

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 200 FEET TO 30 FEET FOR A PROPOSED HOME; AND (2) FRONT YARD SETBACK VARIANCE FROM 200 FEET TO 50 FEET FOR A PROPOSED HOME IN THE A-1 (AGRICULTURE DISTRICT); (MARY RUTH STRUBLE, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 2-28-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 200 FEET TO 30 FEET FOR A PROPOSED HOME; AND (2) FRONT YARD SETBACK VARIANCE FROM 200 FEET TO 50 FEET FOR A PROPOSED HOME IN THE A-1 (AGRICULTURE DISTRICT); (MARY RUTH STRUBLE, APPLICANT); OR
2. **DENY** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 200 FEET TO 30 FEET FOR A PROPOSED HOME; AND (2) FRONT YARD SETBACK VARIANCE FROM 200 FEET TO 50 FEET FOR A PROPOSED HOME IN THE A-1 (AGRICULTURE DISTRICT); (MARY RUTH STRUBLE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	MARY RUTH STRUBLE LOT 41 NOVA DRIVE A-1 (AGRICULTURE DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A HOME THAT WOULD ENCROACH 170 FEET INTO THE MINIMUM REAR YARD SETBACK AND 150 FEET INTO THE MINIMUM FRONT YARD SETBACK FOR PROPERTY ABUTTING THE WEKIVA RIVER; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED.</li> <li>• MINIMUM LOT SIZE AND MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCES WERE GRANTED FOR THIS PROPERTY BY THE BOARD OF ADJUSTMENT IN 2002.</li> </ul>	
<b>STAFF FINDINGS</b>	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> <li>• SPECIAL CIRCUMSTANCES APPLICABLE TO THE</li> </ul>	

	<p>PROPERTY HAVE BEEN DEMONSTRATED.</p> <ul style="list-style-type: none"><li>• THE PROPERTY IS BORDERED BY THE WEKIVA RIVER ON BOTH THE FRONT AND REAR YARDS.</li><li>• THE REQUIRED SETBACK OF 200 FEET FROM THE RIVER'S EDGE CANNOT BE MET SINCE THE PROPERTY IS LESS THAN 200 FEET FROM SHORELINE TO SHORELINE THUS GENERATING THE NEED FOR BOTH VARIANCES REQUESTED. THIS HARDSHIP WAS NOT CREATED BY THE APPLICANT.</li><li>• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE A-1 DISTRICT.</li><li>• THE APPLICANT WOULD NOT RETAIN REASONABLE USE WITHOUT THE GRANT OF THE REQUESTED VARIANCES.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED HOME AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET (ROOM 1028)  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX

**COPY** APPL NO. 542005-009

**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:**

- VARIANCE** Minimum Rear Yard Setback Variance from 200' to 30' for a proposed home on property abutting the Wekiva River
- 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**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Mary Ruth Struble</u>	
ADDRESS	<u>1445 Patriot Drive</u>	
	<u>Melbourne, FL 32940</u>	
PHONE 1	<u>(321) 752-4956</u>	
PHONE 2	<u>(321) 759-0466</u>	
E-MAIL		

PROJECT NAME: Nova Drive (Lot 41)

SITE ADDRESS: Lot 41 Nova Drive

CURRENT USE OF PROPERTY: Vacant

LEGAL DESCRIPTION: SEC 21 TWP 19S RGE 29E S 1/2 OF LOT 41 & N 1/2 OF LOT 42 UNRECORDED PLAT OF WEKIVA HIGHLANDS

SIZE OF PROPERTY: 0.379 acre(s) PARCEL I.D. 21-19-29-SUM-0000-0410

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER       

KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

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.

Mary Ruth Struble Trustee 2-3-05  
SIGNATURE OF OWNER OR AGENT\* DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 2:

Minimum front yard setback variance from 200' to 50'  
for a proposed home on property abutting the Wekiva River

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): 0 COMMISSION DISTRICT 5 FLU/ZONING SE/A-1

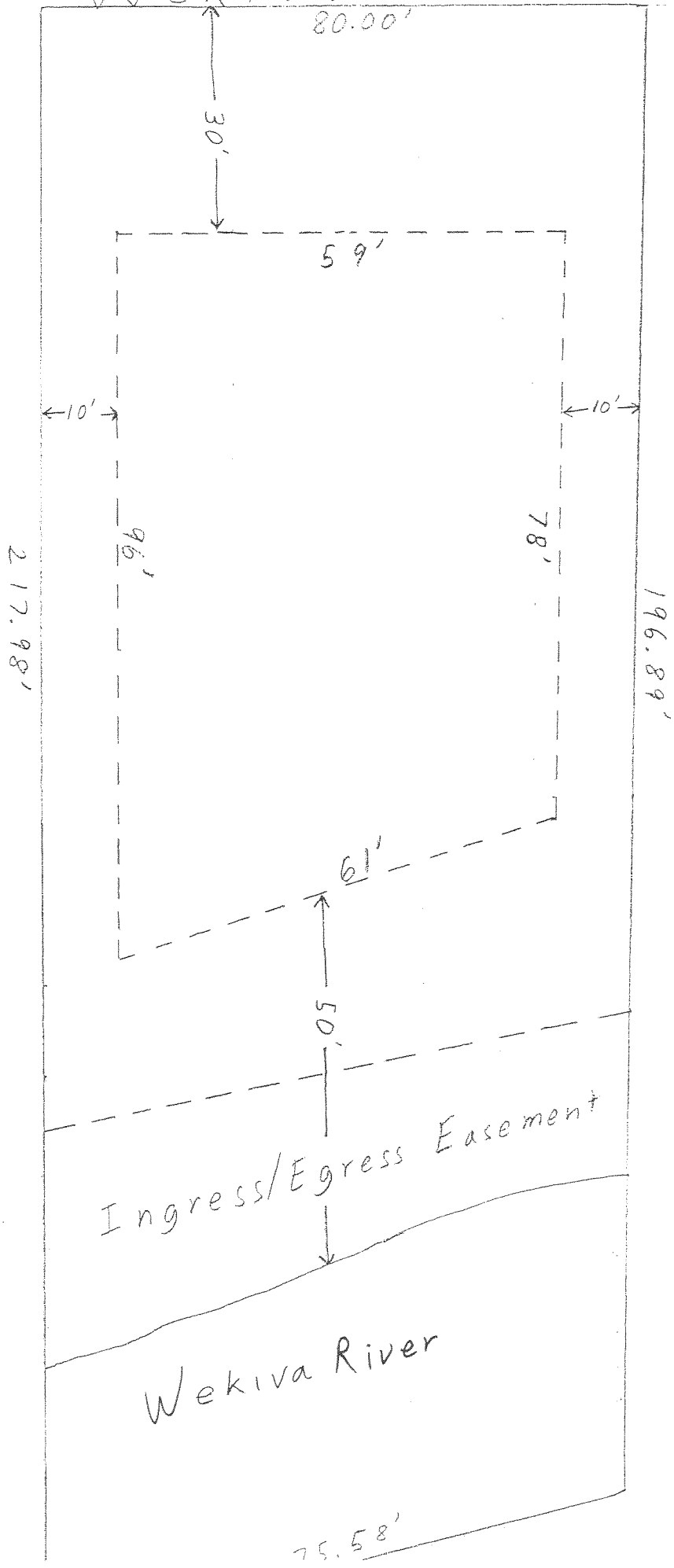
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS Located on the west side of Nova Drive  
approx. 0.25 mile west of inters. of Wekiva Park Dr. + Nova Drive

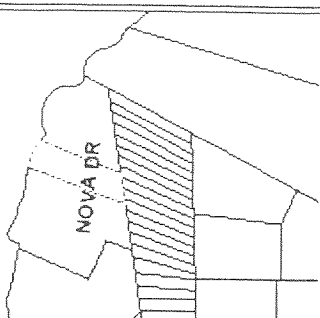
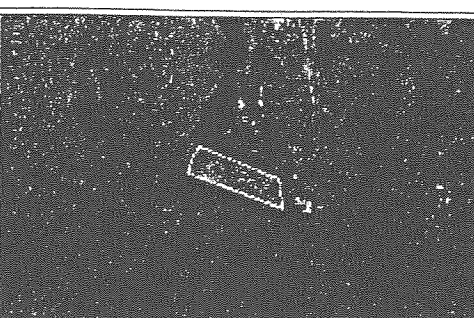
PLANNING ADVISOR JV DATE \_\_\_\_\_

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

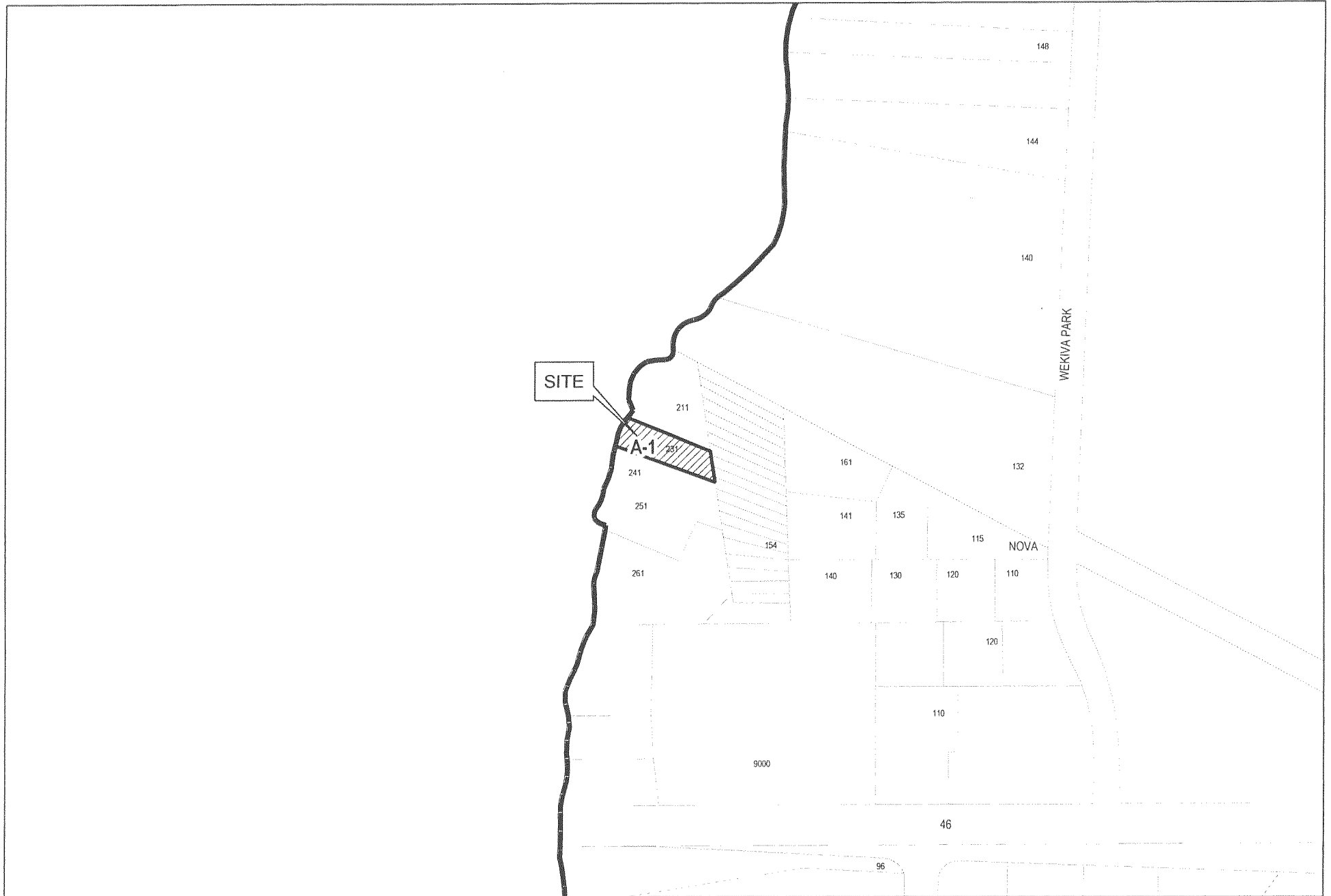
Wekiva River



1" = 20'  
N →

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>														
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 21-19-29-5UM-0000-0410      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: STRUBLE MARY R TRUSTEE      Exemptions:</p> <p>Own/Addr: FBO</p> <p>Address: 1445 PATRIOT DR</p> <p>City,State,ZipCode: MELBOURNE FL 32940</p> <p>Property Address: SANFORD 32771</p> <p>Subdivision Name: WEKIVA HIGHLANDS</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$5,335</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$5,335</p> <p>Assessed Value (SOH): \$5,335</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$5,335</p> <p>Tax Estimator</p>												
<p align="center"><b>SALES</b></p> <p>Deed Date Book Page Amount Vac/Imp</p> <p>Find Comparable Sales within this Subdivision</p>		<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>2004 Tax Bill Amount: \$90</p> <p>2004 Taxable Value: \$5,335</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>												
<p align="center"><b>LAND</b></p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT &amp; DEPTH</td> <td>76</td> <td>150</td> <td>.000</td> <td>600.00</td> <td>\$5,335</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	76	150	.000	600.00	\$5,335	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>SEC 21 TWP 19S RGE 29E S 1/2 OF LOT 41 &amp; N 1/2 OF LOT 42 UNRECORDED PLAT OF WEKIVA HIGHLANDS</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
FRONT FOOT & DEPTH	76	150	.000	600.00	\$5,335									
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>														

Mary Ruth Struble  
Lot 41 Nova Drive



**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:

SEC 21 TWP 19S RGE 29E S 1/2 OF LOT 41 & N 1/2 OF LOT 42 UNRECORDED  
PLAT OF WEKIVA HIGHLANDS

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

**FINDINGS OF FACT**

**Property Owner:** MARY RUTH STRUBLE  
1445 PATRIOT DRIVE  
MELBOURNE, FL 32940

**Project Name:** NOVA DRIVE (LOT 41)

**Requested Development Approval:**

1. MINIMUM REAR YARD SETBACK VARIANCE FROM 200 FEET TO 30 FEET FOR A PROPOSED HOME ON PROPERTY ABUTTING THE WEKIVA RIVER; AND
2. MINIMUM FRONT YARD SETBACK VARIANCE FROM 200 FEET TO 50 FEET FOR A PROPOSED HOME ON PROPERTY ABUTTING THE WEKIVA RIVER 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: Francisco Torregrosa, 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:

1. The variance granted will apply only to the existing lot and proposed home 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 \_\_\_\_\_ 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: