

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**
(continued from the 2/27/06 hearing)

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:** Ian Sikonia **EXT.** 7398

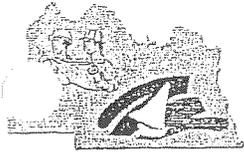
Agenda Date 03/27/06 **Regular** **Consent** **Public Hearing – 6:00**

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 Board of Adjustment on 2/27/06 continued the request because the applicant did not come to the public hearing. • 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	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<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 of neighborhood development.• 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
- SE 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	<u>Jolan Stoltz</u>	
ADDRESS	<u>1304 PALM DR</u>	
	<u>Apopka FL 32703</u>	
PHONE 1	<u>407-579-5963</u>	
PHONE 2		
E-MAIL	<u>hirsinc@yahoo.com</u>	

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.

[Signature]

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	

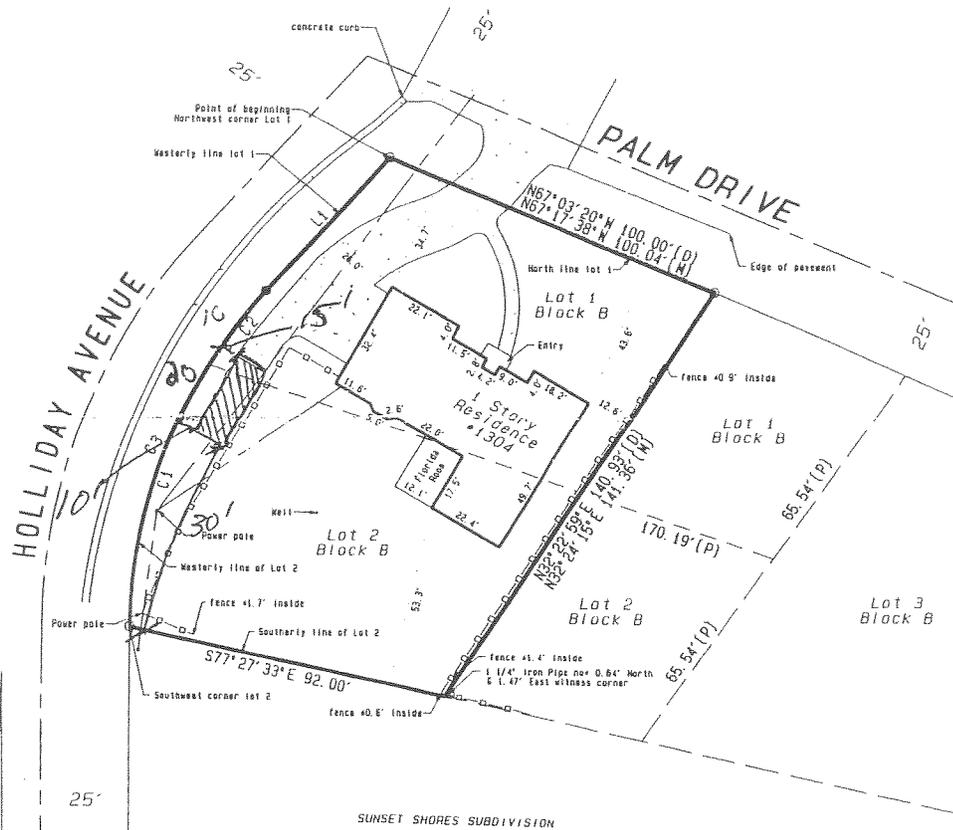
NATURE OF THE APPEAL _____

_____ 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 _____

SOUTHEASTERN HAVING A RADIUS OF 100.12 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'

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

- 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" Wood Fence
 - = 4" Chain Link fence
 - = Fence as shown
 - = Concrete Slab

Bearings are based on the centerline of Palm Drive as being N67°03'20", per plat PDL=Point On Line

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 signing party or parties.

Michael M. Gilliffo
 Michael M. Gilliffo, PLS #4158
 For the Firm of Altamonte Surveying and Platting, Inc #LB6300

SCALE: 1" = 40'

REVIEWED BY: MWS

DRAWN BY: SAH

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 0115 E, Dated 4/17/98 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

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 Blt	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 Blt	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 Rev 30-26

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1304 PALM DR APOKA FL 38703
IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT
THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF _____
CHAPTER/ARTICLE FBC 104.11.1 SECTION _____.

DESCRIPTION OF VIOLATION: INSTALLING PREFAB SHED
ON PROPERTY WITHOUT BUILDING PERMIT
_____ 25
+ 4 per hour
dble

CORRECTIVE ACTION: NEED TO OBTAIN PERMIT 15
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.



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

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

DATE: 12-9-05 **INSPECTOR:** 1304 SCOTT info measure where it
is a from prop lines
copy receipt of shed
notice of commencement

CASE NO: 12-16-05

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

AS RECORDED IN PLAT BOOK 7 ON PAGE 39 OF
THE PUBLIC RECORD 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 12 DAY OF DEC. A.D. 1952 I COMPLETED
THE SURVEY OF THE LANDS AS SHOWN ON THE FOREGOING PLAT, AND THAT THE SAID
PLAT IS A CORRECT REPRESENTATION OF THE LAND THEREIN DESCRIBED AND PLATTED, AND
THAT PERMANENT REFERENCE MARKS 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 12 DAY OF December A.D. 1952. W.C. Hart
W.C. HART, REG. LAND SURVEYOR NO. 890

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING THE OWNER OR OWNERS
IN FEU SIMPLE, OF THE LANDS DESCRIBED IN THE FOREGOING CERTION TO THIS PLAT, DO
HEREBY DEDICATE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREIN EXPRESSED,
AND DEDICATE THE STREETS SHOWN THEREON TO THE PERPETUAL USE OF THE PUBLIC.
IN WITNESS WHEREOF THE UNDERSIGNED HAVE HEREUNTO SET THEIR HAND AND SEAL ON
THIS 22 DAY OF December A.D. 1952.
Raymond J. Schilling
W.F. Beville

Ralph E. Pervia SEAL
Low Verna Pervia SEAL
Amantha Musselwhite SEAL

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF SEMINOLE
I HEREBY CERTIFY THAT ON THIS DAY, BEFORE ME, AN OFFICER DULY AUTHORIZED IN THE STATE
OF FLORIDA, AND IN THE COUNTY, AFORESAID TO TAKE ACKNOWLEDGMENTS, PERSONALLY APPEARED
RALPH E. PERVIA, LOW VERNA PERVIA AND AMANTHA MUSSELWHITE, TO ME KNOWN TO BE THE
PARTIES DESIGNATED IN AND WHO EXECUTED THE FOREGOING DEDICATION, AND ACKNOWLEDGED
BEFORE ME THAT THEY EXECUTED THE SAME.
WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST AFORESAID, THIS
22 DAY OF December A.D. 1952.

John K. Anderson
NOTARY PUBLIC
MY COMM. EXPIRES 8-20-1957

APPROVAL

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

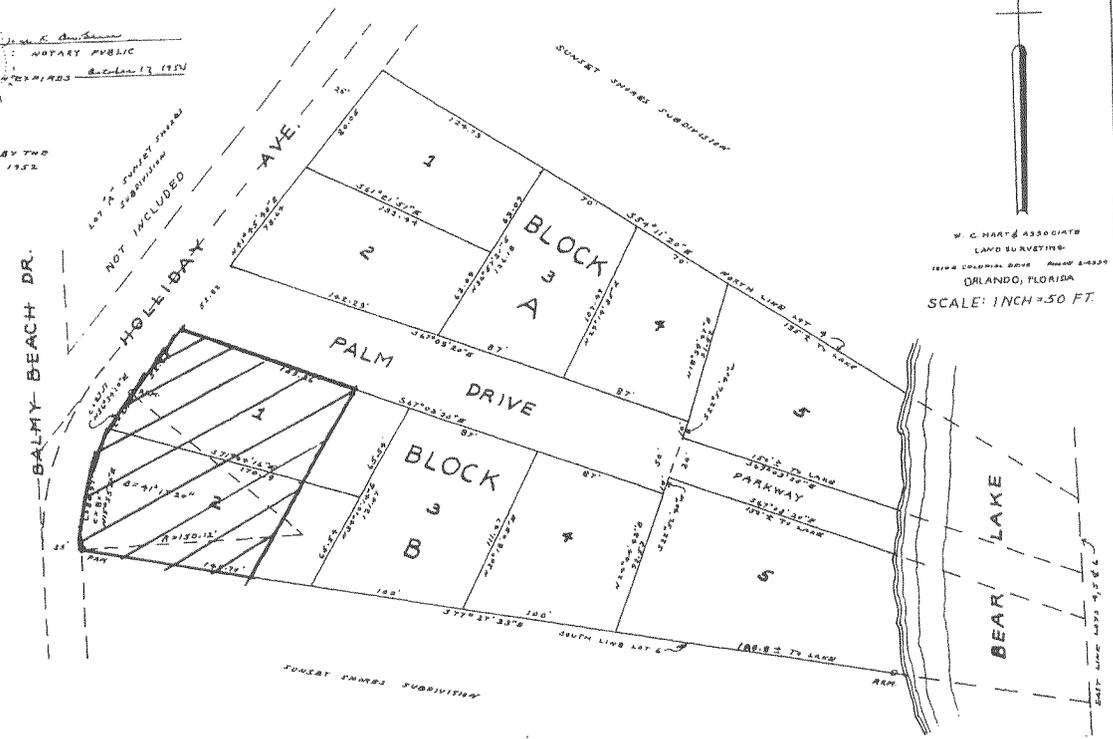
ATTEST: W.C. Hart
CLERK

BY: W.C. Hart
COMMISSIONER 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 4 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 & ASSOCIATE
LAND SURVEYING
1616 COLONIAL BLVD. SUITE 400
ORLANDO, FLORIDA
SCALE: 1 INCH = 50 FT.



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 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: Ian Sikonia, 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 existing shed 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: