

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1008 Oak Lane – Scott Hartman, All Phase Construction of Central Florida INC. applicant; Request for a front yard setback variance from 25 feet to 12 feet for a proposed attached carport in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 2/25/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 25 feet to 12 feet for a proposed attached carport in R-1AA (Single Family Dwelling District); or
2. **Approve** the request for a front yard setback variance from 25 feet to 12 feet for a proposed attached carport in R-1AA (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Scott Hartman Owner: Mildred Lipka Location: 1008 Oak Lane Zoning: R-1AA (Single Family Dwelling District) Subdivision: Beverly Terrace
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposed to replace an existing carport which is non-conforming for the front setback. The carport encroaches 13 feet into the required 25-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 carport 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
- Applicant Authorization Form
- 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 # BV2008-03
Meeting Date Feb 25, 08



COPY
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED JAN 10 2008

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

Name: MILDRED J LIPIKA
Address: 1008 OAK Lane City: Apopka Zip code: 32703
Project Address: 1008 OAK Lane City: Apopka Zip code: 32703
Contact number(s): 407-332-9186
Email address: APCconstruction@aol.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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>Carport</u>
<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>25'</u>	Proposed setback:	<u>12'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<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:	

Total number of variances requested 1

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: M J Lipika

FOR OFFICE USE ONLY

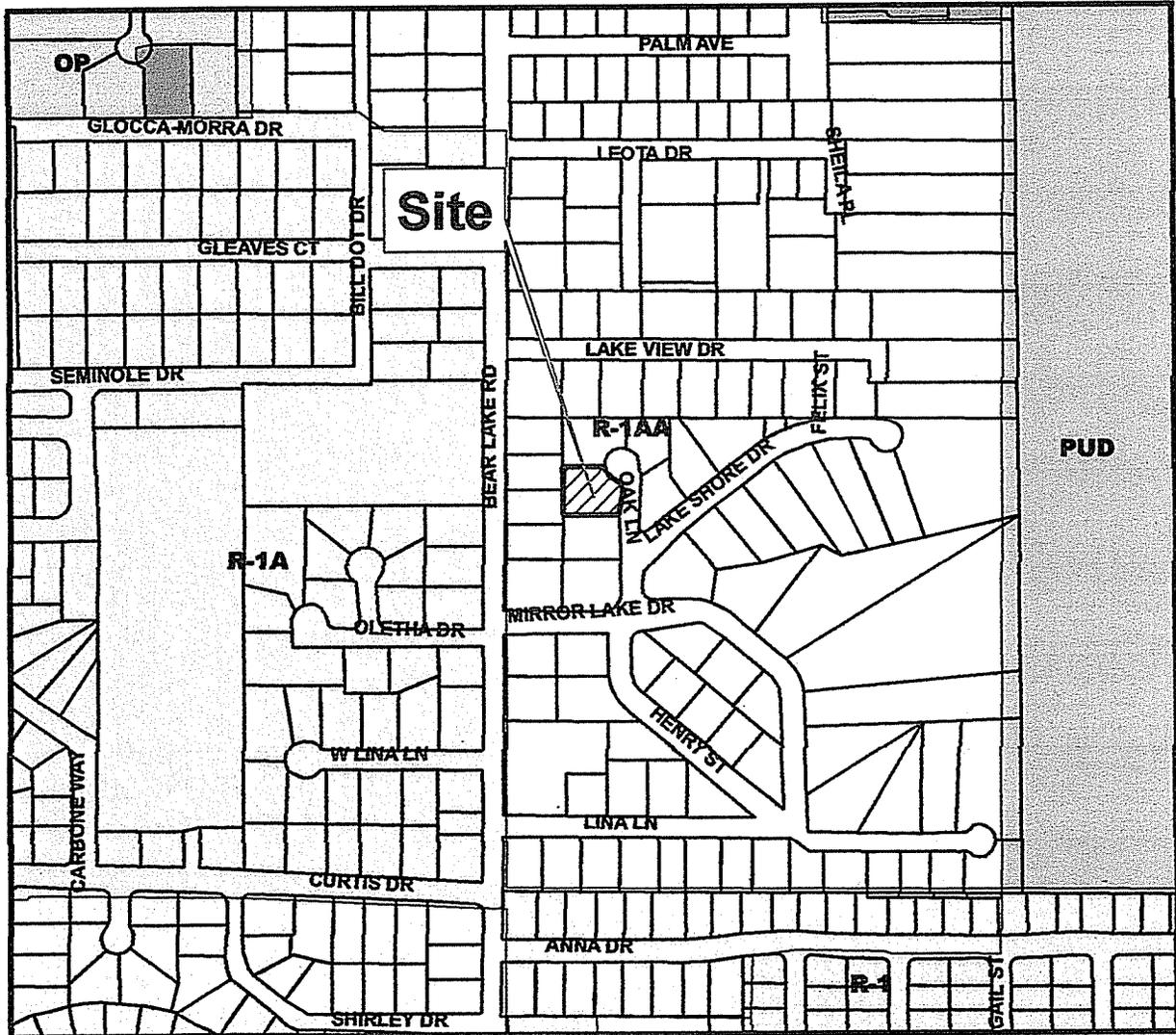
Date Submitted: 1-10-08 Reviewed By: DG
 Tax parcel number: 17-21-29511-0F00-2050 Zoning/FLU R-1AA/LDR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

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. View a site plan online 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.

Mildred Lipka
 1008 Oak Lane
 Apopka, Florida 32703

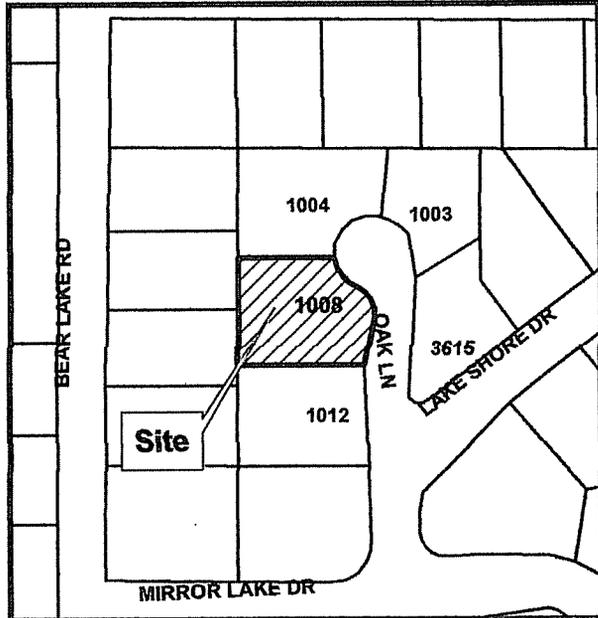


Seminole County Board of Adjustment
 February 25, 2008
 Case: BV2008-03 (Map 3154, Grid B7)
 Parcel No: 17-21-29-511-0E00-0050

Zoning

	BV2008-03		R-1		PCD
	R-1AA		OP		
	R-1A		PUD		

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 GAINESVILLE, FL 32771-1468 407-665-7506</p>																																																																																									
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-21-29-511-0E00-0050</p> <p>Owner: LIPKA ROBERT W JR & MILDRED J</p> <p>Mailing Address: 1008 OAK LN</p> <p>City, State, Zip Code: APOPKA FL 32703</p> <p>Property Address: 1008 OAK LN APOPKA 32703</p> <p>Subdivision Name: BEVERLY TERRACE DEDICATED AS MIRROR LAKE FIRST ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1995)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$187,792</p> <p>Depreciated EXFT Value: \$5,512</p> <p>Land Value (Market): \$38,200</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$231,504</p> <p>Assessed Value (SOH): \$138,623</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$113,623</p> <p>Tax Estimator</p> <p>Tax Reform Calculator</p>																																																																																							
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**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: ROBERT W. Lipka Jr
Address: 1008 Oak Ln, Hopoka, FL
Phone #: 407-862-2960

Name: MILDRED J Lipka
Address: 1008 Oak Ln, Hopoka, FL 32703
Phone #: 407-862-2960

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

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

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

Form #
Date

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. 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.

1-9-08
Date

Mildred D. Lipska
Owner, Agent, Applicant Signature

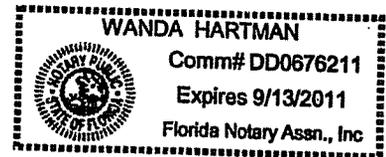
STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 9 day of January, 2008 by Mildred Lipska

Wanda Hartman
Signature of Notary Public

Wanda Hartman
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



For Use by Planning & Development Staff	
Date: _____	Application Number: _____

Form #
Date

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I MILDRED J LIPIKA, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) _____

LOT 5, BLUE, BEVERLY TERRACE
PB 11, Pg 50 SEMINOLE COUNTY FLORIDA

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
(circle one or more) from _____ to _____ and affirm that _____

_____ is hereby designated to act as my / our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request.

Mildred J Lipika
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become
part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 9 day of Jan, 2008.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to
take acknowledgments, personally appeared Mildred Lipika who is personally known to me or
who has produced _____ has identification and who executed the foregoing instrument and sworn
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 9 day of
Jan, 2008.

Wanda Hartman
Notary Public in and for the County and State
Aforementioned

My Commission Expires: 9-13-11



January 7, 2008

Seminole County Zoning Board

To Whom It May Concern:

This is a letter of support for the proposed alterations to the carport of the home of our neighbors, Bob and Mimi Lipka. As next door neighbors to the Lipkas, we feel that the variance needed to complete this project should be granted, as the new design will beautify their home as well as our street.

Please grant their variance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven R. Deviese and Lorene F. Deviese".

Steven R. Deviese and Lorene F. Deviese
1012 Oak Lane
Apopka, FL 32703
407-862-6862

January 4, 2004

Seminole County Zoning Board

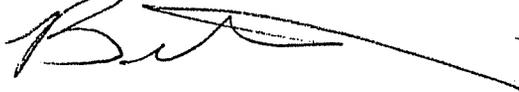
To Whom It May Concern:

I live at 1004 Oak Lane, next door to Bob and Mimi Lipka. I would like to make it known that I have seen the plans of the proposed remodeling of their carport and feel that any variance needed should be approved.

This project's added value to their home can only enhance the value of my home and our neighborhood.

Please grant their variance

Sincerely,

A handwritten signature in black ink, appearing to read 'Betty Llanio', with a long horizontal flourish extending to the right.

Betty Llanio
1004 Oak Lane
Apopka, FL 32703
407-862-9891

NANCY BROWN
1015 Oak Lane, Apopka, FL 32703

7 January 2008

ATTN: Zoning Board for Seminole County

In regard to the remodeling of the carport on the property of Bob and Mimi Lipka at 1008 Oak Lane and the need for a variance of the property line:

As a neighbor at 1015 Oak Lane, I have no objection to this. The proposed project would be a nice addition to their property as well as to the neighborhood and the required variance should be granted.

Sincerely

Nancy Brown

Nancy Brown

January 2, 2008

Seminole County Zoning Board

To Whom It May Concern:

We would like this to serve as a letter of support for the new proposed construction on the home of our neighbors, Bob and Mimi Lipka. As neighbors living across the street from their home, we feel that any variance needed to complete their project should be granted as any beautification that they do on their home will only bring added value to not only our street, but to the entire subdivision.

Please grant their variance.

Sincerely,

A handwritten signature in cursive script that reads "Richard Dana Laura Dana". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Richard and Laura Dana
1003 Oak Lane
Apopka, FL
407-644-8718

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 25, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 BLK E BEVERLY TERRACE DEDICATED AS MIRROR LAKE FIRST ADD
PB 11 PG 50

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

FINDINGS OF FACT

Property Owner: ROBERT W JR & MILDRED J LIPKA
1008 OAK LN
APOPKA FL 32703

Project Name: Oak Lane (1008)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 12 feet for a proposed attached carport in R-1AA (Single Family Dwelling District)

The Development Approval was sought to construct a replacement carport. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

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:

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On February 25, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 BLK E BEVERLY TERRACE DEDICATED AS MIRROR LAKE FIRST ADD
PB 11 PG 50

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

FINDINGS OF FACT

Property Owner: ROBERT W JR & MILDRED J LIPKA
1008 OAK LN
APOPKA FL 32703

Project Name: Oak Lane (1008)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 12 feet for a proposed attached carport 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: 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:
 - a. The variance granted will apply only to the carport 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:

Scale: 1"=20'

Found 1/2" Capped Iron Rod

LOT 6

N02°30'39"W

115.00'

Found 1/2" Iron Rod

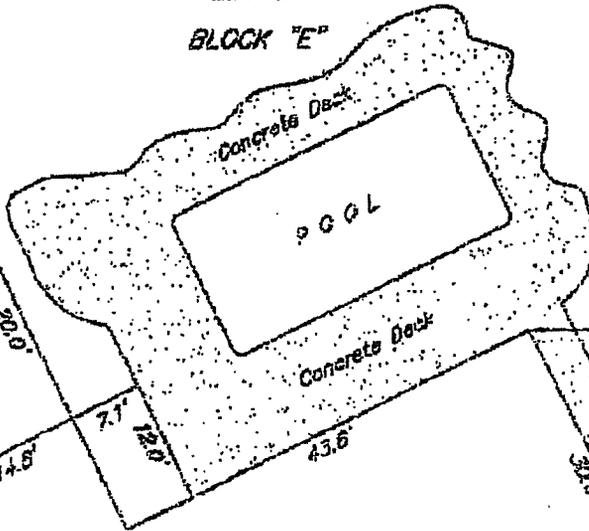
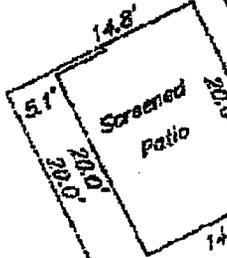
4' Chain Link Fence

LOT 5
BLOCK "E"

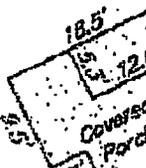
4' Chain Link Fence

4' Chain Link Fence

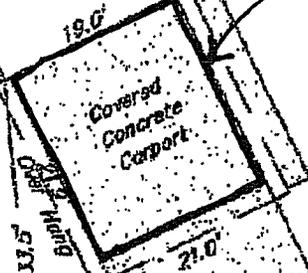
LOT 8



SINGLE STORY MASONRY RES. # 1008



SUBJECT CARPORT
21' x 20'



CURVE DATA:
RADIUS = 45.00'
DELTA = 72°55'52"
ARC = 57.28'
CHORD = 53.25'

Found 1/2" Iron Rod (No #)

CURVE DATA:
RADIUS = 20.00'
DELTA = 37°22'50"
ARC = 23.52'
CHORD = 22.15'

OAK LANE

Asphalt Pavement Width Varies

(30' Right of Way)

Set 5/8" Iron Rod

S07°40'24"E

55.04'

Found PK Nail No #