

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

SUBJECT: REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 25 FEET TO 13 FEET FOR A PROPOSED ROOM ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (THOMAS LANGKAU & LANI HARRIS, APPLICANTS).

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 25 FEET TO 13 FEET FOR A PROPOSED ROOM ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (THOMAS LANGKAU & LANI HARRIS, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 25 FEET TO 13 FEET FOR A PROPOSED ROOM ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (THOMAS LANGKAU & LANI HARRIS, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	THOMAS LANGKAU & LANI HARRIS 8485 ANSON WAY PUD (TRINITY BAY)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT AN ADDITION (12' X 52') THAT WOULD ENCROACH 12 FEET INTO THE 25 FOOT MINIMUM REAR YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE TRINITY BAY NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS. 	

	<ul style="list-style-type: none">• THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCE.• 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.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• 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">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED ROOM ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



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

RECEIVED
 MAY 05 2005

COPY

APPL. NO. BV 2005-067

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 set back variance from 25' to 13' for proposed home addition.
- SPECIAL EXCEPTION** N/A
- MOBILE HOME SPECIAL EXCEPTION** N/A
- 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**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Thomas Langley/Kari Harris</u>	
ADDRESS	<u>8485 Arson Way Winter Park, FL 32792</u>	
PHONE 1	<u>(407) 617-4390</u>	
PHONE 2	<u>(407) 681-0484</u>	
E-MAIL	<u>W12711@aol.com</u>	

PROJECT NAME: Master bedroom & bath expansion
 SITE ADDRESS: 8485 Arson Way Winter Park, FL 32792
 CURRENT USE OF PROPERTY: Owner's residence
 LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. Lot 24 Trinity Bay Phase II

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 6/27/05 (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.

[Signature] SIGNATURE OF OWNER OR AGENT* DATE 5/4/05

* 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

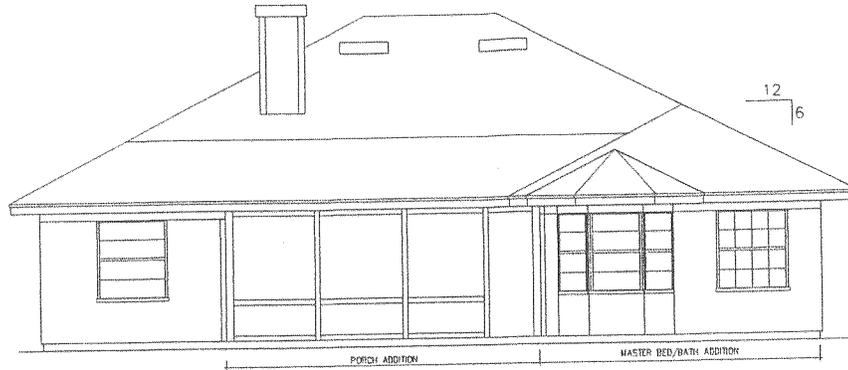
APPELLANT INFORMATION	
NAME	_____
ADDRESS	_____
PHONE 1	_____
PHONE 2	_____
E-MAIL	_____

NATURE OF THE APPEAL _____

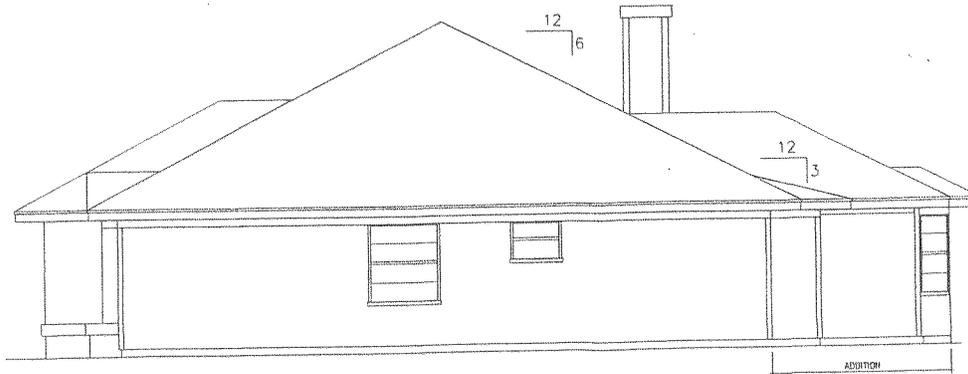
APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): _____ COMMISSION DISTRICT _____ FLU / ZONING PUD
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____
PLANNING ADVISOR ML DATE 5/5/05
SUFFICIENCY COMMENTS _____



REAR ELEVATION



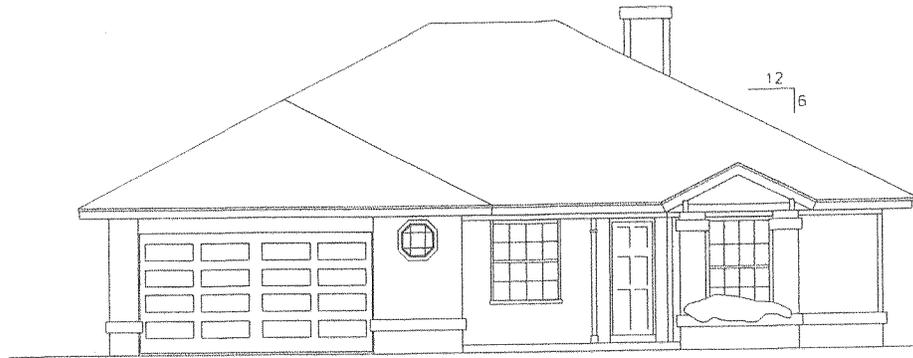
RIGHT ELEVATION

Bora Erbilien, P.E.
FL. PE# 55996

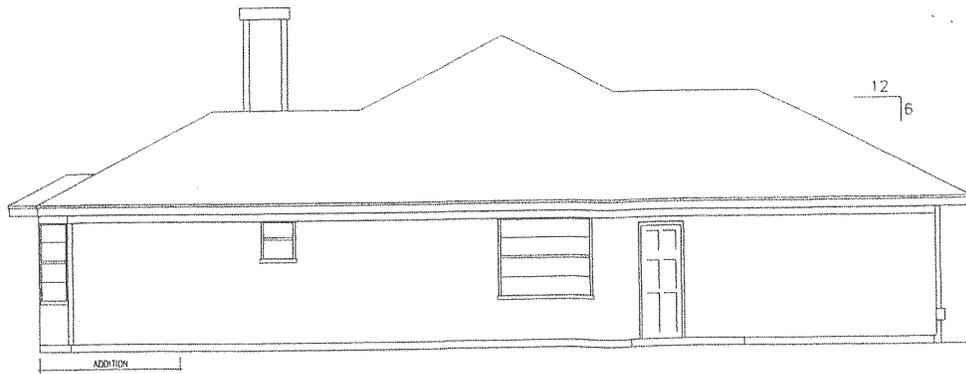
Proposed Design for Lani Harris & Tom Langkau
Orlando, Florida

Date: 05/02/2015
View: Rear Right Elevation
Draw #: A300
Scale: 1/4" = 1'
Drawn by: DLT/asin

DLT
An ORGAL Corporation



FRONT ELEVATION



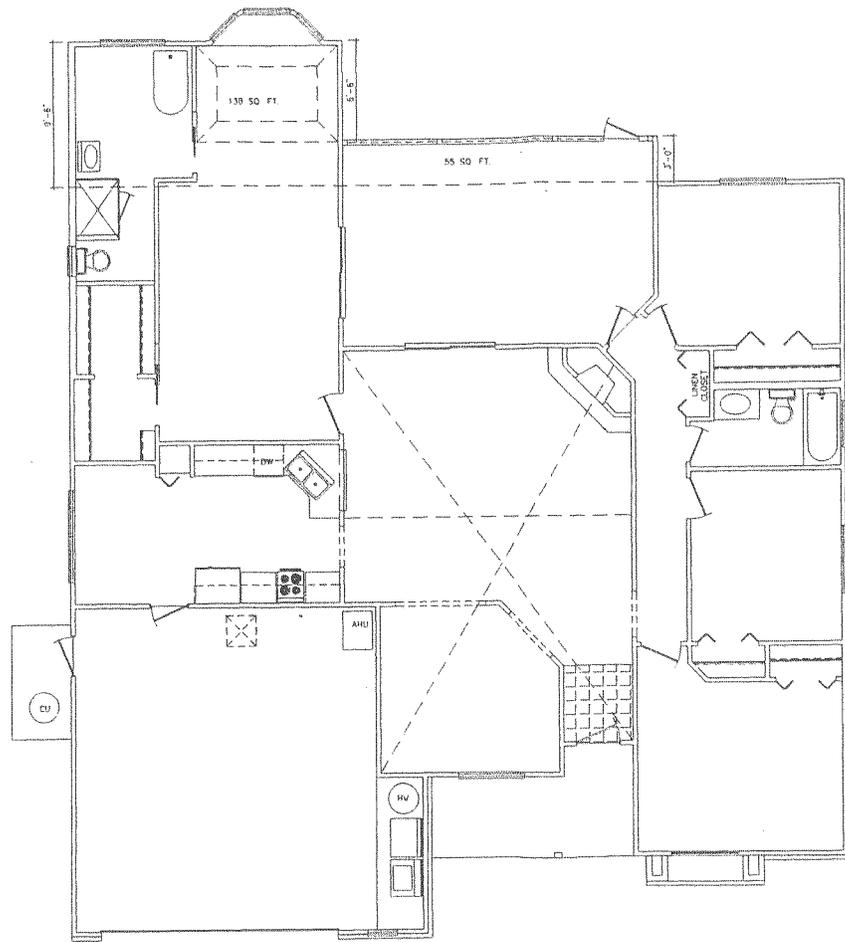
LEFT ELEVATION

Bora Erbilien, P.E.
FL. PE# 55996

Proposed Design for Lani Harris & Tom Langkau
Ocala, Florida

Date: 05/02/05
Contents: Front/Left Elevations
Drawn by: ADP
Scale: 1/4" = 1'-0"
Drawn by: DLT/lsr

DLT
An ORCAAL Corporation



PROPOSED FLOORPLAN

Bera Erbilen, P. E.
FL. PE# 35996

Proposed Design for Lani Harris & Tom Langkau
Orlando, Florida

Date: 05/05/2015
Containing: Proposed Floorplan
Sheet # 1 of 1
Drawn by: B.T. Isam



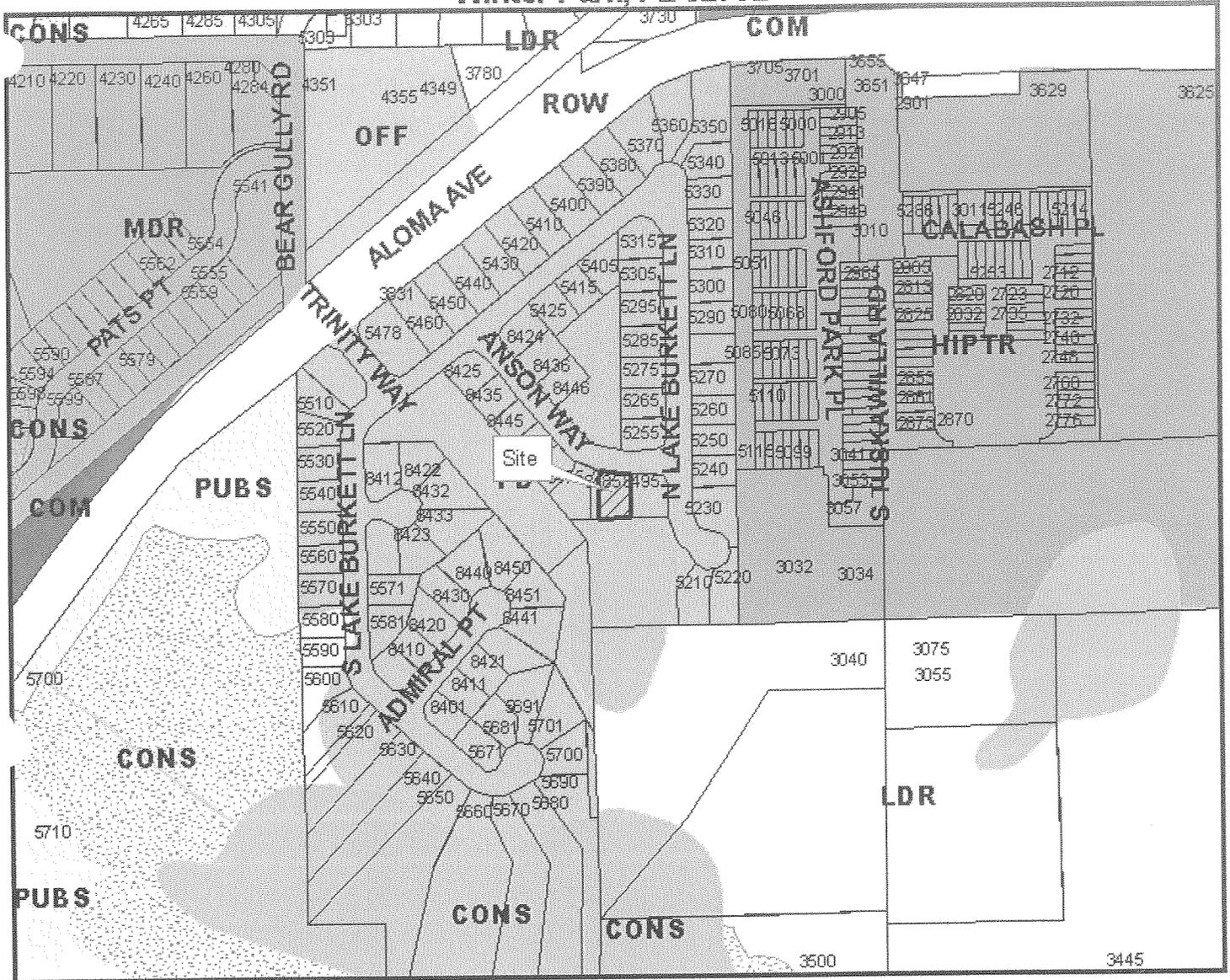
COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 36 TWP: 21 RNG: 30
 PROJ. #

DEVELOPMENT: Trinity Bay Phases 1 and 2		DEVELOPER: Lake Burkett, Ltd.	
LOCATION: 62 Lots - 30.28 Acres			
FILE#:		BA:	
P&Z:		SP:	
BCC: 6/25/84			
PB	30	PG	45-48
Lot		Blk	
		Parcel	
		DBA	
		Comm Dist	
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS: On both sides of internal streets by builder prior to final building inspections. Sidewalk on S side of SR 426 prior to completion of development plan.		SETBACK REQUIREMENTS	
		FY: 25'	SIDE ST.:
ROAD TYPE:		MAIN STRUCTURE OTHER: Minimum Lot Size: 7,000 sq. ft. Maximum Building Height: 35'.	
		ACCESSORY STRUCTURE SETBACKS:	
COMMENTS OTHER: 1) No building permits until amended PUD agreement is received pertaining to water and sewer facilities. 2) Recreation facilities to be completed prior to 30 th unit being built. 3) Entrance to development must line up with Bear Gully Road at right angles. 4) Left and right turn lanes at entrance. 5) Lots 24-27 may be filled if compensating storage is created to accommodate the designer.		SY: 10'	RY: 10'
		ACCESSORY STRUCTURE OTHER:	

IMPACT FEES	
	SCREEN:
	TRAFFIC ZONE: 184-E
	LAND USE: 1
	1. ROAD-CO. WIDE
	2. ROAD-COLL.
	3. LIBRARY
	4. FIRE \$10.00
	5. PARK
	6. SCHOOL \$300.00
	7. LAW
	8. DRAINAGE
	TOTAL
	REMARKS: curb and gutter; sidewalks.

Thomas L Langkau
 8485 Anson Way
 Winter Park, FL 32792

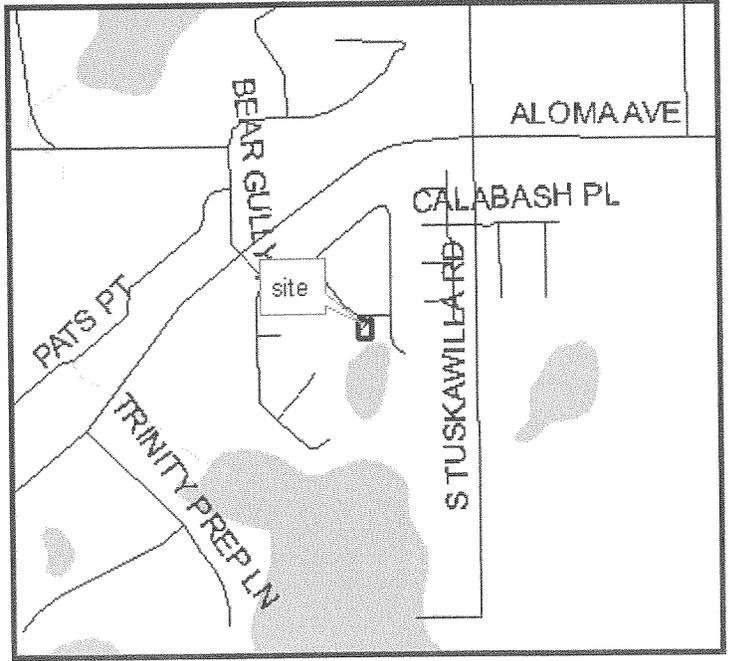


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-067
 Parcel No: 36-21-30-507-0000-0240

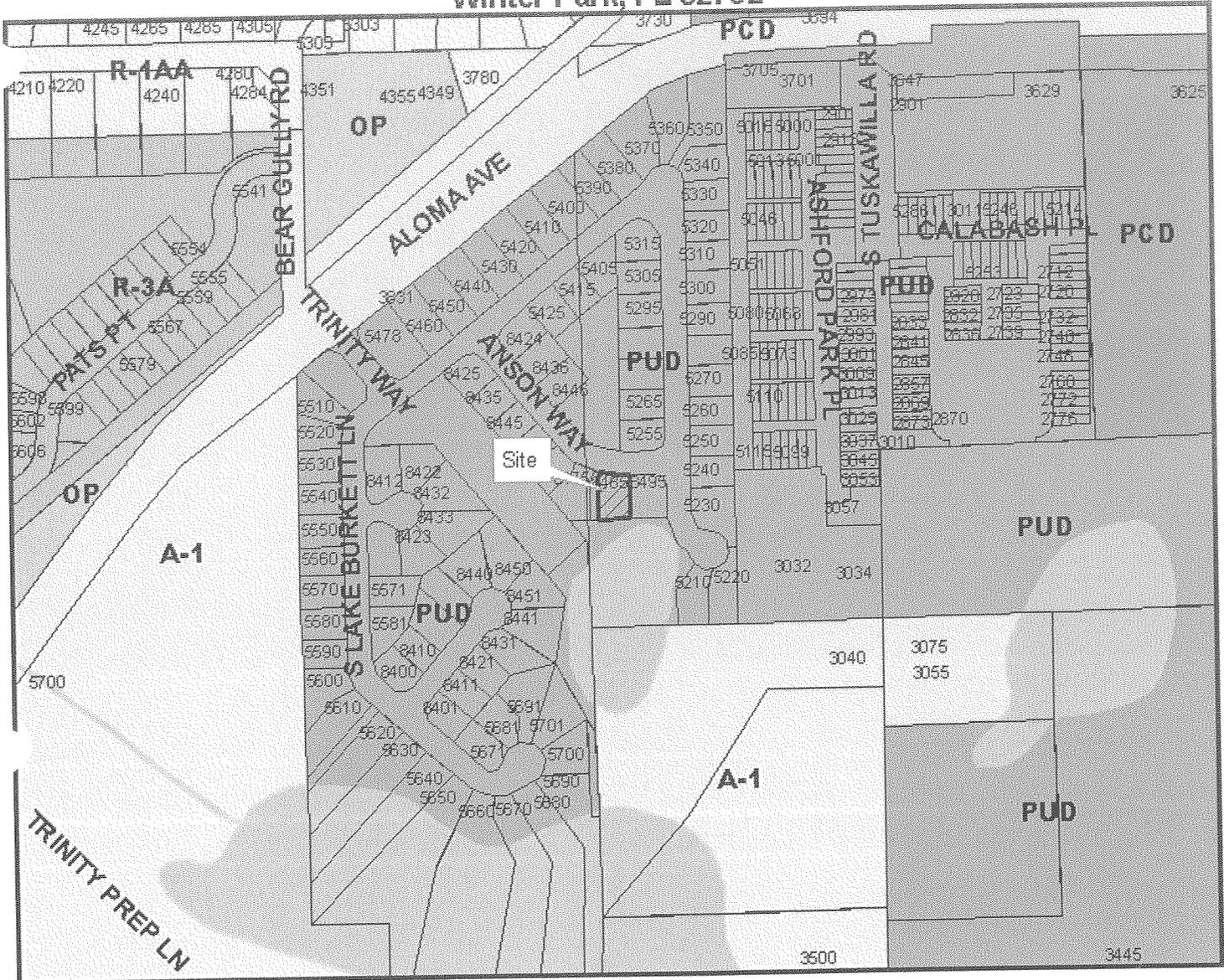
Future Land Use

	CONS, PUBS		PD, NONE
	CONS, LDR		OFF, NONE
	CONS, MDR		COM, NONE
	PUBS, NONE		HIPTR, NONE
	LDR, NONE		BV2005-067
	MDR, NONE		

0 85 170 340 510 680 Feet



Thomas L Langkau
 8485 Anson Way
 Winter Park, FL 32792

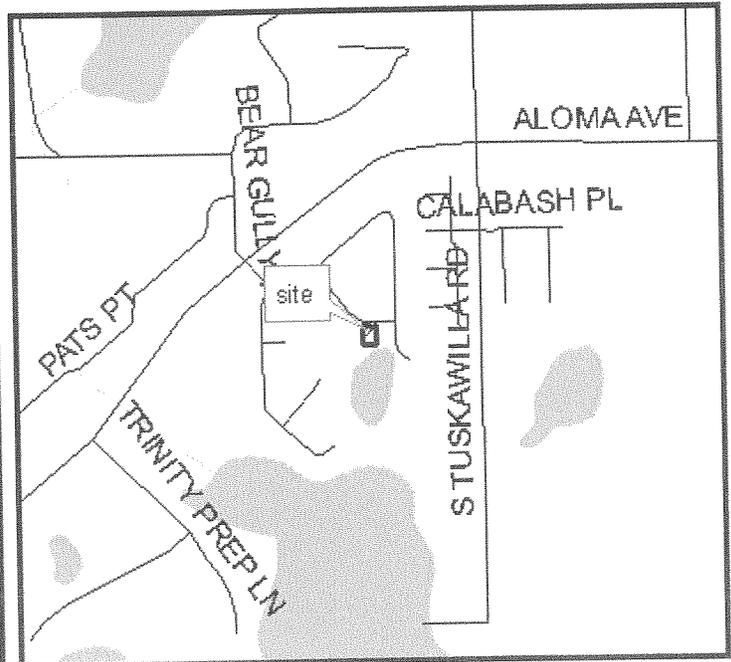


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-067
 Parcel No: 36-21-30-507-0000-0240

Zoning

	A-1 Agricultural-1Ac		BV2005-067
	R-1AA Single Fam-11700		
	R-3A Multi-Family-10DU		
	OP Office		
	PUD Planned Unit Dev.		
	PCD Planned Commercial Dist.		

0 85 170 340 510 680 Feet



Memorandum

To: Seminole County Planning and Development Department
From: Thomas Langkau/Lani Harris
Date: 05/04/2005
Re: Rear Zoning variance Request @ 8485 Anson Way

We are requesting approval of a rear zoning variance at our residence: 8485 Anson Way in Winter Park. We are requesting that we be allowed to build an additional 12 feet onto the back part of my house. The above mentioned residence is our sole home and we look forward to keeping the house and living there into our retirement years which is not that far off. The primary request is based upon the continued livability for us in our house. My wife is a 2 time cancer survivor with Osteoporosis (decreased calcium levels with accompanying brittle bones) and she currently has a broken ankle due to this condition.

The primary reason for our request is to make the house (primarily the master bath & bedroom) handicapped accessible. The current master bath is long and very narrow (6 feet) with a door that opens into the bathroom. This design makes it totally inaccessible to a wheel chair. Henceforth, we wish to add space enough for a handicapped accessible bathroom that includes pocket doors, accessibly designed bathtub, sink, commode, shower and railings. The proposed addition will also have enough space for a Hoyer (human) lifting device.

Secondarily, I (Thomas Langkau) have an 81 year old mother who will be unable to take care of herself in the next few years. We have already given her the choice of moving in with us in her last few years. The current room that would be hers is currently 10 x 12 and would also need to be increased in size. This room is also on the back side of the house and the expansion would be consistent with the outward expansion of the master bath & bedroom.

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

GENERAL

Parcel Id: 36-21-30-507-0000-0240 Tax District: 01-COUNTY-TX DIST 1
 Owner: LANGKAU THOMAS L & Exemptions: 00-HOMESTEAD
 Own/Addr: HARRIS LANI M
 Address: 8485 ANSON CT
 City,State,ZipCode: WINTER PARK FL 32792
 Property Address: 8485 ANSON WAY WINTER PARK 32792
 Subdivision Name: TRINITY BAY PH 2
 Dor: 01-SINGLE FAMILY

2005 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$114,019
 Depreciated EXFT Value: \$1,863
 Land Value (Market): \$32,000
 Land Value Ag: \$0
 Just/Market Value: \$147,882
 Assessed Value (SOH): \$106,195
 Exempt Value: \$25,000
 Taxable Value: \$81,195
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	12/1998	03561	0799	\$118,000	Improved
WARRANTY DEED	06/1990	02196	1523	\$113,600	Improved
WARRANTY DEED	12/1987	01919	0799	\$832,500	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value(without SOH): \$1,988
 2004 Tax Bill Amount: \$1,320
 Save Our Homes (SOH) Savings: \$668
 2004 Taxable Value: \$78,102
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	32,000.00	\$32,000

LEGAL DESCRIPTION PLAT

LEG LOT 24 TRINITY BAY PH 2 PB 34 PGS 45 & 46

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	1990	7	1,614	2,422	1,614	SIDING AVG	\$114,019	\$120,337
	Appendage / Sqft		SCREEN PORCH FINISHED / 200						
	Appendage / Sqft		GARAGE FINISHED / 528						
	Appendage / Sqft		OPEN PORCH FINISHED / 80						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1990	1	\$938	\$1,500
WOOD DECK	1997	272	\$925	\$1,360

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.

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 24 TRINITY BAY PH 2 PB 34 PGS 45 & 46

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

FINDINGS OF FACT

Property Owner: THOMAS LANGKAU & LANI HARRIS
8485 ANSON COURT
WINTER PARK, FL 32792

Site Address: 8485 ANSON COURT

Requested Development Approval:

THE REQUEST FOR REAR YARD SETBACK FROM 25 FEET TO 13 FEET FOR A PROPOSED 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 PROPOSED 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: