

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

SUBJECT: 5400 Cub Lake Drive – Bryan Kelly, applicant; Request for 1) a front yard setback from 50 feet to 45 feet and 2) a side yard (west) setback variance from 10 feet to 7.5 feet for a proposed single story addition in A-1 (Agricultural District).

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

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

Agenda Date 12/3/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a front yard setback from 50 feet to 45 feet and 2) a side yard (west) setback variance from 10 feet to 7.5 feet for a proposed single story addition in A-1 (Agricultural District); or
2. **Approve** the request for 1) a front yard setback from 50 feet to 45 feet and 2) a side yard (west) setback variance from 10 feet to 7.5 feet for a proposed single story addition in A-1 (Agricultural District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Bryan Kelly Location: 5400 Cub Lake Drive Zoning: A-1 (Agricultural District) Subdivision: McNeils Orange Villa</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition that will encroach 2.5 feet into the required 10-foot side yard setback. The addition will also have a front porch that will encroach 5 feet into the required 50-foot front 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	<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.
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

Application # BU2007-138
Meeting Date 12-3-07



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 661-7144

COPY

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

Name: BRYAN Kelly
Address: 5400 Cub Lake DR. City: APOLKA Zip code: 32703
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 230-0876
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: RECEIVED OCT 11 2007
<input type="checkbox"/> Pool screen enclosure	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.	

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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50'</u>	Proposed setback: <u>45'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10 ft.</u>	Proposed setback: <u>7.5 ft.</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:
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: Bryan K. Kelly 10/11/07

FOR OFFICE USE ONLY

Date Submitted: 10-11-07 Reviewed By: P. JOHNSON
 Tax parcel number: 17-21-29-586-0000-079H Zoning/FLU A-1/LOR
 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!

<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 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.
	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>
	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
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

① List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Sylvia D. Kelly Name: _____
Address: 5482 Sailbreeze Ct. Orlando, FL 32810 Address: _____
Phone #: 407-293-1347 Phone #: _____

Name: Bryan K. Kelly Name: _____
Address: 8612 Rose Ave. Orlando, FL 32810 Address: _____
Phone #: 407-230-0876 Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

⑦ I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10-15-07
Date

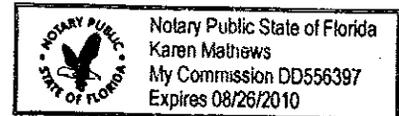
Bryan H. Kelly
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 15 day of October, 2007 by _____

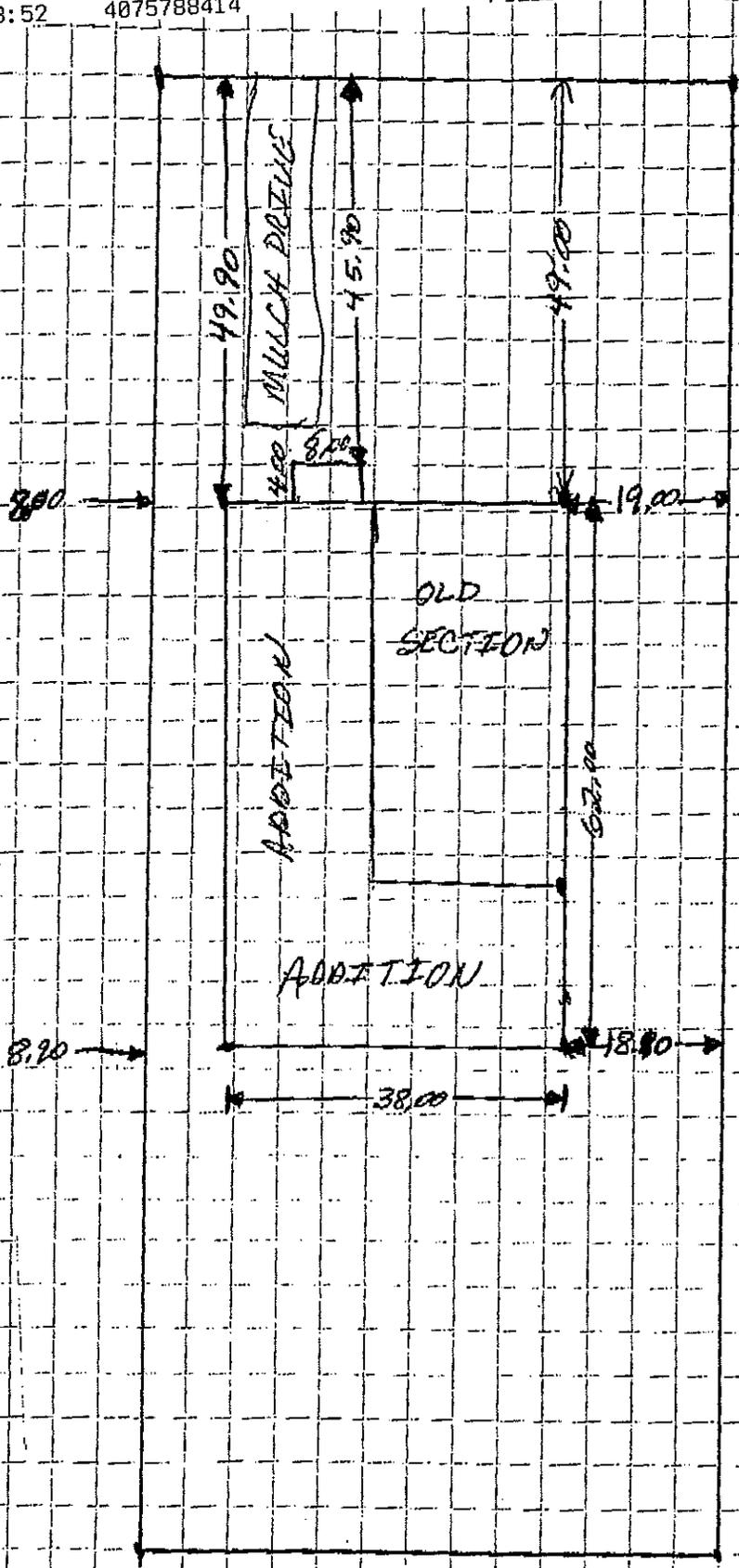
Karen Mathews Karen Mathews
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced Fla Drivers License



For Use by Planning & Development Staff

Date: _____ Application Number: _____



ADDITION PLANS
FOR 5400 CUBIC YD
BRANK. KELLY

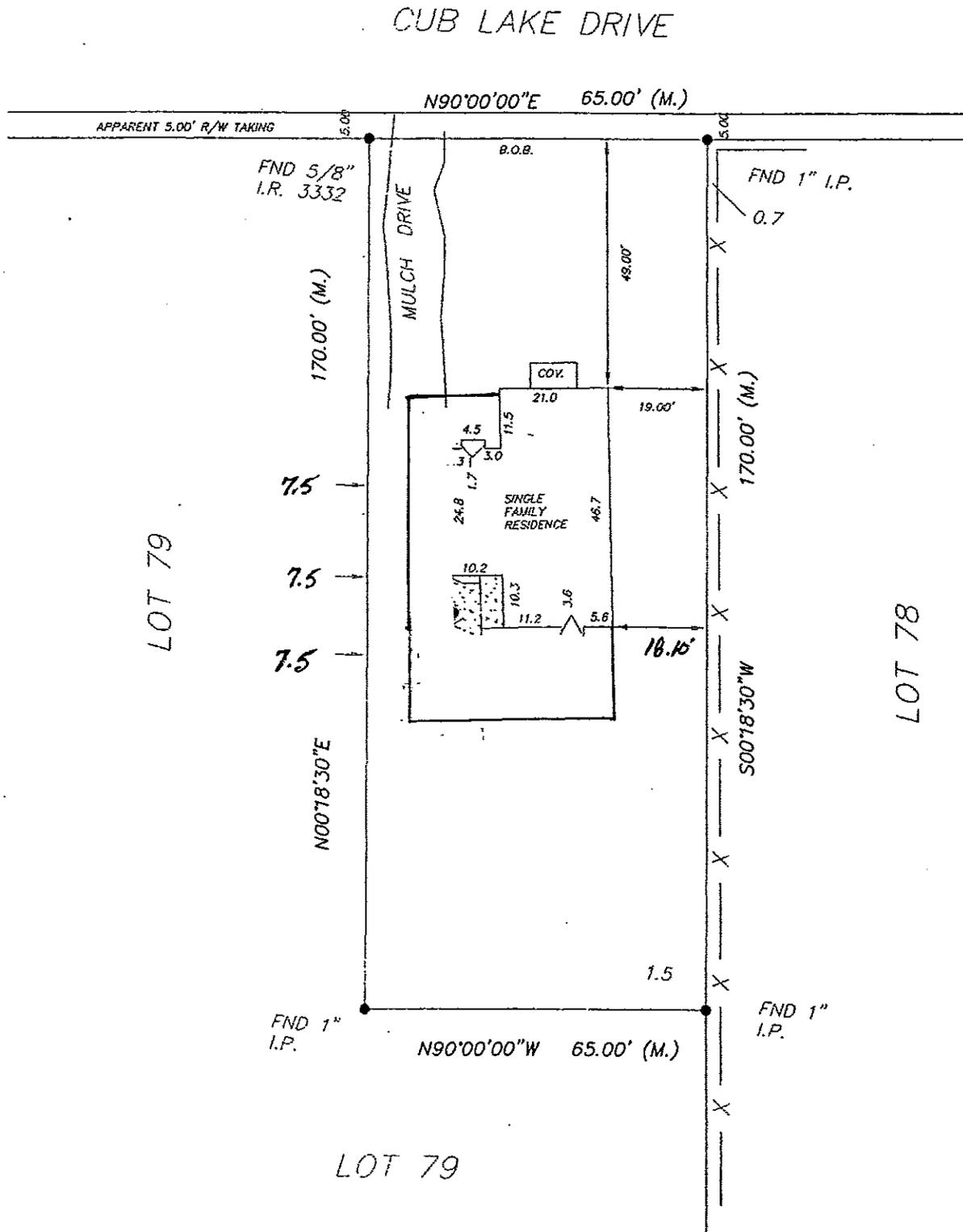
Approx 1300 sq. ft.
Heated Addition

ONE STORY
SINGLE
FAMILY
HOME

BOUNDARY SURVEY

LEGAL DESCRIPTION: THE NORTH 175 FEET OF THE EAST 65 FEET OF LOT 79, MCNEIL'S ORANGE VILLA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 99, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12117C0140 F SEMINOLE COUNTY, FLORIDA. MAP DATED SEPTEMBER 28, 2007.

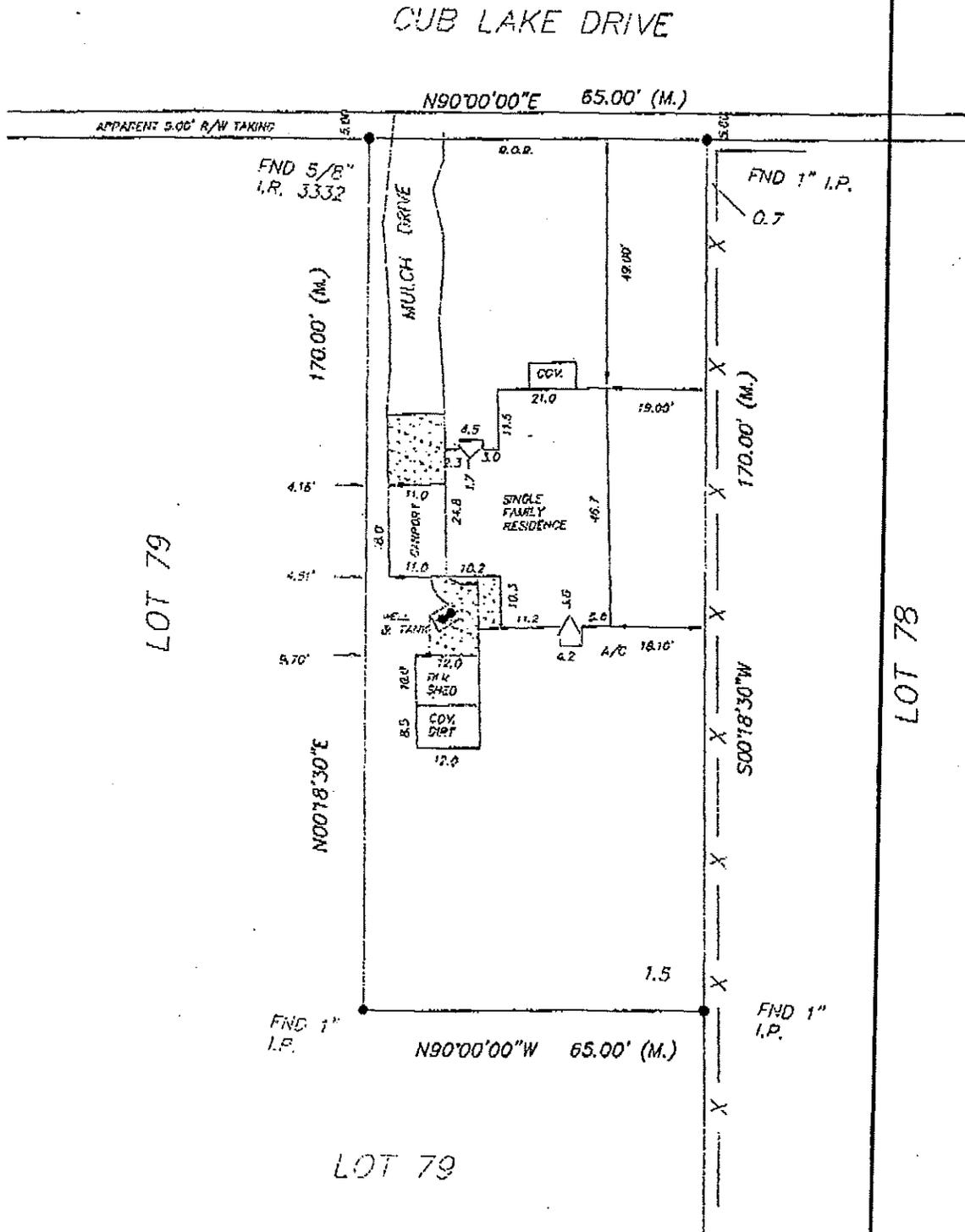


1"=30'
PER PLAT

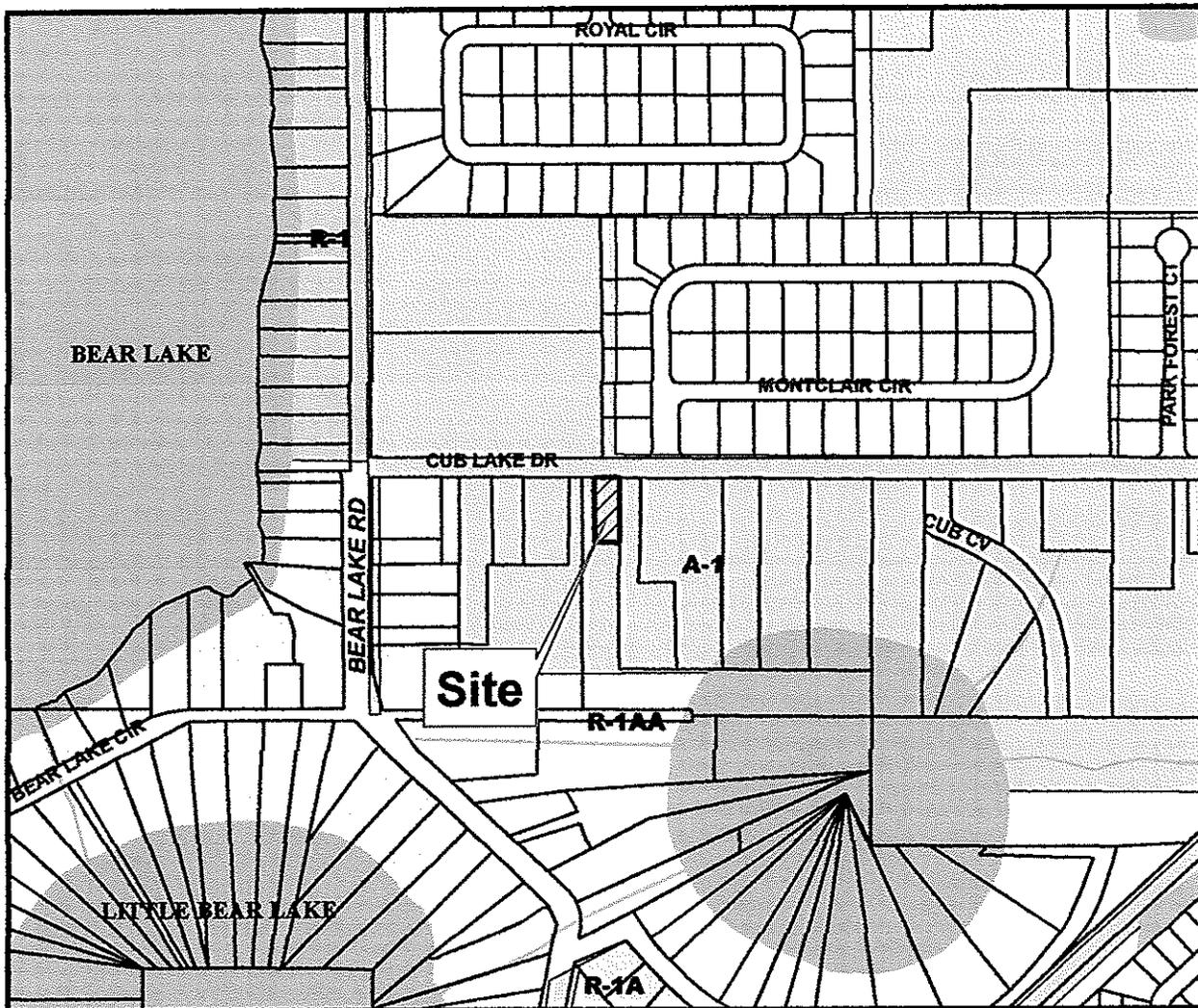
BOUNDARY SURVEY

LEGAL DESCRIPTION: THE NORTH 175 FEET OF THE EAST 65 FEET OF LOT 79, MONEIL'S ORANGE VILLA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 99, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12117C0140 F SEMINOLE COUNTY, FLORIDA. MAP DATED SEPTEMBER 28, 2007.



Sylvia Kelly
 5400 Cub Lake Drive
 Apopka, Florida 32703

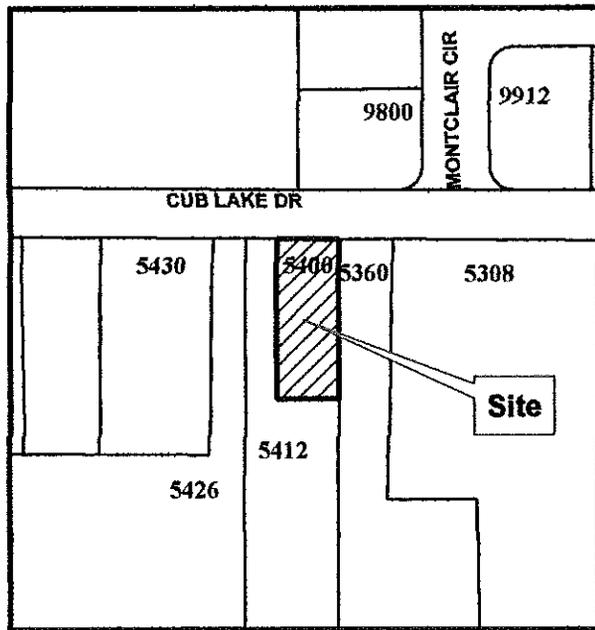


Seminole County Board of Adjustment
 December 3, 2007
 Case: BV2007-138 (Map 3207, Grid B2)
 Parcel No: 17-21-29-5BG-0000-079H

Zoning

-  BV2007-138
-  A-1
-  R-1AA
-  R-1A
-  R-1

N

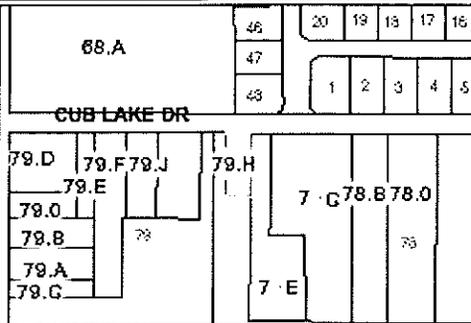
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-565-7508



GENERAL
 Parcel Id: 17-21-29-5BG-0000-079H
 Owner: KELLY BRYAN K & RHONDA W
 Mailing Address: 5400 CUB LAKE DR
 City,State,ZipCode: APOPKA FL 32703
 Property Address: 5400 CUB LAKE DR APOPKA 32703
 Subdivision Name: MC NEILS ORANGE VILLA
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY
 Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$39,763
 Depreciated EXFT Value: \$790
 Land Value (Market): \$39,150
 Land Value Ag: \$0
 Just/Market Value: \$79,703
 Assessed Value (SOH): \$79,703
 Exempt Value: \$0
 Taxable Value: \$79,703
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	10/2007	06845	1895	\$125,000	Improved	Yes
QUIT CLAIM DEED	05/2002	04435	0209	\$100	Improved	No
WARRANTY DEED	07/1989	02091	0512	\$100	Improved	No
QUIT CLAIM DEED	12/1988	02032	1094	\$100	Improved	No
QUIT CLAIM DEED	05/1981	01338	1519	\$100	Improved	No

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY
 2007 Tax Bill Amount: \$1,190
 2007 Taxable Value: \$80,549
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	.261	150,000.00	\$39,150

LEGAL DESCRIPTION
 PLATS:
 LEG N 175 FT OF E 65 FT OF LOT 79 (LESS RD) MC NEILS ORANGE VILLA
 PB 2 PG 99

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1949	3	621	1,387	852	CONC BLOCK	\$39,763	\$67,681
	Appendage / Sqft		UTILITY UNFINISHED / 20						
	Appendage / Sqft		OPEN PORCH UNFINISHED / 35						
	Appendage / Sqft		ENCLOSED PORCH FINISHED / 231						
	Appendage / Sqft		ENCLOSED PORCH UNFINISHED / 250						
	Appendage / Sqft		SCREEN PORCH UNFINISHED / 110						
	Appendage / Sqft		DETACHED UTILITY UNFINISHED / 120						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM PORCH W/CONC FL	1979	150	\$390	\$975

FIREPLACE

1949

1

\$400

\$1,000

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 December 3, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG N 175 FT OF E 65 FT OF LOT 79 (LESS RD) MC NEILS ORANGE VILLA

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

FINDINGS OF FACT

Property Owner: Bryan K & Rhonda W Kelly
5400 Cub Lake Drive
Apopka FL 32703

Project Name: Cub Lake Drive (5400)

Requested Development Approval:

Request for 1) a front yard setback from 50 feet to 45 feet and 2) a side yard (west) setback variance from 10 feet to 7.5 feet for a proposed single story addition in A-1 (Agricultural 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: