

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

**SUBJECT:** 220 Lake Seminary Circle – Brian & Linda Caslow, applicants; Request for a side yard (north) setback variance from 10 feet to 1-foot for a shed in R-1AA (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Joy Williams      **EXT.** 7399

**Agenda Date** 3/26/07    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a side yard (north) setback variance from 10 feet to 1-foot for a shed in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side yard (north) setback variance from 10 feet to 1-foot for a shed in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicants: Brian & Linda Caslow Location: 220 Lake Seminary Circle Zoning: R-1AA (Single Family Dwelling District) Subdivision: FloridaHaven 1 <sup>st</sup> Addition
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting approval for a 24-foot by 14-foot wooden shed that encroaches 9 feet into the required 10-foot side yard setback.</li> <li>• On November 11<sup>th</sup>, 2006, prior to completion of the shed; the applicant received a notice of code violation for the un-permitted construction.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> <li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands,</li> </ul>

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"> <li>• Special conditions and circumstances result from the actions of the applicant.</li> <li>• 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.</li> <li>• 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.</li> <li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li> <li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li> <li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li> </ul>
<p><b>STAFF                  RECOMMENDATION</b></p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Any variance granted shall apply only to the shed as depicted on the attached site plan; and</li> <li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li> </ul>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

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

Application # BY 2007-19  
Meeting Date 3-26-07



# COPY

## VARIANCE APPLICATION

### SEMINOLE COUNTY PLANNING DIVISION

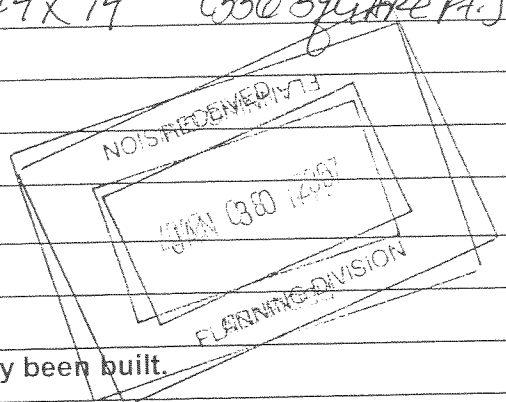
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: Linda Dianne or Brian Paul Caslow  
Address: 220 Lake Seminary Circle City: Maitland Zip code: 32751  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): (407) 671-7452 cell (407) 468-9074  
Email address: \_\_\_\_\_

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>24x14 (336 square ft.)</u>
<input type="checkbox"/> Fence	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 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 checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	<u>1 ft.</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>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] 1/30/07

**FOR OFFICE USE ONLY**

Date Submitted: 1-30-07 Reviewed By: P. Johnson  
 Tax parcel number: 24-21-29-5BX-0000-0020 Zoning/FLU R-1AA/ LOR  
 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**

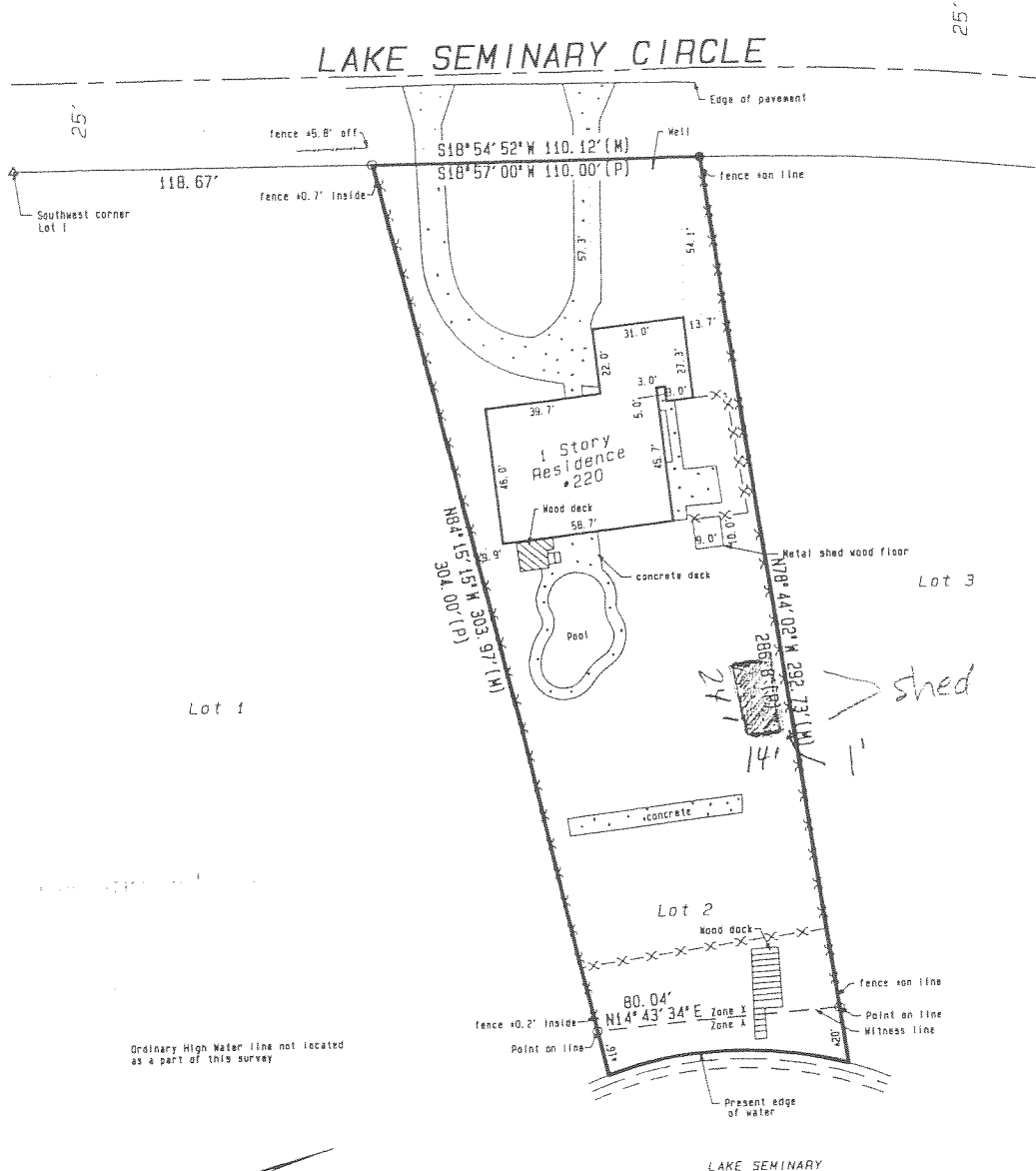
*Please return this checklist with your application!*

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.

	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<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.

# Boundary Survey for Brian P. & Linda D. Caslow

Lot 2,  
FLORIDAHAVEN  
Plat Book 9, Page 17,  
Seminole County, Florida



Ordinary High Water line not located as a part of this survey

- Legend
- = Recovered 4'x4' Concrete Monument
  - = Set 4'x4' Concrete Monument +LB6300
  - ▲ = Recovered 1" Iron Pipe no#
  - × = Recovered X Cut in concrete
  - = Recovered 5/8" Iron Rod no#
  - = Recovered 5/8" Iron Rod LB4596
  - ◇ = Light Pole as shown
  - = 6" Wood Fence
  - - - = Fence as shown
  - ▣ = Concrete Slab
  - - - - - = 4' Chain Link fence
  - Δ = Central Angle L-Arc R=Radius A/R=Right of Way
  - A/C=Air Conditioner (R)-Radial (NR)-Non-Radial
  - (P)=Plat (M)=Measured (C)=Calculated (D)=Deed
  - PQB=Point of Beginning POC=Point of Commencement
  - POL=Point On Line

This Survey Certified To:  
First Southwestern Title Company of FL  
Commonwealth Land Title Insurance Co  
Thomas Mortgage & Financial Services Inc  
Brian P. Caslow  
Linda D. Caslow

Bearings are based on the West line of Lot 2 as being S18°57'00" N, per plat

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps, sketches or reports of other than the signing party or parties is prohibited without written consent of the signing party or parties.

*[Signature]*

Michael M. Sullivan, PSW #4466  
For the Firm of Altamonte Surveying and Platting, Inc. #LB6500

SCALE: 1" = 50'
REVIEWED BY: MWS
DRAWN BY: SAM
DATE: July 7, 2002
JOB No.: 16103
Revised:

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed and shall not be relied on by any other entity or individual whomsoever.

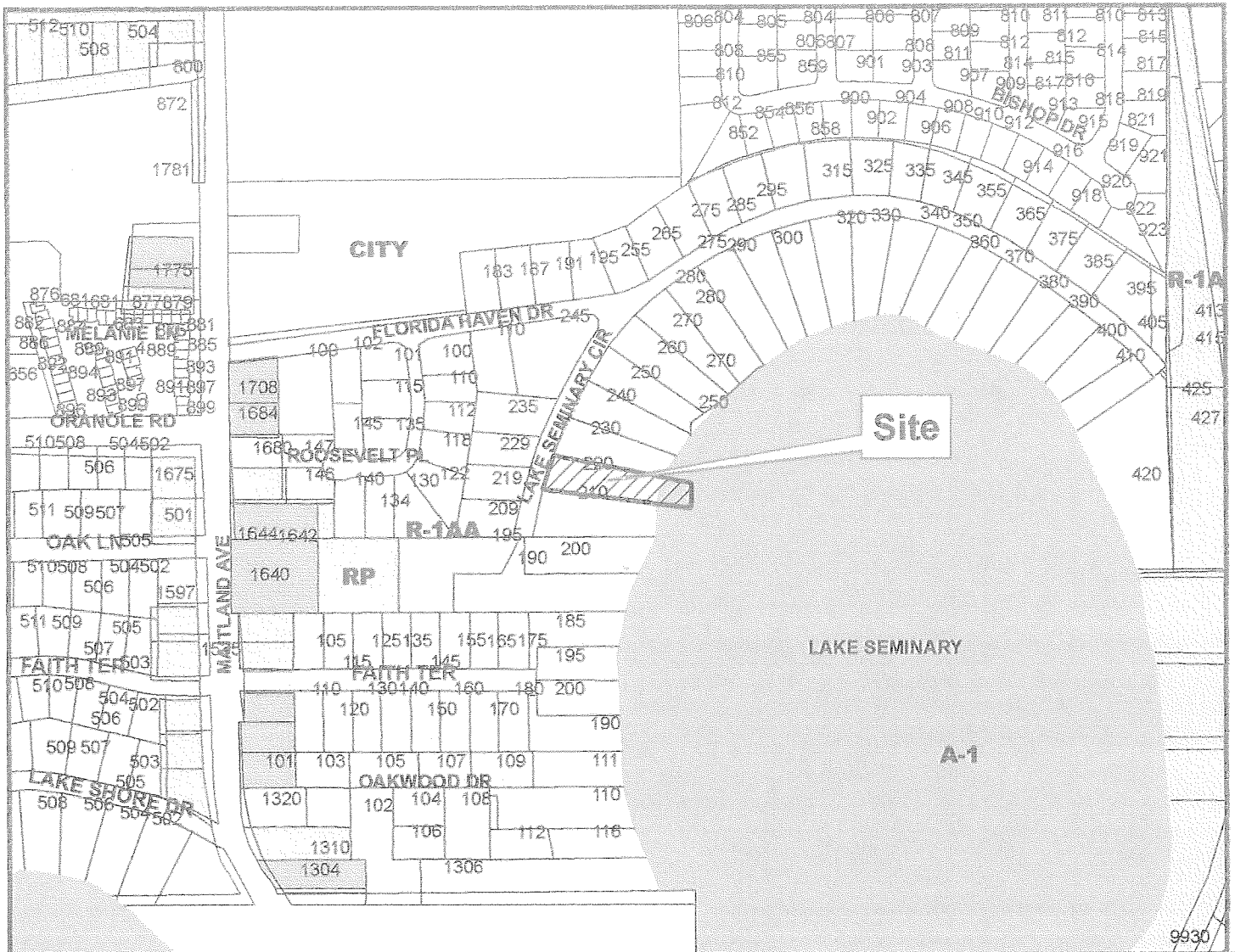
Underground foundations and/or improvements were not located as a part of this survey.

Lands shown hereon were not abstracted for rights of ways and/or easements of public records.

Legal Description furnished by client (unless otherwise noted)

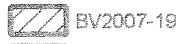

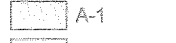

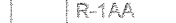

This is to certify that I have reviewed the Flood Insurance Rating Map (FIRM), Panel Number 120289 0140 E, Dated 4/17/95 and determined that the lands shown hereon lies in Flood Zone "X5A"

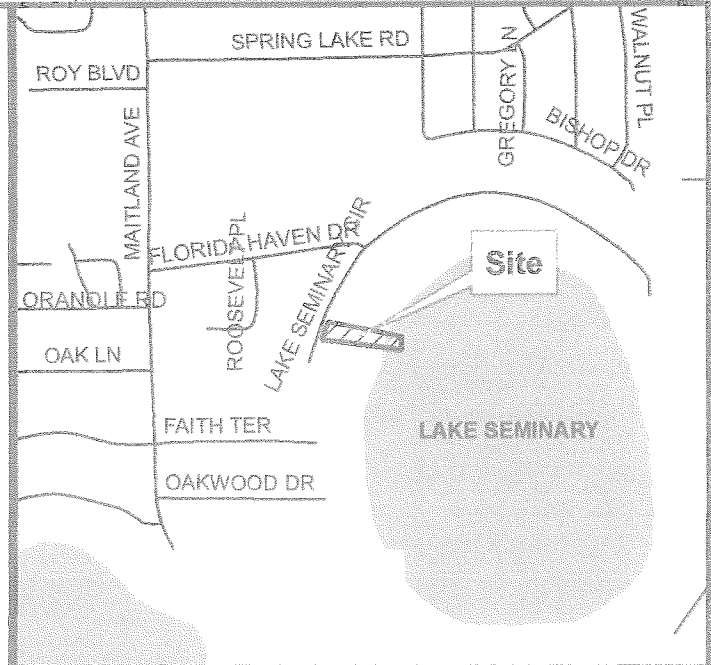
Linda or Brian Caslow  
 220 Lake Seminary Circle  
 Maitland, Florida 32751



Seminole County Board of Adjustment  
 March 26, 2007  
 Case: BV2007-19 (Map 3209, Grid B2)  
 Parcel No: 24-21-29-5BX-0000-0020

**Zoning**

	BV2007-19		R-1A
	A-1		RP
	R-1AA		OP



<p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																											
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 24-21-29-5BX-0000-0020</p> <p>Owner: CASLOW BRIAN P &amp; LINDA D</p> <p>Mailing Address: 220 LAKE SEMINARY CIR</p> <p>City,State,ZipCode: MAITLAND FL 32751</p> <p>Property Address: 220 LAKE SEMINARY CIR MAITLAND 32751</p> <p>Subdivision Name: FLORIDAHAVEN</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2003)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$148,187</p> <p>Depreciated EXFT Value: \$12,205</p> <p>Land Value (Market): \$300,010</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$460,402</p> <p>Assessed Value (SOH): \$257,717</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$232,717</p> <p>Tax Estimator</p>																																																									
<p style="text-align: center;"><b>SALES</b></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>07/2002</td> <td>04476</td> <td>0293</td> <td>\$270,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/2002	04476	0293	\$270,000	Improved	Yes	<p><b>2006 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$6,887</p> <p>2006 Tax Bill Amount: \$3,649</p> <p>Save Our Homes (SOH) Savings: \$3,238</p> <p>2006 Taxable Value: \$226,431</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																											
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BOAT DOCK	2004	396	\$1,742	\$1,980
BOAT HOUSE	2004	336	\$2,365	\$2,688

**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.

BU 2007-19

## PETITION


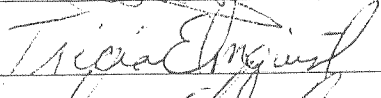
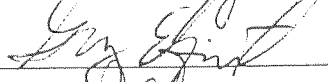
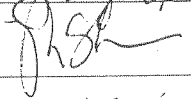
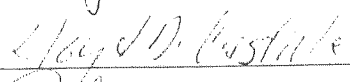
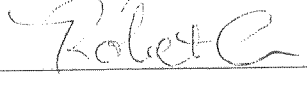
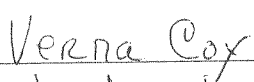
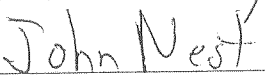
This Petition is to show support for Brian and Linda (Dianne) Caslow, 220 Lake Seminary Circle, Maitland, FL, in their endeavor to retrieve from Seminole County a variance for a storage shed in their backyard. We understand that it is located less than the required ten (10) feet from the side property line.

NAME	SIGNATURE	ADDRESS	DATE
1. MARLENE	Chadwick Moorey	209 LAKE SEMINARY	2/15/07
2. JOSEPH CHADWICK	Joseph Chadwick	209 LK. SEMINARY CIR MAITLAND	2/15/07
3. JOE QUIGLEY	Joe Quigley	200 LAKE SEMINARY MAITLAND	2/15/07
4. ALANA QUIGLEY	Alana Quigley	200 LAKE SEMINARY MAITLAND	2/15/07
5. MARY J GREEN	Mary J Green	229 Lake Seminary	" 2/15/07
6. RAY GREEN	Ray Green	229 Lk Seminary Cir	" 2/15/07
7. ERNEST THOMAS	Ernest Thomas	190 Lake Seminary Cir. Maitland, FL	2/15/07
8. IRIS CLUGGISH	Iris Cluggish	270 Lake Seminary Cir	2/15/07
9. TERRY GIRARD	Terry Girard	290 LAKE SEMINARY CIR.	2/15/07
10. PAULA GIRARD	Paula Girard	290 Lake Seminary Cir	2/15/07
11. HEATHER ESTEBAN	Heather Esteban	255 LK SEMINARY CR	2-15-07
12. BEN ESTEBAN	Bernardo Esteban	255 LK SEMINARY CR	2-15-07
13. SRENDIA ATKINS	Srendia Atkins	210 Lake Seminary Cr.	2-15-07

BU 2007-19

### PETITION

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NAME	SIGNATURE	ADDRESS	DATE
14. CHRIS ALEXANDER		265 LAKE SEMINARY CIRCLE	
15. Tricia Elmqvist		195 Lake Seminary Cir.	2-15-07
16. GREG Elmqvist		195 LAKE SEMINARY CR	2-15-07
17. Rob Sharpstein		310 Lake Seminary Cr	2/18/07
18. Lloyd D. Castille		330 Lake Seminary Cir	2-18-07
19. Robert Angelo		240 Lake Seminary Circle	2-18-07
20. Verna Cox		230 Lake Seminary Cir	2-19-07
21. John Nest		235 Lake Seminary Circle	2-19-07
22.			
23.			
24.			
25.			
26.			

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 FLORIDAHAVEN 1<sup>ST</sup> ADDITION PLAT BOOK 9 PAGE 17

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

### FINDINGS OF FACT

**Property Owner:** Brian P & Linda D Caslow  
220 Lake Seminary Circle  
Maitland, FL 32751

**Project Name:** Lake Seminary Circle (220)

### Requested Development Approval:

Request for a side yard (north) setback variance from 10 feet to 1-foot for a shed in R-1AA (Single Family Dwelling District).

The Development Approval was sought to bring into compliance the construction of a shed within the side yard setback. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner  
1101 East First Street  
Sanford, Florida 32771

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:

\_\_\_\_\_

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 FLORIDAHAVEN 1<sup>st</sup> ADDITION PLAT BOOK 9 PAGE 17

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

### FINDINGS OF FACT

**Property Owner:** Brian P & Linda D Caslow  
220 Lake Seminary Circle  
Maitland, FL 32751

**Project Name:** Lake Seminary Circle (220)

**Requested Development Approval:**

Request for a side yard (north) setback variance from 10 feet to 1-foot for a shed 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: Joy Williams, 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 shed 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: