

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
(continued from the 9/14/04 hearing)

SUBJECT: Appeal of the Board of Adjustment's decision to deny a side yard setback variance from 10 feet to 4 feet for two existing carports for property located at 228 Vinewood Drive; (Arthur Chick, applicant).

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

AUTHORIZED BY: Donald Fisher **CONTACT** Kathy Fall **EXT.** 7389

Agenda Date 09-28-04 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

- 1. **UPHOLD** the Board of Adjustment's decision to deny a side yard setback variance from 10 feet to 4 feet for two existing carports for property located at 228 Vinewood Drive; (Arthur Chick, applicant); or
- 2. **REVERSE** the Board of Adjustment's decision to deny a side yard setback variance from 10 feet to 4 feet for two existing carports for property located at 228 Vinewood Drive; (Arthur Chick, applicant); or
- 3. **CONTINUE** the request to a time and date certain.

Commission District #5, McLain Kathy Fall, Senior Planner

This item was continued by the Board of County Commissioners to allow the Chairman an opportunity to visit the site and to allow the Building Division to evaluate the structures for code compliance.

BOARD OF ADJUSTMENT DECISION:

At its June 28, 2004 regular meeting, the Board of Adjustment denied side yard setback variances from 10 feet to 4 feet for an existing carport attached to the primary residence and an existing carport attached to a detached garage, as depicted on the attached site plan. On July 12, 2004, the applicant, Arthur Chick, appealed the Board of Adjustment's decision to the Board of County Commissioners.

STAFF RECOMMENDATION:

Uphold the decision of the Board of Adjustment to deny a request for a side yard setback variances from 10 feet to 4 feet for two existing carports, based on the stated findings.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. ph130pdp01

STAFF REPORT

<p>BACKGROUND / REQUEST:</p>	<ul style="list-style-type: none"> • Without permits, the applicant constructed two aluminum carports that encroach 6 feet into the 10 foot side (south) yard setback. One carport (10' x 20') is attached to the existing house and the second carport (20' x 20') is attached to an existing detached garage. • In 1991, the existing detached garage was granted a rear yard setback variance from 10 feet to 7 feet and a side yard setback variance from 10 feet to 1 foot. • At its March 29, 2004 regular meeting, the Board of Adjustment denied side yard setback variances from 10 feet to 4 feet for both carports, as depicted on the attached site plan. • On July 12, 2004, the applicant, Arthur Chick, appealed the Board of Adjustment's decision to the Board of County Commissioners.
<p>STAFF FINDINGS:</p>	<p>The Board of County Commissioners shall have the power to hear and decide appeals from Board of Adjustment decisions, including variances the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination that the following provisions of Section 30.43(b)(3) are satisfied:</p>
	<p>a) That special conditions and circumstances 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 classification.</p> <p>The R-1AA District establishes a minimum side yard setback of 10 feet. No special circumstances have been identified or presented by the applicant to support the requested variances. The submitted floor plan of the current home depicts an existing garage and a detached garage, which functions similarly to a carport.</p>
	<p>b) That the special conditions and circumstances do not result from the actions of the applicant.</p> <p>As previously stated, staff has not been presented with any special circumstances that would support the need for the requested variance.</p>
	<p>c) That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the</p>

	<p>same zoning classification.</p> <p>Because there are no identified special circumstances that support the need for the requested variance, staff believes the granting of the same would confer special privileges denied to other properties in the R-1AA District by allowing encroachment into the side yard without the demonstration of a hardship.</p>
	<p>d) That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant.</p> <p>As previously stated, staff does not believe the literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties, since the property is developed with a single-family home and currently has an attached and detached two car garages.</p>
	<p>e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.</p> <p>The requested variances are not the minimum since reasonable use of the property already exists.</p>
	<p>f) That the grant of the variance will be in harmony with the general intent and purpose of Chapter 30, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</p> <p>The requested variances would not be compliant with the Land Development Code and would potentially allow structures that are inconsistent with the trend of neighborhood development.</p>
<p>STAFF RECOMMENDATION:</p>	<p>Based on the stated findings, staff recommends the Board of County Commissioners <u>uphold</u> the decision of the Board of Adjustment to deny a request for side yard setback variance from 10 feet to 4 feet for the existing carports. If the Board should decide to reverse the Board of Adjustment's decision to deny the variances, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"> • Any variances granted shall apply only to the proposed carports as depicted on the attached site plan; and • Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

ATTACHMENTS: Variance & Appeal Application
Supporting Documentation
Proposed Site Plan
Site Map
Recorded Development Order
Property Appraiser Report
BOA Minutes

RIAA

PLAT OF SURVEY QUIGGLE & SONS INC.

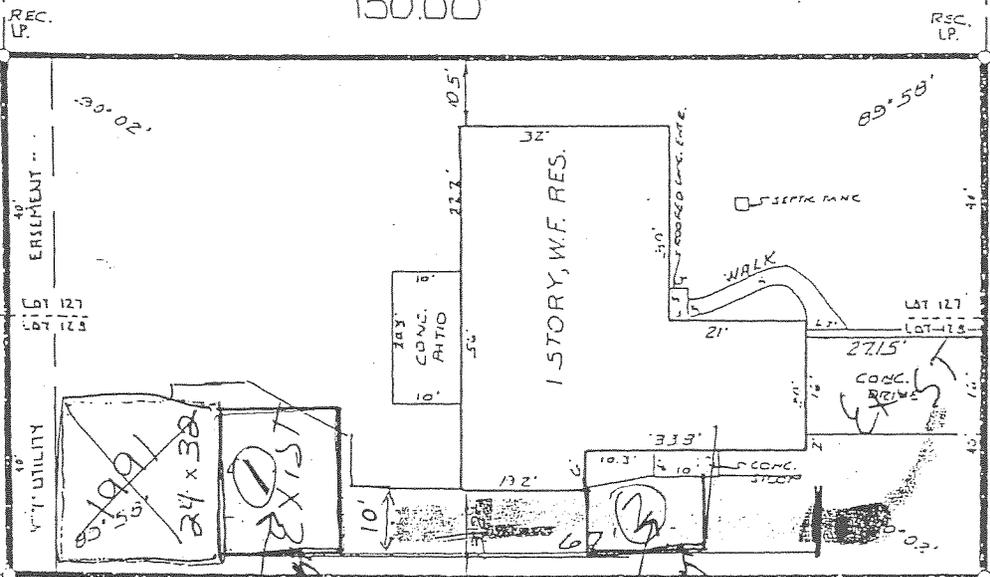
DESCRIPTION: LOTS 127 AND 128, LOCH ARBOR CRYSTAL LAKES CLUB SECTION

RECORDED IN PLAT BOOK 5 PAGE(S) 73-74 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



126

150.00'



VINEWOOD DR. (#228)



150.00'
4'±
20x20 Carport
10x20 Carport
4'±

Attending driveway



THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PRONE AREA.

STEVEN B. SWAGGERTY
LAND SURVEYOR
3550 S.R. 46 W.
SANFORD, FLORIDA 32771

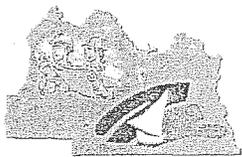
DATE OF:
BOUNDARY 11-19-86
FOUND 3-25-88
FINAL 6-24-88

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

CERTIFIED CORRECT:

Steven B. Swaggerty

FILE NO. 810-51



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHON

RECEIVED
 JUL 12 2004

APPL. NO. BV2004-053

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

- APPLICATION TYPE:
- VARIANCE** (South) SIDEYARD SETBACK VARIANCE FROM 16' TO 4'
FOR EXISTING CARPORT ATTACHED TO SIDE OF HOUSE
 - SPECIAL EXCEPTION**
 - MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING PROPOSED REPLACEMENT
 - MOBILE HOME IS FOR _____
 - YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
 - ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 - PLAN TO BUILD YES NO IF SO, WHEN _____
 - MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
 - APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT*
NAME	Arthur J. Chick Jr	
ADDRESS	228 Vinewood Dr	
PHONE 1	407 322-4556	
PHONE 2	407 402-6361	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 228 Vinewood Dr

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Lots 127 and 128 Loch Arbor -
Crystal Lakes Club Section Plat Book 5 Pages 73 and 74

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 03-20-30-503-0000-1270

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS 04-12029

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on May 24th 6 P.M.
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Arthur J. Chick Jr
 SIGNATURE OF OWNER OR AGENT* DATE 7/01/04

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

SIDE (S) YARD SETBACK VARIANCE FROM 10' TO 4' FOR EXISTING CARPORT ATTACHED TO EXISTING

VARIANCE 3:

GARAGE (GARAGE IS CLOSER TO S. PROPERTY LINE BUT WAS PERMITTED IN 02/07/91)

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$300 COMMISSION DISTRICT 5 FLU/ZONING LDR/RIAA

LOCATION FURTHER DESCRIBED AS LOCATED ON THE WEST SIDE OF VINEWOOD DRIVE

APPROX. 220' NORTH OF THE INTERSECTION WITH LAKE BLVD.

PLANNER VS DATE APR 1, 2004

SUFFICIENCY COMMENTS * APPLICANT WILL CHECK EXACT DISTANCE FROM STRUCTURES TO SOUTH PROPERTY LINE

RECEIVED

JUL 12 2004

To: Seminole County Commission

Subject: Variance on carport at 228 Vinewood Dr

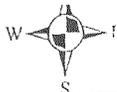
Reason: Denial of Variance Jun 29, 2004

Request: I Arthur J. Chick Jr Owner of the property at 228 Vinewood Dr. Request a reconsideration of the denial of variance for a carport. I am request a various of 10ft to 4ft based on a a previous granting of 10ft to 1ft for a garage.

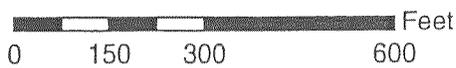
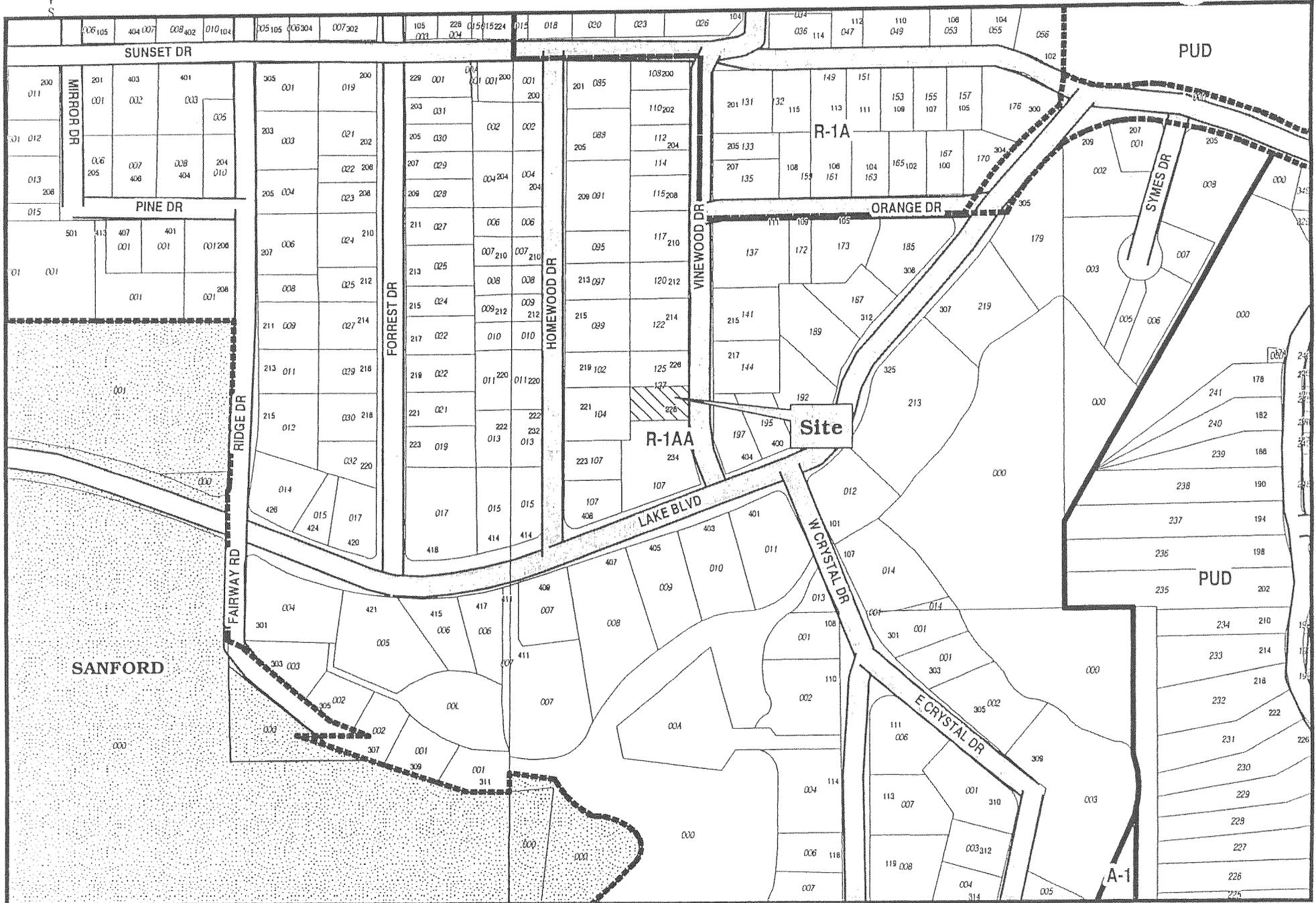
I understand this is being opposed by the neighbor to the south. At the time of construction, Fall 2002, he said he had no problem as long as the carport did not go be on the front of the house. He has not at any time complained to me about the carport.

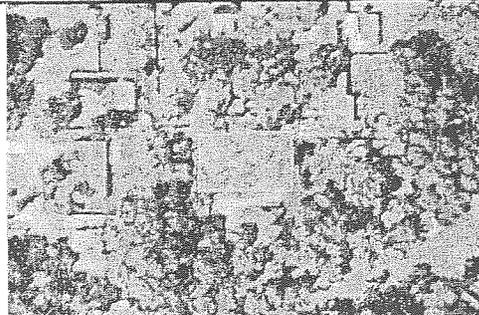
Please consider the appeal in the light of my 98 yr old father live with me and I would like to get him in and out of the car without getting wet.

Arthur J. Chick Jr.



228 Vinewood Drive



<p>PARCEL DETAIL</p> <p style="text-align: right;">◀ Back ▶</p>																																																							
 <p>Seminole County Property Appraiser Services 1161 E. First St. Sanford FL 32771 407-663-7506</p>																																																							
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 03-20-30-503-0000-1270 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: CHICK ARTHUR J JR & CHICK Exemptions: 00-HOMESTEAD</p> <p>Own/Addr: ERMA H & CHICK ARTHUR J CO-TRS</p> <p>Address: 228 VINEWOOD DR</p> <p>City,State,ZipCode: SANFORD FL 32773</p> <p>Property Address: 228 VINEWOOD DR SANFORD 32773</p> <p>Subdivision Name: LOCH ARBOR CRYSTAL LAKES CLUB SEC</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$126,896</p> <p>Depreciated EXFT Value: \$1,602</p> <p>Land Value (Market): \$16,480</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$144,978</p> <p>Assessed Value (SOH): \$107,191</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$82,191</p>																																																					
<p style="text-align: center;">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>03/1999</td> <td>03608</td> <td>0987</td> <td>\$138,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01977</td> <td>1199</td> <td>\$86,000</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/1999	03608	0987	\$138,000	Improved	WARRANTY DEED	07/1988	01977	1199	\$86,000	Improved	<p style="text-align: center;">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,857</p> <p>2003 Tax Bill Amount: \$1,375</p> <p>Savings Due To SOH: \$483</p> <p>2003 Taxable Value: \$80,192</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																			
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																							



SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

CONTINUED FROM THE MAY 24, 2004 REGULAR MEETING

SUBJECT: REQUEST FOR 1) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING CARPORT; AND 2) SIDE YARD SETBACK FROM 10 FEET TO 4 FEET FOR AN EXISTING CARPORT IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (ARTHUR CHICK, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 05-24-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR 1) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING CARPORT; AND 2) SIDE YARD SETBACK FROM 10 FEET TO 4 FEET FOR AN EXISTING CARPORT IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (ARTHUR CHICK, APPLICANT); OR
2. **DENY** THE REQUEST FOR 1) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING CARPORT; AND 2) SIDE YARD SETBACK FROM 10 FEET TO 4 FEET FOR AN EXISTING CARPORT IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (ARTHUR CHICK, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: ARTHUR CHICK LOCATION: 228 VINEWOOD ZONING: R-1AA (LOCK ARBOR)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THIS ITEM WAS CONTINUED FROM THE MAY 24, 2004 REGULAR MEETING TO ALLOW THE COUNTY ATTORNEY TO MAKE AN OPINION ON THE INTENT OF THE MOTION, WHICH GRANTED A REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET AND A SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1 FOOT FOR THE EXISTING DETACHED GARAGE IN 1991. • WITHOUT PERMITS, THE APPLICANT CONSTRUCTED TWO ALUMINUM CARPORTS THAT ENCROACH 6 FEET INTO THE 10 FOOT SIDE (SOUTH) YARD SETBACK. ONE CARPORT (10' X 20') IS ATTACHED TO THE EXISTING HOUSE AND THE SECOND CARPORT (20' X 20') IS ATTACHED TO AN EXISTING DETACHED GARAGE.

STAFF FINDINGS	<ul style="list-style-type: none">• THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1AA DISTRICT BY ALLOWING ENCROACHMENT INTO THE SIDE YARD WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.• THE REQUESTED VARIANCES WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE, AS PREVIOUSLY STATED.• THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY AUTHORIZE CARPORTS THAT ARE INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING CARPORTS, AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY PPL. D. BV2004-053

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

- (SOUTH) APPLICATION TYPE:
- VARIANCE** SIDEYARD SETBACK VARIANCE FROM 16' TO 4'
FOR EXISTING CARPORT ATTACHED TO SIDE OF HOUSE
 - SPECIAL EXCEPTION**
 - MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING PROPOSED REPLACEMENT
 - MOBILE HOME IS FOR _____
 - YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
 - ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 - PLAN TO BUILD YES NO IF SO, WHEN _____
 - MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
 - APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Arthur J. Chick Jr	
ADDRESS	228 Vinewood Dr	
PHONE 1	407 322-4556	
PHONE 2	407 402-6361	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 228 Vinewood Dr

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Lots 127 and 128 Loch Arbor -
Crystal Lakes Club Section Plat Book 5 Pages 73 and 74

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 03-20-30-503-0000-1270

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS 04-12029

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on May 24th 6 P.M.
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Arthur J. Chick Jr 4/01/04
 SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

SIDE (S) YARD SETBACK VARIANCE FROM 10' TO 4' FOR EXISTING CARPORT ATTACHED TO EXISTING GARAGE (GARAGE IS CLOSER TO S. PROPERTY LINE BUT WAS PERMITTED IN 02/07/91)

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME:		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$200 COMMISSION DISTRICT 5 FLU/ZONING LDR/RIAA

LOCATION FURTHER DESCRIBED AS LOCATED ON THE WEST SIDE OF VINEWOOD DRIVE APPROX 220' NORTH OF THE INTERSECTION WITH LAKE BLVD.

PLANNER V.B. DATE APR 1, 2004

SUFFICIENCY COMMENTS * APPLICANT WILL CHECK EXACT DISTANCE FROM STRUCTURES TO SOUTH PROPERTY LINE

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 228 VINEWOOD DR SANFORD
(LOCH ARBOR CRYSTAL LAKES CLUB.)

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FLORIDA BUILDING CODE CHAPTER/ARTICLE CH 1 SECTION 303.3.

DESCRIPTION OF VIOLATION: INSTALLED 2 ALUMINUM CAR-PORT STRUCTURES WITHOUT PERMITS ONE ON MAIN HOUSE AND ONE ON GUEST HOUSE.

CORRECTIVE ACTION: OBTAIN (ALL) PROPER PERMITS AND SCHEDULE ALL REQUIRED PERMITS.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 3-15-04. FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE POWER TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

Tom Helle
407-665-7338

PLANNING AND DEVELOPMENT DEPARTMENT
SEMINOLE COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771
PHONE: 665-1130 EXTENSION 7050

DATE 3-1-04
FILE NO. 04-17079

JASON RUCKER 407-665-7472
INSPECTOR

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEMS

VARIANCES:

5. **510 AVENUE E** - William & Dorthy Norman, applicants; Request for (1) front yard setback variance from 25 feet to 10 feet for an existing detached carport; (2) (north) side yard setback variance from 7.5 feet to 2 feet for an proposed shed; and (3) rear yard setback variance from 10 feet to 2 feet for a proposed shed in the R-1A (Single Family Dwelling District); Located on the northwest corner of the intersection of Avenue E and East 6th Street; (BV2004-049).

Tony Walter, Assistant Planning Manager

Tony Walter introduced the location of the application and stated that staff recommended denial of the (1) front yard setback variance from 25 feet to 10 feet for an existing detached carport; and approval of (2) (north) side yard setback variance from 7.5 feet to 2 feet for an proposed shed; and (3) rear yard setback variance from 10 feet to 2 feet for a proposed shed.

William Norman stated that he would like for his request to be approved.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by (4-1) consent. Mr. Hattaway was in opposition.

6. **228 VINEWOOD DRIVE** - Arthur J. Chick Jr., applicant; Request for (1) side yard setback variance from 10 feet to 4 feet for an existing attached carport; and (2) side yard setback variance from 10 feet to 4 feet for an existing attached carport in the R-1AA (Single-Family Dwelling District); Located on the west side of Vinewood Drive approximately 220 feet north of the intersection of Vinewood Drive and Lake Boulevard; (BV2004-053).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that this item was continued from the May 24th hearing to allow the County Attorney to review the Board of Adjustment's intent in granting the variance in 1991 to the proposed structure or the entire setback of the parcel. She also stated that staff

recommended denial of the request, unless the applicant could demonstrate a hardship.

Mr. Schnieder, County Attorney stated that he reviewed the correspondence and listened to the tape, he stated that it was clear that the approved variance applied only to the detached garage.

Arthur Chick stated that at the time he put the carports in he didn't realize the setback was 10 feet. He also stated that he uses the covered area to get in and out of the car with his elderly parents.

Mr. Rozon made a motion to deny the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

7. **180 HICKMAN DRIVE - Outback Steakhouse / Gregory Davis / Thomas Sign & Awning Company, applicants; Request for sign height variance from 15 feet to 30 feet for an existing point of sale ground sign in the C-2 (Retail Commercial District); Located on the west side of Hickman Drive, approximately 200 feet north of State Road 46; (BV2004-060).**

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that this item was continued from the May 24th hearing to allow the applicant and staff to explore alternative options to negate the need for the variance. She also stated that staff met with the applicant on site to discuss options that would be compliant with the Land Development Code and the applicant was not amenable to those options presented by staff and still requested a sign height variance. She further stated the staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Matt West, Planning Manager, stated that one of the things they talked about was to move the sign to the north side of the property instead of the south side. He also stated that a monument sign was another option. He further stated that if you raise the sign the trees are going to out grow the sign but, if you lower the sign and keep the trees pruned that may be a better solution.

Mike Riggins of Thomas Sign & Awning stated that they did meet staff on site to discuss trying to find a solution. He also stated that the monument sign would not be visible. He further stated that Outback would like the Board's consideration to raise the sign.

Mr. Bass made a motion to deny the request.

**SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL**

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 27th day of September 2004, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, upholding a decision by the Board of Adjustment to deny variances for a side yard setback from 10 feet to 4 feet for two carports in unincorporated Seminole County.

A. FINDINGS OF FACT

1. On June 28, 2004, the Board of Adjustment denied the applicant's request for side yard setback variances for a side yard setback from 10 feet to 4 feet for two carports in unincorporated Seminole County on the property further described by the attached legal description.

2. The subject property is assigned the Low Density Residential future land use designation under the terms and provisions of the Vision 2020 Plan and the R-1AA (Single Family Dwelling) zoning classification under the terms and provisions of the LDC.

3. On July 12, 2004, Arthur Chick filed a letter of appeal with Seminole County, seeking an appeal of this denial before the Board of County Commissioners.

4. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43, LDC.

B. CONCLUSIONS OF LAW

The Board of County Commissioners finds that the variances are not in conformance with Section 30.43(b)(3) of the Land Development Code of Seminole County, and with Future Land Use Element Policy 3.2, due to the following:

1. The requested special exception does not meet the criteria in Section 30.43 (b)(3), LDC, for granting variances because:

- a. The requested variances are not the minimum variance that would make reasonable use of the land, building, or structure.
- b. The R-1AA District establishes a minimum side yard setback of 10 feet. No special circumstances have been identified or presented by the applicant to support the requested variances. The submitted floor plan of the current home depicts an existing garage and a detached garage, which functions similarly to a carport.
- c. The requested variances would not be compliant with the Land Development Code and would potentially allow structures that are inconsistent with the trend of neighborhood development.

C. DECISION

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on September 14, 2004, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **OVERTURNED** and the variance request is denied.

DATED this 14th day of September 2004.

Board of County Commissioners
Seminole County, Florida

Daryl G. McLain, Chairman





