

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

**SUBJECT:** 195 Florida Avenue – Daniel Cook, applicant; Request for a rear yard setback variance from 30 feet to 1 foot - 8 inches for an existing shed in R-1 (Single Family Dwelling) district.

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

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

**Agenda Date** 8/25/08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 30 feet to 1 foot - 8 inches for an existing shed in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 1 foot - 8 inches for an existing shed in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning: Subdivision:	Daniel Cook 195 Florida Avenue R-1 (Single Family Dwelling) Whitcombs 1 <sup>st</sup> Addition to Geneva
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed a shed that encroaches 28 feet-4 inches into the required 30 foot rear yard setback.</li> <li>• The shed is approximately 13 feet-6 inches by 14 feet-2 inches (190 sq ft ±) and the height is approximately 14 feet.</li> <li>• On 6/3/08 a Notice of Violation for unpermitted construction of a shed was issued.</li> <li>• There is no record of prior variances for this property.</li> </ul>	

**Reviewed by:**  
**Co Atty:** \_\_\_\_\_  
**Pln Mgr:** \_\_\_\_\_

<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the shed as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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

\$150.00 plus \$50.00 for each additional variance

Application # BU 2008-72  
Meeting Date 8/25/08



# COPY

## 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: Daniel R. Cook  
Address: 195 Florida Ave City: Geneva Zip code: 32732  
Project Address: 195 Florida Ave City: Geneva Zip code: 32732  
Contact number(s): 321-~~228~~-4051  
Email address: 228-

Is the property available for inspection without an appointment?  Yes  No

I have dogs

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>13' 6" x 14' 2"</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	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.	

RECEIVED JUN 23 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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback: <u>1' 8"</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 type="checkbox"/> Total number of variances requested <u>one</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: \_\_\_\_\_

6/23/08

**FOR OFFICE USE ONLY**

Date Submitted: 6/23/08 Reviewed By: DM  
Tax parcel number: 21-20-32-501-0300 Zoning/FLU R-1 / LDR  
016A

- 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 <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	○ Please start with a clean survey ( <i>ex: white out old approval stamps</i> )
	○ Size and dimension of the parcel
	○ Location and name of all abutting streets
	○ Location of driveways
	○ Location, size and type of any septic systems, drainfield and wells
	○ Location of all easements
	○ Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each )</i>
	○ Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	○ Building height
	○ Setbacks from each building to the property lines
	○ Location of proposed fence(s)
	○ 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.

Samuel Cook

Not to scale

FLORIDA AVENUE

18' ASPH 60' TOTAL R/W

FRB1/2" NO# 2.91'N

75.1'(P)

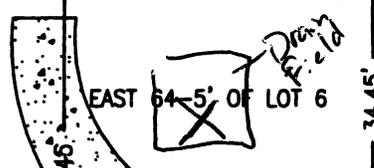
30.00'

S 90°00'00" E 72.5' (D&M)

FRB1/2" NO#

EAST 7. VACATED STREET(AI)

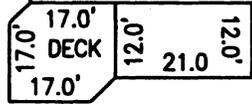
REMAINDER LOT 16



PORCH

1-STORY RESIDENCE

REMAINDER LOT 17



EAST 65' OF LOT 17

13'-6" EAST 65' OF THE NORTH 27.5' OF LOT 18



6' WOOD FENCE

REMAINDER LOT 18

FRB1/2" #2269

S 90°00'00" E 72.5' (D&M)

FRB1/2" NO#

N 01°00'58" E 136.46'(M) 138'(D)

NEIGH 6' WOOD

Well

By BK Zone K-1

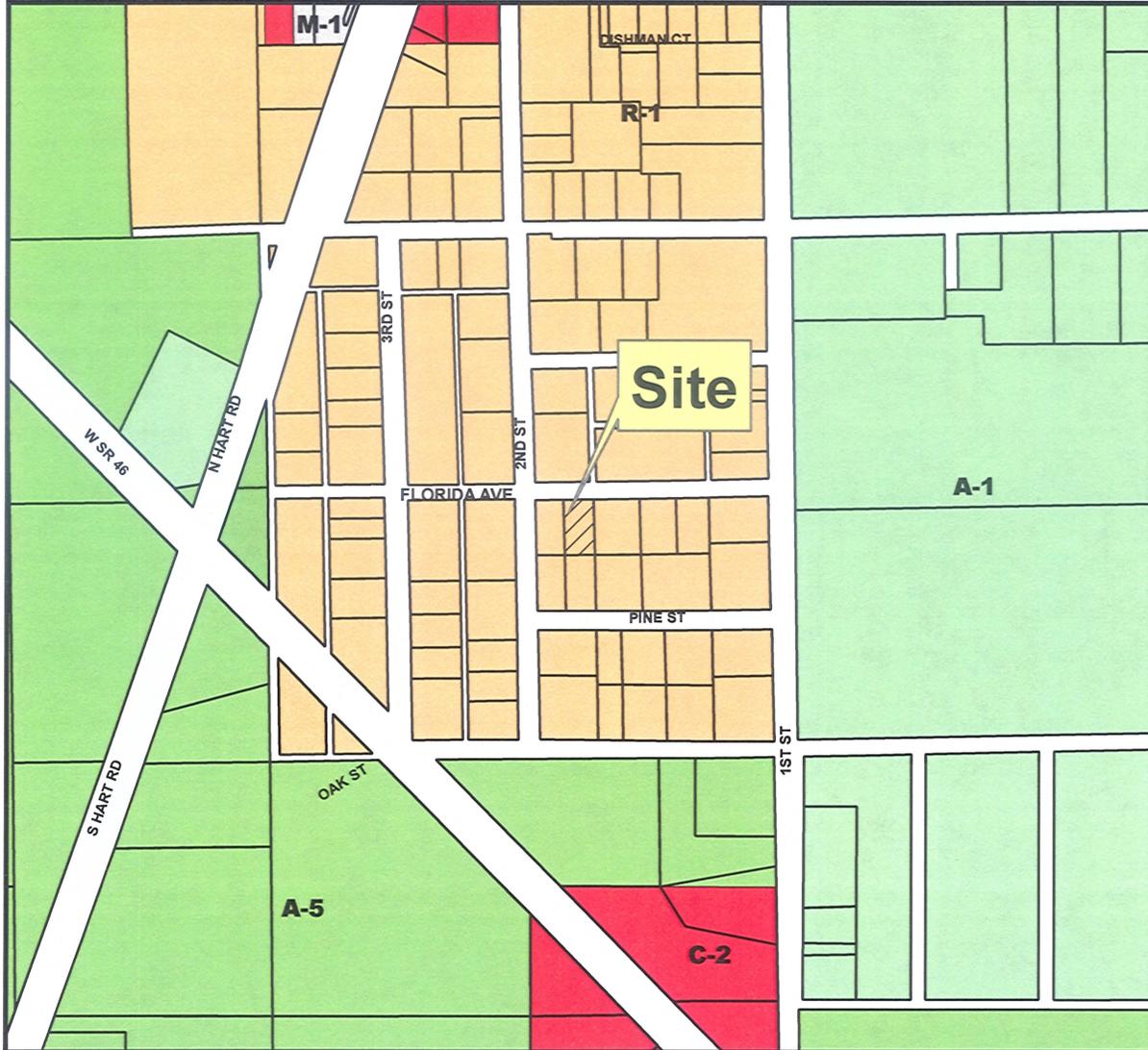
JUN 16 2008

SEMINOLE COUNTY ZONING - APPROVED

08-12304

CONCRETE	CH	CHORD	FRM	PERMANENT REFERENCE MONUMENT	CM	CONCRETE MONUMENT	NOTES:	7)
WIRE FENCE	TAN	TANGENT	PCP	PERMANENT CONTROL POINT	FD	FOUND.	1) NOT VALID UNLESS SIGNATURE IS EMBOSSED WITH THE	
WOOD FENCE	Δ	DELTA	POB	POINT OF BEGINNING	R/W	RIGHT-OF-WAY	2) REGISTERED LAND SURVEYORS SEAL	8)
PROPERTY CORNER	L	ARC LENGTH	POC	POINT OF COMMENCEMENT	ORB	OFFICIAL RECORD BOOK	3) LEGAL DESCRIPTION PROVIDED BY OTHERS.	9)
PROPERTY LINE	R	RADIUS	POCV	POINT OF CURVATURE	FF	FINISHED FLOOR	4) EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT	10)
CENTERLINE	R/D	MARK AND DISC	PC	POINT OF CURVATURE	EL	ELEVATION	5) SHOWN ON THE PROPERTY PLAT OF RECORD,	11)
RECORD	CL	CLEAR	PI	POINT OF INTERSECTION	NTS	NOT TO SCALE	6) BEARINGS WHERE SHOWN ARE PER PLAT UNLESS	12)
FIELD MEASURED	ENCR	ENCROACHMENT	PT	POINT OF TANGENCY	W/N	WITH	OTHERWISE NOTED.	
FOUND CONCRETE POST	FIP	FOUND IRON PIPE	PRC	POINT OF REVERSE CURVE	N	NORTH	7) UNDERGROUND UTILITIES, FOUNDATIONS, OR OTHER	
SET 1/2" DIAMETER REBAR	FRB	FOUND REBAR	PCC	POINT OF COMPOUND CURVE	S	SOUTH	IMPROVEMENTS, IF ANY, WERE NOT LOCATED.	
TYP	NEIGH	NEIGHBORING PROPERTY	D.U.E.	DRAINAGE & UTILITY EASEMENT	E	EAST	8) ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC	
MORE OR LESS	OUR	SUBJECT PROPERTY	U.E.	UTILITY EASEMENT	W	WEST	VERTICAL DATUM: 1929.	

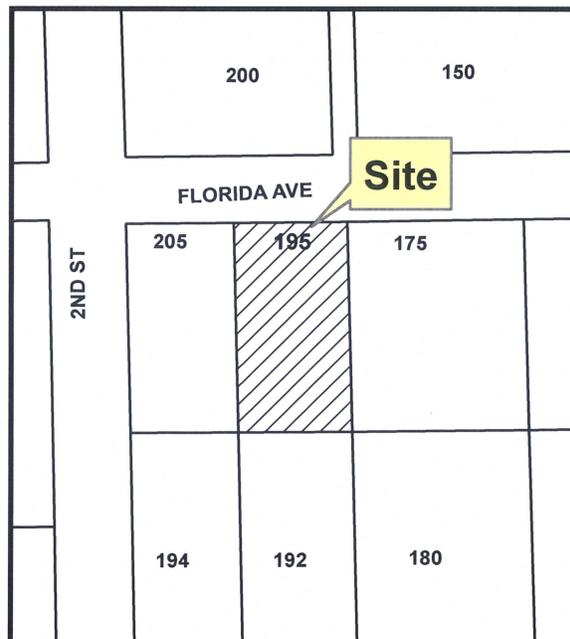
Daniel R Cook  
195 Florida Avenue  
Geneva, Florida 32732



Seminole County Board of Adjustment  
August 25, 2008  
Case: BV2008-72 (Map 3109, Grid A3)  
Parcel No: 21-20-32-501-0300-016A

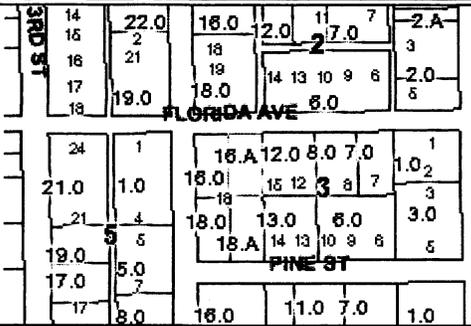
**Zoning**

-  BV2008-72
-  A-1
-  A-5
-  R-1
-  C-2
-  M-1



**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-666-7506



**GENERAL**

Parcel Id: 21-20-32-501-0300-016A  
 Owner: COOK DANIEL  
 Mailing Address: 195 FLORIDA AVE  
 City,State,ZipCode: GENEVA FL 32732  
 Property Address: 195 FLORIDA AVE GENEVA 32732  
 Subdivision Name: WHITCOMBS 1ST AND 2ND ADDS TO GENEVA  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**

Amendment 1 impact not reflected.

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$90,406  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$28,224  
 Land Value Ag: \$0  
 Just/Market Value: \$118,630  
 Assessed Value (SOH): \$118,630  
 Exempt Value: \$0  
 Taxable Value: \$118,630

**Tax Estimator**  
**Portability Calculator**

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	05/2002	04435	1842	\$90,800	Improved	Yes
WARRANTY DEED	05/1996	03080	0591	\$72,000	Improved	Yes
WARRANTY DEED	07/1994	02807	1294	\$65,500	Improved	Yes
QUIT CLAIM DEED	06/1986	01741	1283	\$100	Vacant	No
WARRANTY DEED	05/1986	01733	1894	\$8,000	Vacant	Yes
WARRANTY DEED	02/1985	01618	1653	\$22,500	Vacant	No

Find Comparable Sales within this Subdivision

**2007 VALUE SUMMARY**

2007 Tax Bill Amount: \$1,826  
 2007 Taxable Value: \$123,615  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	72	138	.000	400.00	\$28,224

**LEGAL DESCRIPTION**

PLATS:

LEG E 65 FT OF LOTS 16 & 17 & E 65 FT OF N 27.5 FT OF LOT 18 & W 1/2 OF VACD ST ADJ ON E BLK 3  
 WHITCOMBS 1ST ADD TO GENEVA PB 2 PG 50

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1986	5	1,201	1,805	1,201	CONC BLOCK	\$90,406	\$98,804
Appendage / Sqft		SCREEN PORCH UNFINISHED / 252							
Appendage / Sqft		GARAGE FINISHED / 308							
Appendage / Sqft		OPEN PORCH FINISHED / 44							

**NOTE:** Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

**Permits**

**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: Daniel R. Cook  
Address: 195 Florida Ave  
Phone #: 321-228-4051

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.

6/23/08  
Date

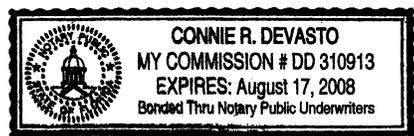
[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 23<sup>rd</sup> day of June, 2008 by Daniel

Robert Cook  
Signature of Notary Public

Connie R. DeVasto  
Print, Type or Stamp Name of Notary Public



Personally Known — OR Produced Identification Florida D/L  
Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E 65 FT OF LOTS 16 & 17 & E 65 FT OF N 27.5 FT OF LOT 18 & W 1/2 OF VACD ST  
ADJ ON E BLK 3  
WHITCOMBS 1ST ADD TO GENEVA PB 2 PG 50

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

**FINDINGS OF FACT**

**Property Owner:** Daniel Cook  
195 Florida Ave  
Geneva FL 32732

**Project Name:** Florida Avenue (195)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 1 foot - 8 inches for an existing shed in R-1 (Single Family Dwelling) district.

The Development Approval was sought to in order to retain an unpermitted shed. 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 August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E 65 FT OF LOTS 16 & 17 & E 65 FT OF N 27.5 FT OF LOT 18 & W 1/2 OF VACD ST  
ADJ ON E BLK 3  
WHITCOMBS 1ST ADD TO GENEVA PB 2 PG 50

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

**FINDINGS OF FACT**

**Property Owner:** Daniel Cook  
195 Florida Ave  
Geneva FL 32732

**Project Name:** Florida Avenue (195)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 1 foot - 8 inches for an existing shed in R-1 (Single Family Dwelling) district.

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 apply only to the shed 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:

