

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

SUBJECT: Request for a rear yard setback variance from 30 feet to 15 feet for a proposed home in the R-1 (Single Family Zoning District); (Eugene Cooper, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

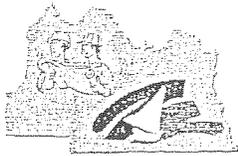
Agenda Date 6/26/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed home in the R-1 (Single Family Zoning District); (Eugene Cooper, applicant); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed home in the R-1 (Single Family Zoning District); (Eugene Cooper, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Eugene Cooper Location: 2170 Church Street Zoning: R-1 Subdivision: Midway
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single family home which will encroach 15 feet into the rear yard setback. • As indicated on the attached 1999 aerial there was a previous home located on the parcel that was destroyed by the recent hurricanes. • The proposed home will meet all other setbacks and the parcel is a lot of record. • There are currently no code enforcement or building violations for this property.

	<ul style="list-style-type: none">• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the granting of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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 same zoning district. The lot is a parcel of record that was created prior to the subdivision regulations.• Special conditions and circumstances did not result from the actions of the applicant.• The granting of the variance requested would not 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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. The applicant would be deprived the ability to replace an existing home on a parcel of record with a new home that is consistent with the Midway community.• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would not reasonable use of the land, building or structure without the granting of the variance. The applicant would be not able to construct a adequate size home without the granting of the variance.• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends approval of the request based upon the stated findings. 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 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.



RECEIVED APR 05 2006
 SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX
 APPL. NO. BU2006-070

COPY

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** Request for a lot size variance from 8,400 sq. ft. to 6,400 sq. ft.
- SPECIAL EXCEPTION**
- LIMITED USE**

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- 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 _____
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED _____

APPEAL FROM DECISION OF THE PLANNING MANAGER

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Eugene Cooper</u>	
ADDRESS	<u>2501 Crawford Dr.</u>	
	<u>SANFORD, FL 32771</u>	
PHONE 1	<u>(407) 947-9623</u>	
PHONE 2	<u>947-4044</u>	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 2170 Church St.

CURRENT USE OF PROPERTY: 2170 Church St.

LEGAL DESCRIPTION: See property Appraisal report

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 32-19-31-300-0340-000A

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 6/26/06 (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] _____ DATE 4/5/06

ADDITIONAL VARIANCES

VARIANCE 2:
 Rear yard setback variance from 30 feet to
 15 feet

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION	
NAME	<u> </u>
ADDRESS	<u> </u>
PHONE 1	<u> </u>
PHONE 2	<u> </u>
E-MAIL	<u> </u>

NATURE OF THE APPEAL

 APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): COMMISSION DISTRICT FLU / ZONING R-1/LDR

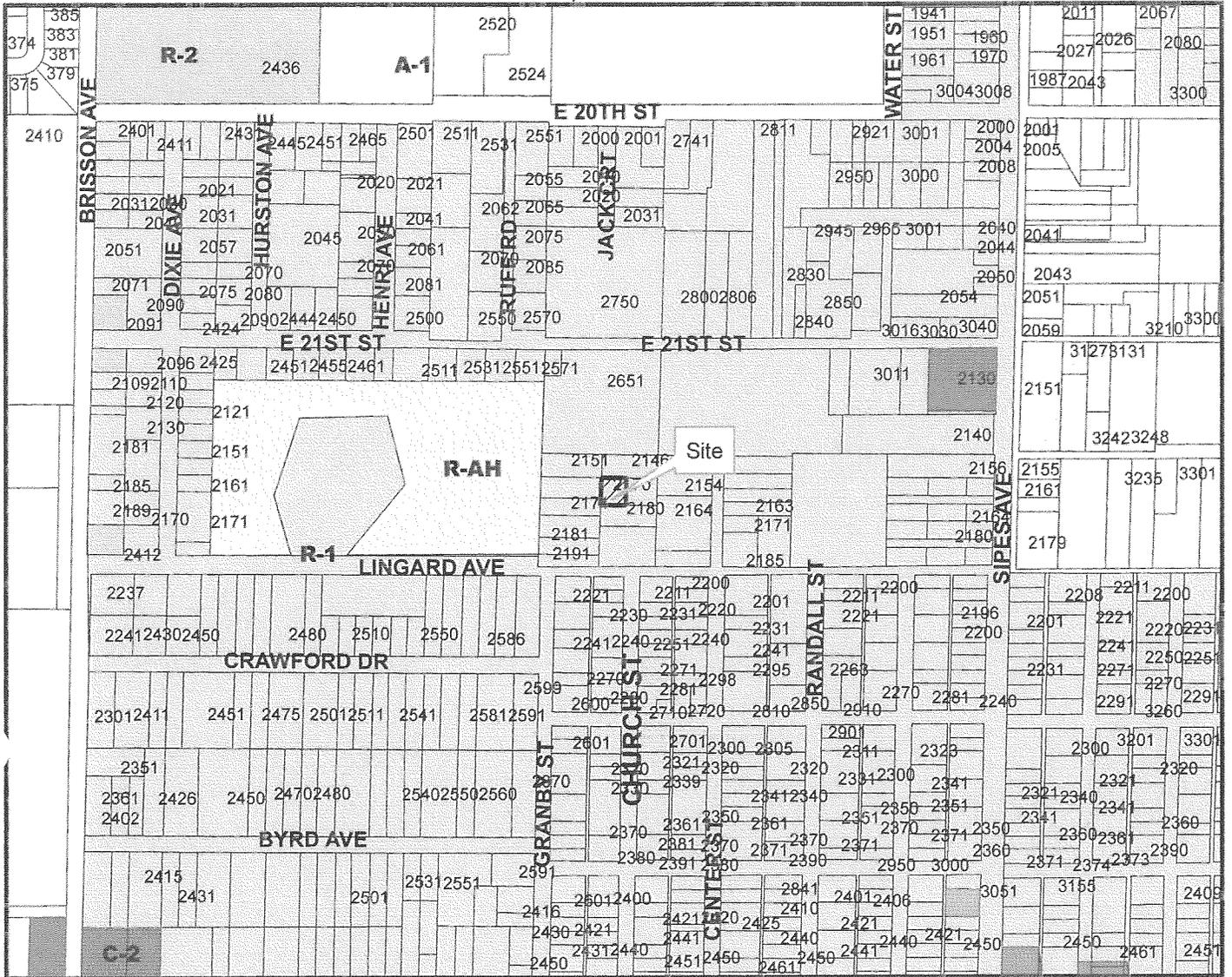
BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR DATE

SUFFICIENCY COMMENTS

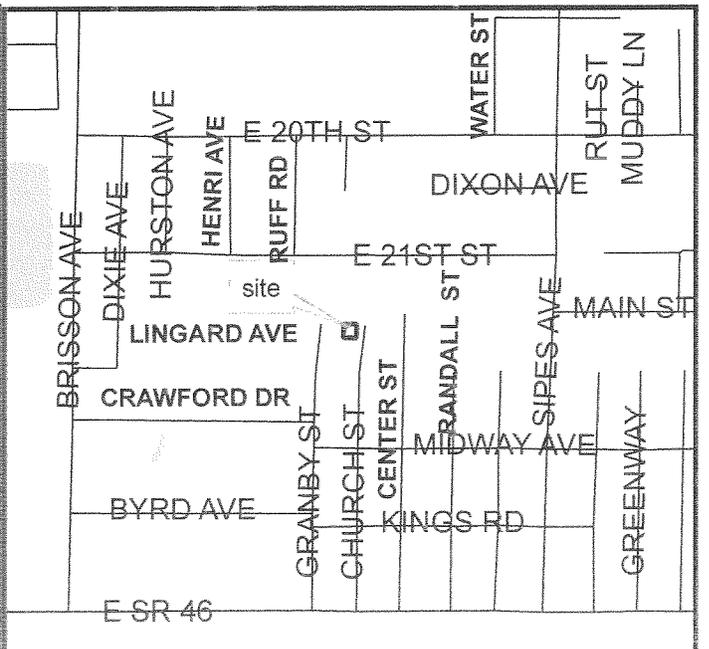
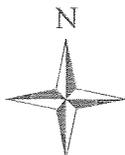
Eugene Cooper
 2170 Church St
 Sanford, FL 32771



Seminole County Board of Adjustment
 June 26, 2006
 Case: BV2006-070
 Parcel No: 32-19-31-300-0340-0000

Zoning

- | | | | |
|---|------------|---|------|
|  | BV2006-070 |  | R-3 |
|  | A-1 |  | R-AH |
|  | R-1 |  | C-1 |
|  | R-2 |  | C-2 |



DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																							
	31	33	8																																				
	32D	34 35	7																																				
	32A	36	6																																				
	32B		5																																				
	GRANBY ST	CHURCH ST	4																																				
		3																																					
		2																																					
<p align="center">GENERAL</p> Parcel Id: 32-19-31-300-0340-0000 Owner: COOPER EUGENE Mailing Address: 2501 CRAWFORD DR City,State,ZipCode: SANFORD FL 32771 Property Address: 2170 CHURCH ST SANFORD 32771 Subdivision Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY					<p align="center">2006 WORKING VALUE SUMMARY</p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$15,077 Depreciated EXFT Value: \$0 Land Value (Market): \$4,088 Land Value Ag: \$0 Just/Market Value: \$19,165 Assessed Value (SOH): \$19,165 Exempt Value: \$0 Taxable Value: \$19,165 Tax Estimator																																		
<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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>11/2005</td> <td>06073</td> <td>1661</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>08/1999</td> <td>03712</td> <td>1785</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>10/1987</td> <td>01909</td> <td>0781</td> <td>\$3,300</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>					Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	11/2005	06073	1661	\$100	Improved	No	CORRECTIVE DEED	08/1999	03712	1785	\$100	Improved	No	QUIT CLAIM DEED	10/1987	01909	0781	\$3,300	Improved	No	<p align="center">2005 VALUE SUMMARY</p> 2005 Tax Bill Amount: \$285 2005 Taxable Value: \$17,372 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS						
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On 6/26/05 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 32 TWP 19S RGE 31E S 80 FT OF N 146 FT OF W 80 FT OF E ½ OF
SW ¼ OF SW ¼ OF NE ¼ OF SE 1/4

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

FINDINGS OF FACT

Property Owner: Eugene Cooper
2501 Crawford Drive
Sanford, Fl. 32771

Project Name: 2170 Church Street

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed home in the R-1 (Single Family Zoning 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: Kathy Fall, Principal 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 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: