

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 220 Saunders Trail – Dale & Ellen Sherman, applicants; Request for a 1) front yard setback variance from 100 feet to 70 feet and a 2) side yard setback variance from 10 feet to 4 feet for a proposed storage building that projects in front of the building line in A-5 (Rural District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 3/26/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a 1) front yard setback variance from 100 feet to 70 feet and a 2) side yard setback variance from 10 feet to 4 feet for a proposed storage building that projects in front of the building line in A-5 (Rural District); or
2. **APPROVE** the request for a 1) front yard setback variance from 100 feet to 70 feet and a 2) side yard setback variance from 10 feet to 4 feet for a proposed storage building that projects in front of the building line in A-5 (Rural District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicants: Dale & Ellen Sherman Location: 220 Saunders Trail Zoning: A-5 (Rural District) Subdivision: Saunders Hills 5 Acre Development
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 900 square foot storage building that would project in front of the established building line. • The proposed 30 by 30-foot metal building would 1) encroach 30 feet into the required 100-foot front yard setback and 2) encroach 6 feet into the required 10-foot side yard setback.

	<ul style="list-style-type: none"> • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
<p>STAFF FINDINGS</p>	<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 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.
<p>STAFF RECOMMENDATION</p>	<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 proposed storage building 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

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

COPY

Application # BV 2007-14
Meeting Date 3-26-07



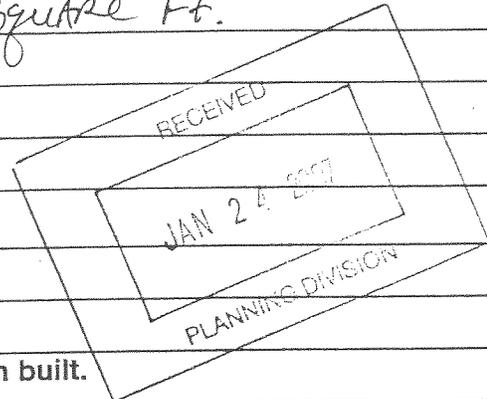
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: DALE D SHERMAN
Address: 220 SAUNDERS TRL City: Geneva Zip code: 32732
Project Address: 220 SAUNDERS TRL City: Geneva Zip code: 32732
Contact number(s): (407) 349-9880 (407) 474-3564 cell
Email address: _____

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>900 square ft.</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:
<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>100</u>	Proposed setback: <u>70 ft.</u>	
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback: <u>10</u>	Proposed setback: <u>4 ft.</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 <u>2</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] 1/24/07

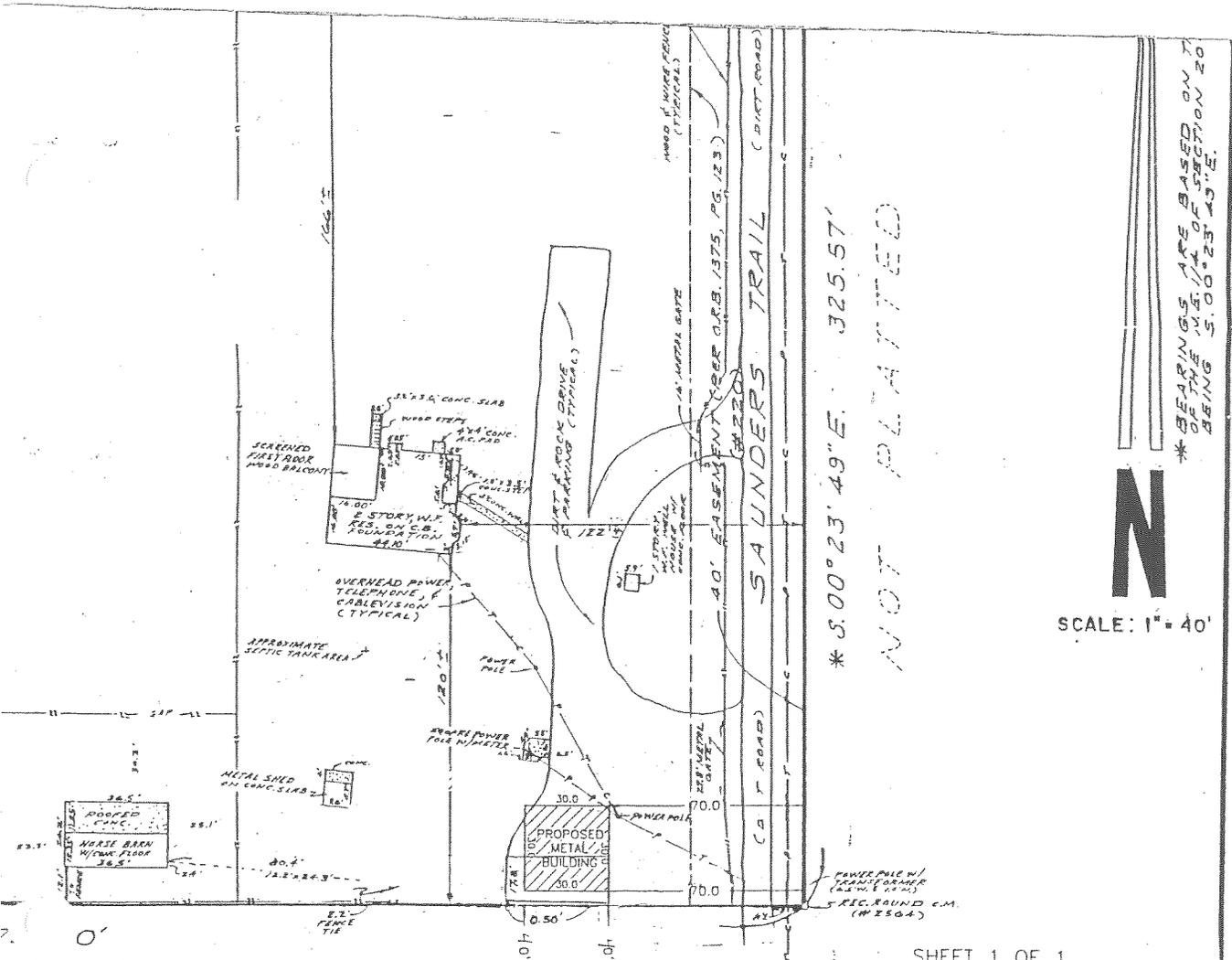
FOR OFFICE USE ONLY

Date Submitted: 1-24-07 Reviewed By: K.F.
 Tax parcel number: 20-20-32-302-002B-0000 Zoning/FLU A-5/R-5
 Legally created parcel (1971 tax roll, 5-acre dev, lot split) 002K
 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.



N
 SCALE: 1" = 40'

* BEARINGS ARE BASED ON T
 OF THE N.A. 1/4 OF SECTION 20
 BEING S. 00° 23' 49" E.

SHEET 1 OF 1

PLOT PLAN
 OF
 220 SAUNDERS TRAIL
 FOR
 DALE D. SHERMAN

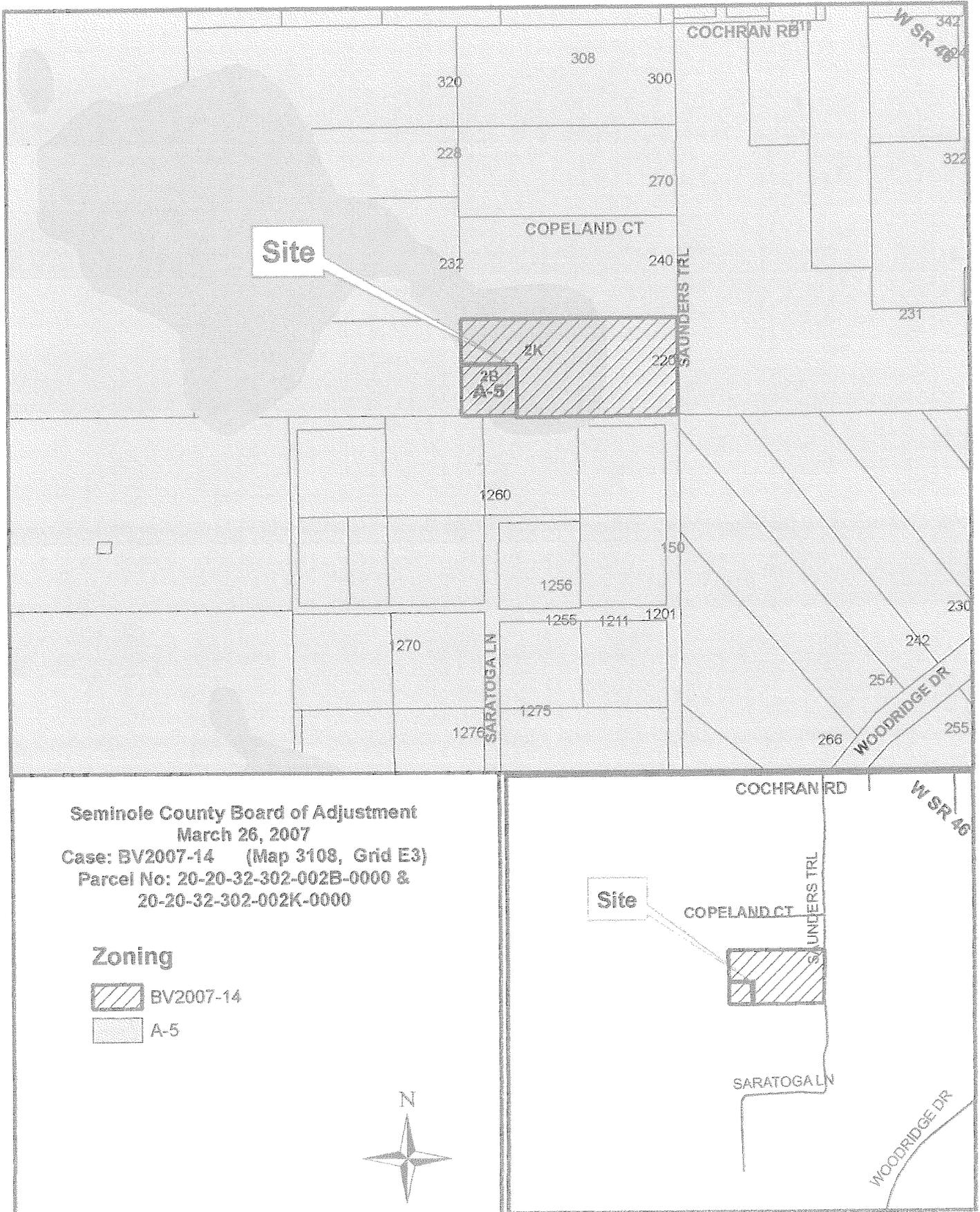
THIS IS NOT A SURVEY

Job No:	
Field Date:	1-28-07
Drawn By:	JAL
Field By:	JAL
Scale:	1" = 40'
Drawing File:	20-20-32



**HENRICH-LUKE &
 SWAGGERTY, LLC**
 surveyors & mappers
 250 Ronald Reagan Blvd.
 Suite 114
 Longwood, FL 32750
 (407) 647-7346
 FAX (407) 647-8097
 Licensed Business No. 7276

Ellen & Dale Sherman
220 Saunders Trail
Geneva, Florida 32732

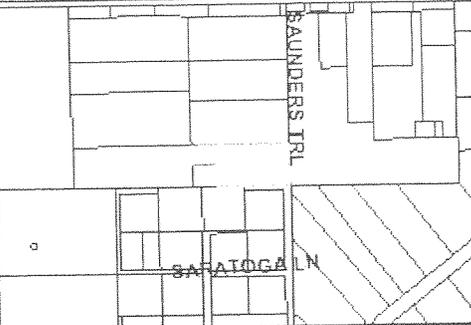
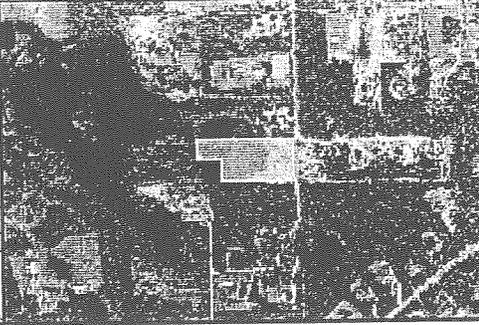


<p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>	<p>(LOT 5) 2D</p> <p>(LOT 4) 2B 2K</p> <p>23 17 20 16</p>																																																			
<p align="center">GENERAL</p> <p>Parcel Id: 20-20-32-302-002B-0000</p> <p>Owner: SHERMAN DALE D & ELLEN D</p> <p>Mailing Address: 220 SAUNDERS TRL</p> <p>City,State,ZipCode: GENEVA FL 32732</p> <p>Property Address: 220 SAUNDERS TRL GENEVA 32732</p> <p>Subdivision Name:</p> <p>Tax District: G1-AGRICULTURAL</p> <p>Exemptions: 00-HOMESTEAD (1997)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$134,040</p> <p>Depreciated EXFT Value: \$13,331</p> <p>Land Value (Market): \$20,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$167,371</p> <p>Assessed Value (SOH): \$118,597</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$93,597</p> <p>Tax Estimator</p>																																																		
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POOL GUNITE	1993	450	\$5,850	\$9,000
COOL DECK PATIO	1993	815	\$1,854	\$2,853
SCREEN ENCLOSURE	1993	2,572	\$2,746	\$5,144

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.

<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																				
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 20-20-32-302-002K-0000 Owner: SHERMAN DALE D & ELLEN D Mailing Address: 220 SAUNDERS TRL City,State,ZipCode: GENEVA FL 32732 Property Address: 220 SAUNDERS TRL GENEVA 32732 Facility Name: Tax District: G1-AGRICULTURAL Exemptions: Dor: 6001-GRAZING LAND - IMPRO</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$2,016 Land Value (Market): \$68,000 Land Value Ag: \$1,850 Just/Market Value: \$70,016 Assessed Value (SOH): \$3,866 Exempt Value: \$0 Taxable Value: \$3,866 Tax Estimator</p>																		
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POLE/BARNS/BELOW AVG		1988		1,440	\$2,016	\$5,040														
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SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

1 ACRE HOMESTEAD LOCATED IN SEC 20 TWP 20S RGE 32E E 726 FT OF SE 1/4
OF NE 1/4 (LESS N 1000 FT)

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

FINDINGS OF FACT

Property Owner: Dale D & Ellen D Sherman
220 Saunders Trail
Geneva, Fl 32732

Project Name: Saunders Trail (220)

Requested Development Approval:

Request for a 1) front yard setback variance from 100 feet to 70 feet and 2) a side yard setback variance from 10 feet to 4 feet for a proposed storage building that projects in front of the building line in A-5 (Rural District)

The Development Approval was sought to construct a storage building that projects in front of the building line that would encroach 30 feet into the required 100-foot front yard setback, and 6 feet into the required 10-foot 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: Joy Williams, 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:

Notary Public

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

1 ACRE HOMESTEAD LOCATED IN SEC 20 TWP 20S RGE 32E E 726 FT OF SE 1/4
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Project Name: Saunders Trail (220)

Requested Development Approval:

Request for a 1) front yard setback variance from 100 feet to 70 feet and 2) a side yard setback variance from 10 feet to 4 feet for a proposed storage building that projects in front of the building line in A-5 (Rural 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: Joy Williams, 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 storage building 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: