

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

SUBJECT: 2930 Harbour Grace Court – Martha Garcia, applicant; Request for a rear yard setback variance from 15 feet to 3 feet for a covered screen room in PUD (Planned Unit Development) district.

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

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

Agenda Date 9/28/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	<p>Applicant: Martha Garcia Location: 2930 Harbour Grace Ct Zoning: PUD (Planned Unit Development) Subdivision: Wekiva Reserve Unit 1</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a covered screen room that will encroach 12 feet into the required 15-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 and which are not applicable to other lands,

Reviewed by: KFT
 Co Atty: ACS
 Pln Mgr: ACS

	<p>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 covered 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

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

COPY Application # BV 2009-81
Meeting Date 9-23-09



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: Martha Garcia
Address: 2930 Harbour Grace Ct City: Apopka Zip code: 32703
Project Address: 2930 Harbour Grace Ct. City: Apopka Zip code: 32703
Tax Parcel number: 07-21-29-513-0000-0160
Contact number(s): 407-718-2584
Email address: garciam3@CFI-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 checked="" type="checkbox"/> Covered screen room	Please describe: <u>12' x 12' covered screen room</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.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>15'</u>	Proposed setback: <u>3'</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:

Use below for additional yard setback variance requests:

<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:

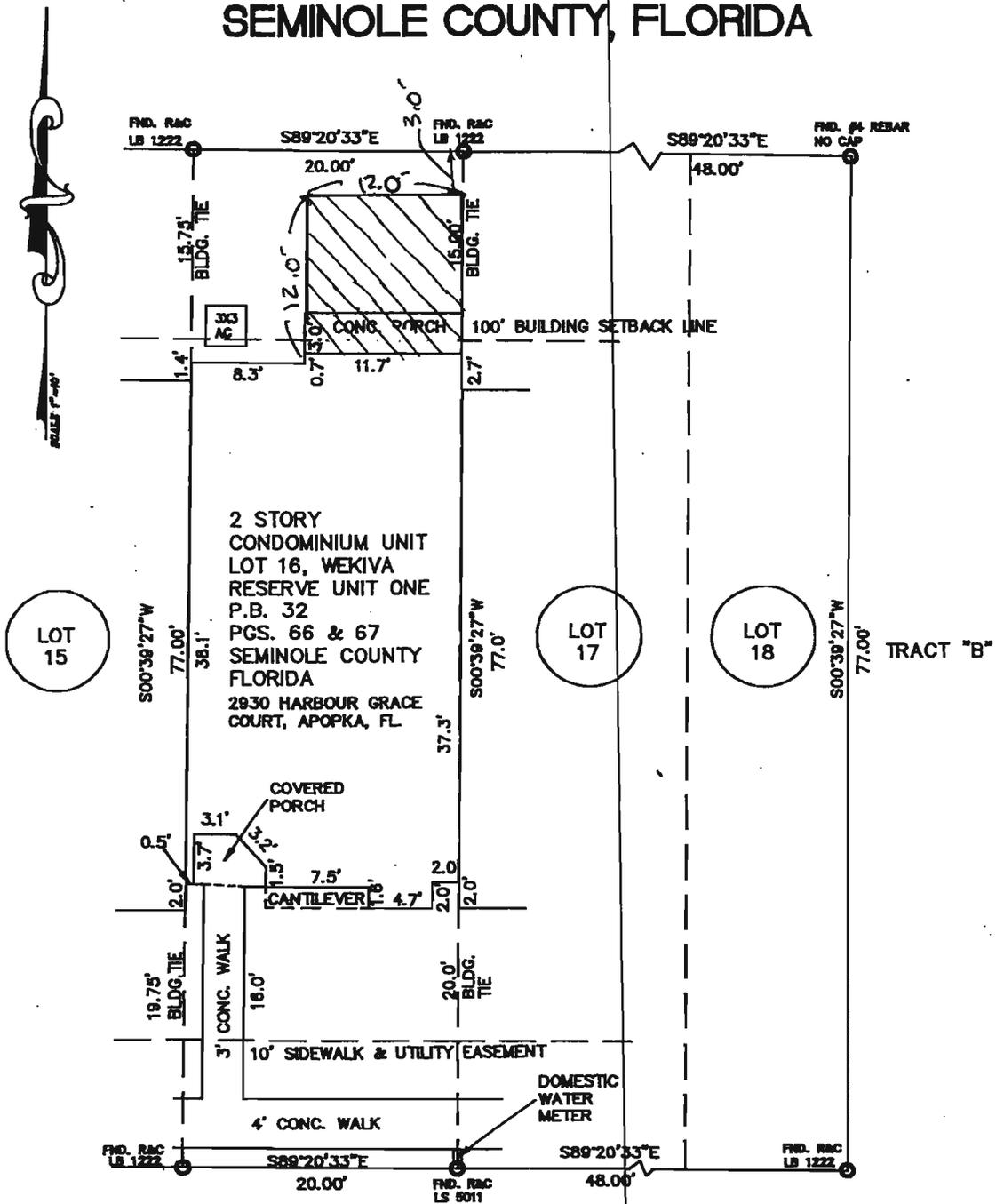
Total number of variances requested 1

Signed: [Signature]

Date: 8/4/09

FOR OFFICE USE ONLY

LOT 16, WEKIVA RESERVE UNIT ONE PLAT BOOK 32, PAGES 66 AND 67 SEMINOLE COUNTY, FLORIDA



CERTIFY TO:
SOUTHERN TITLE OF CENTRAL FLORIDA, INC.
CHICAGO TITLE INSURANCE COMPANY

I HAVE EXAMINED PLAT BOOK NUMBER
181170118E DATED 4/17/06 AND FIND THE
SUBJECT PROPERTY TO BE IN TRACT "A" AND
THE OUTSIDE THE 200 YR FLOOD PLAIN

8/1/09

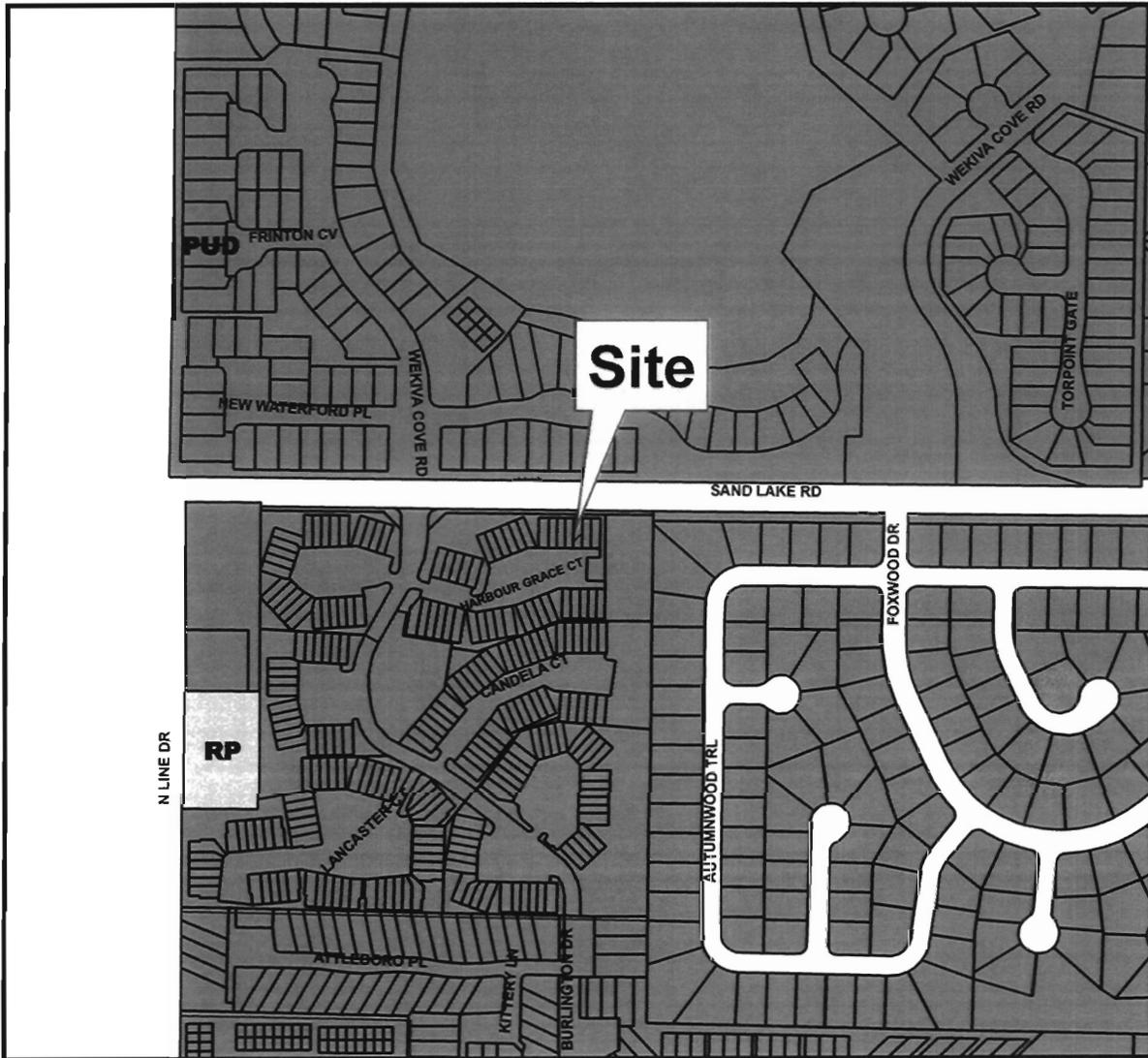
Plot Plan

Proposed 12.0' x 12.0'
Screen porch addition

Landstar Surveying and Mapping, Inc.
154 Highway 28,
Altamonte Springs, FL 32701
Ph. 407-757-8888 407-956-7076
Fax 407-757-8888

(Signature)
JOHN S. BARNHILL
PSM 5449

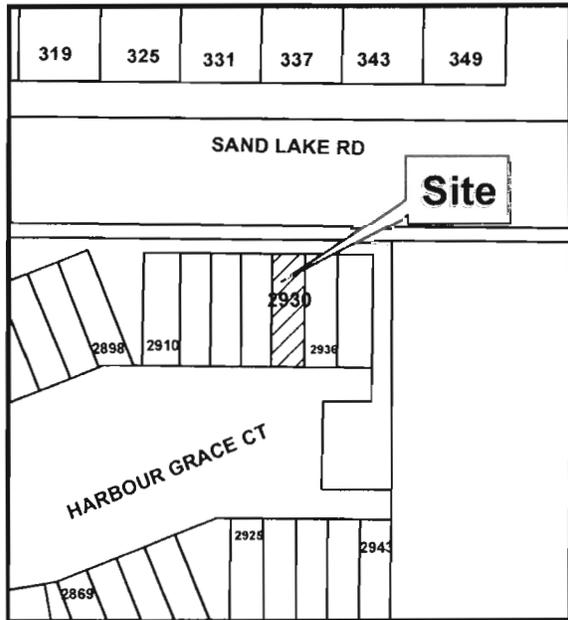
Martha Garcia
 2930 Harbour Grace Court
 Apopka, FL 32703



Seminole County Board of Adjustment
 September 28, 2009
 Case: BV2009-81 (Map 3153 Grid E5)
 Parcel No: 07-21-29-513-0000-0160

Zoning

-  BV2009-81
-  RP I
-  PUD

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CPA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1408 407-566-7306</p>																																																										
<p>GENERAL</p> <p>Parcel Id: 07-21-29-513-0000-0160</p> <p>Owner: BARNHILL MARTHA E</p> <p>Mailing Address: 2930 HARBOUR GRACE CT</p> <p>City,State,ZipCode: APOPKA FL 32703</p> <p>Property Address: 2930 HARBOUR GRACE CT APOPKA 32703</p> <p>Subdivision Name: WEKIVA RESERVE UNIT 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1998)</p> <p>Dor: 0103-TOWNHOME</p>		<p>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>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$94,717</td> <td>\$109,327</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$850</td> <td>\$900</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$23,000</td> <td>\$29,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$118,567</td> <td>\$139,227</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$37,231</td> <td>\$57,972</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$81,336</td> <td>\$81,255</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p> <p style="text-align: center;">Portability Calculator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$94,717	\$109,327	Depreciated EXFT Value	\$850	\$900	Land Value (Market)	\$23,000	\$29,000	Land Value Ag	\$0	\$0	Just/Market Value	\$118,567	\$139,227	Portability Adj	\$0	\$0	Save Our Homes Adj	\$37,231	\$57,972	Assessed Value (SOH)	\$81,336	\$81,255																							
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COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 7

TWP: 21

RNG: 29

DEVELOPMENT:		Wekiva Reserve, Unit 1 (Stockbridge PUD)			DEVELOPER:		Florida Residential Communities					
LOCATION:		Sand Lake Road			63 Lots							
FILE#:		BA:		SP:		BCC:						
P&Z:		PG		Lot		Bik		Parcel		DBA	Comm Dist	
PB	32	PG	66, 67	Lot		Bik		Parcel		DBA		
DEVEL. ORDER #:					TAX PAR. I.D. #:							
SIDEWALKS: Sand Lake Road - 5'					SETBACK REQUIREMENTS							
ROAD TYPE:					Minimum Lot Size: 1,500 sq. ft. Minimum Size Unit: 600 sq. ft. Perimeter Lot Setbacks from property: 35' Fireplace can extend 3' from body of house. Main Spine Road: FY: 25'; SY: *; RY: 15' Interior Roadway/Utility Tracts: FY: 15'; SY: *; RY: 15' Access Courts/Lanes: FY: 20'; SY: *; RY: 15' *20' minimum between cluster.							
COMMENTS OTHER:					ACCESSORY STRUCTURE SETBACKS:							
*R/W Dedication: Sand Lake Road a 40' 1/2 R/W. **Intersection Improvements: County Line Road and Sand Lake Road - pro rata share. 1) A waiver was granted to allow the use of 16' of pavement at the divided entrance on the north. 2) The entrance on Sand Lake Road must be lined up with that of Wekiva Cove.					SY:		Same as main structure		RY:		5'	
					ACCESSORY STRUCTURE OTHER: Screen porches, pools and accessory.							

		IMPACT FEES	
		SCREEN:	
		TRAFFIC ZONE:	165
		LAND USE:	
		1. ROAD-CO. WIDE	\$388.00
		2. ROAD-COLL.	\$120.00
		3. LIBRARY	
		4. FIRE	\$10.00
		5. PARK	\$200.00
		6. SCHOOL	
		7. LAW	
		8. DRAINAGE	
		TOTAL	\$718.00
		REMARKS:	

COMMITMENT CARD

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

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

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
Maeths Garcia	2930 Harbour Green Ct. Apopka FL 32703	407-718-2584

(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.

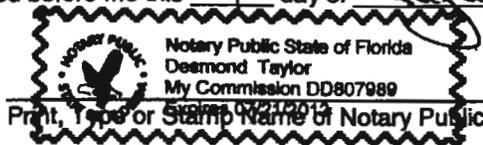
8-4-09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 4 day of August, 2009 by [Signature]

[Signature]
Signature of Notary Public



Personally Known OR Produced Identification _____

Type of Identification Produced _____

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).

: Martha Garcia the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) 07-21-20-513-0000-0160)

hereby affirm that Ken (Ed) Nuss 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.

[Signature]
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.

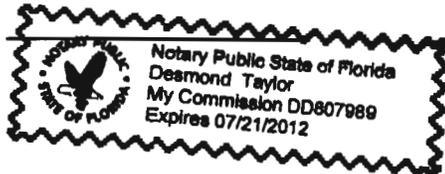
SWORN TO AND SUBSCRIBED before me this 4th day of August 2009

: HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Martha Garcia who is personally known to me or who has produced Driver's ID 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 4 day of August, 2009

[Signature]
Notary Public in and for the County and State
Aforementioned

My Commission Expires:



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

Valley



WEKIVA RESERVE Architectural Review Request

PLEASE COMPLETE THIS FORM AND RETURN TO THE ARCHITECTURAL REVIEW COMMITTEE

NOTICE TO OWNER:

These plans are reviewed for the limited purpose of determining aesthetic compatibility and compliance of the proposed project with the construction criteria of the Wekiva Reserve Homeowners Association. They are not reviewed for function, safety, or compliance with any governmental agency. All projects must conform with local zoning and building codes, and the homeowner must obtain all necessary permits if approval is granted.

OWNER NAME: MARTHA GARCIA

Unit ADDRESS: 2930 HARBOUR GRACE^{CT} # 2930

Home Phone #: (407) 718-2584 Work Phone #: ()

DESCRIPTION OF IMPROVEMENT: (Check all that apply, and list color(s), manufacturer, type, style, make, model, etc. as appropriate. The more information you provide, the easier it is for the Committee to render a decision on your request)

- ROOFING: _____
- PAINTING: NO SURVEY
- FENCING: _____
- SCREENED PATIO/POOL ENCLOSURE: Must be within property lines (check local zoning for additional building codes). There must be a 3' clearance for SPA/SWIMMING POOL: see department decree Nov 8/4/09
- GARAGE DOOR/FRONT DOOR/DOORS/WINDOWS: _____
- LANDSCAPING: _____
- LIGHTING/LIGHT FIXTURES/SECURITY EQUIPMENT: _____
- SKYLIGHTS/SOLAR PANELS: _____
- OTHER PROJECT (please specify in detail): _____

TO BE COMPLETED BY REVIEW COMMITTEE:

Date Rec'd: 7/15/09

Respond By: 8/15/09

APPROVED:

DENIED:

INCOMPLETE:

By: Susan J. Mendel

Date: 7/26/09

Comments/Restrictions:
left msg 7/27/09 to confirm files complete

SPECIFICATIONS/SAMPLES Enclosed/Attached? YES NO
(attach copies of plans, brochures, pictures, elevations, lot surveys, or other such info)

CONTRACTOR'S NAME: Kenneth E Noss/Carpatry Services
Phone: 352-551-8382

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16
WEKIVA RESERVE UNIT 1 PB 32 PGS 66 & 67

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

FINDINGS OF FACT

Property Owner: Martha Garcia
2930 Harbour Grace Ct
Apopka, FL 32703

Project Name: Harbour Grace Ct (2930)

Requested Variance:

Request for a rear yard setback variance from 15 feet to 3 feet for a covered screen room in PUD (Planned Unit Development) district.

Approval was sought to allow a covered 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 September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16
WEKIVA RESERVE UNIT 1 PB 32 PGS 66 & 67

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

FINDINGS OF FACT

Property Owner: Martha Garcia
2930 Harbour Grace Ct
Apopka, FL 32703

Project Name: Harbour Grace Ct (2930)

Variance Approval:

Rear yard setback variance from 15 feet to 3 feet for a covered 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 the 12-foot by 12-foot covered 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)**

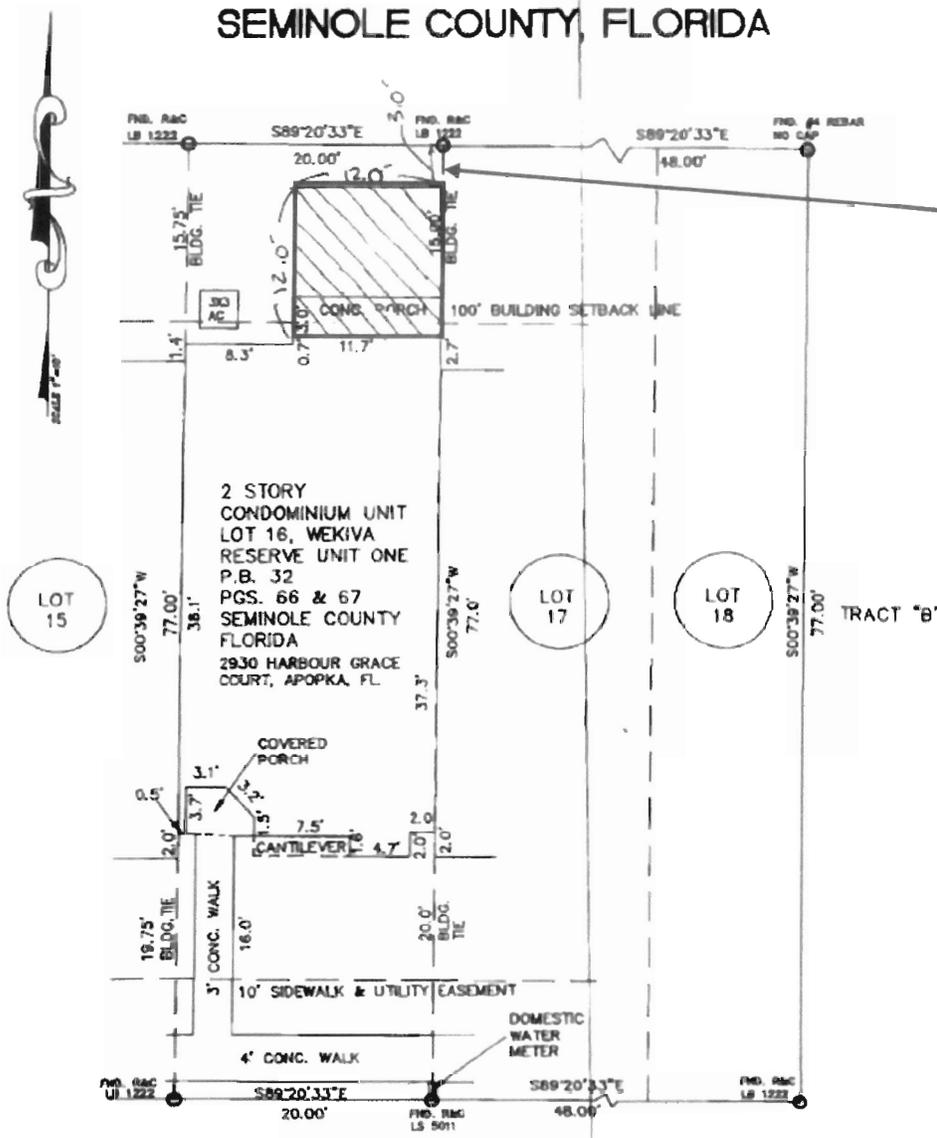
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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:

LOT 16, WEKIVA RESERVE UNIT ONE PLAT BOOK 32, PAGES 66 AND 67 SEMINOLE COUNTY, FLORIDA



Covered screen room located 3 feet from rear yard property line

CERTIFY TO:
SOUTHERN TITLE OF CENTRAL FLORIDA, INC.
CHICAGO TITLE INSURANCE COMPANY

I HAVE EXAMINED THE PLANS AND FOUND THEM TO BE IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT RULES AND REGULATIONS AND I AM NOT PROVIDING THIS SERVICE TO ANY OTHER PARTY.

8/1/09 Plot Plan
Proposed 12.0' x 12.0'
Screen porch addition

Landstar Surveying and Mapping, Inc.
154 Holloway Dr.
Altamonte Springs, FL 32701
Ph. 407-761-8888
Fax 407-761-8888

[Signature]
JOHN S. BARNHILL
PSM 5449