

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

SUBJECT: Request for a front yard setback variance from 50 feet to 37 feet 10 inches for a proposed enclosure of an existing carport in A-1 (Agriculture District); (Brian Sephton and Anita Klingenberg, 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 front yard setback variance from 50 feet to 37 feet 10 inches for a proposed enclosure of an existing carport in A-1 (Agriculture District); or
2. **DENY** the request for a front yard setback variance from 50 feet to 37 feet 10 inches for a proposed enclosure of an existing carport in A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

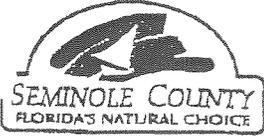
GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Brian T Sephton & Anita Klingenberg Brian T Sephton & Anita Klingenberg 1373 Windy Ridge Court A-1 (Agriculture District) N/A
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to enclose the existing carport in order to expand the living space. • The house was constructed in 1968 but a non-conformity was created in 1986 when the Northridge Pointe subdivision was developed. • Letters of support have been submitted from the adjacent property owners. • The applicant has a Building Permit under review for this 	

	<p>construction (06-10563).</p> <ul style="list-style-type: none">• 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 satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• The non-conformity for the front setback was created when the property was legally subdivided in 1986.• 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 did not result from the actions of the applicant.• The granting of the variance requested would not 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 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 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 approval of the request. 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 enclosure of the carport 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 # BV201-189
Meeting Date 12-4-04

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: BRIAN T. SEPHTON AND ANITA KLINGENBERG
Address: 1373 WINDY RIDGE COURT City: LONGWOOD Zip code: 32750
Project Address: 1373 WINDY RIDGE COURT City: LONGWOOD Zip code: 32750
Contact number(s): 407-741-5309 (OFFICE) 321-251-6018 (HOME) 786-295-4270 (CELL BRIAN)
Email address: BSEPHTON@INTLASSETS.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:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" 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 checked="" type="checkbox"/> Front yard setback	Required setback:	50'	Proposed setback:	37' 10"
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<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>ONE</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: B. Sephton A. Klingenberg

FOR OFFICE USE ONLY

Date Submitted: 10-12-06 Reviewed By: [Signature]
 Tax parcel number: 25-20-29-300-0010-0000 Zoning/FLU A-1/LDR
 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: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p><i>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</i></p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

Brian Sephton and Anita Klingenberg
1373 Windy Ridge Ct.
Longwood, FL 32750

Phone numbers:
321-251-6018 Home
407-741-5309 Brian at work

bsephton@intlassets.com
windy.ridge@earthlink.net

October 11, 2006

Seminole County Board of Adjustment
Planning Division
1101 East First Street
Sanford, FL 32771

Re: Variance application

To Whom It May Concern:

We are the owners of the property at 1373 Windy Ridge Ct., Longwood, FL 32750. We are applying for a variance to our front yard setback. The required setback is 50'. The proposed setback is 37' 10".

It relates to an existing carport that is part of an existing one-story residential building. The side-wall of the carport forms part of the front of the house, thus falling into the 50' setback requirement. The end of this wall is 37' 10" from the property line.

We are proposing to remodel the house and to enclose the carport in order to incorporate it into the living area, converting it into a bedroom, laundry and living area. The proposed change of usage of the carport area gives rise to the need for a variance application. We are not proposing to extend the existing building towards the affected property line.

We will continue to park our cars on the existing paved area next to the carport and in the front of the house, as we currently do.

We are seeking to convert a two-bedroom house to a four-bedroom house with as few extensions to the existing building as possible. Conversion of the existing carport to living space is practical because the carport forms a substantial part of the existing residential building and falls under the same roof. The alternative would result in a more drastic alteration to the existing structure, at greater cost to us. We believe that the

variance applied for is the minimum variance that would make possible the reasonable use of the land and building.

We believe that the granting of the variance would not harm our neighbors. There are two neighboring properties potentially affected by this, 1370 and 1371 Windy Ridge Ct. Their owners, Kevin and Mary-Louise Howcroft (#1370) and Charles and Alicia Wolff (#1371), have given letters of consent to the change. These are included with this application.

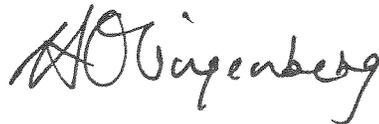
The following documents are attached in support of this application:

1. Map showing location of affected properties on Windy Ridge Ct. and adjacent streets, from Seminole County Property Appraiser website.
2. Copy of survey done by Harrison Surveying & Mapping, Inc. in November 2004, showing position of house on property and extent of property.
3. Site plan showing all structures currently on the property, done to scale and corresponding to the survey.
4. Partial site plan showing closer detail of house and distances from the property line.
5. Proposed floor layout of house, showing proposed conversion of carport area to living space.
6. Letter of consent to variance signed by neighbors Kevin and Mary-Louise Howcroft of 1370 Windy Ridge Ct.
7. Letter of consent to variance signed by neighbors Charles and Alicia Wolff of 1371 Windy Ridge Ct.
8. Extract from Seminole County Property Appraiser website showing the above-mentioned neighbors as being owners of 1370 and 1371 Windy Ridge Ct.

Yours truly



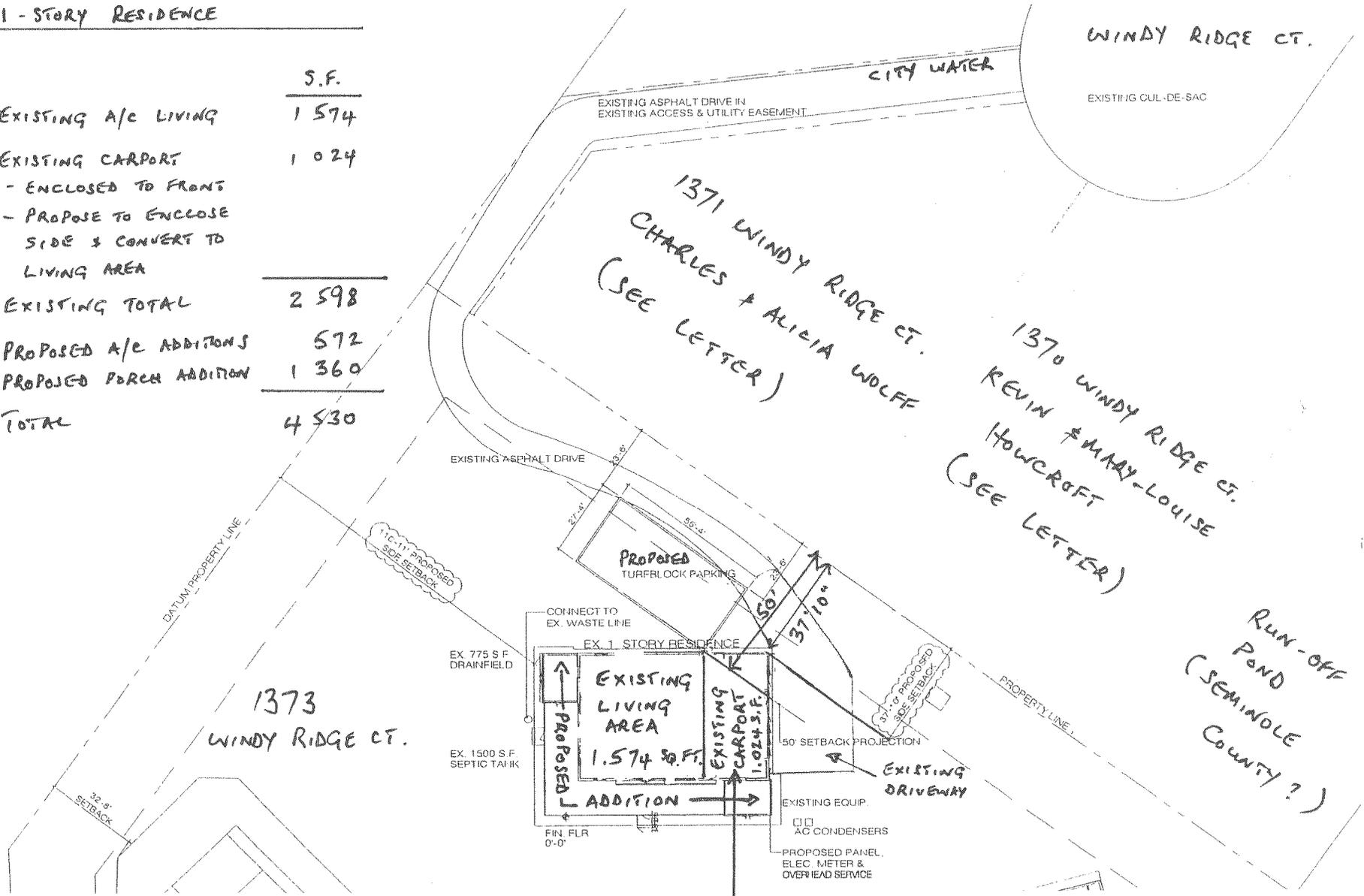
Brian T. Sephton



Anita Klingenberg

AREA OF EXISTING & PROPOSED
1-STORY RESIDENCE

	S.F.
EXISTING A/C LIVING	1 574
EXISTING CARPORT	1 024
- ENCLOSED TO FRONT	
- PROPOSE TO ENCLOSE SIDE & CONVERT TO LIVING AREA	
EXISTING TOTAL	2 598
PROPOSED A/C ADDITIONS	572
PROPOSED PORCH ADDITION	1 360
TOTAL	4 530



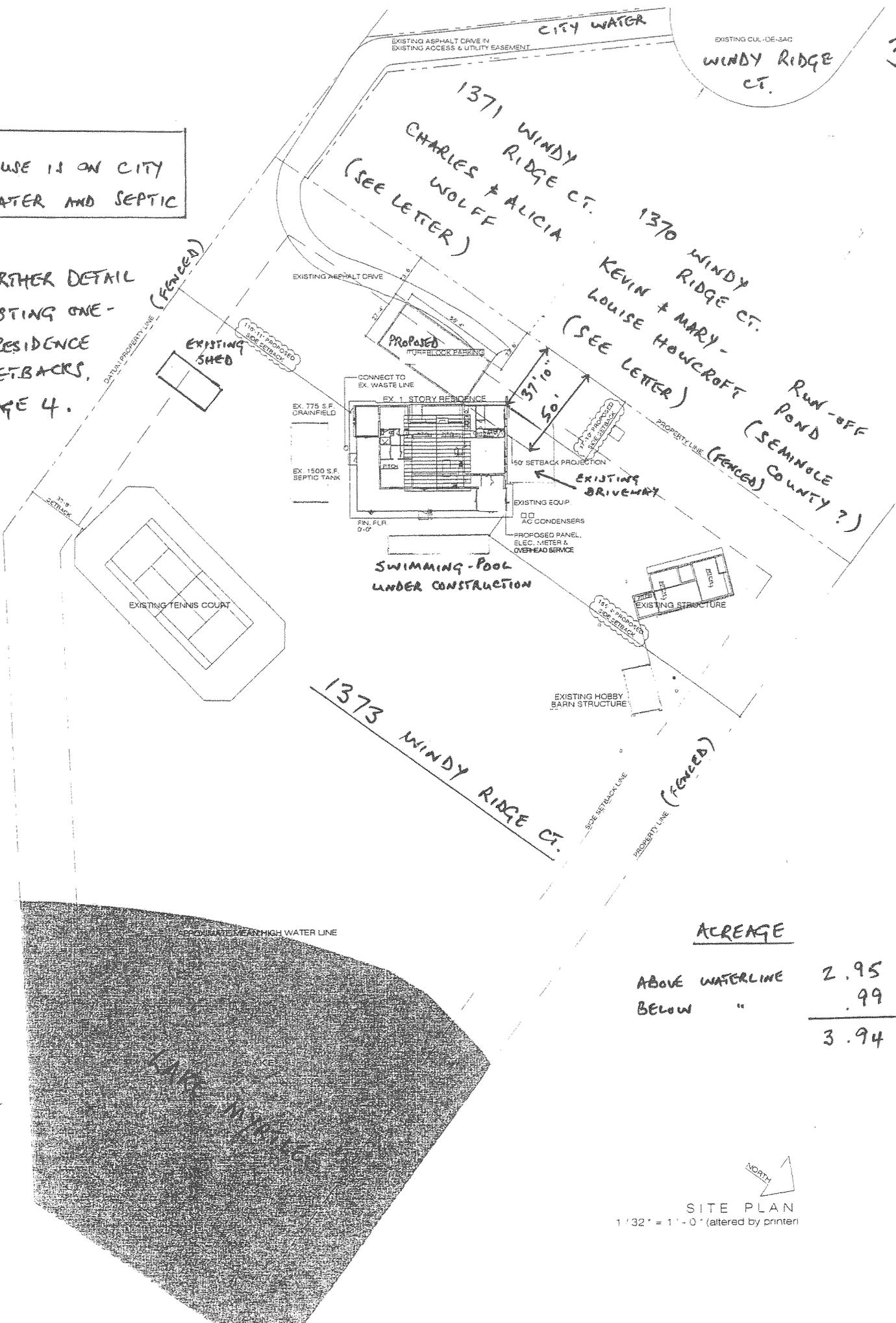
FOR FURTHER DETAIL
OF PROPOSAL, SEE
PAGE 5

NOTE: PROPOSAL IS TO ENCLOSE CARPORT AND CONVERT INTO LIVING AREA, FRONT OF CARPORT	IS ALREADY ENCLOSED. FRONT SETBACK REQ. IS 50'. FRONT CORNER IS 37'10" FROM BOUNDARY.
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7.

HOUSE IS ON CITY WATER AND SEPTIC

FOR FURTHER DETAIL OF EXISTING ONE-STORY RESIDENCE AND SETBACKS, SEE PAGE 4.



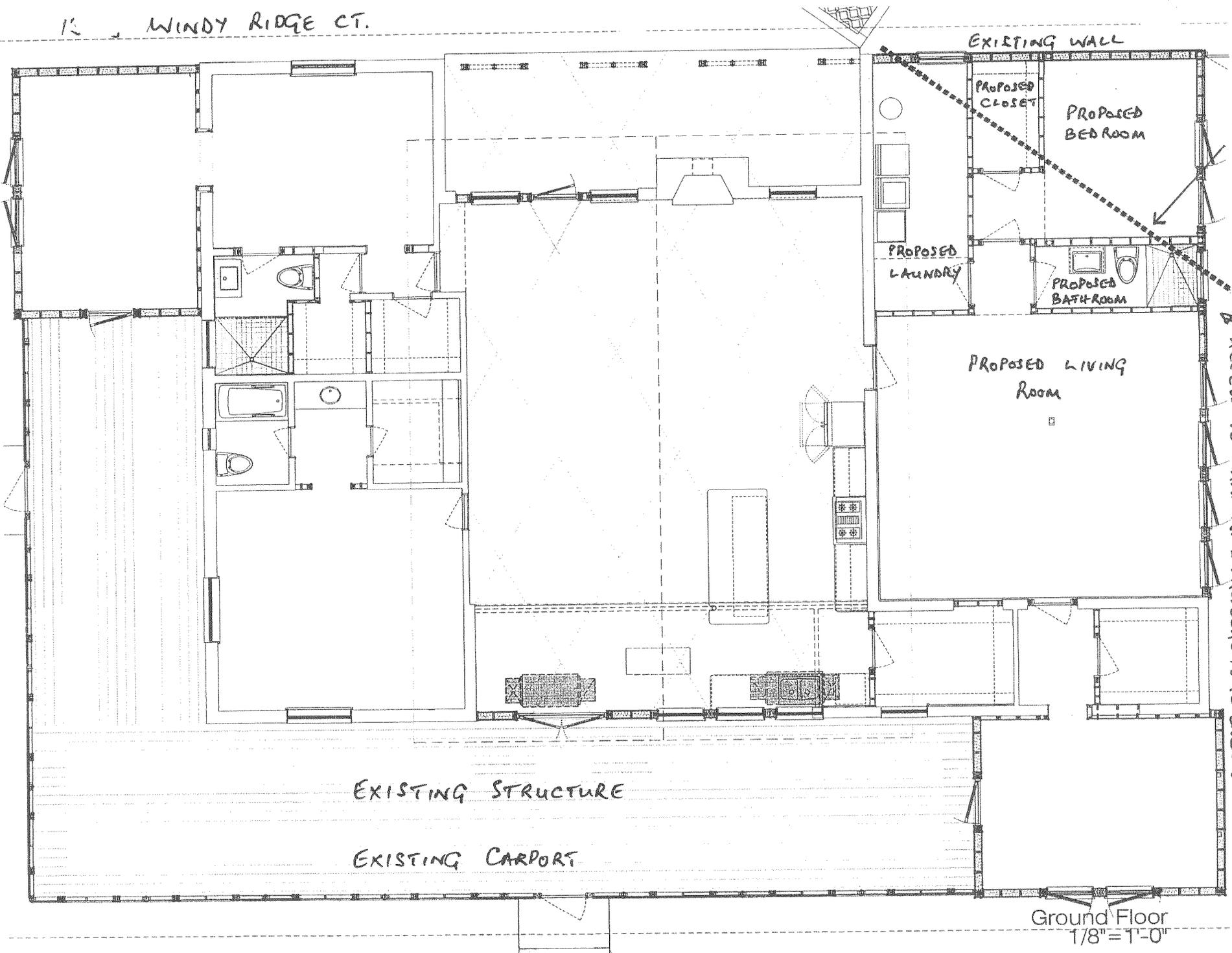
ACREAGE

ABOVE WATERLINE	2.95
BELOW "	.99
	<hr/> 3.94



SITE PLAN
1" = 32' (altered by printer)

12 WINDY RIDGE CT.



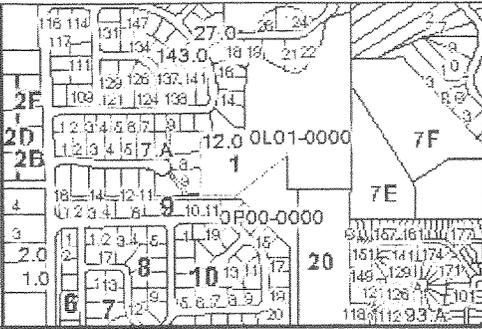
50' SETBACK LINE

THIS SIDE CURRENTLY OPEN FOR ACCESS TO CARPORT - PROPOSAL IS TO ENCLOSE

EXISTING STRUCTURE

EXISTING CARPORT

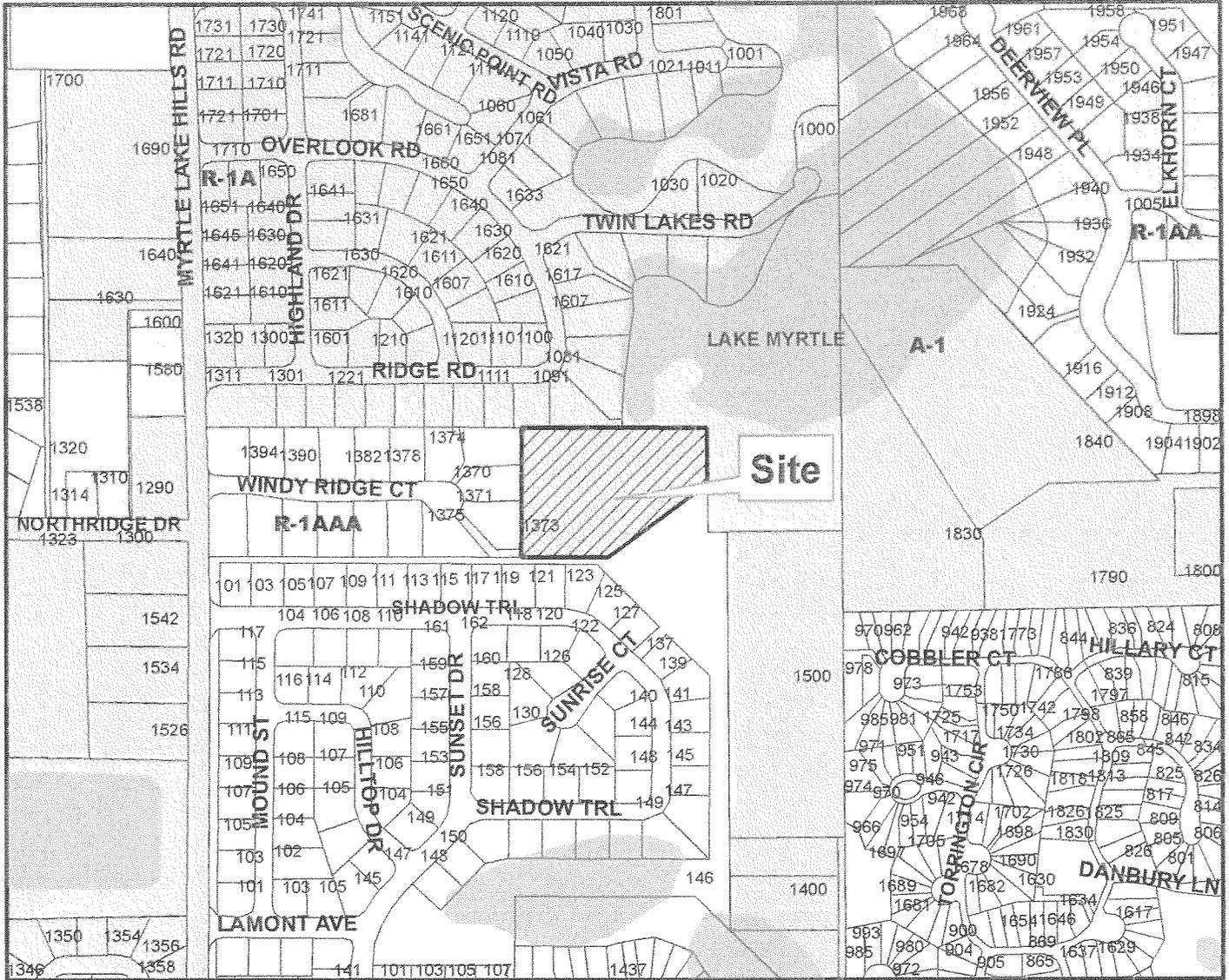
Ground Floor
1/8" = 1'-0"

<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 align="center">GENERAL</p> <p>Parcel Id: 25-20-29-300-0010-0000</p> <p>Owner: SEPHTON BRIAN T &</p> <p>Own/Addr: KLINGENBERG ANITA</p> <p>Mailing Address: 1373 WINDY RIDGE CT</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 1373 WINDY RIDGE CT SANFORD 32771</p> <p>Subdivision Name:</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 2</p> <p>Depreciated Bldg Value: \$140,942</p> <p>Depreciated EXFT Value: \$3,718</p> <p>Land Value (Market): \$227,170</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$371,830</p> <p>Assessed Value (SOH): \$327,719</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$302,719</p> <p>Tax Estimator</p>																					
<p 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>12/2004</td> <td>05566</td> <td>1692</td> <td>\$360,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01048</td> <td>0394</td> <td>\$75,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	12/2004	05566	1692	\$360,000	Improved	Yes	WARRANTY DEED	01/1975	01048	0394	\$75,000	Improved	Yes	<p align="center">2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$5,610</p> <p>2006 Tax Bill Amount: \$4,725</p> <p>Save Our Homes (SOH) Savings: \$885</p> <p>2006 Taxable Value: \$293,174</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	12/2004	05566	1692	\$360,000	Improved	Yes																	
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<p 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>ACREAGE</td> <td>0</td> <td>0</td> <td>2.950</td> <td>70,000.00</td> <td>\$227,150</td> </tr> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>.990</td> <td>20.00</td> <td>\$20</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	2.950	70,000.00	\$227,150	ACREAGE	0	0	.990	20.00	\$20	<p align="center">LEGAL DESCRIPTION</p> <p>LEG SEC 25 TWP 20S RGE 29E BEG 70.75 FT S & 1167.2 FT E OF NW COR GOVT LOT 2 RUN W 248.72 FT</p> <p>N 374.46 FT E 527.14 FT S 1 DEG 34 MIN W 154.94 FT S 51 DEG 51 MIN W 356.04 FT TO BEG (LESS</p> <p>NORTHRIDGE POINTE)</p>			
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
ACREAGE	0	0	2.950	70,000.00	\$227,150																		
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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	1968	6	1,523	2,857	1,523	CONC BLOCK	\$137,194	\$169,900														
	Appendage / Sqft		SCREEN PORCH FINISHED / 322																				
	Appendage / Sqft		UTILITY UNFINISHED / 184																				
	Appendage / Sqft		CARPORT FINISHED / 828																				
<i>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</i>																							
2	BARN/SHEDS	1930	1	954	1,018	954	CONC BLOCK	\$3,748	\$9,369														
	Appendage / Sqft		OVERHANG / 64																				
<i>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</i>																							
Permits																							

EXTRA FEATURE				
Description	Year	Bit Units	EXFT Value	Est. Cost New
FIREPLACE	1968	1	\$600	\$1,500
COOL DECK PATIO	1968	180	\$252	\$630
POOL GUNITE	1968	319	\$2,552	\$6,380
ALUM FENCE	2005	110	\$314	\$330

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.

Anita Klingenberg & Brian Sephton
 1373 Windy Ridge Ct
 Longwood, FL 32750



Seminole County Board of Adjustment
 December 4, 2006
 Case: BV2006-189 (Map 3103, Grid A6)
 Parcel No: 25-20-29-300-0010-0000

Zoning

	BV2006-189		R-1AA
	A-1		R-1A
	R-1AAA		R-1BB

N




Kevin and Mary-Louise Howcroft
1370 Windy Ridge Ct.
Longwood, FL 32750

Phone: 407-265-6716

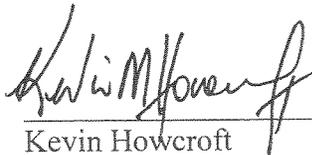
October 9, 2006

Seminole County Board of Adjustment
Planning Division
1101 East First Street
Sanford, FL 32771

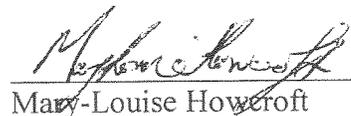
To Whom It May Concern:

We are the neighbors of Brian Sephton and Anita Klingenberg, owners of the property at 1373, Windy Ridge Ct., Longwood, Florida. They have informed us of their variance application in connection with the enclosure of the existing carport that falls inside the 50 foot setback from our common boundary. We hereby consent to the enclosing of their existing carport for the purpose of converting it into a bedroom, laundry and children's playroom.

Yours truly,



Kevin Howcroft



Mary-Louise Howcroft

Charles and Alicia Wolff
1371 Windy Ridge Ct.
Longwood, FL 32750

Phone: 407-260-2819

October 9, 2006

Seminole County Board of Adjustment
Planning Division
1101 East First Street
Sanford, FL 32771

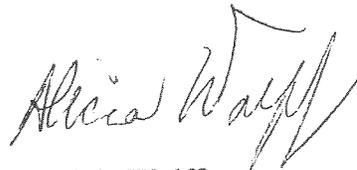
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Yours truly,



Charles Wolff



Alicia Wolff

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 SEC 25 TWP 20S RGE 29E BEG 70.75 FT S & 1167.2 FT E OF NW COR GOVT LOT 2 RUN W 248.72 FT N 374.46 FT E 527.14 FT S 1 DEG 34 MIN W 154.94 FT S 51 DEG 51 MIN W 356.04 FT TO BEG (LESS NORTHRIDGE POINTE)

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

FINDINGS OF FACT

Property Owner: Brian T Sephton & Anita Klingenberg
1373 Windy Ridge Court
Sanford FL 32771

Project Name: Windy Ridge Court (1373)

Requested Development Approval:

Request for a front yard setback variance from 50 feet to 37 feet 10 inches for a proposed enclosure of an existing carport in A-1 (Agriculture 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 enclosure of the carport 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: