

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for (1) a front yard setback variance from 25 feet to 5 feet; and (2) a side yard (north) setback variance from 10 feet to 4.8 feet for a proposed garage in the R-1AA (Single-Family Dwelling District); (Georgia Davis & Mary McDermott, applicants).

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

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

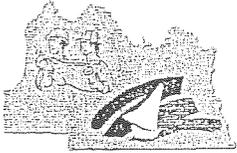
Agenda Date 4/24/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for (1) a front yard setback variance from 25 feet to 5 feet; and (2) a side yard (north) setback variance from 10 feet to 4.8 feet for a proposed garage in the R-1AA (Single-Family Dwelling District); or
2. **DENY** the request for (1) a front yard setback variance from 25 feet to 5 feet; and (2) a side yard (north) setback variance from 10 feet to 4.8 feet for a proposed garage in the R-1AA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Georgia Davis & Mary McDermott LOCATION: 843 Lake Marion Drive ZONING: R-1AA (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a garage that would encroach 20 feet into the minimum 25 foot front yard setback and 5.2 feet into the minimum 10 foot side yard setback; the aforementioned variances are thereby requested. • The proposed construction would be an approximately 700 square foot garage to an existing 1,400 square foot single-family home. • In 1999 a previous owner enclosed the carport on the property to add more living space to the existing home. (99 00006129) • There are currently no code enforcement or building

	<p>violations for this property.</p> <ul style="list-style-type: none">• There is no record of prior variances having been granted for this property.
STAFF FINDINGS	<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">• 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 proposed garage 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
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY
 RECEIVED MAR 03 2007

APPL. NO. BU2006-050

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** FRONT YARD SET BACK VARIANCE FROM 25 FEET TO 5 FEET FOR PROPOSED GARAGE ADDITION (SEE NEXT PAGE)
- SPECIAL EXCEPTION**
- LIMITED USE**
- 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 _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

MEDICAL HARDSHIP
 FAMILY HARDSHIP
 TIME NEEDED _____

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	MARY McDERMOTT	GEORGIA DAVIS
ADDRESS	843 LAKE MARION DRIVE ALTAMONTE SPRINGS	843 LAKE MARION DRIVE ALTAMONTE SPRINGS
PHONE 1	(407) 865-5711	(407) 865-5711
PHONE 2	(412) 716-9011	(302) 542-4543
E-MAIL		

PROJECT NAME: GARAGE ADDITION
 SITE ADDRESS: 843 LAKE MARION DRIVE
 CURRENT USE OF PROPERTY: RESIDENCE, ZONED R1AA
 LEGAL DESCRIPTION: LEG SLY 1/2 OF LOT 13 + ALL LOT 14 BKK 29 SANLANDO PB 3 P. 666, #12-21-29-5BD-2900-C130
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 12-21-29-5BD 2900-C130
 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 April 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.

Mary McDermott SIGNATURE OF OWNER OR AGENT* Georgia Davis DATE 3 MARCH 2006

ADDITIONAL VARIANCES

VARIANCE 2: SIDE YARD SET BACK VARIANCE FROM 10 FEET TO 4.8 FEET FOR PROPOSED GARAGE ADDITION TO RESIDENCE

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): 200.00

COMMISSION DISTRICT

FLU/ZONING R-1AA / LOR

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS Check other variances in the area

Boundary Survey for Mary K. McDermott

Lot 14 and the South 1/2
of Lot 13, Block 29,
SANLANDO THE SUBURD BEAUTIFUL
SANFORD SECTION
Plat Book 3, Page 66,
Seminole County, Florida

Lake Frances

Lot 12
Block 29

Lot 15
Block 29

Lot 13
Block 29
not included

Lot 13
Block 29

Lot 14
Block 29

shed ±0.2' inside
1 story shed
concrete floor

Road deck

Screen Room

1 Story
Residence
#B43

Entry

a/c pad

SEPTIC
DRAIN
FIELD

BREEZEWAY
PATIO

GARAGE

A=37.50' (P)

A=37.50' (P)

A=34.4' (P)

A=40.6' (P)
A=40.43' (M)

Permanent Reference Monument (P)

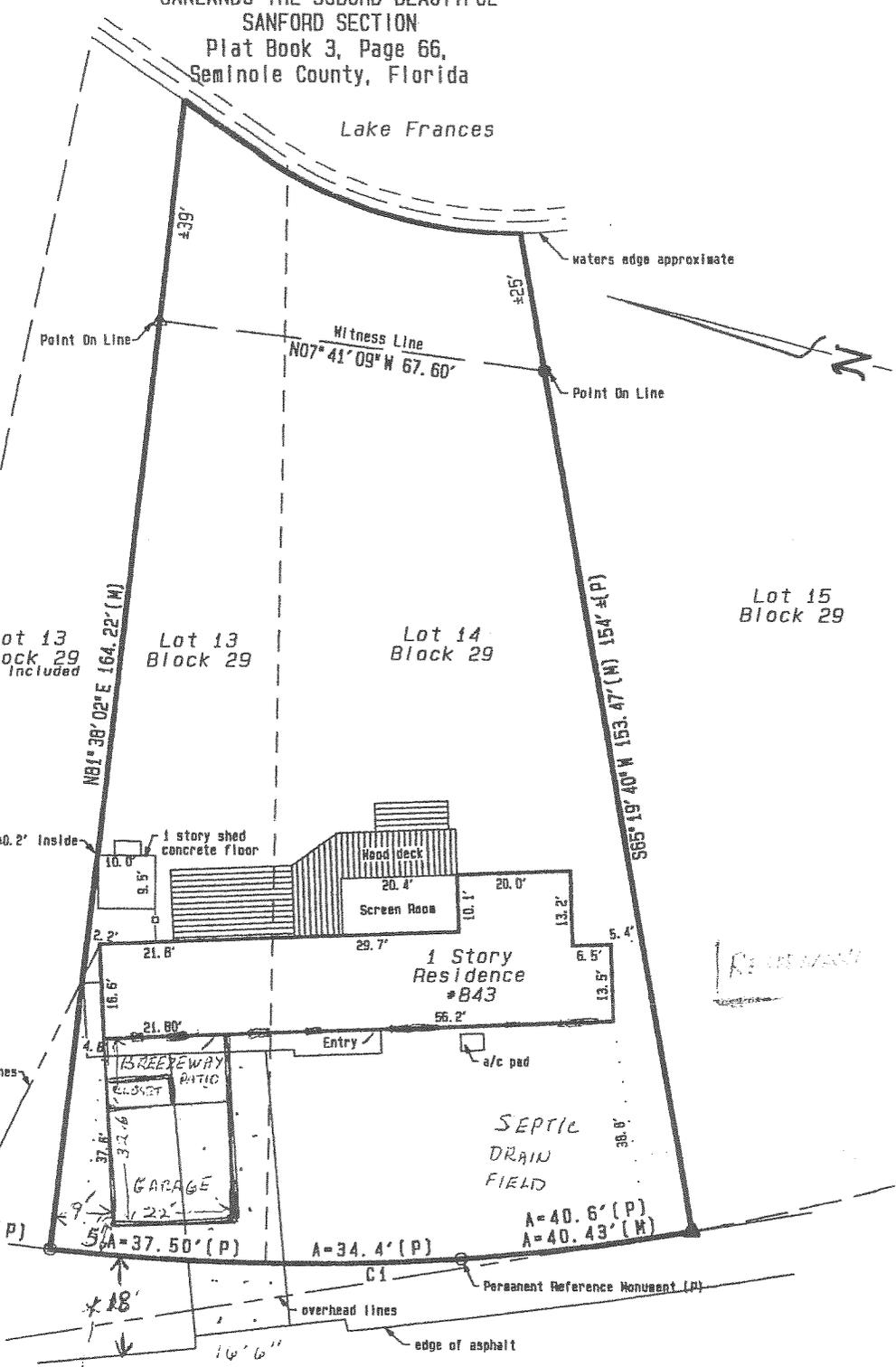
overhead lines

edge of asphalt

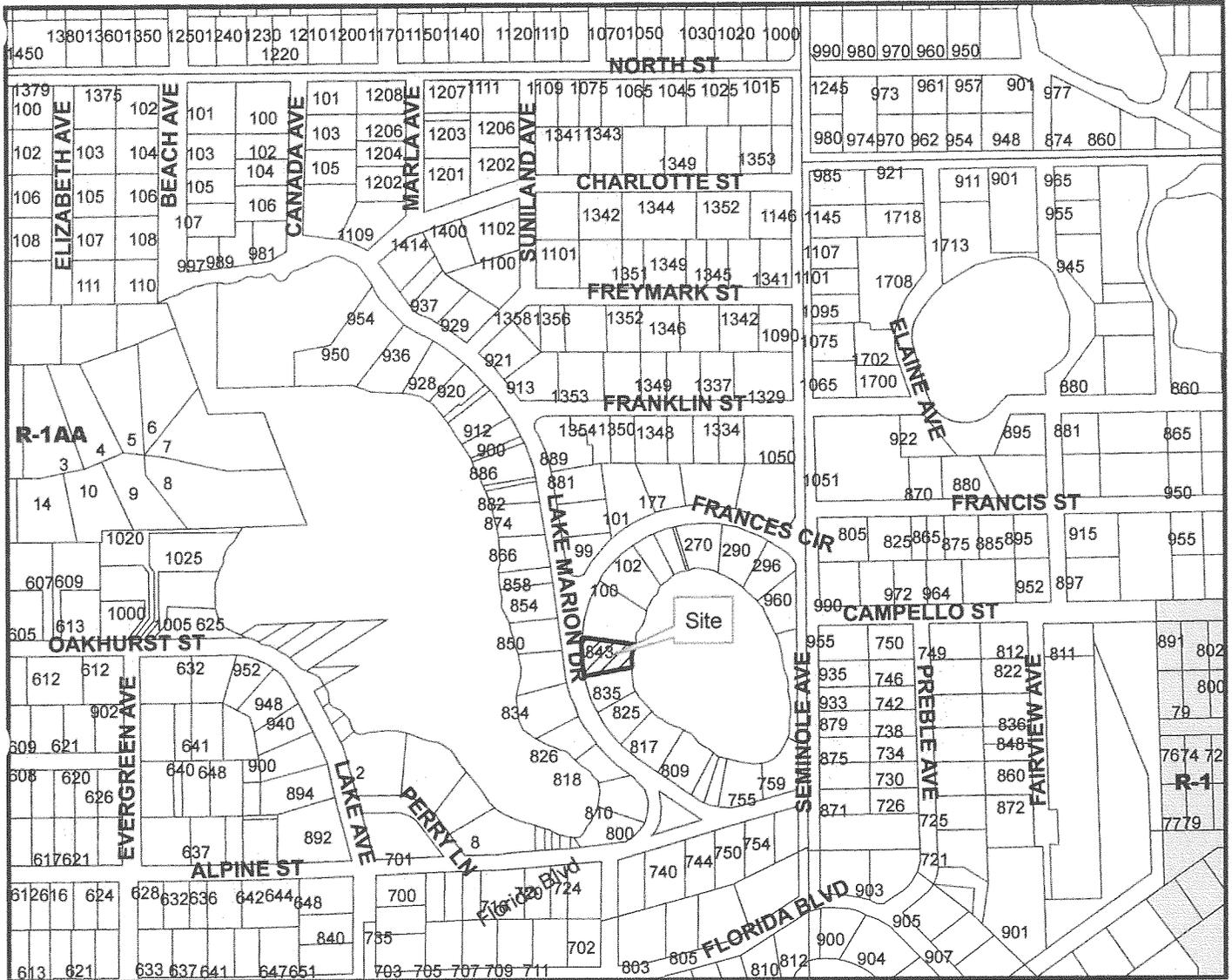
WATER
METER

LAKE MARION DRIVE
Width Varies

Legend



Georgia Davis
843 Lake Marion Drive
Altamonte Springs, Florida 32701



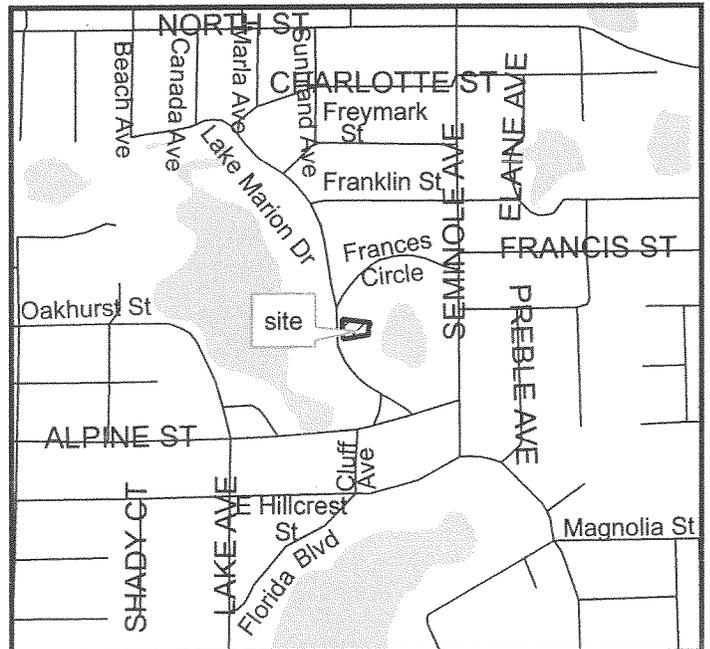
Seminole County Board of Adjustment
April 24, 2006
Case: BV2006-050
Parcel No: 12-21-29-5BD-2900-0130

Zoning

-  BV2006-050
-  R-1AA
-  R-1



0 80 160 320 480 640 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: 12-21-29-5BD-2900-0130</p> <p>Owner: MC DERMOTT MARY</p> <p>Mailing Address: 843 LAKE MARION DR</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32701</p> <p>Property Address: 843 LAKE MARION DR ALTAMONTE SPRINGS 32701</p> <p>Subdivision Name: SANLANDO</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: \$95,041</p> <p>Depreciated EXFT Value: \$1,594</p> <p>Land Value (Market): \$25,515</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$122,150</p> <p>Assessed Value (SOH): \$122,150</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$97,150</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>02/2005</td> <td>05634</td> <td>1311</td> <td>\$240,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/2001</td> <td>04009</td> <td>1909</td> <td>\$118,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1997</td> <td>03205</td> <td>2009</td> <td>\$76,500</td> <td>Improved</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	02/2005	05634	1311	\$240,000	Improved	Yes	WARRANTY DEED	01/2001	04009	1909	\$118,500	Improved	Yes	WARRANTY DEED	02/1997	03205	2009	\$76,500	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,434</p> <p>2005 Tax Bill Amount: \$1,079</p> <p>Save Our Homes (SOH) Savings: \$355</p> <p>2005 Taxable Value: \$65,827</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																								
WARRANTY DEED	02/2005	05634	1311	\$240,000	Improved	Yes																								
WARRANTY DEED	01/2001	04009	1909	\$118,500	Improved	Yes																								
WARRANTY DEED	02/1997	03205	2009	\$76,500	Improved	Yes																								
<p style="text-align: center;">LAND</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>FRONT FOOT & DEPTH</td> <td>81</td> <td>159</td> <td>.000</td> <td>300.00</td> <td>\$25,515</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	81	159	.000	300.00	\$25,515	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG SLY 1/2 OF LOT 13 + ALL LOT 14 BLK 29 SANLANDO PB 3 PG 66</p>																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
FRONT FOOT & DEPTH	81	159	.000	300.00	\$25,515																									
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	1953	8	1,111	1,947	1,485	CONC BLOCK	\$95,041	\$143,458																					
			Appendage / Sqft	SCREEN PORCH FINISHED / 200																										
			Appendage / Sqft	BASE / 374																										
			Appendage / Sqft	ENCLOSED PORCH UNFINISHED / 187																										
			Appendage / Sqft	OPEN PORCH FINISHED / 75																										
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																														
EXTRA FEATURE																														
		Description	Year Blt	Units	EXFT Value	Est. Cost New																								
		FIREPLACE	1979	1	\$480	\$1,200																								
		WOOD DECK	1997	348	\$1,114	\$1,740																								
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																														

Because of the beautiful old trees in the area,
A garage is needed to protect auto from storms.

There is no other place to build because of current 4 feet
on either side of residence.

Because of windows and doors on house a breezeway is
necessary between proposed garage and residence. The
minimum setback variance has been requested.

The grant would not be detrimental to the neighborhood
or the public welfare.

Tary McDemott

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 SLY ½ OF LOT 13 + ALL LOT 14 BLK 29 SANLANDO PB 3 PG 66

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

FINDINGS OF FACT

Property Owner: Mary McDermott
843 Lake Marion Dr.
Altamonte Springs, FL 32701

Project Name: Lake Marion Drive (843)

Requested Development Approval:

Request for (1) a front yard setback variance from 25 feet to 5 feet; and (2) a side yard (north) setback variance from 10 feet to 4.8 feet for a proposed garage 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 aforedescribed 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 garage 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: