

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: 3533 Foxcroft Circle – Ellen Schatz, applicant; Request for a rear yard setback variance from 20 feet to 14 feet for a proposed screen room in PUD (Planned Unit Development) district.

DEPARTMENT: Planning & Development DIVISION: Planning

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

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

**MOTION/RECOMMENDATION:**

1. Deny the request for a rear yard setback variance from 20 feet to 14 feet for a proposed screen porch in PUD (Planned Unit Development) district; or
2. Approve the request for a rear yard setback variance from 20 feet to 14 feet for a proposed screen porch in PUD (Planned Unit Development) district; or
3. Continue the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Ellen Schatz Location: 3533 Foxcroft Circle Zoning: PUD Subdivision: Carillon
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a screen room enclosure that will encroach into the rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> <li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li> </ul>

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

	<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 screen room 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>

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

**COPY**

Application # BY 2009-85  
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: Ellen Schatz

Address: 3533 Foxcroft Cir City: Oviedo Zip code: 32765

Project Address: 3533 Foxcroft Cir City: Oviedo Zip code: 32765

Tax Parcel number: 35-21-31-511-0000-6390

Contact number(s): 407 977 3724

Email address: \_\_\_\_\_

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>18x26 Screen Porch with insulated Roof</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 AUG 07 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>14'</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: Ellen A. Schatz

Date: 8/7/09

FOR OFFICE USE ONLY

Date Submitted: 8-7-09 Reviewed By: P. 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 <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>
	<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 <u>or</u> 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.

## Request for zoning variance

August 7, 2009

To Seminole County Planning Division:

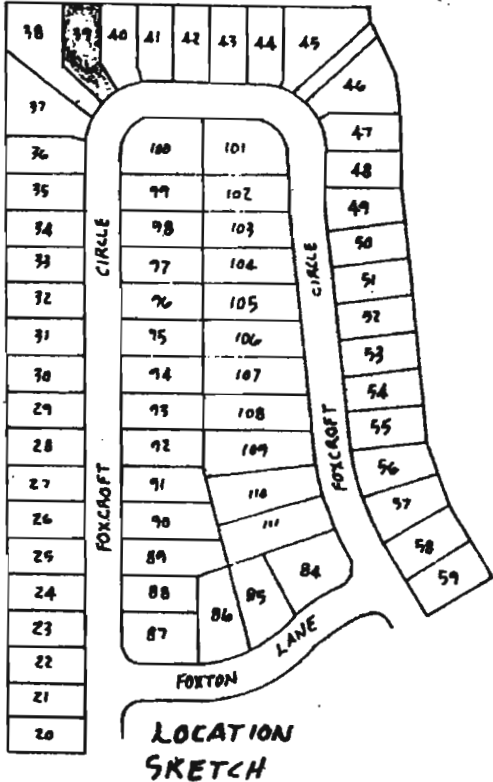
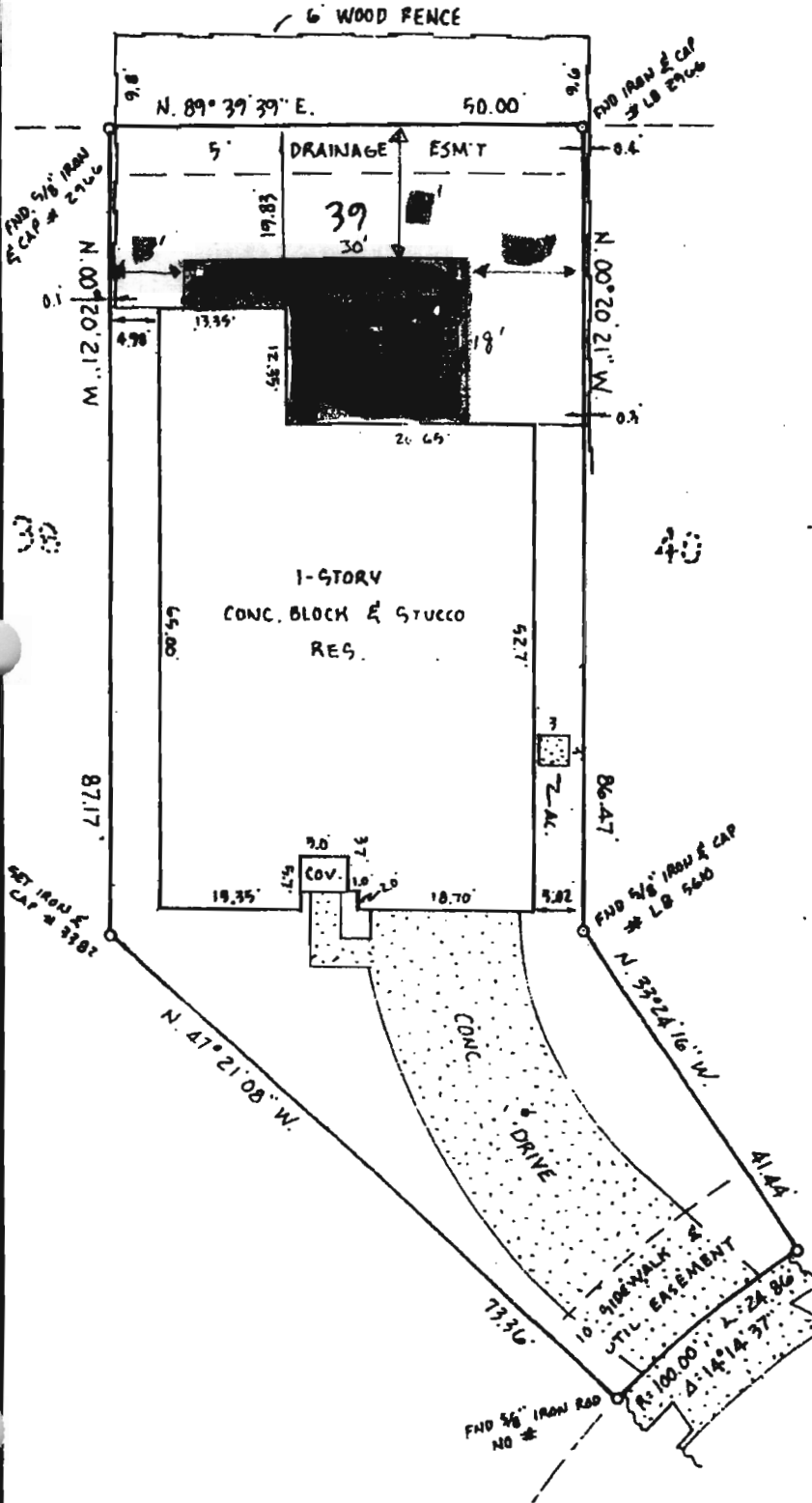
We are asking for a variance to the rear building setback of 20 feet. We are requesting a 14 foot set back in order to enlarge our screen porch to cover our back bedroom window. This would help keep the rain and sun off our window. This has been a problem for us because my husband works nights and sleeps days.

Thank You

Ellen Schatz  
3533 Foxcroft Circle  
Oviedo, Fl 32765

**PLAT OF SURVEY**  
 for  
**KENNETH M. AND ELLEN A. SCHATZ**  
 Legal Description

Lot 39, TRACT 107 AT FOXCROFT, according to the plat thereof recorded in Plat Book 47, Pages 97 through 99, of the Public Records of Seminole County, Florida.



FOXCRIFT CIRCLE  
 1"=20'







SCALE AS NOTED

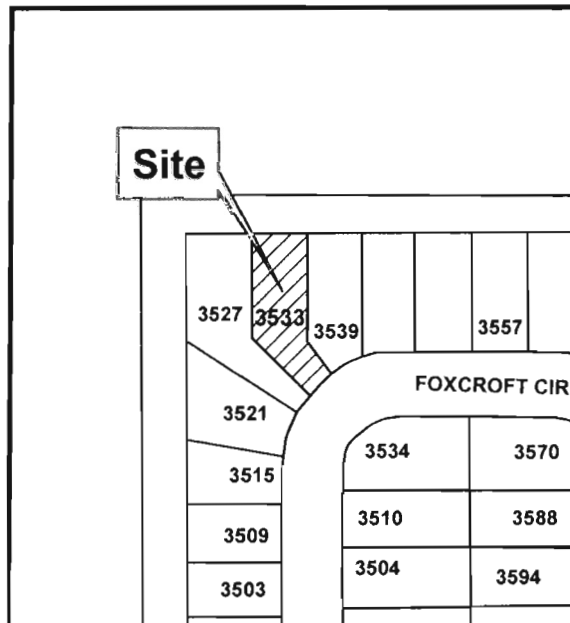
Ellen Schatz  
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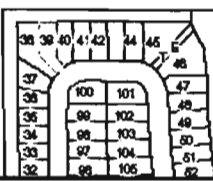
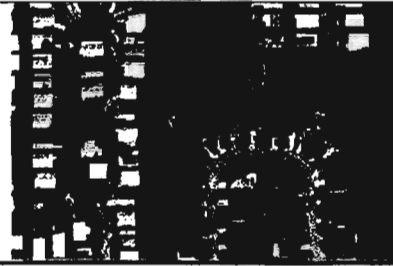


Seminole County Board of Adjustment  
 September 28, 2009  
 Case: BV2009-85 (Map 3213 Grid B6)  
 Parcel No: 35-21-31-511-0000-0390

Zoning

-  BV2009-85
-  A-1
-  R-1A
-  RM-2
-  PUD
-  UC



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOSEPHSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL                  1101 E. FIRST ST                  SANFORD, FL 32771-1400                  407-688-7806</p>	<p>LANTANA PL</p> 																																		
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 35-21-31-511-0000-0390                  Owner: SCHATZ ELLEN A &amp; KENNETH M                  Mailing Address: 3533 FOXCROFT CIR                  City,State,ZipCode: OVIEDO FL 32765                  Property Address: 3533 FOXCROFT CIR OVIEDO 32765                  Subdivision Name: CARILLON TRACT 107 AT                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (1998)                  Dor: 01-SINGLE FAMILY</p>	<p align="center"><b>VALUE SUMMARY</b></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">\$116,866</td> <td align="right">\$166,464</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$1,164</td> <td align="right">\$1,228</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$40,400</td> <td align="right">\$47,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td><b>Just/Market Value</b></td> <td align="right"><b>\$158,430</b></td> <td align="right"><b>\$214,692</b></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">\$36,718</td> <td align="right">\$93,102</td> </tr> <tr> <td><b>Assessed Value (SOH)</b></td> <td align="right"><b>\$121,712</b></td> <td align="right"><b>\$121,590</b></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	\$116,866	\$166,464	Depreciated EXFT Value	\$1,164	\$1,228	Land Value (Market)	\$40,400	\$47,000	Land Value Ag	\$0	\$0	<b>Just/Market Value</b>	<b>\$158,430</b>	<b>\$214,692</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$36,718	\$93,102	<b>Assessed Value (SOH)</b>	<b>\$121,712</b>	<b>\$121,590</b>
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**NOTICE OF DECISION  
CARILLON COMMUNITY RESIDENTIAL ASSOCIATION, INC.**

July 13, 2009

Kenneth & Ellen Schatz  
3533 Foxcroft Circle  
Oviedo, FL 32765

Dear Mr. & Mrs. Schatz:

Your application for Architectural Change has been approved with the following stipulation. Accordingly, you have been given the approval to proceed with the following project:

- #1 – Screen enclosure tear out and replace with slightly larger screen enclosure
- #2 – Screen in front entry arch WAS NOT APPROVED as front screen enclosures are not allowed per Section 8, Paragraph 4 of the Carillon Covenants, Conditions and Restrictions.

Carillon Community Residential Association, Inc., reserves the right to make a final inspection of the architectural change to ensure it corresponds with the request you submitted for approval. Please follow the plan you submitted or submit an additional application form if your plans deviate from that which were originally submitted.

You must follow all local building codes and setback requirements when making this change, if applicable. Please be aware that a Building Permit may be needed and this can be applied for at the County offices.

Carillon Community Residential Association, Inc.'s, approval here is based only on the aesthetics and certification that your proposed change follows in accordance with your Covenants and Restrictions. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Remember that you are responsible for contacting the appropriate Utility & Cable Companies should your project involve digging in the area that utility or cable lines may be present.

Thank you again for your cooperation in submitting your application for approval.

Sincerely,



Anne M. Smith, LCAM  
Pinnacle Property Management

**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
Ellen Schatz	3533 foxcroft cir	407 977 3724
Kenneth Schatz	3533 foxcroft cir. ovidale fl 32765	

(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.

8/7/09  
Date

Elkn Schatz  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 7th day of August, 2009 by Elkn Schatz

Bridgette M Hancock  
Signature of Notary Public

Bridgette M Hancock  
Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced \$ 320-201-50-845-0

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

**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 39 TRACT 107 AT CARILLON PB 47 PGS 97 THRU 99

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

**FINDINGS OF FACT**

**Property Owner:** Ellen Schatz  
3533 Foxcroft Circle  
Oviedo, Fl. 32765

**Project Name:** Foxcroft Circle (3533)

**Variance Approval:**

Rear yard setback from 20 feet to 14 feet for screen porch 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: 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 screen 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:

## 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 39 TRACT 107 AT CARILLON PB 47 PGS 97 THRU 99

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

### FINDINGS OF FACT

**Property Owner:** Ellen Schatz  
3533 Foxcroft Circle  
Oviedo, Fl. 32765

**Project Name:** Foxcroft Circle (3533)

**Variance Request:**

Rear yard setback from 20 feet to 14 feet for screen porch in PUD (Planned Unit Development) district.

Approval was sought to construct a screen porch in 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: 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: