

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

SUBJECT: 161 East 7th Street – Alexys Ayer, applicant; Request for a 1) a side street setback variance from 25 feet to 0 feet and 2) a front yard setback variance from 25 feet to 0 feet for a for an existing fence; and 3) a front yard setback variance from 25 feet to 7.2 for existing garages in R-1A (Single Family Dwelling District).

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

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

Agenda Date 8/27/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a 1) a side street setback variance from 25 feet to 0 feet and 2) a front yard setback variance from 25 feet to 0 feet for a for an existing fence; and 3) a front yard setback variance from 25 feet to 7.2 for existing garages in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a 1) a side street setback variance from 25 feet to 0 feet and 2) a front yard setback variance from 25 feet to 0 feet for a for an existing fence; and 3) a front yard setback variance from 25 feet to 7.2 for existing garages in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Alexys Ayer Location: 161 East 7th Street Zoning: R-1A (Single Family Dwelling District) Subdivision: North Chuluota</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant is requesting variances for an existing fence that encroaches 25 feet into the required side street setback and front yard setback. She is also requesting a variance for two garages that encroach 17.8 feet into the required 25-foot front yard setback. • A code citation for the fence was issued in 2004 to the

	<p>previous owner.</p> <ul style="list-style-type: none">• In 1983 a front yard setback variance from 25 feet to 9 feet was granted for a garage addition. The applicant recently purchased this property and in review of the variance request for the fence it was noticed that her survey shows the garage actually constructed at 7.2 feet rather than the 9-foot setback granted.
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. <i>To move the fence that is adjacent to Tropical Avenue would require relocating a driveway that comes off Lake Drive although the applicant could reduce the height of the fence to 3 feet to meet the requirements for fences on a property line.</i>• Special conditions and circumstances result from the actions of the applicant. <i>The applicant purchased this property in March 2007; the garages and fence were existing at that time. Although the garage structures were not built by this applicant they were constructed beyond the setback variance granted.</i>• 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. <i>The applicant could relocate the fence or reduce the height of the fence and still retain reasonable use of the property.</i>

	<ul style="list-style-type: none">• 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 fence and to the garages 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 # BV 2007-84
Meeting Date Aug 27, 07



VARIANCE APPLICATION

SEMINGOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED JUL 05 2007

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

Name: Alexis Ayer
Address: 161 E. 7th St. City: Chuluota Zip code: 32766
Project Address: 161 E 7th St. City: Chuluota Zip code: 32766
Contact number(s): 407-739-0396
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 checked="" type="checkbox"/> Fence	Please describe: <u>NORTH & EAST SIDE</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>GARAGE BUILT AT 7.2'; VARIANCE GRANTED 9' (1993)</u>
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	

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 checked="" type="checkbox"/> Front yard setback <u>FENCE</u>	Required setback:	<u>25</u>	Proposed setback:	<u>0</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 <u>FENCE</u>	Required setback:	<u>25</u>	Proposed setback:	<u>0</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 checked="" type="checkbox"/> <u>FRONT</u> yard setback <u>GARAGE</u>	Required setback:	<u>9' per variance</u>	Proposed setback:	<u>7.2'</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Total number of variances requested <u>3</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: 7.5.07 Reviewed By: DG
 Tax parcel number: _____ Zoning/FLU R-1A/LOR
 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

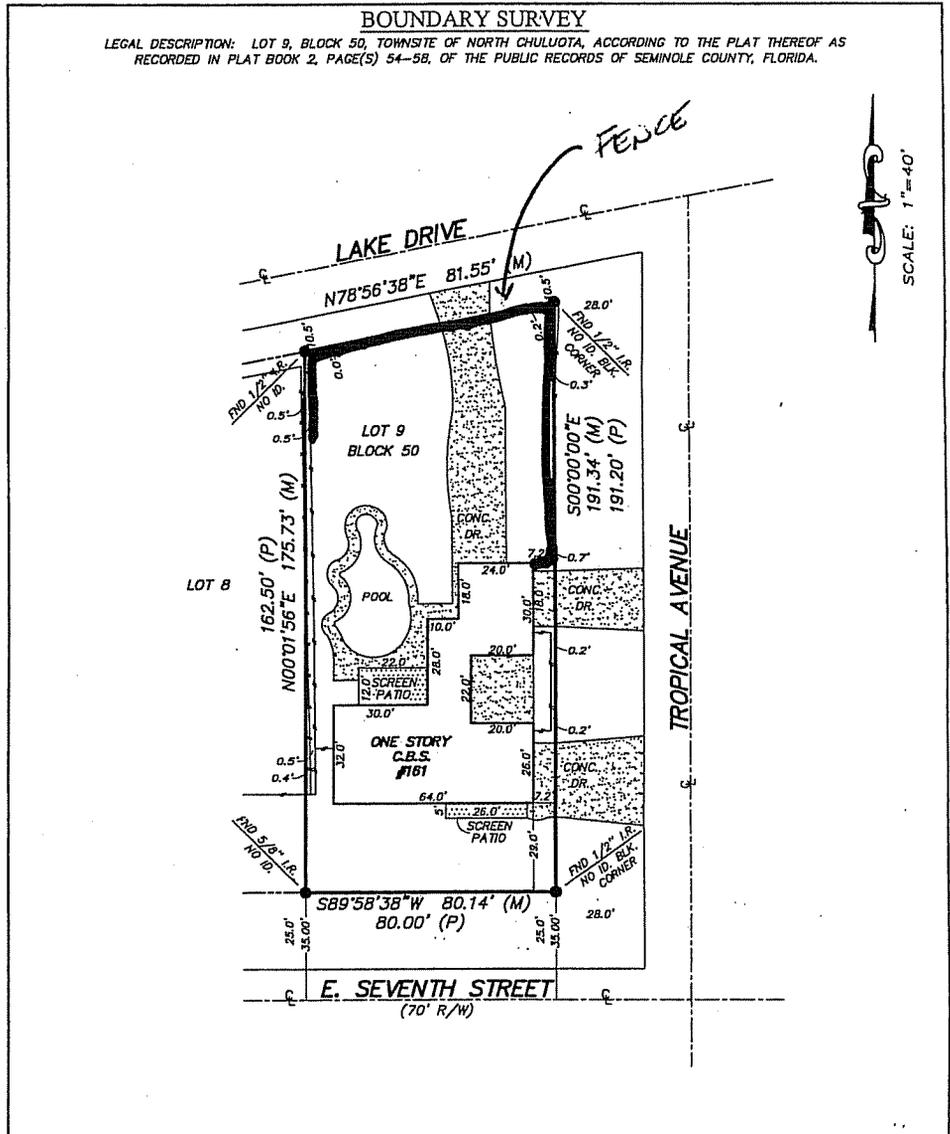
Please return this checklist with your application!

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 http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	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.
	<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 <u>or</u> 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

LEGAL DESCRIPTION: LOT 9, BLOCK 50, TOWNSITE OF NORTH CHULUOTA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE(S) 54-58, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SCALE: 1"=40'

RIGHT-OF-WAY LINE	CENTERLINE	BUILDING SETBACK LINE	BARB WIRE FENCE	WOOD FENCE	CHAIN LINK FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER A - CENTRAL ANGLE BLK - BLOCK C/L - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT CONC - CONCRETE D - DEED D.E. - DRAINAGE EASEMENT E - EAST F.F.E. - FINISHED FLOOR ELEVATION FND - FOUND ID - IDENTIFICATION I.P. - IRON PIPE I.R. - IRON ROD I.R.C. - IRON ROD & CAP	L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH N&D - NAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMMENCEMENT CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.O.L. - POINT ON LINE P.R.M. - PERMANENT REFERENCE MONUMENT	P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIOS R/W - RIGHT OF WAY S/W - SIDEWALK S - SOUTH U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE	X - FOUND "X" CUT IN CONC. O - SET 1/2" REBAR AND CAP FSM LB 7371 ● - FOUND PROPERTY CORNER ■ - 4" x 4" CONCRETE MONUMENT ⊙ - WELL ⊠ - COVERED AREA ▨ - CONCRETE			

DRAWN BY: PRA
CHECKED BY: NM

CERTIFIED TO:
ALEXYS OYER
COLDWELL BANKER HOME LOANS
THE TITLE COMPANY OF MID FLORIDA
COMMONWEALTH LAND TITLE INSURANCE COMPANY

COMPARITY NO:
120289
PANEL: 0170 SUFFIX: E
F.L.R.M. DATE: 04/17/95
FLOOD ZONE: X

SURVEY NO: 26803
FIELD DATE: 05/01/07

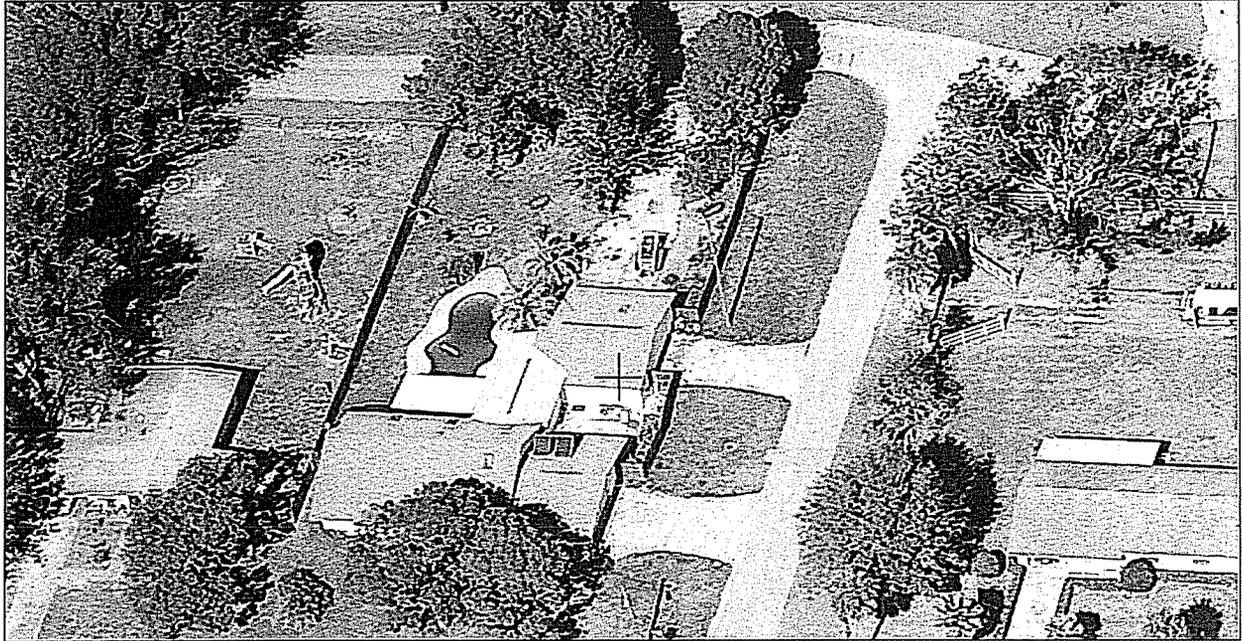
BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF SEVENTH STREET BEING ASSUMED S89°58'38"W

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

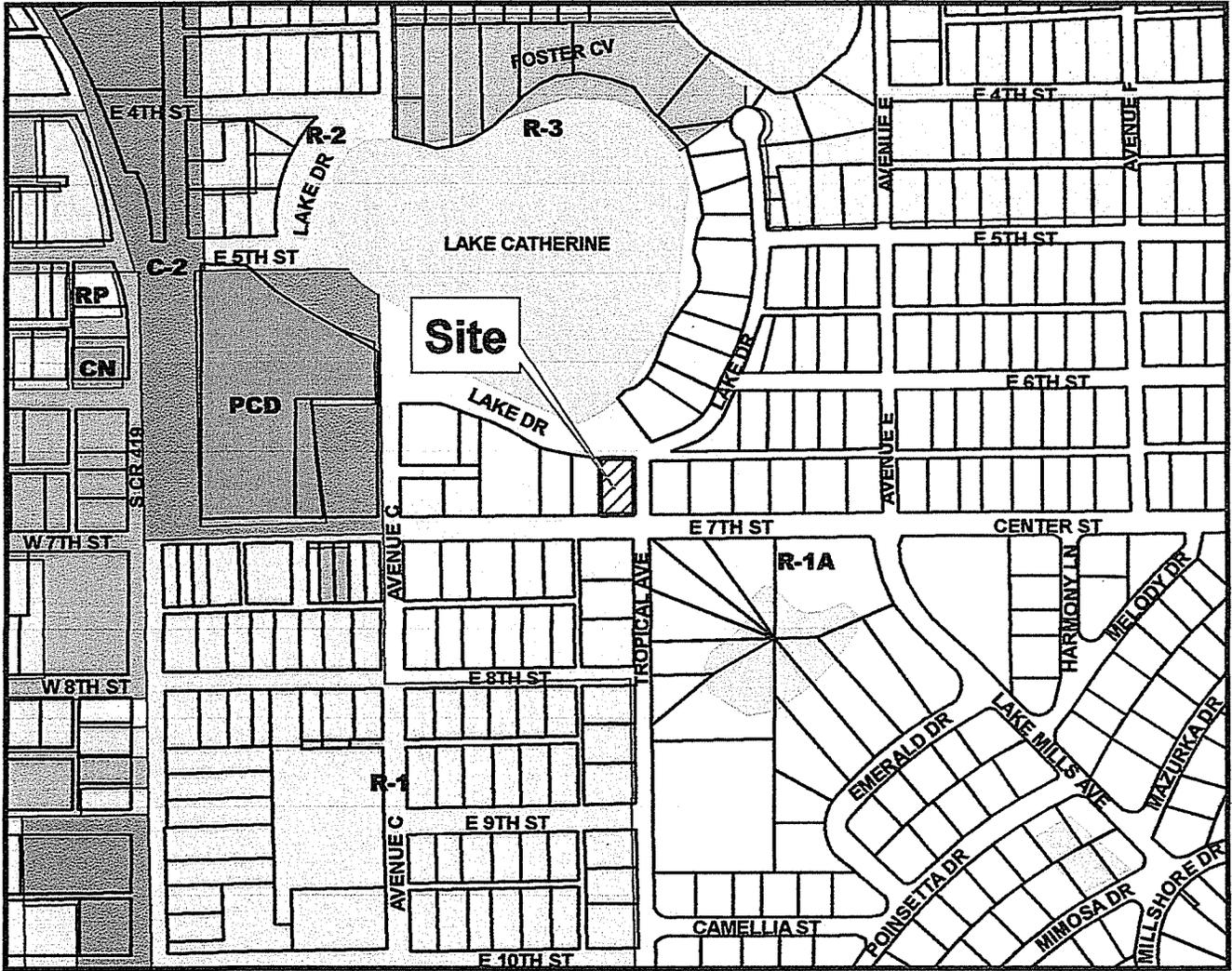
NOTES:
1) This survey is based on the legal description as provided by the Client.
2) The Surveyor has not abstracted the land shown hereon for assessments, rights of way or restrictions of record which may affect the title to the land.
3) Do not record this property line from building lines.
4) No facilities or easements have been located except as shown.
5) No easements or utilities have been located except as shown.
6) This survey is not valid without the signature and the original raised seal of a Florida Licensed Survey 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 81G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jon R. Greenwell P.S.M. No. 3144



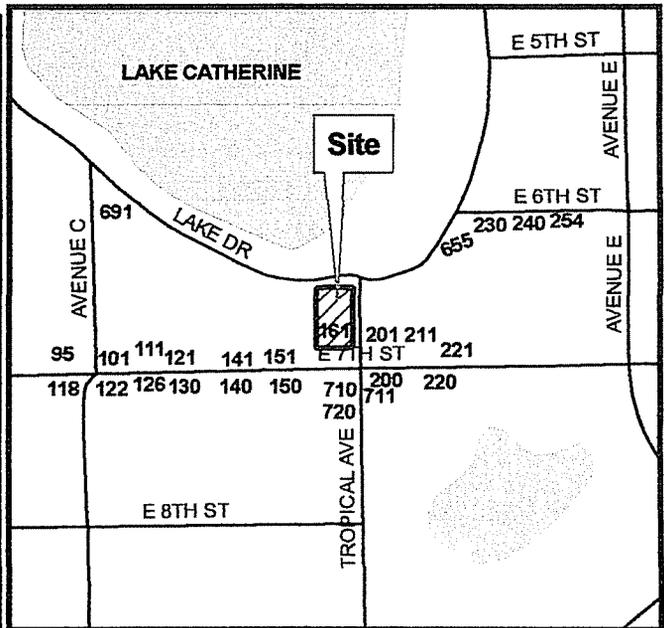
Alexys Oyer
 161 E 7th Street
 Chuluota, Florida 32766



Seminole County Board of Adjustment
 August 27, 2007
 Case: BV2007-84 (Map 3215, Grid A3)
 Parcel No: 21-21-32-5CF-5000-0090

Zoning

- | | | |
|---|--|---|
|  BV2007-84 |  R-2 |  C-2 |
|  R-1A |  R-3 |  PCD |
|  R-1 |  RP I | |
|  R-1B |  CN | |



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1488
407-665-7508

GENERAL

Parcel Id: 21-21-32-5CF-5000-0090
 Owner: OYER ALEXYS A
 Mailing Address: 161 E 7TH ST
 City,State,ZipCode: CHULUOTA FL 32766
 Property Address: 161 7TH ST E CHULUOTA 32766
 Subdivision Name: NORTH CHULUOTA
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$196,664
Depreciated EXFT Value:	\$6,210
Land Value (Market):	\$38,080
Land Value Ag:	\$0
Just/Market Value:	\$240,954
Assessed Value (SOH):	\$240,954
Exempt Value:	\$0
Taxable Value:	\$240,954
Tax Estimator	

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	05/2007	06703	0690	\$231,000	Improved	Yes
QUIT CLAIM DEED	04/2007	06703	0688	\$100	Improved	No
CORRECTIVE DEED	05/2007	06703	0685	\$100	Improved	No
WARRANTY DEED	03/2007	06628	1236	\$100	Improved	No
WARRANTY DEED	01/2006	06098	1352	\$287,500	Improved	Yes
WARRANTY DEED	11/2003	05126	1231	\$149,900	Improved	Yes
CERTIFICATE OF TITLE	04/2003	04789	0989	\$105,300	Improved	No
WARRANTY DEED	05/1999	03662	0568	\$120,000	Improved	Yes
WARRANTY DEED	09/1984	01579	0692	\$100	Improved	No
QUIT CLAIM DEED	10/1980	01319	0759	\$100	Improved	No
WARRANTY DEED	12/1979	01259	0912	\$16,500	Improved	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Amount(without SOH):	\$3,094
2006 Tax Bill Amount:	\$1,929
Save Our Homes (SOH) Savings:	\$1,165
2006 Taxable Value:	\$119,720

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	80	175	.000	425.00	\$38,080

LEGAL DESCRIPTION

PLATS:

LOT 9 BLK 50 NORTH CHULUOTA PB 2 PGS 54 TO 58

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1960	6	1,799	3,065	1,799	WD/STUCCO FINISH	\$196,664	\$269,403
	Appendage / Sqft		SCREEN PORCH FINISHED / 130						
	Appendage / Sqft		GARAGE FINISHED / 480						
	Appendage / Sqft		GARAGE FINISHED / 656						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 9 BLK 50 NORTH CHULUOTA PB 2 PGS 54 TO 58

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

FINDINGS OF FACT

Property Owner: ALEXYS A OYER
161 7TH ST E
CHULUOTA FL 32766

Project Name: 7th Street (161)

Requested Development Approval:

Request for a 1) a side street setback variance from 25 feet to 0 feet and a front yard setback variance from 25 feet to 0 feet for a for an existing fence; and 2) a front yard setback variance from 25 feet to 7.2 for existing garages in R-1A (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 1) the fence as depicted on the attached site plan and 2) the garages 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: