

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 25 feet to 6 feet for a proposed screen room in the PUD (Planned Unit Development District); (Tony & Joyce Shultz, applicants).

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

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

Agenda Date 5/22/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 25 feet to 6 feet for a proposed screen room in the PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 25 feet to 6 feet for a proposed screen room in the PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

| | | |
|-----------------------------|--|---|
| GENERAL INFORMATION | APPLICANTS: | Tony & Joyce Shultz |
| | LOCATION: | 102 Chatsworth Ct. |
| | ZONING: | PUD (Planned Unit Development District) |
| BACKGROUND / REQUEST | <ul style="list-style-type: none"> • The applicant proposes to construct a screen room that would encroach 19 feet into the minimum 25 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The applicant is also requesting to encroach a foot and a half into the utility easement in the rear of the property. I talked to the applicants on April 20, 2006 and they stated that they are in the process of applying for a vacation of the foot and a half of the utility easement. • The abutting neighbor to the north received approval of a variance in 1987 for a rear yard setback from 25 feet to 14 feet. (BA87-5-54V) • There are currently no code enforcement or building violations for this property. | |

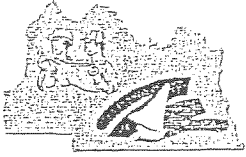
| | |
|-----------------------------|---|
| | <ul style="list-style-type: none">• There is no record of prior variances having been granted for this property. |
| STAFF FINDINGS | <p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: 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.• Special conditions and circumstances result from the actions of the applicant.• 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 screen room 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. |

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 13 TWP: 21 RNG: 30
 PROJ. #

| | | | |
|---|------------------|---|---------------------|
| DEVELOPMENT: Deer Run Unit 23B | | DEVELOPER: Amerifirst Development Corp. | |
| LOCATION: 65 lots 32.11 acres | | | |
| FILE#: | BA: | SP: | BCC: 10/7/83 |
| P&Z: | | | |
| PB 28 | PG 73, 74 | Lot | Blk |
| | | Parcel | DBA |
| | | | Comm Dist |
| DEVEL. ORDER #: | | TAX PAR. I.D. #: | |
| SIDEWALKS: | | SETBACK REQUIREMENTS | |
| | | FY: 20 | SIDE ST.: |
| ROAD TYPE: (CURB & GUTTER OR SWALE) | | SY: 6.5' | |
| | | RY: *25' | |
| COMMENTS OTHER: | | MAIN STRUCTURE OTHER: Min Lot size: 7,500 sq. ft. Max. height: 35' *20' rear setback when abutting a greenbelt or lake. | |
| | | ACCESSORY STRUCTURE SETBACKS: | |
| | | SY: 6.5' | RY: 10' |
| | | ACCESSORY STRUCTURE OTHER: | |

| IMPACT FEES | |
|----------------------|--------|
| SCREEN: | |
| TRAFFIC ZONE: | |
| LAND USE: | |
| 1. ROAD-CO. WIDE | 200.00 |
| 2. ROAD-COLL. | |
| 3. LIBRARY | |
| 4. FIRE | 10.00 |
| 5. PARK | |
| 6. SCHOOL | |
| 7. LAW | |
| 8. DRAINAGE | |
| TOTAL | |
| REMARKS: | |
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COPY

24-06A08:17 RCVD

APPL. NO. BV 2006-058

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 setback VARIANCE from 25ft. to 10ft. for a screen room addition.
- 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**

| PROPERTY OWNER | | AUTHORIZED AGENT* |
|----------------|---|-------------------------------------|
| NAME: | Tony D + Joyce A Shultz | |
| ADDRESS: | 102 Chatsworth Ct Winter Springs, FL 32708 | |
| PHONE 1: | 407-835-6621 - Tony - work | Best # Joyce Cell # 407-761-7412 |
| PHONE 2: | 386-679-7943 - Tony - cell | |
| E-MAIL: | tshultz@cflarr.com | |

PROJECT NAME: Screen Room - Addition
 SITE ADDRESS: 102 Chatsworth Ct, Winter Springs
 CURRENT USE OF PROPERTY: Single Family - Resident
 LEGAL DESCRIPTION: Lot 84, Deer Run Unit 23B, Plat Book 28
Pages 73-74 Seminole County Records
 SIZE OF PROPERTY: 0.29 acre(s) PARCEL I.D. 14-21-30-501-0000-0840
 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 5/22/06 (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.

Tony D Shultz Joyce A Shultz
 SIGNATURE OF OWNER OR AGENT* DATE 3/24/06

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

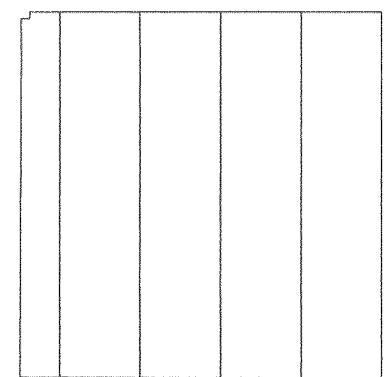
| | |
|---------|-------|
| NAME | _____ |
| ADDRESS | _____ |
| PHONE 1 | _____ |
| PHONE 2 | _____ |
| E-MAIL | _____ |

NATURE OF THE APPEAL _____

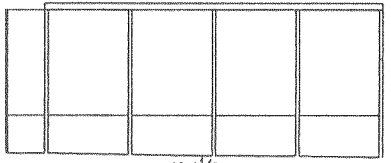
_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

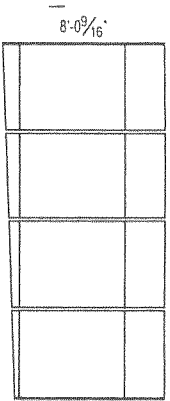
PROCESSING:
FEE(S): 100.00 COMMISSION DISTRICT _____ FLU / ZONING PUD / PO
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS is vacating easement
17-819
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____



18'



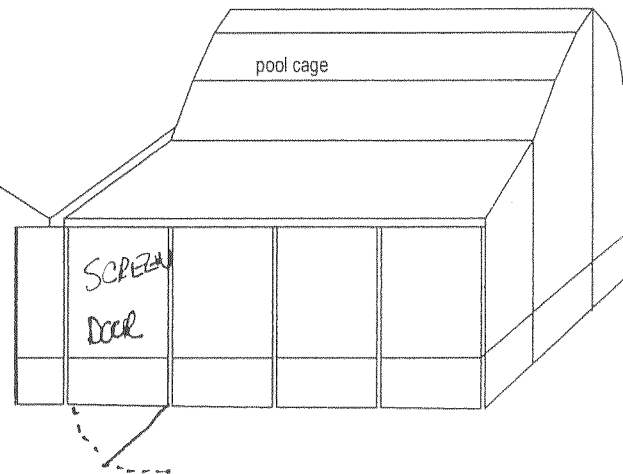
18'-8 1/2'



8'-0 1/16'

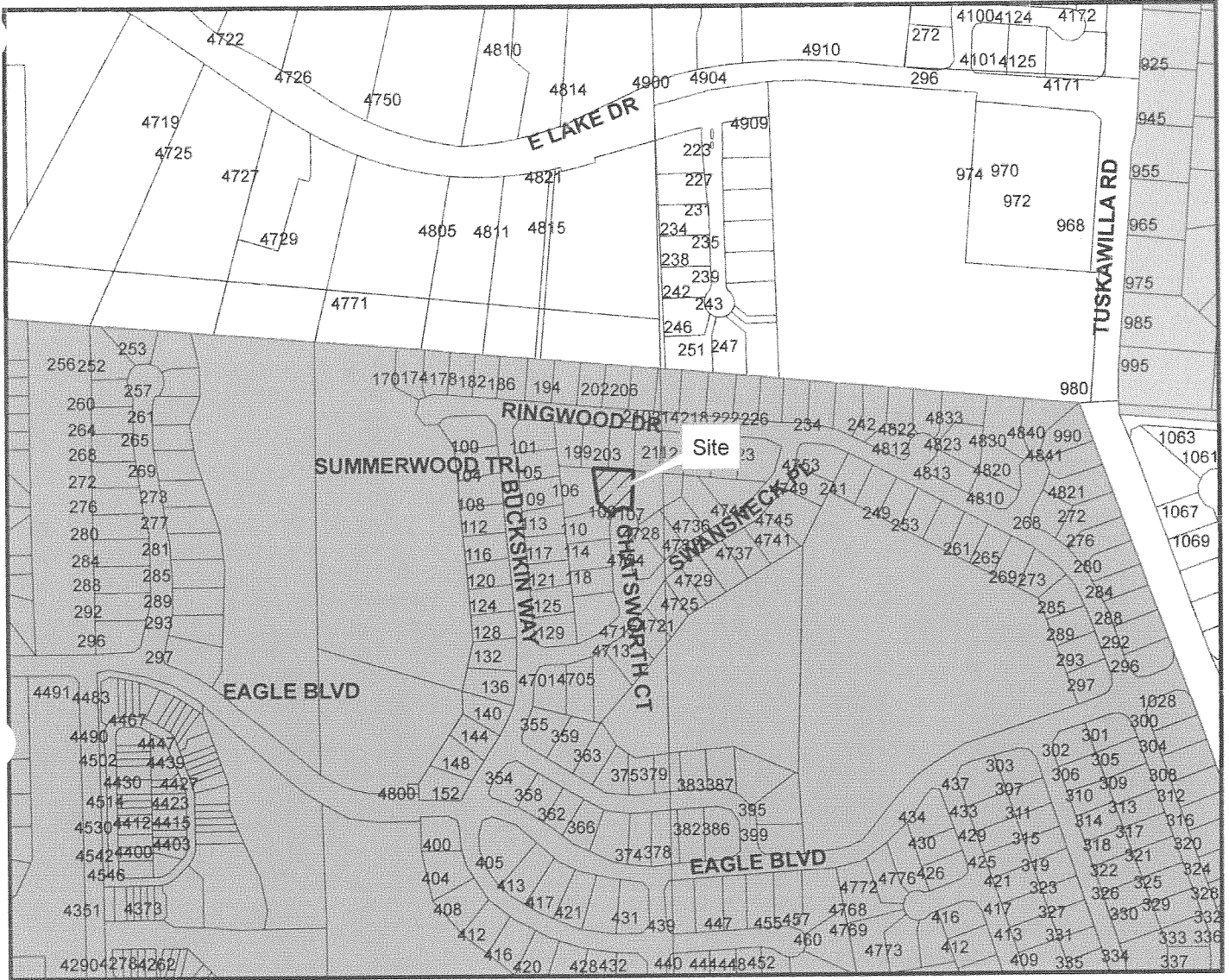
7'-5 5/8'

17'-5 1/2'










| | | |
|--|--------------------------|-------------------|
| Job Number: | | Date: 3/6/2006 |
| 05-635 | | Color: Bronze |
| Project Information: | | Sheet # : ##### |
| Schultz 102 Chatsworth Ct Winter Springs, FL | | Gate Code: |
| Home: Cell: Work: | | --- |
| SURFACE AREA (SQ. FT.) | Prepared By: Terry Byrne | |
| Elites / Pans: N/A | Office: 407-830-1515 | |
| Roof: 770 | Cell: 321-303-1612 | |
| Total: 1433 | Nextel: 162*1090*173 | |

Joyce & Tony Shultz
 102 Chatsworth Ct
 Winter Springs, FL 32708

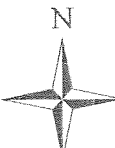


Seminole County Board of Adjustment
May 22, 2006
Case: BV2006-058
Parcel No: 14-21-30-501-0000-0840

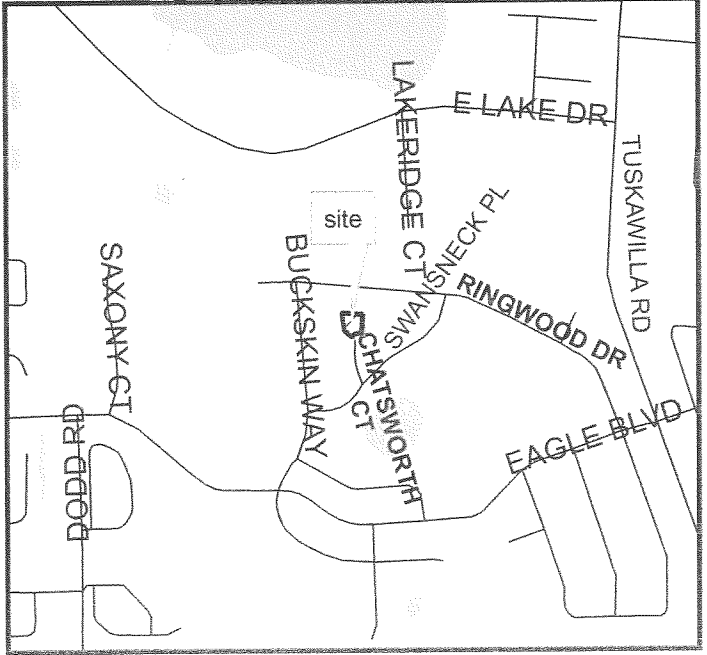
Zoning

| | | | |
|---|------------|---|-------|
|  | BV2006-058 |  | R-1AA |
|  | A-1 |  | R-1A |
|  | RC-1 |  | PUD |
|  | R-1AAA | | |

N



0 95 190 380 570 760 Feet



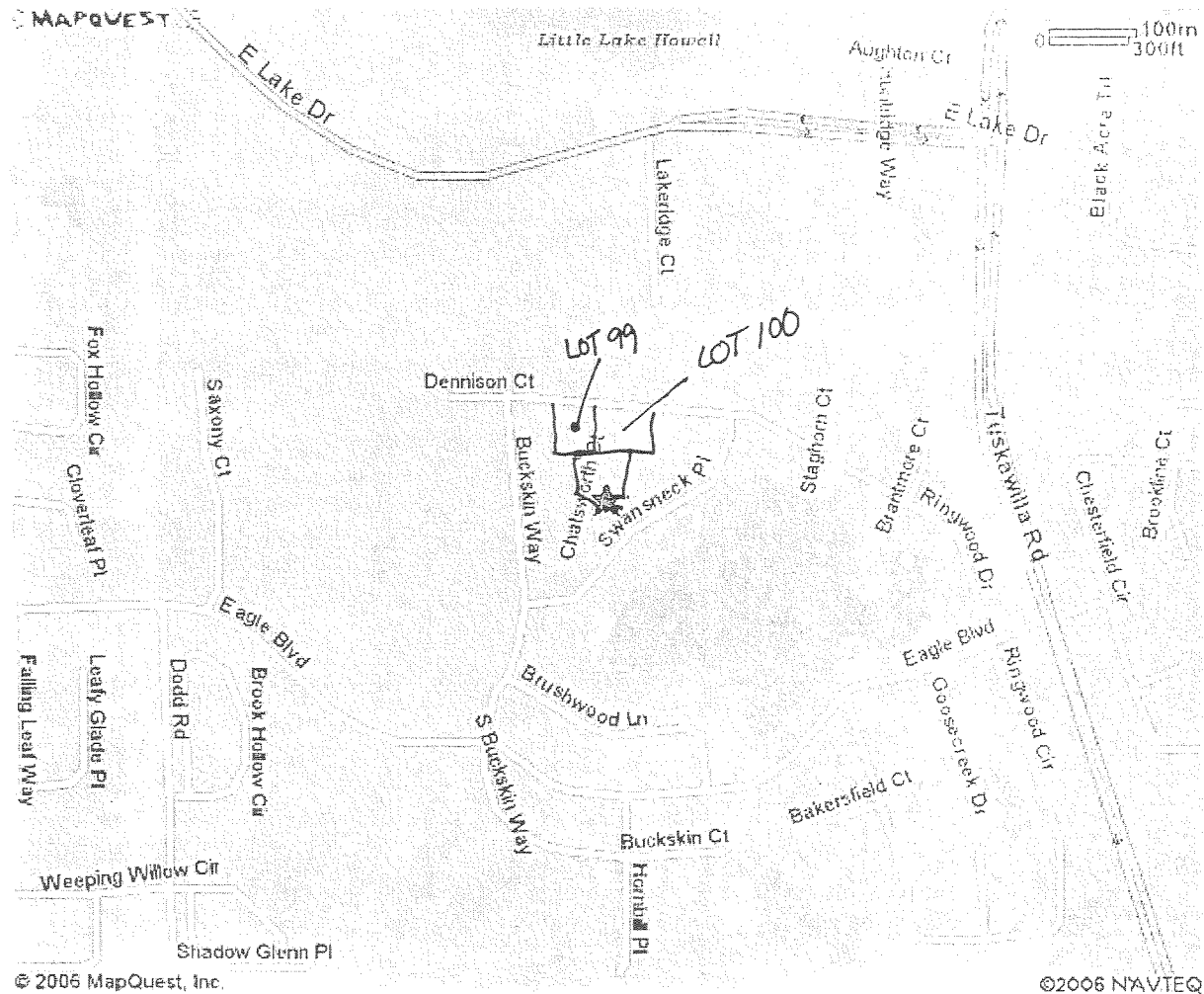
| <p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|-------------|--------------------------|---------------|------------|---------------|------------------|---------------|---------------|-----------|---------------|----------|--|------|---|-------|-------|-------|------------------|-----------|-----------|--|------------------|--|--------------------------|--|--|--|--|--|--|--|------------------|--|-----------------------|--|--|--|--|--|--|
| <p align="center">GENERAL</p> <p>Parcel Id: 14-21-30-501-0000-0840 Owner: SHULTZ TONY D & JOYCE A Mailing Address: 102 CHATSWORTH CT City,State,ZipCode: WINTER SPRINGS FL 32708 Property Address: 102 CHATSWORTH CT WINTER SPRINGS 32708 Subdivision Name: DEER RUN UNIT 23B Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p> | <p align="center">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$134,028 Depreciated EXFT Value: \$675 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$169,703 Assessed Value (SOH): \$103,471 Exempt Value: \$25,000 Taxable Value: \$78,471 Tax Estimator</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">SALES</p> <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>10/1984</td> <td>01585</td> <td>1010</td> <td>\$93,900</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p> | Deed | Date | Book | Page | Amount | Vac/Imp | Qualified | WARRANTY DEED | 10/1984 | 01585 | 1010 | \$93,900 | Improved | Yes | <p align="center">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,036 2005 Tax Bill Amount: \$1,236 Save Our Homes (SOH) Savings: \$800 2005 Taxable Value: \$75,457 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deed | Date | Book | Page | Amount | Vac/Imp | Qualified | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WARRANTY DEED | 10/1984 | 01585 | 1010 | \$93,900 | Improved | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">LAND</p> <table border="1"> <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>35,000.00</td> <td>\$35,000</td> </tr> </tbody> </table> | Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value | LOT | 0 | 0 | 1.000 | 35,000.00 | \$35,000 | <p align="center">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 84 DEERRUN UNIT 23B PB 28 PGS 73 & 74</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LOT | 0 | 0 | 1.000 | 35,000.00 | \$35,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">BUILDING INFORMATION</p> <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Living SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1984</td> <td>6</td> <td>1,585</td> <td>2,132</td> <td>1,585</td> <td>CB/STUCCO FINISH</td> <td>\$134,028</td> <td>\$146,479</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">OPEN PORCH FINISHED / 63</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">GARAGE FINISHED / 484</td> </tr> </tbody> </table> <p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> | | Bld Num | Bld Type | Year Blt | Fixtures | Base SF | Gross SF | Living SF | Ext Wall | Bld Value | Est. Cost New | 1 | SINGLE FAMILY | 1984 | 6 | 1,585 | 2,132 | 1,585 | CB/STUCCO FINISH | \$134,028 | \$146,479 | | Appendage / Sqft | | OPEN PORCH FINISHED / 63 | | | | | | | | Appendage / Sqft | | GARAGE FINISHED / 484 | | | | | | |
| Bld Num | Bld Type | Year Blt | Fixtures | Base SF | Gross SF | Living SF | Ext Wall | Bld Value | Est. Cost New | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | SINGLE FAMILY | 1984 | 6 | 1,585 | 2,132 | 1,585 | CB/STUCCO FINISH | \$134,028 | \$146,479 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Appendage / Sqft | | OPEN PORCH FINISHED / 63 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Appendage / Sqft | | GARAGE FINISHED / 484 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">EXTRA FEATURE</p> <table border="1"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>FIREPLACE</td> <td>1984</td> <td>1</td> <td>\$675</td> <td>\$1,500</td> </tr> </tbody> </table> | | Description | Year Blt | Units | EXFT Value | Est. Cost New | FIREPLACE | 1984 | 1 | \$675 | \$1,500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Description | Year Blt | Units | EXFT Value | Est. Cost New | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FIREPLACE | 1984 | 1 | \$675 | \$1,500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>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.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



102 Chatsworth Ct
Winter Springs FL
32708-4943 US

Notes:

[Empty rectangular box for notes]



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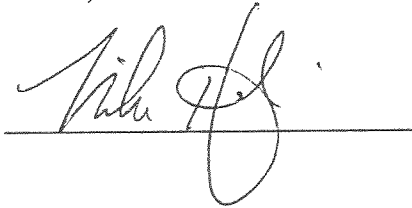
TO: Seminole County Planning & Development Department

RE: Lot 84, Deer Run - Unit 23B

To Whom It May Concern:

We have no objection to the variance for the pool screen enclosure or screen room planned for Tony & Joyce Shultz on the above named property which abuts ours.

Mikel & Emily Hardison
Lot 100, Deer Run - Unit 23B

A handwritten signature in cursive script, appearing to read "Mikel & Emily", is written over a horizontal line.

Dated 1-29-06

TO: Seminole County Planning & Development Department

RE: Lot 84, Deer Run - Unit 23B

To Whom It May Concern:

We have no objection to the variance for the pool screen enclosure or screen room planned for Tony & Joyce Shultz on the above named property which abuts ours.

W Scott & Dianne Richardson
Lot 99, Deer Run - Unit 23B

W. Scott Richardson Dianne M. Richardson

Dated 1/29/06

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 84 DEERRUN UNIT 23B PB 28 PGS 73 & 74

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

FINDINGS OF FACT

Property Owner: Joyce & Tony Shultz
102 Chatsworth Ct.
Winter Springs, FL 32708

Project Name: Chatsworth Court (102)

Requested Development Approval:

Request for a rear yard setback variance from 25 feet to 6 feet for a proposed screen room in the PUD (Planned Unit Development 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 screen room 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: