

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 3611 Osceola Road – Doyle Sims, applicant; Request for a front yard setback variance from 100 feet to 50 feet for a pump house that projects in front of the established building line in A-5 (Rural Zoning).

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 front yard setback variance from 100 feet to 50 feet for a pump house that projects in front of the established building line in A-5 (Rural Zoning); or
2. **DENY** the request for a front yard setback variance from 100 feet to 50 feet for a pump house that projects in front of the established building line in A-5 (Rural Zoning); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Doyle Sims Location: 3611 Osceola Road Zoning: A-5
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a pump house as an accessory use of an existing home. • 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 satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • Special conditions or circumstances exist, which are peculiar to the land, structure, or building involved

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <p><i>The applicant's property is waterfront property which limits the location of the pump and therefore the pump house.</i></p> <ul style="list-style-type: none"> • Special conditions and circumstances did not result from the actions of the applicant. <p><i>The limitations of the location of the pump house resulted from any action taken by the applicant.</i></p> <ul style="list-style-type: none"> • 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. <p><i>Granting the applicant the ability to cover a pump does not confer special privileges.</i></p> <ul style="list-style-type: none"> • 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. <p><i>Unlike other properties in the same zoning classification the applicant could not protect their pump without the requested variance.</i></p> <ul style="list-style-type: none"> • The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <p><i>The ability to construct a pump house that will be 50 feet from the front property line but in front of the building line would be the minimum variance.</i></p> <ul style="list-style-type: none"> • The applicant would not retain reasonable use of the land, building or structure without the granting of the variance. <p><i>The requested variances would be in harmony with the character of the surrounding area in allowing the construction of a pump house.</i></p>
<p>STAFF RECOMMENDATION</p>	<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 proposed pump house 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 2007-107
Meeting Date 9-24-07



VARIANCE APPLICATION **COPY**

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: Doyle Sims
Address: 3409 Deer Oak Circle City: Oviedo Zip code: 32705
Project Address: 3611 Ogeeola Rd. City: Geneva Zip code: 32732
Contact number(s): (407) 637-0196 cell
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 checked="" type="checkbox"/> Other	Please describe: <u>pump House</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED AUG 03 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>100 ft.</u>	Proposed setback:	<u>50 ft.</u>
<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>1</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: Doyle Sims 8/3/07

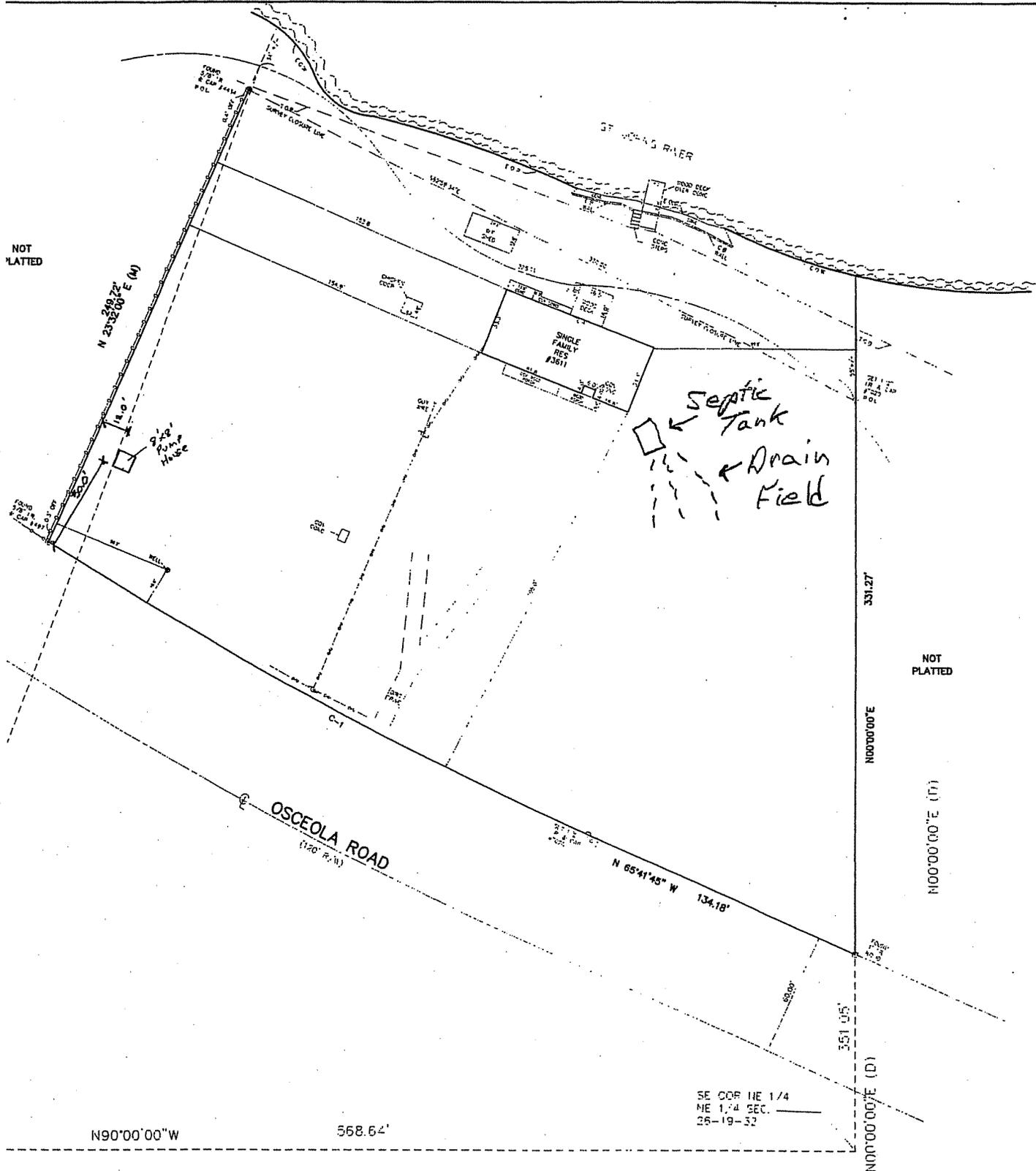
FOR OFFICE USE ONLY

Date Submitted: 8-3-07 Reviewed By: P. Johnson
 Tax parcel number: 26-19-32-300-0010-0000 Zoning/FLU A-5/R-5
 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>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.</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.
	<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.



ADDRESS: 3611 OSCEOLA ROAD GENEVA, FLORIDA 32732

SHEET 1 OF 1

VEYOR'S CERTIFICATE:
 CERTIFY THAT WE HAVE PERFORMED A FIELD SURVEY OF THE HEREON
 PROPERTY, THIS DRAWING IS A REPRESENTATION OF THAT SURVEY AND
 WE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF
 DIAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA
 STATUTE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES

eddy Cox 05/03/07
 EY G. COX, PSM#5567 (DATE)

SURVEYOR'S NOTES:

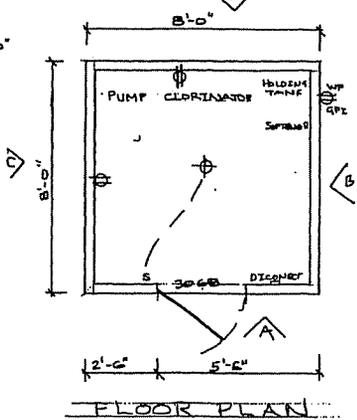
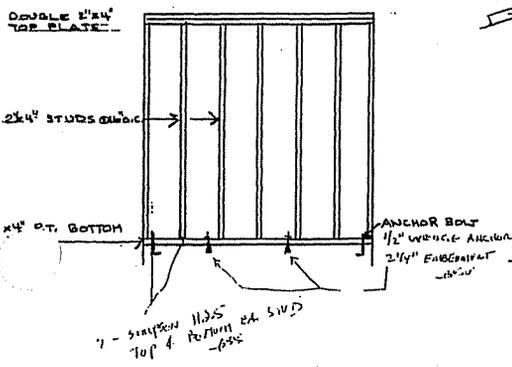
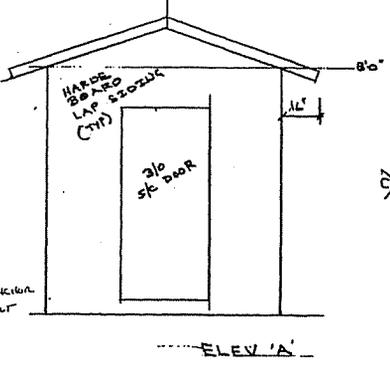
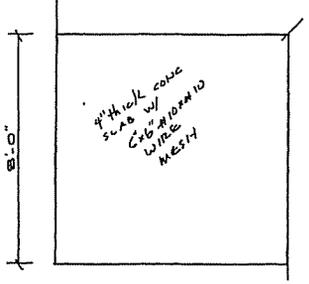
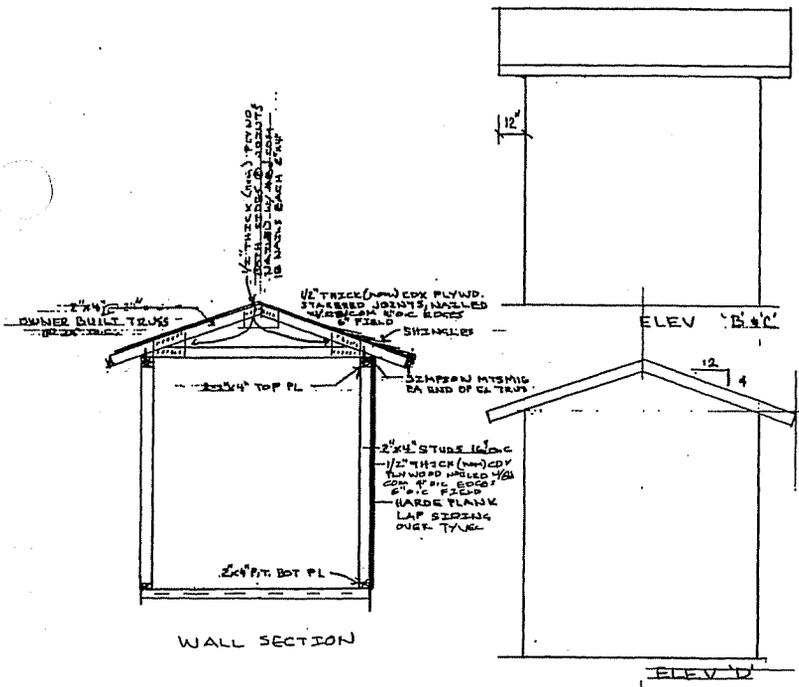
1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT.
2. THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREIN FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
3. DO NOT RECONSTRUCT PROPERTY LINES FROM BUILDING LINES.
4. NO FENCING OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. NO UNDERGROUND IMPROVEMENTS 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 SURVEYOR AND MAPPER.

CERTIFIED TO: BILLS-REDON TITLE
 COMMONWEALTH LAND TITLE INS.
 BANK OF AMERICA
 DOYLE AND CHRISTINE SIMS

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF OSCEOLA ROAD (SAINT JOHN AVENUE), BEING N65°41'45"W, ASSUMED.

ACCORDING TO THE FLOOD INSURANCE RATE MAP MC 22117C 0020 E DATED 2-17-95 THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE AE.

FIELD BY: DO
 DRAWN BY: WCS
 CHECKED BY: BC
 SCALE: 1" = 30'
 DATE: 8-18-06
 JOB No.: BCA12161



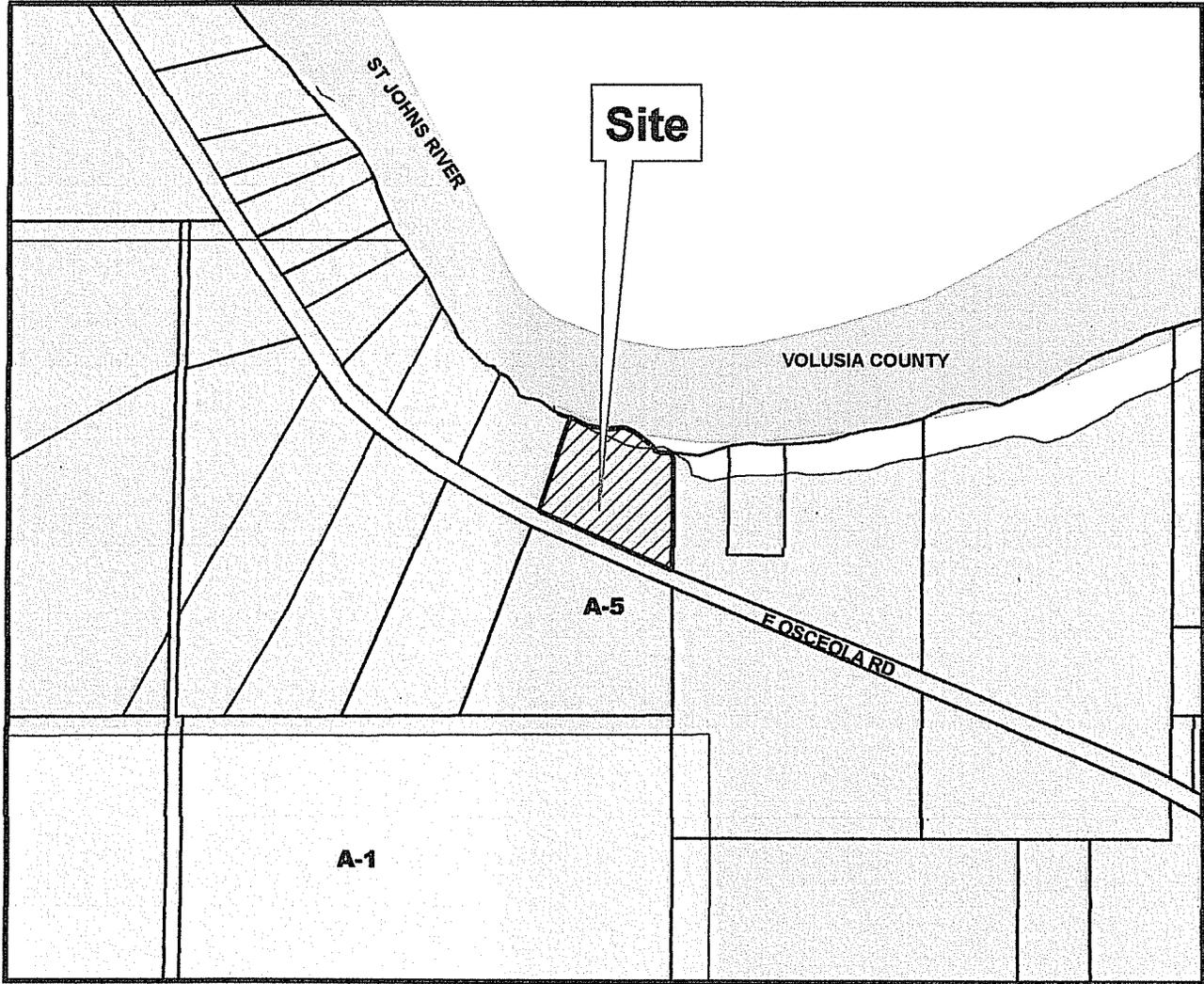
THE DESIGN INDICATED IN THE CONSTRUCTION DOCUMENTS DOES TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, COMPLY WITH SECTION 1909 OF THE 2004 FLORIDA BUILDING CODES. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ANY PORTION OF THESE PLANS OTHER THAN STRUCTURE.

B. S. 05.02.04.07

BEN A. SCHWARTZ, P.E. FL 94179
 NOT VALID WITHOUT SEAL AND SIGNATURE
 4230 LEG HALL PL
 CULDA, FL 32827

DESIGNED
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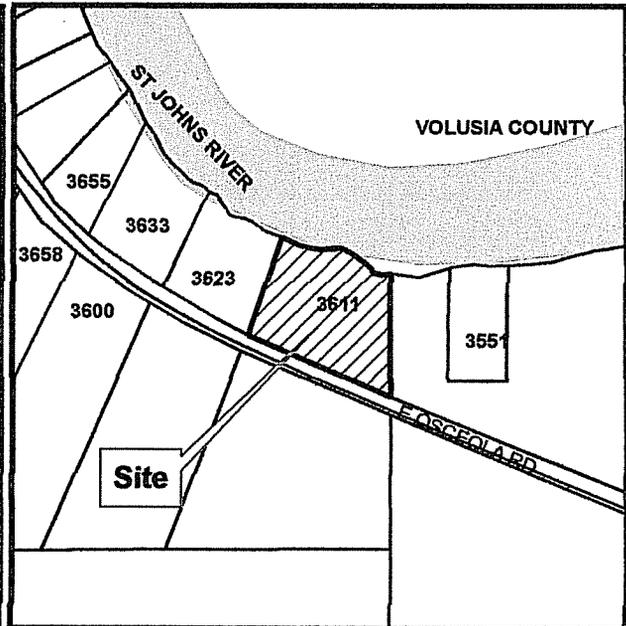
Doyle Sims
3611 Osceola Road
Geneva, Florida 32732



Seminole County Board of Adjustment
September 24, 2007
Case: BV2007-107 (Map on separate sheet)
Parcel No: 26-19-32-300-0010-0000

Zoning

-  BV2007-107
-  A-1
-  A-5



<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 align="center">GENERAL</p> <p>Parcel Id: 26-19-32-300-0010-0000</p> <p>Owner: SIMS DOYLE H & CHRISTINE B</p> <p>Mailing Address: 3409 DEER OAK CIR</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 3611 OSCEOLA RD GENEVA 32732</p> <p>Subdivision Name:</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$127,039</p> <p>Depreciated EXFT Value: \$2,886</p> <p>Land Value (Market): \$201,600</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$331,525</p> <p>Assessed Value (SOH): \$331,525</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$331,525</p> <p>Tax Estimator</p> <p>Tax Reform Analysis</p>																																																																																
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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	
FIREPLACE	1979	1	\$320	\$800	
WOOD DECK	1976	264	\$528	\$1,320	
BBQ GRILL	1976	1	\$200	\$500	
BOAT DOCK	1976	183	\$366	\$915	
ALUM PORCH W/CONC FL	1992	240	\$781	\$1,560	
WOOD UTILITY BLDG	1992	288	\$691	\$1,728	

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.

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 SEC 26 TWP 19S RGE 32E BEG SE COR OF NE 1/4 OF NE 1/4 RUN
W 568.64 FT N 19 DEG 58 MIN 58 SEC E 818.76 FT TO RIVER SELY ON
RIVER TO A PT N OF BEG S TO BEG (LESS OSCEOLA RD & PT LYING
SWLY OF OSCEOLA RD)

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

FINDINGS OF FACT

Property Owner: Doyle Sims
3409 Deer Oak Circle
Oviedo, FL 32765

Project Name: 3611 Osceola Road

Requested Development Approval:

Request for a front yard setback variance from 100 feet to 50 feet for a pump house that projects in front of the established building line in A-5 (Rural Zoning)

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 proposed pump house 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: