

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 11 FEET FOR AN EXISTING SHED IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (KATHRYN KONITZER & RICHARD MERRITT, APPLICANTS).

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

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

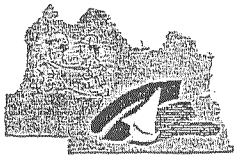
Agenda Date 07-26-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 11 FEET FOR AN EXISTING SHED IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (KATHRYN KONITZER & RICHARD MERRITT, APPLICANTS); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 11 FEET FOR AN EXISTING SHED IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (KATHRYN KONITZER & RICHARD MERRITT, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: LOCATION: ZONING:	KATHRYN KONITZER & RICHARD MERRITT 108 WILLOW TREE LANE R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • WITHOUT A BUILDING PERMIT, THE APPLICANTS CONSTRUCTED A SHED THAT ENCROACHES 19 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK. • THE AFOREMENTIONED REAR YARD SETBACK VARIANCE IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<p>THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE EXISTING SHED HAVE BEEN DEMONSTRATED BY THE APPLICANTS. • THE EXISTING SHED COULD HAVE BEEN BUILT TO 	

	<p>COMPLY WITH THE MINIMUM APPLICABLE SETBACKS OF THE R-1AA DISTRICT.</p> <ul style="list-style-type: none">• THE REQUEST WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.• THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCES.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

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** REAR YARD SETBACK VARIANCE FROM 30 FT TO 11 FT FOR AN EXISTING SHED
- 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>Kathryn Kenitzer - Richard Merritt</u>	
ADDRESS	<u>108 Willow Tree Lane</u>	
PHONE 1	<u>407-831-6567</u>	
PHONE 2	<u>407-782-5865</u>	
E-MAIL		

PROJECT NAME: Build new shed

SITE ADDRESS: 108 Willow Tree Lane

CURRENT USE OF PROPERTY: single family home

LEGAL DESCRIPTION: LEG LOT 6 BLK N Woodlands sec 2 PB 16 PG 39

SIZE OF PROPERTY: 3/4 acre(s) PARCEL I.D. 36-20-29-503-0N00-0060

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS No Permit

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on July 26, 2004 (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.

Richard Merritt 5-28-04
 SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.
 t:\p\projects\boa\master forms & lists\boa applications\boa application.doc

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 _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 4 FLU/ZONING LDR R1AA
 LOCATION FURTHER DESCRIBED AS ON THE NE SIDE OF WILLOW
TREE LANE APPROX 1/10 MI. EAST OF FOXRIDGE RUN

PLANNER PJ? DATE 5/28

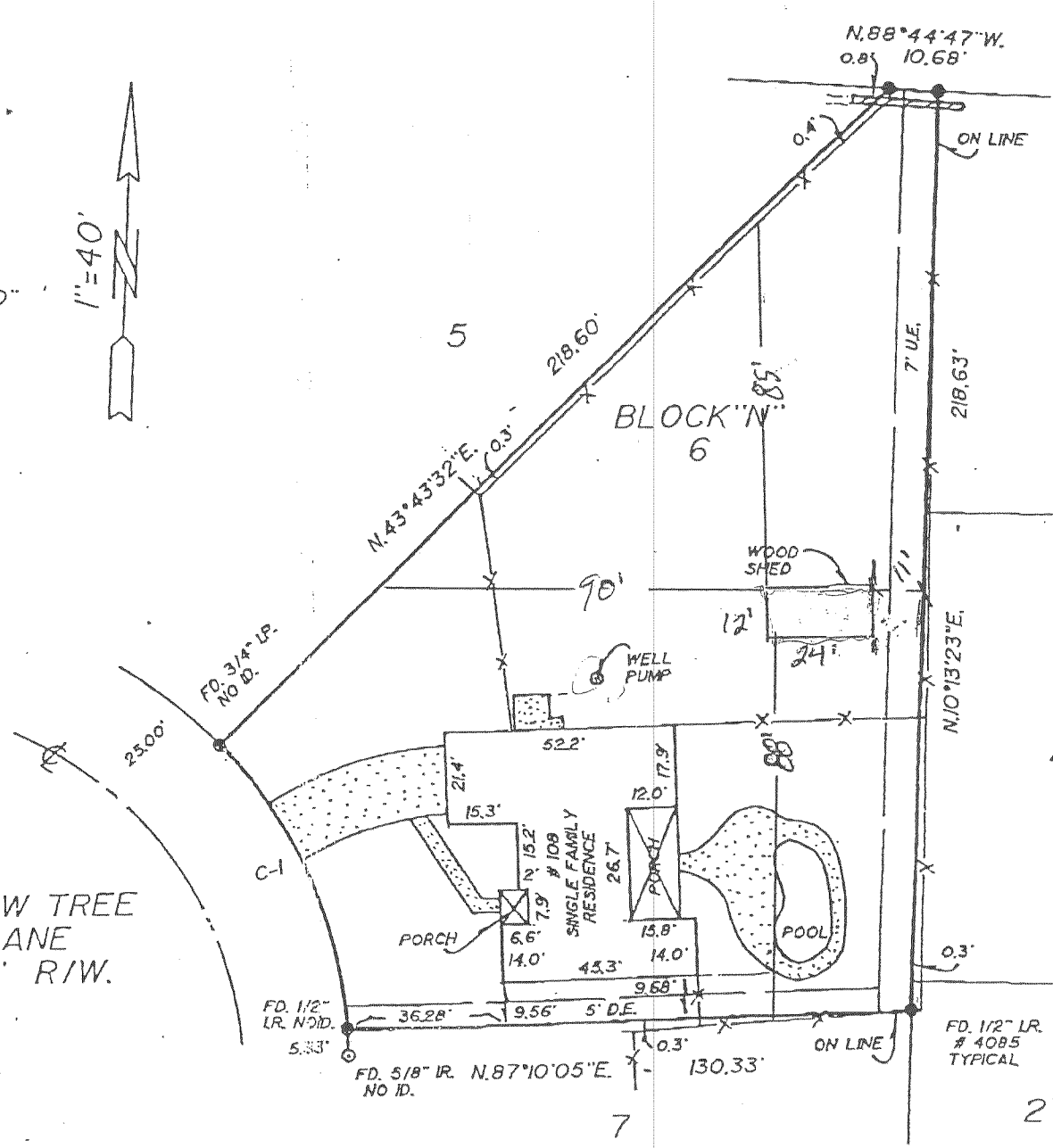
SUFFICIENCY COMMENTS _____

LONGWOOD MAR

C-1
 DELTA= 43°26'30"
 RADIUS= 100.00'
 LENGTH= 75.82'

1"=40'

WILLOW TREE LANE
 50' R/W.

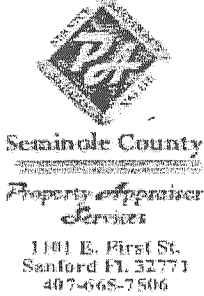
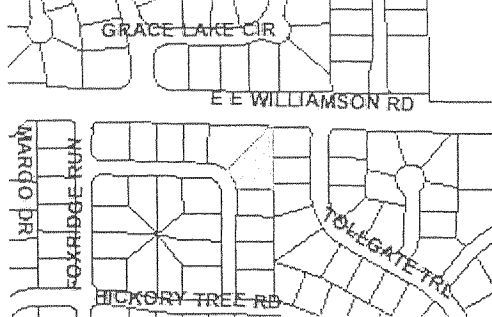
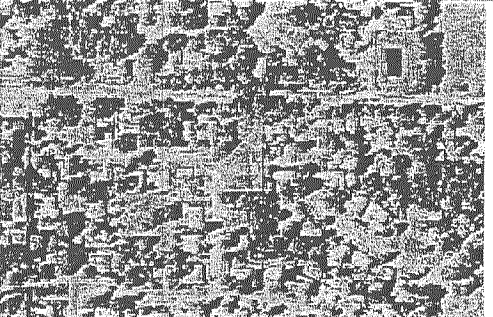


LEGEND

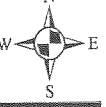
—	WOOD FENCE	D.E.	DRAINAGE EASEMENT
—	WIPE FENCE	U.E.	UTILITY EASEMENT
Δ	NAIL	FD.	FOUND
O	PROPERTY CORNER	P	PLAT
R	RECORD	ASPHLT	ASPHALT
M	FIELD MEASURED	O.H.L.	OVERHEAD UTILITY POLE
C	CALCULATED	P.P.	POWER POLE
CL	CLEAR	TX	TRANSFORMER
ENCR	ENCROACHMENT	CATV	CABLE RISER
CL	CENTERLINE	W.M.	WATER METER
—	CONCRETE	TEL.	TELEPHONE FACILITIES
R	PROPERTY LINE	⊠	COVERED AREA
C.M.	CONCRETE MONUMENT	B.R.	BEARING REFERENCE
F.I.R.	FOUND IRON ROD	CH	CHORD
F.I.P.	FOUND IRON PIPE	RAD	RADIAL
R/W	RIGHT OF WAY	N.R.	NON RADIAL

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

SIGNED
 RALPH SWERDLOFF
 REGISTERED LAND SURVEYOR NO. 3411
 STATE OF FLORIDA

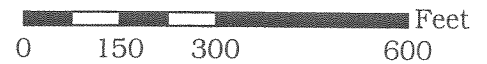
PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																																								
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																													
<p align="center">GENERAL</p> <p>Parcel Id: 36-20-29-503-0N00-0060 Tax District: 01-TX DIST 1 - COUNTY Owner: KONITZER KATHRYN M & Exemptions: 00-HOMESTEAD Own/Addr: MERRITT RICHARD A Address: 108 WILLOW TREE LN City,State,ZipCode: LONGWOOD FL 32750 Property Address: 108 WILLOW TREE LN LONGWOOD 32750 Subdivision Name: WOODLANDS SEC 2 Dor: 01-SINGLE FAMILY</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$97,490 Depreciated EXFT Value: \$5,553 Land Value (Market): \$26,000 Land Value Ag: \$0 Just/Market Value: \$129,043 Assessed Value (SOH): \$98,267 Exempt Value: \$25,000 Taxable Value: \$73,267</p>																																										
<p 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>03/1995</td> <td>02890</td> <td>0925</td> <td>\$109,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1988</td> <td>01983</td> <td>0962</td> <td>\$107,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>02/1984</td> <td>01528</td> <td>1669</td> <td>\$15,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01146</td> <td>0704</td> <td>\$56,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01081</td> <td>1684</td> <td>\$47,900</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/1995	02890	0925	\$109,900	Improved	WARRANTY DEED	08/1988	01983	0962	\$107,000	Improved	QUIT CLAIM DEED	02/1984	01528	1669	\$15,000	Improved	WARRANTY DEED	01/1977	01146	0704	\$56,000	Improved	WARRANTY DEED	01/1976	01081	1684	\$47,900	Improved	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,814 2003 Tax Bill Amount: \$1,225 Savings Due To SOH: \$589 2003 Taxable Value: \$71,435 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>																																													

Kathryn Konitzer & Richard Merritt
108 Willow Tree Lane



Parcel: 36-20-29-503-0N00-0060 / District: 4

BV2004-102
July, 2004



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 LOTS 13 & 14 BLK D WEST ALTAMONTE HEIGHTS SEC 3 PB 10 PG 76

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

FINDINGS OF FACT

Property Owner: KATHRYN KONITZER & RICHARD MERRITT
108 WILLOW TREE LANE
LONGWOOD, FL 32750

Project Name: WILLOW TREE LANE (108)

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 11 FEET FOR AN EXISTING SHED IN THE R-1AA ZONING 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 will apply only to the existing shed as depicted 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: