Item #BV2006-100

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a side yard setback variance from 10 feet to 8 feet for a replacement pool screen enclosure in the R-1AA (Single-Family Dwelling District); (David Fulsang, applicant).

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

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

Agenda Date 7/24/06 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard setback variance from 10 feet to 8 feet for a replacement pool screen enclosure in the R-1AA (Single-Family Dwelling District); or
2. **DENY** the request for a side yard setback variance from 10 feet to 8 feet for a replacement pool screen enclosure in the R-1AA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	David Fulsang
	Owner:	David Fulsang
	Location:	964 Campello St.
	Zoning:	R-1AA (Single-Family Dwelling District)
	Subdivision:	Sandlando Springs
BACKGROUND / REQUEST	• The applicant proposes to construct a replacement pool screen enclosure that would encroach 2 feet into the 10 foot minimum side yard setback. • The applicant proposes to construct the replacement pool screen enclosure on the existing concrete slab. • The applicant submitted plans for the replacement screen enclosure to the Building Division on 4/20/06. (App. # 06 00004561) • There are currently no code enforcement or building	

	violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: • 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. • 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	• 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: • Any variance granted shall apply only to the replacement pool screen enclosure 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

RECEIVED JUN 02 2006

APPL.NO. BV2006-100

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:

O **VARIANCE** Request For Side Yard Set back From 10' To 8'

O **SPECIAL EXCEPTION** _____

O **LIMITED USE** _____

O SF DWELLING UNDER CONSTRUCTION O MEDICAL HARDSHIP
O NIGHT WATCHMAN O FAMILY HARDSHIP
O YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
O SIZE OF MOBILE HOME / RV _____ O TIME NEEDED _____
O PLAN TO BUILD O YES O NO IF SO, WHEN _____

O **APPEAL FROM DECISION OF THE PLANNING MANAGER** _____

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	DAVID FULSANG	
ADDRESS	964 Campello ST	
	ALT SPGS FLA 32701	
PHONE 1	407-830-1245	
PHONE 2	407-832-2710	
E-MAIL	davesupholstery@msn.com	

PROJECT NAME: _____

SITE ADDRESS: _____

CURRENT USE OF PROPERTY: RES.

LEGAL DESCRIPTION: See attached Property Sheet

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 01-21-29-5CK-760H-0200

UTILITIES: ✓ WATER O WELL O SEWER O SEPTIC TANK ✓ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS NO
Call Dogs !!!

IS PROPERTY ACCESSIBLE FOR INSPECTION ✓ YES O NO

This request will be considered at the Board of Adjustment regular meeting on 7,24,06 (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.

Marilyn Fulsang — 6-2-06

SIGNATURE OF OWNER OR AGENT* DATE

ADDITIONAL VARIANCES

VARIANCE 2:

VARINACE 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 COMMISSON DISTRICT FLU / ZONING R-1AA / LDR

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR DATE

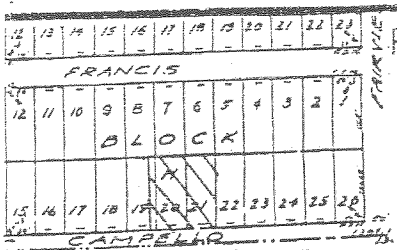
SUFFICIENCY COMMENTS

PLAT OF SURVEY Zoned RIAA

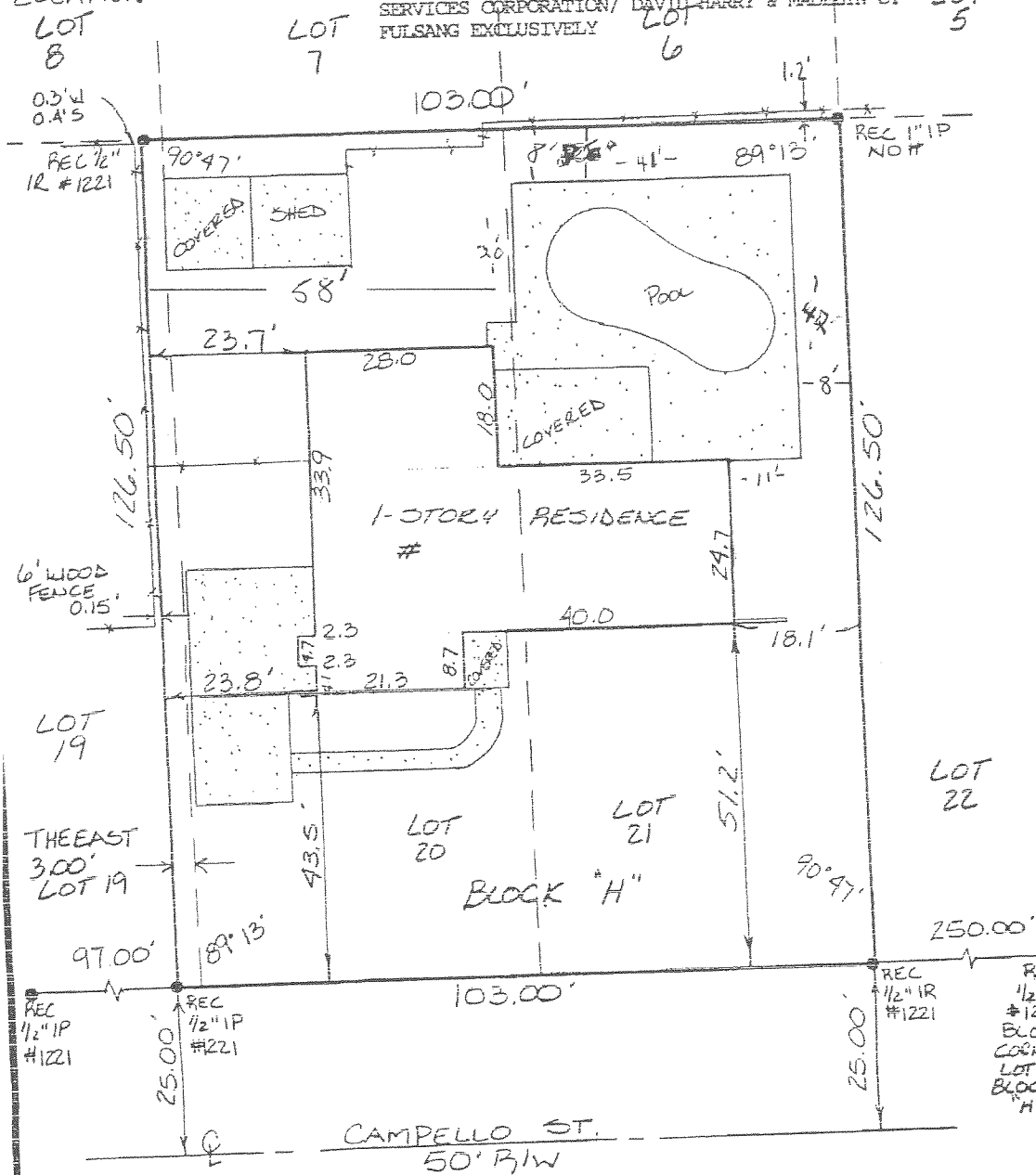
OF

THE EAST 3.00 FEET OF LOT 19 AND ALL OF LOTS 20 & 21 BLOCK H, SANLANDO SPRINGS TRACT NO. 76 SECOND REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9 PAGE 4 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY FLORIDA.

CERTIFICATION TO: BENCHMARK TITLE AGENCY, INC./ COMMONWEALTH LAND TITLE INSURANCE COMPANY/ SOURCE ONE MORTGAGE SERVICES CORPORATION/ DAVID HARRY & MADELYN C. FULSANG EXCLUSIVELY



LOCATION MAP N.T.S.



LEGEND: REC. = RECOVERED; IP = IRON PIPE; IR = IRON ROD; P.P. = POWER POLE; P. = PLAT; M. = MEASURED; R/W = RIGHT-OF-WAY; CL = CENTER LINE; P.O.B. = POINT OF BEGINNING; P.O.C. = POINT OF COMMENCEMENT; AC = AC PAD; CONCRETE PC = POINT OF CURVATURE PT = POINT OF TANGENCY POC = POINT OF COMPOUND CURVE POP = PERMANENT CONTROL POINT PRC = POINT OF REVERSE CURVE □ = 4"X 4" CONCRETE MONUMENT C = CALCULATED Δ = CENTRAL ANGLE L = ARC LENGTH R = RADIUS

SURVEYORS NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT-OF-WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THIS LAND.
2. SUBJECT DWELLING FALLS WITHIN ZONE C, ACCORDING TO THE F.I.R.M. MAP #120289-01408 DATED 5-5-81
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
4. BUILDING TIES SHOULD NOT BE USED TO REESTABLISH BOUNDARY LINES.
5. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
6. BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT.

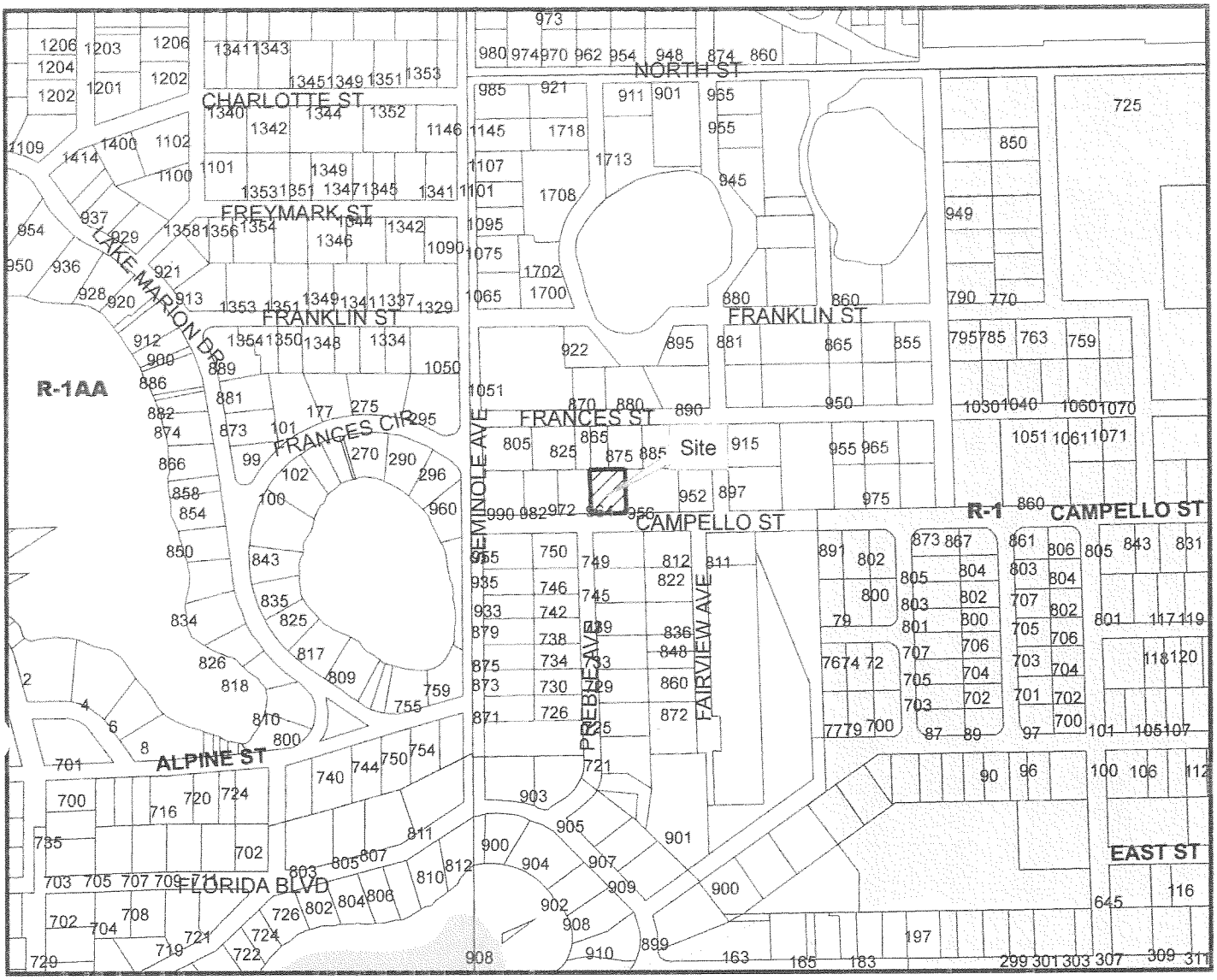
9-8-92 UPDATED

DATE: 3-20-92	SCALE: 1"=20'	CAL. BY: RJE	DRAWN BY: RJE	JOB NO. 2304

Atlantic Surveying, Inc.

This is to certify that we have performed a field survey of the hereon described property, for the purpose hereon described, that this drawing is a representation of that survey and meets the Minimum Technical Standards pursuant to Section 21HH-6, F.A.C.

Madelyn & David Fulsang
964 Campello St
Altamonte Springs, Fl 32701

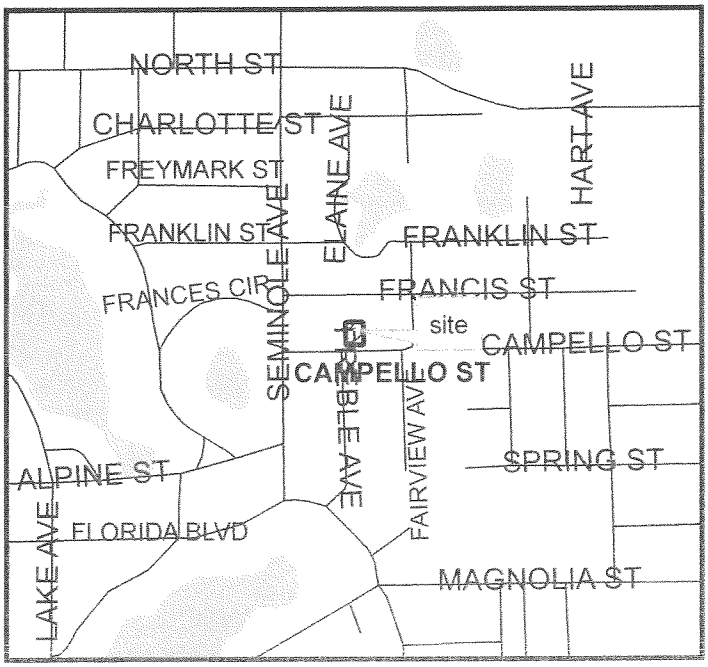


Seminole County Board of Adjustment
July 24, 2006
Case: BV2006-100
Parcel No: 01-21-29-5CK-760H-0200

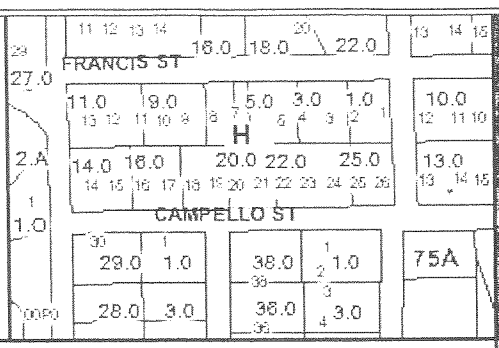
Zoning

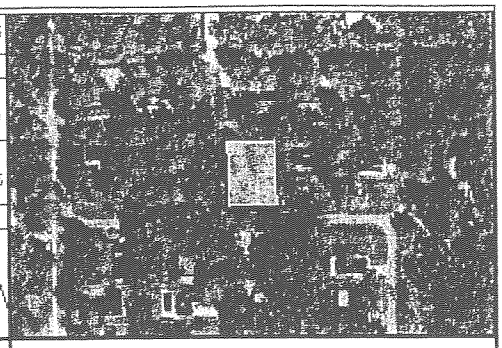
- BV2006-100
- R-1AA
- R-1

N



DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
SEMINOLE COUNTY FL.
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506





GENERAL

Parcel Id:	01-21-29-5CK-760H-0200
Owner:	FULSANG DAVID H & MADELYN C
Mailing Address:	964 CAMPELLO ST
City,State,ZipCode:	ALTAMONTE SPRINGS FL 32701
Property Address:	964 CAMPELLO ST ALTAMONTE SPRINGS 32701
Subdivision Name:	SANLANDO SPRINGS
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:	$147,728
Depreciated EXFT Value:	$8,141
Land Value (Market):	$41,149
Land Value Ag:	$0
Just/Market Value:	$197,018
Assessed Value (SOH):	$117,379
Exempt Value:	$25,000
Taxable Value:	$92,379

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/1977	01131	0953	$41,900	Improved	Yes
WARRANTY DEED	01/1977	01109	1155	$6,000	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH):	$2,528
2005 Tax Bill Amount:	$1,458
***Save Our Homes (SOH)* Savings:**	$1,070
2005 Taxable Value:	$88,960

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	103	127	.000	425.00	$41,149

LEGAL DESCRIPTION

PLATS: Pick...

LEG E 3 FT OF LOT 19 & ALL LOTS 20 & 21 BLK H TRACT 76 SANLANDO SPRINGS
PB 9 PG 4

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1977	6	1,777	2,589	2,218	CONC BLOCK	$147,728	$167,873

Appendage / Sqft	OPEN PORCH FINISHED / 308
Appendage / Sqft	BASE SEMI FINISHED / 441
Appendage / Sqft	OPEN PORCH FINISHED / 63

NOTE: *Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished,Base Semi Finshed*

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1979	420	$3,360	$8,400
COOL DECK PATIO	1979	1,000	$1,400	$3,500
SCREEN ENCLOSURE	1979	2,641	$2,113	$5,282
FIREPLACE	1986	1	$750	$1,500
ALUM UTILITY BLDG NO FLOOR	1991	324	$518	$1,296

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.*

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E 3 FT OF LOT 19 & ALL LOTS 20 & 21 BLK H TRACT 76 SANLANDO SPRINGS PB 9 PG 4

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

FINDINGS OF FACT

Property Owner: David Fulsang
964 Campello St.
Altamonte Springs, Fl 32701

Project Name: Campello Street (964)

Requested Development Approval:

Request for a side yard setback variance from 10 feet to 8 feet for a replacement pool screen enclosure 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 aforedescribed 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 replacement pool screen enclosure as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforedescribed 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: