

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

SUBJECT: Request for a side street (south) setback variance from 25 feet to 6 feet for an existing fence in the R-1A (Single Family Dwelling District); Larry Johnson, applicant.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Austin Watkins **EXT.** 7357

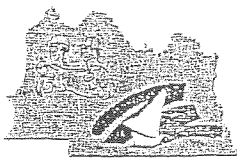
Agenda Date 9/25/2006 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side street (south) setback variance from 25 feet to 6 feet for an existing fence in the R-1A (Single Family Dwelling District); or
2. **DENY** the request for a side street (south) setback variance from 25 feet to 6 feet for an existing fence in the R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Larry Johnson Larry Johnson 113 West Ridge Drive R-1A (Single-Family Dwelling District) Fairlane Estates Section One
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a 64 foot by 78 foot (approximately 6 foot in height) wooden privacy fence, which encroaches 19 feet into the required 25 foot side street (south) setback. • The above-referenced property is a corner lot and the required front setback for both street sides is 25 feet. • The constructed fence could pose a visibility issue for motorists exiting the private drive as well as on coming traffic on Lake View Ave and West Ridge Drive. Seminole County Traffic Engineering has reviewed the application and determined that the fence should not sit 	

	<p>any closer than 15 feet from the property line.</p> <ul style="list-style-type: none">• On July 20, 2006 Seminole County Code Enforcement issued a notice of violation for unpermitted construction and on July 26, 2006 the applicant applied for a building permit, which is contingent upon the approval of this variance.• There is no record of prior variances for this property.
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 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 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) 665-3855 FAX

COPY APPL. NO. BV2006-134

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.

RECEIVED AUG 01 2006

APPLICATION TYPE:

- VARIANCE** Side street setback variance from 25ft. to 6ft. for a 6' high after the fact 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
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED

- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	LARRY D JOHNSON	
ADDRESS	113 W Ridge dr Sanford FL 32773	
PHONE 1	407 417 7541	
PHONE 2	407 302-7021	
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 113 W Ridge dr Sanford FL 32773
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: Leg lot 961K 1 Fairlane estates sec 1 Replat PB 12 Pg 100-1101
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 11-20-30-501-0100-0090
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 9-25-06 (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.

Larry Johnson
 SIGNATURE OF OWNER OR AGENT

8-1-06
 DATE

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

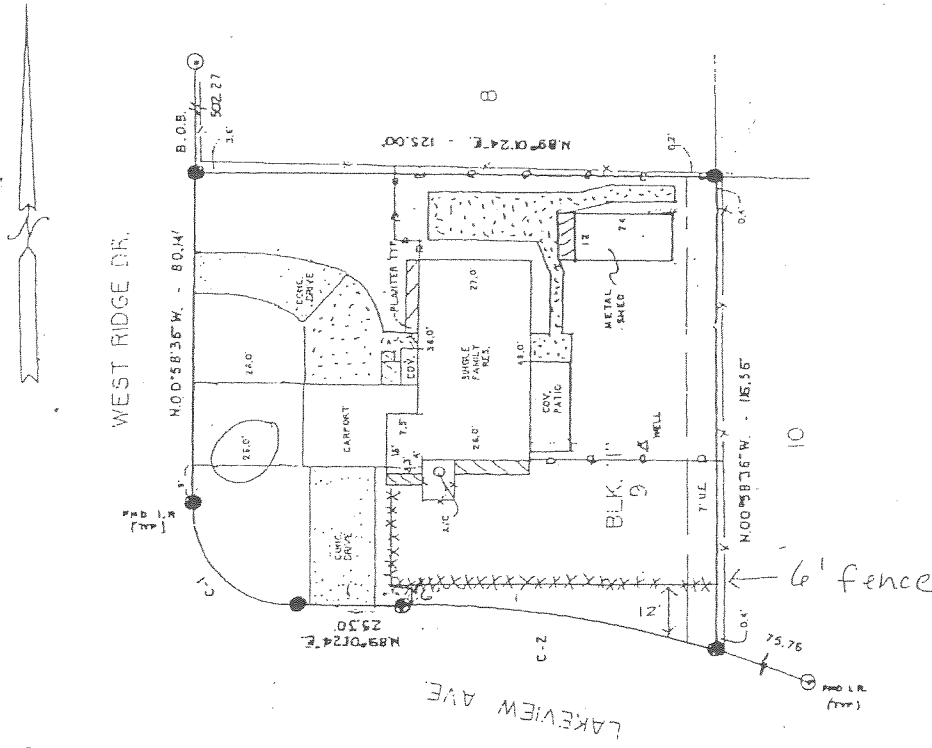
PROCESSING:	
FEE(S) <u>150.00</u>	COMMISSION DISTRICT _____ FLU / ZONING <u>R-1A / LAR</u>
BCC HEARING DATE _____	(FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____	
PLANNING ADVISOR _____	DATE _____
SUFFICIENCY COMMENTS _____	

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 9, BLOCK "1", FAIRLANE ESTATES, SECTION 1 REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGES 100 & 101, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING AS PER F.L.R.M. COMMUNITY PANEL NUMBER 120289 0045 B, SEMINOLE COUNTY, FLORIDA. MAP DATED MAY 5, 1981.

CERTIFIED TO: NEW HORIZONS TITLE, INC.
COMMONWEALTH LAND TITLE INSURANCE COMPANY
WASHINGTON MUTUAL BANK, F.A.
ANDREW C. STRACHAN & VIRGINIA H. STRACHAN



C-1
D. = 80'00"00"
R. = 25.00'
L. = 38.27'
T. = 25.00'

C-2
D. = 17'21"44"
R. = 250.00'
L. = 75.76'
CHD = 75.47'
BRG. = S82°17'44"E

113 WEST RIDGE DRIVE

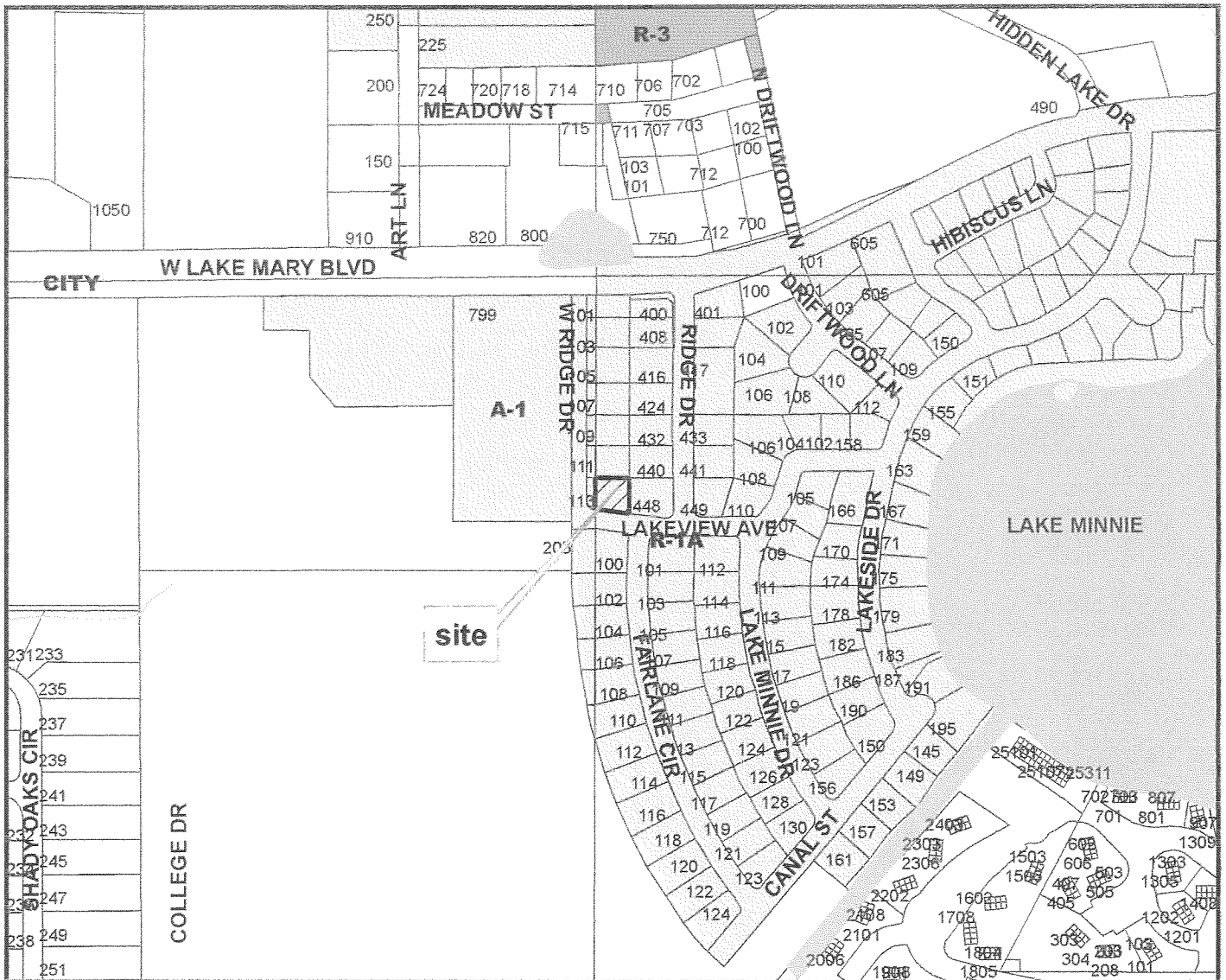
SYMBOLS: L.R. = LOW ROAD | L.P. = HIGH PAV. | C.C. = CONCRETE CURB | F.M. = FOUND. | C.M. = CONCRETE | C.D. = COVERED | E.H. = ENTRANCE | S.W. = SIDEWALK | S.C. = SIDE | U.L. = UTILITY | E.A. = ORNAMENT | E.H. = EASEMENT | P.C. = POINT OF CURVATURE | P.T. = POINT OF TANGENCY | P.O.B. = POINT OF BEGINNING | T.O. = TIE | S. = STAKE | L. = LENGTH | T. = TANGENT | C.D. = CHORD | BRG. = BEARING | P.A.C. = POINT OF COMMENCEMENT | P.O.L. = POINT ON LINE | P. = PLAT | W. = WEATHER | S. = SECTION | C.L.F. = CHAIN LINK FENCE | C.D. = CORNER | B.L.K. = BLOCK | TYP. = TYPICAL | A/G. = AIR CONDITIONER | H.A. = HALL & BATH | ENCL. = ENCLOSURE | S.W. = SURVEY IN S. NORTH | S. = SOUTH | E. = EAST | W. = WEST | P.C.P. (C) = PERMANENT CONTROL POINT | (B) = FOUND. PROPERTY CORNER | (O) = SET PROPERTY CORNER | (M) = FOUND. CONCRETE MONUMENT | B.O.B. = BASIS OF BEARING

NOTES: (1) BEARINGS ARE BASED ON RECORD PLAT. (2) THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT. (3) ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED. (4) NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN. (5) THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL. (6) THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEYOND THE FINAL SURVEY DATE SHOWN. (7) THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHTS-OF-WAY OF RECORD. (8) THERE MAY BE ADDITIONAL ENCLOSURES THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. (9) ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 8107, FLORIDA STATUTES, AND THE RULES, PURSUANT TO SECTION 111.001, LOCAL ORDINANCE.	PREPARED FOR: ANDREW C. & VIRGINIA H. STRACHAN	LOT SURVEY DATE: FOUNDATION DATE: FINAL SURVEY DATE: 3/27/01
	PREPARED BY: CHARLES ROB DEFOOR & ASSOCIATES, INC.	DRAWN DATE: 5/27/01 SCALE: 1" = 30' PAGE: 1 OF 1 REVISION DATE:






P.O. BOX 1763, APOPKA, FLA 32104 / (407) 889-9911 / 407 KNOLL TREE

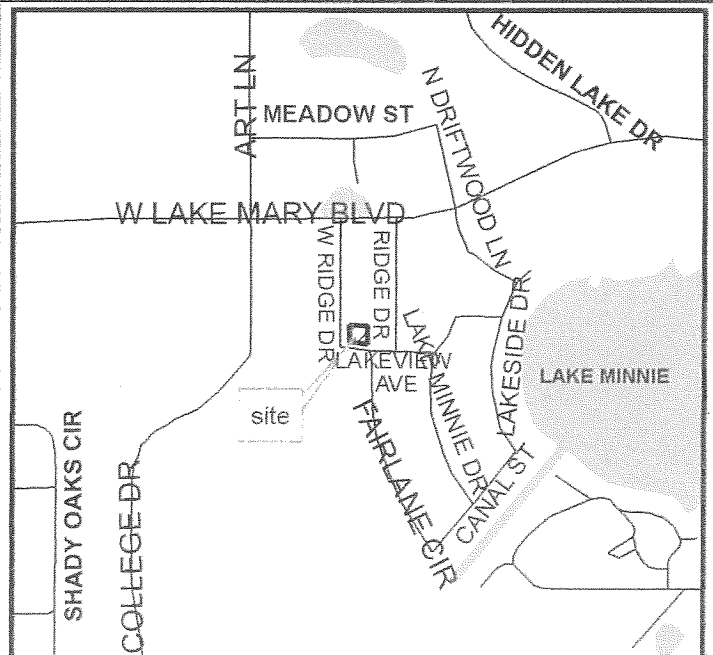
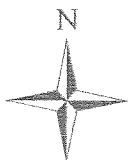
Larry D Johnson
 113 W Ridge Dr
 Sanford FL 32773



Seminole County Board of Adjustment
 September 25, 2006
 Case: BV2006-134
 Parcel No: 11-20-30-501-0100-0090

Zoning

-  BV2006-134
-  R-3
-  A-1
-  RP
-  R-1A



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7508</p>	<p>0001-0000</p>																													
<p align="center">GENERAL</p> <p>Parcel Id: 11-20-30-501-0100-0090 Owner: JOHNSON LARRY D Mailing Address: 113 W RIDGE DR City,State,ZipCode: SANFORD FL 32773 Property Address: 113 RIDGE DR W SANFORD 32773 Subdivision Name: FAIRLANE ESTATES SEC 1 REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$112,712 Depreciated EXFT Value: \$1,397 Land Value (Market): \$28,336 Land Value Ag: \$0 Just/Market Value: \$142,445 Assessed Value (SOH): \$142,445 Exempt Value: \$0 Taxable Value: \$142,445 Tax Estimator</p>																												
<p 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>QUIT CLAIM DEED</td> <td>05/2006</td> <td>06266</td> <td>1622</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2005</td> <td>06033</td> <td>0001</td> <td>\$207,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1991</td> <td>02373</td> <td>1617</td> <td>\$67,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	05/2006	06266	1622	\$100	Improved	No	WARRANTY DEED	09/2005	06033	0001	\$207,000	Improved	Yes	WARRANTY DEED	12/1991	02373	1617	\$67,000	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$729 2005 Taxable Value: \$44,466 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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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	1963	6	1,312	1,903	1,312	SIDING AVG	\$112,712	\$146,379																					
			Appendage / Sqft	CARPORT FINISHED / 400																										
			Appendage / Sqft	OPEN PORCH UNFINISHED / 71																										
			Appendage / Sqft	UTILITY FINISHED / 120																										
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed, Porch Finished, Base Semi Finished																														
Permits																														
EXTRA FEATURE																														
		Description	Year Blt	Units	EXFT Value	Est. Cost New																								
		WOOD UTILITY BLDG	1992	352	\$929	\$2,112																								
		ALUM PORCH W/CONC FL	1980	180	\$468	\$1,170																								
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.																														

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 113 W. Ridge Dr Sanford FL

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF Florida Building Code
CHAPTER/ARTICLE 1 SECTION 10.1

DESCRIPTION OF VIOLATION: Installation of Fence without
a permit.

CORRECTIVE ACTION: Obtain permit within 14 days

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 8.3.06

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: 7.20.06 **INSPECTOR:** E. Heffer

CASE NO: 06.324

Watkins, Austin

From: Douglas, Steven
Sent: Friday, September 01, 2006 2:27 PM
To: Watkins, Austin
Cc: Haeffner, Marcia
Subject: RE:Side Street Setback Variance BV2006-134

Good afternoon Austin:

If a variance is granted, the existing fence should be pushed back so that it sits outside and no closer than 15' to the property line as stated in the code. The fence as it illegally sits could pose a visibility issue for motorists existing the private drive as well as on coming traffic on Lake View Ave / West Ridge Drive.

Respectfully

From: Watkins, Austin
Sent: Thursday, August 31, 2006 2:48 PM
To: Douglas, Steven
Subject: Side Street Setback Variance BV2006-134

Steven,

I'm an intern with the Planning Division and I am completing a side street variance for an existing fence. It is a wooden 6 foot high fence (privacy) located near the intersection of Lakeview Avenue and West Ridge Drive. At the closest proximity the fence has a 6' setback in the R-1A zoning district. I am aware that you can only reduce it to 15 feet, but can you please review the application? Attached are pictures that were taken from the driveway and across from Lakeview Ave. Also, I'm faxing the application over. I appreciate all of your help.

Thanks,
Austin Watkins
(407)-665-7357
awatkins@seminolecountyfl.gov

-****Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.****-

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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 9 BLK 1 FAIRLANE ESTATES SEC 1 REPLAT PB 12 PG 100 & 101

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

FINDINGS OF FACT

Property Owner: Larry Johnson
113 West Ridge Drive
Sanford, FL 32773

Project Name: West Ridge Drive (113)

Requested Development Approval:

Request for a side street (south) setback variance from 25 feet to 6 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: Austin Watkins, 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: