Item #BV2009-06

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: **499 Beach Avenue** – Weldon Brenton; Request for a side street setback variance from 25 feet to 0 feet for an existing privacy fence in the R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 02/23/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	Applicant:	Weldon Brenton
	Location:	499 Beach Avenue
	Zoning:	R-1AA
	Subdivision:	Sanlando Springs
BACKGROUND / REQUEST	• The applicant replaced a chain link fence with a privacy fence without a permit. • In January he was cited for not obtaining a permit for the privacy fence and it was determined that the fence also encroached entirely into the side street setback. • 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 are peculiar to the land, structure, or building involved and which are not applicable to other lands,	

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	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 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 # BV2009-06
Meeting Date 2-23-09

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: WELDON BRENTON

Address: 499 BEACH AVENUE City: LONGWOOD Zip code: 32750

Project Address: 499 BEACH AVENUE City: Zip code:

Tax Parcel number: 01-21-29-5CK-150H-0100

Contact number(s): 407-331-6550

Email address: LBRENTON@CFL.RR.COM

Is the property available for inspection without an appointment? RECEIVED JAN 15 2008

[X] 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:* REPLACED EXISTING CHAIN LINK FENCE WITH WOOD FENCE
[ ] **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 FT	Proposed setback:	0 FT FOR EXISTING FENCE
[ ] **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:	
[1] **Total number of variances requested** 1				

Signed: _____ ***Date:*** 1/15/09

FOR OFFICE USE ONLY

Date Submitted: 1-15-09 Reviewed By: P. Johnson

Zoning/FLU R-1AA / 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: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

	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. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at *http://www.seminolecountyfl.gov/pd/planning/forms.asp*
	4. 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, drain field and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> 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)*
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

1/15/2009

To: Seminole County Board of Adjustment

From: Weldon Brenton

Re: Request for variance

I am requesting a variance for a fence that I had to replace on my property located at 499 Beach Avenue. Back in October of 2008, a very large tree limb fell from my neighbor's yard onto a chain link fence that surrounded my backyard since I purchased the property in 2001. My neighbor agreed to replace the fence; however he was having difficulty getting someone out to fix it. Since I have small children and dogs that both use the back yard, I decided rather than replace the existing fence with chain link I would put up a wood privacy fence. I was under the false understanding that since I was replacing an existing fence, I did not need to request a permit for the work, and proceeded to construct the fence over a few weekends, installing it in the exact location of the existing chain link fence.

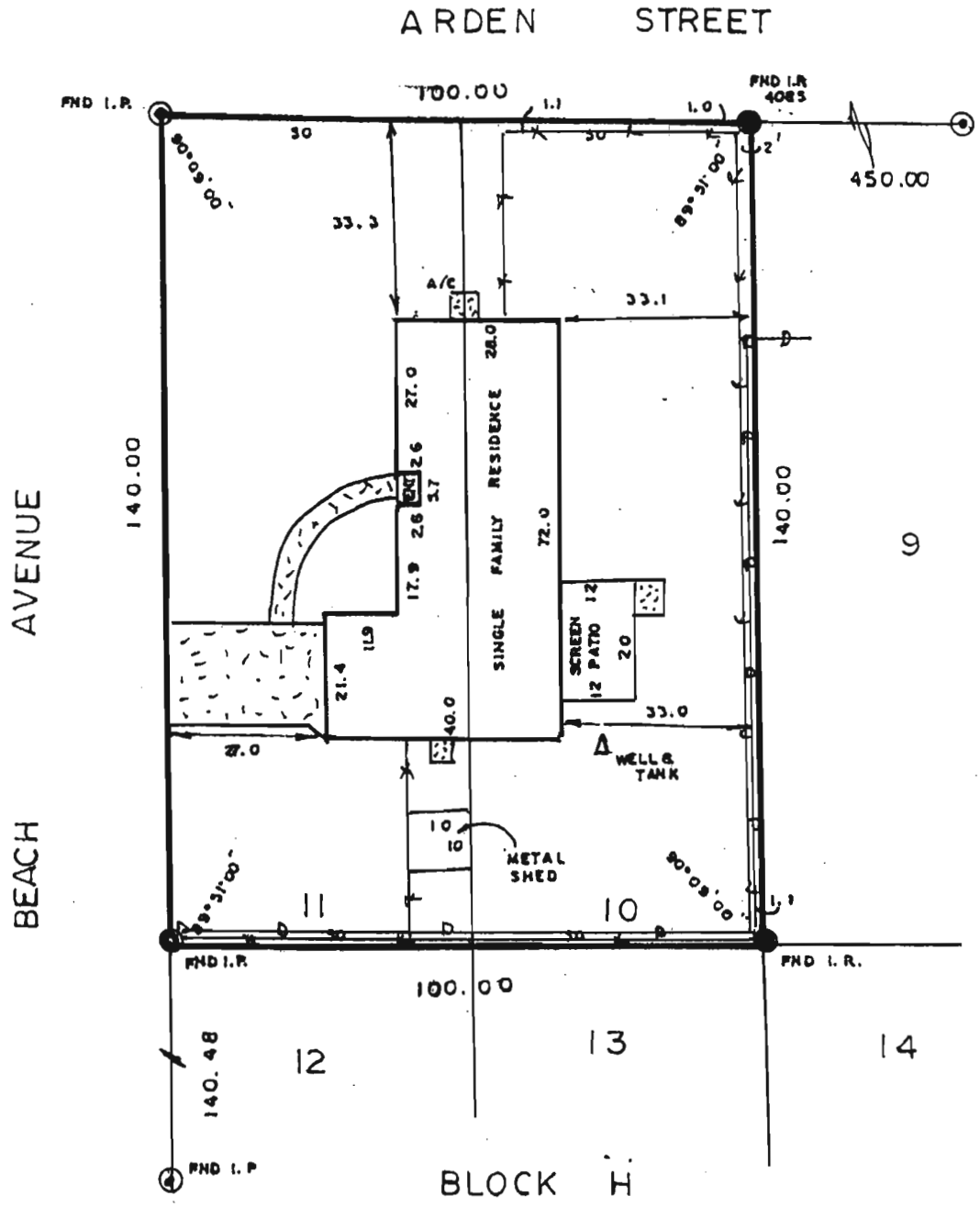
On Monday, January 12th, I received notice that I was in violation of county code for not obtaining a permit to put up the wood privacy fence. I immediately tried to rectify the situation, and appeared at the Seminole County Building Department on Tuesday the 13th. While attempting to obtain a permit, I was informed that the fence had to have a setback of 25 feet from the property line, and that my replacement fence was out of code.

I understand the need for rules and codes; however I am requesting the variance simply to allow me to have the fence in the same location as the existing chain link fence that has stood since I purchased the property back in 2001.

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOTS 10 & 11, BLOCK "H", SANLANDO SPRINGS, TRACT 15, SECOND REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 7, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

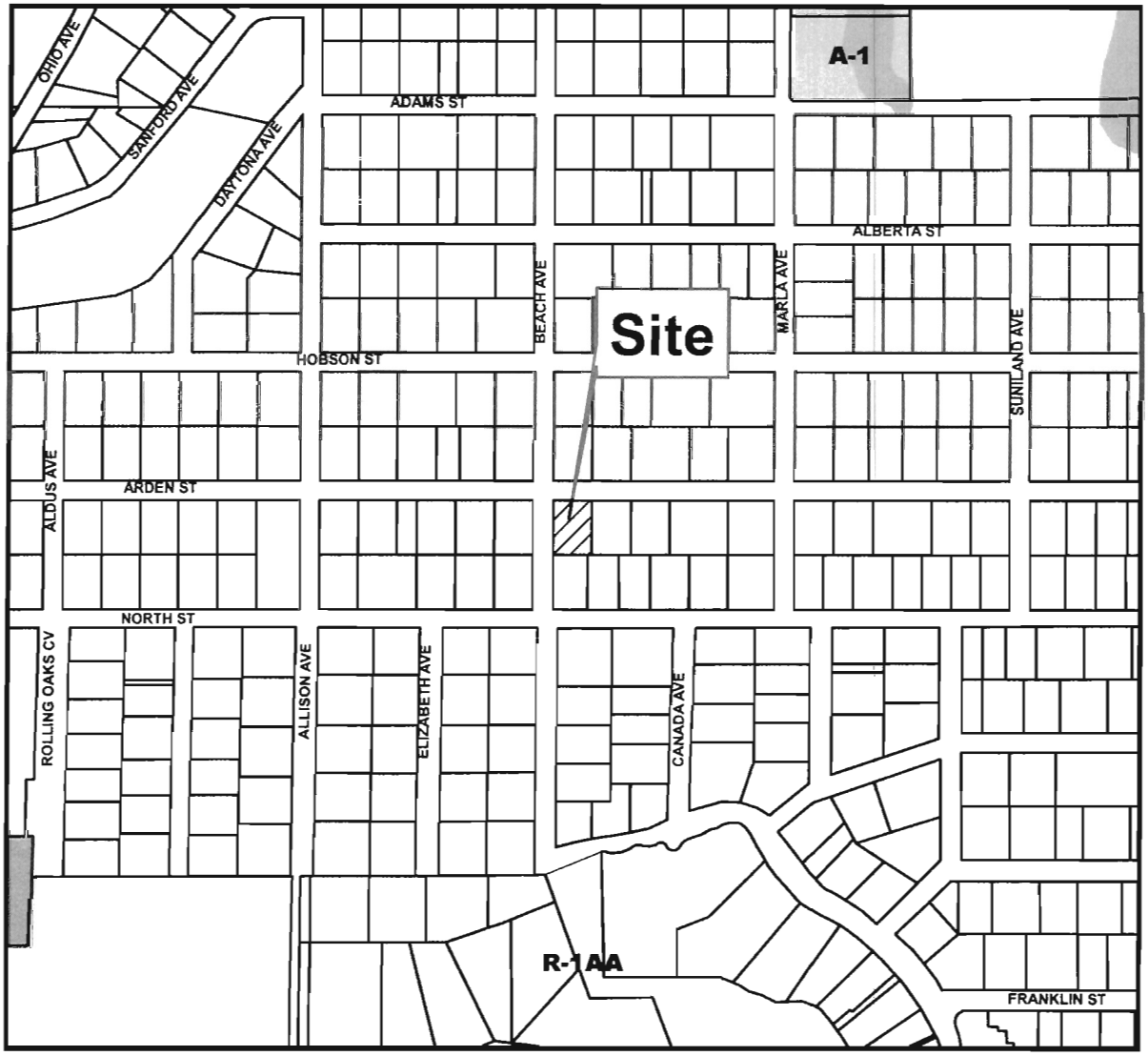
THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING AS PER F.I.R.M. COMMUNITY PANEL NUMBER 120289 0140 B, SEMINOLE COUNTY, FLORIDA. MAP DATED MAY 5, 1981.



CERTIFIED TO: BENCHMARK TITLE AGENCY, INC.
COMMONWEALTH LAND TITLE INSURANCE COMPANY
COUNTRYWIDE HOME LOANS, INC.
WELDON J. BRENTON & LORI A. BRENTON

499 BEACH AVENUE

Weldon Brenton
499 Beach Avenue
Longwood, Florida 32750

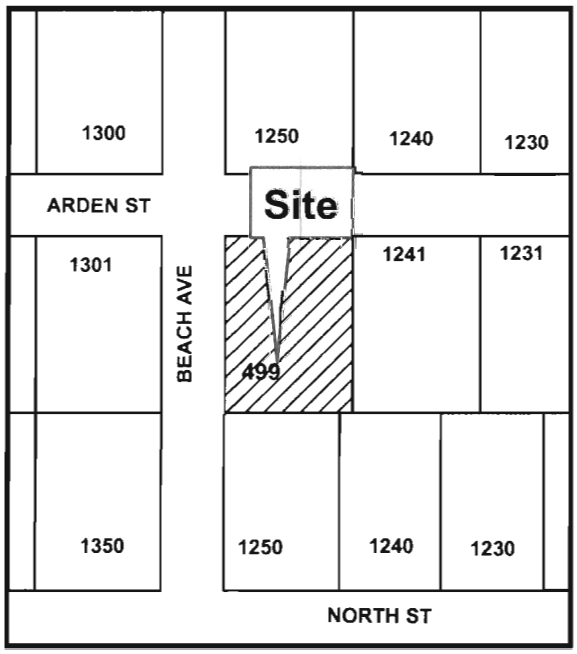


Seminole County Board of Adjustment
February 23, 2009
Case: BV2009-06 (Map 3156 Grid A4)
Parcel No: 01-21-29-5CK-150H-0100

Zoning

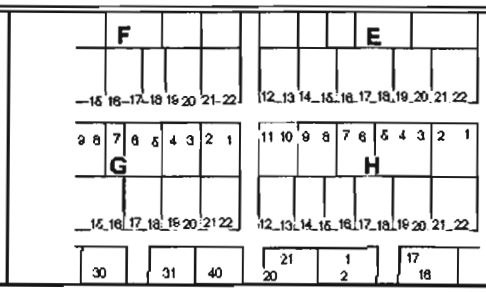
- BV2009-06
- A-1
- R-1AA
- R-3A

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-150H-0100
Owner: BRENTON LORI A & WELDON
Mailing Address: 499 BEACH AVE
City,State,ZipCode: LONGWOOD FL 32750
Property Address: 499 BEACH & ARDEN 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	$126,121	$138,117
Depreciated EXFT Value	$1,110	$1,110
Land Value (Market)	$44,550	$44,550
Land Value Ag	$0	$0
Just/Market Value	$171,781	$183,777
Portablity Adj	$0	$0
Save Our Homes Adj	$41,885	$57,664
Assessed Value (SOH)	$129,896	$126,113

Tax Estimator

Portability Calculator

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	$129,896	$50,000	$79,896
Schools	$129,896	$25,000	$104,896
Fire	$129,896	$50,000	$79,896
Road District	$129,896	$50,000	$79,896
SJWM(Saint Johns Water Management)	$129,896	$50,000	$79,896
County Bonds	$129,896	$50,000	$79,896

Potential Portability Amount is $41,885
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	03/2001	04022	0015	$126,000	Improved	Yes
QUIT CLAIM DEED	01/1987	01821	0228	$100	Improved	No
WARRANTY DEED	11/1984	01595	0017	$68,000	Improved	Yes
WARRANTY DEED	01/1977	01118	0550	$39,000	Improved	Yes
WARRANTY DEED	01/1971	00895	0592	$27,700	Improved	Yes

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH):	$2,768
2008 Tax Bill Amount:	$1,335
Save Our Homes (SOH) Savings:	*$1,433*

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	100	140	.000	450.00	$44,550

LEGAL DESCRIPTION

PLATS: Pick...

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

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	1971	6	1,701	2,268	1,701	EW CONCRETE BLOCK	$126,121	$154,750

Appendage / Sqft OPEN PORCH FINISHED / 21
Appendage / Sqft GARAGE FINISHED / 546

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

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM SCREEN PORCH W/CONC FL	1971	150	$510	$1,275
FIREPLACE	1971	1	$600	$1,500

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
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☒ Individual ☐ Corporation ☐ Land Trust

☐ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

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	ADDRESS	PHONE NUMBER
WELDON J. BRENTON	499 BEACH AVE	407-331-6550
LORI A. BRENTON	499 BEACH AVE	407-331-6550

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

1/15/09
Date

Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 15th day of JANUARY, 2009 by Weldon Brenton.

Patricia Johnson
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

PATRICIA JOHNSON
Comm# DD0759966
Expires: 2/18/2010
Florida Notary Assn., Inc

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

For Use by Planning & Development Staff

Date:_____ Application Number:_____

Rev. 11/08
Ref. Ord. #2007-23

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 23, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lots 10 & 11 Blk H Tract 15 Sanlando Springs Pb 9 Pg 7

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

FINDINGS OF FACT

Property Owner: Weldon Brenton
499 Beach Avenue
Longwood, Fl. 32750

Project Name: Beach Avenue (499)

Variance Approval:

Side street setback variance from 25 feet to 0 feet for a privacy fence.

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: 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 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:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 23, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lots 10 & 11 Blk H Tract 15 Sanlando Springs Pb 9 Pg 7

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

FINDINGS OF FACT

Property Owner: Weldon Brenton
499 Beach Avenue
Longwood, Fl. 32750

Project Name: Beach Avenue (499)

Variance Approval:

Side street setback variance from 25 feet to 0 feet for a privacy fence.

Approval was sought to bring into compliance the construction of an existing 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 _____, 2009.

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

My Commission Expires: