

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

SUBJECT: Request for a side street setback variance from 25 feet to 2.5 feet for an existing fence in the R-1AA (Single-Family Dwelling District); (Russell & Beverly Curry, applicants).

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

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

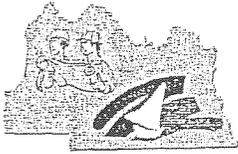
Agenda Date 5/22/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side street setback variance from 25 feet to 2.5 feet for an existing fence in the R-1AA (Single-Family Dwelling District); or
2. **DENY** the request for a side street setback variance from 25 feet to 2.5 feet for an existing fence in the R-1AA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANTS: Russell & Beverly Curry LOCATION: 1340 Charlotte Street ZONING: R-1AA (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • A fence was constructed on the subject property that encroaches 22.5 feet into the 25 foot side street setback; the aforementioned side street setback variance is thereby requested. • The applicant plans on replacing the existing fence and has received a permit from the Building Department for the portion of the fence which doesn't encroach into the side street setback. (06 00003457) • There is no record of prior variances having been granted for this property. • There are currently no code enforcement or building violations for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<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, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• 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 still retain reasonable use of the land, building or structure without the granting of the variance.
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 existing 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.



RECEIVED MAR 30 2006

COPY

APPL. NO. BV 2006-063

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 yard setback variance from 25ft. to 25ft. for an existing 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	Russell G. + Beverly U. Curry	
ADDRESS	1340 Charlotte St. Altamonte Spgs.	
PHONE 1	407-332-7836	
PHONE 2	407-493-0673	
E-MAIL	MyButterfly@cfl.rr.com	

PROJECT NAME: Curry / fence
 SITE ADDRESS: 1340 Charlotte St., Altamonte Spgs.
 CURRENT USE OF PROPERTY: Res
 LEGAL DESCRIPTION: Leg Lots 11 + 12 Blk 32 Sandhatch PB 3 PG 66

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 12-21-29-SBD-3200-0110

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

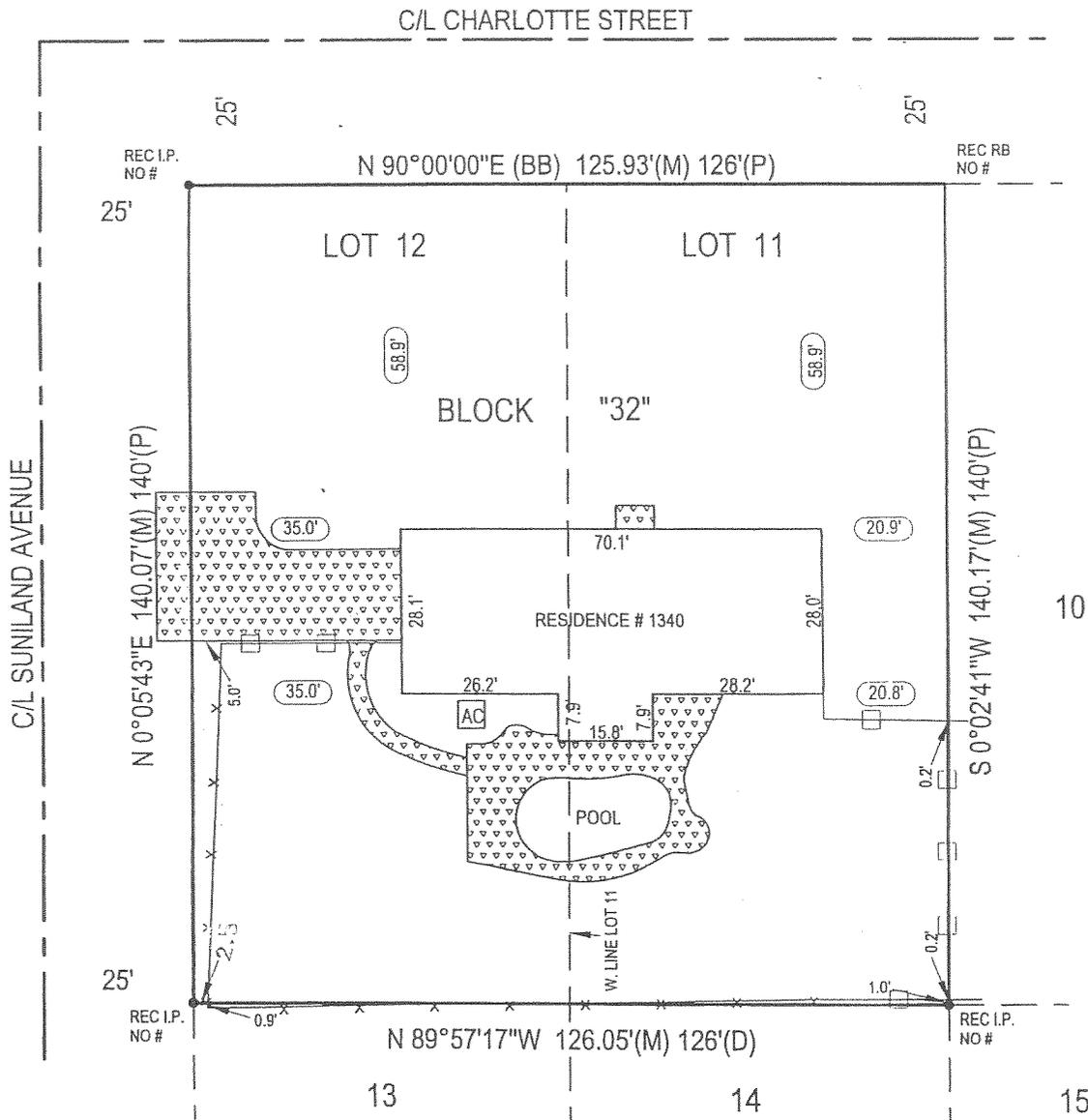
KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

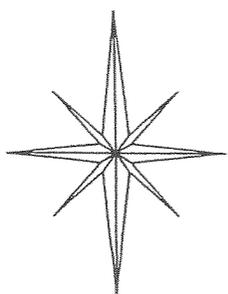
This request will be considered at the Board of Adjustment regular meeting on 5/22/06 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

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.

Beverly U. Curry 3/30/06
 SIGNATURE OF OWNER OR AGENT DATE



N



SCALE 1" = 30'

CERTIFIED TO:
 RUSSELL G. CURRY
 WATSON TITLE SERVICES, INC.
 WATSON MORTGAGE CORPORATION
 OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

DESCRIPTION: LOT 11 & 12, BLOCK 32, SANLANDO THE SUBURB BEAUTIFUL ALTAMONTE SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE(S) 66 THROUGH 69, INCLUSIVE, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

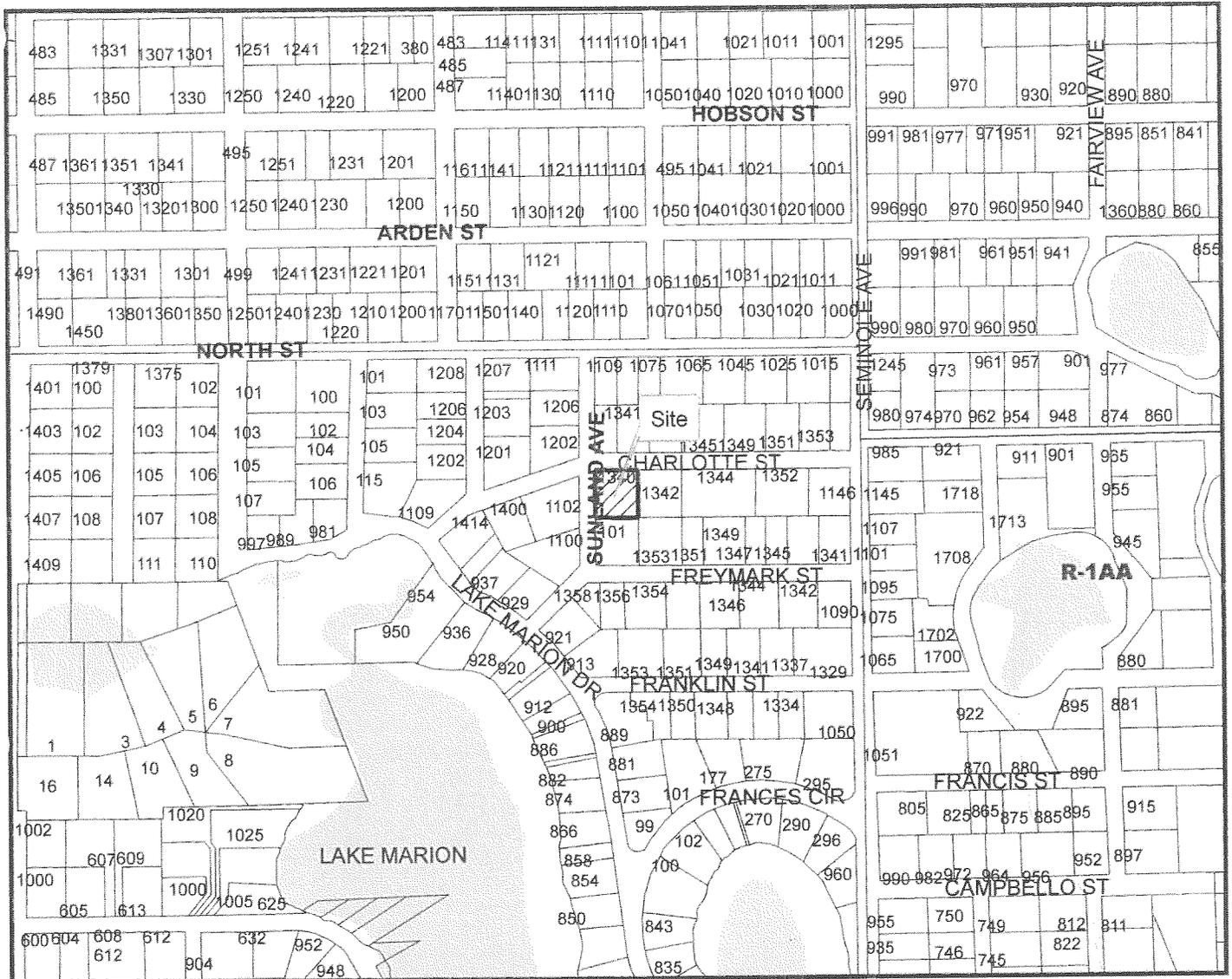
JOB NO.: 06-493
 DATE: FIELD: 02-16-06
 SIGNED: 02-17-06
 DRAWN BY: BLS
 P.C.: C.M.

LEGEND	
REC. - RECOVERED	CONCRETE
I.P. - IRON PIPE	PRC - POINT OF REVERSE CURVE
I.C. - ILLEGIBLE CAP #	R.P. - RADIUS POINT
C.M. - CONCRETE MONUMENT	R - RADIUS
RB - REBAR	L - LENGTH OF ARC
RAD. - RADIAL	CA - CENTRAL ANGLE
N.R. - NOT RADIAL	U.E. - UTILITY EASEMENT
N&D - NAIL & DISC	D.E. - DRAINAGE EASEMENT
(P) - PER PLAT	L.E. - LANDSCAPE EASEMENT
(M) - AS MEASURED	P.E. - POOL EQUIPMENT
(D) - PER DESCRIPTION	

This is a digitally signed and sealed drawing of a boundary survey performed under the direction of the undersigned. Six copies are authorized on or about the date of the survey shown hereon and certified only to those persons and/or entities listed hereon. The boundary survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G14-1.001, Florida Administrative Code, pursuant to section 472.027 Florida Statute.

JIMMY W. JACKSON
 CERTIFICATE
 No. 4243
 STATE OF FLORIDA
 BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

**Beverly & Russell Curry
1340 Charlotte St
Altamonte Springs, FI 32701**

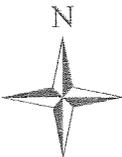


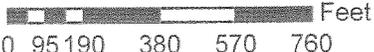
Seminole County Board of Adjustment
May 22, 2006
Case: BV2006-063
Parcel No: 12-21-29-5BD-3200-0110

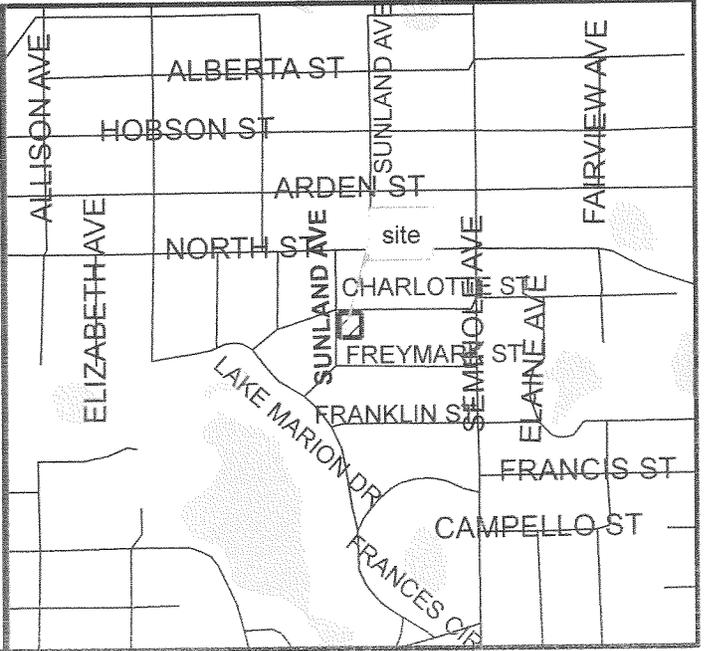
Zoning

-  BV2006-063
-  R-1AA

N



 Feet
 0 95 190 380 570 760



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>		<p>GENERAL</p> <p>Parcel Id: 12-21-29-5BD-3200-0110</p> <p>Owner: CURRY RUSSELL G & BEVERLY U</p> <p>Mailing Address: 1340 CHARLOTTE ST</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32701</p> <p>Property Address: 1340 CHARLOTTE ST ALTAMONTE SPRINGS 32701</p> <p>Subdivision Name: SANLANDO</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>																					
		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$133,685</p> <p>Depreciated EXFT Value: \$3,175</p> <p>Land Value (Market): \$37,422</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$174,282</p> <p>Assessed Value (SOH): \$105,475</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$80,475</p> <p>Tax Estimator</p>																					
		<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,201</p> <p>2005 Tax Bill Amount: \$1,268</p> <p>Save Our Homes (SOH) Savings: \$933</p> <p>2005 Taxable Value: \$77,403</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																					
		<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOTS 11 + 12 BLK 32 SANLANDO PB 3 PG 66</p>																					
		<p>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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>08/1992</td> <td>02469</td> <td>1162</td> <td>\$99,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1986</td> <td>01706</td> <td>1986</td> <td>\$95,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/1992	02469	1162	\$99,500	Improved	Yes	WARRANTY DEED	01/1986	01706	1986	\$95,000	Improved	Yes
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 11 + 12 BLK 32 SANLANDO PB 3 PG 66

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

FINDINGS OF FACT

Property Owner: Russell & Beverly Curry
1340 Charlotte St.
Altamonte Springs, FL 32701

Project Name: Charlotte Street (1340)

Requested Development Approval:

Request for a side street setback variance from 25 feet to 2.5 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: 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 existing 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: