Item #BV2008-128

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: **1381 Oxford Road** – Samuel Stewart, applicant; Request for a side street (north) setback variance from 25 feet to 0 feet for a 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 (north) setback variance from 25 feet to 0 feet for a privacy fence in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a side street (north) setback variance from 25 feet to 0 feet for a privacy fence in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Samuel Stewart
	Location:	1381 Oxford Road
	Zoning:	R-1AA (Single Family Dwelling) district
	Subdivision:	English Estates Unit 2
BACKGROUND / REQUEST	• The applicant proposes to construct a 6 foot privacy fence that would encroach 25 feet into the required 25-foot side street setback. • There are currently no code enforcement or building violations for this property. • 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,	

Reviewed by:
Co Atty: GC
Pln Mgr: AS

	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 side street (north) setback for the 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

Application # BV2008-128
Meeting Date Jan 26, 09

COPY

VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED DEC 15 2008

PROPERTY OWNER / APPLICANT *(If you are not the owner please provide a letter of authorization from the owner)*

Name: SAMUEL D. STEWART (SKIP)
Address: 1381 OXford Rd City: MAITLAND Zip code: 32751-3522
Project Address: SAME AS ABOVE City: Zip code:
Tax Parcel number: 20-21-30-503-0A00-0010
Contact number(s): 407-331-6933 407-765-0912 (Cell)
Email address: NONE

Is the property available for inspection without an appointment?

☑ Yes ☐ No *If gated please provide a gate code to staff.*

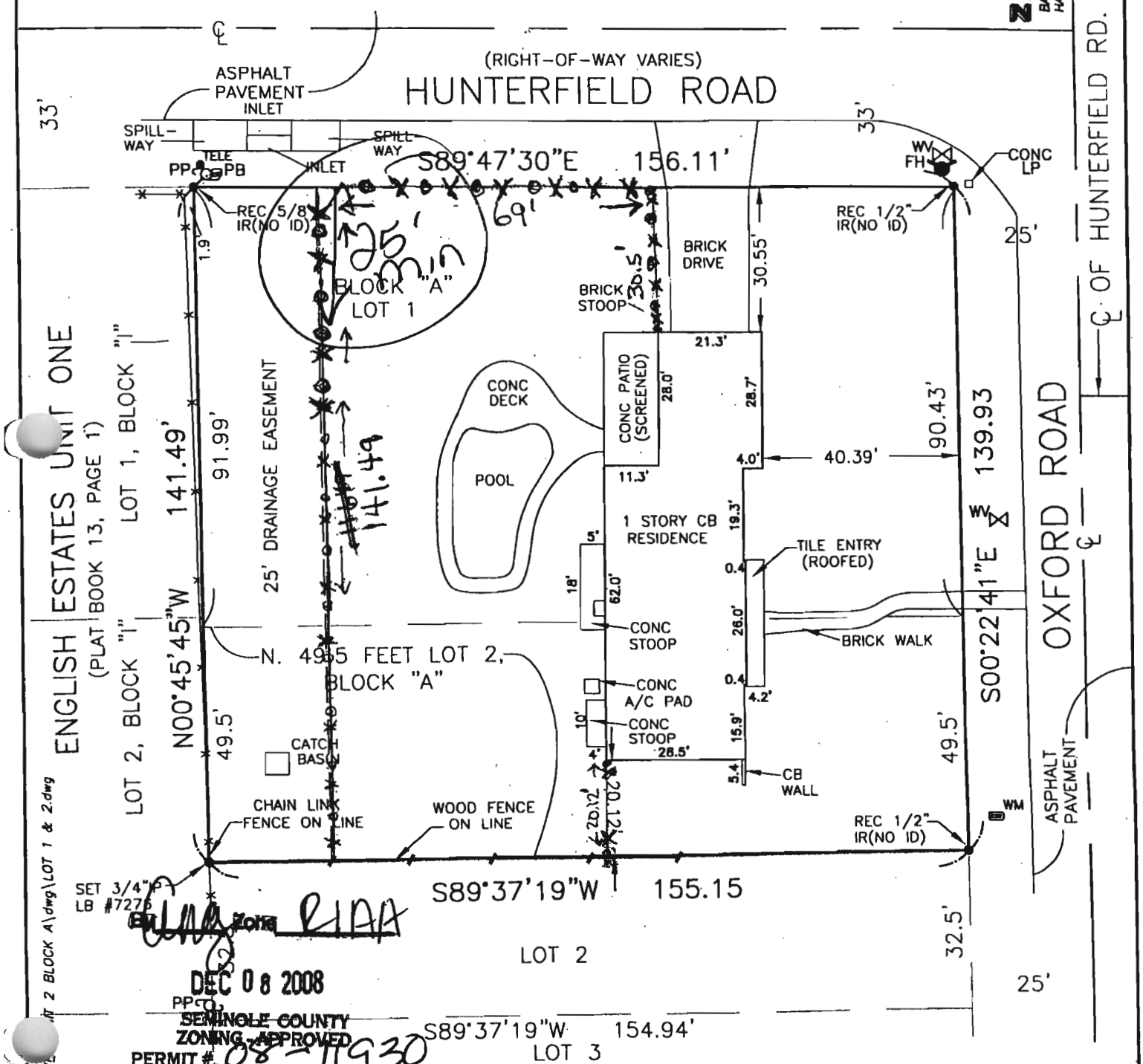
What type of structure is this request for?	
[ ] **Shed**	*Please describe:*
[X] **Fence**	*Please describe:* 6' Cypress Wood Fence IN BACK YARD
[ ] **Pool**	*Please describe:* (replaces Chain Link Fence)
[ ] **Pool screen enclosure**	*Please describe:*
[ ] **Covered screen room**	*Please describe:*
[ ] **Addition**	*Please describe:*
[ ] **New Single Family Home**	*Please describe:*
[ ] **Other**	*Please describe:*
[ ] ***This request is for a structure that has already been built.***	

What type of variance is this request?				
[ ] **Minimum lot size**	Required lot size:		Actual lot size:	
[ ] **Width at the building line**	Required lot width:		Actual lot width:	
[ ] **Front yard setback**	Required setback:		Proposed setback:	
[ ] **Rear yard setback**	Required setback:		Proposed setback:	
[ ] **Side yard setback**	Required setback:		Proposed setback:	
[✓] **Side street setback**	Required setback:	25'	Proposed setback:	ON PROP LINE 0 Ft.
[ ] **Fence height**	Required height:		Proposed height:	
[ ] **Building height**	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
[ ] _____ **yard setback**	Required setback:		Proposed setback:	
[ ] _____ **yard setback**	Required setback:		Proposed setback:	
[✓] **Total number of variances requested** 1				

Signed: Samuel D. Stewart ***Date:*** 12-15-08

BOUNDARY SURVEY MAP
FOR
SAMUEL STEWART

DESCRIPTION:
LOT 1 AND THE NORTH 49.50 FEET OF LOT 2, BLOCK "A", ENGLISH ESTATES UNIT TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 84, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



By [illegible] Zone RIAA
DEC 08 2008
SEMINOLE COUNTY ZONING APPROVED
PERMIT # 08-11930
6' fence

LEGEND:

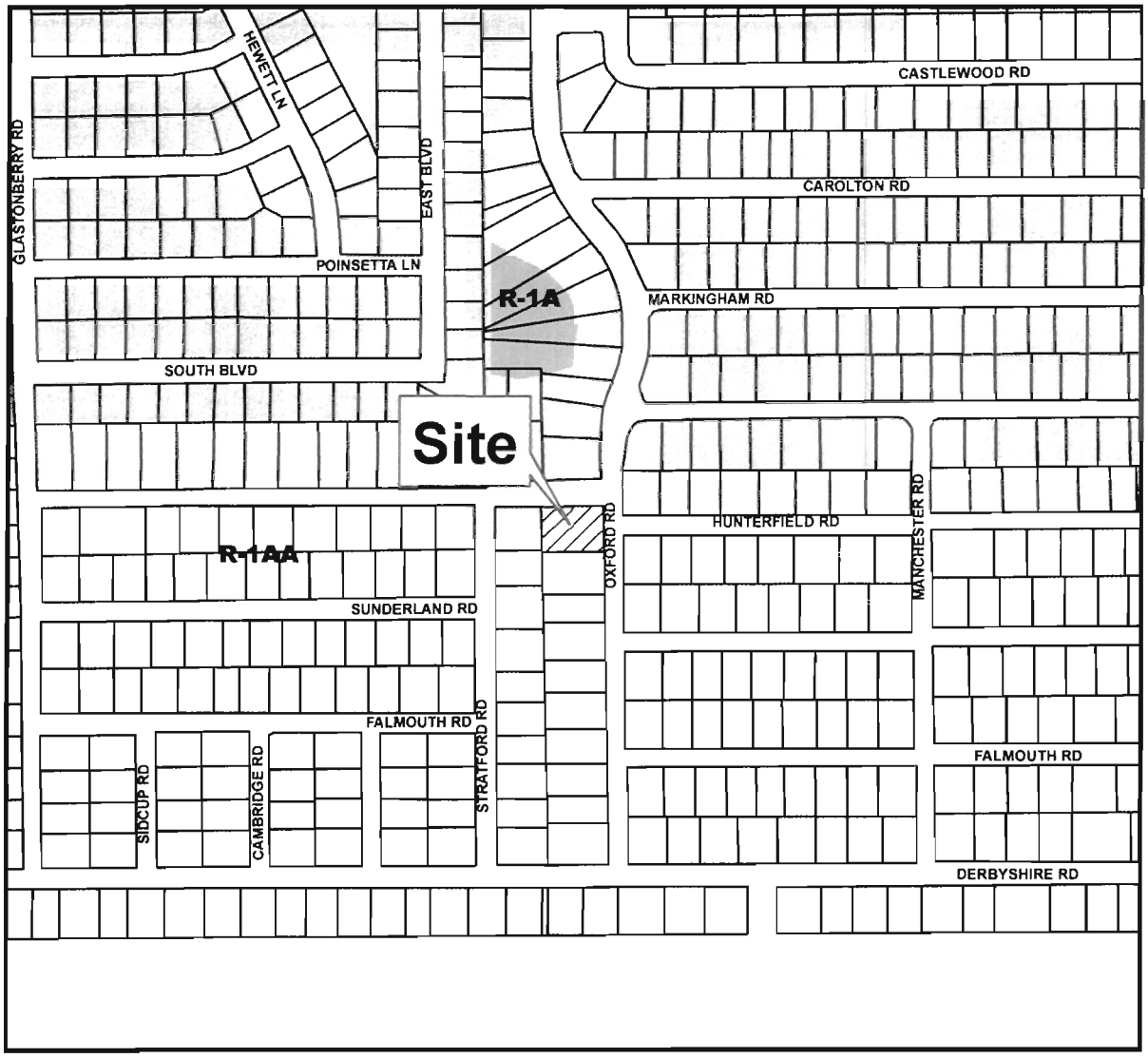
℄	CENTERLINE
REC	RECOVERED
IP	IRON PIPE
IR	IRON ROF
WM	WATER METER

SURVEY REPORT:

1. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
2. This survey does not reflect or determine ownership.

...iects\ENGLISH ESTATES UNIT 2 BLOCK A\dwg\LOT 1 & 2.dwg

Samuel D Stewart
1381 Oxford Road
Maitland, Florida 32751

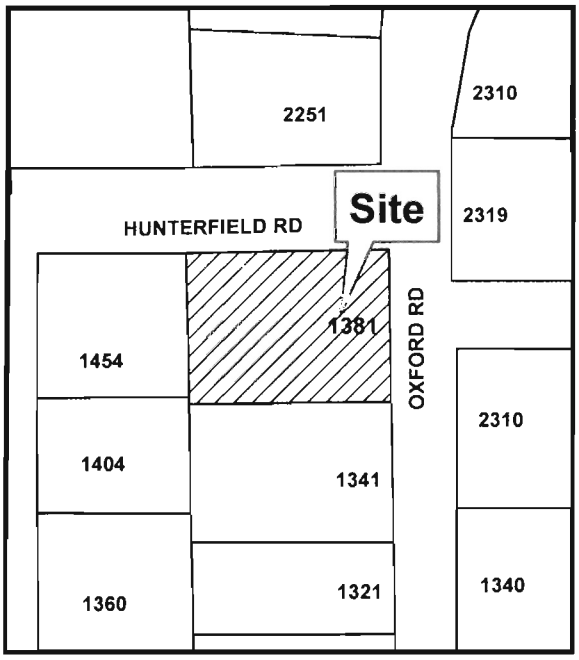


Seminole County Board of Adjustment
January 26, 2009
Case: BV2008-128 (Map 3209 Grid D3)
Parcel No: 20-21-30-503-0A00-0010

Zoning

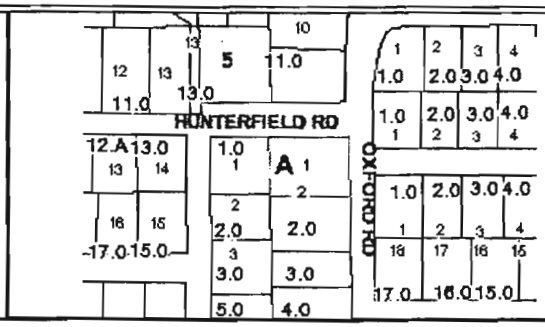
BV2008-128
R-1AA
R-1A

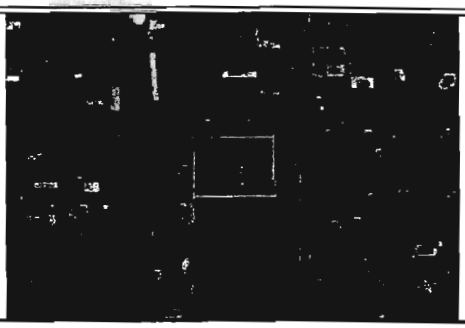
N



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
SEMINOLE COUNTY FL
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506





GENERAL

Parcel Id: 20-21-30-503-0A00-0010
Owner: STEWART SAMUEL D
Mailing Address: 1381 OXFORD RD
City,State,ZipCode: MAITLAND FL 32751
Property Address: 1381 OXFORD RD MAITLAND 32751
Subdivision Name: ENGLISH ESTATES UNIT 2
Tax District: 01-COUNTY-TX DIST 1
Exemptions: 00-HOMESTEAD (1994)
Dor: 01-SINGLE FAMILY

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	$143,831	$158,174
Depreciated EXFT Value	$7,846	$7,846
Land Value (Market)	$40,000	$40,000
Land Value Ag	$0	$0
Just/Market Value	$191,677	$206,020
Portablity Adj	$0	$0
Save Our Homes Adj	$67,103	$85,074
Assessed Value (SOH)	$124,574	$120,946

Tax Estimator

Portability Calculator

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	$124,574	$50,000	$74,574
Schools	$124,574	$25,000	$99,574
Fire	$124,574	$50,000	$74,574
Road District	$124,574	$50,000	$74,574
SJWM(Saint Johns Water Management)	$124,574	$50,000	$74,574
County Bonds	$124,574	$50,000	$74,574

Potential Portability Amount is $67,103
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	01/1981	01326	1088	$100	Improved	No
WARRANTY DEED	08/1978	01185	0873	$59,900	Improved	Yes

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH):	$3,103
2008 Tax Bill Amount:	$1,257
Save Our Homes (SOH) Savings:	*$1,846*

2008 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	40,000.00	$40,000

LEGAL DESCRIPTION

PLATS: Pick...

LEG LOT 1 + N 49.5 FT OF LOT 2 BLK A ENGLISH ESTATES UNIT 2

PB 13 PG 84

BUILDING INFORMATION

	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
Building Sketch	1	SINGLE FAMILY	1965	6	1,904	2,449	1,904	EW CONCRETE BLOCK	$143,831	$189,251

Appendage / Sqft	OPEN PORCH FINISHED / 104
Appendage / Sqft	GARAGE UNFINISHED / 441

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

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1965	1	$240	$600
POOL GUNITE	1979	660	$5,280	$13,200
COOL DECK PATIO	1979	292	$409	$1,022
ALUM SCREEN PORCH W/CONC FL	1979	319	$1,085	$2,712
BRICK DRIVEWAY	1979	400	$640	$1,600
BRICK WALKWAY	1979	120	$192	$480

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
Samuel D. Stewart	1381 Oxford Rd. Maitland FL	407-331-6933

(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.

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.

12-15-08
Date

Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 15 day of December, 2008 by Samuel Stewart.

Karen Mathews
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Notary Public State of Florida
Karen Mathews
My Commission DD556397
Expires 08/26/2010

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced Florida's Drivers License

For Use by Planning & Development Staff

Date:_____ Application Number:_____

Rev. 11/08
Ref. Ord. #2007-23

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

LOT 1 + N 49.5 FT OF LOT 2 BLK A
ENGLISH ESTATES UNIT 2 PB 13 PG 84

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

FINDINGS OF FACT

Property Owner: Samuel Stewart
1381 Oxford Road
Maitland, FL 32751

Project Name: Oxford Road (1381)

Requested Variance:

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

Approval was sought to allow a privacy fence to encroach 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, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 1 + N 49.5 FT OF LOT 2 BLK A
ENGLISH ESTATES UNIT 2 PB 13 PG 84

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

FINDINGS OF FACT

Property Owner: Samuel Stewart
1381 Oxford Road
Maitland, FL 32751

Project Name: Oxford Road (1381)

Variance Approval:

For a side street (north) setback variance from 25 feet to 0 feet for a 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 aforedescribed 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 (north) setback for the fence as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforedescribed 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

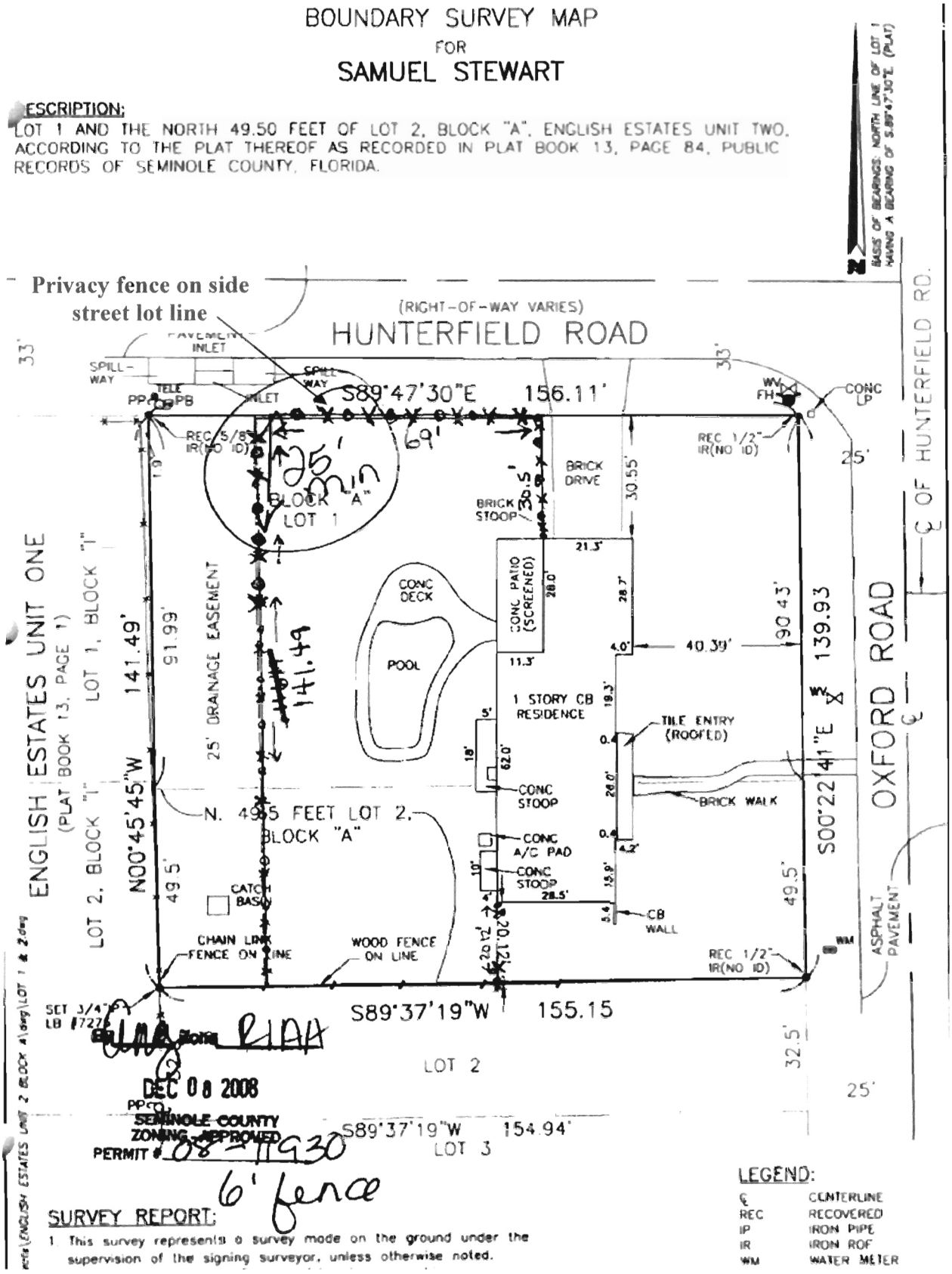
My Commission Expires:

BOUNDARY SURVEY MAP

FOR

SAMUEL STEWART

DESCRIPTION:
LOT 1 AND THE NORTH 49.50 FEET OF LOT 2, BLOCK "A", ENGLISH ESTATES UNIT TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 84, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SURVEY REPORT:

1. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.

LEGEND:

℄	CENTERLINE
REC	RECOVERED
IP	IRON PIPE
IR	IRON ROD
WM	WATER METER