

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

SUBJECT: 9 Robinwood Drive – Vincent Sowa, applicant; Request for a side street setback variance from 50 feet to 30 feet for an existing shed in A-1 (Agriculture 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 a side street setback variance from 50 feet to 30 feet for an existing shed in A-1 (Agriculture District); or
2. **APPROVE** the request for a side street setback variance from 50 feet to 30 feet for an existing shed in A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Vincent Sowa</p> <p>Location: 9 Robinwood Drive</p> <p>Zoning: A-1 (Agriculture District)</p> <p>Subdivision: Robinwoods</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance for an existing shed that encroaches 20 feet into the required 50-foot side street setback. • Building Permit 06-10332 is under review. • 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

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none"> • 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. <p><i>The shed could have been located on the site so as not to require a variance.</i></p> <ul style="list-style-type: none"> • 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.
<p>STAFF RECOMMENDATION</p>	<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 (Type of structure) 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 # BV2007-96
Meeting Date 9-24-07



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

RECEIVED JUL 24 2007

06-10332

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

Name: Vincent Sowa
Address: 9 Robinwood DR City: Longwood Zip code: 32779
Project Address: 9 Robinwood DR City: Longwood Zip code: 32779
Contact number(s): 407-618-3740
Email address: VINCENT@USACARSIMPORT.COM

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>10 x 14 x 9</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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUL 24 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 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 checked="" type="checkbox"/> Side street setback	Required setback:	<u>50</u>	Proposed setback: <u>30</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 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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 7-24-07 Reviewed By: P. Johnson
 Tax parcel number: 14-20-29-504-0000-0220 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 _____ 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 (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<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 (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.

SWEARDLOFF & BERRY

SURVEYING, INC.

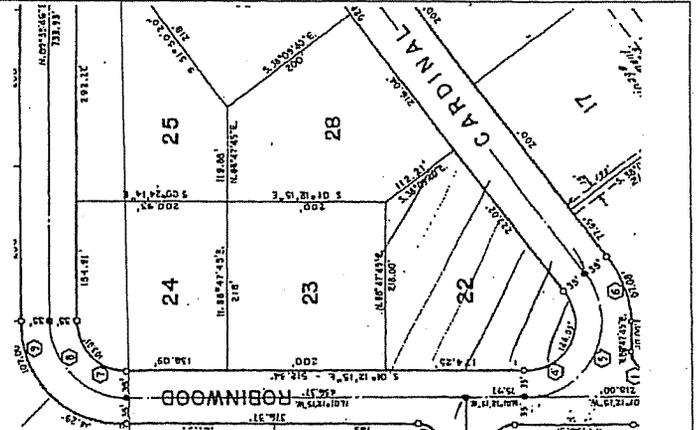
Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

Legal Description

Lot 22, **ROBINWOODS**, according to the plat thereof, as recorded in Plat Book 20, Page(s) 27 and 28, of the Public Records of Seminole County, FL.

Community number: 120289 **Panel:** 0110
Suffix: E.F.I.R.M. **Date:** 4/17/1995 **Flood Zone:** X
Date of field work: 5/1/2004 **Completion Date:** 6/25/2005

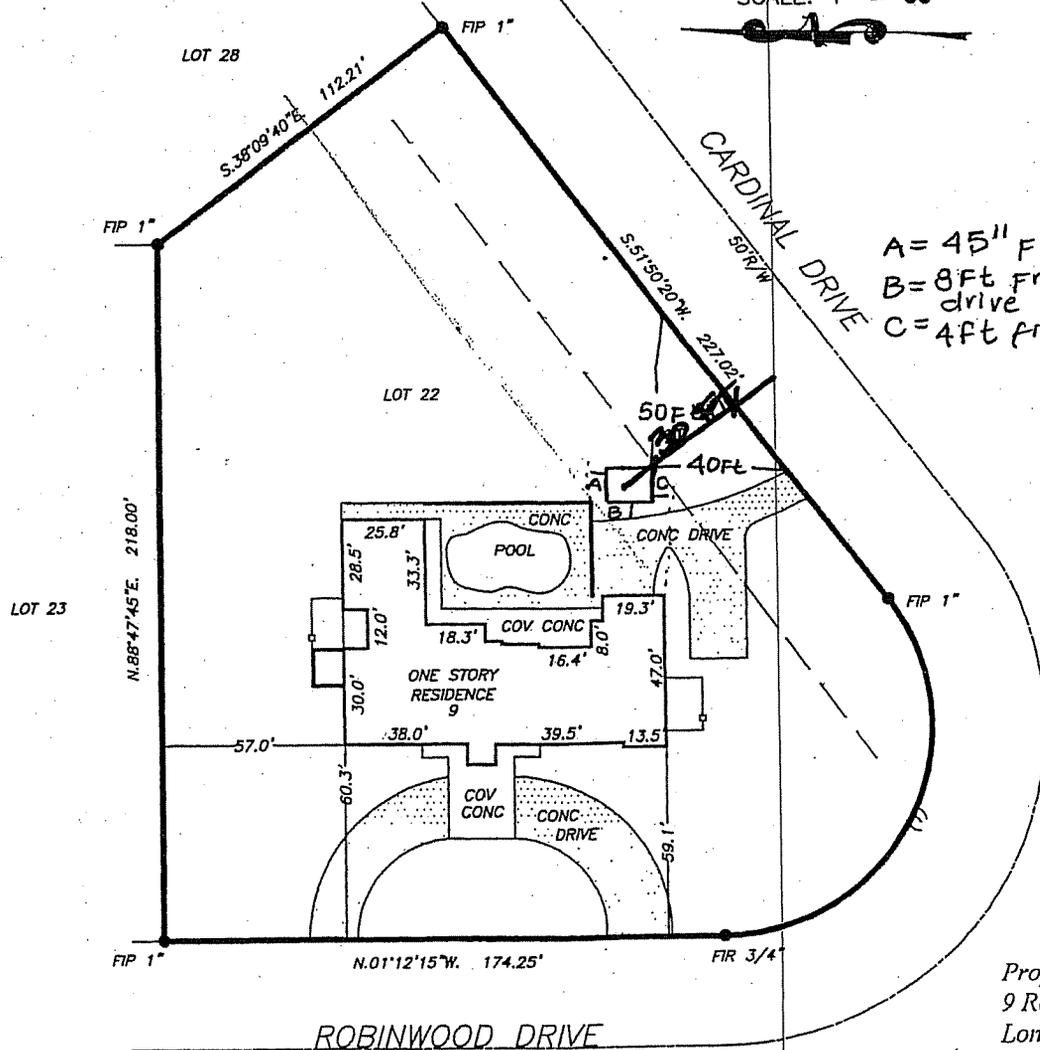
Certified to:
 Vincent Sowa; First American Title Insurance Company; Lehman Brothers Bank, FSB, its' successors and/or assigns.



CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	65.00'	126°52'45"	143.94'	130.03'	116.28'	N.64°41'37"W.

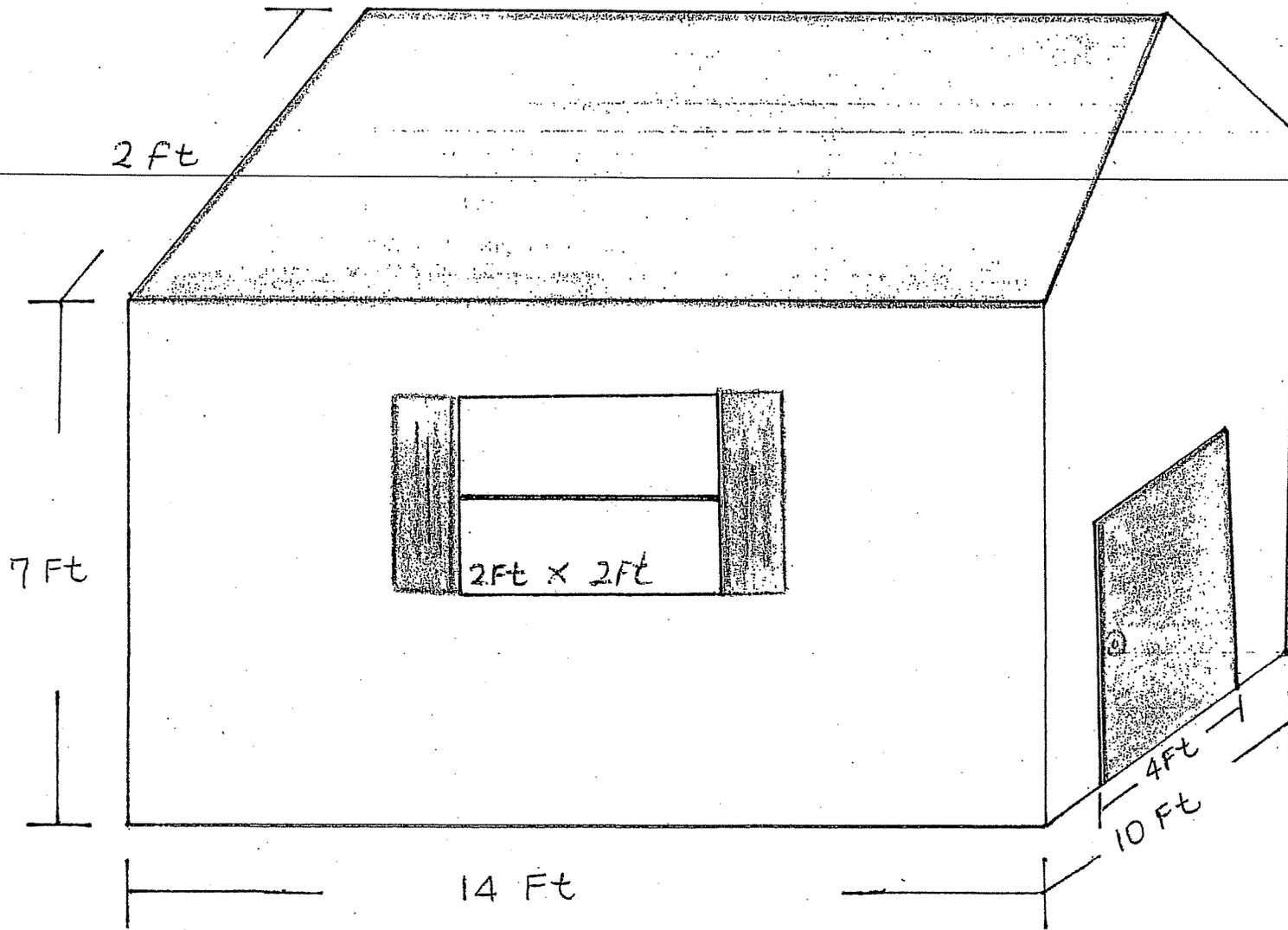
SCALE: 1" = 60'



A = 45" from the pool
 B = 8ft from the concrete drive
 C = 4ft from the Garage.

Property Address:
 9 Robinwood Drive
 Longwood, FL 32779

Survey number: SL 55391



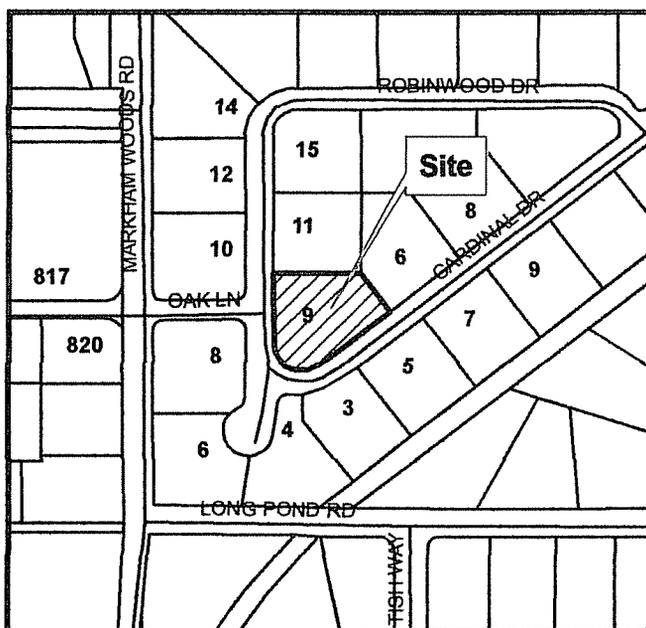
Vincent Sowa
9 Robinwood Drive
Longwood, Florida 32779



Seminole County Board of Adjustment
September 24, 2007
Case: BV2007-96 (Map 3102, Grid E3)
Parcel No: 14-20-29-5DY-0000-0220

Zoning

-  BV2007-96
-  A-1
-  RC-1
-  PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																																																																													
<p align="center">GENERAL</p> <p>Parcel Id: 14-20-29-5DY-0000-0220 Owner: SOWA VINCENT & DAHIANA Mailing Address: 9 ROBINWOOD DR City,State,ZipCode: LONGWOOD FL 32779 Property Address: 9 ROBINWOOD DR LONGWOOD 32779 Subdivision Name: ROBINWOODS Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2006) Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$490,449 Depreciated EXFT Value: \$14,608 Land Value (Market): \$85,000 Land Value Ag: \$0 Just/Market Value: \$590,057 Assessed Value (SOH): \$555,865 Exempt Value: \$25,000 Taxable Value: \$530,865 Tax Estimator</p>																																																																																																											
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Appendage / Sqft	GARAGE FINISHED / 436
Appendage / Sqft	BASE SEMI FINISHED / 554
Appendage / Sqft	OPEN PORCH FINISHED / 384
Appendage / Sqft	UPPER STORY UNFINISHED / 941
Appendage / Sqft	OPEN PORCH FINISHED / 252
Appendage / Sqft	UPPER STORY FINISHED / 872

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	\$800		\$2,000
POOL GUNITE	1979	578	\$4,624		\$11,560
COOL DECK PATIO	1979	610	\$854		\$2,135
FIREPLACE	2001	1	\$1,700		\$2,000
SCREEN ENCLOSURE	2002	3,031	\$5,053		\$6,062
STUCCO WALL	2005	415	\$1,577		\$1,660

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 - Application Inquiry

9/29/2007 4:21:43 PM

Application number: 06 100010332
 Application status, date: IN PLAN CHECK 9/29/06
 Property: 9 ROBINWOOD DR
 Parcel ID: 14-20-20-001-00000200
 Subdivision Name: ROBINWOODS
 Subdivision: ROBINWOODS
 Zoning: A1 AGRICULTURE
 Application type: ZNMS NOT OTHER NON RES BLDGS
 Application date: 9/29/06
 Permit number name: ROBINWOODS DR SHED
 Master plan number reviewed by:
 Estimated duration: 600
 Total square footage: 110
 Public building: NO
 Work description, quantity:
 Run number: 67658

OK Exit Cancel F10 Receipts

SEMINOLE COUNTY - Application Miscellaneous Information Inquiry

9/29/2007 4:21:43 PM

Application number: 06 100010332
 Property: 9 ROBINWOOD DR

Code Freeform information	Date	Display note at Permit	Insp C.O.	Print flag
BPMS ROBINWOODS/10X14' METEL SHED/OWNER AFF	9/08/06	Y	Y	Y
BPMS OK /TRACK TO ZONE/CAG	9/08/06	Y	Y	Y
ZNMS Not meeting front setback (corner lot)	9/08/06			
ZNMS for an accessory structure in the A-1 zoning district. Spoke to property	9/08/06			
ZNMS owner about relocating the storage shed	9/08/06			
ZNMS to meet the setback or applying for a variance. Applicant expressed that he	9/08/06			
ZNMS would like to apply for a variance.	9/08/06			
ZNMS Permit is in the zoning reject drawer.	9/08/06			

OK Exit Cancel

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 22 ROBINWOODS PB 20 PGS 27 & 28

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

FINDINGS OF FACT

Property Owner: Vincent & Dahiana Sowa
9 Robinwood Drive
Longwood FL 32779

Project Name: Robinwood Drive (9)

Requested Development Approval:

Request for a side street setback variance from 50 feet to 30 feet for an existing shed 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: 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 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: