

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

**SUBJECT:** 2340 Jitway – Latasha Cooper, applicant; Request for 1) a lot size variance from 8,400 square feet to 5,096 square feet, and 2) a width at building line from 70 feet to 45.5 feet for a proposed single story home in R-1 (Single Family Dwelling) district.

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

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

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

**MOTION/RECOMMENDATION:**

1. **Approve** the request for 1) a lot size variance from 8,400 square feet to 5,096 square feet and 2) a width at building line from 70 feet to 45.5 feet for a proposed single story home in R-1 (Single Family Dwelling) district; or
2. **Deny** the request for 1) a lot size variance from 8,400 square feet to 5,096 square feet and 2) a width at building line from 70 feet to 45.5 feet for a proposed single story home in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Latasha Proctor-Cooper  Owner: Home Saver's Enterprise Inc.  Location: 2340 Jitway  Zoning: R-1 (Zoning District)  Subdivision: J O Packards 1<sup>st</sup> Add to Midway</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a single family home on a substandard lot that was platted prior to the adoption of zoning regulations.</li> <li>• The proposed home will be single story consisting of approximately 1,358 square feet.</li> <li>• The subject property is located in the Midway Community which has been designated as a Community Development Target area by Seminole County in order</li> </ul>

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

	<p>to promote new housing opportunities.</p> <ul style="list-style-type: none"> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<p><b>STAFF FINDINGS</b></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"> <li>• 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></li> <li>• 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></li> <li>• The granting of the variance 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></li> <li>• 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></li> <li>• 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></li> <li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the</li> </ul>

	<p>variance.</p> <ul style="list-style-type: none"><li>• The grant of the variance would be in harmony with the general intent of Chapter 30.</li></ul> <p><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></p>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends approval of the request. 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 proposed single family home 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



**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: HOME SAVER'S ENTERPRISE INC. 9/0 LATASHA PROCTOR-COOPER  
Address: 2451 MONTE CRISTO WAY City: SANFORD Zip code: 32771  
Project Address: 2340 JITWAY City: SANFORD Zip code: 32771  
Contact number(s): (407) 468-0573  
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"/> Pool	Please describe: RECEIVED JUL 10 2008
<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.	

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>5152 sf</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>70 ft.</u>	Actual lot width:	<u>46 ft.</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 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: Latasha Cooper, Pres.

**FOR OFFICE USE ONLY**

Date Submitted: 7-10-08

Reviewed By: P. Johnson

Tax parcel number: 33-19-31-507-0000-1350 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

→ 2340 JITWAY

# SITE PLAN

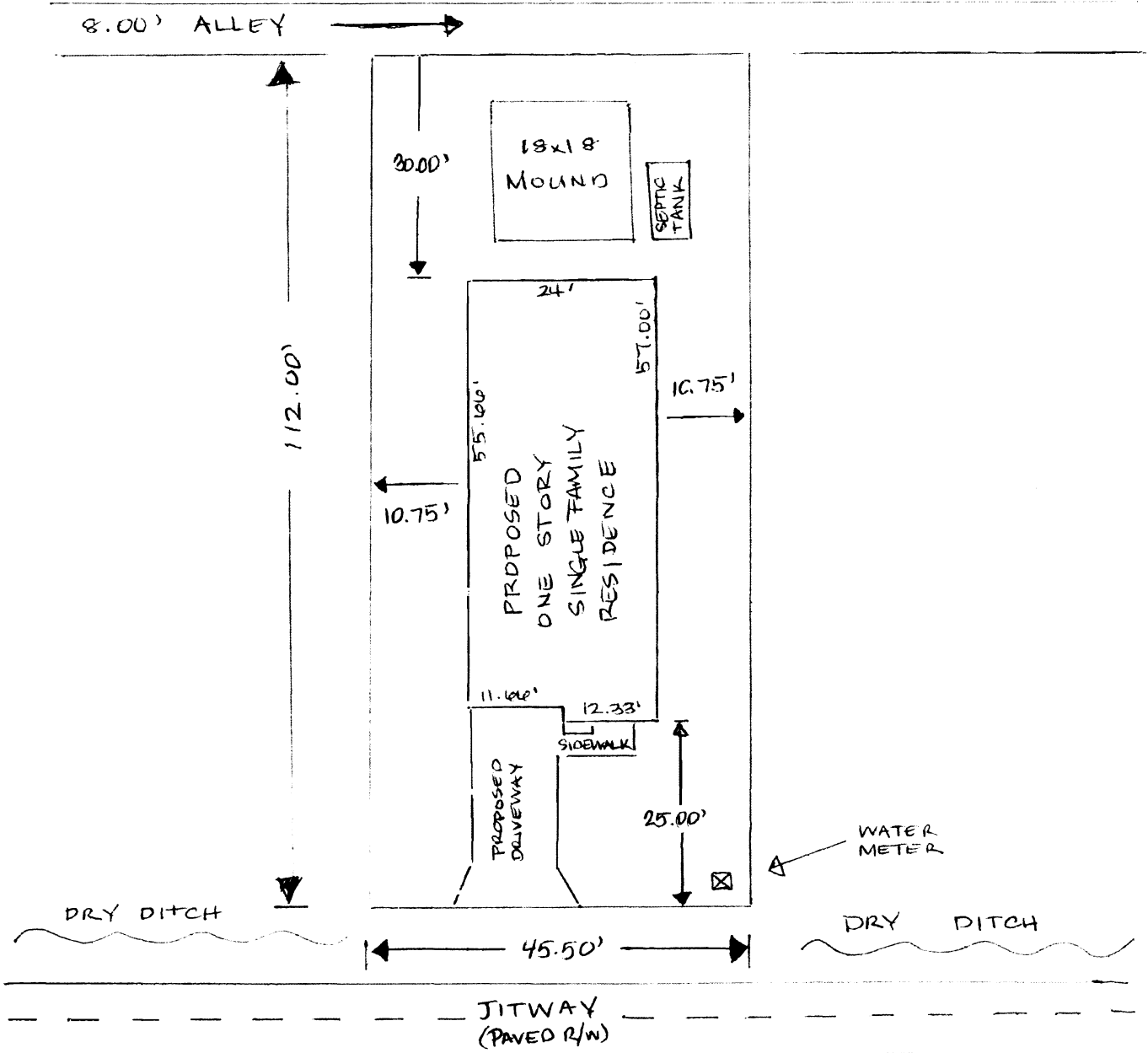
SCALE: 1" = 20.00

## LEGAL DESCRIPTION

Leg Lot 135 (less N 1.5 ft) & N 7 ft of lot 136 J O  
Packards 1<sup>st</sup> Add to Midway as recorded in PB 2  
PG 104 of the Public Records of Seminole County,  
FL Parcel ID #33-19-31-507-0000-1350

## 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 exterior walls.











Latasha Proctor-Cooper  
 2340 Jitway  
 Sanford, Florida 32771



**Seminole County Board of Adjustment**  
 August 25, 2008  
 Case: BV2008-73 (Map 3054, Grid C4)  
 Parcel No: 33-19-31-507-0000-1350

**Zoning**

-  BV2008-73
-  A-1
-  R-1
-  R-2
-  C-1
-  C-2
-  C-3

N  






<b>PARCEL DETAIL</b>  DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>  SEMINOLE COUNTY FL  1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508	111	121	131	RIGHTWAY  1 2 3  MIDWAY  1 2 3	
	112	122	132		
	113	123	133		
	114	124	134		
	115	125	135		
	116	126	136		
	117	127	137		
	118	128	138		
	119	129	139		

**GENERAL**

Parcel Id: 33-19-31-507-0000-1350  
 Owner: HOME SAVERS ENTERPRISE INC  
 Mailing Address: 2451 MONTE CRISTO WAY  
 City,State,ZipCode: SANFORD FL 32771  
 Property Address: 2340 JITWAY SANFORD 32771  
 Subdivision Name: PACKARDS 1ST ADD TO MIDWAY  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 00-VACANT RESIDENTIAL

**2008 WORKING VALUE SUMMARY**  
 Amendment 1 impact not reflected.

<b>Value Method:</b>	Market
<b>Number of Buildings:</b>	0
<b>Depreciated Bldg Value:</b>	\$0
<b>Depreciated EXFT Value:</b>	\$0
<b>Land Value (Market):</b>	\$12,144
<b>Land Value Ag:</b>	\$0
<b>Just/Market Value:</b>	\$12,144
<b>Assessed Value (SOH):</b>	\$12,144
<b>Exempt Value:</b>	\$0
<b>Taxable Value:</b>	\$12,144

Tax Estimator  
 Portability Calculator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	06/2008	07020	0745	\$9,500	Vacant	Yes
QUIT CLAIM DEED	03/1994	02752	0620	\$100	Improved	No

Find Comparable Sales within this Subdivision

**2007 VALUE SUMMARY**

<b>2007 Tax Bill Amount:</b>	\$135
<b>2007 Taxable Value:</b>	\$9,108

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	46	112	.000	300.00	\$12,144

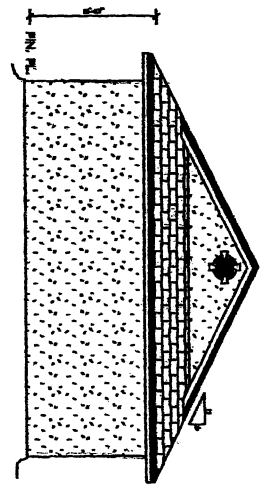
Permits

**LEGAL DESCRIPTION**

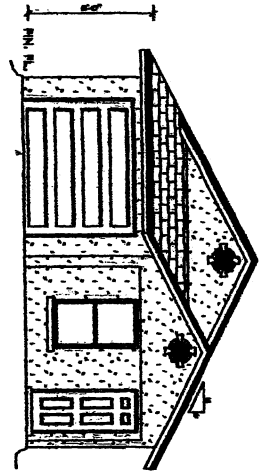
PLATS: Pick...

LEG LOT 135 (LESS N 1.5 FT) & N 7 FT OF LOT 136 J O PACKARDS 1ST ADD TO MIDWAY  
 PB 2 PG 104

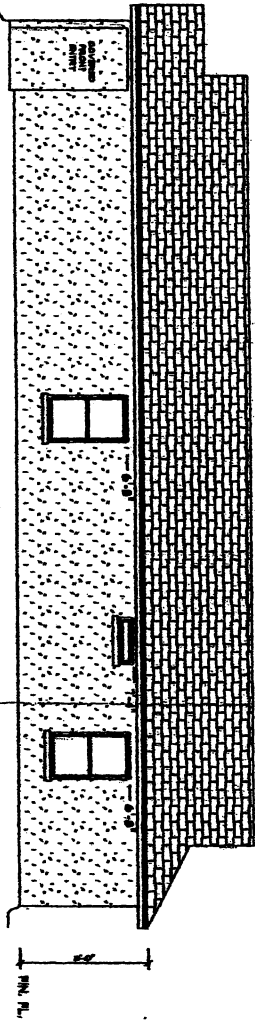
**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.  
 \*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.



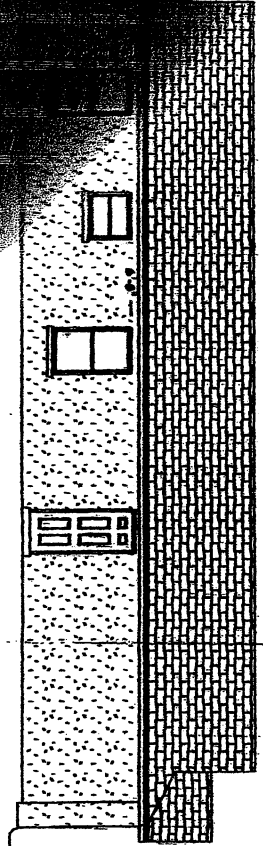
REAR ELEVATION



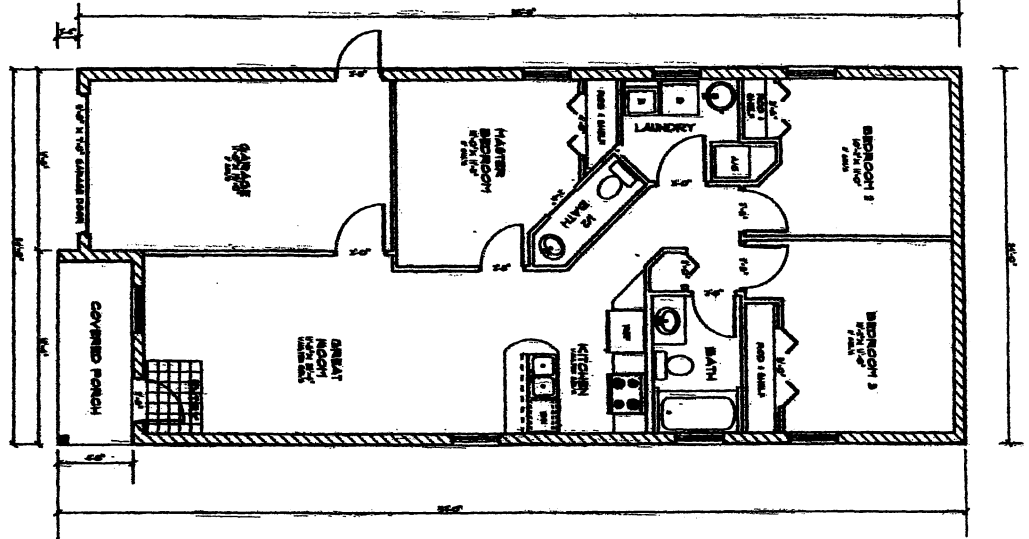
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FLOOR PLAN

AREA TABULATIONS	
LIVING	178 sq./ft.
COVERED PORCH	34 sq./ft.
GARAGE	28 sq./ft.
TOTAL INSIDE ROOF	340 sq./ft.

<b>S</b>	PLAN
	1/8" = 1'-0"

MODEL 1079

**MSW**  
**DESIGNS**  
 PLANNERS  
 DRAFTING  
14070 CRYSTAL VIBES EAST, DUNEDIN, FL. 33516 (407) 280-2847

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: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: (407) 408-0573	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: HOME SAVERS ENTERPRISE, INC.	Name of Corporation: _____
Officers: LATASHA PROCTOR-COODER, PRES	Officers: _____
Address: 2451 MONTE CLISTO WAY	Address: _____
Directors: SANFORD FL 32771	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	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 rezoning, 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.

7/10/08  
Date

*Patricia Johnson, Pres.*  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 10<sup>th</sup> day of July, 2008 by LATACHA

Proctor - Cooper  
Patricia Johnson  
Signature of Notary Public

Print Name of Notary Public PATRICIA JOHNSON  
Comm# DD0750066  
Expires 2/18/2012

Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced P 623-537-73-761-1

**For Use by Planning & Development Staff**

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

## 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:

LOT 135 (LESS N 1.5 FT) & N 7 FT OF LOT 136  
J O PACKARDS 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:** Home Savers Enterprises Inc.  
2451 Monte Cristo Way  
Sanford, FL 32771

**Project Name:** Jitway (2340)

**Requested Development Approval:**

Request for 1) a lot size variance from 8,400 square feet to 5,096 square feet and 2) a width at building line from 70 feet to 45.5 feet for a proposed single story home 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: 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:
  - a. The variance granted will apply only to the lot size variance from 8,400 square feet to 5,096 square feet and a width at building line from 70 feet to 45.5 feet for the proposed single story 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

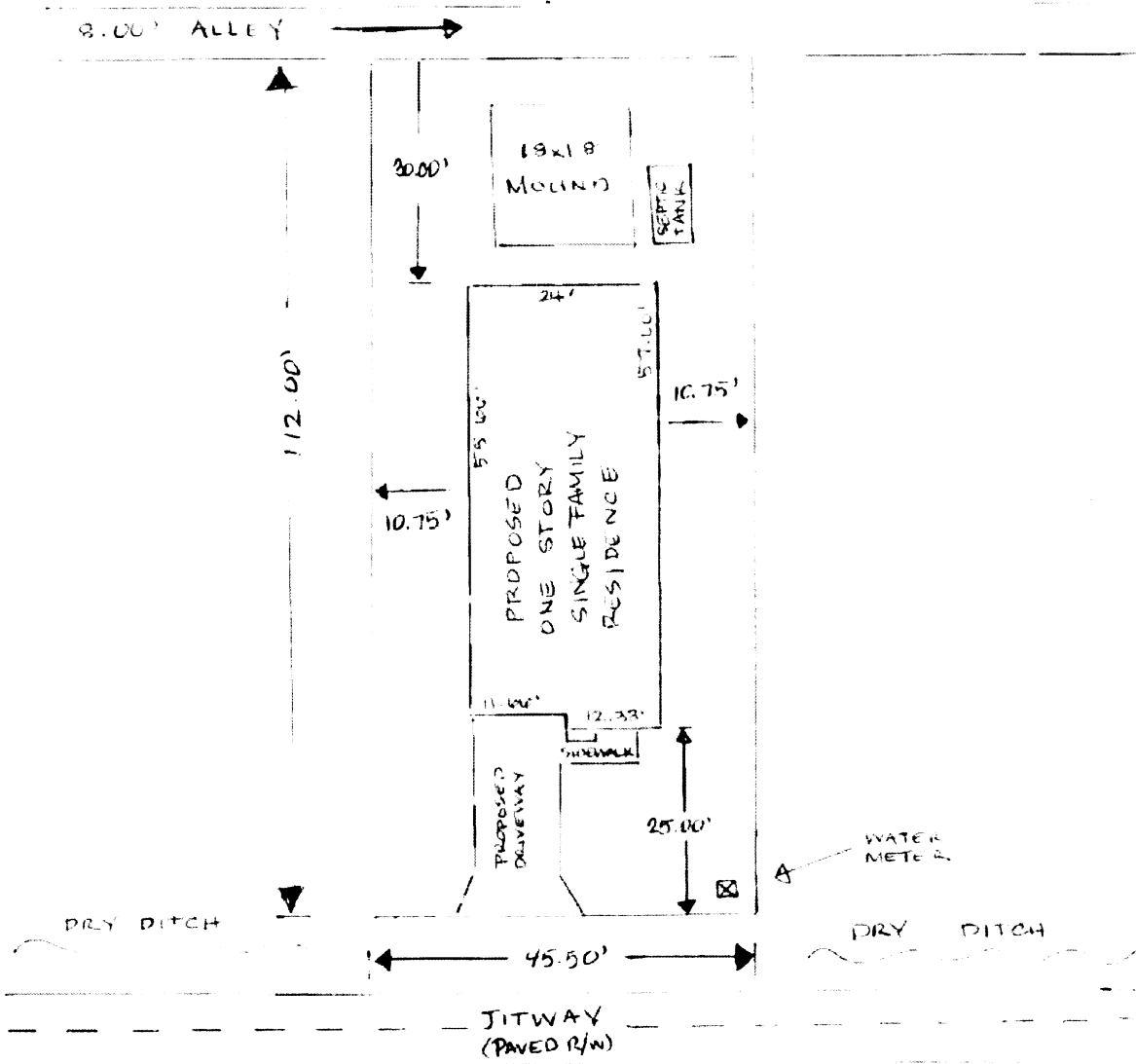
My Commission Expires:

→ 2340 JITWAY

### SITE PLAN

SCALE: 1" = 20.00

LEGAL DESCRIPTION	SCOPE OF WORK
Leg Lot 135 (less N 1.5 ft) & N 7 ft of lot 136 ) O Packards 1 <sup>st</sup> Add to Midway as recorded in PB 2 PG 104 of the Public Records of Seminole County, FL. Parcel ID #33-19-31-507-0000-1350	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 exterior walls.





## 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:

LOT 135 (LESS N 1.5 FT) & N 7 FT OF LOT 136  
J O PACKARDS 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:** Home Savers Enterprises Inc.  
2451 Monte Cristo Way  
Sanford, FL 32771

**Project Name:** Jitway (2340)

**Requested Development Approval:**

Request for 1) a lot size variance from 8,400 square feet to 5,096 square feet and 2) a width at building line from 70 feet to 45.5 feet for a proposed single story home in R-1 (Single Family Dwelling) district.

The Development Approval was sought to develop a substandard lot. 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: Joy Williams, 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: