

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for rear yard setback variance from 30 feet to 26 feet for a proposed screen room addition in the PUD (Planned Unit Development district); (Myke Antoine, applicant).

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

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

**Agenda Date** 12-19-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for rear yard setback variance from 30 feet to 26 feet for a proposed screen room addition in the PUD (Planned Unit Development District); (Myke Antoine, applicant); or
2. **DENY** the request for rear yard setback variance from 30 feet to 26 feet for a proposed screen room addition in the PUD (Planned Unit Development District); (Myke Antoine, applicant); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> Myke Antoine <b>LOCATION:</b> 18 Bayridge Court <b>ZONING:</b> PUD (Foxwood)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a (10' x 40') screen enclosure that would encroach 4 feet into the 30 foot minimum rear yard setback.</li> <li>• There is no record of prior variances having been granted for this property.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• The granting of the requested variance would confer special privileges denied to other properties in the Foxwood PUD by allowing encroachment into the rear yard setback without the demonstration of special circumstances or hardship by the applicants.</li> <li>• The applicants would retain reasonable use of the</li> </ul>

	<p>property by constructing the screen room without the requested variance.</p>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• Based on the stated findings, staff recommends denial of the request, 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"><li>• Any variance granted shall apply only to the proposed room 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></li></ul>

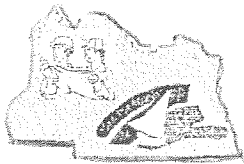
COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 7 TWP: 21 RNG: 29  
 PROJ. #

<b>DEVELOPMENT:</b> Foxwood, Phases 2 and 3		<b>DEVELOPER:</b> U.S. Homes Corp.	
<b>LOCATION:</b> 40 lots – 13.3 acres			
<b>FILE#:</b>		<b>BA:</b>	
<b>P&amp;Z:</b>		<b>SP:</b>	
<b>PB</b>	22 23	<b>PG</b>	41, 49 34
	Lot		Bik
			Parcel
			DBA
			Comm Dist
<b>DEVEL. ORDER #:</b>		<b>TAX PAR. I.D. #:</b>	
<b>SIDEWALKS:</b>		<b>SETBACK REQUIREMENTS</b>	
		<b>FY:</b> 25'	<b>SY:</b> 7.5'
		<b>SIDE ST.:</b>	<b>RY:</b> 30'
<b>ROAD TYPE:</b> (CURB & GUTTER OR SWALE)		<b>MAIN STRUCTURE OTHER:</b> Maximum Height: 35' Minimum lot size: 7,500 sq. ft. Minimum Living area: 1,250 sq. ft.	
<b>COMMENTS OTHER:</b> 1) Two lanes of arterial road to be completed during Phase I. Upon Completion of 2 lanes will be entitled to Certificates of Occupancy for all residential homes in Phases 1 and 2. Building Permits obtainable prior to completion of 2-lane road.		<b>ACCESSORY STRUCTURE SETBACKS:</b>	
		<b>SY:</b> 7.5'	<b>RY:</b> 10'
		<b>ACCESSORY STRUCTURE OTHER:</b>	

- ) Bike path system changed from rear of lots to front.
- 3) Landscaping on 25' easement South of Sand Lake Road shall include a hedge, 24" to 30" in height at time of planting, on the property line to be installed at time of house construction.
- 4) Two trees per lot in front yard at time of house construction.
- 5) 25' buffer surrounding residential section. Landscaping, consisting of trees and shrubs, will be provided in buffer area.
- 6) Remove old under drains wherever possible.
- 7) Stabilized path system in Tract A from Baybridge Court to Park.

IMPACT FEES	
<b>SCREEN:</b>	
<b>TRAFFIC ZONE:</b>	
<b>LAND USE:</b>	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	10.00
5. PARK	
6. SCHOOL	300.00
7. LAW	
8. DRAINAGE	
<b>TOTAL</b>	
<b>REMARKS:</b>	



**COPY**

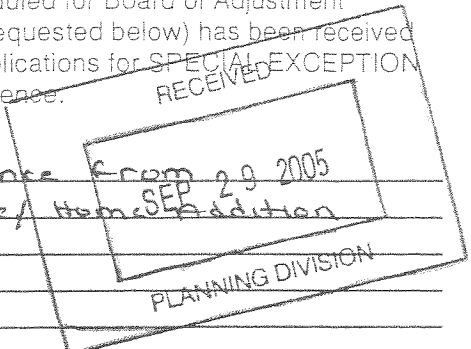
APPL. NO. BV 2005-158

**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 29 2005
- SPECIAL EXCEPTION** 30' to 26' for screen enclosure Home Addition
- 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 \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

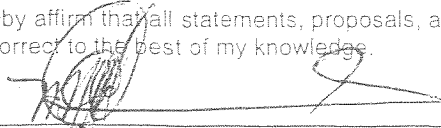


PROPERTY OWNER		AUTHORIZED AGENT *
NAME	MYKE J. AND JENNIFER HARTONE	
ADDRESS	18 BAYRIDGE CT. APOPKA FLORIDA 32703	
PHONE 1	321 356 7051	
PHONE 2	407 865 6955	
E-MAIL	JHARTONE2004@EARTHLINK.NET	

PROJECT NAME: ADDITION  
 SITE ADDRESS: 18 BAYRIDGE COURT APOPKA FL. 32703  
 CURRENT USE OF PROPERTY: SF. DWELLING  
 LEGAL DESCRIPTION: \_\_\_\_\_

SIZE OF PROPERTY: 11,697 <sup>sq ft</sup> acre(s) PARCEL I.D. 07-29-505-0000-0590  
 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 11, 28, 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 \* \_\_\_\_\_ DATE 9/29/05  
 \* Proof of owner's authorization is required with submittal if signed by agent.

Plan To Be 11/26

**ADDITIONAL VARIANCES**

VARIANCE 2:  
\_\_\_\_\_  
\_\_\_\_\_

VARIANCE 3:  
\_\_\_\_\_  
\_\_\_\_\_

VARIANCE 4:  
\_\_\_\_\_  
\_\_\_\_\_

VARIANCE 5:  
\_\_\_\_\_  
\_\_\_\_\_

VARIANCE 6:  
\_\_\_\_\_  
\_\_\_\_\_

VARIANCE 7:  
\_\_\_\_\_  
\_\_\_\_\_

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	_____
ADDRESS	_____
PHONE 1	_____
PHONE 2	_____
E-MAIL	_____

NATURE OF THE APPEAL \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

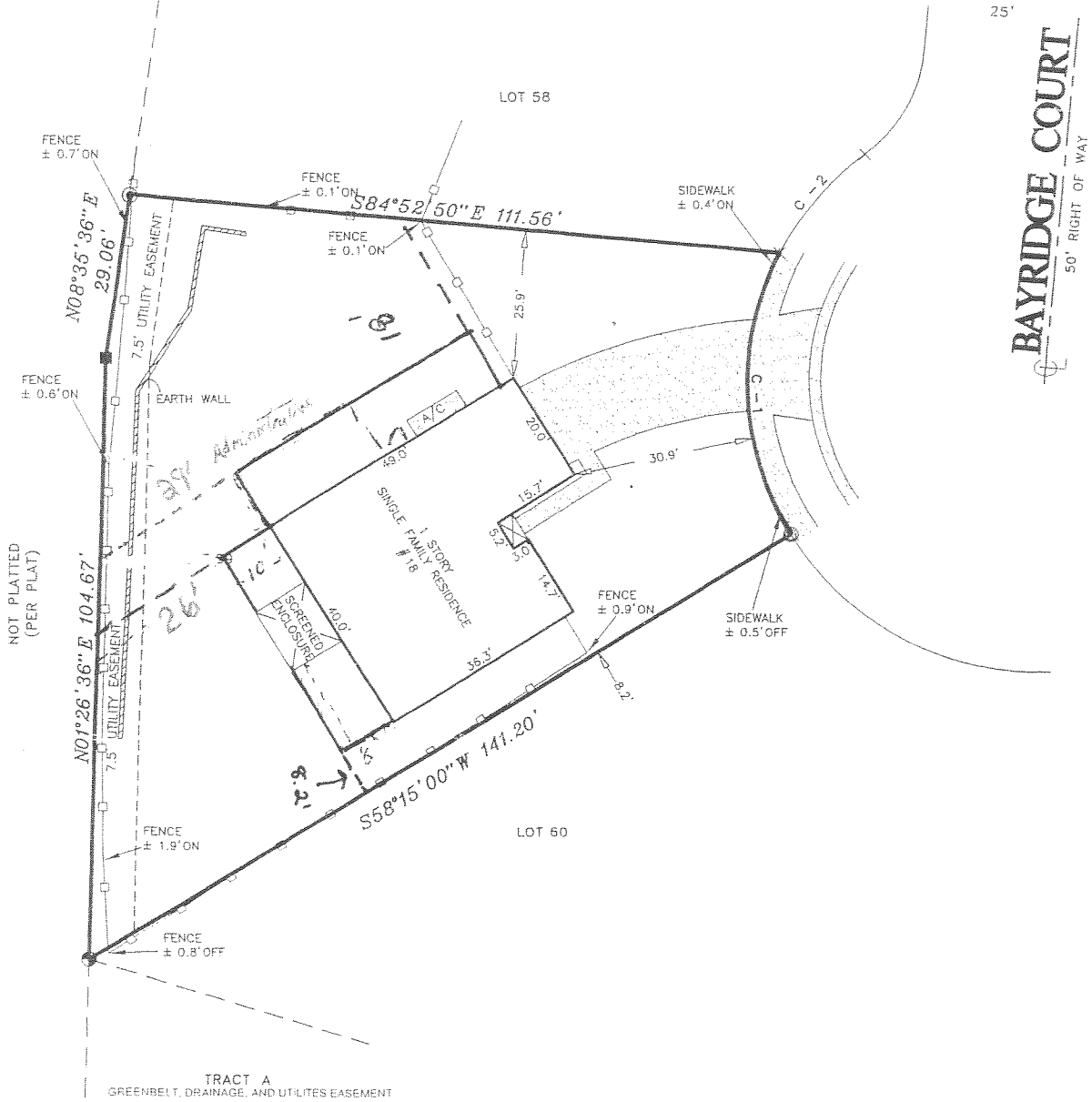
**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): 150-00 COMMISSION DISTRICT 3 FLU/ZONING PUD/PD  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS West side of Bayridge Ct 0.1 mi south of the intersection of Bayridge Ct + Foxwood Dr.  
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS RYS 30 to 29 Admin rear yard

# BOUNDARY SURVEY FOR MYKE J. & JENNIFER ANTOINE

LOT 59  
FOXWOOD PHASE 2 FIRST ADDITION  
PLAT BOOK 22, PAGE 49,  
SEMINOLE COUNTY, FLORIDA

SET BACKS



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C - 1	51.40'	50.00'	58°53'42"	S02°18'15"E	49.16'
C - 2	22.84'	50.00'	26°10'17"	S40°13'25"W	22.64'

BEARINGS ARE BASED ON THE  
NORTHERLY LINE OF LOT 59  
AS BEING S84°52'50"E PER PLAT

THIS SURVEY CERTIFIED TO:

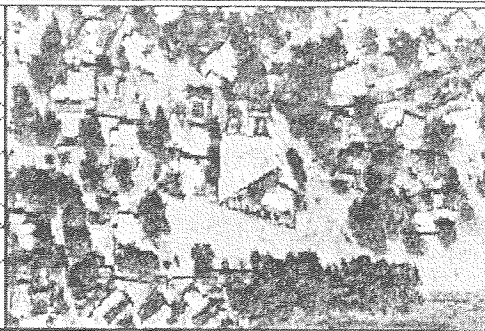
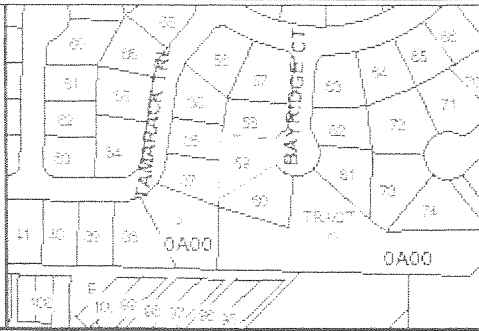
SURVEYOR NOTES:

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506



**GENERAL**

Parcel Id: 07-21-29-505-0000-0590  
 Owner: ANTOINE MYKE J & JENNIFER R  
 Mailing Address: 18 BAYRIDGE CT  
 City,State,ZipCode: APOPKA FL 32703  
 Property Address: 18 BAYRIDGE CT APOPKA 32703  
 Subdivision Name: FOXWOOD PHASE 2 FIRST ADD  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD  
 Dor: 01-SINGLE FAMILY

**2005 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$92,041  
 Depreciated EXFT Value: \$340  
 Land Value (Market): \$27,000  
 Land Value Ag: \$0  
 Just/Market Value: \$119,381  
 Assessed Value (SOH): \$86,269  
 Exempt Value: \$25,500  
 Taxable Value: \$60,769  
 Tax Estimator

2005 Notice of Proposed Property Tax

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	03/2005	05672	1387	\$157,000	Improved	Yes
WARRANTY DEED	02/2000	03810	0269	\$85,000	Improved	Yes
WARRANTY DEED	01/1986	01707	0058	\$69,700	Improved	Yes
WARRANTY DEED	07/1984	01568	1492	\$72,500	Improved	Yes
WARRANTY DEED	09/1982	01415	1597	\$66,900	Improved	Yes

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

Tax Value(without SOH): \$1,221  
 2004 Tax Bill Amount: \$860  
 Save Our Homes (SOH) Savings: \$361  
 2004 Taxable Value: \$58,256  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	27,000.00	\$27,000

**LEGAL DESCRIPTION**

PLATS:

LEG LOT 59 FOXWOOD PHASE 2 FIRST ADD PB 22 PG 49

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1982	6	1,210	1,700	1,210	WD/STUCCO FINISH	\$92,041	\$101,144
			Appendage / Sqft	OPEN PORCH FINISHED / 18					
			Appendage / Sqft	GARAGE FINISHED / 472					

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM SCREEN PORCH W/CONC FL	1982	100	\$340	\$850

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 APPROVAL DEVELOPMENT ORDER**

On December 19, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 59 FOXWOOD PHASE 2 FIRST ADD PB 22 PG 49

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

**FINDINGS OF FACT**

**Property Owner:** MYKE & JENNIFER ANTOINE  
18 BAY RIDGE COURT  
APOPKA, FL 32703

**Site Address:** 18 BAY RIDGE COURT

**Requested Development Approval:**

REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 26 FEET FOR A PROPOSED SCREEN ROOM 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  
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED SCREEN ROOM 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: \_\_\_\_\_  
Tony Walter  
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 Matthew West 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: