

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING ROOM ADDITION IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (STEVE KANE, APPLICANT).

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

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

**Agenda Date** 06-27-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING ROOM ADDITION IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (STEVE KANE, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING ROOM ADDITION IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (STEVE KANE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	STEVE KANE, APPLICANT 361 CENTER STREET R-1A (NORTH CHULUOTA)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONVERTED AN EXISTING COVERED SCREEN ROOM INTO A ROOM ADDITION WITHOUT A PERMIT.</li> <li>• ON 3/25/91 THE EXISTING COVERED SCREEN ROOM WAS GRANTED A VARIANCE FROM 10 FEET TO 4 FEET.</li> </ul>	
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE ADDITION ENCROACHES 6 FEET INTO THE MINIMUM 10 FOOT SIDE YARD SETBACK.</li> <li>• THE GRANT OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE NORTH CHULUOTA SUBDIVISION BY ALLOWING ENCROACHMENT INTO THE SIDE YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.</li> <li>• THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE</li> </ul>	

	<p>REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE.</p> <ul style="list-style-type: none"><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW AN ADDITION 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 APPLICANT 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 EXISTING 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. BV 2005-049

**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** side yard setback from 10ft. to 4ft. for addition to home (room)
  - SPECIAL EXCEPTION**
  - LIMITED USE**
  - SF DWELLING UNDER CONSTRUCTION
  - NIGHT WATCHMAN
  - YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
  - SIZE OF MOBILE HOME / RV \_\_\_\_\_
  - PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
  - APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Steve Kane</u>	
ADDRESS	<u>361 Center St</u>	
	<u>Chuluota, FL 32766</u>	
PHONE 1	<u>407-267-2294</u>	
PHONE 2	<u>407-977-5758</u>	
E-MAIL	<u>midiman1@bellsouth.net</u>	

PROJECT NAME: Steve Kane Variance

SITE ADDRESS: 361 Center St

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Lot 15 BK 48 North Chuluota 1st Add PB 12 B 4

SIZE OF PROPERTY: 1/3 acre(s) PARCEL I.D. 28-21-32-502-4800-0150

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

KNOWN CODE ENFORCEMENT VIOLATIONS Stop Work Order

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 6/27/2005 (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]

4/22/05

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**

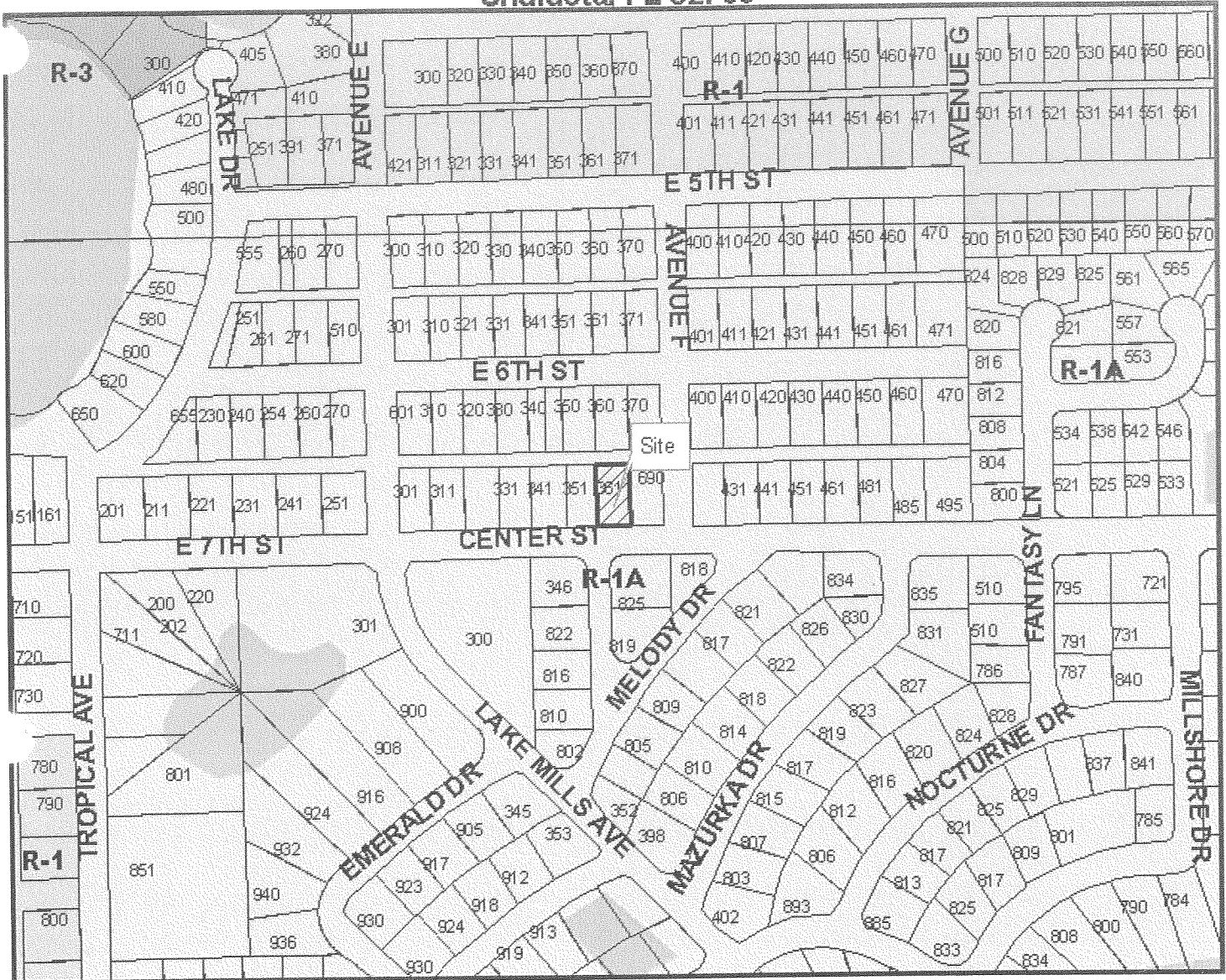
PROCESSING:  
FEE(S): \$ 150 COMMISSION DISTRICT 1 FLU/ZONING R4A/LDR  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS north of Center St. less than 1/4 mi  
from the intersection of Center St. and Avenue E  
PLANNING ADVISOR KF DATE 4/22/05  
SUFFICIENCY COMMENTS \_\_\_\_\_



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																									
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 28-21-32-502-4800-0150      Tax District: 01-COUNTY-TX DIST 1          Owner: KANE STEVEN D &amp; LAURA P      Exemptions: 00-HOMESTEAD          Address: 361 CENTER ST          City,State,ZipCode: OVIEDO FL 32766          Property Address: 361 CENTER ST OVIEDO 32766          Subdivision Name: NORTH CHULUOTA 1ST ADD          Dor: 01-SINGLE FAMILY</p>	<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market          Number of Buildings: 1          Depreciated Bldg Value: \$84,639          Depreciated EXFT Value: \$0          Land Value (Market): \$23,175          Land Value Ag: \$0          Just/Market Value: \$107,814          Assessed Value (SOH): \$67,470          Exempt Value: \$25,000          Taxable Value: \$42,470          Tax Estimator</p>																																								
<p align="center"><b>SALES</b></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>07/1998</td> <td>03478</td> <td>1622</td> <td>\$67,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1983</td> <td>01477</td> <td>1293</td> <td>\$6,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1982</td> <td>01406</td> <td>0940</td> <td>\$11,300</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	07/1998	03478	1622	\$67,000	Improved	WARRANTY DEED	08/1983	01477	1293	\$6,500	Vacant	WARRANTY DEED	08/1982	01406	0940	\$11,300	Vacant	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,158          2004 Tax Bill Amount: \$685          Save Our Homes (SOH) Savings: \$473          2004 Taxable Value: \$40,505          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>																																									







Steve Kane  
 361 Center St  
 Chuluota, FL 32766




Seminole County Board of Adjustment  
 June 27, 2005  
 Case: BV2005-049  
 Parcel No: 28-21-32-502-4800-0150

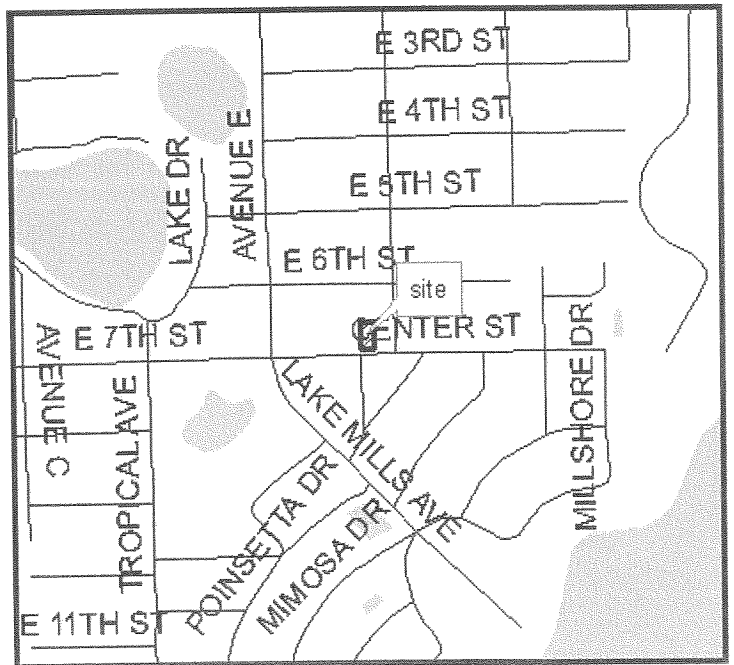
**Zoning**

-  R-1A Single Fam-9000
-  R-1 Single Fam-8400
-  R-3 Multi-Family-13DU
-  BV2005-049

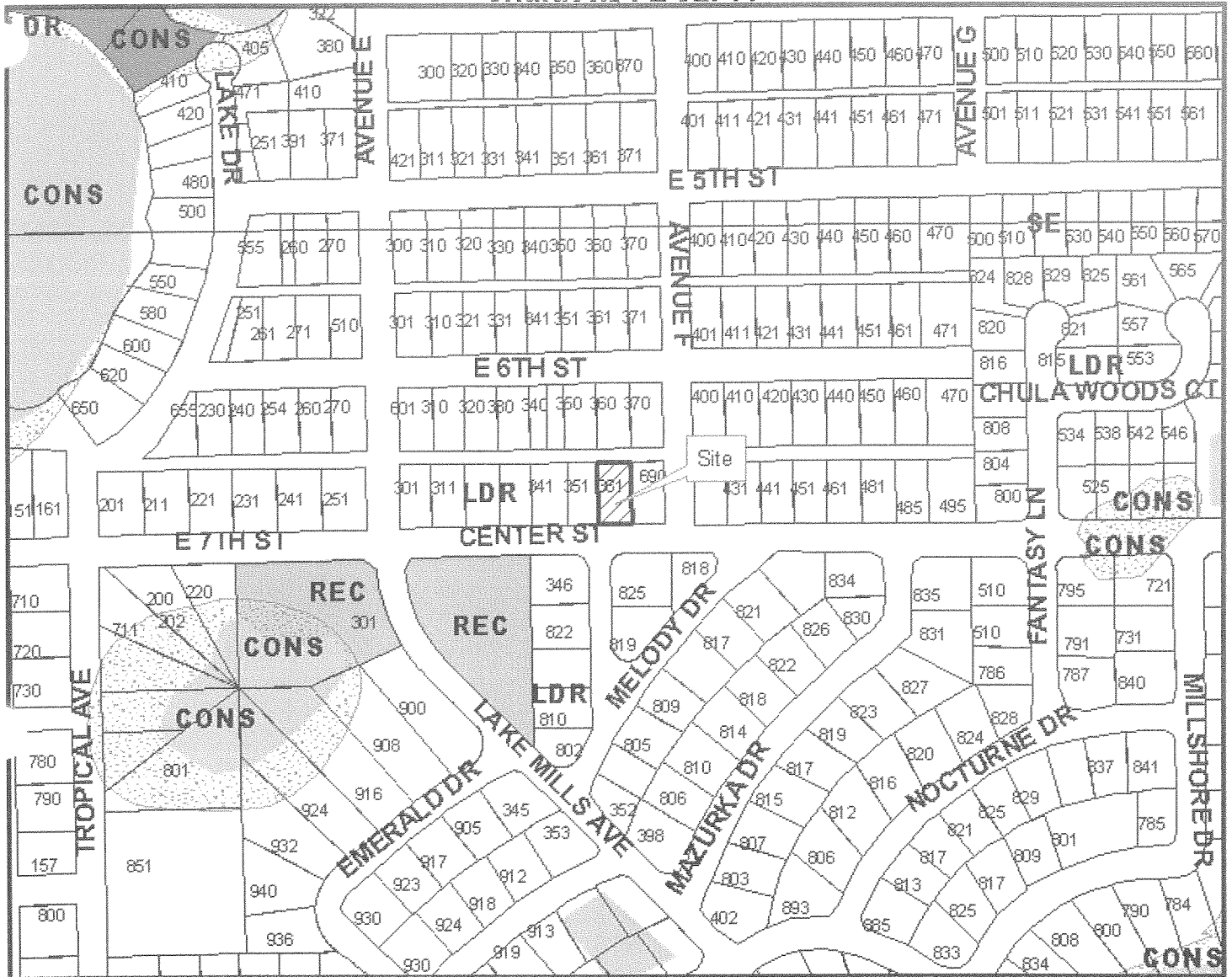
N



0 75 150 300 450 600 Feet



Steve Kane  
 361 Center St  
 Chuluota, FL 32766

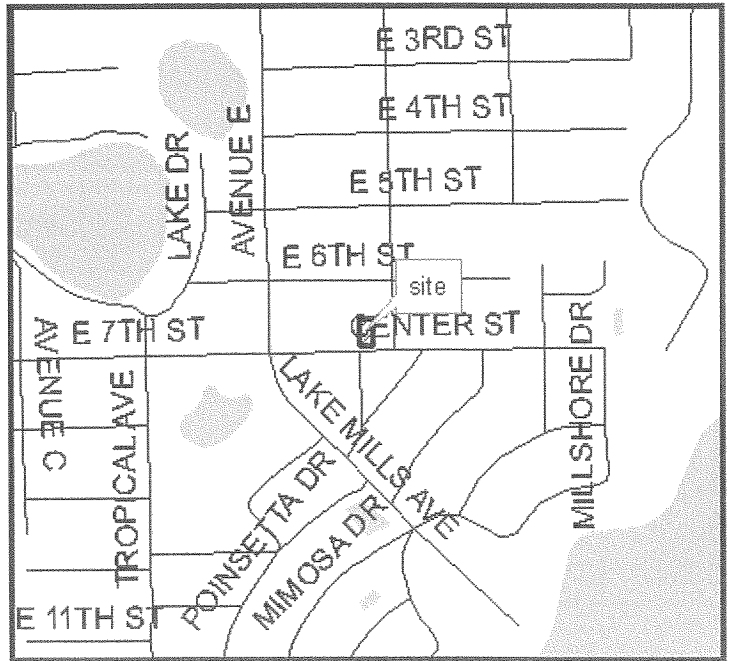


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**Future Land Use**

	CONS, REC		LDR, NONE
	CONS, LDR		MDR, NONE
	CONS, HDR		HDR, NONE
	REC, NONE		BV2005-049

0 75 150 300 450 600 Feet





actions Help

6/07/2005 9:59:54 AM

Case number	05 0000184	
Property address, ID	361 CENTER ST	243572
Parcel ID	28-21-32-502-4600-0150	
Division Name	NORTH CHULUOTA 1ST ADD	
Case status, description	AC ACTIVE	
Case type, description, established	UNPR UNPERMITTED CONSTRUCTION	2/10/05
Origination code, description	IC INTERNAL COMPLAINT	
Default inspector ID	162 TOM HELLE	
Tenant name, number		
Case credit balance	.00	

Send notices to **PROPERTY OWNER**

Name	KANE STEVEN D & LAURA P	Print letters	Y
Address	361 CENTER ST CHULUOTA FL	Phone	Zip 32766

OK Exit Cancel

▲ ▼

FILE #: BA91-3-28V                   APPL: BAYNE, SONIA  
EC: 28   TWP: 21   RNG: 32   SUF:           PL BK:   12   PB PG:   4   BLOCK #: 48

**EVELOPMENT NAME:** VAR.-BAYNE, SONIA

**LOC:** N SIDE OF SEVENTH STREET, 75 FT. W OF AVENUE F AND

ARC #1: 15   #2:           #3:           #4:           #5:           #6:           #7:  
ARC #1:   #2:           #3:           #4:           #5:           #6:           #7:

**REQUEST DESCRIPTION:**

IDE YARD SETBACK VARIANCE FROM 10 FT. TO 4 FT. FOR A SCREENED PORCH.

**ACTION:** APPROVED.

**DATE:** 032591

**REMARKS:**

LOCATION: ALSO 1/2 MILE E OF SR-419.) (TOWNSITE OF NORTH CHULUOTA,  
'IRST ADDITION)

**CMD 1** - End Job   **CMD 2** - Go to Search Prompt   **HELP** - SCREEN AID

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

LEG LOT 15 BLK 48 NORTH CHULULTA 1<sup>ST</sup> ADD PB 12 PG 4

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

**FINDINGS OF FACT**

**Property Owner:** Steve Kane  
361 Center Street  
Chuluota, Fl. 32766

**Site Address:** 361 Center Street

**Requested Development Approval:**

THE REQUEST FOR MINIMUM SIDE YARD SETBACK FROM 10 FEET TO 5 FEET FOR AN EXISTING ROOM ADDITION

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 EXISTING 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 Matthew West 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: