

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

SUBJECT: 2960 Lowery Drive – Herman & Sherry Rigdon, applicants; Request for a rear yard setback variance from 30 feet to 10 feet for a proposed 558 square foot shed in R-1AA (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 6/25/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 10 feet for a proposed 558 square foot shed in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 10 feet for a proposed 558 square foot shed in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Herman & Sherry Rigdon Location: 2960 Lowery Drive Zoning: R-1AA (Single Family Dwelling District) Subdivision: Seminole Terrace Replat
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an 18-foot by 31-foot metal storage shed. • The 558 square foot shed would encroach 20 feet into the required 30-foot rear yard setback. • The applicants have stated that the 3 existing sheds will be removed prior to the installation of the proposed shed. • 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 not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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.• Special conditions and circumstances result from the actions of the applicant.• 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.• 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.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<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">• Any variance granted shall apply only to the proposed shed 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 # BV2007-48
Meeting Date 6-25-07



VARIANCE APPLICATION **COPY**

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: HERMAN J + SHERRY S RIGDON
Address: 2960 LOWERY DR City: OVIEDO Zip code: 32765
Project Address: SAME City: _____ Zip code: _____
Contact number(s): 407-365-2986 407-365-8310
Email address: Rigdonj@cfl.r.r.com DRMONSR@GMAIL.COM

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>STEEL BUILDING at back of property to leave room to access back yard if necessary</u>
<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: RECEIVED APR 23 2007
<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 APR 23 2007	

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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback:	<u>10'</u>
<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: [Signature] Sherry S Rigdon

FOR OFFICE USE ONLY

Date Submitted: 4-23-07 Reviewed By: P. Johnson
 Tax parcel number: 27-21-31-500-0800-02500 Zoning/FLU R-1AA / LAR ✓
 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: _____

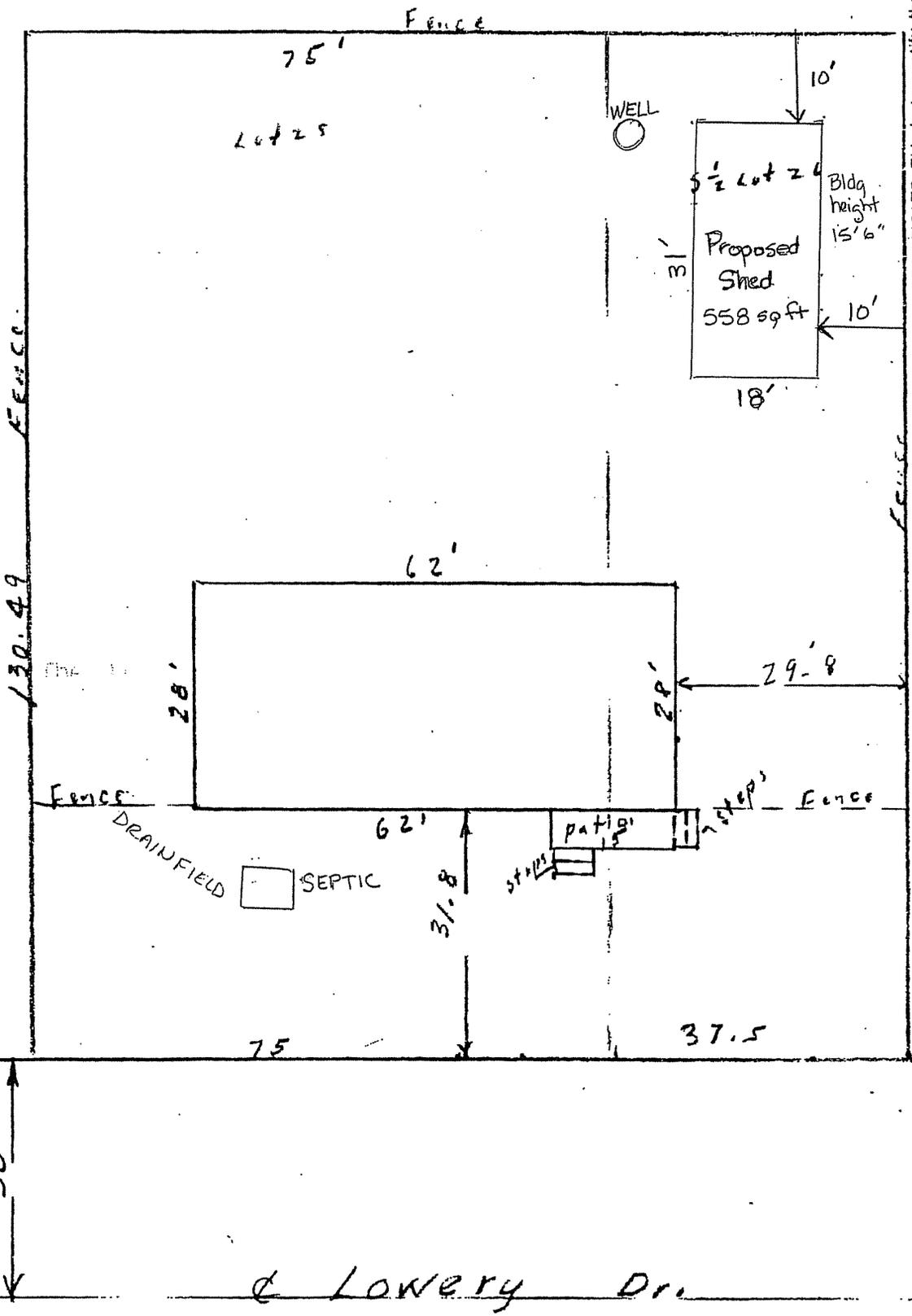
VARIANCE SUBMITTAL CHECKLIST

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.
N/A	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
N/A	o Location of all easements
✓	o Existing or proposed house or 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.

Lot 25 and the South 1/2 Lot 26 Block "B"
Seminole Terrace Replat as recorded in
Plat Book 11, Page 29 public records of
Seminole County, Fla.

1/24



SURVEYOR'S CERTIFICATE This is to certify that I
 have made a Survey of the above described property
 and the Plat hereon is a correct representation of the
 same and meets the Minimum Technical Standards as
 set forth by the Florida Board of Land Surveyors,
 pursuant to Section 472.07, Florida Statutes.

M.C. Gordan

Aug. 18, 1983

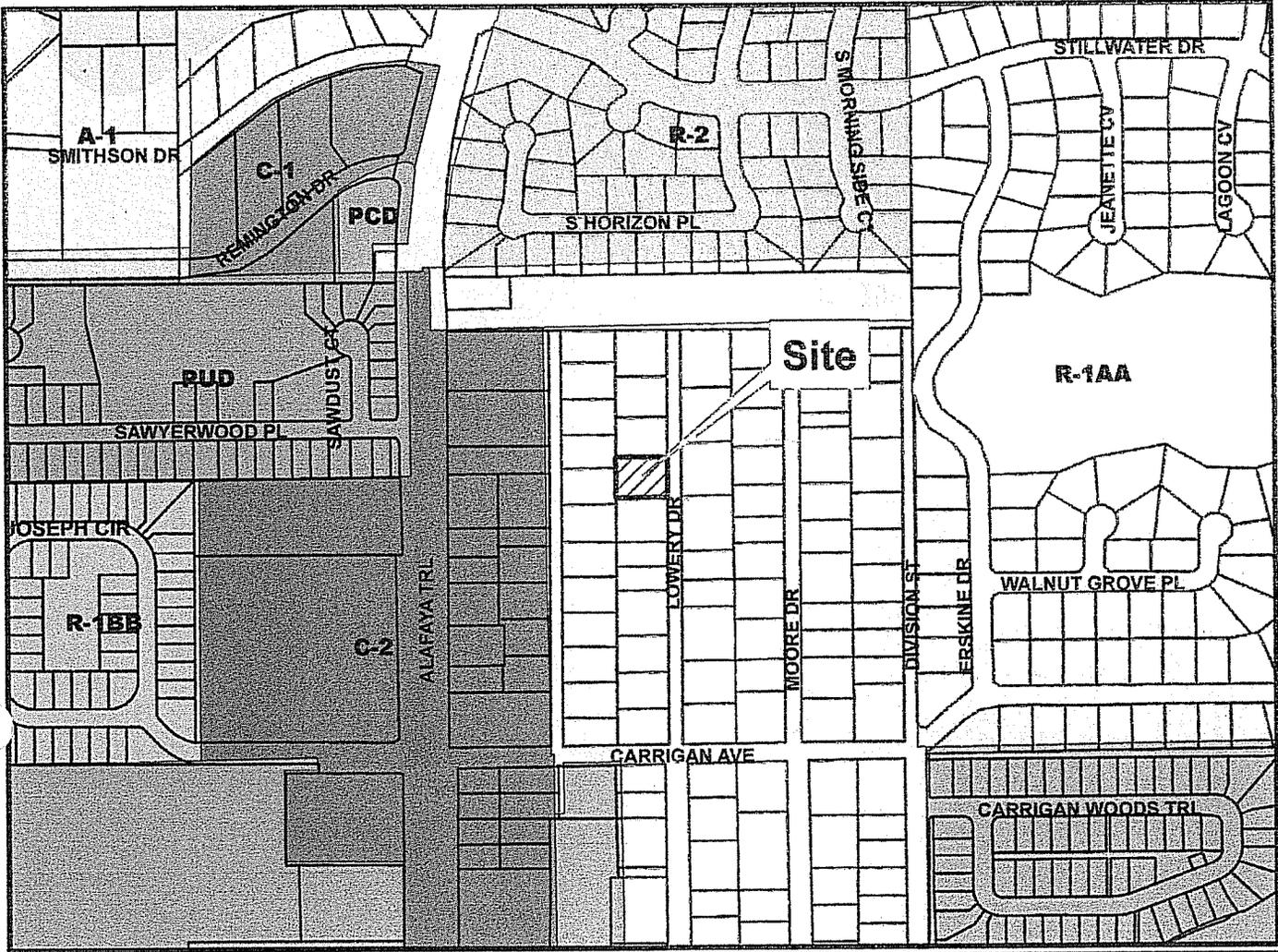
M. C. GORDAN
 208 N. Park Ave.
 Sanford, Florida 32771
 305-322-0933

RLS # 671

1 E C 1 70
 1 4 7 70
 B

33 x 0 0
 33 x 0 0

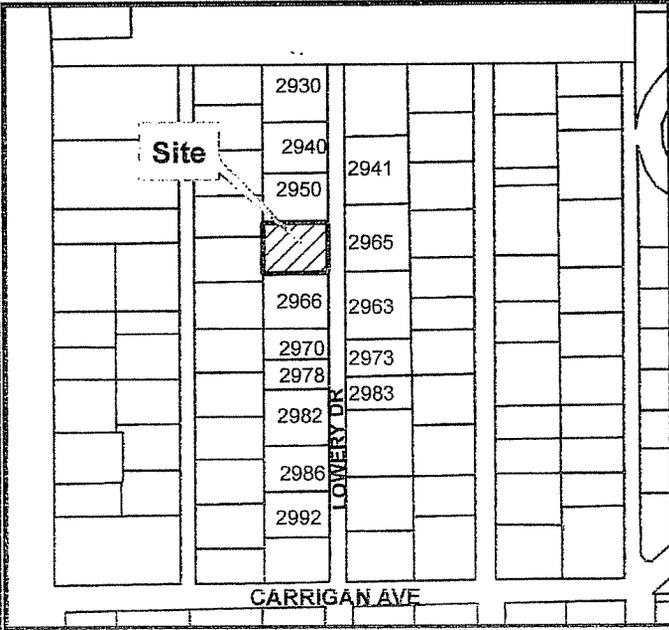
Sherry & Herman Rigdon
 2960 Lowery Drive
 Oviedo, Florida 32765

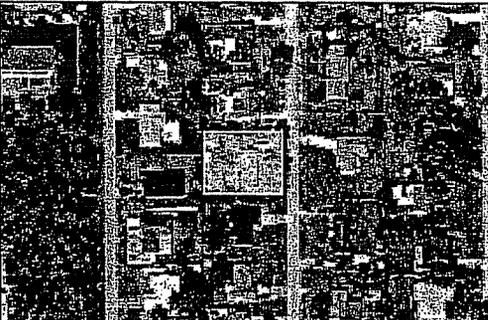


Seminole County Board of Adjustment
 June 25, 2007
 Case: BV2007-48 (Map 3213, Grid A5)
 Parcel No: 27-21-31-5CC-0B00-0250

Zoning

- | | | | |
|---|-----------|---|-----|
|  | BV2007-48 |  | R-2 |
|  | A-1 |  | C-1 |
|  | R-1AA |  | C-2 |
|  | R-1A |  | PUD |
|  | R-1BB |  | PCD |



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7506</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>29</td><td>2.0</td><td>28.0</td><td>28.0</td></tr> <tr><td>28</td><td>3.0</td><td>28</td><td>28</td></tr> <tr><td>27</td><td>4.0</td><td>26.0</td><td>27</td></tr> <tr><td>5.0</td><td>4.0</td><td>26</td><td>3.0</td></tr> <tr><td>26</td><td>5.0</td><td>25.0</td><td>5</td></tr> <tr><td>A 25</td><td>5.0</td><td>B 25</td><td>6 C</td></tr> <tr><td>24</td><td>7.0</td><td>24</td><td>7</td></tr> <tr><td>23.0</td><td>8.0</td><td>22.0</td><td>8</td></tr> <tr><td>22.0</td><td></td><td>21.0</td><td>9</td></tr> </table>	29	2.0	28.0	28.0	28	3.0	28	28	27	4.0	26.0	27	5.0	4.0	26	3.0	26	5.0	25.0	5	A 25	5.0	B 25	6 C	24	7.0	24	7	23.0	8.0	22.0	8	22.0		21.0	9	
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<p>GENERAL</p> <p>Parcel Id: 27-21-31-5CC-0B00-0250</p> <p>Owner: RIGDON HERMAN J & SHERRY S</p> <p>Mailing Address: 2960 LOWERY DR</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 2960 LOWERY DR OVIEDO 32765</p> <p>Subdivision Name: SEMINOLE TERRACE REPLAT</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$137,477</p> <p>Depreciated EXFT Value: \$918</p> <p>Land Value (Market): \$69,160</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$207,555</p> <p>Assessed Value (SOH): \$90,114</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$65,114</p> <p>Tax Estimator</p>																																				
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April, 2007

The undersigned have been advised of the request for a variance from a 30' to a 10' rear yard setback at the residence of Herman J. and Sherry S. Rigdon at 2960 Lowery Drive in Oviedo, Florida and are not opposed to the variance.

BARBARA Esquivel 4-5-7
Name Date
2950 Lowery DR Oviedo, FL 32765
Address

Lisa L Tanner 4-18-07
Name Date
2963 Lowery Drive
Address

[Signature] 4/18/07
Name Date
2957 Boland Drive
Address

William Howard 4-18-07
Name Date
2945 Boland Dr.
Address

[Signature] 4-18-07
Name Date
2931 Boland Dr
Address

Name Date

Address

April, 2007

The undersigned have been advised of the request for a variance from a 30' to a 10' rear yard setback at the residence of Herman J. and Sherry S. Rigdon at 2960 Lowery Drive in Oviedo, Florida and are not opposed to the variance.

William Sanchez 04/18/07
Name Date

2966 Lowery Dr.
Address

Donna B Haupt 04/18/07
Name Date

2940 Lowery DR
Address

Kristina Bais 4/18/07
Name Date

2965 Lowery DR, Oviedo 32765
Address

Name Date

Address

Name Date

Address

Name Date

Address

Seminole Terrace Homeowner's Association

April 4, 2007

Barbara Esquivel
Architectural Approval
Seminole Terrace Homeowner's Association
2950 Lowery Drive
Oviedo, FL 32765

Seminole County Planning Division
1101 East First Street
Sanford, FL 32771

I have reviewed the request for a variance from 30 feet to 10 feet on the rear yard setback at 2960 Lowery Drive, Oviedo, Florida, for a shed. The Seminole Terrace Homeowner's Association approves this request for a variance.



Barbara Esquivel
Architectural Approval
Seminole Terrace Homeowner's Association

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 25, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

**LEG LOT 25 & S 1/2 OF LOT 26 BLK B
SEMINOLE TERRACE REPLAT PB 11 PG 29**

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

FINDINGS OF FACT

Property Owner: Herman & Sherry Rigdon
2960 Lowery Dr
Oviedo, FL 32765

Project Name: Lowery Drive (2960)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 10 feet for a proposed 558 square foot shed in R-1AA (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: Joy Williams, 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 shed 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: