

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

SUBJECT: Request for a side street (west) setback variance from 20 feet to 0 feet for a proposed 6 foot high fence in PUD (Planned Unit Development District); Ivelisse Fernandez, applicant.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

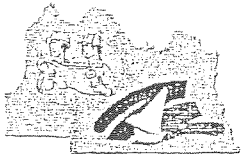
Agenda Date 9/25/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side street (west) setback variance from 20 feet to 0 feet for a proposed 6 foot high fence in PUD (Planned Unit Development District); or
2. **DENY** the request for a side street (west) setback variance from 20 feet to 0 feet for a proposed 6 foot high fence in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Ivelisse Fernandez
	Owner: Edgar and Ivelisse Fernandez
	Location: 642 Tall Oaks
	Zoning: PUD
	Subdivision: Forest Oaks Village
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • This item was continued from the 8/28/06 meeting to the 9/25/06 meeting at the request of the applicant. • The applicant proposes to construct a 6 foot high fence that encroaches 20 feet into a 20 foot side street setback. • There are currently no code enforcement or building violations for this property. • In 1993, a side street setback variance was grant

	reducing the side setback from 20 feet to 17.5 feet. BA93-10-121V
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, 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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The fence could be constructed without encroaching into the setback.</i>• The applicant would still retain reasonable use of the land, building or structure without the granting of the 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 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.



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 2006-126

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 20' to 0' for 6' high wood privacy fence 75' long
- SPECIAL EXCEPTION**
- LIMITED USE**

RECEIVED JUL 07 2006

- SE 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 _____
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED _____

APPEAL FROM DECISION OF THE PLANNING MANAGER

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Ivelisse Fernandez	
ADDRESS	642 Tall Oaks Terrace Longwood, FL 32750	
PHONE 1	407. 0 324. 2539	
PHONE 2	407. 718. 7547	
E-MAIL	ivy3ninos@cfl.rr.com	

PROJECT NAME: Ivelisse fernandez
 SITE ADDRESS: 642 Tall Oaks Ter Longwood, FL 32750
 CURRENT USE OF PROPERTY: Single Fam. Resid.
 LEGAL DESCRIPTION: Leg Lot 9 forest Oaks Village PB 46 PG 63

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 21.20.30.519.0000.0090
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER City Wtr.
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 8/28/06 (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.

[Signature] _____ 7.7.06

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: PUO

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

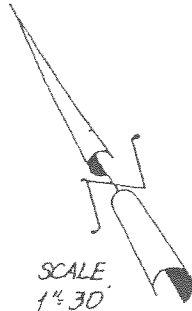
PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS Send to T.E. for review, change request in computer

FINAL SURVEY

LEGAL DESCRIPTION

LOT 9, FOREST OAKS VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46, PAGE 63 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



P.M.	PERMANENT REFERENCE MONUMENT
P.I.	POINT OF INTERSECTION
P.C.	POINT OF TANGENCY
R.P.	POINT OF CURVATURE
R.P.	RADIUS POINT
R.W.	RIGHT-OF-WAY CENTERLINE
FINISH FLOOR	ELEV.
GROUND	ELEVATION
P.	PLAT
M.	MEASURED
N.R.	NON-RADIAL
A	RADIUS
Δ	CENTRAL ANGLE
L	ARC LENGTH
C	CHORD DISTANCE
CB	CHORD BEARING
CONC.	CONCRETE

NOTE:
BECAUSE OF ERRORS FOUND ON THE ABOVE MENTIONED PLAT, CALCULATED MEASUREMENTS SHOWN HEREON ARE THIS SURVEYOR'S INTERPRETATION OF THE INTENDED COURSES FOR THE ABOVE SHOWN LOT. NO SURVEYOR'S AFFIDAVIT FILED AT THIS TIME.

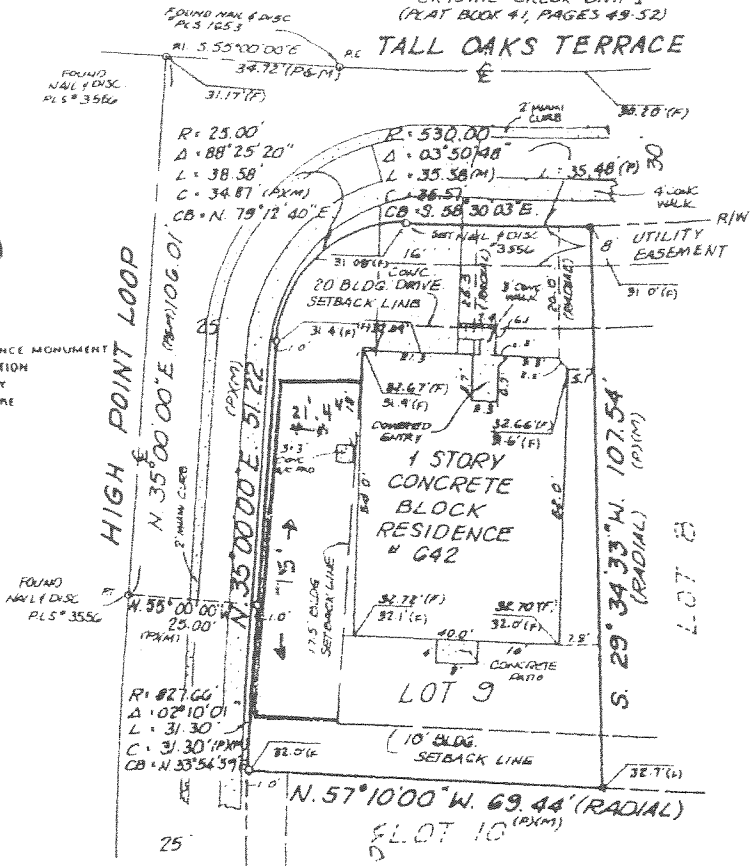
A SETBACK VARIANCE WAS GRANTED 10/28/93, CHANGING THE SIDE STREET SETBACK TO 17.8 FEET IN LIEU OF 26 FEET SETBACK FILE BA93-10-121V

SURVEYOR'S NOTES:

- (1) REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH THE SURVEYOR'S EMBOSSED SEAL.
 - (2) BEARINGS SHOWN HEREON ARE RELATIVE TO THE ABOVE MENTIONED PLAT.
 - (3) THE LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
 - (4) ELEVATIONS SHOWN HEREON ARE BASED ON ENGINEERING PLANS FURNISHED BY THE CLIENT.
 - (5) -○- DENOTES A SET ROD AND CAP MARKED LB-#3556. -○- DENOTES A FOUND ROD AND CAP MARKED LB-#3556, UNLESS OTHERWISE NOTED.
 - (6) THE LAND SHOWN HEREON LIE IN FLOOD ZONE "C" DEFINED AS AREAS OF MINIMAL FLOODING, PER FIRM MAP 120280-0120-B, EFFECTIVE DATE: MAY 5, 1981.
 - (7) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.
 - (8) NON-VISIBLE ABOVE GROUND IMPROVEMENTS AND UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATIONS AND UTILITIES, WERE NOT LOCATED.
- THIS SURVEY IS CERTIFIED TRUE AND CORRECT TO:
EDGAR A. FERNANDEZ, IVELISSE A. FERNANDEZ,
THE RYLAND GROUP, INC., RYLAND MORTGAGE COMPANY, CORNERSTONE TITLE COMPANY.

CRYSTAL CREEK UNIT 1
(PLAT BOOK 41, PAGES 49-52)

TALL OAKS TERRACE



Existing Fence Extension

REVISION:

PLOT PLAN-11/9/93-RTW
FOUNDATION SURVEY 12-22-93 (R.T.)
FINAL SURVEY 02-09-94 (D.L.Z.)

CERTIFICATION:

WE HEREBY CERTIFY THAT THIS BOUNDARY & LOCATION SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS PREPARED BY DECEMBER, 1993. WE FURTHER CERTIFY THAT THIS BOUNDARY & LOCATION SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 91G17-6 (F.A.C.) ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES 472.027. THERE ARE NO VISIBLE ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

DAVID A. WHITE, P.L.S.
FLORIDA REGISTRATION NO. 4044

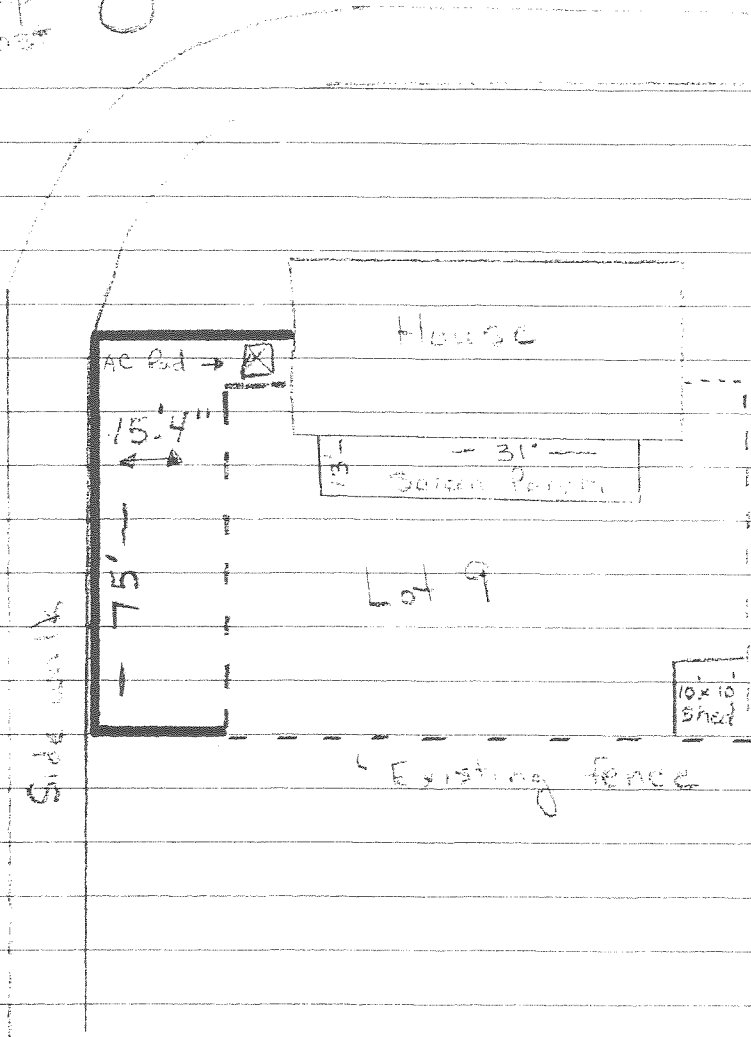
PEC PROFESSIONAL ENGINEERING CONSULTANTS, INC.
engineers planners surveyors

Suite 1360 Eola Park Centre 200 East Robinson Street Orlando, Florida 32801 407/422-8062

Section 21, Township 20 South, Range 30 East

DATE: SEPTEMBER 3, 1993 PREP. BY: S.E.J. DRAWN BY: D.L.Z. JOB NO: 793101

Lamp Post - O

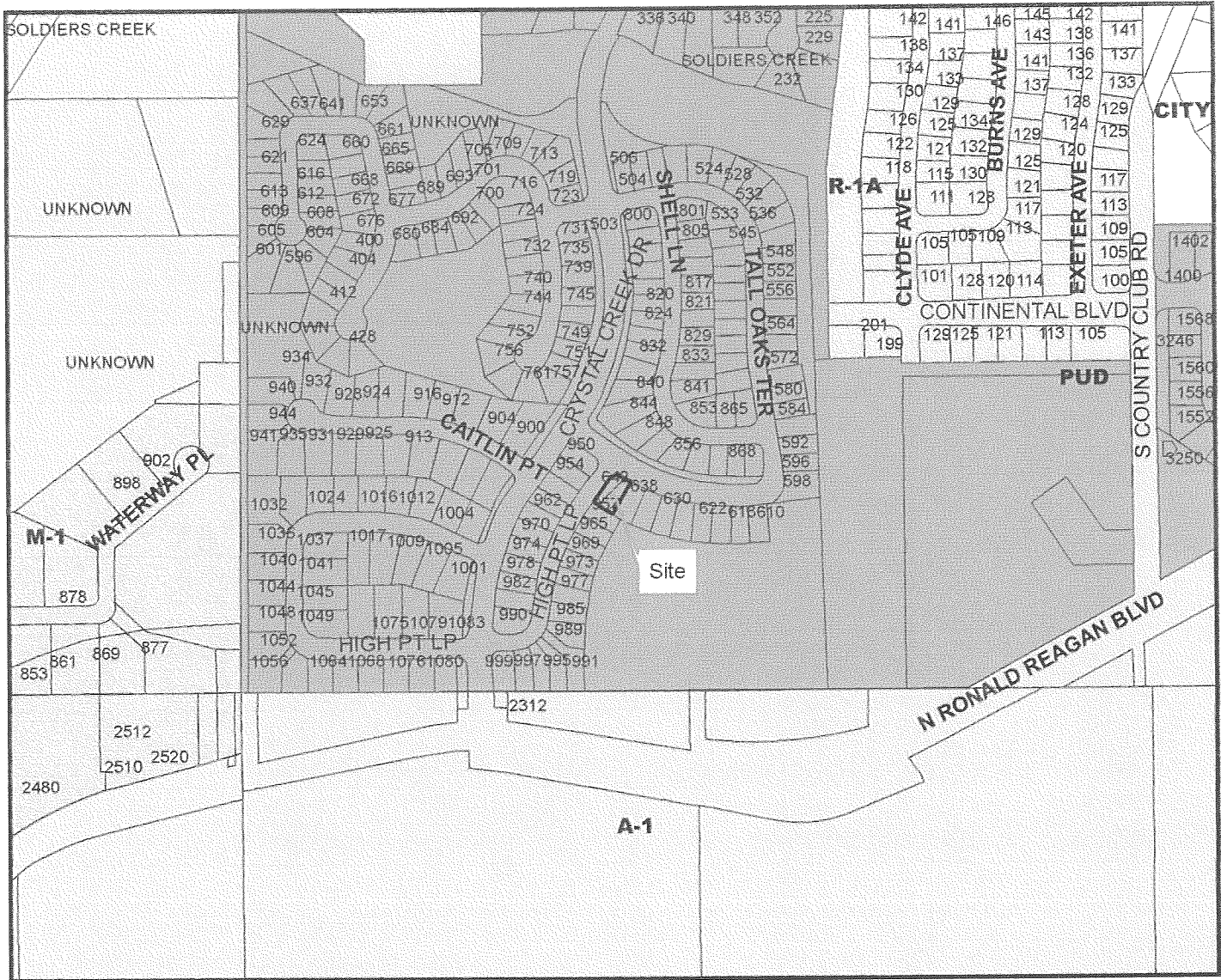


Proposed Extension

Existing fence






<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 21-20-30-519-0000-0090</p> <p>Owner: FERNANDEZ EDGAR A & IVELISSE A</p> <p>Mailing Address: 642 TALL OAKS TER</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 642 TALL OAKS TER LONGWOOD 32750</p> <p>Subdivision Name: FOREST OAKS VILLAGE</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$176,251</p> <p>Depreciated EXFT Value: \$2,549</p> <p>Land Value (Market): \$40,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$218,800</p> <p>Assessed Value (SOH): \$109,143</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$84,143</p> <p>Tax Estimator</p>																					
<p style="text-align: center;">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>03/1994</td> <td>02754</td> <td>0111</td> <td>\$100,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1993</td> <td>02648</td> <td>1384</td> <td>\$650,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	03/1994	02754	0111	\$100,500	Improved	Yes	WARRANTY DEED	09/1993	02648	1384	\$650,000	Vacant	No	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,007</p> <p>2005 Tax Bill Amount: \$1,327</p> <p>Save Our Homes (SOH) Savings: \$680</p> <p>2005 Taxable Value: \$80,964</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	03/1994	02754	0111	\$100,500	Improved	Yes																	
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<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>40,000.00</td> <td>\$40,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	40,000.00	\$40,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 9 FOREST OAKS VILLAGE PB 46 PG 63</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	40,000.00	\$40,000																		
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	1994	8	1,650	2,149	1,650	CB/STUCCO FINISH	\$176,251	\$184,556														
			Appendage / Sqft	GARAGE FINISHED / 459																			
			Appendage / Sqft	OPEN PORCH FINISHED / 40																			
<p><i>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</i></p>																							
EXTRA FEATURE																							
			Description	Year Blt	Units	EXFT Value	Est. Cost New																
			ALUM SCREEN PORCH W/CONC FL	1996	390	\$2,211	\$3,315																
			ALUM PORCH W/CONC FL	1996	78	\$338	\$507																
<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i></p> <p><i>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</i></p>																							

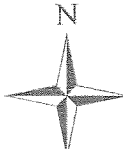
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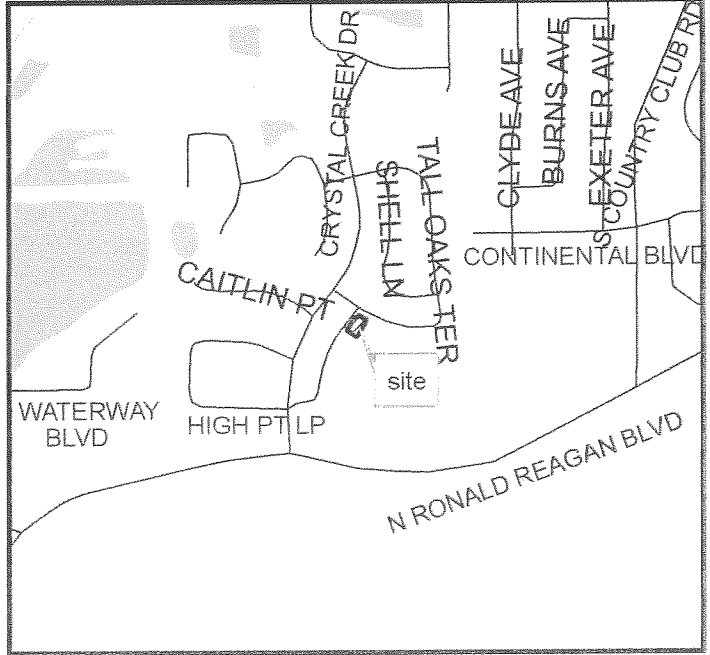


Seminole County Board of Adjustment
 September 25, 2006
 Case: BV2006-126
 Parcel No: 21-20-30-519-0000-0090

Zoning

	BV2006-126		M-1
	A-1		PUD
	R-1A		

N




COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 21 TWP: 20 RNG: 16
 PROJ. #

DEVELOPMENT:		Forest Oaks Village				DEVELOPER:		Wayne Rich									
LOCATION:		E side of Crystal Creek Drive, N of CR 427						33 lots									
FILE#:		BA:		SP:		BCC:		08/28/90									
P&Z:																	
PB	46	PG	63	Lot		Blk		Parcel		DBA		Comm Dist					
DEVEL. ORDER #:				88-0016				TAX PAR. I.D. #:									
SIDEWALKS: 4' wide on both sides						SETBACK REQUIREMENTS											
ROAD TYPE:				MAIN STRUCTURE OTHER:		FY: 20'		SIDE ST.:		SY: 0''		RY: 10'					
(CURB & GUTTER OR SWALE)				*10' between buildings													
COMMENTS OTHER:						ACCESSORY STRUCTURE SETBACKS:											
Not flood prone.						SY:		same as main structure		RY:		10'					
						ACCESSORY STRUCTURE OTHER:											
						D/U size: 800 sq. ft											

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	14
LAND USE:	3
1. ROAD-CO. WIDE	Ord.
2. ROAD-COLL.	Ord.
3. LIBRARY	V-0
4. FIRE	V-10.00
5. PARK	
6. SCHOOL	V-200.00
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS: curb and gutter; sidewalks required.	

BU 2006-126

I approve of the below proposed fence extension on the property of Edgar & Ivelisse Fernandez at 642 Tall Oaks Terrace, Longwood, Florida 32750.

Name: Gane J. Mach ✓

Signed: GJ Mach

Address: 638 Tall Oaks Terr.

Date: 7/19/06

Name: Danny Robnett ✓

Signed: D Robnett

Address: 345 Highway 41 Road Loop

Date: 8-7-05

Name: Donna Blossitt-Camp

Signed: ~~8-7-08~~ Donna Blossitt

Address: 954 High Pt. Loop ✓

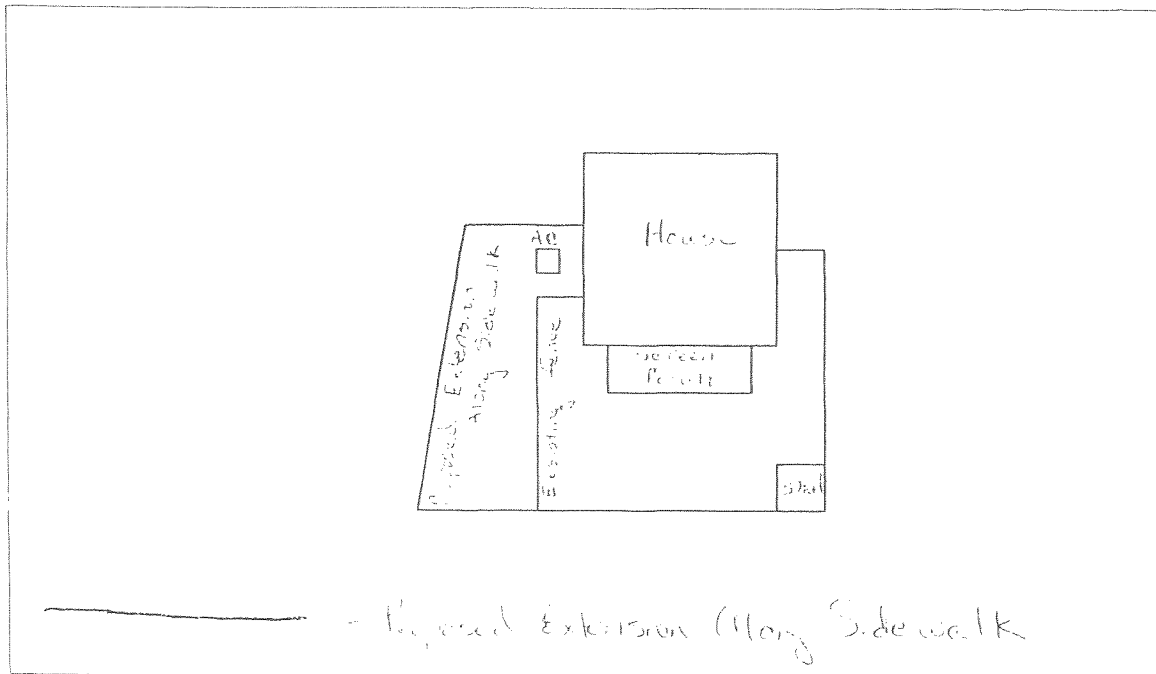
Date: 8-7-08

Name: _____

Signed: _____

Address: _____

Date: _____



Verbal Authorizations: Over the phone (Vacationing)

1660 Rockledge 954 Highway Loop 8/3/06 GJM

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 9 FOREST OAKS VILLAGE PB 46 PG 63

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

FINDINGS OF FACT

Property Owner: Edgar and Ivelisse Fernandez
642 Tall Oaks
Longwood FL 32750

Project Name: Tall Oaks (642)

Requested Development Approval:

Request for a side street (west) setback variance from 20 feet to 0 feet for a proposed 6 foot high fence in 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: Denny Gibbs, 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 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: