

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 212 Spartan Drive – Joseph Smirti, applicant; Request for a side street setback variance from 25 feet to 3.5 feet for an existing wood fence in R-1A (Single Family Dwelling District).

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

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

Agenda Date 12/03/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street setback variance from 25 feet to 3.5 feet for an existing wood fence in R-1A (Single Family Dwelling District); or
2. **Approve** the request for a side street setback variance from 25 feet to 3.5 feet for an existing wood fence in R-1A (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Joseph Smirti Location: 212 Spartan Drive Zoning: R-1A (Single Family Dwelling District) Subdivision: Cool-More Subd
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a side street setback variance for an existing wood privacy fence that is encroaching 21.5 feet into the required 25-foot side street setback. • On September 13th, 2007, the applicant received a notice of violation 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>and which are not applicable to other lands, 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. <i>The fence could be moved to the east to minimize the setback encroachment.</i>• 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 # BV0007-145
Meeting Date 12-3-07



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: Joe Smirti
Address: 212 Spartan Dr City: Maitland Zip code: 32751
Project Address: Same City: _____ Zip code: _____
Contact number(s): 407-702-1515
Email address: joesm13@hotmail.com

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>6' High Wood Stockade Fence</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	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 checked="" type="checkbox"/> Side yard setback	Required setback:	50'	Proposed setback: 50'
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25'</u>	Proposed setback: <u>3.5'</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:

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: Joe Smirti

FOR OFFICE USE ONLY

Date Submitted: 10/22/07 Reviewed By: DM
 Tax parcel number: 19-21-30-512-0000-0280 Zoning/FLU R-1A/LDR
 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 or 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.

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-_____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Joe C Smicti
Address: 212 Spartan Dr
Phone #: Maitland, FL 32751
407-702-1515
Name: _____
Address: _____
Phone #: _____

Name: Jennifer M Smicti
Address: 212 Spartan Dr
Phone #: Maitland, FL 32751
407-702-1515
Name: _____
Address: _____
Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: Nationstar Mortgage
Officers: _____
Address: PO Box 199400
Directors: _____
Address: Dallas, Texas 75219
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10-26-07
Date

Joe Smirti
Owner, Agent, Applicant Signature

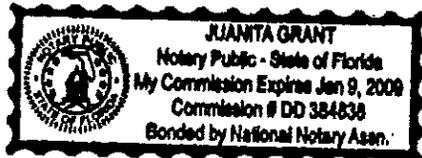
STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 26th day of OCTOBER, 2007 by _____

Joe Smirti
Juanita Grant
Signature of Notary Public

JUANITA GRANT
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



For Use by Planning & Development Staff
Date: _____ Application Number: _____

address-

212 Spartan Dr
Maitland, FL

32751

SPARTAN DR

23' lotline **72 feet**

126 feet

126 feet

CHERRYWOOD DR

- side walk

drive way

Gate

house

28

115' new fence

20'

71'

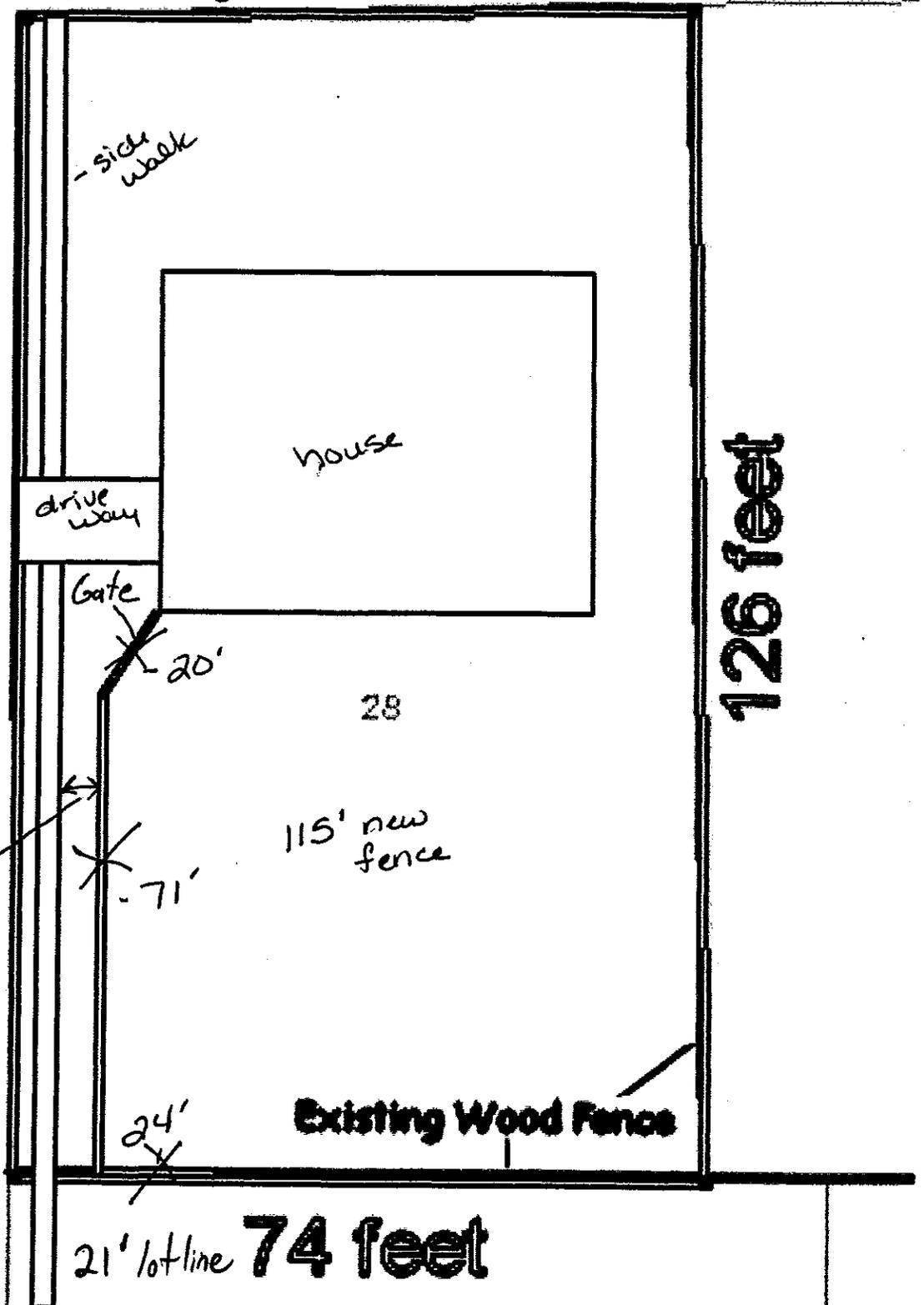
24'

Existing Wood Fence

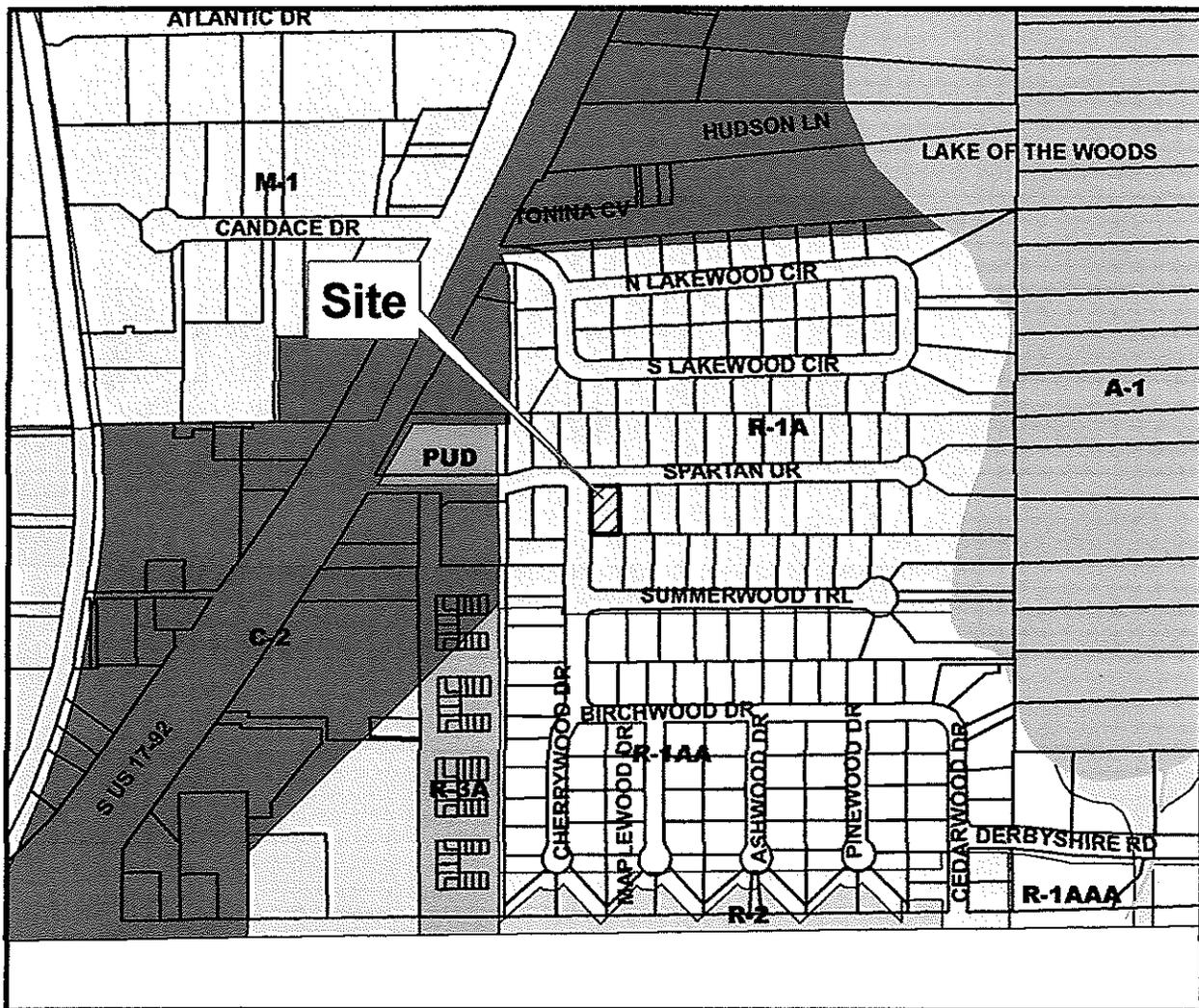
21' lotline **74 feet**

3.5 Feet

Setback From Sidewalk



Joseph Smirti
 212 Spartan Drive
 Maitland, Florida 32751



Seminole County Board of Adjustment
 December 3, 2007
 Case: BV2007-145 (Map 3209, Grid C3)
 Parcel No: 19-21-30-512-0000-0280

Zoning

	BV2007-145		R-1A		M-1
	A-1		R-2		PUD
	R-1AAA		R-3A		
	R-1AA		C-2		

N



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-685-7508																																																																															
GENERAL Parcel Id: 19-21-30-512-0000-0280 Owner: SMIRTI JOSEPH C Mailing Address: 212 SPARTAN DR City, State, Zip Code: MAITLAND FL 32751 Property Address: 212 SPARTAN DR MAITLAND 32751 Subdivision Name: COOL-MORE SUBD Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1996) Dor: 01-SINGLE FAMILY										2008 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$138,461 Depreciated EXFT Value: \$600 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$174,061 Assessed Value (SOH): \$77,684 Exempt Value: \$25,000 Taxable Value: \$52,684 Tax Estimator Tax Reform Analysis																																																																					
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>QUIT CLAIM DEED</td> <td>03/1999</td> <td>04273</td> <td>1308</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>04/1999</td> <td>03623</td> <td>0426</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1995</td> <td>03030</td> <td>0289</td> <td>\$69,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1986</td> <td>01798</td> <td>0110</td> <td>\$63,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1973</td> <td>00985</td> <td>1696</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>										Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	03/1999	04273	1308	\$100	Improved	No	FINAL JUDGEMENT	04/1999	03623	0426	\$100	Improved	No	WARRANTY DEED	02/1995	03030	0289	\$69,900	Improved	Yes	WARRANTY DEED	12/1986	01798	0110	\$63,500	Improved	Yes	WARRANTY DEED	01/1973	00985	1696	\$100	Improved	No	2007 VALUE SUMMARY Tax Amount (without SOH): \$2,231 2007 Tax Bill Amount: \$750 Save Our Homes (SOH) Savings: \$1,481 2007 Taxable Value: \$50,789 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																											
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 28 + E 12 1/2 FT OF LOT 29
COOL-MORE SUBD

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

FINDINGS OF FACT

Property Owner: Joseph Smirti
212 Spartan Dr
Maitland, FI 32751

Project Name: Spartan Drive (212)

Requested Development Approval:

Request for a side street setback variance from 25 feet to 3.5 feet for an existing wood 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: 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.

FILE NO.: BV2007-145

DEVELOPMENT ORDER #

07-30000138

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: