

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

**SUBJECT:** 122 Bayberry Road - Fielding W. Featherston, Applicant; Request for 1) a side street (east) setback variance from 25 feet to 13 feet for a proposed carport addition, 2) a fence height variance from 6.5 feet to 7 feet and 3) a side yard (west) setback variance from 10 feet to 8 feet for an existing shed in the R-1AA (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Tina Williamson      **EXT.** 7375

**Agenda Date** 3/24/08    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for 1) a side street (east) setback variance from 25 feet to 13 feet for a proposed carport addition, 2) a fence height variance from 6.5 feet to 7 feet and 3) a side yard (west) setback variance from 10 feet to 8 feet for an existing shed; or
2. **Approve** the request for 1) a side street (east) setback variance from 25 feet to 13 feet for a proposed carport addition, 2) a fence height variance from 6.5 feet to 7 feet and 3) a side yard (west) setback variance from 10 feet to 8 feet for an existing shed; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Fielding W. Featherston Owner: Ken Smart Location: 122 Bayberry Road Zoning: R-1AA (Single Family Dwelling District) Subdivision: Apple Valley Unit 2
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to replace the existing fence around the property with a 7-foot fence and build an approximately 340 square foot carport.</li> <li>• Section 35.71 of the Seminole County Land Development Code provides for the installation of fences on lot lines which border collector or arterial roads</li> </ul>

	<p>during the subdivision process. Douglas Avenue is classified as a collector road and the original fence was installed when the property was subdivided; therefore, the fence is permitted in its current location.</p> <ul style="list-style-type: none"><li>• Section 30.1349 of the Seminole County Land Development Code limits the height of fences to 6.5 feet, unless otherwise approved by the Board of Adjustment.</li><li>• The proposed carport will encroach 12 feet into the required 25-foot side street setback.</li><li>• The applicant is also seeking a side yard setback variance from 10 feet to 8 feet for an existing shed.</li><li>• There are currently no code enforcement or building violations for this property.</li><li>• There is no record of prior variances for this property.</li></ul>
<p><b>STAFF FINDINGS</b></p>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>

<b>STAFF RECOMMENDATION</b>	<p>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:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the carport, fence and shed 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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**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

**Support information:**

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # \_\_\_\_\_  
Meeting Date \_\_\_\_\_



**VARIANCE APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 665-7444

REVISED 3/3/2008

**PROPERTY OWNER / APPLICANT** (If you are not the owner please provide a letter of authorization from the owner)

Name: Fielding W. Featherston, AIA Architect  
Address: P.O. Box 4576 City: Orlando Zip code: 32802-4576  
Project Address: 122 Bayberry Road City: Altamonte Springs Zip code: 32714  
Contact number(s): Fielding W. Featherston (407)924-8884 Ken Smart (owner): (407)786-2844  
Email address: fwf@fieldingfeatherston.com

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

<b>What type of structure is this request for?</b>	
<input checked="" type="checkbox"/> Shed	Please describe: Existing shed (+/- 15yrs. old) 2' over side-yard setback line. Installed by previous owner.
<input checked="" type="checkbox"/> Fence	Please describe: 1.) New fence surrounding entire property in similar location as existing fence. 2.) Fence height of 7' all locations.
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: New single-car carport addition on Douglas Ave. (east side) of property extending into 25' street side (corner lot) setback.
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

<b>What type of variance is this request?</b>			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side yard setback	Required setback:	10'	Proposed setback: 8'
<input checked="" type="checkbox"/> Side street setback	Required setback:	25'	Proposed setback: 13'
<input checked="" type="checkbox"/> Fence height	Required height:	6'	Proposed height: 7'
<input type="checkbox"/> Building height	Required height:		Proposed height:
<b>Use below for additional yard setback variance requests:</b>			
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>4</u>			

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Submitted: 2-6-08 Reviewed By: P. Johnson  
 Tax parcel number: 11-21-29-502-0000-0640 Zoning/FLU R-1AA /LDR  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)  
 Platted Lot (check easements as shown on lots, in notes or in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

<p><i>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</i></p>	
✓	1. Completed application.
✓	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
✓	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>View a site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
N/A	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
✓	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
✓	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	o Building height
✓	o Setbacks from each building to the property lines
✓	o Location of proposed fence(s)
✓	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
✓	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

RECEIVED FEB 06 2008

January 30, 2008

**Fielding W. Featherston, AIA**  
P.O. Box 4576  
Orlando, FL 32802-4576  
(407)924-8884

**Seminole County Planning Division**  
1101 East First Street  
Sanford, FL 32771  
(407)665-7444

Good Morning:

We are pleased to submit to you our Variance Application package for the property located at 122 Bayberry Road in Altamonte Springs, Florida.

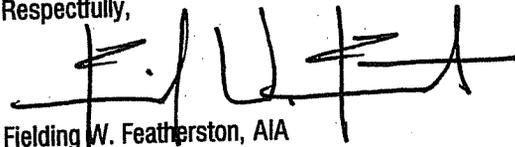
In addition to the existing and proposed site plans, we have included expanded property information, proposed elevations, and design related imagery. We hope this assists you in making your determination.

This Variance Application covers two (2) items; a carport addition to the residence and a 7' fence along Douglas Avenue and a portion of the south property line. Mr. Ken Smart, the owner/applicant requests that you consider his application for several reasons.

- Increased traffic along Douglas Avenue necessitates the construction of an improved privacy fence to address noise and visual intrusion. Likewise, during the evening headlights shine directly into the living spaces in the east side of the residence.
- The new design of the privacy fence incorporates a fence section and column design that relates more to the scale and materials of the existing residence and surrounding neighborhood.
- Limited area for driveway expansion requires a design that is easily accessible from Douglas Avenue. The parking expansion proposed in this application has been designed to allow for ease of accessibility without compromising the architectural integrity of the home. The proposed design functions as an extension of the existing roof utilizing the same materials and detailing.

We appreciate your consideration of our application. Should you have any questions, please do not hesitate to contact us at any time.

Respectfully,



Fielding W. Featherston, AIA  
Architect

Cc: Ken Smart  
file

**ADDITIONAL PROPERTY INFORMATION**

ZONING DISTRICT		MINIMUM LOT SIZE	WIDTH AT BUILDING LINE	MINIMUM HOUSE SIZE	SETBACKS			
					F	SIDE ST.	S	R
<b>Agriculture</b>	<b>A-1</b>	1 acre	150 ft.	N/A	50	50	10	30
<b>Rural Zoning Classification/Rural Subdivision Standards</b>	<b>A-3</b>	3 acres	150 ft.	N/A	50	50	10	30
	<b>A-5</b>	5 acres	150 ft.	N/A	50	50	10	30
	<b>A-10</b>	10 acres	150 ft.	N/A	50	50	10	30
	<b>Country Homes</b>	<b>RC-1</b>	1 acre	120 ft.	1200 sq. ft.	35	35	20
<b>Single-Family Dwelling</b>	<b>R-1BB</b>	5,000 sq. ft.	50 ft.	700 sq. ft.	20	20	5	20
	<b>R-1B</b>	6,700 sq. ft.	60 ft.	700 sq. ft.	20	20	7.5	25
	<b>R-1</b>	8,400 sq. ft.	70 ft.	700 sq. ft.	25	25(15**)	7.5	30
	<b>R-1A</b>	9,000 sq. ft.	75 ft.	1100 sq. ft.	25	25(15**)	7.5	30
	<b>R-1AA</b>	11,700 sq. ft.	90 ft.	1300 sq. ft.	25	25	10	30
	<b>R-1AAA</b>	13,500 sq. ft.	100 ft.	1600 sq. ft.	25	25	10	30
	<b>R-1AAAA</b>	21,780 sq. ft.	100 ft.	1600 sq. ft.	25	25	10	30

**PARCEL I.D. #: 11-21-29-502-0000-0640**

**ZONING: R-1AA**

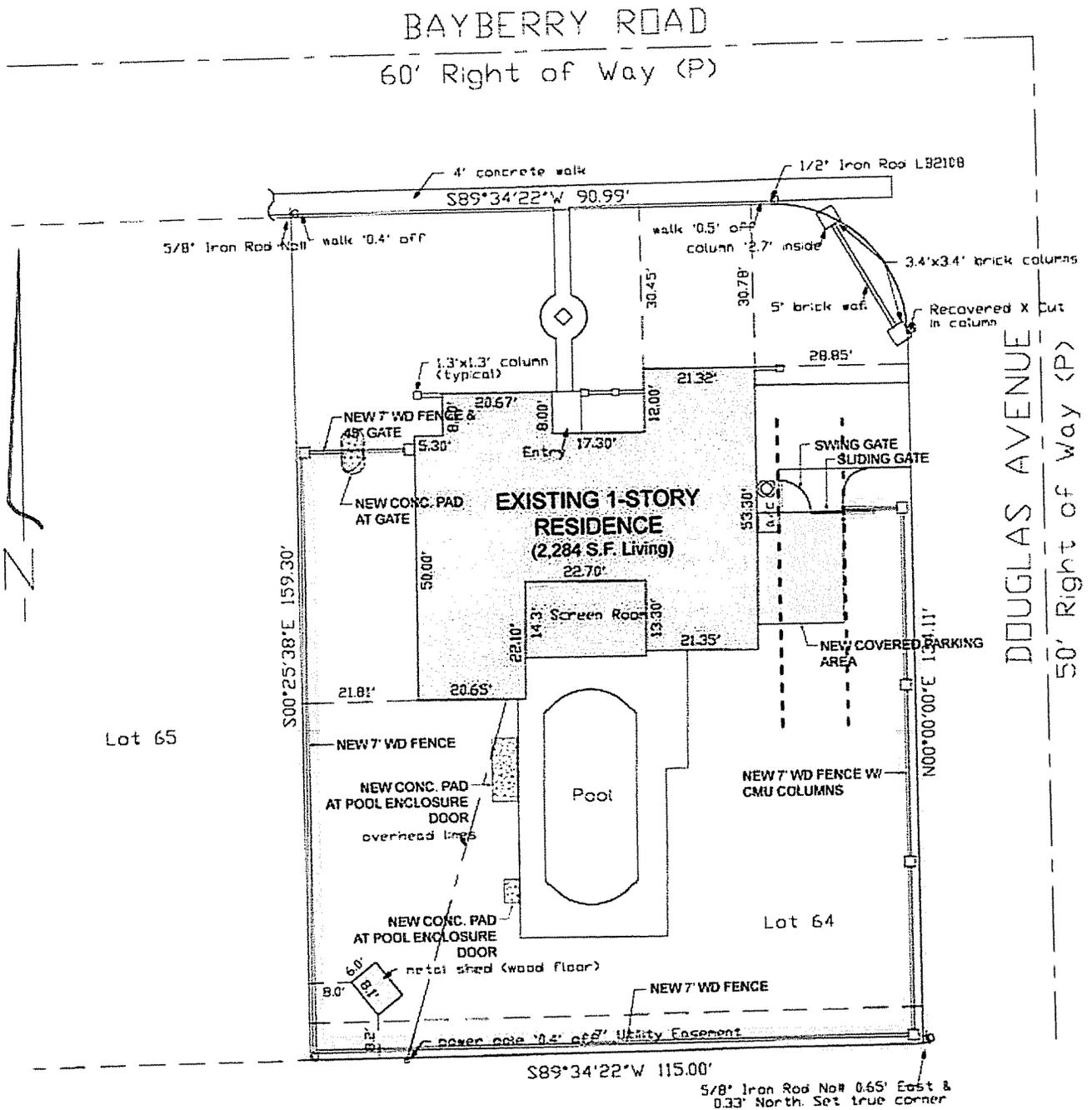
**PROPERTY ADDRESS: 122 BAYBERRY ROAD  
ALTAMONTE SPRINGS, FLORIDA 32714**

PARCEL I.D. #: 11-21-29-502-0000-0640

ADDRESS: 122 BAYBERRY RD.  
ALTAMONTE SPRINGS, FL 32714

REVISED 3/4/2008

Lot 64,  
APPLE VALLEY UNIT TWO  
Plat Book 16, Page 35,  
Seminole County, Florida



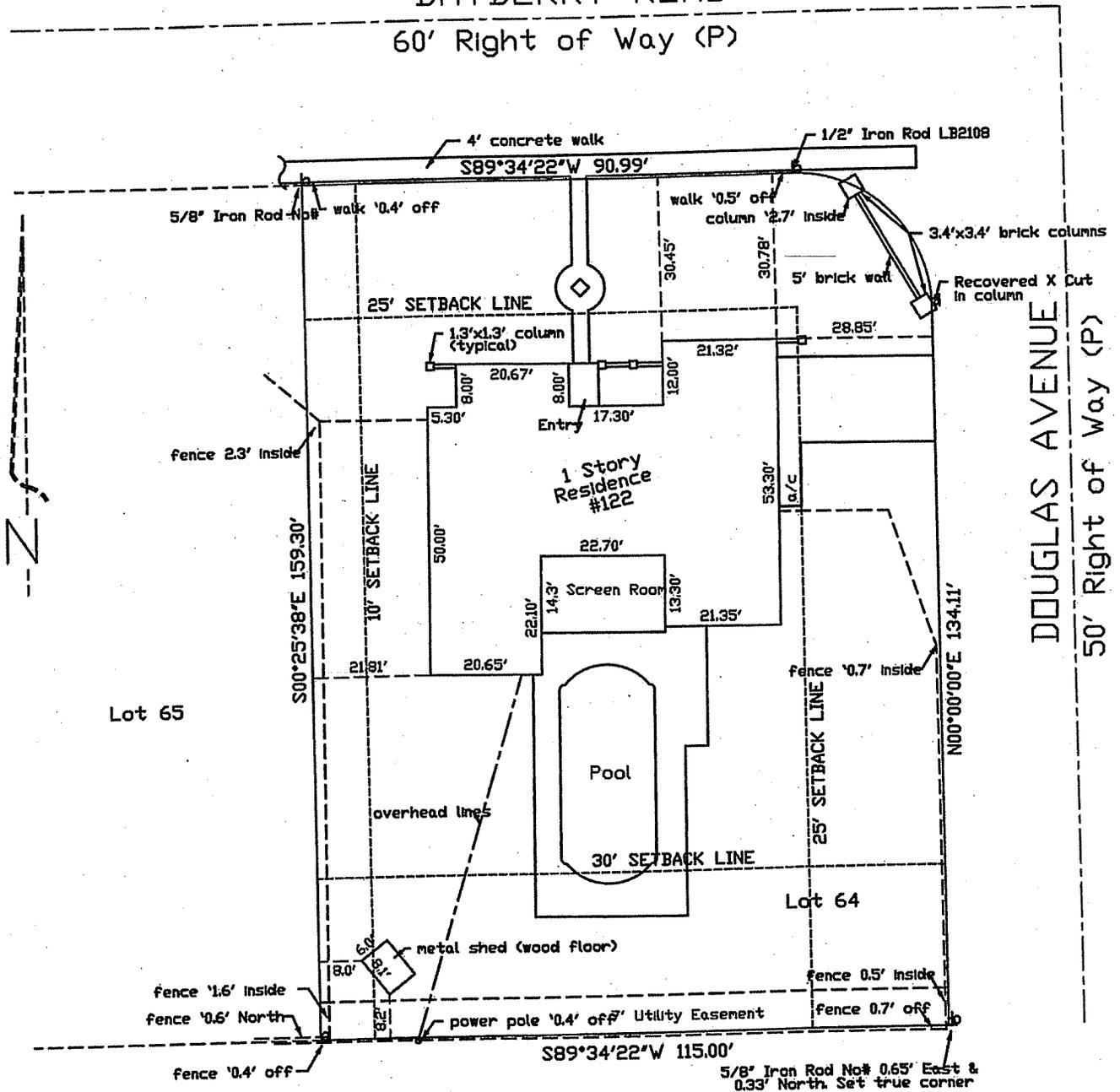
Sanlando Tract 6i Amended  
Plat Book 6, Page 45 (P)

**PROPOSED SITE PLAN**  
SCALE: 1" = 30'

- EXISTING SETBACK (25')
- PROPOSED SETBACK (13')
- GREEN SHADED AREAS INDICATE VARIANCE ITEMS

Lot 64,  
 APPLE VALLEY UNIT TWO  
 Plat Book 16, Page 35,  
 Seminole County, Florida

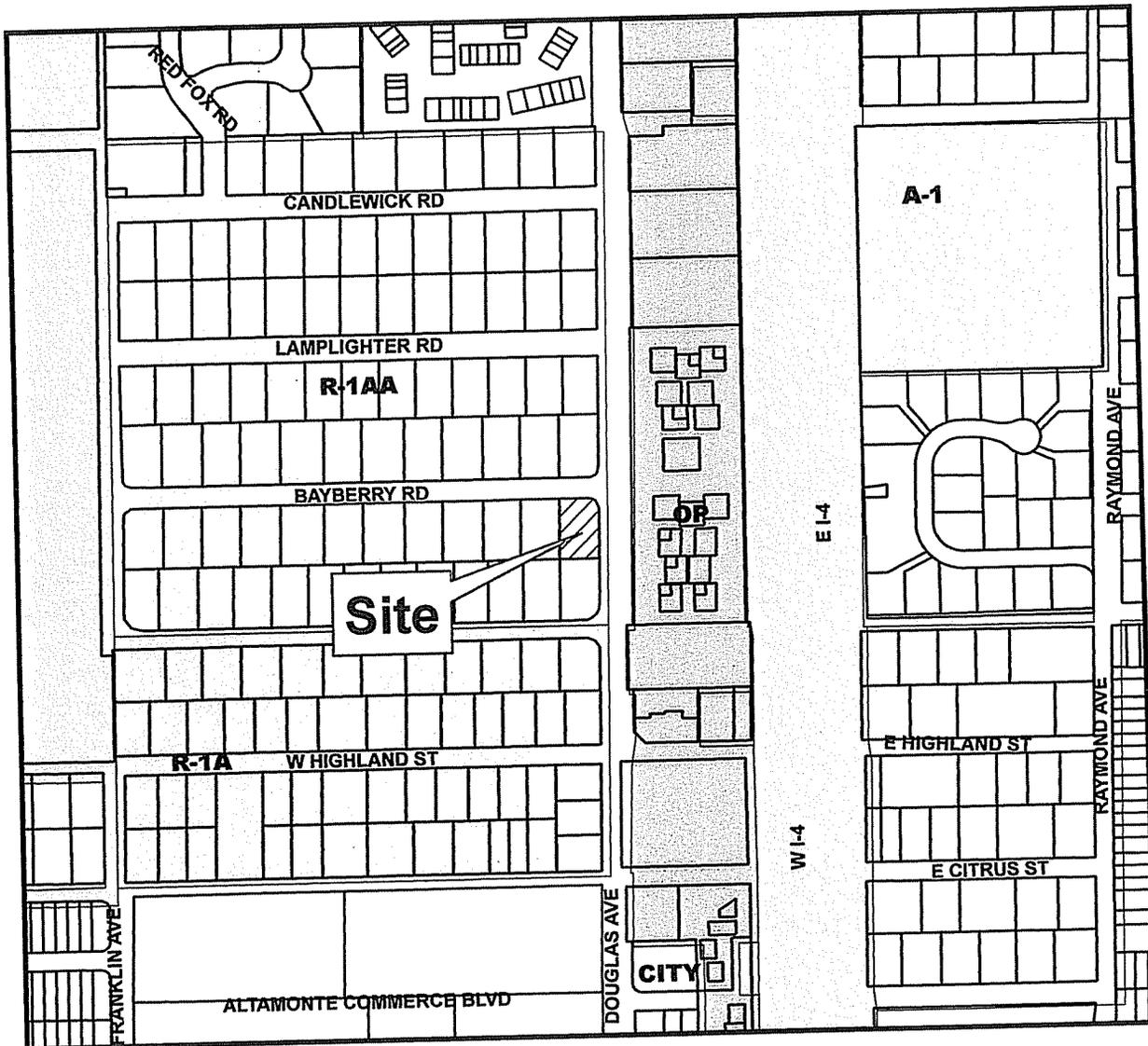
BAYBERRY ROAD  
 60' Right of Way (P)



Sanlando Tract 61 Amended  
 Plat Book 6, Page 45 (P)

EXISTING SITE PLAN  
 SCALE: 1" = 30'

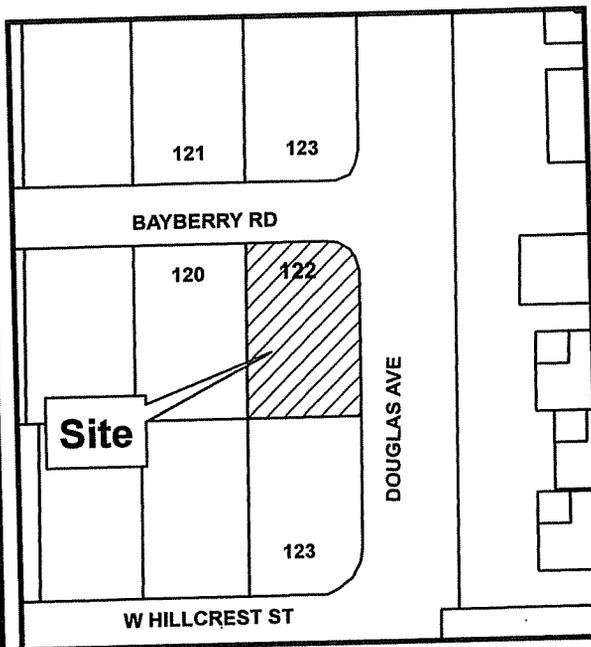
Fielding Featherston  
 122 Bayberry Road  
 Altamonte Springs, Florida 32714

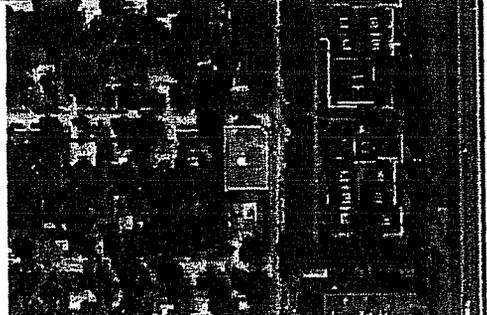


Seminole County Board of Adjustment  
 March 24, 2008  
 Case: BV2008-19 (Map 3155, Grid C5)  
 Parcel No: 11-21-29-502-0000-0640

**Zoning**

-  BV2008-19
-  A-1
-  R-1AA
-  R-1A
-  OP



<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>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>45</td><td>44</td><td>43</td><td>42</td><td>41</td><td>40</td><td>39</td></tr> <tr><td>38</td><td>37</td><td>36</td><td>35</td><td>34</td><td>33</td><td>32</td></tr> <tr><td colspan="7" style="text-align:center"><b>BAYBERRY RD</b></td></tr> <tr><td>29</td><td>28</td><td>27</td><td>26</td><td>25</td><td>24</td><td>23</td></tr> <tr><td>22</td><td>21</td><td>20</td><td>19</td><td>18</td><td>17</td><td>16</td></tr> <tr><td colspan="7" style="text-align:center"><b>WHILLCREST ST</b></td></tr> <tr><td>14</td><td>13</td><td>12</td><td>11</td><td>10</td><td>9</td><td>8</td></tr> </table>	45	44	43	42	41	40	39	38	37	36	35	34	33	32	<b>BAYBERRY RD</b>							29	28	27	26	25	24	23	22	21	20	19	18	17	16	<b>WHILLCREST ST</b>							14	13	12	11	10	9	8	
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14	13	12	11	10	9	8																																													

**GENERAL**

Parcel Id: 11-21-29-502-0000-0640  
 Owner: SMART JOHN K & KELLY A  
 Mailing Address: 122 BAYBERRY RD  
 City, State, Zip Code: ALTAMONTE SPRINGS FL 32714  
 Property Address: 122 BAYBERRY RD ALTAMONTE SPRINGS 32714  
 Subdivision Name: APPLE VALLEY UNIT 02  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1996)  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**

Amendment 1 impact not reflected.

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$218,036  
 Depreciated EXFT Value: \$13,100  
 Land Value (Market): \$67,000  
 Land Value Ag: \$0  
 Just/Market Value: \$298,136  
 Assessed Value (SOH): \$143,614  
 Exempt Value: \$25,000  
 Taxable Value: \$118,614

Tax Estimator  
Portability Calculator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	05/1995	02916	1784	\$119,900	Improved	Yes
WARRANTY DEED	12/1983	01512	0502	\$95,000	Improved	Yes
WARRANTY DEED	01/1976	01089	1056	\$17,500	Improved	No

Find Comparable Sales within this Subdivision

**2007 VALUE SUMMARY**

Tax Amount (without SOH): \$4,228  
 2007 Tax Bill Amount: \$1,690  
 Save Our Homes (SOH) Savings: \$2,538  
 2007 Taxable Value: \$114,431

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	67,000.00	\$67,000

**LEGAL DESCRIPTION**

PLATS:

LEG LOT 64 APPLE VALLEY UNIT 2 PB 16 PG 35

**BUILDING INFORMATION**

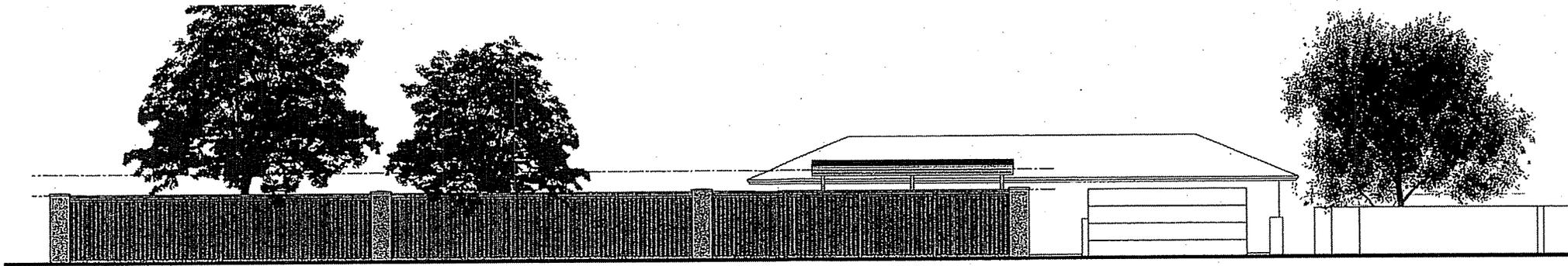
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
Building Sketch	1 SINGLE FAMILY	1972	9	2,284	2,943	2,284	CB/STUCCO FINISH	\$218,036	\$262,694
Appendage / Sqft		UTILITY FINISHED / 65							
Appendage / Sqft		GARAGE FINISHED / 594							

**NOTE:** Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

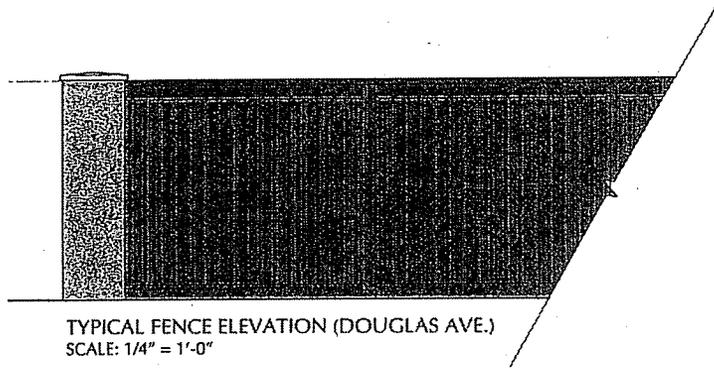
**Permits**

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1972	760	\$6,080	\$15,200
COOL DECK PATIO	1972	822	\$1,151	\$2,877
ALUM PORCH W/CONC FL	1972	322	\$837	\$2,093
FIREPLACE	1972	1	\$480	\$1,200
SCREEN ENCLOSURE	1999	3,250	\$4,552	\$6,500

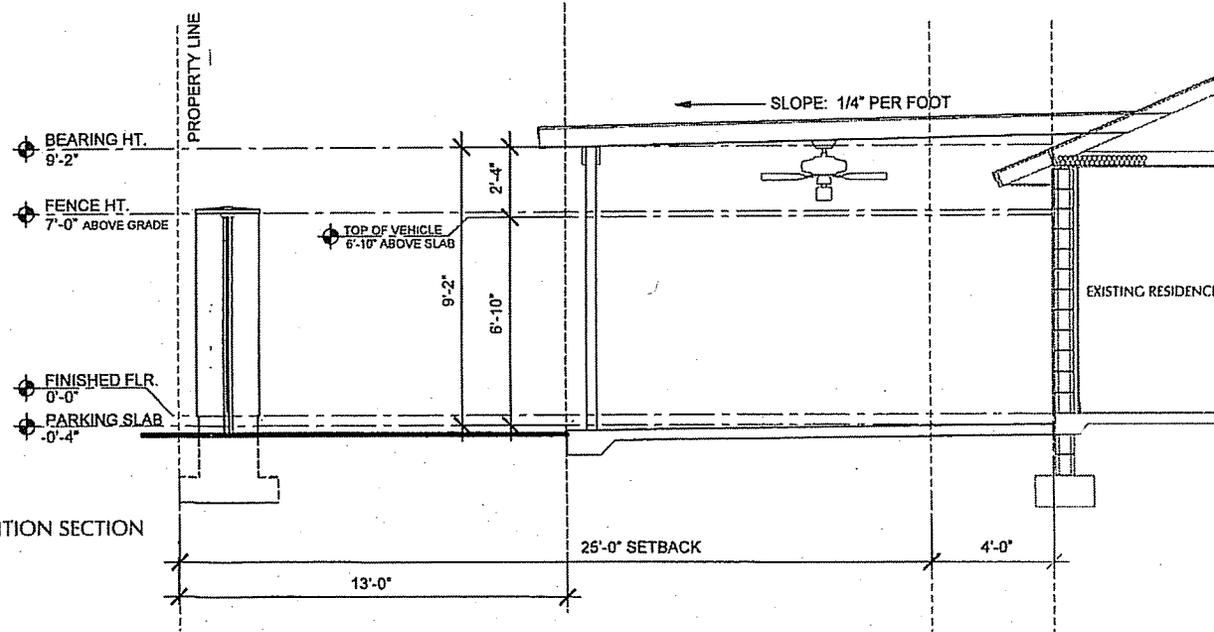


EAST ELEVATION (DOUGLAS AVENUE)  
SCALE: 1" = 10'-0"



TYPICAL FENCE ELEVATION (DOUGLAS AVE.)  
SCALE: 1/4" = 1'-0"

CARPORT ADDITION SECTION  
SCALE: 1/4" = 1'-0"



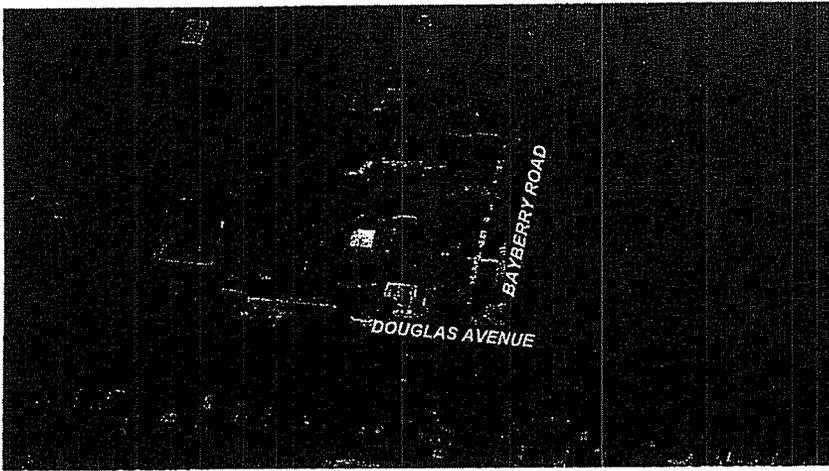
# SMART RESIDENCE

## CARPORT ADDITION & REPLACEMENT FENCE

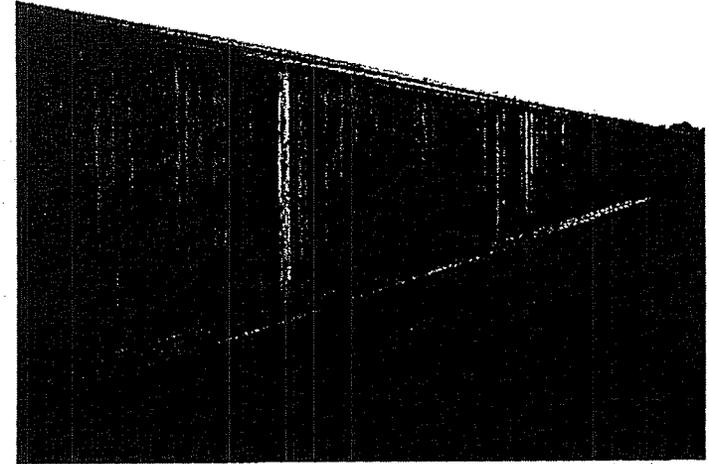
### VARIANCE APPLICATION PACKAGE

122 BAYBERRY ROAD  
ALTAMONTE SPRINGS, FLORIDA

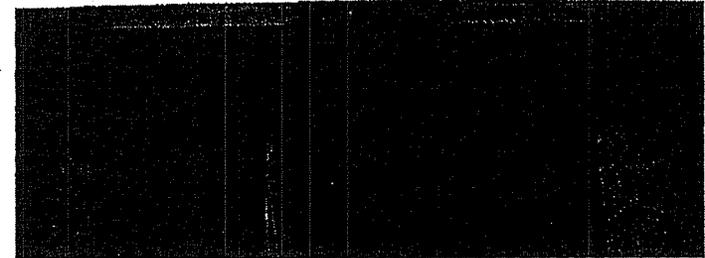
FIELDING W. FEATHERSTON, AIA  
ARCHITECT  
P.O. BOX 4576  
ORLANDO, FLORIDA 32802-4576  
407 924 8884



AERIAL PHOTO OF SITE  
NOT TO SCALE



EXAMPLE FENCE SECTION  
NOT TO SCALE



EXAMPLE FENCE DETAIL  
NOT TO SCALE

# SMART RESIDENCE

## CARPORT ADDITION & REPLACEMENT FENCE

### VARIANCE APPLICATION PACKAGE

122 BAYBERRY ROAD  
ALTAMONTE SPRINGS, FLORIDA

FIELDING W. FEATHERSTON, AIA  
ARCHITECT  
P.O. BOX 4576  
ORLANDO, FLORIDA 32802-4576  
407 924 8884

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I John K. Smart, the fee simple owner of the following  
(Owner's Name)  
described property (Provide Legal Description or Tax Parcel ID Number(s) \_\_\_\_\_  
Parcel I.D. #: 11-21-29-502-0000-0640

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map  
(circle one or more) from \_\_\_\_\_ to \_\_\_\_\_ and affirm that \_\_\_\_\_  
Fielding W. Featherston is hereby designated to act as my / our authorized agent and to file the  
attached application for the stated amendment and make binding statements and commitments regarding the  
amendment request.

*John K. Smart*  
\_\_\_\_\_  
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

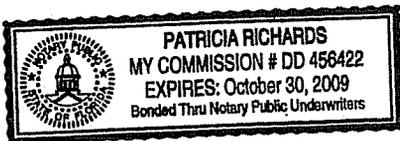
SWORN TO AND SUBSCRIBED before me this 1<sup>st</sup> day of February 2008.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared John K. Smart, who is personally known to me or who has produced Drivers License has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 1 day of February, 2008.

*Patricia Richards*  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: 10-30-2009



**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07- \_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: John K. Smart  
Address: 122 Bayberry Road, Altamonte Springs, FL  
Phone #: (407) 786-2844

Name: Kelly A. Smart  
Address: 122 Bayberry Road, Altamonte Springs, FL  
Phone #: (407)786-2844

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: \_\_\_\_\_  
Trustees: \_\_\_\_\_  
Address: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____	Name of Partnership: _____
Principal: _____	Principal: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

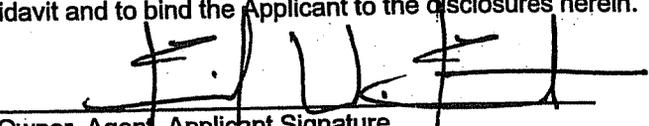
5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee:	Contract Vendee:
Name: _____	Name: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

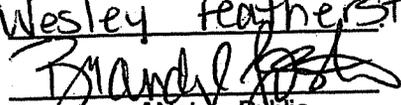
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Date 1/30/2008

  
Owner, Agent, Applicant Signature

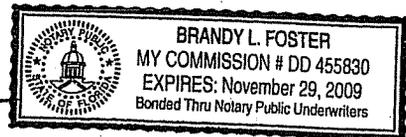
STATE OF FLORIDA  
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 4<sup>th</sup> day of February, 2008 by Fielding Wesley Featherston

  
Signature of Notary Public

Brandy L. FOSTER  
Print, Type or Stamp Name of Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced Florida Drivers License



**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 24, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 64 APPLE VALLEY UNIT 2 PB 16 PG 35

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

### FINDINGS OF FACT

**Property Owner:** John K. and Kelly A. Smart  
122 Bayberry Road  
Altamonte Springs, FL 32714

**Project Name:** Bayberry Road (122)

**Requested Development Approval:**

Request for 1) a side street (east) setback variance from 25 feet to 13 feet for a proposed carport addition, 2) a fence height variance from 6.5 feet to 7 feet and 3) a side yard (west) setback variance from 10 feet to 8 feet for an existing shed.

The Development Approval was sought in order to construct a carport that would encroach into the side street setback and replace an existing fence with a taller fence. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Tina Williamson, Asst. Planning Manager  
1101 East First Street  
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

STATE OF FLORIDA )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

My Commission Expires:

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 24, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 64 APPLE VALLEY UNIT 2 PB 16 PG 35

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

**FINDINGS OF FACT**

**Property Owner:** John K. and Kelly A. Smart  
122 Bayberry Road  
Altamonte Springs, FL 32714

**Project Name:** Bayberry Road (122)

**Requested Development Approval:**

Request for 1) a side street (east) setback variance from 25 feet to 13 feet for a proposed carport addition, 2) a fence height variance from 6.5 feet to 7 feet and 3) a side yard (west) setback variance from 10 feet to 8 feet for an existing shed.

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: Tina Williamson, Asst. Planning Manager  
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 variances granted will apply only to the fence, carport and shed as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

STATE OF FLORIDA )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

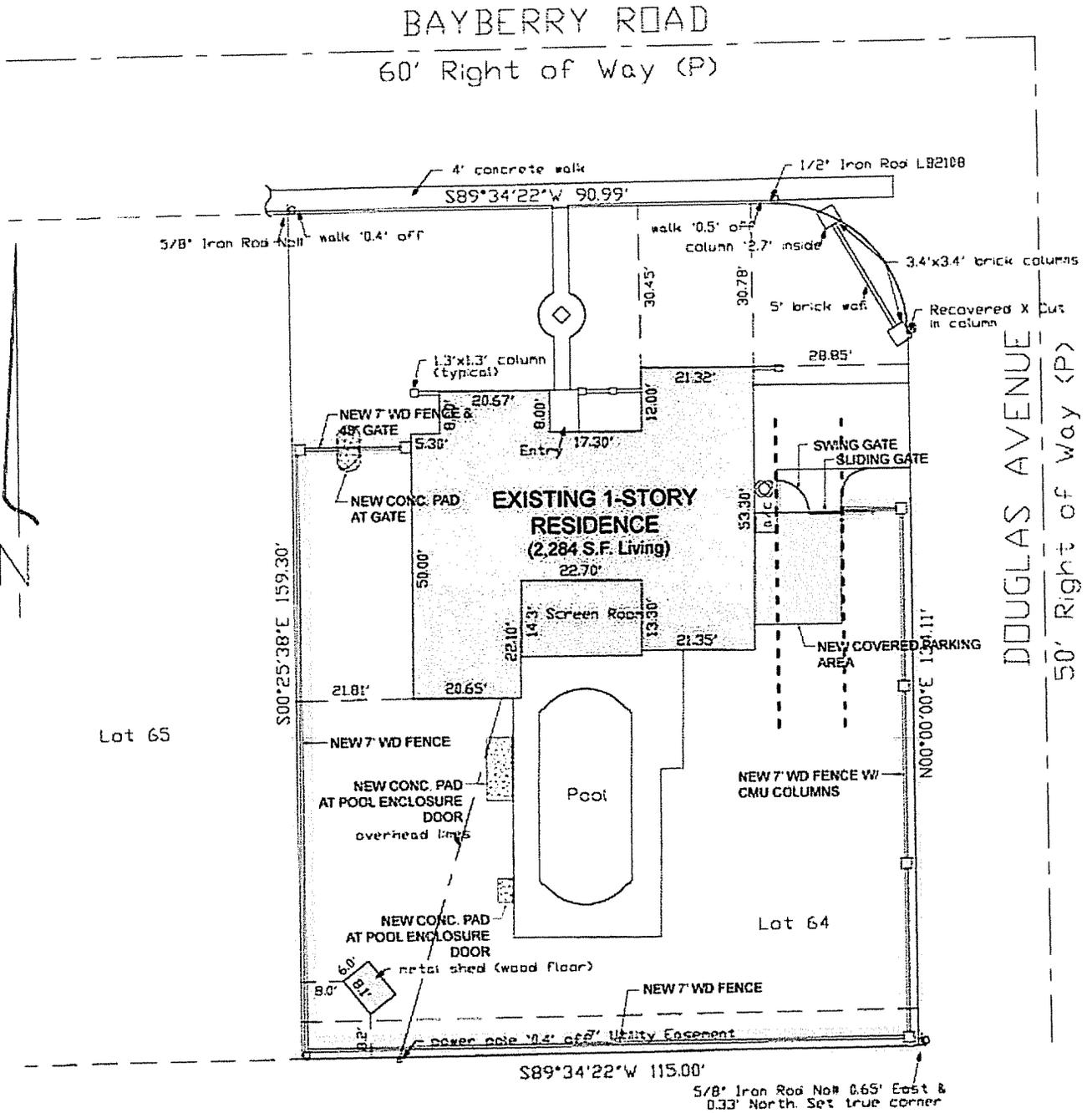
My Commission Expires:

PARCEL I.D. #: 11-21-29-502-0000-0640

ADDRESS: 122 BAYBERRY RD.  
ALTAMONTE SPRINGS, FL 32714

REVISED 3/4/2008

Lot 64,  
APPLE VALLEY UNIT TWO  
Plat Book 16, Page 35,  
Seminole County, Florida



Lot 65

Lot 64

Sanlando Tract 61 Amended  
Plat Book 6, Page 45 (P)

**PROPOSED SITE PLAN**  
SCALE: 1" = 30'

- EXISTING SETBACK (25')
- PROPOSED SETBACK (13')
- GREEN SHADED AREAS INDICATE VARIANCE ITEMS