

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

**SUBJECT:** REQUEST FOR A FRONT YARD SETBACK VARIANCE FROM 25 FEET TO FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (MINNIE & MAXCIE SMITH, APPLICANTS)

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Chris McMiller **EXT.** 7445

**Agenda Date** 09-26-05 **Regular**  **Consent**  **Public Hearing – 6:00**

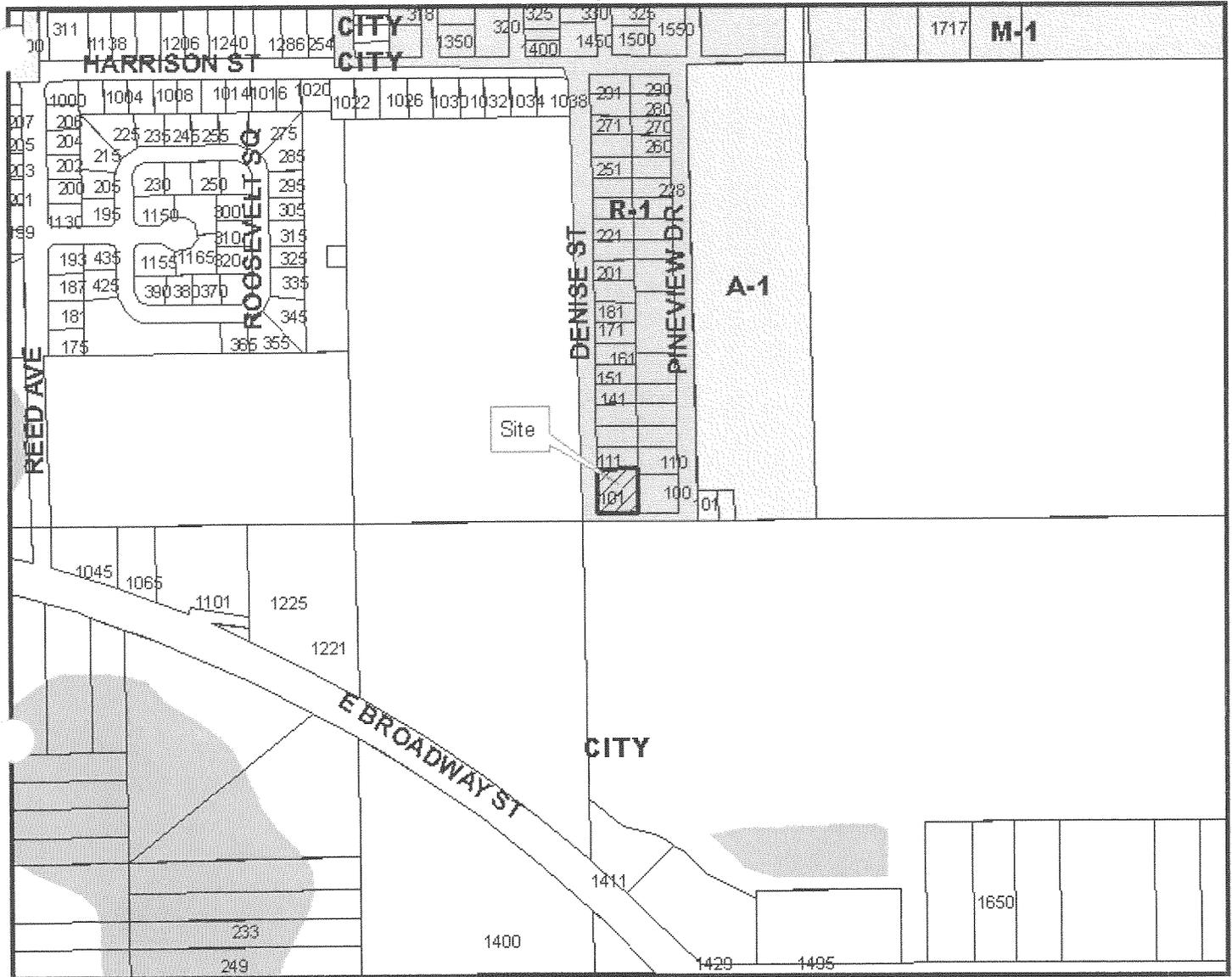
**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR A FRONT YARD SETBACK VARIANCE FROM 25 FEET TO FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (MINNIE & MAXCIE SMITH, APPLICANTS); OR
2. **DENY** THE REQUEST FOR A FRONT YARD SETBACK VARIANCE FROM 25 FEET TO FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (MINNIE & MAXCIE SMITH, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	MINNIE & MAXCIE SMITH, APPLICANTS 101 DENISE STREET R-1 (LONE PINES)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT AN ATTACHED GARAGE, THAT WOULD ENCROACH 5 FEET INTO THE 25 FOOT FRONT YARD SETBACK,</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE LONE PINES NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE FRONT YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANT.</li> <li>• THE APPLICANT WOULD RETAIN REASONABLE USE OF</li> </ul>	

	<p>THE PROPERTY WITHOUT THE REQUESTED VARIANCE.</p> <ul style="list-style-type: none"><li>• 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.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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 THE VARIANCES, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED GARAGE AND HOME ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul></li></ul>

Minnie & Maxcie Smith  
 101 Denise Street  
 Oviedo, FL 32762



Seminole County Board of Adjustment  
 September 26, 2005  
 Case: BV2005-103  
 Parcel No: 11-21-31-507-0000-0010

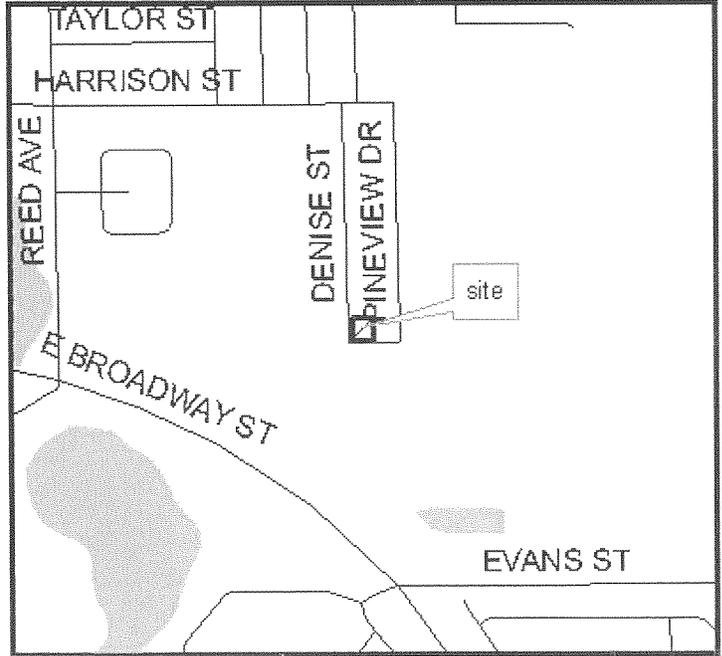
**Zoning**

-  A-1 Agricultural-1Ac
-  R-1 Single Fam-8400
-  M-1 Industrial
-  BV2005-103

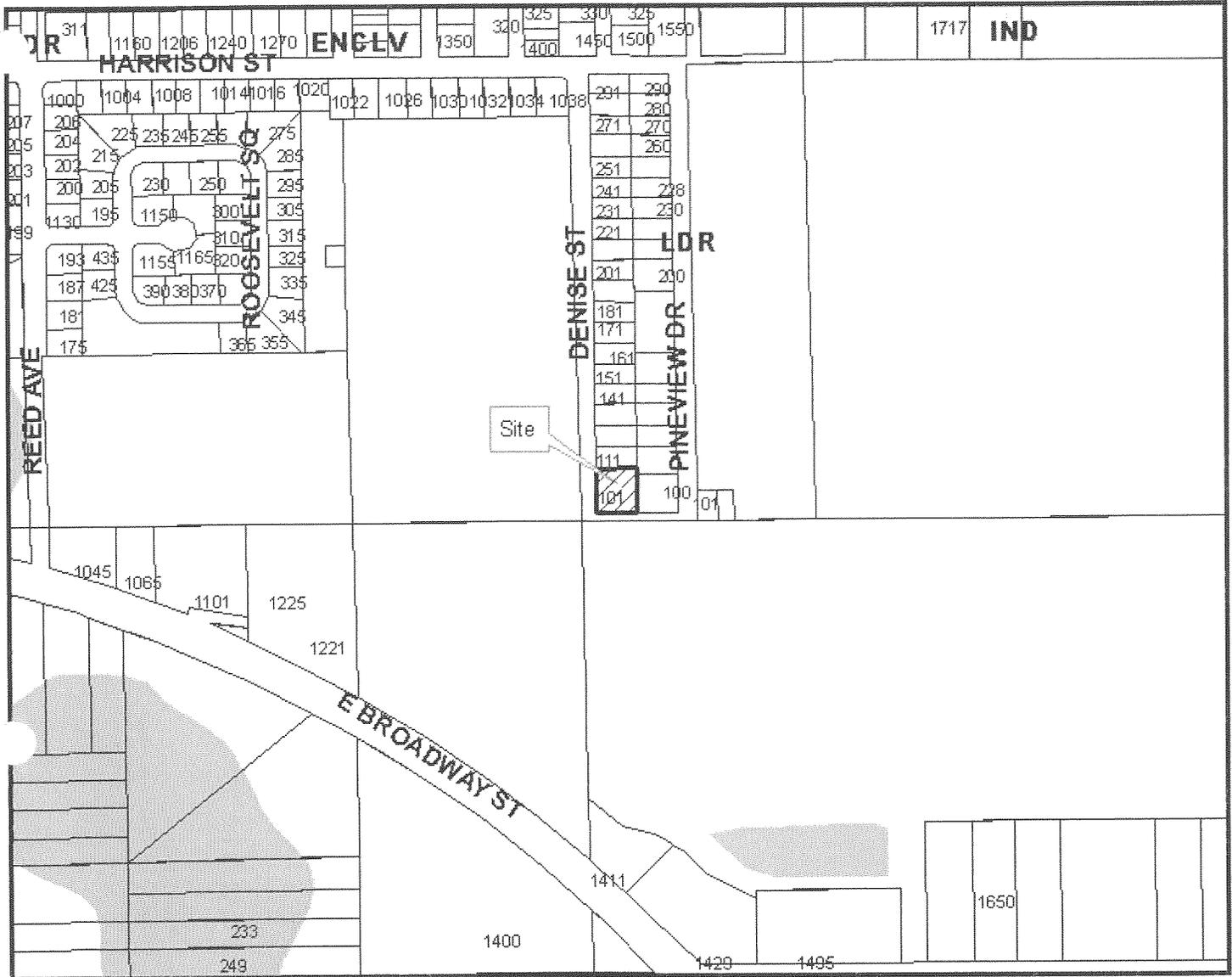
N



0 100 200 400 600 800 Feet



Minnie & Maxcie Smith  
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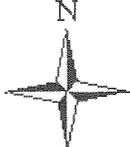


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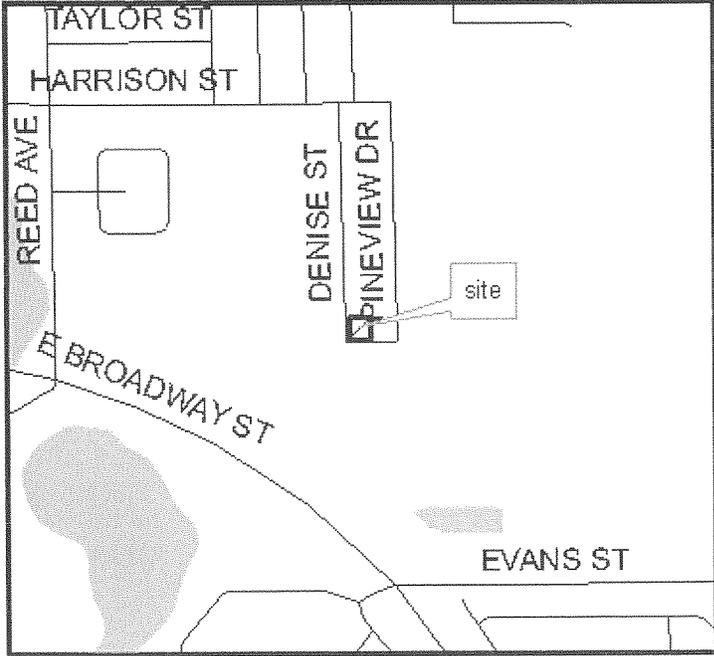
**Future Land Use**

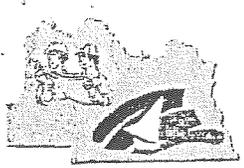
- LDR, NONE
- IND, NONE
-  BV2005-103

N



0 100 200 400 600 800 Feet





SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7885 FAX

**COPY**

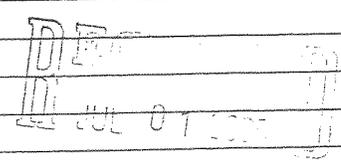
APPL. NO. 342005-103

**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** Front yard Set Back from 25 ft. to 20 ft.
- 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>Minnie or Maxine Smith</u>	
ADDRESS	<u>P.O. Box 620911</u>	
	<u>Wicoda, FL 32760</u>	
PHONE 1	<u>107 324 4339</u>	
PHONE 2	<u>107 366 0908</u>	
E-MAIL Cell	<u>407 415 4384</u>	

PROJECT NAME: Double Car Garage  
 SITE ADDRESS: 101 DENISE Ct.  
 CURRENT USE OF PROPERTY: NONE  
 LEGAL DESCRIPTION: 8 Room Motel  
 SIZE OF PROPERTY: 110.24 <sup>by 120</sup> acre(s) PARCEL I.D. \_\_\_\_\_  
 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 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.

SIGNATURE OF OWNER OR AGENT\* \_\_\_\_\_ DATE CM

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

**ADDITIONAL VARIANCES**

VARIANCE 2: \_\_\_\_\_

VARIANCE 3: \_\_\_\_\_

VARIANCE 4: \_\_\_\_\_

VARIANCE 5: \_\_\_\_\_

VARIANCE 6: \_\_\_\_\_

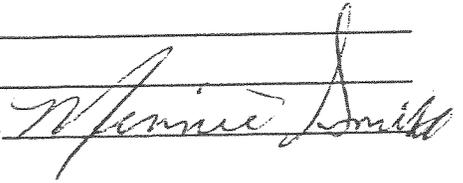
VARIANCE 7: \_\_\_\_\_

**APPEAL FROM BOA DECISION TO BCC**

APPELLANT INFORMATION	
NAME	Melinda Smith
ADDRESS	P.O. Box 620911 Oviedo, FL 32762
PHONE 1	407 324 4335
PHONE 2	407 366 0908
E-MAIL	407 415 4384

NATURE OF THE APPEAL \_\_\_\_\_

APPELLANT SIGNATURE



**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): \$ 200.00 COMMISSION DISTRICT 1 FLU/ZONING R-1/LDR

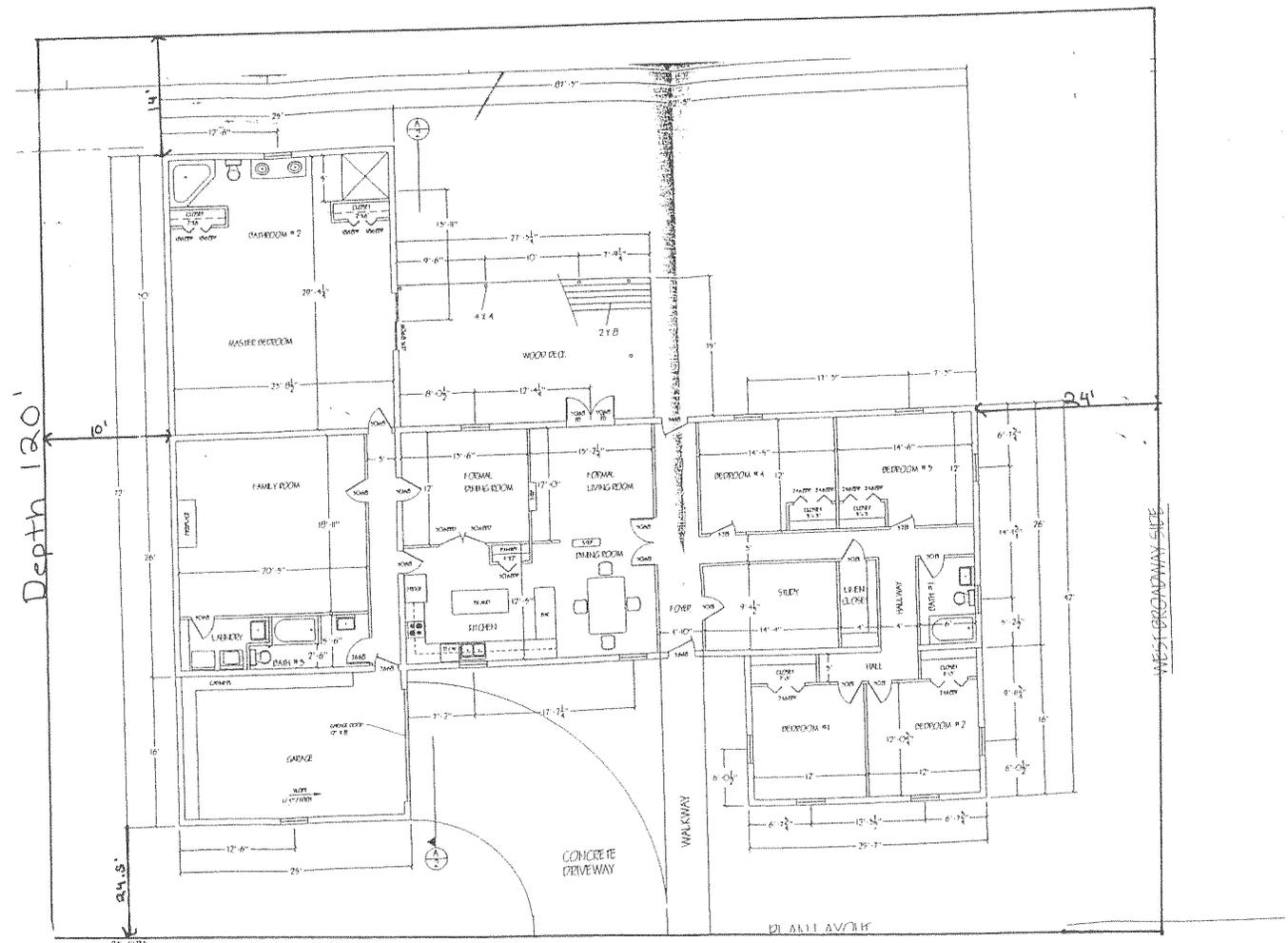
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS west of Denard St. 1/2 mile from the intersection of Denard St and Harrison St.

PLANNING ADVISOR MR DATE 7/1/05

SUFFICIENCY COMMENTS \_\_\_\_\_

<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 407-685-7506</p>																										
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 11-21-31-507-0000-0010 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SMITH MAXCIE S OR Exemptions:</p> <p>Own/Addr: SMITH MINNIE</p> <p>Address: PO BOX 620911</p> <p>City,State,ZipCode: OVIEDO FL 32762</p> <p>Property Address: 101 DENISE ST OVIEDO 32765</p> <p>Subdivision Name: LONE PINES</p> <p>Dor: 08-MULTI FAMILY LESS TH</p>		<p style="text-align: center;"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$57,088</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$7,508</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$64,596</p> <p>Assessed Value (SOH): \$64,596</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$64,596</p> <p>Tax Estimator</p>																								
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>QUIT CLAIM DEED</td> <td>05/1994</td> <td>02842</td> <td>0348</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>07/1983</td> <td>01471</td> <td>1497</td> <td>\$10,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1976</td> <td>01105</td> <td>0171</td> <td>\$3,700</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	05/1994	02842	0348	\$100	Improved	CERTIFICATE OF TITLE	07/1983	01471	1497	\$10,000	Vacant	QUIT CLAIM DEED	01/1976	01105	0171	\$3,700	Improved	<p style="text-align: center;"><b>2004 VALUE SUMMARY</b></p> <p>2004 Tax Bill Amount: \$969</p> <p>2004 Taxable Value: \$57,316</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p style="text-align: center;"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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 &amp; DEPTH</td> <td>110</td> <td>120</td> <td>.000</td> <td>75.00</td> <td>\$7,508</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	110	120	.000	75.00	\$7,508	<p style="text-align: center;"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOT 1 LONE PINES PB 12 PG 21</p>												
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																					
FRONT FOOT & DEPTH	110	120	.000	75.00	\$7,508																					
<b>BUILDING INFORMATION</b>																										
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																	
1	MULTI FAMILY	1989	24	1,612	1,652	1,612	CB/STUCCO FINISH	\$57,088	\$60,411																	
			Appendage / Sqft	UTILITY UNFINISHED / 40																						
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																										



Depth 120'

110' Frontage

Denise St.

WEST BROADWAY SIDE

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On September 26, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 1 LONE PINE PB 12 PG 12

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

**FINDINGS OF FACT**

**Property Owner:** Minnie & Maxcie Smith  
P.O. Box 620911  
Oviedo, FL 32762

**Site Address:** 101 Denise Street  
Oviedo, FL 32765

**Requested Development Approval:**

REQUEST FOR A FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED GARAGE

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: Chris McMiller  
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 GARAGE, 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: \_\_\_\_\_  
Tony Walter  
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 Tony Walter 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: