

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

SUBJECT: REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 38 FEET FOR A PROPOSED GARAGE IN THE A-1 (AGRICULTURE DISTRICT); (JEFF MANN, APPLICANT).

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

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

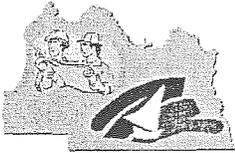
Agenda Date 05-23-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 38 FEET FOR A PROPOSED GARAGE IN THE A-1 (AGRICULTURE DISTRICT); (JEFF MANN, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 38 FEET FOR A PROPOSED GARAGE IN THE A-1 (AGRICULTURE DISTRICT); (JEFF MANN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: JEFF MANN LOCATION: 5998 SOUTH SANFORD AVENUE ZONING: A-1 (AGRICULTURE)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A GARAGE ADDITION TO AN EXISTING HOME, WHICH WOULD BE OF 576 SQUARE FEET (APPROXIMATELY 24' X 24') IN SIZE. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE PROPERTY IS A CORNER LOT LOCATED AT INTERSECTION OF SANFORD AVENUE AND CADILLAC STREET WHICH IS UNIMPROVED PLATTED RIGHT-OF-WAY. THE A-1 DISTRICT REQUIRES A 50 FEET SETBACK FROM PROPERTY LINES ABUTTING PUBLIC RIGHTS-OF-WAY. • THE PROPOSED GARAGE WOULD ENCROACH 12 FEET

	<p>INTO THE MINIMUM 50 FOOT SIDE STREET SETBACK.</p> <ul style="list-style-type: none">• 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 4.1 ACRES WHICH ALLOWS THE OPPORTUNITY TO CONSTRUCT A GARAGE OF THE TYPE PROPOSED WITHOUT VARIANCES.
<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 PROPOSED GARAGE 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.



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. BV 2005-031

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** 5998 S. Sanford Ave. Sanford FL
Side Street setback from 50 feet to 38 feet for a 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**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Jeff Mann</u>	<u>Sam</u>
ADDRESS	<u>P.O. Box 1181 Geneva AL</u> <u>32732</u>	<u>MAR 21 2005</u>
PHONE 1	<u>407-765-9355</u>	
PHONE 2	<u>407-349-2573</u>	
E-MAIL	<u>JeffMANN@PETSafe-Warehouse.com</u>	

PROJECT NAME: Hurricane Repair

SITE ADDRESS: 5998 S. Sanford Ave.

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: East 300 feet of Government lot 1 in section 25, Township 20 South, Range 30 East, Seminole County, Florida

SIZE OF PROPERTY: 3.9 acre(s) PARCEL I.D. 25-20-30-300-0010-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 05/23/2005 (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 OF OWNER OR AGENT* _____ DATE 3-21-05'

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

KF

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): \$ 150 COMMISSION DISTRICT 5 FLU / ZONING A-1
BCC HEARING DATE 5/23/05 (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS south of S Sanford Ave, located south of the intersection of Odessa St. and S Sanford Ave.
PLANNING ADVISOR Kathy Fall DATE 3/21/05
SUFFICIENCY COMMENTS _____

Jeff Mann

P.O. Box 1181 * Geneva, FL 32732

Variance Request for 5998 S. Sanford Avenue

RE: 25-20-30-300-0010-0000

My Hardship:

The above property has an existing small home that was built in 1953. The 2004 Hurricanes have torn two porches off, and severely damaged the roof and carport. We are trying to get a building permit to replace the damaged porches and roof. We also wanted to enclose the carport at the same time. We were informed that we had a corner lot and that it required a 50' set back from S. Sanford Avenue & Cadillac Street.. The house was built in place with a 38' set back from Cadillac Street, and 104' from S. Sanford Ave.

The strange thing is that we do not have a corner lot. Our North property line backs up to our neighbors barns. The plat shows a "paper only" street to our North called Cadillac Street. The county is calling Cadillac Street a real road, and requiring us to have a 50' setback from it. Cadillac Street has never been, and will never be a street in this area due to the protected wetlands.

Statement of Request; Allow the existing set back of 38 feet along the North property line (Cadillac Street).

I have included the current survey that shows the house plotted on the lot and the streets in question.

Kind Regards,


Jeff Mann
407-765-9355 cell
407-349-2573 home

PLAT OF BOUNDARY SURVEY
for
JEFF & DENISE M. MANN

"5998 S. Sanford Ave."

Legal Description

The East 300.00 feet of Government Lot 1 in Section 25, Township 20 South, Range 30 East, Seminole County, Florida, LESS Right-of-way and SUBJECT TO Riparian Rights.

SURVEY NOTES:

- 1) The street address of the above-described property is 5998 S. Sanford Avenue.
- 2) The above-described property lies in Flood Zones AE.
- 3) This survey was completed on the ground on 20 October 2004.
- 4) No underground utilities or improvements were located on this survey.

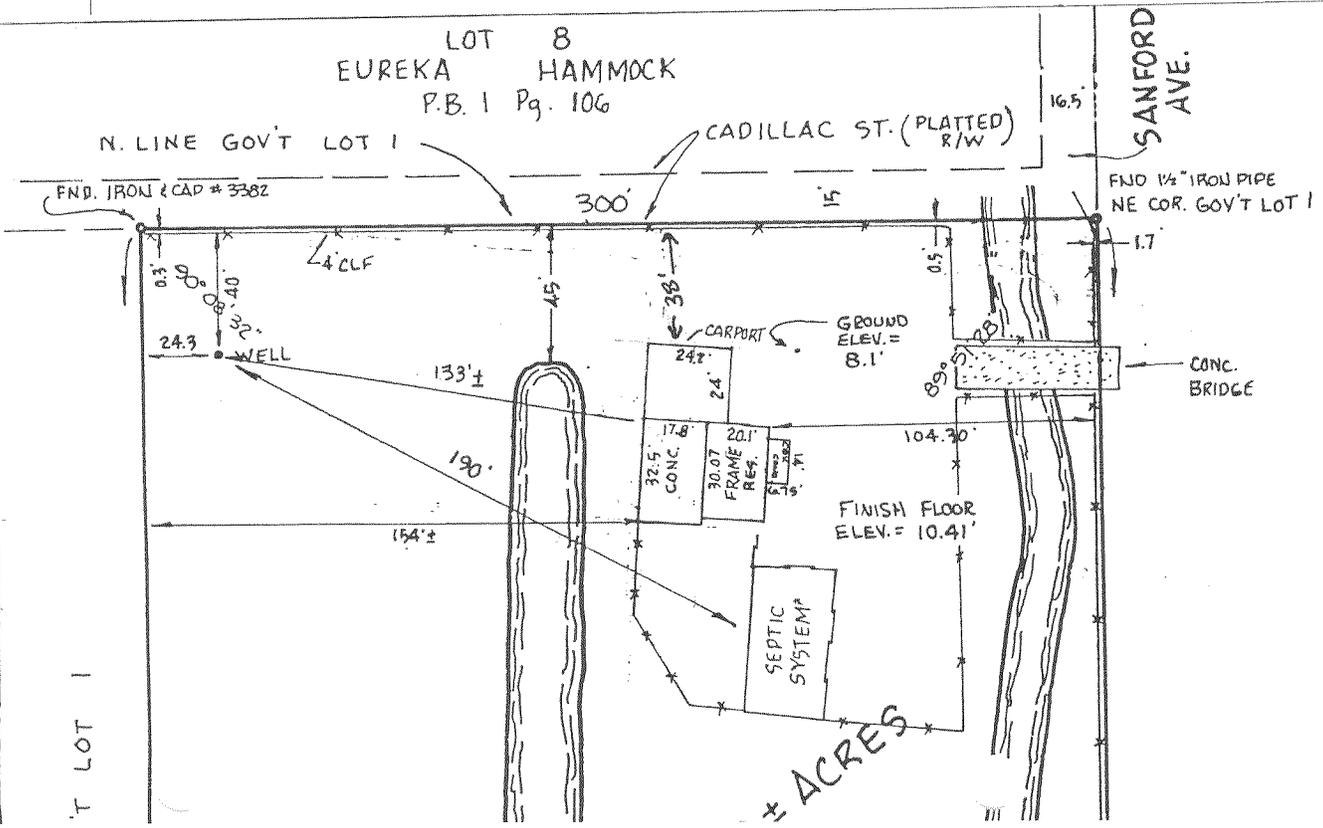
SURVEYOR'S CERTIFICATE

This is certify to JEFF & DENISE M. MANN, BANK OF AMERICA, N.A., FIDELITY NATIONAL TITLE INSURANCE COMPANY and HARRY G. REID, III, ATTORNEY-AT-LAW that I have completed this "BOUNDARY SURVEY" of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the Minimum Technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to Section 472.027 of the Florida Statutes.



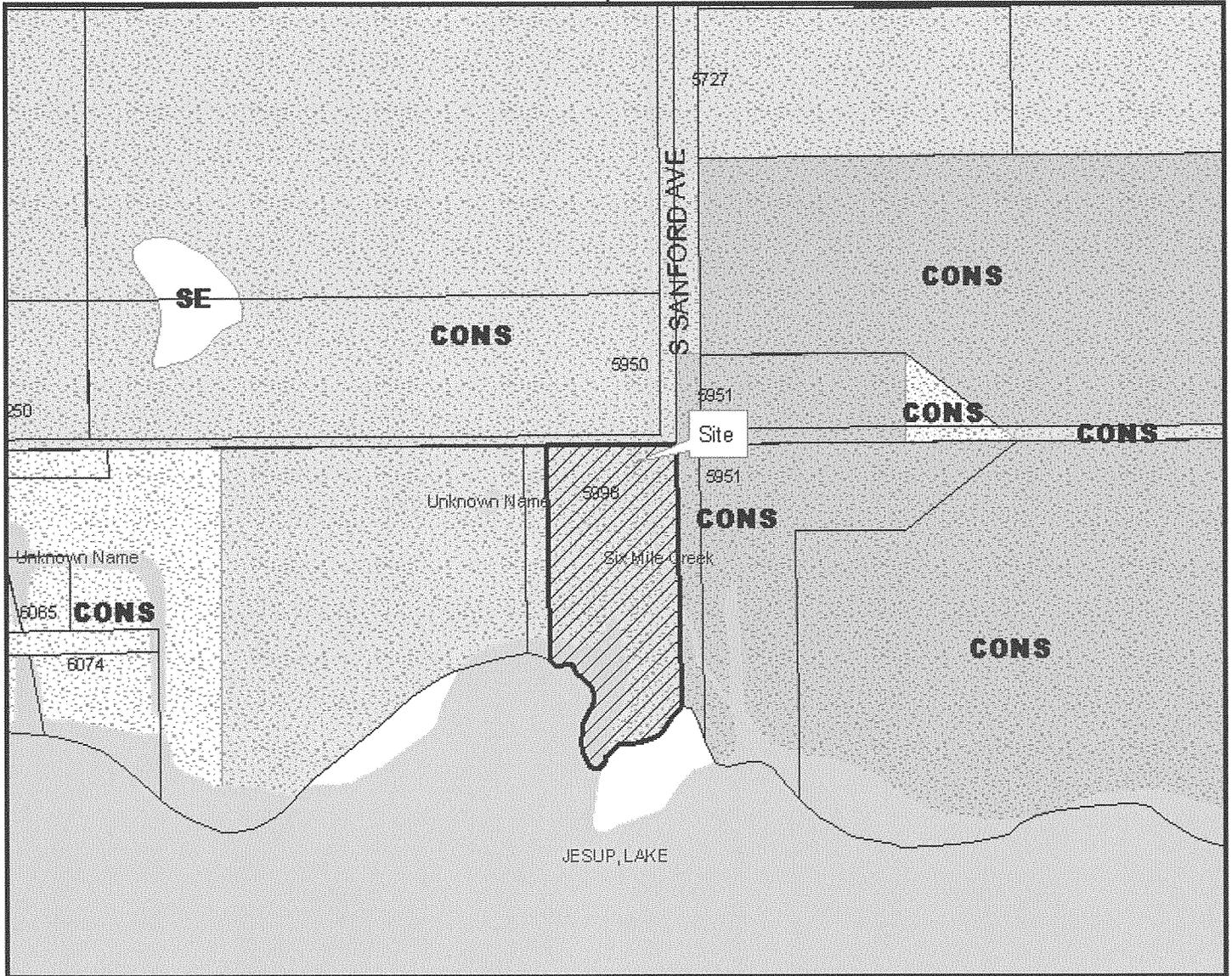
KITNER SURVEYING, INC.

R. BLAIR KITNER - P.S.M. No. 3382
P. O. Box 823 - Sanford, Florida 32772- (407) 322-2000
Not valid without raised seal of Surveyor



<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 32771-1468 407-665-7508</p>																																																														
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 25-20-30-300-0010-0000 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MANN JEFFREY D & DENISE M Exemptions:</p> <p>Address: 5998 S SANFORD AVE</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 5998 SANFORD AVE SANFORD 32773</p> <p>Subdivision Name:</p> <p style="padding-left: 40px;">Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$29,262</p> <p>Depreciated EXFT Value: \$5,705</p> <p>Land Value (Market): \$37,620</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$72,587</p> <p>Assessed Value (SOH): \$72,587</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$72,587</p> <p style="text-align: right;">Tax Estimator</p>																																																												
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<p><small>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.</small></p>																																																														

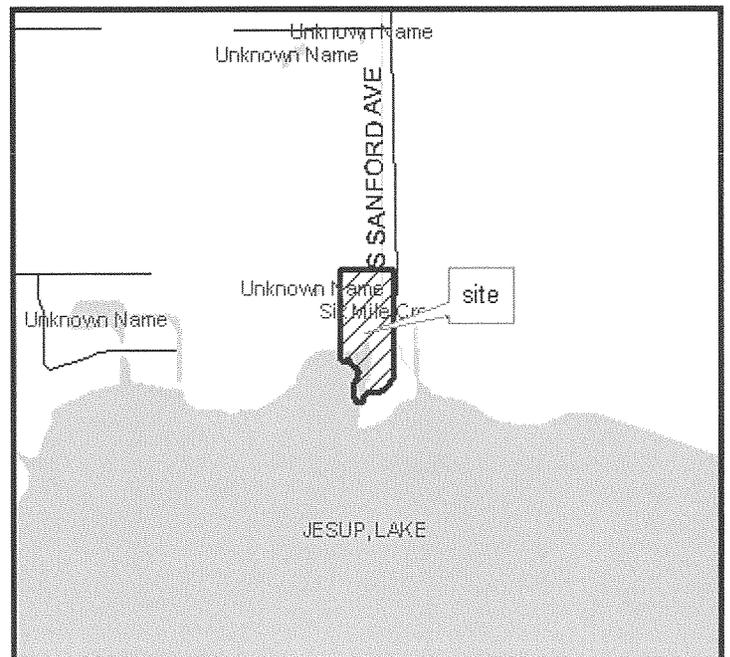
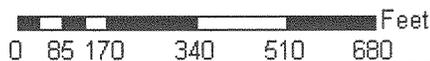
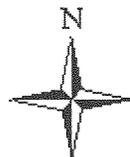
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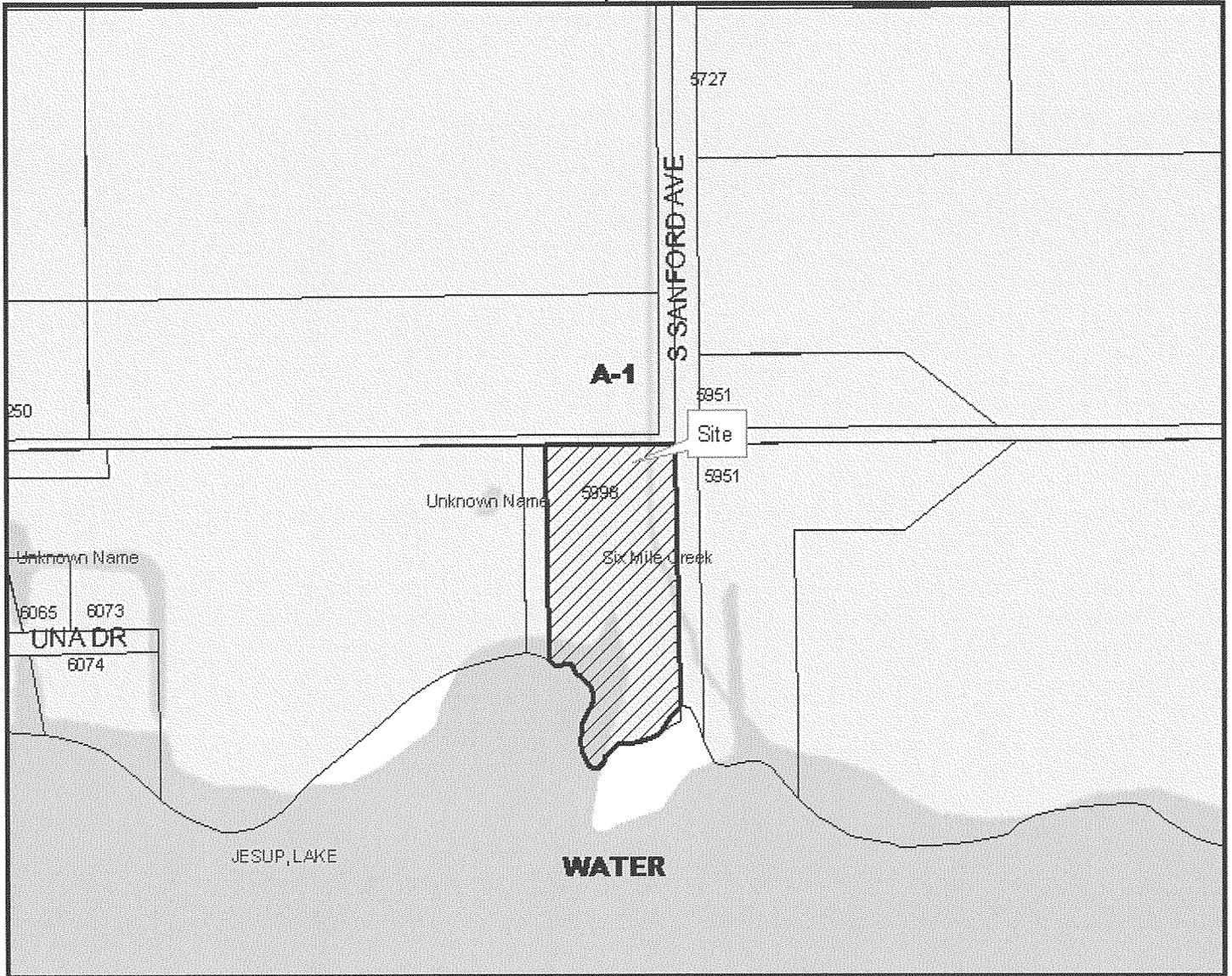
Seminole County Board of Adjustment
 May 23, 2005
 Case: BV2005-031
 Parcel No: 25-20-30-300-0010-0000

Future Land Use

-  BV2005-031
-  CONS, REC
-  CONS, PUBC
-  CONS, SE
-  CONS, LDR



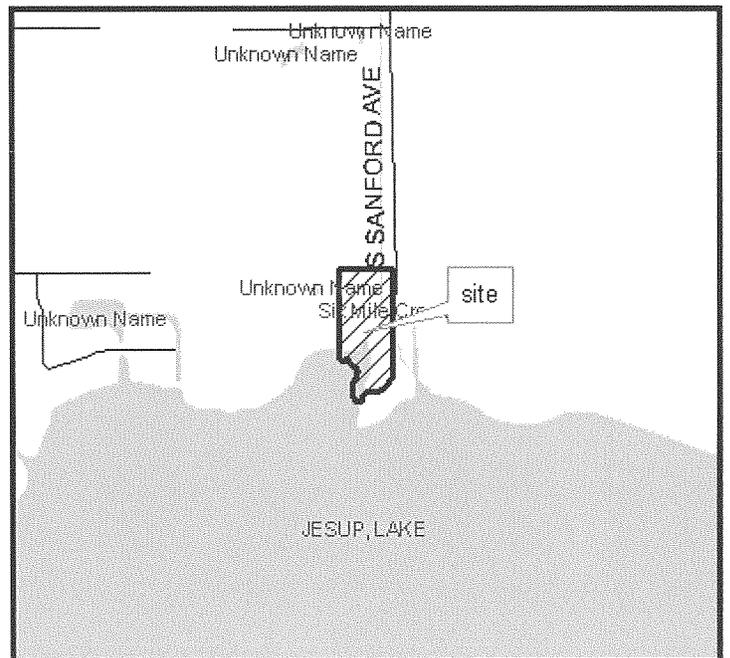
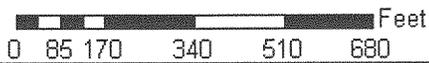
Jeff Mann
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Zoning

-  A-1 Agricultural-1Ac
-  BV2005-031



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 23, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 25 TWP 20S RGE 30E E300 FT OF GOVT LOT 1

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

FINDINGS OF FACT

Property Owner: JEFF MANN
5998 S SANFORD AVE
SANFORD, FL 32771

Project Name: 5998 S SANFORD AVENUE

Requested Development Approval:

REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 38 FEET FOR A PROPOSED GARAGE IN THE A-1 (AGRICULTURE DISTRICT); (JEFF MANN, APPLICANT)

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 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 _____ 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: