

**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.

<b>GENERAL INFORMATION</b>	Applicant: Samuel Stewart Location: 1381 Oxford Road Zoning: R-1AA (Single Family Dwelling) district Subdivision: English Estates Unit 2
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 6 foot privacy fence that would encroach 25 feet into the required 25-foot side street setback.</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>
<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 and which are not applicable to other lands,</li> </ul>

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

	<p>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 (north) setback for the 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

(JW)  
**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-DAD0-0010  
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?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>6' Cypress Wood Fence in Back Yard</u>
<input type="checkbox"/> Pool	Please describe: <u>(replaces Chain Link Fence)</u>
<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'</u>	Proposed setback: <u>ON PMP LINE OFF.</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>			

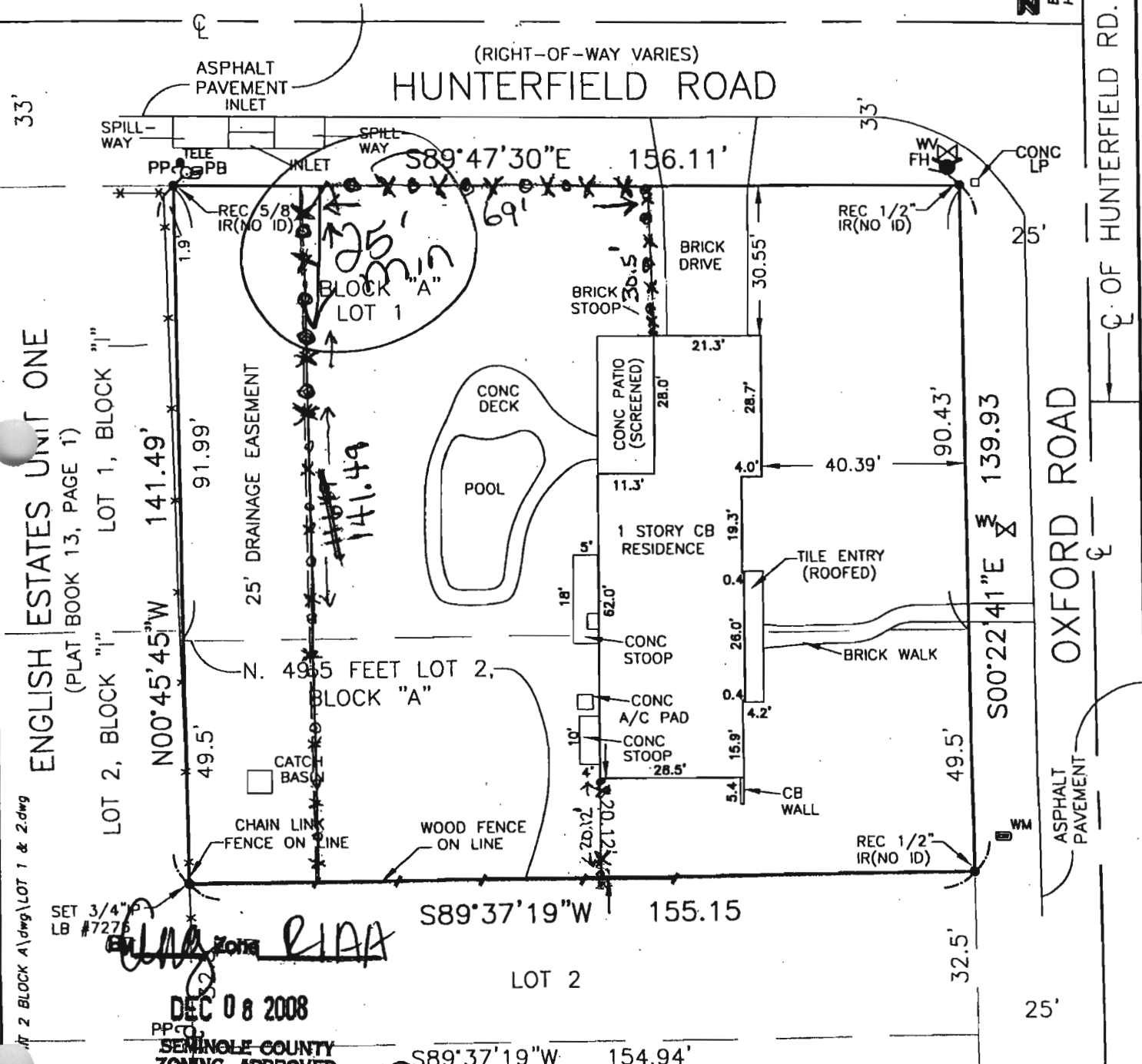
Signed: *Samuel D. Stewart* Date: 12-15-08

# 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.

BASIS OF BEARINGS: NORTH LINE OF LOT 1 HAVING A BEARING OF S.89°47'30"E. (PLAT)



PROJECT: ENGLISH ESTATES UNIT TWO BLOCK A \dwg\LOT 1 & 2.dwg

SET 3/4" P  
LB #7278

*Handwritten signature and initials*

DEC 08 2008

SEMINOLE COUNTY  
ZONING - APPROVED

PERMIT # 08-11930

*6' fence*

**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


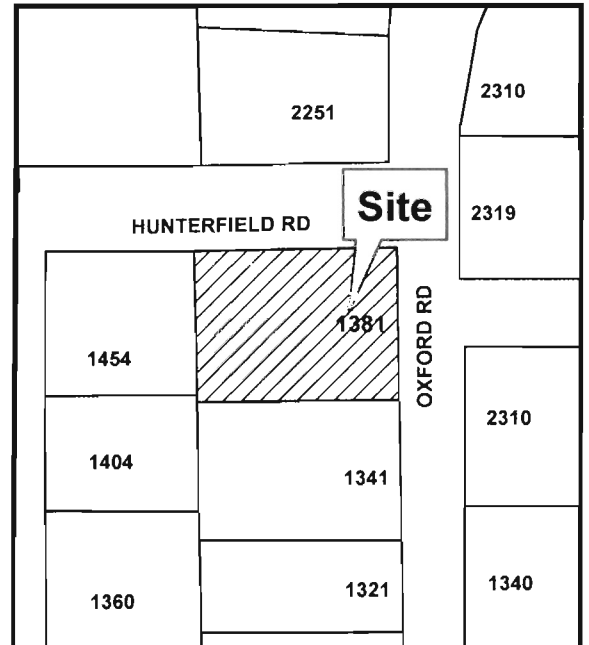
Samuel D Stewart  
 1381 Oxford Road  
 Maitland, Florida 32751



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

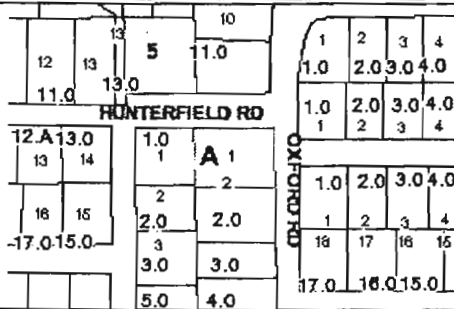
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

FLORIDA COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1488  
407-665-7508



**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
<b>Just/Market Value</b>	<b>\$191,677</b>	<b>\$206,020</b>
Portability Adj	\$0	\$0
Save Our Homes Adj	\$67,103	\$85,074
Assessed Value (SOH)	\$124,574	\$120,946
<b>Tax Estimator</b>		
<b>Portability Calculator</b>		

**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	<del>01326</del> <del>1088</del>	\$100	Improved	No
WARRANTY DEED	08/1978	<del>01185</del> <del>0873</del>	\$59,900	Improved	Yes

Find Comparable Sales within this Subdivision

**2008 VALUE SUMMARY**

Tax Amount (without SOH):	\$3,103
<b>2008 Tax Bill Amount:</b>	<b>\$1,257</b>
<b>Save Our Homes (SOH) Savings:</b>	<b>\$1,846</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	40,000.00	\$40,000

**LEGAL DESCRIPTION**

PLATS:

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
1	SINGLE FAMILY	1965	6	1,904	2,449	1,904	EW CONCRETE BLOCK	\$143,831	\$189,251
<b>Appendage / Sqft</b>		OPEN PORCH FINISHED / 104							
<b>Appendage / Sqft</b>		GARAGE UNFINISHED / 441							

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 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.

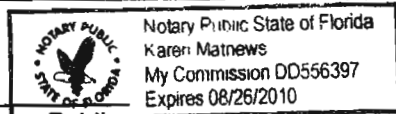
12-15-08  
Date

  
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



Kareri Mathews  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced Florida's Drivers License

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**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 aforescribed legal description has been provided to Seminole County by the owner of the aforescribed 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 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.

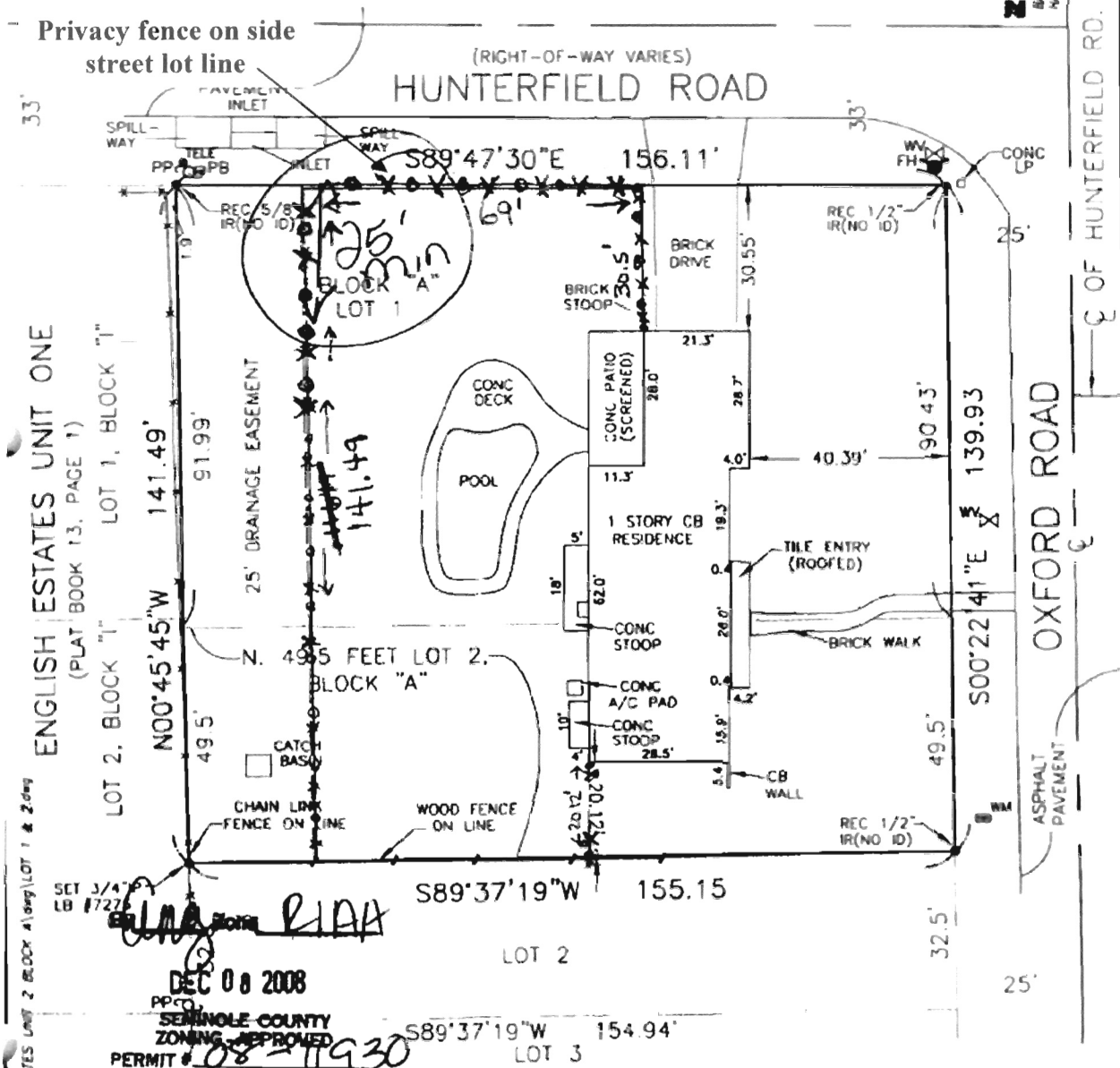
\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

# 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.



ENGLISH ESTATES UNIT ONE  
(PLAT BOOK 13, PAGE 1)  
LOT 2, BLOCK "1"  
LOT 1, BLOCK "1"  
N 00° 45' 45" W 141.49'  
91.99'

ENGLISH ESTATES UNIT 2 BLOCK A (LOT 1 & 2) (PLAT BOOK 13, PAGE 84)

SET 3/4" LB #727  
 RIAA  
 DEC 08 2008  
 SEMINOLE COUNTY ZONING APPROVED  
 PERMIT # 08-11930  
 6' fence

### SURVEY REPORT:

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

LEGEND:

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