

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

**SUBJECT:** Request for a rear yard setback variance from 30 feet to 17.4 feet for a proposed addition in the R-1AA (Single-Family Dwelling District); (Michelle & Reginald Young, applicants).

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

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

**Agenda Date** 3/27/06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 17.4 feet for a proposed addition in the R-1AA (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 17.4 feet for a proposed addition in the R-1AA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> Michelle & Reginald Young <b>LOCATION:</b> 5761 Oak Lake Trail <b>ZONING:</b> R-1AA (Single-Family Dwelling District)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 300 square foot addition to an existing single-family home that would encroach 12.6 feet into the minimum 30 foot rear yard setback; the aforementioned variance is thereby requested.</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>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <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,</li> </ul>

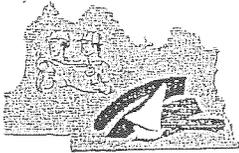
	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 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>

COMMISSION DISTRICT #:

GUI ZONED: R-1AA SEC: 32 TWP: 21 RNG: 31  
 PROJ. #

<b>DEVELOPMENT:</b> Estates at Aloma Woods Phase 3		<b>DEVELOPER:</b> CFG Real Estate Group, Inc.	
<b>LOCATION:</b> 63 lots			
<b>FILE#:</b>	<b>BA:</b>	<b>SP:</b>	<b>BCC:</b>
<b>P&amp;Z:</b>			
<b>PB</b> 54	<b>PG</b> 15-17	<b>Lot</b>	<b>Blk</b>
		<b>Parcel</b>	<b>DBA</b>
			<b>Comm Dist</b>
<b>DEVEL. ORDER #:</b>		<b>TAX PAR. I.D. #:</b>	
<b>SIDEWALKS:</b>		<b>SETBACK REQUIREMENTS</b>	
		<b>FY:</b> 25	<b>SIDE ST.:</b> 25
		<b>SY:</b> 10	<b>RY:</b> 30
<b>ROAD TYPE:</b> (CURB & GUTTER OR SWALE)		<b>MAIN STRUCTURE OTHER:</b>	
<b>COMMENTS OTHER:</b> Original Arbor Permit: 3 trees to be retained on each lot, if not, transplanted trees shall be a minimum of 7' tall and have a minimum of 2" caliper.  No D.O. for Plat; Plat Recorded 6/26/98		<b>ACCESSORY STRUCTURE SETBACKS:</b>	
		<b>SY:</b> 10	<b>RY:</b> 10
		<b>ACCESSORY STRUCTURE OTHER:</b> Attached: comply with setbacks for main building.	

IMPACT FEES	
<b>SCREEN:</b>	
<b>TRAFFIC ZONE:</b>	79
<b>LAND USE:</b>	01
1. ROAD-CO. WIDE	705.00
2. ROAD-COLL.	235.00
3. LIBRARY	54.00
4. FIRE	172.00
5. PARK	
6. SCHOOL	1,384.00
7. LAW	
8. DRAINAGE	
<b>TOTAL</b>	<b>\$2,550.00</b>
<b>REMARKS:</b> Sidewalk, curb & gutter	



**COPY** 11  
 APPL. NO. BV 2006-019

**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 SET BACK VARIANCE FROM 30 FT. TO 17.4 FT. FOR A PROPOSED ADDITION.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION  MEDICAL **HARDSHIP**
- NIGHT WATCHMAN  FAMILY **HARDSHIP**
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_  TIME NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Michelle + Reynaldo Young</u>	
ADDRESS	<u>5761 Oak Lake Trail</u>	
	<u>Oviedo, Fl. 32765</u>	
PHONE 1	<u>407-971-4349</u>	
PHONE 2		
E-MAIL	<u>MDYshell@aol.com</u>	

PROJECT NAME: Mother In-Law Suite  
 SITE ADDRESS: 5761 Oak Lake Trail  
 CURRENT USE OF PROPERTY: Residential  
 LEGAL DESCRIPTION: \_\_\_\_\_

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 32-21-31-5NT-0000-1380  
 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 3, 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.  
Mrs. Michelle D. Young 1/24/06  
 SIGNATURE OF OWNER OR AGENT\* DATE

**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) 160.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1AA / LOR

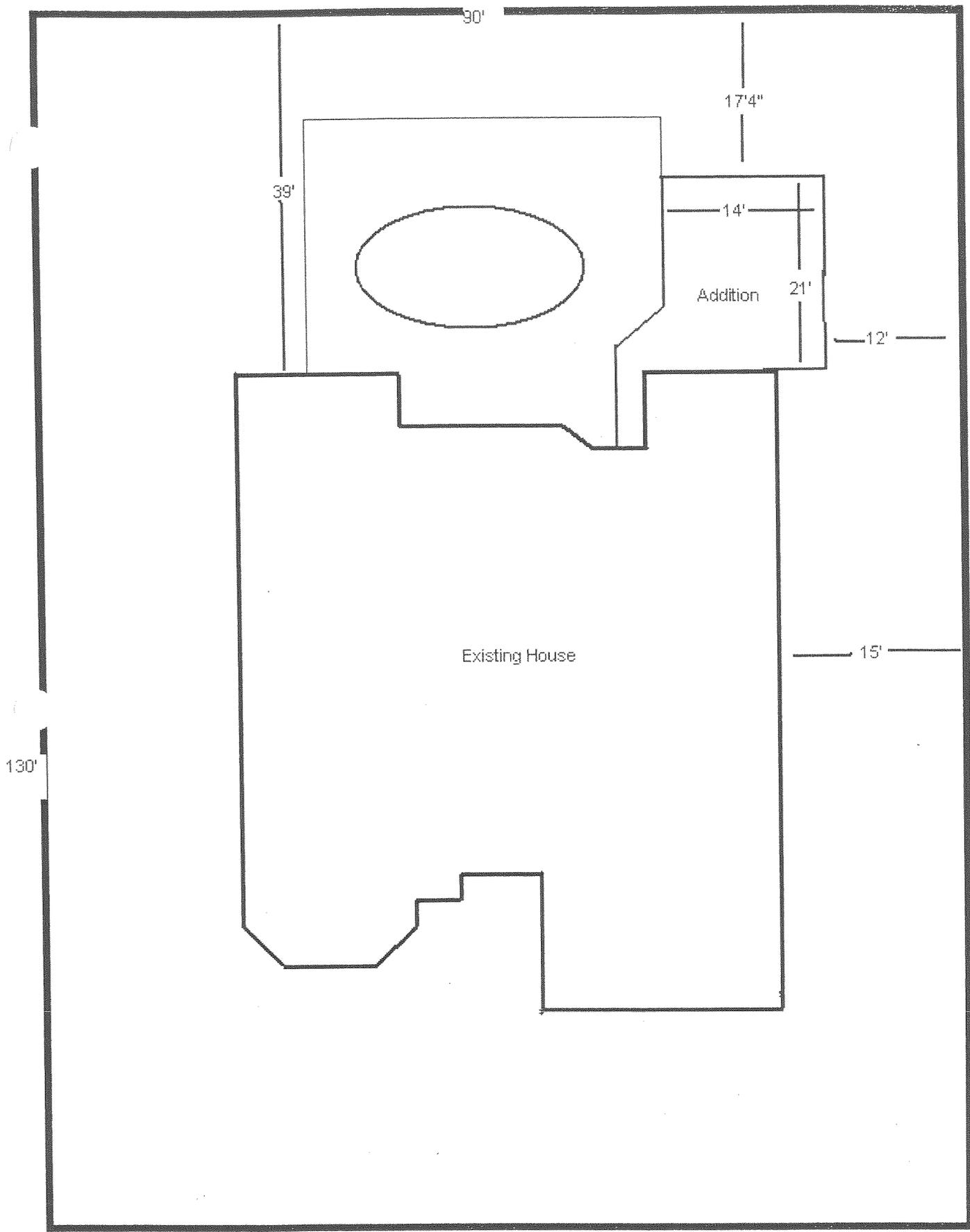
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNING ADVISOR \_\_\_\_\_

DATE

SUFFICIENCY COMMENTS Call app for new site plan

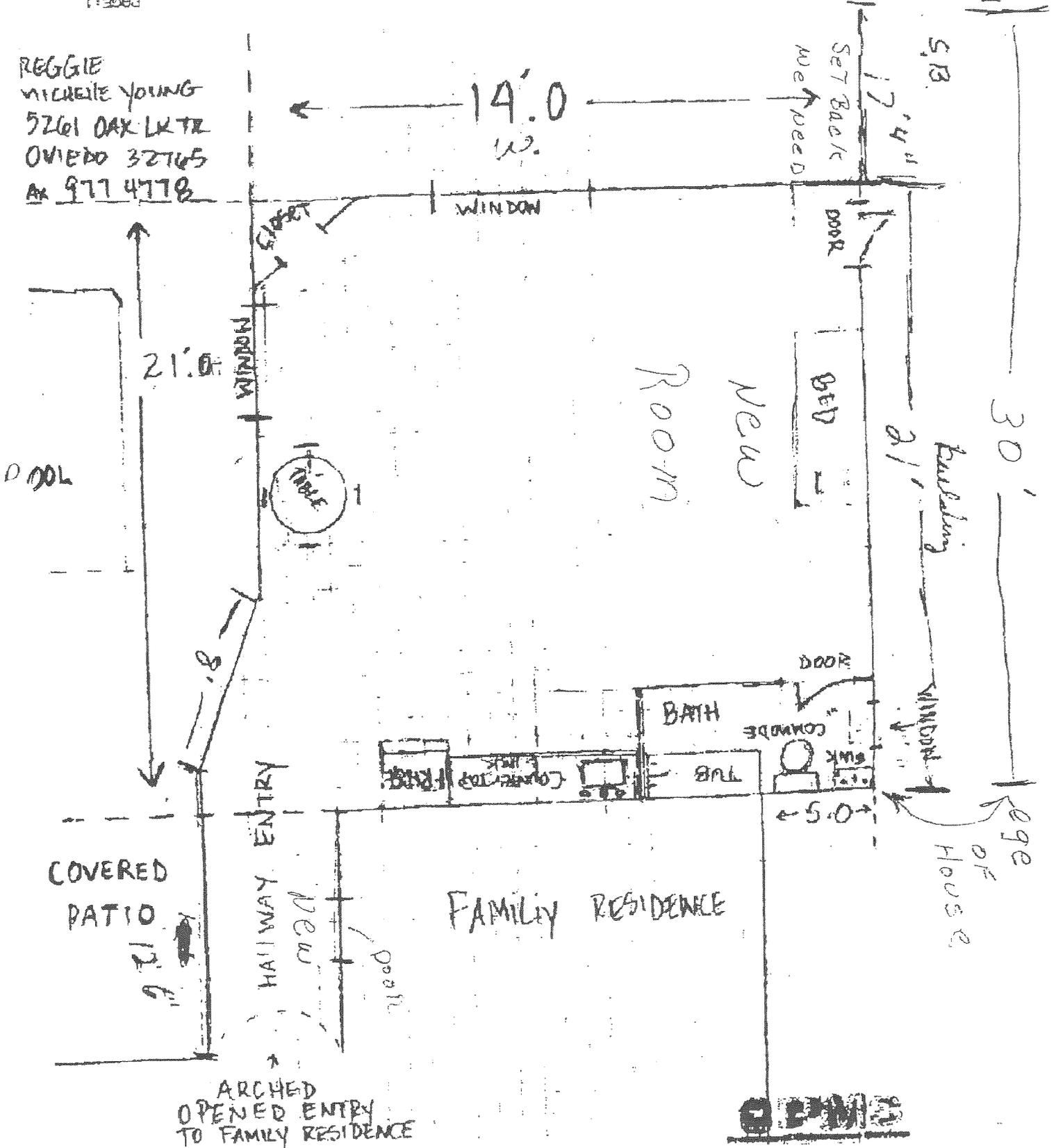


Michelle & Reggie Young  
5761 Oak Lake Trail  
Oviedo FL 32765  
BV 2006-019

DEC 13 2005 TUE 10:04AM IN:

PAGE: 1

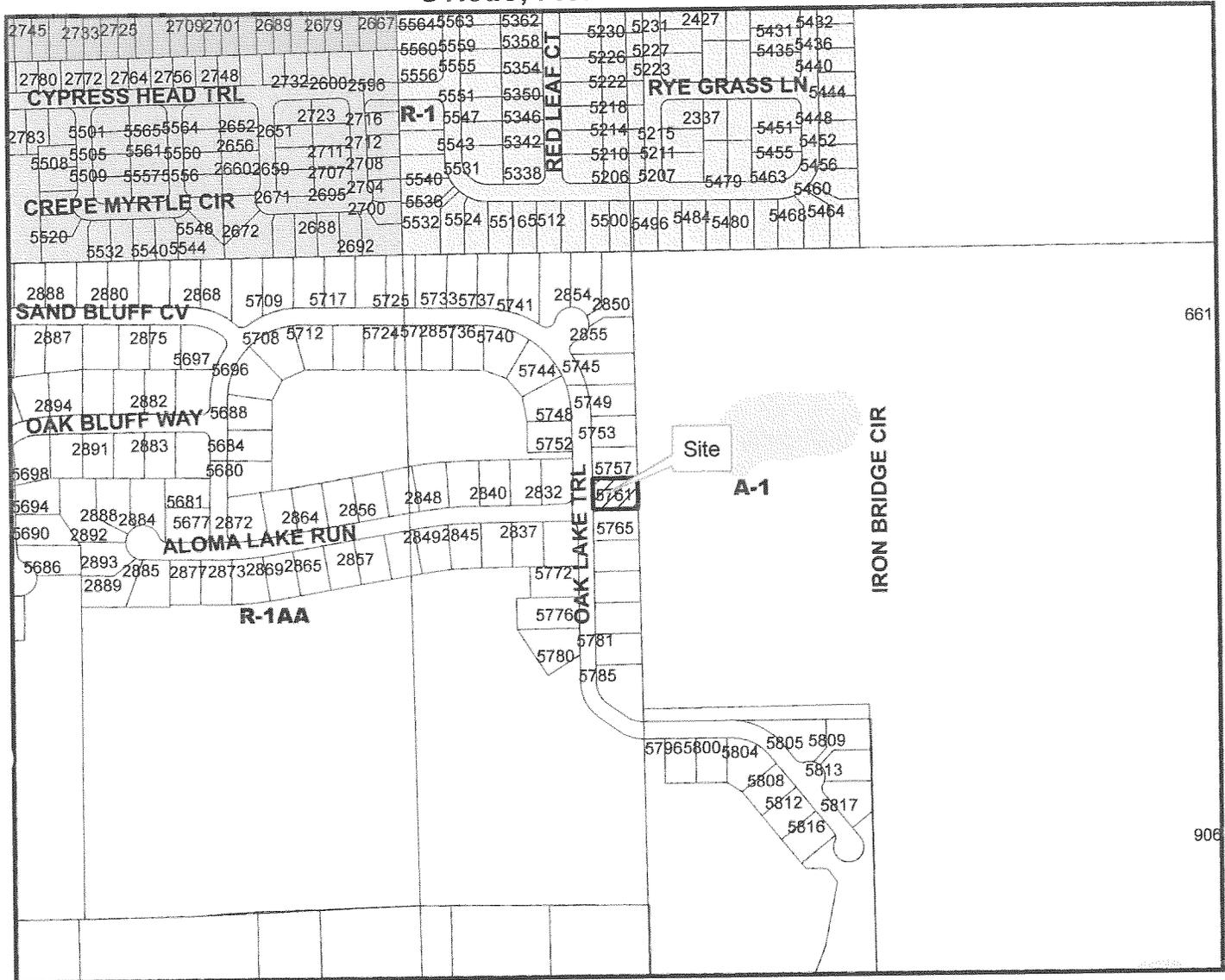
REGGIE  
MICHELLE YOUNG  
5261 OAK LK TR  
OVIDO 32765  
AK 977 4778



SET BACK  
edge of house



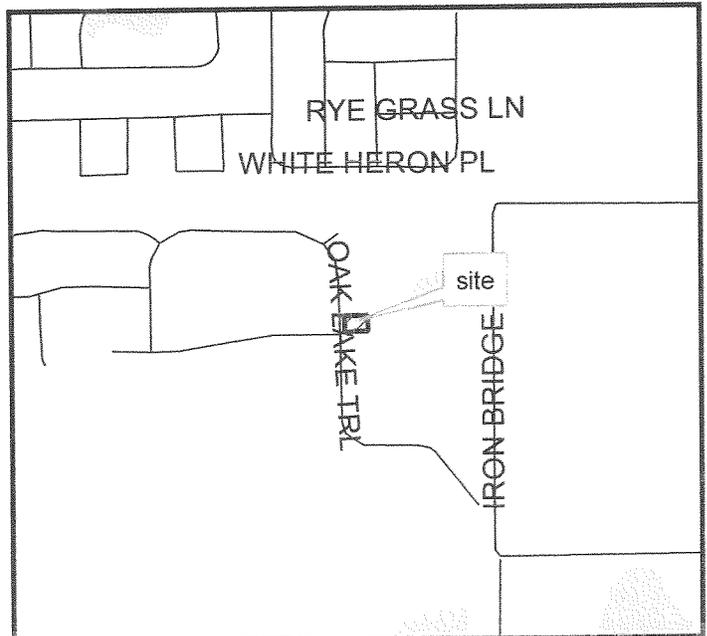
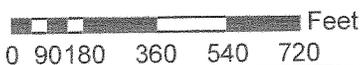
**Reginald & Michelle Young  
5761 Oak Lake Trail  
Oviedo, Florida 32765**

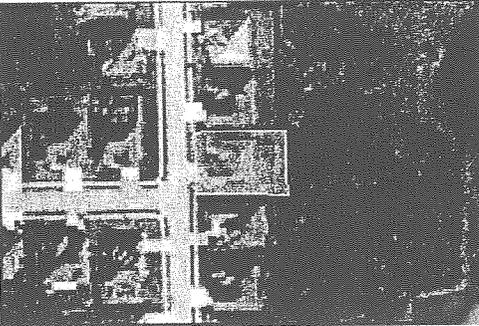


**Seminole County Board of Adjustment**  
**March 27, 2006**  
**Case: BV2006-019**  
**Parcel No: 32-21-31-5NT-0000-1380**

**Zoning**

- |   |            |   |       |
|---|------------|---|-------|
|  | BV2006-019 |  | R-1   |
|  | A-1        |  | R-1B  |
|  | R-1AA      |  | R-1BB |



<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>2 B O</p> <p>OAK LAKE TRL</p>	<p>135</p> <p>131 132</p> <p>139 133</p> <p>140</p>	<p>136</p> <p>137</p> <p>138</p> <p>139</p> <p>140</p>																																																																		
<p><b>GENERAL</b></p> <p>Parcel Id: 32-21-31-5NT-0000-1380</p> <p>Owner: YOUNG REGINALD D &amp; MICHELLE D</p> <p>Mailing Address: 5761 OAK LAKE TRL</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 5761 OAK LAKE TRL OVIEDO 32765</p> <p>Subdivision Name: ESTATES AT ALOMA WOODS PH 3</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p> <p style="font-size: 2em; color: blue; margin-left: 200px;">R-1AA LOR</p>			<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$252,907</p> <p>Depreciated EXFT Value: \$17,157</p> <p>Land Value (Market): \$42,800</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$312,864</p> <p>Assessed Value (SOH): \$279,500</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$254,500</p> <p>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>WARRANTY DEED</td> <td>09/2000</td> <td>03956</td> <td>0083</td> <td>\$247,600</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>10/1999</td> <td>03741</td> <td>0370</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1999</td> <td>03693</td> <td>0854</td> <td>\$303,000</td> <td>Vacant</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	WARRANTY DEED	09/2000	03956	0083	\$247,600	Improved	Yes	CORRECTIVE DEED	10/1999	03741	0370	\$100	Vacant	No	WARRANTY DEED	07/1999	03693	0854	\$303,000	Vacant	No	<p><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$4,751</p> <p>2005 Tax Bill Amount: \$4,037</p> <p>Save Our Homes (SOH) Savings: \$714</p> <p>2005 Taxable Value: \$246,359</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																						
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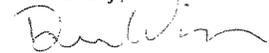
Dear Miss Johnson,

We would like to take this opportunity to give our endorsement to Mr. and Mrs. Young in their endeavor to add an addition to their home. They have been our neighbors for over three years now and we live just four houses down on the same street. We consider them to be model neighbors and they have always acted within the standards set forth by our community.

We understand that this addition to their home is necessary for the health and wellbeing of Mrs. Young's mother, Loretta Little. She will make a wonderful addition to our community as a resident.

We are confident that the Youngs will comply with all community standards that exist, and we are convinced the value of our community can only be enhanced by allowing the Youngs to make the necessary alterations to their home.

Sincerely,



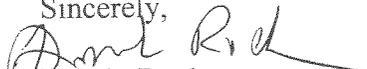
5780 Oak Lake Trail  
Oviedo, FL 32765

3/16/06

Dear Patty,

I am writing this letter in reference to the addition that Reggie and Michelle Young are proposing to add to the rear of their home. I have reviewed the plans and feel comfortable in knowing that this addition will not change the appearance of their house in a negative way. I reside at 2841 Aloma Lake Run, and I have a direct view of Michelle and Reggie's home. I am aware that this addition is for the purpose of allowing Michelle's elderly mother the opportunity to live in a safe and comfortable environment. She will be a welcome addition to our neighborhood.

Sincerely,

  
Kristin Rocker

Larry & Ramena Howard  
5757 Oak Lake Trail  
Oviedo, Fl 32765

Seminole County Planning & Zoning,

I am writing concerning the add-on to the home at 5761 Oak Lake Trail. We have no problems with the right rear addition for Mrs. Young ill elderly mother. As the Youngs right side next door neighbor, we would consider the extra room add-on as an enhancement to the home and the neighborhood.

Sincerely,

Ramena Howard  
&  
Larry Howard

B12006-019

*Dawn & George Sumrall*  
*2832 Aloma Lake Run*  
*Oviedo, FL 32765-7391*  
*(407) 977-0165*

March 9, 2006

Seminole County Planning and Zoning  
ATTN: Ms. Patty Johnson  
1101 E. First Street  
Sanford, FL 32771-1468

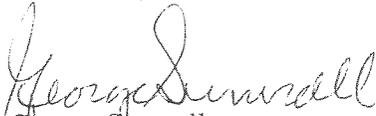
Dear Ms. Johnson,

We are neighbors of Reginald and Michelle Young who live at 5761 Oak Lake Trail (Parcel Number 32-21-31-5NT-0000-1380).

As you are aware, Reggie and Michelle would like to add an addition to the right rear of their house to accommodate the needs of Michelle's elderly mother who will be living with them.

We are comfortable with and support the Young's plans to add an addition to the right rear of their house.

Sincerely,

  
George Sumrall

  
Dawn Sumrall

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LOT 138 ESTATES AT ALOMA WOODS PH 3 PB 54 PGS 15 THRU 17

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

### FINDINGS OF FACT

**Property Owner:** Michelle & Reginald Young  
5761 Oak Lake Trail  
Oviedo, FL 32765

**Project Name:** Oak Lake Trail (5761)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 17.4 feet for a proposed addition in the R-1AA (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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: