

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FT TO 13.7 FT FOR A PROPOSED ADDITION; (KAREN & BRIAN BALLEW, APPLICANTS).

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 09-27-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FT TO 13.7 FT FOR A PROPOSED ADDITION; (KAREN & BRIAN BALLEW, APPLICANTS); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FT TO 13.7 FT FOR A PROPOSED ADDITION; (KAREN & BRIAN BALLEW, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District # 1, Maloy)

(Earnest McDonald, Principal Coordinator)

| | | |
|-----------------------------|---|---|
| GENERAL INFORMATION | KAREN & BRIAN BALLEW, APPLICANTS 1850 CARILLON PARK DR. OVIEDO, FL 32765 | PUD (PLANNED UNIT DEVELOPMENT DISTRICT); BRIGHTON PARK AT CARILLON |
| BACKGROUND / REQUEST | <ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO BUILD A ROOM ADDITION TO AN EXISTING SINGLE-FAMILY HOME THAT WOULD ENCROACH 6.3 FT INTO THE 20 FT MINIMUM REAR YARD SETBACK; A REAR YARD VARIANCE FROM 20 FT TO 13.7 FT IS REQUESTED. • A COMMON AREA, REFERENCED AS TRACT "F" ON THE ATTACHED SURVEY, ABUTS THE REAR OF THE SUBJECT PROPERTY. • THERE IS NO RECORD OF VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. | |
| STAFF FINDINGS | <ul style="list-style-type: none"> • THE DEVELOPMENT ORDER FOR BRIGHTON PARK AT CARILLON ESTABLISHES A 20 FT REAR YARD SETBACK. • THE EXISTING HOME HAS AN L-SHAPED CONFIGURATION, WHERE THE GARAGE PROJECTS BEYOND THE LIVABLE AREA OF THE HOUSE. THIS HAS RESULTED IN THE REDUCTION OF BUILDABLE AREA IN | |

| | |
|------------------------------------|--|
| | <p>THE REAR YARD AND THE RELEGATION OF THE SAME TO THE FRONT YARD. THIS IS A CIRCUMSTANCE COMMONLY ASSOCIATED WITH L-SHAPED HOMES, AND THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY SINCE THE OPPORTUNITY EXISTS TO BUILD AN ADDITION TO THE FRONT OF THE HOME WITHOUT A VARIANCE.</p> <ul style="list-style-type: none">• FOR THESE REASONS, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE BRIGHTON PARK AT CARILLON PUD BY ALLOWING ENCROACHMENT INTO THE REAR YARD WITHOUT THE DEMONSTRATION OF A HARDSHIP.• THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE AS PREVIOUSLY STATED.• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW A ROOM ADDITION THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT. |
| <p>STAFF RECOMMENDATION</p> | <ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUESTED REAR YARD SETBACK VARIANCE FROM 20 FT TO 13.7 FT UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED ROOM ADDITION 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. |

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 35

TWP: 21

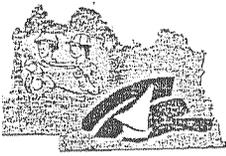
RNG: 31

| | | | | | | | | | | | | | | | | | | | | | |
|---|--|---------------------------------------|--|---|--|------------|--|------------------|--|----------------------|--|-----------|--|----------|--|---------|--|--------|--|--------------|--|
| DEVELOPMENT: | | Brighton Park Phase 2 Tract 102 | | | | DEVELOPER: | | Wayne Rich | | | | | | | | | | | | | |
| LOCATION: | | E side of SR 434, N of McCulloch Road | | | | | | | | | | | | | | | | | | | |
| FILE#: | | BA: | | SP: | | BCC: | | | | | | | | | | | | | | | |
| P&Z: | | PB | | 44 | | PG | | 97-106 | | Lot | | Blk | | Parcel | | DR# | | 226-89 | | Comm Dist | |
| DEVEL. ORDER #: | | | | 88-314 | | | | TAX PAR. I.D. #: | | | | | | | | | | | | | |
| SIDEWALKS: 4' wide in both sides | | | | | | | | | | SETBACK REQUIREMENTS | | | | | | | | | | | |
| | | | | | | | | | | FY: 20' | | SIDE ST.: | | SY: 7.5' | | RY: 20' | | | | | |
| ROAD TYPE: (CURB & GUTTER OR SWALE) | | | | MAIN STRUCTURE OTHER: | | | | | | | | | | | | | | | | | |
| COMMENTS OTHER: Not flood prone. | | | | ACCESSORY STRUCTURE SETBACKS: | | | | | | | | | | | | | | | | | |
| | | | | SY: 7.5' | | | | RY: 10' | | | | | | | | | | | | | |
| | | | | ACCESSORY STRUCTURE OTHER: Min. House 1,000 sq. ft | | | | | | | | | | | | | | | | | |

| | | IMPACT FEES | |
|--|--|--|------------|
| | | SCREEN: | |
| | | TRAFFIC ZONE: | 78 |
| | | LAND USE: | 1 |
| | | 1. ROAD-CO. WIDE | 705.00 |
| | | 2. ROAD-COLL. | 235.00 |
| | | 3. LIBRARY | 54.00 |
| | | 4. FIRE | 172.00 |
| | | 5. PARK | |
| | | 6. SCHOOL | 1,384.00 |
| | | 7. LAW | |
| | | 8. DRAINAGE | |
| | | TOTAL | \$2,550.00 |
| | | REMARKS: Curb and Gutter; sidewalks | |
| | | | |
| | | | |
| | | | |
| | | | |

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.



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. Applications for SPECIAL EXCEPTION shall only be received for presentation at a pre-application conference.

COPY

APPLICATION TYPE:

- VARIANCE** RYSBV from 20 feet to 13.7 feet for proposed addition
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- 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 | Karen & Brian Ballew | |
| ADDRESS | 1850 Carillon Park Drive | |
| | Oviedo, Fl 32765 | |
| PHONE 1 | 407-366-5718 (H) | |
| PHONE 2 | 407-312-3636 (M) | |
| E-MAIL | kballew1@cfl.rr.com | |

PROJECT NAME: 1850 Carillon Park Drive

SITE ADDRESS: " "

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: Leg lot 88 Brighton Park at Carillon PH2 PB 44 Pgs. 97 thru 106

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-21-31-507-0000-0880

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS Note

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 09-27-04 (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 Ballew
 SIGNATURE OF OWNER OR AGENT*

09-10-04
 DATE

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 | | |
| ADDRESS | | |
| PHONE 1 | | |
| PHONE 2 | | |
| E-MAIL | | |

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 (waived) COMMISSION DISTRICT 1-Maloy FLU / ZONING LDR / PUD
 LOCATION FURTHER DESCRIBED AS Located on east side of Carillon Park Drive, approx.
 150 ft. north of intersection of Carillon Park Drive and Lockwood Blvd

PLANNER ERM DATE 09-10-04

SUFFICIENCY COMMENTS _____

A. Statement of Request: VARIANCE REQUESTED

Back yard setback variance from 20 feet to 13.7 feet for a proposed two-story family room addition. Variance will allow room addition to align itself with the back of the current pool screen enclosure.

B. Contact Information:

Brian and Karen Ballew
1850 Carillon Park Drive
Oviedo, FL 32765
407.366.5718
kballewl@cfl.rr.com

C. Project Name:

Family room addition.

D. Site Address:

1850 Carillon Park Drive
Oviedo, FL 32765

E. Current Use of Property:

Single Family Residence

F. Legal Description of Property

Leg Lot 88 Brighton Park at Carillon Phase 2
PB 44 Pgs. 97 thru 106

G. Size of Property

1/4 to 1/3 acre

H. Dimensions of Lot

Front: 83.69
Left Side: 143.52
Right Side: 133.88
Back: 90.00

I. Arrow indicating north

See attached Plat of Survey

J. Location and name of abutting streets or roads

Back Property is a conservation and drainage easement. (Tract "F")
Side Property is Mini Park. (Tract "G")
See attached Plat of Survey.

K. Location and size of existing or proposed septic system, drain field and well.

N/A

L. Location, size and type of any trees to be removed or retained.
No removal of trees.

M. Location and width of all easements.

Front: 10' utility and sidewalk easement. See plat of survey.

N. Location and width of existing or proposed driveway access.

See plat of survey.

O. Parcel Identification Number assigned by Property appraiser.

35-21-31-507-0000-0880

P. Identification of available utilities.

Utilities located in front right corner of property.

Q. Description of known code enforcement violations on property.

None.

R. Property accessibility to inspection by Planning Division staff.

Yes.

S. Application Fee (\$150) variance.

Attached.

T. Authorization form

Applicant and Owner are the same.

U. 8 1/2 x 11 site plan depicting existing and proposed buildings, structures and improvements.

Attached.

V. Written statement that responds to criteria stated in Land Development Code for the grant of a variance.

We have applied for a minimum variance so that we can build an additional two-story family room addition onto the back of our existing home. The current setback requirement is 20 feet. We are proposing adding an addition with the dimensions of 28' 6" wide and 26' 6" deep. We are applying for the variance so that the room addition will align itself with the back of the pool screen enclosure. The "sliding" variance ranges from 1.48 feet on the left to 6.3 feet on the right because of the slope of our property line. The proposed addition will be added next to a conservation easement and next to a "Mini Park" or common area. We will not affect any other residence in our neighborhood.

1.3 Additional Submittal Requirements

A. Set backs. (See attached)

B. See attached plat of survey.

Item # 7

BV 2004-143



"Andy Cox"
<acox62@yahoo.com>
09/18/2004 10:35 AM

To <plandesk@seminolecountyfl.gov>
cc "Andy Cox" <acox62@yahoo.com>
bcc
Subject Public Hearing Sep 27, 2004 - comment for 1850 Carillon
Park Dr variance

RE: Notice of Public Hearing Sep 27, 2004 - Request for Rear Yard Setback
Variance at 1850 Carillon Park Dr

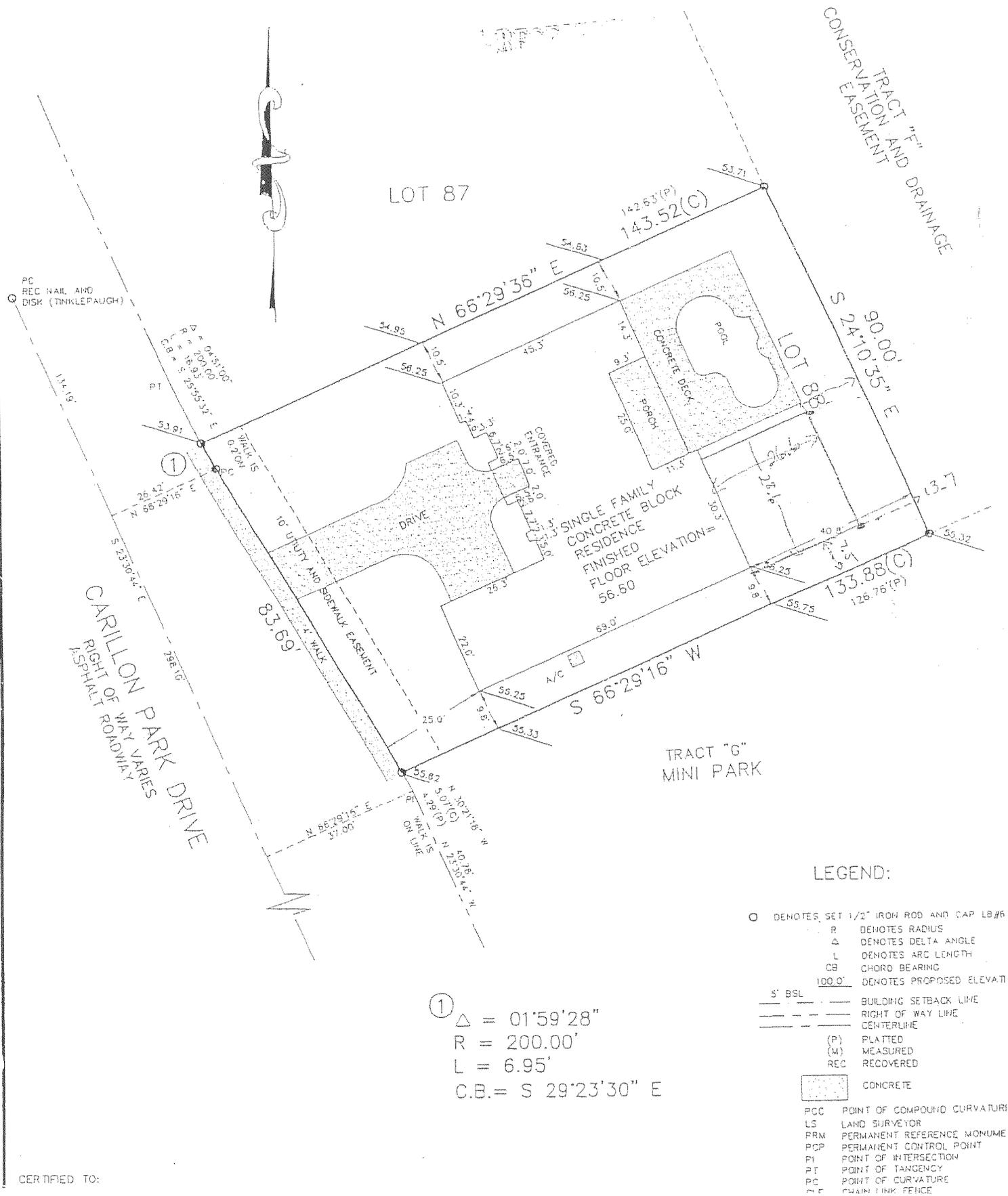
We live across the street from the applicant. We are in favor of their
request and recommend approval of the rear yard setback variance. The area
to the rear of their property is conservation area and a 13.7 foot setback
would create no impact on any neighbor or the surrounding environment.

regards,

William (Andy) & Laura
1845 Carillon Park Dr
Oviedo, FL 32765
407-616-7180
acox62@yahoo.com

PLAT OF SURVEY

LOT 88, BRIGHTON PARK AT CARILLON PHASE II, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 44, PAGES 97-106, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

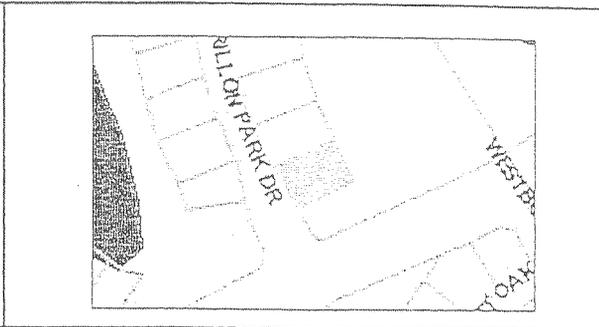
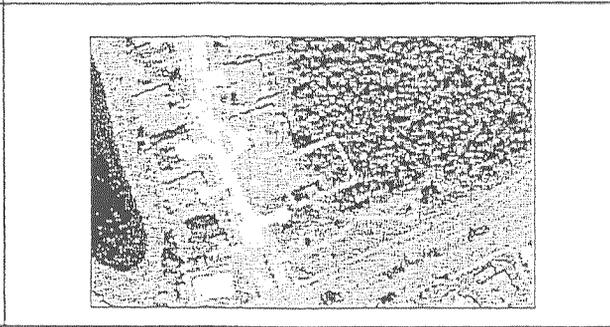
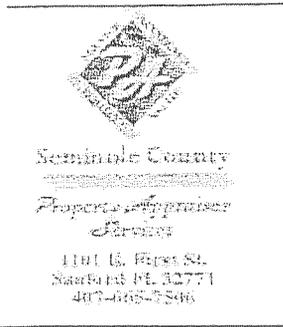


① $\Delta = 01^{\circ}59'28''$
 $R = 200.00'$
 $L = 6.95'$
 $C.B. = S 29^{\circ}23'30'' E$

LEGEND:

- DENOTES SET 1/2" IRON ROD AND CAP LB#6
- R DENOTES RADIUS
- Δ DENOTES DELTA ANGLE
- L DENOTES ARC LENGTH
- CB CHORD BEARING
- 100.0' DENOTES PROPOSED ELEVATION
- 5' BSL BUILDING SETBACK LINE
- RIGHT OF WAY LINE
- CENTERLINE
- (P) PLATTED
- (M) MEASURED
- REC RECOVERED
- CONCRETE CONCRETE
- PCC POINT OF COMPOUND CURVATURE
- LS LAND SURVEYOR
- PRM PERMANENT REFERENCE MONUMENT
- PCP PERMANENT CONTROL POINT
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- PC POINT OF CURVATURE
- CLF CHAIN LINK FENCE

PARCEL DETAIL



GENERAL

Parcel Id: 35-21-31-507-0000-0880 Tax District: 01-TX DIST 1 - COUNTY

Owner: BALLEW BRIAN D & KAREN Exemptions: 00-HOMESTEAD

Address: 1850 CARILLON PARK DR

City,State,ZipCode: OVIEDO FL 32765

Property Address: 1850 CARILLON PARK DR OVIEDO 32765

Subdivision Name: BRIGHTON PARK AT CARILLON PH 2

Dor: 01-SINGLE FAMILY

2004 WORKING VALUE SUMMARY

Value Method: Market

Number of Buildings: 1

Depreciated Bldg Value: \$175,487

Depreciated EXFT Value: \$13,544

Land Value (Market): \$40,000

Land Value Ag: \$0

Just/Market Value: \$229,031

Assessed Value (SOH): \$221,747

Exempt Value: \$25,000

Taxable Value: \$196,747

SALES

| Deed | Date | Book | Page | Amount | Vac/Imp |
|---------------|---------|-------|------|----------|----------|
| WARRANTY DEED | 01/1997 | 03191 | 0682 | \$47,700 | Improved |

Find Comparable Sales within this Subdivision

2003 VALUE SUMMARY

2003 Tax Bill Amount: \$3,284

2003 Taxable Value: \$191,550

LAND

| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value |
|--------------------|----------|-------|------------|------------|------------|
| LOT | 0 | 0 | 1.000 | 40,000.00 | \$40,000 |

LEGAL DESCRIPTION PLAT

LEG LOT 88 BRIGHTON PARK AT CARILLON PH 2 PB 44 PGS 97 THRU 106

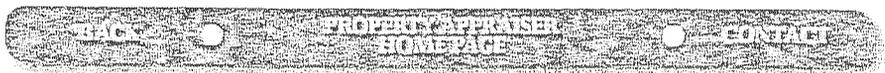
BUILDING INFORMATION

| Bld Num | Bld Type | Year Blt | Fixtures | Gross SF | Heated SF | Ext Wall | Bld Value | Est. Cost New |
|---------|------------------|----------|---------------------------|----------|-----------|------------------|-----------|---------------|
| 1 | SINGLE FAMILY | 1997 | 12 | 3,578 | 2,798 | CB/STUCCO FINISH | \$175,487 | \$181,382 |
| | Appendage / Sqft | | OPEN PORCH FINISHED / 225 | | | | | |
| | Appendage / Sqft | | OPEN PORCH FINISHED / 49 | | | | | |
| | Appendage / Sqft | | GARAGE FINISHED / 506 | | | | | |

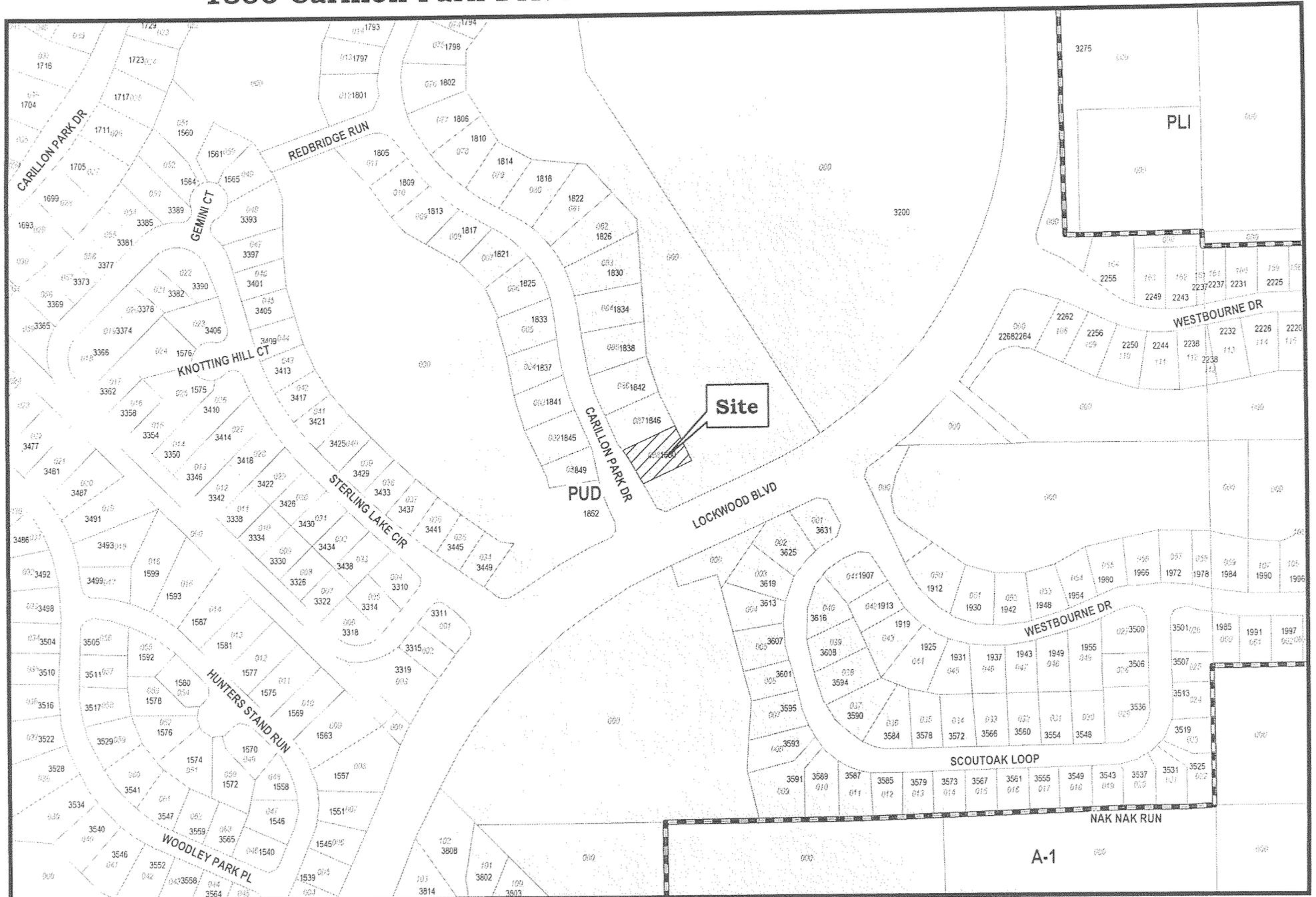
EXTRA FEATURE

| Description | Year Blt | Units | EXFT Value | Est. Cost New |
|------------------|----------|-------|------------|---------------|
| POOL GUNITE | 1997 | 510 | \$8,415 | \$10,200 |
| COOL DECK PATIO | 1997 | 650 | \$1,877 | \$2,275 |
| SCREEN ENCLOSURE | 1997 | 2,120 | \$3,252 | \$4,240 |

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.



Karen & Brian Ballew 1850 Carillon Park Drive



Parcel: 35-21-31-507-0000-0880 / District: 1

BV2004-004
September, 2004



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 88 BRIGHTON PARK AT CARILLON
PH 2 PB 44 PGS 97 THRU 106

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

FINDINGS OF FACT

Property Owner: BRIAN D. & KAREN L. BALLEW
1850 CARILLON PARK DRIVE
OVIDO, FL 32765

Project Name: 1850 CARILLON PARK DRIVE

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 20 FT TO 13.7 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: