

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

**SUBJECT:** Emmett Avenue (Lot 76) - Request for a (1) lot size variance from 43,560 square feet to 7,500 square feet; (2) width at the building line from 150 feet to 50 feet; (3) front yard setback variance from 50 feet to 25 feet, and (4) side street setback variance from 50 feet to 10 feet for a proposed single home in A-1 (Agriculture District).

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Kathy Fall      **EXT.** 7489

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

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) lot size variance from 43,560 square feet to 7,500 square feet; (2) width at the building line from 150 feet to 50 feet; (3) front yard setback variance from 50 feet to 25 feet, and (4) side street setback variance from 50 feet to 10 feet for a proposed home; or
2. **DENY** the request for a (1) lot size variance from 43,560 square feet to 7,500 square feet; (2) width at the building line from 150 feet to 50 feet; (3) front yard setback variance from 50 feet to 25 feet, and (4) side street setback variance from 50 feet to 10 feet for a proposed home; or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant:	David Gardner
	Location:	Emmett Avenue
	Zoning:	A-1
	Subdivision:	Sylvan Lake
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a single family home on a platted lot that does not meet the A-1 zoning classifications minimal dimensional requirements. The proposed home will also encroach into the minimal setback requirements.</li> <li>• The building area on the site plan will accommodate a</li> </ul>	

	<p>single family home with a maximum of 1350 square feet.</p> <ul style="list-style-type: none"> <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>
<p><b>STAFF FINDINGS</b></p>	<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>• The subject lot was created as a part of the 1<sup>st</sup> Addition to Sylvan Lake, which was platted on October 17, 1925.</li> <li>• The adoption of County wide zoning in 1960 subsequently rendered the lot non-conforming with respect to A-1 zoning minimal dimensional requirements, thereby creating a hardship.</li> <li>• The size of the subject property is 6,240 square feet which is similar to the R-1BB zoning district. Staff believes that variances allowing setbacks like those in the R-1BB zoning district would be the minimum variances to make reasonable use of the property</li> <li>• 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 did not result from the actions of the applicant.</li> <li>• 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.</li> <li>• 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.</li> <li>• The variances granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li> <li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.</li> <li>• The grant of the variance would be in harmony with the general intent of Chapter 30.</li> </ul>
<p><b>STAFF</b></p>	<ul style="list-style-type: none"> <li>• Based on the stated findings, staff recommends approval</li> </ul>

<b>RECOMMENDATION</b>	of the requests. If approved by the board, staff recommends the following conditions of approval: <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the proposed home and lot as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul>
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**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 # BY 2007-59  
Meeting Date June 25, 07

**COPY**



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

RECEIVED MAY 04 2007

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

Name: DAVID GARDNER  
Address: 1775 EMMETT AVE. City: SANFORD Zip code: 32771  
Project Address: EMMETT AVE. City: SANFORD Zip code: 32771  
Contact number(s): 321-277-7966  
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.	

RECEIVED MAY 04 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>7500 SF</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150'</u>	Actual lot width:	<u>50'</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50'</u>	Proposed setback:	<u>25'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>50'</u>	Proposed setback:	<u>10'</u>
<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>4</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: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Submitted: 5-4-07 Reviewed By: DHG  
 Tax parcel number: 31-19-30-502-0000-0760 Zoning/FLU A-1/LDR  
 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 7500 sq ft  Meets minimum size and width No  
 Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

Please return this checklist with your application!

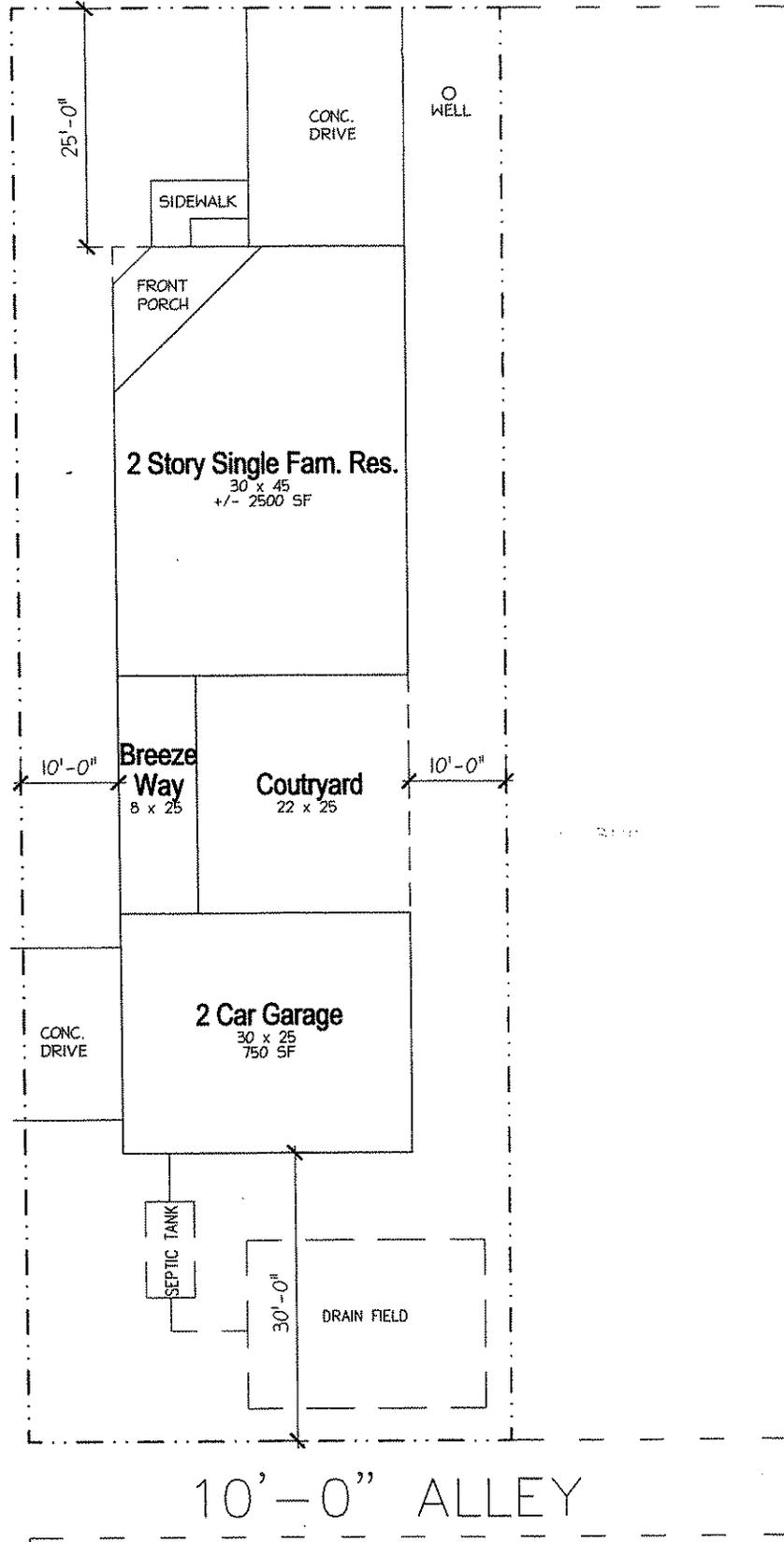
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). 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.



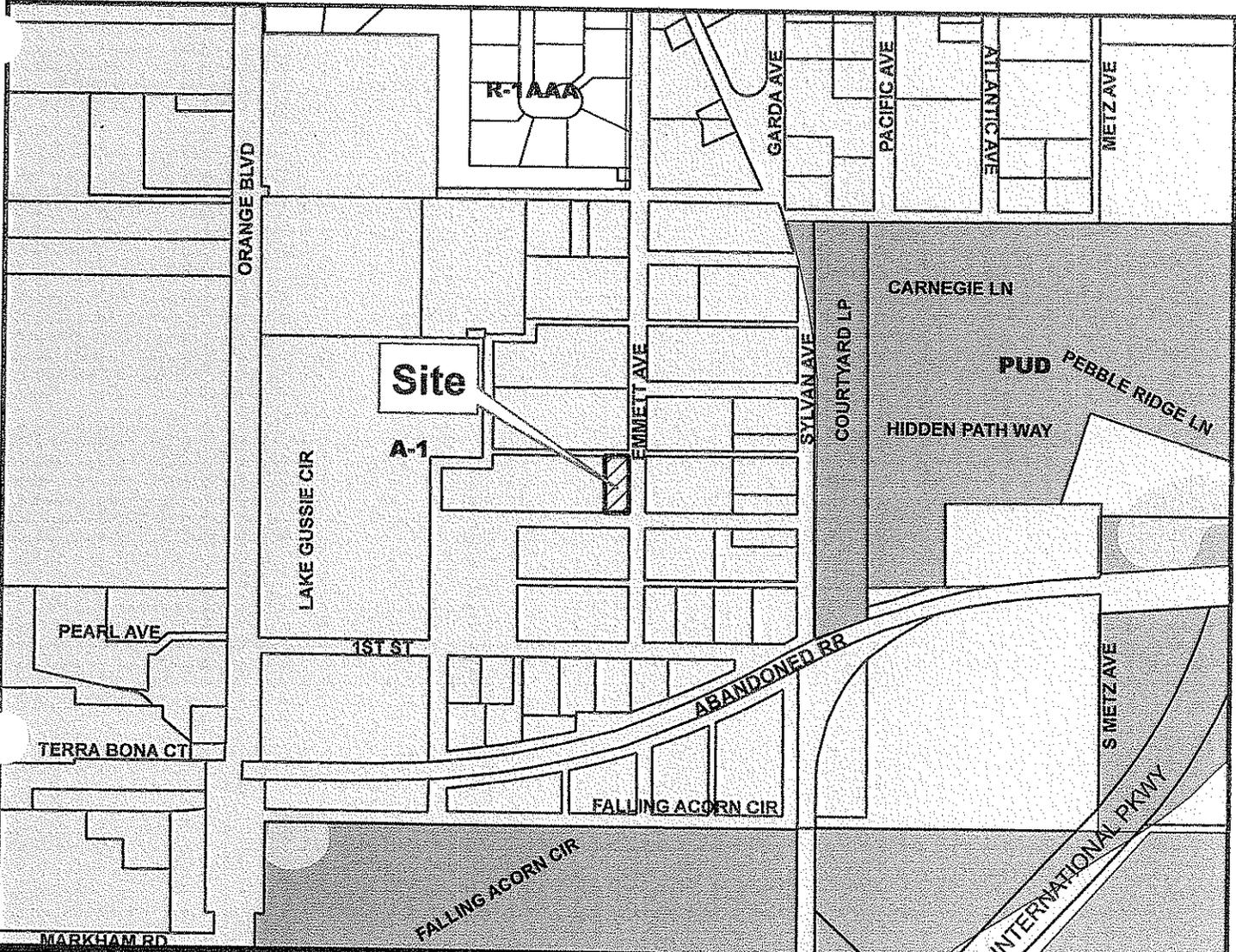
842007-59

SECOND STREET

EMMETT AVE.

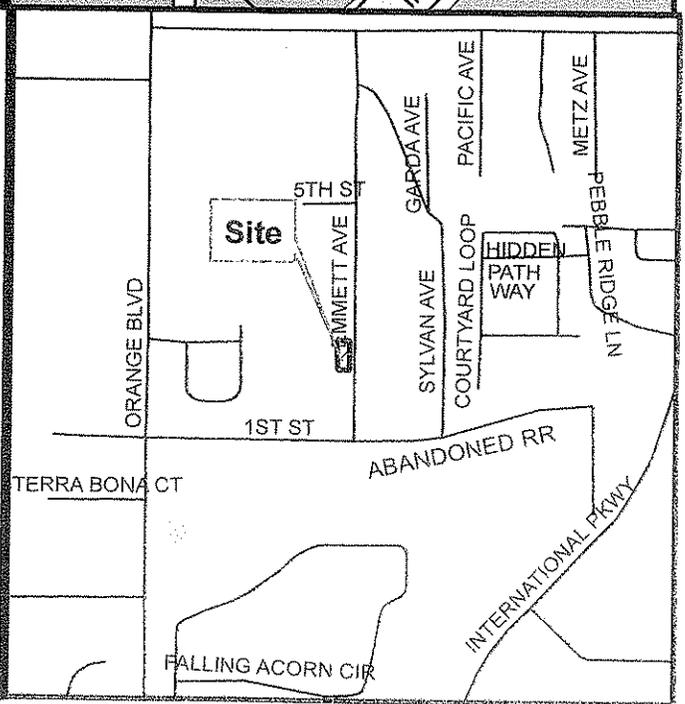
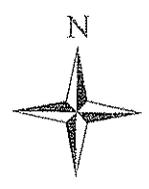


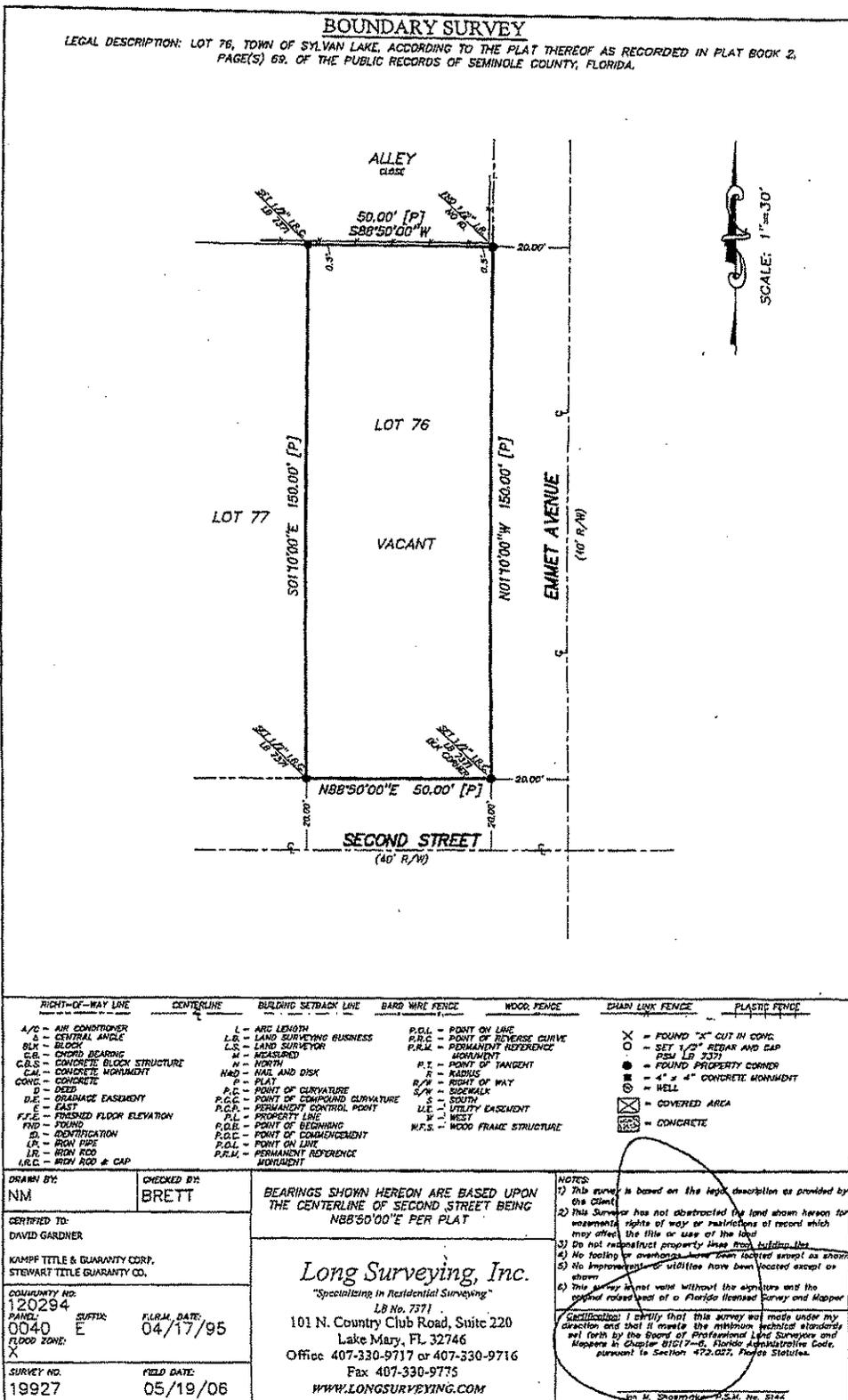
David Gardner  
 Lot 76, Town of Sylvan Lake  
 Emmett Avenue, Sanford, Florida 32771



Seminole County Board of Adjustment  
 June 25, 2007  
 Case: BV2007-59 (Map 3051, Grid B2)  
 Parcel No: 31-19-30-502-0000-0760

- Zoning**
-  BV2007-59
  -  A-1
  -  R-1AAA
  -  PUD





**DRAWN BY:** NM  
**CHECKED BY:** BRETT

**CERTIFIED TO:** DAVID GARDNER

**KAMPF TITLE & GUARANTY CORP.**  
**STEWART TITLE GUARANTY CO.**

**COUNTY NO:** 120294  
**PANEL:** 0040  
**SUFFIX:** E  
**FLOOR ZONE:** X

**FIELD DATE:** 04/17/95

**SURVEY NO:** 19927  
**FIELD DATE:** 05/19/06

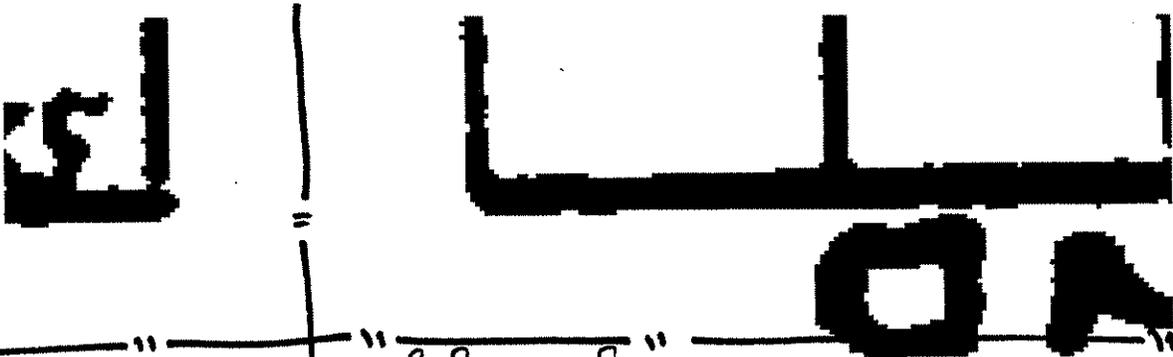
**Long Surveying, Inc.**  
"Specializing in Residential Surveying"  
LB No. 7371  
101 N. Country Club Road, Suite 220  
Lake Mary, FL 32746  
Office 407-330-9717 or 407-330-9716  
Fax 407-330-9775  
[WWW.LONGSURVEYING.COM](http://WWW.LONGSURVEYING.COM)

**NOTES:**

- This survey is based on the legal description as provided by the Client.
- This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land.
- Do not reconstruct property lines from building lines.
- No tooling or monuments have been located except as shown.
- No improvements or utilities have been located except as shown.
- This survey was not made without the signatures and the official raised seal of a Florida Licensed Surveyor and Mapper.

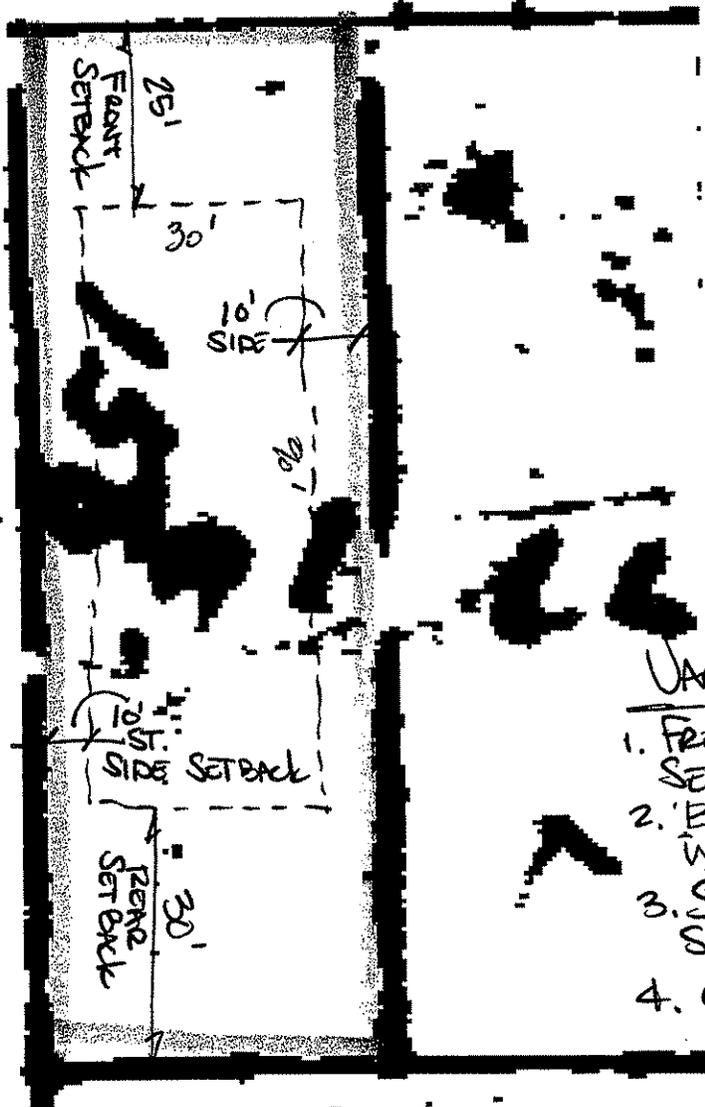
**Certification:** I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 11S17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Geo. H. Shoemaker, P.S.M. No. 2144



2nd St.

E STREET



VARIANCES

1. FRONT SET BACK
2. BUILD WIDTH LINE
3. ST. SIDE SETBACK
4. OVER ALL LOT SIZE

501 0000 1310  
 P 132  
 D SYLVAN LAKE  
 B

501 0000 1360  
 137 + 138  
 D SYLVAN LAKE  
 B

501 0000 1390  
 + 140  
 D SYLVAN LAKE  
 B

501 0000 1410  
 141  
 D SYLVAN LAKE  
 B

501 0000 1460  
 + 147  
 D SYLVAN LAKE  
 B

501 0000-1680  
 D SYLVAN LAKE  
 B

501 0000 1720  
 176  
 D SYLVAN LAKE

HEX		01		4196
W/D			07	
WEX				
NEX	280			
TOT	280			
HEX		01		4197
W/D			07	
WEX				
NEX	470			
TOT	470			
HEX		01		4198
W/D			07	
WEX				
NEX	310			
TOT	310			
HEX		01		4199
W/D			07	
WEX				
NEX	1660			
TOT	1660			
HEX		01		4200
W/D			07	
WEX				
NEX	310			
TOT	310			
HEX		01		4201
W/D			07	
WEX				
NEX	160			
TOT	160			
HEX		01		4202
W/D			07	
WEX				
NEX				
TOT				

RILEY ELLA M  
 20 BUCHANAN DRIVE  
 NEWPORT NEWS VA

MILLIKIN T M C/O DOROTHEA  
 M WELCH BROOKHILL FARMS  
 BRACKENVILLE RD BOX 317  
 HOCKESSIN DEL 19707

THOMAS J E + ANNIE G  
 P O BOX 1624  
 SANFORD FLA

HARRISS HAROLD H  
 + FLORENCE  
 RT 1 BOX 229C  
 SANFORD FLA

HARRISS HAROLD H  
 + FLORENCE H  
 RT 1 BOX 229C  
 SANFORD FLA

CRANFIELD R B  
 RT 1 BOX 2718  
 Ocala FLA

HODGES M G + AGNES H  
 BOX 323  
 SANFORD FLA

31 19 30 502 0000 0640  
 LOTS 64 TO 66  
 TOWN OF SYLVAN LAKE  
 PB 2 PG 69

31 19 30 502 0000 0670  
 LOTS 67 + 68  
 TOWN OF SYLVAN LAKE  
 PB 2 PG 69

31 19 30 502 0000 0690  
 LOTS 69 70 + 97  
 TOWN SYLVAN LAKE  
 PB 2 PG 69

31 19 30 502 0000 0710  
 LOTS 71 TO 75  
 TOWN OF SYLVAN LAKE  
 PB 2 PG 69

31 19 30 502 0000 0760  
 LOT 76  
 TOWN OF SYLVAN LAKE  
 PB 2 PG 69

31 19 30 502 0000 0770  
 LOT 77  
 TOWN OF SYLVAN LAKE  
 PB 2 PG 69

31 19 30 502 0000 0780  
 LOTS 78 TO 83 + 85 TO 92 +  
 93 TO 105 + 107 TO 111

HEX				
W/D				
WEX				
NEX				620
TOT				620
HEX				
W/D				
WEX				
NEX				310
TOT				310
HX	30			
HEX				3890
W/D				
WEX				
NEX				
TOT				3890
HX	**			
HEX				5000
W/D				
WEX				
NEX				501
TOT				1001
HEX				
W/D				
WEX				
NEX				160
TOT				160
HEX				
W/D				
WEX				
NEX				7
TOT				7
HEX				
W/D				
WEX				
NEX				
TOT				

## 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 76 TOWN OF SYLVAN LAKE PB 2 PB 69

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

### FINDINGS OF FACT

**Property Owner:** David Gardner  
1775 Emmett Avenue  
Sanford, Fl. 32771

**Project Name:** Emmett Avenue (Lot 76)

**Requested Development Approval:**

Request for a (1) minimum lot size variance from 43,560 square feet to 7,500 square feet, (2) width at the building line from 150 feet to 50 feet, (3) front yard setback variance from 50 feet to 25 feet, and (4) side street setback variance from 50 feet to 10 feet for a proposed single 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 lot and building 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: