

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

SUBJECT: 416 Lotus Lane – Scott Hepler, applicant; Request for 1) a front yard setback variance from 25 feet to 16 feet for a proposed bath addition and 2) a side yard setback variance from 7.5 feet to 4 feet-10 inches for a proposed garage addition in R-1 (Single Family Dwelling District).

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

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

Agenda Date 1/22/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for 1) a front yard setback variance from 25 feet to 16 feet for a proposed bath addition and 2) a side yard setback variance from 7.5 feet to 4 feet-10 inches for a proposed garage addition in R-1 (Single Family Dwelling District); or
2. **DENY** the request for 1) a front yard setback variance from 25 feet to 16 feet for a proposed bath addition and 2) a side yard setback variance from 7.5 feet to 4 feet-10 inches for a proposed garage addition in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant:</p> <p>Location:</p> <p>Zoning:</p> <p>Subdivision:</p>	<p>Scott Hepler</p> <p>416 Lotus Lane</p> <p>R-1 (Single Family Dwelling District)</p> <p>Fern Park Estates</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • Applicant proposes to construct 1) a bath addition that would encroach 9 feet into the required 25-foot front yard set back and 2) proposes to construct a garage addition that would encroach 2 feet-8 inches into the required 7.5-foot side yard setback. • The applicant proposes to construct a 21-foot by 20-foot (420 square foot) bath addition in the front (east) of the property and a 24-foot by 38-foot (912 square feet) 	

	<p>garage addition on the south side of the property.</p> <ul style="list-style-type: none"> • Applicant intends to vacate the dead end portion of Lotus Lane. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
<p>STAFF FINDINGS</p>	<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 requested is not 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>STAFF RECOMMENDATION</p>	<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 proposed bath addition and garage 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- PUD Commitment Card, *if applicable*
- Application**
- Authorization letter
- Applicant statement of request
- Proposed Development Order**
- Proposed Site Plan**
- Proposed-elevation drawings, renderings, floor plans, etc
- Property Appraiser data sheet**
- Location map**

Support information:

- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

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

Application # BV 2006-216
Meeting Date 1-22-07



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: SCOTT HEPLER
Address: 416 LOTUS LN. City: CASSELBERRY Zip code: 32707
Project Address: 416 LOTUS LN. City: CASSELBERRY Zip code: 32707
Contact number(s): (407) 256-0256
Email address: SCOTT@HEPLER-USA.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"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>FRONT BATH</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>GARAGE</u>
<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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25'</u>	Proposed setback:	<u>16'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5'</u>	Proposed setback:	<u>4'-10"</u>
<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>2</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: Scott Hepler

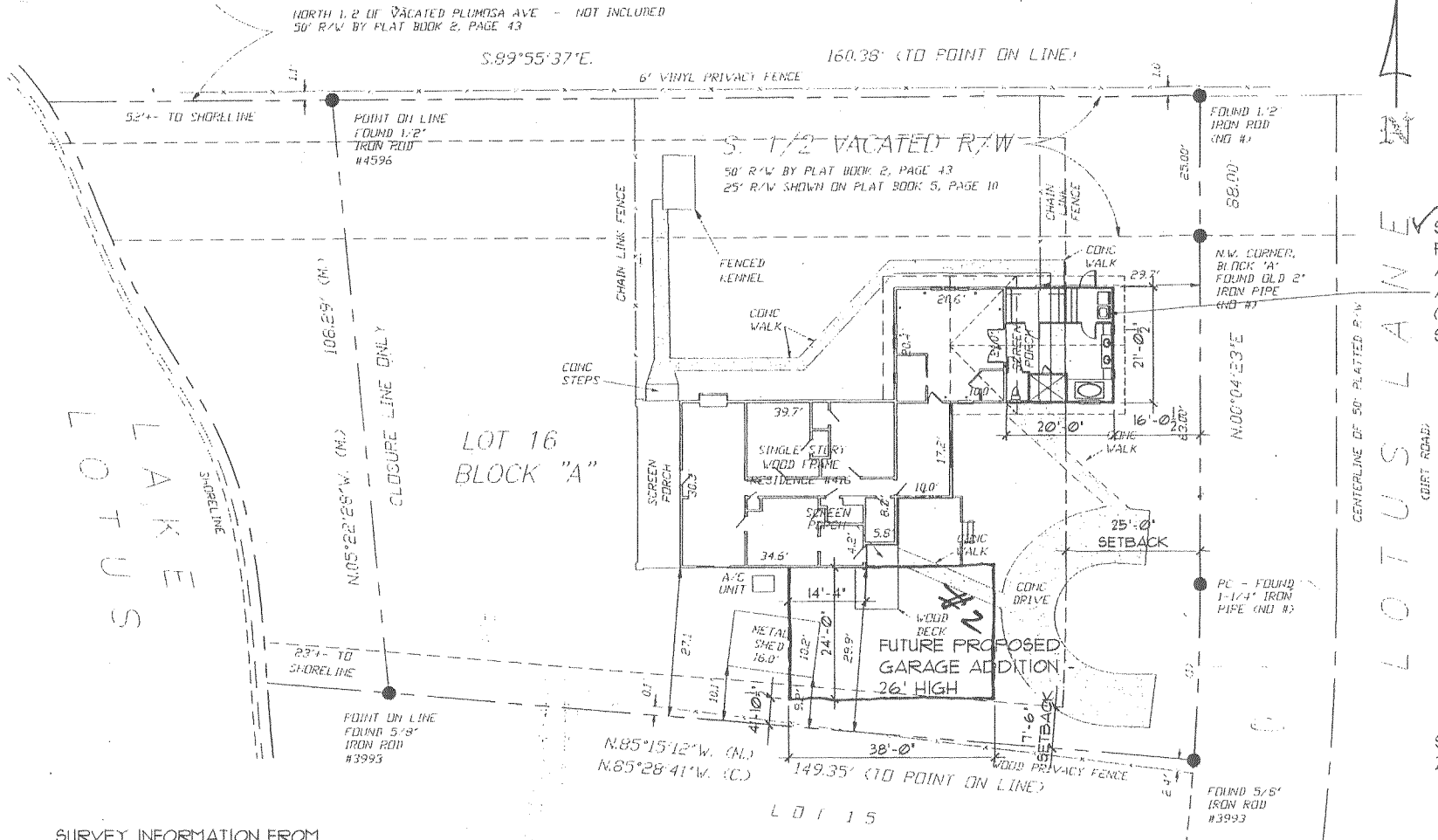
FOR OFFICE USE ONLY

Date Submitted: 11-30-06 Reviewed By: DG
 Tax parcel number: §-21-30-511-0ACC-0160 Zoning/FLU R-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: LOTUS LAKE R.O.W. : THE APPLICANT PROPOSES TO VACATE THE DEAD END SECTION OF ROW.

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>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.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <u>This form can be obtained online.</u>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. <u>View a sample site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</u>
	<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 or addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<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 (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



SCOPE OF WORK
FRONT BATH
ADDITION -
APPROX. 15' HIGH
(ROOF LINE
SHOWN HIDDEN)

SEMINOLE COUNTY
ZONING: R-1

SURVEY INFORMATION FROM
SURVEY BY MCMAHON SURVEYING
4 MAPPING DATED 3/28/04

SCOTT HEPLER RESIDENCE
416 LOTUS LANE
CASSELBERRY, FLORIDA 32707

BOUNDARY SURVEY
DESCRIPTION:
LOT 16, BLOCK "A", AND THE SOUTH 1/2 OF VACATED
STREET ADJACENT TO AND NORTH OF SAID LOT 16, FERN
PARK ESTATES, AS RECORDED IN PLAT BOOK 5, PAGES
10-13, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

Curve number: 1
Radius= 412.13
Delta= 04°26'55"
Arc= 32.00
Tangent= 16.01
Chord= 31.99
Chord Brg. S.02°17'51"W

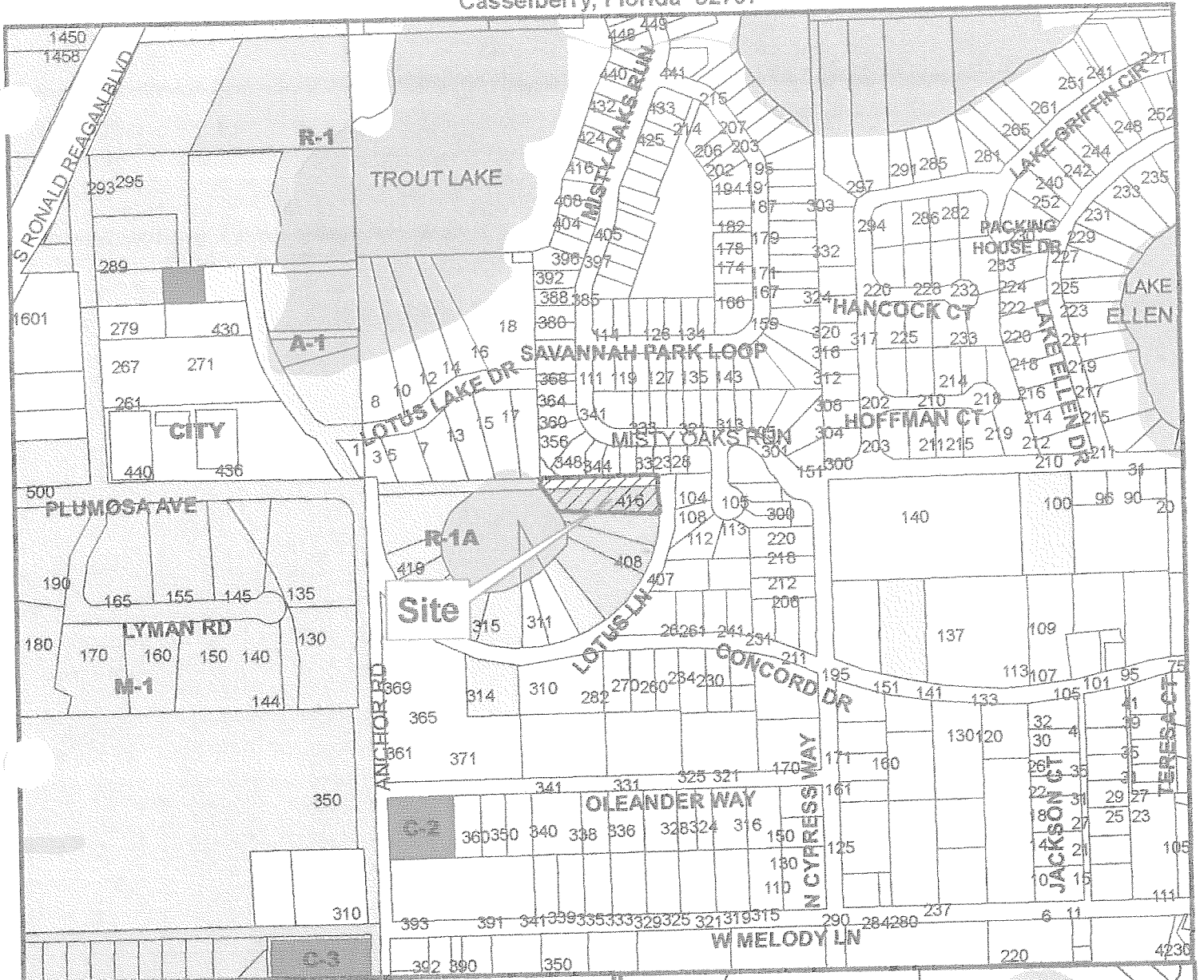


ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"
15906BKG / 1590651E








RODNEY JEFFERSON ARCHITECT
115 S. KIRKMAN ROAD, STE 110
ORLANDO, FLORIDA 32811
PH. (407) 291-8406
FAX (407) 293-5015

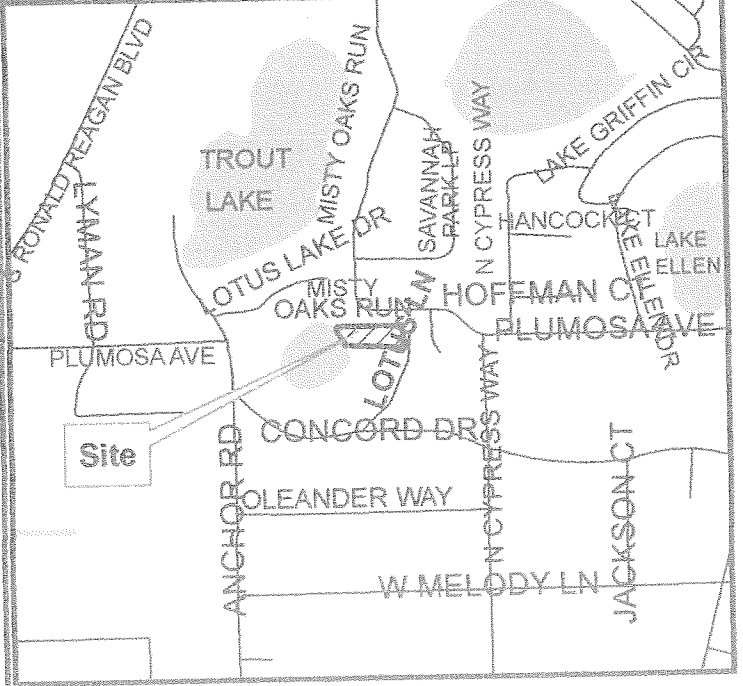
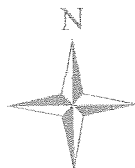
Crystal & Scott Hepler
 416 Lotus Lane
 Casselberry, Florida 32707



Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-216 (Map 3156, Grid D5)
 Parcel No: 08-21-30-511-0A00-0160

Zoning

- | | | | |
|---|------------|---|-----|
|  | BV2006-216 |  | C-2 |
|  | A-1 |  | C-3 |
|  | R-1A |  | M-1 |
|  | R-1 | | |



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

GENERAL

Parcel Id: 08-21-30-511-0A00-0160

Owner: HEPLER SCOTT T & CRYSTAL R

Mailing Address: 416 LOTUS LN

City,State,ZipCode: CASSELBERRY FL 32707

Property Address: 416 LOTUS LN CASSELBERRY 32707

Subdivision Name: FERN PARK ESTATES

Tax District: 01-COUNTY-TX DIST 1

Exemptions: 00-HOMESTEAD (2005)

Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method: Market

Number of Buildings: 1

Depreciated Bldg Value: \$95,149

Depreciated EXFT Value: \$960

Land Value (Market): \$58,140

Land Value Ag: \$0

Just/Market Value: \$154,249

Assessed Value (SOH): \$103,740

Exempt Value: \$25,000

Taxable Value: \$78,740

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	04/2004	05272	1274	\$150,700	Improved	Yes
WARRANTY DEED	02/2003	04729	0137	\$145,000	Improved	Yes
QUIT CLAIM DEED	02/2003	04729	0136	\$100	Improved	No
FINAL JUDGEMENT	02/2003	04720	1487	\$100	Improved	No
WARRANTY DEED	08/2000	03913	1742	\$119,900	Improved	Yes
ADMINISTRATIVE DEED	05/1994	02780	1923	\$72,000	Improved	No
PROBATE RECORDS	10/1993	02780	1919	\$100	Improved	No
CERTIFICATE OF TITLE	05/1993	02590	1632	\$1,000	Improved	No
WARRANTY DEED	10/1987	01902	0228	\$78,600	Improved	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Value(without SOH): \$2,083

2006 Tax Bill Amount: \$1,220

Save Our Homes (SOH) Savings: \$863

2006 Taxable Value: \$75,718

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	102	182	.000	500.00	\$58,140

LEGAL DESCRIPTION

PLATS:

LEG LOT 16 & S 1/2 OF VACD ST ADJ ON N BLK A FERN PARK ESTATES

PB 5 PG 11

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	1925	6	1,698	2,082	1,698	WD/STUCCO FINISH	\$95,149	\$237,872
	Appendage / Sqft		SCREEN PORCH FINISHED / 120						
	Appendage / Sqft		SCREEN PORCH FINISHED / 232						
	Appendage / Sqft		OPEN PORCH FINISHED / 32						

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	1925	1	\$600	\$1,500

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 16 & S 1/2 OF VACD ST ADJ ON N BLK A FERN PARK ESTATES PB 5 PG 11

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

FINDINGS OF FACT

Property Owner: Scott & Crystal Hepler
416 Lotus Lane
Casselberry 32707

Project Name: Lotus Lane (416)

Requested Development Approval:

Request for 1) a front yard setback variance from 25 feet to 16 feet for a proposed bath addition and 2) a side yard setback variance from 7.5 feet to 4 feet-10 inches for a proposed garage 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 bath addition and garage 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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: