

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

SUBJECT: REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED SHED IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (STEVEN NELSON, APPLICANT).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

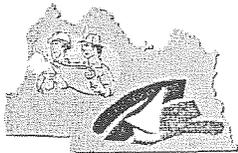
Agenda Date 07/25/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED SHED IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (STEVEN NELSON, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED SHED IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (STEVEN NELSON, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: STEVEN NELSON LOCATION: 3411 DAWN COURT ZONING: R-1AAA (SINGLE FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCTED A 120 SF (10 X 12) SHED THAT WOULD ENCROACH 4 FEET INTO THE MINIMUM 10 SIDE YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS NOT SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> • THE NEED FOR A VARIANCE WOULD BE NEGATED BY RELOCATING THE SHED AND REPOSITIONING TO MEET THE REQUIRED SETBACKS. • THE REQUEST WOULD CONFER UPON THE APPLICANT

	<p>SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AAA ZONING DISTRICT.</p> <ul style="list-style-type: none">• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, 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 SHED AS DEPICTED ON THE ATTACHED SITE PLAN; AND ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



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

COPY

RECEIVED
 MAY 16 2005

APPL. NO. BV 2005 - 076

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 variance from 10ft to 6 ft in the D-1AAA zoning for a proposed 10x12 shed.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- MEDICAL HARDSHIP
- NIGHT WATCHMAN
- FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- TIME NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>STEVEN L. NELSON</u>	
ADDRESS	<u>3411 DAWN CT.</u>	
	<u>LAKE MARY FL 32746</u>	
PHONE 1	<u>407. 771. 4302</u>	
PHONE 2	<u>407. 619. 8885</u>	
E-MAIL	<u>LEFTLU@AOL.COM</u>	

PROJECT NAME: 10x12 SHED
 SITE ADDRESS: SAME AS ABOVE
 CURRENT USE OF PROPERTY: RESIDENTIAL
 LEGAL DESCRIPTION: LEG LOT 8 DAWN ESTATES PB 18 PB 19

SIZE OF PROPERTY: 1 acre(s) PARCEL I.D. 02-20-503-0000-0080

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS No

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 7, 25, 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*

05/16/05
 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): 150.00 COMMISSION DISTRICT 5 FLU/ZONING LDR/R-1AAA

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS 1.1 mile north of Morham Woods Rd and Lake Mary Blvd intersection. .2 miles east on Dawn Court.

PLANNING ADVISOR ML DATE 5/16/05

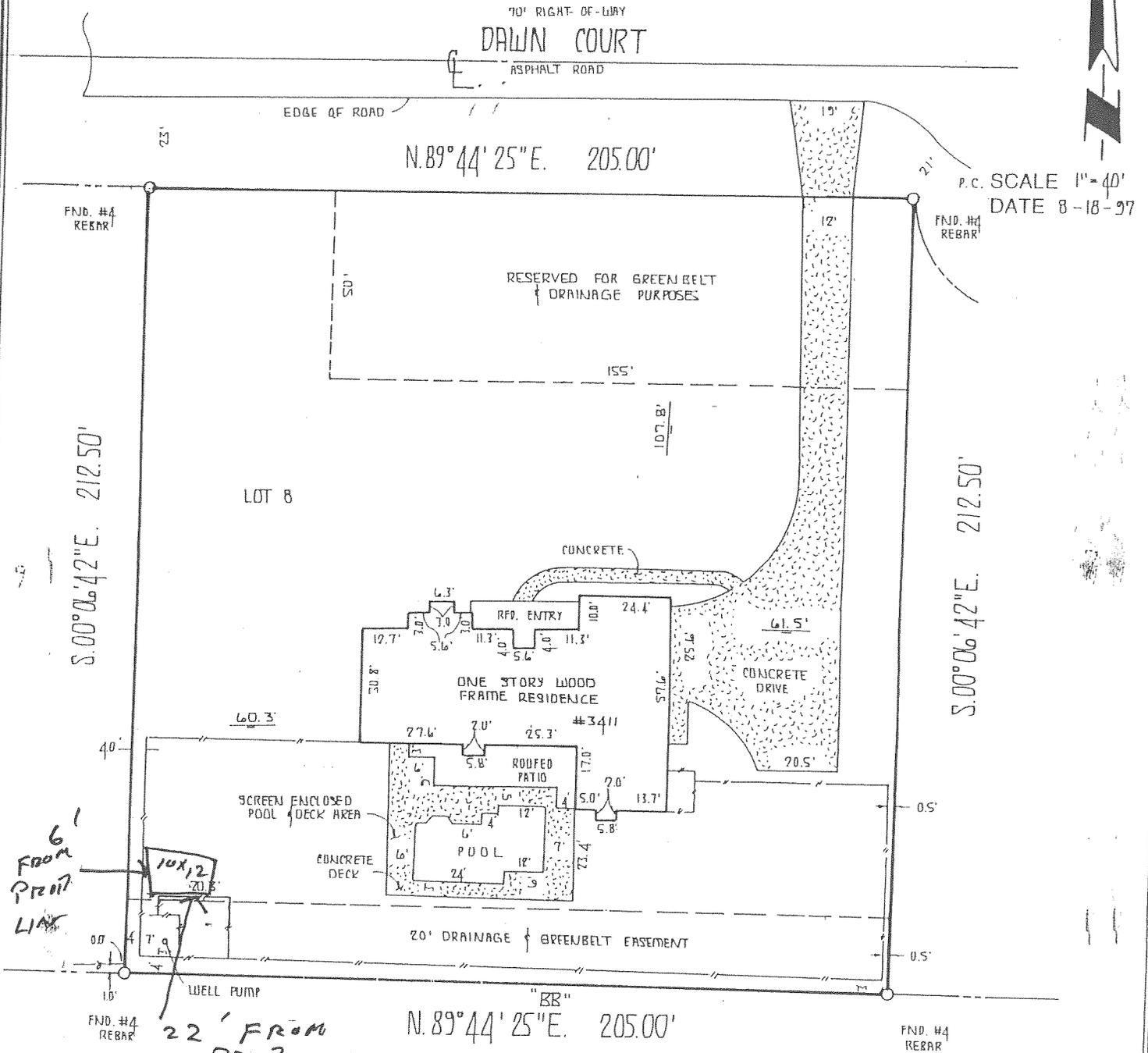
SUFFICIENCY COMMENTS Shed height will be 6 ft

PLAT OF SURVEY

DESCRIPTION LOT 8, DAWN ESTATES

RECORDED IN PLAT BOOK 18 PAGE(S) 19
 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

PURCHASER/MORTGAGOR has been made aware of any ENCROACHMENT (S) as reflected on this SURVEY, and hereby holds harmless CENTRAL FLORIDA TITLE CO. MORTGAGEE and SELLER from any loss or damage due to same



P.C. SCALE 1" = 40'
 DATE 8-18-97



- LEGEND**
- BLK = BLOCK
 - = BOUNDARY LINE
 - = CENTER LINE
 - - - = CHAIN LINK FENCE
 - CALC. = CALCULATED
 - C.B. = CONCRETE BLOCK
 - Ch. B. = CHORD BEARING
 - C.M. = CONCRETE MONUMENT
 - CONC. = CONCRETE
 - Δ = DELTA
 - D.E. = DRAINAGE EASEMENT
 - ELEV. = ELEVATION
 - ESMT. = EASEMENT
 - = EASEMENT LINE
 - F.F. = FINISHED FLOOR
 - FND. = FOUNDATION
 - P.C.C. = POINT OF COMPOUND CURVE
 - P.C.P. = PERMANENT CONTROL POINT
 - PG. = PAGE
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - P.C. = POINT OF CURVE
 - P.O.L. = POINT OF LINE
 - P.P. = POWER POLE
 - P.R.C. = POINT OF REVERSE CURVE
 - P.R.M. = PERMANENT REFERENCE MONUMENT
 - P.T. = POINT OF TANGENCY
 - RAD. = RADIAL
 - R. = RADIUS
 - R & C = REBAR & CAP
 - REC. = RECOVERED

NOTES

THIS PROPERTY LIES IN ZONE "X"
 PER F.I.R.M. COMMUNITY PANEL NO. 120283
 0020E DATED 4-17-95

BEARING STRUCTURE IS BASED UPON THE LINE DENOTED WITH "BB"

THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLAIN ZONE.

SURVEY BASED ON LEGAL DESCRIPTION SUPPLIED BY CLIENT.

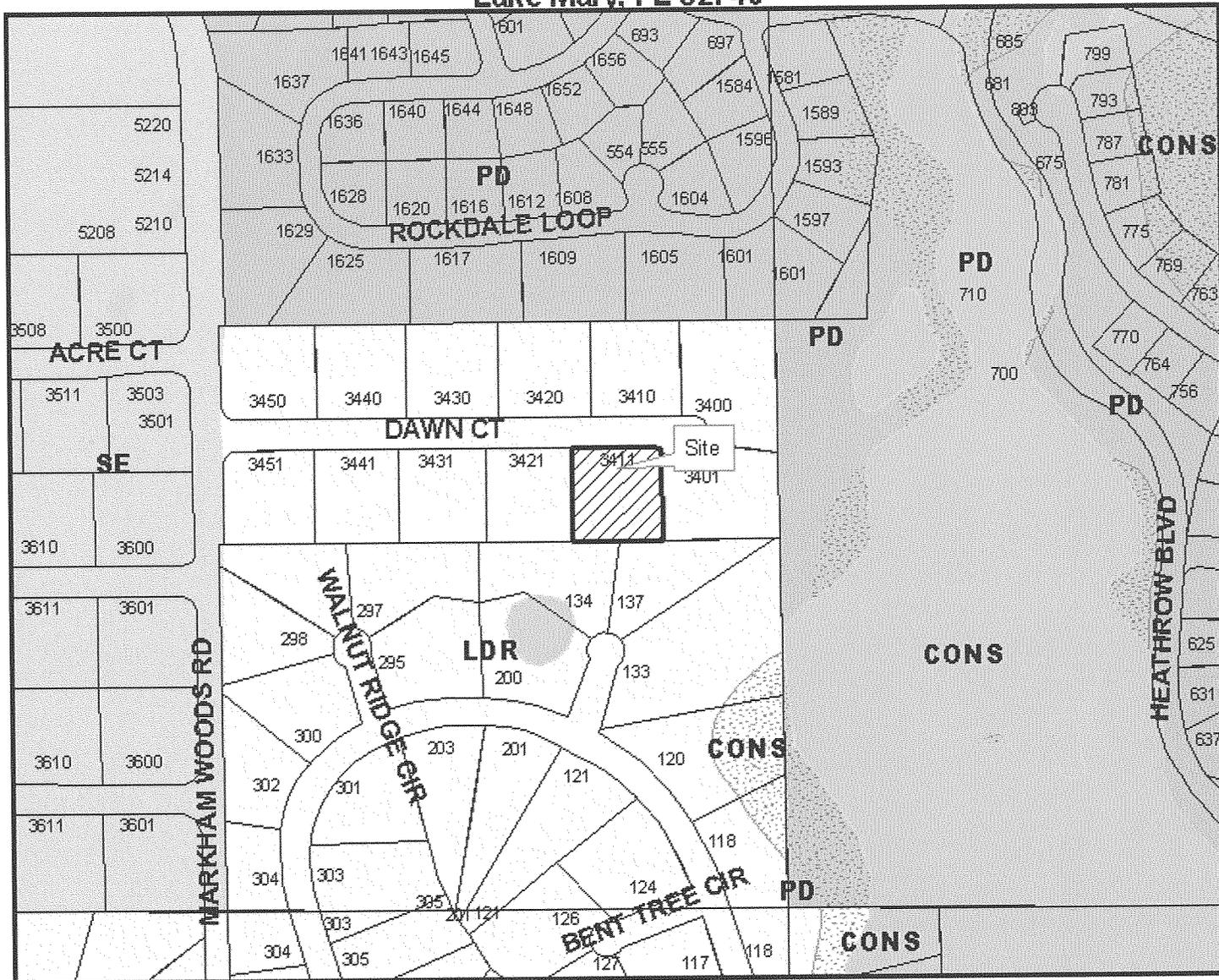
SUBJECT TO ANY EASEMENTS AND/OR

Handwritten notes:
 6' FROM PROP LINE
 10x12
 20.5'
 22' FROM PROP LINE
 WELL PUMP
 FND. #4 REBAR

FILE N

<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="font-size: 2em; color: blue;">Zoned R-1AAA</p>																																					
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 02-20-29-503-0000-0080 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: NELSON STEVEN L & VICTORIA K Exemptions: 00-HOMESTEAD</p> <p>Address: 3411 DAWN CT</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 3411 DAWN CT LAKE MARY 32746</p> <p>Subdivision Name: DAWN ESTATES</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$179,645</p> <p>Depreciated EXFT Value: \$13,040</p> <p>Land Value (Market): \$80,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$272,685</p> <p>Assessed Value (SOH): \$196,846</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$171,846</p> <p>Tax Estimator</p>																																				
<p style="text-align: center;">SALES</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>QUIT CLAIM DEED</td> <td>11/2003</td> <td>05097</td> <td>1334</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1998</td> <td>03387</td> <td>1970</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1997</td> <td>03291</td> <td>1989</td> <td>\$208,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1983</td> <td>01433</td> <td>0516</td> <td>\$24,500</td> <td>Vacant</td> </tr> <tr> <td>ARTICLES OF AGREEMENT</td> <td>04/1978</td> <td>01166</td> <td>1986</td> <td>\$10,295</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	11/2003	05097	1334	\$100	Improved	QUIT CLAIM DEED	03/1998	03387	1970	\$100	Improved	WARRANTY DEED	09/1997	03291	1989	\$208,000	Improved	WARRANTY DEED	01/1983	01433	0516	\$24,500	Vacant	ARTICLES OF AGREEMENT	04/1978	01166	1986	\$10,295	Vacant	<p>2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,936</p> <p>2004 Tax Bill Amount: \$2,808</p> <p>Save Our Homes (SOH) Savings: \$1,128</p> <p>2004 Taxable Value: \$166,113</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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BUILDING INFORMATION																																						
Bid Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																													
1	SINGLE FAMILY	1983	11	2,515	3,931	2,515	SIDING AVG	\$179,645	\$196,333																													
	Appendage / Sqft	OPEN PORCH FINISHED / 488																																				
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	Appendage / Sqft	GARAGE FINISHED / 736																																				
EXTRA FEATURE																																						
	Description	Year Blt	Units	EXFT Value	Est. Cost New																																	
	FIREPLACE	1983	3	\$2,700	\$6,000																																	
	POOL GUNITE	1983	648	\$5,832	\$12,960																																	
	SPA	1983	1	\$1,000	\$2,500																																	
	COOL DECK PATIO	1983	675	\$1,063	\$2,363																																	
	ELECTRIC HEATER	1983	1	\$440	\$1,100																																	
	SCREEN ENCLOSURE	1983	2,059	\$1,647	\$4,118																																	
	WOOD WALKWAY	1996	112	\$358	\$560																																	
<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>																																						

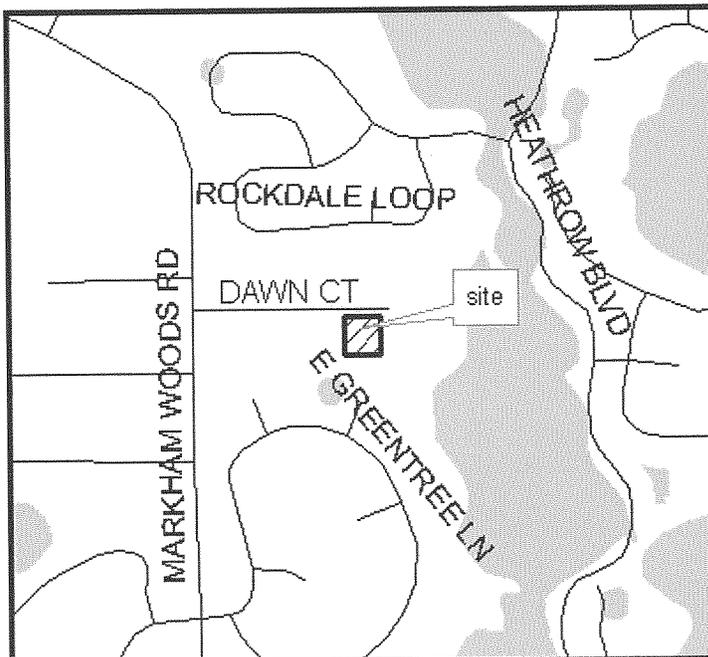
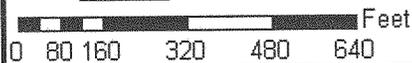
Steven L. Nelson
 3411 Dawn Court
 Lake Mary, FL 32746



Seminole County Board of Adjustment
 July 25, 2005
 Case: BV2005-076
 Parcel No: 02-20-503-0000-0080

Future Land Use

-  CONS, LDR
-  CONS, PD
-  SE, NONE
-  LDR, NONE
-  PD, NONE
-  BV2005-076



SEMINOLE COUNTY DEVELOPMENT ORDER

On July 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 DAWN ESTATES PB18 PG 19

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

FINDINGS OF FACT

Property Owner: STEVEN NELSON
3411 DAWN CT
LAKE MARY, FL 32746

Project Name: DAWN CT (3411)

Requested Development Approval:

SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED SHED IN THE R-1AAA (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: Michael Rumer, 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 variance granted will apply only to the proposed shed 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: