

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Dunbar Avenue (Lots 390 & 391) – Donna Stokes, applicant; Request for a front yard setback variance from 25 feet to 15 feet for a proposed single family home in R-1 (Single Family Dwelling District).

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

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

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

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a front yard setback variance from 25 feet to 15 feet for a proposed single family home in R-1 (Single Family Dwelling District); or
2. **APPROVE** the request for a front yard setback variance from 25 feet to 15 feet for a proposed single family home in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Donna Stokes Location: Dunbar Avenue (Lots 390 & 391) Zoning: R-1 (Single Family Dwelling District) Subdivision: Bookertown
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to construct a single family house that would encroach 10 feet into the required 25-foot front yard setback.</li> <li>• Lot 390 and 391 was deeded from the adjacent property to the north. The existing house on Lot 387 – 389 was left non-conforming for its side setback. The applicant will quit claim back 3 feet from Lot 390 to make the house conforming.</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 not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the single family home as depicted on the attached site plan; and</li><li>• These lots were divided from the adjacent property. Three feet shall be quit claimed from Lot 390 back to the adjacent property (Lot 387-389) in order to return the existing house conforming for the side setback.</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

Application # BU 2007-17  
Filing 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: Donna C. Stokes  
Address: PO Box 470772 City: Lake Monroe Zip code: 32747  
Project Address: Dunbar Ave / Issic Ln West side City: Lake Monroe Zip code: 32747  
Contact number(s): 407-328-6603 + 321-282-9750  
Email address: donna.Thornton@ocfl.net

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: <u>One-story 4151 sq under roof, 3126 living area</u>
<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>25</u>	Proposed setback:	<u>15</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>				

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: Donna C. Stokes

**FOR OFFICE USE ONLY**

Date Submitted: 1-29-07 Reviewed By: P. Johnson  
 Tax parcel number: 20-19-30-501-0000-3900 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: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

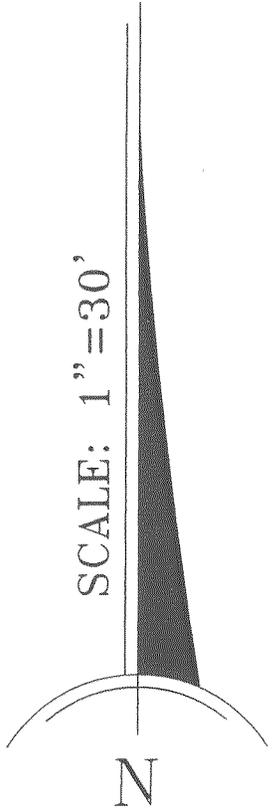
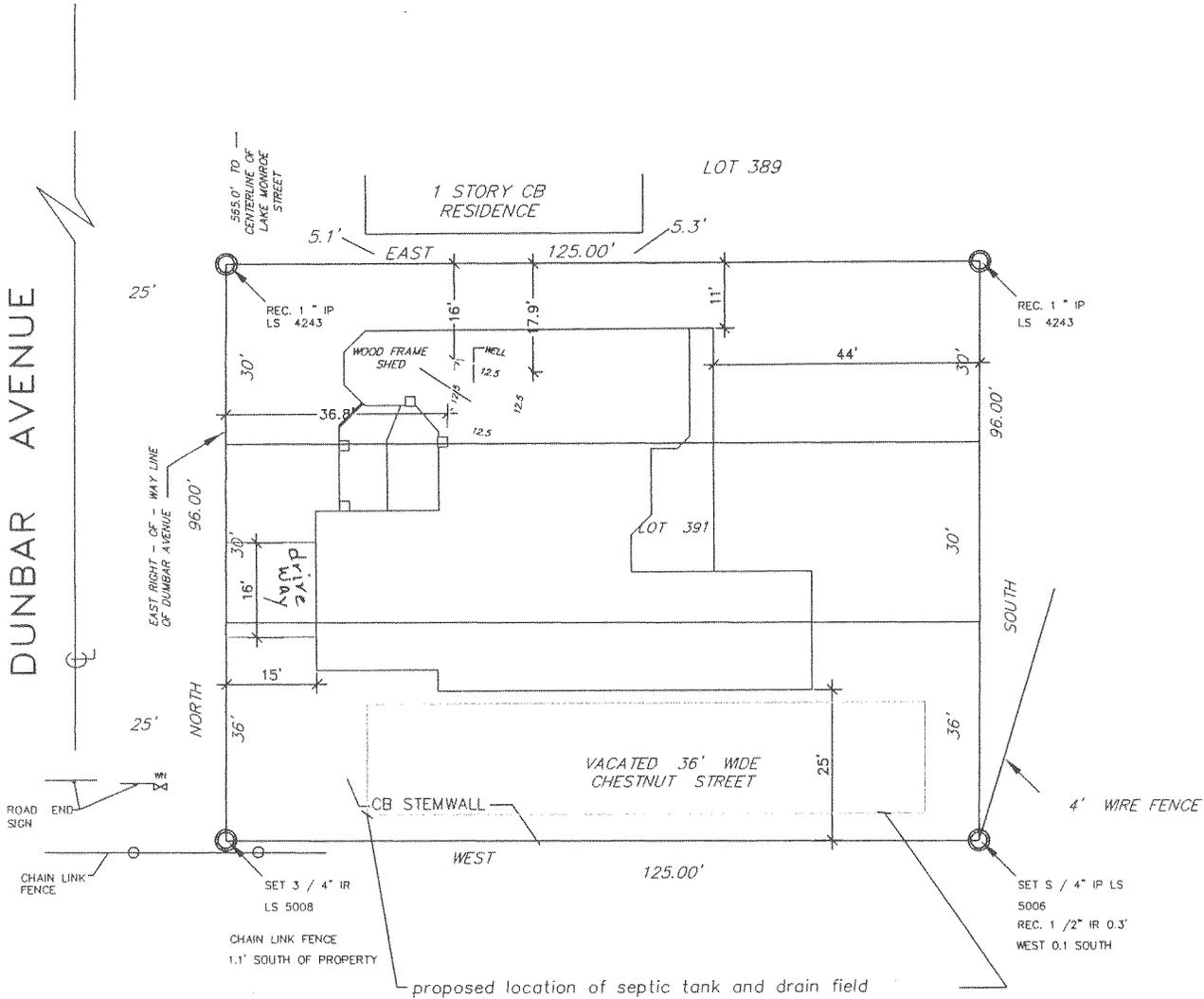
*Please return this checklist with your application!*

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.

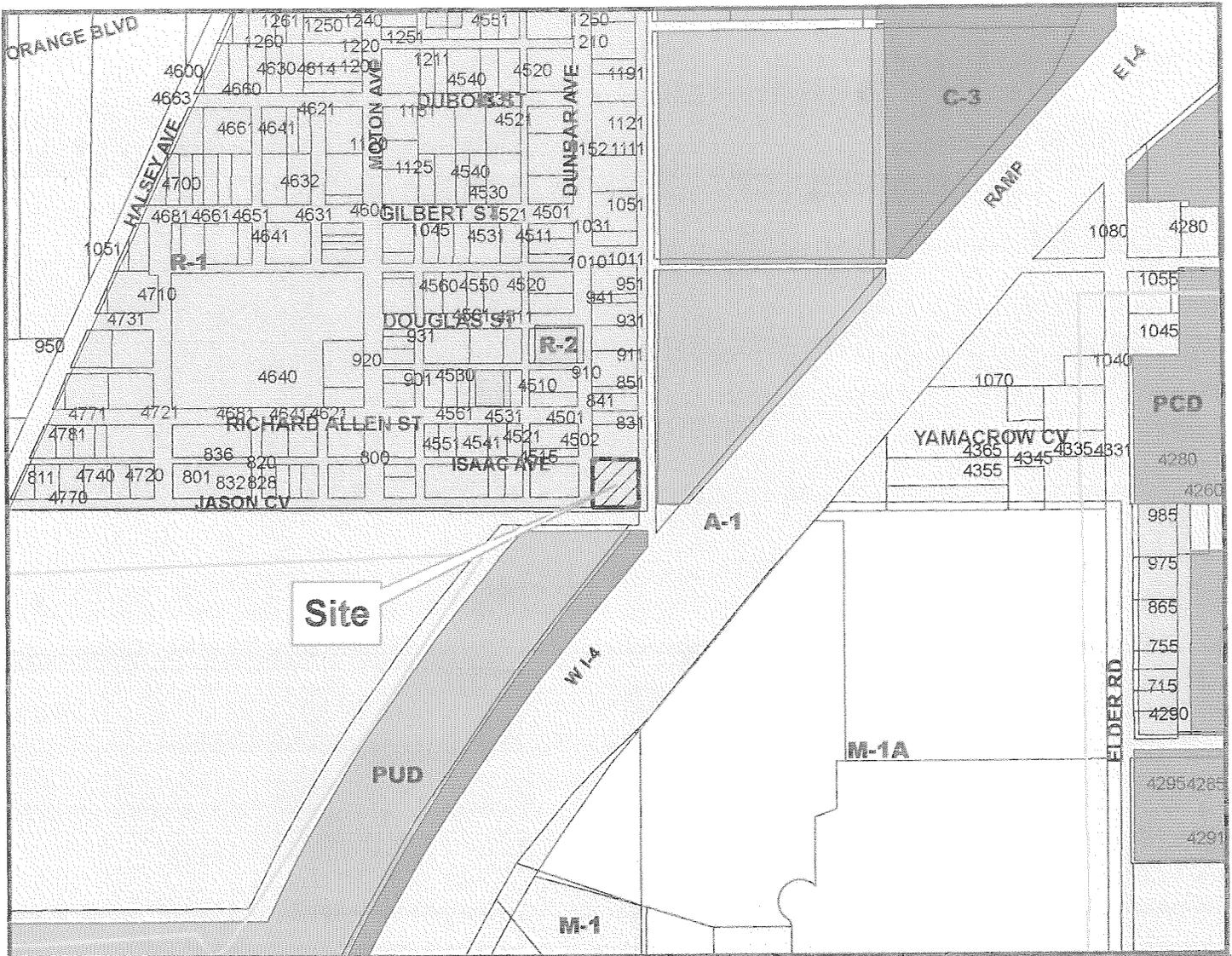
1. Completed application.
2. Owner's authorization letter (if needed). This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a>
3. Provide a legible 8 1/2 x 11 inch site plan with the following information <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>
o Please start with a clean survey (ex: white out old approval stamps)
o Size and dimension of the parcel
o Location and name of all abutting streets
o Location of driveways
o Location, size and type of any septic systems, drainfield and wells
o Location of all easements
o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
o Building height
o Setbacks from each building to the property lines
o Location of proposed fence(s)
o Identification of available utilities (ex: water, sewer, well or septic)
4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

(50' R/W)

DUNBAR AVENUE



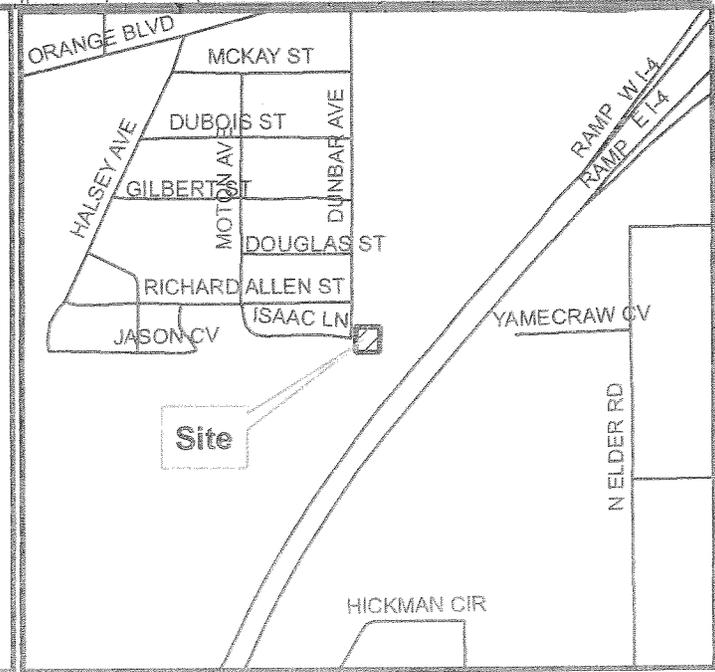
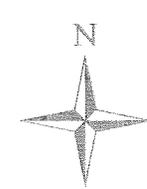
Donna Stokes  
 Lots 390 & 391 & vac'd street adjacent on south, Bookertown  
 Dunbar Avenue, Lake Monroe, Florida 32747



Seminole County Board of Adjustment  
 March 26, 2007  
 Case: BV2007-17 (Map 3000, Grid A6)  
 Parcel No: 20-19-30-501-0000-3900

**Zoning**

	BV2007-17		C-1		M-1
	A-1		C-2		PUD
	R-1		C-3		PCD
	R-2		M-1A		



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																						
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 20-19-30-501-0000-3900</p> <p>Owner: STOKES DONNA C</p> <p>Mailing Address: PO BOX 470179</p> <p>City,State,ZipCode: LAKE MONROE FL 32747</p> <p>Property Address: DUNBAR AVE</p> <p>Subdivision Name: BOOKERTOWN</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p align="center"><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$13,392</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$13,392</p> <p>Assessed Value (SOH): \$13,392</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$13,392</p> <p>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>05/2002</td> <td>04417</td> <td>1920</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>09/2001</td> <td>04174</td> <td>0608</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	05/2002	04417	1920	\$100	Improved	No	QUIT CLAIM DEED	09/2001	04174	0608	\$100	Vacant	No	<p align="center"><b>2006 VALUE SUMMARY</b></p> <p>2006 Tax Bill Amount: \$216</p> <p>2006 Taxable Value: \$13,392</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p align="center"><b>LAND</b></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 &amp; DEPTH</td> <td>96</td> <td>125</td> <td>.000</td> <td>150.00</td> <td>\$13,392</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	96	125	.000	150.00	\$13,392	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOTS 390 &amp; 391 &amp; VACD ST ADJ ON S BOOKERTOWN PB 4 PGS 97 &amp; 98</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																	
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<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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																						

**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 390 & 391 & VACD ST ADJ ON S BOOKERTOWN  
PB 4 PGS 97 & 98

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

**FINDINGS OF FACT**

**Property Owner:** Stokes Donna C  
PO Box 470179  
Lake Monroe FL 32747

**Project Name:** Dunbar Avenue (Lots 390 & 391)

**Requested Development Approval:**

Request for a front yard setback variance from 25 feet to 15 feet for a proposed single family home in 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: 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 house as depicted on the attached site plan.
  2. Lot 390 & 391 were divided from the adjacent property. Three feet shall be quit claimed from Lot 390 back to the adjacent property (Lot 387-389) in order to return the existing house conforming for the side setback.
- (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: