122, STILLWATER PHASE 1, AS RECORDED IN PLAT BOOK 33, PAGES 45-48, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

CERTIFIED TO:

DEBORAH SENTELL-JOHNSON

DECISION ONE MORTGAGE CO., LLC

THE TITLE GROUP OF CENTRAL FLORIDA, INC. AMERICAN PIONEER TITLE INSURANCE COMPANY

I HEREBY CERTIFY:

THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 61G17 - 6, FLORIDA ADMINISTRATIVE CODE.

THOMAS J. MCMAHON
FL REG LAND SURVEYOR #4887

DATE: 4/20/04

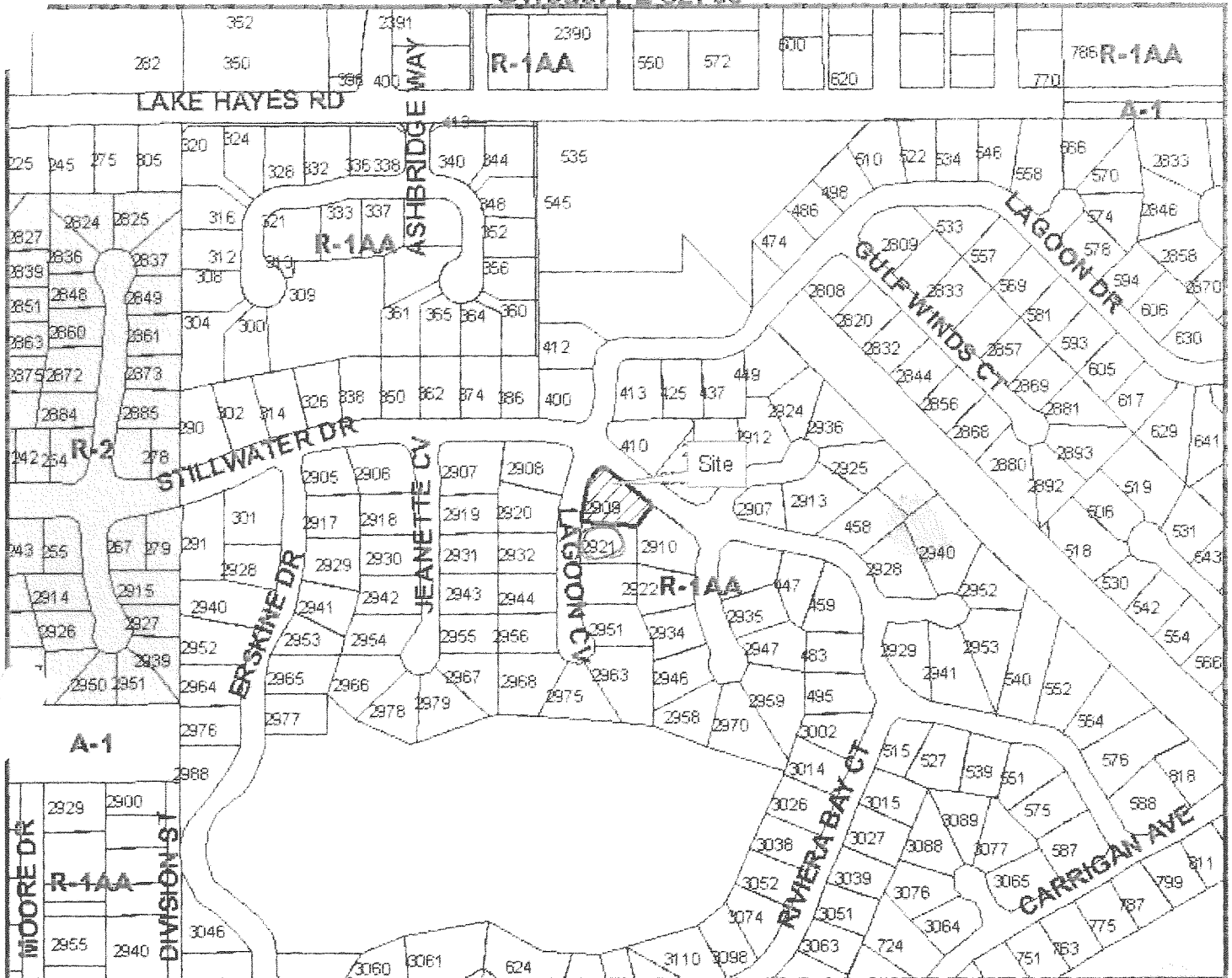
SCALE: 1" = 30'

JOB NO. 04-TG553

MCMAHON SURVEYING AND MAPPING
1690 TALL OAKS ROAD
DELAND, FLORIDA
32720 (407) 399-2044





NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

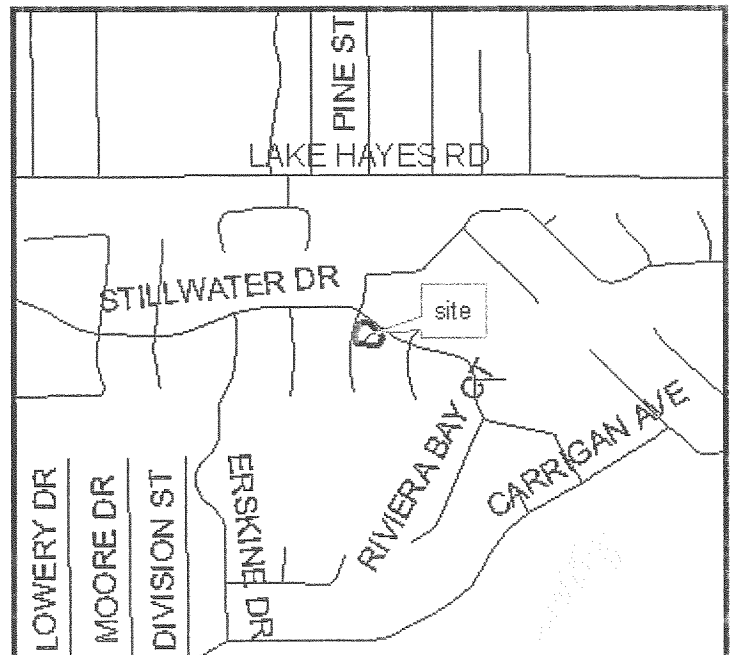
Deborah Sentell-Johnson
 2909 Lagoon Cove
 Oviedo, FL 32765



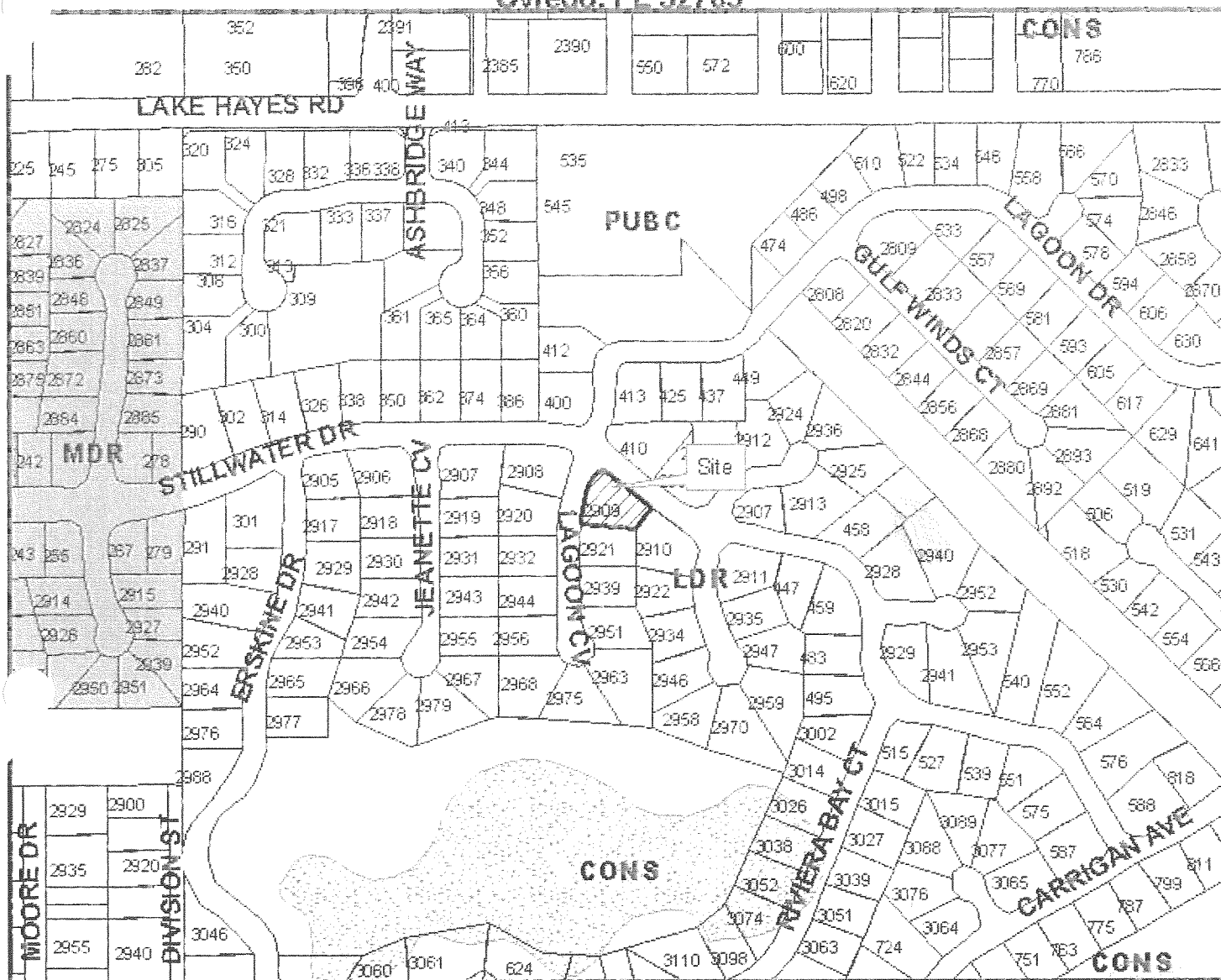
Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-054
 Parcel No: 27-21-31-508-0000-1220

Zoning

-  A-1 Agricultural-1Ac
-  R-1AA Single Fam-11700
-  R-2 One and Two-Family-9000
-  BV2005-054







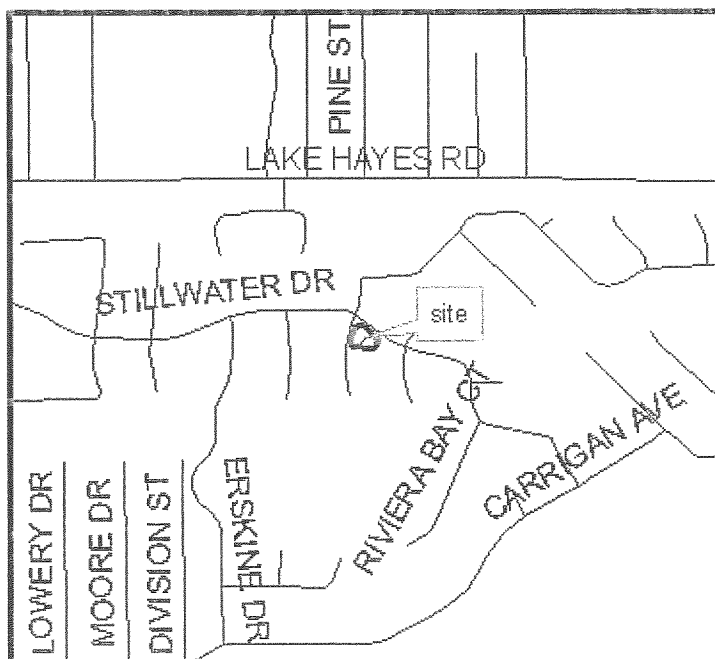
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Seminole County Board of Adjustment
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Future Land Use

-  CONS, LDR
-  BV2005-054
-  CONS, MDR
- PUBC, NONE
- LDR, NONE
-  MDR, NONE



RECEIVED
JUL 01 2005

23 June 2005

To: Seminole County Board of Adjustment

From: Dale Jung
2921 Lagoon Cove
Oviedo, FL 32765
Phone 407.366.0515

Re: BV2005-054
Variance request for Deborah Sentell-Johnson

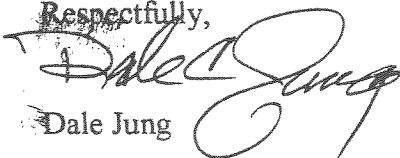
To Whom It May Concern,

I have lived next door to the subject property for the past 19 years. I have discussed the variance request with Mike and Deborah Johnson and I am in complete favor with their request. The current rules would basically divide their back yard in half if this variance is not approved. They are a family of four young children who need the additional room for their outdoor activities. Their future plans are to get approval for a backyard pool for their family. This would not be possible is this variance is not approved.

I have checked out the possibility of the fence, at the proposed location, obstructing the view of traffic coming down Stillwater Drive from the East. If this variance is approved, the fence will NOT obstruct any view of traffic in either direction.

I highly recommend that the subject variance be approved for the proposed fence.

Respectfully,


Dale Jung

COPY



CLT3072@aol.com
07/07/2005 03:08 PM

To Plandesk@seminolecountyfl.gov
cc rberry@sentrymgt.com, probinson@cfl.rr.com
bcc
Subject 2909 Lagoon Cove

Dear Kathy Fall,

Please allow this email to be a follow up to the previous one that was sent for the Adjustment Board to clarify the Architectural Review Board's position that this fence be DENIED and to keep the set back at 25 feet. This is the only acceptable set back that the ARB will approve at this particular location.

The homeowner to date, July 7th, has yet to file for an ARB request for this fence as mandated by our By-Laws and was instructed by this board.

We appreciate your cooperation and concern,

Sincerely,

Colleen Thompson
Architectural Review Board
Government Liaison

06/23/2005 09:59:25 AM



Marcia Haeffner /Seminole
06/23/2005 09:43 AM

To Kathy Fall/Seminole@Seminole
cc Steven Douglas/Seminole@Seminole
bcc
Subject 2909 Lagoon Cove-Oviedo

Kathy, As requested, we have reviewed the above referenced location. As it relates to traffic safety, we see no problem in reducing the side-yard set-back to 10' as requested. Thanks, Marcia

Marcia Haeffner, Sr. Coordinator
Seminole County Traffic Engineering
140 Bush Loop
Sanford, Florida 32773
Phone: 407-665-5682
Fax: 407-665-5623
email: mhaeffner@seminolecountyfl.gov

--****Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.****

06/23/2005 10:49:27 AM

Karen Mathews /Seminole

06/23/2005 08:21 AM

To Kathy Fall/Seminole@Seminole

cc

bcc

Subject Fw: 2909 Lagoon Cove,

This letter came in through the PlanDesk folder. I have given 7 copies to Patty to hand out to the BOA members on Monday night.

Karen Mathews
Senior Staff Assistant, Planning
Seminole County Government
1101 E. 1st St.
Room 2201
Sanford, FL 32771
407 665-7371
407 665-7385 (fax)
kmathews@seminolecountyfl.gov

----- Forwarded by Karen Mathews/Seminole on 06/23/2005 08:19 AM -----

CLT3072@aol.com

06/22/2005 04:24 PM

To plandesk@seminolecountyfl.gov

cc

Subject 2909 Lagoon Cove,

Dear Kathy Fall,

This letter is in objection to an application being requested by the residents of 2909 Lagoon Cove for a variance of a 10 foot easement. According to Articles of Incorporation of the Stillwater of Flying Cloud Homeowner's Association Article 111, Section 3.2.5 and 3.2.6 gives the Association the power to promulgate and enforce reasonable rules and regulations's for use of the properties. Prior to the Commencement of any additions, improvements or exterior changes to the home or home site, the lot owner must submit a request for home improvement approval form, along with any and all plans and specifications showing the nature ,kind, shape, height, color, materials and location.

This request has not been made as of this date. If a request is submitted it will be denied, due to the fact that it backs up to a neighboring fence which would be aesthetically unappealing, it is against our rules, and it would be considered a safety hazard for motorists with a 10 foot easement.

Other homesite's have received approval from the Board of Adjustments in the past for a 15 foot variance, but these do not back up to a neighboring fence and the main portion of the fence is on the side street where this particular homesite the main fencing would run along Stillwater Dr. which is where a slight bend just starts in the road which was not the case for both South Horizon's fencing approvals by the BOA.

Many years ago a mistake was made before the subdivision was completely built out, and a fence on Stillwater Drive was approved with a 9.5 FT. variance, as I stated it was a mistake and we have learned since then.

Therefore, we are asking that the Board of Adjustment deny this request.