

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

**SUBJECT:** 1301 Ballentyne Place – Brian & Mindy Shams, applicant; Request for a rear yard setback variance from 30 feet to 14 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) 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 14 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 14 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Brian & Mindy Shams Location: 1301 Ballentyne Place Zoning: R-1A (Single Family Dwelling) district Subdivision: Ballentyne
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an addition that will encroach 16 feet into the required 30-foot rear yard setback.</li> <li>• The addition is one story and approximately 17' x 60' (1,020 ± square feet).</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>

Reviewed by:  
Co Atty: RLC  
Pln Mgr: AS

<b>STAFF FINDINGS</b>	<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 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"><li>• Any variance granted shall apply only to the single story addition to the rear of the property 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>

**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 # BV 2008-64  
Meeting Date 7-28-08

**COPY**



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

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

Name: Brian/Mindy Shams  
Address: 1301 Ballentyne Place City: Apopka Zip code: 32703  
Project Address: 1301 Ballentyne Place City: Apopka Zip code: 32703  
Contact number(s): 407-788-5370 (Hm) 407-375-0167 (Mindy's cell)  
Email address: mshams@embarqmail.com

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff. \* 2552

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<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: <u>Bedroom/Bathroom/Family room</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 JUN 05 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 feet</u>	Proposed setback: <u>14 feet</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 type="checkbox"/> Total number of variances requested <u>1</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: Mindy Shams  
Brian Shams

DG

**FOR OFFICE USE ONLY**

Date Submitted: 6/5/25 Reviewed By: DHG  
 Tax parcel number: 17-21-29-532-0000-0190 Zoning/FLU R-1A/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>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.</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
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> 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.



59'-0"

17'-4"

COVERED PATIO

8'-0" x 10'-0"

BEDROOM

11'-0" x 11'-0"

HOT TUB

7'-0" x 8'-0"

BONDS RM.

12'-0" x 16'-0"

BATH

14'-0" x 5'-0"

EXISTING  
BEDROOM

EXISTING  
POOL BATH

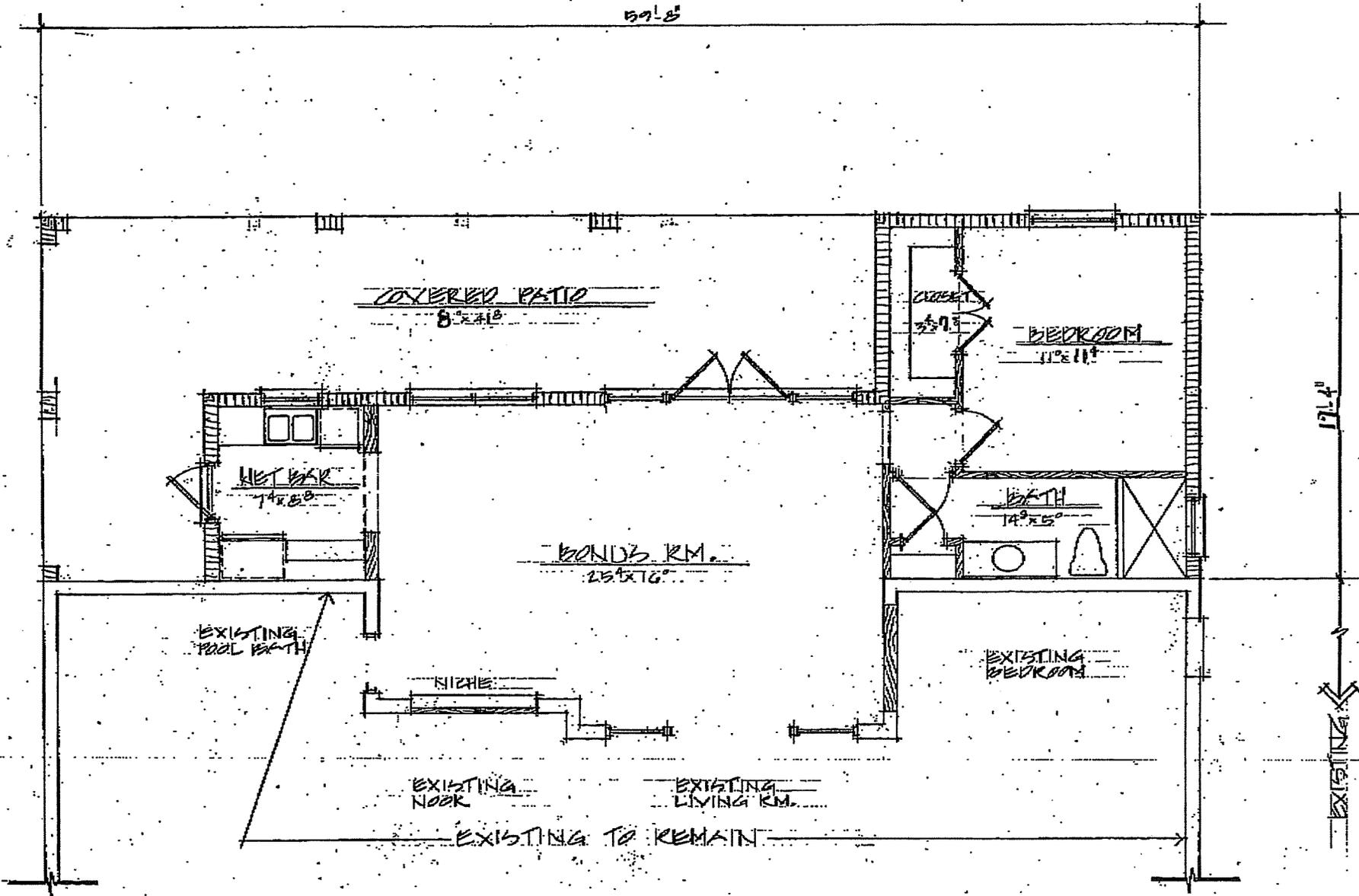
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NOOK

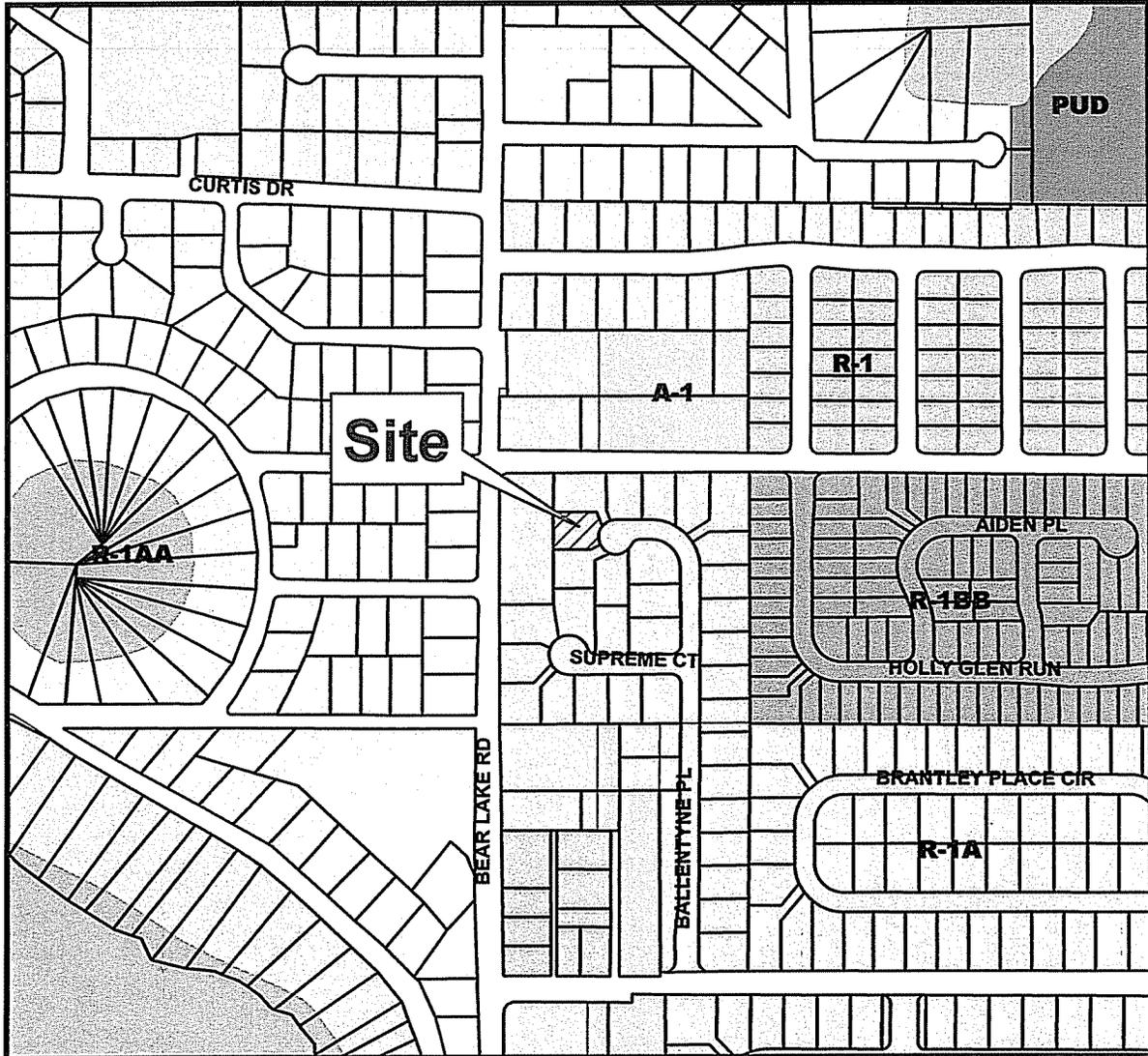
EXISTING  
LIVING RM.

EXISTING TO REMAIN

EXISTING

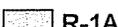


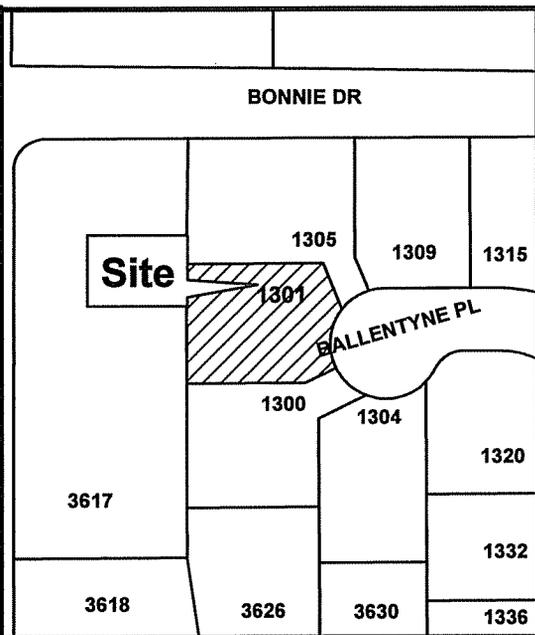
Brian & Mindy Shams  
 1301 Ballentyne Place  
 Apopka, Florida 32703



Seminole County Board of Adjustment  
 July 28, 2008  
 Case: BV2008-64 (Map 3154, Grid B7)  
 Parcel No: 17-21-29-532-0000-0190

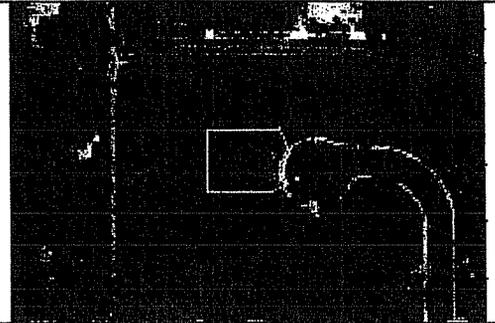
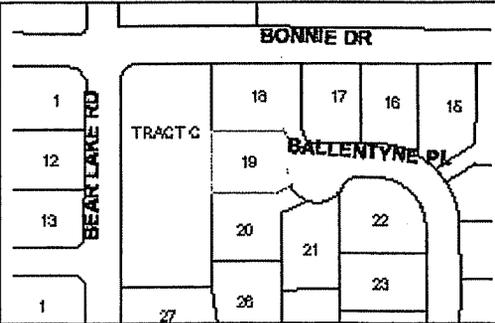
**Zoning**

- |   |   |
|---|---|
|  BV2008-64 |  R-1   |
|  A-1       |  R-1BB |
|  R-1AA     |  PUD   |
|  R-1A      |   |



**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-865-7508



**GENERAL**

Parcel Id: 17-21-29-532-0000-0190  
 Owner: SHAMS BRIAN & MINDY  
 Mailing Address: 1301 BALLENTYNE PL  
 City,State,ZipCode: APOPKA FL 32703  
 Property Address: 1301 BALLENTYNE PL APOPKA 32703  
 Subdivision Name: BALLENTYNE  
 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: \$256,862  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$76,000  
 Land Value Ag: \$0  
**Just/Market Value:** \$332,862  
 Assessed Value (SOH): \$332,862  
 Exempt Value: \$25,000  
 Taxable Value: \$307,862

Tax Estimator

Portability Calculator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	03/2006	06214	0400	\$100	Improved	No
WARRANTY DEED	03/2006	06166	1781	\$432,500	Improved	Yes
WARRANTY DEED	01/2002	04312	0534	\$270,900	Improved	Yes

Find Comparable Sales within this Subdivision

**2007 VALUE SUMMARY**

Tax Amount(without SOH): \$5,215  
**2007 Tax Bill Amount:** \$5,215  
**Save Our Homes (SOH) Savings:** \$0  
**2007 Taxable Value:** \$353,127  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	76,000.00	\$76,000

**LEGAL DESCRIPTION**

PLATS:   
 LOT 19 BALLENTYNE PB 57 PG 24

**BUILDING INFORMATION**

Building Sketch	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
	1	SINGLE FAMILY	2002	10	2,455	3,469	2,699	CBS+WOOD COMBO	\$256,862	\$264,806
Appendage / Sqft					SCREEN PORCH FINISHED / 169					
Appendage / Sqft					GARAGE FINISHED / 444					
Appendage / Sqft					OPEN PORCH FINISHED / 157					
Appendage / Sqft					UPPER STORY FINISHED / 244					

**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 & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: Brian Shams  
Address: 1301 Ballentyne Place  
City/Zip: Apopka 32703  
Phone #: 407-788-5370

Name: Mindy Shams  
Address: 1301 Ballentyne Place  
City/Zip: Apopka 32703  
Phone #: 407-788-5370 / 407-375-0167

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
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: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
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: \_\_\_\_\_  
City/Zip: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_

(Use additional sheets for more space.)

**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: _____
City/Zip: _____	City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

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.

*Mindy Shams / Brianna Shams*  
Owner, Agent, Applicant/Signature

\_\_\_\_\_  
Date

STATE OF FLORIDA  
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 3rd day of June, 2008 by Brianna Mindy Shams

*Barbara J. Lambert*  
Signature of Notary Public

\_\_\_\_\_  
Print, Type or Stamp Name of Notary Public

**Barbara J. Lambert**  
Commission # DD508436  
Expires January 18, 2010  
Bonded Troy Fair - Insurance, Inc. 800-385-7018

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

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

BU2008-64  
Item# 5

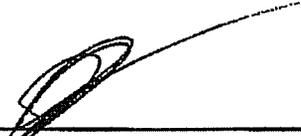
**Neighbor Approval Letter**

**My name is Rob Green. I live at the following address:**

**1305 Ballentyne Place  
Apopka, Florida 32703**

**My lot and home is adjacent and to the north of the home of Mindy and Brian Shams. They have advised me of the plans for expansion of their home. Upon review of the plan, I agree to the improvement extending 17 feet into the 30-foot setback area of their lot.**

6/5/08  
**Date**

  
**Signature**

Rob Green  
**Print Name**

BV2008-64  
Item # 5

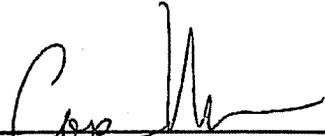
### Neighbor Approval Letter

**Alex and Ken Van live at the following address:**

**1300 Ballentyne Place  
Apopka, Florida 32703**

**Our lot and home is adjacent and to the south of the home of Mindy and Brian Shams. They have advised us of the plans for expansion of their home. Upon review of the plan, we agree to the improvement extending 17 feet into the 30-foot setback area of their lot.**

6/4/2008  
**Date**

  
**Signature**

Coc Van  
**Print Name**

BV2008-64  
Item # 5

**Neighbor Approval Letter**

I am a neighbor of 1301 Ballentyne Place and I have reviewed their plans for an addition to their home. I am in support of the proposed addition.

7/9/08

**Date**

1304 Ballentyne Pl

**Address**

Michelle Z. Smith

**Signature**

Michelle Z. Smith

**Print Name**

BV2008-64  
Item # 5

**Neighbor Approval Letter**

I am a neighbor of 1301 Ballentyne Place and I have reviewed their plans for an addition to their home. I am in support of the proposed addition.

7/9/08

**Date**

2027 W. Supreme Ct  
Apopka FL 32703

**Address**

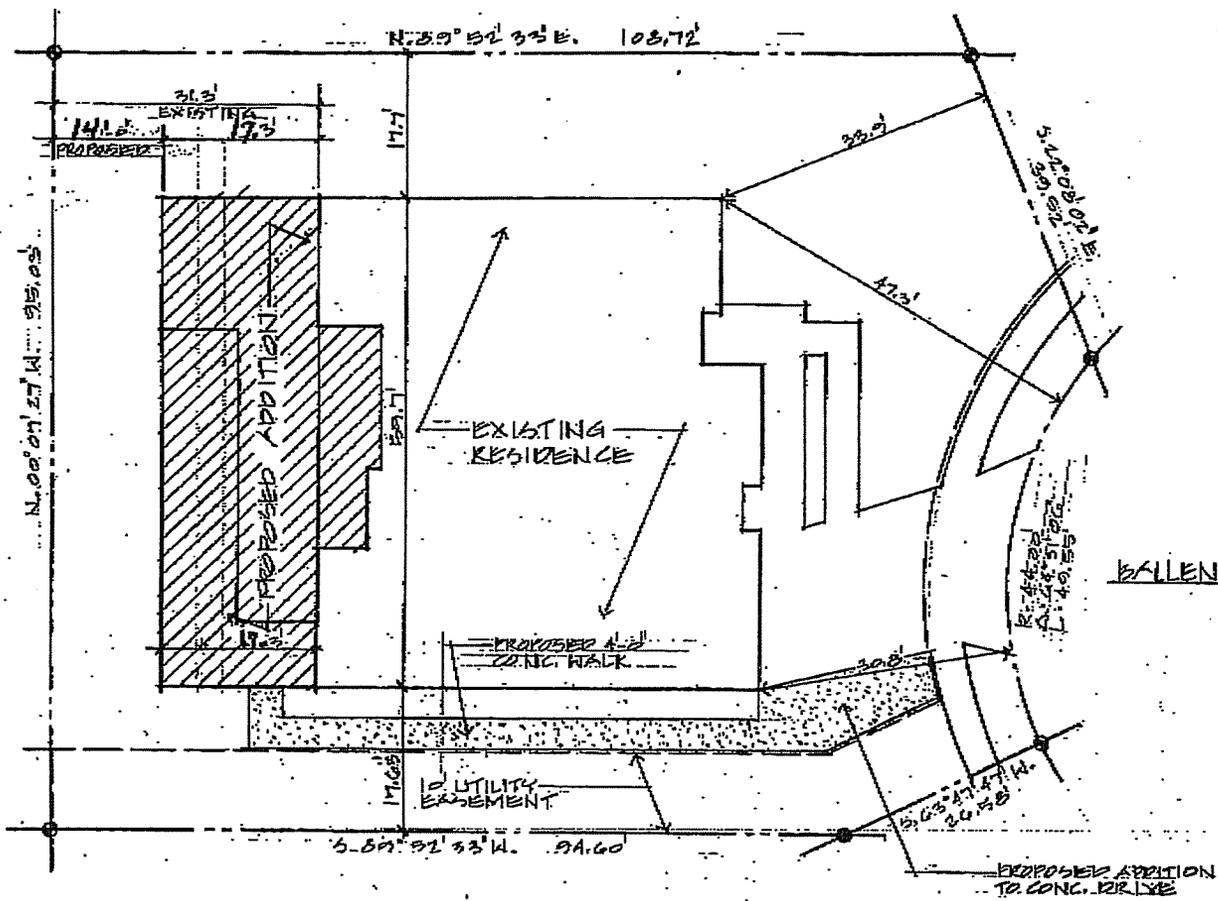
Esther Cohen

**Signature**

Esther Cohen

**Print Name**

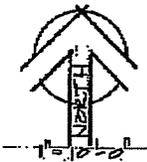
# LETTER OF SUPPORT



*Phyllis Mangold*  
 1357 Ballentyne PL  
 lot 5

I am in support of  
 proposed ADDITION

BALLENTYNE PLACE



DESCRIPTION:

LOT 10, BALLENTYNE, ACCORDING TO THE  
 PLAT THEREOF, AS RECORDED IN PLAT BOOK  
 57, PAGE 24, OF THE PUBLIC RECORDS OF  
 SEMINOLE COUNTY, FLORIDA.

ADDRESS:

1357 BALLENTYNE PLACE  
 APOKA, FLORIDA 32703

## 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 19 BALLENTYNE PB 57 PG 24

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

### FINDINGS OF FACT

**Property Owner:** Brian & Mindy Shams  
1301 Ballentyne Pl  
Apopka 32703

**Project Name:** Ballentyne Place (1301)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 14 feet for a proposed single story addition in R-1A (Single Family Dwelling) district.

The Development Approval was sought to construct an 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 19 BALLENTYNE PB 57 PG 24

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

**FINDINGS OF FACT**

**Property Owner:** Brian & Mindy Shams  
1301 Ballentyne Pl  
Apopka 32703

**Project Name:** Ballentyne Place (1301)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 14 feet for a proposed single story 17' x 60' ± addition to the rear of the property in R-1A (Single Family Dwelling) 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 single story 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

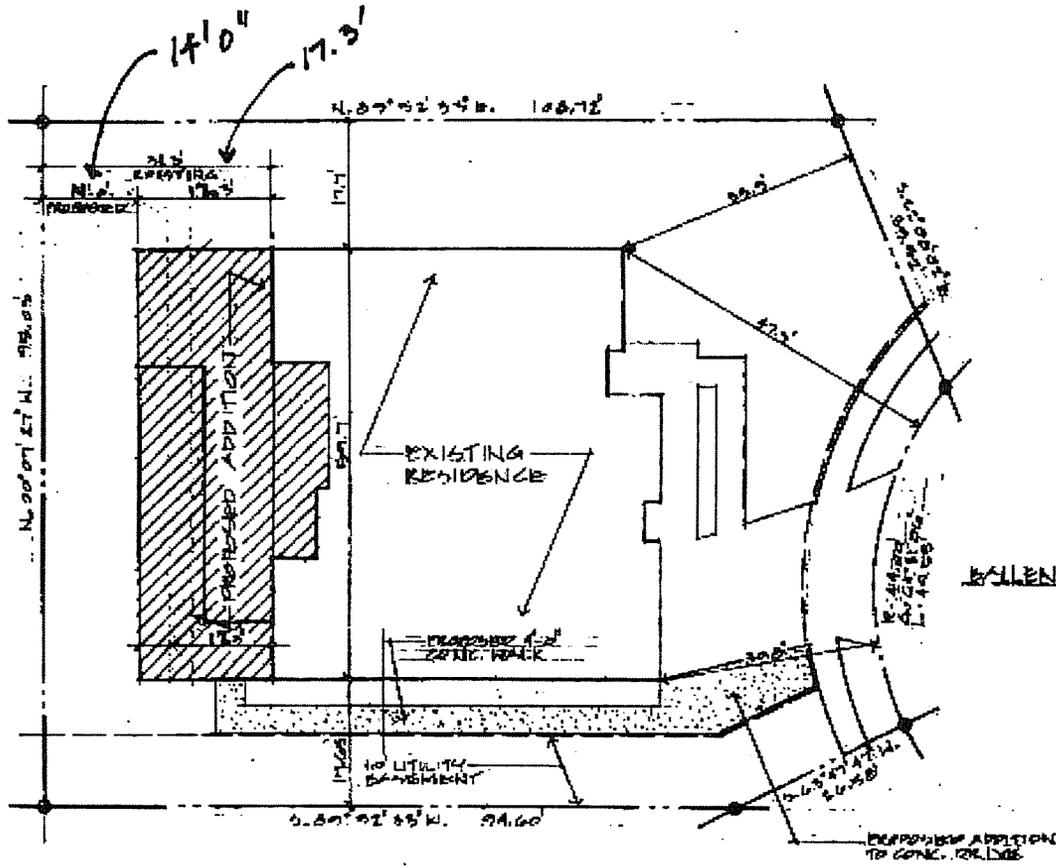
**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

**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:



BALLENTYNE PLACE



DESCRIPTION:

LOT 10, BALLENTYNE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 24, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ADDRESS:

1401 BALLENTYNE PLACE  
AROPA, FLORIDA 32705