

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

SUBJECT: Request for side yard setback variance from 10 feet to 6.3 feet for a proposed room addition in the A-1 (Agriculture District); (Norma Stahl, applicant).

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

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

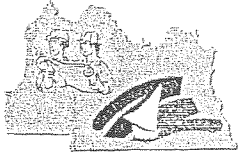
Agenda Date 02/27/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** Request for side yard setback variance from 10 feet to 6.3 feet for a proposed room addition in the A-1 (Agriculture District); (Norma Stahl, applicant); or
2. **DENY** Request for side yard setback variance from 10 feet to 6.3 feet for a proposed room addition in the A-1 (Agriculture District); (Norma Stahl, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Norma Stahl LOCATION: 1455 Sylvan Avenue ZONING: A-1 (Agriculture District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a home addition that would encroach 4.9 feet into the minimum 10 foot side yard setback; the aforementioned side yard setback variance is thereby requested. • The Board of Adjustment has already granted a front yard setback variance from 50 feet to 40 feet for a garage and porch addition in 1992.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the A-1 zoning district.• The proposed addition would begin a trend of side yard encroachment that is inconsistent with the character of development in the neighborhood. All past variances approved by the Board of Adjustment have been to lot size and lot width.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The requested variance would not be the minimum that would make possible the reasonable use of the property. Reasonable use of the property would be retained without the grant of the requested variance.
STAFF RECOMMENDATION	<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 home 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.



COPY

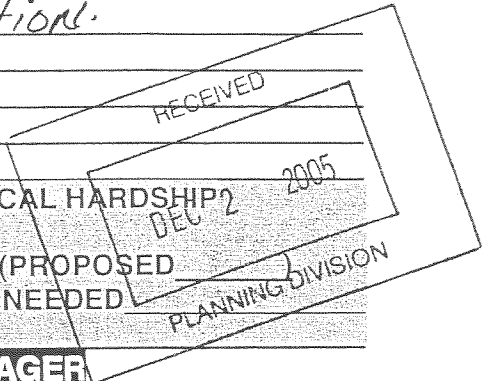
APPL. NO. BV2005-195

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** side yard setback variance from 10 ft. to 6.3 feet for a proposed addition.
- 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>NORMA STAHL</u>	
ADDRESS	<u>1455 SYLVAN AVE</u>	
	<u>SANFORD, FLA. 32771</u>	
PHONE 1	<u>407 302 6312</u>	
PHONE 2	<u>407 314 0098</u>	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 1455 SYLVAN AVE

CURRENT USE OF PROPERTY: RESIDENT

LEGAL DESCRIPTION: LEG BEG 12 FT. S OF NE COR LOT 29 RUN W 181.94 FT. S 56 DEG 45 MIN 21 SEC W 67.31 FT S 27 DEG 52 MIN 16

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 31-19-30-501-0000-0220

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 1, 23, 06 (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.

Norma Stahl SIGNATURE OF OWNER OR AGENT* 12-02-05 DATE

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	

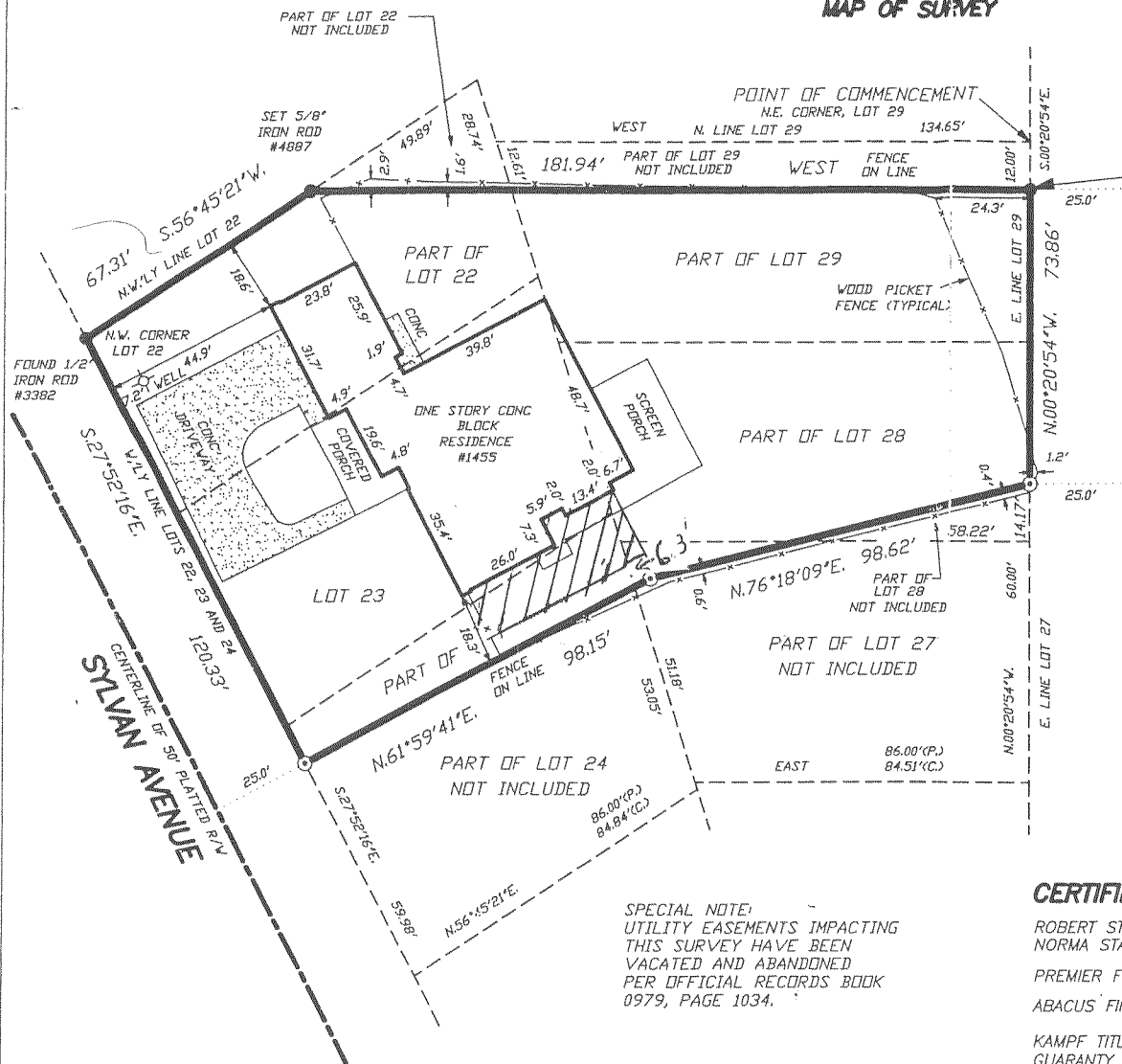
NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 155.00 COMMISSION DISTRICT 5 FLU/ZONING A-1/LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS east side of Sylvan Ave at intersection
of Sylvan Ave + Emmitt Ave
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS unclear site plan needs survey

MAP OF SURVEY



NOTES :

1. BEARINGS BASED ON THE NORTH LINE OF LOT 29 AS BEING WEST.
2. UNDERGROUND IMPROVEMENTS NOT LOCATED.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. SUBJECT PROPERTY LIES IN ZONE "X", PER FLOOD INSURANCE RATE MAP PANEL #120289 0040 E, DATED 4/17/95, AND LIES OUTSIDE THE 500-YEAR FLOOD PLAIN.
5. DATE OF FIELD SURVEY: 10/29/03.



LEGEND

- CONG = CONCRETE
- R/W = RIGHT-OF-WAY
- (C.) = CALCULATED
- (P.) = PLAT
- ⊙ = FOUND 1/2" IRON ROD #3144

POINT OF BEGINNING

CENTERLINE OF 50' PLATTED R/W
GARDA AVENUE
(R/W UN-IMPROVED & NOT IN USE)

BOUNDARY SURVEY

DESCRIPTION:

FROM THE NORTHEAST CORNER OF LOT 29, 1ST ADDITION TO SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 18, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; RUN S.00°20'54"E. ALONG THE EAST LINE OF SAID LOT 29, A DISTANCE OF 12.00 FEET FOR A POINT OF BEGINNING; THENCE RUN WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 181.94 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 22, SAID 1ST ADDITION TO SYLVAN LAKE; THENCE RUN S.56°45'21"W. ALONG SAID NORTHWESTERLY LINE, 67.31 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE RUN S.27°52'16"E. ALONG THE WESTERLY LINE OF LOTS 22, 23 AND 24, SAID 1ST ADDITION TO SYLVAN LAKE, A DISTANCE OF 120.33 FEET; THENCE RUN N.61°59'41"E., A DISTANCE OF 98.15 FEET, THENCE RUN N.76°18'09"E., A DISTANCE OF 98.62 FEET TO A POINT ON THE EAST LINE OF LOT 27, SAID FIRST ADDITION TO SYLVAN LAKE, THENCE RUN N.00°20'54"W. ALONG THE EAST LINE OF LOTS 27, 28 AND 29, SAID 1ST ADDITION TO SYLVAN LAKE, A DISTANCE OF 73.86 FEET TO THE POINT OF BEGINNING.

SPECIAL NOTE:
UTILITY EASEMENTS IMPACTING THIS SURVEY HAVE BEEN VACATED AND ABANDONED PER OFFICIAL RECORDS BOOK 0979, PAGE 1034.

CERTIFIED TO:

- ROBERT STAHL
- NORMA STAHL
- PREMIER FUNDING
- ABACUS FINANCIAL
- KAMPF TITLE AND GUARANTY CORP.
- CHICAGO TITLE INSURANCE COMPANY

I HEREBY CERTIFY:

THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 61G17 - 6, FLORIDA ADMINISTRATIVE CODE.

[Signature]
THOMAS J. MCMAHON
FL REG LAND SURVEYOR #4887

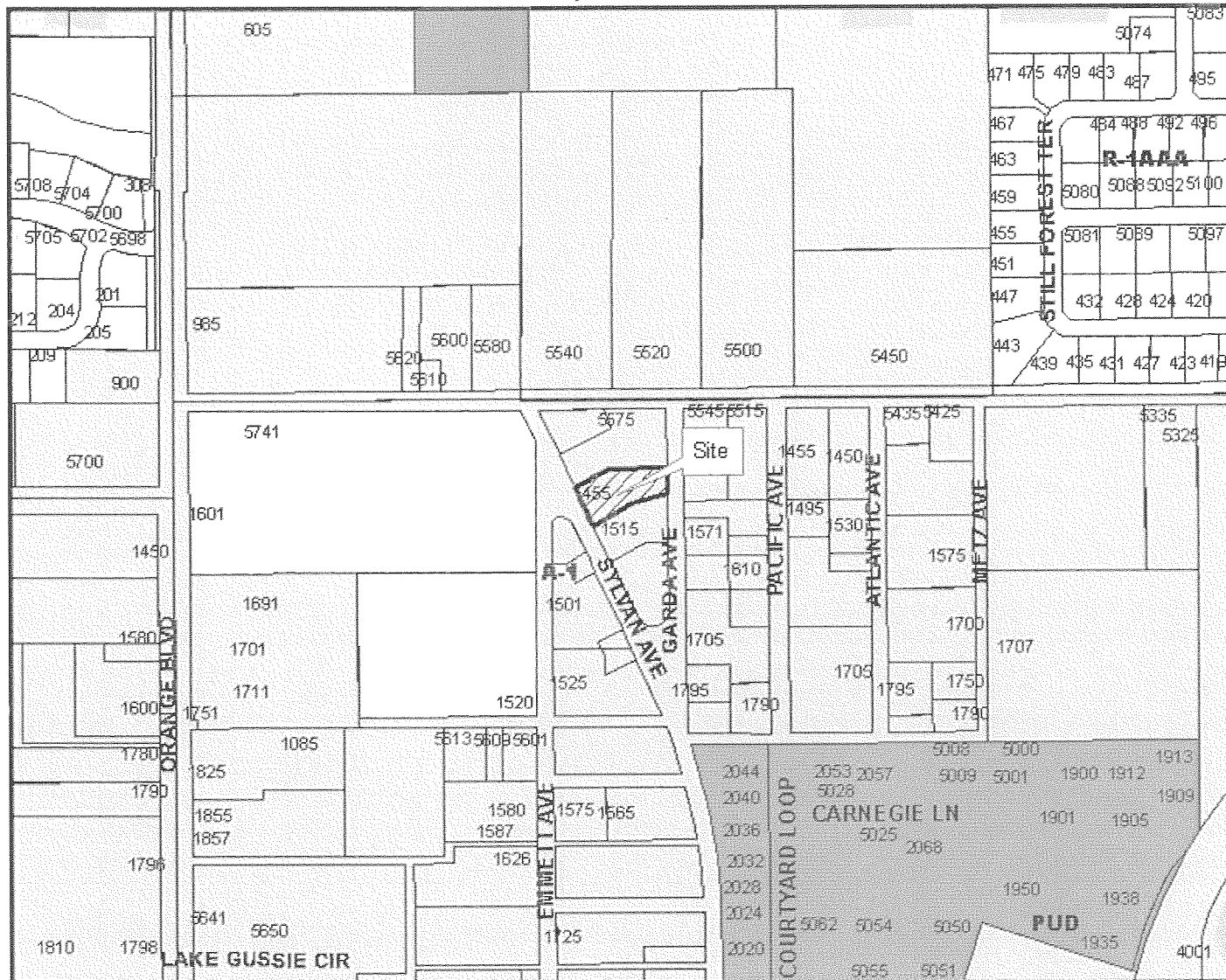
DATE: 10/29/03
SCALE: 1" = 30'
JOB NO. 03-K445

MCMAHON SURVEYING AND MAPPING
1690 TALL OAKS ROAD
DELAND, FLORIDA
32720 (407) 399-2044

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER





PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		31 																																																																																							
GENERAL Parcel Id: 31-19-30-501-0000-0220 Owner: STAHL ROBERT & NORMA Mailing Address: 1455 SYLVAN AVE City,State,ZipCode: SANFORD FL 32771 Property Address: 1455 SYLVAN AVE SANFORD 32771 Subdivision Name: SYLVAN LAKE 1ST ADD Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY		2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$172,804 Depreciated EXFT Value: \$900 Land Value (Market): \$41,616 Land Value Ag: \$0 Just/Market Value: \$215,320 Assessed Value (SOH): \$211,542 Exempt Value: \$25,000 Taxable Value: \$186,542 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.																																																																																									

Norma Stahl
 1455 Sylvan Avenue
 Sanford, FL 32771




Seminole County Board of Adjustment
 January 23, 2005
 Case: BV2005-195
 Parcel No: 31-19-30-501-0000-0220

Zoning

-  A-1
-  R-1AAA
-  PUD
-  BV2005-195

N




0 95 190 380 570 760 Feet



ATTN: Seminole County Planning & Development Department,

I Dale Wagner residing on the South Side of Mr. and Mrs. Stahl's residence located at 1455 Sylvan Ave in Sanford, zip code: 32771. I understand that they wish to extend their bedroom which will leave a distance of 6.3/4 ft between the property instead of the 10 ft they require.

I have no objection to their planned construction.


1515 SYLVAN AV.
Sanford FL 32771
407 321 0378

12-16-05P12:55 RCY

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On (February 27, 2006) Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG BEG 12 FT S OF NE COR LOT 29 RUN W 181.94 FT S 56 DEG 45 MIN 21 SEC W 67.31 FT S 27 DEG 52 MIN 16

SEC E 120.33 FT N 61 DEG 59 MIN 41 SEC E 98.15 FT N 76 DEG 18 MIN 09 SEC E 98.62 FT N 73.86 FT TO BEG

1ST ADD TO SYLVAN LAKE PB 4 PG 18

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

FINDINGS OF FACT

Property Owner: Robert & Norma Stahl
1455 Sylvan Avenue
Sanford, FL 32771

Project Name: 1455 Sylvan Avenue

Requested Development Approval:

REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 6.3 FEET FOR A PROPOSED ROOM ADDITION 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, Senior 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 home addition 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: