

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

**SUBJECT:** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CRAIG & MICHELLE JAMES, APPLICANTS).

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

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

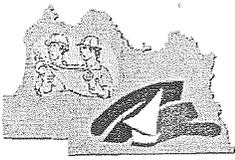
**Agenda Date** 05-23-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CRAIG & MICHELLE JAMES, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CRAIG & MICHELLE JAMES, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: CRAIG & MICHELLE JAMES LOCATION: 3229 NIGHT BREEZE LANE ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS PROPOSE TO CONSTRUCT A ROOM ADDITION THAT WOULD ENCROACH 12 FOOT INTO THE 30 FOOT MINIMUM REAR YARD SETBACK.</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 GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT) BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS.</li> </ul>

	<ul style="list-style-type: none"><li>• THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT GRANTING THE REQUESTED VARIANCE.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED ROOM ADDITION 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>



**COPY**  
 APPL. NO. BU 2005-029

**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** FRONT YARD SETBACK VARIANCE FROM 30 FEET TO 18 FEET FOR PROPOSED ROOM ADDITION
- 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
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED  
 MAR 17 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	CRAIG + MICHELLE JAMES	
ADDRESS	3229 NIGHT BREEZE LN LAKE MARY, FL 32746	
PHONE 1	(407) 324-1466	
PHONE 2	(407) 310-0477	
E-MAIL		

PROJECT NAME: REC ROOM

SITE ADDRESS: SAME

CURRENT USE OF PROPERTY: SINGLE FAMILY RESIDENCE

LEGAL DESCRIPTION: LOT 106 THE COVE PH 2 PB 58 PGS 73-78

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 63-26-34-5P2-6666-1666

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

KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 5/23/05 (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\*

DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

17 MAR 05

KE

**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): 150.00 COMMISSION DISTRICT 5 FLU/ZONING RIAA / LOR

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

LOCATION FURTHER DESCRIBED AS North-East side of Night Breeze Ln  
1/10 mile south of the intersection of Night Breeze Ln & Teak Pl

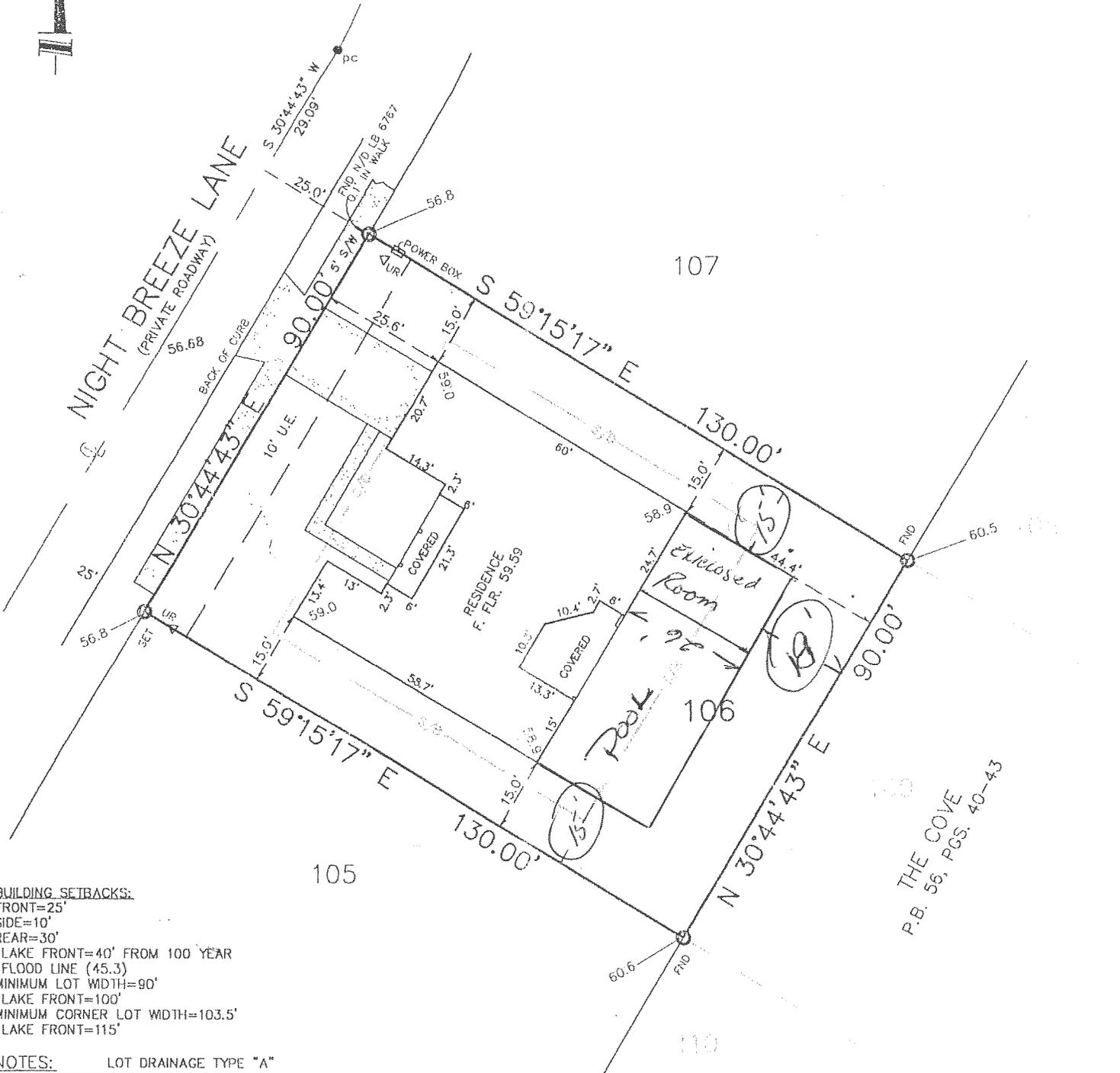
PLANNING ADVISOR \_\_\_\_\_ DATE 3/17/05

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

LOT 106

# THE COVE PHASE 2

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 58 ON PAGES 73, 74, 75, 76, 77 & 78 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



**BUILDING SETBACKS:**

- FRONT=25'
- SIDE=10'
- REAR=30'
- LAKE FRONT=40' FROM 100 YEAR FLOOD LINE (45.3)
- MINIMUM LOT WIDTH=90'
- LAKE FRONT=100'
- MINIMUM CORNER LOT WIDTH=103.5'
- LAKE FRONT=115'

NOTES: LOT DRAINAGE TYPE "A"

ROOF OVERHANGS & FOOTERS HAVE NOT BEEN LOCATED  
 NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.  
 SURVEYING TIES ARE NOT TO BE USED TO CONSTRUCT DEED ADJUSTED LINES  
 THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES, OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.  
 THE RELATIVE ACCURACY OF FIELD MEASURED CONTROL EXCEEDS 1 FOOT IN 15,000 FEET.  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 BEARINGS ARE BASED UPON THE CENTERLINE OF NIGHT BREEZE LANE PER RECORD PLAT, HAVING A BEARING OF N 30°44'43" E

**CERTIFIED TO:**

CRAIG A. JAMES  
 MICHELLE J. JAMES  
 RYLAND GROUP, INC.  
 RYLAND MORTGAGE COMPANY

- - INDICATES 18" - 5/8" REBAR/CAP (LB 6767) UNLESS NOTED OTHERWISE
- - INDICATES PERMANENT CONTROL POINT
- - INDICATES CONC. MON. / PRM

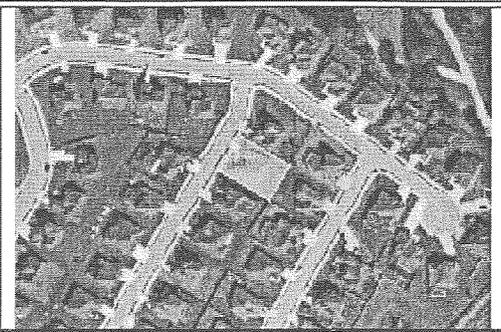
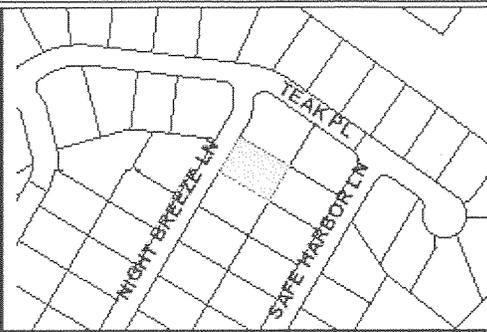
**LEGEND**

S/B = BUILDING SETBACK	L.E. = LANDSCAPE EASEMENT
MAINT = MAINTENANCE	D.E. = DRAINAGE EASEMENT
UTIL. = UTILITY	U.E. = UTILITY EASEMENT
CONC. = CONCRETE	I.P. = IRON PIPE
CM = CONCRETE MONUMENT	R/C = ROD AND CAP
F.FLR. = FINISHED FLOOR	I.R. = IRON ROD
BLK. = BLOCK	N/D = NAIL & DISK
WM = WATER METER	FND. = FOUND
ESMT. = EASEMENT	REC. = RECOVERED
MON. = MONUMENT	R/W = RIGHT OF WAY
TRANS. = TRANSFORMER	R. = RADIAL

THE COVE  
 P.B. 56, PGS. 40-43

**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7508



**GENERAL**

Parcel Id: 03-20-30-5PZ-0000-1060      Tax District: 01-COUNTY-TX DIST 1  
 Owner: JAMES CRAIG A & MICHELLE      Exemptions: 00-HOMESTEAD  
 Address: 3229 NIGHT BREEZE LN  
 City,State,ZipCode: LAKE MARY FL 32746  
 Property Address: 3229 NIGHT BREEZE LAKE MARY 32746  
 Subdivision Name: THE COVE PH 2  
 Dor: 01-SINGLE FAMILY

**2005 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$160,638  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$36,000  
 Land Value Ag: \$0  
 Just/Market Value: \$196,638  
 Assessed Value (SOH): \$181,277  
 Exempt Value: \$25,000  
 Taxable Value: \$156,277  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	06/2002	04446	0223	\$196,600	Improved
SPECIAL WARRANTY DEED	12/2000	03975	0479	\$412,100	Vacant

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

Tax Amount(without SOH): \$2,627  
 2004 Tax Bill Amount: \$2,552  
 Save Our Homes (SOH) Savings: \$75  
 2004 Taxable Value: \$150,997  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	36,000.00	\$36,000

**LEGAL DESCRIPTION PLAT**

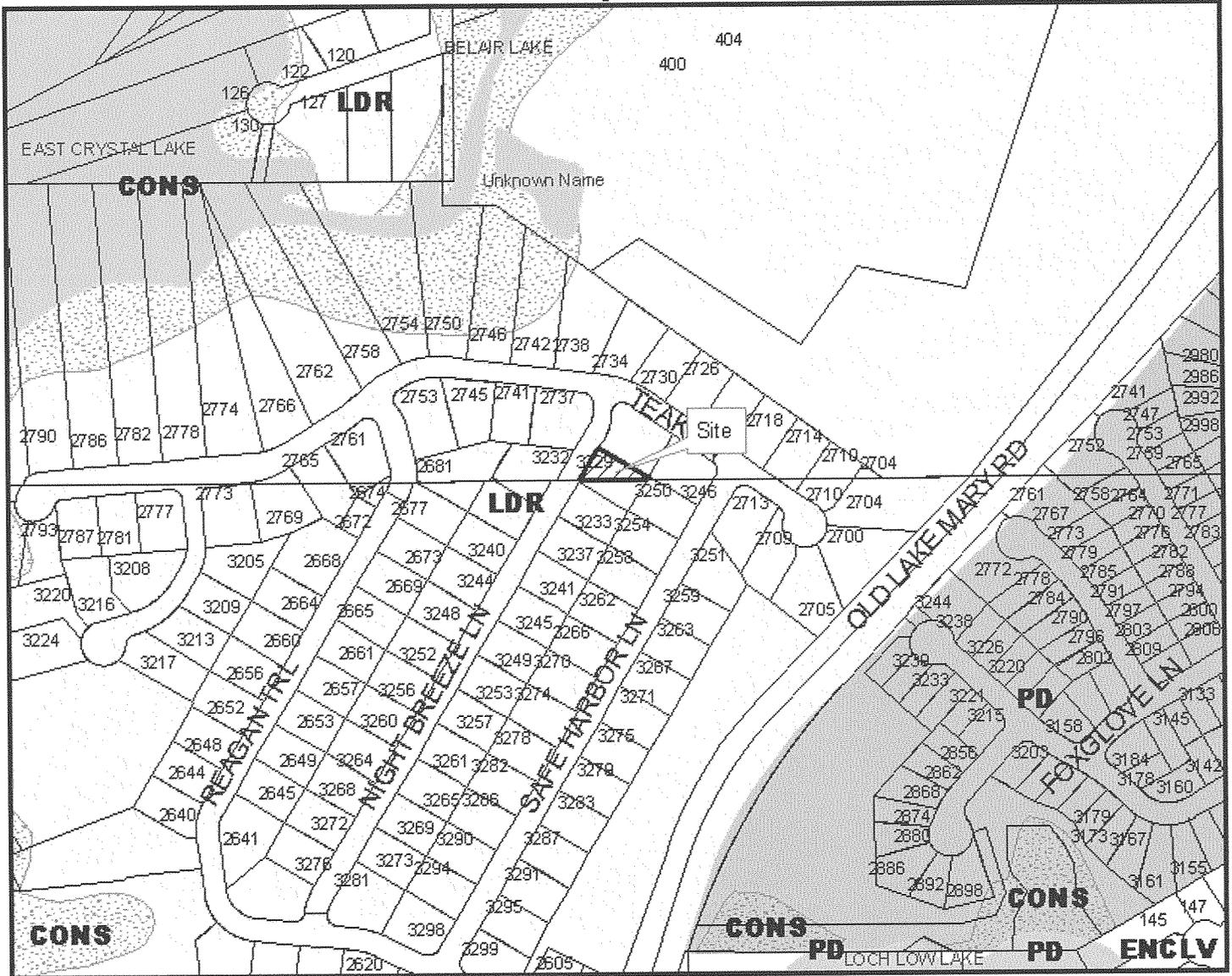
LOT 106 THE COVE PH 2 PB 58 PGS 73 - 78

**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	2002	11	2,405	3,223	2,405	CB/STUCCO FINISH	\$160,638	\$163,084
	Appendage / Sqft		OPEN PORCH FINISHED / 214						
	Appendage / Sqft		GARAGE FINISHED / 472						
	Appendage / Sqft		OPEN PORCH FINISHED / 132						

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.

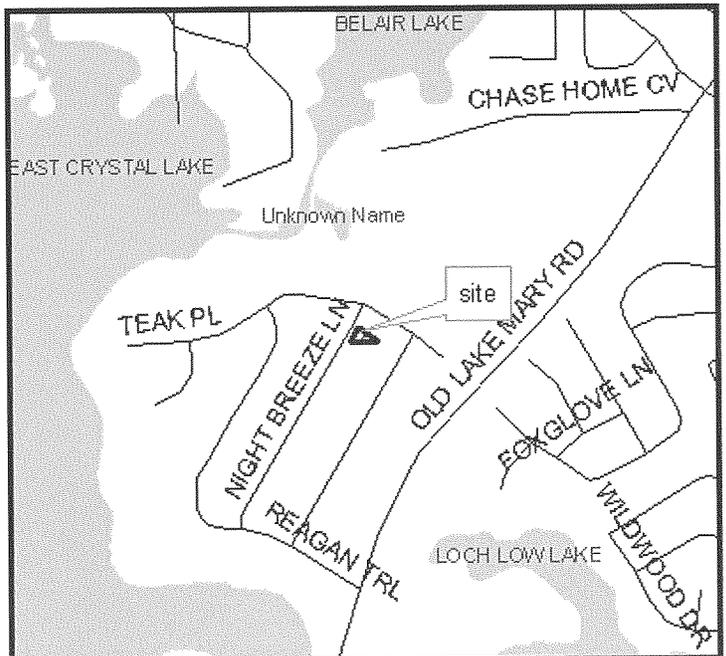
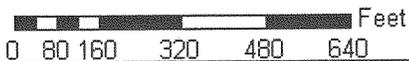
**Craig & Michelle James  
3229 Night Breeze Ln  
Lake Mary, FL 32746**



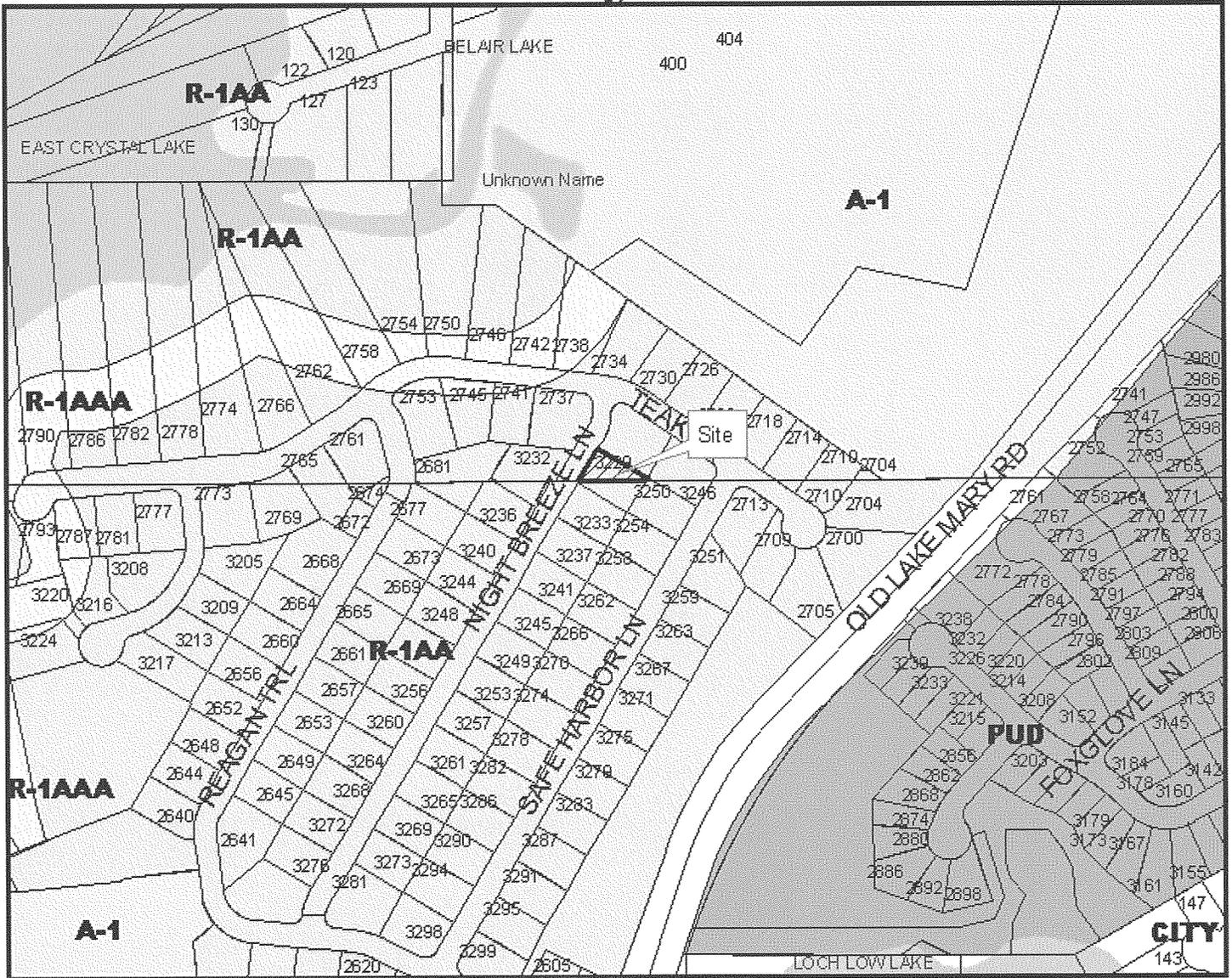
**Seminole County Board of Adjustment  
May 23, 2005  
Case: BV2005-029  
Parcel No: 03-20-30-5PZ-0000-1060**

**Future Land Use**

-  CONS, LDR
-  CONS, PD
-  LDR, NONE
-  PD, NONE
-  BV2005-029



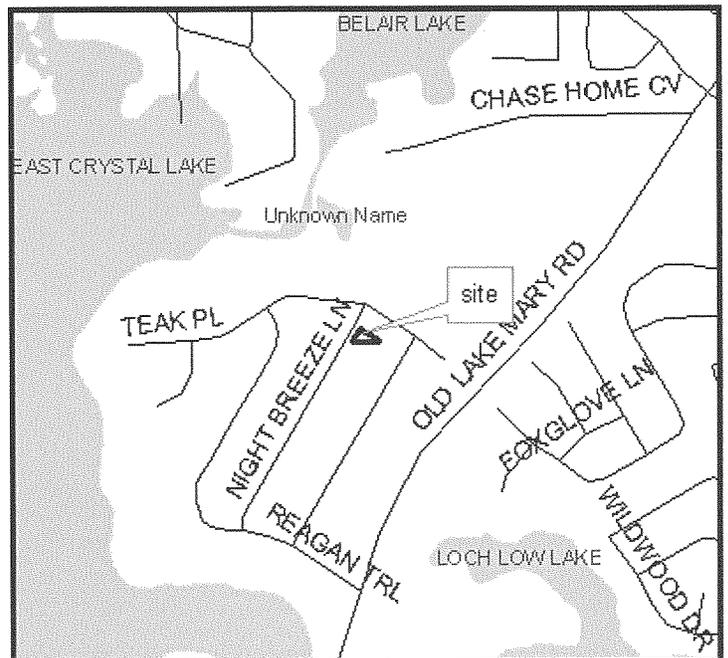
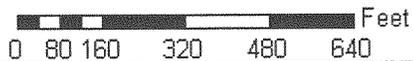
**Craig & Michelle James**  
**3229 Night Breeze Ln**  
**Lake Mary, FL 32746**



**Seminole County Board of Adjustment**  
**May 23, 2005**  
**Case: BV2005-029**  
**Parcel No: 03-20-30-5PZ-0000-1060**

**Zoning**

-  A-1 Agricultural-1Ac
-  R-1AAA Single Fam-13500
-  R-1AA Single Fam-11700
-  PUD Planned Unit Dev.
-  BV2005-029



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On May 23, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 106 THE COVE PH 2 PB 58 PGS 73-78 BLK H TRACT  
73 SANLANDO SPRINGS PB 9 PG 3

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

**FINDINGS OF FACT**

**Property Owner:** MICHELLE AND CRAIG JAMES  
3229 NIGHT BREEZE LANE  
LAKE MARY, FL 32746

**Project Name:** 3229 NIGHT BREEZE LANE

**Requested Development Approval:**

REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CRAIG & MICHELLE JAMES, APPLICANTS)

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 ROOM, 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: