

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

**SUBJECT:** 304 Wickham Court – Daniel & Darcy Drew, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed addition in PUD (Planned Unit Development District)

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

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

**Agenda Date** 1/28/08 **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 a proposed addition in PUD (Planned Unit Development District); or
2. **Approve** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed addition in PUD (Planned Unit Development District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Daniel & Darcy Drew Location: 304 Wickham Court Zoning: PUD (Planned Unit Development District) Subdivision: Wekiva Hills Sec 4
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an addition that will encroach 15 feet into the required 30-foot rear yard setback in order to add a handicap accessible bathroom and bedroom.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <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,</li> </ul>

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></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"><li>• Any variance granted shall apply only to the addition 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

**COPY**

Application # BV2007-153  
Meeting Date 1-28-07



**VARIANCE APPLICATION  
SEMINOLE COUNTY PLANNING DIVISION**

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

RECEIVED NOV 08 2007

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

Name: DANIEL & DARCY DREW  
Address: 304 WICKHAM CT. City: LONGWOOD Zip code: 32779  
Project Address: 304 WICKHAM CT City: LONGWOOD Zip code: 32779  
Contact number(s): (407) 869-7378 (407) 782-9674  
Email address: DAN@PRONETCFL.COM

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

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>ENLARGE BEDROOM &amp; BATH FOR WHEELCHAIR ACCESS.</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.	

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:	Proposed setback:	<u>15'</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 request s:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input 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: [Signature]

**FOR OFFICE USE ONLY**

Date Submitted: 11-09-07 Reviewed By: J. Williams  
 Tax parcel number: 06-21-29-505-0000-0430 Zoning/FLU PUD / PD  
 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.
N/A	2. Owner's authorization letter (if needed). <i>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></i>
✓	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>View a site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
✓	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
N/A	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
✓	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.

Daniel Drew  
304 Wickham Ct.  
Longwood, Florida 32779  
November 5, 2007

Seminole County  
Planning Division  
1101 East First Street  
Sanford, Florida 32771

To whom it may concern:

In 1990, I sustained an injury that left me paralyzed and wheelchair bound. My wife and I purchased our home in 1997. We made some minor changes to increase the width of doors to our bedroom and bathroom. We originally planned to live in this house for only a few years. We figured we would build a handicap accessible home, but after the increase in the cost of housing, we decided to stay.

In our bedroom, I can't access my closet or maneuver around my bed. My bathroom does not meet standard handicap modifications which places me at risk for injury. We wish to build a small addition to increase the size of our bedroom and bathroom for handicap accessibility.

This is why I wish to apply for a variance.

Sincerely,

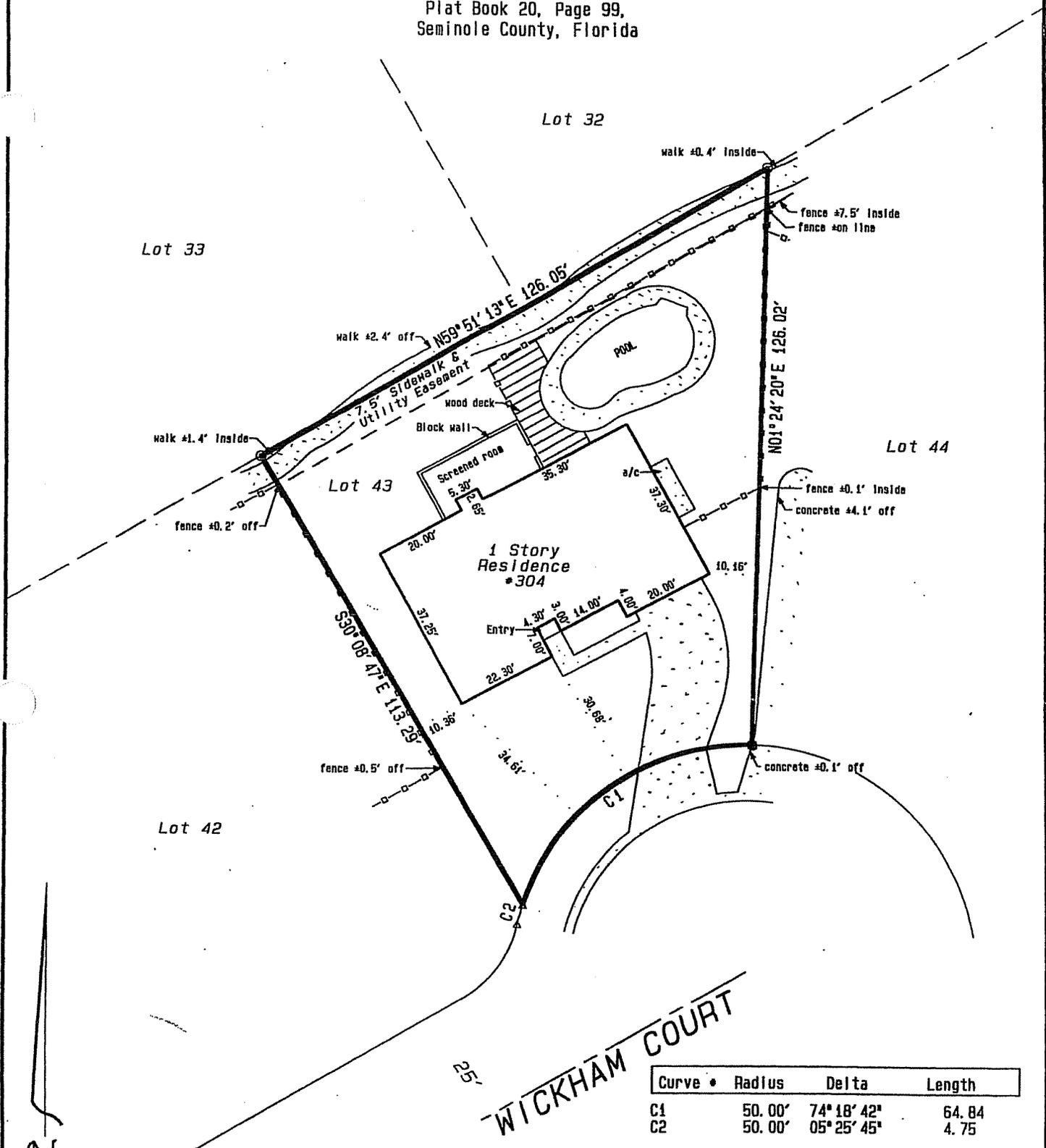


Daniel Drew  
407-869-7378



DANIEL & DARCY DREW

Lot 43  
WEKIVA HILLS SECTION FOUR  
Plat Book 20, Page 99,  
Seminole County, Florida



Curve	Radius	Delta	Length
C1	50.00'	74° 18' 42"	64.84
C2	50.00'	05° 25' 45"	4.75

Legend

- = Recovered 4"x4" Concrete Monument
- = Set 4"x4" Concrete Monument #LB6300
- △ = Recovered 1/2" Iron Rod LB6393
- × = Recovered X Cut in concrete
- = Recovered 1" Iron Pipe no.
- = Recovered 1/2" Iron Rod no.
- ◇ = Light Pole as shown
- = 6" Wood Fence
- x— = 4" Chain link fence
- /— = Fence as shown
- = Concrete Slab

This Survey Certified To:  
Equitable Title Agency, Inc.  
HomeBanc Mortgage Corporation  
Old Republic National Title Insurance Co.  
Darcy L. Drew

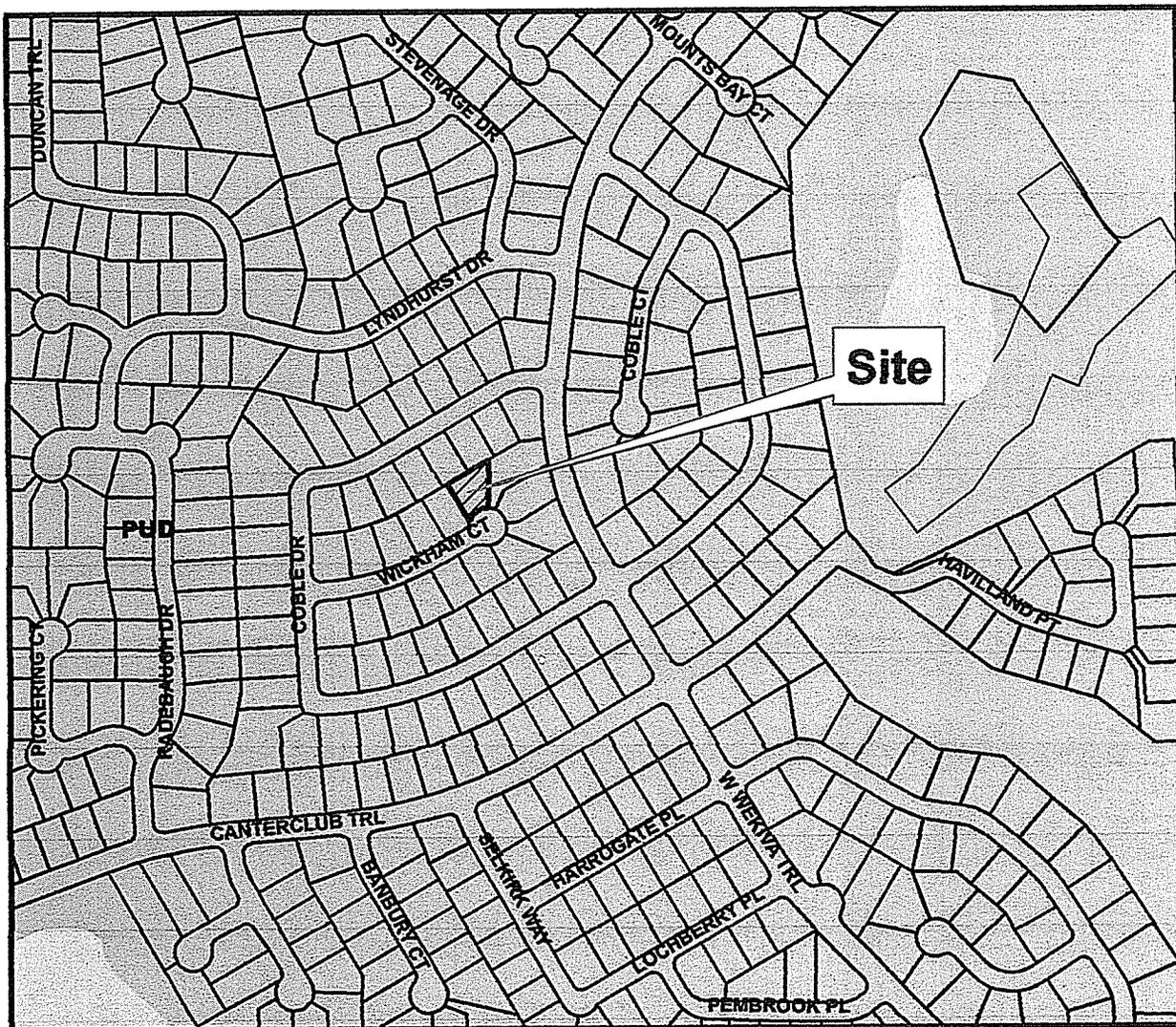
△=Central Angle L=Arc R=Radius R/W=Right of Way  
A/C=Air Conditioner (R)=Radial (NR)=Non-Radial  
(P)=Plat (M)=Measured (C)=Calculated (D)=Deed  
POB=Point of Beginning POC=Point of Commencement  
POL=Point On Line

Bearings are based on the centerline of Wickham Court as being N59°50'13"E, per plat

Not valid without the signature and the original  
SCALE: 1" = 30'

This Survey is certified to and prepared for the Local Description furnished by

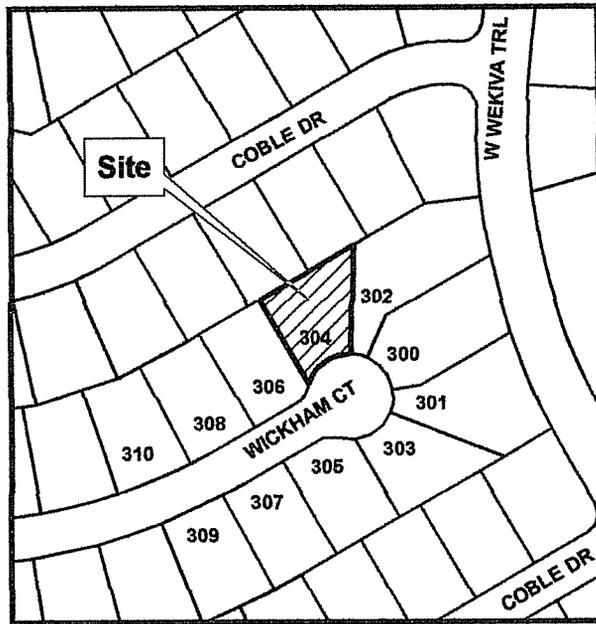
Daniel and Darcy Drew  
304 Wickham Court  
Longwood, Florida 32779



Seminole County Board of Adjustment  
January 28, 2008  
Case: BV2007-153 (Map 3153, Grid E3)  
Parcel No: 06-21-29-505-0000-0430

Zoning

-  BV2007-153
-  PUD



Personal Property

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																											
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 06-21-29-505-0000-0430</p> <p>Owner: DREW DANIEL J &amp; DARCY L</p> <p>Mailing Address: 304 WICKHAM CT</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 304 WICKHAM CT LONGWOOD 32779</p> <p>Subdivision Name: WEKIVA HILLS SEC 04</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1998)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2008 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$177,597</p> <p>Depreciated EXFT Value: \$4,948</p> <p>Land Value (Market): \$51,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$233,545</p> <p>Assessed Value (SOH): \$128,592</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$103,592</p> <p>Tax Estimator</p>																																																									
<p align="center"><b>SALES</b></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>09/1997</td> <td>03304</td> <td>0683</td> <td>\$126,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1978</td> <td>01189</td> <td>0995</td> <td>\$49,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1978</td> <td>01156</td> <td>0926</td> <td>\$10,500</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center"><a href="#">Find Comparable Sales within this Subdivision</a></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/1997	03304	0683	\$126,900	Improved	Yes	WARRANTY DEED	09/1978	01189	0995	\$49,000	Improved	Yes	WARRANTY DEED	02/1978	01156	0926	\$10,500	Vacant	No	<p><b>2007 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$3,095</p> <p>2007 Tax Bill Amount: \$1,484</p> <p>Save Our Homes (SOH) Savings: \$1,611</p> <p>2007 Taxable Value: \$100,456</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																													
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COMMISSION DISTRICT #:

GUI  
PROJ. #

ZONED: PUD

SEC: 6

TWP: 21

RNG: 29

<b>DEVELOPMENT:</b>		Wekiva Hills Section 4				<b>DEVELOPER:</b>		Magnolia Service Corp.					
<b>LOCATION:</b>		40.9 Acres - 62 Lots											
<b>FILE#:</b>		<b>BA:</b>		<b>SP:</b>		<b>BCC:</b>		10/28/77					
<b>P&amp;Z:</b>		<b>PG</b>		<b>Lot</b>		<b>Blk</b>		<b>Parcel</b>		<b>DBA</b>		<b>Comm Dist</b>	
<b>PB</b>	20	<b>PG</b>	99	<b>Lot</b>		<b>Blk</b>		<b>Parcel</b>		<b>DBA</b>		<b>Comm Dist</b>	
<b>DEVEL. ORDER #:</b>						<b>TAX PAR. I.D. #:</b>							
<b>SIDEWALKS:</b>						<b>SETBACK REQUIREMENTS</b>							
						<b>FY:</b>	25'	<b>SIDE ST.:</b>		<b>SY:</b>	10'	<b>RY:</b>	30'
<b>ROAD TYPE:</b>						<b>MAIN STRUCTURE OTHER:</b> Minimum Lot Size: 8,400 sq. ft. Maximum Building Height: 35'							
<b>COMMENTS OTHER:</b>						<b>ACCESSORY STRUCTURE SETBACKS:</b>							
1) No minimum size for dwelling.						<b>SY:</b>	10'	<b>RY:</b>	10'				
2) Lots 44, 45, and 46 are double front lots and require fencing.						<b>ACCESSORY STRUCTURE OTHER:</b>							
3) No open ditches, swale between Sections 3 and 4 must be piped.													

IMPACT FEES	
<b>SCREEN:</b>	
<b>TRAFFIC ZONE:</b>	
<b>LAND USE:</b>	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	\$10.00
5. PARK	
6. SCHOOL	\$300.00
7. LAW	
8. DRAINAGE	
<b>TOTAL</b>	
<b>REMARKS:</b>	

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 43 WEKIVA HILLS SEC 4 PB 20 PG 99

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

### FINDINGS OF FACT

**Property Owner:** Daniel J & Darcy L Drew  
304 Wickham Ct  
Longwood FL 32779

**Project Name:** Wickham Ct (304)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed addition in PUD (Planned Unit Development 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: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: