

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

SUBJECT: Request for a front yard setback variance from 100 feet to 10 feet for an existing shed and existing covered boat storage that projects in front of the building line in A-5 (Agriculture District); (David & Elizabeth Myers, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/5/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a front yard setback variance from 100 feet to 10 feet for an existing shed and existing covered boat storage that projects in front of the building line in A-5 (Agriculture District); or
2. **DENY** the request for a front yard setback variance from 100 feet to 10 feet for an existing shed and existing covered boat storage that projects in front of the building line in A-5 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: David & Elizabeth Myers Owner: David & Elizabeth Myers Location: 4306 Prevatt Road Zoning: A-5 (Agriculture District) Subdivision: N/A</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant is requesting a variance for an existing a shed and boat cover. The A-5 zoning district requires a 100 foot setback from the property line for accessory buildings that project in front of the building line. The existing shed and boat cover are 10 feet from the front property line. • A Building Code violation (06-427) for unpermitted construction was issued on 8/16/06. The applicant is working with the Building Division to resolve the issues. • 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">• 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.• Special conditions and circumstances result from the actions of the applicant. <i>The applicant constructed the structures without a building permit.</i>• 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.• 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. <i>The applicant could have constructed the shed and covered boat storage where no variance would have been needed or the variance required would have been minimized.</i>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not 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 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 shed and the covered boat storage 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

Application # BV 2006-178
Meeting Date 12-4-06



VARIANCE APPLICATION SEMINOLE COUNTY PLANNING DIVISION

COPY

1101 East First Street Sanford FL 32771 (407) 665-7444
09-29-06P04

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

Name: David & Elizabeth Myers
Address: Po Box 292 City: Mims Zip code: 32754
Project Address: 4306 Prevatt Rd City: Geneva Zip code: 32732
Contact number(s): 321-403-7630
Email address: _____

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>12' x 24'</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>wood boat cover/shed 15'x30'</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>100'</u>	Proposed setback:	<u>10'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<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:	
<input type="checkbox"/> Total number of variances requested _____				

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

Signed: David Myers

FOR OFFICE USE ONLY

Date Submitted: 9-29-06

Reviewed By: K.F.

Tax parcel number: 29-20-33-300-004B-0000 Zoning/FLU A-5/R-5

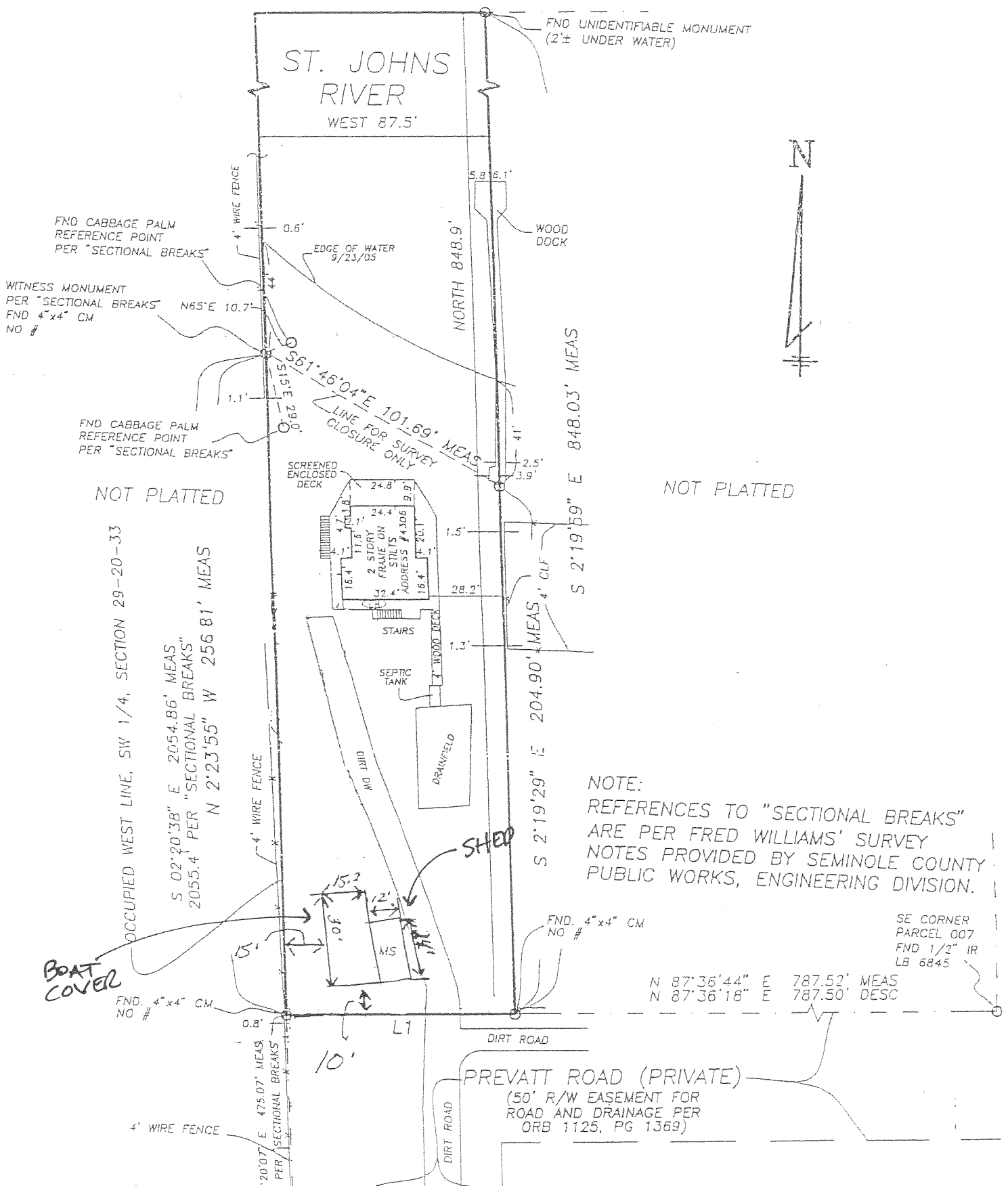
- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

Notes: _____

PLAT OF SURVEY

DESCRIPTION

1/4 WEST 87.5 FEET OF THE NORTH 848.9 FEET OF THE SW 1/4 OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 33 EAST, SEMINOLE COUNTY, FLORIDA.



NOT PLATTED

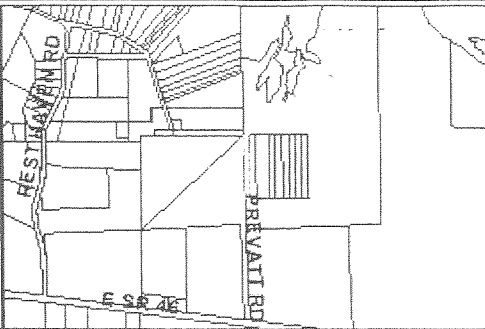

NOT PLATTED

NOTE:
REFERENCES TO "SECTIONAL BREAKS"
ARE PER FRED WILLIAMS' SURVEY
NOTES PROVIDED BY SEMINOLE COUNTY
PUBLIC WORKS, ENGINEERING DIVISION.

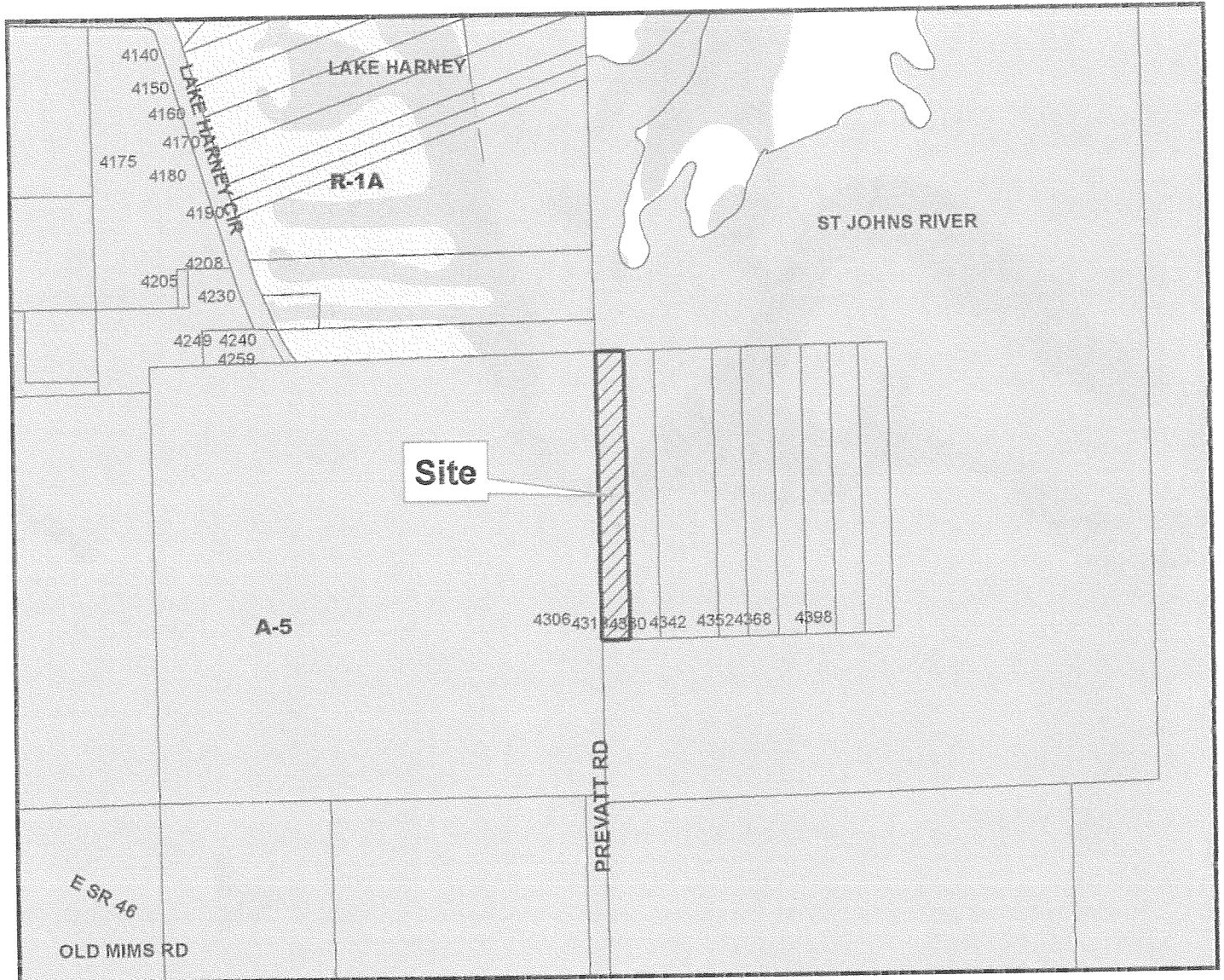
SE CORNER
PARCEL 007
FND 1/2" IR
LB 6845

N 87° 36' 44" E 787.52' MEAS
N 87° 36' 18" E 787.50' DESC

PREVATT ROAD (PRIVATE)
(50' R/W EASEMENT FOR
ROAD AND DRAINAGE PER
ORB 1125, PG 1369)




<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 407-665-7508</p>																														
<p align="center">GENERAL</p> <p>Parcel Id: 29-20-33-300-004B-0000</p> <p>Owner: MYERS DAVID & ELIZABETH</p> <p>Mailing Address: 4306 PREVATT RD</p> <p>City,State,ZipCode: GENEVA FL 32732</p> <p>Property Address: 4306 PREVATT RD GENEVA 32732</p> <p>Subdivision Name:</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$112,832</p> <p>Depreciated EXFT Value: \$4,650</p> <p>Land Value (Market): \$105,282</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$222,764</p> <p>Assessed Value (SOH): \$222,764</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$197,764</p> <p>Tax Estimator</p> <p>2006 Notice of Proposed Property Tax</p>																												
<p align="center">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>06006</td> <td>1281</td> <td>\$350,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1982</td> <td>01408</td> <td>0489</td> <td>\$40,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1980</td> <td>01274</td> <td>0320</td> <td>\$100</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	11/2005	06006	1281	\$350,000	Improved	Yes	WARRANTY DEED	08/1982	01408	0489	\$40,000	Improved	Yes	WARRANTY DEED	04/1980	01274	0320	\$100	Vacant	No	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,342</p> <p>2005 Tax Bill Amount: \$1,433</p> <p>Save Our Homes (SOH) Savings: \$909</p> <p>2005 Taxable Value: \$87,455</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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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	1991	8	992	2,000	1,504	SIDING AVG	\$112,832	\$119,084																					
	Appendage / Sqft		SCREEN PORCH UNFINISHED / 240																											
	Appendage / Sqft		UPPER STORY FINISHED / 512																											
	Appendage / Sqft		UTILITY UNFINISHED / 256																											
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	1991	1		\$938	\$1,500																								
	WOOD DECK	1991	1,472		\$2,944	\$7,360																								
	BOAT DOCK	1991	384		\$768	\$1,920																								
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.																														

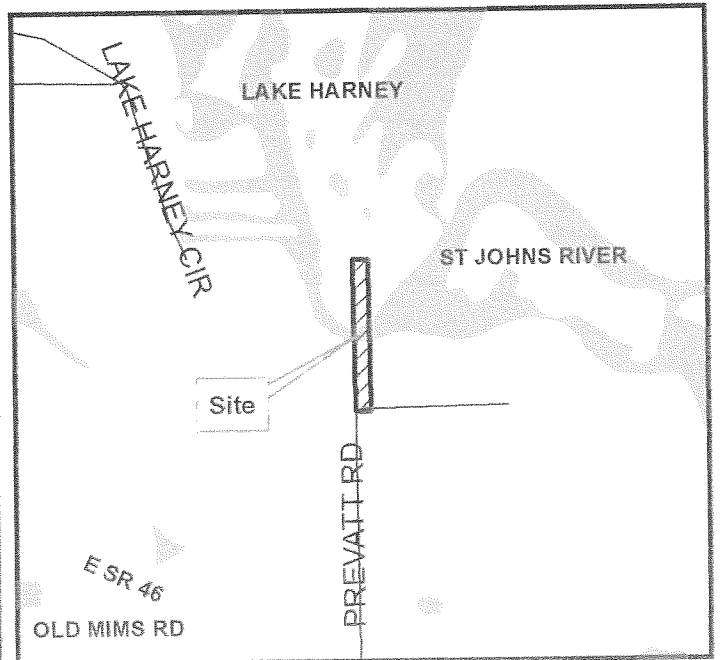
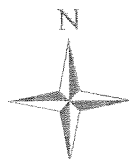
Elizabeth & David Myers
4306 Prevatt Rd
Geneva, FL 32732



Seminole County Board of Adjustment
December 4, 2006
Case: BV2006-178 (Map 3110, Grid E6)
Parcel No: 29-20-33-300-004B-0000

Zoning

-  BV2006-178
-  A-5
-  R-1A



David and Elizabeth Myers
4306 Prevatt Road
Geneva, FL 32732

Mr. and Mrs. Myers are applying for a variance for a 12' x 24' metal shed and 15' x 30' boat shed approximately 10 feet off the frontage of their lot on Prevatt Road.

Do you have any objections?

NAME	NO	YES
<u>Janne Bisher</u>	<u>✓</u>	<u>_____</u>
<u>Jim Mat...</u>	<u>✓</u>	<u>_____</u>
<u>Murray H. Kester</u>	<u>✓</u>	<u>_____</u>
<u>Alfred H. Rowe 4352</u>	<u>✓</u>	<u>_____</u>
<u>Debbie V. Cleave</u>	<u>✓</u>	<u>_____</u>
<u>Anna Jane Rowe 4342 Prevatt</u>	<u>✓</u>	<u>_____</u>
<u>Donald Pyle</u>	<u>✓</u>	<u>_____</u>

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 29 TWP 20S RGE 33E W 87.5 FT OF N 848.9 FT OF SW 1/4

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

FINDINGS OF FACT

Property Owner: Myers David & Elizabeth
4306 Prevatt Road
Geneva FL 32732

Project Name: Prevatt Road (4306)

Requested Development Approval:

Request for a front yard setback variance from 100 feet to 10 feet for an existing shed and existing covered boat storage that projects in front of the building line in A-5 (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: Denny Gibbs, Senior 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 and existing covered boat storage 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, AICP
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: