

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED FRONT PORCH ADDITION, AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 21.5 FEET FOR A PROPOSED GARAGE IN THE R-1A AND R-1AA (SINGLE FAMILY DWELLING DISTRICTS); (SCOTT M. KELLEY, APPLICANT)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Jason Showe EXT. 7398

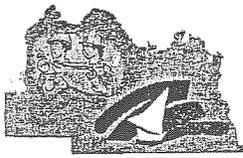
Agenda Date 10-25-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED FRONT PORCH ADDITION, AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 21.5 FEET FOR A PROPOSED GARAGE IN THE R-1A AND R-1AA (SINGLE FAMILY DWELLING DISTRICTS); (SCOTT M. KELLEY, APPLICANT); OR
2. **DENY** REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED FRONT PORCH ADDITION, AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 21.5 FEET FOR A PROPOSED GARAGE IN THE R-1A AND R-1AA (SINGLE FAMILY DWELLING DISTRICTS); (SCOTT M. KELLEY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	SCOTT M. KELLEY 103 PINE LAKE DRIVE SANFORD, FL 32773	R-1A & R-1AA ZONING LDR AND CONSERVATION FLU
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO BUILD A PORCH ADDITION TO AN EXISTING SINGLE-FAMILY HOME THAT WOULD ENCROACH 9 FEET INTO THE 25 FEET MINIMUM FRONT YARD SETBACK ESTABLISHED BY THE R-1A AND R-1AA DISTRICTS. THE ADDITION WOULD ADD APPROXIMATELY 117 SQUARE FEET TO THE EXISTING PORCH. • THE APPLICANT ALSO PROPOSES TO REPLACE AN EXISTING CARPORT WITH A TWO CAR GARAGE THAT WOULD ENCROACH 3.5 FEET INTO THE MINIMUM FRONT 	

	<p>YARD SETBACK. THE PROPOSED GARAGE WOULD BE APPROXIMATELY 499 SQUARE FEET IN SIZE.</p> <ul style="list-style-type: none"> • THERE IS A 60 FOOT RIGHT OF WAY, 17 FEET OF WHICH IS A GRASSED AREA BETWEEN THE PROPERTY LINE AND CURB. THE PROPOSED SITE PLAN DOES NOT DEPICT ANY ENCROACHMENT INTO THIS AREA. • AS SHOWN ON THE SITE MAP, THE PROPERTY IS SPLIT ZONED WITH R-1A TO THE WEST AND R-1AA TO THE EAST, WHERE THE SAME MINIMUM FRONT YARD SETBACK STANDARD APPLIES. • THERE IS NO RECORD OF VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANTING OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1A AND R-1AA DISTRICTS, THEREBY ALLOWING ENCROACHMENT INTO THE FRONT YARD WITHOUT THE DEMONSTRATION OF A HARDSHIP. • NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITIONS HAVE BEEN DEMONSTRATED. • 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 VARIANCES AS PREVIOUSLY STATED.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none"> • BASED ON THE PROPOSED SITE PLAN AND REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTS. IF THE BOARD SHOULD DECIDE TO GRANT THE VARIANCES, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL: <ul style="list-style-type: none"> ○ ANY VARIANCES GRANTED SHALL APPLY ONLY TO THE PROPOSED PORCH ADDITION AND GARAGE 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

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.

APPLICATION TYPE:

VARIANCE SET BACK FOR NEW PORCH AND GARAGE (SEE ATTACHED)
FRONT YARD SETBACK VARIANCE FROM 25' TO 16' FOR PROPOSED

SPECIAL EXCEPTION GARAGE AND FRONT PORCH ADDITION

MOBILE HOME SPECIAL EXCEPTION NA

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	SCOTT M. KELLEY	OWNER
ADDRESS	103 PINE LAKE DR SANFORD FL 32773	
PHONE 1	407 - 467-0847	
PHONE 2	407 - 324-0919	
E-MAIL	skelley@jray.com	

PROJECT NAME: KELLEY RESIDENCE - GARAGE ADDITION

SITE ADDRESS: 103 PINE LAKE DR SANFORD FL 32773

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: LOT 3, BLOCK 2 LOCH ARBOR PHILLIPS SECTION
RECORDED IN PLATBOOK 9, PG.66 @ SEMINOLE CO, FL.

SIZE OF PROPERTY: 0.30 acre(s) PARCEL I.D. 04-20-30-506-0200-0030

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 OCT 25, 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 true and correct to the best of my knowledge.

Scott M. Kelley 9-1-04
 SIGNATURE OF OWNER OR AGENT* DATE

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		

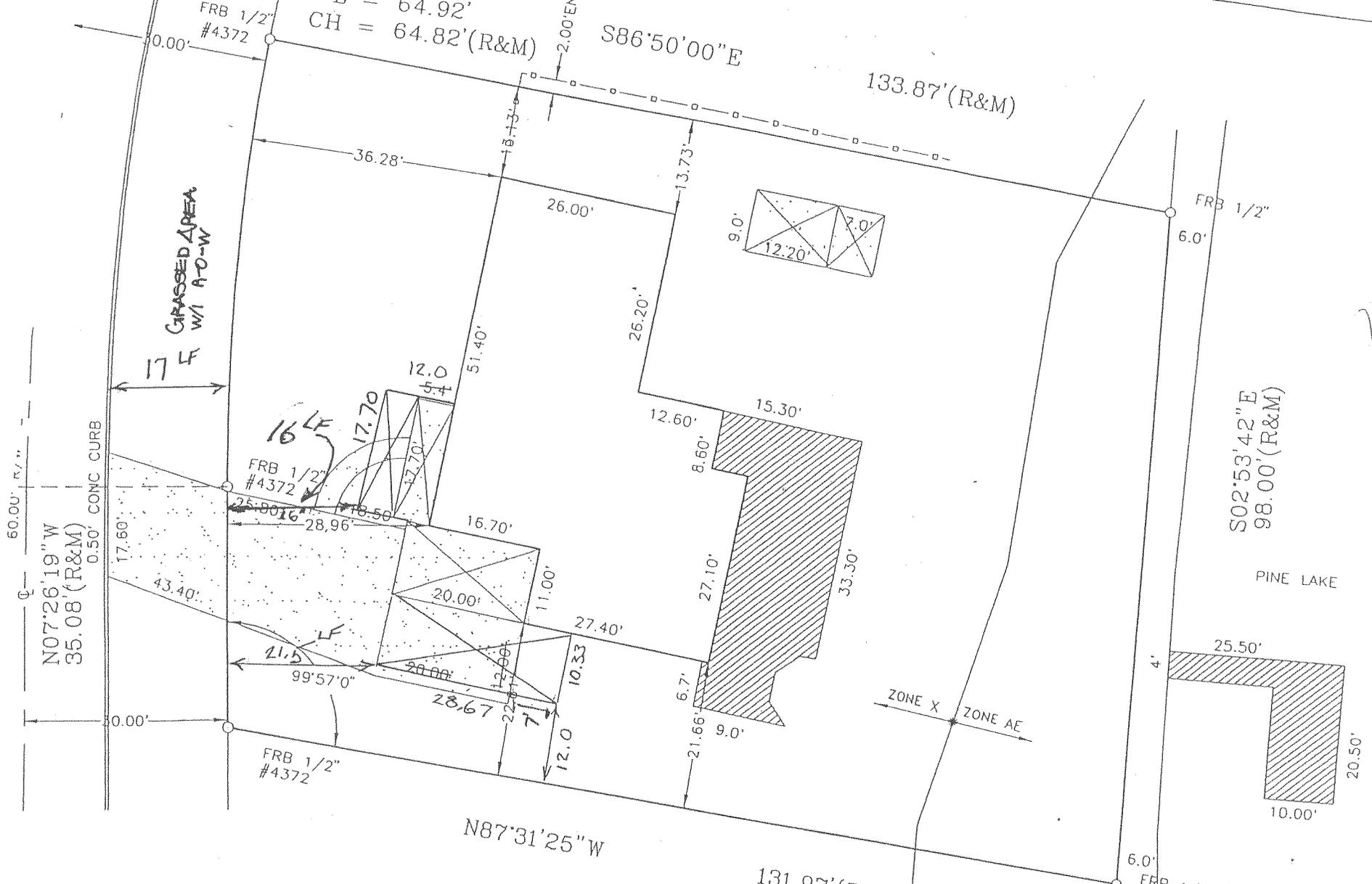
NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

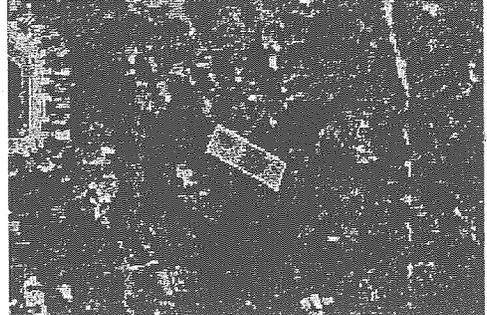
FEE: \$150 COMMISSION DISTRICT 5 FLU/ZONING LDR (LDR) FLU R1A & R1A ZONING
 LOCATION FURTHER DESCRIBED AS LOCATED ON THE EAST SIDE OF
 PINE LAKE DRIVE APPROX 100' SOUTH OF
 WEST CRYSTAL DRIVE
 PLANNER VB DATE SEPT 2
 EFFICIENCY COMMENTS _____



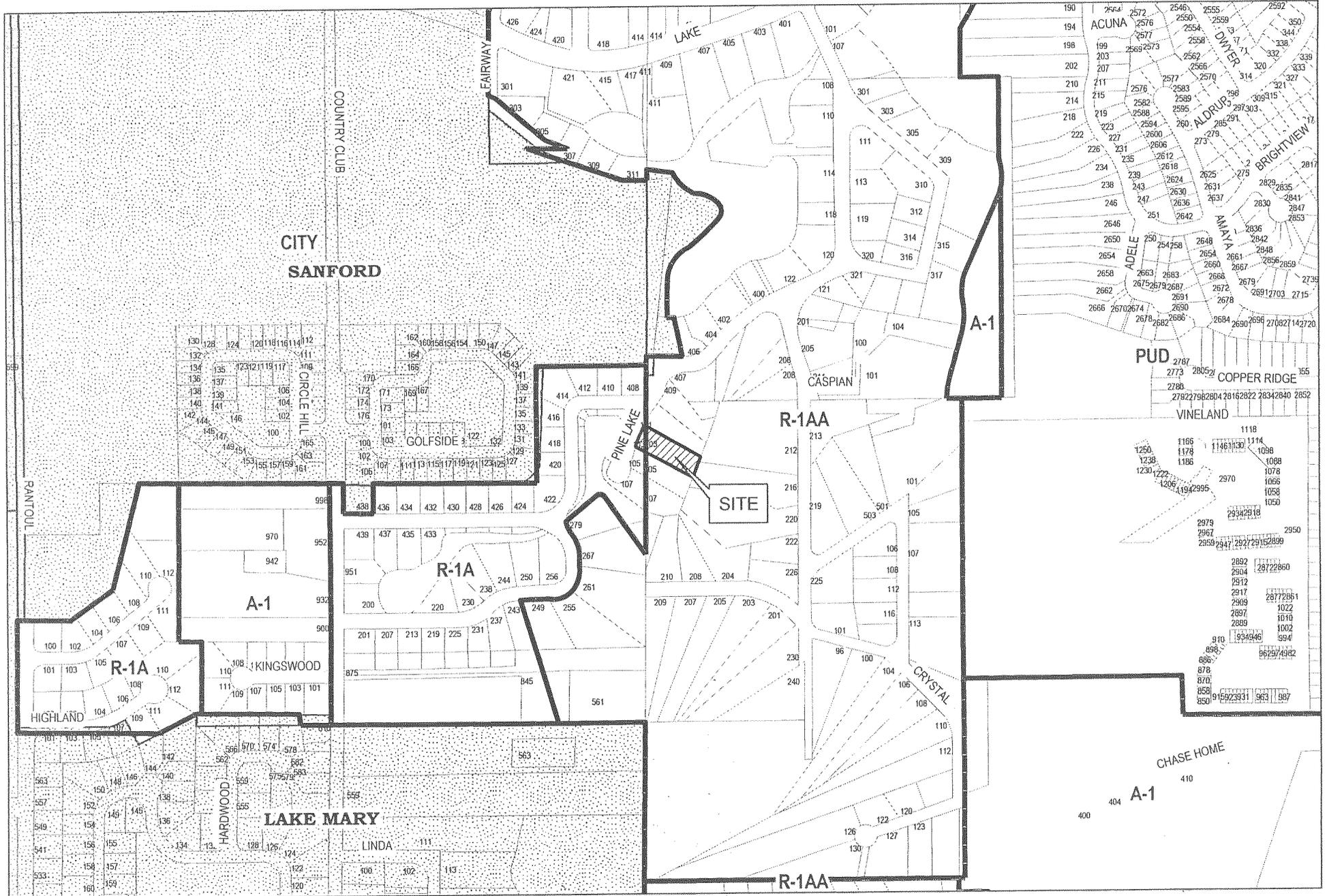
FLOOD INFORMATION:

MAP NUMBER	12117C0040E
FLOOD ZONE	X/AE
COMMUNITY NO.	120289
PANEL NO.	0040
SUFFIX	E
DATE OF FIRM	4/17/95
DATE OF SURVEY	4/25/97

PROPERTY
103 PINE
SANFORD,
LEGAL DESC
LOT 3, BLC
TO THE PLA
OF THE PU
CERTIFIED T
SCOTT KELI
TITLE INSUR.

PARCEL DETAIL  Seminole County <i>Property Appraiser Services</i> 1101 E. First St. Sanford FL 32771 407-665-7506	REAL ESTATE PERSONAL PROP TAX ROLL SALES SEARCH ◀ ◁ Back ▷ ▶	 																														
<p style="text-align: center;">GENERAL</p> Parcel Id: 04-20-30-506-0200-0030 Tax District: 01-TX DIST 1 - COUNTY Owner: KELLEY SCOTT M Exemptions: 00-HOMESTEAD Address: 103 PINE LAKE DR City,State,ZipCode: SANFORD FL 32773 Property Address: 103 PINE LAKE DR SANFORD 32773 Subdivision Name: LOCH ARBOR-PHILLIPS SEC Dor: 01-SINGLE FAMILY		<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$95,413 Depreciated EXFT Value: \$1,895 Land Value (Market): \$33,600 Land Value Ag: \$0 Just/Market Value: \$130,908 Assessed Value (SOH): \$81,005 Exempt Value: \$25,000 Taxable Value: \$56,005 2004 Notice of Proposed Property Tax																														
<p style="text-align: center;">SALES</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>10/2000</td> <td>03942</td> <td>1254</td> <td>\$51,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1997</td> <td>03285</td> <td>0131</td> <td>\$104,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1979</td> <td>01242</td> <td>0686</td> <td>\$37,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01048</td> <td>0314</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	10/2000	03942	1254	\$51,000	Improved	WARRANTY DEED	04/1997	03285	0131	\$104,000	Improved	WARRANTY DEED	08/1979	01242	0686	\$37,500	Improved	WARRANTY DEED	01/1975	01048	0314	\$100	Improved	<p style="text-align: center;">2003 VALUE SUMMARY</p> Tax Value(without SOH): \$1,336 2003 Tax Bill Amount: \$934 Save Our Homes (SOH) Savings: \$402 2003 Taxable Value: \$54,495 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp																											
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<p style="text-align: center;">LAND</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>FRONT FOOT & DEPTH</td> <td>100</td> <td>132</td> <td>.000</td> <td>350.00</td> <td>\$33,600</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	100	132	.000	350.00	\$33,600	<p style="text-align: center;">LEGAL DESCRIPTION PLAT</p> LEG LOT 3 BLK 2 LOCH ARBOR-PHILLIPS SEC PB 9 PG 66																		
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FRONT FOOT & DEPTH	100	132	.000	350.00	\$33,600																											
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	1957	6	1,919	2,303	1,919	CONC BLOCK	\$95,413	\$130,703																							
	Appendage / Sqft		UTILITY FINISHED / 63																													
	Appendage / Sqft		CARPORT FINISHED / 231																													
	Appendage / Sqft		OPEN PORCH FINISHED / 90																													
EXTRA FEATURE																																
	Description	Year Blt	Units	EXFT	Value	Est. Cost New																										
	WOOD DECK	1985	480		\$960	\$2,400																										
	WOOD UTILITY BLDG	1990	108		\$285	\$648																										
	BOAT DOCK	1985	242		\$484	\$1,210																										
	WOOD PORCH	1990	63		\$166	\$378																										
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.																																

cott M. Kelley
103 Pine Lake Drive



Scott Kelley
Construction and Renovation
108 Pine Lake Dr. Sanford, FL 32778

September 1, 2004

Re: Setback Variance for Garage and Front Porch Addition

Statement of Request:

Existing carport and front porch is to be removed in order to construct new two car garage and increase the porch depth from seven feet to twelve feet. The front easement is 30 feet from the center of the road, this takes up 17 feet of my grassed yard area to the property line. At this point the proposed addition is ~~18~~ feet at the extreme corner of the porch and ~~21.5~~ feet at the extreme front corner of the garage. I am requesting a variance from the 25 foot setback requirement. **TO 16 FEET.**

} FROM THE
FRONT
PROPERTY
LINE

DUE TO ROOF OVERHANG.

The house was built in 1957 on a culdesac, there are no front or rear neighbors, only waterfront from Pine Lake.

The construction would improve the property as well as surrounding properties.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 25, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 BLK 2 LOCH ARBOR-PHILLIPS SEC PB 9 PG 66

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

FINDINGS OF FACT

Property Owner: SCOTT M. KELLEY
103 PINE LAKE DRIVE
SANFORD, FL 32773

Project Name: 103 PINE LAKE DRIVE

Requested Development Approval:

1. FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED FRONT PORCH ADDITION
2. FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 21.5 FEET FOR A PROPOSED GARAGE

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: Jason Showe, 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:

a) The variances granted will apply only to the proposed addition and garage 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: