

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1129 Dove Lane – William Porter, applicant; Request for 1) a side yard (south) setback variance from 20 feet to 9.6 feet and 2) a side yard (east) setback variance from 20 feet to 12.2 feet for an existing shed in RC-1 (Country Homes) district.

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

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

Agenda Date 5/18/09 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a side yard (south) setback variance from 20 feet to 9.6 feet and 2) a side yard (east) setback variance from 20 feet to 12.2 feet for an existing shed in RC-1 (Country Homes) district; or
2. **Approve** the request for 1) a side yard (south) setback variance from 20 feet to 9.6 feet and 2) a side yard (east) setback variance from 20 feet to 12.2 feet for an existing shed in RC-1 (Country Homes) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	William Porter 1129 Dove Lane RC-1 (Country Homes) Winter Springs
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • A 10.1 foot by 20.1 foot shed was placed on the property which encroaches 10.4 feet into the south side yard setback and 7.8 feet into the west side yard setback. • A Notice of Violation for unpermitted construction was issued. • There is no record of prior variances for this property. 	

Reviewed by: JLC
Co Atty: _____
Pin Mgr: _____

STAFF FINDINGS	<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">• 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 shed 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: William R. Porter
Address: 1129 DOVE LANE City: Winter Springs Zip code: 32708
Project Address: _____ City: _____ Zip code: _____
Tax Parcel number: 13-21-30-502-0300-0010
Contact number(s): (407) 947-7803 cell
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 checked="" type="checkbox"/> Shed	Please describe: <u>existing 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 27 2009

SEMINOLE COUNTY PLANNING

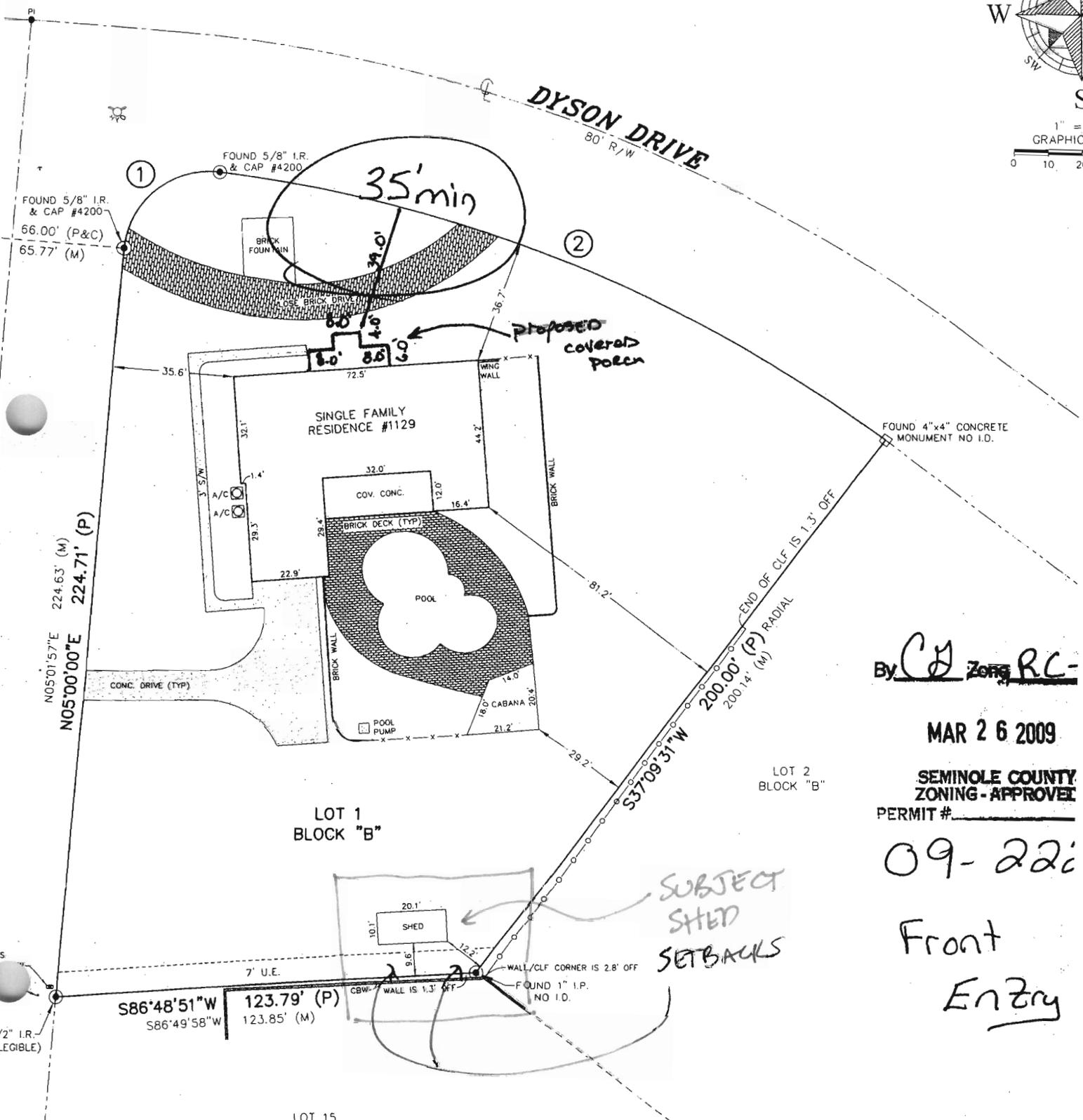
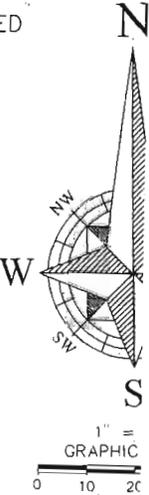
What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<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 checked="" type="checkbox"/> <u>Side</u> 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>			

Signed: _____

Date: 3/27/09

BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOT 1, BLOCK "B", WINTER SPRINGS, ACCORDING TO THE PLAT THEREOF, AS RECORDED PLAT BOOK 15, PAGE 81, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



By CJ Zong RC-

MAR 26 2009

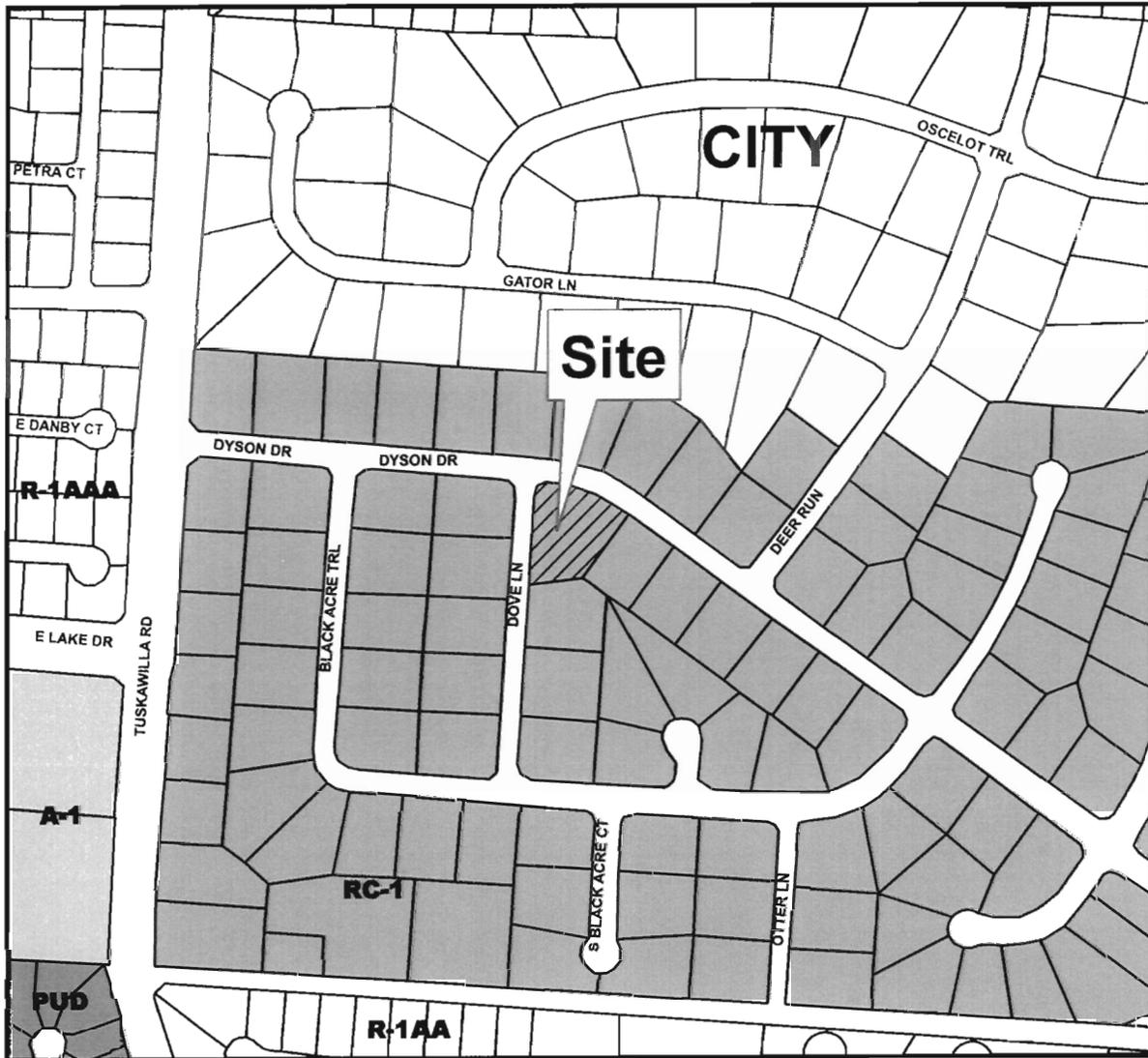
SEMINOLE COUNTY
ZONING - APPROVED
PERMIT # _____

09-222

Front Entry

CURVE DATA

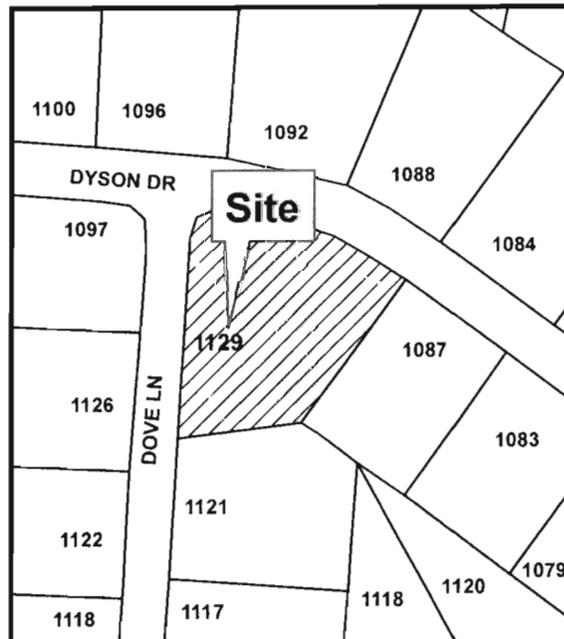
William R Porter
 1129 Dove Lane
 Winter Springs, Florida 32708



Seminole County Board of Adjustment
 May 18, 2009
 Case: BV2009-24 (Map3158 Grid C7)
 Parcel No: 13-21-30-502-0B00-0010

Zoning

-  BV2009-24
-  A-1
-  RC-1
-  R-1AAA
-  R-1AA
-  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 32771-1488 407-655-7205</p>																																																				
<p align="center">GENERAL</p> <p>Parcel Id: 13-21-30-502-0B00-0010</p> <p>Owner: PORTER ROBIN D & WILLIAM R</p> <p>Mailing Address: 1129 DOVE LN</p> <p>City,State,ZipCode: WINTER SPRINGS FL 32708</p> <p>Property Address: 1129 DOVE LN WINTER SPRINGS 32708</p> <p>Subdivision Name: WINTER SPRINGS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 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">\$164,900</td> <td align="right">\$183,540</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$15,203</td> <td align="right">\$15,203</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$100,000</td> <td align="right">\$100,000</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">\$280,103</td> <td align="right">\$298,743</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">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$280,103</td> <td align="right">\$298,743</td> </tr> </tbody> </table> <p align="right">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$164,900	\$183,540	Depreciated EXFT Value	\$15,203	\$15,203	Land Value (Market)	\$100,000	\$100,000	Land Value Ag	\$0	\$0	Just/Market Value	\$280,103	\$298,743	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$280,103	\$298,743																	
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Bldg Sketch	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																																										
	1	SINGLE FAMILY	1971	7	2,209	2,971	2,209	CONC BLOCK	\$164,900	\$202,331																																										
	Appendage / Sqft		OPEN PORCH FINISHED / 200																																																	
	Appendage / Sqft		GARAGE FINISHED / 562																																																	
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																																																				
Permits																																																				
EXTRA FEATURE																																																				
	Description	Year Blt	Units	EXFT Value	Est. Cost New																																															
	BRICK DRIVEWAY	1971	1,207	\$1,931	\$4,828																																															

BRICK WALL	1971	600	\$1,440	\$3,600
BRICK PATIO	1971	670	\$1,072	\$2,680
FIREPLACE	1971	1	\$800	\$2,000
POOL GUNITE	1971	800	\$6,400	\$16,000
GAZEEBO	1971	260	\$1,560	\$3,900
WATER FEATURE	1971	1	\$2,000	\$5,000

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

The owner of the real property associated with this application is a (check one)

Individual Corporation Land Trust

Limited Liability Company Partnership

Other (describe): _____

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	ADDRESS	PHONE NUMBER
Robin : William Porter	1129 Dove Lane	(407) 947-7803

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

3/27/09
Date

William Porter
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 27th day of MARCH, 2009 by William Porter

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification

Type of Identification Produced P 636-936-49-200-0

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

DATE: May 2, 2009

TO: SEMINOLE COUNTY PLANNING DEPARTMENT

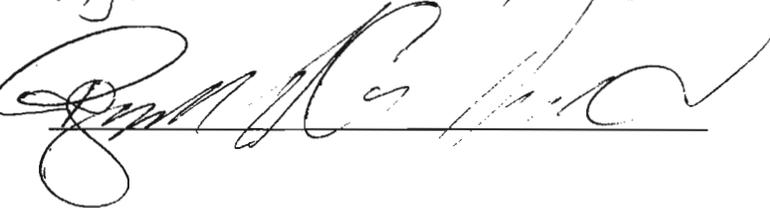
FROM: WILLIAM R AND ROBIN D PORTER

SUBJECT: 1129 DOVE LANE. WINTER SPRINGS, FL. 32708
VARIANCE REQUEST
09-30000023/ BV2009-24

RE: NEIGHBOR APPROVAL

I RESIDE IN AND OWN THE HOUSE NEXT DOOR TO 1129 DOVE LANE. I DO
NOT HAVE ANY PROBLEM WITH THE METAL SHED (SUBJECT OF THIS

VARIANCE) REMAINING IN ITS CURRENT LOCATION.

RAJENDRA PERSHAD


1087 DYSON DR
WINTER SPRINGS, FL. 32708

DATE: May 2, 2009

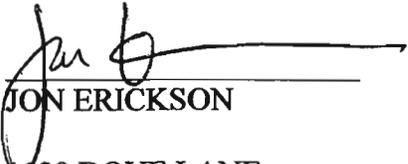
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FROM: WILLIAM R AND ROBIN D. PORTER

SUBJECT: 1129 DOVE LANE. WINTER SPRINGS, FL. 32708
VARIANCE REQUEST
09-30000023/ BV2009-24

RE: NEIGHBOR APPROVAL

I RESIDE IN AND OWN THE HOUSE NEXT DOOR TO 1129 DOVE LANE. I DO NOT HAVE ANY PROBLEM WITH THE METAL SHED (SUBJECT OF THIS VARIANCE) REMAINING IN ITS CURRENT LOCATION.



JON ERICKSON
1129 DOVE LANE
WINTER SPRINGS, FL. 32708

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 18, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 1 BLK B WINTER SPRINGS PB 15 PG 81

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

FINDINGS OF FACT

Property Owner: Robin D & William R Porter
1129 Dove Ln
Winter Springs FL 32708

Project Name: Dove Lane (1129)

Requested Variance:

- 1) a side yard (south) setback variance from 20 feet to 9.6 feet and 2) a side yard (east) setback variance from 20 feet to 12.2 feet for an existing shed in RC-1 (Country Homes) district.

Approval was sought to bring into compliance the unpermitted construction of a shed within the side yard setbacks. 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 18, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 1 BLK B WINTER SPRINGS PB 15 PG 81

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

FINDINGS OF FACT

Property Owner: Robin D & William R Porter
1129 Dove Ln
Winter Springs FL 32708

Project Name: Dove Lane (1129)

Variance Approval:

1) a side yard (south) setback variance from 20 feet to 9.6 feet and 2) a side yard (east) setback variance from 20 feet to 12.2 feet for an existing shed in RC-1 (Country Homes) 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 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

