

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: North Hart Road (Lot 30) – Pamela Barber, applicant; Request for a (1) minimum lot size variance from 43,560 square feet (1 acre) to 25,265 square feet (0.58 acre) and (2) minimum lot width at the building line variance from 150 feet to 106.36 for a proposed home in the A-1 (Agriculture District).

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

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

Agenda Date 09/24/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a (1) minimum lot size variance from 43,560 square feet (1 acre) to 25,265 square feet (0.58 acre) and (2) minimum lot width at the building line variance from 150 feet to 106.36 for a proposed home in the A-1 (Agriculture District); or
2. **DENY** the request for a lot (1) minimum lot size variance from 43,560 square feet (1 acre) to 25,265 square feet (0.58 acre) and (2) minimum lot width at the building line variance from 150 feet to 106.36for a proposed home in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning:	Pamela Barber North Hart Road (Lot 30) A-1
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family home on a platted lot which does not meet the required lot size and width at the building line requirements of the A-1 zoning district. • There are currently no code enforcement or building violations for this property. 	

STAFF FINDINGS	<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. <i>Special conditions exist because the lot was platted in 1925 prior to the adoption of the Land Development Code in 1960.</i>• Special conditions and circumstances did not result from the actions of the applicant. <i>The deficiency of the dimensional requirements of the lot did not result from any action taken by the applicant..</i>• 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. <i>The lot was created before the adoption of 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>Other properties in the Geneva Heights plat have been developed on one or two platted lots.</i>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant would not have reasonable use of the property without the requested variances.</i>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance. <i>The platted lot could not be developed with a single family home unless a variance was granted for the lot size otherwise no other setback are needed.</i>
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request, based upon the following conditions:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the platted lot as depicted on the attached site plan; and

	<ul style="list-style-type: none">• 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

STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request, based upon the following conditions:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the platted 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

RECEIVED AUG 03 2007

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV2007-106
Meeting Date 9-24-07



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: Pamela Barber
Address: 251 Geneva Heights Rd City: Geneva Zip code: 32732
Project Address: North Hart Road City: Geneva Zip code: 32732
Contact number(s): (407) 383-5965 cell (407) 712-9465
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 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>1 Acre</u>	Actual lot size: <u>.58 Acres</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150 ft.</u>	Actual lot width: <u>106, 36.</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>			

NO 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: Pamela Barber

R OFFICE USE ONLY

Date Submitted: 8-3-07 Reviewed By: P. Johnson
 Tax parcel number: 16-20-32-502-0000-0300 Zoning/FLU A-1
 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: _____

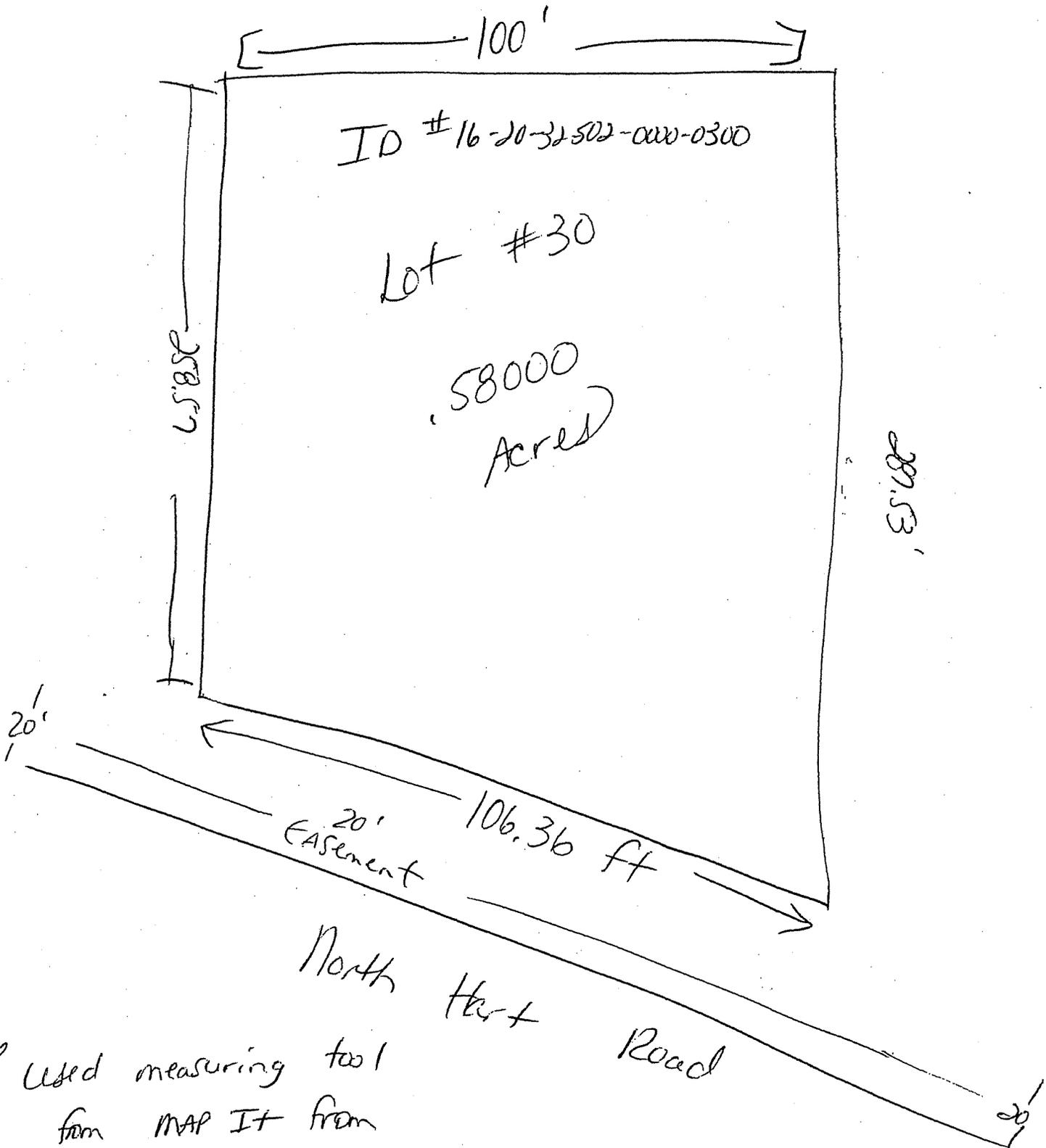
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p><i>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.</i></p>	
✓	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 ½ 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.
NA	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
NA	o Location of driveways
NA	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
NA	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
NA	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
NA	o Building height
NA	o Setbacks from each building to the property lines
NA	o Location of proposed fence(s)
NA	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.

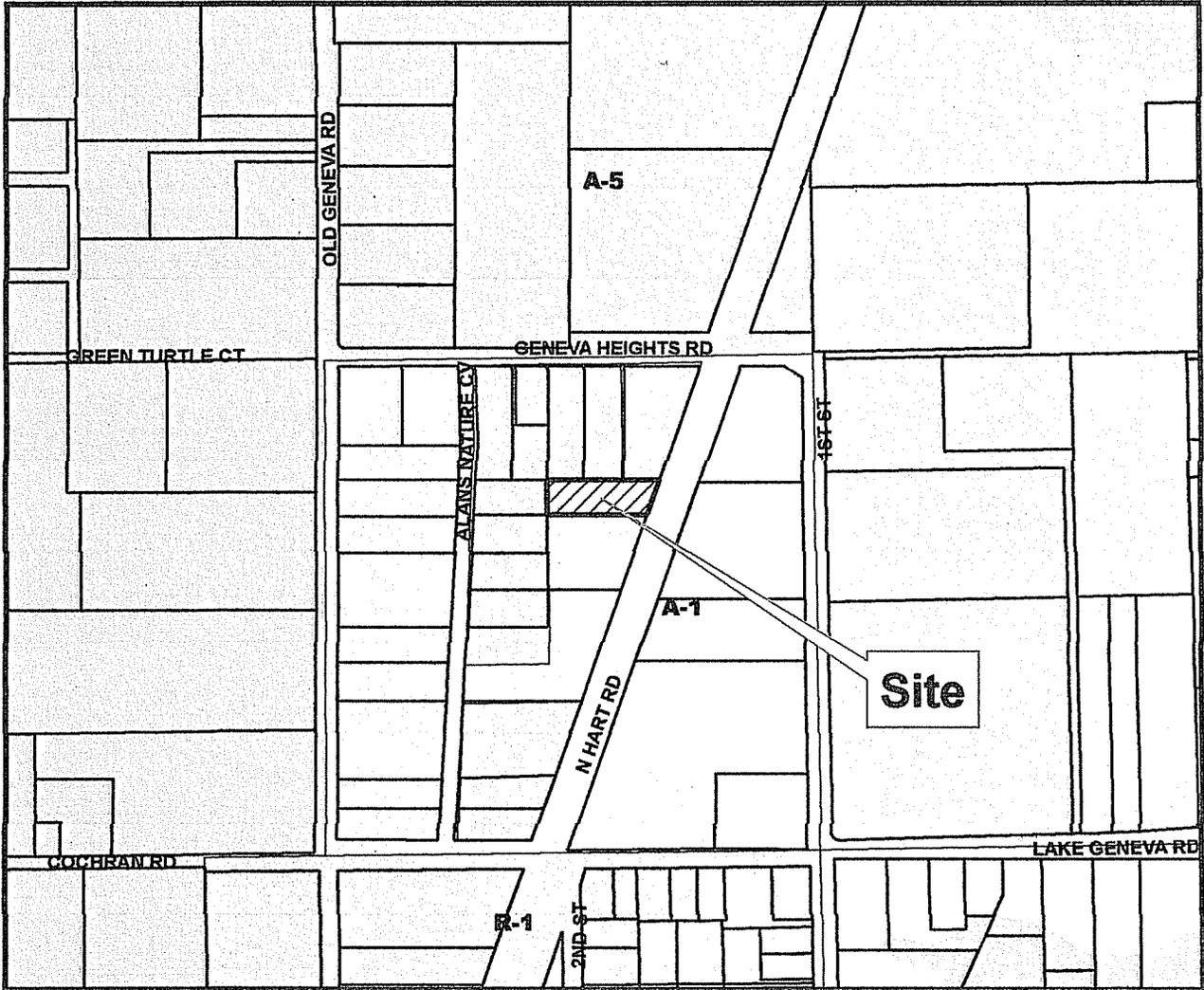
Pamela Barber

House will be on well & septic



* Used measuring tool from MAP IT from

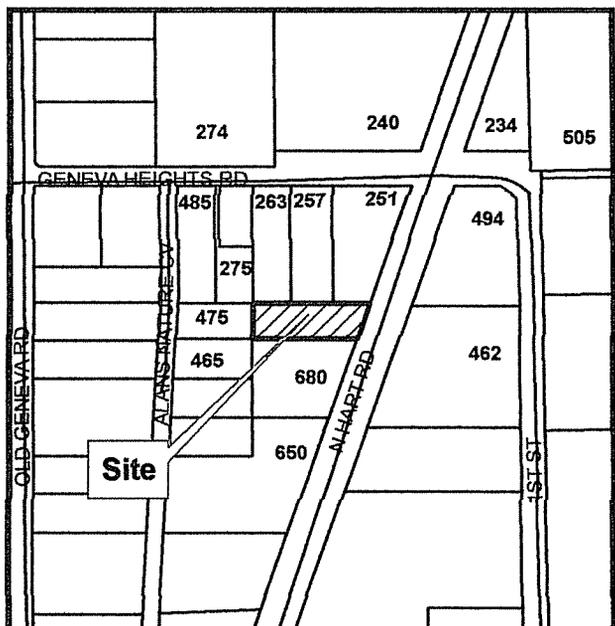
Pamela Barber
Lot 30, Geneva Heights
N. Hart Road
Geneva, Florida 32732



Seminole County Board of Adjustment
September 24, 2007
Case: BV2007-106 (Map 3109, Grid A2)
Parcel No: 16-20-32-502-0000-0300

Zoning

-  BV2007-106
-  A-1
-  A-5
-  R-1



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																													
<p>GENERAL</p> <p>Parcel Id: 16-20-32-502-0000-0300</p> <p>Owner: BARBER PAMELA J</p> <p>Mailing Address: 251 GENEVA HEIGHTS RD</p> <p>City,State,ZipCode: GENEVA FL 32732</p> <p>Property Address:</p> <p>Subdivision Name: GENEVA HEIGHTS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p>2007 WORKING VALUE SUMMARY</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): \$37,765</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$37,765</p> <p>Assessed Value (SOH): \$37,765</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$37,765</p> <p>Tax Estimator</p>																												
<p>SALES</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>11/2006</td> <td>06482</td> <td>0961</td> <td>\$17,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/2004</td> <td>05547</td> <td>1736</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1997</td> <td>03207</td> <td>1848</td> <td>\$10,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	11/2006	06482	0961	\$17,000	Vacant	No	WARRANTY DEED	11/2004	05547	1736	\$100	Improved	No	WARRANTY DEED	03/1997	03207	1848	\$10,000	Vacant	Yes	<p>2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$609</p> <p>2006 Taxable Value: \$37,765</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																							
WARRANTY DEED	11/2006	06482	0961	\$17,000	Vacant	No																							
WARRANTY DEED	11/2004	05547	1736	\$100	Improved	No																							
WARRANTY DEED	03/1997	03207	1848	\$10,000	Vacant	Yes																							
<p>LAND</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>ACREAGE</td> <td>0</td> <td>0</td> <td>.581</td> <td>65,000.00</td> <td>\$37,765</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.581	65,000.00	\$37,765	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 30 GENEVA HEIGHTS PB 3 PG 75</p>																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																								
ACREAGE	0	0	.581	65,000.00	\$37,765																								
<p>NOTE: 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>																													

BUILDABLE LOT RESEARCH REQUEST

Planning & Fire Inspection Division; Seminole County's Planning & Development Department 1101 E. First Street, Sanford, FL 32771 Phone: (407)685-7050 Fax: (407)685-7047		Permit # Application	04-7648
APPLICANT NAME:	Pam Barber	Date:	06/30/04
Mailing Address:	251 Geneva Heights Road Geneva, Florida 32732	Phone:	(407) 349-5821
		Fax:	(407) 339-6462
Parcel ID:	16-20-32-502-0000-0300	Email:	PBarber@Crownbank.com

NOTE: There is a \$50.00 fee for platted lot research. There is a \$110.00 fee for unplatted lot research. Please complete the above information, and submit a check or money order payable to Seminole County.

DO NOT FILL OUT ANY FURTHER - BELOW FOR OFFICE USE ONLY

ZONING REVIEW		Date sent:	06/30/04
Zoning District:	A-1	Is parcel a parcel/lot of record prior to 7/28/70?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minimum lot size:	1 acre	Does the parcel/lot meet the minimum lot size requirements for the zoning district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minimum width at building line:	150 ft.	Does the parcel/lot meet the minimum lot width requirements for the zoning district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If less than 5 acres in size, does the parcel/lot have frontage on a public road Right-of-Way?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are there existing structures on the property?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Comments: The above referenced lot contains a little over 1/2 acre. The minimum lot size in the A-1 zoning district is 1 acre. The minimum width at building line is 150 ft. The lot width is only 106.36 ft. and gets narrower towards the rear of the lot. There is a 20 ft. right-of-way/access along the west side of North Hart Road (SR 13). This access will need to be used in order to access property since North Hart Road is not a legal access. This 20 ft. right-of-way intersects Geneva Heights Road to the north and Avenue "A" to the south. (Please see copy of attached plat). This lot is not buildable unless a lot size, a width at building line variance and a waiver for not fronting on a public road is approved. Please contact the Planning Office to apply for a lot size and width at building line variance and a waiver for not fronting on a public road at (407) 665-7445. **Legal description is as follows: LEG LOT 30 GENEVA HEIGHTS PB 3 PG 75.** House setbacks for the A-1 zoning district are: 50 ft. front, (and/or all street sides such as a corner lot or a lot that has a street in the rear), 10 ft. on the sides and 30 ft. in the rear. Setbacks are always measured from the property lines.

Reviewed by: Darlene McGuire	Date: 07/02/04
------------------------------	----------------

DEVELOPMENT REVIEW DEPARTMENT REVIEW

Date sent:	
Comments:	
Was property subdivided via plat waiver?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Can property be officialized via:	<input type="checkbox"/> Lot split process? <input type="checkbox"/> Minor plat?
Comments:	
Reviewed by:	Date:

FLOOD PRONE REVIEW

Date sent:				
Is the property flood prone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Flood Zone:	BFE:	Community #	120289	Panel #:

Comments:

Reviewed by:	Date:
--------------	-------

WETLAND REVIEW

Date sent:	
Any wetlands or protection areas on the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments: *Please be advised that our county wetland maps can only be used as guidelines and do not serve as an official state jurisdictional wetlands determination.*
 According to our county wetland maps, there does not appear to be any wetlands on this property. This does not guarantee that there are not wetlands on site and does not alleviate the owner's responsibility to ensure that all applicable agencies are contacted to address potential wetlands on site. Contact the Florida Department of Environmental Protection (FDEP) at (407)893 3311 or the St. Johns River Water Management District (SJRWMD) at (407)659 4800 for further information on wetland determinations. If wetlands are determined to be on the site, a wetland limits are required to be shown on the building site plan. Wetland impacts require state permitting and the county requires minimization of wetland impacts.

NOTE: Listed species are plant or animal species that are protected by Federal and/or State laws. These include Endangered, Threatened, and Species of Special Concern. When impacts to listed species are unavoidable, permits are required from the Florida

16-20-32-502-0300-0300

Fish and Wildlife Conservation Commission prior to issuance of County permits. You may contact the FFWCC Listed Species permitting office at (352)732-1225 concerning state permit requirements	
Reviewed by:	Date:
WATER AND SEWER REVIEW	Date sent: 07/02/04
Does property have existing water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is water available to property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does property have existing sewer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is sewer available to property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is property on well/septic?*	<input checked="" type="checkbox"/> Yes*
*If on well/septic, lot must meet minimum lot required by the Seminole County Health Dept.	
*Please call (407)665-3600 for further information.	
Comments:	
Reviewed by: Alan Willis	Date: 7/6/04
Applicant has been notified by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Email Date: 071904 DM
NOTE: This research is based on the best available data and does not guarantee that a permit will be issued; therefore, does not create a liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on this determination. In addition to above references, property shall comply with all applicable federal, state and local rules and regulations.	

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg lot 30 Geneva Heights PB 3 PG 75

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

FINDINGS OF FACT

Property Owner: Pamela Barber
251 Geneva Heights Road
Geneva, Fl. 32732

Project Name: North Hart Road (Lot 30)

Requested Development Approval:

Request for a (1) minimum lot size variance from 43,560 square feet (1 acre) to 25,265 square feet (0.58 acre) and (2) minimum lot width at the building line from 150 feet to 106.36 for a proposed single family 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 (Structure) 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: