

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

*“CONTINUED FROM THE AUGUST 22, 2005 PUBLIC HEARING”*

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 12 FEET FOR A PROPOSED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CHRIS MILLER, APPLICANT).

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

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

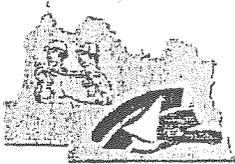
**Agenda Date** 09/26/05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 12 FEET FOR A PROPOSED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CHRIS MILLER, APPLICANT); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 12 FEET FOR A PROPOSED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (CHRIS MILLER, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> CHRIS MILLER <b>LOCATION:</b> 2385 PENNSYLVANIA AVENUE <b>ZONING:</b> R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A 30X30 (900 SQUARE FEET) DETACHED GARAGE THAT WILL ENCROACH 18 FEET INTO THE MINIMUM 30 FEET REAR YARD SETBACK. THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED.</li> <li>• THIS ITEM WAS CONTINUED FROM THE AUGUST 22, 2005 REGULAR MEETING OF THE BOARD TO ALLOW THE APPLICANT THE OPPORTUNITY TO REVISE THE ROOF HEIGHT OF THE PROPOSED GARAGE ADDITION.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:

	<ul style="list-style-type: none"><li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED GARAGE HAVE BEEN DEMONSTRATED.</li><li>• THE GARAGE COULD BE BUILT TO COMPLY WITH THE CODE AND WOULD NEGATE THE NEED FOR A VARIANCE.</li><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED GARAGE AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



01 2005

**COPY**

APPL. NO. BV/2005-104

**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:**

30x30

- VARIANCE** Build A GARAGE LARGER THAN 200 SF  
Rear yard setback from 30' to 10'
- 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	<u>HEIS MILLER</u>	<u>Debbie Miller</u>
ADDRESS	<u>2385 PENNSYLVANIA AV.</u>	<u>3841 PAMLICO ST.</u>
	<u>DUNED0 FL. 32765</u>	<u>ORLANDO FL.</u>
PHONE 1	<u>407-489-7777</u>	<u>407-542-2016</u>
PHONE 2	<u>407-971-6882</u>	<u>407-678 1378</u>
E-MAIL		

PROJECT NAME: MILLER GARAGE

SITE ADDRESS: 2385 PENNSYLVANIA AV. ORLANDO, FL 32765

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: SEE ATTACHED SHEET

SIZE OF PROPERTY: 1/3 OF acre(s) PARCEL I.D. \_\_\_\_\_

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

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\* Chris Miller DATE July 1, 05

**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 COMMISSION DISTRICT: 1 FLU / ZONING LDR / R / IAA

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

LOCATION FURTHER DESCRIBED AS Pennsylvania East side of Pennsylvania Ave  
. 1 mile north of the intersection of Lat Hope Rd & Pennsylvania Ave.

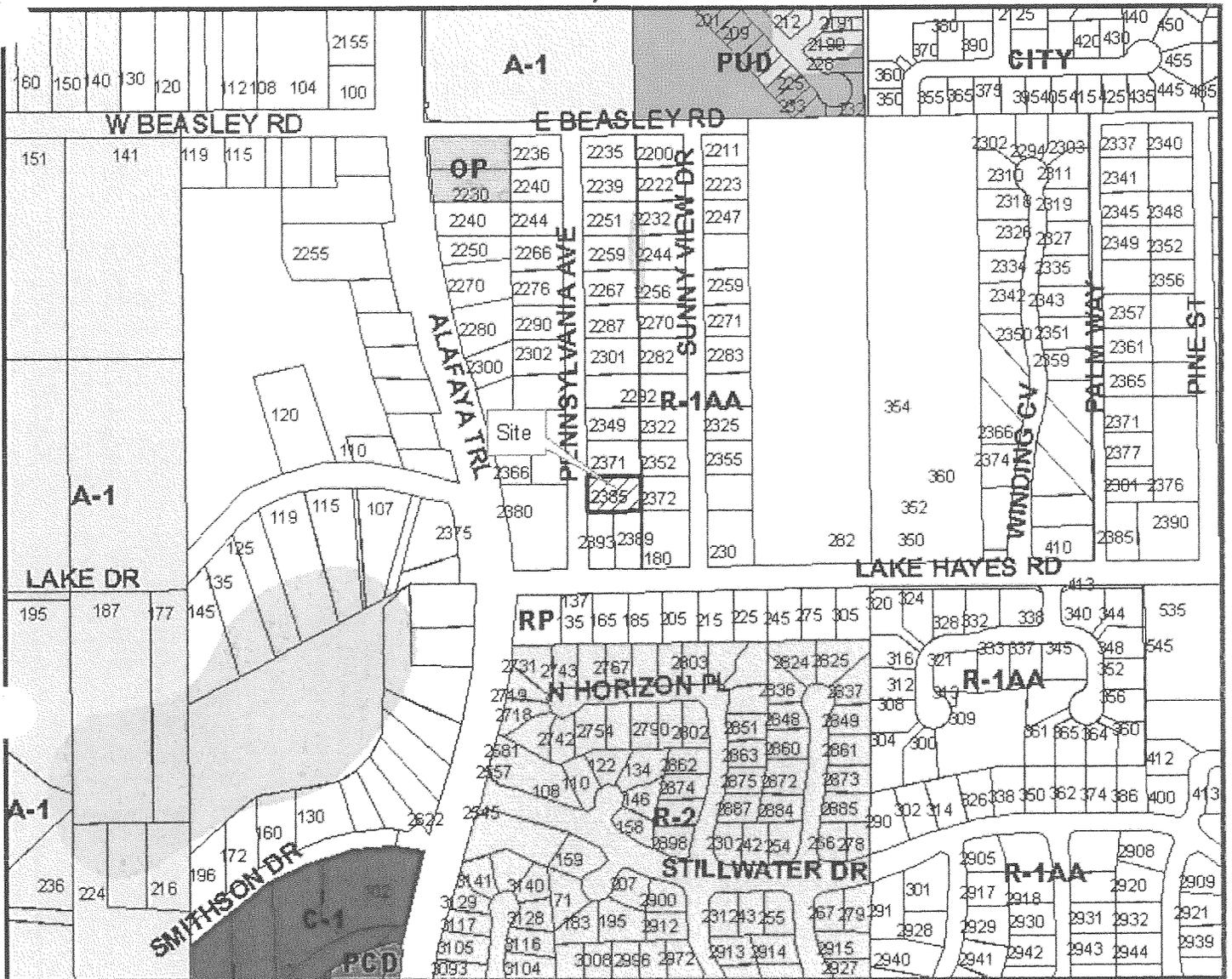
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS no site plan

<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 407-666-7506</p>																																									
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 27-21-31-504-0000-0280 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MILLER CHRIS A Exemptions: 00-HOMESTEAD</p> <p>Address: 2385 PENNSYLVANIA AVE</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 2385 PENNSYLVANIA AVE OVIEDO 32765</p> <p>Subdivision Name: OAK MOUNT SUBD</p> <p>Dcr: 01-SINGLE FAMILY</p>	<p style="text-align: center;"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$97,064</p> <p>Depreciated EXFT Value: \$1,020</p> <p>Land Value (Market): \$28,737</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$126,821</p> <p>Assessed Value (SOH): \$91,539</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$66,539</p> <p>Tax Estimator</p>																																								
<p style="text-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>FINAL JUDGEMENT</td> <td>12/2004</td> <td>05540</td> <td>0569</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1999</td> <td>03718</td> <td>0139</td> <td>\$98,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1994</td> <td>02859</td> <td>1394</td> <td>\$82,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01056</td> <td>1570</td> <td>\$28,500</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	FINAL JUDGEMENT	12/2004	05540	0569	\$100	Improved	WARRANTY DEED	08/1999	03718	0139	\$98,000	Improved	WARRANTY DEED	12/1994	02859	1394	\$82,000	Improved	WARRANTY DEED	01/1975	01056	1570	\$28,500	Improved	<p style="text-align: center;"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,400</p> <p>2004 Tax Bill Amount: \$1,080</p> <p>Save Our Homes (SOH) Savings: \$320</p> <p>2004 Taxable Value: \$63,873</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>										
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<p><small>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.</small></p>																																									

Lot 18 width

Debbie Miller  
 2385 Pennsylvania Avenue  
 Oviedo, FL 32765

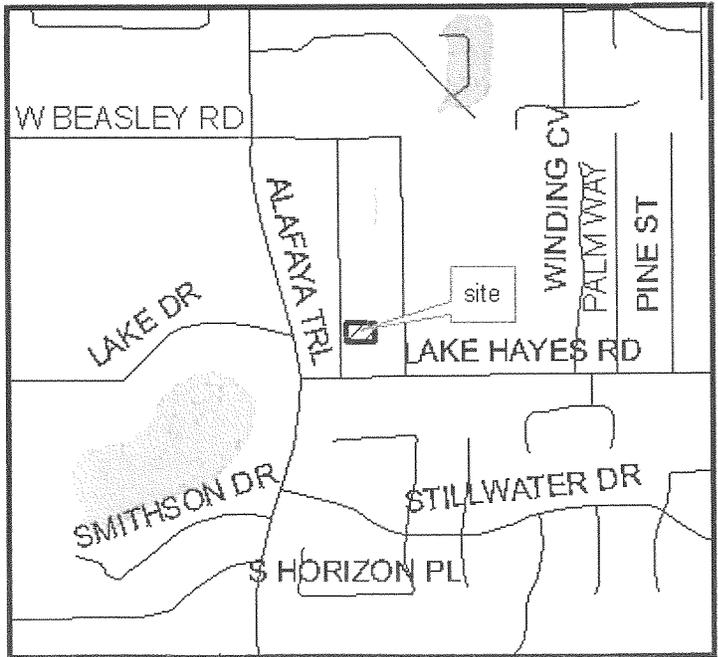


**Seminole County Board of Adjustment**  
**August 22, 2005**  
**Case: BV2005-104**  
**Parcel No: 27-21-31-504-0000-0280**

**Zoning**

	A-1 Agricultural-1A c		BV2005-104
	R-1AA Single Fam-11700		
	R-2 One and Two-Family-9000		
	RP Residential Professional		
	OP Office		
	C-1 Retail Commercial		
	PUD Planned Unit Dev.		
	PCD Planned Commercial Dist.		

0 100 200 400 600 800 Feet



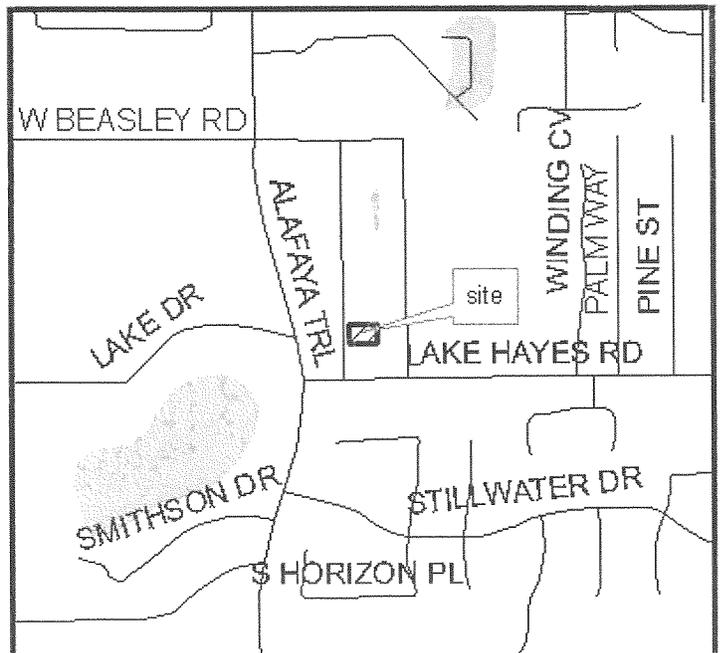
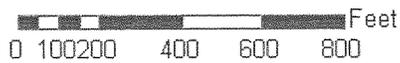
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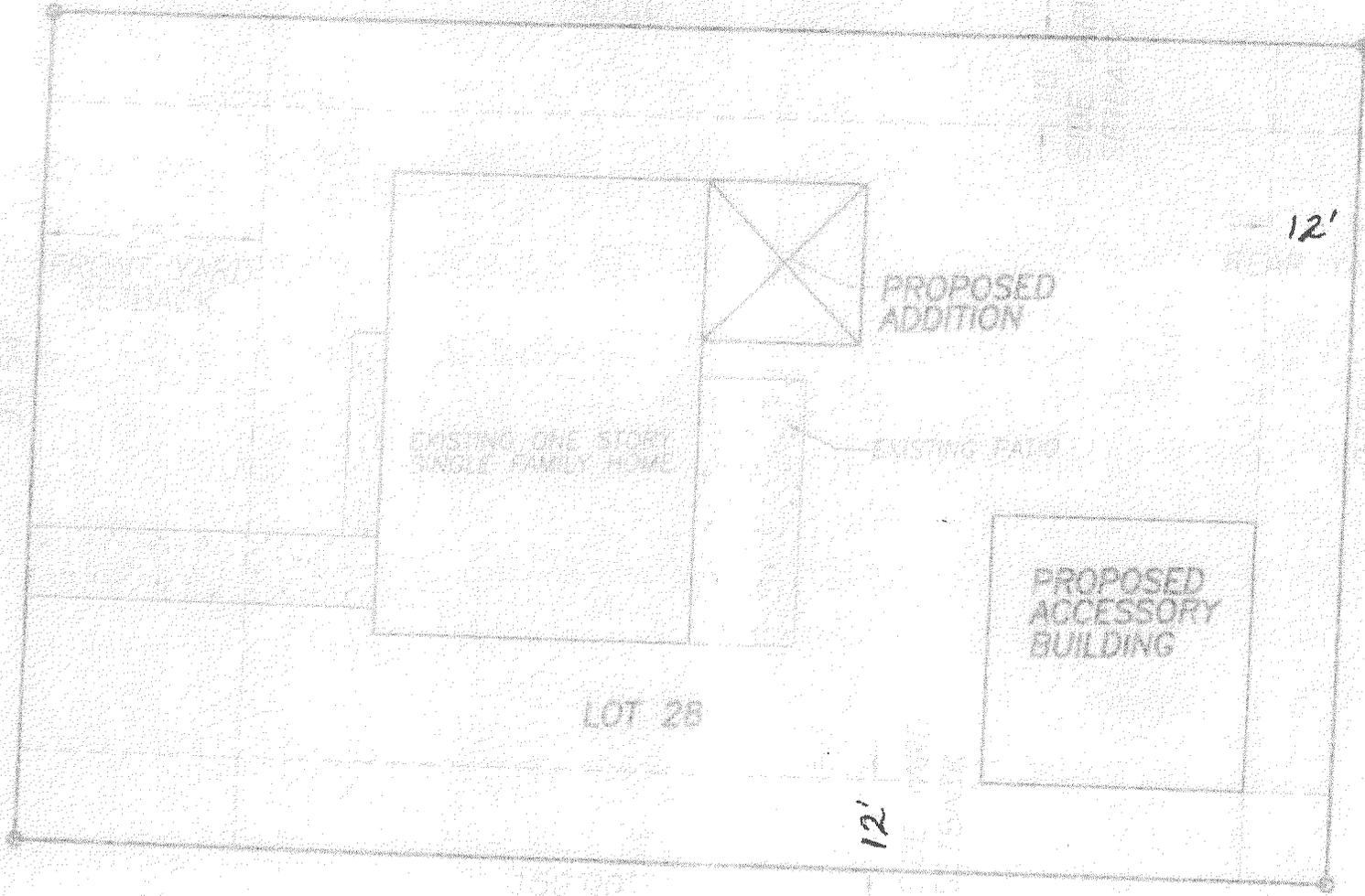


Seminole County Board of Adjustment  
 August 22, 2005  
 Case: BV2005-104  
 Parcel No: 27-21-31-504-0000-0280

**Future Land Use**

- |  |  |
|--|--|
|  CONS, LDR  |  MDR, NONE  |
|  CONS, MDR  |  OFF, NONE  |
|  CONS, COM  |  COM, NONE  |
|  PUBC, NONE |  BV2005-104 |
|  LDR, NONE  |  |





# SITE PLAN

SCALE: 1" = 30'

Reference: Christopher Miller  
2385 Pennsylvania Ave. Oviedo, FL 32765  
(407) 489-7777

To whom it may concern,

Please be advised that I G. Lee Rad,  
who lives at 2371 Pennsylvania Ave Oviedo,  
have been advised that Chris Miller who lives at 2385 Pennsylvania Ave.,  
and is a neighbor of mine, desires to erect a 30'x 30' garage on his property.  
Let this letter advise anyone it may concern that I do not take issue with this  
matter and am in favor of Mr. Miller's desire to build his garage.

Signature G. Lee Rad

Date 6/29/05

Reference: Christopher Miller  
2385 Pennsylvania Ave. Oviedo, FL 32765  
(407) 489-7777

To whom it may concern,

Please be advised that I RANDOLPH D. RADER,  
who lives at 2371 PENNSYLVANIA AVE, OVIEDO, FL 32765,  
have been advised that Chris Miller who lives at 2385 Pennsylvania Ave.,  
and is a neighbor of mine, desires to erect a 30'x 30' garage on his property.  
Let this letter advise anyone it may concern that I do not take issue with this  
matter and am in favor of Mr. Miller's desire to build his garage.

Signature Randolph D. Rader

Date 06/30/05

Reference: Christopher Miller  
2385 Pennsylvania Ave. Oviedo, FL 32765  
(407) 489-7777

To whom it may concern,

Please be advised that I Greg Aulin,  
who lives at 2389 Penn Ave,  
have been advised that Chris Miller who lives at 2385 Pennsylvania Ave.,  
and is a neighbor of mine, desires to erect a 30'x 30' garage on his property.  
Let this letter advise anyone it may concern that I do not take issue with this  
matter and am in favor of Mr. Miller's desire to build his garage.

Signature Greg Aulin  
Date 6/30/05

Reference: Christopher Miller  
2385 Pennsylvania Ave. Oviedo, FL 32765  
(407) 489-7777

To whom it may concern,

Please be advised that I GEORGE WARREN,  
who lives at 2372 SUNNYVIEW DR.,  
have been advised that Chris Miller who lives at 2385 Pennsylvania Ave.,  
and is a neighbor of mine, desires to erect a 30'x 30' garage on his property.  
Let this letter advise anyone it may concern that I do not take issue with this  
matter and am in favor of Mr. Miller's desire to build his garage.

Signature



Date

6/30/05

Reference: Christopher Miller  
2385 Pennsylvania Ave. Oviedo, FL 32765  
(407) 489-7777

To whom it may concern,

Please be advised that I \_\_\_\_\_,  
who lives at 180 LAKE HAVES RD.,  
have been advised that Chris Miller who lives at 2385 Pennsylvania Ave.,  
and is a neighbor of mine, desires to erect a 30'x 30' garage on his property.  
Let this letter advise anyone it may concern that I do not take issue with this  
matter and am in favor of Mr. Miller's desire to build his garage.

Signature Bryan Jackson J

Date \_\_\_\_\_

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 26, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG N 80.6 FT OF LOT 28 + S 12.94 FT OF LOT 29 OAK MOUNT SUBD PB 11 PG 23  
(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### FINDINGS OF FACT

**Property Owner:** CHRIS MILLER  
2385 PENNSYLVANIA AVE  
OVIEDO, FL 32765

**Project Name:** PENNSYLVANIA AVE (2385)

**Requested Development Approval:**

REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 12 FEET FOR A  
PROPOSED GARAGE IN THE R-1AA (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 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: \_\_\_\_\_  
Tony Walter  
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: