

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

(Continued from the 6/28/04 hearing)

**SUBJECT:** REQUEST FOR (1) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 75 FEET TO 67.92 FEET; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 7.6 FEET FOR A PROPOSED CARPORT IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ELAINE A. POORE, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 07-26-04 Regular  Consent  Public Hearing – 6:00

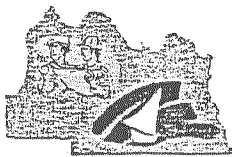
**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 75 FEET TO 67.92 FEET; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 7.6 FEET FOR A PROPOSED CARPORT IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ELAINE A. POORE, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 75 FEET TO 67.92 FEET; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 7.6 FEET FOR A PROPOSED CARPORT IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ELAINE A. POORE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	ELAINE A. POORE 103 HIGHLAND DRIVE R-1A (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A CARPORT THAT WOULD ENCROACH 17.4 FEET INTO THE 25 FOOT MINIMUM FRONT YARD SETBACK.</li> <li>• THE LOT DOES NOT MEET THE MINIMUM WIDTH AT THE BUILDING LINE REQUIREMENT FOR THE R-1A DISTRICT.</li> <li>• FOR THESE REASONS, THE STATED VARIANCES ARE REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	

	<ul style="list-style-type: none"><li>• THIS ITEM WAS CONTINUED FROM THE JUNE 28, 2004 PUBLIC HEARING BY REQUEST OF THE APPLICANT.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE SUBJECT PROPERTY WAS PLATTED PRIOR TO SEMINOLE COUNTY'S ADOPTION OF COMPREHENSIVE ZONING REGULATIONS ON MAY 1, 1960. STAFF'S INTERPRETATION OF SECTION 30.1348 (NONCONFORMING USES) OF THE LAND DEVELOPMENT CODE RECOGNIZES THE PROPERTY AS A LOT OF RECORD THAT FAILS TO MEET THE MINIMUM LOT WIDTH AT BUILDING LINE STANDARD OF THE R-1A DISTRICT. UNDER THIS INTERPRETATION, THE CURRENT HOME ESTABLISHED THE BUILDABILITY OF THE SUBJECT PROPERTY PRIOR TO THE ADOPTION OF ZONING REGULATIONS IN 1960, AND STAFF HAS FURTHER DETERMINED THE REQUEST FOR REDUCTION OF THE MINIMUM WIDTH AT BUILDING LINE IS NOT REQUIRED; AS A RESULT, THE APPLICANT HAS WITHDRAWN THE REQUEST AND THE ASSOCIATED PROCESSING FEE HAS BEEN REFUNDED.</li><li>• THE PROPOSED ENCROACHMENT INTO THE MINIMUM SIDE YARD SETBACKS IS THE REASON FOR THE REQUEST. THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANTING OF THE REQUESTED FRONT YARD SETBACK VARIANCE.<ul style="list-style-type: none"><li>○ APPROVAL OF THE REQUESTED FRONT YARD SETBACK VARIANCE WOULD BEGIN A TREND OF FRONT YARD ENCROACHMENT WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.<ul style="list-style-type: none"><li>▪ THE EXISTING HOME ORIGINALLY INCLUDED A GARAGE, WHICH WAS RECENTLY CONVERTED TO A ROOM BY THE APPLICANT TO ELIMINATE THE IMPACTS OF DRAINAGE FROM IMPROVEMENTS TO THE ABUTTING ROAD.</li><li>▪ ANY DRAINAGE PROBLEMS ASSOCIATED WITH ROAD IMPROVEMENTS COULD HAVE BEEN AVERTED WITH THE APPLICATION OF DRAINAGE FEATURES AT THE ROAD SURFACE.</li><li>▪ THEREFORE, THE HARDSHIP ALLEGED BY THE APPLICANT CONCERNING THE LOSS OF THE GARAGE IS A SELF-CREATED CIRCUMSTANCE. THE GRANTING OF A VARIANCE TO ALLOW THE PROPOSED GARAGE WOULD THEREBY ALLOW AN ADDITION THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT AND CONFER SPECIAL PRIVILEGES DENIED TO OTHERS IN THE R-1A DISTRICT. REASONABLE USE OF THE PROPERTY WOULD ALSO BE RETAINED WITHOUT THE REQUESTED FRONT YARD SETBACK VARIANCE.</li></ul></li></ul></li></ul>

<b>STAFF RECOMMENDATION</b>	<p>STAFF RECOMMENDS <u>DENIAL</u> OF THE FRONT YARD SETBACK VARIANCE, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP APPLICABLE TO THE REQUEST FRONT YARD REDUCTION. STAFF'S RECOMMENDATION IS CONDITIONED UPON THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED CARPORT, AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>
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**COPY**

APL. NO. BV2004-055

**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.

**VARIANCE** <sup>FRONT YARD SETBACK</sup> <sup>VARIANCE FROM</sup> 25' TO 7.6' <sup>SETBACK FOR 1 CARPORT</sup> APPLICATION TYPE: PROPOSED

**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	<u>ELAINE A. POORE</u>	
ADDRESS	<u>103 HIGHLAND DR</u> <u>FERN PARK, FL 32730</u>	
PHONE 1	<u>407-331-9279</u>	
PHONE 2	<u>407-834-2754</u>	
E-MAIL		

PROJECT NAME: ELAINE A. POORE

SITE ADDRESS: 103 HIGHLAND DR.

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: LEG LOT 3 PRAIRIE LAKE HEIGHTS P.B. 10 PG. 58

SIZE OF PROPERTY: 9,800 sq. acre(s) PARCEL I.D. 18-21-30-5 DW-0000-0030

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS —

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on May (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.

Elaine Poore 3/30/04  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

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 \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$ 150 COMMISSION DISTRICT 4 FLU/ZONING LDR / R1A

LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF HIGHLAND DRIVE  
APPROX 200' SOUTH OF SOUTH ST.

PLANNER VB DATE 4 / 02 / 04

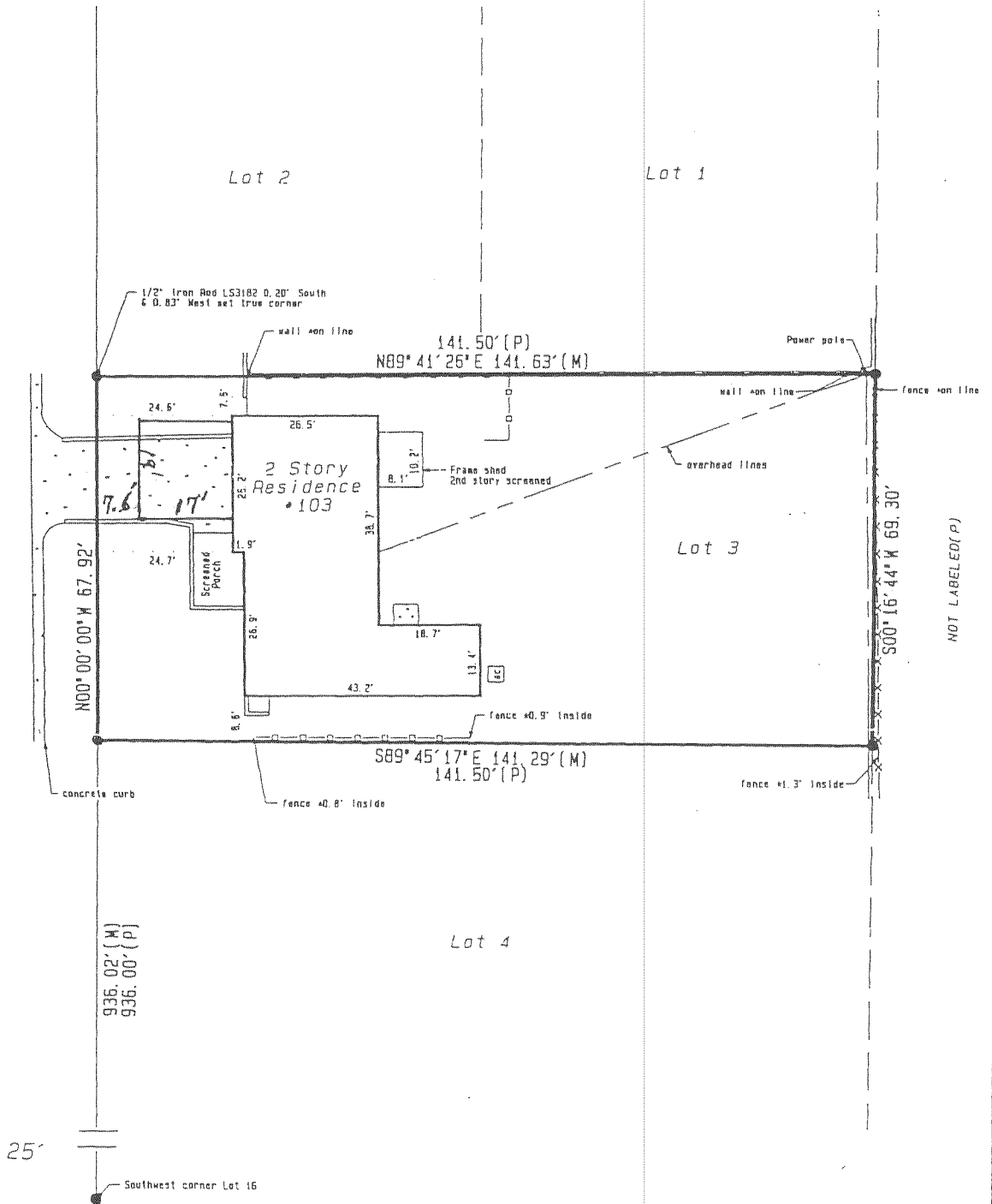
SUFFICIENCY COMMENTS \_\_\_\_\_

# Boundary Survey for Elaine Poore

Lot 3,  
PRAIRIE LAKE HEIGHTS  
Plat Book 10, Page 58,  
Seminole County, Florida

25'

HIGHLAND DRIVE

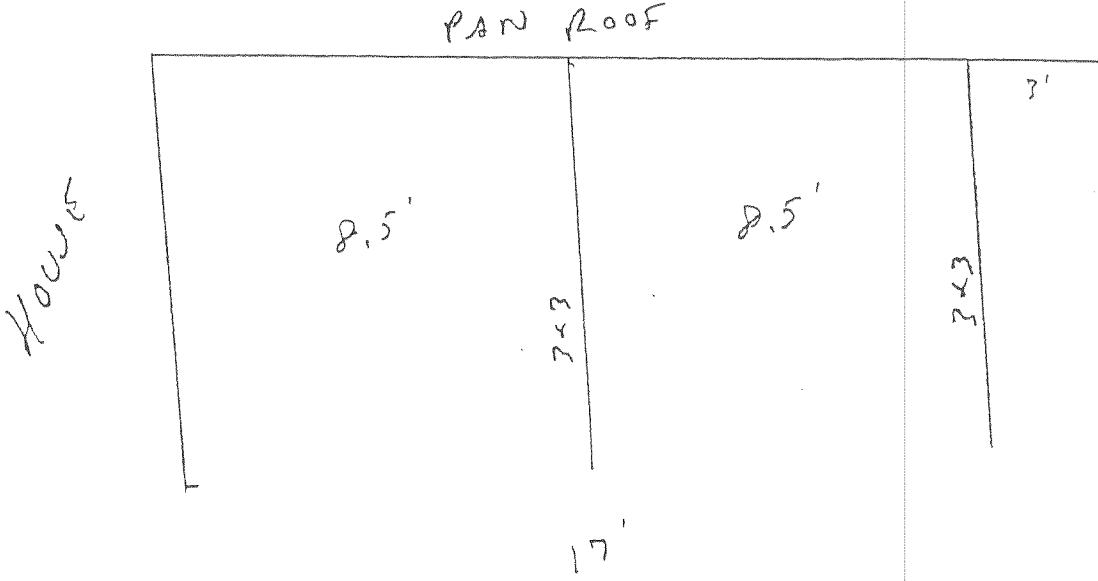
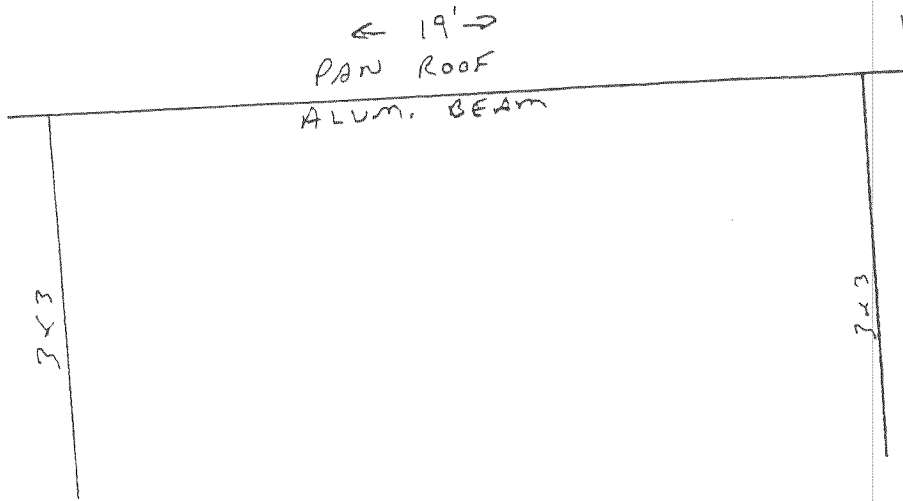


### Legend

- = Recovered 4"x4" Concrete Monument.
- = Set 4"x4" Concrete Monument #LB6300
- ▲ = Recovered 1" Iron Rod ac\*

This Survey Certified To:  
Elaine Poore

N



FLOOR

$\frac{1}{4}'' = 1'$

Dear Ladies and Gentlemen,

My name is Elaine Poore, age 72 and I have lived at Highland Dr. Fern Park since 1970. My street is a deadend street with no sidewalks. I live at the beginning of the street.

Thru the years the County has built up the road and raised the middle of the road so that all the rainwater coming down the street ran into my driveway into the garage. At times up to 3 inches of water flooding out my garage. My husband called the County several times with no results. My husband then blocked off the garage with cement blocks to about 3 feet and then had the driveway raised two and a half feet.

I had no more flooding, but lost the use of our two car garage.

Now that I am alone, I would like to have a nice carport attached to my house to shelter my car.

I am 72 years old and have to work. I work at an adult day care center at ST. MARY MAGDELENE and help take care of Alzheimer and stroke adults. When I come home I'm too tired to wash my car because of the dirt and leaves falling on my car.

I believe a nice carport will also bring value to my home and neighborhood. I have taken pictures of carports in my neighborhood and they really look good.

I feel the County is responsible for me not having my two car garage.

I'm not asking for much, just a little of your right of way.

I have enough money saved for the carport, it has to be now while I can afford it.

Thank You

Elaine Poore  
103 Highland Drive  
Fern Park, Fl., 32730



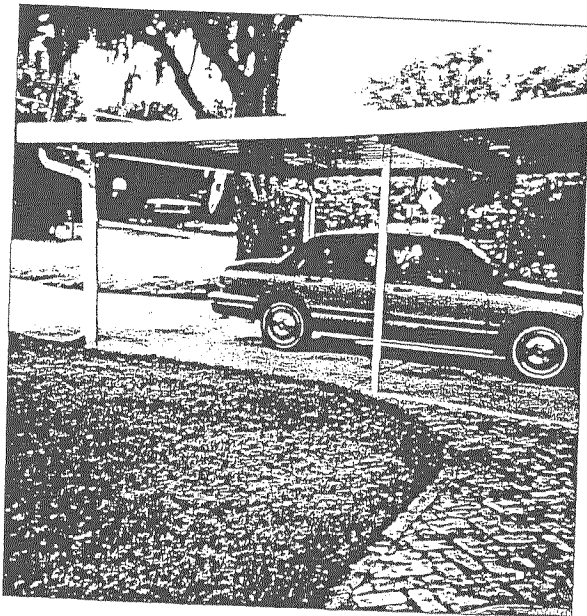
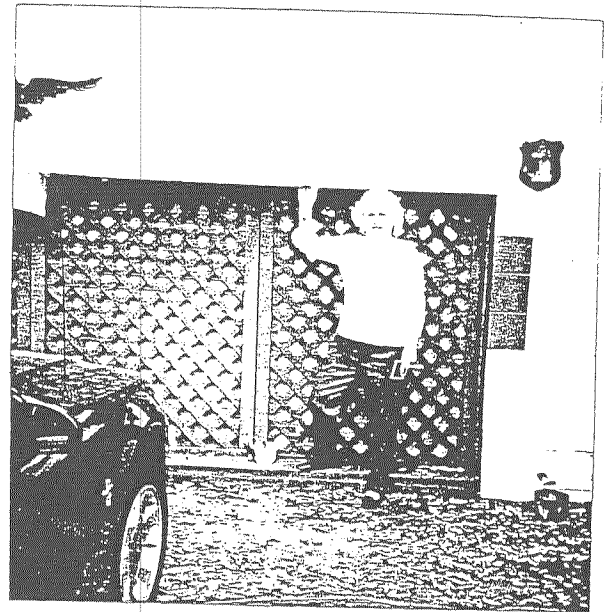
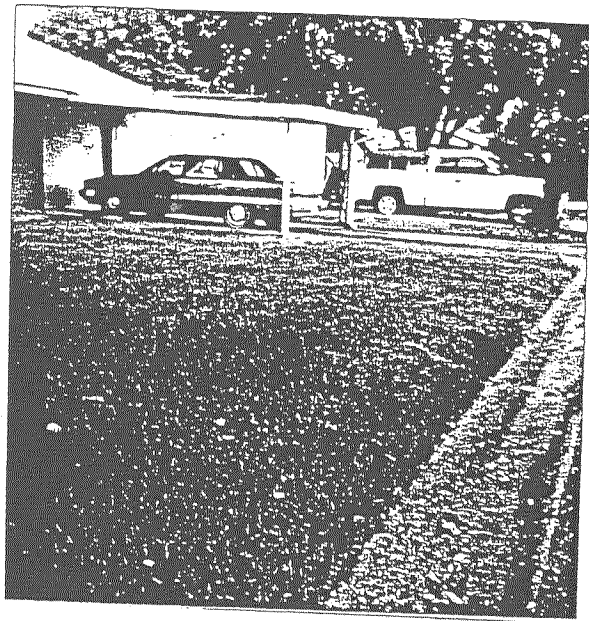


Karen Mathews

06/04/2004 04:45 PM

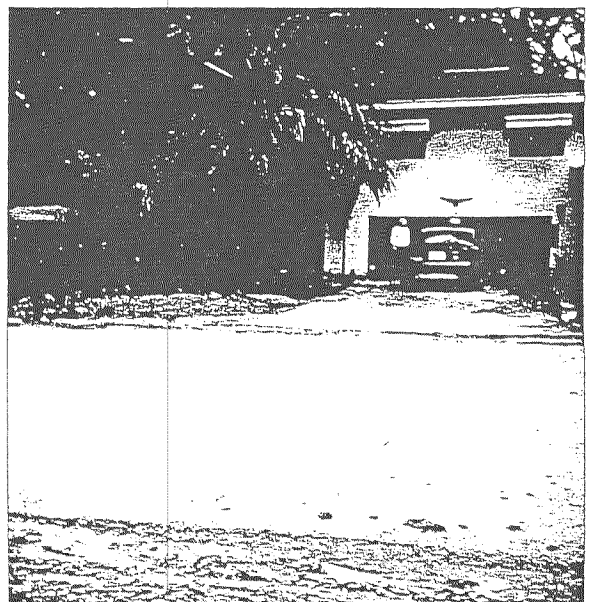
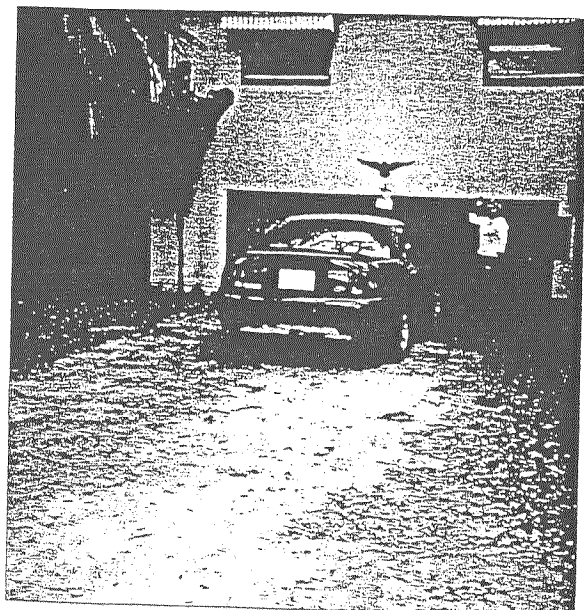
To: Francisco Torregrosa/Seminole@Seminole, Earnest  
McDonald/Seminole@Seminole  
cc:  
Subject: Ms. Elaine Poore of 103 Highland Drive (BV2004-055) will be out of town on June 28th and she wants JV to stand in for her at the meeting. Her case was continued from the May 24th meeting.


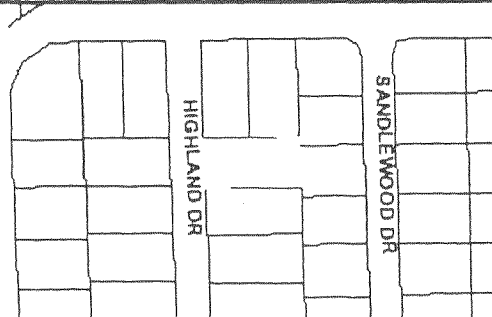
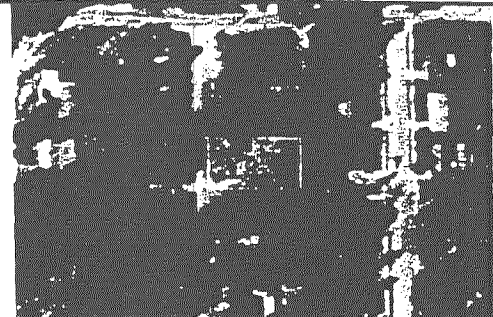
Karen Mathews  
Senior Staff Assistant  
1101 E. 1st St.  
Room 2201  
Sanford, FL 32771  
407 665-7371  
407 665-7385 (fax)



SKULS CARPORT AS AT

HICAPPORT AT HICAPPORT

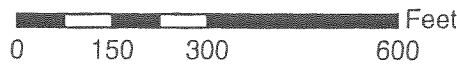


<b>PARCEL DETAIL</b>	<b>REAL ESTATE</b>	<b>PERSONAL PROP.</b>	<b>TAX ROLL</b>	<b>SALES SEARCH</b>	◀ ◁ Back ▷ ▶												
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford, FL 32771 407-665-7500</p>																	
<p style="text-align:center;"><b>GENERAL</b></p> <p>Parcel Id: 18-21-30-5DW-0000-0030      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: POORE ELAINE A      Exemptions: 00-HOMESTEAD</p> <p>Address: 103 HIGHLAND DR</p> <p>City,State,ZipCode: CASSELBERRY FL 32730</p> <p>Property Address: 103 HIGHLAND DR CASSELBERRY 32730</p> <p>Subdivision Name: PRAIRIE LAKE HEIGHTS</p> <p>Dor: 01-SINGLE FAMILY</p>			<p style="text-align:center;"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$79,999</p> <p>Depreciated EXFT Value: \$1,997</p> <p>Land Value (Market): \$12,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$93,996</p> <p>Assessed Value (SOH): \$78,279</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$53,279</p>														
<p style="text-align:center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>QUIT CLAIM DEED</td> <td>10/1991</td> <td>02366</td> <td>1115</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align:center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	10/1991	02366	1115	\$100	Improved	<p style="text-align:center;"><b>2003 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,079</p> <p>2003 Tax Bill Amount: \$757</p> <p>Savings Due To SOH: \$322</p> <p>2003 Taxable Value: \$51,444</p> <p style="text-align:center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
Deed	Date	Book	Page	Amount	Vac/Imp												
QUIT CLAIM DEED	10/1991	02366	1115	\$100	Improved												
<p style="text-align:center;"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>12,000.00</td> <td>\$12,000</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	12,000.00	\$12,000	<p style="text-align:center;"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOT 3 PRAIRIE LAKE HEIGHTS PB 10 PG 58</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value												
LOT	0	0	1.000	12,000.00	\$12,000												
<b>BUILDING INFORMATION</b>																	
Bid Num	Bid Type	Year Bilt	Fixtures	Gross SF	Heated SF	Ext Wall	Bid Value	Est. Cost New									
1	SINGLE FAMILY	1957	6	2,259	1,584	CONC BLOCK	\$79,999	\$109,587									
			Appendage / Sqft			UTILITY FINISHED / 675											
			Appendage / Sqft			UPPER STORY FINISHED / 675											
<b>EXTRA FEATURE</b>																	
Description		Year Bilt	Units	EXFT Value	Est. Cost New												
ALUM SCREEN PORCH W/CONC FL		1990	140	\$635	\$1,190												
WOOD UTILITY BLDG		1990	140	\$370	\$840												
ALUM SCREEN PORCH W/CONC FL		1999	140	\$992	\$1,190												
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																	

BACK
PROPERTY APPRAISER HOME PAGE
CONTACT



# Elaine A. Poore 103 Highland Drive



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 PRAIRIE LAKES HEIGHTS PB 10 PG 58

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

**FINDINGS OF FACT**

**Property Owner:** ELAINE POORE  
103 HIGHLAND DRIVE  
CASSELBERRY, FL 32730

**Project Name:** HIGHLAND DRIVE (103)

**Requested Development Approval:**

FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 7.6 FEET FOR A PROPOSED CARPORT IN THE R-1AA (SINGLE-FAMILY DWELING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner  
1101 East First Street  
Sanford, Florida 32771

**Order**

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

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted shall apply only to the existing lot and proposed carport, as shown on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

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

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: