

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

(continued from the 8/27/07 hearing)

SUBJECT: 1100 Elm Street – George & Sandarah Wilkes, applicants; Request for 1) a minimum lot size variance from 43,560 square feet to 40,904 square feet, 2) front yard setback variance from 50 feet to 40 feet and 3) side street setback variance from 50 feet to 10 feet for a proposed single family home 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 40,904 square feet, 2) front yard setback variance from 50 feet to 40 feet and 3) side street setback variance from 50 feet to 10 feet for a proposed single family home in A-1 (Agricultural District); or
2. **APPROVE** the request for 1) a minimum lot size variance from 43,560 square feet to 40,904 square feet, 2) front yard setback variance from 50 feet to 40 feet and 3) side street setback variance from 50 feet to 10 feet for a proposed single family home in A-1 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: George & Sandarah Wilkes Location: Elm Street Zoning: A-1 Subdivision: Black Hammock
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance on a lot that is deficient 2,656 square feet in the A-1 zoning minimum lot size of 43,560. The proposed home also requires two setback variances due to wetlands located on the property.

	<p>violations for this property.</p> <ul style="list-style-type: none">• There is no record of prior variances 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>The location of the wetlands on the property prohibits the applicant from constructing a home without encroaching into the required setbacks.</i>• Special conditions and circumstances did not result from the actions of the applicant. <i>Neither the location of the wetlands nor the deficiency of the lot size resulted from any action taken by the applicant.</i>• 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 before the adoption 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. <i>Reasonable use has been established by the development of vacant land in the surrounding area with single family homes. Without the requested variances the applicant could not develop the property with a single family home.</i>• The grant of the variances would be in harmony with the general intent of Chapter 30. <i>The requested variances would be in harmony with the character of the surrounding area in allowing the</i>

	<i>use of a single family home.</i>
STAFF RECOMMENDATION	Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval: <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

Application # BV2007-78
Meeting Date Aug 27, 07

COPY



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

RECEIVED JUN 24 2007

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

Name: George & Sandarah Wilkes
Address: 3409 Bellingham Drive City: Orlando Zip code: 32825
Project Address: 1100 Elm Street City: Oviedo Zip code: 32765
Contact number(s): 407-709-6582
Email address: GWilkesSBJ@aol.com

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"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe:
<input checked="" 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>43560</u>	Actual lot size:	<u>40,904</u>
<input checked="" type="checkbox"/> Width at the building line <u>FRONT ELM</u>	Required lot width:	<u>150 X</u>	Actual lot width:	<u>142 X</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50</u>	Proposed setback:	<u>40</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>SHADY PAV1</u>	Required setback:	<u>50</u>	Proposed setback:	<u>10</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 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>4</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: [Signature] Sandarah L. Wilkes

FOR OFFICE USE ONLY

Date Submitted: 6-25-07 Reviewed By: D. Gibbs / P. Johnson
 Tax parcel number: 25-20-31-5BA-0000-143A 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 40,908 [] 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.
	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 or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

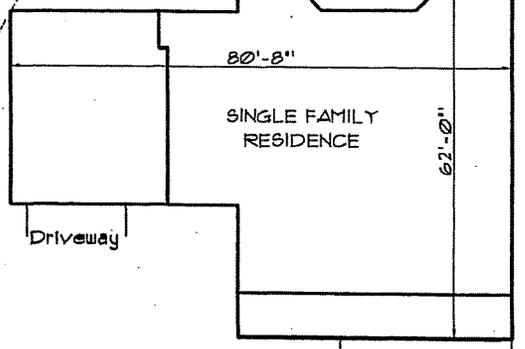
300.00'

142.00'

WETLAND AREA

E 142' OF LOT 143

UPLAND AREA



UPLAND AREA

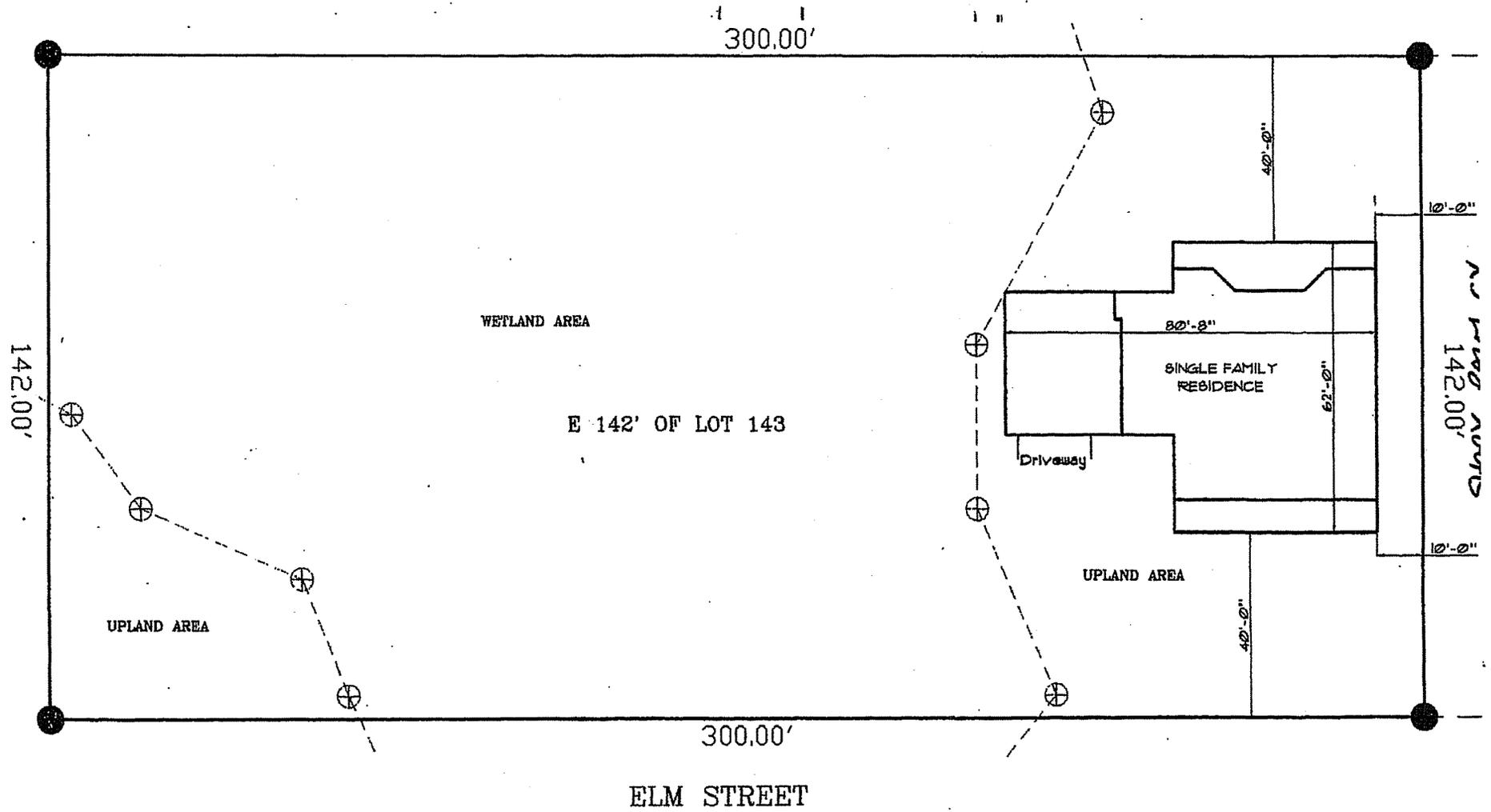
300.00'

ELM STREET

10'-0"

142.00'

10'-0"



N 142.00' AVENUE
142.00'

ELM STREET



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen M. Castille
Secretary

Mr. William Barolet
Coldwell Banker Residential Real Estate
521 E. Mitchell Hammock Road
Oviedo, FL 32765

Seminole County - ERP
File No. 59-262803-001
Parcel 25-20-31-5BA-0000-143A
Informal Wetlands Determination

Dear Mr. Barolet:

This is in response to your request for an informal wetland determination. Information you provided to the Department indicates that the property is known as Parcel 25-20-31-5BA-0000-143A, Seminole County.

Site inspections were conducted on February 28 and March 3, 2006. The property is situated on the southwest corner of Elm Street and Shady Palm Cove.

The property location and property boundary lines were determined using information submitted by the applicant and the county property appraisers web site and is only an estimate of the property location and not a precise determination.

The north end and the southeast corner of the site are primarily dominated by magnolia, live oak, American beautyberry, dog fennel, and other mostly non-wetland plant species, and do not meet the definition or criteria to be classified as wetlands pursuant to Section 62-340 Florida Administrative Code (F.A.C.).

The remainder and majority of the site is dominated by hackberry, ash, sweetgum and other mostly wetland plant species, contains hydric soil and or hydrologic indicators, and meets the definition and or criteria to be classified as wetlands pursuant to Section 62-340 Florida Administrative Code (F.A.C.).

Two wetland lines were established for this site. The wetland area on the north end was identified with pink wetland delineation flags numbered 1-5. The wetland line in the southeast corner was identified with flags numbered A1-A5. For planning purposes you should have the wetland lines surveyed and indicated on your property survey.

Any development and or dredge/fill activity within the surface water or wetland areas of this site will require an Environmental Resource Permit from this Department pursuant to Section 62-343.050 F.A.C. Please contact Jennifer Cotch at 407-893-7868 with any questions regarding the permitting process. A permit application can be obtained by calling the office at 407-893-3307 or from the Department's web site at www.dep.state.fl.us/water/wetlands/erp.

"More Protection, Less Process"

Printed on recycled paper.

Mr. William Barolet
Coldwell Banker Residential Real Estate
Page Two

After May 1, 2003, construction activities (CGP) that will result in disturbance of one or more acres of land are required to obtain an NPDES Permit under the Large and Small CGP. Please contact Fred Noble at 850-245-7522. Disturbance includes, but is not limited to soil disturbance, clearing, grading and excavation.

Dredging- Excavation, by any means, in surface waters or wetlands, as delineated in subsection 373.421(1), F.S. Excavation also means the excavation, or creation, of a water body which is, or is to be, connected to surface waters or wetlands, as delineated in subsection 373.421(1), F.S., directly or via an excavated water body or series of water bodies (subsection 373.403(13), F.S.).

Filling-The deposition, by any means, of materials in surface waters or wetlands, as delineated in subsection 373.421(1), F.S. (subsection 373.403 (14), F.S.).

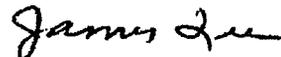
In order to obtain a permit an applicant must meet the permitting conditions listed in Section 40C/E-4.301 F.A.C. "Conditions for Issuance of Permits", and Section 40C/E-4.302 F.A.C. "Additional Conditions for Issuance of Permits". The mere application for a permit does not guarantee that a permit will be issued. The application request may be denied, or modified.

Permits may also be required from the Army Corps of Engineers (321-504-3771), and Seminole County (407-665-7331).

This is an informal pre-application jurisdictional determination pursuant to Sections 373 Florida Statutes (F.S.). It does not bind the Department, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application jurisdictional determination are not entitled to rely upon it for purposes of compliance with Sections 373 F.S., nor any other provision of law or Department rules. A binding jurisdictional determination may be obtained by petitioning the Department for a jurisdictional declaratory statement pursuant to F.A.C. Rule 62-343.040 or by applying for a dredge and fill permit. The results of this informal determination are valid for no more than 5 years from the date of the site inspection.

Please contact me at the letterhead address or by calling 407/893-3310, between the hours of 8:00 a.m. and 5:00 p.m., should you have any questions.

Sincerely,



James Lee
Environmental Specialist
Submerged Lands and Environmental
Resource Permitting

Date: 3/13/06

JL

cc: Wendy Meyer, Seminole County Development Review

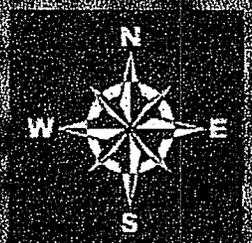
Parcel 25-20-31-5BA-0000-143A
Black Hammock
Seminole County

Wetland Flags 1 to 6

Wetlands

Uplands

Wetland Flags A1 to A5



Scale, Property and Wetland Lines Are Approximate
Wetland Line by Jim Carr, FDEP, March 3, 2006

NOTE: PHOTOGRAPH TAKEN FACING EAST

OAK TREE



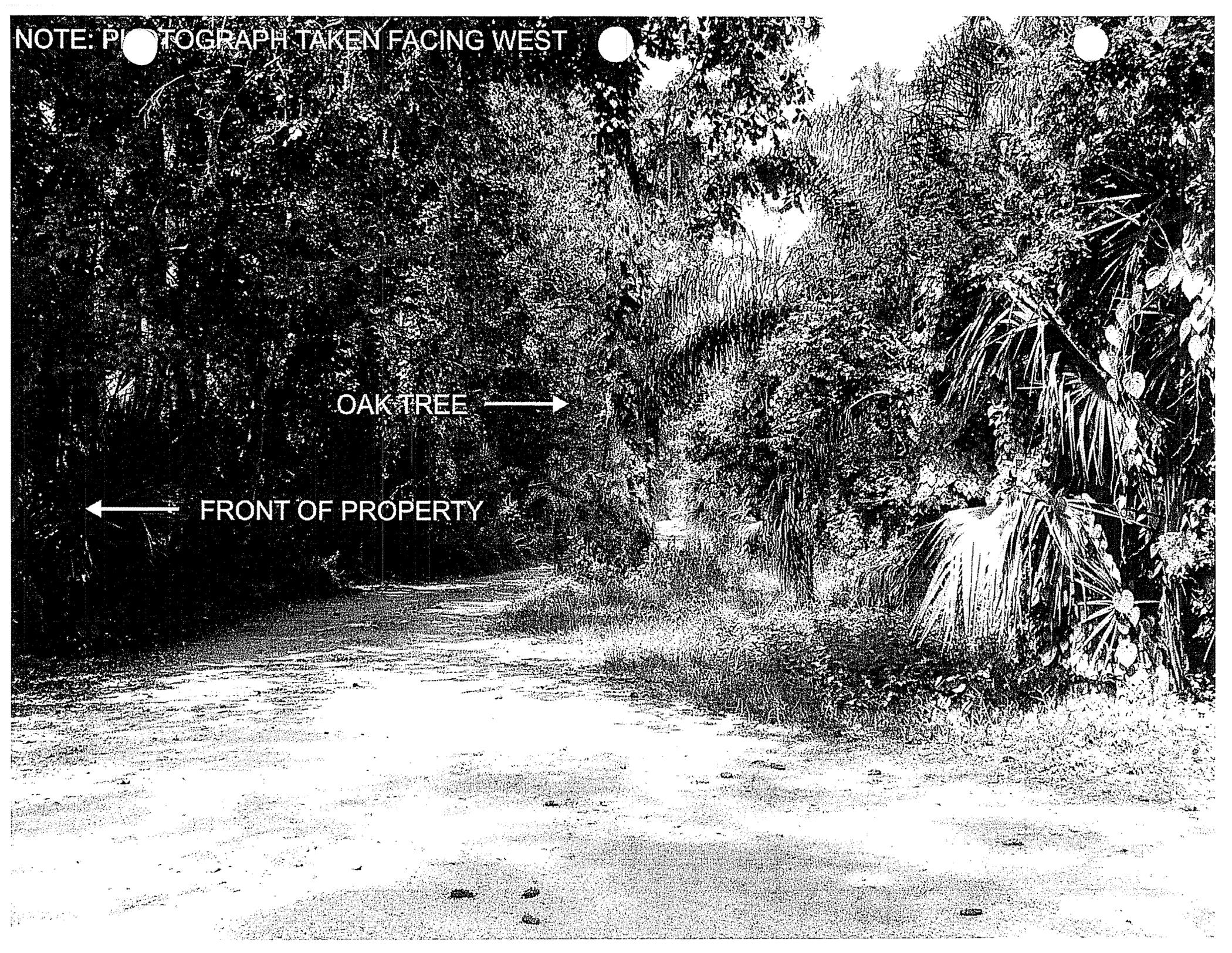
REAR OF PROPERTY

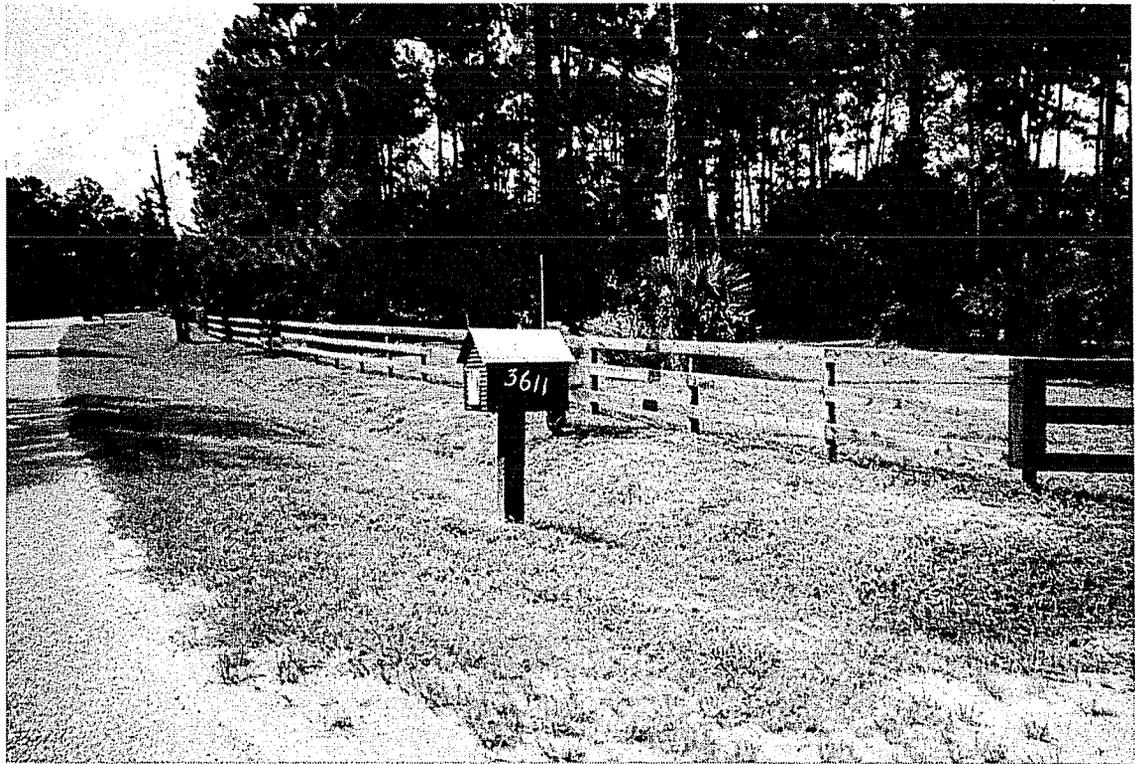


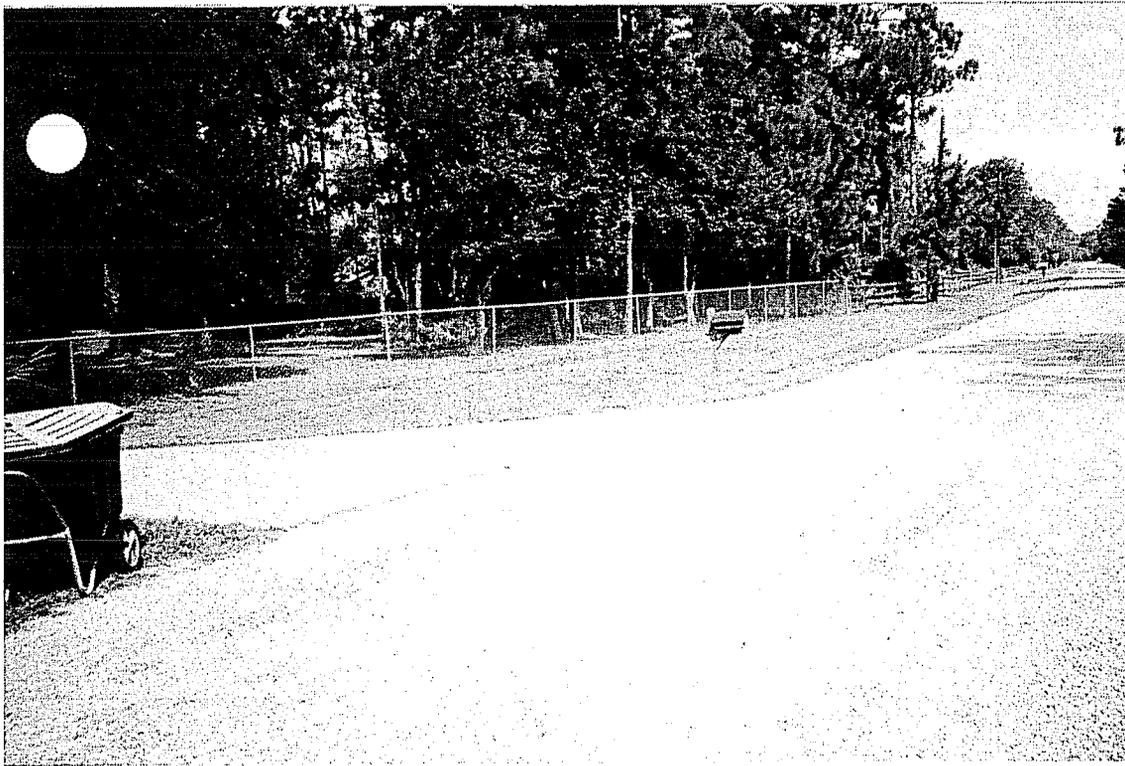
NOTE: PHOTOGRAPH TAKEN FACING WEST

OAK TREE →

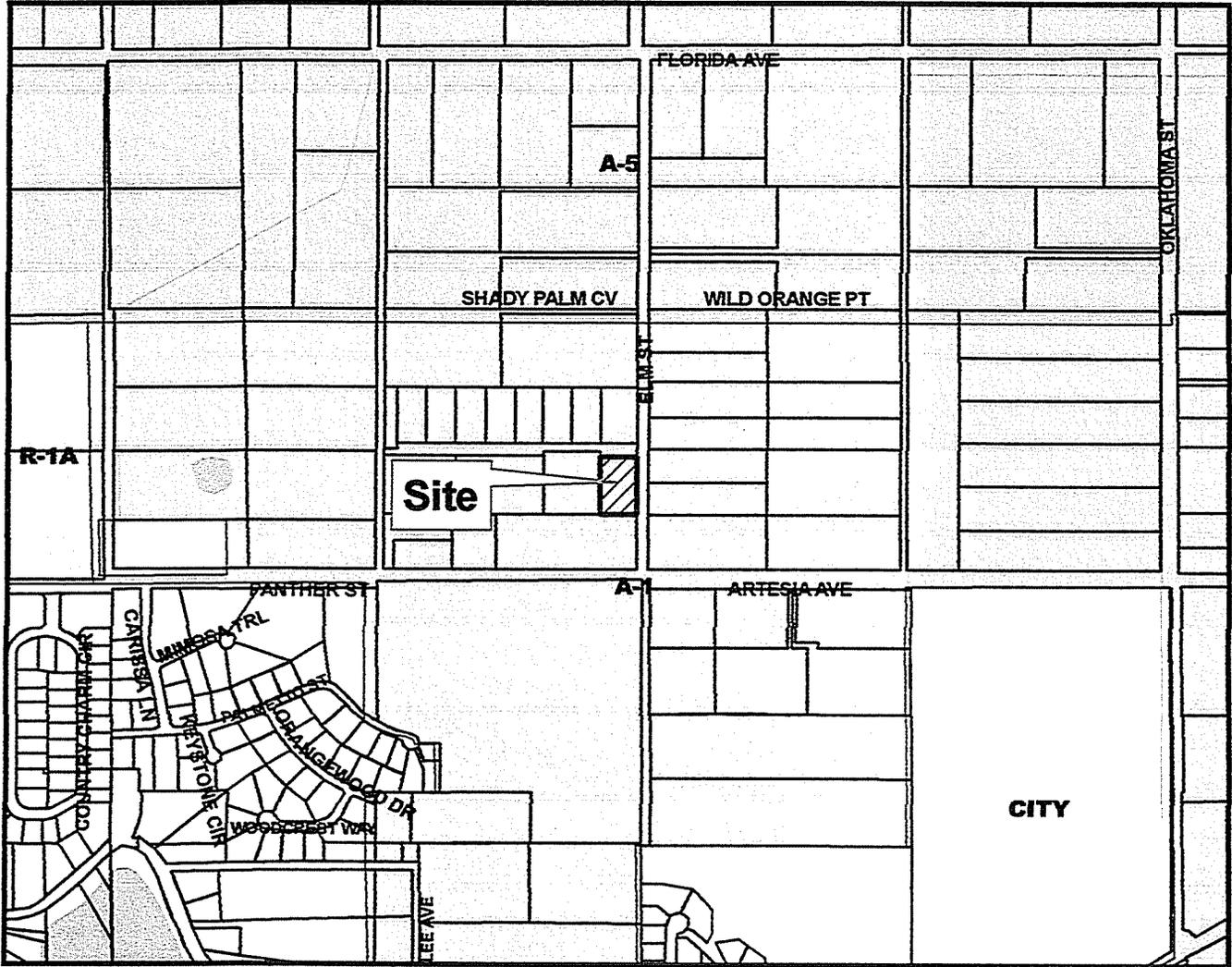
← FRONT OF PROPERTY







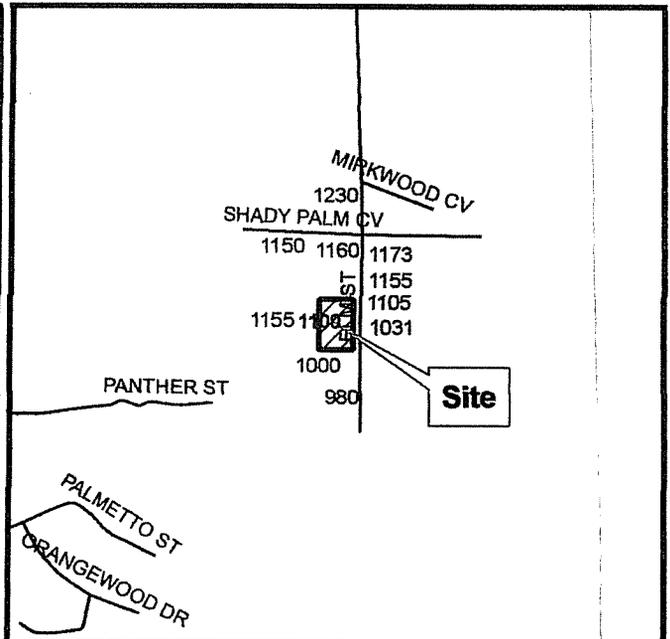
Sandarah and George Wilkes
 E 142 FT OF LOT 143 (LESS N 30 FT FOR RD)
 Elm Street
 Oviedo, Florida 32765



Seminole County Board of Adjustment
 August 27, 2007
 Case: BV2007-78 (Map 3160, Grid C4)
 Parcel No: 25-20-31-5BA-0000-143A

Zoning

-  BV2007-78
-  A-1
-  A-5
-  R-1A



Boundary Survey

SHADY PALM COVE
PRIVATE ROAD
DIRT ROADWAY

LOT 142

1280.93' (C FROM PLAT)

LESS N 30°
NOT INCLUDED

N 89°03'06" W 142.35' (M)

NOTE:
1) ANY BUILDING SET-BACK LINES SHOWN HEREON ARE DEPICTED AS SHOWN ON THE RECORDED PLAT, ZONING AND PERMITTING REGULATIONS MAY HAVE CHANGED SINCE THE PLAT WAS RECORDED. YOU WILL NEED TO CHECK WITH YOUR LOCAL COUNTY OR CITY OFFICIAL TO VERIFY THE CURRENT SET-BACK REQUIREMENTS.
2) THERE MAY BE ADDITIONAL EASEMENTS AND RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY, BUT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
3) WETLANDS JURISDICTIONAL LINE WAS LOCATED AND FLAGGED BY OTHERS. THE LOCATION AS SHOWN ON THIS DRAWING DEPICTS THE LOCATION OF THESE FLAGS AS FOUND IN FIELD.

UPLAND AREA
AREA= 12093.7 SQUARE FEET
MORE OR LESS

E 142' OF
LOT 143
VACANT

WETLAND AREA
AREA= 27506.0 SQUARE FEET
MORE OR LESS

UPLAND AREA
AREA= 1211.4 SQUARE FEET
MORE OR LESS

REMAINDER OF
LOT 143
NOT INCLUDED

S 00°04'55" E
330.07' (M)

N 00°03'14" W
300.07' (M)

S 00°04'55" E
330.07' (M)

S 00°04'55" E
330.07' (M)

1280.45' (C FROM PLAT)

N 89°03'06" W 142.01' (M)

LOT 144

ADDRESS
ELM STREET(VACANT)
OVIEDO, FLORIDA 32765

ELM STREET
PLATED RIGHT-OF-WAY
ASPHALT-GRAVEL ROADWAY

SETBACKS (PER PLAT)
FRONT: N/A
SIDES: N/A
REAR: N/A
SIDE STREETS: N/A

LEGAL DESCRIPTION: (AS FURNISHED)
EAST 142 OF LOT 143 (LESS THE NORTH 30 FEET PFR ROAD), BLACK HAMMOCK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 31, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

RLS #:	06-06-2111
CLIENT #:	151060144
FIELD DATE:	06/30/06
DRAFTER:	GKB
APPROVED:	GKB
SCALE:	1" = 50 FEET

SEE ABOVE

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF SAID PARCEL, BEING N 89°03'06" W, PER PLAT

LIST OF POSSIBLE ENCROACHMENTS:

ASAM
AMERICAN SURVEYING & MAPPING
CERTIFICATION OF ALBERT J. BELL
1030 N. ORLANDO AVENUE, SUITE B
WINTER PARK, FLORIDA 32789
PHONE (407) 425-7779 FAX (407) 425-9199
CERTIFIED TO: (AS FURNISHED)
GEORGE A. GALVAN
SUNBELT
OLD REPUBLIC NATIONAL TITLE INSURANCE
COMPANY
SUNBELT TITLE AGENCY

COORDINATED BY:
**RESIDENTIAL
LAND SERVICES, INC.**
a part of the *Oiland*
821. 24TH AVENUE S.W.
NORMAN, OKLAHOMA 73069
PHONE (405) 751-1288
PHONE (405) 751-1180
WWW.RLSNOW.COM

SUNBELT
TITLE AGENCY

SUNTRUST

NOTES
1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMBATANT FOR TITLE INSURANCE.
2. UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATION AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
3. UNLESS NOTED OR DEPICTED OTHERWISE, ALL PROPERTY CORNERS SHOWN HAVE NO L.S. OR L.S. IDENTIFICATION.
4. THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING.
5. THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

AC: AIR CONDITIONER
BL: BUILDING
C.A.: CENTRAL ANGLE
C.C.: CALCULATED
C.N.: CHORD BEARING
C.W.: CONCRETE BLOCK WALL
C.: CHORD
C.N.A.: CORNER NOT ACCESSIBLE
R: RADIAL
L: LENGTH OR ARC
C.S.: CONCRETE SLAB
(D): DESCRIPTION
TYP.: TYPICAL
D.S.: DRAINAGE A UTILITY
EASEMENT
E.D.W.: EDGE OF WATER
M.: MEASURED
U.E.: UTILITY EASEMENT
M.A.D.: MOUND AND DITCH
FLOOD ZONE (FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HEREON APPLICABLE TO BE LOCATED IN FLOOD ZONE "X", AREA OUTSIDE THE 100 YEAR FLOOD PLAN PER F.I.R.M. PANEL NUMBER 12028 D188 E, LAST REVISION DATE 04/07/06. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION, THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
FOR ALL FURTHER CONTACT RESIDENTIAL LAND SERVICES, INC. AT (405) 701-1100 Form 3.25f

SURVEYOR'S CERTIFICATE
GALEN K. BELL
CERTIFICATE
No. 4224
No. 4224
DATE: 07/03/06
SURVEYOR'S NAME STATE OF
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL
DATE: 07/03/06
REVISION

Reviewed & Accepted by: _____ Date: _____ / _____ / _____ Date: _____

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:

E 142 FT OF LOT 143 (LESS N 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: George & Sandarah Wilkes
3409 Bellingham Drive
Orlando, Fl. 34825

Project Name: 1100 Elm Street

Requested Development Approval:

Request for 1) a minimum lot size variance from 43,560 square feet to 40,904 square feet, 2) front yard setback variance from 50 feet to 40 feet and 3) side street setback variance from 50 feet to 10 feet for a proposed single family home 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: