

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES SMARTT, APPLICANT).

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

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

Agenda Date 08/22/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES SMARTT, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES SMARTT, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: JAMES SMARTT LOCATION: LOT 9 & 10 PEACE VALLEY WAY ZONING: A-1 (AGRICULTURE DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME ON A VACANT LOT THAT RECEIVED A LOT SIZE VARIANCE FROM 43,560 SQ. FT. TO 18,120 SQ. FT. IN 1996. NO OTHER VARIANCES WERE REQUESTED. • THE APPLICANT IS REQUESTING A VARIANCE TO THE FRONT YARD SETBACK OF 50 FEET IN ORDER TO ENABLE CUSTOM DESIGNED HOME TO BE BUILT ON THE LOT. • THE BOARD OF ADJUSTMENT HAS APPROVED A SIMILAR VARIANCE ON NEARBY PROPERTY REDUCING THE FRONT SETBACK FROM 50 TO 35 FEET. THE APPLICANT VOLUNTARILLY AGREED TO INCREASE THE REAR SETBACK FROM 30 TO 35 FEET.

STAFF FINDINGS	<ul style="list-style-type: none">• THE SUBJECT LOT WAS CREATED AS A PART OF THE PEACE VALLEY MIAMI SPRINGS PLAT PB 9 PG 51.• THE PROPOSED ADDITION WOULD ENCROACH 25 FEET INTO THE MINIMUM 50 FOOT REAR YARD SETBACK.• IN 2004 A VARIANCE TO REDUCE A FRONT YARD SETBACK FROM 35 FEET TO 20 FEET ON LOTS 18-22 WAS DENIED BY THIS BOARD AND UPHELD BY THE BOARD OF COUNTY COMMISSIONERS.• THE BOARD OF ADJUSTMENT HAS APPROVED A SIMILAR VARIANCE ON NEARBY PROPERTY REDUCING THE FRONT SETBACK FROM 50 TO 35 FEET. THE APPLICANT VOLUNTARILLY AGREED TO INCREASE THE REAR SETBACK FROM 30 TO 35 FEET.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. 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 EXISTING LOTS AS DEPICTED ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

ADDITIONAL VARIANCES

VARIANCE 2:

Front yard setback variance from 50 feet to 25 feet

VARIANCE 3:

Side yard

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): 200⁰⁰ COMMISSION DISTRICT 3 FLU / ZONING LDY2 / A-1
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS S side of Peace Valley Way 410 mi
west of intersection of Peace Valley Way & Miami Springs Dr
PLANNING ADVISOR MR DATE _____
SUFFICIENCY COMMENTS see rezone

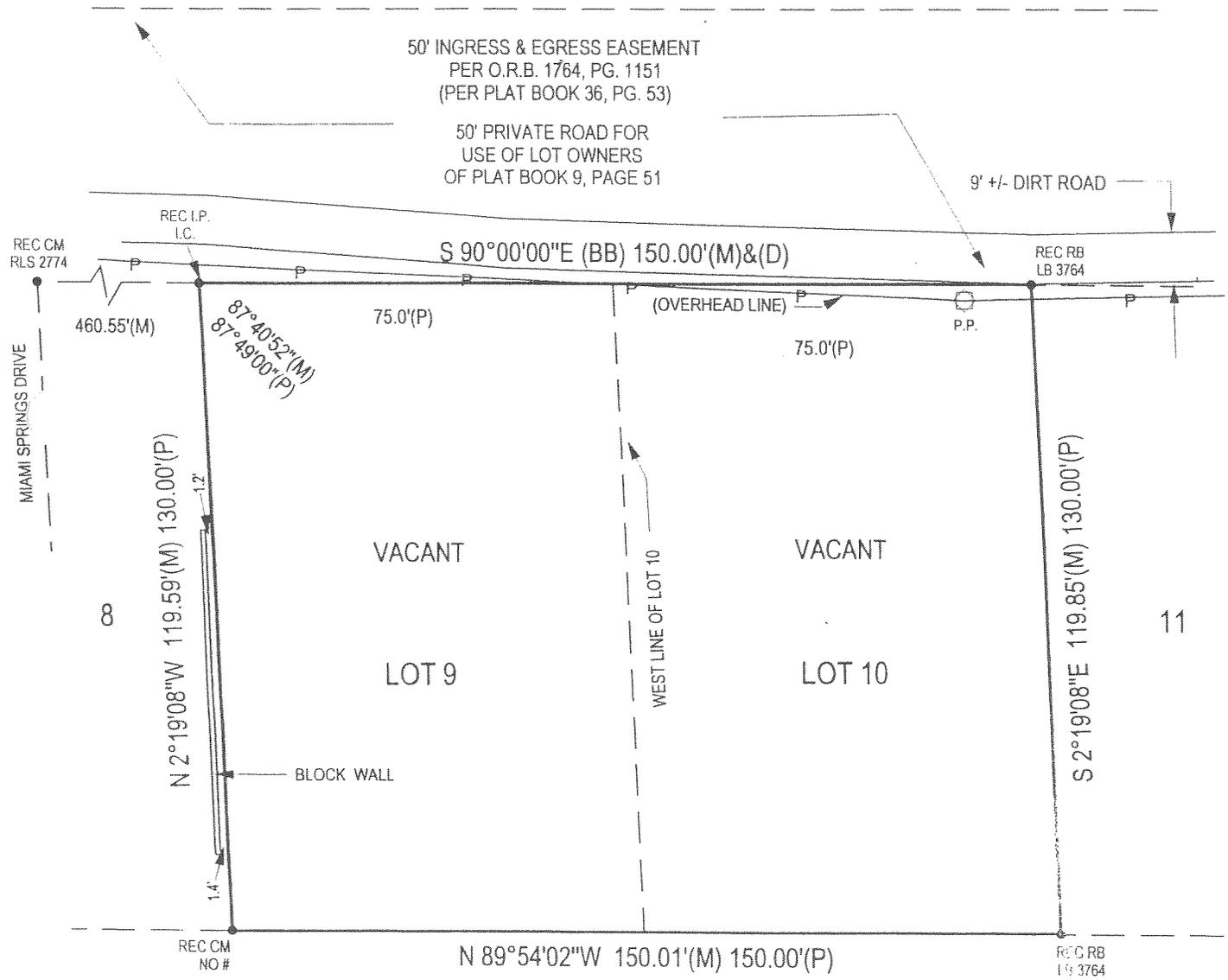
- NOTES:
1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
 2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
 3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
 4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
 5. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
 6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0105 E DATED 04-17-95.

LAND SURVEYORS
LB 4565

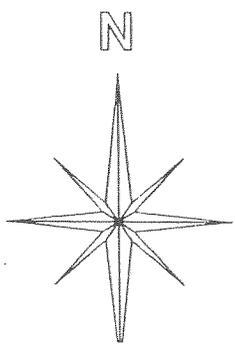
Boundary
And
Mapping
Associates, Inc.

109 WEST ORANGE STREET
ALTAMONTE SPRINGS, FL.
32714
PH. (407) 696-1155

SWEETWATER SPRINGS
P.B. 36, PG. 53



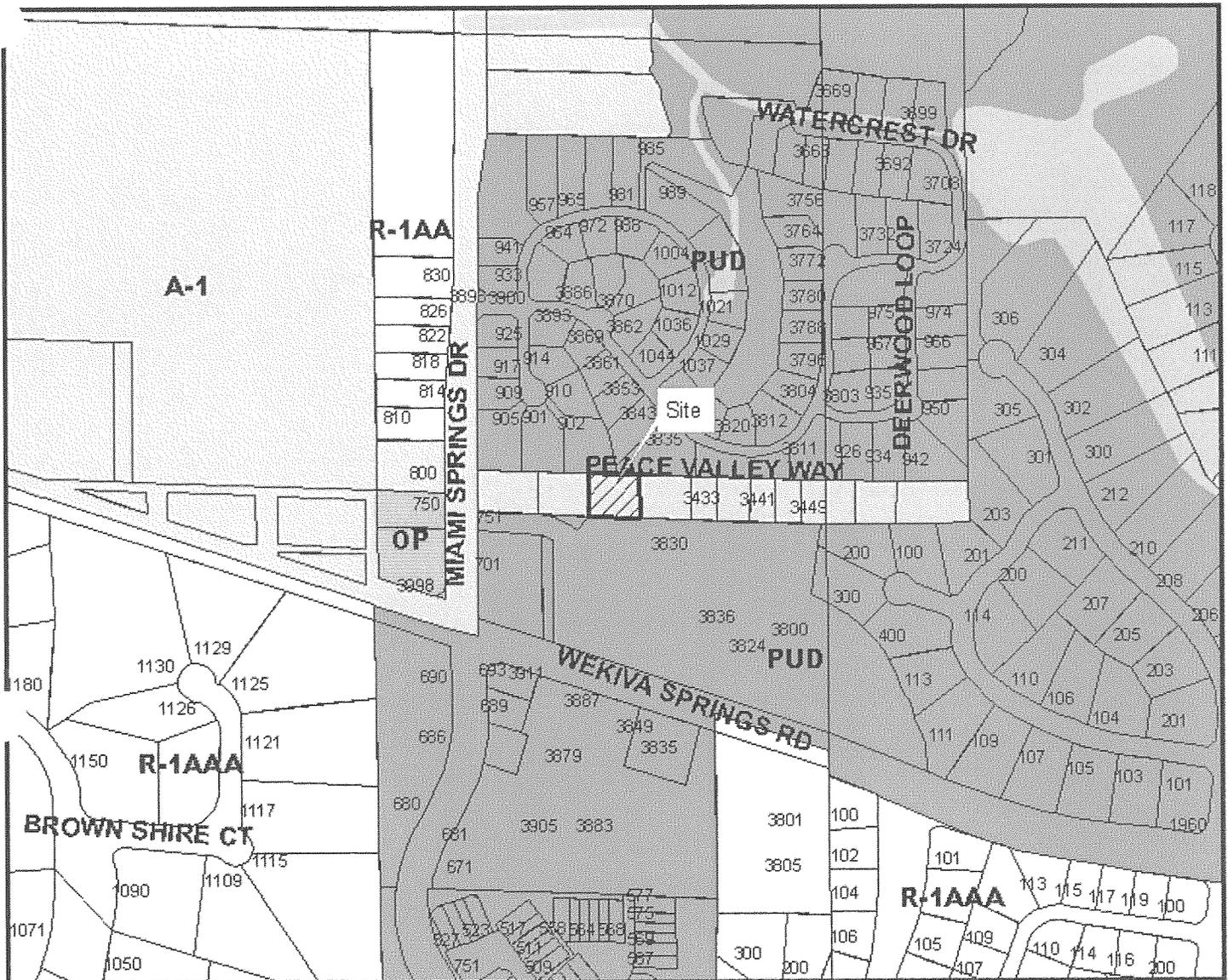
NOT PLATTED



CERTIFIED TO:
J. BRENT AND PATRICIA E. SMARTT
WATSON TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
PEOPLES FIRST COMMUNITY BANK
D AND B CUSTOM HOMES, INC.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CIFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1465 407-665-7508</p>																																	
<p align="center">GENERAL</p> <p>Parcel Id: 31-20-29-501-0000-0090 Tax District: 01-COUNTY-TX DIST 1 Owner: DIFENDERFER FRANK C Exemptions: Address: 308 E PAR ST City,State,ZipCode: ORLANDO FL 32804 Property Address: PEACE VALLEY WAY Subdivision Name: PEACE VALLEY MIAMI SPRINGS 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): \$50,000 Land Value Ag: \$0 Just/Market Value: \$50,000 Assessed Value (SOH): \$50,000 Exempt Value: \$0 Taxable Value: \$50,000 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>12/1995</td> <td>03019</td> <td>0040</td> <td>\$20,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>11/1984</td> <td>01629</td> <td>1466</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1984</td> <td>01543</td> <td>0588</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1983</td> <td>01510</td> <td>1527</td> <td>\$1,600,000</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	12/1995	03019	0040	\$20,000	Vacant	QUIT CLAIM DEED	11/1984	01629	1466	\$100	Vacant	QUIT CLAIM DEED	04/1984	01543	0588	\$100	Vacant	WARRANTY DEED	12/1983	01510	1527	\$1,600,000	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$1,014 2004 Taxable Value: \$60,000 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p>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.</p>																																	

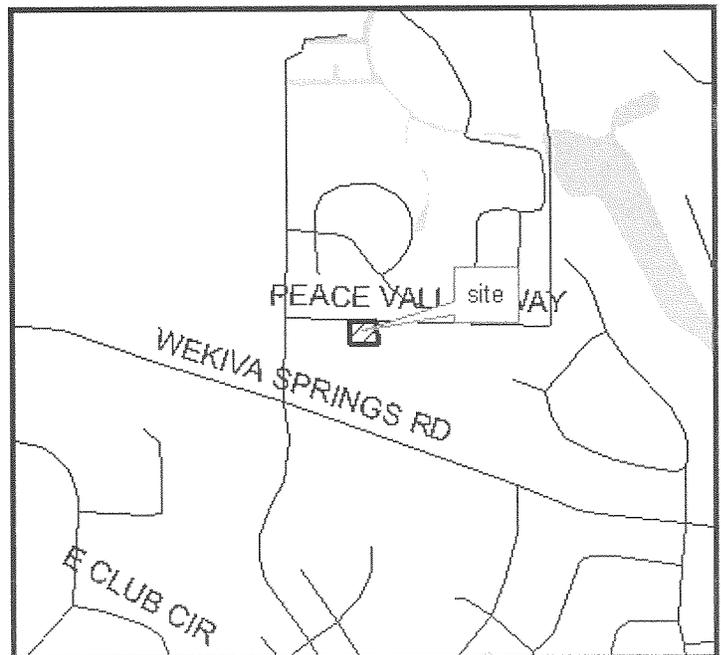
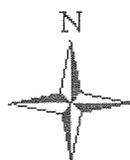
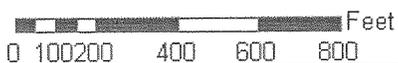
James Brent Smartt Peace Valley Way



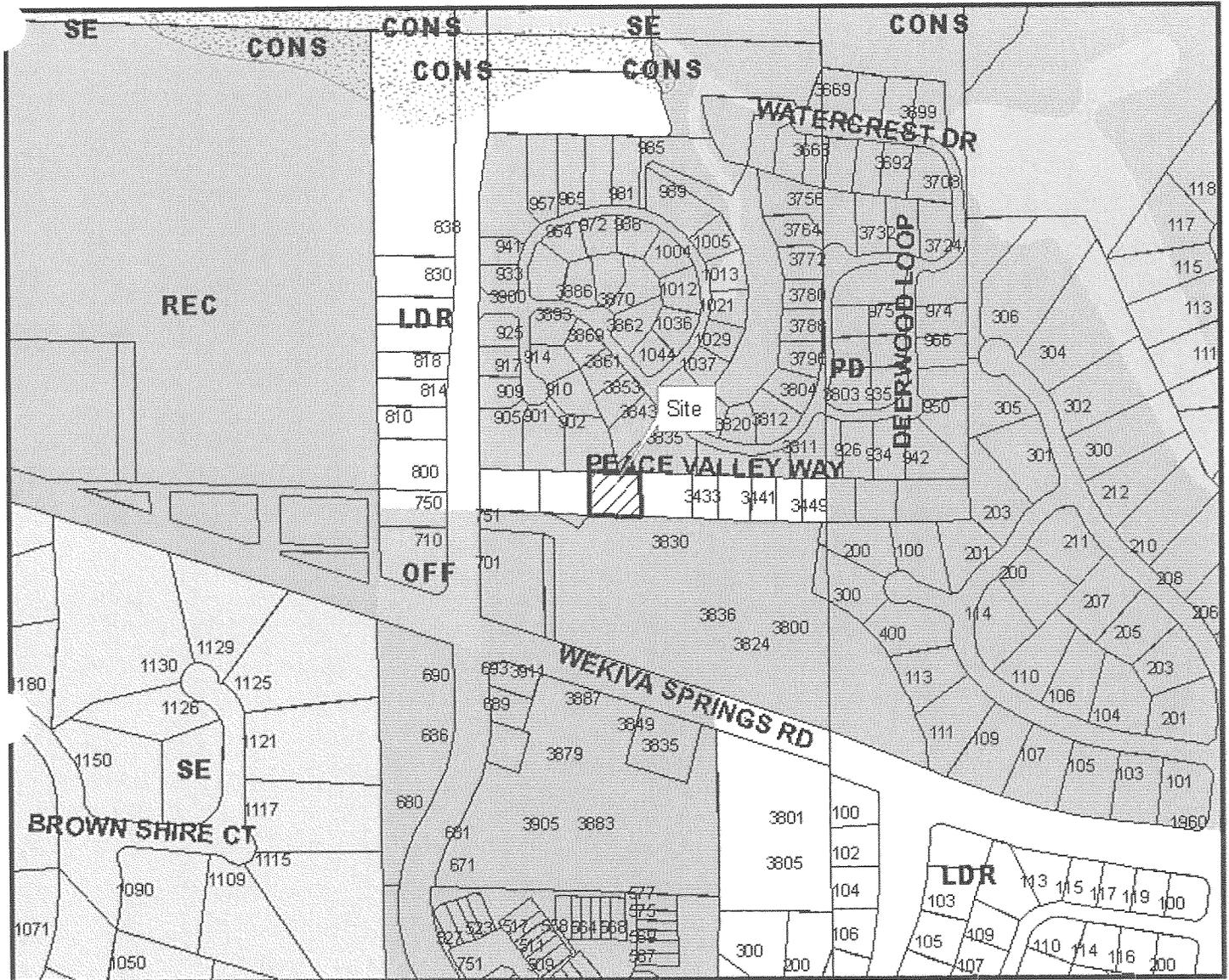
Seminole County Board of Adjustment
 August 22, 2005
 Case: BV2005-094
 Parcel No: 31-20-29-501-0000-0090

Zoning

-  A-1 Agricultural-1Ac
-  R-1AAA Single Fam-13500
-  R-1AA Single Fam-11700
-  OP Office
-  PUD Planned Unit Dev.
-  BV2005-094



James Brent Smartt Peace Valley Way



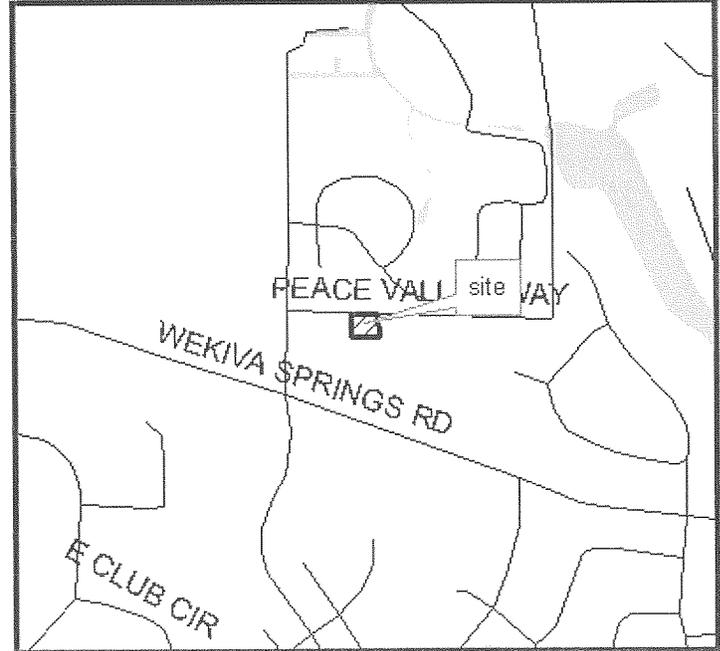
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Future Land Use

	CONS, REC		SE, NONE
	CONS, PD		LDR, NONE
	CONS, SE		PD, NONE
	CONS, LDR		OFF, NONE
	REC, NONE		BV2005-094

N

0 100 200 400 600 800 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 22, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 9 & 10 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED PB 9 PG 51

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

FINDINGS OF FACT

Property Owner: BRENT SMARTT
1440 CANAL POINT RD
LONGWOOD, FL 32750

Project Name: PEACE VALLEY WAY LOT 9 & 10

Requested Development Approval:

REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME 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, Senior 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 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: