

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 17.6 FEET FOR AN EXISTING SHED IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (JON BOLTON, APPLICANT).

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

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

Agenda Date 06-27-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 17.6 FEET FOR AN EXISTING SHED IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (JON BOLTON, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 17.6 FEET FOR AN EXISTING SHED IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (JON BOLTON, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	JON BOLTON, APPLICANT 1580 GLADIOLAS DRIVE R-1 (GARDEN LAKE ESTATES)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CONSTRUCTED A SHED, WITHOUT A PERMIT, THAT ENCROACHES 12.4 FOOT INTO THE 30 FOOT MINIMUM REAR YARD SETBACK. • THE SHED IS 20 FEET BY 12 FEET OR 240 SQUARE FEET. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE GARDEN LAKES ESTATES NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS. 	

	<ul style="list-style-type: none">• THE OPPORTUNITY EXISTS TO CONSTRUCT A COMPLIANT SHED. THEREFORE, THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANTS 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

APPL. NO. BV 2005-052

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 Rear yard from 30' to 17.6 for shed

SPECIAL EXCEPTION

LIMITED USE

- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED _____

APPEAL FROM DECISION OF THE PLANNING MANAGER

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	CHRIS ANDERSON	JON BOLTON
ADDRESS	1200 S. MISSOURI AVE #213 CLEARWATER	1580 GLADIOLAS DRIVE WINTER PARK
PHONE 1	727 446 3830	407 673 4663
PHONE 2	800 222 1473	407 468 2463
E-MAIL		TEAM ATTITUDE @ HOTMAIL.COM

PROJECT NAME: GLADIOLAS SHED

SITE ADDRESS: 1580 GLADIOLAS DRIVE - WINTER PARK FL 32792

CURRENT USE OF PROPERTY: SINGLE FAM - MM

LEGAL DESCRIPTION: LOT 12 GARDEN LAKE ESTATES UNIT 1 PB19
PGS 14415

SIZE OF PROPERTY: 2 1/2 acre(s) PARCEL I.D. 2621305020000120

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS CONSTRUCTING SHED w/o PERMIT

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 06/27/05 (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]
SIGNATURE OF OWNER OR AGENT*

042705
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:

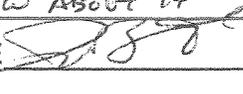
VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	JON BOLTON
ADDRESS	1550 GLADIOLAS DR - WINDSOR PARK
PHONE 1	407 673 4663
PHONE 2	407 468 2463
E-MAIL	TEAM ATTITUDE @ HOTMAIL.COM

NATURE OF THE APPEAL ORIGINAL SHED WAS ORDERED REMOVED BY CITY TO BUILD SIDEWALK. I AM SIMPLY TRYING TO RECONSTRUCT A NEW SHED SITE IS LESS THAN 30' FROM REAR FENCE - NOW ABOUT 17'

APPELLANT SIGNATURE 

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): \$150.00 COMMISSION DISTRICT 1 FLU/ZONING LDR/R-1

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. of Gladiolas Tr between Gladiolas Dr. and Duke Rd.

PLANNING ADVISOR _____ DATE 4/27/05

SUFFICIENCY COMMENTS _____

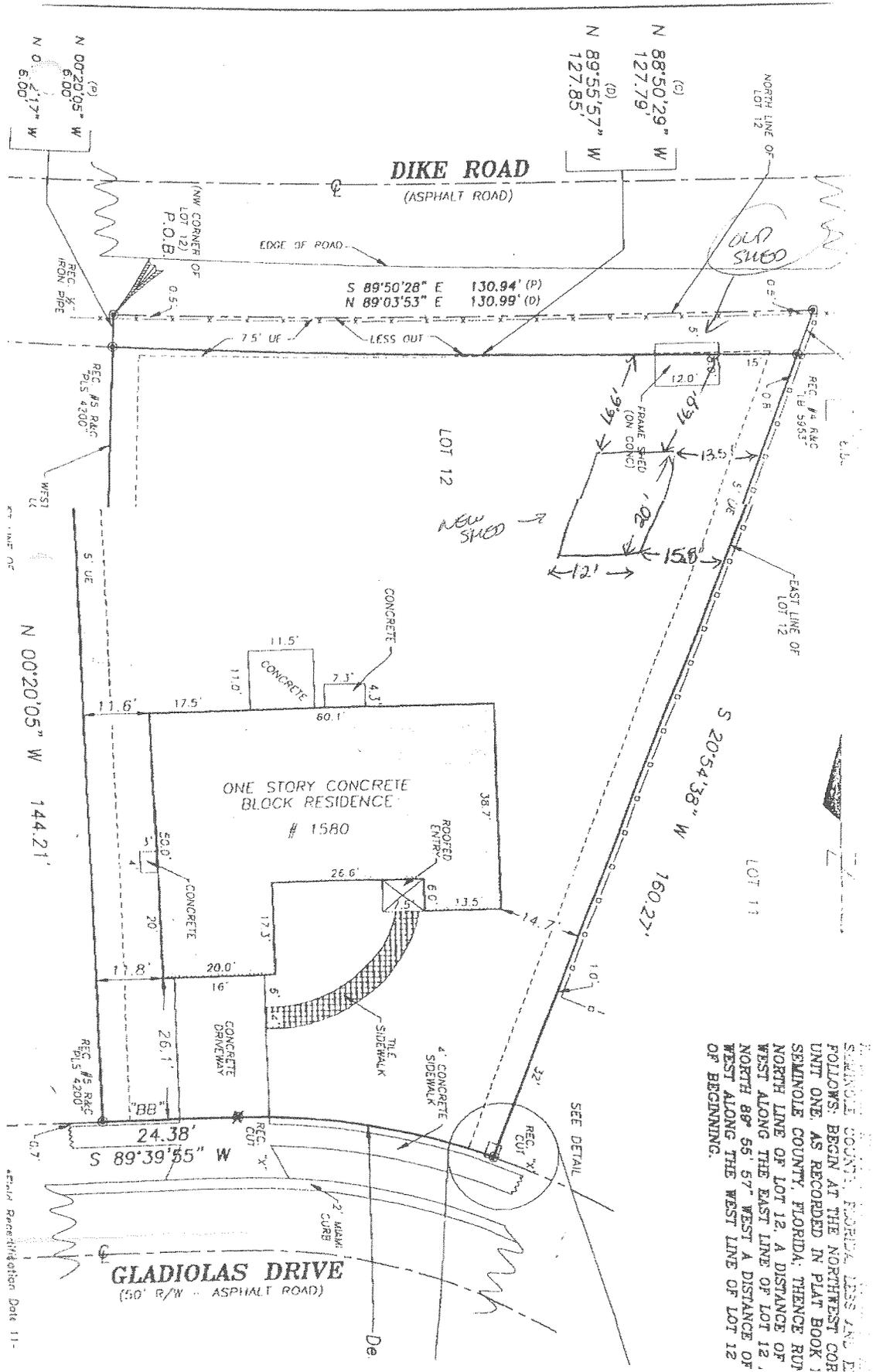
FROM : BOLTON

FRX NO. : 4076784663

FROM : BOLTON

FRX NO. : 4076784663

Apr. 27 2005 03:26PM P1

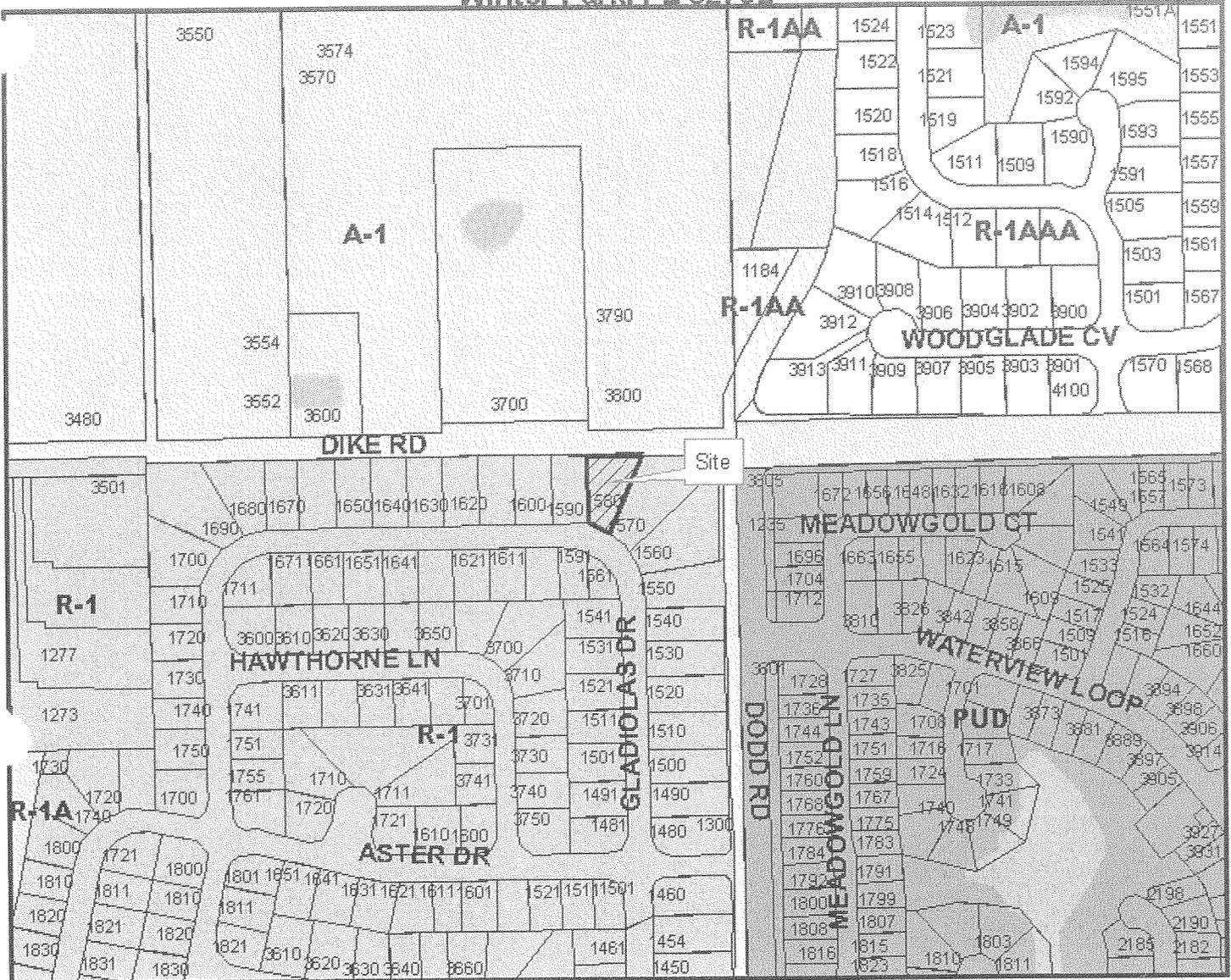


SEMINOLE COUNTY, FLORIDA, LESS AND IN
 FOLLOWS: BEGIN AT THE NORTHWEST COR
 UNIT ONE, AS RECORDED IN PLAT BOOK 1
 SEMINOLE COUNTY, FLORIDA; THENCE RUN
 NORTH LINE OF LOT 12, A DISTANCE OF
 WEST ALONG THE EAST LINE OF LOT 12,
 NORTH 89° 55' 57" WEST A DISTANCE OF
 WEST ALONG THE WEST LINE OF LOT 12
 OF BEGINNING.

Final Re-identification Date 11-

<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 407-665-7506</p>																																																																					
<p align="center">GENERAL</p> <p>Parcel Id: 26-21-30-502-0000-0120 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: ANDERSON CHRISTINE TRUSTEE Exemptions:</p> <p>Own/Addr: FBO</p> <p>Address: 1200 S MISSOURI AVE APT 213</p> <p>City,State,ZipCode: CLEARWATER FL 33756</p> <p>Property Address: 1580 GLADIOLAS DR WINTER PARK 32792</p> <p>Subdivision Name: GARDEN LAKE ESTATES UNIT 1</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$110,652</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$25,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$135,652</p> <p>Assessed Value (SOH): \$135,652</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$135,652</p> <p>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>																																																																					

John Bourton
 1580 Gladiolos Drive
 Winter Park, FL 32792



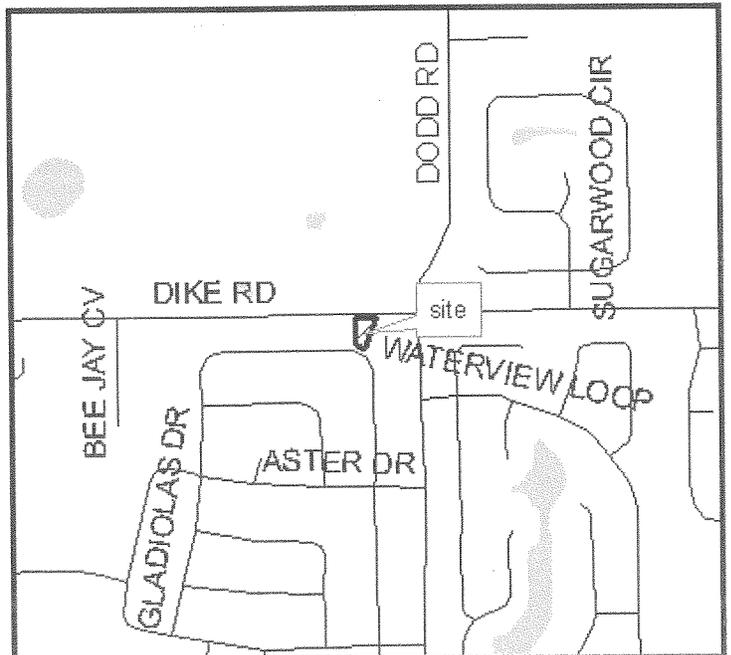
Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-052
 Parcel No: 26-21-30-502-0000-0120

Zoning

- A-1 Agricultural-1Ac
- R-1AAA Single Fam-13500
- R-1AA Single Fam-11700
- R-1A Single Fam-9000
- R-1 Single Fam-8400
- PUD Planned Unit Dev.
- PCD Planned Commercial Dist.

BV2005-052

0 75 150 300 450 600 Feet



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 1580 Gladiolos Drive
 Winter Park, FL 32792

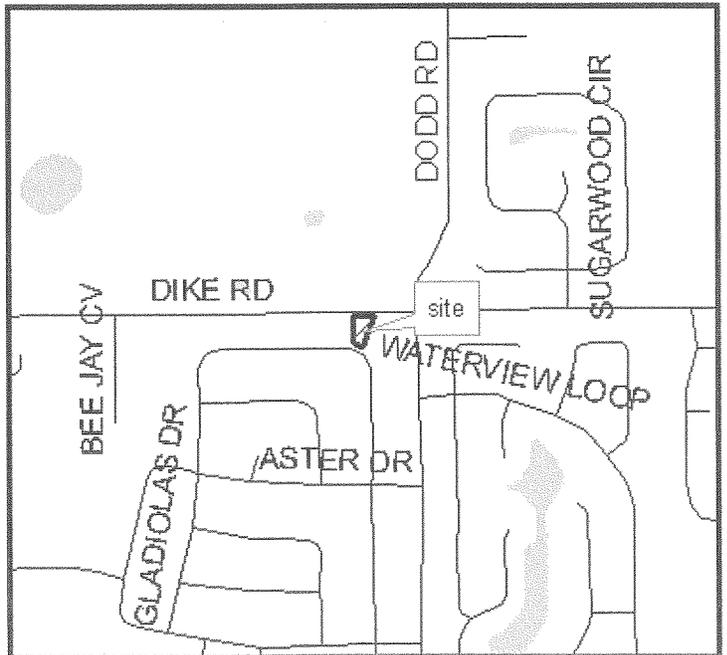


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Future Land Use

	CONS, PUBC	PUBU, NONE
	CONS, PUBU	LDR, NONE
	CONS, LDR	PD, NONE
	CONS, PD	BV2005-052
	PUBC, NONE	

0 62.5 250 375 500 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 12 BLK GARDEN LAKE ESTATES UNIT 1 PB 19 PGS 14 &15

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

FINDINGS OF FACT

Property Owner: CHRIS ANDERSON
1200 S. MISSOURI AVENUE, #213
CLEARWATER, FL 33756

Site Address: 1580 GLADIOLAS DRIVE

Requested Development Approval:

THE REQUEST FOR MINIMUM REAR YARD SETBACK FROM 30 FEET TO 17.6 FEET FOR 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 VARIANCE 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: