

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

SUBJECT: Request for a side yard (east) setback variance from 10 feet to 3 feet for a proposed family room addition in R-1AAA (Single Family Dwelling District); Richard & Mary-Frances Brooke, applicant.

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

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

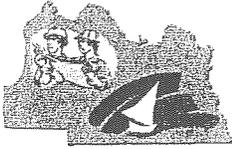
Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard (east) setback variance from 10 feet to 3 feet for a proposed family room addition in R-1AAA (Single Family Dwelling District); or
2. **DENY** the request for a side yard (east) setback variance from 10 feet to 3 feet for a proposed family room addition in R-1AAA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Richard & Mary-Frances Brooke Richard & Mary-Frances Brooke 218 Sweetwater Creek Drive R-1AAA Sweetwater Oaks Section 5
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 14 foot x 22 foot addition to the single story residence on the northeast side of their property that would encroach 7 feet into the 10 foot side yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of 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.• 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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant could place the addition in such a manner that an encroachment into the side setback would not be necessary.</i>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• 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 addition 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

APPL. NO. BV 2006-123

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** side yard setback VARIANCE from 10 ft. to 3 ft. for a proposed Addition.
- 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**

RECEIVED JUL 05 2006

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Richard & Mary-Frances Brooke	
ADDRESS	218 Sweetwater Crk. Dr. E. Longwood, FL 32779	
PHONE 1	407-869-6550	
PHONE 2	407-765-9519	
E-MAIL	mfbrooke@cfl.rr.com	

PROJECT NAME: _____

SITE ADDRESS: 218 Sweetwater Creek Drive

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: leg lots 8 & 9A B1K D Sweetwater OAKS Sec 5 PB 19 PGS 1 TO 3 OD00

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 32-20-29-50K-0000-0090

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.

Mary Frances Brooke
 SIGNATURE OF OWNER OR AGENT*

7/5/06
 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): 150.00 COMMISSION DISTRICT _____ FLU / ZONING R-1AAA / LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS dim of the add

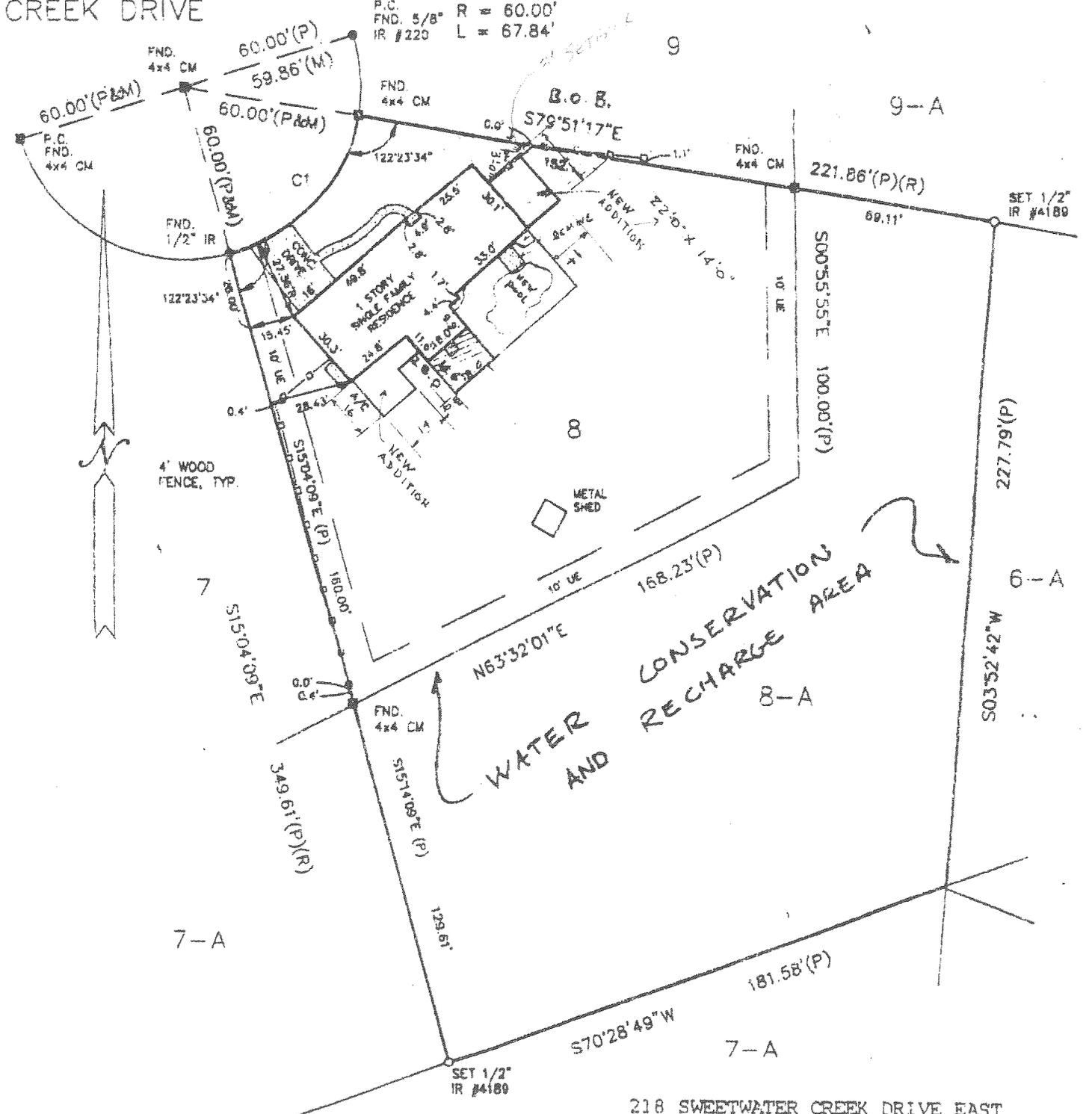
BOUNDARY SURVEY

LEGAL DESCRIPTION: LOTS 8 AND 8A, BLOCK "D", SWEETWATER OAKS, SECTION 5, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGES 1 - 3, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

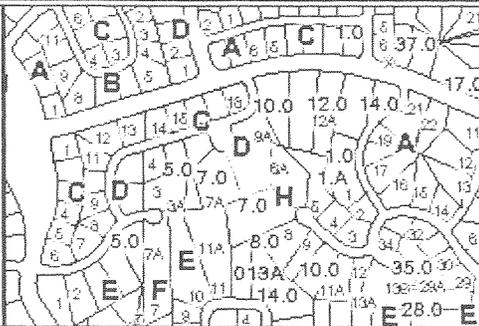
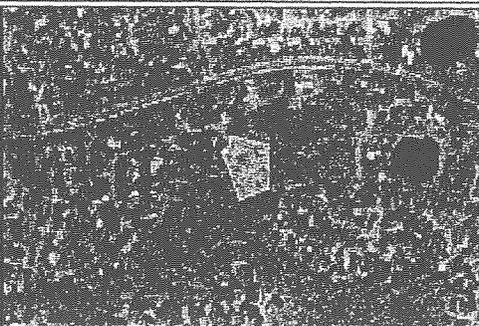
THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING AS PER F.I.R.M. COMMUNITY PANEL NUMBER 120289 0110 B, SEMINOLE COUNTY, FLORIDA. MAP DATED MAY 5, 1981.

CERTIFIED TO: FIDELITY NATIONAL TITLE INSURANCE
 COMPANY OF PENNSYLVANIA
 COUNTRYWIDE FUNDING CORP.
 RICHARD A. & MARY-FRANCES Y. BROOKE

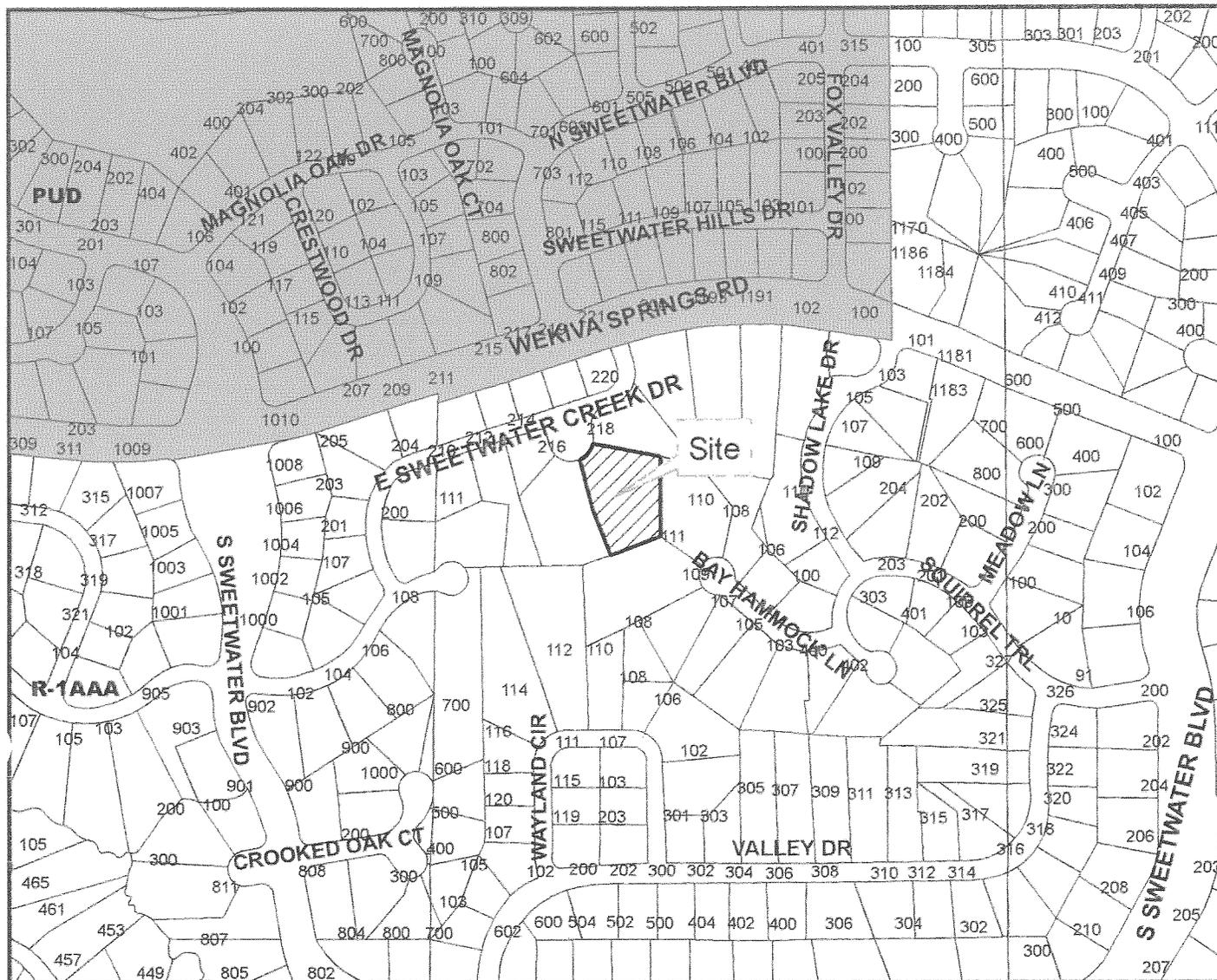
SWEETWATER CREEK DRIVE



LEGEND: IR = IRON ROD	IR = IRON PIPE	CM = CONCRETE MONUMENT	FND. = FOUND.	CONC. = CONCRETE	BO. = BOARDS	ENT. = ENTRANCE	S.W. = SIDEWALK	SCR. = SCREEN
U.E. = UTILITY EASEMENT	D.E. = DRAINAGE EASEMENT	ESMT. = EASEMENT	P.C. = POINT OF CURVATURE	P.T. = POINT OF TANGENCY	P.O.B. = POINT OF BEGINNING	Δ = DELTA		

<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 32-20-29-5DK-0D00-0080</p> <p>Owner: BROOKE RICHARD A & MARY F Y</p> <p>Mailing Address: 218 E SWEETWATER CREEK DR</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 218 SWEETWATER CREEK DR E LONGWOOD 32779</p> <p>Subdivision Name: SWEETWATER OAKS SEC 05</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: \$217,710</p> <p>Depreciated EXFT Value: \$10,110</p> <p>Land Value (Market): \$70,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$297,820</p> <p>Assessed Value (SOH): \$161,536</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$136,536</p> <p>Tax Estimator</p>																																																									
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<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i></p> <p><i>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</i></p>																																																											

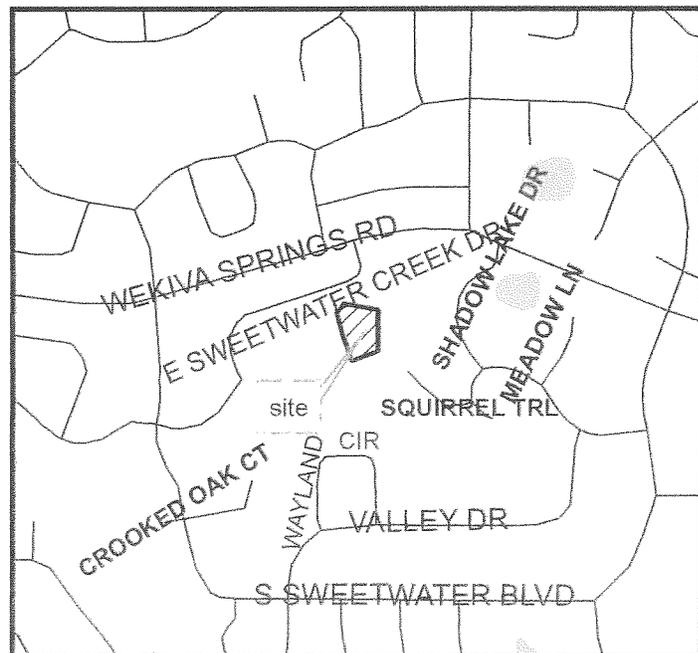
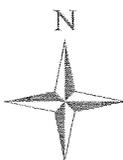
Mary & Richard Brooke
 218 Sweetwater Creek Dr E
 Longwood, FL 32779



Seminole County Board of Adjustment
 August 28, 2006
 Case: BV2006-123
 Parcel No: 32-20-29-5DK-0D00-0080

Zoning

-  BV2006-123
-  R-1AAA
-  PUD



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 LOTS 8 + 8A BLK D SWEETWATER OAKS SEC 5 PB 19 PGS 1 TO 3

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

FINDINGS OF FACT

Property Owner: Richard & Mary-Frances Brooke
218 Sweetwater Creek Drive
Longwood FL 32779

Project Name: Sweetwater Creek Drive (218)

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 3 feet for a proposed family room addition in R-1AAA (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 family room addition 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: