

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (WEST) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 5 FEET; FOR A PROPOSED ACCESSORY STRUCTURE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (BRUCE SELLERS, 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 (WEST) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 5 FEET FOR A PROPOSED ACCESSORY STRUCTURE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (BRUCE SELLERS, APPLICANT); OR
2. **DENY** THE REQUEST FOR (WEST) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 5 FEET FOR A PROPOSED ACCESSORY STRUCTURE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (BRUCE SELLERS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: BRUCE SELLERS LOCATION: 4442 RADIO AVENUE ZONING: R-1 (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A 20' X 30' ACCESSORY STRUCTURE (APPROXIMATELY 600 SQUARE FEET) ON AN EXISTING CONCRETE SLAB IN THE REAR OF THE PROPERTY. BECAUSE THE STRUCTURE IS OVER 200 SQUARE FEET, IT MUST MAINTAIN A MINIMUM REAR SETBACK OF 30 FEET. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE PROPOSED ADDITION WOULD ENCROACH 25 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK. • THE GRANT OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER

	<p>PROPERTIES IN THE R-1 ZONING DISTRICT BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.</p> <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT 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 ADDITION 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
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. B12005-097

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** Rear Set back VARIANCE FROM 30 Ft. to 5 Ft for Accessory Structure
- 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**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Bruce Sellers</u>	
ADDRESS	<u>4447 Radio Ave</u>	
PHONE 1	<u>321-303-6630</u>	
PHONE 2	<u>407-324-8473</u>	
E-MAIL		

PROJECT NAME: Bruce Sellers

SITE ADDRESS: 4447 RADIO AVE

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Leg Lot 117 + S 1/2 Lot 116 MM Lords 1st ADD TO Citrus Heights

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 14-20-30-503-0000-1170

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 8/22/05 (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.

Bruce Sellers
 SIGNATURE OF OWNER OR AGENT* DATE 08-24-05

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

ms

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	_____

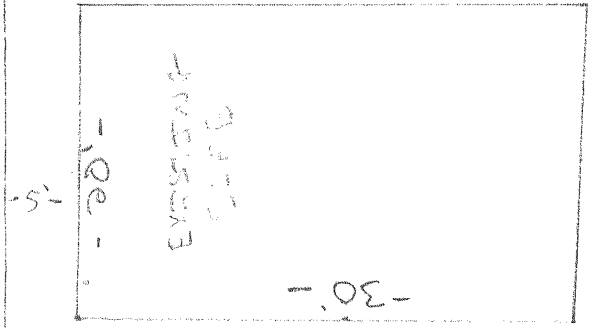
NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

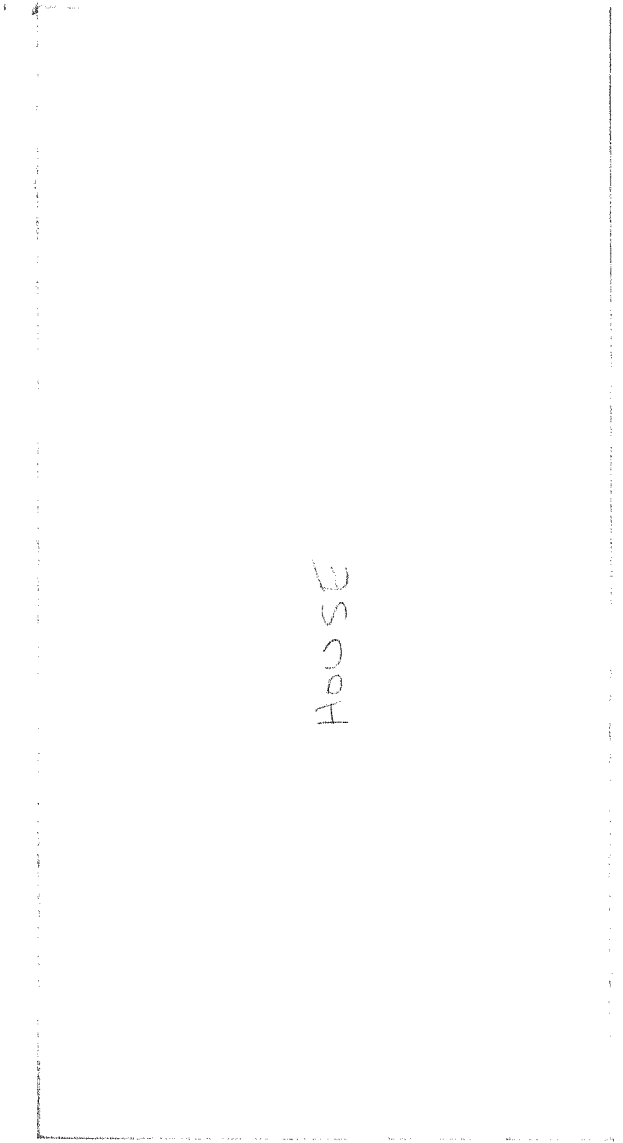
FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 150.00 COMMISSION DISTRICT 5 FLU / ZONING R-1/LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS West of Bader Ave 1/2 m. North
the intersection of Bader Ave & Wynn St.
PLANNING ADVISOR MR DATE _____
SUFFICIENCY COMMENTS Alley

- 15' -

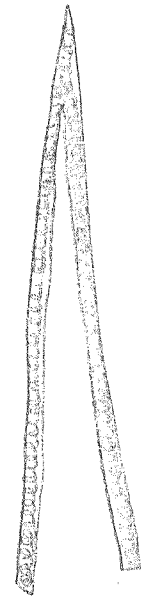


- 127' -



HOUSE

N

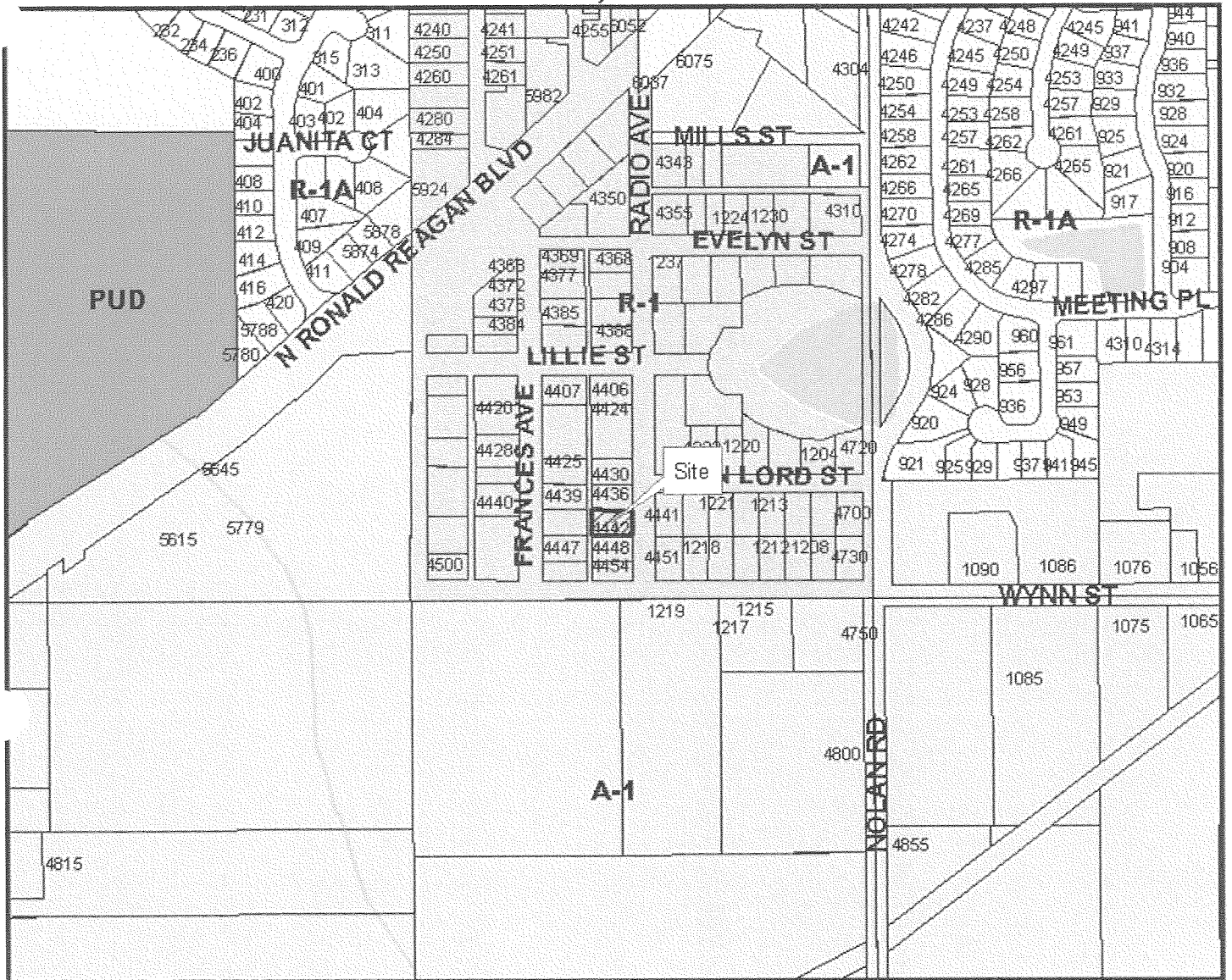


owner
 Bruce Sellers
 phone
 414 280 0042
 Parcel #
 14-20-30-503-000-1170
 lot size
 127x75

R-1






PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																																							
GENERAL Parcel Id: 14-20-30-503-0000-1170 Tax District: 01-COUNTY-TX DIST 1 Owner: SELLERS BRUCE A & Exemptions: 00-HOMESTEAD Own/Addr: SELLERS MARJORIE L Address: 4442 RADIO AVE City,State,ZipCode: SANFORD FL 32773 Property Address: 4442 RADIO AVE SANFORD 32773 Subdivision Name: LORDS 1ST ADD TO CITRUS Dor: 01-SINGLE FAMILY		2005 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$98,224 Depreciated EXFT Value: \$0 Land Value (Market): \$13,395 Land Value Ag: \$0 Just/Market Value: \$111,619 Assessed Value (SOH): \$80,427 Exempt Value: \$25,000 Taxable Value: \$55,427 Tax Estimator																																																					
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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.																																																							

Bruce Sellers
 4442 Radio Avenue
 Sanford, FL 32773



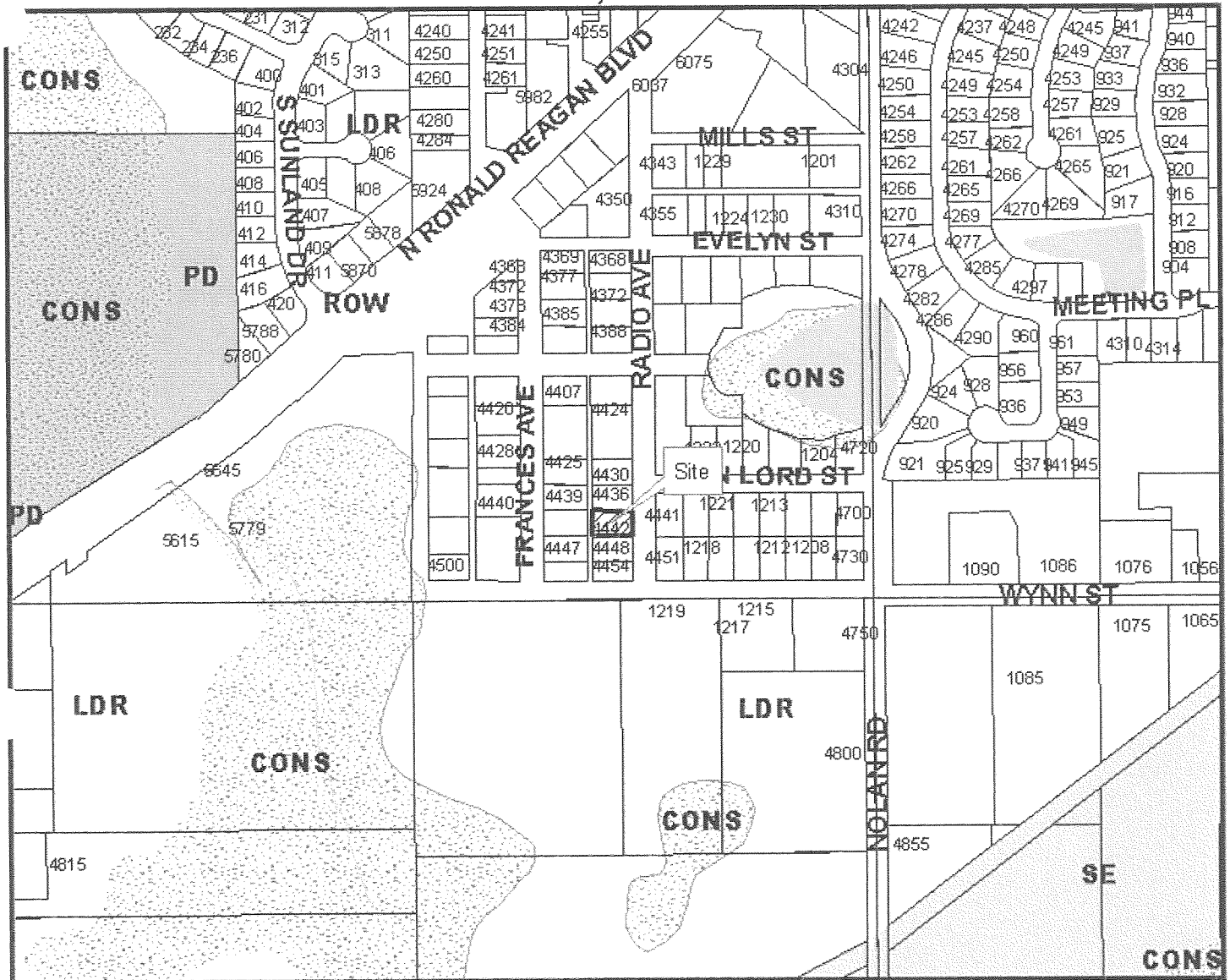
Seminole County Board of Adjustment
 August 22, 2005
 Case: BV2005-097
 Parcel No: 14-20-30-503-0000-1170

Zoning

-  A-1 Agricultural-1Ac
-  R-1A Single Fam-9000
-  R-1 Single Fam-8400
-  PUD Planned Unit Dev.
-  BV2005-097










Bruce Sellers
 4442 Radio Avenue
 Sanford, FL 32773



Seminole County Board of Adjustment
 August 22, 2005
 Case: BV2005-097
 Parcel No: 14-20-30-503-0000-1170

Future Land Use

-  CONS, SE
-  CONS, LDR
-  CONS, PD
-  SE, NONE
-  LDR, NONE
-  PD, NONE
-  BV2005-097



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:

LEG LOT 117 + S ½ LOT 116 MM LORDS 1ST ADD TO CITRUS HEIGHTS PB 3 PG 87

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

FINDINGS OF FACT

Property Owner: BRUCE SELLERS
4442 RADIO AVE
SANFORD, FL 32773

Project Name: RADIO AVE (4442)

Requested Development Approval:

REQUEST FOR (WEST) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 5 FEET FOR A PROPOSED ACCESSORY STRUCTURE 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 accessory structure 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: