

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 3431 Australian Circle – Kenneth & Georgette Guthrie, Applicant:  
Request for a front yard setback variance from 25 feet to 18 feet for an  
attached carport in R-1A (Single-Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Darlene McGuire **EXT.** 7445

Agenda Date 03/24/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. Deny the request for a front yard setback variance from 25 feet to 18 feet for an attached carport in R-1A (Single-Family Dwelling); or
2. Approve the request for a front yard setback variance from 25 feet to 18 feet for an attached carport in R-1A (Single-Family Dwelling); or
3. Continue the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Kenneth & Georgette Guthrie Location: 3431 Australian Circle, Winter Park Zoning: R-1A (Single-Family Dwelling District) Subdivision: Eastbrook
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an attached carport to the front of the existing home which was built in 1962.</li> <li>• The proposed 18-foot by 20-foot (360 square feet) carport would encroach 7 feet into the required 25-foot front yard setback.</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> <li>• There is a building permit under review for this proposed carport.</li> </ul>

<b>STAFF FINDINGS</b>	<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"><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, structures or building in the same zoning district.</li><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>
<b>STAFF RECOMMENDATION</b>	<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 attached carport 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
- 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 # BV2008-13  
Meeting Date 3-24-08



# 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: Kenneth E. Guthrie & Georgette Guthrie

Address: 3431 AUSTRALIAN Cir. City: WINTER PARK Zip code: 32792

Project Address: SAME AS ABOVE City: SAME Zip code: SAME

Contact number(s): (407) 671-2309

Email address: \_\_\_\_\_

Is the property available for inspection without an appointment?  Yes  No

<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>will be attached metal roof CARPORT</u> <u>CARPORT 18'x20' 9 FT TALL</u>
<input type="checkbox"/> This request is for a structure that has already been built. <u>NO</u>		

RECEIVED FEB 04 2008

<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>18'</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:	
<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: Kenneth E. Guthrie

**FOR OFFICE USE ONLY**

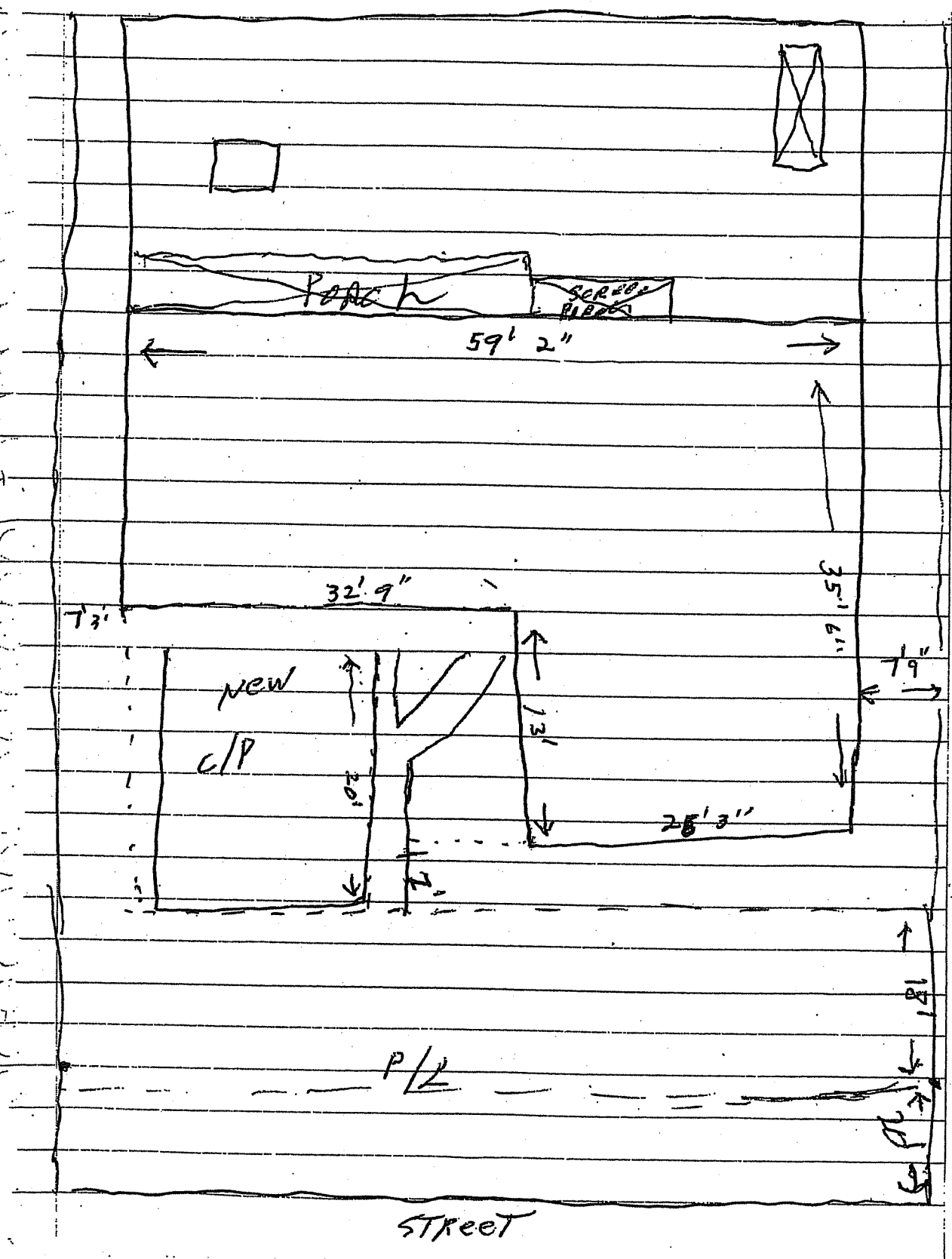
Date Submitted: 2-4-08 Reviewed By: Joy Williams  
 Tax parcel number: 34-21-30-503-1800-0130 Zoning/FLU R-1A/LDR  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)  
 Platted Lot (check easements as shown on lots, in notes or in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Application and checklist complete  
 Notes: Building Permit Application on File, may want to double check footages. Carport will be attached to main structure.

**VARIANCE SUBMITTAL CHECKLIST**

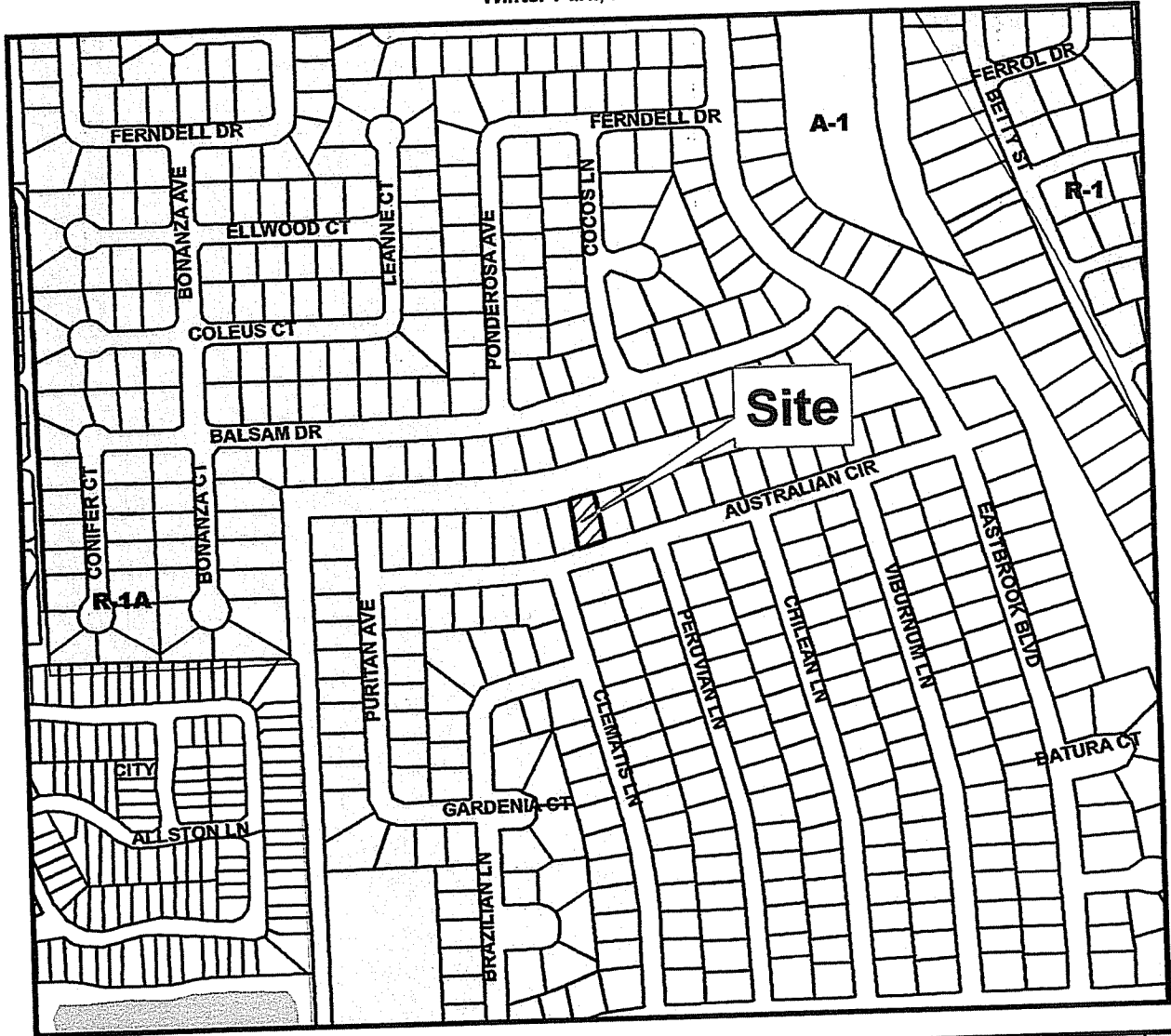
Please return this checklist with your application!

<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). 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>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<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 or addition (Label existing, label proposed, and include square footage and dimensions of each )
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<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 (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.









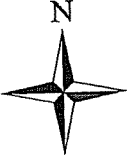
Kenneth & Georgette Guthrie  
3431 Australian Circle  
Winter Park, Florida 32792

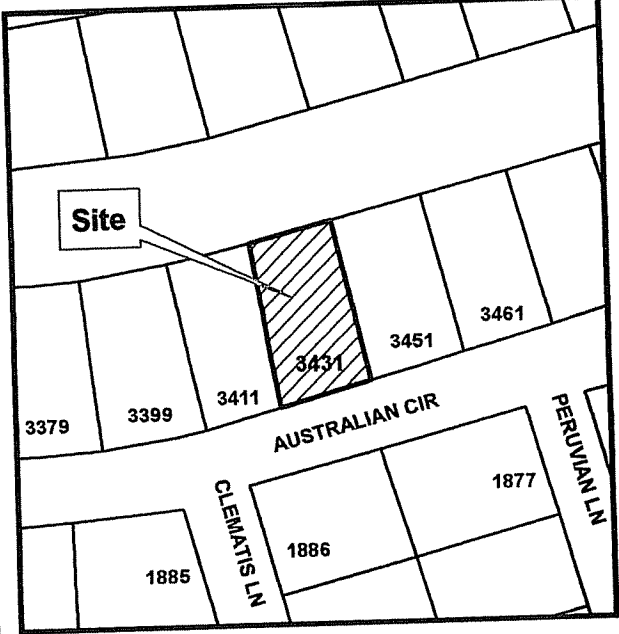


Seminole County Board of Adjustment  
March 24, 2008  
Case: BV2008-13 (Map 3210, Grid D6)  
Parcel No: 34-21-30-503-1800-0130

**Zoning**

-  BV2008-13
-  A-1
-  R-1A
-  R-1

N  






<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 407-666-7506</p>																						
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 34-21-30-503-1800-0130</p> <p>Owner: GUTHRIE KENNETH E &amp; GEORGETTE</p> <p>Mailing Address: 3431 AUSTRALIAN CIR</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 3431 AUSTRALIAN CIR WINTER PARK 32792</p> <p>Subdivision Name: EASTBROOK SUBD UNIT NO 06</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2008 WORKING VALUE SUMMARY</b></p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$152,130</p> <p>Depreciated EXFT Value: \$2,101</p> <p>Land Value (Market): \$37,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$191,231</p> <p>Assessed Value (SOH): \$79,727</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$54,727</p> <p>Tax Estimator</p> <p><a href="#">Portability Calculator</a></p>																				
<p style="text-align: center;"><b>SALES</b></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>QUIT CLAIM DEED</td> <td>11/2007</td> <td>06875</td> <td>1177</td> <td>\$38,800</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;"><a href="#">Find Comparable Sales within this Subdivision</a></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	11/2007	06875	1177	\$38,800	Improved	No	<p><b>2007 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$2,625</p> <p>2007 Tax Bill Amount: \$774</p> <p>Save Our Homes (SOH) Savings: \$1,851</p> <p>2007 Taxable Value: \$52,405</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>						
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem</p>																						

**SEMINOLE COUNTY DENIAL DEVELOPMENT  
ORDER**

On March 24, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 13 BLK 18  
EASTBROOK SUBD UNIT 6 PB 12 PG 88

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

**FINDINGS OF FACT**

**Property Owner:** Kenneth & Georgette Guthrie  
3431 Australian Circle  
Winter Park, Florida 32792

**Project Name:** Australian Circle (3431)

**Requested Development Approval:**

Request for a front yard setback variance from 25 feet to 18 feet for an attached carport in R-1A (Single-Family Dwelling District).

The Development Approval was sought to (example: bring into compliance the construction of an existing addition within the side yard setback). 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: Darlene McGuire, Technician  
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 March 24, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 13 BLK 18  
EASTBROOK SUBD UNIT 6 PB 12 PG 88

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

### FINDINGS OF FACT

**Property Owner:** Kenneth & Georgette Guthrie  
3431 Australian Circle  
Winter Park, Florida 32792

**Project Name:** Australian Circle (3431)

**Requested Development Approval:**

Request for a front yard setback variance from 25 feet to 18 feet for an attached carport in R-1A (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: Darlene McGuire, Technician  
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 attached 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:



Legal Description

Lot 13, Block 18, EASTWOODS SHADY-SIDE UNIT 6, according to the plat thereof, as recorded in Plat Book 12, Page 88, of the Public Records of Seminole County, Florida.

Community Number: 130289 Panel: 0210  
 Suffix: E.F.L.R.M. Date: 4/17/95 Flood Zone: X & A  
 Field Work: 9/1/00 Completed: 9/6/00

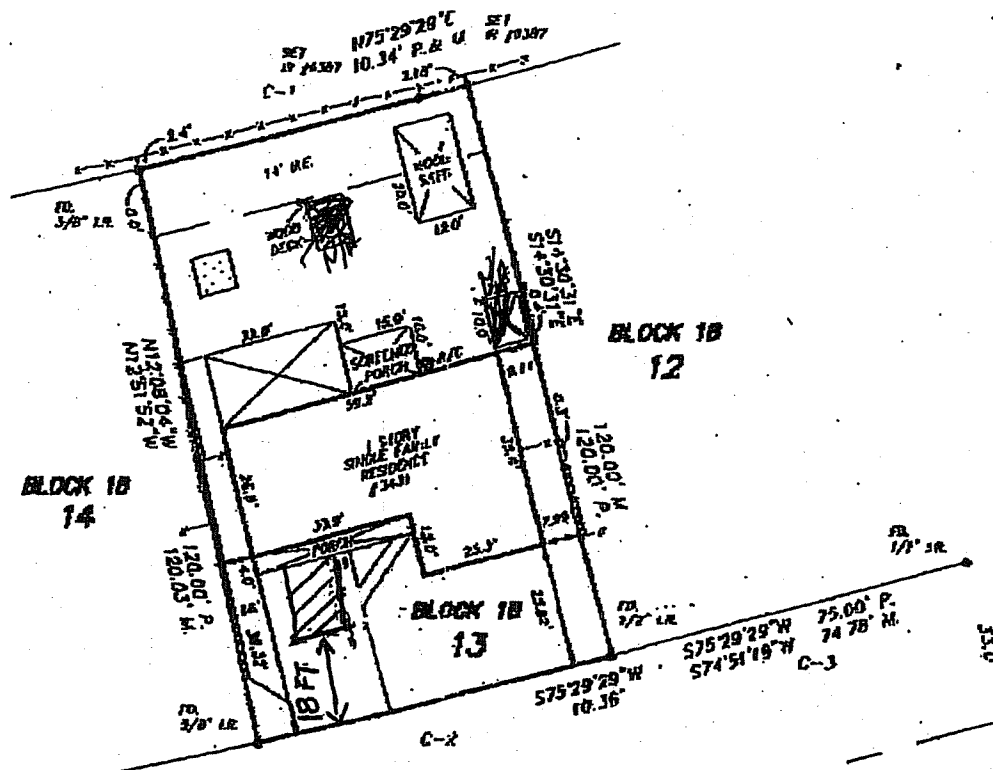
Certified To:  
 Kenneth E. Guthrie; Chelsea Title Company; American Pioneer Title Insurance Company; Independent Realty Capital Corporation, its successors and/or assigns.

Property Address:  
 3431 Australian Circle  
 Winter Park, Florida 32792

Survey Number: O-66404

Notes:

Accepted By:



C-1 (P.)	C-1 (M.)
Δ = 02°21'51"	Δ = 02°26'24"
R = 1461.68'	R = 1461.68'
L = 60.31'	L = 62.24'
C = 68.31'	C = 62.24' M.
CB = N76°41'01"E	CB = N76°03'11"E
C-2 (P.)	C-2 (M.)
Δ = 02°21'30"	Δ = 02°22'28"
R = 1501.68'	R = 1501.68'
L = 65.76'	L = 65.53'
C = 65.20'	C = 65.54'
CB = S76°40'50"W	CB = S76°02'10"W

Australian  
 BONCIANA CIRCLE  
 66' R/W

BORROWER

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