

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

SUBJECT: Request for a rear yard setback variance from 30 ft. to 25 ft. for a proposed screen room in R1AA (Single Family Dwelling District); (Leon Howard, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 6/26/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** a request for a rear yard setback variance from 30 ft. to 25 ft. for a proposed screen room in R1AA (Single Family Dwelling District); or
2. **DENY** a request for a rear yard setback variance from 30 ft. to 25 ft. for a proposed screen room in R1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Leon Howard, applicant Location: 2375 Kimberwicke Court Zoning: R1AA Subdivision: Fox Chase Phase 1
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 12 ft. x 40 ft. screen addition over an existing concrete slab that would encroach 5 ft. into the 30 ft. rear setback. • The applicant has submitted a Building Permit application for this addition BP #06-2719. • There is no record of prior variances for this property. • There are currently no code enforcement or building violations 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.• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The variance requested is not the minimum variance needed. The applicant could reduce the width of the screen room and not require any encroachment into the rear yard setback.</i>• The grant of the variance would not be in harmony with the general intent of Chapter 30.
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 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED APR 06 2006

COPY

APPL. NO. BV 2006-072

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 Set Back From 30' - 25' FOR A PROPOSED SCREEN ROOM.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION** RECEIVED APR 06 2006
 - 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
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Leon + Drusilla Howard</u>	
ADDRESS	<u>2375 Kimberwick ct</u>	
PHONE 1	<u>407-382-2009</u>	
PHONE 2	<u>407 415-7480</u>	
E-MAIL		

PROJECT NAME: Howard

SITE ADDRESS: 2375 Kimberwick ct

CURRENT USE OF PROPERTY: Leisure

LEGAL DESCRIPTION: Leg Lot 3 Fox Chase Plt 1 PB 32 Pgs 72+73

SIZE OF PROPERTY: ^{Lot} 1000 Land Units acre(s) PARCEL I.D. 32-21-31-501-0000-0030

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 06/26/06 (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.

Drusilla Coogan Howard 4/6/06
 SIGNATURE OF OWNER OR AGENT* 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:

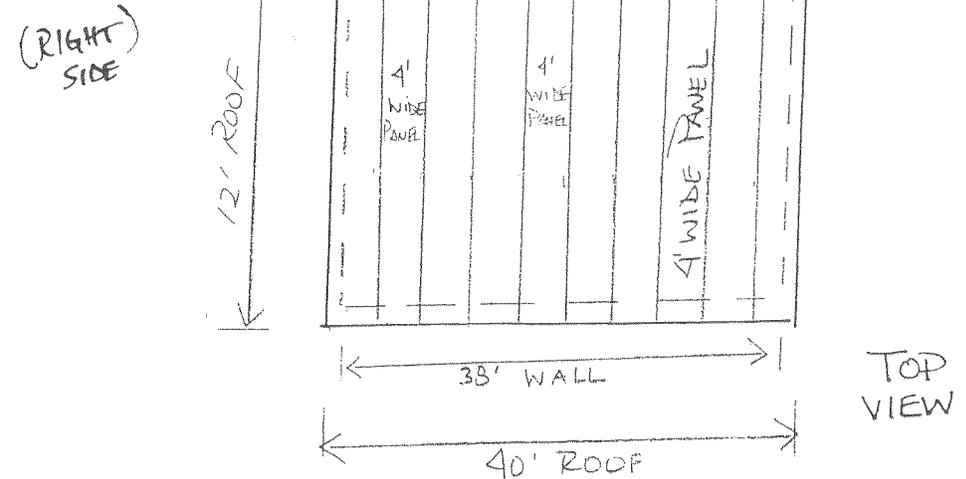
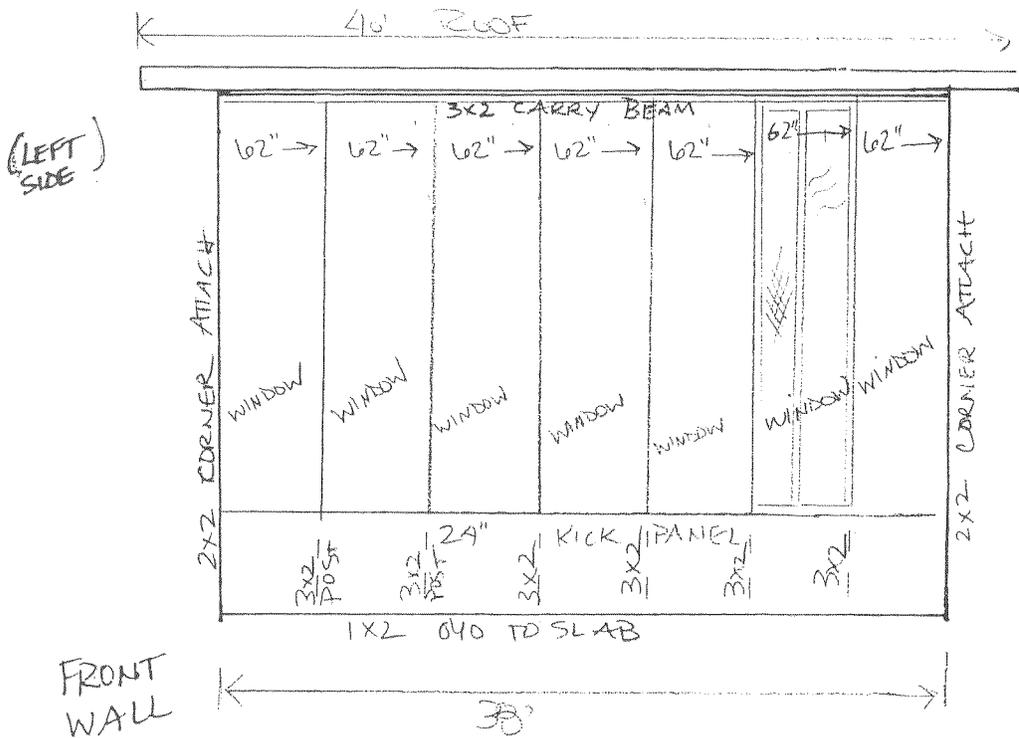
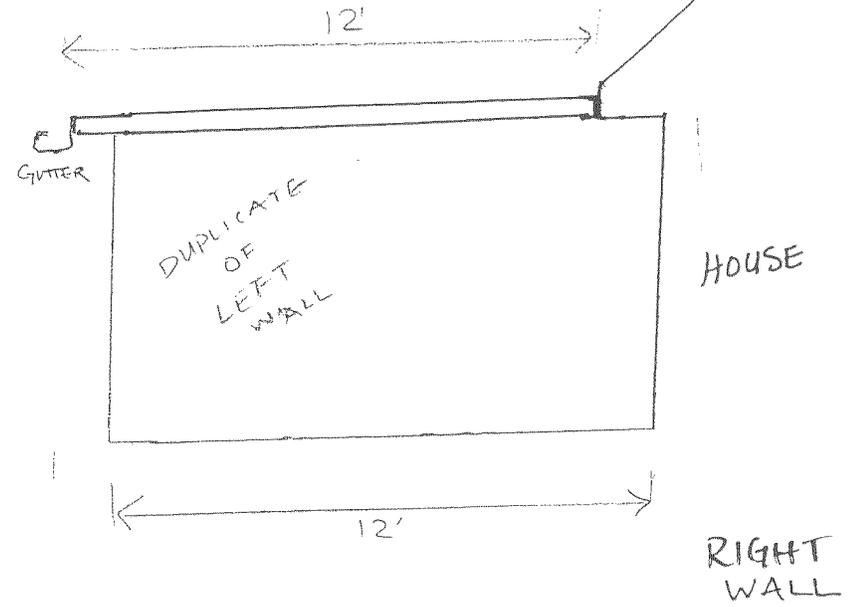
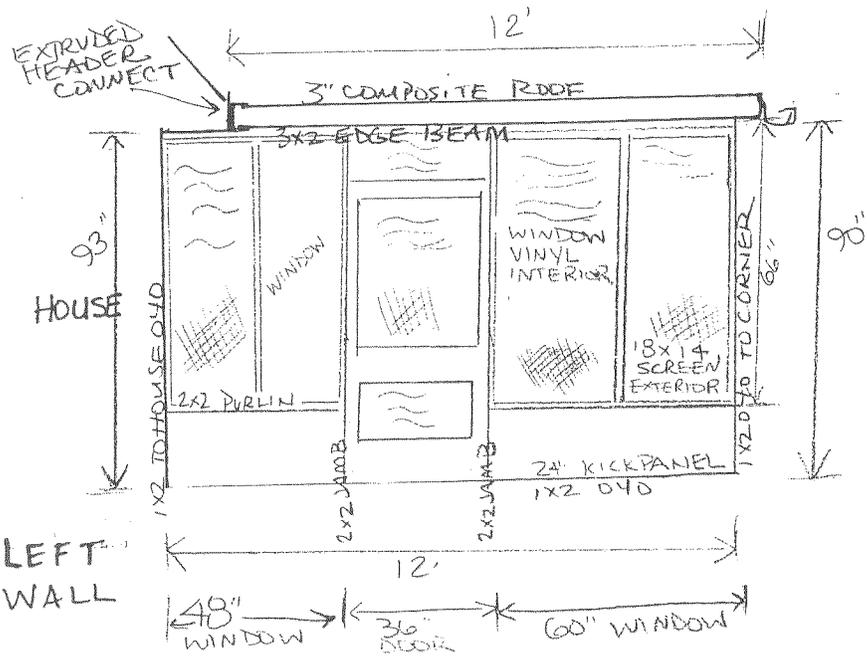
FEE(S): 160.00 COMMISSION DISTRICT _____ FLU / ZONING R-1AA / LOR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____



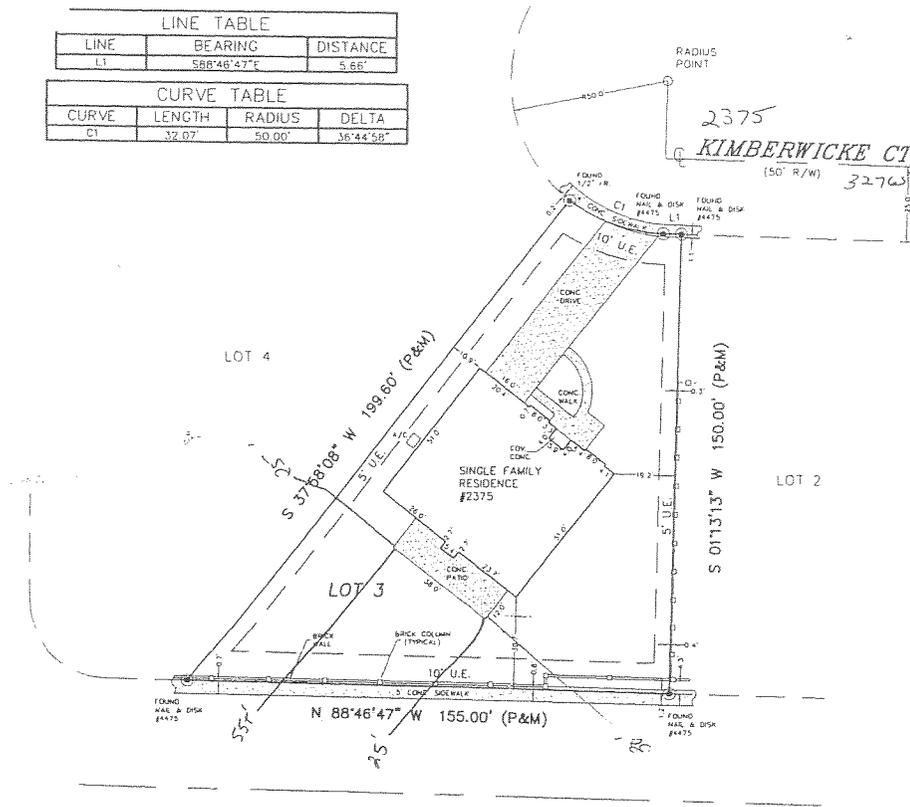
LEON HOWARD
 2375 KIMBERWICKE CT
 OVIEDO 32765

BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOT 3, FOXCHASE, PHASE I, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE(S) 72-73, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LINE TABLE		
LINE	BEARING	DISTANCE
LT	S88°46'47"E	5.66'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	32.07'	50.00'	36°44'58"



1" = 40'
GRAPHIC SCALE

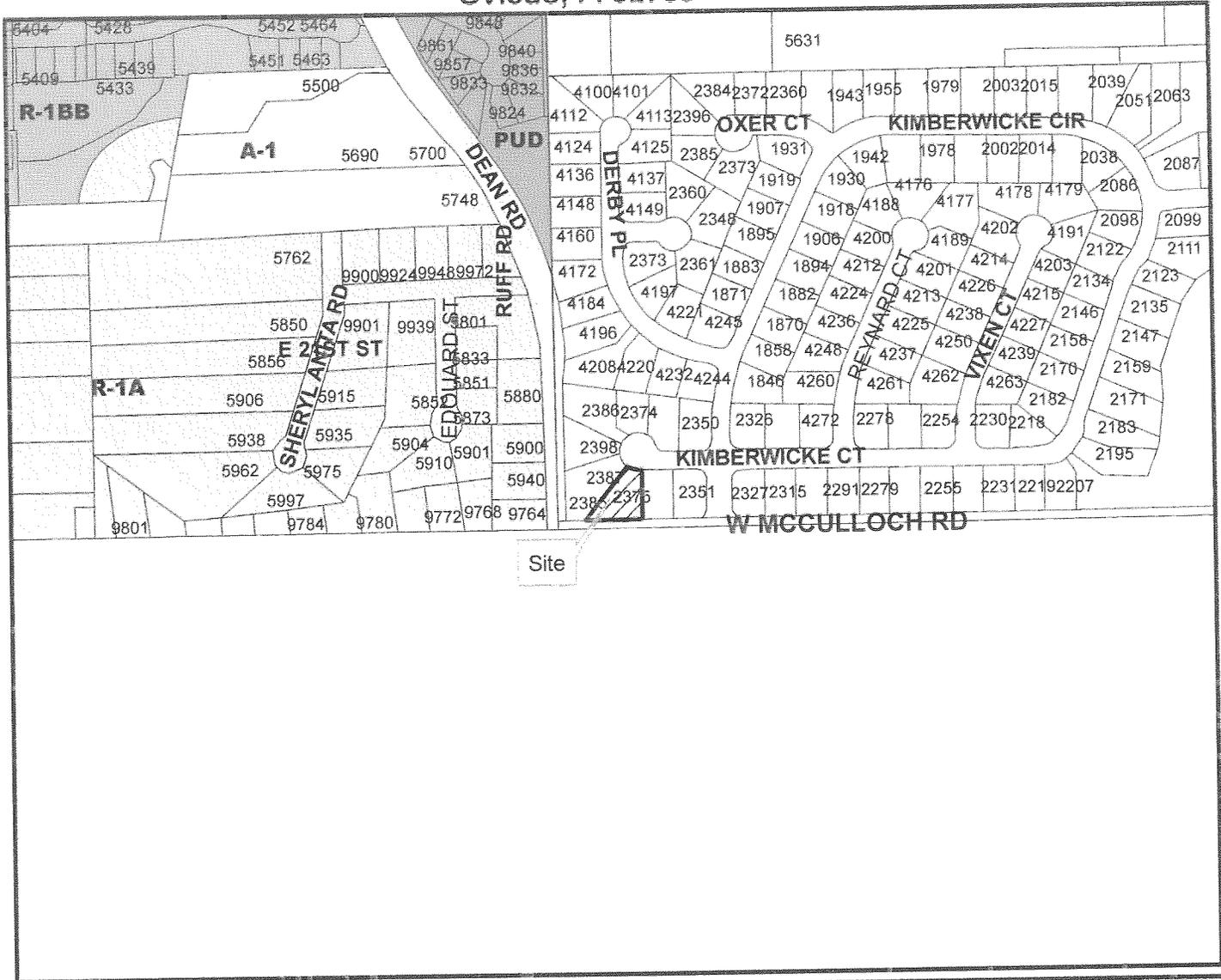
0 20 40

LEGEND:

<ul style="list-style-type: none"> ○ = WPP ○ = SET 1/2" REBAR & CAP PSM # 7020 ○ = FOUND PROPERTY CORNER ○ = FOUND 4" x 4" CONCRETE MONUMENT ○ = WELL ○ = GAS METER ○ = FIRE HYDRANT ○ = CENTERLINE ○ = BARBED WIRE FENCE ○ = WOOD FENCE ○ = CHAIN LINK FENCE ○ = OVERHEAD UTILITY LINES 	<ul style="list-style-type: none"> OR = OFFICIAL RECORDS D/B/A = DONE BUSINESS AS U.E. = UTILITY EASEMENT DE = DRAINAGE EASEMENT D.U.E. = DRAINAGE & UTILITY EASEMENT RES = RESIDENCE UR = UTILITY ROOM CONC = CONCRETE C.B. = CONCRETE BLOCK WF = WOOD FRAME CDV = COVERED ENT = ENTRANCE WM = WATER METER WPP = WOOD POWER POLE CPP = CONC POWER POLE A/C = AIR CONDITIONER R/W = RIGHT OF WAY IR = IRON ROD IP = IRON PIPE C.M. = CONCRETE MONUMENT IF ELEV = FINISHED FLOOR ELEVATION 	<ul style="list-style-type: none"> NR = NOT RADIAL RAD = RADIAL R = RADIUS Δ = CENTRAL ANGLE L = ARC LENGTH CH BRG = CHORD BEARING LS = LAND SURVEYOR LB = LAND SURVEYING BUSINESS F = FIELD M = MEASURED C = CALCULATED D = DESCRIPTION P = PLAT PCP = PERMANENT CONTROL POINT PRM = PERMANENT REFERENCE MONUMENT PC = POINT OF CURVATURE PRC = POINT OF REVERSE CURVATURE PT = POINT OF TANGENT POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT
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<p>CERTIFIED TO: LEON AND DRUSILLA HOWARD FIDELITY NATIONAL TITLE PROPERTY NATIONAL TITLE INSURANCE COMPANY</p>	<p>BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF KIMBERWICKE COURT AS BEING S88°46'47"E PER PLAT</p>	<p>NOTES:</p> <ol style="list-style-type: none"> 1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT. 2. THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND. 3. DO NOT RECONSTRUCT PROPERTY LINES FROM BUILDING TIES. 4. NO FOOTING OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN. 5. NO IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN. 6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
<p>ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12117C 0230 E DATED 04/17/95, THE PROPERTY SHOWN HEREON APPEARS TO LIE IN ZONE X.</p>	<p>BRADLEY COX & ASSOCIATES LAND SURVEYING 405 W. 25TH STREET SANFORD, FLORIDA 32771 (407) 323-9202</p>	<p>I HEREBY CERTIFY THAT WE HAVE PERFORMED A FIELD SURVEY OF THE HEREON DESCRIBED PROPERTY, THIS DRAWING IS A REPRESENTATION OF THAT SURVEY AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61017-8, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</p> <p style="text-align: right;"><i>Bradley Cox</i> 01/19/06 BRADLEY G. COX, PSM #5567 (DATE)</p>
<p>JOB NO. BCA11136 (FIELD DATE: 01/18/06)</p> <p>DRAWN BY: RW (REVISED)</p> <p>CHECKED BY: BC</p> <p>FIELD BY: DO/JG</p> <p>OPERATING UNDER L.B. # 7020</p>		

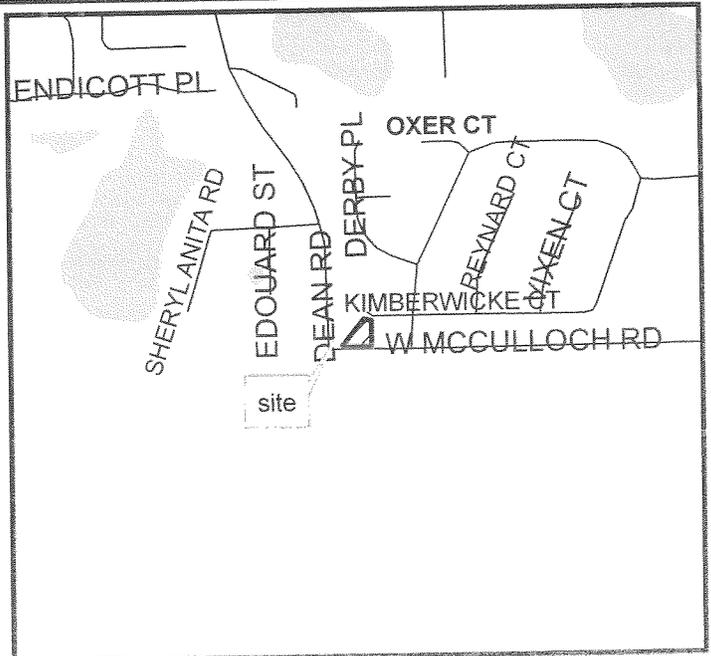
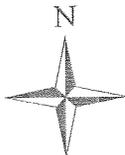
Drusilla & Leon Howard
 2375 Kimberwicke Ct
 Oviedo, FL 32765



Seminole County Board of Adjustment
 June 26, 2006
 Case: BV2006-072
 Parcel No: 32-21-31-501-0000-0030

Zoning

	BV2006-072		R-1A
	A-1		R-1BB
	R-1AA		PUD



<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: 32-21-31-501-0000-0030</p> <p>Owner: HOWARD LEON & DRUSILLA</p> <p>Mailing Address: 2375 KIMBERWICKE CT</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address:</p> <p>Subdivision Name: FOXCHASE PH 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$208,456</p> <p>Depreciated EXFT Value: \$825</p> <p>Land Value (Market): \$42,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$251,281</p> <p>Assessed Value (SOH): \$251,281</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$251,281</p> <p>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>02/2006</td> <td>06123</td> <td>0746</td> <td>\$355,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1988</td> <td>01964</td> <td>0204</td> <td>\$114,700</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	02/2006	06123	0746	\$355,000	Improved	Yes	WARRANTY DEED	05/1988	01964	0204	\$114,700	Improved	Yes	<p align="center">2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$3,062</p> <p>2005 Taxable Value: \$186,836</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																										
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<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>																																																	

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 3 FOX CHASE PHASE 1 PB 32 PGS 72 & 73

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

FINDINGS OF FACT

Property Owner: Leon & Drucilla Howard
2375 Kimberwicke Court
Oviedo FL 32765

Project Name: Kimberwicke Court Street (2375)

Requested Development Approval:

Request for a rear yard setback variance from 30 ft. to 25 ft. for a proposed screen room in R1AA (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: Denny Gibbs, Senior 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 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: