

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1265 Oak Street – Gilford P. Washington, applicant; Request for 1) a front yard setback variance from 25 feet to 24 feet for a proposed addition and 2) a side yard (east) setback variance from 7.5 feet to 2 feet for a proposed carport in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 6/23/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a front yard setback variance from 25 feet to 24 feet for a proposed addition and 2) a side yard (east) setback variance from 7.5 feet to 2 feet for a proposed carport in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for 1) a front yard setback variance from 25 feet to 24 feet for a proposed addition and 2) a side yard (east) setback variance from 7.5 feet to 2 feet for a proposed carport in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Gilford P. Washington Location: 1265 Oak Street Zoning: R-1 (Single Family Dwelling) Subdivision: Merritt Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition that will encroach 1 foot into the required 25-foot front yard setback. • They also propose to construct a 18' x 21' carport that will encroach 5.5 feet into the required 7.5-foot side yard setback. • In 1985 a side yard setback variance was granted for an addition.

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<ul style="list-style-type: none">• There are currently no code enforcement or building violations 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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 front setback for the addition and the side setback for the carport 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
- Applicant Authorization Form
- 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 # BV2008-50
Meeting Date 6-23-08



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: Gilford P. Washington
Address: 1265 Oak St, City: Alt. Spgs. Zip code: 32701
Project Address: ✓ ✓ ✓ City: ✓ Zip code: ✓
Contact number(s): 407 491-4963
Email address: gilford21 @ embarqmail.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"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Single Family Home Bedroom Addition</u>
<input type="checkbox"/> New Single Family Home	Please describe: <u>Add 6' x 10' New Roof Covered Area?</u>
<input checked="" type="checkbox"/> Other	Please describe: <u>21x18 SHED CARPORT</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED APR 24 2008

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 checked="" type="checkbox"/> Front yard setback	Required setback: <u>25 Ft.</u>	Proposed setback: <u>24 Ft</u>	<u>Addition</u>
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback: <u>7.5 Ft</u>	Proposed setback: <u>2 Ft</u>	<u>CARPORT SHED</u>
<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: Gilford P. Washington

FOR OFFICE USE ONLY

Date Submitted: 4-24-08 Reviewed By: P. Johnson
Tax parcel number: 18-21-30-502-0A60-0080 Zoning/FLU R-1 / MDR

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: _____

OAK STREET

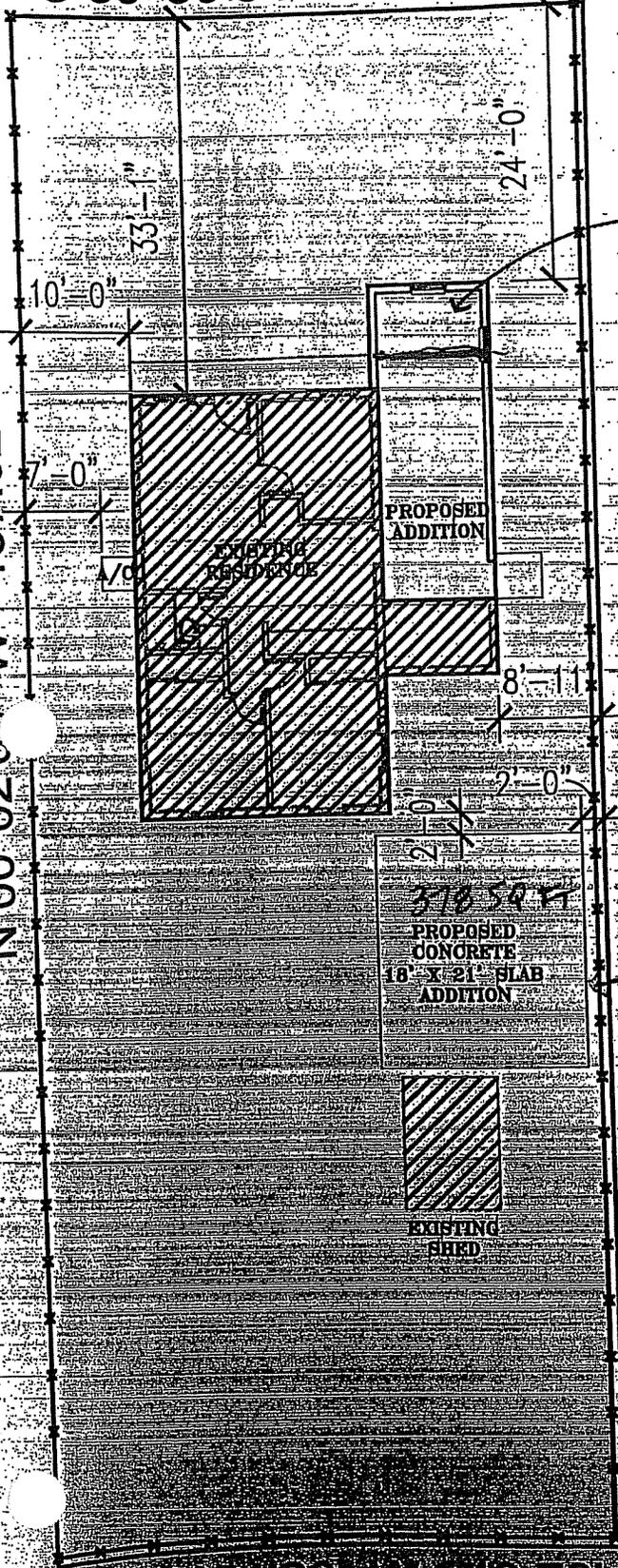
Conc. Walk

S 89°59'34" E 50.02'

N 00°02'00" W 137.02'

S 00°04'08" W 137.10'

N 89°54'20" W 49.78'



PROJECT NAME

WASHINGTON RENOVATION

1265 OAK STREET
ALTA MONTE SPRINGS, FL 32701

SHEET TITLE

ARCHITECTURAL SITE PLAN

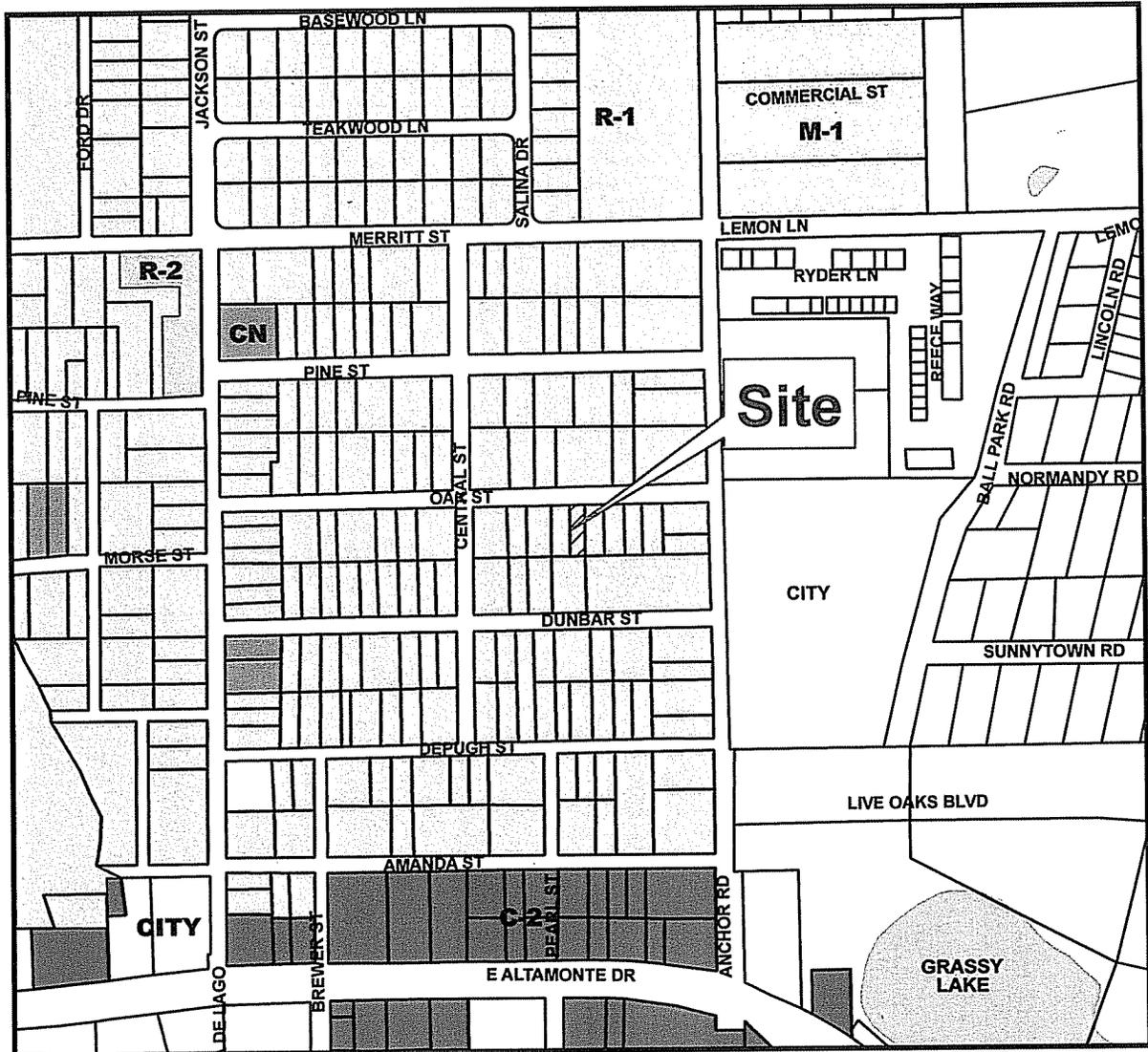
10/01/07
MODUPE ARTHUR
AR 92403

PROJECT NO.	207024
DATE	10/01/07
DRAWN	MA
CHECKED	

MODUPE ARTHUR,
ARCHITECT
3368 PARKCHESTER SQ. #201
ORLANDO, FL 32835
(321) 206-8402

AS1

Gilford P. Washington
 1265 Oak Street
 Altamonte Springs, Florida 32701

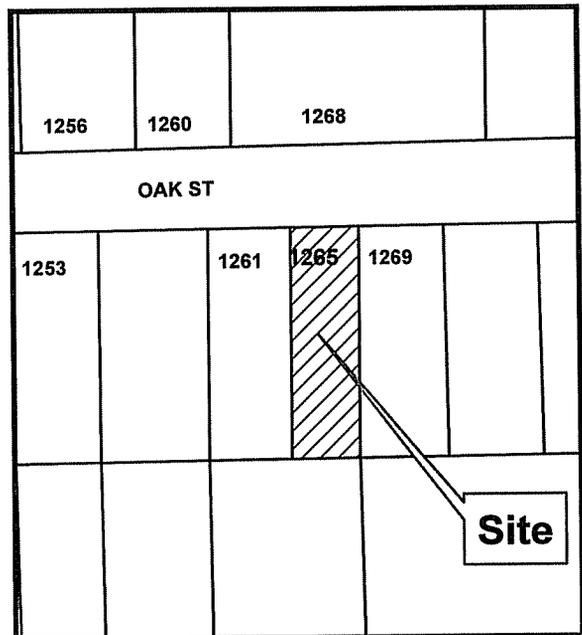


Seminole County Board of Adjustment
 June 23, 2008

Case: BV2008-50 (Map 3156, Grid C6)
 Parcel No: 18-21-30-502-0A00-0080

Zoning

-  BV2008-50
-  CN
-  R-1
-  C-2
-  R-2
-  M-1



<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 407-665-7506</p>																																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 18-21-30-502-0A00-0080</p> <p>Owner: WASHINGTON GLIFFORD P</p> <p>Mailing Address: PO BOX 413</p> <p>City,State,ZipCode: WINTER PARK FL 32790</p> <p>Property Address: 1265 OAK ST ALTAMONTE SPRINGS 32701</p> <p>Subdivision Name: MERRITT PARK</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$68,176</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$6,125</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$74,301</p> <p>Assessed Value (SOH): \$34,080</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$9,080</p> <p style="text-align: center;"><u>Tax Estimator</u> <u>Portability Calculator</u></p>																																																		
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>QUIT CLAIM DEED</td> <td>07/2003</td> <td>06792</td> <td>1365</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1986</td> <td>01708</td> <td>0774</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Find Comparable Sales within this Subdivision</u></p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	07/2003	06792	1365	\$100	Improved	No	QUIT CLAIM DEED	01/1986	01708	0774	\$100	Vacant	No	<p style="text-align: center;">2007 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$783</p> <p><u>2007 Tax Bill Amount:</u> \$119</p> <p><u>Save Our Homes (SOH) Savings:</u> \$664</p> <p>2007 Taxable Value: \$8,087</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																													
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**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: Gilford P. Washington
Address: 1265 Oak St.
Phone #: 407 491-4963

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**

4. 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.

4-24-08

Date

[Signature]

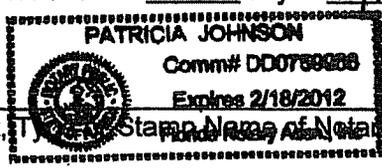
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 24th day of April, 2008 by Gilford

Washington

Patricia Johnson
Signature of Notary Public



Print, Type, or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced W 252-295-61-261-0

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK A MERRITT PARK PB 8 PG 22

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

FINDINGS OF FACT

Property Owner: GILFORD P WASHINGTON
1265 OAK ST
ALTAMONTE SPRINGS FL 32701

Project Name: Oak Street (1265)

Requested Development Approval:

Request for 1) a front yard setback variance from 25 feet to 24 feet for a proposed addition and 2) a side yard (east) setback variance from 7.5 feet to 2 feet for a proposed carport in R-1 (Single Family Dwelling) district.

The Development Approval was sought to construct an addition within the front yard setback and construct a carport within the side yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

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:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK A MERRITT PARK PB 8 PG 22

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

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All six criteria for granting a variance under the Land Development Code have been satisfied.

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:
 - a. The variance granted will only apply to the front setback for the addition and the side setback for the carport 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

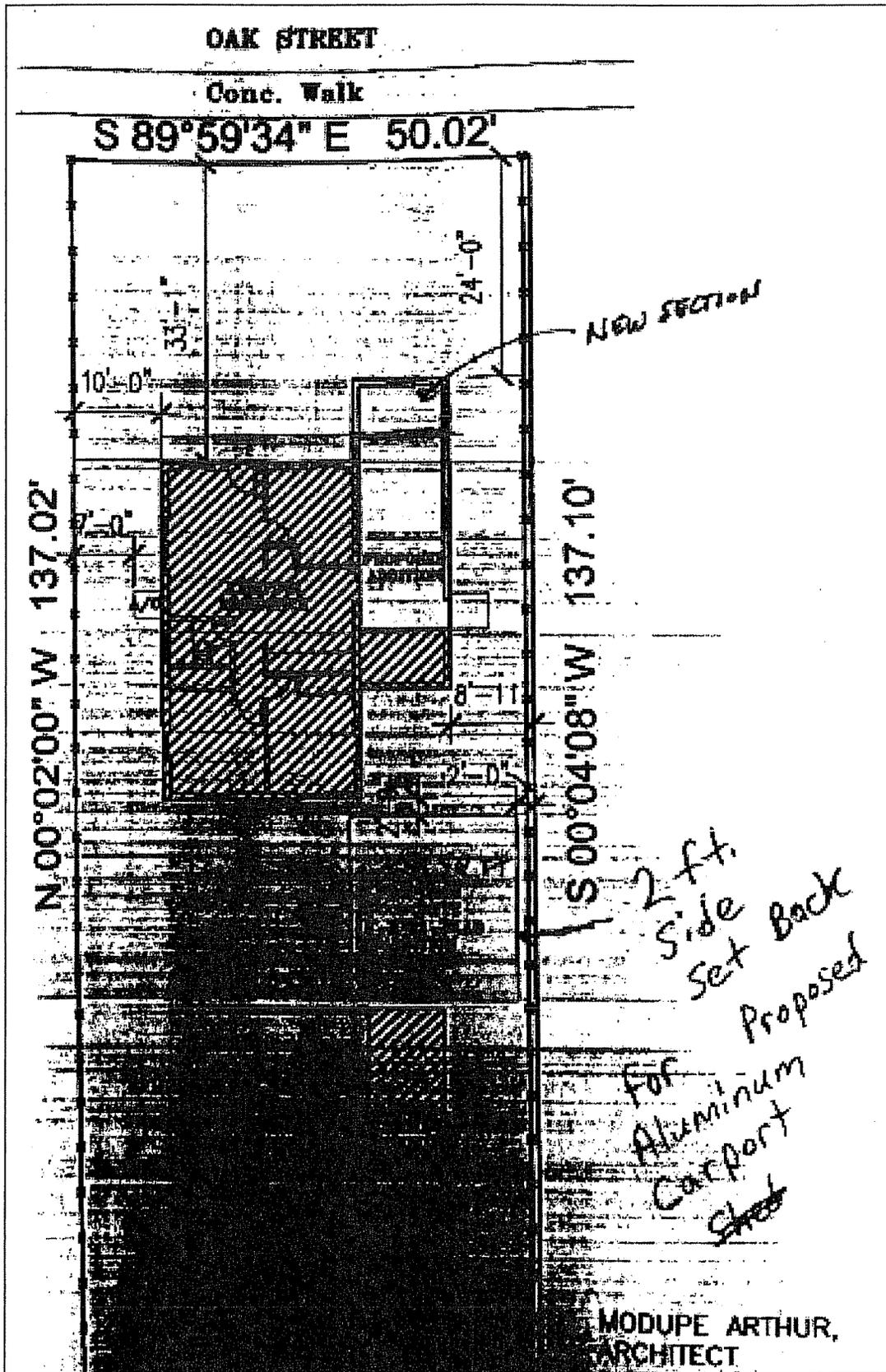
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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:



MODUPE ARTHUR,
ARCHITECT