

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

**SUBJECT:** Scott Drive (Lot 12) - Peggy Smith, applicant; Request for a (1) lot size variance from 8,400 square feet to 6,000 square feet, 2) front yard setback variance from 25 feet to 20 feet, and a 3) side street setback variance from 25 feet to 15 feet for a proposed home in the R-1 (Single Family Dwelling District).

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

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

**Agenda Date** 03/26/07   **Regular**    **Consent**    **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) lot size variance from 8,400 square feet to 6,000 square feet, 2) front yard setback variance from 25 feet to 20 feet, and a 3) side street setback variance from 25 feet to 15 feet for a proposed home in the R-1 (Single Family Dwelling District); or
2. **DENY** the request for a (1) lot size variance from 8,400 square feet to 6,000 square feet, 2) front yard setback variance from 25 feet to 20 feet, and a 3) side street setback variance from 25 feet to 15 feet for a proposed home in the R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Property Owner:	Thomas Madden
	Applicant:	Peggy Smith
	Location:	Southeast corner of 1 <sup>st</sup> Drive & Scott Dr
	Zoning:	R-1
	Subdivision:	Roseland Park
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>The applicant is proposing to construct a single family home on platted lot which does not meet the required lot size.</li> <li>The proposed home, consisting of approximately 2000 square feet, encroaches 5 feet into the 25 foot front yard</li> </ul>	

	<p>setback and 10 feet in the side street setback.</p> <ul style="list-style-type: none"><li>• The subject property is located in the Hardens Addition which has been designated as a Community Development Target area, known as Roseland Park, by Seminole County in order to promote new housing opportunities.</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>	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• 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>Special conditions exist because the lot was platted in 1947 prior to the adoption of the Land Development Code in 1960.</i></li><li>• Special conditions and circumstances did not result from the actions of the applicant. <i>The applicant has own one platted lot and does not own any adjacent lots.</i></li><li>• 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. <i>There are several homes on one platted lot in the surrounding area that do not meet the lot size requirements of zoning district.</i></li><li>• 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. <i>Other properties in the Bookertown plat have been developed on one platted lot and the size of the proposed home is typical for the area..</i></li><li>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant would not have reasonable use of the property without the requested variances.</i></li><li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance. <i>The platted lot could not be developed with</i></li></ul>

	<p><i>a typical single family home unless there were variances granted for the lot size, side yard and side street setbacks.</i></p>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends approval of the request, based upon the following conditions:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the platted lot and proposed home 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>

**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 # 0112007-15  
Meeting Date 3-24-07



**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: Thomas Madden Peggy Smith  
Address: P.O. Box 4153 City: Sanford Zip code: 32771  
Project Address: 1st Drive : Scott DR Lot 12 City: Sanford Zip code: 32771  
Contact number(s): (407) 321-5646 (407) 617-2037  
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>6,000 SQUARE FT</u>
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25'</u>	Proposed setback:	<u>20'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25'</u>	Proposed setback:	<u>15'</u>
<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>3</u>				

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: Peggy Smith 1-24-07

**FOR OFFICE USE ONLY**

Date Submitted: 1-24-07 Reviewed By: DS

Tax parcel number: 31-19-31-502-0000-0120 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!

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.

	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<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.

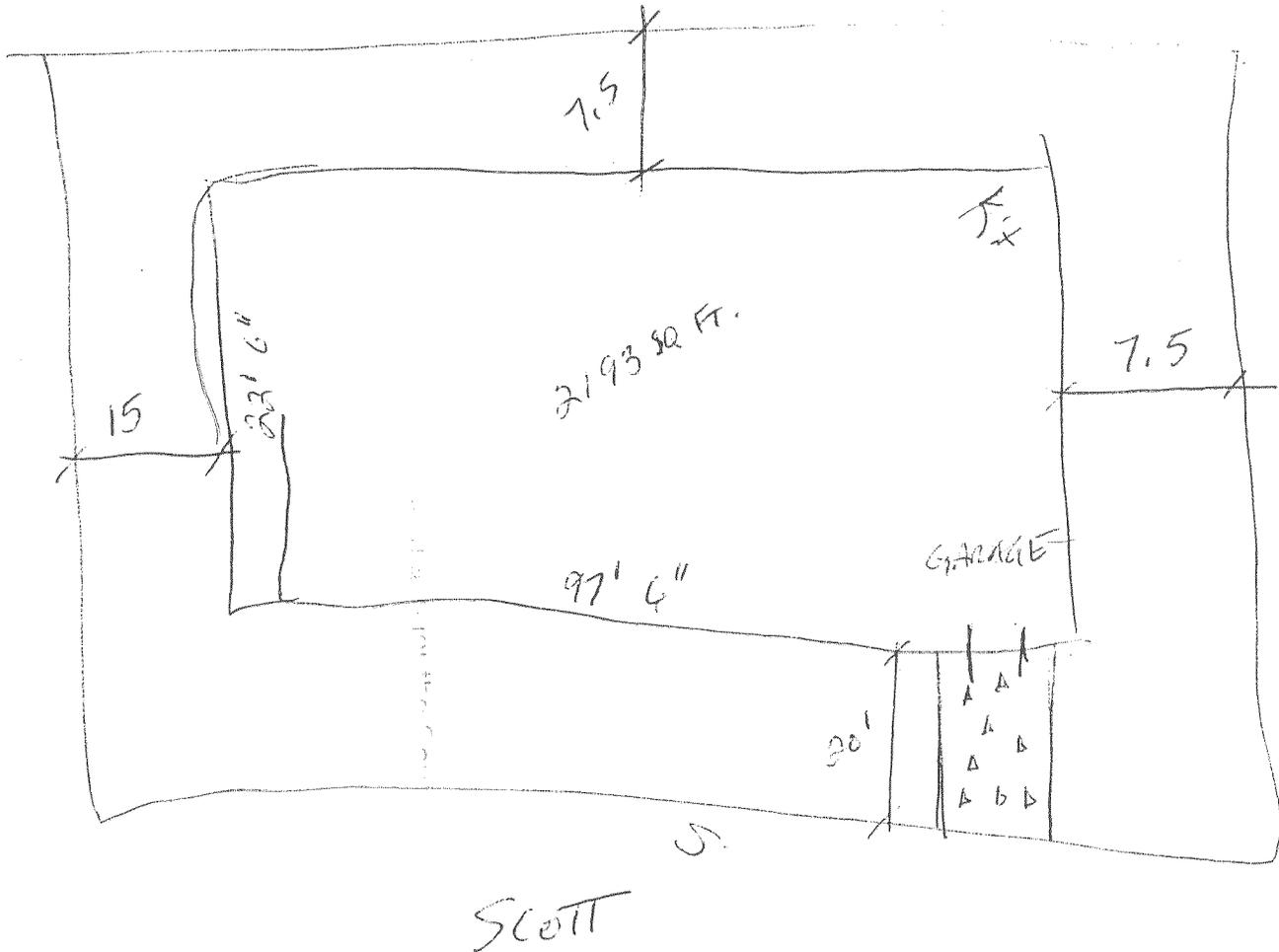


Subject: \_\_\_\_\_

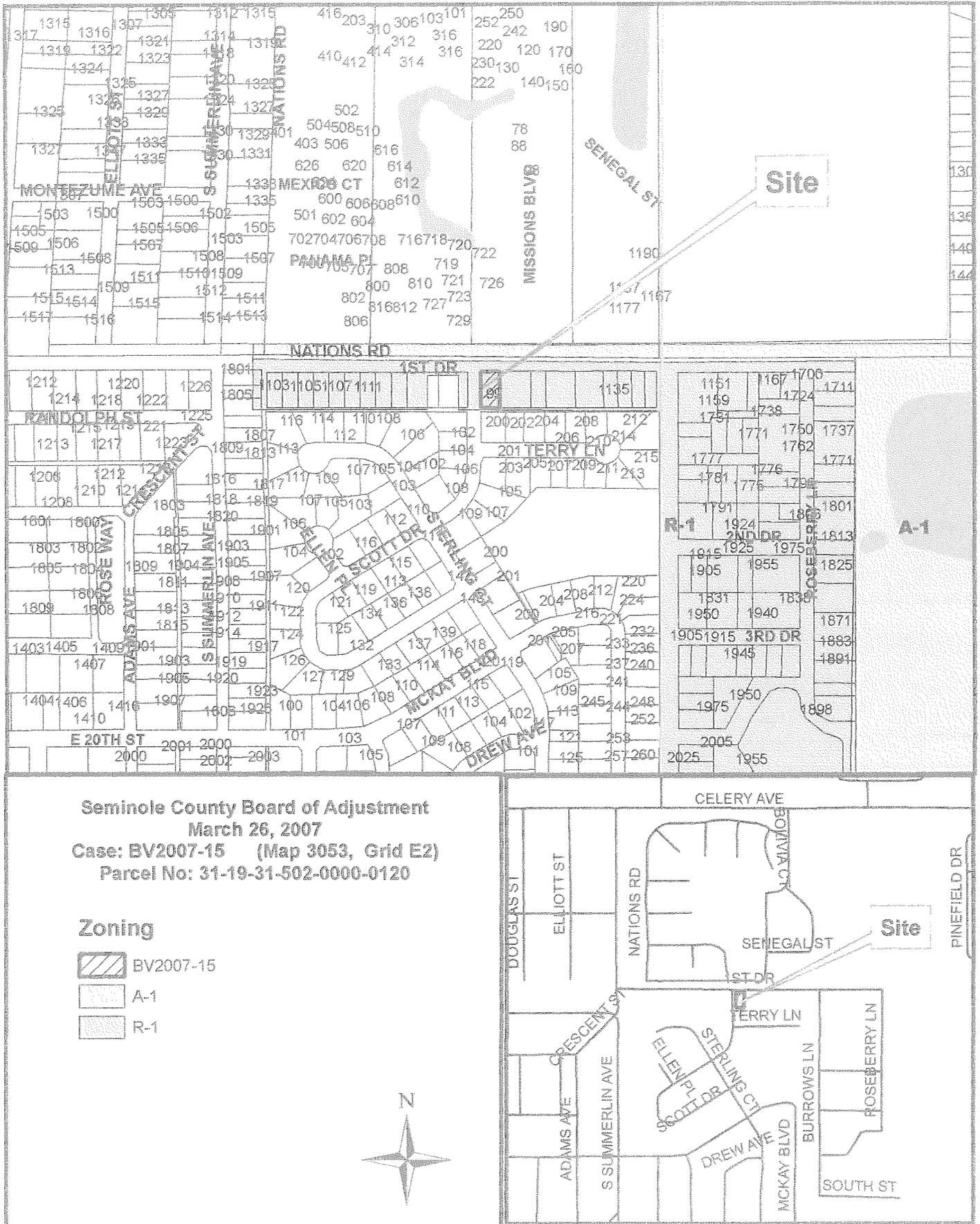
Date: \_\_\_\_\_

Daily Notes

1st Drive



Thomas Madden/Peggy Smith  
 Lot 12, Hardens Addition  
 Corner of 1st Drive & Scott Drive, Sanford, Florida 32771



Seminole County Board of Adjustment  
 March 26, 2007  
 Case: BV2007-15 (Map 3053, Grid E2)  
 Parcel No: 31-19-31-502-0000-0120

**Zoning**

-  BV2007-15
-  A-1
-  R-1



<p>DAVID JOHNSON, CPA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY, FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																													
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 31-19-31-502-0000-0120          Owner: MADDEN THOMAS          Mailing Address: PO BOX 4153          City,State,ZipCode: SANFORD FL 32771          Property Address: 1ST DR SANFORD 32771          Subdivision Name: HARDENS ADD          Tax District: 01-COUNTY-TX DIST 1          Exemptions:          Dor: 00-VACANT RESIDENTIAL</p>	<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market          Number of Buildings: 0          Depreciated Bldg Value: \$0          Depreciated EXFT Value: \$0          Land Value (Market): \$5,688          Land Value Ag: \$0          Just/Market Value: \$5,688          Assessed Value (SOH): \$5,688          Exempt Value: \$0          Taxable Value: \$5,688          Tax Estimator</p>																												
<p align="center"><b>SALES</b></p> <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>QUIT CLAIM DEED</td> <td>07/2001</td> <td>04133</td> <td>1419</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1994</td> <td>02758</td> <td>1655</td> <td>\$400</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/1987</td> <td>01874</td> <td>1040</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	07/2001	04133	1419	\$100	Vacant	No	QUIT CLAIM DEED	04/1994	02758	1655	\$400	Improved	No	QUIT CLAIM DEED	08/1987	01874	1040	\$100	Vacant	No	<p><b>2006 VALUE SUMMARY</b></p> <p>2006 Tax Bill Amount: \$92          2006 Taxable Value: \$5,688          DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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FRONT FOOT & DEPTH	50	120	.000	125.00	\$5,688																								
<p><b>NOTE:</b> 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>																													

3

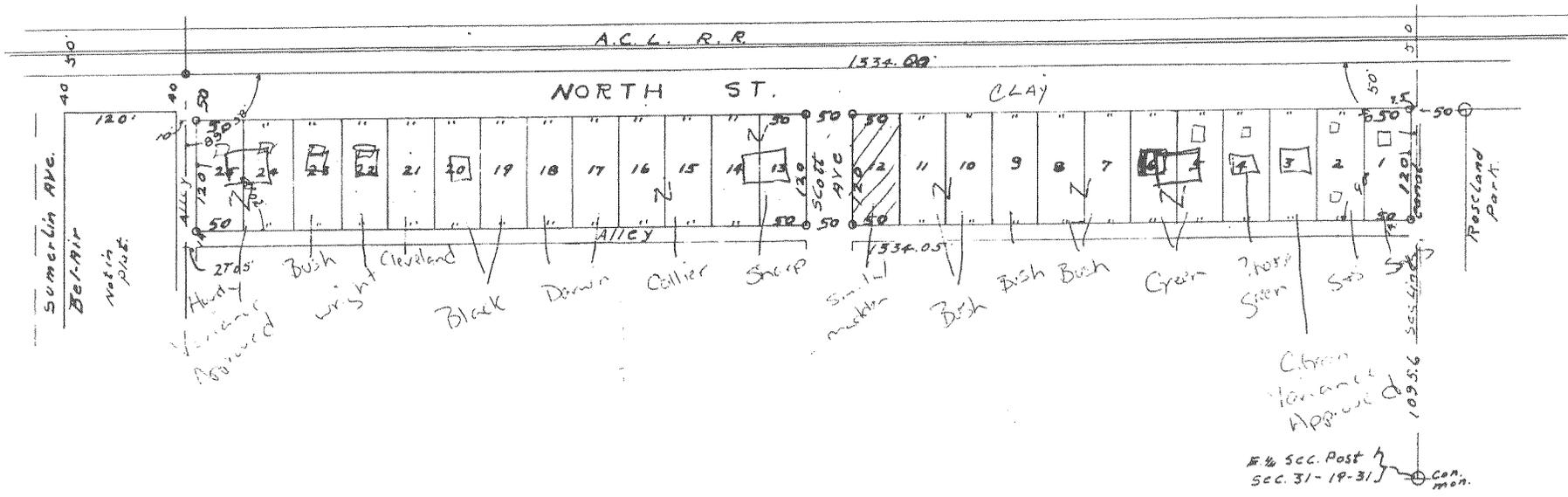
may / 1947

# HARDEN'S ADDITION

SEMINOLE COUNTY FLORIDA.

7-71

91609



Scale 1" = 100'

DISCRIPTION

Begining 1095.6 feet North of East 1/4 Section Post Sec. 31-T.19-S -R31 E. Run west 1334 feet, North 104 feet East 1334.05 feet South 104 feet to begining.

## 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:

Leg Lot 12 Hardens Add PB 7 PG 71

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

### FINDINGS OF FACT

**Property Owner:** Thomas Madden  
P.O. Box 4153  
Sanford, Fl. 32771

**Project Name:** Scott Drive (Lot 12)

**Requested Development Approval:**

Request for a (1) lot size variance from 8,400 square feet to 6,000 square feet, 2) front yard setback variance from 25 feet to 20 feet, and a 3) side street setback variance from 25 feet to 15 feet for a proposed 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: 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 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: