

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

SUBJECT: 5845 South Sylvan Lake Drive – Request for a front yard setback variance from 50 feet to 40.61 feet for a proposed porch addition in the A-1 (Agriculture District); (Donald Sherback, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

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

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a front yard setback variance from 50 feet to 40.61 feet for a proposed porch addition in the A-1 (Agriculture District); (Donald Sherback, applicant); or
2. **DENY** the request for a front yard setback variance from 50 feet to 40.61 feet for a proposed porch addition in the A-1 (Agriculture District); (Donald Sherback, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Donald Sherback
	Location:	5845 South Sylvan Lake Drive
	Zoning:	A-1
	Subdivision:	Trove Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct an 8 foot by 12.7 foot front porch on an existing home that was constructed in 1959. • The proposed porch will encroach 9.39 feet into the front yard setback. • 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">• 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.• 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.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance. <i>The applicant would still retain reasonable use of their property without the granting of the variance.</i>• 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 proposed porch 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 # BY 2006-220
Meeting Date 1-22-07



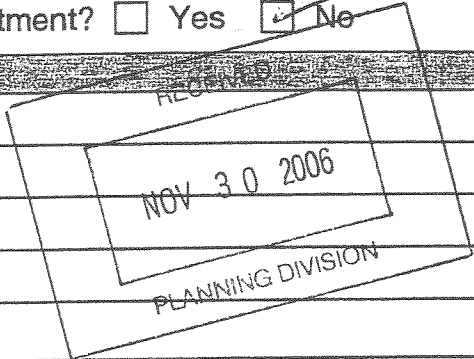
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: DONALD SHERBACK
Address: 5845 S. SYLVAN LK DR. City: SANFORD Zip code: 32771
Project Address: SAME AS ABOVE City: _____ Zip code: _____
Contact number(s): GREGORY SHERBACK 321-663-2683
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 type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>PORCH ADDITION: 8' X 12 1/2'</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>50'</u>	Proposed setback: <u>40.61</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 checked="" type="checkbox"/> Total number of variances requested <u>1</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: Donald Sherback

FOR OFFICE USE ONLY

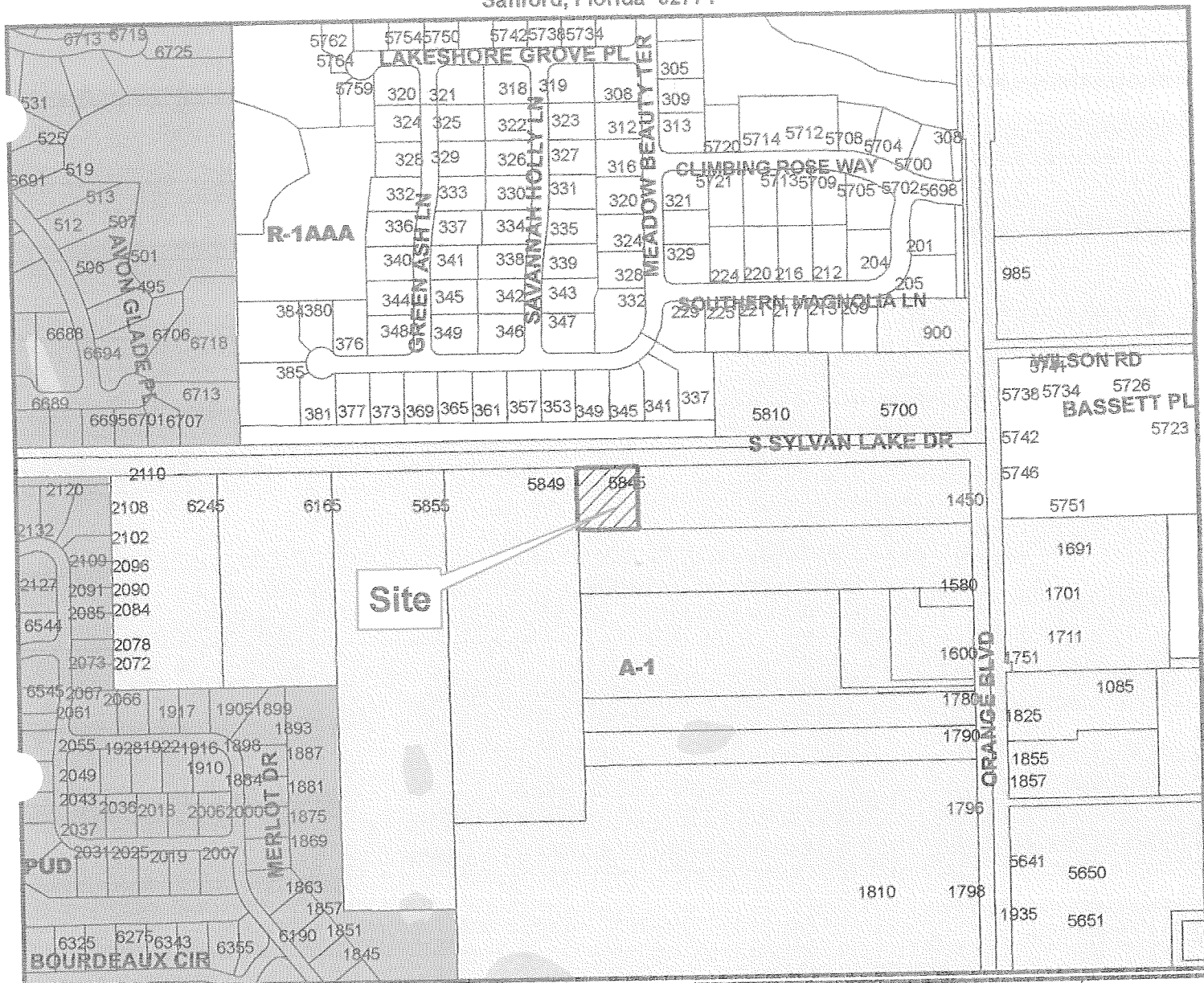
Date Submitted: 11-30-06 Reviewed By: P. Johnson
 Tax parcel number: 36-19-29-601-0000-0010 Zoning/FLU A-1/SE
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!





<p><i>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.</i></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 ½ 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 or 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.

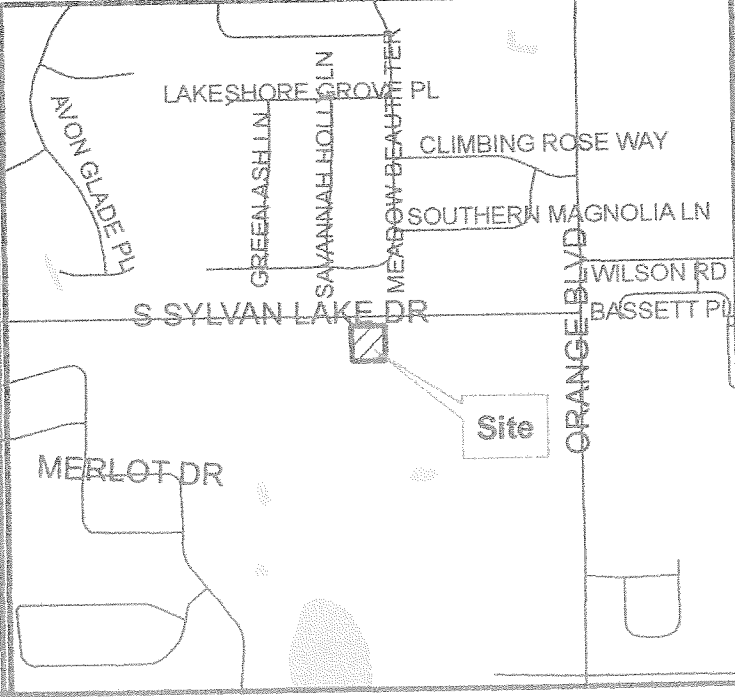
Donald Sherback
 5845 S Sylvan Lake Drive
 Sanford, Florida 32771



Seminole County Board of Adjustment
January 22, 2007
Case: BV2006-220 (Map 3051, Grid A2)
Parcel No: 36-19-29-501-0000-0010

Zoning

-  BV2006-220
-  A-1
-  R-1AAA
-  PUD



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-666-7506		TRACT D 85 87 88 89 90 91 92 93 94 41A TRACT A S SYLVAN LAKE DR 1.0 4.0 12 3 4 5 6 7 8 9 11 13 14 1																																															
GENERAL Parcel Id: 36-19-29-501-0000-0010 Owner: SHERBACK DONALD J Mailing Address: 5845 S SYLVAN LAKE DR City, State, Zip Code: SANFORD FL 32771 Property Address: 5845 SYLVAN LAKE DR S SANFORD 32771 Subdivision Name: TROVE PARK Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY				2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$82,663 Depreciated EXFT Value: \$806 Land Value (Market): \$68,160 Land Value Ag: \$0 Just/Market Value: \$151,629 Assessed Value (SOH): \$151,629 Exempt Value: \$0 Taxable Value: \$151,629 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>WARRANTY DEED</td> <td>08/2004</td> <td>05448</td> <td>0409</td> <td>\$169,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1992</td> <td>02733</td> <td>0847</td> <td>\$24,300</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1983</td> <td>01507</td> <td>1499</td> <td>\$27,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1979</td> <td>01212</td> <td>1940</td> <td>\$10,500</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision				Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/2004	05448	0409	\$169,500	Improved	Yes	WARRANTY DEED	07/1992	02733	0847	\$24,300	Improved	No	WARRANTY DEED	12/1983	01507	1499	\$27,500	Improved	Yes	WARRANTY DEED	02/1979	01212	1940	\$10,500	Improved	Yes	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$2,451 2006 Taxable Value: \$152,094 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS										
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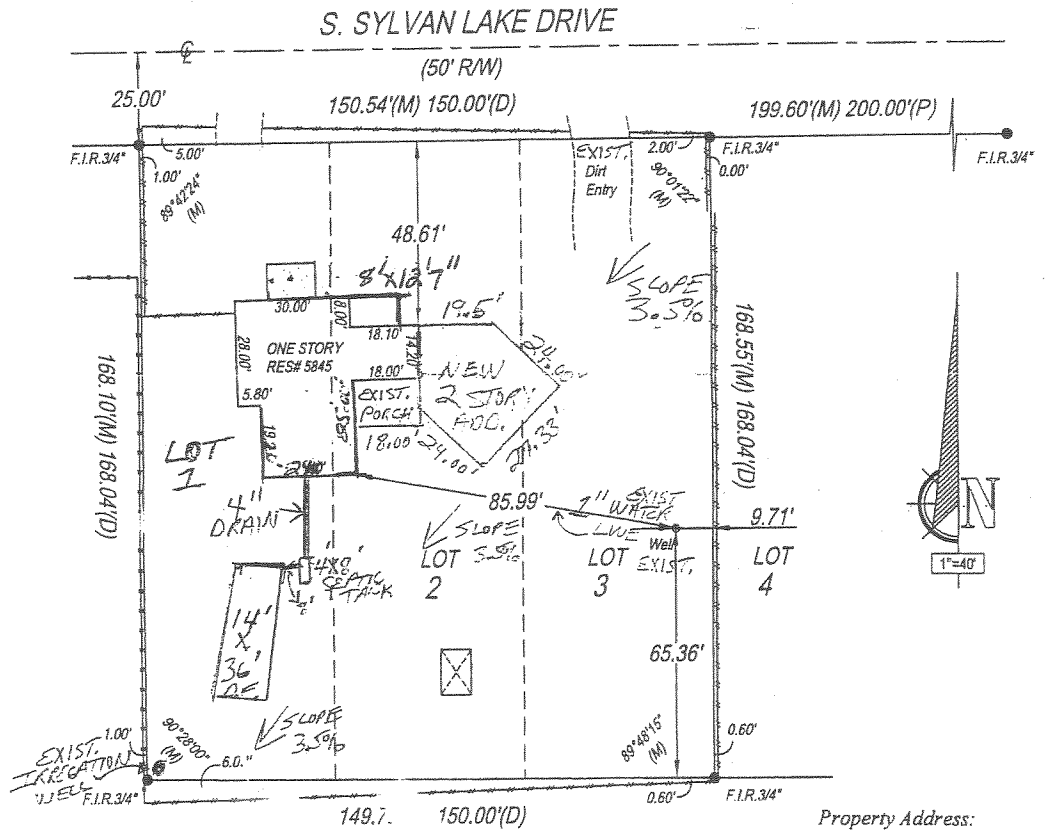
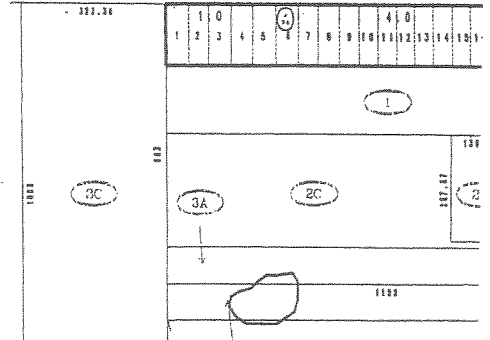
SWERDLOFF & LONG SURVEYING, INC.

Legal Description

Lots 1, 2 and 3 (LESS road), TROVE PARK, according to the plat thereof, as recorded in Plat Book 4, Page(s) 76, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0040
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 8/24/2004 Completion Date: 8/24/2004

Certified to:
 Donald J. Sherback; GulfAtlantic Title, a division of Lawyers Title Insurance Corporation; Watson Mortgage Corporation, its' successors and/or assigns.



Property Address:
 5845 South Sylvan Lake Drive
 Sanford, FL 32771

Survey number: SL 39918

W	Wood Fence	CATV	Cable Riser	M.H.	Manhole
WF	Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
FN	Found Nail	Tel.	Telephone Facilities	O.R.	Official Records
PC	Property Corner	CA	Covered Area	O.R.B.	Official Records Book
R	Record	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
FM	Field Measured	CH	Chord	P.R.M.	Permanent Reference Monument
CL	Clear	RAD	Radial	PG.	Page
E	Encroachment	N.R.	Non Radial	PVMT.	Pavement
CL	Centerline	A/C	Air Conditioner	P.B.	Plat Book
CON	Concrete	B.M.	Bench Mark	P.O.B.	Point of Beginning
PL	Property Line	C.	Calculated	P.O.C.	Point of Commencement
CM	Concrete Monument	ZZZ	Block Wall	P.O.L.	Point of Line
IR	Found Iron Rod	CA	Central Angle/Delta	P.C.	Point of Curvature
IRP	Found Iron Pipe	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
ROW	Right Of Way	D.	Description or Deed	P.T.	Point of Tangency
N&D	Nail & Disk	D.H.	Drill Hole	R.	Radius(Radial)
DE	Drainage Easement	D/W	Drive way	R.O.E.	Roof Overhang Easement
UE	Utility Easement	ESMT	Easement	S.I.R.	Set Iron Rod & Cap
F	Found	EL	Elevation	S/W	Sidewalk
P	Plat	FF	Finished Floor	T.O.P.	Top of Bank
A	Asphalt	F.C.M.	Found Concrete Monument	TYP.	Typical
OU	Overhead Utilities	F.P.K.	Found Parker-Kalon Nail	W.C.	Witness Corner
PP	Power Pole	L.	Length	10.05	Existing Elevation
T	Transformer	L.A.E.	Limited Access Easement	E.O.W.	Edge of Water

- ### GENERAL NOTES
- Legal description provided by others
 - The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat.
 - Underground portions of footings, foundations or other improvements were not located.
 - Wall ties are to the face of the wall.
 - Only visible encroachments located.
 - No identification found on property corners unless noted.
 - Dimensions shown are plat and measured unless otherwise noted.
 - Elevations if shown are based upon N.G.V.D. 1939 unless otherwise noted.
 - Adjoining lots are within the same block, unless otherwise noted.
 - This is an AS-BUILT SURVEY unless noted.
 - Not valid unless sealed with the signing surveyor's embossed seal.
 - Flood zone determinations are provided as advisory 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.
 - L.B. 7132
- I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lots 1, 2, & 3 (Less Road) Trove Park PB 4 PG 76

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

FINDINGS OF FACT

Property Owner: Donald Sherback
5845 South Sylvan Lake Road
Sanford, Fl. 32771

Project Name: 5845 South Sylvan Lake Road

Requested Development Approval:

Request for a front yard setback variance from 50 feet to 40.61 feet for a proposed porch addition in 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: Kathy Fall, Principal 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 porch 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: