

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Richard Allen Street (Lot 228) – Linda Hersey, applicant; Request for a (1) lot size variance from 8,400 square feet to 6,400 square feet; (2) width at the building line from 70 feet to 64 feet; (3) front yard setback variance from 25 feet to 20 feet, and; (4) side street setback variance from 25 feet to 10.5 feet for a proposed single family home in R-1 (Single Family Dwelling District).

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

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

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

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) lot size variance from 8,400 square feet to 6,400 square feet; (2) width at the building line from 70 feet to 64 feet; (3) front yard setback variance from 25 feet to 20 feet, and; (4) side street setback variance from 25 feet to 10.5 feet for a proposed single family home in R-1 (Single Family Dwelling District); or
2. **DENY** the request for a (1) lot size variance from 8,400 square feet to 6,400 square feet; (2) width at the building line from 70 feet to 64 feet; (3) front yard setback variance from 25 feet to 20 feet, and; (4) side street setback variance from 25 feet to 10.5 feet for a proposed single family home in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning: Subdivision:	Linda Hersey Richard Allen Street (Lot 228) R-1 (Single Family Dwelling District) Bookertown
<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 R-1 zoning classifications minimal dimensional requirements. The proposed home will also encroach into the minimal</li> </ul>	

	<p>setback requirements.</p> <ul style="list-style-type: none"><li>• The lot was created prior to the adoption of the 1960 Land Development Code and has remained as one individual lot.</li><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>
<b>STAFF FINDINGS</b>	<p>The applicant has 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 Bookertown Subdivision, which was platted on March 12, 1926.</li><li>• The adoption of County wide zoning in 1960 subsequently rendered the lot non-conforming with respect to R-1 zoning minimal dimensional requirements, thereby creating a hardship.</li><li>• The size of the subject property is 6,400 square feet which is similar to the R-1B zoning district. Staff believes that variances allowing setbacks like those in the R-1B 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 variances granted are the minimum variances 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 variances.</li><li>• The grant of the variances would be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• Based on the stated findings, staff recommends approval of the requests. If approved by the board, staff recommends the following conditions of approval:</li><li>• Any variances granted shall apply only to the proposed home and lot as depicted on the attached site plan; and</li></ul>

	<ul style="list-style-type: none"><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

**COPY**

Application # BV2007-63  
Meeting Date 7-23-07



**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: Linda Hersey  
Address: P.O. Box 470219 City: LAKE MONROE Zip code: 32747  
Project Address: Lot 229 City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): hml(407)330-2427 cell (407) 782-4020  
Email address: (407) 324-9770

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 checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>8,400</u>	Actual lot size:	<u>6,400</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>70 ft.</u>	Actual lot width:	<u>64 ft.</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25 ft.</u>	Proposed setback:	<u>20 ft.</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>25 ft.</u>	Proposed setback:	<u>10.5 ft.</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: Linda Hersey

**FOR OFFICE USE ONLY**

Date Submitted: 5-18-07 Reviewed By: P. Johnson  
Tax parcel number: 20-19-30-501-0000-22807 Zoning/FLU R-1/MOR  
 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!*

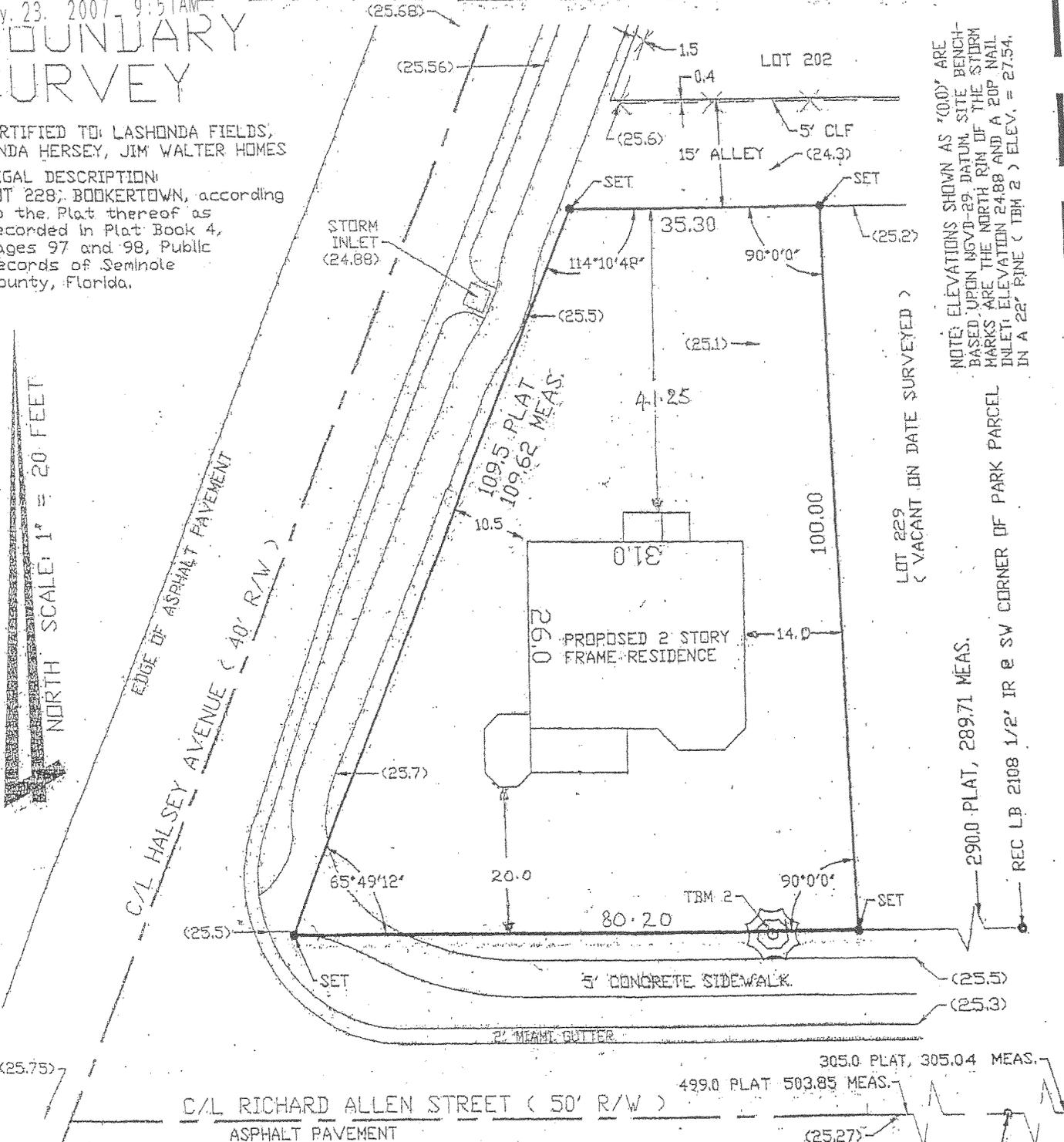
After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

1. Completed application.
2. Owner's authorization letter (if needed). <i>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></i>
3. Provide a legible 8 ½ 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>
<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 or 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.

# BOUNDARY SURVEY

CERTIFIED TO: LASHONDA FIELDS, LINDA HERSEY, JIM WALTER HOMES  
LEGAL DESCRIPTION:  
LOT 228, BOOKERTOWN, according to the Plat thereof as recorded in Plat Book 4, Pages 97 and 98, Public Records of Seminole County, Florida.

NORTH SCALE: 1" = 20 FEET



NOTE: ELEVATIONS SHOWN AS "(0.0)" ARE BASED UPON NGVD-29 DATUM. SITE BENCHMARKS ARE THE NORTH RIM OF THE STORM INLET; ELEVATION 24.88 AND A 20P NAIL IN A 2" PIPE (TBM 2) ELEV. = 27.54.

LOT 229  
(VACANT ON DATE SURVEYED)

290.0 PLAT, 289.71 MEAS.  
REC LB 2108 1/2" IR @ SW CORNER OF PARK PARCEL

### SURVEYOR'S NOTES:

- PROPERTY DESCRIPTION PROVIDED BY CLIENT. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAY FOR WHICH LEGAL DESCRIPTION WAS NOT PROVIDED. NO ABSTRACT OF TITLE IS IMPLIED WITHIN THIS SURVEY.
  - ALL LINEAR MEASUREMENTS ARE SHOWN IN DECIMAL FEET.
  - SIZE DIMENSIONS ARE IN FEET UNLESS SHOWN WITH INCH SYMBOL (").
  - ALL ANGLES AND/OR BEARINGS ARE DENOTED IN DEGREES-MINUTES-SECONDS.
  - UNDERGROUND IMPROVEMENTS AND/OR IMPROVEMENTS OUTSIDE OF PROPERTY LINES ARE NOT LOCATED UNLESS NOTED.
  - REPRODUCTIONS OF THIS DRAWING ARE NOT VALID UNLESS EMBOSSED WITH A RAISED SEAL.
- ABBREVIATION LEGEND:
- |                        |                         |   |
|------------------------|-------------------------|---|
| REC = RECOVERED        | CALC = CALCULATED       | SET = SET # 5/16 1/2" IRON ROD          |
| MEAS. = MEASURED       | DESC. = PER DESCRIPTION | PLAT = PER PLAT (ALL DISTANCES IN FEET) |
| IP = IRON PIPE         | IR = IRON ROD           | CM = CONCRETE MONUMENT                  |
| CLF = CHAIN-LINK-FENCE | CONC. = CONCRETE        | ASPH. = ASPHALT PAVEMENT                |
| PP = POWER POLE        | R/W = RIGHT-OF-WAY      | C/L = CENTERLINE                        |
| WM = WATER METER       |                         |   |
- = BROKEN LINE (DISTANCE IS NOT SHOWN TO SCALE)

PATRICK K. VANDERWYDEN, PLS  
LAND SURVEYING SERVICES  
6419 VINELAND ROAD  
ORLANDO, FLORIDA 32819

SURVEY DATE 2/27/07 BY PKV  
*Patrick K. Vanderwyden, PLS 5/2/10*

PATRICK K. VANDERWYDEN, PLS  
FLORIDA REGISTRATION # 5154  
I CERTIFY THAT THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS: CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, CHAPTER 472.

FLOOD ZONE: X FEMA PANEL # 1217C 0030E DATED: 4/17/95

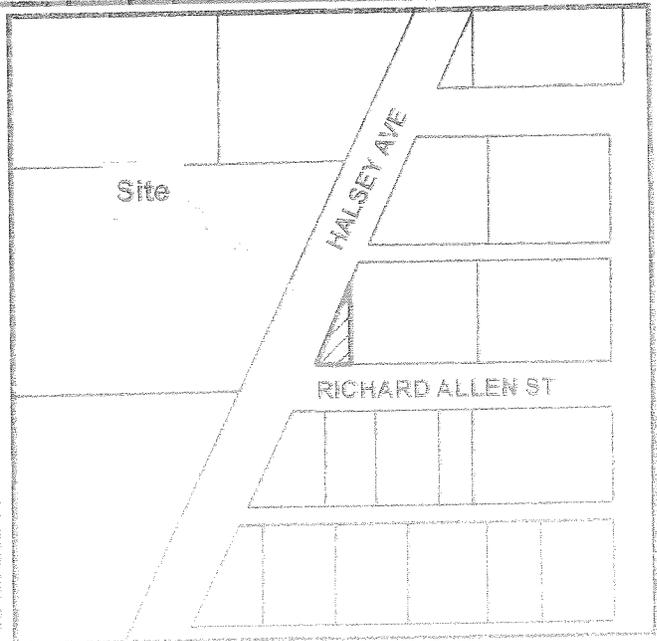
Linda Hersey  
 Lot 228, Bookertown  
 Corner of Halsey Avenue & Richard Allen Street  
 Lake Monroe, Florida 32747



Seminole County Board of Adjustment  
 July 23, 2007  
 Case: BV2007-63 (Map 2999, Grid E5)  
 Parcel No: 20-19-30-501-0000-2280

Zoning

	BV2007-63		R-2		M-1A
	A-1		C-2		PUD
	R-1		C-3		PCD



<p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 20-19-30-501-0000-2280</p> <p>Owner: HERSEY LINDA</p> <p>Mailing Address: PO BOX 470218</p> <p>City,State,ZipCode: LAKE MONROE FL 32747</p> <p>Property Address: RICHARD ALLEN ST LAKE MONROE 32747</p> <p>Subdivision Name: BOOKERTOWN</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p><b>2007 WORKING VALUE SUMMARY</b></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): \$17,056</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$17,056</p> <p>Assessed Value (SOH): \$17,056</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$17,056</p> <p>Tax Estimator</p>														
<p align="center"><b>SALES</b></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>WARRANTY DEED</td> <td>04/2006</td> <td>06215</td> <td>0870</td> <td>\$4,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/2006	06215	0870	\$4,000	Vacant	No	<p><b>2006 VALUE SUMMARY</b></p> <p>2006 Tax Bill Amount: \$127</p> <p>2006 Taxable Value: \$7,872</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified										
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<p align="center"><b>LAND</b></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 &amp; DEPTH</td> <td>64</td> <td>100</td> <td>.000</td> <td>325.00</td> <td>\$17,056</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	64	100	.000	325.00	\$17,056	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 228 BOOKERTOWN PB 4 PG 98</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value											
FRONT FOOT & DEPTH	64	100	.000	325.00	\$17,056											
<p><b>NOTE:</b> 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 July 23, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 28  
BOOKERTOWN PB 4 PGS 97-98

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

### FINDINGS OF FACT

**Property Owner:** Linda Hersey  
P.O. Box 470218  
Lake Monroe, FL 32747

**Project Name:** Richard Allen Street (Lot 228)

#### **Requested Development Approval:**

Request for a (1) lot size variance from 8,400 square feet to 6,400 square feet; (2) width at the building line from 70 feet to 64 feet; (3) front yard setback variance from 25 feet to 20 feet, and; (4) side street setback variance from 25 feet to 10.5 feet for a proposed single family home 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: 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 home and lot 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: