

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a side yard (west) setback variance from 25 feet to 16.5 feet for a proposed fence in R-1A (Single Family Dwelling District); Mike & Shannon Akerson, applicant.

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

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

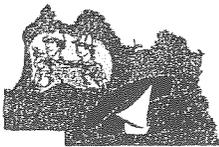
Agenda Date 9/25/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard (west) setback variance from 25 feet to 16.5 feet for a proposed fence in R-1A (Single Family Dwelling District); or
2. **DENY** the request for a side yard (west) setback variance from 25 feet to 16.5 feet for a proposed fence in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Mike & Shannon Akerson Owner: Mike & Shannon Akerson Location: 1418 Arbitus Circle Zoning: R-1A (Single Family Dwelling District) Subdivision: Madison Creek
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a fence on the northwest side of their house that will encroach 8.5 feet into the required 25-foot side yard setback. • There are currently no code enforcement or building violations for this property. • 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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• 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 (ROOM 200)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2006-147

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT RECEIVED

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.

APR - 4 2006
 PLANNING DIVISION

APPLICATION TYPE:

- VARIANCE** To decrease setback for fence on our corner lot. See attachment.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
 - ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 - PLAN TO BUILD YES NO IF SO, WHEN _____
 - MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Mike + Shannon Akerson	
ADDRESS	1418 Arbitus Cr Oviedo, FL 32765	
PHONE 1	407-628-5198	
PHONE 2		
E-MAIL	makerson@cfl.rr.com	

PROJECT NAME: Fence addition
 SITE ADDRESS: 1418 Arbitus Cr. Oviedo, FL 32765
 CURRENT USE OF PROPERTY: Single Family Home
 LEGAL DESCRIPTION: Lot 40 "Madison Creek"

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 24-21-30-5RK-0000-0400

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.

SP Shannon Akerson 6/27/06
 SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.

spouse →

Herx & Associates Inc.

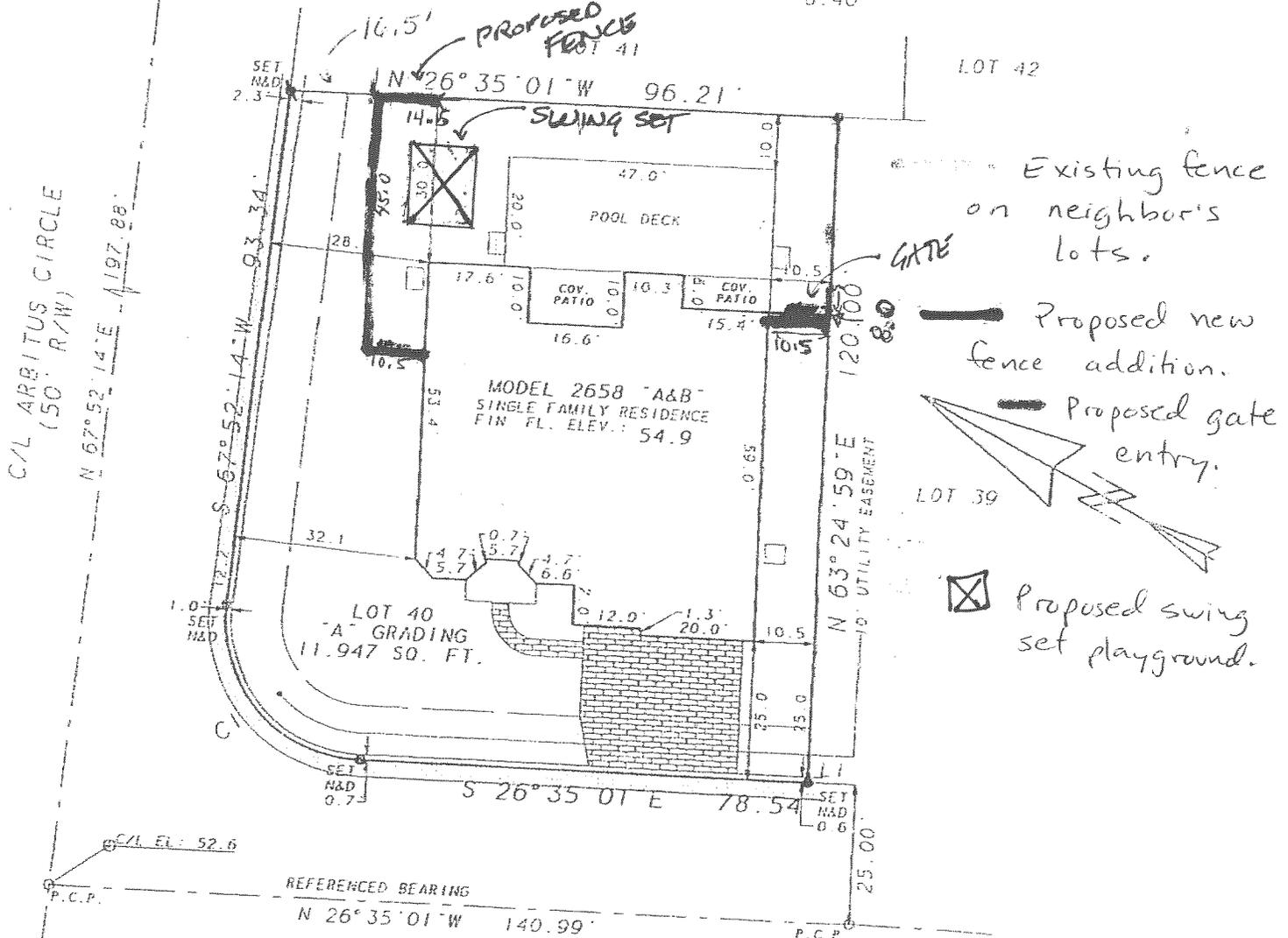
Land Surveyors

769 Douglas Avenue, Altamonte Springs, Florida. 32714 (407)788-8808
 Member of the Florida Surveying and Mapping Society and American Congress on Surveying and Mapping

Map of Survey

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEAR
C 1	94° 27' 15"	25.00'	41.21'	27.03'	36.70'	S 20° 38' 31"

LINE	BEARING	DISTANCE
L 1	S 26° 35' 01" E	8.40'



Existing fence on neighbor's lots.

Proposed new fence addition.

Proposed gate entry.

Proposed swing set playground.

LEGAL DESCRIPTION: Lot 40, "MADISON CREEK" according to the plat thereof as recorded in Plat Book 65, at pages 38 - 41 of the Public Records of Seminole County, Florida.

FLOOD HAZARD DATA: The Parcel shown hereon lies within Flood Zone 'X', according to the Flood Insurance Rate Map Community Parcel Number 120289-0145E, Dated 04/17/95.

Flood Zone determination was performed by graphic plotting from Flood Insurance Rate Maps provided by FEMA. No field surveying was performed by this Firm to determine this Zone. The exact zone location can only be determined by an elevation study. We assume no responsibility for actual flooding conditions concerning this parcel.

SETBACKS:

Front 25' Rear 30'
 Side 7.5' Corner 25'
 75' Minimum Lot Width

Note: Bearings shown hereon are referenced to the C/L of ARBITUS CIRCLE as being N 26° 35' 01" W.

Vertical datum is based on NGVD per Engineering construction plans by M&R Enhouse Rymer Associates, Inc. Job 0010801.

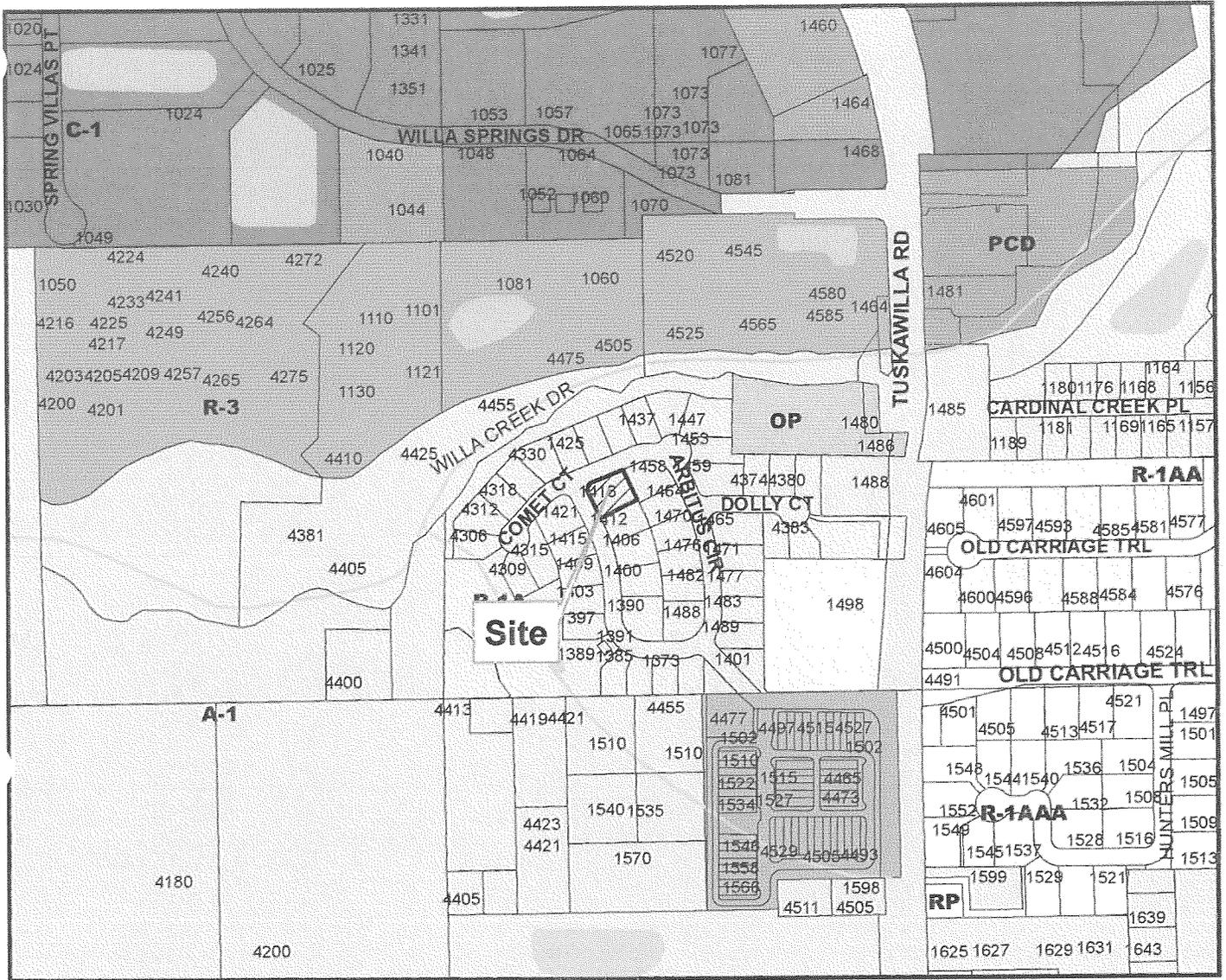
Notes:

1. a BOUNDARY Survey performed in the field on 11-12-04
2. No aerial, surface or subsurface utility installations, underground improvements or subsurface/aerial encroachments, if any, were located.
3. Building ties shown are to the exterior unfinished foundation surface or formboard.
4. Elevations shown hereon, if any, are assumed and were obtained from approved Construction plans provided by the Client unless otherwise noted, and are shown only to depict the proposed or actual conditions.

Legend

⊕	Temporary Benchmark (assumed datum)	O/S	Offset
BOW	Back of sidewalk	O.R.B.	Official Records Book
C/L	Centerline	PB	Plat Book
A		PC	Print of Construction

Shannon & Michael Akerson
 1418 Arbitus Cir
 Oviedo, FL 32765

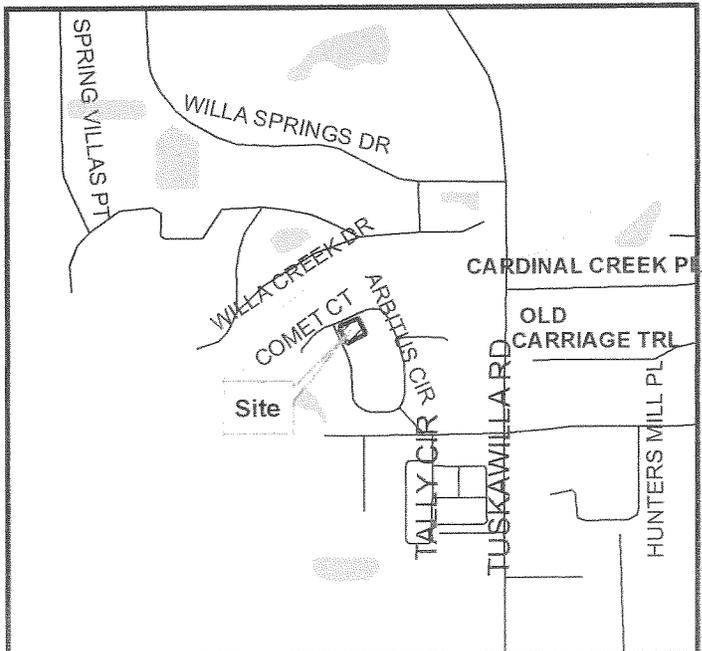


Seminole County Board of Adjustment
September 25, 2006
Case: BV2006-147
Parcel No: 24-21-30-5RK-0000-0400

Zoning

	BV2006-147		R-1A		PUD
	A-1		R-3		PCD
	R-1AAA		OP		
	R-1AA		C-1		

N



<p>PARCEL DATA</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 407-665-7506</p>																																																																					
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 24-21-30-5RK-0000-0400 Owner: AKERSON MICHAEL A & Own/Addr: BURGESS-AKERSON SHANNON E Mailing Address: 1418 ARBITUS CIR City,State,ZipCode: OVIEDO FL 32765 Property Address: 1418 ARBITUS CIR OVIEDO 32765 Subdivision Name: MADISON CREEK Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$260,796 Depreciated EXFT Value: \$12,144 Land Value (Market): \$65,000 Land Value Ag: \$0 Just/Market Value: \$337,940 Assessed Value (SOH): \$337,940 Exempt Value: \$25,000 Taxable Value: \$312,940 Tax Estimator</p>																																																																			
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<p>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.</p>																																																																					

SENTRY
management INC.
COMMUNITY ASSOCIATION MANAGEMENT

MAIN OFFICE

2180 West SR 434
Suite 5000
Longwood FL
32779-5044
PH 407-788-6700
FAX 407-788-7488

BREVARD COUNTY

597 Haverty Ct #110
Rockledge FL
32955-3613
PH 321-638-8880
FAX 321-638-9901

CLERMONT

1645 E Hwy 50 #201
Clermont FL
34711-5124
PH 352-243-4595
FAX 352-243-4597

FT MYERS

12573 New Brittany Blvd #23
Ft Myers FL
33907-3625
PH 239-277-0112
FAX 239-277-0114

GEORGIA

270 Carpenter Dr #320
Atlanta GA
30328-4912
PH 404-459-8951
FAX 404-459-8962

JACKSONVILLE

2980 Hartley Rd W #4
Jacksonville FL
32257-8202
PH 904-880-4055
904-880-3550

KISSIMMEE

3377 W Vine St #306
Kissimmee FL
34741-4665
PH 407-846-6323
FAX 407-846-0301

LEESBURG

10332 US Hwy 441 #102
Leesburg FL
34788-7222
PH 352-343-5706
FAX 352-343-5123

PONTE VEDRA

10036 Sawgrass Dr #3
Ponte Vedra Beach FL
32082-3565
PH 904-285-1526
FAX 904-285-1260

SARASOTA

5500 Bee Ridge Rd #202
Sarasota FL
34233-1502
PH 941-343-0506
FAX 941-343-9674

SOUTH CAROLINA

1130 Folly Rd
Charleston SC
29412-4104
PH 843-795-0190
FAX 843-795-0191

TAMPA BAY AREA

25400 US 19 North #164
Clearwater FL
33763-2149
PH 727-799-8982
FAX 727-799-8984

FLORIDA COUNTY

4188 S Atlantic Ave
New Smyrna Beach FL
32169-3711
PH 386-423-7796
FAX 386-423-1278

July 25, 2006

Mike and Shannon Akerson
1317 Arbitus Cir
Oviedo, FL 32765

Re: Alteration Application for tan vinyl fence and playground inside your back yard

Dear Mr. & Mrs. Akerson:

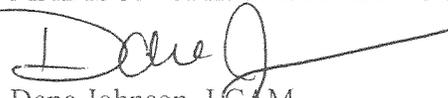
Your ARB request to install a tan vinyl fence and playground inside your back yard has been approved (approval enclosed). A permit may need to be obtained.

Please note if any damage is done to a neighbor's lot or a common area you are responsible for all repairs. Also, if grass or sidewalk is damaged by construction traffic you will be responsible for replacements and repairs.

Should you have any question, please contact me at 407-788-6700 Ext. 303.

Sincerely,

MADISON CREEK HOMEOWNERS' ASSOCIATION, INC.



Dana Johnson, LCAM
Sentry Management

enclosure



7/31/06

Get in touch w/another board member

MADISON CREEK HOMEOWNERS' ASSOCIATION, INC.
ALTERATION APPLICATION

Owners Name: Mike & Shannon Akerson Date: 6/27/06

Address: 1418 Arbitus Cr Phone: 407-628-5198
Oviedo, FL 32765

Describe in detail, type of alteration and materials to be used: Add tan vinyl fence + playground inside our backyard.

(If more space is required, please attach to this form)

An application requesting approval for any alteration which occurs outside the exterior walls of the building and is, therefore, common area, MUST BE ACCOMPANIED BY A SKETCH ON YOUR LOT SURVEY; INDICATING LOCATION, SIZE, TYPE OF CONSTRUCTION AND OTHER PERTINENT INFORMATION AS MAY BE NECESSARY.

If approval is granted, it is not to be construed to cover approval of any County or city Code Requirements. A building permit from the appropriate building department is needed on most property alterations and/or improvements. The architectural Review Board shall have no liability or obligation to determine whether such improvement, alteration and addition comply with any applicable law, rule, regulation, code or ordinance.

As a condition precedent to granting approval or any request for a change, alteration or addition to existing basic structure, the applicant, their heirs and assigns thereto, hereby assume sole responsibility for the repair, maintenance or replacement of any such change, alteration or addition. IT IS UNDERSTOOD AND AGREED THAT THE MADISON CREEK HOMEOWNERS' ASSOCIATION, INC. AND CENTEX HOMES ARE NOT REQUIRED TO TAKE ANY ACTION TO REPAIR, REPLACE OR MAINTAIN ANY SUCH APPROVED CHANGE, ALTERATION OR ADDITION, OR ANY STRUCTURE OR ANY OTHER PROPERTY. THE HOMEOWNER AND ITS' ASSIGNS ASSUMES ALL RESPONSIBILITY AND COST FOR ANY ADDITION OR CHANGE AND ITS FUTURE UPKEEP AND MAINTENANCE.

DATE: 6/27/06 OWNER'S SIGNATURE: Shannon Akerson

ACTION TAKEN BY THE ASSOCTION: APPROVED: NOT APPROVED:

DATE: _____

Comments: _____

AUTHORIZED SIGNATURE FOR THE Architectural Review Board

[Signature] 7/24/06

[Signature] 7/24/06

[Signature] 7/24/06

Please submit application to the following address:
Madison Creek Homeowners' Association, Inc.
c/o Sentry Management, Inc.
2180 W SR 434, Suite 5000
Longwood, FL 32779
ATTN: DANA JOHNSON

7-6-06 sent TO Sean King FOR APPROVAL

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LOT 40 MADISON CREEK PB 65 PGS 38 - 41

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

FINDINGS OF FACT

Property Owner: Mike & Shannon Akerson
1418 Arbitus Circle
Oveido FL 32765

Project Name: Arbitus Circle (1418)

Requested Development Approval:

Request for a side yard (west) setback variance from 25 feet to 16.5 feet for a proposed fence in 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: 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: