

**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 shed in the R-1A (Single-Family Dwelling District); (Susan & Harry Ludlow, applicants).

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

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

Agenda Date 8/28/06 **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 shed in the R-1A (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 shed in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicants: Susan & Harry Ludlow Owner: Susan Hearn-Ludlow Location: 119 Waverly Drive Zoning: R-1A (Single-Family Dwelling District) Subdivision: Highland Pines
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a shed that would encroach 22.5 feet into the minimum 30 foot rear yard setback; the aforementioned variance is thereby requested. • The applicant proposes to construct a 24' x 12' detached accessory structure (approximately 288 square feet) in rear of the property. • The applicant has submitted plans for the proposed shed to the Building Division on June 19, 2006. (App. # 06 00007211) • 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 any prior variances 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 shed 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 32701
 (407) 665-7444 FAX (407) 665-7385

RECEIVED JUN 22 2006

APPL. NO. 112006-114

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 VARIANCE from 30 ft. to 7.5 ft for a proposed shed
- 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	Susan Hearn-Ludlow, Harry Ludlow	
ADDRESS	119 Waverly Dr. FERN PARK, FL 32730	
PHONE 1	(407) 339-8499	
PHONE 2	(407) 925-2073 cell	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 119 Waverly Dr

CURRENT USE OF PROPERTY: residence

LEGAL DESCRIPTION: Leg Lot 22 Highland Pines Unit 1 PB 14 PG 95

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 20-21-30-509-0000-0720

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 8, 28, 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.

Susan M Hearn Ludlow June 22, 2006
 SIGNATURE OF OWNER OR AGENT DATE

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): <u>150.00</u>	COMMISSION DISTRICT _____ FLU/ZONING <u>RTA/LAR</u>
BCC HEARING DATE _____	(FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____	
PLANNING ADVISOR _____	DATE _____
SUFFICIENCY COMMENTS <u>Shed dimensions 24' x 12'</u>	
<u>other shed removed</u>	

SWERDLOFF & LONG

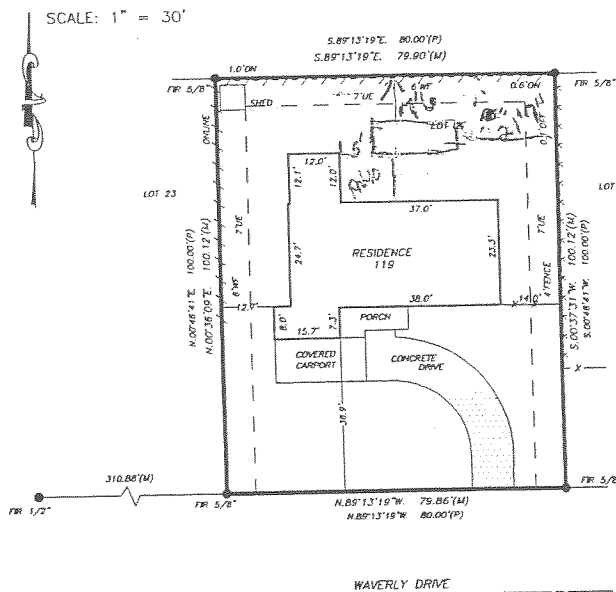
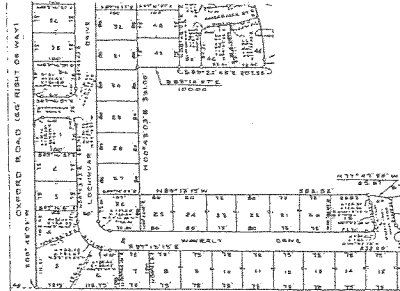
SURVEYING, INC.

Legal Description

Lot 22, HIGHLAND PINES UNIT 1, according to the plat thereof, as recorded in Plat Book 14, Page(s) 95, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0140
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 12/23/2003 Completion Date: 12/24/2003

Certified to:
 Susan Hearn; Allied Abstract and Title Company, LLC;
 Commonwealth Land Title Insurance Company; First Horizon Home
 Loan Corporation, its' successors and/or assigns.



DL-7211

Property Address:
 119 Waverly Drive
 Casselberry, FL 32730

Survey number: SL 28066

LEGEND

#	Wood Fence	CATV	Cable Run	M.H.	Manhole
-x-x-	Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
FN	Found Nail	TEL	Telephone Facilities	O.R.	Official Records
.	Property Corner	COVERED	Covered Area	O.R.B.	Official Records Book
R	Record	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
M	Field Measured	CH	Chord	P.R.M.	Permanent Reference Monument
CL	Clear	RAD	Radial	PG	Page
ENCR	Encroachment	N.R.	Non Radial	PVMT.	Pavement
+	Centerline	A/C	Air Conditioning	P.B.	Plat Book
□	Concrete	B.M.	Bench Mark	P.O.B.	Point of Beginning
—	Property Line	C	Calculated	P.O.C.	Point of Commencement
□	Concrete Monument	ZZZZ	Block Wall	P.O.L.	Point on Line
FLR	Found Iron Rod	△	Central Angle/Delta	P.C.	Point of Curvature
F.L.P.	Found Iron Pipe	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
R/W	Right Of Way	D	Description of Deed	F.T.	Point of Tangency
N&D	Nail & Disk	D.H.	Drill Hole	R.	Radius (Radial)
D.E.	Drainage Easement	D.W.	Drive way	R.O.E.	Roof Overhang Easement
U.E.	Utility Easement	ESMT	Easement	S.I.R.	Set Iron Rod & Cap
FD	Found	EL	Elevation	S/W	Sidewalk
P	Plat	F.F.	Finished Floor	T.O.P.	Top of Bank
ASPH	Asphalt	F.C.M.	Found Concrete Monument	TYP	Typical
O.H.U.	Overhead Utilities	F.P.K.	Found Parker-Kalon Nail	W.C.	Witness Corner
PP	Power Pole	L	Length	10.05	Existing Elevation

GENERAL NOTES

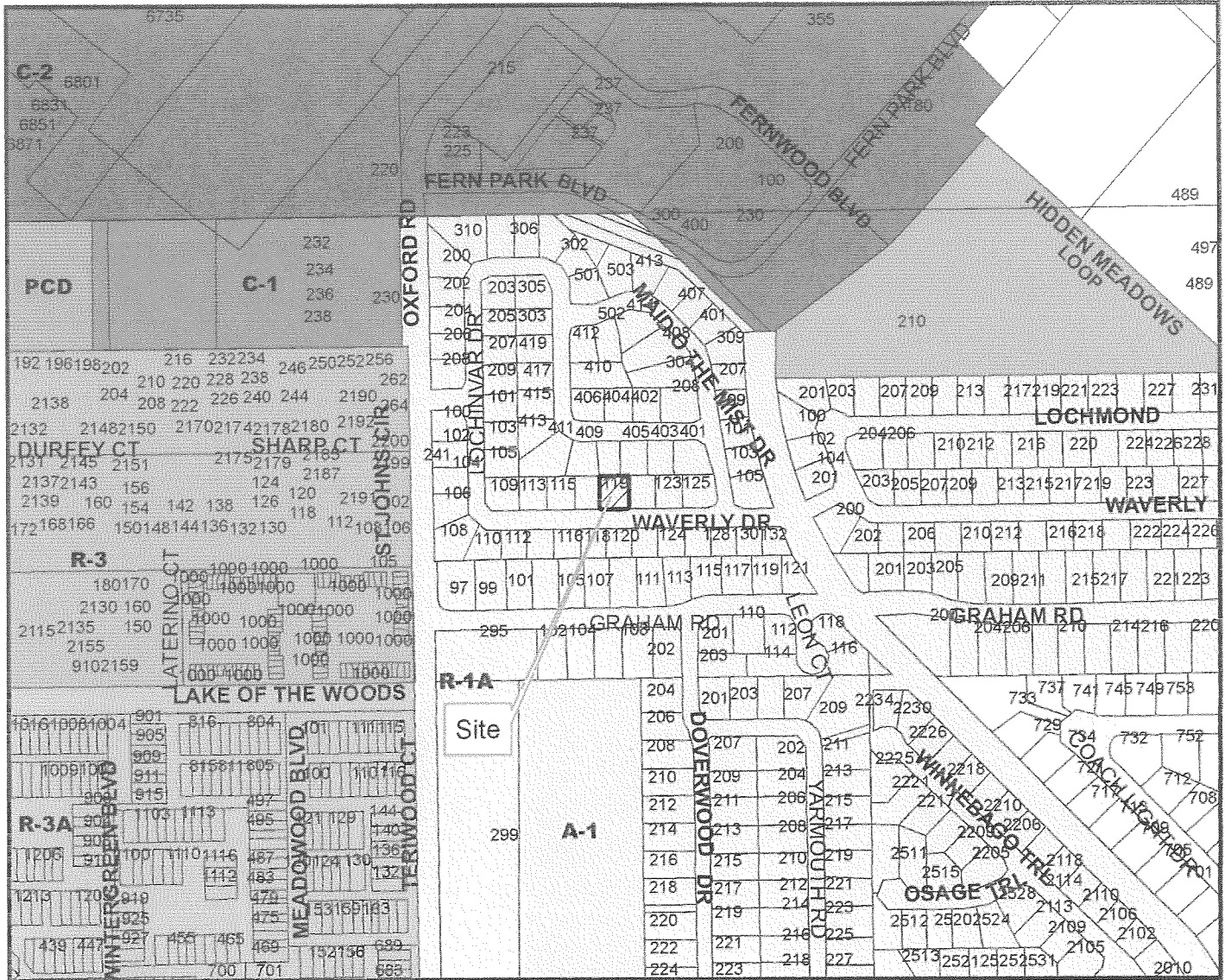
- Legal description provided by others.
- The limits shown herein were not determined for easements or other recorded encroachments not shown on the plat.
- Underground portions of footings, foundations or other improvements were not located.
- Wall lines are to the face of the wall.
- Only visible encroachments located.
- No identifications based on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- Elevations if shown are based upon N.G.V.D. 1929 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 original surveyor's signature and seal.
- Flood zone determinations are provided as a courtesy only, and are derived from the best source available to the surveyor. This information should not be relied upon for flood insurance purposes, and may differ from information provided by others.
- L.S. 7132
- I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

Ralph Swerdloff

Registered Land Surveyor No. 341

Swerdloff & Long Surveying, Inc.
 365 Waymont Court, Suite 109, Lake Mary, FL 32774
 Voice 407.688.7631 Fax 407.688.7659

Susan & Harry Ludlow
 119 Waverly Dr
 Fern Park, FI 32730

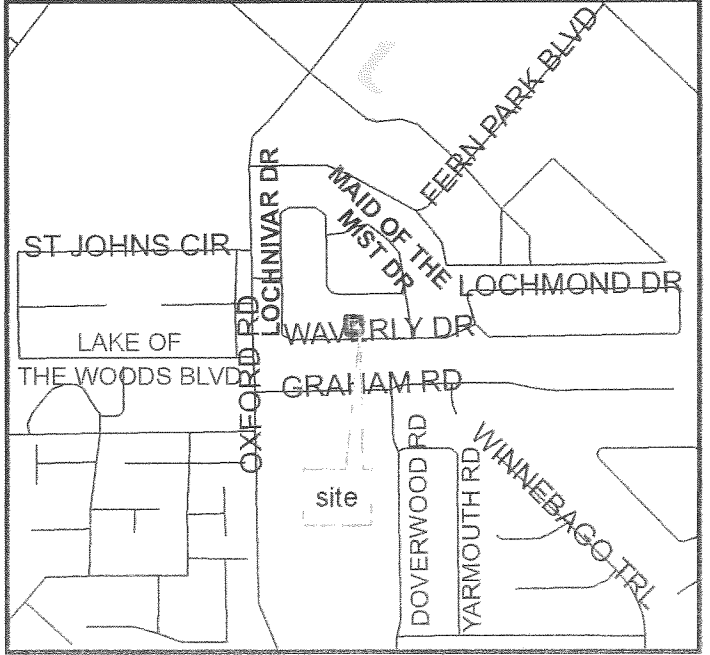


Seminole County Board of Adjustment
August 28 2006
Case: BV2006-114
Parcel No: 20-21-30-509-0000-0220

Zoning

	BV2006-114		R-2		C-2
	A-1		R-3A		PUD
	R-1AA		R-3		PCD
	R-1A		RP I		
	R-1		C-1		

N



<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: 20-21-30-509-0000-0220</p> <p>Owner: HEARN SUSAN M R-1A LOR</p> <p>Mailing Address: 119 WAVERLY DR</p> <p>City,State,ZipCode: FERN PARK FL 32730</p> <p>Property Address: 119 WAVERLY DR FERN PARK 32730</p> <p>Subdivision Name: HIGHLAND PINES UNIT 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$92,248</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$25,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$117,248</p> <p>Assessed Value (SOH): \$72,040</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$47,040</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>QUIT CLAIM DEED</td> <td>09/1987</td> <td>01891</td> <td>1903</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1984</td> <td>01597</td> <td>1607</td> <td>\$62,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1974</td> <td>01019</td> <td>1582</td> <td>\$29,300</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1968</td> <td>00662</td> <td>0008</td> <td>\$18,200</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	09/1987	01891	1903	\$100	Improved	No	WARRANTY DEED	11/1984	01597	1607	\$62,900	Improved	Yes	WARRANTY DEED	01/1974	01019	1582	\$29,300	Improved	Yes	WARRANTY DEED	01/1968	00662	0008	\$18,200	Improved	No	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,303</p> <p>2005 Tax Bill Amount: \$736</p> <p>Save Our Homes (SOH) Savings: \$567</p> <p>2005 Taxable Value: \$44,942</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																									
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ATT:
IAN
SEKONIA

Harry Susan Ludlow

July 18, 2006

We the undersigned do not object to the addition of a 12 x 24' waverly outdoor shed to the property of Susan and Harry R. Ludlow of 119 Drive, Fern Park, Florida 32730.

The following are signatures of neighbors on each side and behind above property .

Name : Hipolito LAMAR
(Please Print)
Signature: [Signature]
Address: 407 Lochmond
D.R. camelberry, FL
32730

Name: FARZAD RAO
(Please Print)
Signature: [Signature]
Address: 114 Waverly DR.
Fern Park, FL 32730

Name: Tanya Barrett
(Please Print)
Signature: [Signature]
Address: 12 Waverly Dr
Fern Park, FL 32730

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 HIGHLAND PINES UNIT 1 PB 14 PG 95

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

FINDINGS OF FACT

Property Owner: Susan M. Hearn
119 Waverly Drive
Fern Park, FL 32730

Project Name: Waverly Drive (119)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed shed 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 shed 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: