

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

SUBJECT: REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 20 FEET TO 8.5 FEET FOR A PROPOSED HOME ADDITION IN THE RC-1 (COUNTRY HOMES DISTRICT); (JAN & CAROL SMED, APPLICANTS).

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

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

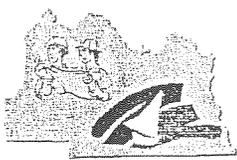
Agenda Date 09-26-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 20 FEET TO 8.5 FEET FOR A PROPOSED HOME ADDITION IN THE RC-1 (COUNTRY HOMES DISTRICT); (JAN & CAROL SMED, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 20 FEET TO 8.5 FEET FOR A PROPOSED HOME ADDITION IN THE RC-1 (COUNTRY HOMES DISTRICT); (JAN & CAROL SMED, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: JAN & CAROL SMED LOCATION: 1059 DYSON DRIVE ZONING: RC-1
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A HOME ADDITION (64'X26') THAT WOULD ENCROACH 11.5 FEET INTO THE 20 FOOT MINIMUM 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 GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE RC-1 COUNTRY HOMES DISTRICT BY ALLOWING ENCROACHMENT INTO THE SIDE YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS. • THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE 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

	<p>APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED HOME ADDITION 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.
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COPY

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 from 20ft to 8.5ft
for a proposed home addition
- 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**

RECEIVED
 AUG - 4 2005
 PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	JAN P. SMED + CAROL SMED	
ADDRESS	1059 DYSON DR WINTER SPGS, FL 32708	
PHONE 1	407 701 1750 cell (card)	
PHONE 2	407 696 7938	
E-MAIL	JP.SMED@EARTHLINK.NET	

PROJECT NAME: Home Addition
 SITE ADDRESS: 1059 DYSON DR WINTER SPGS FL 32708
 CURRENT USE OF PROPERTY: home
 LEGAL DESCRIPTION: LEG LOT 6 BLK F WINTER SPRINGS
PB15 PG 82
 SIZE OF PROPERTY: 3/4 acre(s) PARCEL I.D. 1321-30-502-0F00-0060
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER Owner Always Home
 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 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.

Carol Smed 8/4/05
 SIGNATURE OF OWNER OR AGENT* DATE

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

MFL

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 2 FLU/ZONING LDR/RC-1
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS South side of Dyson Dr. 0.1 mi.
east of the intersection of Black Ace Rd & Dyson Dr.
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

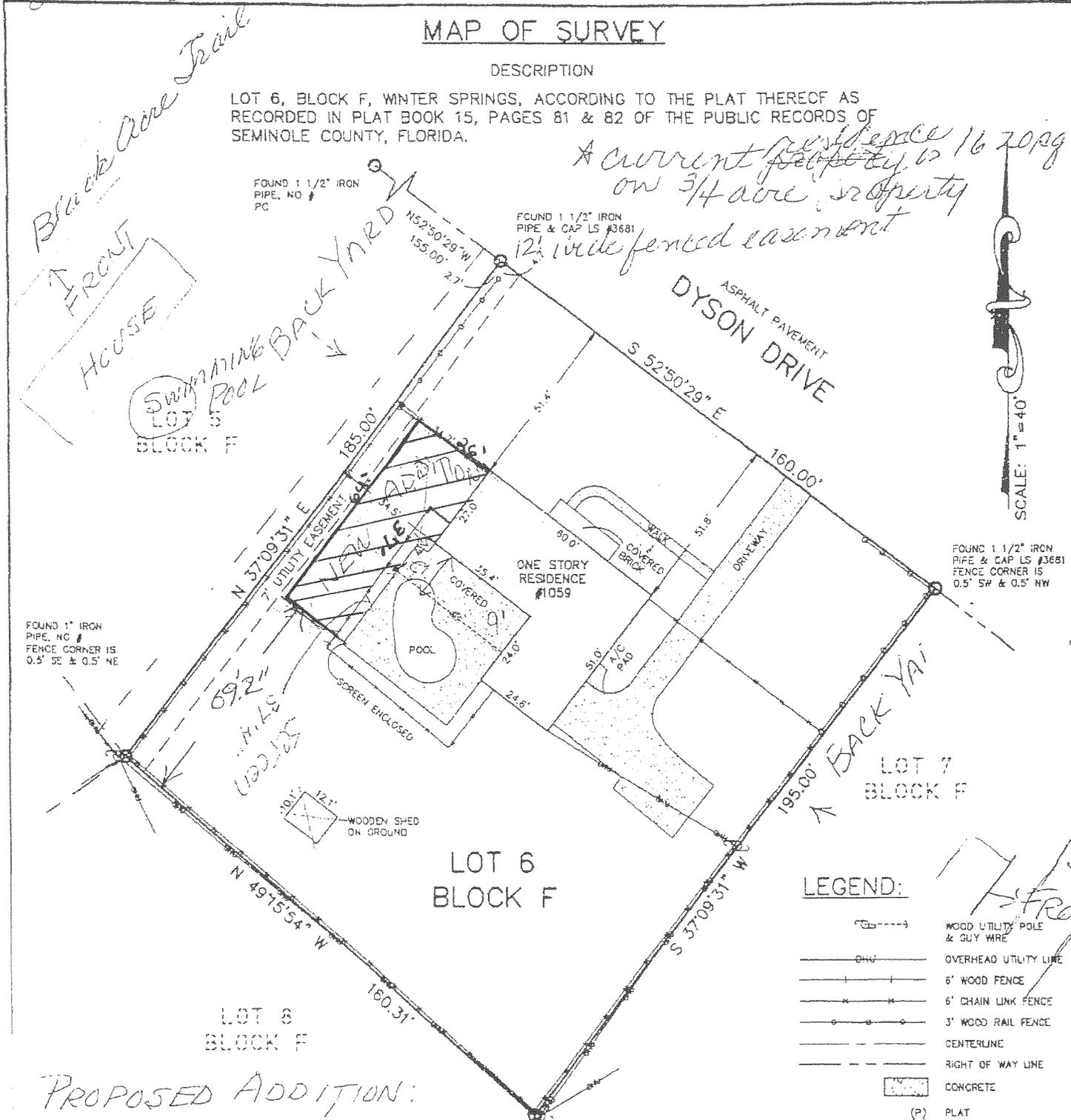
to Variance Office attn: Chris 8/23/05 1624 sq ft
from Carol Smed

MAP OF SURVEY

DESCRIPTION

LOT 6, BLOCK F, WINTER SPRINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 81 & 82 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

A current residence is 1620 sq ft on 3/4 acre property 12' wide fenced easement



LEGEND:

- WOOD UTILITY POLE & GUY WIRE
- OHU— OVERHEAD UTILITY LINE
- |—|— 6" WOOD FENCE
- x—x— 6" CHAIN LINK FENCE
- o—o— 3" WOOD RAIL FENCE
- — — CENTERLINE
- - - - RIGHT OF WAY LINE
- CONCRETE
- (P) PLAT
- (M) MEASURED
- (O) DESCRIPTION
- (C) CALCULATED
- NR NON RADIAL
- RAD RADIAL
- TYP TYPICAL
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- PRC POINT OF REVERSE CURVATURE
- PCP PERMANENT CONTROL POINT
- PRM PERMANENT REFERENCE MONUMENT
- PI POINT OF INTERSECTION
- RP RADIUS POINT
- A/C AIR CONDITIONER
- R RADIUS
- Δ CENTRAL ANGLE
- L ARC LENGTH

PROPOSED ADDITION:

* each of our side yards face back yard of side street properties

* continue 1 story w/brick on front of addition (flush to existing property) back 69.2' from rear property line,

CERTIFIED TO: JAN P. AND CAROL C. SMED
DEL MAR TITLE COMPANY

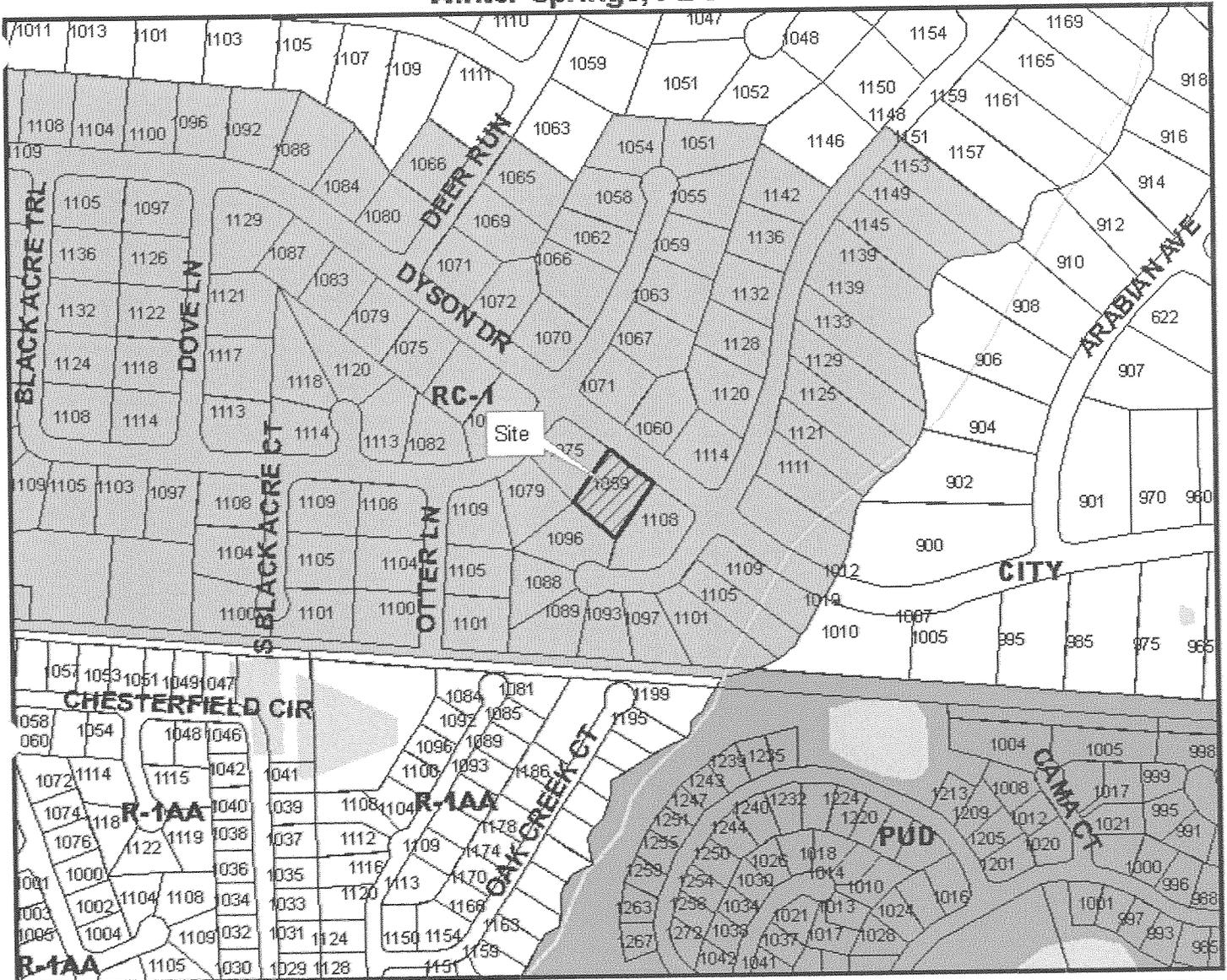
FOUND 1 1/2" IRON PIPE, NO # FENCE CORNER IS 0.7' NW & 0.4' NE

FOUND 1" IRON PIPE, NO # FENCE CORNER IS 0.5' SE & 0.5' NE

FOUND 1 1/2" IRON PIPE & CAP LS #3681 FENCE CORNER IS 0.5' SW & 0.5' NW

<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 407-665-7508</p>																																									
<p align="center">GENERAL</p> <p>Parcel Id: 13-21-30-502-0F00-0060 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SMED JAN P & CAROL C Exemptions: 00-HOMESTEAD</p> <p>Address: 1059 DYSON DR</p> <p>City,State,ZipCode: WINTER SPRINGS FL 32708</p> <p>Property Address: 1059 DYSON DR WINTER SPRINGS 32708</p> <p>Subdivision Name: WINTER SPRINGS</p> <p>Dor: 01-SINGLE FAMILY</p>	<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$128,532</p> <p>Depreciated EXFT Value: \$7,040</p> <p>Land Value (Market): \$40,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$175,572</p> <p>Assessed Value (SOH): \$123,899</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$98,899</p> <p>Tax Estimator</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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									

Jan P. Smed
 1059 Dyson
 Winter Springs, FL 32708

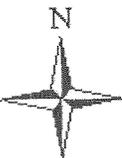
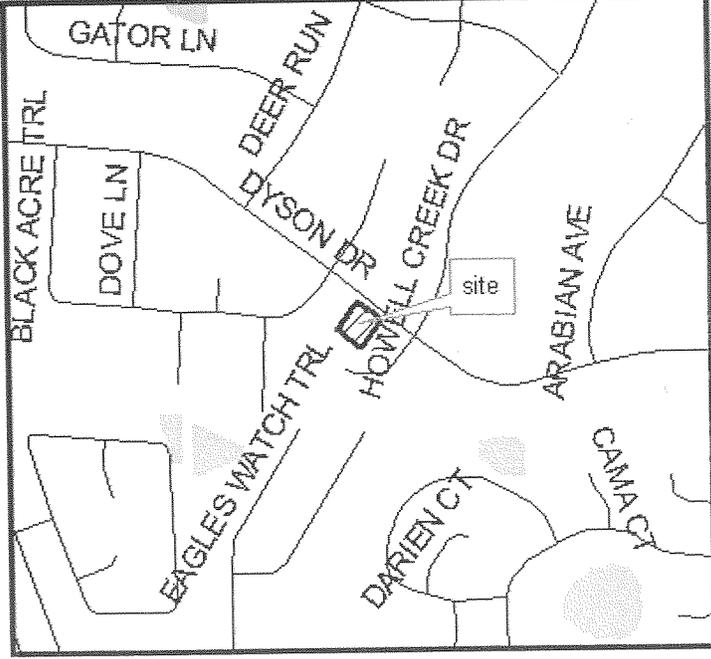


Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-121
 Parcel No: 13-21-30-502-0F00-0060

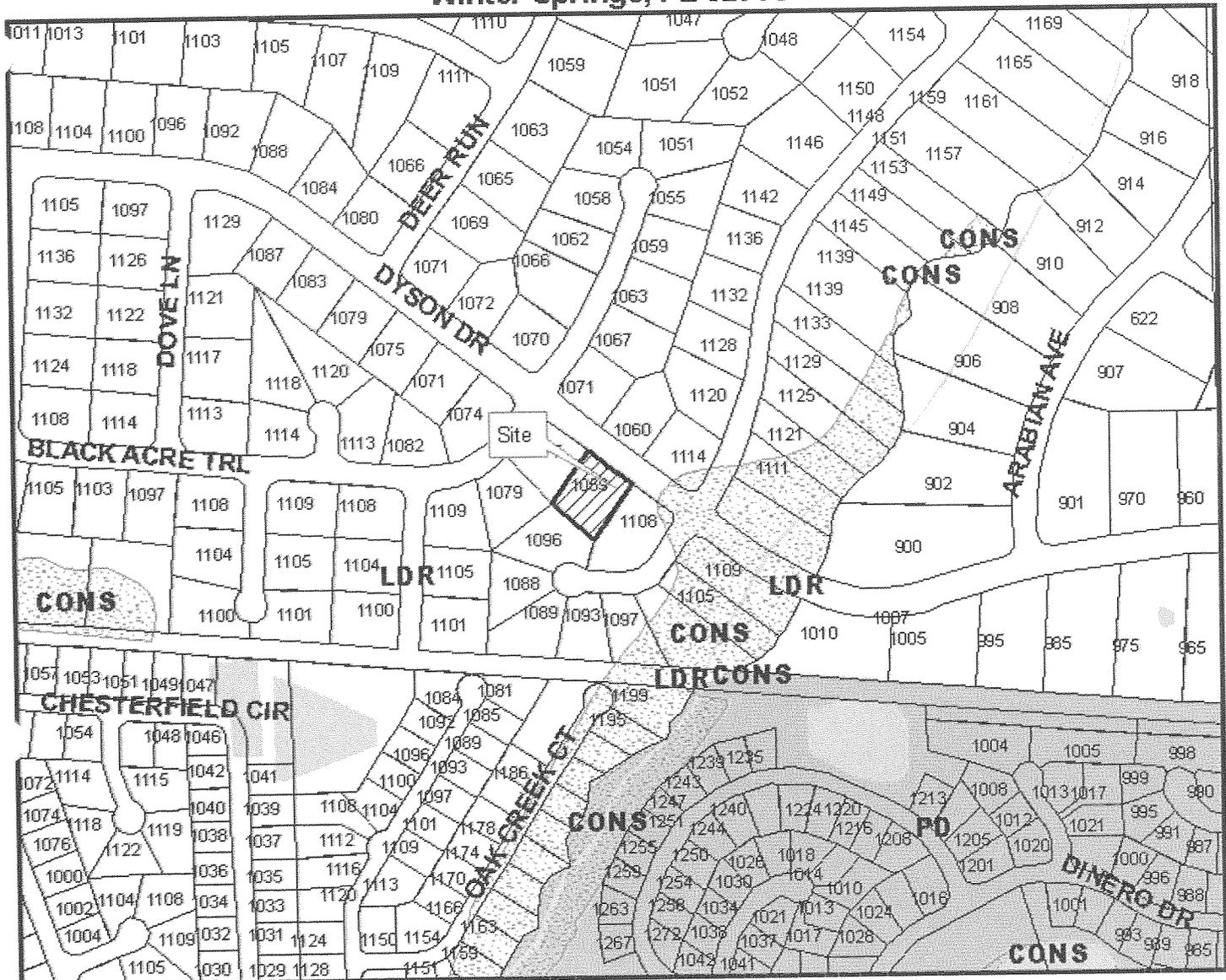
Zoning

-  RC-1 Country Homes-1Ac
-  R-1AA Single Fam-11700
-  PUD Planned Unit Dev.
-  BV2005-121

0 105 210 420 630 840 Feet

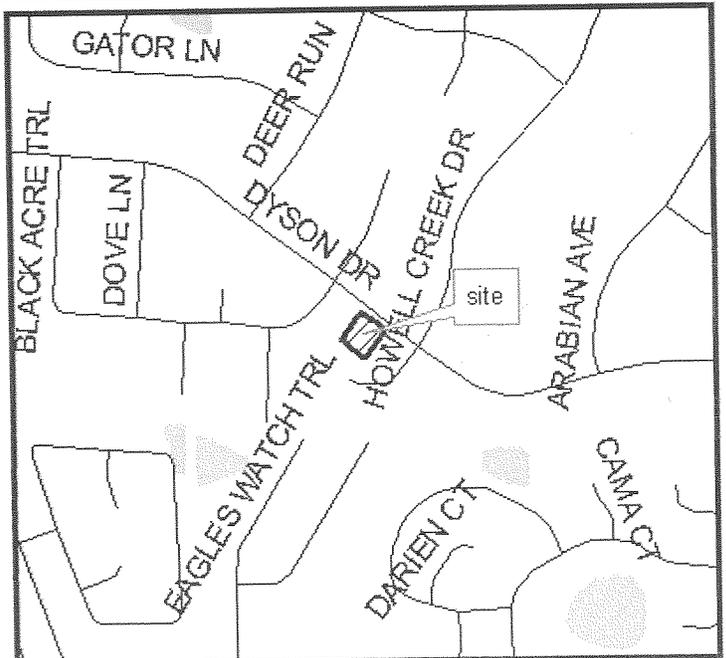
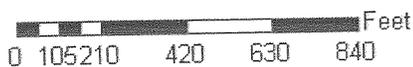
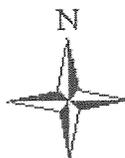
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Future Land Use

-  CONS, LDR
-  CONS, PD
-  LDR, NONE
-  PD, NONE
-  BV2005-121



SEMINOLE COUNTY DEVELOPMENT ORDER

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

LEG LOT 6 BLK F WINTER SPRINGS PB 15 PG 82

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

FINDINGS OF FACT

Property Owner: JAN & CAROL SMED
1059 DYSON DRIVE
WINTER SPRINGS, FL 32708

Project Name: DYSON DRIVE (1059)

Requested Development Approval:

REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 20 FEET TO 8.5 FEET FOR A PROPOSED HOME ADDITION IN THE RC-1 (COUNTRY HOMES 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 addition 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: