

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

**SUBJECT:** 4496 Bedford Road – Brad Hoben, Applicant; Request for a side yard (north) setback variance from 10 feet to 5 feet 8 inches for an existing screen pool enclosure in A-1 (Agriculture) district.

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

**Agenda Date** 7/27/2009 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. Deny the request for a side yard (north) setback variance from 10 feet to 5 feet 8 inches for an existing screen pool enclosure in A-1 (Agriculture) district; or
2. Approve the request for a side yard (north) setback variance from 10 feet to 5 feet 8 inches for an existing screen pool enclosure in A-1 (Agriculture) district; or
3. Continue the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Brad Hoben Location: 4496 Bedford Road Zoning: A-1
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed a screen enclosure over an existing pool without a permit.</li> <li>• The screen enclosure encroaches 4 feet 4 inches into the side yard setback.</li> <li>• There is currently a 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</li> </ul>

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"><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 pool screen enclosure as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

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

**Support information:**

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents
  
- ☒ Proposed Development Order

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

Application # BY 2009-53Meeting Date July 27, 09

# VARIANCE APPLICATION

# COPY

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201  
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: Brenda HobenAddress: 4496 Bedford Rd City: Sanford Zip code: 32773Project Address: 4496 Bedford Rd City: Sanford Zip code: 32773

Tax Parcel number: \_\_\_\_\_

Contact number(s): 407-321-6573 (Home) 407-782-5487 (Cell)Email address: DHoben@CFHrr.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 checked="" 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 type="checkbox"/> Other	Please describe:

☒ This request is for a structure that has already been built. Code Violation**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 type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	10	Proposed setback:	5' 8"
<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 1Signed: Diane M HobenDate: 5-8-09

**FOR OFFICE USE ONLY**Date Submitted: 8 MAY 09Reviewed By: KEZoning/FLU A-1, LDR

- ☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- ☐ Platted Lot (check easements as shown on lots, in notes or in dedication)
- ☐ Lot size \_\_\_\_\_ ☐ Meets minimum size and width
- ☐ Application and checklist complete

Notes: \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST***Please return this checklist with your application!*

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.

*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.*

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

**"DIANE M. HOBEN & BRADLEY HOBEN PROPERTY"**  
**4496 BEDFORD ROAD, SANFORD, FL 32773**

## LEGAL DESCRIPTION

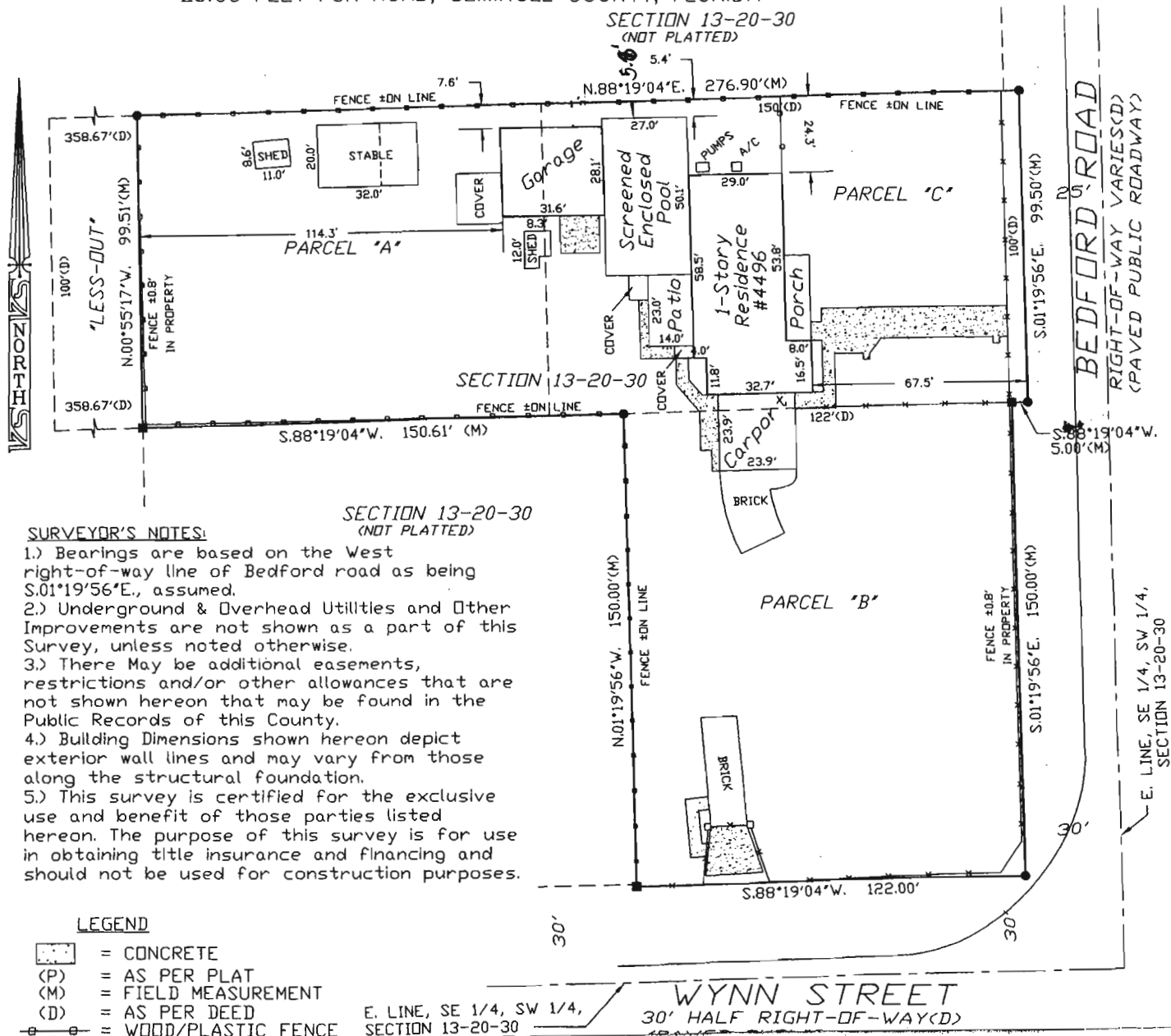
**PARCEL A:** THE NORTH 100.00 FEET OF THE SOUTH 280.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, LESS THE EAST 175.00 FEET AND LESS THE WEST 358.67 FEET OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA

ALSO:

**PARCEL B:** THE EAST 152.00 FEET OF THE SOUTH 180.00 FEET OF THE EAST 175.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 30 EAST (LESS THE SOUTH 30.00 FEET AND THE EAST 30.00 FEET FOR ROAD), SEMINOLE COUNTY, FLORIDA

ALSO:

**PARCEL C:** THE NORTH 100.00 FEET OF THE SOUTH 280.00 FEET OF THE EAST 175.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 30 EAST, LESS THE EAST 25.00 FEET FOR ROAD, SEMINOLE COUNTY, FLORIDA




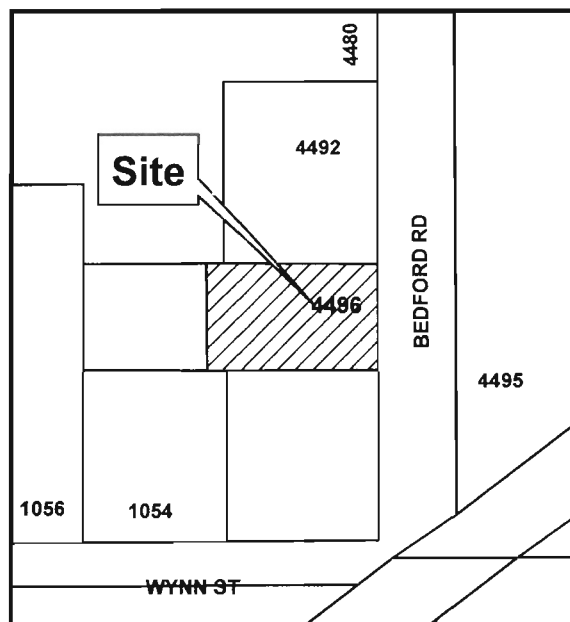
Bradley & Diane Hoben  
4496 Bedford Road  
Sanford, Florida 32773

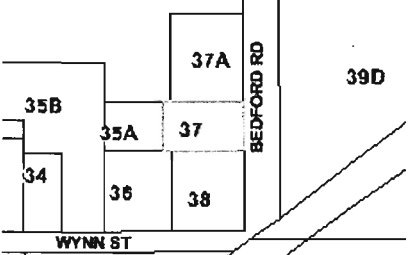
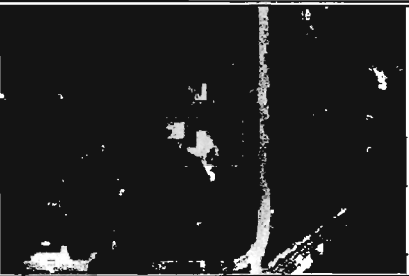


Seminole County Board of Adjustment  
July 27, 2009  
Case: BV2009-53 (Map 3105 Grid B2)  
Parcel No: 13-20-30-300-0370-0000

Zoning

-  BV2009-53
-  A-1
-  R-1A
-  R-1



<b>PARCEL DETAIL</b>  DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7506																																																																								
<b>GENERAL</b>  Parcel Id: 13-20-30-300-0370-0000 Owner: HOBEN BRADLEY L & DIANE M Mailing Address: 4496 BEDFORD RD City, State, Zip Code: SANFORD FL 32773 Property Address: 4496 BEDFORD RD SANFORD 32773 Subdivision Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY		<b>VALUE SUMMARY</b> <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;">\$135,028</td> <td style="text-align: right;">\$149,844</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$9,206</td> <td style="text-align: right;">\$9,551</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$25,750</td> <td style="text-align: right;">\$30,900</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;">\$169,984</td> <td style="text-align: right;">\$190,295</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;">\$52,807</td> <td style="text-align: right;">\$73,235</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$117,177</td> <td style="text-align: right;">\$117,060</td> </tr> </tbody> </table> <p style="text-align: center;"> <a href="#">Tax Estimator</a>  <a href="#">Portability Calculator</a> </p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$135,028	\$149,844	Depreciated EXFT Value	\$9,206	\$9,551	Land Value (Market)	\$25,750	\$30,900	Land Value Ag	\$0	\$0	Just/Market Value	\$169,984	\$190,295	Portability Adj	\$0	\$0	Save Our Homes Adj	\$52,807	\$73,235	Assessed Value (SOH)	\$117,177	\$117,060																																					
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Description	Year Blt	Units	EXFT Value	Est. Cost New
WOOD UTILITY BLDG	1979	720	\$1,728	\$4,320
POOL GUNITE	1985	612	\$4,896	\$12,240
CANOPY AVG COMM	1990	288	\$1,152	\$2,880
COOL DECK PATIO	1985	450	\$630	\$1,575
FIREPLACE	1977	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.

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
BRAD Hoben	4496 Bedford Rd, Dorland FL	407-321-6573
DIANE Hoben	4496 Bedford Rd, Dorland FL	407-321-6573

(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.

5-8-09  
Date

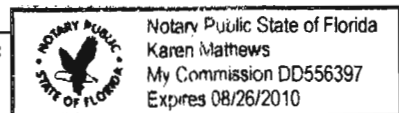
[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 8 day of May, 2009 by \_\_\_\_\_

[Signature]  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification ✓

Type of Identification Produced Florida's Drivers License

**For Use by Planning & Development Staff**

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

## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

LEG SEC 13 TWP 20S RGE 30E N 100 FT OF S 280 FT OF E 175 FT  
OF SE ¼ OF SW ¼ OF SW ¼ (LESS ROAD)

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

### **FINDINGS OF FACT**

**Property Owner:** Brad Hoben  
4496 Bedford Road  
Sanford, Fl. 32773

**Project Name:** Bedford Road (4496)

**Variance Approval:**

Side yard setback (north) variance from 10 feet to 5 feet 8 inches for an existing pool screen enclosure.

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: Kathy Fall, Principal 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 pool screen enclosure 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:

## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

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

LEG SEC 13 TWP 20S RGE 30E N 100 FT OF S 280 FT OF E 175 FT OF SE ¼ OF  
SW ¼ OF SW ¼ (LESS ROAD)

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

### **FINDINGS OF FACT**

**Property Owner:** Brad Hoben  
4496 Bedford Road  
Sanford, Fl. 32773

**Project Name:** Bedford Road (4496)

**Requested variance:**

Side yard setback (north) variance from 10 feet to 5 feet 8 inches for an existing pool screen enclosure.

Approval was sought to bring into compliance the construction of an existing pool screen enclosure within the side 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: Kathy Fall, Principal 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: