

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

SUBJECT: 2511 Last Tee Court – Brenda Byers, applicant; Request for a rear yard setback variance from 15 feet to 13 feet – 3 inches for a proposed addition in PUD (Planned Unit Development) district.

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

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

Agenda Date 10/27/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 15 feet to 13 feet – 3 inches for a proposed addition in PUD (Planned Unit Development) district; or
2. **Approve** the request for a rear yard setback variance from 15 feet to 13 feet – 3 inches for a proposed addition in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Brenda Byers Location: 2511 Last Tee Court Zoning: PUD (Planned Unit Development) Subdivision: Sabal Point At Sabal Green</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to enclose an existing screen room and push out a portion of the existing rear wall of the home. This addition will encroach 21 inches into the required rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
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

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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.
<p>STAFF RECOMMENDATION</p>	<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 addition at the rear of the home 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

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

Application # BU2008-93
Meeting Date OCT. 27, 08



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

Permit # 086436

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

Name: Brenda Byers
Address: 2511 LAST TEE COURT City: Longwood Zip code: 32779
Project Address: 2511 LAST TEE COURT City: Longwood Zip code: 32779
Contact number(s) (Home Sept.) 860-546-9744 Cell: 407-252-8889
Email address (After Oct 8th) 407-628-2579 Cell: 407-252-8889

Is the property available for inspection without an appointment?
 Yes No If gated please provide a gate code to staff.

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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe: <u>need 20" variance To extend foundation To end of roof line off</u>
<input checked="" type="checkbox"/> Other	Please describe: <u>Screened porch + bedroom.</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

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>15'</u>	Proposed setback: <u>13'3"</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:

Total number of variances requested 1

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: Brenda Byers

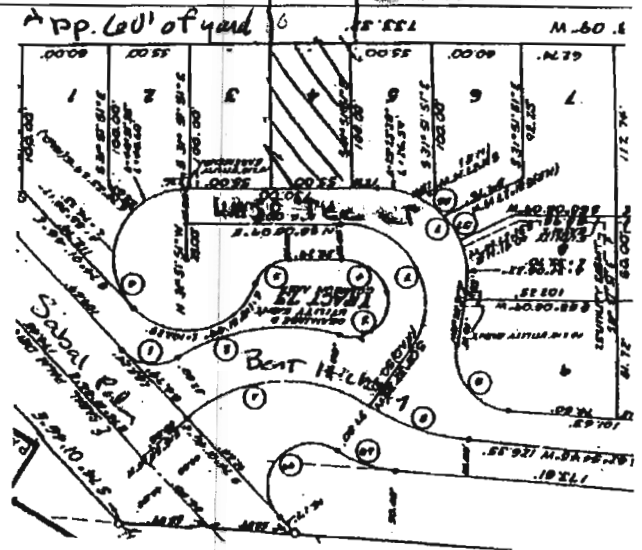
AT SABAL POINT, according to the plat
 Plat Book 25, Page(s) 41 through 43, of the
 Alameda County, FL.

289 Panel: 0135

9/28/2007 Flood Zone: X

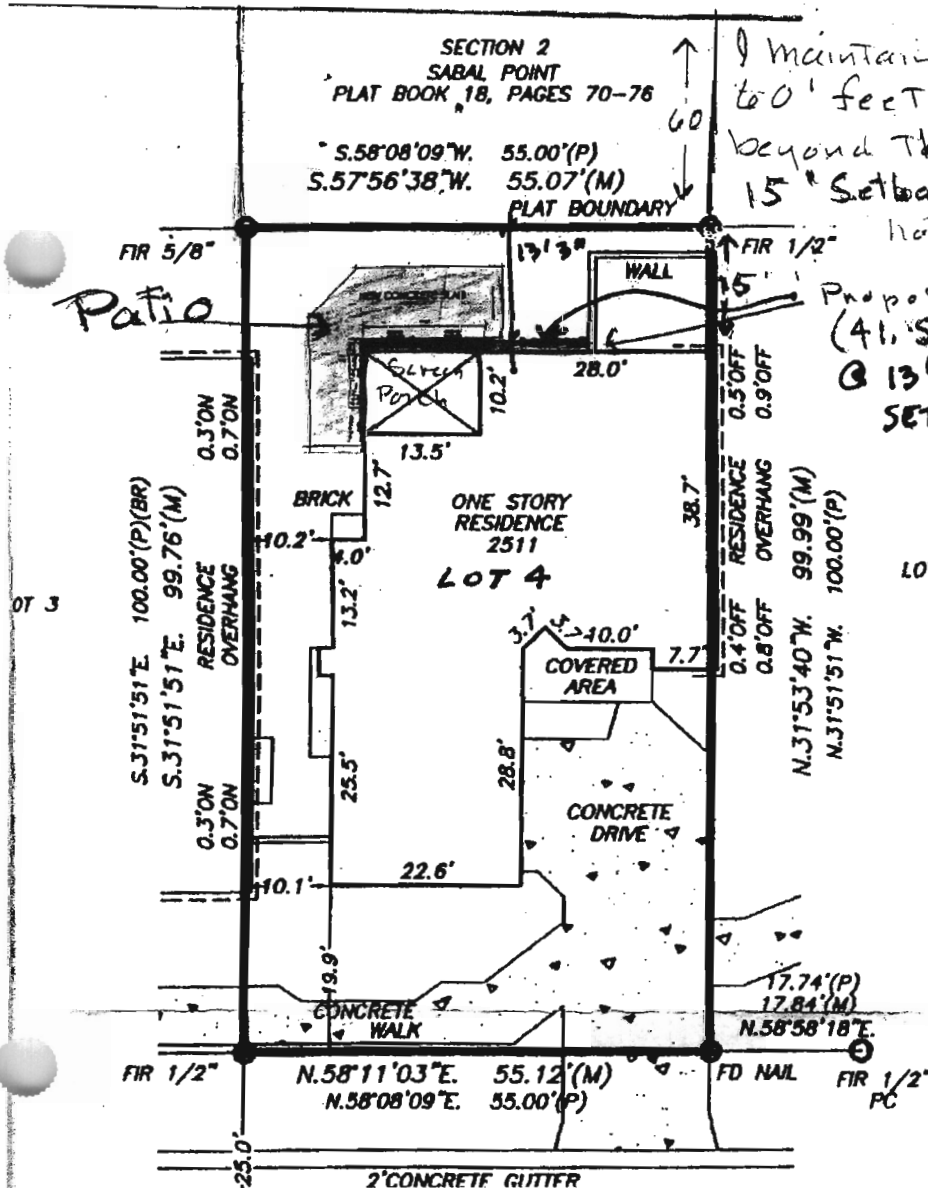
2007 Completion Date: 1/30/2008

Closed Golf Course



Golf Course

LOCATION SKETCH
 Not to Scale



I maintain App.
 to 60' feet of yard
 beyond the 15' setbacks.

SCALE: 1"=30'
 Note: next photo

Proposed extension
 (41.5 sq. feet)
 @ 13' 3" SETBACK
 not to exceed
 roof line.



Brenda Bycus
 2511 LAST TEE COURT
 Longwood, FL 32779
 (until October)
 31 Tracy Road
 Canterbury, CT
 06331

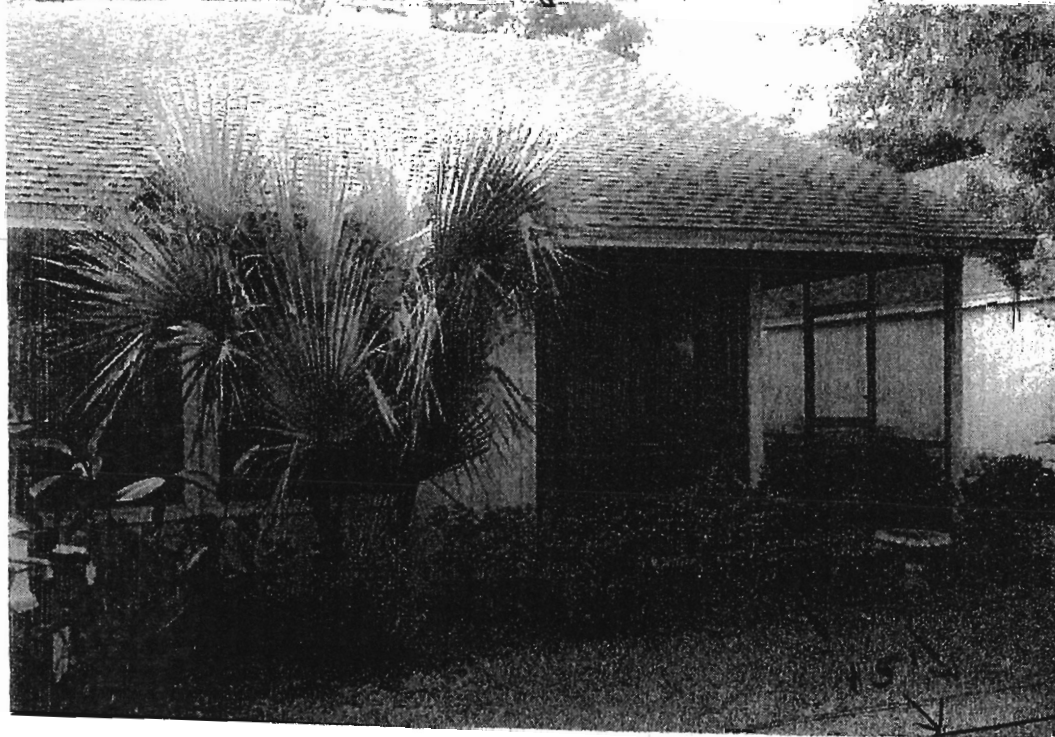
EXISTING
Fence

new
Gutters
3-24" Down

Drain
area

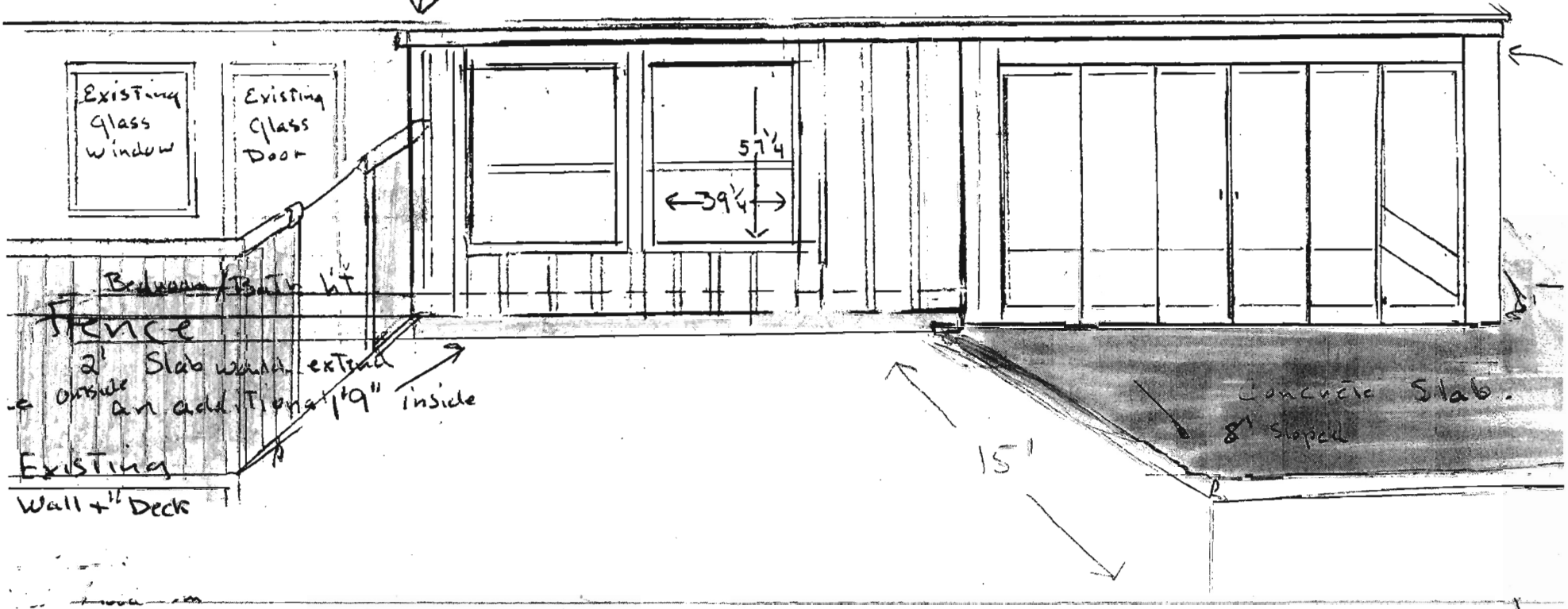
Will not go past roof line.
need 1'8" variance to extend
foundation to end of roof line
off screened porch + bedroom

Brick Patios
Sloped



15' is approx at this line

End of Extension
39 1/4 x 57 1/4



Bedroom/Bath Kit
Fence
2' Slab would extend outside an additional 19" inside
Existing Wall + 1/2 Deck

Concrete Slab
8' Sloped

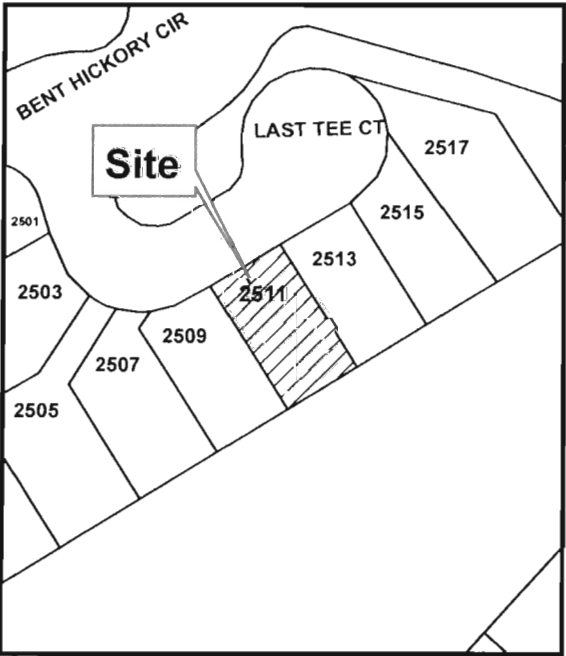

15'

Brenda Byers
2511 Last Tee Court
Longwood, Florida 32779



Seminole County Board of Adjustment
October 27, 2008
Case: BV2008-93 (Map 3155, Grid A1)
Parcel No: 33-20-29-5FP-0000-0040

Zoning
BV23008-93
PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																		
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 33-20-29-5FP-0000-0040 Owner: BYERS BRENDA Mailing Address: 2511 LAST TEE CT City,State,ZipCode: LONGWOOD FL 32779 Property Address: 2511 LAST TEE CT LONGWOOD 32779 Subdivision Name: SABAL POINT AT SABAL GREEN Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2008 Working</th> <th style="text-align: center;">2007 Certified</th> </tr> <tr> <th style="text-align: center;">Value Method</th> <th style="text-align: center;">Cost/Market</th> <th style="text-align: center;">Cost/Market</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: right;">\$164,369</td> <td style="text-align: right;">\$174,489</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$800</td> <td style="text-align: right;">\$800</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$52,000</td> <td style="text-align: right;">\$52,000</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: right;">\$217,169</td> <td style="text-align: right;">\$227,289</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$217,169</td> <td style="text-align: right;">\$227,289</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator Portability Calculator 2008 Notice of Proposed Property Tax</p>	VALUES	2008 Working	2007 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$164,369	\$174,489	Depreciated EXFT Value	\$800	\$800	Land Value (Market)	\$52,000	\$52,000	Land Value Ag	\$0	\$0	Just/Market Value	\$217,169	\$227,289	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$217,169	\$227,289															
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EXTRA FEATURE

Description	Year	Bit	Units	EXFT Value	Est. Cost New
FIREPLACE	1982		1	\$800	\$2,000

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
PROJ. #

ZONED: PUD

SEC: 33, 34

TWP: 20

RNG: 29

DEVELOPMENT: Sabal Green		DEVELOPER: Sabal Point Property, Inc.	
LOCATION: 72 Lots – 19.83 Acres PB: 25 PG: 41, 43			
FILE#:	BA:	SP:	BCC: 5/13/81
P&Z:			
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS:		SETBACK REQUIREMENTS	
		FY: 20'	RY: 15'
		SIDE ST.:	SY: *
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER: PATIO HOME *10' between buildings. Minimum Lot Size: 3,200 sq. ft. Minimum Living Area: 1,000 sq. ft. Maximum Height: 35'.	
COMMENTS OTHER:		ACCESSORY STRUCTURE SETBACKS:	
1) School: \$300.00 per unit to be paid at time of issuance of permit as of 3/29/85.		SY: 10	RY: 10
2) Variance for cul-de-sac length and pavement width granted.		ACCESSORY STRUCTURE OTHER: Swimming Pools: SY: 5'; RY: 5'	
3) Variance for sidewalk system was approved. The approved sidewalk plan will be retained in our files.			
4) Easements for overhangs (roof) is recorded in Bk. 1337, pgs 1515-1553.			

IMPACT FEES	
SCREEN:	
TARAFFIC ZONE:	
LAND USE:	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	
5. PARK	
6. SCHOOL	
7. LAW	
8. DRAINAGE	
	TOTAL
REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

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: <u>Brenda Byers</u>	Name: _____
Address: <u>2511 LAST TREE COURT</u>	Address: _____
City/Zip: <u>Longwood, FL 32779</u>	City/Zip: _____
Phone #: <u>Thru Sept, 860-546-9744</u>	Phone #: _____
<u>407-628-2579 - (407-252-8889)</u>	
Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
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: _____
City/Zip: _____	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
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: _____	City/Zip: _____
City/Zip: _____	

(Use additional sheets for more space.)

Tax 407-665-7385

Ref. # BV2008-93

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.

Sept 3, '08
Date

Brenda Byers
Owner, Agent, Applicant Signature

Connecticut
STATE OF FLORIDA
COUNTY OF Wichham

Sworn to (or affirmed) and subscribed before me this 3rd day of September, 2008 by Brenda Byers

Natalie Ruth Cordes
Signature of Notary Public

NATALIE RUTH CORDES
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2011

Print, Type or Stamp Name of Notary Public



Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 SABAL GREEN AT SABAL POINT PB 25 PGS 41 TO 43

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

FINDINGS OF FACT

Property Owner: Byers Brenda
2511 Last Tee Court
Longwood, FL 32779

Project Name: Last Tee Court (2511)

Variance Approval:

Rear yard setback variance from 15 feet to 13 feet – 3 inches for a proposed 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 addition at the rear of the home 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:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 SABAL GREEN AT SABAL POINT PB 25 PGS 41 TO 43

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

FINDINGS OF FACT

Property Owner: Byers Brenda
2511 Last Tee Court
Longwood, FL 32779

Project Name: Last Tee Court (2511)

Requested Development Approval:

Rear yard setback variance from 15 feet to 13 feet – 3 inches for a proposed addition in PUD (Planned Unit Development) district.

The Development Approval was sought to construct and addition that would encroach into 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: