

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

SUBJECT: 1843 Shadyhill Terrace – Vivian Bowden, applicant; Request for a rear yard setback variance from 20 feet to 15 feet for a screen room in PUD (Planned Unit Development) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 4/27/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 20 feet to 15 feet for a screen room in PUD (Planned Unit Development) district; or
2. **Approve** the request for a rear yard setback variance from 20 feet to 15 feet for a screen room in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Vivian Bowden 1843 Shadyhill Terrace PUD (Planned Unit Development) district Autumn Glen Ph 2
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to add onto an existing screen room that is currently encroaching 5 feet into the required 20-foot rear yard setback. • The existing screen room is approximately 18 feet by 22 feet; the applicant would like to add an additional 145 square feet. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. 	
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:	

Reviewed by:
Co Atty: MC
Pln Mgr: _____

	<ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the rear yard setback for a screen room 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

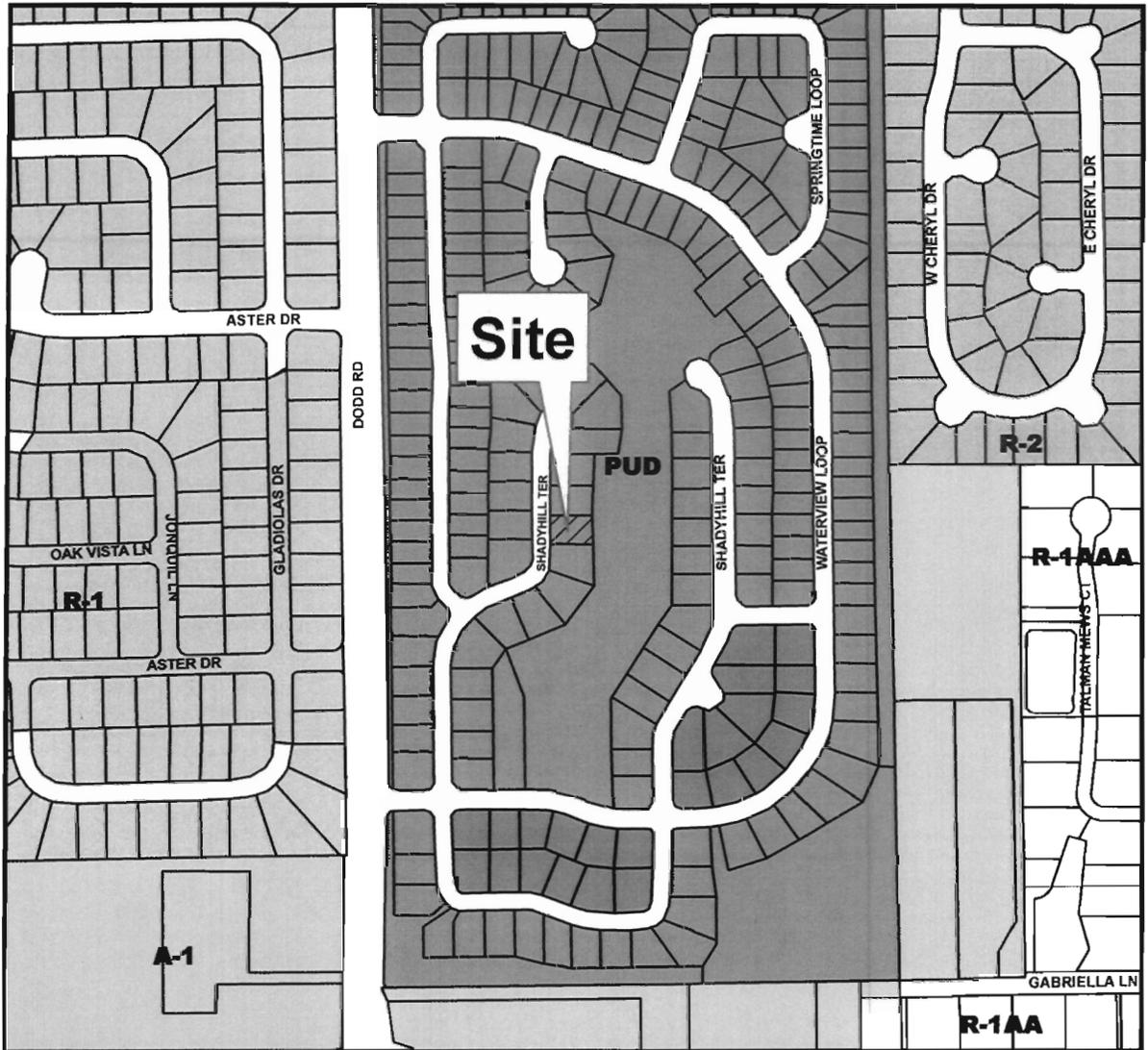
- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

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

Vivian Bowden
 1843 Shady Hill Terrace
 Winter Park, Florida 32792

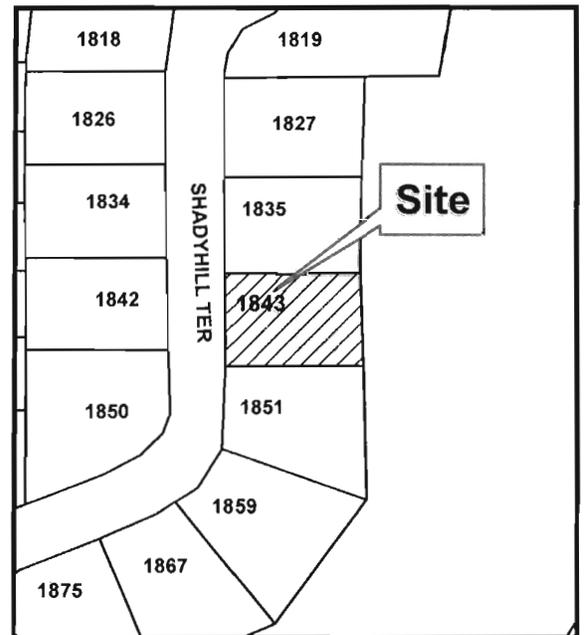


Seminole County Board of Adjustment
 April 27, 2009
 Case: BV2009-17 (Map 3211 Grid B4)
 Parcel No: 25-21-30-512-0000-1070

Zoning

	BV2009-17
	A-1
	R-1AAA
	R-1AA
	R-1
	R-2
	PUD

N

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

COPY

Application # BU2009-17
Meeting Date 4-27-09



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: Vivian Bowden
Address: 1843 Shady Hill Terrace City: Winter Park Zip code: 32792
Project Address: 1843 Shady Hill Terrace City: Winter Park Zip code: 32792
Tax Parcel number: 25-21-30-512-0000-1070
Contact number(s): Homeowner - 407-678-8768 contractor - 407-678-0500
Email address: supalum@bellsouth.net JASON (407) 595-2783

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 checked="" type="checkbox"/> Covered screen room	Please describe: <u>Screen room w/ vinyl windbreaks 8'6" x 18'</u>
<input type="checkbox"/> Addition	Please describe:
<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 FEB 24 2009

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>20</u>	Proposed setback: <u>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:

Total number of variances requested 1

Signed: Joseph Lawrence & Vivian Bowden Date: 2/21/09

FOR OFFICE USE ONLY

Date Submitted: 2-24-09 Reviewed By: F. Johnson
 Zoning/FLU PUD/PO
 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!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<p><i>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.</i></p>	
✓	1. Completed application.
✓	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
✓	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
✓	4. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
✓	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
✓	<input type="checkbox"/> Size and dimension of the parcel
✓	<input type="checkbox"/> Location and name of all abutting streets
✓	<input type="checkbox"/> Location of driveways
✓	<input type="checkbox"/> Location, size and type of any septic systems, drain field and wells
✓	<input type="checkbox"/> Location of all easements
✓	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
✓	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	<input type="checkbox"/> Building height
✓	<input type="checkbox"/> Setbacks from each building to the property lines
✓	<input type="checkbox"/> Location of proposed fence(s)
✓	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
✓	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

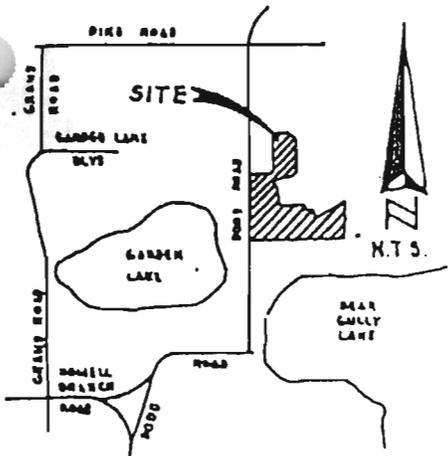
BOUNDARY

BOUNDARY SURVEY

Lot 107, of AUTUMN GLEN PHASE II as recorded in Plat Book 35, Pages 48 and 49 of the Public Records of Seminole County, Florida. Subject to any rights-of-way and easements of record.

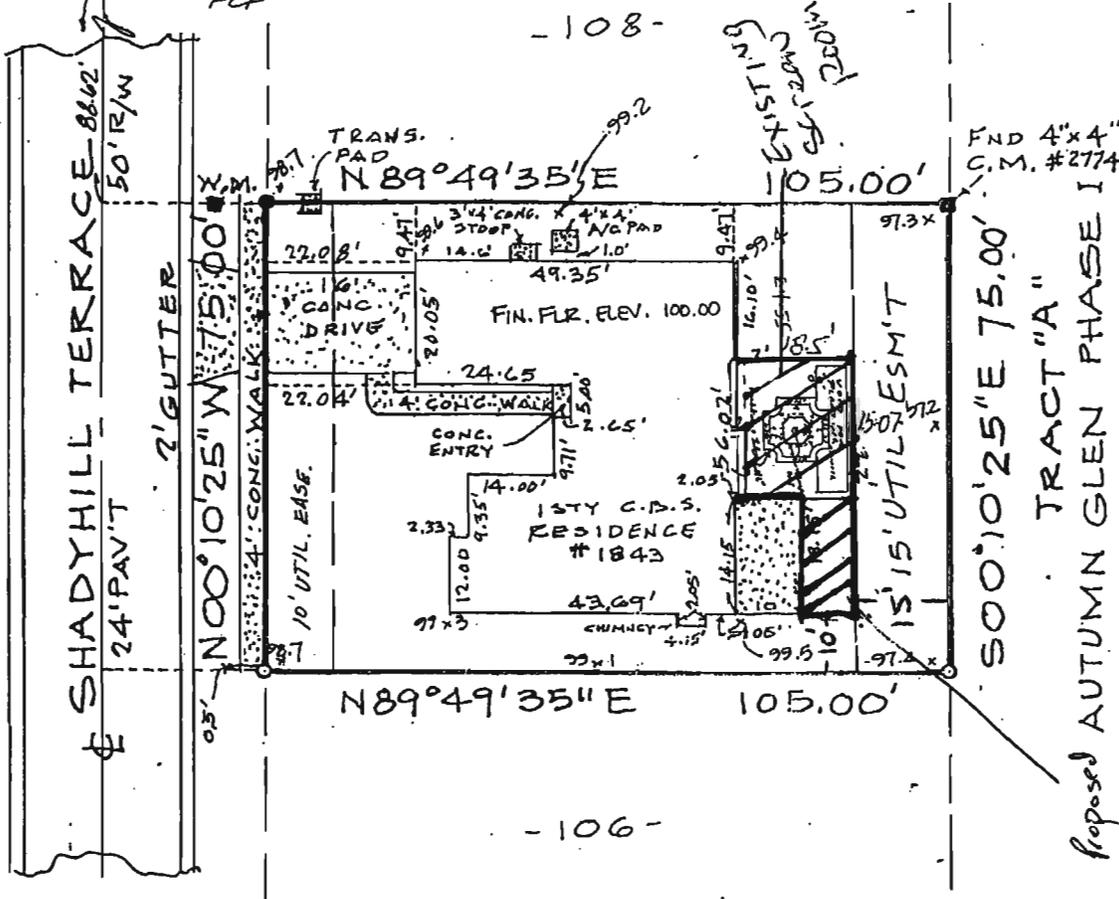
- Bearings based on plat.
- - Denotes set iron rod no. LB 68.
- - Denotes found iron rod no. LB 68.

- ELEVATIONS SHOWN (x99.3) ARE RELATIVE TO AN ASSUMED FINISH FLOOR ELEVATION OF 100.00.



VICINITY MAP

FNO N.F.D. #2774
PCP



- 108 -

- 106 -

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-553-7505</p>																																																				
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 25-21-30-512-0000-1070 Owner: BOWDEN JASPER L JR & VIVIAN H Mailing Address: 1843 SHADYHILL TER City,State,ZipCode: WINTER PARK FL 32792 Property Address: 1843 SHADYHILL TER WINTER PARK 32792 Subdivision Name: AUTUMN GLEN PH 2 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) 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;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <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;">\$160,033</td> <td style="text-align: right;">\$177,360</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$5,874</td> <td style="text-align: right;">\$6,189</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$50,000</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: right;">\$215,907</td> <td style="text-align: right;">\$233,549</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: right;">\$78,513</td> <td style="text-align: right;">\$96,292</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$137,394</td> <td style="text-align: right;">\$137,257</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator Portability Calculator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$160,033	\$177,360	Depreciated EXFT Value	\$5,874	\$6,189	Land Value (Market)	\$50,000	\$50,000	Land Value Ag	\$0	\$0	Just/Market Value	\$215,907	\$233,549	Portability Adj	\$0	\$0	Save Our Homes Adj	\$78,513	\$96,292	Assessed Value (SOH)	\$137,394	\$137,257																	
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AUTUMN GLEN HOMEOWNER'S ASSOCIATION, INC.

EPM Services

PO Box 197043

Winter Springs, FL 32719

Telephone: 407-327-5824

Facsimile: 407-327-5816

E-mail: Anita.Roberts@epmservices.com

February 16, 2009

AG/

Jasper and Vivian Bowden

1843 Shadyhill Terrace

Winter Park FL 32792

RE: 1843 Shadyhill Terrace
Architectural Committee Application

Dear Jasper and Vivian Bowden:

This letter is to advise you, that the Architectural Control Committee has approved the improvement(s) described on the ACC Application(s), for the above referenced property. Any conditions are indicated on the enclosed copy of the application.

Enlarge Existing Vinyl Room to match existing Screen room.

Please keep this letter and the copy of your approved application for your records.

The Association makes no determination as to whether the proposed improvement meets with local building or zoning regulations, and you will need to obtain any required governmental permits.

Feel free to contact me if you have any questions.

Sincerely,



Anita Roberts, LCAM

Community Association Manager

FOR: AUTUMN GLEN HOMEOWNERS' ASSOCIATION, INC.

Enclosure(s)

**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
Vivian Bowden	1843 Shady Hill Terrace	407-678-8768
Jasper Bowden	1843 Shady Hill Terrace	407-678-8768

(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.

Date 2/21/09

Joseph Lawrence Vroman Bowden
Owner, Agent, Applicant Signature 2/21/09

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 21st day of February, 2009 by Joseph Lawrence Vroman Bowden

Jessie Santiago
Signature of Notary Public

Jessie Santiago
Print, Type or Stamp Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
Jessie Santiago
Commission # DD448562
Expires: AUG. 13, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Personally Known _____
Type of Identification Produced OF Produced Identification

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I Vivian Bowden, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s))
25-21-30-512-0000-1070

hereby affirm that Jason Rowland is hereby designated to act as my /our
authorized agent and to file the attached application for the stated special exception / variance request and
make binding statements and commitments regarding the request.

Jason Lawrence + Vivian Bowden
Owner's Signature 2/21/09

I certify that I have examined the application and that all statements and diagrams submitted are true and
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become
part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 21st day of February, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to
take acknowledgments, personally appeared JAV Bowden, who is personally known to me or
who has produced [Signature] has identification and who executed the foregoing instrument and sworn
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of
February, 2009

NOTARY PUBLIC-STATE OF FLORIDA
 **Jessie Santiago**
Commission # DD448562
Expires: AUG. 13, 2009
Bonded Thru Atlantic Bonding Co., Inc.

[Signature]
Notary Public in and for the County and State
Aforementioned
My Commission Expires: 8/13/2009

Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 27, 2009 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 107
AUTUMN GLEN PH 2 PB 35 PGS 48 & 49

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

FINDINGS OF FACT

Property Owner: Jasper & Vivian Bowden
1843 Shadyhill Terr
Winter Park, FL 32792

Project Name: Shadyhill Terr (1843)

Requested Variance:

Request for a rear yard setback variance from 20 feet to 15 feet for a screen room in PUD (Planned Unit Development) district.

Approval was sought to bring into compliance the construction of an existing screen room and expand it. 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: Joy Williams, 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 April 27, 2009 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 107
AUTUMN GLEN PH 2 PB 35 PGS 48 & 49

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

FINDINGS OF FACT

Property Owner: Jasper & Vivian Bowden
1843 Shadyhill Terr
Winter Park, FL 32792

Project Name: Shadyhill Terr (1843)

Variance Approval:

A rear yard setback variance from 20 feet to 15 feet for a screen room 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: Joy Williams, 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 rear yard setback for a screen room 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)**

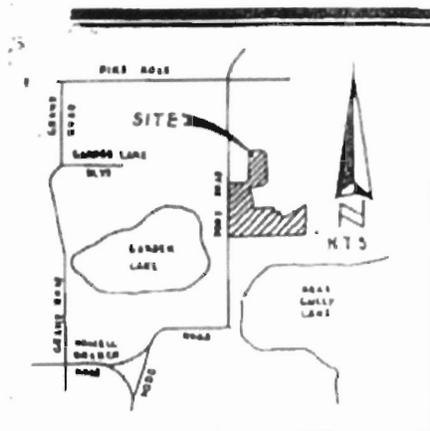
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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:

BOUNDARY



VICINITY MAP

BOUNDARY SURVEY

Lot 107, of AUTUMN GLEN PHASE II as recorded in Plat Book 35, Pages 48 and 49 of the Public Records of Seminole County, Florida. Subject to any rights-of-way and easements of record.

- Bearings based on plat.

- - Denotes set iron rod no. LB 60.
- - Denotes found iron rod no. LB 68.

- ELEVATIONS SHOWN (+99.3) ARE RELATIVE TO AN ASSUMED FINISH FLOOR ELEVATION OF 100.00

