

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

SUBJECT: Request for a (1) lot size variance from 11,700 square feet to 8,500 square feet; and (2) front yard setback variance from 25 feet to 20 feet proposed single family home in R-1AA (Single Family Dwelling District); Located on the north side of 2nd street approximately .10 miles from intersection of 2nd street and Shirley Avenue; (James A. Clark, Applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Rufus Brown **EXT.** 7357

Agenda Date 12/04/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a (1) lot size variance from 11,700 square feet to 8,500 square feet; and (2) front yard setback variance from 25 feet to 20 feet proposed single family home in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for a (1) lot size variance from 11,700 square feet to 8,500 square feet; and (2) front yard setback variance from 25 feet to 20 feet proposed single family home in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Owner: Location: Zoning: Subdivision:</p>	<p>James A. Clark James A. & Patricia A. Clark North Shirley Avenue R-1AA (Single Family Dwelling District) Marvania 2nd Section</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant proposes to construct a single family home on a vacant lot. • The applicant has submitted a site plan for a single family home encompassing 2,128 square feet. The applicant is proposing to build a two story home that will be approximately 1,998 square feet. • There are currently no code enforcement or building 	

	<p>violations for this property.</p> <ul style="list-style-type: none">• 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.• 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 applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
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 (Type of structure) 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 # BV2006-186
Meeting Date 12-5-06

COPY



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: James A. Clark
Address: 114 N. Shirley Ave City: Sanford Zip code: 32771
Project Address: N. Shirley Ave City: Sanford Zip code: 32771
Contact number(s): 407-323-4095 407-474-4739
Email address: jclark55@ctl.rr.com

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: <u>Single Story 1850⁺ Sq. ft.</u>
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

10-11-06P04:52 RC11

What type of variance is this request?				
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>11,700</u>	Actual lot size:	<u>8,500</u>
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25</u>	Proposed setback:	<u>20</u>
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30</u>	Proposed setback:	<u>25</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10</u>	Proposed setback:	<u>7.5</u>
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25</u>	Proposed setback:	<u>15</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:	
<input checked="" type="checkbox"/> Total number of variances requested <u>5</u>				

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: James A. Clark

FOR OFFICE USE ONLY

Date Submitted: 10-11-06 Reviewed By: [Signature]
Tax parcel number: 30-19-31-501-0500-0350 Zoning/FLU R-1AA / LOR

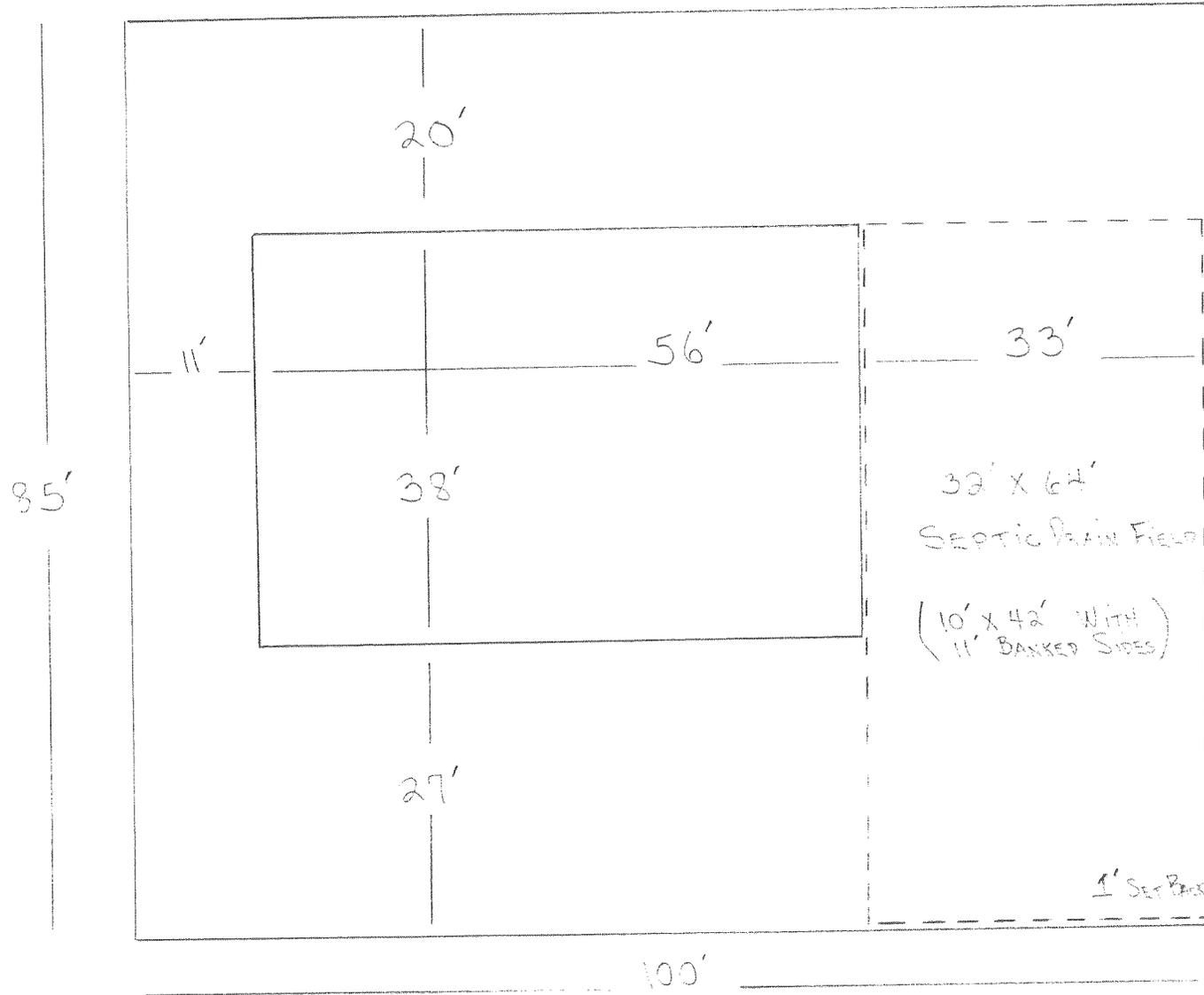
Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete

Notes: _____

SHIRLEY AVE

PROPOSED 1998th HOUSE PLAN
2 STORY

LOT SIZE VARIANCE
FRONT YARD VARIANCE



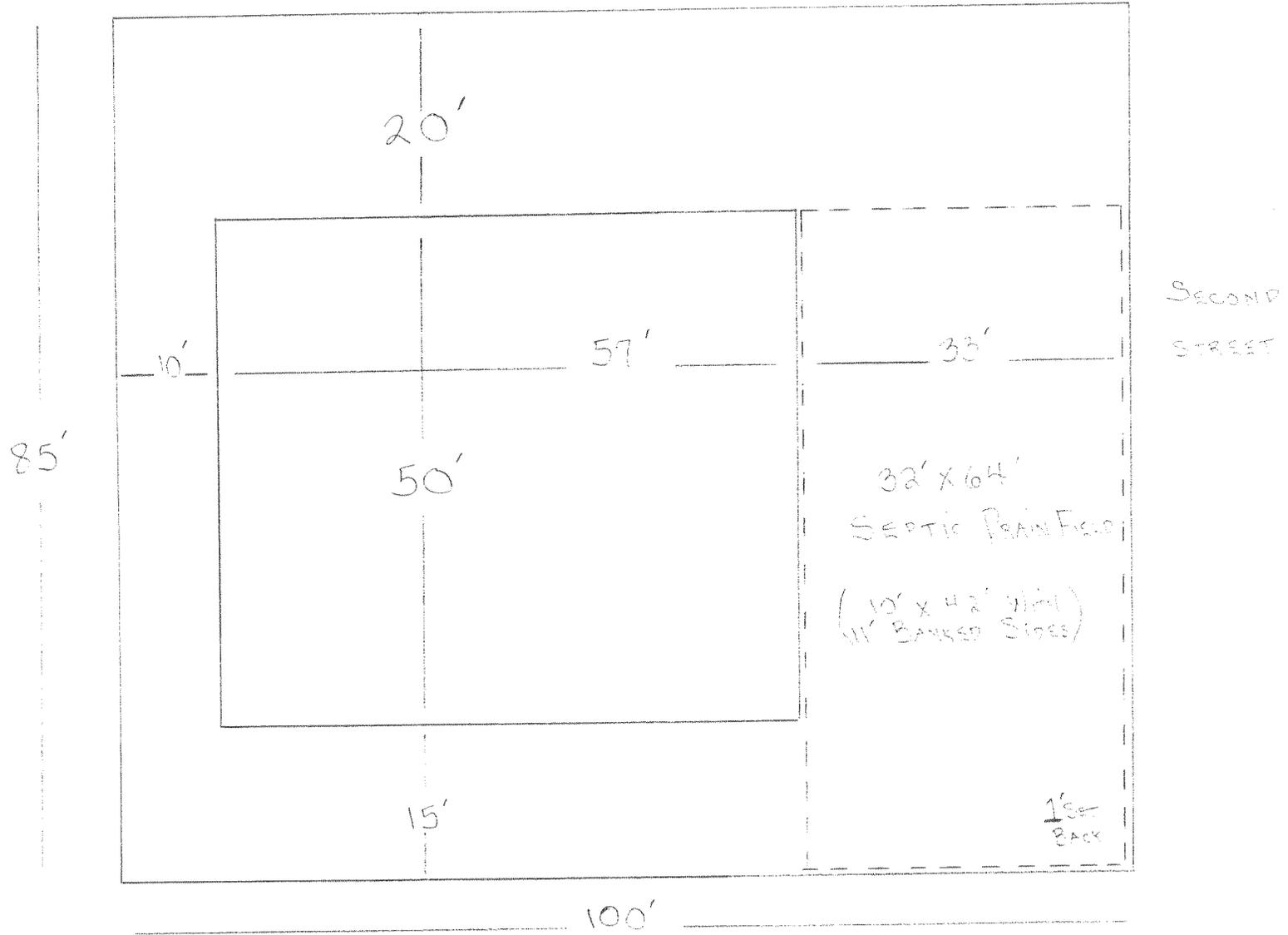
SECOND
STREET

32' X 64'
SEPTIC DRAIN FIELD
(10' X 42' WITH
11' BANKED SIDES)

1' SETBACK

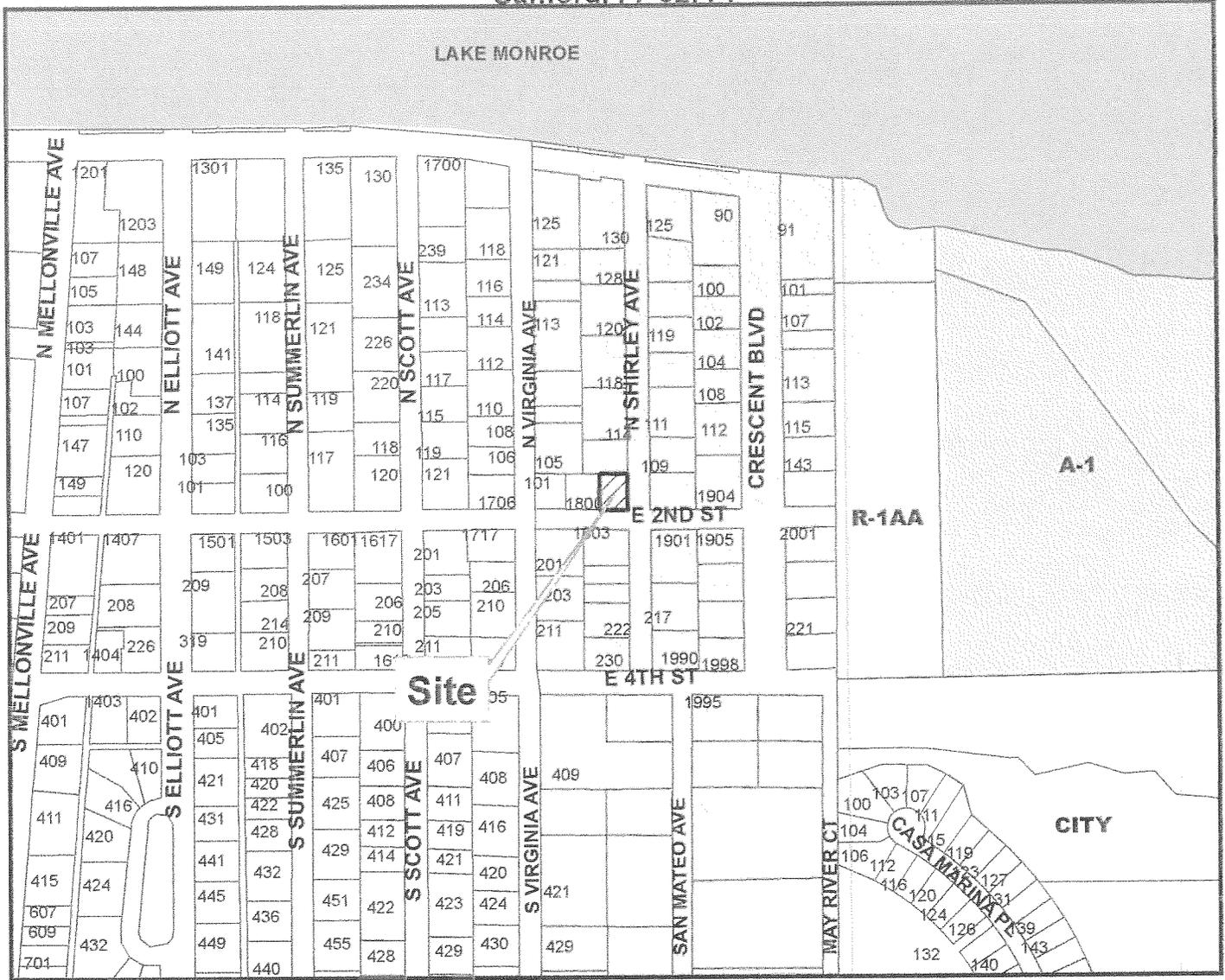
SHIRLEY AVE

LOT PLAN



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		<table border="1"> <tr><td>14</td><td></td><td>13</td><td>29</td></tr> <tr><td>15</td><td>31</td><td>14</td><td>28</td></tr> <tr><td>16</td><td>32</td><td>15</td><td>30</td></tr> <tr><td>17</td><td>33</td><td>16</td><td>31</td></tr> <tr><td>18</td><td>34</td><td>17</td><td>32</td></tr> <tr><td>19</td><td>35</td><td>18</td><td>33</td></tr> <tr><td>19.A</td><td>19.0</td><td>19</td><td>34</td></tr> </table>	14		13	29	15	31	14	28	16	32	15	30	17	33	16	31	18	34	17	32	19	35	18	33	19.A	19.0	19	34	
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9	1	9	1	9																											
9.0	2	10	2	10																											
11	3	11	3	11																											
GENERAL Parcel Id: 30-19-31-501-0500-0350 Owner: CLARK JAMES A & PATRICIA A Mailing Address: 111 N SHIRLEY AVE City, State, Zip Code: SANFORD FL 32771 Property Address: SHIRLEY AVE N SANFORD 32771 Subdivision Name: MARVANIA 2ND SEC Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		2006 VALUE SUMMARY 2006 Tax Bill Amount: \$513 2006 Taxable Value: \$31,820 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																													
SALES <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>05/2005</td> <td>05738</td> <td>1511</td> <td>\$70,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	05/2005	05738	1511	\$70,000	Vacant	No	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG E 85 FT OF LOTS 35 + 36 BLK 5 2ND SEC MARVANIA PB 5 PG 88															
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WARRANTY DEED	05/2005	05738	1511	\$70,000	Vacant	No																									
LAND <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>FRONT FOOT & DEPTH</td> <td>100</td> <td>85</td> <td>.000</td> <td>430.00</td> <td>\$31,820</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	100	85	.000	430.00	\$31,820																		
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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.																															

Patricia & James Clark
 E 85 ft. of Lots 35 & 36, Blk 5 2nd Sec Marvania
 E 2nd St & N Shirley Ave
 Sanford, FL 32771

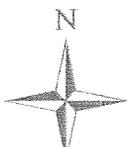
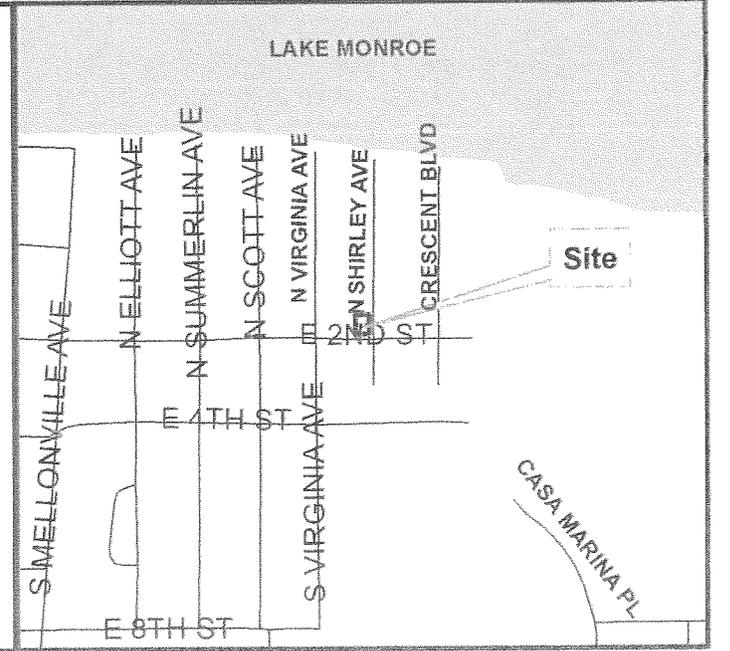


Seminole County Board of Adjustment
December 4, 2006
Case: BV2006-186 (Map 3053, Grid E1)
Parcel No: 30-19-31-501-0500-0350

Zoning

-  BV2006-186
-  A-1
-  R-1AA

N

LOT RESEARCH REQUEST

Building & Fire Inspection Division; Seminole County's Planning & Development Department 1101 E. First Street, Sanford, FL 32771 Phone: (407)665-7050 Fax: (407)665-7047		Permit # Application	06-10422
APPLICANT NAME:	James A Clark	Date:	9/11/06
Building Address:	114 N Shirley Avenue	Phone:	407-323-4095
Sanford, FL 32771		Fax:	N/A
Parcel ID:	30-19-31-501-05000350	Email:	jclark55@cfl.rr.com

NOTE: There is a **\$50.00 fee** for platted lot research. There is a **\$110.00 fee** for unplatted lot research. Please complete the above information, and submit a check or money order payable to Seminole County.

DO NOT FILL OUT ANY FURTHER - BELOW FOR OFFICE USE ONLY

Platted: PB 5 PG 88	Plat Name: 2nd SEC Marvania
5-acre parcel or Unrecorded Plat Name:	

ZONING REVIEW		Date sent:	9/11/06
Zoning District:	R-1AA	Is parcel a parcel/lot of record prior to 7/28/70?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minimum lot size:	11,700 sq ft	Does the parcel/lot meet the minimum lot size and width requirements for the zoning district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minimum width at building line:	90 ft	If less than 5 acres in size, does the parcel/lot have frontage on a public road Right-of-Way?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there existing structures on the property		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Comments: This lot is buildable as long as all of the minimum R-1AA zoning requirements can be met. It appears that the minimum lot size is less than 11,700 sq ft and would require an approved lot size variance. You may receive additional variance requirements by contacting the Planning office at 407-665-7444. There may be additional requirements regarding flood prone, wetlands and water & sewer, please see those comments below.

Reviewed by: Angela Kealhofer	Date:	9/11/06
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DEVELOPMENT REVIEW DEPARTMENT REVIEW		Date sent:	
Property appears to meet the basic requirements to be officialized via:	Lot Split <input type="checkbox"/> Minor Plat <input type="checkbox"/>	This parcel is an illegal lot split.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was property subdivided via Plat Waiver or Lot Split process?		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Comments:

Reviewed by:	Date:	
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FLOOD PRONE REVIEW		Date sent:	9/12/06
Is the property flood prone?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Flood Zone:	AE	BFE:	9.6'
Community #:	120289	Panel #:	065E

Comments: Property is completely located in a special flood hazard area, Zone AE, with a base flood elevation of 9.6' and a minimum finish floor elevation of 10.6'. Only 10% of the special flood hazard area may be filled for construction per County Ordinance. Any structure located in a special flood hazard area will be required to have flood insurance carried on it.

Reviewed by: Jeff Johnson	Date:	9/12/06
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WETLAND REVIEW		Date sent:	
Any wetlands or protection areas on the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	In WRPA?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments: *Please be advised that our county wetland maps can only be used as guidelines and do not serve as an official state jurisdictional wetlands determination.*
According to our county wetland maps, there does not appear to be any wetlands on this property. This does not guarantee that there are not wetlands on site and does not alleviate the owner's responsibility to ensure that all applicable agencies are contacted to address potential wetlands on site. Contact the Florida Department of Environmental Protection (FDEP) at (407)893 3311 or the St. Johns River Water Management District (SJRWMD) at (407)659 4800 for further information on wetland determinations. If wetlands are determined to be on the site, the wetland limits are required to be shown on the building site plan. Wetland impacts require state permitting and the county requires minimization of wetland impacts

NOTE: Listed species are plant or animal species that are protected by Federal and/or State laws. These include Endangered, Threatened, and Species of Special Concern. When impacts to listed species are unavoidable, permits are required from the Florida Fish and Wildlife Conservation Commission prior to issuance of County permits. You may contact the FFWCC Listed Species Permitting office at (352)732-1225 concerning state permit requirements.

Reviewed by:		Date:
WATER AND SEWER REVIEW		Date sent: 9/12/06
Is property on County/City water?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is property on County/City sewer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Property on well/septic?*	<input checked="" type="checkbox"/> Yes*	
*If on well/septic, lot must meet minimum lot required by the Seminole County Health Dept.		
*Please call (407)665-3600 for further information.		
Comments: This parcel is in the City of Sanford's water and sewer service area. For more information on water or sewer availability contact Richard Blake at (407) 330-5609.		
Reviewed by: Samuel Duhs		Date: 9/13/06
Applicant has been notified by:	<input type="checkbox"/> Phone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Email	Date: 9/13/06
NOTE: This research is based on the best available data and does not guarantee that a permit will be issued; therefore, does not create a liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on this determination. In addition to above references, property shall comply with all applicable federal, state and local rules and regulations.		

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 E 85 FT OF LOTS 35 + 36 BLK 5 2ND SEC MARVANIA
PB 5 PG 88

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

FINDINGS OF FACT

Property Owner: James A. & Patricia A. Clark
North Shirley Avenue
Sanford, FL 32771

Project Name: North Shirley Ave (Lot 35)

Requested Development Approval:

Request for a (1) lot size variance from 11,700 square feet to 8,500 square feet; and (2) front yard setback variance from 25 feet to 20 feet proposed single family home in R-1AA (Single Family Dwelling 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: Rufus Brown, Planning Intern
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 (Structure) 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: