

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

SUBJECT: Request for a rear yard setback variance from 25 feet to 10 feet for an existing screen room addition in R-3A (Multi Family Dwelling District); (David Willis, 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 rear yard setback variance from 25 feet to 10 feet for an existing screen room addition in R-3A (Multi Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 25 feet to 10 feet for an existing screen room addition in R-3A (Multi Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	David Willis David & Ashlee Willis 5599 Pats Point R-3A (Multi Family Dwelling District) Bear Gully Forest
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed an unpermitted 30-foot by 10-foot screen room that encroaches 15 feet into the required 25-foot rear yard setback. • Building Permit 06-10787 is in plan check and has not been issued for this addition. • 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. <i>The applicant constructed the screen enclosure without a building permit.</i>• 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. <p><i>This is a new subdivision platted and developed in 2002. Any desired amenities, including screen rooms, should have been designed and constructed within the required setbacks at the time of development.</i></p>
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 APPROVAL DEVELOPMENT ORDER

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

LOT 23 BEAR GULLY FOREST PB 61 PGS 1 - 5

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

FINDINGS OF FACT

Property Owner: David & Ashlee A Willis
5599 Pats Point
Winter Park FL 32792

Project Name: Pats Point (5599)

Requested Development Approval:

Request for a rear yard setback variance from 25 feet to 10 feet for an existing screen room addition in R-3A (Multi 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: _____
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:

DEVELOPMENT:		Bear Gully Forest		DEVELOPER:		Harling	
LOCATION:		Bear Gully & 426					
LE#: P&Z:		BA:		SP:		BCC:	
DEVEL. ORDER #:				TAX PAR. I.D. #:			
PB	61	PG	1-5	LOT		BLK	
				PARCEL		DBA	
						COMM DIST.	1
SIDEWALKS: Only along Lots 1-12				SETBACK REQUIREMENTS			
ROAD TYPE Curb & Gutter				LOTS 1 thru 12			
				FY: 25'	SIDE ST.: 25'	SY: 10'	RY: 30'
FLOOD PRONE: NO				LOTS 13 thru 48			
				FY 20'	SIDE ST: 12.5'	SY: 5'	RY: 20'
COMMENTS OTHER: Infrastructure is still under construction as of 7/31/02. Check with the PM prior to issuing any building permits until the subdivision infrastructure is completed.				MAIN STRUCTURE OTHER: For lots 13-48 5' setbacks from FPC easement			
				ACCESSORY STRUCTURE SETBACKS:			
PROJECT MANAGER: IAN RATLIFF				SY: 10'	RY:	For R-1AA - If under 200 sf setback is 10'; if over 200 sf or over 12 ft. in height setback is 30'.	
				ACCESSORY STRUCTURE OTHER: For lots 13-48 5' setbacks from FPC easement.			
				For R-1AA - Accessory structures shall not project beyond the front building line of the main structure. In the case of corner lots, there shall be two front yards.			

IMPACT FEES			
		R-1AA DISTRICT	R-3A DISTRICT
	TRAFFIC ZONE:	SC 109	TRAFFIC ZONE: SC 109
	LAND USE:		LAND USE:
	JURISDICTION:		JURISDICTION:
	1. ROAD-CO. WIDE	705.00	1. ROAD-CO. WIDE
	2. ROAD-COLL.	480.00	2. ROAD-COLL.
	3. LIBRARY	54.00	3. LIBRARY
	4. FIRE	172.00	4. FIRE
	5. PARK		5. PARK
	6. SCHOOL	1384.00	6. SCHOOL
	7. LAW		7. LAW
	TOTAL	\$2795.00	TOTAL
			\$1527.00
REMARKS:			REMARKS:

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

Application # BU 2006-187
Meeting Date 12-4-06



COPY
VARIANCE APPLICATION
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: David Willis

Address: _____ City: _____ Zip code: _____

Project Address: 5599 Pats Point City: Winter Park Zip code: 32792

Contact number(s): (407) 657-7146

Email address: _____

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:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>Screen Enclosure</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

10-12-06 11:35 AM

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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>25ft.</u>	Proposed setback:	<u>10ft.</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<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 checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 10-17-04

Reviewed By: FS

Tax parcel number: 30-21-30-512-0000-0230 Zoning/FLU R-3A1 MDR

- 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: _____

ASBUILT SURVEY

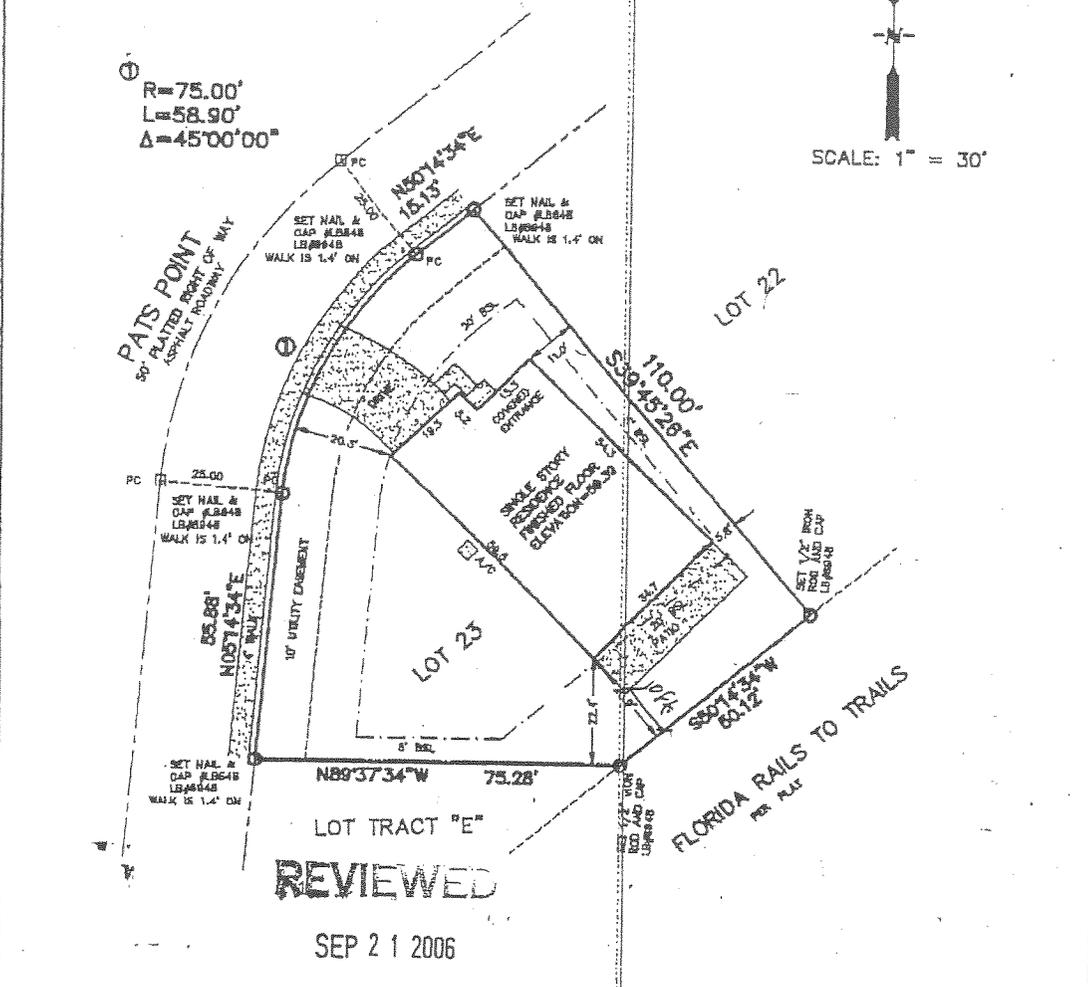
DESCRIPTION AS FURNISHED

LOT 23, BEAR GULLY FOREST, according to the plat thereof, recorded in Plat Book 61, Pages 1 through 5, of the Public Records of Seminole County, Florida.

$R=75.00'$
 $L=58.90'$
 $\Delta=45^{\circ}00'00''$



SCALE: 1" = 30'



REVIEWED
 SEP 21 2006

CERTIFIED TO:
 WHITEWARK HOMES, INC.
 CROWN BANK, FSB
 GREENSPOON, MARDER, ET AL
 COMMONWEALTH LAND TITLE INSURANCE COMPANY

**SEMINOLE COUNTY
 PLANS EXAMINER**

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, SEMINOLE County, Florida, Community Panel Number 120289 0210 E last dated 4-17-95 it appears from a scaling of said map that the land described hereon is shown to be in Zone "X", Area of minimal flood. Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

1. This Plat represents a Boundary Survey of the description as furnished hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
2. The relative distances accuracy for boundary dimensions shown hereon is in excess of 1 Foot in 10,000 feet.
3. Underground improvements and utilities have not been located.
4. This plat plan is based on a proposed plat furnished by client. The easements & setbacks shown hereon are subject to change upon recording of plat. In no way will the surveyor be held liable for such changes.

HARRISON SURVEYING AND MAPPING, INC.
 PROFESSIONAL SURVEYORS AND MAPPERS
 Certificate of Authorization #LB 8948
 1104 Saddleback Ridge Road
 Apopka, Florida 32703
 Phone/Fax: (407) 850-0672
 JOB NO. 02-0977d Sheet 1 of 1

REVISIONS AND ADDITIONS			
8-13-02	REPOSITION	11-20-02	FWM
8-27-02	FOUNDATION		
8-12-02	FOUNDATION		

LEGEND:

Δ	= Delta (Intersection Angle)		DENOTES CONCRETE
R	= Radius		WOOD FENCE
SL	= SINK LENGTH		MEASURED
Ch	= Chord Bearing		CONCRETE BLOCK WALL
CL	= Chord Length		POINT OF INTERSECTION
P.C.	= Point of Curvature		CORNER NOT FOUND
P.T.	= Point of Tangency		BUILDING SETBACK LINE
PL	= Plat Book		CENTERLINE
Pg.(#)	= Page(s)		RIGHT OF WAY LINE
Conc.	= Concrete		PROPOSED ELEVATION
CL.F.	= Chain Link Fence		PROPOSED DRAINAGE FLOW
A/C	= Air Condition		90 FT. SQUARE FOOTAGE
R/W	= Right-of-Way		RED NAIL AND DISC STAMPED PRM NUMBER 5322
A)	= Actual		REC 1/2" IRON ROD AND CAP #8842
P)	= Plat		CHUL DENOTES OVER HEAD UTILITY LINES
C	= Centerline		
E	= RED NAIL AND DISC STAMPED PRM NUMBER 5322		
O	= REC 1/2" IRON ROD AND CAP #8842		
U	= CHUL DENOTES OVER HEAD UTILITY LINES		

DRAWING: 02-0977d.DWG SURVEY DATE: 6-1-02
 INTENDED DISPLAY SCALE: 1" = 30' DRAWN: DSW

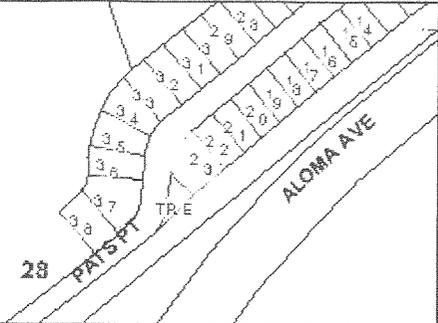
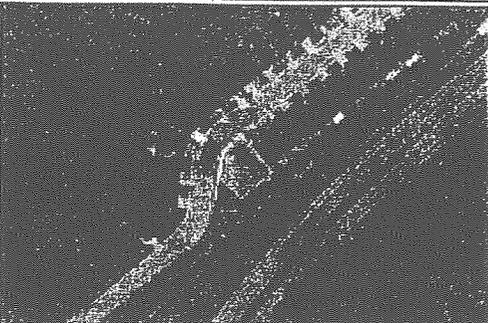
EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61017-4, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.023, FLORIDA STATUTES.

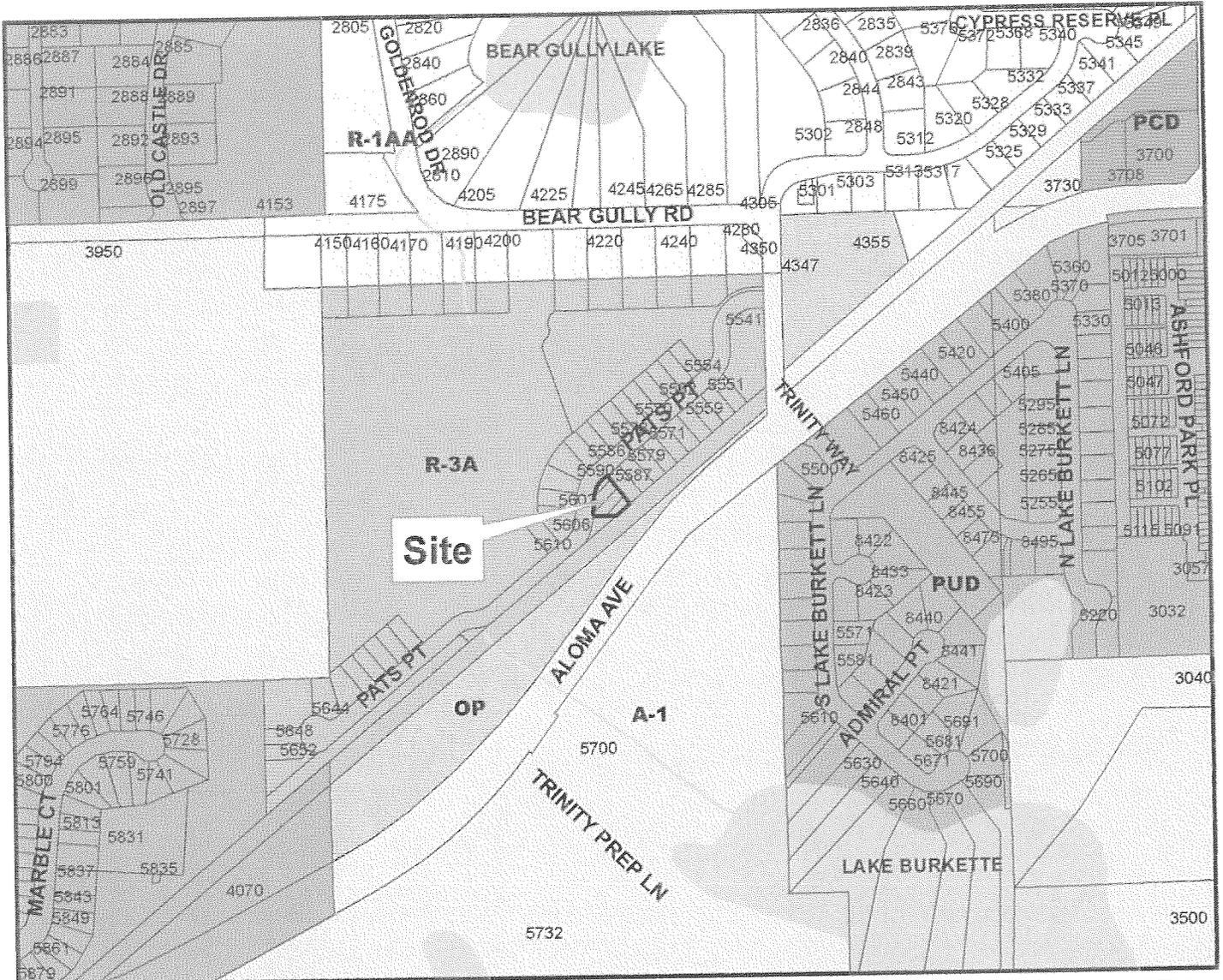
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Douglas S. Willis

DOUGLAS S. WILLIS, Florida Registration # 5084 FOR THE FIRM:

<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: 36-21-30-512-0000-0230 Owner: WILLIS DAVID & ASHLEE A Mailing Address: 5599 PATS POINT City,State,ZipCode: WINTER PARK FL 32792 Property Address: 5599 PATS PT WINTER PARK 32792 Subdivision Name: BEAR GULLY FOREST Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$154,856 Depreciated EXFT Value: \$0 Land Value (Market): \$37,000 Land Value Ag: \$0 Just/Market Value: \$191,856 Assessed Value (SOH): \$142,828 Exempt Value: \$25,000 Taxable Value: \$117,828</p> <p style="text-align: right;">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>12/2002</td> <td>04692</td> <td>1699</td> <td>\$146,400</td> <td>Improved</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	12/2002	04692	1699	\$146,400	Improved	Yes	<p>2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,702 2006 Tax Bill Amount: \$1,832 Save Our Homes (SOH) Savings: \$870 2006 Taxable Value: \$113,668</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified										
WARRANTY DEED	12/2002	04692	1699	\$146,400	Improved	Yes										
<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>37,000.00</td> <td>\$37,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	37,000.00	\$37,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 23 BEAR GULLY FOREST PB 61 PGS 1 - 5</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value											
LOT	0	0	1.000	37,000.00	\$37,000											
BUILDING INFORMATION																
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New							
1	SINGLE FAMILY	2002	8	1,613	2,005	1,613	CB/STUCCO FINISH	\$154,856	\$158,827							
Appendage / Sqft			OPEN PORCH FINISHED / 20													
Appendage / Sqft			GARAGE FINISHED / 372													
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																
Permits																
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.																

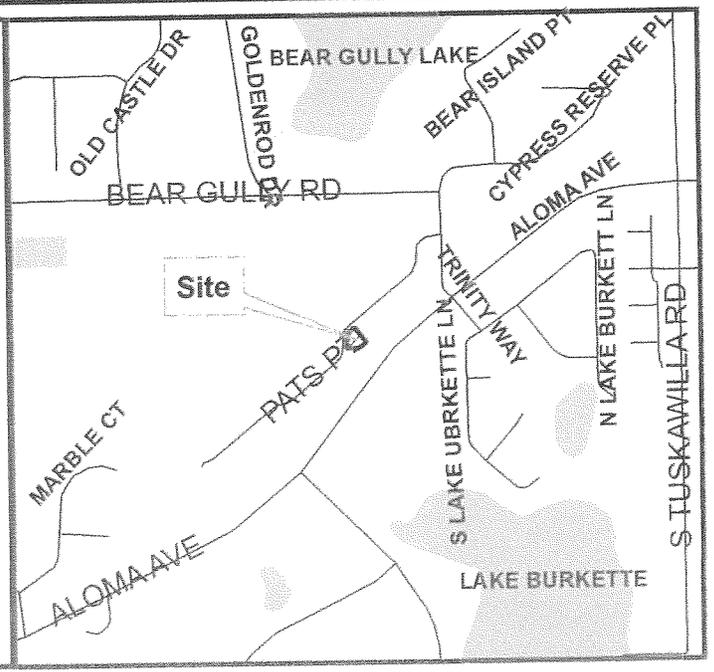
Ashlee & David Willis
 5599 Pats Point
 Winter Park, FL 32792



Seminole County Board of Adjustment
 December 4, 2006
 Case: BV2006-187 (Map 3211, Grid C6)
 Parcel No: 36-21-30-512-0000-0230

Zoning

- | | | | |
|---|------------|---|-----|
|  | BV2006-187 |  | OP |
|  | A-1 |  | PUD |
|  | R-1AA |  | PCD |
|  | R-3A | | |



Bear Gully Forest HOA ARB:

I would like to construct an aluminum frame screen room at the rear of my house at 5599 Pats Point. The room will measure approximately 30' by 10' covering the current cement slab poured when the home was built. Final plans have been submitted to Seminole County. Please let me know if you have any further questions. Thank you



David Willis

Approved by ARB
John A. Coats VP
Richard M. Coats Sec/Treas.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

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Winter Park FL 32792

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(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: