



**SEMINOLE COUNTY, FLORIDA**  
**Board of Adjustment**  
**Meeting Agenda 2 - Final**

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**Monday, February 27, 2023**

**6:00 PM**

**BCC Chambers**

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**CALL TO ORDER AND ROLL CALL**

**OPENING STATEMENT**

**VARIANCES**

105 Bayberry Road - Request for a side yard (west) setback variance from ten (10) feet to seven (7) feet for a pool enclosure in the R-1AA (Single Family Dwelling) district; BV2022-111 (Paul Holmes, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

**[2023-138](#)**

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

401 Kentwood Ave - Request for a side street (north) setback variance from twenty-five (25) feet to fifteen (15) feet for a fence in the R-1AAA (Single Family Dwelling) district; BV2023-001 (Lee Andrus Jr, Applicant) District 5 - Herr (Angi Kealhofer, Project Manager)

**[2023-141](#)**

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

2464 Falmouth Road - Request for a rear yard setback variance from thirty (30) feet to twenty-two (22) feet for a screen room addition in the R-1AA (Single Family Dwelling) district; BV2023-002 (Robert & Catherine Richardson, Applicants) District 4 - Lockhart (Hilary Padin, Project Manager)

[2023-134](#)

- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Data Sheet](#)  
[Letters of Support](#)  
[Denial Development Order](#)  
[Approval Development Order](#)

CLOSING BUSINESS

**APPROVAL OF THE MINUTES**

**ELECTION OF CHAIR AND VICE CHAIR**

**ADJOURN**



# SEMINOLE COUNTY, FLORIDA

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

## Agenda Memorandum

**File Number: 2023-138**

**Title:**

**105 Bayberry Road** - Request for a side yard (west) setback variance from ten (10) feet to seven (7) feet for a pool enclosure in the R-1AA (Single Family Dwelling) district; BV2022-111 (Paul Holmes, 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 yard (west) setback variance from ten (10) feet to seven (7) feet for a pool enclosure in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for a side yard (west) setback variance from ten (10) feet to seven (7) feet for a pool enclosure 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 Apple Valley subdivision and is within the R-1AA (single family dwelling) district.
- The previous pool screen enclosure was built without a building permit prior to the applicant purchasing the home in 2011. Due to hurricane damage in 2022 the applicant would like to reconstruct the enclosure in the same footprint.
- One letter of support was received by the adjacent neighbor located at 103 Bayberry Road.
- 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:**

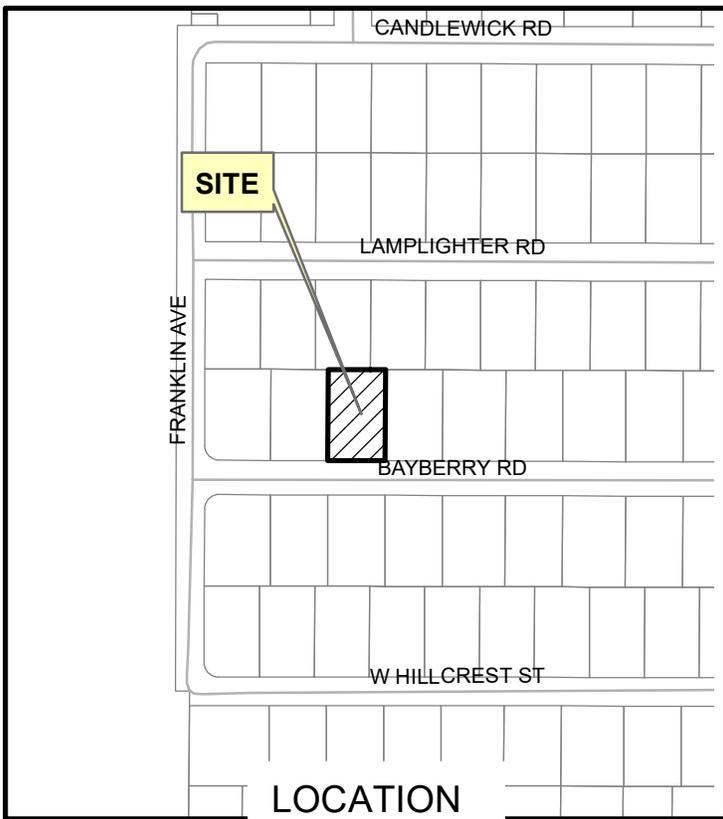
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**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:

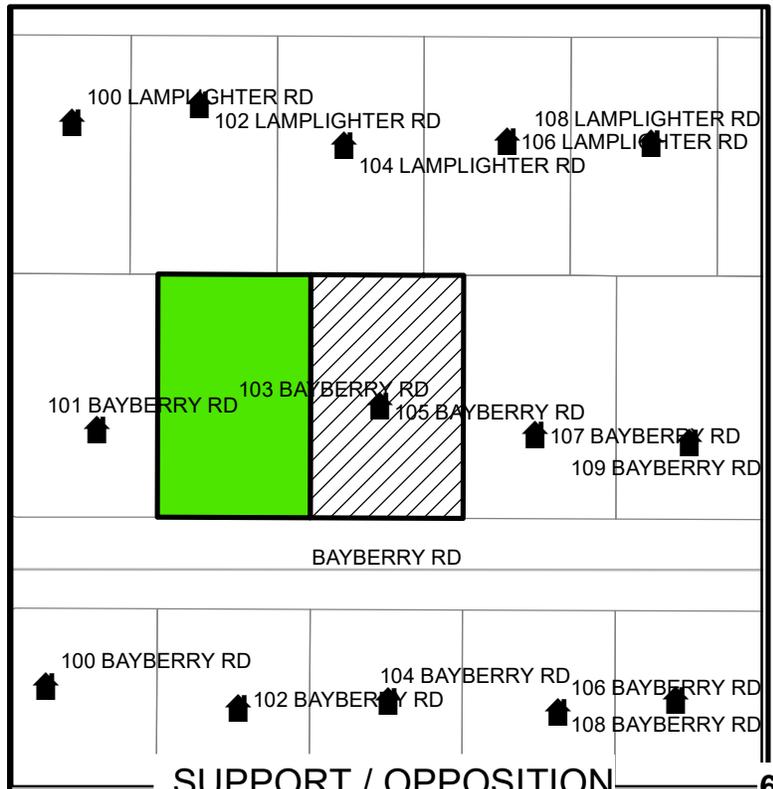
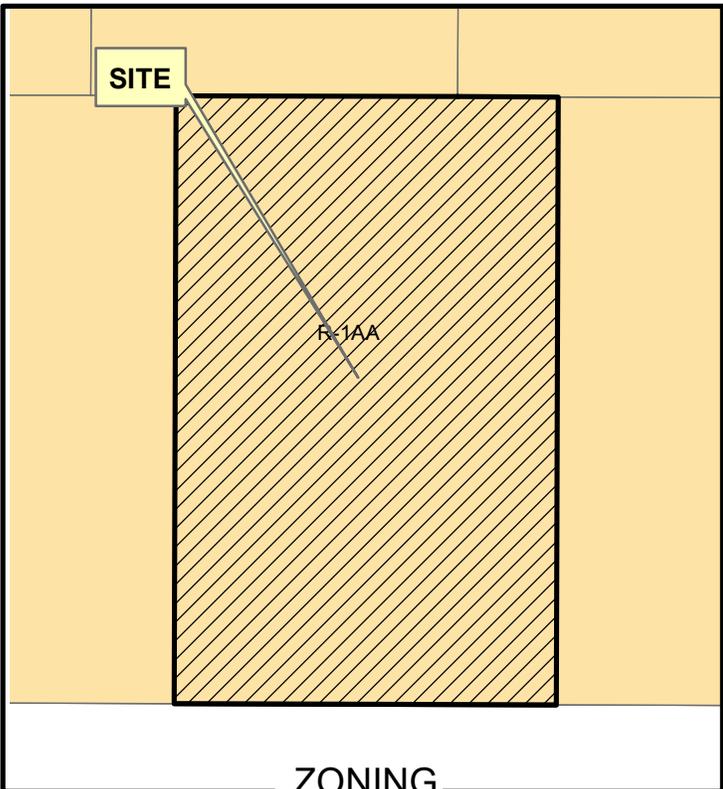
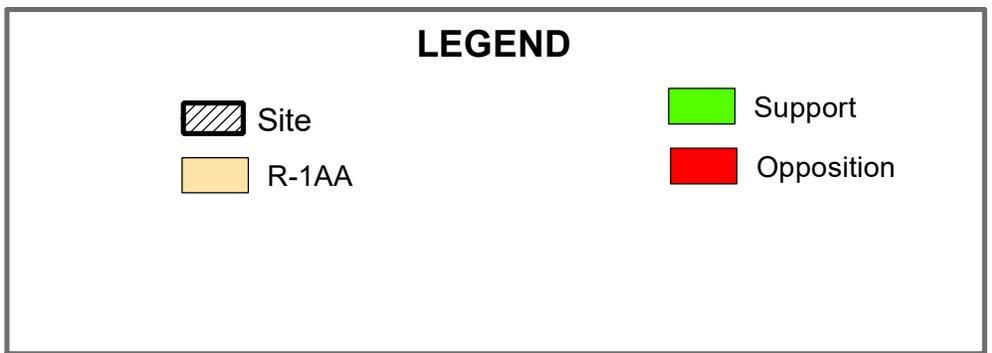
1. Any variance granted will apply only to the pool enclosure as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.





**PAUL & MICHELE HOLMES**  
**105 BAYBERRY RD**  
**ALTAMONTE SPRINGS, FL 32714**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**FEBRUARY 27, 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.

Damage to the Pool screen enclosure occurred during hurricane Ian. I purchased the property in October of 2011 with the Pool enclosure in place and was unaware of any issues.

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

The neighbor's trees fell during hurricane Ian on my Pool enclosure, Patio, home, fence, and cars. I want to get my property back to pre-hurricane Ian's condition.

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.

I inherited this issue. I purchased the property in October of 2011. The Pool enclosure was in place before the purchase.

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 enjoyed my Pool enclosure for the past 11 years. It gives me peace of mind knowing that I meet all safety concerns. As of now I put up a temporary fence to keep my pool and back yard safe. I do not have the same peace of mind

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

The screened pool enclosure was been in place before I purchased the property. I want to replace the damaged pool enclosure with a new one in the same place. I have a letter from my neighbor who agrees.

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.

Most of the properties have screened pool enclosures. By replacing the screened pool enclosure, I will be returning the property to pre-hurricane Ian conditions and fixing the safety issues.

Revised 2019 This will also satisfy my home owners' insurance.

Also My Home Value.

# Property Record Card



**Parcel** 11-21-29-502-0000-0540

**Property Address** 105 BAYBERRY RD ALTAMONTE SPRINGS, FL 32714

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	11-21-29-502-0000-0540
<b>Owner(s)</b>	HOLMES, PAUL - Tenancy by Entirety HOLMES, MICHELE - Tenancy by Entirety
<b>Property Address</b>	105 BAYBERRY RD ALTAMONTE SPRINGS, FL 32714
<b>Mailing</b>	105 BAYBERRY RD ALTAMONTE SPG, FL 32714-2044
<b>Subdivision Name</b>	APPLE VALLEY UNIT 02
<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>	\$222,502	\$206,859
<b>Depreciated EXFT Value</b>	\$26,600	\$20,200
<b>Land Value (Market)</b>	\$75,000	\$75,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$324,102	\$302,059
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$87,331	\$72,184
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$236,771	\$229,875

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$4,050.04    **2022 Tax Savings with Exemptions** \$1,501.76  
**2022 Tax Bill Amount** \$2,548.28

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 54  
APPLE VALLEY UNIT 2  
PB 16 PG 35

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$236,771	\$50,000	\$186,771
SJWM(Saint Johns Water Management)	\$236,771	\$50,000	\$186,771
FIRE	\$236,771	\$50,000	\$186,771
COUNTY GENERAL FUND	\$236,771	\$50,000	\$186,771
Schools	\$236,771	\$25,000	\$211,771

## Sales

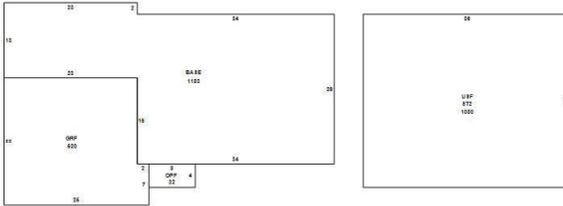
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
SPECIAL WARRANTY DEED	09/01/2011	07639	1065	\$195,000	No	Improved
CERTIFICATE OF TITLE	07/01/2011	07607	0439	\$127,000	No	Improved
WARRANTY DEED	10/01/2005	06041	0982	\$450,000	Yes	Improved
WARRANTY DEED	04/01/2005	05696	1779	\$259,900	Yes	Improved
WARRANTY DEED	11/01/2004	05621	1906	\$186,000	Yes	Improved
WARRANTY DEED	06/01/1995	02932	0116	\$131,000	Yes	Improved
WARRANTY DEED	09/01/1989	02104	1723	\$116,000	Yes	Improved
WARRANTY DEED	04/01/1979	01217	1478	\$84,500	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$75,000.00	\$75,000

## 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	4	2.5	8	1,183	2,815	2,263	CB/STUCCO FINISH	\$222,502	\$317,860	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>GARAGE FINISHED</td> <td>520.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>32.00</td> </tr> <tr> <td>UPPER STORY FINISHED</td> <td>1080.00</td> </tr> </tbody> </table>	Description	Area	GARAGE FINISHED	520.00	OPEN PORCH FINISHED	32.00	UPPER STORY FINISHED	1080.00
Description	Area																			
GARAGE FINISHED	520.00																			
OPEN PORCH FINISHED	32.00																			
UPPER STORY FINISHED	1080.00																			



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
10360	REROOF W/SHINGLES	County	\$5,270		5/24/2005
19335	105 BAYBERRY RD: EZ REROOF RESIDENTIAL- [APPLE VALLEY UNIT 02]	County	\$23,576		11/15/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
FIREPLACE 1	10/01/1972	1	\$1,200	\$3,000
POOL 1	10/01/1972	1	\$21,000	\$35,000
SCREEN ENCL 2	10/01/1990	1	\$3,400	\$8,500
COVERED PATIO 1	10/01/1990	1	\$1,000	\$2,500

## 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
12.00	DUKE	CENTURY LINK	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	MON/THU	WED	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 3 - Lee Constantine	Dist 7 - Stephanie Murphy	Dist 29 - Scott Plakon	Dist 9 - Jason Brodeur	40

## School Information

Elementary School District	Middle School District	High School District
Spring Lake	Milwee	Lyman

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VICTOR J CINTRON  
MARY H CINTRON  
103 BAYBERRY RD  
ALTAMONTE SPRINGS, FL 32714-2044

REF: Pool Enclosure at 105 Bayberry Rd

I Victor Cintron and Heather Cintron residing at 103 Bayberry Rd adjacent to Paul Holmes at 105 Bayberry Rd. am writing this letter in support and agreement with the replacement of the pool enclosure. We understand that there should be a 10 ft variance and that the previous enclosure was set at 7.2 ft and do not have any issues with it being back to its original placement prior to hurricane Ian.

If you have any questions or need anything else please feel free to contact me directly at my mobile 407-782-4198.

Sincerely,

*Victor J. Cintron*  
Victor Cintron

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On February 27, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 54  
APPLE VALLEY UNIT 2  
PB 16 PG 35

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

**A. FINDINGS OF FACT**

**Property Owner:** PAUL & MICHELE HOLMES  
105 BAYBERRY ROAD  
ALTAMONTE SPRINGS, FL 32714

**Project Name:** BAYBERRY ROAD (105)

**Requested Variance:**

Request for a side yard (west) setback variance from ten (10) feet to seven (7) feet for a pool enclosure in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the February 27, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**A. CONCLUSIONS OF LAW**

Approval was sought to reconstruct a pool enclosure within the required side yard (west) 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.

**B. 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 March, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On February 27, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 54  
APPLE VALLEY UNIT 2  
PB 16 PG 35

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

**A. FINDINGS OF FACT**

**Property Owner:** PAUL & MICHELE HOLMES  
105 BAYBERRY ROAD  
ALTAMONTE SPRINGS, FL 32714

**Project Name:** BAYBERRY ROAD (105)

**Variance Approval:**

Request for a side yard (west) setback variance from ten (10) feet to seven (7) feet for a pool enclosure in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the February 27, 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 pool enclosure 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**

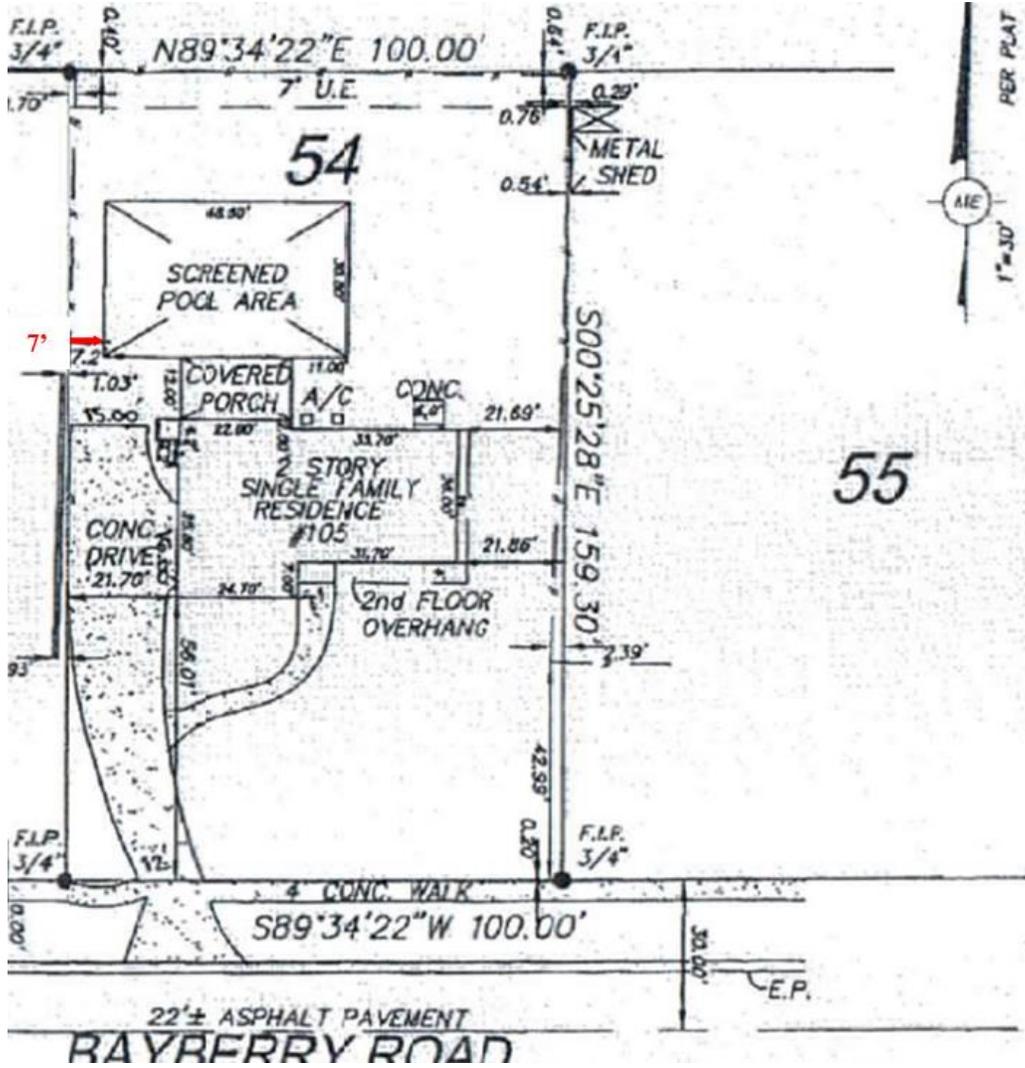
**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of March, 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: 2023-141**

**Title:**

**401 Kentwood Ave** - Request for a side street (north) setback variance from twenty-five (25) feet to fifteen (15) feet for a fence in the R-1AAA (Single Family Dwelling) district; BV2023-001 (Lee Andrus Jr, Applicant) District 5 - Herr (Angi Kealhofer, 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 fifteen (15) feet for a fence in the R-1AAA (Single Family Dwelling) district; or
2. Approve the request for a side street (north) setback variance from twenty-five (25) feet to fifteen (15) feet for a fence in the R-1AAA (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Wilson Place subdivision and is within the R-1AAA (Single Family Dwelling) district.
- 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 Kentwood Avenue, and the Wayside Drive 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 is fifteen (15) feet from the sidewalk and twenty-eight (28) feet from the edge of pavement.
- 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.

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.

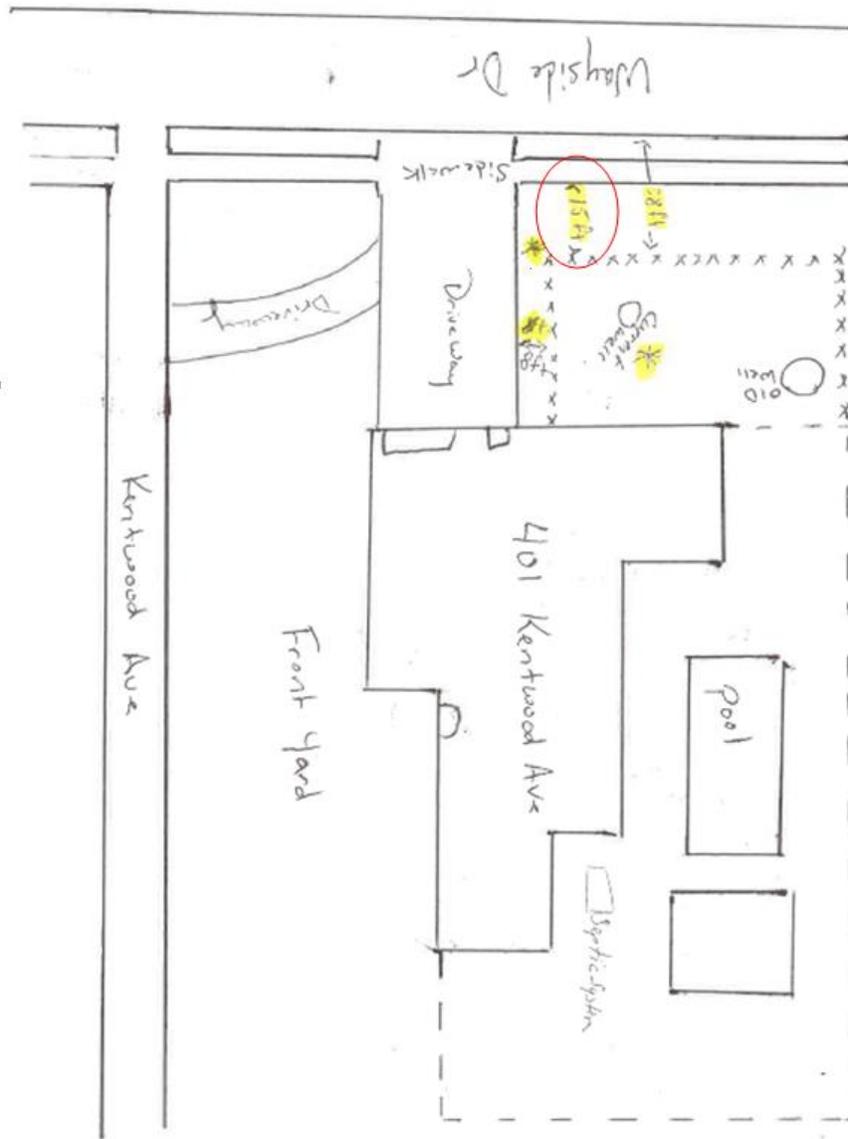
**Staff Recommendation:**

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.

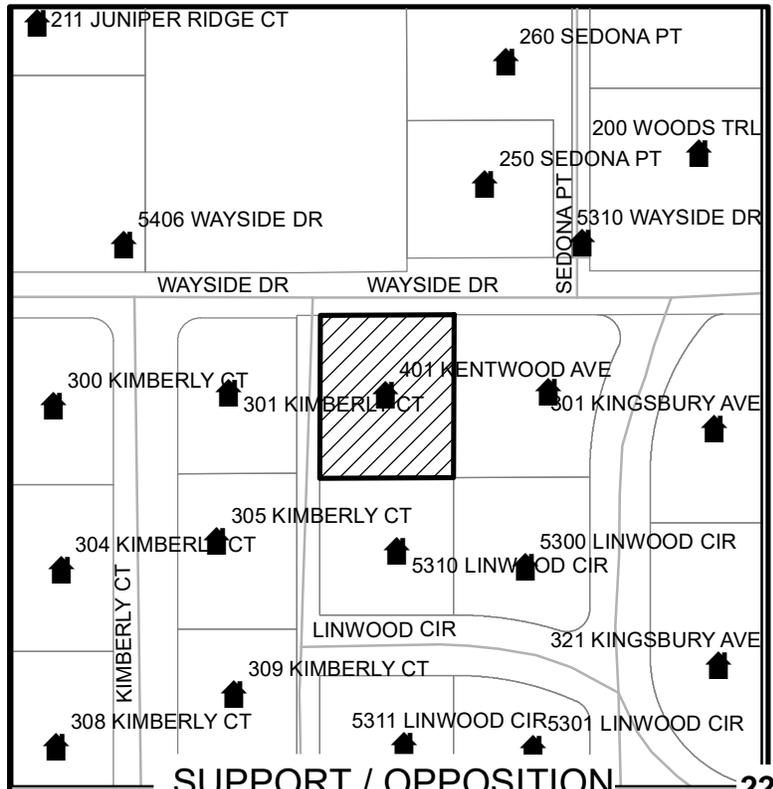
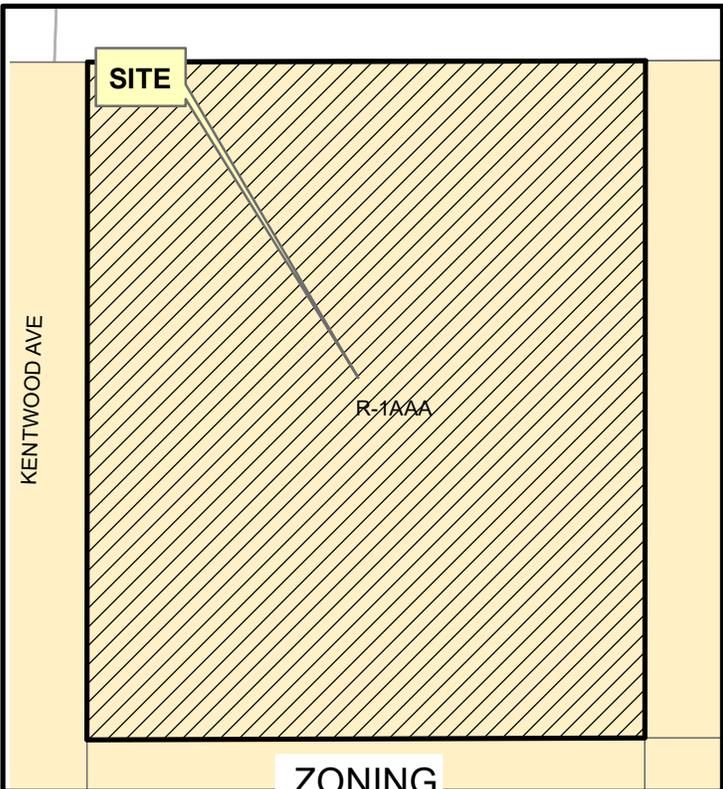
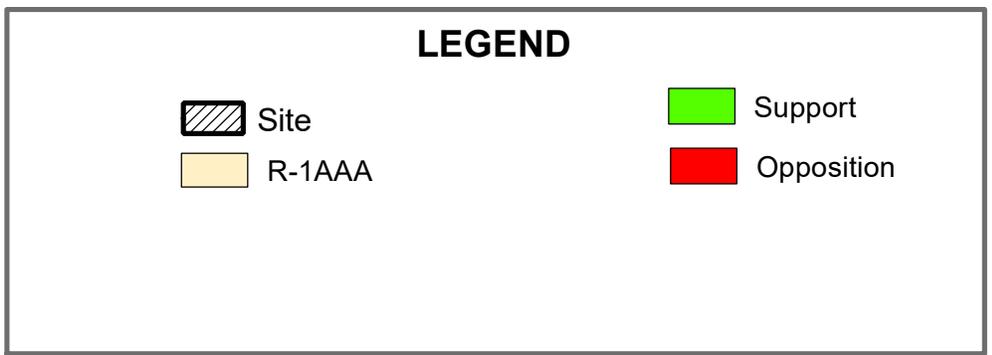
KENTWOOD AVE (401)  
VARIANCES





**LEE ANDRUS JR**  
**401 KENTWOOD AVE**  
**SANFORD, FL 32771**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**FEBRUARY 27, 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. Property is a corner lot with a well, I need to install a fence to not only enclose the well head - but also for the security of my family. My kids are active and are involved in outdoor activities. Their bedroom windows are also on that side of the house.
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. The conditions that exist (corner lot) are related to zoning regulations. I am requesting a fence variance.
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. Request is consistent with the general zoning plan (per Future Land Use and Zoning table - may be reduced 15ft setback for side street). The fence would be 85ft from Kentwood Ave and 28ft setback from Wayside Dr.
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. Per the Future Land Use Zoning table - Side street setback may be reduced to 15ft with approval. There are properties on the same street that have walls/fences that are under 15ft from the sidewalk. - (see pics)
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The fence would make it possible that my well would be protected and provide security for my family. My children's bedroom windows would be enclosed by the fence. They also could be in the yard - Gardening, Baseball, swings, etc. and be inside the 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. The fence would be 85ft from Kentwood Ave and 28ft setback off of Wayside Dr. There would be no obstructions (to traffic - see pics) or sidewalk. The fence would also match nicely with the property across the street (Wayside Dr)

# Property Record Card



**Parcel** 30-19-30-5UA-0400-0040

**Property Address** 401 KENTWOOD AVE SANFORD, FL 32771

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	30-19-30-5UA-0400-0040
<b>Owner(s)</b>	ANDRUS, LEE R JR - Tenancy by Entirety ANDRUS, ELIZABETH M - Tenancy by Entirety
<b>Property Address</b>	401 KENTWOOD AVE SANFORD, FL 32771
<b>Mailing</b>	401 KENTWOOD AVE SANFORD, FL 32771-8589
<b>Subdivision Name</b>	WILSON PLACE
<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>	\$308,373	\$240,129
<b>Depreciated EXFT Value</b>	\$25,784	\$17,800
<b>Land Value (Market)</b>	\$82,000	\$82,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$416,157	\$339,929
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$0
<b>Amendment 1 Adj</b>	\$42,235	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$373,922	\$339,929

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** **\$4,557.80**  
**2022 Tax Bill Amount** **\$4,557.80**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 4 BLK 4  
UNRECD PLAT WILSON PLACE

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$373,922	\$0	\$373,922
SJWM(Saint Johns Water Management)	\$373,922	\$0	\$373,922
FIRE	\$373,922	\$0	\$373,922
COUNTY GENERAL FUND	\$373,922	\$0	\$373,922
Schools	\$416,157	\$0	\$416,157

## Sales

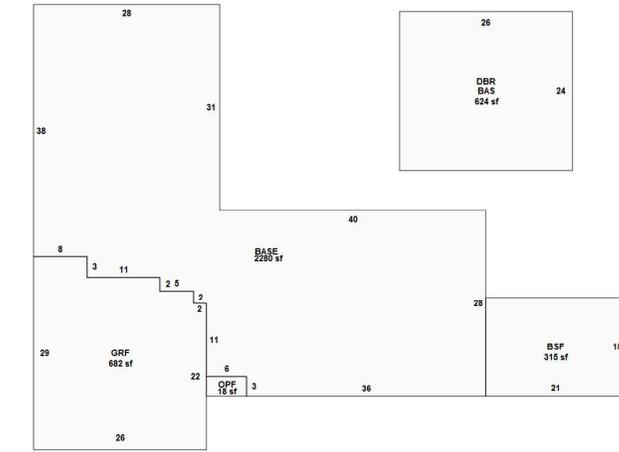
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	10/20/2021	10077	1140	\$200,000	No	Improved
PROBATE RECORDS	08/05/2021	10007	1002	\$100	No	Improved
WARRANTY DEED	12/01/2008	07107	1400	\$100	No	Improved
WARRANTY DEED	12/01/1992	02520	1791	\$132,500	Yes	Improved
WARRANTY DEED	03/01/1979	01213	1218	\$83,500	Yes	Improved
WARRANTY DEED	01/01/1978	01153	1193	\$7,500	No	Vacant

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$82,000.00	\$82,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages										
1	SINGLE FAMILY	1979/2000	4	3.0	11	2,280	3,919	3,219	CB/STUCCO FINISH	\$308,373	\$337,020	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>BASE SEMI FINISHED</td> <td>315.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>18.00</td> </tr> <tr> <td>GARAGE FINISHED</td> <td>682.00</td> </tr> <tr> <td>BASE</td> <td>624.00</td> </tr> </tbody> </table>	Description	Area	BASE SEMI FINISHED	315.00	OPEN PORCH FINISHED	18.00	GARAGE FINISHED	682.00	BASE	624.00
Description	Area																					
BASE SEMI FINISHED	315.00																					
OPEN PORCH FINISHED	18.00																					
GARAGE FINISHED	682.00																					
BASE	624.00																					



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
05116	REROOF W/SHINGLES	County	\$13,195		5/3/2006
07288	MECHANICAL & CONDENSOR	County	\$6,065		9/14/2010
00437	401 KENTWOOD AVE: RES ALTERATIONS, NO CHANGE IN UNITS - REMODEL KITCHEN & BATHROOMS	County	\$150,000		2/4/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
FIREPLACE 1	03/01/1979	1	\$1,200	\$3,000
POOL 1	03/01/1984	1	\$21,000	\$35,000
SCREEN PATIO 2	03/01/1988	1	\$2,000	\$5,000
COVERED PATIO 1	01/01/2012	1	\$1,584	\$2,500

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
R-1AAA	Low Density Residential	LDR	Single Family-13500

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
34.00	FPL	AT&T	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	MON/THU	THU	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	3

## School Information

Elementary School District	Middle School District	High School District
Region 1	Sanford	Seminole

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View from  
Kentwood Ave  
to corner of  
proposed fence.



View from  
Wayside Dr  
+  
Kentwood Ave  
Intersection

Yellow Arrow  
marks setback  
of proposed fence



Fence Variance Request - Corner Lot  
Request - 85 ft from Kentwood Ave  
28 ft setback from Wayside Dr (15 ft from side walk)

Lee Andrus Jr  
401 Kentwood Ave  
Sanford FL 32771  
Ph 321 228 9944



Saint Andrews Church  
Wayside Dr and Orange Ave Vicinity  
8ft Masonary Wall (Vine covered), Multiple Drive ways,



*Saint Andrews Church*



Wayside Drive + S Henderson Ln (Brynwood Ln on other side)  
Fence is 25ft from Wayside Dr + 5ft 5in from Sidewalk  
4ft High Fence





Savannah Park  
(Wayside Dr + International B1 Vicinity)

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On February 27, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4 BLK 4  
UNRECD PLAT WILSON PLACE

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

**A. FINDINGS OF FACT**

**Property Owner:** LEE ANDRUS JR  
401 KENTWOOD AVENUE  
SANFORD, FL 32771

**Project Name:** KENTWOOD AVE (401)

**Requested Variance:**

Request for a side street (north) setback variance from twenty-five (25) feet to fifteen (15) feet for a fence in the R-1AAA (Single Family Dwelling) district.

The findings reflected in the record of the February 27, 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 March, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On February 27, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4 BLK 4  
UNRECD PLAT WILSON PLACE

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

**A. FINDINGS OF FACT**

**Property Owner:** LEE ANDRUS JR  
401 KENTWOOD AVENUE  
SANFORD, FL 32771

**Project Name:** KENTWOOD AVE (401)

**Variance Approval:**

Request for a side street (north) setback variance from twenty-five (25) feet to fifteen (15) feet for a fence in the R-1AAA (Single Family Dwelling) district.

The findings reflected in the record of the February 27, 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**

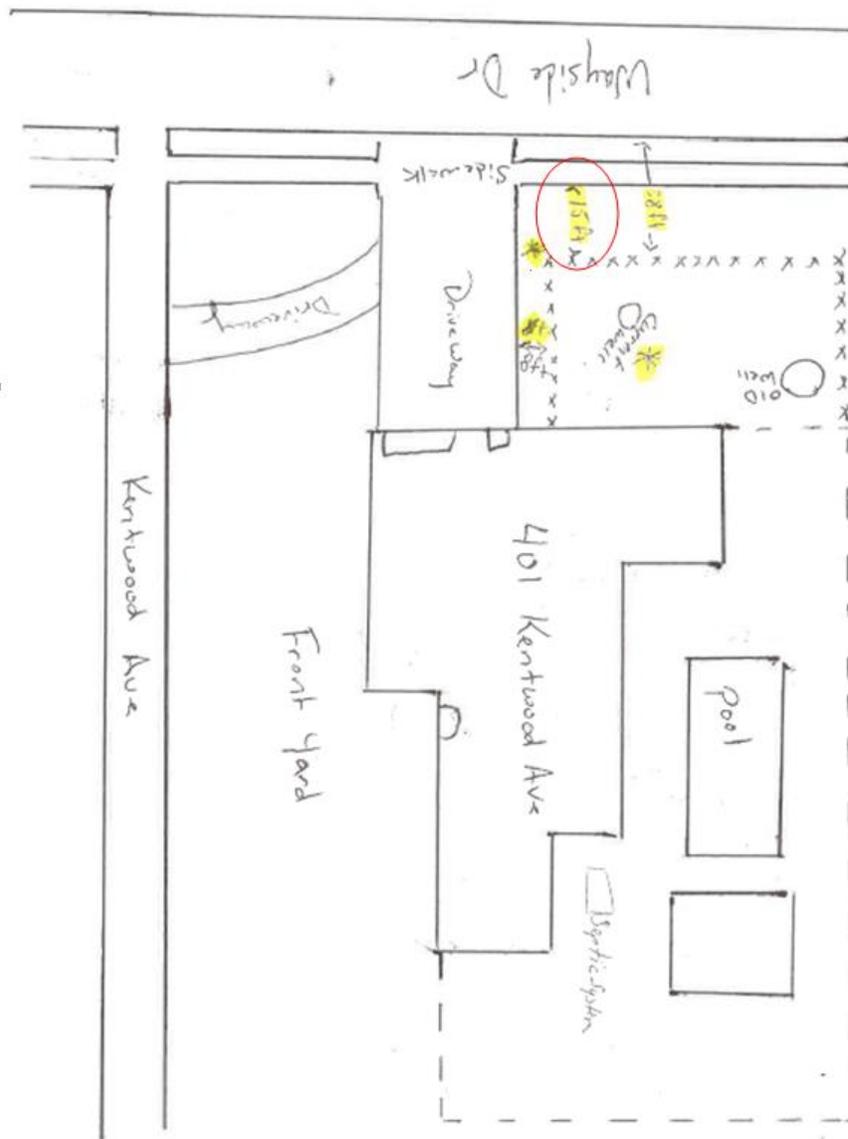
**I HEREBY CERTIFY** that on this day, before me by means of  physical presence or  online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of March, 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: 2023-134**

**Title:**

**2464 Falmouth Road** - Request for a rear yard setback variance from thirty (30) feet to twenty-two (22) feet for a screen room addition in the R-1AA (Single Family Dwelling) district; BV2023-002 (Robert & Catherine Richardson, Applicants) District 4 - Lockhart (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-two (22) feet for a screen room addition 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-two (22) feet for a screen room 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 English Estates subdivision.
- The request is to construct a sixteen (16) foot by twelve (12) foot screen room addition onto the rear of the existing single-family home encroaching eight (8) feet into the required thirty (30) foot rear yard setback.
- Two (2) letters of support have been received from both side neighbors.
- The request is for a variance to Section 30.206(b)(3) of the Land Development Code of Seminole County, which states that the rear yard setback is thirty (30) 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:**

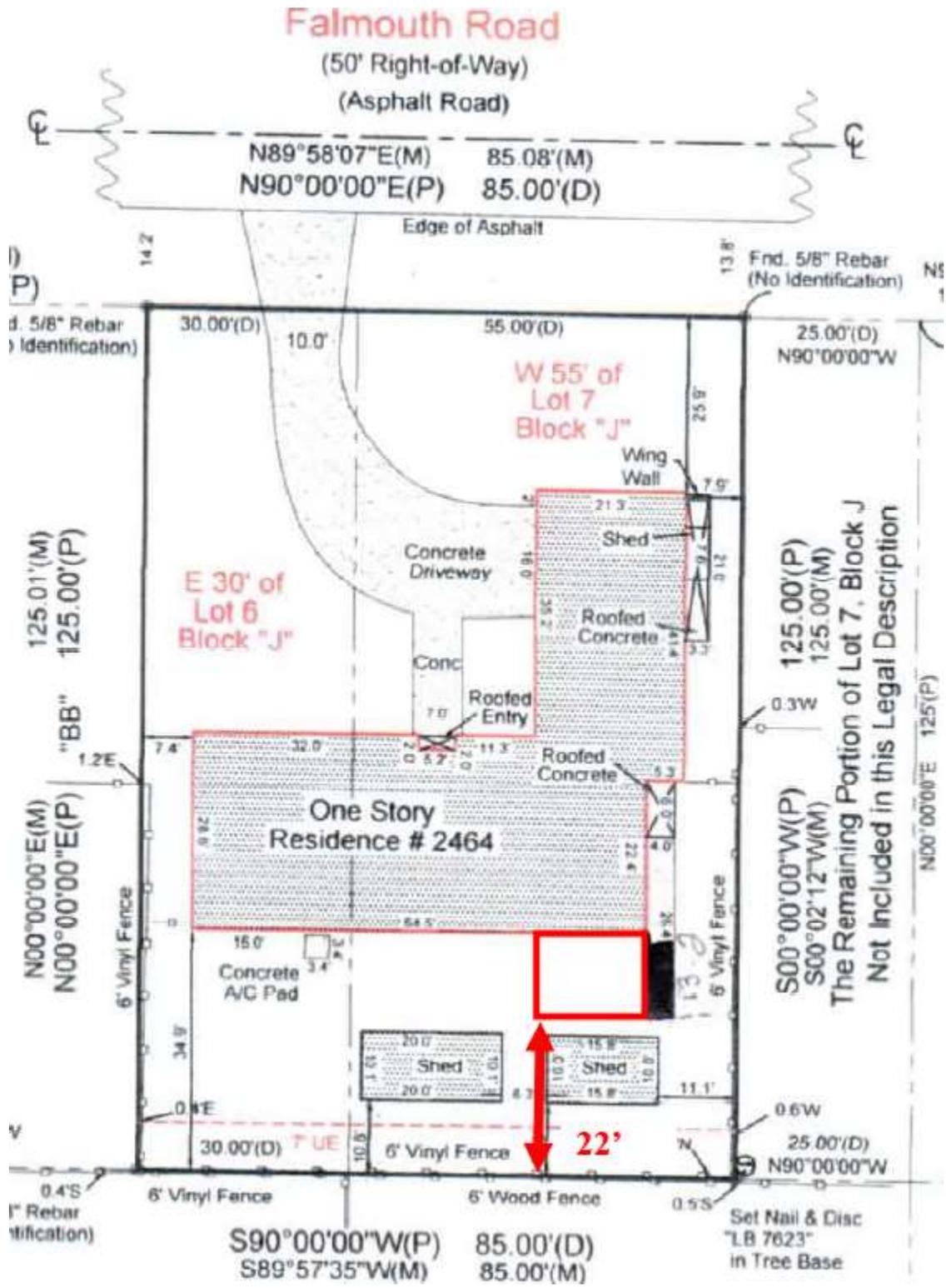
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

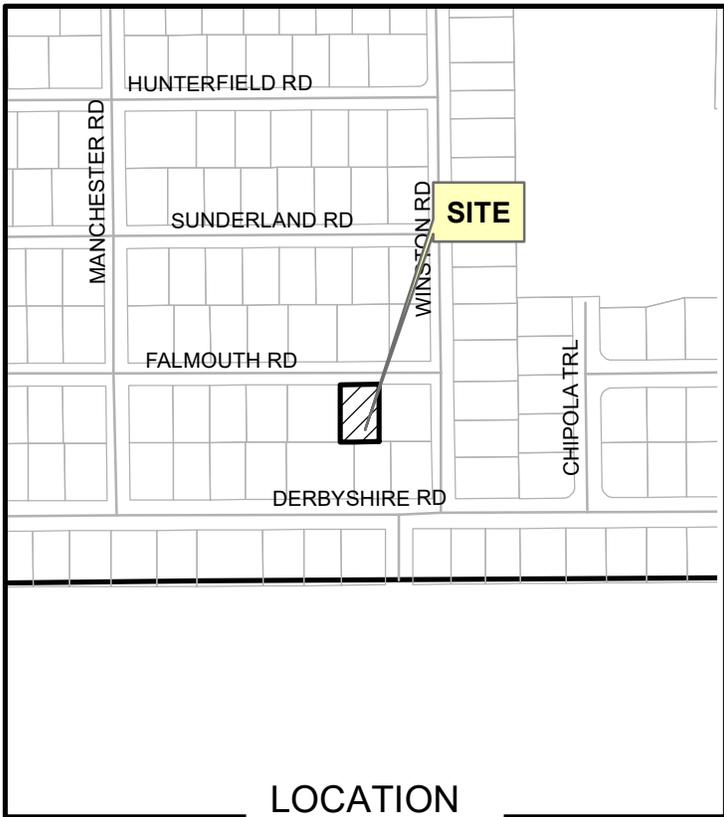
**Staff Recommendation:**

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 screen room addition (16' x 12') 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.

FALMOUTH RD (2464)  
VARIANCES



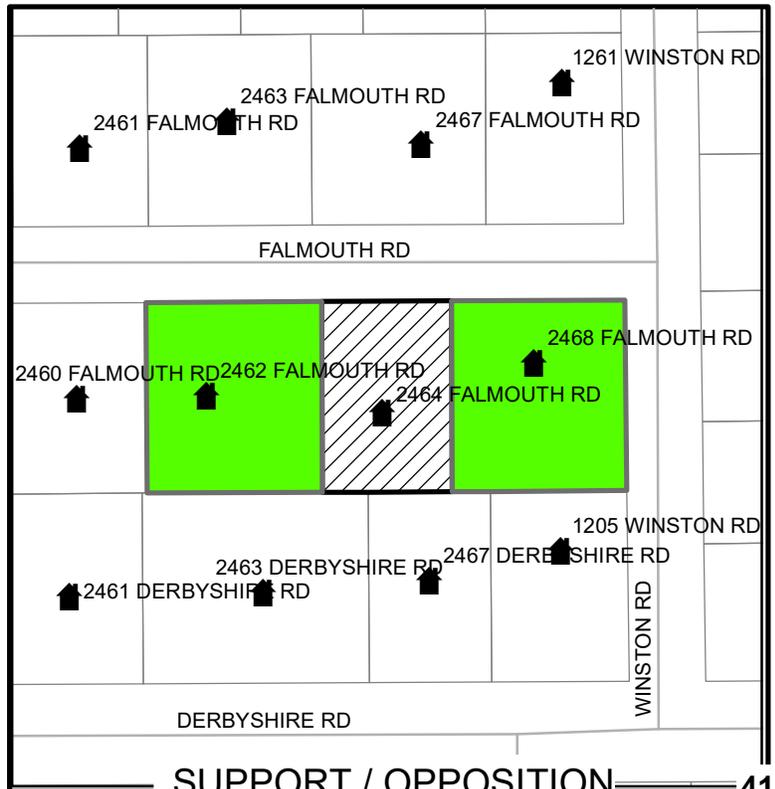
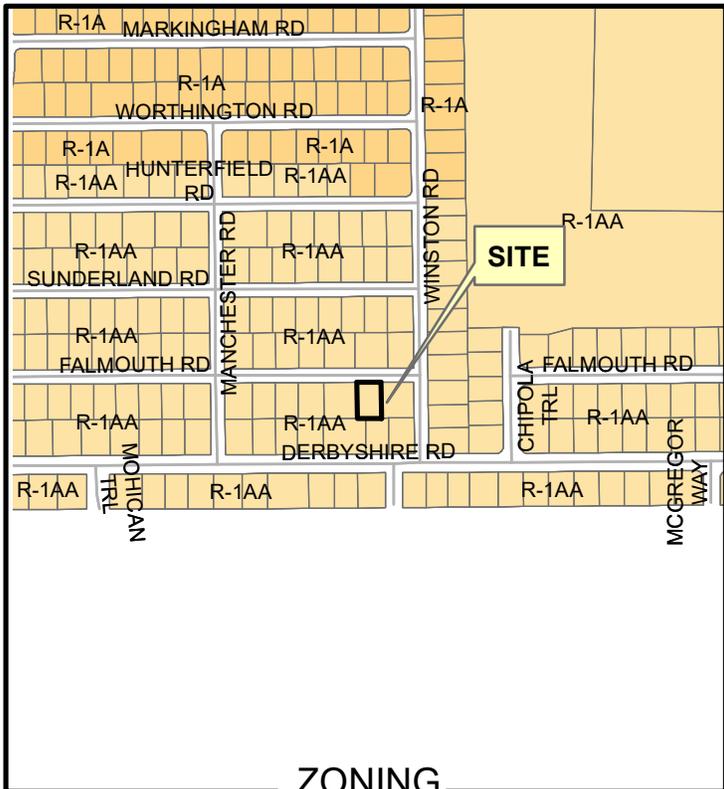


**ROBERT & CATHERINE RICHARDSON**  
**2464 FALMOUTH RD**  
**MAITLAND, FL 32751**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**FEBRUARY 27, 2023**

**LEGEND**

R-1A	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.

Due to the heat now I need a refuge from my yard work efforts and my hobby activities of gardening and composting efforts. The cover would be a valued blessing for me and give me a chance to use it more than I can presently . It's tough being an 80 year old .

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

The now existing setback prevents my putting a cover over my patio for protection from the intense heat of the day and limits my activity I enjoy in my back yard.

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.

I have had a patio from this home purchase but did not have the obstacle of age . I need to stay active as much as possible and loss of this privilege would be such a loss to me. Many of my neighbors have them around me My lot is a much smaller lot than those around me and that I guess is my Punishment .

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.

My lot is the smaller of anyone near me from side to side and behind me which takes privileges they enjoy that I can not have.

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

I have always followed the law and permitted any work done on my home which has never interfered with my neighbor's

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.

All my surrounding neighbors have the enjoyment that I am asking for with this variance and it did not cost them what it costs me to apply . They paid much less and have much more. Some have swimming pool

# Property Record Card

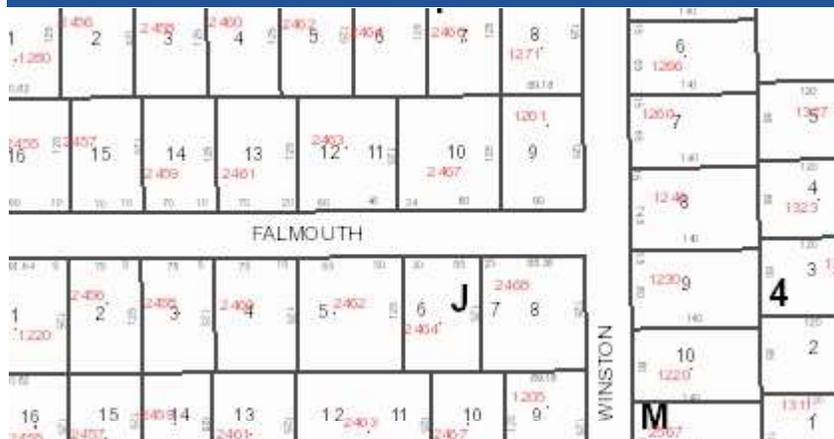


**Parcel** 20-21-30-503-0J00-0060

**Property Address** 2464 FALMOUTH RD MAITLAND, FL 32751

## Parcel Location

## Site View



## Parcel Information

## Value Summary

<b>Parcel</b>	20-21-30-503-0J00-0060
<b>Owner(s)</b>	RICHARDSON, ROBERT M - Tenancy by Entirety RICHARDSON, CATHERINE W - Tenancy by Entirety
<b>Property Address</b>	2464 FALMOUTH RD MAITLAND, FL 32751
<b>Mailing</b>	2464 FALMOUTH RD MAITLAND, FL 32751-3606
<b>Subdivision Name</b>	ENGLISH ESTATES UNIT 2
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(1994)
<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>	\$211,811	\$197,991
<b>Depreciated EXFT Value</b>	\$2,438	\$1,841
<b>Land Value (Market)</b>	\$80,000	\$80,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$294,249	\$279,832
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$147,616	\$137,470
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$146,633	\$142,362

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions** \$3,752.02

**2022 Tax Bill Amount** \$1,374.90

**2022 Tax Savings with Exemptions** \$2,377.12

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

E 30 FT OF LOT 6 + W 55 FT  
OF LOT 7 BLK J  
ENGLISH ESTATES UNIT 2  
PB 13 PG 85

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$146,633	\$50,000	\$96,633
SJWM(Saint Johns Water Management)	\$146,633	\$50,000	\$96,633
FIRE	\$146,633	\$50,000	\$96,633
COUNTY GENERAL FUND	\$146,633	\$50,000	\$96,633
Schools	\$146,633	\$25,000	\$121,633

## Sales

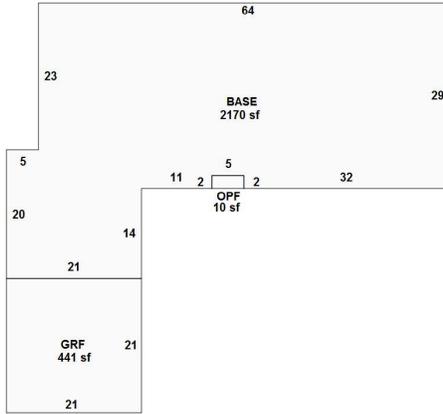
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	02/01/1984	01526	1879	\$89,000	Yes	Improved
WARRANTY DEED	08/01/1979	01239	0808	\$66,000	Yes	Improved

## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$80,000.00	\$80,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages						
1	SINGLE FAMILY	1965	4	2.0	6	2,170	2,621	2,170	CONC BLOCK	\$211,811	\$345,814	<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>GARAGE FINISHED</td> <td>441.00</td> </tr> <tr> <td>OPEN PORCH FINISHED</td> <td>10.00</td> </tr> </tbody> </table>	Description	Area	GARAGE FINISHED	441.00	OPEN PORCH FINISHED	10.00
Description	Area																	
GARAGE FINISHED	441.00																	
OPEN PORCH FINISHED	10.00																	



Sketch by Apen/Sketch

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
05736	INSTALL PRIVACY FENCE W/2 WALK GATES	County	\$4,690		7/14/2009
04586	10' X 16' SHED	County	\$2,400		6/19/2012
06742	BATH REMODEL	County	\$10,450		8/19/2011
07298	12 X 20 SHED	County	\$3,600		6/23/2016
05403	REROOF	County	\$11,135		6/27/2013
06732	2464 FALMOUTH RD: WINDOW / DOOR REPLACEMENT-SFR [ENGLISH ESTATES UNIT 2]	County	\$3,600		5/10/2019
14704	2464 FALMOUTH RD: MECHANICAL - RESIDENTIAL- [ENGLISH ESTATES UNIT 2]	County	\$7,495		9/15/2020
08954	2464 FALMOUTH RD: EZ ELECTRICAL - RESIDENTIAL- [ENGLISH ESTATES UNIT 2]	County	\$3,250		5/17/2021

## Extra Features

Description	Year Built	Units	Value	New Cost
FIREPLACE 1	02/01/1965	1	\$1,200	\$3,000
WOOD UTILITY BLDG	02/01/1990	144	\$518	\$1,296
SHED	02/01/2016	1	\$720	\$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
22.00	DUKE	CENTURY LINK	CASSELBERRY	NA	TUE/FRI	TUE	WED	Advanced Disposal

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 4 - Amy Lockhart	Dist 7 - Stephanie Murphy	Dist 30 - Joy Goff-Marcil	Dist 9 - Jason Brodeur	62

## School Information

Elementary School District	Middle School District	High School District
English Estates	South Seminole	Lake Howell

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January 6, 2023

To Whom It May Concern,

The signature below is my neighbor at the address listed below and they have no objection to the install of a cover for my patio.

**Name**

Stephen Jensen

**Street Address**

2462 Falmouth Rd

**City** Maitland, FL 32751

**Phone**

210 987 7377

**Signature**

Jensen

January 6, 2023

To Whom It May Concern,

The signature below is my neighbor at the address listed below and they have no objection to the install of a cover for my patio.

Name

DENISE Y BODDY

Street Address

2468 FALMOUTH RD

City Maitland, FL 32751

Phone

407-443-3594

Signature

*Denise Y Boddy*

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On February 27, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

E 30 FT OF LOT 6 + W 55 FT  
OF LOT 7 BLK J  
ENGLISH ESTATES UNIT 2  
PB 13 PG 85

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

**A. FINDINGS OF FACT**

**Property Owner:** ROBERT & CATHERINE RICHARDSON  
2464 FALMOUTH ROAD  
MAITLAND, FL 32751

**Project Name:** FALMOUTH RD (2464)

**Requested Variance:**

A rear yard setback variance from thirty (30) feet to twenty-two (22) feet for a screen room addition in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the February 27, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a screen room addition 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 March, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On February 27, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

E 30 FT OF LOT 6 + W 55 FT  
OF LOT 7 BLK J  
ENGLISH ESTATES UNIT 2  
PB 13 PG 85

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

**A. FINDINGS OF FACT**

**Property Owner:** ROBERT & CATHERINE RICHARDSON  
2464 FALMOUTH ROAD  
MAITLAND, FL 32751

**Project Name:** FALMOUTH RD (2464)

**Variance Approval:**

Request for a rear yard setback variance from thirty (30) feet to twenty-two (22) feet for a screen room addition in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the February 27, 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 screen room addition (16' x 12') 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 March, 2023.

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

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

EXHIBIT A

