

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

SUBJECT: 102 Lake Minnie Drive – Steven R. Wennerstrom, applicant; Request for a rear yard setback variance from 30 feet to 27 feet for a proposed single family residence 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 a rear yard setback variance from 30 feet to 27 feet for a proposed single family residence in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 27 feet for a proposed single family residence in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Steven R. Wennerstrom Owner: dba Sustainable Dev LLC Location: 102 Lake Minnie Drive Zoning: R-1A (Single Family Dwelling District) Subdivision: Fairlane Estates Sec 1 Replat</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family residential house that will encroach 3 feet into the required 30-foot rear yard setback. • Lot 11 was a parcel of record but in the 90s it was combined with Lot 10 (which had a house built in 1960) and the existing home on Lot 11 was removed. In 1999 a screen porch was added to the home on Lot 10 which may now be non-conforming for the side setback for a small bit of the northwest corner of the screen porch due

	<p>to the re-separating of Lots 10 and 11. At permitting, the applicant should confirm that the screen porch meets the required side setback of 7.5 feet.</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.
<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>	<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 single family residential structure 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: Corporate papers
- 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 # BU2007-54
Meeting Date _____

COPY



VARIANCE APPLICATION SEMINOLE COUNTY PLANNING DIVISION 1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED MAY 02 2007

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

Name: Steven R. Wennerstrom dba Sustainable Development, LLC
Address: 1241 Tadsworth Terr. City: Heathrow Zip code: 32746
Project Address: 102 Lake Minnie Dr. City: Sanford Zip code: 32773
Contact number(s): cell 407 227-8619, Daytime 321 202-2525
Email address: StevenWennerstrom@yahoo.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 type="checkbox"/> Addition	Please describe:
<input checked="" 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.	

RECEIVED MAY 02 2007

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>30'</u>	Proposed setback:	<u>27'</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 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>				

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: Steven R. Wennerstrom

FOR OFFICE USE ONLY

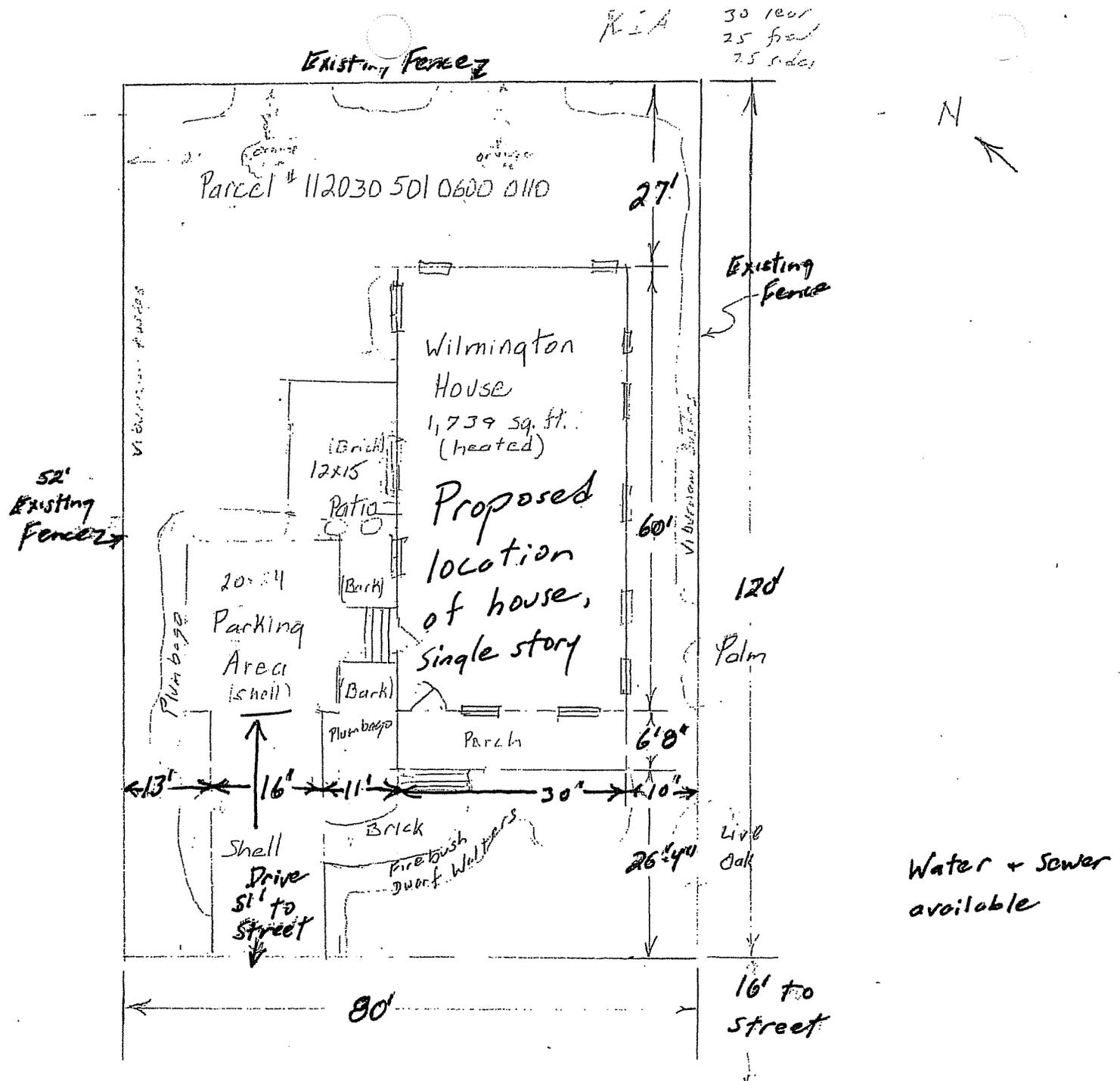
Date Submitted: 5-2-07 Reviewed By: P. Johnson
 Tax parcel number: 11-20-30-501-0600-0110 Zoning/FLU R-1A/LDR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

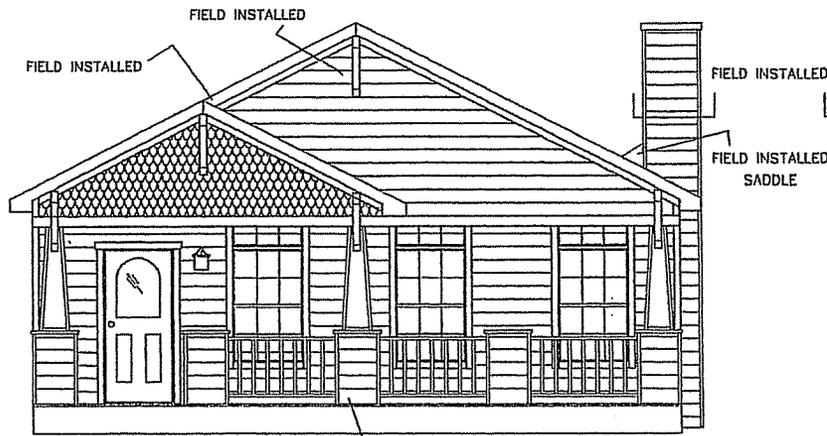
Please return this checklist with your application!

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.

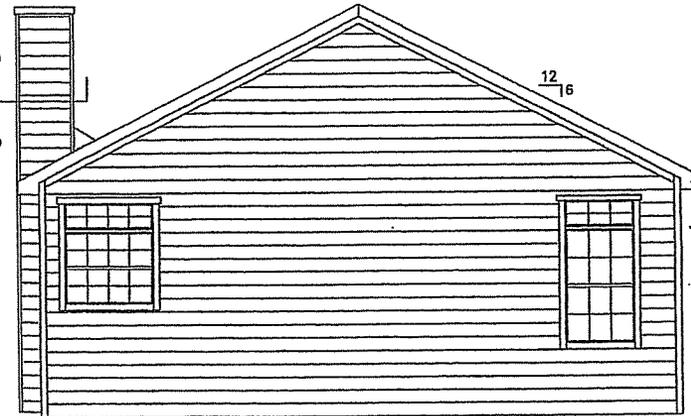
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. 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.



102 Lake Minnie Drive



FIELD INSTALLED
FRONT AND BACK ONLY
ON DECOR BASE & COLUMN
FRONT ENDWALL



REAR ENDWALL

APPROVED MAY-09-2006

LISTING
AGENCY
APPROVAL

These prints comply with the Florida
Manufactured Building Act of 1979
Construction Code and adhere to the
following criteria:

CONST. TYPE	VB
OCCUPANCY	R-3
ALLOWABLE NO. OF FLOORS	1
WIND VELOCITY	150
FIRE RATING OF EXT. WALLS	0
PLAN NO.	2102-0394F
ALLOW. FLOOR LOAD	40
APPROVAL DATE	5/2/06
MANUFACTURER	FWH
WIND VELOCITY HURRICANE ZONE	NO



COA # 1025

- Notes:
1. Roof ventilation may be accomplished through the use of either ventilated eaves, roof vents or ridge ventilation. Either or all of these methods may also be used separately or in combination to provide the minimum required roof ventilation of 1/150.
 2. Roof overhang (eave) sizes may vary. Roof overhangs are typically a nominal 12" eave or approximately 1 1/4" wide.
 3. Bath exhaust fans (ventilated air) shall exhaust directly to the exterior of the home and shall not exhaust into the roof and/or other concealed cavity or area.
 4. The elevations shown above are typical and may vary due to optional and/or custom features or specific customer requests.
 5. This building may be mirrored about the length of it's axis without any re-approval (may be "flipped" from side-to-side and/or front-to-rear).

These prints and drawings are for informational purposes only. These materials are provided to the recipient for specific purposes and shall not be used or otherwise reproduced or distributed to others for any purposes other than intended by FWH.

Robert E. Gregg
Registered Architect
620 Chestnut Street
Clearwater, Florida 33755
Phone: 727.728.8774
Fax: 727.251.2542

Third Party:
Hilbom, Werner, Carl
and Associates (HWC)
1827 South Myrtle Ave.
Clearwater, Florida 33766

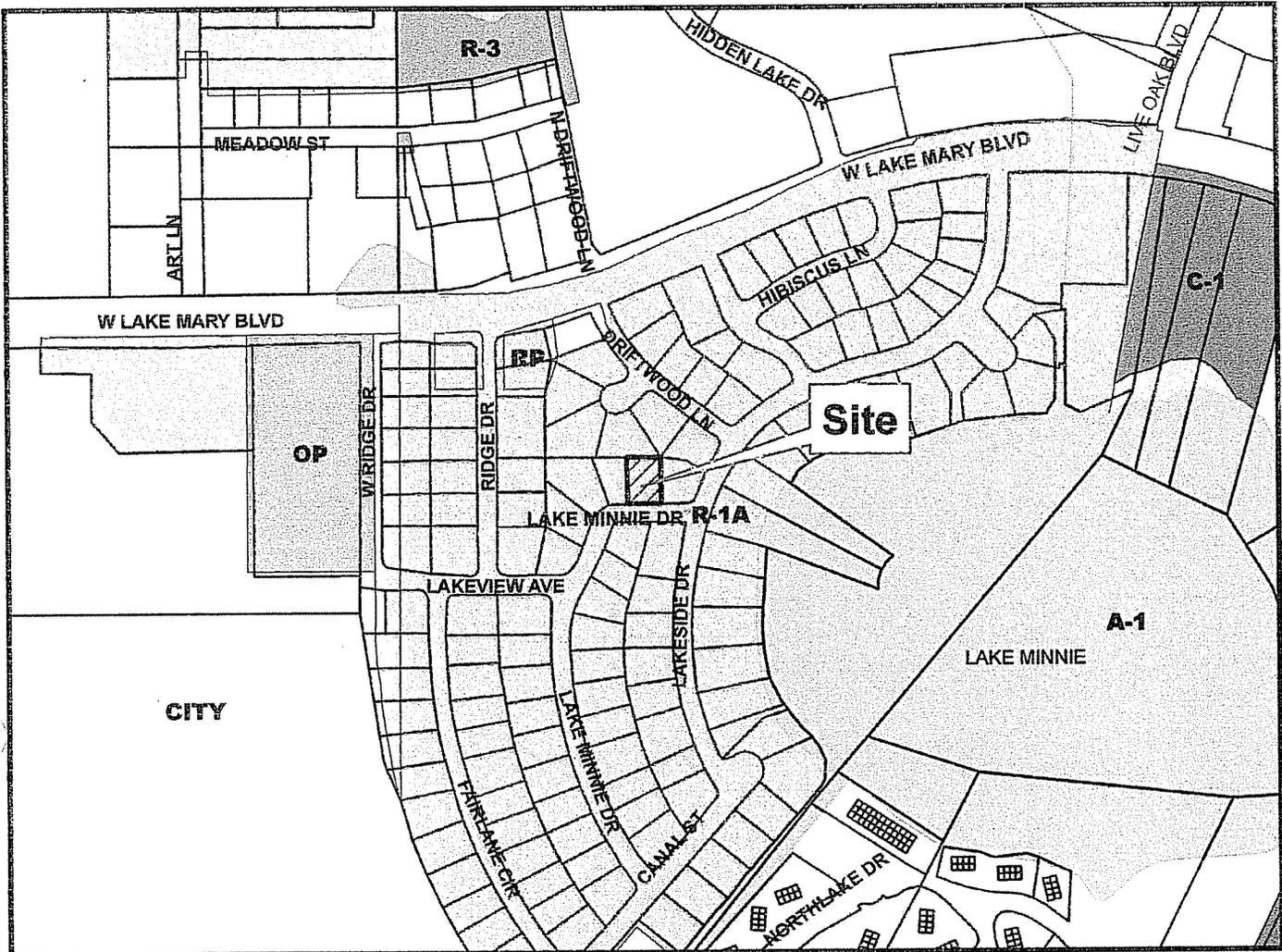


605 South Frontage Road
Plant City, FL 33563

© COPYRIGHT 2004

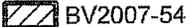
FORM NUMBER		PART DESCRIPTION	
C6905-D		Exterior Elevations	
Drawn By	REC	Model Name	Unit Design Code
Date	04/07/06	CUSTOM	150 mph
Scale	3/16" = 1'-0"	Florida Modular	2102-0394F
City	Plant City	Manufacturer	FWH
	Discipline of Project		
			FP-2.

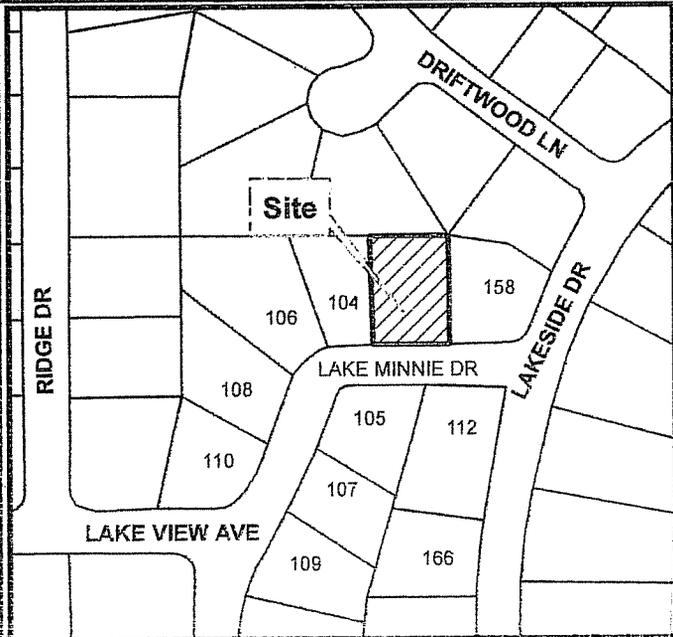
Steven Wennerstrom
 dba Sustainable Development, LLC
 102 Lake Minnie Drive
 Sanford, Florida 32773



Seminole County Board of Adjustment
 June 25, 2007
 Case: BV2007-54 (Map 3104, Grid E2)
 Parcel No: 11-20-30-501-0600-0110

Zoning

	BV2007-54		R-3		C-1
	A-1		RP I		C-2
	R-1A		OP		



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																																	
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 11-20-30-501-0600-0110 Owner: SUSTAINABLE DEV LLC Mailing Address: 1241 TADSWORTH TER City,State,ZipCode: LAKE MARY FL 32746 Property Address: 102 LAKE MINNIE DR SANFORD 32773 Subdivision Name: FAIRLANE ESTATES SEC 1 REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$20,384 Land Value Ag: \$0 Just/Market Value: \$20,384 Assessed Value (SOH): \$20,384 Exempt Value: \$0 Taxable Value: \$20,384 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>04/2007</td> <td>06659</td> <td>0473</td> <td>\$55,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/2000</td> <td>03857</td> <td>0587</td> <td>\$93,500</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1998</td> <td>03415</td> <td>1990</td> <td>\$23,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1990</td> <td>02182</td> <td>1933</td> <td>\$11,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1986</td> <td>01730</td> <td>1229</td> <td>\$60,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1982</td> <td>01397</td> <td>0778</td> <td>\$57,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01339</td> <td>0193</td> <td>\$55,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1980</td> <td>01283</td> <td>1585</td> <td>\$45,000</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	04/2007	06659	0473	\$55,000	Vacant	Yes	WARRANTY DEED	05/2000	03857	0587	\$93,500	Vacant	No	QUIT CLAIM DEED	04/1998	03415	1990	\$23,000	Vacant	No	WARRANTY DEED	05/1990	02182	1933	\$11,000	Vacant	Yes	WARRANTY DEED	04/1986	01730	1229	\$60,000	Improved	Yes	WARRANTY DEED	06/1982	01397	0778	\$57,500	Improved	Yes	WARRANTY DEED	05/1981	01339	0193	\$55,000	Improved	Yes	WARRANTY DEED	06/1980	01283	1585	\$45,000	Improved	Yes	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$329 2006 Taxable Value: \$20,384 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p>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.</p>																																																																	

9

RECEIVED MAY 02 2007

May 2, 2007

Tina Williamson, Planning Manager
Seminole County Planning Division
1101 East First Street
Sanford, FL 32771

Dear Ms. Williamson:

Enclosed is a Variance Application and supporting documents for a new house being built for me by Palm Harbor Homes at 102 Lake Minnie Drive, Sanford. The new house is three feet deeper than the 30' rear set-back allows. I understand that minor variance requests of ten percent may be approved by you at your discretion. Please consider approving this Application administratively. The neighbor who sold the land to me and still owns the adjacent corner house, Renee Albrecht, does not object.

If you have any questions, I may be reached during the day at 321 282-2525 or by cell phone at 407 227-8619.

Sincerely,



Steven Wennerstrom



January 18, 2007

FLORIDA DEPARTMENT OF STATE
Division of Corporations

SUSTAINABLE DEVELOPMENT, LLC
1241 TADSWOTH TERRACE
HEATHROW, FL 32746

The Articles of Organization for SUSTAINABLE DEVELOPMENT, LLC were filed on January 17, 2007, and assigned document number L07000006505. Please refer to this number whenever corresponding with this office.

In accordance with section 608.406(2), F.S., the name of this limited liability company is filed with the Department of State for public notice only and is granted without regard to any other name recorded with the Division of Corporations.

This document was electronically received and filed under FAX audit number H07000014492.

A limited liability company annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number may be required before this report can be filed. Please apply NOW with the Internal Revenue Service by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the limited liability company address changes, it is the responsibility of the limited liability company to notify this office.

Should you have any questions regarding this matter, please contact this office at the address given below.

Agnes Lunt
Document Specialist
Registration/Qualification Section
Division of Corporations

Letter Number: 007A00004110

P.O BOX 6327 - Tallahassee, Florida 32314

FAX AUDIT # 10700000144923

**ARTICLES OF ORGANIZATION
OF
Sustainable Development, LLC**

ARTICLE I NAME

The name of the limited liability company shall be: **Sustainable Development, LLC**

ARTICLE II PRINCIPAL OFFICE

The principal place of business and mailing address of this Limited Liability Company shall be: 1241 Tadsworth Terrace, Heathrow, Florida 32746.

ARTICLE III INITIAL REGISTERED AGENT & STREET ADDRESS

The name and address of the initial registered agent is: Steven Wennerstrom, 1241 Tadsworth Terrace, Heathrow, Florida 32746. Located in the County of Seminole.

ARTICLE IV DURATION

The duration for the limited liability company shall be: 12/31/2047.

ARTICLE V MANAGERS/MEMBERS

The management of the limited liability company is reserved for the Members and the name and address of the member of the Limited Liability Company is:

Steven Wennerstrom, 1241 Tadsworth Terrace, Heathrow, Florida 32746



Business Filings Incorporated, Organizer

Mark Schiff, AVP

Authorized Representative

Prepared by Mark Schiff, Business Filings Incorporated, 8025 Excelsior Dr., Suite 200,
Madison, WI 53717

(608) 827-5300

FAX AUDIT # 10700000144923

FAX AUDIT # 4070000144923

CERTIFICATE OF DESIGNATION OF REGISTERED
AGENT/REGISTERED OFFICE

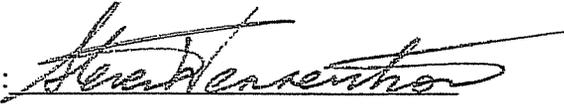
PURSUANT TO THE PROVISIONS OF SECTION 608.415, FLORIDA STATUTES,
THE UNDERSIGNED COMPANY, ORGANIZED UNDER THE LAWS OF THE
STATE OF FLORIDA, SUBMITS THE FOLLOWING STATEMENT IN
DESIGNATING THE REGISTERED OFFICE/REGISTERED AGENT, IN THE
STATE OF FLORIDA.

The name of the limited liability company is: **Sustainable Development, LLC**

The name and address of the registered agent and office is Steven Wennerstrom, 1241
Tadsworth Terrace, Heathrow, Florida 32746. Located in the County of Seminole.

Having been named as registered agent and to accept service of process for the above
stated company at the place designated in this certificate, I hereby accept the appointment
as registered agent and agree to act in this capacity. I further agree to comply with the
provisions of all statutes relating to the proper and complete performance of my duties,
and I am familiar with and accept the obligations of my position as registered agent.

Signature:



Date: 1/12/2007

FAX AUDIT # 4070000144923

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:

LEG LOT 11 BLK 6 FAIRLANE ESTATES SEC 1 REPLAT PB 12 PG 100 & 101

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

FINDINGS OF FACT

Property Owner: SUSTAINABLE DEV LLC
1241 TADSWORTH TER
LAKE MARY FL 32746

Project Name: Lake Minnie Drive (102)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 27 feet for a proposed single family residence 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 single family residential structure 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
Planning & Development Director

**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: