



**SEMINOLE COUNTY, FLORIDA**  
**Board of Adjustment**  
**Meeting Agenda - Final**

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**Monday, May 22, 2023**

**6:00 PM**

**BCC Chambers**

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**CALL TO ORDER AND ROLL CALL**

**OPENING STATEMENT**

**VARIANCES**

1. **1201 Pomelo Court-** Request for a side street (east) setback variance from fifty (50) feet to thirty-seven (37) feet for a detached garage in the A-1 (Agriculture) district; BV2023-011 (James Dunn, Applicant) District 5 - Herr (Angi Gates, Project Manager) **[2023-254](#)**

***Development Services - Planning and Development***

- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

2. **4073 Silverstream Terrace -** Request for a side street (north) setback variance from twenty (20) feet to ten (10) feet for a fence in the PD (Planned Development) district; BV2023-026 (Elroy Pascoe, Applicant) District 5 - Herr (Angi Gates, Project Manager) **[2023-487](#)**

***Development Services - Planning and Development***

- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

3. **347 Beach Avenue**- Request for a side yard (east) setback variance from ten (10) feet to one and one-half (1½) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2023-030 (David S. Huysman III, Applicant) District 4 - Lockhart (Angi Gates, Project Manager) [2023-489](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Letters of Support](#)  
[Photos](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

4. **801 Bill Dot Drive** - Request for a side street (north) setback variance from twenty-five (25) feet to twenty-one (21) feet for a fence in the R-1AA (Single Family Dwelling) district; BV2023-032 (Julio Blanco, Applicant) District 3 - Constantine (Angi Gates, Project Manager) [2023-491](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

5. **1080 Dyson Drive** - Request for a side street (east) setback variance from thirty-five (35) feet to twenty-six (26) feet for a fence in the RC-1 (Single Family Dwelling) district; BV2023-034 (Dianne Johnson, Applicant) District 2 - Zembower (Angi Gates, Project Manager) [2023-493](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Letters of Support](#)  
[Photos](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

6. **5001 Palmetto Avenue** - Request for a side street (south) setback variance from twenty-five (25) feet to thirteen and one-half (13½) feet for a detached garage in the R-1A (Single Family Dwelling) district; BV2023-028 (Jacob Kuzman, Applicant) District 1 - Dallari (Angi Gates, Project Manager) [2023-488](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statements](#)  
[Property Record Card](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

7. **1105 Otter Lane** - Request for a side yard (south) setback variance from twenty (20) feet to thirteen (13) feet eleven (11) inches for an accessory structure in the RC-1 (Country Homes) district; BV2023-025 (James & Krystal Goodman, Applicants) District 2 - Zembower (Hilary Padin, Project Manager) [2023-471](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Property Record Card](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Drawings](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

8. **3238 Upland Point** - Request for a side street (south) setback variance from fifteen (15) feet to three and one-half (3.5) feet for a privacy fence in the PD (Planned Development) district; BV2023-029 (Michael & Katrina Dantes, Applicants) District 1 - Dallari (Hilary Padin, Project Manager) [2023-476](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Letters of Support](#)  
[Photos](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

9. **1301 Blue Stem Lane** - Request for a side street (north) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; BV2023-031 (Alexander & Brittany Baumgartner, Applicants) District 1 - Dallari (Hilary Padin, Project Manager) [2023-477](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Photos](#)  
[HOA Approval](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

10. **3153 Cecelia Drive** - Request for a rear yard setback variance from thirty (30) feet to twenty three (23) feet for a swimming pool in the R-1AA (Single Family Dwelling) district; BV2023-033 (Jonathan & Eva Albert, Applicants) District 3 - Constantine (Hilary Padin, Project Manager) [2023-481](#)

***Development Services - Planning and Development***

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Property record card](#)  
[Letters of support](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

11. **605 Oranole Road** - Request for: (1) a front yard setback variance from twenty-five (25) feet to 24.9 feet; and (2) a side yard (east) setback variance from ten (10) feet to 8.3 feet for an addition in the R-1AA (Single Family Dwelling) district; BV2023-035 (Sebastian Jimenez, Applicant) District 3 - Constantine (Hilary Padin, Project Manager)

[2023-490](#)

***Development Services - Planning and Development***

- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Photo](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

**CLOSING BUSINESS**

**APPROVAL OF THE MINUTES**

**ADJOURN**



# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-254**

**Title:**

**1201 Pomelo Court-** Request for a side street (east) setback variance from fifty (50) feet to thirty-seven (37) feet for a detached garage in the A-1 (Agriculture) district; BV2023-011 (James Dunn, Applicant) District 5 - Herr (Angi Gates, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates 407-665-7465

**Motion/Recommendation:**

1. Deny the request for a side street (east) setback variance from fifty (50) feet to thirty-seven (37) feet for a detached garage in the A-1 (Agriculture) district; or
2. Approve the request for a side street (east) setback variance from fifty (50) feet to thirty-seven (37) feet for a detached garage in the A-1 (Agriculture) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Mandarin Section 1 subdivision.
- The proposed detached garage will be 864 square feet (24' x 36') and will encroach thirteen (13) feet into the required side street (south) setback.
- The request is for a variance to Section 30.128(a)(3) of the Land Development Code of Seminole County, which states:
  - (a) The following minimum front, rear, and side yards shall be observed:
    - (3) Side. Ten (10) feet as measured from the side property line or lot line, except where a side yard abuts a street or road, in which case, the side yard shall be fifty (50) feet.
- There have not been any prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

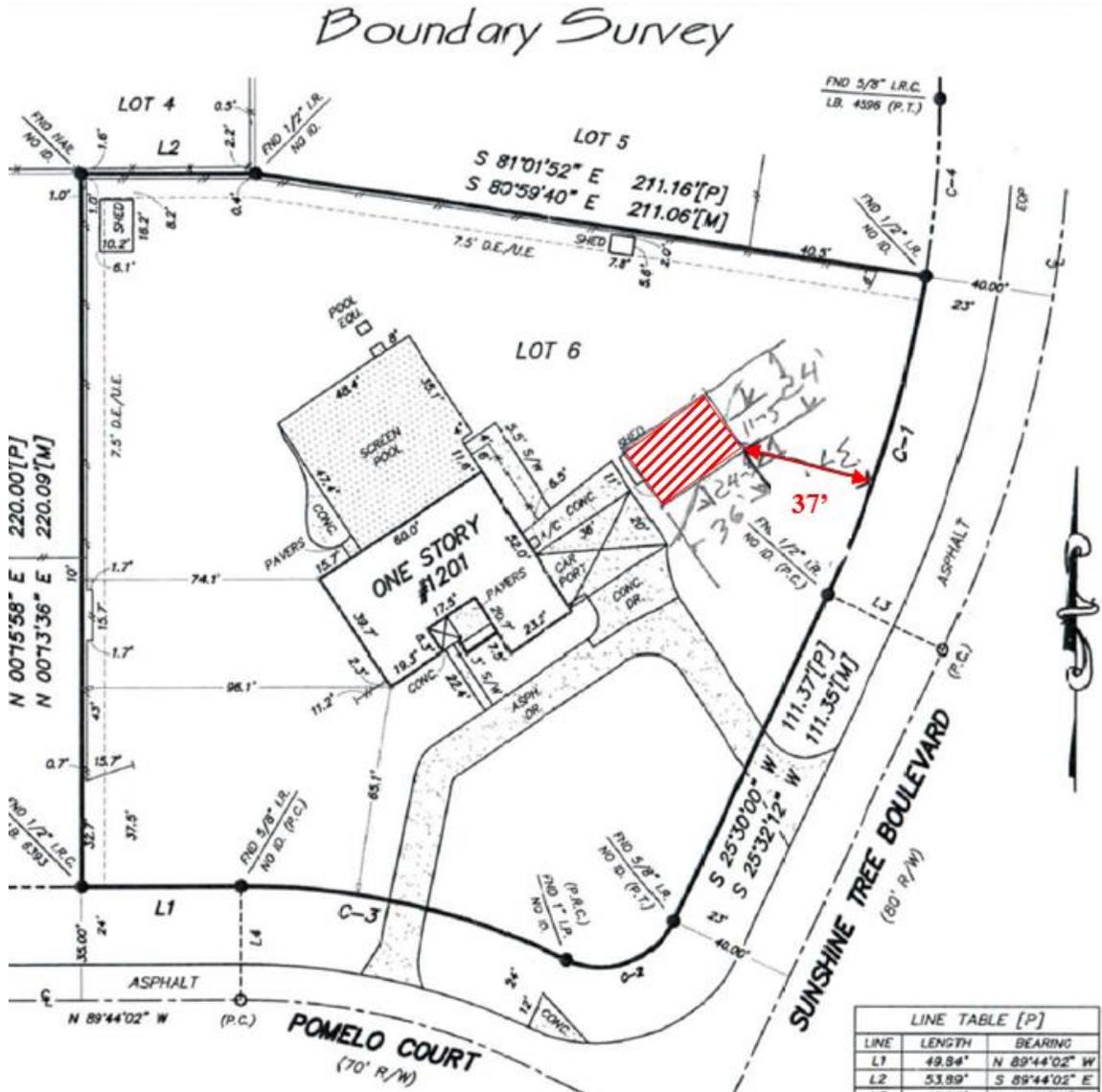
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

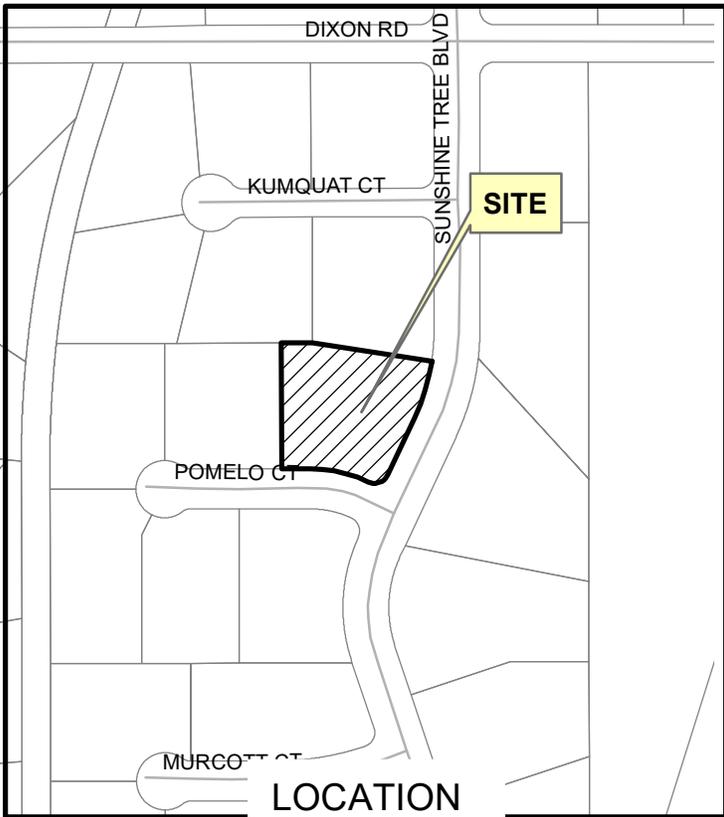
**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the detached garage as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

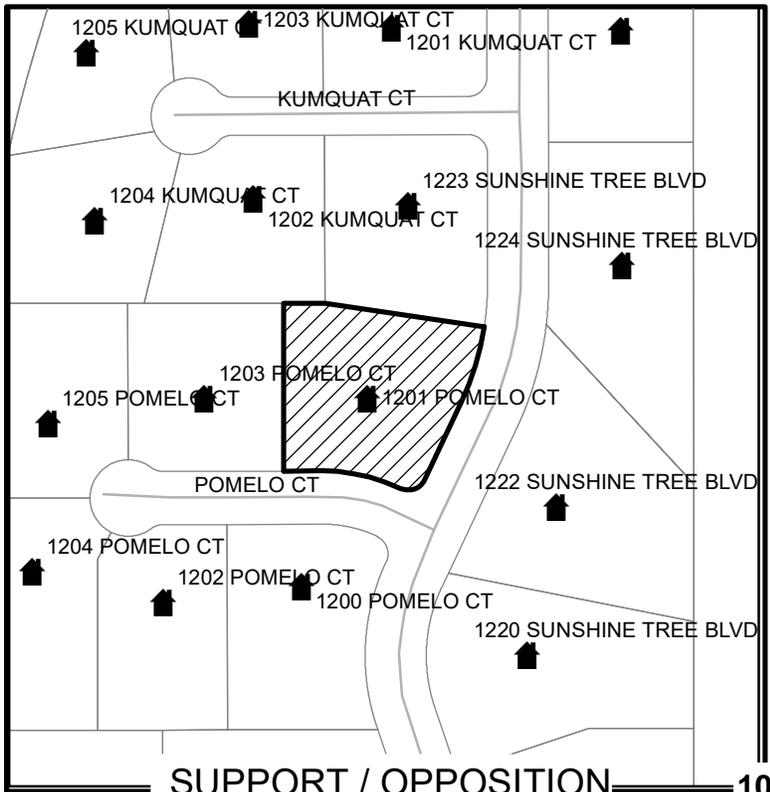
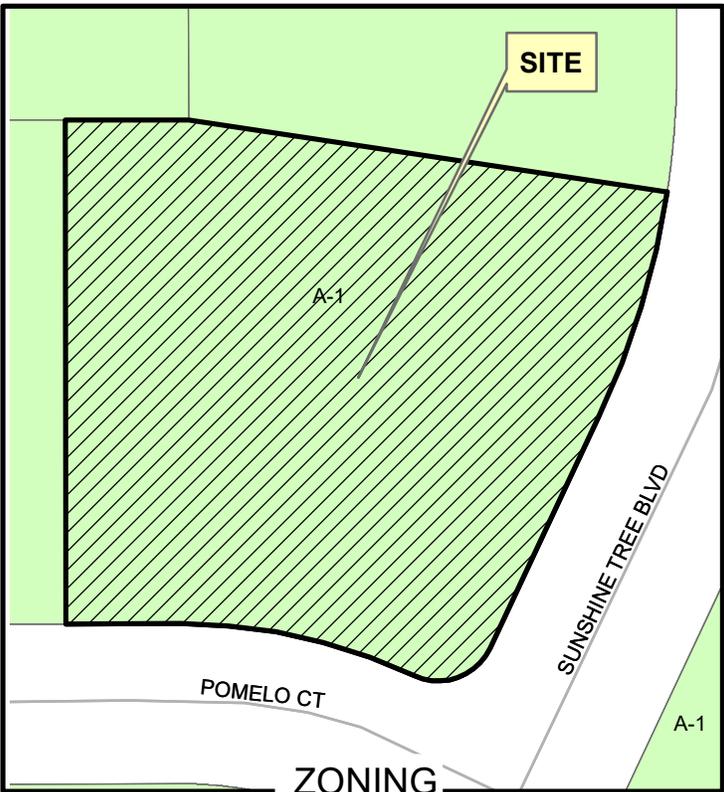
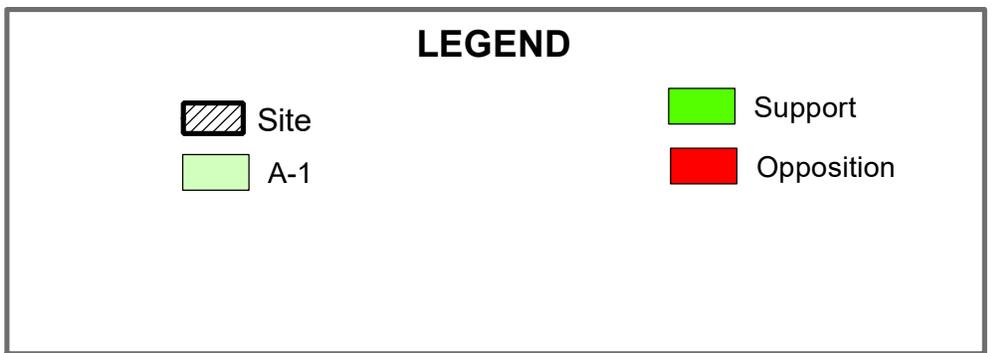
POMELO CT (1201)  
VARIANCES





**JAMES DUNN**  
**1201 POMELO CT**  
**LONGWOOD, FL 32779**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**MAY 24, 2022**



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district. *There is not enough space in the back and side yards for the proposed structure.*
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. *First, we are dealing with an irregular shaped lot. The pre-existing property boundaries required set-backs, residential structure, swimming pool, carport and septic system are impediments.*
3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. *This is a typical variance request that governing bodies grant to applicants/petitioners.*
4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner. *It would deprive applicant of right to have garage that does not encroach on residential structure, swimming pool or septic system on the property.*
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. *Applicant is requesting variance for placement of garage on property in location on property that would require the minimum variance.*
6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. *Granting of the variance would allow the placement of proposed garage in location on the property in the typically acceptable location of a garage adjacent to the residential structure and on the existing driveway in architectural harmony.*

# Property Record Card



**Parcel** 26-20-29-503-0000-0060

**Property Address** 1201 POMELO CT LONGWOOD, FL 32779

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	26-20-29-503-0000-0060
<b>Owner(s)</b>	DUNN, JAMES F - Tenancy by Entirety DUNN, MARTHA E - Tenancy by Entirety
<b>Property Address</b>	1201 POMELO CT LONGWOOD, FL 32779
<b>Mailing</b>	1201 POMELO CT LONGWOOD, FL 32779-2728
<b>Subdivision Name</b>	MANDARIN SEC 1
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2016)
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$256,642	\$238,121
<b>Depreciated EXFT Value</b>	\$37,800	\$31,509
<b>Land Value (Market)</b>	\$100,000	\$100,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$394,442	\$369,630
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$125,499	\$108,520
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$268,943	\$261,110

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$4,956.04    **2022 Tax Savings with Exemptions** \$1,988.96  
**2022 Tax Bill Amount** \$2,967.08

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 6  
MANDARIN SEC 1  
PB 20 PGS 42 & 43

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$268,943	\$50,000	\$218,943
SJWM(Saint Johns Water Management)	\$268,943	\$50,000	\$218,943
FIRE	\$268,943	\$50,000	\$218,943
COUNTY GENERAL FUND	\$268,943	\$50,000	\$218,943
Schools	\$268,943	\$25,000	\$243,943

## Sales

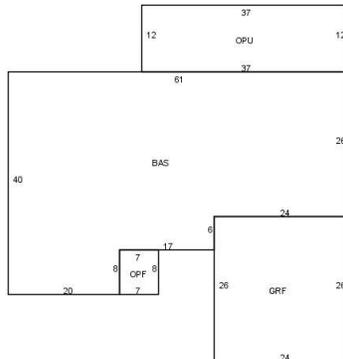
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
SPECIAL WARRANTY DEED	12/01/2014	08384	1352	\$267,000	Yes	Improved
CERTIFICATE OF TITLE	07/01/2014	08305	1405	\$100	No	Improved
WARRANTY DEED	07/01/2006	06367	1172	\$380,000	Yes	Improved
QUIT CLAIM DEED	04/01/2000	03869	1987	\$100	No	Improved
FINAL JUDGEMENT	02/01/2000	03809	1685	\$100	No	Improved
WARRANTY DEED	04/01/1994	02763	0766	\$134,400	No	Improved
QUIT CLAIM DEED	05/01/1990	02189	0510	\$100	No	Improved
WARRANTY DEED	10/01/1986	01788	0353	\$109,500	Yes	Improved
WARRANTY DEED	06/01/1983	01465	1541	\$104,800	Yes	Improved
WARRANTY DEED	01/01/1980	01263	1508	\$87,800	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$100,000.00	\$100,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages								
1	SINGLE FAMILY	1980	3	2.0	6	1,968	3,092	1,968	CB/STUCCO FINISH	\$256,642	\$329,028	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>OPEN PORCH FINISHED</td> <td>56.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td>624.00</td> </tr> <tr> <td>OPEN PORCH UNFINISHED</td> <td>444.00</td> </tr> </tbody> </table>	Description	Area	OPEN PORCH FINISHED	56.00	GARAGE FINISHED	624.00	OPEN PORCH UNFINISHED	444.00
Description	Area																			
OPEN PORCH FINISHED	56.00																			
GARAGE FINISHED	624.00																			
OPEN PORCH UNFINISHED	444.00																			



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
03734	FOOTER & PATIO COVER ROOF	County	\$6,216	6/16/1994	5/1/1994
03977	DOME POOL ENCLOSURE	County	\$5,560		6/1/1994
08166	REPLACE WINDOWS	County	\$8,352		7/21/2003
16979	REROOF W/SHINGLES	County	\$17,000		9/14/2005
06798	CARPORT & FOOTINGS	County	\$8,600		6/1/2003
17494	REMOVE & REPLACE SCREEN POOL ENCLOSURE DUE TO HURRICANE DAMAGE	County	\$15,000		12/28/2004
15371	1201 POMELO CT: ELECTRIC SOLAR WIRING-single family residential [MANDARIN SEC 1] - VOIDED	County	\$51,839		8/23/2021

## Extra Features

Description	Year Built	Units	Value	New Cost
CARPORT 3	07/01/2003	1	\$2,400	\$6,000
FIREPLACE 2	07/01/1980	1	\$2,400	\$6,000
POOL 2	07/01/1987	1	\$27,000	\$45,000
SOLAR HEATER	07/01/2004	1	\$0	
SCREEN ENCL 3	07/01/2005	1	\$6,000	\$15,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
A-1	Suburban Estates	SE	Agricultural-1Ac

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
36.00	DUKE	CENTURY LINK	SUNSHINE WATER SERVICES	SUNSHINE WATER SERVICES	TUE/FRI	TUE	WED	Waste Pro

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 5 - Andria Herr	Dist 7 - Stephanie Murphy	Dist 29 - Scott Plakon	Dist 9 - Jason Brodeur	32

## School Information

Elementary School District	Middle School District	High School District
Woodlands	Markham Woods	Lake Mary

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**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6  
MANDARIN SEC 1  
PB 20 PGS 42 & 43

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JAMES DUNN  
1201 POMELO COURT  
LONGWOOD, FL 32779

**Project Name:** POMELO CT (1201)

**Requested Variance:**

Request for a side street (east) setback variance from fifty (50) feet to thirty-seven (37) feet for a detached garage in the A-1 (Agriculture) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a detached garage within the side street (south) setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6  
MANDARIN SEC 1  
PB 20 PGS 42 & 43

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JAMES DUNN  
1201 POMELO COURT  
LONGWOOD, FL 32779

**Project Name:** POMELO CT (1201)

**Variance Approval:**

Request for a side street (east) setback variance from fifty (50) feet to thirty-seven (37) feet for a detached garage in the A-1 (Agriculture) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the detached garage (24' x 36') as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

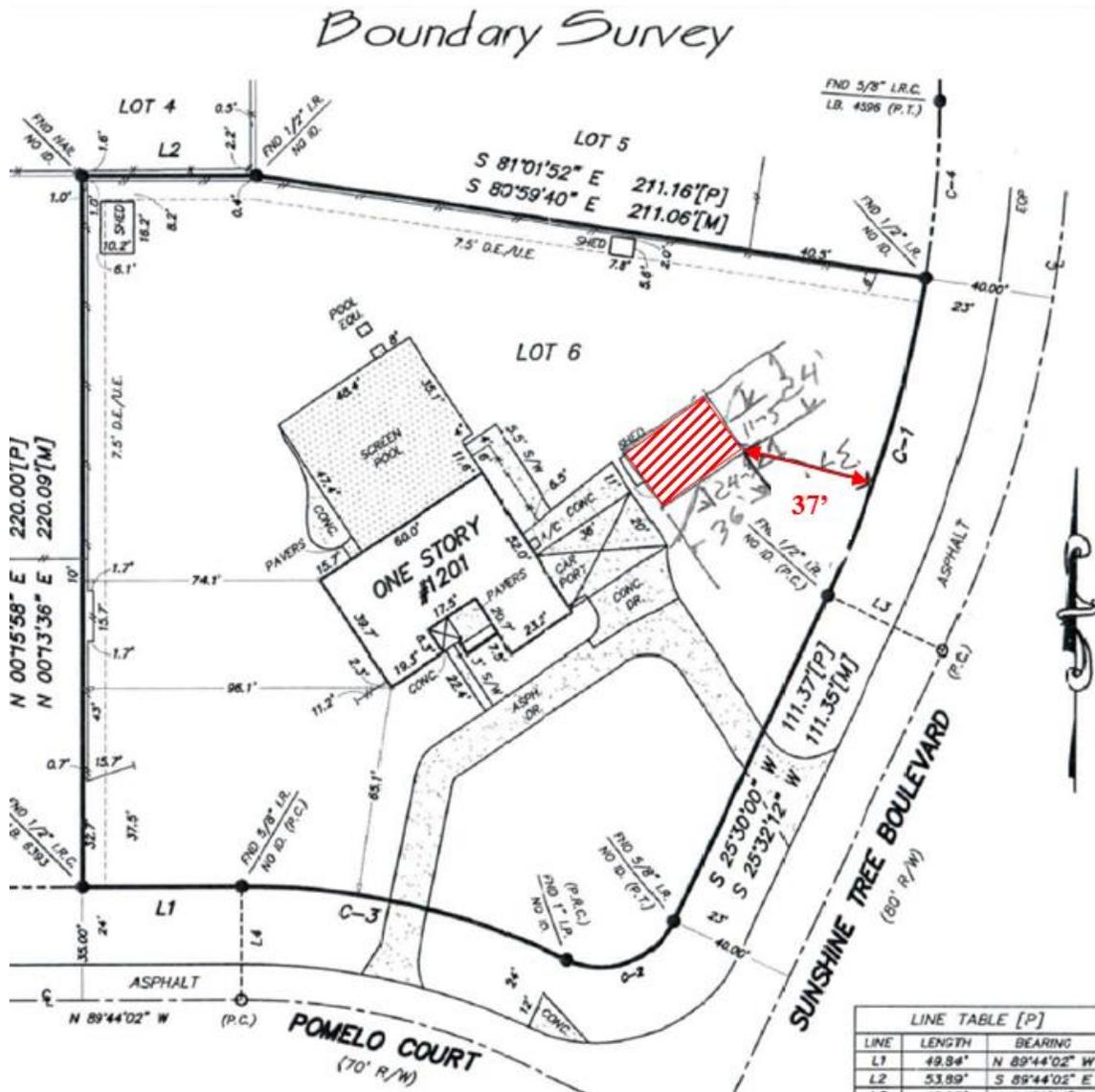
**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-487**

**Title:**

**4073 Silverstream Terrace** - Request for a side street (north) setback variance from twenty (20) feet to ten (10) feet for a fence in the PD (Planned Development) district; BV2023-026 (Elroy Pascoe, Applicant) District 5 - Herr (Angi Gates, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates 407-665-7465

**Motion/Recommendation:**

1. Deny the request for a side street (north) setback variance from twenty (20) feet to ten (10) feet for a fence in the PD (Planned Development) district; or
2. Approve the request for a side street (north) setback variance from twenty (20) feet to ten (10) feet for a fence in the PD (Planned Development) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Riverbend at Cameron Heights subdivision and is within the Cameron Heights Planned Development (PD).
- The subject property is a corner lot and considered to have two (2) front yards for setback purposes. The front of the house faces Silver Stream Terrace, and the Looking Glass Place side is where the variance is being sought.
- Traffic Engineering has no objection to the placement of the fence as it relates to site visibility.
- The proposed privacy fence will be ten (10) feet from the sidewalk and twenty-three (23) feet from the edge of pavement.
- The request is for a variance to Section 30.451 of the Land Development Code of Seminole County for Development Standards for Planned Developments.
- The request is for a variance to Section 30.1349 of the Land Development Code of Seminole County, which states:
  - (a) On property assigned a residential zoning classification, a closed fence or wall in excess of

three (3) feet in height shall maintain the same district front yard setback requirement as the main or principal dwelling structure except where backing up to a limited access highway or where regulations require such fences. In the case of corner lots, the lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way.

- There have not been any prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

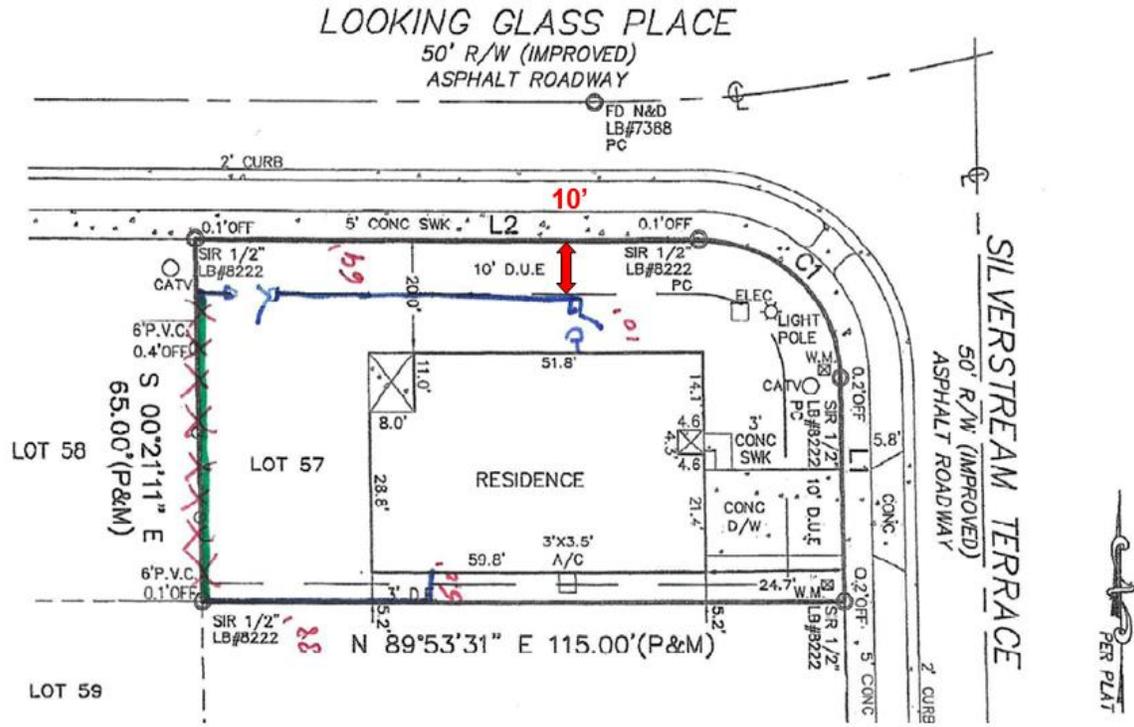
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the fence as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

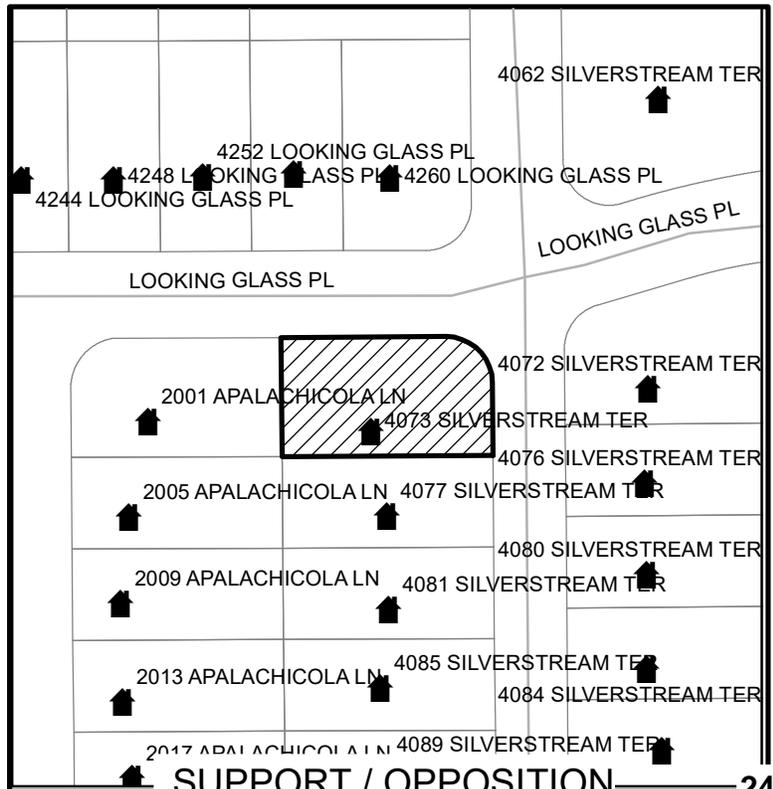
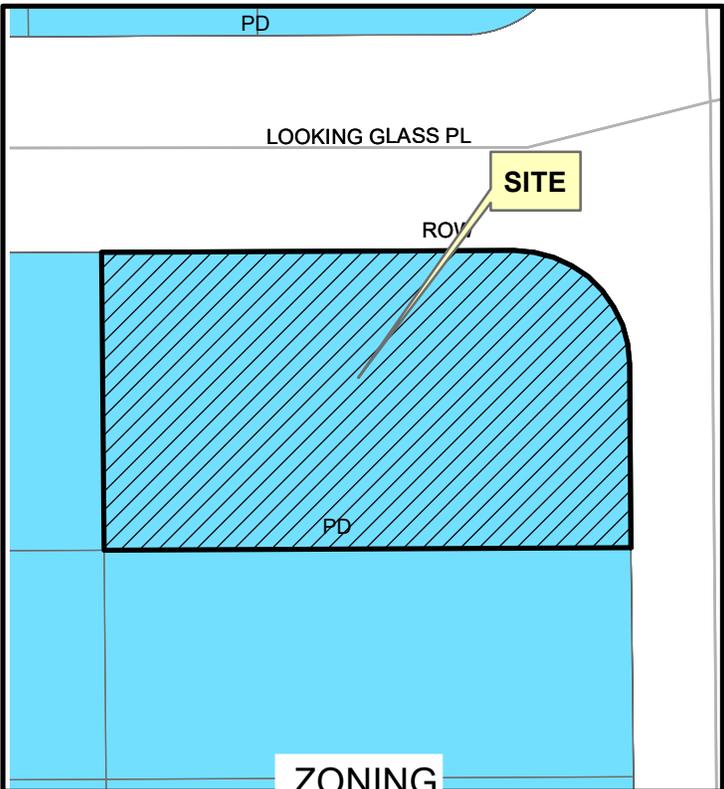
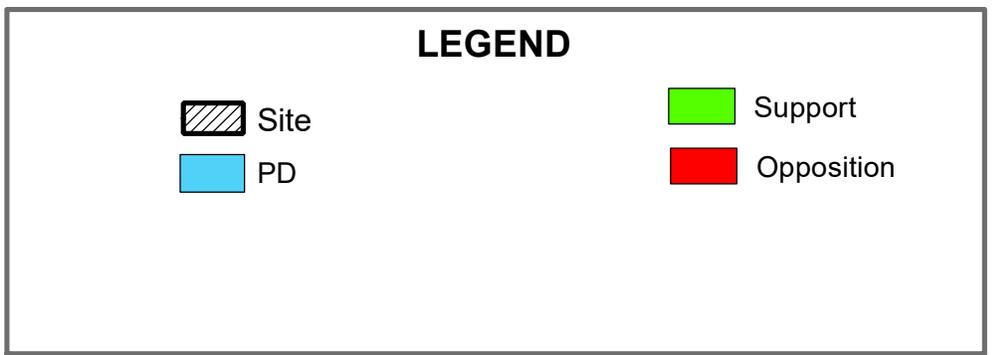
SILVERSTREAM TER (4073)  
VARIANCES





**ELROY PASCOE**  
**4073 SILVERSTREAM TER**  
**SANFORD, FL 32771**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**MAY 22, 2023**



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

Corner lot with property line 20 ft to sidewalk. Requesting for Fence to go further and still have 10ft distance from the sidewalk.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

House built on corner lot.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

This will not interfere with street views of cars driving around the corner or pedestrians crossing street.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

Losing out on 10ft of land to be closed off for privacy.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

There would be 10ft still from sidewalk to fence.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

This will still allow 10' from the sidewalk and not interfere with street views of cars coming around the corner.

# Property Record Card



**Parcel** 33-19-31-5VH-0000-0570

**Property Address** 4073 SILVERSTREAM TER SANFORD, FL 32771

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	33-19-31-5VH-0000-0570
<b>Owner(s)</b>	MARIE GORDON, KAREN I - Tenancy by Entirety PASCOE, ELROY K - Tenancy by Entirety
<b>Property Address</b>	4073 SILVERSTREAM TER SANFORD, FL 32771
<b>Mailing</b>	4073 SILVERSTREAM TER SANFORD, FL 32771-4024
<b>Subdivision Name</b>	RIVERBEND AT CAMERON HEIGHTS
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	HOMESTEAD - WAITING FOR OWNER RESPONSE
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$256,525	\$232,505
<b>Depreciated EXFT Value</b>		
<b>Land Value (Market)</b>	\$85,000	\$75,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$341,525	\$307,505
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$59,377
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$341,525	\$248,128

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$4,123.06    **2022 Tax Savings with Exemptions** \$1,330.04  
**2022 Tax Bill Amount** \$2,793.02

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 57 RIVERBEND AT CAMERON HEIGHTS PLAT BOOK {83} PAGES {31-38}

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$341,525	\$0	\$341,525
SJWM(Saint Johns Water Management)	\$341,525	\$0	\$341,525
FIRE	\$341,525	\$0	\$341,525
COUNTY GENERAL FUND	\$341,525	\$0	\$341,525
Schools	\$341,525	\$0	\$341,525

## Sales

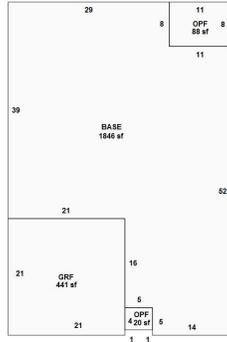
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	06/30/2022	10274	0030	\$430,000	Yes	Improved
SPECIAL WARRANTY DEED	10/30/2019	09470	1285	\$284,500	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$85,000.00	\$85,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages								
1	SINGLE FAMILY	2019	4	2.0	7	1,846	2,395	1,846	CB/STUCCO FINISH	\$256,525	\$260,431	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>OPEN PORCH FINISHED</td> <td>88.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td>441.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>20.00</td> </tr> </tbody> </table>	Description	Area	OPEN PORCH FINISHED	88.00	GARAGE FINISHED	441.00	OPEN PORCH FINISHED	20.00
Description	Area																			
OPEN PORCH FINISHED	88.00																			
GARAGE FINISHED	441.00																			
OPEN PORCH FINISHED	20.00																			



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
05409	4073 SILVERSTREAM TER: SINGLE FAMILY DETACHED-RIVERBEND AT CAMERON HEIGHTS LOT 57 [RIVERBEND AT CAMERON HEIG]	County	\$242,052	9/27/2019	5/24/2019

## Extra Features

Description	Year Built	Units	Value	New Cost
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## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
PD	Planned Development	PD	Planned Development

## Utility Information

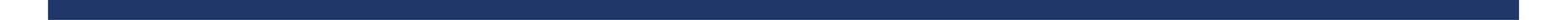
Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
41.00	FPL	AT&T	SANFORD	CITY OF SANFORD	TUE/FRI	TUE	WED	Waste Pro

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 5 - Andria Herr	Dist 7 - Cory Mills	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	10

## School Information

Elementary School District	Middle School District	High School District
Region 3	Millennium	Seminole



**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 57  
RIVERBEND AT CAMERON HEIGHTS  
PB 83 PGS 31-38

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** ELROY PASCOE  
4073 SILVERSTREAM TER  
SANFORD, FL 32771

**Project Name:** SILVERSTREAM TER (4073)

**Requested Variance:**

Request for a side street (north) setback variance from twenty (20) feet to ten (10) feet for a fence in the PD (Planned Development) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a fence within the required side street (north) setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 57  
RIVERBEND AT CAMERON HEIGHTS  
PB 83 PGS 31-38

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** ELROY PASCOE  
4073 SILVERSTREAM TER  
SANFORD, FL 32771

**Project Name:** SILVERSTREAM TER (4073)

**Variance Approval:**

Request for a side street (north) setback variance from twenty (20) feet to ten (10) feet for a fence in the PD (Planned Development) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the fence as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-489**

**Title:**

**347 Beach Avenue-** Request for a side yard (east) setback variance from ten (10) feet to one and one-half (1½) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2023-030 (David S. Huysman III, Applicant) District 4 - Lockhart (Angi Gates, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates 407-665-7465

**Motion/Recommendation:**

1. Deny the request for a side yard (east) setback variance from ten (10) feet to one and one-half (1½) feet for a shed in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for a side yard (east) setback variance from ten (10) feet to one and one-half (1½) feet for a shed in the R-1AA (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Sanlando Springs subdivision.
- The proposed shed will be 120 square feet (15' x 8') and will encroach eight and one-half (8½) feet into the required east side yard setback.
- Three (3) letters of support were submitted by adjacent neighbors.
- The request is for a variance to Section 30.206(b)(2) of the Land Development Code of Seminole County, which states:
  - (b) On properties assigned the R-1AA, R-1AAA and R-1AAAA zoning classifications, the following minimum yards shall be observed:
    - (2) Side. Ten (10) feet inside, twenty-five (25) feet street side.
- There have not been any prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County

Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

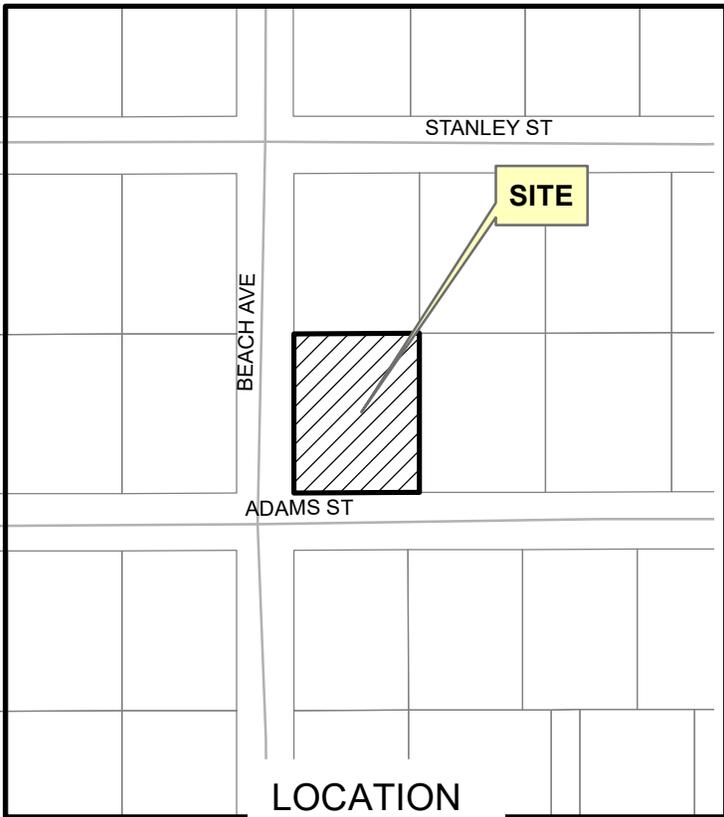
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the shed as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

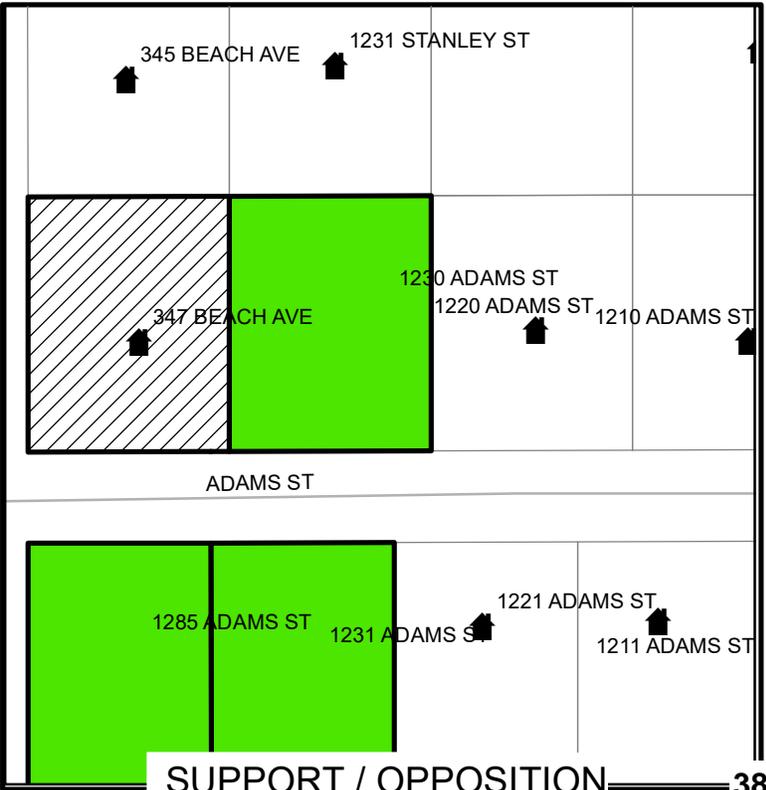
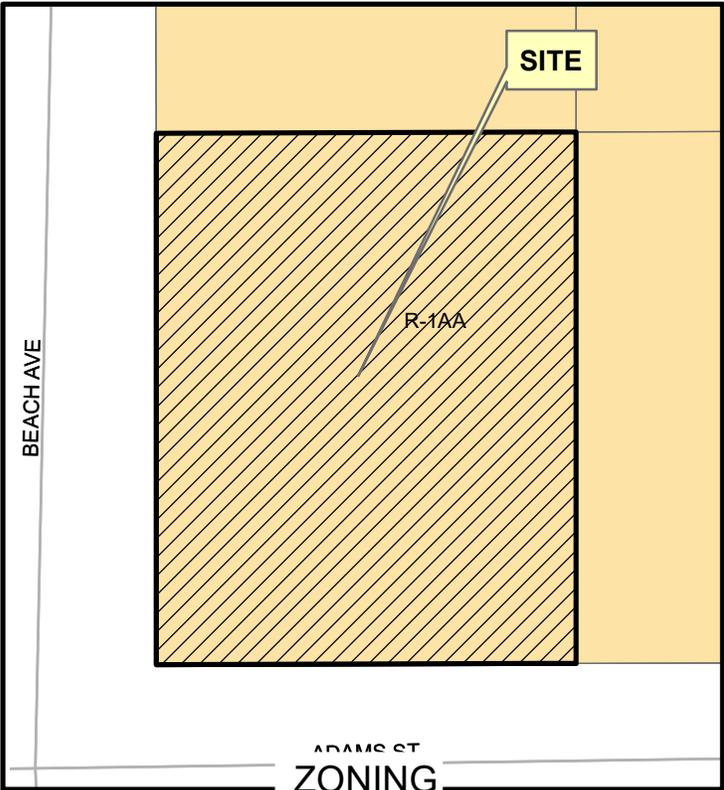




**DAVID & CHRISTINA HUYSMAN**  
 347 BEACH AVE  
 LONGWOOD, FL 32750  
  
**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
 MAY 22, 2023

### LEGEND

Site R-1AA	Support Opposition
---------------	-----------------------



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

We are wanting to put a 15' x 8' shed in the SE Corner of our backyard. The required setback is 10' and would not allow space for shed placement. Our house sits diagonally on a corner lot and the entire backyard is surrounded by a 5'ish high brick wall. There is a pool in the center and NW rear corner of our backyard with a mature fruit bearing orange tree on the NW corner. Our septic system drain field is in the NW corner of our front yard with the associated plumbing running through the NW corner of the rear yard. Our well is near the SE center of backyard. There is no other reasonable location in our backyard that can house the shed. We are requesting the location of the shed to be 1'-6" from the eastern property line for the shed variance.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

All conditions existed before we bought the house. Lack of storage space in house necessitates addition of storage shed as well as the bevy of lawn tools required for the property.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Addition of storage shed would not cause any hardship upon any party involved. All neighbors nearby are agreeable to it's placement. Many other sheds exist in the neighborhood in the same relative location to property lines. Letters of support have been supplied from all nearby neighbors.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

Lack of storage in the house and garage would be eased by the addition of a storage shed. Unfortunately the only location that it would fit would be inside the utility easement on the SW corner of our backyard. Without the variance we would be unable to install a storage shed on the property.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Space in owners backyard is not being used for anything, is cordoned off by a concrete wall and is hemmed in by walkway and wall locations.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Proposed shed location makes sense and fits with the layout of the backyard. Many neighbors have existing storage sheds in backyard in similar locations. Most of proposed shed would be hidden from sight behind existing brick wall that encloses our backyard. Proposed shed is aesthetically pleasing and of sound construction.

# Property Record Card

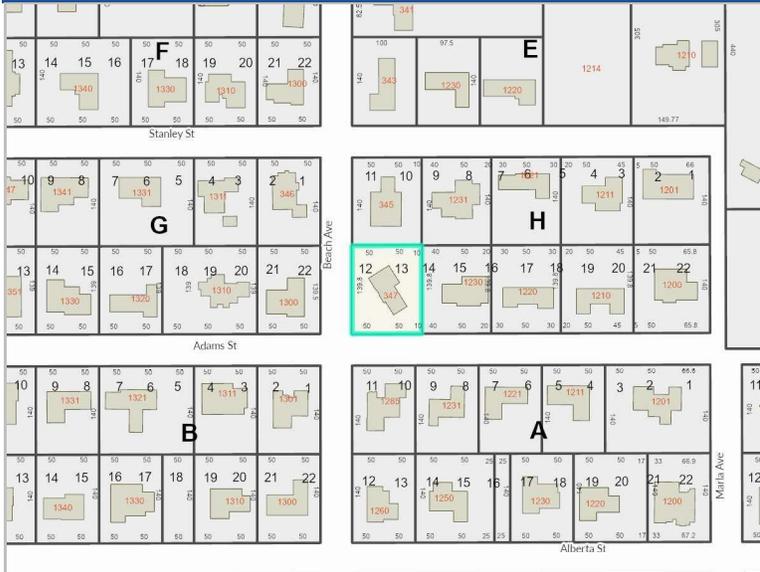


**Parcel** 01-21-29-5CK-100H-0120

**Property Address** 347 BEACH AVE LONGWOOD, FL 32750

## Parcel Location

## Site View



0121295CK100H0120 02/05/2022

## Parcel Information

## Value Summary

<b>Parcel</b>	01-21-29-5CK-100H-0120
<b>Owner(s)</b>	HUYSMAN, DAVID S III - Tenancy by Entirety HUYSMAN, CHRISTINA C - Tenancy by Entirety
<b>Property Address</b>	347 BEACH AVE LONGWOOD, FL 32750
<b>Mailing</b>	347 BEACH AVE LONGWOOD, FL 32750-7529
<b>Subdivision Name</b>	SANLANDO SPRINGS
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2021)
<b>AG Classification</b>	No

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$303,755	\$276,686
<b>Depreciated EXFT Value</b>	\$25,296	\$19,816
<b>Land Value (Market)</b>	\$90,000	\$85,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$419,051	\$381,502
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$141,161	\$111,706
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$277,890	\$269,796

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$5,115.22    **2022 Tax Savings with Exemptions** \$2,031.67  
**2022 Tax Bill Amount** \$3,083.55

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOTS 12 & 13 & W 10 FT OF  
 LOT 14 BLK H TRACT 10  
 SANLANDO SPRINGS  
 PB 5 PG 56

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$277,890	\$50,000	\$227,890
SJWM(Saint Johns Water Management)	\$277,890	\$50,000	\$227,890
FIRE	\$277,890	\$50,000	\$227,890
COUNTY GENERAL FUND	\$277,890	\$50,000	\$227,890
Schools	\$277,890	\$25,000	\$252,890

## Sales

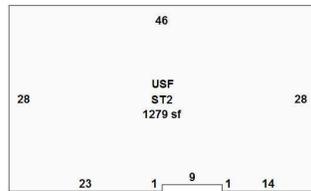
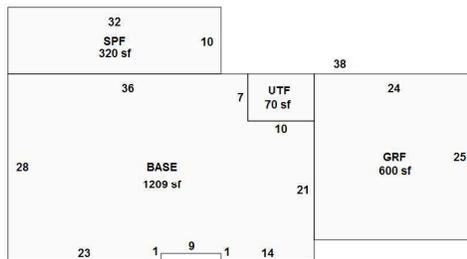
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	08/06/2020	09682	1224	\$355,000	Yes	Improved
WARRANTY DEED	08/01/2018	09210	0332	\$299,000	Yes	Improved
QUIT CLAIM DEED	01/01/2009	07119	1012	\$100	No	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$90,000.00	\$90,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages										
1	SINGLE FAMILY	1972/1982	4	2.5	8	1,209	3,478	2,488	CB/STUCCO FINISH	\$303,755	\$379,694	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>UTILITY FINISHED</td> <td>70.00</td> </tr> <tr> <td>SCREEN PORCH FINISHED</td> <td>320.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td>600.00</td> </tr> <tr> <td>UPPER STORY FINISHED</td> <td>1279.00</td> </tr> </tbody> </table>	Description	Area	UTILITY FINISHED	70.00	SCREEN PORCH FINISHED	320.00	GARAGE FINISHED	600.00	UPPER STORY FINISHED	1279.00
Description	Area																					
UTILITY FINISHED	70.00																					
SCREEN PORCH FINISHED	320.00																					
GARAGE FINISHED	600.00																					
UPPER STORY FINISHED	1279.00																					



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
05735	WINDOW REPLACEMENT	County	\$12,118		6/1/2001
14247	REROOF	County	\$17,370		10/18/2017
03679	347 BEACH AVE: EZ ELECTRICAL - RESIDENTIAL- [SANLANDO SPRINGS]	County	\$2,875		3/3/2021
03790	347 BEACH AVE: MECHANICAL - RESIDENTIAL- [SANLANDO SPRINGS]	County	\$5,348		3/5/2021

## Extra Features

Description	Year Built	Units	Value	New Cost
COVERED PATIO 1	06/01/1980	1	\$1,000	\$2,500
BLOCK WALL	10/01/1972	280	\$896	\$2,240
FIREPLACE 1	10/01/1972	2	\$2,400	\$6,000
POOL 1	10/01/1980	1	\$21,000	\$35,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
R-1AA	Low Density Residential	LDR	Single Family-11700

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
11.00	DUKE	CENTURY LINK	ALTAMONTE SPRINGS	NA	TUE/FRI	FRI	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 4 - Amy Lockhart	Dist 7 - Cory Mills	Dist 29 - Rachel Plakon	Dist 9 - Jason Brodeur	27

## School Information

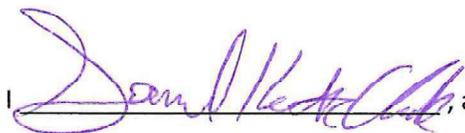
Elementary School District	Middle School District	High School District
Altamonte	Milwee	Lyman

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Letter of Support

RE: Shed placement for 347 Beach Ave, Longwood FL

To whom it may concern,



, a neighbor of 347 Beach Ave located at

1231 Adams Street, Longwood FL 32750, have no objection or complaint about the proposed

Location or existence of a storage shed constructed in the SE corner of the backyard located at 347

Beach Ave, Longwood FL 32750.

Let this be considered a letter of support for its construction and placement on this day

3-20-2023

(Date and time signed)

Sincerely,

Samuel Keith Clark

(Printed Name)



(Signature)

Letter of Support

RE: Shed placement for 347 Beach Ave, Longwood FL

To whom it may concern,

I JAMES LAPIANA, a neighbor of 347 Beach Ave located at

1295 Adams Street, Longwood FL 32750, have no objection or complaint about the proposed

Location or existence of a storage shed constructed in the SE corner of the backyard located at 347

Beach Ave, Longwood FL 32750.

Let this be considered a letter of support for its construction and placement on this day

3/26/2023

(Date and time signed)

Sincerely,

JAMES LAPIANA

(Printed Name)

[Signature]

(Signature)

Letter of Support

RE: Shed placement for 347 Beach Ave, Longwood FL

To whom it may concern,

I William Hughes, a neighbor of 347 Beach Ave located at

1230 Adams Street, Longwood FL 32750, have no objection or complaint about the proposed

Location or existence of a storage shed constructed in the SE corner of the backyard located at 347

Beach Ave, Longwood FL 32750.

Let this be considered a letter of support for its construction and placement on this day

326 23

(Date and time signed)

Sincerely,

William Hughes

(Printed Name)

\_\_\_\_\_  
(Signature)



PROPOSED SHED LOCATION  
STAKES SHOW ROUGH OUTLINE















**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 12 & 13 & W 10 FT OF  
LOT 14 BLK H TRACT 10  
SANLANDO SPRINGS  
PB 5 PG 56

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** DAVID S. HUYSMAN III  
347 BEACH AVENUE  
LONGWOOD, FL 32750

**Project Name:** BEACH AVE (347)

**Requested Variance:**

Request for a side yard (east) setback variance from ten (10) feet to one and one-half (1½) feet for a shed in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a shed within the east side yard setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 12 & 13 & W 10 FT OF  
LOT 14 BLK H TRACT 10  
SANLANDO SPRINGS  
PB 5 PG 56

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** DAVID S. HUYSMAN III  
347 BEACH AVENUE  
LONGWOOD, FL 32750

**Project Name:** BEACH AVE (347)

**Variance Approval:**

Request for a side yard (east) setback variance from ten (10) feet to one and one-half (1½) feet for a shed in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the shed (15' x 8') as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-491**

**Title:**

**801 Bill Dot Drive** - Request for a side street (north) setback variance from twenty-five (25) feet to twenty-one (21) feet for a fence in the R-1AA (Single Family Dwelling) district; BV2023-032 (Julio Blanco, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates 407-665-7465

**Motion/Recommendation:**

1. Deny the request for a side street (north) setback variance from twenty-five (25) feet to twenty-one (21) feet for a fence in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for a side street (north) setback variance from twenty-five (25) feet to twenty-one (21) feet for a fence in the R-1AA (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Trim Acres subdivision.
- This property is a corner lot and is considered to have two (2) front yards for setback purposes. The front of the house faces Bill Dot Drive. The Mayflower Lane side is where the variance is being sought.
- Traffic Engineering has no objection to the placement of the fence as it relates to sight visibility.
- The replacement privacy fence is fifty-four (54) feet from the edge of pavement. There are no sidewalks in place at this time.
- The request is for a variance to Section 30.206(b)(2) of the Land Development Code of Seminole County, which states:

(b)On properties assigned the R-1AA, R-1AAA and R-1AAAA zoning classifications, the following minimum yards shall be observed:

(2) Side. Ten (10) feet inside, twenty-five (25) feet street side.

- The request is for a variance to Section 30.1349 of the Land Development Code of Seminole County, which states:
  - (a) On property assigned a residential zoning classification, a closed fence or wall in excess of three (3) feet in height shall maintain the same district front yard setback requirement as the main or principal dwelling structure except where backing up to a limited access highway or where regulations require such fences. In the case of corner lots, the lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way.
- A Code Enforcement violation (23-34) for unpermitted construction of a white privacy fence was issued for this structure, resulting in the necessity of this variance.
- There have not been any prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

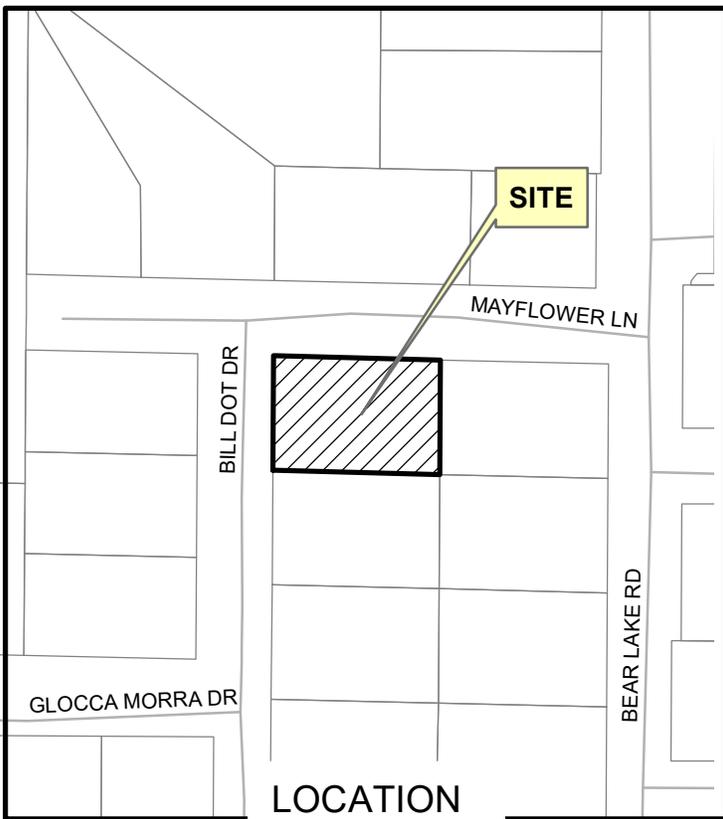
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

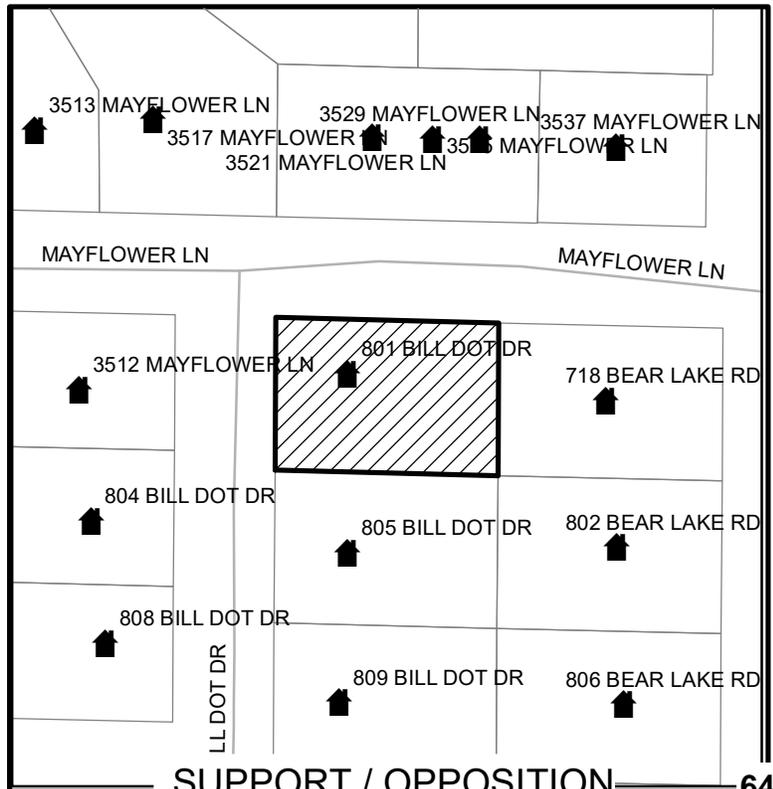
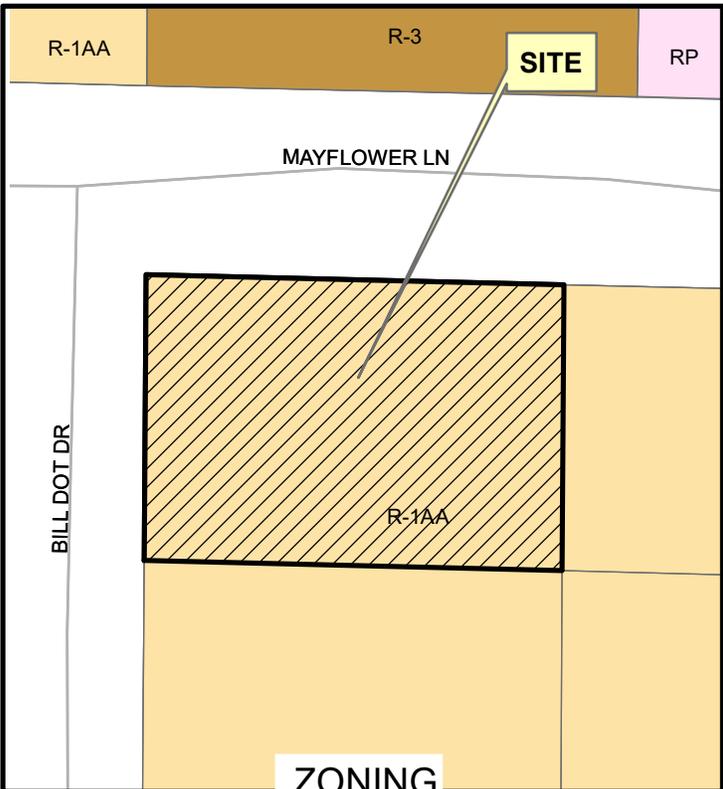
1. Any variance granted will apply only to the fence as depicted on the attached site plan;  
and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on  
information presented at the public hearing.





**JULIO BLANCO &  
LISNELDI RODRIGUEZ  
801 BILL DOT DR  
APOPKA, FL 32703**

**SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
MAY 22, 2023**



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district. When I bought the house back in 2014, the fence was already placed where it is right now, however, it was a wood fence. The building (house) was placed where it is because if not it will be obstructing one of the windows of the house. To be exact, the fence will be right in the middle of the window.
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. The conditions or circumstances that currently exist are not the result of the actions of the petitioner because the fence was already placed where it is right now when the petitioner bought the house back in 2014.
3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. As I mentioned before, I (the petitioner) bought the house back in 2014, however, the house was built in 1957. I have lived in that house for 9 yrs. now. The fence has always been in the same place even before I bought the house. The only thing I did was to change the wood fence to a vinyl fence, but I placed the vinyl fence exactly where the wood fence was. The old wood fence was in a really bad condition, which means it had to be at least 10 yrs. old.
4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner. I have lived at the property for 9 yrs. now and the fence, which had to be at least 10 yrs. old due to its bad condition, was already there. No one has ever complain about the fence been where it is. As I already mentioned, I only replaced the old wood fence for a vinyl fence, but placed the new fence in the exact same place where it has always been even before I moved to the house.
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. This variance will help me to be in compliance with the county and also will help me to not move the fence where the window of the house will be obstructed making the property look ugly for me and the neighborhood. As I mentioned earlier, if the fence is moved it will be right in the middle of the garage window.
6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The variance is needed to be in compliance with the county, which is important. As of the neighborhood, which is well maintained, moving the fence will make the house ugly due to the issue with the window, and this will be a situation with the well maintained neighborhood. Also, for the years I have lived in the house, having the fence where it is right now has not been an issue for anyone in my neighborhood, that I know of.

# Property Record Card

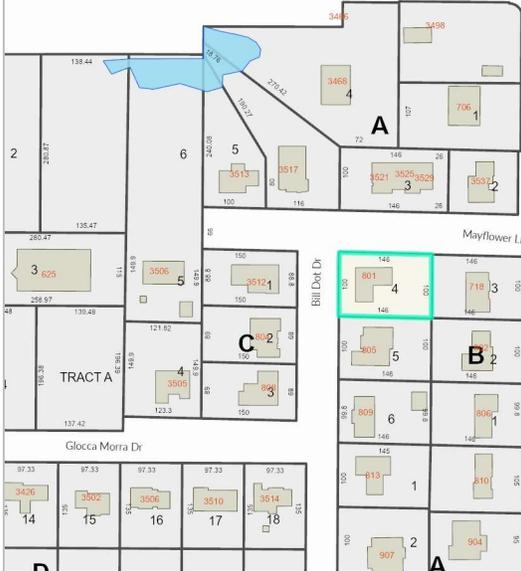


**Parcel** 18-21-29-501-0B00-0040

**Property Address** 801 BILL DOT DR APOPKA, FL 32703

## Parcel Location

## Site View



1821295010B000040 01/17/2022

## Parcel Information

## Value Summary

<b>Parcel</b>	18-21-29-501-0B00-0040
<b>Owner(s)</b>	BLANCO, JULIO H - Tenancy by Entirety RODRIGUEZ, LISNELDI - Tenancy by Entirety
<b>Property Address</b>	801 BILL DOT DR APOPKA, FL 32703
<b>Mailing</b>	801 BILL DOT DR APOPKA, FL 32703-6014
<b>Subdivision Name</b>	TRIM ACRES
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2015)
<b>AG Classification</b>	No

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$211,212	\$195,318
<b>Depreciated EXFT Value</b>	\$2,880	\$200
<b>Land Value (Market)</b>	\$45,000	\$45,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$259,092	\$240,518
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$109,595	\$98,171
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$149,497	\$142,347

## 2022 Certified Tax Summary

2022 Tax Amount without Exemptions **\$3,224.89** 2022 Tax Savings with Exemptions **\$1,850.19**  
 2022 Tax Bill Amount **\$1,374.70**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 4 BLK B  
TRIM ACRES  
PB 10 PG 38

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$149,497	\$50,000	\$99,497
SJWM(Saint Johns Water Management)	\$149,497	\$50,000	\$99,497
FIRE	\$149,497	\$50,000	\$99,497
COUNTY GENERAL FUND	\$149,497	\$50,000	\$99,497
Schools	\$149,497	\$25,000	\$124,497

## Sales

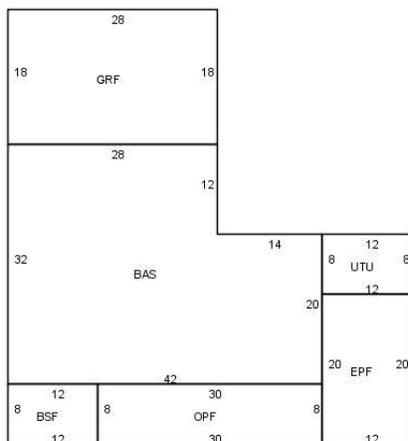
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	03/01/2014	08244	1696	\$149,000	Yes	Improved
QUIT CLAIM DEED	11/01/2013	08174	1669	\$81,400	No	Improved
CERTIFICATE OF TITLE	09/01/2013	08126	0251	\$100	No	Improved
WARRANTY DEED	10/01/2004	05494	0825	\$100	No	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$45,000.00	\$45,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages												
1	SINGLE FAMILY	1957/1990	4	2.0	6	1,176	2,352	1,608	CB/STUCCO FINISH	\$211,212	\$245,595	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>GARAGE FINISHED</td> <td>504.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>240.00</td> </tr> <tr> <td>BASE</td> <td>96.00</td> </tr> <tr> <td>BASE</td> <td>96.00</td> </tr> <tr> <td>BASE</td> <td>240.00</td> </tr> </tbody> </table>	Description	Area	GARAGE FINISHED	504.00	OPEN PORCH FINISHED	240.00	BASE	96.00	BASE	96.00	BASE	240.00
Description	Area																							
GARAGE FINISHED	504.00																							
OPEN PORCH FINISHED	240.00																							
BASE	96.00																							
BASE	96.00																							
BASE	240.00																							



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
04083	PLUMBING	County	\$0		5/1/2001
14299	APPROXIMATELY 80' X 6' TALL WOOD FENCE W/SINGLE GATE & DOUBLE GATE	County	\$2,000		7/26/2005
09427	MECHANICAL & CONDENSOR	County	\$4,300		10/17/2000
04458	801 BILL DOT DR: SHED/BARN RESIDENTIAL-SHED PREFAB WOOD 12X34 [TRIM ACRES]	County	\$10,000		5/17/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
SHED	12/13/2022	1	\$2,880	\$1,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
R-1AA	Low Density Residential	LDR	Single Family-11700

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
13.00	DUKE	CENTURY LINK	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	MON/THU	THU	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 3 - Lee Constantine	Dist 7 - Cory Mills	Dist 30 - Susan Plasencia	Dist 9 - Jason Brodeur	38

## School Information

Elementary School District	Middle School District	High School District
Bear Lake	Teague	Lake Brantley

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**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4 BLK B  
TRIM ACRES  
PB 10 PG 38

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JULIO BLANCO  
801 BILL DOT DRIVE  
APOPKA, FL 32703

**Project Name:** BILL DOT DR (801)

**Requested Variance:**

Request for a side street (north) setback variance from twenty-five (25) feet to twenty-one (21) feet for a fence in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a fence within the required side street setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4 BLK B  
TRIM ACRES  
PB 10 PG 38

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JULIO BLANCO  
801 BILL DOT DRIVE  
APOPKA, FL 32703

**Project Name:** BILL DOT DR (801)

**Variance Approval:**

Request for a side street (north) setback variance from twenty-five (25) feet to twenty-one (21) feet for a fence in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the fence as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

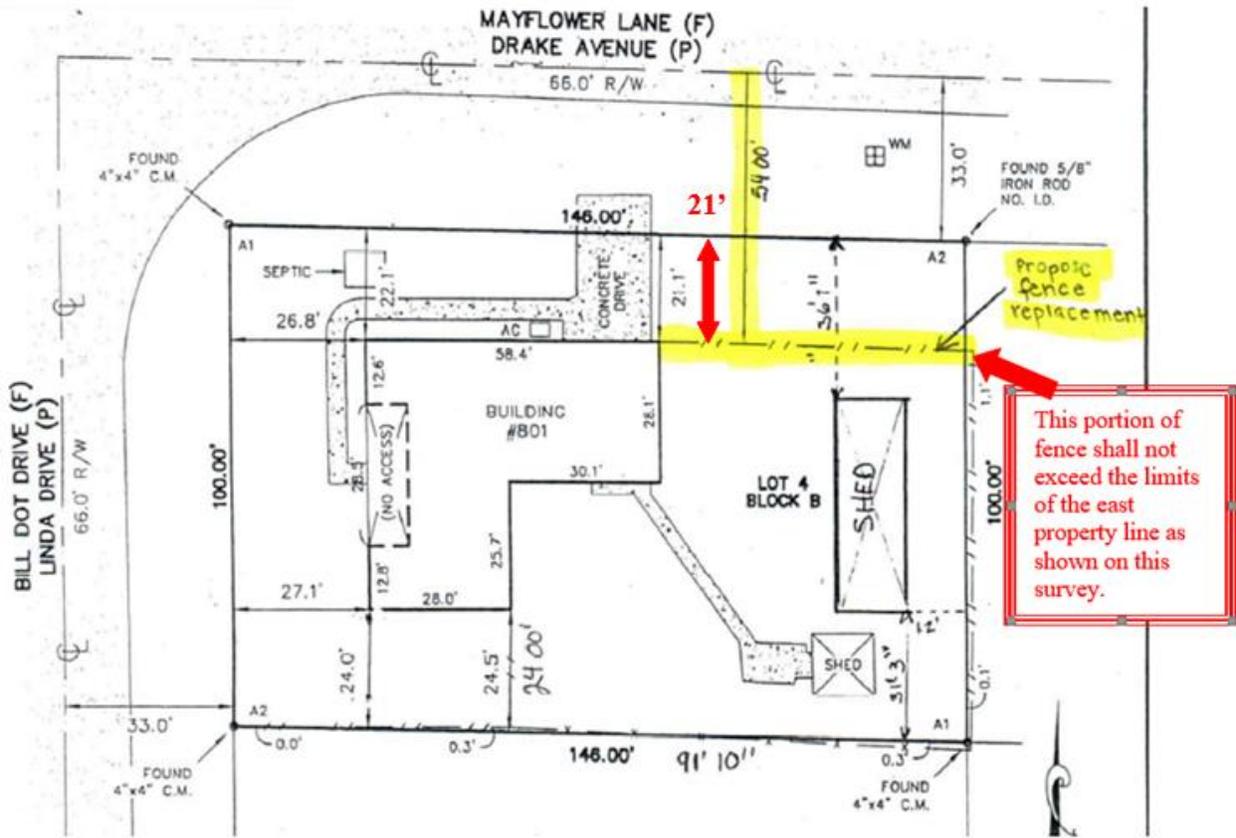
**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

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**File Number: 2023-493**

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**Title:**

**1080 Dyson Drive** - Request for a side street (east) setback variance from thirty-five (35) feet to twenty-six (26) feet for a fence in the RC-1 (Single Family Dwelling) district; BV2023-034 (Dianne Johnson, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates 407-665-7465

**Motion/Recommendation:**

1. Deny the request for a side street (east) setback variance from thirty-five (35) feet to twenty-six (26) feet for a fence in the RC-1 (Single Family Dwelling) district; or
2. Approve the request for a side street (east) setback variance from thirty-five (35) feet to twenty-six (26) feet for a fence in the RC-1 (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Winter Springs subdivision.
- The subject property is a corner lot and is considered to have two (2) front yards for setback purposes. The front of the house faces Dyson Drive and the Deer Run side is where the variance is being sought.
- Traffic Engineering has no objection to the placement of the fence as it relates to sight visibility.
- Five letters of support were received from surrounding neighbors.
- The replacement privacy fence will be forty-nine (49) feet from the edge of pavement. There are no sidewalks in place at this time.
- The request is for a variance to Section 30.166 of the Land Development Code of Seminole County, which states:
  - (a) The following minimum front, side, and rear yard setbacks shall be observed with regard to all primary structures:

(1) Front. Thirty-five (35) feet.

- The request is for a variance to Section 30.1349 of the Land Development Code of Seminole County, which states:
  - (a) On property assigned a residential zoning classification, a closed fence or wall in excess of three (3) feet in height shall maintain the same district front yard setback requirement as the main or principal dwelling structure except where backing up to a limited access highway or where regulations require such fences. In the case of corner lots, the lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way.
- There have not been any prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

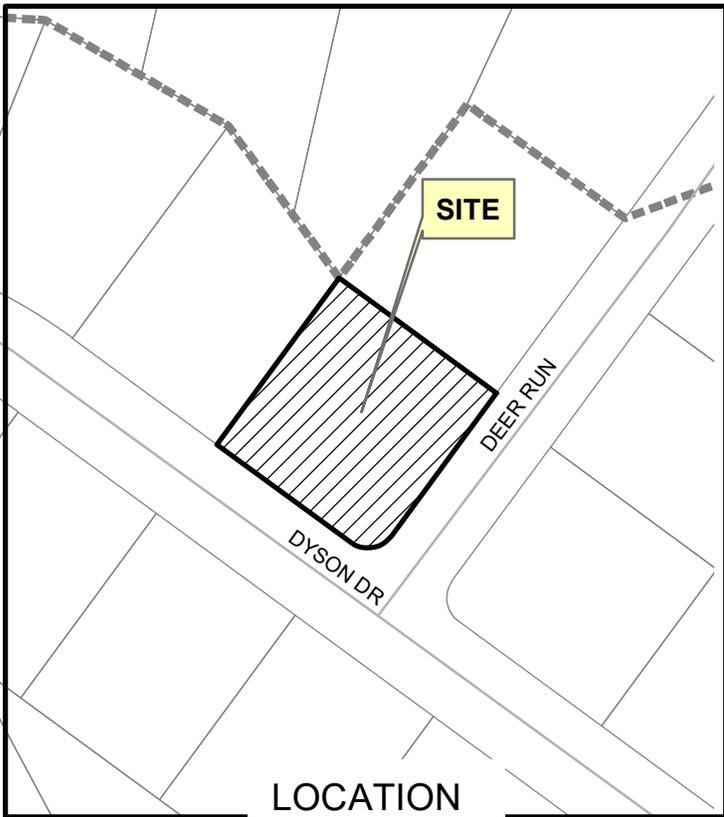
Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the fence as depicted on the attached site plan;

and

2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.





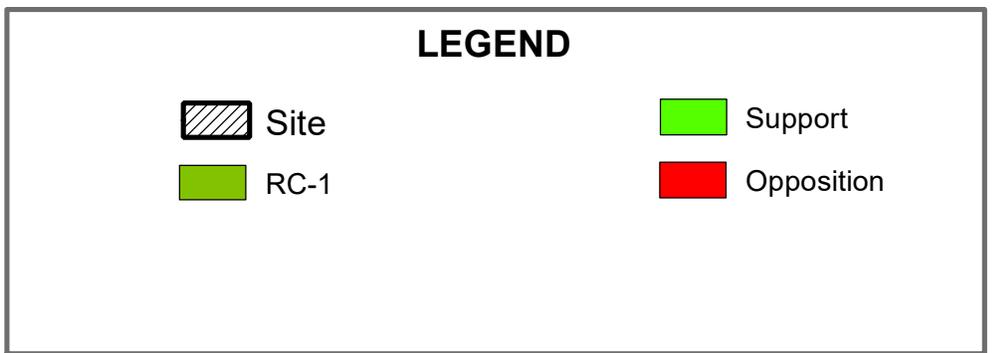
LOCATION



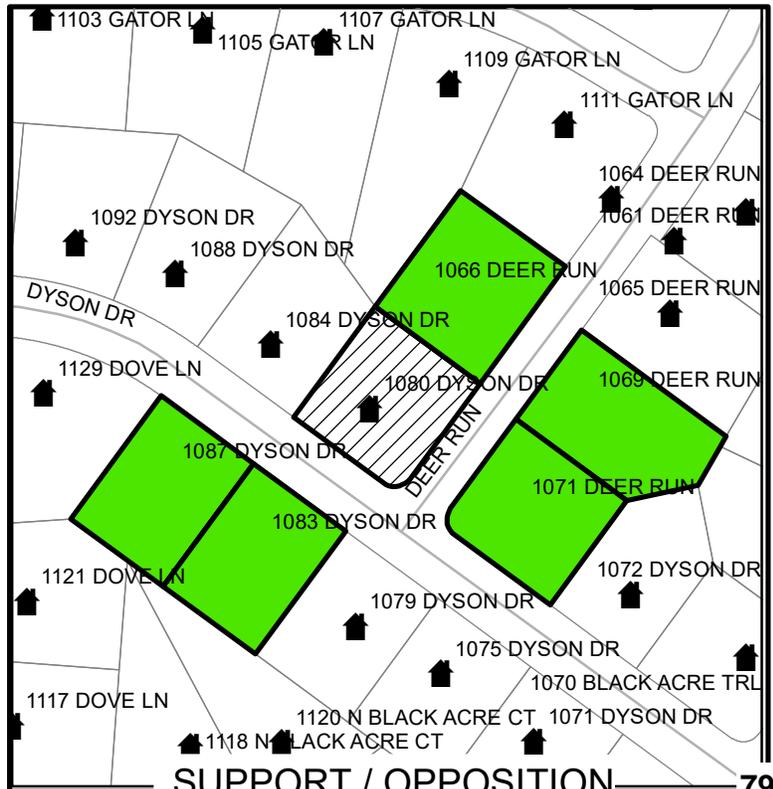
AERIAL

**SCOTT & DIANNE JOHNSON**  
**1080 DYSON DR**  
**WINTER SPRINGS, FL 32708**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**MAY 22, 2023**



ZONING



SUPPORT / OPPOSITION

## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district. *Our fence has been in place since before we moved in, therefore it's been there for at least 9 years and has not caused any problems with neighbors, traffic on the county/city.*

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. *I did not originally put up the fence. I moved into the house long after the fence was installed.*

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. *If the purpose of denying our permit was due to reduced visibility, I aim to prove there is no visibility issue due to our fence location. I was told that if I make the top  $\frac{1}{3}$  of the fence lattice (50% visibility) that this would be approved by the Planning & Development Dept.*

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

*Our bushes & swingset would have to be moved and a fence with the proper visibility ( $\frac{1}{3}$  with 50% visibility) is <sup>\$13500 more.</sup> ~~double~~ of the cost. Estimate available in photos for \$14,814*

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. *If we can replace our fence in the same location & replace it with the same kind of fence we will not have to move our bushes, swingset or posts for the gate that face Dyson.*

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. *I have at least five letters from my neighbors and photos demonstrating the safe distance the fence is from the street and not interfering with visibility of drivers, cyclists or pedestrians*

# Property Record Card



**Parcel** 13-21-30-502-0D00-0100

**Property Address** 1080 DYSON DR WINTER SPRINGS, FL 32708

## Parcel Location



## Site View



1321305020D000100 01/18/2022

## Parcel Information

<b>Parcel</b>	13-21-30-502-0D00-0100
<b>Owner(s)</b>	JOHNSON, SCOTT - Tenancy by Entirety JOHNSON, DIANNE - Tenancy by Entirety
<b>Property Address</b>	1080 DYSON DR WINTER SPRINGS, FL 32708
<b>Mailing</b>	1080 DYSON DR WINTER SPGS, FL 32708-4526
<b>Subdivision Name</b>	WINTER SPRINGS
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2016)
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$336,624	\$306,284
<b>Depreciated EXFT Value</b>	\$24,400	\$18,400
<b>Land Value (Market)</b>	\$115,000	\$105,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$476,024	\$429,684
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$208,566	\$170,016
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$267,458	\$259,668

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$5,761.25    **2022 Tax Savings with Exemptions** \$2,813.50  
**2022 Tax Bill Amount** \$2,947.75

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 10 BLK D  
WINTER SPRINGS  
PB 15 PG 81

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$267,458	\$50,000	\$217,458
SJWM(Saint Johns Water Management)	\$267,458	\$50,000	\$217,458
FIRE	\$267,458	\$50,000	\$217,458
COUNTY GENERAL FUND	\$267,458	\$50,000	\$217,458
Schools	\$267,458	\$25,000	\$242,458

## Sales

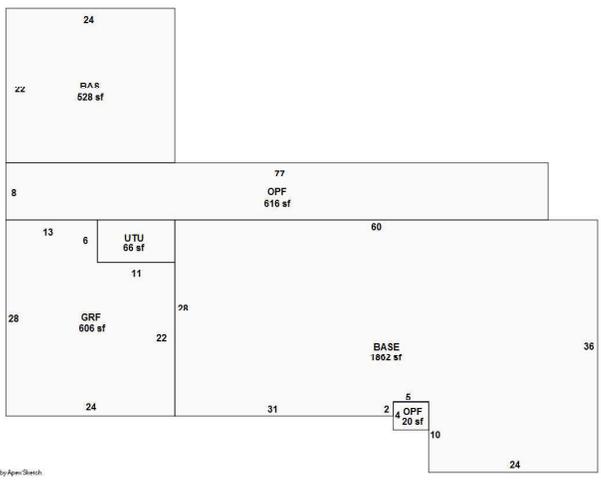
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	01/01/2014	08197	0645	\$295,000	Yes	Improved
WARRANTY DEED	11/01/2011	07670	0294	\$229,000	No	Improved
WARRANTY DEED	08/01/2001	04169	0003	\$221,000	Yes	Improved
WARRANTY DEED	08/01/1997	03283	1486	\$140,000	Yes	Improved
QUIT CLAIM DEED	07/01/1997	03283	1484	\$100	No	Improved
QUIT CLAIM DEED	11/01/1993	02713	0322	\$100	No	Improved
WARRANTY DEED	02/01/1993	02547	1614	\$100	No	Improved
QUIT CLAIM DEED	06/01/1990	02201	0893	\$100	No	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$115,000.00	\$115,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages												
1	SINGLE FAMILY	1970/2000	5	3.0	9	1,862	3,698	2,390	CONC BLOCK	\$336,624	\$367,895	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>GARAGE FINISHED</td> <td style="text-align: right;">606.00</td> </tr> <tr> <td>UTILITY UNFINISHED</td> <td style="text-align: right;">66.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">616.00</td> </tr> <tr> <td>BASE</td> <td style="text-align: right;">528.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">20.00</td> </tr> </tbody> </table>	Description	Area	GARAGE FINISHED	606.00	UTILITY UNFINISHED	66.00	OPEN PORCH FINISHED	616.00	BASE	528.00	OPEN PORCH FINISHED	20.00
Description	Area																							
GARAGE FINISHED	606.00																							
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OPEN PORCH FINISHED	616.00																							
BASE	528.00																							
OPEN PORCH FINISHED	20.00																							



Sketch by Apex Sketch

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
06626	6' HIGH WOOD FENCE	County	\$985		8/1/1998
04937	REROOF	County	\$6,460		5/1/2003
02961	SOLAR	County	\$5,300		4/3/2014
04892	MECHANICAL	County	\$8,389		4/8/2019
19612	REROOF	County	\$22,375		11/21/2018
14340	1080 DYSON DR: MECHANICAL - RESIDENTIAL- [WINTER SPRINGS]	County	\$6,405		10/16/2019

## Extra Features

Description	Year Built	Units	Value	New Cost
POOL 1	10/01/1987	1	\$21,000	\$35,000
SCREEN ENCL 2	10/01/1987	1	\$3,400	\$8,500
SOLAR HEATER	10/01/2014	1	\$0	

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
RC-1	Low Density Residential	LDR	Country Homes-1Ac

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
26.00	DUKE	CENTURY LINK	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	TUE/FRI	TUE	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 2 - Jay Zembower	Dist 7 - Cory Mills	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	49

## School Information

Elementary School District	Middle School District	High School District
Keeth	Indian Trails	Winter Springs

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To Seminole County

The fence at 1080 Dixon Dr  
on the Deer Run site has  
NEVER impeded the passage of  
traffic on Deer Run for neither  
my husband or I. We've lived  
here approximately 17 years.

321-439-7969 *Dixon Jones*  
*Mary Jones*

To Seminole County Permit Department,  
At 1080 Dyson Dr., The fence on  
the Deer Run Side does not obstruct  
my view of the Stop Sign, or traffic.

Am Lukar (Jessica)  
1069 Deer Run Dr.  
407 538 6080

TO SEMINOLE COUNTY PERMIT DEPT,

THE FENCE AT 1080 DYSON DRIVE ON  
THE DEER RUN SIDE DOES NOT BLOCK MY  
VISION WHEN DRIVING IN THE NEIGHBORHOOD.  
I'VE LIVED HERE FOR 30 YEARS AND  
THERE HAS NEVER BEEN AN ISSUE WITH  
THE POSITION OF THE FENCE AS IT CURRENTLY  
STANDS.

Ricky Cross

407-325-6795

1087 Dyson Dr. Wintersprings,

FL. 32708.

To: Permit Dept, Seminole County  
Re: 1080 Dyson Dr. Winter Springs

The fence as it is currently situated does not block line of approaching corner of Deer Run + Dyson Dr. from either direction. Visibility was never been an issue over 10 years of my residency.

Paul Reese

1083 Dyson Dr.

Winter Springs FL 32708

**Subject:** House at the corner of Dyson and Deer Run Dr.  
**From:** Vera May Gasparini <veramay2001@gmail.com>  
**Date:** 3/27/2023, 4:13 PM  
**To:** "diannej@cfl.rr.com" <diannej@cfl.rr.com>

To Whom it May Concern,

I live in the home behind the house in question for 25 years. The fence where it is currently located does not impair or prevent the vision of traffic coming or going at the intersection of Deer Run and Dyson. There, to my knowledge, has never been an accident or traffic flow issue caused by the fence location.

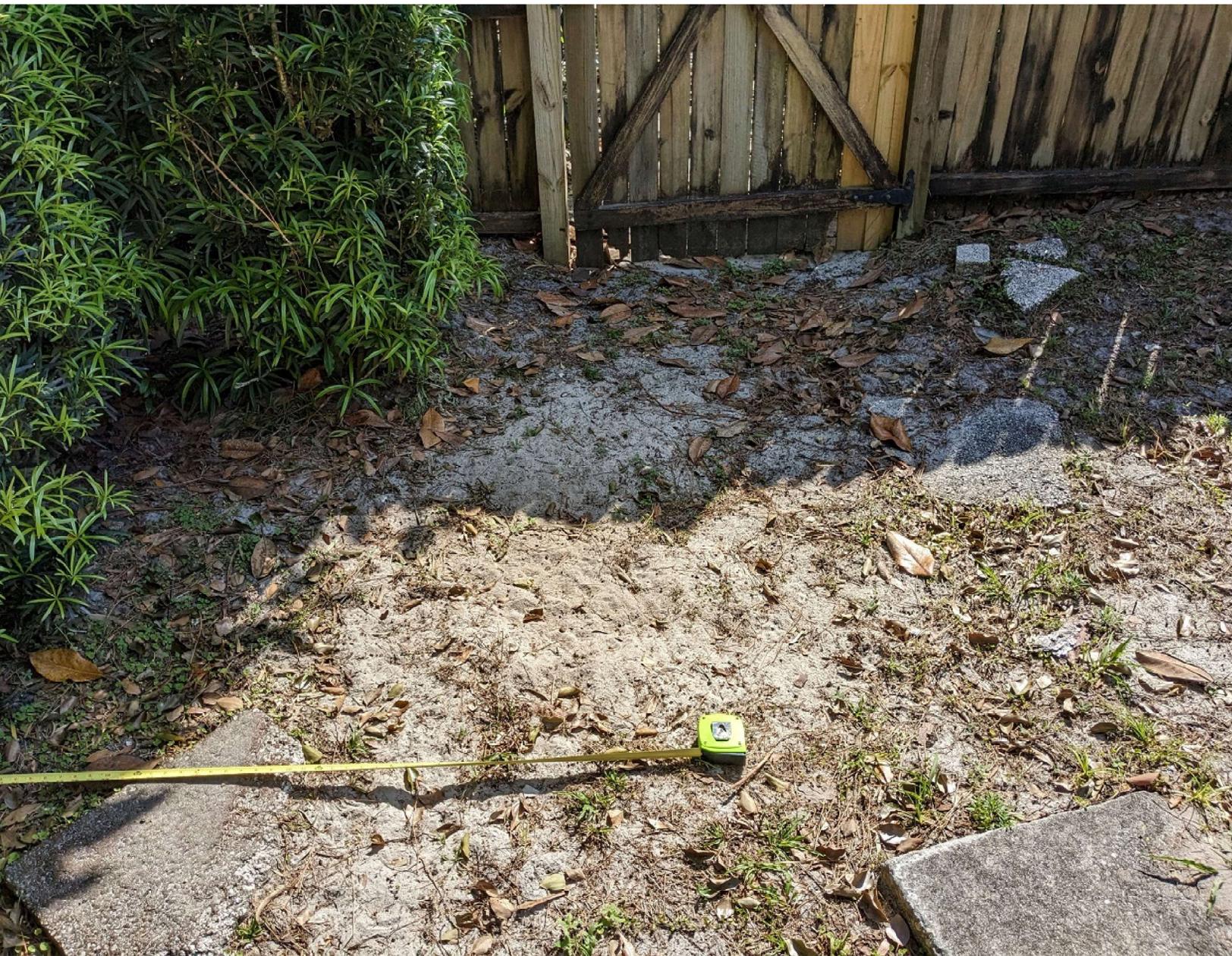
Sincerely,

Vera M. Gasparini  
1066 Deer Run Dr.  
Winter Springs, FL 32798

--

*Vera M. Gasparini*









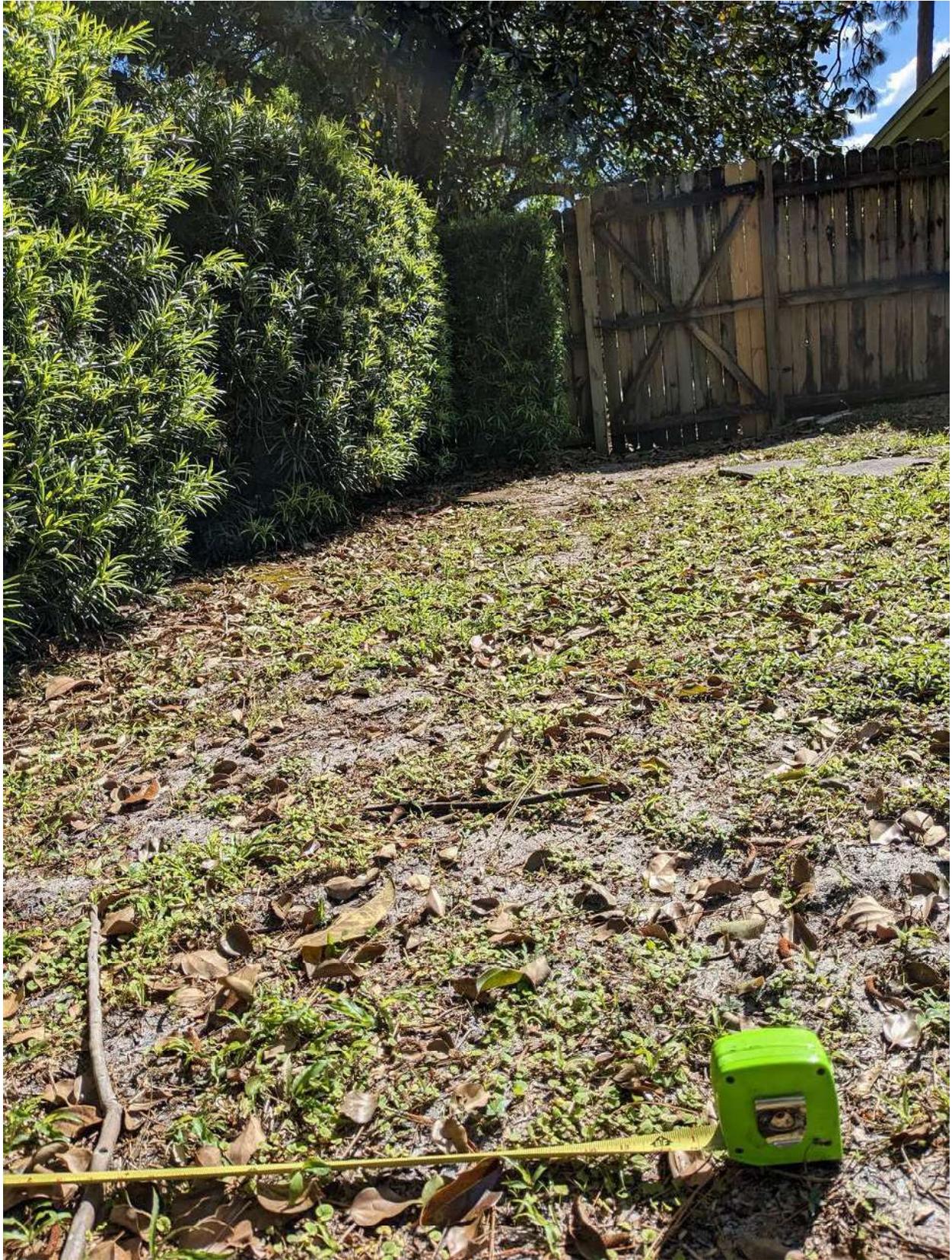












**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 10 BLK D  
WINTER SPRINGS  
PB 15 PG 81

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** DIANNE JOHNSON  
1080 DYSON DRIVE  
WINTER SPRINGS, FL 32708

**Project Name:** DYSON DR (1080)

**Requested Variance:**

Request for a side street (east) setback variance from thirty-five (35) feet to twenty-six (26) feet for a fence in the RC-1 (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a fence within the required side street setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 10 BLK D  
WINTER SPRINGS  
PB 15 PG 81

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** DIANNE JOHNSON  
1080 DYSON DRIVE  
WINTER SPRINGS, FL 32708

**Project Name:** DYSON DR (1080)

**Variance Approval:**

Request for a side street (east) setback variance from thirty-five (35) feet to twenty-six (26) feet for a fence in the RC-1 (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the fence as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

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**File Number: 2023-488**

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**Title:**

**5001 Palmetto Avenue** - Request for a side street (south) setback variance from twenty-five (25) feet to thirteen and one-half (13½) feet for a detached garage in the R-1A (Single Family Dwelling) district; BV2023-028 (Jacob Kuzman, Applicant) District 1 - Dallari (Angi Gates, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates 407-665-7465

**Motion/Recommendation:**

1. Deny the request for a side street (south) setback variance from twenty-five (25) feet to thirteen and one-half (13½) feet for a detached garage in the R-1A (Single Family Dwelling) district; or
2. Approve the request for a side street (south) setback variance from twenty-five (25) feet to thirteen and one-half (13½) feet for a detached garage in the R-1A (Single Family Dwelling) district or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Woodcrest Unit 1 subdivision.
- The subject property is a corner lot and considered to have two (2) front yards for setback purposes. The front of the house faces Palmetto Avenue. The Citrus Avenue side is where the variance is being sought.
- The existing 1,280 square foot detached garage was issued a building permit (22-5727) that was approved to be constructed at a fifteen (15) foot side street (south) setback but was built at thirteen and one-half (13½) feet.
- After inspection, Traffic Engineering has no objection to the placement of the detached garage as it relates to sight visibility.
- The request is for a variance to Section 30.206 of the Land Development Code of Seminole County, which states:

(a) On properties assigned the R-1A zoning classification, the following minimum yards shall be observed:

(2) Side. Seven and one-half (7½) feet inside, twenty-five feet (25') street side; provided, however, that the twenty-five (25) feet street side minimum yard shall be reduced to fifteen (15) feet for corner lots to be located on intersections without geometric restrictions or other sight limitations. Where there are corner sight obstructions or restrictions due to the horizontal or vertical controls, each case must be individually reviewed and approved by the Traffic Engineer to ensure a safe design in accordance with the AASHTO requirements.

- There have not been any prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

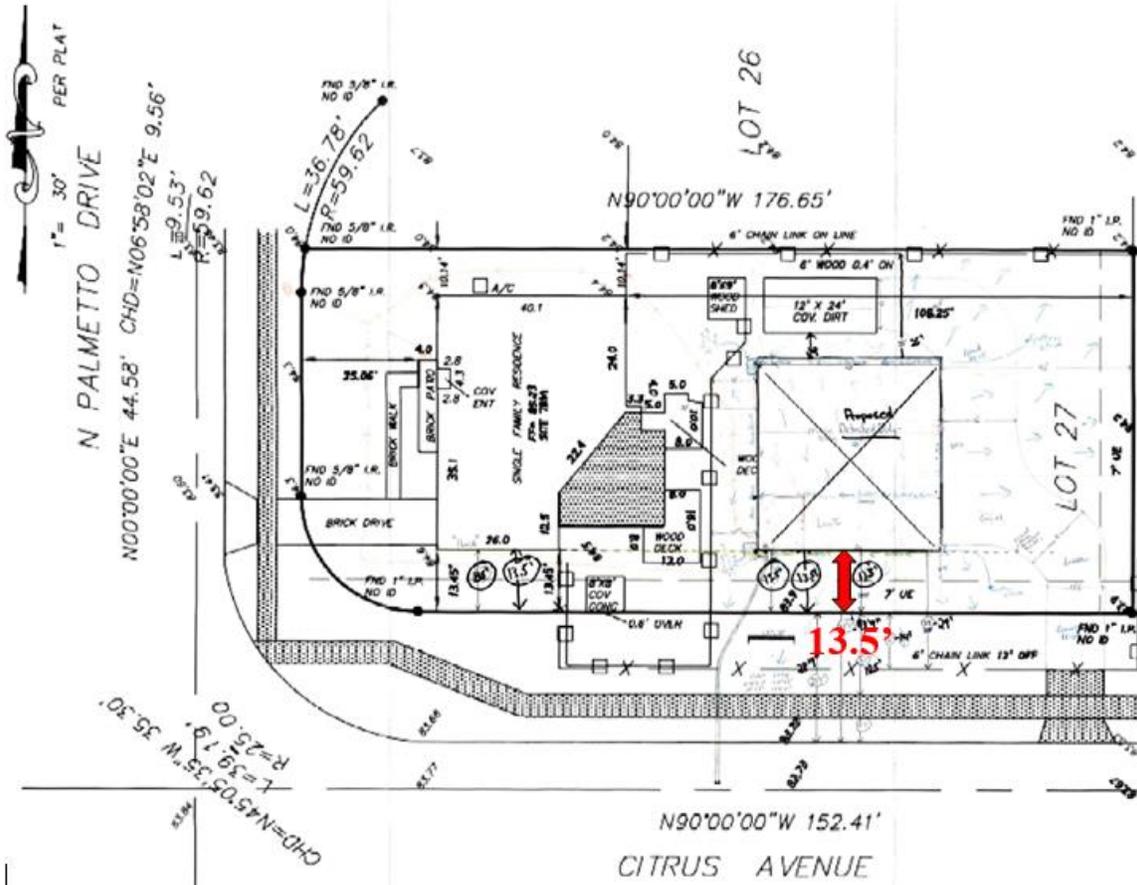
Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

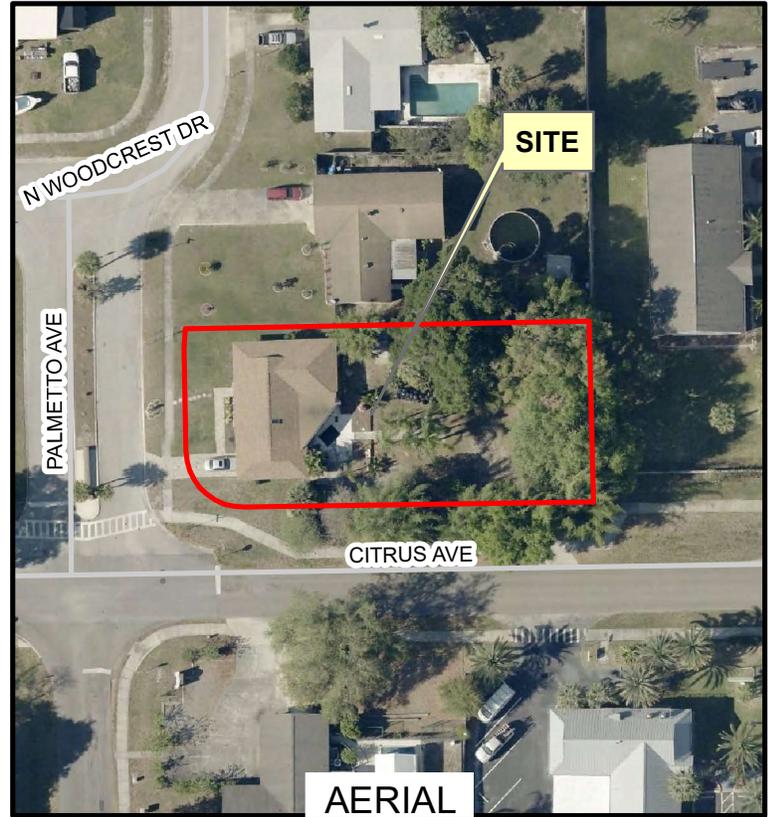
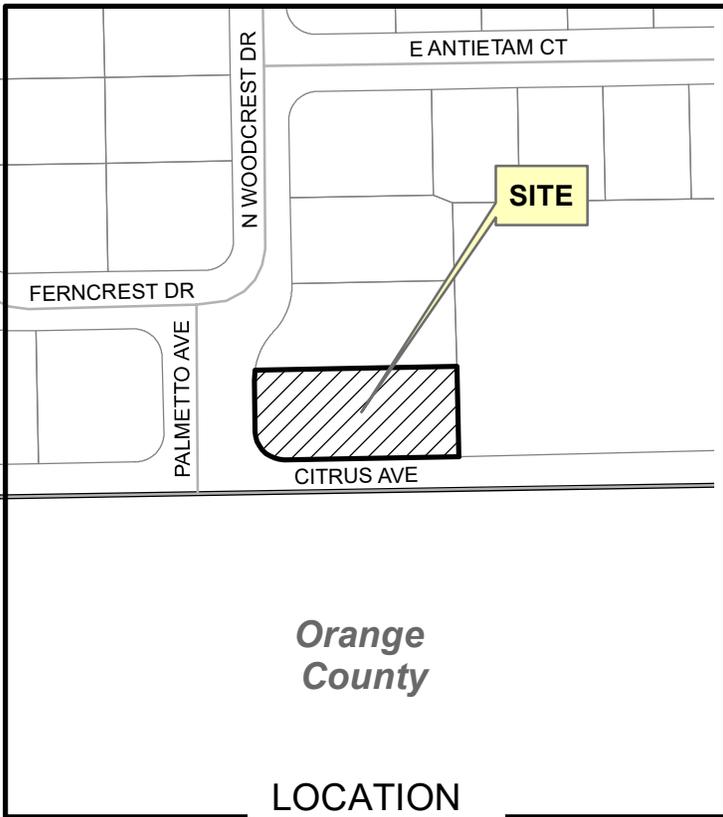
1. Any variance granted will apply only to the detached garage as depicted on the

attached site plan; and

2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

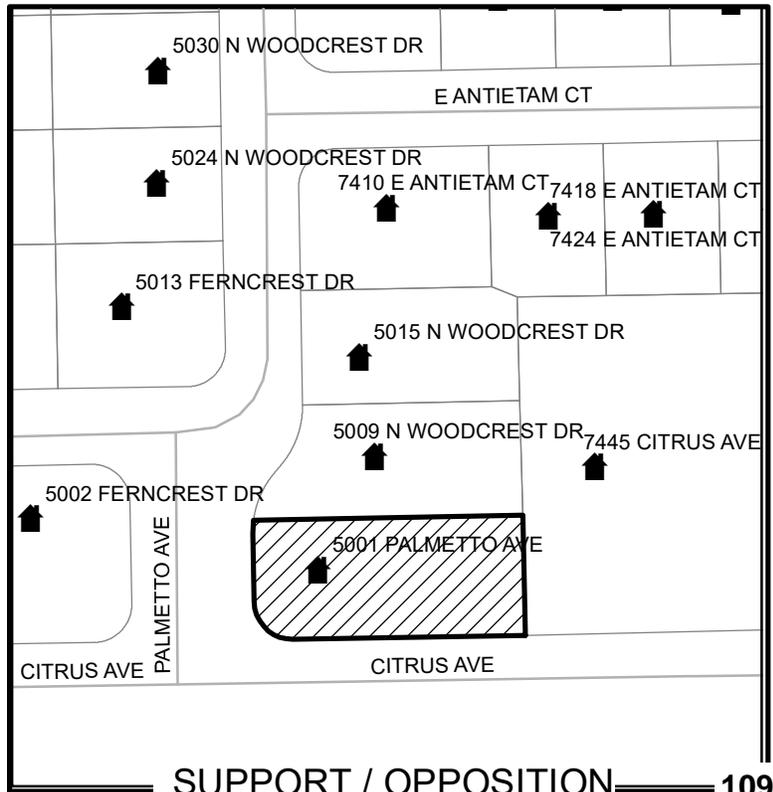
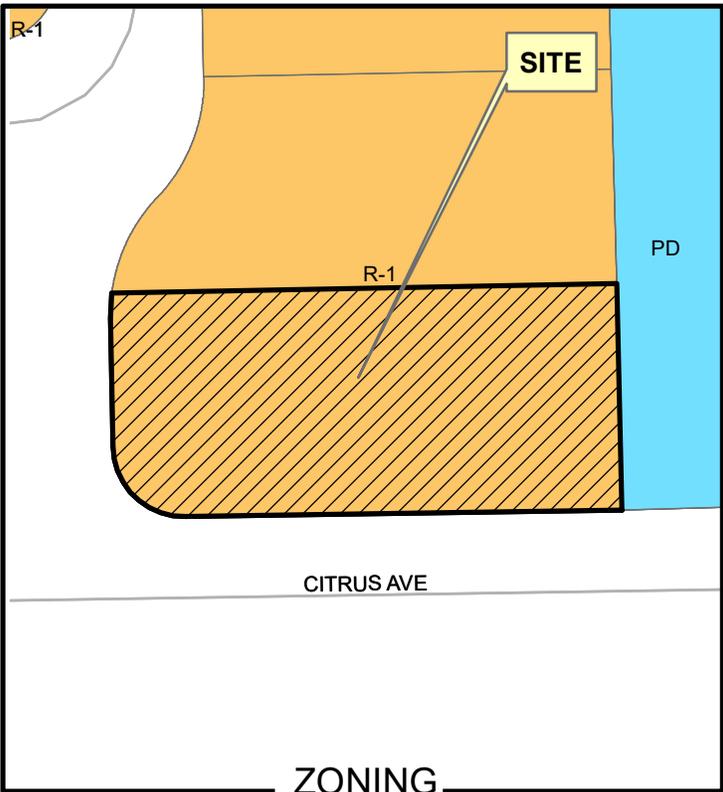
PALMETTO AVE (5001)  
VARIANCE





**JACOB & HEATHER KUZMAN**  
 2749 ABBEY RD  
 WINTER PARK, FL 32792

**SEMINOLE COUNTY**  
 BOARD OF ADJUSTMENT  
 JUNE 26, 2023



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

Very Unique Corner lot with expanded and much larger than normal setbacks, ~~proprietor~~ right of ways etc.

Our current home is located 13.5ft off property line.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

The circumstances that exist currently is only a result of me personally visiting planning offices, presenting a variance application, \$300 check, and 3'x4' site plan with proposed setback of 13.5 ft. to then go before Traffic review - and resulted in Planning telling me

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Our proposal would not affect anyone or anything due to fact the the building is located in the middle of my back yard. Edge of Building is 42' from street, 32' from sidewalk, and is farther back from all boundaries than the SFR is.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

The hardship would be a massive financial loss of over \$65K based on language and answers we were provide by the Planning Admin Office Personell that handled my original 13.5' Variance Application and request back in 2022.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

By moving Building north another 1.5ft it will not allow me enough room to properly steer RV ~~to~~ 32' with a wide enough radius to pull into the Garage Storage Door located a north of Building.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

By lining the ~~the~~ Garage up with the existing house, it creates harmony by hiding the Building Best as possible behind the house when ~~Revised 2023~~ at the home from the front elevation. It is more cohesive to the overall plan and makes it look like a proper plan, rather than after

## - Variance Criteria

Page lot 4 (cont'd)

### Question #2 Expanded

Upon discussing my variance Application request and needs with a male representative at the large left planning counter desk, we were interrupted and introduced to a nice lady that stepped in that was very helpful. We had a slight issue in that the next scheduled variance hearing was well over 30 days away and we were on a time crunch, She stated she would do the following to assist. The following will be explained in detail below:

Since the Existing SFR Home on lot was already at 13.5ft from the property line, and because our Variance request only requested a variance for the New Detached Garage to be placed from the already approved 15ft to the new request of 13.5ft to line it up with the existing house for esthetic reasons, She did this!

- \* - She collected a 3ft x 4ft Site Plan from me showing Proposed Bldg location at 13.5ft from S. Property line,
- \* - She collected a fully filled out variance application requesting the 13.5ft revision to be approved instead of the 15' that was already approved thru permitting,
- \* - She collected a Personal check for \$ 300 for Application fee
- \* - She explained she was going to submit the new Plan and request to Traffic - Engineering thinking it may be an easy Approval from Traffic since the existing home was already at 13.5ft.
- \* - Cont'd on next page →

- \* She explained that is Traffic + Engineering does ~~not~~ approve, ~~and then~~ then she would follow up with me personally and also not submit the \$300 check on application to save me that money and time since it would not be needed.
- \* She explained that if Traffic does not approve for any reason, then the \$300 check and variance application would be processed immediately and I would go thru those processes.
- \* This was a completely acceptable process and I agreed. So I left office, leaving with the Plan admin Person
  1. 3ft x 4ft Plan
  2. \$300 check
  3. Completed Application
- \* Several Days later I received a call from Planning office relaying good news, in that Traffic/Engineer. stated they have no issues with us lining up the garage with the house at 13.5ft.
- \* She explained I do not need to enter or wait for a Variance hearing.
- \* She asked me: "What would you like me to do with your \$300 check?"
 

She gave me options of: 1. Mailing it back to me or  
2. Just Destroy it

I explained she can just destroy it, as I don't need it.
- \* After that call, I made an erroneous assumption, In that I assumed Planning Office speaks and Communicated with Building/Permitting, cont'd

\* And because the Plan admin worker did not give me further instructions, such as explaining to me that I must now go resubmit the 13.5ft proposed site plan back to Building/Permitting, I never did that.

\* Instead - once I got that Approval, I sent my surveyors back out to property to re-identify the property line and instructed concrete crew to move forms from the 15ft back to the 13.5ft line.

We then moved forward with building after the Foundation inspections were completed and signed off on.

Once foundation was approved/final inspected, the builder then commenced building the structure.

The Garage Structure was finished beginning of March 2023

I came back to permitting office 3<sup>rd</sup> week of March 2023 to submit for Window Permits. Upon being told that we needed to migrate all building permit info over to the window permit application folder, I noticed 2 discrepancies.

those were: 1. 3 picture window frameouts were adjusted on site, and I needed Engineer Revisions from Builder before I call out the Engineer Inspector to do a final.

2. I also noticed that the site plan was still showing

- the original 15ft setback instead of the revised 13.5 ft that we all built to based on the communication from Planning Offices that the Traffic/Engineer dept supposedly approved internally w Planning office, thus then Planning admin person calling me, saying official variance + payment not needed and I was good to go.

Thank you

# Property Record Card



**Parcel** 35-21-30-506-0000-0270

**Property Address** 5001 PALMETTO AVE WINTER PARK, FL 32792

## Parcel Location



## Site View



35213050600000270 04/23/2022

## Parcel Information

<b>Parcel</b>	35-21-30-506-0000-0270
<b>Owner(s)</b>	KUZMAN, HEATHER A - Tenancy by Entirety KUZMAN, JACOB M - Tenancy by Entirety
<b>Property Address</b>	5001 PALMETTO AVE WINTER PARK, FL 32792
<b>Mailing</b>	2749 ABBEY RD WINTER PARK, FL 32792-3518
<b>Subdivision Name</b>	WOODCREST UNIT 01
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	None
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$233,654	\$214,840
<b>Depreciated EXFT Value</b>	\$1,200	\$1,000
<b>Land Value (Market)</b>	\$85,000	\$75,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$319,854	\$290,840
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$0
<b>Amendment 1 Adj</b>	\$18,224	\$16,631
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$301,630	\$274,209

## 2022 Certified Tax Summary

<b>2022 Tax Amount without Exemptions</b>	<b>\$3,899.61</b>	<b>2022 Tax Savings with Exemptions</b>	<b>\$132.18</b>
<b>2022 Tax Bill Amount</b>	<b>\$3,767.43</b>		

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 27  
WOODCREST UNIT 1  
PB 15 PG 55

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$301,630	\$0	\$301,630
SJWM(Saint Johns Water Management)	\$301,630	\$0	\$301,630
FIRE	\$301,630	\$0	\$301,630
COUNTY GENERAL FUND	\$301,630	\$0	\$301,630
Schools	\$319,854	\$0	\$319,854

## Sales

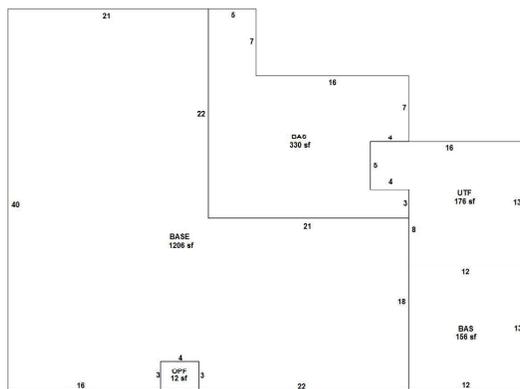
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	09/01/2018	09210	1526	\$276,500	No	Improved
WARRANTY DEED	02/01/2005	05618	0306	\$170,000	Yes	Improved
WARRANTY DEED	12/01/1997	03353	0682	\$79,900	Yes	Improved
WARRANTY DEED	07/01/1987	01868	0524	\$65,000	Yes	Improved
WARRANTY DEED	01/01/1984	01516	0401	\$65,000	Yes	Improved
WARRANTY DEED	01/01/1973	00971	0767	\$26,900	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$85,000.00	\$85,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Description	Area
1	SINGLE FAMILY	1970/2010	3	2.0	6	1,206	1,880	1,692	CONC BLOCK	\$233,654	\$244,664	OPEN PORCH FINISHED	12.00
												BASE	156.00
												UTILITY FINISHED	176.00
												BASE	330.00



Small text below the diagram, possibly a scale or reference note.

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
09563	MECHANICAL	County	\$4,251		12/31/2012
08345	WINDOW/DOOR REPLACEMENT	County	\$3,546		5/11/2018
01962	5001 PALMETTO AVE: REROOF RESIDENTIAL [WOODCREST UNIT 01]	County	\$9,687		2/19/2018
05727	5001 PALMETTO AVE: RES GARAGE & CARPORTS-30x40x18 w/ 12x40x10 lean to on concrete [WOODCREST UNIT 01]	County	\$29,562		7/15/2022
17739	5001 PALMETTO AVE: PLUMBING - RESIDENTIAL-rough in plumbing for future use [WOODCREST UNIT 01]	County	\$350		10/31/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
FIREPLACE 1	06/01/1988	1	\$1,200	\$3,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
R-1	Low Density Residential	LDR	Single Family-8400

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
23.00	DUKE	CENTURY LINK	CASSELBERRY	CITY OF CASSELBERRY	TUE/FRI	TUE	WED	Waste Pro

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 1 - Bob Dallari	Dist 7 - Cory Mills	Dist 30 - Susan Plasencia	Dist 9 - Jason Brodeur	67

## School Information

Elementary School District	Middle School District	High School District
Eastbrook	Tuskawilla	Lake Howell

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**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On June 26, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 124  
SAN LANTA 3RD SEC  
PB 13 PG 75

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JACOB KUZMAN  
2749 ABBEY ROAD  
WINTER PARK, FL 32792

**Project Name:** PALMETTO AVE (5001)

**Requested Variance:**

Request for a side street (south) setback variance from twenty-five (25) feet to thirteen and one-half (13½) feet for a detached garage in the R-1A (Single Family Dwelling) district.

The findings reflected in the record of the June 26, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to bring into compliance a detached garage that encroaches into the side street (south) setback). The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of July, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On June 26, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 124  
SAN LANTA 3RD SEC  
PB 13 PG 75

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JACOB KUZMAN  
2749 ABBEY ROAD  
WINTER PARK, FL 32792

**Project Name:** PALMETTO AVE (5001)

**Variance Approval:**

Request for a side street (south) setback variance from twenty-five (25) feet to thirteen and one-half (13½) feet for a detached garage in the R-1A (Single Family Dwelling) district.

The findings reflected in the record of the June 26, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the detached garage (40' x42') as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of July, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Angi Gates, Planner  
1101 East First Street  
Sanford, Florida 32771





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-471**

**Title:**

**1105 Otter Lane** - Request for a side yard (south) setback variance from twenty (20) feet to thirteen (13) feet eleven (11) inches for an accessory structure in the RC-1 (Country Homes) district; BV2023-025 (James & Krystal Goodman, Applicants) District 2 - Zembower (Hilary Padin, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

**Kathy Hammel**

**Contact/Phone Number:**

Hilary Padin - (407) 665-7331

**Motion/Recommendation:**

1. Deny the request for a side yard (south) setback variance from twenty (20) feet to thirteen (13) feet eleven (11) inches for an accessory structure in the RC-1 (Country Homes) district; or
2. Approve the request for a side yard (south) setback variance from twenty (20) feet to thirteen (13) feet eleven (11) inches for an accessory structure in the RC-1 (Country Homes) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Winter Springs subdivision.
- The request is to convert an existing detached gazebo into a 508 square foot game room six (6) feet and one (1) inch into the side yard setback.
- The request is for a variance to Section 30.166(c)(1) of the Land Development Code of Seminole County, which states that the side yard setback for accessory structures is twenty (20) feet.
- There have not been prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and

- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria has not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

- 1. Any variance granted will apply only to the accessory structure (35.5' x 14.3') as depicted on the attached site plan; and
- 2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

# OTTER LANE (1105) VARIANCES



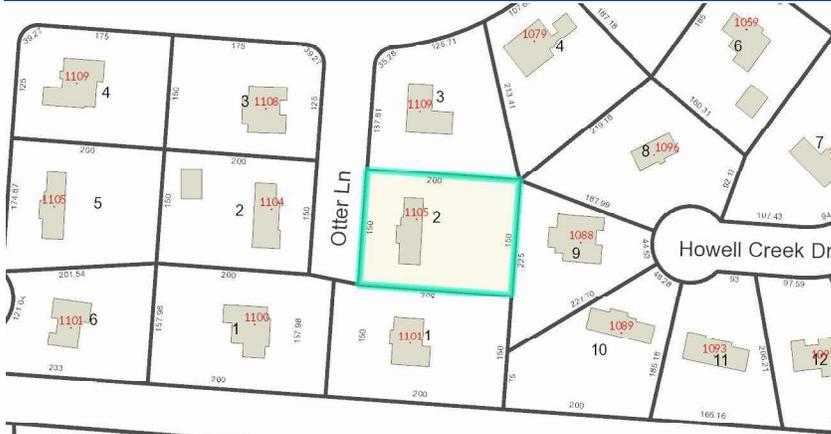
# Property Record Card



**Parcel** 13-21-30-502-0F00-0020

**Property Address** 1105 OTTER LN WINTER SPRINGS, FL 32708

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	13-21-30-502-0F00-0020
<b>Owner(s)</b>	GOODMAN, KRISTALA A - Joint Tenants with right of Survivorship GOODMAN, JAMES M - Joint Tenants with right of Survivorship OAKES, BARBARA A - Joint Tenants with right of Survivorship
<b>Property Address</b>	1105 OTTER LN WINTER SPRINGS, FL 32708
<b>Mailing</b>	1105 OTTER LN WINTER SPGS, FL 32708-4403
<b>Subdivision Name</b>	WINTER SPRINGS
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2021)
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$294,415	\$292,586
<b>Depreciated EXFT Value</b>	\$29,382	\$23,482
<b>Land Value (Market)</b>	\$115,000	\$105,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$438,797	\$421,068
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$145,445	\$136,260
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$293,352	\$284,808

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$5,645.72    **2022 Tax Savings with Exemptions** \$2,360.89  
**2022 Tax Bill Amount** \$3,284.83

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 2 BLK F  
WINTER SPRINGS  
PB 15 PG 82

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$293,352	\$50,000	\$243,352
SJWM(Saint Johns Water Management)	\$293,352	\$50,000	\$243,352
FIRE	\$293,352	\$50,000	\$243,352
COUNTY GENERAL FUND	\$293,352	\$50,000	\$243,352
Schools	\$293,352	\$25,000	\$268,352

## Sales

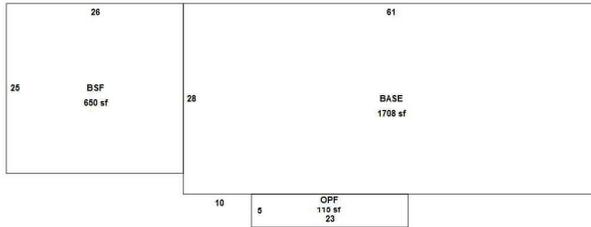
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
QUIT CLAIM DEED	02/19/2021	09856	0942	\$100	No	Improved
WARRANTY DEED	09/25/2020	09719	1090	\$487,500	Yes	Improved
WARRANTY DEED	12/01/2014	08383	0092	\$327,500	Yes	Improved
WARRANTY DEED	04/01/2008	06984	1940	\$319,500	Yes	Improved
WARRANTY DEED	08/01/1999	03709	0981	\$136,000	Yes	Improved
QUIT CLAIM DEED	11/01/1998	03536	0967	\$100	No	Improved
WARRANTY DEED	01/01/1974	01035	0912	\$55,900	Yes	Improved
WARRANTY DEED	01/01/1971	00852	0557	\$31,900	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$115,000.00	\$115,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages						
1	SINGLE FAMILY	1971/2010	4	3.0	10	1,708	2,473	2,358	CONC BLOCK	\$294,415	\$308,288	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>BASE SEMI FINISHED</td> <td>650.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>115.00</td> </tr> </tbody> </table>	Description	Area	BASE SEMI FINISHED	650.00	OPEN PORCH FINISHED	115.00
Description	Area																	
BASE SEMI FINISHED	650.00																	
OPEN PORCH FINISHED	115.00																	



Sketch by Apex Sketch

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
07571	STORAGE SHED	County	\$1,961		9/1/1999
01889	ALTERATION	County	\$7,319		3/1/2000
09983	ENCLOSE GARAGE	County	\$5,500		12/1/1999
09979	RE-ROOF	County	\$3,200		12/1/2013
14803	REPLACE EXISTING FENCE W/311.5' OF 6'H PVC FENCE W/3 GATES	County	\$7,902		12/28/2016
09993	1105 OTTER LN: REROOF RESIDENTIAL-Re-Roof Barn Only [WINTER SPRINGS]	County	\$3,750		6/15/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
POOL 2	04/01/1971	1	\$27,000	\$45,000
ALUM GLASS PORCH	04/01/1999	348	\$2,382	\$5,954

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
RC-1	Low Density Residential	LDR	Country Homes-1Ac

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
26.00	DUKE	CENTURY LINK	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	TUE/FRI	TUE	WED	Advanced Disposal

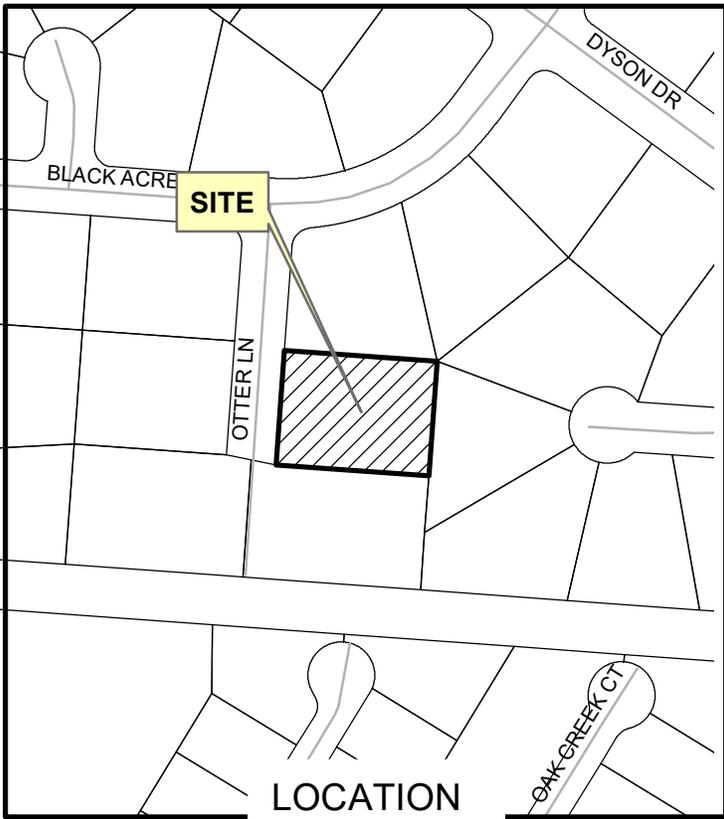
## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 2 - Jay Zembower	Dist 7 - Cory Mills	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	49

## School Information

Elementary School District	Middle School District	High School District
Rainbow	Indian Trails	Winter Springs

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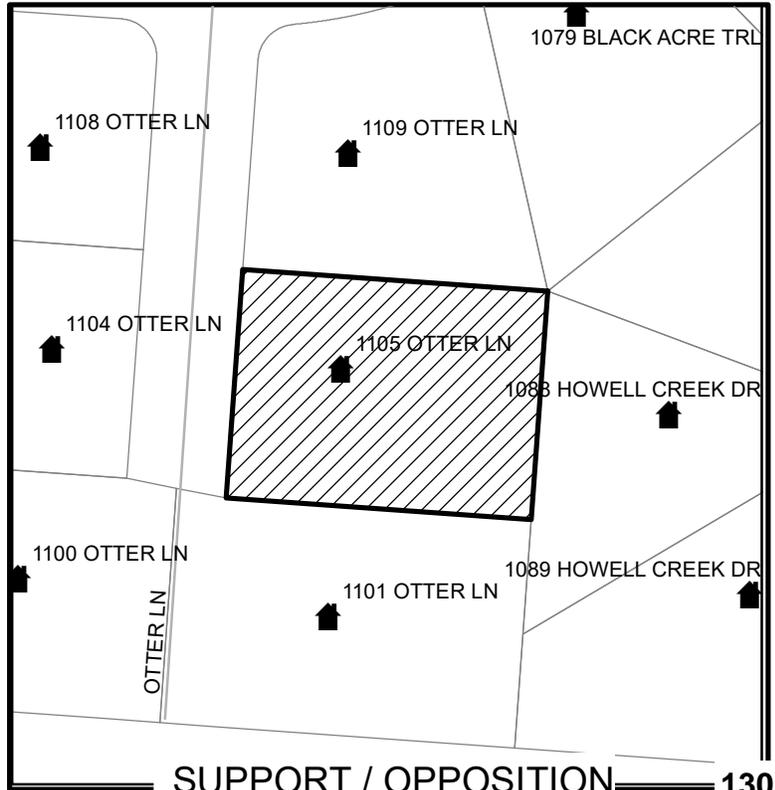
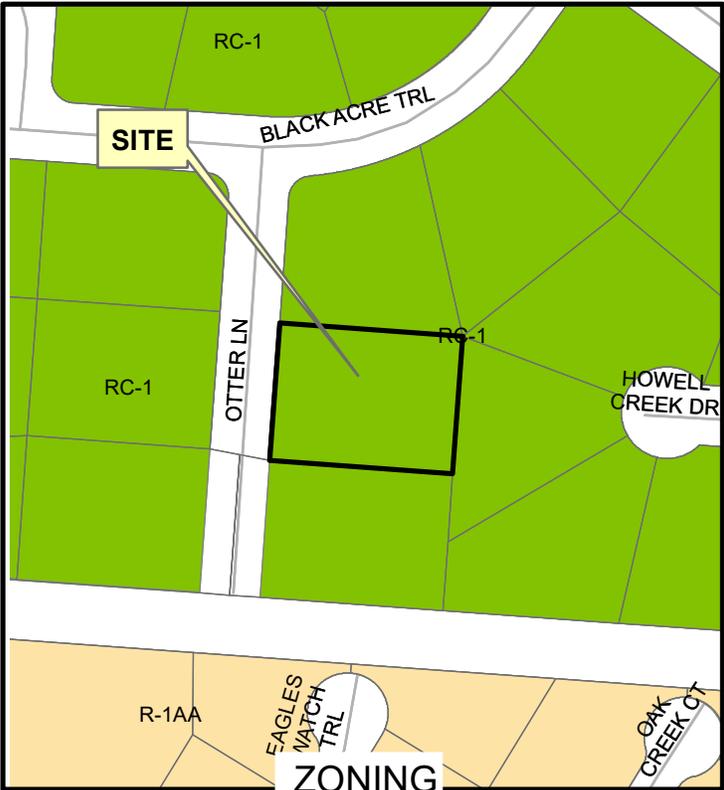


**KRYSTAL & JAMES GOODMAN  
BARBARA OAKES  
1105 OTTER LANE  
WINTER SPRINGS FL, 32708**

**SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
MAY 22, 2023**

**LEGEND**

 RC-1	 Support	 Site
 R-1AA	 Opposition	



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

**The structure and condition are exactly the same it's a Single Family Home, no changes will be made. In the back yard there is an existing structure (Gasebo) where we want to close, put internal walls, doors and windows to make a games room. For to do this remodeling we need to do the permits and for that a variation must be made. It does not affect or harm in any way the houses or lots of the neighborhood. What is needed is to change the setbacks to get the permissions out.**

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

**The circumstance is that the structure is existing when the house was purchased. When trying to make improvements to the structure (Gasebo) they realized the patios are not in accordance with the current regulations. That is why we are asking for the variation to be able to make the changes in the current structure**

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

**The existing structure does not confer any extra privilege to the petitioner. The structure is internal and is completely legal, it is a space that will be used by the owners (bathroom and game room). It does not affect the structure of the house or give it a different privilege.**

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

**The zoning regulations are the same, that is not being changed, they are the same rights that the zoning allows. Unnecessary and undue hardship will not be generated towards the other owners in the area with the request. The variance request does not create any unnecessary and undue hardship.**

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

**The requested variation is the minimum that is needed for the Gazebo. It is an existing construction that only wants to make improvements. The variation is from the side of the property. Setback required 20" and proposed 13-11"**

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**The requested variation is in harmony. It does not have the intention or purpose of harming the neighborhood in any way. It's still a Single Family Home. It's a Gazebo close to the pool where the family can spend time of recreation and one bathroom.**

Revised 2019

**GENERAL DEMOLITION NOTES**

**GENERAL:**

- FIELD VERIFY ALL EXISTING CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES IN WRITING PRIOR TO ONSET OF DEMOLITION. DEMOLITION/RESTORATION ITEMS MAY NOT BE ALL INCLUSIVE. THE DEMOLITION CONTRACTOR IS TO REVIEW THE REQUIREMENTS OF NEW CONSTRUCTION AND IS TO COMPLETE ALL DEMOLITION/ RESTORATION, CUTTING, AND PATCHING NECESSARY TO ACHIEVE INTENDED NEW CONDITION AND QUALITY.
- SELECTIVE DEMOLITION IS NOT INDICATED IN AREAS WHERE IT MAY BE NECESSARY TO DEMOLISH ALL OR PART OF AN EXISTING BUILDING COMPONENT TO GAIN ACCESS TO AREAS FOR TIE-IN TO BUILDING SYSTEMS, OR WHICH MAY BE REQUIRED TO INSTALL NEW CONSTRUCTION INDICATED ON THE DRAWINGS. DEMOLITION FOR THESE PURPOSES SHALL BE DONE AT NO ADDITIONAL COST TO THE OWNER, AND THE AREAS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION PRIOR TO BEGINNING CONSTRUCTION.
- DEMOLITION WORK SHALL BE EXECUTED IN CONFORMANCE WITH THE LOCAL BUILDING CODES.
- EXERCISE EXTREME CAUTION IN THIS DEMOLITION. COST OF REPAIR TO ANY ADJACENT CONDITIONS WHICH ARE DAMAGED AS A RESULT OF THIS DEMOLITION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- RELOCATION OF MATERIAL: RELOCATION OF ANY ITEMS INVOLVED IN THE PROJECT IS SUBJECT TO THE ABILITY, TO DO SO WITHOUT PERMANENTLY DAMAGING OR MARRING THE ITEMS TO BE RELOCATED. IF RELOCATION OF ANY ITEM IS NOT POSSIBLE AS PRESCRIBED HEREIN, NEW MATERIALS SHALL BE SUBSTITUTED TO MATCH EXISTING. SAFELY STORE MATERIAL TO BE REUSED UNTIL TIME OF INSTALLATION.
- CERTAIN ITEMS ARE TO BE RETURNED TO THE BUILDING OWNER. COORDINATE WITH THE BUILDING OWNER WHICH ITEMS ARE TO BE RETURNED AND THE LOCATION SAID ITEMS ARE TO BE STORED.
- ALL MATERIALS TO BE DISPOSED OF ARE TO BE DISPOSED OF BY THE CONTRACTOR OFF THE PROJECT SITE IN ACCORDANCE WITH LOCAL RESTRICTIONS UNLESS NOTED OTHERWISE HEREIN.
- ALL AREAS SHALL BE KEPT IN A BROOM CLEAN CONDITION AT ALL TIMES.

**ARCHITECTURE:**

- ALL DOORS TO BE REMOVED ARE TO BE PUT IN STORAGE FOR FUTURE USE BY BUILDING OWNER. BUILDING OWNER IS TO DIRECT CONTRACTOR AS TO WHERE THESE ITEMS SHOULD BE STORED.

**STRUCTURAL:**

- PROTECT ALL STRUCTURAL MEMBERS FROM DAMAGE.

**FINISHES:**

- REMOVE ALL EXISTING WALL COVERING ON PARTITIONS DESIGNATED TO REMAIN AND PATCH AND REPAIR ALL WALL SURFACES UNLESS NOTED OTHERWISE ON PLANS, SCHEDULES, OR NOTES.
- REMOVE ALL EXISTING FLOOR FINISHES AND PREPARE SLAB TO RECEIVE NEW FLOOR FINISHES UNLESS NOTED OTHERWISE ON PLANS, SCHEDULES, OR NOTES.
- PATCH AND REPAIR ALL AREAS WHERE A DEMOLISHED WALL INTERSECTS A REMAINING WALL. EITHER FINISH EXISTING WALL TO MATCH ADJACENT SURFACES, OR PREPARE WALL TO RECEIVE NEW FINISHES, AS DIRECTED BY FINISH PLANS, SCHEDULES, AND NOTES.

**ADOPTED CODES**

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED REQUIREMENTS OF THE FOLLOWING CODE EDITIONS:

- FLORIDA BUILDING CODE - 7TH EDITION, 2020
- FLORIDA BUILDING CODE RESIDENTIAL - 7TH EDITION, 2020
- FLORIDA BUILDING CODE EXISTING BUILDING - 7TH EDITION, 2020
- FLORIDA BUILDING CODE ACCESSIBILITY - 7TH EDITION, 2020
- FLORIDA BUILDING CODE MECHANICAL - 7TH EDITION, 2020
- FLORIDA BUILDING CODE PLUMBING - 7TH EDITION, 2020
- NATIONAL ELECTRICAL CODE (NEC) - 2017
- FLORIDA FIRE PREVENTION CODE - 7TH EDITION, 2020

**SCOPE OF WORK**

DRAWINGS FOR AN EXISTING GAZEBO ENCLOSURE. ALL WORK TO COMPLY WITH OWNER REQUIREMENTS AND FLORIDA BUILDING CODE, 2020

CONSTRUCTION TYPE V-B  
RESIDENTIAL

NUMBER OF STORIES- ONE  
BUILDING HEIGHT-  
20' MAX.

**STRUCTURAL DESIGN CRITERIA**

EXPOSURE CATEGORY: B  
BASIC WIND SPEED: 140  
INTERNAL PRESSURE COEFFICIENTS:  
WIND IMPORTANCE FACTOR: 1  
BUILDING, ENCLOSED - +/- 0.18  
ROOF DESIGN WIND PRESSURE: 30 P.S.F.  
FBC, SECTION 1604.6  
ROOF LOADS:  
TOP CHORD LIVE LOAD: 20.0  
TOP CHORD DEAD LIVE LOAD: 7.0/15.0  
BOTTOM CHORD DEAD LIVE LOAD: 10.0  
ROOF LIVE LOAD EQUALS WIND LOADS, FBC 1604.6  
ROOF DEAD LOAD EQUALS WEIGHTS OF MATERIALS AND CONSTRUCTION.FBC TABLE A1 SECT. 4101.

**FLOOR**

LIVE LOAD- 40 P.S.F.  
DEAD LOAD- 20 P.S.F.  
SOIL BEARING PRESSURE = 2,000. P.S.F. MIN.

**ROOF & WIND LOADS**

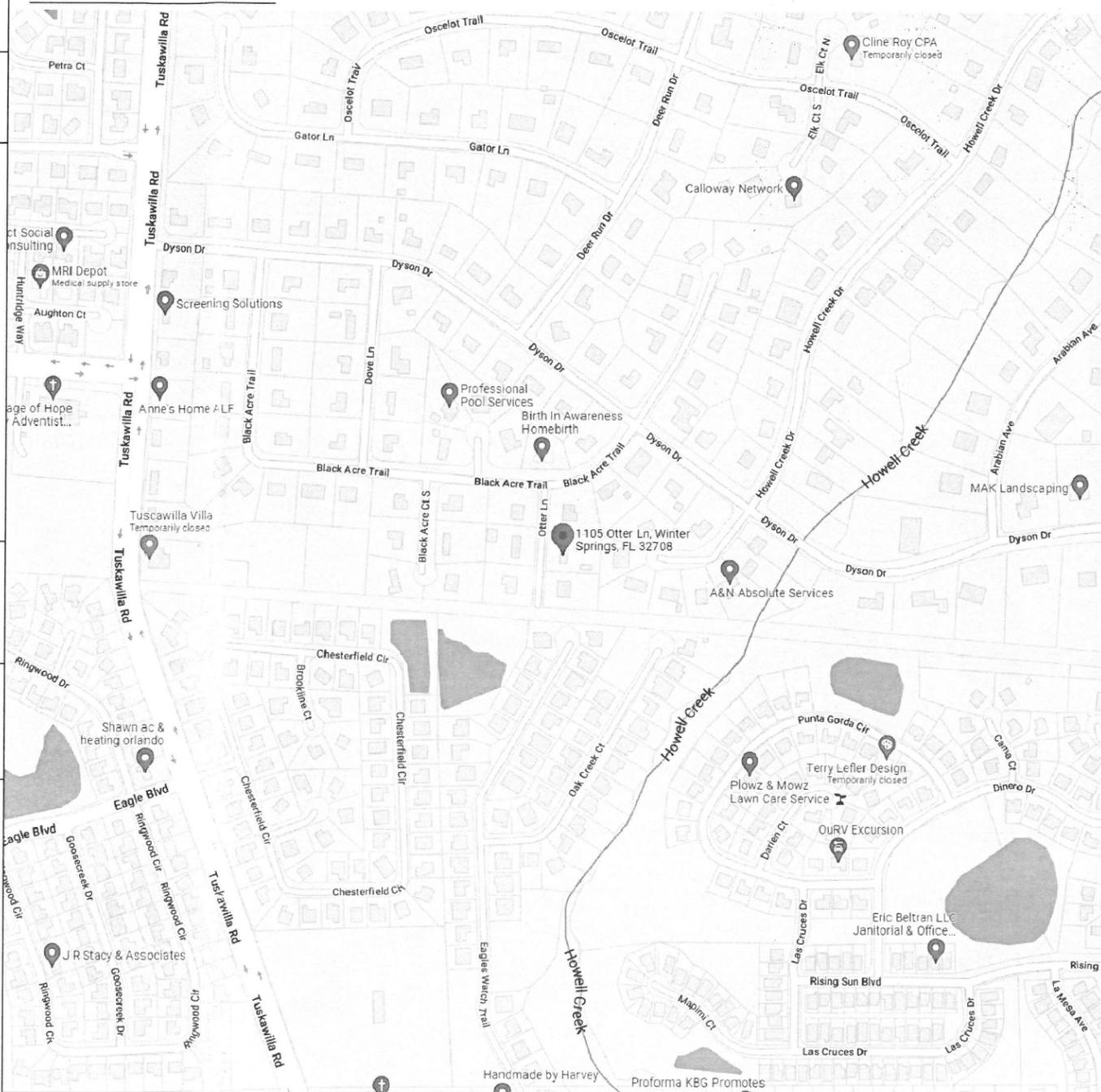
ROOF LIVE LOAD- 30 P.S.F.  
ROOF DEAD LOAD- SHINGLE: 20 P.S.F.  
TILE: 40 P.S.F.

**FLOOR LOADS:**

FLOOR LIVE LOAD EQUALS LOAD PRODUCED BY RESIDENTIAL OCCUPANCY. FBC TABLE 1604.1  
FLOOR DEAD LOAD EQUALS WEIGHTS OF MATERIALS AND CONSTRUCTION. FBC TABLE A1 SECT. A101.  
WINDOW DESIGN WIND PRESSURE:  
A. POSITIVE PRESSURE OF 22 P.S.F.  
B. NEGATIVE PRESSURE OF 30 P.S.F.  
DOOR DESIGN WIND PRESSURE:  
SLIDING GLASS DOORS: ALL SIZES  
A. POSITIVE PRESSURE OF 21 P.S.F.  
B. NEGATIVE PRESSURE OF 28 P.S.F.  
ENTRY DOORS: ALL CONFIGURATIONS  
A. POSITIVE PRESSURE OF 20 P.S.F.  
B. NEGATIVE PRESSURE OF 25 P.S.F.  
GARAGE DOORS: ALL GARAGE DOORS  
A. POSITIVE PRESSURE OF 20 P.S.F.  
B. NEGATIVE PRESSURE OF 24.5 P.S.F.

WIND IMPORTANCE FACTOR- 1.00  
BASIC WIND SPEED- 140 M.P.H.  
WIND IMPORTANCE FACTOR- 1.00  
WIND EXPOSURE- B  
APPLICABLE INTERNAL PRESSURE  
COEFFICIENT- + INCREASE + .18  
NEGATIVE INCREASE .4  
DESIGN PARAMETERS  
2-STORY MAX. HGT. - 35'-0" = 26.8 P.S.F. @ 140 M.P.H.

**LOCATION MAP**



**DRAWING INDEX**

- SHEET NO. C-S COVER SHEET
- SHEET NO. A-0 SITE PLAN
- SHEET NO. A-1 EXISTING FLOOR PLAN & ELEVATIONS
- SHEET NO. A-2 PROPOSED FLOOR PLAN
- SHEET NO. A-3 PROPOSED ELEVATIONS & SECTION
- SHEET NO. A-4 STRUCTURAL DETAILS
- SHEET NO. A-5 ELECTRICAL & MECHANICAL LAYOUT PLAN

REVISIONS	BY

  
**ACROSS STATE SERVICES, L.L.C.**  
 ENGINEERING \* INSPECTION  
 1225 BENNETT DR., SUITE 129 LONGWOOD, FL 32750  
 PHONE: (407) 221-0619  
 EMAIL: acrossstateservices@gmail.com

**DISCREPANCIES IN DRAWINGS**  
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**KRISTAL & JAMES GOODMAN**  
 GAZEBO ENCLOSURE  
 LOCATION: 1105 OTTER LN., WINTER SPRINGS, FL. 32708  
 13-21-30-502-0F00-0020  
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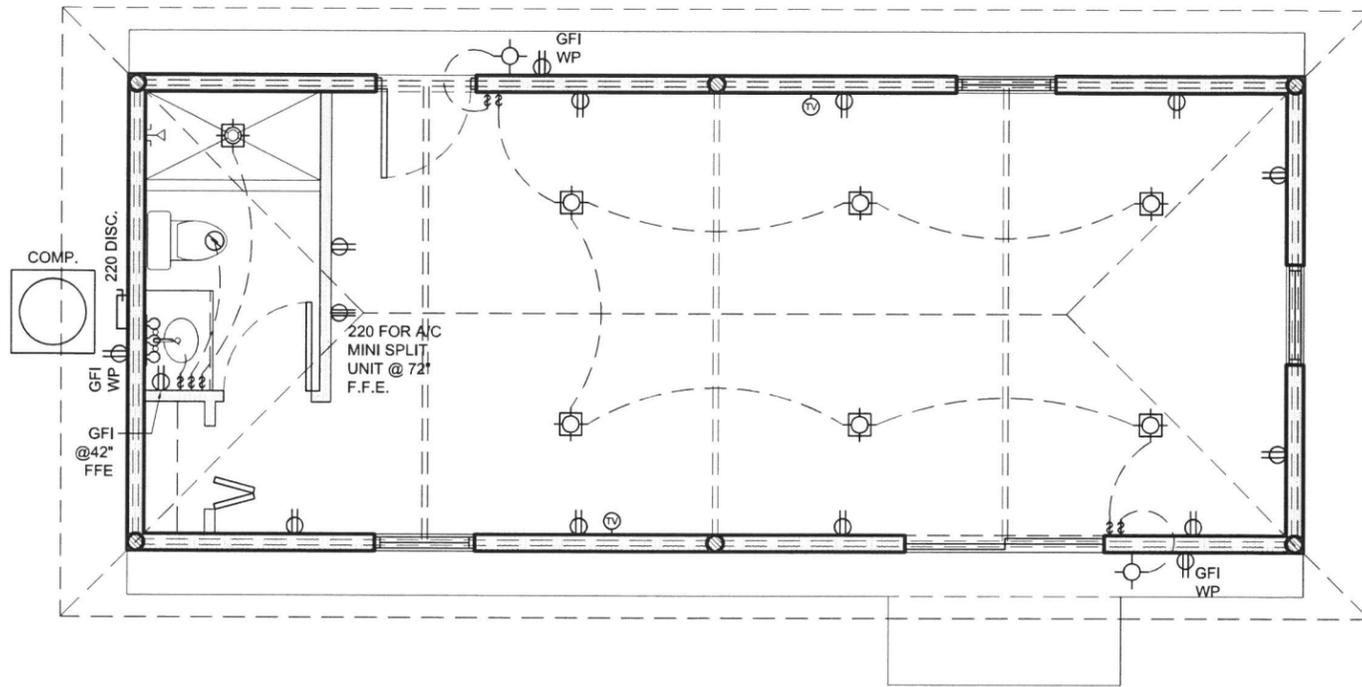
THIS STRUCTURE HAS BEEN DESIGNED TO WITHSTAND THE FORCES GENERATED BY 140 M.P.H. WINDS PLUS THREE SECOND GUST FACTOR IN COMPLIANCE WITH SECTION 1600 OF 2020 FLORIDA BUILDING CODE RESIDENTIAL, REVISIONS AND SUPPLEMENTS.

WILLIAM SANCHEZ ADORNO, PE  
 P.E. # 68868

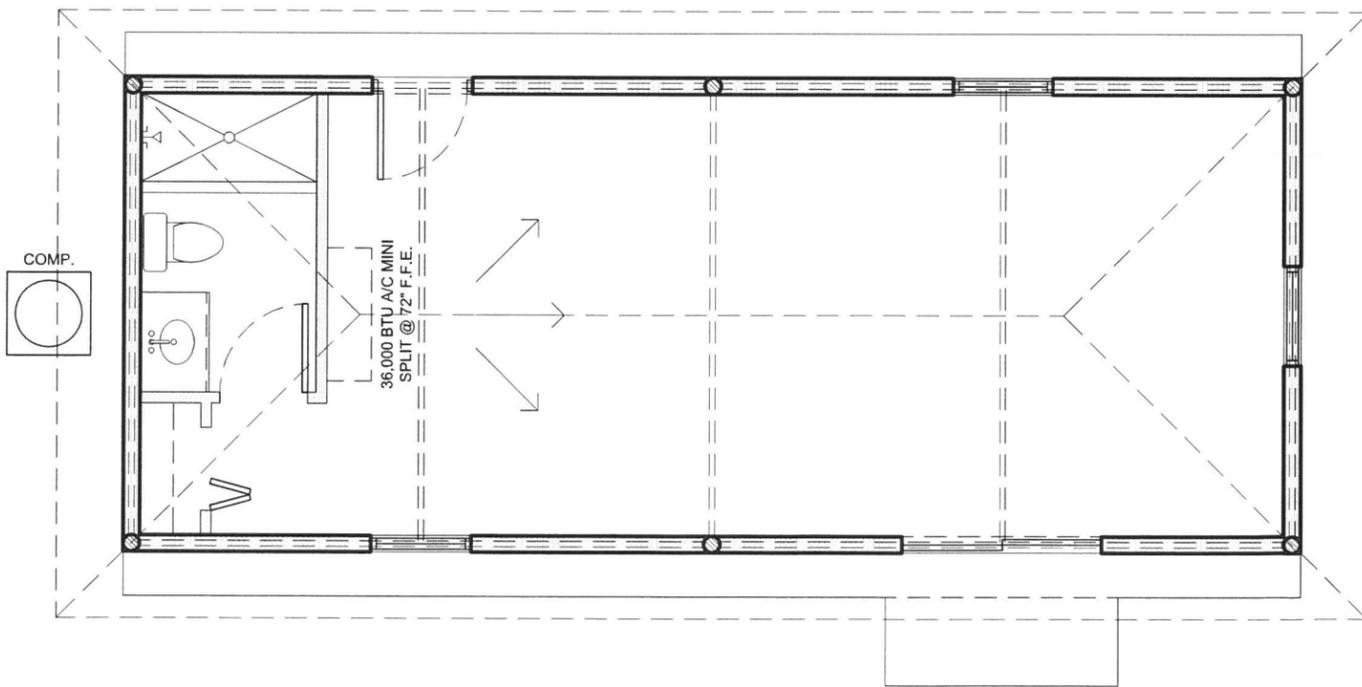
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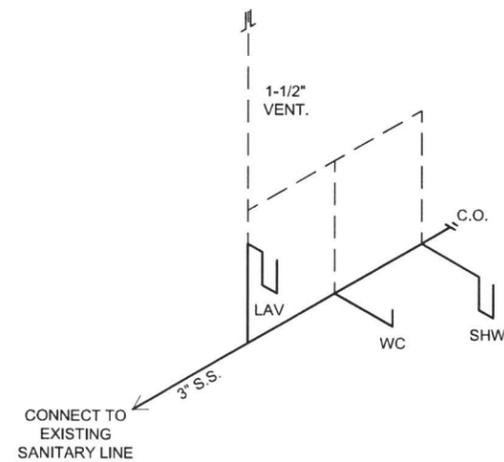
APPROVAL STAMPS OF AHI



**1 ELECTRICAL LAYOUT PLAN**  
 A-5 SCALE : 3/16"=1'-0"  
 GENERAL ELECTRICAL NOTES:  
 CONNECT NEW ELECTRICAL FIXTURES TO EXISTING ELECTRICAL PANEL.

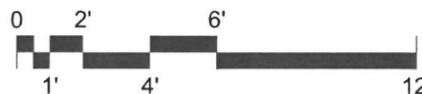


**2 MECHANICAL LAYOUT PLAN**  
 A-5 SCALE : 3/16"=1'-0"



**3 SANITARY ISOMETRIC**  
 A-5 NOT TO SCALE

SCALE 3/16"=1'-0"



**ELECTRICAL LEGEND**

SYMBOL	DESCRIPTION
	CEILING MOUNTED LIGHT
	RECESSED LIGHT
	WALL MOUNTED LIGHT
	PENDANTS LIGHT
	CHANDELIER
	CEILING FAN
	WALL MOUNTED MULTI-LIGHT FIXTURE
	TRACK LIGHT
	FLUORESCENT LIGHT
	SPOT LIGHT
	EXHAUST FAN
	FAN / LIGHT COMBINATION
	DOORBELL CHIME
	PUSH BOTTOM
	WALL SWITCH
	3 WAY SWITCH
	DIMMER SWITCH
	DUPLEX RECEPTACLE
	220 V RECEPTACLE
	1/2 HOT, 1/2 SWITCHED RECEPTACLE
	WEATHER PROOF RECEPTACLE
	FLOOR RECEPTACLE
	GROUND FAULT INTERRUPT
	PRE-WIRED FOR CEILING FAN
	PRE-WIRED GARAGE DOOR OPENER
	CABLE JACK
	TELEPHONE JACK
	METER
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	SMOKE DETECTOR & CARBON MONOXIDE COMBO
	GARBAGE DISPOSAL MOTOR

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GAZEBO ENCLOSURE

**KRISTAL & JAMES GOODMAN**

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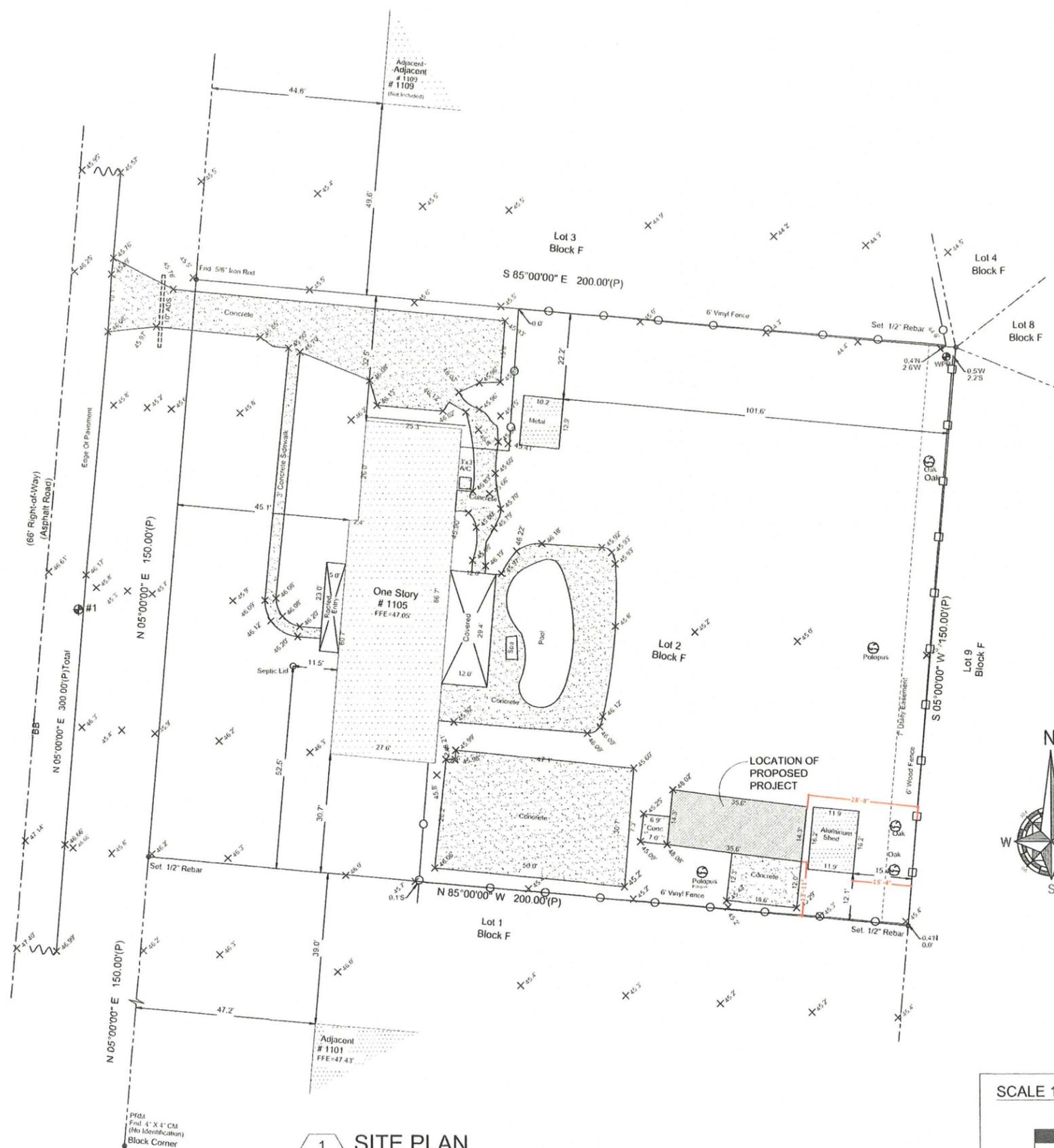
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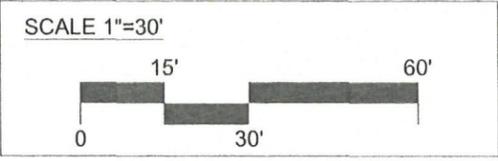
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**A-5**

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1 SITE PLAN  
A-0 SCALE: 1"=30'



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**William Sanchez**  
2022.10.27  
09:12:07 -04'00  
WILLIAM SANCHEZ ADORNO, PE  
P.E. # 68868

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SHEET #1  
**A-0**

APPROVAL STAMPS OF ARI



WILLIAM SANCHEZ P.E. This stamp has been electronically signed and sealed by William Sanchez using a Digital Signature. Printed copies of this document are not recommended signed and sealed and this signature must be verified on any electronic copies.

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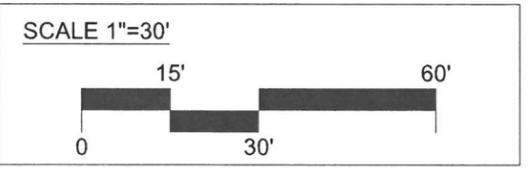
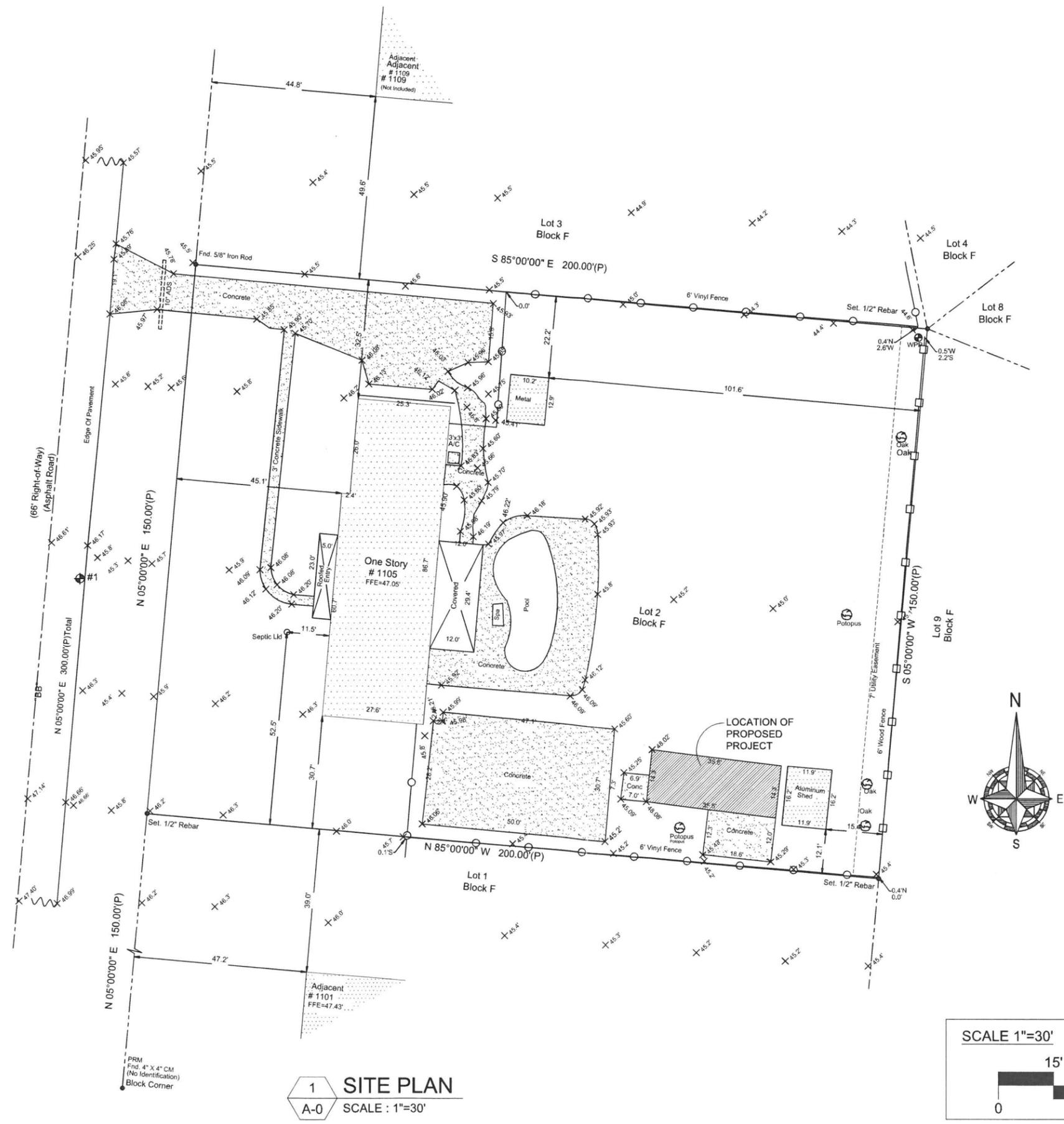
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APPROVAL STAMPS OF AHI



**1 SITE PLAN**  
 A-0 SCALE : 1"=30'

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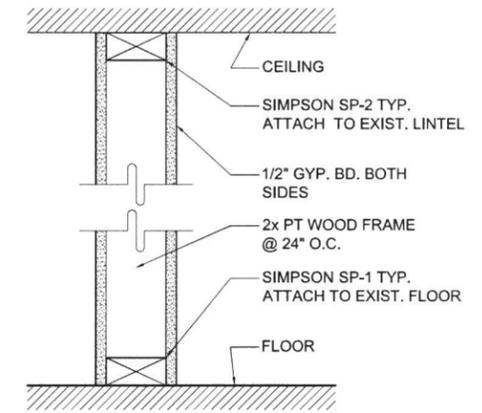
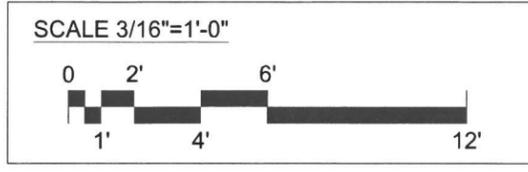
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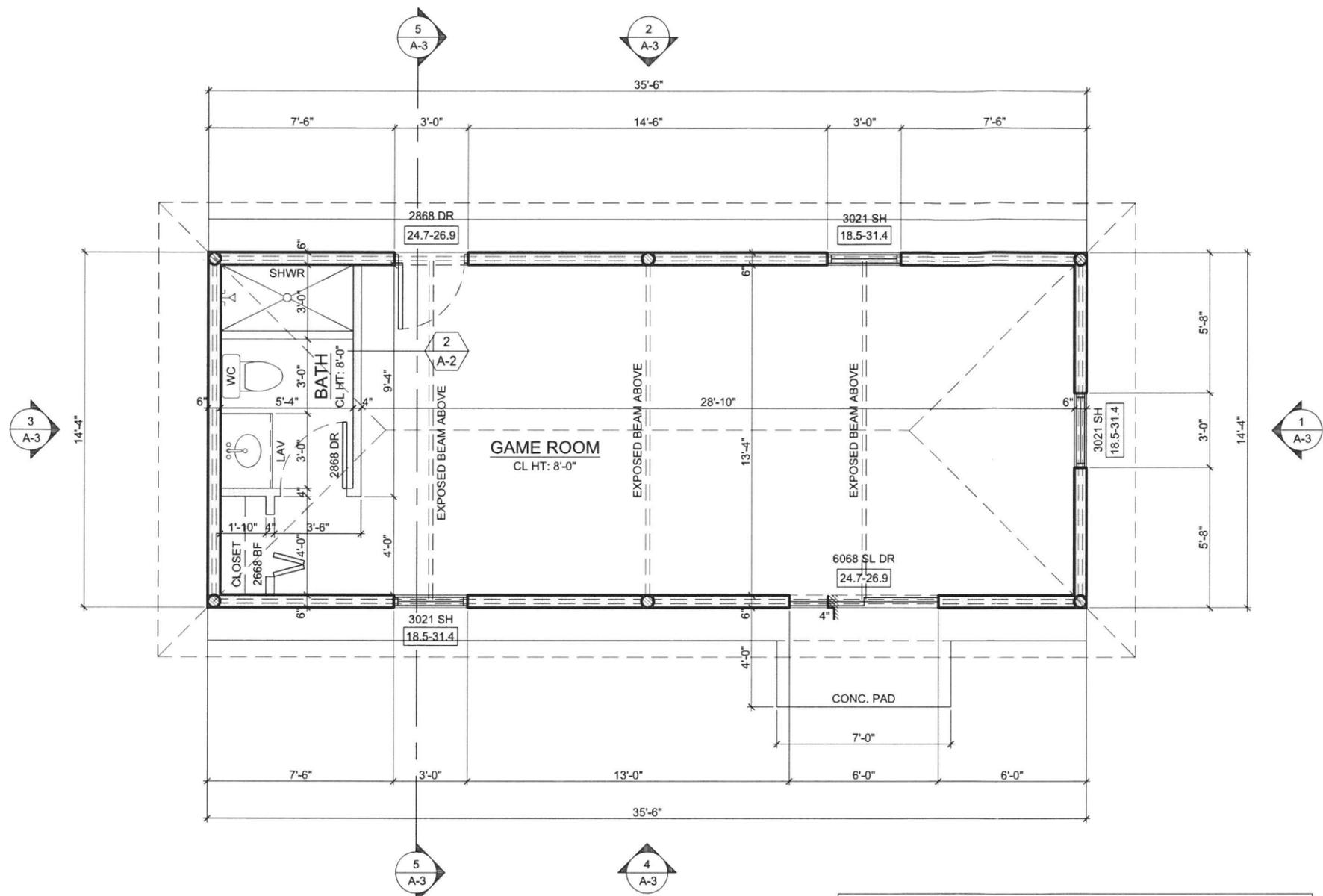
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**A-2**

APPROVAL STAMPS OF AHI



**2 INTERIOR WALL DETAIL**  
A-2 NOT TO SCALE 4-1/2" THICKNESS NON RATED PARTITION

**NOTES:**  
1. ALL TUB & SHOWER UNITS WILL HAVE ANTI-SCALDING DEVICES INSTALLED.  
2. ALL DOORS TO BE 6'-8" TALL U.N.O. OR PER BUILDER / CLIENT.  
3. MULTIPLE 2x4 STUDS NAILED TOGETHER W/ (1) 10d NAILS @ 8" O.C. EA PLY STAGGERED TYP.



**1 PROPOSED FLOOR PLAN**  
A-2 SCALE : 3/16"=1'-0"

- WOOD NOTES:**
- ALL WOOD FRAMING SHALL BE DESIGNED, DETAILED AND FABRICATED IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS OUTLINED IN THE LATEST EDITION OF THE NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION.
  - FOR STRUCTURAL LUMBER, PROVIDE THE FOLLOWING GRADE AND SPECIES (EQUIVALENT OR BETTER) U.O.N.: SOUTHERN PINE OR SPRUCE PINE FIR SURFACES DRY USED AT 19% MAX. M.C. GRADE NO. 2.
  - ALL WOOD FRAMING IN DIRECT CONTACT WITH EARTH OR CONCRETE TO BE PRESSURE TREATED. THE USE OF METAL SEAT PLATES IN LIEU OF PRESSURE TREATED WOOD IS ACCEPTABLE.
  - PROVIDE GALVANIZED METAL HANGERS AND FRAMING ANCHORS OF THE SIZE AND TYPE AS SHOWN IN THESE DOCUMENTS. CONNECT AS PER MANUFACTURER RECOMMENDATIONS. (SIMPSON STRONG TIE OR EQUIVALENT)
  - PROVIDE FRAMING MEMBERS OF SIZES AND OF SPACING SHOWN, OR IF NOT SHOWN, COMPLY WITH THE RECOMMENDATIONS OF THE FLORIDA BUILDING CODE, LATEST EDITION.
  - DO NOT SPLICE STRUCTURAL MEMBERS BETWEEN SUPPORTS.
  - PROVIDE ANCHORAGE AND NAILING FOR MEMBERS AND SHEATHING AS SHOWN IN THE DWG'S AND TO COMPLY WITH THE FLORIDA BUILDING CODE, LATEST EDITION.
  - ROOF FRAMING SHEATHING: 7/16" INCH THICK CDX, RATED "EXP. 1".

AREAS SCHEDULE	
GAME ROOM / BATH	508 SQ FT
<b>TOTAL AREA</b>	<b>508 SQ FT</b>

WINDOW SCHEDULE			
MARK	SIZE	QT.	COMMENTS
3021 SH	3'-0" x 2'-1"	3	SINGLE HUNG

DOOR SCHEDULE					
DOOR	SIZE	THKNS	MAT'L.	FRAME	COMMENTS
6068 SL DR	6'-0"x6'-8"	1 3/4"	ALUMINUM / GLASS	ALUM	SLIDING DOOR
2868 DR	2'-8"x6'-8"	1 3/4"	ALUMINUM / GLASS	ALUM	EXTERIOR DOOR
2868 DR	2'-8"x6'-8"	1 3/8"	HOLLOW CORE WOOD	WD	INTERIOR DOOR
2668 BF	2'-6"x6'-8"	-	WOOD	-	BI-FOULD DOOR

ROOM FINISH SCHEDULE				
ROOM NAME	FLOOR FINISH	WALL BASE	WALL FINISH	CEILING FINISH
GAME ROOM	CERAMIC TILE	POLISH CEMENT	EGG SHELL ENAMEL PAINT	EGG SHELL ENAMEL PAINT
BATHROOMS	CARPET	4" HIGH BASE (BY OWNER)	EGG SHELL ENAMEL PAINT	EGG SHELL ENAMEL PAINT

REVISIONS	BY

**ASS**

**ACROSS STATE SERVICES, L.L.C.**

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GAZEBO ENCLOSURE

**KRISTAL & JAMES GOODMAN**

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13-21-30-502-0F00-0020  
\*\*\*\*\*

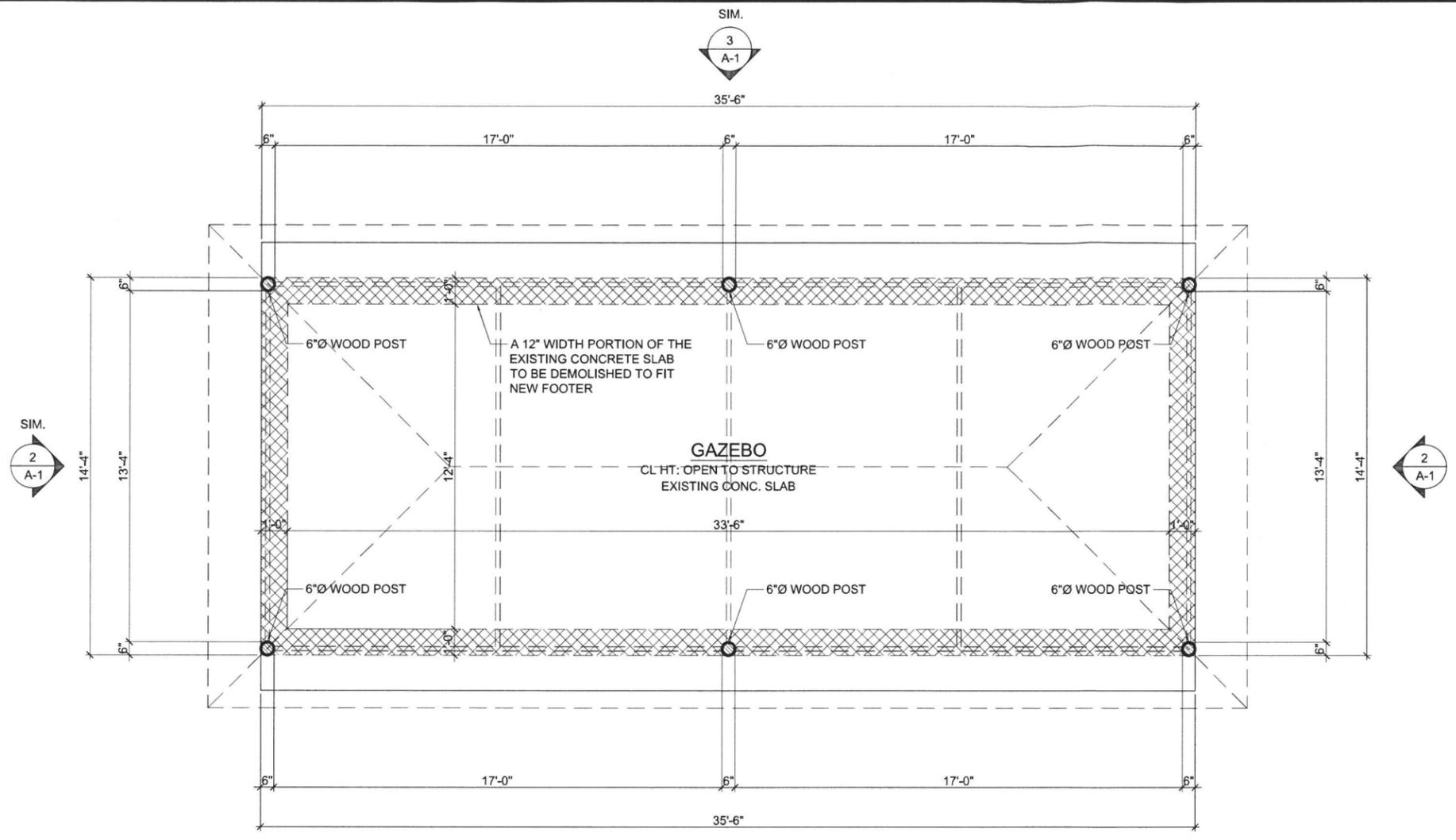
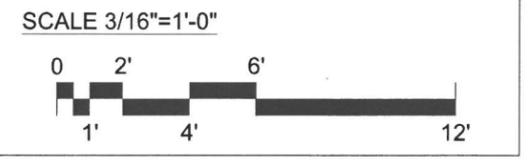
THIS STRUCTURE HAS BEEN DESIGNED TO WITHSTAND THE FORCES GENERATED BY 140 M.P.H. WINDS PLUS THREE SECOND GUST FACTOR IN COMPLIANCE WITH SECTION 1600 OF 2020 FLORIDA BUILDING CODE RESIDENTIAL, REVISIONS AND SUPPLEMENTS.

WILLIAM SANCHEZ ADORNO, PE  
P.E. # 68868

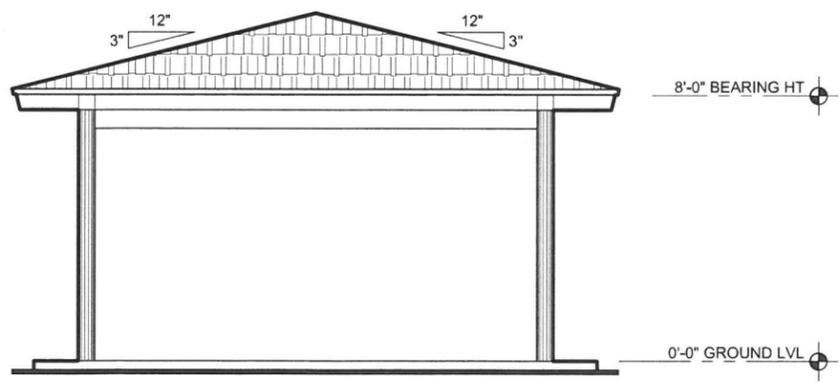
DRAWN BY: RL	DESIGN BY: WS
DATE: 09/22/22	CHECKED BY: WS
JOB.#: 11-20220830-1	SCALE: AS NOTED

SHEET #:  
**A-1**

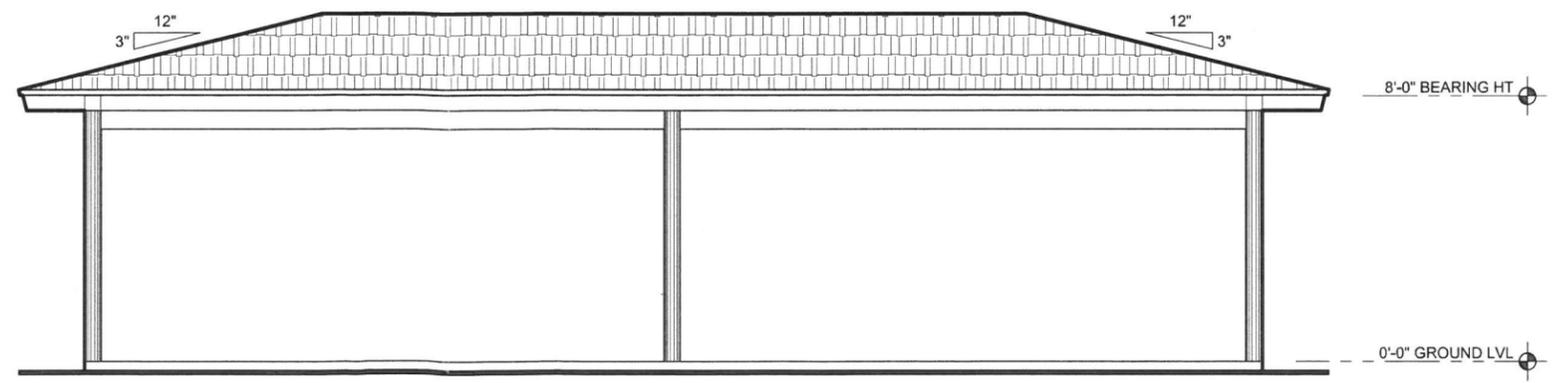
APPROVAL STAMPS OF AHI



**1 EXISTING FLOOR PLAN**  
SCALE : 3/16"=1'-0"



**2 EXISTING FRONT / REAR ELEVATION**  
SCALE : 3/16"=1'-0"



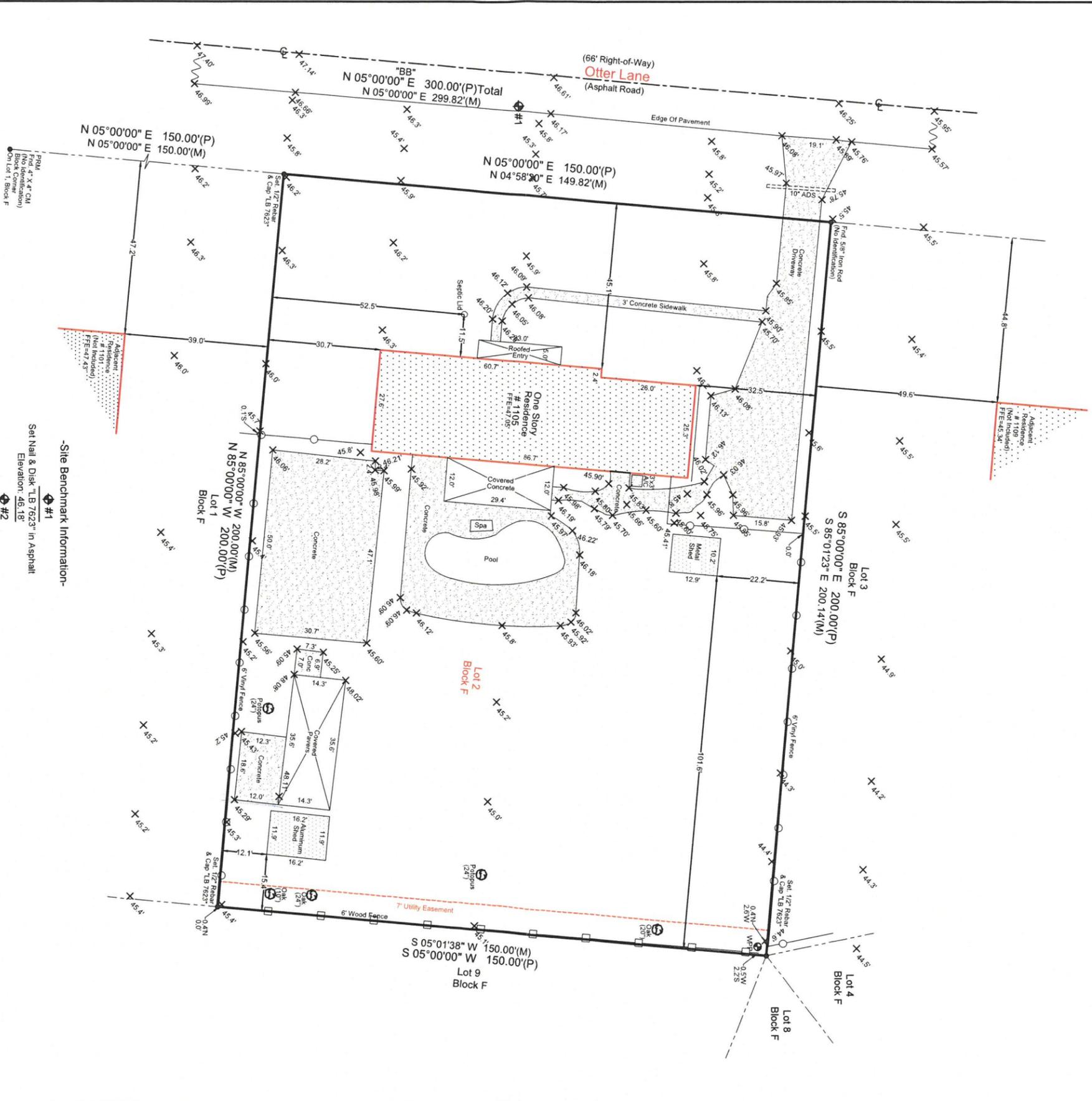
**3 EXISTING SIDE ELEVATION**  
SCALE : 3/16"=1'-0"

# Boundary Survey

## Legal Description:

LOT 2, BLOCK F, WINTER SPRINGS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 82, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

**Flood Disclaimer:**  
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN SEMINOLE COUNTY, COMMUNITY NUMBER 120289, DATED 9/28/2007.  
**CERTIFIED TO:**  
**JIMMY GOODMAN**



### -Site Benchmark Information-

- #1  
Set Nail & Disk TB 7623" in Asphalt  
Elevation: 46.18'
- #2  
Set Nail & Disk TB 7623" in Asphalt  
Elevation: 49.31'

### -Benchmark Information-

Florida Department of Transportation  
 (Elevations are based upon NAVD 88 Datum)

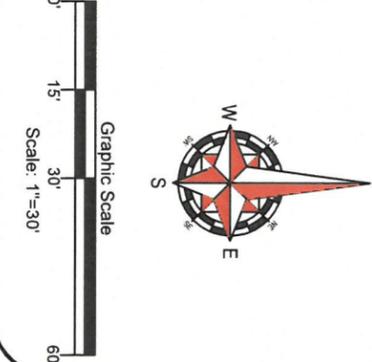
### -Notes-

- >Survey is Based upon the Legal Description Supplied by Client.
- >Abutting Properties Deeds have NOT been Researched for Gaps.
- >Subject to any Easements and/or Restrictions of Record.
- >Bearing Based on "1983" version, is Assumed and Based upon the Line Denoted with a "B".
- >Building, Ties are NOT to be used to reconstruct Property Lines.
- >Fence Ownership is NOT determined.
- >Roof Overhangs, Underground Utilities and/or Folders have NOT been located UNLESS otherwise noted.
- >Septic Tanks and/or Drained locations are approximate and MUST be verified by appropriate Utility Location Companies.
- >Written Consent of all Parties is required for any easement. Without Liability to the Surveyor, Nothing Herein shall be construed to give ANY Rights or Benefits to anyone Other than those Certified.
- >Flood Zone Determination shown Herein is given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other Information NEITHER known by NOR given to the Surveying Company at the time of this Endeavor Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

Field Date: 08/16/22	Date Completed: 08/17/22
Drawn By: SMT	File Number: IS-108239

Legend-	PC-
C - Calculated	Pg - Point of Curvature
CG - Centerline	Pi - Point of Intersection
CM - Concrete Block	P.O.B. - Point of Beginning
Conc. - Concrete	PP - Power Pole
D - Description	PRM - Permanent Reference Monument
DEMI - Easement	PT - Point of Tangency
F.E.M.A. - Federal Emergency Management Agency	R - Radial
FEE - Finished Floor Elevation	R&C - Rebar & Cap
IP - Iron Pipe	Rec - Recovered
L - Length (Arc)	Rid - Roofer
N&D - Nail & Disk	S&R - Set 1/2" Rebar & Cap
ORB - Official Records Book	SP - Typical TB 7623"
P - Plat	UE - Utility Easement
P.B. - Wood Fence	WM - Water Meter
	Δ - Delta (Central Angle)
	- - - Chain Link Fence

Ireland & Associates Surveying, Inc.  
 800 Currency Circle Suite 1020  
 Lake Mary, Florida 32746  
 www.Irelandsurveying.com  
 Office-407.678.3366 Fax-407.320.8165



**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 BLK F  
WINTER SPRINGS  
PB 15 PG 82

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JAMES & KRYSTAL GOODMAN, BARBARA OAKES  
1105 OTTER LANE  
WINTER SPRINGS, FL 32708

**Project Name:** OTTER LANE (1105)

**Requested Variance:**

A side yard (south) setback variance from twenty (20) feet to thirteen (13) feet eleven (11) inches for an accessory structure in the RC-1 (Country Homes) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to convert an existing gazebo into a detached game room within the side yard setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 BLK F  
WINTER SPRINGS  
PB 15 PG 82

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JAMES & KRYSTAL GOODMAN, BARBARA OAKES  
1105 OTTER LANE  
WINTER SPRINGS, FL 32708

**Project Name:** OTTER LANE (1105)

**Variance Approval:**

Request for a side yard (south) setback variance from twenty (20) feet to thirteen (13) feet eleven (11) inches for an accessory structure in the RC-1 (Country Homes) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the accessory structure (35.5' x 14.3') as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-476**

**Title:**

**3238 Upland Point** - Request for a side street (south) setback variance from fifteen (15) feet to three and one-half (3.5) feet for a privacy fence in the PD (Planned Development) district; BV2023-029 (Michael & Katrina Dantes, Applicants) District 1 - Dallari (Hilary Padin, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

**Kathy Hammel**

**Contact/Phone Number:**

Hilary Padin - (407) 665-7331

**Motion/Recommendation:**

1. Deny the request for a side street (south) setback variance from fifteen (15) feet to three and one-half (3.5) feet for a privacy fence in the PD (Planned Development) district; or
2. Approve the request for a side street (south) setback variance from fifteen (15) feet to three and one-half (3.5) feet for a privacy fence in the PD (Planned Development) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Hideaway Cove at Oviedo subdivision and is within the Hideaway Cove Planned Development (PD).
- The subject property is a corner lot and, as such, considered to have two (2) front yards for setback purposes. The front of the house faces Upland Point. The Scenic Edge Way side is where the variance is being sought.
- The request is to construct a six (6) foot vinyl privacy fence eleven and one-half (11.5) feet into the required side street setback.
- The proposed privacy fence is three and one-half (3.5) feet from the sidewalk and fifteen (15) feet from the edge of pavement.
- The proposed fence encroaches into a utility easement and at building permitting will be required to meet the criteria for placement with an estoppel letter.
- Traffic Engineering has no objection to the placement of the fence as it relates to site visibility.
- Two (2) letters of support have been received from neighbors.

- The request is for a variance to Section 30.451 of the Land Development Code of Seminole County for Development Standards for Planned Developments.
- There have not been prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria has not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

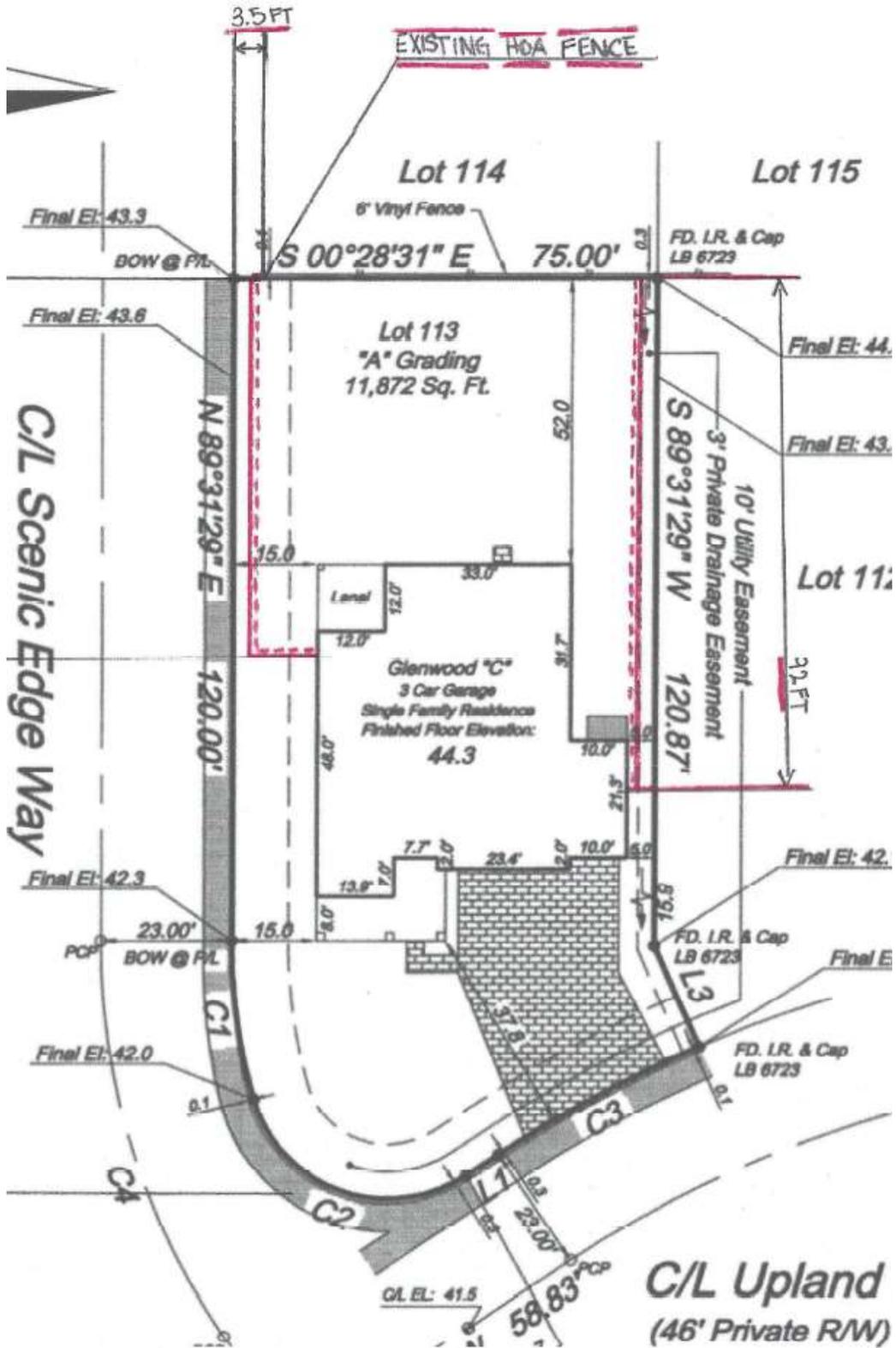
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

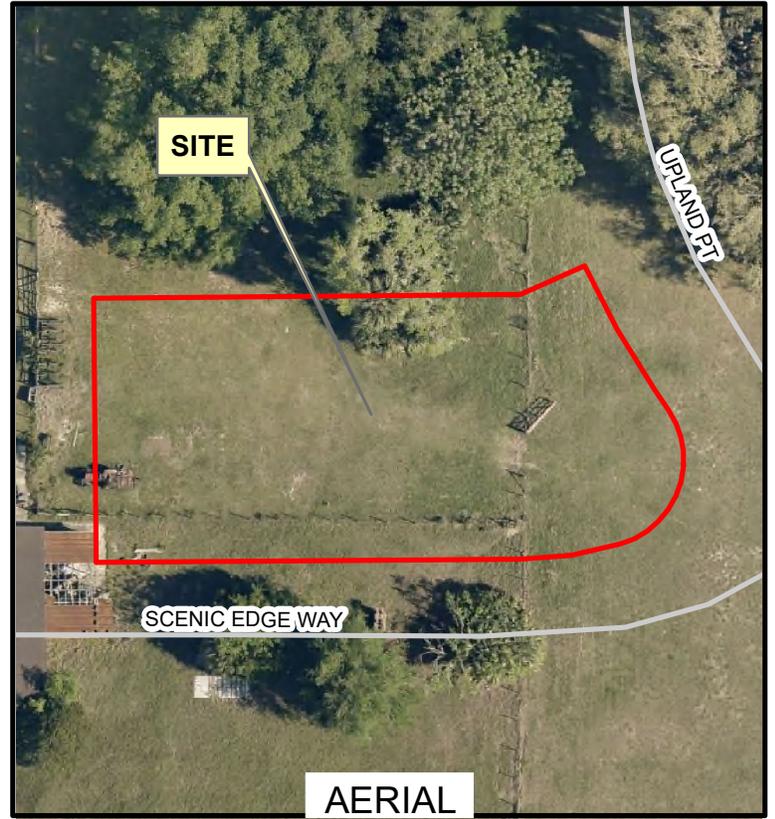
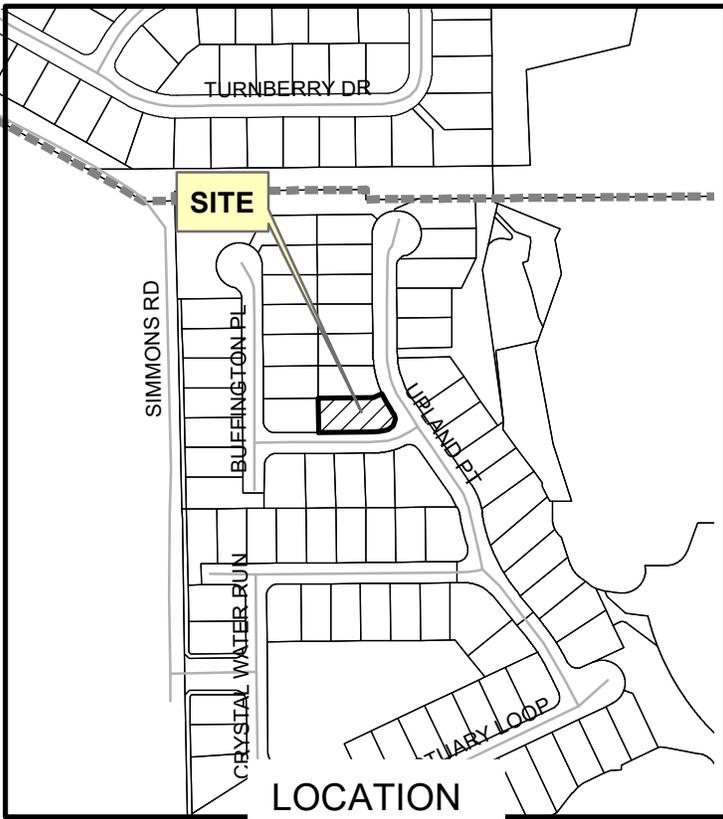
**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the privacy fence as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

UPLAND PT (3238)  
 VARIANCES



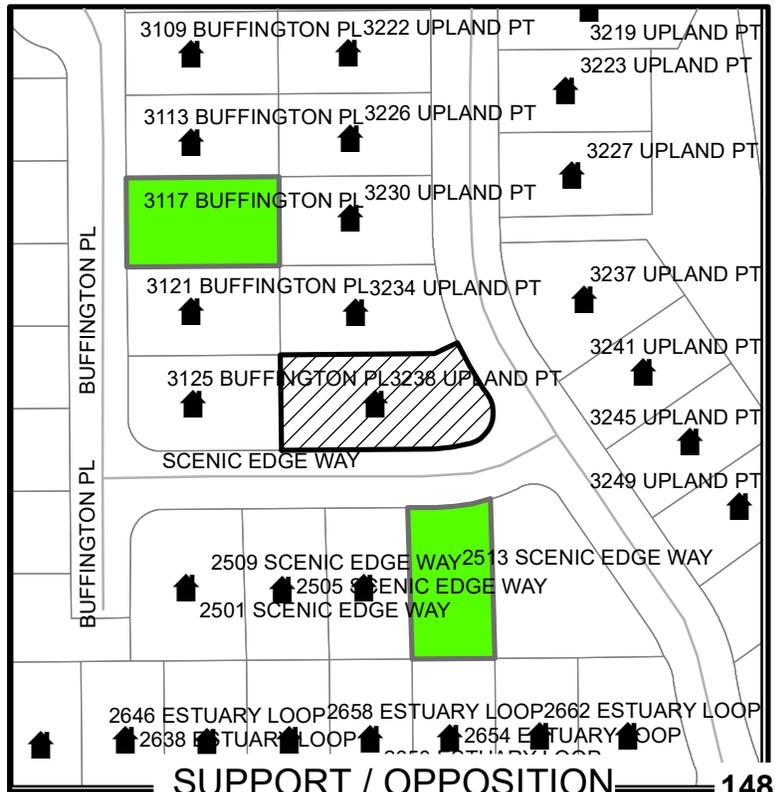


**MICHAEL & KATRINA DANTES**  
**ANITA HEFLEY**  
**3238 UPLAND PT**  
**OVIDO, FL 32765**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**MAY 22, 2023**

### LEGEND

PD	Support	Site
	Opposition	



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district. We own a corner lot, where as most of the other homes in our neighborhood are not corner lots and are not held to the same zoning restrictions that we are with regards to their setbacks for fencing.
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. The special conditions exist only because this property is in a corner lot and setbacks are determined by the county and not by the homeowner. Hence are not the result of the actions of the applicant.
3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. We are requesting to attach to an already existing fence owned by our HOA, installed by the builder, which currently has a 3' setback, as to provide privacy and safety for our family. Extend the fence 68 linear ft. to enclose our backyard and the pool, leaving ~~to~~ approximately 110 ft. from stop sign, not impeding any visibility.
4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner. It would prevent us from being able to utilize our entire backyard. We would be left with very little space between pool and fence if we were to put fence according to current 15ft. setback. Where as other lots in our community are not subject to these same restrictions. We would like to provide the maximum privacy + security to our family, same as afforded to other lots.
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. We are currently installing a pool and with the current zoning setbacks we would not have enough space for pool and yard for kids and pets. The variance will enable us to utilize the backyard to the maximum, while still having plenty of side yard as to not impede with any visibility from stop sign.
6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. There will still be sufficient distance between the fence and edge of the street. The fence will also have a front setback of approximately 110 ft. and fence will not cause any issues with the community. We also have included letters of support.

Revised 2019 OR ~~that~~ hinder visibility of any traffic controlling devices.

# Property Record Card

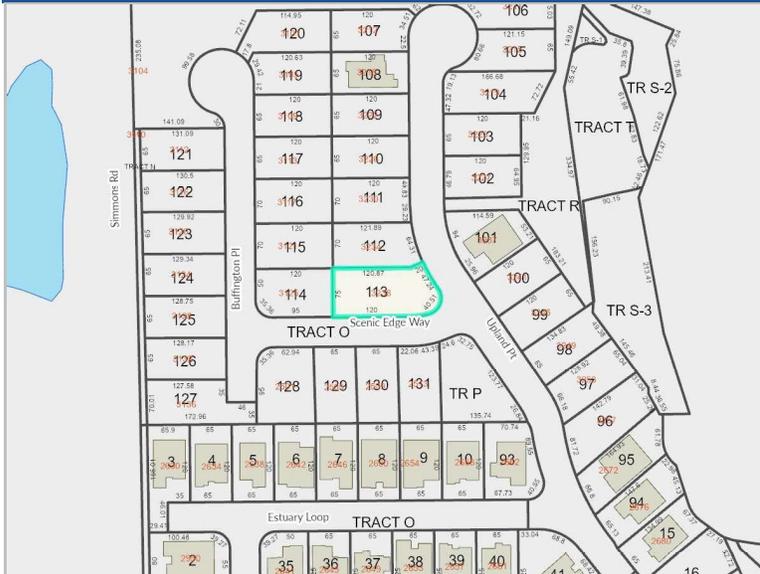


**Parcel** 25-21-31-506-0000-1130

**Property Address** 3238 UPLAND PT OVIEDO, FL 32765

## Parcel Location

## Site View



## Parcel Information

## Value Summary

<b>Parcel</b>	25-21-31-506-0000-1130
<b>Owner(s)</b>	DANTES, MICHAEL - Joint Tenants with right of Survivorship DANTES, KATRINA - Joint Tenants with right of Survivorship HEFLEY, ANITA - Joint Tenants with right of Survivorship
<b>Property Address</b>	3238 UPLAND PT OVIEDO, FL 32765
<b>Mailing</b>	3238 UPLAND PT OVIEDO, FL 32765-6877
<b>Subdivision Name</b>	HIDEAWAY COVE AT OVIEDO PHASE 3
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2023)
<b>AG Classification</b>	No

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	0
<b>Depreciated Bldg Value</b>	\$570,245	
<b>Depreciated EXFT Value</b>		
<b>Land Value (Market)</b>	\$131,000	\$131,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$701,245	\$131,000
<b>Portability Adj</b>	\$162,838	
<b>Save Our Homes Adj</b>		\$0
<b>Amendment 1 Adj</b>	\$0	\$43,000
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$538,407	\$88,000

## 2022 Certified Tax Summary

<b>2022 Tax Amount without Exemptions</b>	<b>\$1,756.46</b>	<b>2022 Tax Savings with Exemptions</b>	<b>\$341.77</b>
<b>2022 Tax Bill Amount</b>	<b>\$1,414.69</b>		

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 113 HIDEAWAY COVE AT OVIEDO PHASE 3 PLAT BOOK 86 PAGES 54-59

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$538,407	\$50,000	\$488,407
SJWM(Saint Johns Water Management)	\$538,407	\$50,000	\$488,407
FIRE	\$538,407	\$50,000	\$488,407
COUNTY GENERAL FUND	\$538,407	\$50,000	\$488,407
Schools	\$538,407	\$25,000	\$513,407

## Sales

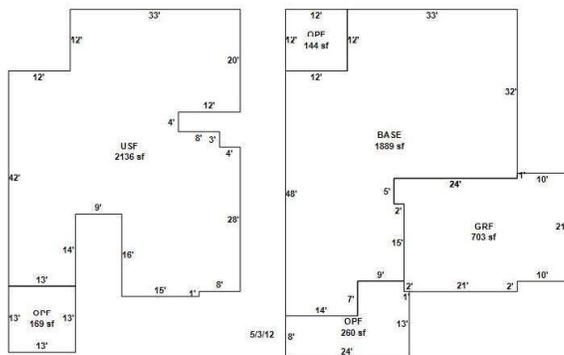
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	05/13/2022	10246	1432	\$734,300	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$131,000.00	\$131,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages												
1	SINGLE FAMILY	2022	5	3.0	12	1,889	5,301	4,025	CB/STUCCO FINISH	\$570,245	\$570,245	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0e0e0;"> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">260.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">144.00</td> </tr> <tr> <td>UPPER STORY FINISHED</td> <td style="text-align: right;">2136.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">169.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td style="text-align: right;">703.00</td> </tr> </tbody> </table>	Description	Area	OPEN PORCH FINISHED	260.00	OPEN PORCH FINISHED	144.00	UPPER STORY FINISHED	2136.00	OPEN PORCH FINISHED	169.00	GARAGE FINISHED	703.00
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UPPER STORY FINISHED	2136.00																							
OPEN PORCH FINISHED	169.00																							
GARAGE FINISHED	703.00																							



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
14941	3238 UPLAND PT: SINGLE FAMILY DETACHED-NEW SFR [HIDEAWAY COVE AT OVIEDO P] - Apex	County	\$596,628	4/27/2022	8/20/2021
18861	3238 UPLAND PT: SWIMMING POOL RESIDENTIAL-pool and deck [HIDEAWAY COVE AT OVIEDO P]	County	\$76,000		11/30/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
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## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
A-1	Low Density Residential	LDR	Agricultural-1Ac

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
48.00	DUKE	AT&T	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	NA	NA	NA	NA

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 1 - Bob Dallari	Dist 7 - Cory Mills	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	80

## School Information

Elementary School District	Middle School District	High School District
Carillon	Chiles	Hagerty

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March 29, 2023

Re: Dantes Fence Variance – 3238 Upland Pt, Oviedo, FL 32765

To Whom it May Concern:

We are submitting this letter in support of our neighbor's request for a fence variance. The Dantes family currently has a pool under construction and require a variance to install a 6' PVC privacy fence around their backyard. It is my understanding that the Dantes need a variance as their home is located on a corner lot. While the Dantes' property is technically on a corner lot, the way that their home is positioned allows for erection of a fence without compromising safety or visibility of traffic and/or pedestrians. When driving around the neighborhood, there are several other homes on corner lots that have the same 6' PVC privacy fence installed. The fence, whose variance was approved, on the Northeast corner of Upland Pt and Estuary Loop, disrupts sight lines for traffic turning north off of Estuary Loop and onto Upland Pt. The fence on the Northeast corner of the bend at Estuary Loop, by the mailboxes, is set back from the front of their home as not to impede traffic sight lines or be a hazard to pedestrians. The Dantes fence, as proposed, would not impede anyone's sight line whether going straight or making a turn on/from the corner of Upland Pt and Scenic Edge Way. We reside just to the south of the Dantes home at 2513 Scenic Edge Way. So, we actually have a vested interest in keeping the area safe from hazards.

Please do not hesitate to contact us with any questions.

Regards,

Handwritten signatures of Brian and Jennifer Lester. The signature on the left is for Brian Lester, and the signature on the right is for Jennifer A. Lester.

Brian and Jennifer Lester

2513 Scenic Edge Way, Oviedo, FL

(847)274-7207

March 29, 2023

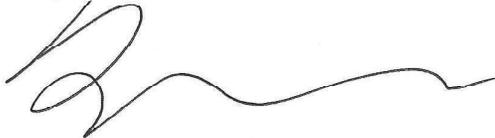
Subject: 3238 Upland Pt. Oviedo, FL 32765 - Fence Variance

To Whom it May Concern:

We are neighbors of the Dantes Family who reside at 3238 Upland Pt., Oviedo, FL 32765, in the Hideaway Cove Subdivision. We live on the street behind them at 3117 Buffington Place. They have spoken with us about their proposed plans to install a 6' privacy fence along their side yard, closing off their backyard, with a 3ft setback. While we do not live adjacent to them, we do travel down the side street that their side/backyard faces (Scenic Edge Way) regularly when travelling in and out of the neighborhood.

We support their plans for their fence as this will give their family privacy and security from the street. We do not see this creating any visibility issues with incoming or outgoing traffic.

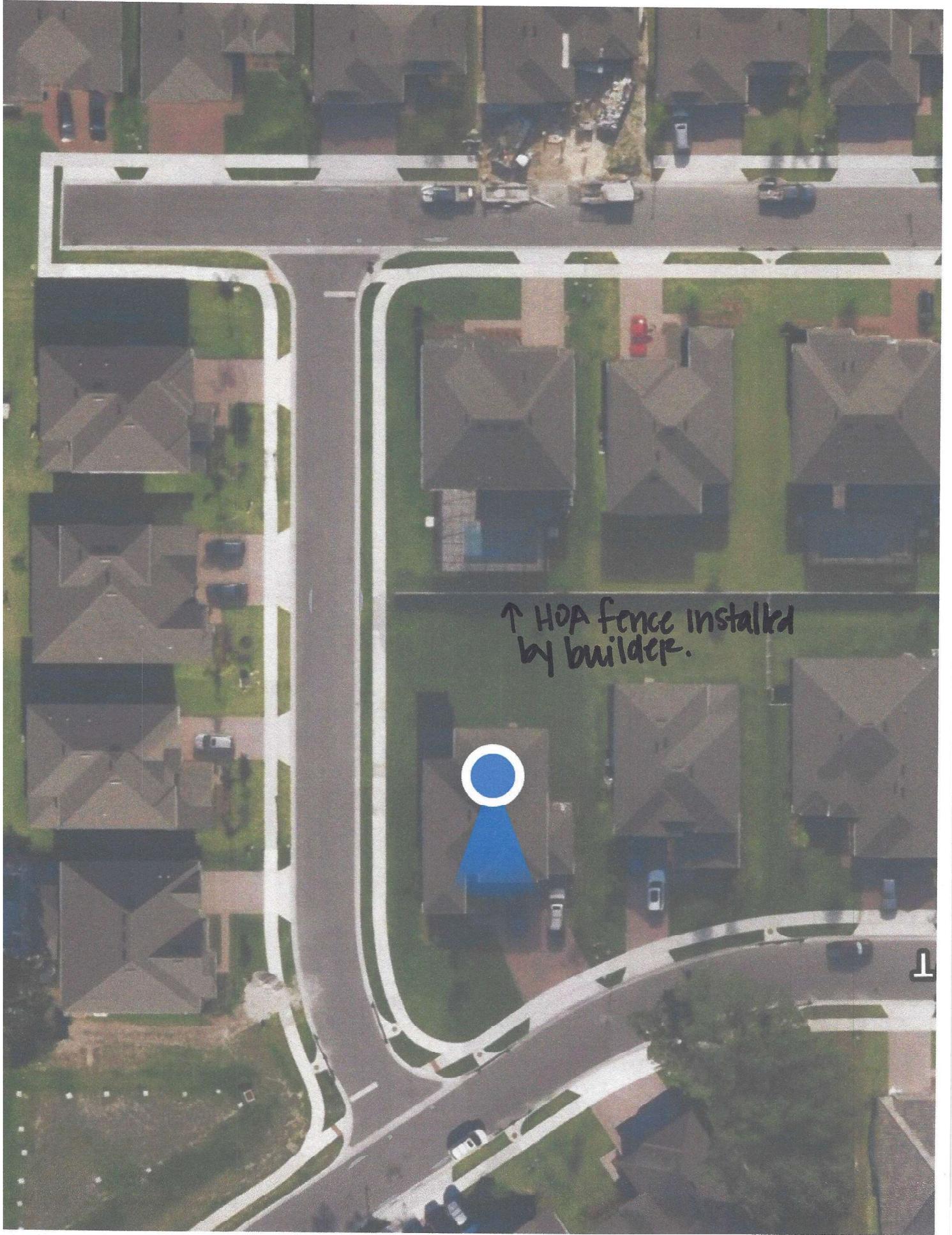
Thank you,

A handwritten signature in black ink, appearing to be 'Jason and Tingping Lin', written in a cursive style.

Jason and Tingping Lin

3117 Buffington Place

Oviedo, FL 32765



↑ HOA fence installed  
by builder.



\* Distance  
from HOA installed  
fence along our  
backyard to the  
sidewalk.



**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 113  
HIDEAWAY COVE AT OVIEDO  
PHASE 3  
PLAT BOOK 86  
PAGES 54-59

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** MICHAEL & KATRINA DANTES  
3238 UPLAND POINT  
OVIEDO, FL 32765

**Project Name:** UPLAND PT (3238)

**Requested Variance:**

A side street (south) setback variance from fifteen (15) feet to three and one-half (3.5) feet for a privacy fence in the PD (Planned Development) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a privacy fence within the side street setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 113  
HIDEAWAY COVE AT OVIEDO  
PHASE 3  
PLAT BOOK 86  
PAGES 54-59

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** MICHAEL & KATRINA DANTES  
3238 UPLAND POINT  
OVIEDO, FL 32765

**Project Name:** UPLAND PT (3238)

**Variance Approval:**

Request for a side street (south) setback variance from fifteen (15) feet to three and one-half (3.5) feet for a privacy fence in the PD (Planned Development) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the privacy fence as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

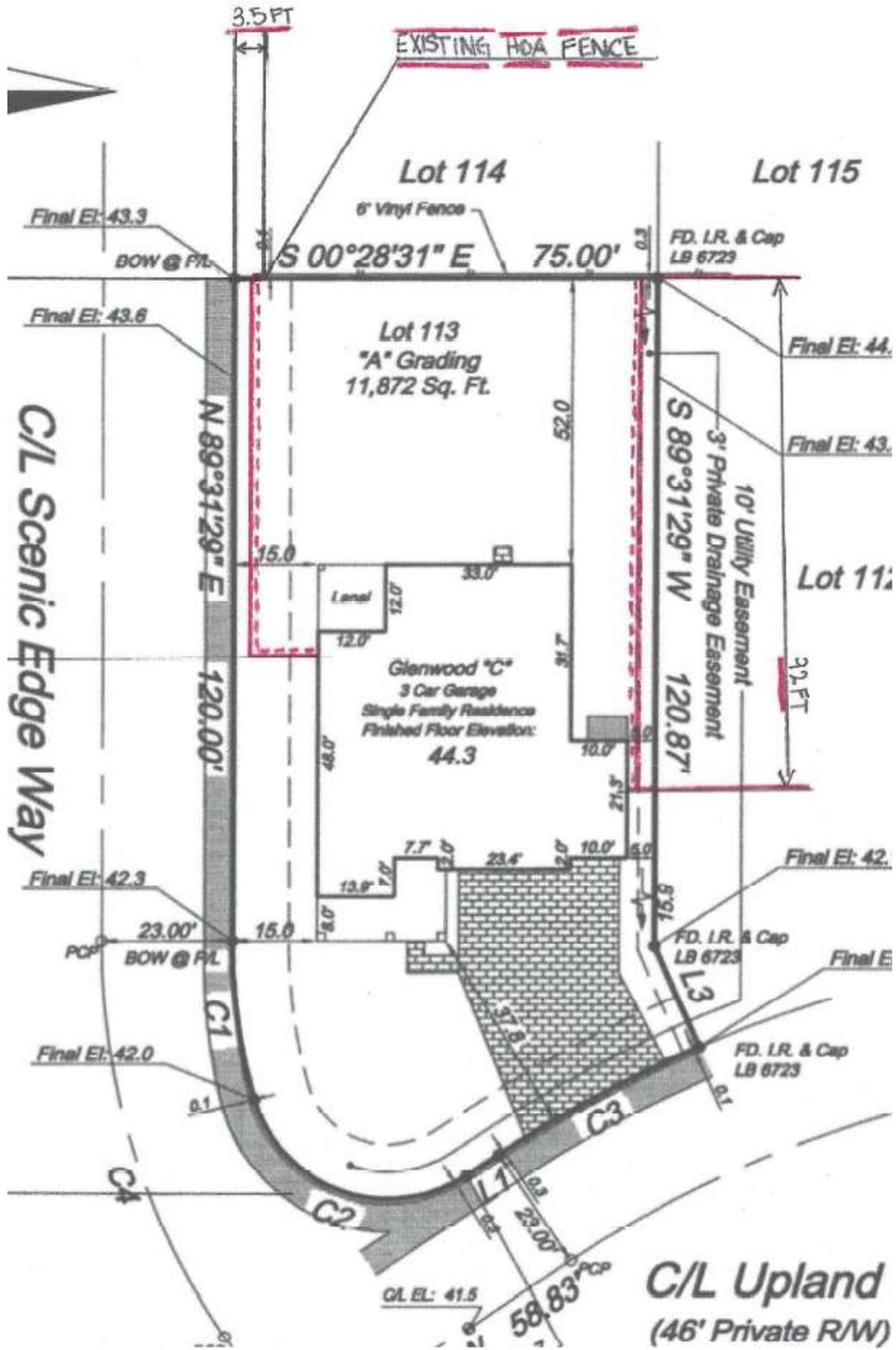
**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

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**File Number: 2023-477**

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**Title:**

**1301 Blue Stem Lane** - Request for a side street (north) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; BV2023-031 (Alexander & Brittany Baumgartner, Applicants) District 1 - Dallari (Hilary Padin, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

**Kathy Hammel**

**Contact/Phone Number:**

Hilary Padin - (407) 665-7331

**Motion/Recommendation:**

1. Deny the request for a side street (north) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; or
2. Approve the request for a side street (north) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Landings at Hawks Crest subdivision and is within the San Pedro Planned Development (PD).
- The subject property is a corner lot and, as such, considered to have two (2) front yards for setback purposes. The front of the house faces Blue Stem Lane. The Kestrel Perch Place side is where the variance is being sought.
- The request is to construct a six (6) foot vinyl privacy fence seven (7) feet into the side street setback.
- The proposed privacy fence encroaches into a utility easement and at building permitting will be required to meet the criteria for placement with an estoppel letter.
- The proposed privacy fence is eight (8) feet from the sidewalk and 19.8 feet from the edge of pavement.
- Traffic Engineering has no objection to the placement of the fence as it relates to site visibility.
- The Hawks Crest at Winter Park Homeowners Association has approved the request.

- The request is for a variance to Section 30.451 of the Land Development Code of Seminole County for Development Standards for Planned Developments.
- There have not been prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria has not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

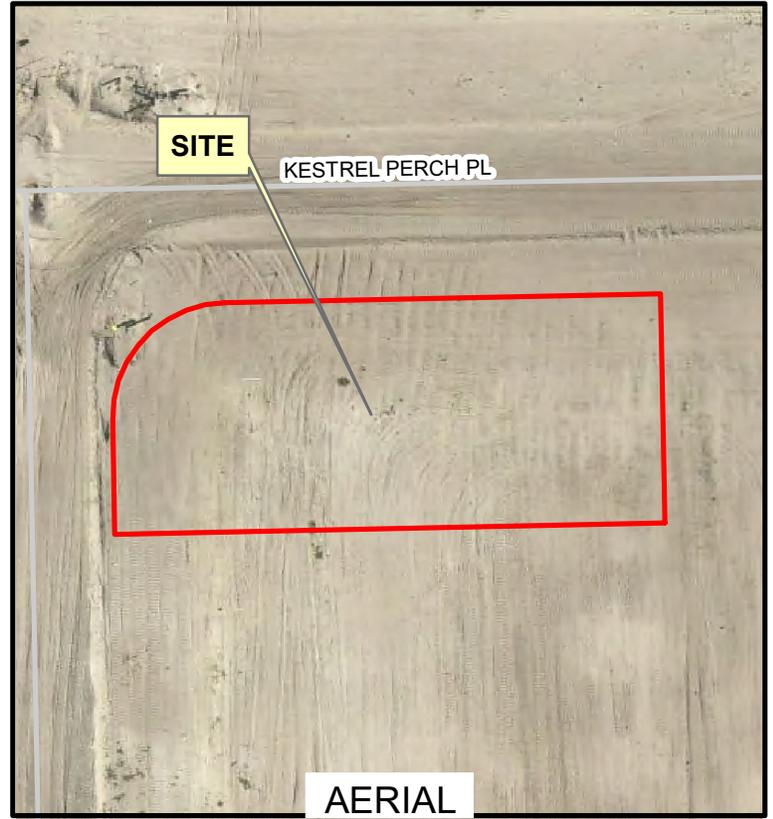
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

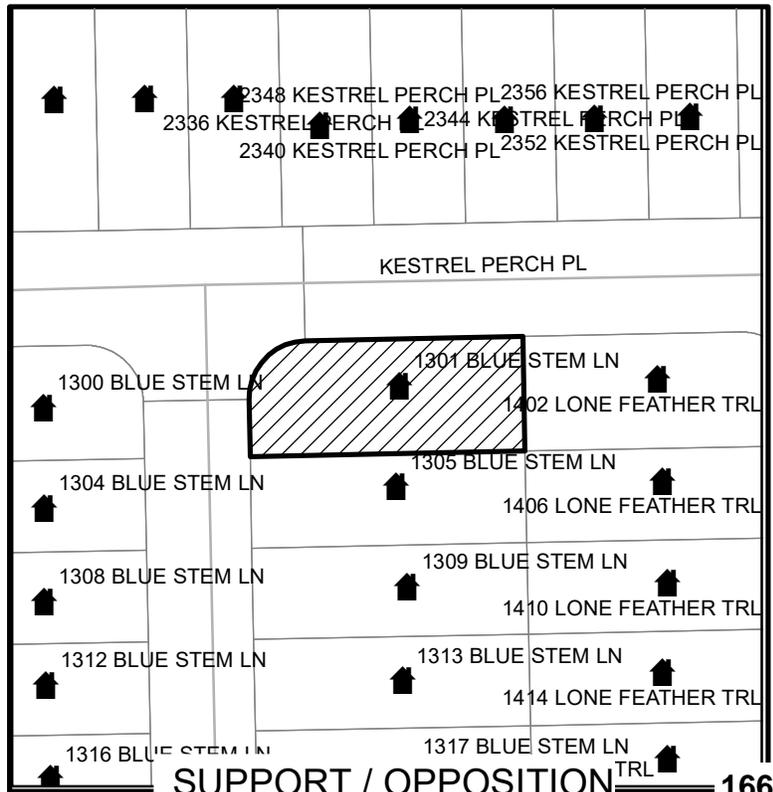
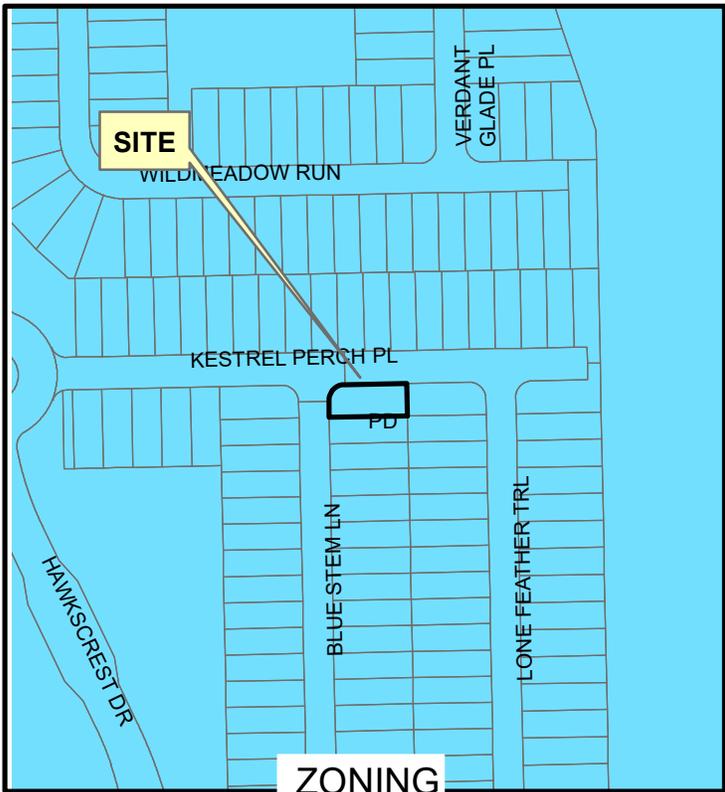
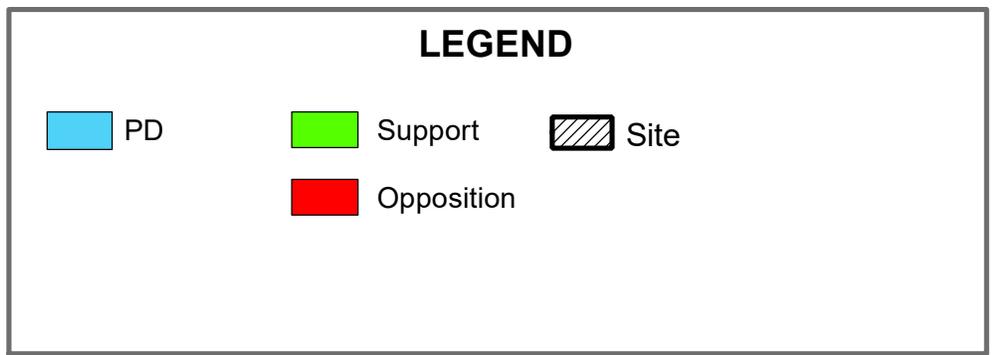
1. Any variance granted will apply only to the privacy fence as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.





**ALEXANDER & BRITTANY BAUMGARTNER**  
 1301 BLUE STEM LN  
 WINTER PARK, FL 32792

**SEMINOLE COUNTY BOARD OF ADJUSTMENT**  
 MAY 22, 2023



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

We have the community mailboxes in our yard and there is direct line of sight into our home which is why we are requesting a privacy fence. Our home is 15ft from the sidewalk so a fence with a 15ft setback would not cover our patio/windows facing the mailboxes.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

We built our home in a new community and were not made aware the mailboxes would be in our yard when we chose the lot.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

This is a unique circumstance where the community mailboxes are in our backyard. There are several other corner lots in our community with privacy fences with < 15ft setback.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

There are several homes (see attached photos) with fences less than the setback in the neighborhood that get to enjoy their privacy. We would like to enjoy time with family and our children without the constant stares and traffic at the mailbox in our yard.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

There is already a community fence on the back of the property 8ft from the sidewalk. It would be reasonable to line up the existing and proposed fence so that it appears streamlined and uniform for members of the community utilizing the mailboxes.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. It is for the safety of our children on a corner lot and for the privacy of our family, which we should have a right to. It would be most beneficial to the community to line up the existing and proposed fence.

# Property Record Card



**Parcel** 27-21-30-513-0000-3460

**Property Address** 1301 BLUE STEM LN WINTER PARK, FL 32792

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	27-21-30-513-0000-3460
<b>Owner(s)</b>	BAUMGARTNER, ALEXANDER J - Tenancy by Entirety BAUMGARTNER, BRITTANY - Tenancy by Entirety
<b>Property Address</b>	1301 BLUE STEM LN WINTER PARK, FL 32792
<b>Mailing</b>	1301 BLUE STEM LN WINTER PARK, FL 32792-3038
<b>Subdivision Name</b>	LANDINGS AT HAWKS CREST
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	None
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	0
<b>Depreciated Bldg Value</b>	\$375,186	
<b>Depreciated EXFT Value</b>		
<b>Land Value (Market)</b>	\$120,000	\$105,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$495,186	\$105,000
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$0
<b>Amendment 1 Adj</b>	\$0	\$6,000
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$495,186	\$99,000

## 2022 Certified Tax Summary

<b>2022 Tax Amount without Exemptions</b>	<b>\$1,407.85</b>	<b>2022 Tax Savings with Exemptions</b>	<b>\$47.69</b>
<b>2022 Tax Bill Amount</b>	<b>\$1,360.16</b>		

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 346 LANDINGS AT HAWKS CREST PLAT BOOK 85 PAGES 51-55

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$495,186	\$0	\$495,186
SJWM(Saint Johns Water Management)	\$495,186	\$0	\$495,186
FIRE	\$495,186	\$0	\$495,186
COUNTY GENERAL FUND	\$495,186	\$0	\$495,186
Schools	\$495,186	\$0	\$495,186

## Sales

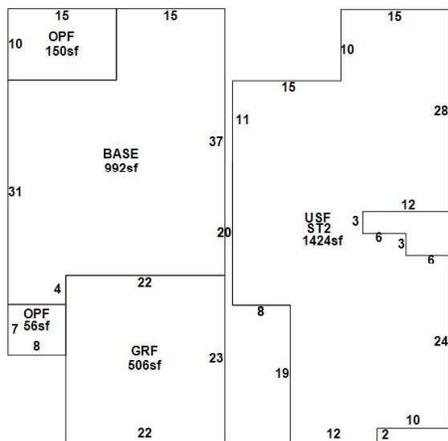
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
SPECIAL WARRANTY DEED	12/28/2022	10375	0106	\$625,600	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$120,000.00	\$120,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages										
1	SINGLE FAMILY	2022	4	2.5	11	992	3,128	2,416	CB/STUCCO FINISH	\$375,186	\$375,186	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #009966; color: white;"> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">150.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">56.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td style="text-align: right;">506.00</td> </tr> <tr> <td>UPPER STORY FINISHED</td> <td style="text-align: right;">1424.00</td> </tr> </tbody> </table>	Description	Area	OPEN PORCH FINISHED	150.00	OPEN PORCH FINISHED	56.00	GARAGE FINISHED	506.00	UPPER STORY FINISHED	1424.00
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OPEN PORCH FINISHED	150.00																					
OPEN PORCH FINISHED	56.00																					
GARAGE FINISHED	506.00																					
UPPER STORY FINISHED	1424.00																					



\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
23051	1301 BLUE STEM LN: SINGLE FAMILY DETACHED-New SFR with Tug [LANDINGS AT HAWKS CREST]	County	\$353,220	12/16/2022	12/28/2021

## Extra Features

Description	Year Built	Units	Value	New Cost
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## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
PD	Planned Development	PD	Planned Development

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
23.00	DUKE	CENTURY LINK	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	NA	NA	NA	NA

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 1 - Bob Dallari	Dist 7 - Cory Mills	Dist 30 - Susan Plasencia	Dist 9 - Jason Brodeur	65

## School Information

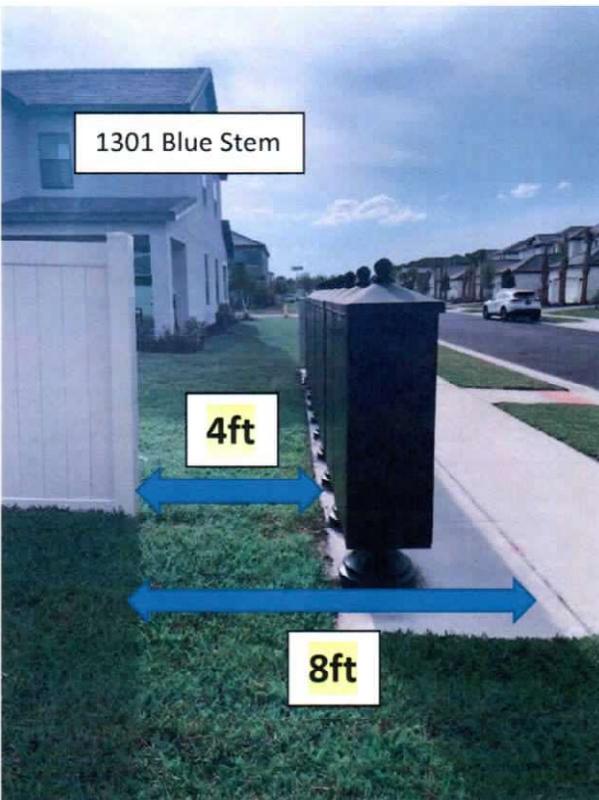
Elementary School District	Middle School District	High School District
Eastbrook	Tuskawilla	Lake Howell

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1301 Blue Stem Lane Winter Park, FL 32792

Existing community fence is 7ft from home,  
8ft from the sidewalk



1301 Blue Stem

4ft

8ft

Corner lot homes in Hawk's Crest neighborhood with vinyl fence less than 15ft from sidewalk



1232 Verdant Glade Place  
9/26/2022 - Variance granted for a side street  
setback reduction from 15 to 5 feet.

BELOW PHOTO:

1224 Verdant Glade Winter Park, FL 32792

9/28/2020 - Variance granted for a side street  
setback reduction from 15 to 5 feet.



~~1132 Wildmeadow Winter Park, FL 32792~~



2129 Laurelwood Way

2129 ~~Mark Sedge~~  
Winter Park, FL 32792

3/23/2021 - On appeal, the BCC granted the side street setback reduction from 15 to 5 feet.



2079 Laurelwood  
Winter Park, FL 32792

7/27/2020 - Variance granted for a side street setback reduction from 15 to 5 feet.



1004 Wading Waters  
Winter Park, FL 32792

**\*\*NO VARIANCE\*\***



2046 Soaring Oak  
Winter Park, FL  
32792

**5/24/21 - Variance granted for a side street setback reduction from 15 to 5 feet.**



2197 Green Glade  
Winter Park, FL  
32792

**\*\*NO VARIANCE\*\***



**Hawks Crest at Winter Park HOA**  
c/o FirstService Residential  
2300 Maitland Center Pkwy Suite 101  
Maitland FL 32751  
Phone: (866) 378-1099  
Email: CFArc@fsresidential.com

Date: January 17, 2023

Project Ref: [24907015] ORB40000034601  
Property Address: 1301 Blue Stem Ln  
Modification: Fence

Brittany Baumgartner  
1301 Blue Stem Ln  
Winter Park FL 32792

Dear Brittany Baumgartner,

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction.

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office at (866) 378-1099 or e-mail us at CFArc@fsresidential.com.

Should you sell your home, this document needs to be transferred to the new owner. Thank you for your patience and cooperation during the approval process and good luck with your project.

On Behalf of the Architectural/ACC/DRC Committee.

Respectfully,

Community Association Manager  
Hawks Crest at Winter Park HOA

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 346  
LANDINGS AT HAWKS CREST  
PLAT BOOK 85  
PAGES 51-55

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** ALEXANDER & BRITTANY BAUMGARTNER  
1301 BLUE STEM LANE  
WINTER PARK, FL 32792

**Project Name:** BLUE STEM LANE (1301)

**Requested Variance:**

A side street (north) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a privacy fence within the side street setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

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**A. FINDINGS OF FACT**

**Property Owner:** ALEXANDER & BRITTANY BAUMGARTNER  
1301 BLUE STEM LANE  
WINTER PARK, FL 32792

**Project Name:** BLUE STEM LANE (1301)

**Variance Approval:**

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**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
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- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771





# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-481**

**Title:**

**3153 Cecelia Drive** - Request for a rear yard setback variance from thirty (30) feet to twenty three (23) feet for a swimming pool in the R-1AA (Single Family Dwelling) district; BV2023-033 (Jonathan & Eva Albert, Applicants) District 3 - Constantine (Hilary Padin, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

**Kathy Hammel**

**Contact/Phone Number:**

Hilary Padin - (407) 665-7331

**Motion/Recommendation:**

1. Deny the request for a rear yard setback variance from thirty (30) feet to twenty three (23) feet for a swimming pool in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for a rear yard setback variance from thirty (30) feet to twenty three (23) feet for a swimming pool in the R-1AA (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Paradise Point subdivision.
- The request is to construct a twelve (12) foot by seventy-eight (78) foot swimming pool seven (7) feet into the rear yard setback.
- Two (2) letters of support have been received from the adjacent neighbors.
- The request is for a variance to Section 30.1345.1(a) of the Land Development Code of Seminole County, which states that the water's edge of a pool shall be a minimum of thirty (30) feet from the normal high water line of a natural water body.
- There have not been prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

- a. That 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; and

- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria has not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

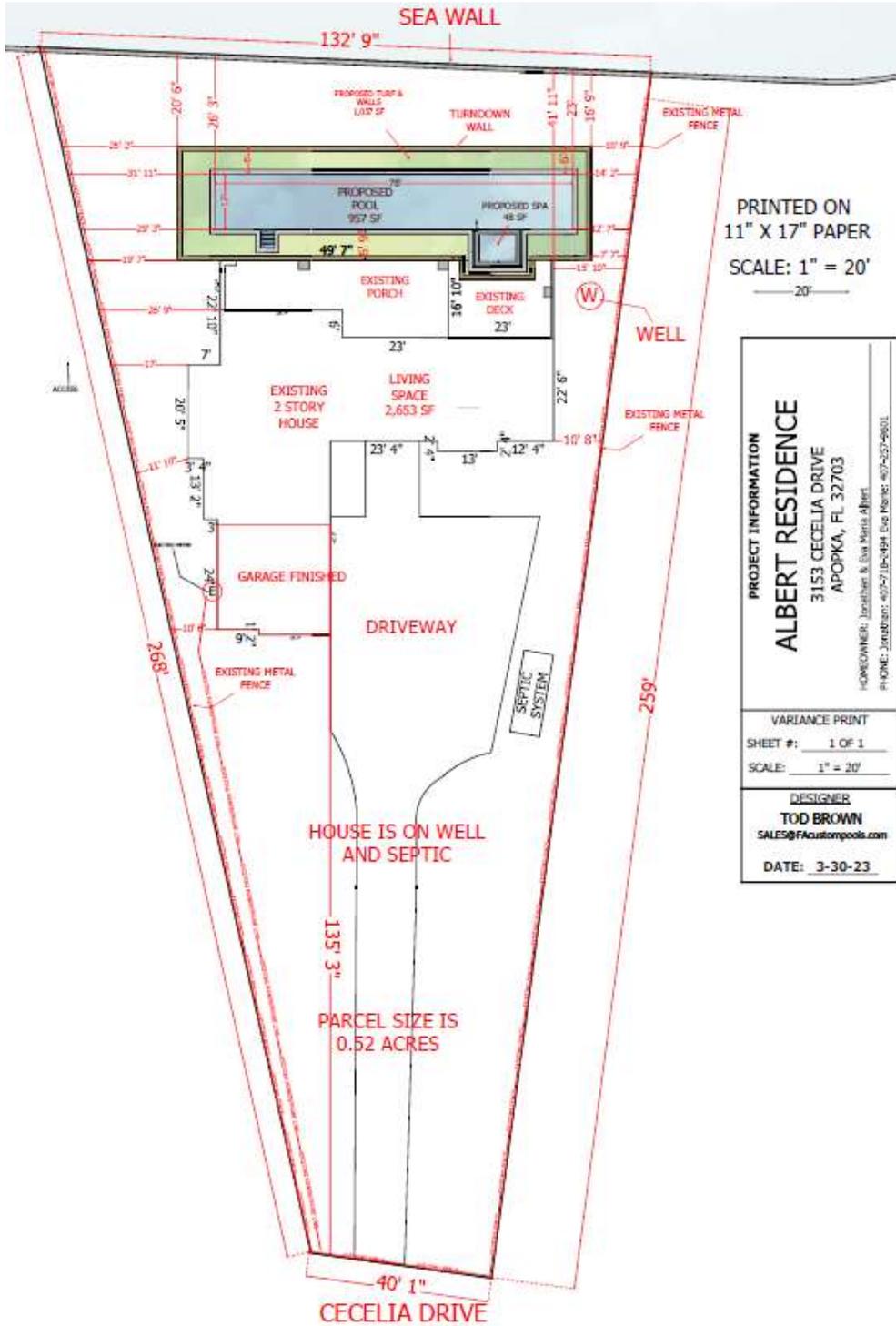
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

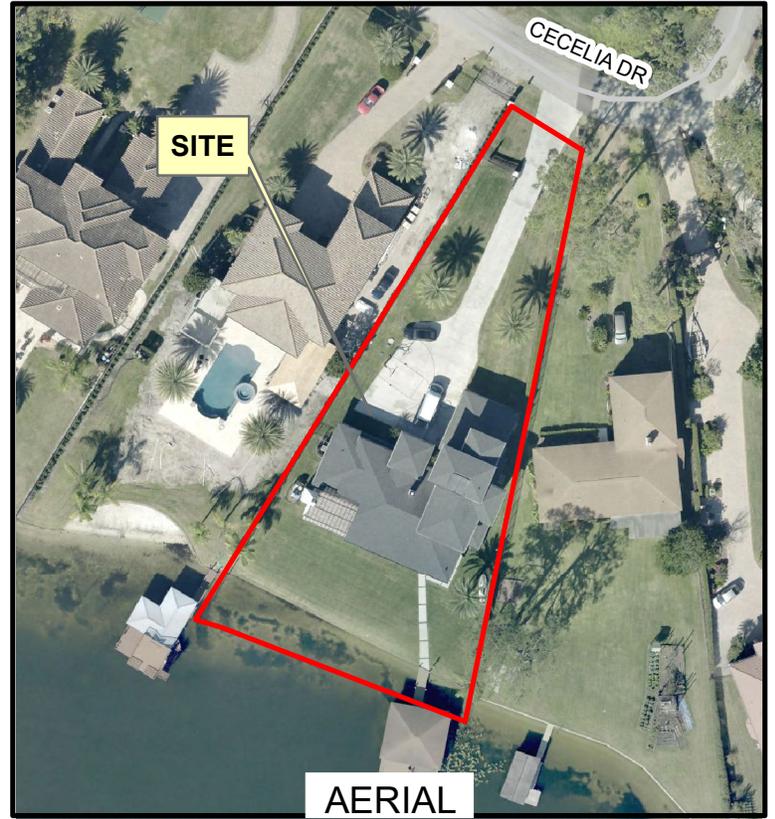
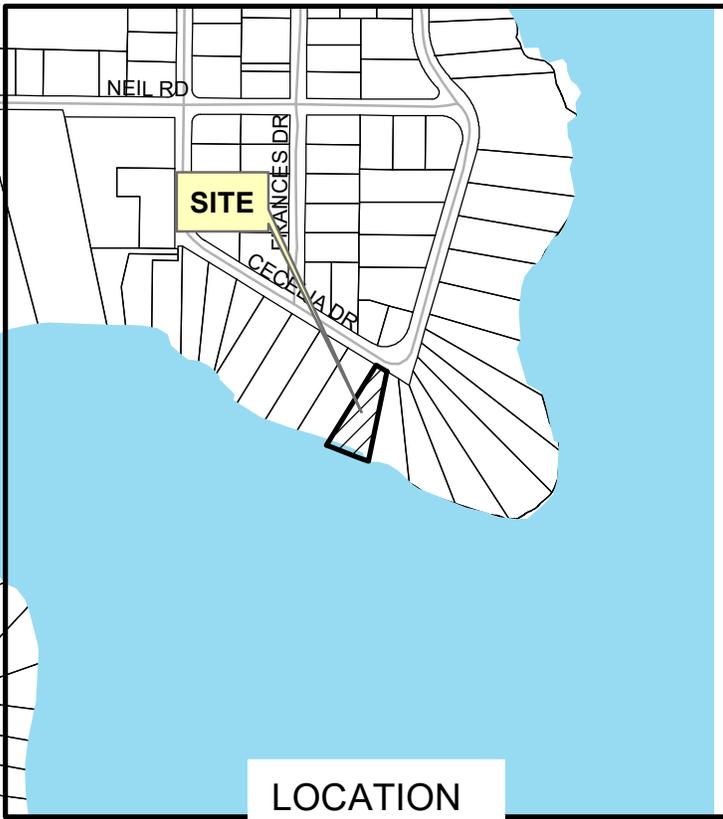
- 1. Any variance granted will apply only to the swimming pool (12' x 78') as depicted on the attached site plan; and
- 2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

# CECELIA DR (3153) VARIANCES



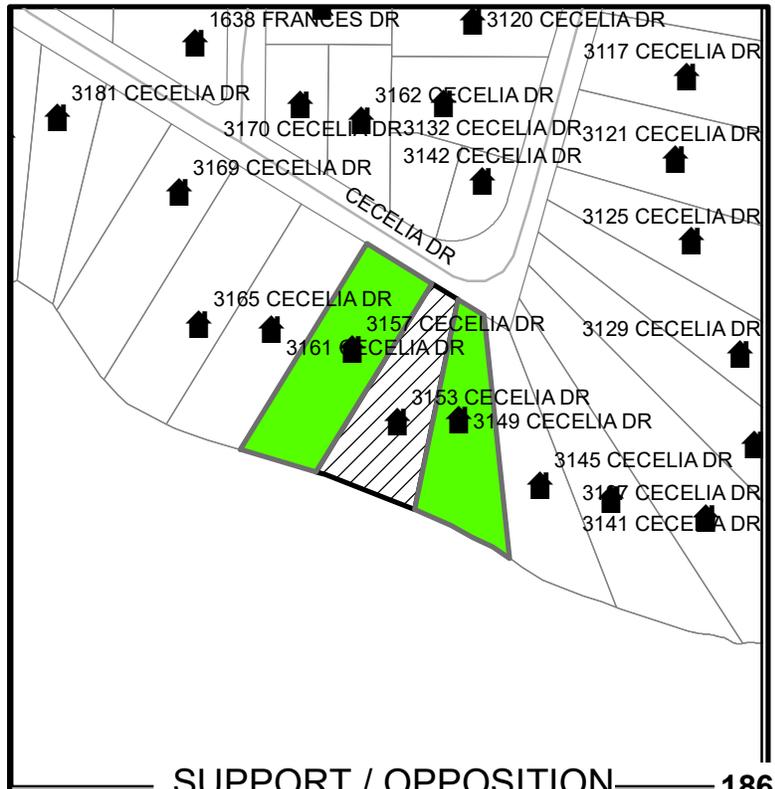
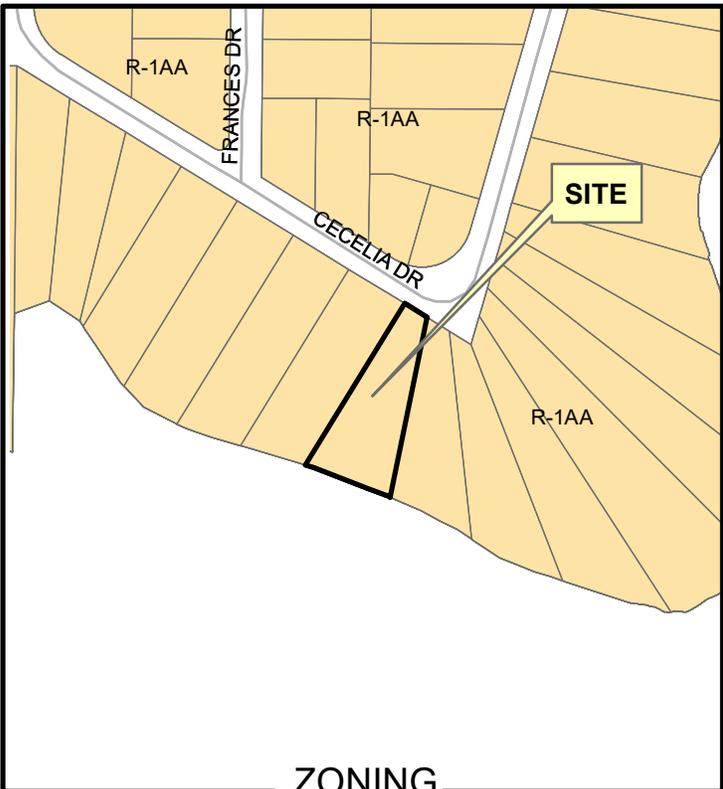
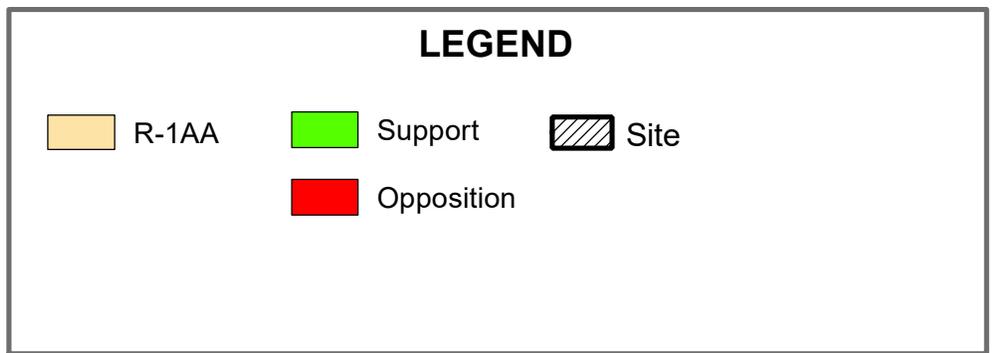
PRINTED ON  
11" X 17" PAPER  
SCALE: 1" = 20'

<p><b>PROJECT INFORMATION</b></p> <p><b>ALBERT RESIDENCE</b> 3153 CECELIA DRIVE APOPKA, FL 32703</p> <p><small>HOMEOWNER: Jonathan &amp; Eva Marie Albert PHONE: Jonathan: 407-271-8044 Eva Marie: 407-257-6801</small></p>
<p>VARIANCE PRINT</p> <p>SHEET #: 1 OF 1</p> <p>SCALE: 1" = 20'</p>
<p>DESIGNER</p> <p><b>TOD BROWN</b> SALES@FACustompools.com</p> <p>DATE: 3-30-23</p>



**JONATHAN & EVA ALBERT**  
**3153 CECELIA DR**  
**APOPKA, FL 32703**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**MAY 22, 2023**



# Property Record Card



**Parcel** 18-21-29-510-0E00-0070

**Property Address** 3153 CECELIA DR APOPKA, FL 32703

## Parcel Location



## Site View



1821295100E000070 03/14/2022

## Parcel Information

<b>Parcel</b>	18-21-29-510-0E00-0070
<b>Owner(s)</b>	ALBERT, JONATHAN A - Tenancy by Entirety ALBERT, EVA M - Tenancy by Entirety
<b>Property Address</b>	3153 CECELIA DR APOPKA, FL 32703
<b>Mailing</b>	3153 CECELIA DR APOPKA, FL 32703-7815
<b>Subdivision Name</b>	PARADISE POINT
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	0130-SINGLE FAMILY WATERFRONT
<b>Exemptions</b>	00-HOMESTEAD(2016)
<b>AG Classification</b>	No

## Value Summary

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$536,871	\$493,797
<b>Depreciated EXFT Value</b>	\$22,547	\$22,134
<b>Land Value (Market)</b>	\$588,693	\$588,693
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$1,148,111	\$1,104,624
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$218,418	\$202,009
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$929,693	\$902,615

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$14,810.91    **2022 Tax Savings with Exemptions** \$3,242.46  
**2022 Tax Bill Amount** \$11,568.45

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 7 BLK E  
PARADISE POINT  
PB 7 PG 87

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$929,693	\$50,000	\$879,693
SJWM(Saint Johns Water Management)	\$929,693	\$50,000	\$879,693
FIRE	\$929,693	\$50,000	\$879,693
COUNTY GENERAL FUND	\$929,693	\$50,000	\$879,693
Schools	\$929,693	\$25,000	\$904,693

## Sales

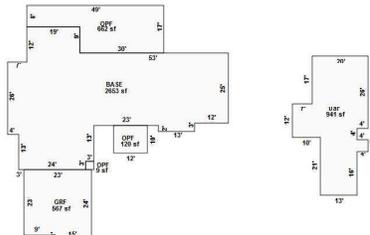
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	12/01/2010	07513	1836	\$415,000	No	Improved
PROBATE RECORDS	05/01/2004	05330	0937	\$100	No	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
FRONT FOOT & DEPTH	97.00	255.00	0	\$5,100.00	\$588,693

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages												
1	SINGLE FAMILY	2014	4	3.0	18	2,653	4,952	3,594	CUSTOM CONCRETE BLOCK STUCCO	\$536,871	\$556,343	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #003366; color: white;"> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">662.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td style="text-align: right;">567.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">9.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td style="text-align: right;">120.00</td> </tr> <tr> <td>UPPER STORY FINISHED</td> <td style="text-align: right;">941.00</td> </tr> </tbody> </table>	Description	Area	OPEN PORCH FINISHED	662.00	GARAGE FINISHED	567.00	OPEN PORCH FINISHED	9.00	OPEN PORCH FINISHED	120.00	UPPER STORY FINISHED	941.00
Description	Area																							
OPEN PORCH FINISHED	662.00																							
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OPEN PORCH FINISHED	9.00																							
OPEN PORCH FINISHED	120.00																							
UPPER STORY FINISHED	941.00																							



Sketch by Apex Sketch

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
00642	PLUMBING	County	\$0	10/31/2001	1/1/2001
10907	PLUMBING	County	\$0		12/1/2000
10337	REROOF	County	\$4,400		10/1/2002
09900	02/27/2014 08:52:58 AM Created by: Sharon Permit Key 12013112609900 was added!	County	\$539,000	9/24/2014	11/26/2013
05888	SOLAR	County	\$4,950		6/16/2014
07269	COLUMNS ON SIDES OF DRIVEWAY	County	\$1,250		7/24/2014
09760	DEMOLISH EXISTING SFR	County	\$4,900		11/20/2013
06500	136' X 2' HIGH SEAWALL	County	\$7,000		8/10/2011
06292	BOAT HOUSE	County	\$27,000		8/2/2011
09920	3153 CECELIA DR: GENERATOR-Single Family Home [PARADISE POINT]	County	\$12,728		7/29/2019

## Extra Features

Description	Year Built	Units	Value	New Cost
BOAT DOCK 2	11/01/2011	1	\$4,160	\$8,000
BOAT COVER 2	11/01/2011	1	\$4,160	\$8,000
FIREPLACE 1	11/01/2014	1	\$2,325	\$3,000
HOME-SOLAR HEATER	11/01/2014	1	\$0	
SUMMER KITCHEN 1	11/01/2014	1	\$3,502	\$5,000
STANDBY GENERATOR 1	12/05/2019	1	\$8,400	\$10,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
R-1AA	Low Density Residential	LDR	Single Family-11700

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
13.00	DUKE	AT&T	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	MON/THU	THU	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 3 - Lee Constantine	Dist 7 - Cory Mills	Dist 30 - Susan Plasencia	Dist 9 - Jason Brodeur	38

## School Information

Elementary School District	Middle School District	High School District
Bear Lake	Teague	Lake Brantley

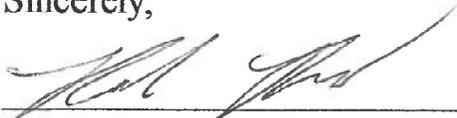
Copyright 2023 © Seminole County Property Appraiser

March 29, 2023

To Whom It May Concern:

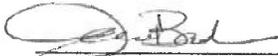
I have reviewed Jonathan and Eva Albert's Application for Variance for swimming pool at 3153 Cecelia Drive, Apopka, Florida 32703 and I approve of said request.

Sincerely,



---

Robert Bernard  
3157 Cecelia Drive  
Apopka, FL 32703



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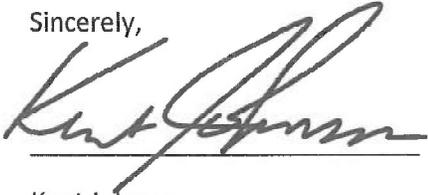
Jennifer Bernard  
3157 Cecelia Drive  
Apopka, FL 32703

March 29, 2023

To Whom It May Concern:

I have reviewed Jonathan and Eva Albert's Application for Variance for swimming pool at 3153 Cecelia Drive, Apopka, Florida 32703 and I approve of said request.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Johnson", written over a horizontal line.

Kent Johnson  
3149 Cecelia Drive  
Apopka, FL 32703

A handwritten signature in black ink, appearing to read "Kelli Johnson", written over a horizontal line.

Kelli Johnson  
3149 Cecelia Drive  
Apopka, FL 32703

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 7 BLK E  
PARADISE POINT  
PB 7 PG 87

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JONATHAN & EVA ALBERT  
3153 CECELIA DRIVE  
APOPKA, FL 32703

**Project Name:** CECELIA DR (3153)

**Requested Variance:**

A rear yard setback variance from thirty (30) feet to twenty-three (23) feet for a swimming pool in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a swimming pool within the rear yard setback. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 7 BLK E  
PARADISE POINT  
PB 7 PG 87

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** JONATHAN & EVA ALBERT  
3153 CECELIA DRIVE  
APOPKA, FL 32703

**Project Name:** CECELIA DR (3153)

**Variance Approval:**

Request for a rear yard setback variance from thirty (30) feet to twenty-three (23) feet for a swimming pool in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the swimming pool (12' x 78') as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

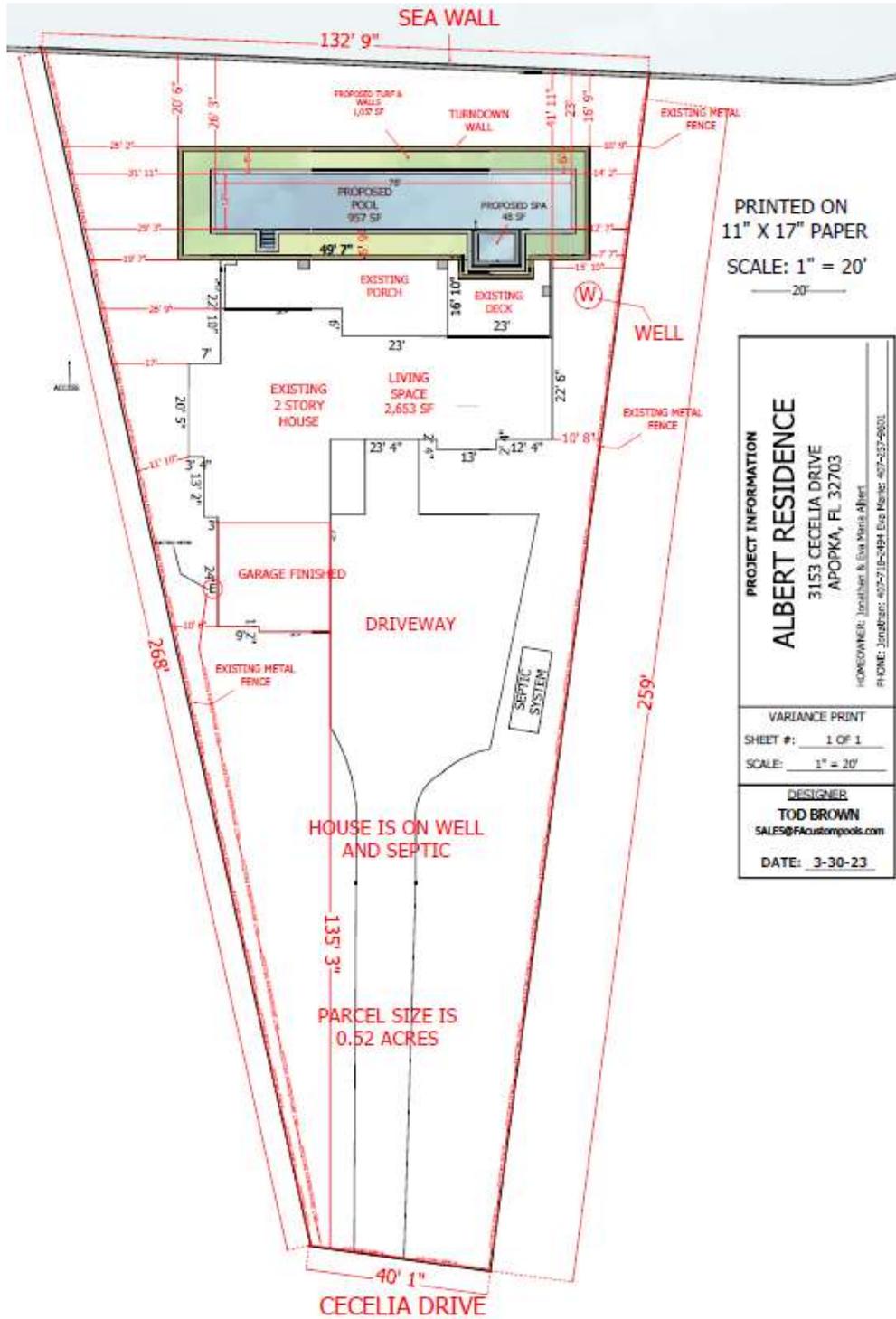
**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

EXHIBIT A



PRINTED ON  
11" X 17" PAPER  
SCALE: 1" = 20'

<b>PROJECT INFORMATION</b> <b>ALBERT RESIDENCE</b> 3153 CECELIA DRIVE APOPKA, FL 32703 <small>HOMEOWNER: Jonathan &amp; Eva Maria Albert PHONE: Jonathan: 407-271-8248, Eva Maria: 407-237-5801</small>
VARIANCE PRINT SHEET #: 1 OF 1 SCALE: 1" = 20'
DESIGNER <b>TOD BROWN</b> SALES@FAcustompools.com
DATE: 3-30-23



# SEMINOLE COUNTY, FLORIDA

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

**File Number: 2023-490**

**Title:**

**605 Oranole Road** - Request for: (1) a front yard setback variance from twenty-five (25) feet to 24.9 feet; and (2) a side yard (east) setback variance from ten (10) feet to 8.3 feet for an addition in the R-1AA (Single Family Dwelling) district; BV2023-035 (Sebastian Jimenez, Applicant) District 3 - Constantine (Hilary Padin, Project Manager)

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

**Kathy Hammel**

**Contact/Phone Number:**

Hilary Padin - (407) 665-7331

**Motion/Recommendation:**

1. Deny the request for: (1) a front yard setback variance from twenty-five (25) feet to 24.9 feet; and (2) a side yard (east) setback variance from ten (10) feet to 8.3 feet for an addition in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for: (1) a front yard setback variance from twenty-five (25) feet to 24.9 feet; and (2) a side yard (east) setback variance from ten (10) feet to 8.3 feet for an addition in the R-1AA (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Oakland Shores subdivision.
- The request is to enclose an existing 430 square foot, non-conforming carport and convert it into additional living space 0.1 foot into the front yard setback and 1.7 feet into the east side yard setback.
- The request is for a variance to Section 30.206(b) of the Land Development Code of Seminole County, which states that the front yard setback is twenty-five (25) feet and the side yard setback is ten (10) feet.
- There have not been prior variances for the subject property.

**Staff Findings:**

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County

Land Development Code for granting a variance as listed below:

- a. That 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; and
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
- d. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

Staff finds that the following variance criteria has not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

**Staff Conclusion:**

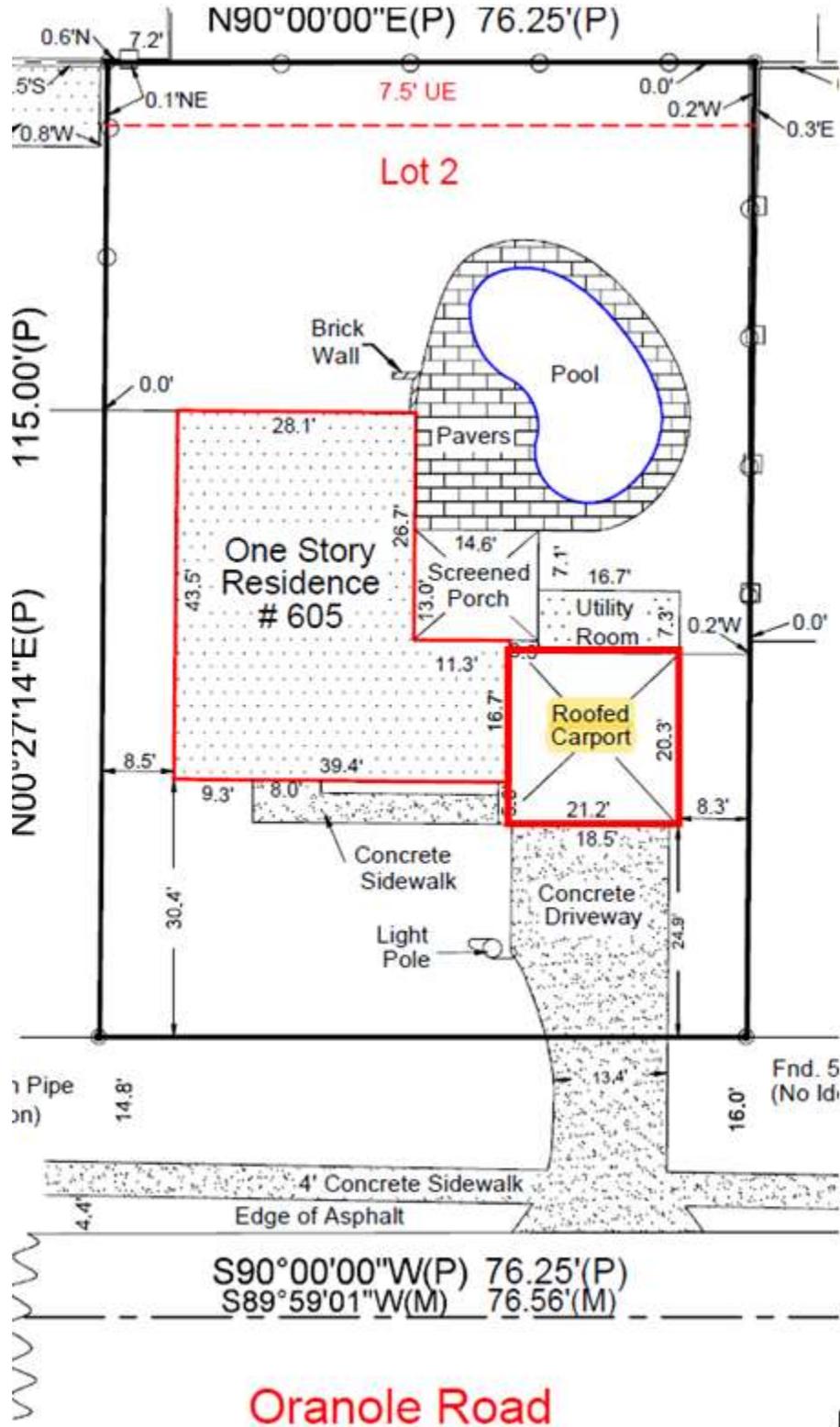
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

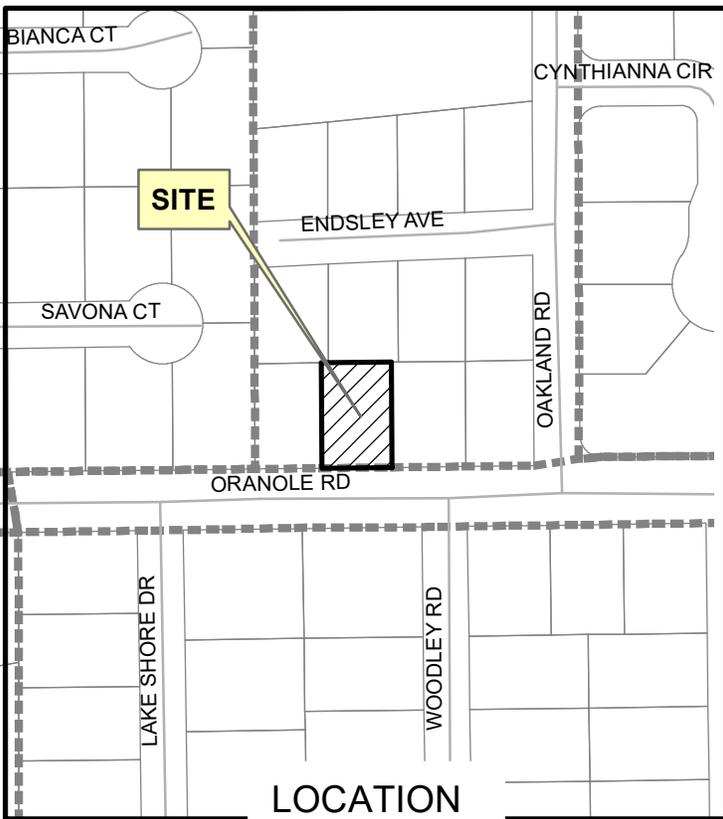
**Staff Recommendation:**

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the addition (21.2' x 20.3') as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

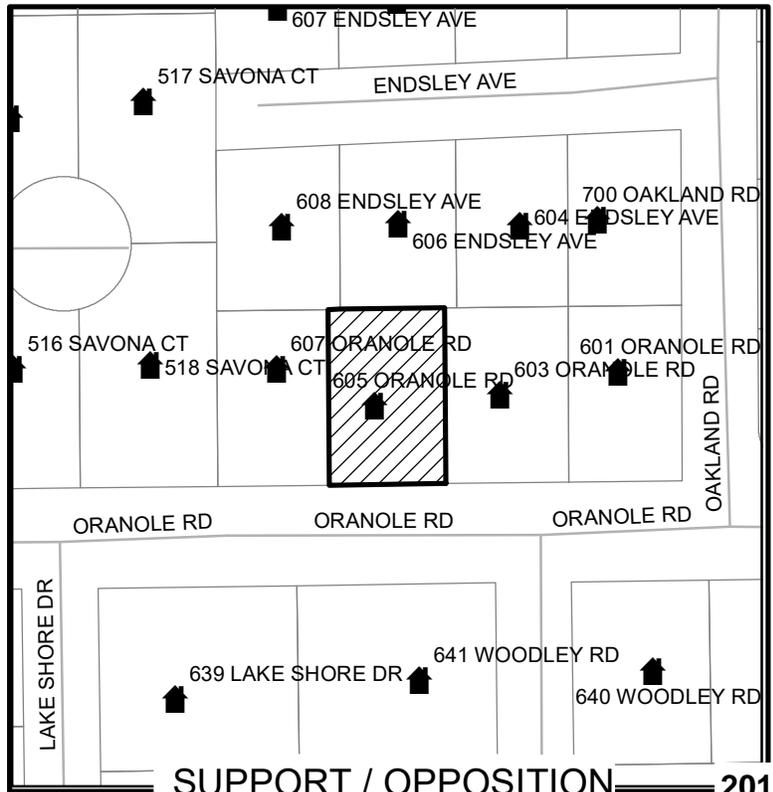
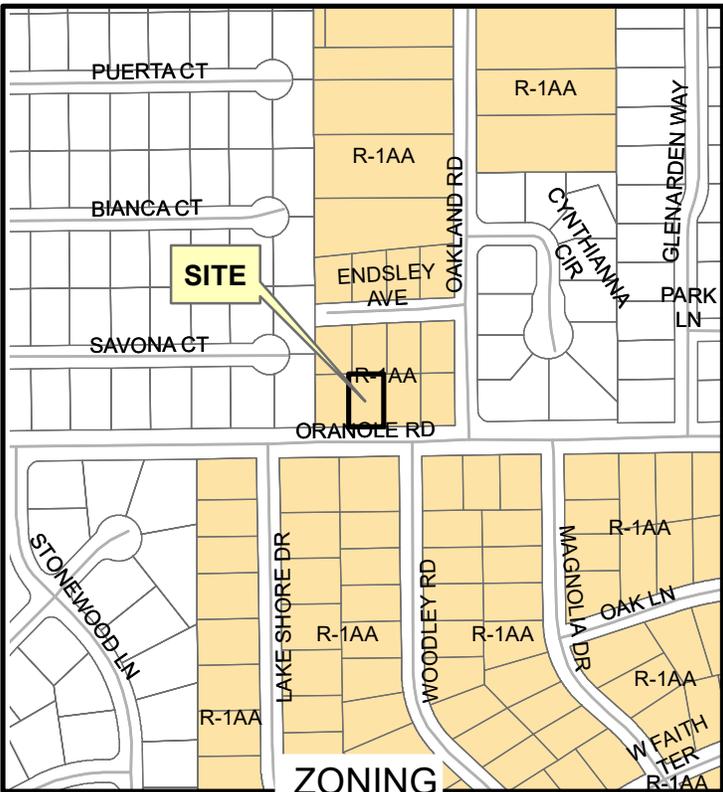
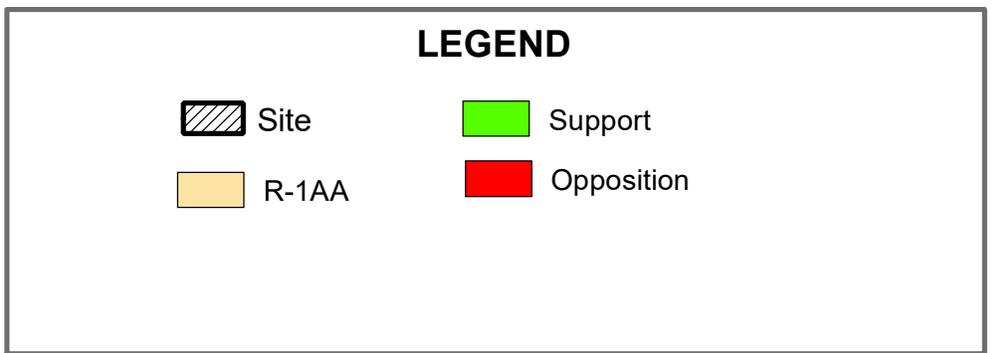
ORANOLE RD (605)  
VARIANCES





**SEBASTIAN JIMENEZ &  
MONICA MOLNAR  
605 ORANOLE ROAD  
MAITLAND, FL 32751**

**SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
MAY 22, 2023**



## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

Home was built in 1958 with existing carport and side setback of 8.3ft

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

The structure is already there when we purchased the home 2020.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

This variance only seeks to enclose an existing structure. No special privileges are sought to expand beyond the existing setback.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

Other properties enjoy the benefit of having their homes built to existing zoning regulations. Regardless of the existing structure, I was told a variance application would be needed.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Enclosing the carport to add living room space is the most reasonable way to make use of the existing structure.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

There are several homes in the area that have enjoyed enclosing of their carports. This variance poses no injury or harm to the public welfare.

# Property Record Card

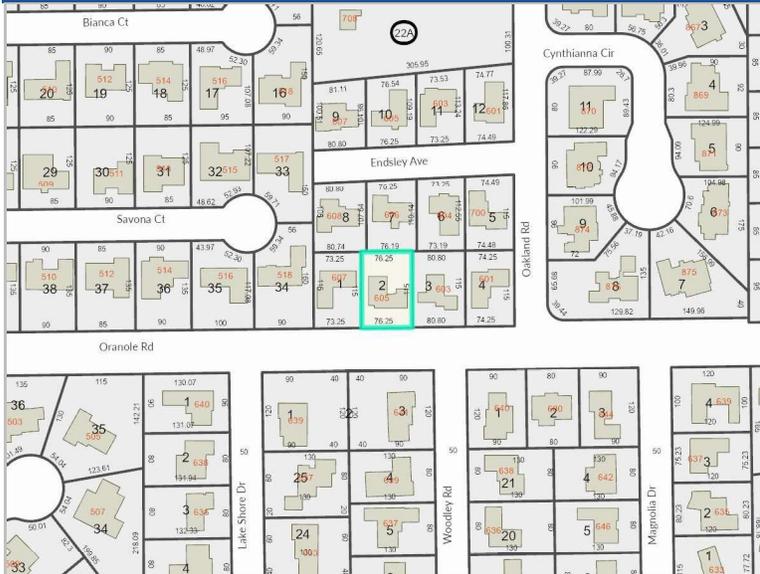


**Parcel** 24-21-29-506-0000-0020

**Property Address** 605 ORANOLE RD MAITLAND, FL 32751

## Parcel Location

## Site View



## Parcel Information

## Value Summary

<b>Parcel</b>	24-21-29-506-0000-0020
<b>Owner(s)</b>	JIMENEZ, SEBASTIAN G - Joint Tenants with right of Survivorship MOLNAR, MONICA N - Joint Tenants with right of Survivorship
<b>Property Address</b>	605 ORANOLE RD MAITLAND, FL 32751
<b>Mailing</b>	605 ORANOLE RD MAITLAND, FL 32751-3223
<b>Subdivision Name</b>	OAKLAND SHORES 3RD ADD REPLAT
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2021)
<b>AG Classification</b>	No

	2023 Working Values	2022 Certified Values
<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Number of Buildings</b>	1	1
<b>Depreciated Bldg Value</b>	\$195,205	\$180,150
<b>Depreciated EXFT Value</b>	\$22,200	\$16,000
<b>Land Value (Market)</b>	\$71,250	\$71,250
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$288,655	\$267,400
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$45,058	\$30,898
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$243,597	\$236,502

## 2022 Certified Tax Summary

<b>2022 Tax Amount without Exemptions</b>	<b>\$3,585.33</b>	<b>2022 Tax Savings with Exemptions</b>	<b>\$948.19</b>
<b>2022 Tax Bill Amount</b>	<b>\$2,637.14</b>		

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 2  
OAKLAND SHORES 3RD ADD  
REPLAT  
PB 11 PG 93

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$243,597	\$50,000	\$193,597
SJWM(Saint Johns Water Management)	\$243,597	\$50,000	\$193,597
FIRE	\$243,597	\$50,000	\$193,597
COUNTY GENERAL FUND	\$243,597	\$50,000	\$193,597
Schools	\$243,597	\$25,000	\$218,597

## Sales

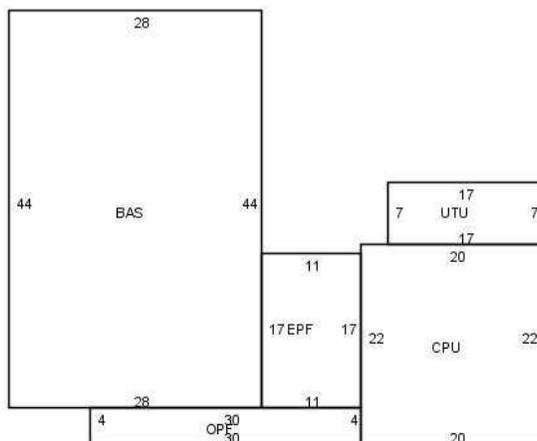
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	10/09/2020	09732	1554	\$300,000	Yes	Improved
WARRANTY DEED	01/10/2020	09519	0489	\$216,600	No	Improved
PROBATE RECORDS	01/07/2020	09515	1302	\$100	No	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$95,000.00	\$71,250

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages										
1	SINGLE FAMILY	1958/1995	3	2.0	6	1,232	2,098	1,419	CONC BLOCK	\$195,205	\$219,331	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>ENCLOSED PORCH FINISHED</td> <td>187.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>120.00</td> </tr> <tr> <td>UTILITY UNFINISHED</td> <td>119.00</td> </tr> <tr> <td>CARPORT UNFINISHED</td> <td>440.00</td> </tr> </tbody> </table>	Description	Area	ENCLOSED PORCH FINISHED	187.00	OPEN PORCH FINISHED	120.00	UTILITY UNFINISHED	119.00	CARPORT UNFINISHED	440.00
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ENCLOSED PORCH FINISHED	187.00																					
OPEN PORCH FINISHED	120.00																					
UTILITY UNFINISHED	119.00																					
CARPORT UNFINISHED	440.00																					



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
05961	2.5 TON HEAT PUMP	County	\$4,727		8/1/1997
01848	REROOF	County	\$6,145		2/1/2003
04015	MECHANICAL & CONDENSOR	County	\$7,300		5/19/2010
00446	REROOF	County	\$4,800		1/15/2015
00673	REROOF	County	\$14,400		1/18/2017
01347	605 ORANOLE RD: ELECTRICAL - RESIDENTIAL- [OAKLAND SHORES 3RD ADD RE]	County	\$1,754		2/3/2020
09769	605 ORANOLE RD: PLUMBING - RESIDENTIAL-Single Family Home [OAKLAND SHORES 3RD ADD RE]	County	\$4,170		7/1/2020
06652	605 ORANOLE RD: WINDOW / DOOR REPLACEMENT-replace 9 windows size for size [OAKLAND SHORES 3RD ADD RE]	County	\$8,612		5/2/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
POOL 1	10/01/1969	1	\$21,000	\$35,000
SCREEN PATIO 1	10/01/1990	1	\$1,200	\$3,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
R-1AA	Low Density Residential	LDR	Single Family-11700

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
14.00	DUKE	CENTURY LINK	SUNSHINE WATER SERVICES	NA	TUE/FRI	WED	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 3 - Lee Constantine	Dist 7 - Cory Mills	Dist 30 - Susan Plasencia	Dist 9 - Jason Brodeur	55

## School Information

Elementary School District	Middle School District	High School District
Lake Orienta	Milwee	Lyman

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**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2  
OAKLAND SHORES 3RD ADD  
REPLAT  
PB 11 PG 93

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** SEBASTIAN JIMENEZ  
605 ORANOLE ROAD  
MAITLAND, FL 32751

**Project Name:** ORANOLE RD (605)

**Requested Variances:**

(1) A front yard setback variance from twenty-five (25) feet to 24.9 feet; and (2) a side yard (east) setback variance from ten (10) feet to 8.3 feet for an addition in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to convert an existing non-conforming carport into living space within the front and side yard setbacks. The Board of Adjustment has found and determined that one or more of the six (6) criteria under the Seminole County Land Development Code for granting a variance have not been satisfied and that failure to grant the variance would not result in an unnecessary and undue hardship. The Property Owner still retains reasonable use of the property without the granting of the requested variance.

**C. DECISION**

The requested development approval is hereby **DENIED**.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

I **HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On May 22, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2  
OAKLAND SHORES 3RD ADD  
REPLAT  
PB 11 PG 93

(The above described legal description has been provided by Seminole County Property Appraiser.)

**A. FINDINGS OF FACT**

**Property Owner:** SEBASTIAN JIMENEZ  
605 ORANOLE ROAD  
MAITLAND, FL 32751

**Project Name:** ORANOLE RD (605)

**Variance Approval:**

Request for: (1) a front yard setback variance from twenty-five (25) feet to 24.9 feet; and (2) a side yard (east) setback variance from ten (10) feet to 8.3 feet for an addition in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the May 22, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

All six (6) 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 is in compliance with applicable land development regulations and all other applicable regulations and ordinances.

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development must 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, to the extent that such requirements are not inconsistent with this Development Order.
- (3) The conditions upon this development approval are as follows:
  - a. The variance granted applies only to the addition (21.2' x 20.3') as depicted on the site plan.
- (4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order is found to be invalid or illegal then the entire order will be null and void.
- (6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.
- (7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Mary Moskowitz, AICP, CPM  
Planning and Development Manager

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Notary Public

Prepared by: Hilary Padin, Planner  
1101 East First Street  
Sanford, Florida 32771

EXHIBIT A

