

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

SUBJECT: REQUEST FOR A WIDTH AT BUILDING LINE VARIANCE FROM 150 FEET TO 132 FEET FOR A PROPOSED HOME IN THE A-1 (AGRICULTURE DISTRICT); (GREG A. BELIVEAU, APPLICANT).

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** REQUEST FOR A WIDTH AT BUILDING LINE VARIANCE FROM 150 FEET TO 132 FEET FOR A PROPOSED HOME IN THE A-1 (AGRICULTURE DISTRICT); (GREG A. BELIVEAU, APPLICANT); OR
2. **DENY** REQUEST FOR A WIDTH AT BUILDING LINE VARIANCE FROM 150 FEET TO 132 FEET FOR A PROPOSED HOME IN THE A-1 (AGRICULTURE DISTRICT); (GREG A. BELIVEAU, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT:	GREG A. BELIVEAU
	LOCATION:	1506 DELK ROAD
	ZONING:	A-1 (AGRICULTURE DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS WISH TO CONSTRUCT A HOUSE AT 1506 DELK ROAD ON A LOT THAT IS DEFICIENT IN MINIMUM WIDTH AT BUILDING LINE; THE STATED VARIANCE IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • THE PARCEL IN QUESTION WAS A PARCEL OF RECORD PRIOR TO 1971 AND MET THE LOT WIDTH 	

	<p>REQUIREMENTS IN PLACE AT THAT TIME.</p> <ul style="list-style-type: none">• THE VARIANCE IS THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.• THE APPLICANT WOULD NOT RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUESTED VARIANCE. 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 LOT AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

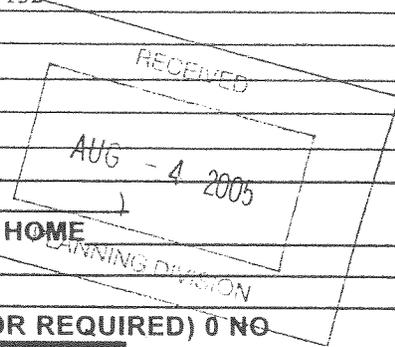
SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV2005-131

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** Variance to front lot width requirement of 150' to 132'
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____)
- REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP YES LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**



PROPERTY OWNER		AUTHORIZED AGENT *
NAME	James Barnhill	Greg A. Beliveau, AICP
ADDRESS	1101 Delk Rd., Longwood, FL 32779	1162 Camp Avenue, Mount Dora, FL 32757
PHONE 1	407-230-7979	352-385-1940
PHONE 2		352-383-4824
E-MAIL		

PROJECT NAME: Barnhill Residential Lot Variance

SITE ADDRESS: 1506 Delk Rd.

CURRENT USE OF PROPERTY: Vacant, residential

LEGAL DESCRIPTION: See attached

SIZE OF PROPERTY: 2 +/- ac. (132' x 662') acre(s) PARCEL I.D. 27-20-29-300-006A-0000

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 8/4/05

* 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	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

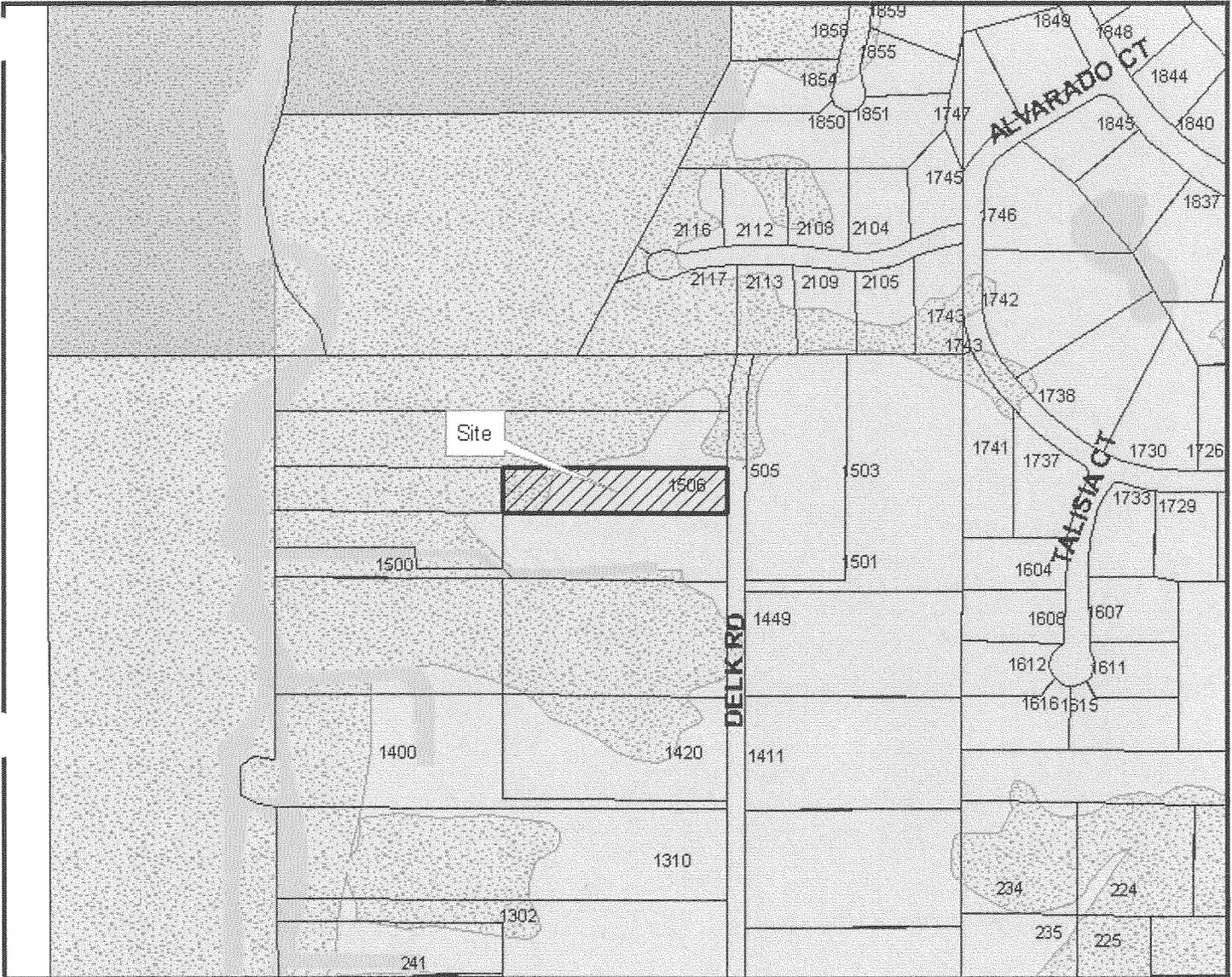
_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$150 COMMISSION DISTRICT 5 FLU/ZONING A-1/32
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS west side of Delt Rd 0.2 mi N
of the intersection of Michael Dr & Delt Rd.
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 407-665-7506</p>																																						
<p align="center">GENERAL</p> <p>Parcel Id: 27-20-29-300-006A-0000 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: BARNHILL TERRI L & BARNHILL Exemptions:</p> <p>Own/Addr: JAMES E & HALE WILLIAM C ET AL</p> <p>Address: 1101 DELK RD</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: DELK RD LONGWOOD 32779</p> <p>Facility Name:</p> <p>Dor: 99-ACREAGE NOT AGRICULT</p>		<p align="center">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): \$96,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$96,000</p> <p>Assessed Value (SOH): \$96,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$96,000</p> <p>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>QUIT CLAIM DEED</td> <td>02/2005</td> <td>05632</td> <td>0500</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/2002</td> <td>04636</td> <td>1434</td> <td>\$180,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1986</td> <td>01730</td> <td>0327</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1984</td> <td>01544</td> <td>1187</td> <td>\$80,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1982</td> <td>01393</td> <td>0758</td> <td>\$65,000</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	02/2005	05632	0500	\$100	Vacant	WARRANTY DEED	12/2002	04636	1434	\$180,000	Vacant	QUIT CLAIM DEED	04/1986	01730	0327	\$100	Vacant	WARRANTY DEED	04/1984	01544	1187	\$80,000	Vacant	WARRANTY DEED	05/1982	01393	0758	\$65,000	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$1,183</p> <p>2004 Taxable Value: \$70,000</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>																																						

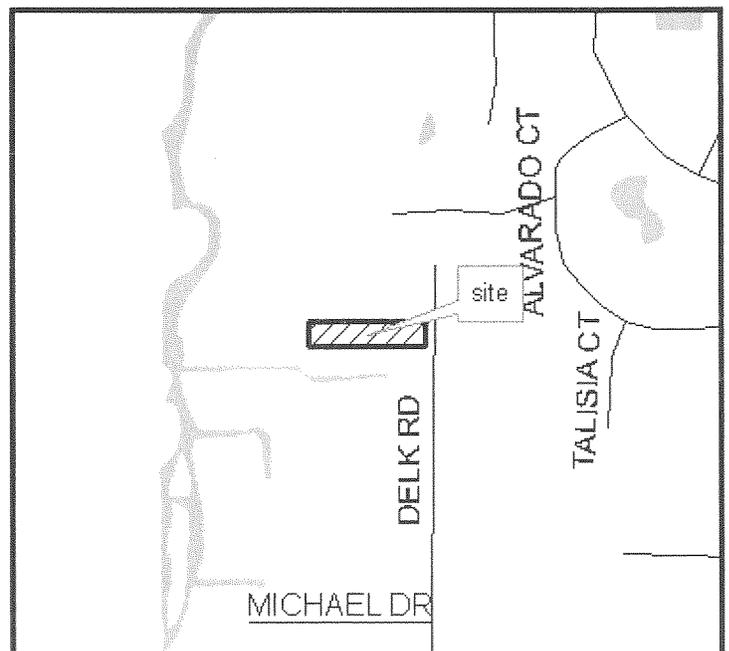
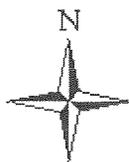
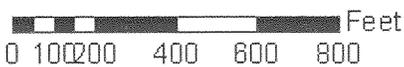
Greg A. Beliveau, AICP
 1506 Delk Road
 Longwood, FL 32779



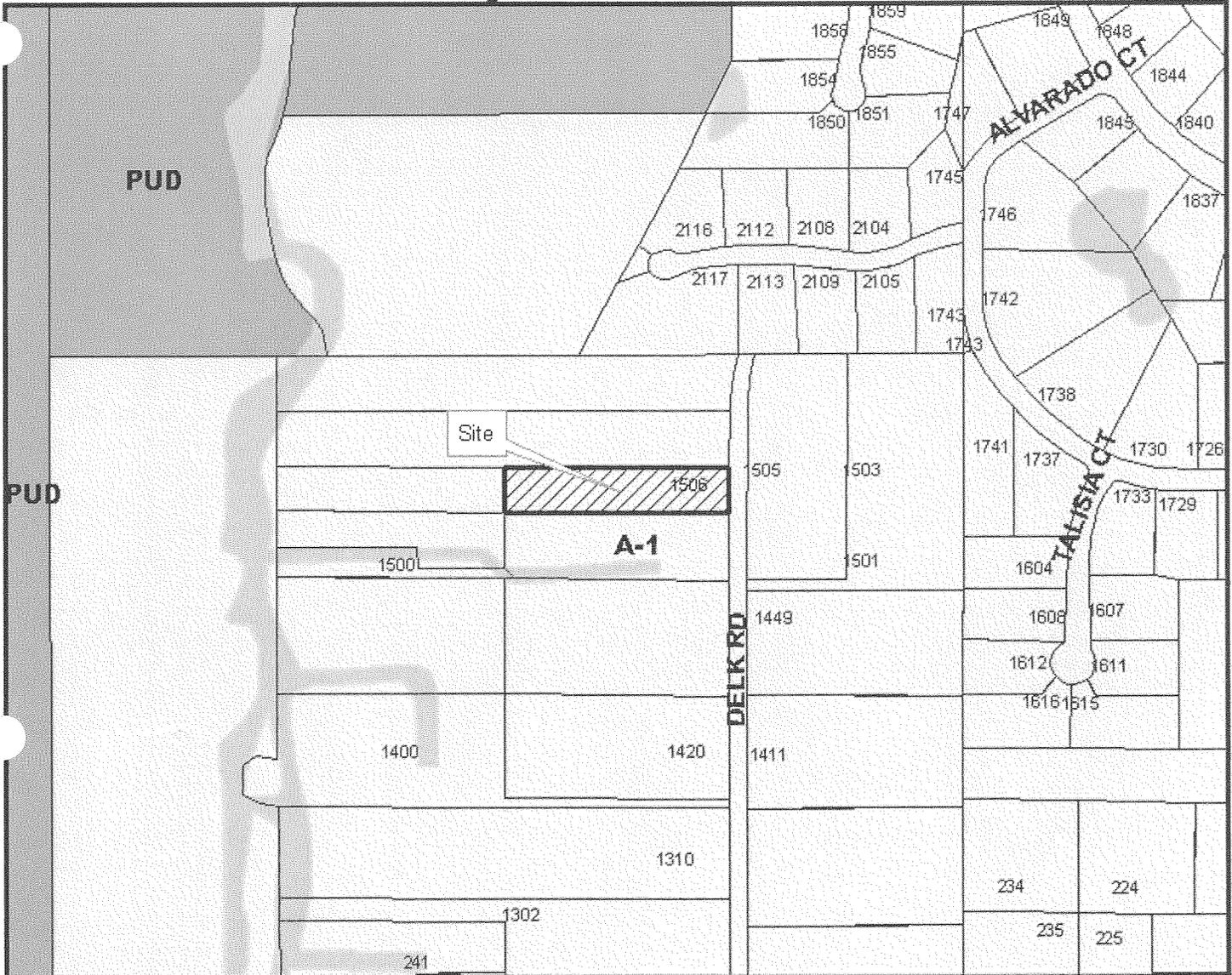
Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-131
 Parcel No: 27-20-29-300-006A-0000

Future Land Use

-  CONS, SE
-  CONS, PD
-  SE, NONE
-  PD, NONE
-  BV2005-131



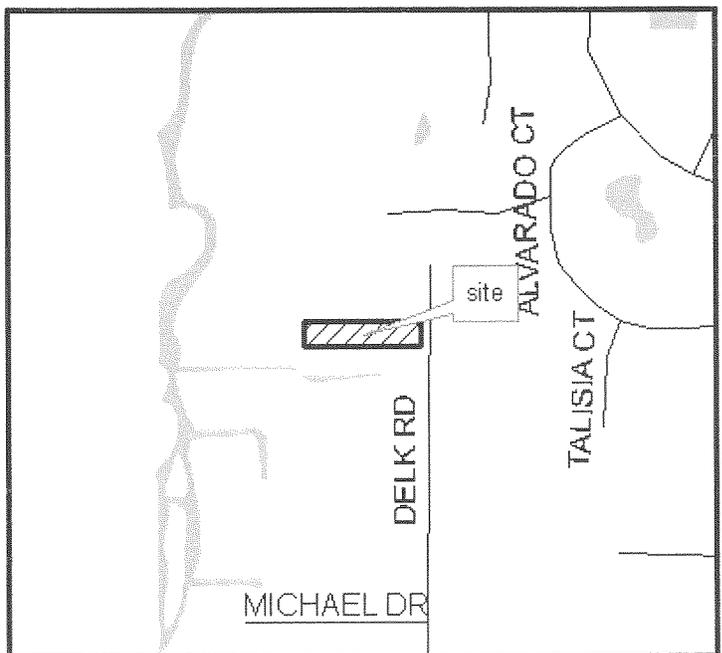
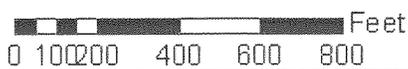
Greg A. Beliveau, AICP
1506 Delk Road
Longwood, FL 32779



Seminole County Board of Adjustment
September 26, 2005
Case: BV2005-131
Parcel No: 27-20-29-300-006A-0000

Zoning

-  A-1 Agricultural 1Ac
-  PUD Planned Unit Dev.
-  BV2005-131

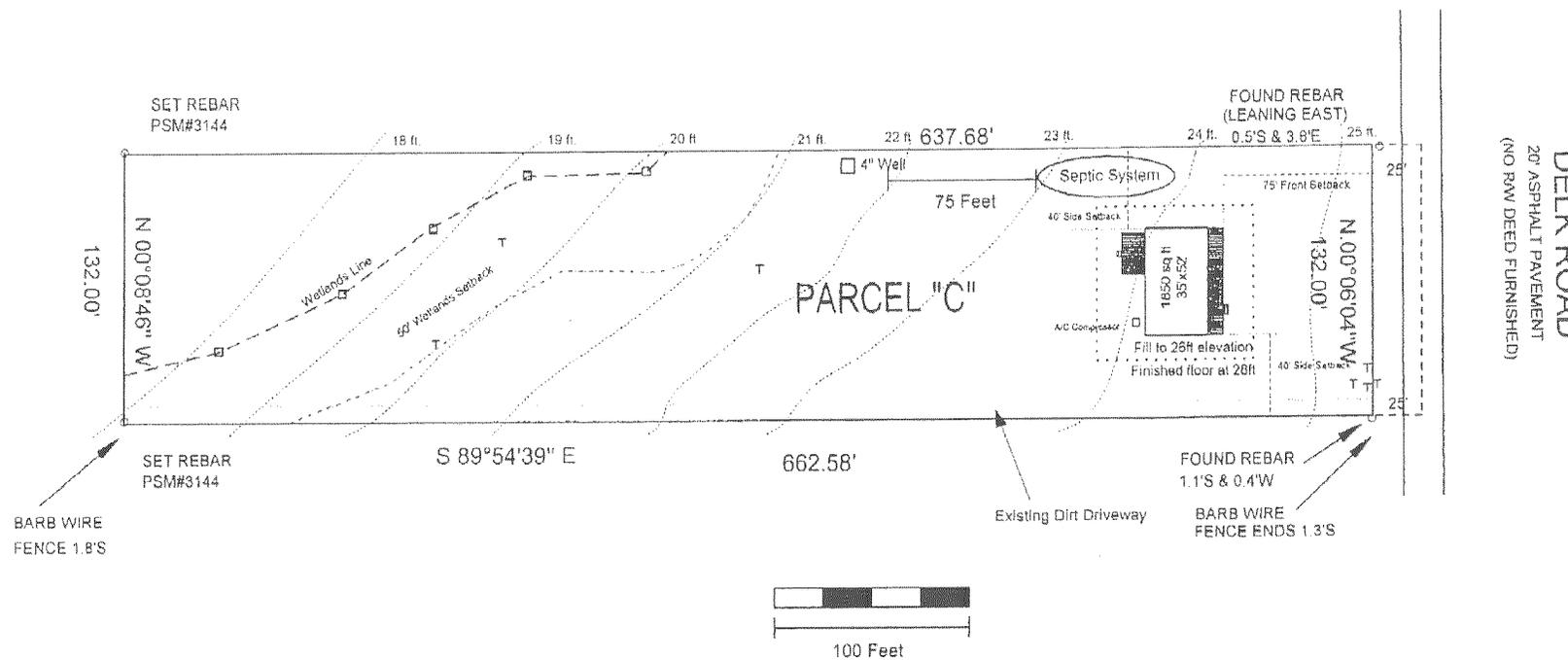


BOUNDARY SURVEY FOR
 TERRI LYNN BARNHILL FAMILY TRUST
 DATED SEPTEMBER 25, 2007

Project: Hale Residence
 1506 Delk Rd.



PARCEL "C" DESCRIPTION
 THE NORTH 132 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST
 1/4 OF THE SOUTH-EAST 1/4 OF THE NORTHEAST 1/4 OF
 SECTION 27, TOWNSHIP 20 SOUTH, RANGE 29 EAST,
 SEMINOLE COUNTY, FLORIDA
 SUBJECT TO EXISTING RIGHT-OF WAY OF DELK ROAD.



DELK ROAD
 20' ASPHALT PAVEMENT
 (NO ROW DEED FURNISHED)

RANDALL L. ROBERTS
 PROFESSIONAL SURVEYOR & MAPPER
 114 GAA VIEW CIRCLE
 LAKEHURRY, FLORIDA 32764
 (407) 321-0107 Fax (407) 302-7763

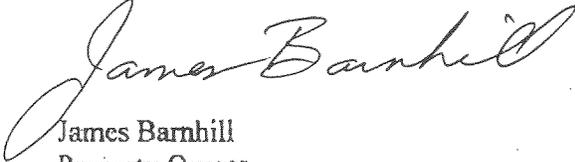
August 4, 2005

Seminole County Planning & Development Department
Planning Division
1101 East First Street (Room 2201)
Sanford, FL 32771

RE: LETTER OF AUTHORIZATION

This letter is to authorize Greg A. Beliveau, AICP, of LPG Urban and Regional Planners, Inc. to act as agent on my behalf.

Sincerely,



James Barnhill
Property Owner



Environmental & Permitting Services, Inc.

January 24, 2005

James Barnhill
1101 Delk Rd.
Longwood, FL 32779

PROJ: BARNHILL PARCEL (LPGEPS #3347/1)
RE: WETLAND DELINEATION

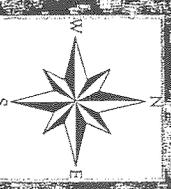
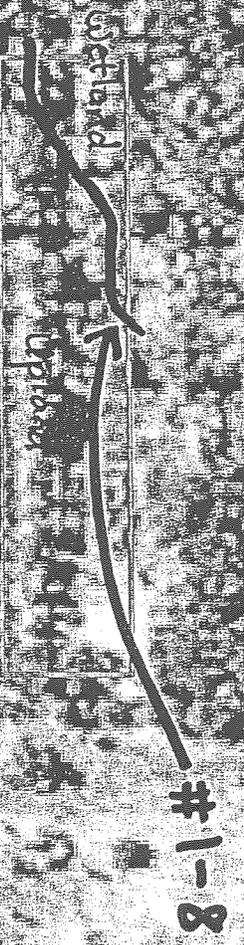
Dear Mr. Barnhill,

Pursuant to your request, LPG Environmental and Permitting Services, Inc. (LPGEPS) has identified and delineated all wetlands found on the referenced property, located in section 27, Township 20 South, and Range 29 East, of Seminole County, Florida. One wetland, a wetland hardwood forest associated with the Little Wekiva Creek, was identified onsite. The wetland boundary was marked in the field using pink flagging tape. An aerial map with the flag numbers and the approximate wetland line has been attached for your files. An additional copy has also been included for use by your surveyor. If you have any questions regarding the above or enclosed information, please do not hesitate to contact us at your convenience.

Respectfully,

Bill Newlon
Environmental Scientist

c: Chryl Ellinor
Steve Adams



1 inch equals 200 feet

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 SEC 27 TWP 20S RGE 29E N 132 FT OF S ½ OF SW ¼ OF NE 1/4

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

FINDINGS OF FACT

Property Owner: James Barnhill
1101 Delk Road
Longwood, FL 32779

Site Address: 1506 Delk Road
Longwood, FL 32779

Requested Development Approval:

REQUEST FOR A WIDTH AT BUILDING LINE VARIANCE FROM 150 FEET TO 132 FEET FOR A PROPOSED HOME

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 HOME, 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: