

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

SUBJECT: Request for a side street (north) setback variance from 20 feet to 16.6 feet for a proposed family room addition in R-1 (Single Family Dwelling District); (Larry Rosecrants, applicant).

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

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

Agenda Date 12/4/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side street (north) setback variance from 20 feet to 16.6 feet for a proposed family room addition in R-1 (Single Family Dwelling District); or
2. **DENY** the request for a side street (north) setback variance from 20 feet to 16.6 feet for a proposed family room addition in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Larry Rosecrants Mary E. Driggs 282 Falling Leaf Lane R-1 (Single Family Dwelling District) Deer Run Unit 15
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 14-foot by 24-foot addition (336 square feet) which encroaches 3 feet-8 inches into the required 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 construct the addition without encroaching into the setback thereby eliminating the need for a variance.</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.

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2006-179
Meeting Date 12-4-06



VARIANCE APPLICATION **COPY**

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Beth Driggs Larry Rosecrants (407) 927-7171
Address: 282 Fallingleaf Lane City: Casselberry Zip code: 32707
Project Address: Same City: _____ Zip code: _____
Contact number(s): 407-927-7171
Email address: L.Rosecrants@CFL.RR.com

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe: <u>10-02-00A10:21</u>
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Additional Bedroom & Bathroom</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback: <u>20 ft.</u>	Proposed setback: <u>16.6 ft.</u>	
<input type="checkbox"/> Fence height	Required height:	Proposed height:	
<input type="checkbox"/> Building height	Required height:	Proposed height:	
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Total number of variances requested _____			

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: Beth Driggs
L:\pl\projects\boa\New applications 2006\Application Variance\NEW 2006.doc

FOR OFFICE USE ONLY

Date Submitted: 10-2-06

Reviewed By: fg

Tax parcel number: 14-21-30-507-0000-0980

Zoning/FLU PuO / PD

- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

Notes: _____

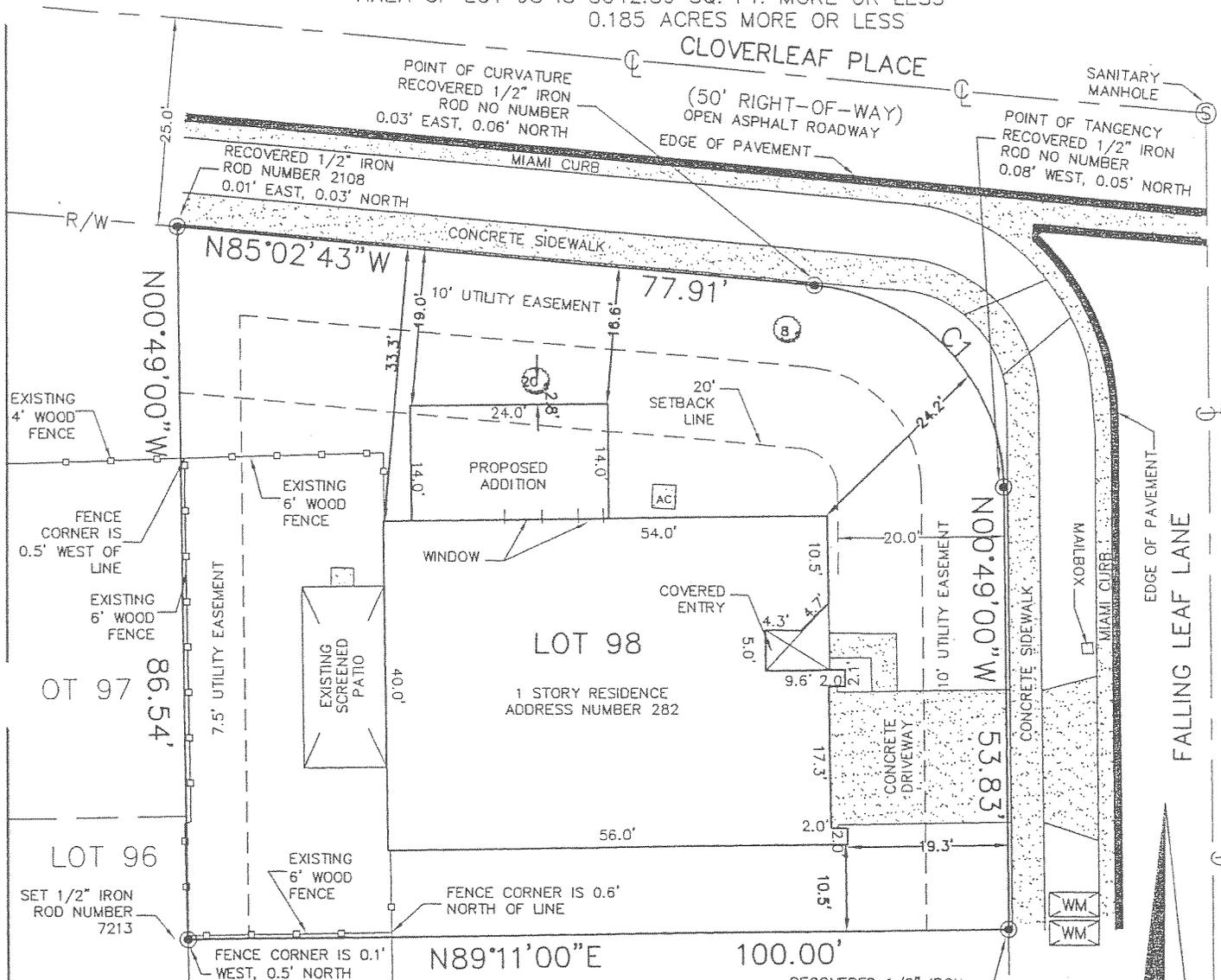
BOUNDARY SURVEY

... OF
 LOT 98, DEER RUN UNIT 15, ACCORDING TO THE PLAT THEREOF AS RECORDED
 IN PLAT BOOK 34, PAGE 56, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LEGAL DESCRIPTION PROVIDED BY THE CLIENT

AREA OF LOT 98 IS 8042.89 SQ. FT. MORE OR LESS
 0.185 ACRES MORE OR LESS

LEGEND: REC. = RECOVERED; IP = IRON PIPE; IR = IRON ROD; P.P. = POWER POLE; P. = PLAT; M. = MEASURED; R/W = RIGHT-OF-WAY; CL = CENTER LINE;
 P.O.B. = POINT OF BEGINNING; P.O.C. = POINT OF COMMENCEMENT; W/M = WOOD MAILBOX; CON. = CONCRETE; LS = LICENSED SURVEYOR
 (W-OF-1HTGR) (05)



TREE LEGEND

- DENOTES OAK TREES
- DENOTES TREE SIZES

NOTES:
 THE HEIGHT OF ROOF OVER MAIN BUILDING IS 16.81' ABOVE THE FINISH FLOOR GRADE. THE HEIGHT OF ROOF OVER SCREENED PATIO AREA IS 13.4±' ABOVE THE FINISH FLOOR GRADE.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD DISTANCE	DELTA
C1	36.75	25.00	22.60	N42°55'31"W	33.53	84°13'43"



CENTRAL, FL

1675 Providence Blvd.
 Deltona, Florida 32725
 (386) 804-2768

SURVEYORS NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT-OF-WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THIS LAND.
2. SUBJECT DWELLING FALLS WITHIN ZONE "X" ACCORDING TO THE F.I.R.M. MAP # 12117C0145 E, DATED APRIL 17, 1995.
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERN LINE OF LOT 98, BEING N85°02'43"W PER PLAT.
6. THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

JOB NO. 2006-598
 DATE: 9-19-2006
 SCALE: 1" = 20 FEET
 FIELD BY: WHA
 CALCULATED BY: WHA
 DRAWN BY: AR
 CHECKED BY: WHA

CERTIFIED TO:

L AND D CONSTRUCTION

FOR THE LICENSED BUSINESS #7213

WILLIAM H. ABEL JR., PSM # 6165
 SIGNATURE DATE: 9-21-2006

<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: 14-21-30-507-0000-0980</p> <p>Owner: DRIGGS MARY E</p> <p>Mailing Address: 282 FALLING LEAF LN</p> <p>City,State,ZipCode: CASSELBERRY FL 32707</p> <p>Property Address: 282 FALLING LEAF LN CASSELBERRY 32707</p> <p>Subdivision Name: DEER RUN UNIT 15</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$164,331</p> <p>Depreciated EXFT Value: \$750</p> <p>Land Value (Market): \$35,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$200,081</p> <p>Assessed Value (SOH): \$139,456</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$114,456</p> <p>Tax Estimator</p> <p>2006 Notice of Proposed Property Tax</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>03/2003</td> <td>04775</td> <td>0832</td> <td>\$155,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1993</td> <td>02562</td> <td>1197</td> <td>\$99,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1986</td> <td>01766</td> <td>0980</td> <td>\$85,800</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/1986</td> <td>01726</td> <td>0946</td> <td>\$225,700</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	03/2003	04775	0832	\$155,000	Improved	Yes	WARRANTY DEED	03/1993	02562	1197	\$99,900	Improved	Yes	WARRANTY DEED	08/1986	01766	0980	\$85,800	Improved	Yes	SPECIAL WARRANTY DEED	04/1986	01726	0946	\$225,700	Vacant	No	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,045</p> <p>2005 Tax Bill Amount: \$1,809</p> <p>Save Our Homes (SOH) Savings: \$236</p> <p>2005 Taxable Value: \$110,394</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																									
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																														

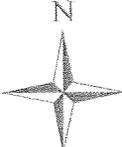
Larry Rosecrants
 282 Falling Leaf Lane
 Casselberry, FL 32707

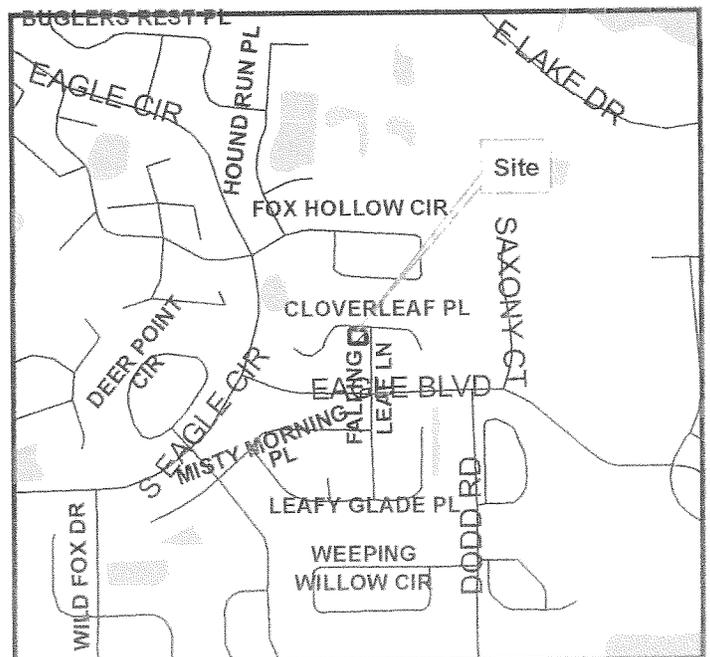


Seminole County Board of Adjustment
December 4, 2006
Case: BV2006-179 (Map 3158, Grid A7)
Parcel No: 14-21-30-507-0000-0980

Zoning

-  BV2006-179
-  A-1
-  R-1AA
-  R-1A
-  PUD

N


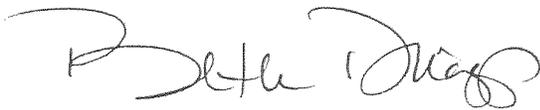


September 28, 2006

| To Whom It May Concern:

The purpose of applying for this setback variance is to add an additional room in order to accommodate and relocate an elderly parent. After much consideration, we feel this setback variance is the only way to achieve this objective.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Beth Driggs". The signature is fluid and cursive, with a large initial "B" and "D".

BETH DRIGGS

FROM : ROSECRANTS
407 237 5088

FAX NO. :
SunTrust Bank Corp Trust

Oct. 16 2006 11:38AM P2
001/001

10/04/06

To: Seminole County Building Department
Re: Variance request

This letter authorizes Larry Rosecrants and David LaFontaine of L and D Construction to submit and receive any documents or materials pertaining to the setback variance request at 282 Falling Leaf Lane in Casselberry. If you have any questions feel free to call me at 407 237-5088.

Sincerely,


Mary E Driggs

BV 2006-179

October 31, 2006

To Whom It May Concern:

We, the HOA # 15 understand that an addition is being added to the existing structure of the house of Mary E Driggs, 282 Falling Leaf Lane, Casselberry, FL, 32707 for the purpose of accommodating an elderly parent. We have no objections, subject to:

N/A

Authorized signers:

Carly A. Baum
Signature

10.29.06
Date

Vice President
Title

Signature

Date

Title

BV 2006-179

October ^A, 2006

To Whom It May Concern:

We, the neighbors of Mary E Driggs, 282 Falling Leaf Lane, Casselberry, FL, 32707 understand that an addition is being added to the existing structure of the house for the purpose of accommodating an elderly parent. We have no objections, subject to the addition meeting the approval the HOA board.

W.S. Watson
Signature W.S. WATSON

10/29/06
Date

Eric Aylies
Print name

282 Falling Leaf Ln
Address

E.L.L.
Signature

10/29/06
Date

DENNIS SONS
Print name

205 Falling Leaf Ln
Address

[Signature]
Signature

10/29/06
Date

[Signature]
Print name

4294 Cloverleaf Ln
Address

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 98 DEER RUN UNIT 15 PB 34 PG 56

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

FINDINGS OF FACT

Property Owner: Mary E. Driggs
282 Falling Leaf Lane
Casselberry, FL 32707

Project Name: Falling Leaf (282)

Requested Development Approval:

Request for a side street (north) setback variance from 20 feet to 16.6 feet for a proposed family room addition in 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: 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 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: _____
April Boswell, AICP
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: