

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 24 feet for a covered patio in R-1AA (Single Family Dwelling District); (Leigh Beyer, applicant).

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

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

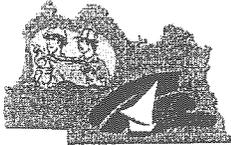
Agenda Date 12/4/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 24 feet for a covered patio in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 24 feet for a covered patio in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Leigh Beyer James E & Sandra B Cooney 2220 Derbyshire Road R-1AA (Single Family Dwelling District) English Estates Unit 1
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 16-foot by 22-foot covered patio which will encroach 6 feet into the required rear yard setback. • A Building Permit is under review for this construction (06-11116). • 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 covered patio 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 (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY
 APPL NO. 20-21-30-502-0170-192

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** TO ERECT AN ALUMINUM PATIO COVER AT A 24 FT REAR SETBACK IN LIEU OF REQ'D 30FT
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____)
- REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	JAMES + SANDRA COONEY	LEIGH BEYER
ADDRESS	2220 DERBYSHIRE RD MAITLAND FL 32751	19140 QUINELLA ST. ORLANDO FL 32833
PHONE 1		407-947-4700
PHONE 2	Sandra Cooney 407-277-3973	407-679-7222
E-MAIL		leighbeyer@fltime.com

PROJECT NAME: Cooney / Patio cover

SITE ADDRESS: 2220 DERBYSHIRE RD

CURRENT USE OF PROPERTY: PRIMARY RESIDENCE

LEGAL DESCRIPTION: E 51.30 FT OF LOT 17 & W 46.70 FT

OF LOT 19 BLK H ENGLISH ESTATES UNIT 1 PB 13 PL 1

SIZE OF PROPERTY: .27 acre(s) PARCEL I.D. 20-21-30-502-0170

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO Call owner first

This request will be considered at the Board of Adjustment regular meeting on 12/4/06 (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.

 SIGNATURE OF OWNER OR AGENT* DATE 12/11/06

* Proof of owner's authorization is required with submittal if signed by agent.

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 / LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

Seminole County Planning & Development Department

Board of Adjustments

RE: Statement of Request for Variance application
Cooney Residence
2220 Derbyshire Rd.
Maitland, FL 32751

Requesting a variance to be granted for the following:

An aluminum patio cover to be erected at a 24ft. rear yard setback in lieu of the required 30ft. and at a ~~9.7 side yard setback in lieu of the required 10ft.~~ (the home is at a 9.7 side yard setback therefore the owner would like to keep the porch consistent with the alignment of the home)

request denied.

Date: October 11, 2006

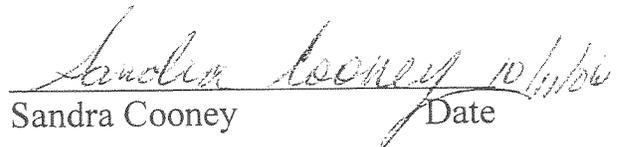
To Whom It May Concern:

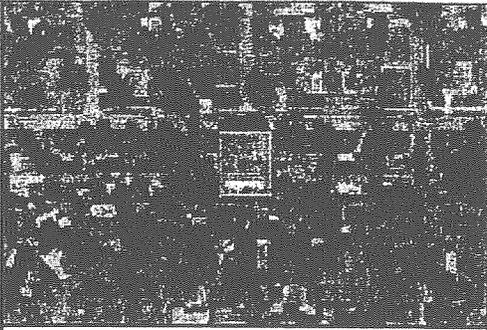
I authorize Leigh Beyer to act on my behalf and represent me at the hearing for:

Seminole County Board of Zoning Adjustment Variance to erect an aluminum patio cover at the rear of my home.

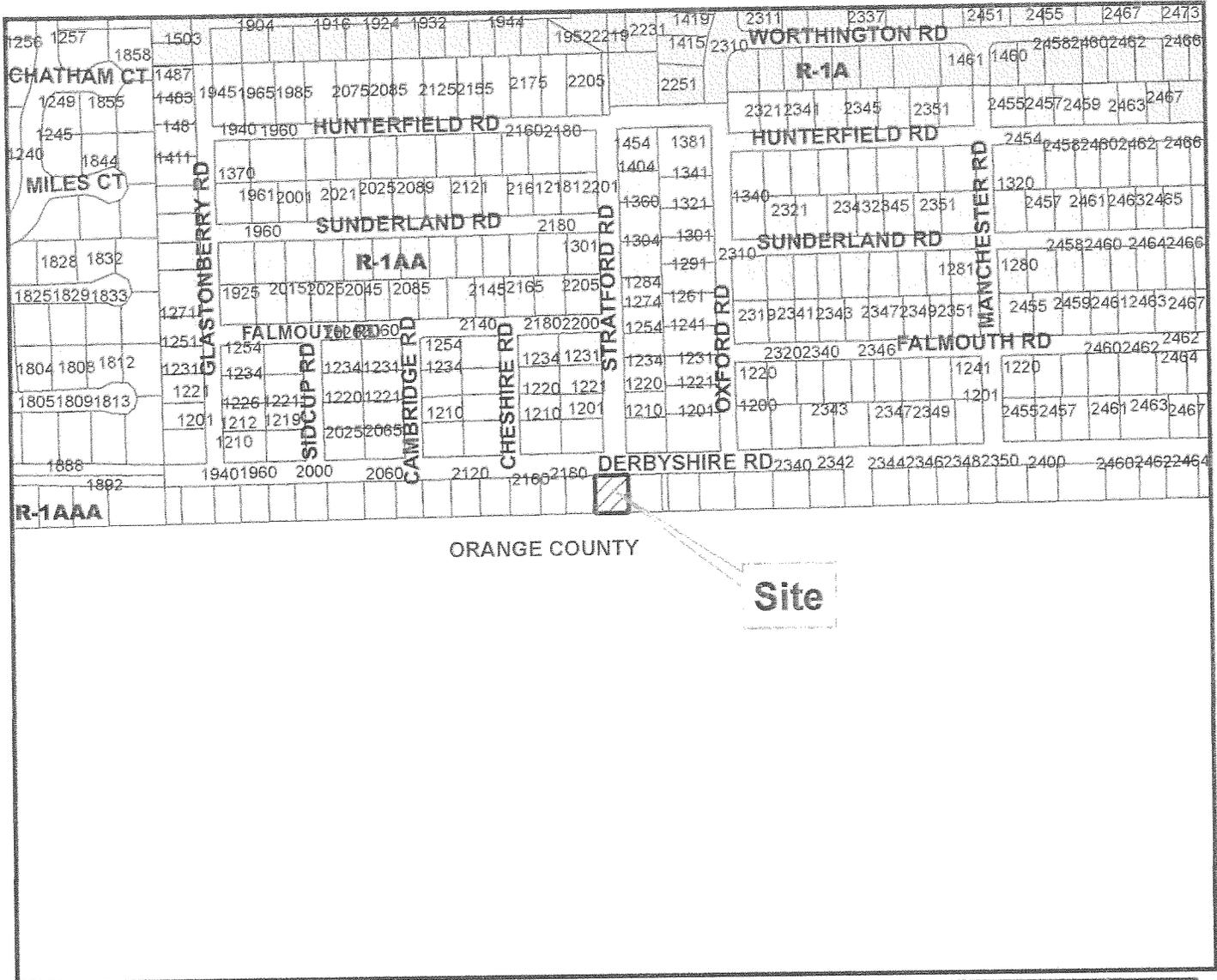
The property is located at:

2220 Derbyshire Rd. Maitland FL 32751
E 51.30 ft of lot 17 & W 46.70 ft of lot 18 blk H English Estates Unit 1 PB
13 PG 1, Public Records of Seminole County, Florida
20-21-30-502-0H00-0170


Sandra Cooney Date

<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 407-865-7508</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">6.0</td> <td style="width:10%;">3</td> <td style="width:10%;">8.0</td> <td style="width:10%;">10.0</td> <td style="width:10%;">9.0</td> <td style="width:10%;">1</td> </tr> <tr> <td>5.0</td> <td>3.0</td> <td>4</td> <td>10.A</td> <td>10.0</td> <td>17.0</td> </tr> <tr> <td></td> <td>4.0</td> <td>5</td> <td>11</td> <td></td> <td></td> </tr> </table> <p>DERBYSHIRE RD</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">13.0</td> <td style="width:10%;">14.0</td> <td style="width:10%;">18.0</td> <td style="width:10%;">17.0</td> <td style="width:10%;">18.0</td> <td style="width:10%;">1.0</td> <td style="width:10%;">2.0</td> <td style="width:10%;">3.0</td> </tr> <tr> <td>12</td> <td>13</td> <td>14</td> <td>15</td> <td>16</td> <td>17</td> <td>18</td> <td>19</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1</td> <td>2</td> <td>3</td> </tr> </table>	6.0	3	8.0	10.0	9.0	1	5.0	3.0	4	10.A	10.0	17.0		4.0	5	11			13.0	14.0	18.0	17.0	18.0	1.0	2.0	3.0	12	13	14	15	16	17	18	19						1	2	3	
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<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 20-21-30-502-0H00-0170</p> <p>Owner: COONEY JAMES E & SANDRA B</p> <p>Mailing Address: 2220 DERBYSHIRE RD</p> <p>City,State,ZipCode: MAITLAND FL 32751</p> <p>Property Address: 2220 DERBYSHIRE RD MAITLAND 32751</p> <p>Subdivision Name: ENGLISH ESTATES UNIT 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$177,841</p> <p>Depreciated EXFT Value: \$8,163</p> <p>Land Value (Market): \$40,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$226,004</p> <p>Assessed Value (SOH): \$168,202</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$143,202</p> <p>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>10/2002</td> <td>04592</td> <td>0226</td> <td>\$195,000</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	10/2002	04592	0226	\$195,000	Improved	Yes	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,284</p> <p>2006 Tax Bill Amount: \$2,229</p> <p>Save Our Homes (SOH) Savings: \$1,055</p> <p>2006 Taxable Value: \$138,303</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																												
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<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>40,000.00</td> <td>\$40,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	40,000.00	\$40,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>LEG E 51.30 FT OF LOT 17 + W 46.70 FT OF LOT 18 BLK H ENGLISH ESTATES UNIT 1 PB 13 PG 1</p>																														
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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	1960	7	2,220	2,904	2,220	CONC BLOCK	\$177,841	\$243,618																																			
Appendage / Sqft		OPEN PORCH FINISHED / 134																																										
Appendage / Sqft		GARAGE UNFINISHED / 462																																										
Appendage / Sqft		UTILITY FINISHED / 88																																										
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																												
Permits																																												
EXTRA FEATURE																																												
Description		Year Blt	Units	EXFT	Value	Est. Cost New																																						
FIREPLACE		1960	1		\$240	\$600																																						
POOL GUNITE		1985	576		\$5,184	\$11,520																																						
COOL DECK PATIO		1985	774		\$1,219	\$2,709																																						
SPA		1985	1		\$1,000	\$2,500																																						
ALUM PORCH W/CONC FL		1985	200		\$520	\$1,300																																						
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.																																												

Leigh Beyer
 2220 Derbyshire Road
 Maitland, FL 32751

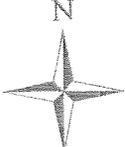
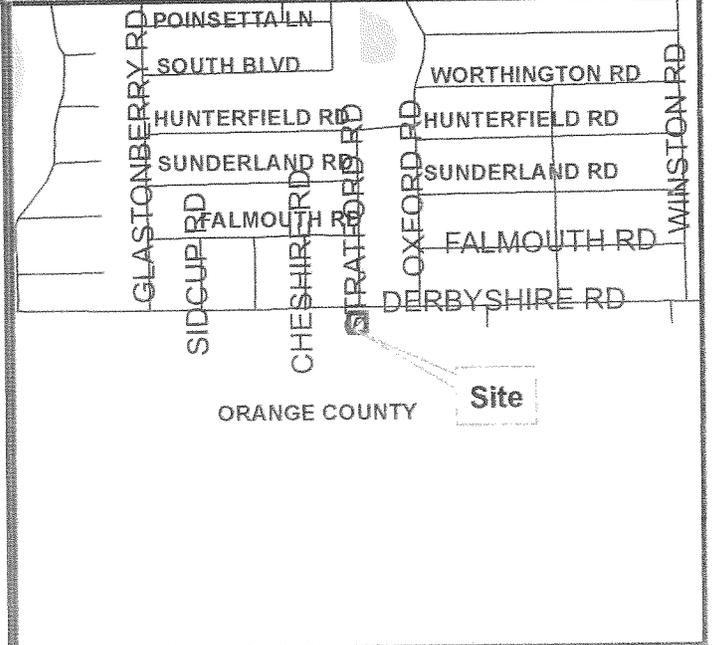


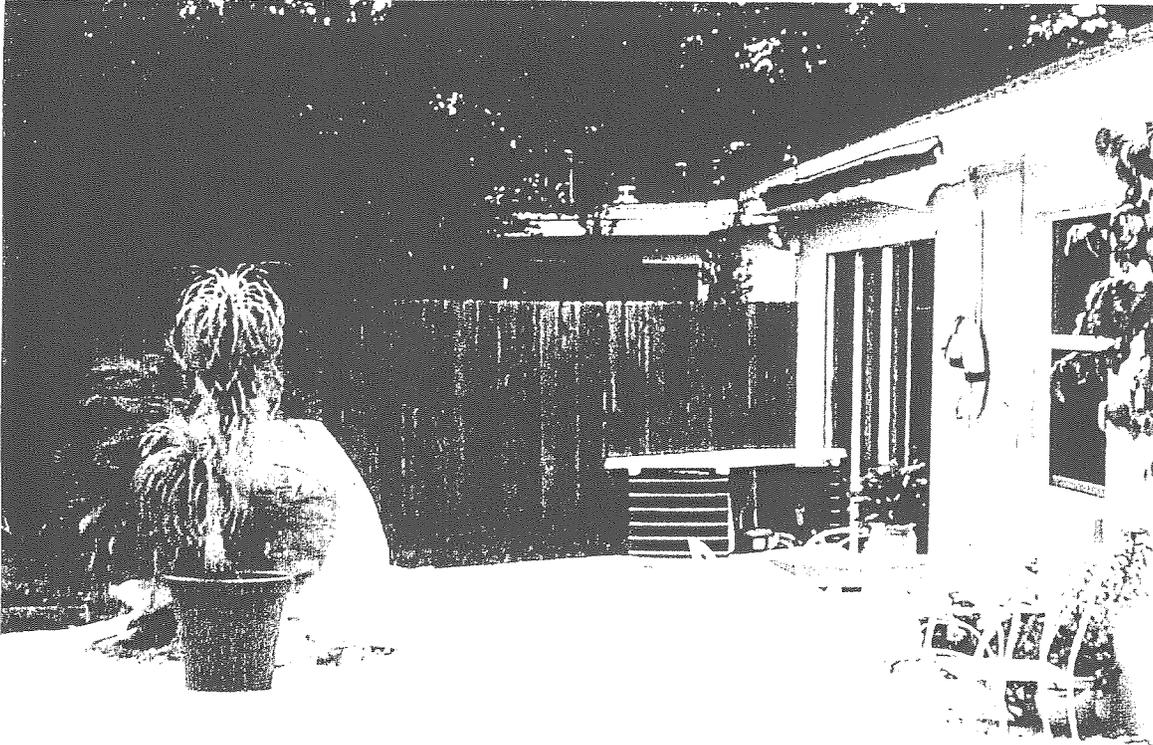
Seminole County Board of Adjustment
 December 4, 2006
 Case: BV2006-192 (Map 3209, Grid D3)
 Parcel No: 20-21-30-502-0H00-0170

Zoning

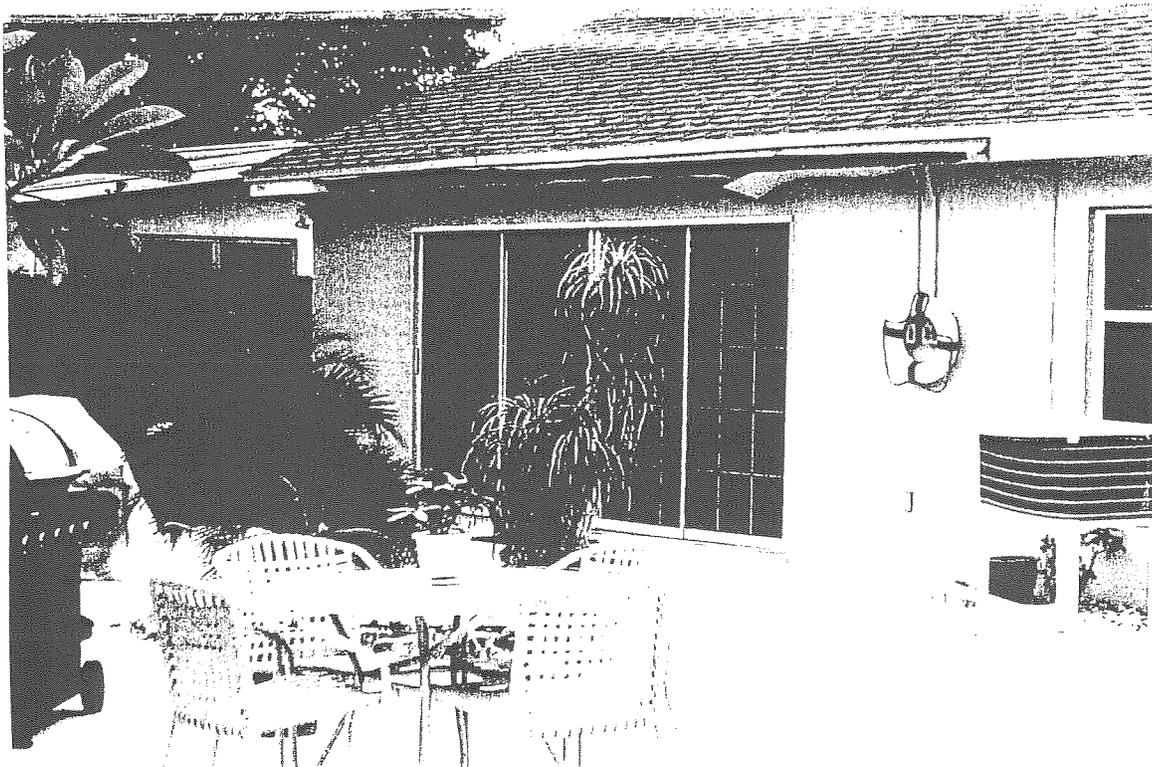
-  BV2006-192
-  R-1AAA
-  R-1AA
-  R-1A

N

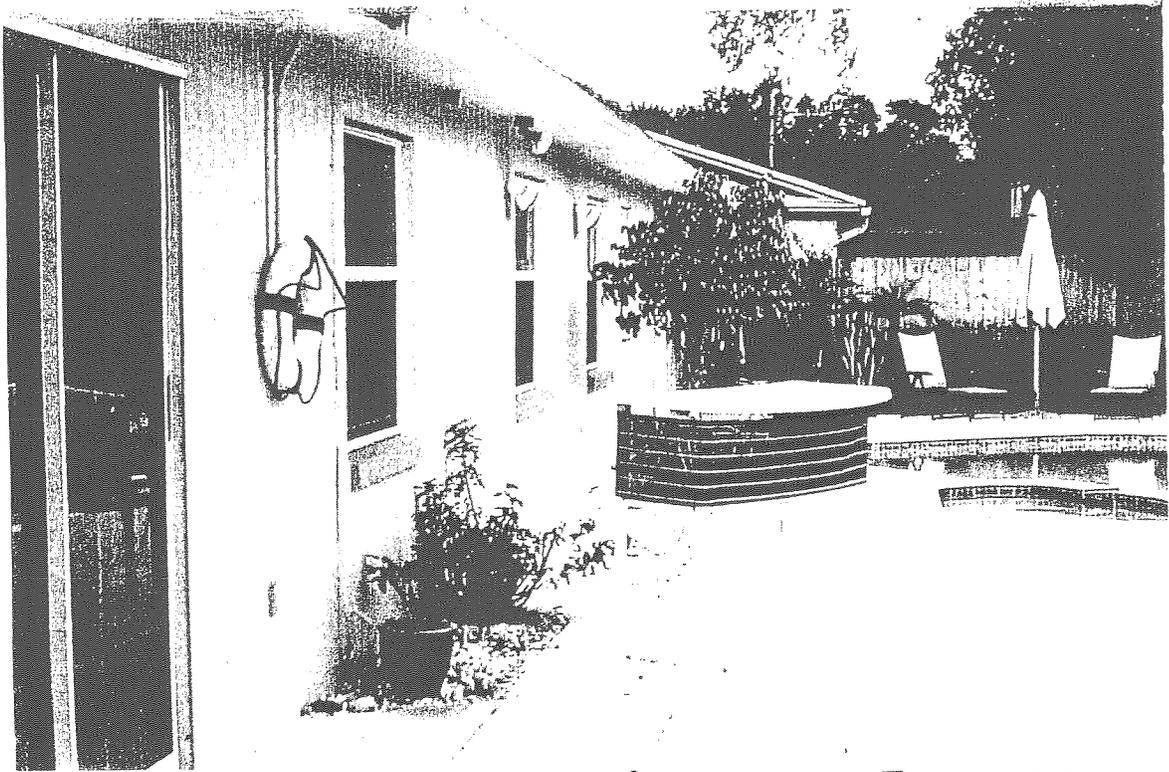





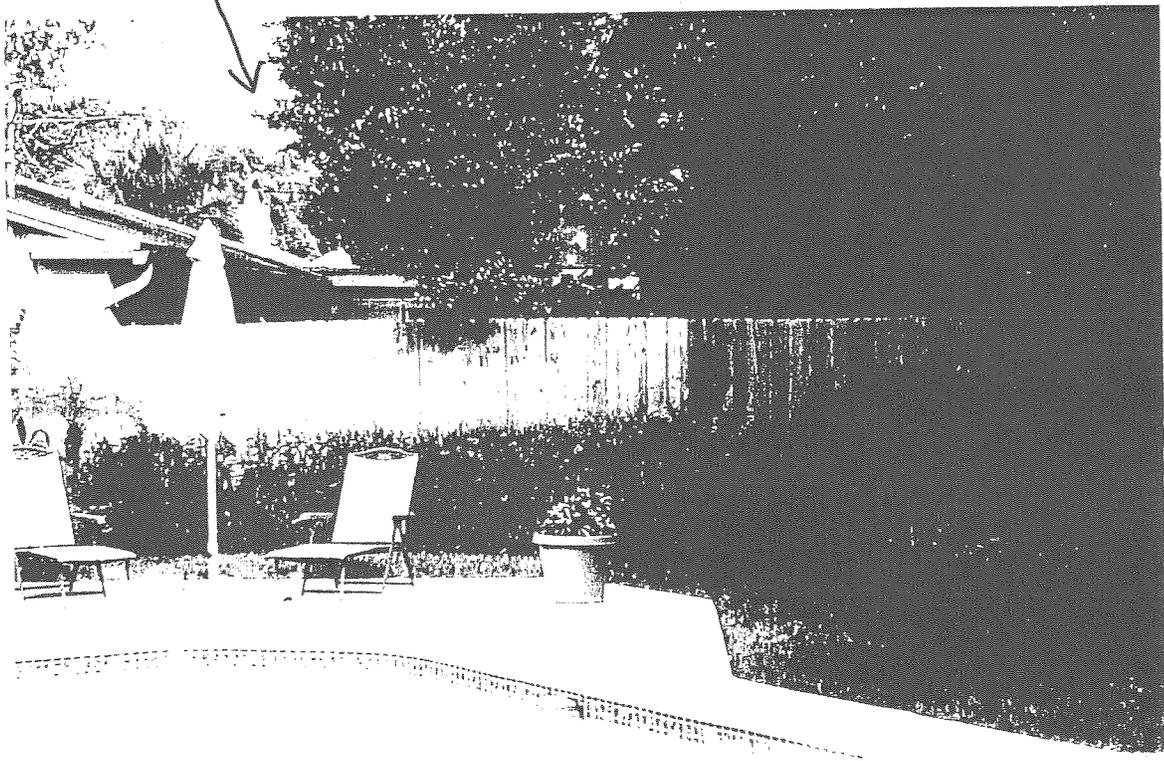
NEIGHBORING HOME ON WEST SIDE OF
PROPERTY HAS SCREEN PORCH



REAR OF HOME - LOCATION OF
PROPOSED PATIO COVER



NEIGHBORING HOME ON EAST SIDE
OF PROPERTY HAS SCREEN PORCH



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 E 51.30 FT OF LOT 17 + W 46.70 FT OF LOT 18 BLK H ENGLISH ESTATES UNIT 1
PB 13 PG 1

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

FINDINGS OF FACT

Property Owner: James E & Sandra B Cooney
2220 Derbyshire Road
Maitland FL 32751

Project Name: Derbyshire Road (2220)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 24 feet for a covered patio 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 covered patio 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: