

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR (1) (NORTH) SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (2) (SOUTH) SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (KEVIN AND SANDRA HUGHES, APPLICANTS).

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

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

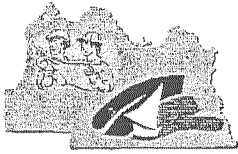
**Agenda Date** 07-26-04 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) (NORTH) SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (2) (SOUTH) SIDE YARD SETBACK FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (KEVIN AND SANDRA HUGHES, APPLICANTS); OR
2. **DENY** THE REQUEST FOR (1) (NORTH) SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (2) (SOUTH) SIDE YARD SETBACK FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (KEVIN AND SANDRA HUGHES, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> KEVIN & SANDRA HUGHES <b>LOCATION:</b> 4180 LAKE HARNEY CIRCLE <b>ZONING:</b> R-1A (SINGLE FAMILY DWELLING DISTRICT)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS PROPOSE TO CONSTRUCT A SINGLE-FAMILY HOME, APPROXIMATELY 2000 SQUARE FEET IN SIZE, WITH A TWO-CAR GARAGE.</li> <li>• APPROXIMATELY A MONTH AGO, A SINGLE-FAMILY HOME CONSTRUCTED IN 1940, WAS DEMOLISHED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE SUBJECT PROPERTY WAS PLATTED IN 1946 AND PRIOR TO SEMINOLE COUNTY'S ADOPTION OF COMPREHENSIVE ZONING REGULATIONS ON MAY 1, 1960. STAFF'S INTERPRETATION OF SECTION 30.1348</li> </ul>

	<p>(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 A-1 DISTRICT. UNDER THIS INTERPRETATION, THE PREVIOUS HOME ESTABLISHED THE BUILDABILITY OF THE SUBJECT PROPERTY PRIOR TO THE ADOPTION OF ZONING REGULATIONS IN 1960, AND THE PROPOSED HOME COULD BE CONSTRUCTED AS LONG AS APPLICABLE SETBACKS WERE ADHERED TO.</p> <ul style="list-style-type: none"><li>• THE PROPOSED ENCROACHMENT INTO THE MINIMUM SIDE YARD SETBACKS IS THE REASON FOR THE REQUEST. STAFF HAS DETERMINED THE PROPERTY'S WIDTH IS IDENTICAL TO THAT OF THE R-1B (SINGLE-FAMILY DWELLING DISTRICT). FOR THIS REASON, STAFF BELIEVES THE R-1B DISTRICT'S MINIMUM SIDE YARD SETBACK OF 5 FEET TO BOTH THE NORTH AND SIDE YARDS OF THE SUBJECT PROPERTY WOULD ENSURE COMPATIBILITY WITH THE TREND OF NEARBY SINGLE-FAMILY DEVELOPMENT:</li><li>• WITHOUT THE REQUESTED VARIANCES, REASONABLE USE OF THE SUBJECT PROPERTY WOULD BE SEVERELY COMPROMISED, AS A HOUSE NO WIDER THAN 30 FEET COULD BE CONSTRUCTED.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS APPROVAL OF THE REQUEST WITH THE FOLLOWING CONDITIONS:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED HOME, 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></li></ul>



KF

**COPY**

BV2004-167

**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: 7.5

**VARIANCE** Side yard width at building line to 5' (both sides)  
 → SEE PAGE 2 COMMENTS

**SPECIAL EXCEPTION** none

**MOBILE HOME SPECIAL EXCEPTION** none

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** none

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Kevin & Sandra Hughes	
ADDRESS	1066 Big oaks Blvd Oviedo FL 32765	
PHONE 1	407-359-5168	
PHONE 2	407-687-3357	
E-MAIL	RVPaintman@aol.com	

PROJECT NAME: Hughes Residence

SITE ADDRESS: 4180 LAKE HARNEY Circle, Geneva FL 32732

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: NLY 1/2 OF LOT 16 BLK 2 PB 7 PG 58

SIZE OF PROPERTY: 50' X 290.91' (acre(s)) PARCEL I.D. 30-20-33-501-0200-0160

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

KNOWN CODE ENFORCEMENT VIOLATIONS none known.

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 07/26/04  
 (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.

Kevin Hughes

SIGNATURE OF OWNER OR AGENT\*

6/2/2004 RECEIVED

DATE

JUN 03 2004

\* Proof of owner's authorization is required with submittal if signed by agent.  
 I:\pl\projects\boa\master forms & lists\boa applications\boa application.doc

ARIANCES

~~Case~~ #1

(SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5' TO 5'  
FOR PROPOSED RESIDENCE,

NACE #2

(NORTH) SIDE YARD SETBACK VARIANCE FROM 7.5' TO 5'  
FOR PROPOSED RESIDENCE

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

DEAL 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 2 FLU/ZONING R5-CONS/R1A+A-1  
 LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF  
 LAKE HARNEY RD APPROX 0.2 MI SE OF  
 MARION AVE.  
 PLANNER VB DATE 6/3  
 SUFFICIENCY COMMENTS REVIEW FOR VARIANCE DEF.'S  
 AVE CALLED APPLICANT & NEED ADDITIONAL  
 CHECK TO COVER REQUESTS. (\$50)

DIFFERENT  
ON DIFFERENT  
SIDES OF LAKE

NEED ADDITIONAL \$50 CHECK. A



Karen,

Enclosed is our application for our variance request to change the side setback to 5' on each side of our proposed home. Please review the site plans (2) enclosed and use whichever one is easier for the variance committee to read.

I have been working with Angie (x7437) on the information needed. She told me to let you know if there was any additional information you needed, to feel free to contact her.

or, feel free to contact me at 407-687-3357 if you have any questions.

Thank you so much for your help.

Sincerely,

Sandy Hughes

RECEIVED

JUN 03 2004

Via Fedex

1971 tax roll - Submit w/ variance App.

http://www.seminolecountyfl.gov/pd/planning/pdf/taxroll/T20R33.pdf - Microsoft Internet Explorer provided by Seminole County

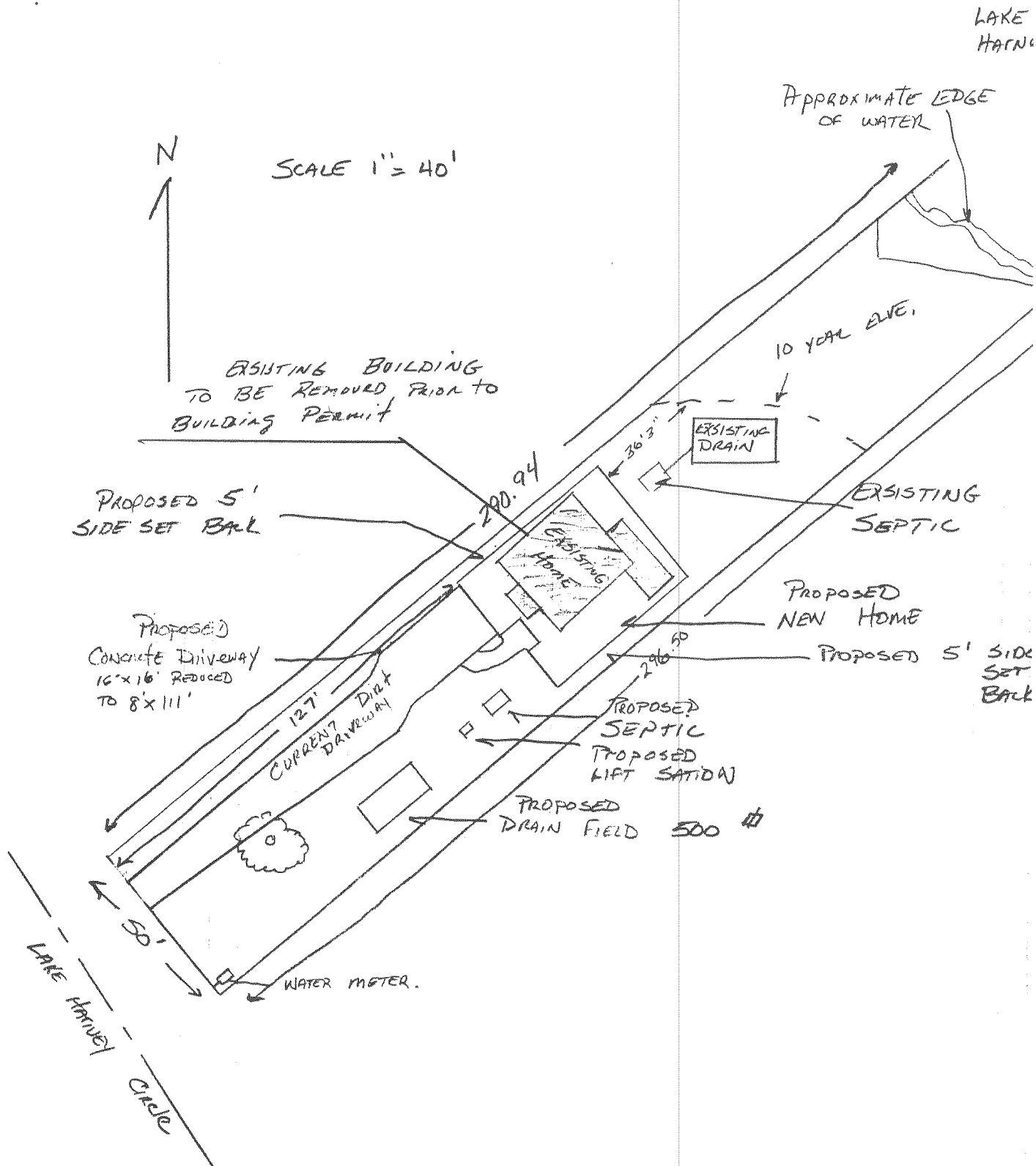
File Edit View Favorites Tools Help

Address http://www.seminolecountyfl.gov/pd/planning/pdf/taxroll/T20R33.pdf

400%

443	HENDRICKSON ROBERT W + FLORA P O BOX 251 GENEVA FLA 32732	30 20 33 501 0200 0150 LOT 15 BLK 2 REST HAVEN PB 7 PG 58
444	DRUMN A D + VIRGINIA M RT 1 BOX 289E DYLEDU FLA 32765	30 20 33 501 0200 016A SLY 1/2 UF LOT 16 BLK 2 REST HAVEN PB 7 PG 58
445	ELLIOTT PAUL O + CATHERINE Y 265 HUNT ST MLKRITT ISLAND FLA 32952	30 20 33 501 0200 0160 NLY 1/2 UF LOT 16 BLK 2 REST HAVLN PB 7 PG 58
	SCLUMON MICHAEL 812 E PINE ST ORLANDO FLA	30 20 33 501 0200 017A LOT 17 XLESS S 300 FT) BLK 2 REST HAVEN PB 7 PG 58

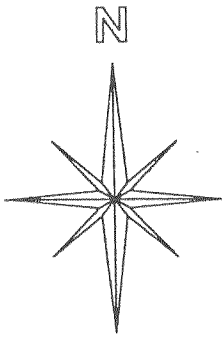
2 of 3 12.16 x 16.99 in



PARCEL # 30-20-33-501-0200-0160

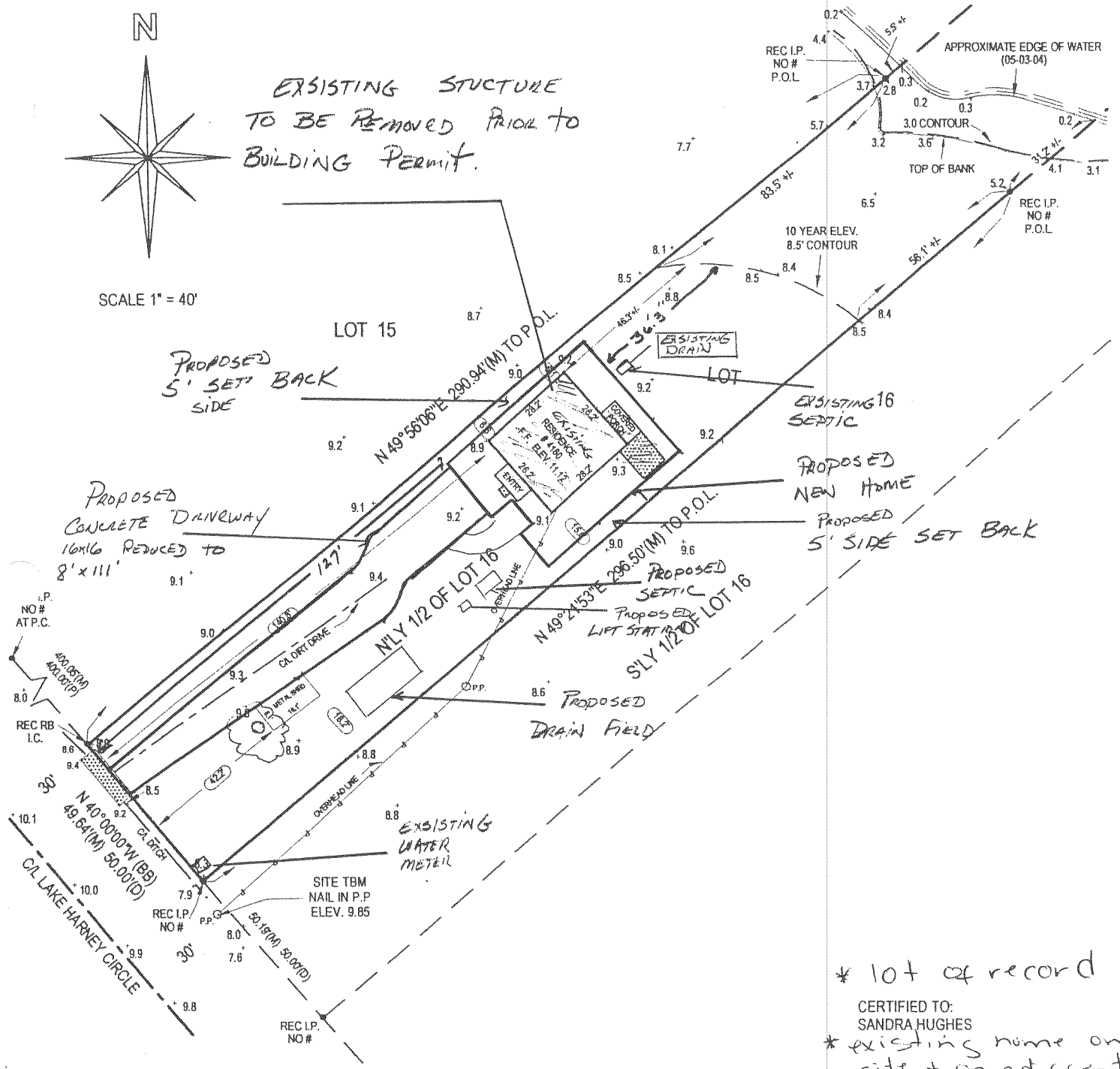
KEVIN + SANDY HUGHES

LAKE HARNEY  
LAKE ELEV. 0.15  
(05-03-04)



SCALE 1" = 40'

EXISTING STRUCTURE  
TO BE REMOVED PRIOR TO  
BUILDING PERMIT.




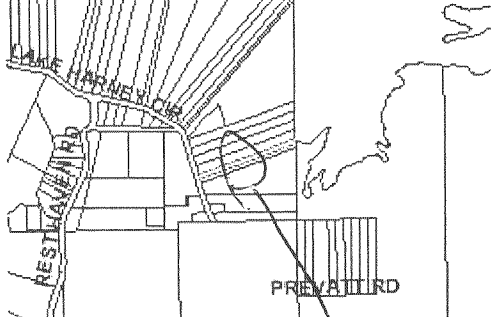

\* lot of record  
CERTIFIED TO:  
SANDRA HUGHES  
\* existing home on  
site + on adjacent  
sites

2000 (40x50)  
sq ft home  
w/garage

9200 sq ft  
lot

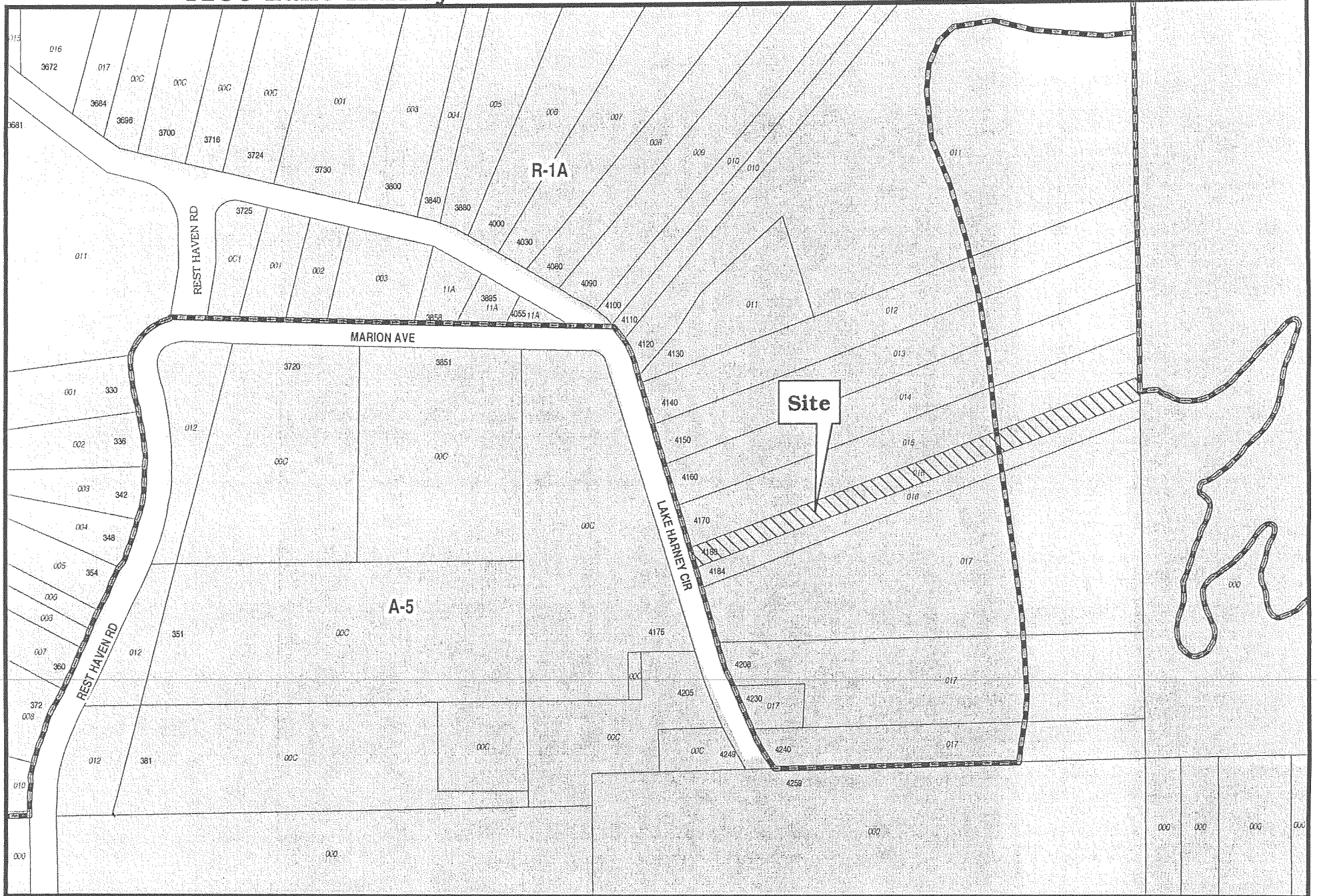
DESCRIPTION: THE NORTHERLY 1/2 OF LOT 16, REST HAVEN ON LAKE HARNEY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE(S) 57-58, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



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"><b>GENERAL</b></p> <p>Parcel Id: 30-20-33-501-0200-0160    Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: HUGHES KEVIN C &amp; SANDRA E    Exemptions: <i>LAKE IN CENTER</i></p> <p>Address: 1066 BIG OAKS BLVD</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 4160 LAKE HARNEY CIR GENEVA 32732</p> <p>Subdivision Name: REST HAVEN</p> <p>Dor: 01-SINGLE FAMILY</p>			<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$18,822</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$37,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$55,822</p> <p>Assessed Value (SOH): \$55,822</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$55,822</p>																						
<p align="center"><b>SALES</b></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>QUIT CLAIM DEED</td> <td>05/2004</td> <td>05310</td> <td>0009</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	05/2004	05310	0009	\$100	Improved	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$729</p> <p>2003 Taxable Value: \$42,515</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>										
Deed	Date	Book	Page	Amount	Vac/Imp																				
QUIT CLAIM DEED	05/2004	05310	0009	\$100	Improved																				
<p align="center"><b>LAND</b></p> <table border="1"> <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>FRONT FOOT &amp; DEPTH</td> <td>50</td> <td>267</td> <td>.000</td> <td>600.00</td> <td>\$36,900</td> </tr> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>100.00</td> <td>\$100</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	50	267	.000	600.00	\$36,900	LOT	0	0	1.000	100.00	\$100	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG NLY 1/2 OF LOT 16 BLK 2 REST HAVEN PB 7 PG 58</p>				
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<p align="center"><b>BUILDING INFORMATION</b></p> <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Heated SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1950</td> <td>3</td> <td>576</td> <td>631</td> <td>576</td> <td>SIDING AVG</td> <td>\$18,822</td> <td>\$28,957</td> </tr> </tbody> </table> <p>Appendage / Sqft      OPEN PORCH UNFINISHED / 55</p>						Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	1950	3	576	631	576	SIDING AVG	\$18,822	\$28,957
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<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.  <b>***</b> 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](#)

# Kevin & Sandra Hughes 4180 Lake Harney Circle



Parcel: 30-20-33-501-0200-0160 / District: 2

**BV2004-107**  
**July, 2004**

0 150 300 600 Feet

**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 NLY ½ LOT 16 BLK 2 REST HAVEN PB 7 PG 58

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

**FINDINGS OF FACT**

**Property Owners:** KEVIN AND SANDRA HUGHES  
1066 BIG OAKS BOULEVARD  
OVIEDO, FL 32765

**Site Address:** 4160 LAKE HARNEY CIRCLE

**Requested Development Approval:**

- (1) SIDE (NORTH) YARD SETBACK FROM 7.5 FEET TO 5 FEET; AND
- (2) SIDE (SOUTH) YARD SETBACK FOR A PROPOSED HOME

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: Kathy Fall  
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED HOME, 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 Matthew West 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: