

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

**SUBJECT:** 217 Duncan Trail – Eduardo Aceredo, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) district.

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

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

**Agenda Date** 8/25/08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Eduardo Aceredo                  Location: 217 Duncan Trail                  Zoning: PUD (Planned Unit Development) district                  Subdivision: Wekiva Hills Sec 8</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to replace a portion of the pool screen enclosure with a screen room that will encroach 15 feet into the 30-foot required rear yard setback.</li> <li>• The screen room will be approximately 18 feet by 20 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:** \_\_\_\_\_  
**Pln Mgr:** \_\_\_\_\_

<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 screen room at the northwest portion 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



**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: Eduardo Acevedo  
Address: 217 Duncan Trail City: Longwood Zip code: 32779  
Project Address: 217 Duncan Trail City: Longwood Zip code: 32779  
Contact number(s): 407 774-4455 (owner) 407-435-3517 DAVID (owner)  
Email address: Crown Z 28 @ AOL . 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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>deck &amp; roof patio SCREEN ROOM</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUL 10 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'-0"</u>	Proposed setback: <u>13'-9" 15'</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:
<b>[ ] Total number of variances requested <u>1</u></b>			

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.

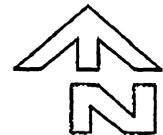
Signed: Eduardo Acevedo

**FOR OFFICE USE ONLY**

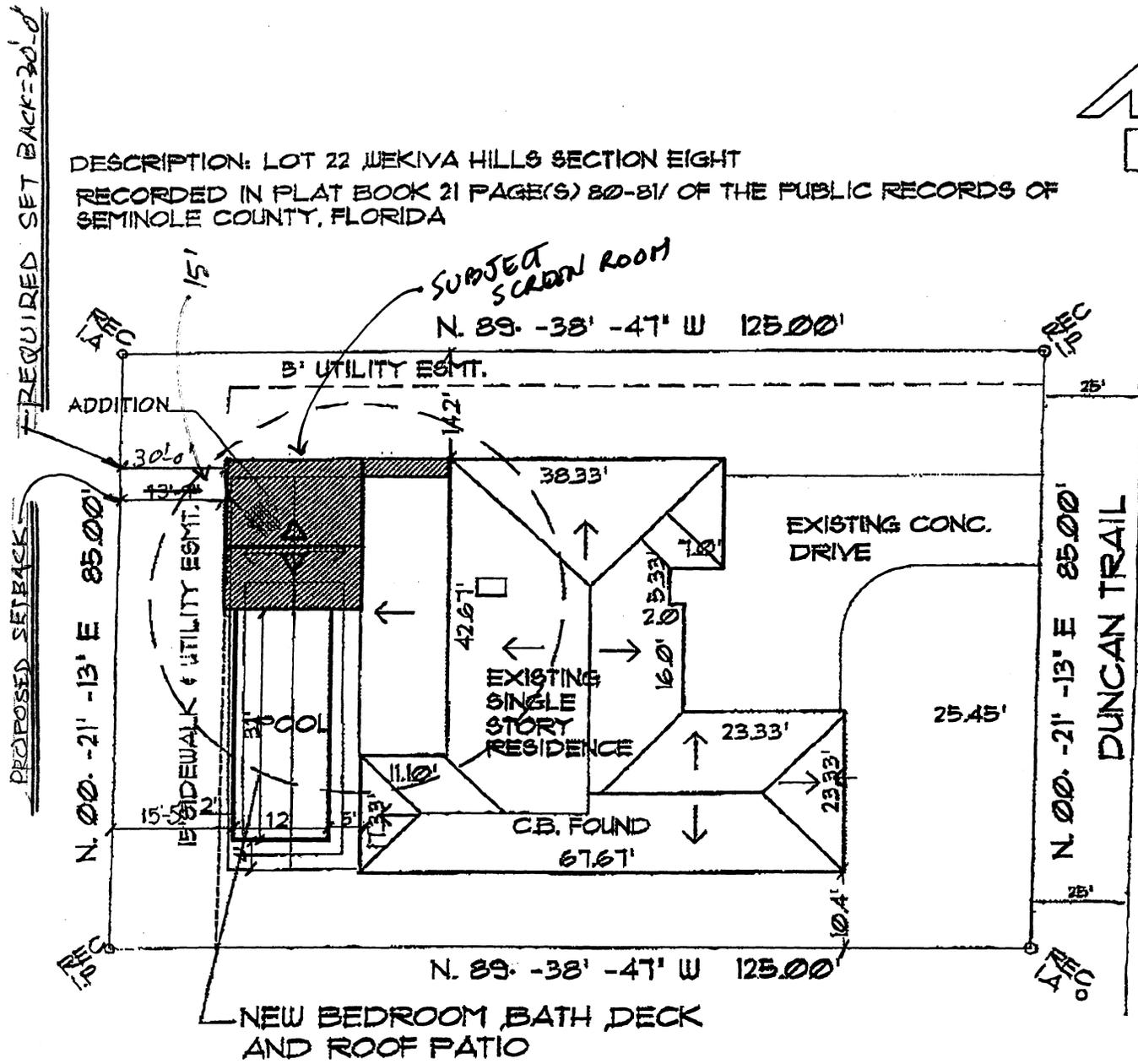
Date Submitted: 7-10-08 Reviewed By: P. Johnson  
Tax parcel number: 06-21-29-507-0000-0220 Zoning/FLU PUD / PD

- 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: must vacate the easement



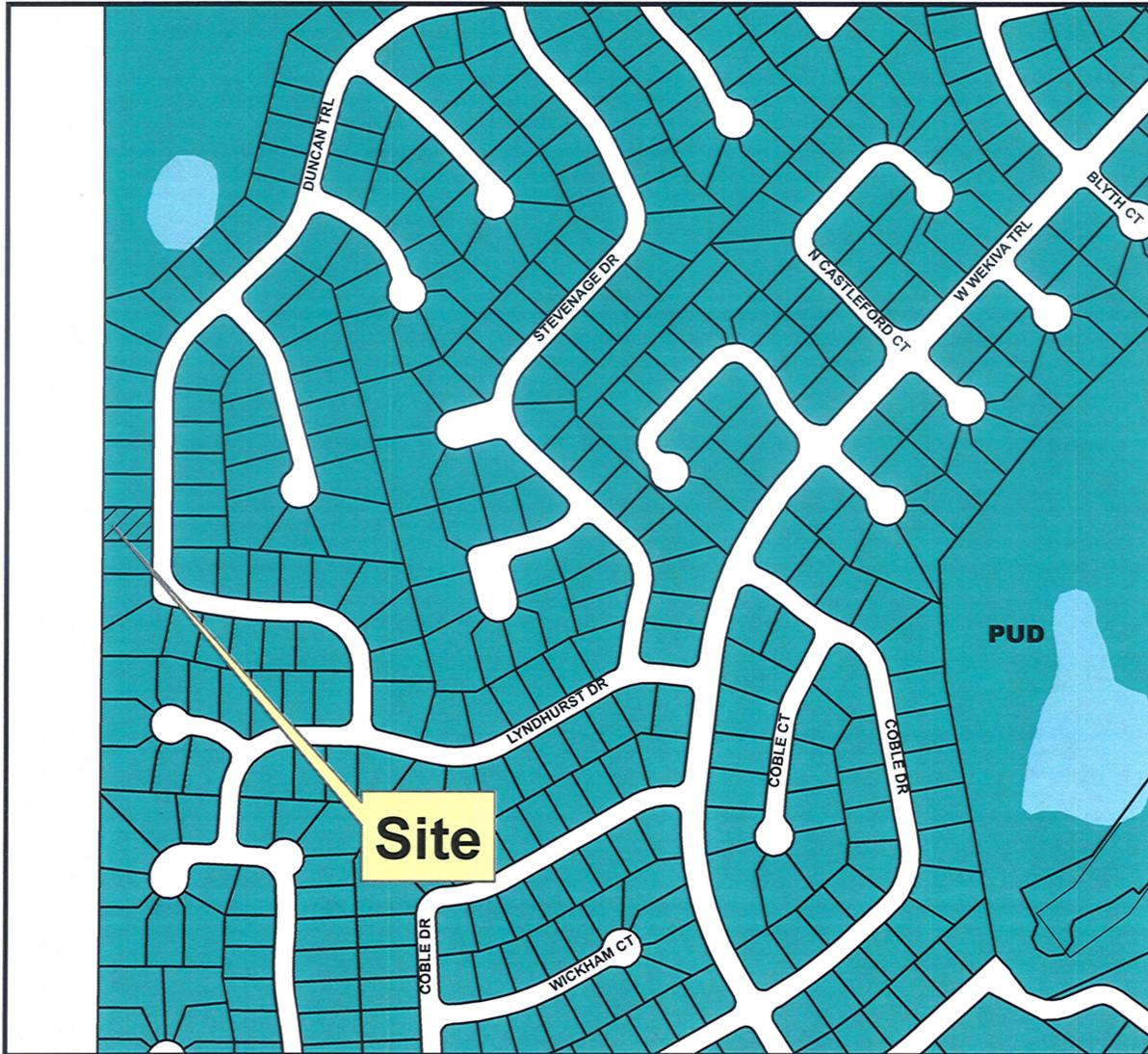
DESCRIPTION: LOT 22 WEKIVA HILLS SECTION EIGHT  
RECORDED IN PLAT BOOK 21 PAGE(S) 80-81/ OF THE PUBLIC RECORDS OF  
SEMINOLE COUNTY, FLORIDA



1 SITE PLAN  
1" = 20'

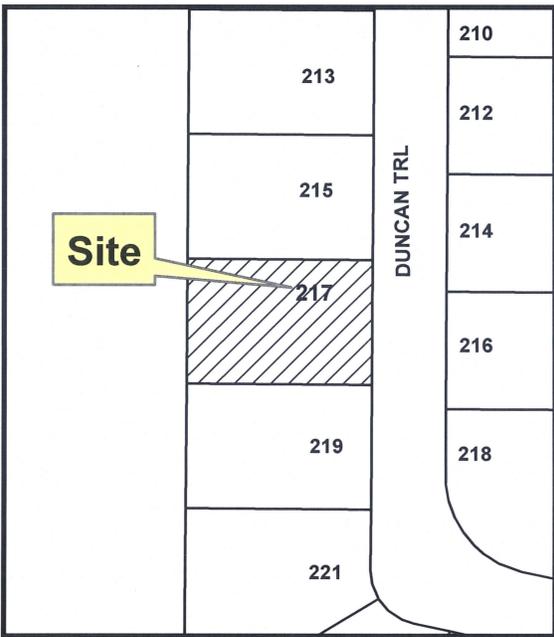
*Handwritten signature and date:*  
7/10/08

Eduardo Acevedo  
217 Duncan Trail  
Longwood, Florida 32779



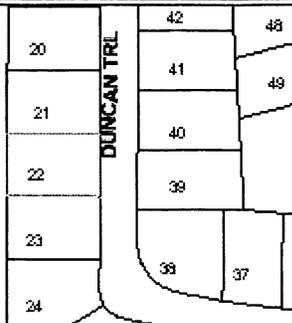
Seminole County Board of Adjustment  
August 25, 2008  
Case: BV2008-75 (Map 3153, Grid E2)  
Parcel No: 06-21-29-507-0000-0220

**Zoning**  
BV2008-75  
PUD



**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: 06-21-29-507-0000-0220  
 Owner: ACEVEDO EDUARDO & REBECCA  
 Mailing Address: 217 DUNCAN TRL  
 City,State,ZipCode: LONGWOOD FL 32779  
 Property Address: 217 DUNCAN TRL LONGWOOD 32779  
 Subdivision Name: WEKIVA HILLS SEC 08  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1994)  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**

Amendment 1 impact not reflected.

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$227,288  
 Depreciated EXFT Value: \$7,355  
 Land Value (Market): \$51,000  
 Land Value Ag: \$0  
**Just/Market Value:** \$285,643  
 Assessed Value (SOH): \$161,928  
 Exempt Value: \$25,000  
 Taxable Value: \$136,928

Tax Estimator  
Portability Calculator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	09/1986	01771	0370	\$157,000	Improved	Yes
WARRANTY DEED	07/1979	01236	1301	\$96,900	Improved	Yes
WARRANTY DEED	03/1979	01215	1404	\$21,500	Vacant	Yes

Find Comparable Sales within this Subdivision

**2007 VALUE SUMMARY**

Tax Amount(without SOH): \$4,039  
**2007 Tax Bill Amount:** \$1,953  
Save Our Homes (SOH) Savings: \$2,086  
**2007 Taxable Value:** \$132,212  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	51,000.00	\$51,000

**LEGAL DESCRIPTION**

PLATS:

LEG LOT 22 WEKIVA HILLS SEC 8 PB 21 PGS 80 & 81

**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	1979	6	2,396	3,357	2,396	CB/STUCCO FINISH	\$227,288	\$258,282
<b>Appendage / Sqft</b>		OPEN PORCH FINISHED / 409							
<b>Appendage / Sqft</b>		GARAGE FINISHED / 552							

**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
FIREPLACE	1979	1	\$600	\$1,500
POOL GUNITE	1979	480	\$3,840	\$9,600
BRICK PATIO	1979	695	\$1,112	\$2,780
SCREEN ENCLOSURE	1979	2,254	\$1,803	\$4,508

**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.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 6 TWP: 21 RNG: 29  
PROJ. #

<b>DEVELOPMENT:</b>		Wekiva Hills Section 8			<b>DEVELOPER:</b>		Magnolia Service Corp.					
<b>LOCATION:</b>		24.8 Acres – 67 Lots										
<b>FILE#:</b>		<b>BA:</b>		<b>SP:</b>			<b>BCC:</b>		6/21/78			
<b>P&amp;Z:</b>												
<b>PB</b>	21	<b>PG</b>	57, 58	<b>Lot</b>		<b>Blk</b>		<b>Parcel</b>		<b>DBA</b>		<b>Comm Dist</b>
<b>DEVEL. ORDER #:</b>					<b>TAX PAR. I.D. #:</b>							
<b>SIDEWALKS:</b>					<b>SETBACK REQUIREMENTS</b>							
					<b>FY:</b>	25'	<b>SIDE ST.:</b>		<b>SY:</b>	10'	<b>RY:</b>	30'
<b>ROAD TYPE:</b>					<b>MAIN STRUCTURE OTHER:</b> Minimum Lot Size: 8,400 sq. ft. Maximum Building Height: 35'							
<b>COMMENTS OTHER:</b>					<b>ACCESSORY STRUCTURE SETBACKS:</b>							
1) No minimum size for dwellings.					<b>SY:</b>	10'		<b>RY:</b>	10'			
2) Park access to be located between Lots 12 and 13.					<b>ACCESSORY STRUCTURE OTHER:</b>							

		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>	

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: Eduardo Acevedo Name: \_\_\_\_\_  
Address: 217 Duncan Trail Logwood Address: \_\_\_\_\_  
Phone #: 407-774-4455 Phone #: \_\_\_\_\_

Name: Rebecca Acevedo Name: \_\_\_\_\_  
Address: 217 Duncan Trail Logwood Address: \_\_\_\_\_  
Phone #: 407-774-4455 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.)

**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.

July 8, 2008  
Date

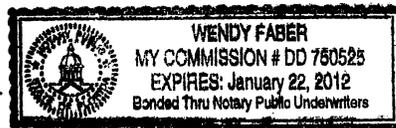
Eduardo Acevedo  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 08<sup>th</sup> day of July, 2008 by Eduardo Acevedo.

Wendy Faber  
Signature of Notary Public

Wendy Faber  
Print, Type or Stamp Name of Notary Public



Personally Known  OR Produced Identification   
Type of Identification Produced FL Drivers License

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

BV 2008-75

July 10, 2008

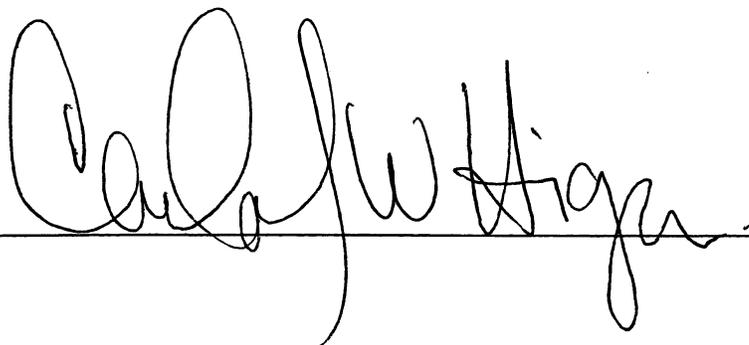
My name is Carla J.W. Higgins, my residence is 219 Duncan Trail in Longwood,  
Florida 32779 In Wekiva.

I have been the neighbor of The Acevedo's for 10 1/2 years.

I understand that Mr. Eduardo Acevedo has home improvement plans to be performed at his residence.

He has informed me of his plans and I would like to express that I have no complaints or objections to the job that needs to be performed at his residence.

Signature

A handwritten signature in cursive script, reading "Carla J.W. Higgins", written over a horizontal line.

BV2008-75

July 10, 2008

My name is DRAGAN MILOJEVIĆ, my residence is 215 Duncan Trail in Longwood, Florida 32779 In Wekiva.

I have been the neighbor of The Acevedo's for 13 years.

I understand that Mr. Eduardo Acevedo has home improvement plans to be performed at his residence.

He has informed me of his plans and I would like to express that I have no complaints or objections to the job that needs to be performed at his residence.

Signature

Dragan Milojević

BV 2008-75

Please click anywhere on this form and then print as usual...

**Wekiva Hunt Club Community Association  
Architectural Control Committee  
Exterior Improvement Approval Form**

**Section 1: Name and Location**

Name: Eduardo Acevedo

Mailing Address (if different from property):

Property Address:  
217 DUNLAN TRAIL

City: LONGWOOD

State: Florida

Zip: 32779

Day Phone: (407) 774-4455 OR (407) 222-4887

Evening Phone: (407)

Cell Phone: 774-7323

**Section 2: Change Descriptions (include dimensions, materials, color finish, location, etc.)**

- 1) Powers on Drive-way + walkway on side toward Pool area.
- 2) 1 1/2" level Aluminium Fence on the right side of home from the front.
- 3) Roof over open area of pool deck with screen sides.
- 4) Extending ± 5' from corner deck area and extending 3' from new wall for stairs? toward the New wood Deck on top of flat roof on the same side. (as per plan)

**Section 3: Request for Approval** *flat roof on the same side. (as per plan)*

I request approval to make the above changes. I understand that some types of changes require County Permits and I will acquire any required permits prior to making the above changes. *(none included)*

Eduardo Acevedo  
Signed

1/04 20th 2008  
Date

**Section 4: Approval or Denial (WHCCA ONLY)**

- Approved
- Approved - subject to the following:
- Denied - comments:

Received  
  
MAY 21 2008

Signed (WHCCA ACC): [Signature]

Date: 5/28/08

**Instructions:** Changes must be completed within 120 days from the date of approval. If more time is needed you must submit a written request for an extension. Please fill out sections 1, 2 and 3. Attach a plot survey showing locations of changes. For paint color, please attach "color chips" with the colors desired clearly marked (larger samples may be requested). If construction is to occur in an easement, an additional form is also required. This form will be returned via U.S. Mail either approved or denied within 30 days from the date received. You may contact the association office at (407) 774-6111 if you have any questions. Please return this form and required attachments to:

**Wekiva Hunt Club Community Association, Inc.-ACC  
239 Hunt Club Blvd. Suite 101  
Longwood, FL 32779-7115**

*[Handwritten initials and signatures]*

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 WEKIVA HILLS SEC 8 PB 21 PGS 80 & 81

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

**FINDINGS OF FACT**

**Property Owner:** Eduardo & Rebecca Acevedo  
217 Duncan Trail  
Longwood FL 32779

**Project Name:** Duncan Trail (217)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) district.

The Development Approval was sought to add a covered screen room that would encroach into the required 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 August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 WEKIVA HILLS SEC 8 PB 21 PGS 80 & 81

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

**FINDINGS OF FACT**

**Property Owner:** Eduardo & Rebecca Acevedo  
217 Duncan Trail  
Longwood FL 32779

**Project Name:** Duncan Trail (217)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) 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 on the north side of the pool 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:

