

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in the A-1 (Agriculture District); (Thomas Jimenez, applicant).

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

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

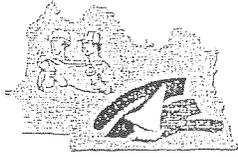
**Agenda Date** 6/26/06    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in the A-1 (Agriculture District); (Thomas Jimenez, applicant); or
2. **DENY** the request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in the A-1 (Agriculture District); (Thomas Jimenez, applicant); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning	Thomas Jimenez 1460 Lake Markham Road A-1
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed a storage shed without a permit but has not been cited for a violation.</li> <li>• The shed is 16 feet by 24 feet (384 square feet) and encroaches entirely into the north side yard setback for 10 feet.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>	
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a	

	<p>variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• 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 same zoning district.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant has the ability to construct the exact shed on their property without encroaching into the setbacks.</i></li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the shed as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX\*



RECEIVED MAY 02 2006

APPL. NO. Bil 2006-082

**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 FROM 10 FT TO 0 FT
- SPECIAL EXCEPTION**
- LIMITED USE** RECEIVED MAY 02 2006
- 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>THOMAS N Jimenez</u>	
ADDRESS	<u>1460 LAKE MARKHAM RD</u>	
	<u>SANFORD FL 32771</u>	
PHONE 1	<u>(Home) 407-321-1353</u>	
PHONE 2	<u>(Work) 407-320-7491</u>	
E-MAIL	<u>TNicholasJZ@BellSouth.net</u>	

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: \_\_\_\_\_  
 CURRENT USE OF PROPERTY: \_\_\_\_\_  
 LEGAL DESCRIPTION: SEE ATTACHED.  
 \_\_\_\_\_  
 SIZE OF PROPERTY: 2.427 acre(s) PARCEL I.D. 35-19-29-300-0130-0000  
 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.

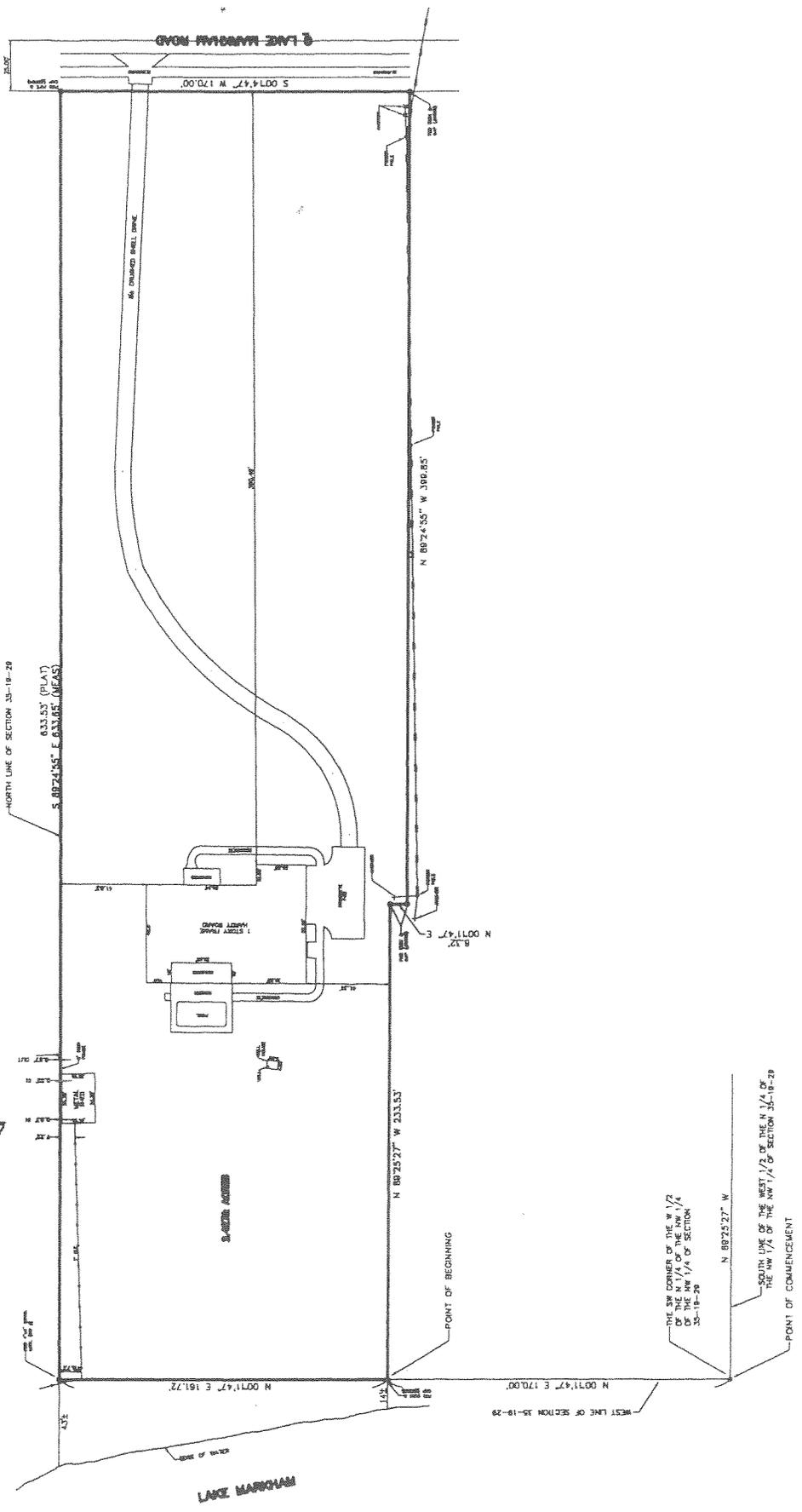
I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Thomas N Jimenez  
 SIGNATURE OF OWNER OR AGENT\* 5/2/06  
DATE

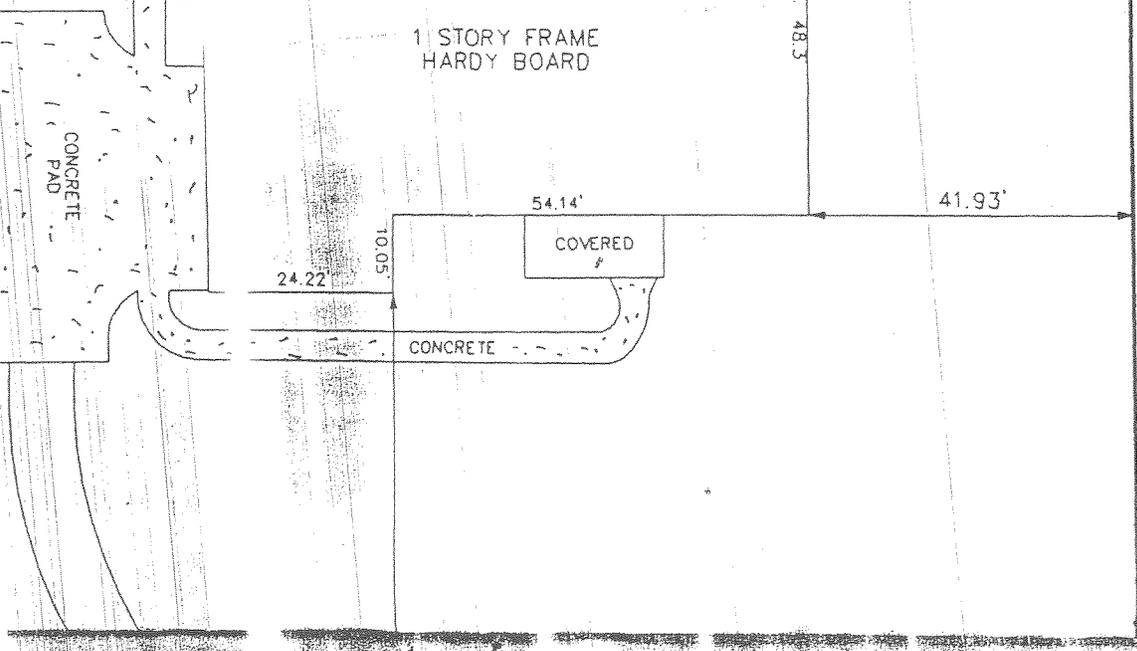
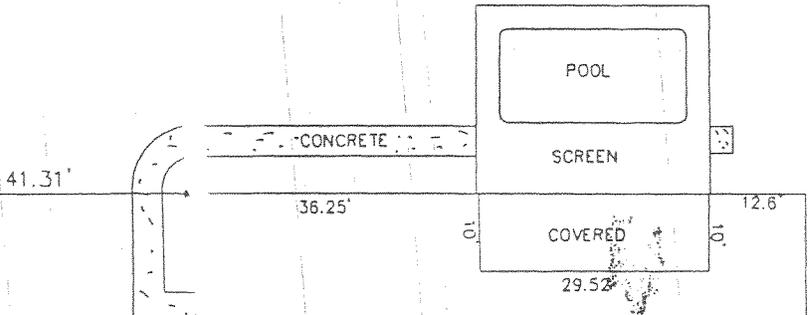
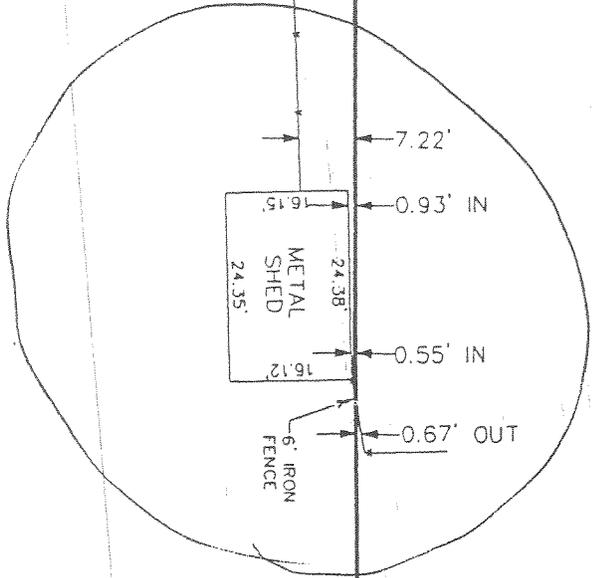
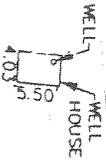


(See insert Attached) →

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2.4271 ACRES





<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>		
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**GENERAL**

Parcel Id: 35-19-29-300-0130-0000  
 Owner: JIMENEZ THOMAS N & DONA M  
 Mailing Address: 1460 LAKE MARKHAM RD  
 City,State,ZipCode: SANFORD FL 32771  
 Property Address: 1460 LAKE MARKHAM RD SANFORD 32771  
 Subdivision Name:  
 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: \$278,859  
 Depreciated EXFT Value: \$9,517  
 Land Value (Market): \$301,350  
 Land Value Ag: \$0  
 Just/Market Value: \$589,726  
 Assessed Value (SOH): \$201,594  
 Exempt Value: \$25,000  
 Taxable Value: \$176,594  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	12/2004	05562	1145	\$100	Improved	No
WARRANTY DEED	08/1995	02958	0042	\$100	Vacant	No

Find Comparable Sales within this Subdivision

**2005 VALUE SUMMARY**

Tax Value(without SOH): \$5,428  
 2005 Tax Bill Amount: \$2,646  
 Save Our Homes (SOH) Savings: \$2,782  
 2005 Taxable Value: \$161,483  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	2.460	70,000.00	\$301,350

**LEGAL DESCRIPTION**

SEC 35 TWP 19S RGE 29E BEG NW COR  
 SEC RUN S 161.72 FT E 233.53 FT S 8.32 FT  
 E TO WLY R/W  
 LAKE MARKHAM RD N TO A PT E OF BEG W  
 TO BEG

**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	1999	12	2,857	4,128	2,857	SIDING AVG	\$278,859	\$288,226
	Appendage / Sqft		OPEN PORCH FINISHED / 300						
	Appendage / Sqft		GARAGE FINISHED / 827						
	Appendage / Sqft		OPEN PORCH FINISHED / 144						

**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
POOL GUNITE	2005	288	\$5,616	\$5,760
SCREEN ENCLOSURE	2005	1,414	\$2,734	\$2,828
COOL DECK PATIO	2005	342	\$1,167	\$1,197

**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.

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On 6/26/06 Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 35 TWP 19S RGE 29E BEG NW COR SEC RUN S 161.72 FT E 233.53 FT S 8.32 FT E TO WLY RW LAKE MARKHAM RD N TO A PT E OF BEG W TO BEG

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

### FINDINGS OF FACT

**Property Owner:** Thomas Jimenez  
1460 Lake Markham Road  
Sanford, FL 32771

**Project Name:** 1460 Lake Markham Road

**Requested Development Approval:**

Request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed 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: 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 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: