

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (JAMES TAYLOR, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Kathy Fall/Jason Showe EXT. 7398

Agenda Date 09-27-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (JAMES TAYLOR, APPLICANT); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (JAMES TAYLOR, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: JAMES TAYLOR OWNER: PAMELA SMANT LOCATION: 2848 ASHTON TERRACE ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION, APPROXIMATELY 17 FEET X 32 FEET (544 SQUARE FEET) TO AN EXISTING HOME. • THE PROPOSED ADDITION WOULD ENCROACH 20 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFOREMENTIONED REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET IS THEREBY REQUESTED. • THERE IS A 6 FOOT MASONRY WALL ALONG THE EAST PROPERTY LINE, ADJACENT TO WHERE THE ADDITION IS PROPOSED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA

	<p>FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE GRANTING OF THE VARIANCE.• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT, WITHOUT THE DEMONSTRATION OF A HARDSHIP.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, 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 PROPOSED ADDITION 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

RECEIVED

AUG 05 2004

APPL. NO. BV 2004-136

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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

VARIANCE

APPLICATION TYPE: Rear yard
SIDE street setback variance from 25' to 10'
for a proposed addition. IR

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	PAMELA K SMANT	JAMES TAYLOR
ADDRESS	2848 ASHTON TER. OVIEDO FL. 32765	1510 E. CORONAL DR ORLANDO FL. 32803
PHONE 1	407-920-3047	407-895-9028
PHONE 2	407-971-8996	321-689-2708
E-MAIL	Smant@HBIFL.COM	DESIGNWEST ASSCO. @ AOL.COM

PROJECT NAME: Smant RESIDENCE

SITE ADDRESS: 2848 ASHTON TER.

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: LOT 10 WENTWORTH ESTATES, PB 51 Pgs 59,60
SEMINOLE COUNTY FL.

SIZE OF PROPERTY: 1/3 acre(s) PARCEL I.D. 293131503 0000 0100

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on SEPTEMBER 27, 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.

SIGNATURE OF OWNER OR AGENT*

8-5-04
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 _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 1 FLU / ZONING MARLR-1AA

LOCATION FURTHER DESCRIBED AS NE corner of Ashton Terr
approx 500' from Knightsbridge Way

PLANNER JU DATE 8/5/04

EFFICIENCY COMMENTS _____

August 4, 2004

Seminole County Planning & Development Department
1101 East First Street
Sanford, FL 32771

Attn: Planning Division - Board of Adjustments

Re: Variance for 2848 Ashton Terrace, Oviedo, FL 32765

To Whom It May Concern:

I am aware that our neighbors at the above address are planning to build an addition on the side of their existing garage. My signature on this letter is to advise the Board that I have no objections to the proposed addition. I believe it will be an improvement to the property. It will not have a negative impact to my property or to the neighborhood in general.

Sincerely,

<u>Name</u>	<u>Signature</u>	<u>Address</u>
<u>Sharon Jordan</u>	<u>Sharon Jordan</u>	<u>2836 Ashton Ter.</u>
<u>Brenda Perez</u>	<u>Brenda Y Perez</u>	<u>2852 Ashton Ter.</u>
<u>JERILYN KEEPS</u>	<u>Jerilyn Keeps</u>	<u>2856 Ashton Ter.</u>
<u>Debra Knox</u>	<u>Michael L Knox</u>	<u>2868 Ashton Ter.</u>
_____	_____	_____ Ashton Ter.
_____	_____	_____ Ashton Ter.

POWER OF ATTORNEY

Date: Thursday, August 05, 2004.

I hereby name and appoint Mr. James Taylor

Of 6357 Sleepy Hollow Drive, Orlando, Fl 32810. to be my lawful attorney

In fact to act for me and apply to Seminole County Board of Adjusters for

A VARIANCE for work to be preformed

At the location described as: Section _____ Township _____ Range _____

Lot 10 Block _____ Subdivision WENTWORTH ESTATES

2848 Ashton Terrace, Oviedo, Fl 32765.

Address of Project

Mrs. Pamela Smart

Print Name of Owner

Pamela Smart

Signature of Owner

Acknowledged:

Subscribed and sworn to, before me this 5th day of August 2004,

By Pamela Smart { } who is personally known to me or { }

who has produced N/A as identification.

Sandra Valenza

Notary Public

My Commission Expires: 2/9/05



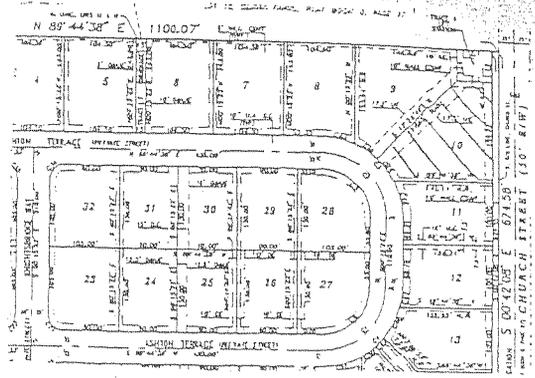
Sandra Valenza
MY COMMISSION # CC990338 EXPIRES
February 9, 2005
BONDED THRU TROY FAIN INSURANCE INC.

Legal Description

Lot 10, WENTWORTH ESTATES, according to the plat thereof, as recorded in Plat Book 51, Page(s) 59-60, of the Public Records of Seminole County, FL.

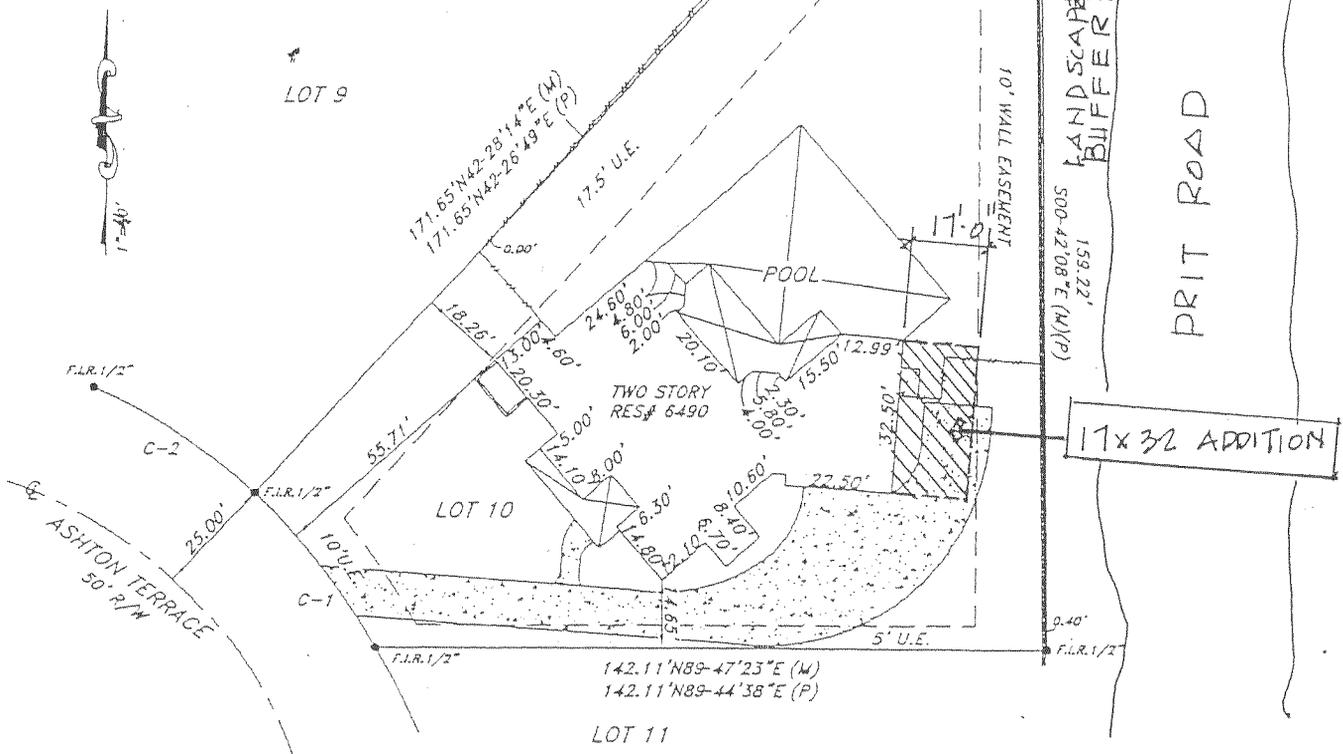
Community number: 120289 Panel: 0165
 Suffix: E F.I.R.M. Date: 4/17/95 Flood Zone: X
 Date of field work: 3/4/02 Completion Date: 3/4/02

Certified to:
 Joseph C. Zornik; Pamela K. Smant; Sunbelt Title Agency; First American Title Insurance Company; Bank of America, N.A., its successors and/or assigns.



CURVE TABLE (M)					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C-1	125.00'	42.00'	19-15'00"	41.80'	N38-00'47"W
C-2	125.00'	40.47'	18-33'06"	40.30'	N56-44'54"W

CURVE TABLE (P)					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C-1	125.00'	41.98'	19-14'37"	41.79'	N37-55'54"W
C-2	125.00'	40.47'	19-14'37"	40.30'	N56-49'42"W



- WOOD FENCE
- WIRE FENCE
- FOUND NAIL
- PROPERTY CORNER
- RECORD
- FIELD MEASURED
- CALCULATED
- CLEAR

- BLOCK WALL
- CENTRAL ANGLE/DELTA
- DEED BOOK
- DESCRIPTION OR DEED
- DRILL HOLE
- DRIVEWAY
- EASEMENT
- ELEVATION
- FINISHED FLOOR
- FOUND CONCRETE FOUNDMENT

GENERAL NOTES

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREBY WERE NOT ABSTRACTED FOR BASEMENTS

Property Address:
 2848 Ashton Terrace
 Oviedo, FL 32765

Survey number: SL 6490



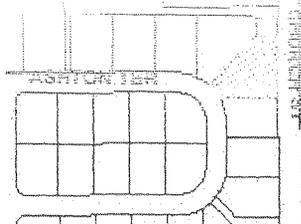
 Seminole County

 Appraisal Services

 1101 E. First St.

 Sebring, FL 32771

 407-866-7546



GENERAL

Parcel Id: 29-21-31-503-0000-0100 Tax District: 01-TX DIST 1 - COUNTY
 Owner: ZORNIK JOSEPH C & Exemptions: 00-HOMESTEAD
 Own/Addr: SMANT PAMELA K
 Address: 2848 ASHTON TER
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 2848 ASHTON TER OVIEDO 32765
 Subdivision Name: WENTWORTH ESTATES
 Dor: 01-SINGLE FAMILY

2004 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$258,516
 Depreciated EXFT Value: \$22,141
 Land Value (Market): \$50,500
 Land Value Ag: \$0
 Just/Market Value: \$331,157
 Assessed Value (SOH): \$303,595
 Exempt Value: \$25,000
 Taxable Value: \$278,595

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	10/2000	03938	1392	\$80,000	Improved

Find Comparable Sales within this Subdivision

2003 VALUE SUMMARY

Tax Value(without SOH): \$4,679
 2003 Tax Bill Amount: \$4,679
 Savings Due To SOH: \$0
 2003 Taxable Value: \$272,934
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	50,500.00	\$50,500

LEGAL DESCRIPTION PLAT

LOT 10 WENTWORTH ESTATES PB 51 PGS 59 & 60

BUILDING INFORMATION

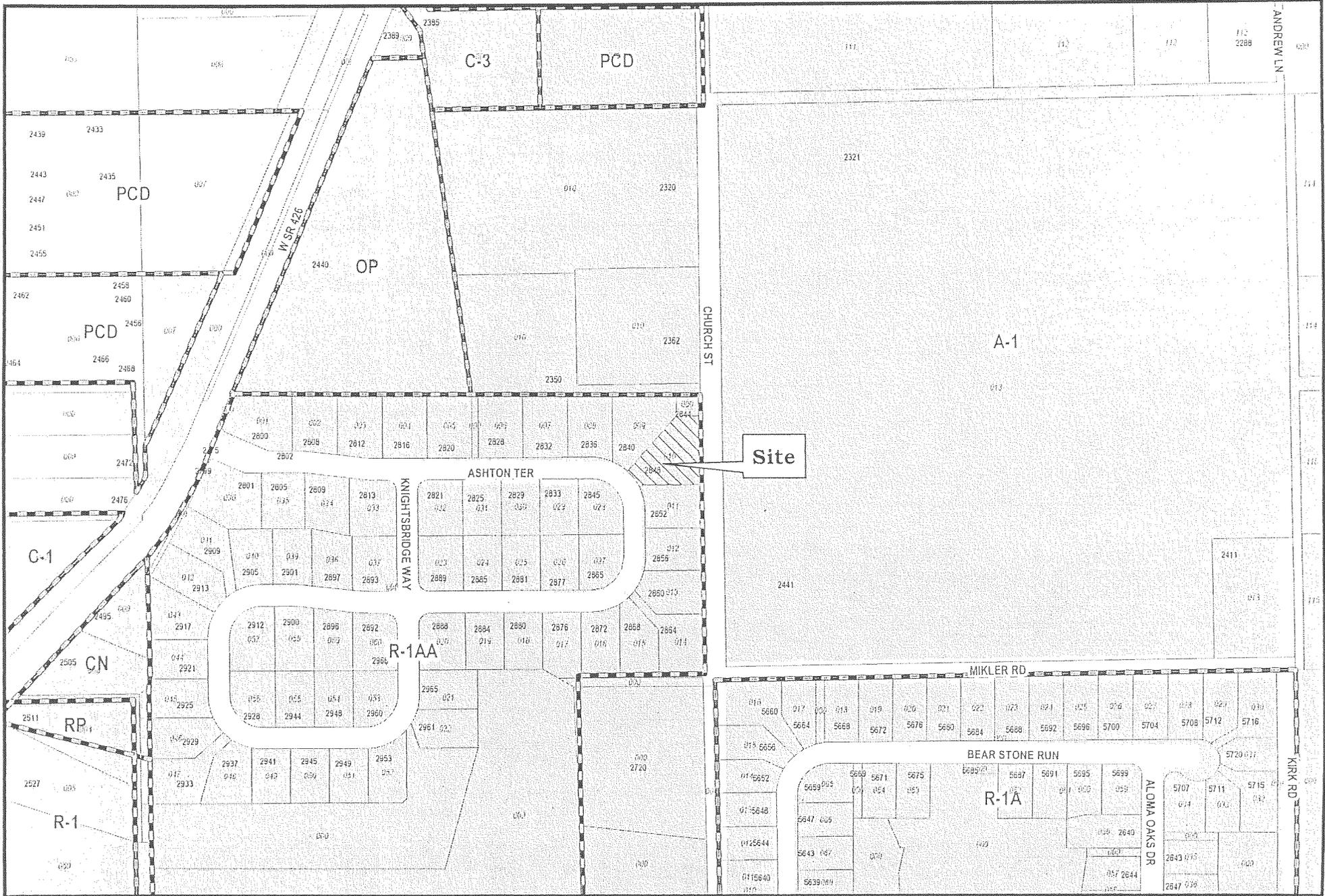
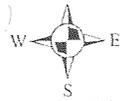
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	2001	13	2,365	4,234	3,280	CB/STUCCO FINISH	\$258,516	\$262,453
	Appendage / Sqft		UPPER STORY FINISHED / 915						
	Appendage / Sqft		GARAGE FINISHED / 502						
	Appendage / Sqft		OPEN PORCH FINISHED / 290						
	Appendage / Sqft		OPEN PORCH FINISHED / 162						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	2001	2	\$3,700	\$4,000
POOL GUNITE	2001	512	\$9,472	\$10,240
COOL DECK PATIO	2001	1,009	\$3,267	\$3,532
SCREEN ENCLOSURE	2001	2,370	\$4,266	\$4,740
WATER FEATURE	2001	1	\$925	\$1,000
STUCCO WALL	2001	138	\$511	\$552

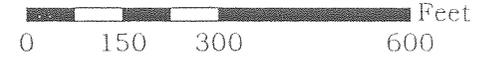
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

James Taylor 2848 Ashton Terrace



Parcel 29-21-31-503-0000-0100 / District 1

BV2004-136
September 2004



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 10 WENTWORTH ESTATES PB 51 PGS 59 & 60

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

FINDINGS OF FACT

Property Owner: PAMELA SMANT
2848 ASHTON TERRACE
OVIEDO, FL 32765

Site Address: 2848 ASHTON TERRACE

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ADDITION.

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 ADDITION, 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

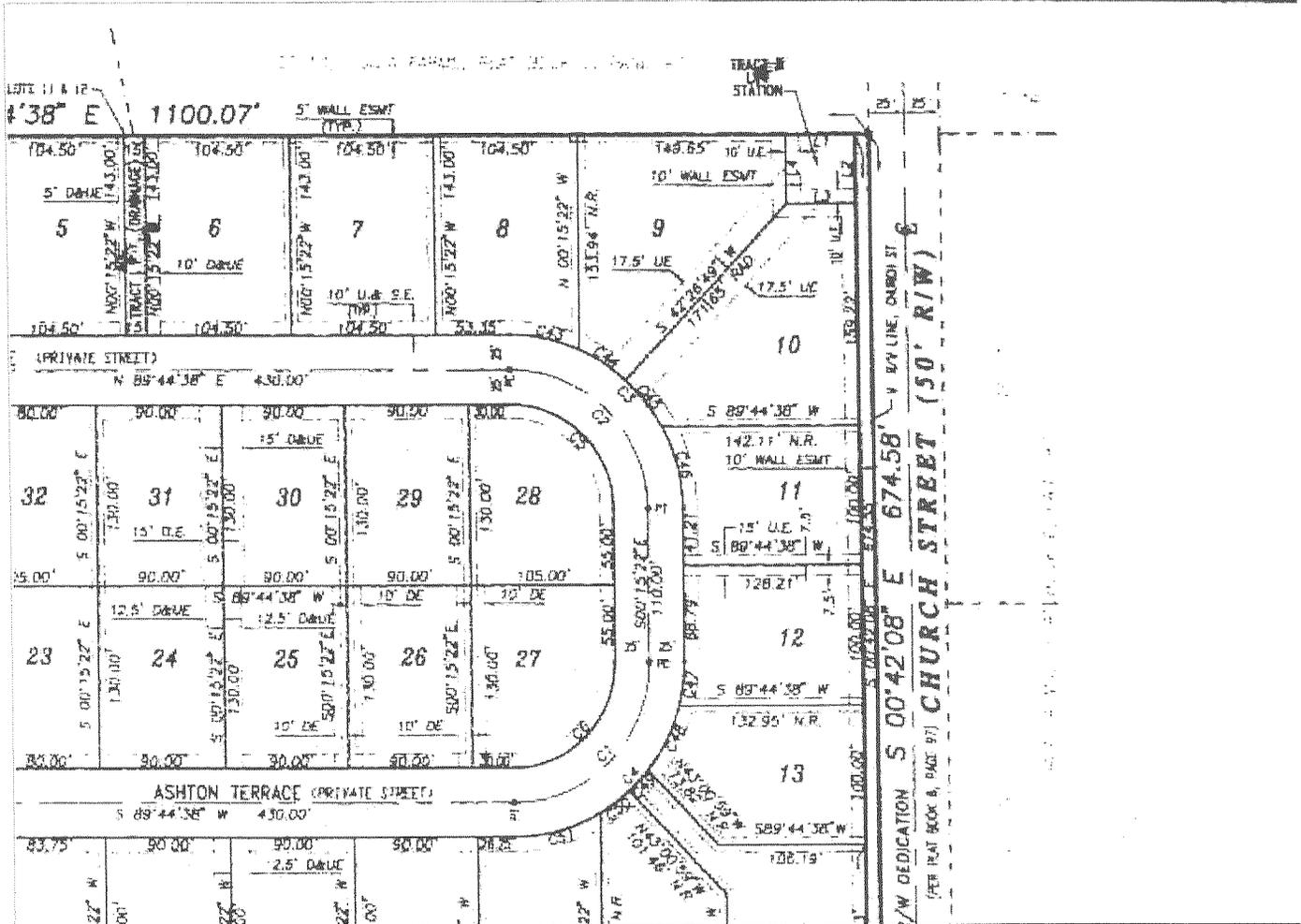
My Commission Expires:



SEMINOLE COUNTY APPRAISAL DATA

1101 E. First Street
Sanford Florida 32771
407-865-7506

- REAL ESTATE
- PERSONAL PROP.
- TAX ROLL
- SALES SEARCH



BACK PROPERTY APPRAISER HOME PAGE CONTACT