

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 1210 Glastonberry Road – Jeanie & Alan Brown, applicant; Request for a side street (south side) setback variance from 25 feet to 0 feet to replace an existing 6-foot wood fence with a 6-foot PVC fence in the R-1AA (Single-Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Darlene McGuire **EXT.** 7445

Agenda Date 4/28/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a side street (south side) setback variance from 25 feet to 0 feet to replace an existing 6-foot wood fence with a 6-foot PVC fence in the R-1AA (Single-Family Dwelling District); or
2. **Approve** the request for a side street (south side) setback variance from 25 feet to 0 feet to replace an existing 6-foot wood fence with a 6-foot PVC fence in the R-1AA (Single-Family Dwelling District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Jeanie & Alan Brown Location: 1210 Glastonberry Road Zoning: R-1AA (Single-Family Dwelling District) Subdivision: English Estates Unit 1
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to replace an existing 6-foot wood fence with a 6-foot PVC fence.</li> <li>• The fence encroaches into the required 25 foot setback 25 feet.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

Reviewed by:  
Co Atty: \_\_\_\_\_  
Pln Mgr: \_\_\_\_\_

<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the 6-foot PVC fence as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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

DM

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

Application # BV 2008-27  
Meeting Date 4-28-08

# 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: Jeanie K. & Alan W. Brown  
Address: 1210 Glastonberry Rd City: Maitland Zip code: 32781  
Project Address: Same City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 407-265-0239  
Email address: NONE

Is the property available for inspection without an appointment?  Yes  No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>Replacing existing fence on property line. Pvc 6'</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe: <u>RECEIVED MAR 05 2008</u>
<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 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:	<u>25</u>	Proposed setback: <u>0</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 checked="" type="checkbox"/> Total number of variances requested <u>1</u>			

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

Signed: Jeanie Brown

**FOR OFFICE USE ONLY**

Date Submitted: 3-5-08 Reviewed By: P. Johnson  
 Tax parcel number: 20-21-30-502-0000-0040 Zoning/FLU R-1AA/LAR  
 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: \_\_\_\_\_  
 \_\_\_\_\_

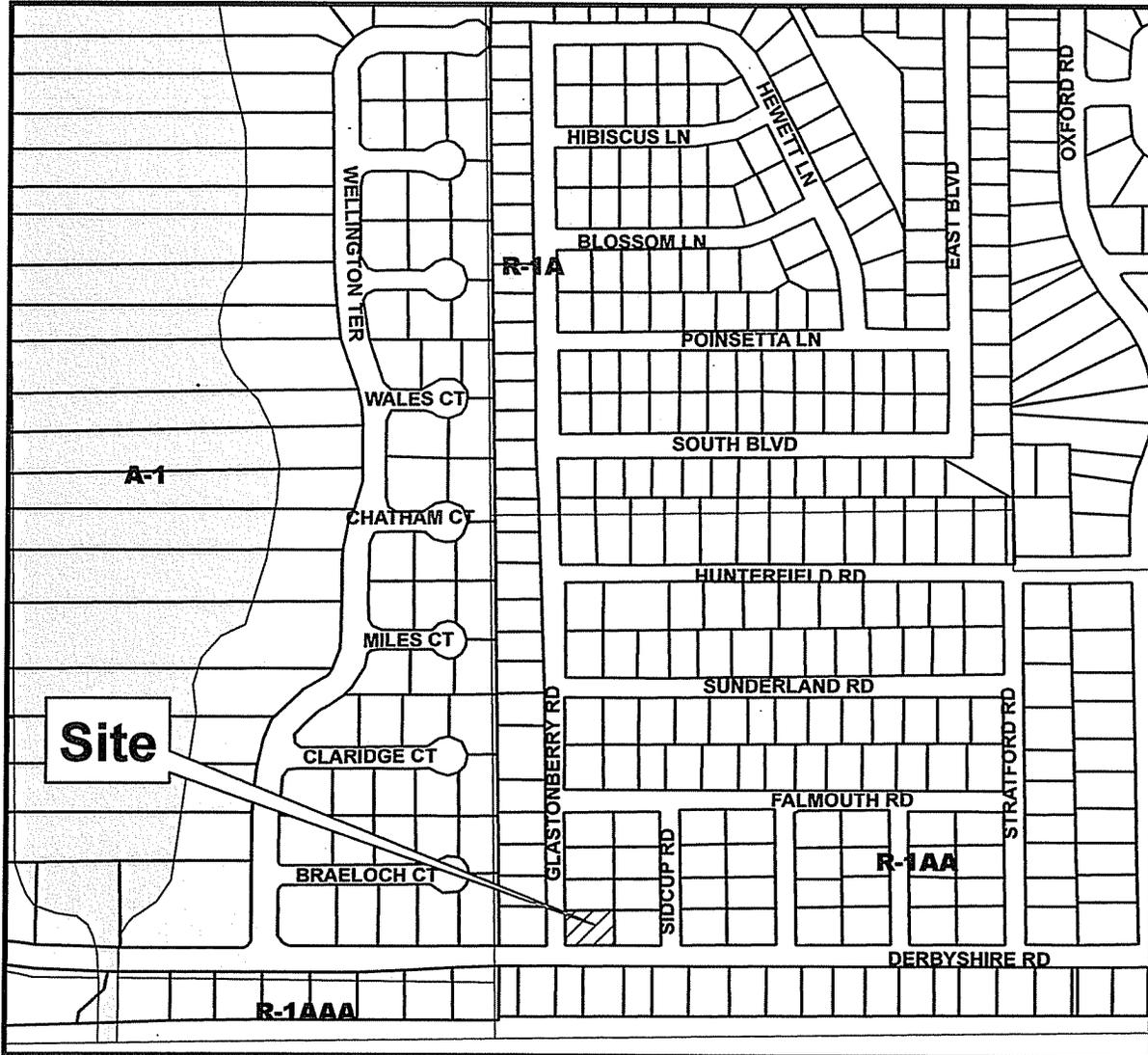
**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

<p>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.</p>	
	1. Completed application.
	2. 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>
	3. Provide a legible 8 1/2 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>
	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, drainfield and wells
	o Location of all easements
	o Existing or proposed house or 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)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

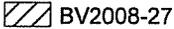
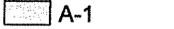
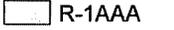


Jeanie & Alan Brown  
 1210 Glastonberry road  
 Maitland, Florida 32751

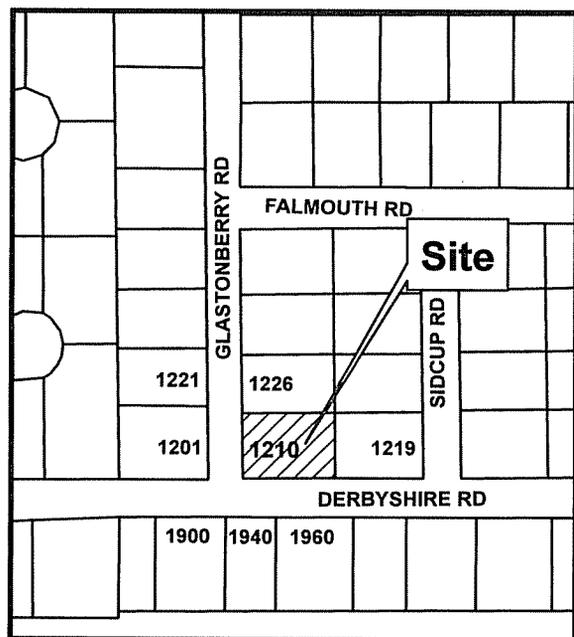


**Seminole County Board of Adjustment**  
**April 28, 2008**  
**Case: BV2008-27 (Map 3209, Grid D3)**  
**Parcel No: 20-21-30-502-0D00-0040**

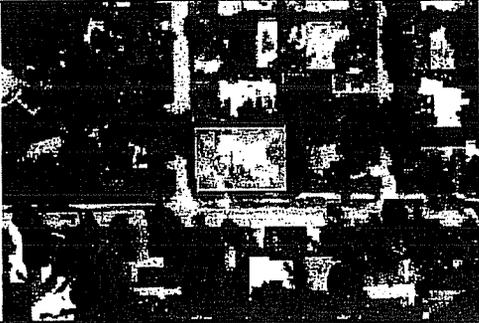
**Zoning**

 BV2008-27	 R-1AA
 A-1	 R-1A
 R-1AAA	

N  

<b>PARCEL DETAIL</b>  DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508	70	10	2	7	2				
		9.0							
		11	3	6	3				
	71	10.0							
	12	4	5	4					
	11.0								
		DERBYSHIRE RD							
	1A	1.0	2.0	3.0	H 6.0	7.0			
78		1	2	3	4	5	6	7	8



**GENERAL**

Parcel Id: 20-21-30-502-0D00-0040  
 Owner: BROWN JEANIE K & ALAN W  
 Mailing Address: 1210 GLASTONBERRY RD  
 City,State,ZipCode: MAITLAND FL 32751  
 Property Address: 1210 GLASTONBERRY RD MAITLAND 32751  
 Subdivision Name: ENGLISH ESTATES UNIT 1  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1999)  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**  
 Amendment 1 impact not reflected.

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$166,598  
 Depreciated EXFT Value: \$2,234  
 Land Value (Market): \$40,000  
 Land Value Ag: \$0  
 Just/Market Value: \$208,832  
 Assessed Value (SOH): \$117,723  
 Exempt Value: \$25,000  
 Taxable Value: \$92,723

Tax Estimator  
 Portability Calculator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	04/1998	03606	0492	\$47,100	Improved	No
QUIT CLAIM DEED	12/1990	02248	0037	\$100	Improved	No
WARRANTY DEED	01/1976	01080	0004	\$100	Improved	No

[Find Comparable Sales within this Subdivision](#)

**2007 VALUE SUMMARY**

Tax Amount(without SOH): \$2,877  
 2007 Tax Bill Amount: \$1,319  
 Save Our Homes (SOH) Savings: \$1,558  
 2007 Taxable Value: \$89,294  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	\$40,000

**LEGAL DESCRIPTION**

PLATS:

LEG LOT 4 BLK D ENGLISH ESTATES UNIT 1  
 PB 13 PG 1

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1959	6	1,827	2,599	2,067	CONC BLOCK	\$166,598	\$234,645
Appendage / Sqft		GARAGE FINISHED / 504							
Appendage / Sqft		OPEN PORCH FINISHED / 28							
Appendage / Sqft		BASE / 240							

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

**Permits**

**EXTRA FEATURE**

Description	Year Bld	Units	EXFT Value	Est. Cost New
FIREPLACE	1959	2	\$480	\$1,200
ALUM SCREEN PORCH W/CONC FL	1990	516	\$1,754	\$4,386

**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On April 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 BLK D ENGLISH ESTATES UNIT 1 PB 13 PG 1

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

**FINDINGS OF FACT**

**Property Owner:** Jeanie & Alan Brown  
1210 Glastonberry Road  
Maitland, Florida 32751

**Project Name:** Glastonberry Road (1210)

**Requested Development Approval:**

Request for a side street (south side) setback variance from 25 feet to 0 feet to replace an existing 6-foot wood fence with a 6-foot PVC fence in the 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: Darlene McGuire, Technician  
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 6-foot PVC 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 \_\_\_\_\_, 2008.

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

My Commission Expires:

**SEMINOLE COUNTY DENIAL DEVELOPMENT  
ORDER**

On April 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 BLK D ENGLISH ESTATES UNIT 1 PB 13 PG 1

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

**FINDINGS OF FACT**

**Property Owner:** Jeanie & Alan Brown  
1210 Glastonberry Road  
Maitland, Florida 32751

**Project Name:** Glastonberry Road (1210)

**Requested Development Approval:**

Request for a side street (south side) setback variance from 25 feet to 0 feet to replace an existing 6-foot wood fence with a 6-foot PVC fence in the R-1AA (Single-Family Dwelling District).

The Development Approval was sought to bring into compliance the installation of a 6-foot PVC fence within the side street setback. The applicant still retains reasonable use of the property without the granting of the requested variance. 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.

**ORDER**

The requested development approval is hereby denied.

Prepared by: Darlene McGuire, Technician  
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 \_\_\_\_\_, 2008.

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

My Commission Expires: