

BV2005-068

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FT TO 18 FT FOR A PROPOSED COVERED SCREEN ROOM ADDITION; (DANNY R. & NICHOLE L. VOYLES, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

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

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FT TO 18 FT FOR A PROPOSED COVERED SCREEN ROOM ADDITION (DANNY R. & NICHOLE L. VOYLES, APPLICANTS); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FT TO 18 FT FOR A PROPOSED COVERED SCREEN ROOM ADDITION (DANNY R. & NICHOLE L. VOYLES, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	DANNY R. & NICHOLE L. VOYLES 1088 AMANDA KAY CIRCLE SANFORD FL 32771	R-AH DISTRICT; LDC SECTION 30.287 (c)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO BUILD A 235 SF (10 FT X 23.5 FT) SCREEN ROOM ADDITION ON AN EXISTING CONCRETE PATIO AND ENCROACH 7 FT INTO THE 25 FT MINIMUM REAR YARD SETBACK. • A REAR YARD VARIANCE FROM 25 FT TO 18 FT IS REQUESTED. • THE BOARD OF ADJUSTMENT HAS GRANTED SIMILAR VARIANCES ON NEARBY AND ADJACENT PROPERTIES IN THE FOREST COVE SUBDIVISION. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE DEVELOPMENT ORDER FOR FOREST COVE ESTABLISHES A 25-FOOT REAR SETBACK ON PERIMETER LOTS WITHIN THE SUBDIVISION TO ENSURE COMPATIBILITY WITH ADJOINING PROPERTIES. • THE EXISTING HOME HAS AN L-SHAPED CONFIGURATION, WHERE THE GARAGE PROJECTS 	

	<p>BEYOND THE LIVABLE AREA OF THE HOUSE. THIS HAS RESULTED IN THE REDUCTION OF BUILDABLE AREA IN THE REAR YARD AND THE RELEGATION OF THE SAME TO THE FRONT YARD. THIS IS A CIRCUMSTANCE COMMONLY ASSOCIATED WITH L-SHAPED HOMES, AND THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE PROPERTY SINCE THE OPPORTUNITY EXISTS TO BUILD AN ADDITION TO THE FRONT OF THE HOME WITHOUT A VARIANCE.</p> <ul style="list-style-type: none">• FOR THESE REASONS, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE FOREST COVE SUBDIVISION BY FURTHERING A TREND OF ENCROACHMENT INTO THE MINIMUM REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF A HARDSHIP.• THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE AS PREVIOUSLY STATED.• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY INCREASE THE BULK OF STRUCTURES BEYOND ESTABLISHED LIMITS WITHIN THE NEIGHBORHOOD.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none">• STAFF RECOMMENDS DENIAL OF THE REQUESTED REAR YARD SETBACK VARIANCE FROM 25 FT TO 18 FT.• STAFF BELIEVES THE APPLICANTS HAVE FAILED TO DEMONSTRATE A HARDSHIP AND REASONABLE USE OF THE PROPERTY COULD BE RETAINED WITHOUT THE GRANTING OF A VARIANCE.• AN ADDITION SIMILAR IN SIZE COULD BE CONSTRUCTED TO THE FRONT OF THE EXISTING HOME WITHOUT ENCROACHMENT INTO THE MINIMUM FRONT OR SIDE YARDS.• IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITION OF APPROVAL:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED SCREEN ROOM ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN.



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

MAY 05 2005

APPL. NO. BV 2005-068

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 setback from 25 feet to 18 feet for a covered screen 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	Denny R. Voyles Jr. + Nichole Voyles	
ADDRESS	1088 Amanda Kay Circle Sanford, FL 32771	
PHONE 1	407-322-5295	
PHONE 2	407-421-2897	
E-MAIL	NLVoyles@aol.com	

PROJECT NAME: ADD Patio
 SITE ADDRESS: 1088 Amanda Kay Circle Sanford, FL 32771
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: LOT 44 Forest Cove PB PGS 54 & 55
 SIZE OF PROPERTY: 0 Lot acre(s) PARCEL I.D. 20-19-30-509-0000-0440
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS 0

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.

Nichole Voyles May 5, 2005
 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): _____ COMMISSION DISTRICT _____ FLU / ZONING _____

BCC HEARING DATE _____ (FOR APPEAL)

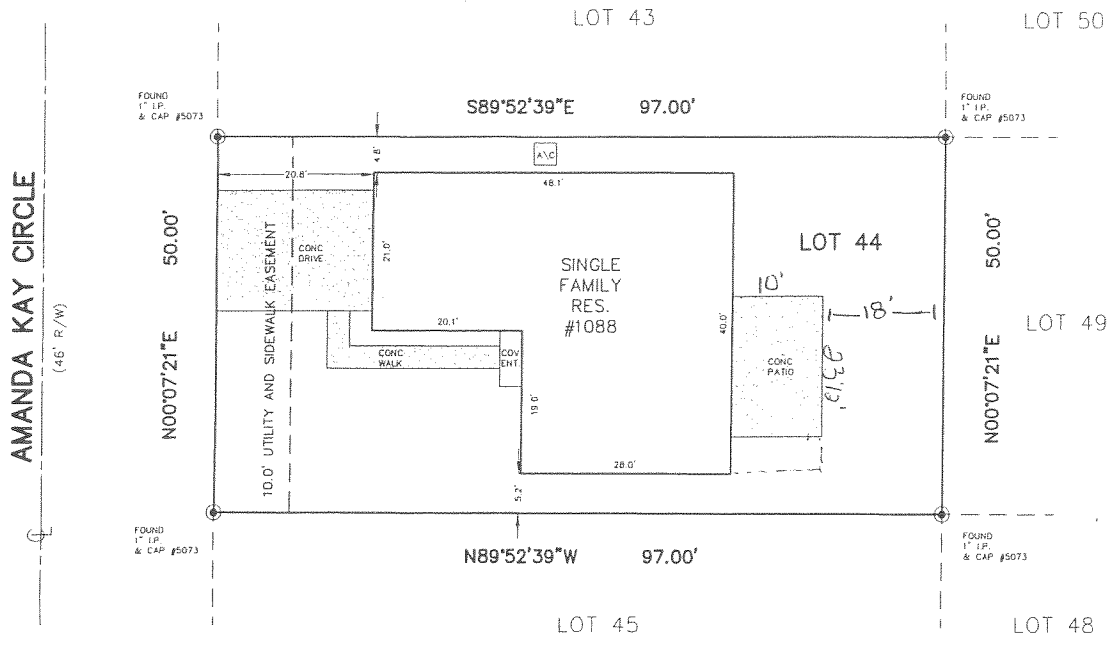
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

BOUNDARY SURVEY

PROPERTY DESCRIPTION (AS PROVIDED BY CLIENT): LOT 44, FOREST COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 55, PAGE(S) 54 AND 55 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SCALE:
1" = 20 FEET

LEGEND:

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> = CONCRETE = SET 1/2" REBAR & CAP PSM # 7020 = FOUND PROPERTY CORNER = FOUND 4" X 4" CONCRETE MONUMENT # ----- = WELL = GAS METER = FIRE HYDRANT = CENTERLINE = BUILDING SETBACK LINE = BARBED WIRE FENCE = WOOD FENCE = CHAIN LINK FENCE = OVERHEAD UTILITY LINES | <ul style="list-style-type: none"> NR = NOT RADIAL RAD = RADIAL R = RADIUS Δ = CENTRAL ANGLE L = ARC LENGTH CH.BRG = CHORD BEARING LS = LAND SURVEYOR LB. = LAND SURVEYING BUSINESS M = MEASURED D = DESCRIPTION P = PLAT PRM = PERMANENT REFERENCE MONUMENT PC = POINT OF CURVATURE POB = POINT OF BEGINNING PT = POINT OF TANGENT U.E. = UTILITY EASEMENT D.E. = DRAINAGE EASEMENT | <ul style="list-style-type: none"> RES = RESIDENCE U.R. = UTILITY ROOM CONC. = CONCRETE C.B. = CONCRETE BLOCK W.F. = WOOD FRAME COV. = COVERED ENT. = ENTRANCE WM = WATER METER WPP = WOOD POWER POLE CPP = CONC POWER POLE A/C = AIR CONDITIONER R/W = RIGHT OF WAY I.R. = IRON ROD I.P. = IRON PIPE C.M. = CONCRETE MONUMENT FF ELEV = FINISHED FLOOR ELEVATION D.U.E. = DRAINAGE & UTILITY EASEMENT |
|---|---|---|

CERTIFIED TO:
UNIVERSAL LAND TITLE, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY
SOUTHERN COMMUNITY BANK MORTGAGE
DENNY VOYLES
NICHOLE VOYLES

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF AMANDA KAY CIRCLE BEING N00°07'21"E PER PLAT.

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12117C-0030 E, DATED 04/17/95, THE PROPERTY SHOWN HEREON APPEARS TO LIE IN ZONE X.

JOB NO. BCA4045	(FIELD DATE:) 11/04/02
DRAWN BY: RO	REVISED:
CHECKED BY: BC	

BRADLEY COX & ASSOCIATES
LAND SURVEYING
820 W. LAKE MARY BLVD., SUITE 202
SANFORD, FLORIDA 32773
(407) 323-9202

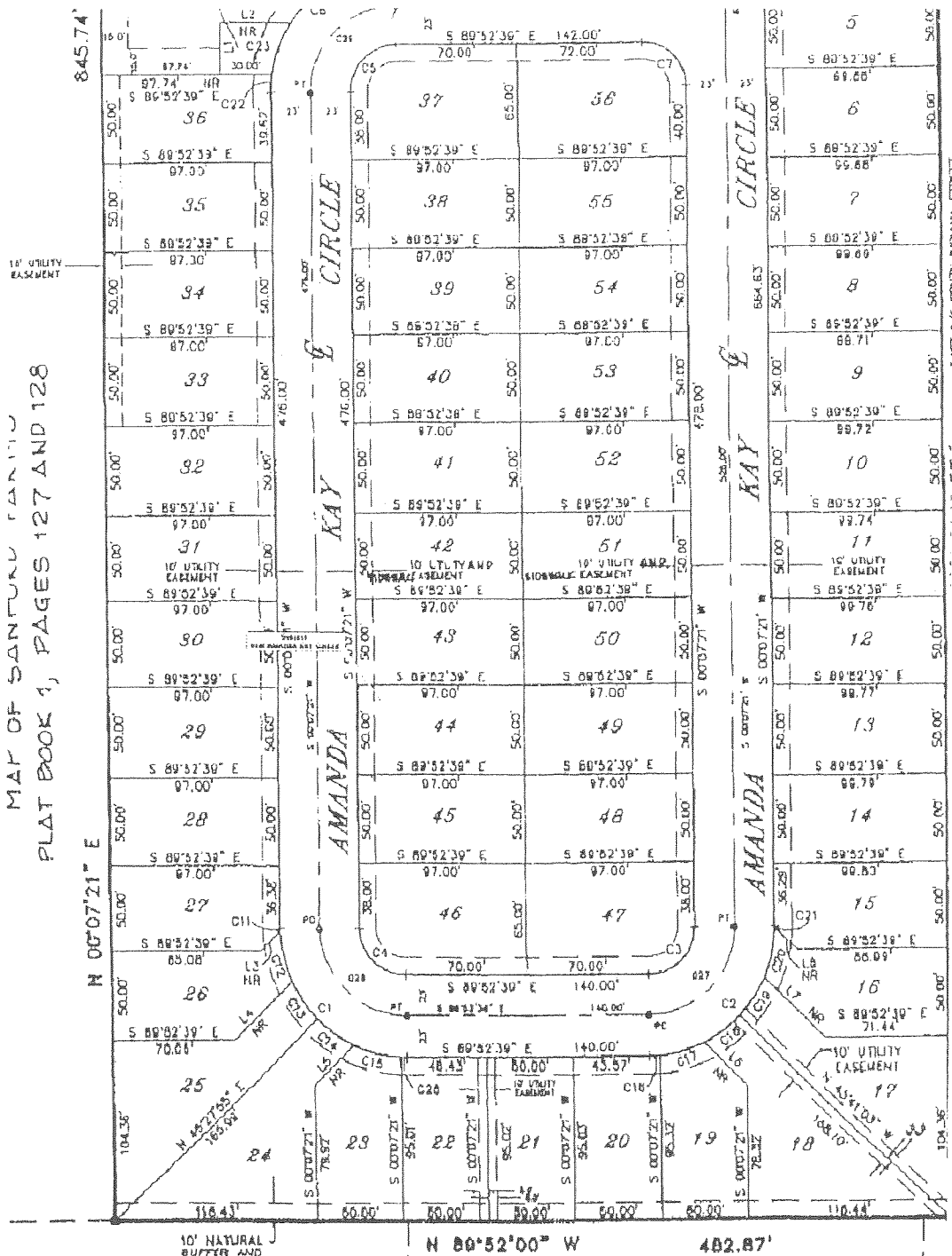
- NOTES:**
1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT.
 2. THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 3. DO NOT RECONSTRUCT PROPERTY LINES FROM BUILDING TIES.
 4. NO FOOTING OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 5. NO IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
 6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT WE HAVE PERFORMED A FIELD SURVEY OF THE HEREON DESCRIBED PROPERTY, THIS DRAWING IS A REPRESENTATION OF THAT SURVEY AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BRADLEY G. COX, PSM # 5567 (DATE) 11/05/02

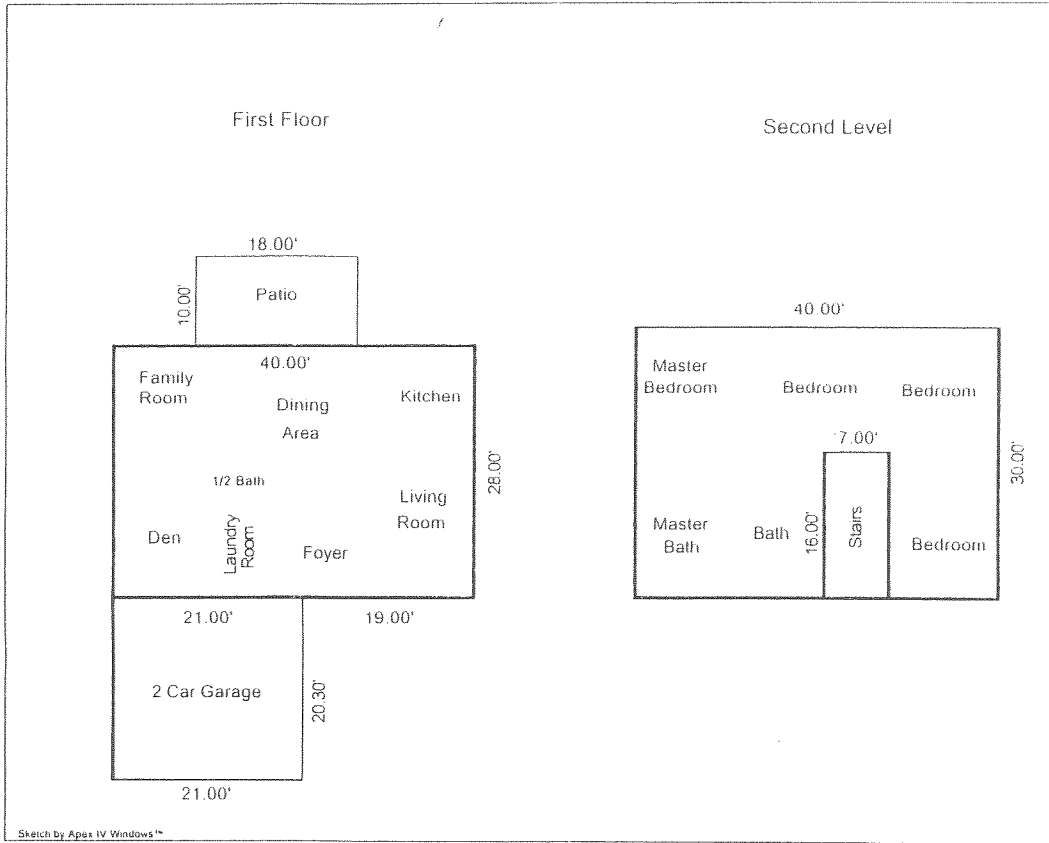
Location Map

Borrower/Client	VOYLES, DENNY		
Property Address	1088 AMANDA KAY CIRCLE		
City	SANFORD	County	SEMINOLE
		State	FL
		Zip Code	32771-7188
Lender	SOUTHERN COMMUNITY BANC MTG		



Building Sketch (Page - 1)

Borrower/Client	VOYLES, DENNY				
Property Address	1088 AMANDA KAY CIRCLE				
City	SANFORD	County	SEMINOLE	State	FL
Zip Code	32771-7188				
Lender	SOUTHERN COMMUNITY BANC MTG				

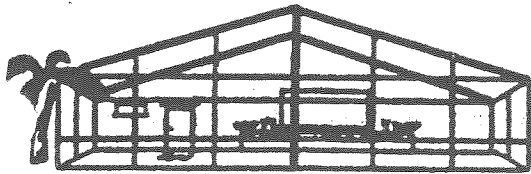


Sketch by Apex IV Windows™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1120.0000	1120.0000
GLA2	Second Level	1200.0000	
	Stairs	-112.0000	1088.0000
P/P	PATIO	180.0000	180.0000
GAR	Garage	424.3000	424.3000
TOTAL LIVABLE		<i>(rounded)</i>	2208

LIVING AREA BREAKDOWN		
	Breakdowns	Subtotals
First Floor		
	21.00 x 28.00	588.0000
	19.00 x 28.00	532.0000
Second Level		
	30.00 x 40.00	1200.0000
Stairs		
	7.00 x 16.00	-112.0000
4 Calculations Total (rounded)		2208



PRAGER BUILDERS, INC.

5449 Benchmark Lane Suite#173 • Sanford, FL 32773

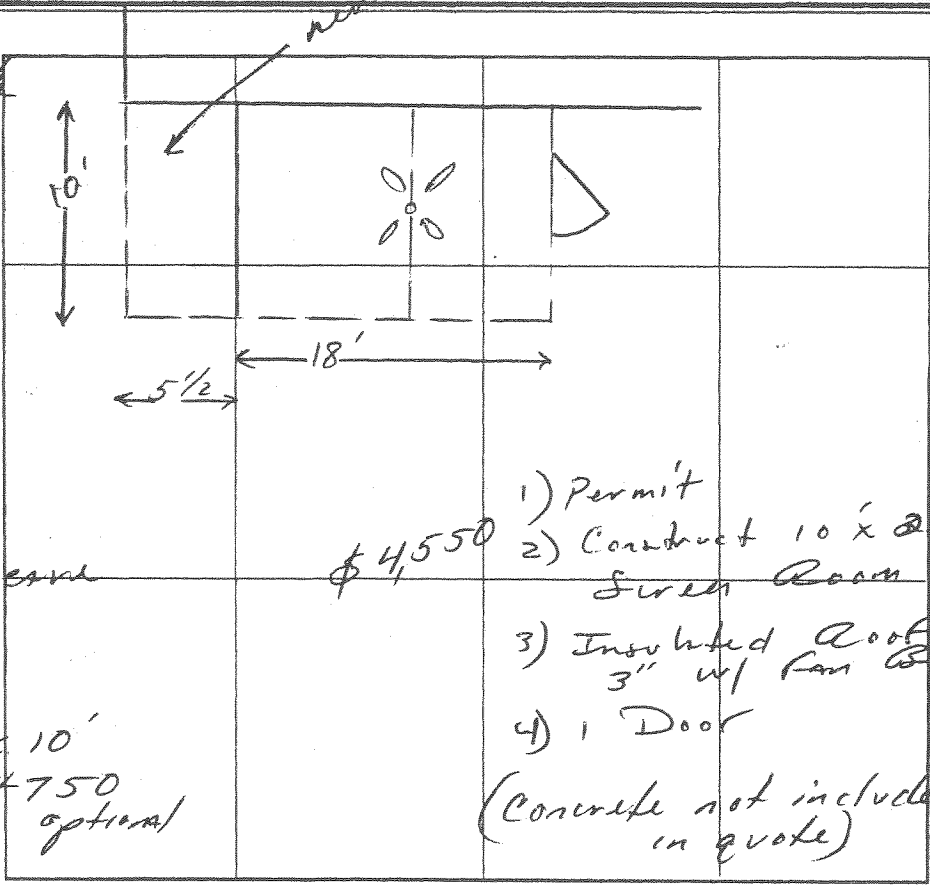
Telephone: (407) 324-9960

License Number: #CBC053007

NAME Nikki Voyles HOME PHONE 322-5295 WORK PHONE _____ DATE 3-3-05
 ADDRESS 1088 Amanda Way CITY Sanford ZIP 32771
 DIRECTIONS Forest Cove

JOBTYPE: Small Screen Room

SCREEN: 18/14 COLOR: Charcoal
 FLAT: GABLE: _____ TIE IN: Beneath ledge
 ROOF SIZE: 11' x 26'
 DOORS: As shown
 TYPE KICKPLATE HEIGHT: 24" MATERIAL: Alum.
 CUTTERS: included
 WINDOW TYPE: N/A
 FRAME COLOR: White or Bronze
 OVERHANG: _____ LENGTH: _____
 HOUSE O.H.: Ø LENGTH: _____
 ROOF ATTACHMENT HEIGHT: 99" Beneath eave
 FAN BEAMS: 1 centered
 SLAB SIZE: existing 10 x 18
 DEMO: new slab 5 1/2' x 10'
 FLOORING: \$750 optional
 ELECTRICAL:
 WALL HEIGHT:



\$4,550

- 1) Permit
- 2) Construct 10 x 23 1/2' Screen Room
- 3) Insulated Roof 3" w/ Fan Beam
- 4) 1 Door

(Concrete not included in quote)

ANY CHANGES AFTER FINAL MEASUREMENTS WILL BE CHARGED ACCORDINGLY. MATERIAL AND WORKMANSHIP GUARANTEED FOR 2 YEARS.
 Contractor expressly reserves all contractors, mechanics and material man's lien which may be asserted under any provisions of the law to secure payment of the contract price and may assert and fix the same as a lien upon the real property on which installation is made. Purchaser agrees to supply electrical power at job side.

NOTE: 1) HAIRLINE CRACKING OF NEW CONCRETE SLABS ARE A COMMON OCCURRENCE.
 2) SPRINKLER HEADS MUST BE RELOCATED BY CUSTOMER.
 3) DRAINAGE AT BASE OF ROOM IS RESPONSIBILITY OF HOMEOWNER.
 4) FLOOR MAY REQUIRE LEVELING FOR TILE INSTALLATION.

I have read the foregoing proposed contract and accept the same on the terms and conditions printed on the reverse side and as stated above.

Purchaser _____ Date _____
 Sales Rep. Bayan Doron
 Terms for Payment Upon Completion

THIS PRICE IS BASED ON DIMENSIONS SHOWN IN THE ABOVE SKETCH

CONTRACT PRICE
DEPOSIT
BAL. DUE

<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 407-865-7506</p>		
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GENERAL

Parcel Id: 20-19-30-509-0000-0440 Tax District: 01-COUNTY-TX DIST 1

Owner: VOYLES DENNY R JR & NICHOLE L Exemptions: 00-HOMESTEAD

Address: 1088 AMANDA KAY CIR

City,State,ZipCode: SANFORD FL 32771

Property Address: 1088 AMANDA KAY CIR SANFORD 32771

Subdivision Name: FOREST COVE

Dor: 01-SINGLE FAMILY

2005 WORKING VALUE SUMMARY

Value Method: Market

Number of Buildings: 1

Depreciated Bldg Value: \$112,266

Depreciated EXFT Value: \$0

Land Value (Market): \$28,000

Land Value Ag: \$0

Just/Market Value: \$140,266

Assessed Value (SOH): \$115,771

Exempt Value: \$25,000

Taxable Value: \$90,771

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	11/2002	04597	0223	\$146,000	Improved
SPECIAL WARRANTY DEED	09/2001	04190	1326	\$131,100	Improved
WARRANTY DEED	10/2000	03953	1026	\$46,000	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value(without SOH): \$1,588

2004 Tax Bill Amount: \$1,477

Save Our Homes (SOH) Savings: \$111

2004 Taxable Value: \$87,399

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	28,000.00	\$28,000

LEGAL DESCRIPTION PLAT

LOT 44 FOREST COVE PB 55 PGS 54 & 55

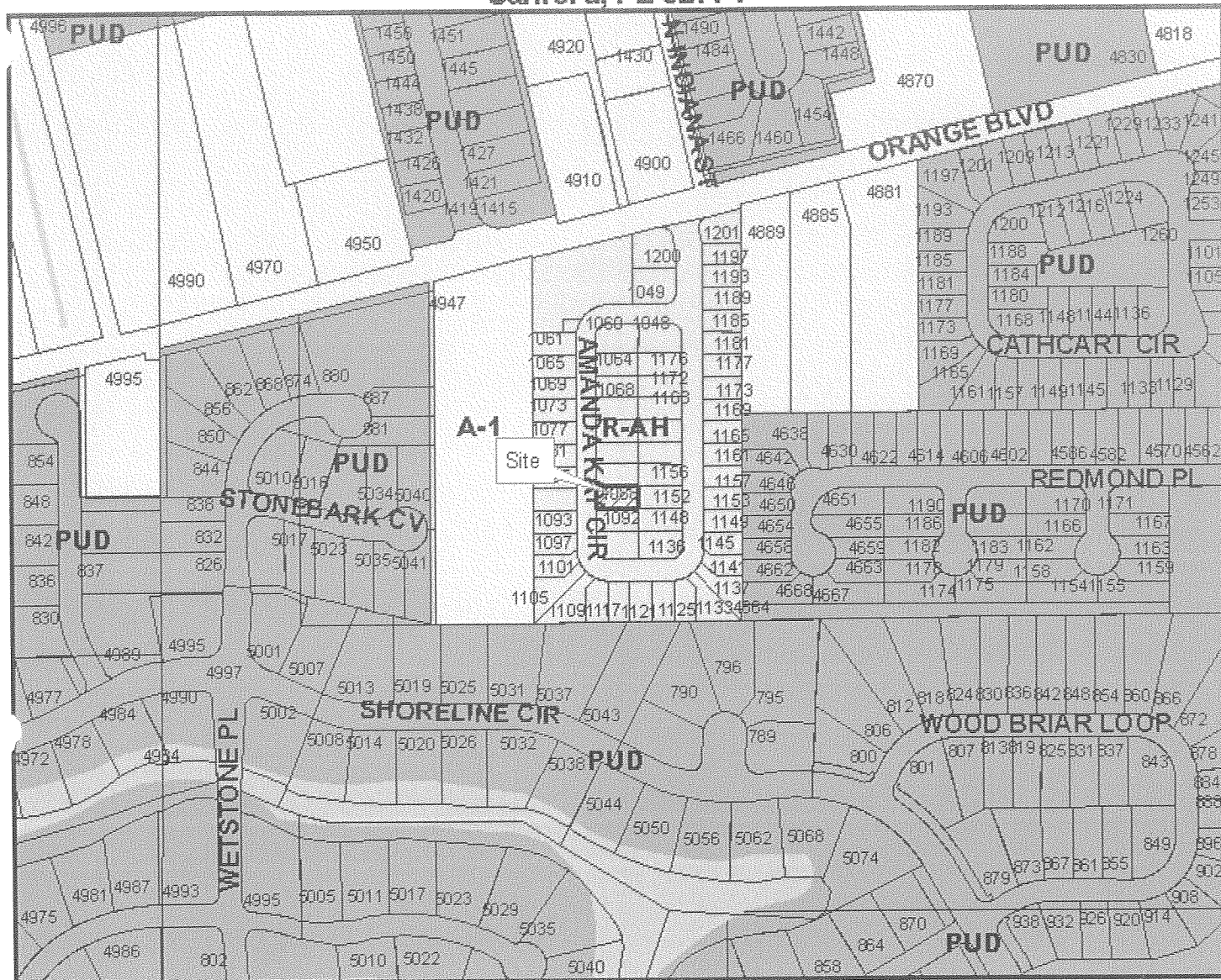
BUILDING INFORMATION

Bid Num	Bid Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bid Value	Est. Cost New
1	SINGLE FAMILY	2001	9	1,120	2,666	2,222	CB/STUCCO FINISH	\$112,266	\$114,557
	Appendage / Sqft		GARAGE FINISHED / 420						
	Appendage / Sqft		OPEN PORCH FINISHED / 24						
	Appendage / Sqft		UPPER STORY FINISHED / 1102						

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.

Denny & Nichile Voyles
1088 Amanda Kay Circle
Sanford, FL 32774




Seminole County Board of Adjustment
June 27, 2005
Case: BV2005-068
Parcel No: 20-19-30-509-0000-0440

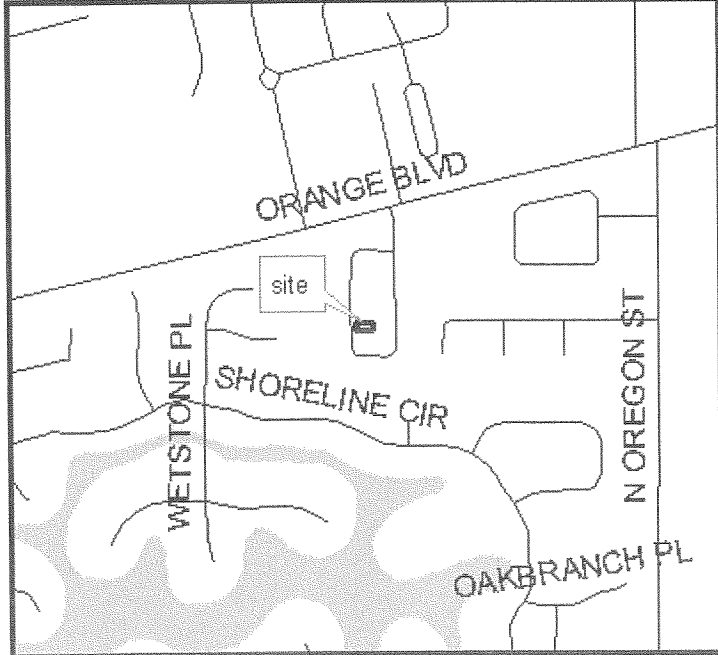
Zoning

	A-1 Agricultural-1Ac		EV2005-068
	R-AH Affordable Housing-3600		
	PUD Planned Unit Dev.		

N



0 90 180 360 540 720 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 44 FOREST COVE PB 55 PGS 54 & 55

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

FINDINGS OF FACT

Property Owners: DENNY R. & NICHOLE L. VOYLES
1088 AMANDA KAY CIRCLE
SANFORD, FL 32771

Project Name: 1088 AMANDA KAY CIRCLE

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 25 FT TO 18 FT FOR A
PROPOSED SCREEN ROOM ADDITION TO AN EXISTING SINGLE-FAMILY
HOME.

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: Earnest McDonald
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 rear yard setback variance shall 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: