

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

**SUBJECT:** Request for a rear yard (east) setback variance from 30 feet to 11.5 feet for a proposed screen room addition in R-1AA (Single Family Dwelling District); James & Elia Thompson, 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 11.5 feet for a proposed screen room addition in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for a rear yard (east) setback variance from 30 feet to 11.5 feet for a proposed screen room addition in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant:	James & Elia Thompson
	Owner:	James & Elia Thompson
	Location:	103 Elizabeth Avenue
	Zoning:	R-1AA (Single Family Dwelling District)
	Subdivision:	Sanlando the Suburb Beautiful Argyle Section
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an addition (10 feet x 24.2 feet) with screen room (20 feet x 24.2 feet) that will encroach 18.5 feet into the required 30-foot rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>	

<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the screen room as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>



**COPY**

RECEIVED AUG 04 2008

APPL. NO. BV8006-146

**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 11.5 FT FOR A PROPOSED ADDITIONAL SCREEN ROOM.

**SPECIAL EXCEPTION**

**LIMITED USE**

SF DWELLING UNDER CONSTRUCTION  MEDICAL HARDSHIP  
 NIGHT WATCHMAN  FAMILY HARDSHIP  
 YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)  
 SIZE OF MOBILE HOME / RV \_\_\_\_\_  TIME NEEDED \_\_\_\_\_  
 PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>James &amp; Elia Thompson</u>	
ADDRESS	<u>103 Elizabeth Ave</u>	
	<u>Altamonte Springs FL 32701</u>	
PHONE 1	<u>407-767-5090</u>	
PHONE 2	<u>407-621-1029 / 621-1030</u>	
E-MAIL	<u>Elia.James@Earthlink.net</u>	

PROJECT NAME: Back yard setback variance from 30 to 11.5 FT for proposed Addition.

SITE ADDRESS: 103 Elizabeth Ave Altamonte Springs FL 32701

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Single Family Home

SIZE OF PROPERTY: .2663 acre(s) PARCEL I.D. 12-21-29-501-0000-0320

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 9/25/06 (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.

James & Elia Thompson  
 SIGNATURE OF OWNER OR AGENT

8/31/06  
 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

R-1AA/LDR

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

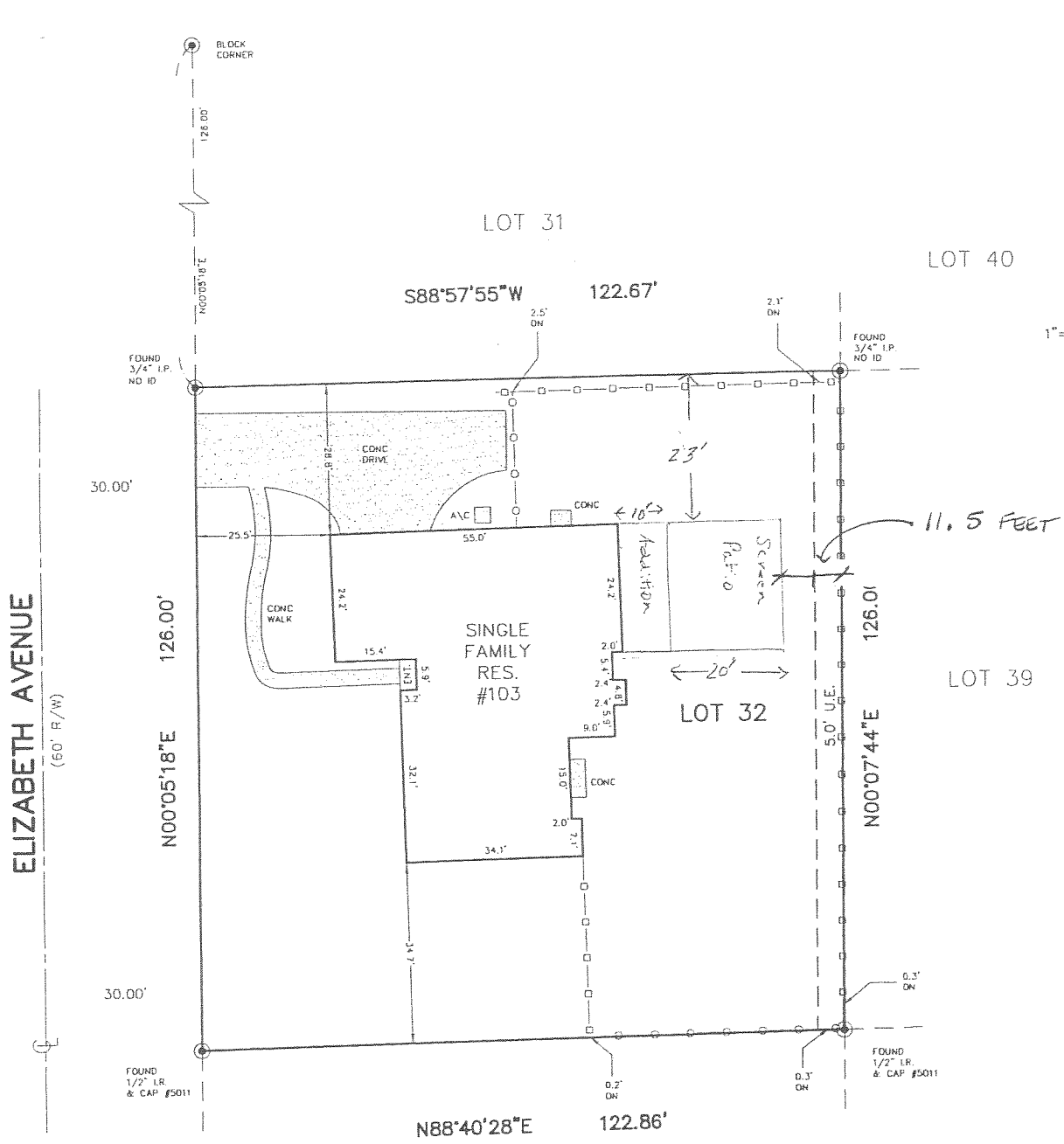
SUFFICIENCY COMMENTS

# BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 32, SANLANDO THE SUBURB BEAUTIFUL ARGYLE SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10 PAGE(S) 6 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SCALE:  
1" = 30 FEET

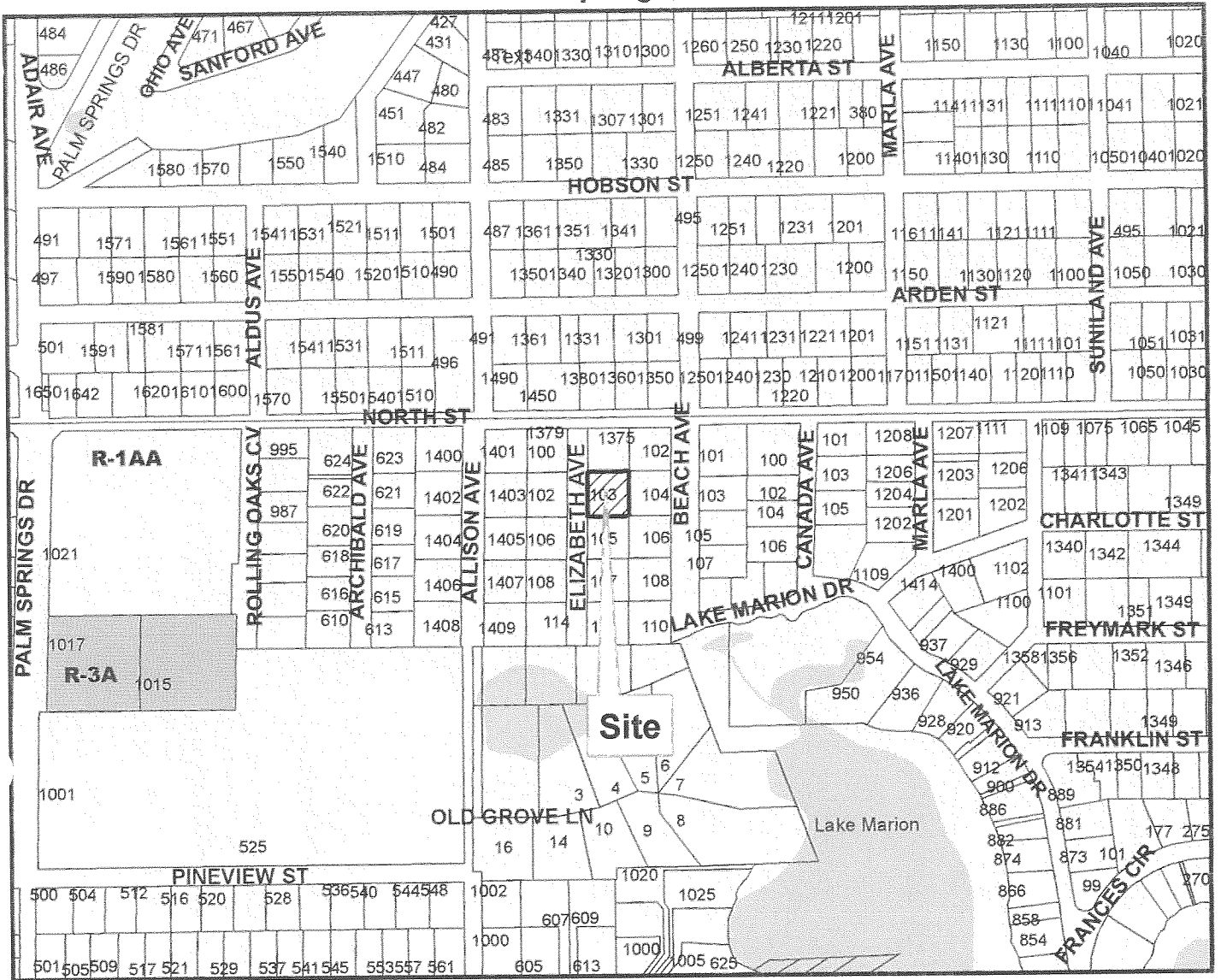


ELIZABETH AVENUE  
(60' F/W)

**LEGEND:**




- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li> = CONCRETE</li> <li> = SET 1/2" REBAR &amp; CAP PSM # 5567</li> <li> = FOUND PROPERTY CORNER</li> <li> = FOUND 4" X 4" CONCRETE MONUMENT # _____</li> <li> = WELL</li> <li> = GAS METER</li> <li> = FIRE HYDRANT</li> <li> = CENTERLINE</li> <li> = BUILDING SETBACK LINE</li> <li> = BARBED WIRE FENCE</li> <li> = WOOD FENCE</li> <li> = CHAIN LINK FENCE</li> <li> = OVERHEAD UTILITY LINES</li> </ul> | <ul style="list-style-type: none"> <li>NR = NOT RADIAL</li> <li>RAD = RADIAL</li> <li>R = RADIUS</li> <li>Δ = CENTRAL ANGLE</li> <li>L = ARC LENGTH</li> <li>CH.BRG. = CHORD BEARING</li> <li>LS. = LAND SURVEYOR</li> <li>LB. = LAND SURVEYING BUSINESS</li> <li>M = MEASURED</li> <li>P = PLAT</li> <li>PRM = PERMANENT REFERENCE MONUMENT</li> <li>PC = POINT OF CURVATURE</li> <li>POB = POINT OF BEGINNING</li> <li>PT = POINT OF TANGENT</li> <li>U.E. = UTILITY EASEMENT</li> </ul> | <ul style="list-style-type: none"> <li>CONC. = CONCRETE</li> <li>C.B. = CONCRETE BLOCK</li> <li>W.F. = WOOD FRAME</li> <li>COV. = COVERED</li> <li>ENT. = ENTRANCE</li> <li>WM. = WATER METER</li> <li>WPP = WOOD POWER POLE</li> <li>CPP = CONC. POWER POLE</li> <li>A/C = AIR CONDITIONER</li> <li>RAW = RIGHT OF WAY</li> <li>I.R. = IRON ROD</li> <li>I.P. = IRON PIPE</li> <li>C.M. = CONCRETE MONUMENT</li> <li>FF ELEV. = FINISHED FLOOR ELEVATION</li> <li>D.U.E. = DRAINAGE &amp; UTILITY EASEMENT</li> </ul> |
|---|--|--|

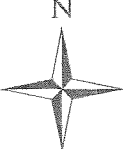
**Elia & James Thompson**  
**103 Elizabeth Ave**  
**Altamonte Springs, FI 32701**

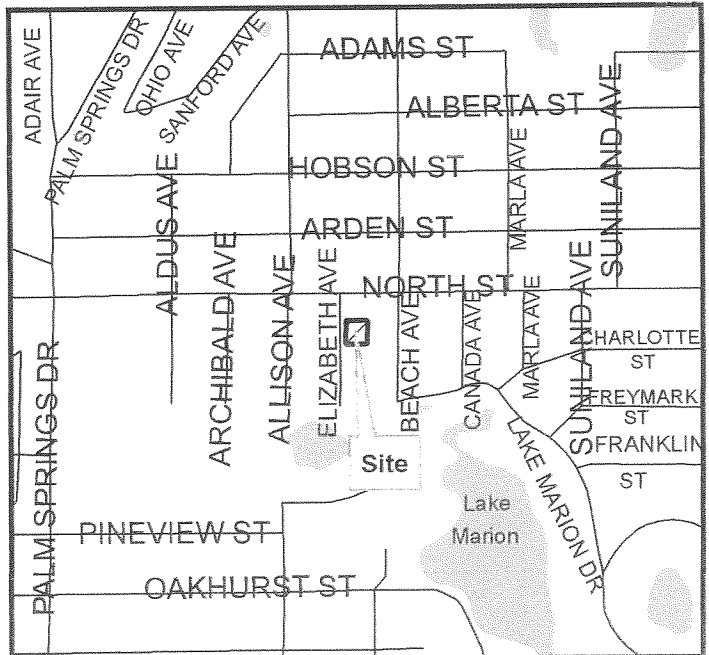


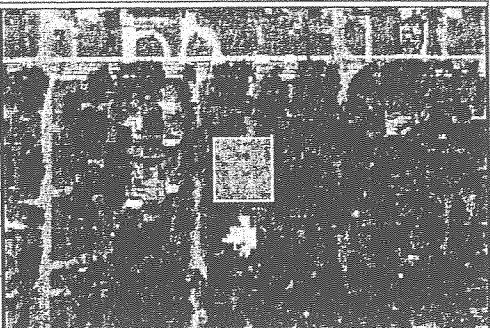
**Seminole County Board of Adjustment**  
**September 25, 2006**  
**Case: BV2006-146**  
**Parcel No: 12-21-29-501-0000-0320**

**Zoning**

-  BV2006-146
-  R-1AA
-  R-3A

N  




<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY, FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>	<table border="1" style="font-size: small;"> <tr> <td>12.0</td><td>14.0</td><td>17.0</td><td>19.0</td><td>21.0</td><td>12.0</td><td>14.0</td> </tr> <tr> <td>12,13</td><td>14,15,16</td><td>17,18,19,20,21,22</td><td></td><td></td><td>12,13</td><td>14,15,16</td> </tr> <tr> <td>21</td><td>30</td><td>31</td><td>40</td><td>21</td><td>1</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>19.0</td><td>2</td> </tr> <tr> <td>22</td><td>29</td><td>32</td><td>39</td><td>19</td><td>1.0</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>17.0</td><td>4.0</td> </tr> <tr> <td>23</td><td>28</td><td>33</td><td>38</td><td>17</td><td>3.0</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>15.0</td><td>5.0</td> </tr> <tr> <td>24</td><td>27</td><td>34</td><td>37</td><td>14</td><td>7.0</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>14.0</td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td><td>13</td><td>10,9</td> </tr> <tr> <td></td><td></td><td></td><td></td><td>12,11</td><td>8.0</td> </tr> </table>	12.0	14.0	17.0	19.0	21.0	12.0	14.0	12,13	14,15,16	17,18,19,20,21,22			12,13	14,15,16	21	30	31	40	21	1					19.0	2	22	29	32	39	19	1.0					17.0	4.0	23	28	33	38	17	3.0					15.0	5.0	24	27	34	37	14	7.0					14.0						13	10,9					12,11	8.0	
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<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 12-21-29-501-0000-0320</p> <p>Owner: THOMPSON JAMES A &amp; ELIA J</p> <p>Mailing Address: 103 ELIZABETH AVE</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32701</p> <p>Property Address: 103 ELIZABETH ST ALTAMONTE SPRINGS 32701</p> <p>Subdivision Name: SANLANDO ARGYLE SECTION</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$166,896</p> <p>Depreciated EXFT Value: \$480</p> <p>Land Value (Market): \$49,266</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$216,642</p> <p>Assessed Value (SOH): \$140,927</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$115,927</p> <p>Tax Estimator</p>																																																																										
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="font-size: small;"> <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>04/2001</td><td>04114</td><td>1907</td><td>\$135,000</td><td>Improved</td><td>Yes</td></tr> <tr> <td>WARRANTY DEED</td><td>12/1990</td><td>02253</td><td>1531</td><td>\$110,000</td><td>Improved</td><td>Yes</td></tr> <tr> <td>WARRANTY DEED</td><td>09/1980</td><td>01298</td><td>0633</td><td>\$14,000</td><td>Vacant</td><td>No</td></tr> <tr> <td>WARRANTY DEED</td><td>06/1979</td><td>01229</td><td>1876</td><td>\$28,000</td><td>Vacant</td><td>Yes</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	04/2001	04114	1907	\$135,000	Improved	Yes	WARRANTY DEED	12/1990	02253	1531	\$110,000	Improved	Yes	WARRANTY DEED	09/1980	01298	0633	\$14,000	Vacant	No	WARRANTY DEED	06/1979	01229	1876	\$28,000	Vacant	Yes	<p><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$2,482</p> <p>2005 Tax Bill Amount: \$1,832</p> <p>Save Our Homes (SOH) Savings: \$650</p> <p>2005 Taxable Value: \$111,822</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</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>																																																																												

## 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:

LEG LOT 32 SANLANDO THE SUBURB BEAUTIFUL ARGYLE SECTION  
PB 10 PG 6

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

### FINDINGS OF FACT

Property Owner: James & Elia Thompson  
103 Elizabeth Avenue  
Altamonte Springs, FL 32701

**Project Name:** 103 Elizabeth Avenue

**Requested Development Approval:**

Request for a rear yard (east) setback variance from 30 feet to 11.5 feet for a proposed screen room addition in 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 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 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: