

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

SUBJECT: Markham Road (Lot 25) – Michael Fouts, applicant; Request for a width at the building line from 150 feet to 110 feet for a proposed home in the A-1 (Agriculture District).

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

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

Agenda Date 04/23/07 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a width at the building line from 150 feet to 110 feet for a proposed home in the A-1 (Agriculture District); or
2. **DENY** the request for a width at the building line from 150 feet to 110 feet for a proposed home in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Michael Fouts Owner: Leonardo Rivera Location: Markham Road (Lot 25) Zoning: A-1 Subdivision: Yankee Lake Subdivision
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family home on a platted lot which does not meet the required width at the building line. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:

	<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 1955 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 property owner has a single family home on lot 26 but purchased lot 25 separately.</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>Within the immediate area there are antiquated plats that do not meet the minimum zoning requirements and have been developed.</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 Yankee Lake Subdivision have been developed on one platted lot.</i>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The variance requested will only apply to the platted lot and no setback variances are being requested.</i>• 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 unless there were variances granted for width at the building line.</i>• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<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 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

Application # BV2007-27
Meeting Date 4-23-07



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

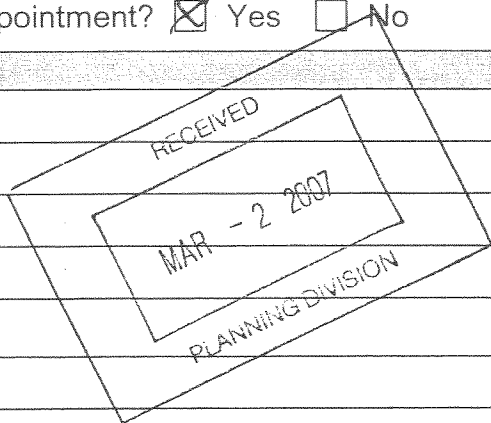
PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: MICHAEL FOUTS
Address: P.O. Box 950906 City: LK MARY Zip code: 32795
Project Address: 26-19-29-502-0000-0250 City: SANFORD Zip code: 32771
Contact number(s): 407-4978112
Email address: MFOUTS@CFL.RR.COM

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 type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150</u>	Actual lot width:	<u>110</u>
<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 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 type="checkbox"/> Total number of variances requested _____				

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: Michael Fouts

132 x 328

FOR OFFICE USE ONLYDate Submitted: 3-2-07Reviewed By: P. JohnsonTax parcel number: 26-19-29-502-0000-0250Zoning/FLU A-1/ SE☐ 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 completeNotes: _____
_____**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.

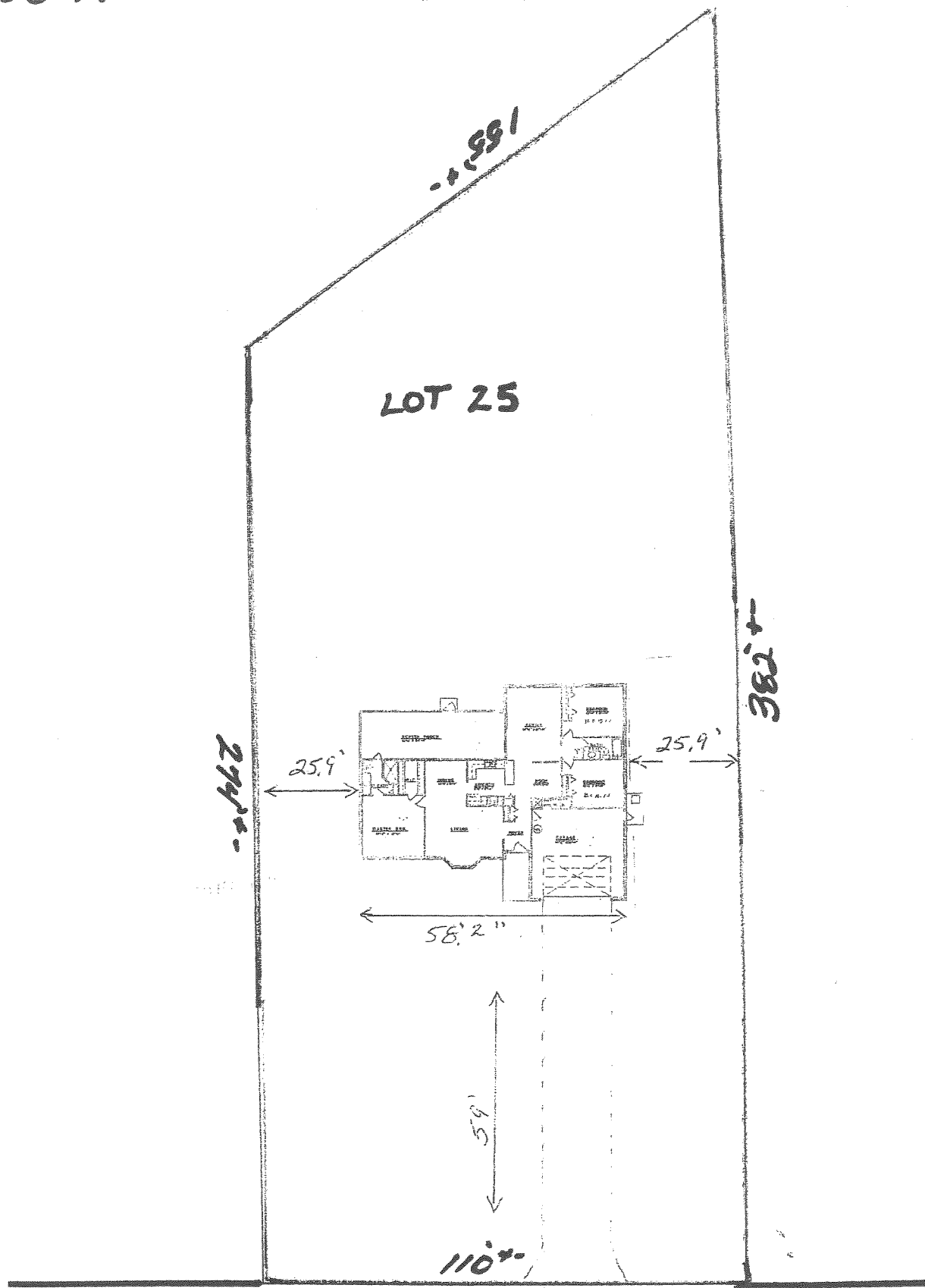
2. Owner's authorization letter (if needed). This form can be obtained at <http://www.seminolecountyfl.gov/pd/planning/forms.asp>

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.**☐ Please start with a clean survey (ex: white out old approval stamps)☐ Size and dimension of the parcel☐ Location and name of all abutting streets☐ Location of driveways☐ Location, size and type of any septic systems, drainfield and wells☐ Location of all easements☐ Existing or proposed house or addition*(Label existing, label proposed, and include square footage and dimensions of each)*☐ Existing and/or proposed buildings, structures and improvements*(Label existing, label proposed, and include square footage and dimension of each)*☐ Building height☐ Setbacks from each building to the property lines☐ Location of proposed fence(s)☐ Identification of available utilities*(ex: water, sewer, well or septic)*

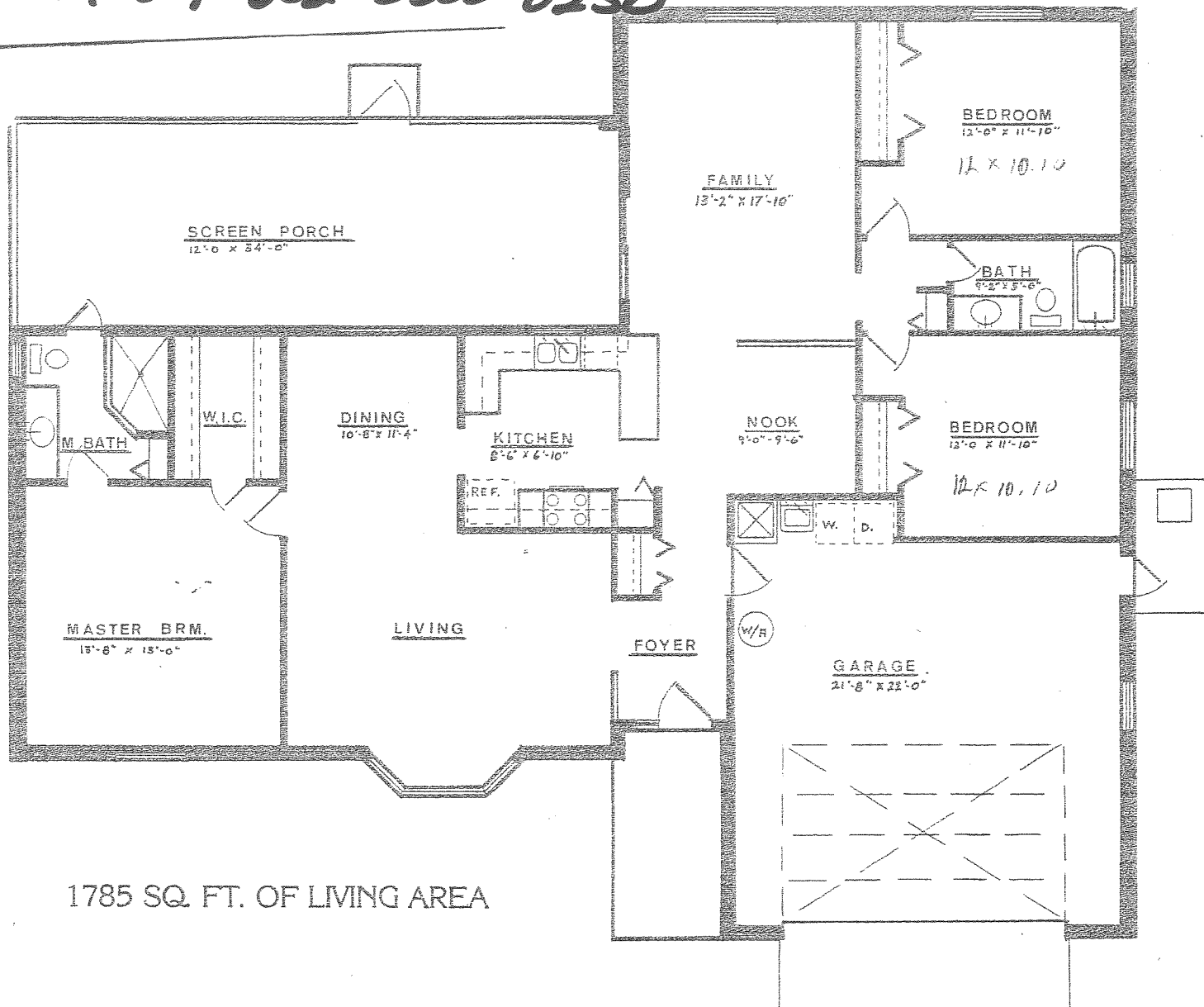
4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

26-19-29-502-0000-025-0



LAKE MARKHAM ROAD, SAN FORD, FL

26-19-29-502-0000-0250

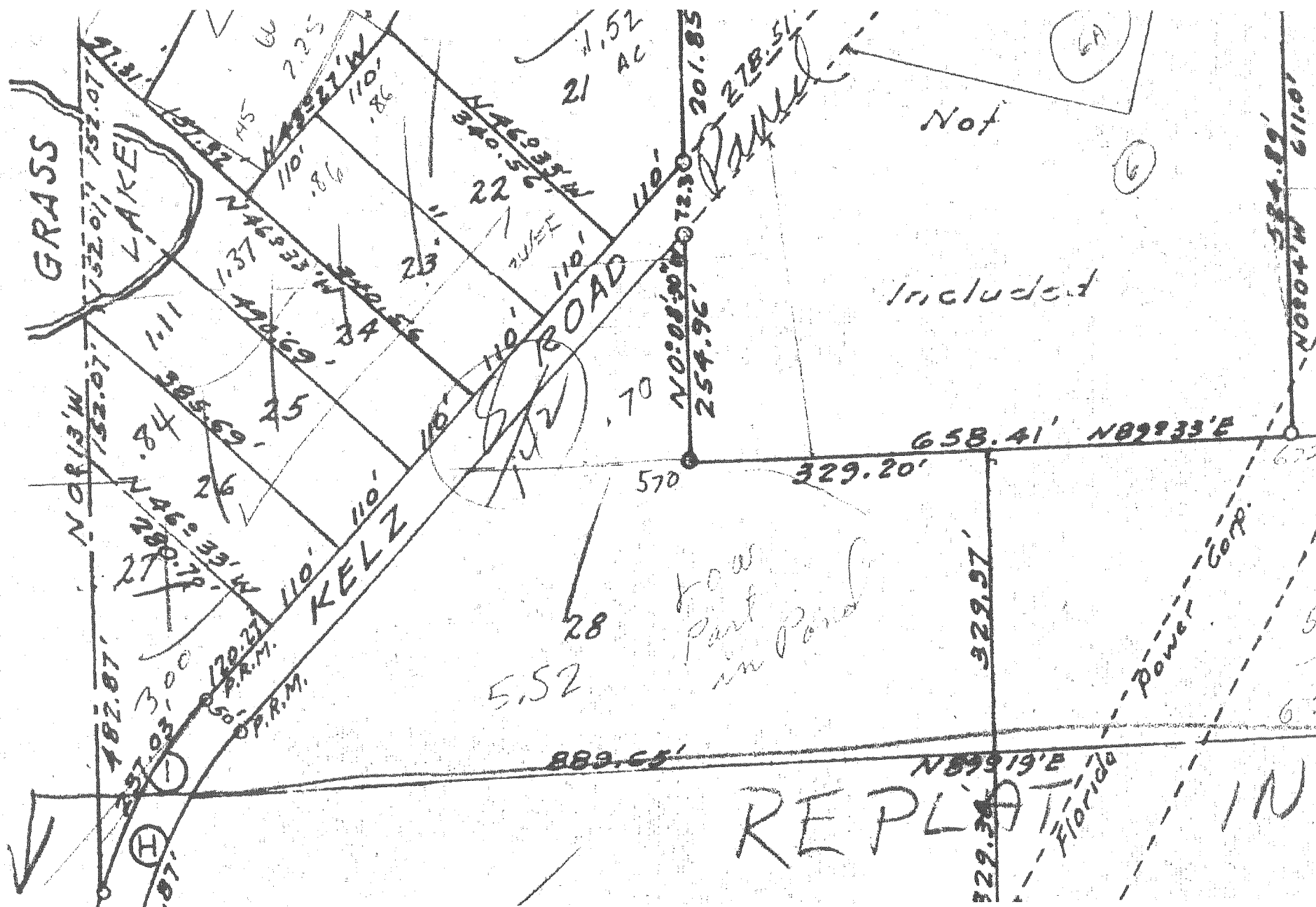


1785 SQ. FT. OF LIVING AREA

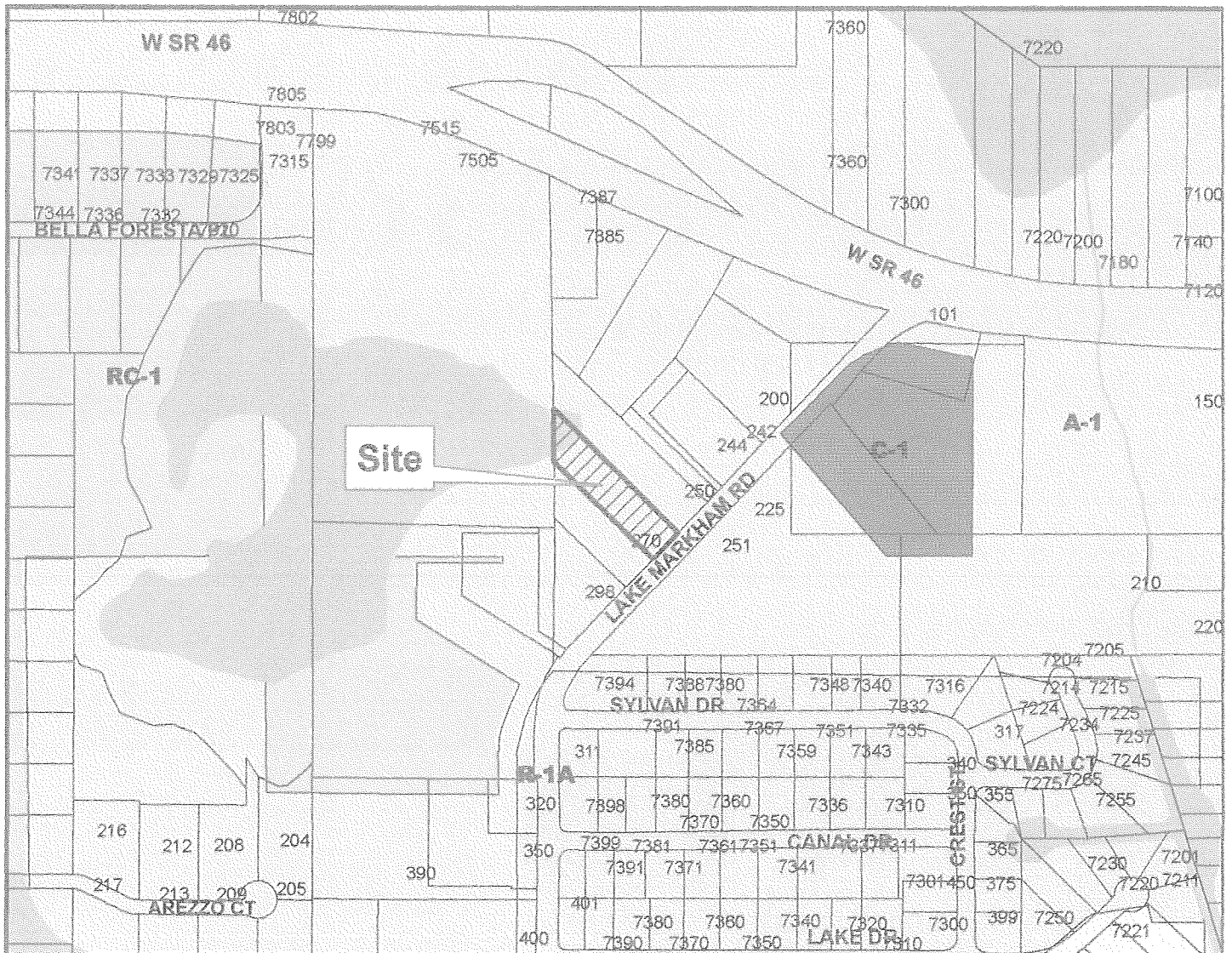
FEATURES

- Split bedroom/split bathroom design
- Full bay window in living room
- Large kitchen with breakfast bar
- Sky lite in kitchen
- Custom formica cabinets with adjustable shelving
- Laminated counter tops with pass-thru window to porch
- Stain grade wood spindles in Foyer and Breakfast nook
- Deluxe kitchen appliances; self-cleaning electric range and dishwasher
- Garbage disposal
- Range hood vented through roof
- Stainless steel kitchen sink/single lever washerless faucets in kitchen and baths
- Ceramic tile in tub and shower areas
- Vitreous china lavatories/Elongated toilets
- Shower enclosure
- Laundry tub
- Closet Maid shelving
- Exhaust fans in bathrooms
- Stain grade trim and doors/custom finished trim work
- Pull down attic stairway
- Insulated energy saving steel entry doors
- Insulated sliding glass doors
- Choice of Masonite, Fiberglass, or Steel garage door
- High efficiency central A/C
- Energy conserving heat pump
- Insulated bronzed framed windows, all around with screens
- R-22 fiberglass ceiling insulation
- Security dead-bolts on all entry doors
- Termite protection with warranty
- Smoke detector
- Icemaker line
- Quality wall-to-wall carpeting
- Prewired for 2/telephones, 2/TV, 3/paddle fans, and garage door opener
- No wax vinyl floor covering for easy care
- Outlet for dryer vented through roof
- Three exterior water hose bibs
- Maintenance free Aluminum soffit and fascia
- Fiberglass shingles
- Extra large screened porch with trussed roof
- Porch entry from master bathroom
- 2 off ridge vents
- All exterior simulated brick around entire house
- 5000 sq. ft. of sod and front landscaping

Not plotted









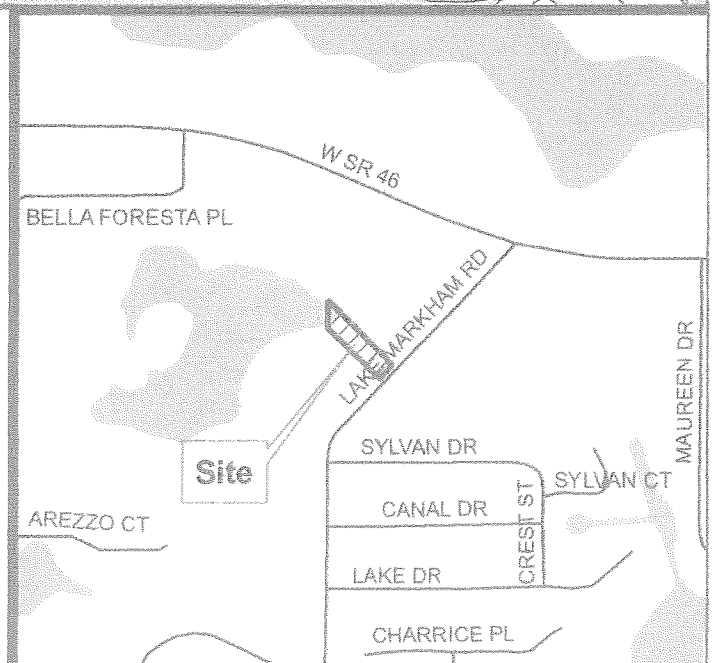
Michael Fouts
 Lot 25 (less road) Yankee Lake Subdivision
 Lake Markham Road
 Sanford, Florida 32771



Seminole County Board of Adjustment
 April 23, 2007
 Case: BV2007-27 (Map 2998, Grid C7)
 Parcel No: 26-19-29-502-0000-0250

Zoning

-  BV2007-27
-  A-1
-  RC-1
-  R-1AA
-  R-1A
-  C-1



February 25, 2007

Seminole County
Planning And Zoning
1101 East First Street
Sanford, Florida 32771


Re: Parcel # 26-19-29-502-0000-0250

To Whom It May Concern:

Please be advised that Michael Fouts is interested in the aforementioned property and therefore we have authorized him to seek a frontage variance.

Should you have any questions please feel to contact me directly.

Sincerely,


Leonardo Rivera

Cc: File

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1488 407-665-7508																							
GENERAL Parcel Id: 26-19-29-502-0000-0250 Owner: RIVERA LEONARDO JR & JASMINA M Mailing Address: 270 LAKE MARKHAM RD City, State, Zip Code: SANFORD FL 32771 Property Address: LAKE MARKHAM RD SANFORD 32771 Subdivision Name: YANKEE LAKE SUBD Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$83,980 Land Value Ag: \$0 Just/Market Value: \$83,980 Assessed Value (SOH): \$83,980 Exempt Value: \$0 Taxable Value: \$83,980 Tax Estimator																					
SALES <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>08/1988</td> <td>01991</td> <td>0773</td> <td>\$8,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1987</td> <td>01892</td> <td>1177</td> <td>\$16,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	08/1988	01991	0773	\$8,000	Vacant	No	WARRANTY DEED	09/1987	01892	1177	\$16,000	Vacant	Yes	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$1,353 2006 Taxable Value: \$83,980 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
QUIT CLAIM DEED	08/1988	01991	0773	\$8,000	Vacant	No																	
WARRANTY DEED	09/1987	01892	1177	\$16,000	Vacant	Yes																	
LAND <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>ACREAGE</td> <td>0</td> <td>0</td> <td>.884</td> <td>95,000.00</td> <td>\$83,980</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.884	95,000.00	\$83,980	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG LOT 25 (LESS RD) YANKEE LAKE SUBD PB 9 PG 91									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
ACREAGE	0	0	.884	95,000.00	\$83,980																		

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.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 25 (less road) Yankee Lake Subd. PB 9 PG 91

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

FINDINGS OF FACT

Property Owner: Leonardo Rivera
270 Lake Markham Road
Sanford, Fl. 32771

Project Name: Markham Road (lot 25)

Requested Development Approval:

Request for a width at the building line from 150 feet to 110 feet for a proposed home in the A-1 (Agriculture 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 lot 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: _____
Dori Debord,
Planning & Development Director

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: