



# SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

File Number: A-0639-10

Introduced: 3/26/2010

Current Status: Agenda Ready

Version: 1

Matter Type: Agenda Item

### Title

**401 Palm Springs Drive** - Request for a side street (north) setback variance from 25 feet to 1 foot for an existing fence in R-1AA (Single Family Dwelling) district; Located on the southeast corner of Palm Springs Drive and Noble Street; BV2010-16 (Brad Gustafson, applicant) District4 - Henley (Denny Gibbs, Senior Planner)

### Department

Growth Management

### Division

Planning & Development Division

### Contact

Denny Gibbs (407) 665-7387

### Motion/Recommendation

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

### Background

- The applicant constructed a privacy fence that encroaches 24 feet into the required 25-foot side street setback.
- A Notice of Violation was issued.
- 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, 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.

Fee: \$150.00 plus \$50.00 for each additional variance

Application # B12010-14  
Meeting Date 4-26-10

**COPY**

**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: Brad L. Gustafson  
Address: 1915 S Lakemont Ave City: Winter Park, FL Zip code: 32792  
Project Address: 401 Palm Springs Drive City: Longwood, FL Zip code: 32750  
Tax Parcel number: 01-21-29-5CK-060G-0070  
Contact number(s): (407) 461-2356  
Email address: brad32792@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?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>existing 6 foot white 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 checked="" type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input 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 checked="" 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:	Proposed setback:	<u>1 ft.</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>			

Signed: [Signature]

Date: 3/3/10

**FOR OFFICE USE ONLY**

Date Submitted: 3-3-10

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.*

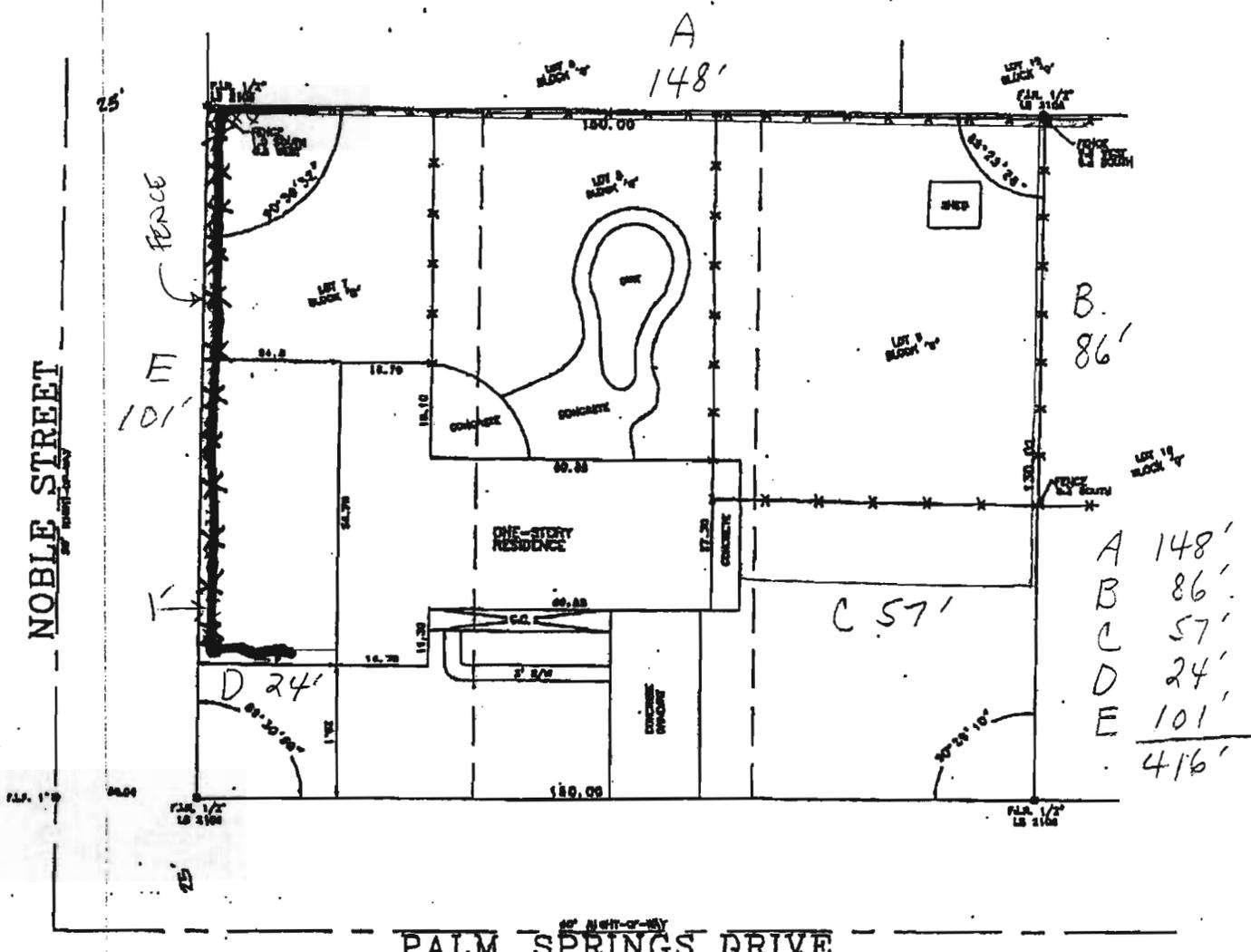
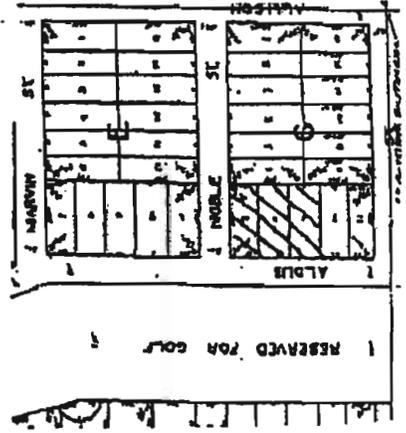
	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a>
	4. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drain field and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each )
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> 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.

Legal Description

Lots 7, 8, & 9, Block G, SANLANDO SPRINGS TRACT NO. 6, according to the plat thereof, as recorded in Plat Book 5, Page 53, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0130  
 Suffix: E F.I.R.M. Date: 4/17/95 Flood Zone: X  
 Date of field work: 7/27/01 Completion Date: 7/27/01

Certified to:  
 Stacey Halverson; Sentry Title Company; Chicago Title Insurance Company; Chase Manhattan Mortgage Corporation, its' successors and/or assigns.



<p>LEGEND</p> <p>--- WOOD FENCE</p> <p>-X-X- WIRE FENCE</p> <p>RAI NAIL</p> <p>PROPERTY CORNER</p> <p>RECORD</p> <p>REID MEASURED</p> <p>CALCULATED</p> <p>CLEAR</p> <p>ENCROACHMENT</p> <p>Q CENTERLINE</p> <p>CONCRETE</p> <p>PROPERTY LINE</p> <p>CONCRETE MONUMENT</p> <p>ROUND IRON ROD</p> <p>ROUND IRON PIPE</p> <p>DRURY PIPE LAMP</p>	<p>III BLOCK WALL</p> <p>Δ CENTRAL ANGLE/Delta</p> <p>CSB DEED BOOK</p> <p>C DESCRIPTION OF DEED</p> <p>CH DRILL HOLE</p> <p>D/W DRIVEWAY</p> <p>SEMT BASEMENT</p> <p>SL ELEVATION</p> <p>FR FINISHED FLOOR</p> <p>RCM ROUND CONCRETE MONUMENT</p> <p>RRK ROUND PARKER-KALON NAIL</p> <p>L LENGTH</p> <p>LAS LIMITED ACCESS BASEMENT</p> <p>RAH MANHOLE</p> <p>N7S NOT TO SCALE</p> <p>OR OFFICIAL RECORDS</p>
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Property Address:  
 401 Palm Springs Drive  
 Longwood, FL 32750

Survey number: SL 2842

- GENERAL NOTES
- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
  - 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR BASEMENTS OR OTHER RECORDS ENCUMBRANCES NOT SHOWN ON THE PLAT
  - 3) UNDEVELOPED PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
  - 4) WALL TIES ARE TO THE FACE OF THE WALL.
  - 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
  - 6) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.

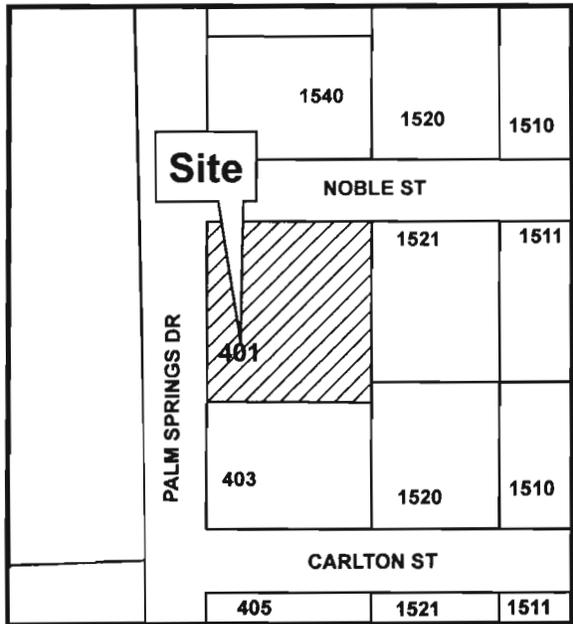
Brad L. Gustafson  
 401 Palm Springs Drive  
 Longwood, FL 32750



Seminole County Board of Adjustment  
 April 26, 2010  
 Case: BV2010-16 (Map 3156 Grid A3)  
 Parcel No: 01-21-29-5CK-060G-0070

**Zoning**

-  BV2010-16
-  A-1
-  RC-1
-  R-1AAA
-  R-1AA
-  R-1A

**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL.

1101 E. FIRST ST  
SANFORD, FL 32771-1406  
407-888-7806

**GENERAL**

Parcel Id: 01-21-29-5CK-060G-0070  
 Owner: GUSTAFSON BRAD L  
 Mailing Address: 1915 S LAKEMONT AVE  
 City,State,ZipCode: WINTER PARK FL 32792  
 Property Address: 401 PALM SPRINGS DR LONGWOOD 32750  
 Subdivision Name: SANLANDO SPRINGS  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY		
VALUES	2010 Working	2009 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$77,113	\$84,876
Depreciated EXFT Value	\$600	\$600
Land Value (Market)	\$40,500	\$40,500
Land Value Ag	\$0	\$0
Just/Market Value	\$118,213	\$125,976
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$118,213	\$125,976

Tax Estimator

**2010 TAXABLE VALUE WORKING ESTIMATE**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$118,213	\$0	\$118,213
Schools	\$118,213	\$0	\$118,213
Fire	\$118,213	\$0	\$118,213
Road District	\$118,213	\$0	\$118,213
SJWM(Saint Johns Water Management)	\$118,213	\$0	\$118,213
County Bonds	\$118,213	\$0	\$118,213

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
QUIT CLAIM DEED	01/2007	06563	0474	\$19,500	Improved	No
WARRANTY DEED	07/2001	04150	1904	\$137,200	Improved	Yes
WARRANTY DEED	02/1994	02738	1205	\$90,000	Improved	Yes
WARRANTY DEED	11/1981	01367	0320	\$100	Improved	No
QUIT CLAIM DEED	06/1981	01346	0240	\$100	Improved	No

[Find Comparable Sales within this Subdivision](#)

**2009 VALUE SUMMARY**

2009 Tax Bill Amount: \$1,968

**2009 Certified Taxable Value and Taxes**

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	45,000.00	\$40,500

**LEGAL DESCRIPTION**

PLATS:

LEG LOTS 7 8 & 9 BLK G TRACT 6 SANLANDO SPRINGS  
PB 5 PG 53

**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	1962	6	1,671	2,496	1,671	CONC BLOCK	\$77,113	\$107,101

Appendage / Sqft: OPEN PORCH FINISHED / 150  
 Appendage / Sqft: GARAGE FINISHED / 675

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

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1962	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
Brad Z Gustafson	1915 S Lakemont Ave. Winter Park, FL 32792	(407) 461-2356

(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.)

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. For each **limited liability company**, list the name, address, and title of each manager or managing member; and the name and address of each additional member with two percent (2%) or more membership interest. If any member with two percent (2%) or more membership interest, manager, or managing member is a corporation, trust or partnership, please provide the information required in paragraphs 2, 3 and/or 4 above.

NAME	TITLE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

6. 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.

3/3/10

Date

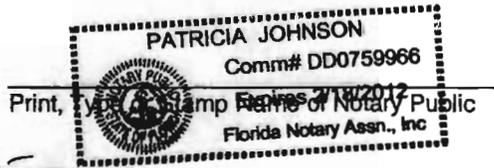
Owner, Agent, Applicant Signature

STATE OF FLORIDA

COUNTY OF SEMIWOLE

Sworn to (or affirmed) and subscribed before me this 3<sup>rd</sup> day of MARCH, 2010 by BRAD GUSTAFSON

Patricia Johnson  
Signature of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification     
Type of Identification Produced FIA. DRIVER'S LICENSE

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On April 26, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 7 8 & 9 BLK G TRACT 6 SANLANDO SPRINGS PB 5 PG 53

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

**FINDINGS OF FACT**

**Property Owner:** BRAD L GUSTAFSON  
1915 S LAKEMONT AVE  
WINTER PARK FL 32792

**Project Name:** Palm Springs Drive (401)

**Requested Variance:**

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

Approval was sought to bring into compliance the construction of a 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 & Development 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On April 26, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 7 8 & 9 BLK G TRACT 6 SANLANDO SPRINGS PB 5 PG 53

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

**FINDINGS OF FACT**

**Property Owner:** BRAD L GUSTAFSON  
1915 S LAKEMONT AVE  
WINTER PARK FL 32792

**Project Name:** Palm Springs Drive (401)

**Variance Approval:**

Side street (north) setback variance from 25 feet to 1 foot 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 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 & Development 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

New setback 1-foot for fence

