

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 401 Kimberly Court – Aaron & Brandy Carter, applicants; Request for a rear yard setback variance from 30 feet to 14 feet for a proposed boat enclosure in R-1AAA (Single Family Dwelling) district.

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

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

Agenda Date 10/27/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 14 feet for a proposed boat enclosure in R-1AAA (Single Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 14 feet for a proposed boat enclosure in R-1AAA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Aaron & Brandy Carter Location: 401 Kimberly Ct Zoning: R-1AAA (Single Family Dwelling) district Subdivision: Shadow Lake Woods
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 36-foot by 16-foot boat enclosure that would encroach 16 feet into the required 30-foot rear yard setback. • The proposed structure will be approximately 15 feet in height and will be designed to match the exterior of the existing home. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<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 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 rear yard setback for the boat enclosure 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



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: Aaron + Brandy Carter
Address: 401 Kimberly Ct. City: Sanford Zip code: 32771
Project Address: 401 Kimberly Ct. City: Sanford Zip code: 32771
Contact number(s): 407-617-2141
Email address: aaronslighting@yahoo.com

Is the property available for inspection without an appointment? Yes No please call because of dog

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>Boat enclosure 36x16'</u>
<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 type="checkbox"/> Other	Please describe:
<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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback: <u>14ft.</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:
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 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: [Signature]

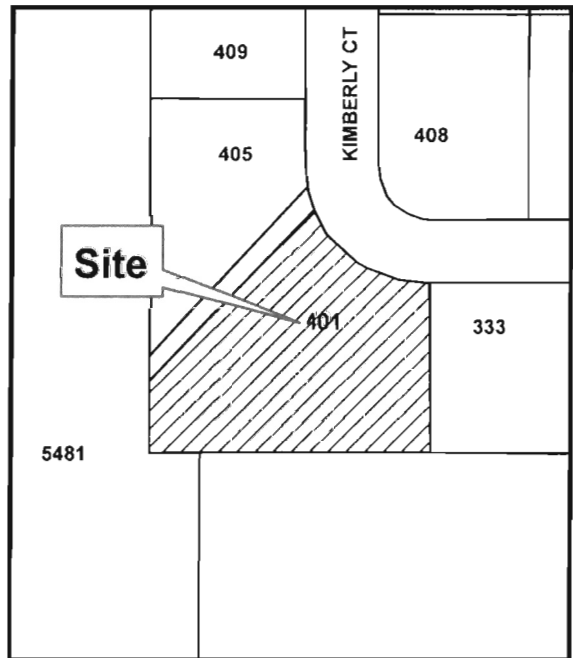
Aaron and Brandy Carter
401 Kimberly Court
Sanford, Florida 32771



Seminole County Board of Adjustment
October 27, 2008
Case: BV2008-88 (Map3051, Grid B1)
Parcel No: 30-19-30-502-0000-0080

Zoning

-  BV2008-88
-  A-1
-  RC-1
-  R-1AAA
-  PUD



<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 align="center">GENERAL</p> <p>Parcel Id: 30-19-30-502-0000-0080</p> <p>Owner: CARTER AARON D & BRANDY N</p> <p>Mailing Address: 401 KIMBERLY CT</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 401 KIMBERLY CT SANFORD 32771</p> <p>Subdivision Name: SHADOW LAKE WOODS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2005)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2008 Working</th> <th>2007 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$281,530</td> <td align="right">\$296,517</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$12,267</td> <td align="right">\$12,792</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$56,000</td> <td align="right">\$61,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$349,797</td> <td align="right">\$370,309</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$46,655</td> <td align="right">\$75,996</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$303,142</td> <td align="right">\$294,313</td> </tr> </tbody> </table> <p align="center">Tax Estimator</p> <p align="center">Portability Calculator</p> <p align="center">2008 Notice of Proposed Property Tax</p>		VALUES	2008 Working	2007 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$281,530	\$296,517	Depreciated EXFT Value	\$12,267	\$12,792	Land Value (Market)	\$56,000	\$61,000	Land Value Ag	\$0	\$0	Just/Market Value	\$349,797	\$370,309	Portability Adj	\$0	\$0	Save Our Homes Adj	\$46,655	\$75,996	Assessed Value (SOH)	\$303,142	\$294,313																																					
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Sketch

Appendage / Sqft OPEN PORCH FINISHED / 316
Appendage / Sqft GARAGE FINISHED / 575
Appendage / Sqft OPEN PORCH FINISHED / 54
Appendage / Sqft BASE / 736

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	BIT	Units	EXFT Value	Est. Cost New
FIREPLACE	1993		1	\$1,250	\$2,000
POOL GUNITE	1996		392	\$5,488	\$7,840
SCREEN ENCLOSURE	1996		2,088	\$2,507	\$4,176
COOL DECK PATIO	1996		580	\$1,421	\$2,030
WOOD UTILITY BLDG	1996		279	\$1,161	\$2,232
SOLAR HEATER	2001		1	\$440	\$1,100

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: Aaron Carter
Address: 401 Kimberly Ct. Sanford
Phone #: 407-617-2141

Name: Brandy Carter
Address: 401 Kimberly Ct. Sanford
Phone #: 407-617-2062

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.

9/2/08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 2 day of September, 2008 by _____

[Signature]
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced Florida Driver License

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

8/19/08

To whom it may concern:

Aaron and Brandy Carter, residing at 401 Kimberly Ct. Sanford, Fl 32771, are applying for a variance with Seminole County, Florida. The purpose of the variance is to allow extra space at the rear of the property to build an enclosure for their boat. The dimensions of the structure are 36' long x 16' wide x 15' tall. The design of the enclosure will follow the same lines and appearance as the primary residence.

If you don't have any objections, we will have a better chance of getting approval from the county.

If you have any questions for us, please feel free to give us a call.

Thank You,
Aaron & Brandy Carter
(407)617-2141

If you do not have any objections, please sign below.

Bruce & Ruth Rhea
329 Kimberly Ct.
Sanford, Fl 32771

x Bruce & Ruth Rhea

8/19/08

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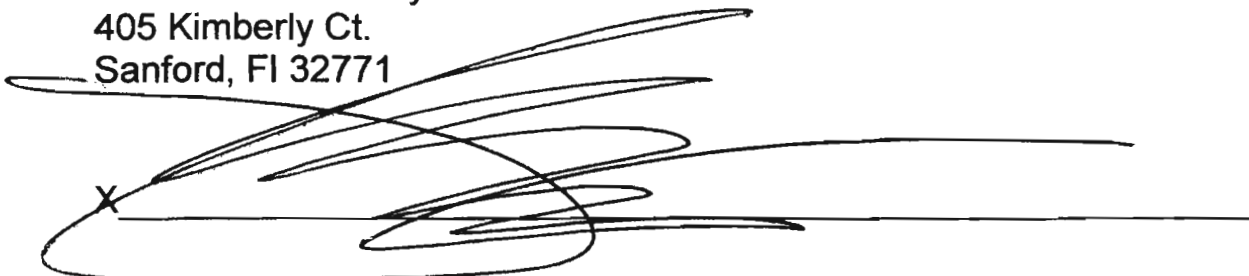
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Thank You,
Aaron & Brandy Carter
(407)617-2141

If you do not have any objections, please sign below.

Thomas & Sarah Lyon
405 Kimberly Ct.
Sanford, Fl 32771

A large, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. A small 'X' is written at the beginning of the signature.

8/19/08

To whom it may concern:

Aaron and Brandy Carter, residing at 401 Kimberly Ct. Sanford, FL 32771, are applying for a variance with Seminole County, Florida. The purpose of the variance is to allow extra space at the rear of the property to build an enclosure for their boat. The dimensions of the structure are 36' long x 16' wide x 15' tall. The design of the enclosure will follow the same lines and appearance as the primary residence.

If you don't have any objections, we will have a better chance of getting approval from the county.

If you have any questions for us, please feel free to give us a call.

Thank You,
Aaron & Brandy Carter
(407)617-2141

If you do not have any objections, please sign below.

Doris Lyons
333 Kimberly Ct.
Sanford, FL 32771

x Doris Lyons

**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 (LESS NWLY 10 FT ADJ TO LOT 7)
SHADOW LAKE WOODS PB 22 PG 25

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

FINDINGS OF FACT

Property Owner: Aaron & Brandy Carter
401 Kimberly Court
Sanford, FL 32771

Project Name: Kimberly Court (401)

Requested Variance:

Rear yard setback variance from 30 feet to 14 feet for a proposed boat enclosure in R-1AAA (Single Family Dwelling) district.

Approval was sought to allow for a boat enclosure to encroach within the 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 October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 (LESS NWLY 10 FT ADJ TO LOT 7)
SHADOW LAKE WOODS PB 22 PG 25

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

FINDINGS OF FACT

Property Owner: Aaron & Brandy Carter
401 Kimberly Court
Sanford, FL 32771

Project Name: Kimberly Court (401)

Variance Approval:

Rear yard setback variance from 30 feet to 14 feet for a proposed boat enclosure in R-1AAA (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 rear yard setback for the boat enclosure 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:

