

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

SUBJECT: Peach Avenue (Lot 3) – Lorenzo Polk, applicant; Request for 1) a lot size variance from 8,400 square feet to 4,100 square feet, 2) width at building line variance from 70 feet to 41 feet, 3) front yard setback variance from 25 feet to 20 feet and 4) rear yard setback variance from 30 feet to 22 feet for a proposed single family home in R-1 (Single Family Dwelling District).

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

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

Agenda Date 10/22/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for 1) a lot size variance from 8,400 square feet to 4,100 square feet, 2) width at building line variance from 70 feet to 41 feet, 3) front yard setback variance from 25 feet to 20 feet and 4) rear yard setback variance from 30 feet to 22 feet for a proposed single family home in R-1 (Single Family Dwelling District); or
2. **DENY** the request for 1) a lot size variance from 8,400 square feet to 4,100 square feet, 2) width at building line variance from 70 feet to 41 feet, 3) front yard setback variance from 25 feet to 20 feet and 4) rear yard setback variance from 30 feet to 22 feet for a proposed single family home in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Lorenzo Polk Peach Avenue (Lot 3) R-1 (Single Family Dwelling District) Pine Level
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a one-story single family home, approximately 1,500 sq. ft. on Lot 3 which is a platted lot that does not meet the R-1 zoning classification minimal dimensional requirements for lot area and lot width. 	

	<ul style="list-style-type: none">• The proposed home also will encroach 5 feet into the required 25-foot front yard setback and encroach 8 feet into the required 30-foot rear yard setback.• The subject property is located in the Pine Level subdivision plat which is within the Goldsboro Community Development Target area as designated by Seminole County in order to promote new housing opportunities.• The adoption of County wide zoning in 1960 subsequently rendered the platted lots non-conforming thereby created a hardship.• The size of the subject property is not inconsistent with the surrounding properties and development pattern of this neighborhood.• 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 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 1937 prior to the adoption of the Land Development Code in 1960. When the Land Development Code was adopted the subject lot became nonconforming.</i>• Special conditions and circumstances did not result from the actions of the applicant.• 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 subject area is a target area that encourages and supports new construction in the neighborhood.</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.• The variance requested is the minimum variance that will make possible reasonable use of the land, building or structure.

	<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.• The grant of the variance would 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 new single family home 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 # BV2007-124
Meeting Date 10-22-07



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

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

Name: LORENZO FOLK
Address: 103 ELLEN PLACE City: SANFORD Zip code: 32771
Project Address: PEACH AVE (LOT 3) VACANT Zip code: _____
Contact number(s): (407) 314-4770 (407) 688-1358
Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

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: RECEIVED SEP 04 2007
<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 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>\$,400</u>	Actual lot size:	<u>4,100</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>70</u>	Actual lot width:	<u>41ft.</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>26ft.</u>	Proposed setback:	<u>20ft.</u>
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30ft.</u>	Proposed setback:	<u>22ft.</u>
<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>4</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] 9-04-07

FOR OFFICE USE ONLY

Date Submitted: 9-4-07 Reviewed By: P. JOHNSON
 Tax parcel number: 35-19-30-513-000-0030 Zoning/FLU R-1/MOR
 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!

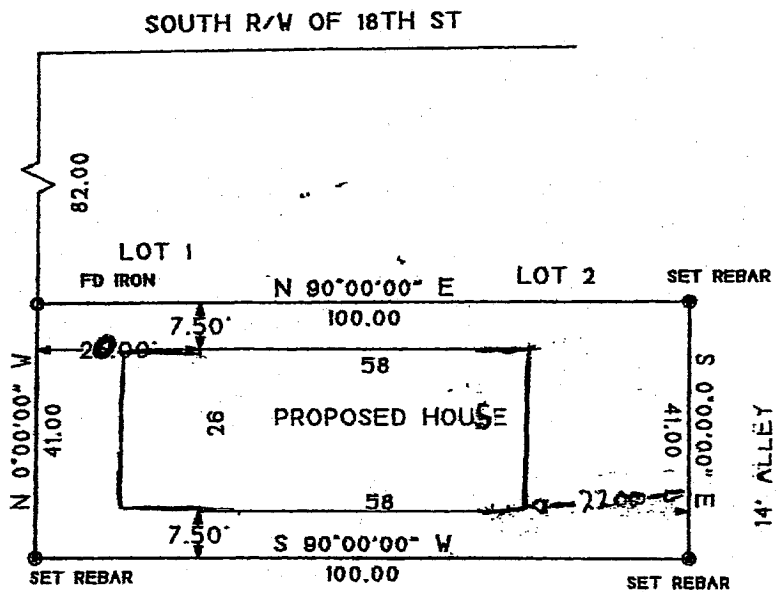
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 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 (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.

PLAT OF SURVEY
DESCRIPTION LOT 3 BLOCK 8 PINE LEVEL

AS RECORDED IN PLAT BOOK 6 PAGE(S) 37 OF
 THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



PEACH ST (50' R/W) PAVED



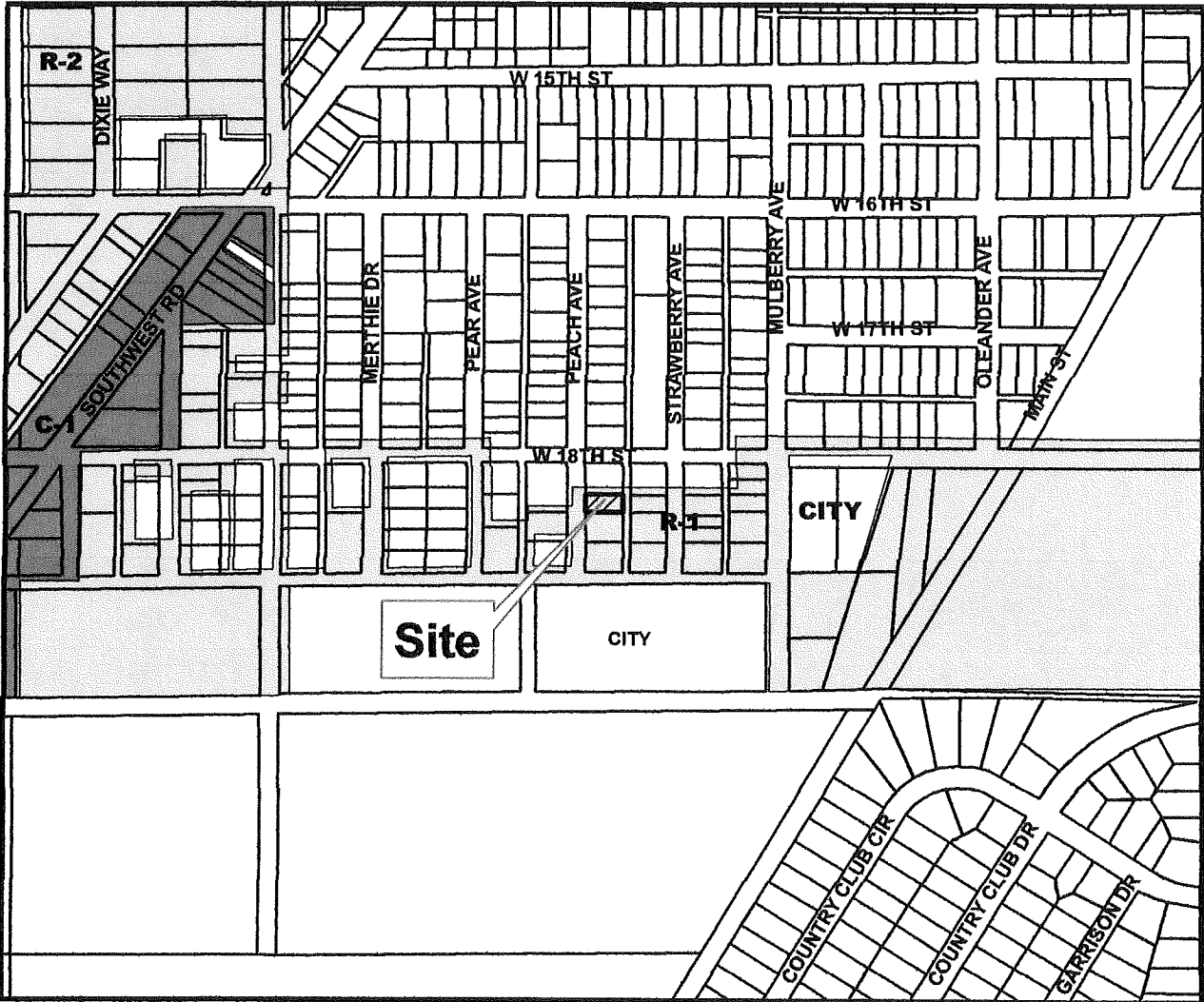
LOT 4

1500 sq. ft. Foot print.

- | | | |
|---------------------|-----------------------------|-----------------|
| LEGEND: | | |
| ELEV - ELEVATION | NAD - NAIL AND DISK | BLK - BLOCK |
| FD - FOUND | POB - POINT OF BEGINNING | EIRT - EASEMENT |
| EIRT - EASEMENT | POC - POINT OF COMMENCEMENT | F - IRON PIPE |
| STY - STORY | CB - CHORD BEARING | B - BOUNDARY |
| C - CENTERLINE | R/W - RIGHT OF WAY | Δ - DELTA |
| X-X-X - FENCE | PL - PROPERTY LINE | C - CHORD |
| RES - RESIDENCE | PC - POINT OF CURVE | L - LIGHT |
| BLDO - BUILDING | CONC - CONCRETE | P - PLAT |
| WD FRM - WOOD FRAME | NON - NONMENT | Δ - DELTA |





NOTES:
 1 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
 2 THIS SURVEY WAS RECORDED UNDER THE FOLLOWING PLAT NUMBER


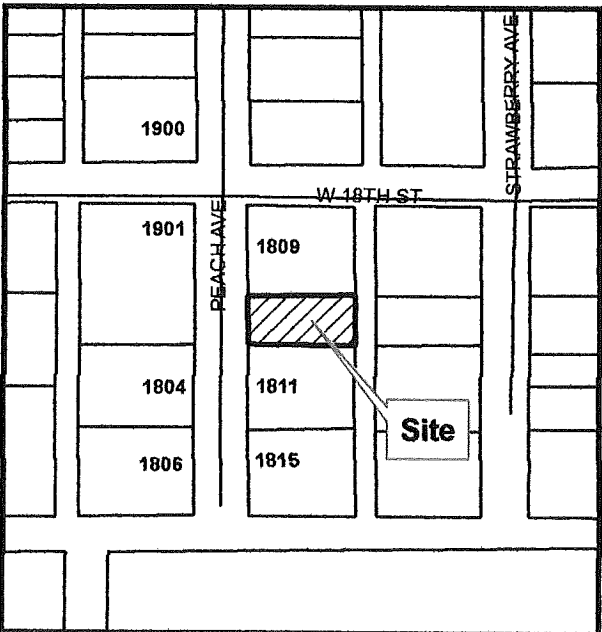
Lorenzo Polk
 Lot 3, Block 8, Peach Avenue
 Sanford, Florida 32771

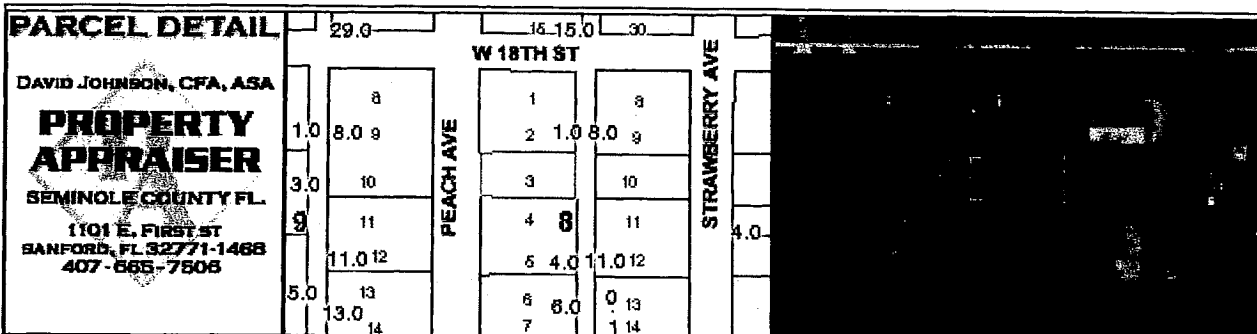


Seminole County Board of Adjustment
 October 22, 2007
 Case: BV2007-124 (Map 3053, Grid E3)
 Parcel No: 35-19-30-513-0800-0030

Zoning

-  BV2007-124
-  R-1
-  R-2
-  C-1



GENERAL

Parcel Id: 35-19-30-513-0800-0030
 Owner: POLK LORENZO
 Mailing Address: 103 ELLEN PL
 City,State,ZipCode: SANFORD FL 32771
 Property Address: ~~18TH ST W~~
 Subdivision Name: PINE LEVEL
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 00-VACANT RESIDENTIAL

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$10,927
Land Value Ag:	\$0
Just/Market Value:	\$10,927
Assessed Value (SOH):	\$10,927
Exempt Value:	\$0
Taxable Value:	\$10,927

Tax Estimator
 2007 Notice of Proposed Property Tax

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	06/2007	06737	1381	\$4,500	Vacant	Yes
QUIT CLAIM DEED	09/1998	03508	1073	\$100	Vacant	No
WARRANTY DEED	10/1990	02248	0973	\$100	Vacant	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

2006 Tax Bill Amount:	\$81
2006 Taxable Value:	\$5,043

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	41	100	.000	325.00	\$10,927

LEGAL DESCRIPTION

PLATS:

LEG LOT 3 BLK 8 PINE LEVEL PB 6 PG 37

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 October 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 3 BLK 8 PINE LEVEL PB 6 PG 37

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

FINDINGS OF FACT

Property Owner: Lorenzo Polk
103 Ellen Pl
Sanford FL 32771

Project Name: Peach Avenue (Lot 3)

Requested Development Approval:

Request for 1) a lot size variance from 8,400 square feet to 4,100 square feet, 2) width at building line variance from 70 feet to 41 feet, 3) front yard setback variance from 25 feet to 20 feet and 4) rear yard setback variance from 30 feet to 22 feet for a proposed single family home 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 new single family home 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: