

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

**SUBJECT:** Request for a (1) lot size variance from 43,560 square feet to 6,098 square feet; (2) width at the building line from 150 feet to 70 feet; (3) front yard setback from 50 feet to 20 feet; (4) side yard setbacks from 10 feet to 7 feet 6 inches; and (5) rear yard setback from 30 feet to 20 feet for a proposed home in the A-1 (Agriculture District); (Scott Godbold, 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**

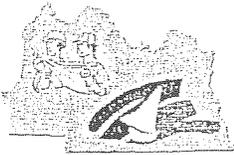
**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) lot size variance from 43,560 square feet to 6,098 square feet; (2) width at the building line from 150 feet to 70 feet; (3) front yard setback from 50 feet to 20 feet; (4) side yard setbacks from 10 feet to 7 feet 6 inches; and (5) rear yard setback from 30 feet to 20 feet for a proposed home in the A-1 (Agriculture District); (Scott Godbold, applicant); or
2. **DENY** the request for a (1) lot size variance from 43,560 square feet to 6,098 square feet; (2) width at the building line from 150 feet to 70 feet; (3) front yard setback from 50 feet to 20 feet; (4) side yard setbacks from 10 feet to 7 feet 6 inches; and (5) rear yard setback from 30 feet to 20 feet for a proposed home in the A-1 (Agriculture District); (Scott Godbold, applicant); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Owner: Location: Zoning: Subdivision:	Scott Godbold James Fisher Sylvan Avenue A-1 Sylvan Lake
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a single family home on a platted lot that does not meet the A-1 zoning classifications minimal dimensional requirements. The</li> </ul>	

	<p>proposed home will also encroach into the minimal setback requirements.</p> <ul style="list-style-type: none"><li>• The building area on the site plan will accommodate a single family home with a maximum of 2000 square 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>	<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"><li>• The subject lot was created as a part of the 1<sup>st</sup> Addition to Sylvan Lake, which was platted on October 17, 1925.</li><li>• The adoption of County wide zoning in 1960 subsequently rendered the lot non-conforming with respect to A-1 zoning minimal dimensional requirements, thereby creating a hardship.</li><li>• The size of the subject property is 6,098 square feet which is similar to the R-1BB zoning district. Staff believes that variances allowing setbacks like those in the R-1BB zoning district would be the minimum variances to make reasonable use of the property</li><li>• 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 did not result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variances granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would be in harmony with</li></ul>

	the general intent of Chapter 30.
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• Based on the stated findings, staff recommends approval of the requests. If approved by the board, staff recommends the following conditions of approval:<ul style="list-style-type: none"><li>• Any variance granted shall apply only to the proposed home and lot 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 DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

RECEIVED MAY 05 2006

APPL. NO. BV 2006-089

**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** 1.) Lot size from 43,560 sq. ft. to 6,098 sq. ft.
- SPECIAL EXCEPTION**
- LIMITED USE** RECEIVED MAY 05 2006
- 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	James B. Fisher	Scott Godbold
ADDRESS	750 Old Toway Rd. Pineville N.C. 28712	152 Steeplechase Cir. Sanford Fl. 32771
PHONE 1		(407) 321-3549
PHONE 2		(407) 436-6650
E-MAIL		JGodbold@cel.fl.com

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: not addressed by Seminole County yet

CURRENT USE OF PROPERTY: Vacant residential

LEGAL DESCRIPTION: Lot 9, 1<sup>st</sup> addition to Sylvan Lakes, Plat book 4, page 18: Seminole County, FL.

SIZE OF PROPERTY: .14 acre(s) PARCEL I.D. 31-19-30-501-0000-0090

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 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.

Scott Godbold  
 SIGNATURE OF OWNER OR AGENT\* 5-8-06  
 DATE

**ADDITIONAL VARIANCES**

VARIANCE 2:

width at bldg line From 150' To 90'

VARIANCE 3:

Front setback From 50' To 20'

VARIANCE 4:

Both Side setbacks From 10' To 7.5'

VARIANCE 5:

rear setback From 30 FT. To 20' in order to construct a 2000 sq ft ± single family residence

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

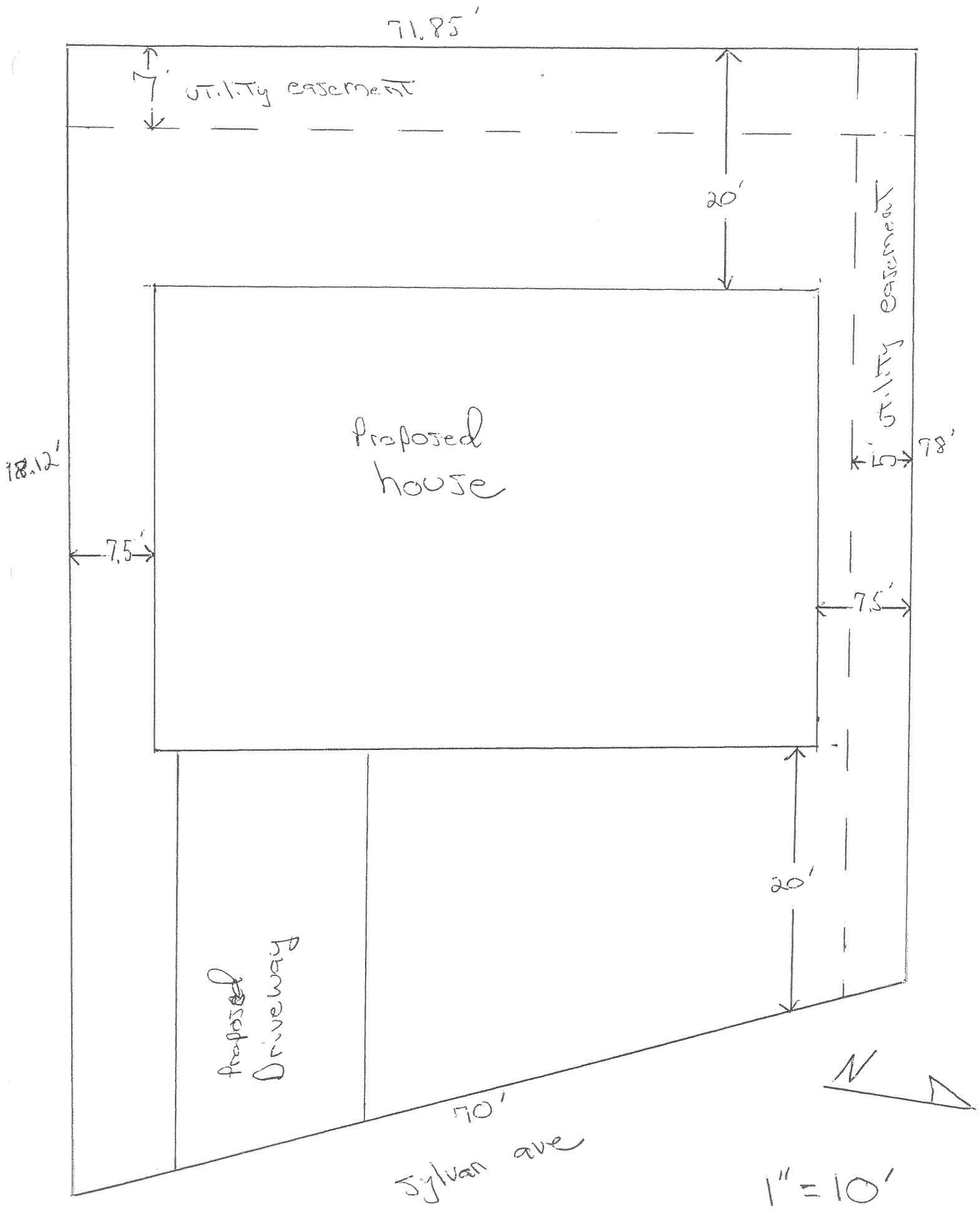
NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

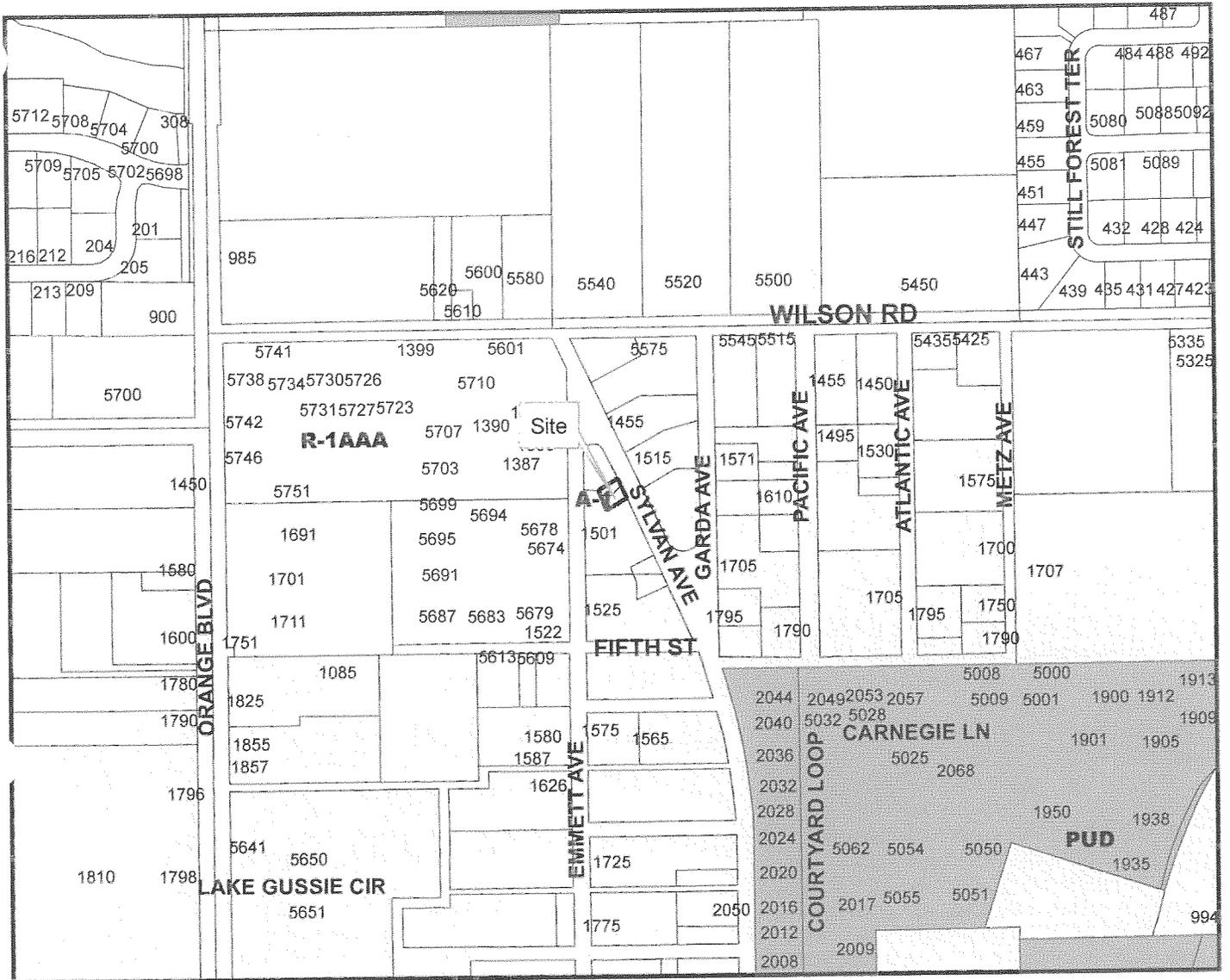
\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): \$350.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING LDR/A-1  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS \_\_\_\_\_  
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS \_\_\_\_\_



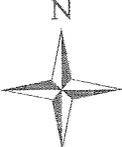
Scott Godbold  
 Lot 9, Sylvan Ave  
 Sanford, FL 32771

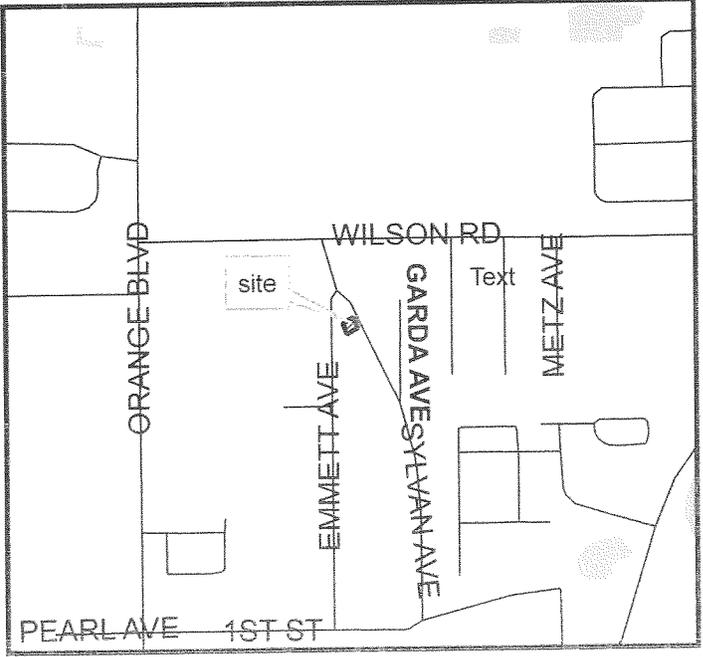


Seminole County Board of Adjustment  
 June 26, 2006  
 Case: BV2006-089  
 Parcel No: 31-19-30-501-0000-0090

**Zoning**

-  BV2006-089
-  A-1
-  R-1AAA
-  PUD

N  




<p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL.                  1101 E. FIRST ST                  SANFORD, FL 32771-1468                  407-665-7506</p>																							
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 31-19-30-501-0000-0090                  Owner: FISHER JAMES B                  Mailing Address: 750 OLD TOTWAY RD                  City,State,ZipCode: BREVARD NC 28712                  Property Address: EMMETT AVE                  Subdivision Name: SYLVAN LAKE 1ST ADD                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 00-VACANT RESIDENTIAL</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 0                  Depreciated Bldg Value: \$0                  Depreciated EXFT Value: \$0                  Land Value (Market): \$21,150                  Land Value Ag: \$0                  Just/Market Value: \$21,150                  Assessed Value (SOH): \$21,150                  Exempt Value: \$0                  Taxable Value: \$21,150                  Tax Estimator</p>																					
<p align="center"><b>SALES</b></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>04/1986</td> <td>01742</td> <td>1623</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01081</td> <td>0242</td> <td>\$600</td> <td>Vacant</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	04/1986	01742	1623	\$100	Vacant	No	WARRANTY DEED	01/1976	01081	0242	\$600	Vacant	No	<p><b>2005 VALUE SUMMARY</b></p> <p>2005 Tax Bill Amount: \$116                  2005 Taxable Value: \$7,050                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	04/1986	01742	1623	\$100	Vacant	No																	
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<p align="center"><b>LAND</b></p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>.141</td> <td>150,000.00</td> <td>\$21,150</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.141	150,000.00	\$21,150	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 9 1ST ADD TO SYLVAN LAKE PB 4                  PG 18</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
ACREAGE	0	0	.141	150,000.00	\$21,150																		
<p><b>NOTE:</b> 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.</p>																							

SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM

(ORIGINAL ONLY)

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I James B. Fisher, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description) Lot 9, 1st Addition to Sylvan Lake,  
Plat Book 4, Page 18; Seminole County, Florida

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use  
Map, Official Zoning Map (circle one or more) from Standard A-1 Setbacks to R-1B setback  
Allow for a 55' x 55' house centered on lot. and affirm that

Scott Godbold is hereby designated to act as my / our  
authorized agent and to file the attached application for the stated amendment and  
make binding statements and commitments regarding the amendment request.

James B. Fisher

I certify that I have examined the application and that all statements and diagrams  
submitted are true and accurate to the best of my knowledge. Further, I understand that  
this application, attachments and fees become part of the Official Records of Seminole  
County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 3 day of May  
2006

Heather M. Knox  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: March 20, 2010



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 9 1<sup>ST</sup> 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:** James Fisher  
750 Old Totway Road  
Brevard, NC 28712

**Project Name:** Sylvan Avenue (Lot 9)

#### **Requested Development Approval:**

Request for a (1) lot size variance from 43,560 square feet to 6,098 square feet; (2) width at the building line from 150 feet to 70 feet; (3) front yard setback from 50 feet to 20 feet; (4) side yard setbacks from 10 feet to 7 feet 6 inches; and (5) rear yard setback from 30 feet to 20 feet for a proposed home 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 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: