

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

SUBJECT: 200 Avenue C – Susan Hanson, applicant; Request for a front yard setback variance from 25 feet to 0 feet for an existing fence in R-2 (One and Two Family Dwelling District).

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

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

Agenda Date 6/21/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a front yard setback variance from 25 feet to 0 feet for an existing fence in R-2 (One and Two Family Dwelling District); or
2. **APPROVE** the request for a front yard setback variance from 25 feet to 0 feet for an existing fence in R-2 (One and Two Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Susan Hanson Location: 200 Avenue C Zoning: R-2 (One and Two Family Dwelling District) Subdivision: Townsite North Chuluota
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a privacy fence within the required 25-foot front yard setback and is requesting a variance from 25 feet to 0 feet. • The fence runs along approximately 40 feet of the 150-foot frontage on Avenue C. • There is currently a code enforcement violation for unpermitted construction. (07-198) • 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

Application # BV 2007-57
Meeting Date 6-25-07



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: SUSAN HANSON
Address: 200 AVENUE C City: CHULUOTA Zip code: 32706
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 359-9238
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 checked="" type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAY 04 2007

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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25</u>	Proposed setback: <u>0</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<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 _____			

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: Susan Hanson

FOR OFFICE USE ONLY

Date Submitted: 5-4-07 Reviewed By: P. Johnson
Tax parcel number: 21-21-32-5CG-0700-0010 Zoning/FLU R-2 / MGR
 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

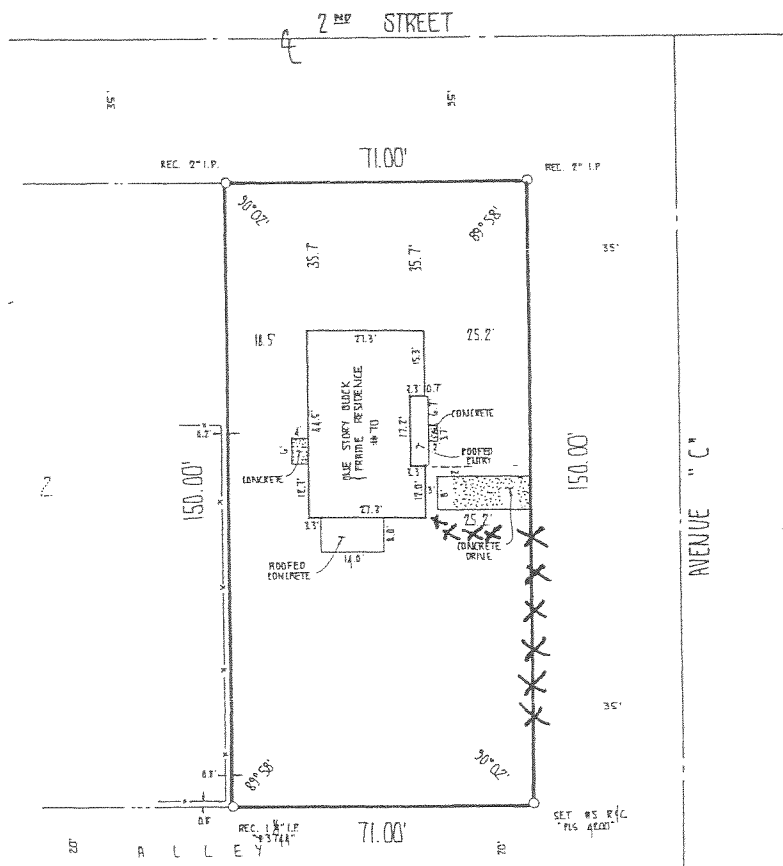
Please return this checklist with your application!

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). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
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.
<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
<input type="checkbox"/> Location of all easements
<input type="checkbox"/> Existing or proposed house <u>or</u> 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.

DESCRIPTION LOT 1, BLOCK 7, REPLAT OF PART OF TOWNSITE -
NORTH CHULUOTA

RECORDED IN PLAT BOOK 12 PAGE(S) 44 & 45
PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



SCALE 1" = 30'
DATE 7-14-93

- 13
- LEGEND --
- SET REBAR = 5/8" REBAR W/CAP #PLS 4200
 - REC. = "RECOVERED"
 - C.M. = "CONCRETE MONUMENT"
 - I.P. = "IRON PIPE"
 - P.O.L. = "POINT ON LINE"
 - RAD. = "RADIAL"
 - N.R. = "NON RADIAL"
 - = BOUNDARY LINE
 - - - = EASEMENT LINE
 - C--- = CENTER LINE
 - R/W--- = RIGHT-OF-WAY
 - UE = "UTILITY EASEMENT"
 - DE = "DRAINAGE EASEMENT"
 - P--- = "OVERHEAD POWER LINE"
 - W--- = WOOD FENCE
 - C--- = CHAIN LINK FENCE
 - H--- = HOGWIRE FENCE
 - N & D = NAIL & DISC
 - P.C. = POINT OF CURVATURE
 - R & C = REBAR & CAP

14

THIS PROPERTY LIES IN ZONE "C"
PER F.I.R.M. COMMUNITY PANEL NO. 170789
0170 D DATED 12-5-89

THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLAIN ZONE.

SURVEY BASED ON LEGAL DESCRIPTION SUPPLIED BY CLIENT.

SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD

UNDERGROUND UTILITIES AND FOOTERS HAVE NOT BEEN LOCATED UNLESS NOTED

PREPARED FOR:
RANDALL W. HANSON

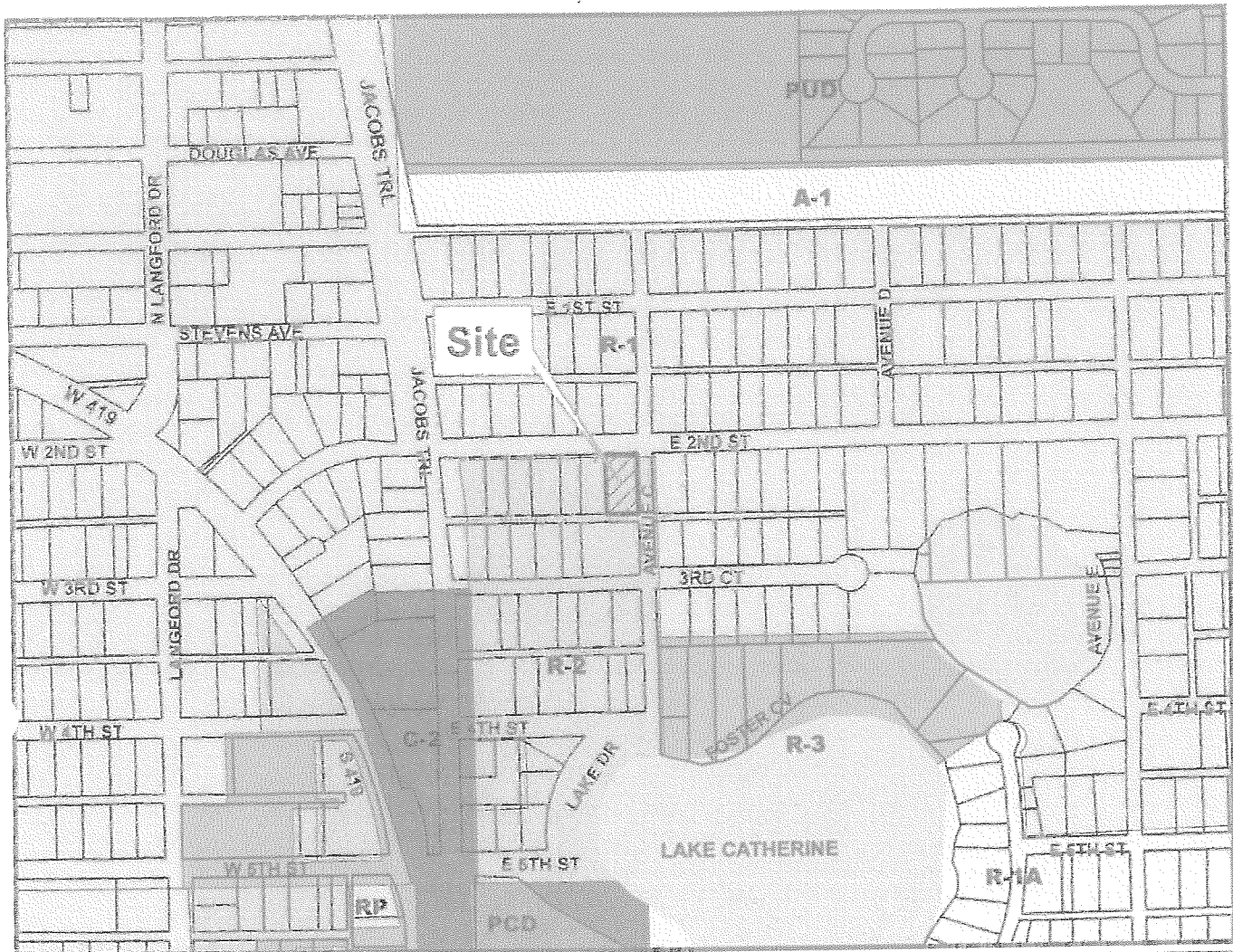
CERTIFIED TO: EXPRESS TITLE, INC.; COMMONWEALTH LAND TITLE INSURANCE COMPANY
RANDALL W. HANSON
THE MANHATTAN SAVINGS BANK, ITS SUCCESSORS AND/OR ASSIGNS

IRELAND SURVEYING, INC.
2950 ALOMA AVENUE, WINTER PARK, FLORIDA
SUITE 401 PH: 678-3366 FAX 671-6678 32792

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES

James P. Ireland
JAMES P. IRELAND PLS 4200

Susan & Randall Hanson
 200 Avenue C
 Chuluota, Florida 32766



Seminole County Board of Adjustment
 July 23, 2007
 Case: BV2007-57 (Map 3214, Grid E2)
 Parcel No: 21-21-32-5CG-0700-0010

Zoning




	BV2007-57		R-1B		C-2
	A-1		R-2		PUD
	R-1A		R-3		PCD
	R-1		RP 1		



<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																														
<p align="center">GENERAL</p> <p>Parcel Id: 21-21-32-5CG-0700-0010 Owner: HANSON RANDALL W & SUSAN E Mailing Address: 200 AVENUE C City,State,ZipCode: CHULUOTA FL 32766 Property Address: 200 AVENUE C CHULUOTA 32766 Subdivision Name: NORTH CHULUOTA REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$94,691 Depreciated EXFT Value: \$381 Land Value (Market): \$42,713 Land Value Ag: \$0 Just/Market Value: \$137,785 Assessed Value (SOH): \$57,432 Exempt Value: \$25,000 Taxable Value: \$32,432 Tax Estimator</p>																												
<p align="center">SALES</p> <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>04966</td> <td>1858</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1993</td> <td>02623</td> <td>0764</td> <td>\$51,400</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>09/1985</td> <td>01668</td> <td>0983</td> <td>\$11,000</td> <td>Improved</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	08/2003	04966	1858	\$100	Improved	No	WARRANTY DEED	07/1993	02623	0764	\$51,400	Improved	Yes	CERTIFICATE OF TITLE	09/1985	01668	0983	\$11,000	Improved	No	<p>2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$1,628 2006 Tax Bill Amount: \$500 Save Our Homes (SOH) Savings: \$1,128 2006 Taxable Value: \$31,031 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p><i>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.</i></p>																														

Petition for Fence Variance
Randall & Susan Hanson

We the undersigned do not object to the fence located at 200 Avenue C, Chuluota, FL 32766. The fence runs along the side yard of the house located on Avenue C.

Name	Signature	Address
1. Michelle L Borge		201 Ave C Chuluota, FL 32766
2. Irene Falero		200 Ave C Chuluota
3. WAYNE BADETSCHER		71 E 3rd Ct Chuluota FL
4.		
5.		

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 1 BLK 7 REPLAT OF PART OF TOWNSITE NORTH CHULUOTA

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

FINDINGS OF FACT

Property Owner: Susan and Randall Hanson
200 Avenue C
Chuluota FL 32766

Project Name: Avenue C (200)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 0 feet for an existing fence in R-2 (One and Two 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: _____
Dori L. 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: