

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for side street setback variance from 25 feet to 10 feet for an existing shed in the R-1AA (Single-Family Dwelling District); (Jolan Stoltz, 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 street setback variance from 25 feet to 10 feet for an existing shed in the R-1AA (Single-Family Dwelling District); (Jolan Stoltz, Applicant); or
2. **DENY** Request for side street setback variance from 25 feet to 10 feet for an existing shed in the R-1AA (Single-Family Dwelling District); (Jolan Stoltz, Applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Jolan Stoltz LOCATION: 1304 Palm Drive ZONING: R-1AA (Single-family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a 240 sf (10 x 24) shed without a building permit; a notice of violation from the Seminole County Building Division was subsequently issued.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • The requested variance would not be compliant with the land development code and would potentially allow development that is inconsistent with the trend

	<p>of neighborhood development.</p> <ul style="list-style-type: none">• The need for a variance would be negated by relocating the existing shed and repositioning to meet the required setbacks.• The applicant would still retain reasonable use of the land, building or structure without the granting of the 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 existing shed 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. BV2006-008

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:

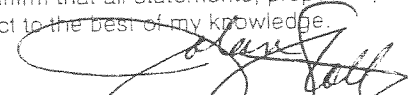
- VARIANCE** side street setback VARIANCE from 25 ft. to 10 ft for existing shed.
- SPECIAL EXCEPTION**
- LIMITED USE** 01-11-06P01:22
- SF DWELLING UNDER CONSTRUCTION MEDICAL HARDSHIP
- NIGHT WATCHMAN FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____ TIME NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Jolan Stolte	
ADDRESS	1304 PALM DR	
	Apopka FL 32703	
PHONE 1	407-579-5963	
PHONE 2		
E-MAIL	hirsinc@yahoo.com	

PROJECT NAME: _____
 SITE ADDRESS: 1304 Palm DR Apopka FL 32703
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: see attached

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 18-21-29-512-0B00 001A
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS see attached

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO
 This request will be considered at the Board of Adjustment regular meeting on 2/27/06
 (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.

1-11-06

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

FLU / ZONING

P-1AA LLDR

BCC HEARING DATE

(FOR APPEAL)

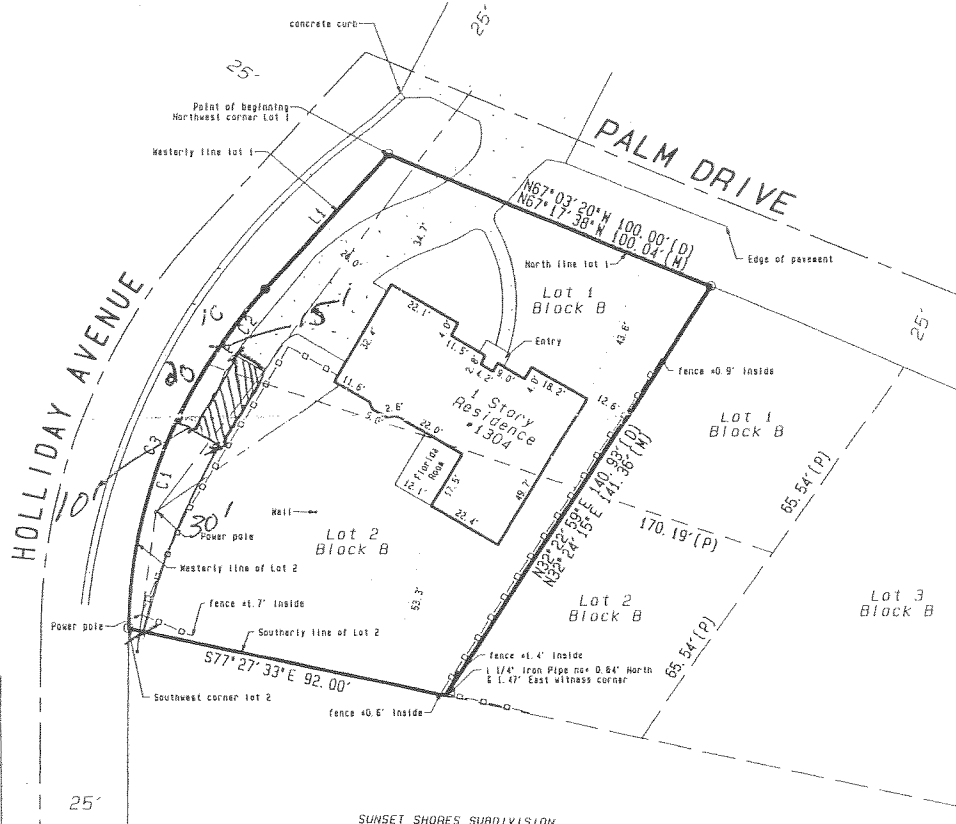
LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

SOUTHLINEAL HAVING A RADIUS OF 150.12 FEET, THENCE SOUTHERLY 108.18 FEET ALONG THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID BLOCK B TO THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK B, THENCE NORTH 77°27'33" EAST, 92.00 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 2, BLOCK B, THENCE NORTH 32°22'59" EAST 140.93 FEET TO THE NORTH LINE OF SAID LOT 1, THENCE NORTH 67°03'20" WEST, 100.00 FEET ALONG THE NORTH LINE OF SAID LOT 1, TO THE POINT OF BEGINNING.



LINE #	BEARING	LENGTH
L1(M)	S41°50'08.0"W	52.67'
L1(P)	S41°45'40.0"W	52.65'

Curve #	Radius	Delta	Length
C1(P)	150.12'	30°54'13"	80.97'
C2(P)	150.12'	10°23'07"	27.21'
C3	150.12'	41°17'19"	108.18'

Legend

- = Recovered 4"x4" Concrete Monument
- = Set 4"x4" Concrete Monument #LB6300
- △ = Recovered Nail & Disk as shown
- × = Recovered X Cut in concrete
- = Recovered 1/4" Iron Pipe no#
- = Set 1/2" Iron Rod #LB6300
- = Light Pole as shown
- = 6" Hood Fence
- = Fence as shown
- = Concrete Slab
- = 4" Chain Link fence
- Δ = Central Angle L=Arc R=Radius N/M=Right of Way
- A/C=Air Conditioner (R)=Radial (NR)=Non-Radial
- (P)=Plat (M)=Measured (C)=Calculated (D)=Deed
- POB=Point of Beginning POC=Point of Commencement
- POL=Point On Line

This Survey Certified To:
 Town & Country Mortgage Services, Inc.
 Sunbelt Title Agency
 Old Republic National Title Insurance Co
 Julian Phillips

Bearings are based on the centerline of Palm Drive as being N67°03'20"N, per plat

Not valid without the signature and the original raised seal of a Florida licensed surveyor, and proper additions and deletions to surveys, maps, sketches or reports by other than the signing party or parties is prohibited without written consent of the signatory party or parties.

Michael J. Phillips
 Michael J. Phillips, PLS #469
 For the Firm of Altamonte Surveying and Platting, Inc. #LB6300

SCALE: 1" = 40'
REVIEWED BY: MWS
DRAWN BY: SAR
DATE: November 3, 2003
JOB No.: 19202
Revised:

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed and shall not be relied on by any other entity or individual whatsoever.

Underground foundations and/or improvements were not located as a part of this survey.

Lands shown hereon were not abstracted for rights of ways and/or easements of public records.

Legal Description furnished by client (unless otherwise noted)

This is to certify that I have reviewed the Flood Insurance Rating Map (FIRM), Panel Number 120289 0119 E, Dated 4/17/95 and determined that the lands shown hereon lies in Flood Zone "X"

ALTAMONTE SURVEYING AND PLATTING, INC.

445 Douglas Avenue, Suite 1505
 Altamonte Springs, Florida 32714
 Phone (407) 862-7555 Fax (407) 862-6229

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7508

GENERAL

Parcel Id: 18-21-29-512-0B00-001A
 Owner: PHILLIPS JOLAN
 Mailing Address: 1304 PALM DR
 City,State,ZipCode: APOPKA FL 32703
 Property Address: 1304 PALM DR APOPKA 32703
 Subdivision Name: SUNSET SHORES REPLAT OF LOTS 4 5 AND 6
 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: \$149,522
 Depreciated EXFT Value: \$600
 Land Value (Market): \$47,000
 Land Value Ag: \$0
 Just/Market Value: \$197,122
 Assessed Value (SOH): \$150,718
 Exempt Value: \$25,000
 Taxable Value: \$125,718
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	11/2003	05172	1053	\$165,000	Improved	Yes
QUIT CLAIM DEED	12/2002	04648	0274	\$100	Improved	No
WARRANTY DEED	08/1999	03723	0361	\$100	Improved	No
WARRANTY DEED	12/1979	01258	1417	\$64,400	Improved	Yes
WARRANTY DEED	06/1979	01234	1722	\$7,000	Vacant	Yes

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$2,834
 2005 Tax Bill Amount: \$1,988
 Save Our Homes (SOH) Savings: \$846
 2005 Taxable Value: \$121,328
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	47,000.00	\$47,000

LEGAL DESCRIPTION

PLATS:

LEG PT LOTS 1 & 2 BEG NW COR LOT 1
 RUN S 67 DEG 3 MIN 20 SEC E 100 FT S 32
 DEG 22
 MIN 59 SEC W 140.93 FT N 77 DEG 27 MIN
 33 SEC W 91.99 FT NELY ON CURVE 108.18
 FT
 N 41 DEG 45 MIN 40 SEC E 52.65 FT TO BEG
 BLK B REPLAT OF LOTS 4 5 & 6
 SUNSET SHORES PB 8 PG 81

BUILDING INFORMATION

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1979	6	1,934	2,624	2,132	CONC BLOCK	\$149,522	\$168,002
	Appendage / Sqft		ENCLOSED PORCH FINISHED / 198						
	Appendage / Sqft		OPEN PORCH FINISHED / 8						
	Appendage / Sqft		GARAGE FINISHED / 484						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

EXTRA FEATURE

Description	Year Bld	Units	EXFT Value	Est. Cost New
FIREPLACE	1979	1	\$600	\$1,500

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.

lot 4-6 Rear 30-26

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1304 PALM DR APT 11A FL 32703

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF _____
CHAPTER/ARTICLE FBC 104.1.1 SECTION _____

DESCRIPTION OF VIOLATION: INSTALLING PREFAB SHED ON PROPERTY WITHOUT BUILDING PERMIT

*25
+ 4 per hour
dble*

CORRECTIVE ACTION: NEED TO OBTAIN PERMIT 45
90

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 12-23-05

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

*17-92
last bldg on Rt on 1st application survey copies 2 draw where shed*



For further information contact:
Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771
PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 12-9-05

INSPECTOR: 1304 SCOTT

CASE NO: 15-6-9

measure where it is a from prop lines copy receipt of shed notice of commencement

REPLAT OF LOTS 4, 5 AND 6 OF SUNSET SHORES SEMINOLE COUNTY, FLORIDA.

81

AS RECORDED IN PLAT BOOK 7 ON PAGE 94 OF
THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, BEING A LICENSED AND REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT ON THE 22ND DAY OF FEBRUARY, A.D. 1952 I COMPLETED THE SURVEY OF THE LANDS AS SHOWN IN THE FOREGOING PLAT, AND THAT THE SAID PLAT IS A CORRECT REPRESENTATION OF THE LAND THEREIN DESCRIBED AND PLATTED, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AS SHOWN THEREON, AS REQUIRED BY CHAPTER 177, FLORIDA STATUTES 1941, AND THAT SAID LAND IS LOCATED IN SEMINOLE COUNTY, FLORIDA.

DATED THIS 22ND DAY OF FEBRUARY, A.D. 1952. W.C. Hart
W.C. HART, REG. LAND SURVEYOR NO. 830

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING THE OWNER OR OWNERS IN FEE SIMPLE, OF THE LANDS DESCRIBED IN THE FOREGOING CERTIFICATE TO THIS PLAT, DO HEREBY DEDICATE SAID LANDS AND PLAT FOR THE USE AND PURPOSES HEREIN SET FORTH, AND DEDICATE THE STREETS SHOWN THEREON TO THE PERPETUAL USE OF THE PUBLIC, IN WITNESS WHEREOF THE UNDERSIGNED HAVE HEREBY SET THEIR HAND AND SEAL ON THIS 22ND DAY OF FEBRUARY, A.D. 1952.

SIGNED AND SEALED IN THE PRESENCE OF:
loyd L. Schiberg
W. F. Brantley

Ralph E. Davis SEAL
Lou Verta Davis SEAL
Anantha Mueselwhite SEAL

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF SEMINOLE
I HEREBY CERTIFY THAT ON THIS DAY, BEFORE ME, AN OFFICER DULY AUTHORIZED IN THE STATE AFORESAID, AND IN THE COUNTY AFORESAID TO TAKE ACKNOWLEDGMENTS, PERSONALLY APPEARED RALPH E. DAVIS, LOU VERTA DAVIS AND ANANTHA MUESELWHITE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION, AND ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE FOREGOING DEDICATION, AND ACKNOWLEDGED WITHIN MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST AFORESAID, THIS 22ND DAY OF FEBRUARY, A.D. 1952.

Jack E. Anderson
NOTARY PUBLIC
MY COMMISSION EXPIRES - DECEMBER 17, 1954

APPROVAL

THE FOREGOING PLAT WAS AND IS HEREBY APPROVED BY THE UNDERSIGNED ON THIS THE 2ND DAY OF FEBRUARY, A.D. 1952.

ATTEST: W.C. Hart
CLERK

BY: W.C. Hart
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

119782
CERTIFICATE OF CLERK
I HEREBY CERTIFY THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES 1941, AND WAS FILED FOR RECORD ON THE 4TH DAY OF FEBRUARY, A.D. 1952 AND RECORDED IN PLAT BOOK No. 8, Page 81, Public Records of Seminole County, Florida.
W.C. Hart
CLERK OF CIRCUIT COURT
OF SEMINOLE COUNTY, FLORIDA.



W.C. HART & ASSOCIATES
LAND SURVEYING
1122 COLONIAL DRIVE - SUITE 1222
ORLANDO, FLORIDA
SCALE: 1 INCH = 50 FT.



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 PT LOTS 1 & 2 BEG NW COR LOT 1 RUN S 67 DEG 3 MIN 20 SEC E 100 FT S
32 DEG 22
MIN 59 SEC W 140.93 FT N 77 DEG 27 MIN 33 SEC W 91.99 FT NELY ON CURVE
108.18 FT
N 41 DEG 45 MIN 40 SEC E 52.65 FT TO BEG BLK B REPLAT OF LOTS 4 5 & 6
SUNSET SHORES PB 8 PG 81

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

FINDINGS OF FACT

Property Owner: Jolan Phillips
1304 Palm Drive
Apopka, FL 32703

Project Name: Palm Drive (1304)

Requested Development Approval:

REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR AN EXISTING SHED IN THE R-1AA (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: 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 (Structure) 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)

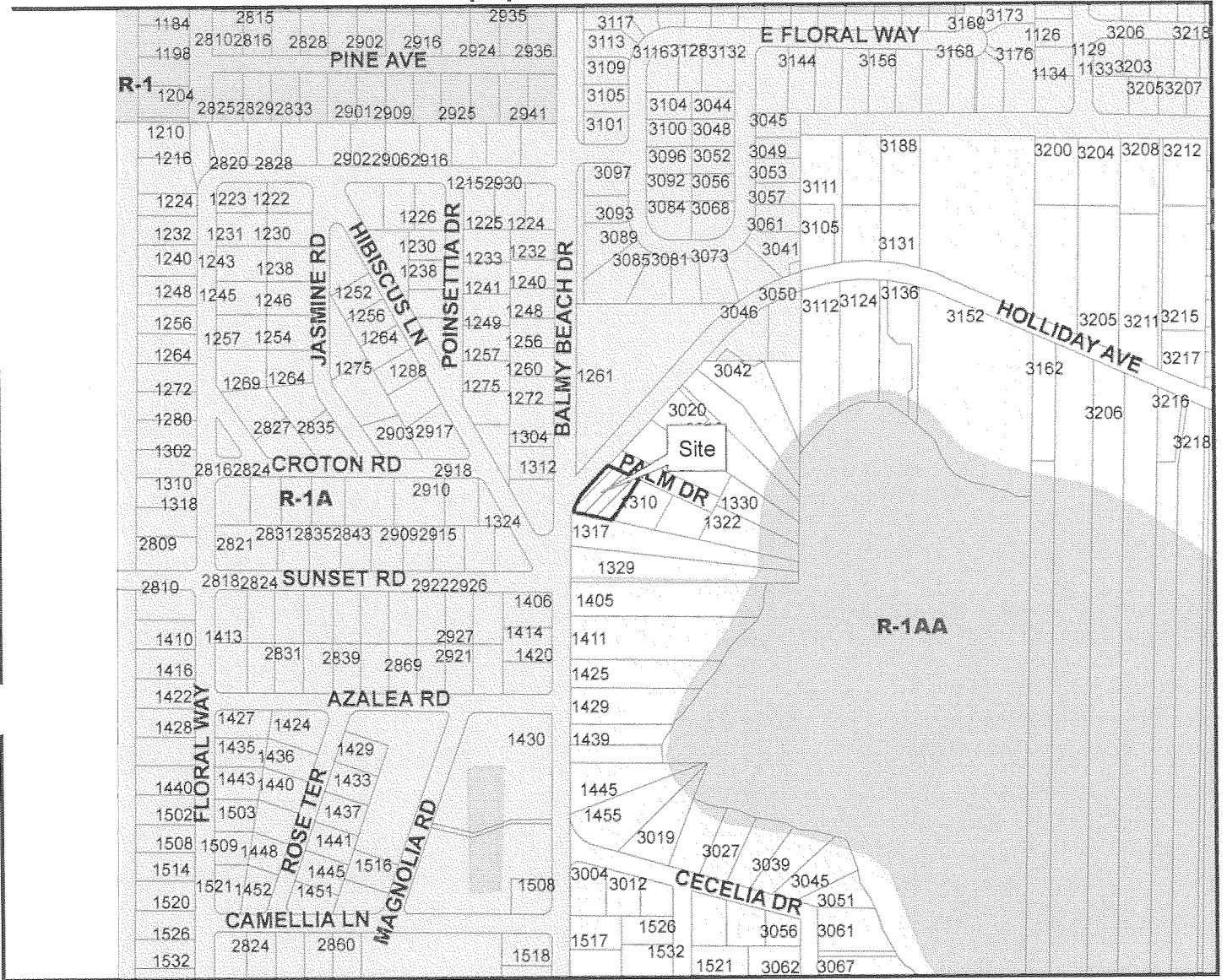
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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:

Jolan Stoltz
 1304 Palm Dr.
 Apopka, FL 32703



Seminole County Board of Adjustment
 February 27, 2006
 Case: BV2006-008
 Parcel No: 18-21-29-512-0B00-001A

Zoning

-  BV2006-008_Zon
-  R-1AA
-  R-1A
-  R-1

0 80 160 320 480 640 Feet

