

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

SUBJECT: 750 Preble Avenue – Todd Richard, applicant; Request for a side street (north) setback variance from 25 feet to 0 feet for an existing wood privacy fence in the R-1AA (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 04/23/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **DENY** the request for a side street (north) setback variance from 25 feet to 0 feet for an existing wood privacy fence in the R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side street (north) setback variance from 25 feet to 0 feet for an existing wood privacy fence in the R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Todd Richard Location: 750 Preble Avenue Zoning: R-1AA (Single Family Dwelling District) Subdivision: Sanlando
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance for a 6-foot wood privacy fence that encroaches 25 feet into the required 25-foot side street setback. • On February 8, 2007 a notice of code violation was issued for the un-permitted construction of the fence. • 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: <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 requested is not 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	<p>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:</p> <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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU 2007-24
Meeting Date 4-23-07



COPY
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: TODD RICHARD
Address: 750 PREBLE AV. City: ALTAMONTE Zip code: 32701
Project Address: 750 PREBLE A. City: ALTAMONTE Zip code: 32701
Contact number(s): 407 332 1372
Email address: _____

Is the property available for inspection without an appointment? ☒ Yes ☐ No

What type of structure is this request for?

<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?

<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25ft.</u>	Proposed setback:	<u>0ft.</u>
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested _____				

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: [Signature] 2-22-07

FOR OFFICE USE ONLY

Date Submitted: 2-22-07 Reviewed By: D. Gilbert
Tax parcel number: 12-21-29-580-2000-0010 Zoning/FLU R-1AA/LOR

- ☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)
☐ Platted Lot (check easements as shown on lots, in notes or in dedication)
☐ Lot size _____ ☐ Meets minimum size and width
☐ Application and checklist complete

Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

1. Completed application.

2. Owner's authorization letter (if needed). This form can be obtained at <http://www.seminolecountyfl.gov/pd/planning/forms.asp>

3. Provide a legible 8 1/2 x 11 inch site plan with the following information

NOTE: Please use your property survey for your site plan, if available.

See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.

☐ Please start with a clean survey (ex: white out old approval stamps)

☐ Size and dimension of the parcel

☐ Location and name of all abutting streets

☐ Location of driveways

☐ Location, size and type of any septic systems, drainfield and wells

☐ Location of all easements

☐ Existing or proposed house or addition
(Label existing, label proposed, and include square footage and dimensions of each)

☐ Existing and/or proposed buildings, structures and improvements
(Label existing, label proposed, and include square footage and dimension of each)

☐ Building height

☐ Setbacks from each building to the property lines

☐ Location of proposed fence(s)

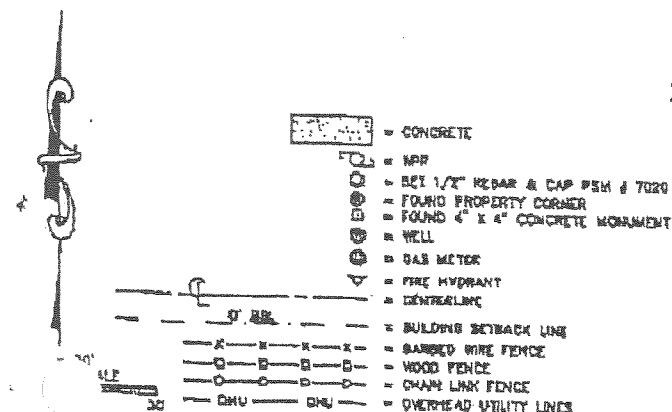
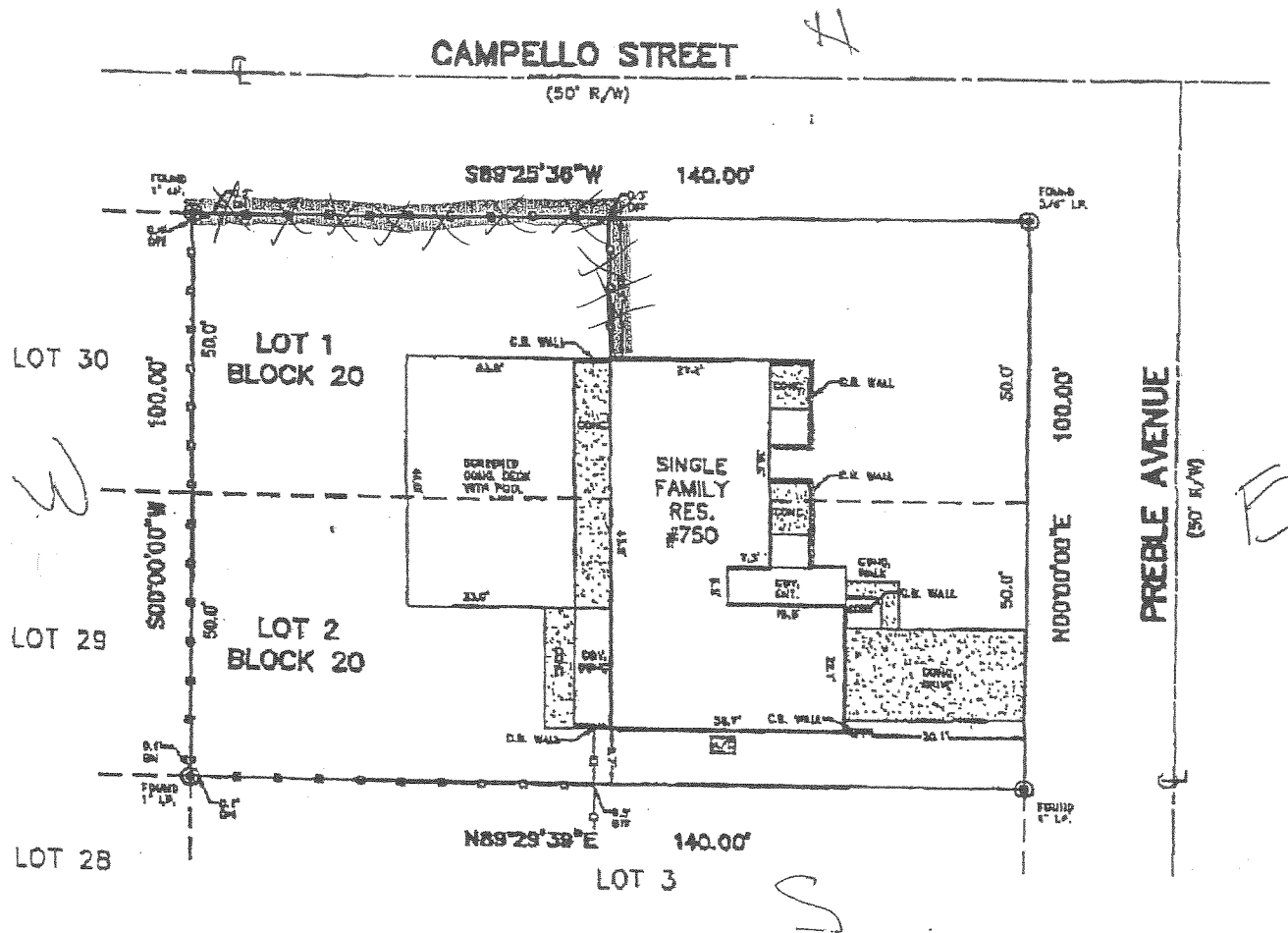
☐ Identification of available utilities
(ex: water, sewer, well or septic)

4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOTS 1 AND 2, BLOCK 20, SANLANDO THE SUBURB BEAUTIFUL, SANFORD SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGES 66 THROUGH 68, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

RIAA



LEGEND:

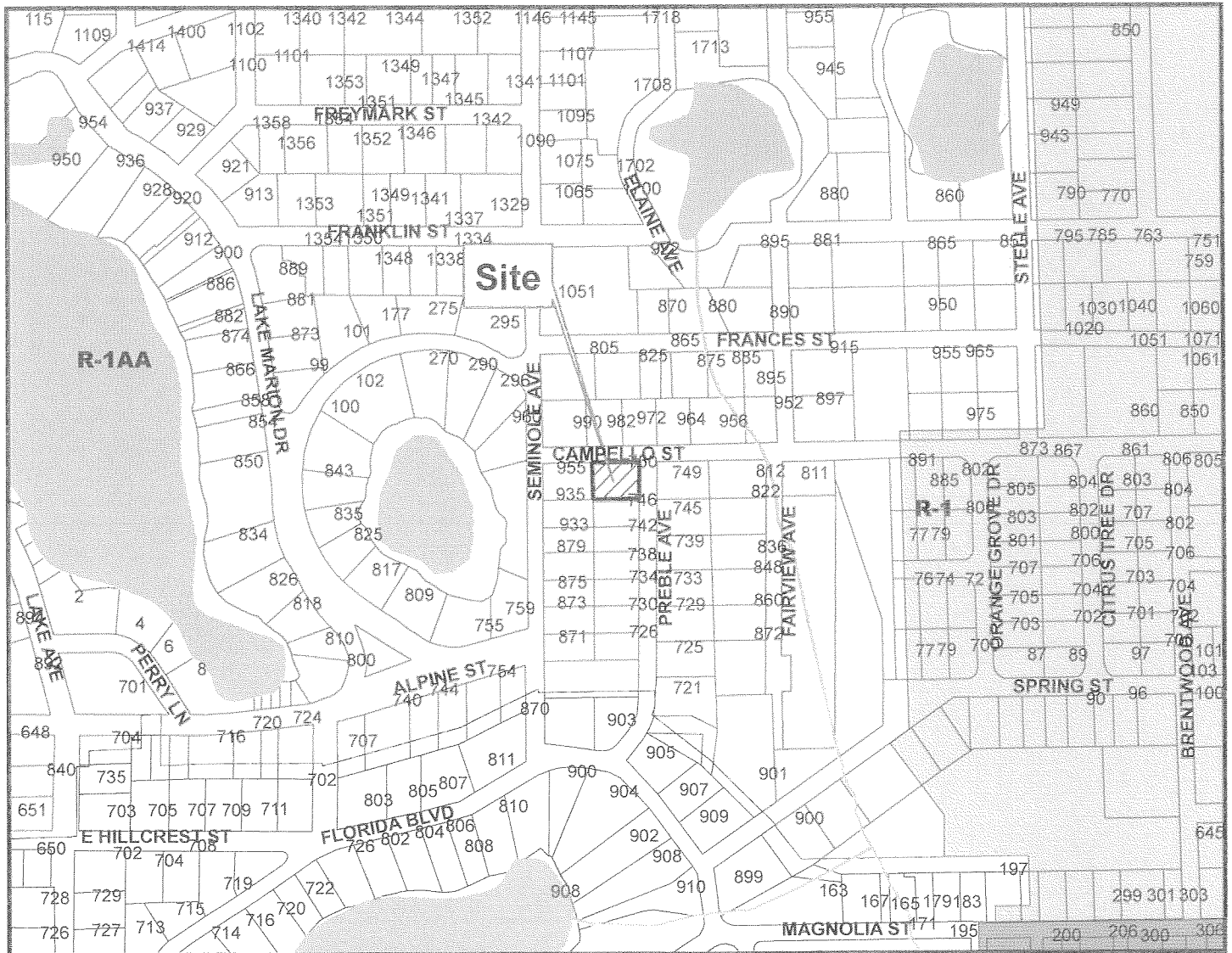
- | | |
|--------------------------------------|---------------------------------------|
| O.R. = OFFICIAL RECORDS | VR = NOT RADIAL |
| D/S/A = DOING BUSINESS AS | RAD = RADIAL |
| U.E. = UTILITY EASEMENT | R = RADIUS |
| D.E. = DRAINAGE EASEMENT | Δ = CENTRAL ANGLE |
| D.U.E. = DRAINAGE & UTILITY EASEMENT | L = ARC LENGTH |
| RES. = RESIDENCE | CH.B.C. = CHORD BEARING |
| U.R. = UTILITY ROOM | L.S. = LAND SURVEYOR |
| CONG. = CONCRETE | L.B. = LAND SURVEYING BUSINESS |
| C.B. = CONCRETE BLOCK | F = FIELD |
| W.F. = WOOD FRAME | M = MEASURED |
| COV. = COVERED | C = CALCULATED |
| ENT. = ENTRANCE | D = DESCRIPTION |
| W.M. = WATER METER | P = PLAT |
| N.P. = NODS POWER POLE | P.C.P. = PERMANENT CONTROL POINT |
| A/C = AIR CONDITIONER | P.R.M. = PERMANENT REFERENCE MONUMENT |
| R/W = RIGHT OF WAY | P.O. = POINT OF CURVATURE |
| I.R. = IRON ROD | P.R.C. = POINT OF REVERSE CURVATURE |
| I.P. = IRON PIPE | P.T. = POINT OF TANGENT |
| C.M. = CONCRETE MONUMENT | P.B. = POINT OF BEGINNING |
| FT. ELEV. = FINISHED FLOOR ELEVATION | P.T.C. = POINT OF COMMENCEMENT |

NOTES:

1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT.
2. THIS SURVEYOR HAS NOT ABSTRACTED THE

RTIFIED TO:
CLOSING AGENT & INC.
NATIONAL LAND TITLE INSURANCE COMPANY
NATIONAL HOME LOANS, INC.
J. RICHARD





Todd Richard
750 Preble Avenue
Altamonte Springs, Florida 32701

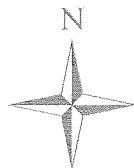


Seminole County Board of Adjustment
April 23, 2007

Case: BV2007-24 (Map 3156, Grid B5)
Parcel No: 12-21-29-5BD-2000-0010

Zoning

-  BV2007-24
-  R-1AA
-  R-1
-  R-3



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																																											
GENERAL Parcel Id: 12-21-29-5BD-2000-0010 Owner: RICHARD TODD I Mailing Address: 750 PREBLE AVE City, State, Zip Code: ALTAMONTE SPRINGS FL 32701 Property Address: 750 PREBLE AVE ALTAMONTE SPRINGS 32701 Subdivision Name: SANLANDO Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2004) Dor: 01-SINGLE FAMILY		2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$135,358 Depreciated EXFT Value: \$5,557 Land Value (Market): \$42,075 Land Value Ag: \$0 Just/Market Value: \$182,990 Assessed Value (SOH): \$142,102 Exempt Value: \$25,000 Taxable Value: \$117,102 Tax Estimator																																																									
SALES <table border="1"> <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>08/2003</td> <td>05049</td> <td>1785</td> <td>\$159,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1986</td> <td>01715</td> <td>1165</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1985</td> <td>01678</td> <td>0081</td> <td>\$82,800</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1979</td> <td>01226</td> <td>1135</td> <td>\$59,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01099</td> <td>0433</td> <td>\$43,500</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/2003	05049	1785	\$159,900	Improved	Yes	QUIT CLAIM DEED	03/1986	01715	1165	\$100	Improved	No	WARRANTY DEED	10/1985	01678	0081	\$82,800	Improved	Yes	WARRANTY DEED	04/1979	01226	1135	\$59,900	Improved	Yes	WARRANTY DEED	01/1976	01099	0433	\$43,500	Improved	Yes	2006 VALUE SUMMARY Tax Value (without SOH): \$2,404 2006 Tax Bill Amount: \$1,831 Save Our Homes (SOH) Savings: \$573 2006 Taxable Value: \$113,636 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS															
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 1 & 2 BLOCK 20 SANLANDO PLAT BOOK 3 PAGE 66

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

FINDINGS OF FACT

Property Owner: Todd I Richard
750 Preble Ave
Altamonte Springs, FL 32701

Project Name: Preble Avenue (750)

Requested Development Approval:

Request for a side street (north) setback variance from 25 feet to 0 feet for an existing wood fence in 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 aforescribed property.

Prepared by: Joy Williams, 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: _____
Dori Debord
Planning & Development Director

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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: