

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 100 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING IN THE A-1 (AGRICULTURE DISTRICT); (JOHN GOEBEL, APPLICANT).

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

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

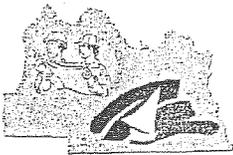
**Agenda Date** 02-28-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 100 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING IN THE A-1 (AGRICULTURE DISTRICT); (JOHN GOEBEL, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 100 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING IN THE A-1 (AGRICULTURE DISTRICT); (JOHN GOEBEL, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> JOHN GOEBEL <b>LOCATION:</b> 5270 MICHIGAN AVENUE <b>ZONING:</b> A-1 (SANFORD FARMS)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A DETACHED SHED/GARAGE CONSISTING OF 160 SQUARE FEET (APPROXIMATELY 10' X 16').</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE PROPERTY IS A CORNER LOT LOCATED AT INTERSECTION OF MICHIGAN AVENUE AND NORTH GEORGIA STREET WHICH IS UNIMPROVED PLATTED RIGHT-OF-WAY. THE A-1 DISTRICT DOES NOT ALLOW ACCESSORY BUILDINGS TO PROJECT IN FRONT OF THE BUILDING LINE WITHOUT SETBACK MINIMUM OF 100 FEET FROM THE FRONT PROPERTY LINE.</li> <li>• THE PROPOSED SHED/GARAGE WOULD ENCROACH 90</li> </ul>

	<p>FEET INTO THE MINIMUM 100 FOOT SIDE STREET SETBACK. THEREFORE THE STRUCTURE WOULD BE 10 FEET FROM THE PLATTED RIGHT-OF-WAY OF NORTH GEORGIA STREET.</p> <ul style="list-style-type: none"><li>• THE REQUESTED VARIANCE 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. THE PROPERTY CONSISTS OF 2.6 ACRES WHICH ALLOWS THE OPPORTUNITY TO CONSTRUCT A SHED/GARAGE OF THE TYPE PROPOSED WITHOUT VARIANCES.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW AN ACCESSORY BUILDING THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED SHED/GARAGE AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul></li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. BV2005-005

**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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE: 100

- VARIANCE** Side Street setback from ~~50'~~ to 10' for a increased shed/garage
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
  - EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_)
  - REPLACEMENT (YEAR \_\_\_\_\_) 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**

RECEIVED  
 JAN 12 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>John S Goebel</u>	
ADDRESS	<u>5270 Michigan Ave.</u>	
	<u>Sanford, FL 32771</u>	
PHONE 1	<u>407-322-0071</u>	
PHONE 2	<u>407-617-5225</u>	
E-MAIL	<u>Jgoebel1@CFLarr.com</u>	

PROJECT NAME: 5270 Michigan Ave  
 SITE ADDRESS: 5270 Michigan Ave.  
 CURRENT USE OF PROPERTY: Residential  
 LEGAL DESCRIPTION: leg lot 1 (less W 157.5 FT) BLK 33 Sanford Farms  
PB 9 PG 125 1/2  
 SIZE OF PROPERTY: 2.6 acre(s) PARCEL I.D. 16-19-30-5AB-3300-001A  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO \* Please call before visit

This request will be considered at the Board of Adjustment regular meeting on 2/28/05 (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] 1/12/05  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): \_\_\_\_\_ COMMISSION DISTRICT 5 FLU/ZONING SE/A-1

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. of Michigan Ave approx 1170 ft East of Intersection of Michigan Ave & N. New York St.

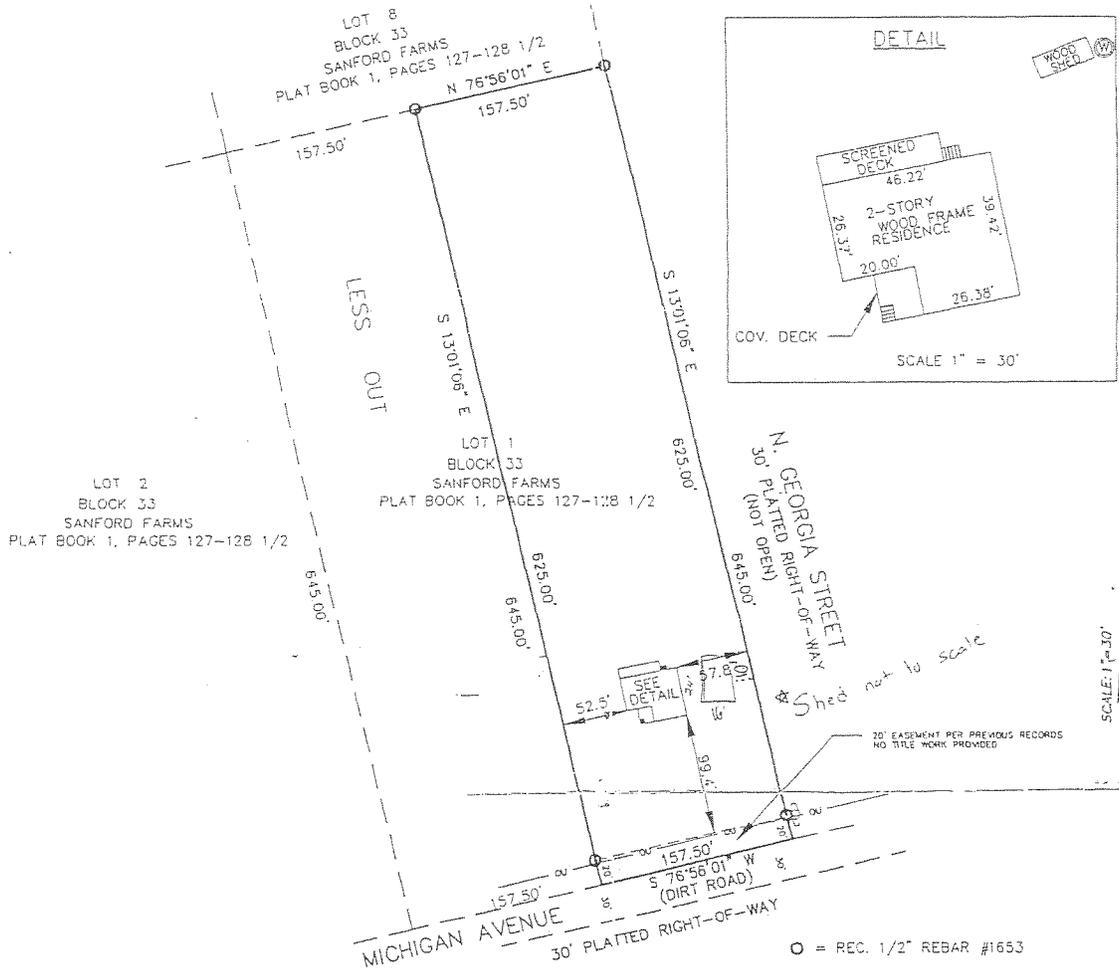
PLANNING ADVISOR JS DATE 1/12/05

SUFFICIENCY COMMENTS \_\_\_\_\_

" RECORD SURVEY "

" REAL PROPERTY DESCRIPTION "

LOT 1 (LESS THE WEST 157.5 FEET), BLOCK 33, SANFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 127 THROUGH 128 1/2 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



ABBREVIATION LEGEND:

P.R.M. - PERMANENT REFERENCE MONUMENT	C.M. - CONCRETE MONUMENT	E.L. - ELEVATION	CONC. - CONCRETE	W.M. - WATER METER
P.O.C. - POINT OF COMMENCEMENT	P.B. - PLAT BOOK	A/C - AIR CONDITIONER	CL.F. - CHAIN LINK FENCE	F.H. - FIRE HYDRANT
P.C. - POINT OF CURVATURE	Pg. - PAGE	TYP. - TYPICAL	W.F. - WOOD FENCE	N & D - NAIL AND DISC
P.R.C. - POINT OF REVERSE CURVATURE	M.R. - NON-RADIAL	U.E. - UTILITY EASEMENT	C & C - CURB & CUTTER	B.M. - BENCH MARK
P.C.C. - POINT OF COMPOUND CURVATURE	RAD. - RADIAL	D.E. - DRAINAGE EASEMENT	CATV - CABLE TELEVISION RISER	P.V.M. - PAVEMENT
P.T. - POINT OF TANGENCY	R. - RADIUS	F.F. - FINISHED FLOOR	TELE. - TELEPHONE RISER	F.B. - FIELD BOOK
P.I. - POINT OF INTERSECTION	L. - ARC LENGTH	B.S. - BUILDING SETBACK	TRANS. - TRANSFORMER PAD	W.H. - MANHOLE
P.C.P. - PERMANENT CONTROL POINT	Δ - DELTA	C.B.S. - CONCRETE BLOCK STRUCTURE	L.P. - LIGHT POLE	(A) - ACTUAL
P.O.L. - POINT ON LINE	R.P. - RADIUS POINT	(P) - PLAT	P.P. - POWER POLE	REC - RECOVERED
C.B. - CHORD BEARING	R/W - RIGHT-OF-WAY	(M) - MEASURED	N.G. - NATURAL GROUND	NSI - NO SURVEYORS IDENTIFICATION
T.B. - TANGENT BEARING	C - CENTER LINE	(C) - CALCULATED	SQ. FT. - SQUARE FEET	

SURVEYOR'S NOTES:

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THE "REAL PROPERTY DESCRIPTION" SHOWN HEREON IS IN ACCORDANCE WITH THE DESCRIPTION PROVIDED BY THE CLIENT.
- NO UNDERGROUND IMPROVEMENTS OR MS'GLE INSTALLATIONS HAVE BEEN LOCATED OTHER THAN SHOWN.
- BEARINGS ARE BASED ON THE CENTERLINE OF MICHIGAN AVENUE ASSUMED AS BEING BEING N. 76°56'01" W.
- HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM FIRM, I HAVE DETERMINED THAT THE SUBJECT PROPERTY LIES IN ZONE "X", NOT A SPECIAL FLOOD AREA AND ZONE "AE" A SPECIAL FLOOD AREA PER FIRM PANEL # 120289 0030 E, DATED APRIL 17, 1995, SEMINOLE COUNTY, FLORIDA.
- SURVEYOR HAS NOT ABSTRACTED LANDS SHOWN HEREON FOR EASEMENTS, RIGHTS-OF-WAY OR ANY OTHER MATTER OF RECORD WHICH MIGHT AFFECT THE TITLE OR USE OF SAID LANDS.

CLIENT: BOB PURSLEY  
JOB NUMBER: 98-207  
CADD DWG. FILE: 98-207.DWG

COMMENTS	FIELD	DATE	OFFICE	DATE
RD SURVEY	A.R.	9/1/98	S.R.B.	9/14/98

CERTIFIED TO:

FINANCIAL EXPRESS MORTGAGE CORPORATION  
THE MONEY STORE  
DOUGLAS C. ZAHM, P.A.  
JOHN S. GOEBEL

SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*R. L. Roberts*  
R. L. ROBERTS, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NUMBER 3144



**ROBERTS**  
SURVEYING & MAPPING, INC.  
185 N. COUNTRY CLUB ROAD  
LAKE MARY, FLORIDA  
PH. (407) 322-2213 FAX 322-2232

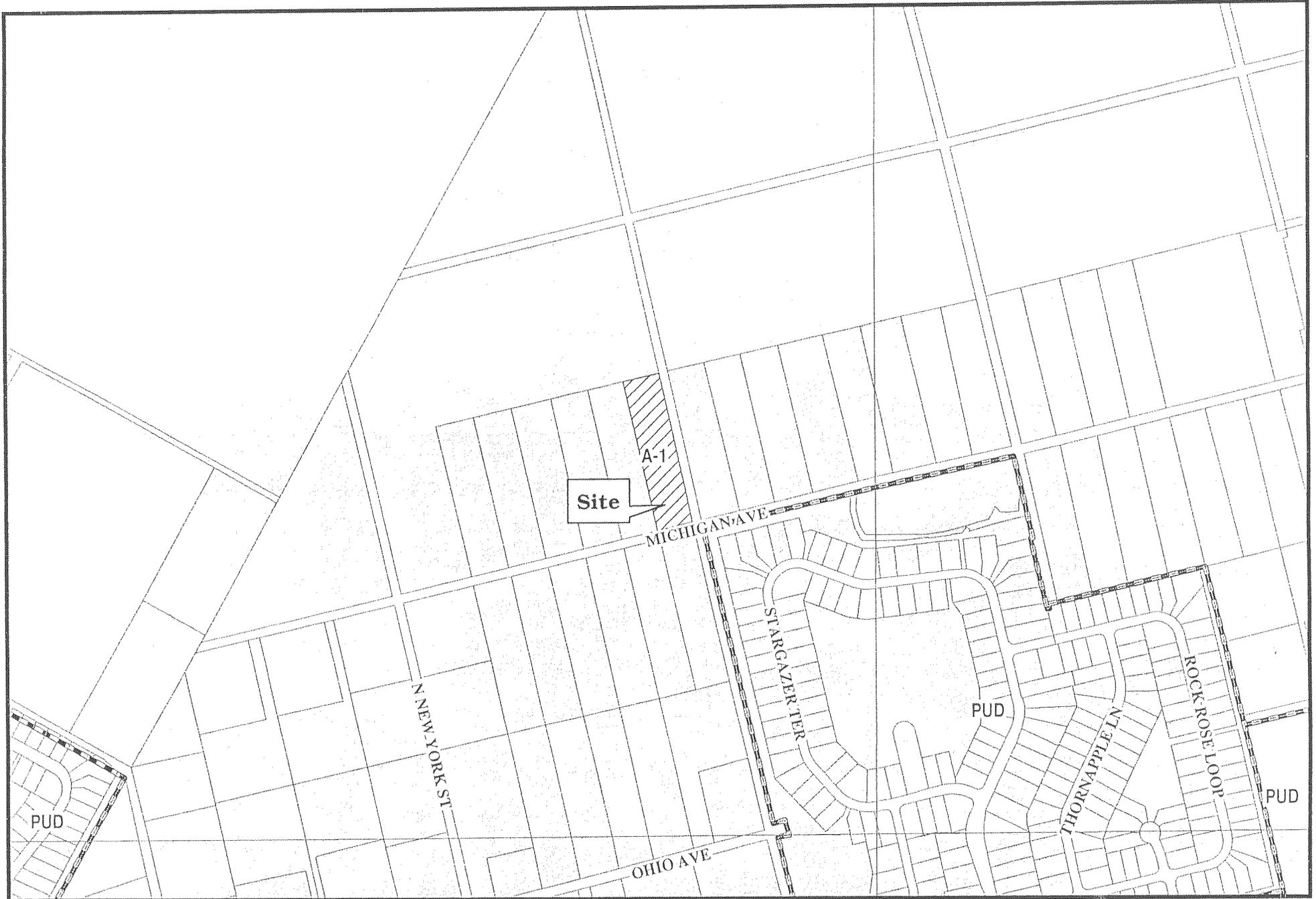
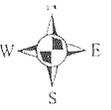
<b>PARCEL DETAIL</b>																																																	
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Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																								
1	SINGLE FAMILY	1991	11	1,534	2,762	2,394	SIDING AVG	\$112,928	\$118,872																																								
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<b>EXTRA FEATURE</b>																																																	
		Description	Year Blt	Units	EXFT Value	Est. Cost New																																											
		FIREPLACE	1991	1	\$1,300	\$2,000																																											
		WOOD UTILITY BLDG	1991	96	\$253	\$576																																											
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.																																																	



A-1

KAREN MATHEWS - 7444  
 (407) 665-7444

**John Goebel**  
**5270 Michigan Avenue**



Parcel: 16-19-30-5AB-3300-001A / District: 5

**BV2005-005**  
**FEBRUARY 28, 2005**

0 150 300 600 Feet

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On February 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 18 BLK 10, LOCKHARTS SUBD, PB 3, PG 70

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

**FINDINGS OF FACT**

**Property Owner:** JOHN GOEBEL  
5270 MICHIGAN AVENUE  
DELTONA, FL 32738

**Site Address:** 5270 MICHIGAN AVENUE

**Requested Development Approval:**

Request for side street setback from 100 feet to 10 feet for a proposed accessory building that would project beyond the established building line in the A-1 (Agriculture District)

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 VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED SHED/GARAGE, 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 \_\_\_\_\_, 2005.

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

My Commission Expires: