

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Adams Court (Lot 3 & 4, Blk B) – Request for a side yard (east) setback variance from 10 feet to 5 feet for a proposed garage addition in R-1AA (Single Family Dwelling) district.

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 6/23/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a side yard (east) setback variance from 10 feet to 5 feet for a proposed garage addition in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a side yard (east) setback variance from 10 feet to 5 feet for a proposed garage addition in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Location: Adams Court (Lot 3 & 4, Blk B) Zoning: R-1AA (Single Family Dwelling) Subdivision: Sanlando Springs
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an attached two car garage, approximately 22' x 35', that will encroach 5 feet into the required 10-foot side setback. • In 1985 a variance was granted for the placement of a shed. • There are currently no code enforcement or building violations for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <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,

Reviewed by:
Co Atty: KFT
Pln Mgr: AS

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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.
<p>STAFF RECOMMENDATION</p>	<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">• Any variance granted shall apply only to the garage 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 # BV 2008-51
Meeting Date 10-23-08

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: _____
Address: Adams Street (LOT 394) City: Longwood Zip code: 32750
Project Address: Adams Street City: Longwood Zip code: 32750
Contact number(s): 407-973-0724 -or- 407-973-0690 -or- 407-339-1357
Email address: _____

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>Attached Garage</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.	

RECEIVED APR 25 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 type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	<u>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 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: 4-25-09 Reviewed By: F. Johnson
 Tax parcel number: 01-21-29-5CK-310B-0030 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). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 1/2 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.
	<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.

April 24, 2008

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

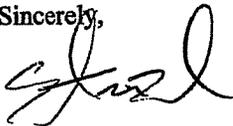
To Whom It May Concern:

My wife and I are requesting a variance on our side yard setback in order to build an attached two car garage. The current side yard setback for our property is ten feet. We are requesting a proposed setback of five feet. We believe this request is necessary for the following reasons:

- Under existing setback requirements, we would not have the space to build an attached two car garage. Most houses in our neighborhood have two car garages.
- We have considered alternative plans under the current requirements with undesirable results. The plans would require the garage to be detached from our house and our existing well would have to be relocated. Allowing the variance would enable us to attach the garage to the house for greater safety and convenience. It would also save us the substantial cost of having to drill for a new well.
- An attached garage would be consistent with the look and design of surrounding homes and add considerable value to our home. Our home's current market value is lower when compared to surrounding homes because it does not have a garage.
- We are asking for the minimum variance in order to build the garage. If the variance is granted, it would allow us to build a garage 21'-4" in width. It is our opinion that this is a reasonable dimension when compared to other two car garages in our neighborhood.
- We have discussed our plan for this garage with the neighbor who shares the property line on our side yard. She has kindly signed her name on a prepared letter stating she has no objection to our request (please see attached letter).

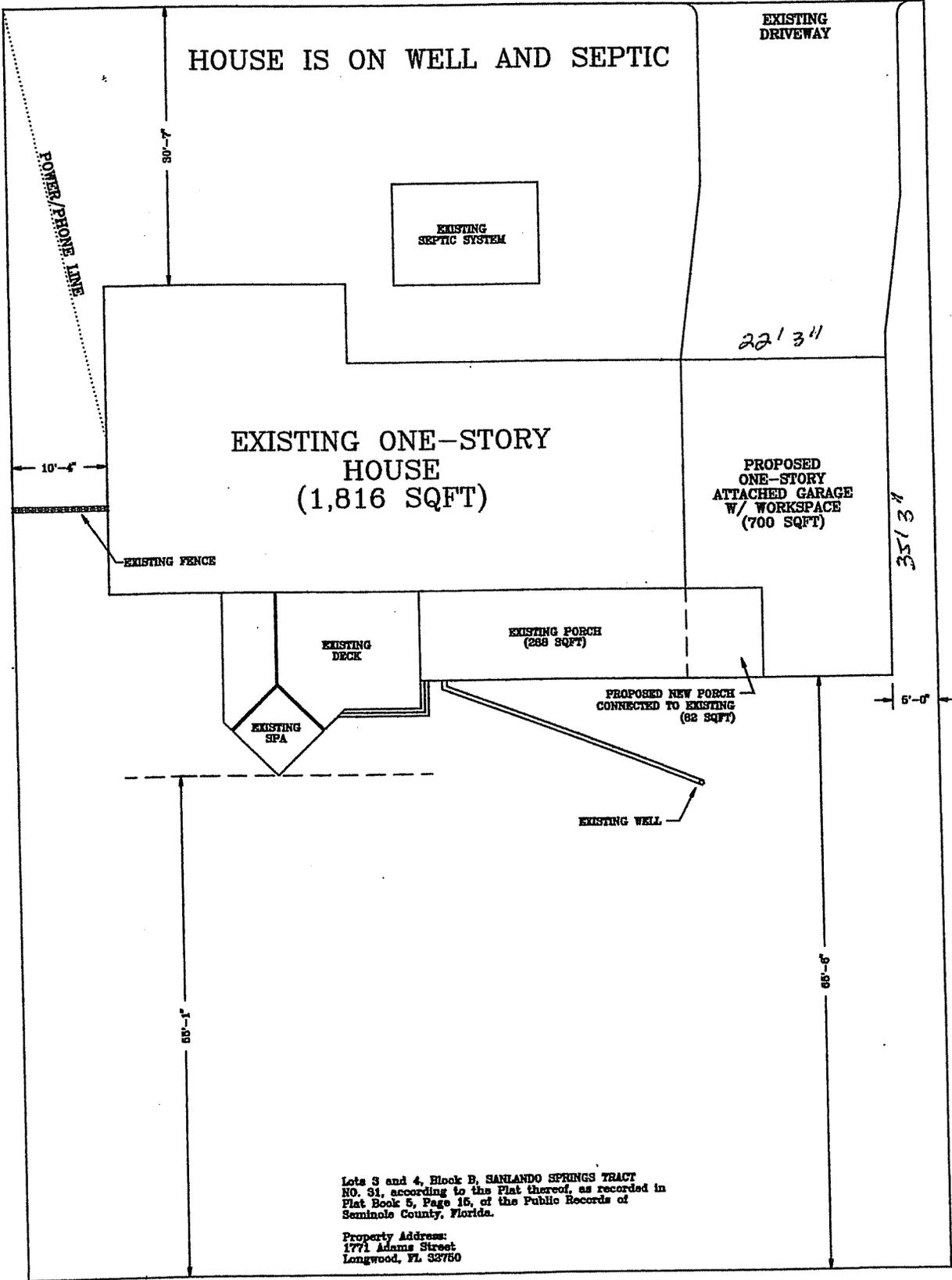
Thank you for your consideration in the matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. J. ...', written over the word 'Sincerely,'.

← ADAMS STREET →

140'

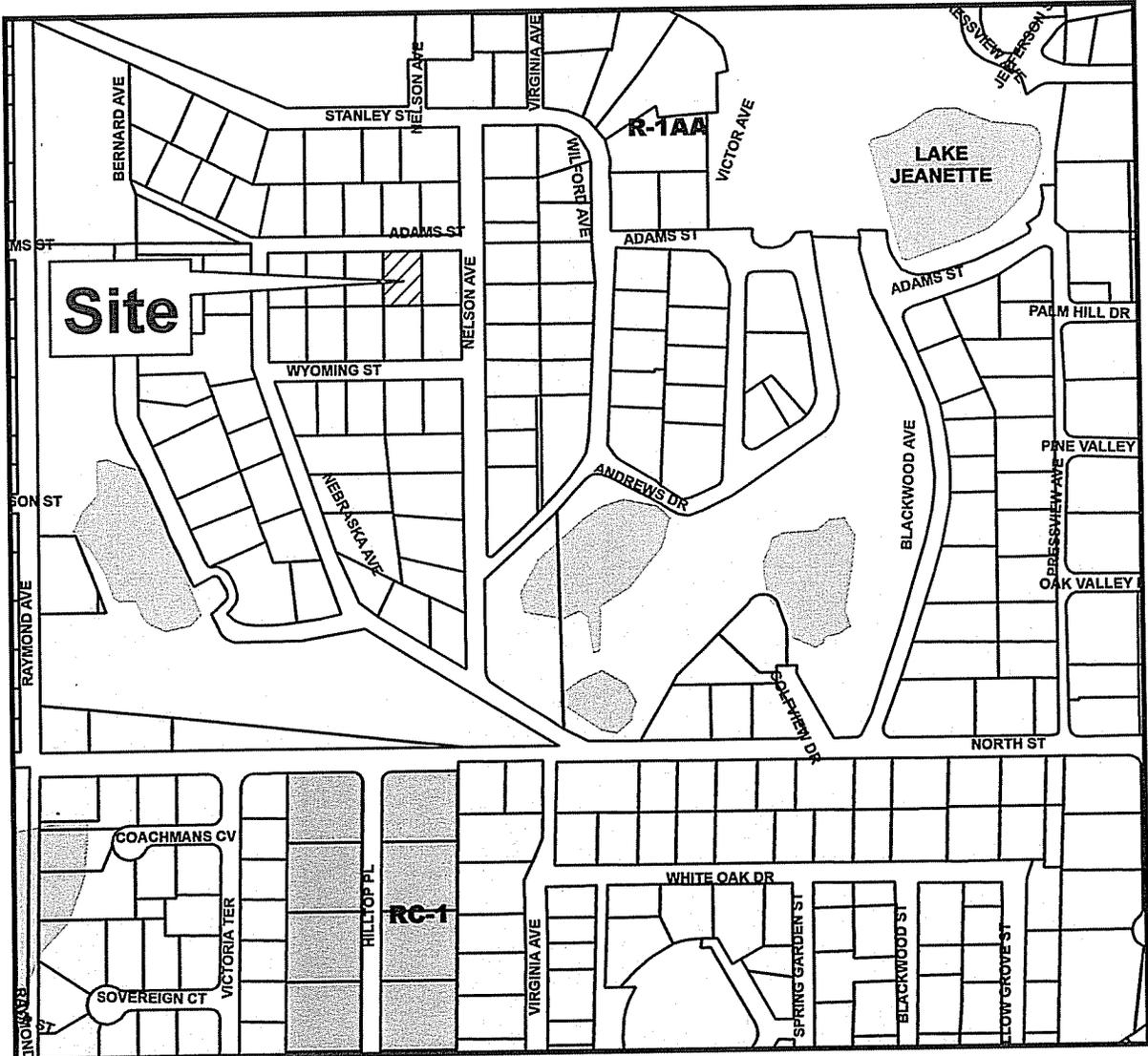


Lots 3 and 4, Block B, SANLANDO SPRINGS TRACT NO. 31, according to the Plat thereof, as recorded in Plat Book 5, Page 16, of the Public Records of Seminole County, Florida.

Property Address:
1771 Adams Street
Longwood, FL 32750

100'

LEG LOTS 3 + 4 BLK B TRACT 31
 SANLANDO SPRINGS PB 5 PG 15

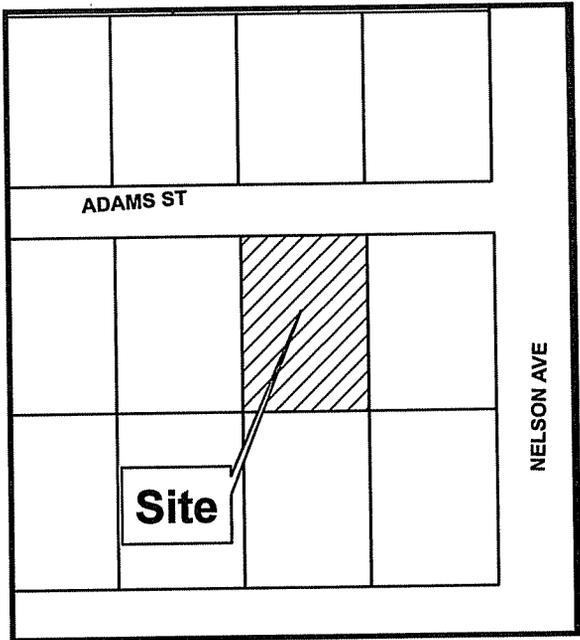


Seminole County Board of Adjustment
 June 23, 2008
 Case: BV2008-51 (Map 3155, Grid E3)
 Parcel No:01-21-29-5CK-310B-0030

Zoning

-  BV2008-51
-  RC-1
-  R-1AA

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 SANFORD, FL 32771-1468 407-665-7506</p>	<p>MAPPING DISABLED</p>	<p>MAPPING DISABLED</p>																					
<p>GENERAL</p> <p>Parcel Id: 01-21-29-5CK-310B-0030</p> <p>Owner: CONFIDENTIAL PER STATUTES</p> <p>Own/Addr: 119.071</p> <p>Mailing Address: 1101 E 1ST ST</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address:</p> <p>Subdivision Name: SANLANDO SPRINGS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2002)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$126,944</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$82,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$208,944</p> <p>Assessed Value (SOH): \$138,428</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$113,428</p> <p>Tax Estimator</p> <p>Portability Calculator</p>																						
<p>SALES</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>02/2001</td> <td>04010</td> <td>1626</td> <td>\$125,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p><u>Find Comparable Sales within this Subdivision</u></p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2001	04010	1626	\$125,000	Improved	Yes	<p>2007 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,847</p> <p>2007 Tax Bill Amount: \$1,616</p> <p>Save Our Homes (SOH) Savings: \$1,231</p> <p>2007 Taxable Value: \$109,396</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>								
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
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<p>LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>82,000.00</td> <td>\$82,000</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	82,000.00	\$82,000	<p>LEGAL DESCRIPTION</p> <p>LEG LOTS 3 + 4 BLK B TRACT 31 SANLANDO SPRINGS PB 5 PG 15</p>										
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Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New														
1	SINGLE FAMILY	1972	6	1,784	2,300	1,784	CONC BLOCK	\$126,944	\$152,944														
<p>Permits</p>																							
<p>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.</p>																							

April 24, 2008

Ms. Susan Hudson
1761 Adams Street
Longwood, FL 32750

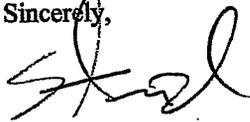
Dear Ms. Hudson:

My wife and I are applying with the Seminole County Planning Division for a variance in our side yard setback. Current zoning regulations require a minimum setback of 10 feet for our side yard. We are proposing to the county a plan that would require a change of this to 5 feet. A hearing on the matter before the Seminole County Board of Commissioners has been set.

We are planning to build an attached garage that will be connected to our existing house. My wife and I have been discussing this addition for some time and have explored a variety of options. We believe this plan will be the most attractive option with minimal intrusion onto our neighbor's property.

Your input on the matter is of interest with the county. We would greatly appreciate your assistance by signing your name below stating that you do not have an objection to the proposed change in the setback.

Sincerely,



I have no objection to the proposal that would change the side yard setback at 1771 Adams Street from 10 feet to 5 feet.

Ms. Susan Hudson

Date

Steve

 4/24/08

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lots 3 + 4 Blk B Tract 31 Sanlando Springs PB 5 PG 15

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

FINDINGS OF FACT

Project Name: Adams Court (Lot 3 & 4, Blk B)

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 5 feet for a proposed garage addition in R-1AA (Single Family Dwelling) district.

The Development Approval was sought to construct a garage addition within the side 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.

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 June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lots 3 + 4 Blk B Tract 31 Sanlando Springs PB 5 PG 15

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

FINDINGS OF FACT

Project Name: Adams Court (Lot 3 & 4, Blk B)

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 5 feet for a proposed garage addition in R-1AA (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: 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 garage 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:

