

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

SUBJECT: 2753 Joseph Circle – Robert Walker, applicant; Request for a front yard setback variance from 10 feet to 0 feet for a proposed 6-foot privacy fence in R-1BB (Single Family Dwelling) district.

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

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

Agenda Date 01/25/10 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 10 feet to 0 feet for a proposed 6-foot privacy fence in R-1BB (Single Family Dwelling) district; or
2. **Approve** the request for a front yard setback variance from 10 feet to 0 feet for a proposed 6-foot privacy fence in R-1BB (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Robert Walker Owner: Marwan Syyed & Sawsan Alhattoo Location: 2753 Joseph Circle Zoning: R-1BB (Single Family Dwelling) Subdivision: Village of Remington
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 6-foot privacy fence approximately 30 feet in length in order to screen an existing AT&T phone cabinet from view. • The phone cabinet is located within the utility easement; and it has been requested by the neighborhood that the equipment be screened from view of the right of way. • There are currently no code enforcement or building violations for this property. • On December 7th, 2009, the applicant was granted a front yard setback variance from 20 feet to 10 feet for

Reviewed by: _____
 Co Atty: _____
 Pln Mgr: _____

	<p>the proposed fence; it has since been determined that the requested setback was not sufficient, therefore requiring the applicant to request a new variance.</p>
STAFF FINDINGS	<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">• 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	<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">• Any variance granted shall apply only to the front yard setback along the Southern Bell easement for a 6-foot 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.

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 # BV2009-110
Meeting Date 1-25-2010

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: Robert Walker
Address: 2266 Clark St City: Apopka Zip code: 32703
Project Address: 2753 Joseph Circle City: Oviedo Zip code: 32765
Tax Parcel number: 27-21-31-515-0000-0300
Contact number(s): 407-468-8942
Email address: _____

Is the property available for inspection without an appointment?

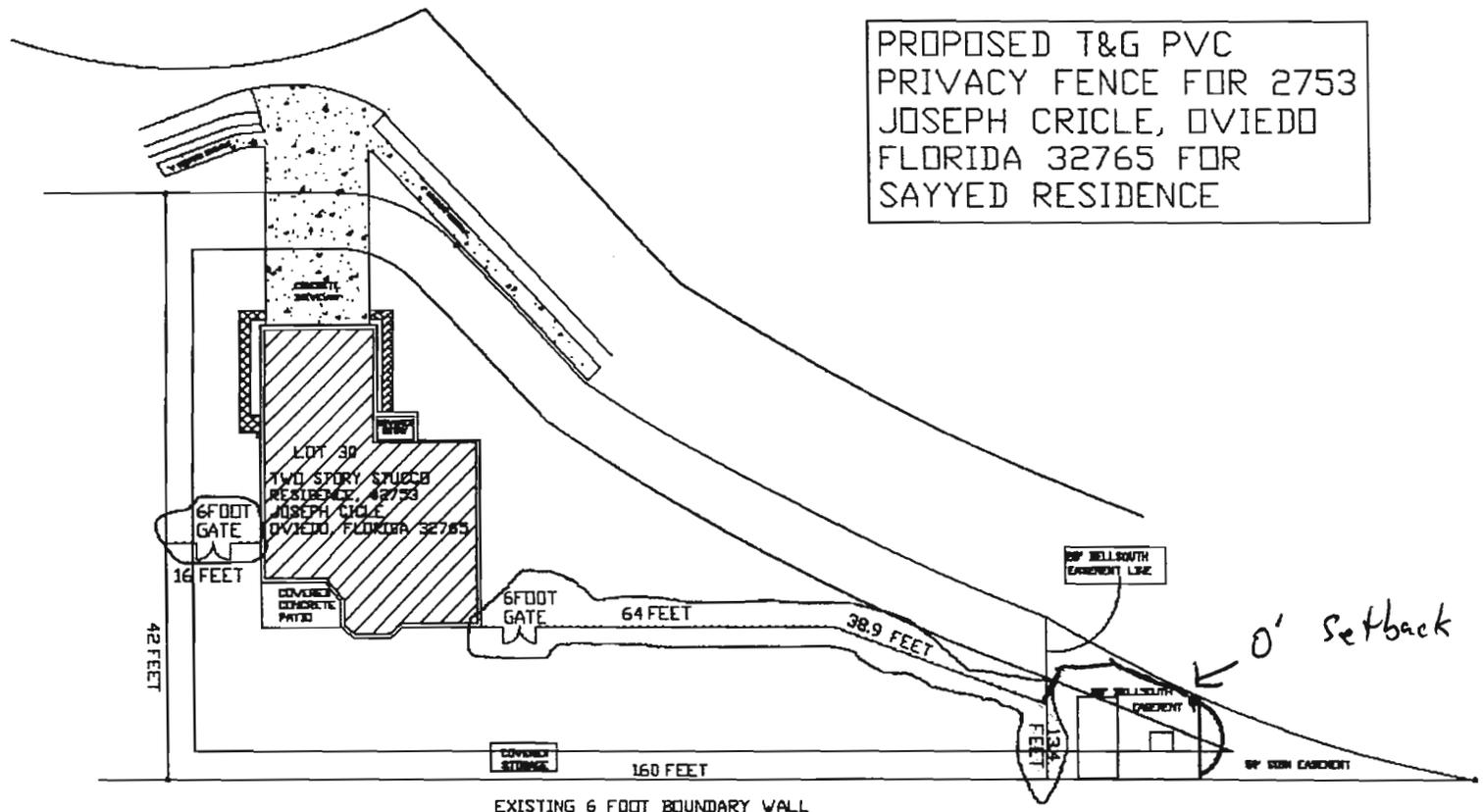
Yes No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe:
<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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>10'</u>	Proposed setback:	<u>0'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<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 _____				

Signed: Robert Walker Date: 1/7/10

PROPOSED T&G PVC
PRIVACY FENCE FOR 2753
JOSEPH CRICLE, OVIEDO
FLORIDA 32765 FOR
SAYYED RESIDENCE



0' setback

Robert Walker
 2753 Joseph Circle
 Oviedo, FL 32765

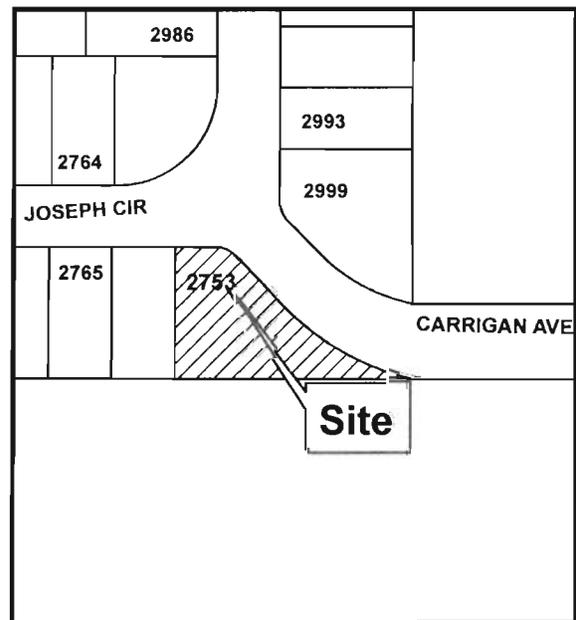


Seminole County Board of Adjustment
 January 25, 2010
 Case: BV2009-110 (Map 3212 Grid E5)
 Parcel No: 27-21-31-515-0000-0300

Zoning

	BV2009-110		R-4
	A-1		C-2
	R-1AA		M-1A
	R-1B		PUD
	R-1BB		

N



<p>PARCEL DETAIL</p>  <p>David Joseph, CPA, ASA SEMINOLE COUNTY FL 1100 N. W. 11th St SARASOTA, FL 34237-1408 407-551-7808</p>																																			
<p align="center">GENERAL</p> <p>Parcel Id: 27-21-31-015-0000-0300 Owner: SAYYED MARWAN & Own/Addr: ALHATOO SAWSAN Mailing Address: 2753 JOSEPH CIR City,State,ZipCode: OVIEDO FL 32785 Property Address: 2753 JOSEPH CIR OVIEDO 32785 Subdivision Name: VILLAGE OF REMINGTON Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2002) Do: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$198,207</td> <td align="right">\$213,333</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$29,700</td> <td align="right">\$29,700</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$225,907</td> <td align="right">\$243,033</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$37,003</td> <td align="right">\$54,318</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$188,904</td> <td align="right">\$188,715</td> </tr> </tbody> </table> <p align="center">Tax Estimator Portability Calculator</p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$198,207	\$213,333	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$29,700	\$29,700	Land Value Ag	\$0	\$0	Just/Market Value	\$225,907	\$243,033	Portability Adj	\$0	\$0	Save Our Homes Adj	\$37,003	\$54,318	Assessed Value (SOH)	\$188,904	\$188,715
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Taxing Authority	Assessment Value	Exempt Values	Taxable Value																																
County General Fund	\$188,904	\$50,000	\$138,904																																
Schools	\$188,904	\$25,000	\$163,904																																
Fire	\$188,904	\$50,000	\$138,904																																
Road District	\$188,904	\$50,000	\$138,904																																
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<p>Potential Portability Amount is \$37,993</p> <p>The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.</p>																																			
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																														
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BUILDING INFORMATION																																			
Bld Num	Bld Type	Year Bkt	Fbrture	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																										
1	SINGLE FAMILY	1998	11	1,268	3,078	2,485	CB/STUCCO FINISH	\$198,207	\$206,452																										
Appendage / Sqft		OPEN PORCH FINISHED / 40																																	
Appendage / Sqft		GARAGE FINISHED / 441																																	
Appendage / Sqft		SCREEN PORCH FINISHED / 112																																	
Appendage / Sqft		UPPER STORY FINISHED / 1217																																	
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p> <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>																																			

**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
MARWAN SAYYED	2753 JOSEPH CIRCLE, OVIEDO	
ALATDO SANSAN	2753 JOSEPH CIRCLE, OVIEDO	

(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.

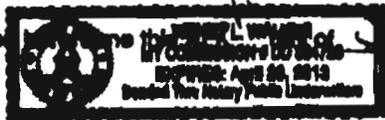
- 6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
- 7. I affirm that the above representations are true and 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.

7/28/09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed



Sandra
[Signature]
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____

Type of Identification Produced _____

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

Al-Haboo Sawzan the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) _____
27-21-91-515-0000-0100

herby affirm that ROBERT WALKER is hereby designated to act as my /our authorized agent and to file the attached application for the stated special exception / variance request and make binding statements and commitments regarding the request.

[Signature]
Owner's signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

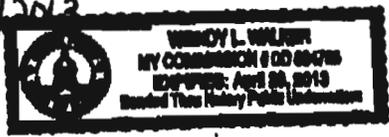
SWORN TO AND SUBSCRIBED before me this 4th day of August, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Al-Haboo Sawzan who is personally known to me or who has produced _____ his identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of August, 2009

[Signature]
Notary Public in and for the County and State of Florida

My Commission Expires: 4/28/2013



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 30
VILLAGE OF REMINGTON PB 49 PGS 73-74

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

FINDINGS OF FACT

Property Owner: Marwan Sayyed & Sawsan Alhatoo
2753 Joseph Circle
Oviedo, FL 32765

Project Name: Joseph Circle (2753)

Requested Variance:

For a front yard setback variance from 10 feet to 0 feet for a proposed 6-foot privacy fence in R-1BB (Single Family Dwelling) district.

Approval was sought to allow a privacy fence to encroach within the front yard 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 30
VILLAGE OF REMINGTON PB 49 PGS 73-74

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

FINDINGS OF FACT

Property Owner: Marwan Sayyed & Sawsan Alhatoo
2753 Joseph Circle
Oviedo, FL 32765

Project Name: Joseph Circle (2753)

Variance Approval:

For a front yard setback variance from 10 feet to 0 feet for a proposed 6-foot privacy fence in R-1BB (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 front yard setback along the Southern Bell easement for a 6-foot 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

