

Item #BV2005-172

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 18 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Alan Arthur, applicant).

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

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

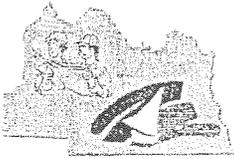
Agenda Date 12/19/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a rear yard setback variance from 30 feet to 18 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Alan Arthur, applicant); or
2. **DENY** Request for a rear yard setback variance from 30 feet to 18 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Alan Arthur, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	Alan T. Arthur 1769 Blackmon Court R1-A (Single-Family Dwelling District)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition (approximately 24' x 13' 8") to an existing home. • The proposed addition would encroach 12 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance from 30 feet to 18 feet is thereby requested. • There is no record of prior variances having been granted for this property. 	
STAFF FINDINGS	<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"> • The request would confer upon the applicant special privileges that would be denied to others in the R-1A (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 R1-A 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
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED
 OCT 21 2005
 COPY
 APPL. NO. BY2005-172

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** Rear yard setback variance from 30' to 18'
for proposed 24' by 13'8" 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
 OCT 21 2005
 PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Alan T. Arthur</u>	
ADDRESS	<u>1769 Blackmon Court</u> <u>Longwood, FL 32779-4786</u>	
PHONE 1	<u>407-682-9767 (Home)</u>	
PHONE 2	<u>407-257-8771 (cell)</u>	
E-MAIL	<u>aarthur@seminolecountyfl.gov</u>	

PROJECT NAME: Arthur Addition
 SITE ADDRESS: 1769 Blackmon Court, Longwood, FL 32779-4786
 CURRENT USE OF PROPERTY: Single Family
 LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 05-21-29-514-0000-0170
 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 10/19/05 (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.

Alan T. Arthur SIGNATURE OF OWNER OR AGENT* October 19, 2005 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 _____

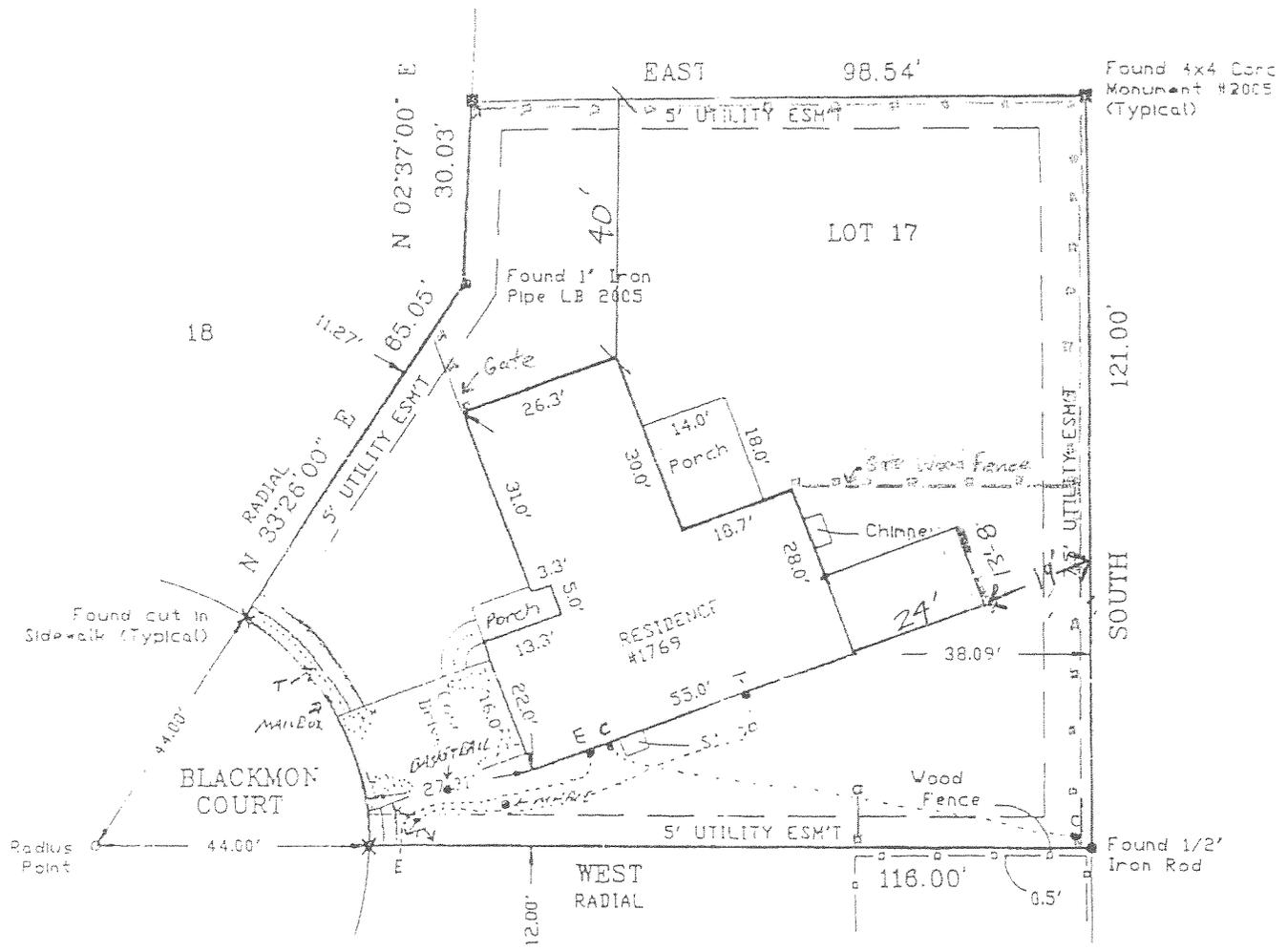
_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$ 150 COMMISSION DISTRICT 3 FLU/ZONING R-11A/UDR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS West side of Blenheim St 0.1 mi
South of the intersection of Blenheim Ct & W Lake Brintley Rd
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

LOT 17, BRANTLEY POINT.

AS RECORDED IN PLAT BOOK 24, PAGE 71,
PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



DELTA	=	56°34'00"
RADIUS	=	44.00'
LENGTH	=	43.44'
CHORD	=	41.70'
CHORD BRG.	=	N 28°17'00" W

16

C - CABLE TV
E - ELECTRIC
T - TELEPHONE

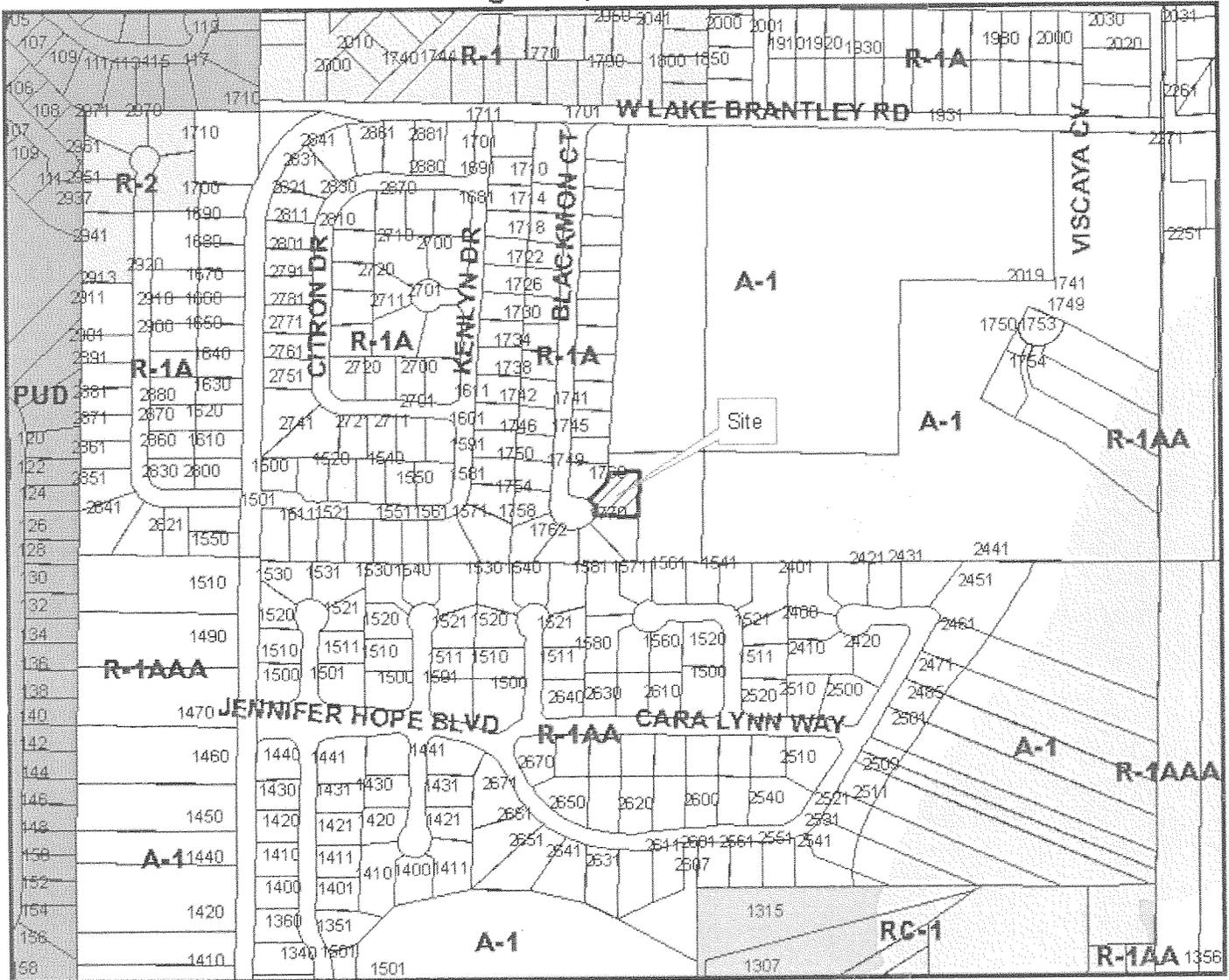
NOTES:

1. ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAPS, IT IS MY OPINION THAT THE BUILDING SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD PRONE AREA AND LIES WITHIN FLOOD ZONE 'C' PURSUANT TO FIRM PANEL # 120289 0120B, EFFECTIVE 5/5/81.
2. IMPROVEMENTS SHOWN HEREON WERE LOCATED AT GROUND LEVEL, SUBSURFACE AND/OR AERIAL IMPROVEMENTS OR ENCROACHMENTS TO

I HEREBY CERTIFY THAT THIS SKETCH OF RECORD SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF, MEETS

DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		MAPPING DISABLED		MAPPING DISABLED																																																							
GENERAL Parcel Id: 05-21-29-514-0000-0170 Owner: CONFIDENTIAL PER STATUTES Own/Addr: 119.07(03)(I) CID# 319 Mailing Address: 1101 E 1ST ST City,State,ZipCode: SANFORD FL 32771 Property Address: Subdivision Name: BRANTLEY POINT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY				2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$129,677 Depreciated EXFT Value: \$675 Land Value (Market): \$33,500 Land Value Ag: \$0 Just/Market Value: \$163,852 Assessed Value (SOH): \$108,291 Exempt Value: \$25,000 Taxable Value: \$83,291 Tax Estimator																																																							
SALES <table border="1"> <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>WARRANTY DEED</td> <td>04/1994</td> <td>02763</td> <td>0940</td> <td>\$105,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01984</td> <td>0128</td> <td>\$97,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>12/1986</td> <td>01800</td> <td>0826</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1984</td> <td>01518</td> <td>1673</td> <td>\$88,400</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision				Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/1994	02763	0940	\$105,000	Improved	Yes	WARRANTY DEED	07/1988	01984	0128	\$97,500	Improved	Yes	QUIT CLAIM DEED	12/1986	01800	0826	\$100	Improved	No	WARRANTY DEED	01/1984	01518	1673	\$88,400	Improved	Yes	2005 VALUE SUMMARY Tax Value(without SOH): \$2,287 2005 Tax Bill Amount: \$1,313 Save Our Homes (SOH) Savings: \$974 2005 Taxable Value: \$80,137 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																				
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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.																																																											

Alan T. Arthur
 1769 Blackmon Court
 Longwood, FL 32779

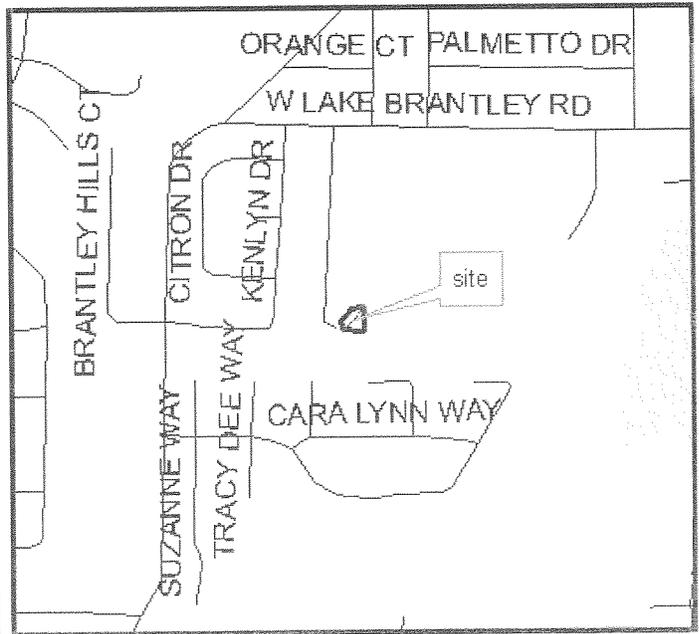


Seminole County Board of Adjustment
 December 19, 2005
 Case: BV2005-172
 Parcel No: 05-21-29-514-0000-0170

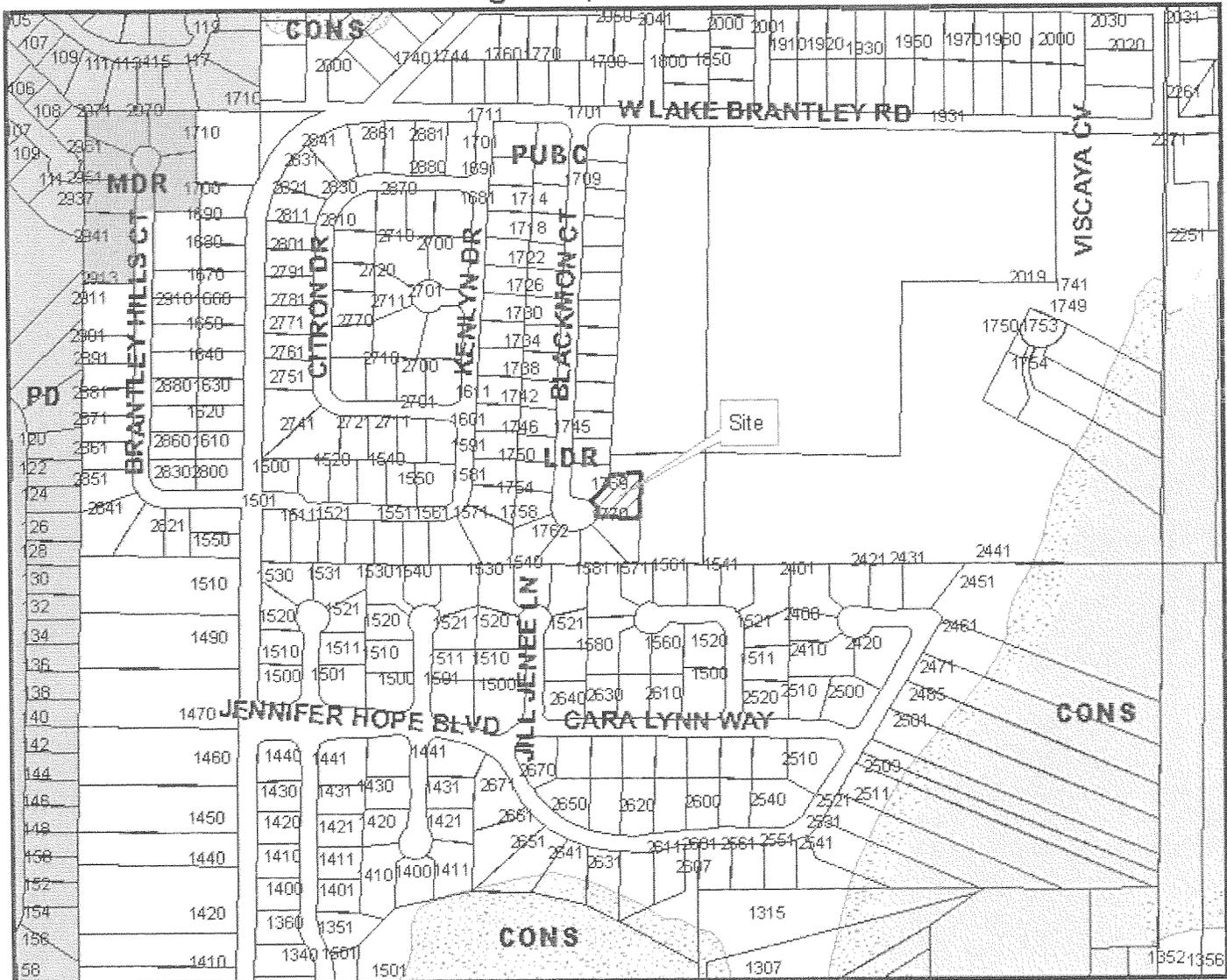
Zoning

A-1	R-1
RC-1	R-2
R-1AAA	PUD
R-1AA	BV2005-172
R-1A	

0 105 210 420 630 840 Feet



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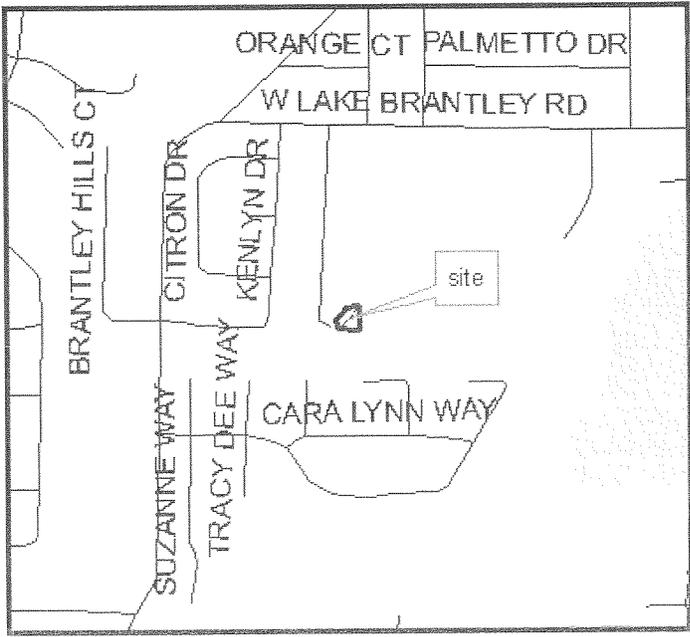


Seminole County Board of Adjustment
 December 19, 2005
 Case: BV2005-172
 Parcel No: 05-21-29-514-0000-0170

Future Land Use

- CONS, LDR
- PUBC
- LDR
- MDR
- PD
- BV2005-172

0 105 210 420 630 840 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 19, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 17 BRANTLEY POINT PB 24 PG 71

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

FINDINGS OF FACT

Property Owner: Alan T. Arthur
1769 Blackmon Court
Longwood, FL 32779

Project Name: Blackmon Court (1769)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 18 feet for a proposed addition 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: 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: