

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

SUBJECT: 113 Brantley Harbor Drive – Arleigh Baker, applicant; Request for a rear yard setback variance from 30 feet to 26 feet for a 29-foot by 16-foot screen room/covered patio in R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 8/24/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 26 feet for a 29-foot by 16-foot screen room/covered patio in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 26 feet for a 29-foot by 16-foot screen room/covered patio in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Arleigh Baker Location: 113 Brantley Harbor Drive Zoning: R-1AA (Single Family Dwelling) district Subdivision: Brantley Hall Estates</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to replace an existing screen porch that encroaches 4 feet into the required 30-foot 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: gic
 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 rear yard setback for the 26-foot by 16-foot screen room/covered patio 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

COPY

Application # BU 2009-68
Meeting Date 6-24-09



VARIANCE APPLICATION

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: Arleigh Baker
Address: 113 Brantley Harbor Dr. City: Longwood Zip code: 32779
Project Address: 113 Brantley Harbor Dr. City: Longwood Zip code: 32779
Tax Parcel number: 04-21-29-509-0000-0240
Contact number(s): 407-678-0500, 407-509-1969 } Jason Rowland
Email address: supaluma@bellsouth.net

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 18x16</u>
<input type="checkbox"/> Addition	Please describe: <u>& open patio w/ solid roof 11x16 to replace</u>
<input type="checkbox"/> New Single Family Home	Please describe: <u>existing</u>
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

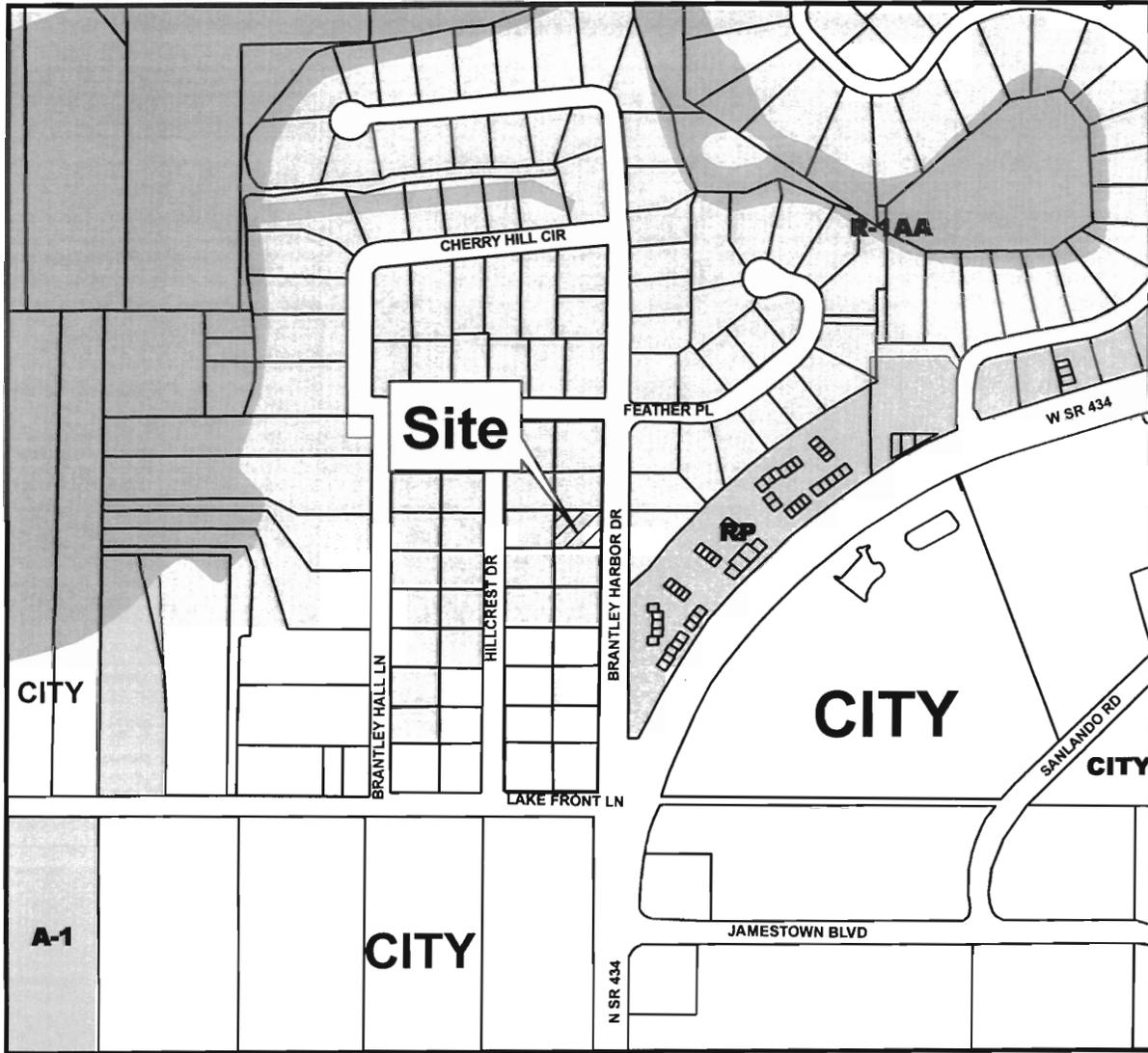
What are the minimum lot requirements?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback:	<u>26'</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: Arleigh Baker

Date: 17 June, 2009

FOR OFFICE USE ONLY

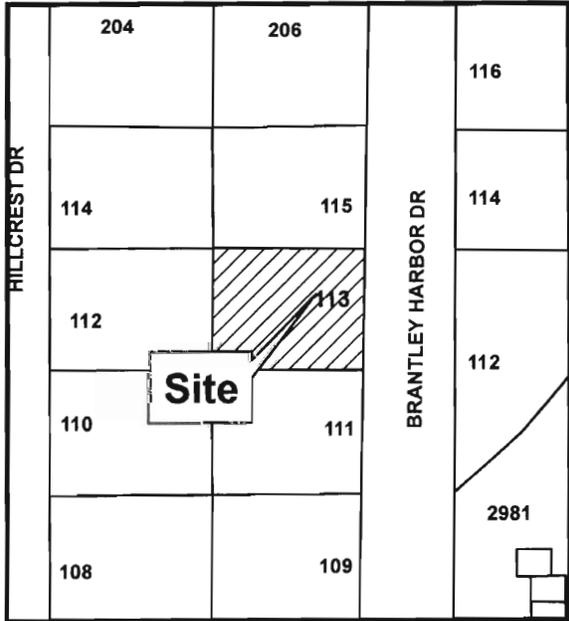
Arleigh Baker
 113 Brantley Harbor Drive
 Longwood, FL 32779



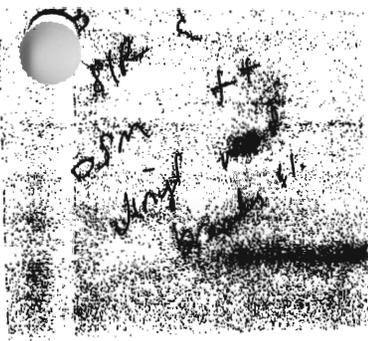
Seminole County Board of Adjustment
 August 24, 2009
 Case: BV2009-68 (Map 3154 Grid E4)
 Parcel No: 04-21-29-509-0D00-0240

Zoning

-  BV2009-68
-  A-1
-  R-1AA
-  RP I

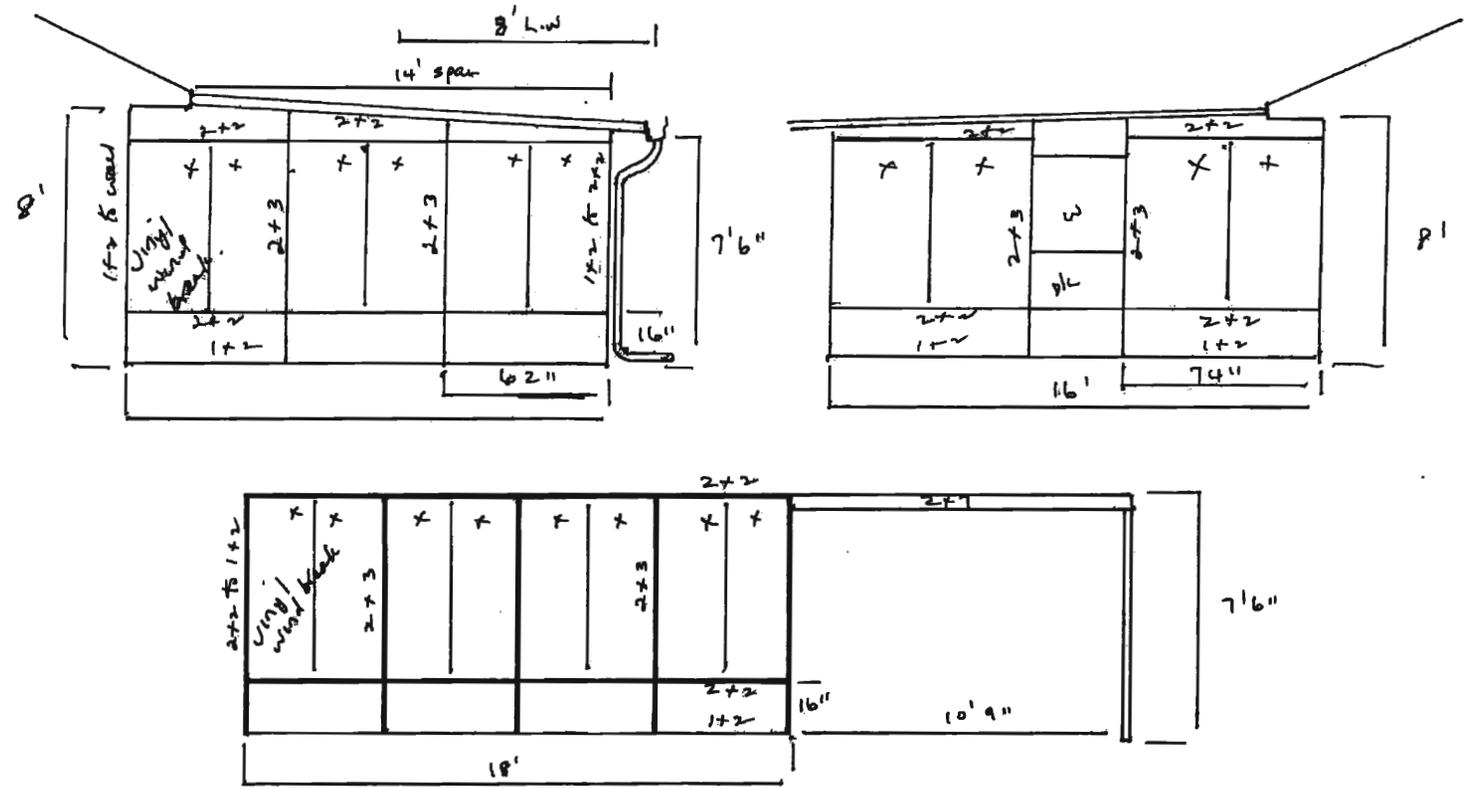



<p>PARCEL DETAIL</p> <p>Dario Johnson, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. PALM ST WINTER, FL 32771-1405 407-622-7208</p>																																			
<p align="center">GENERAL</p> <p>Parcel Id: 04-21-29-509-0D00-0240 Owner: BAKER ARLEIGH B & DIANE R Mailing Address: 113 BRANTLEY HARBOR DR City, State, Zip Code: LONGWOOD FL 32779 Property Address: 113 BRANTLEY HARBOR DR LONGWOOD 32779 Subdivision Name: BRANTLEY HALL ESTATES Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>	<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$141,725</td> <td align="right">\$185,930</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$6,084</td> <td align="right">\$6,084</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$40,000</td> <td align="right">\$58,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$187,789</td> <td align="right">\$249,984</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$48,517</td> <td align="right">\$110,861</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$139,272</td> <td align="right">\$139,133</td> </tr> </tbody> </table> <p 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	\$141,725	\$185,930	Depreciated EXFT Value	\$6,084	\$6,084	Land Value (Market)	\$40,000	\$58,000	Land Value Ag	\$0	\$0	Just/Market Value	\$187,789	\$249,984	Portability Adj	\$0	\$0	Save Our Homes Adj	\$48,517	\$110,861	Assessed Value (SOH)	\$139,272	\$139,133
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<p>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.</p>																																			



JOB NAME: _____
 Job number: _____
 Date: 8/10/9
 Drawn by: Neal Roberts

Scale: 1/4" = 1"
 113 Brantley Harbour Pt
 Longwood FL 32779



**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
Arleigh Baker	113 Brantley Harbor Dr.	407-862-1768
Diane Baker	113 Brantley Harbor Dr.	407-862-1768

(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 17 June, 2009

Arlene R Baker
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 17th day of June, 2009 by _____

Arlene R Baker
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 _____ OR Produced Identification _____
Type of Identification Produced FDE

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, Arleigh Baker, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) 1/2 Sec. N 73.98' of
Lot 24 + S 26.02' of Lot 25 B1K D Brantley Hall Estates
PB13 PG 17 Parcel: 04-21-29-509-0000-0240
hereby affirm that Jawn 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.

Arleigh Baker
Owner's Signature

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 17th day of June 20 09

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Arleigh Baker who is personally known to me or who has produced FDI 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 17th day of

June 2009

Bonded Thru Atlantic Bonding Co., Inc.
Expires: AUG. 13, 2009
Commission # DD448562
Jessie Santiago

NOTARY PUBLIC-STATE OF FLORIDA

 Jessie Santiago
Commission # DD448562
Expires: AUG. 13, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Jessie Santiago
Notary Public in and for the County and State
Aforesaid

My Commission Expires: 8/13/09

Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

**BRANTLEY HARBOR HOMEOWNERS ASSOCIATION
ARCHITECTURAL REVIEW APPLICATION**

PLEASE COMPLETE AND RETURN THIS FORM FOR APPROVAL PRIOR TO COMMENCEMENT OF ANY WORK.

The Architectural Review Board (ARB) is committed to providing a response to this application within fourteen (14) days. Thank you for your cooperation.

Return this form to an ARB Member for consideration and approval.

Property Owner: ARLWYN & DIANE BAKER Date: 1/14/2009
Property Address: 113 BRANTLEY HARBOR DRIVE

Submission of this application is not necessary for repainting using an identical color (shade and hue).

Please attach a property survey (or diagram) locating exterior construction projects. Attach any color samples, plans or photos needed to describe the proposed changes. All necessary permits required for this project must be obtained. Additional project details may be attached, if necessary.

Please check and describe the modification(s) to be reviewed by the ARB:

- Swimming Pool Major Landscaping Fence Construction
 New Exterior Color: Base _____ Trm _____ Other

Description: REMOVE EXISTING PATIO ROOF AND SIDES WITH NEW MATERIAL ON EXISTING SLAB. NO CHANGE IN FOOTPRINT OR COLOR

FOR USE BY ARCHITECTURAL REVIEW BOARD

Date Received: 7/1/09 Date to ARB: 7/1/09 Date to Homeowner: _____

The ARB's decision on the plans submitted is as follows. Supporting documentation may be attached to this form.

Approved
 Approved with the following condition: _____

Plans incomplete because _____

Please resubmit complete plans to the ARB.

Rejected - ARB Comments _____

ARB Member: A. Pulmanow Date: 7/1/09
ARB Member: [Signature] Date: 7/1/09
ARB Member: _____ Date: _____
ARB Member: _____ Date: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

N 73.98 FT OF LOT 24 + S 26.02 FT OF LOT 25 BLK D
BRANTLEY HALL ESTATES PB 13 PG 17

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

FINDINGS OF FACT

Property Owner: Arleigh B. & Diane R. Baker
113 Brantley Harbor Drive
Longwood, FL 32779

Project Name: 113 Brantley Harbor Drive (BV2009-68)

Requested Variance:

Rear yard setback variance from 30 feet to 26 feet for a screen room/covered porch in R-1AA (Single Family Dwelling) district.

Approval was sought to allow for a screen room to encroach 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: 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 August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

N 73.98 FT OF LOT 24 + S 26.02 FT OF LOT 25 BLK D
BRANTLEY HALL ESTATES PB 13 PG 17

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

FINDINGS OF FACT

Property Owner: Arleigh B. & Diane R. Baker
113 Brantley Harbor Drive
Longwood, FL 32779

Project Name: 113 Brantley Harbor Drive (BV2009-68)

Variance Approval:

Rear yard setback variance from 30 feet to 26 feet for a 29-foot by 16-foot screen room/covered porch in R-1AA (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: 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 the 29-foot by 16-foot screen room/covered porch 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:

