

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

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 7.6 FEET FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (ALFRED SHORT JR, APPLICANT).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

**Agenda Date** 08/22/05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 7.6 FEET FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (ALFRED SHORT JR, APPLICANT); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 7.6 FEET FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (ALFRED SHORT JR, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> <b>LOCATION:</b> <b>ZONING:</b>	ALFRED SHORT JR 1412 W BROOKSHIRE COURT HYDE PARK PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION TO AN EXISTING HOME THAT WILL ENCROACH 12.6 FEET INTO THE MINIMUM 20 FOOT REAR YARD SETBACK. THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE</li> </ul>	

	<p>PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.</p> <ul style="list-style-type: none"> <li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE HYDE PARK PUD DISTRICT.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> <li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li> <li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li> </ul>

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 26, 35 TWP: 21 RNG: 30  
 PROJ. #

DEVELOPMENT: Hyde Park Rezone A-1 to PUD DEVELOPER: Harris American Homes

LOCATION: Southeast corner of Lake Florence 126 lots

FILE#: 9-5-84-94 BA: SP: BCC: 11/22/84  
 P&Z: 3/7/86

PB	34	PG	38	Lot	Blk	Parcel	DBA	Comm Dist
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DEVEL. ORDER #: TAX PAR. I.D. #:

SIDEWALKS: Grand Avenue and Howell Branch Road – adjacent to property.

SETBACK REQUIREMENTS

FY:	20'	SIDE ST.:	SY:	*	RY:	20'
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ROAD TYPE:

MAIN STRUCTURE OTHER:  
 \*10' minimum between buildings; 15' adjacent to side R/W. Maximum Height 35'

COMMENTS OTHER:  
 \*R/W Dedication: 40' 1/2 R/W Grand Avenue; 50' 1/2 R/W Howell Branch Road.  
 \*\*Signalization: Grand Avenue and Howell Branch Road – pay pro-rata share.  
 \*\*\*Intersection Improvements: Grand Avenue and Howell Branch Road, pay pro-rata share for piping of ditch on north property line. Install turn lanes on Howell Branch Road.

ACCESSORY STRUCTURE SETBACKS:

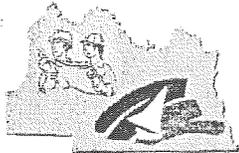
SY:	10'	RY:	10'
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ACCESSORY STRUCTURE OTHER:

- 1) Maximum of 140 dwelling units. Minimum dwelling size of 1,300 sq. ft.
- 2) A 6' masonry wall to be constructed along northern property line and installation of pipe along existing drainage ditch.
- 3) Dwellings along northern property line to be a minimum of 1,800 sq. ft. on 9,000 sq. ft. minimum lot size.
- 4) A 6' brick wall to be installed along Grand Avenue and Howell Branch road.
- 5) Provide legal access for Tax Parcel 16B.
- 6) Prohibit motor boats on Lake Florence.
- 7) HOA to maintain both sides of wall along northern property line.
- 8) Taper and turn lanes required.

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	111 SC
LAND USE:	
1. ROAD-CO. WIDE	\$250.00
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	\$100.00
5. PARK	
6. SCHOOL	\$300.00
7. LAW	
8. DRAINAGE	
TOTAL	

REMARKS:



**COPY**

APPL. NO. BV 2005-100

20  
7.6  
12.2  
7.6  
1

**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 processing following pre-application conference.

**APPLICATION TYPE:**

- VARIANCE** Rear yard setback variance from 20 feet to 7.5 feet for proposed home expansion
  - SPECIAL EXCEPTION**
  - LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION     MEDICAL HARDSHIP  
 NIGHT WATCHMAN     FAMILY HARDSHIP  
 YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)  
 SIZE OF MOBILE HOME / RV \_\_\_\_\_  TIME NEEDED \_\_\_\_\_  
 PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_

JUN 29 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Alfred (Freddy) Short Jr.	
ADDRESS	1412 W Brookshire Court Winter Park, FL 32792	
PHONE 1	407-678-8004	
PHONE 2	407-619-3210 cell	
E-MAIL	FreddyShort@CFR.RR.com	

PROJECT NAME: Home expansion

SITE ADDRESS: Same

CURRENT USE OF PROPERTY: residence

LEGAL DESCRIPTION: Plot 1ea lot 104 Hilde Park PB 34 PGS 38 to 40

SIZE OF PROPERTY: 1/8 acre(s) PARCEL I.D. 26-21-30-5JE-0000-1040

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 8, 22, 05 (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.

SIGNATURE OF OWNER OR AGENT\* [Signature] DATE 6/29/05

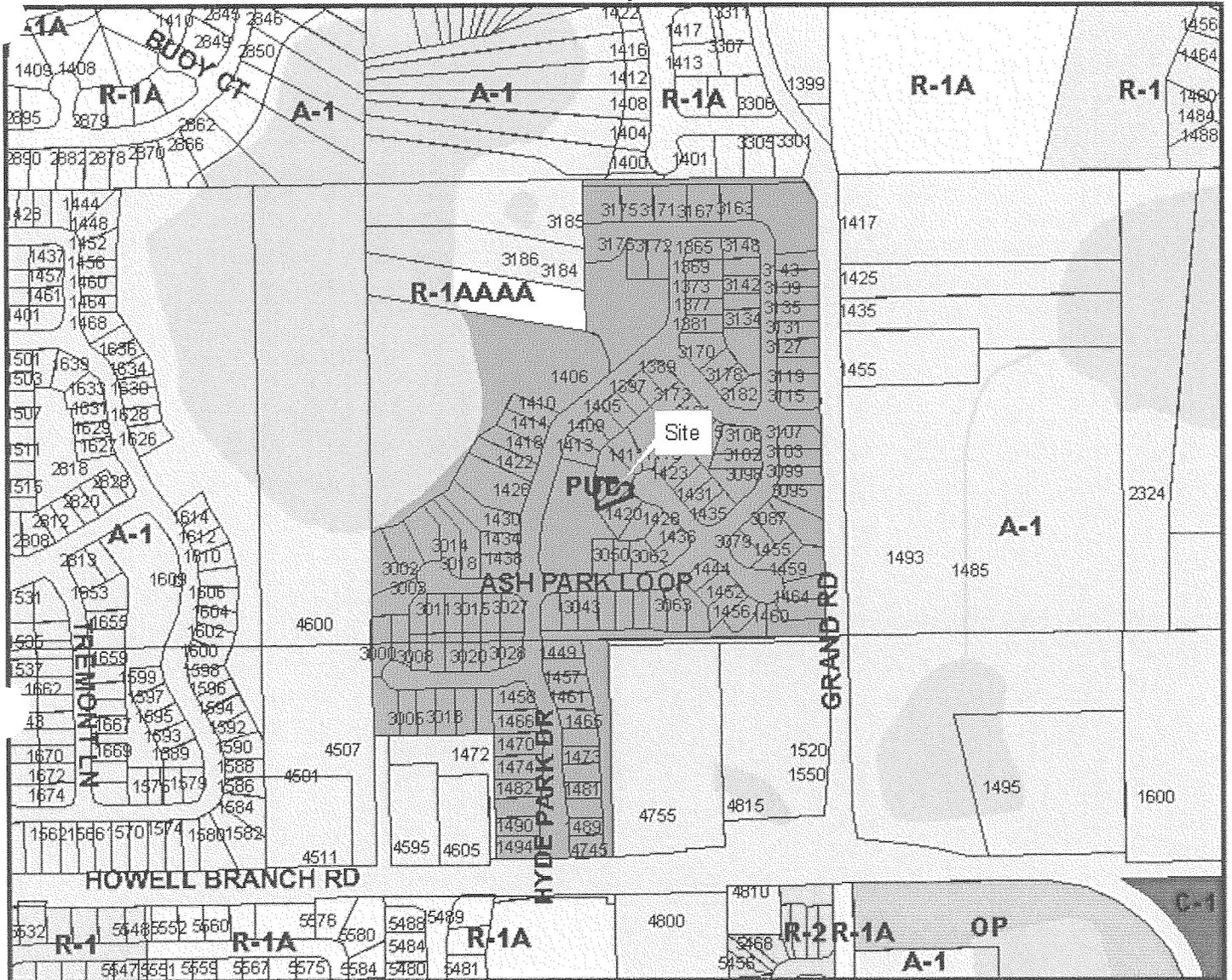
\* Proof of owner's authorization is required with submittal if signed by agent.





<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																									
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 26-21-30-5JE-0000-1040 Tax District: 01-COUNTY-TX DIST 1          Owner: SHORT ALFRED L W JR Exemptions: 00-HOMESTEAD          Address: 1412 W BROOKSHIRE CT          City,State,ZipCode: WINTER PARK FL 32792          Property Address: 1412 BROOKSHIRE CT W WINTER PARK 32792          Subdivision Name: HYDE PARK          Dor: 01-SINGLE FAMILY</p>	<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market          Number of Buildings: 1          Depreciated Bldg Value: \$113,305          Depreciated EXFT Value: \$825          Land Value (Market): \$28,000          Land Value Ag: \$0          Just/Market Value: \$142,130          Assessed Value (SOH): \$94,484          Exempt Value: \$25,000          Taxable Value: \$69,484          Tax Estimator</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>09/1993</td> <td>02660</td> <td>1897</td> <td>\$93,500</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>10/1987</td> <td>01909</td> <td>0450</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1987</td> <td>01902</td> <td>0847</td> <td>\$87,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1987</td> <td>01874</td> <td>0576</td> <td>\$2,564,900</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	09/1993	02660	1897	\$93,500	Improved	QUIT CLAIM DEED	10/1987	01909	0450	\$100	Improved	WARRANTY DEED	10/1987	01902	0847	\$87,900	Improved	WARRANTY DEED	07/1987	01874	0576	\$2,564,900	Vacant	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,660          2004 Tax Bill Amount: \$1,128          Save Our Homes (SOH) Savings: \$532          2004 Taxable Value: \$66,732          DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>										
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<p><small>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.</small></p>																																									

**Alfred Short Jr.  
1412 W Brookshire Court  
Winter Park, FL 32792**

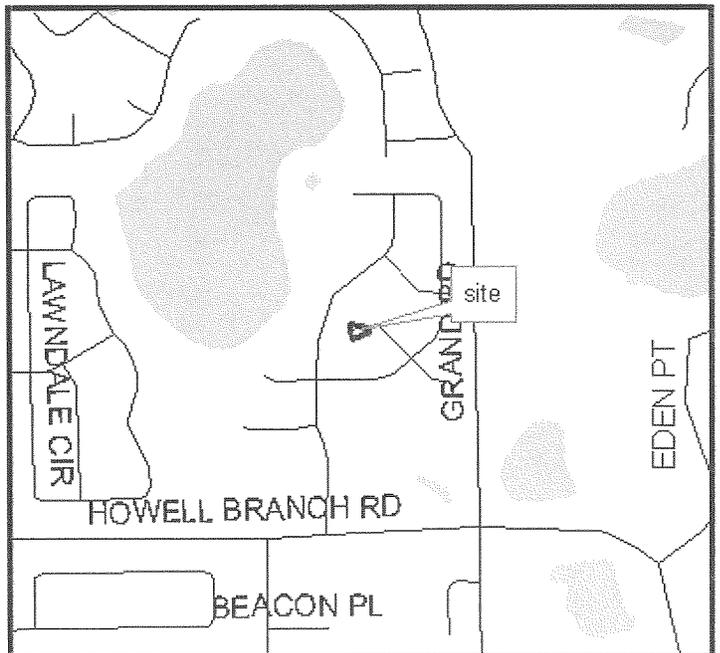


**Seminole County Board of Adjustment  
August 22, 2005  
Case: BV2005-100  
Parcel No: 26-21-30-5JE-0000-1040**

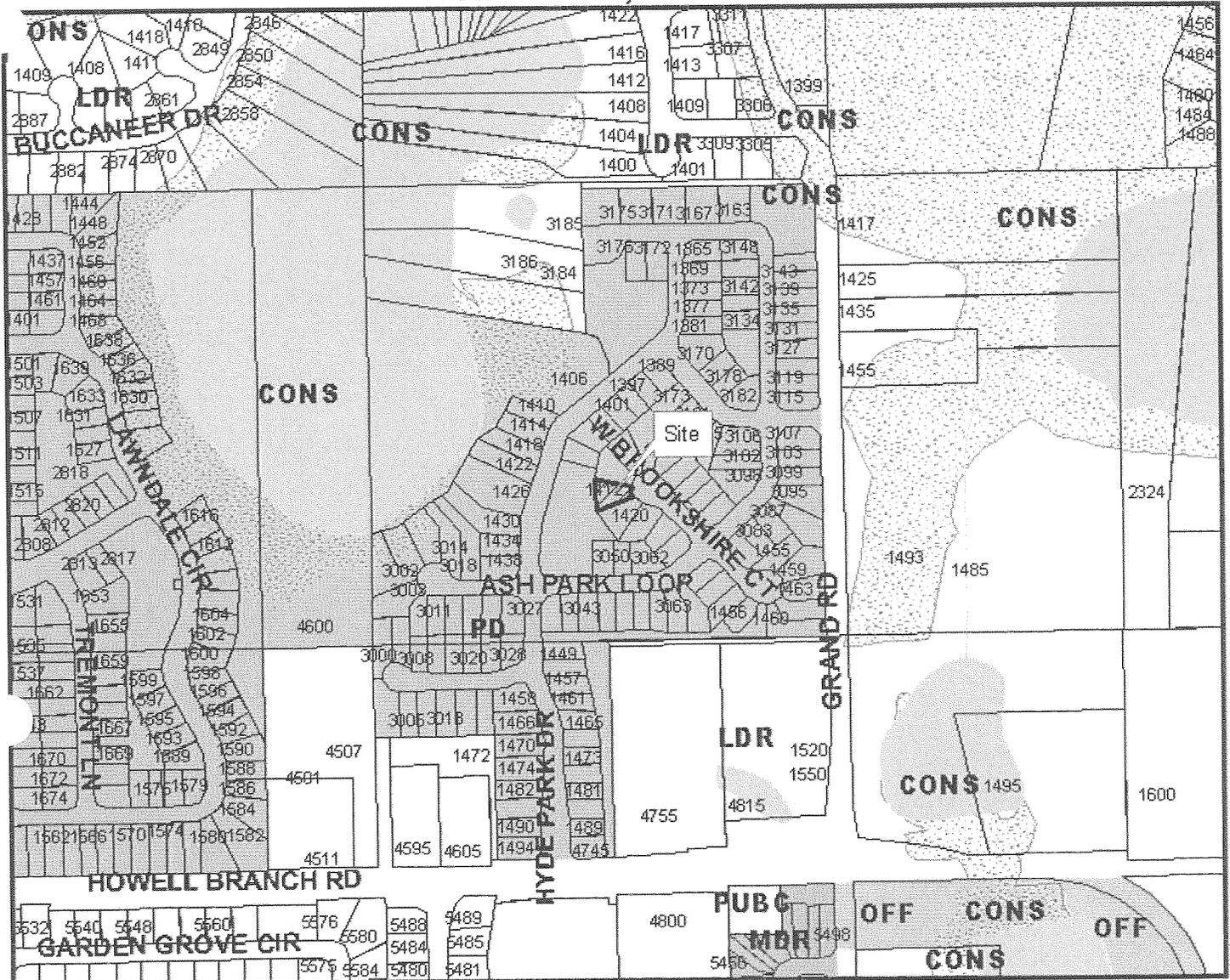
**Zoning**

	A-1 Agricultural-1Ac		BV 2005-100
	A-10 Rural-10Ac		
	R-1AAAA Single Fam-21780		
	R-1A Single Fam-9000		
	R-1 Single Fam-8400		
	R-2 One and Two-Family-9000		
	OP Office		
	C-1 Retail Commercial		
	PUD Planned Unit Dev.		

0 95 190 380 570 760 Feet



**Alfred Short Jr.  
1412 W Brookshire Court  
Winter Park, FL 32792**



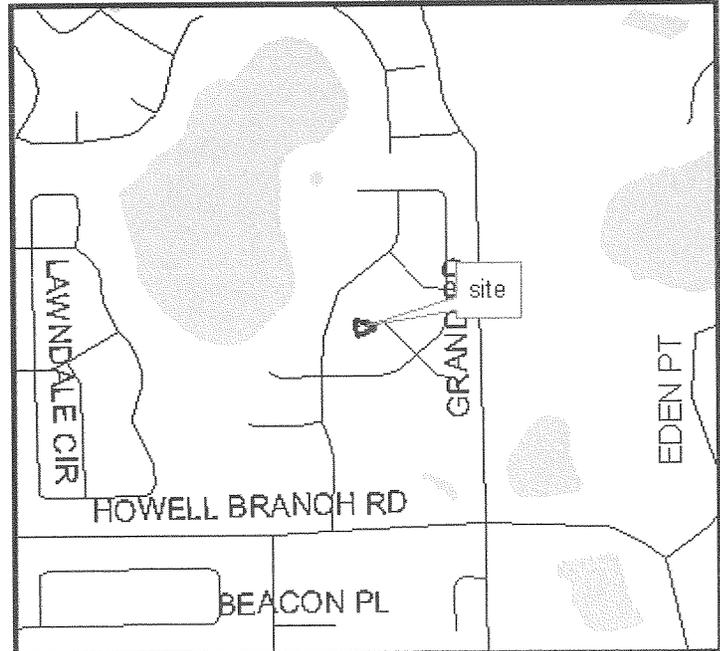
**Seminole County Board of Adjustment  
August 22, 2005  
Case: BV2005-100  
Parcel No: 26-21-30-5JE-0000-1040**

**Future Land Use**

	CONS, LDR		MDR, NONE
	CONS, PD		PD, NONE
	CONS, OFF		OFF, NONE
	PUBC, NONE		BV2005-100
	LDR, NONE		

N

0 95 190 380 570 760 Feet



**Response to Criteria for Grant of Variance**  
(Per Land Development Code)

When I purchased the 3/2 home in 1993, I lived by myself, using the 2<sup>nd</sup> bedroom as an office/storage room and the 3<sup>rd</sup> bedroom as a guest room. Since that time and in this sequence, I've added a wife, a 100-pound Labrador retriever, a son, and a daughter. With the children (now 6 and 2 years old) sharing a bedroom, our family has outgrown our home as originally built and it is time, developmentally, for our kids to have their own rooms.

With the rapid appreciation of homes in general, buying a different home to suit our expanded needs while staying within a public school teacher's budget has been difficult at best. Furthermore, we love our neighborhood and would rather stay, if possible.

With respect to other homes in our subdivision, our home's square footage is significantly less than the average home size. Many, if not most, homes in Hyde Park already have extensions increasing their useable space, many of these through the variance process. Due to our pie-slice shaped lot, the only feasible location for addition to our existing home that is architecturally consistent with the rest of the subdivision is to the rear of the house, the portion that adjoins the development's common area. To keep our project within budget and also maintain a consistent appearance, we are hoping to incorporate hurricane repair, including a new roof, so far on hold with our home expansion.

**Hyde Park Property Owners Association**

**P.O. Box 782 · Goldenrod, Florida · 32733**

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July 19, 2005

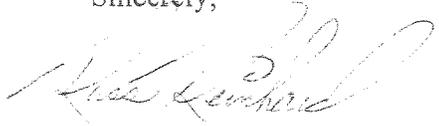
Mr. and Mrs. Fred Short  
1412 W. Brookshire Ct  
Winter Park, Florida 32792

**RE: Variance on lot # 104**

Dear Mr. and Mrs. Short:

Thanks you for your recent request to the Board of Directors concerning the variance you have applied for with Seminole county concerning the possible addition to your home in the future. The Board has discussed this matter and has no problem with the variance that you have applied for. In the future when you apply to the Board of Directors concerning the addition to your home the following information will be needed. A current survey, do to the prospect of moving the existing fence, a set of blueprints of the exact addition you wish to construct, information concerning the contractor that will be performing the work. This last part is to ensure all proper permits are requested for the addition.

Sincerely,



Russ Reinhard  
President, HPPOA

HPPOA.VARIANCE.LOT104.SHORT/RR

no. Brookshire Court (1412) File

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 22, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 104 HYDE PARK PB 34 PGS 38 TO 40

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

### FINDINGS OF FACT

**Property Owner:** ALFRED SHORT  
1412 W BROOKSHIRE CT  
WINTER PARK, FL 32792

**Project Name:** W BROOKSHIRE CT (1412)

**Requested Development Approval:**

REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 7.6 FEET FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT)

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: Michael Rumer, Senior 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:

1. The variance granted will apply only to the proposed home addition 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: \_\_\_\_\_  
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 \_\_\_\_\_, 2005.

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

My Commission Expires: