

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

SUBJECT: Shady Palm Cove (Lot 142C) – Ernest & Stacey Bednar, applicants; Request for 1) a minimum lot size variance from 43,560 square feet to 41,588 square feet and 2) variance to the minimum lot width at building line from 150 feet to 148 feet for a proposed single family residence in A-1 (Agricultural District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

Agenda Date 12/03/07 **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 41,588 square feet and 2) variance to the minimum lot width at building line from 150 feet to 148 feet for a proposed single family residence in A-1 (Agricultural District); or
2. **APPROVE** the request for 1) a minimum lot size variance from 43,560 square feet to 41,588 square feet and 2) variance to the minimum lot width at building line from 150 feet to 148 feet for a proposed single family residence in A-1 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Ernest & Stacey Bednar Location: Shady Palm Cove Zoning: A-1 Subdivision: Black Hammock</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant is requesting variances on a lot that is deficient 960 square feet in the A-1 zoning minimum lot size of 43,560 and 8 feet deficient in the minimum lot width at the building line of 150 feet. • There are currently no code enforcement or building violations for this property.

	<ul style="list-style-type: none"> • There is no record of prior variances for this property.
<p>STAFF FINDINGS</p>	<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. • Special conditions and circumstances did not result from the actions of the applicant. • 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. <p><i>The lot was created prior to 1970 which defines it as a lot of record therefore prior to subdivision regulations.</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>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></p> <ul style="list-style-type: none"> • The variances requested are the minimum variances that will make possible reasonable use of the land, building or structure. • The grant of the variances would be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval:</p> <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 # BV2007-136
Meeting Date Dec 3, 07



VARIANCE APPLICATION
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: Ernest & Stacey Bednar
Address: 24404 Marie dr. City: Hanward, CA Zip code: 94542
Project Address: Alicia LN City: Oviedo Zip code: 32765
Contact number(s): Contact Landon Thomas (407 760 7324)
Email address: Landon Landon Thomas @ Aol.com

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:
<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>1 Acre</u>	Actual lot size:	<u>.98</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150'</u>	Actual lot width:	<u>148'</u>
<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 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>2</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: 10-4-07 Reviewed By: Joy Williams
 Tax parcel number: 25-20-31-5BA-0000-142C 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). <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.
✓	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
N/A	o Location of driveways
N/A	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
N/A	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
N/A	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
N/A	o Building height
N/A	o Setbacks from each building to the property lines
N/A	o Location of proposed fence(s)
N/A	o 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.

SHADY PA

145 ft

151 ft

78 ft

70 ft

141 ft

309 ft
11 6 1/2



291 ft
11 1 1/2



291 ft
11 1 1/2



291 ft
11 1 1/2



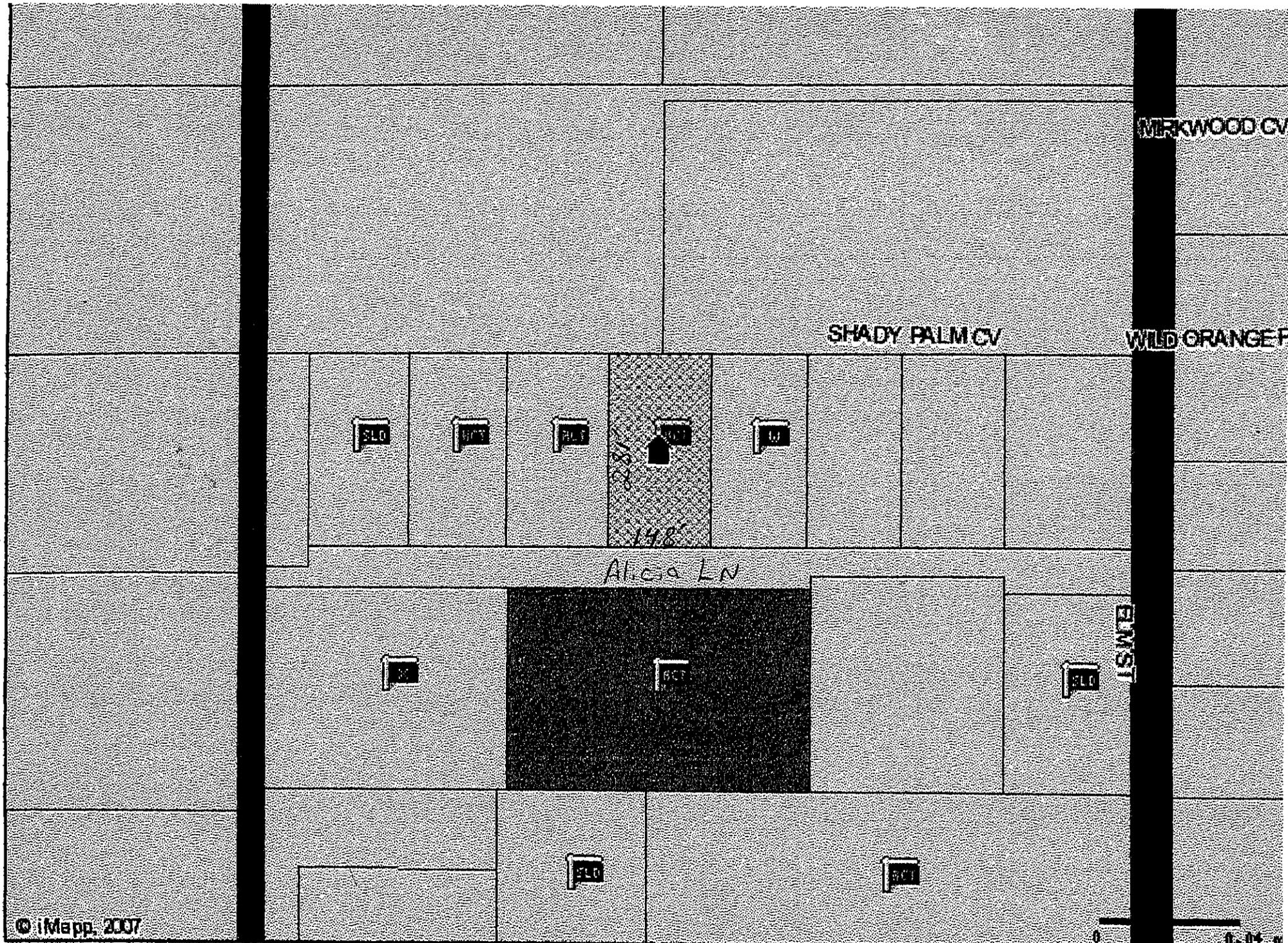
145 ft

151 ft

148 ft

141 ft

Alicia LN

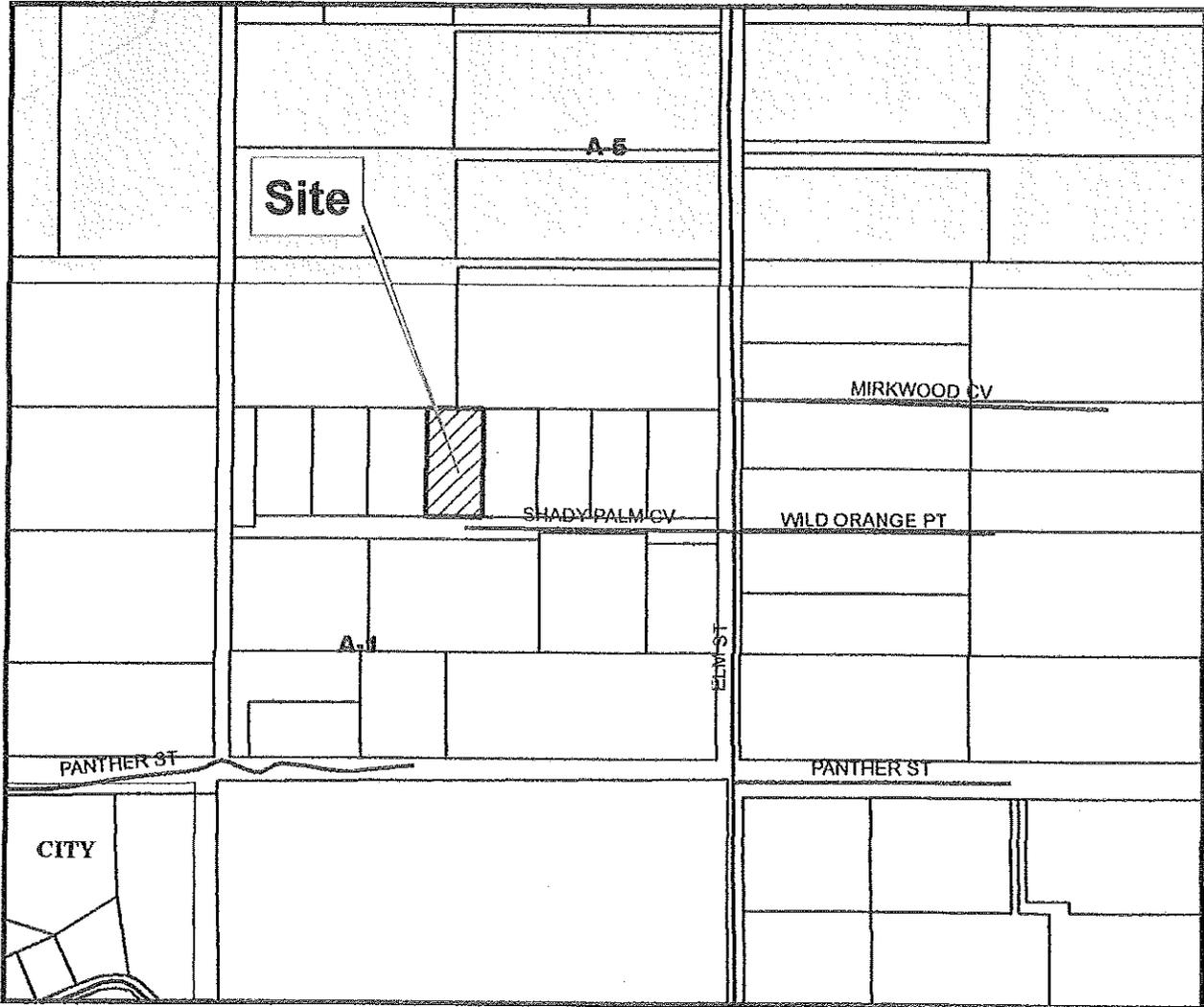


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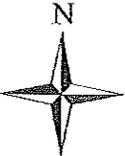
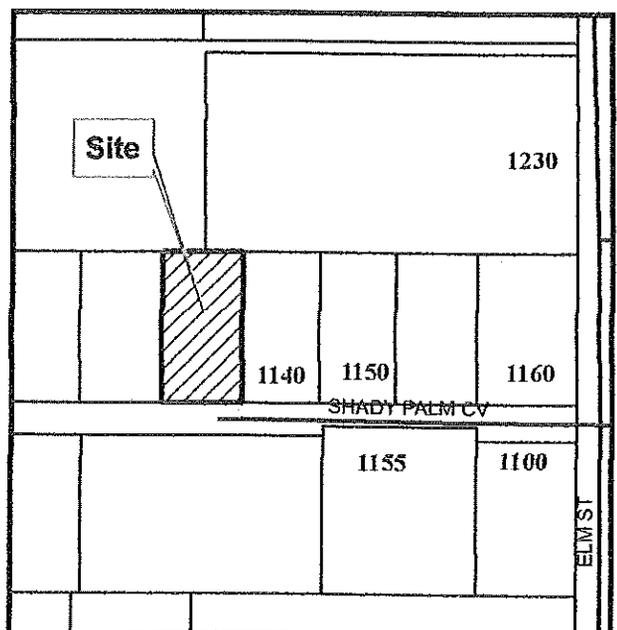
Ernest & Stacey Bednar
W 142 FT OF E 710 FT OF LOT 142 (LESS S 30 FT FOR RD)
Shady Palm Cove,
Oviedo, Florida 32765



Seminole County Board of Adjustment
December 3, 2007
Case: BV2007-136 (Map 3160, Grid C3)
Parcel No: 25-20-31-5BA-0000-142C

Zoning

-  BV2007-136
-  A-1
-  A-5

PARCEL DETAIL		140		
DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508	80.0	141.A 141	141.0	
	79.0	142.A 142.B 142.H 142.D		
	78.A	142.J		
	77.0	143.B 143.G 143.O 143.A		
		2	1 144 144.0	

GENERAL

Parcel Id: 25-20-31-5BA-0000-142C
 Owner: BEDNAR ERNEST R & STACEY E
 Mailing Address: 24404 MARIE DR
 City,State,ZipCode: HAYWARD CA 94542
 Property Address: ALICIA LN
 Subdivision Name: BLACK HAMMOCK
 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): \$49,000
 Land Value Ag: \$0
 Just/Market Value: \$49,000
 Assessed Value (SOH): \$49,000
 Exempt Value: \$0
 Taxable Value: \$49,000
 Tax Estimator
 2007 Notice of Proposed Property Tax

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	11/2004	05548	1301	\$44,900	Vacant	Yes
CORRECTIVE DEED	12/2004	05548	1299	\$100	Vacant	No
CORRECTIVE DEED	07/2002	04463	0131	\$100	Vacant	No
CORRECTIVE DEED	05/2002	04414	1793	\$100	Vacant	No
WARRANTY DEED	05/2002	04408	1421	\$26,000	Vacant	Yes
ADMINISTRATIVE DEED	02/1999	03810	2008	\$100	Vacant	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

2006 Tax Bill Amount: \$724
 2006 Taxable Value: \$49,000
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	.980	50,000.00	\$49,000

LEGAL DESCRIPTION

PLATS:

W 142 FT OF E 710 FT OF LOT 142 (LESS S 30 FT FOR RD) BLACK HAMMOCK
 PB 1 PG 31

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 & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Ernest R. Bednar
Address: 24404 Marie Dr. Hayward, CA
Phone #: 510-396-6612 94542

Name: Stacey E. Bednar
Address: 24404 Marie Dr. Hayward CA
Phone #: 510-396-5942 94542

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: /
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: /
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

1. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: Landon J Thomas Name: _____
Address: 235 S Central Ave Oviedo Fl. Address: _____
32765 (407)760 7324 (Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10/1/07
Date

Stacey Bednar
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 1ST day of OCTOBER, 2007 by STACEY BEDNAR & ERNEST BEDNAR

[Signature]
Signature of Notary Public

BRENDA S. GARRIGAN
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification CA/DL D5983800 - STACEY
Type of Identification Produced DRIVERS LICENCE CA/DL D4628710 - ERNEST

BRENDA S. GARRIGAN
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD437827
EXPIRES 6/6/2009
BONDED THRU 1,898-NOTARY1

For Use by Planning & Development Staff
Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

W 142 FT OF E 710 FT OF LOT 142 (LESS S 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: Ernest & Stacey Bedner
24404 Marie Drive
Hayward, Ca. 94542

Project Name: Shady Palm Cove (Lot 142C)

Requested Development Approval:

Request for a 1) minimum lot size variance from 43,560 square feet to 41,588 square feet and a 2) minimum width at the building line from 150 feet to 148 feet for a proposed home in the 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: 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: