

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

SUBJECT: Request for minimum rear yard setback variance from 25 feet to 12 feet for a proposed screen room addition in the R-AH (Affordable Housing Dwelling District); (Neal & Lisa Wohltmann, applicants).

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 minimum rear yard setback variance from 25 feet to 12 feet for a proposed screen room addition in the R-AH (Affordable Housing Dwelling District); (Neal & Lisa Wohltmann, applicants); or
2. **DENY** the request for minimum rear yard setback variance from 25 feet to 12 feet for a proposed screen room addition in the R-AH (Affordable Housing Dwelling District); (Neal & Lisa Wohltmann, applicants); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Neal & Lisa Wohltmann LOCATION: 1157 Amanada Kay Circle ZONING: R-AH (Affordable Housing Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a (10' x 20') screen room addition that would encroach 13 feet into the 25 foot minimum rear yard setback. • The existing single-family residence has a rear setback of 22 feet and does not meet the rear setback requirement. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	<ul style="list-style-type: none"> • The applicant is located in the R-AH zoning district. This subdivision was rezoned to R-AH under the condition that all perimeter lots meet a rear yard setback of 25 feet

	<p>while all interior lots meet a rear yard setback of 15 feet.</p> <ul style="list-style-type: none">• The Board of Adjustment has approved similar variances in this neighborhood.• The granting of the requested variance would confer special privileges denied to other properties in the R-AH zoning district by allowing encroachment into the rear 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 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 screen room 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.

GUI
PROJ. #

ZONED: R-AH

SEC: 20

TWP: 19

RNG: 30

DEVELOPMENT: Forest Cove		DEVELOPER NAME: Forest Cove at Sanford Farms, Ltd.	
LOCATION: 1 mile ± W of I-4; S side of Orange Boulevard			
FILE#: P&Z: PZ 93-35	BA:	SP:	BCC: 4/22/97
DEVEL. ORDER #: 94-42 amended 7/28/2000		TAX PAR. I.D. #:	
PB 55	PG 54 - 55	LOT	BLK
PARCEL		DBA	COMM DIST.
SIDEWALKS: 4' sidewalk along Lots 37-58 only.		SETBACK REQUIREMENTS	
ROAD TYPE (CURB & GUTTER OR SWALE):		FY: 20'	SIDE ST.: 15'*
FLOOD PRONE:		SY:	RY: See below
COMMENTS OTHER: * R/W Dedication: Per plat – 35' additional on Orange Boulevard. ** Signalization: All Lots are "A" Drainage. *** Access Rights: public streets. D.O. ORB 3902 Pg. 0709		MAIN STRUCTURE OTHER: <ul style="list-style-type: none"> • 700 sq. ft. min. du size. • **Side yard setbacks may be reduced to zero on one side and 10' on the opposite side. • 15' rear yard rear setback for internal Lots 37-58 • 25' rear yard setback for single-story structure and 45' setback for two-story structure on perimeter lots 1- 36. With the first ten feet of yard from fence to remain undisturbed. 	
		ACCESSORY STRUCTURE SETBACKS:	
		SY: 10'	RY: See below
		ACCESSORY STRUCTURE OTHER: <ul style="list-style-type: none"> • Exceeding 200 sq. ft. or 12' in height. Shall meet all of setback requirements of main structure(25' for single-story and 45' for two-story structure.) Under 200 sq. ft. = 10' side and rear. • No fence or accessory structure may encroach into side yard setback (L.D.C.) on street side. 	
PROJECT MANAGER:			

1) 10' rear buffer easement along Lots 18, 19, 20, 21, 22, 23, and 24; to remain undisturbed. 2) 6' high quality wooden fence with galvanized metal post along southern boundary of property.(Lots 18-24)	IMPACT FEES	
	TRAFFIC ZONE:	2
	LAND USE:	3
	1. ROAD-CO. WIDE	394.00
	2. ROAD-COLL.	79.00
	3. LIBRARY	54.00
	4. FIRE	172.00
	5. PARK	
	6. SCHOOL	639.00
	7. LAW	50.00/D.U
	TOTAL	\$1,388.00
REMARKS: 4' sidewalk along Lots 37-58 only. Miami curb		



COPY

APPL. NO. BV 2005-176

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** re-argued setback variance from 2.5 ft. to 12 ft. for a proposed screen room addition
- SPECIAL EXCEPTION**
- LIMITED USE**
 - SF DWELLING UNDER CONSTRUCTION
 - NIGHT WATCHMAN
 - YEAR OF MOBILE HOME / RV (EXISTING)
 - SIZE OF MOBILE HOME / RV
 - PLAN TO BUILD YES NO IF SO, WHEN
 - MEDICAL HARDSHIP NOV 1 2005 (PROPOSED)
 - FAMILY HARDSHIP
 - TIME NEEDED
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
 NOV 1 2005
 PLANNING DIVISION

PROPERTY OWNER AUTHORIZED AGENT*

NAME: Neal/Lisa Wohltmann
 ADDRESS: 1157 Amanda Kay Cr Sanford FL 32711
 PHONE 1: 407-324-5414
 PHONE 2: 407-927-1505
 E-MAIL: lwohltmann@cfi-rr.com

RECEIVED
 NOV - 1 2005
 PLANNING DIVISION

PROJECT NAME: Screen porch
 SITE ADDRESS: 1157 Amanda Kay Cr, Sanford
 CURRENT USE OF PROPERTY: home
 LEGAL DESCRIPTION: single family home

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 20-19-30-509-0000-0120
 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 12/19/05 (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.
Lisa Wohltmann
 SIGNATURE OF OWNER OR AGENT* DATE 11/1/05

* Proof of ownership 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 5 FLU/ZONING R-AH/MDR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS West side of Amunde Key Cr 0.1 mi south of the intersection of Amunde Key Cr & Orange Blvd

PLANNING ADVISOR _____ DATE _____

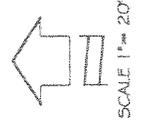
SUFFICIENCY COMMENTS Site on the screen room

PLAT OF BOUNDARY SURVEY for: MARONDA HOMES, INC.

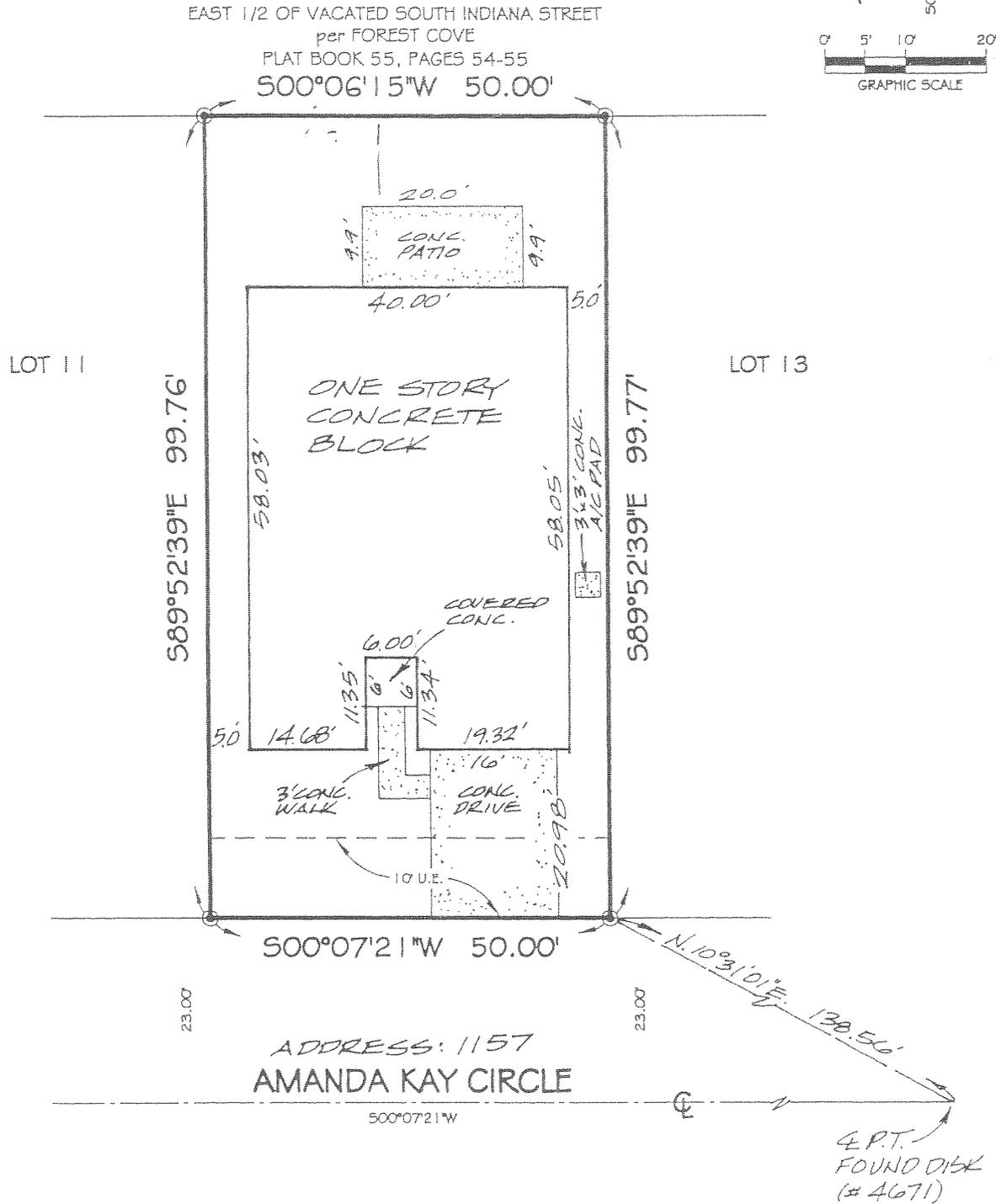
DESCRIPTION: LOT 12, FOREST COVE

RECORDED IN PLAT BOOK 55 PAGE(S) 54 and 55 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

MAP OF SANFORD FARMS
LOT 5, PLAT BOOK 1, PAGES 127 & 128



0' 5' 10' 20'
GRAPHIC SCALE



NOTES:

1. BEARINGS ARE BASED ON THE CENTERLINE OF AMANDA KAY CIRCLE BEING 500°07'21"W.
2. UNDERGROUND IMPROVEMENTS, ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED.
3. ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
4. BUILDING TIES ARE TO FOUNDATION.
5. BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED OR PLATTED LINES.
6. BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND PER RECORDED PLAT UNLESS

FLOOD CERTIFICATION

BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE STRUCTURE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS STRUCTURE LIES IN ZONE "X". COMMUNITY PANEL NO. 120289 0030 E EFFECTIVE DATE: APRIL 17, 1995
MAP REVISION DATE:
(SUBJECT TO CHANGE)

CERTIFIED TO:

Neal C. Wohltmann
Chase Manhattan Mortgage Corp.
Fifth Third Bank
Kampf Title & Guaranty Corp.
Adnoram Title Company, Inc.

C.E.P.T.
FOUND DISK
(# 4671)

PARCEL MAP DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506	40	53	AMANDA KAY CIR	9		
	41	52		10	20	
	42	51		11	21 20	
	43	50		12	23	
	44	49		13	24	
	45	48		14	25	
	46	47		15	26	
	48	47		16	27	

<p align="center">GENERAL</p> Parcel Id: 20-19-30-509-0000-0120 Owner: WOHLTMANN NEAL C & Own/Addr: HUBBARD LISA M Mailing Address: 1157 AMANDA KAY CIR City,State,ZipCode: SANFORD FL 32771 Property Address: 1157 AMANDA KAY CIR SANFORD 32771 Subdivision Name: FOREST COVE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY	<p align="center">2006 WORKING VALUE SUMMARY</p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$121,319 Depreciated EXFT Value: \$0 Land Value (Market): \$28,000 Land Value Ag: \$0 Just/Market Value: \$149,319 Assessed Value (SOH): \$112,590 Exempt Value: \$25,000 Taxable Value: \$87,590 Tax Estimator
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<p align="center">SALES</p> <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>SPECIAL WARRANTY DEED</td> <td>11/2001</td> <td>04260</td> <td>0127</td> <td>\$111,100</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/2001</td> <td>04081</td> <td>0832</td> <td>\$506,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	11/2001	04260	0127	\$111,100	Improved	Yes	WARRANTY DEED	04/2001	04081	0832	\$506,000	Vacant	No	<p align="center">2005 VALUE SUMMARY</p> Tax Value(without SOH): \$2,047 2005 Tax Bill Amount: \$1,382 Save Our Homes (SOH) Savings: \$665 2005 Taxable Value: \$84,311 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																
SPECIAL WARRANTY DEED	11/2001	04260	0127	\$111,100	Improved	Yes																
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<p align="center">LAND</p> <table border="1"> <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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>28,000.00</td> <td>\$28,000</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	28,000.00	\$28,000	<p align="center">LEGAL DESCRIPTION</p> PLATS: <input type="text" value="Pick..."/> LOT 12 FOREST COVE PB 55 PGS 54 & 55
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
LOT	0	0	1.000	28,000.00	\$28,000								

BUILDING INFORMATION									
Bid Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	2001	8	1,874	2,290	1,874	CB/STUCCO FINISH	\$121,319	\$124,430
			Appendage / Sqft	OPEN PORCH FINISHED / 36					
			Appendage / Sqft	GARAGE FINISHED / 380					

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.

front 20
 S 5ft.
 R 25ft.

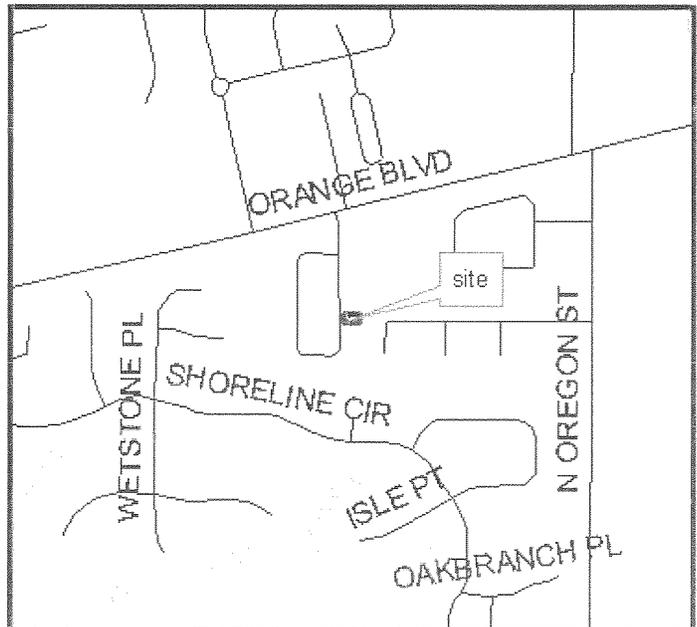
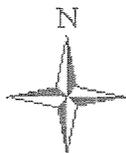
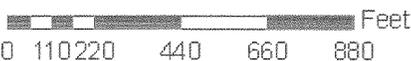
Neal & Lisa Wohltmann
 1157 Amanda Kay Circle
 Sanford, FL 32771



Seminole County Board of Adjustment
 December 19, 2005
 Case: BV2005-176
 Parcel No: 20-19-30-509-0000-0120

Future Land Use

-  CONS, LDR
-  MDR
-  CONS, PD
-  PD
-  CONS, COM
-  COM
- SE
-  BV2005-176
- LDR



Neal & Lisa Wohltmann
 1157 Amanda Kay Circle
 Sanford, FL 32771



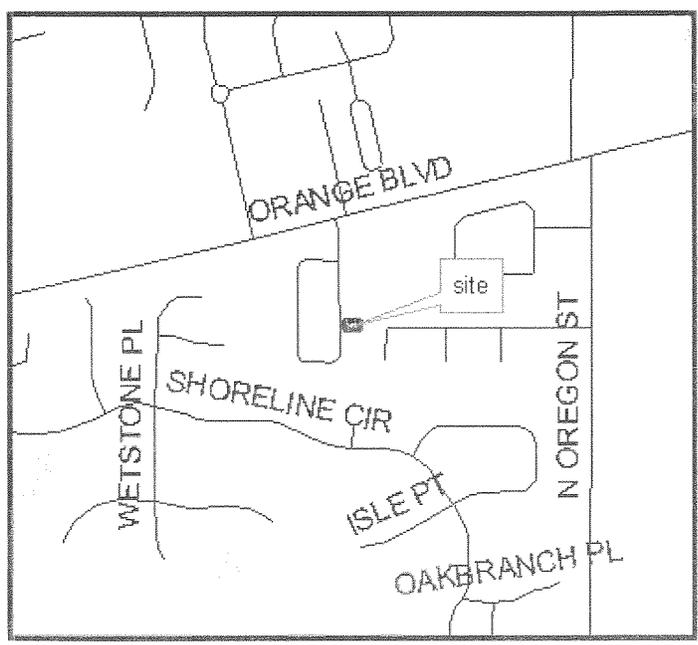
Seminole County Board of Adjustment
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Zoning

- A-1
- R-AH
- C-2
- PUD
- BV 2005-176

N

0 110 220 440 660 880 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:

LOT 12 FOREST COVE PB 55 PGS 54 & 55

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

FINDINGS OF FACT

Property Owner: NEAL & LISA WOHLTMANN
1157 AMANDA KAY
SANFORD, FL 32771

Site Address: 1157 AMANDA KAY

Requested Development Approval:

THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 25 FEET TO 12 FEET FOR A PROPOSED SCREEN ROOM ADDITION IN THE R-AH (AFFORDABLE HOUSING 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 PROPOSED SCREEN ROOM 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 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: