

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

SUBJECT: REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (CHARLIE AND MELISSA BANKS, APPLICANTS).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

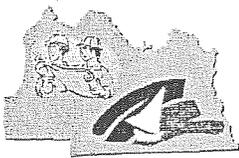
Agenda Date 07/25/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (CHARLIE AND MELISSA BANKS, APPLICANTS); OR
2. **DENY** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (CHARLIE AND MELISSA BANKS, APPLICANTS); OR **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	CHARLIE AND MELISSA BANKS LOT 9 BLK A HAYMANS ADD TO ALTAMONTE R-1 (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME ON A VACANT LOT THAT WOULD ENCROACH TWO FEET INTO THE 7.5 FEET SIDE YARD SETBACK; THE AFOREMENTIONED VARIANCE IS REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> • THE SUBJECT LOT WAS CREATED AS A PART OF THE HAYMAN'S ADDITION TO ALTAMONTE WHICH WAS PLATTED ON OCTOBER 10, 1923. • POLICY FLU 3.2, ADOPTED ON SEPTEMBER 11, 1991, 	

	<p>REQUIRES THE RECOMBINATION OF PROPERTIES WHEN VARIANCES CAN BE NEGATED. ACCORDING TO SEMINOLE COUNTY REAL PROPERTY RECORDS, THE OPPORTUNITY HAS EXISTED SINCE 1991 TO COMBINE THE SUBJECT PROPERTY WITH ABUTTING LOT 10 SINCE BOTH LOTS HAVE BEEN IN COMMON OWNERSHIP. FOR THIS REASON, POLICY 3.2 CAN BE APPLIED TO REQUIRE THE COMBINATION OF THOSE LOTS.</p> <ul style="list-style-type: none">• THE PROPOSED HOME COULD BE BUILT TO COMPLY WITH THE MINIMUM SIDE YARD SETBACKS REQUIREMENTS AND STILL PROVIDE REASONABLE USE OF THE PROPERTY.
STAFF RECOMMENDATION	<p>BASED ON THE ABOVE STANDARDS FOR GRANTING VARIANCES AND STAFF FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO APPROVE THE REQUESTED VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCES GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND HOME AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

APPL. NO. BV2005-082

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** SYSBY from 7.5 to 5 (both side yards)
- 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 _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
 3/1/05

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>LUIS + Damaris Delgado</u>	<u>Charlie + Melissa Banks</u>
ADDRESS	<u>503 Greenbriar Blvd. Altamonte Spgs, FL 32714</u>	<u>38 E. King St. Orlando FL 32804</u>
PHONE 1	<u>321-263-5429</u>	<u>321-578-1337</u>
PHONE 2		<u>321-578-1338</u>
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: Marker Street
 CURRENT USE OF PROPERTY: _____
 LEGAL DESCRIPTION: Leg lot 9 Bk A Haymans Add to
Altamonte
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 07-21-30-509-0A00-0090
 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 Admin
 (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* 5/31/05
DATE

* If agent'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): \$ 130.00 COMMISSION DISTRICT 4 FLU/ZONING R-1/MDR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS North of Hayman St 1/10 mi west
of the intersection of Hayman St + S. Ronald Reagan Blvd

PLANNING ADVISOR ERM DATE 06/31/05

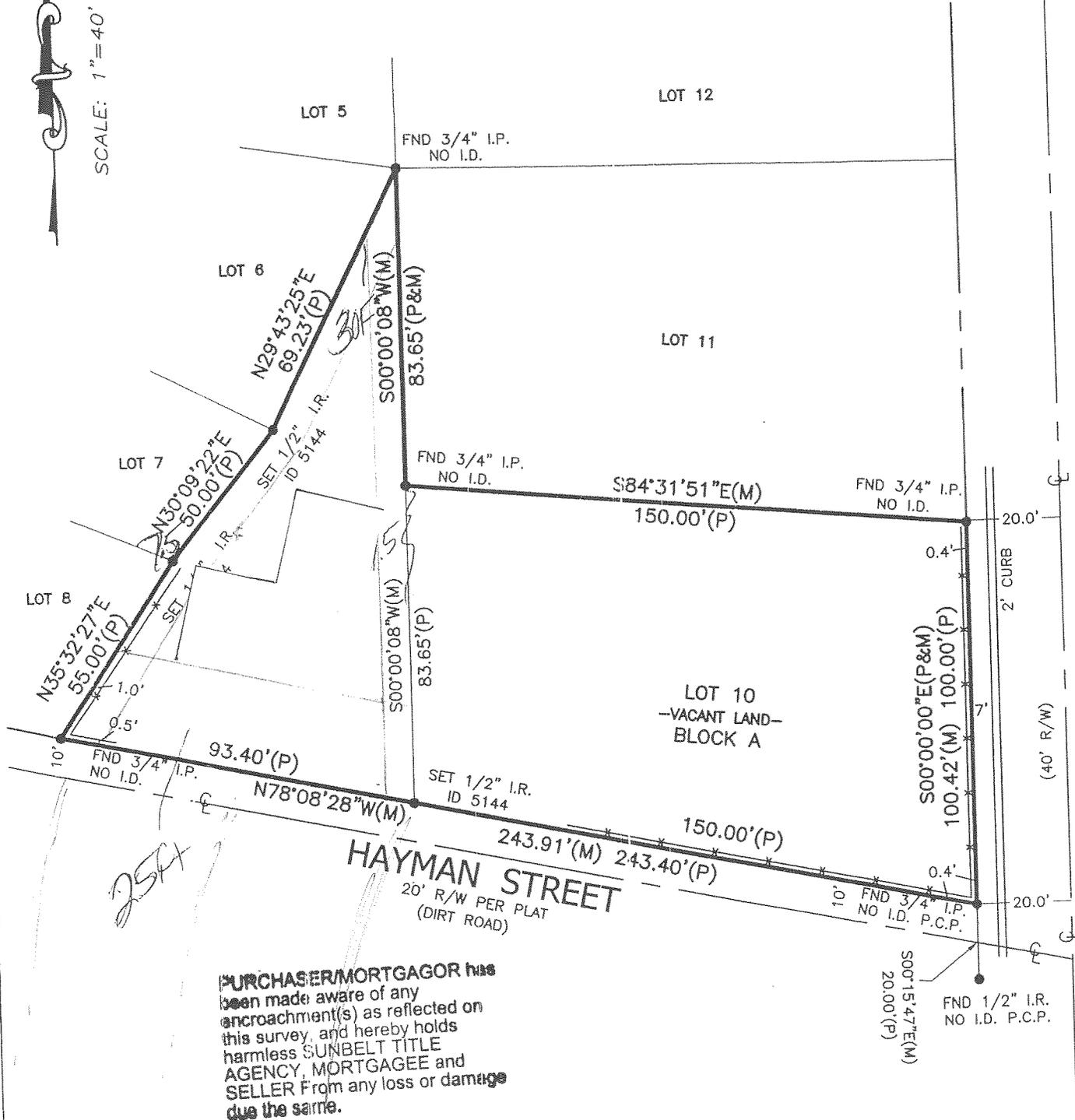
SUFFICIENCY COMMENTS check lot 10 ownership - Delgado owns 7/10

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 9 AND 10, BLOCK A, HAYMAN'S ADDITION TO ALTAMONTE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 39, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SCALE: 1"=40'



PURCHASER/MORTGAGOR has been made aware of any encroachment(s) as reflected on this survey, and hereby holds harmless SUNBELT TITLE AGENCY, MORTGAGEE and SELLER From any loss or damage due the same.

<p>RIGHT-OF-WAY LINE</p> <p>A/C - AIR CONDITIONER Δ - CENTRAL ANGLE C.B. - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT C.M.U. - CONCRETE MASONRY UNIT CONC. - CONCRETE COV. - COVERED C.P.P. - CONCRETE POWER POLE D - DEED D.E. - DRAINAGE EASEMENT E - EAST</p>	<p>CENTERLINE</p> <p>I.P. - IRON PIPE I.R. - IRON ROD L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.P. - LANDING PAD L.S. - LAND SURVEYOR M - MEASURED N - NORTH N&D - NAIL AND DISK # - NUMBER P - PLAT P.C. - POINT OF CURVATURE P.C.P. - PERMANENT CONTROL POINT</p>	<p>BUILDING SETBACK LINE</p> <p>P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIUS R/W - RIGHT OF WAY RAD - RADIAL S/W - SIDEWALK S - SOUTH STY. - STORY U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE W.M. - WATER METER</p>	<p>BARB WIRE FENCE</p> <p>WOOD FENCE</p> <p>CHAIN LINK FENCE</p> <p>OVERHEAD UTILITY LINES</p>
<p>LEGEND</p> <p>✕ = FOUND "x" CUT IN CONC. ○ = SET 1/2" REBAR AND CAP PSM # 5144 ● = FOUND PROPERTY CORNER ■ = 4" x 4" CONCRETE MONUMENT ⊗ = WELL ⊕ = GAS METER ♁ = FIRE HYDRANT ☒ = COVERED AREA</p>			

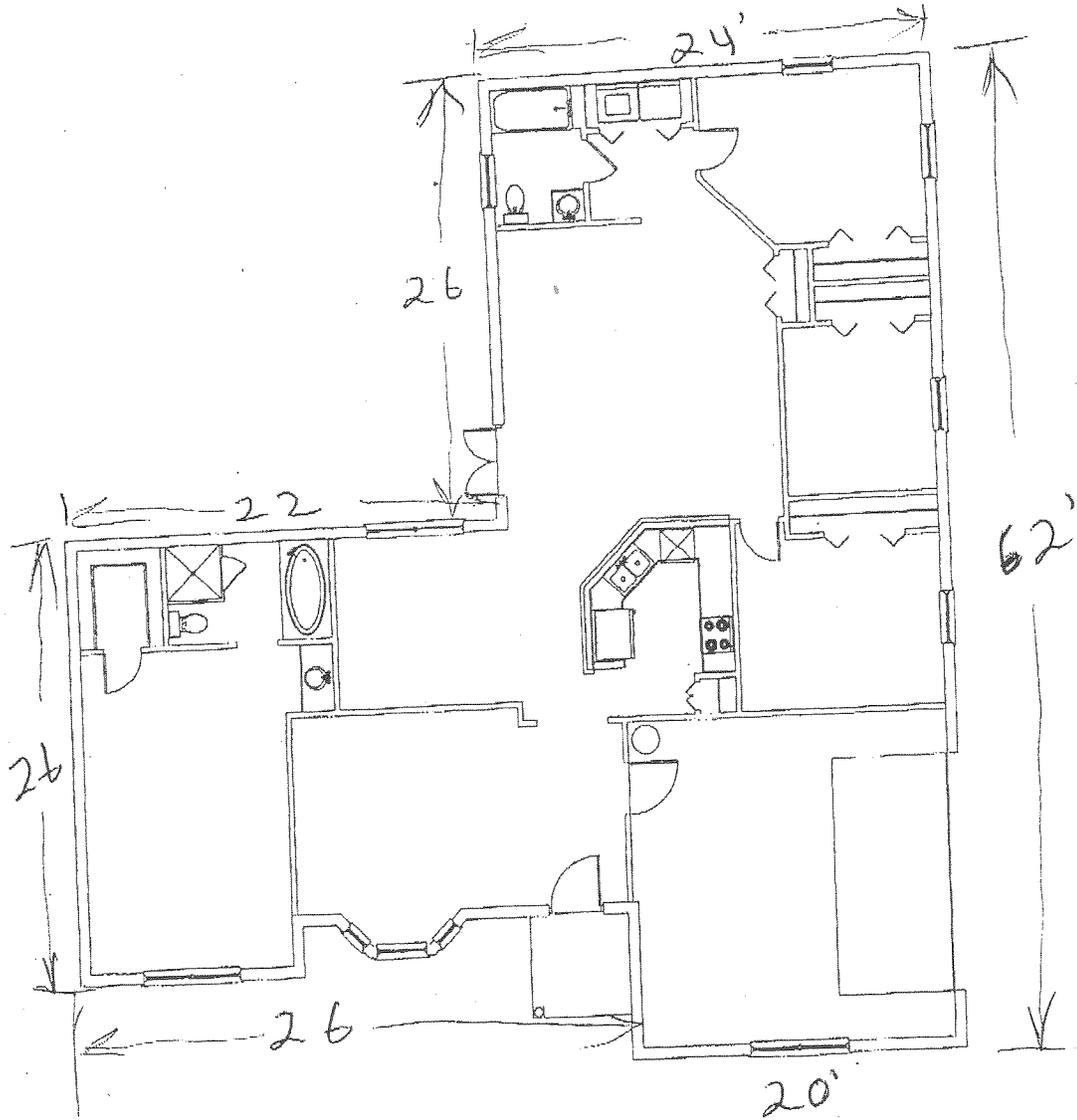
FROM :

FAX NO. : 4076969365
407-295-8141

May. 31 2005 01:20PM P1

05 06:18p

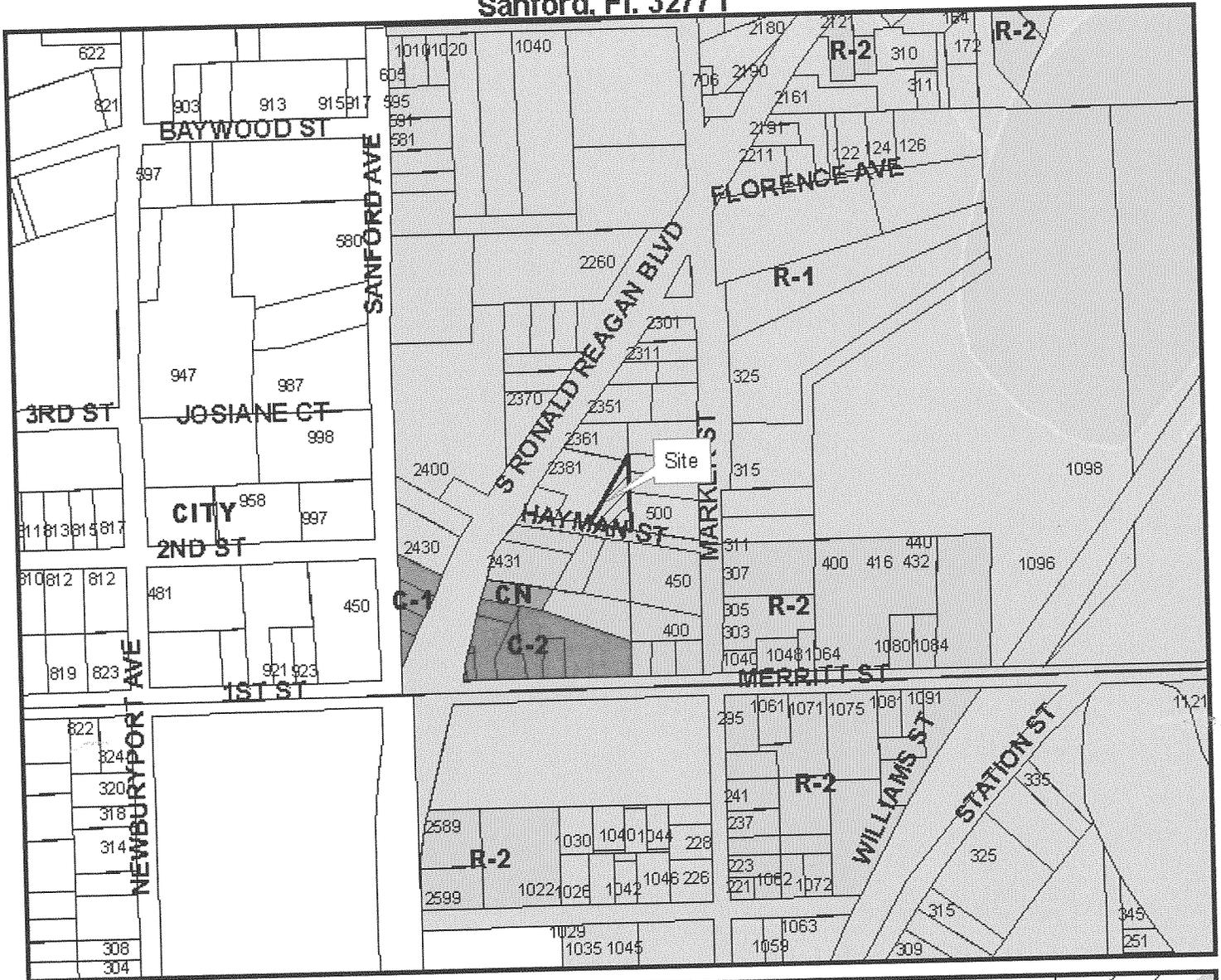
Patrick Calazza



665-7385

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																			
<p align="center">GENERAL</p> <p>Parcel Id: 07-21-30-509-0A00-0090 Tax District: 01-COUNTY-TX DIST 1 Owner: DELGADO LUIS & DAMARIS Exemptions: Address: 503 GREENBRIAR BLVD City,State,ZipCode: ALTAMONTE SPRINGS FL 32714 Property Address: MARKER ST Subdivision Name: HAYMANS ADD TO ALTAMONTE Dor: 00-VACANT RESIDENTIAL</p>	<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$8,175 Land Value Ag: \$0 Just/Market Value: \$8,175 Assessed Value (SOH): \$8,175 Exempt Value: \$0 Taxable Value: \$8,175 Tax Estimator</p>																		
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/2004</td> <td>05499</td> <td>1968</td> <td>\$50,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1994</td> <td>02754</td> <td>0824</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/2004	05499	1968	\$50,000	Vacant	QUIT CLAIM DEED	04/1994	02754	0824	\$100	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$342 2004 Taxable Value: \$20,213 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp														
WARRANTY DEED	10/2004	05499	1968	\$50,000	Vacant														
QUIT CLAIM DEED	04/1994	02754	0824	\$100	Vacant														
<p align="center">LAND</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 & DEPTH</td> <td>60</td> <td>165</td> <td>.000</td> <td>125.00</td> <td>\$8,175</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	60	165	.000	125.00	\$8,175	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LOT 9 BLK A HAYMANS ADD TO ALTAMONTE PB 3 PG 39</p>						
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value														
FRONT FOOT & DEPTH	60	165	.000	125.00	\$8,175														
<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>																			

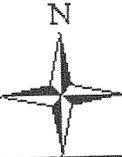
**Charlie & Melissa Banks
Marker Street
Sanford, FL 32771**

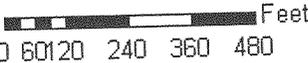


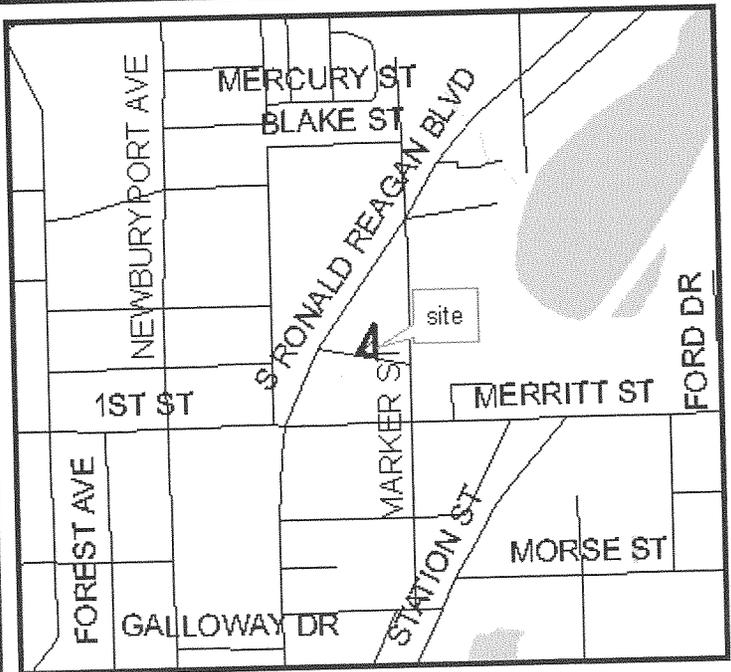
Seminole County Board of Adjustment
July 25, 2005
Case: BV2005-082
Parcel No: 07-21-30-509-0A00-0090

Zoning

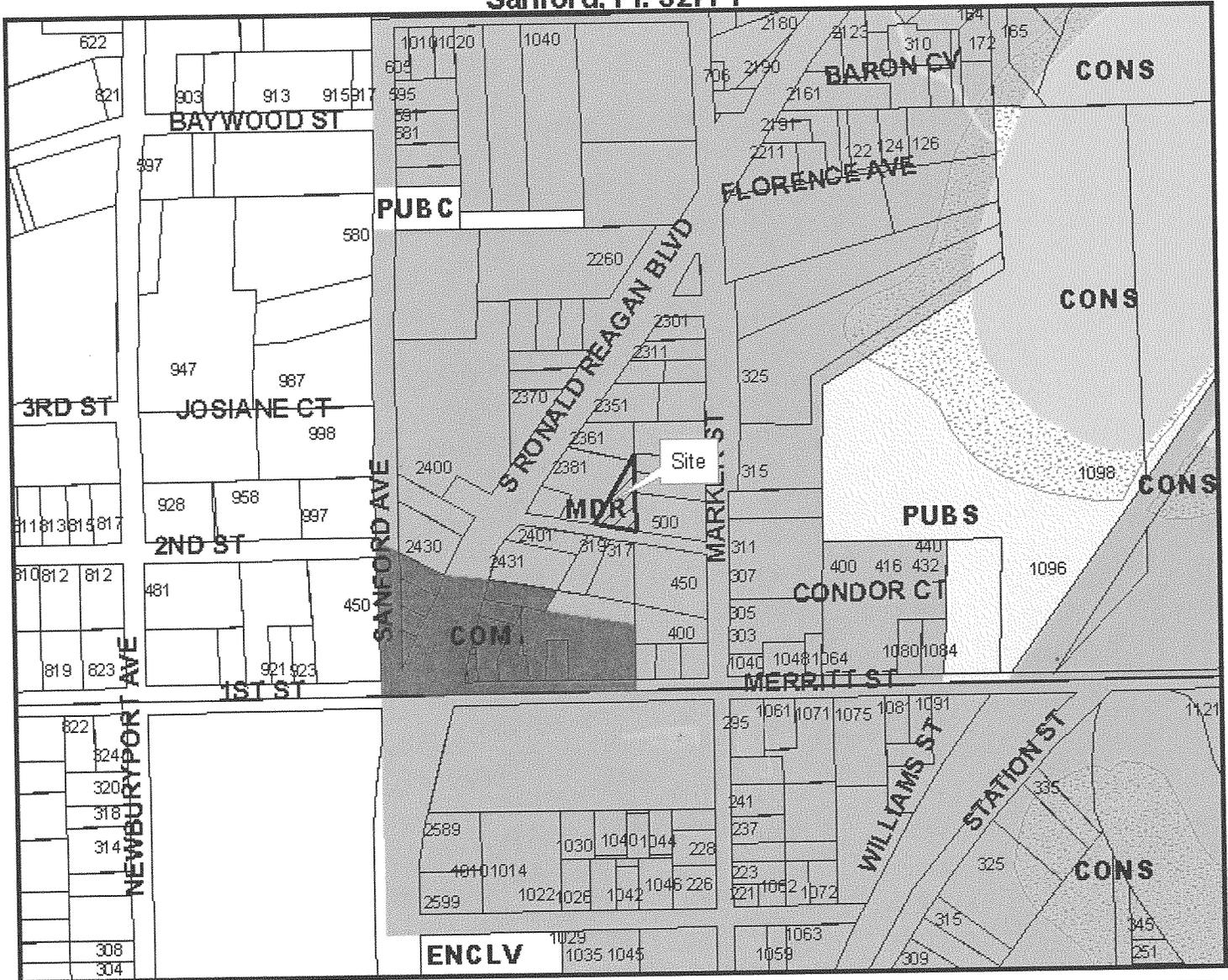
-  R-1 Single Fam-8400
-  R-2 One and Two-Family-9000
-  CN Restricted Neighborhood Comm
-  C-1 Retail Commercial
-  C-2 Retail Commercial
-  BV2005-082



 Feet
 0 60 120 240 360 480



**Charlie & Melissa Banks
Marker Street
Sanford, FL 32771**



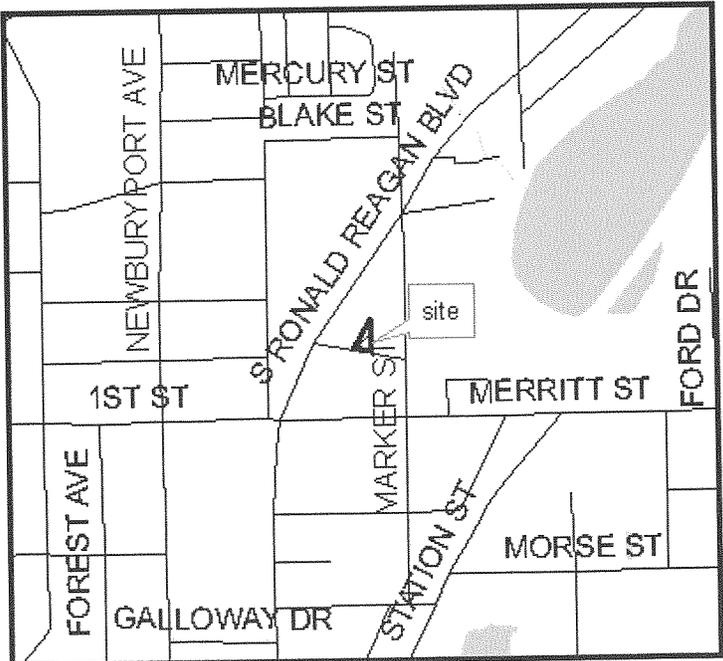
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Future Land Use

- CONS, PUBS
- CONS, MDR
- PUBS, NONE
- MDR, NONE
- COM, NONE
- BV2005-082

N

0 60 120 240 360 480 Feet



May 28, 2005

Seminole County Property Appraisers Office
Mapping Department
1101 East 1st Street
Sanford, FL 32771
Tel # 407-665-7506
Fax # 407-665-7573

Luis and Damaris Delgado
503 Greentriar Blvd
Altamonte Springs, FL 32714
Tel # 407-788-8041
Fax # 407-788-0887

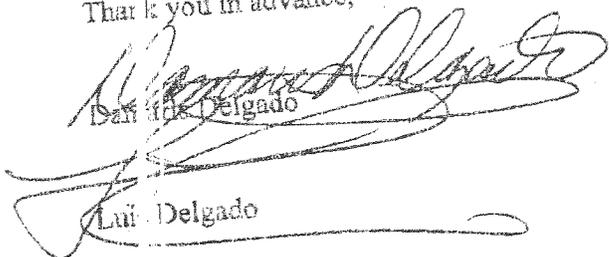
Re: Authorization to Melissa Banks
Subd Name: Haymans add to Altamonte

To Whom It May Concern:

Please be advised that we the owners of Vacant Land with the Legal description of **Lots 9 MILK A HAYMANS ADD TO ALTAMONTE PB 3 PG 39**. We authorize **Melissa Banks** who is in the process of purchasing lot # 9 to act on our behalf in reference to petitioning the zoning department, mapping department or the property appraisers department or whatever department is in charged of authorizing the highest and best possible use for land. Mr. and Mrs. Banks are in the process of purchasing said land so that they can build a single family home, anything that you could do in this matter will be greatly appreciated.

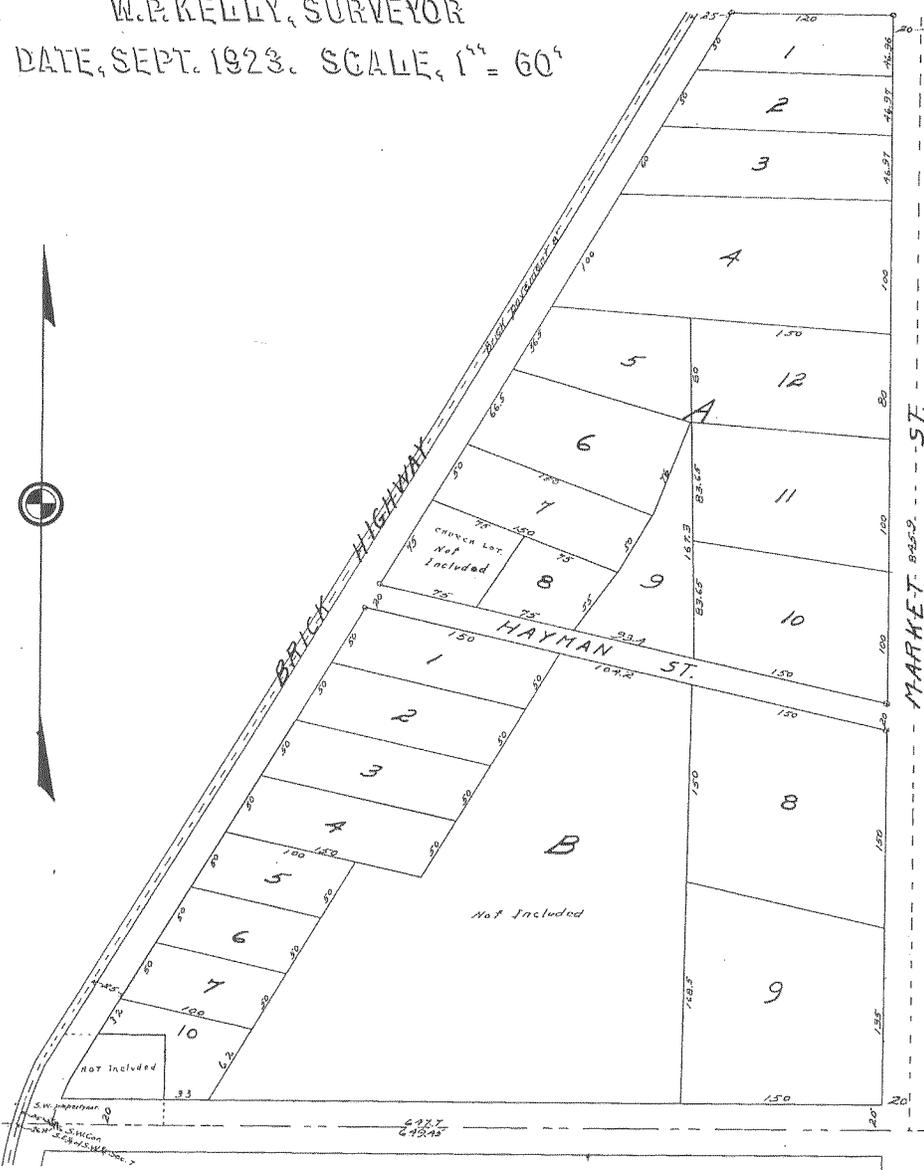
If you have any questions please feel free to call Luis Delgado 321-263-5428 or you may call Dee Delgado 321-263-5429.

Thank you in advance,


Luis Delgado

HAYMAN'S ADD TO ALTAMONTE, SEMINOLE COUNTY, FLA. W.P. KELLY, SURVEYOR

DATE, SEPT. 1923. SCALE, 1" = 60'



Description of land platted
The land embraced in the annexed plat of Hayman's Addition to Altamonte is described as follows: beginning at the SW corner of the S.E. 1/4 of the SW 1/4 of Sec. 7 - Twp. 21 S. - Rge. 30 E. run thence east 247'; thence north 945.9'; thence west 100 ft to right of way of brick highway; thence southwesterly along said right of way to south line of section 7; thence east 125 ft to point of beginning, less all tracts marked 'not included'

Dedication of streets:
Know all men by these presents, that W.H. Hayman as owner, and Ida Hayman his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as Hayman's Addition to Altamonte, and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.
Signed and sealed in presence of
W.P. Kelly (Seal)
Ida Hayman (Seal)

State of Florida;
County of Seminole.
On this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, the above named, W.H. Hayman and Ida Hayman his wife. Known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.
Witness my hand and official seal at Altamonte County of Seminole State of Florida, this the 18th day of September A.D. 1923.

J. M. Douglas (Seal)
Notary Public, State of Fla.
My Commission expires Feb. 28th 1926

Surveyor's Certificate.
On this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, W.P. Kelly, who certifies that he is a competent surveyor, and that he made the survey and plat herein delineated, and that this plat is a correct representation of the land platted, and that permanent iron corners have been planted at points marked thus 'o'.
Signed and sealed in the presence of
W.P. Kelly (Seal)
J. W. Kelly (Seal)

Subscribed and sworn to before me This 18th day of October A.D. 1923 at Altamonte County of Seminole State of Florida.
Oliver V. Reynolds
Notary Public for the State of Florida at Large
My Commission Expires July 31, 1927

Certificate of Approval
This plat approved by the _____ of the County of Seminole, State of Florida, at a meeting held _____
Clerk.

#9631
Filed this 14th day of December 1923 at _____ P.M.
and recorded in Plat
Book No 3 Page 39
of the Public Records of Seminole County Florida this 18th day of March A.D. 1924.
E. A. Douglas
Clerk of Circuit Court
By _____ D. C.

(Seal)

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 9 BLK A HAYMANS ADD TO ALTAMONTE PB 3 PG 39

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

FINDINGS OF FACT

Property Owner: LUIS & DAMARIS DELGADO
503 GREENBRIAR BLVD
ALTAMONTE SPRINGS, FL 32714

Project Name: MARKER ST (LOT 9)

Requested Development Approval:

REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET
FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING 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 lot and 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: