

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

**SUBJECT:** REQUEST FOR FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED PORCH ADDITION TO A SINGLE-FAMILY HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (JOHN & MARSHA BOYNE, APPLICANTS).

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

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

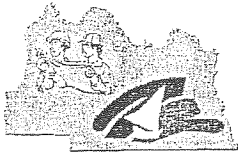
Agenda Date 2-28-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED PORCH ADDITION TO A SINGLE-FAMILY HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (JOHN & MARSHA BOYNE, APPLICANTS); OR
2. **DENY** REQUEST FOR FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED PORCH ADDITION TO A SINGLE-FAMILY HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (JOHN & MARSHA BOYNE, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: JOHN & MARSHA BOYNE LOCATION: 500 LAKE DRIVE ZONING: R-1A (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS PROPOSE TO CONSTRUCT A FRONT PORCH ADDITION THAT WOULD ENCROACH 5 FEET INTO THE MINIMUM 25 FOOT FRONT YARD SETBACK; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN</li> </ul>

	<p>DEMONSTRATED.</p> <ul style="list-style-type: none"><li>• THE REQUEST WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED PORCH ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. BV 2004-190

**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** 25' TO 20' FRONT SET BACK FOR PROPOSED OPEN FRONT PORCH
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_)
- REPLACEMENT (YEAR \_\_\_\_\_) 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
- APEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>JOHN J. + MARSHA E. BOYKE</u>	
ADDRESS	<u>500 LAKE DRIVE</u>	
	<u>CHUWUOTA, FL 32766</u>	
PHONE 1	<u>407-365-6534</u>	
PHONE 2		
E-MAIL		

RECEIVED  
 DEC 20 2004

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 500 LAKE DRIVE

CURRENT USE OF PROPERTY: SINGLE FAMILY HOME

LEGAL DESCRIPTION: LOTS 6 & 7 B&K 12 REPART OF TOWNSHIP NORTH CHUWUOTA

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 21-21-32-5CG-1200-0060

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 2128105 (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.

John J. Boyke 12-20-04  
 SIGNATURE OF OWNER OR AGENT\* 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:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): 150<sup>00</sup> COMMISSION DISTRICT 1 FLU/ZONING LDR /RIA

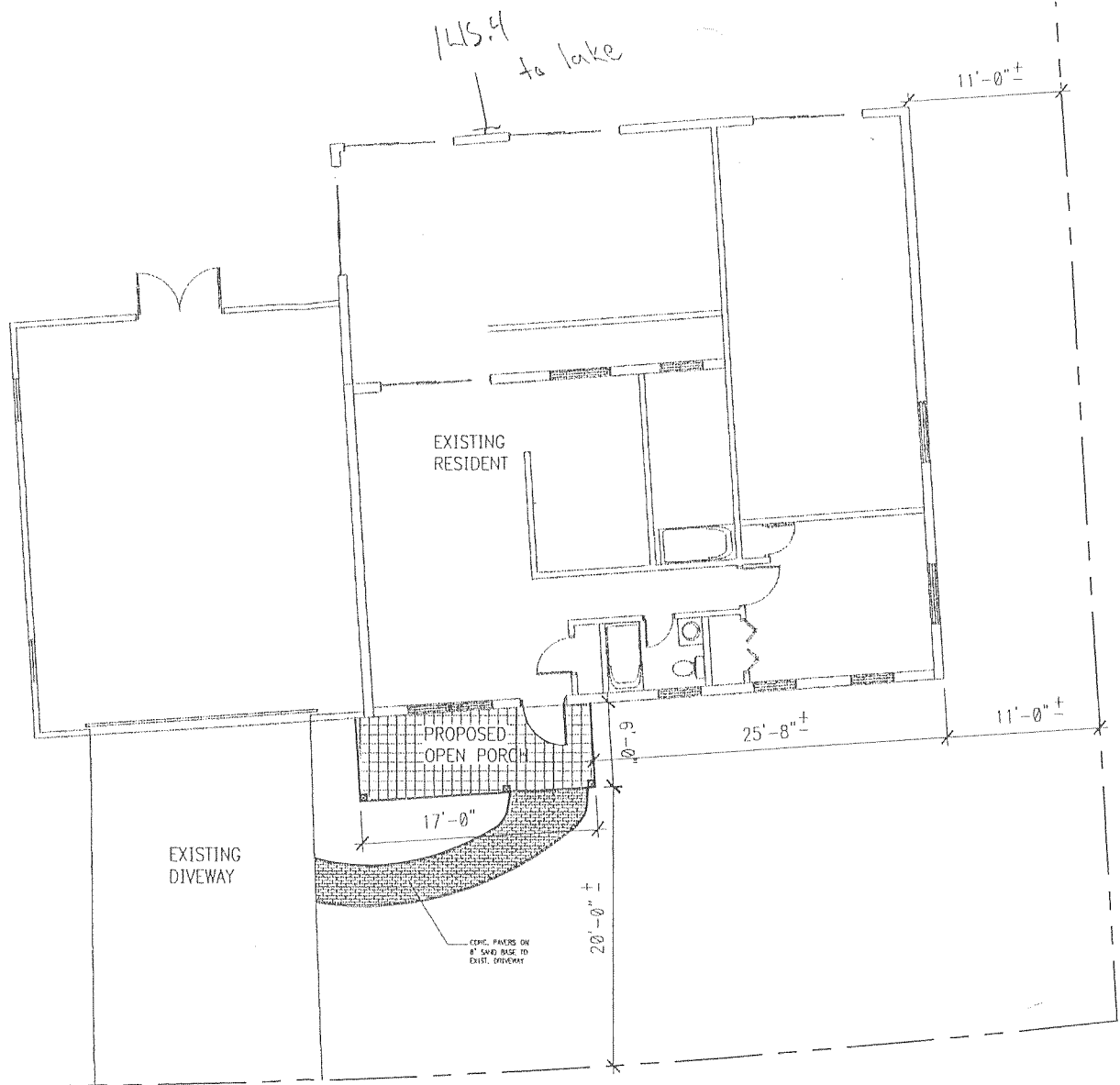
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS SW corner of the intersection of E 5<sup>th</sup> Drive & Lake Dr.

PLANNING ADVISOR JS

DATE 12/20/05

SUFFICIENCY COMMENTS \_\_\_\_\_



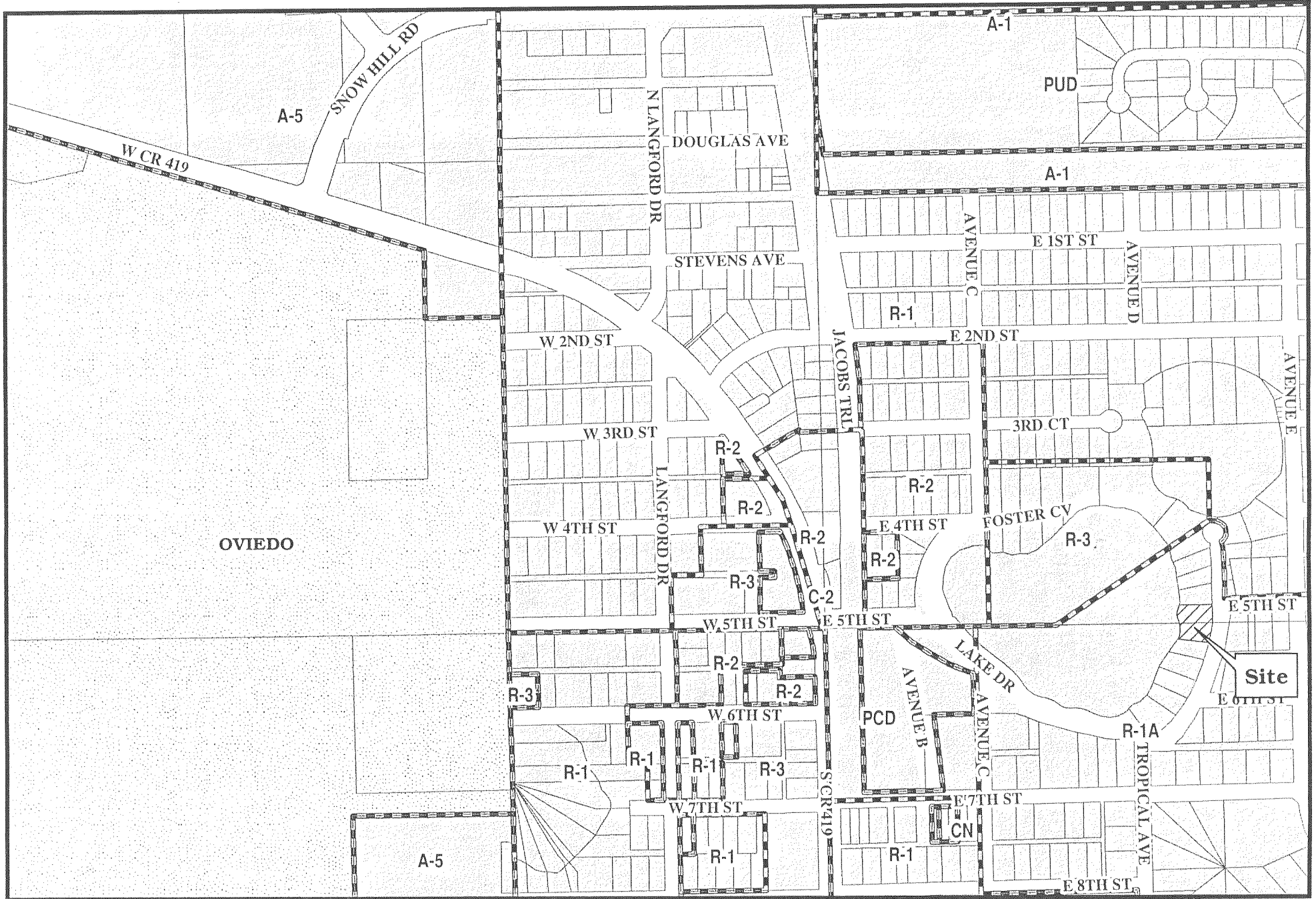
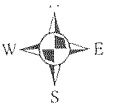
→ N  
1" = 10'

R = 781.84'

<b>PARCEL DETAIL</b>	<a href="#">REAL ESTATE</a>	<a href="#">PERSONAL PROP</a>	<a href="#">TAX ROLL</a>	<a href="#">SALES SEARCH</a>																																																													
 Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506																																																																	
<p style="text-align: center;"><b>GENERAL</b></p> Parcel Id: 21-21-32-5CG-1200-0060      Tax District: 01-COUNTY-TX DIST 1 Owner: BOYLE JOHN J & MARSHA E      Exemptions: 00-HOMESTEAD Address: 500 LAKE DR City,State,ZipCode: OVIEDO FL 32766 Property Address: 500 LAKE DR OVIEDO 32766 Subdivision Name: NORTH CHULUOTA REPLAT Dor: 01-SINGLE FAMILY			<p style="text-align: center;"><b>2005 WORKING VALUE SUMMARY</b></p> Value Method:      Market Number of Buildings:      1 Depreciated Bldg Value:      \$127,999 Depreciated EXFT Value:      \$600 Land Value (Market):      \$42,554 Land Value Ag:      \$0 Just/Market Value:      \$171,153 Assessed Value (SOH):      \$129,674 Exempt Value:      \$25,000 Taxable Value:      \$104,674																																																														
<p style="text-align: center;"><b>SALES</b></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>WARRANTY DEED</td> <td>09/1982</td> <td>01416</td> <td>1202</td> <td>\$55,000</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	09/1982	01416	1202	\$55,000	Vacant	<p style="text-align: center;"><b>2004 VALUE SUMMARY</b></p> Tax Value(without SOH):      \$2,499 2004 Tax Bill Amount:      \$1,728 Save Our Homes (SOH) Savings:      \$771 2004 Taxable Value:      \$102,256  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																																		
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<p><small>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.</small></p>																																																																	



# John & Marsha Boyne 500 Lake Drive



Parcel: 21-21-32-5CG-1200-0060 / District: 1

**BV2004-190**

**FEBRUARY 28, 2005**

0 150 300 600 feet

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On February 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 6 & 7 BLK 12 REPLAT OF PART OF TOWNSITE NORTH CHULUOTA  
PB 12 PG 45

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

**FINDINGS OF FACT**

**Property Owner:** JOHN & MARSHA BOYNE  
500 LAKE DRIVE  
CHULUOTA, FL 32766

**Project Name:** LAKE DRIVE (500)

**Requested Development Approval:**

1. MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED PORCH ADDITION TO A SINGLE-FAMILY HOME 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 proposed porch addition to a single-family 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 \_\_\_\_\_ 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 \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: