

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 1280 Cardinal Ct – Leroy Porter, applicant; Request for a rear yard setback variance from 30 feet to 5 feet for a shed in R-1A (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 4/28/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 30 feet to 5 feet for a shed in R-1A (Single Family Dwelling District); or
2. **Approve** the request for a rear yard setback variance from 30 feet to 5 feet for a shed in R-1A (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Leroy Porter Owner: Patricia Hackett Location: 1280 Cardinal Ct Zoning: R-1A (Single Family Dwelling District) Subdivision: Orange Villa Heights PB 12 PG 22
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 240 square foot shed that would encroach 25 feet into the required 30-foot rear yard setback.</li> <li>• The proposed 12-foot by 20-foot shed will be constructed from wood and will be used for the storage of garden and lawn equipment.</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>

Reviewed by: \_\_\_\_\_  
Co Atty: \_\_\_\_\_  
Pin Mgr: \_\_\_\_\_

<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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 20-foot by 12-foot (240 sq ft) shed 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 # BU 2008-25  
Meeting Date 4-24-08

JW



# COPY

## 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: LeRoy Porter  
Address: 1280 CARDINAL CT City: ALT. SPR. Zip code: 32714  
Project Address: 1280 CARDINAL CT City: ALT. SPR. Zip code: 32714  
Contact number(s): 321-3031179  
Email address: LPORTER@DOBETTERDEALS.COM SOMETHING-ELSE@CFLRR.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 checked="" type="checkbox"/> Shed	Please describe: <u>20x12 Shed</u>
<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 type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAR 03 2008

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>5'</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:	
<b>Use below for additional yard setback variance requests:</b>				
<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>				

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: LeRoy Porter

**FOR OFFICE USE ONLY**

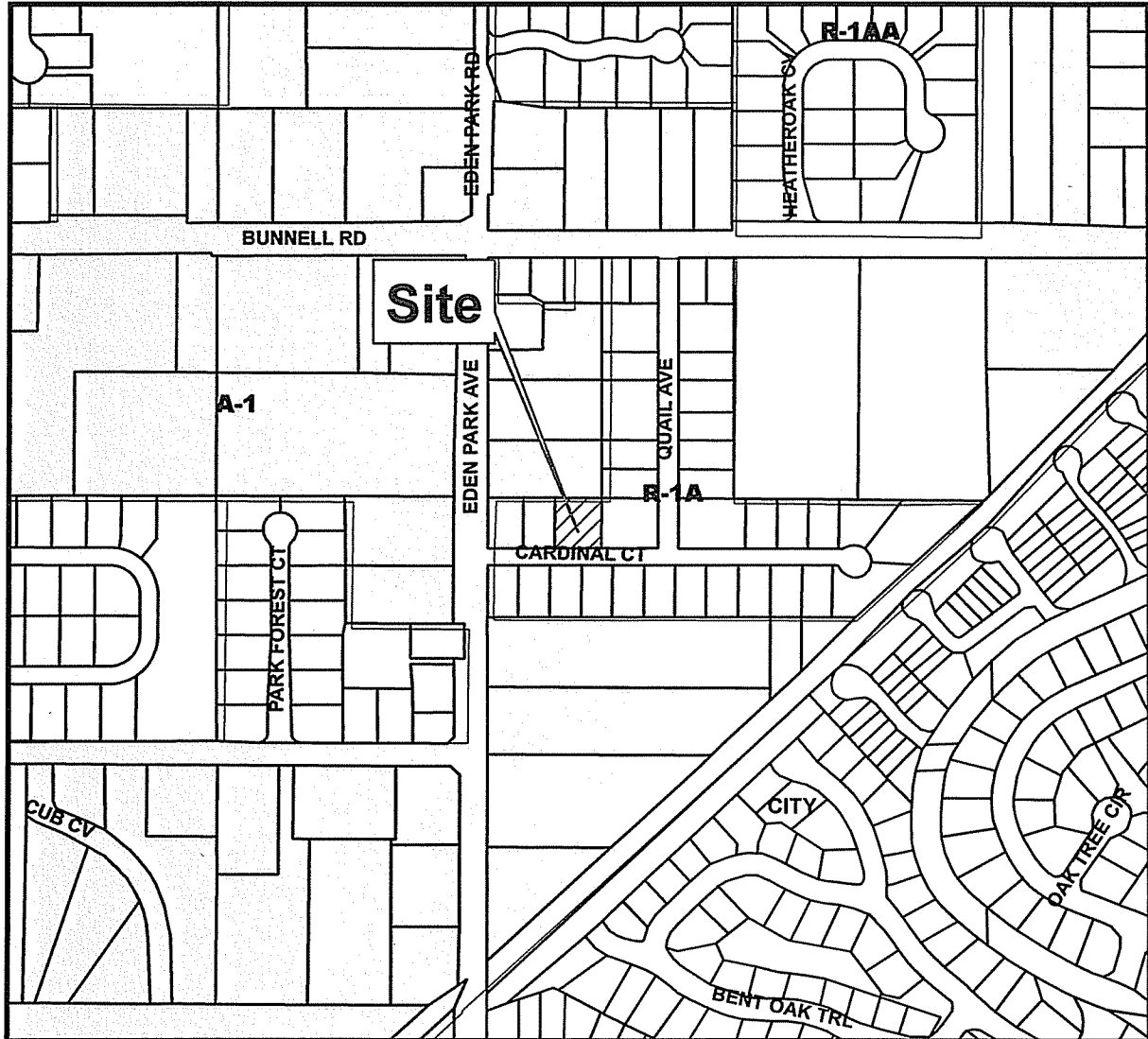
Date Submitted: 3-3-09 Reviewed By: P. Johnson  
 Tax parcel number: 20-21-29-503-0000-0190 Zoning/FLU R-1A/LOR  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)  
 Platted Lot (check easements as shown on lots, in notes or in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*





<p><i>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.</i></p>	
	1. Completed application.
	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>
	<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 <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.

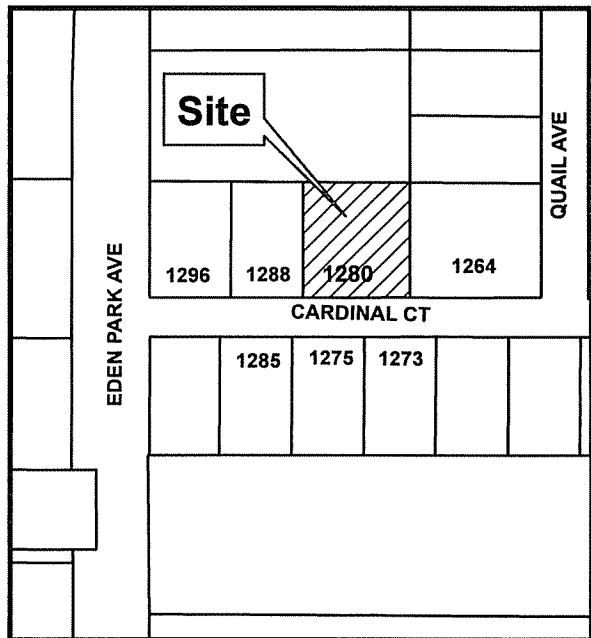
Leroy Porter  
1280 Cardinal Court  
Altamonte Springs, Florida 32714




Seminole County Board of Adjustment  
April 28, 2008  
Case: BV2008-25 (Map 3207, Grid C2)  
Parcel No: 20-21-29-503-0000-0190

**Zoning**

-  BV2008-25
-  A-1
-  R-1AA
-  R-1A



<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508	EDEN PARK AVE 71.C 71.A 18	83.A	5.0	13						
		63	6	14						
		83.0	7	15						
			8	16						
		17	18	19	20.0	21	22	23	24	
		CARDINAL CT								
		40	39	38	37	36	35	34	33	32
		72.A								



**GENERAL**

Parcel Id: 20-21-29-503-0000-0190  
 Owner: HACKETT PATRICIA F  
 Mailing Address: 1280 CARDINAL CT  
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32714  
 Property Address: 1280 CARDINAL CT ALTAMONTE SPRINGS 32714  
 Subdivision Name: ORANGE VILLA HEIGHTS  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1994)  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**  
 Amendment 1 impact not reflected.

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$168,121
Depreciated EXFT Value:	\$0
Land Value (Market):	\$87,500
Land Value Ag:	\$0
Just/Market Value:	\$255,621
Assessed Value (SOH):	\$103,928
Exempt Value:	\$25,000
Taxable Value:	\$78,928

[Tax Estimator](#)  
[Portability Calculator](#)

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	03/1998	03404	1651	\$100	Improved	No
QUIT CLAIM DEED	10/1986	01792	1903	\$100	Improved	No
WARRANTY DEED	06/1984	01556	0956	\$72,000	Improved	No
QUIT CLAIM DEED	11/1980	01307	0128	\$100	Improved	No
WARRANTY DEED	01/1971	01042	1950	\$1,700	Vacant	No

[Find Comparable Sales within this Subdivision](#)

**2007 VALUE SUMMARY**

Tax Amount(without SOH):	\$3,654
<b>2007 Tax Bill Amount:</b>	\$1,121
<b>Save Our Homes (SOH) Savings:</b>	\$2,533
<b>2007 Taxable Value:</b>	\$75,901

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.750	50,000.00	\$87,500

**LEGAL DESCRIPTION**

PLATS:

ALL LOT 19 & W 40 FT OF LOT 20 ORANGE VILLA HEIGHTS PB 12 PG 22

**BUILDING INFORMATION**

Building Sketch	Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
	1	SINGLE FAMILY	1974	6	1,528	2,847	1,867	CONC BLOCK	\$168,121	\$198,960
		Appendage / Sqft	SCREEN PORCH FINISHED / 330							
		Appendage / Sqft	BASE SEMI FINISHED / 339							
		Appendage / Sqft	DETACHED GARAGE FINISHED / 650							

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

**Permits**

**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 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 PATRICIA F HACKETT, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s))  
20-21-29-503-0000-0190

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 \_\_\_\_\_

LEROY PORTER 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.

Patricia F. Hackett  
Owner's Signature

Patricia F. Hackett  
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.

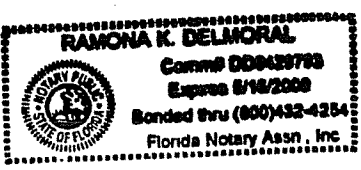
SWORN TO AND SUBSCRIBED before me this 3<sup>rd</sup> day of MAR, 2008.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to  
take acknowledgments, personally appeared PATRICIA F. HACKETT who is personally known to me  
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 3<sup>rd</sup> day of  
MARCH, 2008.

Ramona K. DelMoral  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: 5/16/09





**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: <u>PATRICIA F HACKETT</u>	Name: _____
Address: <u>1280 CARDINAL CT</u>	Address: _____
Phone #: <u>407-718-7791</u>	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	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: _____	
Trustees: _____	Beneficiaries: _____
Address: _____	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 rezoning, 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.

3-3-08  
Date

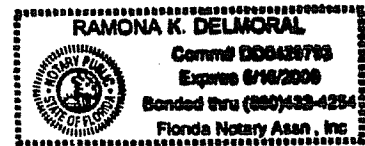
Leroy Porter  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 3<sup>rd</sup> day of MARCH, 2008 by LEROY PORTER

Ramona K DelMoral RAMONA K DELMORAL  
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Personally Known X OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

ALL LOT 19 & W 40 FT OF LOT 20  
ORANGE VILLA HEIGHTS PB 12 PG 22

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

### FINDINGS OF FACT

**Property Owner:** Patricia Hackett  
1280 Cardinal Ct  
Altamonte Springs, FL 32714

**Project Name:** Cardinal Court (1280)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 5 feet for a shed in R-1A  
(Single Family Dwelling District).

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Joy Williams, 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 20-foot by 12-foot (240 sq ft) shed 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 )**

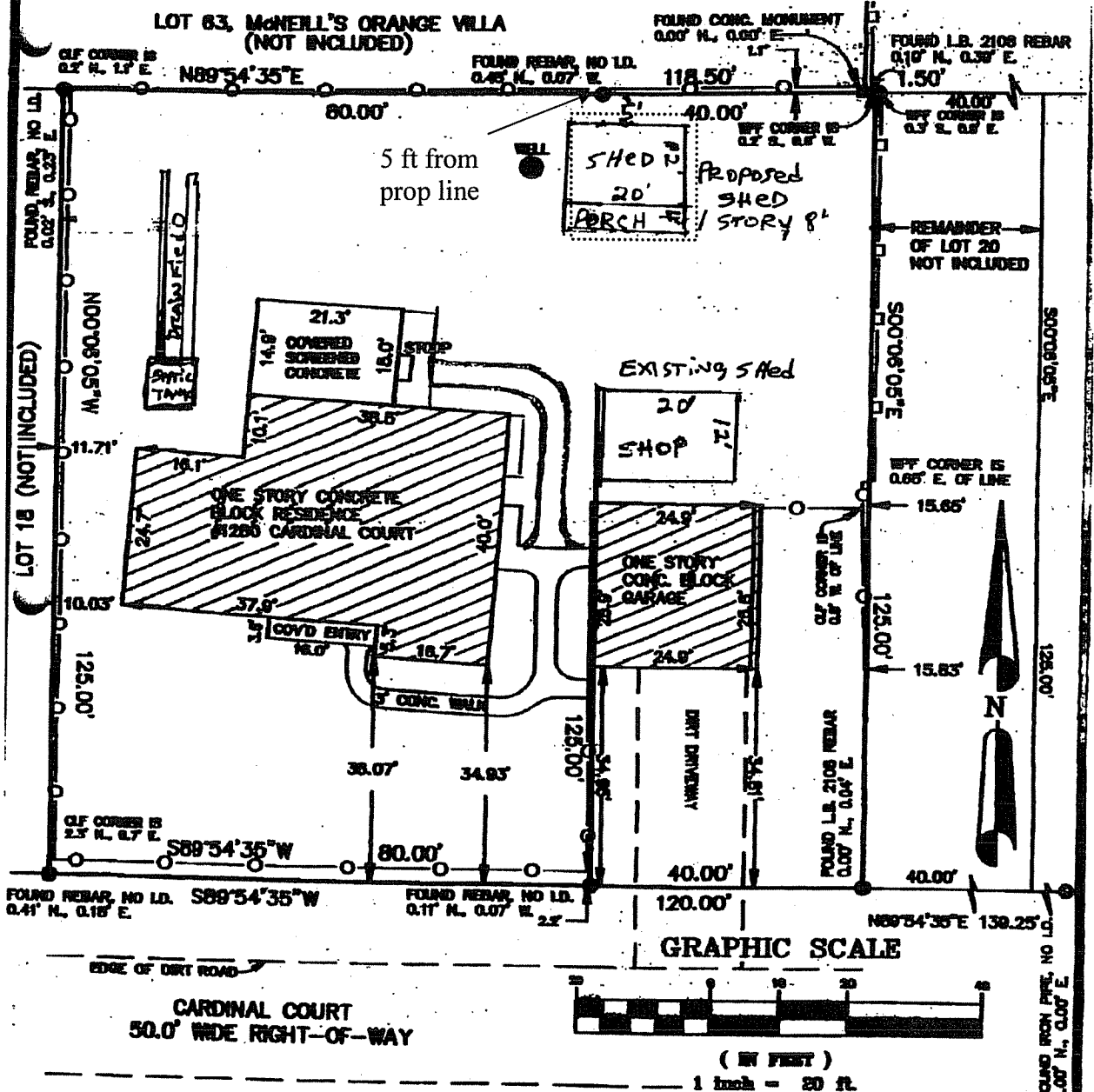
**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**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: BOUNDARY & LOCATION SURVEY**  
 LOT 19 AND THE WEST 40 FEET OF LOT 20, ORANGE VILLA HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 22 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



**SURVEYOR'S NOTES:**  
 BEARINGS AS SHOWN HEREON ARE BASED ON THE 4TH LINE OF CARDINAL CT. HAVING AN ASSUMED BEARING OF  $N89^{\circ}54'35''E$ .

**FLOOD CERTIFICATION:**  
 HAVING EXAMINED THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS THE OPINION OF THIS SURVEYOR THAT THE AREA SHOWN HEREON IS NOT IN A FLOOD HAZARD ZONE.

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

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

ALL LOT 19 & W 40 FT OF LOT 20  
ORANGE VILLA HEIGHTS PB 12 PG 22

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

**FINDINGS OF FACT**

**Property Owner:** Patricia Hackett  
1280 Cardinal Ct  
Altamonte Springs, Fl 32714

**Project Name:** Cardinal Court (1280)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 5 feet for a shed in R-1A (Single Family Dwelling District).

The Development Approval was sought to permit the construction of a 12-foot by 20-foot shed that would encroach into the rear yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

**ORDER**

The requested development approval is hereby denied.

Prepared by: Joy Williams, 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: