

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1260 Depugh Street – Essam Tanios, applicant; Request for a side street (west) setback variance from 25 feet to 13 feet for an existing 6-foot privacy fence in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 10/26/09 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street (west) setback variance from 25 feet to 13 feet for an existing 6-foot privacy fence in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for a side street (west) setback variance from 25 feet to 13 feet for an existing 6-foot privacy fence in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Essam Tanios Location: 1260 Depugh St Zoning: R-1 (Single Family Dwelling) Subdivision: Merritt Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a side street variance to allow for an existing 6-foot privacy fence that is encroaching 12 feet into the required 25-foot side street setback. • In August of 2009 the applicant received a notice of code violation for the unpermitted construction of the 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:

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

	<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 side street (west) for the 6-foot 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

COPY Application # 842009-87
Meeting Date 10-26-09



VARIANCE APPLICATION

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: ESSAM TANIOS
Address: 1260 Depugh St City: Altamonte Zip code: 32701
Project Address: 1260 Depugh St City: Altamonte Zip code: 32701
Tax Parcel number: 18-21-36-502-0D00-0130
Contact number(s): 407-937-8398
Email address: TANIOS

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>10 feet 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:
<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 checked="" type="checkbox"/> Side yard setback	Required setback:	<u>25'</u>	Proposed setback: <u>13'</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<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 request s:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>			

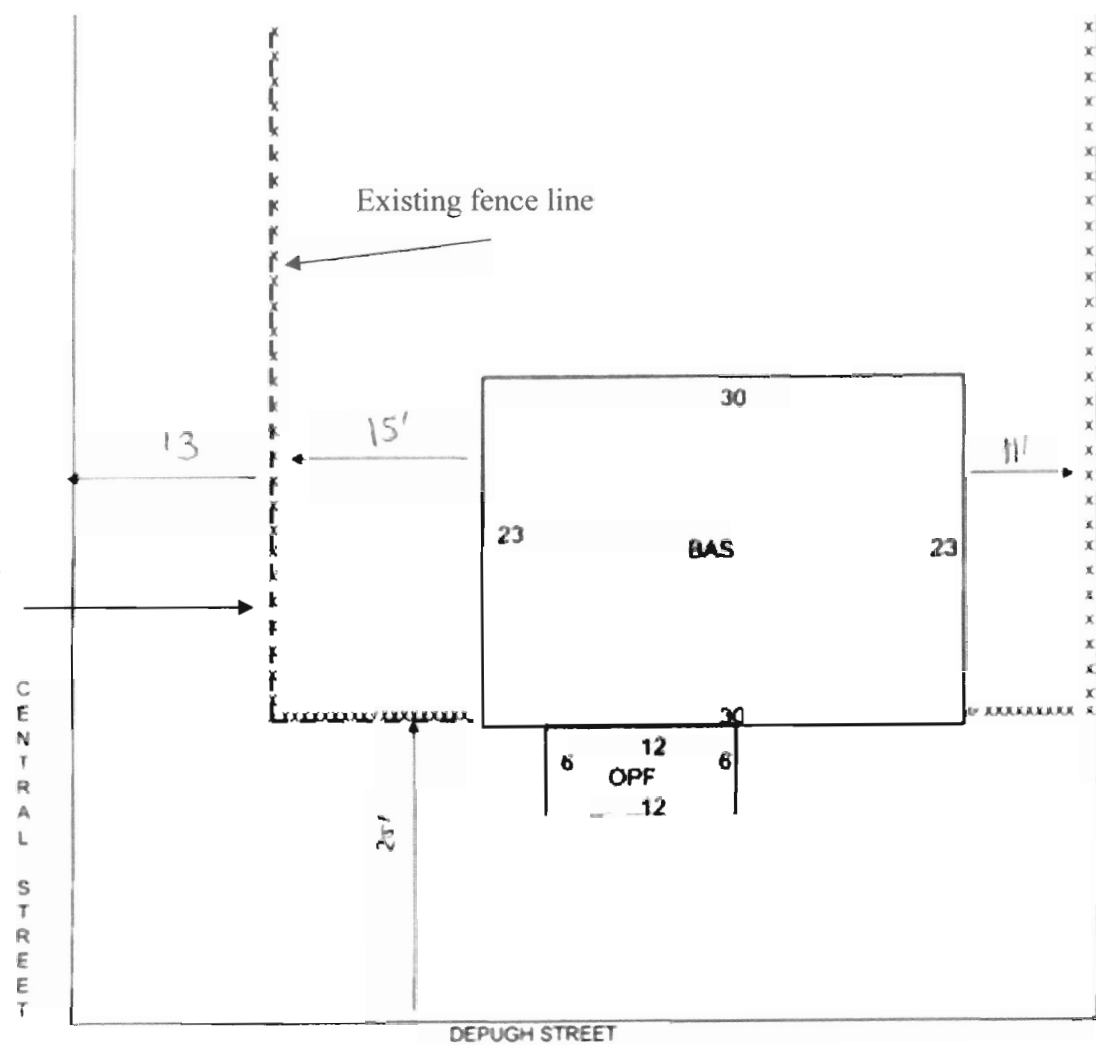
Signed: [Signature]

Date: 8-27-09

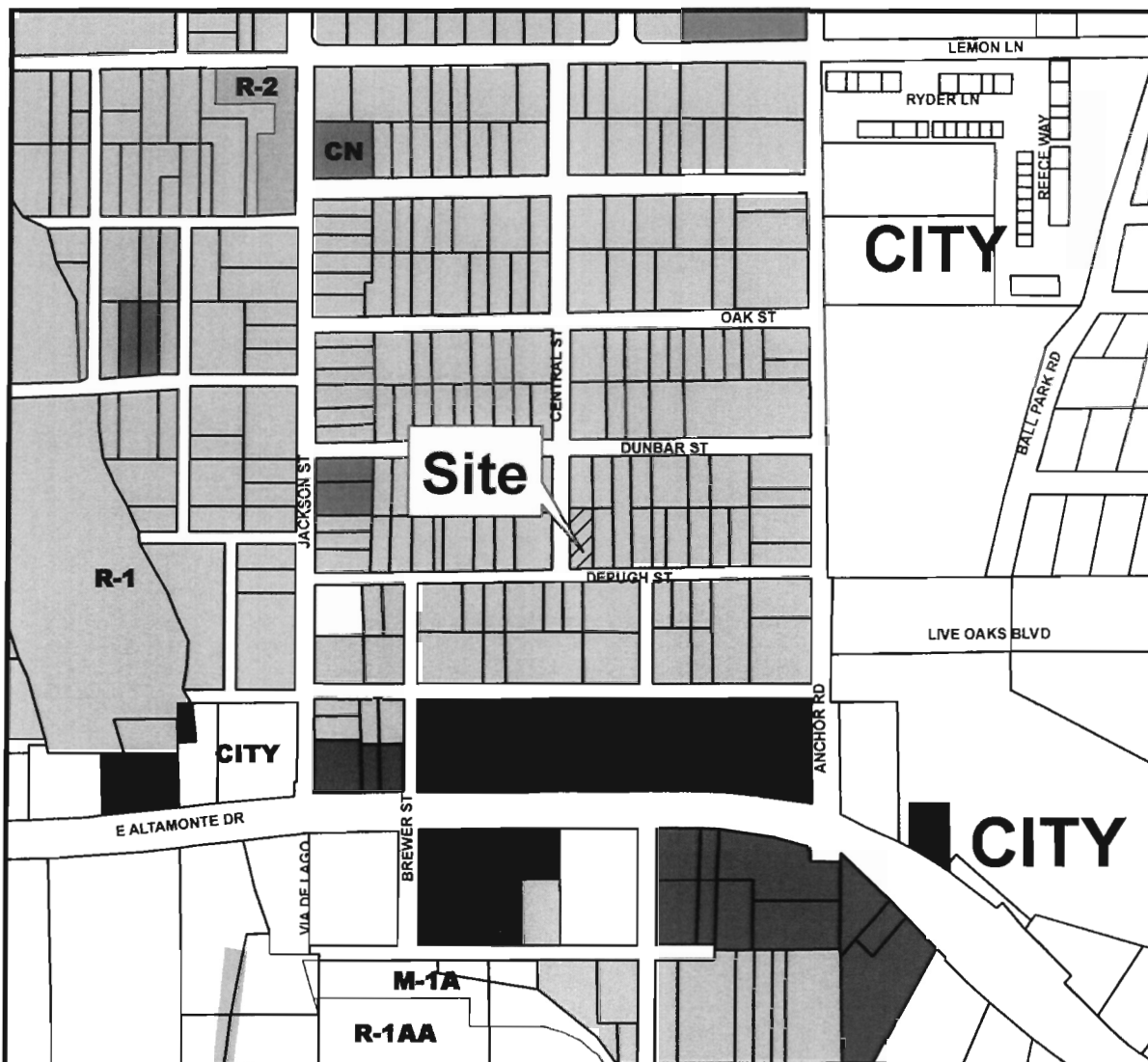
FOR OFFICE USE ONLY



Fence located 13 feet from west property line.












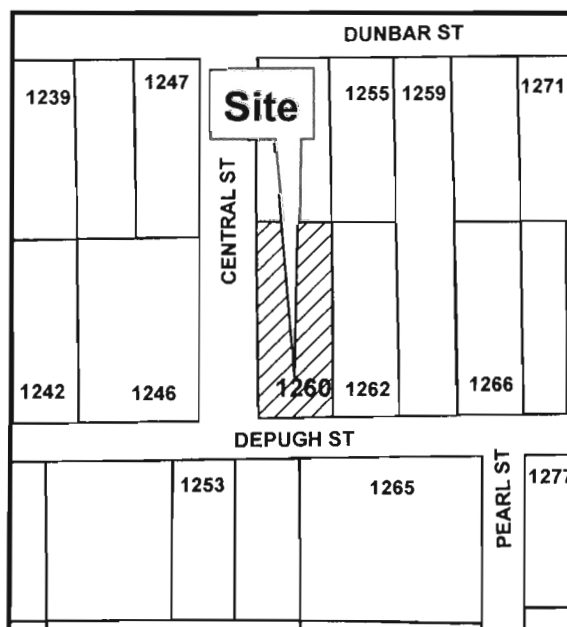
Essam Tanios
 1260 Depugh Street
 Altamonte Springs, FL 32701



Seminole County Board of Adjustment
 October 26, 2009
 Case: BV2009-87 (Map 3156 Grid D7)
 Parcel No: 18-21-30-502-0D00-0130

Zoning

	BV2009-87		C-1
	R-1AA		C-2
	R-1		M-1A
	R-2		PUD
	CN		



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-688-7205

	VALUE SUMMARY	
VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$30,041	\$42,246
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$6,125	\$6,125
Land Value Ag	\$0	\$0
Just/Market Value	\$36,166	\$48,371
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$36,166	\$48,371
Tax Estimator		
2009 Notice of Proposed Property Tax		

2009 TAXABLE VALUE WORKING ESTIMATE			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$36,166	\$0	\$36,166
Schools	\$36,166	\$0	\$36,166
Fire	\$36,166	\$0	\$36,166
Road District	\$36,166	\$0	\$36,166
SJWM(Saint Johns Water Management)	\$36,166	\$0	\$36,166
County Bonds	\$36,166	\$0	\$36,166

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
SPECIAL WARRANTY DEED	07/2008	07025	0459	\$39,000	Improved	No
CERTIFICATE OF TITLE	12/2007	06895	0098	\$100	Improved	No
WARRANTY DEED	08/2005	05869	0765	\$80,000	Improved	Yes
QUIT CLAIM DEED	08/2005	05869	0764	\$100	Improved	No
PROBATE RECORDS	11/1999	05372	1456	\$100	Improved	No
WARRANTY DEED	09/2003	05028	1375	\$56,000	Improved	Yes
ADMINISTRATIVE DEED	04/2003	04796	0141	\$130,000	Improved	No
PROBATE RECORDS	07/1995	03715	1970	\$100	Improved	No
PROBATE RECORDS	01/1991	02258	0381	\$100	Improved	No
WARRANTY DEED	04/1980	01277	0151	\$11,000	Improved	Yes
QUIT CLAIM DEED	01/1977	01137	0694	\$1,600	Vacant	No

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

2008 Tax Bill Amount: \$728

2008 Certified Taxable Value and Taxes

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND					LEGAL DESCRIPTION
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	50	137	.000	125.00	\$6,125

PLATS: Pick...

LEG LOT 13 BLK D MERRITT PARK PB 8 PG 22

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	1981	3	690	762	690	EW CONCRETE BLOCK	\$30,041	\$41,723
Appendage / Sqft		OPEN PORCH FINISHED / 72							

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

Building Sketch	1	SINGLE FAMILY	1961	3	690	762	690 EW CONCRETE BLOCK	\$30,041	\$41,723
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Appendage / Sqft OPEN PORCH FINISHED / 72

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

Unassessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
If you have 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
ESSAM TANIOS	1260 Depugh St	407-937-8398

(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.

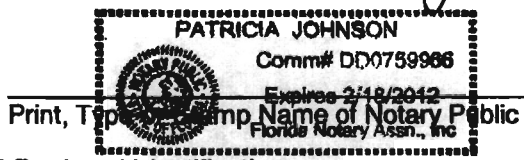
8/31/09
Date

Eggan K...
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 31st day of August, 2009 by Eggan

TAVIAS
Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification

Type of Identification Produced Florida Driver License

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

LOT 13 BLK D
MERRITT PARK PB 8 PG 22

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

FINDINGS OF FACT

Property Owner: Essam & Rhonda Tanios
P.O. Box 521084
Longwood, FL 32752

Project Name: Depugh Street (1260)

Requested Variance:

A side street (west) setback variance from 25 feet to 13 feet for an existing 6-foot privacy fence in R-1 (Single Family Dwelling) district.

Approval was sought to bring into compliance the construction of a 6-foot privacy fence that encroaches into the side street (west) 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 October 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 13 BLK D
MERRITT PARK PB 8 PG 22

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

FINDINGS OF FACT

Property Owner: Essam & Rhonda Tanios
P.O. Box 521084
Longwood, FL 32752

Project Name: Depugh Street (1260)

Variance Approval:

A side street (west) setback variance from 25 feet to 13 feet for an existing 6-foot privacy fence in R-1 (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: 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 6-foot 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

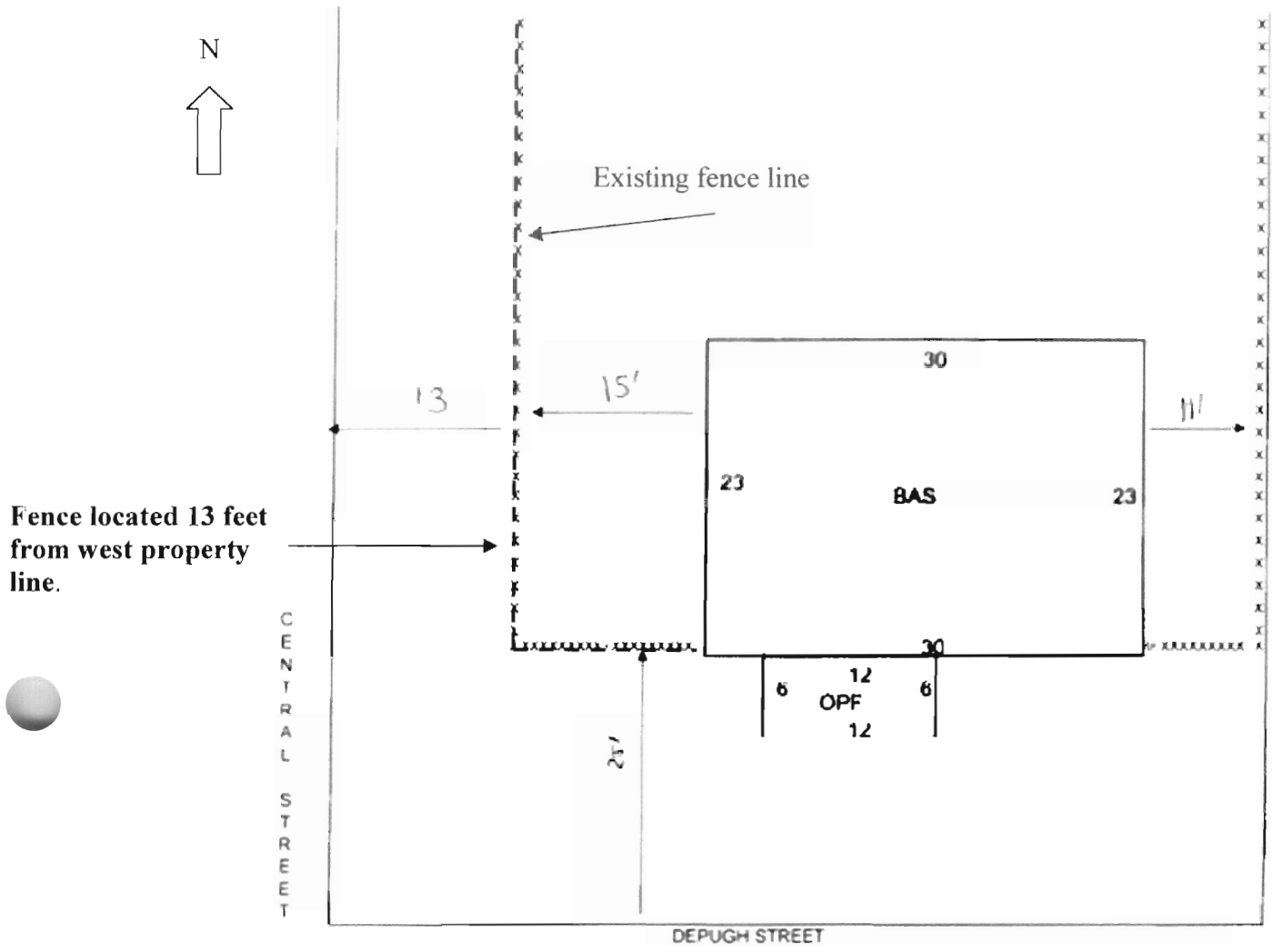
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Fence located 13 feet from west property line.