

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

SUBJECT: Request for a fence height variance from 6 feet to 8 feet for an existing fence in the R-1AA (Single-Family Dwelling District); (Christine Menzol, Applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

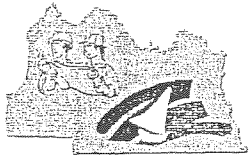
Agenda Date 02/27/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a fence height variance from 6 feet to 8 feet for an existing fence in the R-1AA (Single-Family Dwelling District); (Christine Menzol, Applicant); or
2. **DENY** Request for a fence height variance from 6 feet to 8 feet for an existing fence in the R-1AA (Single-Family Dwelling District); (Christine Menzol, Applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT:	Christine Menzol
BACKGROUND / REQUEST	LOCATION:	3538 Shirley Drive
	ZONING:	Apopka, FL 32703
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, 	

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The applicant would retain reasonable use of the property without the requested variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<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 8 foot high fence located 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 2005-207

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** Fence height variance from 6' to 8'
- 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	<u>Christine Menzel</u>	
ADDRESS	<u>3538 Shirley Dr</u>	
	<u>Apopka FL 32703</u>	
PHONE 1	<u>407 774 8785</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: 3538 Shirley Drive

SITE ADDRESS: _____

CURRENT USE OF PROPERTY: _____

LEGAL DESCRIPTION: Leg Lot 14 8115 A Bear Lake Manor P811 PG 79

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 18-21-29-519-0000-0140

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS Code enforced for building without a permit

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 2 / 27 / 06 (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.

Christine Menzel
 SIGNATURE OF OWNER OR AGENT* DATE 12-16-05

* 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:

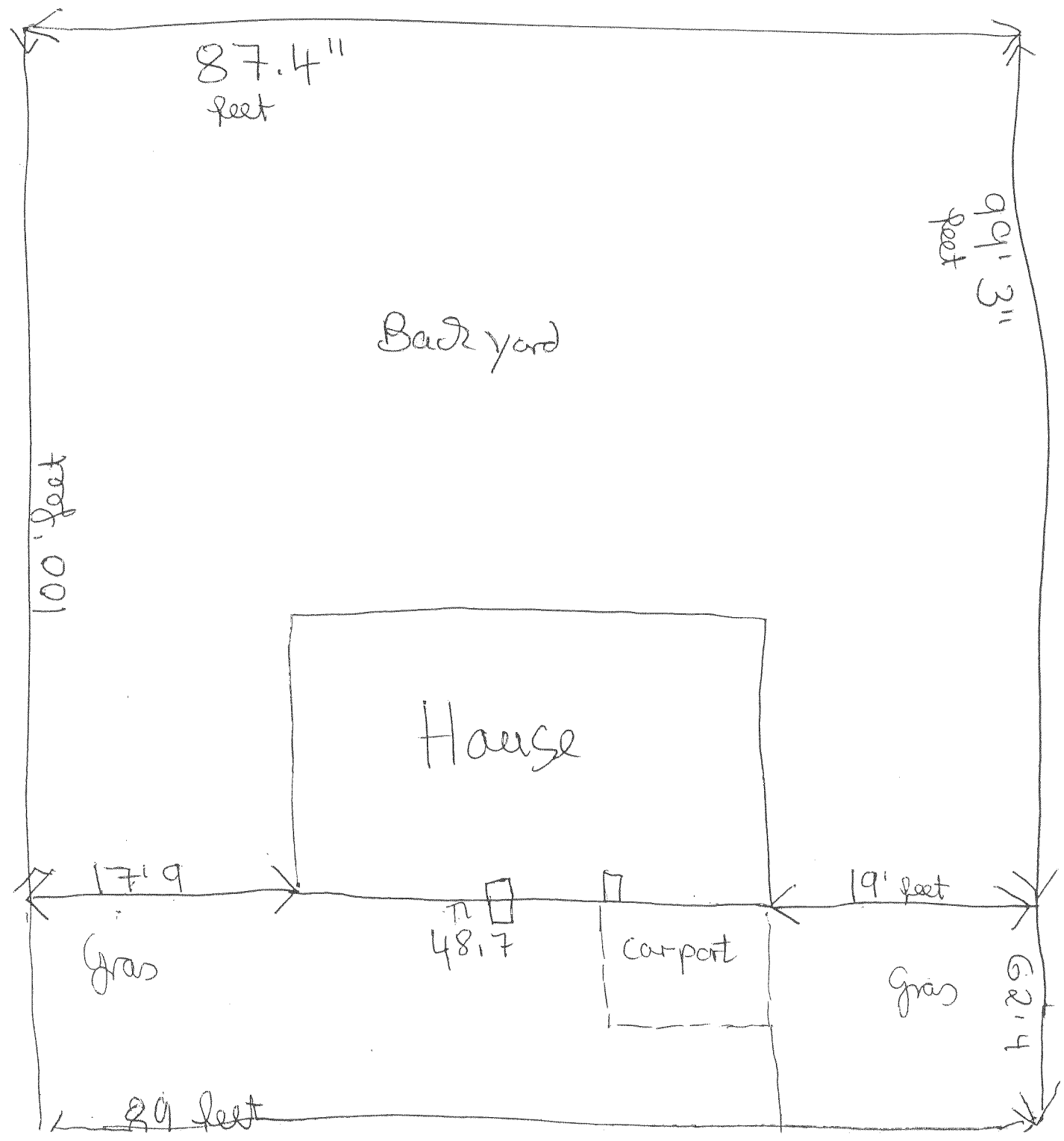
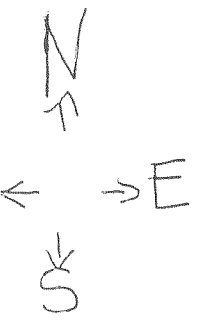
FEE(S): \$ 150 COMMISSION DISTRICT 3 FLU/ZONING R-1AA / LDR

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. side of Shirley Dr low than 0.1 mi west of the intersection of Shirley Dr & Beaulieu Rd.

PLANNING ADVISOR DATE

SUFFICIENCY COMMENTS



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: 18-21-29-519-0A00-0140
 Owner: VON MENZEL CHRISTINE &
 Own/Addr: BISHOP DAVID T
 Mailing Address: 3538 SHIRLEY DR
 City,State,ZipCode: APOPKA FL 32703
 Property Address: 3538 SHIRLEY DR APOPKA 32703
 Subdivision Name: BEAR LAKE MANOR
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 01-SINGLE FAMILY

2006 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$66,417
 Depreciated EXFT Value: \$520
 Land Value (Market): \$25,000
 Land Value Ag: \$0
 Just/Market Value: \$91,937
 Assessed Value (SOH): \$75,325
 Exempt Value: \$25,000
 Taxable Value: \$50,325
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
CORRECTIVE DEED	08/2005	05862	1703	\$100	Improved	No
QUIT CLAIM DEED	03/2004	05233	1752	\$15,600	Improved	No
SPECIAL WARRANTY DEED	12/2001	04270	0726	\$64,000	Improved	No
PROBATE RECORDS	08/2000	03896	0562	\$100	Improved	No
CERTIFICATE OF TITLE	04/1989	02058	1706	\$100	Improved	No
WARRANTY DEED	07/1988	01975	0200	\$56,300	Improved	Yes
WARRANTY DEED	11/1986	01788	1964	\$59,000	Improved	Yes
QUIT CLAIM DEED	01/1977	01116	1272	\$100	Improved	No
ARTICLES OF AGREEMENT	01/1976	01108	0113	\$14,100	Improved	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$1,112
 2005 Tax Bill Amount: \$789
 Save Our Homes (SOH) Savings: \$323
 2005 Taxable Value: \$48,131
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	25,000.00	\$25,000

LEGAL DESCRIPTION

PLATS:

LEG LOT 14 BLK A BEAR LAKE MANOR PB
11 PG 79

BUILDING INFORMATION

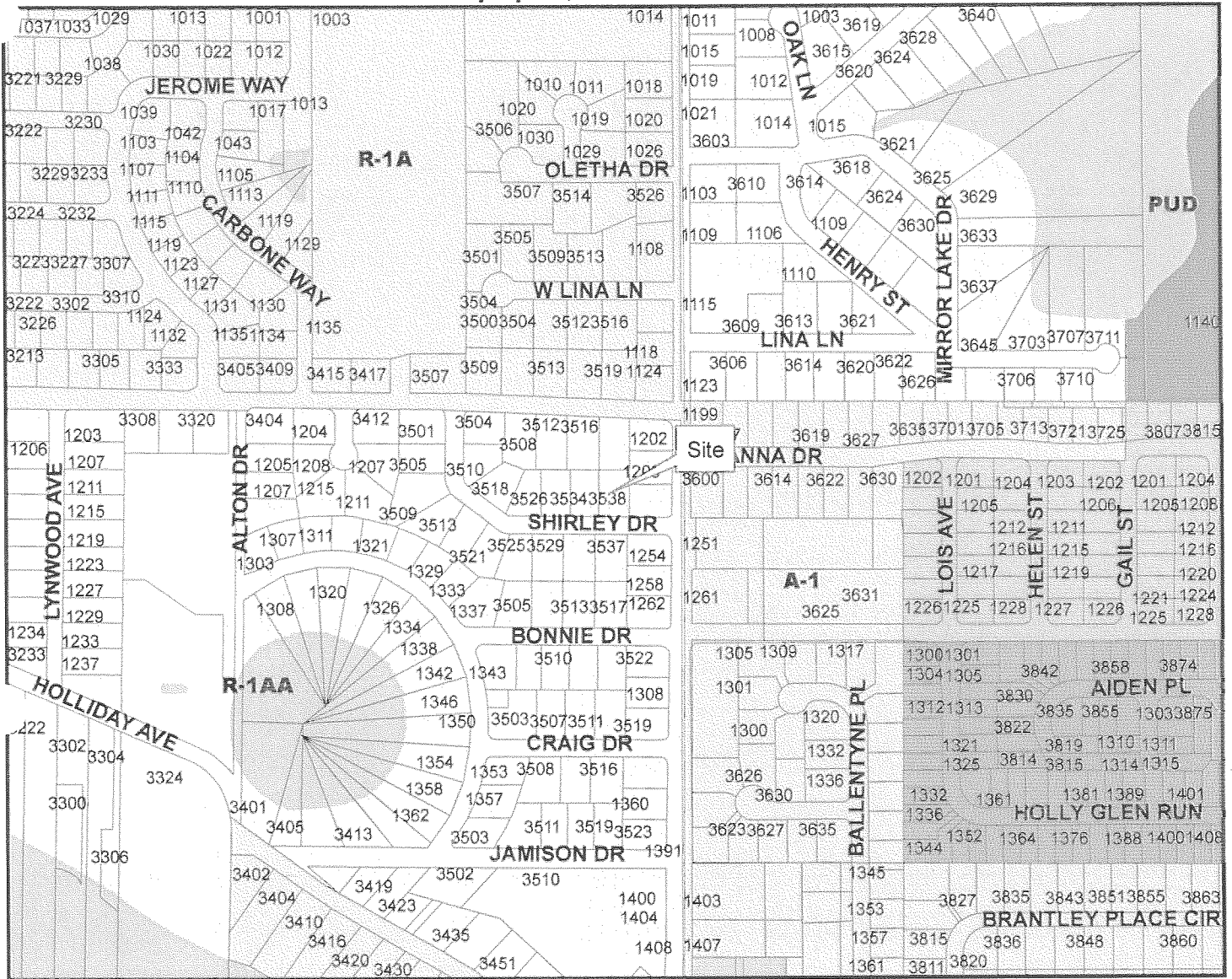
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1958	6	1,194	1,728	1,194	CB/STUCCO FINISH	\$66,417	\$92,246
	Appendage / Sqft		UTILITY FINISHED / 170						
	Appendage / Sqft		OPEN PORCH FINISHED / 24						
	Appendage / Sqft		CARPORT UNFINISHED / 340						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM PORCH W/CONC FL	1979	200	\$520	\$1,300








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.

Christine Menzel
 3538 Shirley Dr.
 Apopka, FL 32703

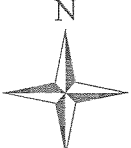
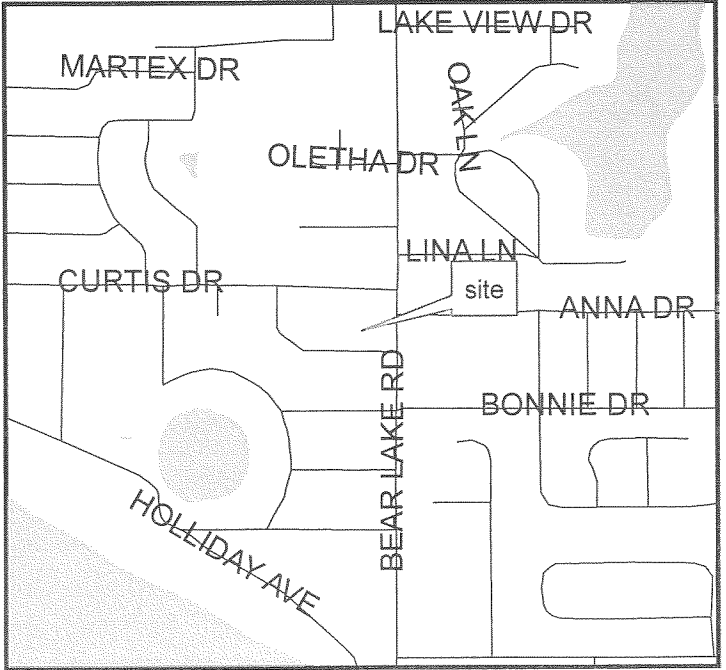


Seminole County Board of Adjustment
February 27, 2006
Case: BV2005-202
Parcel No: 18-21-29-519-0A00-0140

Zoning

-  BV2005-202
-  A-1
-  R-1AA
-  R-1A
-  R-1
-  R-1BB
-  PUD

0 85170 340 510 680 Feet

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 3538 SHIRLEY DR APT 204 FL 32703

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF _____
CHAPTER/ARTICLE FBC 109.111 SECTION _____

DESCRIPTION OF VIOLATION: INSTALLATION OF 8 FT TALL FENCE WITHOUT BUILDING PERMIT

CORRECTIVE ACTION: REMOVE FENCE

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 12-25-05

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



For further information contact:
Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771
PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 12-9-05 **INSPECTOR:** [Signature]

CASE NO: 10-05-05

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 27, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 14 BLK A BEAR LAKE MANOR PB 11 PG 79

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

FINDINGS OF FACT

Property Owner: Christine Von Menzel & David Bishop
3538 Shirley Drive
Apopka, FL 32703

Project Name: Shirley Drive (3538)

Requested Development Approval:

REQUEST FOR A FENCE HEIGHT VARIANCE FROM 6 FEET TO 8 FEET FOR AN EXISTING FENCE IN THE R-1AA (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, Senior 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 8 foot high 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: