

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 1232 Orange Avenue – Ronald Qualls, applicant; Request for 1) a width at building line variance from 75 feet to 42 feet and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage addition in R-1A (Single Family Dwelling District).

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

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

**Agenda Date** 7/23/07 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **DENY** the request for 1) a width at building line variance from 75 feet to 42 feet and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage addition in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for 1) a width at building line variance from 75 feet to 42 feet and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning: Subdivision:	Ronald Qualls 1232 Orange Avenue R-1A (Single Family Dwelling District) Estes Tuskawilla
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 28 foot by 30 foot garage that will encroach 2.5 feet into the side yard setback.</li> <li>• They are also requesting a variance from 75 feet to 45 feet for the width at building line in order to reestablish the front building line.</li> <li>• On June 2, 1997 a side yard setback from 10 feet to 5 feet was granted on each side for a new residence that was not constructed.</li> </ul>	

	<ul style="list-style-type: none"><li>• There are currently no code enforcement or building violations for this property.</li></ul>
<b>STAFF FINDINGS</b>	<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"><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, structures or building in the same zoning district.</li><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>
<b>STAFF RECOMMENDATION</b>	<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 garage 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 # BU 2007-70  
Meeting Date 7-23-07

**COPY**

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

RECEIVED MAY 31 2007

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

Name: RONALD C. QUALLS  
Address: 1232 ORANGE AVE City: W. SPRINGS Zip code: 32708  
Project Address: 1232 ORANGE AVE City: " Zip code: "  
Contact number(s): HOME: 407-306-5217 / CELL: 407-399-0845  
Email address: rcqualls@cfl.rr.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"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other <u>GARAGE/NEW</u>	Please describe: <u>28'x30' 2 STORY WD. FRM. W/STUCCO</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAY 31 2007

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>75'</u>	Actual lot width: <u>42'</u>
<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 <u>WESTERLY LOT LINE</u>	Required setback:	<u>7.5'</u>	Proposed setback: <u>5'</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:
<b>Use below for additional yard setback variance requests:</b>			
<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: [Signature]

**FOR OFFICE USE ONLY**

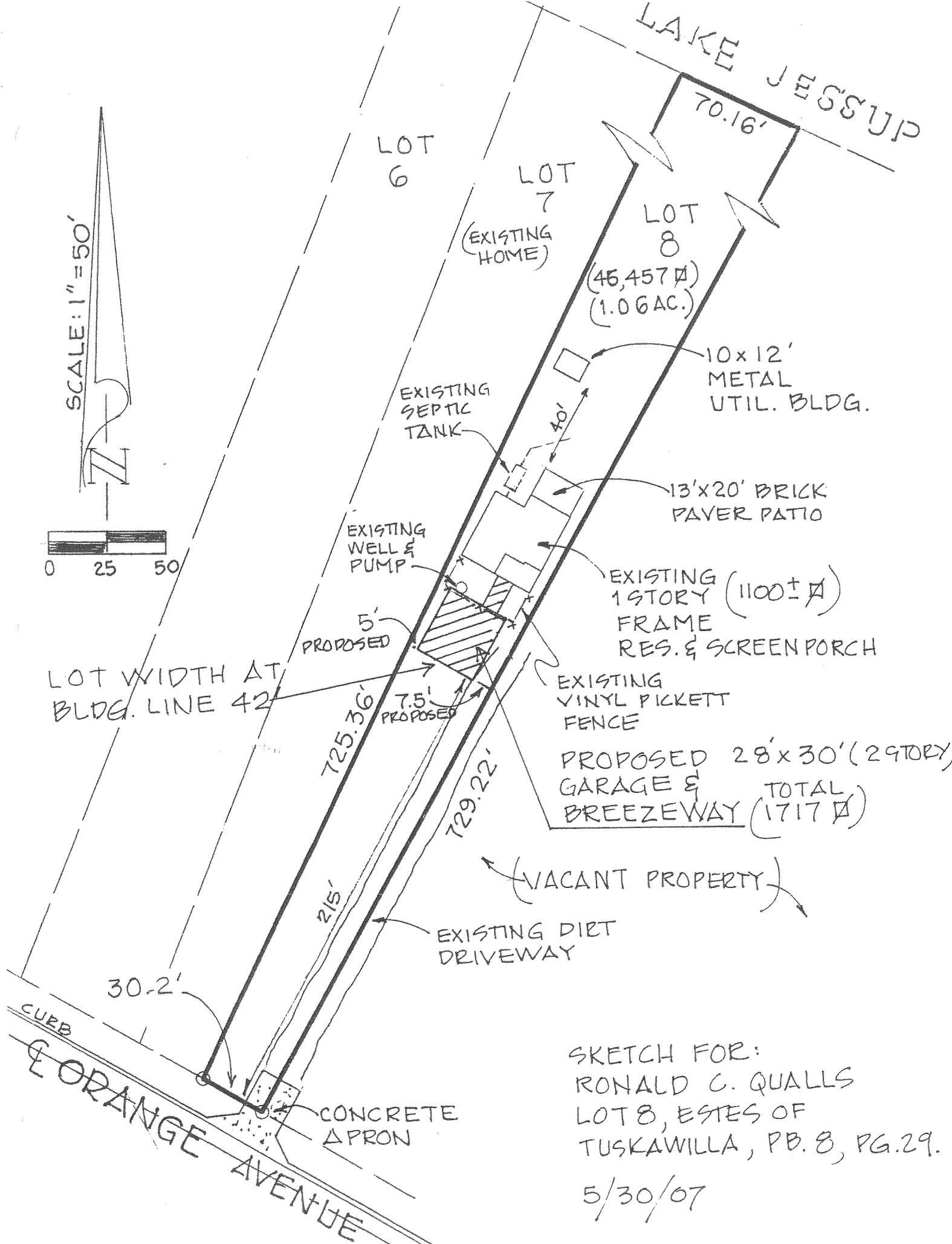
Date Submitted: 5-31-07 Reviewed By: D. Gibbs  
 Tax parcel number: 31-20-31-502-0000-0080 Zoning/FLU EM-1-LDR  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)  
 Platted Lot (check easements as shown on lots, in notes or in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

**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). 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>
	3. Provide a legible 8 1/2 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.



SCALE: 1" = 50'

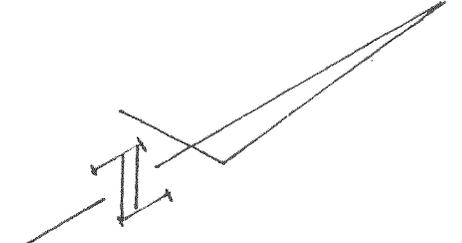


LOT WIDTH AT BLDG. LINE 42'

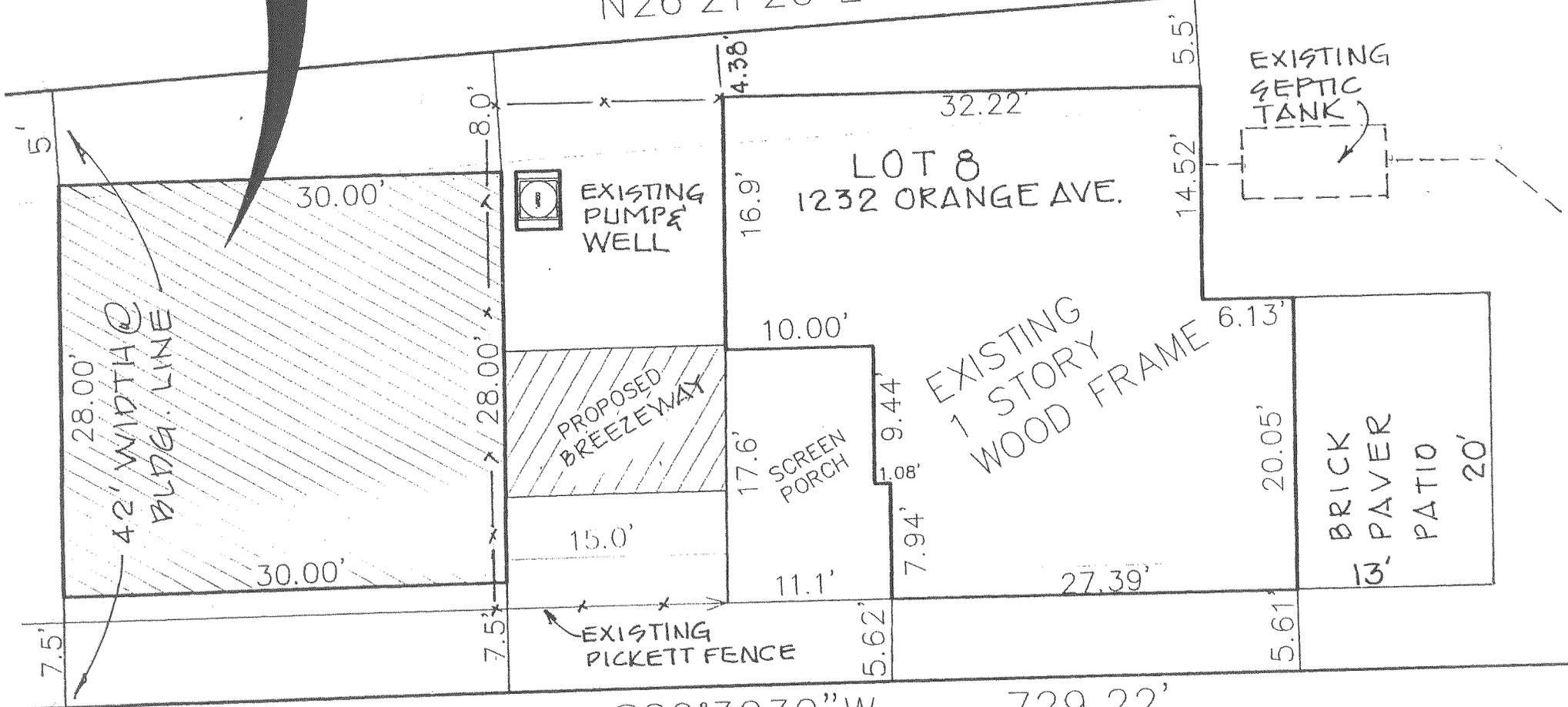
SKETCH FOR:  
 RONALD C. QUALLS  
 LOT 8, ESTES OF  
 TUSKAWILLA, PB. 8, PG. 29.  
 5/30/07

PROPOSED  
2 STORY  
GARAGE

LOT 7



N26°21'20"E 725.36'



LOT 8  
1232 ORANGE AVE.

EXISTING  
SEPTIC  
TANK

EXISTING  
PUMP  
&  
WELL

PROPOSED  
BREEZEWAY

SCREEN  
PORCH

EXISTING  
1 STORY  
WOOD FRAME

BRICK  
PAVER  
PATIO  
20'

S29°30'30"W 729.22'

SCALE: 1" = 10'

PARTIAL SKETCH FOR  
RONALD C. QUALLS  
5/30/07

24'



TRUSS. BRG. = 19'-4"

FINISH. FLR = 11'-4"

2nd FLR. JST. BRG. = 10'-0"

ENTRY = 9'-4"

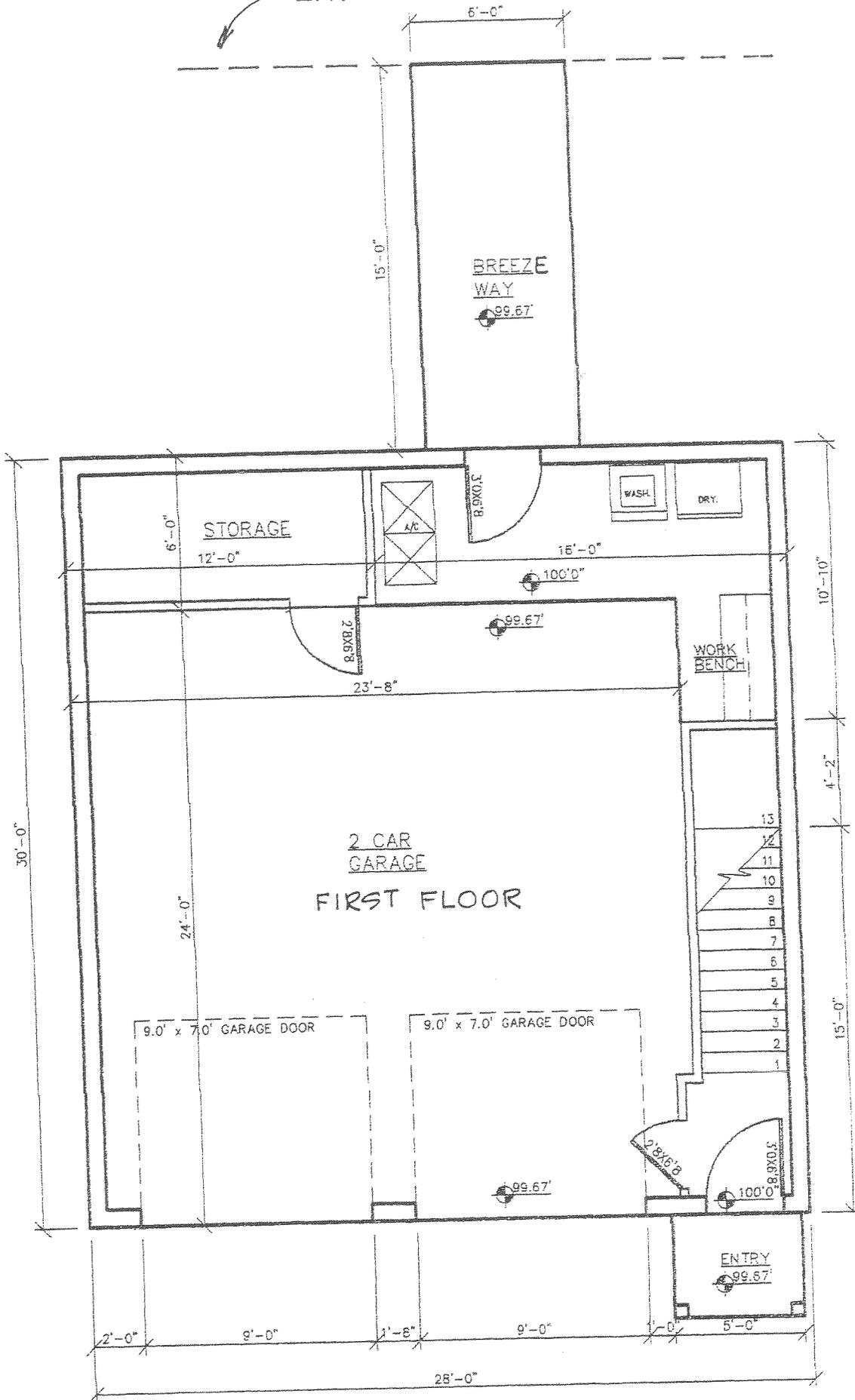
DOOR = 8'-0"

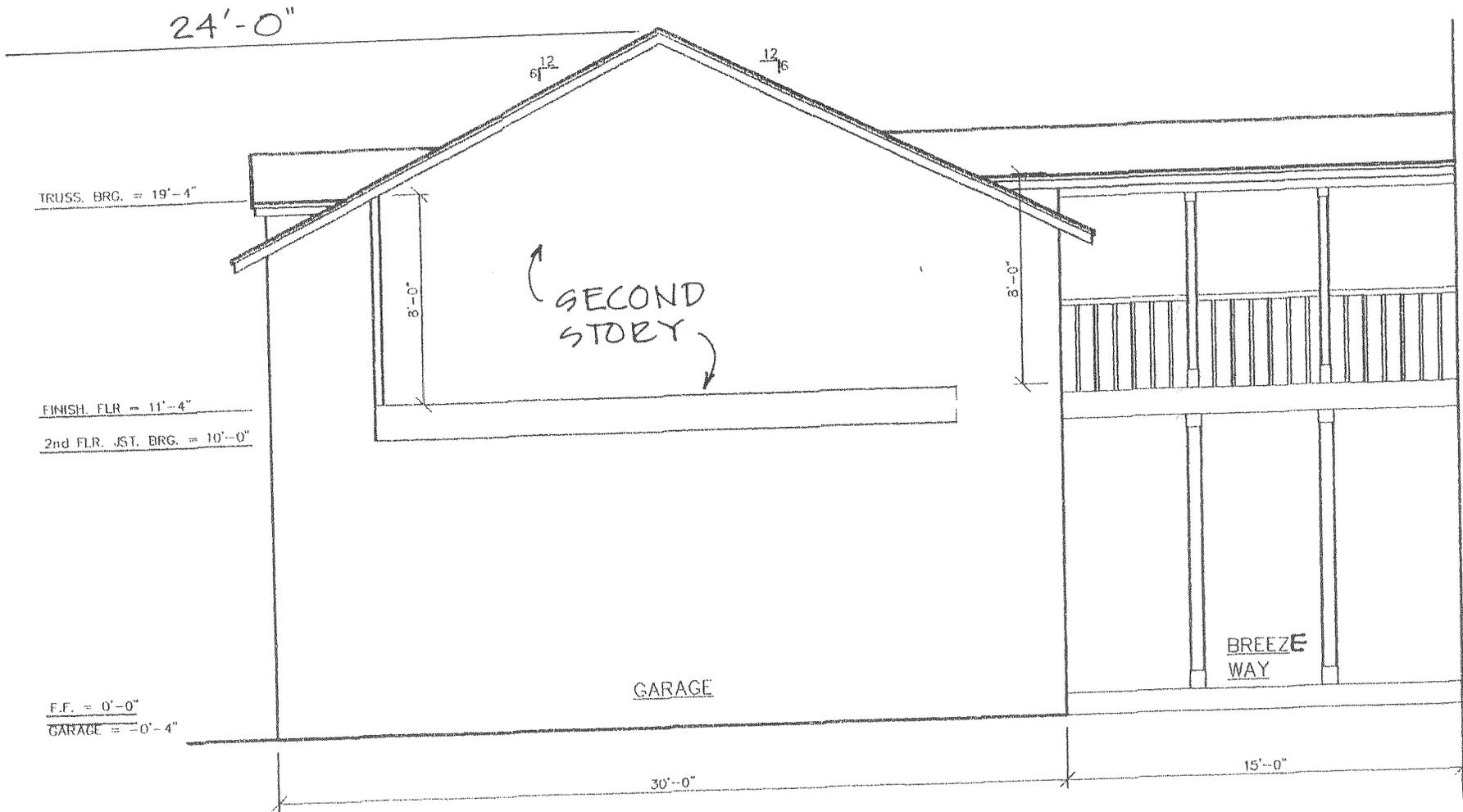
F.F. = 0'-0"

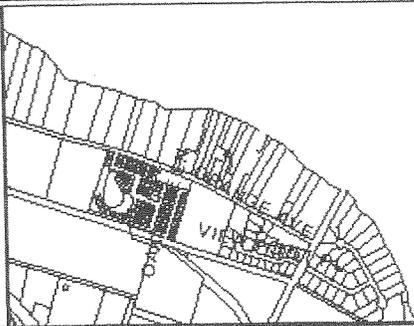
GARAGE = -0'-4"

FRONT ELEVATION

EXISTING RESIDENCE





																																							
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 31-20-31-502-0000-0080                  Owner: QUALLS RONALD C                  Mailing Address: 1232 ORANGE AVE                  City,State,ZipCode: WINTER SPRINGS FL 32708                  Property Address: 1232 ORANGE AVE WINTER SPRINGS 32708                  Subdivision Name: ESTES TUSKAWILLA                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (2000)                  Dor: 01-SINGLE FAMILY</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$34,631                  Depreciated EXFT Value: \$486                  Land Value (Market): \$125,160                  Land Value Ag: \$0                  Assessed Value (SOH): \$160,277                  Exempt Value: \$52,837                  Taxable Value: \$25,000                  Taxable Value: \$27,837</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 Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>05/1997</td> <td></td> <td>\$78,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1997</td> <td></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1997</td> <td></td> <td>\$73,900</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1991</td> <td></td> <td>\$82,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1972</td> <td></td> <td>\$13,500</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table>		Deed	Date	Book Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	05/1997		\$78,000	Improved	Yes	QUIT CLAIM DEED	01/1997		\$100	Improved	No	WARRANTY DEED	02/1997		\$73,900	Improved	No	WARRANTY DEED	09/1991		\$82,500	Improved	Yes	WARRANTY DEED	01/1972		\$13,500	Improved	Yes	<p><b>2006 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$1,477                  Tax Amount: \$428                  Taxable Value: \$1,049                  2006 Taxable Value: \$26,548                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i>                  *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																							

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 ESTES TUSKAWILLA PB 8 PG 29

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

### FINDINGS OF FACT

**Property Owner:** Ronald C. Qualls  
1232 Orange Avenue  
Winter Springs FL 32708

**Project Name:** Orange Avenue (1232)

#### **Requested Development Approval:**

Request for 1) a width at building line variance from 75 feet to 42 feet and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage addition 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 garage 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: