

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ATTACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DAVID MARCUS, 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 REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ATTACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DAVID MARCUS, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ATTACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DAVID MARCUS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: DAVID MARCUS, APPLICANT LOCATION: 211 SOUTH CRYSTAL DRIVE ZONING: R-1AA (LOCH ARBOR)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT AN ATTACHED GARAGE, THAT WOULD ENCROACH 20 FEET INTO THE 30 FOOT 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 LOCH ARBOR NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANT.</li> <li>• THE APPLICANT WOULD RETAIN REASONABLE USE OF</li> </ul>

	<p>THE PROPERTY WITHOUT 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 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 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 PROPOSED GARAGE 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>

DAVID L. & JACKLYN A. MARCUS  
211 SOUTH CRYSTAL DRIVE  
SANFORD, FL 32772  
407-443-3042

June 10, 2005

Attn: Board of Adjustment  
Planning and Development Department  
Planning Division  
1101 East First Street, Suite 2201  
Sanford, FL 32771

Re: Property located at 211 South Crystal Drive, Sanford, Florida  
BV2005-062

To Whom It May Concern:

Please be advised that I am unable to attend the public hearing scheduled for June 27, 2005, beginning at 6:00 p.m. due to an out of town prepaid business meeting.

Attached please find the signatures of all adjacent property owners affected by this variance indicating that they have no objection to same.

In the event you should need any additional information or have questions concerning this matter, I would appreciate having this application continued until the next meeting so I am able to attend in person.

Thank you for your cooperation in this matter.

Yours very truly,

A handwritten signature in cursive script that reads "David L. Marcus". The signature is written in dark ink and includes a long horizontal flourish at the end.

David L. Marcus

jm/DLM  
Enclosure

I have no objection to the building that homeowner, David L. Marcus, of 211 South  
Crystal Drive, Sanford, FL 32773, has proposed to be built on his property:

Dated: 5/23, 2005



Jack LaRocca, Jr.  
100 Caspian Cove  
Sanford, FL 32773  
407-323-7090

Dated: 6/6, 2005



Jack Gritter  
101 Caspian Cove  
Sanford, FL 32773  
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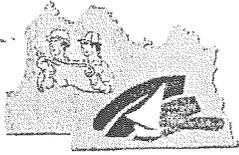


Tim Storms  
104 Caspian Cove  
Sanford, FL 32773  
407-302-8522

Dated: 5/26/, 2005



Paul S. Algeri  
205 South Crystal Drive  
Sanford, FL 32773  
407-323-0279



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. 2005-062

**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 GET BACK VARIANCE FROM 30 FT. TO 10 FT. FOR A PROPOSED ATTACHED GARAGE.
- 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	David Marcus	
ADDRESS	211 S Crystal Dr Sanford FL 32773	
PHONE 1	407 302 8365	
PHONE 2	407 443 3042	
E-MAIL		

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

SITE ADDRESS: 211 S Crystal Dr

CURRENT USE OF PROPERTY: Res.

LEGAL DESCRIPTION: All Lot 5 + Pt back Crystal Dr Desc AS Beg 53.5 Ft S 18 Deg 00 Min 32 Sec E of NW Cor Lot 5 Runs 18 Deg

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 03-20-30-506-0200-0050

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 4, 27, 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.

David Le Meunier  
 SIGNATURE OF OWNER OR AGENT\* DATE 5-3-05

\* 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): 150.00 cash

COMMISSION DISTRICT 5 FLU / ZONING LOR / R-1AA

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

LOCATION FURTHER DESCRIBED AS east of S. Crystal Dr less than 1/4 mi north of the intersection of S Crystal Dr & Caspian CV

PLANNING ADVISOR \_\_\_\_\_

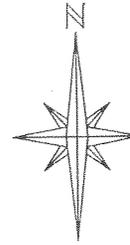
DATE 5/3/03

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

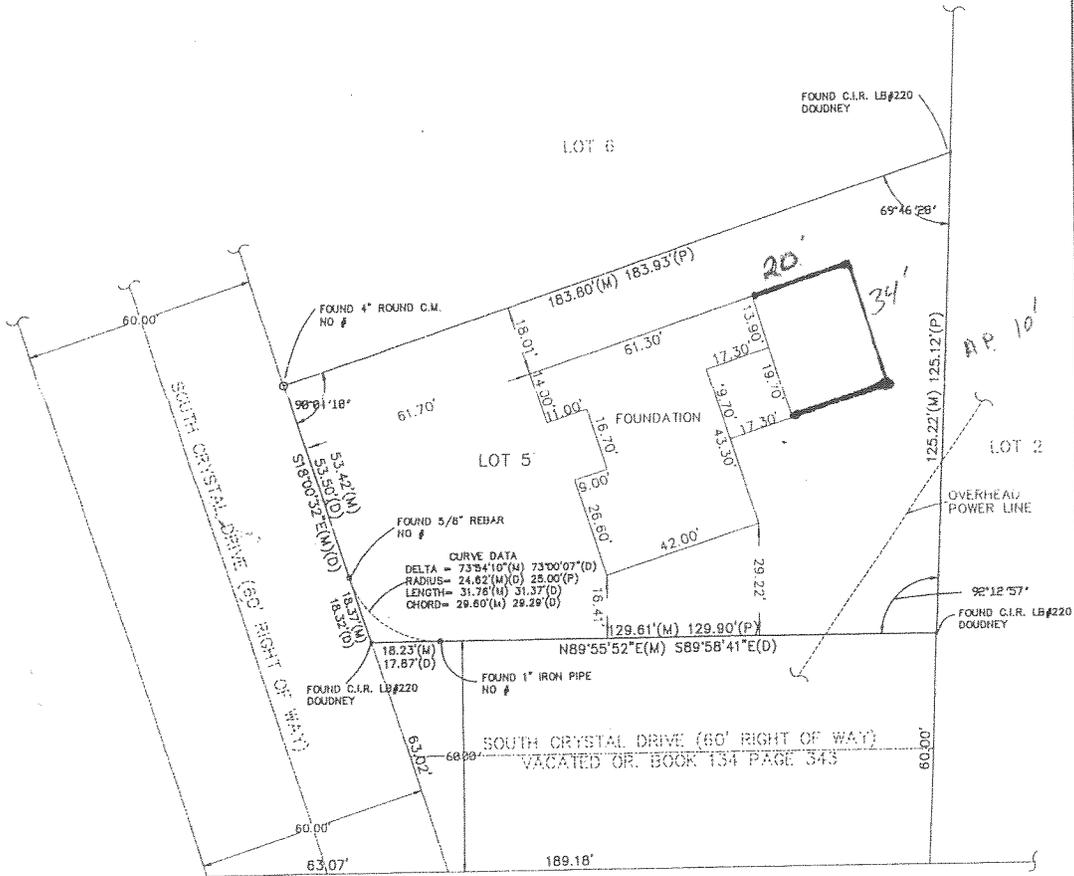
# MAP OF AS-BUILT SURVEY

## PROPERTY DESCRIPTION

Lot 5, Block 2, BEL-ISLE SECTION OF LOCH ARBOR, according to the plat thereof as recorded in Plat Book 7, Page 72 of the Public Records of Seminole County, Florida, TOGETHER WITH a portion of vacated South Crystal Drive being more particularly described as follows: Commence at the Northwest Corner of said Lot 5 and run S 18°00'32" East along the West line of said Lot 5, 53.50 feet to the Point of Beginning; thence continue S 18°00'32" East 18.32 feet; thence run S 89°58'41" E 17.87 feet to the beginning of a curve concave Northeasterly having a radius of 24.62 feet a chord of 29.29 feet and a chord bearing of N 53°28'38" W; thence run Northwesterly along said curve 31.37 feet through a central angle of 73° 00'07" to the Point of Beginning.



SCALE: 1" = 30'



### SURVEYOR'S NOTES:

- 1.) THE PROPERTY DESCRIPTION WAS PROVIDED BY THE CLIENT.
- 2.) THE SURVEYOR HAS NOT PERFORMED A TITLE SEARCH ON THIS PROPERTY.
- 3.) THERE MAY BE EASEMENTS OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY.
- 4.) ALL DISTANCES SHOWN WERE MEASURED IN THE FIELD AND ANY DISCREPANCIES BETWEEN MEASURED (M) AND PLAT (P) OR DEED (D) HAVE BEEN SHOWN HEREON.
- 4.) THE BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH CRYSTAL DRIVE AS BEING S 18°00'32"E PER DEED.

### LEGEND

- C.M. = CONCRETE MONUMENT
- C.I.R. = CAPPED IRON ROD
- OR. = OFFICIAL RECORD

CERTIFIED TO:

**WILLIAM R. MUSCATELLO JR., P.S.M.**

602 LAKE ORIENTA DRIVE, ALTAMONTE SPRINGS, FLORIDA 32701 (407) 831-5253

WILLIAM R. MUSCATELLO JR.  
FLORIDA SURVEYOR AND MAPPER, LICENSE #4928

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

**THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.**

REV. NO.	BY	DATE	FIELD BOOKS	AS-BUILT SURVEY	SCALE	BY	DATE	
1	WRM	3/17/99	X-SHEET 99-1	SECTION 3	1" = 30'	SURVEYED	WRM	11/8/98
ADDED FOUNDATION AND REVISED PROPERTY DESCRIPTION BASED ON NEWLY PROVIDED CLIENT.				TOWNSHIP	28	CALCS	WRM	11/8/98
PROPERTY DESCRIBED, REMOVED ASPHALT DRIVE AND ADDED OVERHEAD POWER LINE.				RANGE	30	DRAWN	WFA	11/8/98
				CLIENT		CHECKED	WRM	11/8/98
				DRAWING INDEX NO.	98-16			
				CAD DRAWING FILE	LOT 5	JOB NO. 98-16		

<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 407-665-7508</p>																										
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 03-20-30-506-0200-0050      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MARCUS JACKLYN A &amp; DAVID L      Exemptions: 00-HOMESTEAD</p> <p>Address: 211 S CRYSTAL DR</p> <p>City,State,ZipCode: SANFORD FL 32773</p> <p>Property Address: 211 CRYSTAL DR S SANFORD 32773</p> <p>Subdivision Name: BEL-ISLE SEC OF LOCH ARBOR</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$139,057</p> <p>Depreciated EXFT Value: \$1,190</p> <p>Land Value (Market): \$19,110</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$159,357</p> <p>Assessed Value (SOH): \$150,342</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$125,342</p> <p>Tax Estimator</p>																								
<p 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>11/2002</td> <td>04618</td> <td>0923</td> <td>\$175,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1999</td> <td>03604</td> <td>0291</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1998</td> <td>03517</td> <td>1073</td> <td>\$25,000</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	11/2002	04618	0923	\$175,000	Improved	WARRANTY DEED	03/1999	03604	0291	\$100	Vacant	WARRANTY DEED	10/1998	03517	1073	\$25,000	Vacant	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$2,542</p> <p>2004 Tax Bill Amount: \$2,044</p> <p>Save Our Homes (SOH) Savings: \$498</p> <p>2004 Taxable Value: \$120,963</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																					
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<b>BUILDING INFORMATION</b>																										
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																	
1	SINGLE FAMILY	2000	10	1,859	2,660	1,859	CB/STUCCO FINISH	\$139,057	\$142,623																	
	Appendage / Sqft		OPEN PORCH FINISHED / 102																							
	Appendage / Sqft		OPEN PORCH FINISHED / 153																							
	Appendage / Sqft		GARAGE FINISHED / 546																							
<b>EXTRA FEATURE</b>																										
	Description	Year Blt	Units	EXFT Value	Est. Cost New																					
	SCREEN ENCLOSURE	2000	714	\$1,190	\$1,428																					
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																										

DAVID L. & JACKLYN A. MARCUS  
211 SOUTH CRYSTAL DRIVE  
SANFORD, FL 32772  
407-443-3042

June 10, 2005

Attn: Board of Adjustment  
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Sanford, FL 32771

Re: Property located at 211 South Crystal Drive, Sanford, Florida  
BV2005-062

To Whom It May Concern:

Please be advised that I am unable to attend the public hearing scheduled for June 27, 2005, beginning at 6:00 p.m. due to an out of town prepaid business meeting.

Attached please find the signatures of all adjacent property owners affected by this variance indicating that they have no objection to same.

In the event you should need any additional information or have questions concerning this matter, I would appreciate having this application continued until the next meeting so I am able to attend in person.

Thank you for your cooperation in this matter.

Yours very truly,



David L. Marcus

jm/DLM  
Enclosure

I have no objection to the building that homeowner, David L. Marcus, of 211 South Crystal Drive, Sanford, FL 32773, has proposed to be built on his property:

Dated: 5/20, 2005



Jack LaRocca, Jr.  
100 Caspian Cove  
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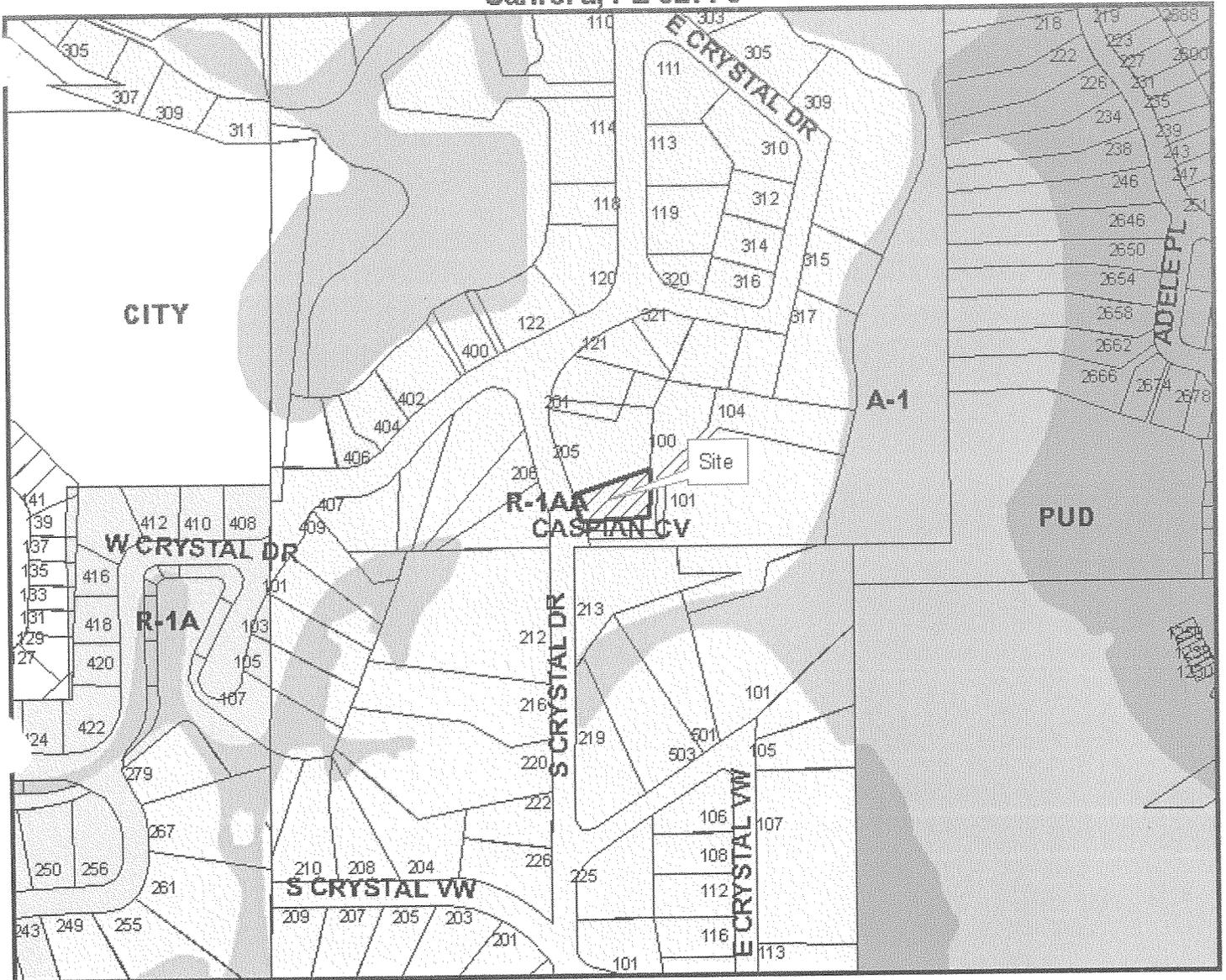
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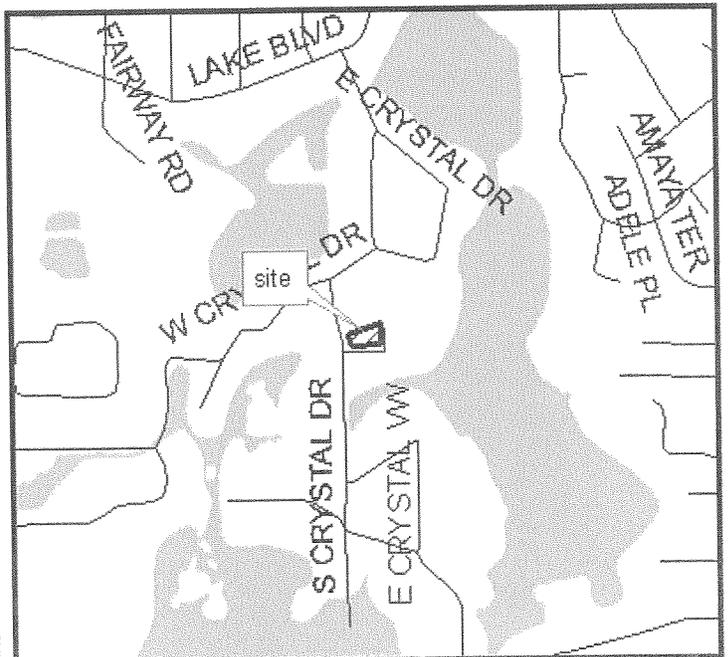
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Seminole County Board of Adjustment  
 June 27, 2005  
 Case: BV2005-062  
 Parcel No: 03-26-30-506-0200-0050

**Zoning**

-  R-1AA Single Fam-11700
-  R-1A Single Fam-9000
-  PUD Planned Unit Dev.
-  PCD Planned Commercial Dist.
-  BV2005-062





**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:

ALL LOT 5 & PT VACD CRYSTAL DR DESC AS BEG 53.5 FT S 18 DEG 00 MIN  
32 SEC E OF NW COR LOT 5 RUN S 18 DEG 00 MIN 32 SEC E 18.32 FT E 17.87  
FT NWLY ON CURVE 31.37 FT TO BEG BLK 2 BEL-ISLE SEC OF LOCH ARBOR  
PB 7 PG 72

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

**FINDINGS OF FACT**

**Property Owner:** DAVID MARCUS  
211 SOUTH CRYSTAL LAKE DRIVE  
SANFORD, FL 32773

**Site Address:** 211 SOUTH CRYSTAL LAKE DRIVE

**Requested Development Approval:**

THE REQUEST FOR REAR YARD SETBACK FROM 30 FEET TO 10 FEET FOR A PROPOSED ATTACHED GARAGE.

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 GARAGE, 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: