

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 13.4 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (EDWARD ROBERTS, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Jason Showe EXT. 7398

Agenda Date 11-15-04 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 13.4 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (EDWARD ROBERTS, APPLICANT); OR
2. **DENY** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 13.4 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (EDWARD ROBERTS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: EDWARD ROBERTS LOCATION: 212 SUMMERWOOD TRAIL ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO REPLACE AN EXISTING PRIVACY FENCE THAT WOULD ENCROACH 11.6 FEET INTO THE MINIMUM 25 FOOT SIDE STREET SETBACK; THE AFOREMENTIONED SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 13.4 FEET IS THEREBY REQUESTED.</li> <li>• THE FENCE SECTION PROPOSED FOR REPLACEMENT WAS DAMAGED BY RECENT HURRICANE EVENTS.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED REPLACEMENT FENCE</li> </ul>

	<p>HAVE BEEN DEMONSTRATED.</p> <ul style="list-style-type: none"><li>• THE PROPOSED FENCE COULD BE BUILT TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS AND STILL PROVIDE REASONABLE USE OF THE PROPERTY.</li><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED REPLACEMENT FENCE AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE** Side Street setback variance from 25 to 13.4 feet for a driveway fence
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING** |  **PROPOSED** |  **REPLACEMENT**
- MOBILE HOME IS FOR \_\_\_\_\_
- YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD |  **YES** |  **NO** | IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP |  **YES (LETTER FROM DOCTOR REQUIRED)** |  **NO**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED  
2004

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Edward Roberts	
ADDRESS	212 Summerwood Tr. Maitland, FL 32751	
PHONE 1	407-260-2626	
PHONE 2		
E-MAIL		

PROJECT NAME: 212 Summerwood Trail

SITE ADDRESS: 212 Summerwood Trail

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Leg Lot 22 Lakewood Shores 2nd Add PB 18 PG2

SIZE OF PROPERTY: .25 acre(s) PARCEL I.D. 19-21-30-520-0000-0220

UTILITIES:  **WATER** |  **WELL** |  **SEWER** |  **SEPTIC TANK** |  **OTHER** \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION  **YES** |  **NO**

This request will be considered at the Board of Adjustment regular meeting on 12/13/04 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

E A Roberts 10/11/04  
 SIGNATURE OF OWNER OR AGENT\* DATE

JS

\* Proof of owner's authorization is required with submittal if signed by agent.

**ADDITIONAL VARIANCES**

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

**APPEAL FROM BOA DECISION TO BCC**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

**PROCESSING:**

FEE: 150<sup>00</sup> COMMISSION DISTRICT 4 FLU/ZONING LDR/R-1AA

LOCATION FURTHER DESCRIBED AS South side of Summerwood Tr. on the Southeast Corner of the intersection of Cherrywood Dr & Summerwood Tr.

ANNER Jason Showe DATE 10/11/04

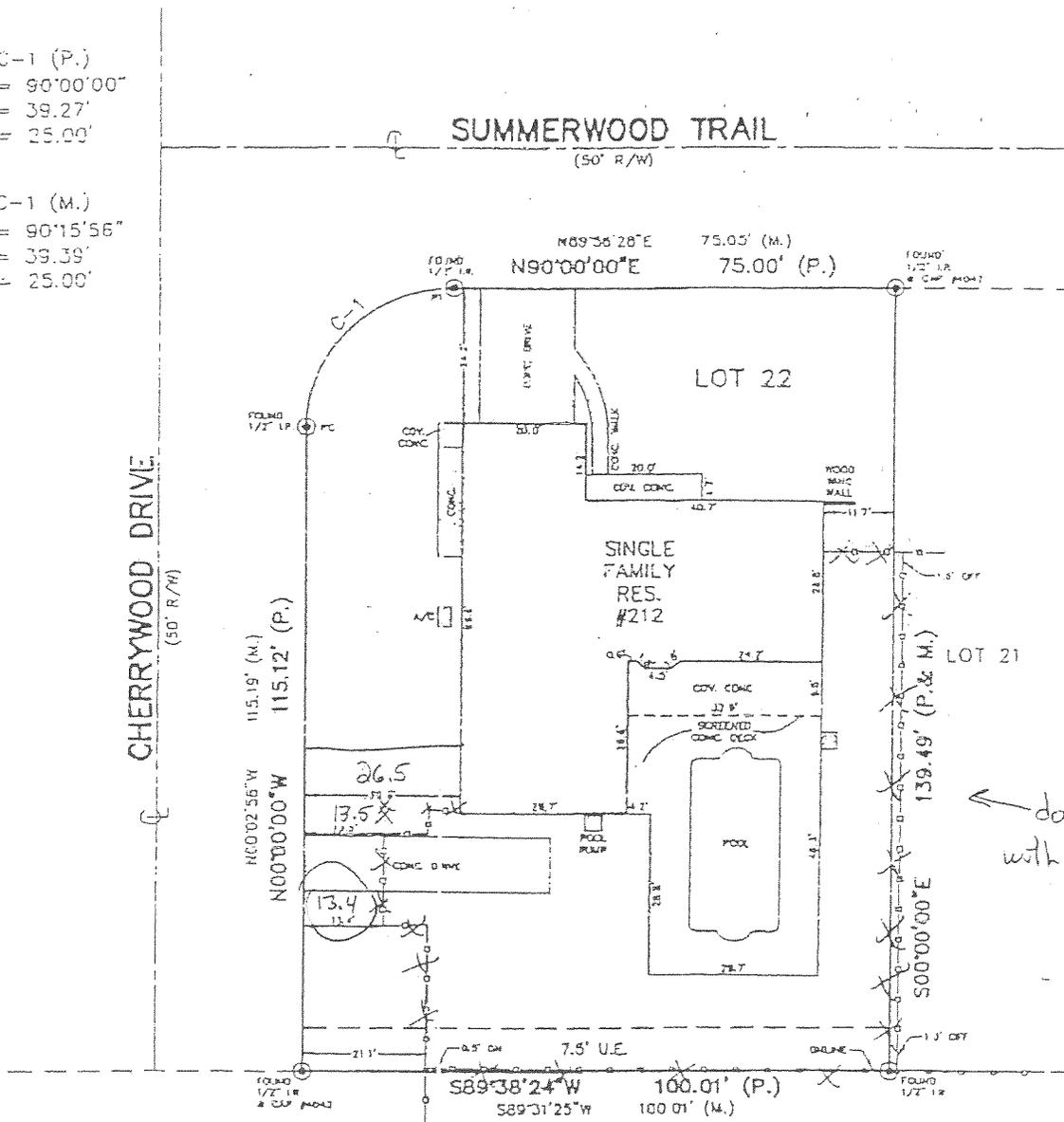
SUFFICIENCY COMMENTS \_\_\_\_\_

# BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOT 22, LAKEWOOD SHORES SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 2, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

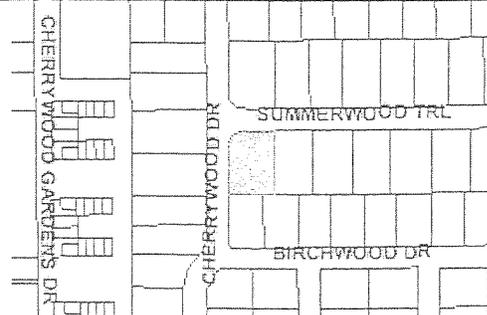
C-1 (P.)  
 $\Delta = 90^{\circ}00'00''$   
 $L = 39.27'$   
 $R = 25.00'$

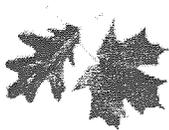
C-1 (M.)  
 $\Delta = 90^{\circ}15'56''$   
 $L = 39.39'$   
 $R = 25.00'$



### LEGEND:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li> = CONCRETE</li> <li> = BRICK</li> <li> = UTILITY POLE</li> <li> = SET 1/2" I.R. &amp; CAP PS# 7020</li> <li> = FOUND PROPERTY CORNER</li> <li> = FOUND CONCRETE MONUMENT</li> <li> = WELL</li> <li> = GAS METER</li> <li> = GUY WIRE</li> <li> = FIRE HYDRANT</li> </ul> | <ul style="list-style-type: none"> <li><math>\Delta</math> = DELTA/CENTRAL ANGLE</li> <li>A/C = AIR CONDITIONER</li> <li>APT. = APARTMENT</li> <li>BLOC. = BUILDING</li> <li>C = CALCULATED</li> <li>C.B. = CONCRETE BLOCK</li> <li>CH BRG. = CHIEF BEARING</li> <li>C.W. = CONCRETE MONUMENT</li> <li>CONC. = CONCRETE</li> <li>COV. = COVERED</li> <li>CPP = CONC. POWER POLE</li> <li>D = DESCRIPTION</li> <li>D/B/A = DONE BUSINESS AS</li> <li>D.E. = DRAINAGE EASEMENT</li> <li>M = MEASURED</li> <li>NR = NOT RADIAL</li> <li>OR. = OFFICIAL RECORDS</li> <li>P = PLAT</li> <li>PC = POINT OF CURVATURE</li> <li>PCC = POINT OF COMPOUND CURVATURE</li> <li>PCP = PERMANENT CONTROL POINT</li> <li>PI = POINT OF INTERSECTION</li> <li>POB = POINT OF BEGINNING</li> <li>POC = POINT OF COMMENCEMENT</li> <li>PRC = POINT OF REVERSE CURVATURE</li> <li>PRM = PERMANENT REFERENCE MONUMENT</li> <li>PT = POINT OF TANGENT</li> <li>R = RADIUS</li> <li>RAD. = RADIAL</li> </ul> |
|--|--|

 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-666-7506</p>																																																														
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 19-21-30-520-0000-0220      Tax District: 01-TX DIST 1 - COUNTY                  Owner: ROBERTS EDWARD A &amp; VALERIE A      Exemptions: 00-HOMESTEAD                  Address: 212 SUMERWOOD TRL                  City,State,ZipCode: MAITLAND FL 32751                  Property Address: 212 SUMMERWOOD TRL MAITLAND 32751                  Subdivision Name: LAKEWOOD SHORES 2ND ADD                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$132,056                  Depreciated EXFT Value: \$7,887                  Land Value (Market): \$20,000                  Land Value Ag: \$0                  Just/Market Value: \$159,943                  Assessed Value (SOH): \$159,943                  Exempt Value: \$25,000                  Taxable Value: \$134,943</p> <p style="text-align: center;">2004 Notice of Proposed Property Tax</p>																																																												
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr><td>WARRANTY DEED</td><td>10/2003</td><td>05067</td><td>0681</td><td>\$195,700</td><td>Improved</td></tr> <tr><td>QUIT CLAIM DEED</td><td>06/1996</td><td>03105</td><td>1441</td><td>\$100</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>06/1993</td><td>02602</td><td>1986</td><td>\$132,900</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>05/1992</td><td>02435</td><td>0915</td><td>\$132,500</td><td>Improved</td></tr> <tr><td>QUIT CLAIM DEED</td><td>06/1987</td><td>02032</td><td>0307</td><td>\$100</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>06/1987</td><td>01864</td><td>0452</td><td>\$115,000</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>05/1987</td><td>01848</td><td>1664</td><td>\$98,200</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>04/1979</td><td>01218</td><td>0236</td><td>\$80,000</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>01/1974</td><td>01036</td><td>1883</td><td>\$55,000</td><td>Improved</td></tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/2003	05067	0681	\$195,700	Improved	QUIT CLAIM DEED	06/1996	03105	1441	\$100	Improved	WARRANTY DEED	06/1993	02602	1986	\$132,900	Improved	WARRANTY DEED	05/1992	02435	0915	\$132,500	Improved	QUIT CLAIM DEED	06/1987	02032	0307	\$100	Improved	WARRANTY DEED	06/1987	01864	0452	\$115,000	Improved	WARRANTY DEED	05/1987	01848	1664	\$98,200	Improved	WARRANTY DEED	04/1979	01218	0236	\$80,000	Improved	WARRANTY DEED	01/1974	01036	1883	\$55,000	Improved	<p style="text-align: center;"><b>2003 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$2,418                  2003 Tax Bill Amount: \$2,418                  Save Our Homes (SOH) Savings: \$0                  2003 Taxable Value: \$141,067</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p>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.</p>																																																														



Steven Douglas/Seminole  
10/25/2004 10:33 AM

To Jason Showe/Seminole@Seminole  
cc  
bcc  
Subject Fw: Variance Requests Needing Your Approval

Sorry for the error.

Jason,

We completed our review of lot 22 lakewood Shores this morning and currently see no sight distance problem with Mr. Roberts's proposed fence.

Steve Douglas, E.I. Engineer  
Seminole County Traffic Engineering  
140 Bush Loop, Sanford FL 32773  
email: sdouglas@co.seminole.fl.us  
Phone: (407) 665-5690  
Fax: (407) 665-5623  
Jason Showe/Seminole



Jason Showe/Seminole  
10/12/2004 09:41 AM

To Steven Douglas/Seminole@Seminole  
cc  
Subject Variance Requests Needing Your Approval

Steven,

I am faxing over two applications that need your review/approval.

BV2004-155 is for Mr. Roberts who wishes to replace his fence in it's original location. It was destroyed in the hurricanes and he requests that it be placed 13.4 feet from his west property line, which abuts the right of way of Cherrywood Drive.

The second variance is unnumbered as it can be approved by you. It is for a handicapped ramp for a church that is proposed to be 23 feet from the right of way of Church Street to the north of the property.

Thanks for your help.

Jason M. Showe  
Planner, Planning and Development Department  
Seminole County Government  
1101 East First St  
Sanford, FL 32771

Office 407-665-7398  
Fax 407-665-7385

JShowe@seminolecountyfl.gov  
www.seminolecountyfl.gov

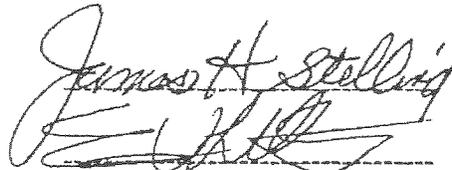
October 6, 2004

We the below signed neighbors of Edward and Valerie Roberts, residing at 212 Summerwood Trail Maitland, Florida, zip, 32751, do agree, the existing setback of the fence at the above address, does not interfere, with the view of traffic flow anywhere on Cherrywood Drive. This fence and gate does not create an aesthetic problem within the neighborhood or to the surrounding homes. We see no reason why this variance should not be granted. We note the request is for a setback of 13ft from the west rear of the west side of 212 Cherrywood Drive..

SIGNATURE

ADDRESS

PHONE



216 Summerwood Trail

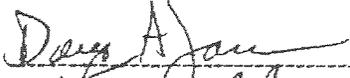
195 CHERRYWOOD DR MAITLAND FL



115 Birchwood Dr. Maitland FL



180 Cherrywood Dr Maitland FL



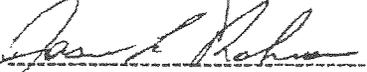
150 Cherrywood Dr MAITLAND FL



213 Summerwood Trail Maitland, FL



170 Cherrywood Dr Maitland FL



160 Cherrywood Dr Maitland FL 32751



190 CHERRYWOOD DR MAITLAND FL



220 Summerwood Trail Maitland 32751

IF YOU HAVE ANY QUESTIONS, PLEASE DON'T FAIL TO CALL.

PREPARED BY EDWARD ROBERTS AND VALERIE ROBERTS THIS 6TH DAY OF OCTOBER 2004

212 SUMMERWOOD TRAIL, PHONE 407-260-2626

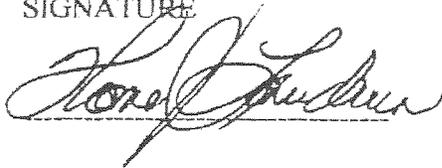
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SIGNATURE

ADDRESS

PHONE



224 Summerwood Tr.

407-331-7259

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IF YOU HAVE ANY QUESTIONS, PLEASE DON'T FAIL TO CALL.  
PREPARED BY EDWARD ROBERTS AND VALERIE ROBERTS THIS 6TH DAY  
OF OCTOBER 2004  
212 SUMMERWOOD TRAIL, PHONE 407-260-2626

**COUNTY APPROVAL DEVELOPMENT ORDER**

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 LAKEWOOD SHORES 2<sup>ND</sup> ADD PB 18 PG2

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

**FINDINGS OF FACT**

**Property Owner:** EDWARDS ROBERTS  
212 SUMMERWOOD TRAIL  
MAITLAND, FL 32751

**Project Name:** 212 SUMMERWOOD TRAIL

**Requested Development Approval:**

1. SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 13.4 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT).

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: Jason Showe, 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:
  1. The variance granted will apply only to the proposed replacement 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: \_\_\_\_\_  
Matthew West  
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 \_\_\_\_\_, 2004.

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

My Commission Expires: