

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a height variance from 6 feet 6 inches to 8 feet for an existing fence in the R-1A (Single Family Dwelling District); (Scott Rabb, applicant).

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

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

**Agenda Date** 9/25/06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

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

<b>GENERAL INFORMATION</b>	Applicant: Scott Rabb Owner: Michael Tornow & Carolyn Vogt Location: 213 Sunland Dr. Zoning: R-1A (Single-Family Dwelling District) Subdivision: Sunland Estates
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• A fence was constructed on the subject property that is 1 foot 6 inches taller than the 6 foot 6 inch height regulation; the aforementioned fence height variance is thereby requested.</li> <li>• The applicant constructed an approximately 20 foot long 8' tall privacy fence on the eastern portion of the property.</li> <li>• The applicant was cited by the Building Division on June 17, 2004 for the unpermitted construction of an 8' foot tall fence.</li> </ul>

	<ul style="list-style-type: none"><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the existing fence as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>



**COPY**

APPL. NO. BU2006-094

**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 ft. to 8ft for an existing fence
- SPECIAL EXCEPTION**
- LIMITED USE** RECEIVED MAY 22 2006
- SF DWELLING UNDER CONSTRUCTION  MEDICAL HARDSHIP
- NIGHT WATCHMAN  FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_  TIME NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>MIKE TORNOW &amp; CAROLYN VOGT</u>	<u>SCOTT RABB</u>
ADDRESS	<u>5917 W BYRON ST CHICAGO IL 60634</u>	<u>213 S SUNLAND DR SANFORD FL 32773</u>
PHONE 1	<u>773 283 2915</u>	<u>407 792 2007</u>
PHONE 2		
E-MAIL		<u>SCOTT@THECENTRALSPOT.COM</u>

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 213 S. SUNLAND DR. SANFORD FL 32773

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: LOT 3 BLK J SUNLAND ESTATES PB11 P621

SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 14 2030 501 0300 0030

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

KNOWN CODE ENFORCEMENT VIOLATIONS FENCE HEIGHT

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. 4-25-06

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 OF OWNER OR AGENT\* [Signature] DATE 5/22/06

Notarization 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): 150.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1A / LOR

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

RECEIVED

# SKETCH/AREA TABLE ADDENDUM

File No: 96-0712.rur

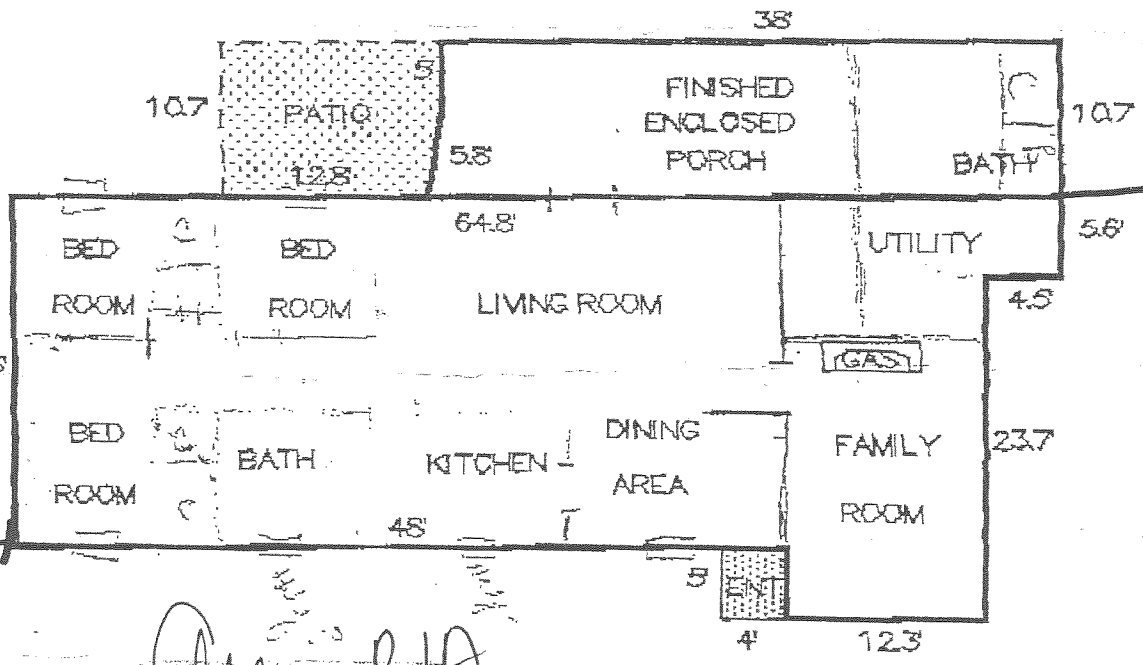
Owner/Client \_\_\_\_\_

Property Address  
213 SUNLAND DRIVE SOUTH

City SANFORD County SEMINOLE State FL Zip Code 32773

Lender \_\_\_\_\_

IMPROVEMENTS SKETCH



*Aug 2006*

SEMINOLE COUNTY ZONING - APPROVED

PERMIT # *06-3614*

*8' fence*

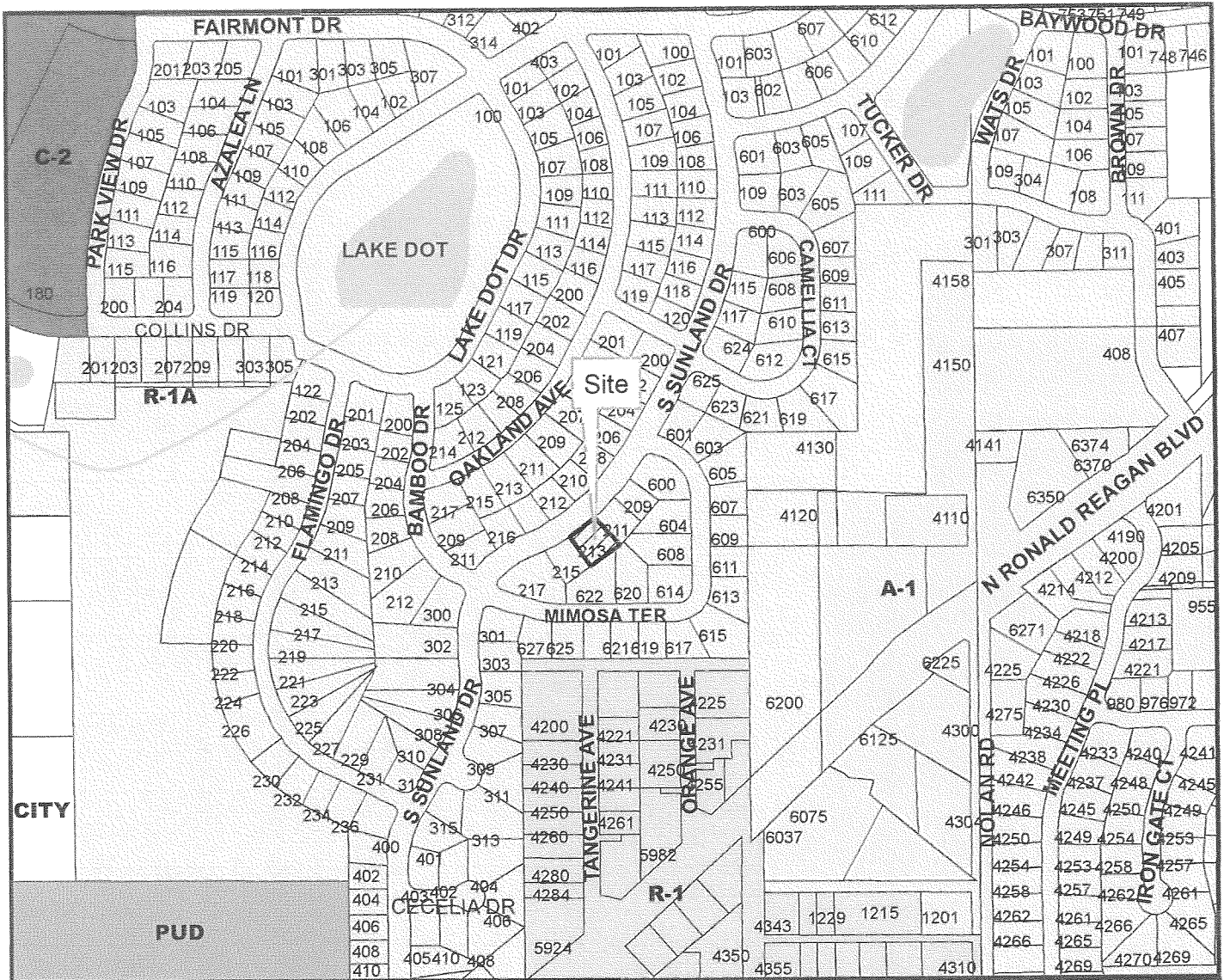
SCALE: 1 inch = 12 feet

AREA CALCULATION

AREA CALCULATIONS SUMMARY			
Area	Name of Area	Size	Totals
GLA1	First Floor	1551.99	1551.99
POB	P.E.P.	409.45	
	Patio	144.31	553.76
OTH	Entry	20.00	20.00







LIVING AREA CALCULATIONS			
Breakdown			Subtotals
64.80	x	5.60	362.88
60.30	x	18.70	1127.61
12.30	x	5.00	61.50

Scott Rabb  
 213 S Sunland Dr  
 Sanford, FL 32773

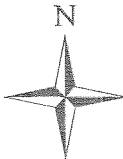
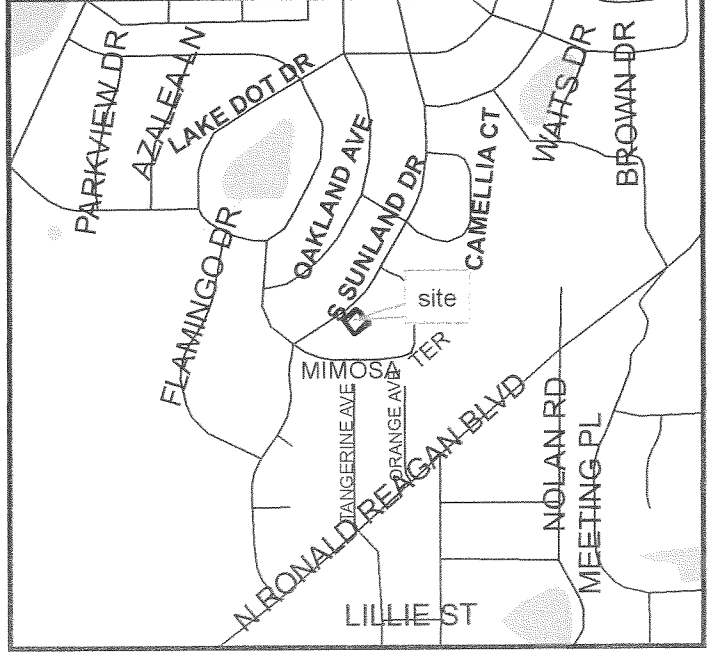


**Seminole County Board of Adjustment**  
 September 25, 2006  
 Case: BV2006-094  
 Parcel No: 14-20-30-501-0J00-0030

**Zoning**

	BV2006-094		R-1
	A-1		C-2
	R-1A		PUD

N

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

**GENERAL**

Parcel Id: 14-20-30-501-0J00-0030  
 Owner: TORNOW MICHAEL C &  
 Own/Addr: VOGT CAROLYN S  
 Mailing Address: 5917 W BYRON ST  
 City,State,ZipCode: CHICAGO IL 60634  
 Property Address: 213 SUNLAND DR S SANFORD 32773  
 Subdivision Name: SUNLAND ESTATES  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: *R-11*  
 Dor: 01-SINGLE FAMILY

**2006 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$133,602  
 Depreciated EXFT Value: \$5,224  
 Land Value (Market): \$22,000  
 Land Value Ag: \$0  
 Just/Market Value: \$160,826  
 Assessed Value (SOH): \$160,826  
 Exempt Value: \$0  
 Taxable Value: \$160,826  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	09/2003	05033	0184	\$110,000	Improved	Yes
QUIT CLAIM DEED	08/1999	03705	0253	\$100	Improved	No
WARRANTY DEED	02/1997	03196	0636	\$69,000	Improved	Yes
WARRANTY DEED	08/1996	03118	1237	\$45,500	Improved	No
CERTIFICATE OF TITLE	03/1996	03043	0692	\$100	Improved	No
QUIT CLAIM DEED	09/1993	02684	1124	\$100	Improved	No
PROBATE RECORDS	05/1993	02587	1566	\$100	Improved	No

Find Comparable Sales within this Subdivision

**2005 VALUE SUMMARY**

2005 Tax Bill Amount: \$1,934  
 2005 Taxable Value: \$118,015  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	22,000.00	\$22,000

**LEGAL DESCRIPTION**

PLATS:   
 LEG LOT 3 BLK J SUNLAND ESTATES PB 11 PG 21

**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	1958	3	1,152	1,968	1,952	CONC BLOCK	\$133,602	\$185,558
	Appendage / Sqft			ENCLOSED PORCH FINISHED / 320					
	Appendage / Sqft			ENCLOSED PORCH FINISHED / 240					
	Appendage / Sqft			OPEN PORCH FINISHED / 16					
	Appendage / Sqft			ENCLOSED PORCH FINISHED / 240					

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

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1979	450	\$3,600	\$9,000

# NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 213 S. SUNLAND DR (SANFORD)  
SUNLAND ESTATES SUB.

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FLORIDA BUILDING CODE CHAPTER/ARTICLE CH. 1 SECTION 303.3.

DESCRIPTION OF VIOLATION: INSTALLING 8' FENCE  
WITHOUT PERMITS.

CORRECTIVE ACTION: OBTAIN <sup>(ALL)</sup> PROPER PERMITS AND  
SCHEDULE ALL REQUIRED INSPECTIONS.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 6-30-04. 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 POWER 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.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

Tom Helle  
407.665.7472

PLANNING AND DEVELOPMENT DEPARTMENT  
SEMINOLE COUNTY SERVICES BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA 32771  
PHONE: 321-1130 EXTENSION 7050

DATE 6-17-04  
FILE NO. 04-446

JASON W. RUCKER 407.665.7472  
INSPECTOR



LIMITED POWER OF ATTORNEY

Date: 8-24-04

I hereby name and appoint SCOTT RABB OR YVONNE RABB  
of SANFORD, FL to be my lawful attorney  
in fact to act for me and apply to ANYONE for  
a NY permit for work to be performed

at a location described as: Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Lot 3 Block J Subdivision SUNLAND ESTATES  
213 S. SUNLAND, SANFORD, FL  
(Address of Job)

Carolyn Skipt Michael U Tarnan  
(Owner of Property and Address)

and to sign my name and do all things necessary to this appointment.

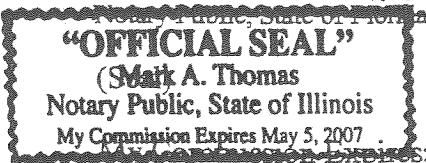
\_\_\_\_\_  
(Type or Print name of Certified Contractor and License #)

\_\_\_\_\_  
(Signature of Certified Contractor)

Acknowledged:

Sworn to and subscribed before me this

24th Day of August A.D. 2004  
Illinois



Mark A Thomas  
My Commission Expires 5/5/07

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On September 25, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 BLK J SUNLAND ESTATES PB 11 PG 21

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

**FINDINGS OF FACT**

**Property Owner:** Carolyn Vogt & Michael Tornow  
5917 Byron St.  
Chicago, IL 60634

**Project Name:** Sunland Drive (213)

**Requested Development Approval:**

Request for a height variance from 6 feet 6 inches to 8 feet for an existing fence in the R-1A (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: