

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

SUBJECT: 5420 Lake Avenue – Garry Prickel, applicant; Request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in A-1 (Agricultural District).

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

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

Agenda Date 2/26/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in A-1 (Agricultural District); or
2. **APPROVE** the request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in A-1 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Garry Prickel Location: 5420 Lake Avenue Zoning: A-1 (Agricultural District) Subdivision: Eureka Hammock
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance for an existing 13 foot by 30 foot shed that encroaches 10 feet into the required 10-foot side yard setback. • According to aerials a shed has been in this approximate location since the 80's. • There currently is a building violation for the reconstruction of this shed. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • No special conditions or circumstances exist, which

	<p>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.</p> <ul style="list-style-type: none">• 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 requested is not 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.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the shed 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Feb 26
Meeting Date

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

Application # BU2007-04
Meeting Date 2-26-07

COPY



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

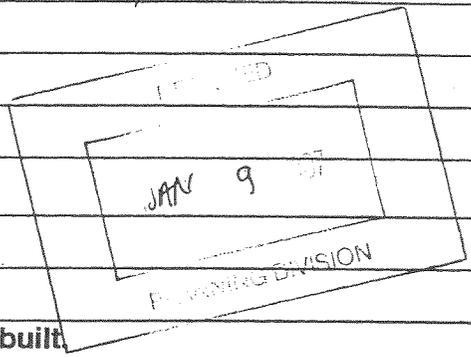
PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: GARRY PRICKEL
Address: 5420 LAKE AVE City: SANFORD Zip code: 32773
Project Address: SAME City: _____ Zip code: _____
Contact number(s): 407-712-4647
Email address: 407-324-8030

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>PUMP HOUSE W/ WATER TREATMENT EQUIP.</u>
<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 type="checkbox"/> Other	Please describe:



This request is for a structure that has already been built.

What type of variance is this request?

	Required lot size:	Actual lot size:
<input type="checkbox"/> Minimum 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:	Proposed setback: <u>0'</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:

Total number of variances requested 1

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: Larry Prickel Jan. 9/2007

FOR OFFICE USE ONLY

Date Submitted: Jan 09, 2007 Reviewed By: _____
 Tax parcel number: 23-20-30-5A-Q-0000-038A Zoning/FLU H-1 15C
 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: need narrative on history

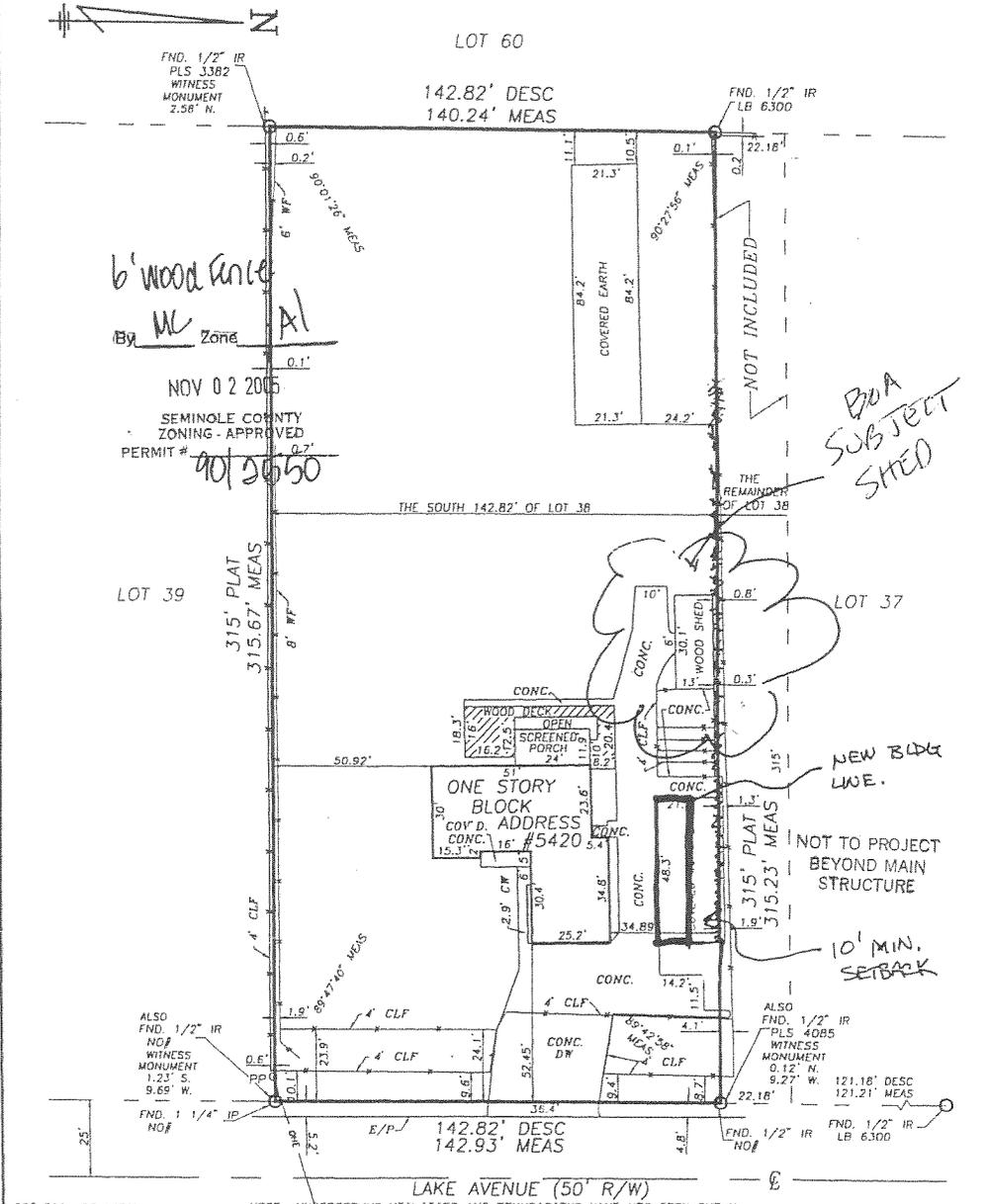
VARIANCE SUBMITTAL CHECKLIST

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 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 <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.

MAP OF SURVEY DESCRIPTION

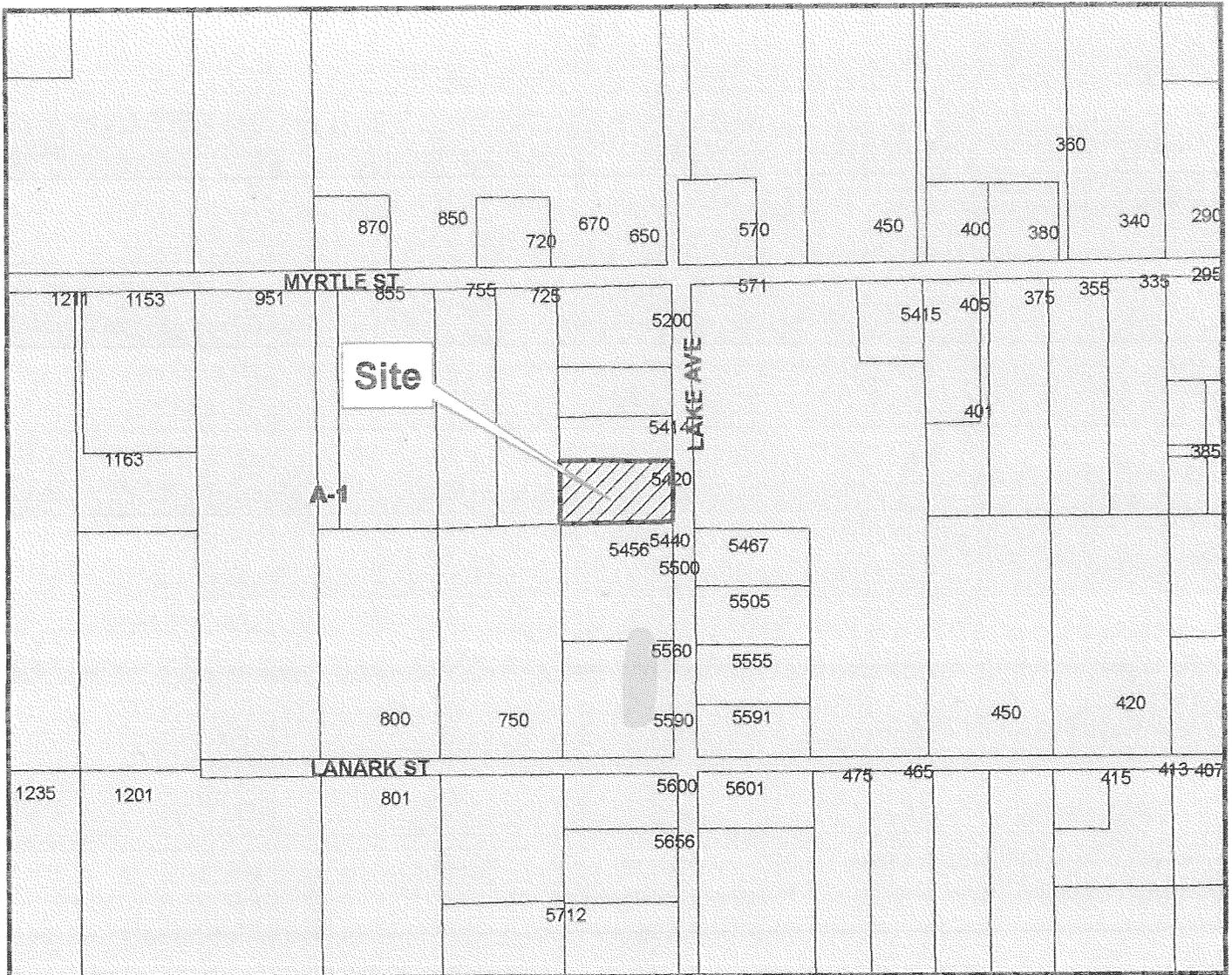
THE SOUTH 142.82 FEET OF LOT 38, EUREKA HAMMOCK, AS RECORDED IN PLAT BOOK 1, PAGE 106, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



LAKE AVENUE (50' R/W)

NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
BOUNDARY SURVEY CERTIFIED TO: GARY PRICKLE

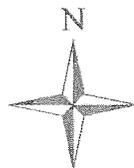
<p>LEGEND</p> <p>BC - BACK OF CURB CALC - CALCULATED C - CENTERLINE CLF - CHAIN LINK FENCE CONC - CONCRETE CP - CONCRETE PAD C/A - CENTRAL ANGLE DESC - DESCRIPTION DW - DRIVEWAY E/P - EDGE OF PAVEMENT FND - FOUND IR - IRON ROD MEAS - MEASURED N&D - NAIL & DISK PC - POINT OF CURVATURE R - RADIUS TYP - TYPICAL UE - UTILITY EASEMENT LB - LICENSE BUSINESS</p> <p>CBW - CONCRETE BLOCK WALL CM - CONCRETE MONUMENT COVD - COVERED CW - CONCRETE WALKWAY DE - DRAINAGE EASEMENT ESMT - EASEMENT FTE - FINISHED FLOOR ELEVATION IP - IRON PIPE L - ARC LENGTH MS - METAL SHED OL - ON LINE P&M - PLAT & MEASURED POB - POINT OF BEGINNING POC - POINT OF COMMENCEMENT R/W - RIGHT OF WAY UB - UTILITY BOX WF - WOOD FENCE # - NUMBER PP - POWER POLE OHE - OVERHEAD ELECTRIC</p>	<p>REVISITONS:</p> <p>FIELD DATE: MAR. 24, 2005 SCALE: 1" = 40' DRAWN BY: B.D.</p> <p style="text-align: center;">M.A.P. Land Surveying, Inc.</p> <p style="text-align: center;">4515 Curry Ford Rd. Suite C Orlando FL 32812 PH. 407 898 4557 FAX 407 898 4874</p> <p>E-Mail: Maplandsurveying@AOL.com LB #7084</p>	<p>THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO.120179 0135 E, SEMINOLE COUNTY, FLORIDA.</p> <p>BEARING STRUCTURE BASED ON: THE WEST RIGHT OF WAY LINE OF LAKE AVENUE.</p> <p style="text-align: center;"><i>Andrew Perry</i> Andrew Perry, P.S.M. Professional Surveyor & Mapper #6124 *NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.*</p>
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Seminole County Board of Adjustment
February 26, 2007
Case: BV2007-04 (Map 3105, Grid C5)
Parcel No: 23-20-30-5AQ-0000-038A

Zoning

-  BV2007-04
-  A-1



DAVID JOHNSON, CFA, ASA

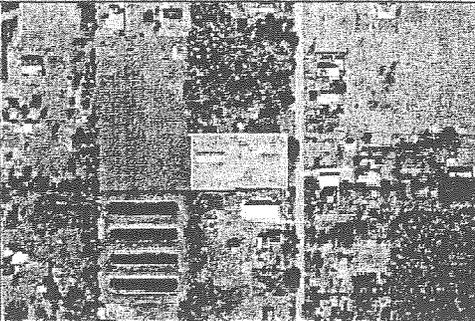
PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

59.A	80.A	35.0	34	33	11.B
		38.0	32		
	80.C	38.0	31		
		38.A	30		
		39.0	29		
59.0	80.0				

LAKE AVE



GENERAL

Parcel Id: 23-20-30-5AQ-0000-038A
 Owner: PRICKEL GARRY J & ROSEANN
 Mailing Address: 5420 LAKE AVE
 City,State,ZipCode: SANFORD FL 32773
 Property Address: 5420 LAKE AVE SANFORD 32773
 Subdivision Name: EUREKA HAMMOCK
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (1994)
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$149,692
Depreciated EXFT Value:	\$2,786
Land Value (Market):	\$41,200
Land Value Ag:	\$0
Just/Market Value:	\$193,678
Assessed Value (SOH):	\$59,007
Exempt Value:	\$25,000
Taxable Value:	\$34,007
Tax Estimator	

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	03/1987	01826	1700	\$59,900	Improved	Yes
WARRANTY DEED	09/1978	01190	1653	\$28,000	Improved	Yes
WARRANTY DEED	01/1977	01141	0748	\$3,800	Vacant	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Value(without SOH):	\$2,736
2006 Tax Bill Amount:	\$520
Save Our Homes (SOH) Savings:	\$2,216
2006 Taxable Value:	\$32,288

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	1.030	40,000.00	\$41,200

LEGAL DESCRIPTION

PLATS:

LEG S 142.82 FT OF LOT 38 EUREKA HAMMOCK PB 1 PG 106

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	1978	5	1,070	2,266	1,374	CONC BLOCK	\$149,692	\$170,105
	Appendage / Sqft		UTILITY UNFINISHED / 384						
	Appendage / Sqft		BASE / 304						
	Appendage / Sqft		GARAGE UNFINISHED / 390						
	Appendage / Sqft		OPEN PORCH FINISHED / 34						
	Appendage / Sqft		UTILITY FINISHED / 84						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM SCREEN PORCH W/CONC FL	1993	216	\$980	\$1,836
WOOD CARPORT NO FL	1993	1,008	\$1,331	\$3,024
WOOD CARPORT NO FL	1993	360	\$475	\$1,080

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad

300

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG S 142.82 FT OF LOT 38 EUREKA HAMMOCK PB 1 PG 106

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

FINDINGS OF FACT

Property Owner: Garry Prickel
5420 Lake Avenue
Sanford FL 32773

Project Name: Lake Avenue (5420)

Requested Development Approval:

Request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in A-1 (Agricultural District).

The Development Approval was sought to bring into compliance the construction of a shed within the side yard setback. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

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:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG S 142.82 FT OF LOT 38 EUREKA HAMMOCK PB 1 PG 106

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

FINDINGS OF FACT

Property Owner: Garry Prickel
5420 Lake Avenue
Sanford FL 32773

Project Name: Lake Avenue (5420)

Requested Development Approval:

Request for a side yard (north) setback variance from 10 feet to 0 feet for an existing shed in A-1 (Agricultural 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 shed 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: