

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 4 FEET AND (2) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7 1/2 FEET TO 6 FEET FOR AN EXISTING CARPORT IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (TIM ROSELAND, APPLICANT).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

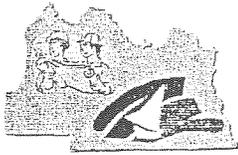
Agenda Date 09/26/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 4 FEET AND (2) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7 1/2 FEET TO 6 FEET FOR AN EXISTING CARPORT IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (TIM ROSELAND, APPLICANT), OR
2. **DENY** (1) MINIMUM FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 4 FEET AND (2) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7 1/2 FEET TO 6 FEET FOR AN EXISTING CARPORT IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (TIM ROSELAND, APPLICANT), OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: TIM ROSELAND LOCATION: 1456 CLEMATIS LANE ZONING: R-1A (EASTBROOK)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CONSTRUCTED A CARPORT WITHOUT A PERMIT THAT ENCROACHES 21 FEET INTO THE 25 MINIMUM FRONT YARD SETBACK AND 1 1/2 FEET INTO THE 7 1/2 SIDE YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY AUTHORIZE CARPORTS THAT

	<p>ARE INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</p> <ul style="list-style-type: none">• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A ZONING DISTRICT.• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING CARPORT AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION (S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

APPL. NO. BV2005-116

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** front yard setback variance from 25ft to 4 ft. for an existing carport.
- 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>Tim Roseland</u>	
ADDRESS	<u>1456 Clematis Ln</u>	
	<u>Winter Park FL 32792</u>	
PHONE 1	<u>407 679-8736</u>	
PHONE 2	<u>407-765 6991</u>	
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 1456 Clematis Ln
 CURRENT USE OF PROPERTY: Home
 LEGAL DESCRIPTION: Leg Lot 27 BK 14 Eastbrook Subd Unit 6 Pg 12 PG 89
 SIZE OF PROPERTY: 90 x 100 FT acre(s) PARCEL I.D. 34-21-30-503-1400-0270
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS 2 car carport with out permit
 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.

Timothy M Roseland 7/22/05
 SIGNATURE OF OWNER OR AGENT* DATE

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

KE

ADDITIONAL VARIANCES

VARIANCE 2:

side yard setback variance 7.5ft to 6ft for existing car port.

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 _____

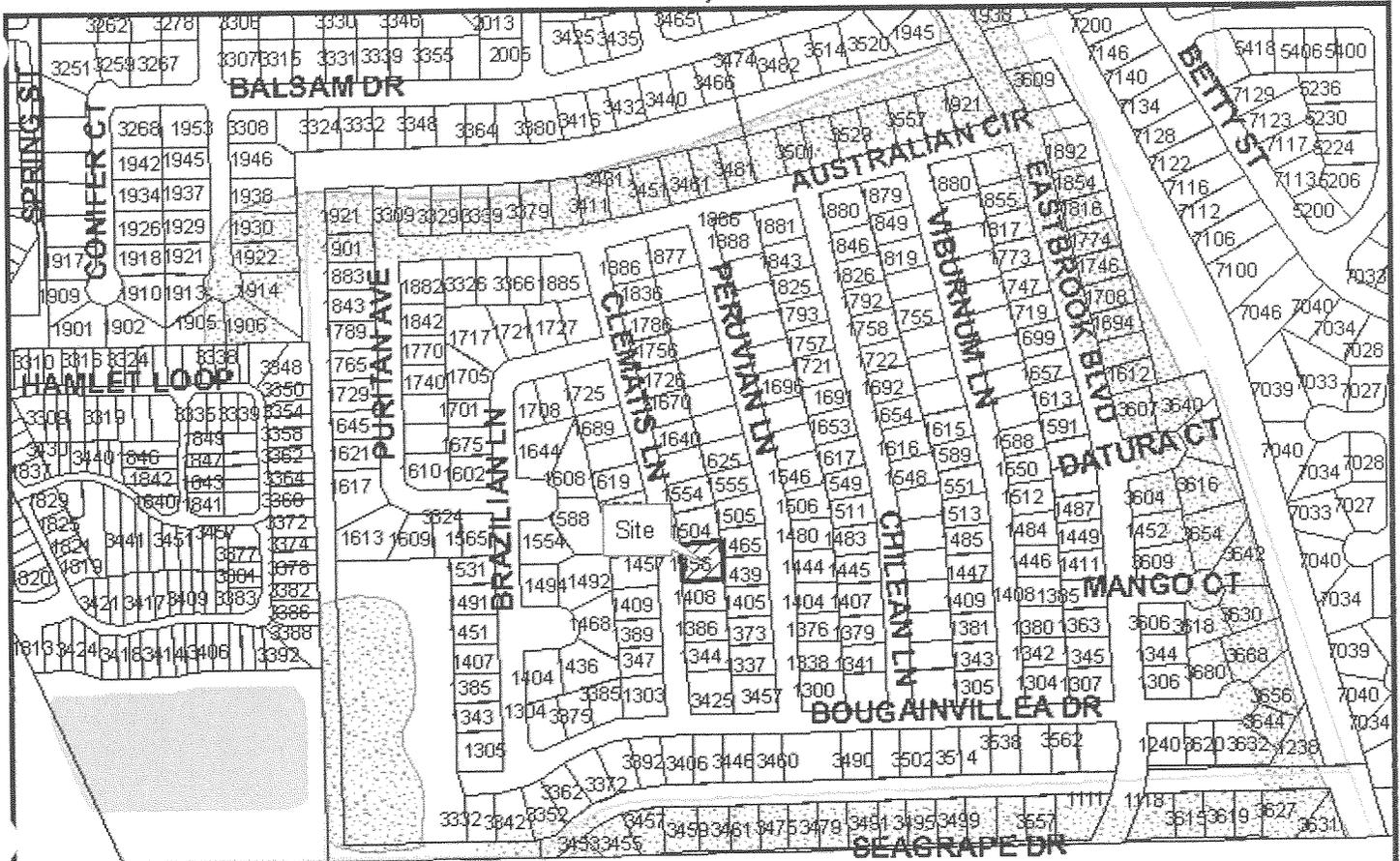
_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 200.00 COMMISSION DISTRICT 1 FLU / ZONING R-1A / LDR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS corner of Clematis Lane 1/4 mi
south of the intersection of Clematis Ln + Bourgainville Dr.
PLANNING ADVISOR MR. DATE 7-27-05
SUFFICIENCY COMMENTS _____

<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="text-align: center;">GENERAL</p> <p>Parcel Id: 34-21-30-503-1400-0270 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: ROSELAND TIMOTHY M & TAMMY J Exemptions: 00-HOMESTEAD</p> <p>Address: 1456 CLEMATIS LN</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 1456 CLEMATIS LN WINTER PARK 32792</p> <p>Subdivision Name: EASTBROOK SUBD UNIT NO 06</p> <p>Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$80,856</p> <p>Depreciated EXFT Value: \$4,921</p> <p>Land Value (Market): \$26,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$111,777</p> <p>Assessed Value (SOH): \$66,721</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$41,721</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>WARRANTY DEED</td> <td>10/1989</td> <td>02122</td> <td>0125</td> <td>\$53,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/1989</td> <td>02106</td> <td>0229</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>05/1986</td> <td>01743</td> <td>1023</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>11/1985</td> <td>01691</td> <td>1708</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1982</td> <td>01420</td> <td>1697</td> <td>\$53,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01337</td> <td>0091</td> <td>\$52,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1971</td> <td>00852</td> <td>0577</td> <td>\$22,000</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	WARRANTY DEED	10/1989	02122	0125	\$53,000	Improved	QUIT CLAIM DEED	08/1989	02106	0229	\$100	Improved	SPECIAL WARRANTY DEED	05/1986	01743	1023	\$100	Improved	CERTIFICATE OF TITLE	11/1985	01691	1708	\$100	Improved	WARRANTY DEED	11/1982	01420	1697	\$53,500	Improved	WARRANTY DEED	05/1981	01337	0091	\$52,000	Improved	WARRANTY DEED	01/1971	00852	0577	\$22,000	Improved	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,216</p> <p>2004 Tax Bill Amount: \$672</p> <p>Save Our Homes (SOH) Savings: \$544</p> <p>2004 Taxable Value: \$39,778</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																						
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<p>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.</p>																																																																							

Timothy Roseland
 1456 Clematis Lane
 Winter Park, FL 32792

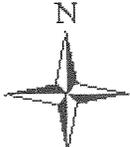


Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-116
 Parcel No: 34-21-30-503-1400-0270

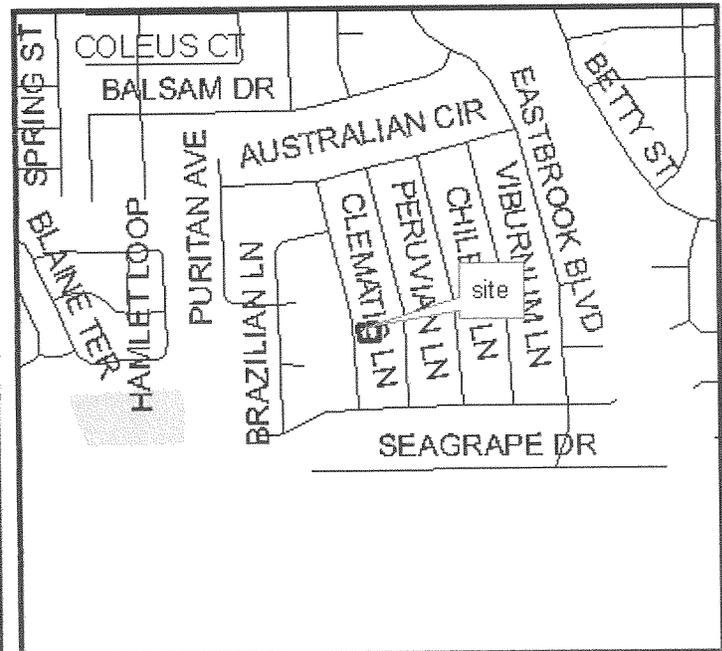
Future Land Use

-  CONS, LDR
-  LDR, NONE
-  BV2005-116

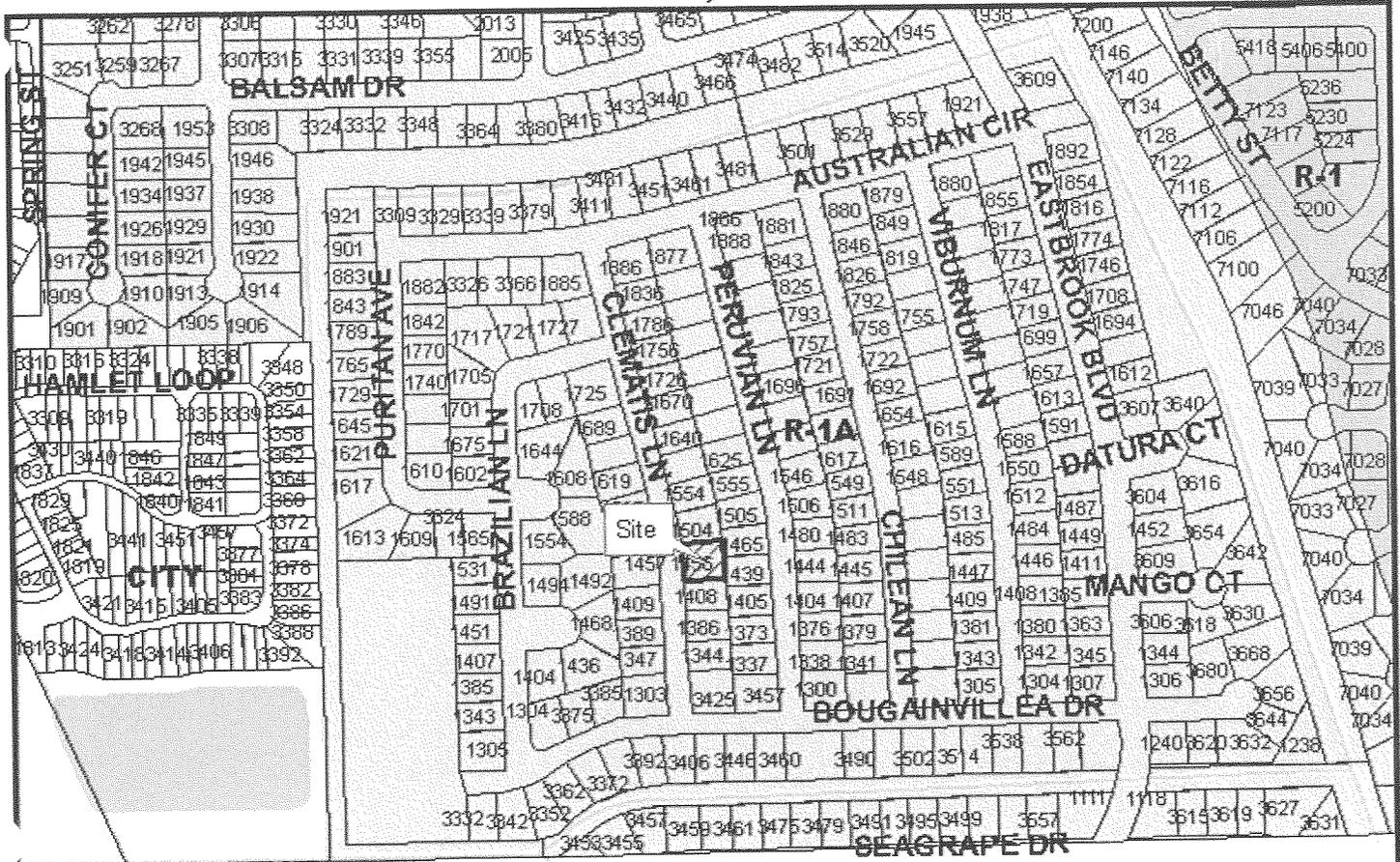
N



0 85170 340 510 680 Feet



Timothy Roseland
 1456 Clematis Lane
 Winter Park, FL 32792

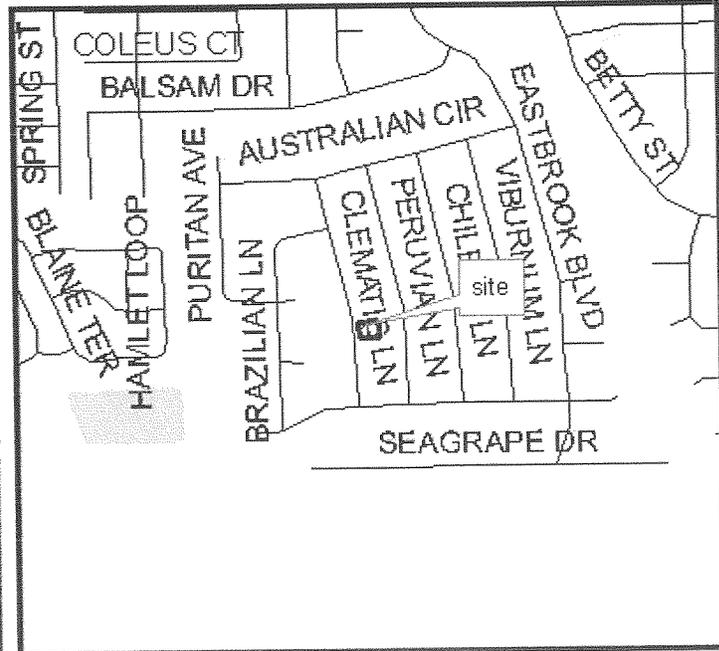


Seminole County Board of Adjustment
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Zoning

-  BV2005-116
-  R-1A Single Fam-9000
-  R-1 Single Fam-8400

0 85170 340 510 680 Feet

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1456 STEWART'S LN

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 a 2 CAR GARAGE without a permit.

CORRECTIVE ACTION: Obtain ALL proper permits and schedule Required Inspections.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 7.27-05.

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

665-7442
To no He the

DATE: 7.13-05

INSPECTOR: TRON RUCKER 407 665 7472

CASE NO: 05-431

*

7/27/05 SEMINOLE COUNTY GOVERNMENT - PROJECT FEES RECEIPT 14:30:47
PROJ # 05-30000114 RECEIPT # 0240470

OWNER:
JOB ADDRESS: 1456 CLEMATIS LN LOT #: 0270

VARIANCE 200.00 200.00 .00

TOTAL FEES DUE.....: 200.00

AMOUNT RECEIVED.....: 200.00

* DEPOSITS NON-REFUNDABLE *
** THERE IS A PROCESSING FEE RETAINAGE FOR ALL REFUNDS **

COLLECTED BY: FDPJ01 BALANCE DUE.....: .00
CHECK NUMBER.....: 000000001447
CASH/CHECK AMOUNTS....: 200.00
COLLECTED FROM: CLEMATIS LANE (1456)
DISTRIBUTION.....: 1 - COUNTY 2 - CUSTOMER 3 - 4 - FIN

ANCE

TIM ROSELAND, INC.
1456 CLEMATIS LANE
WINTER PARK, FL 32792
(407) 679-8736

Date 7/27/05 1447
63-1380/631 05

Pay to the Order of Seminole County \$ 200.00
Two Hundred and 00/100 Dollars

BankFIRST
5025 Old Howell Branch Rd.
Winter Park, FL 32792
407-599-9796

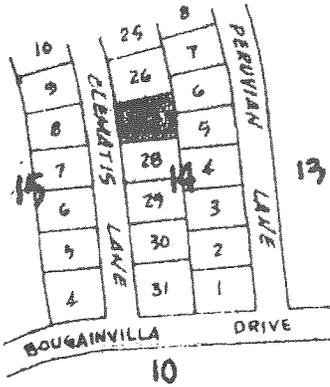
For _____ *[Signature]* MP

⑆063113808⑆1447 051003111⑆

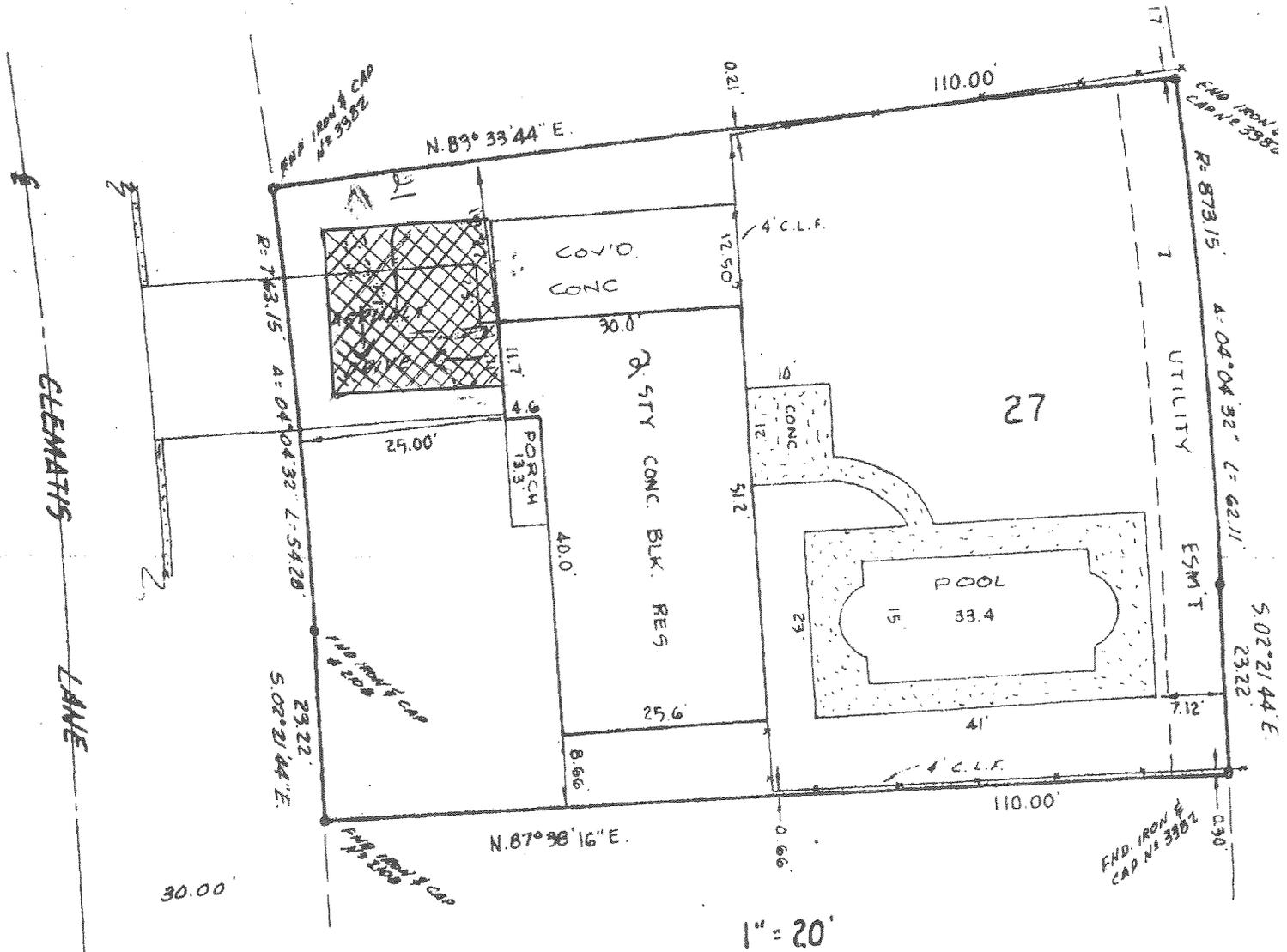
INTOUCH® CUSTOM CREATIONS™

PLAT OF SURVEY
for
TIMOTHY & TAMMY ROSELAND
Legal Description

lot 27, Block 14, EASTBROOK SUBDIVISION UNIT NO. SIX, according to the plat thereof as recorded in Plat Book 12, Pages 88 and 89, of the Public Records of Seminole County, Florida.



SCALE AS NOTED



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 LOT 27 BLK 14 EASTBROOK SUBDIVISION UNIT 6 PB 12 PG 89

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

FINDINGS OF FACT

Property Owner: TIM ROSELAND
1456 CLEMATIS LANE
WINTER PARK, FL 32792

Site Address: 1456 CLEMATIS LANE

Requested Development Approval:

Request for a (1) front yard setback variance from 25 feet to 4 feet and (2) side yard setback variance from 7 ½ feet to 6 foot for an existing carport.

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: Kathy Fall
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING
CARPORT, 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 Matthew West 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: