

Item #BV2005-109

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 17.6 FEET FOR A PROPOSED ACCESSORY BUILDING IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN, APPLICANT).

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

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

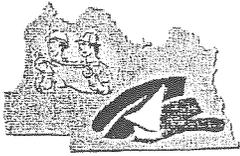
Agenda Date 09-26-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: BOBBY SOLOMAN, APPLICANT LOCATION: 124 EAST 8 TH STREET ZONING: R-1 (NORTH CHULUOTA)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A DETACHED ACCESSORY BUILDING FOR STORAGE, THAT ENCROACHES 20 FEET INTO THE 30 FOOT MINIMUM REAR YARD SETBACK. • THE SHED IS 20 FEET BY 20 FEET OR 400 SQUARE FEET. • ON NOVEMBER 15, 2004 A VARIANCE FOR WIDTH AT THE BUILDING LINE WAS APPROVED BY THE BOARD OF ADJUSTMENT FOR A PROPOSED HOME.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCE

	<p>WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE NORTH CHULUOTA NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD 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 ACCESSORY BUILDING. 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.
<p>STAFF RECOMMENDATION</p>	<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 ACCESSORY BUILDING 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.



COPY

APPL. NO. BV 2005-109

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 YARD from 30' to 10' for Storage Building
- 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**

RECEIVED
JUL 18 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Kathy Salomon</u>	
ADDRESS	<u>225 Westmore Dr, Chuluota</u>	
PHONE 1	<u>407 467 4002</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 224 E 5th St, Chuluota, FL 32766

CURRENT USE OF PROPERTY: VACANT LAND

LEGAL DESCRIPTION: All lot 5 & E 23.5 Ft of VACD St Adj on W Blk 67 North Chuluota PB 2 PGS 54 TO 58

SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 21-21-32-5CF-6700-0050

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 9, 26, 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* [Signature] DATE 7/18/05

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

KF

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 1 FLU/ZONING R1/LOR

BCC HEARING DATE _____ (FOR APPEAL)

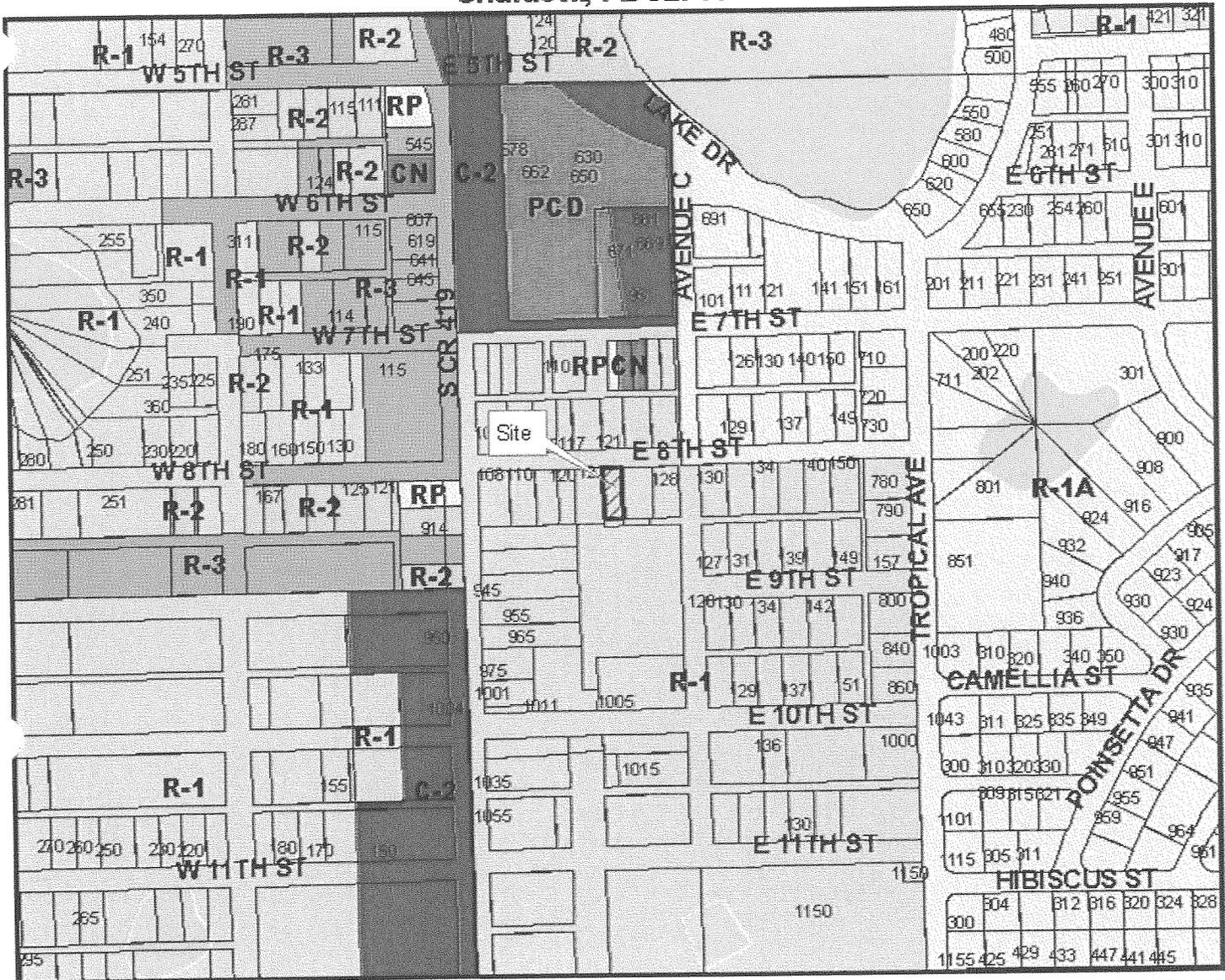
LOCATION FURTHER DESCRIBED AS S of 8th Street 101 mi west of intersection of 3th Str and Avenue C

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																									
<p>GENERAL</p> <p>Parcel Id: 21-21-32-5CF-6700-0050 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SOLOMON BOBBY J III & Exemptions:</p> <p>Own/Addr: SOLOMON BOBBY J JR</p> <p>Address: 124 E 8TH ST</p> <p>City,State,ZipCode: OVIEDO FL 32766</p> <p>Property Address: 124 8TH ST E</p> <p>Subdivision Name: NORTH CHULUOTA</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p>2005 WORKING VALUE SUMMARY</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): \$19,158</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$19,158</p> <p>Assessed Value (SOH): \$19,158</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$19,158</p> <p>Tax Estimator</p>																								
<p>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>11/2004</td> <td>05540</td> <td>0742</td> <td>\$18,500</td> <td>Vacant</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/2002</td> <td>04496</td> <td>1771</td> <td>\$5,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1988</td> <td>01949</td> <td>1652</td> <td>\$6,000</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	11/2004	05540	0742	\$18,500	Vacant	SPECIAL WARRANTY DEED	08/2002	04496	1771	\$5,000	Vacant	WARRANTY DEED	04/1988	01949	1652	\$6,000	Vacant	<p>2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$243</p> <p>2004 Taxable Value: \$14,369</p> <p>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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																									

Bobby Solomon
 124 E. 5th St.
 Chuluota, FL 32766

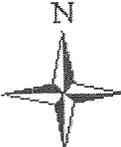
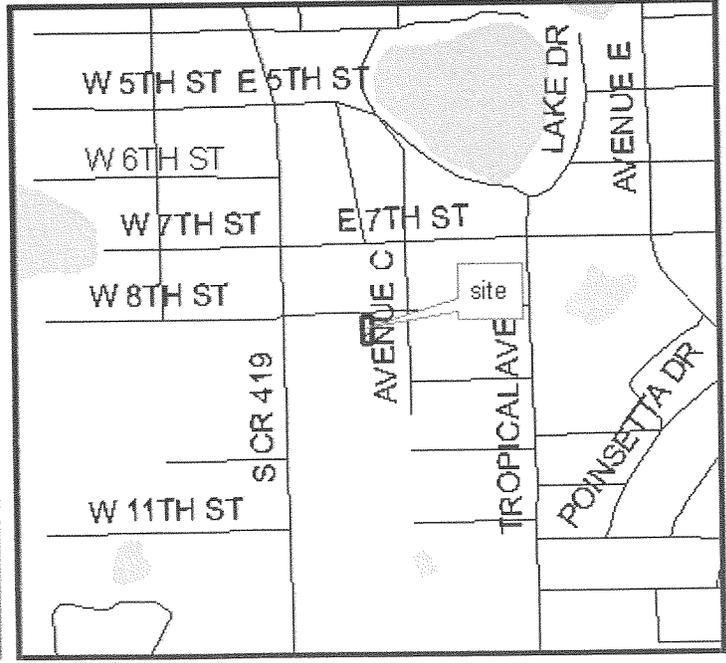


Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-109
 Parcel No: 21-21-32-5CK-6700-0050

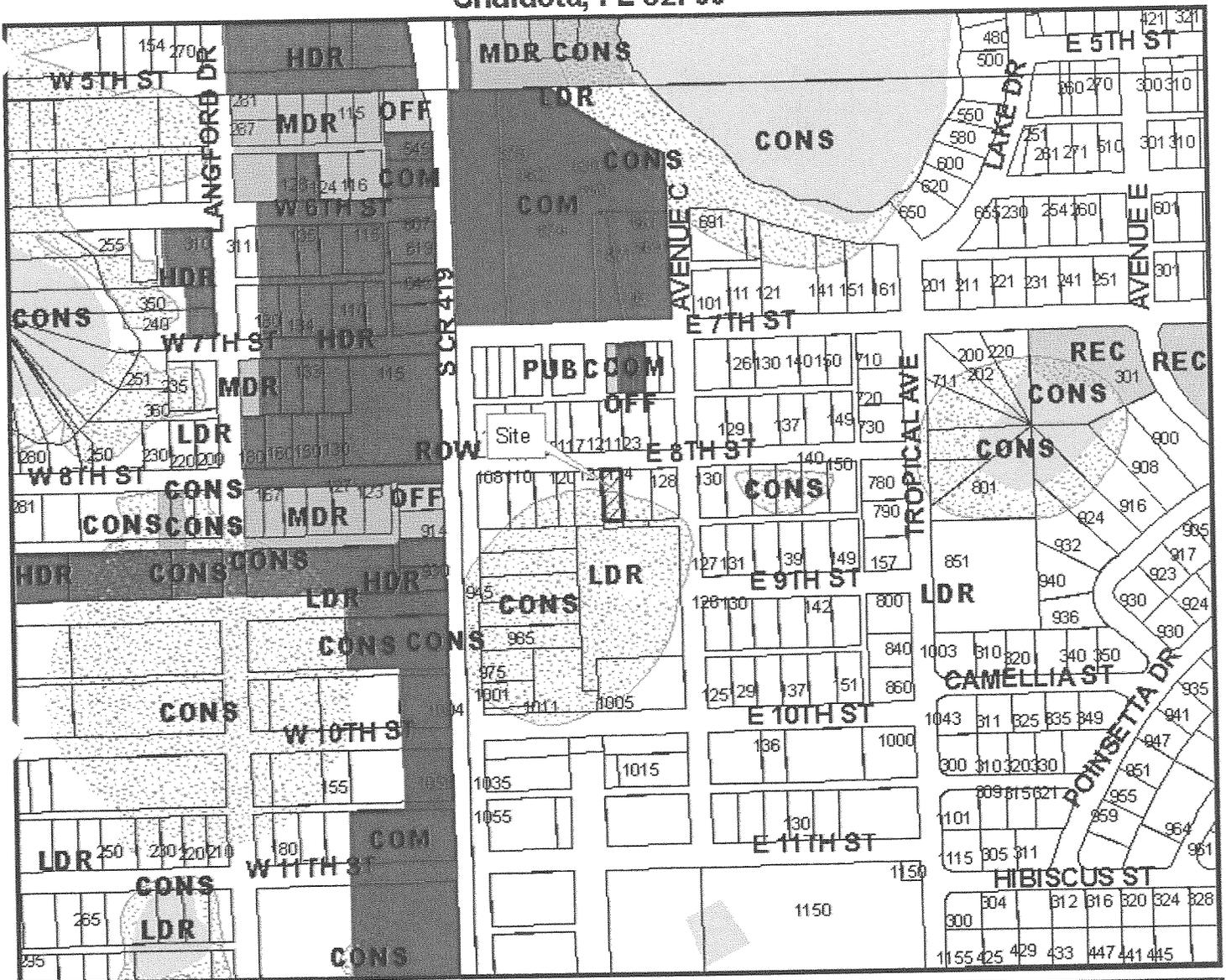
Zoning

	R-1A Single Fam-9000		BV2005-109
	R-1 Single Fam-8400		
	R-2 One and Two-Familly-9000		
	R-3 Multi-Family-13DU		
	RP Residential Professional		
	CN Restricted Neighborhood Comm		
	C-2 Retail Commercial		
	PCD		

0 87.5 175 350 525 700 Feet

Bobby Solomon
 124 E. 5th St.
 Chuluota, FL 32766



Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-109
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Future Land Use

	CONS, REC		LDR, NONE
	PUBC, NONE		MDR, NONE
	CONS, LDR		HDR, NONE
	CONS, MDR		OFF, NONE
	CONS, HDR		COM, NONE
	CONS, OFF		BV2005-109
	CONS, COM		
	REC, NONE		

0 87.5 175 350 525 700 Feet



SWERDLOFF & HENRY SURVEYING, INC.

370 Waymont Court - Lake Mary, FL 32746 - Voice 407.688.7631 - Fax 407.688.7691

5-8735

All of Lot 5, Block 67, TOWNSITE OF NORTH CHULUOTA, according to the Plat thereof, as recorded in Plat Book 2, Pages 54-58, of the Public Records of Seminole County, Florida, together with a portion of the vacated street adjacent to the west side of said Lot 5, described as: Begin at the Northwest corner of said Lot 5, run West along an extension of the South right-of-way line of Eighth Street 23.5 feet, run thence South 150 feet, thence East along an extension of the South line of said Lot 5, 23.5 feet to the Southwest corner of said Lot 5, run thence North along the West line of said Lot 5, 150 feet to the Point of Beginning. Together with: Being 170 feet South of the Northwest corner of Lot 4, Block 67, TOWNSITE OF NORTH CHULUOTA, run West 63 feet, North 20 feet; East 62 feet, thence South 20 feet to the Point of Beginning.

Community number: 120289 Parcel: 0170
Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: A(53)
Date of field work: 2/2/2005 Completion Date: 2/17/2005

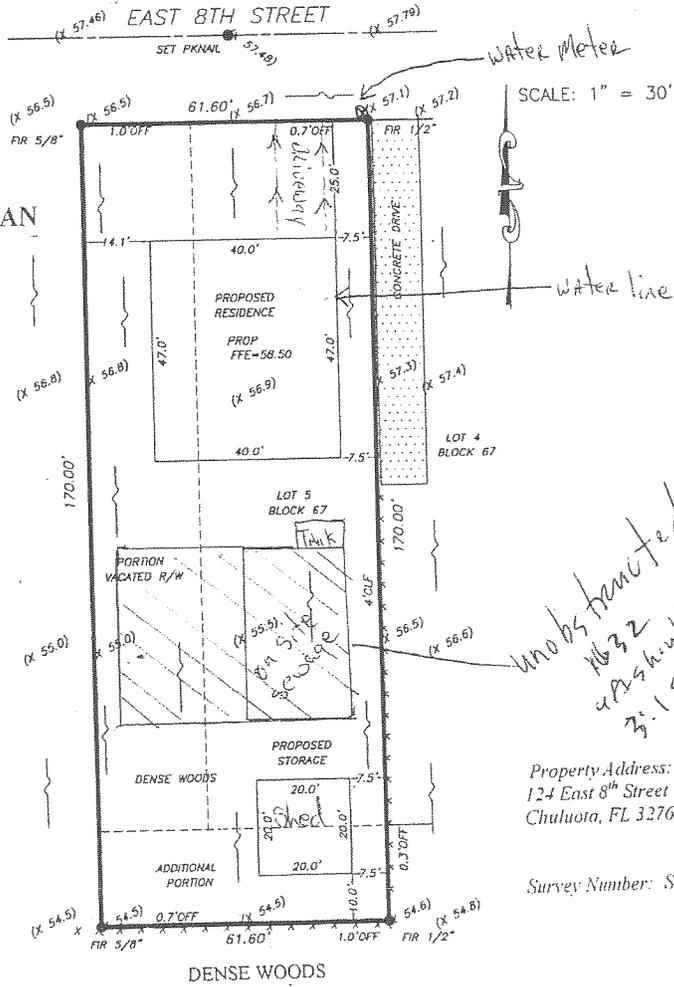
Note: Elevations Based on Seminole County Benchmark Designation #4083501; Elevation: 54.404

Certified to:
Bobby J. Solomon, Jr.; Bobby J. Solomon, III.



PLOT AND DRAINAGE PLAN

Seminole County
Development Review Division
Notice
Septic System As Shown Is Approved
For Location Only
4/28/05
Steve Fisher
Development Plans Examiner



no obs truncated
M32
423 shoulder
3:1 slope

Property Address:
124 East 8th Street
Chuluota, FL 32766

Survey Number: SL 47550

LEGEND

- Wood Fence
- Wire Fence
- Found Nail
- Property Corner
- Record
- Field Measured
- Clear
- Encroachment
- Centerline
- Concrete
- Property Line
- Concrete Monument
- Found Iron Rod
- Found Iron Pipe
- Right of Way
- Nail & Disk
- Drainage Easement
- Utility Easement
- Found
- Plat
- Overhead Utilities
- Power Pole
- Transformer
- Cable Rider
- Water Meter
- Telephone Facilities
- Covered Area
- Bearing Reference
- Chord
- Radial
- Non Radial
- Air Conditioner
- Bench Mark
- Calculated
- Block Wall
- Central Angle/Delta
- Deed Book
- Description or Deed
- Drill Hole
- Driveway
- Easement
- Elevation
- Finished Floor
- Found Concrete Monument
- Found Parker-Kalon Nail
- Length
- Limited Access Easement
- Milestone
- Not to Scale
- Official Records
- Official Records Book
- Permanent Control Point
- Permanent Reference Monument
- Page
- Pavement
- Plat Book
- Point of Beginning
- Point of Commencement
- Point on Line
- Point of Curvature
- Point of Reverse Curvature
- Point of Tangency
- Radius (Radial)
- Roof Overhang Easement
- Set Iron Rod & Cap
- Sidewalk
- Top of Bank
- Typical
- Witness Corner
- Existing Elevation
- Edge of Water

GENERAL NOTES

1. Legal description provided by others
2. The lands shown hereon were not subjected for easements or other recorded encumbrance not shown on the plat.
3. Underground portions of footings, foundations or other improvements were not located.
4. Wall ties are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted
7. Dimensions shown are plat and measured unless otherwise noted
8. Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted.
9. Adjoining lots are within the same block, unless otherwise noted
10. This is an AS-BUILT SURVEY unless otherwise noted.
11. Not valid unless sealed with the signing surveyors embossed seal
12. Flood zone determinations are provided as a courtesy only, and are derived from it best sources available to the surveyor. This information should not be relied upon for flood insurance purposes, and may differ from information provided by others.
13. L.B. 7132
14. Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies.



I hereby certify that this survey is a true and correct representation of a survey made in accordance with the provisions of Chapter 119, Florida Statutes.
Steve Fisher
Surveyor

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 5 & E 23.5 FT OF VACD ST ADJ ON W BLK 67 NORTH CHULUOTA
PB 2 PG 54 TO 58

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

FINDINGS OF FACT

Property Owner: Bobby Soloman
124 W 8th Street
Chuluota, Florida 32766

Project Name: 124 W 8TH STREET

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 10 feet for a proposed detached accessory building 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: 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 ACCESSORY BUILDING 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 _____ 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: