

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 13 FEET FOR A PROPOSED ROOM ADDITION TO A SINGLE-FAMILY HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (CHARLES & LYNNETTE MICKLER, APPLICANTS).

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

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

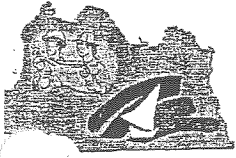
Agenda Date 10-25-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 13 FEET FOR A PROPOSED ROOM ADDITION TO A SINGLE-FAMILY HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (CHARLES & LYNNETTE MICKLER, APPLICANTS); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 13 FEET FOR A PROPOSED ROOM ADDITION TO A SINGLE-FAMILY HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (CHARLES & LYNNETTE MICKLER, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: CHARLES & LYNNETTE MICKLER LOCATION: 3260 ELLWOOD COURT ZONING: R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A ROOM ADDITION THAT WOULD ENCROACH 17 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> • A SPECIAL CIRCUMSTANCE APPLICABLE TO THE PROPERTY HAS BEEN DEMONSTRATED. THE LOCATION OF THE PROPERTY ON A CUL-DE-SAC HAS

	<p>REDUCED THE BUILDABLE DEPTH OF THE LOT BY APPROXIMATELY 25 FEET AS COMPARED TO ADJACENT LOTS ON THE SAME STREET.</p> <ul style="list-style-type: none">• A COMPLIANT ADDITION CANNOT BE BUILT ON THE PROPERTY WITHOUT A VARIANCE.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2004-150

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 Property Rear Set Back Variance from 30 ft to 13 ft for a Room Addition
 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:	Charles & Lynette Mickler	
ADDRESS:	3260 Ellwood Court	
	Winter Park, FL 32792	
PHONE 1:	407-595-0394	
PHONE 2:	407-340-6764	
E-MAIL:	bmickler@earthlink.net	

PROJECT NAME: Mickler Residence / Room Addition
 SITE ADDRESS: 3260 Ellwood Court, Winter Park, FL 32792
 CURRENT USE OF PROPERTY: Home - Single Family
 LEGAL DESCRIPTION: Leg. Lot 18 Blk. A Eastbrook Subd. Unit 15 PB 15 PG 3
 SIZE OF PROPERTY: 7.472 ± acre(s) PARCEL I.D. 34-21-30-516-0A00-0180
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO
 This request will be considered at the Board of Adjustment regular meeting on 11-15-04 (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.

Lynette M. Mickler Charles & Mickler
 SIGNATURE OF OWNER OR AGENT* DATE 8/29/04

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: \$150.00 COMMISSION DISTRICT 1 FLU/ZONING LDR/R-1A
 LOCATION FURTHER DESCRIBED AS on S. side of Ellwood Ct approx. 250 feet W. of intersection of Bonanza Av. and Ellwood Ct.

PLANNER JV DATE 9/30/04

SUFFICIENCY COMMENTS _____

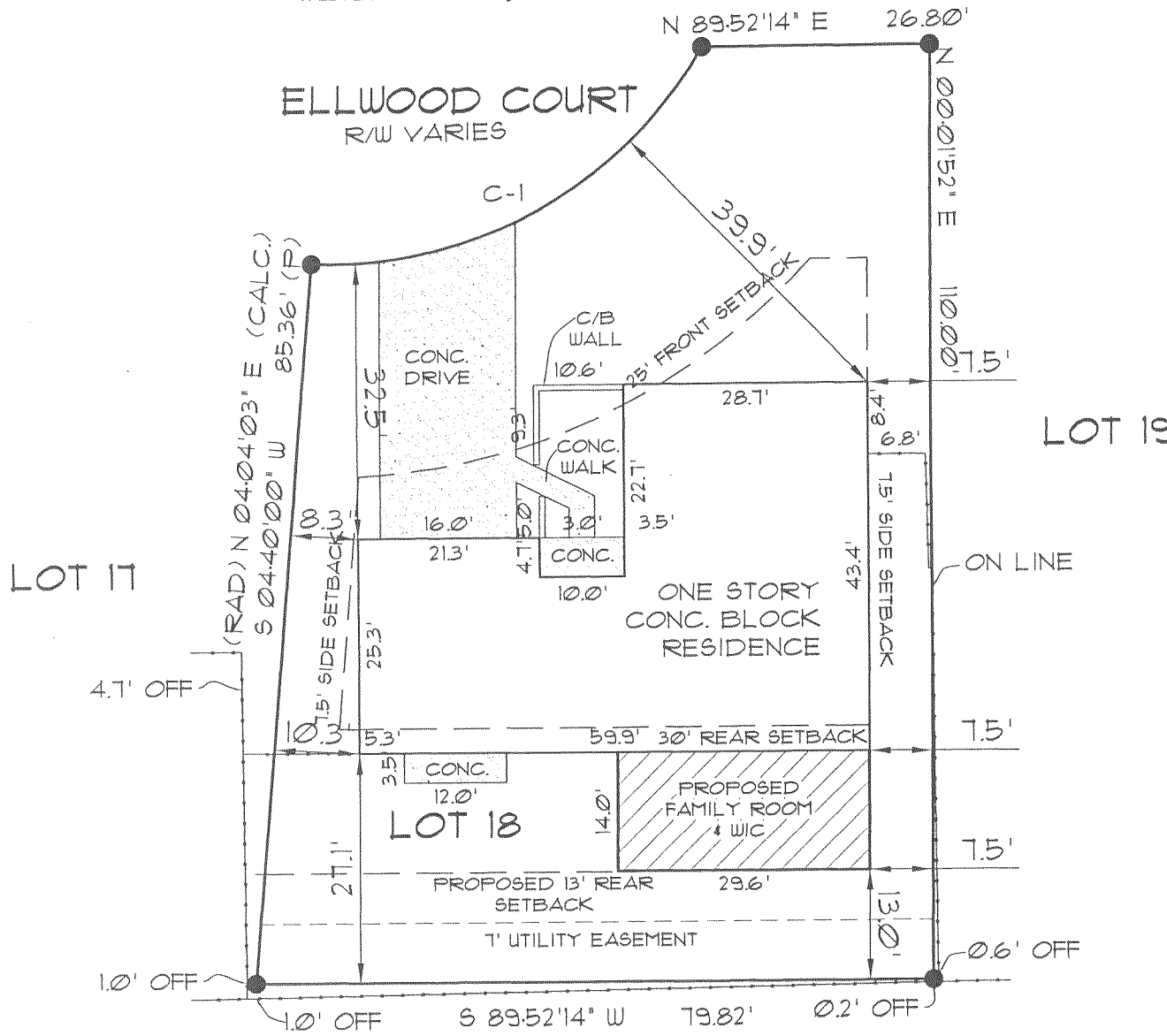
• THE MICKLER RESIDENCE •

3260 ELLWOOD COURT
WINTER PARK, FL 32792



Job No: 04-087
Date: 09-29-04
Scale: NOTED
Drawn By: SNF / EKC
Revised:

MODIFIED BY:
A | **BD**



LOT 19

LOT 17

LOT 18

SITE PLAN
SCALE: 1" = 20'-0"

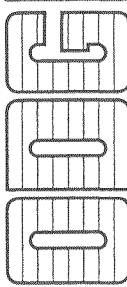
CURVE DATA:
C-1
A: 64'12"00"
R: 50'00"
L: 56'03"
CHD: 53'14"
BRG: N61°58'01"E

LEGAL DESCRIPTION:
LOT 18, BLOCK A, EASTBROOK SUBDIVISION UNIT NO. FIFTEEN, AS RECORDED IN PLAT BOOK 15, PAGE 3, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

NOTE:
THIS IS NOT A SURVEY.
THE ORLANDO DESIGN GROUP, INC. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.
THE OWNER AND CONTRACTOR ARE TOTALLY RESPONSIBLE FOR PLACING THE BUILDING ON THE PROPERTY.
POOL DESIGN AND LOCATION, IF SHOWN, ARE ONLY SUGGESTED.
LANDSCAPING DESIGN BY OTHERS.
THE ORLANDO DESIGN GROUP, INC. ASSUMES NO RESPONSIBILITY FOR SEPTIC DESIGN AND LOCATION. SEPTIC, IF SHOWN ON PLAN, IS PER BUILDER OR OWNER REQUIREMENTS. SEPTIC SYSTEMS ARE TO BE DESIGNED AND LOCATED PER DEPARTMENT OF HEALTH REQUIREMENTS OR AS PER GOVERNING CODES.

PROPOSED SITE PLAN
MICKLER RESIDENCE

The Orlando Design Group Inc.
3590 South Hwy. 17-92
Suite 200
Casselberry, FL 32707
(407) 831-3113 Fax (407) 831-3399
www.OrlandoDesignGroup.com



Sheet No:
SITE
01:

September 29, 2004

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

RE: ~~Application for Variance on Parcel #34-21-30-516-0A00-0180~~
3260 Ellwood Court, Winter Park, FL 32792

Dear Board:

Because our single family home was built in 1968 prior to the current Land Development Code, we request a grant of relief from the requirements of the Land Development Code to make the extensive repairs necessary to make our home livable again as a result of our neighbor's two pine trees falling through the roof caused by Hurricane Charlie. We are requesting that that the property rear set back variance be granted to replace the current damaged screened room enclosure, which now does not meet the requirement of the Land Development Code with a new family room and closet remodel.

Attached please find our request and application for variance for rear yard setback from 30 feet to 13 feet for the proposed addition to the single family home on the existing patio slab in the R-1A zone; located on the South side of Ellwood Court, approximately 150 feet West of the intersection of Bonanza Avenue and Ellwood Court.


Respectfully submitted,


Charles W. Mickler and Lynette M. Mickler, Applicants

Enclosure: Application for Variance
 Existing Site Plan
 Proposed Site Plan
 Map and Directions to Site

Charles & Lynette Mickler
3260 Ellwood Court



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: 34-21-30-516-0A00-0180 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MICKLER CHARLES W & LYNETTE M Exemptions: 00-HOMESTEAD</p> <p>Address: 3260 ELLWOOD CT</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 3260 ELLWOOD CT WINTER PARK 32792</p> <p>Subdivision Name: EASTBROOK SUBD UNIT NO 15</p> <p>Dor: 01-SINGLE FAMILY</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$95,216</p> <p>Depreciated EXFT Value: \$1,428</p> <p>Land Value (Market): \$22,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$118,644</p> <p>Assessed Value (SOH): \$73,102</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$48,102</p> <p align="center">2004 Notice of Proposed Property Tax</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>04/1995</td> <td>02909</td> <td>0410</td> <td>\$75,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1980</td> <td>01295</td> <td>0005</td> <td>\$51,500</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>12/1978</td> <td>01207</td> <td>0817</td> <td>\$100</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	04/1995	02909	0410	\$75,000	Improved	WARRANTY DEED	09/1980	01295	0005	\$51,500	Improved	QUIT CLAIM DEED	12/1978	01207	0817	\$100	Improved	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,386</p> <p>2003 Tax Bill Amount: \$801</p> <p>Save Our Homes (SOH) Savings: \$585</p> <p>2003 Taxable Value: \$46,739</p> <p align="center">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>																																													

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 132 LAKE HARRIET ESTATES PB 12 PG 15

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

FINDINGS OF FACT

Property Owner: CHARLES & LYNNETTE MICKLER
3260 ELLWOOD COURT
WINTER PARK, FL 32792

Project Name: ELLWOOD COURT (3260)

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE 30 FEET TO 13 FEET FOR A PROPOSED HOUSE ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING 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 home room 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 _____ 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: