Item #BV2006-098

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed detached garage in the R-1AA (Single-Family Dwelling District); (Jim McSweeney, applicant).

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

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

Agenda Date 7/24/06 **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 a proposed detached garage in the R-1AA (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed detached garage in the R-1AA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Jim McSweeney
	Owner:	Jim McSweeney
	Location:	3516 Seaford Ln.
	Zoning:	R-1AA (Single-Family Dwelling District)
	Subdivision:	Howell Cove
BACKGROUND / REQUEST	• The applicant proposes to construct a detached garage which would encroach 22.5 feet into the minimum 30 feet rear yard setback; the aforementioned variance is requested. • The applicant proposes to build a 24' x 32' (approximately 760 square feet) detached garage in the rear of the property. • There are currently no code enforcement or building violations for this property.	

	• There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: • No special circumstances applicable to the lot or proposed detached garage have been demonstrated. The proposed detached garage could be reduced in size to comply with district setback requirements. • 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 applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
STAFF RECOMMENDATION	• 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: • Any variance granted shall apply only to the proposed detached 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.

COPY

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 MAY 30 2006

APPL.NO. BV 2006 - 095

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 from 30' TO 7.5' FOR A PROPOSED 2 CAR GARAGE

○ **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

○ **APPEAL FROM DECISION OF THE PLANNING MANAGER** _____

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	JIM MC SWEENEY	
ADDRESS	3516 SEAFORD LN.	
	CASSELBERRY	
PHONE 1	407 695 2981	
PHONE 2	407 539 6258	
E-MAIL		

PROJECT NAME: PROPOSED DETACHED GARAGE

SITE ADDRESS: 3516 SEAFORD LN CASSELBERRY

CURRENT USE OF PROPERTY: RESIDENTIAL

LEGAL DESCRIPTION: 23-21-30-0P00-0050
LOT 5 BLOCK P HOWELL COVE THIRD SECTION

SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 23.21-30.0P00-0050

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 7,24,06 **(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.

Jim Mc Sweeney 5-30-06

SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARINACE 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 COMMISSON DISTRICT_____FLU / ZONING R-1AA / LDR

BCC HEARING DATE_____(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS_____

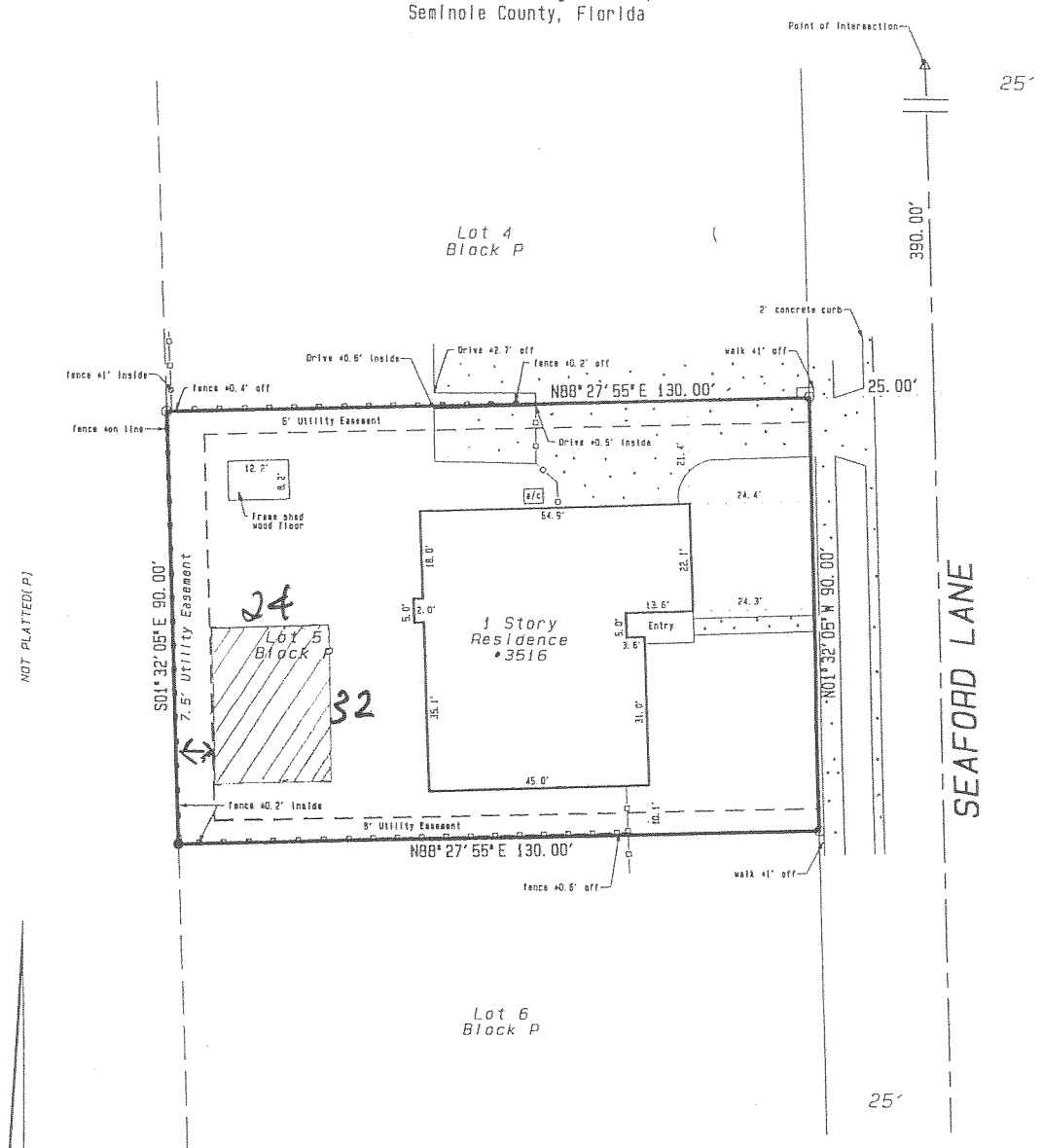
PLANNING ADVISOR_____DATE_____

SUFFICIENCY COMMENTS Height of structure?

Last Updated: October 20, 2004

Boundary Survey
for
James R. McSweeney

Lot 5, Block P,
HOWELL COVE THIRD SECTION
Plat Book 22, Pages 22-23,
Seminole County, Florida



Legend

□ = Recovered 4"x4" Concrete Monument.
■ = Set 4"x4" Concrete Monument #LB6300
△ = Recovered Nail & Disk no#
× = Recovered X Cut in concrete
○ = Recovered 1" Iron Pipe no#
● = Recovered 1/2" Iron Rod PLS4095
-◇- = Light Pole as shown
—o— =6' Wood Fence —x— =4' Chain link fence
—//— =Fence as shown
[ ] =Concrete Slab

This Survey Certified To:
Premier Title & Abstract, Inc.
American Pioneer Title Insurance Co.
Southmor Mortgage Corporation
James R. McSweeney

Δ=Central Angle L=Arc R=Radius R/W=Right of Way
A/C=Air Conditioner (R)=Radial (NR)=Non-Radial
(P)=Plat (M)=Measured (C)=Calculated (D)=Deed
POB=Point of Beginning POC=Point of Commencement
POL=Point On Line

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed and shall not be relied on by any other entity or individual whomsoever.

Underground foundations and/or improvements were not located as a part of this survey.

Lands shown hereon were not abstracted for rights of ways and/or easements of public records.

Bearings are based on the centerline of Seaford Lane as being S01°32'03"W, per plat

Legal Description furnished by client (unless otherwise noted)

This is to certify that I have reviewed the Flood Insurance Rating Map (FIRM), Panel Number 120289 0145 E, Dated 4/17/95 and determined that the lands shown hereon lies in Flood Zone "X".

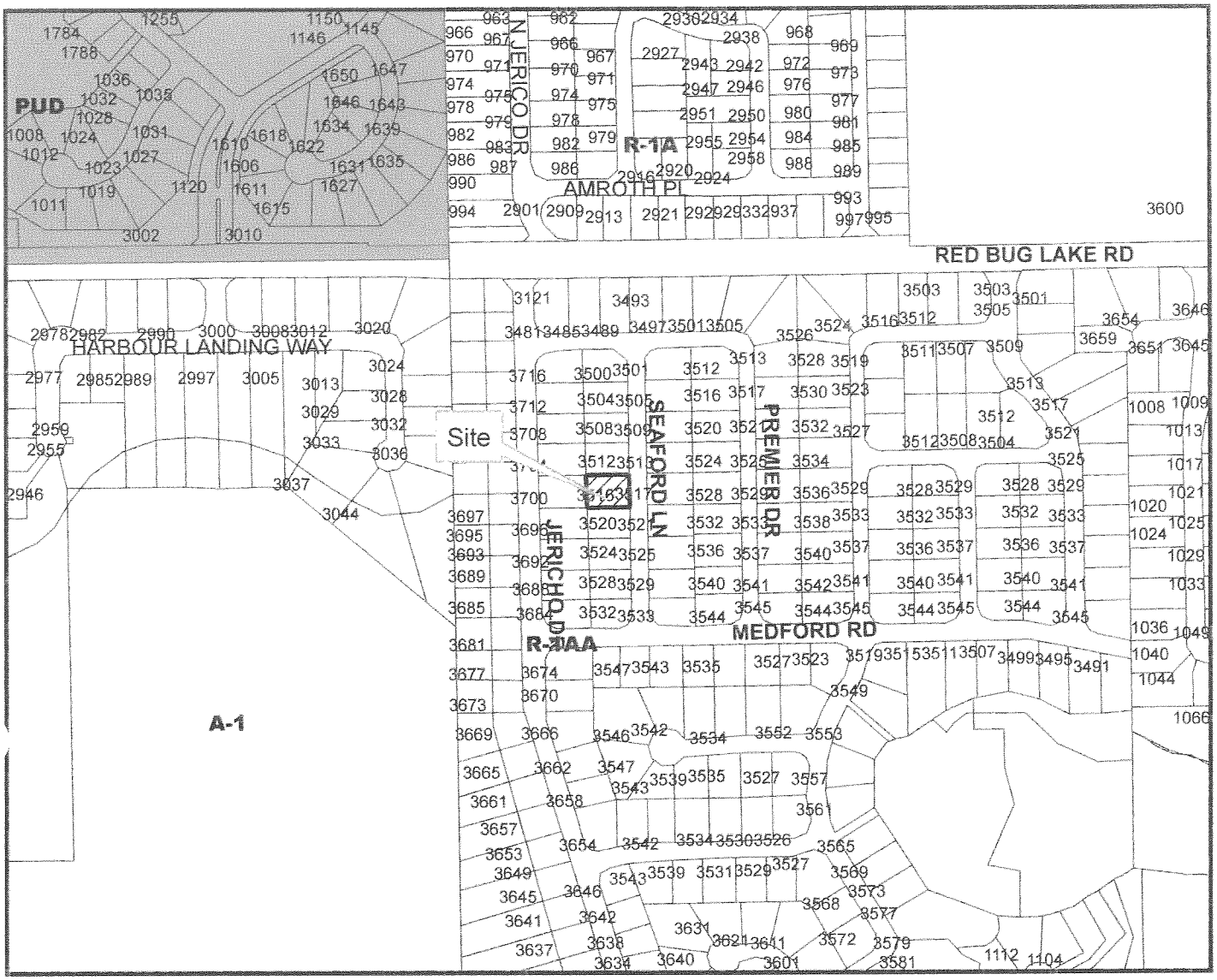
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps, sketches or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

Michael W. Sollitto, PSM #4456
For the Firm of Altamonte Surveying and Platting, Inc. #LB6300

SCALE:	1" = 30'
REVIEWED BY:	MWS
DRAWN BY:	SAW
DATE:	July 12, 2002
JOB No.:	16079
Revised:	

ALTAMONTE SURVEYING AND PLATTING, INC.
445 Douglas Avenue, Suite 1505
Altamonte Springs, Florida 32714
Phone (407) 862-7555 Fax (407) 862-6229

Jim Mc Sweeney
3516 Seaford Ln
Casselberry, Fl 32707

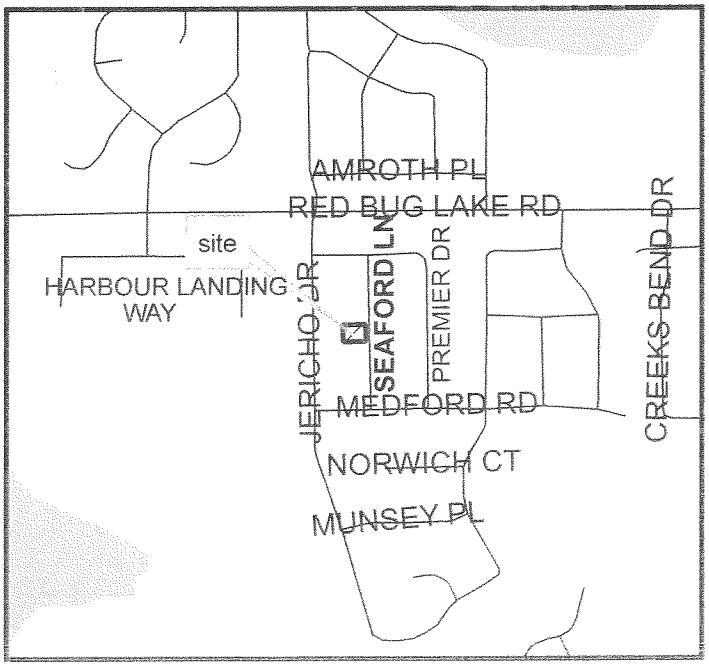


Seminole County Board of Adjustment
July 24, 2006
Case: BV2006-098
Parcel No: 23-21-30-503-0P00-0050

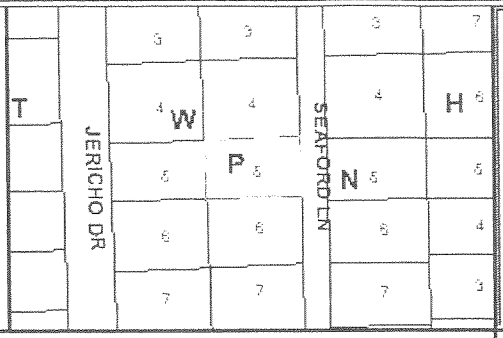
Zoning

- BV2006-098
- A-1
- R-1AA
- R-1A
- R-3A
- PUD

N



DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
SEMINOLE COUNTY FL
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506



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GENERAL

Parcel Id:	23-21-30-503-0P00-0050
Owner:	MC SWEENEY JAMES R
Mailing Address:	3516 SEAFORD LN
City,State,ZipCode:	CASSELBERRY FL 32707
Property Address:	3516 SEAFORD LN CASSELBERRY 32707
Subdivision Name:	HOWELL COVE 3RD SEC
Tax District:	01-COUNTY-TX DIST 1
Exemptions:	00-HOMESTEAD
Dor:	01-SINGLE FAMILY

2006 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	$208,982
Depreciated EXFT Value:	$1,920
Land Value (Market):	$40,000
Land Value Ag:	$0
Just/Market Value:	$250,902
Assessed Value (SOH):	$153,572
Exempt Value:	$25,000
Taxable Value:	$128,572

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	07/2002	04480	1372	$151,500	Improved	Yes
WARRANTY DEED	04/1998	03422	0007	$112,000	Improved	Yes
WARRANTY DEED	07/1980	01290	1199	$74,500	Improved	Yes
WARRANTY DEED	05/1979	01223	0898	$141,000	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH):	$2,452
2005 Tax Bill Amount:	$2,034
Save Our Homes (SOH) Savings:	$418
2005 Taxable Value:	$124,099

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	$40,000

LEGAL DESCRIPTION

PLATS: Pick...

LEG LOT 5 BLK P HOWELL COVE 3RD SEC PB 22 PGS 22 & 23

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	1980	6	1,753	2,890	1,753	CB/STUCCO FINISH	$208,982	$233,499

Appendage / Sqft	ENCLOSED PORCH UNFINISHED / 570
Appendage / Sqft	GARAGE FINISHED / 492
Appendage / Sqft	OPEN PORCH FINISHED / 75

NOTE: *Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished,Base Semi Finshed*

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1980	1	$480	$1,200
SPA	1983	1	$1,000	$2,500
GAS HEATER	1983	1	$440	$1,100

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.*

May 30, 2006

Seminole County Board of Adjustment

Request for rear yard setback variance from 30 feet to 7 ½ feet.

I wish to construct a detached two car garage in my back yard. I am in the R-1AA zoning district, the rear yard setback is 30 feet. Due the layout of my house, an addition would not be possible. The house to the north of me has had a garage addition added to it which extends 5 feet into the 10 foot side yard setback.

There is room in my back yard to construct and landscape a garage that would not be injurious to the neighborhood. The property slopes approximately 5 feet from the property line to the house. I would construct the garage so the rear wall would be approximately 5 feet below grade, resulting in an easily concealable structure.

I will seek letters of support from my neighbors and the HOA.

I know of no code enforcement violations on the property.

The property is accessible for inspection by the Planning Division Staff.

Sincerely,

Jim McSweeney
3516 Seaford Lane
Casselberry, FL 32707

(H) 407-695-2981
(W) 407-539-6258

June 4, 2006

Seminole County Board of Adjustment

RE: Jim McSweeney 3516 Seaford Lane - Variance to Rear Yard Setback

We are Jim's neighbors and support his request for a variance to his rear yard setback in order for him to be able to construct a detached two car garage.

Mr. and Mrs. Cureton 3512 Seaford Lane

Mr. and Mrs. Blough 3520 Seaford Lane

Mr. and Mrs. Edwards 3700 Jericho Drive

RED BUG LAKE ROAD
JERICHO DRIVE
PRIEMIER DRIVE
SEAFORD LANE
PREMIER DRIVE
JERICHO DRIVE
MERIVALE DRIVE
DEERFIELD ROAD
CORAM LANE
MERIVALE DRIVE
MEDFORD ROAD
NORWICH COURT
MUNSEY PLACE
JERICHO DRIVE
JERICHO DRIVE
DAHL COURT
North

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 5 BLK P HOWELL COVE 3RD SEC PB 22 PGS 22 & 23

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

FINDINGS OF FACT

Property Owner: Jim McSweeney
3516 Seaford Ln.
Casselberry, Fl 32707

Project Name: Seaford Lane (3516)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed detached 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 detached garage as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforedescribed 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: