

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 977 Fairview Avenue – Daniel Marsden, applicant; Request for a side street setback variance from 25 feet to 0 feet for a fence in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 4/23/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Daniel Marsden 977 Fairview Avenue R-1AA (Single Family Dwelling District) Sanlando Springs
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a privacy fence that will encroach 25 feet into the required 25-foot side street setback along North Street. • The property line along North Street runs through an existing line of trees which the applicant intends retain. They propose to construct the fence to the inside of the stand of trees. • A Building Permit for the fence is under review. • 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 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

COPY

Application # BU2007-28
Meeting Date 4-23-07



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: Daniel Marsden
Address: 617 Prairie Lake Dr. City: Ferris Park Zip code: 32730
Project Address: 977 Fairview Ave City: Longwood Zip code: 32150
Contact number(s): 321-231-1607 407-830-8085
Email address: Dmarsden2000@yahoo.com

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: <u>6' stockade Fence</u>
<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>25'</u>	Proposed setback:	<u>0'</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 type="checkbox"/> Total number of variances requested <u>1</u>				

NO 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: Daniel Marsden

FOR OFFICE USE ONLY

Date Submitted: 3-1-07 Reviewed By: P. Johnson
 Tax parcel number: _____ 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!

<p>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.</p>	
✓	1. Completed application.
NA	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
✓	3. Provide a legible 8 ½ 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.
✓	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
✓	<input type="checkbox"/> Size and dimension of the parcel
✓	<input type="checkbox"/> Location and name of all abutting streets
✓	<input type="checkbox"/> Location of driveways
✓	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
NA	<input type="checkbox"/> Location of all easements
✓	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
✓	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	<input type="checkbox"/> Building height
✓	<input type="checkbox"/> Setbacks from each building to the property lines
✓	<input type="checkbox"/> Location of proposed fence(s)
✓	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
✓	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

<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 align="center">GENERAL</p> <p>Parcel Id: 01-21-29-5CK-730H-0060</p> <p>Owner: MARSDEN DAN</p> <p>Mailing Address: 617 PRAIRIE LAKE DR City,State,ZipCode: FERN PARK FL 32730</p> <p>Property Address: 977 FAIRVIEW AVE</p> <p>Subdivision Name: SANLANDO SPRINGS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$210,941</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$41,297</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$252,238</p> <p>Assessed Value (SOH): \$252,238</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$252,238</p> <p>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>WARRANTY DEED</td> <td>03/2005</td> <td>05682</td> <td>1108</td> <td>\$110,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>PROBATE RECORDS</td> <td>07/2002</td> <td>04485</td> <td>0434</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	03/2005	05682	1108	\$110,000	Vacant	No	PROBATE RECORDS	07/2002	04485	0434	\$100	Vacant	No	<p>2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$666</p> <p>2006 Taxable Value: \$41,297</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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FRONT FOOT & DEPTH	79	214	.000	425.00	\$41,297																		
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	2006	11	800	2,773	2,017	CB/STUCCO FINISH	\$210,941	\$212,001														
			Appendage / Sqft	OPEN PORCH FINISHED / 96																			
			Appendage / Sqft	GARAGE FINISHED / 420																			
			Appendage / Sqft	OPEN PORCH FINISHED / 240																			
			Appendage / Sqft	UPPER STORY FINISHED / 1217																			
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p> <p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																							

To: Seminole County Planning Division

From: Daniel Marsden

Re: Variance Request for 977 Fairview Ave. Longwood 32750

To whom it may concern,

I am requesting a Side street setback variance from 25' to 0' in order to fence in the rear yard of this property. There is no HOA in this area. The adjacent homeowners all have complete fenced in yards of the same 6' wood style.

There is plenty of foliage and trees along the outside of the property line to shelter the appearance of a fence e.g. most of the fence will not be visible from the road.

Thank you,



Daniel Marsden

LESS AND EXCEPT:

A PORTION OF LOT 6, BLOCK H, SANLANDO SPRINGS TRACT NO. 73 SECOND REPLAT, AS RECORDED IN PLAT BOOK 9, PAGE 3, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHERLY CORNER OF SAID LOT 6, BLOCK H; THENCE SOUTH 61 DEGREES 59'44" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH STREET, A DISTANCE OF 35.16 FEET TO A POINT ON A CURVE; THENCE WESTERLY ALONG THE ARC OF SAID CURVE CONCAVE SOUTHERLY, HAVING A TANGENT BEARING OF NORTH 76 DEGREES 38'52" WEST, A RADIUS OF 611.62 FEET, A CENTRAL ANGLE OF 01 DEGREES 45'53", A DISTANCE OF 18.84 FEET TO A POINT; THENCE SOUTH 58 DEGREES 38'31" WEST, A DISTANCE OF 14.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF FAIRVIEW AVENUE; THENCE NORTH 00 DEGREES 43'15" WEST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

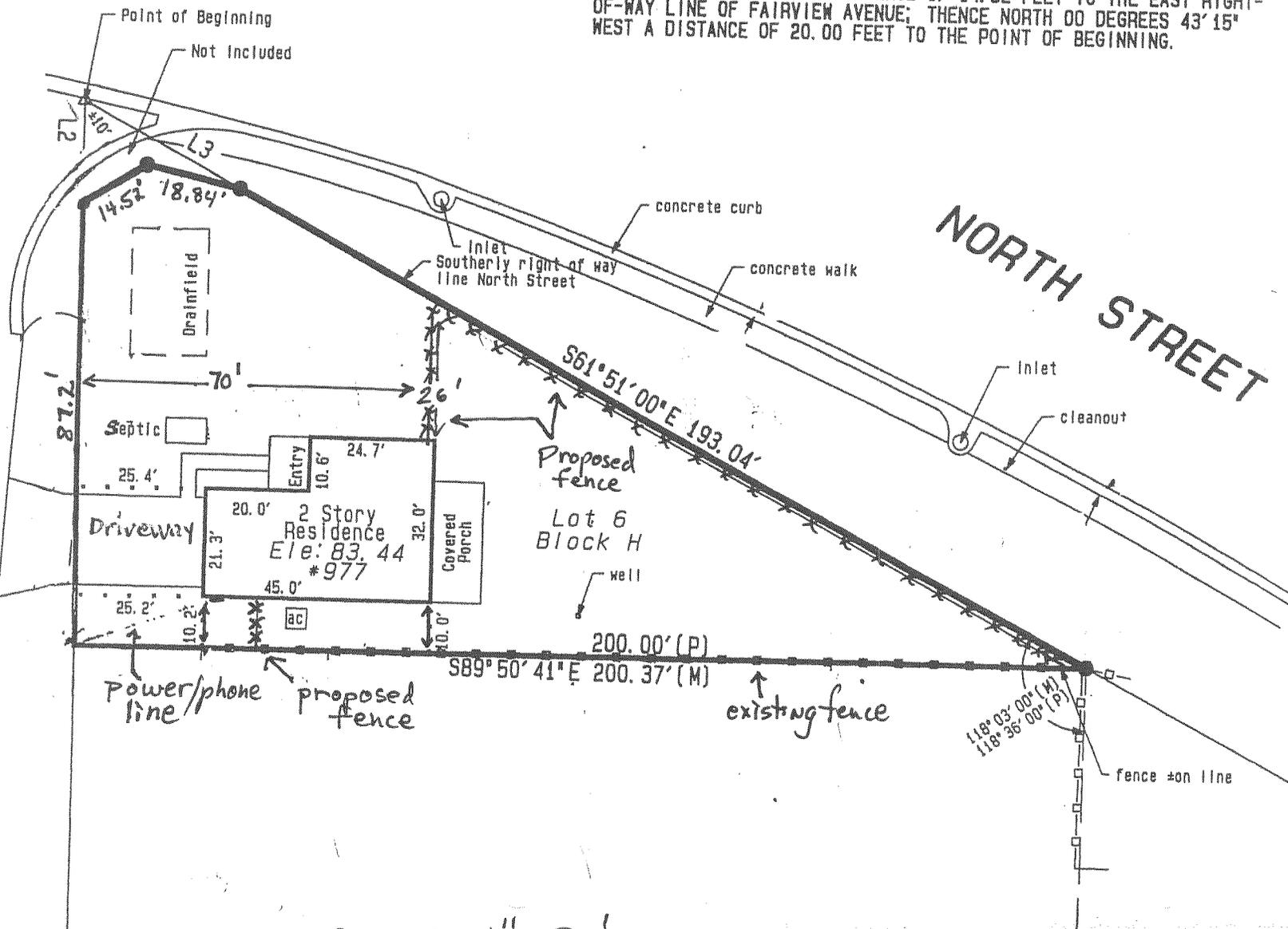
977 FAIRVIEW AVE

House is on well & Septic.

25'

Hill is Asphalt
Elevation: 83.22

FAIRVIEW AVENUE

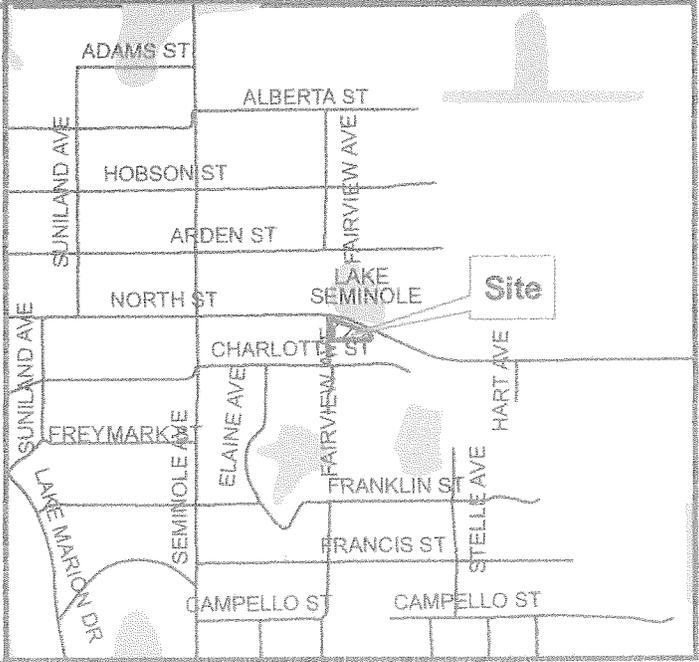


Daniel Marsden
 977 Fairview Avenue, Sanlando Springs
 Longwood, Florida 32750



Seminole County Board of Adjustment
 April 23, 2007
 Case: BV2007-28 (Map 3156, Grid B4)
 Parcel No: 01-21-29-5CK-730H-0060

- Zoning**
-  BV2007-28
 -  R-1AA
 -  R-1



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On (Month Date, Year) Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6 (LESS RD) BLK H TRACT 73
SANLANDO SPRINGS PB 9 PG 3

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

FINDINGS OF FACT

Property Owner: Dan Marsden
617 Prairie Lake Dr
Fern Park FL 32730

Project Name: 977 Fairview Avenue

Requested Development Approval:

Request for a side street setback variance from 25 feet to 0 feet for a 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: 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: _____
April Boswell, AICP
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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: