

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1708 Billie Lynn Point – Maryann Fitzgerald, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a proposed screen room in A-1 (Agriculture) district.

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Kathy Fall CONTACT: Denny Gibbs EXT. 7387

Agenda Date 7/28/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. Deny the request for a rear yard setback variance from 30 feet to 18 feet for a proposed screen room in A-1 (Agriculture) district; or
2. Approve the request for a rear yard setback variance from 30 feet to 18 feet for a proposed screen room in A-1 (Agriculture) district; or
3. Continue the request to a time and date certain.

GENERAL INFORMATION	Applicant: Maryann Fitzgerald Location: 1708 Billie Lynn Point Zoning: A-1 (Agriculture) district Subdivision: Heatherwood
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a screen room addition that will encroach 12 feet into the 30-foot required rear yard setback. • The screen room will be approximately 12 feet x 32 feet (384 square feet). • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

Reviewed by:
Co Atty: alc
Pln Mgr: AS

STAFF FINDINGS	<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">• 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.• Special conditions and circumstances result from the actions of the applicant.• 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.• 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.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the screen room addition at the rear of the property 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.

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



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

COPY

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

Name: Maryann Fitzgerald
Address: 1708 Billie Lynn Point City: Sanford FL Zip code: 32723
Project Address: 1708 Billie Lynn Point City: Sanford FL Zip code: 32723
Contact number(s): Home 407-549-3222 cell 407-415-1817
Email address: Maryanngeorge@cfl.rr.com

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>SCREEN ROOM 12' X 32'</u>
<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.	

RECEIVED MAY 16 2008

What type of variance is this request?			
<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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30 ft.</u>	Proposed setback: <u>18 ft.</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<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 _____			

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: Maryann Fitzgerald

DG

FOR OFFICE USE ONLY

Date Submitted: 5-16-08 Reviewed By: P. Johnson

Tax parcel number: 23-20-30-506-0000-0030 Zoning/FLU A-1 1SE

- 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: _____

DUPED

Herx & Associates Inc.

Land Surveyors

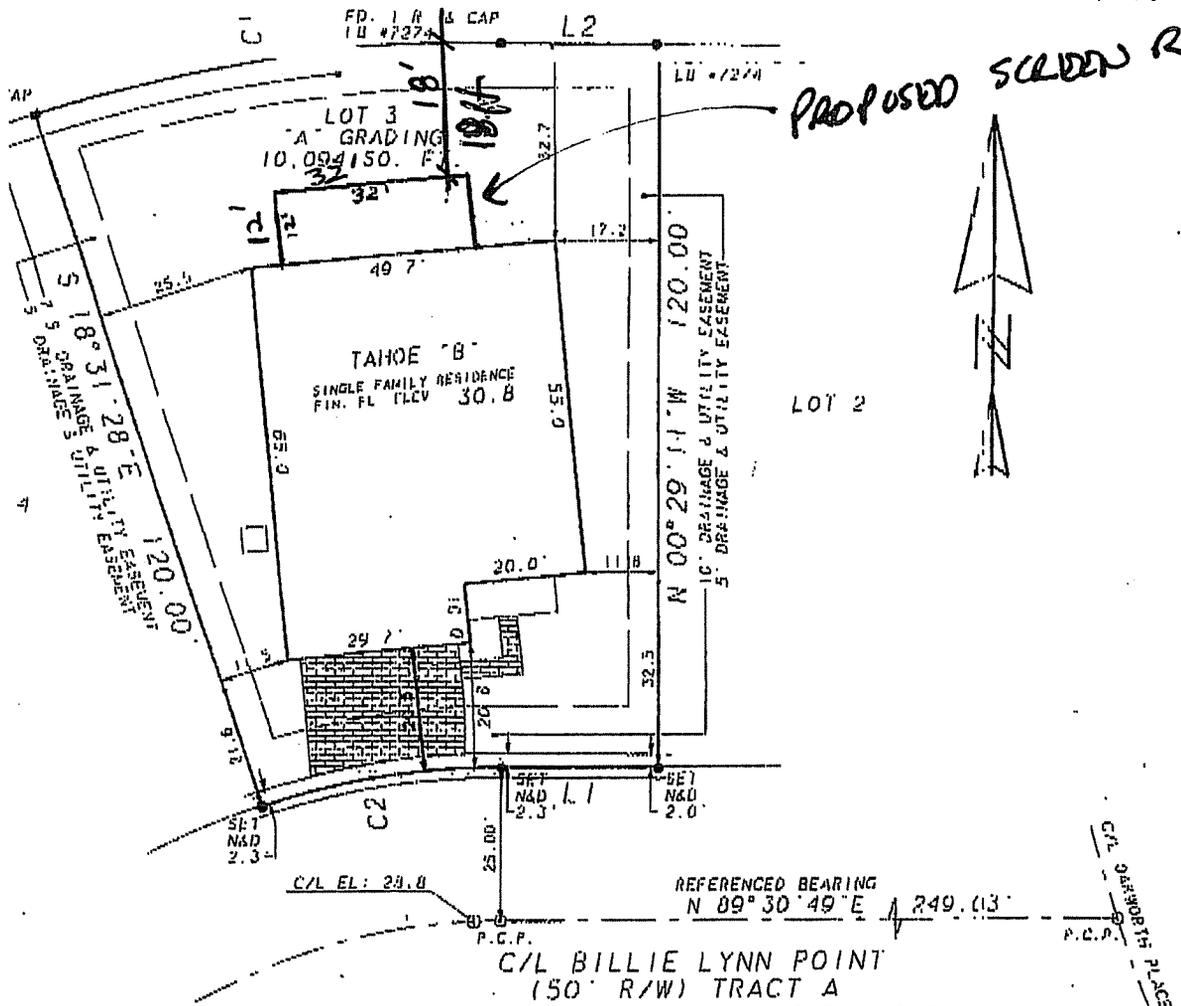
769 Douglas Avenue, Altamonte Springs, Florida, 32714 (407)788-8808

Member of the Florida Surveying and Mapping Society and American Congress on Surveying and Mapping

Map of Survey

DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
18° 02' 18"	245.00'	77.13'	58.89'	76.81'	S 30° 29' 41" W
18° 02' 17"	125.00'	39.35'	19.84'	39.19'	N 1.0° 29' 41" E

TRACT E GREENWAY LAND/OPEN SPACE (PRIVATE)	LINE	BEARING	DISTANCE
	L 1	N 89° 30' 49" E	25.88'
	L 2	S 89° 30' 49" W	25.88'



NOTATION: 1 of 3, "HEATHERWOOD" the plat thereof as recorded in Plat Book 70, - 34 of the Public Records of Seminole County, Florida.

FIELD DATA: The Parcel shown hereon lies within Flood Zone "X", the Flood Insurance Rate Map Community Panel Number 9 - 0135 E, Dated 04 - 17 - 95.

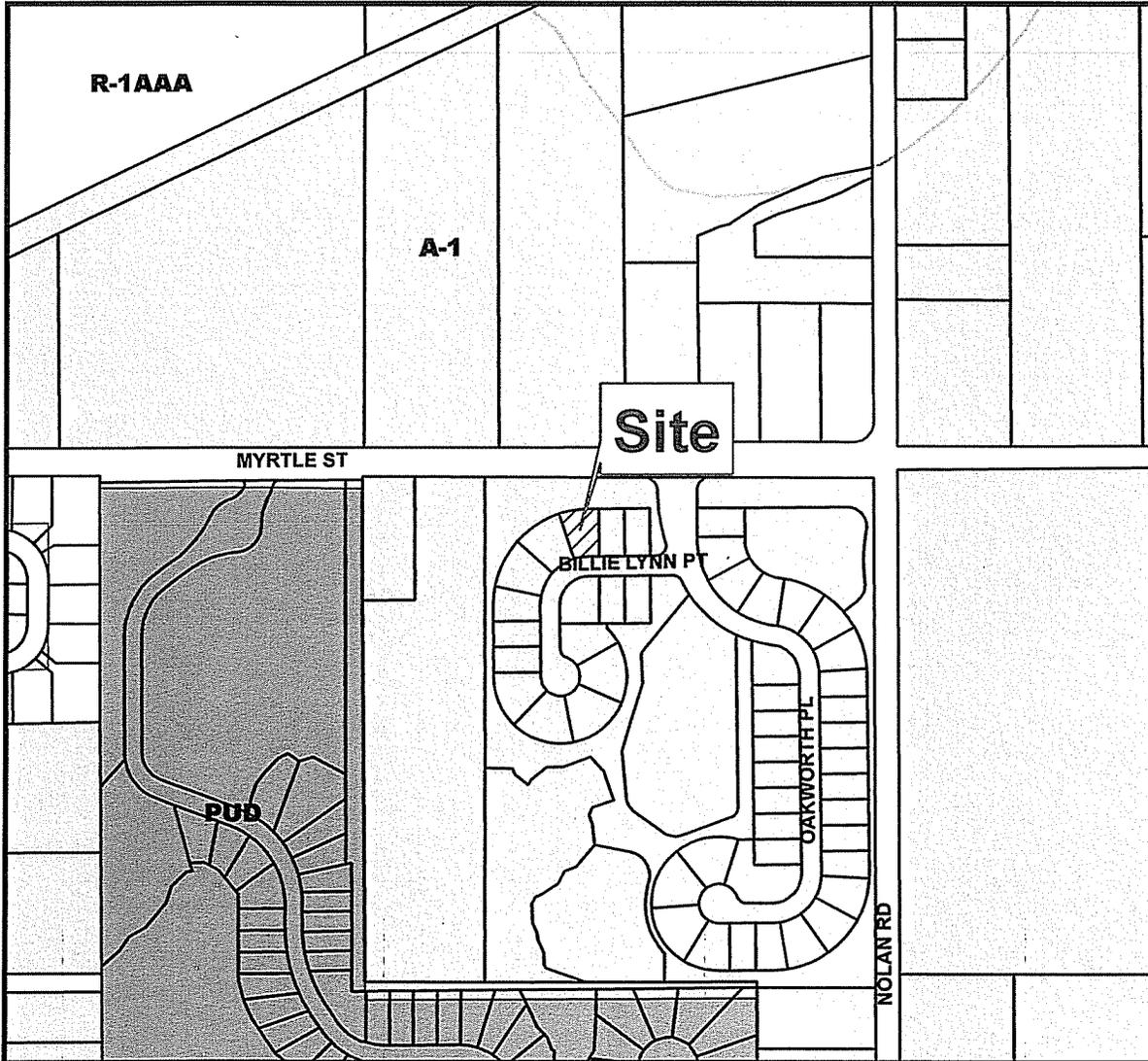
Verification was performed by graphic plotting from Flood Insurance data provided by FEMA. No field surveying was performed by this Firm to Zone. The exact zone location can only be determined by an elevation as no responsibility for actual flood conditions concerning this parcel

SETBACKS:
Front 20' Rear 20'
Side 7.5' Corner 20'

Note: Bearings shown hereon are referenced to the C/L of BILLIE LYNN POINT as being N 89° 30' 49" E.

Vertical datum is based on NGVD per Engineering construction plans by CPH ENGINEERS, INC., Job No. A4605.

Maryann Fitzgerald
1708 Billie Lynn Point
Sanford, Florida 32773

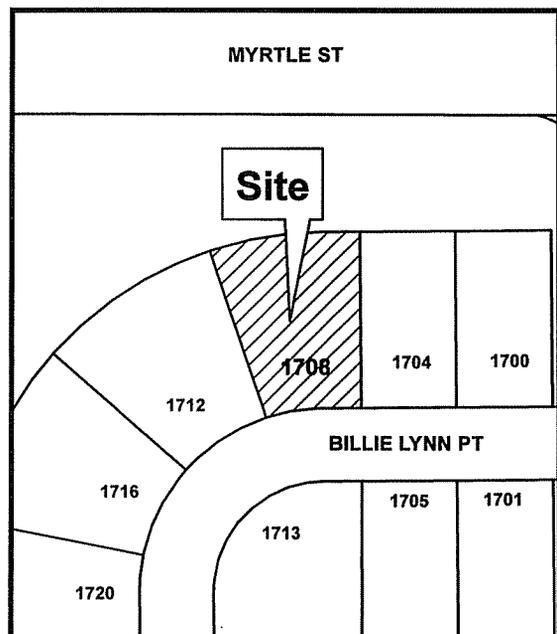


Seminole County Board of Adjustment
July 28, 2008
Case: BV2008-60 (Map 3105, Grid A4)
Parcel No: 23-20-30-506-0000-0030

Zoning

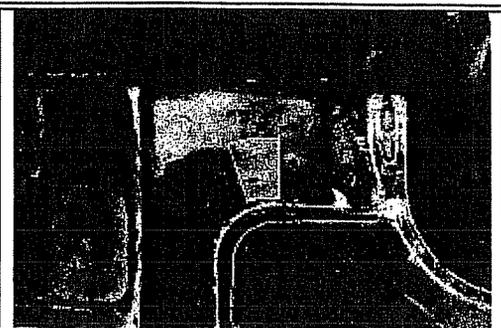
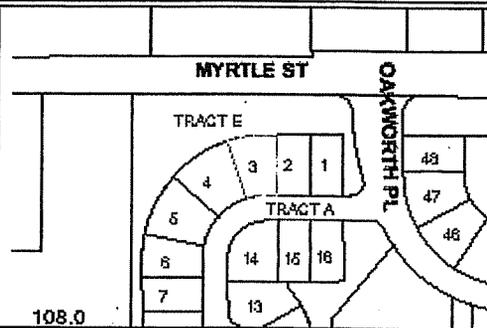
-  BV2008-60
-  A-1
-  R-1AAA
-  R-1A
-  PUD

N

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7506



GENERAL

Parcel Id: 23-20-30-506-0000-0030
 Owner: FITZGERALD MARYANN
 Mailing Address: 1708 BILLIE LYNN PT
 City,State,ZipCode: SANFORD FL 32773
 Property Address: 1708 BILLIE LYNN PT SANFORD 32773
 Subdivision Name: HEATHERWOOD
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2007)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY
 Amendment 1 impact not reflected.

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$202,245
Depreciated EXFT Value:	\$0
Land Value (Market):	\$50,000
Land Value Ag:	\$0
Just/Market Value:	\$252,245
Assessed Value (SOH):	\$252,245
Exempt Value:	\$25,000
Taxable Value:	\$227,245

Tax Estimator
Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	10/2006	06459	0572	\$300,000	Improved	Yes

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

Tax Amount(without SOH):	\$3,826
2007 Tax Bill Amount:	\$3,826
<u>Save Our Homes (SOH) Savings:</u>	\$0
2007 Taxable Value:	\$259,048

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	50,000.00	\$50,000

LEGAL DESCRIPTION

PLATS:

LOT 3 HEATHERWOOD PB 70 PGS 29 - 34

BUILDING INFORMATION

	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
<u>Building Sketch</u>	1	SINGLE FAMILY	2006	8	2,396	3,140	2,396	CB/STUCCO FINISH	\$202,245	\$204,288
Appendage / Sqft			GARAGE FINISHED / 654							
Appendage / Sqft			OPEN PORCH FINISHED / 90							

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

Permits

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
APPLICATION AND AFFIDAVIT**

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.

5-16-2009
Date

Mary Ann Fitzgerald
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 16th day of May, 2009 by MARY ANN FITZGERALD

Patricia Johnson PATRICIA JOHNSON
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced F 326-544-50-746-D

For Use by Planning & Development Staff

Date: _____ Application Number: _____

**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: <u>Maryann Fitzgerald</u>	Name: _____
Address: <u>1708 Billie Lynn Point S. Gulf Bldg</u>	Address: _____
Phone #: <u>407-549-3221</u>	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	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: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

HEATHERWOOD AT LAKE JESSUP HOA

5401 S. Kirkman Road, Suite 450
Orlando, FL 32819
407-903-9969

-- NOTICE OF APPROVAL --

Maryann Fitzgerald
1708 Billie Lynn Point
Sanford FL 32773

5/16/2008

Re: 1708 Billie Lynn Point

Dear Owner:

Your Request for Architectural Change has been approved. Specifically, you have approval to proceed with the following:

Screen Request Approved By ARB Board.

We reserve the right to make a final inspection of the change to make sure it matches the Request you submitted for Approval. Please follow all architectural guidelines in the governing documents of the Community for the plan you submitted, or submit an additional Request Form if you cannot follow the original plan.

You must follow all local building codes and setback requirements when making this change. A Building Permit may be needed. This can be applied for at County offices.

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting Sunshine State at 1-800-432-4770 and/or contacting the appropriate Utility Companies before digging.

We appreciate your cooperation in submitting this Request for Approval. An attractive Community helps all of us get the full value from our homes when we decide to sell.

Sincerely,

David Bowman

David Bowman
Community Association Manager
david@community-mgmt.com

HEATHERWOOD AT LAKE JESSUP

**Seminole County, Division
Of Planning
1101 E. First Street
Sanford Fl. 32771**

June 10, 2008

**Re: Variance Request
1708 Billie Lynn Point
BY 2008-60**

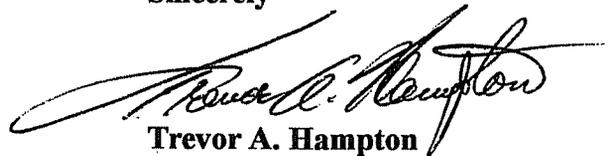
Dear County Official,

This letter is written to express the support of the Board of Directors of the Home Owners Association of Lake Jessup for the Variance Request for 1708 Billie Lynn Point, Seminole County Florida.

The H.O.A. Board of Directors unanimously approves the Architectural Review Application of Maryann Fitzgerald's Screen Room request. As President of the H.O.A., I ask that Seminole County support her request.

Thank you, in advance, for your assistance in this matter.

Sincerely



**Trevor A. Hampton
H.O.A. President**

Cc: Maryann Fitzgerald

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 3 HEATHERWOOD PB 70 PGS 29 - 34

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

FINDINGS OF FACT

Property Owner: Maryann Fitzgerald
1708 Billie Lynn Pt
Sanford FI 32773

Project Name: Billie Lynn Point (1708)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 18 feet for a proposed screen room in A-1 (Agriculture) district.

The Development Approval was sought to construction a screen room addition within the rear yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. 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: Denny Gibbs, Senior Planner
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 July 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 3 HEATHERWOOD PB 70 PGS 29 - 34

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

FINDINGS OF FACT

Property Owner: Maryann Fitzgerald
1708 Billie Lynn Pt
Sanford FL 32773

Project Name: Billie Lynn Point (1708)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 18 feet for a proposed screen room in A-1 (Agriculture) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Denny Gibbs, 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:

- a. The variance granted will apply only to the screen room addition to the rear of the property 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:

