

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

SUBJECT: Request for a rear yard (east) setback variance from 30 feet to 12 feet for a proposed screen room addition in R-1A (Single Family Dwelling District); Frances & T.H. Simpson, applicant.

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

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

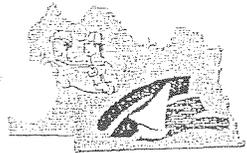
Agenda Date 9/25/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard (east) setback variance from 30 feet to 12 feet for a proposed screen room addition in R-1A (Single Family Dwelling District); or
2. **DENY** the request for a rear yard (east) setback variance from 30 feet to 12 feet for a proposed screen room addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Frances & T.H. Simpson Owner: Frances & T.H. Simpson Location: 257 Whitesand Court Zoning: R-1A (Single Family Dwelling District) Subdivision: Whitesand Cove</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant proposes to build an 18 foot by 26 foot screen room addition that would encroach 13 feet into the required 30-foot rear 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.• 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 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
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BU 2006-139

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 feet to 12 feet FOR A PROPOSED SCREEN ROOM
- 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 _____
- APEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED AUG 03 2006

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	FRANCES & T.H. SIMPSON	
ADDRESS	257 WHITESAND CT CASSELBERRY, FL.	
PHONE 1	407 645 2456	
PHONE 2		
E-MAIL	THSIMPSON@GETUAPPROVED.COM	

PROJECT NAME: porch

SITE ADDRESS: 257 Whitesand Ct

CURRENT USE OF PROPERTY: WARD

LEGAL DESCRIPTION: LOT 18 Whitesand Cove PB 48 PG 65

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 14-21-30-515-0000-0180

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 9/25/2006 (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.

[Signature]

08/03/06
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): 150.00

COMMISSION DISTRICT

FLU / ZONING

RIA / LDR

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

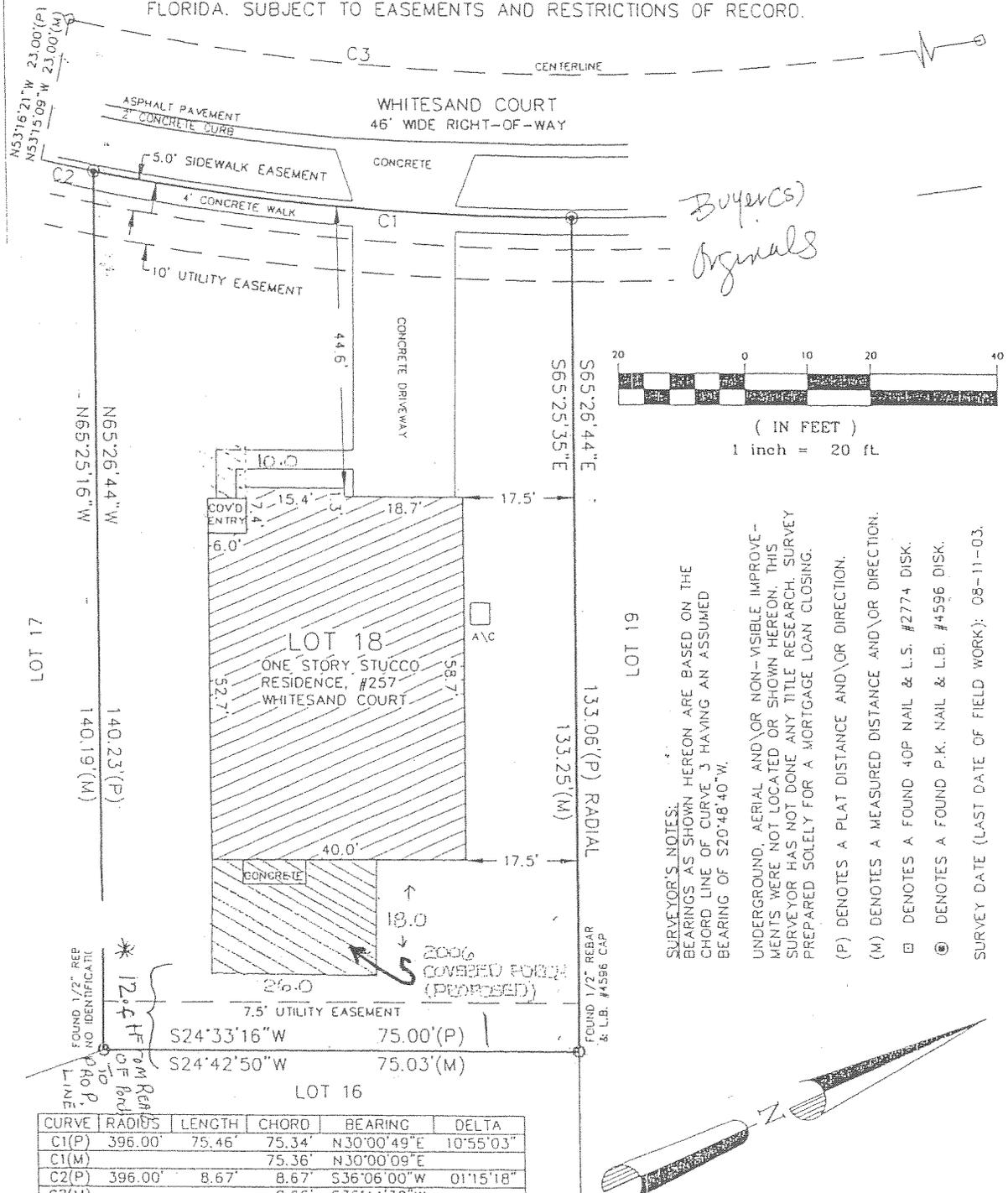
DATE

SUFFICIENCY COMMENTS

LEGAL DESCRIPTION:

BOUNDARY SURVEY

LOT 18, WHITESAND COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 48, PAGE 65 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



SURVEYOR'S NOTES:
 BEARINGS AS SHOWN HEREON ARE BASED ON THE CHORD LINE OF CURVE 3 HAVING AN ASSUMED BEARING OF S20°48'40"W.
 UNDERGROUND, AERIAL AND/OR NON-VISIBLE IMPROVEMENTS WERE NOT LOCATED OR SHOWN HEREON. THIS SURVEYOR HAS NOT DONE ANY TITLE RESEARCH. SURVEY PREPARED SOLELY FOR A MORTGAGE LOAN CLOSING.
 (P) DENOTES A PLAT DISTANCE AND/OR DIRECTION.
 (M) DENOTES A MEASURED DISTANCE AND/OR DIRECTION.
 □ DENOTES A FOUND 40P NAIL & L.S. #2774 DISK.
 ⊙ DENOTES A FOUND P.K. NAIL & L.B. #4596 DISK.
 SURVEY DATE (LAST DATE OF FIELD WORK): 08-11-03.

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1(P)	396.00'	75.46'	75.34'	N30°00'49"E	10°55'03"
C1(M)			75.36'	N30°00'09"E	
C2(P)	396.00'	8.67'	8.67'	S36°06'00"W	01°15'18"
C2(M)			8.66'	S36°44'32"W	
C3(P)	373.00'	207.23'	204.58'	N20°48'40"E	31°49'58"
C3(M)			204.56'	N20°48'40"E	

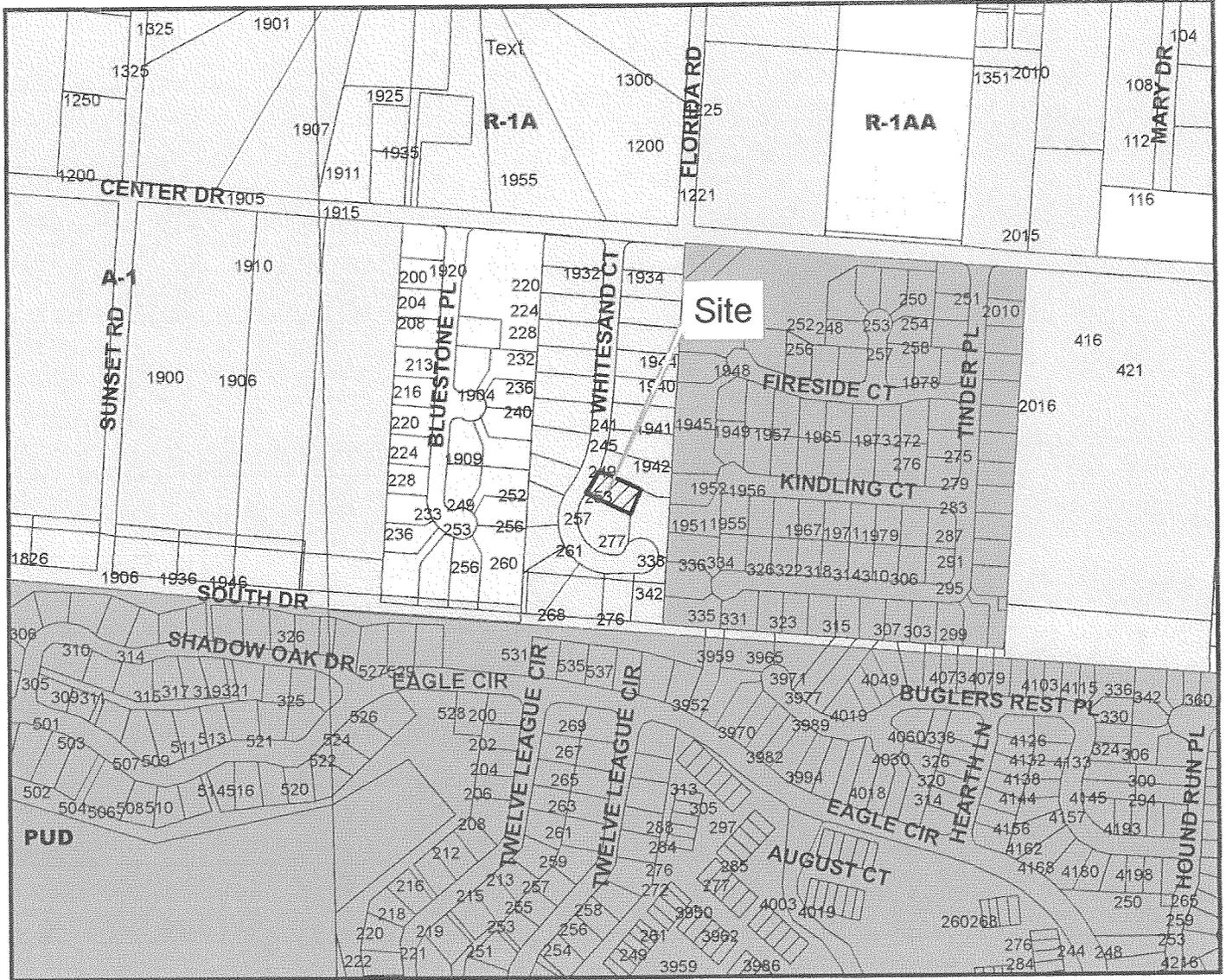
CERTIFIED SOLELY AND EXCLUSIVELY TO:
 FRANCES SIMPSON
 NOVASTAR HOME MORTGAGE, INC.
 SUNBELT TITLE AGENCY
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

FLOOD CERTIFICATION:
 HAVING EXAMINED THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS THE OPINION OF THIS SURVEYOR THAT THE HEREON DESCRIBED PROPERTY LIES IN FLOOD ZONE "X", DEFINED ON SAID F.I.R.M. AS "AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN." SEE PANEL NO. 120289 0145 E. DATED 4/17/95.

<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 407-665-7505</p>																																																	
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 14-21-30-515-0000-0180 Owner: SIMPSON FRANCES E & Own/Addr: SIMPSON T H Mailing Address: 257 WHITESAND CT City,State,ZipCode: CASSELBERRY FL 32707 Property Address: 257 WHITESAND CT CASSELBERRY 32707 Subdivision Name: WHITESAND COVE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$141,894 Depreciated EXFT Value: \$0 Land Value (Market): \$38,000 Land Value Ag: \$0 Just/Market Value: \$179,894 Assessed Value (SOH): \$151,591 Exempt Value: \$25,000 Taxable Value: \$126,591 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>WARRANTY DEED</td> <td>11/2003</td> <td>05095</td> <td>1849</td> <td>\$71,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2003</td> <td>05038</td> <td>1662</td> <td>\$177,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/2000</td> <td>03868</td> <td>1489</td> <td>\$149,300</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1996</td> <td>03041</td> <td>1689</td> <td>\$144,500</td> <td>Vacant</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	WARRANTY DEED	11/2003	05095	1849	\$71,000	Improved	No	WARRANTY DEED	09/2003	05038	1662	\$177,900	Improved	Yes	WARRANTY DEED	06/2000	03868	1489	\$149,300	Improved	Yes	WARRANTY DEED	03/1996	03041	1689	\$144,500	Vacant	No	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,139 2005 Tax Bill Amount: \$2,002 Save Our Homes (SOH) Savings: \$137 2005 Taxable Value: \$122,176 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>												
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R-1A LDR

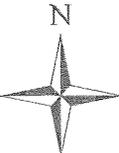
Frances & T H Simpson
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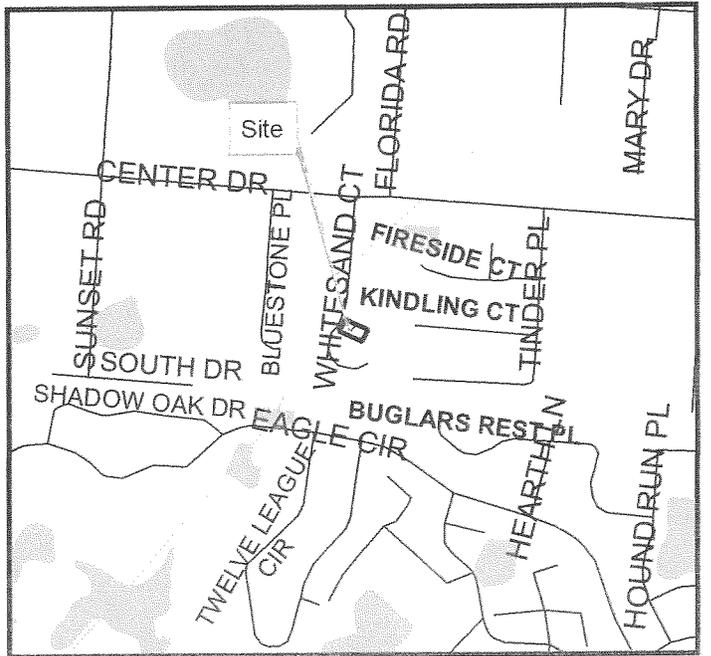


Seminole County Board of Adjustment
September 25, 2006
Case: BV2006-139
Parcel No: 14-21-30-515-0000-0180

Zoning

	BV2006-139		R-1A
	A-1		PUD
	R-1AA		

N




July 02, 2006

To Whom It May Concern:

I am seeking a variance for the following:

A covered porch at the rear of my home located at:

257 Whitesand Ct, Casselberry, Fl.

* The proposed porch would be **26 ft** across the back of the home and **18 ft.** deep from the back of the home towards the rear property line. **LEAVING 12 ft FROM PORCH TO REAR PROPERTY LINE**

The structure would have a roof and include a concrete slab.

See attached :

Survey

Survey with proposed structure outline

Letter from HOA

Letter from neighbor in back of property

I am requesting this variance for 2 reasons:

My mother Frances, is 94 and will be able to view the outside from the porch giving her an opportunity to enjoy the out of doors as she is ill.

And...I wish to bring my home up to the community standard. This is the smallest home in the neighborhood and this is the only way I can keep the value of my home in order with my neighbors. I live on a short block of 27 homes and I want to contribute to the surrounding property values.

Respectfully,

T.H. Simpson

Frances Simpson

Property Owners of above address

407-645-2456

RIA ZONING

July 01, 2006

To Whom It May concern:

I have reviewed the proposed plans for the screened in porch area at 257 Whitesand Court , Casselberry, Fl. Everything on the survey meets with my approval on behalf of the Whitesand Cove Homeowners Association.

Signed Respectfully,

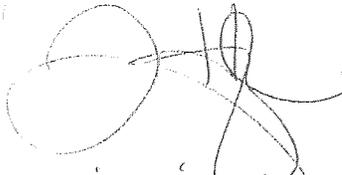
Shawn Akers
Treasurer, HOA

July 01, 2006

To Whom It May Concern:

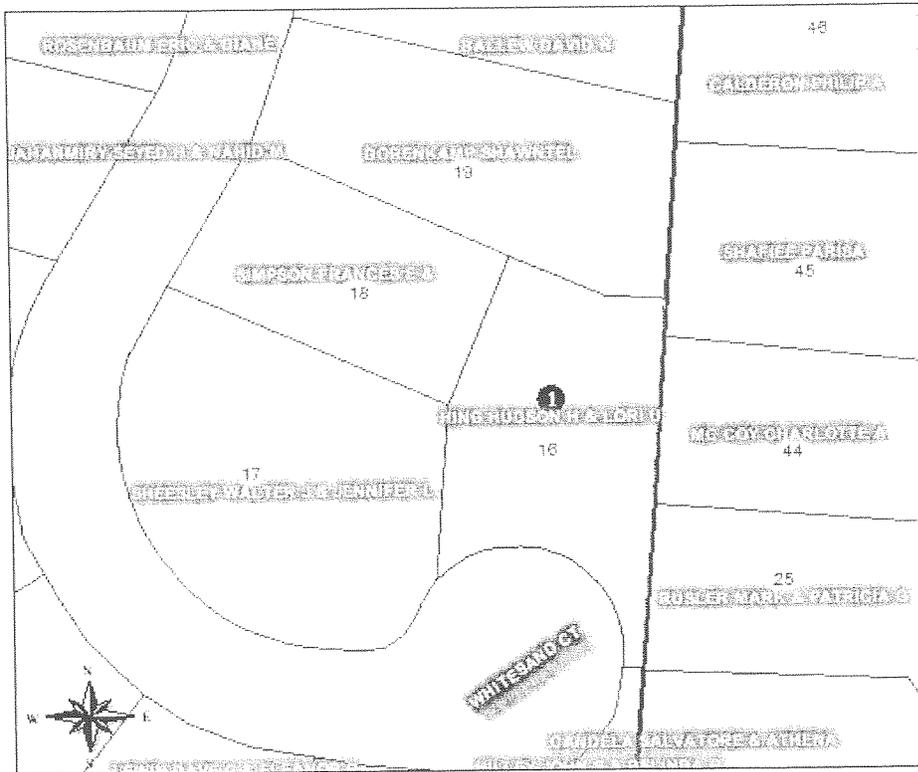
I have looked over the site and plan for the proposed addition of a screened porch area that my neighbors, T.H. Simpson and Frances Simpson wish to add. I think this will bring their home up to scale with the rest of the community and they have my full approval. My home overlooks the back of their home.

Signed:



Lori King

277 WHITE SAND COURT



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LOT 18 WHITESAND COVE PB 48 PG 65

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

FINDINGS OF FACT

Property Owner: Frances & T.H. Simpson
257 Whitesand Court
Casselberry, FL 32707

Project Name: 257 Whitesand Court

Requested Development Approval:

Request for a rear yard (east) setback variance from 30 feet to 12 feet for a proposed screen room addition in 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: 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 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: