

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a rear yard setback variance from 30 feet to 7.5 feet for an existing shed in the R-1 (Single-Family Dwelling District); (Allan Williams, applicant).

**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 7.5 feet for an existing shed in the R-1 (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 7.5 feet for an existing shed in the R-1 (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> Allan Williams <b>LOCATION:</b> 213 Temple Avenue <b>ZONING:</b> R-1 (Single-Family Dwelling District)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant erected a shed that encroaches 22.5 feet into the minimum 30 foot rear yard setback, respectively. The aforementioned variance is requested.</li> <li>• The applicant constructed a 20' x 12' shed without a building permit; a notice of violation from the Seminole County Code Enforcement division was subsequently issued on 5/11/06.</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>• The shed can be relocated on the property to comply with the Seminole County Land Development Code.</li> <li>• No special conditions or circumstances exist, which</li> </ul>

	<p>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.</p> <ul style="list-style-type: none"><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 shed 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>

**COPY**



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX

01-30-06P01:06

APPL. NO. BV2006-025

**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 SETBACK VARIANCE FROM 30 FT. TO 7.5 FT. FOR AN EXISTING SHED.
- SPECIAL EXCEPTION**
- LIMITED USE** 01-30-06P01:06

- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED \_\_\_\_\_

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	<u>Lilian Howell</u>	NAME	<u>Alan Williams</u>
ADDRESS	<u>213 Temple Avenue</u>	ADDRESS	<u>9955 Bawl Way</u>
	<u>Casselberry Fl. 32730</u>		<u>Ocala Fl. 32517</u>
PHONE 1	<u>407 583 7182</u>	PHONE 1	<u>407 673 7407</u>
PHONE 2		PHONE 2	<u>407 252 8074 (cell)</u>
E-MAIL		E-MAIL	<u>alanbw@earthlink.net</u>

PROJECT NAME: 213 Temple Avenue  
 SITE ADDRESS: 213 Temple Avenue, Casselberry, Fl.  
 CURRENT USE OF PROPERTY: Residence  
 LEGAL DESCRIPTION: Leg Lot 7 BIK B Fern Terrace P11 PG 28

SIZE OF PROPERTY: 11948F acre(s) PARCEL I.D. 19-21-30-507-0800-0070  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

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.

Alan B. Williams SIGNATURE OF OWNER OR AGENT\* January 30, 2006 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): 150.00

COMMISSION DISTRICT

FLU/ZONING

R-1 / LDR

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

ML

DATE

4/30/06

SUFFICIENCY COMMENTS

Per 7.5 Pt of 205 S.P. 7/1-5/12/06

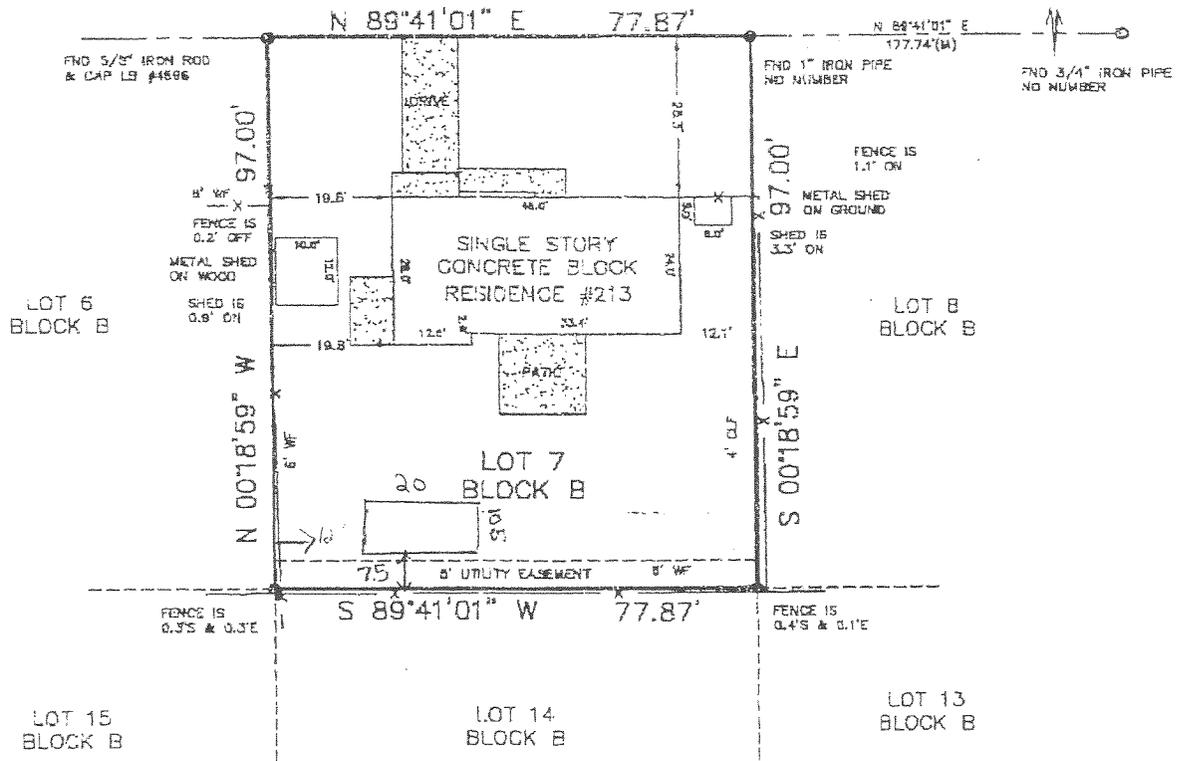
# PLAT OF SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 7, BLOCK B, FERN TERRACE, ACCORDING TO THE PLAT THEREOF,  
RECORDED IN PLAT BOOK 11, PAGE 28, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

## TEMPLE AVENUE

50' PLATTED RIGHT-OF-WAY  
ASPHALT ROADWAY

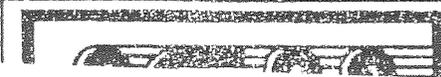


### LEGEND:

- DENOTES FND 1/2" IRON ROD NO NUMBER
- R DENOTES RADIUS
- Δ DENOTES DELTA ANGLE
- L DENOTES ARC LENGTH
- CB CHORD BEARING
- RIGHT OF WAY LINE
- (P) PER PLAT
- (M) MEASURED
- FND FOUND
- CONCRETE
- BC BUILDING CORNER
- LS LAND SURVEYING BUSINESS
- PRM PERMANENT REFERENCE MONUMENT
- PCP PERMANENT CONTROL POINT
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- PC POINT OF CURVATURE
- CLF CHAIN LINK FENCE
- WF WOOD FENCE
- TYP TYPICAL
- A/C AIR CONDITIONER
- CBW CONCRETE BLOCK WALL
- RP RADIUS POINT
- OHU OVERHEAD UTILITY LINE

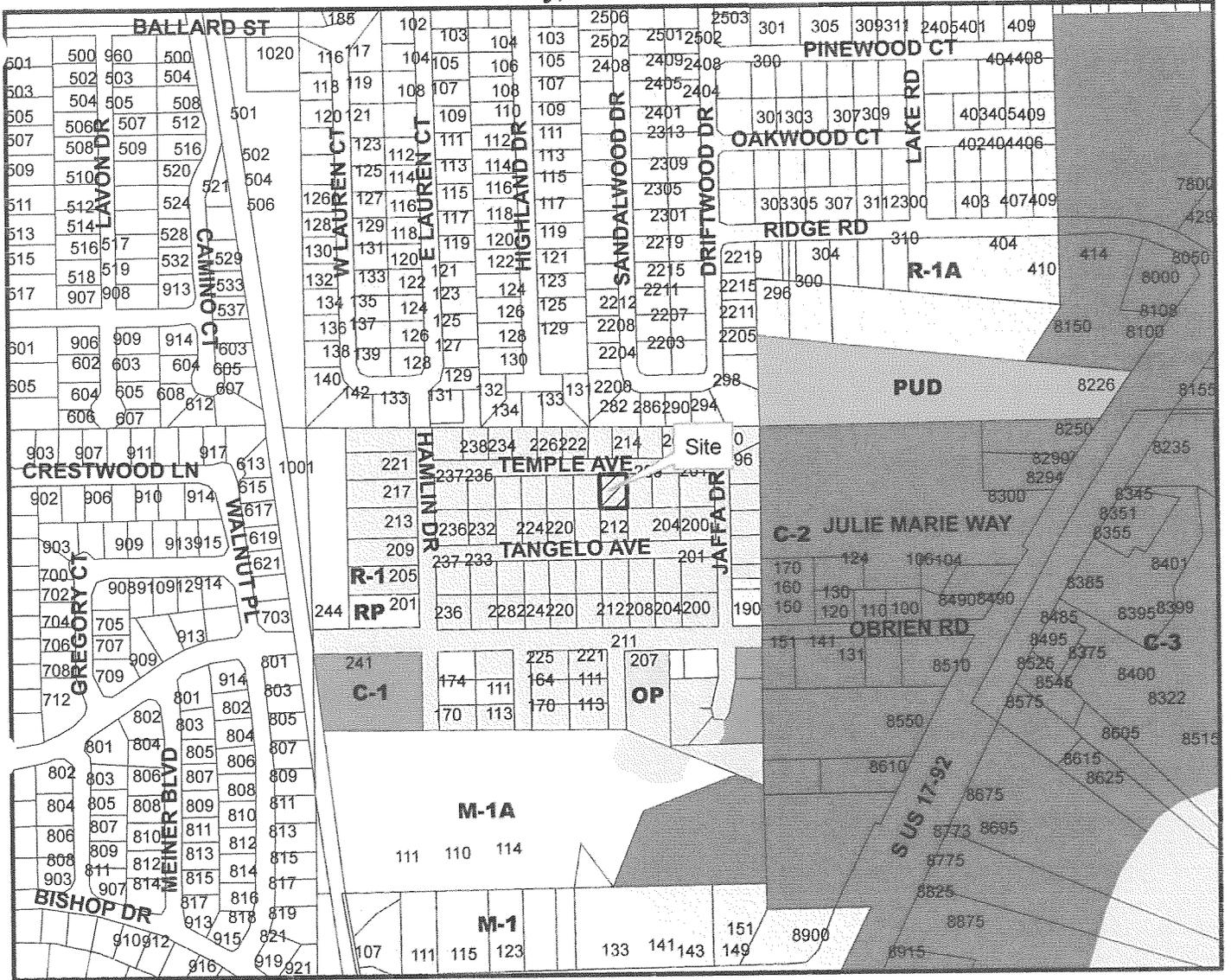
TO:  
I. NOUVEL  
COUNTRY MORTGAGE  
TITLE AGENCY  
WEALTH LAND TITLE INSURANCE COMPANY

EXAMINED THE F.I.R.M. COMMUNITY PANEL  
ON 04/25/93 DATED 4/17/93 AND FOUND



1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND OR UNDERGROUND IMPROVEMENTS HAVE BEEN

Lillian Nouvel  
 213 Temple Avenue  
 Casselberry, Florida 32730

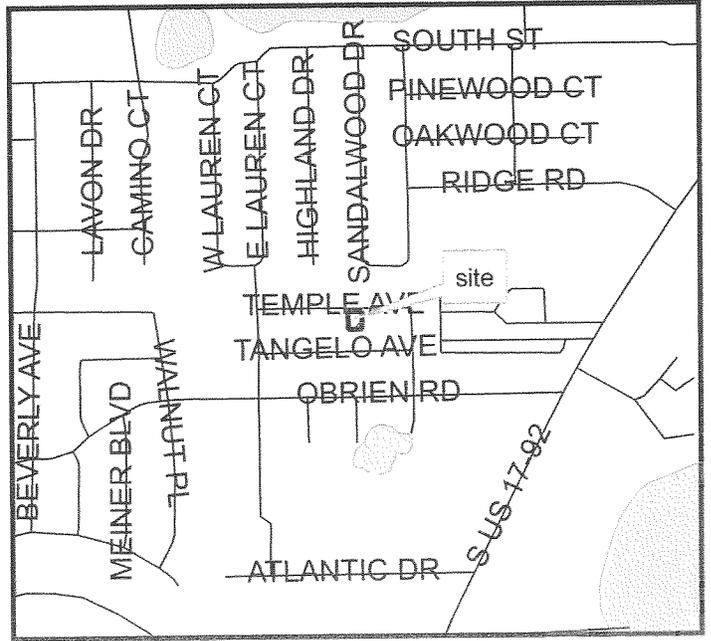


**Seminole County Board of Adjustment**  
 March 27, 2006  
 Case: BV2006-025  
 Parcel No: 19-21-30-507-0B00-0070

**Zoning**

	BV2006-025		RP I		M-1A
	A-1		OP		M-1
	R-1AA		C-1		PUD
	R-1A		C-2		
	R-1		C-3		

N



<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		17.0 17.D 17.C 4 5 6 A 8 9 10 11 12 13 TEMPLE AVE 3 4 5 6 7 8 9 10 18 17 16 B 15 14 12.0 13 12 11 TANGELO AVE 5 6 7 8 9 JAFFA DR																																					
<b>GENERAL</b> Parcel Id: 19-21-30-507-0B00-0070 Owner: NOUVEL LILLIAN M Mailing Address: 213 TEMPLE AVE City,State,ZipCode: CASSELBERRY FL 32730 Property Address: 213 TEMPLE AVE CASSELBERRY 32707 Subdivision Name: FERN TERRACE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY		<b>2006 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$52,678 Depreciated EXFT Value: \$0 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$87,678 Assessed Value (SOH): \$55,896 Exempt Value: \$25,000 Taxable Value: \$30,896 Tax Estimator																																					
<b>SALES</b> <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>WARRANTY DEED</td> <td>03/2001</td> <td>04029</td> <td>1484</td> <td>\$72,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1993</td> <td>02552</td> <td>1300</td> <td>\$54,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1992</td> <td>02450</td> <td>0869</td> <td>\$52,700</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1992</td> <td>02391</td> <td>0087</td> <td>\$38,000</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	03/2001	04029	1484	\$72,500	Improved	Yes	WARRANTY DEED	02/1993	02552	1300	\$54,000	Improved	Yes	WARRANTY DEED	07/1992	02450	0869	\$52,700	Improved	Yes	WARRANTY DEED	02/1992	02391	0087	\$38,000	Improved	No	<b>2005 VALUE SUMMARY</b> Tax Value(without SOH): \$1,039 2005 Tax Bill Amount: \$480 Save Our Homes (SOH) Savings: \$559 2005 Taxable Value: \$29,268 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS		
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PLANNING AND DEVELOPMENT DEPARTMENT

BUILDING AND FIRE INSPECTIONS



January 17, 2006

CERTIFIED 7005 0390 0001 9299 3702

Lillian Nouvel  
213 Temple Ave  
Casselberry, FL 32730

**RE: FINAL NOTICE BEFORE REFERRAL TO CODE ENFORCEMENT BOARD  
PARCEL ID 19 21 30 507 0B00 0070, 213 TEMPLE AVE, CASSELBERRY, FL  
CASE NO 05-364**

Dear Property Owner and all Interested Parties:

Despite previous notification, our records indicate that the following violation(s) continue(s) to exist at the above mentioned property.

"Constructing a shed in back yard with a metal roof, installing a shed on right side of house, constructing a lean to carport on right side of house, and enclosing original carport all without permits"

Each violation shall be corrected within 7 days of receipt of this letter. Failure to comply will result in formal charges brought before the Seminole County Code Enforcement Board. The Board has been granted the authority to levy fines in an amount up to \$250.00 per day for every day the violation(s) exists.

Please contact Tom Helle at 407.665.7338 for any further information. Thank you for your cooperation in this matter.

Sincerely,

Seminole County,  
Building & Fire Inspection Division

TB

## 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:

LEG LOT 7 BLK B FERN TERRACE PB 11 PG 28

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

### FINDINGS OF FACT

**Property Owner:** Lillian Nouvel  
213 Temple Ave.  
Casselberry, FL 32730

**Project Name:** Temple Avenue (213)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 7.5 feet for an existing shed in the R-1 (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 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 \_\_\_\_\_ 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: