

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 3034 Windchime Circle North – Kitty Irvine, applicant; Request for a rear yard setback variance from 30 feet to 21 feet for a proposed screen room in R-1 (Single Family Dwelling District).

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

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

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 21 feet for a proposed screen room in R-1 (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 21 feet for a proposed screen room in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Kitty Irvine Location: 3034 Windchime Circle North Zoning: R-1 (Single Family Dwelling District) Subdivision: Bel Aire Hills Unit 2
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 12.5 foot by 20 foot sunroom that will encroach 9 feet into the 30-foot required rear yard. • A Building Permit 07-7608 is under review. • 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

	<p>and which are not applicable to other lands, 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.• 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 sunroom 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

Application # BV 2007-97
Meeting Date 9-24-07

COPY

VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444



Pending Permit #
07-7608

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

Name: Kitty Irvine 407-869-8714 (C) 407-925-3686
Address: 3034 Windchime Circle N City: Apopka Zip code: 32703
Project Address: 3034 Windchime Circle N City: Apopka Zip code: 32703
Contact number(s): Patricia Huffer 407-678-0500 Superior Aluminum
Email address: _____

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 type="checkbox"/> New Single Family Home	Please describe: _____
<input checked="" type="checkbox"/> Other	Please describe: <u>Acrylic Room</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUL 24 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>21'</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: Kitty Irvine

FOR OFFICE USE ONLY

Date Submitted: <u>7-24-07</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>18-21-29-524-0000-1750</u>	Zoning/FLU <u>R-1 / LOR</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	
<input type="checkbox"/> Platted Lot (check easements as shown on lots, in notes or in dedication)	
<input type="checkbox"/> Lot size _____ <input type="checkbox"/> Meets minimum size and width	
<input type="checkbox"/> Application and checklist complete	
Notes: _____	

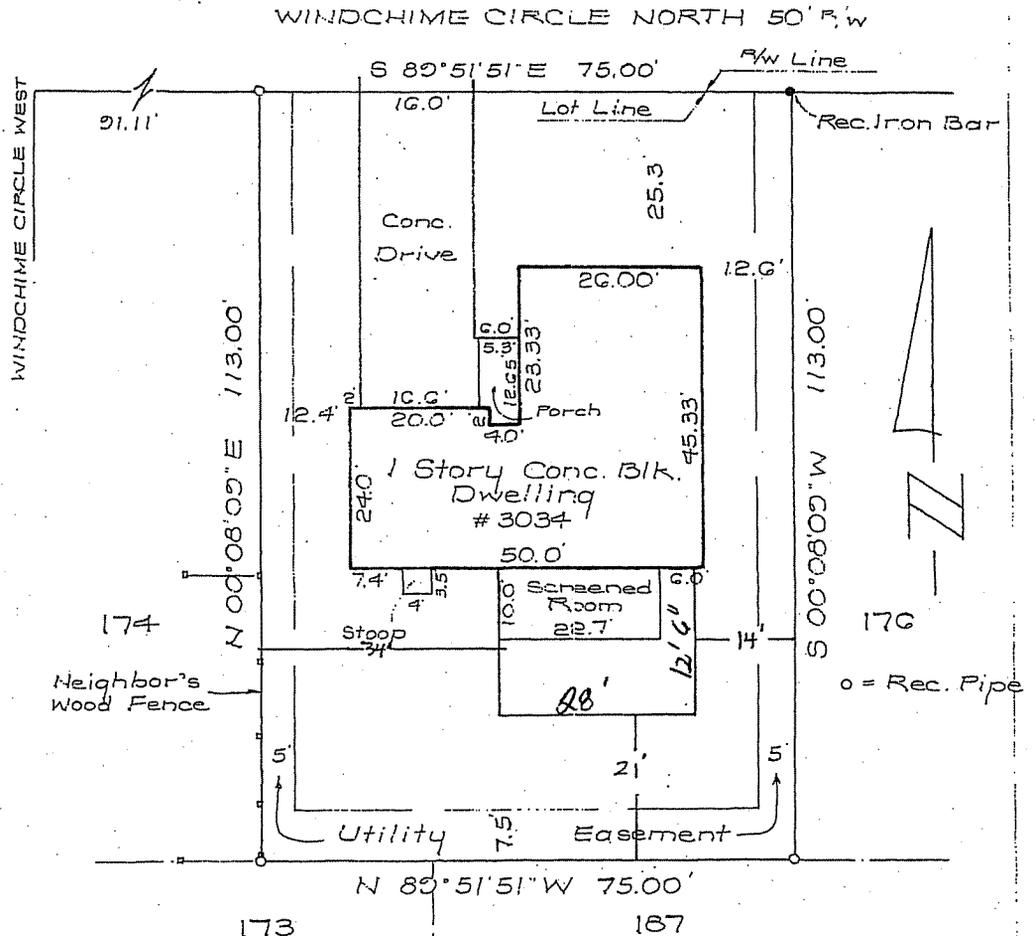
VARIANCE SUBMITTAL CHECKLIST

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). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	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.
	<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 <u>or</u> 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: LOT 175 BEL AIRE HILLS UNIT TWO
 Recorded in Plat Book 22 Pages 89 & 90 of the Public Records of Seminole

County, Florida



SURVEYOR'S CERTIFICATION

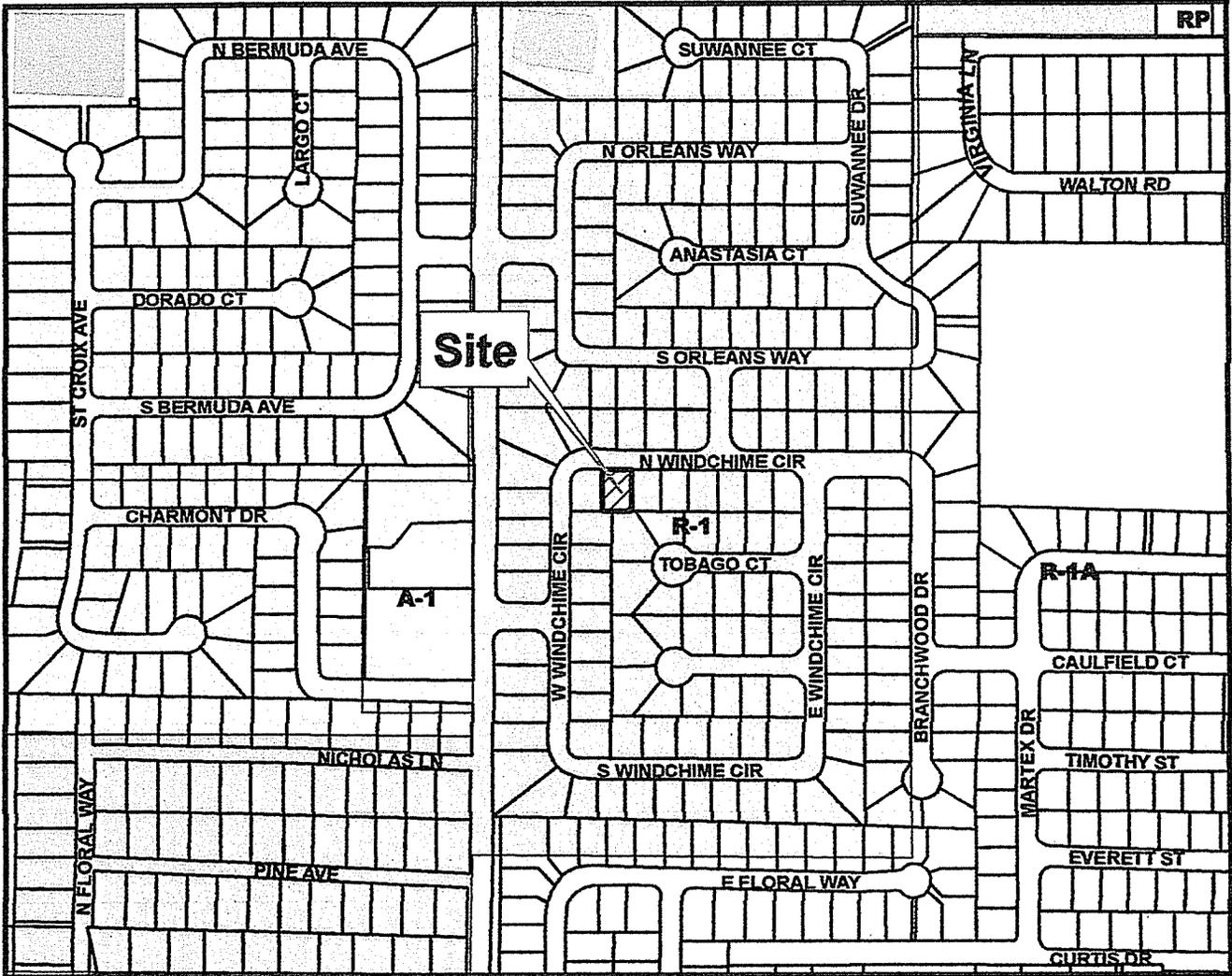
This is to certify that I have consulted the Federal Insurance Administration flood hazard maps and have found that the building site on the above described property is not located in a special flood hazard area.

I hereby certify that the survey represented on this map was made under my direction on the date shown based on the information furnished to me as noted and conforms to the MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA in accordance with CH. 21HH-6, Florida Administrative Code.

The Surveyor has not abstracted the lands shown hereon for easements and/or rights of way of record. No underground installations or improvements have been located except as noted.

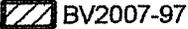
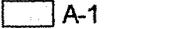
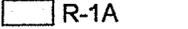
BOUNDARY SURVEY		Date: May 28, 1985	GLACE, RADCLIFFE & ASSOCIATES, INC. LAND SURVEYING DIV. 800 SOUTH ORLANDO AVENUE MAITLAND, FLORIDA 32751 CERT. NO. LB-2108
For		Job No.: 14395	
WALTER D. IRVINE		Drawn:	ROGER LONSWAY REGISTERED LAND SURVEYOR NO. 2247
Kitty L. Irvine		File No.:	
		Revised:	
		Scale: 1" = 20'	

Kitty Irvine
 3034 Windchime Circle N
 Apopka, Florida 32703

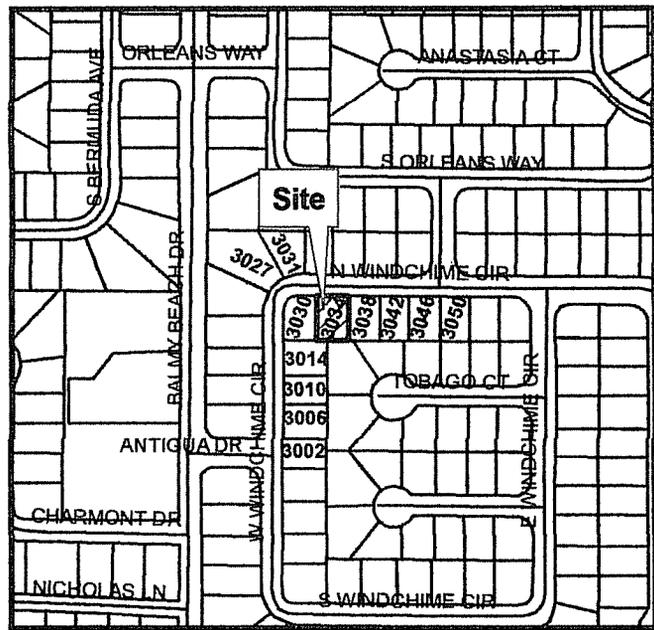


Seminole County Board of Adjustment
 September 24, 2007
 Case: BV2007-97 (Map 3154, Grid A6)
 Parcel No: 18-21-29-524-0000-1750

Zoning

 BV2007-97	 R-1
 A-1	 RP I
 R-1A	 OP

N

<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: 18-21-29-524-0000-1750 Owner: IRVINE KITTY L Mailing Address: 3034 WINDCHIME CIR N City,State,ZipCode: APOPKA FL 32703 Property Address: 3034 WINDCHIME CIR N APOPKA 32703 Subdivision Name: BEL AIRE HILLS UNIT 2 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$125,012 Depreciated EXFT Value: \$1,546 Land Value (Market): \$40,000 Land Value Ag: \$0 Just/Market Value: \$166,558 Assessed Value (SOH): \$81,849 Exempt Value: \$25,000 Taxable Value: \$56,849</p> <p style="text-align: right;">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>08/1988</td> <td>01989</td> <td>1895</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1988</td> <td>01959</td> <td>0693</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1985</td> <td>01645</td> <td>1938</td> <td>\$69,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1980</td> <td>01306</td> <td>1181</td> <td>\$54,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1979</td> <td>01250</td> <td>1113</td> <td>\$45,300</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	08/1988	01989	1895	\$100	Improved	No	WARRANTY DEED	03/1988	01959	0693	\$100	Improved	No	WARRANTY DEED	06/1985	01645	1938	\$69,000	Improved	Yes	WARRANTY DEED	11/1980	01306	1181	\$54,500	Improved	Yes	WARRANTY DEED	10/1979	01250	1113	\$45,300	Improved	Yes	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,063 2006 Tax Bill Amount: \$884 Save Our Homes (SOH) Savings: \$1,179 2006 Taxable Value: \$54,853</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 175 BEL AIRE HILLS UNIT 2 PB 22 PGS 89-90

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

FINDINGS OF FACT

Property Owner: Kitty L. Irvine
3034 Windchime Circle North
Apopka FL 32703

Project Name: Windchime Circle North (3034)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 21 feet for a proposed screen room in R-1 (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 sunroom 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: