

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

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET;
FOR AN EXISTING HOME IN THE R-1BB (SINGLE-FAMILY DWELLING
DISTRICT); (MORRISON HOMES, APPLICANT).

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

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

Agenda Date <u>08/22/05</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Public Hearing – 6:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR AN EXISITNG HOME IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (MORRISON HOMES, APPLICANT); OR
2. **DENY** THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR AN EXISITNG HOME IN THE R-1BB (SINGLE-FAMILY DWELLING DISTRICT); (MORRISON HOMES, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.



GENERAL INFORMATION	APPLICANT: MORRISON HOMES LOCATION: 5344 PEPPER BRUSH COVE ZONING: R-BB1 (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • A SINGLE FAMILY HOME WAS BUILT WITH A SIDE SETBACK OF 4 FEET BECAUSE THE SURVEYOR MADE A MISTAKE STAKING THE LOT. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE LOT WAS CREATED BY THE SPRING CREEK PLAT WHICH WAS APPROVED IN 2005. • THE EXISITNG HOME ENCROACHES 1 FOOT INTO THE MINIMUM 5 FOOT SIDE YARD SETBACK. • THE AFOREMENTIONED CIRCUMSTANCES COMPRISE A HARDSHIP, FOR WHICH THE APPLICANT IS NOT RESPONSIBLE. • WITHOUT THE REQUESTED VARIANCE, THE EXISTING NEW HOME WOULD HAVE TO BE REMOVED ALTERED.

STAFF RECOMMENDATION	BASED ON THE STATED FINDINGS AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS APPROVAL OF THE REQUEST, SUBJECT TO THE FOLLOWING CONDITIONS: <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND EXISTING HOME, AS DEPICTED ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.
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COPY

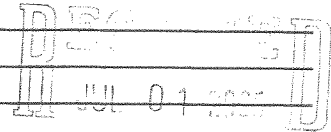
APPL. NO. BV 2005-105

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 SETBACK VARIANCE FROM 5' TO 4'
- 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 _____ O TIME NEEDED _____**
- PLAN TO BUILD O YES O NO IF SO, WHEN _____**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**



PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>MORRISON HOMES</u>	<u>HERX & ASSOCIATES INC</u>
ADDRESS	<u>151 SOUTHALL LANE SUITE 200 MAITLAND, FL 32751</u>	<u>769 DOUGLAS AVENUE ALTAMONTE SPRINGS, FL 32714</u>
PHONE 1	<u>407 629 0077</u>	<u>407 788 8808</u>
PHONE 2		
E-MAIL	<u>bkraveshovro@morrisonhomes.com</u>	<u>bill@herx.com</u>

PROJECT NAME: SPRING CREEK

SITE ADDRESS: 5344 PEPPER BRUSH COVE APOPKA, FL. 32703

CURRENT USE OF PROPERTY: SINGLE FAMILY RESIDENTIAL

LEGAL DESCRIPTION: LOT 26 SPRING CREEK PLAT BOOK 66 PAGES 94 & 95
SEMINOLE COUNTY FL.

SIZE OF PROPERTY: 0.198 acre(s) PARCEL I.D. 20-21-29-525-0000-0260

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 8/22/05 (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 OF OWNER OR AGENT* [Signature] DATE 6/30/05

* Proof of owner's authorization is required with submittal if signed by agent.

[Handwritten initials]

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 _____ FLU / ZONING R1BB / MOR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS W2 side of Pepper Brush Cove 1/2 miles
west of the intersection of Bear Lake Rd + Pepper Brush Cove.

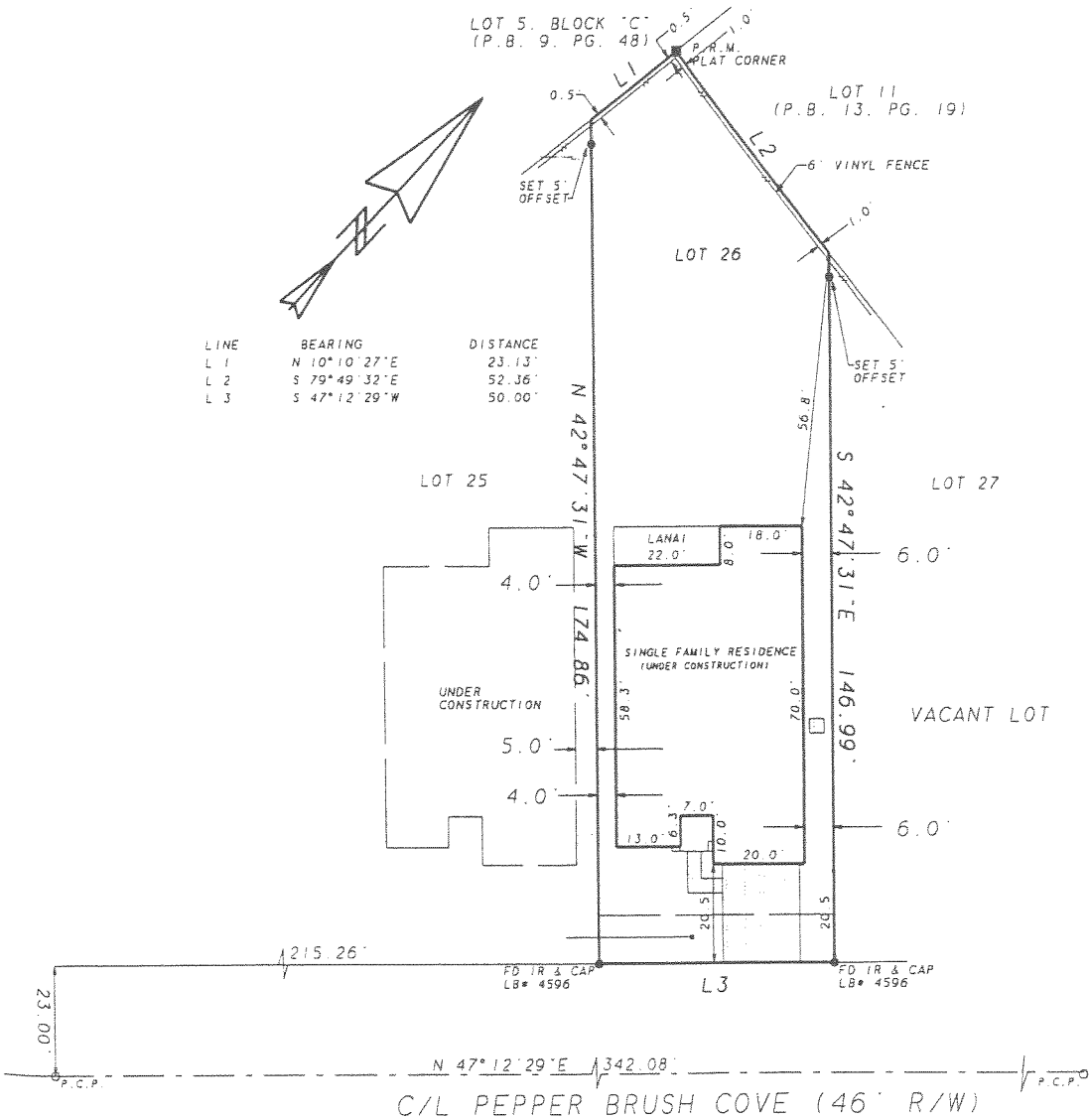
PLANNING ADVISOR MR DATE 7/1/05

SUFFICIENCY COMMENTS consent / none

Herx & Associates Inc.

~ Land Surveyors ~

Sketch of Legal Description
This is not a Survey



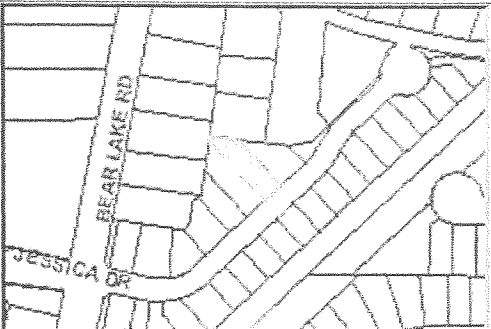

LEGAL DESCRIPTION: Lot 26, "SPRING CREEK"
according to the plat thereof as recorded in Plat Book 66,
at pages 94 and 95 of the Public Records of Seminole County, Florida.

5344 PEPPER BRUSH COVE APOPKA, FL 32703
PARCEL ID 20-21-29-525-0000-0260

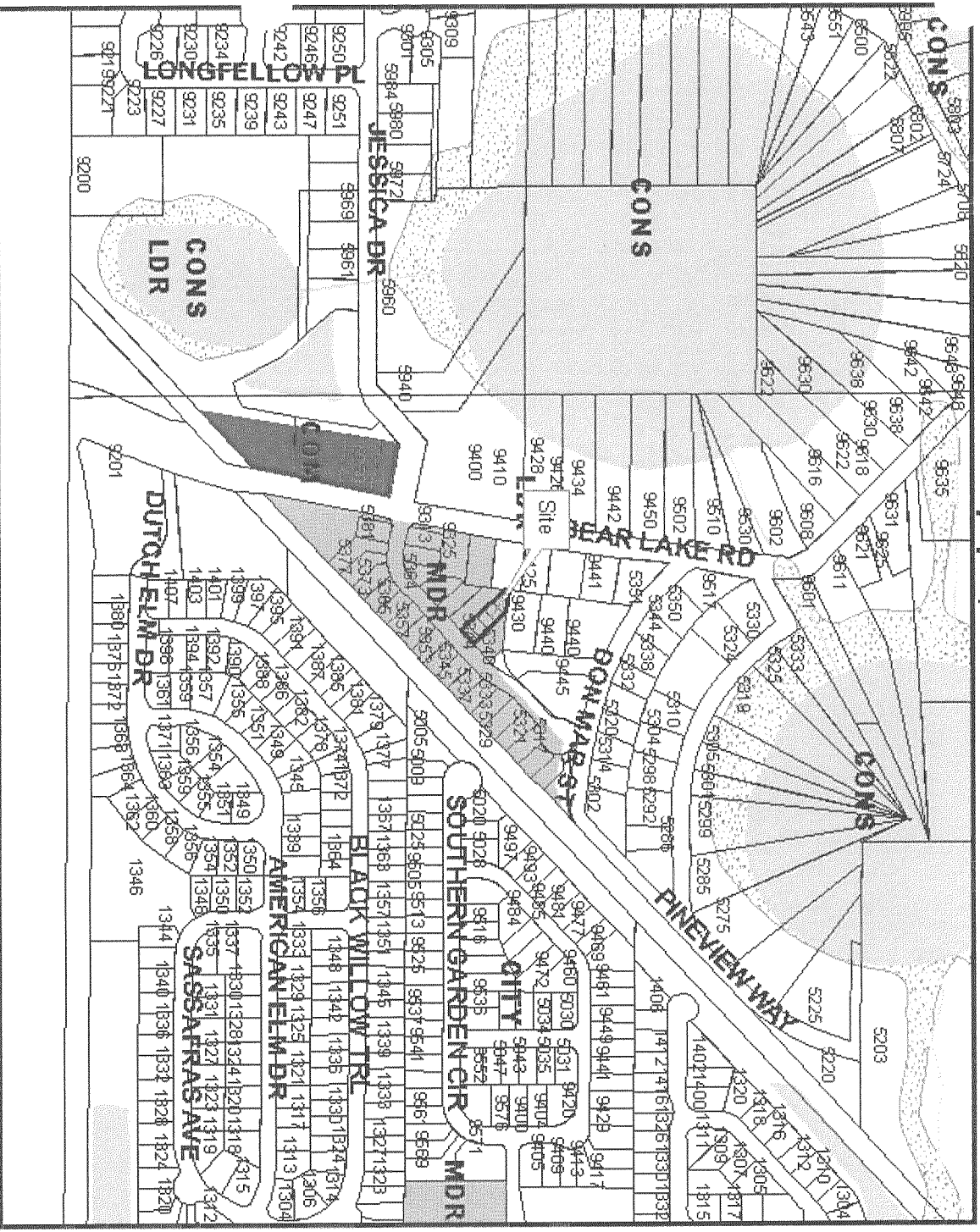
SETBACKS:
FRONT 20' SIDE 5'
REAR 20' SIDE STREET 20'

REQUEST SIDE YARD SETBACK
VARIANCE FROM 5.0' TO 4.0' —

769 Douglas Avenue
Altamonte Springs, Florida 32714
Tel 407.788.8808 Fax 407.788.8762






<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 align="center">GENERAL</p> <p>Parcel Id: 20-21-29-525-0000-0260 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MORRISON HOMES INC Exemptions:</p> <p>Address: 151 SOUTHHALL LN STE 200</p> <p>City,State,ZipCode: MAITLAND FL 32751</p> <p>Property Address: 5344 PEPPER BRUSH CV APOPKA 32703</p> <p>Subdivision Name: SPRING CREEK</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$27,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$27,000</p> <p>Assessed Value (SOH): \$27,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$27,000</p> <p>Tax Estimator</p>												
<p align="center">SALES</p> <p>Deed Date Book Page Amount Vac/Imp</p> <p>Find Comparable Sales within this Subdivision</p>		<p>2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount:</p> <p>2004 Taxable Value:</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>												
<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>27,000.00</td> <td>\$27,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	27,000.00	\$27,000	<p>LEGAL DESCRIPTION PLAT</p> <p>LOT 26 SPRING CREEK PB 66 PGS 94 & 95</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
LOT	0	0	1.000	27,000.00	\$27,000									
<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>														

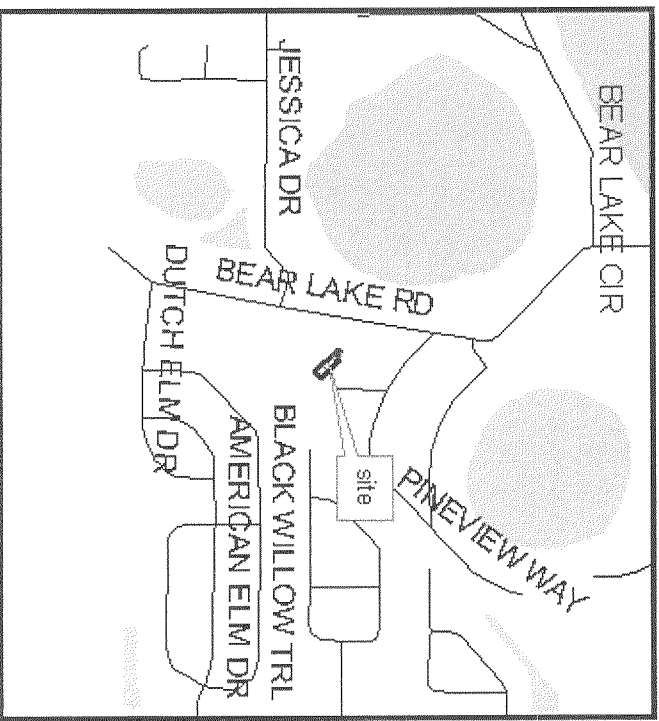
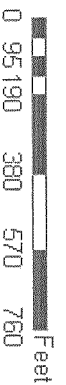
Herx & Associates INC
5344 Pepper Brush Cove
Apopka, FL 32703



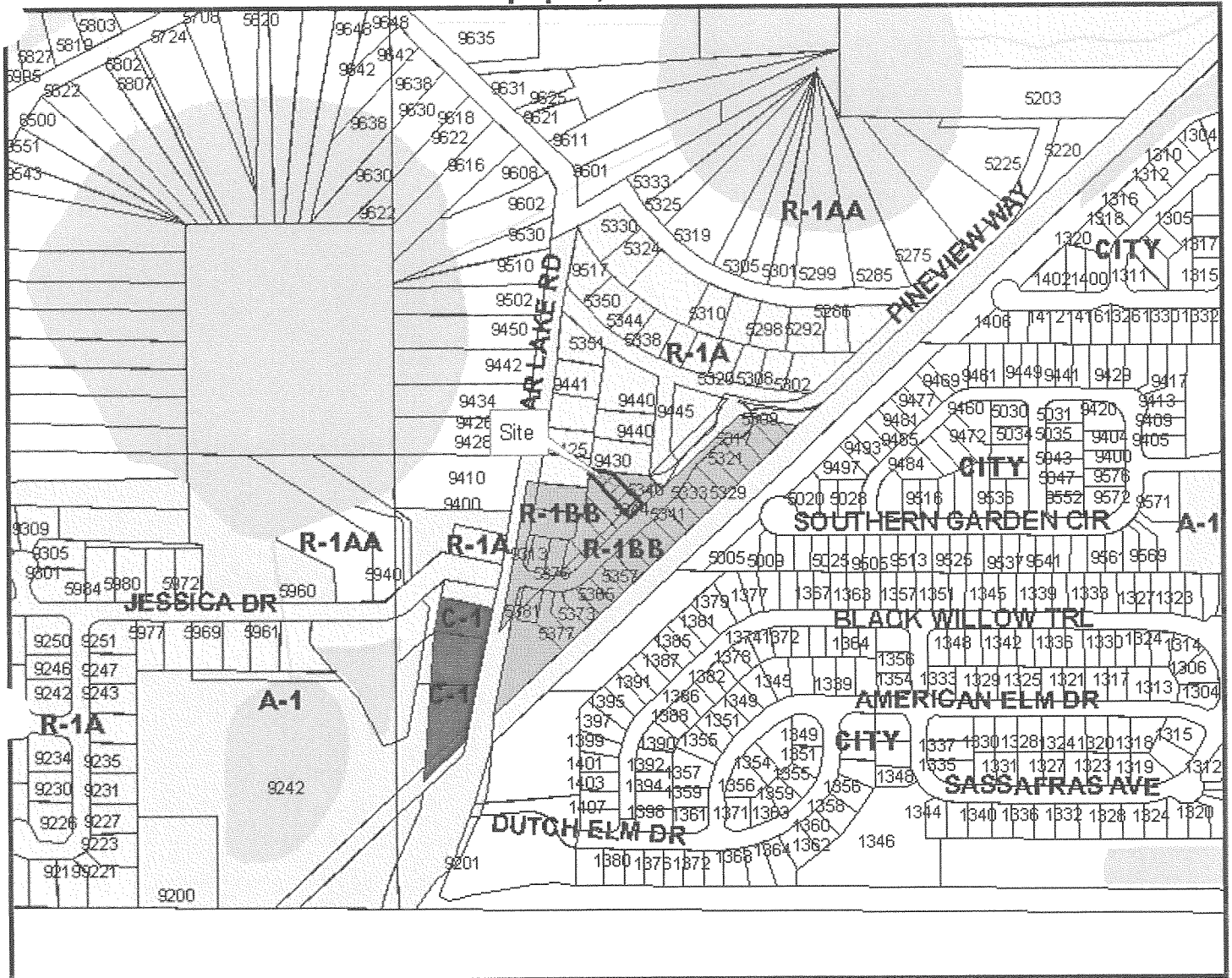
Seminole County Board of Adjustment
August 22, 2005
Case: BV2005-105
Parcel No: 20-21-29-525-0000-0260

Future Land Use

-  CON S, LDR
-  LDR, NONE
-  MDR, NONE
-  COM, NONE
-  BV2005-105



Herx & Associates INC
5344 Pepper Brush Cove
Apopka, FL 32703



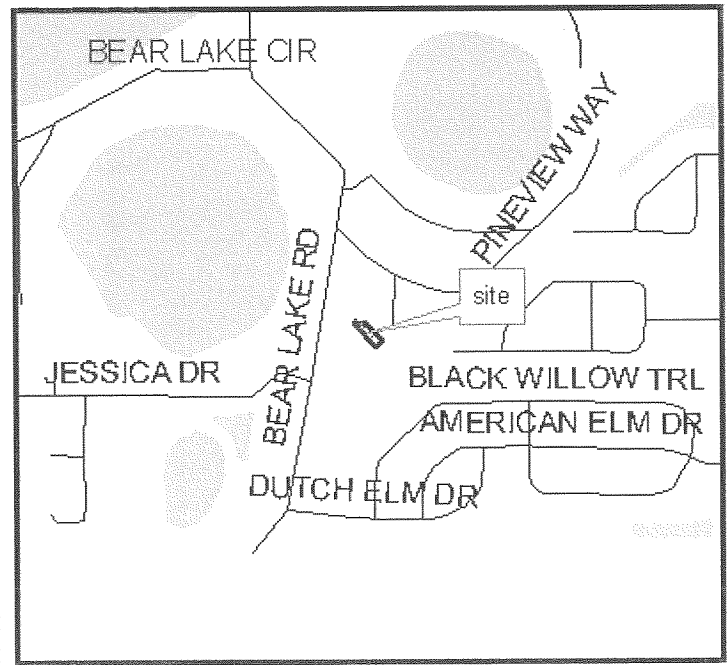
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Zoning

- A-1 Agricultural-1Ac
- R-1AA Single Fam-11700
- R-1A Single Fam-9000
- R-1BB Single Fam-5000
- C-1 Retail Commercial
- BV2005-105

N

0 95 190 380 570 760 Feet



Herx & Associates Inc.

~ Land Surveyors ~

June 29, 2005

Seminole County Board of Adjustment
Planning & Development Department
Room 2202
1101 East First Street
Sanford, FL 32771

**RE: parcel id 20-21-29-525-0000-0260, also known as
5344 Pepper Brush Cove, Apopka, FL 32703, legally described as
Lot 26, "Spring Creek", plat book 66, pages 94 and 95, Seminole
County, Florida.**

Ladies and Gentlemen of the Board,

Please accept this written statement as response to the criteria stated in the Land Development Code for the consideration of granting a 1.0' administrative variance to the aforementioned parcel.

A surveying error has incorrectly positioned a residential structure 1.0' into the 5.0' minimum side setback resulting in a partially constructed residence having a side setback of 4.0' from the lot boundary (see attached sketch for reference). This error was unintentional and without malice and no easements of record are affected.

As a result, we are respectfully asking the Seminole County Board of Commissioners and the Seminole County Board of Adjustment to consider granting Morrison Homes a one time setback variance for this particular structure and parcel.

Special conditions and circumstances do exist, which are peculiar to the building involved and are not applicable to other lands, structures or buildings in the same zoning district and the same community ("Spring Creek");

The special conditions and circumstances do not result from the actions of Morrison Homes and in no way were created to usurp the provisions of Chapter 30 of the Seminole County Land Development Code;

Granting of this variance request would not confer upon Morrison Homes any special privilege that is explicitly denied by Chapter 30 to other lands, buildings, or structures in the same zoning district and the same community ("Spring Creek");

Herx & Associates Inc.

~ Land Surveyors ~

A literal interpretation of the provisions of Chapter 30 would cause unnecessary and undue hardship on Morrison Homes by creating considerable delays in construction and financial repercussions;

The variance amount requested, (1 foot), is the minimum variance that would make possible the reasonable use of the structure;

The granting of this variance would be in harmony with the general intent of Chapter 30, and would not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

This variance request is not intended to unfairly deviate from Seminole County's Land Development Code to allow a for a larger structure, additional land usage rights, or any other condition that would grant special privileges to Morrison Homes or be, in any way, detrimental to the public welfare

The impervious area on the lot and the building square footage would remain the same as initially permitted and approved by the Seminole County Building Department and is consistent with Seminole County's Comprehensive Land Use Plan.

If you have any questions or concerns, please do not hesitate to contact me at 407-788-8808. Thank you for your time.

Highest Regards,



William R. Herx, PSM
Florida Professional Surveyor and Mapper No. 6092
Herx & Associates, Inc.

Enc: sketch of Lot 26, "Spring Creek"

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 22, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 26 SPRING CREEK PB 66 PGS 94 & 95

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

FINDINGS OF FACT

Property Owner: MORRISON HOMES INC
151 SOUTHHALL LN STE 200
MAITLAND, FL 32751

Project Name: PEPPER BRUSH COVE (5344)

Requested Development Approval:

REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 4 FEET FOR A N
EXISTING HOME IN THE R-1BB (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, Senior 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 existing home 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: