

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 20 FEET FOR A PROPOSED ADDITION TO A CHURCH IN THE A-1 (AGRICULTURE DISTRICT); (BRENT GARDNER, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7387

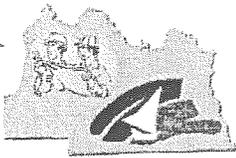
Agenda Date 06/27/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 20 FEET FOR A PROPOSED ADDITION TO A CHURCH IN THE A-1 (AGRICULTURE DISTRICT); (BRENT GARDNER, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 20 FEET FOR A PROPOSED ADDITION TO A CHURCH IN THE A-1 (AGRICULTURE DISTRICT); (BRENT GARDNER, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: BRENT GARDNER LOCATION: 505 MARKHAM WOODS ROAD ZONING: A-1 (AGRICULTURE DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A 2,981 SF ADDITION TO A CHURCH THAT WOULD ENCROACH 30 FEET INTO THE MINIMUM FRONT YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS NOT SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • THE NEED FOR A VARIANCE WOULD BE NEGATED BY RELOCATING THE PROPOSED CHURCH ADDITION AND REPOSITIONING TO MEET THE REQUIRED SETBACKS. • THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE A-1 ZONING DISTRICT. • THE APPLICANT WOULD RETAIN REASONABLE USE OF

	THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCE. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



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

COPY

APPL. NO. BN2005-003

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** Front yard setback variance from 50' to 20' in a A-1 zoning for a proposed building addition
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION MEDICAL HARDSHIP
- NIGHT WATCHMAN FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____ TIME NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Markham Woods Seventh-Day Adventist Church	
ADDRESS	505 Markham Woods Rd Longwood, FL 32779	
PHONE 1	407-862-7578	BRENN GARDNER (407) 772-6613 (407) 310-3457 cell
PHONE 2		
E-MAIL		

PROJECT NAME: Markham Woods Rd (505)

SITE ADDRESS: 505 Markham Woods Rd

CURRENT USE OF PROPERTY: Church

LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: 6 acre(s) PARCEL I.D. 35-20-29-300-014B-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 6/27/05 (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.

Brent Gardner

5/2/05
DATE

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): 150.00 COMMISSION DISTRICT 4 FLU / ZONING SE / A-1

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS East side of Marlham Woods Rd.
between Marlham Woods + J-4

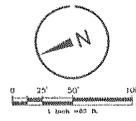
PLANNING ADVISOR _____ DATE 8/3/05

SUFFICIENCY COMMENTS _____

LEGAL DESCRIPTION

FROM THE NE CORNER OF THE SW 1/4 OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; RUN N 89°28'21" W, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 30.215 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKHAM WOODS ROAD; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE BEING A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1465.40 FEET, A CENTRAL ANGLE OF 03°21'48", A CHORD BEARING OF S 19°15'11" W, AN ARC DISTANCE OF 86.022 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S 20°56'05" W, FOR 449.505 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 20°56'05" W, ALONG SAID RIGHT-OF-WAY LINE OF MARKHAM WOODS ROAD FOR 1315.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1662.28 FEET, A CENTRAL ANGLE OF 15°45'15", A CHORD BEARING OF N 28°56'14" E, AN ARC DISTANCE OF 457.06 FEET TO A POINT ON THE SOUTH LINE OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°33'28" W, ALONG SAID SOUTH LINE FOR 12.38 FEET; THENCE RUN NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1672.28 FEET, A CENTRAL ANGLE OF 03°31'00", A CHORD BEARING OF N 38°11'47" E, AN ARC DISTANCE OF 102.64 FEET; THENCE RUN S 50°02'43" E, FOR 10.00 FEET; THENCE RUN NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1662.28 FEET, A CENTRAL ANGLE OF 11°48'04", A CHORD BEARING OF N 45°51'19" E, AN ARC DISTANCE OF 342.38 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE N 51°45'21" E, FOR 197.13 FEET TO THE EAST LINE OF SAID NE 1/4 OF SW 1/4 OF SECTION 35; THENCE N 00°40'51" E, ALONG SAID EAST LINE, FOR 6.43 FEET; THENCE CONTINUE N 51°45'21" E, FOR 233.77 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1861.234 FEET, A CENTRAL ANGLE OF 05°00'43" FOR AN ARC DISTANCE OF 158.00 FEET; THENCE FROM SAID WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD RUN N 60°03'55" W, FOR 271.55 FEET; THENCE RUN S 51°45'21" W, FOR 112.10 FEET; THENCE RUN N 60°03'55" W, FOR 220.00 FEET TO THE POINT OF BEGINNING.

LESS THE WESTERLY 17 FEET FOR RIGHT OF WAY PER O.R.B. 1430, PAGES 1435-1437.



EXIST. SITE DATA:

EXISTING ZONING: A-1, AGRICULTURAL USE
 EXISTING LAND USE: CHURCH
LOT COVERAGE:
 PROJECT AREA = 264,113.08 SF. = 6.0 AC
 BUILDING AREA = 23,204.10 SF.
 TOTAL PAVEMENT = 56,699.07 SF. = 1.30 AC
 TOTAL IMPERVIOUS = 81,562.80 SF. = 1.89 AC
 TOTAL PERVIOUS = 182,211.16 SF. = 4.18 AC
SETBACKS REQUIREMENTS:
 EAST REAR SETBACK = 30'
 SIDE R/W = N/A
 WEST: 50' (MARKHAM WOODS ROAD)
 NORTH SIDE SETBACK = 10'

FLOOD PLAIN INFORMATION

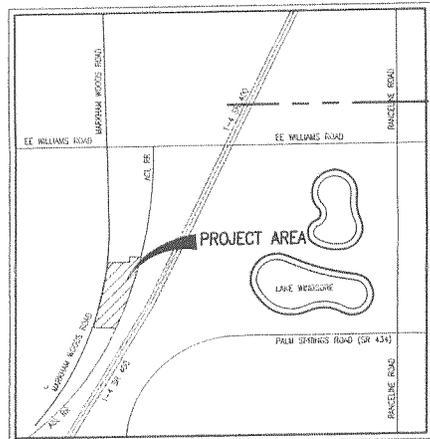
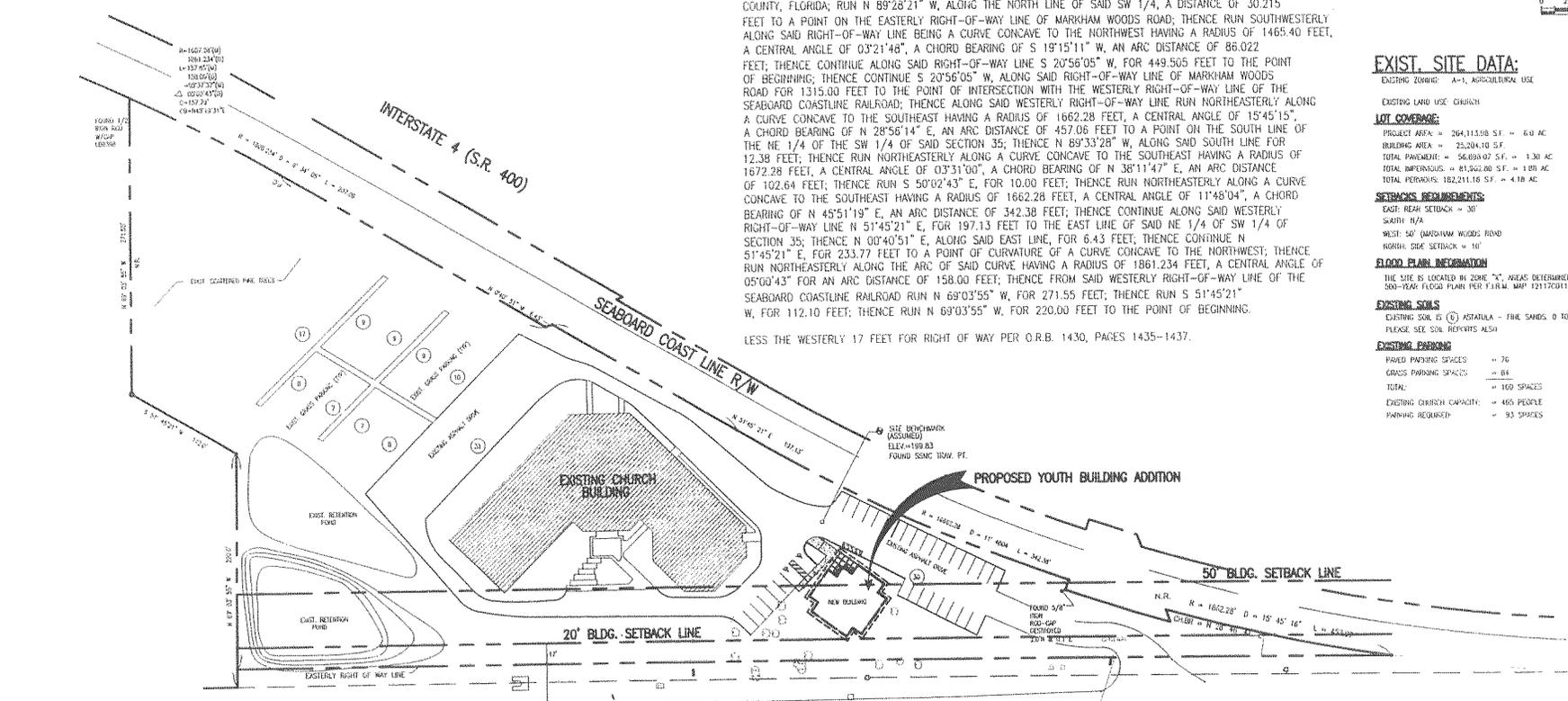
THE SITE IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN PER F.I.R.M. MAP 12117001E, DATED 04/17/1995.

EXISTING SOILS

EXISTING SOIL IS (U) ASTARUA - FINE SANDS, 0 TO 5 PERCENT SLOPE
 PLEASE SEE SOIL REPORTS ALSO

EXISTING PARKING

PAVED PARKING SPACES = 76
 GRASS PARKING SPACES = 84
 TOTAL = 160 SPACES
 EXISTING CHURCH CAPACITY = 465 PEOPLE
 PARKING REQUIRED = 93 SPACES



VARIANCE SITE PLAN

SCALE: 1" = 50'

ENGINEERING PLANNING
 URBAN DESIGN
SKConsortium, Inc.
 1005 N. ORANGE AVE. SUITE 300 • MAITLAND, FLORIDA 32751
 TELEPHONE: 407-629-4288 • FAX: 407-629-4288 • WWW: SKC.COM

Scale: Vertical Distortion: P.E. #1000

VARIANCE SITE PLAN
FARMER - BAKER - BARRIOS
MWC YOUTH BUILDING
 SEMINOLE, COUNTY

Issue Date and Purpose

Project Number	0360
Drawn by:	MANC, CR
Checked:	W. B. GARDNER
For Use:	APPROVAL

Issue Date and Purpose

Project Number	0360
Drawn by:	MANC, CR
Checked:	W. B. GARDNER
For Use:	APPROVAL

MP-1

LOCATION MAP
 SCALE: 1" = 50'

<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 407-665-7505</p>		
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<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 35-20-29-300-014B-0000 Tax District: 01-COUNTY-TX DIST 1</p> <p>FLA Owner: CONFERENCE Exemptions: 36-CHURCH/RELIGIOUS ASSN OF</p> <p>Own/Addr: SEVENTH-DAY ADVENTISTS Address: PO BOX 2626 City,State,ZipCode: WINTER PARK FL 32790 Property Address: 505 MARKHAM WOODS RD Facility Name: Dor: 71-CHURCHES</p>	<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$1,061,605 Depreciated EXFT Value: \$7,337 Land Value (Market): \$334,200 Land Value Ag: \$0 Just/Market Value: \$1,403,142 Assessed Value (SOH): \$1,403,142 Exempt Value: \$1,403,142 Taxable Value: \$0 Tax Estimator</p>
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<p style="text-align: center;">SALES</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Deed</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Book</th> <th style="text-align: left;">Page</th> <th style="text-align: left;">Amount</th> <th style="text-align: left;">Vac/Imp</th> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1980</td> <td>01289</td> <td>0213</td> <td>\$99,000</td> <td>Vacant</td> </tr> </table> <p style="text-align: center;">Find Comparable Sales within this DOR Code</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	07/1980	01289	0213	\$99,000	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$0 2004 Taxable Value: \$0 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp								
WARRANTY DEED	07/1980	01289	0213	\$99,000	Vacant								

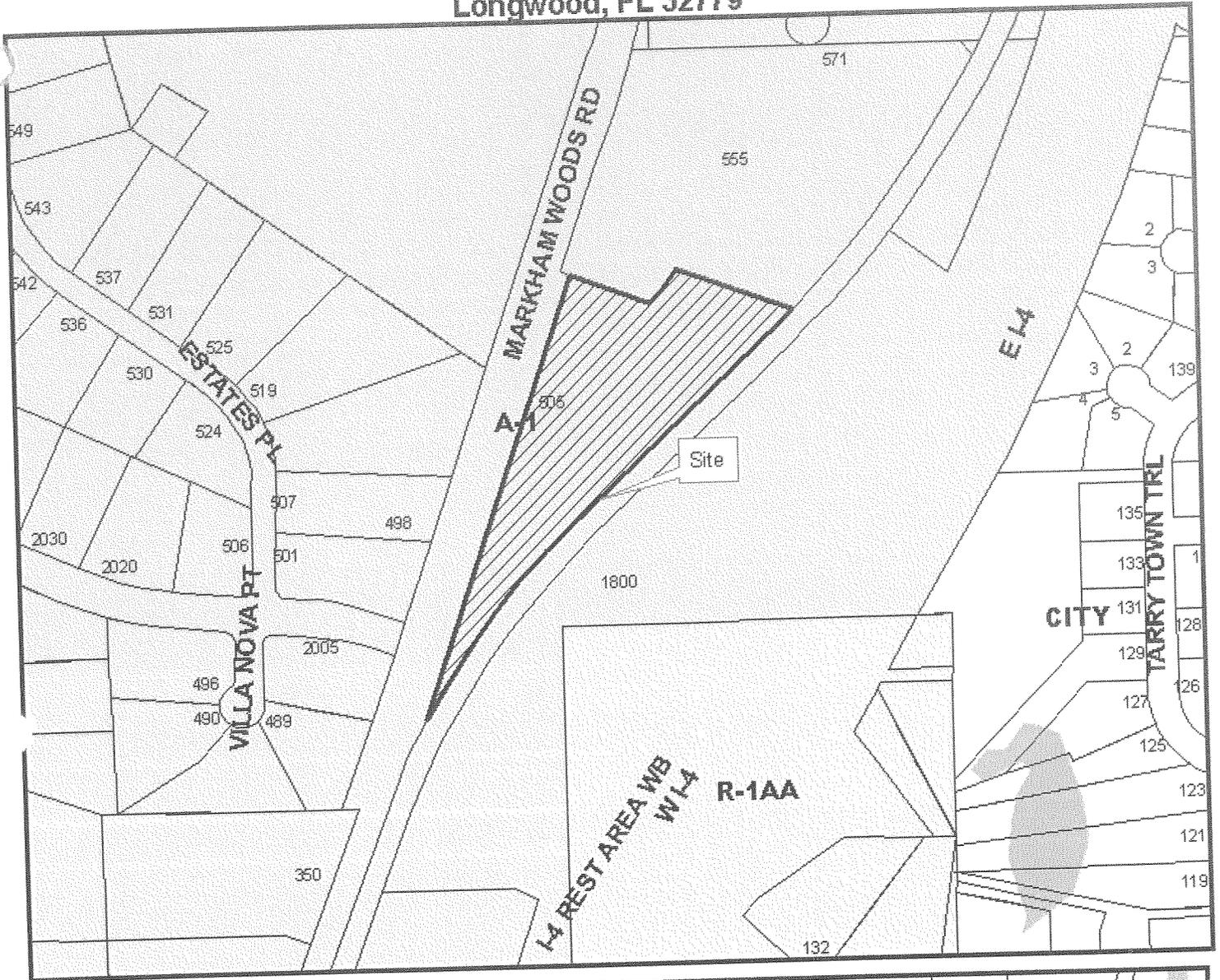
<p style="text-align: center;">LAND</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Land Assess Method</th> <th style="text-align: left;">Frontage</th> <th style="text-align: left;">Depth</th> <th style="text-align: left;">Land Units</th> <th style="text-align: left;">Unit Price</th> <th style="text-align: left;">Land Value</th> </tr> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>5.570</td> <td>60,000.00</td> <td>\$334,200</td> </tr> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	5.570	60,000.00	\$334,200	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>LEG SEC 35 TWP 20S RGE 29E FM NE COR OF SW 1/4 RUN W 30.215 FT SWLY ON CURVE 86.022 FT S 20 DEG 56 MIN 5 SEC W 449.505 FT TO POB RUN S 20 DEG 56 MIN 5 SEC W 1315 FT NELY ON WLY LI SCL RY 1490.98 FT N 69 DEG G 3 MIN 55 SEC W 271.55 FT S 51 DEG 45 MIN 21 SEC W 112.1 FT N 69 DEG MIN 55 SEC W 220 FT TO BEG (LESS WLY 17 FT FOR RD)</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
ACREAGE	0	0	5.570	60,000.00	\$334,200								

BUILDING INFORMATION								
Bid Num	Bid Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bid Value	Est. Cost New
1	MASONRY PILAS	1982	22	23,505	2	CONCRETE BLOCK-STUCCO - MASONRY	\$1,061,605	\$1,444,361
Subsection / Sqft			UTILITY UNFINISHED / 5336					

EXTRA FEATURE				
Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1982	20,800	\$7,337	\$17,264

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.

Brent Gardner
 505 Markham Woods Road
 Longwood, FL 32779

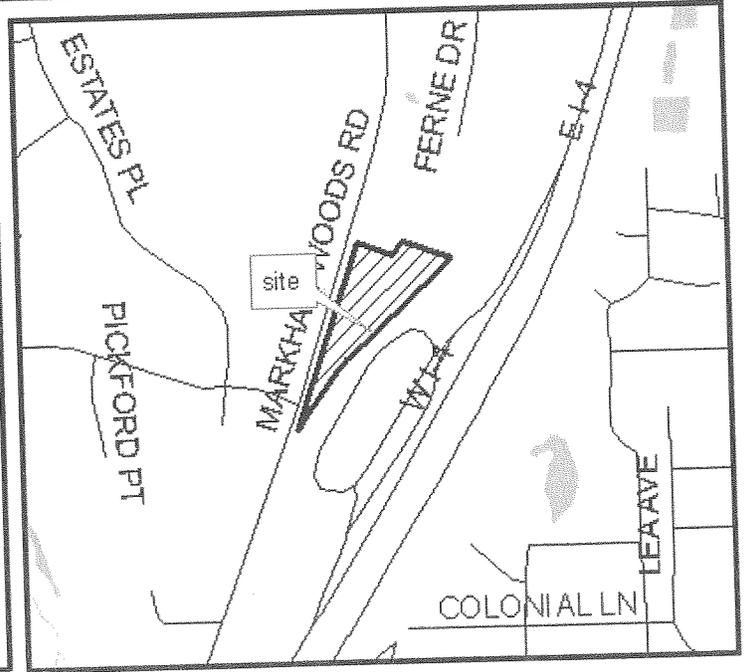


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-063
 Parcel No: 35-20-29-300-014B-0000

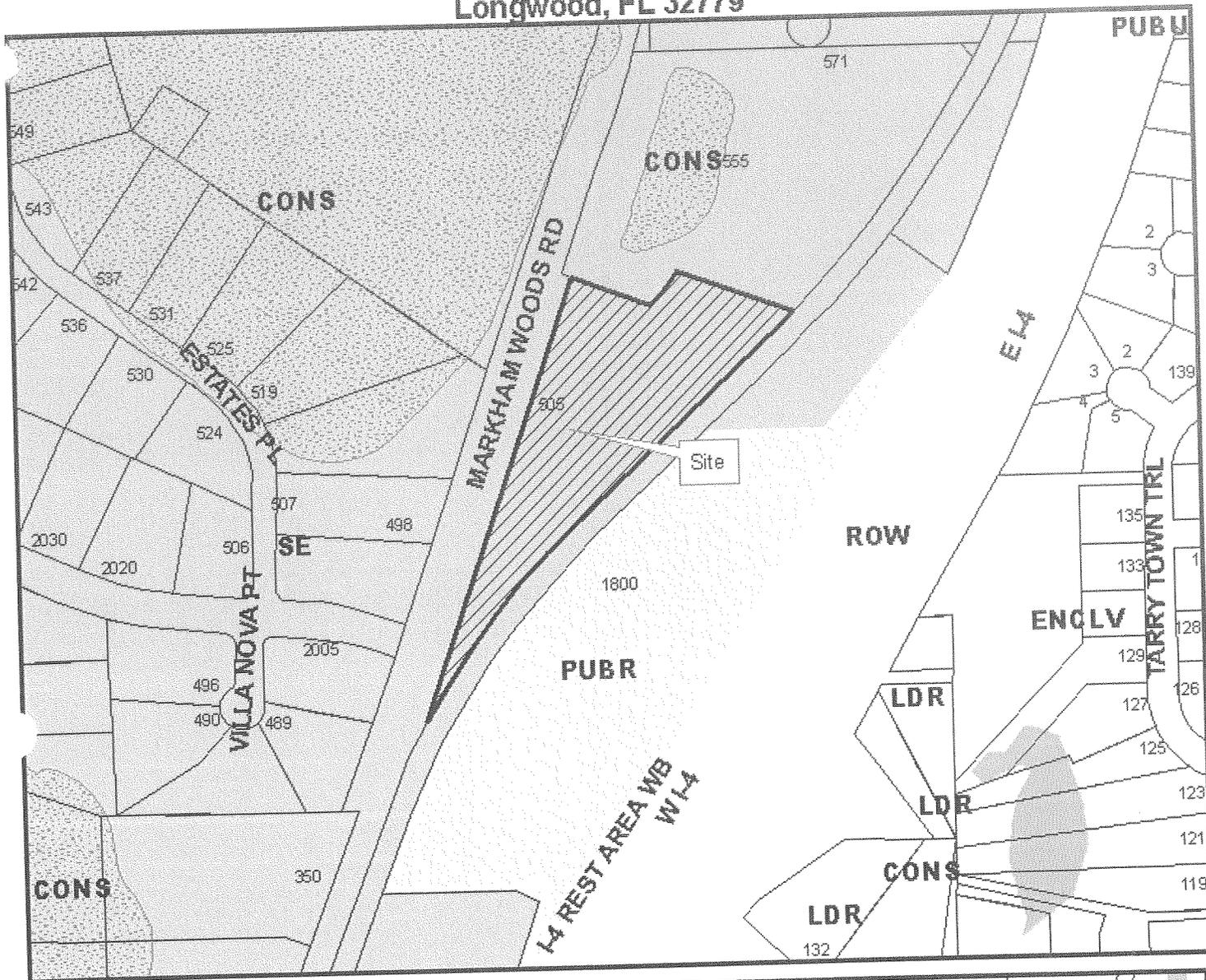
Zoning

-  A-1 Agricultural-1Ac
-  R-1AA Single Fam-11700
-  BV2005-063

0 80 160 320 480 640 Feet

Brent Gardner
 505 Markham Woods Road
 Longwood, FL 32779

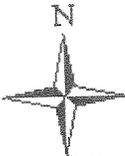
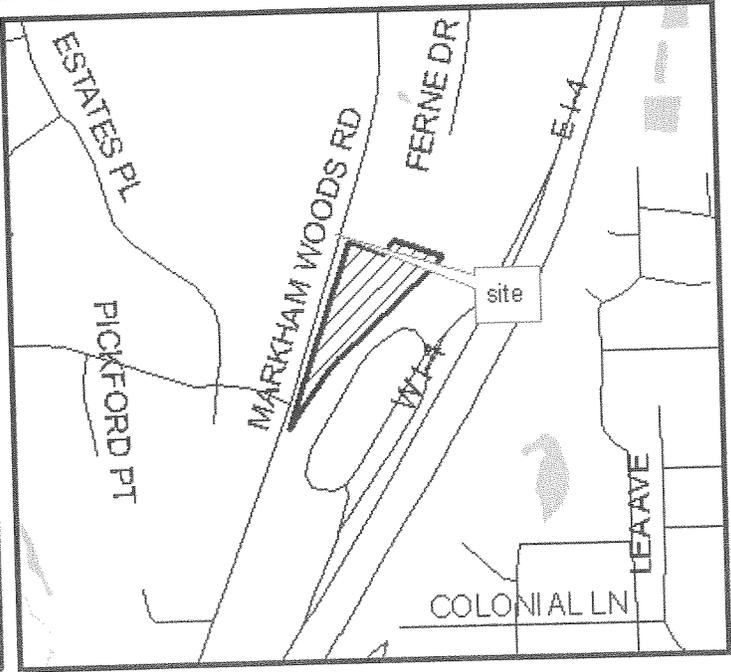


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-063
 Parcel No: 35-20-29-300-014B-0000

Future Land Use

-  CONS, SE
-  PUBR, NONE
-  SE, NONE
-  LDR, NONE
-  BV2005-063

0 235470 940 1,410 1,880 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 35 TWP 20S RGE 29E FM NE COR OF SW 1/4 RUN W 30.215 FT SWLY
ON CURVE 86.022 FT S 20 DEG 56 MIN 5 SEC W 449.505 FT TO POB RUN S 20
DEG 56 MIN 5 SEC W 1315 FT NELY ON WLY LI SCL RY 1490.98 FT N 69 DE G 3
MIN 55 SEC W 271.55 FT S 51 DEG 45 MIN 21 SEC W 112.1 FT N 69 DEG MIN 55
SEC W 220 FT TO BEG (LESS WLY 17 FT FOR RD)

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

FINDINGS OF FACT

Property Owner: FLORIDA CONFERENCE OF SEVENTH DAY ADVENTIST
PO BOX 2626
WINTER PARK, FL 32790

Project Name: MARKHAM WOODS ROAD (505)

Requested Development Approval:

MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 20 FEET AND FOR A PROPOSED ADDITION TO A CHURCH 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: Michael Rumer, 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 proposed addition 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: