

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1811 Beacon Drive – Michael Gallagher, applicant; Request for a front yard setback variance from 25 feet to 10 feet for an addition to an existing garage in R-1AA (Single Family Dwelling) district.

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

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

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

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 25 feet to 10 feet for an addition to an existing garage in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a front yard setback variance from 25 feet to 10 feet for an addition to an existing garage in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

| | |
|-----------------------------|--|
| GENERAL INFORMATION | Applicant: Michael Gallagher Location: 1811 Beacon Drive Zoning: R-1AA (Single Family Dwelling) Subdivision: St Johns River Estates |
| BACKGROUND / REQUEST | <ul style="list-style-type: none"> • The applicant proposes to construct a 690 square foot garage addition that would encroach 15 feet into the required 25-foot front yard setback. • There are currently no code enforcement or building violations for this property. • On May 19, 2008, the applicant was granted a rear and side yard variance for a pool and pool screen enclosure. |
| 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 |

Reviewed by: KFF
Co Atty: _____
Pln Mgr: _____

| | |
|--|---|
| | <p>and which are not applicable to other lands, 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 addition 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 2008-56
Meeting Date 6-23-08

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: Michael & Patricia Gallagher
Address: 1811 Beacon Dr. City: Sanford Zip code: 32771
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 324-4255 hm. (321) 262-4604 Michael cell
Email address: _____

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

| What type of structure is this request for? | |
|---|---|
| <input type="checkbox"/> Shed | 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>Addition to existing GARAGE</u> |
| <input type="checkbox"/> This request is for a structure that has already been built. | |

RECEIVED MAY 05 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 checked="" type="checkbox"/> Front yard setback | Required setback: | <u>25 ft.</u> | Proposed setback: | <u>10 ft</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 <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] 5/5/08

FOR OFFICE USE ONLY

Date Submitted: 5-5-08

Reviewed By: P. Johnson

Tax parcel number: 17-19-30-501-0300-0020 Zoning/FLU R-1AA/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: _____

Boundary Survey for Michael P. Gallagher

Lot 2, Block B,
ST. JOHNS RIVER ESTATES
Plat Book 13, Page 54,
Seminole County, Florida

SITE PLAN

Lot 19
Block B

Approved Rear
Yard variance
from 25 ft to 3 ft

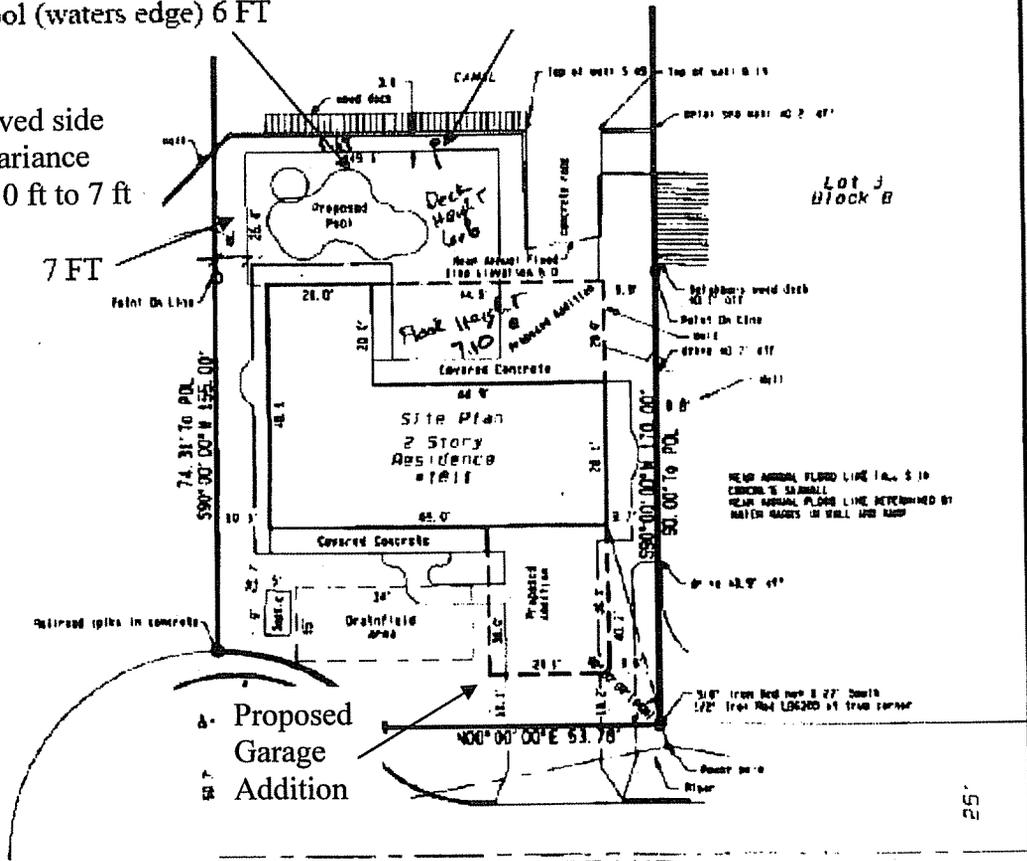
S00°00'00"E 85.01'

Approved Rear
Yard variance
from 30 ft to 6 ft
Pool (waters edge) 6 FT

Pool Screen
Enclosure 3 FT

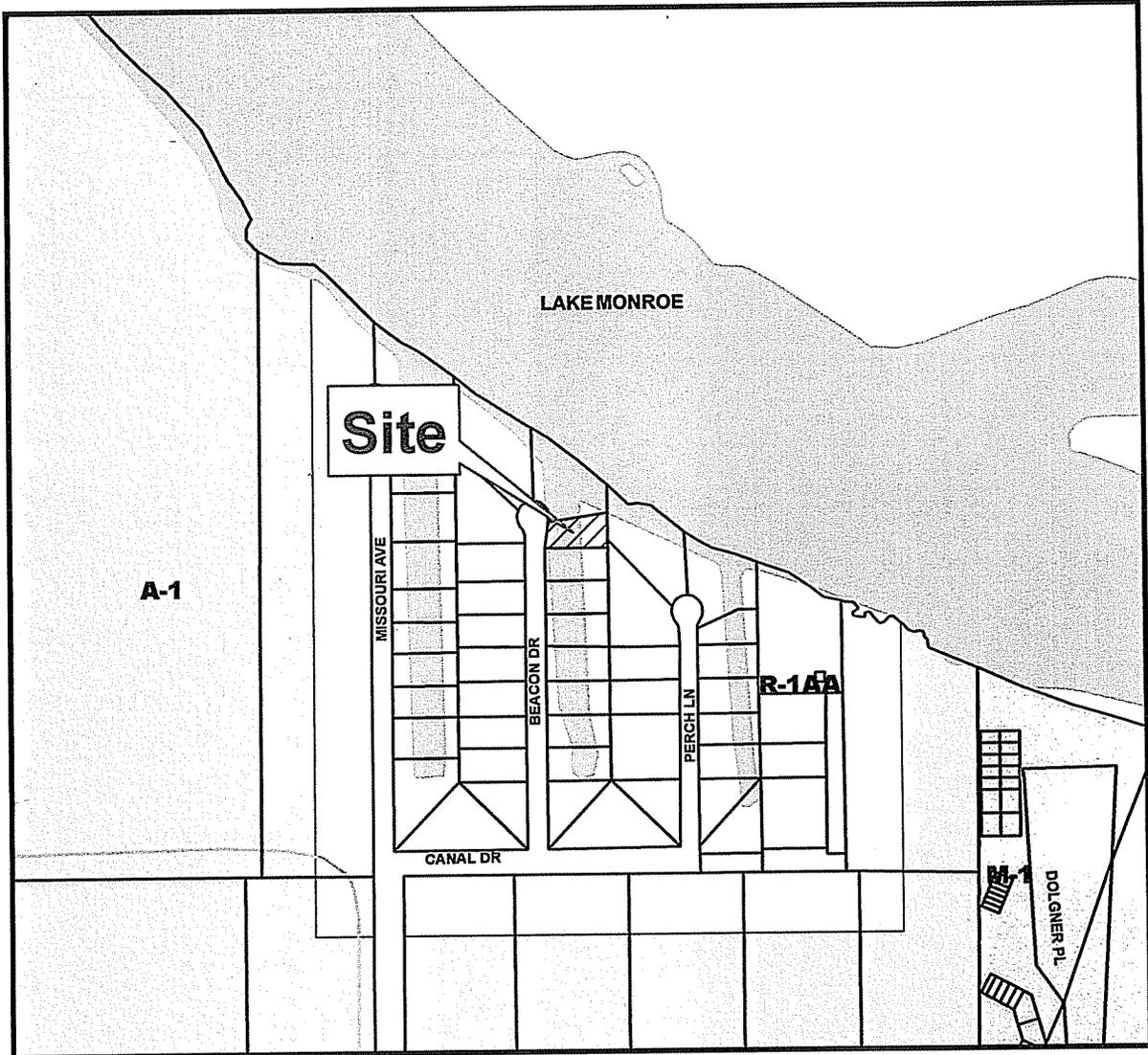
Approved side
yard variance
from 10 ft to 7 ft

7 FT



BEACON DRIVE

Michael and Patricia Gallagher
1811 Beacon Drive
Sanford, Florida 32771



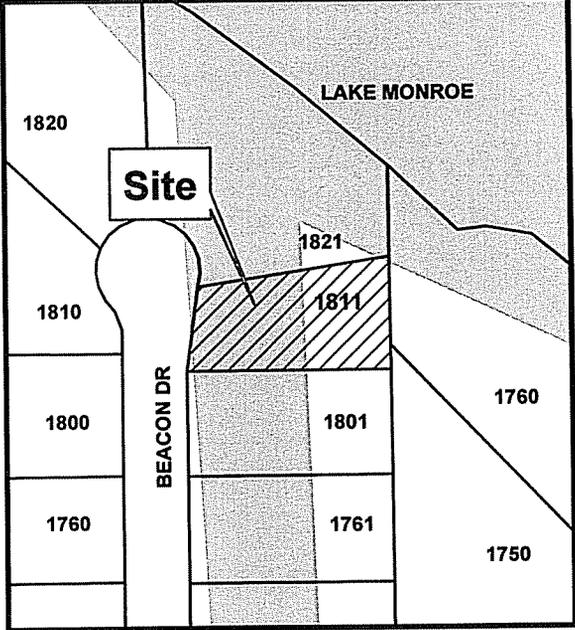
Seminole County Board of Adjustment
June 23, 2008
Case: BV2008-56 (Map 2999, Grid E4)
Parcel No:17-19-30-501-0B00-0020

Zoning

-  BV2008-56
-  A-1
-  R-1AA
-  M-1



A north arrow pointing upwards, with the letter 'N' above it.



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

GENERAL

Parcel Id: 17-19-30-501-0B00-0020
 Owner: GALLAGHER MICHAEL P & PATRICIA
 Mailing Address: 1811 BEACON DR
 City,State,ZipCode: SANFORD FL 32771
 Property Address: 1811 BEACON DR SANFORD 32771
 Subdivision Name: ST JOHNS RIVER ESTATES
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (1997)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$311,336
 Depreciated EXFT Value: \$3,576
 Land Value (Market): \$112,200
 Land Value Ag: \$0
 Just/Market Value: \$427,112
 Assessed Value (SOH): \$266,230
 Exempt Value: \$25,000
 Taxable Value: \$241,230

Tax Estimator
Portability Calculator

SALES

| Deed | Date | Book Page | Amount | Vac/Imp | Qualified |
|-----------------|---------|------------|-----------|----------|-----------|
| WARRANTY DEED | 01/2000 | 03795 0591 | \$100 | Improved | No |
| WARRANTY DEED | 05/1994 | 02779 0275 | \$155,500 | Improved | Yes |
| QUIT CLAIM DEED | 05/1991 | 02305 0988 | \$100 | Improved | No |
| WARRANTY DEED | 01/1977 | 01113 0517 | \$48,900 | Improved | Yes |
| WARRANTY DEED | 01/1973 | 00965 0108 | \$9,000 | Vacant | No |

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

Tax Amount(without SOH): \$6,197
 2007 Tax Bill Amount: \$3,448
 Save Our Homes (SOH) Savings: \$2,749
 2007 Taxable Value: \$233,476
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value |
|--------------------|----------|-------|------------|------------|------------|
| FRONT FOOT & DEPTH | 85 | 113 | .000 | 1,500.00 | \$112,200 |

LEGAL DESCRIPTION

PLATS:

LEG LOT 2 BLK B ST JOHNS RIVER ESTATES
 PB 13 PG 54

BUILDING INFORMATION

| Building Sketch | Bld Num | Bld Type | Year Blt | Fixtures | Base SF | Gross SF | Living SF | Ext Wall | Bld Value | Est. Cost New |
|------------------|---------|---------------|-----------------------------|----------|---------|----------|-----------|------------------|-----------|---------------|
| | 1 | SINGLE FAMILY | 1976 | 11 | 1,204 | 4,630 | 3,284 | CB/STUCCO FINISH | \$311,336 | \$332,980 |
| Appendage / Sqft | | | BASE / 400 | | | | | | | |
| Appendage / Sqft | | | OPEN PORCH FINISHED / 205 | | | | | | | |
| Appendage / Sqft | | | CARPORT FINISHED / 400 | | | | | | | |
| Appendage / Sqft | | | GARAGE FINISHED / 616 | | | | | | | |
| Appendage / Sqft | | | OPEN PORCH FINISHED / 125 | | | | | | | |
| Appendage / Sqft | | | UPPER STORY FINISHED / 1680 | | | | | | | |

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

Permits

EXTRA FEATURE

| Description | Year Blt | Units | EXFT Value | Est. Cost New |
|-------------|----------|-------|------------|---------------|
| SEAWALL | 1995 | 760 | \$3,576 | \$4,560 |

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
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: Michael P Gallagher
Address: 1811 Beacon Dr
Phone #: 907-324-4255

Name: Patricia A Gallagher
Address: 1811 Beacon Dr
Phone #: 907-324-4255

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.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

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.

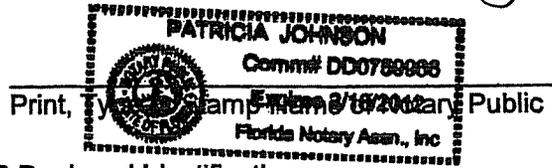
5/5/08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 5th day of MAY, 2008 by Michael

Gallagher
Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification ✓
Type of Identification Produced 6426-155-54-301-0

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

**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:

LOT 2 BLK B
ST JOHNS RIVER ESTATES PB 13 PG 54

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

FINDINGS OF FACT

Property Owner: Michael & Patricia Gallagher
1811 Beacon Dr
Sanford, FL 32771

Project Name: Beacon Drive (1811)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 10 feet for an addition to an existing garage in R-1AA (Single Family Dwelling) district.

The Development Approval was sought to permit an addition to encroach within the front 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: 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:

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:

LOT 2 BLK B
ST JOHNS RIVER ESTATES PB 13 PG 54

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

FINDINGS OF FACT

Property Owner: Michael & Patricia Gallagher
1811 Beacon Dr
Sanford, FL 32771

Project Name: Beacon Drive (1811)

Requested Development Approval:

Request for a front yard setback variance from 25 feet to 10 feet for an addition to an existing garage 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: 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 front 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

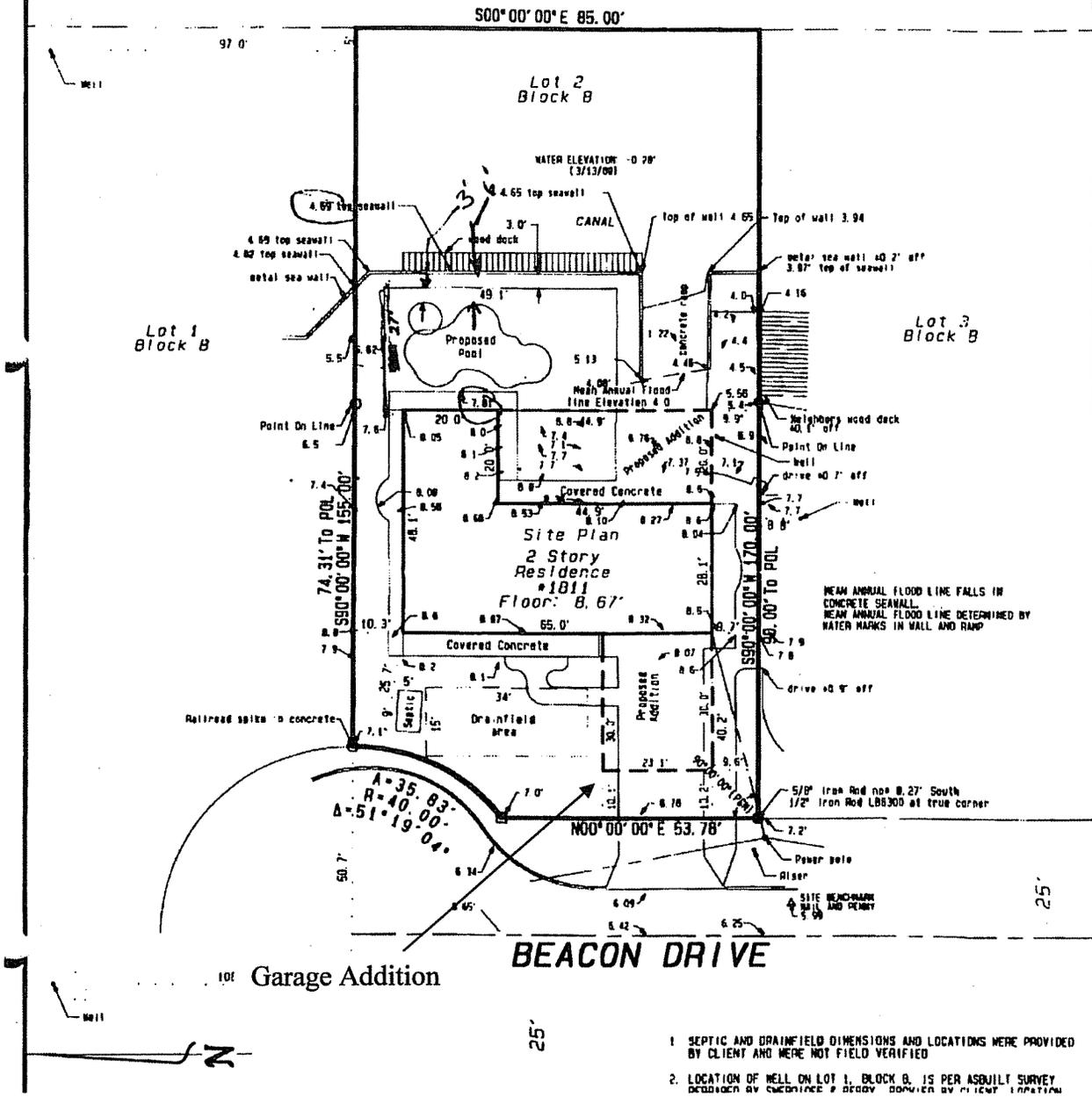
My Commission Expires:

Topographic Survey for Michael P. Gallagher

Lot 2, Block B,
ST. JOHNS RIVER ESTATES
Plat Book 13, Page 54,
Sealnoie County, Florida

SITE PLAN

Lot 19
Block B



1. SEPTIC AND DRAINFIELD DIMENSIONS AND LOCATIONS WERE PROVIDED BY CLIENT AND WERE NOT FIELD VERIFIED
2. LOCATION OF WELL ON LOT 1, BLOCK B, IS PER ASBUILT SURVEY PROVIDED BY CUBRICE & BERRY, PROVIDED BY CLIENT INFORMATION