

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Appeal of the Board of Adjustment's decision to grant a side yard setback variance from 20 FT to 10 FT for a proposed addition; (Dennis Missler, appellant).

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

**AUTHORIZED BY:** Donald Fisher **CONTACT** Earnest McDonald **EXT.** 7430

Agenda Date 05-25-04 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. **UPHOLD** the Board of Adjustment's decision to grant a side yard setback variance from 20 FT to 10 FT for a proposed addition on property located at 1734 Markham Glen Circle; (Dennis Missler, appellant); or
2. **REVERSE** the Board of Adjustment's decision to grant a side yard setback variance from 20 FT to 10 FT for a proposed addition on property located at 1734 Markham Glen Circle; (Dennis Missler, appellant); or
3. **CONTINUE** the request to a time and date certain.

Commission District #5, McLain Earnest McDonald, Principal Coordinator

<b>GENERAL INFORMATION:</b>	Karen & Harry Arnon, applicants 1734 Marham Glen Circle Longwood, FL 32779  Dennis Missler, appellant 1710 Markham Glen Circle Longwood, FL 32779	RC-1 (Country Homes District); LDC Section 30.166(a)(2); (Yard Regulations; front, side & rear)
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**BOARD OF ADJUSTMENT DECISION:**

At its March 29, 2004 regular meeting, the Board of Adjustment approved a rear yard setback variance from 20 FT to 10 FT for a proposed addition, as depicted on the attached site plan. On April 13, 2004, the appellant, Dennis Missler, appealed the Board of Adjustment's decision to the Board of County Commissioners.

Reviewed by:  
Co Atty: KEC  
DFS: MM  
Other: SS  
DCM: SS  
CM: KL  
File No. ph700pdp02

**STAFF RECOMMENDATION:**

Reverse the decision of the Board of Adjustment to approve a request for side yard setback variance from 20 FT to 10 FT for a proposed addition and deny said variance, based on the stated findings.

**STAFF REPORT**

<p><b>BACKGROUND / REQUEST:</b></p>	<ul style="list-style-type: none"> <li>• The applicants, Karen &amp; Harry Arnon, propose to build a 1,655 SF (25.33 FT x 65.33 FT) addition, which would consist of a physical therapy room, two bathrooms and two bedrooms with walk-in closets.</li> <li>• The proposed addition would encroach 10 FT into the north side yard; a side yard variance from 20 FT to 10 FT is thereby requested.</li> <li>• There is no record of variances having been granted for this property.</li> <li>• At its March 29, 2004 regular meeting, the Board of Adjustment approved a rear yard setback variance from 20 FT to 10 FT for a proposed addition, as depicted on the attached site plan.</li> <li>• On April 13, 2004, the appellant, Dennis Missler, appealed the Board of Adjustment's decision to the Board of County Commissioners.</li> </ul>
<p><b>FINDINGS:</b></p>	
<p>The Board of County Commissioners shall have the power to hear and decide appeals from Board of Adjustment decisions, including variances the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination that the following provisions of Section 30.43(b)(3) are satisfied:</p>	
<p><b>Section 30.43 (b)(3)(a)</b></p>	<p><b>That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification.</b></p> <p>The RC-1 District establishes a minimum side yard setback of 20 FT. No special circumstances have been identified or presented by the applicant to support the requested variance. The submitted floor plan of the current home depicts an existing office, which could be used to provide access to a rear addition. A larger addition could be constructed to the rear of the home without encroachment into any yard.</p>
<p><b>Section 30.43(b)(3)(b)</b></p>	<p><b>That the special conditions and circumstances do not result from the actions of the applicant.</b></p> <p>As previously stated, staff has not been presented with any special circumstances that would support the need for the requested variance.</p>
<p><b>Section 30.43(b)(3)(c)</b></p>	<p><b>That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning classification.</b></p>

	<p>Because there are no identified special circumstances that support the need for the requested variance, staff believes the granting of the same would confer special privileges denied to other properties in the RC-1 District by allowing encroachment into the side yard without the demonstration of a hardship.</p>
<p><b>Section 30.43(b)(3)(d)</b></p>	<p><b>That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant.</b></p> <p>As previously stated, staff does not believe the literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties, since the property is developed with a single-family home and opportunity exists to build a larger addition to the same without encroachment into either the side or rear yards.</p>
<p><b>Section 30.43(b)(3)(e)</b></p>	<p><b>That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.</b></p> <p>The requested variance is not the minimum since reasonable use of the property already exists, as well as the opportunity to expand the same without the requested variance.</p>
<p><b>Section 30.43(b)(3)(f)</b></p>	<p><b>That the grant of the variance will be in harmony with the general intent and purpose of Chapter 30, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</b></p> <p>The requested variance would not be compliant with the Land Development Code and would potentially allow a building addition that is inconsistent with the trend of neighborhood development.</p>
<p><b>STAFF RECOMMENDATION:</b></p>	<p>Based on the stated findings, staff recommends the Board of County Commissioners <u>reverse</u> the decision of the Board of Adjustment to approve a request for side yard setback variance from 20 FT to 10 FT for a proposed addition and deny said variance, unless the applicants can demonstrate a hardship consistent with the criteria of Section 30.43(b)(3) of the Land Development Code. If the Board should decide to uphold the Board of Adjustment's decision 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 proposed addition 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>
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**ATTACHMENTS:** Variance & Appeal Application  
Supporting Documentation  
Proposed Site Plan  
Site Map  
Recorded Development Order  
Property Appraiser Report  
Minutes of the March 29, 2004 BOA meeting



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV2004-030

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

- VARIANCE** 10' on side setback
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**

NORTH SV SETBACK FROM 20' TO 10' FOR PROPOSED ADDITION.

EXISTING  PROPOSED  REPLACEMENT

MOBILE HOME IS FOR \_\_\_\_\_

YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_

ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_

PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_

MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	<u>Karen + Harry Arnon</u>	
ADDRESS	<u>1734 Marlham Glen Cir</u>	
	<u>Longwood FL 32775</u>	
PHONE 1	<u>407-333-4337</u>	
PHONE 2	<u>407-716-6760</u>	
E-MAIL	<u>Karantentac@Cfl.net.com</u>	

PROJECT NAME: Arnon Addition

SITE ADDRESS: 1734 Marlham Glen Circle Longwood FL 32775

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Leg Lot 11 Marlham Glen PB 32 PGS 18 & 19

SIZE OF PROPERTY: 1 acre(s) PARCEL I.D. 23 20-29-507-0000-0110

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on April 26, 2004 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Karen Arnon  
 SIGNATURE OF OWNER OR AGENT\* DATE 3/4/2004

\* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:	
VARIANCE 3:	
VARIANCE 4:	
VARIANCE 5:	
VARIANCE 6:	
VARIANCE 7:	
VARIANCE 8:	

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	Dennis Missler	
ADDRESS	1710 Markham Glen Cir.	
PHONE 1	407-805-8823	
PHONE 2		
E-MAIL	dennism86@aol.com	
NATURE OF THE APPEAL	See Attachment A	

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

PROCESSING:	
FEE: \$150	COMMISSION DISTRICT 5 FLU/ZONING SE/RC-1
LOCATION FURTHER DESCRIBED AS ON EAST SIDE OF MARKHAM GLEN CIR.	
APPLIC. 1,500' FT. <sup>EAST</sup> FROM INTERSECTION WITH MARKHAM WOODS RD	
PLANNER V B	DATE 3/5/07
SUFFICIENCY COMMENTS _____	

Karen & Harry Arnon  
1734 Markham Glen Circle  
Longwood, Florida 32779  
Phone/Fax 407-333-4337

March 4, 2004

To the Seminole County Board of Adjustment:

My mother, Rory G. Weinrob, had a massive heart attack and stroke in May of 2003; she was widowed in December of 2001. Upon completion of her in-patient rehabilitation she needs to reside with us in a handicap accessible and functional room with bathroom and shower. After much consideration we have determined that we need to move ourselves closer to her so our plans include 2 bedrooms and two bathrooms and a room for physical therapy. We want the addition to look original to the house therefore it is designed from the front as a section just like the garage section, dining/kitchen section, living room section and bedrooms section. Due to my husband's physical limitations from McArdle Syndrome, a degenerative muscle disorder, building up is not suitable. As the garage and driveway are on one side and an addition behind the house would block any view the North side is the only place to build.

To accommodate handicap issues the width requires us to request the variance on our side setback which is 20'(feet) to be reduced to 10"(feet). We have discussed this with our neighbor on that side, Jacob and Kerry Nagib, and they have no objections.

With regard to the present septic system, due to the new bathrooms and the age of the existing tank (18 years) this will be replaced with a larger unit. There are Progress Energy and Utilities Inc. connections, which will be relocated to the side of the new structure. There are three sickly scrub oak trees that need to be removed. We will replace these with other trees upon completion.

Should you require additional information we will gladly provide it. As the situation with my mother is precarious due to our house not being handicap friendly we appreciate your favorable and speedy response.

Sincerely,

Handwritten signatures of Karen and Harry Arnon. The signature for Karen is on the left and the signature for Harry is on the right, both in black ink.

Karen and Harry Arnon

# Appeal Package

Appeal package for BV2004-032

Appeal to Seminole County Commissioners to reverse the decision of the Board of Adjustment for case BV2004-032

**Subject:**

Request for side yard setback variance from 20 feet to 10 feet for a proposed addition: Karen and Harry Arnon, applicants.

BV2004-032

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 20 FT TO 10 FT FOR A PROPOSED ADDITION; (KAREN & HARRY ARNON, APPLICANTS).

DEPARTMENT: Planning & Development DIVISION Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Earnest McDonald EXT. 7430

Agenda Date 03-29-04 Regular  Consent  Public Hearing - 6:00

MOTION/RECOMMENDATION:

1. APPROVE THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 20 FT TO 10 FT FOR A PROPOSED ADDITION; (KAREN & HARRY ARNON, APPLICANTS); OR
2. DENY THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 20 FT TO 10 FT FOR A PROPOSED ADDITION; (KAREN & HARRY ARNON, APPLICANTS); OR
3. CONTINUE THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #5, McLain)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	KAREN & HARRY ARNON, APPLICANTS 1734 MARHAM GLEN CIRCLE LONGWOOD, FL 32779	RC-1 (COUNTRY HOMES DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"><li>• THE APPLICANTS PROPOSE TO BUILD A 1,655 SF (25.33 FT X 65.33 FT) ADDITION, WHICH WOULD CONSIST OF A PHYSICAL THERAPY ROOM, TWO BATHROOMS AND TWO BEDROOMS WITH WALK-IN CLOSETS.</li><li>• THE PROPOSED ADDITION WOULD ENCROACH 10 FT INTO THE NORTH SIDE YARD; A SIDE YARD VARIANCE FROM 20 FT TO 10 FT IS THEREBY REQUESTED.</li><li>• THERE IS NO RECORD OF VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li></ul>	
STAFF FINDINGS	<ul style="list-style-type: none"><li>• THE RC-1 DISTRICT ESTABLISHES A MINIMUM SIDE YARD SETBACK OF 20 FT. NO SPECIAL CIRCUMSTANCES HAVE BEEN IDENTIFIED TO SUPPORT THE REQUESTED VARIANCE. THE SUBMITTED FLOOR PLAN OF THE CURRENT HOME DEPICTS AN EXISTING OFFICE, WHICH COULD BE USED TO PROVIDE ACCESS TO A REAR ADDITION. FURTHERMORE, AN ADDITION</li></ul>	

# Contents of Appeal Package

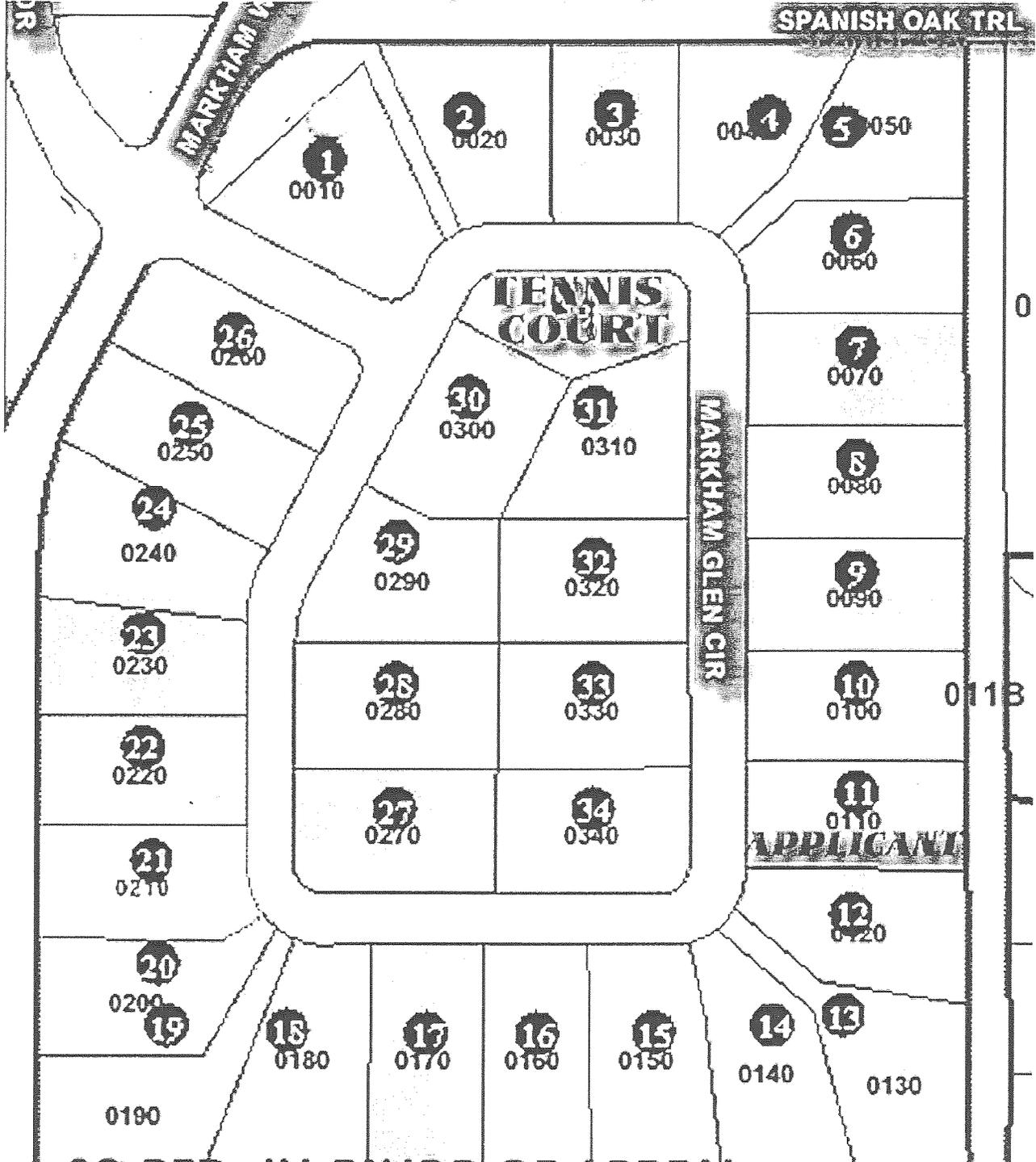
1. Application to the Seminole County Board of Adjustment with request for appeal of approved variance to the Board of County Commissioners.
2. Graphical illustration of survey of homeowners regarding Board of Adjustment change to lot 11.
3. Completed survey of homeowners regarding change to lot 11 and signed by homeowners in favor of appealing this variance.
4. Correspondence and e-mails from concerned homeowners.
5. Photograph of front of application's home showing proximity to adjacent home.

# Attachment A

## Nature of the Appeal

1. The variance would conflict with the harmony and general character of the neighborhood and the spaciousness currently existing between the homes.
2. The variance would not be compliant with the land development code and would potentially allow a building addition that is inconsistent with the neighborhood development.
3. Sufficient build able space exists on the lot within the setback requirements that would allow an addition of the size requested or larger, to be constructed.
4. Should the applicant decide to maintain the addition on the side of the home, the width of the addition could be decreased to conform with setback requirements.

# SURVEY OF HOMEOWNERS REGARDING BOARD OF ADJUSTMENT CHANGE TO LOT 11



**20 RED. IN FAVOR OF APPEAL**  
**7 GREEN AGAINST APPEAL**  
IN FAVOR OF ALLOWING SET BACK TO BE REDUCED TO 10 FEET  
**6 BLUE ABSTAINED FROM VOTE**  
**1 YELLOW NO WRITTEN RESPONSE**

Thursday, April 08, 2004

Markham Glen HOA Board is requesting homeowner input for the board to act on your behalf. Recently the Board of Adjustments ruled by a vote of 3/2 on the 20 foot set back on lot 11 at 1734 Markham Glen Circle to allow a 10 foot set back for said addition.

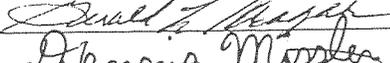
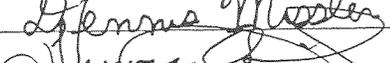
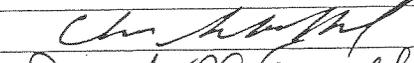
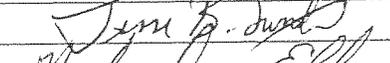
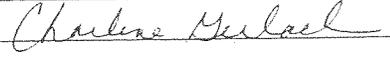
We may appeal that ruling for \$150.00 but have only until Tuesday 13 of April 2004 to do so.

Therefore, your vote is needed. Please place a **Check** in the box below to indicate your desire. A vote for is in favor of the board filing the appeal. A vote against is to allow the set back to be reduced to 10 feet. A vote to Abstain shows you were contacted and do not wish to vote for or against.

Owner	For Appeal	Against Appeal	Abstain Appeal
Lot 1 Ingalls, Robert & Cheryl	✓		
Lot 2 Thompson Rosie & John	✓		✓
Lot 3 Baumann, Margaret & Steve			
Lot 4 Crager, Gerry & Mary	✓		
Lot 5 Missler, Dennis & Dorothy	✓		
Lot 6 Lail, Tom & Tina	✓		
Lot 7 Young, <i>Both</i>		✓	<i>Richard</i>
Lot 8 Amirzadehal, Hamid			
Lot 9 Scheidegg, Ray & Judy			
Lot 10 Nagib, Yagoub & Keri			
Lot 11 Arnon, Harry & Karen			
Lot 12 French, Gene & Joann	✓		
Lot 13 Sacco, Joseph or Cathy			
Lot 14 Hosely, Frank & Keire			
Lot 15 Spielmann, Frederick & Andrea			
Lot 16 Flewellyn, Tom & Valada			
Lot 17 Poppell, Timothy D. & Magaly G.			
Lot 18 Grant, Dale & Edwina			
Lot 19 Sheth Jiten & Purnima			
Lot 20 Petuccelli, Angelo & June			✓
Lot 21 Shaikh, Amin & Humaira			
Lot 22 Davis, Richard & Rosemary			✓ called to change vote on
Lot 23 Schoeffel, Christopher & Angela	✓		4/11/04. call placed to
Lot 24 Farrell, Joseph & Susan	✓		Dennis Missler
Lot 25 English, Charles & Patry	✓		
Lot 26 Umbriano, Joseph & Laura			
Lot 27 Johnson, Eriminette			
Lot 28 Burke, Donald & Jasmine	✓		
Lot 29 Swords, Jesse & Debbie	✓		
Lot 30 Ellenburg Michael & Jennifer	✓		✓
Lot 31 Fitzgerald /englis, David & April			
Lot 32 Gerlach, Charles & Charlene	✓		
Lot 33 Allard, Lauren			
Lot 34 Fry, Kevin & Dianne			

Thursday, April 08, 2004

We the homeowners in Markham Glen are against the relaxation of set back restrictions in our neighborhood. We therefore request reconsideration of your action to allow lot 11 at 1734 Markham Glen Circle to encroach by 10 feet into that setback requirement. We base this request on the sure knowledge that you did not have all the facts before you when this decision was made.

Owner	Signature
Lot 1 Ingalls, Robert & Cheryl	
Lot 2 Thompson Rosie & John	
Lot 3 Baumann, Margaret & Steve	
Lot 4 Crager, Gerry & Mary	
Lot 5 Missler, Dennis & Dorothy	
Lot 6 Lail, Tom & Tina	
Lot 7 Young	
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Lot 11 Arnon, Harry & Karen	
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Lot 31 Fitzgerald /englis, David & April	
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Lot 33 Allard, Lauren	
Lot 34 Fry, Kevin & Dianne	

called to change vote on 4/11/04  
from for appeal to Abstain JP

Thursday, April 08, 2004

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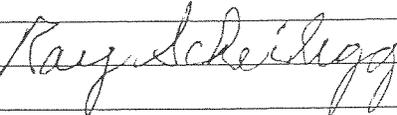
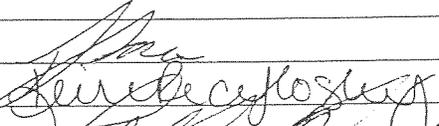
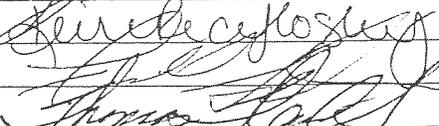
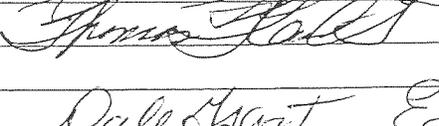
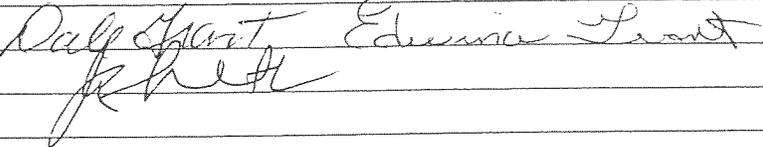
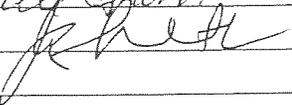
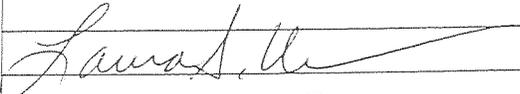
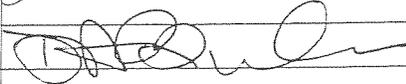
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Lot 6 Lail, Tom & Tina			
Lot 7 Young			
Lot 8 Amirzadehal, Hamid	✓		
Lot 9 Scheidegg, Ray & Judy			
Lot 10 Nagib, Yagoub & Keri			
Lot 11 Arnon, Harry & Karen			
Lot 12 French, Gene & Joann			
Lot 13 Sacco, Joseph or Cathy	✓		
Lot 14 Hosely, Frank & Keire	✓		
Lot 15 Spielmann, Frederick & Andrea	✓		
Lot 16 Flewellyn, Tom & Valada	✓		
Lot 17 Poppell, Timothy D. & Magaly G.			✓
Lot 18 Grant, Dale & Edwina	✓		
Lot 19 Sheth Jiten & Purnima	✓		
Lot 20 Petuccelli, Angelo & June		✓	
Lot 21 Shaikh, Amin & Humaira		✓	
Lot 22 Davis, Richard & Rosemary			
Lot 23 Schoeffel, Christopher & Angela			
Lot 24 Farrell, Joseph & Susan			
Lot 25 English, Charles & Patry			
Lot 26 Umbriano, Joseph & Laura	✓		✓
Lot 27 Johnson, Eriminette			
Lot 28 Burke, Donald & Jasmine	✓		
Lot 29 Swords, Jesse & Debbie			
Lot 30 Ellenburg Micharl & Jennifer			
Lot 31 Fitzgerald /english, David & April			
Lot 32 Gerlach, Charles & Charlene			
Lot 33 Allard, Lauren			
Lot 34 Fry, Kevin & Dianne		✓	

Thursday, April 08, 2004

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Karen Mathews

03/25/2004 09:24 AM

To: Earnest McDonald/Seminole@Seminole

cc:

Subject: FW: Arnon Addition - 1734 Markham Glen Circle, Longwood, FL

Earnest,

Welcome back.

This E-mail arrived in the Plandesk folder today. I have put a copy of the letter in Patty's file up front.

I hope you had a nice mini-vacation. You deserve it!

Karen Mathews  
Senior Staff Assistant  
1101 E. 1st St.  
Sanford, FL 32771  
407 665-7444  
407 665-7385 (fax)

----- Forwarded by Karen Mathews/Seminole on 03/25/2004 09:28 AM -----



"Lail, Thomas E -  
(ORL)"  
<tlail@tcco.com>

03/23/2004 06:58 PM

To: <plandesk@co.seminole.fl.us>

cc: <tml225@aol.com>

Subject: FW: Arnon Addition - 1734 Markham Glen Circle, Longwood, FL

To Earnest McDonald, Principal Coordinator:

My wife and I are homeowners in the Markham Glen neighborhood, where Karen and Harry Arnon at the above referenced address have requested a variance of the side yard setback requirement from 20' to 10'. Please accept this correspondence as notification that we do not support this request.

We ask that the Seminole County Board of Adjustment deny this request. The setback requirements should be enforced as established. To relax the requirements in one case would potentially set a precedent for other properties in this neighborhood or other neighborhoods.

The proximity of one home to another should be maintained per the current code requirements. Closer proximities could compromise the fire separation between properties or create noise transmission issues between homes.

Please consider this request to maintain the setback requirements as currently established in this community.

Thank you.

Thomas and Tina Lail  
1714 Markham Glen Circle



Karen Mathews  
03/26/2004 12:44 PM

To: Earnest McDonald/Seminole@Seminole  
cc:  
Subject: Fwd: 1734 Markham Glen

Earnest,

This letter was in the plandesk folder today. I have put a copy in Patty's file up front.

Karen Mathews  
Senior Staff Assistant  
1101 E. 1st St.  
Sanford, FL 32771  
407 665-7444  
407 665-7385 (fax)

----- Forwarded by Karen Mathews/Seminole on 03/26/2004 12:48 PM -----



ASpielmann@aol.com  
03/25/2004 10:24 AM

To: Plandesk@co.seminole.fl.us  
cc:  
Subject: Fwd: 1734 Markham Glen

----- Message from ASpielmann@aol.com on Thu, 25 Mar 2004 10:18:46 EST -----

To: Plandesk@seminole.fl.

us

Subject 1734 Markham Glen

:

What is the current distance of 1730 to it's property line which is where 1734 wishes to extend to?

I do not believe there is 40 feet between the homes now!



Andrea Spielmann  
1750 Markham Glen Circle  
Longwood, FL 32779 - 2797  
407-333-2873 or 407-339-6160  
Fax 407-339-0088



Karen Mathews

03/29/2004 09:08 AM

To: Earnest McDonald/Seminole@Seminole  
cc:  
Subject: Variance request 1734 Markham Glen Circle

Earnest,

This came in through the plandesk folder. I have put a copy in Patty's file up front.

Karen Mathews  
Senior Staff Assistant  
1101 E. 1st St.  
Sanford, FL 32771  
407 665-7444  
407 665-7385 (fax)

----- Forwarded by Karen Mathews/Seminole on 03/29/2004 09:13 AM -----



"Dale Grant"  
<dgrant1@cfl.rr.com>

03/28/2004 05:15 PM

To: <plandesk@co.seminole.fl.us>  
cc:  
Subject: Variance request 1734 Markham Glen Circle

Hearing March 29, 2004 at 6PM for Variance request for 1734 Markham Glen Circle

We are unable to attend due to being away at the time of the hearing.

Please do NOT grant this request. We moved into Markham Glen in part due to the restrictions that would ensure houses would not be built close together. The 20 foot setback should not be violated. On a 1+ acre lot, a good design could accommodate the needs of this neighbor without violating zoning standards.

Thank you for your consideration,

Dale and Edwina Grant  
1762 Markham Glen Circle  
Longwood, Fl 32779  
407-829-2631  
Neighbors in Markham Glen



<allard3050@bellsouth  
.net>

03/29/2004 04:33 PM

To: <plandesk@co.seminole.fl.us>

cc:

Subject: 1734 Markham Glen Circle

I am a neighbor of Karen and Harry Arnon and I would like to support their desire to build an addition onto their house. In our subdivision all the homes are on one acre of property and the proposed addition that the Arnon's are presenting would only enhance property values. They are needing the extra area to house Karen's disabled mother.

We should all have children like Karen and Harry who are welcoming Karen's disabled mother into their home to live.

I ask you please give serious consideration to their request at the hearing this evening.

Thank you.

Lauren Allard  
1731 Markham Glen Circle  
Longwood, FL 32779

Spielmann  
1750 Markham Glen Circle  
Longwood, FL 32750

Seminole County  
Planning & Development  
1101 East First Street  
Sanford, FL 32771-1468

Dear board of commissioners,

April 11, 2004

I am strongly opposed to the approved variance allowing less than the 20-foot set back for any lot in Markham Glen.

I have been a resident of Markham Glen since May 1990. The spaciousness between the homes is the one and only reason we kept coming back to this subdivision.

Coming from an area where there were no defined property lines, which gave an open feeling, it was extremely difficult to find this feeling in a subdivision. We returned to this subdivision for over two years before making our final decision.

We own another home in Seminole county in the Sanlando Springs area and this was our first home. We have kept it knowing that maybe someday it would be needed for life is a strange road to travel. We go from children to adults to parents and parents taking care of our own parents; on this road, we cross many problems. We in 1974 were a young couple in our 20s with a 4 bedroom 2 bath home to ourselves with lots of room and the first child came after 6 yrs of having all this space to our selves. The increase of one baby in our home felt like it was choking us. However, the baby items left and than 10 years later, we were having our second child. Oh, my, we then felt really impacted with this and my husband started to look for something bigger. We too might be confronted with a parent to care for someday, but this too is temporary. Children grow up and leave home, death confronts all of us, but buildings stay. They are permanent and last for more than life times. People come and go but the structure stays to be a continuous reminder of the vision by the developer of open spaces and large lots.

Lot 11 needs today may not be the same needs tomorrow, but Markham Glen needs should be for the well being of the 34 home owners who share common grounds, party together, work together and since the board of adjustment ruling are joined closer together.

I implore you, the board, and Lot 11, my friends and neighbors, to reconsider this request and give all of Markham Glen back its 20 foot set back, as there are other alternatives for Lot 11's construction that would remain within the original setback.

Respectfully,

Andrea Spielmann

Subj: **Board of Adjustment meeting**  
Date: 4/12/2004 10:38:08 PM Eastern Daylight Time  
From: [Joefarrell](mailto:Joefarrell)  
To: [tlail@tcco.com](mailto:tlail@tcco.com)  
CC: [DennisM86](#), [ASpielmann](#)

Tom,

I will not be present at the Board of Adjustment meeting due to a conflict, however I am sending you this e-mail to state my position, so it can be read at the meeting.

I am in favor of appealing the variance for the following reasons:

1. The Board of Adjustments "staff" found no justification for this variance based on "hardship" given a one acre lot size, sighting there is plenty of room behind the house for a proposed 1,800 sq. ft. addition.
2. I agree with the Markham Glen Home Owners Association Board which voted against the proposed addition, sighting the "precedent" this 10 foot zoning variance sets. This "precedent" has the potential of changing the entire character of Markham Glen which currently has homes 40 feet apart and reason I purchased my home in Markham Glen. Following this precedent would lead to homes only 20 feet apart and all Markham Glen homeowners would lose one of the main selling points of this neighborhood.

Joseph K. Farrell  
1786 Markham Glen Circle  
Longwood, FL 32779

Subj: **FW: Arnon Addition - 1734 Markham Glen Circle, Longwood, FL**  
Date: 4/12/2004 1:58:26 PM Eastern Daylight Time  
From: [tlail@tcco.com](mailto:tlail@tcco.com)  
To: [ASpielmann@aol.com](mailto:ASpielmann@aol.com)

Andrea:

Attached is a copy of my email to Seminole County and to the MG ARB regarding the proposed relaxation of the setback requirements at 1734 Markham Glen Circle.

Please include this in any appeal package being prepared.

Tom Lail

-----Original Message-----

**From:** Lail, Thomas E - (ORL)  
**Sent:** Wednesday, March 31, 2004 2:59 PM  
**To:** CragarGL@aol.com; dgrant1@cfl.rr.com; DennisM86@aol.com  
**Cc:** 'tml225@aol.com'  
**Subject:** FW: Arnon Addition - 1734 Markham Glen Circle, Longwood, FL

Dear ARB;

Below is a copy of the email that I sent to Seminole County regarding the proposed addition by the Arnon's.

Even though Tina and I understand that Seminole County has approved the requested variance, we request that the Markham Glen ARB deny the request as currently proposed.

We have no objection to the Arnon's expanding their home. However, an addition can be done without encroaching into the side yard setback guidelines that were in place when all of us purchased our homes. As I indicated at the annual homeowners meeting, the services of an architect can provide creative solutions to spatial needs that can both comply with the established setback guidelines and meet the current and future needs of the Arnon's. We believe that the Arnon's should consider other options for their proposed addition.

Please consider the position of my wife and I as you deliberate on the Arnon's request.

Thank you.

Tom & Tina Lail

-----Original Message-----

**From:** Lail, Thomas E - (ORL)  
**Sent:** Tuesday, March 23, 2004 6:58 PM  
**To:** 'plandesk@co.seminole.fl.us'  
**Cc:** 'tml225@aol.com'  
**Subject:** FW: Arnon Addition - 1734 Markham Glen Circle, Longwood, FL

To Earnest McDonald, Principal Coordinator:

My wife and I are homeowners in the Markham Glen neighborhood, where Karen and Harry Arnon at the above referenced address have requested a variance of the side yard setback requirement from

20' to 10'. Please accept this correspondence as notification that we do not support this request.

We ask that the Seminole County Board of Adjustment deny this request. The setback requirements should be enforced as established. To relax the requirements in one case would potentially set a precedent for other properties in this neighborhood or other neighborhoods.

The proximity of one home to another should be maintained per the current code requirements. Closer proximities could compromise the fire separation between properties or create noise transmission issues between homes.

Please consider this request to maintain the setback requirements as currently established in this community.

Thank you.

Thomas and Tina Lail  
1714 Markham Glen Circle  
Longwood, Florida 32779

-----Original Message-----

**From:** ASpielmann@aol.com [mailto:ASpielmann@aol.com]

**Sent:** Monday, March 15, 2004 4:02 PM

**To:** CragarGL@aol.com; dgrant1@cfl.rr.com; CragarM@aol.com; Lail, Thomas E - (ORL); DennisM86@aol.com; steve-baumann@cfl.rr.com; Jswords@mckimcreed.com; Jbswords@aol.com

**Subject:** Fwd: Arnon Addition

Subj: **Fw: Variance request 1734 Markham Glen Circle**  
Date: 4/12/2004 5:41:25 PM Eastern Daylight Time  
From: [dgrant1@cfl.rr.com](mailto:dgrant1@cfl.rr.com)  
To: [ASpielmann@aol.com](mailto:ASpielmann@aol.com), [Tlail@tcco.com](mailto:Tlail@tcco.com)

Forwarded original email. Our feelings have not changed.

Dale and Edwina Grant

----- Original Message -----

**From:** Dale Grant

**To:** [plandesk@co.seminole.fl.us](mailto:plandesk@co.seminole.fl.us)

**Sent:** Sunday, March 28, 2004 6:15 PM

**Subject:** Variance request 1734 Markham Glen Circle

Hearing March 29, 2004 at 6PM for Variance request for 1734 Markham Glen Circle

We are unable to attend due to being away at the time of the hearing.

Please do NOT grant this request. We moved into Markham Glen in part due to the restrictions that would ensure houses would not be built close together. The 20 foot setback should not be violated. On a 1+ acre lot, a good design could accommodate the needs of this neighbor without violating zoning standards.

Thank you for your consideration,

Dale and Edwina Grant  
1762 Markham Glen Circle  
Longwood, FL 32779  
407-829-2631  
Neighbors in Markham Glen



ASpielmann@aol.com

04/15/2004 11:04 AM

To: EMcDonald@seminolecountyfl.gov

cc:

Subject: Fwd: Andrea--please forward to the Arnon's and all board members thanks

BC 2004 032

You may wish to add this to the package we sent.

Andrea Spielmann  
1750 Markham Glen Circle  
Longwood, FL 32779 - 2797  
407-333-2873 or 407-339-6160  
Fax 407-339-0088

----- Message from Lovetfly@aol.com on Wed, 14 Apr 2004 21:28:46 EDT -----

**To:** ASpielmann@aol.com

**Subject:** Andrea--please forward to the Arnon's and all board members thanks

Dear Harry,

I attended a portion of last weeks annual HOA meeting and heard some of the request being presented for the expansion on your home. I'm sorry about your families failing health and hope everything turns out well.

As your neighbor, I want to share with you that over the weekend I was approached by our neighborhood board and was given a clearer understanding as to the options at hand on your expansion. Please understand my vote for appeal has nothing to do with you increasing the size of your home.

An expansion would mean added value to all homeowners. Moreover our brief casual encounters have only eluded the fact that your expansion would be done in taste of your contemporaries. I myself have contemplated expansion necessary to the maturing of my children.

My reason for appeal is merely the lateral expansion which exceeds our articles of incorporation. I wish you and your family well and hope you succeed in an amicable resolve with the board.

Sincerely, John Thompson and family

----- Message from "Karen Guttentag Arnon" <kaguttentag@cfl.rr.com> on Mon, 15 Mar 2004 10:44:14 -0600 -----

**To:** "REALTOROSE" <REALTOROSE@aol.com>, "Gerry Crager" <CragarGL@aol.com>, "Dgrant1" <dgrant1@cfl.rr.com>

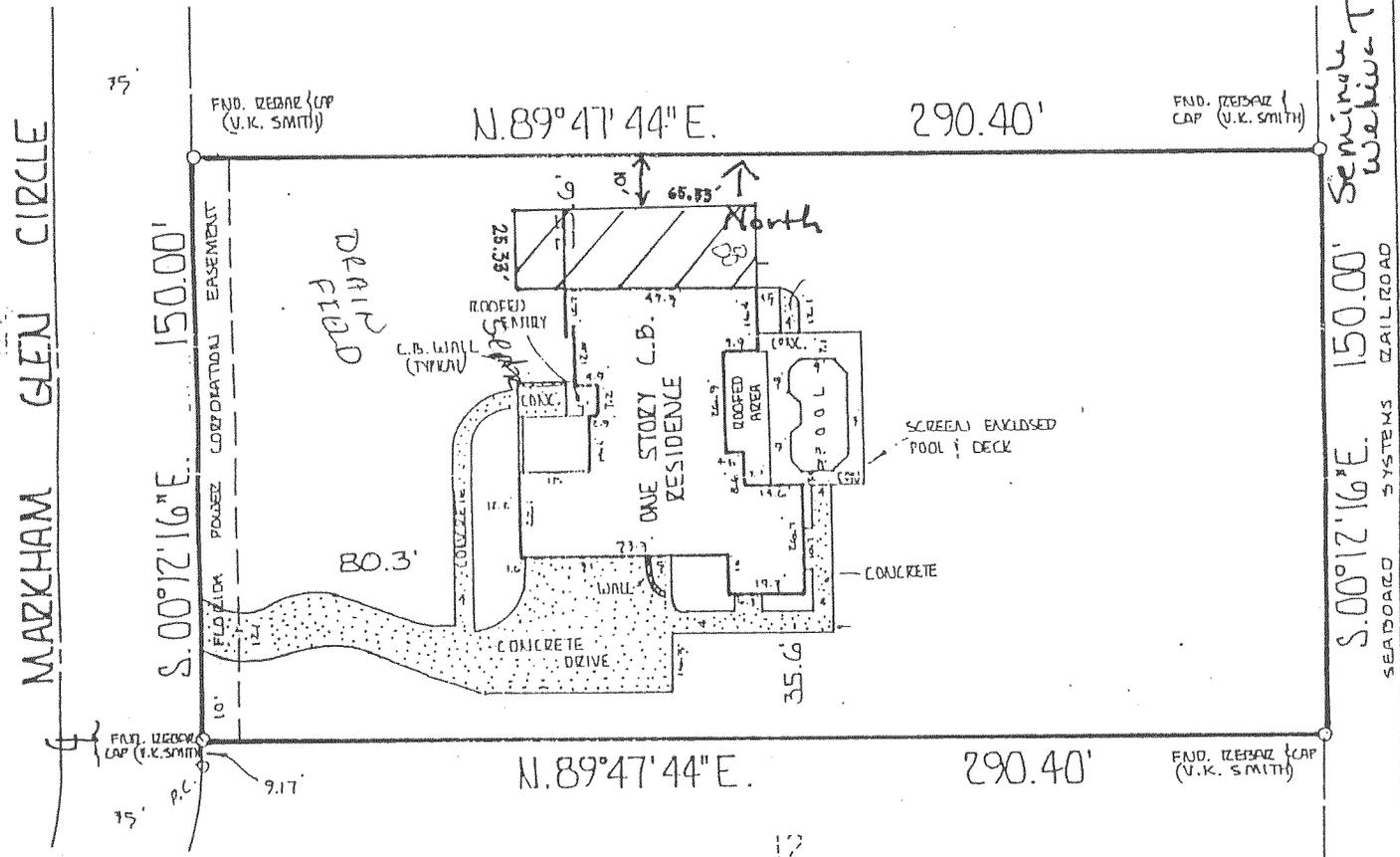
**cc:** "Andrea Spielmann" <aspielemann@aol.com>

**Subject** Arnon Addition

:

It has been brought to my attention inquires are being made regarding the placard in my yard. We are requesting a variance to the side setback to accommodate and addition to our home that will have 2 bedrooms(handicap accessible), 2 bathrooms and a multi-purpose room. As we need the rooms to be wider than a railroad car due to ADA requirements, we need 10 feet of the 20 foot side setback. Our neighbor Jacob Nagib has no problem with this. It is our intention to present drawings to the ARB at such time as we are granted (or denied) the variance as each time the drawings are done it is costly. Our plan is to have the addition look original to the existing house. You will note from the street our home looks like it is built in sections and the addition will be another section (similar to the garage section). This should answer questions some have been asking. The hearing is March 29 and anyone can enter our yard for information on the placard.

Karen Arnon



THIS PROPERTY LIES IN ZONE "C"  
 PER F.I.R.M. COMMUNITY PANEL NO. 120289  
0110 B DATED 5.5.81

BEARINGS IF SHOWN, ARE ASSUMED AND BASED ON RECORDED PLAT, UNLESS OTHERWISE NOTED.

THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLAIN ZONE.

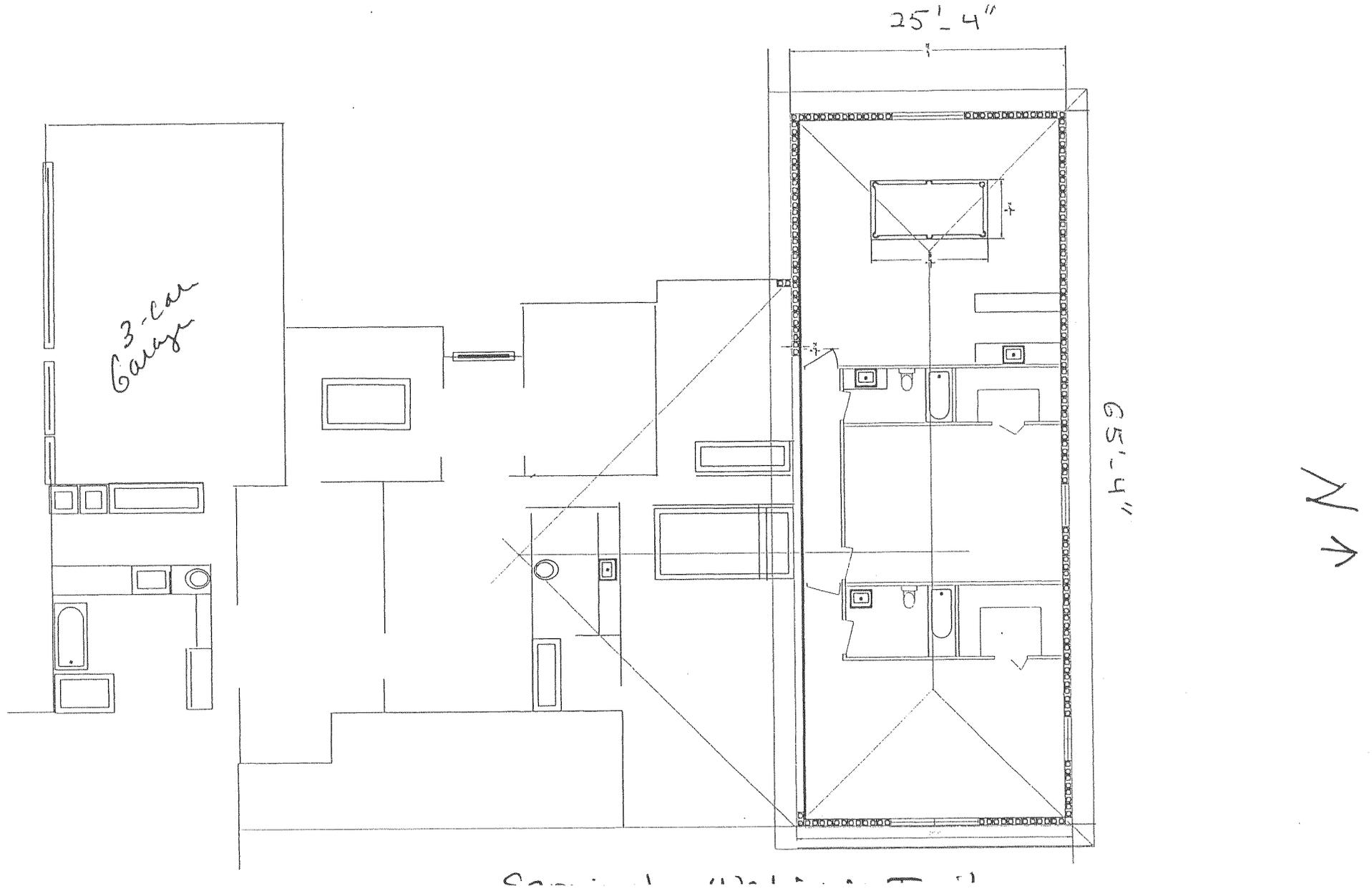
I HEREBY CERTIFY THAT THIS PLAT OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES

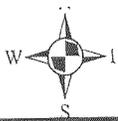
PREPARED FOR:  
**HARRY & KAREN L. AIRNON**  
 CERTIFIED TO: FIRST AMERICAN TITLE INSURANCE COMPANY  
 CARTRER SAVINGS BANK, F.A.

*James P. Ireland*  
**JAMES P. IRELAND** PLS 4200

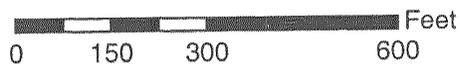
FILE NO.

# MARKHAM Glen Circle





# Karen & Harry Arnon 1734 Markham Glen Circle



BV2004-032

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 29, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 11 MARKHAM GLEN PB 32 PGS 18 & 19

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

**FINDINGS OF FACT**

**Property Owner:** KAREN & HARRY ARNON  
1734 MARHAM GLEN CIRCLE  
LONGWOOD, FL 32779

**Project Name:** MARKHAM GLEN CIRCLE (1734)

**Requested Development Approval:**

SIDE YARD SETBACK VARIANCE FROM 20 FT TO 10 FT FOR A PROPOSED ADDITION

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: Earnest McDonald,  
Principal Coordinator  
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 proposed addition as shown 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: \_\_\_\_\_  
Matthew West  
Planning Manager

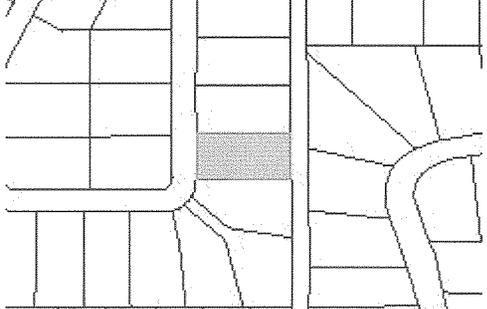
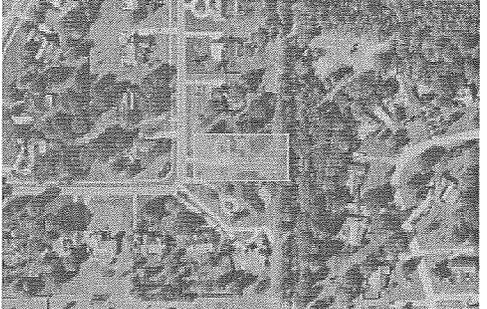
STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

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 \_\_\_\_\_, 2004.

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

My Commission Expires:

<b>PARCEL DETAIL</b>	<b>REAL ESTATE</b>	<b>PERSONAL PROP.</b>	<b>TAX ROLL</b>	<b>SALES SEARCH</b>	◀ Back ▶																																																												
 <p> <b>Seminole County</b>  <b>Property Appraiser Services</b>          1101 E. First St.          Sanford FL 32771          407-668-7506       </p>																																																																	
<p align="center"><b>GENERAL</b></p> <p> <b>Parcel Id:</b> 23-20-29-507-0000-0110    <b>Tax District:</b> 01-TX DIST 1 - COUNTY  <b>Owner:</b> ARNON HARRY &amp; KAREN L    <b>Exemptions:</b> 00-HOMESTEAD  <b>Address:</b> 1734 MARKHAM GLEN CIR  <b>City,State,ZipCode:</b> LONGWOOD FL 32779  <b>Property Address:</b> 1734 MARKHAM GLEN CIR LONGWOOD 32779  <b>Subdivision Name:</b> MARKHAM GLEN  <b>Dor:</b> 01-SINGLE FAMILY         </p>				<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p> <b>Value Method:</b> Market  <b>Number of Buildings:</b> 1  <b>Depreciated Bldg Value:</b> \$240,536  <b>Depreciated EXFT Value:</b> \$10,905  <b>Land Value (Market):</b> \$75,000  <b>Land Value Ag:</b> \$0  <b>Just/Market Value:</b> \$326,441  <b>Assessed Value (SOH):</b> \$214,826  <b>Exempt Value:</b> \$25,000  <b>Taxable Value:</b> \$189,826         </p>																																																													
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>08/1989</td> <td>02170</td> <td>1103</td> <td>\$225,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1987</td> <td>01861</td> <td>0178</td> <td>\$227,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1985</td> <td>01671</td> <td>1942</td> <td>\$54,500</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	08/1989	02170	1103	\$225,000	Improved	WARRANTY DEED	06/1987	01861	0178	\$227,500	Improved	WARRANTY DEED	09/1985	01671	1942	\$54,500	Vacant	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p> <b>Tax Value(without SOH):</b> \$4,716  <b>2003 Tax Bill Amount:</b> \$3,186  <b>Savings Due To SOH:</b> \$1,531  <b>2003 Taxable Value:</b> \$185,820  <b>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</b> </p>																																					
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.  <b>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</b></p>																																																																	

**Minutes for the Seminole County Board of Adjustment**  
**March 29, 2004**  
**6:00 P.M.**

**Members Present:** Mike Hattaway, Bob Goff, Lila Buchanan, Wes Pennington, and Alan Rozon

**Staff Present:** Earnest McDonald, Principal Coordinator, Matt West, Planning Manager, J.V. Torregrosa, Planner, Rich Steiger, Planner, Kathy Fall, Sr. Planner and Patty Johnson, Secretary

- 11. 1734 MARKHAM GLEN CIRCLE** - Karen & Harry Arnon, applicants; Request for side yard setback variance from 20 feet to 10 feet for a proposed addition in the RC-1 (County Homes District); Located on the east side of Markham Glen Circle, approximately 0.3 mile east of the intersection of Markham Glen Circle and Markham Woods Road; (BV2004-032).  
District 5 - McLain  
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that staff recommended denial of the variance request, unless the applicant could demonstrate a hardship. He also stated that staff had received 2 letters in opposition of the request and 1 letter in support.

Karen Arnon stated that her contractor and architect decided the side yard addition would flow with the house design. She also stated that she had a letter from her husband's doctor explaining his condition. She also stated that her mother had a stroke and heart attack last year and was confined to a wheelchair. She further stated that if they could not have the request approved they would have to move.

Mr. Arnon stated that putting the addition to the back of the house was not reasonable. He also stated that the addition would include handicap accommodations.

Dennis Mislner stated that he was speaking on behalf of the Homeowners Association and Architectural Review Board, and they were given blue prints three days ago. He stated that if this request was approved it would set a precedence in the neighborhood. He stated that they were not opposed to the addition; they just didn't want it to encroach in the setbacks.

Jacob McGee stated that they are all friends in the neighborhood and that he sympathized with the family. He also stated that they all knew

what the setbacks were when they moved there. He further stated that humanity has to jump in when you have a situation such as this and that the important thing is what is best for the family. He stated that he was in favor of the request.

**Mrs. Buchanan made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

**The motion passed by a (3-2) consent. Mr. Hattaway and Mr. Rozon were in opposition.**