

**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-1 (Single-Family Dwelling District); (Anne Phelps, applicant).

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-1 (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-1 (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Anne Phelps Owner: Anne Phelps Location: 5156 Seminole Avenue Zoning: R-1 (Single-Family Dwelling District) Subdivision: Suburban Homes</p>
<p>BACKGROUND / REQUEST</p>	<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 30' x 14' shed (approximately 420 square feet) in the rear of the property. Since the structure is over 200 square feet, it must maintain the same setbacks as the main residential structure. • There are currently no code enforcement or building violations for this property.

STAFF FINDINGS	<ul style="list-style-type: none">• There is no record of prior variances for this property. <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 applicants could place the proposed shed within the required setbacks of the R-1 zoning district thereby negating the need for a variance.• 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 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED JUN 3 2006 **COPY**
 APPL. NO. BV2006-120

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 14X30 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	Anne Phelps	
ADDRESS	5156 N. SEMINOLE AVE Winter Park FL 32792	
PHONE 1	407 740 8979	
PHONE 2	407 325 1786	
E-MAIL	annie_h35@yahoo.com	

PROJECT NAME: _____

SITE ADDRESS: _____

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Leg Lots 20 + 21 BIK 20 Suburban Homes PB 5 PG 61

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-21-30-001-2000-0200

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 6/28/06 (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.

Anne Phelps
 SIGNATURE OF OWNER OR AGENT* DATE 6/30/06

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 _____

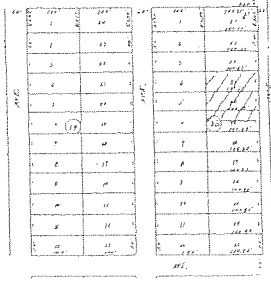
FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 150.00 COMMISSION DISTRICT _____ FLU / ZONING R-1 / LDR
BCC HEARING DATE _____ (FOR APPEAL) _____
LOCATION FURTHER DESCRIBED AS _____
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

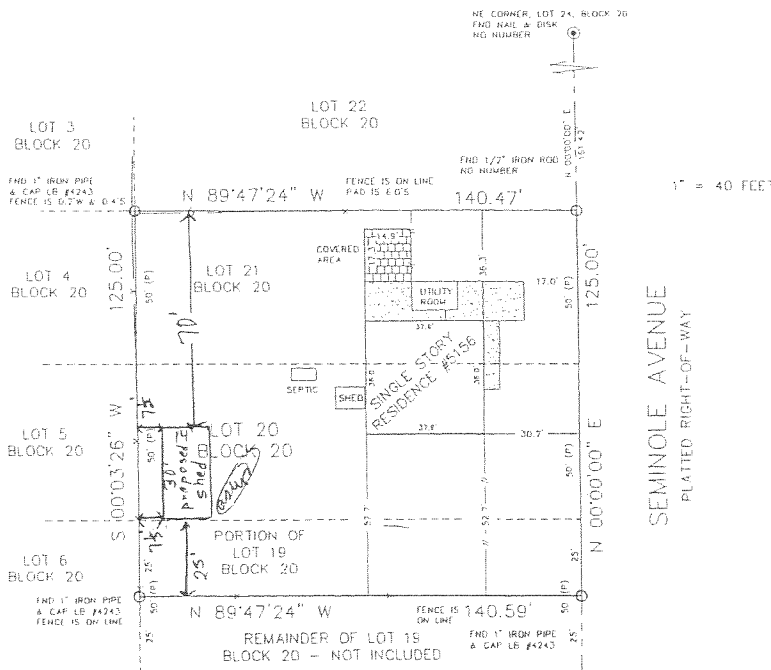
The North 1/2 of Lot 19 and all of Lots 20 & 21, Block 20, SUBURBAN HOMES, according to the plat thereof, as recorded in Plat Book 5, Pages 60-61, of the Public Records of Seminole County, Florida

Community number: 170289 Panel: 0210
 Suffix: E.F.I.R.M. Date: 4/17/95 Flood Zone: X
 Date of field work: 5/30/02 Completion Date: 6/3/02

Certified to
 Darrell S. Phelps; Anne S. H. Phelps; Gulf Coast Title Closing & Escrow Services, Inc.; Commonwealth Land Title Insurance Company; Tri-Star Lending Group, Inc. its successors and/or assigns



REVIEWED AND ACCEPTED BY:



Property Address
 5136 North Seminole Avenue
 Winter Park, FL 32792

Survey number SL 8444

LEGEND:			
- . X - .	WOOD FENCE	---	BLOCK WALL
- X - X -	WIRE FENCE	Δ	CENTRAL ANGLE/DELTA
FN	FUNCTIONAL	D.E.	DEED BOOK
V	PROPERTY CORNER	D	DESCRIPTION OR DEED
R	RECORD	DM	DRILL HOLE
M	FIELD MEASURED	D/W	DRIVEWAY
C	CALCULATED	ESMT	EASEMENT
ENCR	ENCROACHMENT	EL	ELEVATION
CL	CLEAR	FF	FINISHED FLOOR
CONC	CONCRETE	FCM	FOUND CONCRETE MONUMENT
PL	PROPERTY LINE	FRK	FOUND PARKER-KALONIAL
CM	CONCRETE MONUMENT	L	LENGTH
FIR	FOUND IRON ROD	L.A.E.	LIMITED ACCESS EASEMENT
FIP	FOUND IRON PIPE	N/T/S	NOT TO SCALE
R/W	RIGHT OF WAY	OR	OFFICIAL RECORD
N/S/O	NAIL OR NYS	ORR	OFFICIAL RECORDS BOOK
D/E	DRAINAGE EASEMENT	PCP	PERMANENT CONTROL POINT
U/E	UTILITY EASEMENT	PRM	PERMANENT REFERENCE MONUMENT
RD	ROUND	PS	PAGE
PL	PLAT	PVMT	PAVEMENT
ASPH	ASPHALT	RB	PLAT BOOK
D/H/L	OVERHEAD UTILITIES	ROB	POINT OF BEGINNING
RP	POWER POLE	POC	POINT OF COMMENCEMENT
TR	TRANSFORMER	POI	POINT OF IRON
CATV	CABLE PSE	POC	POINT OF CURVATURE
WM	WATER METER	PRC	POINT OF REVERSE CURVATURE
TEL	TELEPHONE FACILITIES	PT	POINT OF TANGENCY
COV	COVERED AREA	R	RADIUS (RADIAL)
BR	BEARING REFERENCE	R.O.E.	ROOF OVERHANG EASEMENT
CH	CHORD	SET	SET BACK/ROD & CAP
RAD	RADIAL	S/W	SEWALK
N/R	NON RADIAL	TEB	TEMPORARY BENCH MARK
A/C	AIR CONDITIONER	TOF	TOP OF BANK
BM	BENCHMARK	TY	TYPICAL
CB	CATCH BASIN	WC	WITNESS CORNER
C	CALCULATED	10.50	EXISTING ELEVATION
		E.O.W.	EDGE OF WATER

GENERAL NOTES:

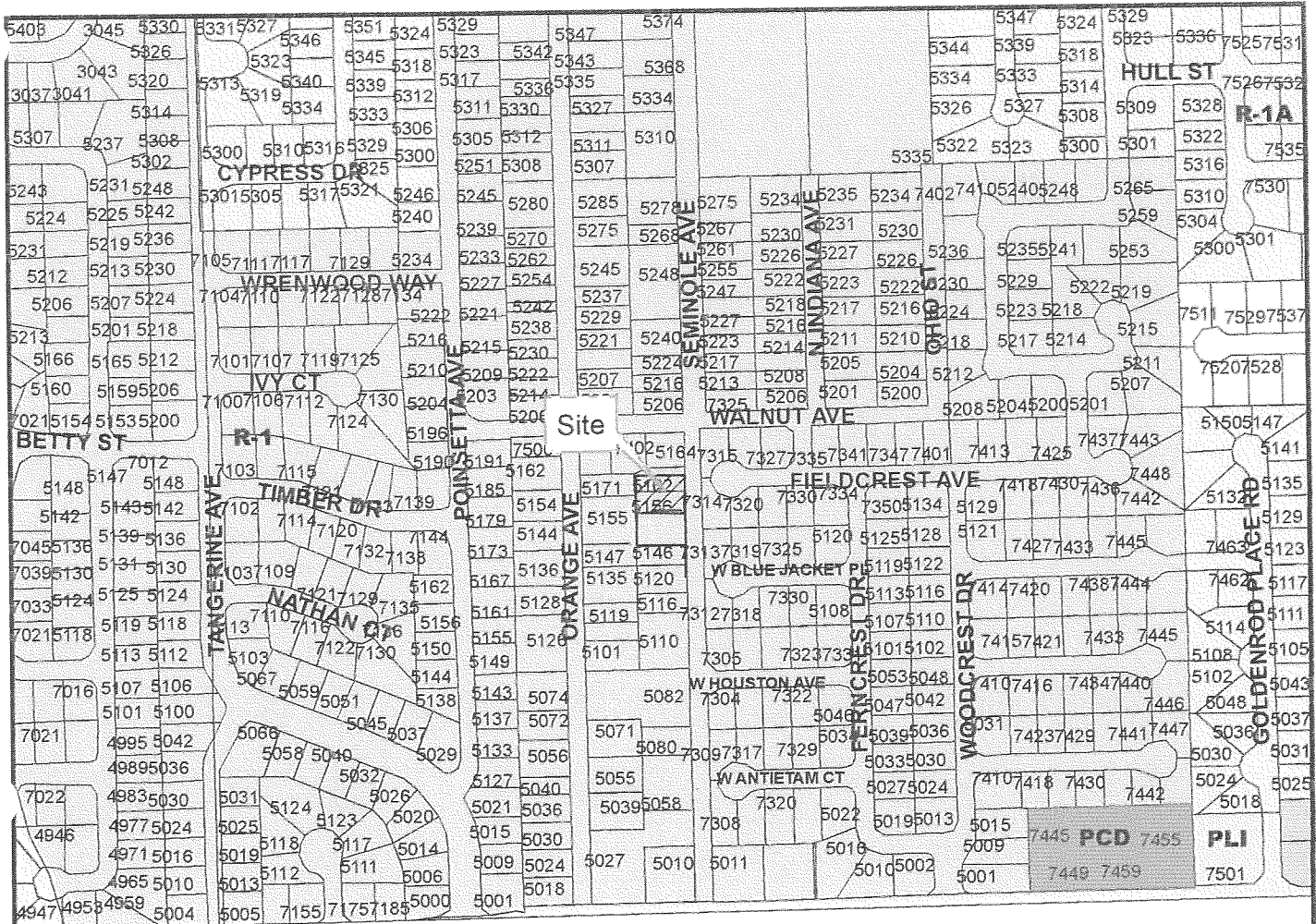
- LEGAL DESCRIPTION PROVIDED BY OTHERS.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
- ELEVATIONS SHOWN ARE BASED UPON NGVD 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 SIGNING SURVEYOR'S EMBOSSED SEAL.
- FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.

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. 30011
SWERDLOFF & LONG SURVEYING, INC.
 365 Waymont Ct., Ste. 109, Lake Mary, FL 32746
 Voice (407) 688-7631 Fax (407) 688-7691












L.R. 7132

Anne Phelps
 5156 N Seminole Ave
 Winter Park, FL 32792

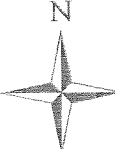
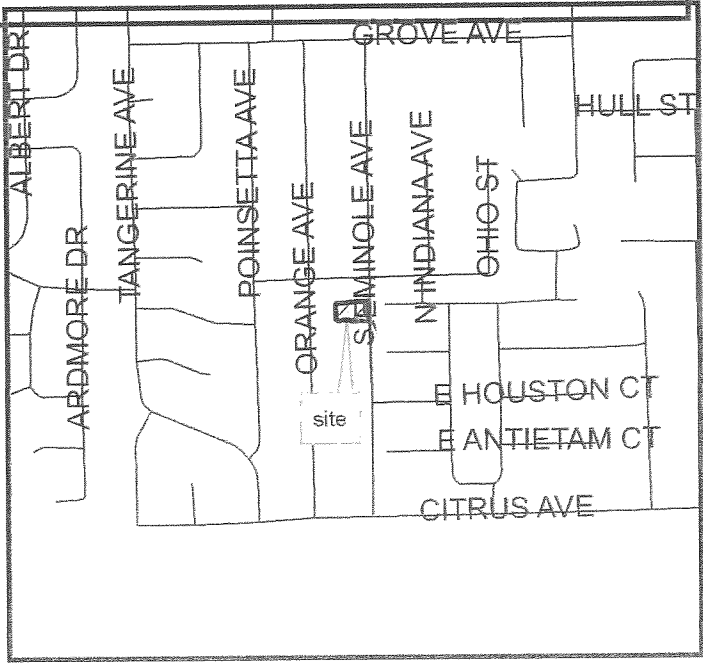


Seminole County Board of Adjustment
August 28 2006
Case: BV2006-120
Parcel No: 35-21-30-501-2000-0190

Zoning

 BV2006-120	 R-1	 C-3
 A-1	 R-2	 PCD
 R-1AA	 OP	 PLI
 R-1A	 C-2	

N

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																												
GENERAL Parcel Id: 35-21-30-501-2000-0190 Owner: PLELPS DARRELL L & ANNE S H Mailing Address: 5156 N SEMINOLE AVE City,State,ZipCode: WINTER PARK FL 32792 Property Address: SEMINOLE AVE N WINTER PARK 32792 Subdivision Name: SUBURBAN HOMES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$234 Land Value (Market): \$50,750 Land Value Ag: \$0 Just/Market Value: \$50,984 Assessed Value (SOH): \$50,984 Exempt Value: \$0 Taxable Value: \$50,984 Tax Estimator																																										
SALES <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>06/2002</td> <td>04435</td> <td>0469</td> <td>\$106,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1996</td> <td>03187</td> <td>0787</td> <td>\$62,500</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1984</td> <td>01591</td> <td>1889</td> <td>\$45,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1980</td> <td>01275</td> <td>1570</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01148</td> <td>1155</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2002	04435	0469	\$106,000	Vacant	No	WARRANTY DEED	01/1996	03187	0787	\$62,500	Vacant	No	WARRANTY DEED	11/1984	01591	1889	\$45,000	Vacant	No	QUIT CLAIM DEED	03/1980	01275	1570	\$100	Vacant	No	WARRANTY DEED	01/1977	01148	1155	\$100	Vacant	No	2005 VALUE SUMMARY 2005 Tax Bill Amount: \$86 2005 Taxable Value: \$5,250 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
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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.																																												

BU 2006-120

August 3, 2006

I, Rita Shanks

residing at:

5155 N. Orange Ave
Winter Park, Fl.

have no objection to the placement of the shed that will be 7.5 feet from the fence line.

Rita Shanks

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 N ½ LOT 19 & ALL OF LOTS 20 & 21 BLK 20 SUBURBAN HOMES PB 5 PG 61

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

FINDINGS OF FACT

Property Owner: Anne Phelps
5156 N. Seminole Ave.
Winter Park, FL 32792

Project Name: Seminole Avenue (5156)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed shed in the R-1 (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: