

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a side yard setback variance from 7.5 feet to 5 feet for a proposed addition to a garage in the R-1A (Single-Family Dwelling District); James Zirkel, Applicant).

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

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

Agenda Date 02/27/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a side yard setback variance from 7.5 feet to 5 feet for a proposed addition to a garage in the R-1A (Single-Family Dwelling District); James Zirkel, Applicant); or
2. **DENY** Request for a side yard setback variance from 7.5 feet to 5 feet for a proposed addition to a garage in the R-1A (Single-Family Dwelling District); James Zirkel, Applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: James Zirkel LOCATION: 219 Montego Inlet Blvd ZONING: R-1A (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to increase the size of their existing garage from a 1 ½ car garage to a full 2 car garage. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • The property currently consists of a 268 s.f. (16.4' x 16.4') detached carport that could be enclosed to add additional garage parking.

	<ul style="list-style-type: none">• The applicants present a hardship based on their lot being one of the smallest in Shadow Bay Unit One. When in fact, 40 of the 66 lots are smaller in size by lot area.• The applicants present a hardship based on the irregular shape of their lot. The lot was platted in its current shape in 1980. No part of said lot has been taken for public use or deeded for any purpose.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The applicant would still retain reasonable use of the land, building or structure without the granting of the 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 garage 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.



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

MK

APPL. NO. BV 2005-201

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** Reduce 7'-6" side set back to 5'0" side set back
- 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	Mr. and Mrs. James E. Zirkel	
ADDRESS	219 Montego Inlet Blvd. Longwood, Florida 32779	
PHONE 1	407-782-9903 (cell)	
PHONE 2	407-862-5444 x. 301 (work)	
E-MAIL	Janzirkel@home-design-services.com	

PROJECT NAME: Garage Addition

SITE ADDRESS: 219 Montego Inlet Blvd., Longwood, Florida 32779

CURRENT USE OF PROPERTY: Primary Residence

LEGAL DESCRIPTION: Lot 66 Shadow Bay Unit I, According to the plat thereof as recorded in plat book 24, page 99 and 100, public records of Seminole Co. FL.

SIZE OF PROPERTY: 9800 s.f. : 225 acre(s) PARCEL I.D. 04-21-29-520-0000-0660

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 2, 27, 06 (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.

[Handwritten Signature]

SIGNATURE OF OWNER OR AGENT*

16 DEC. 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 3 FLU/ZONING R-1A/LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS S. side of Montego Inlet Blvd 0.1 mi
south of the intersection of Montego Inlet Blvd + S-Shadowbox Blvd
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

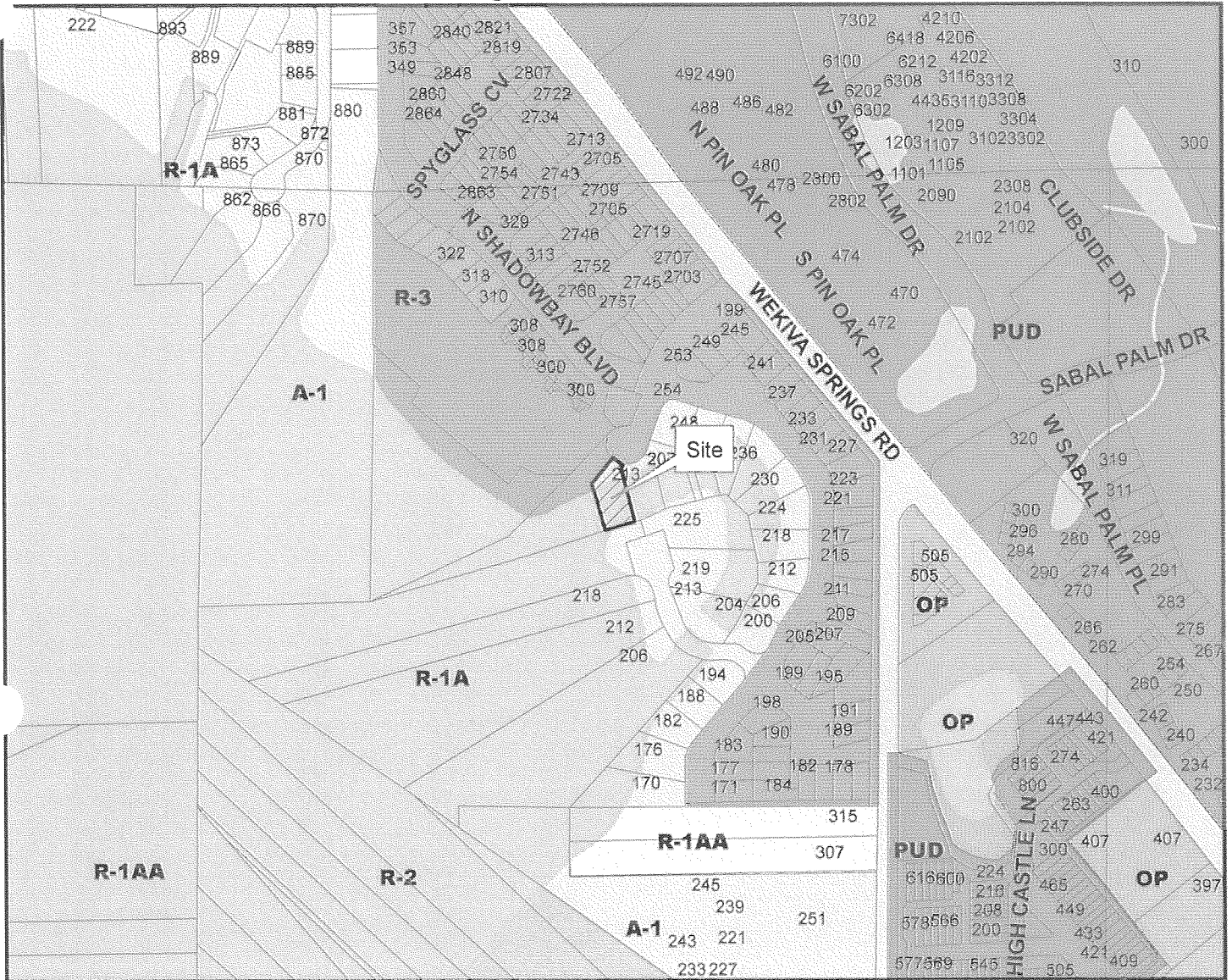
<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>	<div style="border: 1px solid black; padding: 5px;"> <p>Action canceled</p> <p>Internet Explorer was unable to link to the page. The page might be temporarily unavailable.</p> <p>Please try the following:</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p>Action canceled</p> <p>Internet Explorer was unable to link to the page. The page might be temporarily unavailable.</p> <p>Please try the following:</p> </div>																																																																													
<p align="center">GENERAL</p> <p>Parcel Id: 04-21-29-520-0000-0660</p> <p>Owner: ZIRKEL JAMES E & JANICE C TRS</p> <p>Own/Addr: FBO JAMES E & JANICE C ZIRKEL</p> <p>Mailing Address: 219 MONTEGO INLET BLVD</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 219 MONTEGO INLET BLVD LONGWOOD 32779</p> <p>Subdivision Name: SHADOWBAY UNIT 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$332,948</p> <p>Depreciated EXFT Value: \$11,681</p> <p>Land Value (Market): \$220,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$564,629</p> <p>Assessed Value (SOH): \$423,321</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$398,321</p> <p>Tax Estimator</p>																																																																													
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COOL DECK PATIO	1991	284	\$621	\$994
BOAT HOUSE	1993	240	\$922	\$1,920
BOAT DOCK	1993	288	\$691	\$1,440

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.

Lot 20 - side yard 10 - 4 for pool
Lot 60 - side yard 10 - 7.5 Room addition

Jame E. Zirkel
219 Montego Inlet Blvd
Longwood, FL 32779



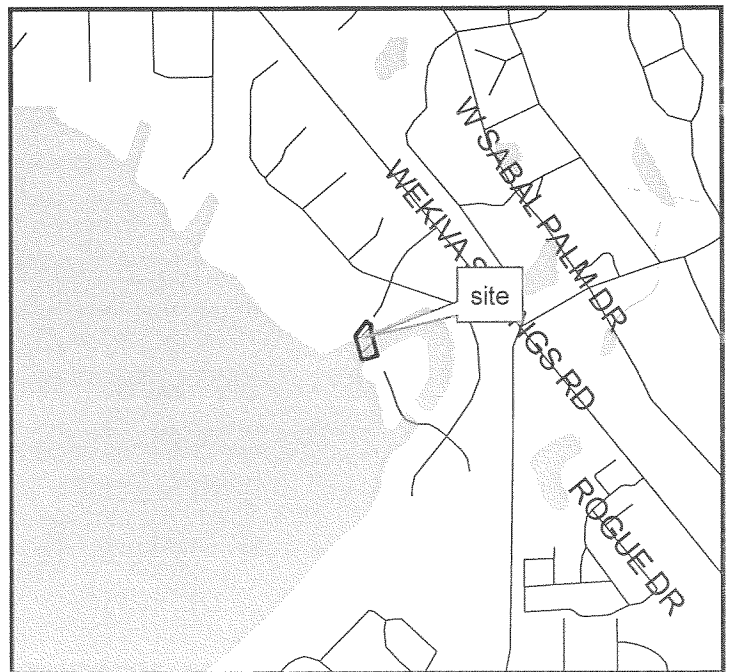
Seminole County Board of Adjustment
February 27, 2006
Case: BV2005-201
Parcel No: 04-21-29-520-0000-0660

Zoning

	A-1		R-3
	R-1AA		OP
	R-1A		PUD
	R-1BB		BV2005-201
	R-2		

N

Feet
 0 125 250 375 500



- I. Statement of Request
- A. James E. and Janice C. Zirkel are requesting a variance from a side yard set back of 10'0" to 5'0" to increase the size of our existing residence garage from a 1 ½ car garage to a full 2 car garage.
- B. James E. and Janice C. Zirkel
219 Montego Inlet Blvd.
Longwood, Florida 32779
- Phone #'s: Home – 407-862-2611
Office – 407-862-5444 x. 300
Cell – 407-782-9903
E-Mail – Janzirkel@Home-Design-Services.com
- C. Garage Addition to the Zirkel Residence Variance Request
- D. Site Address: 219 Montego Inlet Blvd.
Longwood, Florida 32779
Shadow Bay – Unit 1
- E. Current use of property is the applicants primary residence
- F. Legal Description: Lot 66, Shadow Bay Unit One, According to the Plat book as recorded in Plat Book 24, pages 99 and 100 of the public records of Seminole County, Florida.
- G. 9800 S/F .224 Acres Flag Lot (see attached survey – exhibit A)
- H. See attached survey – exhibit A
- I. See attached survey – exhibit A
- J. See attached survey – exhibit A
- K. Not applicable
- L. Not applicable
- M. See attached survey – exhibit A
- N. See attached survey – exhibit A
- O. 04-21-29-520-0000-0660
- P. See attached proposed site plan – exhibit B
- Q. None
- R. Property is accessible at all times
- S. Application fee – see attached check – Exhibit C

T. Not applicable

U. See reduced survey and site plans – Exhibit D

V. 1. There are special conditions that are not a result of Mr. and Mrs. Zirkel's actions. They are as follows:

- A very irregular shaped lot with only 9800 S/F of actual land area (see survey)
 - A very unique and unusual location within the subdivision in that there are no neighbors to the north property line (where the variance is requested). See site plan. It is a conservation area with common area access. The west property line abuts the common park area for Shadow Bay. The south property line is the shore line of Lake Brantley.
2. Granting the variance requested would not confer on the applicant any special privileges. All homes in Shadow Bay have large (2), and some (3) car garages. Lot 66 is the smallest area lot in Shadow Bay Unit I. There has been, in the past, other side yard set back variances granted in Shadow Bay Unit I.
 3. The variance would not negatively affect any adjoining property owners.
 4. The requested variance is the minimum variance that would allow the project be utilized to its fullest and best potential to the applicant and the Shadow Bay Unit I homeowners and their perceived property and tax values.
 5. We feel that granting this variance would be in harmony with the intent of Chapter 30 for the following reasons:
 - I. The 10'0" side yard set back is primarily intended to provide for a minimum of 20'0" between residences to maintain aesthetics and perceived areas between structures. There are and never will be structures to the north property line (The variance side requested).
 - II. the 5'0" side yard variance to the north property line of Lot 66 does not, in any way, change the distance between structures. The area to the north of the property line does not currently have a structure built on it and is, in fact, a designated conservation area on which there may never be construction. We feel that this variance would not be in opposition to the intent or spirit of the side yard set backs in Chapter 30 and would not be injurious to the neighborhood. To the contrary, this should maintain and probably raise perceived property values. We are not aware, and we can not imagine, how this variance and addition could be detrimental to the public welfare of our neighbors.

SHADOWBAY UNIT ONE

PLAT BOOK 24
AND PAGE 100

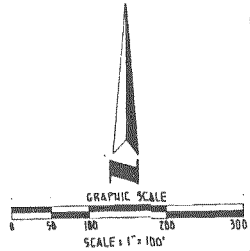
SHEET 2 OF 2

RIGHT-OF-WAY CURVE DATA

	RADIUS	DELTA	LENGTH	TANGENT
1	25.00'	90°00'00"	39.27'	25.00'
2	200.00'	21°05'17"	73.61'	37.23'
3	200.00'	01°25'57"	5.00'	2.50'
4	25.00'	99°31'42"	43.43'	29.55'
5	22.01'	119°36'51"	46.81'	37.67'
6	177.40'	23°36'51"	85.50'	43.60'
7	177.40'	05°54'39"	18.30'	9.16'
8	177.40'	05°02'45"	15.62'	7.82'
9	268.06'	39°06'40"	182.98'	95.22'
10	268.06'	01°34'31"	7.37'	3.65'
11	435.00'	03°46'39"	17.67'	8.84'
12	435.00'	12°53'35"	97.89'	49.15'
13	25.00'	60°40'08"	26.47'	14.63'
14	50.00'	138°54'05"	121.21'	133.38'
15	25.00'	30°40'09"	13.18'	6.86'
16	50.00'	39°54'25"	34.83'	18.15'
17	50.00'	56°03'21"	48.92'	26.62'
18	50.00'	42°56'19"	37.47'	19.67'
19	25.00'	30°00'00"	13.09'	6.70'
20	435.00'	09°55'48"	75.39'	37.79'
21	435.00'	06°01'36"	45.76'	22.90'
22	435.00'	03°54'12"	29.63'	14.82'
23	25.00'	52°44'15"	23.01'	12.39'
24	220.18'	40°04'31"	154.00'	80.30'
25	25.00'	96°43'07"	42.20'	28.12'
26	150.00'	27°47'41"	72.79'	37.11'
27	175.00'	69°04'27"	210.98'	120.44'
28	125.00'	69°04'27"	150.70'	86.03'
29	200.00'	27°47'41"	97.02'	49.49'
30	25.00'	83°16'53"	36.34'	22.23'
31	365.00'	40°23'11"	257.28'	134.25'
32	198.06'	39°06'40"	135.20'	70.35'
33	107.90'	30°36'59"	57.39'	29.40'
34	50.00'	201°30'33"	175.85'	-

CENTERLINE CURVE DATA

	RADIUS	DELTA	LENGTH	TANGENT
A	250.00'	30°36'59"	133.59'	68.43'
B	142.40'	30°36'59"	76.09'	38.98'
C	233.06'	39°06'40"	159.09'	82.79'
D	400.00'	40°23'11"	281.95'	147.12'
E	400.00'	21°40'29"	151.32'	76.58'
F	400.00'	18°42'42"	130.63'	65.90'
G	185.18'	40°04'31"	129.52'	67.54'
H	175.00'	27°47'41"	84.89'	43.30'
J	150.00'	69°04'27"	100.84'	103.24'

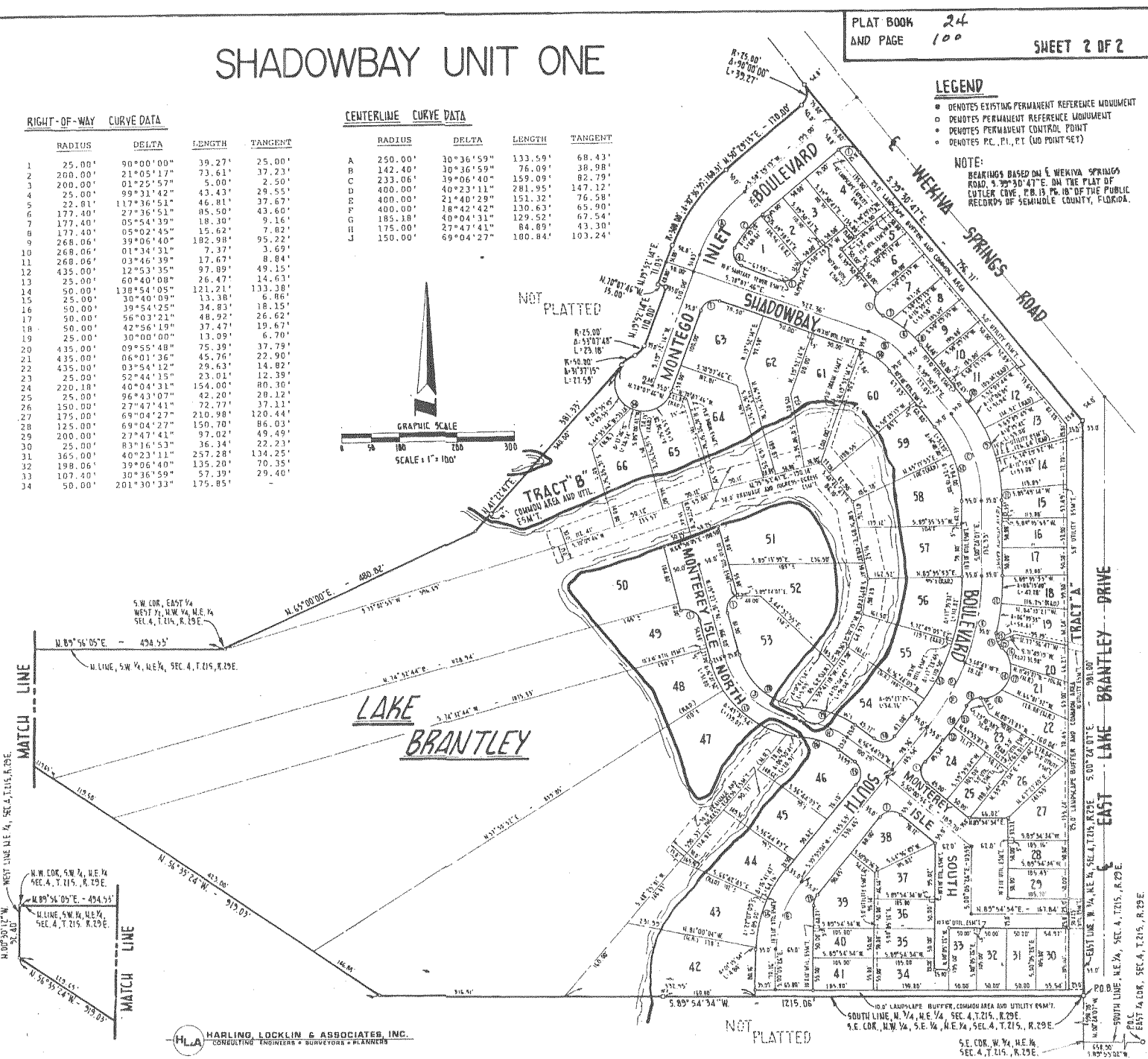


LEGEND

- DENOTES EXISTING PERMANENT REFERENCE MONUMENT
- DENOTES PERMANENT REFERENCE MONUMENT
- DENOTES PERMANENT CONTROL POINT
- DENOTES P.C., P.I., P.T. (NO POINT SET)

NOTE:

BEARINGS BASED ON E. WEKIVA SPRINGS ROAD, S. 30°30'47"E. ON THE PLAT OF CUTLER COVE, P.R. 19, P. 18 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On (Month Date, Year) Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 66 SHADOWBAY UNIT 1 PB 24 PG 99 & 100

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

FINDINGS OF FACT

Property Owner: James Zirkel
219 Montego Inlet Blvd
Longwood, FL 32779

Project Name: Montego Inlet Blvd (219)

Requested Development Approval:

REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED ADDITION TO A GARAGE 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, Senior 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 Garage 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: