

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a minimum side yard setback variance from 20 feet to 14 feet for a proposed home addition in the RC-1 (Country Homes Dwelling District); (Peter Behr, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date 11/28/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a minimum side yard setback variance from 20 feet to 14 feet for a proposed home addition in the RC-1 (Country Homes Dwelling District); (Peter Behr, applicant); or
2. **DENY** Request for a minimum side yard setback variance from 20 feet to 14 feet for a proposed home addition in the RC-1 (Country Homes Dwelling District); (Peter Behr, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Peter Behr LOCATION: 1203 Roxboro Road ZONING: RC-1 (Country Homes Dwelling District)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition (approximately 43' x 32') to an existing home. • The proposed addition would encroach 5 feet into the minimum 20 foot side yard setback; the aforementioned side yard setback variance from 20 feet to 15 feet is thereby requested. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	The applicant has failed to satisfy the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • The request would confer upon the applicant special privileges that would be denied to others in the RC-1 (Single-Family Dwelling District), without the demonstration of a hardship. • The applicant would retain reasonable use of the subject property without the requested variance.

	<ul style="list-style-type: none">• No special circumstances applicable to the property or proposed addition have been demonstrated.• The applicant could design an addition to the single-family residence which would comply with the zoning regulations of the RC-1 District.
STAFF RECOMMENDATION	<p>Based on the stated findings, 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">• Any variance granted should apply only to the proposed addition as depicted on the attached site plan; and• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV 2005-155

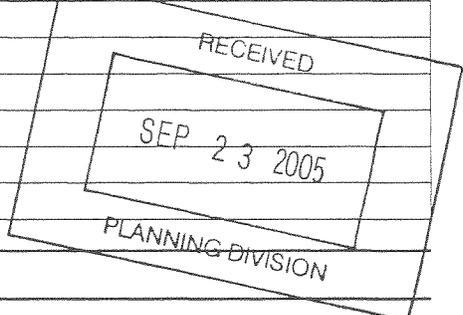
APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

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 variance from 20 Ft to 14 Ft.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
 - ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 - PLAN TO BUILD YES NO IF SO, WHEN _____
 - MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Peter J. Behr</u>	
ADDRESS	<u>1203 Roxboro Rd</u>	
PHONE 1	<u>407-260-6175</u>	
PHONE 2	<u>407-540-2108</u>	
E-MAIL	<u>Pbehr@Trustreet.com</u>	



PROJECT NAME: 1203 Expansion
 SITE ADDRESS: 1203 Roxbor Rd
 CURRENT USE OF PROPERTY: Primary residence
 LEGAL DESCRIPTION: Leg Lot 7 BLK B Knollwood 1st ADD
PB 15 PG 1
 SIZE OF PROPERTY: .69 acre(s) PARCEL I.D. 01-21-29-515-0B00-0070
 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 11 / 28 / 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]
 SIGNATURE OF OWNER OR AGENT*

9-23-05
 DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

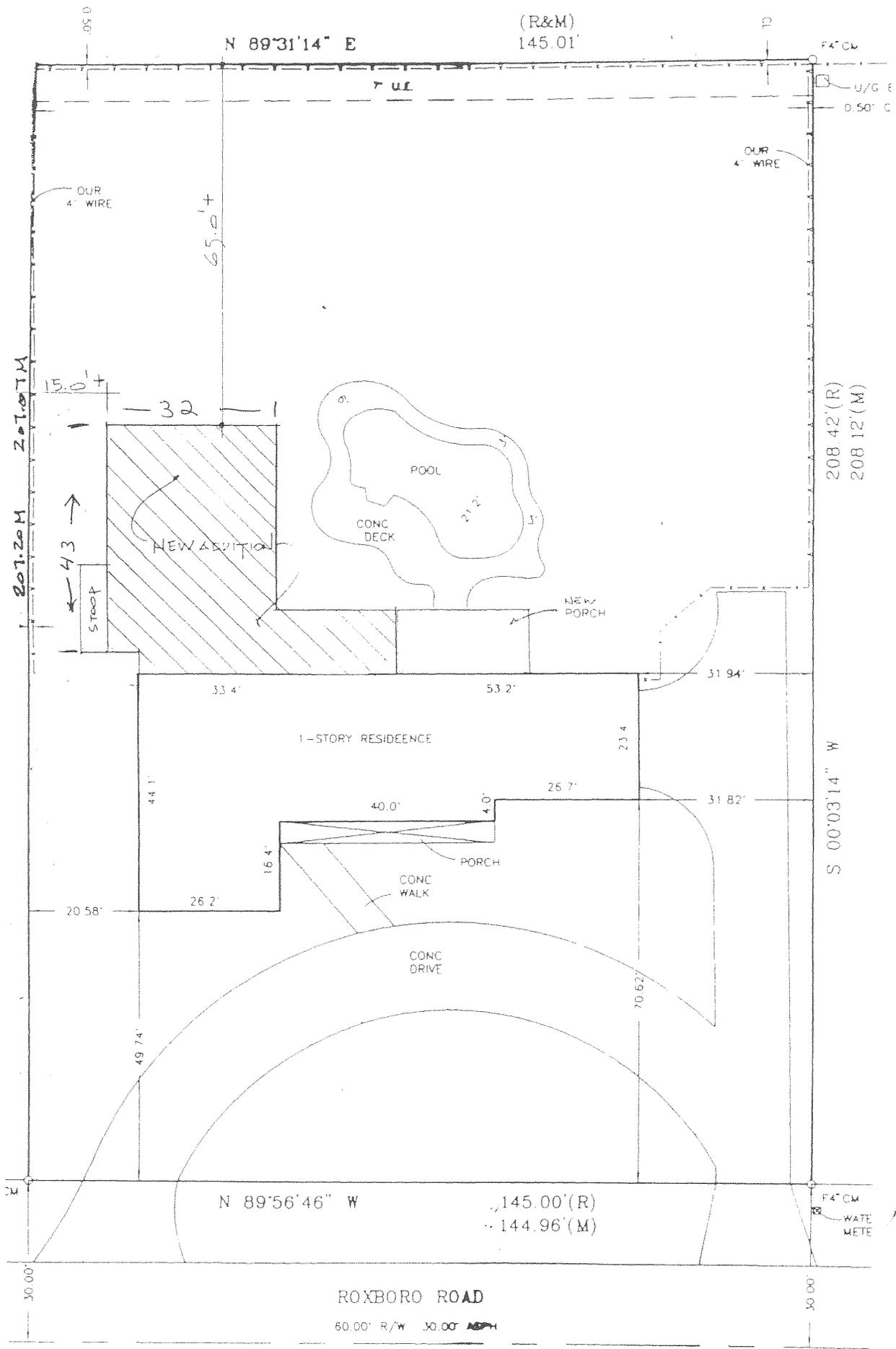
APPELLANT INFORMATION	
NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

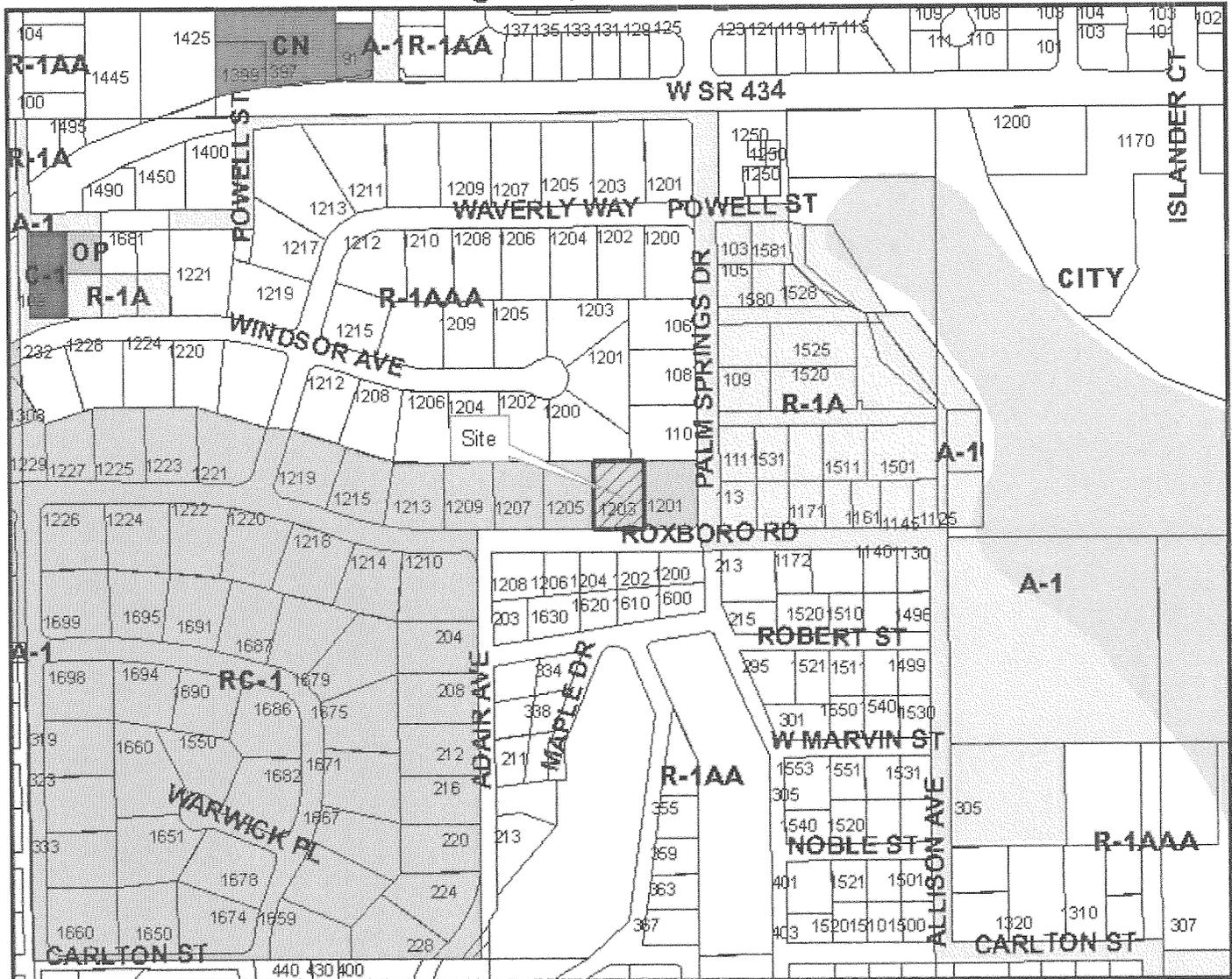
FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$ 150.00 COMMISSION DISTRICT 4 FLU/ZONING RC-1 / LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS N. side of Roxboro Road 0.1 mi west of the intersection at Palm Springs Dr + Roxboro Dr.
PLANNING ADVISOR MR DATE 9/23
SUFFICIENCY COMMENTS Inconsistent w/request + site plan



<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 01-21-29-515-0800-0070</p> <p>Owner: BEHR PETER J & LORI L</p> <p>Mailing Address: 1203 ROXBORO RD</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 1203 ROXBORO RD LONGWOOD 32750</p> <p>Subdivision Name: KNOLLWOOD 1ST ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</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: \$172,560</p> <p>Depreciated EXFT Value: \$6,630</p> <p>Land Value (Market): \$56,550</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$235,740</p> <p>Assessed Value (SOH): \$151,657</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$126,657</p> <p>Tax Estimator</p> <p>2005 Notice of Proposed Property Tax</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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>12/2003</td> <td>05166</td> <td>1927</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1996</td> <td>03094</td> <td>0695</td> <td>\$75,500</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1996</td> <td>03094</td> <td>0694</td> <td>\$75,500</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1989</td> <td>02121</td> <td>0004</td> <td>\$145,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01131</td> <td>1777</td> <td>\$78,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	12/2003	05166	1927	\$100	Improved	No	WARRANTY DEED	05/1996	03094	0695	\$75,500	Improved	No	WARRANTY DEED	05/1996	03094	0694	\$75,500	Improved	No	WARRANTY DEED	10/1989	02121	0004	\$145,500	Improved	Yes	WARRANTY DEED	01/1977	01131	1777	\$78,000	Improved	Yes	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,027</p> <p>2004 Tax Bill Amount: \$2,066</p> <p>Save Our Homes (SOH) Savings: \$961</p> <p>2004 Taxable Value: \$122,240</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																																						
QUIT CLAIM DEED	12/2003	05166	1927	\$100	Improved	No																																						
WARRANTY DEED	05/1996	03094	0695	\$75,500	Improved	No																																						
WARRANTY DEED	05/1996	03094	0694	\$75,500	Improved	No																																						
WARRANTY DEED	10/1989	02121	0004	\$145,500	Improved	Yes																																						
WARRANTY DEED	01/1977	01131	1777	\$78,000	Improved	Yes																																						
<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>FRONT FOOT & DEPTH</td> <td>145</td> <td>207</td> <td>.000</td> <td>325.00</td> <td>\$56,550</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	145	207	.000	325.00	\$56,550	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 7 BLK B KNOLLWOOD 1ST ADD PB 15 PG 1</p>																														
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																							
FRONT FOOT & DEPTH	145	207	.000	325.00	\$56,550																																							
BUILDING INFORMATION																																												
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																			
1	SINGLE FAMILY	1972	6	2,224	3,374	2,224	BRICK/WOOD FRAMING	\$172,560	\$202,416																																			
			Appendage / Sqft	SCREEN PORCH FINISHED / 396																																								
			Appendage / Sqft	OPEN PORCH FINISHED / 160																																								
			Appendage / Sqft	GARAGE FINISHED / 594																																								
EXTRA FEATURE																																												
		Description	Year Blt	Units	EXFT Value	Est. Cost New																																						
		FIREPLACE	1972	1	\$600	\$1,500																																						
		POOL GUNITE	1972	640	\$5,120	\$12,800																																						
		COOL DECK PATIO	1972	650	\$910	\$2,275																																						
<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>																																												

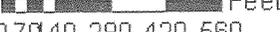
Peter J. Behr
 1203 Roxboro Road
 Longwood, FL 32750

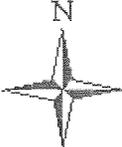


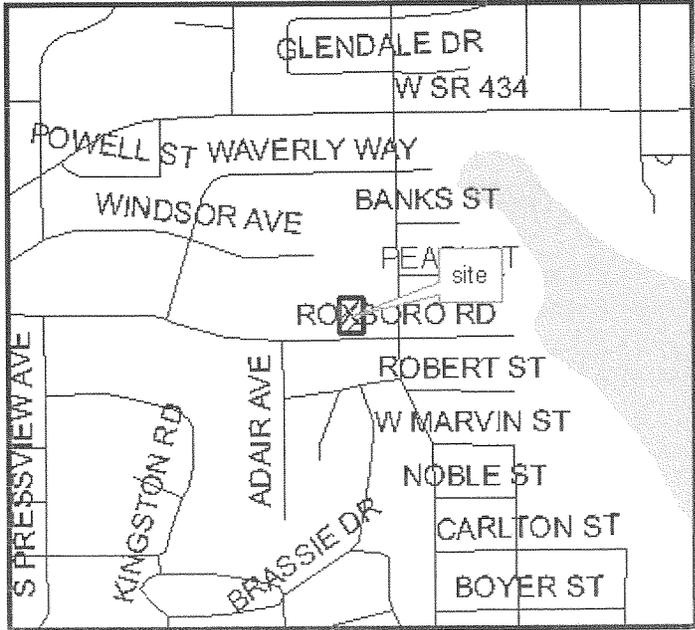
Seminole County Board of Adjustment
 November 28, 2005
 Case: BV2005-155
 Parcel No: 01-21-29-515-0B00-0070

Zoning

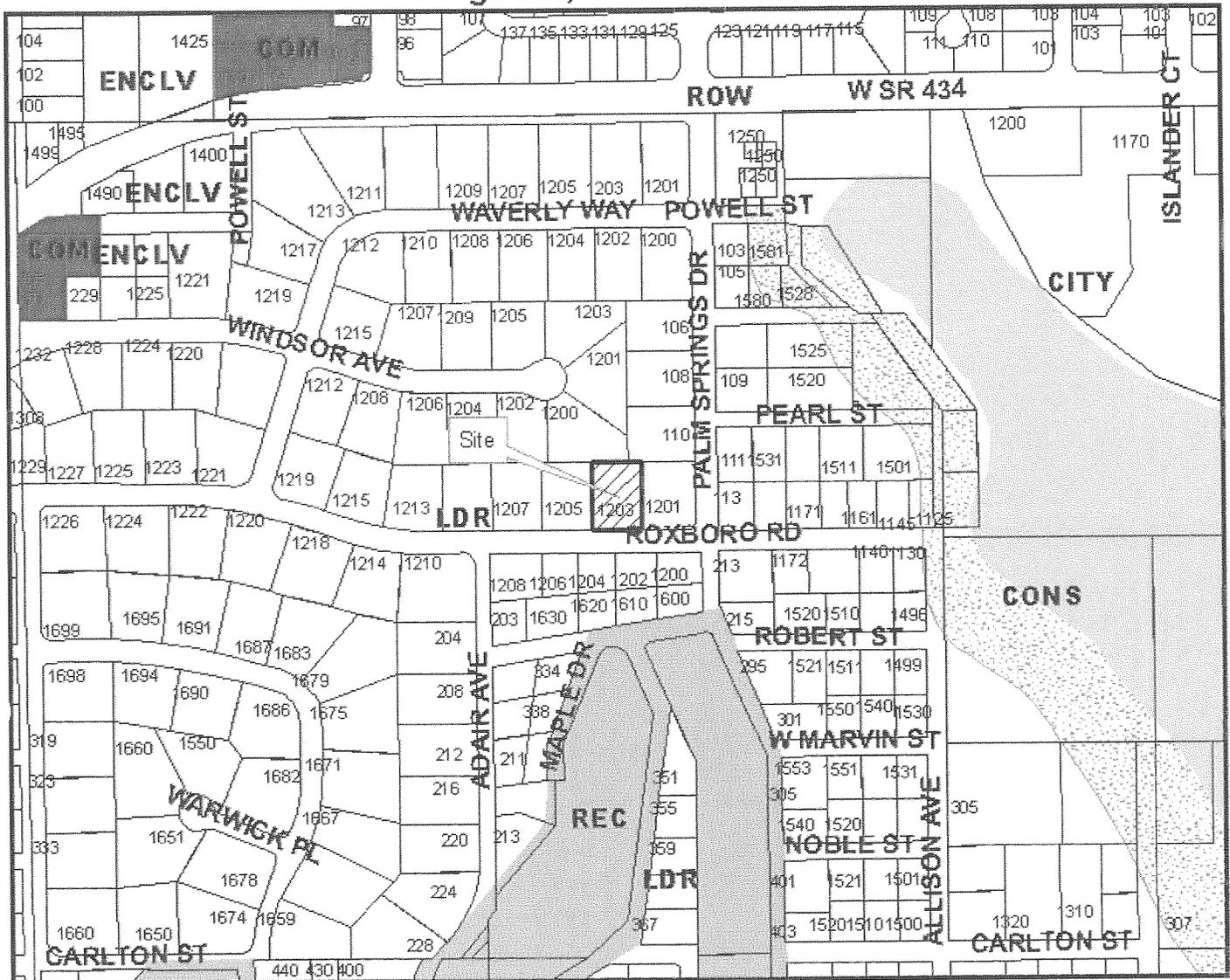
	A-1 Agricultural-1 Ac		BV2005-155
	RC-1 Country Homes-1 Ac		
	R-1AAA Single Fam -21 780		
	R-1AAA Single Fam -13500		
	R-1AA Single Fam -11700		
	R-1A Single Fam -9000		
	OP Office		
	CN Restricted Neighborhood Comm		
	C-1 Retail Commercial		

 Feet
 0 70 140 280 420 560





Peter J. Behr
 1203 Roxboro Road
 Longwood, FL 32750

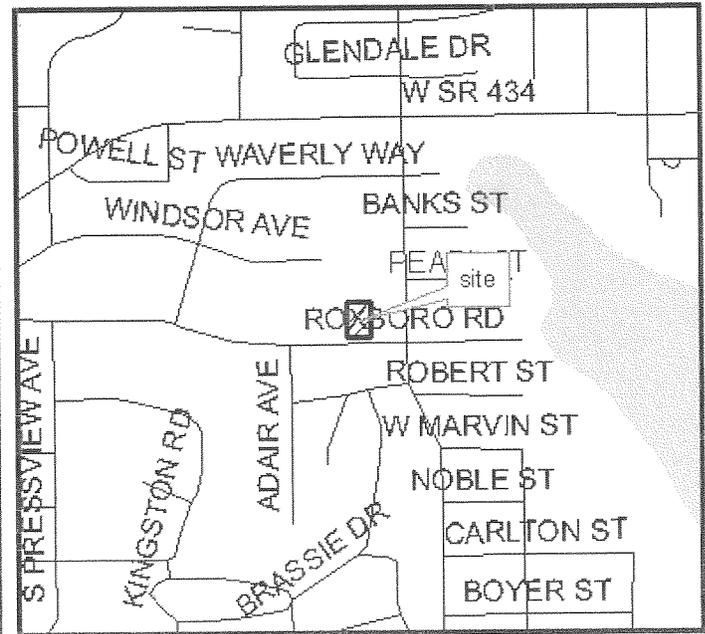


Seminole County Board of Adjustment
 November 28, 2005
 Case: BV2005-155
 Parcel No: 01-21-29-515-0B00-0070

Future Land Use

- CONS, LDR
- REC, NONE
- LDR, NONE
- COM, NONE
- BV2005-155

0 70 140 280 420 560 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 7 BLK B KNOLLWOOD 1ST ADD PB 15 PG 1

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

FINDINGS OF FACT

Property Owner: Peter J. Behr
1203 Roxboro Rd.
Longwood, FL 32750

Project Name: Roxboro Road (1203)

Requested Development Approval:

Request for a minimum side yard setback variance from 20 feet to 14 feet for a proposed home addition in the R-1C (Country Homes 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: Ian Sikonia, 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: