

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

SUBJECT: Water Street (Lot 285) - London Campbell & Tewana Chisholm, applicants; Request for a (1) minimum lot size variance from 8,400 square feet to 4,160 square feet; (2) a width at the building line variance from 70 feet to 40 feet; (3) a rear (west) yard setback variance from 30 feet to 13 feet; (4) a side yard setback variance from 7.5 feet to 6.5 feet; and (5) a side (south) yard setback variance from 7.5 feet to 6.5 feet for a proposed single family home in the R-1 (Single Family Dwelling District).

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

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

Agenda Date 1/22/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a (1) minimum lot size variance from 8,400 square feet to 4,160 square feet; (2) a width at the building line variance from 70 feet to 40 feet; (3) a rear (west) yard setback variance from 30 feet to 13 feet; (4) a side yard setback variance from 7.5 feet to 6.5 feet; and (5) a side (south) yard setback variance from 7.5 feet to 6.5 feet for a proposed single family home in the R-1 (Single Family Dwelling District); or
2. **DENY** the request for a (1) minimum lot size variance from 8,400 square feet to 4,160 square feet; (2) a width at the building line variance from 70 feet to 40 feet; (3) a rear (west) yard setback variance from 30 feet to 13 feet; (4) a side yard setback variance from 7.5 feet to 6.5 feet; and (5) a side (south) yard setback variance from 7.5 feet to 6.5 feet for a proposed single family home in the R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	London Campbell & Tewana Chisholm
	Owner:	Tewana Chisholm
	Location:	2431 Water Street
	Zoning:	R-1 (Single Family Dwelling District)
	Subdivision:	Midway

BACKGROUND / REQUEST	<ul style="list-style-type: none">• The applicant proposes to construct a single family home on a vacant lot.• The lot was platted in 1910 as the AC Maxwellis Midway Subdivision in which the dimensions of the lot are 40' x 104'.• The applicant proposes to construct a one story single family home that is approximately 1,587 square feet.• The proposed property is located in the Midway community which has been designated as a Community Development Target area by Seminole County in order to promote new housing opportunities.• 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 satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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. <i>The subject lot is a parcel of record as of 1910.</i>• Policy FLU 3.2, adopted on September 11, 1991, states the county shall reduce uses that are inconsistent with community character by requiring the combining of lots. AC Maxwellis Midway Subdivision platted lots have been developed into single family lots without the requirement of combinations therefore the request would not be inconsistent with the community character.• Special conditions and circumstances did not result from the actions of the applicant.• 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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested 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

	<p>land, building or structure without the granting of the variance.</p> <ul style="list-style-type: none">• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request per the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the lot and the proposed single family home 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 2006-217
 Meeting Date 1-22-07

COPY



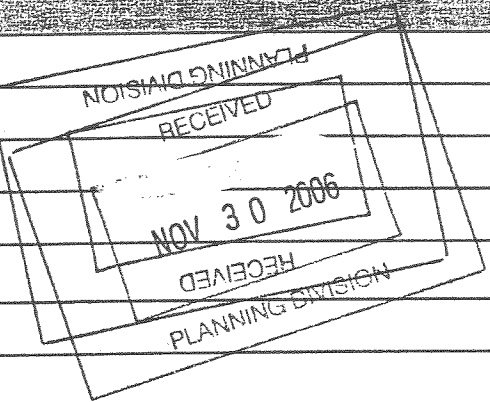
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
 1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: London Campbell and TEWANA Chisholm
 Address: _____ City: _____ Zip code: _____
 Project Address: 2431 Water St. City: Sanford Zip code: 32771
 Contact number(s): (407) 435-1643
 Email address: _____

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"/> Fence	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.	



What type of variance is this request?			
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>\$400</u>	Actual lot size: <u>4,160</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>70</u>	Actual lot width: <u>40</u>
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30</u>	Proposed setback: <u>13</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5</u> <u>7.5</u>	Proposed setback: <u>6.5</u> <u>6.5</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:
<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: [Signature]

FOR OFFICE USE ONLY

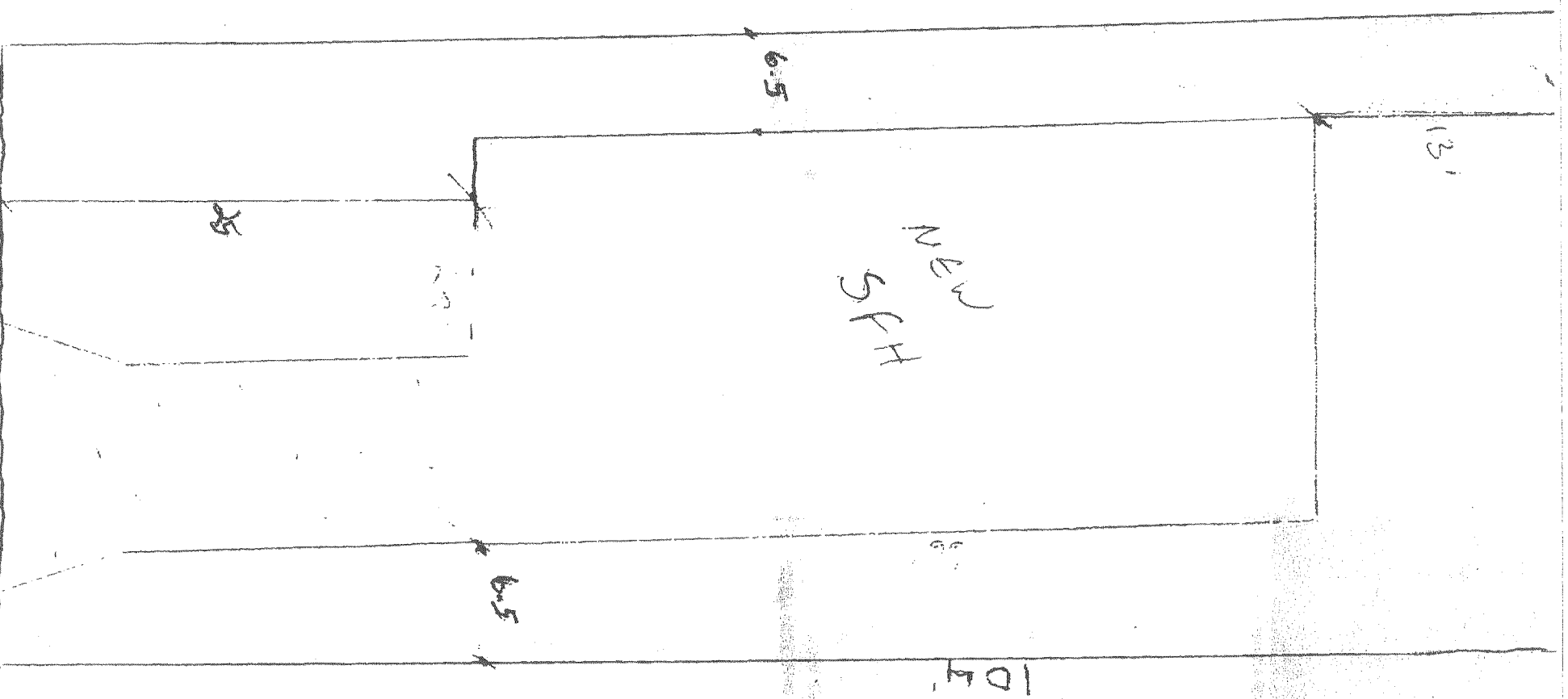
Date Submitted: 11-30-06 Reviewed By: P. Johnson
 Tax parcel number: 32-19-31-513-0000-2850 Zoning/FLU R-1 / LOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

(Midway)

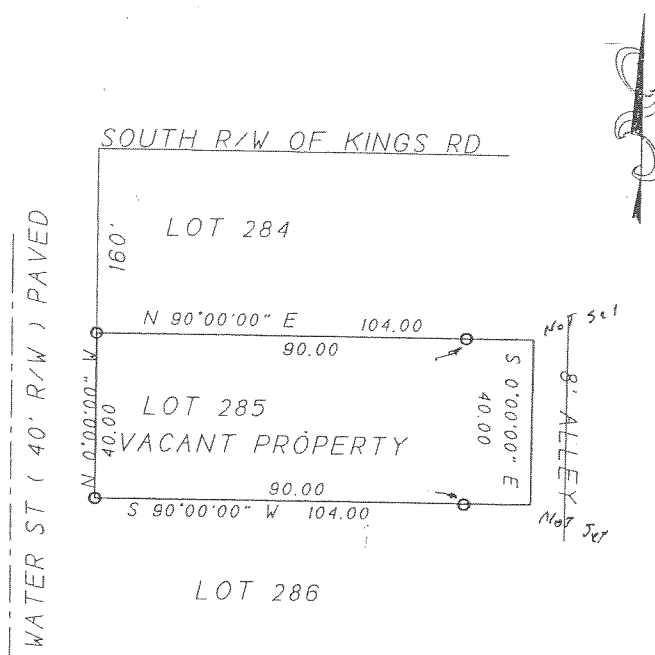


(Scale)
 $1'' = 10'$

BV 2006-217

PLAT OF SURVEY

DESCRIPTION LOT 285 MIDWAY
 AS RECORDED IN PLAT BOOK 1 PAGE(S) 41 OF
 THE PUBLIC RECORDS SEMINOLE COUNTY, FLORIDA



- LEGEND:
- | | | |
|----------------------------|-----------------------------|------------------------|
| ELEV - ELEVATION | N&D - NAIL AND DISK | BLK - BLOCK |
| FD - FOUND | POB - POINT OF BEGINNING | ESMT - EASEMENT |
| ESMT - EASEMENT | POC - POINT OF COMMENCEMENT | P - BORN PIPE |
| STY - STORY | CB - CHORD BEARING | R - RADIUS |
| ⊖ - CENTERLINE | R/W - RIGHT OF WAY | Δ - DELTA |
| X-X-X - FENCE | PL - PROPERTY LINE | C - CHORD |
| RES - RESIDENCE | PC - POINT OF CURVE | L - LENGTH |
| BLDG - BUILDING | CONC - CONCRETE | P - PLAT |
| WD FRM - WOOD FRAME | MON - MONUMENT | • - NUMBER |
| UTIL - UTILITY | RD - ROAD | ■ - FD CONC MON #2259 |
| ⊙ - FD REBAR • | ○ - SET REBAR #2259 | □ - SET CONC MON #2259 |
| TBM - TEMPORARY BENCH MARK | NG - NATURAL GROUND | INV - INVERT |
| | FF - FINISH FLOOR | BH - BENCH MARK |

NOTES:

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
- THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR, THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
- NO UNDER GROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN
- DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
- BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.).
- VERTICAL CONTROL (NATIONAL GEODETIC VERTICAL DATUM 1929)

PREPARED FOR LONDON CAMPBELL

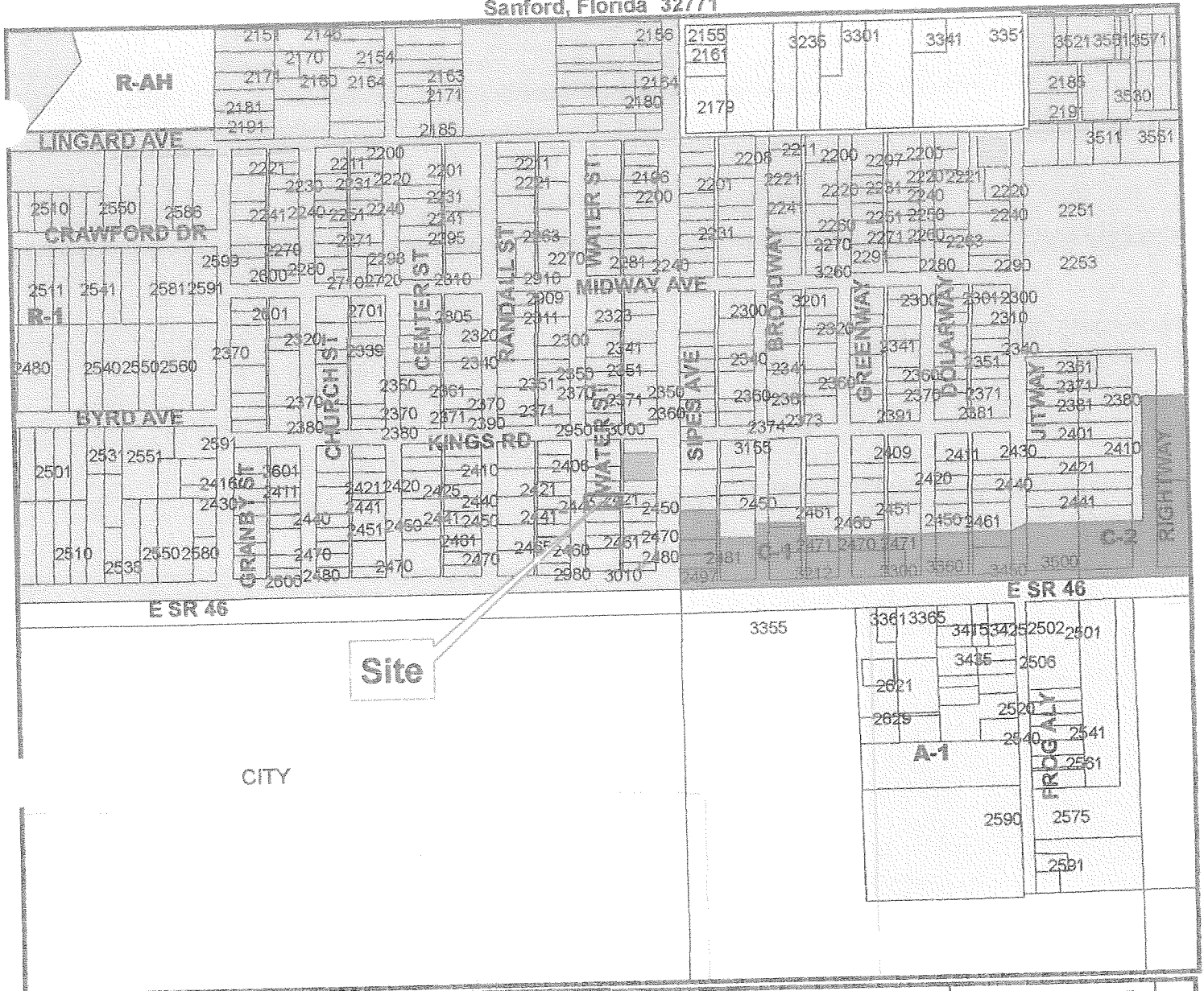
M. EDWARD GORDON SURVEYING

M. Edward Gordon
 REGISTERED LAND SURVEYOR #2259
 PO Box 1557 SANFORD, FLORIDA 32772 PHONE 324 5720
 508 WEST 11TH STREET SANFORD, FLORIDA

TYPE SURVEY BOUNDARY	DATE: 12/11/2005
SCALE 1" = 30'	
JOB NO:	SHEET: 02

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

Tewana Chisholm & London Campbell
 2431 Water Street
 Sanford, Florida 32771

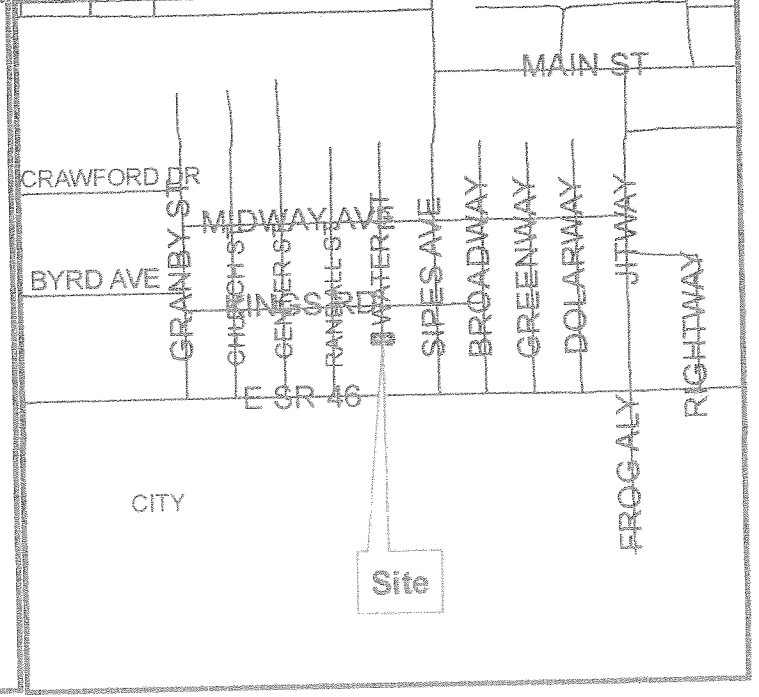


Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-217 (Map 3054, Grid C4)
 Parcel No: 32-19-31-513-0000-2850

Zoning

	BV2006-217		R-3
	A-1		R-AH
	R-1		C-1
	R-2		C-2

N



DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508	281	10	10	10	10	WATER ST SIPES AVE															
	282	10	10	10	10																
	283	10	10	10	10																
	284	10	10	10	10																
	285	10	10	10	10																
	286	10	10	10	10																
	287	10	10	10	10																
	288	10	10	10	10																
	289	10	10	10	10																
	290	10	10	10	10																
GENERAL Parcel Id: 32-19-31-513-0000-2850 Owner: CAMPBELL LONDON D & Own/Addr: CHISHOLM TEWANA Mailing Address: 2423 ORANGE AVE City,State,ZipCode: SANFORD FL 32771 Property Address: 2431 WATER ST SANFORD 32771 Subdivision Name: MIDWAY Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL							2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$4,200 Land Value Ag: \$0 Just/Market Value: \$4,200 Assessed Value (SOH): \$4,200 Exempt Value: \$0 Taxable Value: \$4,200 Tax Estimator														
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>TAX DEED</td> <td>11/2006</td> <td>06477</td> <td>1027</td> <td>\$6,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision							Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	TAX DEED	11/2006	06477	1027	\$6,000	Vacant	No	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$68 2006 Taxable Value: \$4,200 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified															
TAX DEED	11/2006	06477	1027	\$6,000	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>40</td> <td>104</td> <td>.000</td> <td>125.00</td> <td>\$4,200</td> </tr> </tbody> </table>							Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	40	104	.000	125.00	\$4,200	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG LOT 285 MIDWAY PB 1 PG 41		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																
FRONT FOOT & DEPTH	40	104	.000	125.00	\$4,200																
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.																					

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 285 MIDWAY PB 1 PG 41

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

FINDINGS OF FACT

Property Owner: LONDON D. CAMPBELL
2431 WATER STREET
SANFORD, FL 32771

Project Name: WATER STREET (LOT 285)

Requested Development Approval:

Request for a (1) minimum lot size variance from 8,400 square feet to 4,160; (2) a width at the building line from 70 feet to 40 feet; (3) a rear (west) yard setback from 30 feet to 13 feet; (4) a side yard setback from 7.5 feet to 6.5 feet; and (5) a side (south) yard setback from 7.5 feet to 6.5 feet for a proposed single family home in the R-1 (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 proposed lot and 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: _____
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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: