

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

SUBJECT: Jitway (Lot 134) – LaTasha Proctor, applicant; Request for a (1) minimum lot size variance from 8400 square feet to 4592 square feet and (2) lot width at the building line from 70 feet to 41 feet for a proposed single family home in the R-1 (Single Family Dwelling District).

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

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

Agenda Date 1/28/2008 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a (1) minimum lot size variance from 8400 square feet to 4592 square feet and (2) lot width at the building line from 70 feet to 41 feet for a proposed single family home in the R-1 (Single Family Dwelling District); or
2. **Approve** the request for a (1) minimum lot size variance from 8400 square feet to 4592 square feet and (2) lot width at the building line from 70 feet to 41 feet for a proposed single family home in the R-1 (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<table border="0"> <tr> <td>Applicant:</td> <td>LaTasha Proctor</td> </tr> <tr> <td>Location:</td> <td>Jitway (Lot 134)</td> </tr> <tr> <td>Zoning:</td> <td>R-1</td> </tr> <tr> <td>Subdivision:</td> <td>Midway</td> </tr> </table>	Applicant:	LaTasha Proctor	Location:	Jitway (Lot 134)	Zoning:	R-1	Subdivision:	Midway
Applicant:	LaTasha Proctor								
Location:	Jitway (Lot 134)								
Zoning:	R-1								
Subdivision:	Midway								
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single family home on a substandard lot that was platted prior to the adoption of zoning regulations. • 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 1917 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. <i>The creation of the nonconforming lot was not the result 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 use of a single family home.</i>
STAFF	Based on the stated findings, staff recommends denial of the

RECOMMENDATION	<p>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 proposed 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.
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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

COPY

Application # BU 2007-159
Meeting Date 1-28-08



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: LATASHA N. PROCTOR
Address: 2451 MONTE CRISTO WAY City: SANFORD Zip code: 32771
Project Address: JITWAY - LEG. LOT 134 City: SANFORD Zip code: 32771
Contact number(s): (407) 468-0573; (407) 947-9623
Email address: latasha.cooper@hotmail.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"/> Addition	Please describe:
<input checked="" 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.	

RECEIVED NOV 30 2007

What type of variance is this request?				
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>8400 sf.</u>	Actual lot size:	<u>4592 sf.</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>70 ft.</u>	Actual lot width:	<u>41 ft.</u>
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" 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>				

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]

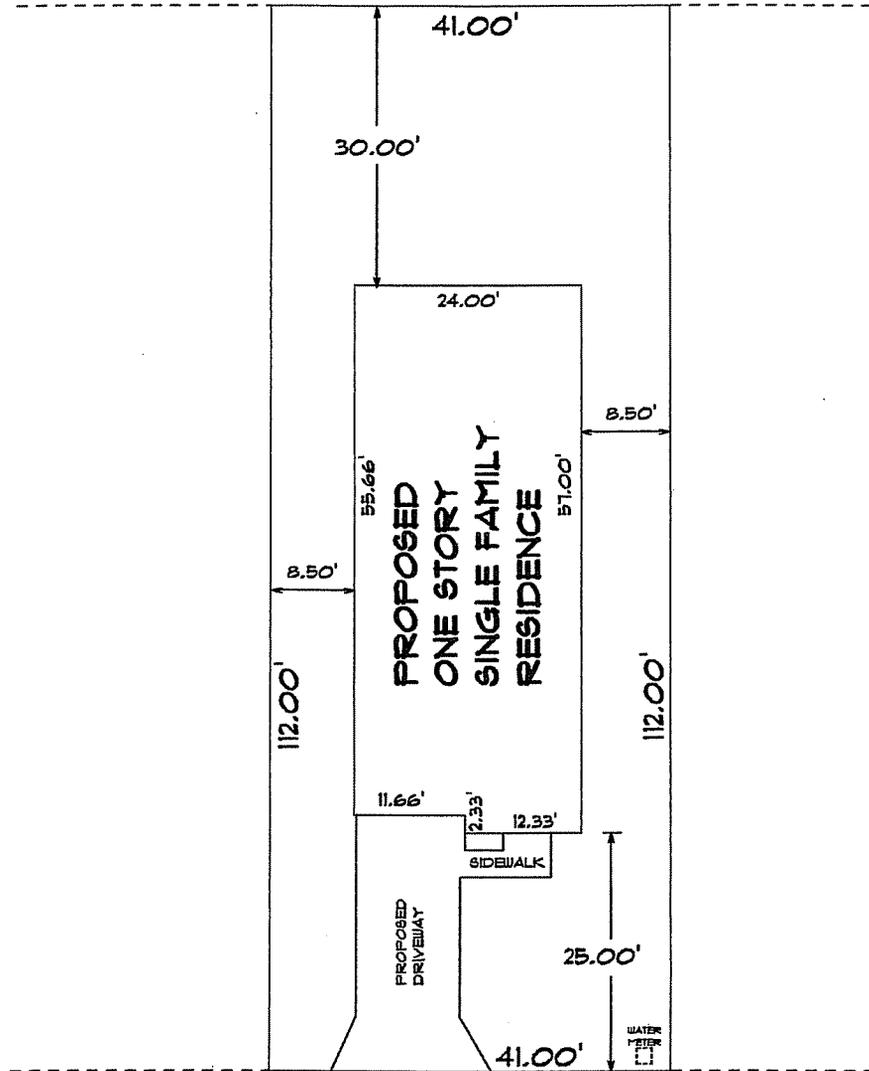
FOR OFFICE USE ONLY

Date Submitted: 11-30-07 Reviewed By: P. Johnson
 Tax parcel number: 33-19-31-507-0000-1340 Zoning/FLU R-1/LDR
 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.
N/A	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
N/A	o Location of proposed fence(s)
✓	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
N/A	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



JITWAY
PAYED R/W

SITE PLAN

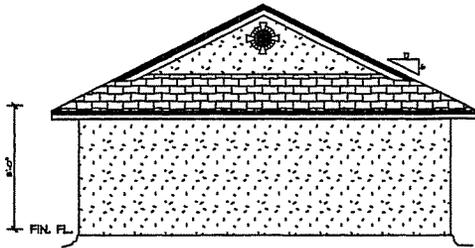
SCALE: 1" = 20.00'

LEGAL DESCRIPTION

Leg Lot 134 & N 1.5 FT of Lot 135 J O
PACKARDS 1st ADD to MIDWAY
as recorded in Plat Book 2, Page 104
of the Public Records of Seminole County, FL
Parcel ID #33-19-31-507-0000-1340

SCOPE OF WORK

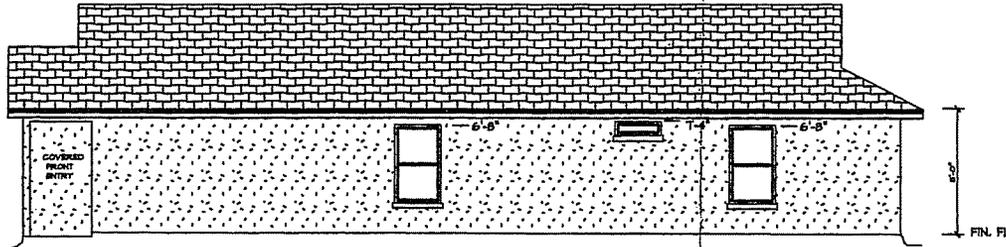
Construct a new one story, single family
residence on a now vacant land parcel.
The new structure is to have a concrete
slab on grade foundation, with concrete
block exterior walls.



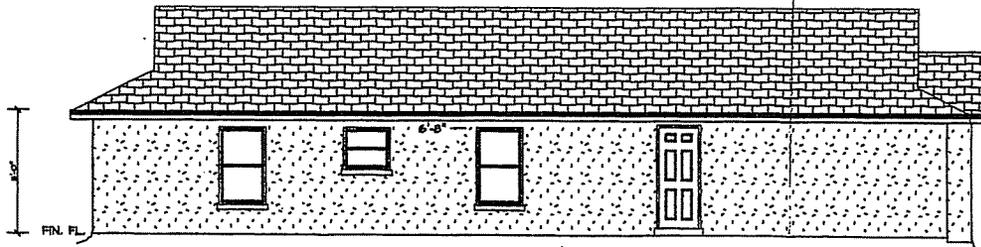
REAR ELEVATION



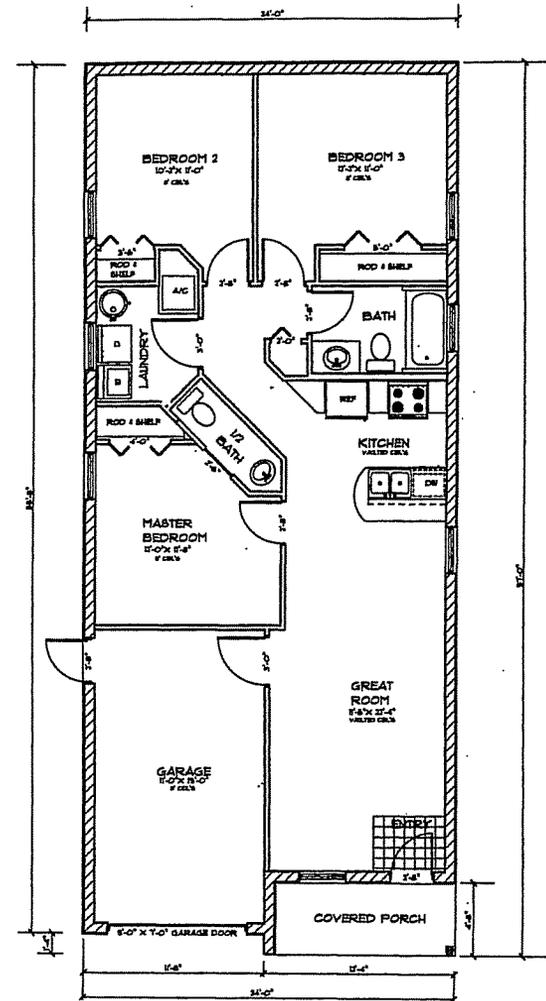
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FLOOR PLAN

AREA TABULATIONS	
LIVING	1073 sq.FL
COVERED PORCH	84 sq.FL
GARAGE	225 sq.FL
TOTAL UNDER ROOF	1398 sq.FL

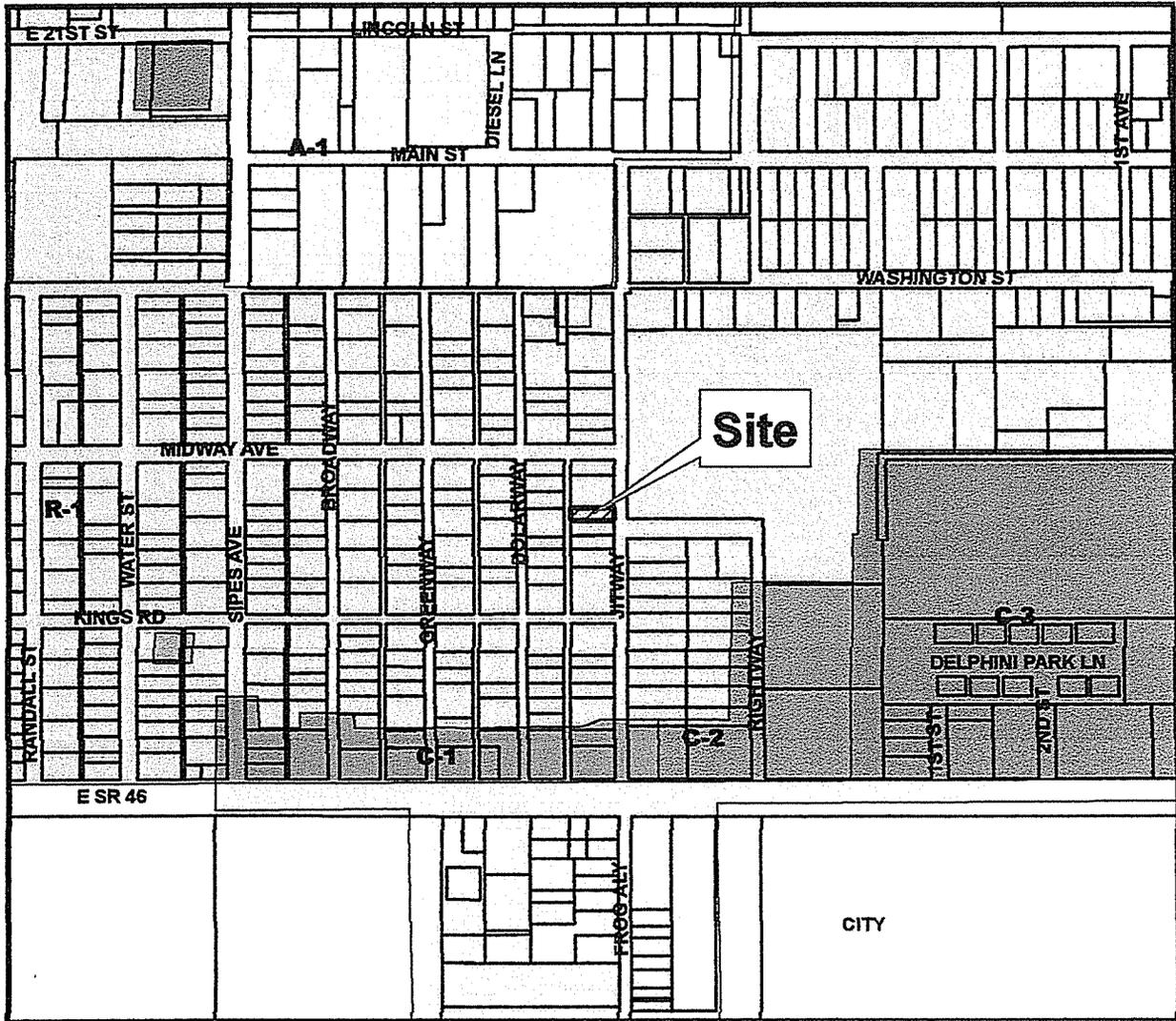
1542-000 (107)
 1542-000 (107)
 1542-000 (107)
MSM
 1542-000 (107)
 1542-000 (107)
 1542-000 (107)

MODEL 1079

1/8" = 1'-0"

PAGE
S

Latasha Proctor
 LEG LOT 134 & N 1.5 FT OF LOT 135
 JO PACKARDS 1ST ADD TO MIDWAY
 Jitway
 Sanford, Florida 32771

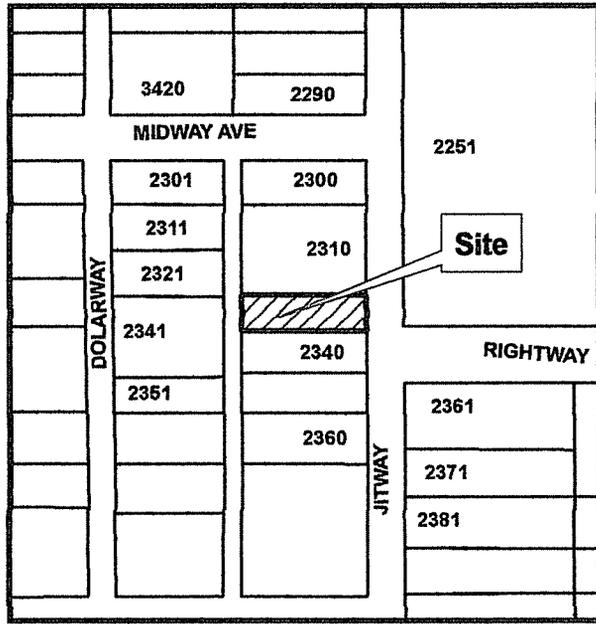


Seminole County Board of Adjustment
 January 28, 2008
 Case: BV2007-159 (Map 3054, Grid C4)
 Parcel No: 33-19-31-507-0000-1340

Zoning

BV2007-159	R-2	C-2
A-1	R-3	C-3
R-1	C-1	

N



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508	MIDWAY AVE																															
	111	121	131																													
	112	122	132																													
	113	123	133																													
	114	124	134																													
	115	125	135																													
	116	126	136																													
	117	127	137																													
	118	128	138																													
					RIGHTWAY 1 2																											
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 33-19-31-507-0000-1340</p> <p>Owner: PROCTOR LATASHA N</p> <p>Mailing Address: 2451 MONTE CRISTO WAY</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address:</p> <p>Subdivision Name: PACKARDS 1ST ADD TO MIDWAY</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="padding-left: 40px;">Dor: 00-VACANT RESIDENTIAL</p>				<p style="text-align: center;">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): \$8,118</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$8,118</p> <p>Assessed Value (SOH): \$8,118</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$8,118</p> <p style="text-align: center;">Tax Estimator</p> <p style="text-align: center;">Tax Reform Calculator</p>																												
<p style="text-align: center;">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>TAX DEED</td> <td>11/2007</td> <td><u>06859</u></td> <td><u>0807</u></td> <td>\$4,100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>09/1978</td> <td><u>01214</u></td> <td><u>1274</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td><u>01044</u></td> <td><u>0426</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	TAX DEED	11/2007	<u>06859</u>	<u>0807</u>	\$4,100	Vacant	No	QUIT CLAIM DEED	09/1978	<u>01214</u>	<u>1274</u>	\$100	Improved	No	WARRANTY DEED	01/1975	<u>01044</u>	<u>0426</u>	\$100	Improved	No	<p style="text-align: center;">2007 VALUE SUMMARY</p> <p>2007 Tax Bill Amount: \$120</p> <p>2007 Taxable Value: \$8,118</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																										
TAX DEED	11/2007	<u>06859</u>	<u>0807</u>	\$4,100	Vacant	No																										
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<p style="text-align: center;">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>41</td> <td>112</td> <td>.000</td> <td>225.00</td> <td>\$8,118</td> </tr> </tbody> </table>				Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	41	112	.000	225.00	\$8,118	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>LEG LOT 134 & N 1.5 FT OF LOT 135 J O PACKARDS 1ST ADD TO MIDWAY PB 2 PG 104</p>																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																											
FRONT FOOT & DEPTH	41	112	.000	225.00	\$8,118																											
<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>																																

**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: Latasha N. Proctor
Address: 2451 Monte Cristo Way
Phone #: (407) 468-0573

Name: _____
Address: _____
Phone #: _____

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

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: _____ Name: _____
Address: _____ Address: _____
(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.

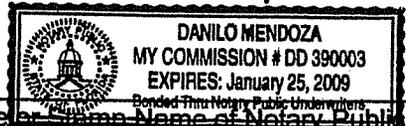
11/29/07
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 29th day of November, 2007 by LATASHA Proctor

[Signature]
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification FLDC
Type of Identification Produced FLDC

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 28, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 134 & N 1.5 feet of Lot 135 J O Parkards 1st Add to Midway PB 2 PG 104

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

FINDINGS OF FACT

Property Owner: LaTasha Proctor
2451 Monte Cristo Way
Sanford, Fl. 32771

Project Name: Jitway (Lot 134)

Requested Development Approval:

Request for a (1) minimum lot size variance from 8400 square feet to 4592 square feet and (2) lot width at the building line from 70 feet to 41 feet for a proposed single family home in the 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: 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 proposed 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: _____
Alison C. Stettner
Planning Manager

**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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: