

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Gilbert Street (Lots 148 & 149) - S & S Property Enterprise, applicant; Request for a (1) lot size variance from 8,400 square feet to 7,950 square feet and (2) 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 7,950 square feet and a (2) 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 7,950 square feet and a (2) 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.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	S & S Property Enterprise, Lionel Southward Gilbert Street (Lots 148 & 149) R-1 Bookertown
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family home on two platted lots which do not meet the required lot size. • The proposed home, consisting of approximately 1230 square feet, encroaches 10 feet into the 25 foot side street setback. The side street setback variance is for the property line that abuts an unimproved platted road to the east of the property. The property to the south of 	

	<p>the lot site has vacated a portion of the right of way.</p> <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 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>Special conditions exist because the lot was platted in 1926 prior to the adoption of the Land Development Code in 1960.</i> • Special conditions and circumstances did not result from the actions of the applicant. <i>The applicant has combined two platted lots and does not own any adjacent lots.</i> • 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>The majority of the platted lots in the surrounding area do not meet the lot size requirements of zoning district.</i> • 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> • 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> • The applicant would not retain reasonable use of the land, building or structure without the granting of the variance. <i>The platted lots could not be developed with a typical single family home unless there were variances granted for the lot size and side street setback.</i>
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends approval of the request, based upon the following conditions:</p>

	<ul style="list-style-type: none">• Any variance granted shall apply only to the platted lot and proposed 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.
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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

Application # BU2007-16
Meeting Date 3-26-07

COPY



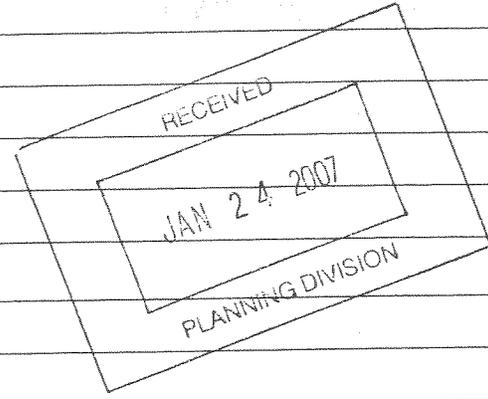
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: S&S Property Enterprise INC (Lionel Southward)
Address: 607 Hickory ave City: Sanford Zip code: 32771
Project Address: Gilbert St Bookertown City: Lake Monroe Zip code: 32771
Contact number(s): 407-374-6564
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>7,950</u>
<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 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>2</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: Lionel Southward

FOR OFFICE USE ONLY

Date Submitted: 1-24-07 Reviewed By: P. Johnson
 Tax parcel number: 20-19-30-501-0600-1480 Zoning/FLU R-1 / MOR
 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: Side Street Setback

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 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.

SWARDLOFF & FERRY

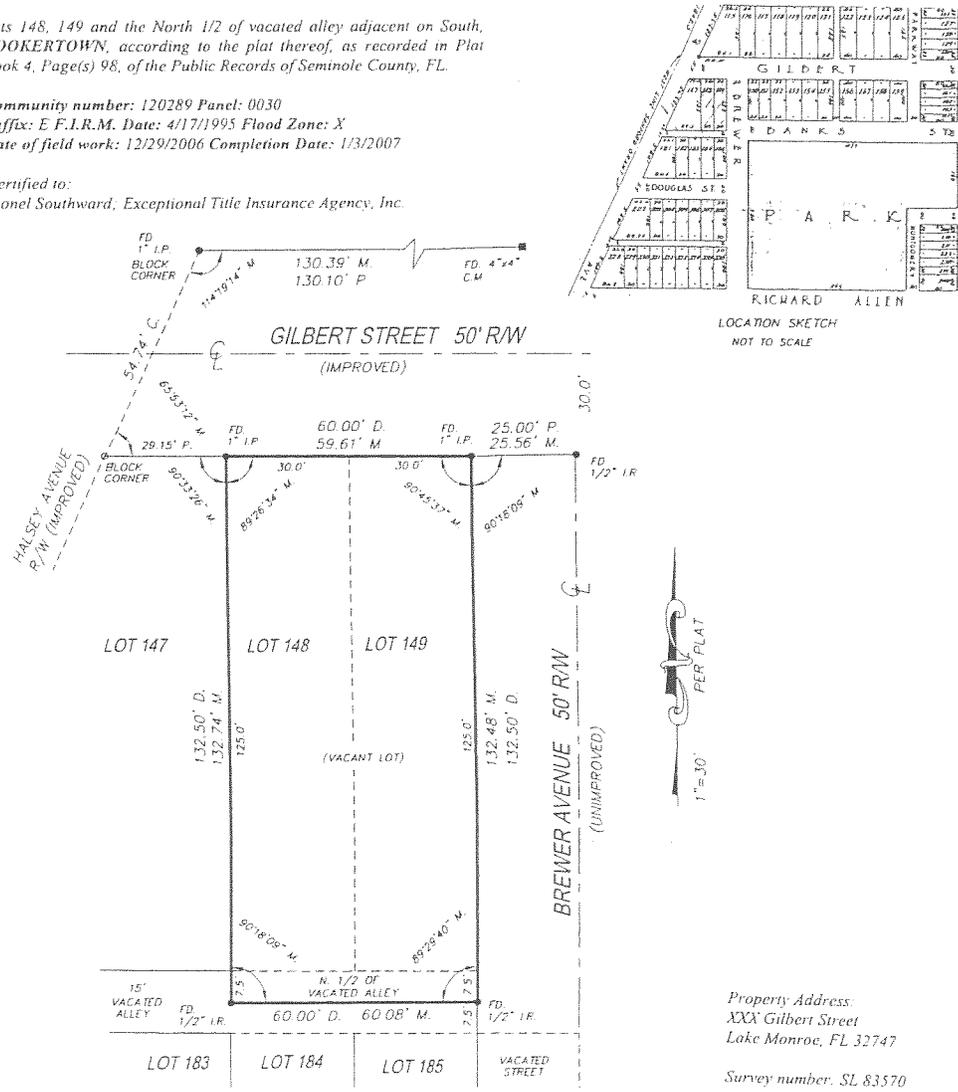
370 Waymont Court - Lake Mary, FL 32746 - Voice 407.688.7631 - Fax 407.688.7691

Legal Description

Lots 148, 149 and the North 1/2 of vacated alley adjacent on South, BOOKERTOWN, according to the plat thereof, as recorded in Plat Book 4, Page(s) 98, of the Public Records of Seminole County, FL.

Community number: 120289 Parcel: 0030
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 12/29/2006 Completion Date: 1/3/2007

Certified to:
 Lionel Southward, Exceptional Title Insurance Agency, Inc.



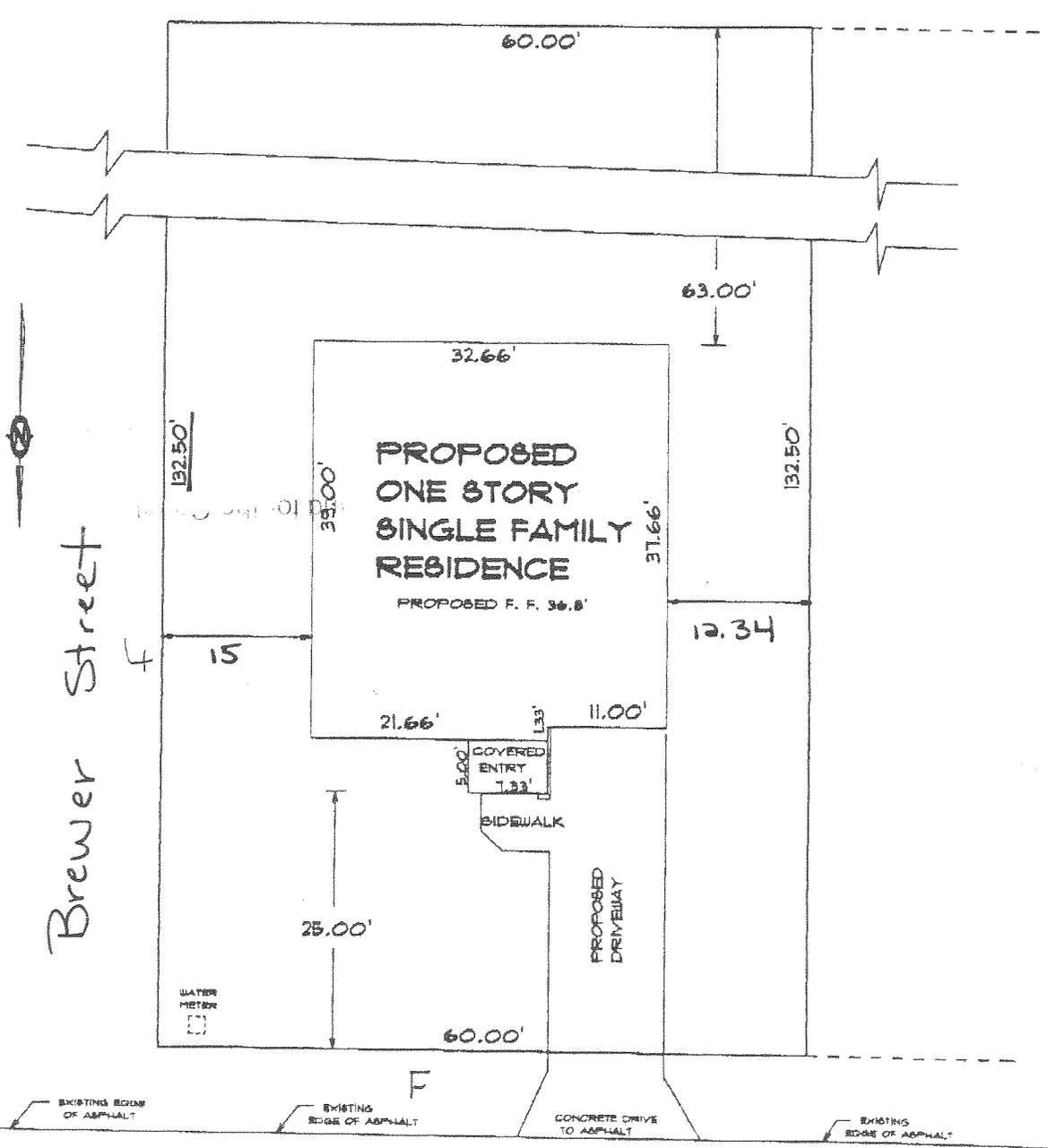
Property Address:
 XXX Gilbert Street
 Lake Monroe, FL 32747
 Survey number: SL 83570

LEGEND

—	Wood Fence	WM	Water Meter	N.T.S.	Not to Scale
—	Wire Fence	TEL	Telephone Facilities	O.R.	Official Records
FN	Found Nail	COV	Covered Area	O.R.B.	Official Records Book
PC	Property Corner	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
R	Record	CH	Chord	P.F.M.	Permanent Reference Monument
M	Field Measures	RAD	Radial	PG	Page
CL	Clear	N.R.	Non Radial	P.V.M.T.	Pavement
ENCR	Encroachment	A/C	Air Conditioner	PB	Plat Book
C	Centerline	B.M.	Bench Mark	P.B.	Point of Beginning
CON	Concrete	C	Calculate	P.O.C.	Point of Commencement
PL	Property Line	2222	Block Wall	B.O.L.	Point on Line
C.M.	Concrete Monument	CA	Central Angle/Chord	P.C.	Point of Curvature
F.I.R.	Found Iron Rod	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
F.I.P.	Found Iron Pipe	D	Description of Deed	P.T.	Point of Tangency
R.W.	Right of Way	D.H.	Drill Hole	R	Radius (Radial)
H&D	Hill & Dip	D.W.	Driveway	R.O.E.	Roof Overhang Easement
D.E.	Drainage Easement	EST	Easement	S.F.R.	Set Iron Rod & Cap
U.E.	Utility Easement	EL	Elevation	SW	Sidewalk
FD	Found	FF	Finished Floor	T.O.B.	Top of Bank
P	Plat	F.C.M.	Found Concrete Monument	TYP	Typical
O.H.U.	Overhead Utilities	F.P.K.	Found Pikes-Rabin Unit	W.C.	Witness Corner
P.P.	Power Pole	L	Length	10.05	Existing Elevation
TX	Transformer	L.A.E.	Limited Access Easement	E.O.W.	Edge of Water
CAV	Cable Rise	M.H.	Manhole	P.C.C.	Point of Compound Curve
CE	Chord Bearing	O	Found	P.I.	Point of Intersection
F.C.C.	Found Cross Cur	O.H.L.	Overhead Lines	R.W.	Right of Way

GENERAL NOTES

1. Legal description provided by others
 2. The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat
 3. Underground portions of footings, foundations or other improvements were not located
 4. Wall ties are to the face of the wall
 5. Only visible encroachments located
 6. No identification found on property corners unless noted
 7. Dimensions shown are plat and measured unless otherwise noted
 8. Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted
 9. Adjoining lots are within the same block unless otherwise noted
 10. This is a BOUNDARY SURVEY unless otherwise noted
 11. Not valid unless sealed with the signing surveyor's embossed seal
 12. Flood zone determinations are provided as a courtesy 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
 13. L.B. 7132
 14. Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies
 15. Bearing basis shown per plat unless otherwise shown
 16. Survey is for reference only unless signed and sealed by a Florida Registered Land Surveyor
 17. All lines are not radial unless otherwise noted
- I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.
- Lionel Southward
 Registered Land Surveyor No. 34113
 License No. 120289-0030-0000-0000-0000-0000



GILBERT STREET (PAVED R/W)

SITE PLAN

SCALE 1" = 15'

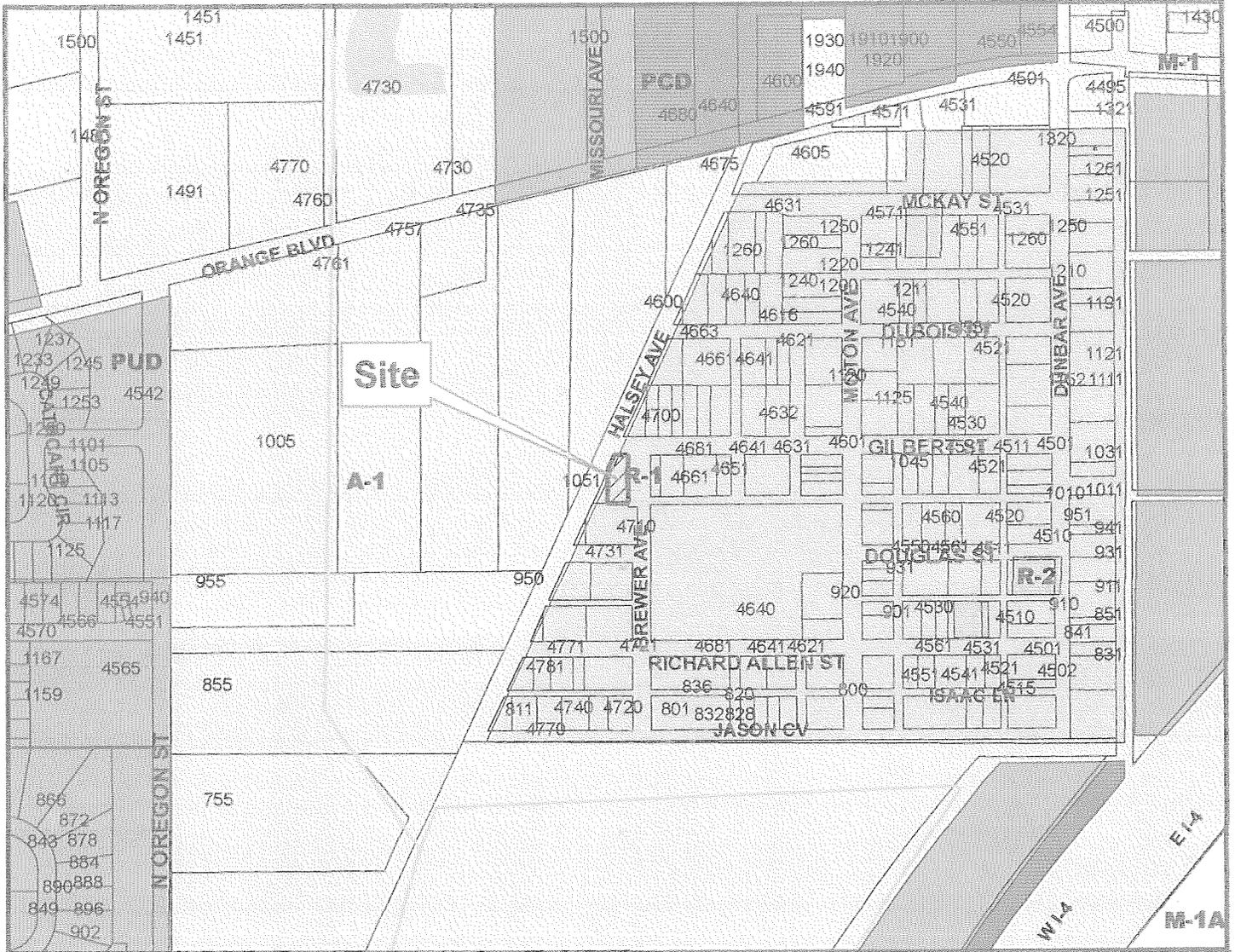
LEGAL DESCRIPTION

Leg Lots 148 & 149 & N 1/2 of vacated Alley adj on B,
 BOOKERTOWN, PB 4, PG 98 as recorded in the
 Public Records of Seminole County, Florida
 Parcel ID #20-19-31-501-0000-1480
 Otherwise known as: Gilbert St. Sanford, FL 32711

SCOPE OF WORK

Construct a new one story, single family residence
 on a now vacant land parcel. The new structure is
 to have a concrete slab on grade foundation, with
 concrete block exterior walls.

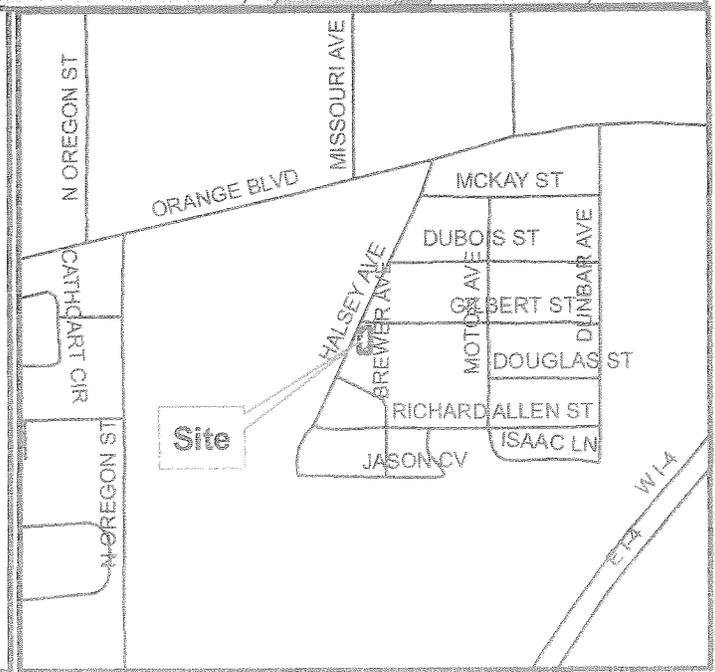
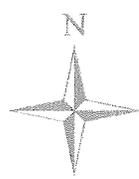
S & S Property Enterprise, Inc./Lionel Southward
 Lots 148 & 149 & N 1/2 of vac'd alley adjacent on south
 Corner of Brewer Avenue & Gilbert Street, Bookertown
 Lake Monroe, Florida 32747



Seminole County Board of Adjustment
 March 26, 2007
 Case: BV2007-16 (Map 2999, Grid E5)
 Parcel No: 20-19-30-501-0000-1480

Zoning

	BV2007-16		R-2		M-1
	A-1		C-2		PUD
	R-1		M-1A		PCD



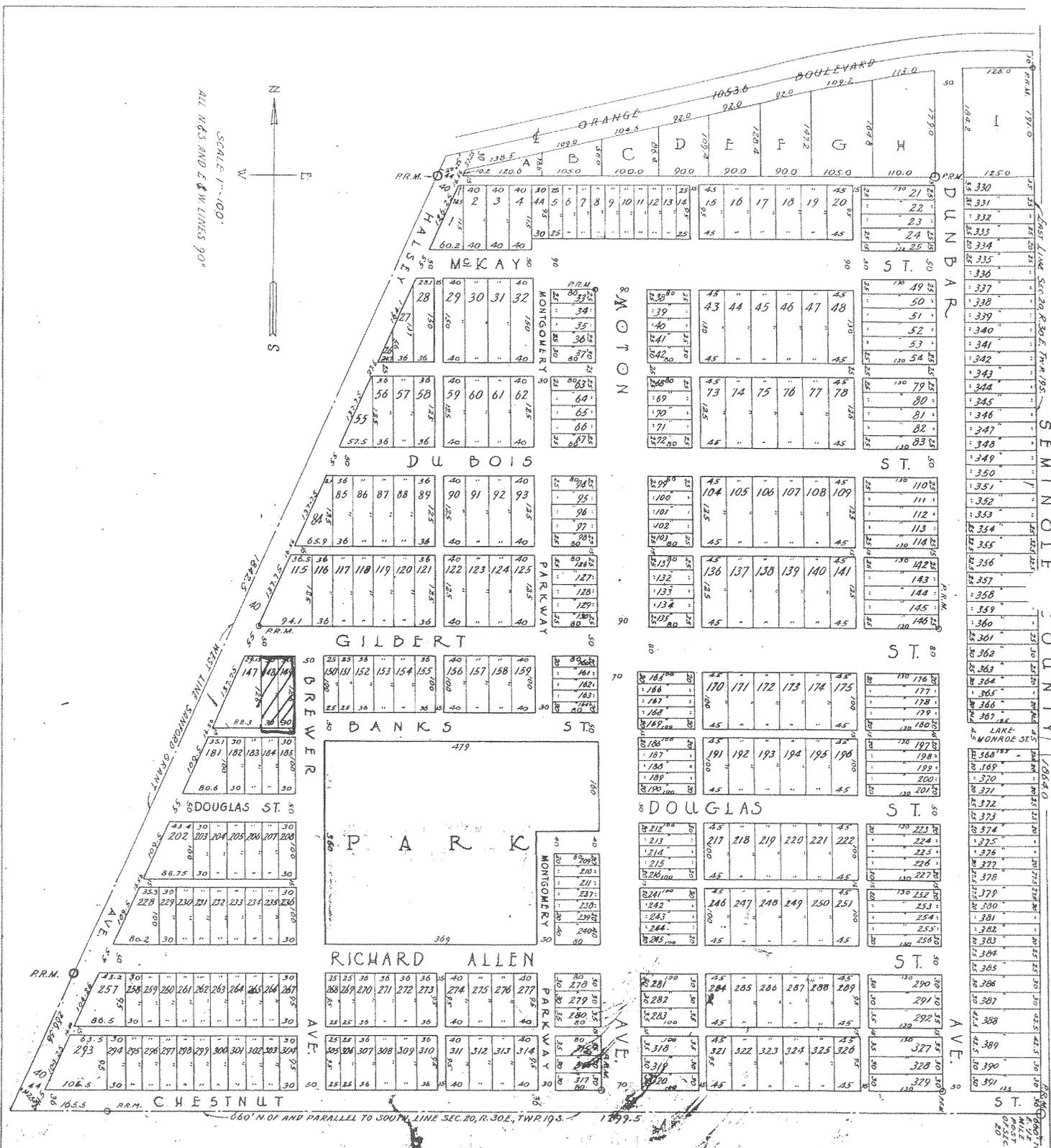
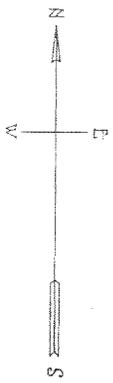
<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																							
<p align="center">GENERAL</p> <p>Parcel Id: 20-19-30-501-0000-1480 Owner: S & S PROPERTY ENT INC & Own/Addr: GLENN CHARLENE Mailing Address: PO BOX 470945 City,State,ZipCode: LAKE MONROE FL 32747 Property Address: GILBERT ST Subdivision Name: BOOKERTOWN Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL</p>		<p align="center">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$8,640 Land Value Ag: \$0 Just/Market Value: \$8,640 Assessed Value (SOH): \$8,640 Exempt Value: \$0 Taxable Value: \$8,640 Tax Estimator</p>																					
<p align="center">SALES</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>WARRANTY DEED</td> <td>12/2006</td> <td>06528</td> <td>0757</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>01/1976</td> <td>01103</td> <td>0402</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	WARRANTY DEED	12/2006	06528	0757	\$100	Vacant	No	SPECIAL WARRANTY DEED	01/1976	01103	0402	\$100	Vacant	No	<p align="center">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$139 2006 Taxable Value: \$8,640 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	12/2006	06528	0757	\$100	Vacant	No																	
SPECIAL WARRANTY DEED	01/1976	01103	0402	\$100	Vacant	No																	
<p align="center">LAND</p> <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>60</td> <td>132</td> <td>.000</td> <td>150.00</td> <td>\$8,640</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	60	132	.000	150.00	\$8,640	<p align="center">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOTS 148 + 149 & N 1/2 OF VACD ALLEY ADJ ON S BOOKERTOWN PB 4 PG 98</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
FRONT FOOT & DEPTH	60	132	.000	150.00	\$8,640																		
<p>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>																							

BOOKERTOWN

SEMINOLE COUNTY

SHEET ONE OF TWO SHEETS

SCALE 1"=100'
ALL MEAS. AND DIMENSIONS 90°



128.0	127.0	126.0	125.0	124.0	123.0	122.0	121.0	120.0	119.0	118.0	117.0	116.0	115.0	114.0	113.0	112.0	111.0	110.0	109.0	108.0	107.0	106.0	105.0	104.0	103.0	102.0	101.0	100.0	99.0	98.0	97.0	96.0	95.0	94.0	93.0	92.0	91.0	90.0	89.0	88.0	87.0	86.0	85.0	84.0	83.0	82.0	81.0	80.0	79.0	78.0	77.0	76.0	75.0	74.0	73.0	72.0	71.0	70.0	69.0	68.0	67.0	66.0	65.0	64.0	63.0	62.0	61.0	60.0	59.0	58.0	57.0	56.0	55.0	54.0	53.0	52.0	51.0	50.0	49.0	48.0	47.0	46.0	45.0	44.0	43.0	42.0	41.0	40.0	39.0	38.0	37.0	36.0	35.0	34.0	33.0	32.0	31.0	30.0	29.0	28.0	27.0	26.0	25.0	24.0	23.0	22.0	21.0	20.0	19.0	18.0	17.0	16.0	15.0	14.0	13.0	12.0	11.0	10.0	9.0	8.0	7.0	6.0	5.0	4.0	3.0	2.0	1.0	0.0
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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 LOTS 148 & 149 & N ½ OF VACD ALLEY ADJ ON S
BOOKERTOWN PB 4 PG 98

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

FINDINGS OF FACT

Property Owner: S & S Property Enterprise
P.O. Box 470945
Lake Monroe, Fl. 32747

Project Name: Gilbert Street (Lots 148 & 149)

Requested Development Approval:

Request for a (1) lot size variance from 8,400 square feet to 7,950 square feet and a (2) 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: