

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

SUBJECT: 2642 Tierra Circle – David and Shirley Gurney, applicant; Request for (1) a rear yard setback variance from 10 feet to 2 feet-3 inches and (2) a side yard (south) setback variance from 7.5 feet to 4.5 feet for two existing sheds in R-1A (Single Family Dwelling District).

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

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

Agenda Date 6/25/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for (1) a rear yard setback variance from 10 feet to 2 feet-3 inches and (2) a side yard (south) setback variance from 7.5 feet to 4.5 feet for two existing sheds in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for (1) a rear yard setback variance from 10 feet to 2 feet-3 inches and (2) a side yard (south) setback variance from 7.5 feet to 4.5 feet for two existing sheds in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: David and Shirley Gurney Location: 2642 Tierra Circle Zoning: R-1A (Single Family Dwelling District) Subdivision: Casa Aloma
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting setback variances for two existing sheds. • The existing shed in the side yard encroaches 3 feet into the required 7.5-foot side yard setback. This shed is 48 square feet. According to the applicant this shed was built in 1995. • The existing shed in the rear yard encroaches 7 feet – 9 inches into the required 10 foot rear yard setback. According to the applicant this shed was built in 2004. • There is a code enforcement violation for the

	<p>unpermitted construction of the shed in the rear yard.</p> <ul style="list-style-type: none">• 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 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.
STAFF RECOMMENDATION	<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">• Any variance granted shall apply only to the two sheds 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

- 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

COPY

Application # BV 2007-02

Meeting Date 2-26-07



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 W. & Shirley A. Gurney

Address: 2642 Tierra Circle

City: Winter Park Zip code: 32792

Project Address: _____

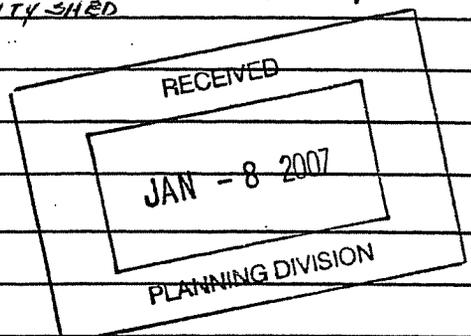
City: _____ Zip code: _____

Contact number(s): 407-671-0980

Email address: gurney@mail.ucf.edu

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed <u>2</u>	Please describe: <u>12' X 8' X 10' 3" storage shed</u> <u>8' X 6' X 8' 3" utility shed</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 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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>10ft.</u>	Proposed setback:	<u>2 feet 3 inches</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 checked="" type="checkbox"/> <u>side</u> yard setback	Required setback:	<u>7.5ft.</u>	Proposed setback:	<u>4 feet 6 inches</u>
<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: David W. Gurney

FOR OFFICE USE ONLY

Date Submitted: 1-8-07 Reviewed By: P. Johnson
 Tax parcel number: 33-21-30-509-0000-0470 Zoning/FLU R-1A1 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!

<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). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	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. 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 or 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.

Existing 5' High Chain Link Fence

← 11.5' → 96.5 sq ft 2'3" REAR SETBACK

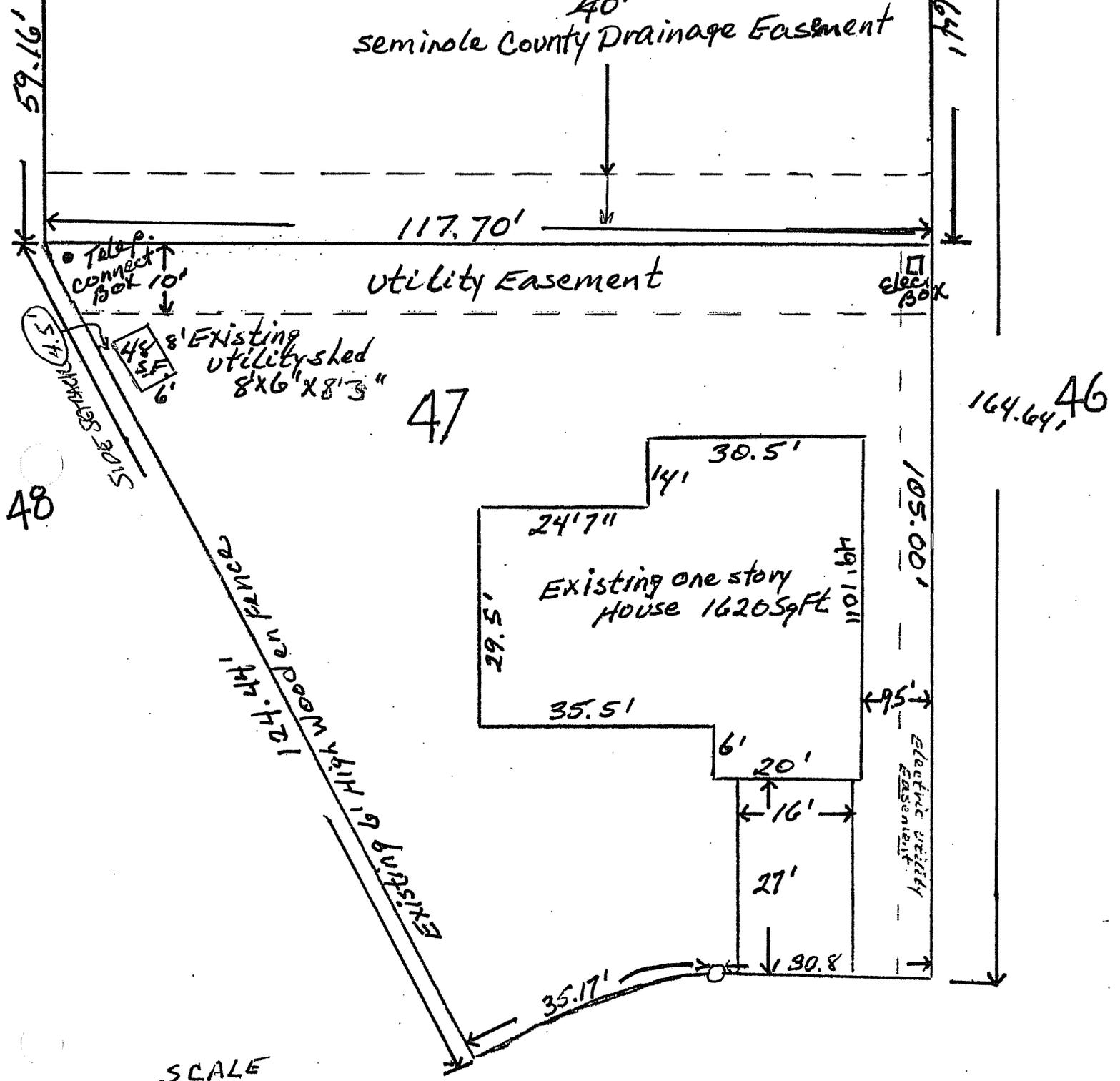
12' Existing 12' x 8' x 10' 5" storage shed

60' 40' seminole County Drainage Easement

117.70' Utility Easement

44' 8' Existing utility shed 8' x 6' x 8' 3"

Existing one story House 1620 sq ft



48

47

164.64' 46

SCALE 1" = 19'

TERRA CIR

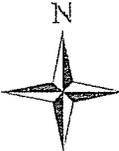
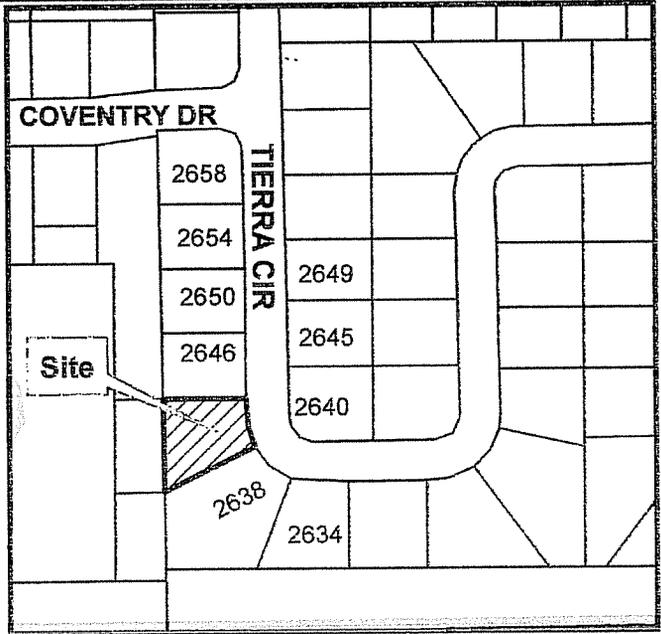
Shirley & David Gurney
 2642 Tierra Circle
 Winter Park, Florida 32792



Seminole County Board of Adjustment
 June 25, 2007
 Case: BV2007-02 (Map 3210, Grid C7)
 Parcel No: 33-21-30-509-0000-0470

Zoning

-  BV2007-02
-  A-1
-  R-1A
-  OP

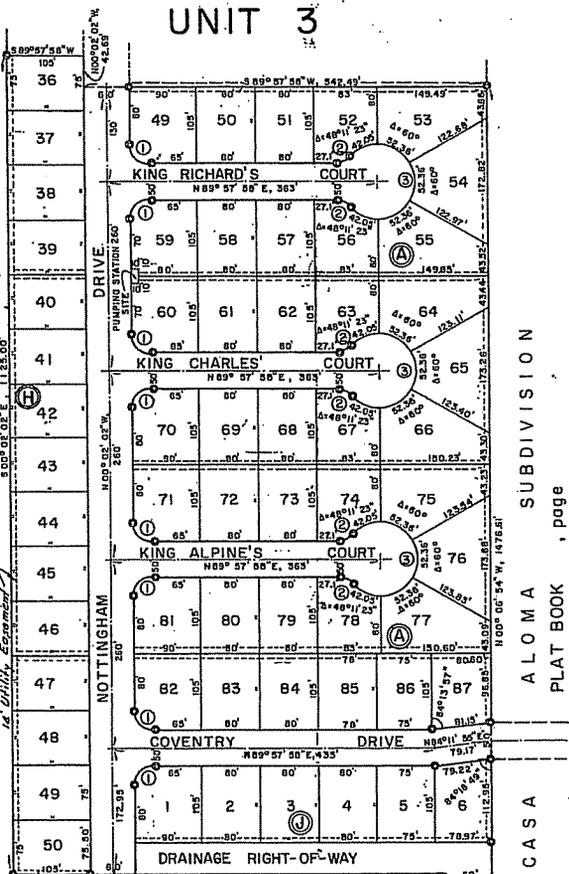
<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY, FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-855-7508</p>																					
<p>GENERAL</p> <p>Parcel Id: 33-21-30-509-0000-0470</p> <p>Owner: GURNEY DAVID W & SHIRLEY J</p> <p>Mailing Address: 2642 TIERRA CIR</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 2642 TIERRA CIR WINTER PARK 32792</p> <p>Subdivision Name: CASA ALOMA</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$141,263</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$69,100</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$210,363</p> <p>Assessed Value (SOH): \$94,606</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$69,606</p> <p>Tax Estimator</p>																				
<p>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>07/2002</td> <td>04463</td> <td>1056</td> <td>\$2,500</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/2002	04463	1056	\$2,500	Vacant	No	<p>2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,008</p> <p>2006 Tax Bill Amount: \$1,077</p> <p>Save Our Homes (SOH) Savings: \$1,931</p> <p>2006 Taxable Value: \$66,850</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>						
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified															
WARRANTY DEED	07/2002	04463	1056	\$2,500	Vacant	No															
<p>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>69,000.00</td> <td>\$69,000</td> </tr> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>100.00</td> <td>\$100</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	69,000.00	\$69,000	LOT	0	0	1.000	100.00	\$100	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 47 CASA ALOMA PB 5 PG 7 & 33-21-30-511-0D01-0000 PT OF DRAINAGE R/W DESC AS BEG NW COR LOT 47 CASA ALOMA RUN W 59.64 FT S 117.70 FT E 59.19 FT N 117.70 FT TO BEG WINTER WOODS UNIT 3 PB 15 PG 57</p>		
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Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New												
1	SINGLE FAMILY	1969	6	1,715	2,278	1,715	CONC BLOCK	\$141,263	\$173,329												

Winter Woods

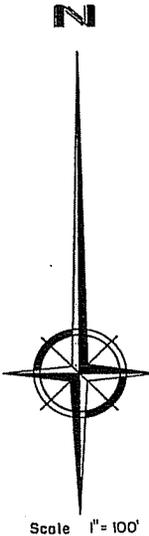
UNIT 3

DESCRIPTION

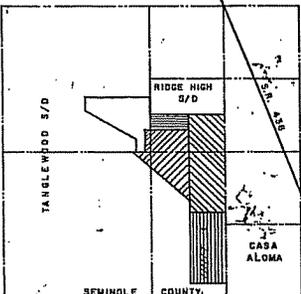
From the Southeast corner of Section 33, Township 27 South, Range 50 East, Seminole County, Florida run N 89° 45' 42" W along the South line thereof 1226.55 feet, thence N 00° 06' 54" W, 1226.55 feet to the Point-of-Beginning; thence continue N 00° 06' 54" W, along the West boundary at CASA ALOMA SUBDIVISION as recorded in Plat Book 15, page 57, 1472.51 feet to the South boundary of WINTER WOODS, UNIT 1, as recorded in Plat Book 15, page 57, thence S 89° 45' 42" E, 1226.55 feet to the Point-of-Beginning; thence S 89° 45' 42" E, 500.00 feet to the Point-of-Beginning; thence S 89° 45' 42" E, 500.00 feet to the Point-of-Beginning and containing 16.772 acres, more or less.



ALOMA SUBDIVISION
PLAT BOOK 15, page 57



Scale 1" = 100'



LOCATION MAP

NOTES

⊙ Indicates permanent reference monuments.
All side lot lines are perpendicular to the street right-of-ways.
A strip of land 7 feet wide along all front, rear and side lot lines is hereby reserved for the installation and maintenance of public utilities. This is a permanent easement.

CURVE DATA

NO	A	R	T	L
1	90° 00' 00"	25'	25.00'	39.27'
2	48° 11' 23"	25'	11.18'	21.03'
3	27° 22' 46"	50'	—	241.19'

DEDICATION

WHEREAS The Individual named below being owner of lands described in foregoing caption, have caused said lands to be surveyed, laid out and plotted to be known as Winter Woods, Unit 3, and the streets as shown in the annexed plat are hereby Dedicated to the perpetual use of the public, and in witness thereof have caused these presents to be signed by the Owner named below and the Seal of Individual, to be affixed hereto this 5th day of March, 1969.

Witness: Richard Lee Stone Single Man
A SINGLE MAN
Witness: Notary Public

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF BREVARD
Before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared the above named person to me well known and to be the person who executed the foregoing dedication as a free act and deed.
Witness my hand and seal this 5th day of March, 1969.

My commission expires April 27, 1970
Notary Public

CERTIFICATIONS

MORTGAGEES- hereby consent to the Platting of the lands heretofore described and agree that in event of foreclosure above dedication shall remain fully effective.
James G. GARNER, JR.,
ATTEST: Charles W. Johnson
Notary Public

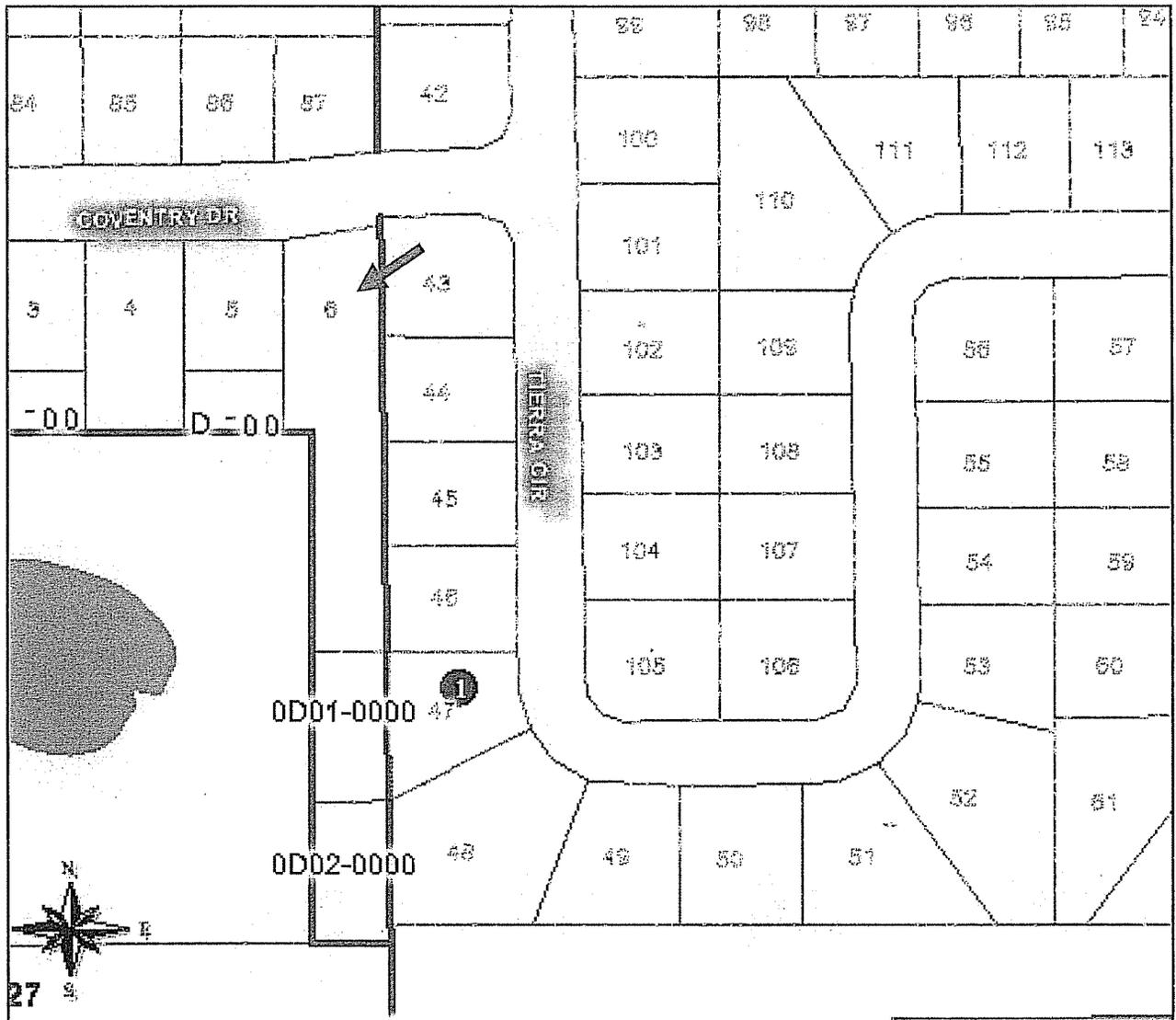
SURVEYED, Monumented, and Platted as shown in accordance with existing statutory requirements.
STATE OF FLORIDA
Charles W. Johnson
Registered Land Surveyor No. 1128
This 2nd day of February, 1969.

COUNTY OF SEMINOLE
BOARD OF COMMISSIONERS
Approved: Richard Lee Stone chairman
Attest: Arthur F. ... clerk
This 1st day of April, 1969.

ZONING COMMISSION
Approved: _____ chairman
This ____ day of _____, 19__

MUNICIPALITY OF _____
Approved: _____ mayor
Attest: _____ clerk
This ____ day of _____, 19__

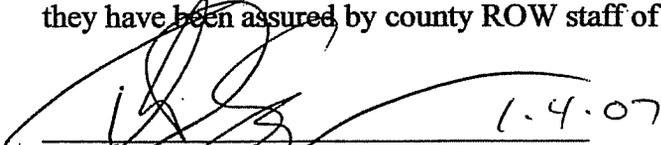
CLERK OF THE CIRCUIT COURT
Correct as to Statutory compliance and filed for record in Sanford, Florida at 10:51 A.M. this 1st day of April, 1969.
File No. 058141
Richard Lee Stone



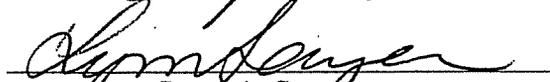
Letter of Support

TO: Chair, Board of Adjustment, Seminole County
FROM: Thomas and Lynn Sawyer, Resident
Winter Woods Subdivision, Seminole County
DATE: January 4, 2007
SUBJECT: Variance on Land Development Code requirements
IN RE: Sheds owned by David W. and Shirley A. Gurney

As the owner of 2250 Coventry Dr the property abutting the property of David W. and Shirley A. Gurney – 2642 Tierra Circle, Winter Park, FL 32792 – I wish to register my support for their request for a variance of the setback requirements with regard to two back yard sheds on their property. There is one utility shed on the side of their property essentially out of the line of sight from my house. The second (less than 200sf) is located at the back of a section of a drainage easement similar to one that I own, more than 100' from my property line. We purchased these lots with the understanding that there was a 40' drainage easement in the center of the parcel (Winter Woods Parcel 3) that was being sold off. The width of the lots making up this parcel is approximately 60'. This particular shed placed by Mr. & Mrs. Gurney at the back of their lot does not extend into the 40' drainage right of way or interfere with county needs. They state that they have been assured by county ROW staff of that condition.



Thomas D. Sawyer



Lynn A. Sawyer

Cc: David W. & Shirley A. Gurney
2642 Tierra Circle, Winter Park, FL 32792

**CASA ALOMA
HOME OWNERS ASSOCIATION**
Seminole County, Florida

TO: Chair, Board of Adjustment, Seminole County
FROM: Tom Oyler, President
Casa Aloma Home Owners Association
DATE: December 29, 2006
SUBJECT: Variance on Land Development Code requirements
IN RE: Sheds owned by David W. and Shirley A. Gurney

Please be advised that the Casa Aloma Home Owners Board of Directors supports the request of David W. and Shirley A. Gurney – 2642 Tierra Circle, Winter Park, FL 32792 – for a variance of the setback requirements with regard to two backyard sheds on their property. One utility shed (48 sf) is situated on the side of their property and was set in its place so as to cover the view of an older fence. The second (96 sf) is located at the very back of their property close to a drainage easement. This lot is part of a parcel that was sold to individual homeowners, land that is contiguous with the property on which their primary residence is located. Mr. & Mrs. Gurney have assured us that the placement of the shed does not interfere with the right of way on this parcel.

The petitioners are long time and upstanding residents of Casa Aloma and have participated positively and consistently in activities of the Association. Your favorable response to their request is appreciated.

For the Board of Directors:



Tom Oyler, President
2720 Tierra Circle
Winter Park, FL 32792
(407) 671-5077

Cc: David W. & Shirley A. Gurney
2642 Tierra Circle, Winter Park, FL 32792

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 25, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 47 CASA ALOMA PB 5 PG 7
& 33-21-30-511-0D01-0000 PT OF DRAINAGE R/W DESC AS BEG NW COR LOT
47 CASA ALOMA RUN W 59.64 FT S 117.70 FT E 59.19 FT N 117.70 FT TO BEG
WINTER WOODS UNIT 3 PB 15 PG 57

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

FINDINGS OF FACT

Property Owner: David and Shirley Gurney
2642 Tierra Circle
Winter Park Fl 32792

Project Name: Tierra Circle (2642)

Requested Development Approval:

Request for (1) a rear yard setback variance from 10 feet to 2 feet-3 inches and (2) a side yard (south) setback variance from 7.5 feet to 4.5 feet for two existing sheds in R-1A (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 two sheds 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: _____
Dori L. DeBord, 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: