Item #BV2008-121

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: **1420 W Marvin Street** - Catherine Ponsell, applicant; Request for a side street (west) setback variance from 25 feet to 0 feet for an existing privacy fence in R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 01/26/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street (west) setback variance from 25 feet to 0 feet for an existing privacy fence in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a side street (west) setback variance from 25 feet to 0 feet for an existing privacy fence in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Catherine Ponsell
	Location:	1420 W Marvin Street
	Zoning:	R-1AA (Single Family Dwelling) district
	Subdivision:	Sanlando Springs
BACKGROUND / REQUEST	• The applicant is requesting a side street variance for an existing privacy fence that is encroaching 25 feet into the required 25-foot side street setback. • A notice of code violation was issued on December 2, 2008, for the un-permitted construction of the fence when the applicant replaced boards on 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	

Reviewed by:
Co Atty: GLC
Pln Mgr: AB

	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	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: • Any variance granted shall apply only to the side street (west) setback for 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
- ☒ 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 2008-121
Meeting Date 1-26-09

COPY

VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED DEC 0 3 2008

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

Name: Catherine Ponsell
Address: 1420 W Marvin St City: Longwood Zip code: 32750
Project Address: SAME City: Zip code:
Tax Parcel number: 01-21-29-5CK-240F-0110
Contact number(s): 407 831 6767
Email address: cponsell@cfl.rr.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?	
[ ] **Shed**	*Please describe:*
[X] **Fence**	*Please describe:* Existing fence many years replaced boards
[ ] **Pool**	*Please describe:*
[ ] **Pool screen enclosure**	*Please describe:*
[ ] **Covered screen room**	*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:	
[X] **Side street setback**	Required setback:	25	Proposed setback:	Ø
[ ] **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:	

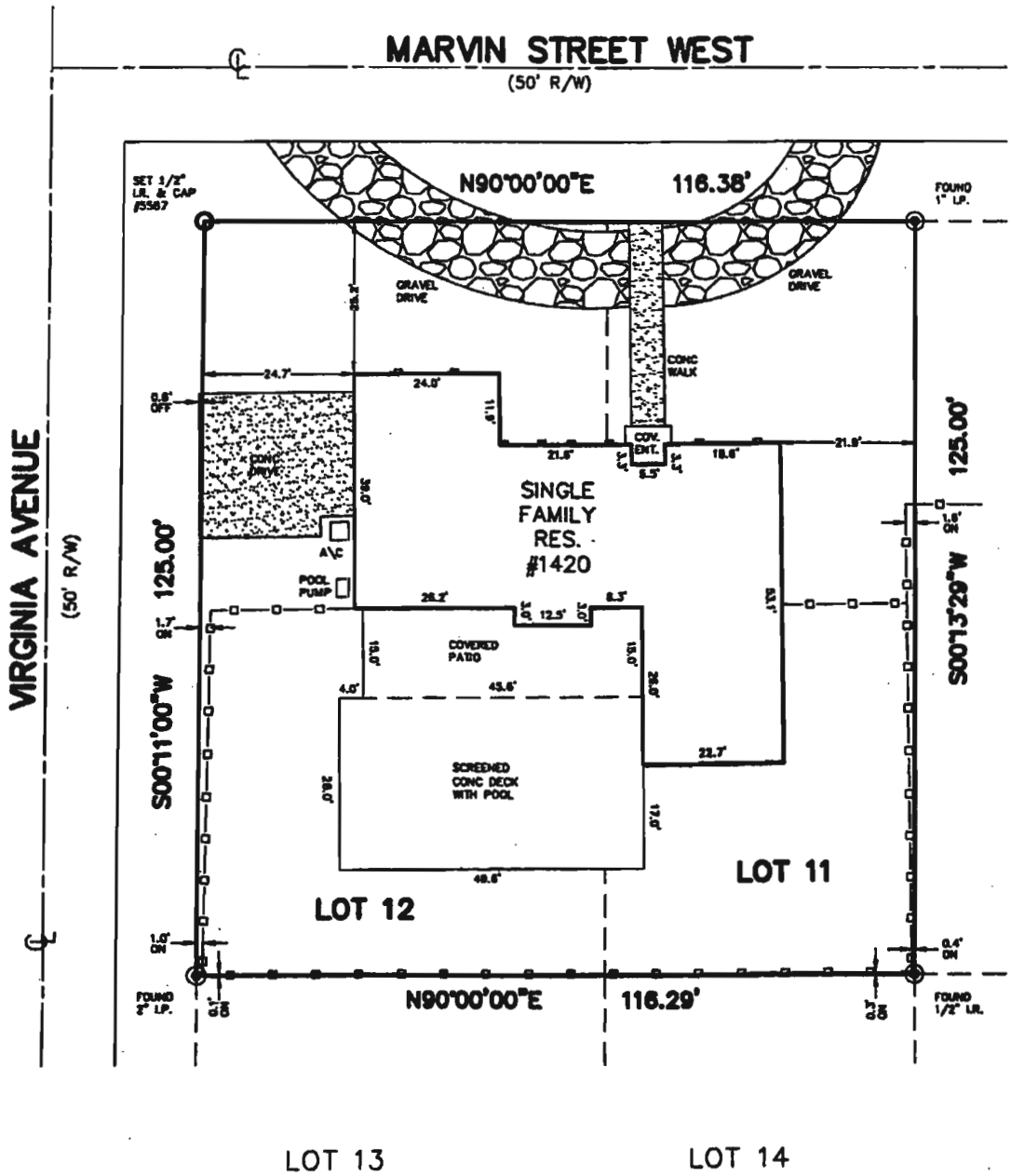
[ ] **Total number of variances requested** 1

Signed: Catherine Ponsell ***Date:*** 12-03-08

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOTS 11 & 12, BLOCK "F", SANLANDO SPRINGS TRACT NO. 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4 PAGE(S) 78 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SCALE: 1" = 30 FEET



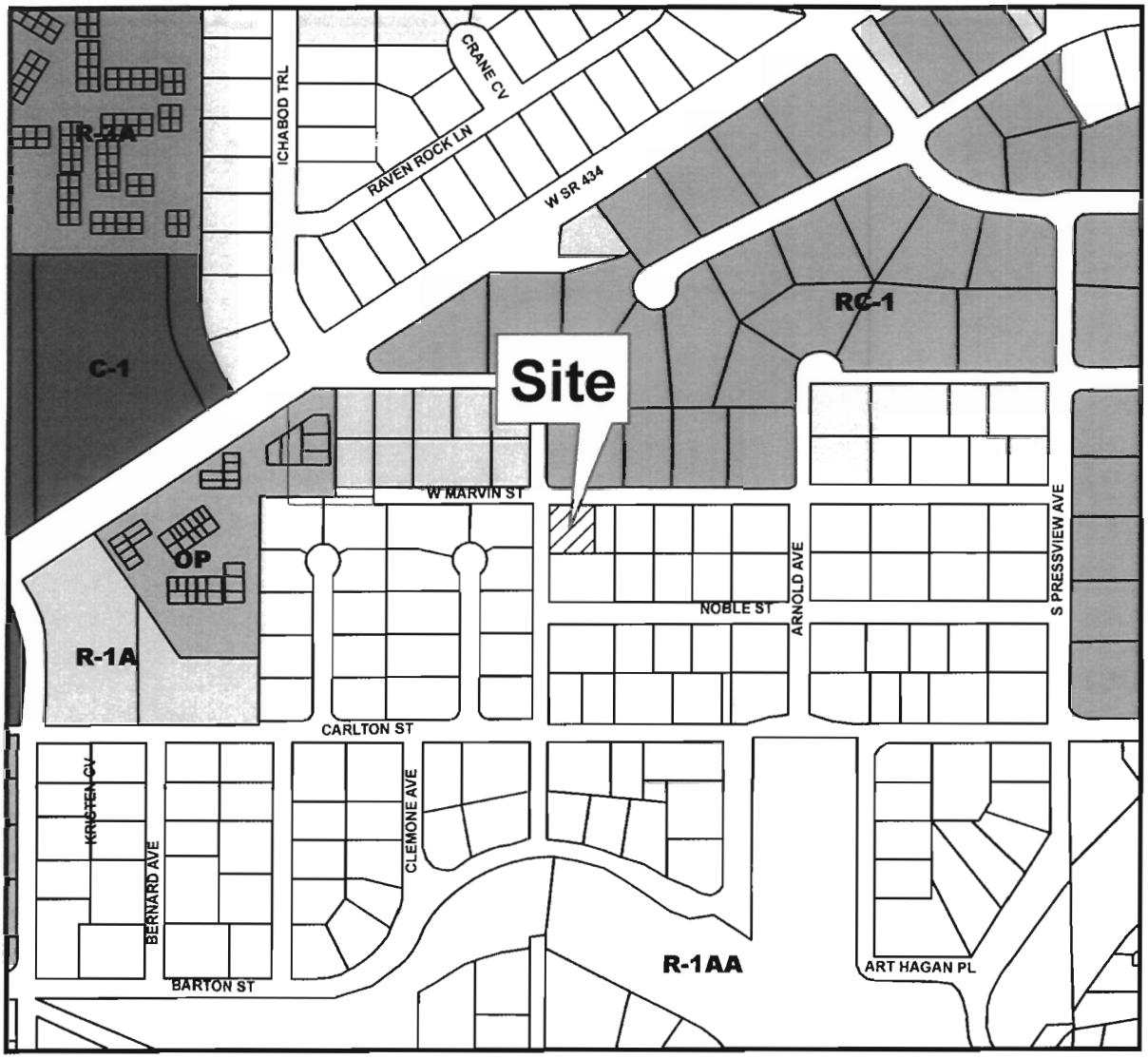
LEGEND:

- CONCRETE
- SET 1/2" REBAR & CAP PSM # 5567
- FOUND PROPERTY CORNER
- FOUND 4" X 4" CONCRETE MONUMENT # ____
- WELL
- GAS METER
- FIRE HYDRANT
- CENTERLINE

NR = NOT RADIAL
RAD = RADIAL
R = RADIUS
Δ = CENTRAL ANGLE
L = ARC LENGTH
CH.BRG. = CHORD BEARING
LS. = LAND SURVEYOR
LB. = LAND SURVEYING BUSINESS
M = MEASURED
P = PLAT
PRM = PERMANENT REFERENCE MONUMENT

CONC. = CONCRETE
C.B. = CONCRETE BLOCK
W.F. = WOOD FRAME
COV. = COVERED
ENT. = ENTRANCE
WM. = WATER METER
WPP = WOOD POWER POLE
CPP = CONC. POWER POLE
A/C = AIR CONDITIONER
R/W = RIGHT OF WAY
I.R. = IRON ROD

Catherine Ponsell
1420 W Marvin Street
Longwood, Florida 32750



Seminole County Board of Adjustment
January 26, 2009
Case: BV2008-121 (Map 3155 Grid D3)
Parcel No: 01-21-29-5CK-240F-0110

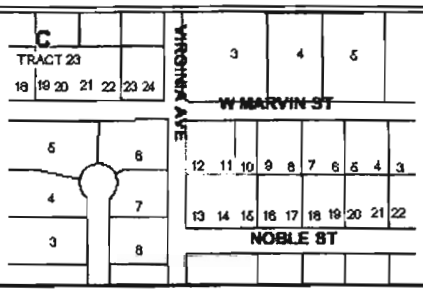
Zoning

- BV2008-121
- RC-1
- R-1AA
- R-1A
- R-3A
- OP
- C-1

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: 01-21-29-5CK-240F-0110
Owner: PONSELL CATHERINE L
Mailing Address: 1420 W MARVIN ST
City,State,ZipCode: LONGWOOD FL 32750
Property Address: 1420 MARVIN ST W LONGWOOD 32750
Subdivision Name: SANLANDO SPRINGS
Tax District: 01-COUNTY-TX DIST 1
Exemptions: 00-HOMESTEAD (2002)
Dor: 01-SINGLE FAMILY

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	$162,391	$177,961
Depreciated EXFT Value	$8,949	$9,096
Land Value (Market)	$48,546	$48,546
Land Value Ag	$0	$0
Just/Market Value	$219,886	$235,603
Portability Adj	$0	$0
Save Our Homes Adj	$48,312	$69,026
Assessed Value (SOH)	$171,574	$166,577

Tax Estimator

Portability Calculator

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	$171,574	$50,500	$121,074
Schools	$171,574	$25,500	$146,074
Fire	$171,574	$50,500	$121,074
Road District	$171,574	$50,500	$121,074
SJWM(Saint Johns Water Management)	$171,574	$50,500	$121,074
County Bonds	$171,574	$50,500	$121,074

Potential Portability Amount is $48,312
The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	08/2001	04170	0567	$215,000	Improved	Yes
WARRANTY DEED	06/1999	03687	0320	$163,000	Improved	Yes
WARRANTY DEED	10/1988	02012	0272	$130,000	Improved	Yes
WARRANTY DEED	01/1974	01008	1767	$56,700	Improved	Yes
WARRANTY DEED	01/1973	00977	1140	$8,900	Vacant	No

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH):	$3,548
2008 Tax Bill Amount:	$1,937
Save Our Homes (SOH) Savings:	*$1,611*

2008 Certified Taxable Value and Taxes
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	116	125	.000	450.00	$48,546

LEGAL DESCRIPTION

PLATS: Pick...

LEG LOTS 11 & 12 BLK F TRACT 24 SANLANDO SPRINGS PB 4 PG 78

BUILDING INFORMATION

	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
Building Sketch	1	SINGLE FAMILY	1974	6	2,172	2,858	2,172	EW CONCRETE BLOCK	$162,391	$193,900

Appendage / Sqft	UTILITY FINISHED / 66
Appendage / Sqft	OPEN PORCH FINISHED / 20
Appendage / Sqft	GARAGE FINISHED / 600

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
FIREPLACE	1974	1	$600	$1,500
ALUM PORCH W/CONC FL	1979	320	$832	$2,080
CONCRETE PATIO	1979	664	$664	$1,660
POOL GUNITE	1979	544	$4,352	$10,880
SCREEN ENCLOSURE	1996	2,205	$2,501	$4,410

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.*

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1420 W MARVIN ST

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF THE FLORIDA BUILDING CODE CHAPTER ONE, SECTION 105.1, PERMITS REQUIRED.

DESCRIPTION OF VIOLATION:

INSTALLED OR REPLACED A WOOD PRIVACY FENCE WITHOUT PERMITS.

CORRECTIVE ACTIONS:

** OBTAIN REQUIRED PERMITS FOR ALL WORK THAT IS BEING DONE. **

THE ABOVE CORRECTIVE ACTIONS MUST BE TAKEN BY: 12-16-08

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS AUTHORITY TO LEVY FINES UP TO $250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

☐ IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS

SEMINOLE COUNTY
FLORIDA'S NATURAL CHOICE

For further information contact:

Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771
PHONE: (407) 665-7465 OR (407) 665-7423

DATE: 12-2-08
CASE NO: 08-478

INSPECTOR: Jason Rucker, (407) 665-7465
Cell Number, (407) 463-7638

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: Catherine Ponsell
Address: 1420 W Marvin ST
Phone #: 4078316767

Name: _____
Address: _____
Phone #: _____

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.)

Form #
Date

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.

12-03-08
Date

Catherine Ponsell
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 3 day of December, 2008 by Catherine Ponsell.

Notary Public State of Florida
Karen Mathews
My Commission DD556397
Expires 08/26/2010

Karen Mathews
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced Florida Drivers License

For Use by Planning & Development Staff

Date:_____ Application Number:_____

Form #
Date

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 11 & 12 BLK F TRACT 24
SANLANDO SPRINGS PB 4 PG 78

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

FINDINGS OF FACT

Property Owner: Catherine Ponsell
1420 W Marvin Street
Longwood, FL 32750

Project Name: W Marvin Street (1420)

Requested Variance:

Request for a side street (west) setback variance from 25 feet to 0 feet for an existing privacy fence in R-1AA (Single Family Dwelling) district.

Approval was sought to bring into compliance a privacy fence that is encroaching in 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: Joy Williams, 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 _____, 2009.

_____
Notary Public, in and for the County and State Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 11 & 12 BLK F TRACT 24
SANLANDO SPRINGS PB 4 PG 78

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

FINDINGS OF FACT

Property Owner: Catherine Ponsell
1420 W Marvin Street
Longwood, FL 32750

Project Name: W Marvin Street (1420)

Variance Approval:

For a side street (west) setback variance from 25 feet to 0 feet for an existing privacy 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 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:

a. The variance granted will apply only to the side street (west) setback for a privacy 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: _____
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.

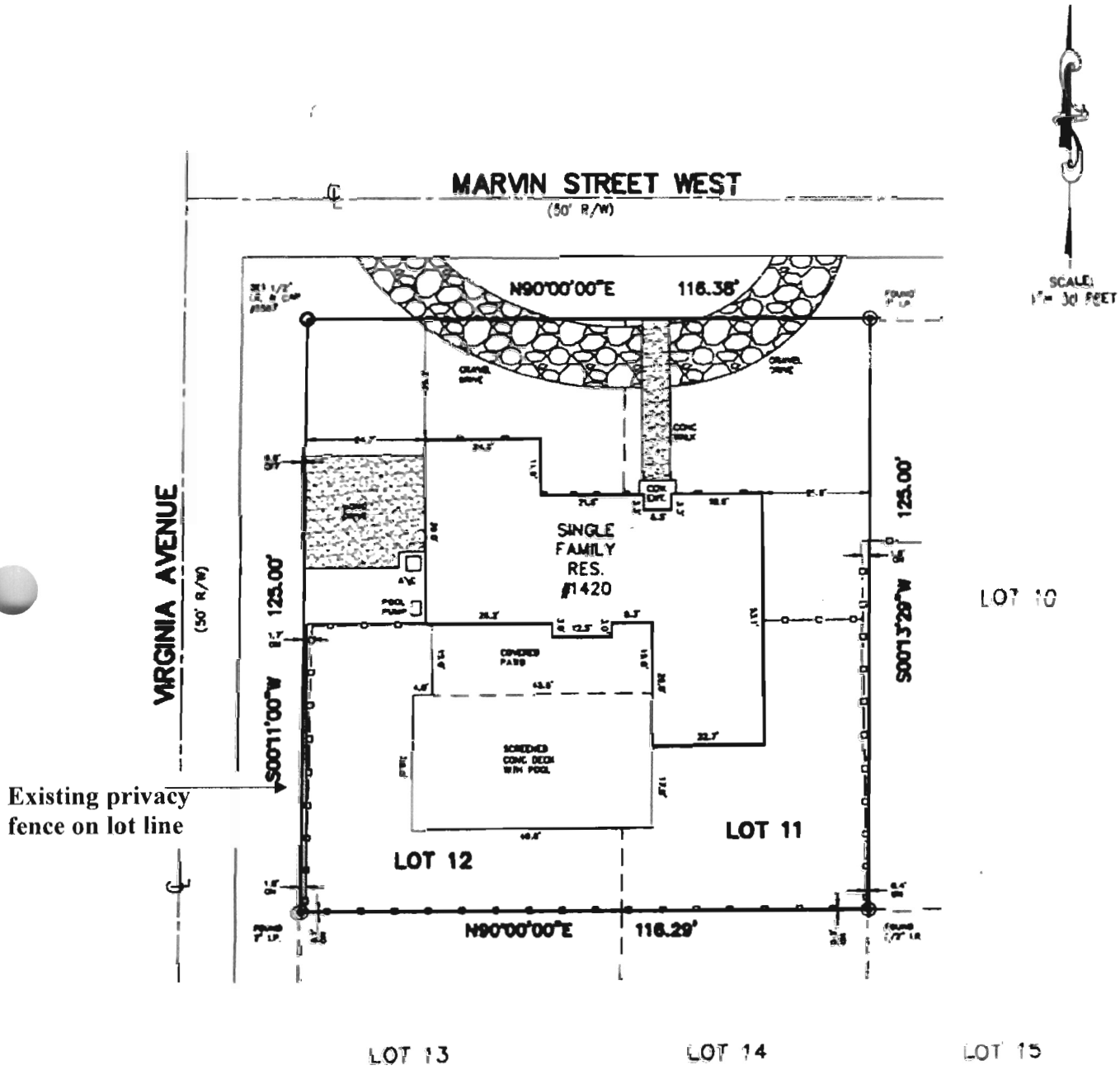
WITNESS my hand and official seal in the County and State last aforesaid this _____day of _____, 2009.

_____
Notary Public, in and for the County and State Aforementioned

My Commission Expires:

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOTS 11 & 12, BLOCK "F", SANLANDO SPRINGS TRACT NO. 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4 PAGE(S) 78 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



Existing privacy fence on lot line

LEGEND:

- = CONCRETE
- = SET 1/2" REBAR & CAP PSM # 5567
- = FOUND PROPERTY CORNER
- = FOUND 4" X 4" CONCRETE MONUMENT # ____
- = WELL
- = GAS METER
- = FIRE HYDRANT

NR = NOT RADIAL
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Δ = CENTRAL ANGLE
L = ARC LENGTH
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