

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 282 W 10th Street – Bertie Tomberlin, applicant; Request for a rear yard setback variance from 30 feet to 17.5 feet for a detached garage in R-1 (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 12/03/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 17.5 feet for a detached garage in R-1 (Single Family Dwelling District); or
2. **Approve** the request for a rear yard setback variance from 30 feet to 17.5 feet for a detached garage in R-1 (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Bertie Tomberlin Location: 282 W 10 th Street Zoning: R-1 (Single Family Dwelling District) Subdivision: North Chuluota
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 20-foot by 45-foot detached garage that would encroach 12.5 feet into the required 30-foot rear yard setback. • The proposed garage would be constructed 7.5 feet south of the rear lot line. There is a 20-foot alley that abuts the rear yard; per sec 30.1346, ½ of the alley width may be considered as a portion of the required rear yard. • 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.• 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 detached garage 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 # BU 2007-147
Meeting Date 12-3-07



VARIANCE APPLICATION

SEMINGOLE 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: Bertie Tomberlin
Address: 1012 Jackson Creek Ct. City: Oviedo Zip code: 32765
Project Address: 282 W. 10th Street City: Chuluota Zip code: 32768
Contact number(s): (321) 276-7239 (cell) (407) 493-7857 cell Bertie
Email address: btomberlin@mmts-services.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 checked="" type="checkbox"/> Other	Please describe: <u>Detached GARAGE 20X45</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED OCT 23 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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30ft</u>	Proposed setback:	<u>7.5ft</u> X <u>17.5ft</u> X <u>10 FT of ALLEY</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>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: 10-23-07 Reviewed By: P. Johnson
 Tax parcel number: 21-21-32-5CF-7100-0110 Zoning/FLU R-1/LOR
 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
	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 <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	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.

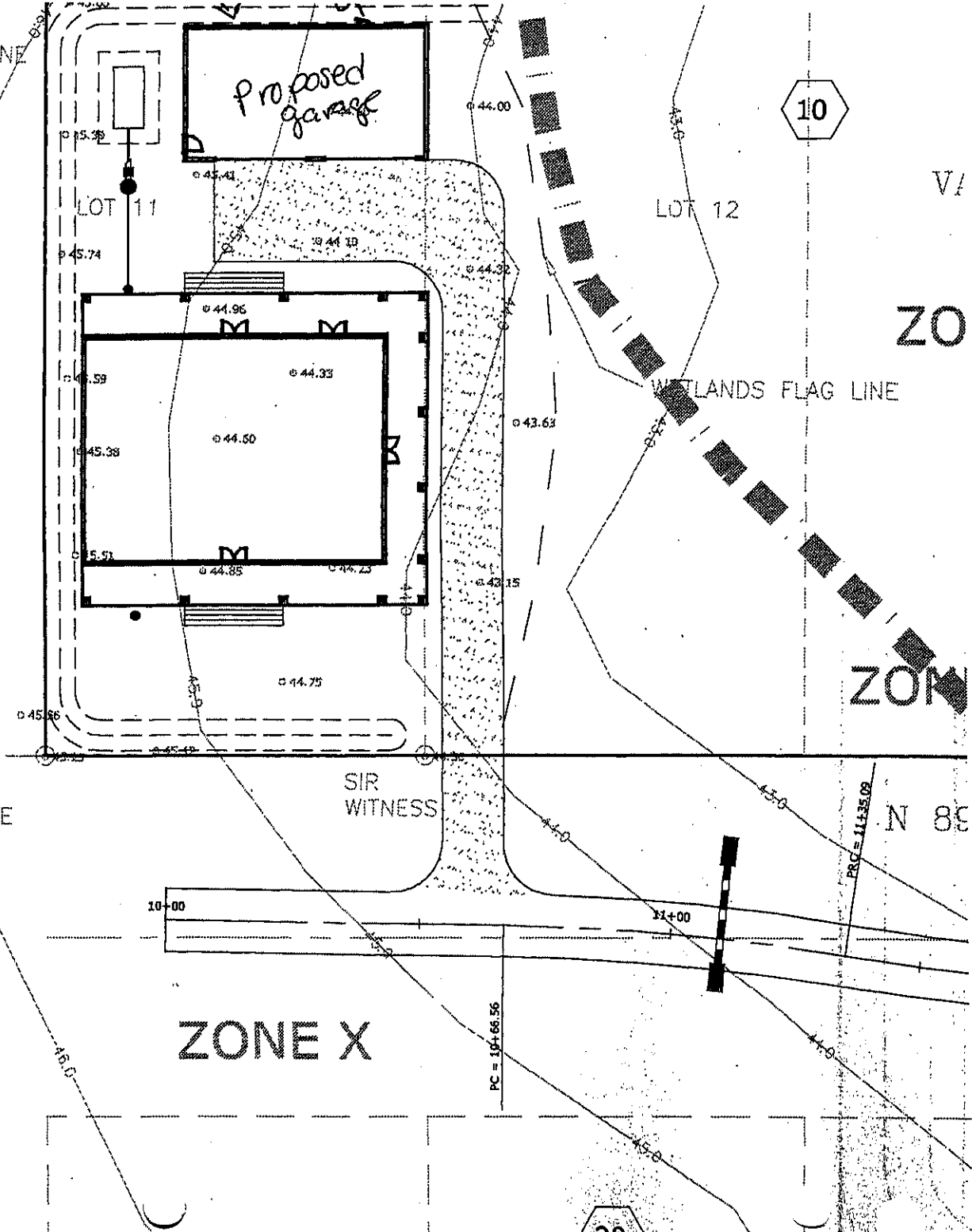
FIP 1"
NO# 0.5' NE

S 00°51'19" E 150.00' (R&M)

20

SIR
FIP 1"
NO# 0.5' NE

20



10

Z0

ZON

N 89

ZONE X

PC = 104.66.56

PCE = 1135.09

LOT 12

LOT 11

Proposed garage

WETLANDS FLAG LINE

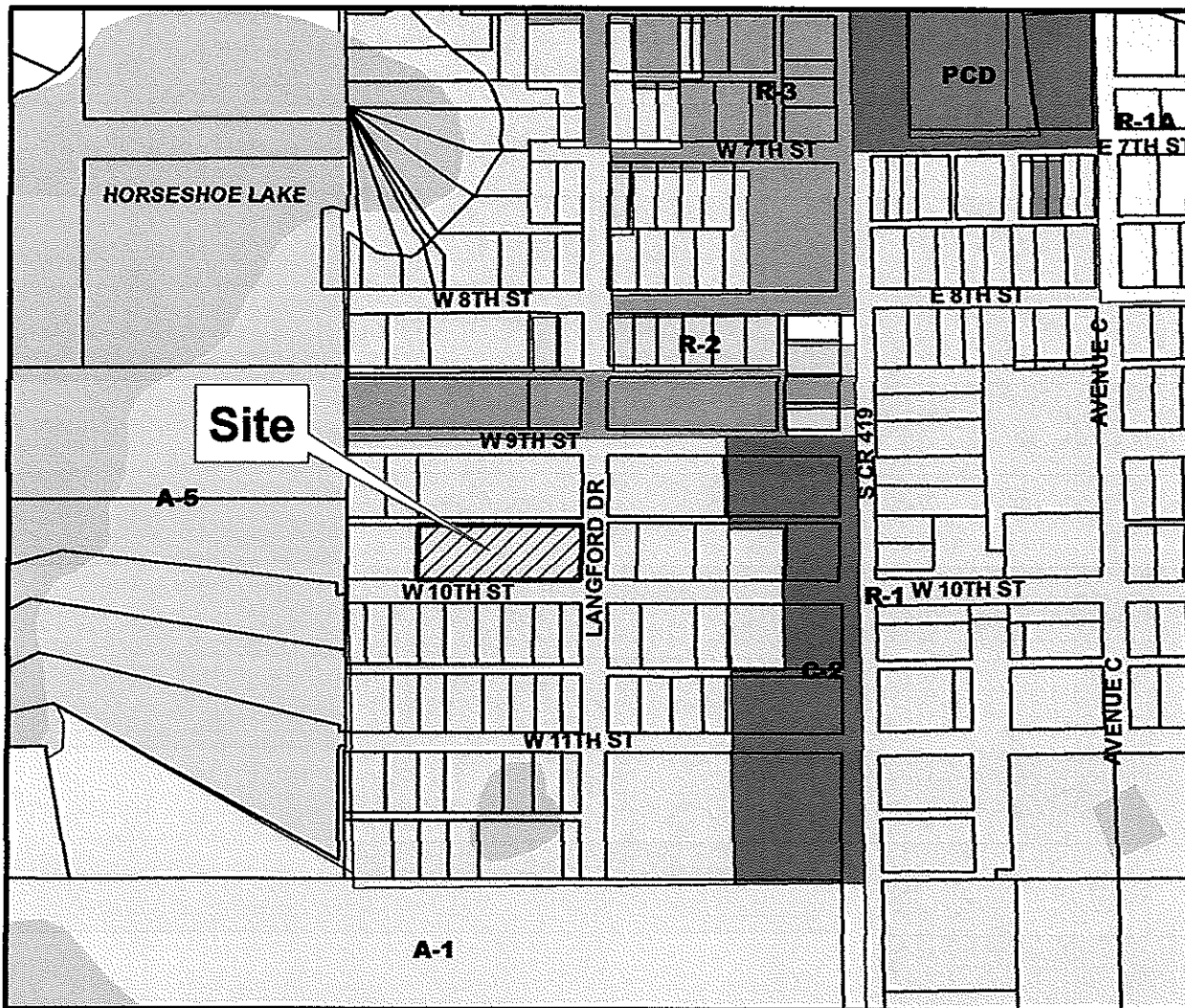
SIR WITNESS

10+00

11+00

VI

Bertie Tomberlin
 282 W 10th Street
 Chuluota, Florida 32766



Seminole County Board of Adjustment
 December 3, 2007
 Case: BV2007-147 (Map 3213, Grid D1)
 Parcel No: 21-21-32-5CF-7100-0110

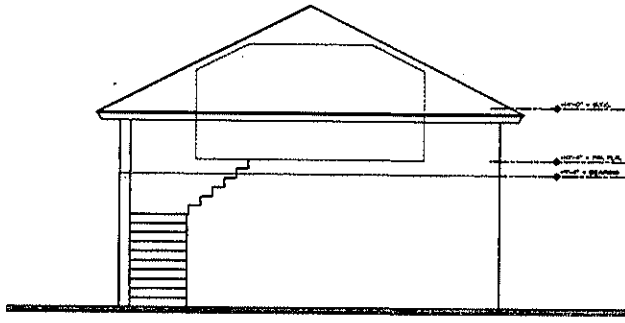
Zoning

BV2007-147	R-1B	C-2
A-1	R-2	PUD
A-5	R-3	PCD
R-1A	RP I	
R-1	CN	

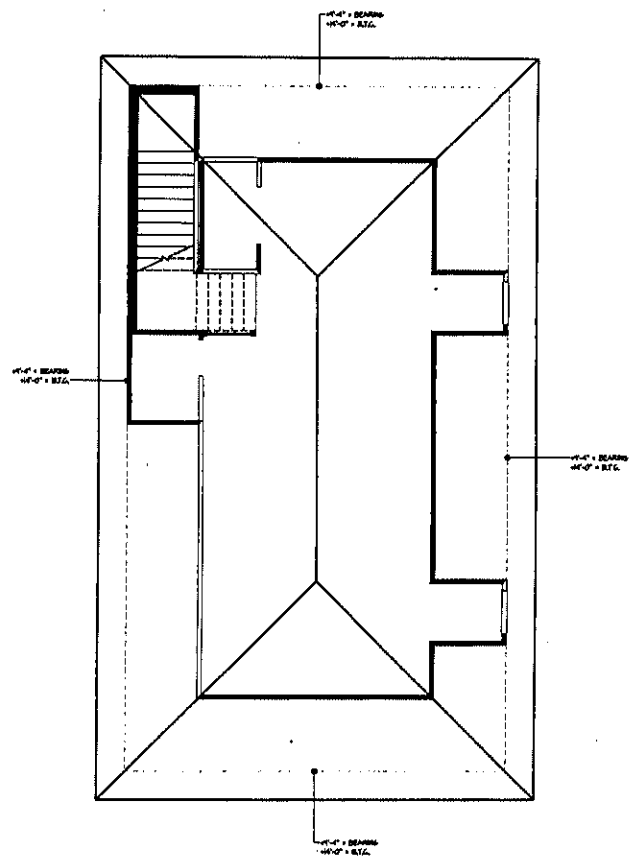
N



<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 407-655-7505</p>																							
<p>GENERAL</p> <p>Parcel Id: 21-21-32-5CF-7100-0110</p> <p>Owner: TOMBERLIN BERTIE</p> <p>Mailing Address: 1012 JACKSON CREEK CT</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 282 10TH ST W CHULUOTA 32766</p> <p>Subdivision Name: NORTH CHULUOTA</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$78,795</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$78,795</p> <p>Assessed Value (SOH): \$78,795</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$78,795</p> <p>Tax Estimator</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>WARRANTY DEED</td> <td>05/2006</td> <td>06281</td> <td>1558</td> <td>\$97,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/2005</td> <td>05591</td> <td>1978</td> <td>\$50,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	05/2006	06281	1558	\$97,000	Vacant	Yes	WARRANTY DEED	01/2005	05591	1978	\$50,000	Vacant	No	<p>2007 VALUE SUMMARY</p> <p>2007 Tax Bill Amount: \$1,164</p> <p>2007 Taxable Value: \$78,795</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	05/2006	06281	1558	\$97,000	Vacant	Yes																	
WARRANTY DEED	01/2005	05591	1978	\$50,000	Vacant	No																	
<p>LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT & DEPTH</td> <td>450</td> <td>150</td> <td>.000</td> <td>425.00</td> <td>\$78,795</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	450	150	.000	425.00	\$78,795	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOTS 11 12 13 14 15 & 16 BLK 71 NORTH CHULUOTA PB 2 PGS 54 TO 58</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
FRONT FOOT & DEPTH	450	150	.000	425.00	\$78,795																		
<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>																							



A BUILDING SECTION SCALE: 1/4" = 1'-0"



ROOF PLAN SCALE: 1/4" = 1'-0"

- NOTES:**
- 1) TYPICAL ROOF SLOPE = 8:12, UNLESS OTHERWISE NOTED.
 - 2) TYPICAL ROOF OVERHANG = 2'-0", UNLESS OTHERWISE NOTED.
 - 3) TYPICAL CORNER OVERHANG = 8", UNLESS OTHERWISE NOTED.

REVISIONS	BY

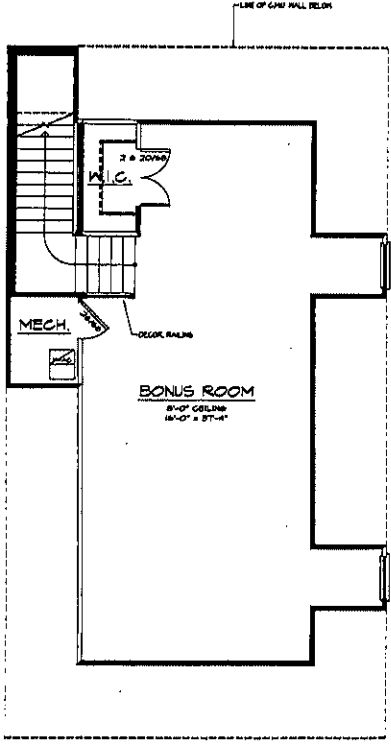
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ROOF PLAN, BUILD. SECT. & STAIR DTLS.
Tomberlin/Charland Garage
 Oviedo, Florida

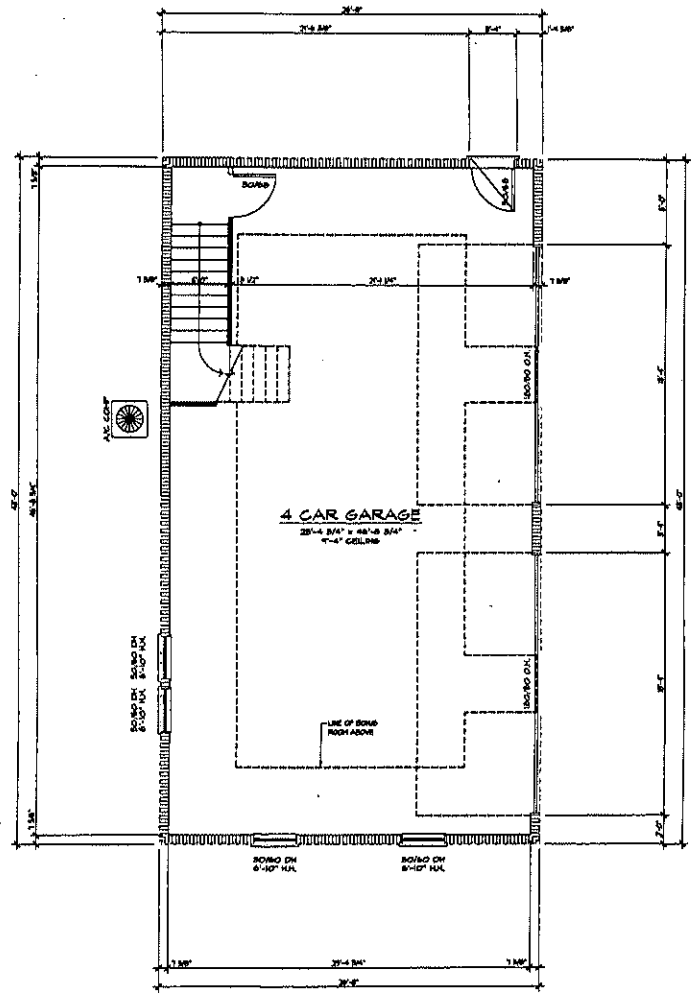
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DATE:	
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SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN SCALE: 1/4" = 1'-0"



AREA TABULATION	
BONUS ROOM	93.2 S.F.
4 CAR GARAGE	1762.8 S.F.
TOTAL	1856.0 S.F.

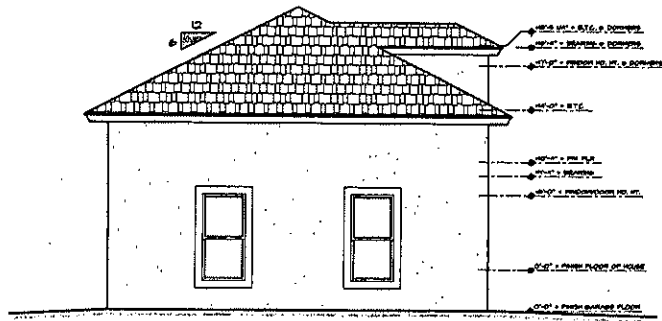
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FLOOR PLAN
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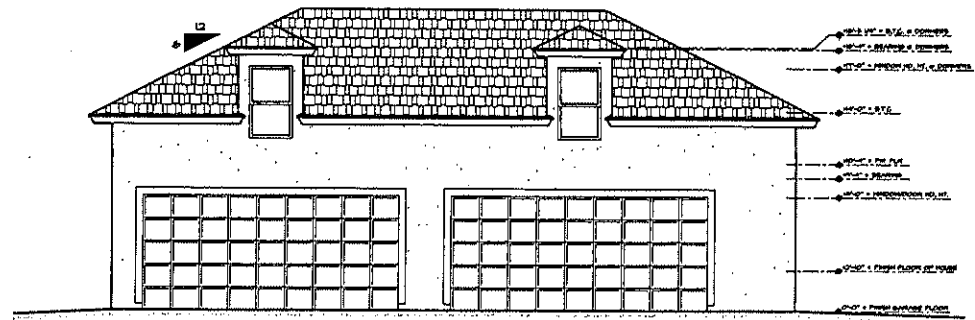
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JOB NO.:	12-08-1
FILE NAME:	12-08-1-01.dwg
SHEET	2

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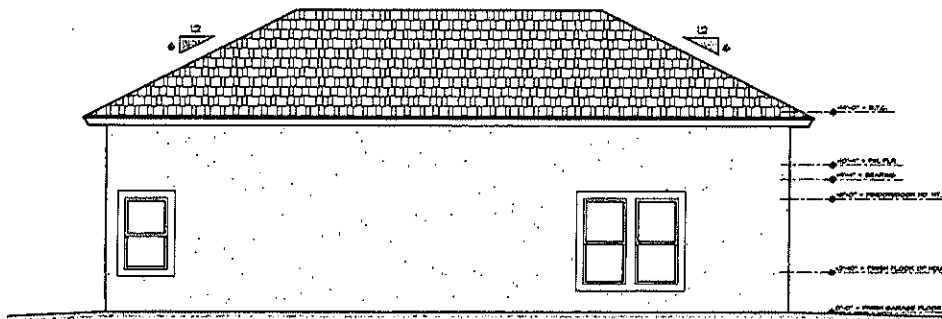
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



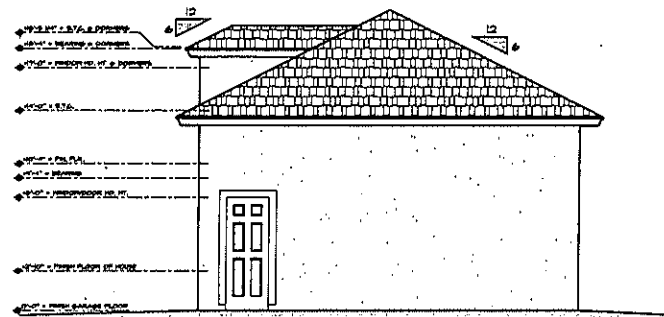
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

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EXTERIOR ELEVATIONS
 Tomberlin/Charland Garage
 Oviedo, Florida

DRAWN BY	TAT
CHECKED BY	
DATE	
JOB NO.	
DRAWING NO.	
SHEET	

PERMITTED BY:
 [Signature]
 [Title]
 [Address]

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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:

LOTS 11 12 13 14 15 & 16 BLK 71
NORTH CHULUOTA PB 2 PGS 54 TO 58

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

FINDINGS OF FACT

Property Owner: Bertie Tomberlin
1012 Jackson Creek Ct
Oviedo, FL 32765

Project Name: W 10th Street (282)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 17.5 feet for a detached garage 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: Joy Williams, 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 detached garage 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: