

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED SCREEN ROOM ADDITION IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (MIKE & DEBBIE KYLE, APPLICANTS).

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

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

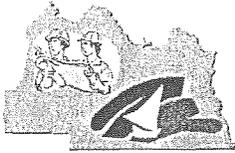
Agenda Date 5-23-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED SCREEN ROOM ADDITION IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (MIKE & DEBBIE KYLE, APPLICANTS); OR
2. **DENY** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED SCREEN ROOM ADDITION IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (MIKE & DEBBIE KYLE, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: MIKE & DEBBIE KYLE LOCATION: 1307 MEGAN WAY ZONING: R-1BB (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A SCREEN ROOM ADDITION THAT WOULD ENCROACH 5 FEET INTO THE MINIMUM 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 FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> • NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE LOT OR PROPOSED SCREEN ROOM ADDITION HAVE

	<p>BEEN DEMONSTRATED.</p> <ul style="list-style-type: none">• THE REQUESTED VARIANCE WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1BB DISTRICT.• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCE. 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 SCREEN ROOM 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

APPL. NO. BV2005-034

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** Rear Yard Set-back Variance from 20ft to 15 ft. for a proposed screen 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
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
MAR 28 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Mike & Debbie Kyle	
ADDRESS	1307 Megan Way Apopka, FL 32703	
PHONE 1	(407) 708-1364	
PHONE 2	(407) 772-0397	
E-MAIL	mkyle-2000@yahoo.com	

PROJECT NAME: _____

SITE ADDRESS: 1307 Megan Way, Apopka, FL 32703

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Lot 48 Cameron Grove PB 53 Pgs 85 thru 87

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 17-21-29-531-0000-0480

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 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.

Debbie Kyle

SIGNATURE OF OWNER OR AGENT*

3-28-05

DATE

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

JV

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 3 FLU/ZONING A-1BB / MDR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS south of Aiden Pl 1/10 mi south of
the intersection of
Aiden Pl and Meason Way.
PLANNING ADVISOR P.J. DATE 3/28/05
SUFFICIENCY COMMENTS _____

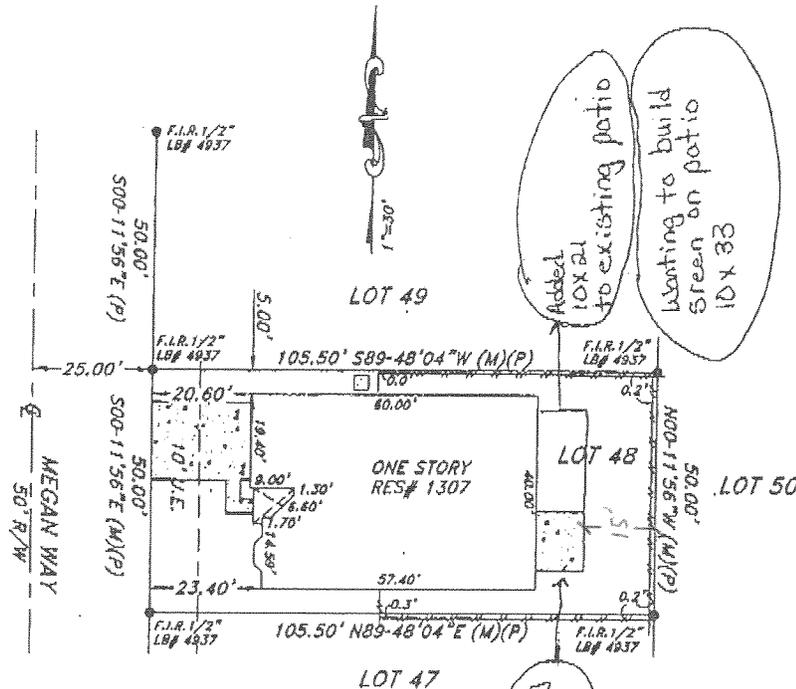
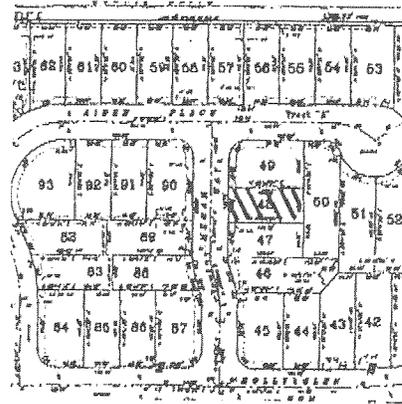
SWERDLOFF & LONG

Legal Description

Lot 48, CAMERON GROVE, according to the plat thereof, as recorded in Plat Book 53, Page(s) 86-88, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0115
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 2/20/2004 Completion Date: 2/24/2004

Certified to:
 Michael Kyle; Debbie Kyle; Alliance Title Services, LTD; American Pioneer Title Insurance Company; Homebank Mortgage Company, its successors and/or assigns



Property Address:
 1307 Megan Way
 Apopka, FL 32703

Survey number: SL 30281

LEGEND

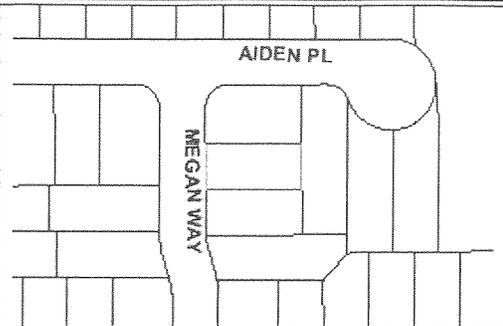
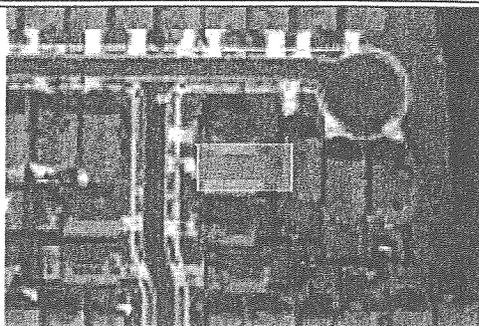
W	Wood Fence	C	Cable River	M.H.	Manhole
W-F	Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
P.N.	Round Nail	TEL	Telephone Facilities	O.R.	Official Records
R	Property Corner	CA	Covered Area	O.R.B.	Official Record Book
CL	Record	H.R.	Heating Reference	P.C.P.	Permanent Control Point
M	Field Monument	CH	Cloud	P.R.M.	Permanent Reference Monument
CL	Clear	MA(D)	Radial	PG.	Page
ENCR	Encroachment	N.R.	Non Radial	PVMT	Pavement
C	Centerline	A/C	Air Conditioner	P.B.	Plat Book
FL	Property Line	B.M.	Bench Mark	P.O.B.	Point of Beginning
C.M.	Concrete Monument	C.	Calculated	P.O.C.	Point of Commencement
F.I.P.	Found Iron Pipe	W	Block Wall	P.O.L.	Point on Line
R/W	Right Of Way	∧	Central Angle/Delta	P.C.	Point of Curvature
N&D	Nail & Disk	D.B.	Dead Block	P.R.C.	Point of Reverse Curvature
D.E.	Drainage Easement	D.	Description or Deed	P.T.	Point of Tangency
U.E.	Utility Easement	D.H.	Drill Hole	R	Radius (Radial)
U.B.	Utility Easement	D/W	Drive way	R.O.E.	Right of Easement
round	round	ESMT	Easement	S.I.R.	Set Iron Rod & Cap
P	Plat	EL	Elevation	N/W	Nitrogen
ASPH	Asphalt	F.F.	Finished Floor	T.O.P.	Top of Bank
O.U.L.	Overhead Utilities	F.C.M.	Found Concrete Monument	TY	Typical
P.P.	Power Pole	P.P.K.	Found Parker-Kalou Nail	W.C.	Witness Corner
TX	Transformer	L.	Length	LOUS	Existing Elevation
		L.A.E.	Limited Access Easement	E.O.W.	Edge Of Water

GENERAL NOTES

1. Legal description provided by others
2. The block shown herein was not abstracted for easements or other recorded encumbrances not shown on this plat
3. Underground utilities of telephone, foundation or other improvements were not located
4. Well logs are on the face of this plat
5. Only visible encroachments located
6. No identification found on property corners unless noted
7. Dimensions shown are true and correct unless otherwise noted
8. Elevations if shown are based upon N.C.V.D. 1927 unless otherwise noted
9. Referencing lines are shown for same block unless otherwise noted
10. This is an AS-BUILT SURVEY and should be noted
11. Not valid unless sealed with the signing surveyor's embossed seal
12. Flood zone delineations are provided as advisory only and are derived from the best sources available to the surveyor. They are not intended to be relied upon for flood insurance purposes, and may differ from information published by others
13. E. H. 7112

I hereby certify that this survey is true and correct representation of a survey prepared under my direction.

Registered Professional Surveyor No. 4411
 Swerloff & Long Surveying, Inc.
 305 Waymont Court, Suite 109, Lake Mary, FL 32746
 Voice 407.688.7631 Fax 407.688.7641

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																										
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-21-29-531-0000-0480 Tax District: 01-COUNTY-TX DIST 1 Owner: KYLE MICHAEL M & DEBBIE A Exemptions: 00-HOMESTEAD Address: 1307 MEGAN WAY City,State,ZipCode: APOPKA FL 32703 Property Address: 1307 MEGAN WAY APOPKA 32703 Subdivision Name: CAMERON GROVE Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$141,072 Depreciated EXFT Value: \$0 Land Value (Market): \$38,000 Land Value Ag: \$0 Just/Market Value: \$179,072 Assessed Value (SOH): \$179,072 Exempt Value: \$25,000 Taxable Value: \$154,072 Tax Estimator</p>																																								
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <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>03/2004</td> <td>05220</td> <td>0864</td> <td>\$195,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1999</td> <td>03730</td> <td>1238</td> <td>\$142,700</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center; font-size: x-small;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/2004	05220	0864	\$195,000	Improved	WARRANTY DEED	09/1999	03730	1238	\$142,700	Improved	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,665 2004 Tax Bill Amount: \$2,665 Save Our Homes (SOH) Savings: \$0 2004 Taxable Value: \$157,660</p> <p style="text-align: center; font-size: x-small;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																						
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<p style="font-size: x-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.</p>																																										

Cameron Grove

HOMEOWNERS ASSOCIATION, INC.

October 2, 2004

Mike & Debbie Kyle
1307 Megan Way
Apopka, FL 32703

Your alteration application for the installation of a screened porch at your home has been APPROVED. This approval required the granting, by the Architectural Control Committee, of a variance from the minimum rear setback of 20 feet required by Section 12.23 of the "Declaration of Covenants, Conditions and Restrictions - Cameron Grove Homeowners Association, Inc. - Seminole County, Florida."

Please note that Seminole County zoning district regulations require a minimum rear setback of 20 feet for the main residence and additions to the main residence within the zoning district (R-1BB) that pertains to Cameron Grove. With the proposed screen porch, your home will have a setback of only 15 feet.

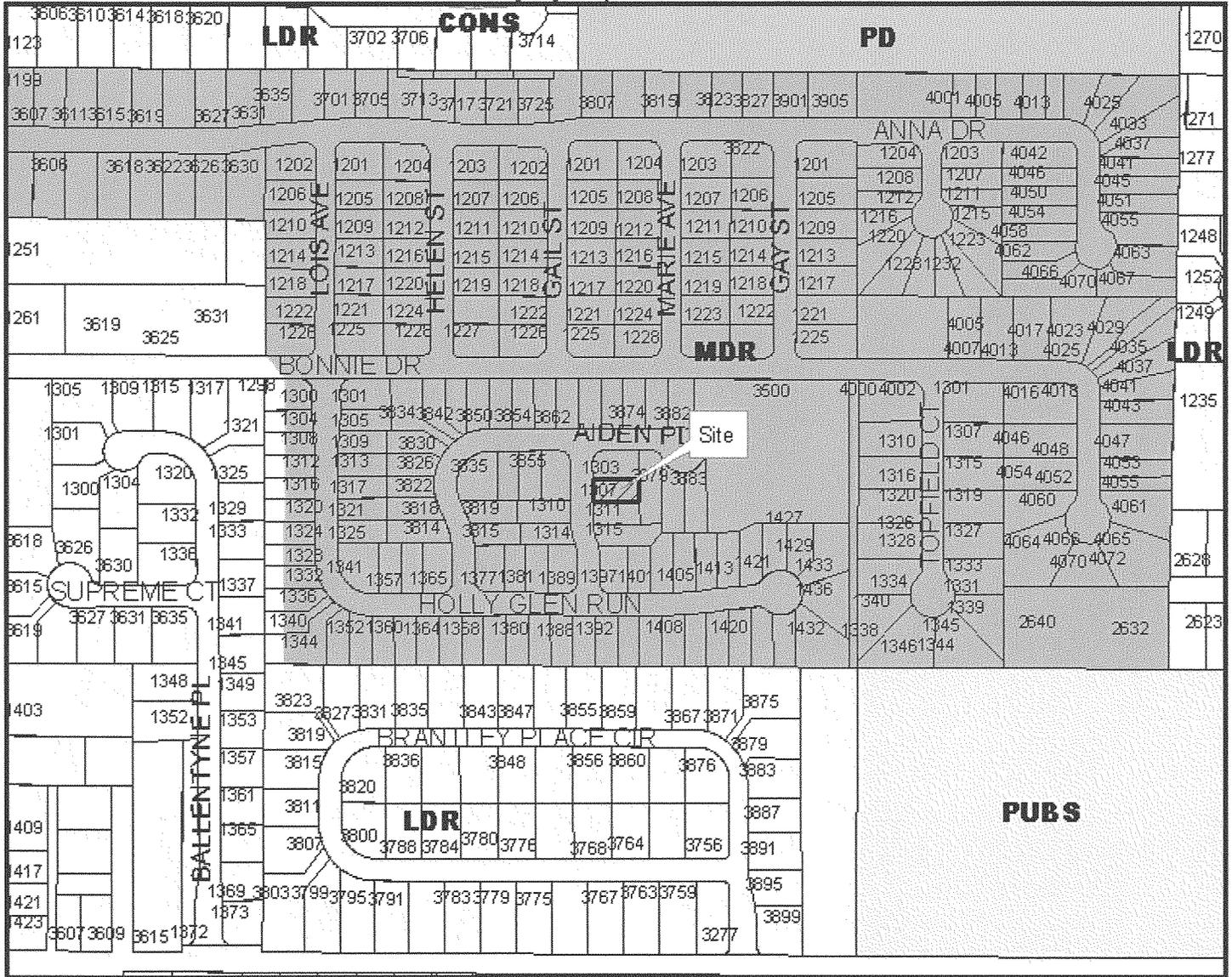
As owners of this property, you are solely responsible for determining whether the improvements described in your application comply with all applicable laws, rules and regulations, codes, and ordinances. Your responsibility includes, without limitation, the following: zoning ordinances, subdivision regulations, building permits, variances, and building codes. The Architectural Control Committee, Board of Directors, and Homeowners Association shall have no liability or obligation to determine whether such improvements comply with such laws, rules, regulations, codes, or ordinances.

Sincerely,



David Sumner
Chairman, ACC
Cameron Grove Homeowners Association

**Mike & Debbie Kyle
1307 Megan Way
Apopka, FL 32703**



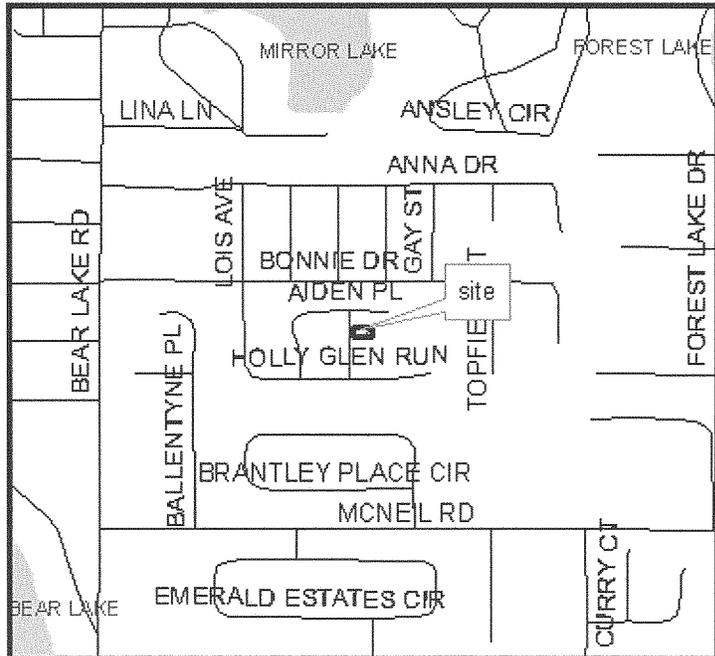
**Seminole County Board of Adjustment
May 23, 2005
Case: BV2005-034
Parcel No: 17-21-29-531-0000-0480**

Zoning

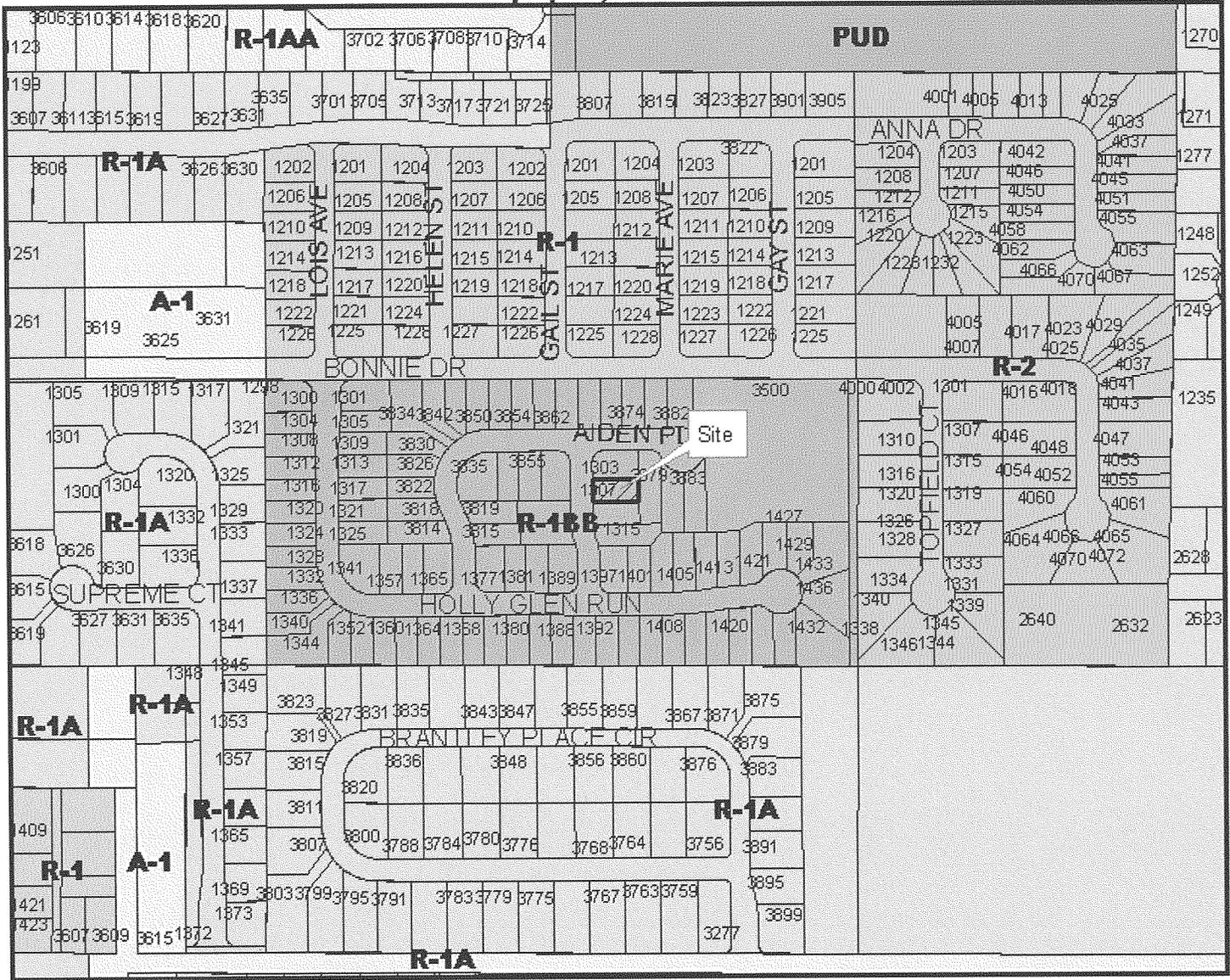
-  CONS, LDR
-  PUBS, NONE
-  LDR, NONE
-  MDR, NONE
-  PD, NONE
-  BV2005-034

N


0 80 160 320 480 640 Feet



**Mike & Debbie Kyle
1307 Megan Way
Apopka, FL 32703**

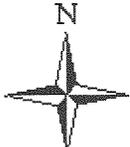


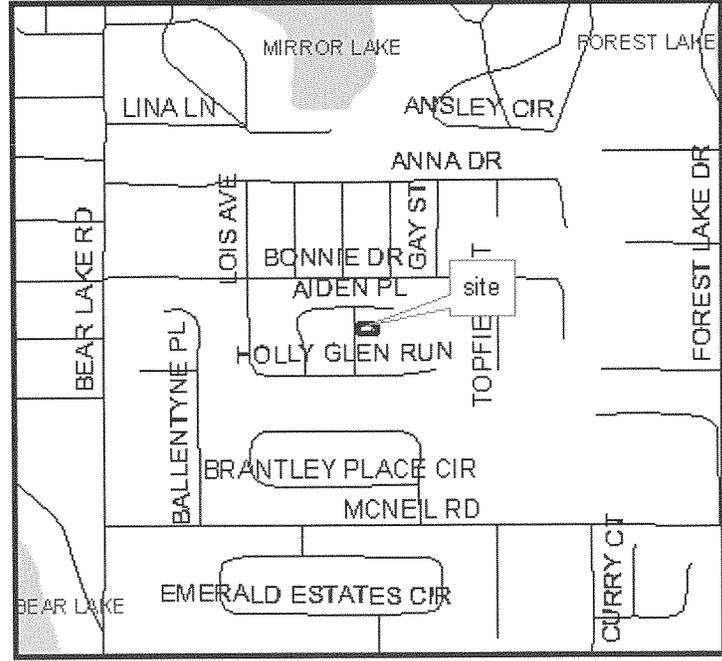
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Zoning

 A-1 Agricultural-1Ac	 BV2005-034
 R-1AA Single Fam-11700	
 R-1A Single Fam-9000	
 R-1 Single Fam-8400	
 R-1BB Single Fam-5000	
 R-2 One and Two-Family-9000	
 PUD Planned Unit Dev.	
 PCD Planned Commercial Dist.	

0 80 160 320 480 640 Feet

N




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:

LOT 48 CAMERON GROVE PB 53 PGS 85 THRU 87

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

FINDINGS OF FACT

Property Owner: MICHAEL M. & DEBBIE A. KYLE
1307 MEGAN WAY
APOPKA, FL 32703

Project Name: MEGAN WAY (1307)

Requested Development Approval:

MINIMUM REAR YARD SETBACK VARIANCE FROM 20 FEET TO 15 FEET FOR A PROPOSED SCREEN ROOM ADDITION IN THE R-1BB (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 variances granted will apply only to the proposed screen 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: