

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 8250 Via Hermosa – Leslie and Donna Martin, applicant; Request for a front yard setback variance from 25 feet to 12 feet for a proposed 5 foot fence in R-1A (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7344

Agenda Date 6/23/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 25 feet to 12 feet for a proposed 5 foot fence in R-1A (Single Family Dwelling) district; or
2. **Approve** the request for a front yard setback variance from 25 feet to 12 feet for a proposed 5 foot fence in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Leslie and Donna Martin Location: 5280 Via Hermosa Zoning: R-1A Subdivision: Lake Markham Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting to place a 5 foot solid fence 13 feet within their 25 foot front yard setback. • 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.

Reviewed by: KPT
Co Atty: _____
Pln Mgr: _____

	<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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 5 foot solid 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
- Applicant Authorization Form
- 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 # BN 2008-46
 Meeting Date 6-23-08



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: Leslie and Donna Martin
 Address: 8250 Via Hermosa City: Sanford Zip code: 32771
 Project Address: 8250 Via Hermosa City: Sanford Zip code: 32771
 Contact number(s): 407-321-0610 / 407-718-9033 / 407-314-8338
 Email address: martindm4@bellsouth.net

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 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: <u>Fence 5ft. Tall</u>
<input checked="" 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25 ft.</u>	Proposed setback: <u>12 ft.</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 checked="" 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: Leslie J. Martin

FOR OFFICE USE ONLY

Date Submitted: 4-19-09 Reviewed By: P Johnson

Tax parcel number: 27-19-29-501-0000-0360 Zoning/FLU R-1A/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: _____

PARCEL DETAIL

DAVID JOHNSON, CPA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL.
 1101 E. FIRST ST.
 SANFORD, FL 32771-1468
 407-665-7500

GENERAL

Parcel Id: 27-19-29-501-0000-0360
 Owner: MARTIN LESLIE L JR & DONNA M
 Mailing Address: 8250 VIA HERMOSA ST
 City,State,ZipCode: SANFORD FL 32771
 Property Address: 8250 VIA HERMOSA SANFORD 32771
 Subdivision Name: LAKE MARKHAM ESTATES
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2001)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$213,548
 Depreciated EXFT Value: \$14,928
 Land Value (Market): \$100,000
 Land Value Ag: \$0
 Just/Market Value: \$328,476
 Assessed Value (SOH): \$169,284
 Exempt Value: \$25,000
 Taxable Value: \$144,284

Tax Estimator
Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	12/2000	<u>03983</u>	<u>1164</u>	\$164,900	Improved	Yes
WARRANTY DEED	05/1996	<u>03082</u>	<u>0082</u>	\$120,200	Improved	Yes
WARRANTY DEED	07/1992	<u>02459</u>	<u>0264</u>	\$100	Vacant	No
QUIT CLAIM DEED	12/1989	<u>02149</u>	<u>1426</u>	\$100	Vacant	No
WARRANTY DEED	11/1988	<u>02011</u>	<u>1183</u>	\$30,500	Vacant	Yes
WARRANTY DEED	04/1984	<u>01543</u>	<u>1461</u>	\$20,000	Vacant	No
WARRANTY DEED	08/1983	<u>01477</u>	<u>1494</u>	\$13,500	Vacant	Yes

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

Tax Amount(without SOH): \$4,534
 2007 Tax Bill Amount: \$2,058
Save Our Homes (SOH) Savings: \$2,476
 2007 Taxable Value: \$139,353
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	100,000.00	\$100,000

LEGAL DESCRIPTION

PLATS:

LEG LOT 36 LAKE MARKHAM ESTATES PB 11 PG 60

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
<u>Building Sketch</u> 1	SINGLE FAMILY	1993	7	1,860	2,819	1,860	CB/STUCCO FINISH	\$213,548	\$225,380
<u>Appendage / Sqft</u>		OPEN PORCH FINISHED / 352							
<u>Appendage / Sqft</u>		GARAGE FINISHED / 529							
<u>Appendage / Sqft</u>		OPEN PORCH FINISHED / 78							

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

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New

POOL GUNITE	2002	504	\$8,568	\$10,080
SPA	2002	1	\$2,001	\$2,500
GAS HEATER	2002	1	\$440	\$1,100
COOL DECK PATIO	2002	387	\$1,152	\$1,355
SCREEN ENCLOSURE	2002	1,729	\$2,767	\$3,458

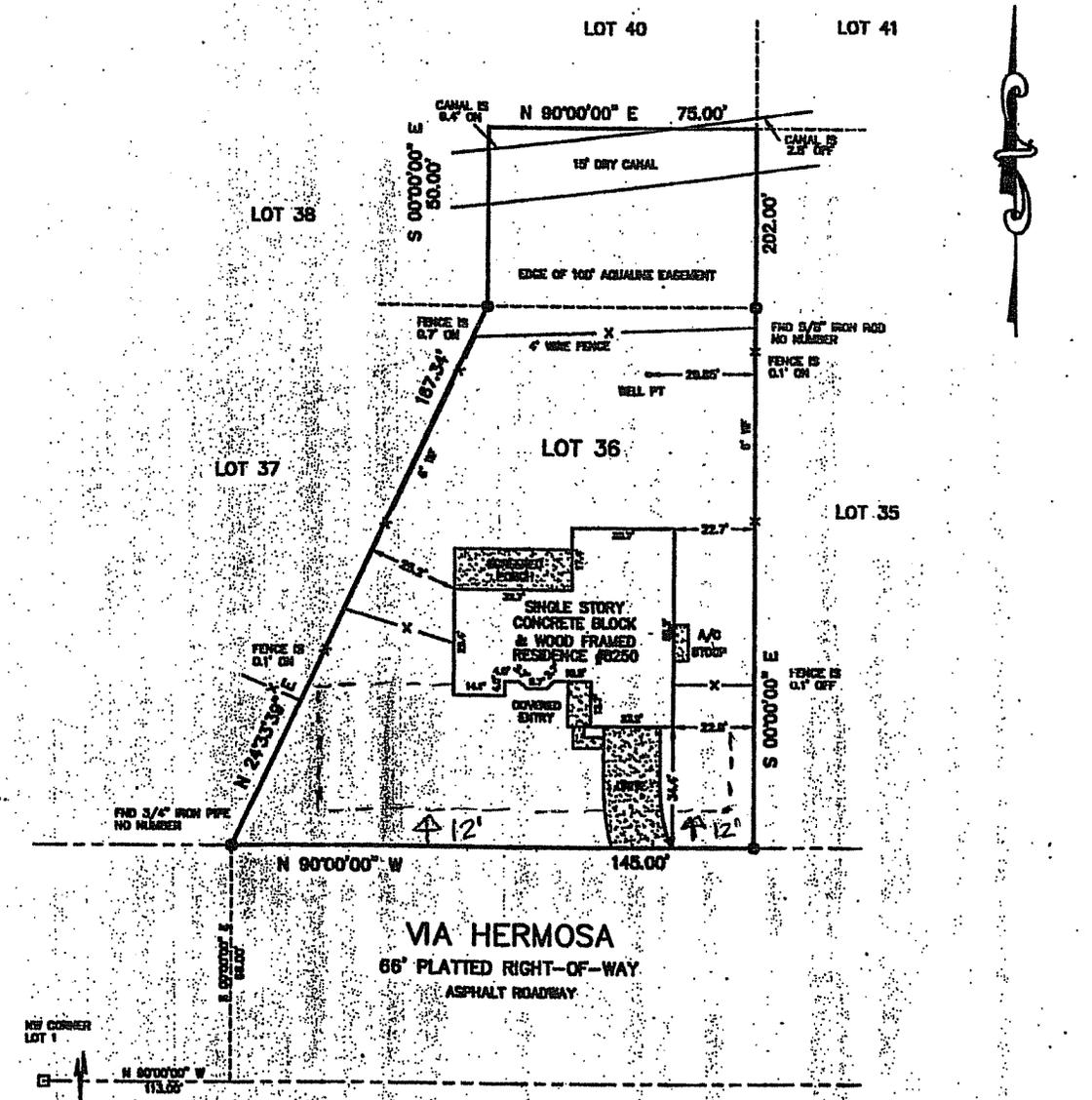
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

PLAT OF SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 36, LAKE MARKAHAM ESTATES, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 11, PAGES 60 & 61, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



FW 4" x 4" CONCRETE MONUMENT - NO NUMBER

LEGEND:

- DENOTES FND 1/2" IRON ROD NO NUMBER
- ⊙ DENOTES RADIUS
- Δ DENOTES DELTA ANGLE
- L DENOTES ARC LENGTH
- CB CHORD BEARING
- RIGHT OF WAY LINE
- PER PLAT MEASURED
- FND FOUND
- CONCRETE
- LS LAND SURVEYING BUSINESS
- LS LAND SURVEYOR
- PRM PERMANENT REFERENCE MONUMENT
- PCP PERMANENT CONTROL POINT
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- PC POINT OF CURVATURE
- CLF CHAIN LINK FENCE
- WF WOOD FENCE
- TV TYPICAL
- A/C AIR CONDITIONER
- CBW CONCRETE BLOCK WALL
- RP RADIUS POINT
- OHU OVERHEAD UTILITY LINE

CERTIFIED TO:
LESLIE L. & DONNA M. MARTIN
WELLS FARGO HOME MORTGAGE
FIDELITY NATIONAL TITLE INSURANCE COMPANY
SIGNATURE TITLE AND GUARANTY, INC.

I HAVE EXAMINED THE F.L.R.M. COMMUNITY PANEL NO 120289 002D E DATED 4/17/85 AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE OF THE 100 YEAR FLOOD.

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 36, BEING EAST PER PLAT.

(FIELD DATE) 12/12/00

SCALE: 1" = 40 FEET

APPROVED BY: BAM

JOB NO. ASM30700.dwg

REVISED:

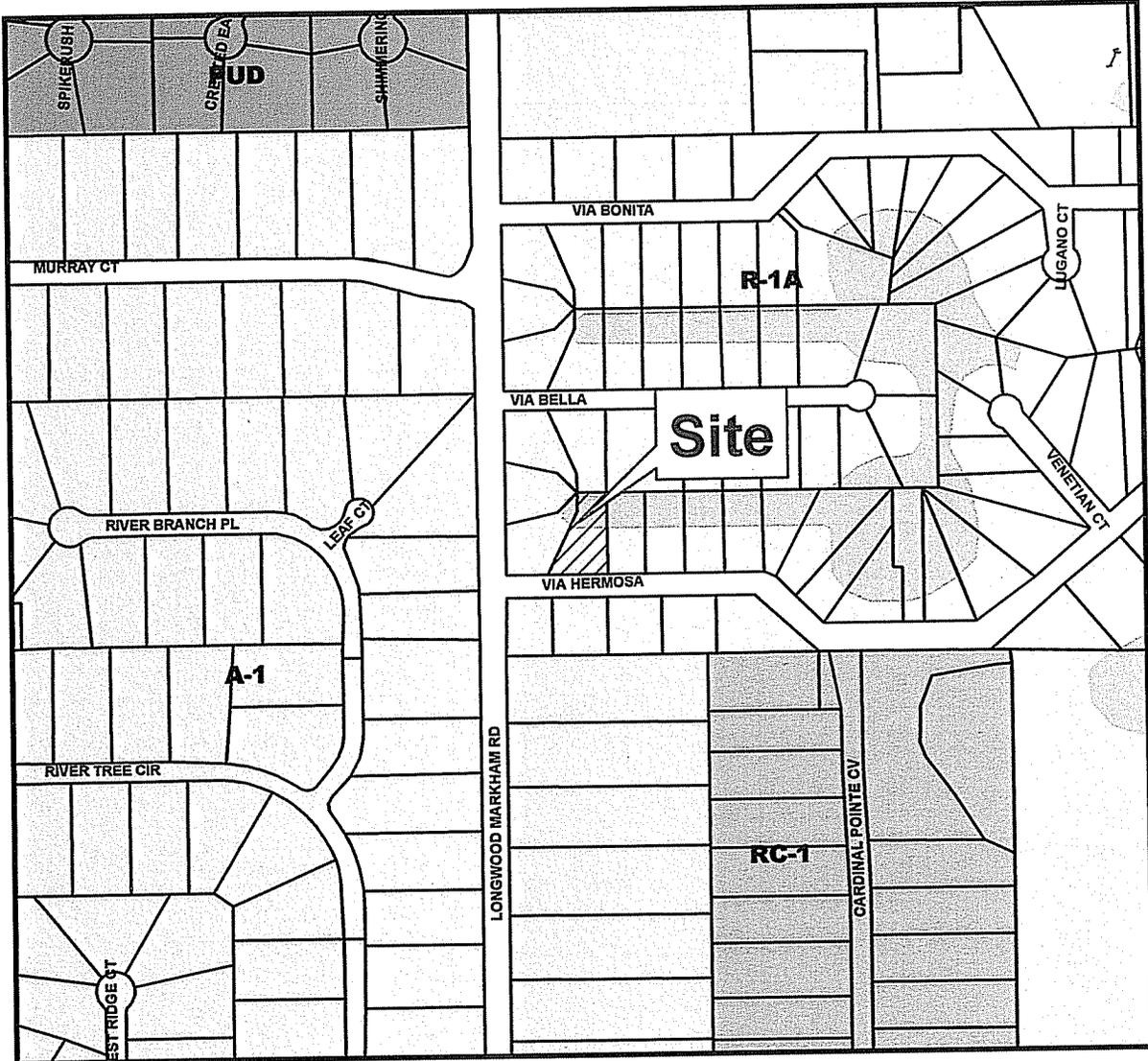


AMERICAN SURVEYING & MAPPING
CERTIFICATION OF AUTHORIZATION MEMBER LICENSE
320 EAST SOUTH STREET, SUITE 100

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

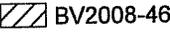
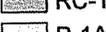
Clay Bell 12/12/00

Leslie & Donna Martin
 8250 Via Hermosa
 Sanford, Florida 32771



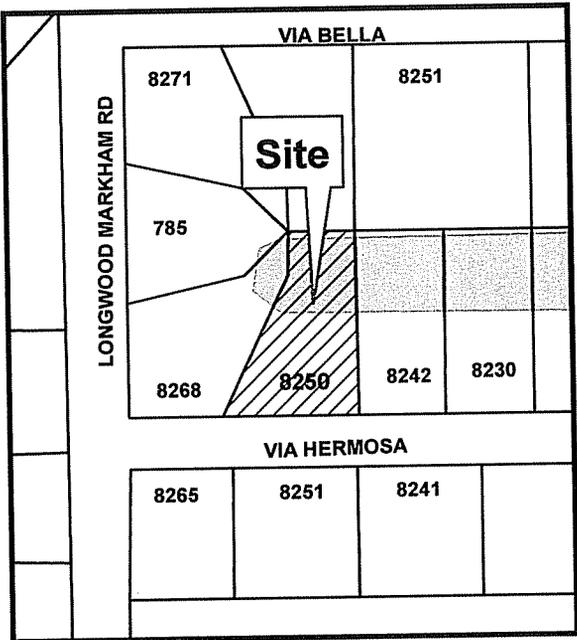
Seminole County Board of Adjustment
 June 23, 2008
 Case: BV2008-46 (Map 3050, Grid B2)
 Parcel No: 27-19-29-501-0000-0360

Zoning

-  BV2008-46
-  A-1
-  RC-1
-  R-1A
-  PUD



N





Contract FLORIDA FENCE OUTLET, INC.

1610 N. Goldenrod Road, Orlando, FL 32807
(407) 277-8738 • FAX (407) 243-2688

PROPOSAL SUBMITTED TO

Los Marton		PO. #	DATE 4/11/08
STREET 8250 Via Herudasa Ct		JOB NAME	
CITY, STATE AND ZIP CODE Altamonte FL 32771		JOB LOCATION	
PHONE 407-321-0610	FAX	CONTACT 407-718-9033 407-314-8338	

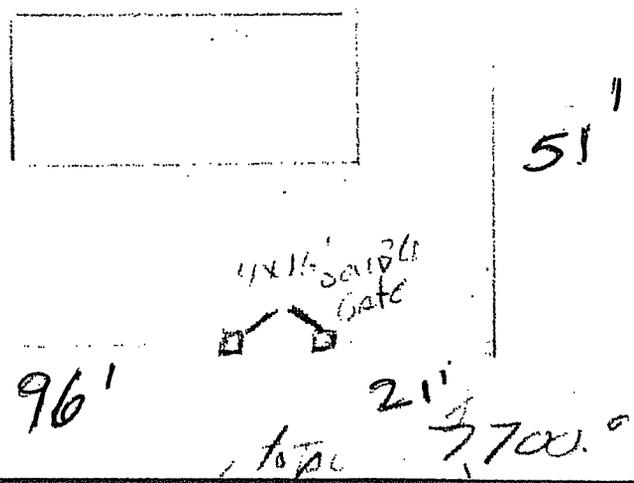
We hereby submit specifications and estimates for

WOOD-PVC-ALUMINUM	CHAIN LINK	ADDITIONAL SPECIFICATIONS
NO. OF FEET 210	NO. OF FEET _____	TOP RAIL _____ OD
HEIGHT 4	TOTAL HEIGHT _____	LINE POST _____ OD
WOOD _____	POST SPACED _____	END POST _____ OD
PICKETS 36 Pickets	STYLE FENCE _____	WALK GATE POST _____ OD
STYLE Kestrel	GAUGE <input type="checkbox"/> 9 <input type="checkbox"/> 11 1/2	DRIVE GATE POST _____ OD
W. GATE _____	KNUCKLED UP <input type="checkbox"/>	GATE FRAME _____ OD
DRIVE GATE 1-4x16 Arched	BARBED UP <input type="checkbox"/>	BARB WIRE _____
ONE YEAR GUARANTEE ON LABOR Done	TOP OF FENCE TO FOLLOW GROUND <input type="checkbox"/>	TENSION WIRE _____
	BE LEVEL WITH LOWEST GRADE <input type="checkbox"/>	
	BE LEVEL WITH HIGHEST GRADE <input type="checkbox"/>	
	ALL CHAIN LINK POST SET IN CONCRETE	

QUANTITY	DESCRIPTION
	Furnish And Install
210'	of 4' Black Aluminum Picket
1	4x16' Arched Double Gate
All	2" Post in Cement
1	ZARELA
6'	752 operator
	\$1700.00
	INSTALL
	Permit included

NOTE: FLORIDA FENCE OUTLET IS NOT RESPONSIBLE FOR CUTS OR BREAKAGE TO SPRINKLER HEADS, LINES, ECT.

Don't pay
 Check #6003 - 7700.00
 - 2500.00
 \$5200.00 BAL



WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Dollars (\$) 6500.00
 Payment to be made as follows 3 deposit BAL Due After Completion

THIS CONTRACT ENTERED INTO
 Subject to terms and conditions entered into on
 reverse side of this contract which
 the undersigned buyer has read and agreed to.
 Price good for 60 days.

Authorized Signature [Signature]
 BUYER [Signature]

**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: Leslie L. Martin
Address: 8350 Via Hermosa
Phone #: 407-321-0610-HM
407-718-9033 cell

Name: Donna M. Martin
Address: 8350 Via Hermosa
Phone #: 407-321-0610-HM
407-314-8338-cell

Name: _____
Address: _____
Phone #: _____

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: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
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**

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 rezone, 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.

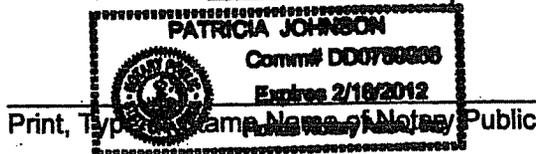
18 April 2008
Date

Ledie J. Martin
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 18th day of April, 2008 by Ledie Martin

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification
Type of Identification Produced M635-532-69-407-0

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 36 Lake Markham Estates PB 11 PG 60

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

FINDINGS OF FACT

Property Owner: Leslie and Donna Martin
8250 Via Hermosa
Sanford, Fl. 32771

Project Name: Via Hermosa (8250)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 12 feet for a proposed 5 foot fence in R-1A (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Kathy Fall, Principal 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:
 - a. The variance granted will apply only to the 5 foot privacy 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: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 36 Lake Markham Estates PB 11 PG 60

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

FINDINGS OF FACT

Property Owner: Leslie and Donna Martin
8250 Via Hermosa
Sanford, Fl. 32771

Project Name: Via Hermosa (8250)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 12 feet for a proposed 5 foot fence in R-1A (Single Family Dwelling) district.

The Development Approval was sought to construct a 5 foot privacy fence within the front yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: