

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

SUBJECT: REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 12 FEET FOR A PROPOSED SHED IN THE A-1 (AGRICULTURE DISTRICT); (BRADLEY & DAWN WEATHERHOLTZ, APPLICANTS).

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

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

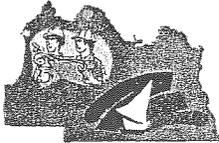
Agenda Date 07-25-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 12 FEET FOR A PROPOSED SHED IN THE A-1 (AGRICULTURE DISTRICT); (BRADLEY & DAWN WEATHERHOLTZ, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 12 FEET FOR A PROPOSED SHED IN THE A-1 (AGRICULTURE DISTRICT); (BRADLEY & DAWN WEATHERHOLTZ, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: BRADLEY & DAWN WEATHERHOLTZ LOCATION: 293 GENEVA HEIGHTS ROAD ZONING: A-1 (AGRICULTURE)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO REPLACE AN EXISTING SHED WITH A NEW METAL SHED THAT WOULD ENCROACH 38 FEET INTO THE 50 FOOT MINIMUM SIDE STREET SETBACK. • THE SHED IS 50 FEET BY 30 FEET OR 1500 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 AGRICULTURE DISTRICT BY ALLOWING ENCROACHMENT INTO THE SIDE

	<p>STREET SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS.</p> <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 PROPOSED 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.



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 2005-083

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.

- VARIANCE** ^{side} back yard variance from ~~30~~ feet to 12 feet for proposed garage/metal building. APPLICATION TYPE: 10 ^{not needed}
- 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	Bradley & Dawn Weatherholtz	
ADDRESS	293 Geneva Heights Rd. Geneva, FL 32732	
PHONE 1	407-349-1397	
PHONE 2	301-303-6380	
E-MAIL	bradanddawn@earthlink.net	

PROJECT NAME: _____
 SITE ADDRESS: 293 Geneva Heights Road Geneva, FL 32732
 CURRENT USE OF PROPERTY: owner occupied single family residence
 LEGAL DESCRIPTION: LEG LOT 13 GENEVA HEIGHTS PB 3 PG 75

SIZE OF PROPERTY: .712 acre(s) PARCEL I.D. 16-20-32-502-0000-0130
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO By appointment please (DAGS) 407-349-1397

This request will be considered at the Board of Adjustment regular meeting on 7/25/05 (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.

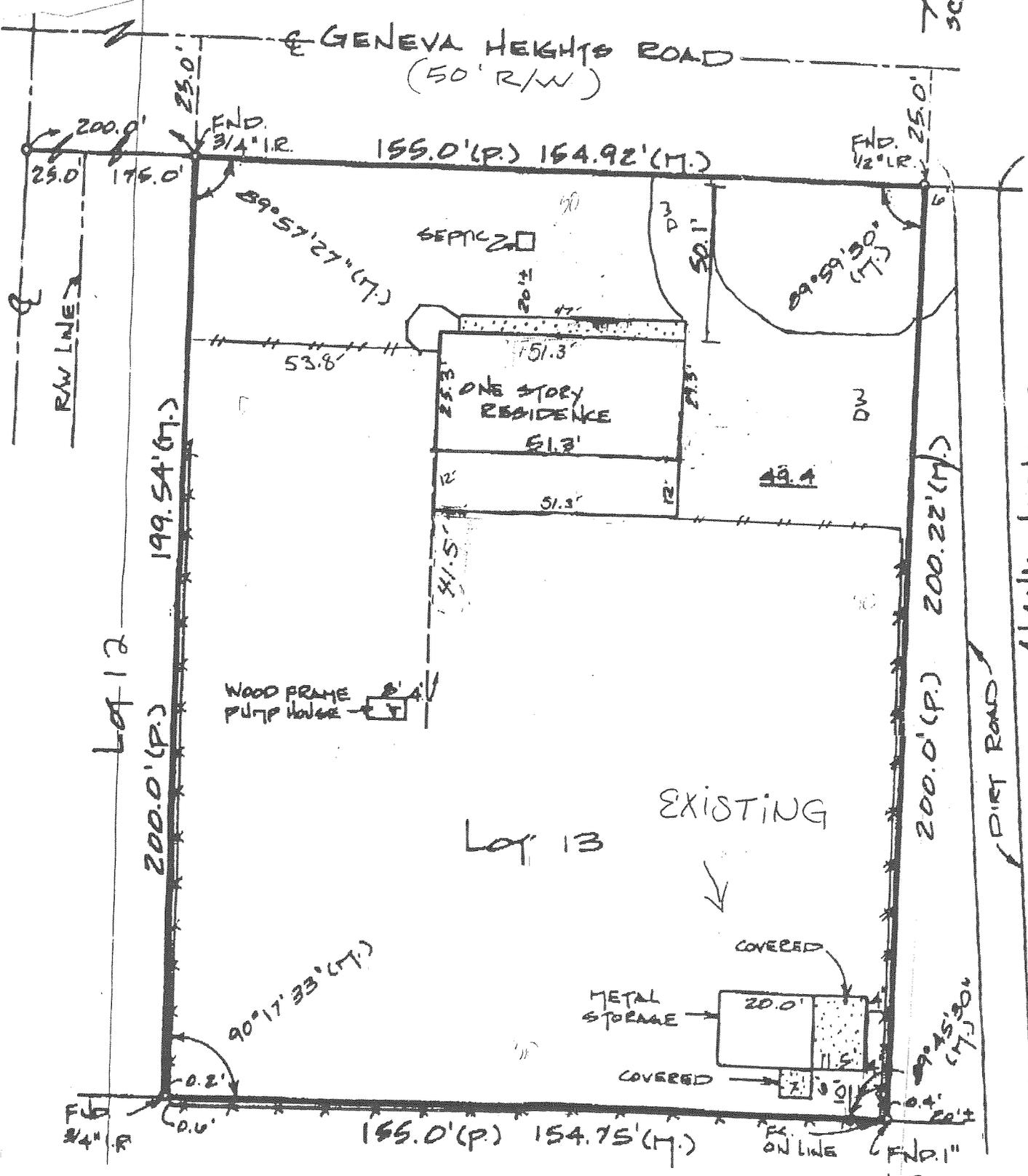
I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Bradley Weatherholtz
 SIGNATURE OF OWNER OR AGENT* DATE 5-2-05

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

SCALE: 1" = 30'

GENEVA HEIGHTS ROAD
(50' R/W)



ALAN'S NATURE COVE

DIRT ROAD

Lot 12

Lot 13

Lot 11

EXISTING

SEPTIC TANK

ONE STORY RESIDENCE

WOOD FRAME PUMP HOUSE

METAL STORAGE

COVERED

COVERED

200.0' (P.) 199.54' (M.) 200.22' (M.)

155.0' (P.) 154.92' (M.)

155.0' (P.) 154.75' (M.)

200.9' 25.0' 175.0'

FND. 1/2" L.R. 25.0'

FND. 3/4" L.R.

89°57'27" (M.)

89°59'30" (M.)

90°17'33" (M.)

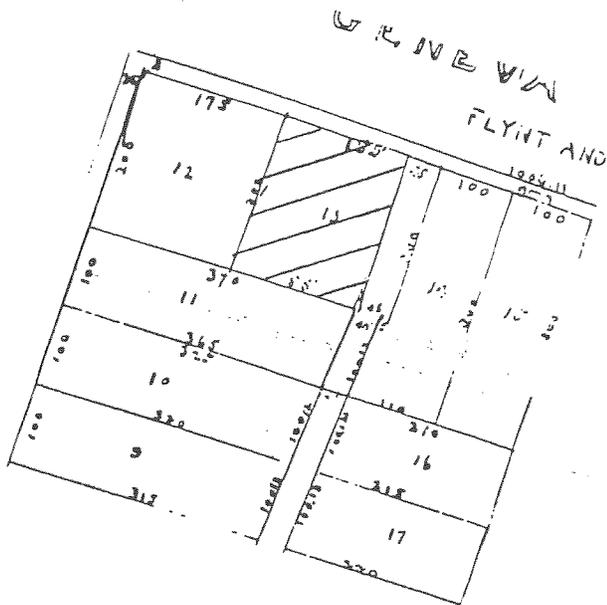
89°45'30" (M.)

FND. 3/4" L.R.

FND. ON LINE

FND. 1" L.P.

RAW LINE



LEGEND

- | | | | |
|--------------|----------------------|--------|------------------------------|
| ---//--- | WOOD FENCE | D.B. | DEED BOOK |
| ---x--- | WIRE FENCE | D. | DESCRIPTION |
| F.N. | NAIL | D.E. | DRAINAGE EASEMENT |
| O | PROPERTY CORNER | D.H. | DRILL HOLE |
| R | RECORD | D/W | DRIVEWAY |
| M | FIELD MEASURED | ESMT | EASEMENT |
| C | CALCULATED | E.L. | ELEVATION |
| CL | CLEAR | F.F. | FINISHED FLOOR |
| ENCR | ENCROACHMENT | F.C.M. | FOUND CONCRETE MONUMENT |
| Q | CENTERLINE | F.P.K. | FOUND PARKER-KALON NAIL |
| CONCRETE | CONCRETE | L | LENGTH |
| R | PROPERTY LINE | L.A.E. | LIMITED ACCESS EASEMENT |
| C.M. | CONCRETE MONUMENT | M.H. | MAN HOLE |
| F.I.R. | FOUND IRON ROD | N.T.S. | NOT TO SCALE |
| F.I.P. | FOUND IRON PIPE | O.R. | OFFICIAL RECORDS |
| R/W | RIGHT OF WAY | O.R.B. | OFFICIAL RECORD BOOK |
| N & D | NAIL & DISC | P.C.P. | PERMANENT CONTROL POINT |
| D.E. | DRAINAGE EASEMENT | P.R.M. | PERMANENT REFERENCE MONUMENT |
| U.E. | UTILITY EASEMENT | PG. | PAGE |
| FD. | FOUND | PVMT. | PAVEMENT |
| P | PLAT | P.B. | PLAT BOOK |
| ASPHALT | ASPHALT | P.O.B. | POINT OF BEGINNING |
| O.U. | OVERHEAD UTILITIES | P.O.C. | POINT OF COMMENCEMENT |
| P.P. | POWER POLE | P.O.L. | POINT ON LINE |
| TX | TRANSFORMER | P.C. | POINT OF CURVATURE |
| CATV | CABLE RISER | P.R.C. | POINT OF REVERSE CURVE |
| W.M. | WATER METER | PT. | POINT OF TANGENCY |
| TEL. | TELEPHONE FACILITIES | R. | RADIUS (RADIAL) |
| COVERED AREA | COVERED AREA | R/W | RIGHT OF WAY |
| B.R. | BEARING REFERENCE | R.O.E. | ROOF OVERHANG EASEMENT |
| CH | CHORD | S.I.R. | SET IRON ROD & CAP |
| RAD | RADIAL | S/W | SIDEWALK |
| N.R. | NON RADIAL | T.B.M. | TEMPORARY BENCH MARK |
| A/C | AIR CONDITIONER | T.O.B. | TOP OF BANK |
| B.M. | BENCH MARK | TYP. | TYPICAL |
| C.B. | CATCH BASIN | W.C. | WITNESS CORNER |
| C. | CALCULATED | 10.50 | EXISTING ELEVATION |
| △ | CENTRAL ANGLE/DELTA | | |

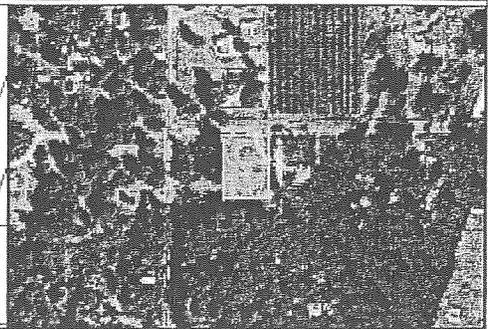
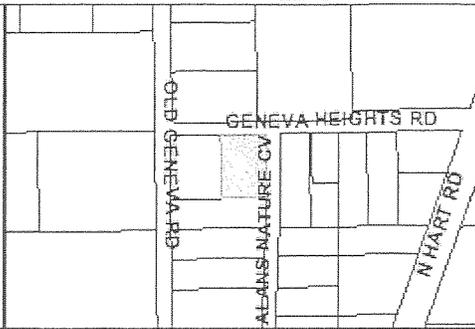
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-565-7508



GENERAL

Parcel Id: 16-20-32-502-0000-0130 Tax District: 01-COUNTY-TX DIST 1

Owner: WEATHERHOLTZ BRADLEY W & DAWN Exemptions: 00-HOMESTEAD

Address: 293 GENEVA HEIGHTS

City,State,ZipCode: GENEVA FL 32732

Property Address: 293 GENEVA HEIGHTS GENEVA 32732

Subdivision Name: GENEVA HEIGHTS

Dor: 01-SINGLE FAMILY

2005 WORKING VALUE SUMMARY

Value Method: Market

Number of Buildings: 1

Depreciated Bldg Value: \$53,890

Depreciated EXFT Value: \$640

Land Value (Market): \$19,224

Land Value Ag: \$0

Just/Market Value: \$73,754

Assessed Value (SOH): \$53,588

Exempt Value: \$25,000

Taxable Value: \$28,588

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	05/1996	03087	1263	\$58,500	Improved
ADMINISTRATIVE DEED	03/1995	02969	1379	\$100	Improved
PROBATE RECORDS	02/1994	02726	0692	\$100	Improved
QUIT CLAIM DEED	02/1992	02414	1268	\$100	Improved
WARRANTY DEED	12/1981	01369	1173	\$7,000	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value(without SOH): \$733

2004 Tax Bill Amount: \$457

Save Our Homes (SOH) Savings: \$276

2004 Taxable Value: \$27,027

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	.712	27,000.00	\$19,224

LEGAL DESCRIPTION PLAT

LEG LOT 13 GENEVA HEIGHTS PB 3 PG 75

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1982	5	1,000	1,379	1,000	CONC BLOCK	\$53,890	\$59,220
	Appendage / Sqft								
	Appendage / Sqft								
	Appendage / Sqft								

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM UTILITY BLDG NO FLOOR	1986	400	\$640	\$1,600

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.

293 Geneva Heights Rd: Geneva, FL 32732
WEATHERHOLTZ

The reason for our request for variance is that the setbacks in place do not provide reasonable placement for the detached metal building we wish to build. With current setbacks, the building would have to be placed in the middle of our backyard, directly behind our home. There is not enough room to access the garage easily unless the back of building faced our home, which we believe would be an eye sore for anyone. We propose to remove an existing metal building, built before we purchased our home, and build a new metal building structure in its' place. The existing building has not posed any problems, thus we hope we are approved to build a larger and yet better building that will also be much more pleasing to the eye than the structure that currently resides there. Thank You.

**Bradley & Dawn Weatherholtz
293 Geneva Heights Road
Geneva, FL 32732**

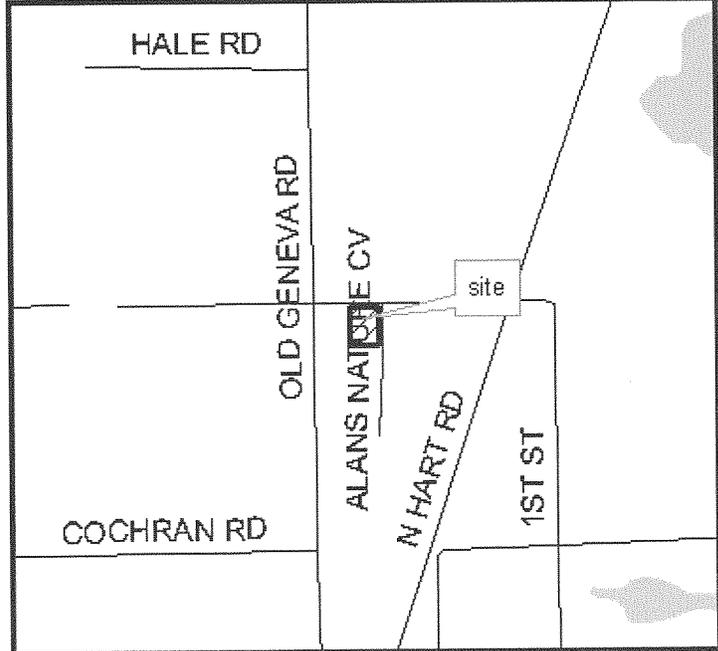


**Seminole County Board of Adjustment
July 25, 2005
Case: BV2005-083
Parcel No: 16-20-32-502-0000-0130**

Zoning

-  A-1 Agricultural-1Ac
-  A-5 Rural-5Ac
-  R-1 Single Fam-8400
-  BV2005-083

0 90 180 360 540 720 Feet

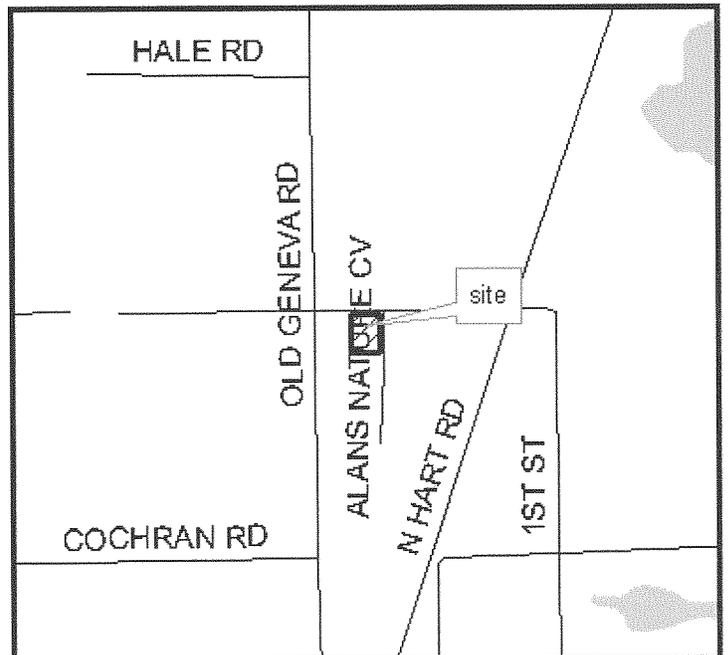
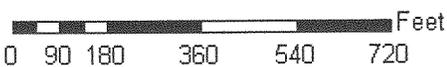
**Bradley & Dawn Weatherholtz
293 Geneva Heights Road
Geneva, FL 32732**



Seminole County Board of Adjustment
July 25, 2005
Case: BV2005-083
Parcel No: 16-20-32-502-0000-0130

Future Land Use

-  R5, NONE
-  SE, NONE
-  LDR, NONE
-  BV2005-083



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 13 GENEVA HEIGHTS PB 3 PG 75

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

FINDINGS OF FACT

Property Owner: BRADLEY & DAWN WEATHERHOLTZ
293 GENEVA HEIGHTS ROAD
GENEVA HEIGHTS ROAD, FL 32732

Site Address: 293 GENEVA HEIGHTS ROAD

Requested Development Approval:

THE REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 12 FEET FOR A PROPOSED 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 PROPOSED 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: