

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

SUBJECT: Request for (1) a lot size variance from 43,560 square feet to 12,636 square feet; (2) a width at the building line variance from 150 feet to 105.30 feet; (3) a front yard (west) setback variance from 50 feet to 25 feet; and (4) a side street (south) setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); (Rodger & Kathy Addision, applicants).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date 10/30/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for (1) a lot size variance from 43,560 square feet to 12,636 square feet; (2) a width at the building line variance from 150 feet to 105.30 feet; (3) a front yard (west) setback variance from 50 feet to 25 feet; and (4) a side street (south) setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); or
2. **DENY** the request for (1) a lot size variance from 43,560 square feet to 12,636 square feet; (2) a width at the building line variance from 150 feet to 105.30 feet; (3) a front yard (west) setback variance from 50 feet to 25 feet; and (4) a side street (south) setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Rodger & Kathy Addision
	Owner:	Rodger & Kathy Addision
	Location:	Sylvan Lake (Lots 193 & 194)
	Zoning:	A-1 (Agriculture District)
	Subdivision:	Sylvan Lake
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family home on a platted lot that does not meet the A-1 zoning 	

	<p>classifications minimal dimensional requirements. The proposed home will also encroach into the minimal setback requirements.</p> <ul style="list-style-type: none">• The applicant proposes to construct a one story approximately 2,000 square foot single-family home on the property.• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
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 subject lot was created as a part of the 1st Addition to Sylvan Lake, which was platted on October 17, 1925.• 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.• The size of the subject property is 12,627 square feet which is similar to the R-1AAA zoning district. Staff believes that variances allowing setbacks like those in the R-1AAA zoning district would be the minimum variances to make reasonable use of the property.• 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 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 not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would not retain reasonable use of the land, building or structure 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, 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 proposed single-family home and lots 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.

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV2006-167
Meeting Date 10-30-06



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Rodger D & Kathy L. Addison
Address: 1085 LAKE ASHBY Rd City: New Smyrna Bch Zip code: 32168
Project Address: _____ City: _____ Zip code: _____
Contact number(s): 386 547-3030
Email address: BUILDADD@worldnet.att.net

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED
SEP 01 2006
SEMINOLE COUNTY PLANNING

What type of variance is this request?				
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>1 acre</u>	Actual lot size:	<u>12636 S/F</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150ft</u>	Actual lot width:	<u>105.30</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50ft</u>	Proposed setback:	<u>25ft</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>50ft</u>	Proposed setback:	<u>25ft</u>
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
Total number of variances requested <u>4</u>				

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THIS VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: Rodger D Addison

FOR OFFICE USE ONLY

Date Submitted: 9-1-06 Reviewed By: KF

Tax parcel number: 31-19-30-501-0000-1930 Zoning/FLU A-1 / LOR

- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

Notes: _____

PLAT OF BOUNDARY SURVEY

for

ROGER D. ADDISON and KATHY L. ADDISON

Legal Description

LOTS 193 and 194, 1st ADDITION TO SYLVAN LAKE, according to Plat thereof as recorded in Plat Book 4, Page 18, of the Public Records of Seminole County, Florida.

SURVEY NOTES:

- 1) The street address of the above-described is Atlantic Avenue.
- 2) The above described property lies in a Flood Zone X.
- 3) This survey was completed on the ground on 16 August 2005.

SURVEYOR'S CERTIFICATE

This is to certify to ROGER D. ADDISON, KATHY L. ADDISON, VISION TITLE OF SEMINOLE COUNTY, LLC and STEWART TITLE GUARANTY COMPANY that I have made a Boundary Survey of the above-described property and that the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the Minimum technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to section 472.027 of the Florida Statutes.

R. Blair Kitner

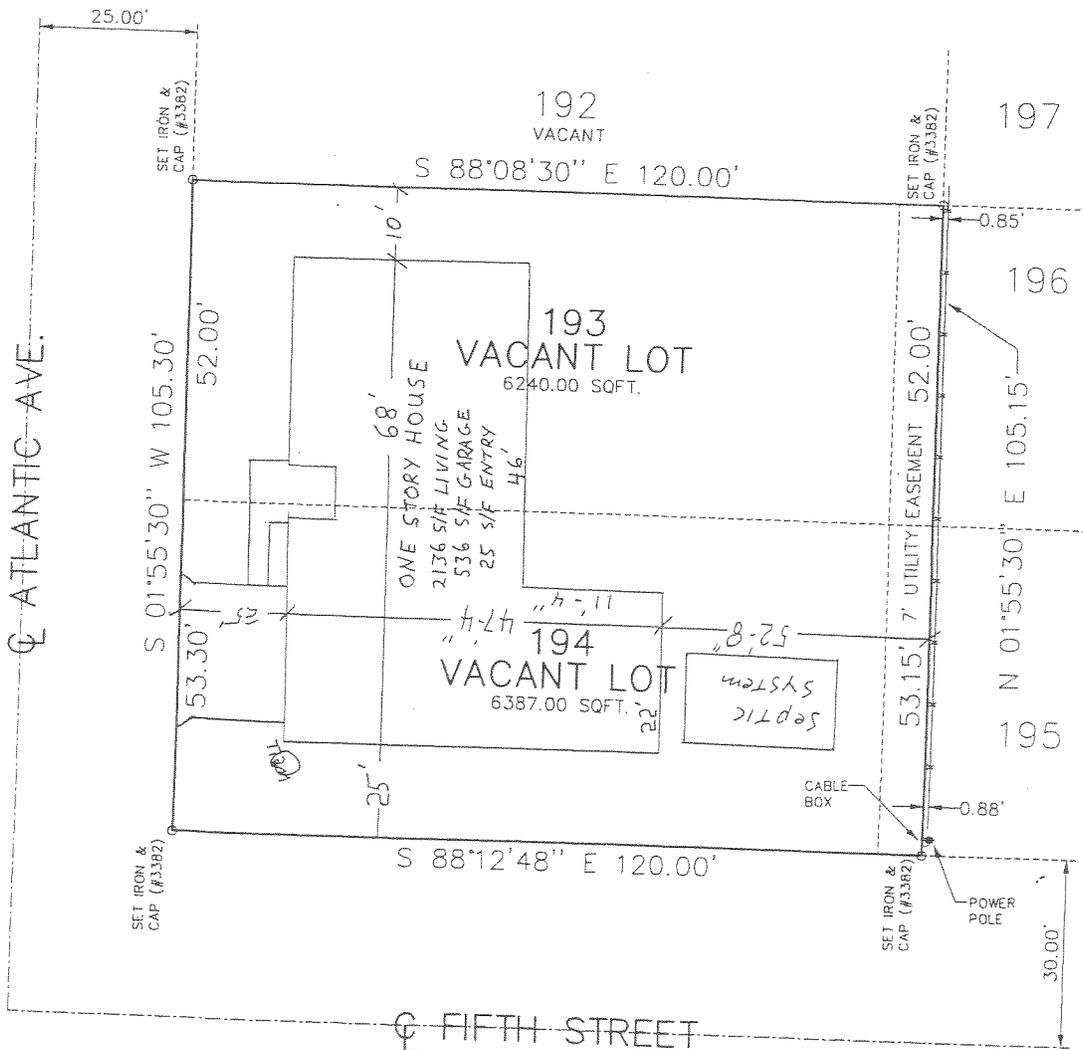
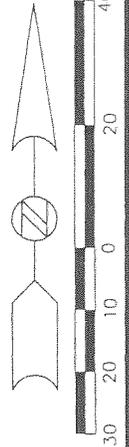
KITNER SURVEYING

R. BLAIR KITNER - P.S.M. No. 3382

P. O. Box 823 - Sanford, Florida 32772- (407) 322-2000

Not valid without raised seal of Surveyor

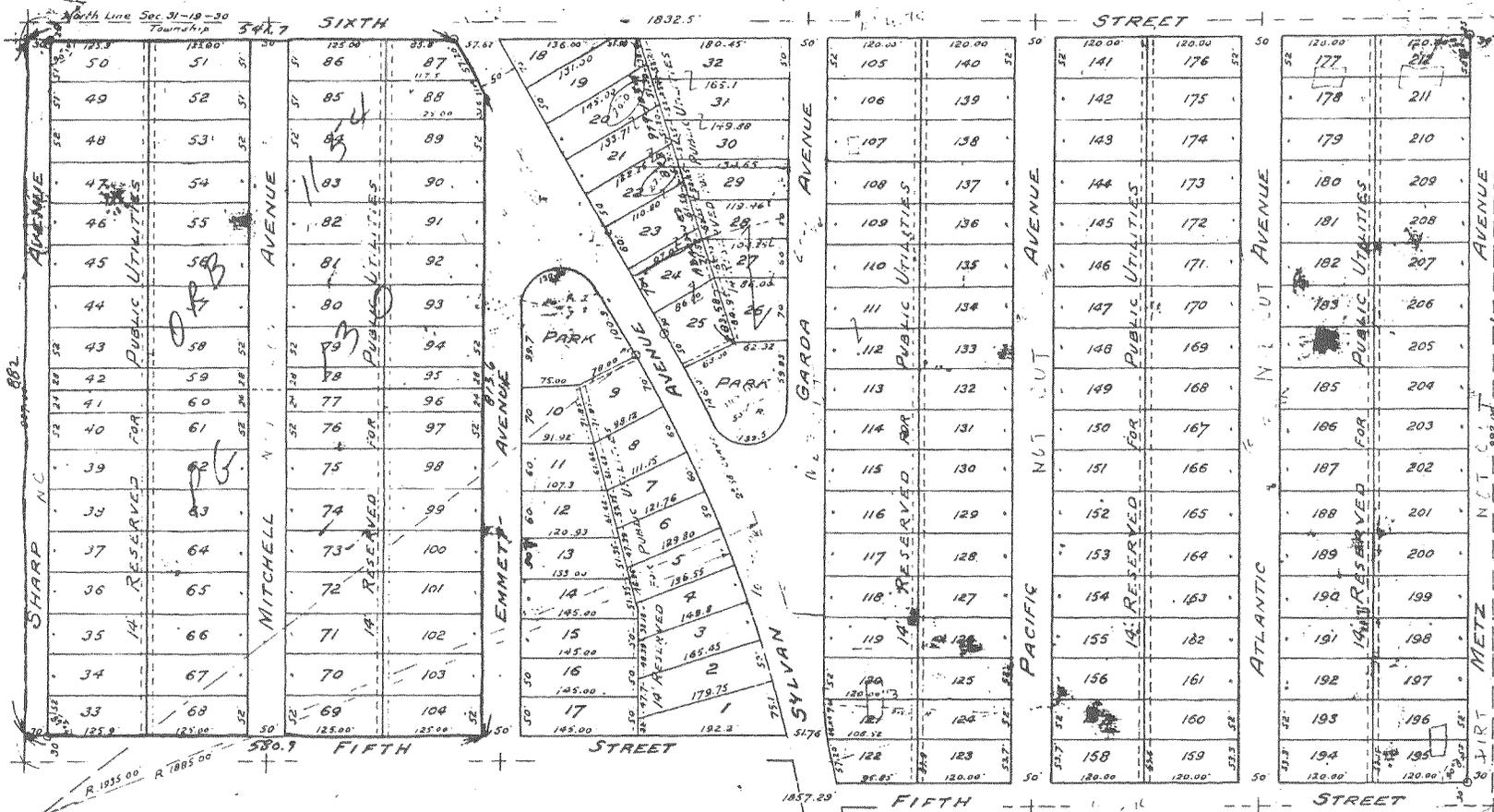
SCALE: 1"=20'



PROJECT# 05-520

1ST ADDITION TO S. LVAN LAKE

SEMINOLE COUNTY, FLORIDA.



SCALE 1"=100'

A subdivision of lots 154, 155, 156, 157, 158, 159 & 164, Plat of the Town of Sylvan Lake, as recorded in Plat Book No. 4, page 61 of the public records of Seminole County, Florida.

WITNESSETH:

That all men by these presents, that we Hugh S. Mitchell and Aclia S. Mitchell, his wife, as owners, have caused the same to be surveyed, laid out and platted, to be known as 1st Addition to Sylvan Lake, and that the streets and parks, as shown on said plat are hereby dedicated to the use of the public and are to be known as the streets of

Hugh S. Mitchell
Aclia S. Mitchell

Hugh S. Mitchell
Aclia S. Mitchell

That this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, the above named Hugh S. Mitchell and Aclia S. Mitchell, his wife, known to me to be the persons who executed the above declaration and acknowledged the same to be their free act and deed. Witness my hand and official seal at Wilmington, County of New Castle, State of Delaware, this 9th day of October, A. D. 1929.

Harry C. Ruddy
 Notary Public
 My commission expires Oct 8-1929

SURVEYOR'S CERTIFICATE:

On this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, the above named Hugh S. Mitchell and Aclia S. Mitchell, his wife, known to me to be the persons who executed the above declaration and acknowledged the same to be their free act and deed. Witness my hand and official seal at Wilmington, County of New Castle, State of Delaware, this 9th day of October, A. D. 1929.

A. M. Weeks

A. K. Stone

Subscribed and sworn to before me this 6th day of Oct. 1929 at Sanford, County of Seminole, State of Florida.

A. M. Weeks

COUNTY APPROVAL:

This plat was approved by the Board of County Commissioners of Seminole County, Florida at a meeting held on Oct 5th 1929

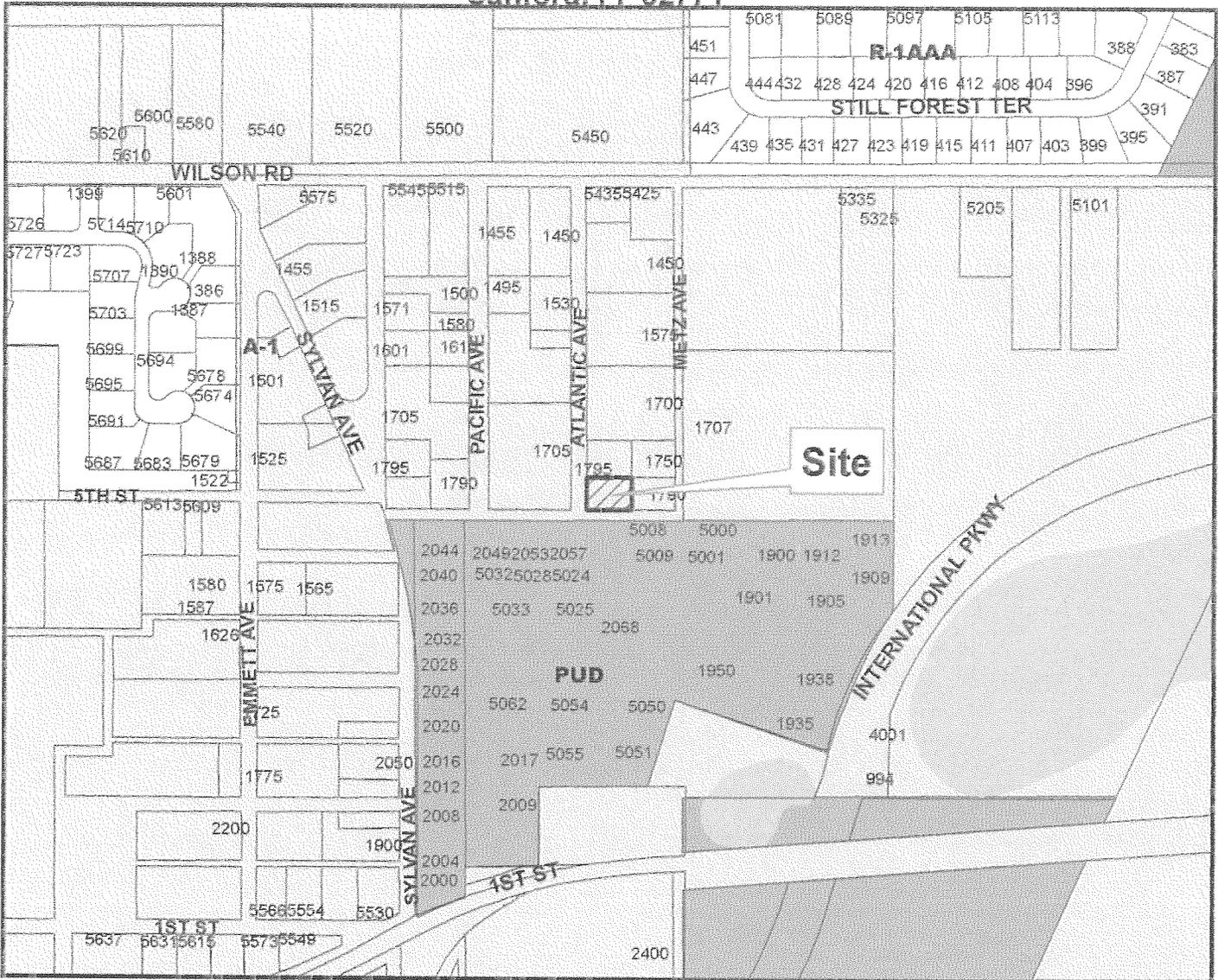
H19330

This plat complies with Survey Laws, 19-34, filed in 1774 and recorded in Plat Book No. 4, page 18 of the public records of Seminole County, Florida, this 7th day of Oct.

W. C. Douglass

W. E. Douglass

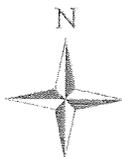
Kathy & Rodger Addison
 Lots 193 & 194, 1st Add to Sylvan Lake
 Atlantic Ave & 5th St
 Sanford, FL 32771

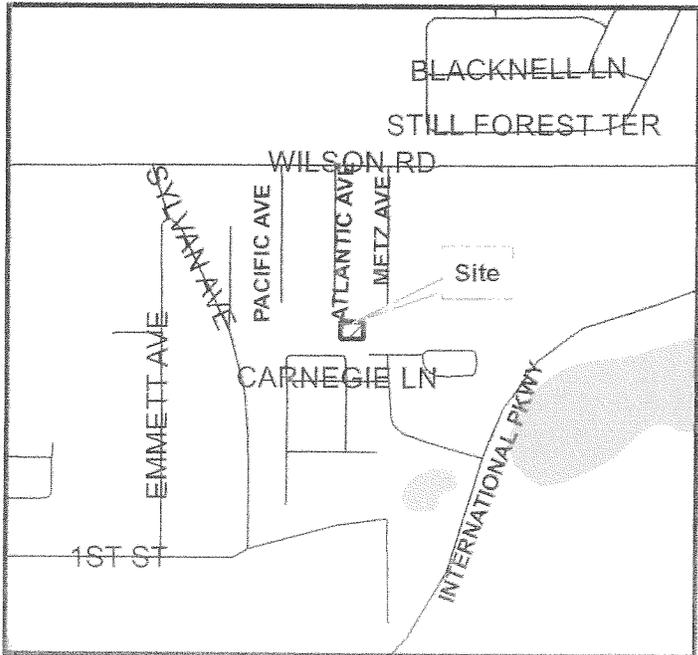


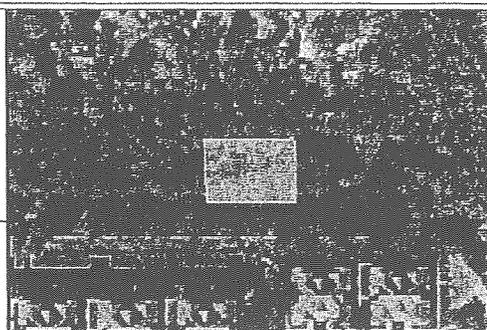
Seminole County Board of Adjustment
October 30, 2006
Case: BV2006-167
Parcel No: 31-19-30-501-0000-1930

Zoning

-  BV2006-167
-  A-1
-  R-1AAA
-  PUD

N




<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7506</p>	<table border="1"> <tr> <td>153</td> <td>164</td> <td>189</td> <td>187.0</td> <td>-</td> </tr> <tr> <td>164</td> <td>163</td> <td>190</td> <td></td> <td>199</td> </tr> <tr> <td>155</td> <td>153.0</td> <td>191</td> <td></td> <td>195</td> </tr> <tr> <td>156</td> <td>161</td> <td>192</td> <td>187.0</td> <td>197</td> </tr> <tr> <td>157</td> <td>160</td> <td>193</td> <td></td> <td>195</td> </tr> <tr> <td>158</td> <td>158</td> <td>194</td> <td>185.0</td> <td>195</td> </tr> </table>	153	164	189	187.0	-	164	163	190		199	155	153.0	191		195	156	161	192	187.0	197	157	160	193		195	158	158	194	185.0	195	
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156	161	192	187.0	197																												
157	160	193		195																												
158	158	194	185.0	195																												
<p align="center">GENERAL</p> <p>Parcel Id: 31-19-30-501-0000-1930</p> <p>Owner: WAGNER DALE W & DEBRA K</p> <p>Mailing Address: 1515 SYLVAN AVE</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address:</p> <p>Subdivision Name: SYLVAN LAKE 1ST ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$43,350</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$43,350</p> <p>Assessed Value (SOH): \$43,350</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$43,350</p> <p>Tax Estimator</p> <p>2006 Notice of Proposed Property Tax</p>																															
<p align="center">SALES</p> <p>Deed Date Book Page Amount Vac/Imp Qualified</p> <p>Find Comparable Sales within this Subdivision</p>	<p>2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$426</p> <p>2005 Taxable Value: \$26,010</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																															
<p align="center">LAND</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>.289</td> <td>150,000.00</td> <td>\$43,350</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.289	150,000.00	\$43,350	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOTS 193 & 194 1ST ADD TO SYLVAN LAKE PB 4 PG 18</p>																			
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																											
ACREAGE	0	0	.289	150,000.00	\$43,350																											
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																

Stewart Title Guaranty Company

ALTA COMMITMENT

Agent's File Number: SM06-0289

Commitment Number: 200608871

Schedule B-II continued

12. Taxes for the year 2006 and subsequent years, which are not yet due and payable.
13. All matters recited on the plat of First Addition to Sylvan Lake as recorded in Plat Book 4, Page 18, Public Records of Seminole County, Florida.
14. Restrictions and easements of record. This exception omits any restriction, covenant, or condition based on race, color, religion, sex, handicap, familial status or national origin, if any, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people.
15. Any lien arising under Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water system, sewer system or gas system servicing the lands described herein.

NOTE: Taxes and assessments for the year 2005 under Folio # 31-19-30-501-0000-1930 are PAID.

Total Assessed Value \$26,010.00

Gross Amount \$426.20

Non-Homestead.

NOTE : The company has performed a 24 month chain of title on the subject property and finds the following conveyances of record during said period;
Deed recorded 09/09/2004 in Official Records Book 5444, Page 46.

Stewart Title Guaranty Company

ALTA COMMITMENT

Agent's File Number: SM06-0289

Commitment Number: 200608871

Schedule B-II

Part II. Schedule B of the policy or policies to be issued will contain exception to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public record of attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or claim of parties in possession not shown by the public records.
3. Easements, or claim of easements, not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Any liens, or right to a lien, for services, labor or material hereto or hereafter furnished, imposed by law and not shown by the public records.
6. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously, under water.
7. Any titles or rights asserted by anyone including but not limited to persons, corporations, governments or other entities, to tide lands, or lands comprising the shores or bottoms of navigable rivers, lakes, bays, ocean or gulf, or lands beyond the line of the harbor or bulkhead lines as established or changed by the United States Government or water rights, if any.
8. Taxes or special assessment not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy.
9. Rights of dower, homestead or other marital rights of the spouse, if any, of any individual insured.
10. Any minerals or mineral rights leased, granted or retained by current or prior owner.

Special Exceptions:

11. Taxes for the year 2006, which are not yet due and payable.

See attached Schedule B-II continued

Stewart Title Guaranty Company

ALTA COMMITMENT

Agent's File Number: SM06-0289

Commitment Number: 200608871

Schedule B-I

Part I. The following are the requirements to be complied with

1. Payment to, or for the account of the grantors and/or mortgagors of the full consideration for the estate or interest to be insured.
2. Payment of all taxes and/or assessments, levied and assessed against property, which are due and payable.
3. Proper documents creating the estate or interest to be insured must be executed and duly filed for record, to wit:
 - a. Warranty Deed from Dale W. Wagner and Debra K. Wagner, husband and wife, to Roger D. Addison and Kathy L. Addison, conveying the property described in Schedule A.

NOTE: If the party or parties in title are individuals, and the property is homestead property, the spouse of said party must join in the execution of the Deed. If individuals are unmarried, then indicate this on the Deed. If not homestead, then a statement to that effect must be reflected on the Deed.

- b. Mortgage from Roger D. Addison and Kathy L. Addison, as single persons, or joined by spouses if married, to The Proposed Insured Lender, encumbering the property described under Schedule A hereof in the original principal sum of \$TBD.

NOTE: If the party or parties in title are individuals, and the property is homestead property, the spouse of said party must join in the execution of the Mortgage. If individuals are unmarried, then indicate this on the Mortgage. If not homestead, then a statement to that effect must be reflected on the Mortgage.

4. Payment of any and all Special Assessments, Bills, Charges or Municipal Liens levied and/or assessed against subject property which are currently due and payable.

Stewart Title Guaranty Company

ALTA COMMITMENT

Agent's File Number: SM06-0289

Commitment Number: 200608871

Schedule A, Continuation Page

Lots 193 and 194, First Addition To Sylvan Lake, according to map or plat thereof as recorded in Plat Book 4, Page 18 of the Public Records of Seminole County, Florida.

ALTA Commitment
Closers' Choice

Order
update
8.23

Stewart Title Guaranty Company

ALTA COMMITMENT

Agent's File Number: SM06-0289

Commitment Number: 200608871

Schedule A

Effective Date: June 22, 2006 at 08:00:00 AM

- | | | |
|----|---|---------------|
| 1. | Policy or Policies to be issued: | Policy Amount |
| | X ALTA Owner's Policy - 1992 (Owner's Form)
Proposed Insured:

Roger D. Addison Kathy L. Addison | \$105,000.00 |
| | X ALTA Loan Policy - 1992 (Lender's Form)
Proposed Insured:

To Be Determined | TBD |

2. Fee Simple interest in the land described in this commitment is owned, at the Commitment Date,
By:

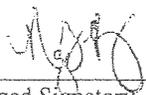
Dale W. Wagner and Debra K. Wagner

3. The land referred to in this Commitment is located in the County of Seminole, State of Florida
and described as follows:

See Attached Schedule A Continuation for Legal Description

Issued Date: August 3, 2006

Vision Title of Seminole County, LLC as issuing agent for
Stewart Title Guaranty Company

By: 
Authorized Signatory

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 30, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 193 + 194 1st ADD TO SYLVAN LAKE PB 4 PG18

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

FINDINGS OF FACT

Property Owner: Rodger & Kathy Addison
1085 Lake Ashby Rd.
New Smyrna Beach, FL 32168

Project Name: Sylvan Lakes (Lots 193 & 194)

Requested Development Approval:

Request for (1) a lot size variance from 43,560 square feet to 12,636 square feet; (2) a width at the building line variance from 150 feet to 105.30 feet; (3) a front yard (west) setback variance from 50 feet to 25 feet; and (4) a side street (south) setback variance from 50 feet to 25 feet for a proposed single-family 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: 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 proposed single-family home and lots 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: _____
April Boswell
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: