

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) (SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 7 FEET FOR AN EXISTING SHED; AND (2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22.5 FEET FOR AN EXISTING SHED IN THE A-1 (AGRICULTURE DISTRICT); (TAMMY HAWKINS, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 07-26-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) (SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 7 FEET FOR AN EXISTING SHED; AND (2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22.5 FEET FOR AN EXISTING SHED IN THE A-1 (AGRICULTURE DISTRICT); (TAMMY HAWKINS, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) (SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 7 FEET FOR AN EXISTING SHED; AND (2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22.5 FEET FOR AN EXISTING SHED IN THE A-1 (AGRICULTURE DISTRICT); (TAMMY HAWKINS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: TAMMY HAWKINS LOCATION: 4231 ORANGE AVENUE ZONING: A-1 (AGRICULTURE DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CONSTRUCTED A DETACHED SHED CONSISTING OF 420 SQUARE FEET (APPROXIMATELY 14' X 30' IN SIZE) WITHOUT A BUILDING PERMIT. • THE EXISTING SHED ENCROACHES 0.5 (6 INCHES) INTO THE SIDE YARD SETBACK AND 7.5 (7 FEET 6 INCHES) INTO THE REAR YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • THE GRANT OF THE REQUESTED VARIANCES WOULD

	<p>CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE A-1 DISTRICT BY ALLOWING ENCROACHMENT INTO THE SIDE AND REAR YARDS WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.</p> <ul style="list-style-type: none">• THE REQUESTED VARIANCES WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE, AS PREVIOUSLY STATED. THE APPLICANT COULD RELOCATE THE SHED TO A COMPLIANT LOCATION ON THE PROPERTY TO NEGATE THE NEED FOR THE REQUESTED VARIANCES.• THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD PERMIT A SHED THAT IS POTENTIALLY INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING 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.



COPY

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

VARIANCE SOUTH SETBACK VAR. FROM 7.5' to 7' FOR EXISTING SHED

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

EXISTING PROPOSED REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD YES NO IF SO, WHEN _____

MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	James P. Moore & Tammy L. Hawkins	
ADDRESS	4231 Orange Ave	
PHONE 1	407 321-4670	
PHONE 2	407 314-2460	
E-MAIL	Tammyh21@aol.com	

PROJECT NAME: _____

SITE ADDRESS: Same

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: leg lots 31+32 Citrus Heights PR 3 PG 48

SIZE OF PROPERTY: 153x130 acre(s) PARCEL I.D. 14-20-30-505-000-0310

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS shed and carport

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on July 26, 6PM (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

[Signature]

SIGNATURE OF OWNER OR AGENT*

5-27-04

DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:
RY SETBACK VAR FROM 30' TO 22.6' FOR
EXISTING SHED

VARIANCE 3:
~~RY SETBACK VAR FROM 30' TO 15' FOR~~
~~EXISTING DOUBLE CARPORT.~~

VARIANCE 4:
 Structure complies
 with the setbacks.

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

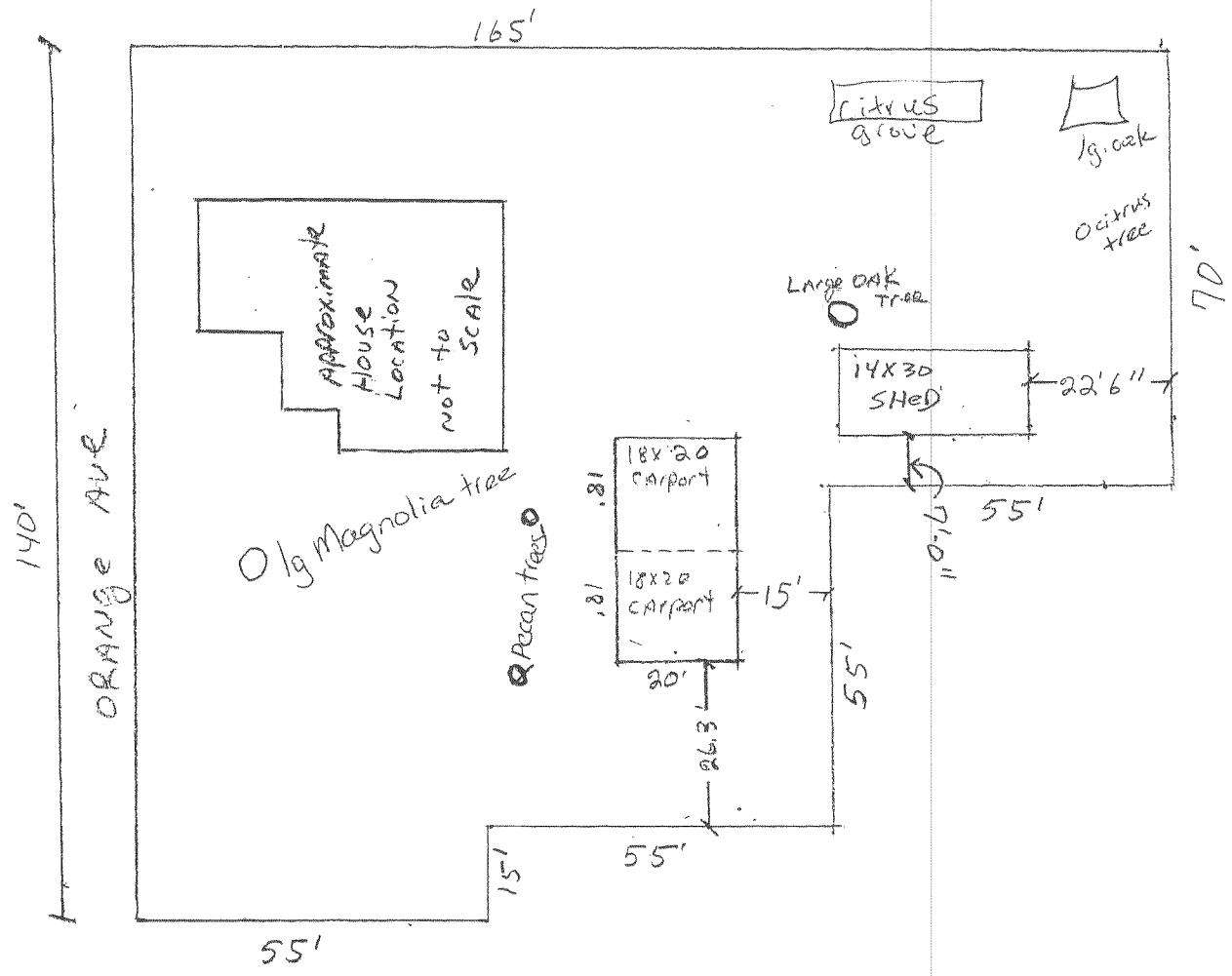
PROCESSING:

FEE: 4250 COMMISSION DISTRICT 5 FLU/ZONING LDR/R-1

LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF
ORANGE AVU. APPROX. 200' N OF
ROWALD REAGAN BLVD.

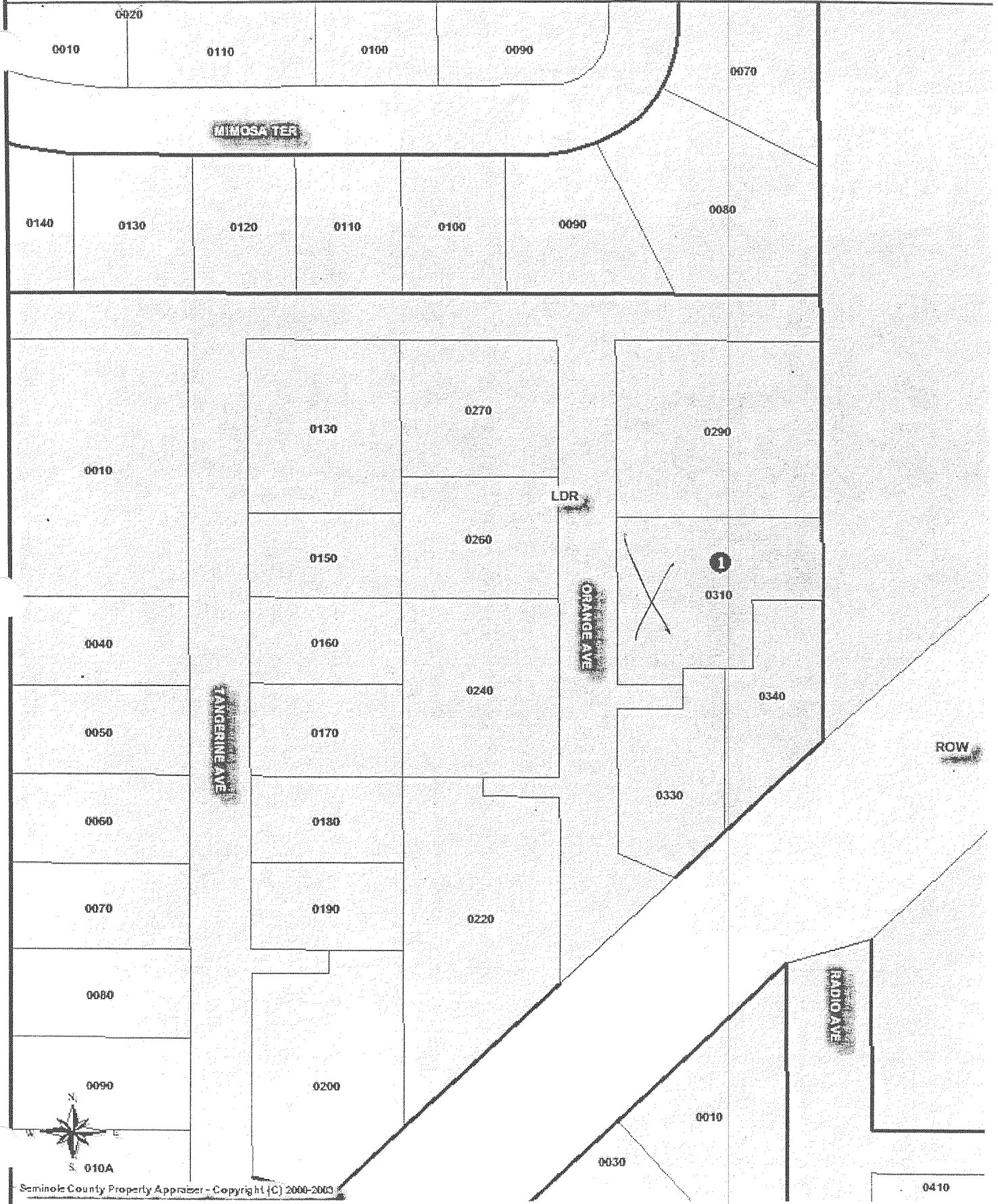
PLANNER V-B DATE 8/27

SUFFICIENCY COMMENTS OK



scale - 1" = 30'

Leg Lots 31+32 Citrus Heights PB 3, Pg 48





6/22/2004 3:44:27 PM


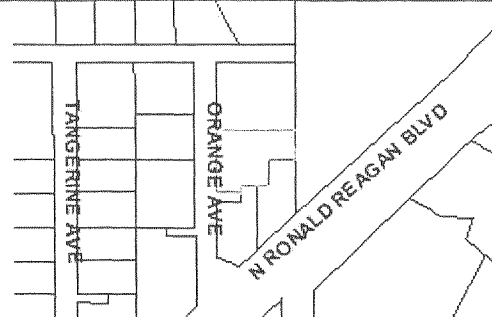

Case number	04 00000376
Property address, ID	4231 ORANGE AVE 106876
Parcel ID	14-20-30-505-0000-0310
Subdivision Name	CITRUS HEIGHTS
Case status, description	AC ACTIVE
Case type, description, established	UNPR UNPERMITTED CONSTRUCTION 5/11/04
Origination code, description	AN ANONYMOUS-VOICE MAIL
Default inspector ID	134 JASON RUCKER
Tenant name, number	
Case credit balance	00

Send notices to **PROPERTY OWNER**

Name	MOORE JAMES P JR &	Print letters	Y
Address	HAWKINS TAMMY L 4231 ORANGE AVE SANFORD FL	Phone	
		Zip	32773

OK Exit Cancel



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ Back ▶																																								
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																													
<p align="center">GENERAL</p> <p>Parcel Id: 14-20-30-505-0000-0310 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MOORE JAMES P JR & Exemptions: 00-HOMESTEAD</p> <p>Own/Addr: HAWKINS TAMMY L Address: 4231 ORANGE AVE City,State,ZipCode: SANFORD FL 32773 Property Address: 4231 ORANGE AVE SANFORD 32773 Subdivision Name: CITRUS HEIGHTS Dor: 01-SINGLE FAMILY</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$19,720 Depreciated EXFT Value: \$1,118 Land Value (Market): \$18,953 Land Value Ag: \$0 Just/Market Value: \$39,791 Assessed Value (SOH): \$39,791 Exempt Value: \$19,896 Taxable Value: \$19,895</p>																																										
<p align="center">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> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>05/2003</td> <td>04815</td> <td>1054</td> <td>\$39,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1990</td> <td>02205</td> <td>1560</td> <td>\$32,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1984</td> <td>01568</td> <td>0514</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	05/2003	04815	1054	\$39,000	Improved	WARRANTY DEED	06/1990	02205	1560	\$32,000	Improved	WARRANTY DEED	07/1984	01568	0514	\$100	Improved	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$127 2003 Tax Bill Amount: \$25 Savings Due To SOH: \$102 2003 Taxable Value: \$1,467 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																		
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<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>																																													

BACK PROPERTY APPRAISER HOME PAGE CONTACT

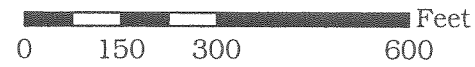
F S R
 25 / 7.5 / 30
 LDR / R-1

James Moore & Tammy Hawkins
4231 Orange Avenue



Parcel: 14-20-30-505-0000-0310 / District: 5

BV2004-100
July, 2004



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 31 AND 32 CITRUS HEIGHTS PB 3 PG 48

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

FINDINGS OF FACT

Property Owners: TAMMY HAWKINS
4231 ORANGE AVENUE
SANFORD, FL 32773

Site Address: 4231 ORANGE AVENUE

Requested Development Approval:

- 1) SIDE (SOUTH) YARD SETBACK VARIANCE FROM 7.5 FEET TO 7 FEET; AND
- 2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22.5 FEET FOR A AN EXISTING SHED

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
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:

THE VARIANCES GRANTED SHALL APPLY ONLY TO THE EXISTING 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: _____
Matthew West
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 Matthew West 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

July 14, 2004

To: Seminole County Board of Adjustments

Petition to the Board of Adjustments:

We, the undersigned residents of Citrus Heights recommend that the Board of Adjustments grant the petition for variance requested by James P. Moore, Jr. and Tammy Hawkins, the homeowners of the property located at 4231 Orange Avenue in Sanford, FL. The homeowners are requesting permission to leave their shed at its current position on their property. As owners of the adjacent lots, we have no objections to this request.

In the year that they have owned this property, they have made many improvements which have not only increased the value of their property, but ours as well. In order to move the shed to any other location they would be forced to remove several large Oak, Pecan, and Citrus trees which enhance all our properties. This would be a loss for all involved.

Sincerely,

The Undersigned

Name:	Nancy L. Gaye
Address:	6052 County Rd. 427
Phone:	407-328-7988
Signature:	Nancy L. Gaye

Name:	Joan Clowney
Address:	4225 Orange Ave Sanford Fl.
Phone:	407-321-6150
Signature:	Joan A Clowney

Name:	Audrey Leist
Address:	4235 Orange Ave., Sanford, Fl. 32773
Phone:	330-0874
Signature:	Audrey J. Leist

