

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

SUBJECT: Pine Avenue Lot 9 – Request for 1) a front yard setback variance from 25 feet to 20 feet for a proposed garage and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed shed in R-1 (Single Family Dwelling District).

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

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

Agenda Date 9/24/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for 1) a front yard setback variance from 25 feet to 20 feet for a proposed garage and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed shed in R-1 (Single Family Dwelling District); or
2. **APPROVE** the request for 1) a front yard setback variance from 25 feet to 20 feet for a proposed garage and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed shed in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Location: Pine Avenue Lot 9 Zoning: R-1 (Single Family Dwelling District) Subdivision: Paradise Point</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant is proposing to construct a 24 foot by 24 foot two story garage addition that would encroach 5 feet into the required 25-foot front setback. • The applicant is also proposing to place a 10 foot by 12 foot shed that will encroach 2.5 feet into the required 7.5-foot side yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

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.• Special conditions and circumstances result from the actions of the applicant.• 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. <i>The applicant could construct an addition and place the shed in such a way that variances would not be required.</i>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• 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 garage addition and shed 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 # BU 2007-111
Meeting Date 9-24-07



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

RECEIVED AUG 03 2007

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>remove old & place new shed</u>
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>FRONT GARAGE W/ 2 STORY ^{BED-} ROOM</u>
<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 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>25ft.</u>	Proposed setback:	<u>20'</u> GARAGE
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5ft</u>	Proposed setback:	<u>5ft</u> SHED
<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 type="checkbox"/> Total number of variances requested _____				

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: Tracy Foster Deery

FOR OFFICE USE ONLY

Date Submitted: 8-3-07 Reviewed By: P. Johnson
Tax parcel number: 18-21-29-606-DB00-0090 Zoning/FLU R-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

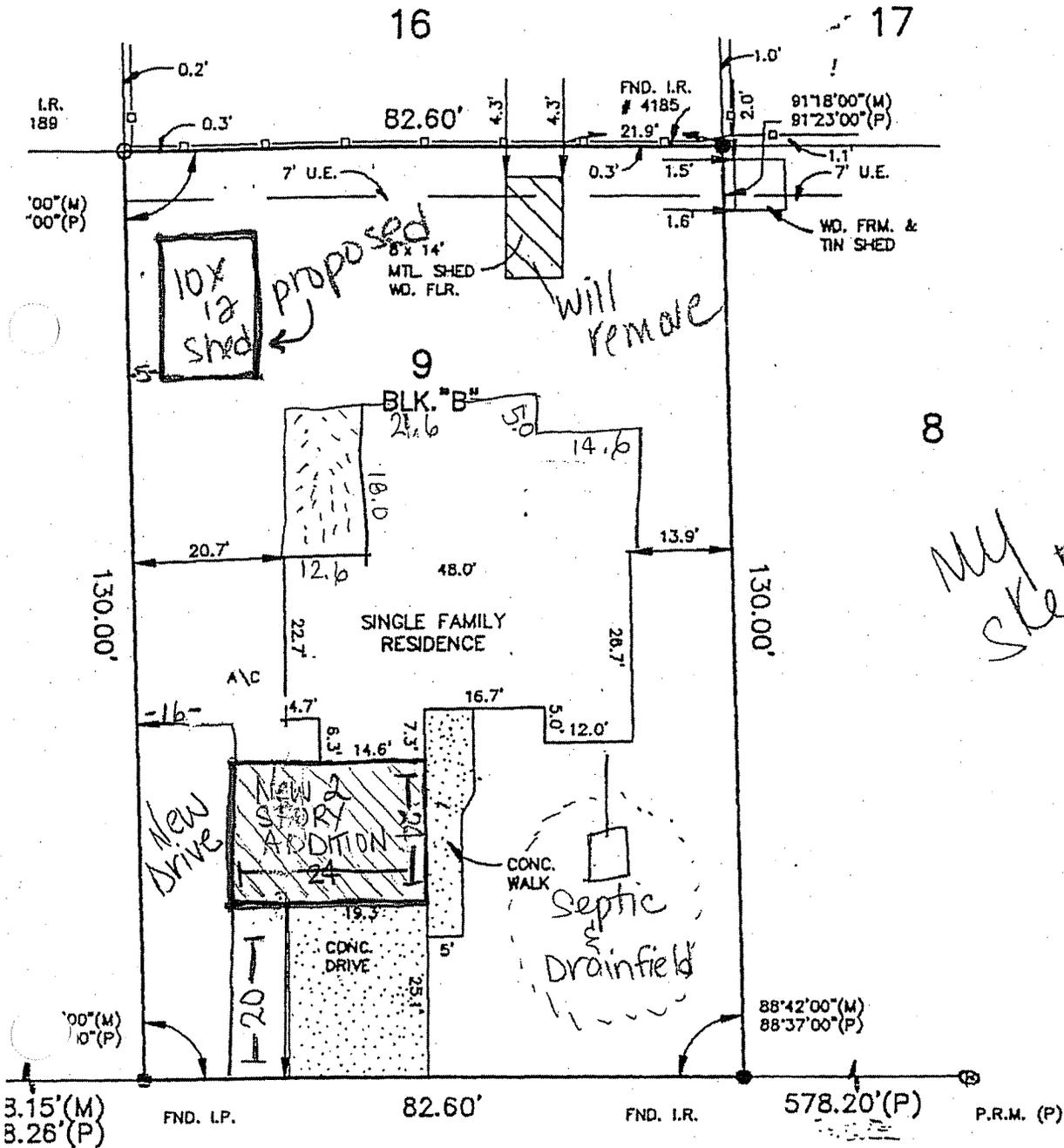
Please return this checklist with your application!

<p>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). 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.
	<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

ON: LOT 9, BLOCK "B", PARADISE POINT, FOURTH SECTION, ACCORDING TO REEF, AS RECORDED IN PLAT BOOK 11, PAGE 90, PUBLIC RECORDS OF FLORIDA.

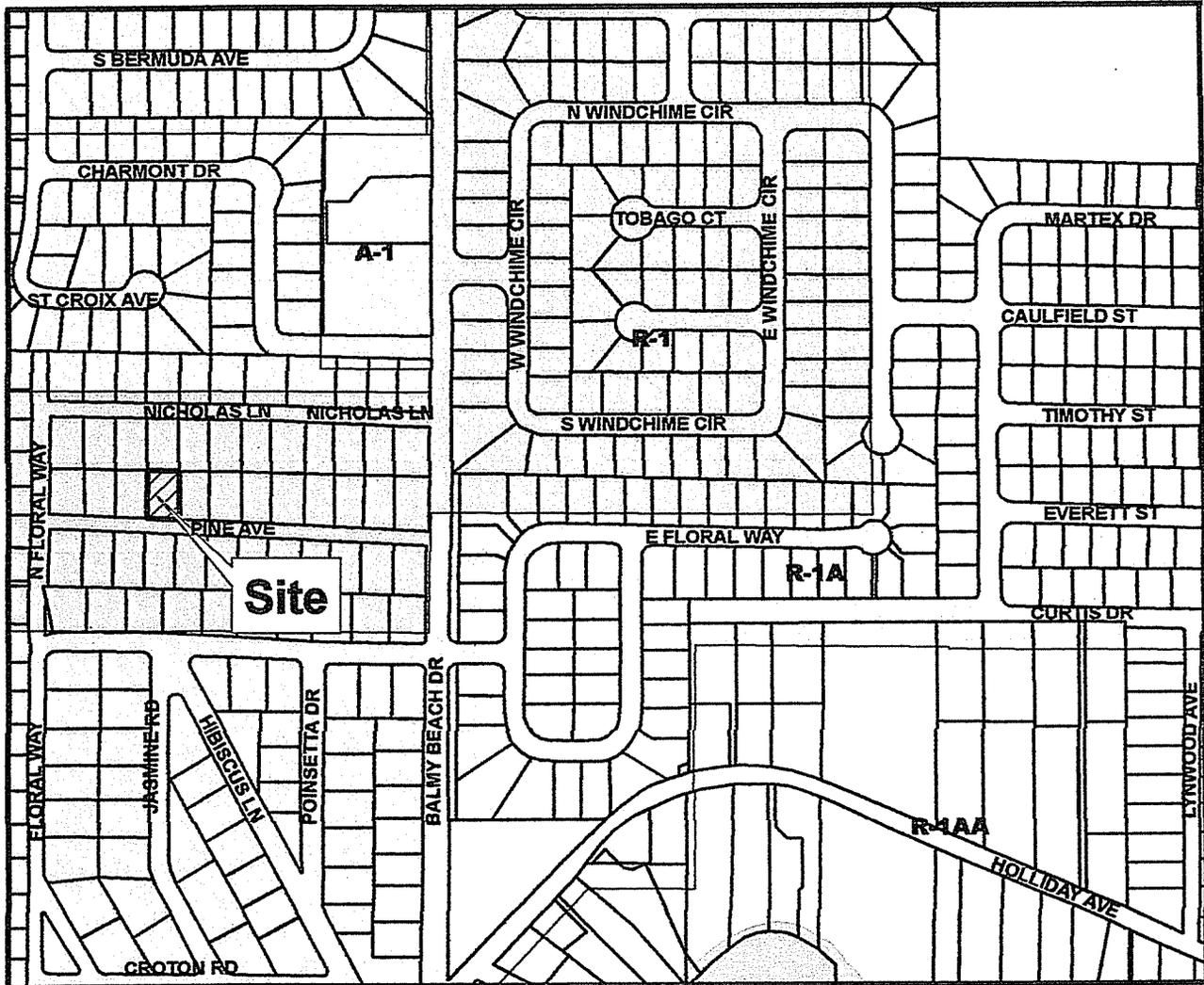
ENCLOSED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING COMMUNITY PANEL NUMBER 120289 0115 B, SEMINOLE COUNTY, FLORIDA. 1981.



My sketch



2827 Pine Avenue
 Apopka, Florida 32703

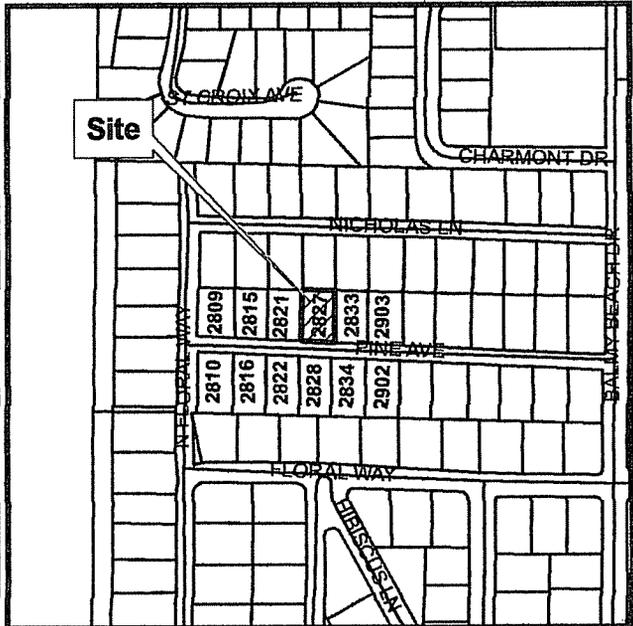


Seminole County Board of Adjustment
 September 24, 2007
 Case: BV2007-111 (Map 3153, Grid E7)
 Parcel No: 18-21-29-505-0B00-0090

Zoning

-  BV2007-111
-  A-1
-  R-1AA
-  R-1A
-  R-1

N

<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>MAPPING DISABLED</p>	<p>MAPPING DISABLED</p>																																			
<p>GENERAL</p> <p>Parcel Id: 18-21-29-505-0B00-0090</p> <p>Owner: CONFIDENTIAL PER STATUTES</p> <p>Own/Addr: 119.071</p> <p>Mailing Address: 1101 E 1ST ST</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address:</p> <p>Subdivision Name: PARADISE POINT 4TH SECTION</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1996)</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: \$159,692</p> <p>Depreciated EXFT Value: \$938</p> <p>Land Value (Market): \$42,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$202,630</p> <p>Assessed Value (SOH): \$95,285</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$70,285</p> <p>Tax Estimator</p> <p>Tax Reform Analysis</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>SPECIAL WARRANTY DEED</td> <td>03/1995</td> <td>02888</td> <td>0781</td> <td>\$62,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>01/1995</td> <td>02873</td> <td>1731</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1992</td> <td>02446</td> <td>1432</td> <td>\$25,500</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1974</td> <td>01034</td> <td>0287</td> <td>\$3,000</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	SPECIAL WARRANTY DEED	03/1995	02888	0781	\$62,000	Improved	No	CERTIFICATE OF TITLE	01/1995	02873	1731	\$100	Improved	No	WARRANTY DEED	06/1992	02446	1432	\$25,500	Vacant	Yes	WARRANTY DEED	01/1974	01034	0287	\$3,000	Vacant	Yes	<p>2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,225</p> <p>2006 Tax Bill Amount: \$1,095</p> <p>Save Our Homes (SOH) Savings: \$1,130</p> <p>2006 Taxable Value: \$67,961</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<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>																																					

E NO.: BV2007-111

DEVELOPMENT ORDER #

07-30000108

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 9 BLK B PARADISE POINT 4TH SEC PB 11 PG 90

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

FINDINGS OF FACT

Property Owner: Tracy L. Fortenberry
2827 Pine Avenue
Apopka FL 32703

Subject Name: Pine Avenue (2827)

Requested Development Approval:

Request for 1) a front yard setback variance from 25 feet to 20 feet for a proposed garage and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed shed 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: 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 the garage addition and shed 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: