

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

SUBJECT: Shady Palm Cove (Lot 142B) – Bryan & Robyn Schulman, applicants; Request for 1) a minimum lot size variance from 43,560 square feet to 42,600 square feet and 2) variance to the minimum lot width at building line from 150 feet to 142 feet for a proposed single family residence in A-1 (Agricultural District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

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

MOTION/RECOMMENDATION:

1. **DENY** the request for 1) a minimum lot size variance from 43,560 square feet to 42,600 square feet and 2) variance to the minimum lot width at building line from 150 feet to 142 feet for a proposed single family residence in A-1 (Agricultural District); or
2. **APPROVE** the request for 1) a minimum lot size variance from 43,560 square feet to 42,600 square feet and 2) variance to the minimum lot width at building line from 150 feet to 142 feet for a proposed single family residence in A-1 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

| | |
|-----------------------------|--|
| GENERAL INFORMATION | Applicant: Bryan & Robyn Schulman Location: Shady Palm Cove Zoning: A-1 Subdivision: Black Hammock |
| BACKGROUND / REQUEST | <ul style="list-style-type: none"> • The applicant is requesting variances on a lot that is deficient 960 square feet in the A-1 zoning minimum lot size of 43,560 and 8 feet deficient in the minimum lot width at the building line of 150 feet. • There are currently no code enforcement or building violations for this property. |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> • There is no record of prior variances for this property. |
| <p>STAFF FINDINGS</p> | <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. • Special conditions and circumstances did not result from the actions of the applicant. • The granting of the variances 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 lot was created prior to 1970 which defines it as a lot of record therefore prior to subdivision regulations.</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>Without the requested variances the lot could not be developed with a single family home which would deny the applicant rights that are enjoyed by other properties in the area.</i> • The variances requested are the minimum variances that will make possible reasonable use of the land, building or structure. • The grant of the variances would be in harmony with the general intent of Chapter 30. |
| <p>STAFF RECOMMENDATION</p> | <p>Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval:</p> <ul style="list-style-type: none"> • Any variance granted shall apply only to the lot 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

COPY

Application # BU2007-68
Meeting Date 7-23-07



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

RECEIVED MAY 29 2007

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

Name: Bryan N. & Robin S. Schulman
Address: 362 Twelve Oaks Drive City: Winter Springs Zip code: 32708
Project Address: Parcel ID #25-20-31-5BA-0000-142B Oviedo Zip code: 32765
Contact number(s): home (407) 327-9988 cell (407) 340-5881
Email address: bnsbryan@earthlink.net

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: RECEIVED MAY 29 2007 |
| <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: <u>future single family home to be built</u> |
| <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>1 acre</u> | Actual lot size: | <u>.98 acre</u> |
| <input checked="" type="checkbox"/> Width at the building line | Required lot width: | <u>150'</u> | Actual lot width: | <u>142'</u> |
| <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: | |
| <input checked="" type="checkbox"/> Total number of variances requested <u>2</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: Bryan N. Schulman Robin S. Schulman

FOR OFFICE USE ONLY

Date Submitted: 5-29-07 Reviewed By: P. Johnson / D. Gibbs
 Tax parcel number: 25-20-31-5BA-0000-142B Zoning/FLU A-1/SE
 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 <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. |

N89°59'40"W 141.91'(M)

Lot 142
Vacant

East line of the West 142 feet
of the East 852 feet of Lot 142

West line of the West 142 feet
of the East 852 feet of Lot 142

Lot 142
REMAINDER NOT SHOWN

Lot 142
REMAINDER NOT SHOWN

Parcel ID#
25-20-31-SBA-0000
-142B

500°20'08"E 300.00'

300°21'12"E 299.96'(D)
300.00'(D)

Occupied Southeast
corner Lot 142

710.05'(M)
710.00'(D)

30'
SHADY
PALM COVE

589°59'15"W 142.01'(M)
142.00'(D)

North line of the
South 30 feet Lot 142

on tax roles
as Alicia Lane

LOT 143

ONLY THOSE IMPROVEMENTS SHOWN WERE
LOCATED AS A PART OF THIS SURVEY.
OTHER MATTERS NOT KNOWN TO THIS SURVEYOR
AT TIME OF SURVEY MAY AFFECT BOUNDARY
LINES SHOWN HEREON. BOUNDARY BASED ON
EXISTING MONUMENTATION AS FOUND IN FIELD
NO CANALS OR DITCHES LOCATED AS A
PART OF THIS SURVEY

This Survey Certified To:
Bryan N. Schulman
Robyn S. Schulman

Legend

- - Recovered 4"x4" Concrete Monument
- - Set 4"x4" Concrete Monument =LB6500
- ▲ - Recovered 1/2" Iron Rod PSM523A
- × - Recovered X Cut in concrete
- - Recovered 1/2" Iron Rod LB6303
- - Set 1/2" Iron Rod =LB6300
- ◇ - Light Pole as shown
- x— - 6" Wood Fence
- - - - - 4' Chain Link fence
- - - - - Fence as shown
- ▭ - Concrete Slab

Δ-Central Angle L-Arc R-Radius R/W-Right of Way
A/C-Air Conditioner (R)-Radial (NR)-Non-Radial
(P)-Pit (M)-Measured (C)-Calculated (D)-Deed
POB-Point of Beginning POC-Point of Commencement
POL-Point on Line

Bearings are based on the
South line of Lot 142
as being N89°59'15"E, assumed

Not valid without the signature and the original
raised seal of a Florida licensed surveyor and
mapper. Additions and deletions to survey maps,
sketches or reports by other than the signing
party or parties is prohibited without written
consent of the signing party or parties.

| |
|------------------------|
| SCALE: 1" = 50' |
| REVIEWED BY: MWS |
| DRAWN BY: SAM |
| DATE: February 7, 2006 |
| JOB No.: 25319 |
| Revised: |

This survey is certified to and prepared for the
sole and exclusive benefit of the entities and/
or individuals listed and shall not be relied on
by any other entity or individual whatsoever.

Legal Description furnished by
client (unless otherwise noted)

Underground foundations and/or improvements were
not located as a part of this survey.

This is to certify that I
have reviewed the Flood
Insurance Rating Map (FIAM),
Parcel Number 20293 0165 E,
Dated 12/06/00 and determined
that the lands shown hereon
lies in Flood Zone "X".

Lands shown hereon were not abstracted for rights
of ways and/or easements of public records.

Michael K. Seifert, PSW #458
For the Firm of Altamonte Surveying
and Platting, Inc. #189300

ALTAMONTE SURVEYING AND PLATTING, INC.

435 Douglas Avenue, Suite 1E05 F
Altamonte Springs, Florida 32714




Phone (407) 862-7555

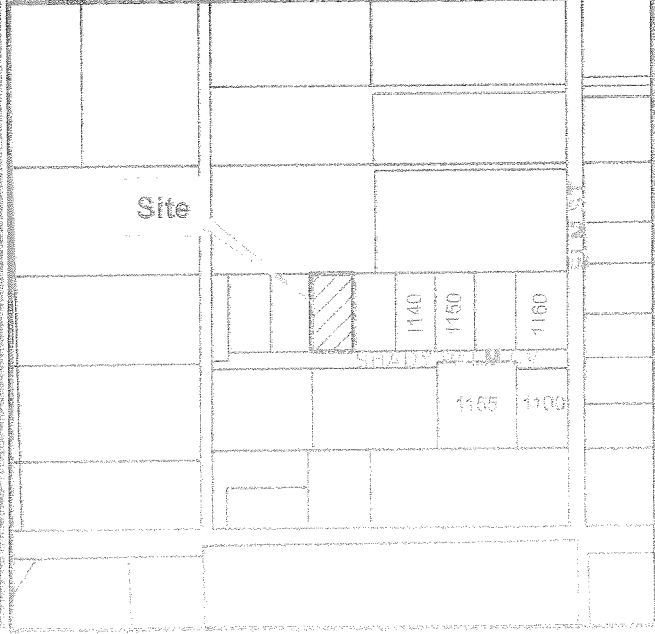
Fax (407) 862-6229

Robyn & Bryan Schulman
W 142 FT OF E 852 FT OF LOT 142 (LESS S 30 FT FOR RD)
Shady Palm Cove, Black Hammock
Oviedo, Florida 32765



Seminole County Board of Adjustment
July 23, 2007
Case: BV2007-68 (Map 3160, Grid C3)
Parcel No: 25-20-31-5BA-0000-142B

- Zoning
-  BV2007-68
 -  A-1
 -  A-5



DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-655-7506

GENERAL

Parcel Id: 25-20-31-5BA-0000-142B
 Owner: SCHULMAN BRYAN N & ROBYN S
 Mailing Address: 362 TWELVE OAKS DR
 City,State,ZipCode: WINTER SPRINGS FL 32708
 Property Address: ALICIA LN
 Subdivision Name: BLACK HAMMOCK
 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): \$49,000
 Land Value Ag: \$0
 Just/Market Value: \$49,000
 Assessed Value (SOH): \$49,000
 Exempt Value: \$0
 Taxable Value: \$49,000
 Tax Estimator

SALES

| Deed | Date | Book | Page | Amount | Vac/Imp | Qualified |
|-----------------|---------|-------|------|----------|---------|-----------|
| WARRANTY DEED | 09/2005 | 05920 | 0469 | \$73,000 | Vacant | Yes |
| CORRECTIVE DEED | 12/2004 | 05551 | 1802 | \$100 | Vacant | No |
| WARRANTY DEED | 10/2004 | 05514 | 0929 | \$25,000 | Vacant | Yes |
| WARRANTY DEED | 12/1982 | 01432 | 1477 | \$9,500 | Vacant | Yes |

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

2006 Tax Bill Amount: \$790
 2006 Taxable Value: \$49,000
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value |
|--------------------|----------|-------|------------|------------|------------|
| ACREAGE | 0 | 0 | .980 | 50,000.00 | \$49,000 |

LEGAL DESCRIPTION

PLATS: Pick...
 W 142 FT OF E 852 FT OF LOT 142 (LESS S 30 FT FOR RD) BLACK HAMMOCK
 PB 1 PG 31

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.

Edward Jones

MAKING SENSE OF INVESTING

Please note, that I, Bryan N. Schulman, will be out of the country during the next scheduled meeting on 07/23/07. I am authorizing Charles Smith to represent me at the hearing. That is the intent & purpose of form attached.

Thank you,
Bryan Schulman

www.edwardjones.com

ITEM# 50001

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I Bryan N. Schulman + Robyn S. Schulman, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s))
25-20-31-SBA-0000-142B
grant two variables

hereby petition Seminole County to ~~amend the Comprehensive Plan, Future Land-Use Map, Official Zoning Map~~
(circle one or more) from _____ to _____ and affirm that Charles
Smith is hereby designated to act as my / our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request.

Bryan Schulman
Owner's Signature

Robyn Schulman

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 22 day of May, 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Bryan N. Schulman is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of May, 2007.

Lori R. Thron
Notary Public in and for the County and State
Aforementioned

My Commission Expires: 5/18/2008

LORI R. THRON
NOTARY PUBLIC- STATE OF FLORIDA
COMMISSION # DD 293610
EXPIRES 05/18/2008
BONDED THRU 1-888-NOTARY1

JURIS SAM ET AL
 P O BOX 6596
 TITUSVILLE FLA

DEPCZYNSKI BUGDAN J +
 HANNA
 153 SEMEL AVE
 GARFIELD N J

WOZNIAK IRENE J
 6347 N KUSTNER AVE
 CHICAGO ILL

KONDELLA EDWARD + AMELIA
 4258 N KEDVALE AVE
 CHICAGO ILL

BRUNSON R CARLYLE + LOUISE
 RT 2 BOX 265
 KISSIMEE FLA

25 20 31 5BA 0000 1370
 LOTS 137 TO 141
 BLACK HAMMOCK
 PB 1 PG 31

25 20 31 5BA 0000 142A
 W 142 FT OF THE E 1136 FT
 OF LOT 142
 BLACK HAMMOCK
 PB 1 PG 31

25 20 31 5BA 0000 142B
 W 142 FT OF E 852 FT OF
 LOT 142 XLESS RD)
 BLACK HAMMOCK
 PB 1 PG 31

25 20 31 5BA 0000 142C
 W 142 FT OF E 710 FT OF
 LOT 142 XLESS RD)
 BLACK HAMMOCK
 PB 1 PG 31

25 20 31 5BA 0000 142D
 E 142 FT OF LOT 142 XLESS
 RD)
 BLACK HAMMOCK
 PB 1 PG 31

| | | | |
|---------------------------------|--------------|----------|-------|
| HEX W/D WEX NEX TOT | | 01 07 | 19952 |
| | 4250 4250 | | |
| HEX W/D WEX NEX TOT | | 01 07 | 19953 |
| | 280 280 | | |
| HEX W/D WEX NEX TOT | | 01 07 | 19954 |
| | 280 280 | | |
| HEX W/D WEX NEX TOT | | 01 07 | 19955 |
| | 280 280 | | |
| HEX W/D WEX NEX TOT | | 01 07 | 19956 |
| | 280 280 | | |

20-1-07 NA

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:

W 142 FT OF E 832 FT OF LOT 142 (LESS S 30 FT FOR RD) BLACK HAMMOCK PB 1 PG 31

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

FINDINGS OF FACT

Property Owner: Bryan & Robyn Schulman
(362 Twelvae Oaks Drive
Winter Springs, Fl. 32708

Project Name: Shady Palm Cove (Lot 142B)

Requested Development Approval:

Request for 1) a minimum lot size variance from 43,560 square feet to 42,600 square feet and 2) width at building line from 150 feet to 142 feet for a proposed single family residence in A-1 (Agricultural 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 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: