

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

SUBJECT: Request for (1) rear yard setback variance from 10 feet to 4.5 feet for an existing 10' x 20' shed, and (2) side yard setback variance from 7.5 feet in the R-1A (Single-Family Dwelling District); (Robert Wilson, applicant).

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

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

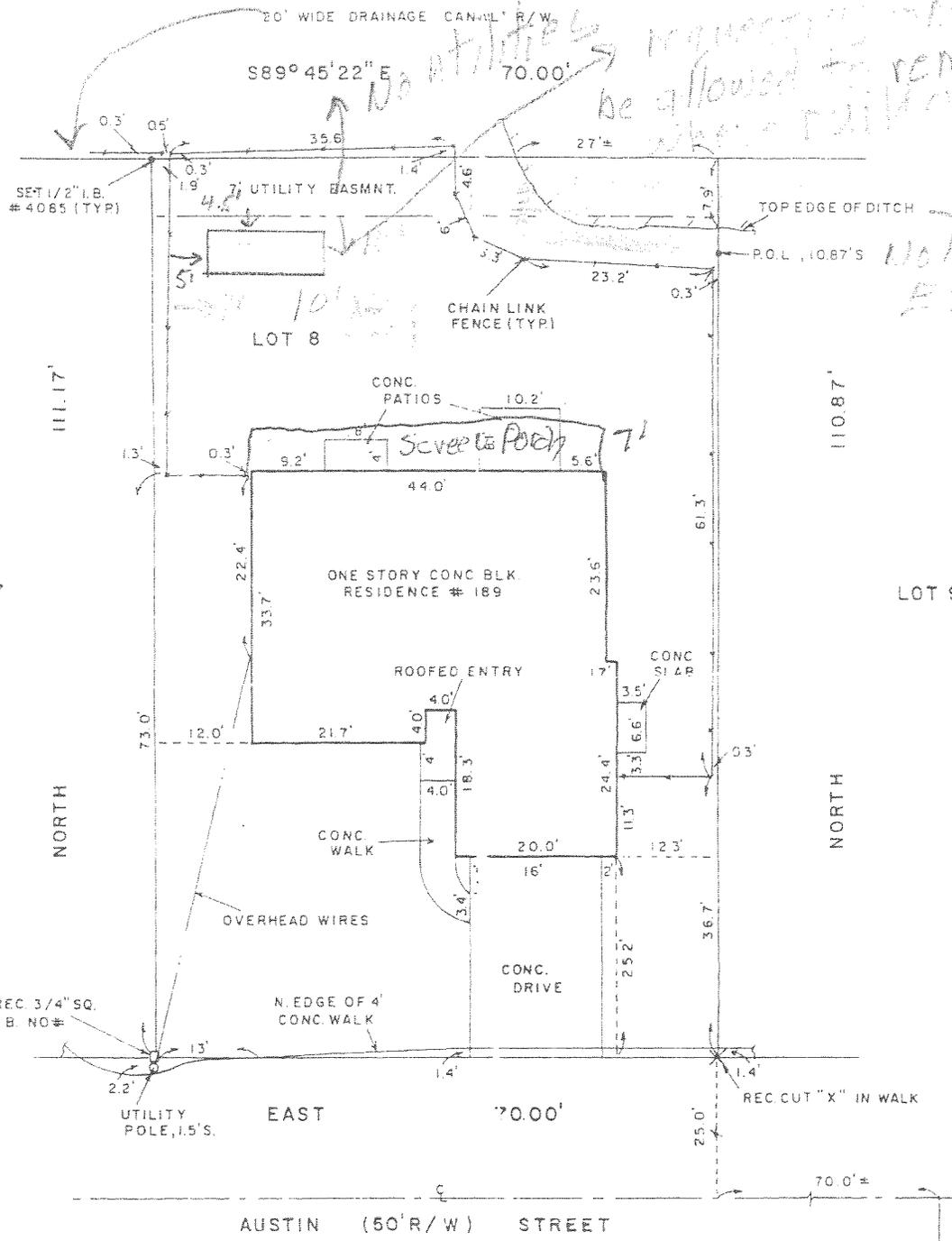
Agenda Date 12-19-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for (1) rear yard setback variance from 10 feet to 4.5 feet for an existing shed and (2) side yard setback variance from 7.5 feet to 5 feet for an existing shed in the R-1A (Single-Family Dwelling District); (Robert Wilson, applicant); or
2. **DENY** the request for (1) rear yard setback variance from 10 feet to 4.5 feet for an existing shed and (2) side yard setback variance from 7.5 feet to 5 feet for an existing shed in the R-1A (Single-Family Dwelling District); (Robert Wilson, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT:	Robert Wilson
	LOCATION:	189 Austin Street
	ZONING:	R-1A (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant contracted with Central Florida Storage Buildings to build a 10' x 20' shed. The shed was placed 5.5 feet from the rear yard setback and 5 feet from the side yard setback for accessory structures. • 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 R-1A zoning district by allowing encroachment into the rear and side yard setback without the demonstration of 	

	<p>reasonable use of the property without the requested variance.</p> <ul style="list-style-type: none">• The existing shed encroaches 3 feet into a 7 foot utility easement.
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 proposed shed 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.



No utilities to be allowed to remain in this plat

10' x 10' area

110' LONGER EXIST

FLOOD CERTIFICATION: This is to certify that I have consulted the National Flood Insurance Program "FIRM" Map and have determined that the Building Site is not located in a special flood area. ZONE C
 Per Community-Panel Number: 120289 0130B Dated 5/5/81

The Surveyor has not abstracted the lands shown hereon for easements and/or rights of way of record.
 No underground installations or improvements have been located except as shown.

FORESIGHT PROFESSIONAL LAND SURVEYING, INC.

125 S. Swoope Ave.
 Maitland City Plaza • Suite 105
 Maitland, Florida 32751
 Phone: 644-4414

BOUNDARY (FINAL) SURVEY DATE: 12/19/88
 AS-BUILT (FOUNDATION) DATE: _____
 SCALE: 1" = 20' SURVEY DATE: _____
 PROJECT NO. 88-1521 DRAWN BY: R.C.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO ADMINISTRATIVE CODE RULE 21HH-6 AND SECTION 472 OF THE FLORIDA STATUTES

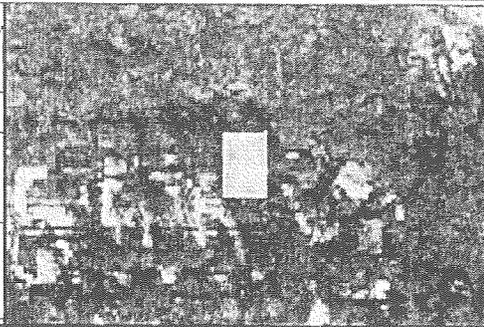
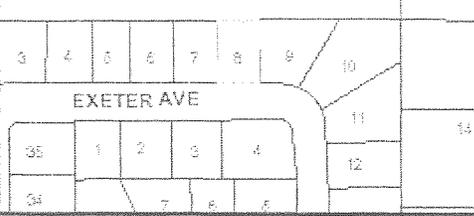
John Genevino
 John Genevino

PROFESSIONAL LAND SURVEYOR No. 4085
 VALID ONLY WITH EMBOSSED SEAL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7505



GENERAL

Parcel Id: 21-20-30-501-0A00-0080

Owner: WILSON ROBERT E & BONNIE G

Mailing Address: 189 AUSTIN ST

City,State,ZipCode: LONGWOOD FL 32750

Property Address: 189 AUSTIN ST LONGWOOD 32750

Subdivision Name: COUNTRY CLUB HEIGHTS UNIT 1

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: \$91,454
Depreciated EXFT Value: \$1,597
Land Value (Market): \$18,270
Land Value Ag: \$0
Just/Market Value: \$111,321
Assessed Value (SOH): \$77,458
Exempt Value: \$25,000
Taxable Value: \$52,458
Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	09/1985	01669	1357	\$67,400	Improved	Yes
QUIT CLAIM DEED	11/1983	01432	1410	\$100	Improved	No
WARRANTY DEED	05/1981	01335	0262	\$53,000	Improved	Yes
WARRANTY DEED	07/1979	01237	1530	\$100,000	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$1,424
2005 Tax Bill Amount: \$823
Save Our Homes (SOH) Savings: \$601
2005 Taxable Value: \$50,202
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	70	111	.000	300.00	\$18,270

LEGAL DESCRIPTION

PLATS:
LEG LOT 8 BLK A COUNTRY CLUB HEIGHTS UNIT 1 PB 13 PG 98

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	1981	6	1,274	1,786	1,274	CONC BLOCK	\$91,454	\$101,616
	Appendage / Sqft		GARAGE FINISHED / 480						
	Appendage / Sqft		OPEN PORCH FINISHED / 32						

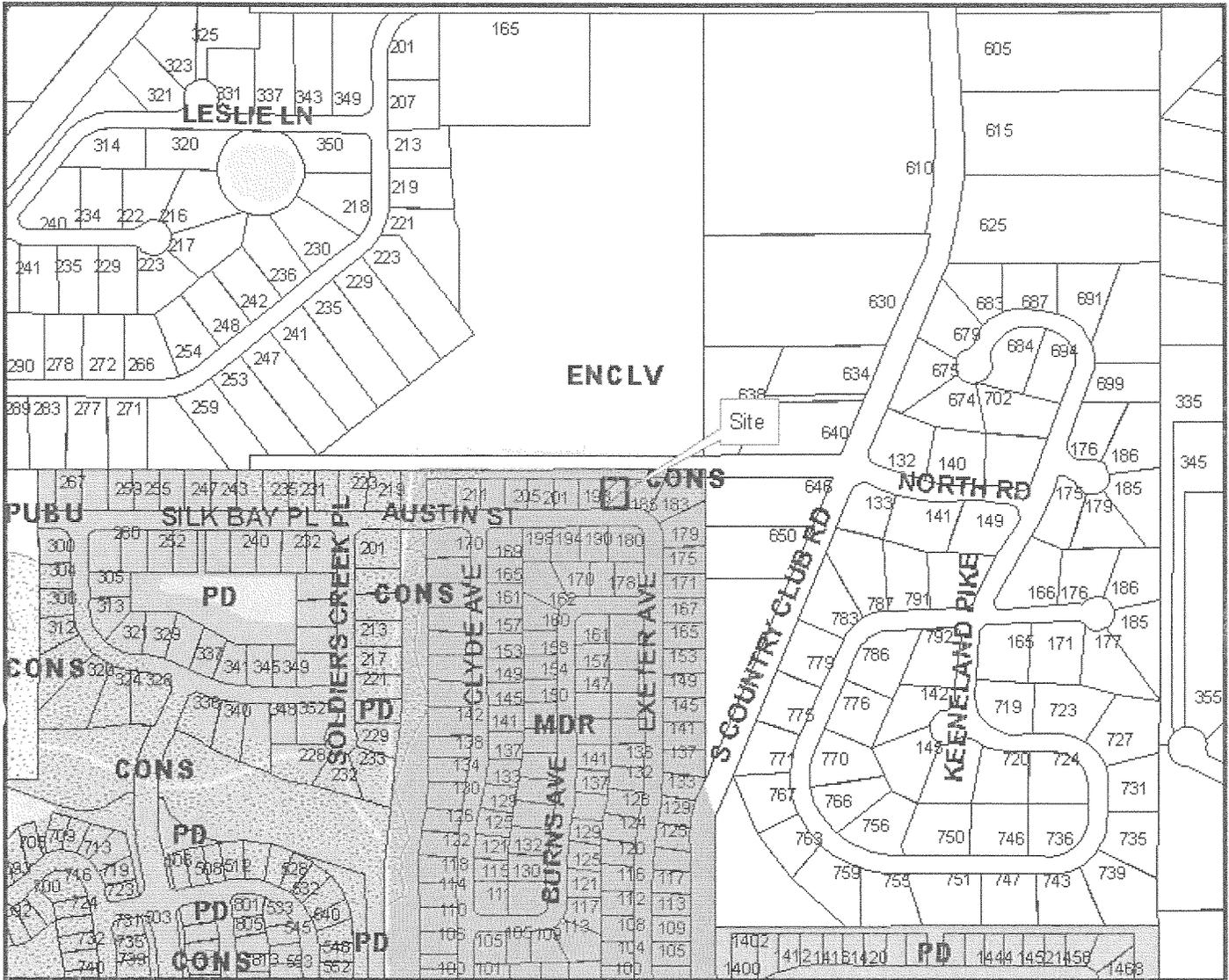
EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM SCREEN PORCH W/CONC FL	1992	352	\$1,597	\$2,992

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.

Robert E Wilson
 189 Austin Street
 Longwood, FL 32750

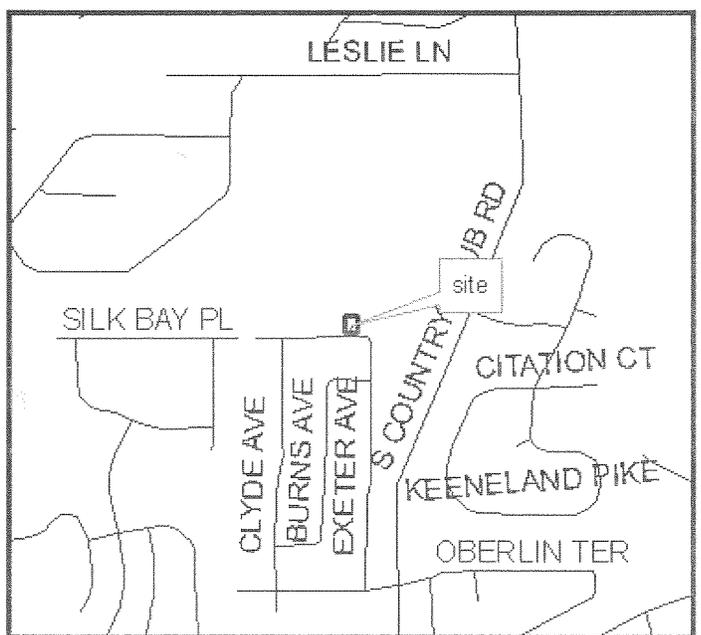


Seminole County Board of Adjustment
 December 19, 2005
 Case: BV2005-174
 Parcel No: 21-20-30-501-0A00-0080

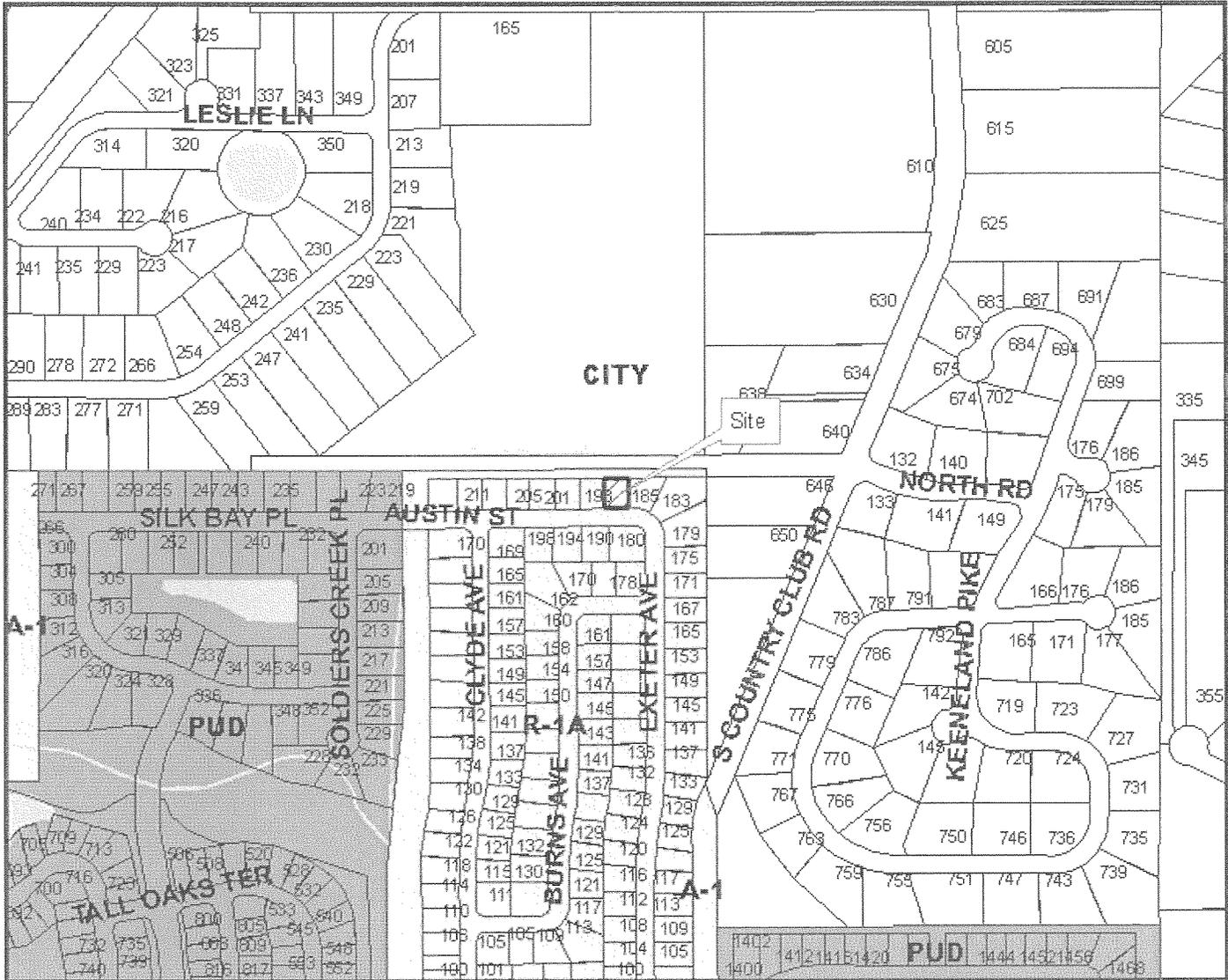
Future Land Use

- CONS, PUBU
- CONS, MDR
- CONS, PD
- PUBU
- MDR
- PD
- OFF
- BV2005-174

0 110 220 440 660 880 Feet



Robert E Wilson
 189 Austin Street
 Longwood, FL 32750



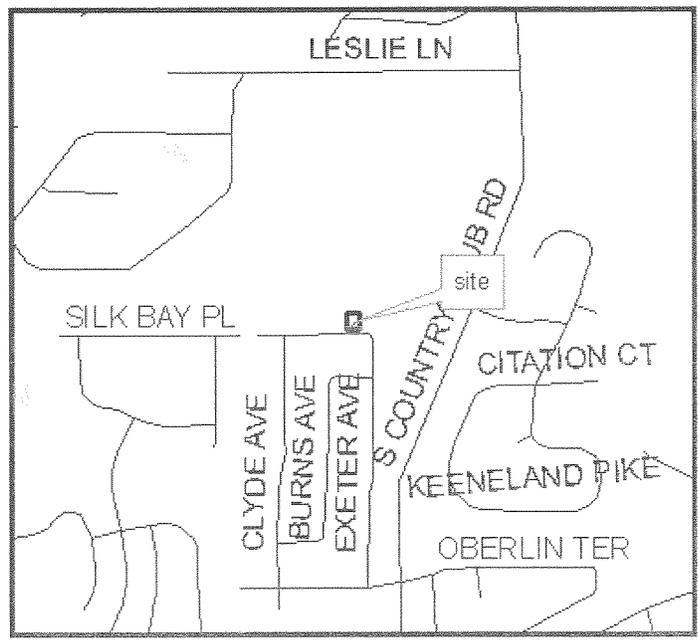
Seminole County Board of Adjustment
 December 19, 2005
 Case: BV2005-174
 Parcel No: 21-20-30-501-0A00-0080

Zoning

- A-1
- R-1A
- PUD
- BV2005-174

N

0 110 220 440 660 880 Feet



TO: Seminole County Zoning Board

FROM: Robert E. Wilson 
189 Austin Street
Longwood, FL 32750

DATE: October 25, 2005

RE: REQUEST FOR VARIANCE FOR CONSTRUCTED SHED

As per Inspector Stacy Casertano instructions, I am requesting a variance for Building Permit 05 00017261, Inspection B116, Address 189 Austin Street. The building permit shows that the structure should be 7' from the side fence and 10' from the back fence. When the builders (Central Florida Storage Buildings, Inc.) were constructing the shed, I was receiving therapy on my surgically repaired back. When they asked me if that was where I wanted the building, I assumed that they had followed the building permit regulations and I told them that it looked fine. When the first Inspector (Milton Calp) inspected the building, he said that the only two problems were that there had to be four nails in each of the straps, bent nails in the strap around the outside perimeter of the shed replaced, and to tighten the bolts on the hold down anchors.

When Central Florida Storage Buildings came out to fix the above mentioned problems, I had no idea that a new inspector would come out and find any other problems or I would have the builders fix the problems then. The new Inspector, Stacy Casertano came out twice. The first time, the full plans were no longer on display because of the weather and the second time that he came out, he said that the building was not the distance from the utilities easement that it was suppose to be nor was it the right distance from the side fence. He then advised me to file for this variance.

A couple of things that I don't understand is why I had two different inspectors and why there is a utilities easement in the backyard when there are no utilities, as the utilities are all in the front. Also, the land behind my house, as I understand it, is a protected wetland due to some protected plant life, so how could they construct anything in back of my house anyway? The original survey map also shows a 20' drainage canal running in the back of my house, but the drainage canal doesn't start until the house on the right. Also, the ditch (creek) shown in the drawing has changed course over the past 25 years and is no longer on my property.

I am requesting that the variance be granted on the shed for the above reasons. I believe that I should have had the same Inspector for both of my inspections and that we followed the changes that the first Inspector had requested. If the building needed to be moved, the builders could have moved it when they came out to make the necessary changes that first Inspector required.

Thank-You!

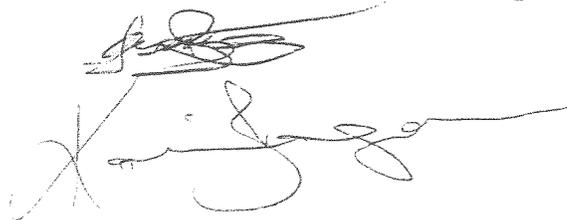
Untitled
October 30,2005

To whom it may concern,

We just wanted to say that we have no problems with Mr. and Mrs. Wilson's new shed. They are wonderful neighbors, and in the eight years that we have lived here we have had no problems what so ever. I love their new shed, I wish I had one like it. I absolutely don't see why there is any discussion on this matter.

Sincerely,

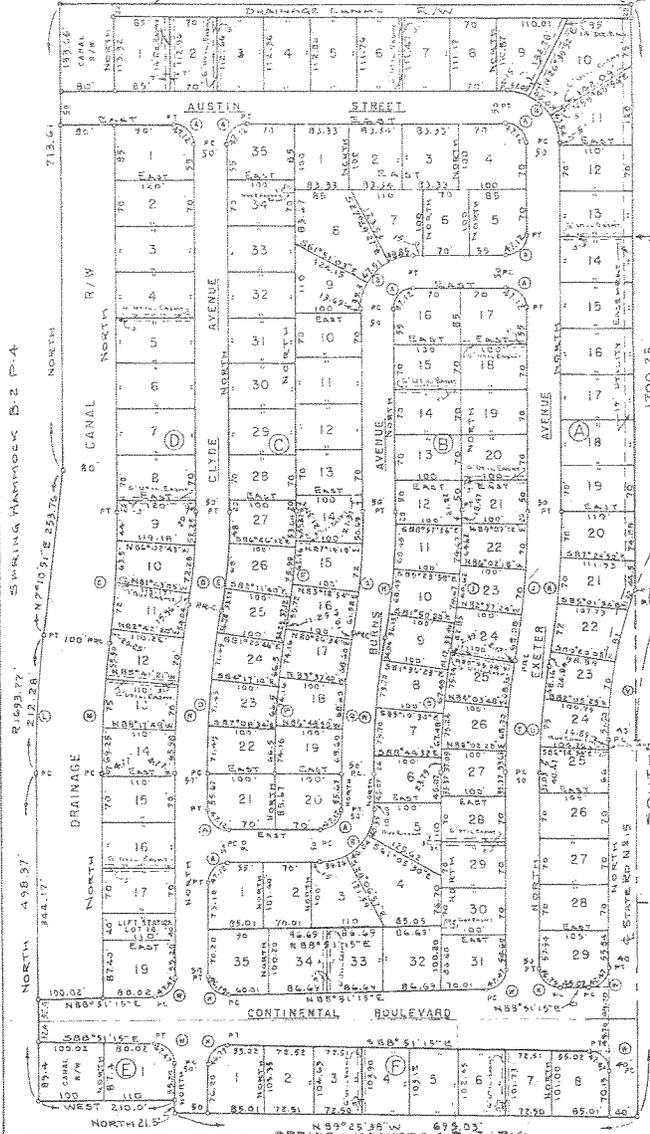
Jason and Karin Barngrover

Handwritten signatures of Jason and Karin Barngrover. The signature for Jason is written above the signature for Karin. Both signatures are in cursive and appear to be in black ink.

Page 1

COUNTRY CLUB HEIGHTS - UNIT ONE SEMINOLE COUNTY FLORIDA.

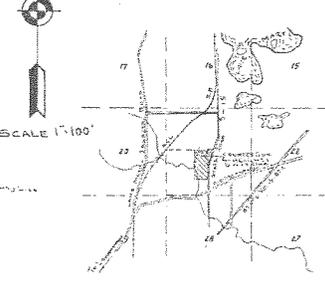
NORTH LINE SW/4 SEC 21-20-30
EAST CORNER SUBSTANTIAL PARTS B-5 14-03
EAST CORNER SW/4 SEC 21-20-30



DESCRIPTION
BEGIN AT THE NE CORNER OF THE SW/4 OF SEC 21 TWP 20 S R 10 E, RUN SOUTH ALONG THE EAST LINE OF SAID SW/4, 1700.25 FEET THENCE N89°25'38"W, 409.03 FEET THENCE NORTH 81°00'00" E, 210.00 FEET THENCE NORTH 43°37'00" E TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1493.77 FEET AND A CENTRAL ANGLE OF 71°05'11" RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 212.20 FEET TO THE POINT OF TANGENCY THENCE N71°05'11" W, 253.76 FEET THENCE NORTH 71°05'11" W TO POINT ON THE NORTH LINE OF SAID SW/4, THENCE S89°45'15" W, ALONG SAID NORTH LINE, 60.01 FEET TO THE POINT OF BEGINNING. (LESS RIGHT OF WAY FOR STATE ROAD N 8 S-19.)
BEING A RESUBDIVISION OF LOTS 7, 8 AND 9 AND PORTIONS OF LOTS 10, 11, 12, 13, 14 AND 15 OF THE SW/4 SEC. 21 TWP. 20 S. R. 10 E. AS SHOWN IN PLAT BOOK 2, PAGE 2, SUBD. 2, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CURVE DATA

STATION	CHORD	CHORD BEARING	ARC BEARING	CHORD CURVATURE
1	1700.25	N89°25'38"W	1700.25	1700.25
2	1551.22	N89°25'38"W	1551.22	1551.22
3	1402.19	N89°25'38"W	1402.19	1402.19
4	1253.16	N89°25'38"W	1253.16	1253.16
5	1104.13	N89°25'38"W	1104.13	1104.13
6	955.10	N89°25'38"W	955.10	955.10
7	806.07	N89°25'38"W	806.07	806.07
8	657.04	N89°25'38"W	657.04	657.04
9	508.01	N89°25'38"W	508.01	508.01
10	358.98	N89°25'38"W	358.98	358.98
11	209.95	N89°25'38"W	209.95	209.95
12	60.92	N89°25'38"W	60.92	60.92
13	110.00	N89°25'38"W	110.00	110.00
14	212.20	N89°25'38"W	212.20	212.20
15	314.40	N89°25'38"W	314.40	314.40
16	416.60	N89°25'38"W	416.60	416.60
17	518.80	N89°25'38"W	518.80	518.80
18	621.00	N89°25'38"W	621.00	621.00
19	723.20	N89°25'38"W	723.20	723.20
20	825.40	N89°25'38"W	825.40	825.40
21	927.60	N89°25'38"W	927.60	927.60
22	1029.80	N89°25'38"W	1029.80	1029.80
23	1132.00	N89°25'38"W	1132.00	1132.00
24	1234.20	N89°25'38"W	1234.20	1234.20
25	1336.40	N89°25'38"W	1336.40	1336.40
26	1438.60	N89°25'38"W	1438.60	1438.60
27	1540.80	N89°25'38"W	1540.80	1540.80
28	1643.00	N89°25'38"W	1643.00	1643.00
29	1745.20	N89°25'38"W	1745.20	1745.20
30	1847.40	N89°25'38"W	1847.40	1847.40
31	1949.60	N89°25'38"W	1949.60	1949.60
32	2051.80	N89°25'38"W	2051.80	2051.80
33	2154.00	N89°25'38"W	2154.00	2154.00
34	2256.20	N89°25'38"W	2256.20	2256.20
35	2358.40	N89°25'38"W	2358.40	2358.40



NOTE: PER 4"x4" CONCRETE MONUMENTS ARE SHOWN THUS:
7' UTILITY EASEMENT RESERVED ON REAR OF ALL LOTS, UNLESS OTHERWISE SHOWN.

CERTIFICATE OF CLERK
I HEREBY CERTIFY, THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND HAS FILED FOR RECORD IN
May 23, 1961 at 4:54 PM
FILE NO. 14892
Clerk of the Circuit Court
IN AND FOR SEMINOLE COUNTY, FLA.

PLAT BOOK 13
AND PAGE 98

DEDICATION
KNOW ALL MEN BY THESE PRESENTS, That the Corporation named below, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the use and purposes therein expressed and dedicates the streets, easements and canal here shown hereon to the perpetual use of the public, and
IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be affixed hereto on

UNIVERSAL DEVELOPMENT CORPORATION
By _____ President
Attest: _____ Secretary-Treasurer
Signed and sealed in the presence of:

STATE OF FLORIDA COUNTY OF
THIS IS TO CERTIFY, That on
before me, an officer duly authorized to take acknowledgments in this State and County aforesaid, personally appeared CHARLES GELIGMAN and NELSON C. PICK respectively the President and SECRETARY-Treasurer of the above named corporation incorporated under the laws of the State of FLORIDA, to me known to be the individuals and officers described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized; that the official seal of said corporation is duly affixed thereto; and that the said Dedication is the act and deed of said corporation.
IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

CERTIFICATE OF SURVEYOR
KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on
April 26, 1961 he completed the survey of the lands as shown in the foregoing plat; that said plat is a correct representation of the lands therein described and platted; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes; and that said land is located in
Seminole County, Florida. Dated April 26, 1961
Hugh J. Selinger Registration No. 1089

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS
THIS IS TO CERTIFY, That on May 23, 1961 the foregoing plat was approved by the Board of County Commissioners of Seminole County, Florida.
Attest: _____ Chairman of the Board
Richard H. Beckwith Clerk of the Board

CERTIFICATE OF APPROVAL BY ZONING COMMISSION
THIS IS TO CERTIFY, That on MAY 23, 1961 the Seminole County Zoning Commission approved the foregoing plat.
Byron L. Roubal

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 8 BLK A COUNTRY CLUB HEIGHTS UNIT 1 PB 13 PG 98

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

FINDINGS OF FACT

Property Owner: ROBERT WILSON
189 AUSTIN STREET
LONGWOOD, FL 32750

Site Address: 189 AUSTIN STREET

Requested Development Approval:

REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 4.5 FEET FOR AN EXISTING SHED AND (2) SIDE YARD SETBACK VARIANCE FROM 7.5 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
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 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 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: