

Item #BV2006-006

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a rear yard setback variance from 30 feet to 19 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Wm. M. Lynch III, Applicant).

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

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

Agenda Date 2/27/06 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 19 feet for a proposed addition in the R-1A (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 19 feet for a proposed addition in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> Wm. M. Lynch III <b>LOCATION:</b> 560 Brookside Circle <b>ZONING:</b> R-1A (Single-Family Dwelling District)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a room addition that would encroach 11 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested.</li> <li>• The applicant's property is approximately 10,800 square feet and abuts the Seminole/Orange county line. The applicant also owns the property directly west which is in unincorporated Orange County.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances having been granted for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<ul style="list-style-type: none"><li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• 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.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the proposed addition as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>



**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**

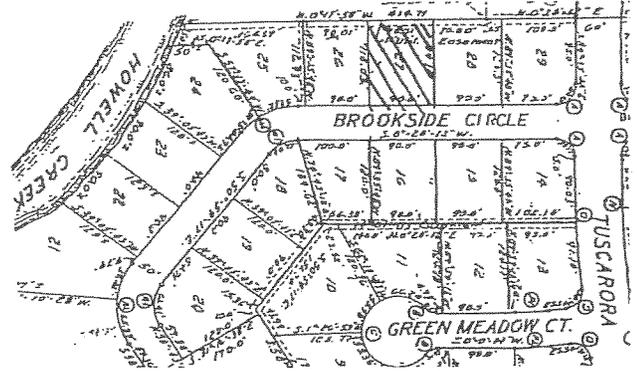
PROCESSING:  
FEE(S): 150.00 COMMISSION DISTRICT 4 FLU / ZONING R-1A/LDR  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS \_\_\_\_\_  
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS \_\_\_\_\_

**Legal Description**

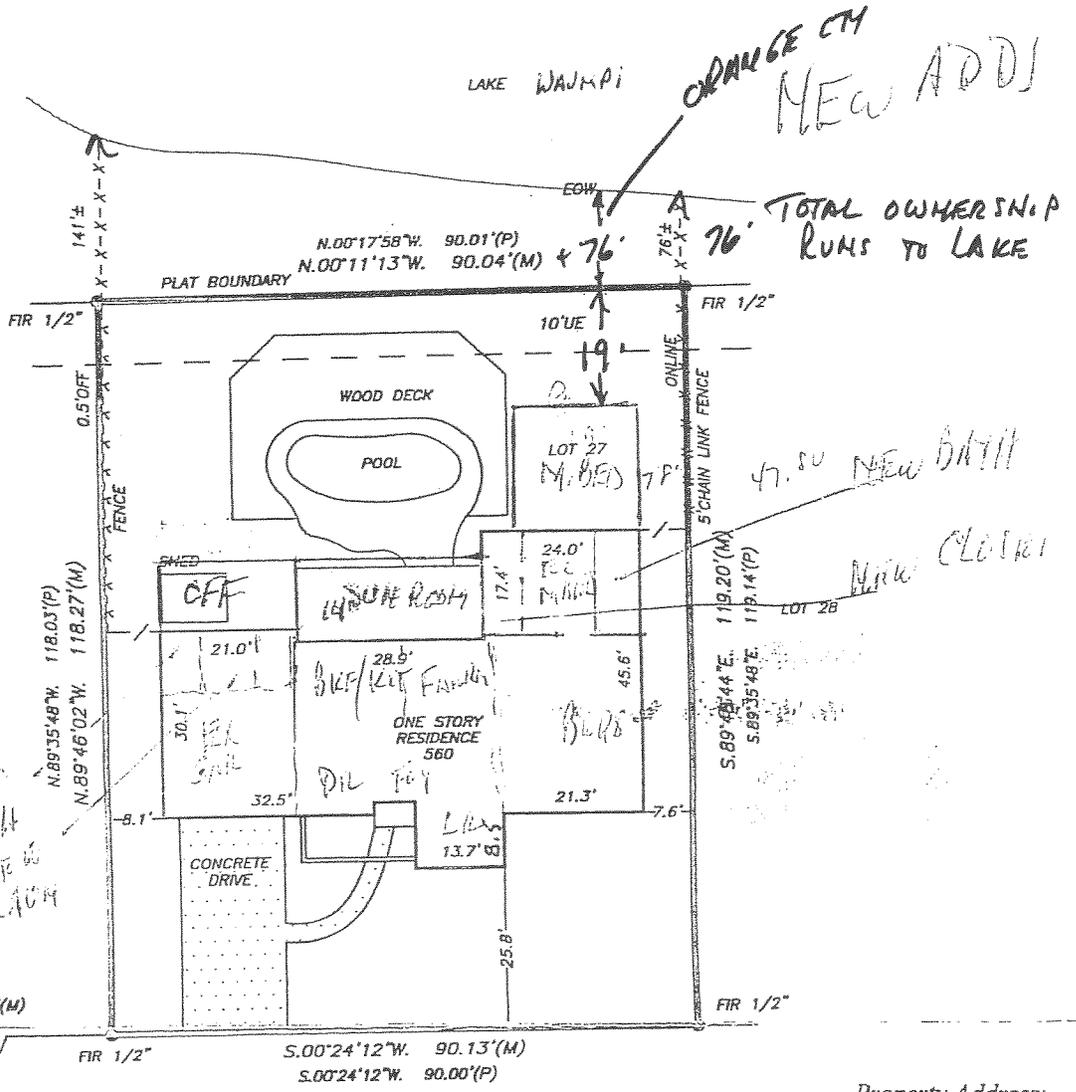
Lot 27, **FOREST BROOK**, according to the plat thereof, as recorded in Plat Book 15, Page(s) 2, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0140  
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 5/9/2005 Completion Date: 5/9/2005

Certified to:  
 Ann M. O'Leary.



SCALE: 1" = 30'

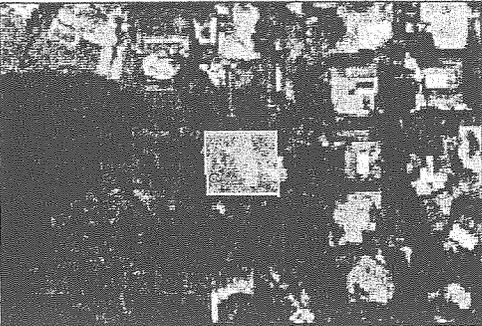


CONSTRUCTION & DEVELOPMENT  
 ADDITIONS & REMODELING  
 BY  
**W.M. LYNCH III**  
 GENERAL CONTRACTOR  
 POST OFFICE BOX 940246  
 MAITLAND, FL 32974-0246  
 PH. (407) 830-4902  
 PG 000325

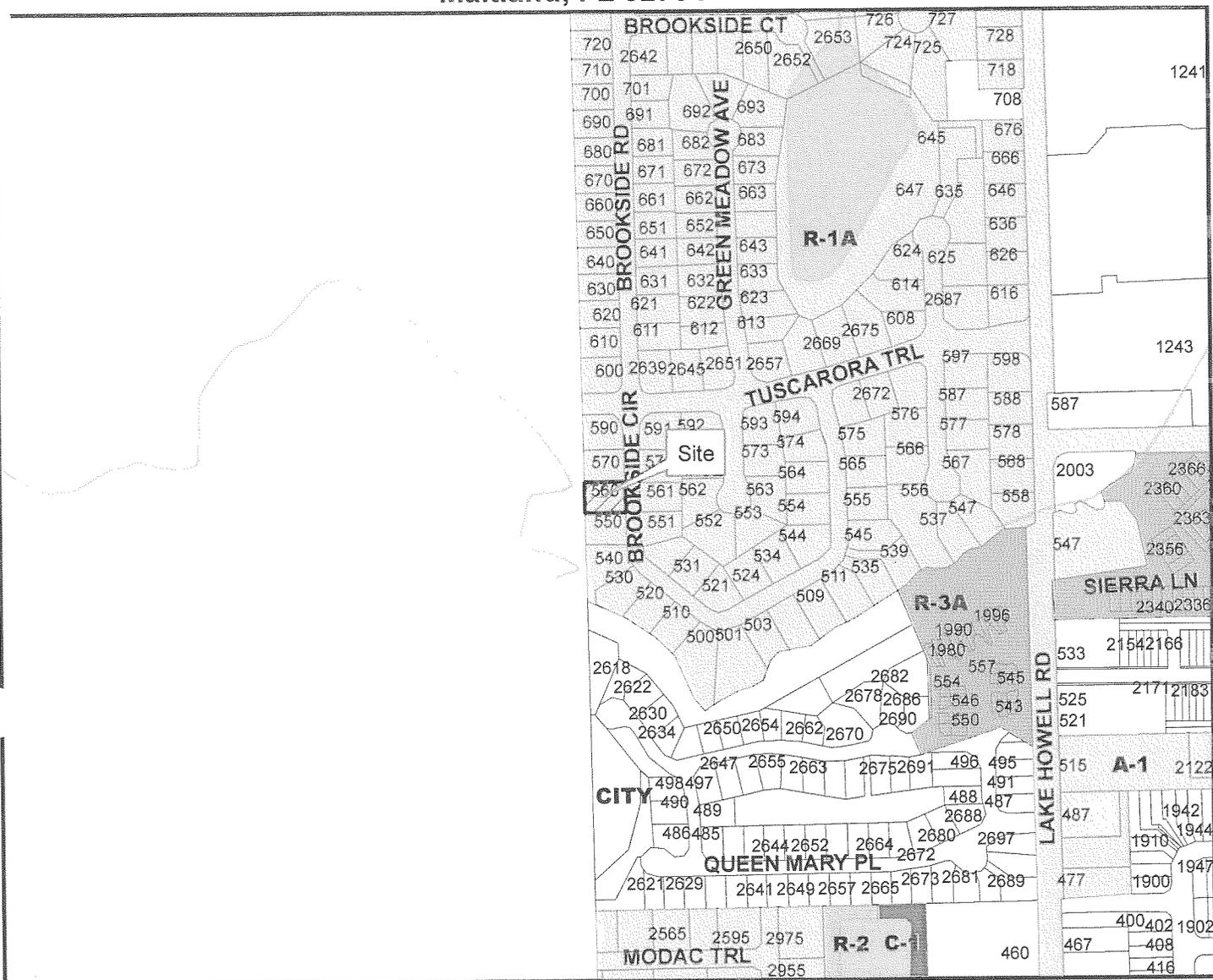
Property Address:  
 560 Brookside Circle  
 Maitland, FL 32751

Survey number: SL 52086

BROOKSIDE CIRCLE  
 50'R/W

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																														
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 28-21-30-503-0000-0270                  Owner: O'LEARY ANN M TRUSTEE                  Own/Addr: FBO ANN M O'LEARY                  Mailing Address: 560 BROOKSIDE CIR                  City,State,ZipCode: MAITLAND FL 32751                  Property Address: 560 BROOKSIDE CIR MAITLAND 32751                  Subdivision Name: FOREST BROOK                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$133,896                  Depreciated EXFT Value: \$6,173                  Land Value (Market): \$31,000                  Land Value Ag: \$0                  Just/Market Value: \$171,069                  Assessed Value (SOH): \$125,781                  Exempt Value: \$25,500                  Taxable Value: \$100,281                  Tax Estimator</p>																												
<p style="text-align: center;"><b>SALES</b></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>SPECIAL WARRANTY DEED</td> <td>06/2001</td> <td>04129</td> <td>1741</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01130</td> <td>0846</td> <td>\$47,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01088</td> <td>1023</td> <td>\$48,500</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	06/2001	04129	1741	\$100	Improved	No	WARRANTY DEED	01/1977	01130	0846	\$47,000	Improved	No	WARRANTY DEED	01/1976	01088	1023	\$48,500	Improved	No	<p style="text-align: center;"><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$2,406                  2005 Tax Bill Amount: \$1,583                  Save Our Homes (SOH) Savings: \$823                  2005 Taxable Value: \$96,617                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																								
SPECIAL WARRANTY DEED	06/2001	04129	1741	\$100	Improved	No																								
WARRANTY DEED	01/1977	01130	0846	\$47,000	Improved	No																								
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<p style="text-align: center;"><b>LAND</b></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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>31,000.00</td> <td>\$31,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	31,000.00	\$31,000	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 27 FOREST BROOK PB 15 PG 2</p>																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
LOT	0	0	1.000	31,000.00	\$31,000																									
<b>BUILDING INFORMATION</b>																														
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																					
1	SINGLE FAMILY	1968	6	2,048	2,711	2,048	CONC BLOCK	\$133,896	\$164,290																					
	Appendage / Sqft		GARAGE FINISHED / 561																											
	Appendage / Sqft		UTILITY FINISHED / 90																											
	Appendage / Sqft		OPEN PORCH FINISHED / 12																											
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																														
<b>EXTRA FEATURE</b>																														
	Description	Year Blt	Units	EXFT Value	Est. Cost New																									
	ALUM SCREEN PORCH W/CONC FL	1979	290	\$986	\$2,465																									
	COOL DECK PATIO	1979	194	\$272	\$679																									
	POOL GUNITE	1980	450	\$3,600	\$9,000																									
	WOOD DECK	1980	504	\$1,008	\$2,520																									
	STUCCO WALL	1968	192	\$307	\$768																									
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.																														

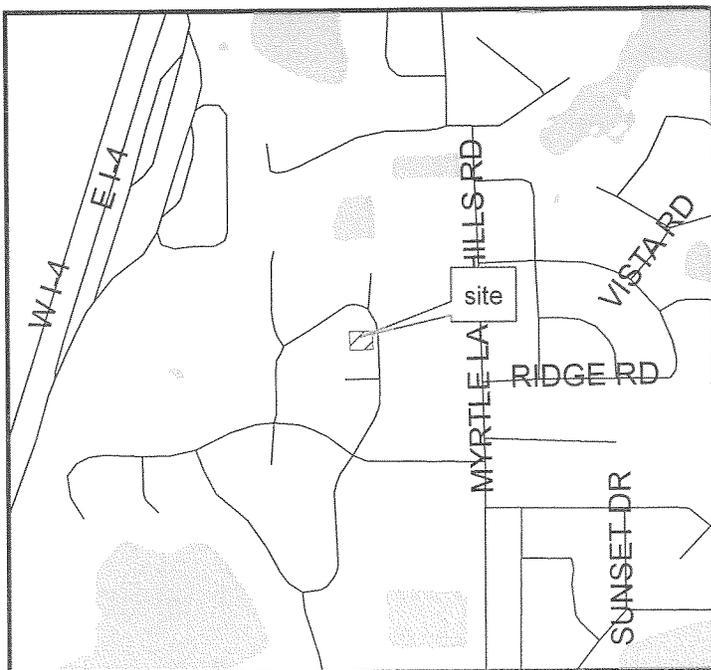
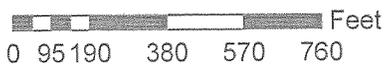
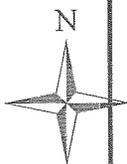
Wm. M. Lynch III  
P.O. Box 940246  
Maitland, FL 32794



Seminole County Board of Adjustment  
February 27, 2006  
Case: BV2006-006  
Parcel No: 28-21-30-503-0000-0270

**Zoning**

- |   |                |   |      |
|---|----------------|---|------|
|  | BV2006-006_Zon |  | R-3A |
|  | A-1            |  | RP I |
|  | R-1A           |  | C-1  |
|  | R-2            |   |      |



*LYNCH and ASSOCIATES, INC.*

*General Construction – Mortgage & Finance Brokers – Real Estate Brokers*

*P.O. Box 940246*

*Maitland, FL 32794-0246*

*407-830-4902 (off)*

*407-678-7679 (fax)*

January 9, 2006

Seminole County Board of Adjustment  
Sanford, Florida

Re: Rear Yard Variance Request for:

Ann O'Leary Property  
560 Brookside Circle  
Maitland, Fla. (Seminole Cty)

To Whom It May Concern:

The Owner is seeking a rear yard variance from <sup>30'</sup> to <sup>19'</sup> on the Seminole County portion of her total fee simple holdings which actually consist of adjacent Orange and Seminole County properties as described below and further described by survey and assessor attachments hereto.

Please note attached Tax Assessors print outs indicating that this parcel of ground is bisected in the rear portion by the Orange County/Seminole County line. The Orange County portion is listed on the Orange County printout as WasteLand. It is not developable now nor in the future by anyone because it is waste land, it is very mucky and there is no access from public right of way. The current Owners actual rear yard to the lake front from the rear of the current home is in excess of 100+ feet. This 100+ feet is significantly more than enough to allow the building of the New Master Bedroom that the owner wants to build. The Seminole County Zoning coordinator indicated variance would be needed if Owner were dealing only with the Seminole County portion of her total holdings. Hence this request.

As an alternative to this variance the Owner would be willing to perform a "Unity of Title" procedure in accord with Seminole County dictates or to sign and record a "Use Restriction Declaration" in Orange County restricting anyones future right to construct habitable buildings on the Orange County portion of this parcel.

This same Use Restriction could be recorded in Seminole County and be made pertinent to the Seminole County portion. If either of these are accomplishable and would then allow issue of the required Building Permit then so be it. If either suggestion is not acceptable, then Owner will want to proceed with variance request and process as quickly as possible.

The special conditions requiring this variance are that the property is being bisected by Orange and Seminole County lines and this condition was not created by Owner.

Granting the variance would not confer any special privilege enjoyed by other property owners per provisions of Chapter 30 wherein they had as much rear property as this owner but were not bisected by (2) county lines.

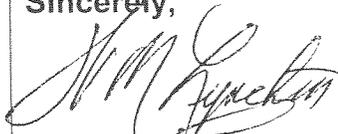
The literal interpretation of Chapter 30 when looking at the Seminole County portion only, if the variance were not granted would not grant this owner the same rights enjoyed by other property owners in same zoning classification and therefore would cause undue hardship on the applicant.

The variance requested is the minimum variance that would make possible the reasonable use of the land for the building addition as designed.

This Addition would not negatively impact the lakefront, nor any adjacent property owners, nor be detrimental to the public welfare.

With thanks for your earliest considerations,

Sincerely,



Wm. M. Lynch III  
General Contractor  
RG#0000325

**Attachments:**

1. Seminole County forms for variance w/\$150.00 fee
2. Color pictures of rear yard indicating distance to lakefront and significant land elevation drop off to lakefront.
3. Current survey with color modifications indicating Additions to be built and setbacks existing and to exist post construction.

Cc: Anne O'Leary



# Parcel Information

21 November 2005

Parcel:28-21-30-503-0000-0270  
 Property:560 BROOKSIDE CIR  
 MAITLAND, FL 32751  
 Owner:O'LEARY ANN M TRUSTEE  
 Mailing:FBO ANN M O'LEARY  
 560 BROOKSIDE CIR  
 MAITLAND, FL 32751 5123

TRY: 2006  
 TD: 01 COUNTY-TX DIST 1  
 DOR: 01 SINGLE FAMILY

Exemption	
00	HOMESTEAD
02	WIDOW

Homestead Year Granted: 1994

Legal: LEG LOT 27  
 FOREST BROOK  
 PB 15 PG 2

Amendment-10						
Amendment-10	Prior Year Total	Re Appraised	%	Addition	Total	%
Land Value	\$31,000	\$31,000			\$31,000	
Extra Features	\$6,173	\$6,173			\$6,173	
Building Value	\$135,129	\$133,896			\$133,896	
Income Value						
Total Just Value	\$172,302	\$171,069	-7		\$171,069	-7
Correct Assd/Admin Value						
Classified Value						
SOH Adjustment	-\$50,185	-\$45,288			-\$45,288	
Total Assessed Value	\$122,117	\$125,781	3		\$125,781	3

SALES								
Sale	Deed	Description	Sale Date	ORB Book	ORB Page	Sale Amt	V/I	QC
SU	SW	SPECIAL WARRANTY DEED	06/01/2001	04129	1741	\$100	I	12
SU	WD	WARRANTY DEED	01/01/1977	01130	0846	\$47,000	I	00
SU	WD	WARRANTY DEED	01/01/1976	01088	1023	\$48,500	I	00

LAND											
CODE	Land Rate	Ag Rate	Land Area	Frontage	D/T	Depth	Class Value	% Adj	Ovd	Reason	Just Value
AL	\$31,000.00	\$0.00	1.000				\$31,000	100%			\$31,000
Total:							\$31,000				\$31,000



# Parcel Information

21 November 2005

Parcel: 28-21-30-503-0000-0270  
 Bldg Num: 1  
 Base Built: 1968  
 Base Eff: 1968  
 Tax Roll Yr: 1968  
 Bldg Type:01 SINGLE FAMILY  
 Base Area: 2,048

APPENDAGE					
Seq	Code	Actual	Adj	Ovd	TRY
1	GRF	561	297		1968
2	UTF	90	48		1968
3	OPF	12	4		1968

BASE			
Floor	Height	Room	Fixture
1	0	0	6

STRUCTURAL ELEMENTS			
CODE	Description	Points	OVD
0002	CONT FTG A	6	
0101	SLB AVG	6	
0207	CONC BLK	27	
0300	NONE	0	
0402	GABLE/HIP	10	
0503	COMP SHNGL	5	
0612	CARPET	4	
0707	DRY WALL	28	
0808	HT/CLN PKG	5	
0903	AVERAGE	5	

## EXTRA FEATURES

Line	Code	Note	Area	RCN	Ovd	Blt	Eff	TRY	Depr-RCN	Bldg
1	0930	SCRN PATIO	290	\$2,465		79	79	79	\$986	1
2	0600	COOL DECK	194	\$679		79	79	79	\$272	1
3	0400	POOL GNITE	450	\$9,000		80	80	80	\$3,600	1
4	0630	WOOD DECK	504	\$2,520		80	80	80	\$1,008	1
5	1305	STUCCO WAL	192	\$768		68	68	68	\$307	1
Total:				\$15,432					\$6,173	

# Parcel - Full Report

## Property Information

Parcel ID # 29 21 30 0000 00 057  
Last Sale: \$100.00 Sale Date 06/01/1977 Sold \$/Sqft: --

County Orange County

Property Address  
City/State Zip Code  
Carr Route - Property Census Tract

## Ownership Information

Owner Name OLEARY ANN M Absentee Owner Y  
Mailing Address 560 BROOKSIDE CIR

City/State MAITLAND, FL Zip Code 32751-5123  
Country

## Legal Description

Legal Description FROM NE COR SE1/4 OF SEC RUN S 70 FT FOR POB TH RUN S 90.01 FT W 135 FT M/L TO LAKE WAUMPI TH NELY ALONG WATERS EDGE TO A PT BEARING N 89 DEG W FROM POB TH RUN E 75 FT M/L TO POB IN SEC 29-21-30

Section - Township - Range 29 - 21 - 30 Subdivision 0000 Block 00 Lot 057 Plat Book/Page  
Subdivision Name

## Assessed Value/Taxes

Land Value \$2,000.00 Tax Year 2004  
Just Land Value Tax Due \$36.62  
Improved Value \$0.00 Millage 18.3107  
Just Improved Value Exempt.: \$0  
Just Total Value \$2,000.00 Exemptions  
Assessed Value \$2,000.00

## Land and Building Descriptions

Cnty Use Cd WASTELAND (9600) Zoning PR  
State Use Cd SEWAGE DISPOSAL, SOLID WASTE, BORROW PIT (9600) Year Built  
Land Use Cd 9600 Effective Year Built  
Land 1 Desc WASTELAND Stories  
Land 1 Acres Heated Area  
Land 1 Units 1 LT Total Area  
Land 1 Dimensions Bedrooms  
Baths

## Building Structural Elements

Roof  
Ext Wall  
Int Wall  
Floor Finish  
A/C

## Condo Information

Unit Number  
Floor  
View  
Location

## Building Subareas:

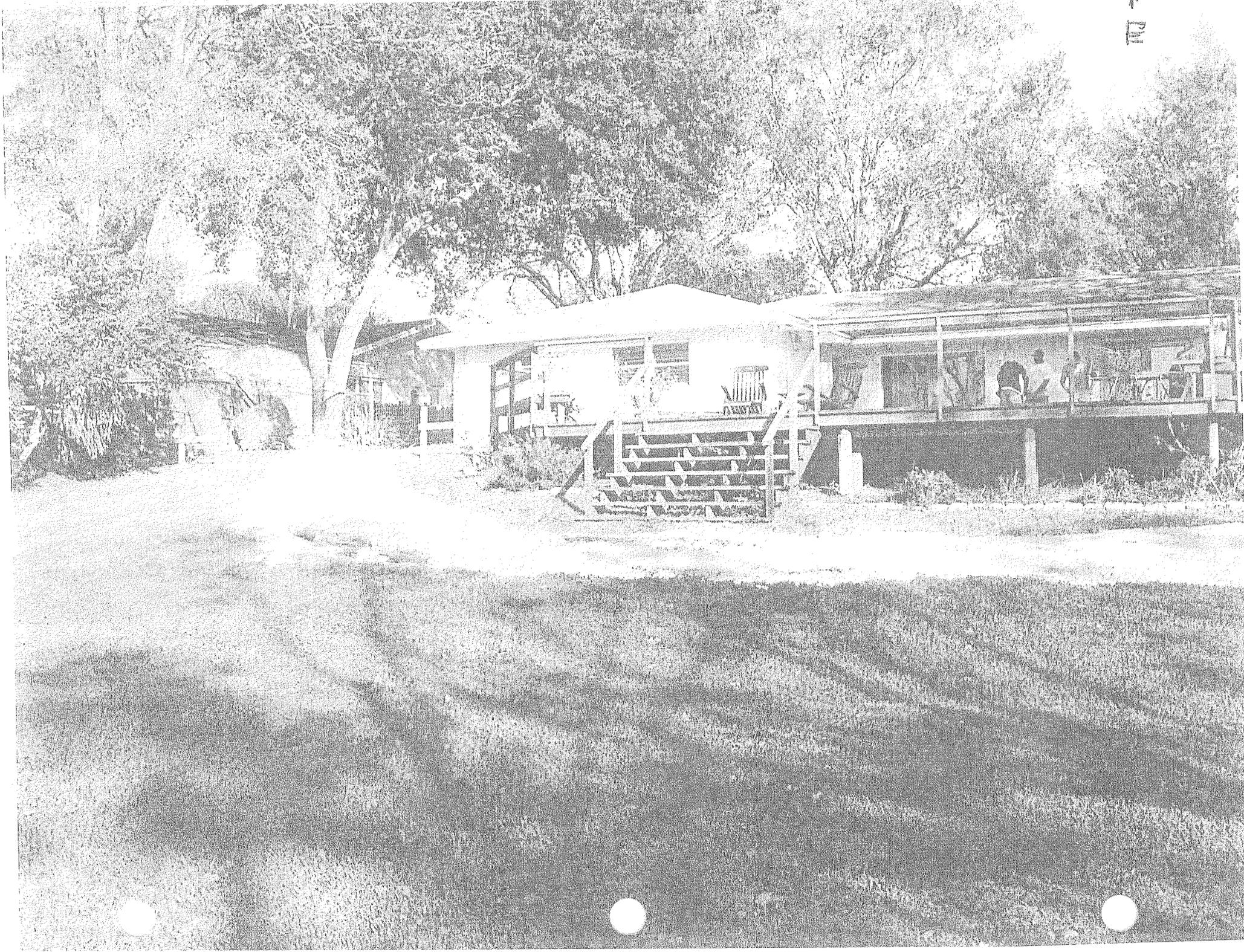
Extra Features:

## Sales History

Date	Price	Deed Type	OR Book/Page	Seller's Name
06/01/77	\$100	Warranty Deed	2860/0024	
05/01/77	\$100	Warranty Deed	2860/0023	
06/01/72	\$1,300	Warranty Deed	2183/0715	

Vendor ID 120952768981

ORANGE CTY





↑ W  
← S



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 27, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 27 FOREST BROOK PB 15 PG2

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

### FINDINGS OF FACT

**Property Owner:** Ann M. O'leary  
560 Brookside Cir.  
Maitland, FL 32751

**Project Name:** Brookside Circle (560)

#### **Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 19 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: