

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

SUBJECT: 705 Citrus Tree Drive – John Foster, applicant; Request for a rear yard setback variance from 30 feet to 25 feet for a proposed single family residence in R-1 (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 7/23/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 25 feet for a proposed single family residence in R-1 (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 25 feet for a proposed single family residence in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: John Foster Location: 705 Citrus Tree Drive Zoning: R-1 (Single Family Dwelling District) Subdivision: Orange Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new single family residence that will encroach 5 feet into the required 30-foot rear 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 not satisfied the criteria for the grant of a variance. Staff has determined that: <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,

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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.
<p>STAFF RECOMMENDATION</p>	<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 new single family residence 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 # BU 2007-61
Meeting Date 7-23-07



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: John W. Foster
Address: 228 MARICEN ST City: ALTAMONTE FL Zip code: 32701
Project Address: 205 CITRUS TREE DR City: ALTAMONTE Zip code: 32701
Contact number(s): (407) 331-8289 hm. (407) 947-5515 Springs
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 15 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 ft.</u>	Proposed setback:	<u>25 ft.</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>]				

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: John W. Foster

FOR OFFICE USE ONLY

Date Submitted: 5-15-07 Reviewed By: P. Johnson
 Tax parcel number: 07-21-30-504-0000-0320 Zoning/FLU R-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 _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

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.
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.

NOTES:

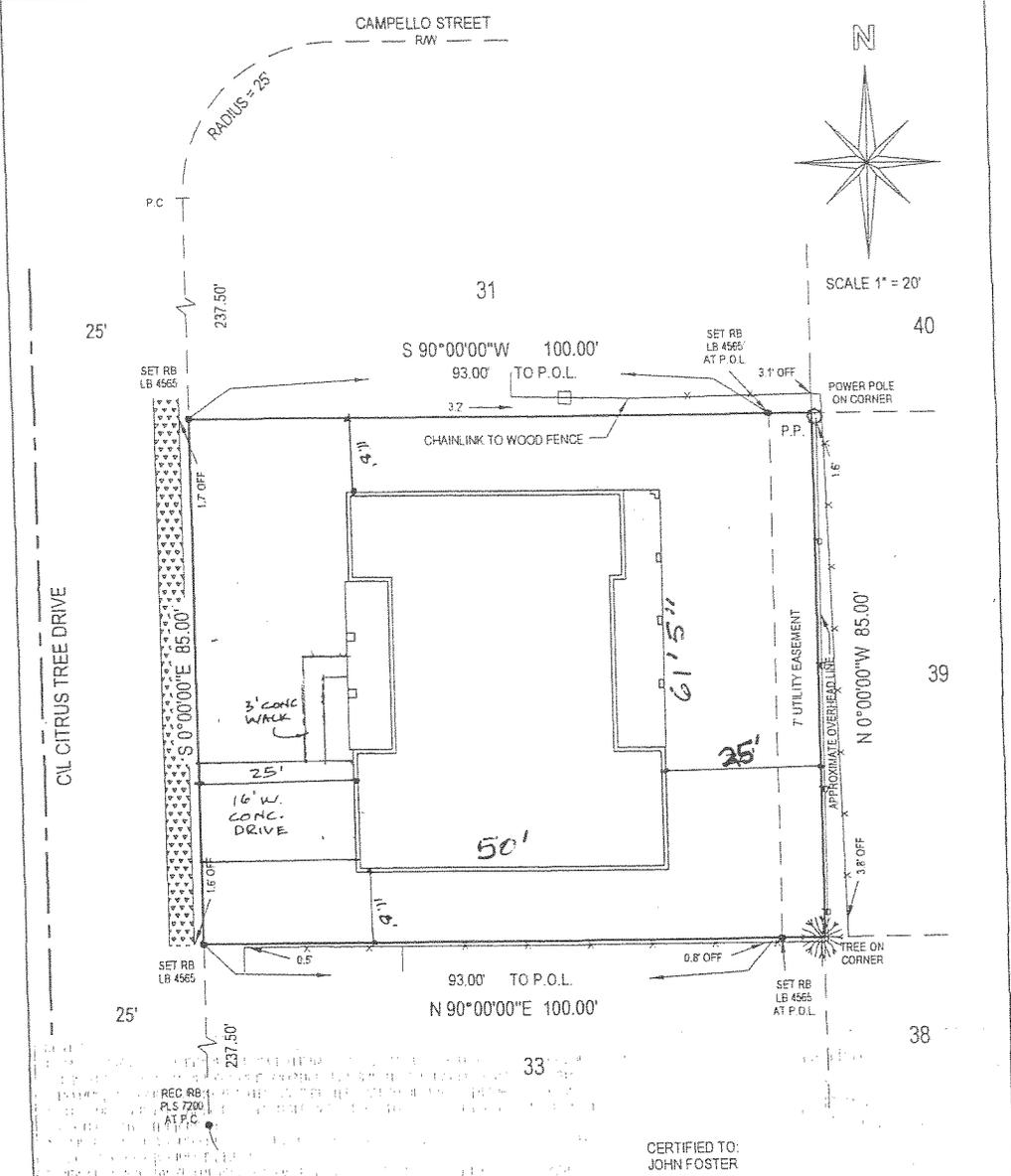
1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
5. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.I.R.M. COMMUNITY PANEL NO. 120290 0140 E DATED 04-17-95.
7. BUILDING LINES SHOWN REPRESENT BUILDING WALLS, EAVES, IF ANY, NOT LOCATED OR SHOWN.



LAND SURVEYORS
LB 4565

Boundary
And
Mapping
Associates, Inc.

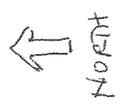
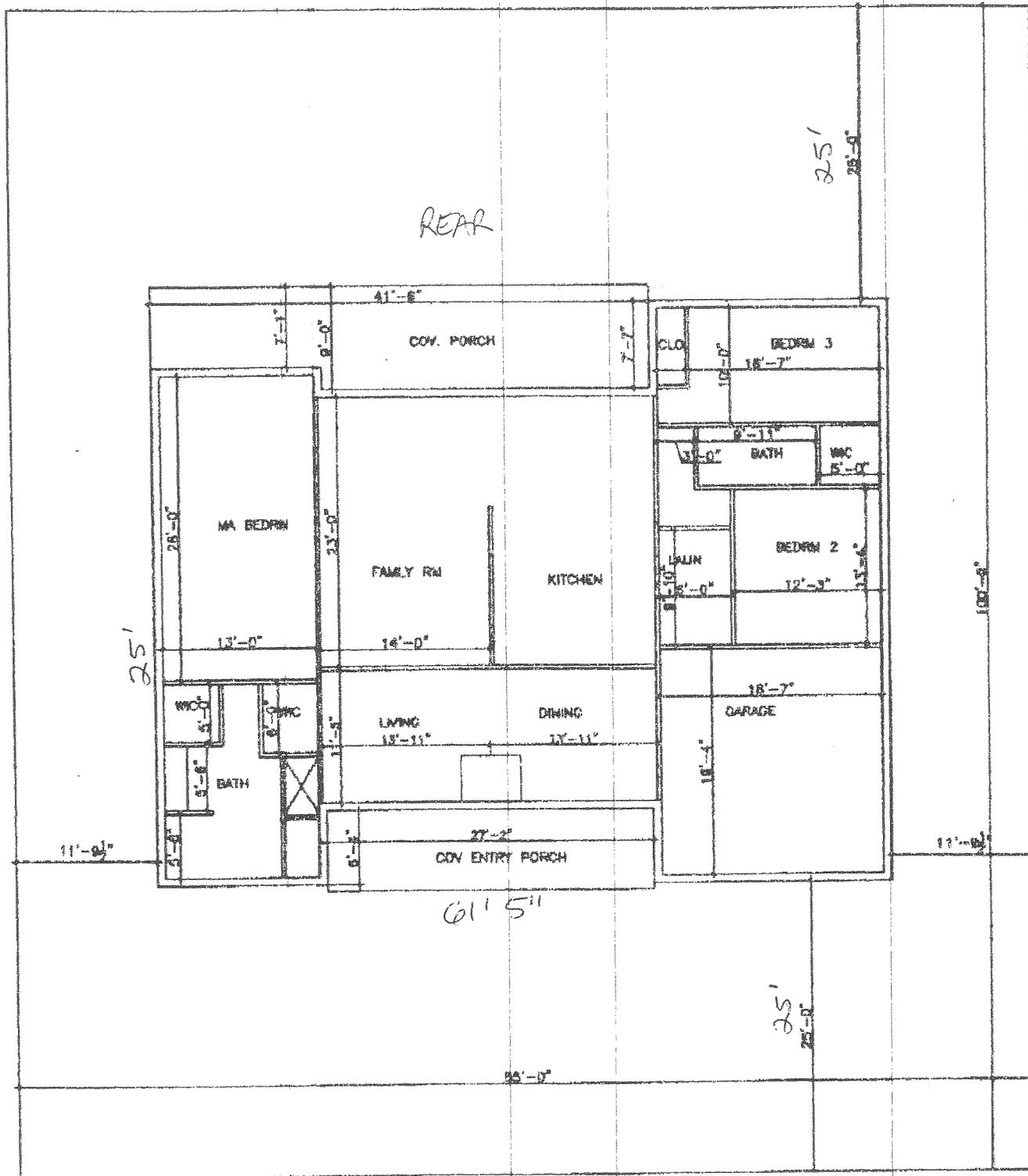
109 WEST ORANGE STREET
ALTIMONTE SPRINGS, FL
32714
PH. (407) 696-1155



DESCRIPTION: LOT 32, ORANGE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE 56, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CERTIFIED TO:
JOHN FOSTER

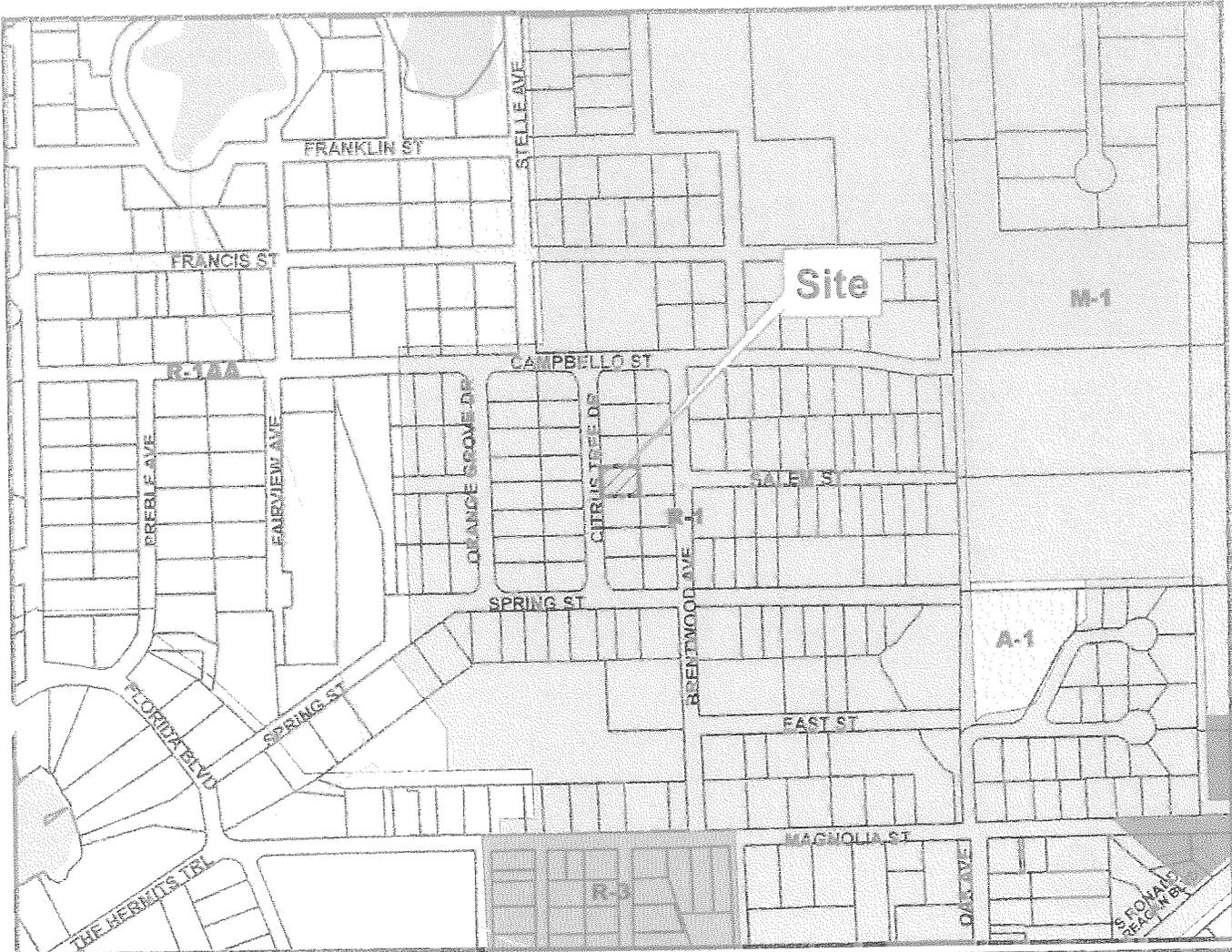
<p>JOB NO.: 07-1016 DATE FIELD: 05-14-07 SIGNED: 05-14-07 DRAWN BY: JWJ/CMS P.C.: RP</p>	<p>LEGEND</p> <table border="0"> <tr> <td>REC - RECOVERED</td> <td>CONCRETE</td> </tr> <tr> <td>IR - IRON PIPE</td> <td>PRC - POINT OF REVERSE CURVE</td> </tr> <tr> <td>LC - KLEGGIBLE CAP #</td> <td>R.P. - RADIUS POINT</td> </tr> <tr> <td>CM - CONCRETE MONUMENT</td> <td>R - RADIUS</td> </tr> <tr> <td>RE - REBAR</td> <td>L - LENGTH OF ARC</td> </tr> <tr> <td>RAD - RADIAL</td> <td>CA - CENTRAL ANGLE</td> </tr> <tr> <td>N.S. - NOT RADIAL</td> <td>U.E. - UTILITY EASEMENT</td> </tr> <tr> <td>N&D - NAIL & DISC</td> <td>D.E. - DRAINAGE EASEMENT</td> </tr> <tr> <td>(P) - PER PLAT</td> <td>L.E. - LANDSCAPE EASEMENT</td> </tr> <tr> <td>(M) - AS MEASURED</td> <td>P.E. - POOL EQUIPMENT</td> </tr> <tr> <td>(D) - PER DESCRIPTION</td> <td>P.P. - POWER POLE</td> </tr> <tr> <td>OL - ON LINE</td> <td>JL - CHAIN LINK FENCE</td> </tr> <tr> <td>PC - POINT OF CURVATURE</td> <td>W - WOODEN FENCE</td> </tr> <tr> <td>PT - POINT OF TANGENCY</td> <td></td> </tr> </table>	REC - RECOVERED	CONCRETE	IR - IRON PIPE	PRC - POINT OF REVERSE CURVE	LC - KLEGGIBLE CAP #	R.P. - RADIUS POINT	CM - CONCRETE MONUMENT	R - RADIUS	RE - REBAR	L - LENGTH OF ARC	RAD - RADIAL	CA - CENTRAL ANGLE	N.S. - NOT RADIAL	U.E. - UTILITY EASEMENT	N&D - NAIL & DISC	D.E. - DRAINAGE EASEMENT	(P) - PER PLAT	L.E. - LANDSCAPE EASEMENT	(M) - AS MEASURED	P.E. - POOL EQUIPMENT	(D) - PER DESCRIPTION	P.P. - POWER POLE	OL - ON LINE	JL - CHAIN LINK FENCE	PC - POINT OF CURVATURE	W - WOODEN FENCE	PT - POINT OF TANGENCY		<p>Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.</p> <p><i>Jimmy W. Jackson</i> JIMMY W. JACKSON, PSM 4243</p>
REC - RECOVERED	CONCRETE																													
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FRONT

REAR

John Foster
 705 Citrus Tree Dr
 Altamonte Springs, Florida 32701



Seminole County Board of Adjustment
 July 23, 2007
 Case: BV2007-61 (Map 3156, Grid B5)
 Parcel No: 07-21-30-504-0000-0320

Zoning

- | | |
|---|---|
|  BV2007-61 |  R-3 |
|  A-1 |  C-1 |
|  R-1AA |  C-3 |
|  R-1 |  M-1 |



R-1

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		14 27 15 28 16 25 17 24 18 23 19 22	CITRUS TREE DR	30 41 31 40 32 39 33 38 34 37	BRENTWOOD AVE 72V 725																																			
GENERAL Parcel Id: 07-21-30-504-0000-0320 Owner: FOSTER JOHN W Mailing Address: 228 MARKER ST City,State,ZipCode: ALTAMONTE SPRINGS FL 32701 Property Address: 705 CITRUS TREE DR Subdivision Name: ORANGE ESTATES 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): \$18,000 Land Value Ag: \$0 Just/Market Value: \$18,000 Assessed Value (SOH): \$18,000 Exempt Value: \$0 Taxable Value: \$18,000 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>WARRANTY DEED</td> <td>10/1992</td> <td>02501</td> <td>0071</td> <td>\$9,400</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>07/1986</td> <td>01751</td> <td>1165</td> <td>\$7,600</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>U.S. MARSHALL DEED</td> <td>03/1986</td> <td>01724</td> <td>0592</td> <td>\$8,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01121</td> <td>0252</td> <td>\$17,500</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision					Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	10/1992	02501	0071	\$9,400	Vacant	No	QUIT CLAIM DEED	07/1986	01751	1165	\$7,600	Vacant	No	U.S. MARSHALL DEED	03/1986	01724	0592	\$8,000	Vacant	No	WARRANTY DEED	01/1977	01121	0252	\$17,500	Improved	Yes	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$290 2006 Taxable Value: \$18,000 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
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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.																																								

F | 25'
 S | 7.5'
 R | 30'

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 32 ORANGE ESTATES PB 16 PG 56

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

FINDINGS OF FACT

Property Owner: John W. Foster
228 Marker Street
Altamonte Springs FL 32701

Project Name: Citrus Tree Drive (705)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 25 feet for a proposed single family residence in R-1 (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: Denny Gibbs, Senior 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 single family residence 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: