

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for (1) front yard setback variance from 35 feet to 25 feet, and (2) rear yard setback variance from 35 feet to 30 feet for a proposed home in the A-1 (Agriculture District); (Brent Smartt, applicant).

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

AUTHORIZED

BY: Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

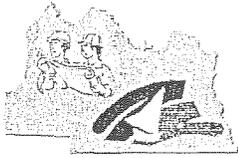
Agenda Date 11/28/05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** Request for (1) front yard setback variance from 35 feet to 25 feet, and (2) rear yard setback variance from 35 feet to 30 feet for a proposed home in the A-1 (Agriculture District); (Brent Smartt, applicant); or
2. **DENY** Request for (1) front yard setback variance from 35 feet to 25 feet, and (2) rear yard setback variance from 35 feet to 30 feet for a proposed home in the A-1 (Agriculture District); (Brent Smartt, applicant); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	APPLICANT:	Brent Smartt
	LOCATION:	3453 Peace Valley Way
	ZONING:	A-1 (Agriculture District)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family home on a vacant lot that received a lot size variance from 43,560 square feet to 25,293.59 square feet and a front yard setback variance from 50 feet to 35 feet in 1999. • On May 7, 1999, the Board of County Commissioners approved the following variances: <ol style="list-style-type: none"> 1. Minimum lot size variance from 43,560 square feet to 25,293.59 square feet; 2. Minimum front yard setback variance from 50 feet to 	

	<p>35 feet; and</p> <ul style="list-style-type: none">• The applicant voluntarily agreed to increase the rear yard setback from 30 feet to 35 feet as a condition of approval for those variances.• On October 4, 2004 the Board of Adjustment denied a variance request for a front yard setback variance from 35 feet to 20 feet and a rear yard setback from 35 feet to 15 feet. On November 9, 2004 the Board of County Commissioners upheld the BOA's denial.
STAFF FINDINGS	<ul style="list-style-type: none">• On August 22, 2005, the Board of Adjustment approved front yard setback variances from 50 feet to 35 feet for lots 9 & 10 and 11 & 12.• The request for variance from 35 feet to 30 feet will bring the property in compliance with the required rear yard setback of the zoning district.• By approving the requested variance, the Board of Adjustment is keeping with the trend of development set by prior board actions.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends the board of adjustment approve the requested variances. 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 lots as depicted on the attached site plan; and• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing.



COPY APPL NO. BV 2005-16C

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 SETBACK FROM 35' TO 25'
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
OCT - 3 2005
PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>P AND B CUSTOM HOMES INC.</u>	<u>J. BRENT SMARTT</u>
ADDRESS	<u>3989 LANCAHIRE LN.</u>	
	<u>LONGWOOD, FL. 32779-4683</u>	
PHONE 1	<u>407-342-0457</u>	
PHONE 2	<u>407-831-5102</u>	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 3453 PEACE VALLEY WAY, LONGWOOD LOT 18

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: LOT 18, PEACE VALLEY MIAMI SPRINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9 PAGE 51 OF THE PUBLIC RECORDS OF SEMINOLE CO.

SIZE OF PROPERTY: 210' W X 120' DEEP acre(s) PARCEL I.D. 1/2 OF 32-20-29-300-004A-0000 AND 1/2 OF 31-20-29-501-0000-0180

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 11/28/05 (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.

J. Brent Smartt
 SIGNATURE OF OWNER OR AGENT* DATE 10/3/05
 Proof of owner's authorization is required with submittal if signed by agent.

MIR

ADDITIONAL VARIANCES

VARIANCE 2:

REAR HARD SETBACK FROM 35' TO 30'

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): \$ 200⁰⁰ COMMISSION DISTRICT 3 FLU/ZONING LDR/A-1

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS S. side of Peace Valley Way 0.2 mi east of the intersection of Miami Springs & Peace Valley Way

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

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. 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 DESCRIPTION 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.

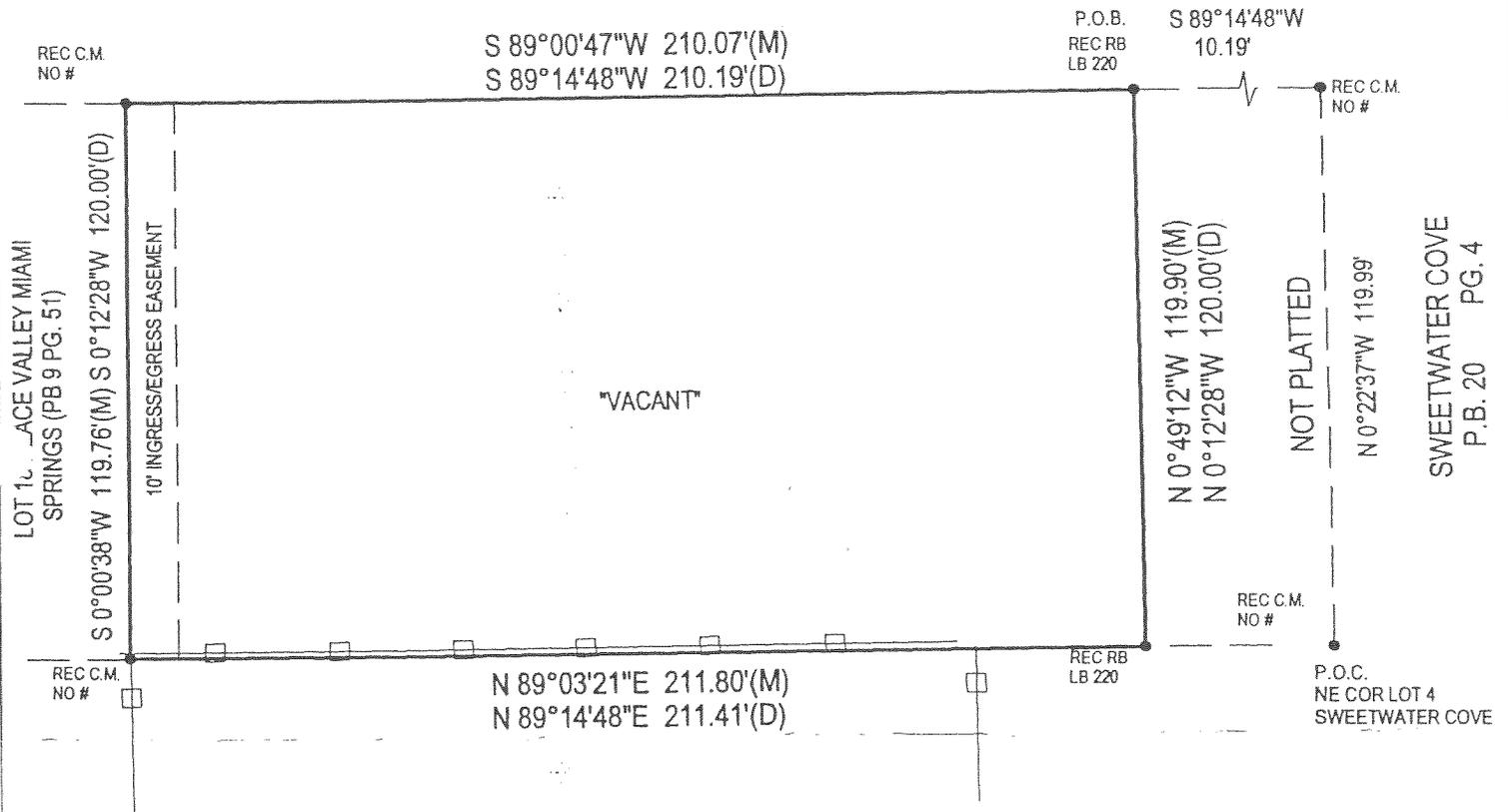


Boundary
And
Mapping
Associates, Inc.

LAND
SURVEYORS
LB 4565

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

SWEETWATER SPRINGS
P.B. 36 PGS. 52 - 55

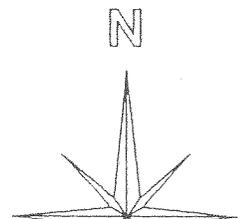


BLOCK B
SWEETWATER COVE
P.B. 20 PG. 4

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

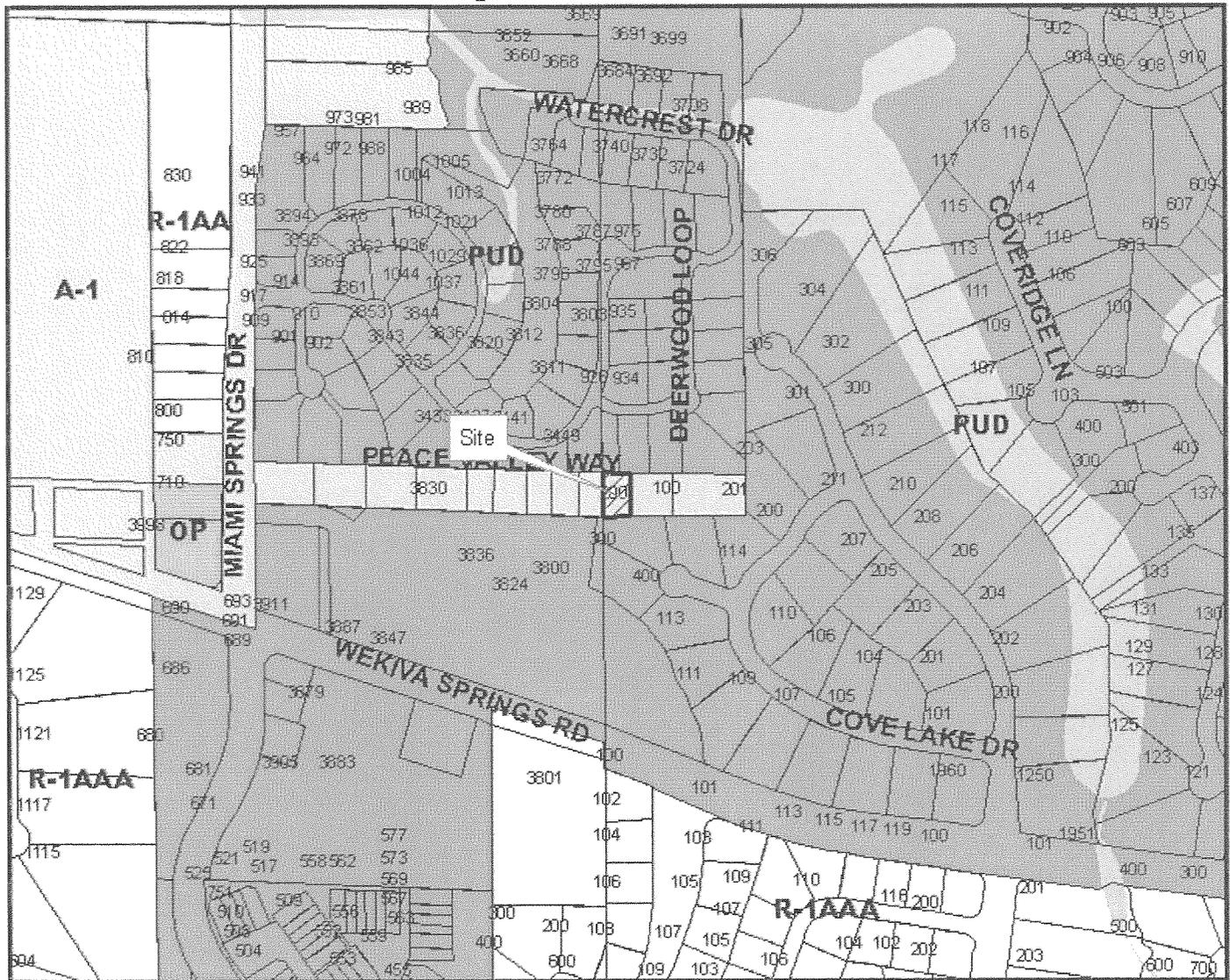
DESCRIPTION (AS FURNISHED):

COMMENCE AT THE NORTHEAST CORNER OF LOT 4, BLOCK B, SWEETWATER COVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGES 3 AND 4, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND RUN NORTH 00°57'43" WEST ALONG THE WESTERLY LINE OF LOT 3 OF SAID SWEETWATER COVE, 119.98 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 89°14'48" WEST, A DISTANCE OF 210.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°14'48" WEST, A DISTANCE OF 210.19 FEET TO THE NORTHWEST CORNER OF LOT 18, PEACE VALLEY MIAMI SPRINGS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 51, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN SOUTH 00°12'28" WEST, 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18, SAID POINT BEING ON THE NORTH LINE OF BLOCK B OF SAID SWEETWATER COVE; THENCE RUN NORTH 89°14'48" EAST ALONG SAID NORTH LINE OF BLOCK B, 211.41 FEET; THENCE LEAVING SAID NORTH LINE RUN NORTH 00°22'37" WEST, 119.99 FEET TO THE POINT OF BEGINNING. GRANTOR HEREBY RETAINS A PERPETUAL 10' EASEMENT FOR INGRESS AND EGRESS.



<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 align="center">GENERAL</p> <p>Parcel Id: 31-20-29-501-0000-0180 Owner: P & B CUSTOM HOMES INC Mailing Address: 3989 LANCASHIRE LN City,State,ZipCode: LONGWOOD FL 32779 Property Address: 3453 PEACE VALLEY WAY LONGWOOD 32779 Subdivision Name: PEACE VALLEY MIAMI SPRINGS Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL</p>	<p align="center">2006 WORKING VALUE SUMMARY</p> <table border="0"> <tr><td>Value Method:</td><td>Market</td></tr> <tr><td>Number of Buildings:</td><td>0</td></tr> <tr><td>Depreciated Bldg Value:</td><td>\$0</td></tr> <tr><td>Depreciated EXFT Value:</td><td>\$0</td></tr> <tr><td>Land Value (Market):</td><td>\$62,500</td></tr> <tr><td>Land Value Ag:</td><td>\$0</td></tr> <tr><td>Just/Market Value:</td><td>\$62,500</td></tr> <tr><td>Assessed Value (SOH):</td><td>\$62,500</td></tr> <tr><td>Exempt Value:</td><td>\$0</td></tr> <tr><td>Taxable Value:</td><td>\$62,500</td></tr> <tr><td>Tax Estimator</td><td></td></tr> </table>	Value Method:	Market	Number of Buildings:	0	Depreciated Bldg Value:	\$0	Depreciated EXFT Value:	\$0	Land Value (Market):	\$62,500	Land Value Ag:	\$0	Just/Market Value:	\$62,500	Assessed Value (SOH):	\$62,500	Exempt Value:	\$0	Taxable Value:	\$62,500	Tax Estimator																									
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<p><small>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.</small></p>																																															

J. Brent Smartt
3543 Peace Valley Way Lot 18
Longwood, FL 32779



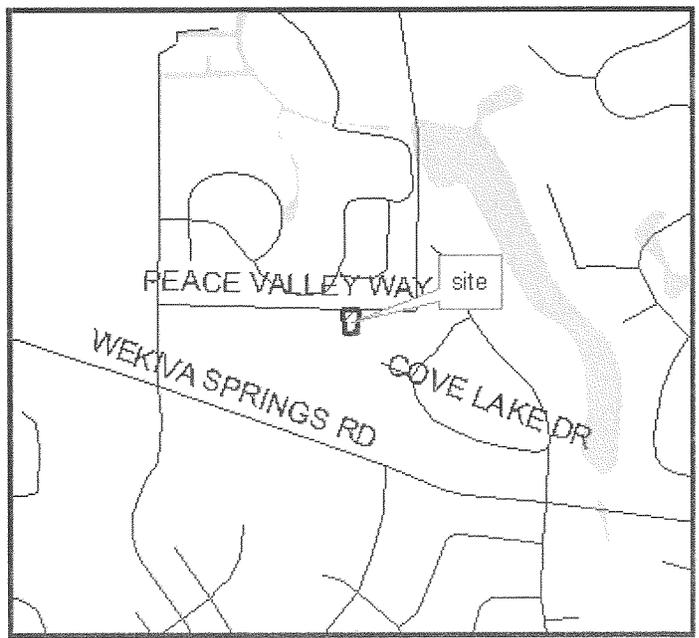
Seminole County Board of Adjustment
November 28, 2005
Case: BV2005-160
Parcel No: 31-20-29-501-0000-0180

Zoning

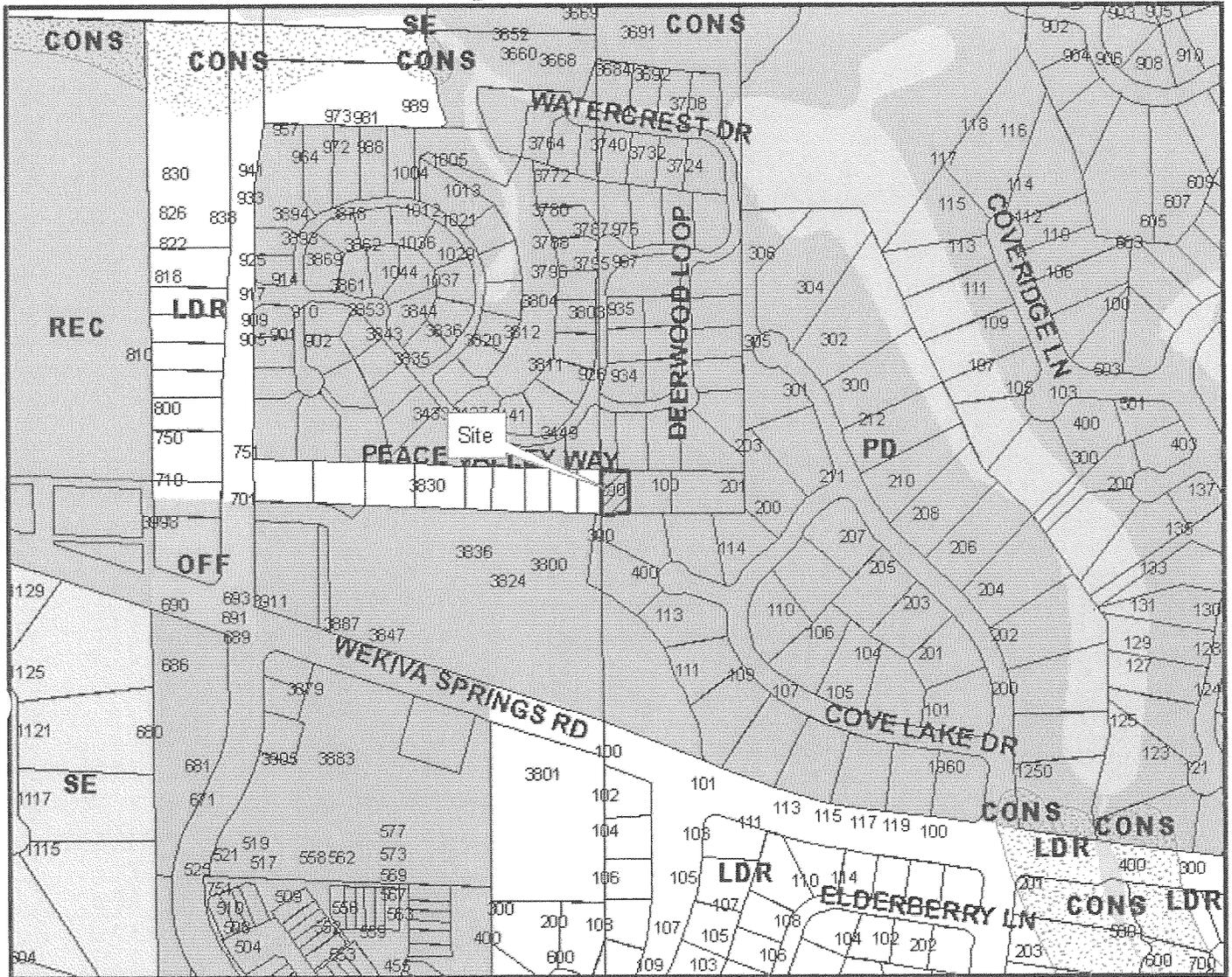
- A-1 Agricultural-1 Ac
- R-1,AAA Single Fam-13500
- R-1,AA Single Fam-11700
- OP Office
- PUD Planned Unit Dev.
- BV2005-160

N

0 105 210 420 630 840 Feet



J. Brent Smartt
3543 Peace Valley Way Lot 18
Longwood, FL 32779



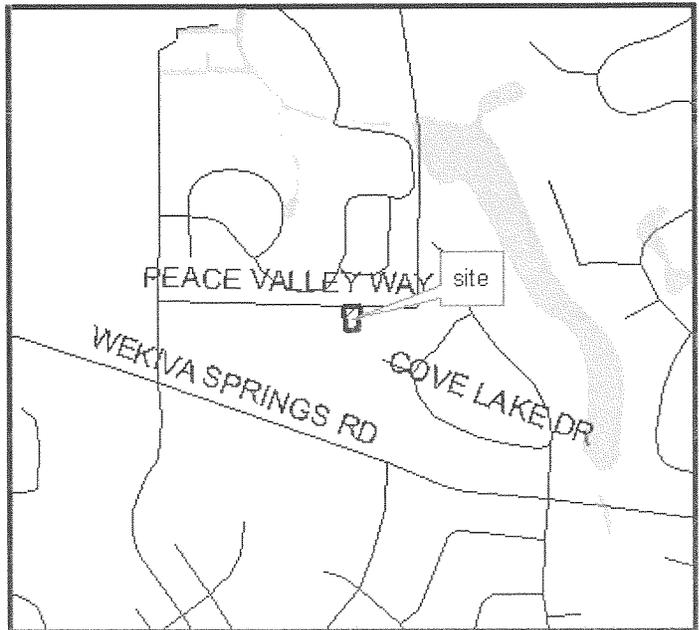
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Future Land Use

	CONS, REC		LDR, NONE
	CONS, LDR		PD, NONE
	CONS, PD		OFF, NONE
	REC, NONE		BV2005-160
	SE, NONE		

N

0 105 210 420 630 840 Feet



SEMINOLE COUNTY DEVELOPMENT ORDER

On November 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 18 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED

PB 9 PG 51 & 32-20-29-300-004B-0000

SEC 32 TWP 20S RGE 29E BEG 119.98 FT N & 210.19 FT W OF NE COR LOT 4 BLK B SWEETWATER COVE RUN

W TO NW COR LOT 18 PEACE VALLEY MIAMI SPRINGS S 120 FT E TO A PT S OF BEG N TO BEG

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

FINDINGS OF FACT

Property Owner: P & B CUSTOM HOMES INC
3989 LANCASHIRE LANE
LONGWOOD, FL 32779

Project Name: PEACE VALLEY WAY (3453)

Requested Development Approval:

REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 35 FEET TO 25 FEET, AND (2) REAR YARD SETBACK VARIANCE FROM 35 FEET TO 30 FEET FOR A PROPOSED 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, 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. ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING 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: _____
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: