

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

SUBJECT: 483 Allison Avenue – Thomas R. Smith, Sr., applicant; Request for a side street setback variance from 25 feet to 0.5 feet for an existing fence in R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 12/01/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street setback variance from 25 feet to 0.5 feet for an existing fence in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a side street setback variance from 25 feet to 0.5 feet for an existing fence in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Thomas R. Smith, Sr. Location: 483 Allison Avenue Zoning: R-1AA (Single Family Dwelling) district Subdivision: Sanlando Springs</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant installed a 6-foot privacy fence that replaced a chain link fence. • The privacy fence encroaches 24.5 feet into the required 25-foot side street setback. • A citation was issued for the installation of the fence. • Traffic Engineering has reviewed the request and finds no safety issue regarding the placement of this fence. • There is no record of prior variances for this property.

Reviewed by: PLC
Co Atty: AS
Pln Mgr: AS

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 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 6-foot wood fence within the side street setback 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 2008-106
Meeting Date 12-1-08

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: THOMAS R. SMITH SR
Address: 483 ALLISON AVENUE City: LONGWOOD Zip code: 32750
Project Address: _____ City: _____ Zip code: _____
Contact number(s): 407 260 5692 407 920 9151
Email address: spectech@sprintmail.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 FOOT HIGH WOOD PRIVACY</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 checked="" 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 type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25'</u>	Proposed setback: <u>6"</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: _____

PLAT OF SURVEY

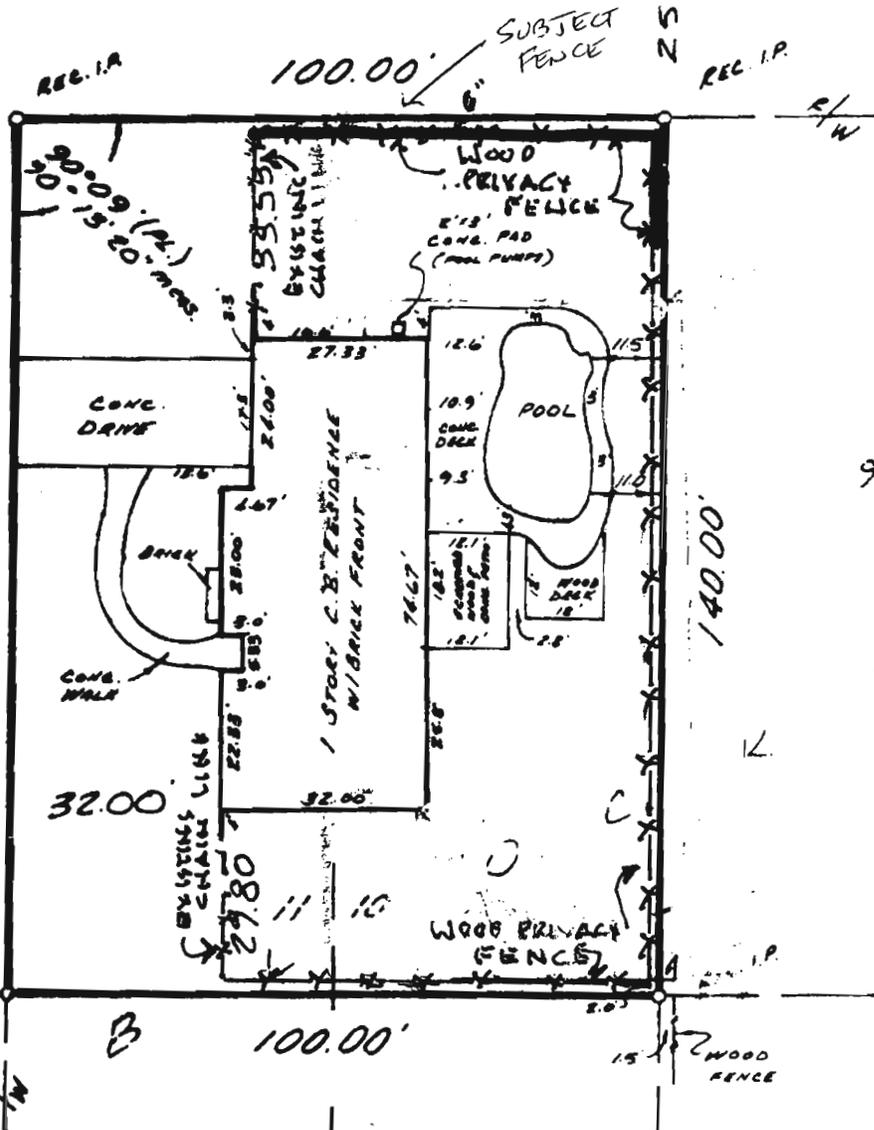
THOMAS ROBERT SMITH, SR. & JUDY C. SMITH

DESCRIPTION LOTS 10 & 11, BLOCK "C" SANLANDO SPRINGS TRACT NO. 15 SECOND REPLAT

RECORDED IN PLAT BOOK 9 PAGE(S) 7 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

ALBERTA STREET

ALLISON AVENUE



THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PRONE AREA

(#403)

SCALE
1" = 30'

**HENRICH, TROTTER,
CARTER, & AYERS, INC.
LAND SURVEYORS**

636 N. WYMORE ROAD
WINTER PARK, FLORIDA 32789
(306) 847-7348

DATE OF:
BOUNDARY 6-19-86
FOUND 6-19-86
FINAL 6-19-86

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 FLORIDA STATUTES

CERTIFIED CORRECT:

M. E. Ayers
REG. LAND SURVEYOR NO. 2003

FILE NO.

4776-86

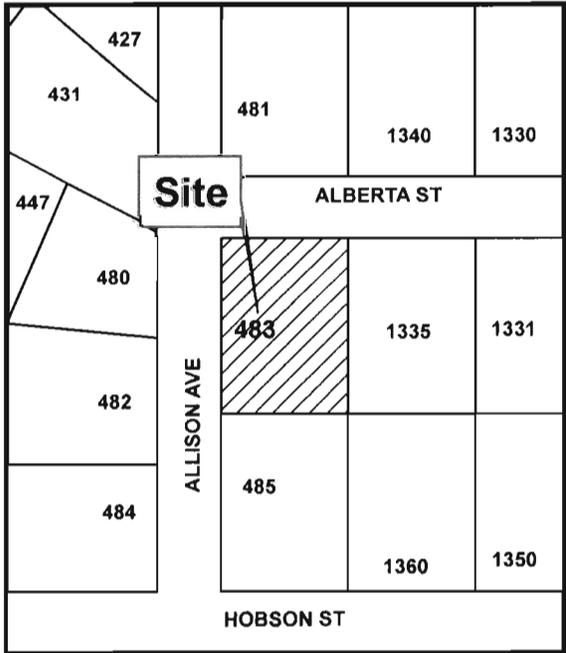
Thomas R. Smith, Sr
 483 Allison Avenue
 Longwood, Florida 32750



Seminole County Board of Adjustment
 December 1, 2008
 Case: BV2008-106 (Map 3156 Grid A4)
 Parcel No: 01-21-29-5CK-150C-0100

Zoning

-  BV2008-106
-  A-1
-  R-1AAA
-  R-1AA

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: <u>THOMAS R. & JUDY C. SMITH</u>	Name: _____
Address: <u>483 ALLISON AVE</u>	Address: _____
City/Zip: <u>LONGWOOD 32750</u>	City/Zip: _____
Phone #: <u>407 260 5692</u>	Phone #: _____

Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
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: _____
City/Zip: _____	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
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: _____	City/Zip: _____
City/Zip: _____	_____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

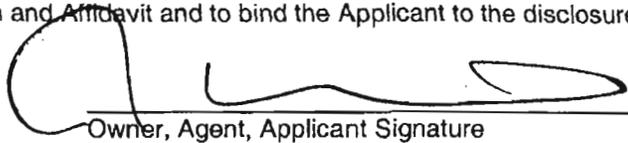
Contract Vendee:	Contract Vendee:
Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____

(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.

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.

10-10-08
Date


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 10th day of October, 2008 by Thomas R. Smith Sr.

Darlene McGuire Darlene McGuire
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced Fl. Driver's License



For Use by Planning & Development Staff

Date: _____ Application Number: _____

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7505</p>																																																				
<p align="center">GENERAL</p> <p>Parcel Id: 01-21-29-5CK-150C-0100 Owner: SMITH THOMAS R SR & JUDY C Mailing Address: 483 ALLISON AVE City,State,ZipCode: LONGWOOD FL 32750 Property Address: 483 ALLISON AVE LONGWOOD 32750 Subdivision Name: SANLANDO SPRINGS Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$146,089</td> <td align="right">\$147,433</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$4,566</td> <td align="right">\$4,566</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$44,550</td> <td align="right">\$44,550</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$195,205</td> <td align="right">\$196,549</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$78,149</td> <td align="right">\$82,902</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$117,056</td> <td align="right">\$113,647</td> </tr> </tbody> </table> <p align="center">Tax Estimator Portability Calculator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$146,089	\$147,433	Depreciated EXFT Value	\$4,566	\$4,566	Land Value (Market)	\$44,550	\$44,550	Land Value Ag	\$0	\$0	Just/Market Value	\$195,205	\$196,549	Portability Adj	\$0	\$0	Save Our Homes Adj	\$78,149	\$82,902	Assessed Value (SOH)	\$117,056	\$113,647																	
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**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On December 1, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 10 & 11 BLK C TRACT 15 SANLANDO SPRINGS
PB 9 PG 7

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

FINDINGS OF FACT

Property Owner: Thomas R Sr & Judy C Smith
483 Allison Ave
Longwood FL 32750

Project Name: Allison Avenue (483)

Requested Variance:

Side street setback variance from 25 feet to 0.5 feet for an existing fence in R-1AA (Single Family Dwelling) district:

Approval was sought to bring into compliance the construction of a 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: Denny Gibbs, Senior 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:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 1, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 10 & 11 BLK C TRACT 15 SANLANDO SPRINGS
PB 9 PG 7

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

FINDINGS OF FACT

Property Owner: Thomas R Sr & Judy C Smith
483 Allison Ave
Longwood FL 32750

Project Name: Allison Avenue (483)

Variance Approval:

Side street setback variance from 25 feet to 0.5 feet for an existing fence in R-1AA (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: 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:
 - a. The variance granted will apply only to the 6-foot wood fence within the side street setback 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: