

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: North Hart Road (Lots 31 & 32) – Glen Gibbs, applicant; Request for a lot size variance from 1 acre to .91 acre 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. **APPROVE** the request for a lot size variance from 1 acre to .91 acre for a proposed home in the A-1 (Agriculture District); or
2. **DENY** the request for a lot size variance from 1 acre to .91 acre for a proposed home in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning:	Glen Gibbs North Hart Road (Lots 31 & 32) A-1
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 requirement. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. 	
STAFF FINDINGS	<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. 	

	<p><i>Special conditions exist because the lot was platted in 1925 prior to the adoption of the Land Development Code in 1960.</i></p> <ul style="list-style-type: none"> • 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 Geneva Heights plat have been developed on one or two platted lots.</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 single family home unless a variance was granted for the lot size otherwise no other setback are needed.</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 lots 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 # BV 2007-39
Meeting Date May 24, 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: Glen Gibbs Kim Joyce 321-303-8473
Address: 1955 Tall Pine Trl. City: Geneva Zip code: 32732
Project Address: N. Hart Rd. lots 31+32 City: Geneva Zip code: 32732
Contact number(s): (407) 349-1361 (H) (321) 278-9616 (cell)
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 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.	

RECEIVED MAR 30 2007

What type of variance is this request?

<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>1 Acre</u>	Actual lot size:	<u>.91 Acre</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 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:	
[] 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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 3-30-07 Reviewed By: _____
 Tax parcel number: 16-20-32-502-0000-0310 Zoning/FLU A-1/CDR
 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 online.</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. <u>View a sample site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</u>
	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 <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

488

10

10

.581

30

100

215

234.74

99

17

100

498

31

105.36

220

2 198.7

1

18

100

416

32

106.36

225

Wilcoxson

.332

33

2

19

100

226.2

106.36

230

2 226.2

Wilcoxson

Wilcoxson







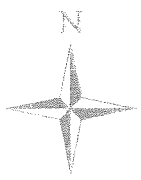
Glen Gibbs/Kim Joyce
 Lots 31 & 32, Geneva Heights, North Hart Road
 Geneva, Florida 32732



Seminole County Board of Adjustment
 May 21, 2007
 Case: BV2007-38 (Map 3109, Grid A2)
 Parcel No: 16-20-32-502-0000-0310

Zoning

-  BV2007-38
-  A-1
-  A-5
-  R-1







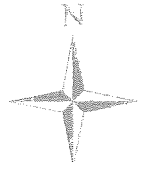
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Parcel No: 16-20-32-502-0000-0310

Zoning

-  BV2007-38
-  A-1
-  A-5
-  R-1



Mar 30 07 09:19a

Wanda Perkins

4073663029

p. 9

MAR-30-2007 09:08 FROM:G5B CONTRACTOR YARD 13368526425

TO: 4073663029

P. 10

Mar 30 07 08:45a
Mar 29 07 05:17p

Wanda Perkins
Kim Joyce

4073663029
407-349-0106

p. 10
p. 3

March 29, 2007

I, James Bowles, Power of Attorney for Frances Bowles, give Glen Gibbs permission to file for a buildable lot letter and a Variance request for parcel # 16-20-32-502-0000-0310, North Hart Road. Glen Gibbs is going to purchase this property as long as these reports determine that this lot is a buildable lot.

Signed

 TOA
James Bowles

for

Frances Bowles

20674	BROWN LESTER + CLARE P O BOX 7 GENEVA FLA 32732	16 20 32 502 0000 0300 LOT 30 GENEVA HEIGHTS PB 3 PG 75			HEX W/D WEX TOT	21 21
20675	HAMPTON RAY 2040 HARNAN AVE WINTER PARK FLA 32789	16 20 32 502 0000 0310 LOTS 31 + 32 GENEVA HEIGHTS PB 3 PG 75			HEX W/D WEX TOT	41 41
20676	MUTUNDO M B + MARTHA J P O BOX 1 SANFORD FLA 32771	17 20 32 300 0010 0000 THAT PT OF N 1/2 OF NE 1/4 + SE 1/4 OF NE 1/4 N OF RD	111.050	A HX	HEX W/D WEX TOT	500 898 1398
20677	WEINSTEIN LEONARD R + EDWARD B 17 OVERTON PLACE BABYLON N Y	17 20 32 300 0020 0000 SE 1/4 OF NE 1/4 S OF RD	3.0		HEX W/D WEX TOT	34 34
20678	GUYTON JOHN A 1017 NE 95TH ST MIAMI SHORES FLA	17 20 32 300 0030 0000 SW 1/4 OF NE 1/4	40.0		HEX W/D WEX TOT	420 420
20679	HOOVER LEROY + SHIRLEY P O BOX 110	17 20 32 300 0040 0000 W/2 60.2 FT E OF SW CORN OF	2.00	HX	HEX W/D	500

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST GAINESVILLE, FL 32771-1468 407-665-7506</p>																							
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 16-20-32-502-0000-0310</p> <p>Owner: BOWLES FRANCES</p> <p>Mailing Address: PO BOX 1574</p> <p>City,State,ZipCode: KERNERSVILLE NC 27285</p> <p>Property Address:</p> <p>Subdivision Name: GENEVA HEIGHTS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="text-align: center;">Dor: 00-VACANT RESIDENTIAL</p>		<p>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): \$59,410</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$59,410</p> <p>Assessed Value (SOH): \$59,410</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$59,410</p> <p>Tax Estimator</p>																					
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>PROBATE RECORDS</td> <td>10/2002</td> <td>04568</td> <td>1522</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>01/1976</td> <td>01099</td> <td>1068</td> <td>\$3,100</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	PROBATE RECORDS	10/2002	04568	1522	\$100	Vacant	No	SPECIAL WARRANTY DEED	01/1976	01099	1068	\$3,100	Vacant	Yes	<p>2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$957</p> <p>2006 Taxable Value: \$59,410</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
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<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:

Leg lots 31 & 32 Geneva Heights PB 3 PG 75

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

FINDINGS OF FACT

Property Owner: Frances Bowles
P.O. Box 1574
Kernersville, NC 27285

Project Name: North Hart Road (Lots 31 & 32)

Requested Development Approval:

Request for a lot size variance from 1 acre to .91 acre 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 platted lots 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: