

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

SUBJECT: 1900 Mitchellbrook Lane – Rafael Sanchez Pabon, applicant; Request for a side street setback variance from 15 feet to 9.5 feet for a proposed privacy fence in PUD (Planned Unit Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

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

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street setback variance from 15 feet to 9.5 feet for a proposed privacy fence in PUD (Planned Unit Dwelling) district; or
2. **Approve** the request for a side street setback variance from 15 feet to 9.5 feet for a proposed privacy fence in PUD (Planned Unit Dwelling) district; or
3. **Continue** the request to a time and date certain.

| | |
|------------------------------------|---|
| <p>GENERAL INFORMATION</p> | <p>Applicant: Rafael Sanchez Pabon Location: 1900 Mitchellbrook Lane Zoning: PUD Subdivision: Oakhurst Reserve Unit Two</p> |
| <p>BACKGROUND / REQUEST</p> | <ul style="list-style-type: none"> • The applicant proposes to place a fence that will encroach 5.5 feet into the side street setback abutting Snug Harbor Drive. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. |
| <p>STAFF FINDINGS</p> | <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, |

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

| | |
|--|--|
| | <p>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.• 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. |
| <p>STAFF RECOMMENDATION</p> | <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 proposed privacy 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 # BV 2008-59
Meeting Date June 23, 08



VARIANCE APPLICATION COPY

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED MAY 07 2008

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Rafael Sanchez Pabon
Address: 1900 Mitchellbrook Ln City: Casselberry Zip code: 32707
Project Address: same City: _____ Zip code: _____
Contact number(s): (407) 949-9607
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 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. <u>NO, not built</u> | |

| 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 type="checkbox"/> Side street setback | Required setback: | Proposed setback: | <u>9.5</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: | |
| <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: Rafael Sanchez Pabon

FOR OFFICE USE ONLY

Date Submitted: 5-7-08 Reviewed By: JW
Tax parcel number: 22-21-30-515-0000-0610 Zoning/FLU PUD

- 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: _____

PREPARED FOR

MAP OF SURVEY "BOUNDARY"

LOT 61, OAKHURST RESERVE UNIT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, PAGES 47 - 51 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

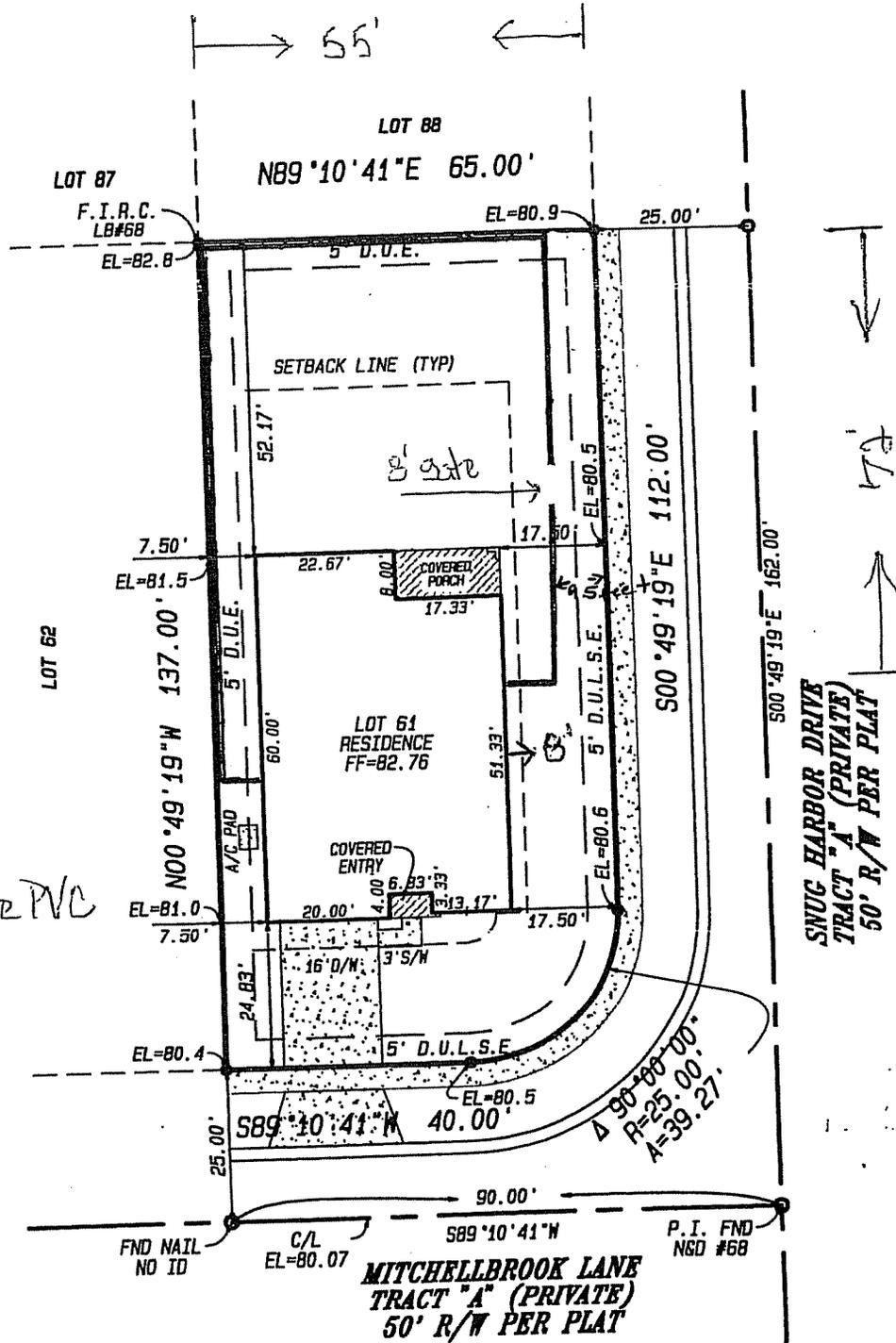


SCALE 1" = 30'



91'

Fence SPEC'S
6 height white PVC



SURVEY NOTES:

- EASEMENTS:
FRONT= 5' D.E. & U.E.
SIDES= 5' D.E. & U.E.
REAR= 5' D.E. & U.E.
- SETBACK REQUIREMENTS ARE AS FOLLOWS:
FRONT=20.00'
SIDES= 5.00'
REAR= 25.00'
SIDE STREET=15.00'
- ELEVATIONS SHOWN HEREON ARE BASED ON SEMINOLE COUNTY DATUM, NGVD 1929.
- BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF MITCHELLBROOK LANE BEING S 89°10'41" W.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT-OF-WAYS, OR ADJOINERS OF RECORD.
- UNDERGROUND UTILITIES, FOUNDATIONS, OR OTHER STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
- F.I.R.C. 5/8 LB # 6605 UNLESS NOTED

CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:
 RAFAEL SANCHEZ
 MARIA Y. AGUILU
 PULTE MORTGAGE, LLC,
 ITS SUCCESSORS AND OR ASSIGNS,
 ATIMA
 GULFATLANTIC TITLE
 LAWYERS TITLE INSURANCE CORPORATION
 PHC TITLE CORP.

PROPERTY ADDRESS:
 1900 MITCHELLBROOK LANE

I HEREBY CERTIFY THAT THE MAP OF SURVEY SHOWN HEREON IS IN ACCORDANCE WITH THE TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61017-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

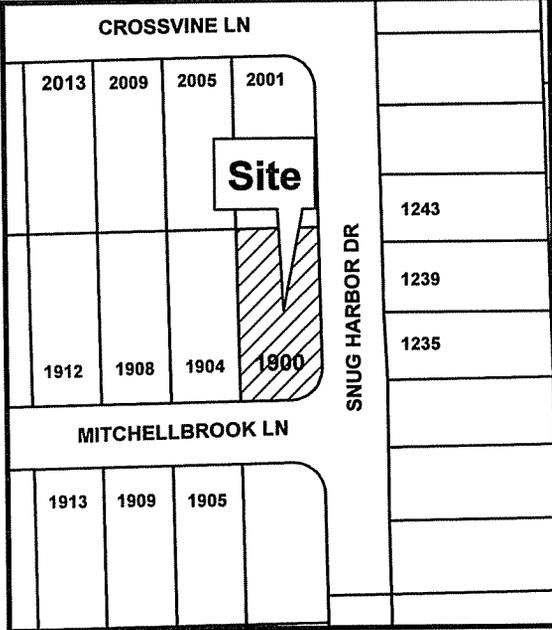
Rafael S. Pabon
 1900 Mitchellbrook Lane
 Casselberry, Florida 32707



Seminole County Board of Adjustment
 June 23, 2008
 Case: BV2008-59 (Map 3210, Grid E1)
 Parcel No: 22-21-30-515-0000-0610

Zoning

-  BV2008-59
-  A-1
-  R-1A
-  PUD

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. |
| | 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. |
| | o Please start with a clean survey (<i>ex: white out old approval stamps</i>) |
| | 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 (<i>Label existing, label proposed, and include square footage and dimensions of each</i>) |
| | o Existing and/or proposed buildings, structures and improvements (<i>Label existing, label proposed, and include square footage and dimension of each</i>) |
| | o Building height |
| | o Setbacks from each building to the property lines |
| | o Location of proposed fence(s) |
| | o 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. |

**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: Rafael Sanchez Pabon Name: _____
Address: 1900 Mitchellbrook Ln, 32707 Address: _____
Phone #: 407-949-9607 Phone #: _____

Name: _____ Name: _____
Address: _____ Address: _____
Phone #: _____ 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: _____ | Name of Corporation: _____ |
| Officers: _____ | Officers: _____ |
| Address: _____ | Address: _____ |
| Directors: _____ | Directors: _____ |
| Address: _____ | Address: _____ |
| Shareholders: _____ | Shareholders: _____ |
| Address: _____ | 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: _____ | Beneficiaries: _____ |
| Trustees: _____ | Address: _____ |
| 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: Rogael Sanchez Pabon Name of Partnership: Maria Aguila
Principal: OWNER Principal: WIFE
Address: 1900 Mitchellbrook Ln 33707 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.

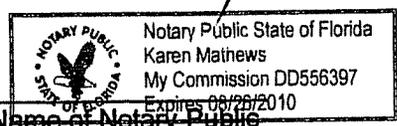
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this 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.

Date _____ Rogael Sanchez Pabon
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 7 day of May, 2008 by _____

Karen Mathews
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification Fla Drivers License
Type of Identification Produced _____

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

PARCEL DETAIL

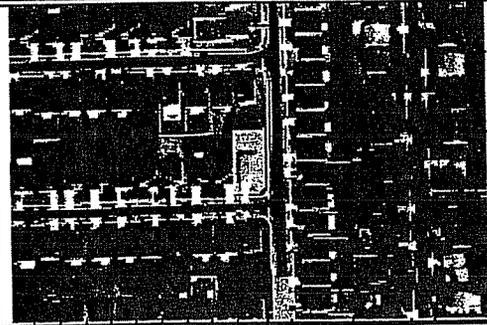
DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1488
407-665-7508

| | | | | | | | | | | | | |
|--------------|-----|-----|-----|-----|-----|-----|-----|----|-----|----|----|----|
| 95 | 94 | 93 | 92 | 91 | 90 | 89 | 111 | 10 | 43 | 78 | | |
| CROSSVINE LN | | | | | | | | 9 | 42 | 79 | | |
| 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 8 | 41 | 80 |
| 70 | 69 | 68 | 67 | 66 | 65 | 64 | 63 | 62 | 61 | 7 | 40 | 81 |
| TRACT A | | | | | | | | 6 | 39 | 82 | | |
| 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 60 | 5 | 38 | 83 |
| 132 | 134 | 132 | 137 | 132 | 140 | 4 | 37 | 84 | 3 | 36 | 85 | |
| | | | | | | 2 | 35 | | 1 | 34 | | |
| | | | | | | 104 | 35 | | 103 | 35 | | |



GENERAL

Parcel Id: 22-21-30-515-0000-0610
 Owner: PABON RAFAEL S &
 Own/Addr: AQUILU MARIA
 Mailing Address: 1900 MITCHELLBROOK LN
 City,State,ZipCode: CASSELBERRY FL 32707
 Property Address: 1900 MITCHELLBROOK LN CASSELBERRY 32707
 Subdivision Name: OAKHURST RESERVE UNIT TWO
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2007)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$173,121
 Depreciated EXFT Value: \$0
 Land Value (Market): \$40,000
 Land Value Ag: \$0
Just/Market Value: \$213,121
 Assessed Value (SOH): \$213,121
 Exempt Value: \$25,000
 Taxable Value: \$188,121

Tax Estimator
Portability Calculator

SALES

| Deed | Date | Book | Page | Amount | Vac/Imp | Qualified |
|-----------------------|---------|-------|------|-----------|----------|-----------|
| SPECIAL WARRANTY DEED | 02/2004 | 05226 | 1252 | \$193,300 | Improved | Yes |

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

Tax Amount(without SOH): \$3,531
2007 Tax Bill Amount: \$3,531
Save Our Homes (SOH) Savings: \$0
2007 Taxable Value: \$239,097
 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:

LOT 61 OAKHURST RESERVE UNIT TWO PB
63 PGS 47 - 51

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 | 2004 | 8 | 1,814 | 2,387 | 1,814 | CB/STUCCO FINISH | \$173,121 | \$176,654 |

Appendage / Sqft GARAGE FINISHED / 409
 Appendage / Sqft OPEN PORCH FINISHED / 28
 Appendage / Sqft OPEN PORCH FINISHED / 136

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

Permits

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.

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:

Lot 61 Oakhurst Reserve Unit Two PB 63 PGS 47 - 51

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

FINDINGS OF FACT

Property Owner: Rafael Sanchez Pabon
1900 Mitchellbrook Lane
Casselberry, FI 32707

Project Name: Mitchellbrook Lane(1900)

Requested Development Approval:

Request for a side street setback variance from 15 feet to 9.5 feet for a proposed privacy fence along Snug Harbor Drive in PUD (Planned Unit 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 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:

Lot 61 Oakhurst Reserve Unit Two PB 63 PGS 47 - 51

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

FINDINGS OF FACT

Property Owner: Rafael Sanchez Pabon
1900 Mitchellbrook Lane
Casselberry, FI 32707

Project Name: Mitchellbrook Lane(1900)

Requested Development Approval:

Request for a side street setback variance from 15 feet to 9.5 feet for a proposed privacy fence along Snug Harbor Drive in PUD (Planned Unit Dwelling) district

The Development Approval was sought construct a 6 foot privacy fence within the side street 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: