Item #BV2007-95

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: **869 Reedy Cove** – Philip Tucci, applicant; Request for a side street setback variance from 20 feet to 9.6 feet for an existing wood privacy fence in PUD (Planned Unit Development District);

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

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

Agenda Date 9/24/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **DENY** the request for a side street setback variance from 20 ft to 9.6 feet for an existing wood privacy fence in PUD (Planned Unit Development District); or
2. **APPROVE** the request for a side street setback variance from 20 ft to 9.6 feet for an existing wood privacy fence in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Philip Tucci
	Owner:	Kelly Flynn
	Location:	896 Reedy CV
	Zoning:	PUD (Planned Unit Development District)
	Subdivision:	Hollowbrook West PH 3
BACKGROUND / REQUEST	• The applicant is requesting a variance for an existing wood privacy fence that is encroaching approximately 10.4 feet into the required 20-foot side street setback. • In July of 2007, the applicant received a notice of code violation for the un-permitted construction of the existing 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: • 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 could reposition the fence to minimize the side street encroachment.* • 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	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: • 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 2007-95
Meeting Date Sept. 24, 200

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: Philip C. Tucci

Address: _____ City: _____ Zip code: _____

Project Address: 896 Reedy Cove City: Casselberry Zip code: 32707

Contact number(s): (407) 698-7753

Email address: _____

Is the property available for inspection without an appointment? [✓] Yes [ ] No

What type of structure is this request for?	
[ ] Shed	*Please describe:*
[✓] Fence	*Please describe:*
[ ] Pool	*Please describe:* RECEIVED JUL 23 2007
[ ] Pool screen enclosure	*Please describe:*
[ ] Addition	*Please describe:*
[ ] New Single Family Home	*Please describe:*
[ ] Other	*Please describe:*
[ ] This request is for a structure that has already been built.	

What type of variance is this request?				
[ ] Minimum lot size	Required lot size:		Actual lot size:	
[ ] Width at the building line	Required lot width:		Actual lot width:	
[ ] Front yard setback	Required setback:		Proposed setback:	
[ ] Rear yard setback	Required setback:		Proposed setback:	
[ ] Side yard setback	Required setback:		Proposed setback:	
[✓] Side street setback	Required setback:	20	Proposed setback:	9.6
[ ] Fence height	Required height:		Proposed height:	
[ ] Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
[ ] _____ yard setback	Required setback:		Proposed setback:	
[ ] _____ yard setback	Required setback:		Proposed setback:	
[✓] Total number of variances requested 1				

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: _____

FOR OFFICE USE ONLY

Date Submitted: 7-23-07 Reviewed By: P. Johnson

Tax parcel number: 23-21-30-517-0000-1350 Zoning/FLU PUD/RO

[ ] 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: _____

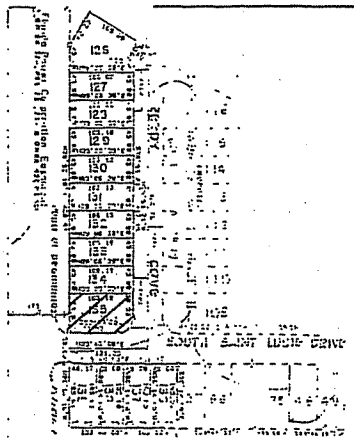
VARIANCE SUBMITTAL CHECKLIST

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 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.***
	o Please start with a clean survey *(ex: white out old approval stamps)*
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition *(Label existing, label proposed, and include square footage and dimensions of each)*
	o Existing and/or proposed buildings, structures and improvements *(Label existing, label proposed, and include square footage and dimension of each)*
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

Notes:

Accepted By:



Legal 1

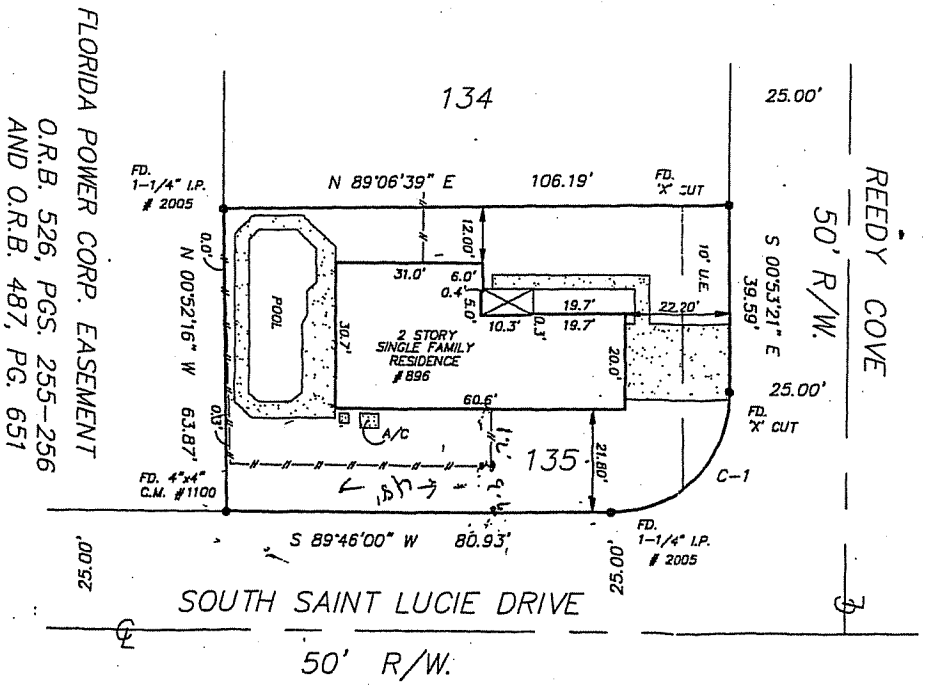
Lot 135, ***HOLLOWBR*** *according to the plat t Book 36, Page 76, of the County, Florida.*

Community number: *1*
Suffix: *E* ***F.I.R.M. dat***
Date of field work: *1/10*

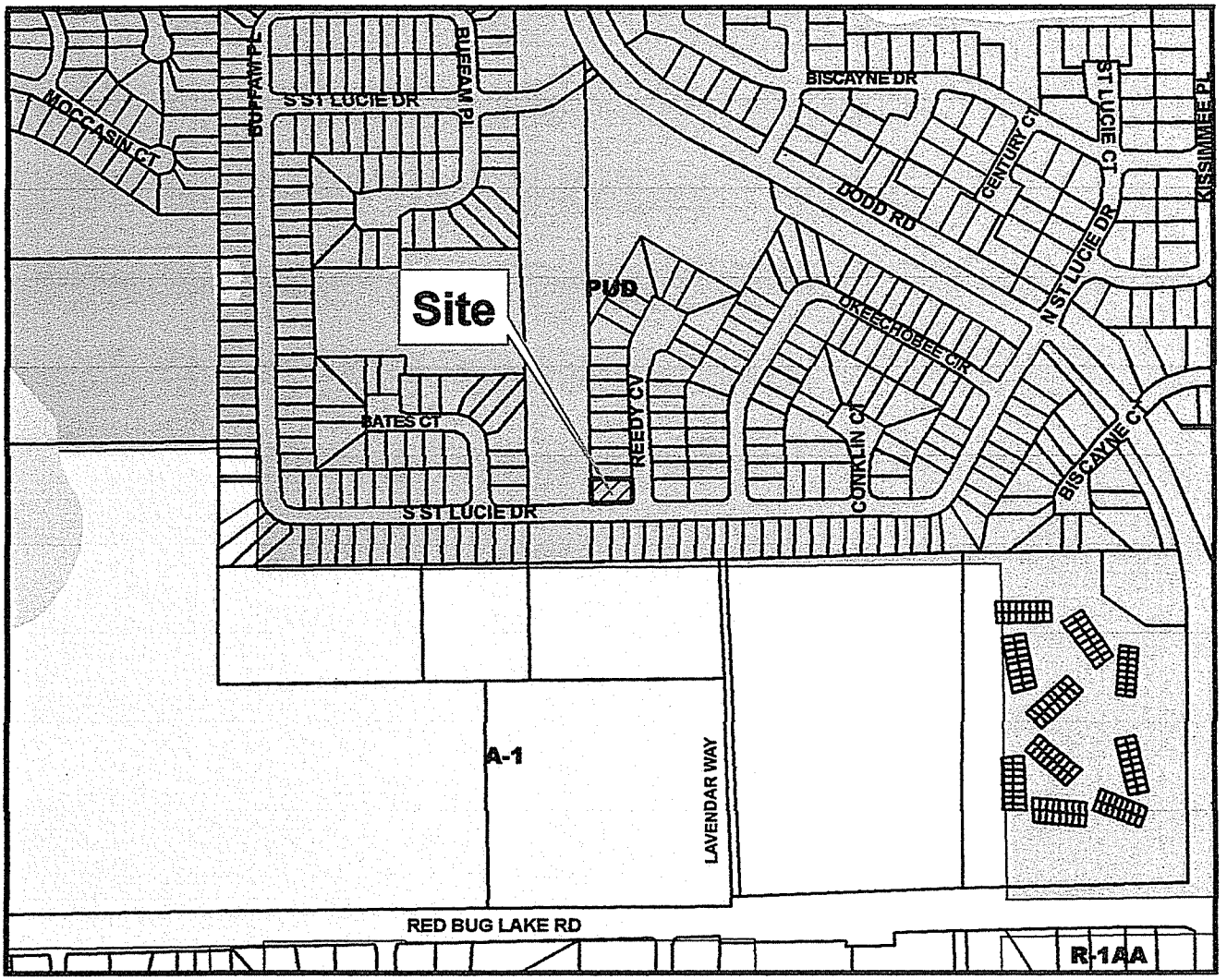
Certified to:
Kelly J. Flynn; First So Florida; Ticor Title Mortgage Corporation,

Property address:
896 Reedy Cove
Casselberry, Florida 3

Survey number: Y-142.



Philip C. Tucci
896 Reedy Cove
Casselberry, Florida 32707

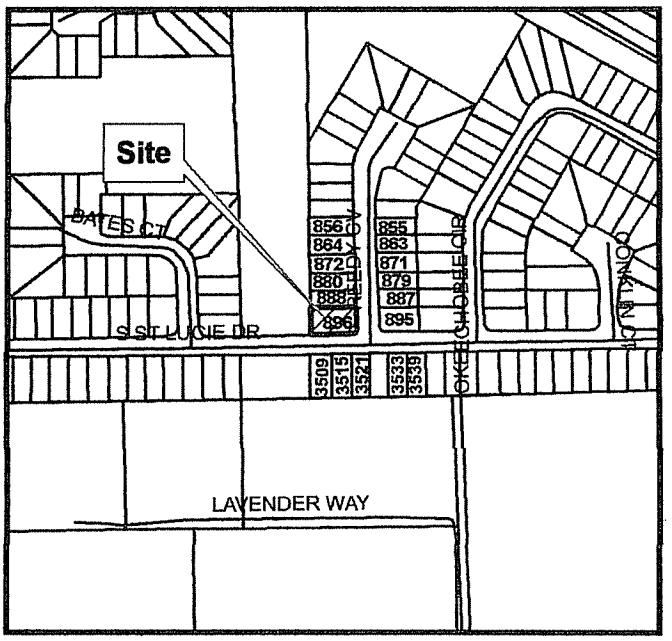


Seminole County Board of Adjustment
September 24, 2007
Case: BV2007-95 (Map 3211, Grid A1)
Parcel No: 23-21-30-517-0000-1350

Zoning

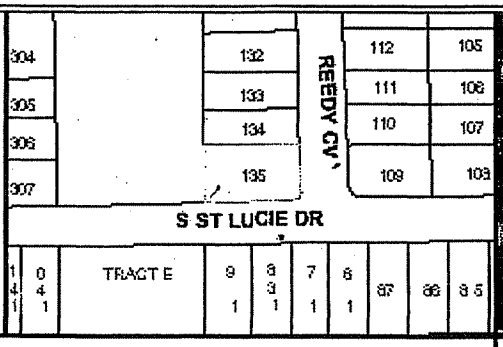
- BV2007-95
- A-1
- R-1AA
- PUD

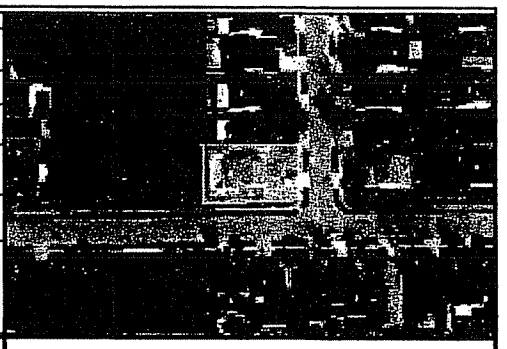
N



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
SEMINOLE COUNTY FL.
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506





GENERAL

Parcel Id:	23-21-30-517-0000-1350
Owner:	FLYNN KELLY J
Mailing Address:	896 REEDY CV
City,State,ZipCode:	CASSELBERRY FL 32707
Property Address:	896 REEDY CV CASSELBERRY 32707
Subdivision Name:	HOLLOWBROOK WEST PH 3
Tax District:	01-COUNTY-TX DIST 1
Exemptions:	00-HOMESTEAD (1998)
Dor:	01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	$166,972
Depreciated EXFT Value:	$6,152
Land Value (Market):	$40,000
Land Value Ag:	$0
Just/Market Value:	$213,124
Assessed Value (SOH):	$105,634
Exempt Value:	$25,000
Taxable Value:	$80,634

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/1997	**03191**	**1272**	$98,500	Improved	Yes
SPECIAL WARRANTY DEED	04/1988	**01956**	**1495**	$80,500	Improved	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Amount(without SOH):	$2,577
2006 Tax Bill Amount:	$1,258
***Save Our Homes (SOH)* Savings:**	$1,319
2006 Taxable Value:	$78,058

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	$40,000

LEGAL DESCRIPTION

PLATS: Pick...

LEG LOT 135 HOLLOWBROOK WEST PH 3 PB 36 PG 76

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	1987	8	1,101	2,117	1,591	CB/STUCCO FINISH	$166,972	$180,510

Appendage / Sqft	GARAGE FINISHED / 460
Appendage / Sqft	OPEN PORCH FINISHED / 66
Appendage / Sqft	UPPER STORY FINISHED / 490

NOTE: *Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished,Base Semi Finshed*

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1987	1	$750	$1,500
POOL GUNITE	1988	432	$4,536	$8,640
COOL DECK PATIO	1988	471	$866	$1,649

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.*

COMMISSION DISTRICT #:

GUI PROJ. #

ZONED: PUD SEC: 23 TWP: 21 RNG: 30

DEVELOPMENT:	Hollowbrook W Phase 3	DEVELOPER:	General Homes
LOCATION:	On South Saint Lucie Drive, W of Dodd Road – 21 Lots		

FILE#: P&Z:		BA:		SP:		BCC:	3/2/87

PB	36	PG	76	Lot		Blk		Parcel		DBA		Comm Dist	

DEVEL. ORDER #:		TAX PAR. I.D. #:	

SIDEWALKS:

ROAD TYPE: (CURB & GUTTER OR SWALE)

COMMENTS OTHER:

SETBACK REQUIREMENTS

FY:	20'	SIDE ST.:	20	3'& 7'		15'	

MAIN STRUCTURE OTHER:
Patio Home Lot size 4,500 sq ft

ACCESSORY STRUCTURE SETBACKS:

SY:		RY:	

ACCESSORY STRUCTURE OTHER:
5' screened porches, pools and accessory building with side yard same as main structure

IMPACT FEES

SCREEN:	
TRAFFIC ZONE:	
LAND USE:	
1. ROAD-CO. WIDE	$200.00
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	$10.00
5. PARK	
6. SCHOOL	$300.00
7. LAW	
8. DRAINAGE	
TOTAL	$510.00

REMARKS:

COMMITMENT CARD
Instructions: print two-sided on card stock and cut along the left and bottom border.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24th, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 135
HOLLOWBROOK WEST PH 3 PB 36 PG 76

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

FINDINGS OF FACT

Property Owner: Kelly Flynn
896 Reedy CV
Casselberry, FL 32707

Project Name: Reedy Cove (896)

Requested Development Approval:

Request for a side street setback variance from 20 ft to 9.6 feet for an existing wood privacy fence in PUD (Planned Unit Development 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 aforedescribed 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 aforedescribed 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: