



# SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES  
BUILDING  
1101 EAST FIRST STREET  
SANFORD, FLORIDA  
32771-1468

## Agenda Memorandum

File Number: A-0670-10

Introduced: 4/1/2010

Current Status: ATS Review

Version: 1

Matter Type: Public Hearing

### Title

**1941 East Hampton Circle** - Request for a rear yard setback variance from 30 feet to 19 feet for a covered screen room in R-1A (Single-Family Dwelling) district; Located on the west side of East Hampton Circle, approximately 270 feet north of Poinciana Road; BV2010-14 (Michael Herringshaw, applicant) District4 - Henley (Kathy Fall, Principal Planner)

### Department

Growth Management

### Division

Planning & Development Division

### ..Contact

(407) 665-7389

### Motion/Recommendation

1. **Deny** the request for a rear yard setback variance from 30 feet to 19 feet for a covered screen room in R-1A (Single-Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 19 feet for a covered screen room in R-1A (Single-Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

### Background

- The applicant is requesting to replace an existing screen porch that encroaches 11 feet into the required 30 foot rear yard setback.
- 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:

- 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**

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:

- Any variance granted shall apply only to the covered screen room 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.

Fee: \$150.00 plus \$6.00 per page additional variance

RECEIVED MAR 01 2010

Application # BU 2010-14  
Meeting Date 4-26-10

**COPY**



### VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201 2028  
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 Herringshaw  
Address: 1941 East Hampton Circle City: Winter Park Zip code: 32792  
Project Address: 1941 East Hampton Circle City: Winter Park Zip code: 32792  
Tax Parcel number: 33-21-30-512-0E00-0040  
Contact number(s): 407-310-4620 or 321-331-0171  
Email address: agotech@yahoo.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 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 checked="" type="checkbox"/> Covered screen room	Please describe: <u>Replacement of existing back screen porch.</u>
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" type="checkbox"/> This request is for a structure that has already been built. ( <u>Porch existed previously</u> )	

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:	Proposed setback:	<u>10</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 type="checkbox"/> Total number of variances requested _____			

Signed:

Date: 3/1/10

**FOR OFFICE USE ONLY**

Date Submitted: <u>3-1-10</u>	Reviewed By: <u>P. Johnson</u>
Zoning/FLU <u>R-1A / LDR</u>	
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	
<input type="checkbox"/> Platted Lot (check easements as shown on lots, in notes or in dedication)	
<input type="checkbox"/> Lot size _____ <input type="checkbox"/> Meets minimum size and width	
<input type="checkbox"/> Application and checklist complete	
Notes: _____	
_____	

**VARIANCE SUBMITTAL CHECKLIST**

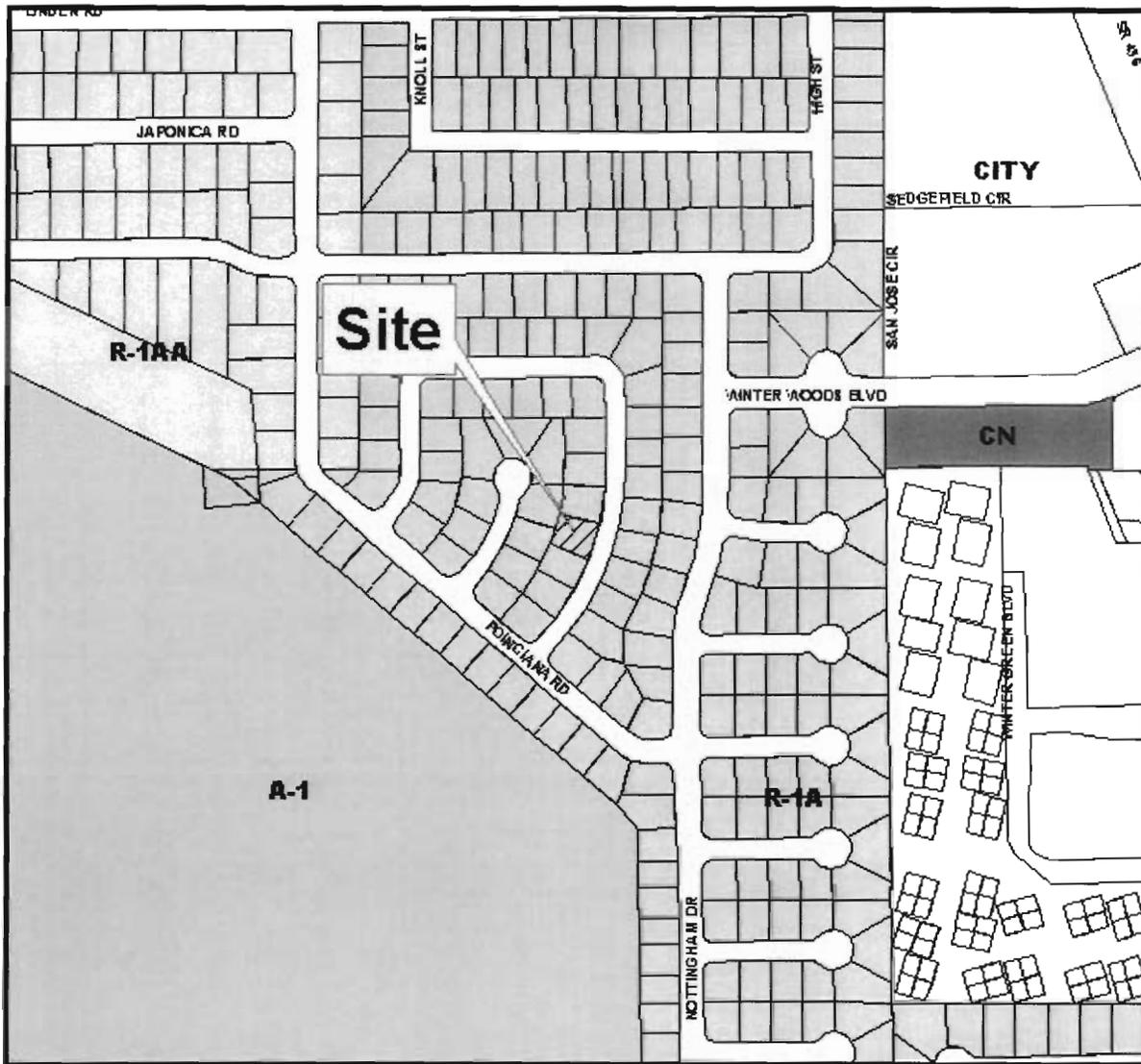
*Please return this checklist with your application!*

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<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. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). 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>
	4. 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>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



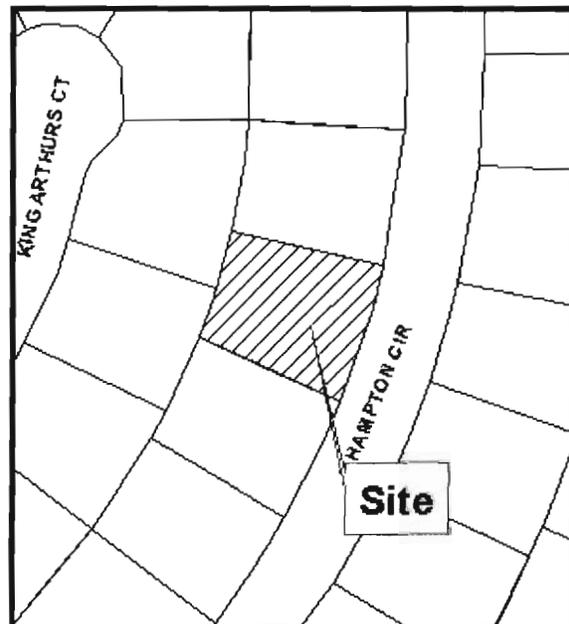
Michael Herringshaw  
1941 East Hampton Circle  
Winter Park, FL 32792



Seminole County Board of Adjustment  
April 26, 2010  
Case: BV2010-14 (Map 3210 Grid B6)  
Parcel No: 33-21-30-512-0E00-0040

**Zoning**

-  BV2010-14
-  A-1
-  R-1AA
-  R-1A
-  CN



<p>DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1408 407-685-7306</p>																																			
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 33-21-30-512-0E00-0040                  Owner: HERRINGSHAW MICHAEL &amp; MONIQUE                  Mailing Address: 1941 E HAMPTON CIR                  City,State,ZipCode: WINTER PARK FL 32792                  Property Address: 1841 HAMPTON CIR E WINTER PARK 32792                  Subdivision Name: WINTER WOODS UNIT 02                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (2005)                  Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 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">\$117,588</td> <td align="right">\$128,791</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$1,142</td> <td align="right">\$1,142</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$30,000</td> <td align="right">\$30,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td><b>JustMarket Value</b></td> <td align="right"><b>\$148,730</b></td> <td align="right"><b>\$159,933</b></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">\$5,551</td> </tr> <tr> <td><b>Assessed Value (SOH)</b></td> <td align="right"><b>\$148,730</b></td> <td align="right"><b>\$154,382</b></td> </tr> </tbody> </table> <p align="right"><i>Tax Estimator</i></p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$117,588	\$128,791	Depreciated EXFT Value	\$1,142	\$1,142	Land Value (Market)	\$30,000	\$30,000	Land Value Ag	\$0	\$0	<b>JustMarket Value</b>	<b>\$148,730</b>	<b>\$159,933</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$5,551	<b>Assessed Value (SOH)</b>	<b>\$148,730</b>	<b>\$154,382</b>
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**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
Michael Herringshaw	1941 East Hampton Circle	407-310-4620
Monique Herringshaw	1941 East Hampton Circle	321-331-0171

(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.)

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. For each **limited liability company**, list the name, address, and title of each manager or managing member; and the name and address of each additional member with two percent (2%) or more membership interest. If any member with two percent (2%) or more membership interest, manager, or managing member is a corporation, trust or partnership, please provide the information required in paragraphs 2, 3 and/or 4 above.

NAME	TITLE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

6. 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.

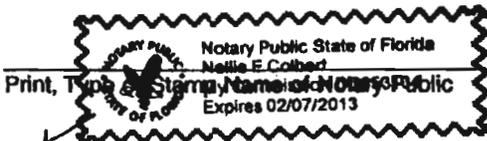
Date 3/1/2010

[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 1 day of March, 2010 by Nellie E.

[Signature]  
Signature of Notary Public



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

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**SEMINOLE COUNTY APPROVAL DEVELOPMENT  
ORDER**

On April 26, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 BLK E WINTER WOODS UNIT 2 PB 15 PG 63

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

**FINDINGS OF FACT**

**Property Owner:** Michael Herringshaw  
1941 East Hampton Circle  
Winter Park, Fl. 32792

**Project Name:** BV2010-14

**Variance Approval:**

Rear yard setback variance from 30 feet to 19 feet for a covered screen room.

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: Kathy Fall, Principal 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 covered screen room 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 & Development Manager

**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

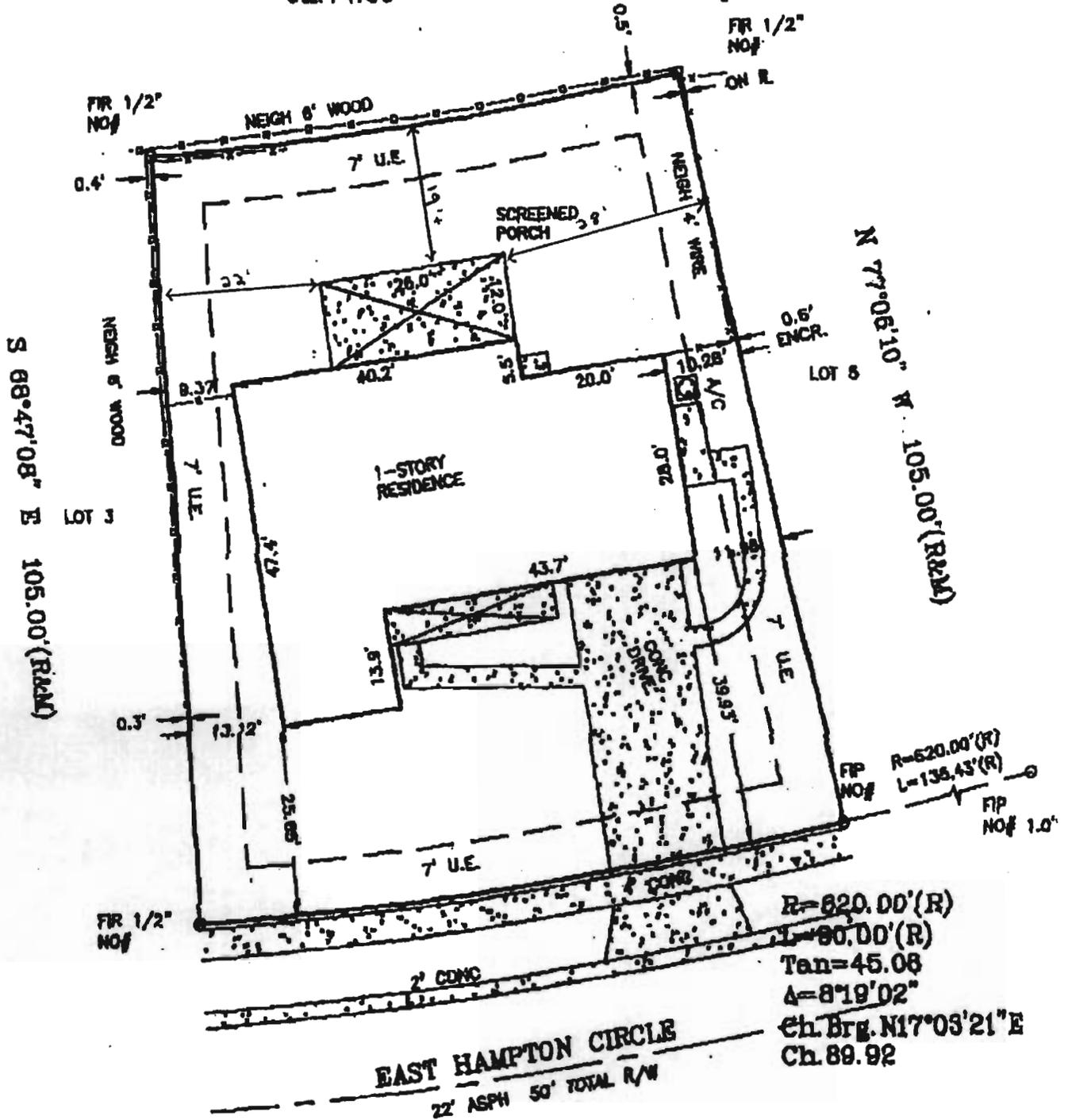
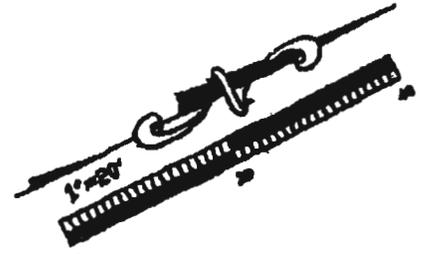
**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

$R=515.00'(R)$   
 $L=74.76'(R)$   
 $Tan=37.44$   
 $\Delta=8^{\circ}19'02''$   
 $Ch. Brg. N17^{\circ}03'21''E$   
 $Ch. 74.69$



**SEMINOLE COUNTY DENIAL DEVELOPMENT  
ORDER**

On April 26, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 BLK E WINTER WOODS UNIT 2 PB 15 PG 63

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

**FINDINGS OF FACT**

**Property Owner:** Michael Herringshaw  
1941 East Hampton Circle  
Winter Park, Fl. 32792

**Project Name:** BV2010-14

**Variance Request:**

Rear yard setback variance from 30 feet to 19 feet for a covered screen room.

Approval was sought to construct a covered screen room. 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: Kathy Fall, Principal Planner*  
1101 East First Street  
Sanford, Florida 32771

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
Planning & Development 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

$R=515.00'(R)$   
 $L=74.76'(R)$   
 $Tan=37.44$   
 $\Delta=8^{\circ}19'02''$   
 $Ch. Brg. N17^{\circ}03'21''E$   
 $Ch. 74.69$

