

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

**SUBJECT:** REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 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

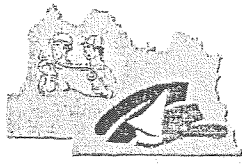
Agenda Date 08/22/05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR MINIMUM FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 35 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 35 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.

<b>GENERAL INFORMATION</b>	APPLICANT: JAMES SMARTT LOCATION: LOT 11 & 12 PEACE VALLEY WAY ZONING: A-1 (AGRICULTURE DISTRICT)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE SUBJECT LOT WAS CREATED AS A PART OF THE PEACE VALLEY MIAMI SPRINGS PLAT PB 9 PG 51.</li> <li>• THE PROPOSED ADDITION WOULD ENCROACH 25 FEET INTO THE MINIMUM 50 FOOT REAR YARD SETBACK.</li> </ul>

	<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOTS AS DEPICTED ON THE ATTACHED SITE PLAN.</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



24 2005

**COPY** APPL. NO. BV2005-095

**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** Lot size variance from 43,560 s.f. To 17,978 s.f.
- 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	<u>JAMES BRENT SMARTT</u>	
ADDRESS	<u>1440 CANAL POINT RD.</u>	
	<u>LONGWOOD, FL. 32750</u>	
PHONE 1	<u>407-342-0457</u>	
PHONE 2	<u>407-831-5102</u>	
E-MAIL		

PROJECT NAME: PEACE VALLEY WAY

SITE ADDRESS: "

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: LOTS 11 AND 12 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED PG 9 PG 51

17978 ~~10~~ 10 ~~Parcel~~ Parcel (s) PARCEL I.D. 31-20-29-501-0000-0110

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \*IN PROCESS OF POSS. ACCESSING PUBLIC UTILITIES

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

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

J. Brent Smartt  
 SIGNATURE OF OWNER OR AGENT\*

6/23/05  
 DATE

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



- 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.

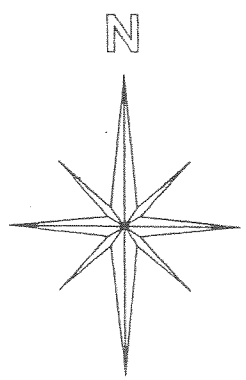
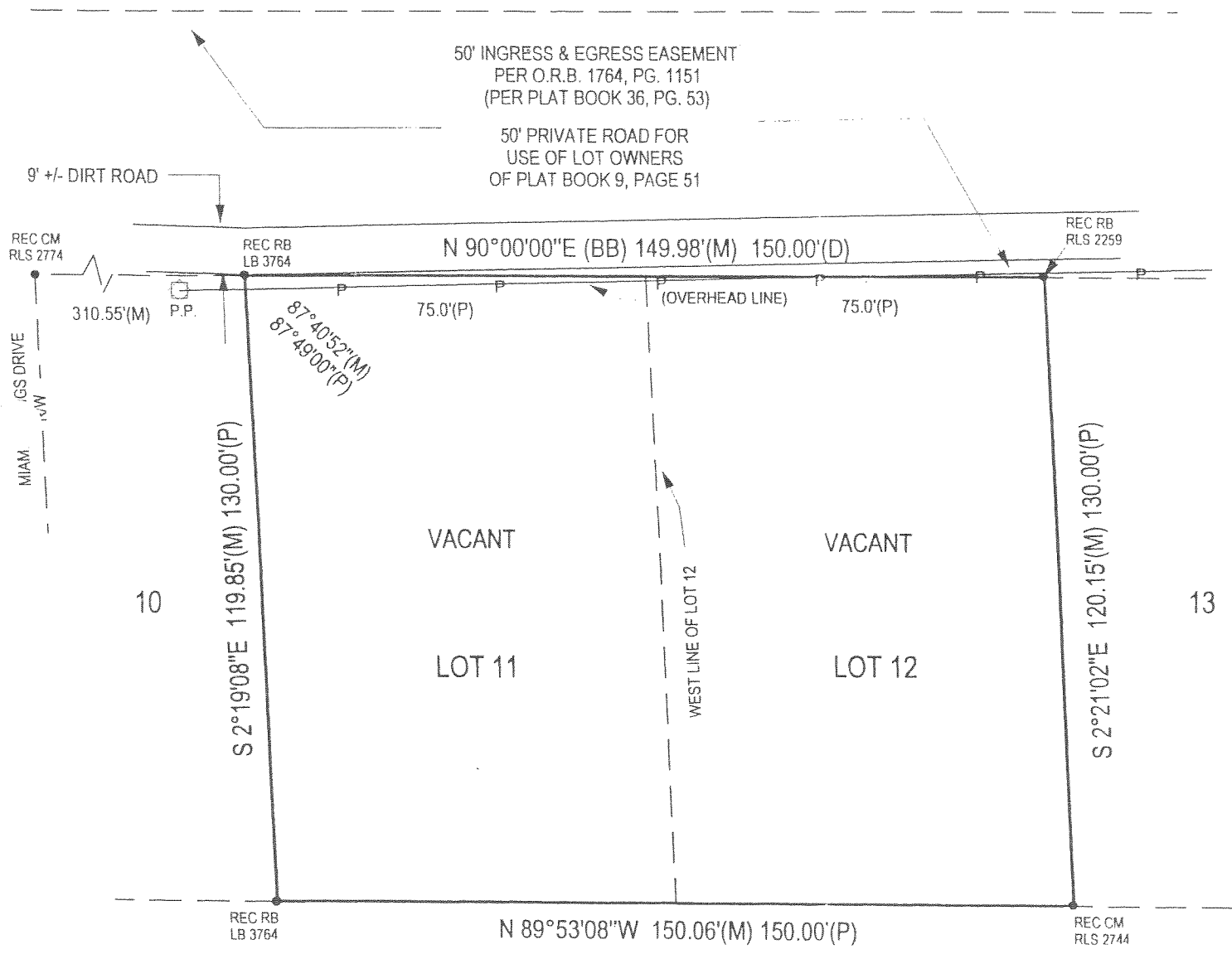
LAND SURVEYORS  
LB 4565

Boundary  
And  
Mapping  
Associates, Inc.

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

SWEETWATER SPRINGS  
P.B. 36, PG. 53



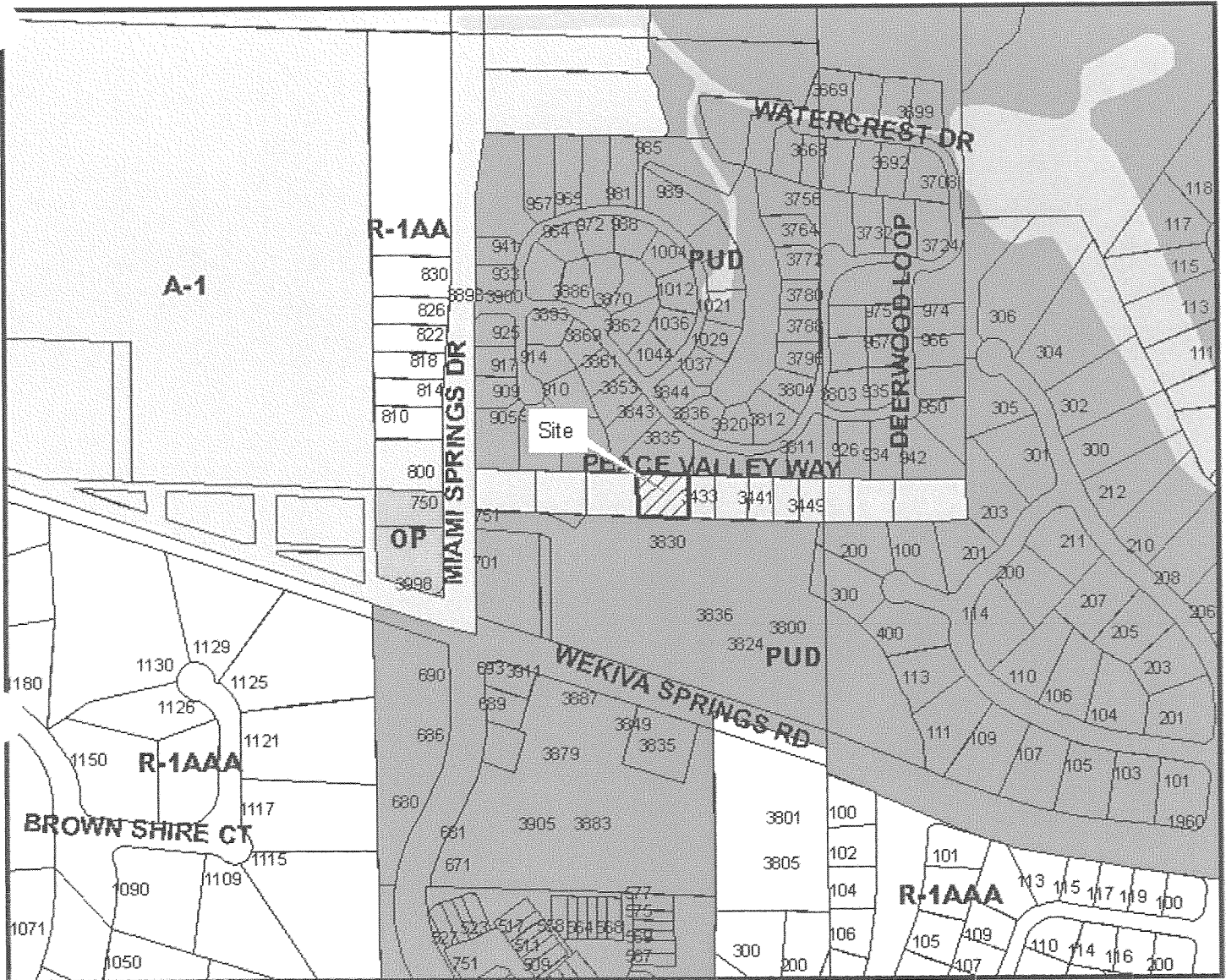
NOT PLATTED

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

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>													
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 31-20-29-501-0000-0110 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: DIEFENDERFER FRANK C Exemptions:</p> <p>Address: 308 E PAR ST</p> <p>City,State,ZipCode: ORLANDO FL 32804</p> <p>Property Address: PEACE VALLEY WAY</p> <p>Subdivision Name: PEACE VALLEY MIAMI SPRINGS</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$50,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$50,000</p> <p>Assessed Value (SOH): \$50,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$50,000</p> <p>Tax Estimator</p>												
<p align="center"><b>SALES</b></p> <p>Deed Date Book Page Amount Vac/Imp</p> <p>Find Comparable Sales within this Subdivision</p>	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>2004 Tax Bill Amount:</p> <p>2004 Taxable Value:</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>												
<p align="center"><b>LAND</b></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>LOT</td> <td>0</td> <td>0</td> <td>2.000</td> <td>25,000.00</td> <td>\$50,000</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	2.000	25,000.00	\$50,000	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LOTS 11 &amp; 12 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED</p> <p>PB 9 PG 51</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
LOT	0	0	2.000	25,000.00	\$50,000								
<p><b>NOTE:</b> 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>													



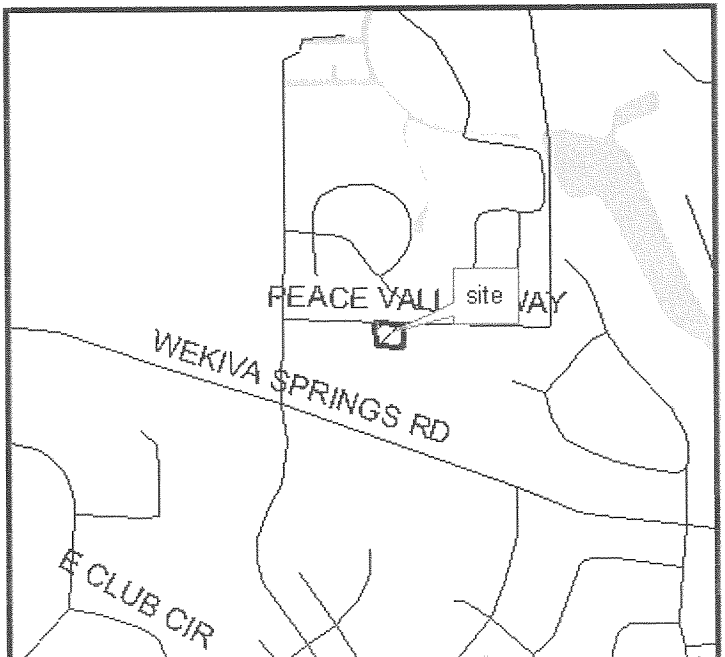
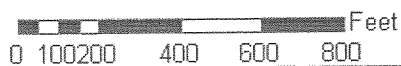
# James Brent Smartt Peace Valley Way



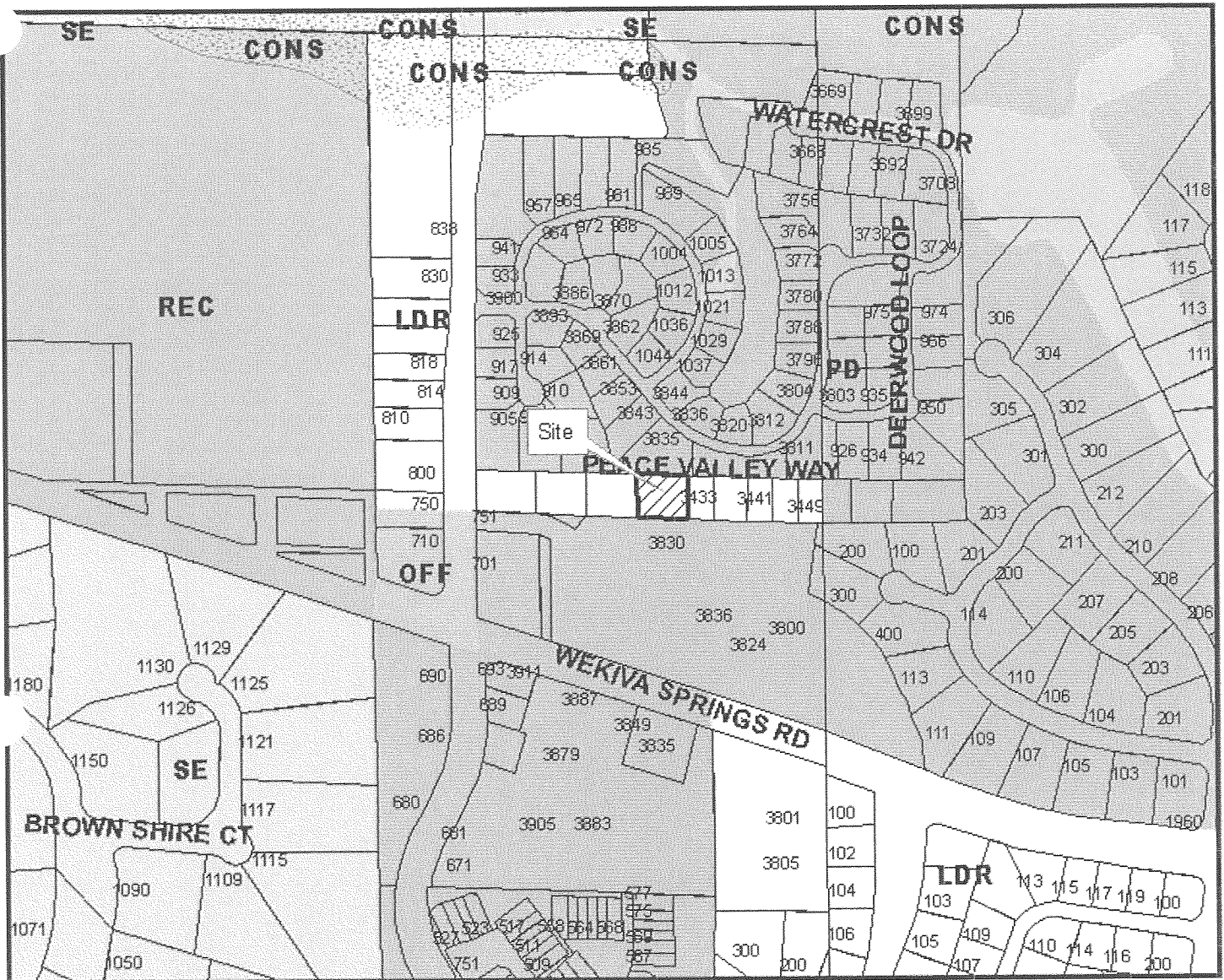
Seminole County Board of Adjustment  
 August 22, 2005  
 Case: BV2005-095  
 Parcel No: 31-20-29-501-0000-0110

### Future Land Use

- |  |           |  |            |
|--|-----------|--|------------|
|  | CONS, REC |  | SE, NONE   |
|  | CONS, PD  |  | LDR, NONE  |
|  | CONS, SE  |  | PD, NONE   |
|  | CONS, LDR |  | OFF, NONE  |
|  | REC, NONE |  | BV2005-095 |



# James Brent Smartt Peace Valley Way



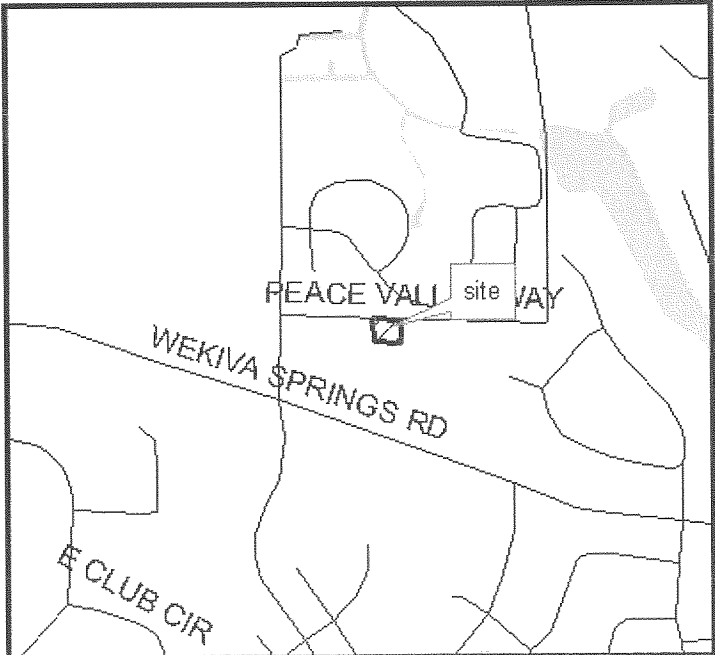
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Parcel No: 31-20-29-501-0000-0110

**Future Land Use**

	CONS, REC		SE, NONE
	CONS, PD		LDR, NONE
	CONS, SE		PD, NONE
	CONS, LDR		OFF, NONE
	REC, NONE		BV2005-095

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 11 & 12 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 11 & 12

**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: