

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a minimum side street setback from 15 feet to 6 feet for a proposed fence in the PUD (Planned Unit Development District); (Kent Riley, applicant).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date 11-28-05 Regular  Consent  Public Hearing – 6:00

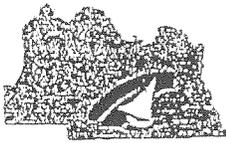
**MOTION/RECOMMENDATION:**

1. **APPROVE** Request for a minimum side street setback from 15 feet to 6 feet for a proposed fence in the PUD (Planned Unit Development District); (Kent Riley, applicant); or
2. **DENY** Request for a minimum side street setback from 15 feet to 6 feet for a proposed fence in the PUD (Planned Unit Development District); (Kent Riley, applicant); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	APPLICANT: Kent Riley LOCATION: 1171 Lebanon Court 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 9 feet into the minimum 15 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 therefore the applicant would retain reasonable use of the property without the granting of the variance.</li> <li>• The request would confer upon the applicant special privileges that would be denied to others in the Planned Unit Development subdivision.</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>
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BU 2005-168

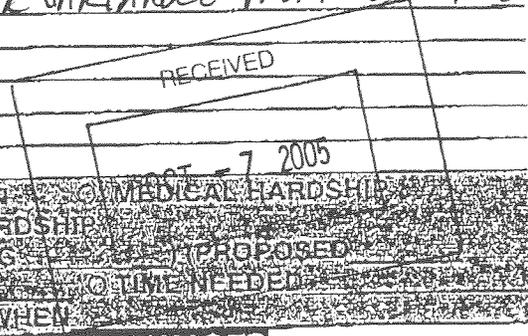
**COPY**

**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 15ft to 6ft.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE DWELLING UNDER CONSTRUCTION**
- NIGHT WATCHMAN**
- YEAR OF MOBILE HOME / RV (EXISTING)**
- SIZE OF MOBILE HOME / RV**
- PLANT TO BUILD**  YES  NO IF SO WHEN
- APPEAL FROM DECISION OF THE PLANNING MANAGER**



PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	Kent Riley	Beal Bittner	
ADDRESS	1171 Lebanon Ct. Sanford, FL 32771	(821) 263-7014 cell	NATIONS FENCE
PHONE 1	407-321-9246	(407) 291-1101	
PHONE 2			
E-MAIL			

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 1171 Lebanon Ct. Sanford, FL  
 CURRENT USE OF PROPERTY: residence  
 LEGAL DESCRIPTION: \_\_\_\_\_

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 20-19-30-511-0000-0540

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS on corner lot, cannot start fence within 15' from property line

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO Gate code 0204/

This request will be considered at the Board of Adjustment regular meeting on 11/28/05 (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] DATE 10/6/05

SIGNATURE OF OWNER OR AGENT\*  
 \* 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) <u>160.00</u>	COMMISSION DISTRICT <u>5</u> FLO / ZONING <u>AO / AO</u>
BCC HEARING DATE	(FOR APPEAL)
LOCATION FURTHER DESCRIBED AS <u>East side of Lebron Ct</u>	
<u>@ intersection at Lebron Ct &amp; Redmond Pl</u>	
PLANNING ADVISOR	DATE
SUFFICIENCY COMMENTS	

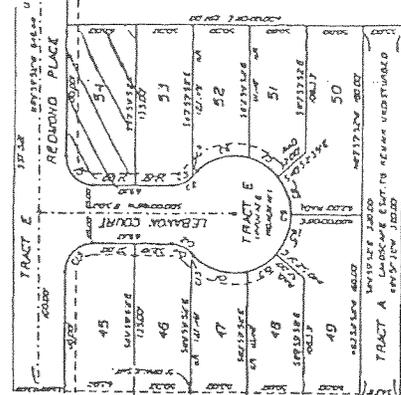
# SWERDLOFF & HERRITY SURVEYING, INC.

370 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

Lot 54, OREGON TRACE, according to the plat thereof, as recorded in Plat Book 59, Page(s) 77 through 79, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0030  
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 7/7/2005 Completion Date: 7/7/2005

Certified to:  
 Kent J. Riley; Cynthia Riley; The Closing Agent II, Inc.;  
 Commonwealth Land Title Insurance Company; Wells Fargo Bank,  
 N.A. #708, its' successors and/or assigns.



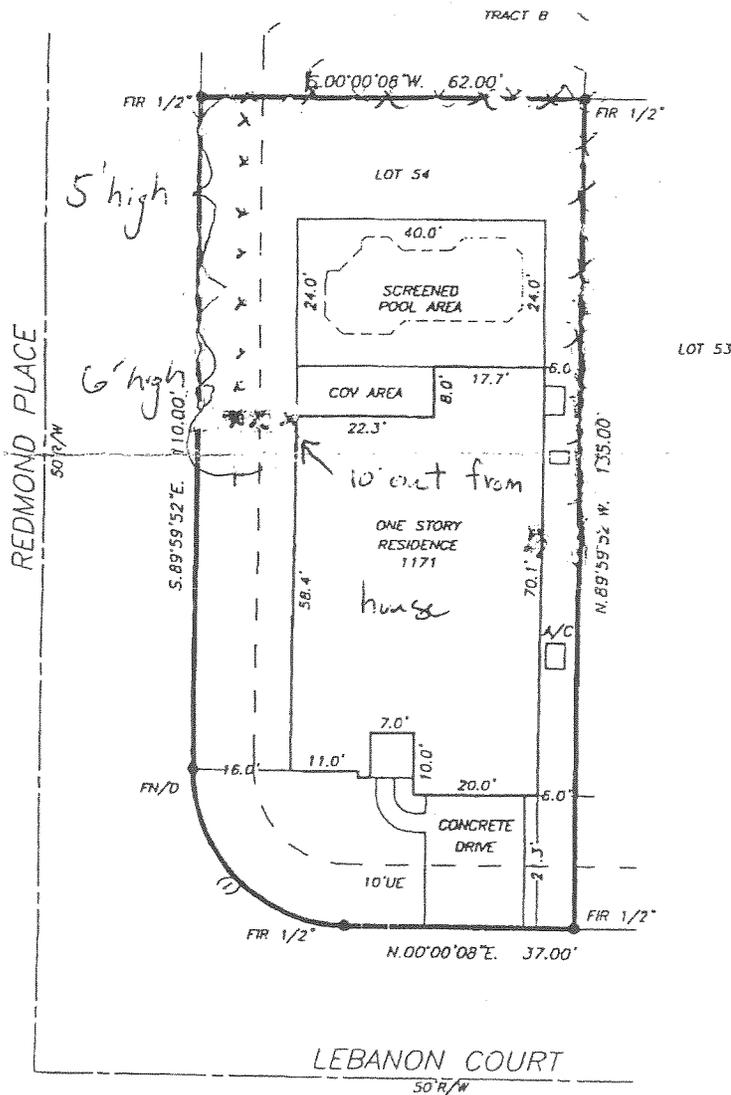
CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	25.00'	90°00'00"	39.27'	25.00'	35.36'	N.45°00'08"E.

SCALE: 1" = 30'



6' = ~~xxxx~~  
 5' = xxx

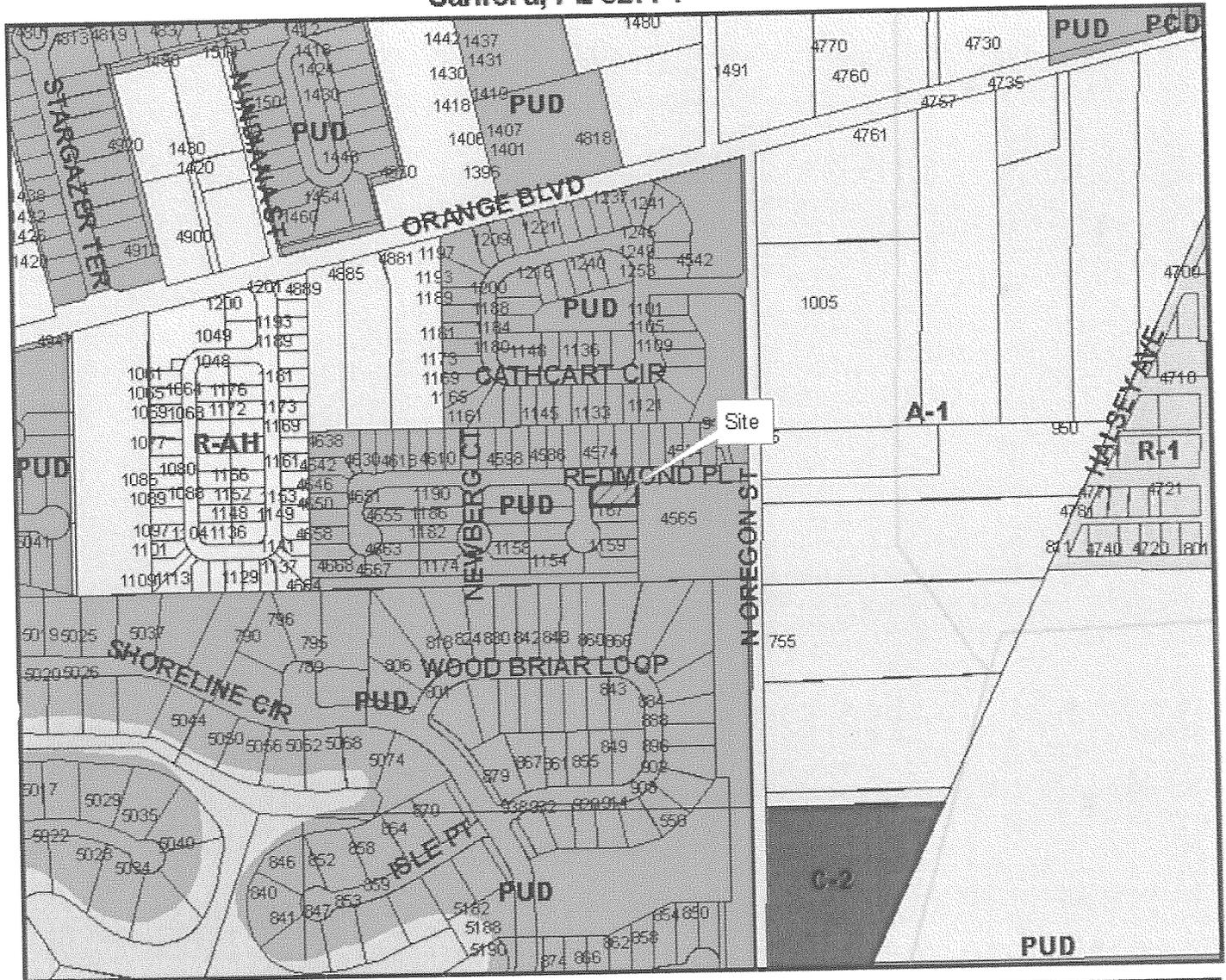


Property Address:  
 1171 Lebanon Court  
 Sanford, FL 32771

Survey number: SL 55948

<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 - 7506</p>																																																				
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 20-19-30-511-0000-0540                  Owner: RILEY KENT J &amp; CYNTHIA                  Mailing Address: 1171 LEBANON CT                  City,State,ZipCode: SANFORD FL 32771                  Property Address: 1171 LEBANON CT SANFORD 32771                  Subdivision Name: OREGON TRACE                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2006 WORKING VALUE SUMMARY</b></p> <table style="width:100%;"> <tr><td>Value Method:</td><td style="text-align: right;">Market</td></tr> <tr><td>Number of Buildings:</td><td style="text-align: right;">1</td></tr> <tr><td>Depreciated Bldg Value:</td><td style="text-align: right;">\$169,513</td></tr> <tr><td>Depreciated EXFT Value:</td><td style="text-align: right;">\$17,171</td></tr> <tr><td>Land Value (Market):</td><td style="text-align: right;">\$35,200</td></tr> <tr><td>Land Value Ag:</td><td style="text-align: right;">\$0</td></tr> <tr><td>Just/Market Value:</td><td style="text-align: right;">\$221,884</td></tr> <tr><td>Assessed Value (SOH):</td><td style="text-align: right;">\$206,414</td></tr> <tr><td>Exempt Value:</td><td style="text-align: right;">\$25,000</td></tr> <tr><td>Taxable Value:</td><td style="text-align: right;">\$181,414</td></tr> <tr><td>Tax Estimator</td><td></td></tr> </table>	Value Method:	Market	Number of Buildings:	1	Depreciated Bldg Value:	\$169,513	Depreciated EXFT Value:	\$17,171	Land Value (Market):	\$35,200	Land Value Ag:	\$0	Just/Market Value:	\$221,884	Assessed Value (SOH):	\$206,414	Exempt Value:	\$25,000	Taxable Value:	\$181,414	Tax Estimator																													
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**Kent Riley  
1711 Lebanon Court  
Sanford, FL 32771**



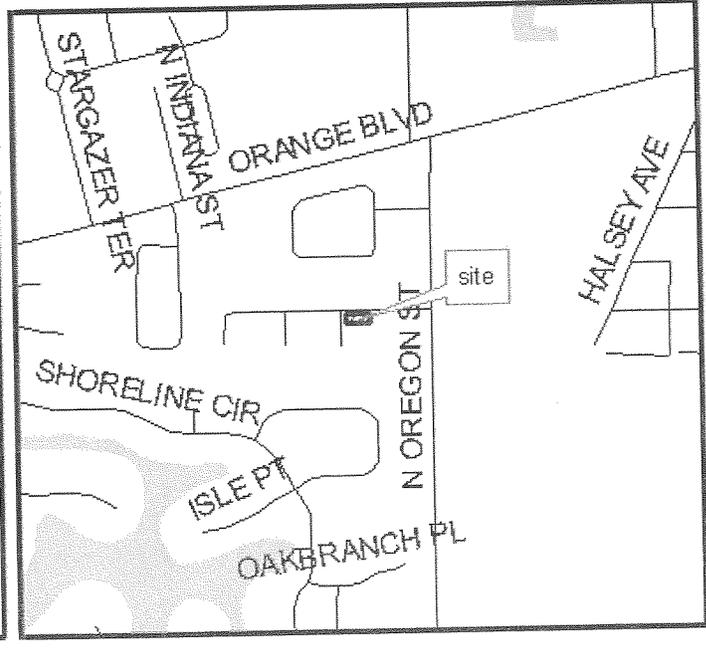
**Seminole County Board of Adjustment  
November 28, 2005  
Case: BV2005-168  
Parcel No: 20-19-30-511-0000-0540**

**Zoning**

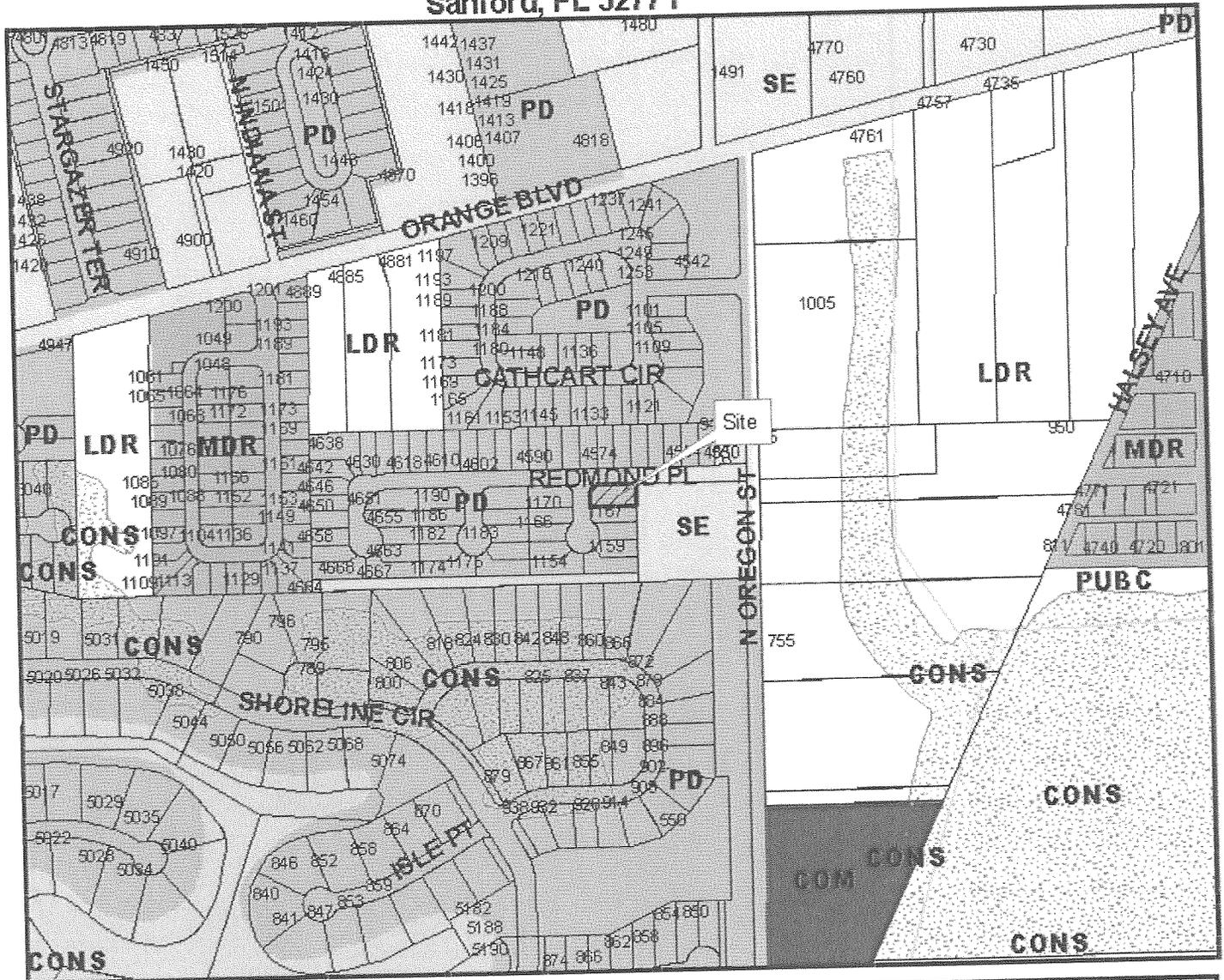
- A-1 Agricultural-1 Ac
- R-1 Single Fam -8400
- R-AH Affordable Housing-3600
- C-2 Retail Commercial
- PUD Planned Unit Dev.
- PCD Planned Commercial Dist.
- BV2005-168

N

0 95 190 380 570 760 Feet



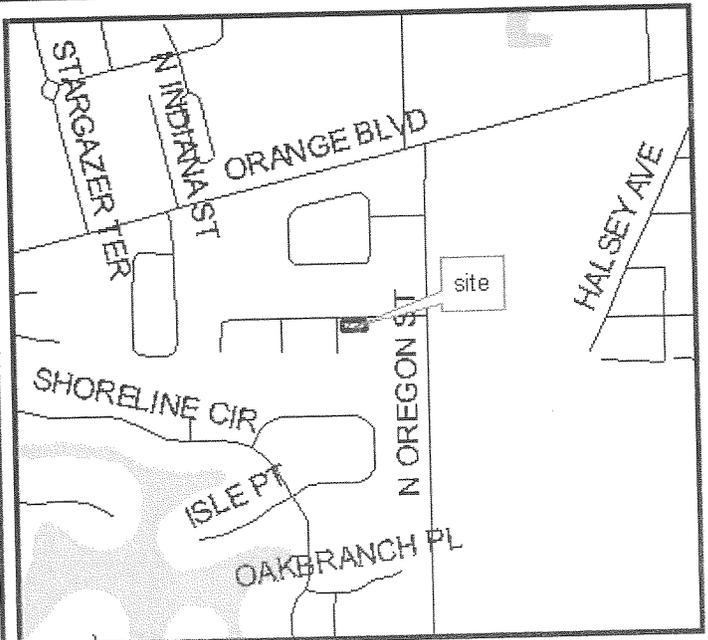
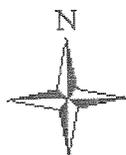
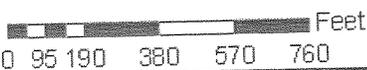
Kent Riley  
 1711 Lebanon Court  
 Sanford, FL 32771



Seminole County Board of Adjustment  
 November 28, 2005  
 Case: BV2005-168  
 Parcel No: 20-19-30-511-0000-0540

**Future Land Use**

- |  |            |  |            |
|--|------------|--|------------|
|  | CONS, PUBC |  | LDR, NONE  |
|  | CONS, LDR  |  | MDR, NONE  |
|  | CONS, PD   |  | PD, NONE   |
|  | CONS, COM  |  | COM, NONE  |
|  | PUBC, NONE |  | BV2005-168 |
|  | SE, NONE   |  |            |



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 54 OREGON TRACE PB 59 PG S 77 - 79

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

### FINDINGS OF FACT

**Property Owner:** Kent Riley  
1171 Lebanon Court  
Sanford, FL 32771

**Project Name:** Lebanon (1171)

**Requested Development Approval:**

Request for a minimum side street setback from 15 feet to 6 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: Ian Sikonia, 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: \_\_\_\_\_  
Tony Walter  
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: