

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

**SUBJECT:** REQUEST FOR (1) (SOUTH) SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) (EAST) REAR YARD SETBACK FROM 10 FEET TO 5 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (MARSH MARTINUS, APPLICANT).

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

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

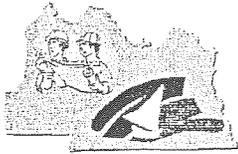
**Agenda Date** 09/26/05    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (MARSH MARTINUS, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (MARSH MARTINUS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<p><b>GENERAL INFORMATION</b></p>	<p>APPLICANT: LOCATION: ZONING:</p>	<p>MARSH MARTINUS 209 MAID OF THE MIST DRIVE, HIGHLAND PINES UNIT 2 R-1A (SINGLE-FAMILY DWELLING DISTRICT)</p>
<p><b>BACKGROUND/REQUEST</b></p>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONSTRUCTED A 10'X16' SHED WITHOUT A BUILDING PERMIT; A NOTICE OF VIOLATION FROM THE SEMINOLE COUNTY BUILDING DIVISION WAS SUBSEQUENTLY ISSUED ON 8/01/05.</li> <li>• THE UNPERMITTED SHED ENCROACHES 2.5 FEET INTO THE MINIMUM 7.5 FOOT SIDE YARD SETBACK AND 5 FEET INTO THE MINIMUM 10 FOOT REAR YARD SETBACK.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING</li> </ul>	

	BEEN GRANTED FOR THIS PROPERTY.
<b>STAFF FINDINGS</b>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"><li>• THE SHED COULD HAVE BEEN BUILT TO COMPLY WITH THE CODE OR COULD BE RELOCATED TO NEGATE THE NEED FOR A VARIANCE.</li><li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.</li><li>• THE SHED ENCROACHES A 7 FOOT UTILITY EASEMENT THAT RUNS ALONG THE SIDE AND REAR PROPERTY LINES.</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 REQUESTED VARIANCE. 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 EXISTING SHED 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>



JUL 20 2005

**COPY**

APPL. NO. BV 2005-112

**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** RV from 10 ft to 5
- 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>MARSH MARTINEZ</u>	
ADDRESS	<u>209 MAID OF THE MIST</u>	
PHONE 1	<u>407 831 3939</u>	
PHONE 2	<u>407 257 8589</u>	
E-MAIL		

Sanford/Weedy

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: SAME  
 CURRENT USE OF PROPERTY: PERSONAL HOME  
 LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 20-21-30-510-0000-0670  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS YES CASE NO. 05-443

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 9/26/05 (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.

Marsh Martinez  
 SIGNATURE OF OWNER OR AGENT\* DATE 7-20-05

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

WIR

**ADDITIONAL VARIANCES**

VARIANCE 2:

Side yard from 7.5 to 5

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**

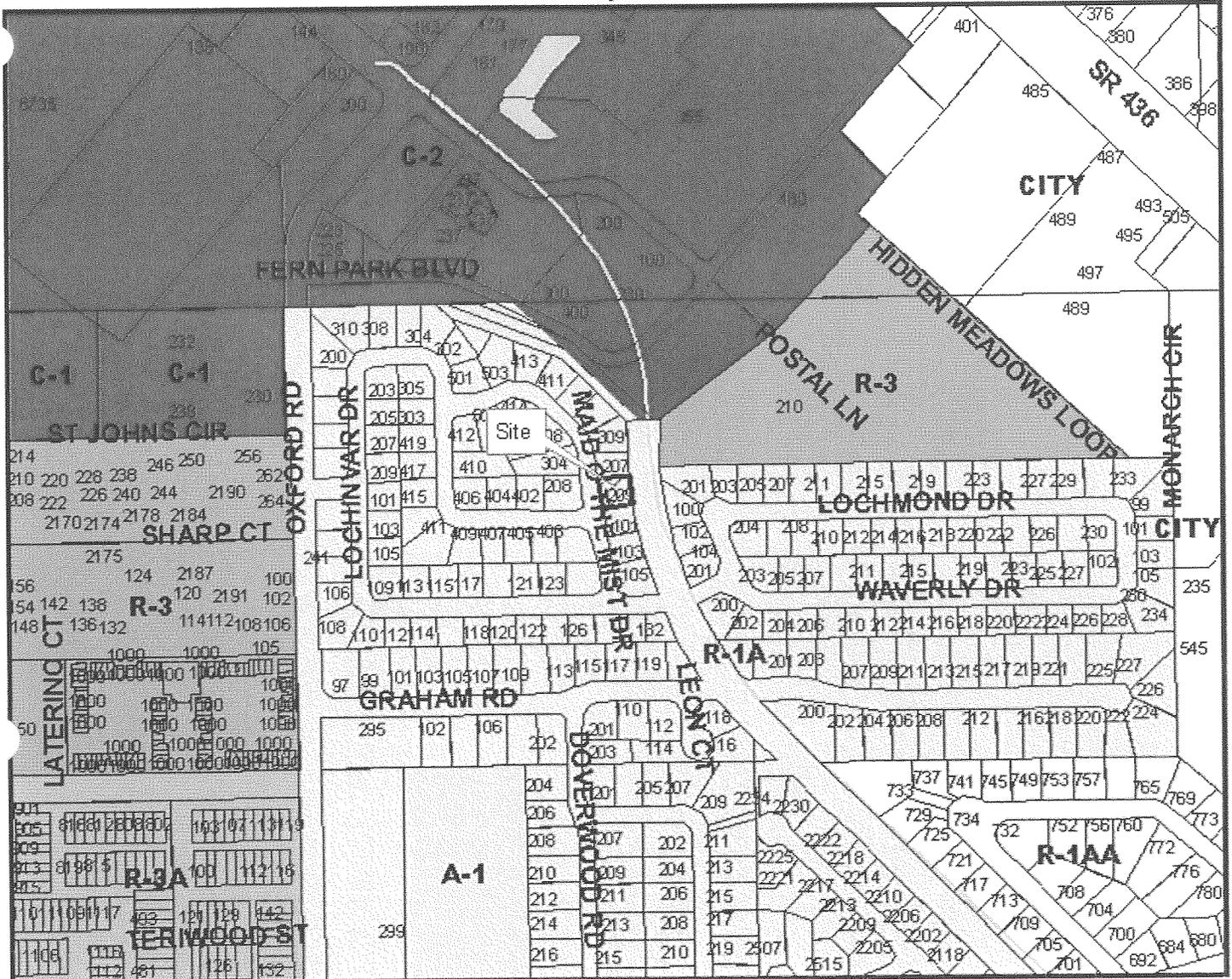
PROCESSING:  
FEE(S): 200.00 COMMISSION DISTRICT 4 FLU/ZONING CDR/R-1A  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS East side of Mid of the Main Drive  
at the intersection of Mid of the Main Dr. + Lockwood Dr  
PLANNING ADVISOR MK DATE 7-20-05  
SUFFICIENCY COMMENTS Height, utility, easement

R-1A

<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 407-665-7505</p>																																																			
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 20-21-30-510-0000-0670 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MARTINUS MARSH &amp; LEANNE Exemptions: 00-HOMESTEAD B</p> <p>Address: 209 MAID OF THE MIST DR</p> <p>City,State,ZipCode: FERN PARK FL 32730</p> <p>Property Address: 209 MAID-O-THE-MIST DR</p> <p>Subdivision Name: HIGHLAND PINES UNIT 2</p> <p>Dor: 01-SINGLE FAMILY</p>	<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$90,239</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$22,500</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$112,739</p> <p>Assessed Value (SOH): \$74,527</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$49,527</p> <p>Tax Estimator</p>																																																		
<p align="center"><b>SALES</b></p> <table border="1"> <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>WARRANTY DEED</td> <td>11/1989</td> <td>02128</td> <td>1331</td> <td>\$67,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1986</td> <td>01774</td> <td>1379</td> <td>\$56,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1981</td> <td>01316</td> <td>0455</td> <td>\$52,400</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1979</td> <td>01236</td> <td>0672</td> <td>\$46,500</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	11/1989	02128	1331	\$67,500	Improved	WARRANTY DEED	09/1986	01774	1379	\$56,500	Improved	WARRANTY DEED	01/1981	01316	0455	\$52,400	Improved	WARRANTY DEED	06/1979	01236	0672	\$46,500	Improved	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,199</p> <p>2004 Tax Bill Amount: \$800</p> <p>Save Our Homes (SOH) Savings: \$399</p> <p>2004 Taxable Value: \$47,356</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																				
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<p><b>NOTE:</b> 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>																																																			



**Marsh Martinus**  
**209 Maid of the Mist Drive**  
**Fern Park, FL 32730**

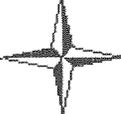


**Seminole County Board of Adjustment**  
**September 26, 2005**  
**Case: BV2005-112**  
**Parcel No: 20-21-30-510-0000-0670**

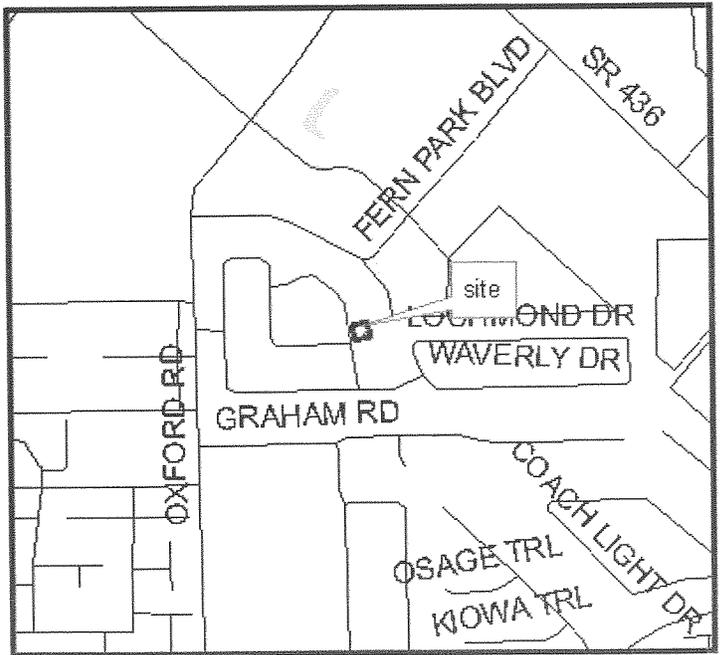
**Zoning**

	A-1 Agricultural-1 Ac		BV2005-112
	R-1AA Single Fam-11700		
	R-1A Single Fam-9000		
	R-3A Multi-Family-10DU		
	R-3 Multi-Family-13DU		
	C-1 Retail Commercial		
	C-2 Retail Commercial		

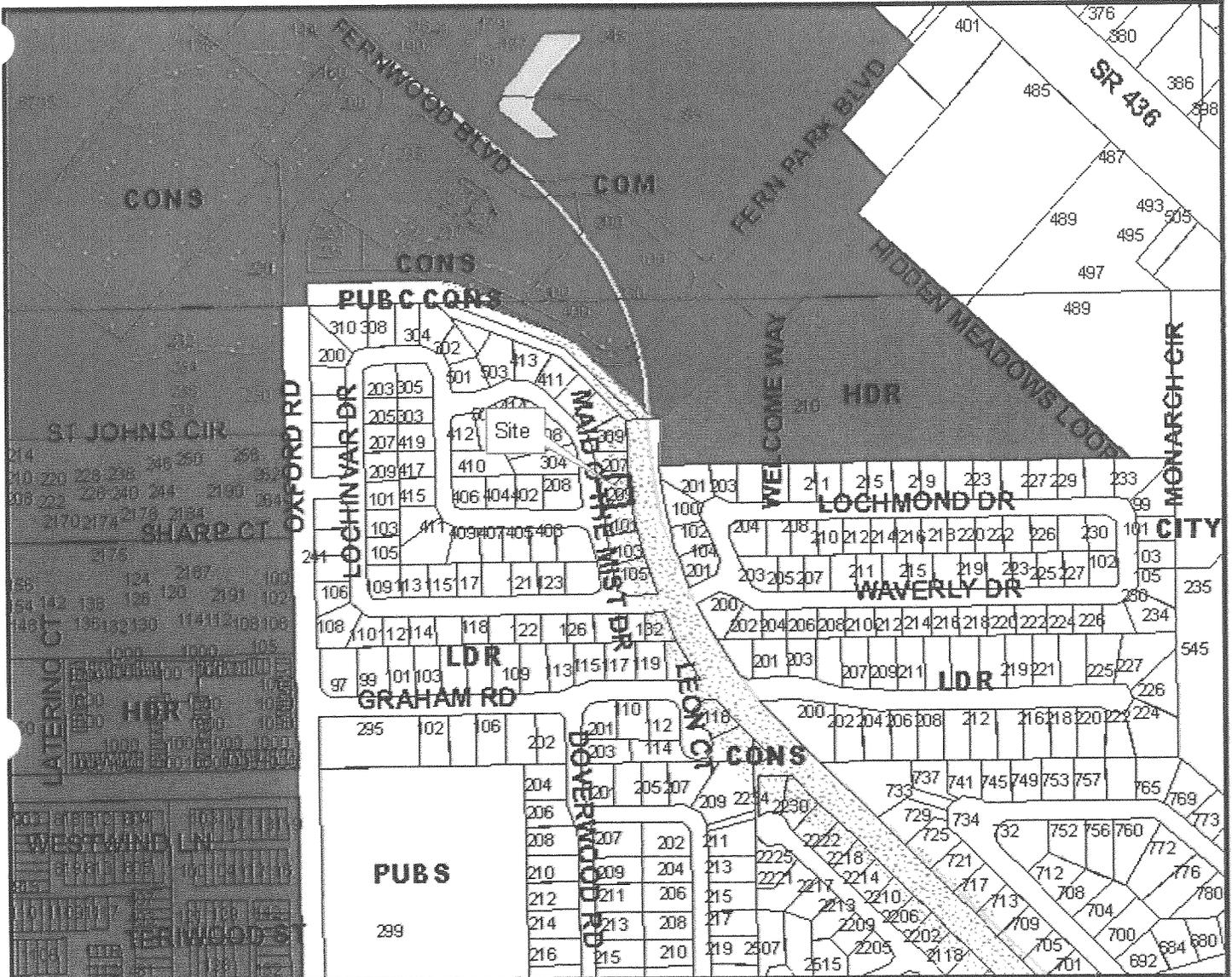
N



0 105210 420 630 840 Feet



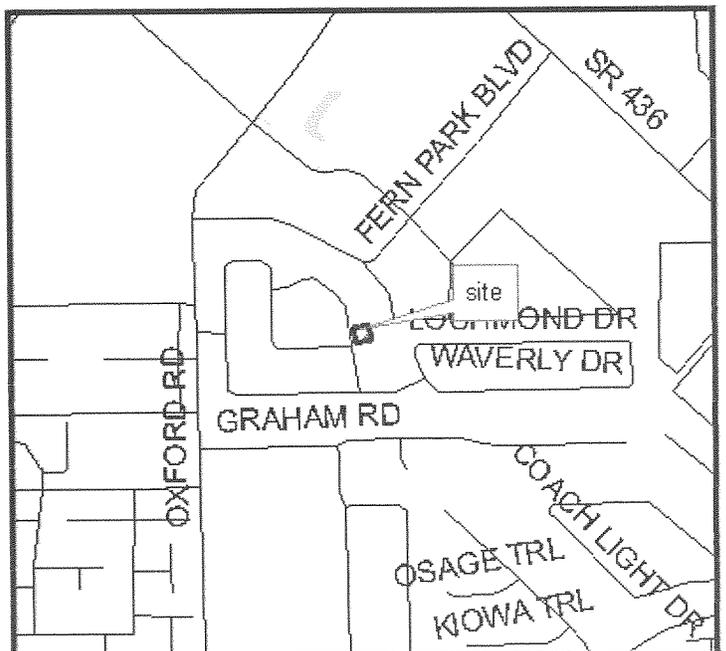
**Marsh Martinus  
209 Maid of the Mist Drive  
Fern Park, FL 32730**



Seminole County Board of Adjustment  
September 26, 2005  
Case: BV2005-112  
Parcel No: 20-21-30-510-0000-0670

**Future Land Use**

- |  |            |            |            |
|--|------------|------------|------------|
|  | CONS, PUBC | PUBS, NONE |            |
|  | CONS, PUBS | LDR, NONE  |            |
|  | CONS, LDR  | HDR, NONE  |            |
|  | CONS, COM  | COM, NONE  |            |
|  | PUBC, NONE |            | BV2005-112 |



# NOTICE OF CODE VIOLATION

**LOCATION OF VIOLATION:** 209 MAID-OF-THE-MIST DR.

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF Florida Building Code CHAPTER/ARTICLE CH. 1 SECTION 104.

**DESCRIPTION OF VIOLATION:** CONSTRUCTED OR INSTALLED SHED IN BACK YARD WITHOUT PERMITS.

**CORRECTIVE ACTION:** OBTAIN PROPER PERMIT AND SCHEDULE REQUIRED INSPECTIONS.

**THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY** 8-1-05.

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



**For further information contact:**  
**Building and Fire Inspection Division**  
**Seminole County Services Building**  
**1101 East First Street, Room 1020**  
**Sanford, FL 32771**  
**PHONE: (407) 665-7338 OR (407) 665-7423**

**DATE:** 7-18-05 **INSPECTOR:** JAMON PUCKER 407 665-7423

**CASE NO:** 05-443

## SEMINOLE COUNTY DEVELOPMENT ORDER

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

LEG LOT 67 HIGHLAND PINES UNIT 2 PB 15 PG 10

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

### FINDINGS OF FACT

**Property Owner:** MARSH MARTINUS  
209 MAID OF THE MIST DRIVE  
FERN PARK, FL 32730

**Project Name:** MAID OF THE MIST (209)

**Requested Development Approval:**

REQUEST FOR (1) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR AN EXISTING SHED IN THE R-1A (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 existing 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: \_\_\_\_\_  
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: