

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1540 East Blvd – Keith Featherston, applicant; Request for a rear yard setback variance from 30 feet to 24 feet for a proposed two story room addition in R-1A (Single Family Dwelling District).

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

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

Agenda Date 8/27/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 24 feet for a proposed two story room addition in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 24 feet for a proposed two story room addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Keith Featherston 1540 East Blvd R-1A (Single Family Dwelling District) Northgate
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a two story addition with covered porch that will encroach 6 feet into the required 30-foot rear yard setback. • The house was constructed in 1970 and at that time the required rear yard setback was 20 feet. The existing house sits at a 24-foot setback. • A Building Permit is under review. BP 07-5650. • There are currently no code enforcement or building violations for this property. • 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. <i>An addition to the existing home could be designed that would not require a variance.</i>• 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 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

- 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 # B42007-80
Meeting Date 5/27/07



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: Keith Featherston
Address: 1540 East Blvd City: Maitland Zip code: 32751
Project Address: Same City: _____ Zip code: _____
Contact number(s): (407) 831-4807 (407) 756-8215 (407) 927-6481
Email address: Kfeatherston@CFL.net.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 checked="" type="checkbox"/> Addition	Please describe: <u>2 Story Living Space</u>
<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.	

RECEIVED JUL 06 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>24'</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: Keith Featherston

FOR OFFICE USE ONLY

Date Submitted: 7-6-07 Reviewed By: R JOHNSON
 Tax parcel number: 19-21-30-5B2-0500-0050 Zoning/FLU RAFLAR
 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.

Legal Description

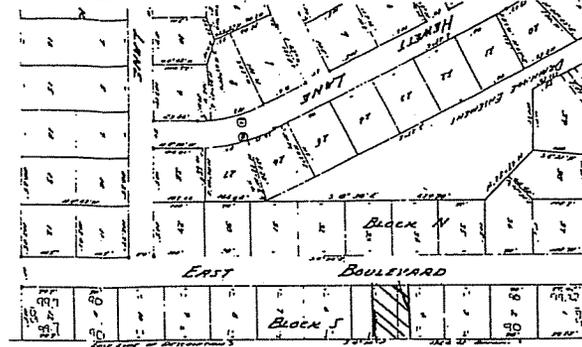
North 24 Feet of Lot 5 and the South 51 Feet of Lot 4, Block S, NORTHGATE, according to the plat thereof, as recorded in Plat Book 10, Page 94, of the Public Records of Seminole County, Florida.

Property address:
1540 East Boulevard
Maitland, Florida 32751

Survey number: Y-18077

Community number: 120289 **Panel:** 0140
Suffix: E **F.I.R.M. date:** 4/17/95 **Flood Zone:** X
Date of field work: 8/16/97 **Completion date:** 8/18/97

Certified to:
Keith Featherston; Sandra Featherston; Chelsea Title Company; Randall Mortgage, Inc., its successors and/or assigns.



LEGEND

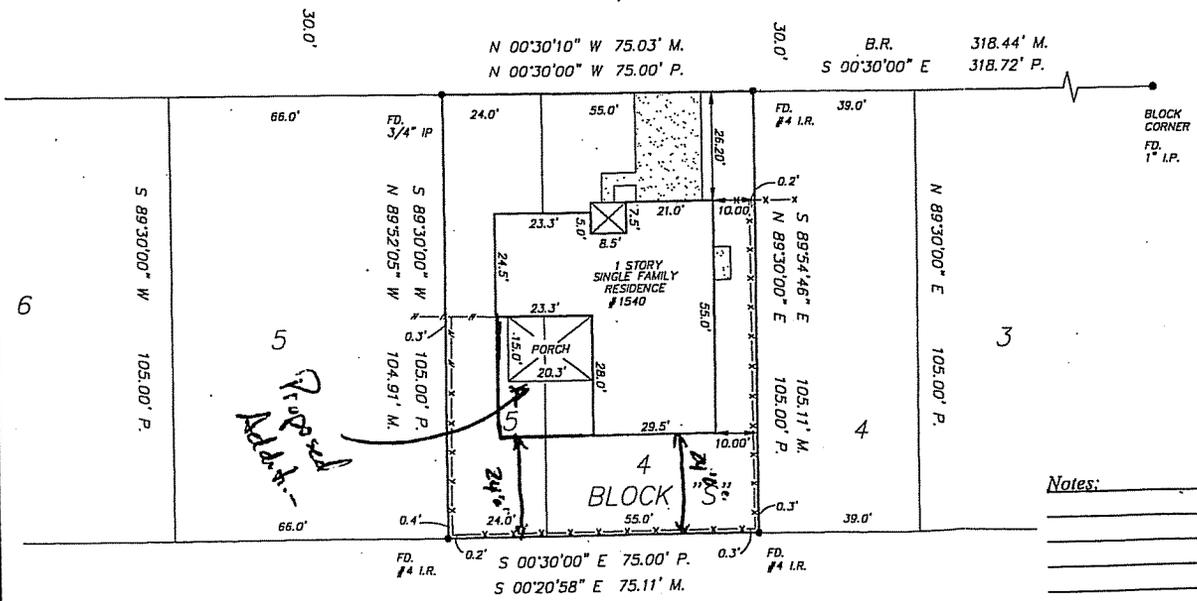
W	WOOD FENCE	D.B.	DEED BOOK
WF	WIRE FENCE	D	DESCRIPTION
FN	MAIL	D.E.	DRAINAGE EASEMENT
O	PROPERTY CORNER	D.H.	DRILL HOLE
R	RECORD	DW	DRIVEWAY
M	FIELD MEASURED	ESMT	EASEMENT
C	CALCULATED	E.L.	ELEVATION
CL	CLEAR	FF	FINISHED FLOOR
ENCR	ENCROACHMENT	F.C.M.	FOUND CONCRETE MONUMENT
Q	CENTERLINE	F.P.K.	FOUND PARKER-KALON NAIL
CON	CONCRETE	L	LENGTH
PL	PROPERTY LINE	L.A.E.	LIMITED ACCESS EASEMENT
C.M.	CONCRETE MONUMENT	M.H.	MAN HOLE
F.I.R.	FOUND IRON ROD	N.T.S.	NOT TO SCALE
F.I.P.	FOUND IRON PIPE	O.R.	OFFICIAL RECORDS
RW	RIGHT OF WAY	O.R.B.	OFFICIAL RECORD BOOK
N & D	NAIL & DISC	P.C.P.	PERMANENT CONTROL POINT
D.E.	DRAINAGE EASEMENT	P.R.M.	PERMANENT REFERENCE MONUMENT
U.E.	UTILITY EASEMENT	PG.	PAGE
FD	FOUND	PVMT.	PAVEMENT
P	PLAT	P.B.	PLAT BOOK
ASPH	ASPHALT	P.O.B.	POINT OF BEGINNING
O.U.	OVERHEAD UTILITIES	P.O.C.	POINT OF COMMENCEMENT
RP	TRANSFORMER	P.O.L.	POINT OF LINE
TX	TRANSFORMER	P.C.	POINT OF CURVATURE
CATV	CABLE RISER	P.R.C.	POINT OF REVERSE CURVE
W.M.	WATER METER	PT.	POINT OF TANGENCY
TEL	TELEPHONE FACILITIES	R.	RADIUS (RADIAL)
CA	COVERED AREA	R/W	RIGHT OF WAY
B.R.	BEARING REFERENCE	R.O.E.	ROOF OVERHANG EASEMENT
CH	CHORD	S.I.R.	SET IRON ROD & CAP
RAD	RADIAL	S/W	SIDEWALK
N.R.	NON RADIAL	T.B.M.	TEMPORARY BENCH MARK
A/C	AIR CONDITIONER	T.O.B.	TOP OF BANK
B.M.	BENCH MARK	TYR	TYPICAL
C.B.	CATCH BASIN	W.C.	WITNESS CORNER
C.	CALCULATED	10.50	EXISTING ELEVATION
Δ	CENTRAL ANGLE/Delta		

1" = 30'



EAST BOULEVARD

60' R/W



I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61g17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

SIGNED
RALPH SWERDLOFF
REGISTERED LAND SURVEYOR AND MAPPER NO. 3411
STATE OF FLORIDA

SIGNED
JOSEPH A. POLKOWSKI
REGISTERED LAND SURVEYOR AND MAPPER NO. 2965
STATE OF FLORIDA

- NOTES**
- LEGAL DESCRIPTION PROVIDED BY OTHERS.
 - THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
 - UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
 - ELEVATIONS ARE BASED ON NATIONAL GEODETIC DATUM.
 - FENCE OWNERSHIP NOT DETERMINED.
 - WALL TIES ARE TO THE FACE OF THE WALL.
 - NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.
 - ONLY VISIBLE ENCROACHMENTS LOCATED.
 - NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
 - DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
 - BEARINGS SHOWN (IF ANY) ARE BASED ON:
PLAT BEARING AS NOTED B.R.

Notes:

Accepted By:

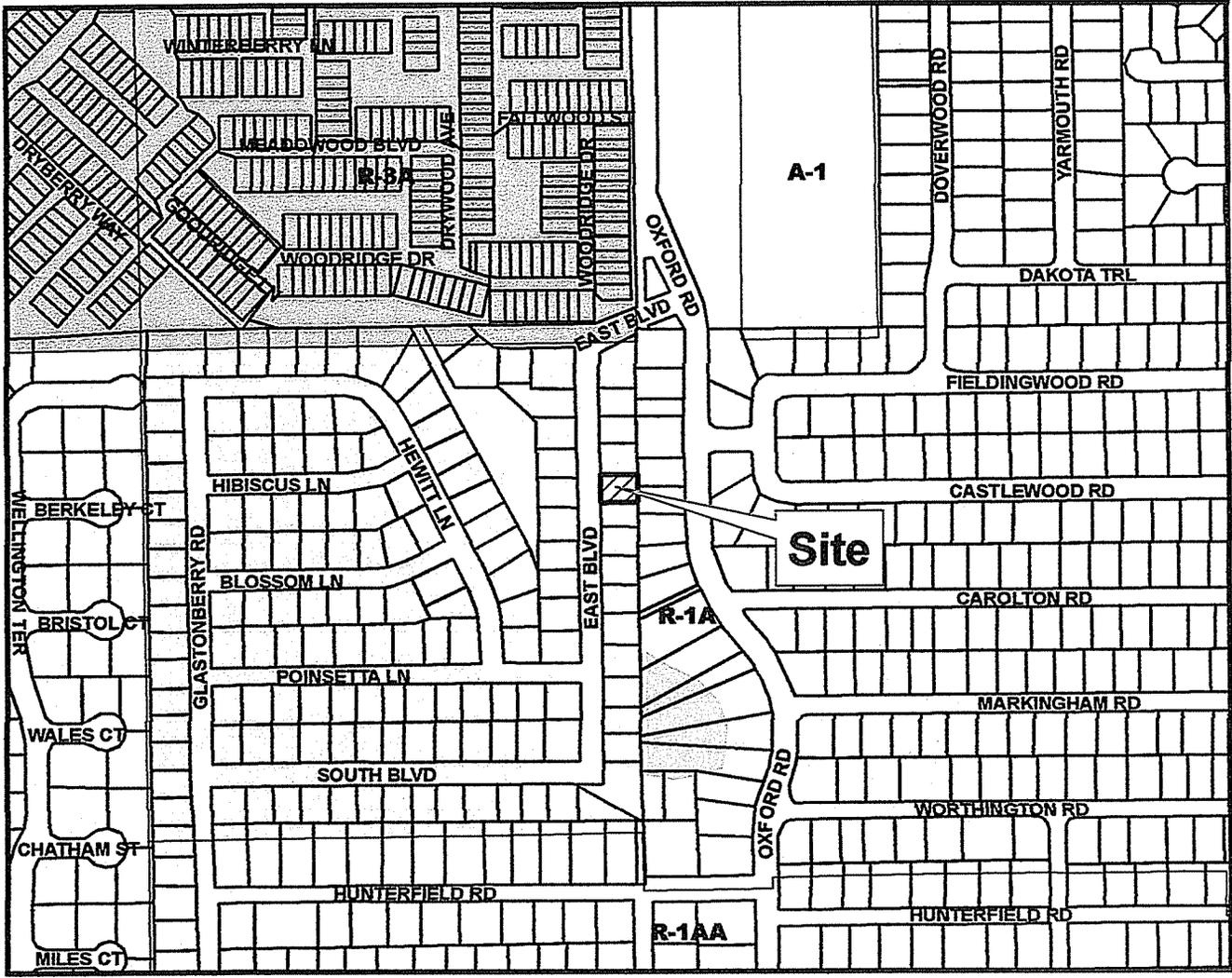
First Financial Surveyors, Inc.

7700 North Kendall Drive
Suite 409
Miami, Florida 33156
(305) 271-3655 / Fax (305) 271-3499
800-227-3854
Fax 800-227-3860

2201 Lucien Way
Suite 402
Maitland, Florida 32751
(407) 875-1470 / Fax (407) 875-3195
800-787-8266
Fax 800-787-8260

AND AFFILIATED COMPANIES
L.B. 6387

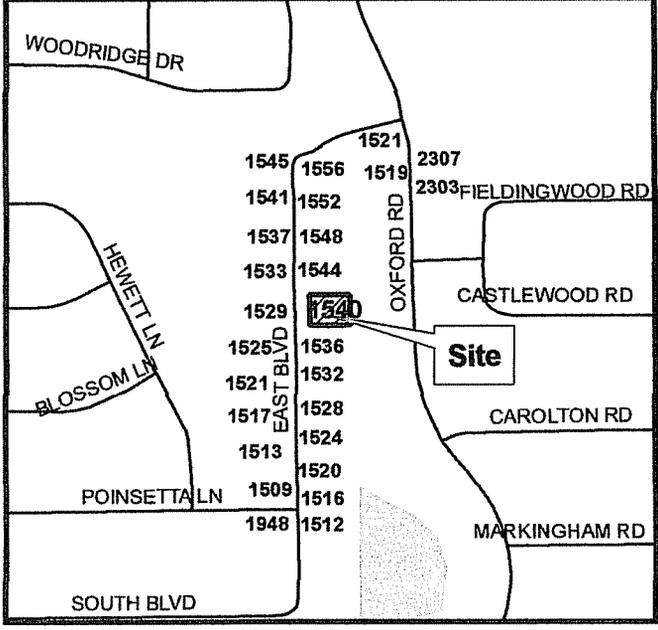
Sandra and Keith Featherston
 1540 East Boulevard
 Maitland, Florida 32751



Seminole County Board of Adjustment
 August 27, 2007
 Case: BV2007-86 (Map 3209, Grid D2)
 Parcel No: 19-21-30-5BZ-0S00-0050

Zoning

-  BV2007-86
-  A-1
-  R-1AA
-  R-1A
-  R-3A

<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 407-665-7508</p>																							
<p>GENERAL</p> <p>Parcel Id: 19-21-30-5BZ-0S00-0050</p> <p>Owner: FEATHERSTON KEITH & SANDRA</p> <p>Mailing Address: 1540 EAST BLVD</p> <p>City,State,ZipCode: MAITLAND FL 32751</p> <p>Property Address: 1540 EAST BLVD MAITLAND 32751</p> <p>Subdivision Name: NORTHGATE</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1998)</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: \$163,821</p> <p>Depreciated EXFT Value: \$1,000</p> <p>Land Value (Market): \$40,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$204,821</p> <p>Assessed Value (SOH): \$85,632</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$60,632</p> <p>Tax Estimator</p>																					
<p>SALES</p> <table border="1"> <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>08/1997</td> <td>03285</td> <td>0839</td> <td>\$92,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01071</td> <td>0739</td> <td>\$18,900</td> <td>Improved</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	08/1997	03285	0839	\$92,900	Improved	Yes	WARRANTY DEED	01/1975	01071	0739	\$18,900	Improved	No	<p>2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$1,940</p> <p>2006 Tax Bill Amount: \$943</p> <p>Save Our Homes (SOH) Savings: \$997</p> <p>2006 Taxable Value: \$58,543</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	08/1997	03285	0839	\$92,900	Improved	Yes																	
WARRANTY DEED	01/1975	01071	0739	\$18,900	Improved	No																	
<p>LAND</p> <table border="1"> <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>40,000.00</td> <td>\$40,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	40,000.00	\$40,000	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG N 24 FT OF LOT 5 + S 51 FT OF LOT 4 BLK S NORTHGATE PB 10 PG 94</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	40,000.00	\$40,000																		
<p>BUILDING INFORMATION</p> <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Living SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1970</td> <td>6</td> <td>1,595</td> <td>2,150</td> <td>1,595</td> <td>CONC BLOCK</td> <td>\$163,821</td> <td>\$199,175</td> </tr> </tbody> </table> <p>Appendage / Sqft: OPEN PORCH FINISHED / 72 Appendage / Sqft: GARAGE FINISHED / 483</p> <p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p>		Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	1970	6	1,595	2,150	1,595	CONC BLOCK	\$163,821	\$199,175		
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New														
1	SINGLE FAMILY	1970	6	1,595	2,150	1,595	CONC BLOCK	\$163,821	\$199,175														
<p>EXTRA FEATURE</p> <table border="1"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>ALUM SCREEN PORCH W/CONC FL</td> <td>1979</td> <td>294</td> <td>\$1,000</td> <td>\$2,499</td> </tr> </tbody> </table>		Description	Year Blt	Units	EXFT Value	Est. Cost New	ALUM SCREEN PORCH W/CONC FL	1979	294	\$1,000	\$2,499												
Description	Year Blt	Units	EXFT Value	Est. Cost New																			
ALUM SCREEN PORCH W/CONC FL	1979	294	\$1,000	\$2,499																			
<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>																							

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG N 24 FT OF LOT 5 + S 51 FT OF LOT 4 BLK S NORTHGATE
PB 10 PG 94

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

FINDINGS OF FACT

Property Owner: KEITH & SANDRA FEATHERSTON
1540 EAST BLVD
MAITLAND FL 32751

Project Name: East Blvd. (1540)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 24 feet for a proposed two story room 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 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: _____
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: