

# **SEMINOLE COUNTY, FLORIDA**

COUNTY SERVICES BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA



## **Meeting Agenda - Final**

**Monday, January 23, 2023**

**6:00 PM**

**BCC Chambers**

**Board of Adjustment**

**CALL TO ORDER AND ROLL CALL****OPENING STATEMENT****CONTINUED ITEMS**

- 1      **2643 Hinoki Cypress Place** - Request for a side street (east) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; BV2022-91 (Afzal Bashir, Applicant) District 2 - Zembower (Hilary Padin, Project Manager) [2022-7499](#)

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

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

**VARIANCES**

- 2      **3912 Kentucky Street** - Request for a front yard setback variance from fifty (50) feet to thirty-one (31) feet for an addition in the A-1 (Agriculture) district; BV2022-100 (Indoor Investments, LLC, Applicant) District 2 - Zembower (Angi Gates, Project Manager) [2022-7554](#)

***Development Services***

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



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- 3      **1361 S Ridge Lake Circle** - Request for a side yard (west) setback variance from ten (10) feet to five (5) feet for an addition in the R-1AAA (Single Family Dwelling) district; BV2022-105 (Brian & Stephanie Enright, Applicants) District 4 - Lockhart (Angi Gates, Project Manager) [2022-7557](#)
- Development Services - Planning and Development***
- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Denial Development Order.pdf](#)  
[Approved Development Order.pdf](#)
- 4      **7410 E. Antietam Court** - Request for a side street (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (Single Family Dwelling) district; BV2022-106 (Edgar Perez, Applicant) District 1 - Dallari (Angi Gates, Project Manager) [2022-7556](#)
- Development Services - Planning and Development***
- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Photos.pdf](#)  
[Justification statement.pdf](#)  
[Property Record Card.pdf](#)  
[Denial Development Order.pdf](#)  
[Approval Development Order.pdf](#)
- 5      **121 Woodmill Road** - Request for a rear yard setback variance from ten (10) feet to six (6) feet for a spa in the PD (Planned Development) district; BV2022-102 (Andrea Cochran, Applicant) District 3 - Constantine (Angi Gates, Project Manager) [2022-7555](#)
- Development Services - Planning and Development***
- Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statement](#)  
[Property Record Card](#)  
[Letter of Support](#)  
[Denial Development Order](#)  
[Approval Development Order](#)
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- 6      **10032 Bear Lake Road** - Request for a side yard (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district; BV2022-104 (Amy Wheeler, Applicant) District 3 - Constantine (Angi Gates, Project Manager) [2022-7558](#)

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

**Attachments:** [Site Plan](#)  
[Zoning Map](#)  
[Justification Statment](#)  
[Property Record Card](#)  
[Letter of Support.pdf](#)  
[photos.pdf](#)  
[Denial Development Order](#)  
[Approved Development Order](#)

- 7      **1337 Franklin Street** - Request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2022-101 (Billy & Randi Parker, Applicants) District 4 - Lockhart (Hilary Padin, Project Manager) [2022-7500](#)

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

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

- 8      **1790 Pasture Loop** - Request for a rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool in the PD (Planned Development) district; BV2022-103 (Todd & Susan Amerson, Applicants) District 1 - Dallari (Hilary Padin, Project Manager) [2022-7501](#)

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

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

- 9      **7561 Brightwater Place** - Request for a side street (west) setback variance from twenty (20) feet to eleven and one-half (11.5) feet for a privacy fence in the PD (Planned Development) district; BV2022-87 (Maria Arevalo, Applicant) District 1 - Dallari (Hilary Padin, Project Manager) [2022-7502](#)

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

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

- 10     **1817 Lakelet Loop** - Request for a rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition in the PD (Planned Development) district; BV2022-107 (Rafael & Jiang Suarez, Applicants) District 1 - Dallari (Hilary Padin, Project Manager) [2022-7503](#)

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

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

- 11     **109 Privado Court** - Request for a side yard (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district; BV2022-108 (Natalie Chow-Garnichaud, Applicant) District 2 - Zembower (Hilary Padin, Project Manager)

[2022-7504](#)

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

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

CLOSING BUSINESS

APPROVAL OF THE MINUTES

**ADJOURN**



# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7499**

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**Title:**

**2643 Hinoki Cypress Place** - Request for a side street (east) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; BV2022-91 (Afzal Bashir, Applicant) 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 street (east) 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 (east) 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 Cadence Park subdivision and is within the Cadence Park 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 Hinoki Cypress Place. The Monterey Cypress Trail side is where the variance is being sought.
- The request is to construct a six (6) foot privacy fence seven (7) feet into the fifteen (15) foot side street setback.
- The proposed privacy fence is eight (8) feet from the sidewalk and eighteen (18) feet from the edge of pavement.
- 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.
- Traffic Engineering has no objection to the placement of the fence as it relates to site visibility.
- 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.

**C/L Monterey Cypress Trail**  
(50' R/W) Tract RW-2 (Private)

**Tract I**  
Open Space

**C/L Hinoki Cypress Place**

**Lot 40**

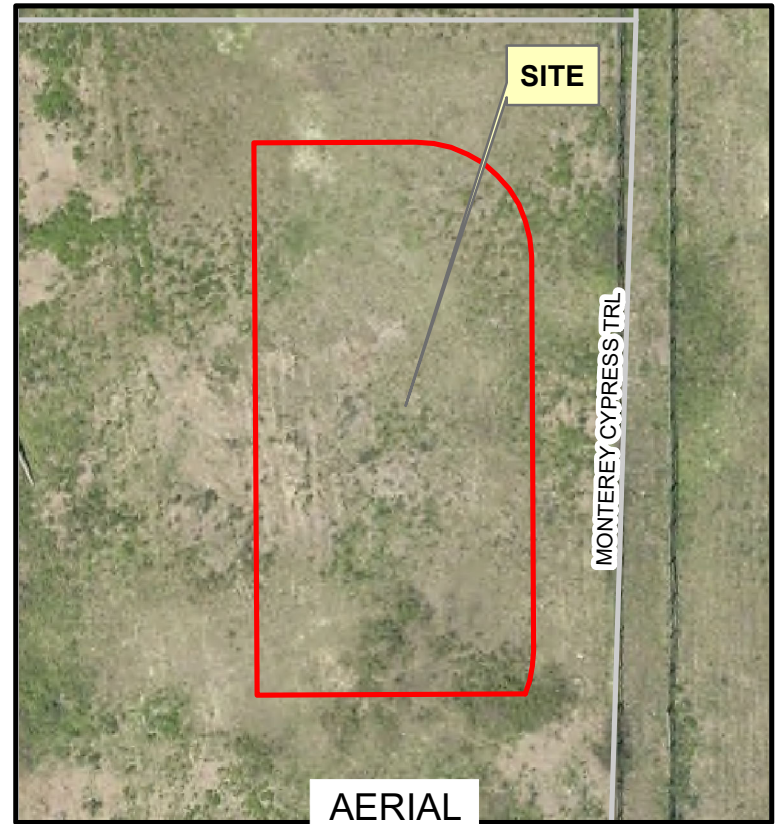
**Lot 41**  
'A' Grading  
7,064 Sq. Ft.

**Curve Table**

CURVE	LENGTH	RADIUS
C1	8.30	25.00
C2	30.27	25.00

**Survey Data:**






- Final Et: 45.0
- PCP
- Set N/D @ BOW
- FD N/D in Walk
- S 89°54'18" W 58.26'
- 50'
- 32.0'
- Screened Enclosure with Pool
- 31.8
- 31.5
- 15.0
- 52'
- 151.64'(Calc)
- 85.82'(Calc)
- 151.68'(Plat)
- 101.60'
- 4' WIDE SINGLE GATE
- Final Et: 44.5
- S 00°02'51" E
- 50.04'
- Set N/D in Walk
- 25.00'
- 15.1
- 15.0
- 19.3'
- 20.7'
- 23.9
- 25.00'
- Final Et: 44.4
- 85.10'
- Set N/D @ BOW
- Final Et: 44.4
- C/L Et: 44.0
- PCP
- Final Et: 46.1
- 6" Vinyl Fence
- 35.8
- 0.2
- 120.00'
- 3' Drainage Easement
- 1/8" Utility Easement
- 4' WIDE SINGLE GATE
- Final Et: 44.8
- N 00°04'42" W
- 60.3'
- 60.3'
- 29.0
- 11.0
- 6.0'
- 4.2'
- 31.5
- 31.8
- 52'
- 151.64'(Calc)
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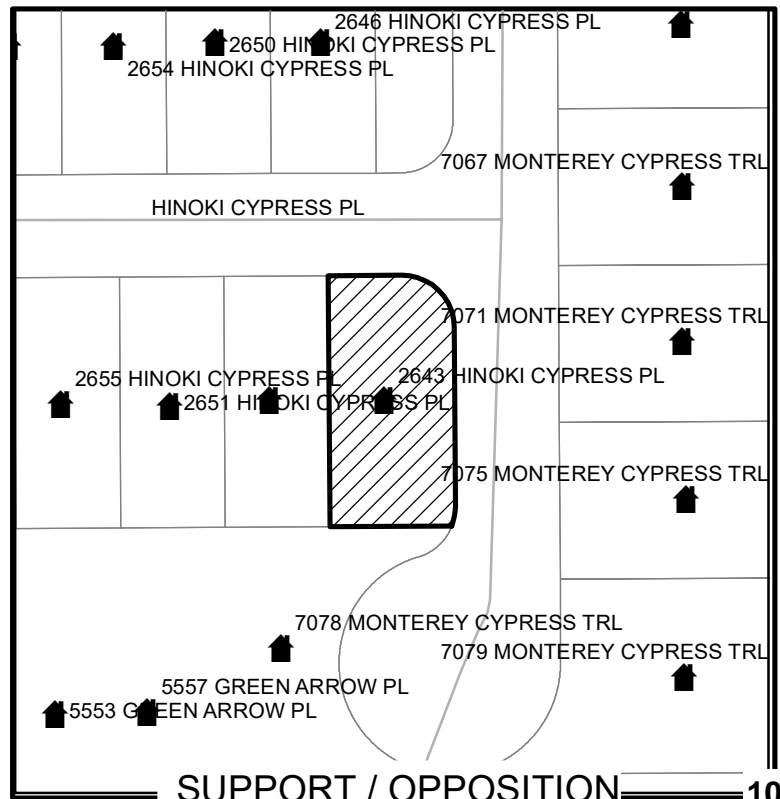
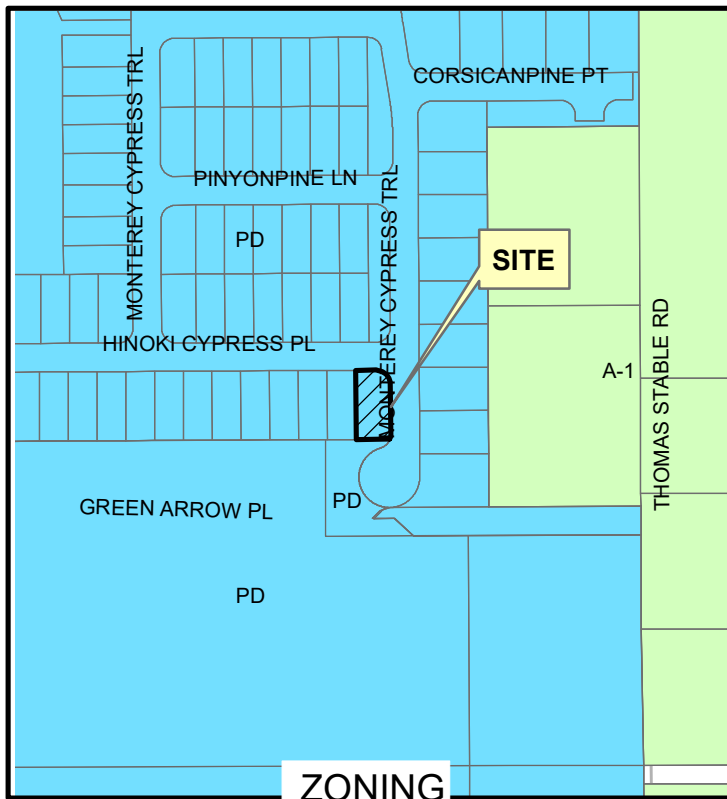


**AFZAL BASHIR & LALLA LABIBA**  
**2643 HINOKI CYPRESS PL**  
**SANFORD, FL 32773**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

## LEGEND

	PD		Support		Site
	A-1		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.

My lot is corner & I need fence on pool side. Because it's located main Road that connects Two busy communities, & it's the only road to the community playground. I need the fence for my autistic child that elopes a lot, and for privacy to enjoy the pool without intruders watching us whenever they are driving or walking ~~to~~ the playground, or the construction people working on the new community.

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

the location of the house & been on a busy road that connects two communities, & been close to the playground are circumstances we didn't create.

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 circumstances are unique. we are the only house at the end of the community that is near the park, and our side Road (pool side) is the only one that is used to get to the second community.

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.

Not having this variance approved will deprives us from using & enjoying the pool (especially my mother in law since she wears a headscarf & can't show her hair to strangers) in addition not having the fence we won't be able to leave our son play by himself outside & we will be in constant worry that he will elope & run towards the busy road.

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

having a fence will grant us security, safety, privacy & enjoyment of property. Basic rights for every homeowner.

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 will start from left side of the backyard so it won't obstruct the street view & won't block the vision of incoming traffic. in addition the majority of our community houses that have a corner lot already

Revised 2019

have fences so they won't feel discriminated. plus, we are a family



# Property Record Card



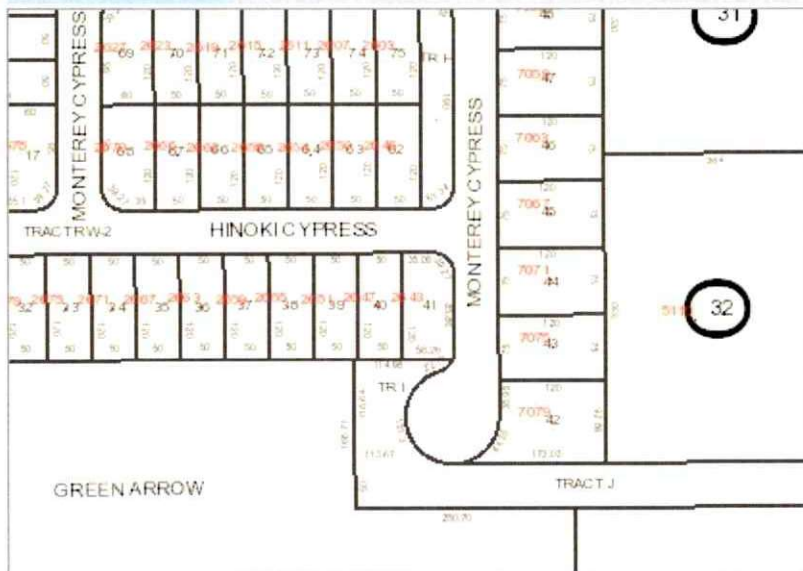
**Parcel** 23-20-30-510-0000-0410  
**Property Address** 2643 HINOKI CYPRESS PL SANFORD, FL 32773

## Parcel Information

**Parcel** 23-20-30-510-0000-0410  
**Owner(s)** BASHIR, AFZAL - Tenancy by Entirety  
 LABIBA, LALLA O - Tenancy by Entirety  
**Property Address** 2643 HINOKI CYPRESS PL SANFORD, FL 32773  
**Mailing** 2643 HINOKI CYPRESS PL  
 SANFORD, FL 32773  
**Subdivision Name** CADENCE PARK  
**Tax District** 01-COUNTY-TX DIST 1  
**DOR Use Code** 00-VACANT RESIDENTIAL  
**Exemptions** None  
**Agricultural Classification** 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>	\$473,394	
<b>Depreciated EXFT Value</b>	\$42,342	
<b>Land Value (Market)</b>	\$80,000	\$80,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$595,736	\$80,000
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$0
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$595,736	\$80,000
2022 Tax Amount without Exemptions: \$1,072.65		
2022 Tax Bill Amount: \$1,072.65		
2022 Tax Savings with Exemptions: \$0.00		
* Does NOT INCLUDE Non Ad Valorem Assessments		



## Legal Description

LOT 41 CADENCE PARK PLAT BOOK 85 PAGES 42-48

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$595,736	\$0	\$595,736
SJWM(Saint Johns Water Management)	\$595,736	\$0	\$595,736
FIRE	\$595,736	\$0	\$595,736
COUNTY GENERAL FUND	\$595,736	\$0	\$595,736
Schools	\$595,736	\$0	\$595,736

## Sales

Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	07/28/2022	10289	1301	\$782,000	Yes	Improved

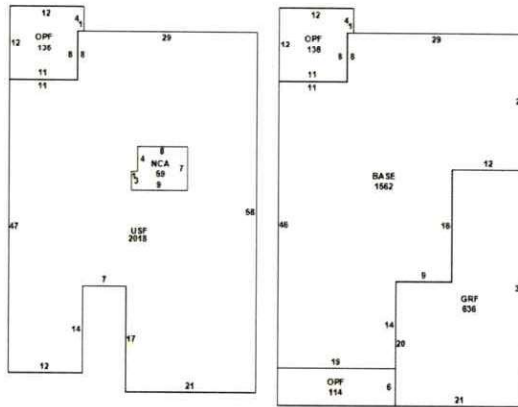
## Land

Method	Frontage	Depth	Units	Units Price	Land Value
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## 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	4.0	15	1,562	4,602	3,580	CB/STUCCO FINISH	\$473,394	\$473,394	Description	Area



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
21531	2643 HINOKI CYPRESS PL: SINGLE FAMILY DETACHED-NEW SFR [CADENCE PARK] *drawn	County	\$519,297	7/22/2022	12/8/2021
00282	2643 HINOKI CYPRESS PL: SWIMMING POOL RESIDENTIAL-INGROUND POOL [CADENCE PARK]	County	\$20,000	7/19/2022	1/18/2022
10674	2643 HINOKI CYPRESS PL: POOL ENCLOSURE/BOND-Aluminum pool screen enclosure [CADENCE PARK]	County	\$12,576		9/23/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
POOL 1	05/27/2022	1	\$34,125	\$35,000
SCREEN ENCL 2	05/27/2022	1	\$8,217	\$8,500

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
PD	Low Density Residential	LDR	Planned Development

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
35.00	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 2 - Jay Zembower	Dist 7 - Stephanie Murphy	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	23

## School Information

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

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 41  
CADENCE PARK  
PLAT BOOK 85 PAGES 42-48

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

**A. FINDINGS OF FACT**

**Property Owner:** AFZAL BASHIR  
2643 HINOKI CYPRESS PL  
SANFORD, FL 32773

**Project Name:** HINOKI CYPRESS PL (2643)

**Requested Variance:**

A side street (east) 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 January 23, 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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 41  
CADENCE PARK  
PLAT BOOK 85 PAGES 42-48

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

**A. FINDINGS OF FACT**

**Property Owner:** AFZAL BASHIR  
2643 HINOKI CYPRESS PL  
SANFORD, FL 32773

**Project Name:** HINOKI CYPRESS PL (2643)

**Variance Approval:**

Request for a side street (east) 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 January 23, 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.

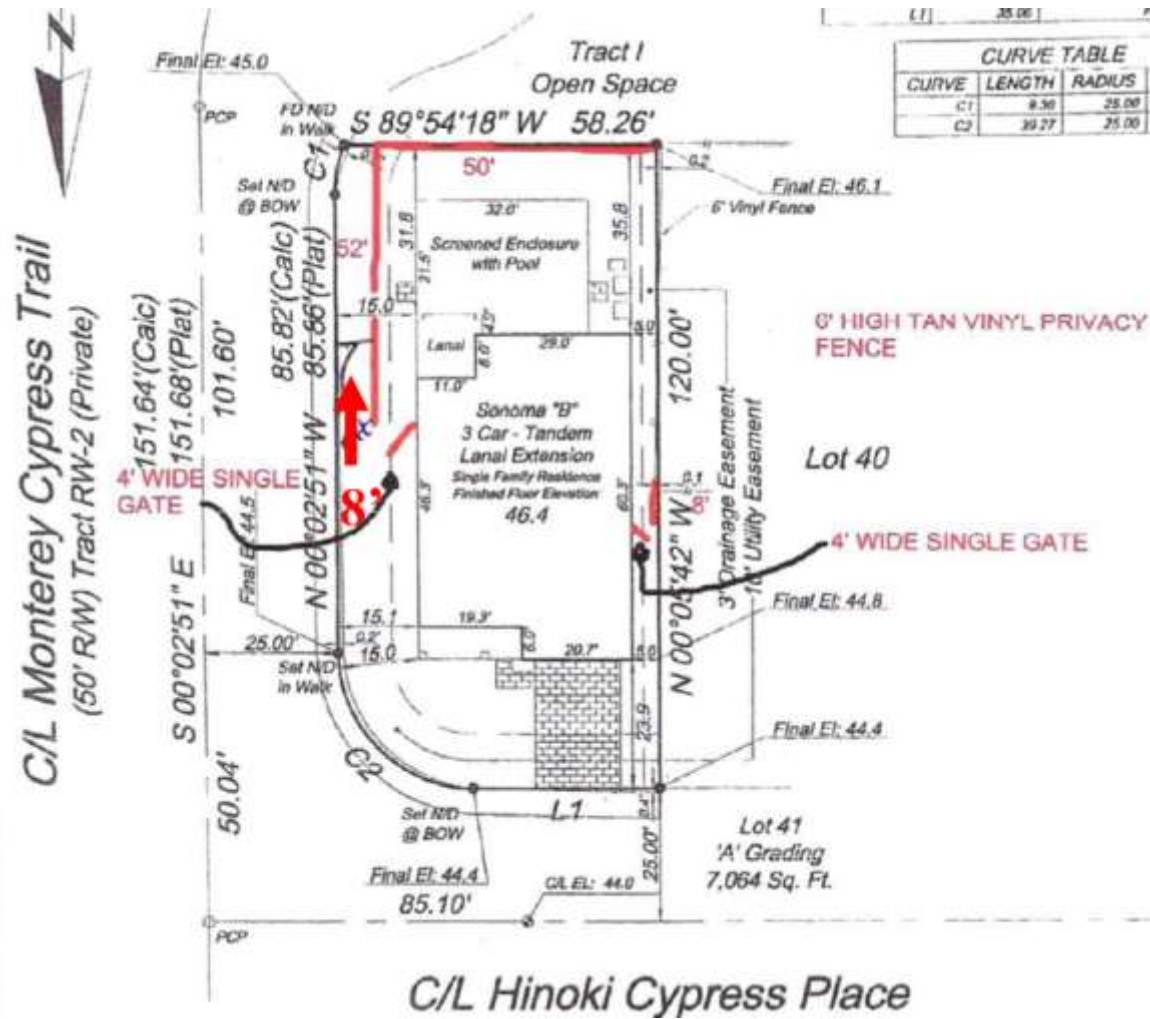
**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of February, 2023.

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

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



## EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

---

**File Number: 2022-7554**

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**Title:**

**3912 Kentucky Street** - Request for a front yard setback variance from fifty (50) feet to thirty-one (31) feet for an addition in the A-1 (Agriculture) district; BV2022-100 (Indoor Investments, LLC, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

**Department/Division:**

Development Services

**Authorized By:**

Kathy Hammel

**Contact/Phone Number:**

Angi Gates - (407) 665-7465

**Motion/Recommendation:**

1. Deny the request for a front yard setback variance from fifty (50) feet to thirty-one (31) feet for an addition in the A-1 (Agriculture) district; or
2. Approve the request for a front yard setback variance from fifty (50) feet to thirty-one (31) feet for an addition 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 Sanford Celery Delta subdivision.
- The proposed new addition will be 1,430 square feet and will project nineteen (19) feet into the required front yard setback.
- The request is for a variance to Section 30.128(a)(1) of the Land Development Code of Seminole County, which states:
  - (a) The following minimum front, rear, and side yards shall be observed:
    - (1) Front. Fifty (50) feet measured from the front property line or lot line.
- 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:**

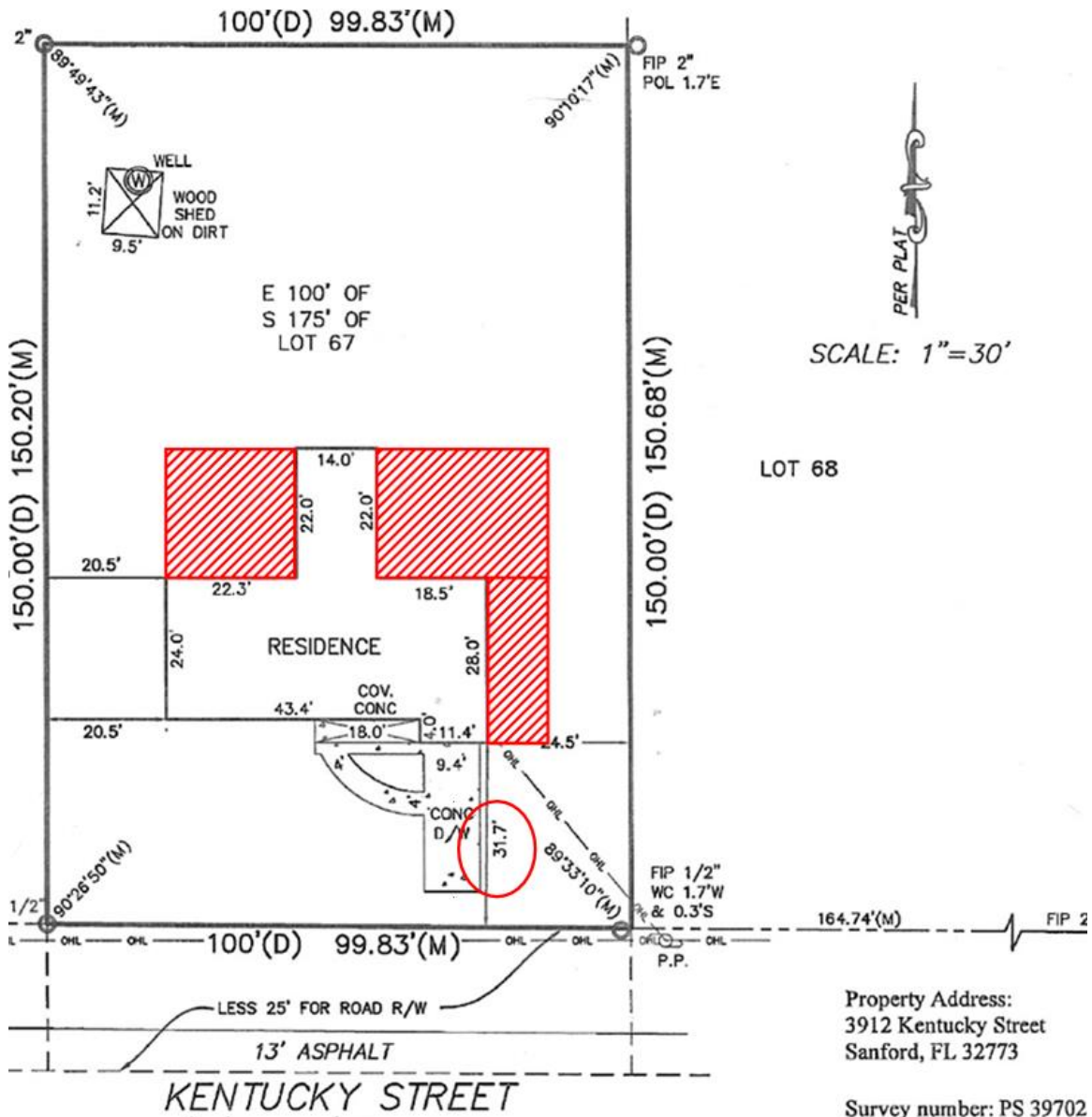
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

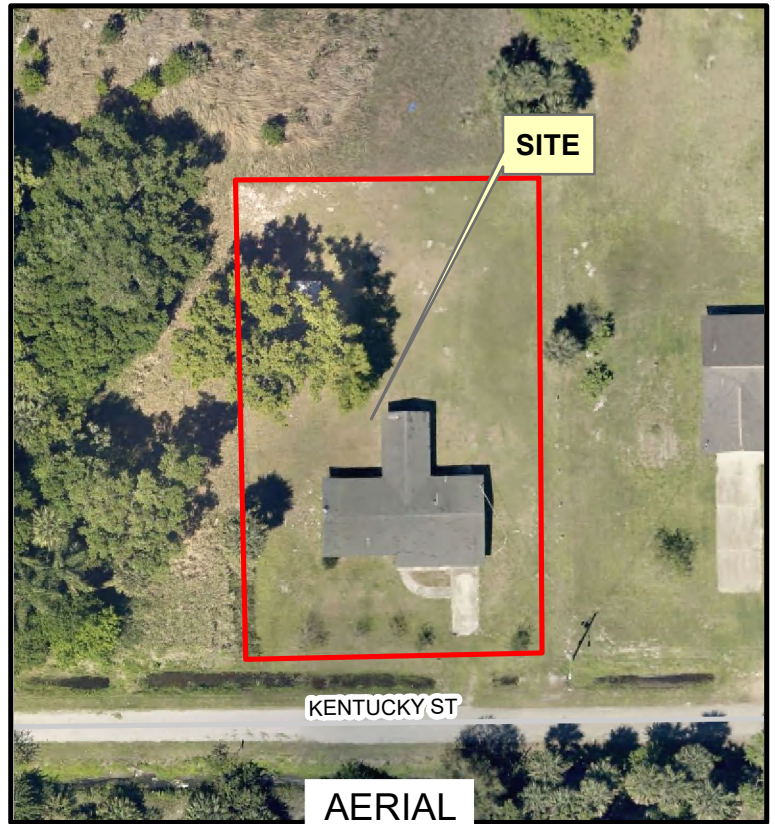
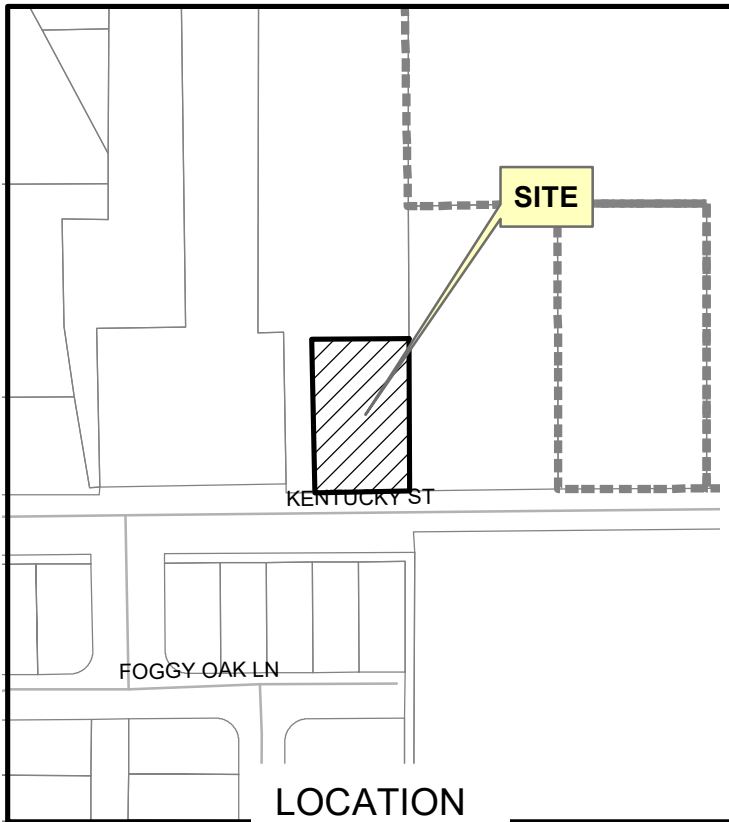
**Staff Recommendation:**

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 addition 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.

# KENTUCKY ST (3912) VARIANCE

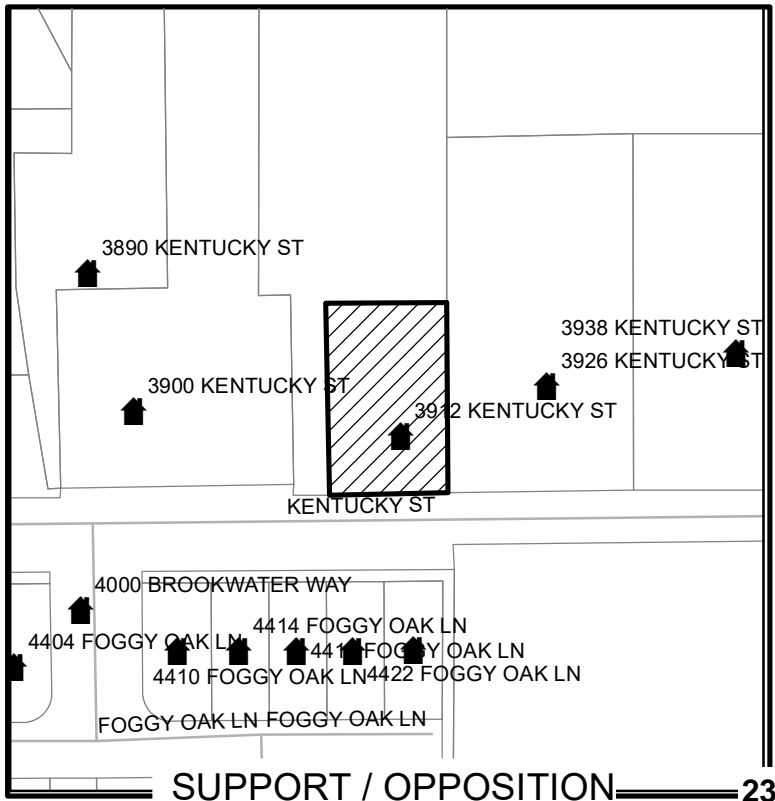
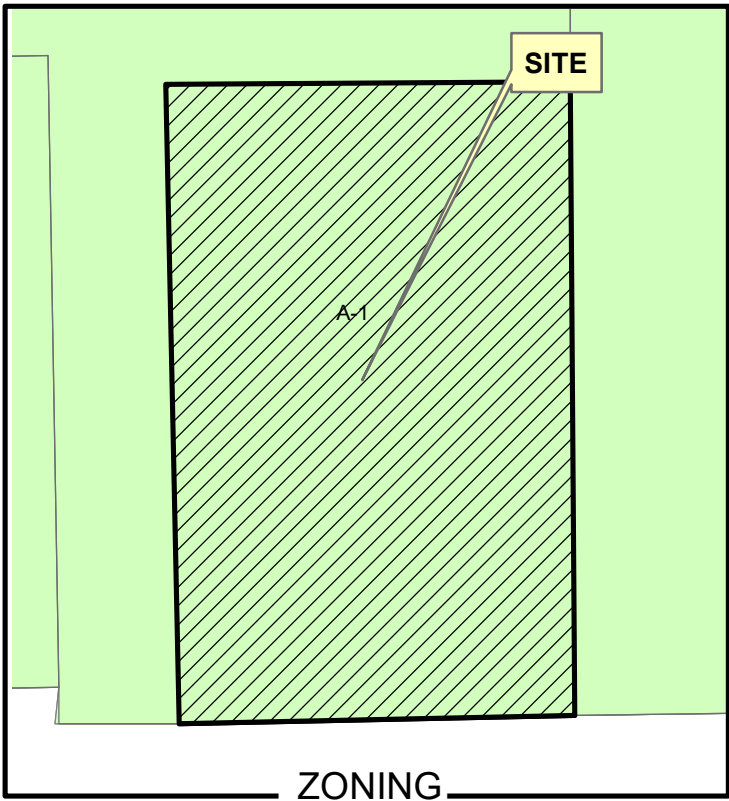
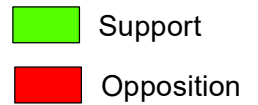




**INDDOR INVESTMENTS, LLC**  
**3912 KENTUCKY ST**  
**SANFORD, FL 32771**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

## LEGEND





## 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.

I will start by saying that if the other properties were removed 25 ft from the front of their properties we have the same conditions in terms of the measurement. However, if only my property was taken even so more I am the real affected one among all of them.

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

We bought the property thinking the existing house it was according with the county house setback regulations.

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.

1: The public records show up legal description the house was built on 0.39 acres. Now the property has only 0.35 acres. 0.5 acres was taken from the front. 2: We are adding or building using the existing front wall.

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.

If the county literally uses the interpretation for the zoning regulations they would have to consider starting from the point where it establishes that for legal purposes the property has 0.39 acres where 0.5 acres was taken.

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

Regardless of who owns the property is, in this case it is us. At one point, an action was taken by the county against the property and that is fine. I only appeal to the fair trial that what is happening as a result of some actions taken in the past that affected and continues to affect the property in the present.

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 is an existing house. We are only adding using the front structure. The house complies with almost all the setbacks except the one in front and I have given enough explanation why it does not comply.

Revised 2019

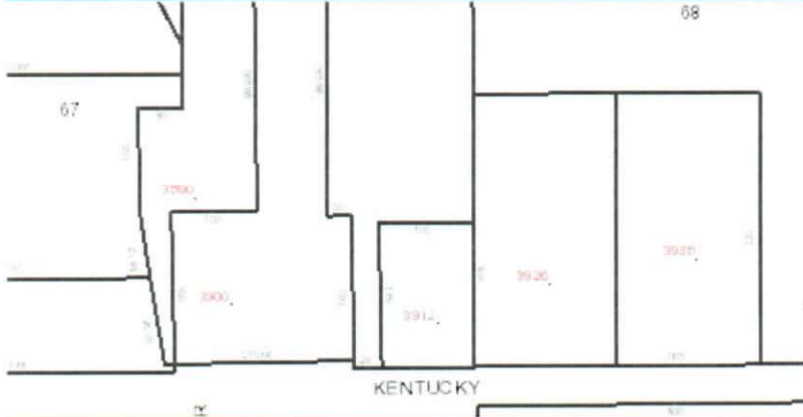
# Property Record Card



**Parcel** 03-20-31-5AY-0000-067G

**Property Address** 3912 KENTUCKY ST SANFORD, FL 32773

## Parcel Location



## Site View



## Parcel Information

**Parcel** 03-20-31-5AY-0000-067G  
**Owner(s)** INDOOR INVESTMENTS LLC  
**Property Address** 3912 KENTUCKY ST SANFORD, FL 32773  
**Mailing** 1200 CHIEF TRL ORLANDO, FL 32825-5214  
**Subdivision Name** SANFORD CELERY DELTA  
**Tax District** 01-COUNTY-TX DIST 1  
**DOR Use Code** 01-SINGLE FAMILY  
**Exemptions** None  
**AG Classification** 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>	\$83,691	\$78,023
<b>Depreciated EXFT Value</b>		
<b>Land Value (Market)</b>	\$42,900	\$42,900
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$126,591	\$120,923
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$0
<b>Amendment 1 Adj</b>	\$0	\$23,259
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$126,591	\$97,664

## 2022 Certified Tax Summary

2022 Tax Amount without Exemptions \$1,621.35 2022 Tax Savings with Exemptions \$184.87  
 2022 Tax Bill Amount \$1,436.48

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

E 100 FT OF S 175 FT OF  
 LOT 67 (LESS S 25 FT FOR  
 RD)  
 SANFORD CELERY DELTA  
 PB 1 PGS 75 + 76



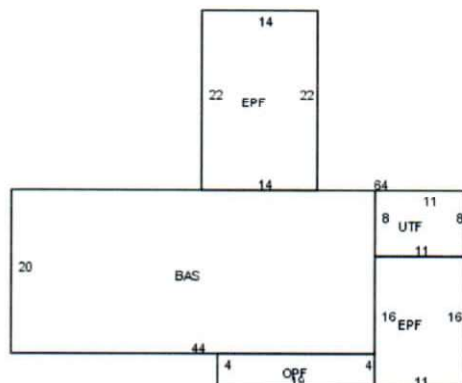
Taxes			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$126,591	\$0	\$126,591
SJWM(Saint Johns Water Management)	\$126,591	\$0	\$126,591
FIRE	\$126,591	\$0	\$126,591
COUNTY GENERAL FUND	\$126,591	\$0	\$126,591
Schools	\$126,591	\$0	\$126,591

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	07/08/2022	10277	1732	\$220,000	Yes	Improved
QUIT CLAIM DEED	05/01/2012	07769	0154	\$32,800	No	Improved
QUIT CLAIM DEED	03/01/1988	01972	0521	\$100	No	Improved

Land					
Method	Frontage	Depth	Units	Units Price	Land Value
ACREAGE			0.39	\$110,000.00	\$42,900

Building Information												
#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages

1	SINGLE FAMILY	1973/1980	5	3.0	9	880	1,528	1,364	CONC BLOCK	\$83,691	\$107,296	<div> <div>Description</div> <div>Area</div> </div> <div>ENCLOSED PORCH FINISHED</div> <div>308.00</div> <div>OPEN PORCH FINISHED</div> <div>76.00</div> <div>ENCLOSED PORCH FINISHED</div> <div>176.00</div> <div>UTILITY FINISHED</div> <div>88.00</div>
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Building 1 - Page 1

\*\* Year Built (Actual / Effective)

Permits					
Permit #	Description	Agency	Amount	CO Date	Permit Date
00434	REROOF DUE TO HURRICANE DAMAGE	County	\$5,192		1/7/2005

Extra Features				
Description	Year Built	Units	Value	New Cost
SHED - NO VALUE	05/01/1998	1	\$0	



## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
A-1		HIPAP	Agricultural-1Ac

## 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 2 - Jay Zembower	Dist 7 - Stephanie Murphy	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	18

## School Information

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

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## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

E 100 FT OF S 175 FT OF  
LOT 67 (LESS S 25 FT FOR RD)  
SANFORD CELERY DELTA  
PB 1 PGS 75 + 76

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

### **A. FINDINGS OF FACT**

**Property Owner:** INDOOR INVESTMENTS, LLC  
1200 CHIEF TRAIL  
ORLANDO, FL 32825

**Project Name:** KENTUCKY ST (3912)

#### **Requested Variance:**

Request for a front yard setback variance from fifty (50) feet to thirty-one (31) feet for an addition in the A-1 (Agriculture) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

### **A. CONCLUSIONS OF LAW**

Approval was sought to construct an addition within the required front 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.

### **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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

E 100 FT OF S 175 FT OF  
LOT 67 (LESS S 25 FT FOR RD)  
SANFORD CELERY DELTA  
PB 1 PGS 75 + 76

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

**A. FINDINGS OF FACT**

**Property Owner:** INDOOR INVESTMENTS, LLC  
1200 CHIEF TRAIL  
ORLANDO, FL 32825

**Project Name:** KENTUCKY ST (3912)

**Variance Approval:**

Request for a front yard setback variance from fifty (50) feet to thirty-one (31) feet for an addition in the A-1 (Agriculture) district.

The findings reflected in the record of the January 23, 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 (1,430 square feet) 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**

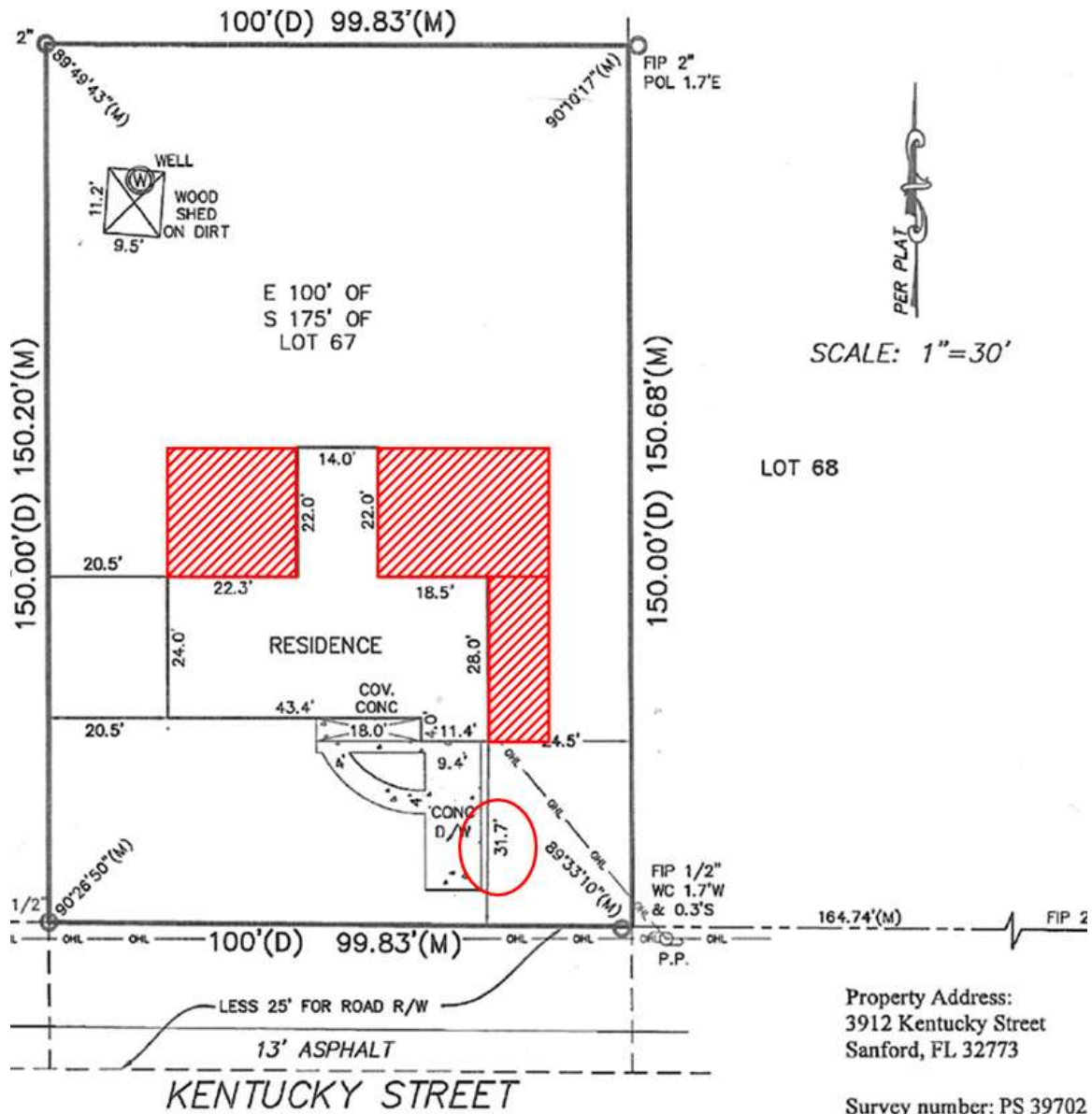
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

## EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7557**

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**Title:**

**1361 S Ridge Lake Circle** - Request for a side yard (west) setback variance from ten (10) feet to five (5) feet for an addition in the R-1AAA (Single Family Dwelling) district; BV2022-105 (Brian & Stephanie Enright, Applicants) 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 (west) setback variance from ten (10) feet to five (5) feet for an addition in the R-1AAA (Single Family Dwelling) district; or
2. Approve the request for a side yard (west) setback variance from ten (10) feet to five (5) feet for an addition 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 Northridge subdivision.
- The proposed addition will be approximately 260 square feet (10' x 26') and will encroach five (5) feet into the required side yard (west) setback.
- 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.

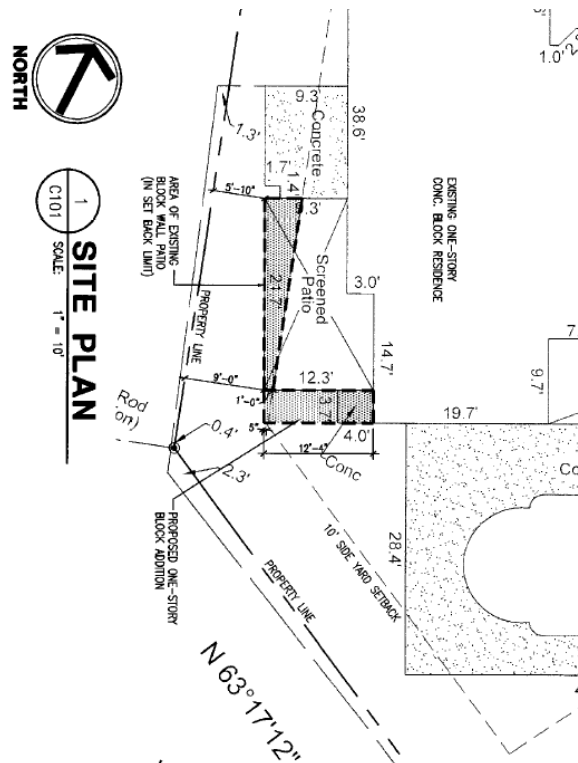
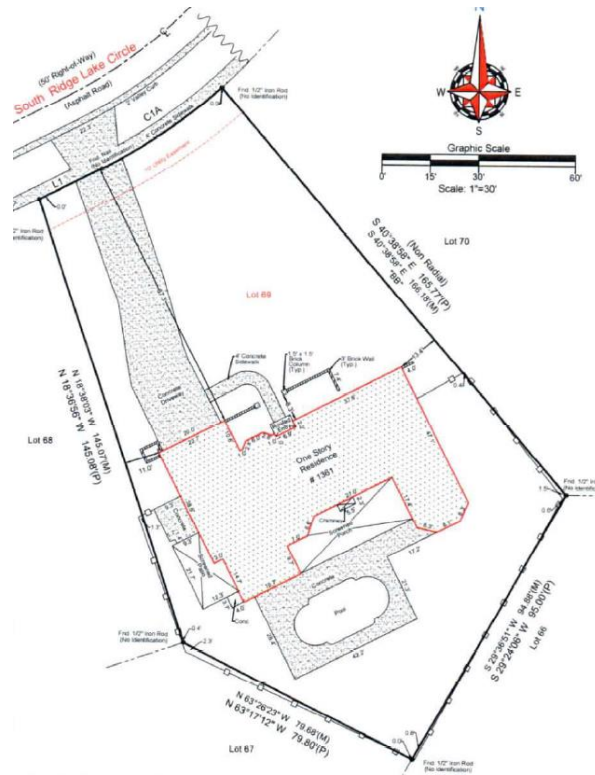
**Staff Recommendation:**

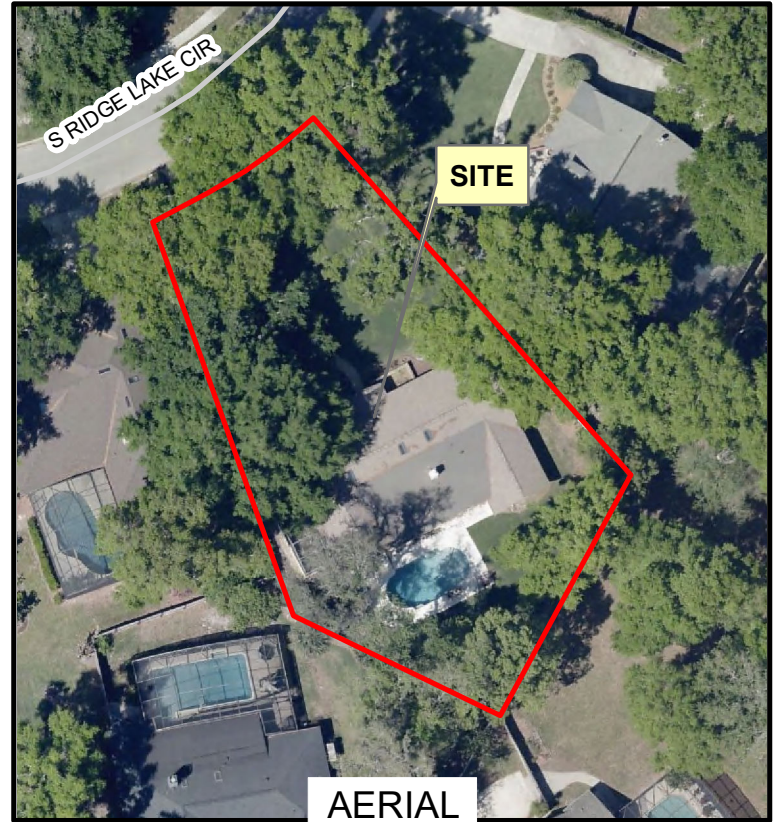
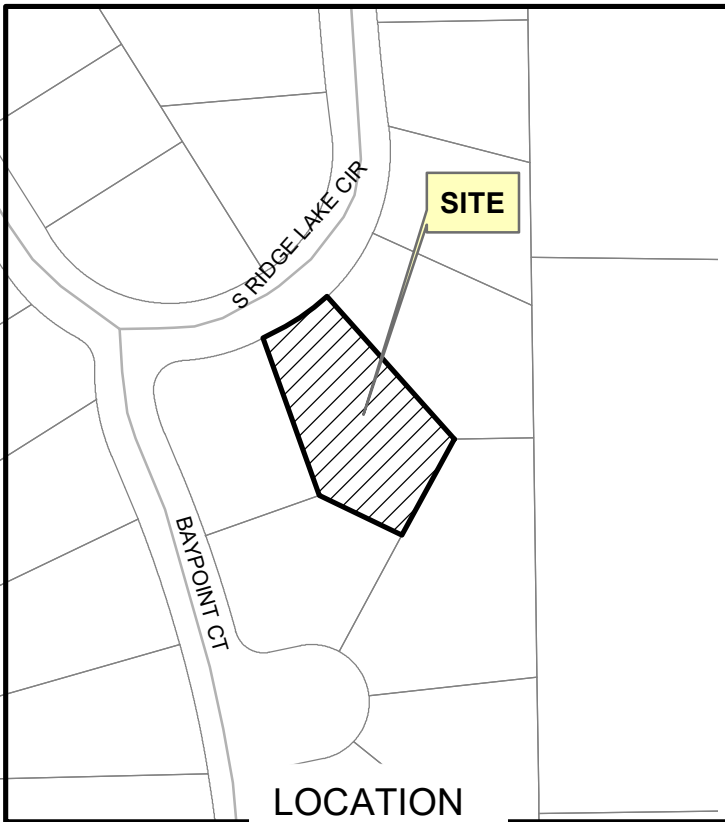
Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions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

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

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

# S RIDGE LAKE CIR (1361) VARIANCE







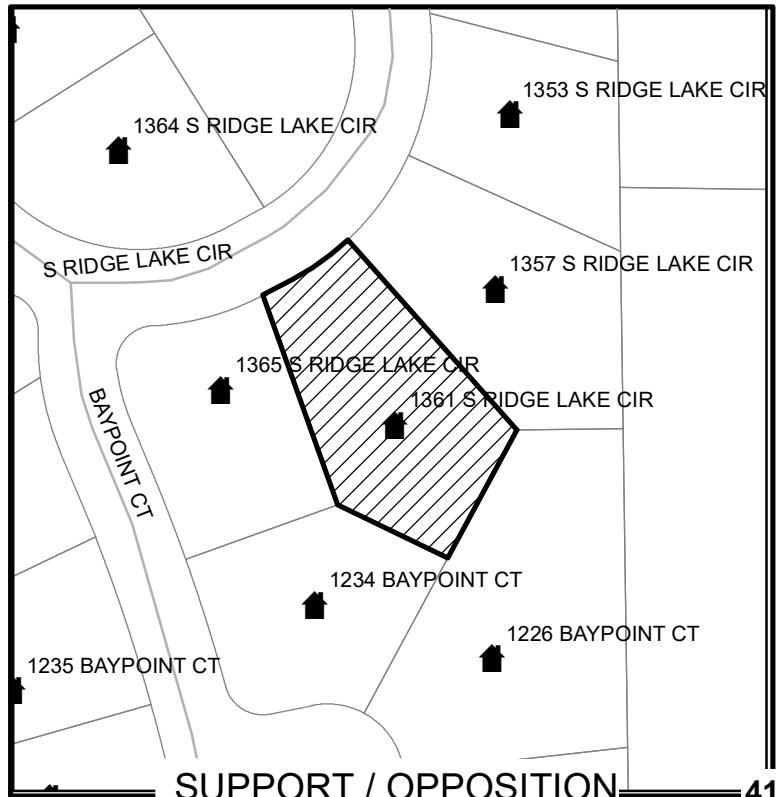
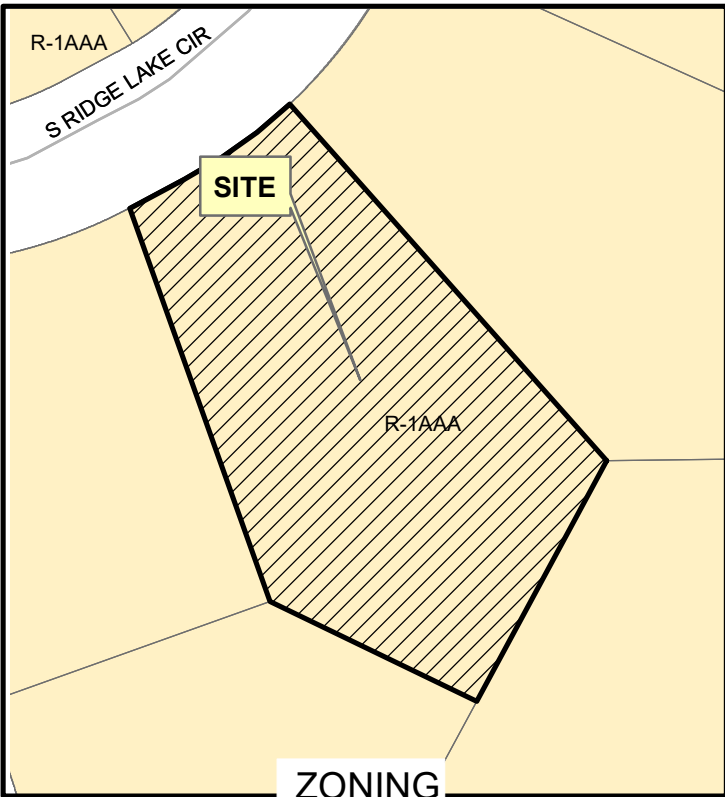


**BRIAN & STEPHANIE ENRIGHT**  
**1361 S RIDGE LAKE CIRCLE**  
**LONGWOOD, FL 32750**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

**LEGEND**

 Site	 Support
 R-1AAA	 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 existing home was positioned on this parcel non-conforming to the governing side yard setback limits and has been this way since original construction. Other than the irregular shape of the parcel, there are no special conditions that are not applicable to other lands or structures in the same zoning district.

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

The irregular lot shape was a direct result of the original neighborhood plot development. The existing home was constructed non-conforming to the governing setback limits and is approximately 5.87' from the side property line whereas the governing side yard setback is 7.5'.

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 variance request is to allow development of the existing structure to become new under-air living space without additional footprint change. Due to the irregular shaped lot, and the existing structure footprint, we request the special privilege to this unique property be granted.

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 existing home was constructed non-conforming to the governing side yard setback limits with the concrete walls of a patio. This request will allow the development of the existing area to become new under-air living space without additional encroachment on the side yard.

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

This request will allow the development of the existing area to become new under-air living space without additional encroachment on the side yard.

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 request is to allow development of the existing structure to become new under-air living space without additional footprint change.

# Property Record Card



**Parcel** 25-20-29-509-0000-0690

**Property Address** 1361 S RIDGE LAKE CIR LONGWOOD, FL 32750

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	25-20-29-509-0000-0690
<b>Owner(s)</b>	ENRIGHT, BRIAN J - Tenancy by Entirety ENRIGHT, STEPHANIE F - Tenancy by Entirety
<b>Property Address</b>	1361 S RIDGE LAKE CIR LONGWOOD, FL 32750
<b>Mailing</b>	1361 S RIDGE LAKE CIR LONGWOOD, FL 32750-2877
<b>Subdivision Name</b>	NORTHRIDGE
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2019)
<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>	\$317,646	\$293,592
<b>Depreciated EXFT Value</b>	\$29,762	\$23,042
<b>Land Value (Market)</b>	\$75,000	\$75,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$422,408	\$391,634
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$151,631	\$128,744
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$270,777	\$262,890

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$5,251.07**

**2022 Tax Bill Amount**

**\$2,990.95**

**2022 Tax Savings with Exemptions \$2,260.12**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 69  
NORTHRIDGE  
PB 31 PGS 1 THRU 3

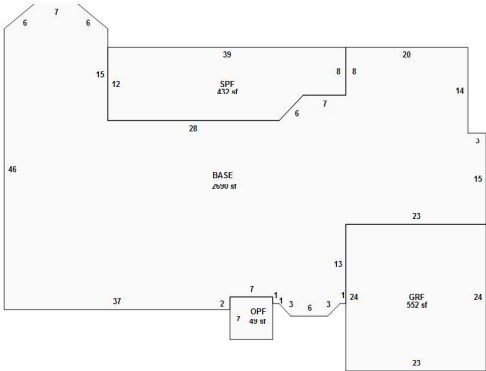
## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$270,777	\$50,000	\$220,777
SJWM(Saint Johns Water Management)	\$270,777	\$50,000	\$220,777
FIRE	\$270,777	\$50,000	\$220,777
COUNTY GENERAL FUND	\$270,777	\$50,000	\$220,777
Schools	\$270,777	\$25,000	\$245,777

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	02/01/2018	09058	0372	\$390,000	Yes	Improved
WARRANTY DEED	08/01/1993	02629	0012	\$195,500	Yes	Improved
WARRANTY DEED	12/01/1989	02136	0952	\$198,000	Yes	Improved
WARRANTY DEED	04/01/1985	01633	0397	\$157,000	Yes	Improved
WARRANTY DEED	01/01/1985	01608	0626	\$34,500	Yes	Vacant

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	1985	4	2.5	8	2,690	3,723	2,690	CB/STUCCO FINISH	\$317,646	\$386,196	Description	Area
												SCREEN PORCH FINISHED	432.00
												GARAGE FINISHED	552.00
												OPEN PORCH FINISHED	49.00



Sketch by Ryan Sketch

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

Permits					
Permit #	Description	Agency	Amount	CO Date	Permit Date
03031	REROOF	County	\$10,248		3/1/2003
04224	MECHANICAL & CONDENSOR	County	\$7,239		5/26/2010
05514	REROOF	County	\$17,220		4/28/2017

Extra Features				
Description	Year Built	Units	Value	New Cost
POOL 1	06/01/2000	1	\$21,000	\$35,000
GAS HEATER	06/01/1988	1	\$642	\$1,605
SCREEN ENCL 1	06/01/1988	1	\$1,400	\$3,500
SPA	06/01/1985	1	\$4,320	\$10,800
FIREPLACE 2	06/01/1985	1	\$2,400	\$6,000

## 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
15.00	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 4 - Amy Lockhart	Dist 7 - Stephanie Murphy	Dist 29 - Scott Plakon	Dist 9 - Jason Brodeur	24

## School Information

Elementary School District	Middle School District	High School District
Woodlands	Rock Lake	Lake Mary

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## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 69  
NORTHRIDGE  
PB 31 PGS 1 THRU 3

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

### **A. FINDINGS OF FACT**

**Property Owner:** BRIAN & STEPHANIE ENRIGHT  
1361 S RIDGE LAKE CIR  
LONGWOOD, FL 32750

**Project Name:** S RIDGE LAKE CIR (1361)

#### **Requested Variance:**

Request for a side yard (west) setback variance from ten (10) feet to five (5) feet for an addition in the R-1AAA (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

### **B. CONCLUSIONS OF LAW**

Approval was sought to construct an addition within the required 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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 69  
NORTHRIDGE  
PB 31 PGS 1 THRU 3

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

**A. FINDINGS OF FACT**

**Property Owner:** BRIAN & STEPHANIE ENRIGHT  
1361 S RIDGE LAKE CIR  
LONGWOOD, FL 32750

**Project Name:** S RIDGE LAKE CIR (1361)

**Variance Approval:**

Request for a side yard (west) setback variance from ten (10) feet to five (5) feet for an addition in the R-1AAA (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 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 (10' x 26') 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**

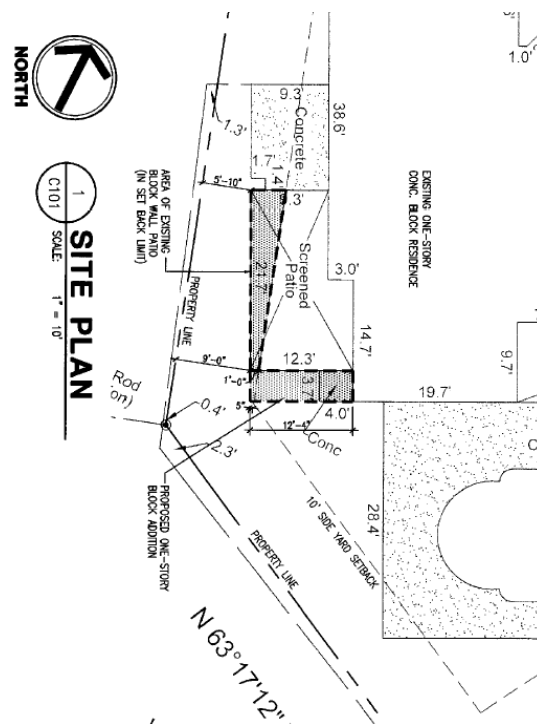
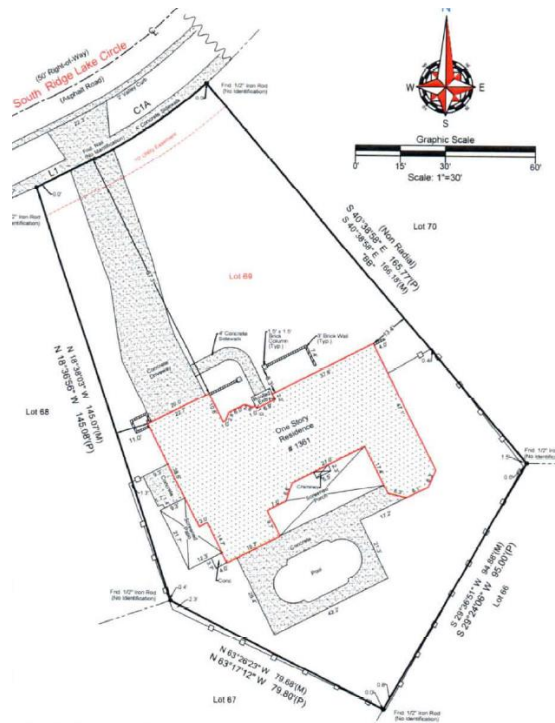
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7556**

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**Title:**

**7410 E. Antietam Court** - Request for a side street (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (Single Family Dwelling) district; BV2022-106 (Edgar Perez, 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 (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (Single Family Dwelling) district; or
2. Approve the request for a side street (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (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 is considered to have two (2) front yards for setback purposes. The front of the house faces East Antietam Court. The North Woodcrest 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 will be five (5) feet from the sidewalk and sixteen (16) feet from the edge of pavement.
- The request is for a variance to Section 30.186(a)(1) of the Land Development Code of Seminole County, which states:
  - (a) In the R-1 Single-Family Dwelling District, the following minimum yards shall be observed:
    - (1) Front. Twenty-five (25) 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.

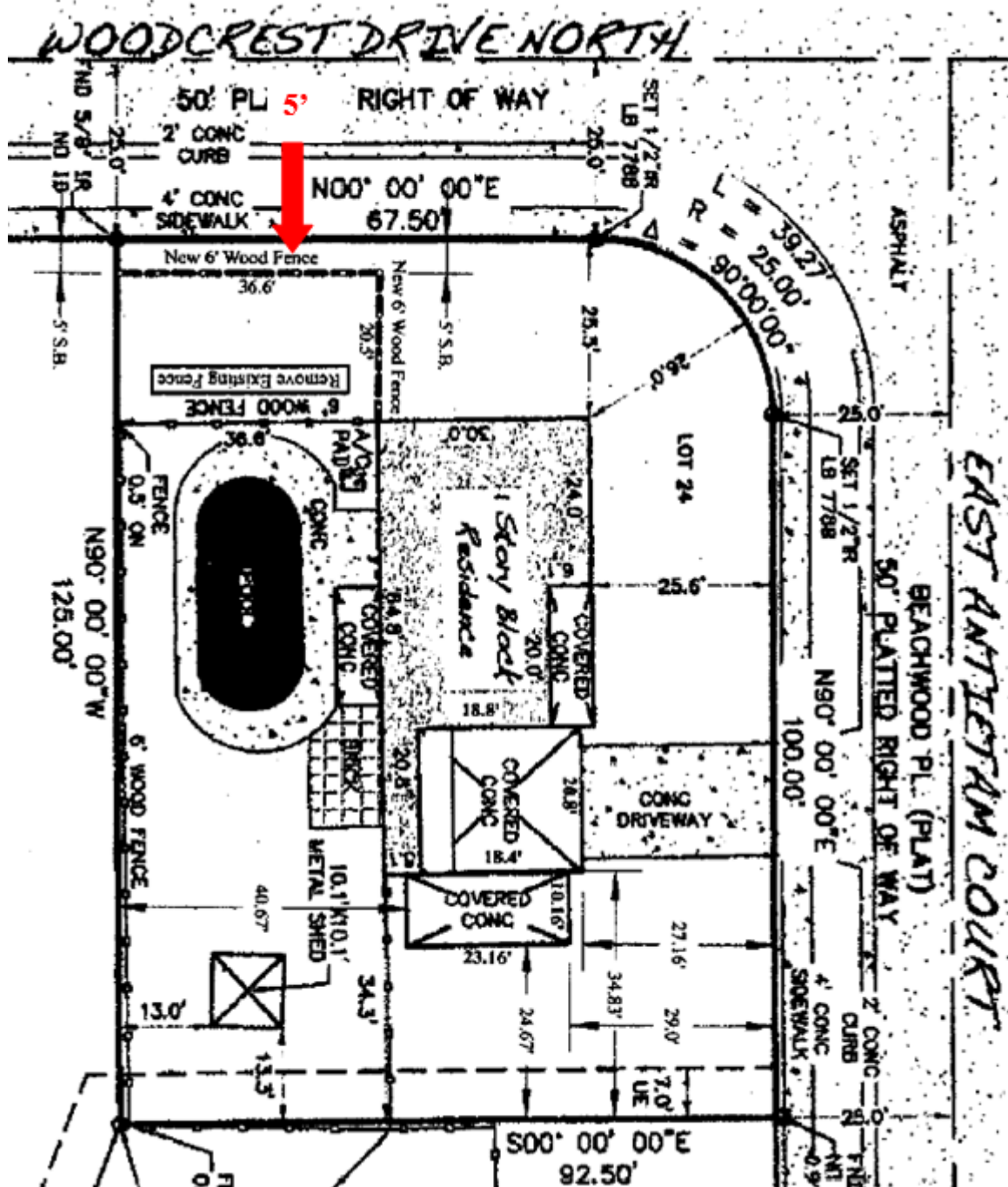
**Staff Recommendation:**

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:

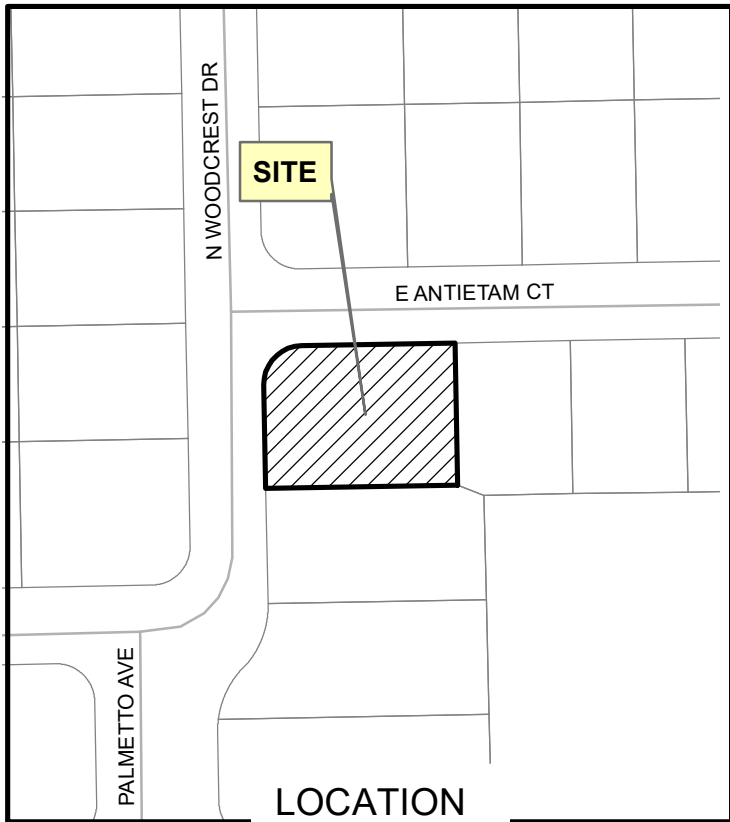
1. Any variance granted will apply only to the fence as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on

information presented at the public hearing.

E. ANTIETAM CT (7410)  
VARIANCES



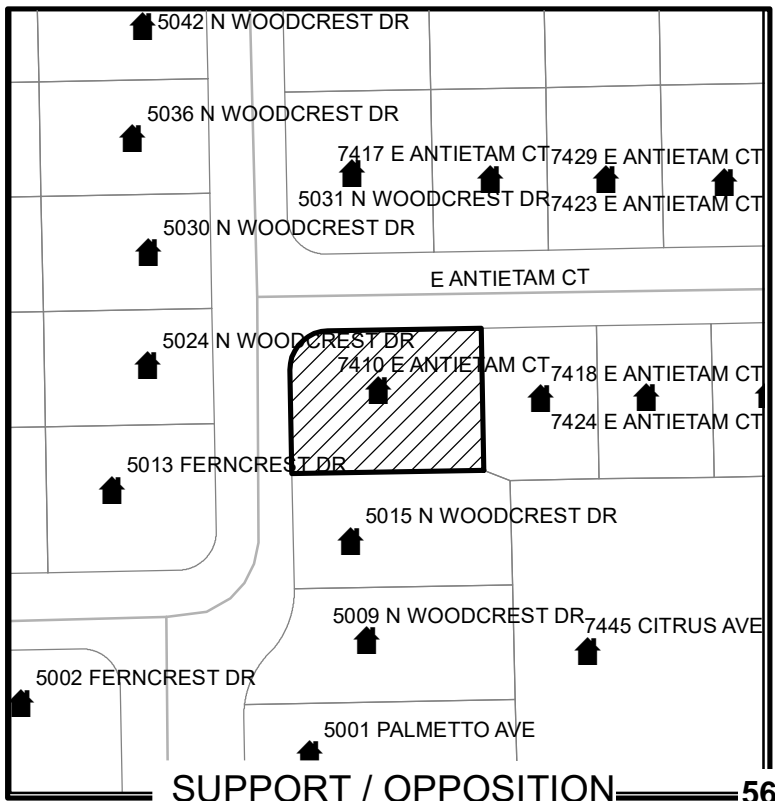
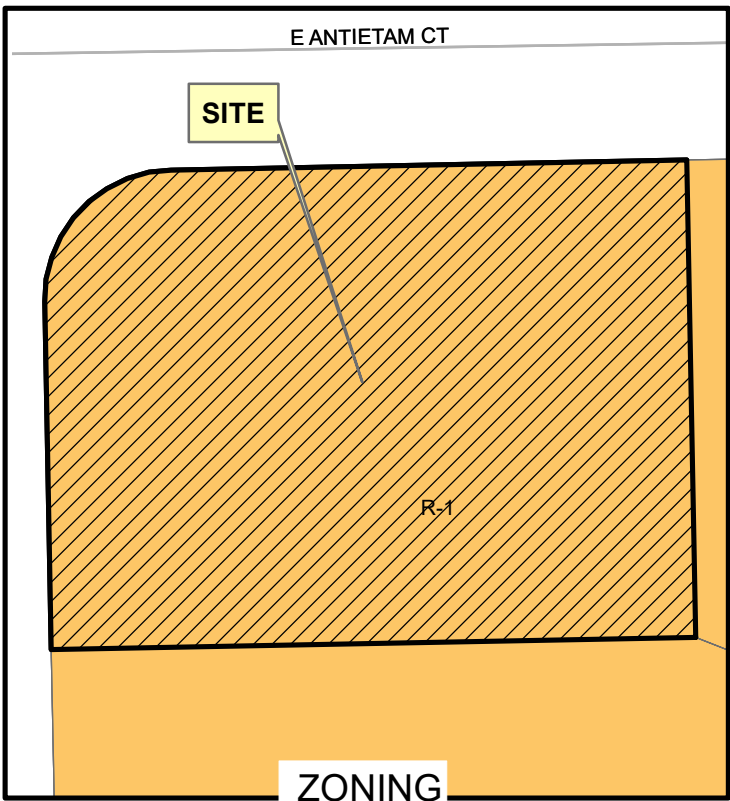
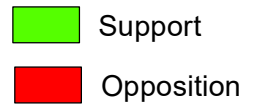




**EDGAR PEREZ  
7410 E ANTIETAM COURT  
WINTER PARK, FL 32792**

**SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
JANUARY 23, 2023**

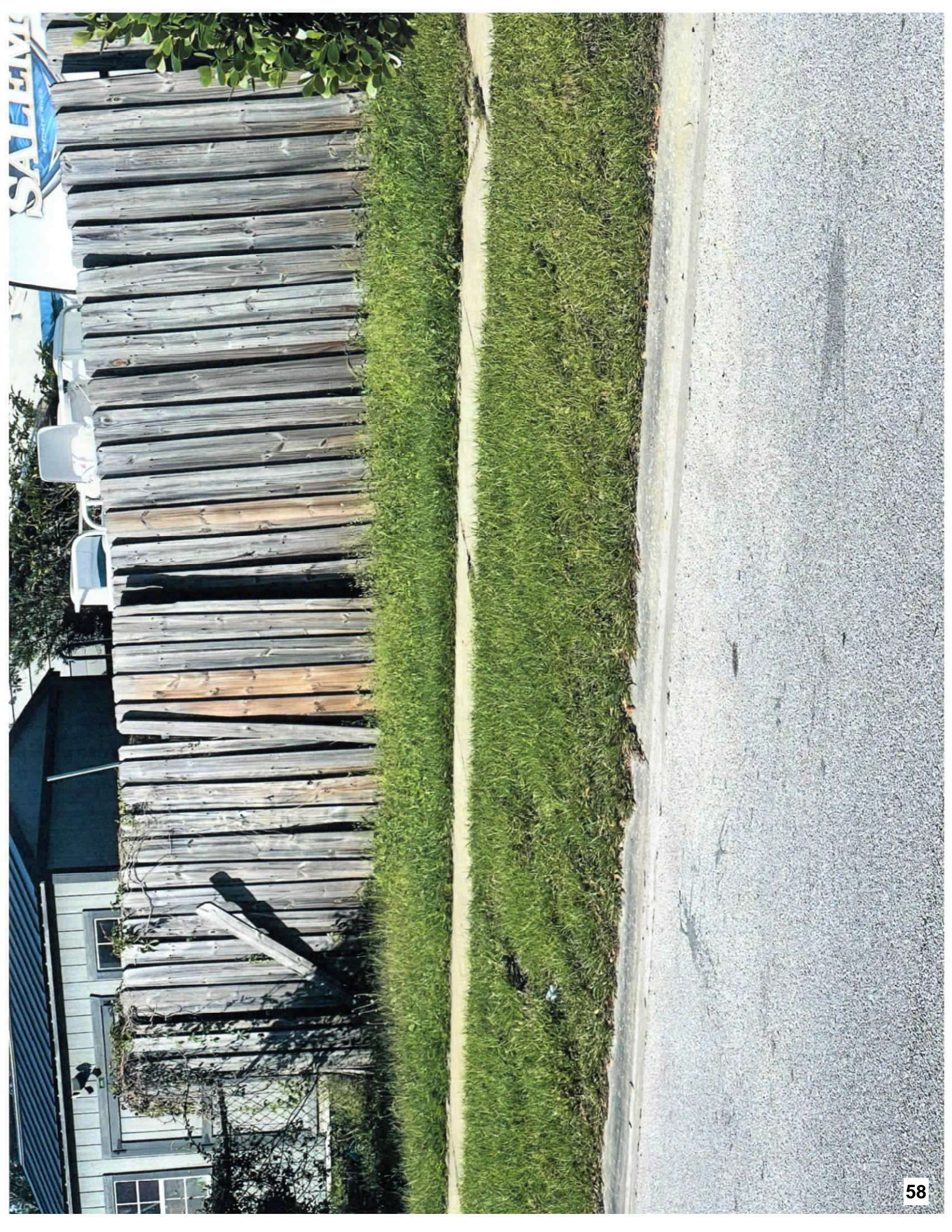
## LEGEND











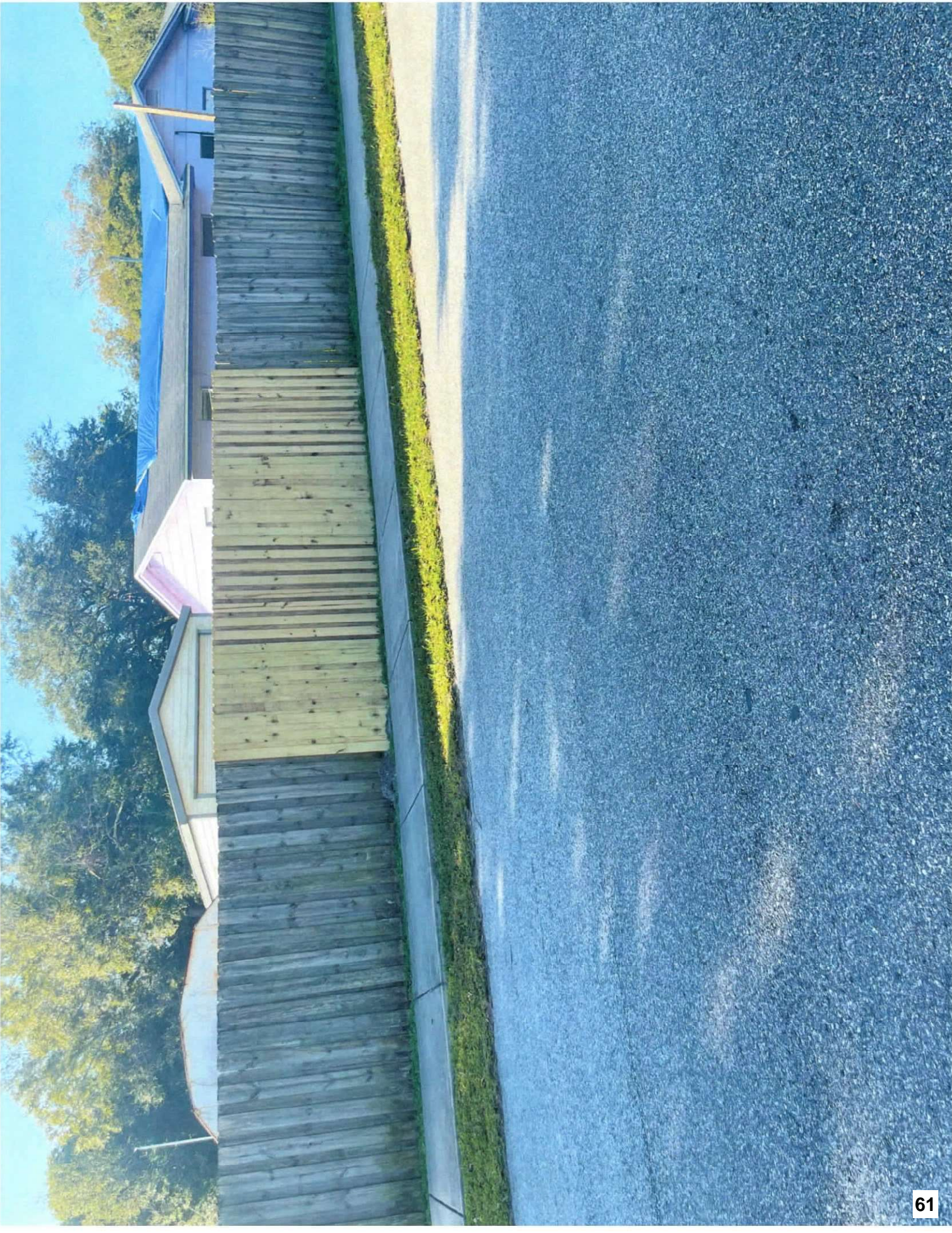








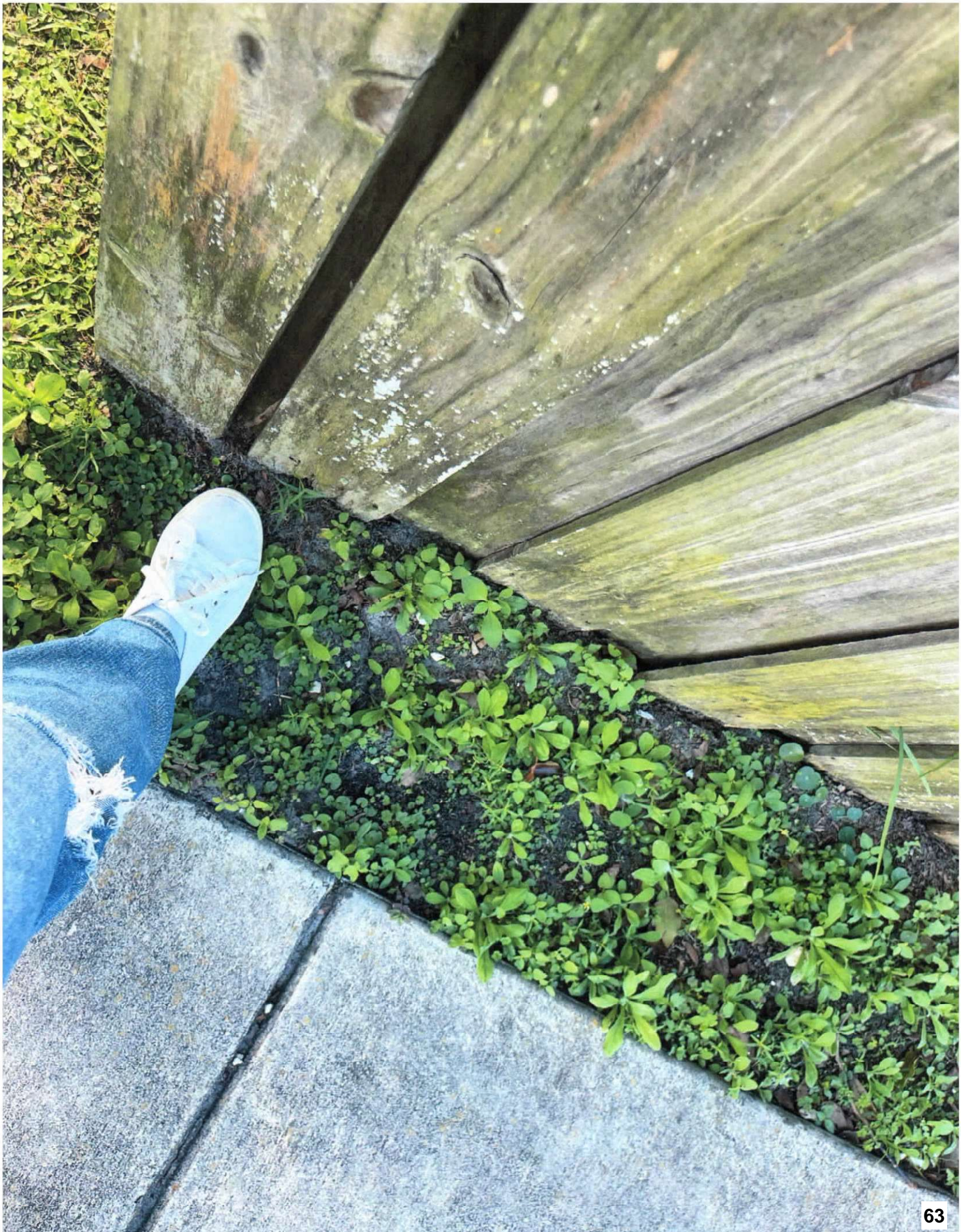


















## Variance Criteria

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: *SEE ATTACHED PICTURES*

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. *OTHER PROPERTIES WITHIN THE AREA HAVE WOOD SCREEN FENCE ENCROACHING INTO SETBACKS*
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. *PLACEMENT OF NEW 6' WOOD SCREEN FENCING WILL NOT HINDER OR OBSTRUCT THE USE OF OTHER PROPERTIES*
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. *OTHER PROPERTIES IN THE AREA HAVE WOOD FENCES WITHIN THE SETBACKS*
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 HAVE WOOD PRIVACY FENCES WITHIN THE SETBACKS - THE PLACEMENT OF THE WOOD FENCE WITHIN THE SETBACK WOULD ALLOW MORE USE OF OUR BACKYARD AREA.*
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. *THE USE OF MORE SIDE PROPERTY WOULD ALLOW MORE USE OF OUR BACKYARD AREA AS IT WOULD ALSO FURTHER THE DISTANCE FROM OUR POOL FOR SAFETY REASONS*
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. *OTHER PROPERTY OWNERS HAVE PROPERTY S.B.'S ENCREACHED UPON BY WOOD PRIVACY FENCES*

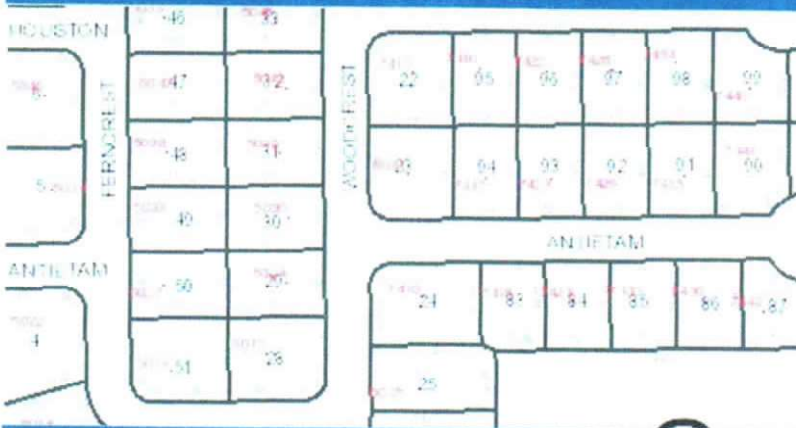
# Property Record Card



**Parcel** 35-21-30-506-0000-0240

**Property Address** 7410 E ANTIETAM CT WINTER PARK, FL 32792

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	35-21-30-506-0000-0240
<b>Owner(s)</b>	PEREZ RAMIREZ, EDGAR - Tenancy by Entirety PERNA OLIVERA, TIZIANA L - Tenancy by Entirety
<b>Property Address</b>	7410 E ANTIETAM CT WINTER PARK, FL 32792
<b>Mailing</b>	7410 ANTIETAM CT E WINTER PARK, FL 32792-9202
<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>	\$176,328	\$163,323
<b>Depreciated EXFT Value</b>	\$23,600	\$17,200
<b>Land Value (Market)</b>	\$75,000	\$75,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$274,928	\$255,523
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$0	\$0
<b>Amendment 1 Adj</b>	\$13,386	\$17,758
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$261,542	\$237,765

## 2022 Certified Tax Summary

<b>2022 Tax Amount without Exemptions</b>	<b>\$3,426.08</b>	<b>2022 Tax Savings with Exemptions</b>	<b>\$141.14</b>
<b>2022 Tax Bill Amount</b>	<b>\$3,284.94</b>		

Values NOT INCLUDE Most Ad Valorem Assessments

## Legal Description

LOT 24  
WOODCREST UNIT 1  
PB 15 PG 55

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$261,542	\$0	\$261,542
SJWM(Saint Johns Water Management)	\$261,542	\$0	\$261,542
FIRE	\$261,542	\$0	\$261,542
COUNTY GENERAL FUND	\$261,542	\$0	\$261,542
Schools	\$274,928	\$0	\$274,928

## Sales

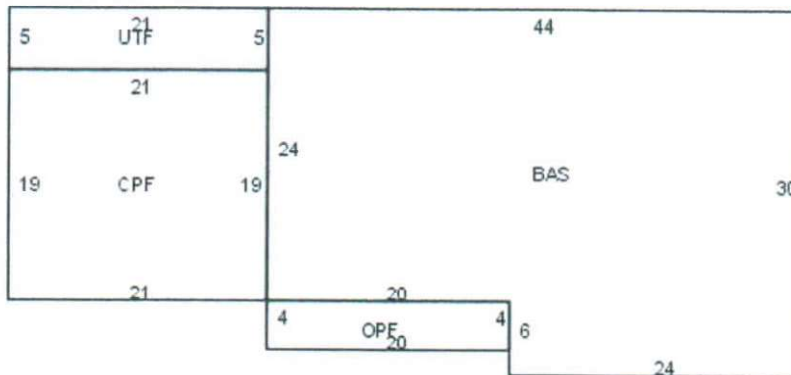
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	09/21/2020	09712	0194	\$265,000	Yes	Improved
WARRANTY DEED	12/01/2013	08186	0878	\$130,000	Yes	Improved

## 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	1969/1989	3	2.0	6	1,200	1,784	1,200	CONC BLOCK	\$176,328	\$206,836	



Description	Area
UTILITY FINISHED	105.00
OPEN PORCH FINISHED	80.00
CARPORT FINISHED	399.00

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
03499	MECHANICAL & CONDENSOR	County	\$5,939		4/5/2007
00538	REROOF	County	\$6,401		1/20/2015
02870	MISC MECHANICAL & CONDENSOR	County	\$3,088		4/1/2000
15253	7410 E ANTETAM CT: RES ALTERATIONS, NO CHANGE IN UNITS- CARPORT CONVERT TO GARAGE [WOODCREST UNIT 01]	County	\$10,000		11/3/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
CARPORT 2	10/01/1979	1	\$1,200	\$3,000
POOL 1	10/01/1979	1	\$21,000	\$35,000
COVERED PATIO 2	10/01/1979	1	\$1,400	\$3,500



## 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 - Stephanie Murphy	Dist 30 - Joy Goff-Marcil	Dist 9 - Jason Brodeur	67

## School Information

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

Copyright 2022 © Seminole County Property Appraiser



On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 24  
WOODCREST UNIT 1  
PB 15 PG 55

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

#### **A. FINDINGS OF FACT**

**Property Owner:** EDGAR PEREZ  
7410 E. ANTIETAM CT  
WINTER PARK, FL 32792

**Project Name:** ANTIETAM CT (7410)

**Requested Variance:** Request for a side street (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

#### **A. 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.

#### **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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 24  
WOODCREST UNIT 1  
PB 15 PG 55

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

**A. FINDINGS OF FACT**

**Property Owner:** EDGAR PEREZ  
7410 E. ANTIETAM CT  
WINTER PARK, FL 32792

**Project Name:** ANTIETAM CT (7410)

**Variance Approval:**

Request for a side street (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 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**

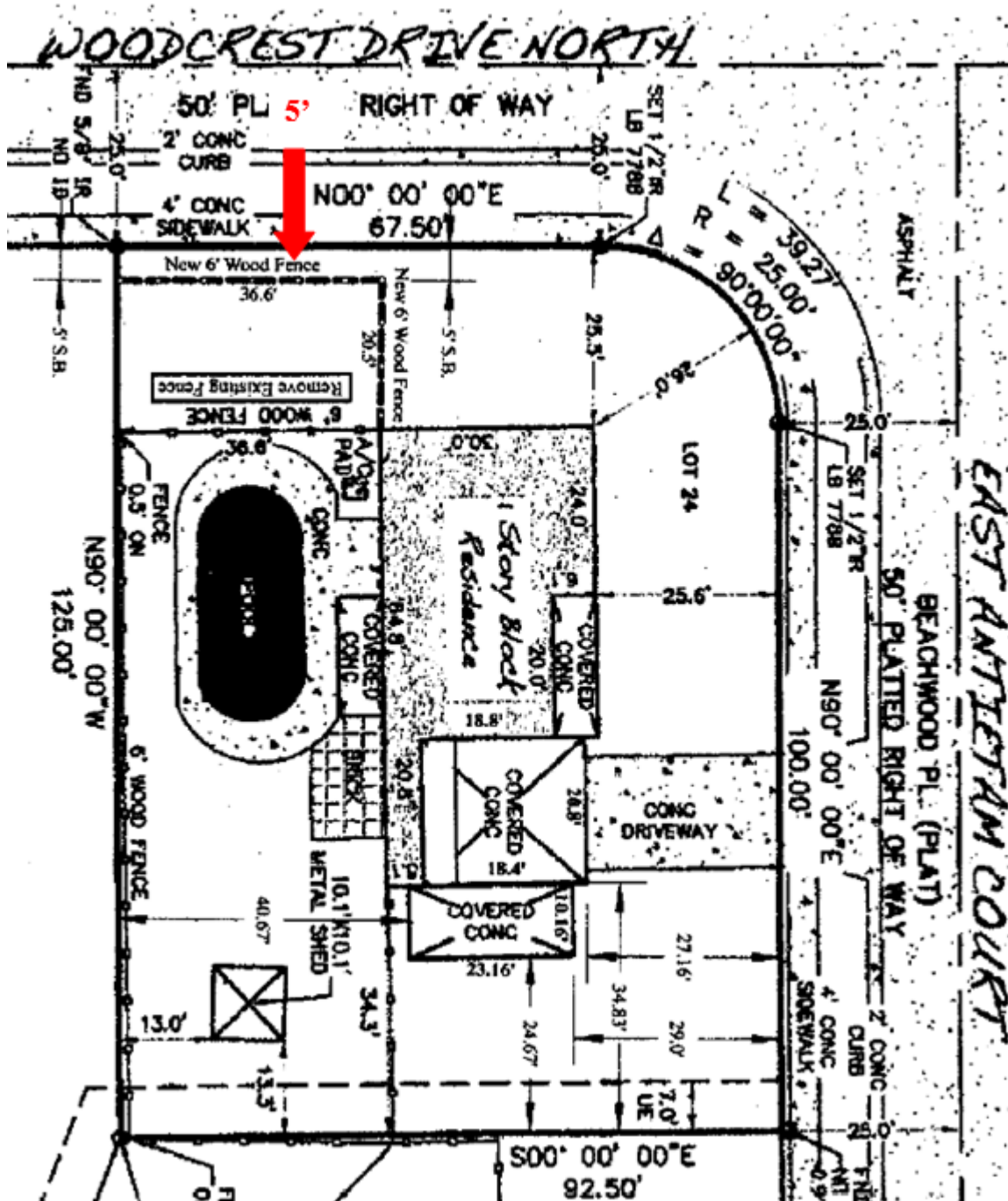
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

## EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7555**

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**Title:**

**121 Woodmill Road** - Request for a rear yard setback variance from ten (10) feet to six (6) feet for a spa in the PD (Planned Development) district; BV2022-102 (Andrea Cochran, 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 rear yard setback variance from ten (10) feet to six (6) feet for a spa in the PD (Planned Development) district; or
2. Approve the request for a rear yard setback variance from ten (10) feet to six (6) feet for a spa 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 Springs Whispering Pines Section 1 subdivision.
- The spa will encroach four (4) feet into the required rear yard setback.
- The Springs Homeowners Association has approved the proposed spa location and the applicant has submitted the approval letter.
- Letters of support were received from four (4) of the adjacent neighbors.
- No encroachment is permitted into the six (6) foot utility easement.
- The rear of the property abuts a forty-four (44) foot Greenbelt and Utility Easement.
- 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 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:**

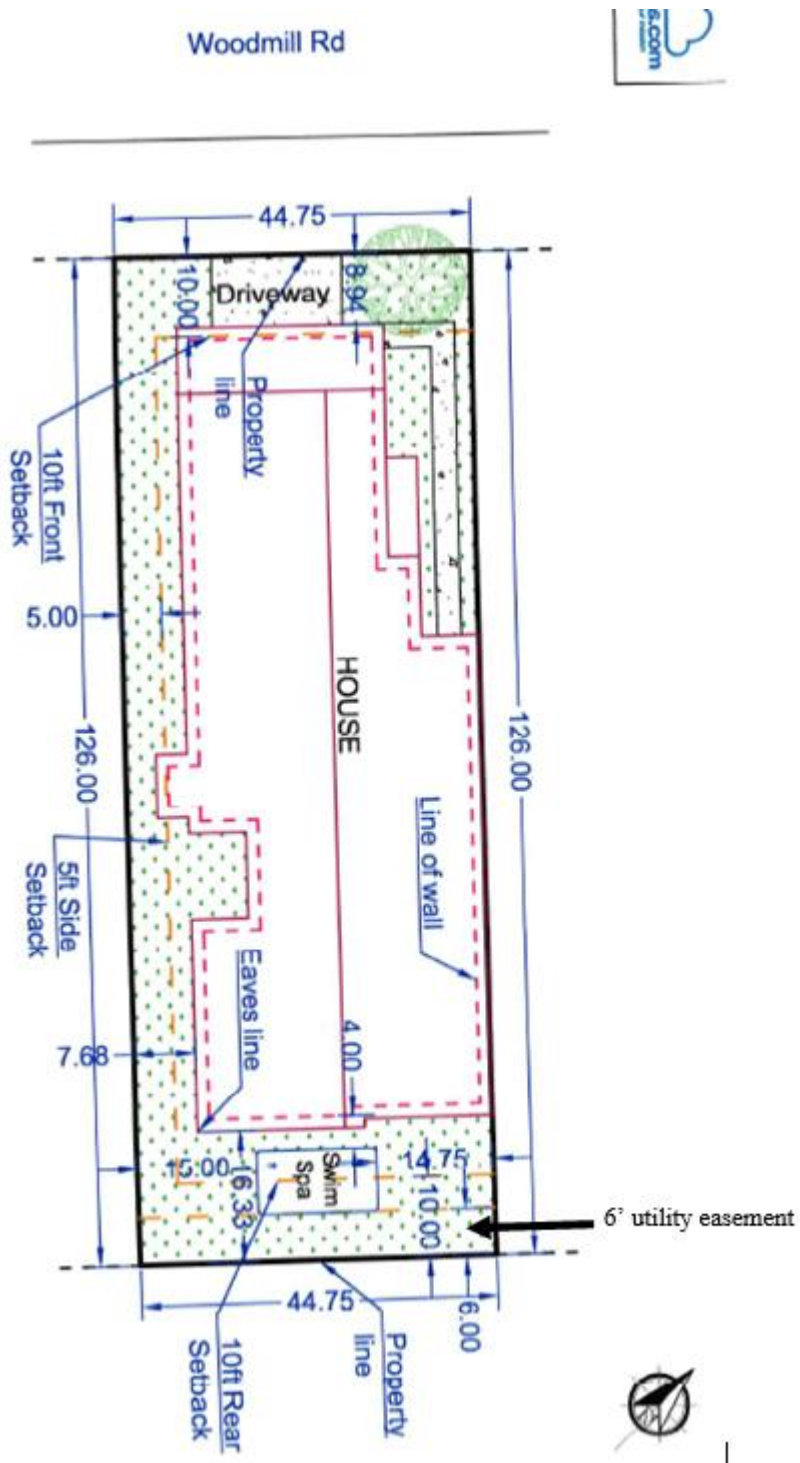
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

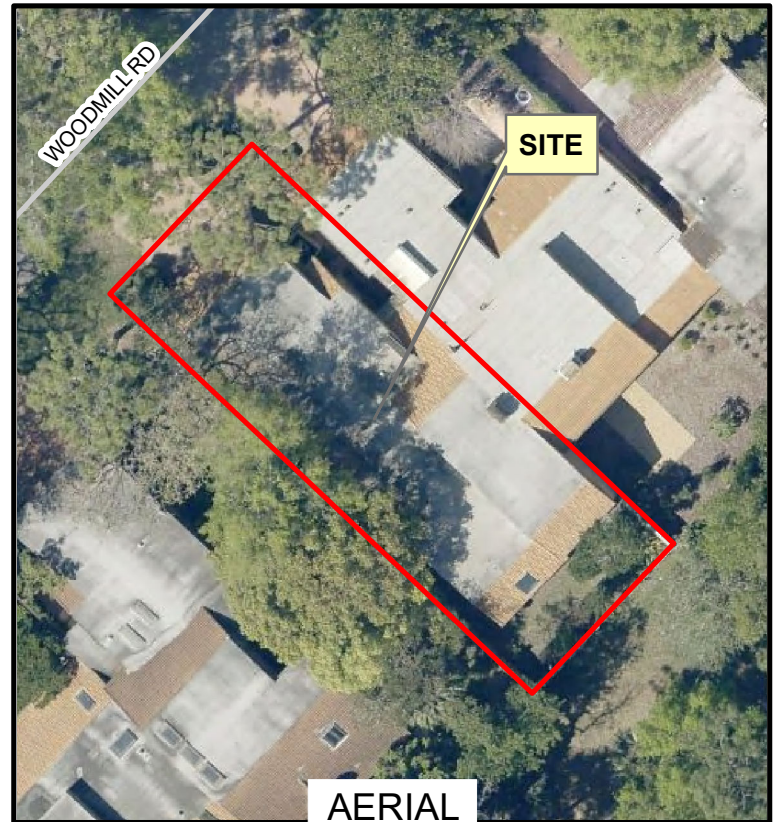
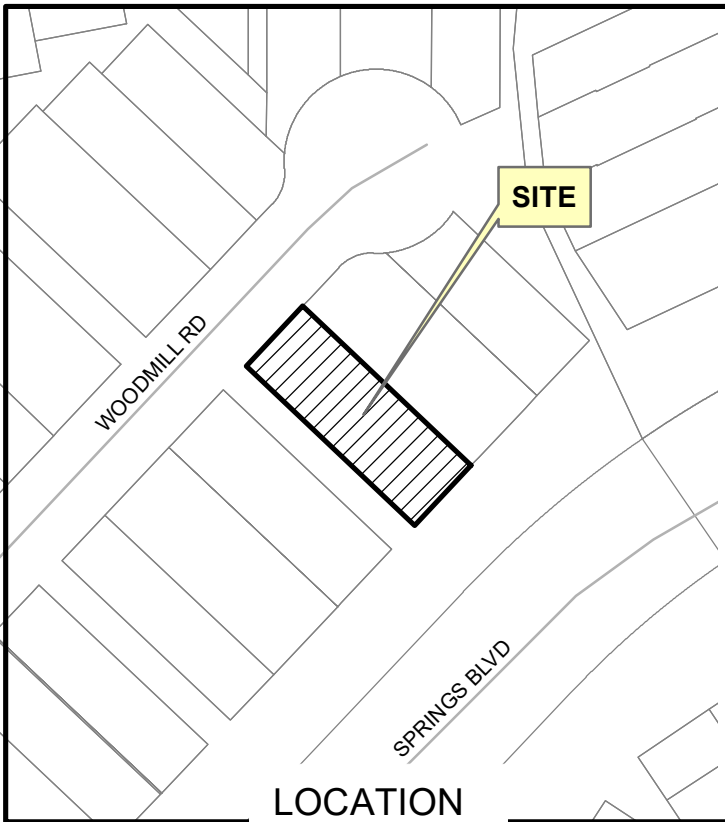
**Staff Recommendation:**

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 spa 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.

WOODMILL RD (121)  
VARIANCE

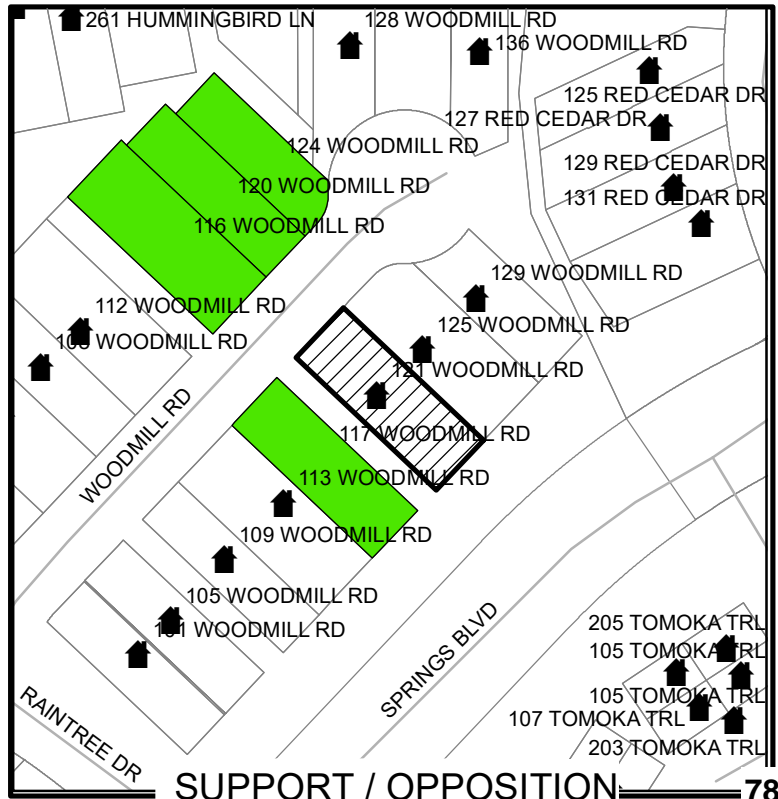
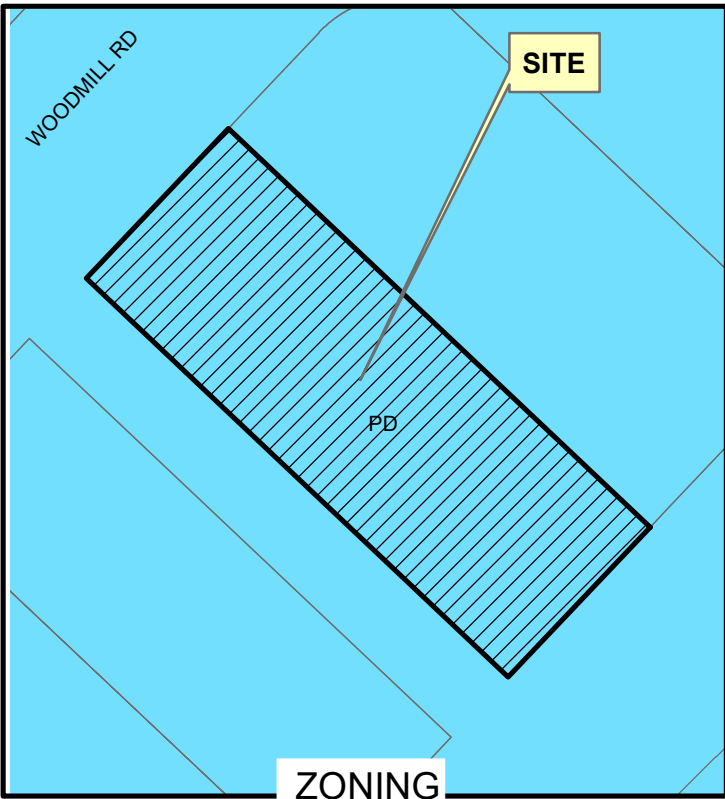
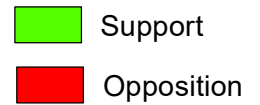




**ANDREA COCHRAN**  
**121 WOODMILL ROAD**  
**LONGWOOD, FL 32779**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

## LEGEND





## 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 fenced backyard does not accommodate the minimum required 10 ft rear setback for our portable exercise swim spa.  
Our Townhome property has a smaller than average backyard size compared to others on our street.

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

The variance is required for zoning approval.  
Our exercise spa has received approval by our HOA, as well as the building and electrical permit departments.  
We are just waiting a pending approval of the 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.

This variance does not give us privileges that are not available to our neighbors.  
Many backyards in The Springs and in our subdivision have pools or spas that run close to their property lines.  
Properties at 104 and 109 Woodmill Rd. both have built-in permanent swimming pools extending out toward the perimeter of their fenced backyards. Our exercise spa is a portable, self-contained unit which only requires a hard-wired connection and would fit comfortably within the confines of our 6-7 ft fenced backyard.

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.

If we are not approved for the variance, we cannot complete the installation of the swim spa.  
It would also deprive my partner Alan Rosko of his medically required Swim Spa rehab by his Doctor, following intensive knee surgery.

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 variance accommodates the portable unit with the minimum space required.  
It will not compromise our space, or our neighbors space.

Our Townhome only shares a fence with one neighbor on the right side.

The spa will be positioned 14' 5" from our shared fence line. A greenbelt separates our fence line from our neighbors to the left by 18 ft. The spa sits an additional 14' 5" from the outside fence line along the greenbelt into our backyard

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 the variance will be in harmony with the general intent and purpose of the zoning regulations.  
It will easily fit within our backyard with minimum space required and not compromise our neighbors property or their safety.

Revised 2019

# Property Record Card



**Parcel** 03-21-29-525-0A00-0060

**Property Address** 121 WOODMILL RD LONGWOOD, FL 32779

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	03-21-29-525-0A00-0060
<b>Owner(s)</b>	COCHRAN, ANDREA - Enhanced Life Estate
<b>Property Address</b>	121 WOODMILL RD LONGWOOD, FL 32779
<b>Mailing</b>	121 WOODMILL RD LONGWOOD, FL 32779-4964
<b>Subdivision Name</b>	SPRINGS WHISPERING PINES SEC 1
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	0103-TOWNHOME
<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>	\$368,969	\$341,083
<b>Depreciated EXFT Value</b>	\$2,400	\$2,000
<b>Land Value (Market)</b>	\$70,000	\$70,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$441,369	\$413,083
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$80,603	\$62,825
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$360,766	\$350,258

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$5,538.66**

**2022 Tax Bill Amount**

**\$4,162.39**

**2022 Tax Savings with Exemptions \$1,376.27**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 6 (LESS NELY 6 FT)  
THE SPRINGS  
WHISPERING PINES SEC 1  
PB 21 PG 26

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$360,766	\$50,000	\$310,766
SJWM(Saint Johns Water Management)	\$360,766	\$50,000	\$310,766
FIRE	\$360,766	\$50,000	\$310,766
COUNTY GENERAL FUND	\$360,766	\$50,000	\$310,766
Schools	\$360,766	\$25,000	\$335,766

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
SPECIAL WARRANTY DEED	02/01/2021	09837	0102	\$100	No	Improved
WARRANTY DEED	12/17/2020	09799	0222	\$382,000	Yes	Improved
WARRANTY DEED	09/01/2014	08335	1579	\$195,000	No	Improved
WARRANTY DEED	09/01/1993	02654	1801	\$182,400	Yes	Improved
SPECIAL WARRANTY DEED	04/01/1993	02580	1077	\$129,000	No	Improved
CERTIFICATE OF TITLE	07/01/1992	02456	0983	\$100	No	Improved
WARRANTY DEED	06/01/1988	01970	1283	\$190,000	Yes	Improved
WARRANTY DEED	11/01/1984	01599	0123	\$200,000	Yes	Improved
WARRANTY DEED	09/01/1981	01355	1609	\$195,800	Yes	Improved
WARRANTY DEED	02/01/1981	01321	0803	\$56,400	No	Vacant

Land						
Method	Frontage	Depth	Units	Units Price	Land Value	
LOT			1	\$70,000.00	\$70,000	

Building Information																								
#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages												
1	SINGLE FAMILY	1981/1990	4	2.5	9	2,570	3,436	2,570	BRICK+WOOD COMBO	\$368,969	\$429,034	<table> <tr> <th>Description</th><th>Area</th></tr> <tr> <td>OPEN PORCH FINISHED</td><td>21.00</td></tr> <tr> <td>OPEN PORCH FINISHED</td><td>77.00</td></tr> <tr> <td>GARAGE FINISHED</td><td>624.00</td></tr> <tr> <td>OPEN PORCH FINISHED</td><td>40.00</td></tr> <tr> <td>OPEN PORCH FINISHED</td><td>104.00</td></tr> </table>	Description	Area	OPEN PORCH FINISHED	21.00	OPEN PORCH FINISHED	77.00	GARAGE FINISHED	624.00	OPEN PORCH FINISHED	40.00	OPEN PORCH FINISHED	104.00
Description	Area																							
OPEN PORCH FINISHED	21.00																							
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GARAGE FINISHED	624.00																							
OPEN PORCH FINISHED	40.00																							
OPEN PORCH FINISHED	104.00																							
<div> </div>																								
<div> <div>Sketch by Aspen Sketch</div> <div>Building 1 - Page 1</div> </div>																								

\*\* Year Built (Actual / Effective)

Permits						
Permit #	Description	Agency	Amount	CO Date	Permit Date	
03043	REROOF	County	\$8,096		3/1/2003	
01644	ENCLOSE EXISTING GLASS ROOM	County	\$2,100		3/1/1997	
09701	MECHANICAL	County	\$5,625		12/17/2010	
04591	REROOF	County	\$22,400		6/8/2011	
02936	REPLACE 5-TON CONDENSOR	County	\$1,000		4/1/1999	
03264	121 WOODMILL RD: EZ WINDOW / DOOR REPLACEMENT RESIDENTIAL-[SPRINGS WHISPERING PINES]	County	\$21,900		2/24/2021	
09395	121 WOODMILL RD: EZ WINDOW / DOOR REPLACEMENT RESIDENTIAL-[SPRINGS WHISPERING PINES]	County	\$9,032		5/21/2021	

Extra Features					
Description	Year Built	Units	Value	New Cost	
FIREPLACE 2	10/01/1981	1	\$2,400	\$6,000	

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
16.00	DUKE	CENTURY LINK	SUNSHINE WATER SERVICES	SUNSHINE WATER SERVICES	TUE/FRI	FRI	WED	Waste Pro
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		36	
School Information								
Elementary School District			Middle School District			High School District		
Sabal Point			Rock Lake			Lyman		
Copyright 2022 © Seminole County Property Appraiser								



# **Terezia Wilkens**

116 Woodmill Rd.

Longwood, FL 32779

321-632-1760

November 17, 2022

To Whom It May Concern,

I am a neighbor of Andrea Cochran and Alan Rosko. I live directly across the street from them. I'm aware they would like to install a portable swim spa in their backyard.

I think it would be a great addition and add value to their property. Their yard is fully fenced and I see no problem with the county approving their requested variance.

Sincerely yours,

Terezia Wilkens

A handwritten signature in cursive script, appearing to read 'Wilkens', written in black ink.

FROM THE DESK OF  

---

Sharon Morgan and Scott Godbold  
124 Woodmill Rd.  
Longwood, FL 32779

November 17, 2022

To the Zoning Board & Variance Committee-

We are next door neighbors of Andrea Cochran and Alan Rosko. Our townhomes share a wall and a fence line.

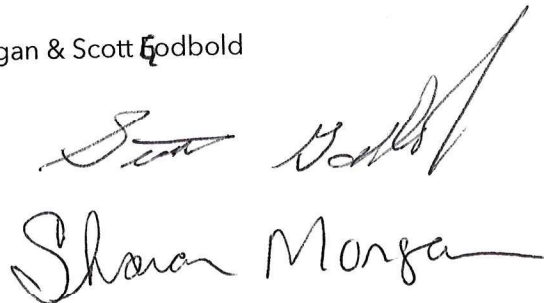
We understand they would like to install a swim spa in their backyard and need approval for a variance.

We support their request and see no problem with the installation. Also, there would be at least 14 ft of space from our shared fence line to the front edge of the portable spa.

Please approve their request. We would love to see their backyard transformed with this unique portable exercise swimmer.

Sincerely yours,

Sharon Morgan & Scott Godbold



The block contains two handwritten signatures. The top signature is for Scott Godbold, written in a cursive style. The bottom signature is for Sharon Morgan, also in cursive.



Giovanni and Sandra Vairo

120 Woodmill Rd. Longwood, FL 32779

November 17, 2022

To Whom It May Concern in Zoning,

We live across the street from Andrea Cochran and Alan Rosko. We understand they would like to install a portable swim spa in their back yard and would need a variance to do so.

We fully support their request and know the swim spa would be very beneficial to Alan who had major knee surgery this year.

Sincerely yours,

  
Giovanni & Sandra Vairo

HAROLD AND LOIS WOMERSLEY  
117 WOODMILL RD  
LONGWOOD, FL. 32779

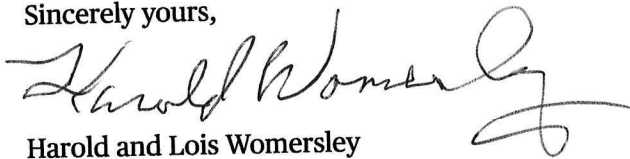
November 17, 2022

To Whom It May Concern,

We are next door neighbors of Andrea Cochran and Alan Rosko. Our side yards share an 18 foot greenbelt. We understand they would like to install a portable swim spa in their backyard and would need approval for a variance.

We support their request and see no issue with the exercise swimming unit. Both our properties are fully fenced. Also, our backyards face out toward a sidewalk which parallels Springs Blvd. with plenty of green space between the walkway and Springs Blvd., so we have no immediate neighbors beyond our backyards.

Sincerely yours,

  
Harold and Lois Womersley



Ronald Hudanich, D.O.  
Jamie Marques, ARNP  
Stephen Denny, P.A.

Date: 10/19/2022

To Whom It May Concern:

Please be advised that Alan Rosko is/has been under my orthopedic care.

- He was seen in office for appointment today. (10/19/2022).
- Restrictions: It is medically necessary for patient to have a swim spa

Electronically signed by: Brian Vickaryous, M.D.  
Date: 10/19/2022 Time: 8:18 AM  
Encounter Date: 10/19/2022

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6 (LESS NELY 6 FT)  
THE SPRINGS  
WHISPERING PINES SEC 1  
PB 21 PG 26

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

**A. FINDINGS OF FACT**

**Property Owner:** ANDREA COCHRAN  
121 WOODMILL RD  
LONGWOOD, FL 32779

**Project Name:** WOODMILL RD (121)

**Requested Variance:**

Request for a rear yard setback variance from ten (10) feet to six (6) feet for a spa in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**A. CONCLUSIONS OF LAW**

Approval was sought to construct a portable spa within the required 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.

**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 February, 2023.

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

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



**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6 (LESS NELY 6 FT)  
THE SPRINGS  
WHISPERING PINES SEC 1  
PB 21 PG 26

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

**A. FINDINGS OF FACT**

**Property Owner:** ANDREA COCHRAN  
121 WOODMILL RD  
LONGWOOD, FL 32779

**Project Name:** WOODMILL RD (121)

**Variance Approval:**

Request for a rear yard setback variance from ten (10) feet to six (6) feet for a spa in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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 spa 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**

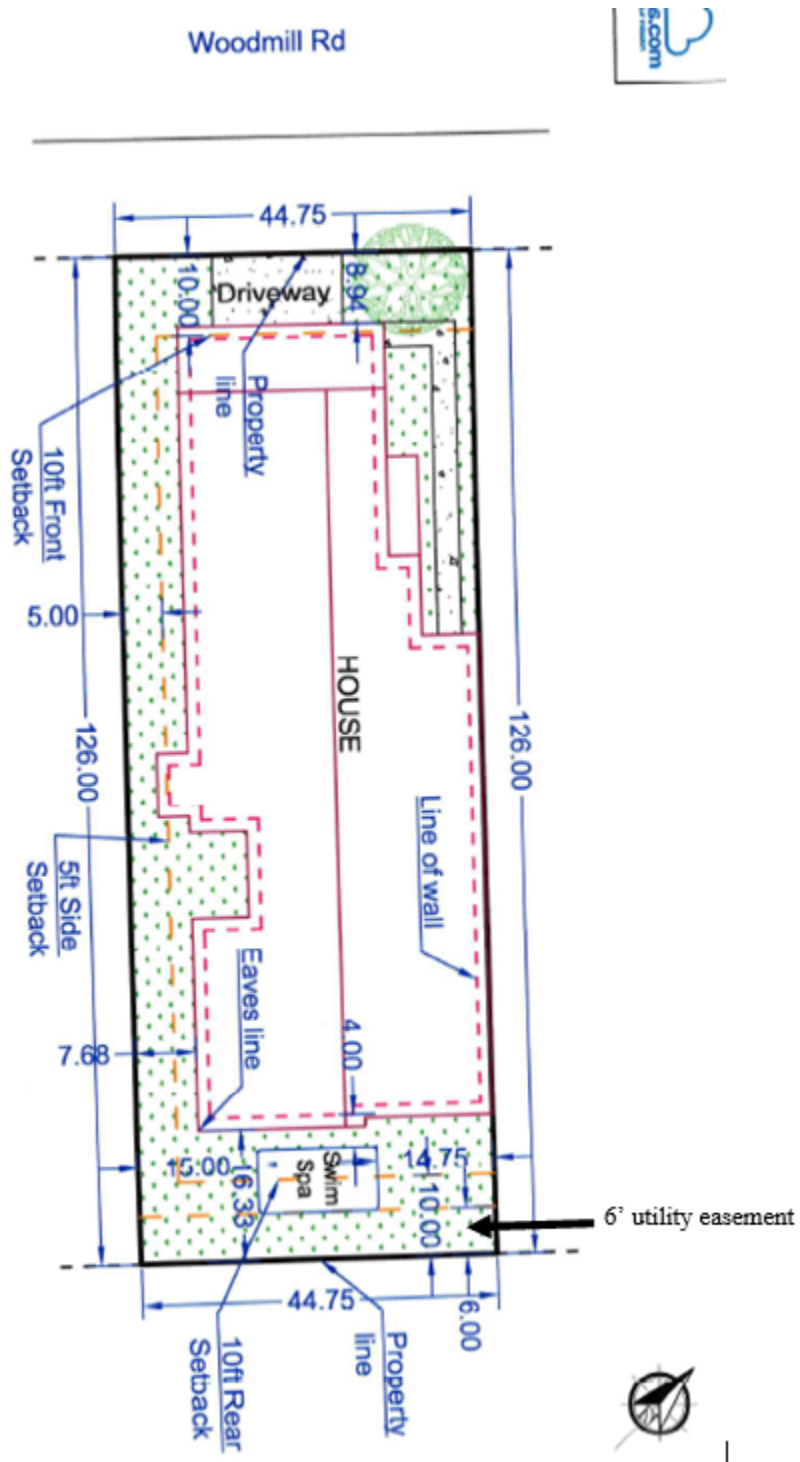
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

---

**File Number: 2022-7558**

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**Title:**

**10032 Bear Lake Road** - Request for a side yard (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district; BV2022-104 (Amy Wheeler, 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 (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district; or
2. Approve the request for a side yard (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the McNeils Orange Villa subdivision.
- The existing boat dock was built without building permits prior to the applicant purchasing the home in 2020.
- One letter of support was received from the neighbor located at 1628 Bear Lake Road.
- The request is for a variance to Section 70.10(i) of the Land Development Code of Seminole County, which states:
  - (i) All boat docks, boat houses, gazebos, fishing docks, boardwalks, and related structures must have a minimum deck elevation of one (1) foot above the NHWE. Subject to any further constraints imposed by the site, the structure must not project, when measured perpendicularly to a canal or waterbody, more than twenty-five (25) percent into the navigable width of the canal or waterbody, as determined by the Department, nor at any time pose a hazard in navigable waters as determined by the Department. These structures and boat ramps must not be placed within ten (10) feet of a property line. However, upon application, and except where this Code requires a hearing before the

Board of County Commissioners, the Board of Adjustment may grant a variance to the length or setback requirements based upon the criteria established in Section 30.43(b)(3) of this Code and may impose appropriate conditions and safeguards in accordance with Section 30.43(b)(4) of this Code.

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:**

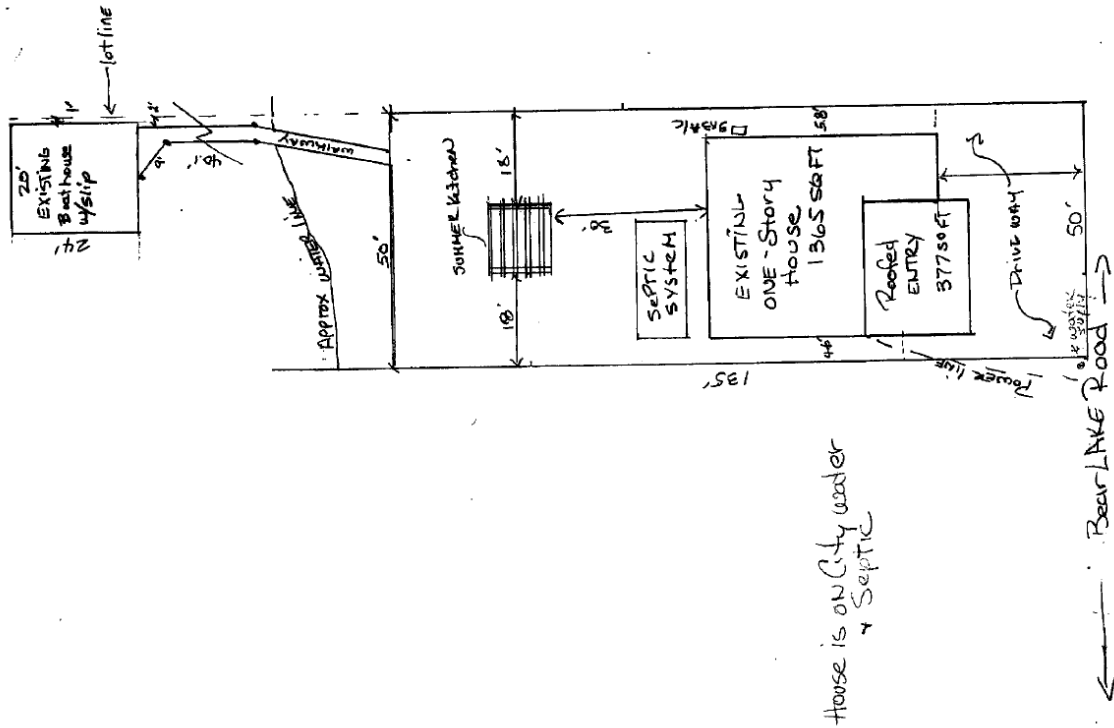
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

**Staff Recommendation:**

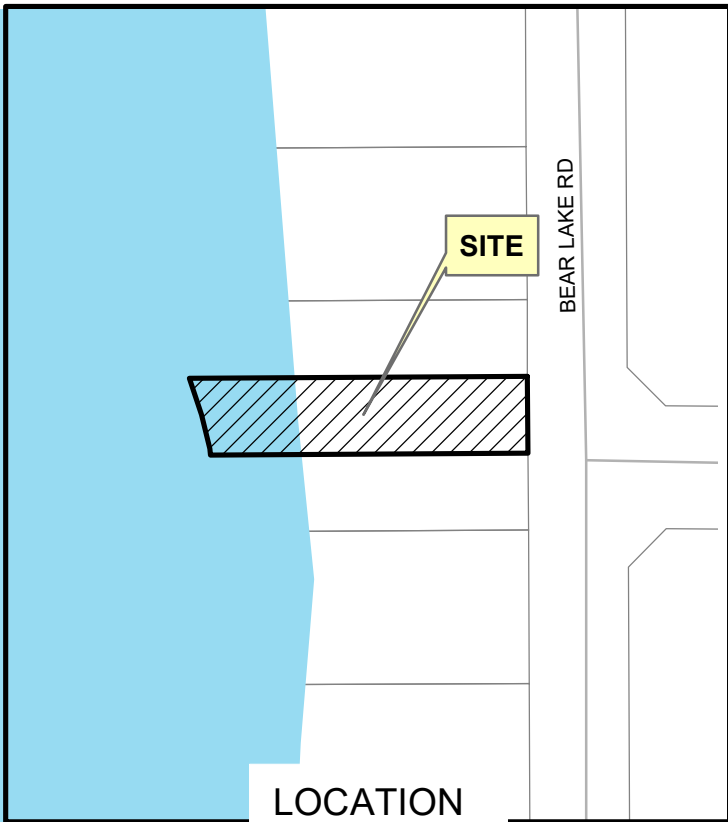
Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions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

1. Any variance granted will apply only to the boat dock 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.

# BEAR LAKE RD (10032) VARIANCES









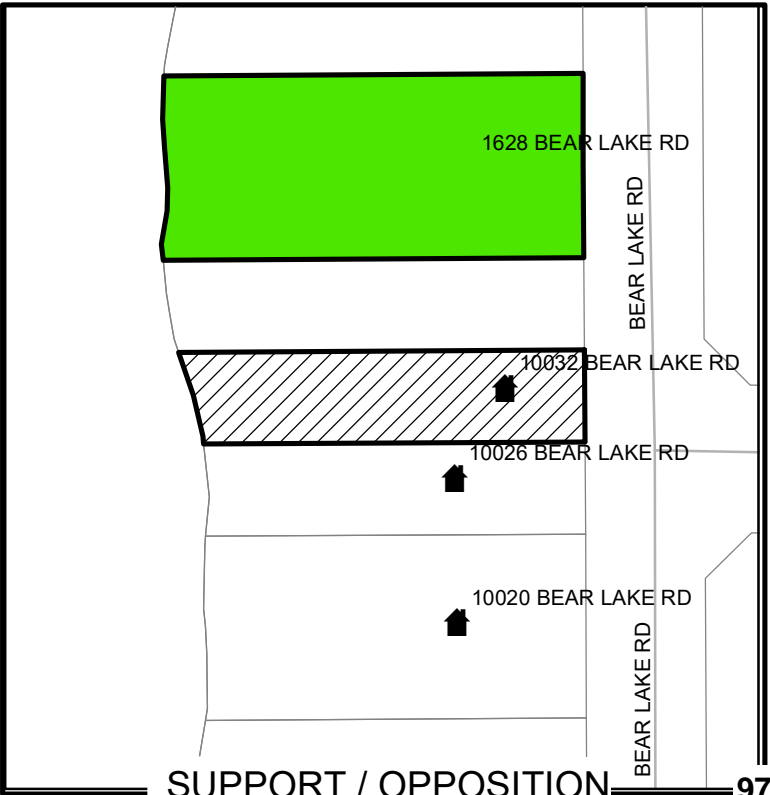
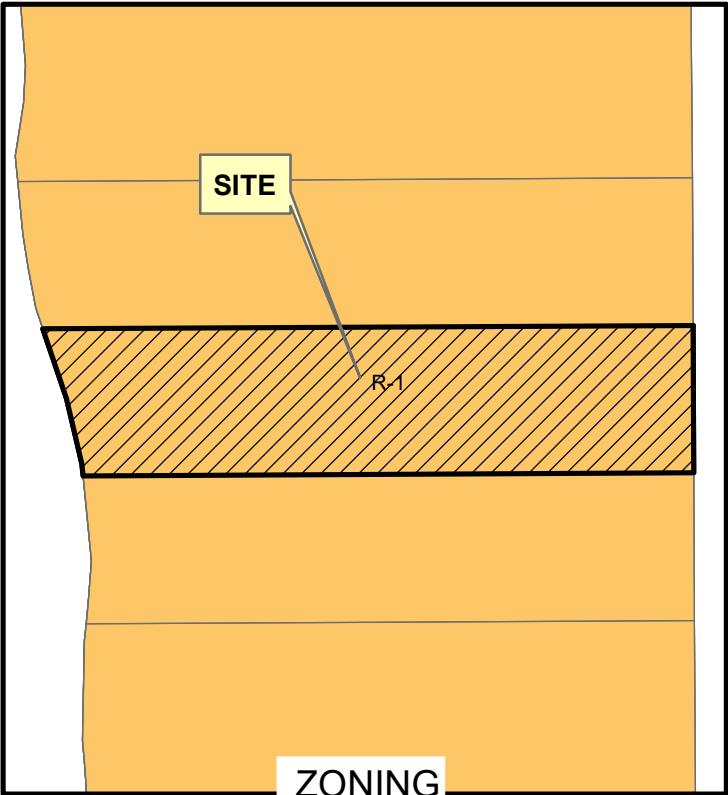


**AMY WHEELER**  
**10032 BEAR LAKE ROAD**  
**APOKA, FL 32703**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

**LEGEND**

 Site	 Support
 R-1	 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 existing boathouse/boat dock structure was well-built in late 2006 (please refer to aerial dated 1/21/07). The original structure was built prior to 2004 (please refer to aerial dated 1/17/04) and was located ~1' north of the current location next to the county's drainage ditch south property line (original wood piers still exist today -please refer to attached photo). When previous owners rebuilt the boathouse/boat dock in 2006, it was placed 1' off my property line and has been in this position since this date.

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

I purchased the house in September 2020 with the existing boathouse/boat dock structure in place.

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.

Granting the variance would allow the existing boathouse/ boat dock structure to remain in its current location. It is adjacent (1' south) to the county's drainage ditch. The current location has not, nor will it negatively impact the drainage ditch. The actual ditch flow line is centered on the county's 50' wide lot. Research has shown that Seminole County has granted like setback variances.

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 unpermitted boathouse/ boat dock structure was never disclosed to me when I purchased the property in September 2020. If the variance is not granted, the boathouse/boat dock structure will need to be demoed and reconstructed 10' south of my north property line. The new location would place the new boathouse/boat dock structure 9' closer to my southern neighbor's boathouse (please refer to aerial dated 12/22/08).

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

The current location of the boathouse/dock structure has been in existence since 2006 and prior to that, a boat dock existed. To the best of my knowledge this location has not adversely affected the county owned drainage ditch. I purchased this home to be my forever home and to provide my children (and hopefully grandchildren) the opportunity to live on/experience life on the lake in Florida, which has always been a dream of mine since moving here over 30 years ago.

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 abutting property to the north is a county owned 50' wide parcel with a 12'+/- wide drainage ditch centered on the parcel. The current location of the existing boathouse/ boat dock structure is not injurious to the abutting neighbors or otherwise detrimental to the public welfare. Had the boathouse/boat dock been detrimental the previous owners would have been notified. The abutting neighbor on the north side of the drainage ditch provided a written statement in support of keeping the current location of the boathouse/dock structure.

Revised 2019

# Property Record Card



**Parcel** 17-21-29-5BG-0000-13A0

**Property Address** 10032 BEAR LAKE RD APOPKA, FL 32703

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	17-21-29-5BG-0000-13A0
<b>Owner(s)</b>	WHEELER, AMY E
<b>Property Address</b>	10032 BEAR LAKE RD APOPKA, FL 32703
<b>Mailing</b>	10032 BEAR LAKE RD FOREST CITY, FL 32703-1928
<b>Subdivision Name</b>	MC NEILS ORANGE VILLA
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	0130-SINGLE FAMILY WATERFRONT
<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>	\$191,451	\$178,058
<b>Depreciated EXFT Value</b>	\$10,400	\$9,800
<b>Land Value (Market)</b>	\$295,787	\$295,787
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$497,638	\$483,645
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$121,040	\$118,016
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$376,598	\$365,629

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$6,484.76**

**2022 Tax Bill Amount**

**\$4,368.49**

**2022 Tax Savings with Exemptions \$2,116.27**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 13A  
MC NEILS ORANGE VILLA  
PB 2 PG 99

## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$376,598	\$50,000	\$326,598
SJWM(Saint Johns Water Management)	\$376,598	\$50,000	\$326,598
FIRE	\$376,598	\$50,000	\$326,598
COUNTY GENERAL FUND	\$376,598	\$50,000	\$326,598
Schools	\$376,598	\$25,000	\$351,598

Sales

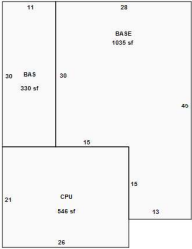
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	09/18/2020	09710	1080	\$585,000	Yes	Improved
WARRANTY DEED	04/01/2014	08246	1015	\$360,000	Yes	Improved
WARRANTY DEED	10/01/2005	06006	0077	\$320,000	Yes	Improved
WARRANTY DEED	10/01/2004	05503	1728	\$100	No	Improved
WARRANTY DEED	10/01/2002	04568	1574	\$100	No	Improved
WARRANTY DEED	03/01/2002	04426	1161	\$100	No	Improved
WARRANTY DEED	06/01/1999	03668	0135	\$100	No	Improved

Land

Method	Frontage	Depth	Units	Units Price	Land Value
FRONT FOOT & DEPTH	55.00	230.00	0	\$5,100.00	\$295,787

Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages	
1	SINGLE FAMILY	1959/1980	3	2.0	7	1,035	1,911	1,365	CONC BLOCK	\$191,451	\$245,450	Description	Area
												BASE	330.00
												CARPORT FINISHED	546.00



Sketch by Aspen Sketch

Building 1 - Page 1

\*\* Year Built (Actual / Effective)

Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
04721	REROOF	County	\$10,200		5/19/2014
00920	SFR REROOF 23 SQ	County	\$3,500		2/1/1996
06375	10032 BEAR LAKE RD: RES ADDITION TO EXISTING STRUCTURE- pergola/summer kit [MC NEILS ORANGE VILLA]	County	\$30,000		9/19/2022

Extra Features

Description	Year Built	Units	Value	New Cost
BOAT COVER 3	12/01/2008	1	\$6,000	\$15,000
FIREPLACE 1	12/01/1959	1	\$1,200	\$3,000
BOAT DOCK 2	12/01/2008	1	\$3,200	\$8,000



## 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
13.00	DUKE	AT&T	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	MON/THU	WED	NO SERVICE	Waste Management

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 3 - Lee Constantine	Dist 7 - Stephanie Murphy	Dist 30 - Joy Goff-Marcil	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 Government  
Development Services Department  
Planning and Development Division  
Credit Card Payment Receipt**

[eplandesk@seminolecountyfl.gov](mailto:eplandesk@seminolecountyfl.gov) or call us at: (407) 665-7371.

**Receipt Details**

**Date:** 11/30/2022 3:34:40 PM  
**Project:** 22-30000104  
**Credit Card Number:** 44\*\*\*\*\*4932  
**Authorization Number:** 05769D  
**Transaction Number:** 301122O10-A5778B5A-EEFB-45BC-BC32-932EDC55A242  
**Total Fees Paid:** 602.50

**Fees Paid**

<b>Description</b>	<b>Amount</b>
VARIANCE - AFTER THE FACT	600.00
CC CONVENIENCE FEE -- PZ	2.50
<b>Total Amount</b>	<b>602.50</b>

**To whom it may concern:**

**I, Carol Woolfolk, located at 1628 Bear Lake Road, Apopka, the northern neighbor to the lot drainage ditch, approve of the One-foot setback for the existing dock and boat house located at 10032 Bear Lake Road.**

**I understand that it is over the 10' set back.**



**Owner of 1628 Bear Lake Road**

## 10032 boat dock 04



01/17/2004



## 10032 boat dock 07



© 2007 EagleView Technology Corporation

01/21/2007

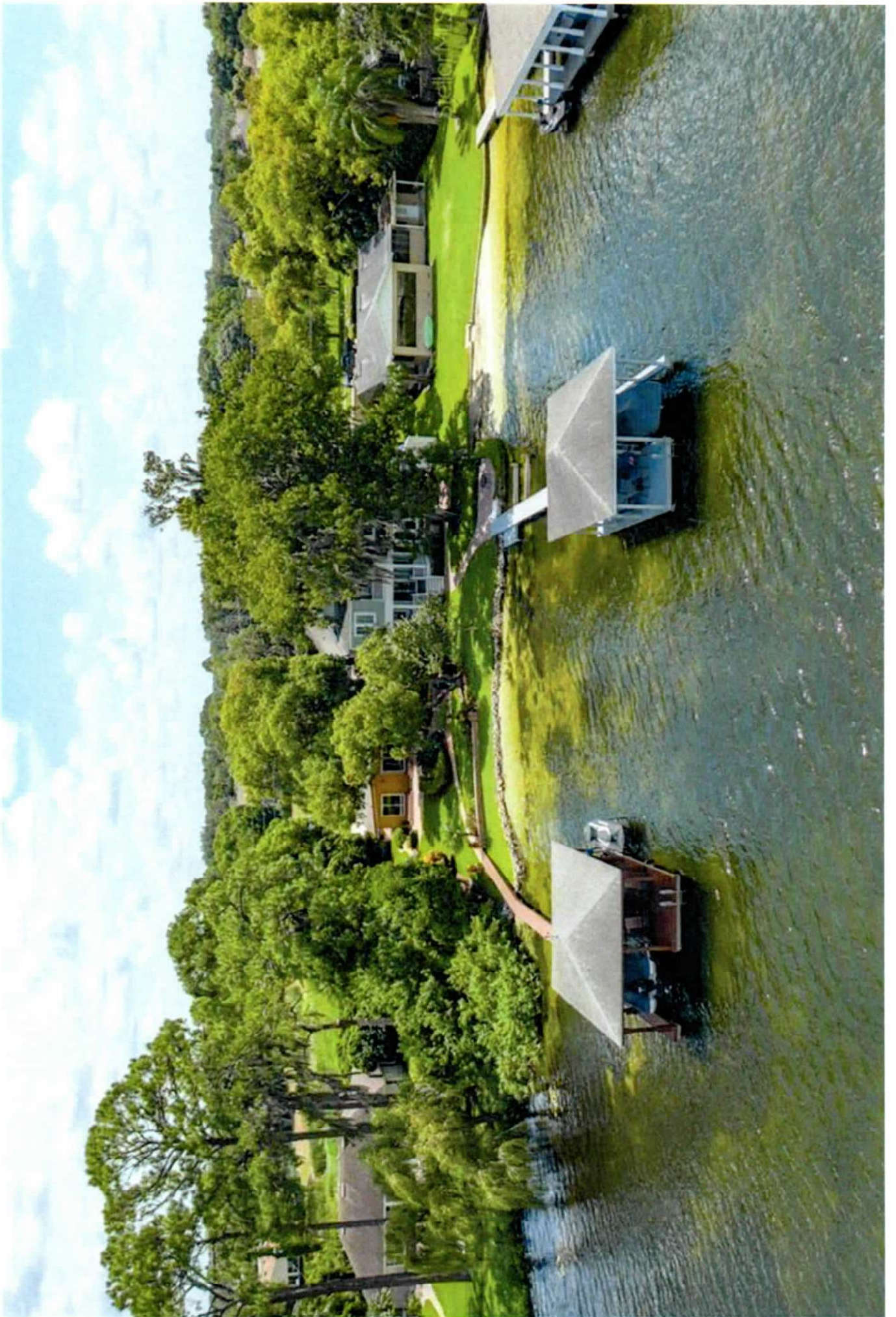
## 10032 boat dock 08



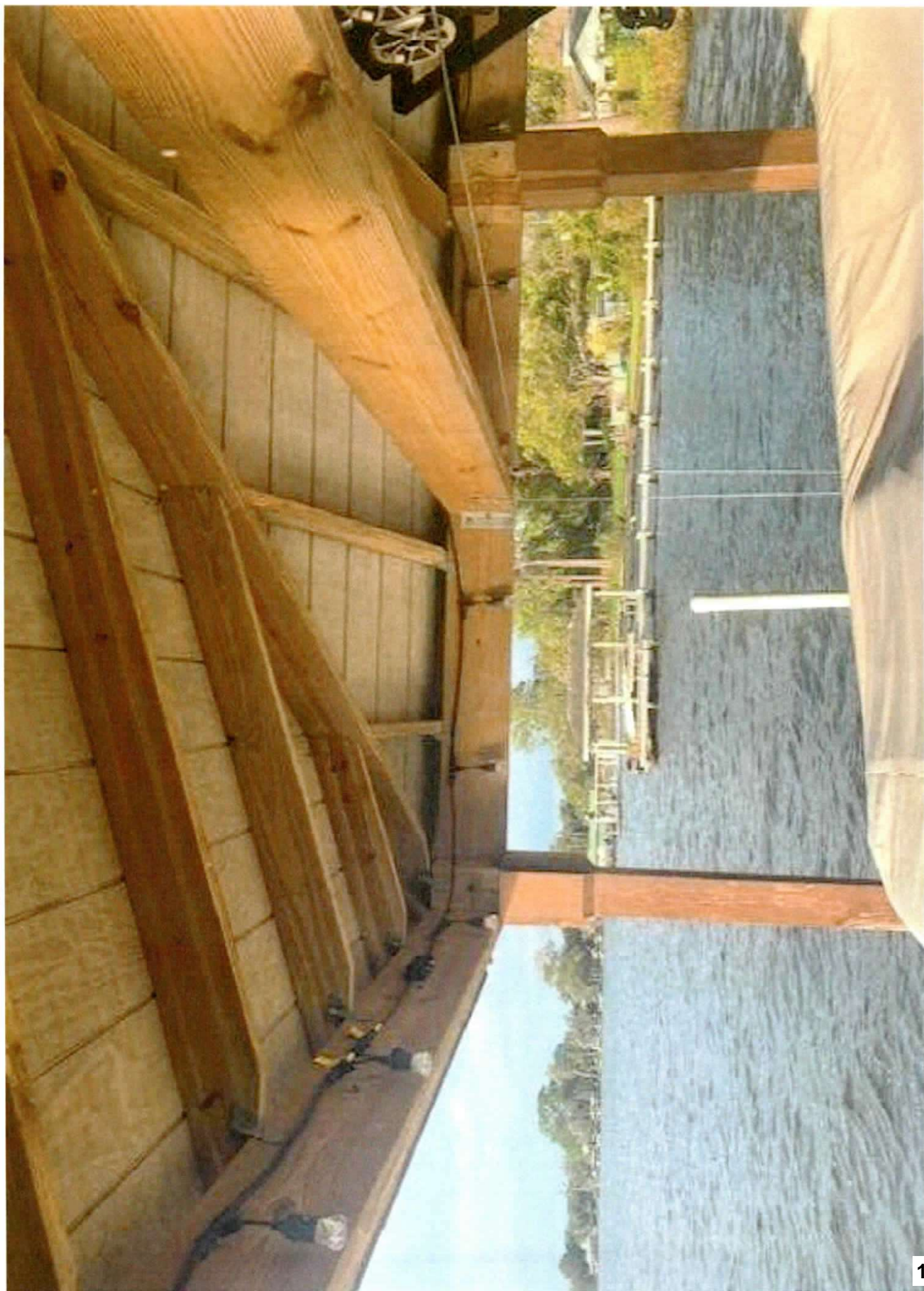
© 2008 EagleView Technology Corporation

12/22/2008





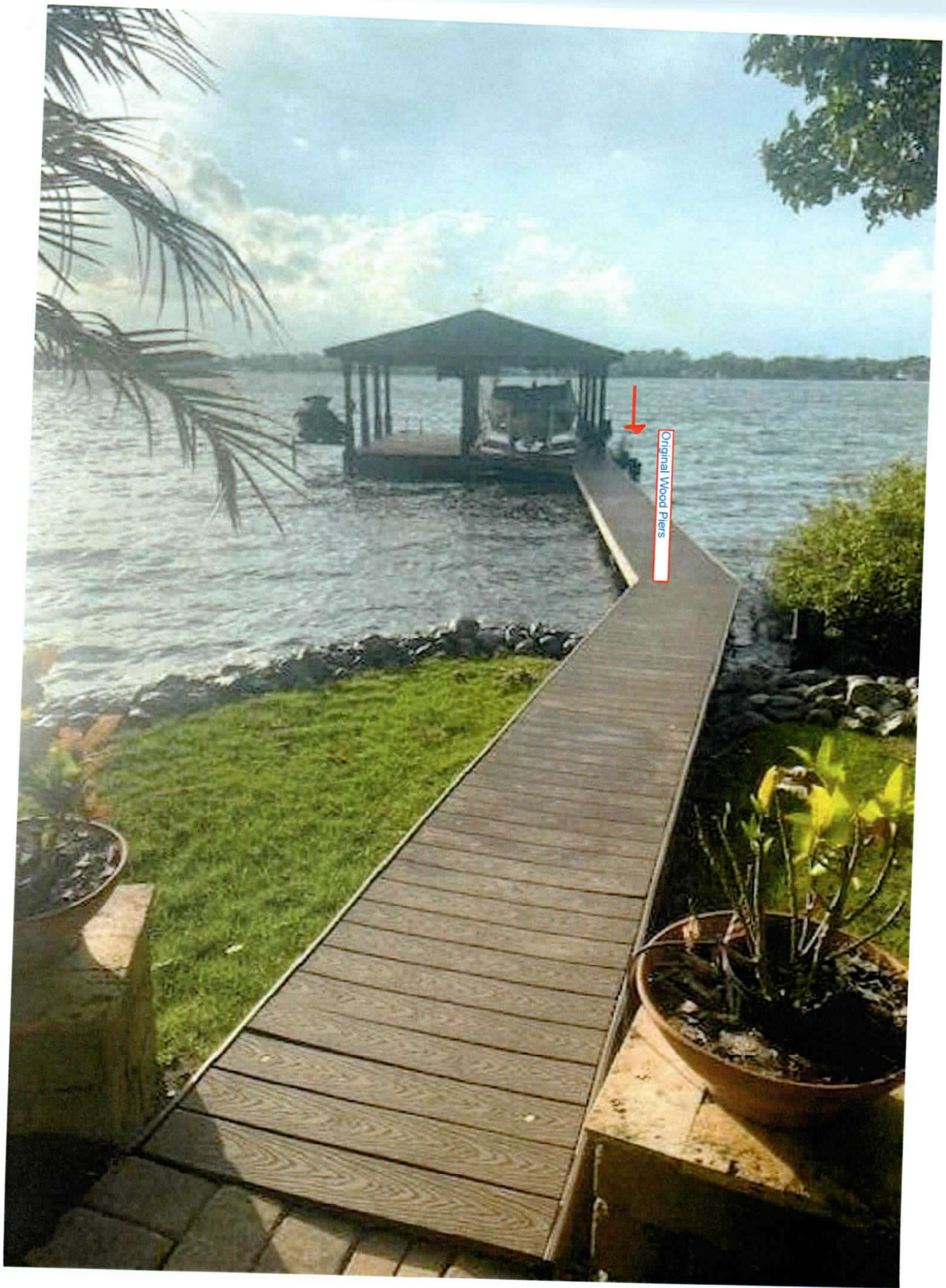












## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 13A  
MC NEILS ORANGE VILLA  
PB 2 PG 99

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

### **A. FINDINGS OF FACT**

**Property Owner:** AMY WHEELER  
10032 BEAR LAKE ROAD  
APOPKA, FL 32703

**Project Name:** BEAR LAKE RD (10032)

#### **Requested Variance:**

Request for a side yard (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

### **B. CONCLUSIONS OF LAW**

Approval was sought to bring into compliance the construction of an existing boat dock 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 February, 2023.

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

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



**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 13A  
MC NEILS ORANGE VILLA  
PB 2 PG 99

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

**A. FINDINGS OF FACT**

**Property Owner:** AMY WHEELER  
10032 BEAR LAKE ROAD  
APOPKA, FL 32703

**Project Name:** BEAR LAKE RD (10032)

**Variance Approval:**

Request for a side yard (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 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 boat dock 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**

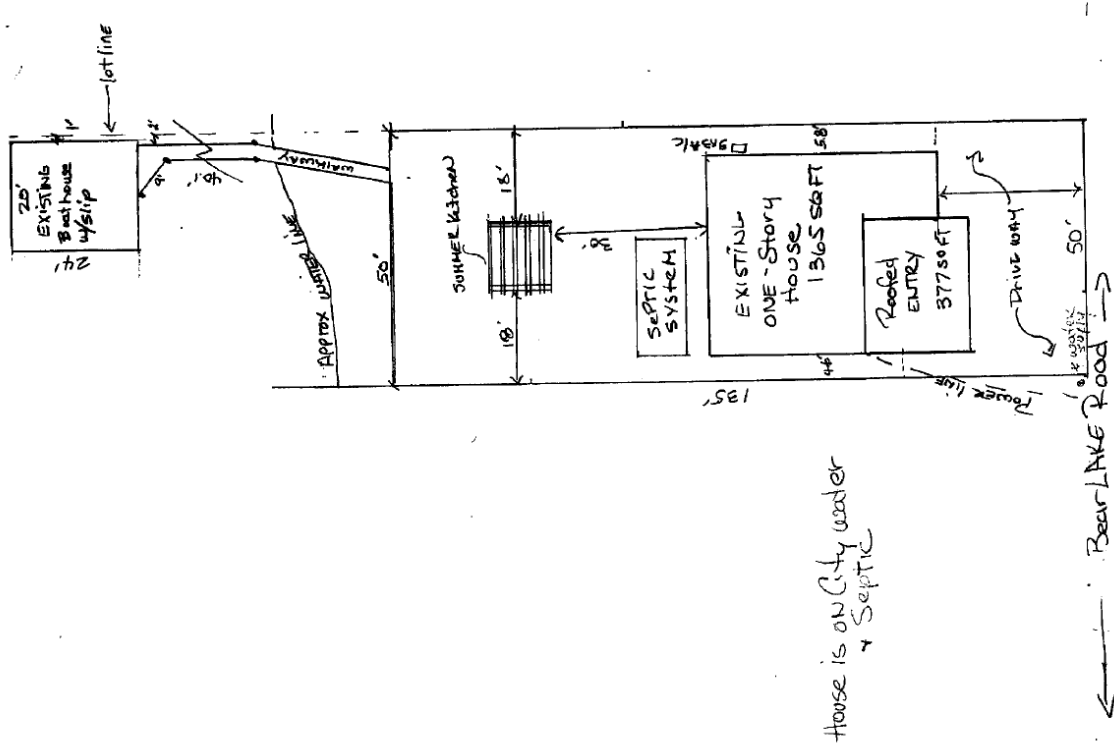
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

EXHIBIT A







# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7500**

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**Title:**

**1337 Franklin Street** - Request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2022-101 (Billy & Randi Parker, 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 side yard (east) setback variance from ten (10) feet to five (5) 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 five (5) 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 subdivision.
- The request is to construct a ten (10) foot by twenty (20) foot shed encroaching five (5) feet into the east side yard setback.
- The request is for a variance to Section 30.1345(b) of the Land Development Code of Seminole County, which states that that a detached accessory building shall comply with the side yad setback requirement for the main residence, which is ten (10) feet in the R-1AA zoning district.
- On September 23, 2019, the Board of Adjustment granted a west side yard setback variance and a rear yard setback variance from ten (10) feet to five (5) feet for a different shed.

**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:

1. 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

2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. 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
4. 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
5. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
6. 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:**

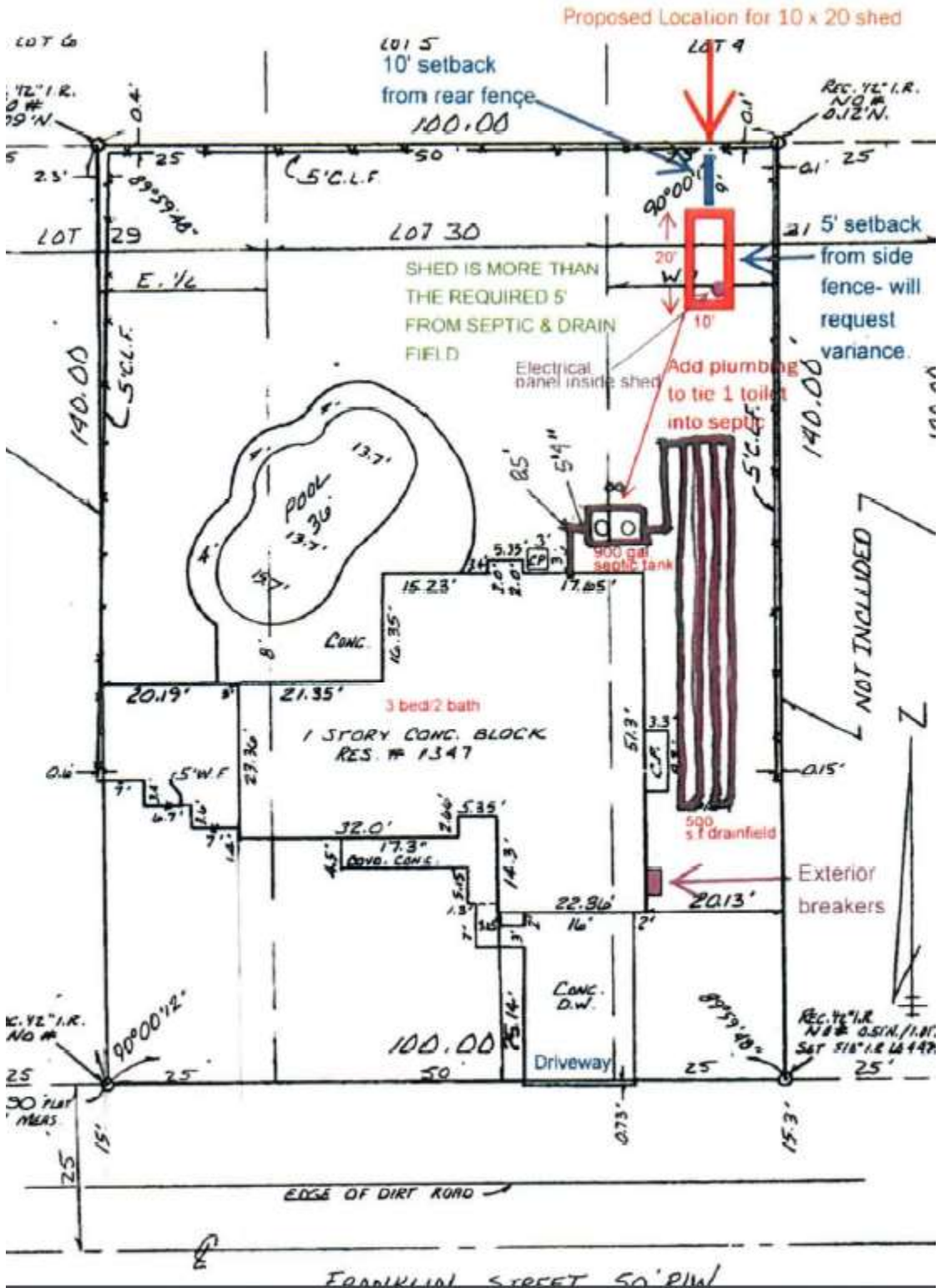
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

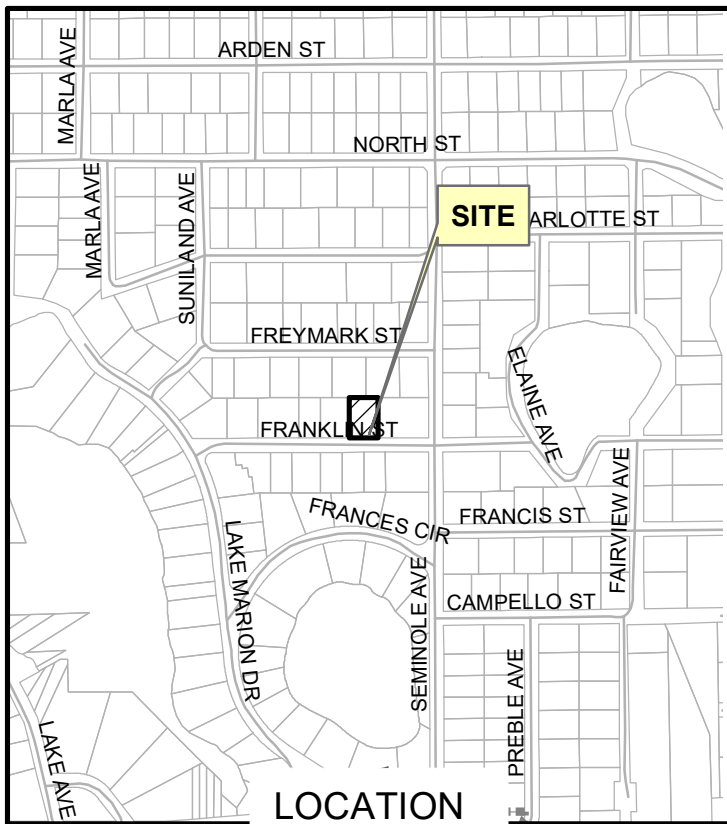
**Staff Recommendation:**

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 shed (10' x 20') 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.

# FRANKLIN ST (1337) VARIANCES



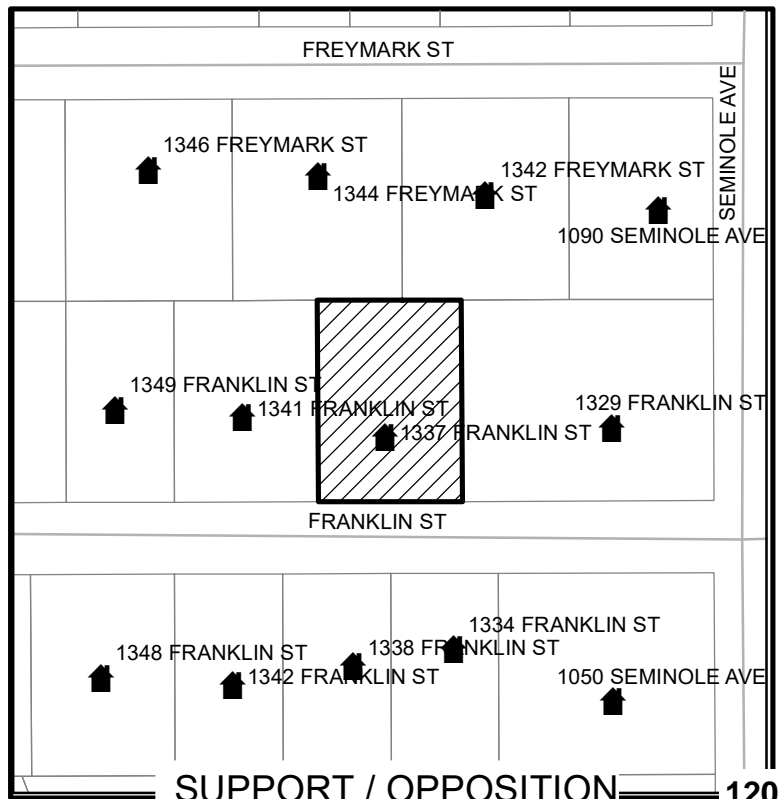
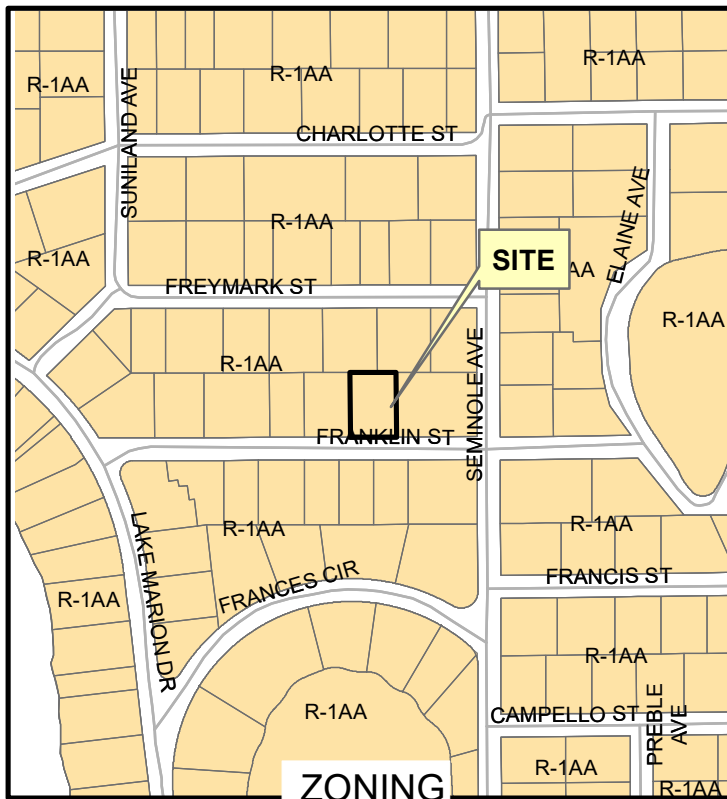


**BILLY & RANDI PARKER**  
**1337 FRANKLIN STREET**  
**ALTAMONTE SPRINGS, FL 32701**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

### LEGEND

- R-1AA
- 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.

The requested 5' side setback from the side fence on the right side of my property is being requested because there was a large tree stump in that location that had to be ground down and could cause the shed to not be level once installed. Also, there is a paver patio that is in the way.

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

We tried to have the tree root system completely removed when the tree stump was ground but it was a very mature tree and the tree company could not remove everything easily.

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 shed is brand new, well manufactured, will be properly anchored and will not be an encroachment on any neighboring property.

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.

This is the best, most fitting location for a shed of this size in our property. Many other neighbors have similar structures.

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

The location of the tree stump and proximity to our paver patio makes the 10' setback from the side fence difficult.

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 shed is brand new, well manufactured, will be properly anchored and will not be an encroachment on any neighboring property.

# Property Record Card



**Parcel** 12-21-29-5BD-3100-0290

**Property Address** 1337 FRANKLIN ST ALTAMONTE SPRINGS, FL 32701

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	12-21-29-5BD-3100-0290
<b>Owner(s)</b>	PARKER, RANDI S - Tenancy by Entirety PARKER, BILLY D - Tenancy by Entirety
<b>Property Address</b>	1337 FRANKLIN ST ALTAMONTE SPRINGS, FL 32701
<b>Mailing</b>	1337 FRANKLIN ST ALTAMONTE SPG, FL 32701-7923
<b>Subdivision Name</b>	SANLANDO
<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>	\$224,885	\$207,917
<b>Depreciated EXFT Value</b>	\$25,970	\$19,405
<b>Land Value (Market)</b>	\$85,000	\$85,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$335,855	\$312,322
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$149,884	\$131,768
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$185,971	\$180,554

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$4,187.64**

**2022 Tax Bill Amount**

**\$1,886.98**

**2022 Tax Savings with Exemptions \$2,300.66**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

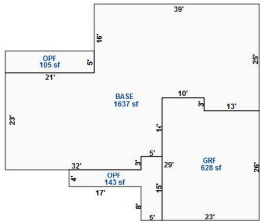
E 1/2 OF LOT 29 ALL OF LOT  
30 + W 1/2 OF LOT 31 BLK  
31  
SANLANDO  
PB 3 PG 66

Taxes			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$185,971	\$50,000	\$135,971
SJWM(Saint Johns Water Management)	\$185,971	\$50,000	\$135,971
FIRE	\$185,971	\$50,000	\$135,971
COUNTY GENERAL FUND	\$185,971	\$50,000	\$135,971
Schools	\$185,971	\$25,000	\$160,971

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	10/01/2015	08563	0765	\$185,000	Yes	Improved
WARRANTY DEED	10/01/2014	08361	1512	\$170,000	Yes	Improved
WARRANTY DEED	10/01/1983	01495	1455	\$88,000	Yes	Improved
WARRANTY DEED	01/01/1977	01125	1342	\$39,000	Yes	Improved
WARRANTY DEED	01/01/1976	01083	1167	\$6,000	No	Vacant

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	1977/1990	3	2.0	6	1,637	2,513	1,637	CONC BLOCK	\$224,885	\$261,494	Description	Area
												OPEN PORCH FINISHED	105.00
												OPEN PORCH FINISHED	143.00
												GARAGE FINISHED	628.00



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

Permits					
Permit #	Description	Agency	Amount	CO Date	Permit Date
05792	REPIPE; PAD PER PERMIT 1347 FRANKLIN ST	County	\$2,300		7/1/1998
08033	REROOF	County	\$4,750		8/1/2002
12531	REROOF	County	\$7,525		12/30/2014
09316	1337 FRANKLIN ST: SHED/BARN RESIDENTIAL-10X20 SHED [SANLANDO]	County	\$3,000		7/30/2019
17716	1337 FRANKLIN ST: MECHANICAL - RESIDENTIAL-Single Family Residential [SANLANDO]	County	\$5,300		9/21/2021

Extra Features				
Description	Year Built	Units	Value	New Cost
SHED	10/20/2021	1	\$920	\$1,000
PATIO 2	01/01/2021	1	\$2,850	\$3,000
POOL 1	10/01/1980	1	\$21,000	\$35,000
FIREPLACE 1	10/01/1980	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

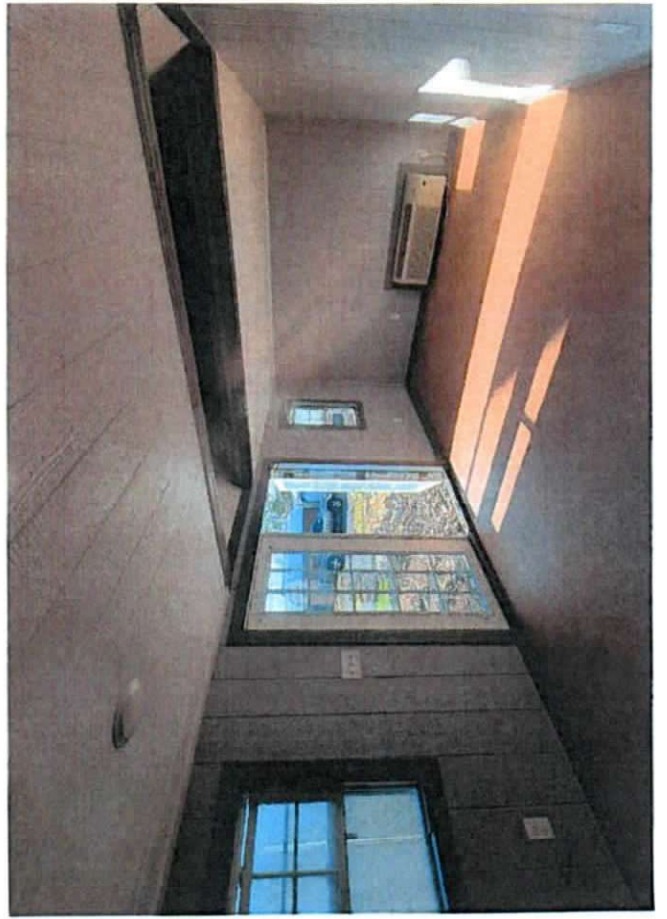
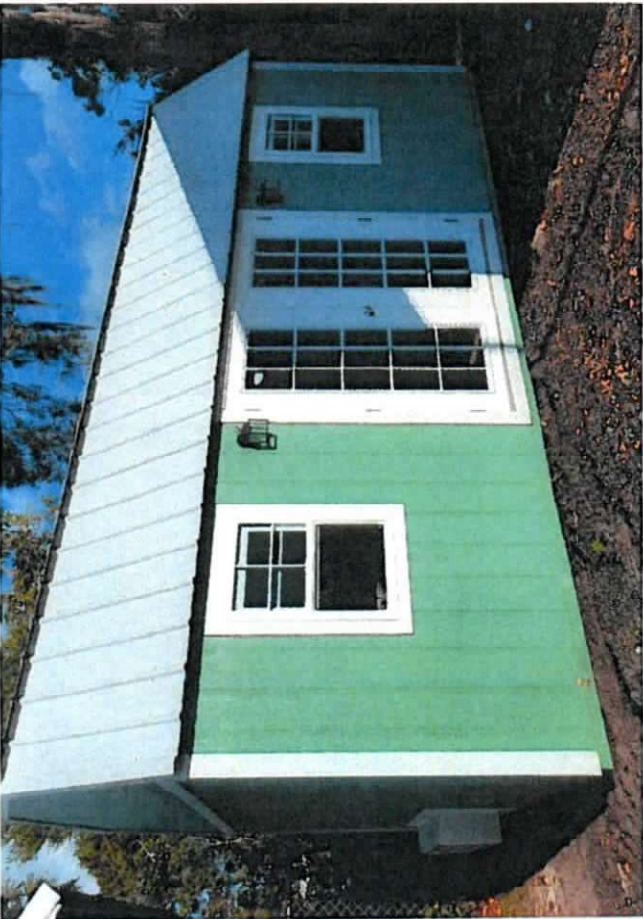
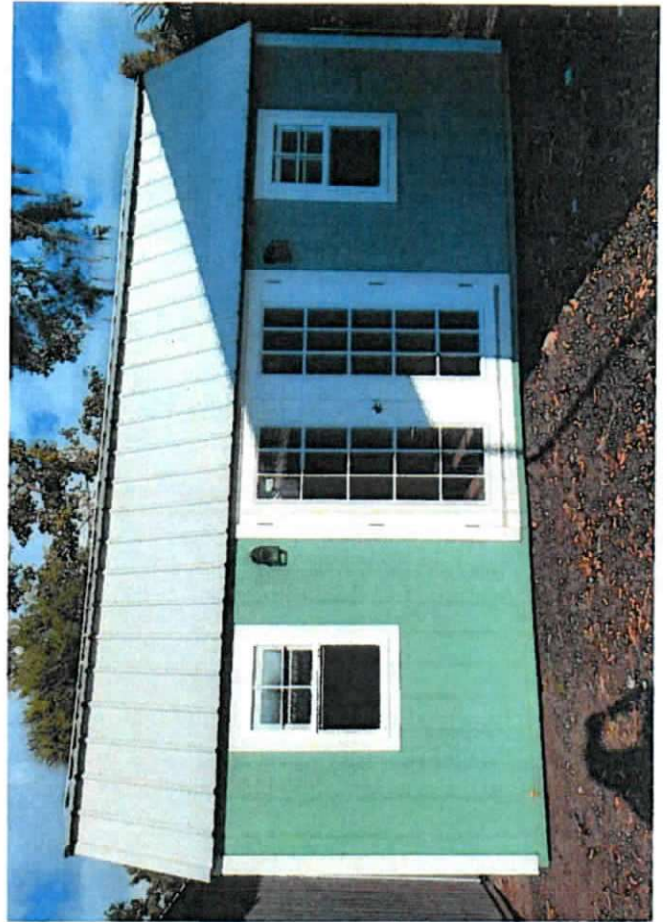
Utility Information								
Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
11.00	DUKE	CENTURY LINK	ALTAMONTE SPRINGS	NA	TUE/FRI	FRI	WED	Advanced Disposal

Political Representation				
Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 4 - Amy Lockhart	Dist 7 - Stephanie Murphy	Dist 30 - Joy Goff-Marcil	Dist 9 - Jason Brodeur	44

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

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Revised 12/10/21

**Building Division**

## STATEMENT OF INTENT

THIS FORM IS INTENDED TO BE USED TO ESTABLISH THE PROPERTY OWNER'S INTENTIONS OF HOW A PROPOSED STRUCTURE WILL BE USED IN RELATION TO THE USE OF THE PROPERTY.

I, Randi Parker, swear and affirm that I am the property owner for (parcel/address) 1337 Franklin St., Altamonte Springs, FL 32701.

This statement of intent is associated with a proposed structure associated with Building Application number 22-18778.

Use the space provided to explain how the proposed structure will be used.

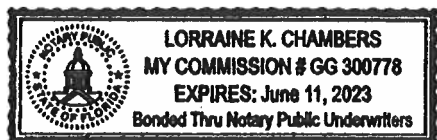
The structure will serve as excess storage for our household.

I understand that if the structure is not used as stated above, I may be subject to Code Enforcement action.

Randi Parker  
Signature

Randi S. Parker  
Print Name

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, on this 8<sup>th</sup> day of DECEMBER, 2022, by RANDI PARKER, who is personally known to me or who has produced \_\_\_\_\_ as identification.



[Signature]  
NOTARY PUBLIC

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

E 1/2 OF LOT 29 ALL OF LOT  
30 + W 1/2 OF LOT 31 BLK 31  
SANLANDO  
PB 3 PG 66

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

**A. FINDINGS OF FACT**

**Property Owner:** BILLY & RANDI PARKER  
1337 FRANKLIN STREET  
ALTAMONTE SPRINGS, FL 32701

**Project Name:** FRANKLIN ST (1337)

**Requested Variance:**

A side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to construct a 200 square foot 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 February, 2023.

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

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



**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

E 1/2 OF LOT 29 ALL OF LOT  
30 + W 1/2 OF LOT 31 BLK 31  
SANLANDO  
PB 3 PG 66

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

**A. FINDINGS OF FACT**

**Property Owner:** BILLY & RANDI PARKER  
1337 FRANKLIN STREET  
ALTAMONTE SPRINGS, FL 32701

**Project Name:** FRANKLIN ST (1337)

**Variance Approval:**

Request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 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 (10' x 20') 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**

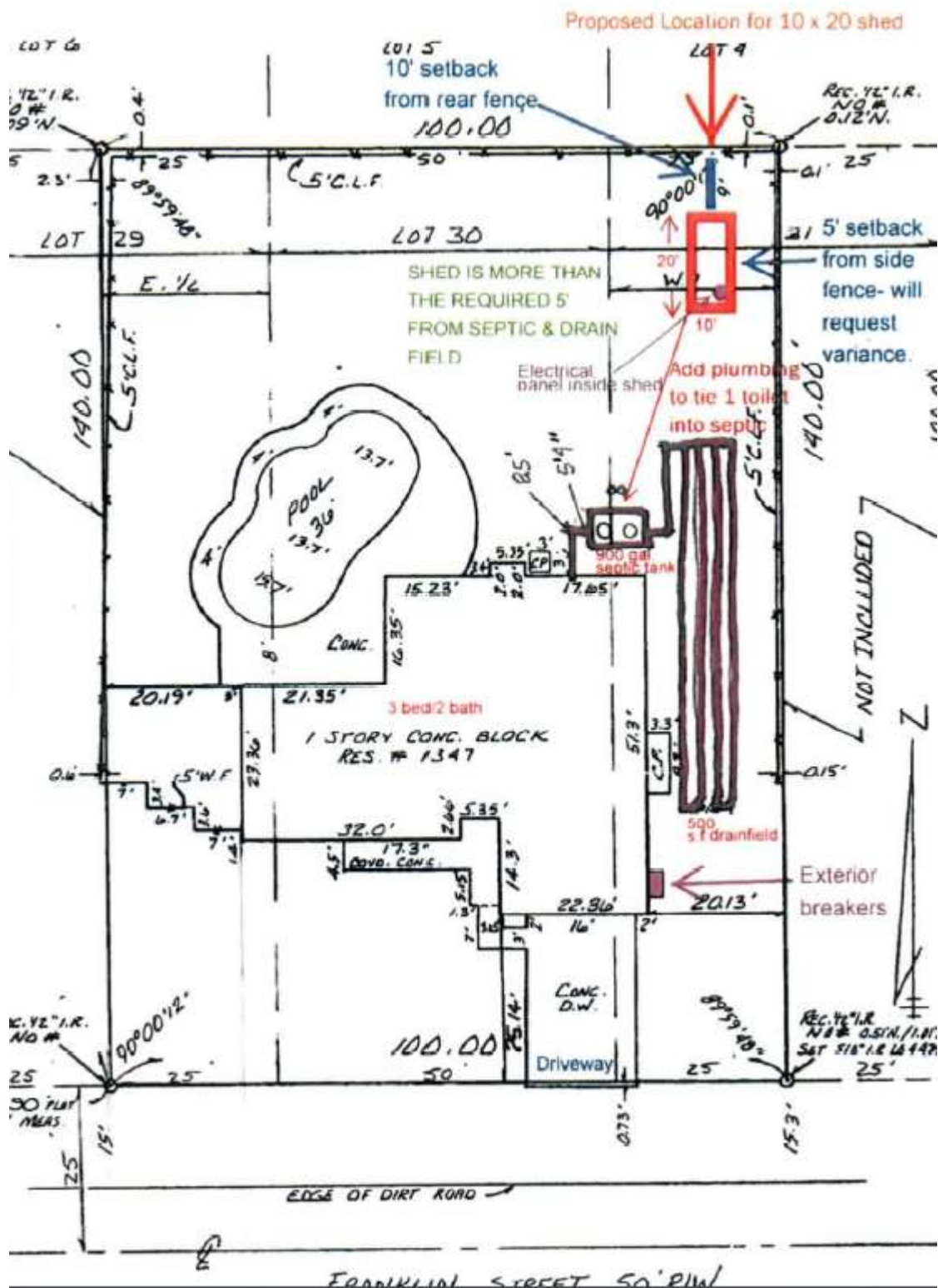
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

## EXHIBIT A







# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7501**

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**Title:**

**1790 Pasture Loop** - Request for a rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool in the PD (Planned Development) district; BV2022-103 (Todd & Susan Amerson, 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 rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool in the PD (Planned Development) district; or
2. Approve the request for a rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool 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 Parkdale Place subdivision and is within the East Red Bug Planned Development (PD).
- The request is to construct an eleven (11) foot by thirty-six (36) foot swimming pool two and one-half (2.5) feet into the seven and one-half (7.5) foot rear yard setback.
- The property abuts a retention pond.
- 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:

1. 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
2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. 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
4. 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
5. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
6. 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 (11' x 36') 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.

**Parkdale Place Tract "H" (POND/ OPEN SPACE/ RECREATION AREA)**

**Pool 11' x 36'**

**11' x 36' POOL**

**LANAI**

**ONE STORY STUCCO #1790 FFE: 34.01' PROP FFE: 34.0'**

**PORCH**

**PAVER DRIVE**

**Setbacks and Dimensions:**

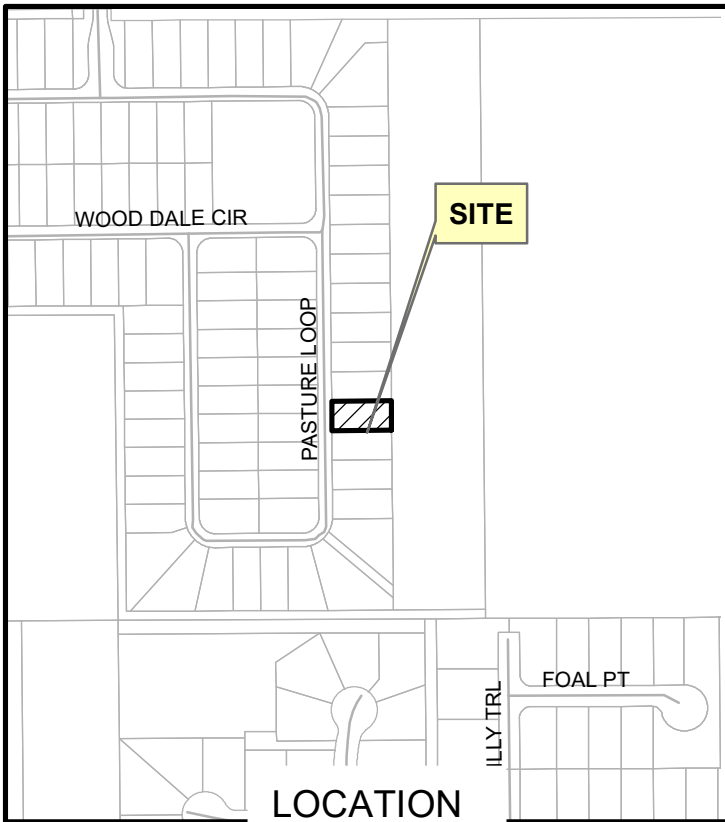
- Pool is set back 17.2' from side property line. Required is 7.5 ft.
- 5 ft. proposed set back for pool. Required is 7.5 ft. Requesting 2.5 ft variance for pool.
- Pool is set back 8.10' from side property line. Required is 7.5 ft.
- Pool is set back 5 ft from the house. Required is 5 ft.

**Boundaries and Dimensions:**

- Top: S 00°34'49" E 64.00'
- Right: S 89°25'11" W 130.00'
- Bottom: S 00°34'49" E 186.23'
- Left: N 89°25'11" E 130.00'

**Other Features:**

- APL (Asymmetrical Property Line)
- R/W BOC (Right of Way Boundary of Ownership)
- CL (Center Line)
- PC (Point of Commencement)
- A/C (On Brackets)
- 20' BL/GE/UE (Boundary Line/General Easement/Utility Easement)



**TODD & SUSAN AMERSON**  
**1790 PASTURE LOOP**  
**OVIEDO, FL 32765**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

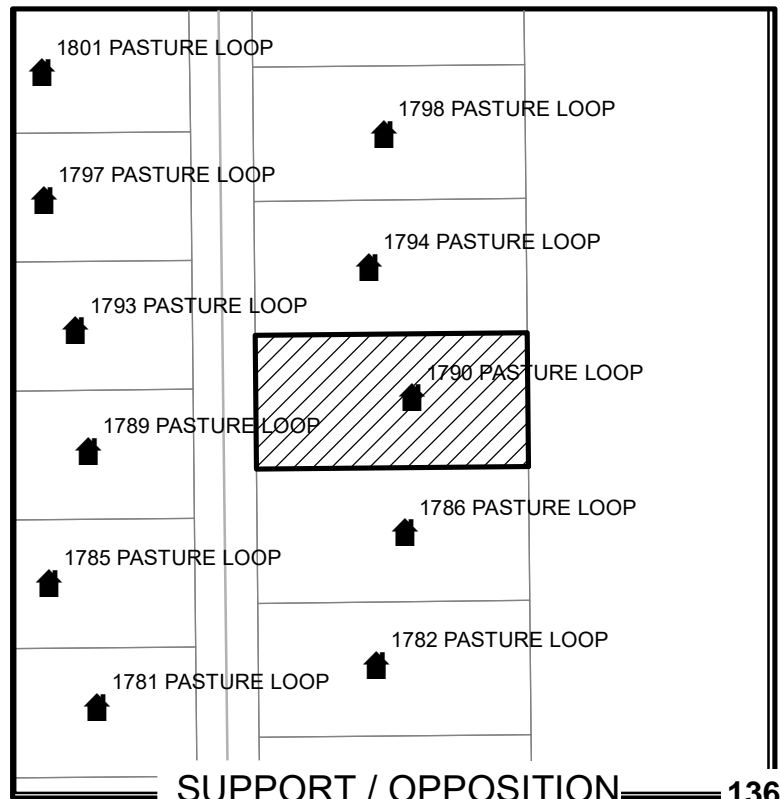
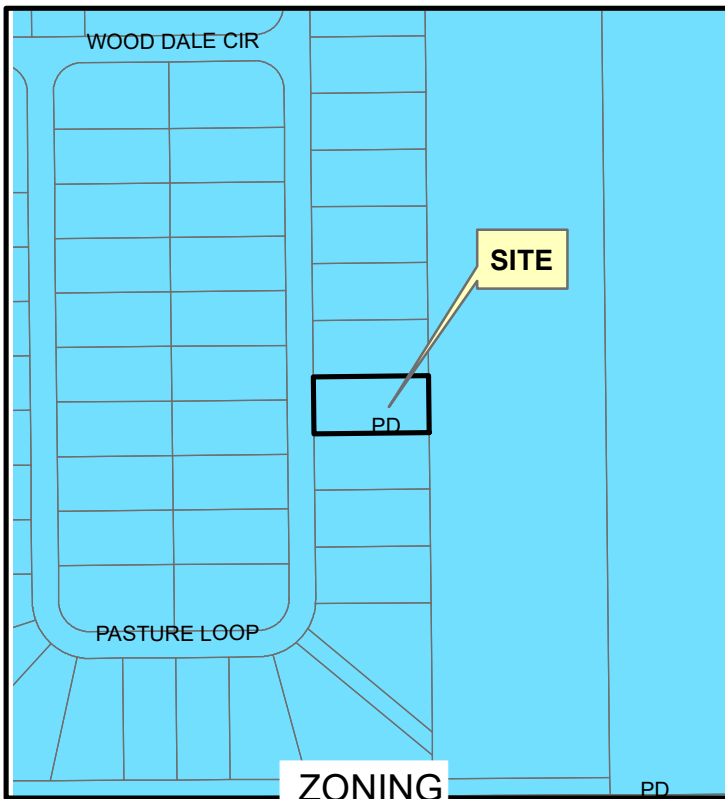
## LEGEND

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 currently do not have enough space to build a pool with the area in our backyard. It is 19 feet from the back of the house to the end of the property line. The required setback is 7.5 from water's edge to the property line. We are requesting a 5 foot setback for the pool. We are requesting 2.5 feet variance for the pool. Both side setbacks for the pool are in the line. We do not require a variance for the pool. Also, want to add that there is a retention pond behind our house. This will not encroach on another homeowner's property.

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

I have no control on the setbacks that are set by the county. Also, I do not have control on the amount of area that I would end up with in the backyard. When we purchased the home, I was told by the builder that we would be able to build a pool. They did not notify us of the limitation or amount of setback that we would be required to have.

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 am not sure how often the board decides to approve or not approve variances for pools; therefore, I don't know if or how this would be considered a "special privilege" that normally would be denied to other citizens of Seminole County under the same circumstances as mine. Since there is a process for exceptions on variances, I am assuming that others may have the opportunity to seek approval just as I am doing.

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 other in Parkdale Place subdivision that have been able to build pools for their families, because they don't have the same issues that we have with the lack of space in the backyard. Those other homeowners built different models than ours. The current zoning regulations do not allow me to build a pool as the others in my community have.

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 variance is what is needed in order to build the pool. It is the minimum amount that we need in order to get the project done. We have been in contact with several pool companies, and have been advised to get the minimum variance that I listed in the application.

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 others in our community that have pools. It will not be detrimental to the neighborhood in anyway. Our backyard backs up to a pond and no other homeowners are affected. The pond backs up to conservation and it is not possible to build behind our property.

# Property Record Card



**Parcel** 21-21-31-512-0000-0190

**Property Address** 1790 PASTURE LOOP OVIEDO, FL 32765

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	21-21-31-512-0000-0190
<b>Owner(s)</b>	AMERSON, TODD C - Tenancy by Entirety AMERSON, SUSAN P - Tenancy by Entirety
<b>Property Address</b>	1790 PASTURE LOOP OVIEDO, FL 32765
<b>Mailing</b>	1790 PASTURE LOOP OVIEDO, FL 32765-5102
<b>Subdivision Name</b>	PARKDALE PLACE
<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>	\$412,274	\$380,257
<b>Depreciated EXFT Value</b>		
<b>Land Value (Market)</b>	\$120,000	\$120,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$532,274	\$500,257
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$95,726	\$76,424
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$436,548	\$423,833

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$6,707.50**

**2022 Tax Bill Amount**

**\$5,148.89**

**2022 Tax Savings with Exemptions \$1,558.61**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 19 PARKDALE PLACE PLAT BOOK 83 PAGES 19-23

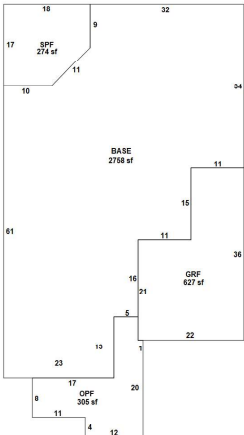
## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$436,548	\$50,000	\$386,548
SJWM(Saint Johns Water Management)	\$436,548	\$50,000	\$386,548
FIRE	\$436,548	\$50,000	\$386,548
COUNTY GENERAL FUND	\$436,548	\$50,000	\$386,548
Schools	\$436,548	\$25,000	\$411,548

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
SPECIAL WARRANTY DEED	07/30/2020	09666	1332	\$515,000	Yes	Improved
SPECIAL WARRANTY DEED	01/09/2020	09517	1719	\$3,280,500	Yes	Vacant
SPECIAL WARRANTY DEED	10/01/2018	09239	1812	\$9,438,000	Yes	Vacant

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	2020	4	3.5	15	2,758	3,964	2,758	CB/STUCCO FINISH	\$412,274	\$416,438	Description	Area
												SCREEN PORCH FINISHED	274.00
												GARAGE FINISHED	627.00
												OPEN PORCH FINISHED	305.00



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

Permits					
Permit #	Description	Agency	Amount	CO Date	Permit Date
02565	1790 PASTURE LOOP: SINGLE FAMILY DETACHED-PARKDALE PLACE LOT 19 [PARKDALE PLACE]	County	\$395,026	7/24/2020	3/9/2020
05678	1790 PASTURE LOOP: PLUMBING - RESIDENTIAL- [PARKDALE PLACE]	County	\$1,800		3/31/2021
06190	1790 PASTURE LOOP: ELECTRIC SOLAR WIRING-Roof Mounted PV Solar Installation [PARKDALE PLACE]	County	\$12,000		4/26/2022

Extra Features				
Description	Year Built	Units	Value	New Cost

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
PD	Low Density Residential	LDR	Planned Development

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
46.00	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 - Stephanie Murphy	Dist 28 - David "Dave" Smith	Dist 9 - Jason Brodeur	74

## School Information

Elementary School District	Middle School District	High School District
Evans	Jackson Heights	Oviedo

Copyright 2022 © Seminole County Property Appraiser



**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 19  
PARKDALE PLACE  
PLAT BOOK 83 PAGES 19-23

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

**A. FINDINGS OF FACT**

**Property Owner:** TODD AND SUSAN AMERSON  
1790 PASTURE LOOP  
OVIEDO, FL 32765

**Project Name:** PASTURE LOOP (1790)

**Requested Variance:**

A rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 19  
PARKDALE PLACE  
PLAT BOOK 83 PAGES 19-23

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

**A. FINDINGS OF FACT**

**Property Owner:** TODD AND SUSAN AMERSON  
1790 PASTURE LOOP  
OVIEDO, FL 32765

**Project Name:** PASTURE LOOP (1790)

**Variance Approval:**

Request for a rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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 (11' 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**

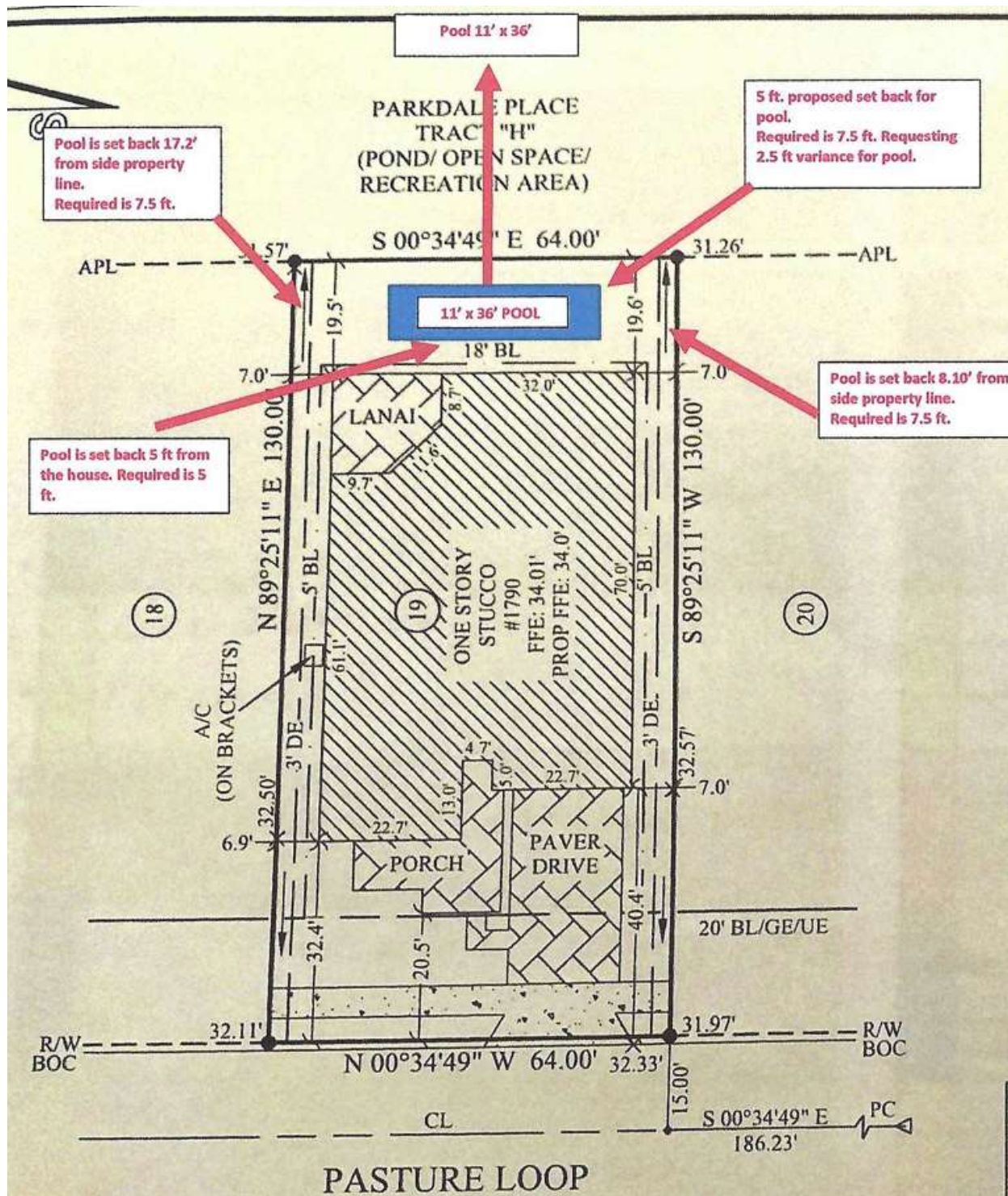
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

## EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

---

**File Number: 2022-7502**

---

**Title:**

**7561 Brightwater Place** - Request for a side street (west) setback variance from twenty (20) feet to eleven and one-half (11.5) feet for a privacy fence in the PD (Planned Development) district; BV2022-87 (Maria Arevalo, Applicant) 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 (west) setback variance from twenty (20) feet to eleven and one-half (11.5) feet for a privacy fence in the PD (Planned Development) district; or
2. Approve the request for a side street (west) setback variance from twenty (20) feet to eleven and one-half (11.5) 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 Kenmure subdivision and 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 Brightwater Place. The Water Creek Way side is where the variance is being sought.
- The request is to construct a six (6) foot vinyl privacy fence eight and one-half (8.5) feet into the required side street setback.
- Traffic Engineering has no objection to the placement of the fence as it relates to site visibility.
- The proposed privacy fence is 11.7 feet from the sidewalk and 21.7 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.
- 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:

1. 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
2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. 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
4. 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
5. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
6. 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.

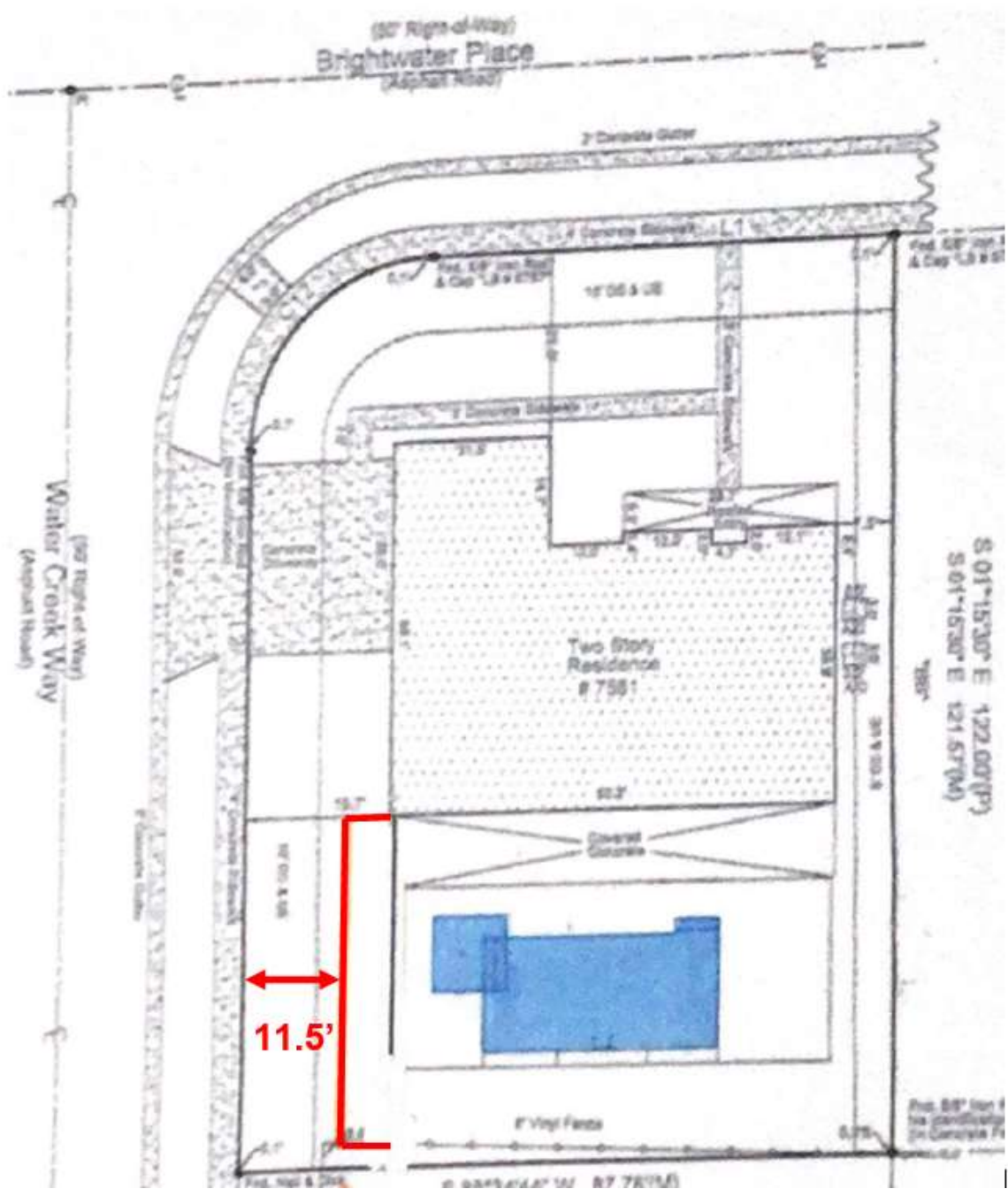
**Staff Recommendation:**

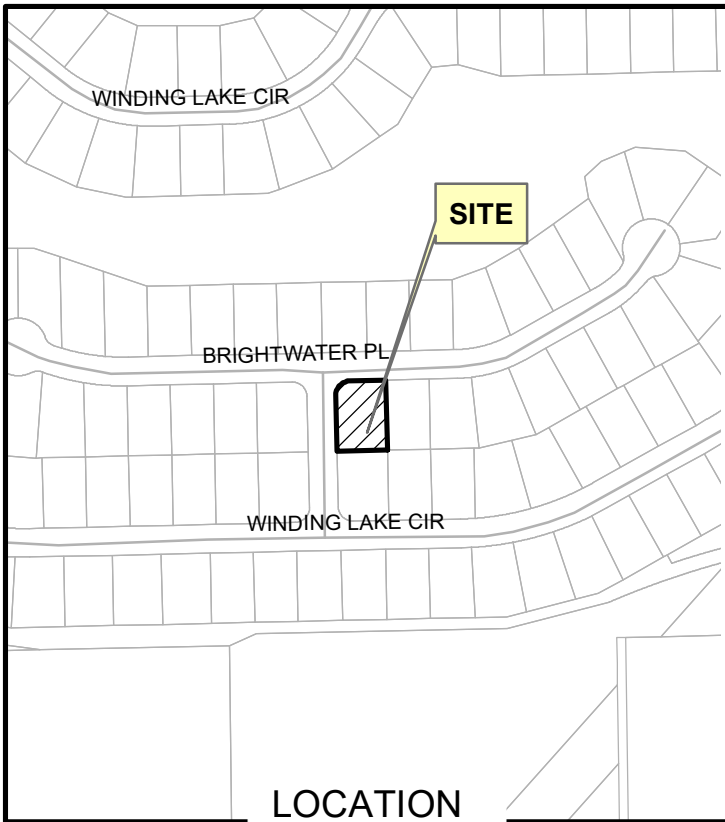
Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions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



BRIGHTWATER PL (7561)  
VARIANCES





**LUIS & JEANINE FEBRES**  
**7561 BRIGHTWATER PL**  
**OVIEDO, FL 32765**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

### LEGEND



PD



Support



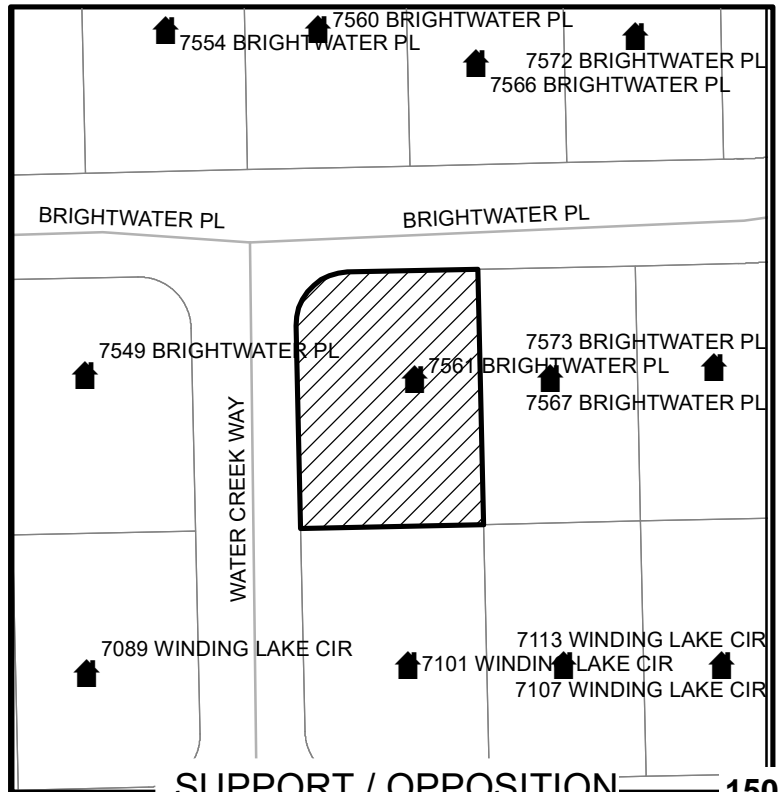
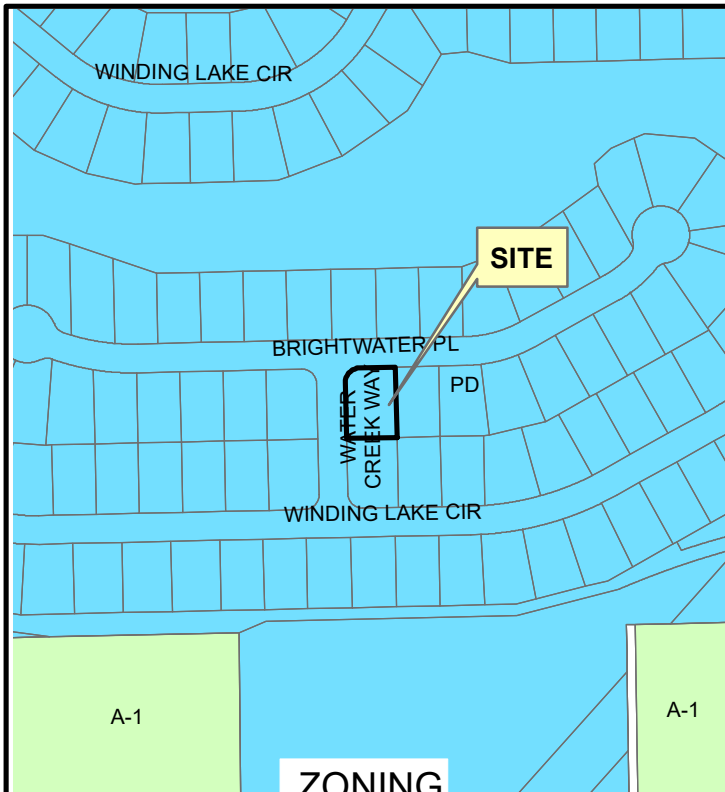
Site



A-1



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.

Normal grade property

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

Hoa approval & county approval not in line with each other. Customer sold on home based on Hoa approvals.

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.

existing fences within the community vary.  
Hoa approved client with 5 ft set back.

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.

client has growing family & there are safety concerns, in addition client wants to maximize yard.

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

Will be in line with Hoa approval & maximize use of yard for clients growing family & offer security for children.

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.

Hoa approved 5 ft setback

# Property Record Card



**Parcel** 19-21-31-5RC-0000-1230  
**Property Address** 7561 BRIGHTWATER PL OVIEDO, FL 32765

Parcel Information		Value Summary		
<b>Parcel</b>	19-21-31-5RC-0000-1230		<b>2022 Working Values</b>	<b>2021 Certified Values</b>
<b>Owner(s)</b>	FEBRES, JEANINE - Tenancy by Entirety FEBRES, LUIS JR - Tenancy by Entirety	<b>Valuation Method</b>	Cost/Market	Cost/Market
<b>Property Address</b>	7561 BRIGHTWATER PL OVIEDO, FL 32765	<b>Number of Buildings</b>	1	1
<b>Mailing</b>	7561 BRIGHTWATER PL OVIEDO, FL 32765-5656	<b>Depreciated Bldg Value</b>	\$428,436	\$341,748
<b>Subdivision Name</b>	KENMURE	<b>Depreciated EXFT Value</b>		
<b>Tax District</b>	01-COUNTY-TX DIST 1	<b>Land Value (Market)</b>	\$105,000	\$100,000
<b>DOR Use Code</b>	01-SINGLE FAMILY	<b>Land Value Ag</b>		
<b>Exemptions</b>	00-HOMESTEAD(2022)	<b>Just/Market Value</b>	\$533,436	\$441,748
<b>Agricultural Classification</b>	No	<b>Portability Adj</b>		
		<b>Save Our Homes Adj</b>	\$0	\$0
		<b>Amendment 1 Adj</b>	\$0	\$0
		<b>P&amp;G Adj</b>	\$0	\$0
		<b>Assessed Value</b>	\$533,436	\$441,748



2021 Tax Amount without Exemptions: \$6,093.74  
 2021 Tax Bill Amount: \$6,093.74  
 2021 Tax Savings with Exemptions: \$0.00  
*\* Does NOT INCLUDE Non Ad Valorem Assessments*

## Legal Description

LOT 123  
 KENMURE  
 PB 64 PGS 13 - 19

Taxes			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$533,436	\$50,000	\$483,436
SJWM(Saint Johns Water Management)	\$533,436	\$50,000	\$483,436
FIRE	\$533,436	\$50,000	\$483,436
COUNTY GENERAL FUND	\$533,436	\$50,000	\$483,436
Schools	\$533,436	\$25,000	\$508,436

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	07/07/2020	09644	0622	\$480,000	Yes	Improved
FINAL JUDGEMENT	05/22/2012	07779	0794	\$100	No	Improved
WARRANTY DEED	08/01/2005	05895	1897	\$434,800	Yes	Improved



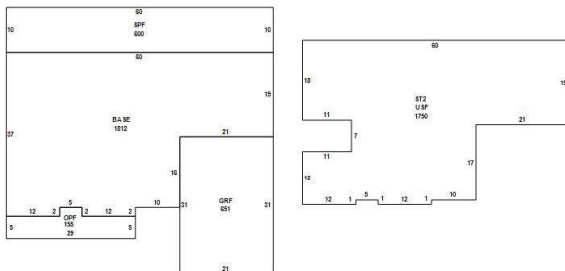
SPECIAL WARRANTY DEED	02/01/2004	05197	0807	\$11,164,400	No	Vacant
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## Land

Method	Frontage	Depth	Units	Units Price	Land Value
LOT			1	\$105,000.00	\$105,000

## Building Information

#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages	
1	SINGLE FAMILY	2005	5	3.5	15	1,812	4,968	3,562	CB/STUCCO FINISH	\$428,436	\$453,371	Description	Area
												SCREEN PORCH FINISHED	600.00
												OPEN PORCH FINISHED	155.00
												GARAGE FINISHED	651.00
												UPPER STORY FINISHED	1750.00



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

## Permits

Permit #	Description	Agency	Amount	CO Date	Permit Date
00830		County	\$336,879	8/25/2005	1/13/2005
04355	REROOF	County	\$17,000		3/28/2019
03207	7561 BRIGHTWATER PL: SWIMMING POOL RESIDENTIAL-15 x 39 swimming pool [KENMURE]	County	\$40,000		3/10/2022

## Extra Features

Description	Year Built	Units	Value	New Cost
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## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
PD	Low Density Residential	LDR	Planned Development

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
27.00	DUKE	AT&T	SEMINOLE COUNTY UTILITIES	SEMINOLE COUNTY UTILITIES	TUE/FRI	FRI	WED	Waste Pro

## Political Representation

Commissioner	US Congress	State House	State Senate	Voting Precinct
Dist 1 - Bob Dallari	Dist 7 - Stephanie Murphy	Dist 30 - Joy Goff-Marcil	Dist 9 - Jason Brodeur	69

## School Information

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

**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 123  
KENMURE  
PB 64 PGS 13 - 19

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

**A. FINDINGS OF FACT**

**Property Owner:** LUIS & JEANINE FEBRES  
7561 BRIGHTWATER PL  
OVIEDO, FL 32765

**Project Name:** BRIGHTWATER PL (7561)

**Requested Variance:**

A side street (west) setback variance from twenty (20) feet to eleven and one-half (11.5) feet for a privacy fence in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 123  
KENMURE  
PB 64 PGS 13 - 19

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

**A. FINDINGS OF FACT**

**Property Owner:** LUIS & JEANINE FEBRES  
7561 BRIGHTWATER PL  
OVIEDO, FL 32765

**Project Name:** BRIGHTWATER PL (7561)

**Variance Approval:**

Request for a side street (west) setback variance from twenty (20) feet to eleven and one-half (11.5) feet for a privacy fence in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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**

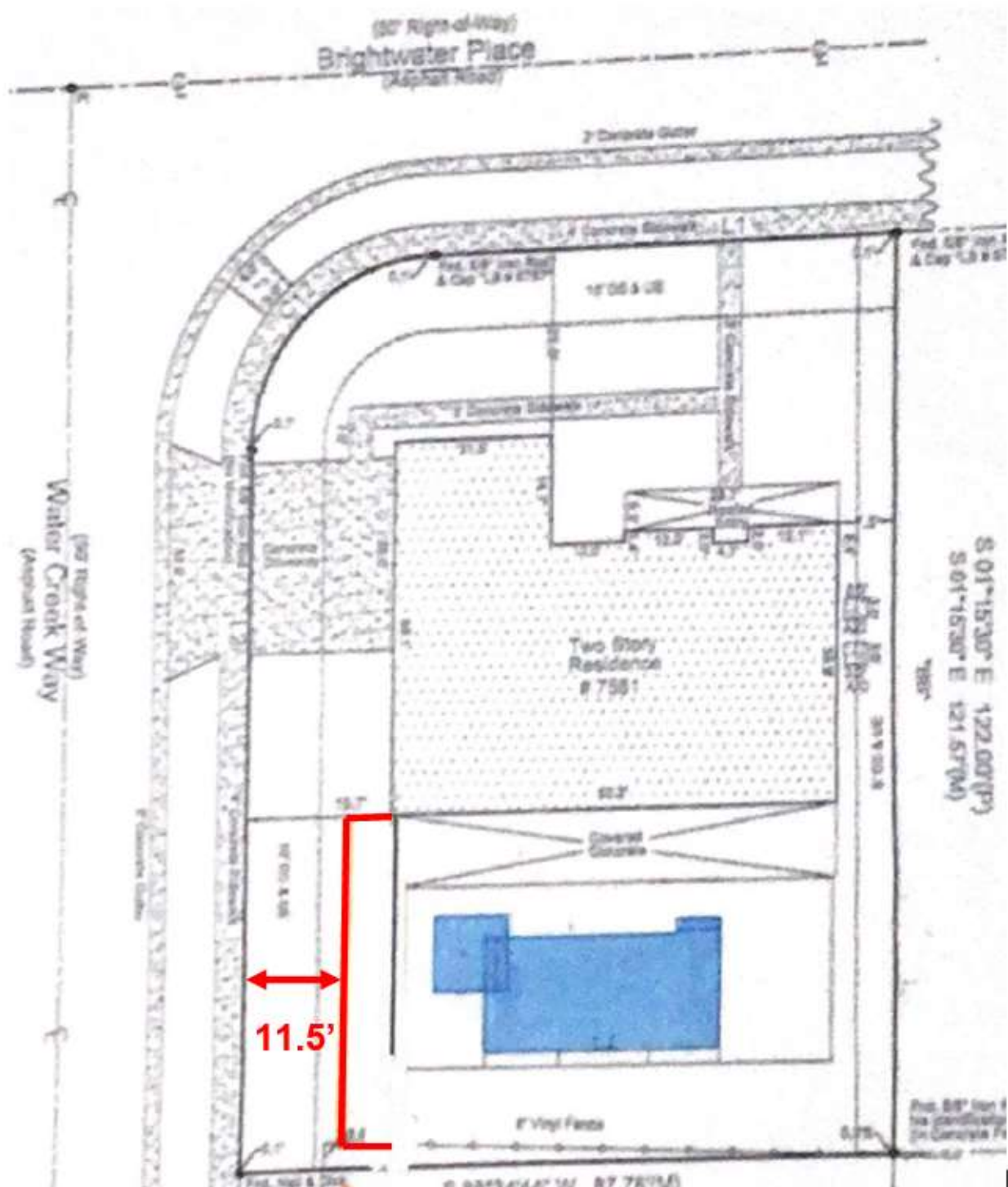
**I HEREBY CERTIFY** that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Moskowitz, who is personally known to me and who executed the foregoing instrument.

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

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

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

## EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7503**

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**Title:**

**1817 Lakelet Loop** - Request for a rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition in the PD (Planned Development) district; BV2022-107 (Rafael & Jiang Suarez, 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 rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition in the PD (Planned Development) district; or
2. Approve the request for a rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition 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 Regency Estates subdivision and is within the Mikler/Chapman Planned Development (PD).
- The request is to construct a ten (10) foot by twenty-three (23) foot screen room addition encroaching five and one-half (5.5) feet into the required twenty (20) foot rear yard setback.
- The property abuts a retention pond.
- The Homeowners Association has approved the request to construct a screen room addition.
- Two (2) letters of support have been received from the adjacent 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:

1. 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
2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. 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
4. 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
5. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
6. 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:**

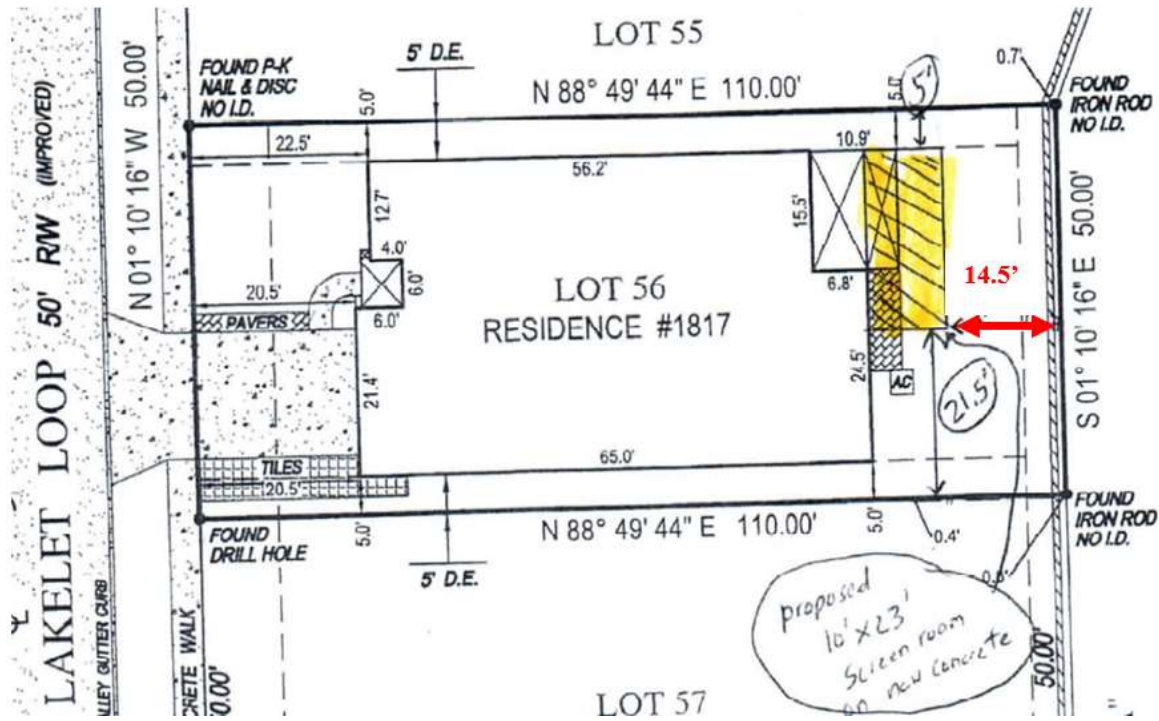
Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

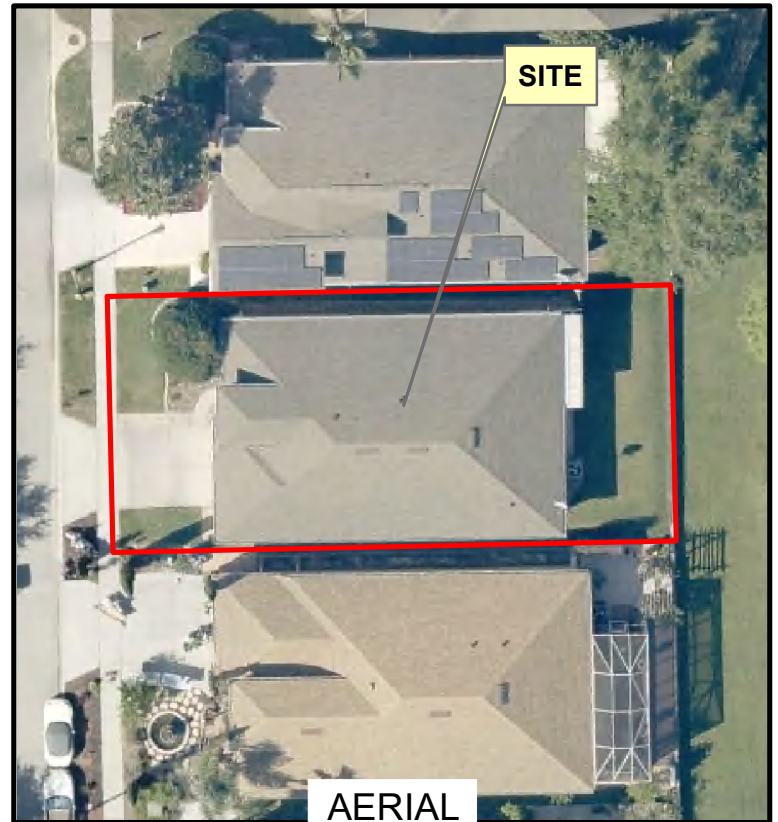
**Staff Recommendation:**

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 (10' x 23') 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.

# LAKELET LOOP (1817) VARIANCES



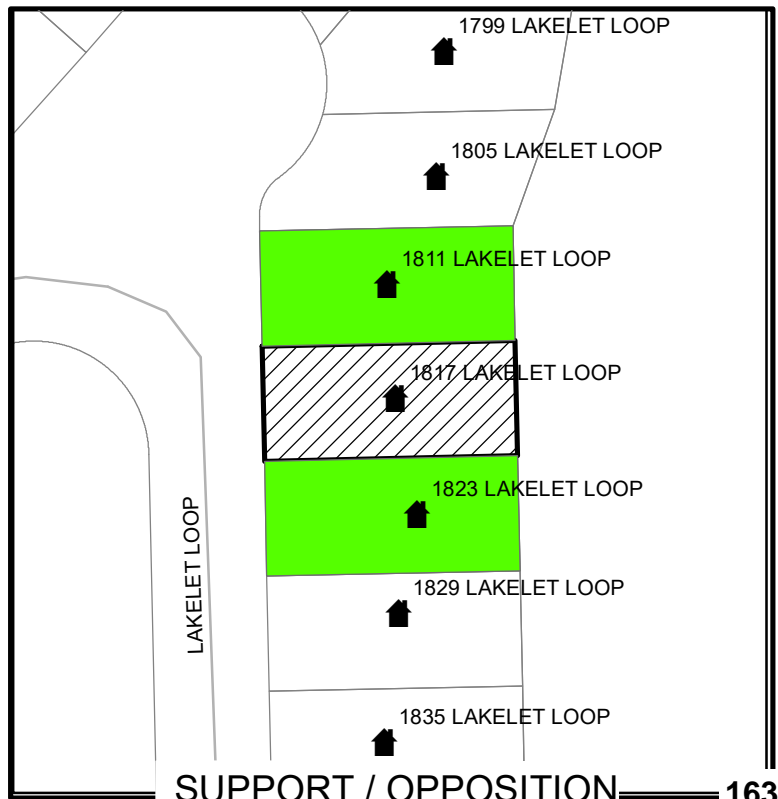
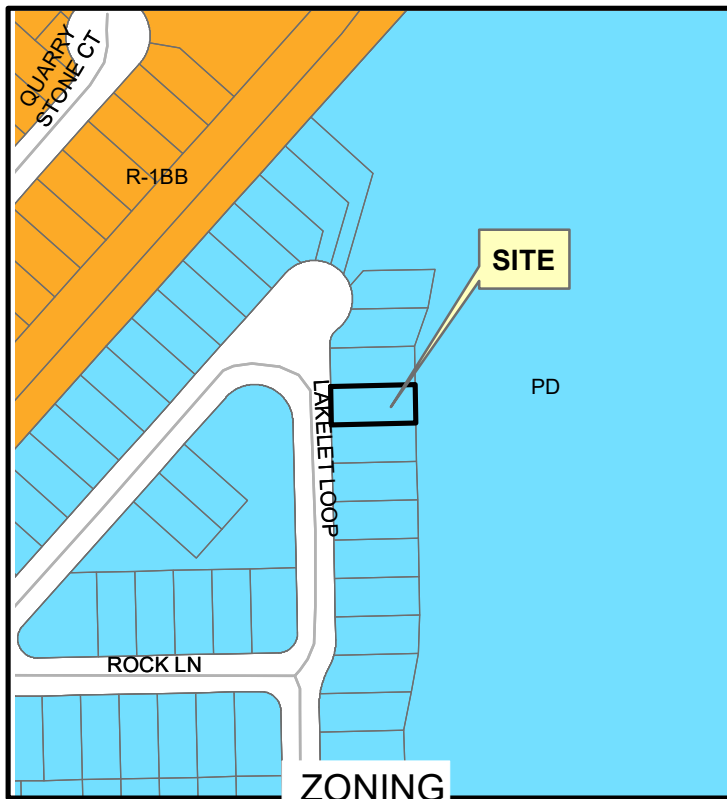


**JIANG & RAFAELA SUAREZ**  
**1817 LAKELET LOOP**  
**OVIEDO, FL 32765**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

**LEGEND**

PD	Support	Site
R-1BB	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.
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.
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.
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.
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or 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.

*\* see Attached answers*



1. This house was constructed toward the rear of the lot leaving very little rear yard space. Hence the need for a deviation from the standard 20' setback.
2. The location of house in relation to the rear and side yard was established before the home was purchased by the existing owner and no action on the part of the existing homeowner created the issue.
3. The granting of a variance will afford no special privilege that has not already been provided to others in this same community. Other variances have been obtained. The screen room on the home next door is 16' from the property line.
4. The strict adherence to the existing setback requirement (20') would make it impossible to utilize the rear yard space in a reasonable manner as it would not allow a new screen room replacement.
5. The request is for a deviation of 5 1/2' feet off of the required 20' setback. We are asking for a new setback of 14'6" from the rear property line which is the smallest practical setback to utilize our rear yard space.
6. The granting of this deviation will allow the construction of a room that is identical to others previously erected in this same community by others.

# Property Record Card



**Parcel** 19-21-31-5RR-0000-0560

**Property Address** 1817 LAKELET LOOP OVIEDO, FL 32765

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	19-21-31-5RR-0000-0560
<b>Owner(s)</b>	SUAREZ, RAFAEL A - Tenancy by Entirety SUAREZ, JIANG - Tenancy by Entirety
<b>Property Address</b>	1817 LAKELET LOOP OVIEDO, FL 32765
<b>Mailing</b>	1817 LAKELET LOOP OVIEDO, FL 32765-8010
<b>Subdivision Name</b>	REGENCY ESTATES
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	01-SINGLE FAMILY
<b>Exemptions</b>	00-HOMESTEAD(2022)
<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>	\$282,027	\$260,217
<b>Depreciated EXFT Value</b>	\$1,200	\$1,085
<b>Land Value (Market)</b>	\$105,000	\$105,000
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$388,227	\$366,302
<b>Portability Adj</b>		\$28,732
<b>Save Our Homes Adj</b>	\$40,530	
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$347,697	\$337,570

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$4,911.41**

**2022 Tax Bill Amount**

**\$3,992.27**

**2022 Tax Savings with Exemptions**

**\$919.14**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

LOT 56  
REGENCY ESTATES  
PB 66 PGS 26-31

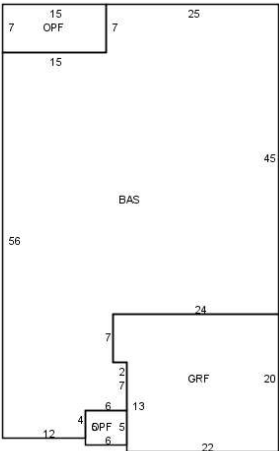
## Taxes

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$347,697	\$50,000	\$297,697
SJWM(Saint Johns Water Management)	\$347,697	\$50,000	\$297,697
FIRE	\$347,697	\$50,000	\$297,697
COUNTY GENERAL FUND	\$347,697	\$50,000	\$297,697
Schools	\$347,697	\$25,000	\$322,697

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	11/15/2021	10100	0160	\$460,000	Yes	Improved
SPECIAL WARRANTY DEED	09/01/2005	05955	0208	\$292,000	Yes	Improved
WARRANTY DEED	02/01/2005	05629	1952	\$441,700	No	Vacant

Land						
Method	Frontage	Depth	Units	Units Price	Land Value	
LOT			1	\$105,000.00	\$105,000	

Building Information													
#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages	
1	SINGLE FAMILY	2005	3	2.0	10	1,981	2,570	1,981	CB/STUCCO FINISH	\$282,027	\$300,029	Description	Area
												OPEN PORCH FINISHED	105.00
												OPEN PORCH FINISHED	30.00
												GARAGE FINISHED	454.00



Building 1 - Page 1

\*\* Year Built (Actual / Effective)

Permits					
Permit #	Description	Agency	Amount	CO Date	Permit Date
19781	SCREEN ROOM W/SOLID ROOF	County	\$2,200		11/16/2005
05122	DRAWN	County	\$179,155	9/27/2005	3/10/2005
14299	REROOF	County	\$11,550		10/18/2017

Extra Features				
Description	Year Built	Units	Value	New Cost
SCREEN PATIO 1	12/01/2005	1	\$1,200	\$3,000

## Zoning

Zoning	Zoning Description	Future Land Use	Future Land Use Description
PD	Low Density Residential	LDR	Planned Development

## Utility Information

Fire Station	Power	Phone(Analog)	Water Provider	Sewer Provider	Garbage Pickup	Recycle	Yard Waste	Hauler
27.00	DUKE	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 1 - Bob Dallari	Dist 7 - Stephanie Murphy	Dist 30 - Joy Goff-Marcil	Dist 9 - Jason Brodeur	69

## School Information

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

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Seminole County Planning Division

December 2, 2022

Attention: Seminole county zoning department

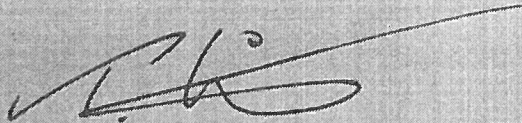
RE: Variance Application at 1817 Lakelet Loop, Oviedo

To whom it may concern;

This letter is to signify that we have no objection to our adjacent neighbors, Rafael and Jiang Suarez, who live at 1817 Lakelet Loop, Oviedo Florida, building an aluminum screen room on the rear of their home. It will not adversely affect our home next door and we consent to allowing the project to be built.

Thank you,

Signed



Printed Name

TREVOR WHITE

Address

1823 LAKELET LOOP, OVIEDO 32765



Seminole County Planning Division

December 2, 2022

Attention: Seminole county zoning department

RE: Variance Application at 1817 Lakelet Loop, Oviedo

To whom it may concern;

This letter is to signify that we have no objection to our adjacent neighbors, Rafael and Jiang Suarez, who live at 1817 Lakelet Loop, Oviedo Florida, building an aluminum screen room on the rear of their home. It will not adversely affect our home next door and we consent to allowing the project to be built.

Thank you,

Signed

Margie Russell

Printed Name

Margie Russell

Address

1811 Lakelet Loop Oviedo FL 32765

HOA Approval



November 1, 2022

RE: HOA Approval for Screen Room- 1817 Lakelet Loop, Oviedo

Hello,

The board has approved the screen room construction, as long as construction stays within Seminole County and Regency Estates. All work must be permitted by proper agency. Contractor must maintain common areas.

**Dennis Kapsis**

**Community Association Manager**

Sentry Management Inc

2180 West State Road 434 Suite 5000

Longwood FL 32779

## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 56  
REGENCY ESTATES  
PB 66 PGS 26-31

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

### **A. FINDINGS OF FACT**

**Property Owner:** RAFAEL & JIANG SUAREZ  
1817 LAKELET LOOP  
OVIEDO, FL 32765

**Project Name:** LAKELET LOOP (1817)

#### **Requested Variance:**

A rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 56  
REGENCY ESTATES  
PB 66 PGS 26-31

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

**A. FINDINGS OF FACT**

**Property Owner:** RAFAEL & JIANG SUAREZ  
1817 LAKELET LOOP  
OVIEDO, FL 32765

**Project Name:** LAKELET LOOP (1817)

**Variance Approval:**

Request for a rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition in the PD (Planned Development) district.

The findings reflected in the record of the January 23, 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 (10' x 23') 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.

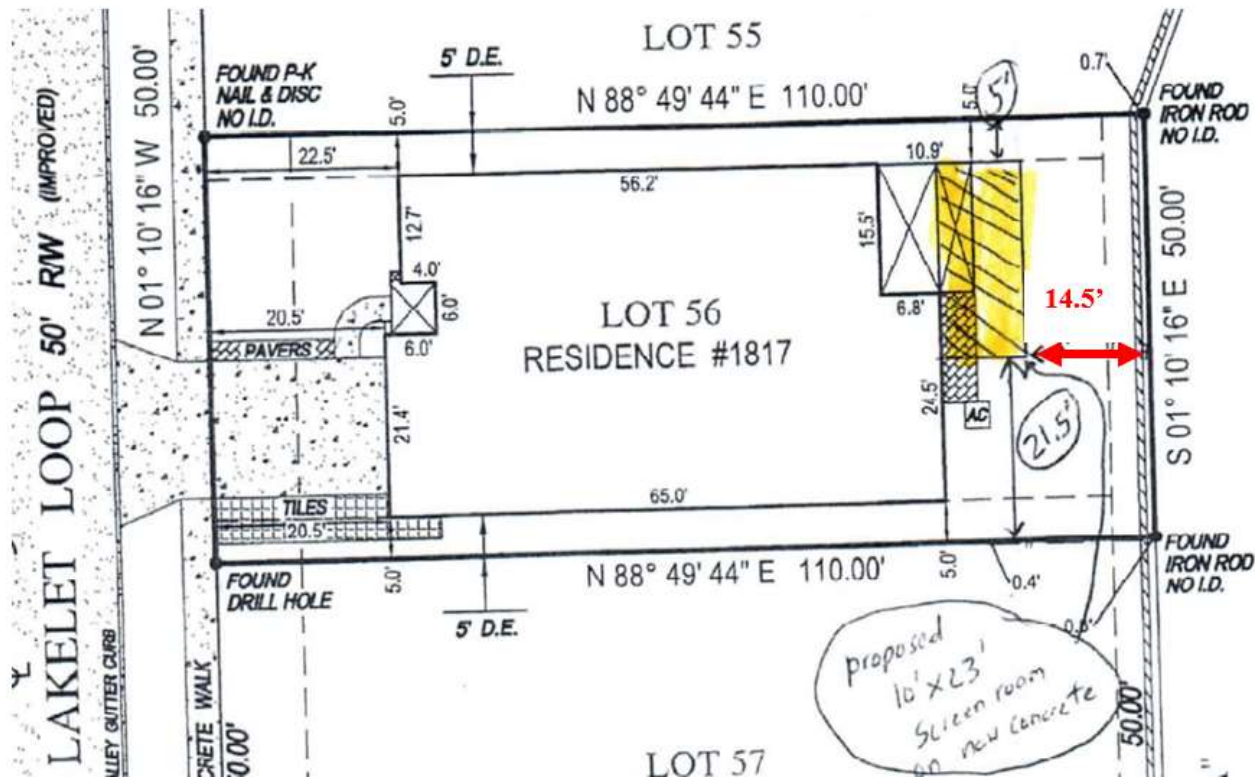
**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of February, 2023.

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

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



## EXHIBIT A





# SEMINOLE COUNTY, FLORIDA

## Agenda Memorandum

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

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**File Number: 2022-7504**

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**Title:**

**109 Privado Court** - Request for a side yard (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district; BV2022-108 (Natalie Chow-Garnichaud, Applicant) 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 (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district; or
2. Approve the request for a side yard (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

**Background:**

- The subject property is located in the Estes Tuskawilla subdivision.
- The request is to convert an existing 38.3' x 22.6' carport into a bedroom and bathroom addition. The proposed addition encroaches one and one-half (1.5) feet into the required side yard setback.
- The request is for a variance to Section 30.186(a)(2) of the Land Development Code of Seminole County, which states that the side yard setback is seven and one-half (7.5) 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:

1. 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

2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. 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
4. 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
5. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
6. 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.

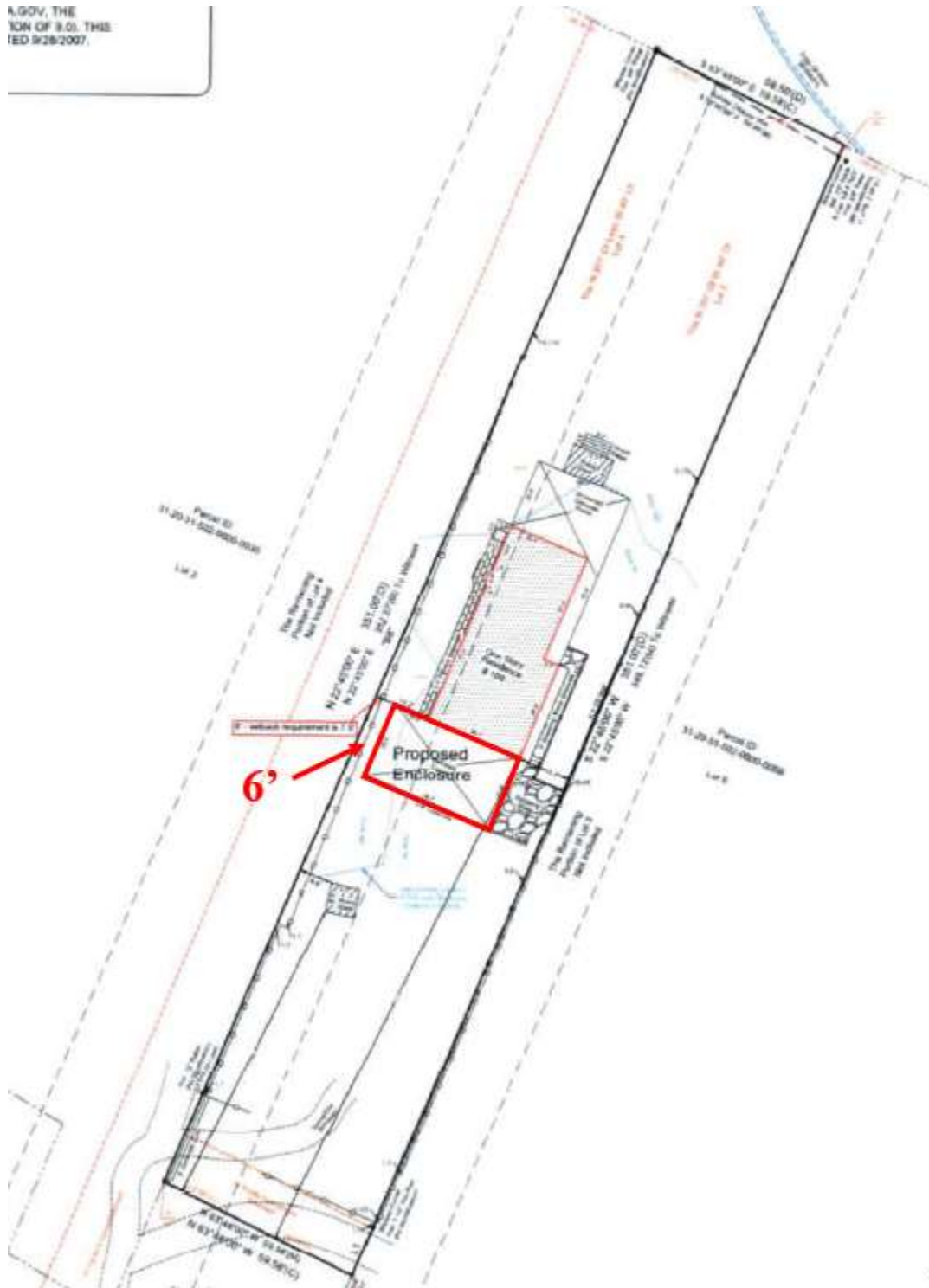
**Staff Recommendation:**

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:

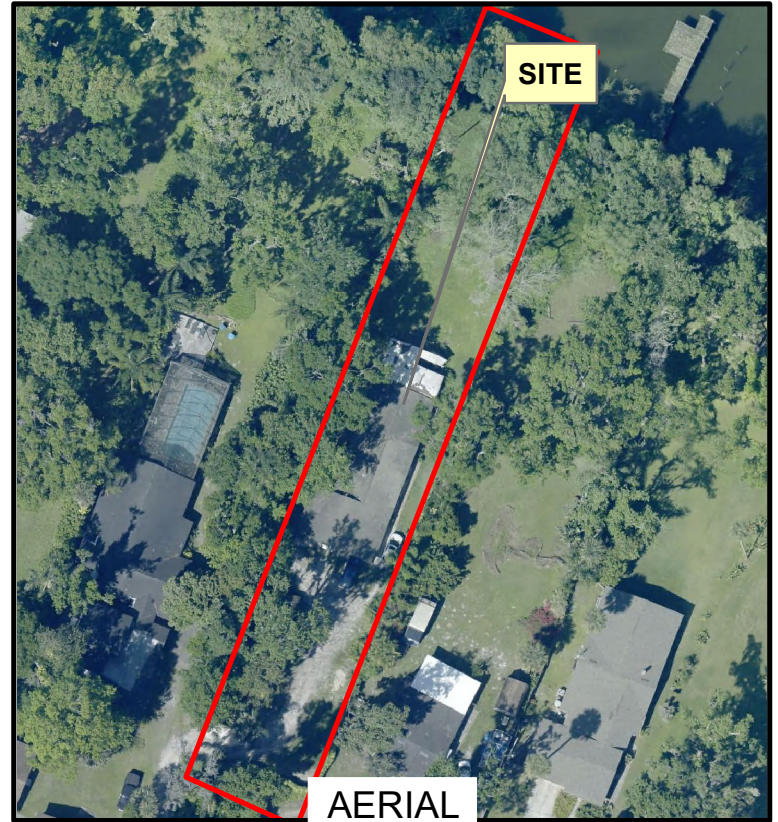
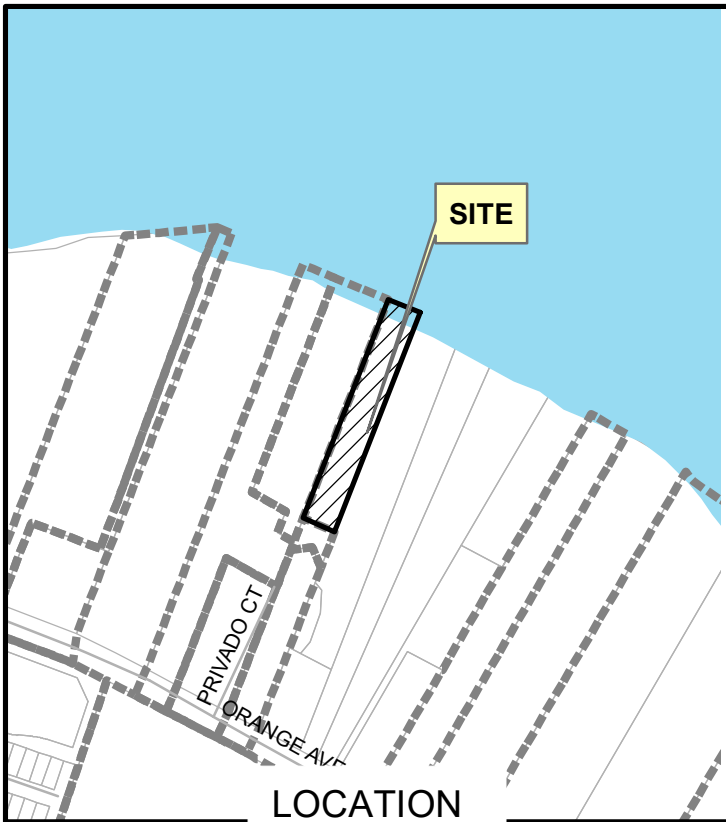
1. Any variance granted will apply only to the addition (38.3' x 22.6') as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.

# PRIVADO CT (109) VARIANCES

1. GOV. THE  
ION OF 8.05. THIS  
ED 9/29/2007.










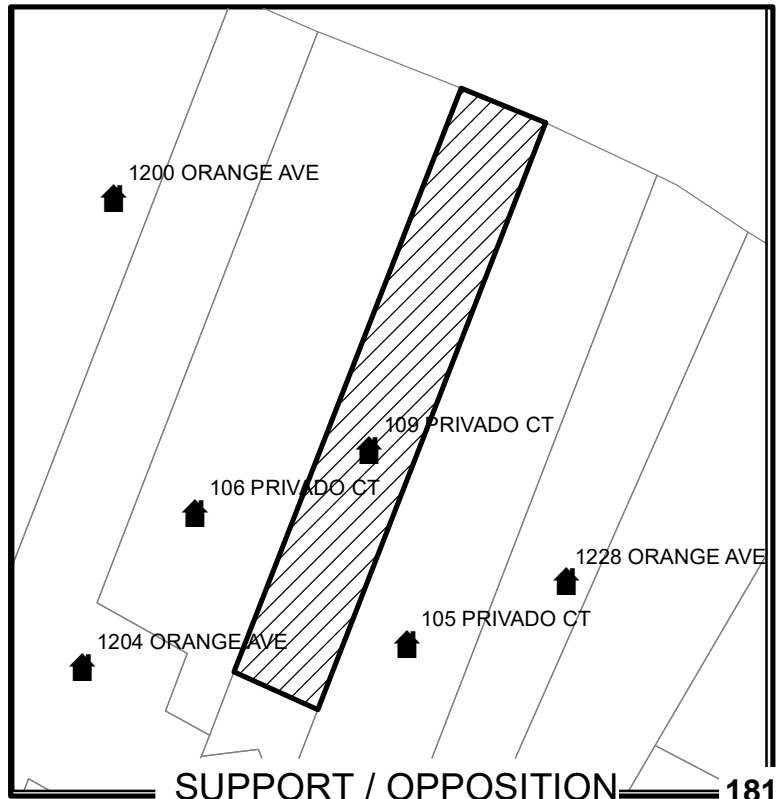
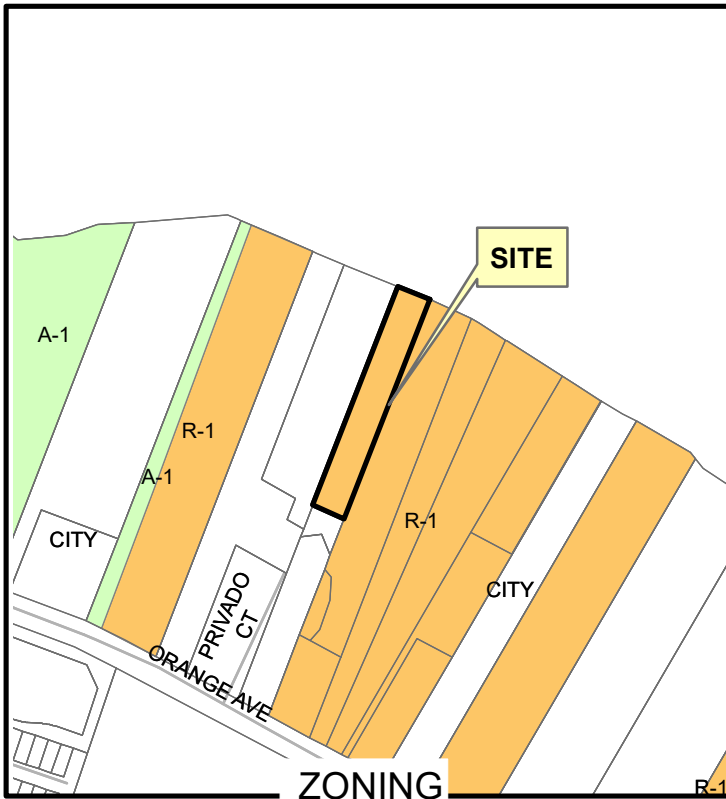


**NATALIE CHOW-GARNICHAUD**  
**109 PRIVADO CT**  
**WINTER SPRINGS, FL 32708**

**SEMINOLE COUNTY**  
**BOARD OF ADJUSTMENT**  
**JANUARY 23, 2023**

## LEGEND

	R-1		Support		Site
	A-1		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.

There is a creek separating the property from the adjacent property. On the side closest to the creek, there exists a carport where the footprint and roof is already 18" into setback requirement of 7.5ft. The Variance is to erect a wall to connect the floor + roof in that area.

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

The property was purchased by the owner 1/15/21 in the current condition. At the time of purchase a title commitment was obtained guaranteeing no existing issues with the property in this regard.

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 confer a special privilege that is denied in Ch. 30. All property owners have the same rights and ability to pursue similar actions and also the right to challenge the request.

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 issue was only brought to the owner's attention in the middle of the process of trying to obtain a building permit. It would be very costly to try to adjust the 7.5ft setback now. By not having this space for the living area, I would have to put my mother in a nursing home. This space is for her to come live with me.

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

The variance is to use 18" of space in the 7.5ft setback space. This is to construct a wall to enclose a carport area. The floor + roof already exist. There is no adjustment to the existing footprint. The existing footprint is already in the 18" space of setback.

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 intent of the erection of the wall is to enclose an area to provide living space for residential use. This is in accordance with current R1 zoning.

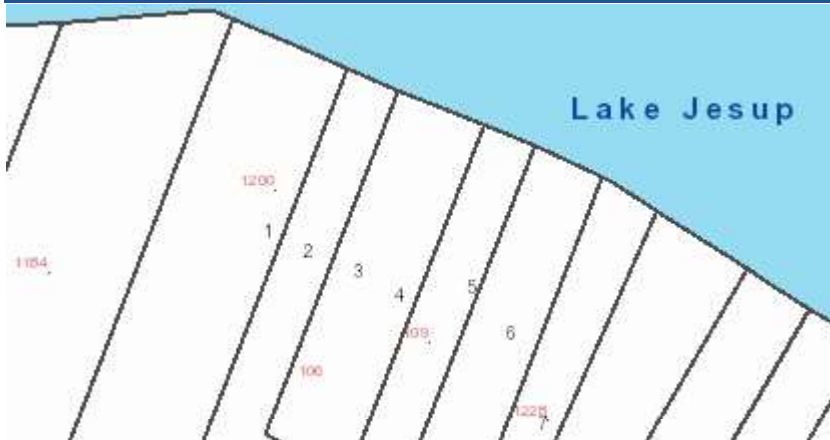
# Property Record Card



**Parcel** 31-20-31-502-0000-0050

**Property Address** 109 PRIVADO CT WINTER SPRINGS, FL 32708

## Parcel Location



## Site View



## Parcel Information

<b>Parcel</b>	31-20-31-502-0000-0050
<b>Owner(s)</b>	CHOW-GARNICHAUD, NATALIE N
<b>Property Address</b>	109 PRIVADO CT WINTER SPRINGS, FL 32708
<b>Mailing</b>	109 PRIVADO CT WINTER SPGS, FL 32708-2801
<b>Subdivision Name</b>	ESTES TUSKAWILLA
<b>Tax District</b>	01-COUNTY-TX DIST 1
<b>DOR Use Code</b>	0130-SINGLE FAMILY WATERFRONT
<b>Exemptions</b>	00-HOMESTEAD(2022)
<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>	\$153,816	\$141,783
<b>Depreciated EXFT Value</b>	\$6,150	\$5,728
<b>Land Value (Market)</b>	\$127,800	\$127,800
<b>Land Value Ag</b>		
<b>Just/Market Value</b>	\$287,766	\$275,311
<b>Portability Adj</b>		
<b>Save Our Homes Adj</b>	\$4,196	\$0
<b>Amendment 1 Adj</b>	\$0	\$0
<b>P&amp;G Adj</b>	\$0	\$0
<b>Assessed Value</b>	\$283,570	\$275,311

## 2022 Certified Tax Summary

**2022 Tax Amount without Exemptions**

**\$3,691.40**

**2022 Tax Bill Amount**

**\$3,157.49**

**2022 Tax Savings with Exemptions**

**\$533.91**

\* Does NOT INCLUDE Non Ad Valorem Assessments

## Legal Description

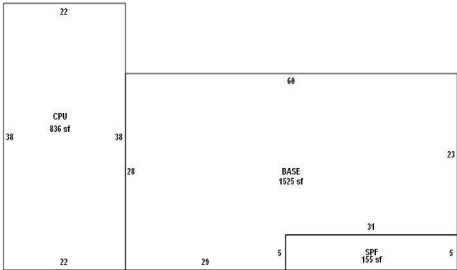
NLY 351 FT OF LOT 4 (LESS  
WLY 40 FT) + NLY 351 FT OF  
WLY 40 FT OF LOT 5  
ESTES TUSKAWILLA  
PB 8 PG 29

Taxes			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
ROAD DISTRICT	\$283,570	\$50,000	\$233,570
SJWM(Saint Johns Water Management)	\$283,570	\$50,000	\$233,570
FIRE	\$283,570	\$50,000	\$233,570
COUNTY GENERAL FUND	\$283,570	\$50,000	\$233,570
Schools	\$283,570	\$25,000	\$258,570

Sales						
Description	Date	Book	Page	Amount	Qualified	Vac/Imp
WARRANTY DEED	01/15/2021	09826	0445	\$362,000	Yes	Improved
CORRECTIVE DEED	02/01/1999	03587	1450	\$100	No	Improved
WARRANTY DEED	09/01/1998	03496	1355	\$108,000	Yes	Improved
WARRANTY DEED	01/01/1989	02038	1274	\$109,000	No	Improved
QUIT CLAIM DEED	07/01/1988	01982	0467	\$100	No	Improved
WARRANTY DEED	03/01/1988	01944	0356	\$58,000	Yes	Improved

Land					
Method	Frontage	Depth	Units	Units Price	Land Value
FRONT FOOT & DEPTH	60.00	351.00	0	\$1,500.00	\$127,800

Building Information													
#	Description	Year Built**	Bed	Bath	Fixtures	Base Area	Total SF	Living SF	Ext Wall	Adj Value	Repl Value	Appendages	
1	SINGLE FAMILY	1964/2020	3	2.0	6	1,525	2,516	1,525	CONC BLOCK	\$153,816	\$155,370	Description	Area
												CARPORT UNFINISHED	836.00
												SCREEN PORCH FINISHED	155.00



Sketch by Apex Media™

Building 1 - Page 1

\*\* Year Built (Actual / Effective)



Permits								
Permit #	Description				Agency	Amount	CO Date	Permit Date
06951	FENCE/WALL				County	\$1,500		7/28/2000
15485	SCREEN ROOM				County	\$12,850		8/16/2005
09230	REPLACE ROOF ON GARAGE				County	\$3,000		8/12/2004
09231	RE-FENCE W/O PERMIT - CASE VIO #04-544				County	\$200		8/12/2004
09233	INSTALL WOOD DECK W/LATTICE & COLUMN TO GARAGE W/O PERMIT - CASE VIO #04-544				County	\$500		8/12/2004
05181	MODULAR SHED				County	\$1,800		6/29/2010
17511	SIDING, SOFFIT, WINDOWS, & CONCRETE DUE TO HURRICANE DAMAGE				County	\$5,200		12/28/2004
06538	REPAIR EXISTING WELL HOUSE PANELS				County	\$500		3/30/2005
05300	REROOF				County	\$14,450		4/19/2019
09622	109 PRIVADO CT: RES ALTERATIONS, NO CHANGE IN UNITS- [ESTES TUSKAWILLA]				County	\$2,000		7/2/2019
04132	109 PRIVADO CT: ELECTRICAL - RESIDENTIAL- [ESTES TUSKAWILLA]				County	\$1,800		3/9/2021
06786	109 PRIVADO CT: MECHANICAL - RESIDENTIAL- [ESTES TUSKAWILLA]				County	\$5,000		5/19/2021
Extra Features								
Description				Year Built	Units	Value	New Cost	
BOAT DOCK 2				06/01/1970	1	\$3,200	\$8,000	
SCREEN PATIO 2				11/01/2005	1	\$2,000	\$5,000	
PATIO 1				11/01/2005	1	\$550	\$1,000	
GAZEBO 1				06/01/1990	1	\$400	\$1,000	
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
26.00	DUKE	AT&T	WINTER SPRINGS	CITY OF WINTER SPRINGS	TUE/FRI	FRI	NO SERVICE	Waste Management
Political Representation								
Commissioner		US Congress		State House		State Senate		Voting Precinct
Dist 2 - Jay Zembower		Dist 7 - Stephanie Murphy		Dist 28 - David "Dave" Smith		Dist 9 - Jason Brodeur		29
School Information								
Elementary School District			Middle School District			High School District		
Layer			Indian Trails			Winter Springs		
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**SEMINOLE COUNTY  
DENIAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

NLY 351 FT OF LOT 4 (LESS  
WLY 40 FT) + NLY 351 FT OF  
WLY 40 FT OF LOT 5  
ESTES TUSKAWILLA  
PB 8 PG 29

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

**A. FINDINGS OF FACT**

**Property Owner:** NATALIE CHOW-GARNICHAUD  
109 PRIVADO CT  
WINTER SPRINGS, FL 32708

**Project Name:** PRIVADO CT (109)

**Requested Variance:**

A side yard (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 2023, Board of Adjustment meeting are incorporated in this Order by reference.

**B. CONCLUSIONS OF LAW**

Approval was sought to convert an existing carport into an addition 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 February, 2023.

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

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

**SEMINOLE COUNTY  
APPROVAL DEVELOPMENT ORDER**

On January 23, 2023, Seminole County issued this Development Order relating to and touching and concerning the following described property:

NLY 351 FT OF LOT 4 (LESS  
WLY 40 FT) + NLY 351 FT OF  
WLY 40 FT OF LOT 5  
ESTES TUSKAWILLA  
PB 8 PG 29

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

**A. FINDINGS OF FACT**

**Property Owner:** NATALIE CHOW-GARNICHAUD  
109 PRIVADO CT  
WINTER SPRINGS, FL 32708

**Project Name:** PRIVADO CT (109)

**Variance Approval:**

Request for a side yard (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district.

The findings reflected in the record of the January 23, 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 (38.3' x 22.6') 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 February, 2023.

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

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

## EXHIBIT A

