

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

SUBJECT: 624 Tuskawilla Point Lane – Yvonne Elaine Franke, applicant; Request for a fence height variance from 6.5 feet to 8 feet in R-1A (Single Family Dwelling) district.

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

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

Agenda Date 8/24/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a fence height variance from 6.5 feet to 8 feet in R-1A (Single Family Dwelling) district; or
2. **Approve** the request for a fence height variance from 6.5 feet to 8 feet in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Yvonne Elaine Franke</p> <p>Location: 624 Tuskawilla Point Lane</p> <p>Zoning: R-1A (Single Family Dwelling)</p> <p>Subdivision: (Sub Name, if applicable)</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance in order to construct an 8-foot privacy fence at the rear of the property. • There is a block subdivision wall behind the subject property that belongs to the adjoining subdivision. It is eight feet across half of the lot and then drops to four feet to complete the run. • The applicant proposes to construct the 8-foot privacy fence in front of the four foot section of the wall in order to secure their pool. • The grade difference of the adjacent subdivision lot is much higher and this necessitates the higher fence.

Reviewed by: _____
Co Atty: EMC
Pin Mgr: _____

	<ul style="list-style-type: none">• 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.• 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 fence along the rear of the property 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 # BU2009-76
Meeting Date 8-24-09



VARIANCE APPLICATION COPY

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: Yvonne Elaine Franke 32708
Address: 624 Tuskawilla PT LN City: Winter Springs Zip code: FL
Project Address: 624 Tuskawilla PT LN City: Winter Springs Zip code: FL 32708
Tax Parcel number: 24-21 30-501-0000-0350
Contact number(s): (407) 772-4747 hm. (407) 721-2000
Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff. *call first.*

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>6ft. privacy fence</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:

RECEIVED JUL 14 2009

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 type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Fence height	Required height:		Proposed height:	<u>6ft.</u>
<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:	

Total number of variances requested 1

Signed: Yvonne E. Franke

Date: 7/14/09

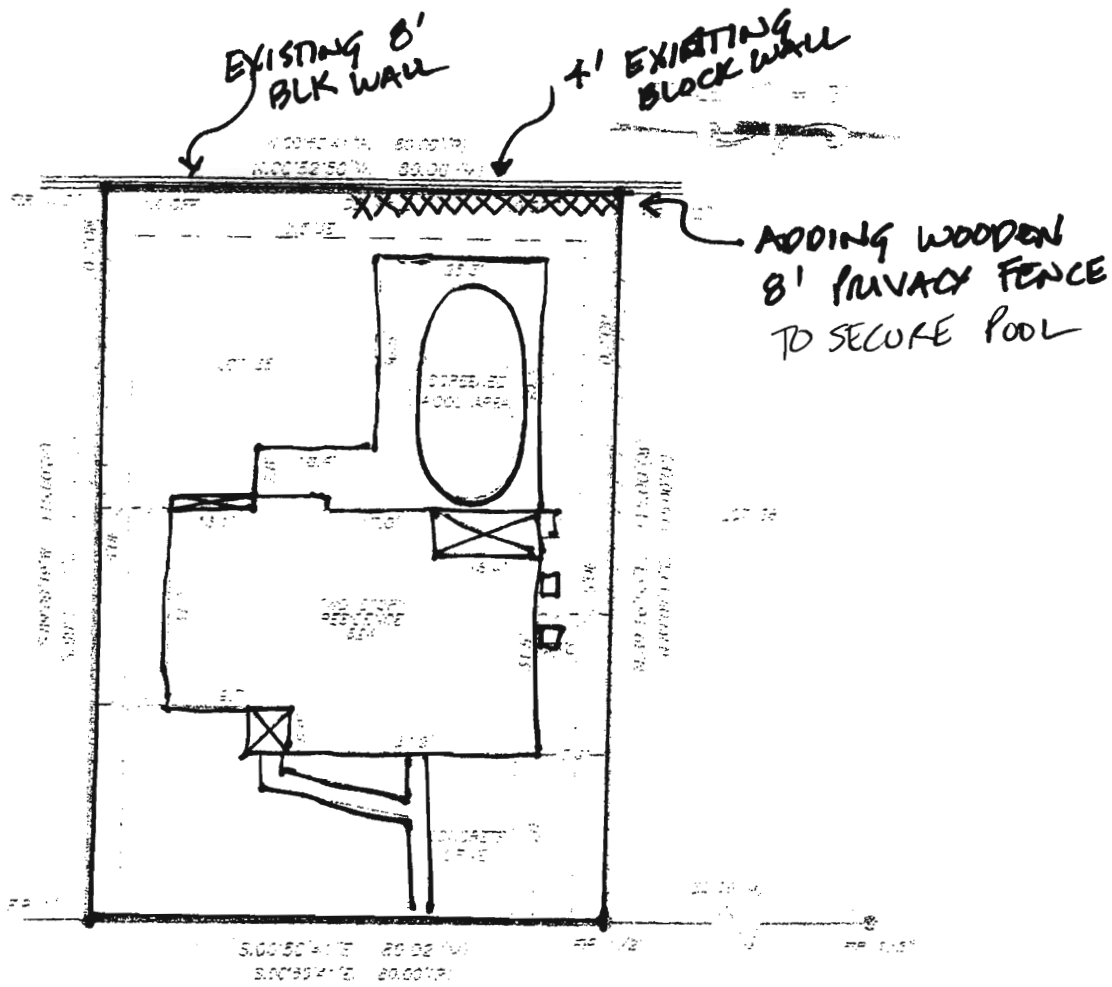
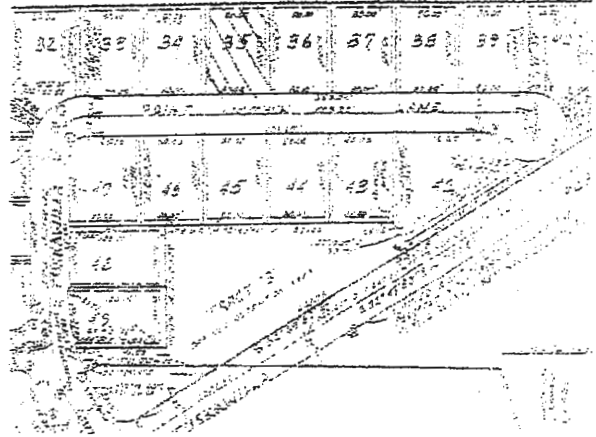
Legal Description

Lot 55, TUSKAWILLA POINT according to the plat thereof as recorded in Plat Book 38, Pages 81 & 82 of the Public Records of Seminole County, FL.

Community number: 10119 (Pine) 1-1
 Effort: 8' F.A.M. Date: 1/17/99 Flood Zone: A
 Date of Hold Work: 1/20/99 Completion Date: 12/04/2004

Carrier:
 Thomas Trust, James C. Wang, The Title Team, Lawyers Title
 Insurance Corporation, Everette, FL, Insurances and/or mortgages.

Revised Certifications: 03/13/08



TUSKAWILLA POINT LANE
 80'x110'

Property Address:
 624 Tuskawilla Point Lane
 Winter Springs, FL 32789

Yvonne E. Franke
 624 Tuskawilla Point Lane
 Winter Springs, FL 32708

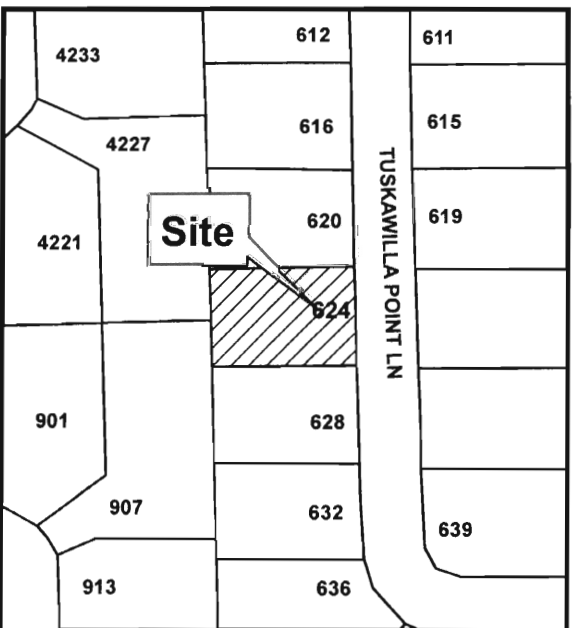


Seminole County Board of Adjustment
 August 24, 2009
 Case: BV2009-76 (Map 3211 Grid C1)
 Parcel No: 24-21-30-501-0000-0350

Zoning

	BV2009-76		RP I
	A-1		C-1
	R-1AAA		PUD
	R-1AA		PCD
	R-1A		

N



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1408 407-658-7206</p>																																																				
<p align="center">GENERAL</p> <p>Parcel Id: 24-21-30-501-0000-0350 Owner: WANG JIANN S & Own/Addr: FRANKE YVONNE Mailing Address: 624 TUSKAWILLA POINT LN City,State,ZipCode: WINTER SPRINGS FL 32708 Property Address: 624 TUSKAWILLA POINT LN WINTER SPRINGS 32708 Subdivision Name: TUSKAWILLA POINT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2006) 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">\$142,517</td> <td align="right">\$197,349</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$9,249</td> <td align="right">\$9,465</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$40,000</td> <td align="right">\$40,000</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">\$191,766</td> <td align="right">\$246,814</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">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$191,766</td> <td align="right">\$246,814</td> </tr> </tbody> </table> <p align="right">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$142,517	\$197,349	Depreciated EXFT Value	\$9,249	\$9,465	Land Value (Market)	\$40,000	\$40,000	Land Value Ag	\$0	\$0	Just/Market Value	\$191,766	\$246,814	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$191,766	\$246,814																	
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ALUM SCREEN PORCH W/CONC FL	1982	280	\$952	\$2,380
SPA	1982	1	\$1,400	\$3,500
GAS HEATER	1982	1	\$440	\$1,100
SCREEN ENCLOSURE	1987	2,194	\$1,755	\$4,388
POOL GUNITE	1987	380	\$3,240	\$7,200
COOL DECK PATIO	1987	420	\$662	\$1,470

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.

From: Tuesday, June 16, 2009 4:32 PM

DU 2009-110

To: jswang76@earthlinkmail.com; Wang, Jin S.

CC: PEMOUFL@aol.com; doubleaerosion@hotmail.com; nmodani@cf1.rr.com; SaraBrkner@aol.com; aulb869@hotmail.com; DECharron@aol.com

Subject: Architectural Request

Dear Ms. Franke and Mr. Wang,

This email follows my 6/11/09 visit to your property concerning your 5/19/09 Owners Request for Home Improvement.

The Board addressed your request extensively at the June meeting this past Sunday and approves your plans to install the trellis with vegetation and remove the pool screen enclosure.

As to the proposed fence against the portion of the concrete block wall adjacent to the back of your property that rises to a height of four feet high from the ground level on your side, the Board acknowledges deference of the covenants' six foot high stated maximum for fences to the county's requirement to you that the fence must be eight feet high from your ground level for safety purposes given our pool would no longer be structurally enclosed. The Board approves the installation of an eight foot high wooden fence but declines installation of an eight foot high chain link fence.

Please let me know if you have any questions. Thank you for bringing this proposed work to our attention.

Sincerely,

Don Nawrocki
President
Muskegon Point Homeowners' Association
767-695-9074

Download the [AOL Classifieds Toolbar](#) for local deals at your fingertips.

6/16/2009

**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
Yvonne Frank	624 Tuskawilla PTLN	407 772-4747
Jiana Wang	624 Tuskawilla PTLN	407 772-4747

(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 rezoning, 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.

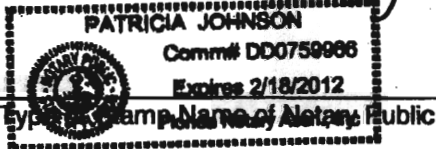
Date 7/14/09

Yvonne E. Franke
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 14th day of July, 2009 by YVONNE FRANKE

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification

Type of Identification Produced DRIVER LICENSE

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

**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 35 TUSKAWILLA POINT PB 23 PGS 81 & 82

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

FINDINGS OF FACT

Property Owner: Jiann S Wang & Yvonne Franke
624 Tuskawilla Point Ln
Winter Springs FL 32708

Project Name: Tuskawilla Point Lane (624)

Requested Variance:

A fence height variance from 6.5 feet to 8 feet in R-1A (Single Family Dwelling) district.

Approval was sought to construct an 8' fence. 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 35 TUSKAWILLA POINT PB 23 PGS 81 & 82

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

FINDINGS OF FACT

Property Owner: Jiann S Wang & Yvonne Franke
624 Tuskawilla Point Ln
Winter Springs FL 32708

Project Name: Tuskawilla Point Lane (624)

Variance Approval:

A fence height variance from 6.5 feet to 8 feet 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: 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 fence at the rear of the property 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

