

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

SUBJECT: 233 Arnold Avenue – Ronald & Susan Donahue, applicants; Request for a rear yard setback variance from 30 feet to 15 feet for an addition in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 9/24/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 15 feet for an addition in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 15 feet for an addition in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Ronald & Susan Donahue Location: 233 Arnold Avenue Zoning: R-1AA (Single Family Dwelling District) Subdivision: Sanlando Springs
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicants are proposing to construct a 35-foot by 42-foot addition that would encroach 15 feet into the required 30-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <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,

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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. <p><i>The applicant could reduce the size of the addition to minimize the encroachment.</i></p> <ul style="list-style-type: none">• 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 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 # BN 2007-104
Meeting Date 9-24-07



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: Ronald Donahue Jr. + Susan Zeghe-Donahue
Address: 233 Arnold Ave City: Longwood Zip code: 32750
Project Address: 233 Arnold Ave City: Longwood Zip code: 32750
Contact number(s): 407-682-3273 + 407-497-4845
Email address: floridafuzzy@earthlink.net

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:
<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 AUG 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:	30'	Proposed setback:	15'
<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>				

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: Ronald Donahue Jr. Susan Zeghe-Donahue

FOR OFFICE USE ONLY

Date Submitted: 8-2-07 Reviewed By: P. Johnson
 Tax parcel number: 01-21-29-500-2400-0100 Zoning/FLU R-1AA/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: Robert Ave is an alley^{created} by vacate, unimproved.
Arnold Ave is the primary access and does not front two
primary accesses. Alley are secondary accesses.

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

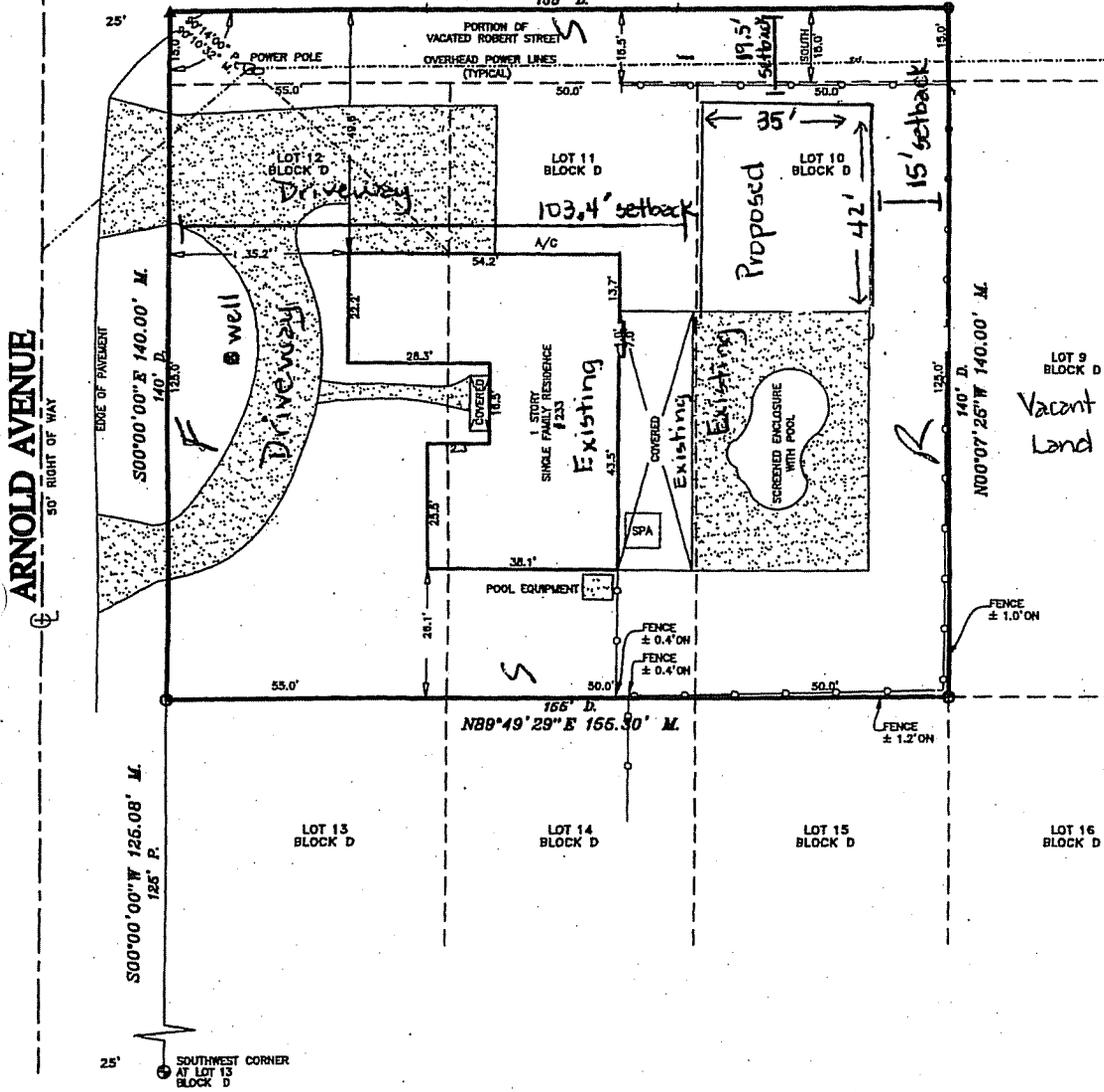
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
✓	1. Completed application.
N/A	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 1/2 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.
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
✓	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
✓	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
N/A	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	o Building height 16'
✓	o Setbacks from each building to the property lines
N/A	o Location of proposed fence(s)
✓	o Identification of available utilities City water, septic, well (irrigation) <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.

BOUNDARY SURVEY

LOTS 10,11,12 & THE SOUTH 15 FEET OF VACATED STREET
ADJOINING ON THE NORTH BLOCK D
SANLANDO SPRINGS TRACT NO. 24
PLAT BOOK 4, PAGE 78
SEMINOLE COUNTY, FLORIDA

REMAINDER OF VACATED
ROBERT STREET
50' RIGHT OF WAY
NOT INCLUDED

S89°49'28" W 155.00' M.
155' D.



THIS SURVEY CERTIFIED TO:
SUSAN ZERK-DONAHUE
COUNTRYWIDE HOME LOANS ISADA
SUNBELT TITLE AGENCY
RONALD E DONAHUE JR.

UPDATED: 8/25/05

SURVEYOR NOTES:
1) OTHER MATTERS NOT KNOWN TO THIS SURVEYOR AT THE TIME OF THIS SURVEY MAY AFFECT THE BOUNDARY LINES SHOWN HEREON
2) HOUSE AND FENCE TIES SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.

BEARINGS ARE BASED ON THE CENTERLINE OF ARNOLD AVENUE AS BEING S00°00'00" E, ASSUMED
LEGAL DESCRIPTION FURNISHED BY CLIENT (UNLESS OTHERWISE NOTED)
THIS IS TO CERTIFY THAT I HAVE REVIEWED THE FLOOD INSURANCE RATING MAP (FIRM) PANEL #120289 0110 E DATED 4/17/75 AND DETERMINED THAT THE LANDS SHOWN HEREON LIE IN ZONE "X".

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 BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SCALE:
REVIEWED BY: MWS
DRAWN BY: DLEE
DATE: 4-22-05
JOB No: 23700
REVISED:

- LEGEND**
- - RECOVERED 4"x4" CONCRETE MONUMENT NO#
 - ▲ - RECOVERED NAIL & DISK #6300
 - ✕ - RECOVERED X CUT IN CONCRETE
 - - RECOVERED 1/2" IRON ROD #
 - - RECOVERED 1-1/4" IRON PIPE NO #
 - - RECOVERED 5/8" IRON ROD NO #
 - - SET 1/2" IRON ROD #LB 6300
 - - POWER POLE AS SHOWN
 - - WOOD FENCE AS SHOWN
 - - CHAIN LINK FENCE AS SHOWN
 - - CONCRETE SLAB AS SHOWN

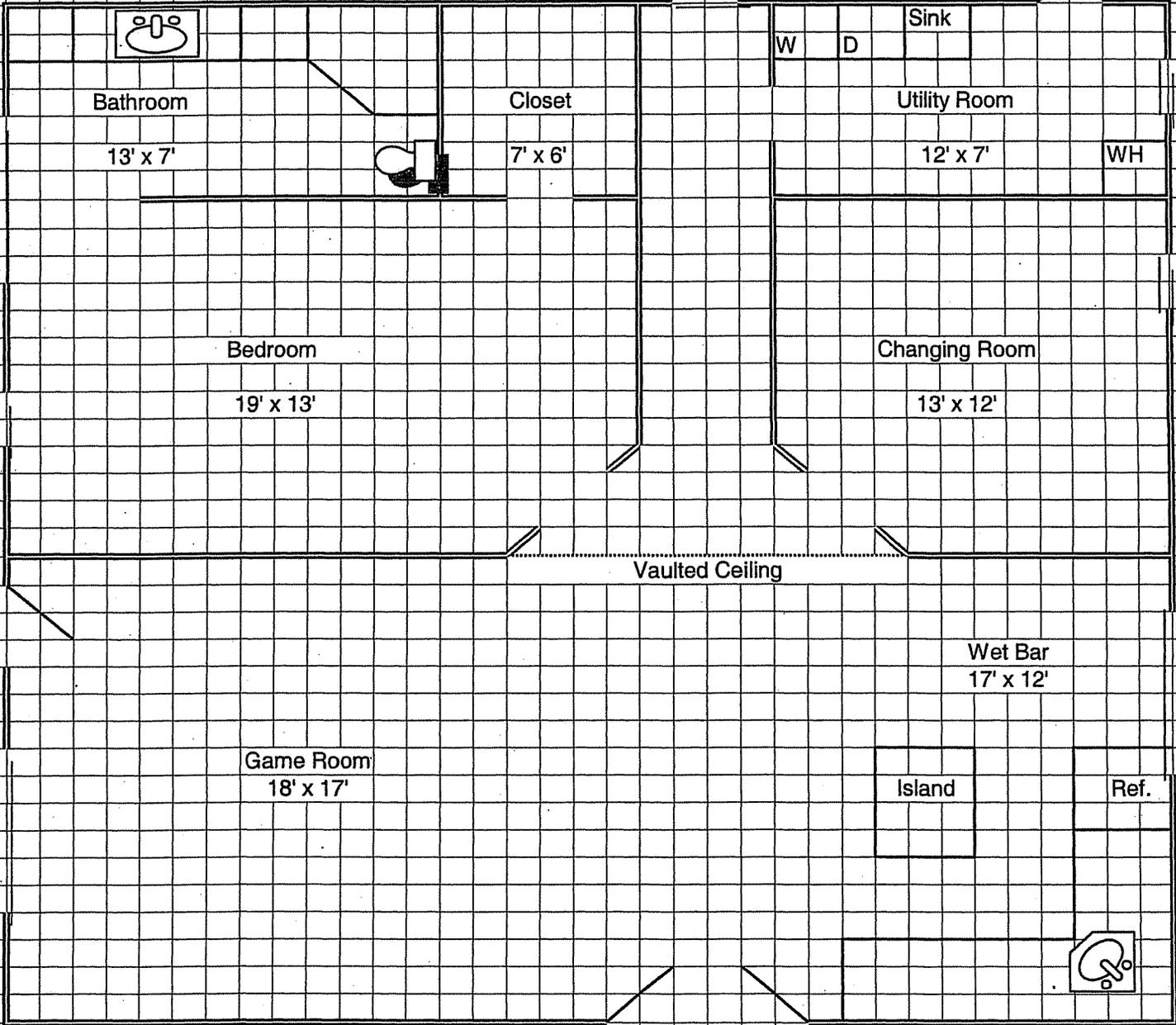
D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS,
R/W = RIGHT OF WAY, A/C = AIR CONDITIONER,
(R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT,
(M) = MEASURED, (C) CALCULATED, (D) = DEED,
POB = POINT OF BEGINNING, CONC. = CONCRETE,
POC = POINT OF COMMENCEMENT, POL = POINT ON LINE.

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 PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

Addition for 233 Arnold Ave.; Longwood, FL 32750

42' L x 35' W

17' Height from center pitch

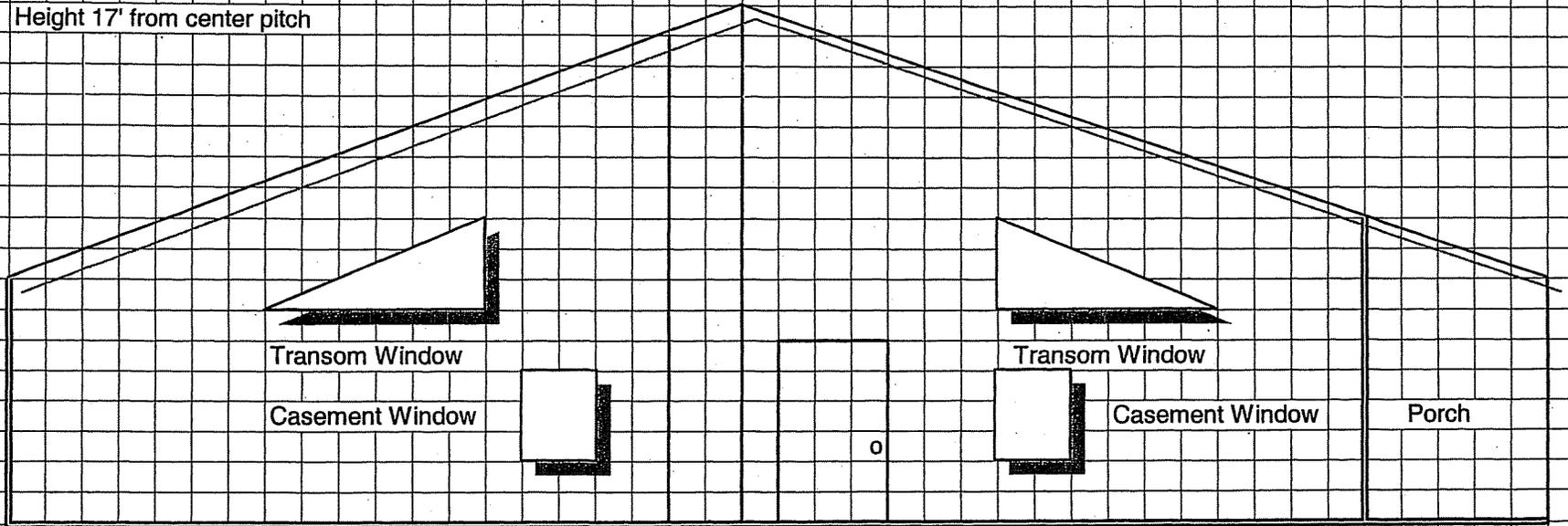


1 block equals 1'

Existing Pool Deck

Addition for 233 Arnold Ave.; Longwood, FL 32750

Height 17' from center pitch

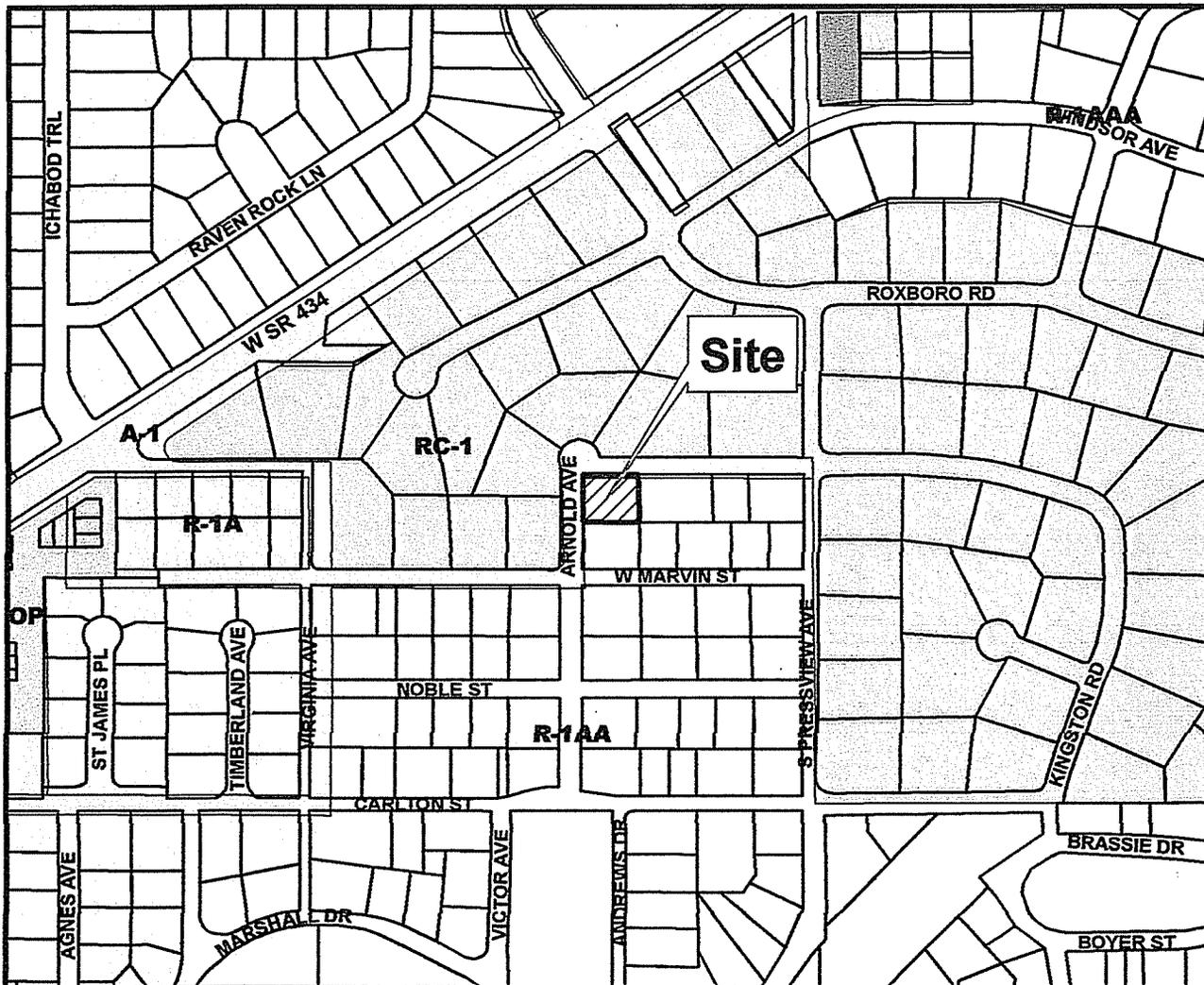


1 block equals 1'

Existing Pool Deck



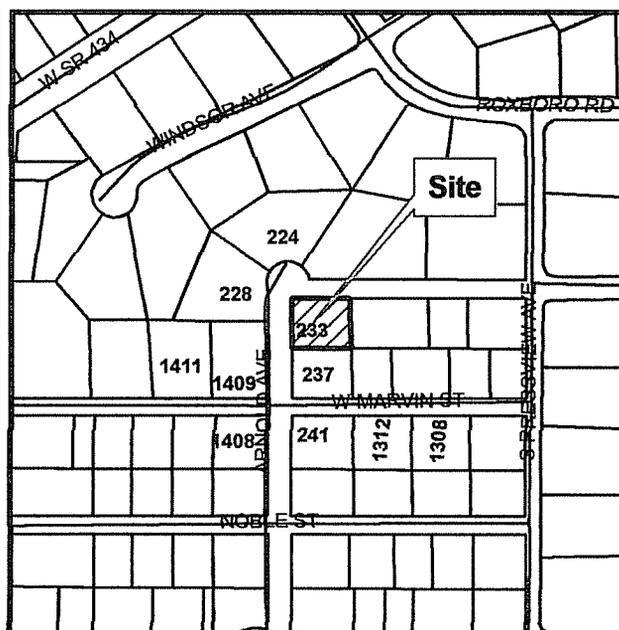
Ronald & Susan Donahue
 233 Arnold Avenue
 Longwood, Florida 32750



Seminole County Board of Adjustment
 September 24, 2007
 Case: BV2007-104 (Map 3155, Grid E3)
 Parcel No: 01-21-29-5CK-240D-0100

Zoning

	BV2007-104		R-1AA		C-1
	A-1		R-1A		C-2
	RC-1		OP		
	R-1AAA		CN		



<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 01-21-29-5CK-240D-0100</p> <p>Owner: DONAHUE RONALD E JR &</p> <p>Own/Addr: ZEGKE-DONAHUE SUSAN</p> <p>Mailing Address: 233 ARNOLD AVE</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 233 ARNOLD AVE LONGWOOD 32750</p> <p>Subdivision Name: SANLANDO SPRINGS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2006)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$187,414</p> <p>Depreciated EXFT Value: \$9,456</p> <p>Land Value (Market): \$82,583</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$279,453</p> <p>Assessed Value (SOH): \$254,158</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$229,158</p> <p style="text-align: center;"><u>Tax Estimator</u></p> <p style="text-align: center;"><u>Tax Reform Analysis</u></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>09/2005</td> <td><u>05912</u></td> <td><u>0987</u></td> <td>\$270,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>05/2002</td> <td><u>04416</u></td> <td><u>1860</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>05/2002</td> <td><u>04402</u></td> <td><u>1349</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td><u>01110</u></td> <td><u>0596</u></td> <td>\$14,700</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td><u>01104</u></td> <td><u>0664</u></td> <td>\$12,500</td> <td>Vacant</td> <td>No</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	09/2005	<u>05912</u>	<u>0987</u>	\$270,000	Improved	Yes	CORRECTIVE DEED	05/2002	<u>04416</u>	<u>1860</u>	\$100	Improved	No	QUIT CLAIM DEED	05/2002	<u>04402</u>	<u>1349</u>	\$100	Improved	No	WARRANTY DEED	01/1977	<u>01110</u>	<u>0596</u>	\$14,700	Vacant	No	WARRANTY DEED	01/1976	<u>01104</u>	<u>0664</u>	\$12,500	Vacant	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$3,593</p> <p><u>2006 Tax Bill Amount:</u> \$3,593</p> <p><u>Save Our Homes (SOH) Savings:</u> \$0</p> <p>2006 Taxable Value: \$222,959</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																																			
1	SINGLE FAMILY	1977	7	2,107	3,456	2,107	SIDING AVG	\$187,414	\$214,187																																			
			Appendage / Sqft	GARAGE FINISHED / 486																																								
			Appendage / Sqft	OPEN PORCH FINISHED / 16																																								
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			Appendage / Sqft	OPEN PORCH UNFINISHED / 795																																								
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																																												
Permits																																												
EXTRA FEATURE																																												
Description		Year Blt	Units	EXFT Value	Est. Cost New																																							

FIREPLACE	1977	1	\$600	\$1,500
POOL GUNITE	1982	392	\$3,136	\$7,840
PEBBLE DECK	1982	1,096	\$1,754	\$4,384
SCREEN ENCLOSURE	1982	3,158	\$2,526	\$6,316
SPA	1982	1	\$1,000	\$2,500
GAS HEATER	1990	1	\$440	\$1,100

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.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24th, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 10 11 & 12 & S 15 FT OF VACD ST ADJ ON N BLK D TRACT 24
SANLANDO SPRINGS PB 4 PG 78

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

FINDINGS OF FACT

Property Owner: Ronald & Susan Donahue
233 Arnold Avenue
Longwood, FL 32750

Project Name: Arnold Avenue (233)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 15 feet for an addition 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 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: