

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

**SUBJECT:** Request for a side yard (west) setback from 10 feet to 4 feet for an existing shed in the A-1 (Agriculture District); (Tommy Barnes, applicant).

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

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

**Agenda Date** 12/4/06    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a side yard (west) setback from 10 feet to 4 feet for an existing shed in the A-1 (Agriculture District); (Tommy Barnes, applicant); or
2. **DENY** the request for a side yard (west) setback from 10 feet to 4 feet for an existing shed in the A-1 (Agriculture District); (Tommy Barnes, applicant); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Tommy Barnes Location: 890 Brumley Road Zoning: A-1 Subdivision: Chula Vista
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant has constructed a 12 feet x 20 feet (240 square foot) shed without a permit and within the side yard (west) setback.</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 variance. Staff has determined that: <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,</li> </ul>

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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 place a shed on their 0.63 acre parcel without a variance.</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 existing 12' x 20' 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>

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

**COPY**

Application # DV2006-188

Meeting Date 12/4/06



**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: Tommy L. Barnes

Address: 890 Brawley Road City: Chuluota Zip code: 32766

Project Address: SAME City: \_\_\_\_\_ Zip code: \_\_\_\_\_

Contact number(s): 407-977-9080 Home 407-448-6909 cell

Email address: tbarnes01@bellsouth.net

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>2005 Smithbuilt 12x20</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 type="checkbox"/> Other	Please describe:
<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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10.0ft</u>	Proposed setback:	<u>4.0ft</u>
<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:	
<b>[ ] Total number of variances requested _____</b>				

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: Tommy L. Barnes

**FOR OFFICE USE ONLY**

Date Submitted: 10-17-06 Reviewed By: PJ  
Tax parcel number: 22-21-32-542-0300-0030 Zoning/FLU A-1/5E

- 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: shed was placed by a company that did not receive a permit. when applicant went to the building Dept. to receive a permit, it was rejected because the shed encroached within the setback requirements.

# SWERDLOFF & HENRY

SURVEYING, INC.

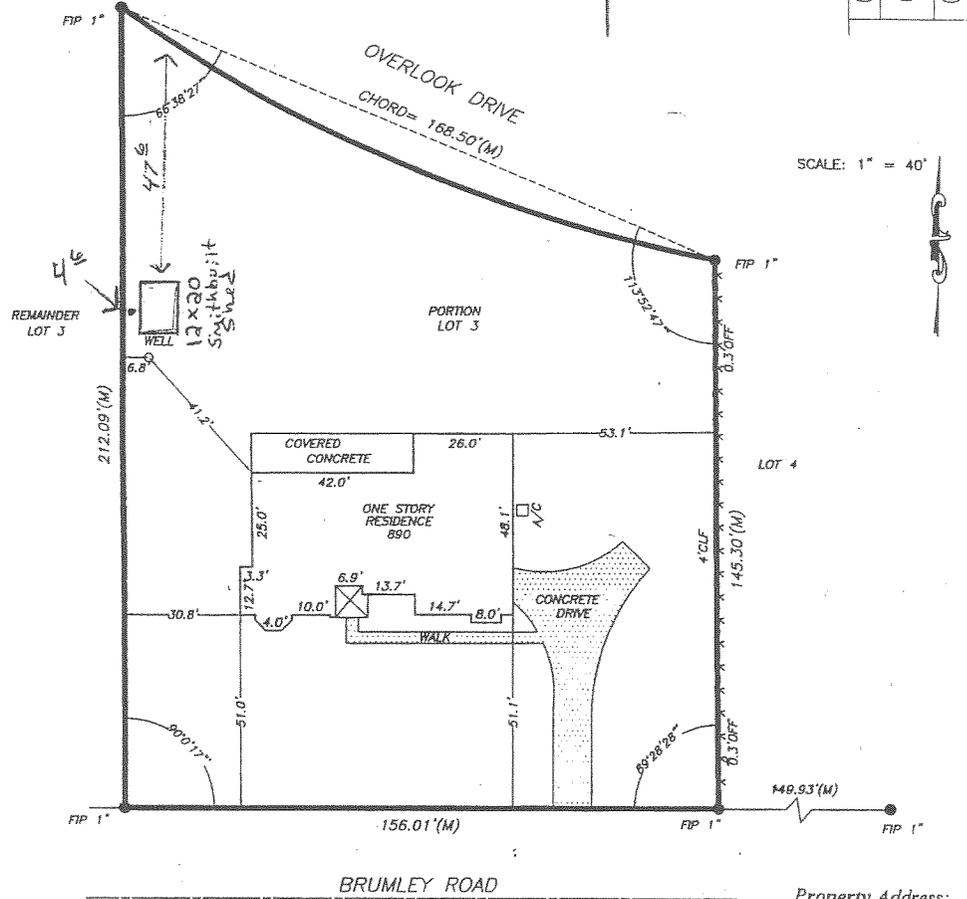
3525 W. Lake Mary Boulevard, Suite 301 · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

Lot 3 (less the West 25 feet), Block 3, UNRECORDED PLAT OF CHULA VISTA, in Section 22, Township 21 South, Range 32 East, Seminole County, Florida.

Community number: 120289 Panel: 0190  
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 10/29/2003 Completion Date: 10/30/2003

Certified to:  
 Tommy Barnes; Danyele Barnes; Sunbelt Title Agency; 1st Residential Funding, Inc. and Chase Manhattan Mortgage, their successors and/or assigns.

Revised Certifications: 10/25/2004



Property Address:  
 890 Brumley Road  
 Chuluota, FL 32766

Survey number: SL 26059

### LEGEND

---//---	Wood Fence	CATV	Cable Riser	M.H.	Manhole
---x---	Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
FN.	Found Nail	TEL.	Telephone Facilities	O.R.	Official Records
*	Property Corner	COVERED	Covered Area	O.R.B.	Official Records Book
R.	Record	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
M.	Field Measured	CH	Chord	P.R.M.	Permanent Reference Monument
CL	Clear	RAD	Radial	PG.	Page
ENCR.	Encroachment	N.R.	Non Radial	P.V.M.T.	Pavement
C	Centerline	A/C	Air Conditioner	P.B.	Plat Book
CONCRETE	Concrete	B.M.	Bench Mark	P.O.B.	Point of Beginning
P.L.	Property Line	C.	Calculated	P.O.C.	Point of Commencement
C.M.	Concrete Monument	ZZZZ	Block Wall	P.O.L.	Point on Line
F.I.R.	Found Iron Rod	Δ	Central Angle/Delta	P.C.	Point of Curvature
F.I.P.	Found Iron Pipe	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
N&D	Nail & Disk	D.	Description or Deed	P.T.	Point of Tangency
D.E.	Drainage Easement	D.H.	Drill Hole	R.	Radius (Radial)
U.E.	Utility Easement	D.W.	Driveway	R.O.E.	Roof Overhang Easement
FD.	Found	ESMT	Easement	S.I.R.	Set Iron Rod & Cap
P.	Plat	EL	Elevation	S/W	Sidewalk
ASPHALT	Asphalt	FF.	Finished Floor	T.O.P.	Top of Bank
O.H.U.	Overhead Utilities	E.C.M.	Found Concrete Monument	TYP.	Typical
PP.	Power Pole	FRK.	Found Parker-Kalon Nail	W.C.	Witness Corner
		L	Length	10.05	Existing Elevation

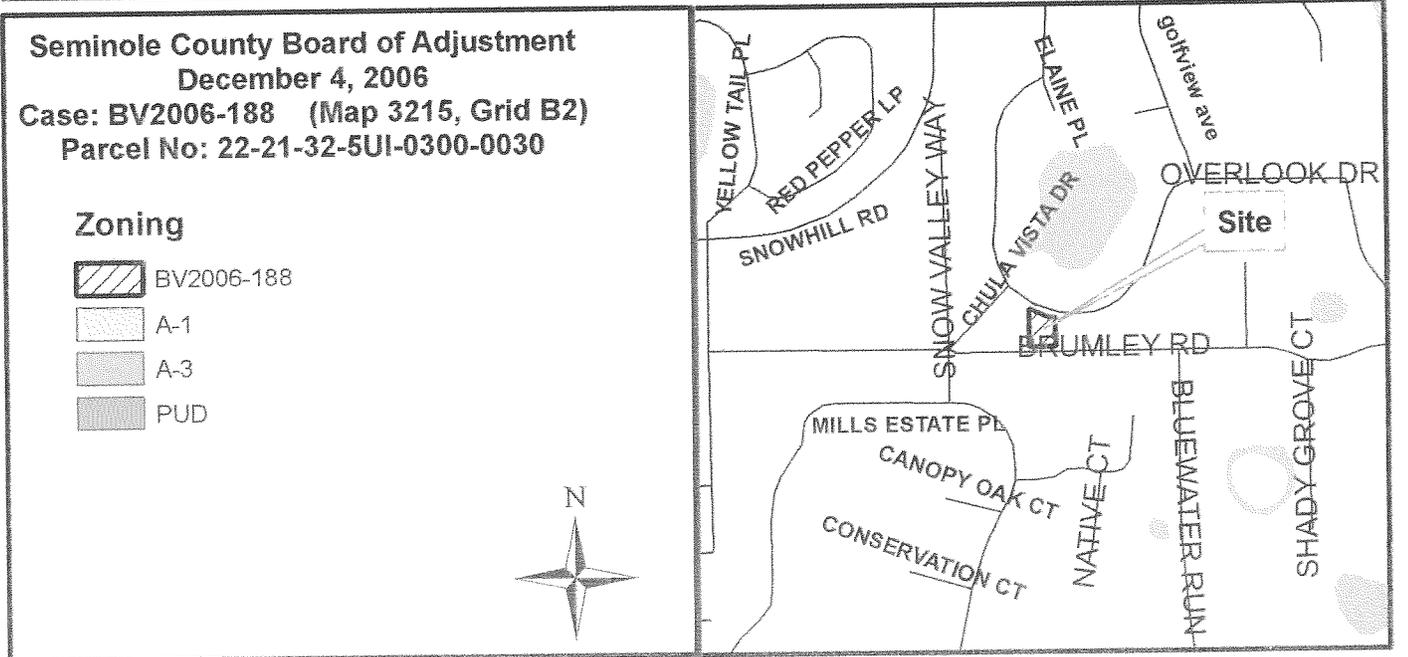
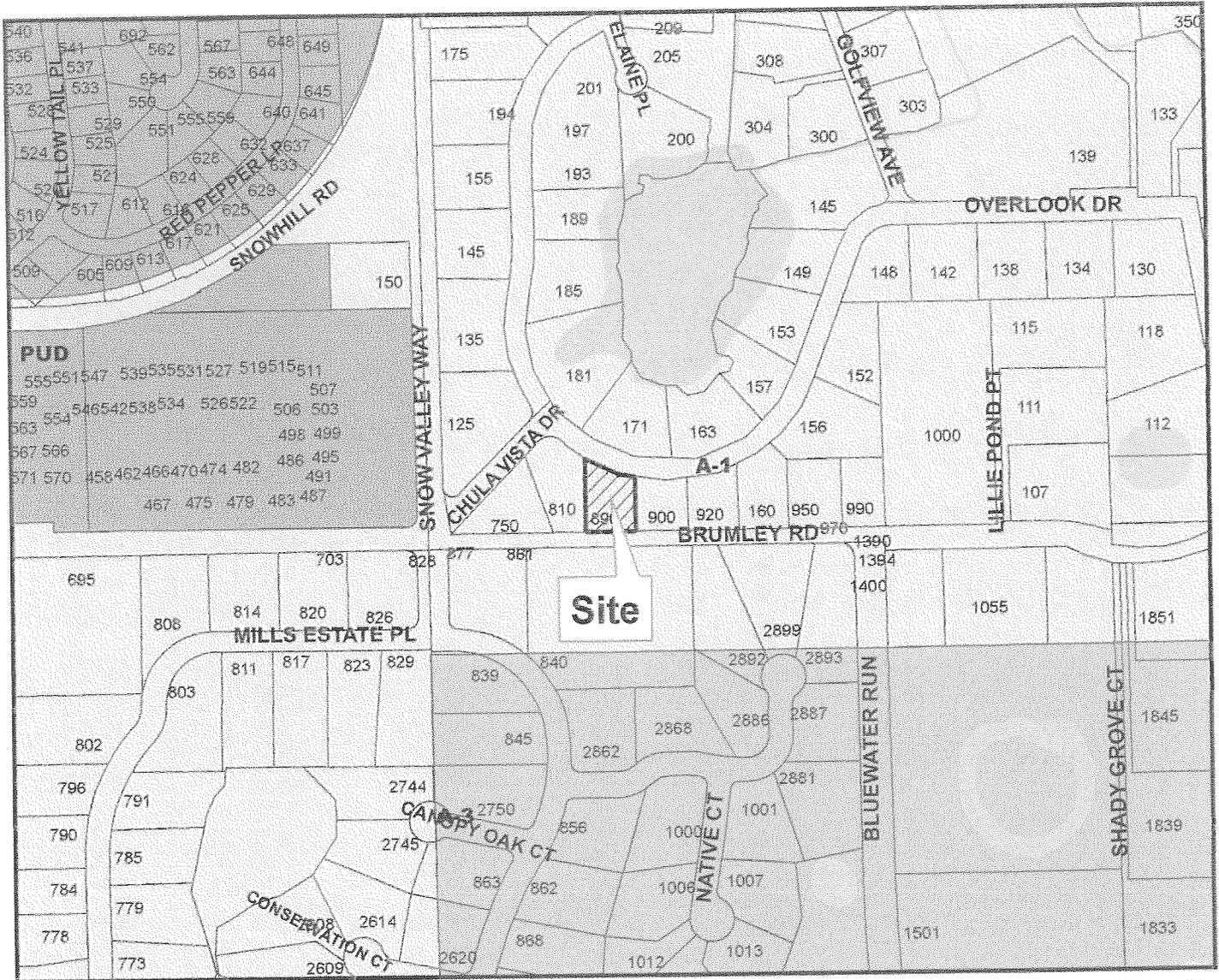
### GENERAL NOTES

1. Legal description provided by others.
2. The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat.
3. Underground portions of footings, foundations or other improvements were not located.
4. Wall ties are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted.
7. Dimensions shown are plat and measured unless otherwise noted.
8. Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted.
9. Adjoining lots are within the same block unless otherwise noted.
10. This is an AS-BUILT SURVEY unless otherwise noted.
11. Not valid unless sealed with the signing surveyors embossed seal.
12. Flood zone determinations are provided as a courtesy only, and are derived from the best sources available to the surveyor. This information should not be relied upon for flood insurance purposes, and may differ from information provided by others.
13. L.B. 7132



I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

Danyeale & Tommy Barnes  
 890 Brumley Road  
 Chuluota, FL 32766



<p><b>PARCEL DETAIL</b></p> <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 style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 22-21-32-5UI-0300-0030                  Owner: BARNES TOMMY &amp; DANYELE                  Mailing Address: 890 BRUMLEY RD                  City,State,ZipCode: CHULUOTA FL 32766                  Property Address: 890 BRUMLEY RD CHULUOTA 32766                  Subdivision Name: CHULA VISTA UNRECORDED                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$192,527                  Depreciated EXFT Value: \$1,800                  Land Value (Market): \$66,270                  Land Value Ag: \$0                  Just/Market Value: \$260,597                  Assessed Value (SOH): \$251,164                  Exempt Value: \$25,000                  Taxable Value: \$226,164                  Tax Estimator</p>																																																									
<p style="text-align: center;"><b>SALES</b></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>10/2004</td> <td>05512</td> <td>1362</td> <td>\$252,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>12/2003</td> <td>05147</td> <td>0827</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>12/2003</td> <td>05147</td> <td>0824</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>10/2003</td> <td>05083</td> <td>1949</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/2003</td> <td>04940</td> <td>1601</td> <td>\$60,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1985</td> <td>01620</td> <td>0997</td> <td>\$15,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>07/1981</td> <td>01352</td> <td>1771</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	10/2004	05512	1362	\$252,000	Improved	Yes	CORRECTIVE DEED	12/2003	05147	0827	\$100	Improved	No	CORRECTIVE DEED	12/2003	05147	0824	\$100	Improved	No	QUIT CLAIM DEED	10/2003	05083	1949	\$100	Improved	No	WARRANTY DEED	07/2003	04940	1601	\$60,000	Vacant	No	WARRANTY DEED	02/1985	01620	0997	\$15,000	Vacant	No	QUIT CLAIM DEED	07/1981	01352	1771	\$100	Vacant	No	<p style="text-align: center;"><b>2006 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$3,813                  2006 Tax Bill Amount: \$3,527                  Save Our Homes (SOH) Savings: \$286                  2006 Taxable Value: \$218,849                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																																																					
WARRANTY DEED	10/2004	05512	1362	\$252,000	Improved	Yes																																																					
CORRECTIVE DEED	12/2003	05147	0827	\$100	Improved	No																																																					
CORRECTIVE DEED	12/2003	05147	0824	\$100	Improved	No																																																					
QUIT CLAIM DEED	10/2003	05083	1949	\$100	Improved	No																																																					
WARRANTY DEED	07/2003	04940	1601	\$60,000	Vacant	No																																																					
WARRANTY DEED	02/1985	01620	0997	\$15,000	Vacant	No																																																					
QUIT CLAIM DEED	07/1981	01352	1771	\$100	Vacant	No																																																					
<p style="text-align: center;"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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 &amp; DEPTH</td> <td>150</td> <td>185</td> <td>.000</td> <td>470.00</td> <td>\$66,270</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	150	185	.000	470.00	\$66,270	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>SEC 22 TWP 21S RGE 32E LOT 3 (LESS W 25 FT) BLK 3 UNRECD PLAT CHULA VISTA</p>																																													
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																																						
FRONT FOOT & DEPTH	150	185	.000	470.00	\$66,270																																																						
<p style="text-align: center;"><b>BUILDING INFORMATION</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Living SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>2003</td> <td>7</td> <td>2,187</td> <td>3,296</td> <td>2,187</td> <td>CB/STUCCO FINISH</td> <td>\$192,527</td> <td>\$196,456</td> </tr> <tr> <td colspan="3"></td> <td colspan="7">Appendage / Sqft OPEN PORCH FINISHED / 420</td> </tr> <tr> <td colspan="3"></td> <td colspan="7">Appendage / Sqft OPEN PORCH FINISHED / 68</td> </tr> <tr> <td colspan="3"></td> <td colspan="7">Appendage / Sqft GARAGE FINISHED / 621</td> </tr> </tbody> </table> <p><i>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</i></p> <p><b>Permits</b></p>										Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	2003	7	2,187	3,296	2,187	CB/STUCCO FINISH	\$192,527	\$196,456				Appendage / Sqft OPEN PORCH FINISHED / 420										Appendage / Sqft OPEN PORCH FINISHED / 68										Appendage / Sqft GARAGE FINISHED / 621						
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																																																		
1	SINGLE FAMILY	2003	7	2,187	3,296	2,187	CB/STUCCO FINISH	\$192,527	\$196,456																																																		
			Appendage / Sqft OPEN PORCH FINISHED / 420																																																								
			Appendage / Sqft OPEN PORCH FINISHED / 68																																																								
			Appendage / Sqft GARAGE FINISHED / 621																																																								
<p style="text-align: center;"><b>EXTRA FEATURE</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>FIREPLACE</td> <td>2003</td> <td>1</td> <td>\$1,800</td> <td>\$2,000</td> </tr> </tbody> </table>										Description	Year Blt	Units	EXFT Value	Est. Cost New	FIREPLACE	2003	1	\$1,800	\$2,000																																								
Description	Year Blt	Units	EXFT Value	Est. Cost New																																																							
FIREPLACE	2003	1	\$1,800	\$2,000																																																							