

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 16 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Robert & Linda Cooper, applicants).

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

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

Agenda Date 4/24/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 16 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 16 feet for a proposed addition in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Robert & Linda Cooper LOCATION: 2147 Elmcrest Place ZONING: R-1A (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a room addition that would encroach 14 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The proposed construction would be an approximately 680 square foot room addition (20' x 34') to the rear of the existing single-family home. • There is no record of prior variances having been granted for this property. • There are currently no code enforcement or building violations 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">• 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.• 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.• 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 rear yard 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
 APPL. NO. 665-00-039

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** Request for a Rear Yard set back from 30 ft to 16 ft
 - 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
 - APEAL FROM DECISION OF THE PLANNING MANAGER**

PLANNING DIVISION
 RECEIVED
 FEB 22 2006

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Robert & Linda Cooper	
ADDRESS	2147 Elmcrest Pl Oviedo, FL 32765	
PHONE 1	407-542-6448	
PHONE 2	407-312-6880	
E-MAIL	lcooper60@cfl.rr.com	

RECEIVED
 FEB 22 2006
 PLANNING DIVISION

PROJECT NAME: Room Addition
 SITE ADDRESS: 2147 Elmcrest Pl Oviedo, FL 32765
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: Lot 108, Block C, Tuska Ridge Unit Two, according to the plat thereof, as recorded in Plat Book 40, Page(s) 66-68, of the Public Records of Seminole County, FL
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. _____
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER 20-21-31-5RP-0000-1080
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 4/24/06 (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.

Robert Cooper

SIGNATURE OF OWNER OR AGENT*

2/22/06
 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

FLU / ZONING

R-1A/LDR

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR JS

DATE

SUFFICIENCY COMMENTS What is the variance for? Dimensional

Legal Description

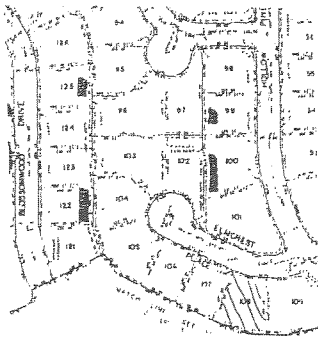
Lot 108, Block C, TUSKA RIDGE UNIT TWO, according to the plat thereof, as recorded in Plat Book 40, Page(s) 66-68, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0165
 Suffix: E F.I.R.M. Date: 4/17/95 Flood Zone: X
 Date of field work: 5/16/02 Completion Date: 5/16/02

Certified to
 Robert H. Cooper; Linda A. Cooper; Mortgagee Title Services, Inc.;
 American Pioneer Title Insurance Company; Fairwinds Credit Union,
 its successors and/or assigns

CURVE TABLE (M)					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C-1	196.78'	76.36'	22-14'00"	75.88'	S77-14'42"E
C-2	196.78'	4.99'	01-27'15"	4.99'	S62-03'23"E

CURVE TABLE (M)					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C-1	196.78'	76.48'	22-16'18"	76.00'	-----
C-2	196.78'	4.75'	01-23'17"	4.75'	-----



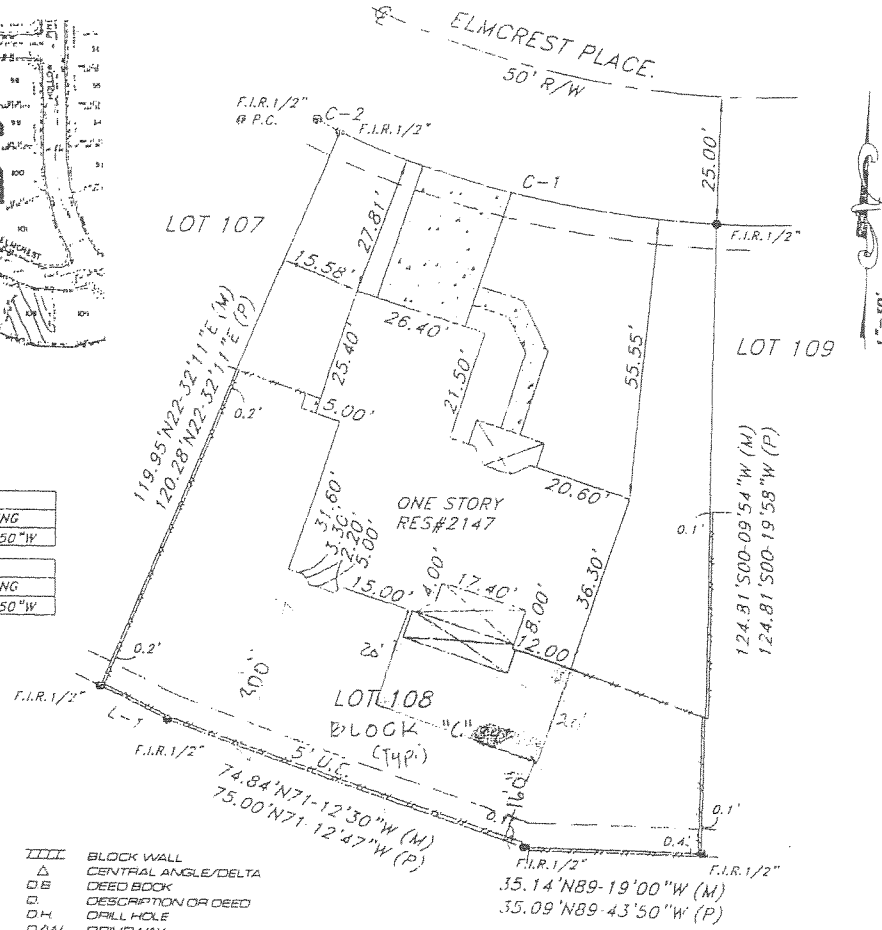
LINE TABLE (M)		
LINE	LENGTH	BEARING
L-1	14.99'	N65-21'50"W

LINE TABLE (P)		
LINE	LENGTH	BEARING
L-1	13.00'	N65-21'50"W

Property Address:
 2147 Elmcrest Place
 Oviedo, FL 32765

Survey number: SL 8092

LEGEND	WOOD FENCE WIRE FENCE FOUND NAIL PROPERTY CORNER RECORD FIELD MEASURED CALCULATED CLEAR ENCROACHMENT CENTERLINE CONCRETE PROPERTY LINE CONCRETE MONUMENT FOUND IRON ROD FOUND IRON PIPE RIGHT OF WAY NAIL & DISK DRAINAGE EASEMENT UTILITY EASEMENT FOUND PLAT ASPHALT OVERHEAD UTILITIES POWER POLE TRANSFORMER CABLE RISER WATER METER TELEPHONE FACILITIES COVERED AREA BEARING REFERENCE CHORD RADIAL NON RADIAL AIR CONDITIONER BENCHMARK CATCH BASIN CALCULATED	BLOCK WALL CENTRAL ANGLE/DELTA DEED BOOK DESCRIPTION OR DEED DRILL HOLE DRIVEWAY EASEMENT ELEVATION FINISHED FLOOR FOUND CONCRETE MONUMENT FOUND PARKER-KALON NAIL LENGTH LIMITED ACCESS EASEMENT MANHOLE NOT TO SCALE OFFICIAL RECORDS OFFICIAL RECORDS BOOK PERMANENT CONTROL POINT PERMANENT REFERENCE MONUMENT PAGE PAVEMENT PLAT BOOK POINT OF BEGINNING POINT OF COMMENCEMENT POINT ON LINE POINT OF CURVATURE POINT OF REVERSE CURVATURE POINT OF TANGENCY RADIUS (RADIAL) ROOF OVERHANG EASEMENT SET IRON ROD & CAP SIDEWALK TEMPORARY BENCH MARK TOP OF BANK TYPICAL WITNESS CORNER EXISTING ELEVATION EDGE OF WATER
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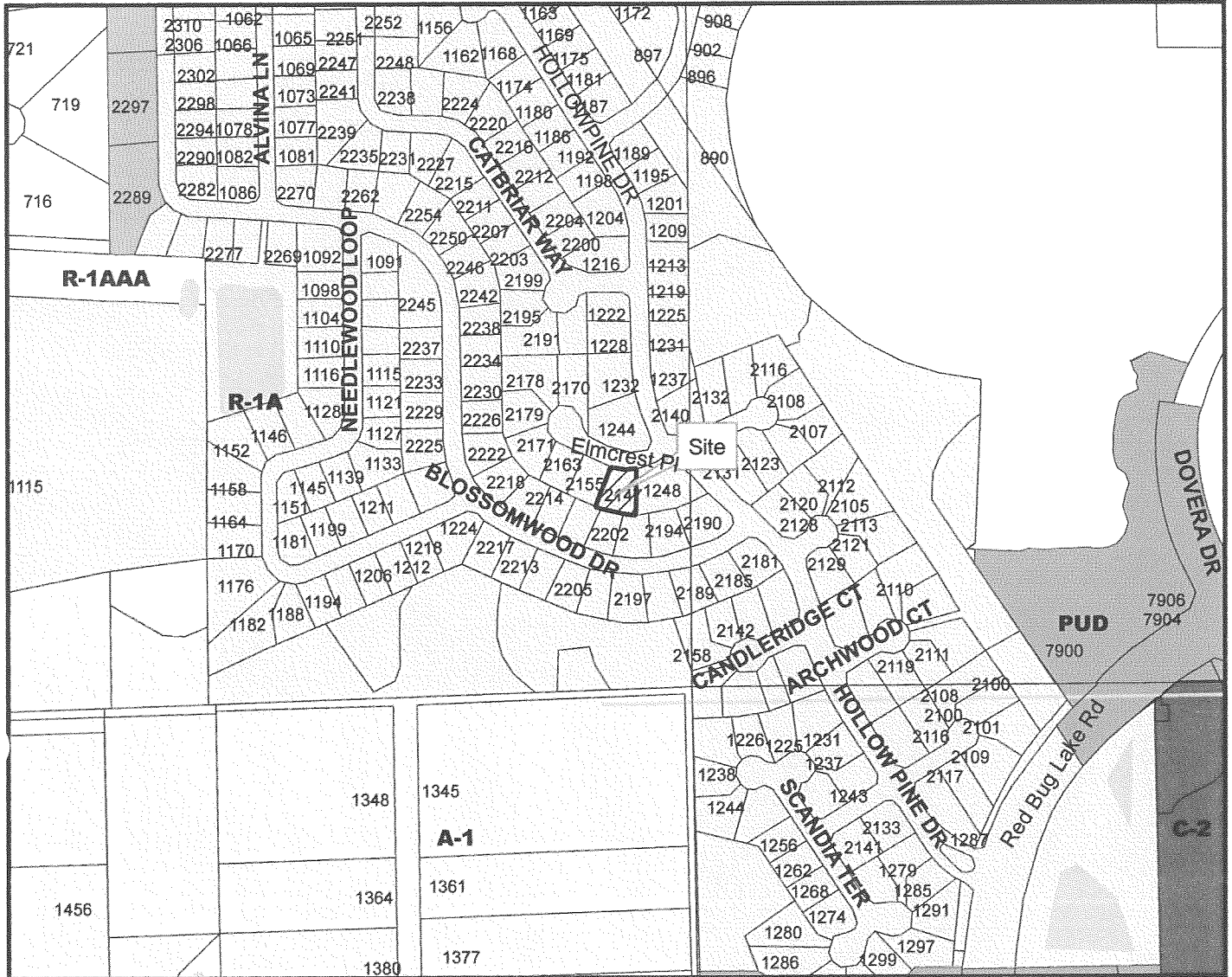
GENERAL NOTES

- LEGAL DESCRIPTION PROVIDED BY OTHERS.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- NO CENTRICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
- ELEVATIONS SHOWN ARE BASED UPON NGVD 1988 UNLESS OTHERWISE NOTED.
- ADJOINING LOTS ARE WITHIN THE SAME BLOCK, UNLESS OTHERWISE NOTED.
- THIS IS AN AS-BUILT SURVEY UNLESS OTHERWISE NOTED.
- NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYORS EMBOSSED SEAL.
- FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.









Ralph S. Wolf
 RALPH S. WOLF REGISTERED LAND SURVEYOR NO. 3411
SWERDLOFF & LONG SURVEYING, INC.
 365 Waymont Ct., Ste. 109, Lake Mary, FL 32746
 Voice (407) 688-7631 Fax (407) 688-7691

Linda & Robert Cooper
 2147 Elmcrest Place
 Oviedo, Florida 32765



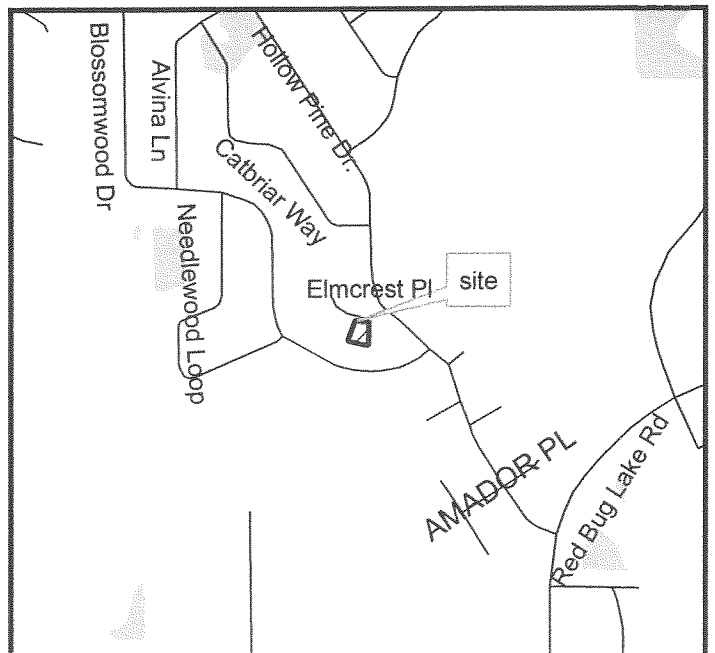
Seminole County Board of Adjustment
 April 24, 2006
 Case: BV2006-039
 Parcel No: 20-21-31-5KP-0C00-1080

Zoning

	BV2006-039		R-1AA
	A-1		R-1A
	RC-1		C-2
	R-1AAA		PUD



0 125 250 375 500 Feet



<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 407-665-7508</p>																																					
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 20-21-31-5KP-0C00-1080 Owner: COOPER ROBERT H & LINDA A Mailing Address: 2147 ELMCREST PL City,State,ZipCode: OVIEDO FL 32765 Property Address: 2147 ELMCREST PL OVIEDO 32765 Subdivision Name: TUSKA RIDGE UNIT 2 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$163,413 Depreciated EXFT Value: \$0 Land Value (Market): \$46,000 Land Value Ag: \$0 Just/Market Value: \$209,413 Assessed Value (SOH): \$137,092 Exempt Value: \$25,000 Taxable Value: \$112,092</p> <p>Tax Estimator</p>																																			
<p style="text-align: center;">SALES</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>06/2002</td> <td>04444</td> <td>0531</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>12/1997</td> <td>03371</td> <td>1015</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1991</td> <td>02377</td> <td>1135</td> <td>\$131,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/1991</td> <td>02328</td> <td>0422</td> <td>\$31,000</td> <td>Vacant</td> <td>Yes</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	06/2002	04444	0531	\$100	Improved	No	FINAL JUDGEMENT	12/1997	03371	1015	\$100	Improved	No	WARRANTY DEED	12/1991	02377	1135	\$131,000	Improved	Yes	SPECIAL WARRANTY DEED	08/1991	02328	0422	\$31,000	Vacant	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,707 2005 Tax Bill Amount: \$1,771 Save Our Homes (SOH) Savings: \$936 2005 Taxable Value: \$108,099</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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BUILDING INFORMATION																																					
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																												
1	SINGLE FAMILY	1992	9	1,892	2,745	1,892	CB/STUCCO FINISH	\$163,413	\$172,014																												
			Appendage / Sqft	SCREEN PORCH FINISHED / 134																																	
			Appendage / Sqft	OPEN PORCH FINISHED / 87																																	
			Appendage / Sqft	GARAGE FINISHED / 632																																	
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																					
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.																																					

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 108 BLK C TUSKA RIDGE UNIT 2 PB 40 PGS 66 TO 68

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

FINDINGS OF FACT

Property Owner: Robert & Linda Cooper
2147 Elmcrest Pl.
Oviedo, FL 32765

Project Name: Elmcrest Place (2147)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 16 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: