

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

SUBJECT: 942 Powhatan Drive – Susan Reed, applicant; Request for a front yard setback variance from 50 feet to 22 feet 8 inches 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 05/21/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a front yard setback variance from 50 feet to 22 feet 8 inches for a proposed home in the A-1 (Agriculture District); or
2. **APPROVE** the request for a front yard setback variance from 50 feet to 22 feet 8 inches for a proposed home in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Susan Reed Location: 942 Powhatan Drive Zoning: A-1
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposed to construct a single family home that will encroach into the 50 foot front yard setback. • 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. <p align="center"><i>The applicant's property is an irregular shaped lot that</i></p>

	<p><i>was created prior to 1970 and is shallow in depth due to the location of the private road.</i></p> <ul style="list-style-type: none"> • Special conditions and circumstances did not result from the actions of the applicant. <p><i>The lot was created prior to the adoption of our Land Development Code and the requirement of the 50 foot front yard setback.</i></p> <ul style="list-style-type: none"> • 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. <p><i>The lot is an irregular shaped lot on a private road which restricts the ability to construct a home which is consistent with other homes in the same zoning classification and neighborhood.</i></p> <ul style="list-style-type: none"> • 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. <p><i>Without the granting of the variance the applicant would be unable to develop the lot with a home that is consistent with other homes on Powhatan Drive.</i></p> <ul style="list-style-type: none"> • The variance requested is the minimum variance that will make possible reasonable use of the land, building or structure. <p><i>Given the topography of the property and the configuration of the lot the applicant is restricted to the placement of the proposed home. Therefore, a front yard setback in order to building a comparable home to others in the area is the minimum variance.</i></p> <ul style="list-style-type: none"> • The applicant would still retain reasonable use of the land, building or structure without the granting of the variance. <p><i>Without the granting of the variance the applicant would not be able to construct a home that would be comparable to other homes in the area.</i></p>
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval:</p> <ul style="list-style-type: none"> • Any variance granted shall apply only to the 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.

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 # BV2007-34

Meeting Date 5-21-07

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: Susan Reed
Address: 115 OAKS CT. City: SANFORD Zip code: 32771
Project Address: 942 POWHATAN DRIVE City: SANFORD Zip code: 32771
Contact number(s): (407) 323-1108 cell (407) 474-9575
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 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>50 ft.</u>	Proposed setback:	<u>22ft. 5inches</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>				

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: Susan Reed 3/29/07

FOR OFFICE USE ONLY

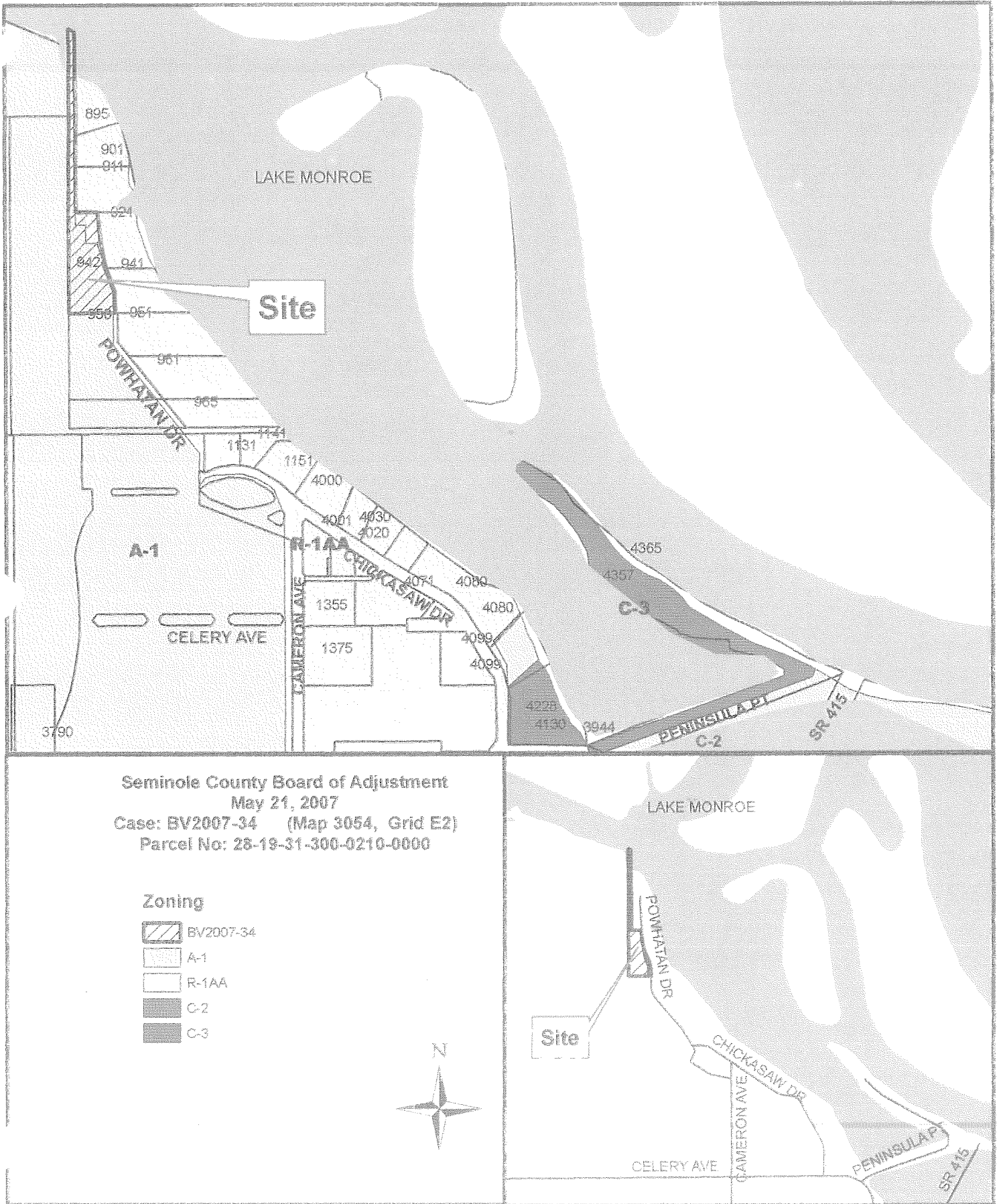
Date Submitted: 3-29-07 Reviewed By: _____
 Tax parcel number: 28-19-31-300-0210-0000 Zoning/FLU A-1/SE
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist 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 ½ 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.

Susan and Donald Reed
942 Powhatan Drive
Sanford, Florida 32771



Seminole County Board of Adjustment
May 21, 2007
Case: BV2007-34 (Map 3054, Grid E2)
Parcel No: 28-19-31-300-0210-0000

- Zoning**
-  BV2007-34
 -  A-1
 -  R-1AA
 -  C-2
 -  C-3



<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 align="center">GENERAL</p> <p>Parcel Id: 28-19-31-300-0210-0000</p> <p>Owner: REED DONALD R & SUSAN W</p> <p>Mailing Address: 115 OAKS CT</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 942 POWHATAN DR SANFORD 32771</p> <p>Subdivision Name:</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p align="center">2007 WORKING VALUE SUMMARY</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): \$273,317</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$273,317</p> <p>Assessed Value (SOH): \$273,317</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$273,317</p> <p>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>SPECIAL WARRANTY DEED</td> <td>02/2006</td> <td>06114</td> <td>0468</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/2005</td> <td>06063</td> <td>0211</td> <td>\$320,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1991</td> <td>02376</td> <td>1516</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1991</td> <td>02376</td> <td>1515</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	SPECIAL WARRANTY DEED	02/2006	06114	0468	\$100	Vacant	No	SPECIAL WARRANTY DEED	12/2005	06063	0211	\$320,000	Vacant	Yes	WARRANTY DEED	11/1991	02376	1516	\$100	Vacant	No	WARRANTY DEED	11/1991	02376	1515	\$100	Vacant	No	<p align="center">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$4,405</p> <p>2006 Taxable Value: \$273,317</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																														
SPECIAL WARRANTY DEED	02/2006	06114	0468	\$100	Vacant	No																														
SPECIAL WARRANTY DEED	12/2005	06063	0211	\$320,000	Vacant	Yes																														
WARRANTY DEED	11/1991	02376	1516	\$100	Vacant	No																														
WARRANTY DEED	11/1991	02376	1515	\$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>365</td> <td>133</td> <td>.000</td> <td>1,200.00</td> <td>\$273,312</td> </tr> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>.229</td> <td>20.00</td> <td>\$5</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	365	133	.000	1,200.00	\$273,312	ACREAGE	0	0	.229	20.00	\$5	<p align="center">LEGAL DESCRIPTION</p> <p>SEC 28 TWP 19S RGE 31E BEG 1445 FT W & 1535 FT N OF SE COR RUN N 1079.98 FT S 65 DEG 5 MIN E</p> <p>27.5 FT S 688.33 FT E TO C/L 15 FT RD ESMT SELY ALONG C/L TO A PT E OF BEG W TO BEG</p>																	
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																															
FRONT FOOT & DEPTH	365	133	.000	1,200.00	\$273,312																															
ACREAGE	0	0	.229	20.00	\$5																															
<p>NOTE: 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 May 21, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 28 TWP 19S RGE 31E BEG 1445 FT W & 1535 FT N OF SE COR RUN
N 1079.98 FT S 65 DEG 5 MIN E 27.5 FT S 688.33 FT E TO C/L 15 FT RD
ESMT SELY ALONG C/L TO A PT E OF BEG W TO BEG

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

FINDINGS OF FACT

Property Owner: Donald & Susan Reed
115 Oaks Court
Sanford, FL 32771

Project Name: Powhatan Drive (942)

Requested Development Approval:

Request for a front yard setback variance from 50 feet to 22 feet-8 inches for a proposed home in 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 proposed 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: _____
Dori L. 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: