

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: 937 Millshore Drive – James Bedont, applicant; Request for a rear yard setback variance from 30 feet to 8 feet for a proposed one-story garage in R-1A (Single Family Dwelling) district.

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 1/26/09 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 30 feet to 8 feet for a proposed one-story garage in R-1A (Single Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 8 feet for a proposed one-story garage in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: James Bedont Location: 937 Millshore Drive Zoning: R-1A (Single Family Dwelling) Subdivision: Lake Mills Shores
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a one story detached garage that will encroach 22 feet into the required 30-foot rear yard setback</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>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <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,</li> </ul>

Reviewed by: [Signature]  
Co Atty: [Signature]  
Pln Mgr: AS

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></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"><li>• Any variance granted shall apply only to the detached garage 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** **COPY**  
**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: James BEDONT  
Address: 937 Millshore Drive City: Chuluota Zip code: 32766  
Project Address: 937 Millshore Drive City: Chuluota Zip code: 32766  
Tax Parcel number: 28-21-32-501-0600-0030  
Contact number(s): Home 407-977-5003 CELL 407 342-8238  
Email address: Jimbedont@cfl.rr.com

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:
<input checked="" type="checkbox"/> Other	Please describe: <u>Detached Garage</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED DEC 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'</u>	Proposed setback: <u>8'</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 <u>1</u>			

Signed: James Bedont Date: 12/5/2008

# SWERDLOFF & FERRY

370 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

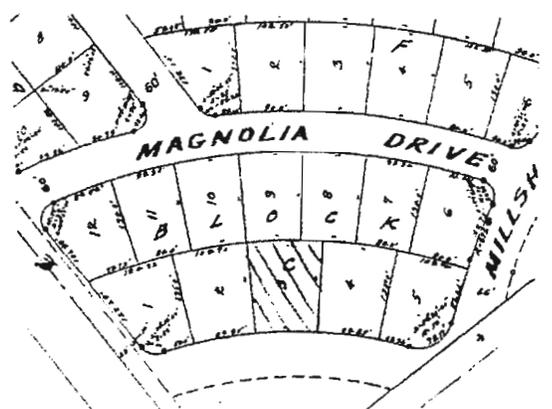
Lot 3, Block C, LAKE MILLS SHORES, according to the plat thereof, as recorded in Plat Book 11, Page(s) 14 and 15, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0190  
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 7/11/2005 Completion Date: 7/12/2005

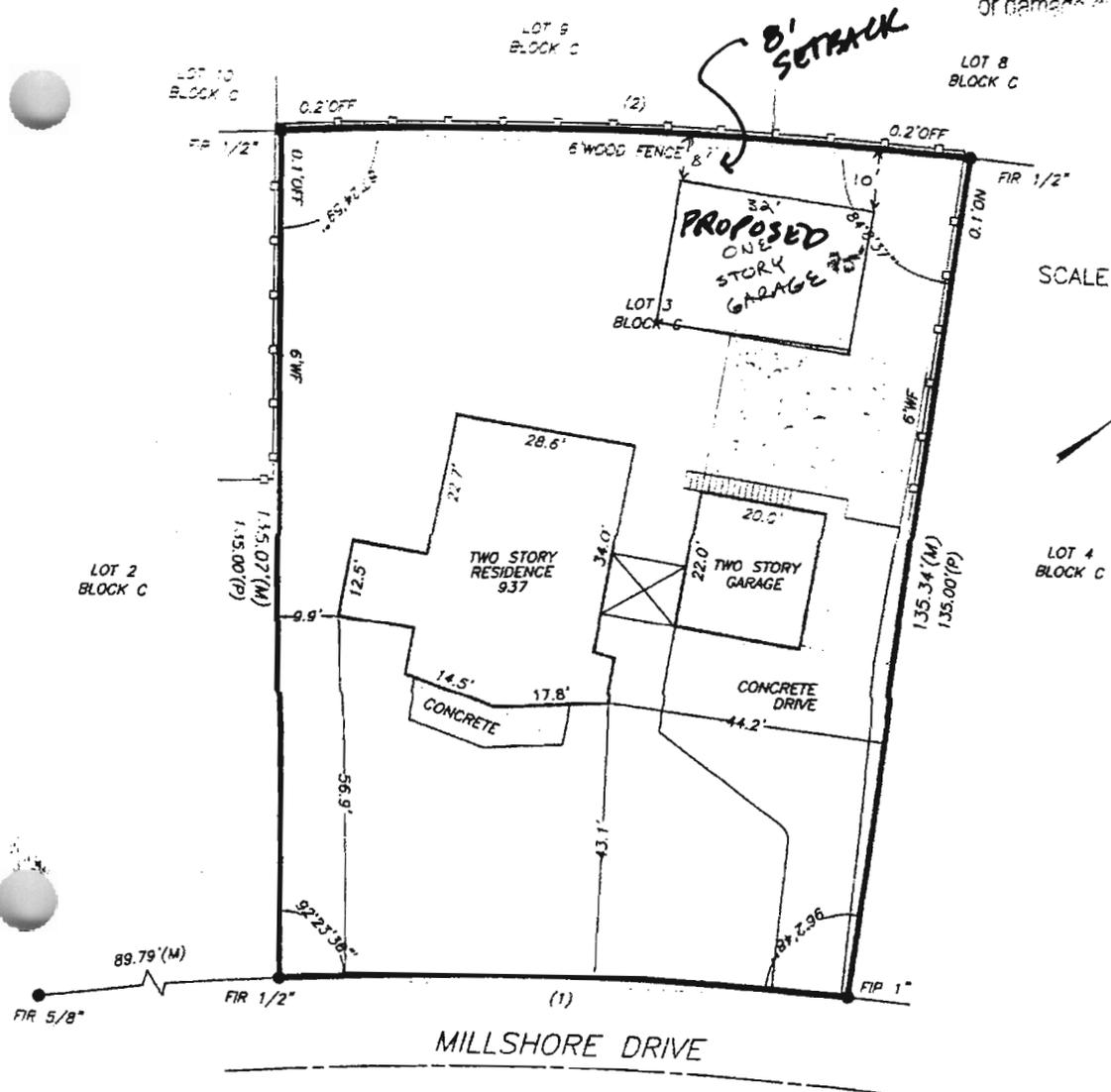
Certified to:  
 James F. Bedont; Sandy M. Bedont; Sunbelt Title Agency; Old Republic National Title Insurance Company; Wells Fargo Bank, its successors and/or assigns.

### CURVE TABLE

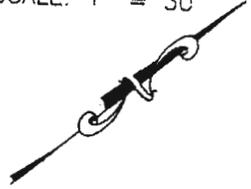
NO	RADIUS	DELTA	APC	TANGENT	CHORD	CHORD BEARING
1	603.50'	08°31'21"	89.80'	45.00'	89.65'	N 81°43'03"E
2	736.00'	09°33'00"	109.70'	54.90'	109.55'	N 81°54'28"E



PURCHASER/MORTGAGEE has been made aware of any ENCROACHMENT(s) as reflected on this SURVEY, and hereby holds harmless SUNBELT TITLE AGENCY, MORTGAGEE and SELLER from any loss or damage...



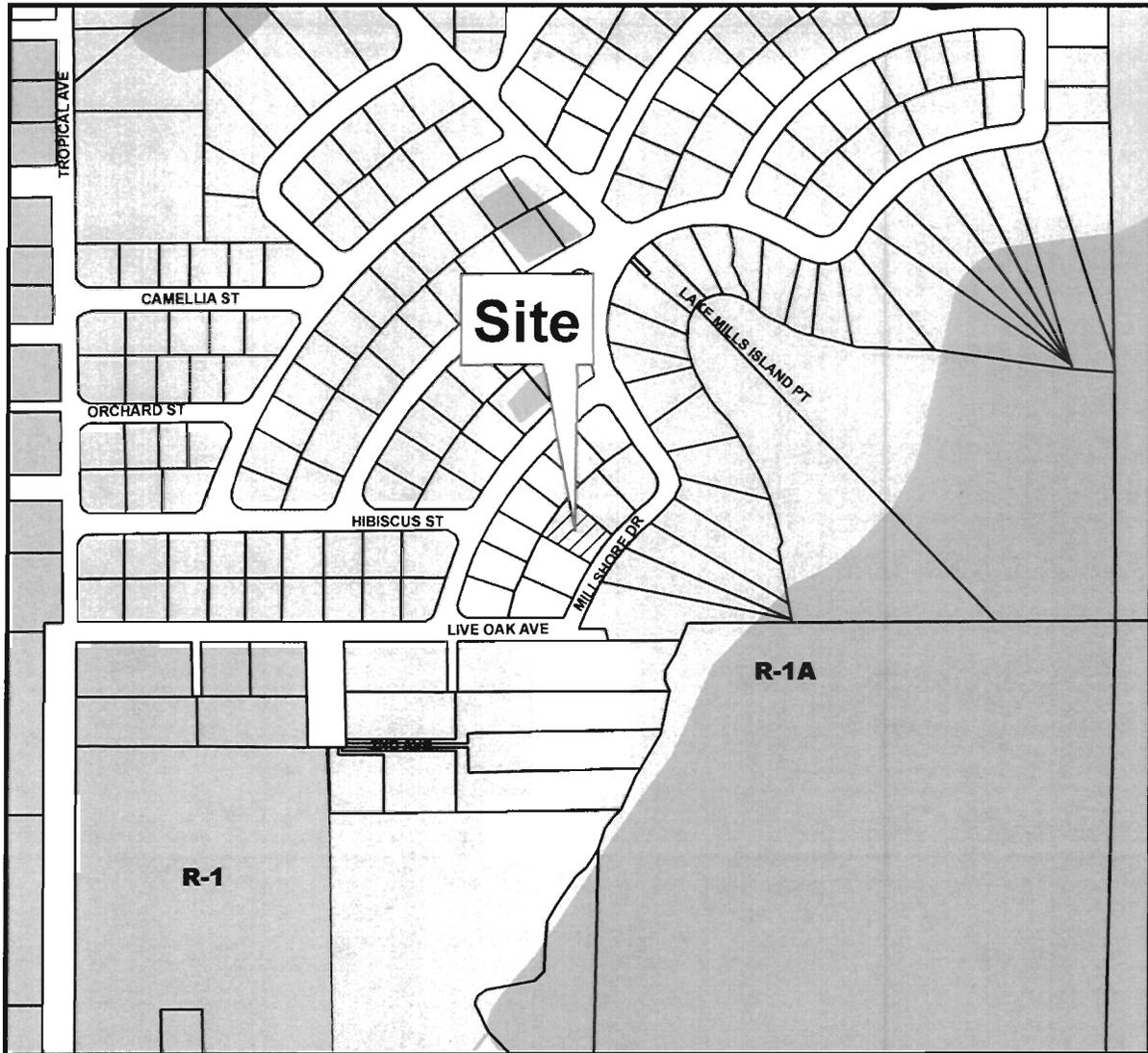
SCALE: 1" = 30'



Property Address:  
 937 Millshore Drive  
 Chuluota, FL 32766

Survey number: SL 56205

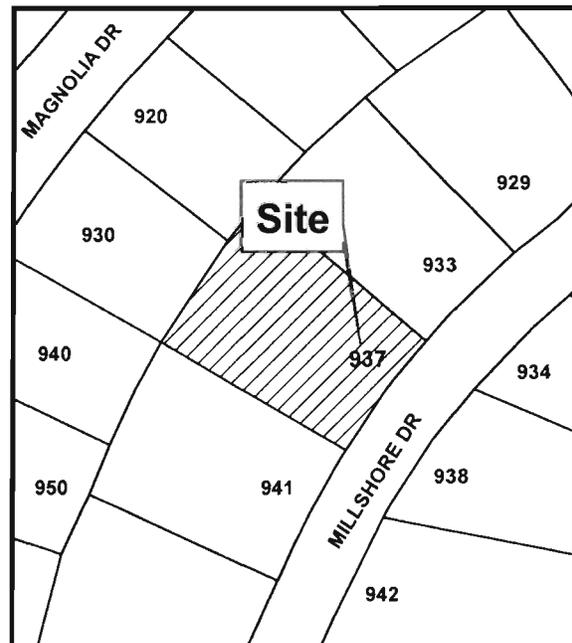
James Bedont  
937 Millshore Drive  
Oviedo, Florida 32766



Seminole County Board of Adjustment  
January 26, 2009  
Case: BV2008-125 (Map 3215 Grid A3)  
Parcel No: 28-21-32-501-0C00-0030

**Zoning**

-  BV2008-125
-  A-1
-  R-1A
-  R-1



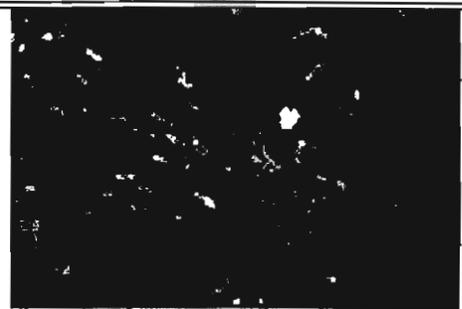
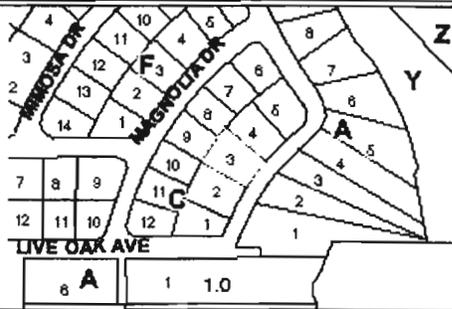
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

EMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7508



**GENERAL**

Parcel Id: 28-21-32-501-0C00-0030  
 Owner: BEDONT JAMES F & SANDRA M  
 Mailing Address: 937 MILLSHORE DR  
 City,State,ZipCode: OVIEDO FL 32766  
 Property Address: 937 MILLSHORE DR OVIEDO 32766  
 Subdivision Name: LAKE MILLS SHORES  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (2006)  
 Dor: 01-SINGLE FAMILY

**VALUE SUMMARY**

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$170,015	\$185,678
Depreciated EXFT Value	\$1,059	\$1,081
Land Value (Market)	\$37,248	\$37,248
Land Value Ag	\$0	\$0
Just/Market Value	\$208,322	\$224,007
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$208,322	\$224,007

Tax Estimator

**2009 TAXABLE VALUE WORKING ESTIMATE**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$208,322	\$50,000	\$158,322
Schools	\$208,322	\$25,000	\$183,322
Fire	\$208,322	\$50,000	\$158,322
Road District	\$208,322	\$50,000	\$158,322
SJWM(Saint Johns Water Management)	\$208,322	\$50,000	\$158,322
County Bonds	\$208,322	\$50,000	\$158,322

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	07/2005	05852	0601	\$370,000	Improved	Yes
WARRANTY DEED	12/1991	02374	0569	\$130,000	Improved	Yes
WARRANTY DEED	09/1982	01415	1804	\$9,300	Vacant	Yes
WARRANTY DEED	04/1981	01333	1958	\$32,000	Vacant	Yes

Find Comparable Sales within this Subdivision

**2008 VALUE SUMMARY**

2008 Tax Bill Amount: \$2,809  
 2008 Certified Taxable Value and Taxes  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	96	135	.000	400.00	\$37,248

**LEGAL DESCRIPTION**

PLATS:   
 LEG LOT 3 BLK C LAKE MILLS SHORES PB 11 PG 15

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1983	6	1,386	2,799	2,194	CB/STUCCO FINISH	\$170,015	\$189,961
Appendage / Sqft		GARAGE FINISHED / 440							
Appendage / Sqft		OPEN PORCH FINISHED / 165							
Appendage / Sqft		UPPER STORY FINISHED / 368							
Appendage / Sqft		UPPER STORY FINISHED / 440							

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

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The owner of the real property associated with this application is a (check one)

- Individual                       Corporation                       Land Trust  
 Limited Liability Company    Partnership  
 Other (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	ADDRESS	PHONE NUMBER
JANE F BERTINT	937 Millstone Drive	407-977-5003

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

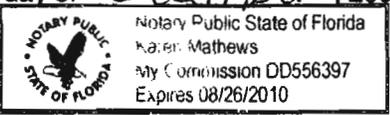
12/6/2008  
Date

[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 5 day of December, 2008 by James Bedont

[Signature]  
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

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

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

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 BLK C LAKE MILLS SHORES PB 11 PG 15

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

### FINDINGS OF FACT

**Property Owner:** James F & Sandra M Bedont  
937 Millshore Dr  
Oviedo FL 32766

**Project Name:** Millshore Drive (937)

**Requested Variance:**

Rear yard setback variance from 30 feet to 8 feet for a proposed one-story garage in R-1A (Single Family Dwelling) district.

Approval was sought to construct a detached garage 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 \_\_\_\_\_, 2009.

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

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 BLK C LAKE MILLS SHORES PB 11 PG 15

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

### FINDINGS OF FACT

**Property Owner:** James F & Sandra M Bedont  
937 Millshore Dr  
Oviedo FL 32766

**Project Name:** Millshore Drive (937)

**Variance Approval:**

Rear yard setback variance from 30 feet to 8 feet for a proposed one-story garage 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 detached garage 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 \_\_\_\_\_, 2009.

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

My Commission Expires:

