

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

**SUBJECT:** 1811 Carlton Street – Allan Lugo, applicant; Request for a side street (west) setback variance from 25 feet to 0 feet for an existing wood privacy fence in R-1AA (Single Family Dwelling) district.

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

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

**Agenda Date** 01/26/09   **Regular**    **Consent**    **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

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

<b>GENERAL INFORMATION</b>	Applicant: Allan Lugo Location: 1811 Carlton St Zoning: R-1AA (Single Family Dwelling) district Subdivision: Sanlando Springs
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting a variance for an existing wood privacy fence that is encroaching 25 feet into the required 25-foot side street setback.</li> <li>• A notice of code violation was issued in November of 2008 for the un-permitted construction of the fence.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> <li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved</li> </ul>

Reviewed by:  
 Co Atty: ALC  
 Pln Mgr: AS

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></p>	<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 side street (west) setback for a privacy 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

**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: ALLAN G. LUJO  
Address: 1911 CARTON CT. City: Longwood Zip code: 32750  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Tax Parcel number: 01-21-29-5CK-260A-0040  
Contact number(s): (407) 331-9373  
Email address: \_\_\_\_\_

RECEIVED DEC 02 2008

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 FT WOOD 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 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 FT.</u>	Proposed setback: <u>0 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:	

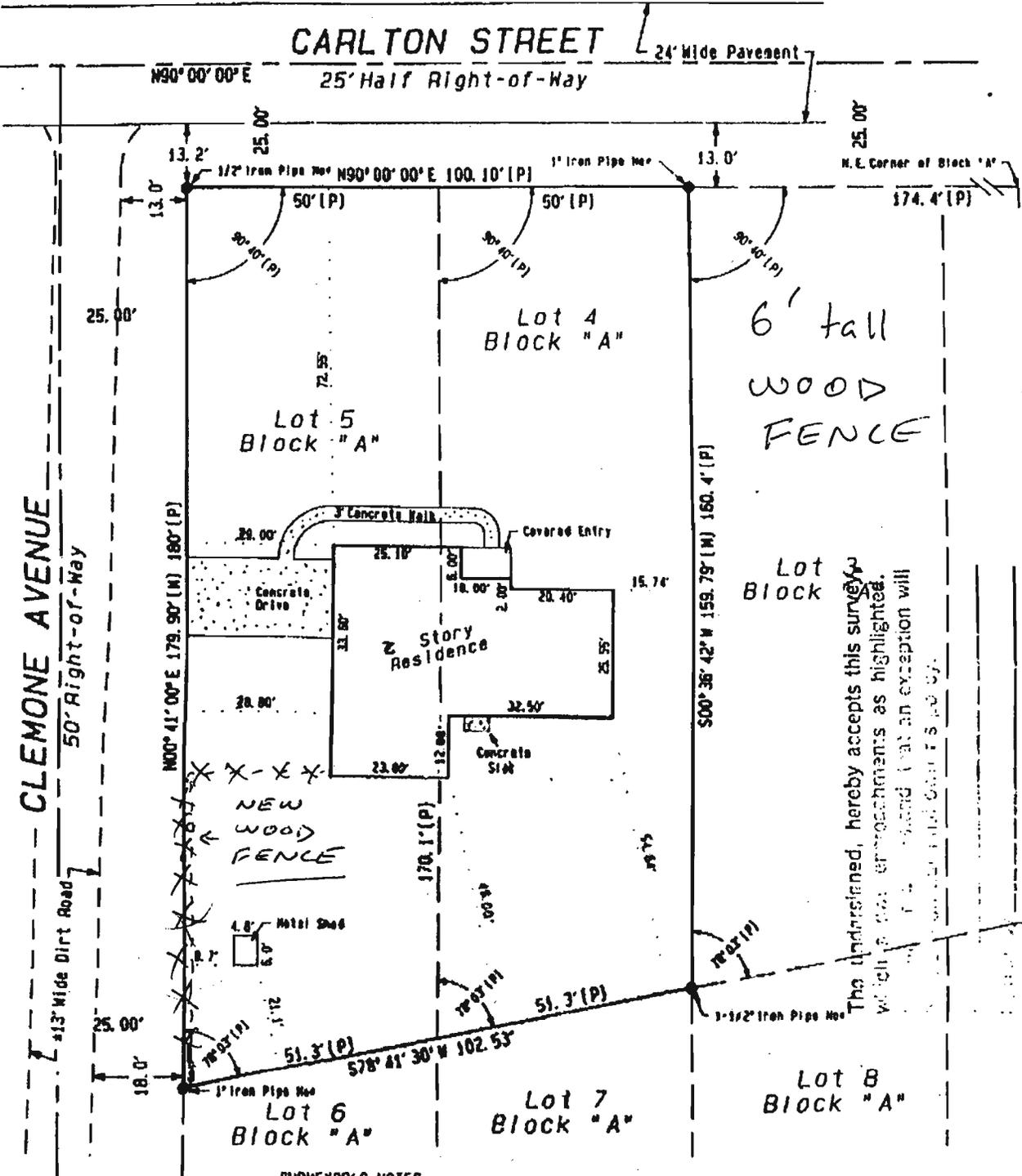
Total number of variances requested 1

Signed: Allan G. Lugo Date: 12/2/08

LAND DESCRIPTION: Lots 4 and 5, Block "A", RANDOLPH SPRINGS TRACT NO. 26, according to the Plat thereof as recorded in Plat Book 5, Page(s) 17 of the Public Records of Seminole County, Florida.

PROPERTY ADDRESS: 1811 Carlton Street

N  
SCALE: 1" = 30'



CLEMONE AVENUE  
50' Right-of-Way

CARLTON STREET  
25' Half Right-of-Way

6' tall  
WOOD  
FENCE

Lot 5  
Block "A"

Lot 4  
Block "A"

Lot  
Block

2 Story  
Residence

NEW  
WOOD  
FENCE

Lot 6  
Block "A"

Lot 7  
Block "A"

Lot 8  
Block "A"

The undersigned, hereby accepts this survey, which contains encroachments as highlighted, and I warrant that an exception will be made in the deed to the same.

Signed by  
LAWRENCE R. STEINER, P.A.

**SURVEYOR'S NOTES**

- 1.) Reproductions of this sketch are not valid unless signed and sealed with an embossed surveyor's seal.
- 2.) Lands shown hereon were not abstracted Easements or Rights-of-Way of record.
- 3.) Bearings are based on the Centerline of CARLTON STREET as being N90°00'00"E, per Plat.
- 4.) I have reviewed the F. I. R. M. map and have determined that this property does not lie within the 100 Year Flood Zone.
- 5.) House ties are not to be used to reconstruct property lines.

**LEGEND / ABBREVIATIONS**

- - Recovered 1/2" Iron Rod #LS4372
- - Recovered Monumentation as shown
- - Recovered 4"x4" Concrete Monument No.
- - 6' Wood Fence
- x— - 4' Chain Link Fence
- Δ-Delta; A-Arc Length; R-Radius
- (P)-Plat; (M)-Measured; (D)-Deed

This Survey is Certified EXCLUSIVELY to and ONLY for the use of:

Lawrence R. Steiner, P.A.  
Ticor Title Insurance Company

I hereby certify that the survey show hereon is true and correct to the best of my knowledge and meets the Minimum Technical Standards pursuant to Chapter 21 HH-6 Florida Statutes.

Allan G Lugo  
 1811 Carlton Street  
 Longwood, Florida 32750



Seminole County Board of Adjustment  
 January 26, 2009  
 Case: BV2008-118 (Map 3155 Grid D3)  
 Parcel No: 01-21-29-5CK-260A-0040

**Zoning**

-  BV2008-118
-  RC-1
-  R-1AA
-  R-1A
-  OP
-  C-1




**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

EMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1488  
407-665-7505



**GENERAL**

Parcel Id: 01-21-29-5CK-260A-0040  
 Owner: LUGO ALLAN G  
 Mailing Address: 1811 CARLTON ST  
 City,State,ZipCode: LONGWOOD FL 32750  
 Property Address: 1811 CARLTON ST LONGWOOD 32750  
 Subdivision Name: SANLANDO SPRINGS  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1994)  
 Dor: 01-SINGLE FAMILY

*R-1AA /  
LDR*

**VALUE SUMMARY**

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$173,980	\$191,324
Depreciated EXFT Value	\$600	\$600
Land Value (Market)	\$72,000	\$72,000
Land Value Ag	\$0	\$0
<b>Just/Market Value</b>	<b>\$246,580</b>	<b>\$263,924</b>
Portability Adj	\$0	\$0
Save Our Homes Adj	\$101,443	\$123,014
<b>Assessed Value (SOH)</b>	<b>\$145,137</b>	<b>\$140,910</b>
<b>Tax Estimator</b>		
<b>Portability Calculator</b>		

**2009 TAXABLE VALUE WORKING ESTIMATE**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$145,137	\$50,000	\$95,137
Schools	\$145,137	\$25,000	\$120,137
Fire	\$145,137	\$50,000	\$95,137
Road District	\$145,137	\$50,000	\$95,137
SJWM(Saint Johns Water Management)	\$145,137	\$50,000	\$95,137
County Bonds	\$145,137	\$50,000	\$95,137

**Potential Portability Amount is \$101,443**

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	10/1993	02670	1382	\$85,500	Improved	No
CERTIFICATE OF TITLE	08/1993	02631	0464	\$100	Improved	No
CERTIFICATE OF TITLE	06/1992	02444	1580	\$100	Improved	No
WARRANTY DEED	11/1981	01364	0381	\$90,000	Improved	Yes

Find Comparable Sales within this Subdivision

**2008 VALUE SUMMARY**

Tax Amount (without SOH):	\$3,975
<b>2008 Tax Bill Amount:</b>	<b>\$1,558</b>
<b>Save Our Homes (SOH) Savings:</b>	<b>\$2,417</b>
<b>2008 Certified Taxable Value and Taxes</b>	
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	72,000.00	\$72,000

**LEGAL DESCRIPTION**

PLATS:  Pick...  
 LEG LOTS 4 & 5 BLK A TRACT 26 SANLANDO SPRINGS PB 5 PG 17

**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	1965	8	1,151	2,982	2,253	STONE+BRICK COMBO	\$173,980	\$228,921
Appendage / Sqft		SCREEN PORCH FINISHED / 144							
Appendage / Sqft		OPEN PORCH FINISHED / 60							
Appendage / Sqft		GARAGE FINISHED / 525							
Appendage / Sqft		BASE / 276							
Appendage / Sqft		UPPER STORY FINISHED / 826							

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

SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-\_\_\_\_\_:

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: ALLAN G. LYAO Name: \_\_\_\_\_  
Address: 1811 CARLTON ST. Address: \_\_\_\_\_  
Phone #: (407) 331-8373 Phone #: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: \_\_\_\_\_ Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_ Officers: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Directors: \_\_\_\_\_ Directors: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_ Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(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.

Name of Trust: \_\_\_\_\_  
Trustees: \_\_\_\_\_ Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

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.

12/02/08  
Date

Allan Lugo  
Owner Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 2nd day of December, 2008 by Allan Lugo

Patricia Johnson  
Signature of Notary Public

Print, Type \_\_\_\_\_  
Name of Notary Public  
PATRICIA JOHNSON  
Comm# DD0759086  
Expires 2/10/2012  
Florida Notary Assn., Inc

Personally Known \_\_\_\_\_ OR Produced Identification -  
Type of Identification Produced Fla. Driver License L200-007-56-384-0

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 4 & 5 BLK A TRACT 26 S  
ANLANDO SPRINGS PB 5 PG 17

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

### FINDINGS OF FACT

**Property Owner:** Allan Lugo  
1811 Carlton Street  
Longwood, FL 32750

**Project Name:** Carlton Street (1811)

**Requested Variance:**

Request for a side street (west) setback variance from 25 feet to 0 feet for an existing wood privacy fence in R-1AA (Single Family Dwelling) district.

Approval was sought to bring into compliance the construction of an existing 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: 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 January 26, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 4 & 5 BLK A TRACT 26 S  
ANLANDO SPRINGS PB 5 PG 17

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

### FINDINGS OF FACT

**Property Owner:** Allan Lugo  
1811 Carlton Street  
Longwood, FL 32750

**Project Name:** Carlton Street (1811)

#### **Variance Approval:**

For a side street (west) setback variance from 25 feet to 0 feet for an existing wood privacy 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: 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 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 Manager

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

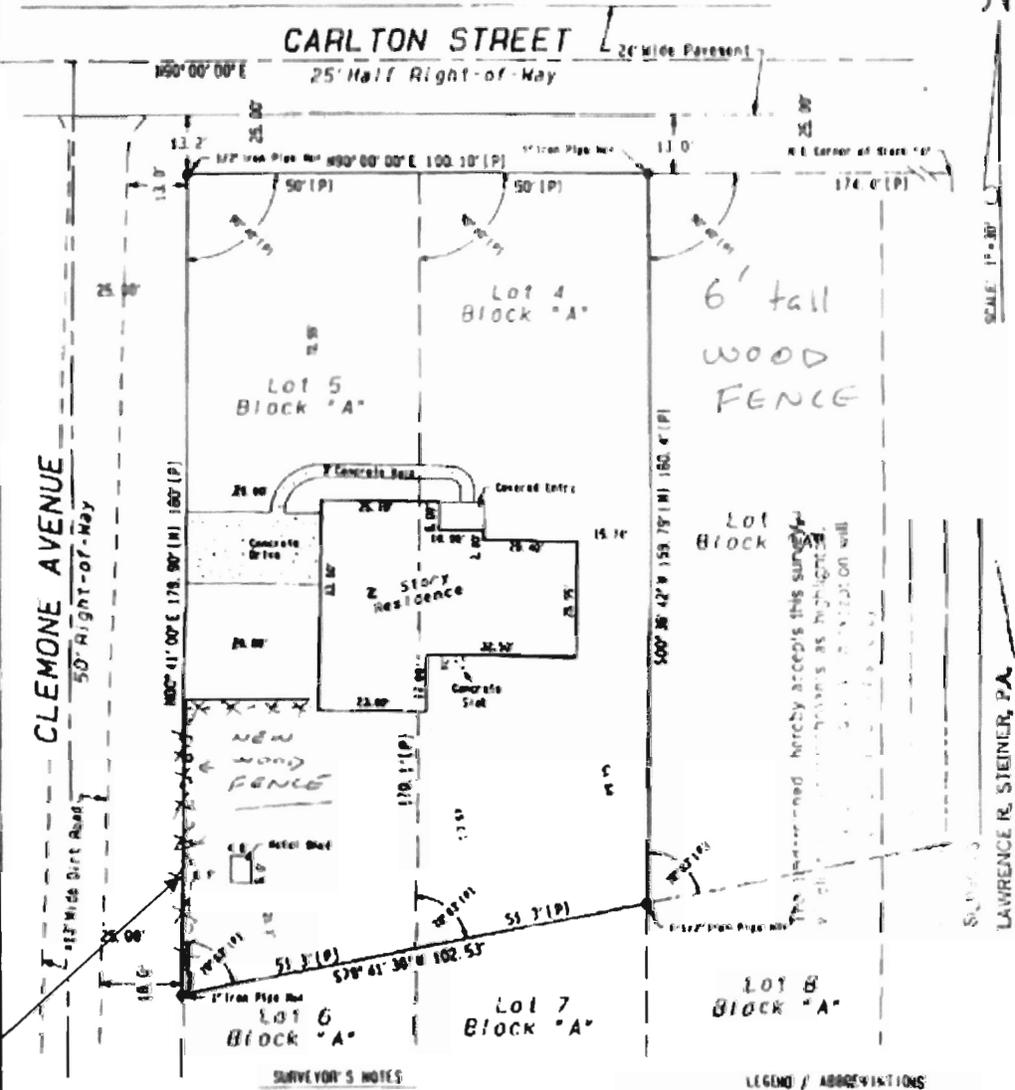
**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**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:

LAND DESCRIPTION: Lots 4 and 5, Block "A", SANLANDO SPRINGS TRACT NO 26, according to the Plat thereof as recorded in Plat Book 5, Page(s) 17 of the Public Records of Seminole County, Florida.  
 PROPERTY ADDRESS: 1811 Carlton Street



Privacy Fence on lot line; 0-foot side street setback

**SURVEYOR'S NOTES**

1. All bearings are based on the centerline of CARLTON STREET as being 180° 00' 00" E, per Plat A.

2. I have reviewed the FIRM map and have determined that this property does not lie within the 100 Year Flood Zone.

3. Wood piles are not to be used to reconstruct property lines.

This Survey is Certified (EXCLUSIVELY) to and ONLY for the use of:

Lawrence R. Steiner, P.A.  
 Ticker Title Insurance Company

**LEGEND / ABBREVIATIONS**

- - Recovered 1/2" Iron Rod (1/4" dia)
- - Recovered Monumentation as shown
- - Recovered 4"x4" Concrete Monument No.
- - 6' Wood Fence
- - 4' Chain Link Fence
- Δ - Delta; Δ - Arc Length; R - Radius
- [P] - Plat; [M] - Measured; [OS] - Old

I hereby certify that the surveying shown hereon is true and correct to the best of my knowledge and meets the Minimum Technical Standards pursuant to Chapter 21 MH-6 Florida Statutes