

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

SUBJECT: 450 Winding Creek Place – Leigh Beyer, applicant; Request for a 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

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

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

Agenda Date 01/25/10 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; or
2. **Approve** the request for a 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Leigh Beyer Stephen Carnes 450 Winding Creek Place PUD (Planned Unit Development) Sabal Creek at Sabal Point
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to expand an existing pool and pool screen enclosure. • The proposed pool expansion will cause the water's edge to encroach 8 feet into the required 10-foot rear yard setback, and the screen enclosure will encroach 5 feet into the required 5-foot rear yard setback. • There are currently no code enforcement or building violations for this property. 	

Reviewed by: _____
Co Atty: PLC
Pin Mgr: _____

	<ul style="list-style-type: none">• In 1989 the property was granted a rear yard setback variance from 10 feet to 5 feet for a pool screen enclosure.
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, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the rear yard setback for the pool and pool screen enclosure 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

Application # BV 2009-117
Meeting Date Jan 25, 2010

COPY

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: LEIGH BEYER (AGENT FOR STEPHEN W. CARNES)
Address: 672 N SEMORAN BLVD STE 204 City: ORLANDO Zip code: 32807
Project Address: 450 WINDING CREEK PL City: LONGWOOD Zip code: 32779
Tax Parcel number: 34-20-29-SJX-0000-0040
Contact number(s): 407-409-6375
Email address: leighbeyer@fliline.com

Is the property available for inspection without an appointment?

Yes No. If gated please provide a gate code to staff.

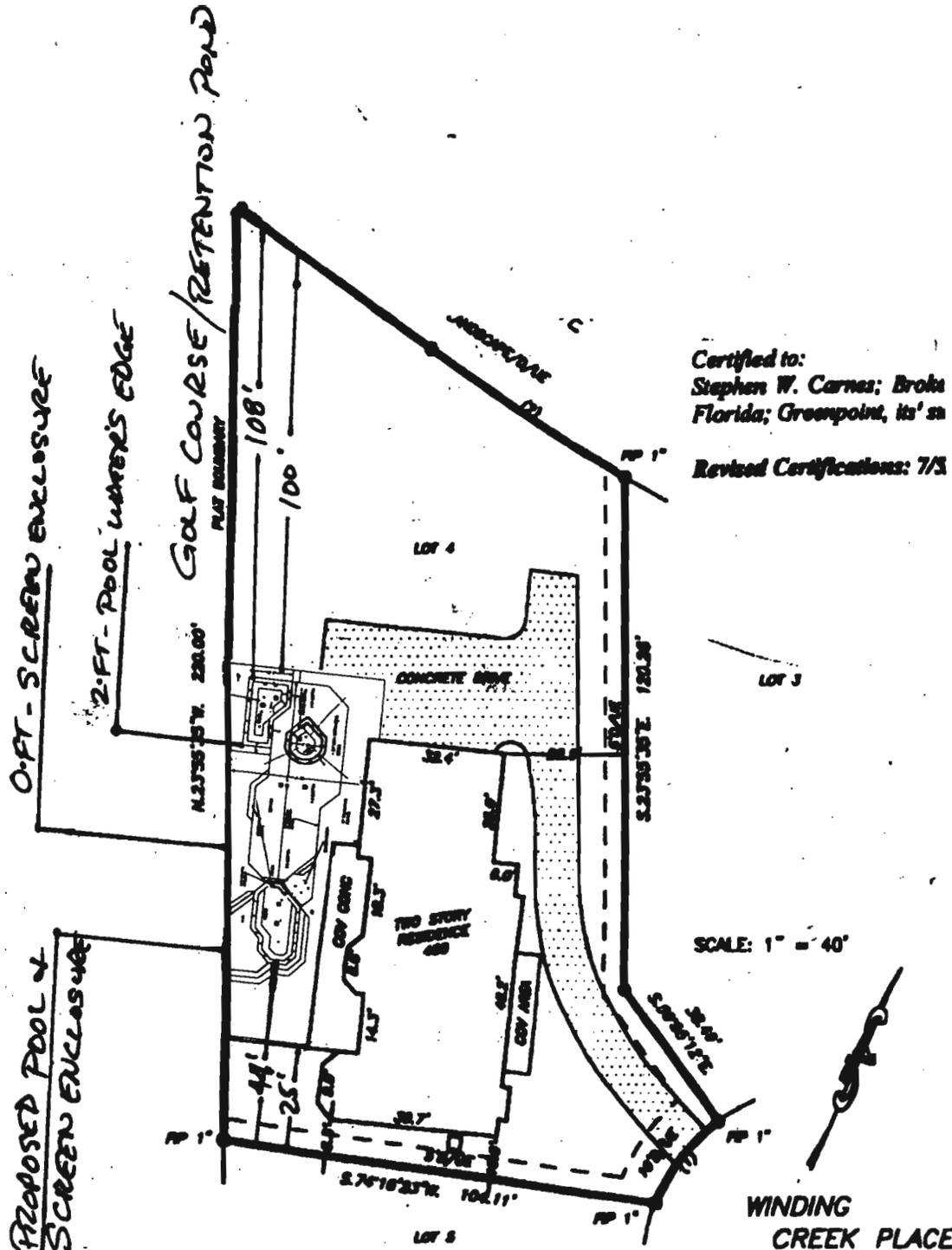
What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input checked="" type="checkbox"/> Pool	Please describe: <u>36'10 x 90'8 SPA AND POOL W/DECK AREA</u>
<input checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>36'10 x 90'8 x 14'H POOL SCREEN ENCLOSURE</u>
<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:
<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: 5'	Proposed setback: 5'	<u>SCREEN-5'</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 checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>POOL 10'</u> <u>2'</u>
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

Signed: [Signature]

Date: 11/19/09

FOR OFFICE USE ONLY



Certified to:
 Stephen W. Carnes; Broker
 Florida; Greenpoint, its' sa

Revised Certifications: 7/3

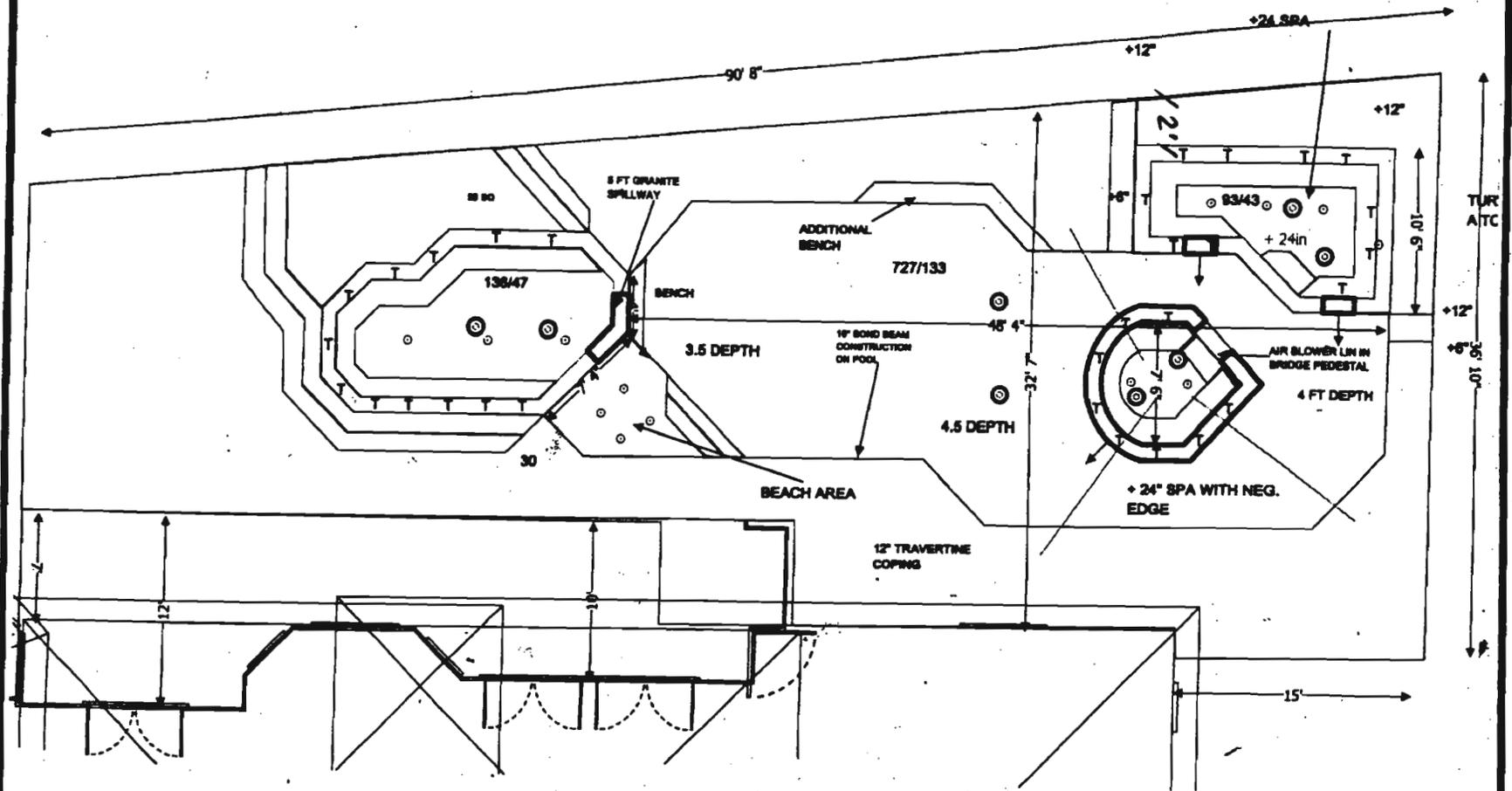
SCALE: 1" = 40'

CURVE TABLE

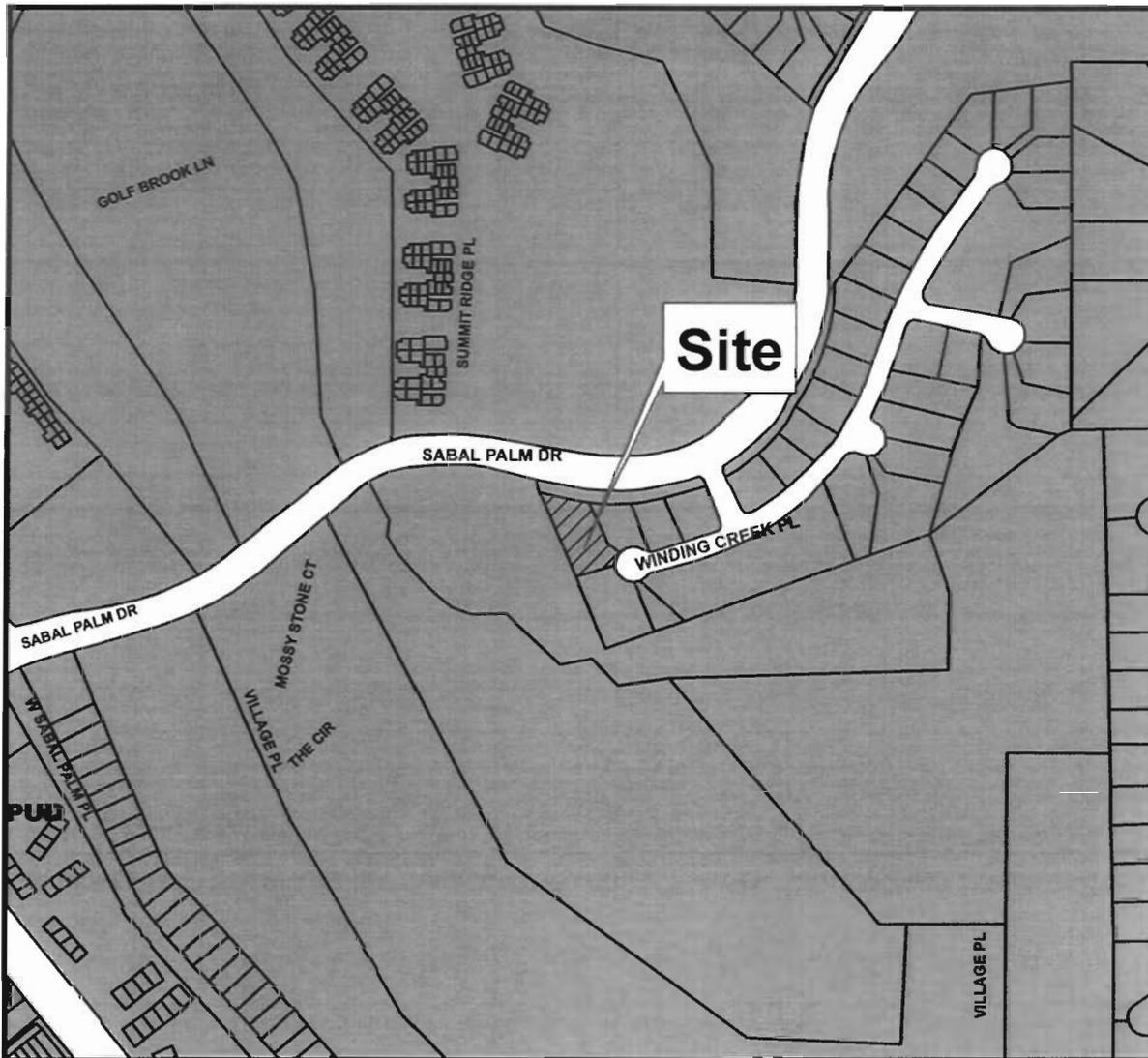
NO.	ANGLE	DELTA	ARC	WASHER	CHORD	CHORD BEARING
1	44.00°	17.15' 00"	28.00'	12.00'	24.00'	N 17° 15' 00" E
2	28.00°	08' 30" 00"	14.00'	12.00'	12.00'	N 47° 30' 00" E

PLAN VIEW

MASTERPIECE POOL AND SPA INC.



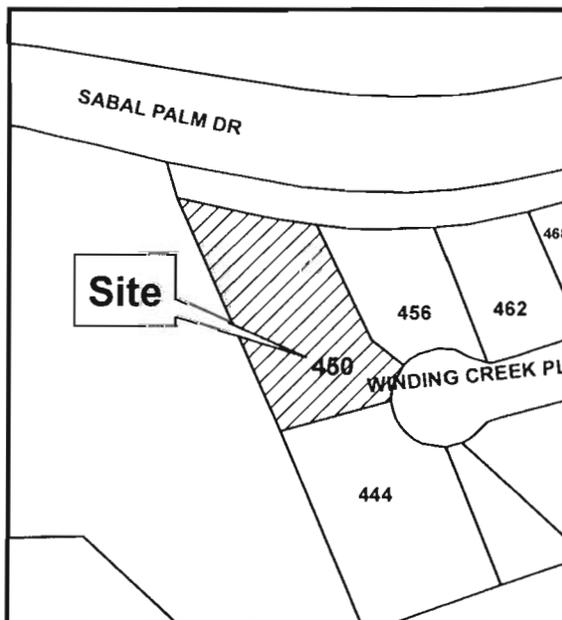
Leigh Beyer
450 Winding Creek Place
Longwood, FL 32779



Seminole County Board of Adjustment
January 25, 2010
Case: BV2009-117 (Map 3155 Grid A2)
Parcel No: 34-20-29-5JX-0000-0040

Zoning

-  BV2009-117
-  PUD
-  PCD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-685-7505</p>																																			
<p align="center">GENERAL</p> <p>Parcel Id: 34-20-29-5JX-0000-0040 Owner: CARNES STEPHEN W Mailing Address: 3124 HOLLIDAY AVE City,State,ZipCode: APOPKA FL 32703 Property Address: 450 WINDING CREEK PL LONGWOOD 32779 Subdivision Name: SABAL POINT SABAL CREEK AT Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">2010 Working</th> <th style="text-align: center;">2009 Certified</th> </tr> <tr> <th style="text-align: left;">Value Method</th> <th style="text-align: center;">Cost/Market</th> <th style="text-align: center;">Cost/Market</th> </tr> </thead> <tbody> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$254,239</td> <td style="text-align: right;">\$277,380</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$13,324</td> <td style="text-align: right;">\$13,809</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$80,000</td> <td style="text-align: right;">\$80,000</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: right;">\$347,563</td> <td style="text-align: right;">\$371,189</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: right;">\$347,563</td> <td style="text-align: right;">\$371,189</td> </tr> </tbody> </table> <p align="center"><i>Tax Estimator</i></p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$254,239	\$277,380	Depreciated EXFT Value	\$13,324	\$13,809	Land Value (Market)	\$80,000	\$80,000	Land Value Ag	\$0	\$0	Just/Market Value	\$347,563	\$371,189	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$347,563	\$371,189
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2010 TAXABLE VALUE WORKING ESTIMATE																																			
Taxing Authority		Assessment Value	Exempt Values	Taxable Value																															
County General Fund		\$347,563	\$0	\$347,563																															
Schools		\$347,563	\$0	\$347,563																															
Fire		\$347,563	\$0	\$347,563																															
Road District		\$347,563	\$0	\$347,563																															
SJWM(Saint Johns Water Management)		\$347,563	\$0	\$347,563																															
County Bonds		\$347,563	\$0	\$347,563																															
The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.																																			
SALES			2009 VALUE SUMMARY																																
Deed	Date	Book Page	Amount	Vac/Imp	Qualified																														
WARRANTY DEED	07/2005	05835 1842	\$629,900	Improved	Yes																														
WARRANTY DEED	06/1993	02601 1123	\$340,000	Improved	Yes																														
WARRANTY DEED	03/1989	02056 1917	\$339,000	Improved	Yes																														
WARRANTY DEED	09/1988	02010 0037	\$88,200	Vacant	No																														
<i>Find Comparable Sales within this Subdivision</i>																																			
			2009 Tax Bill Amount: \$5,800 2009 Certified Taxable Value and Taxes DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																
LAND			LEGAL DESCRIPTION																																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																														
LOT	0	0	1.000	80,000.00	\$80,000																														
			PLATS: Plck... LEG LOT 4 SABAL CREEK AT SABAL POINT PB 37 PGS 97 TO 99																																
BUILDING INFORMATION																																			
Bid Num	Bid Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bid Value	Est. Cost New																										
1	SINGLE FAMILY	1989	15	2,472	4,960	3,462	WD/STUCCO FINISH	\$254,239	\$276,347																										
<i>Building Sketch</i>																																			
Appendage / Sqft		OPEN PORCH FINISHED / 168																																	
Appendage / Sqft		UTILITY FINISHED / 42																																	
Appendage / Sqft		GARAGE FINISHED / 744																																	
Appendage / Sqft		OPEN PORCH FINISHED / 544																																	
Appendage / Sqft		UPPER STORY FINISHED / 990																																	
NOTE:						Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																													
EXTRA FEATURE																																			
Description		Year Blt	Units	EXFT Value	Est. Cost New																														

FIREPLACE	1989	1	\$1,425	\$3,000
POOL GUNITE	1989	540	\$5,130	\$10,800
SCREEN ENCLOSURE	1989	3,325	\$2,660	\$8,650
COOL DECK PATIO	1989	1,605	\$2,669	\$5,618
GAS HEATER	1989	1	\$440	\$1,100
SPA	1989	1	\$1,000	\$2,500

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
STEPHEN W. CARNES	450 WINDING CREEK PL LONGWOOD FL 32779	

(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.

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.

12-1-09

Date

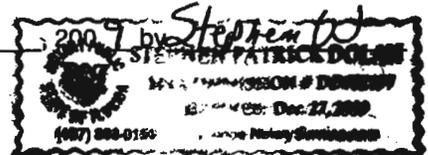
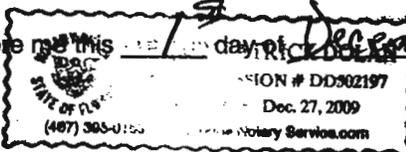
Stephen P. Dolan
Owner, Agent, Applicant Signature

STATE OF FLORIDA

COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 1st day of December, 2009

CARNES



Stephen P. Dolan
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification FL. DL #

Type of Identification Produced DL # C1652-799-62-371-0

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 STEPHEN W. CARNES, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) _____

34-20-29-5JX-0000-0040

450 WINDING CREEK PLACE, LONGWOOD, FL, 32779

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

Stephen W. Carnes
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 1st day of December 2009

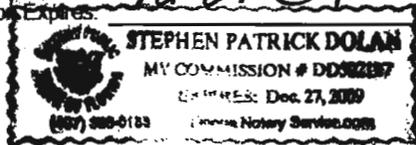
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Stephen W. Carnes, who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an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

D.L.# C652-799-63-371-0

WITNESS my hand and official seal in the County and State last aforesaid this 1 day of December, 2009

Stephen Patrick Dolan
Notary Public in and for the County and State
Aforementioned

My Commission Expires: 12-27-09



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4
SABAL CREEK AT SABAL POINT PB 37 PGS 97 TO 99

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

FINDINGS OF FACT

Property Owner: Stephen Carnes
450 Winding Creek Place
Longwood, FL 32779

Project Name: Winding Creek Place (450)

Requested Variance:

Request for a 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

Approval was sought to allow a pool and screen enclosure 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4
SABAL CREEK AT SABAL POINT PB 37 PGS 97 TO 99

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

FINDINGS OF FACT

Property Owner: Stephen Carnes
450 Winding Creek Place
Longwood, FL 32779

Project Name: Winding Creek Place (450)

Variance Approval:

A 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure 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 pool and 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

