

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

SUBJECT: 107 Harris Street – Johnny Robinson, Robinson Custom Homes, applicant; Request for a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed single family residence 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 side yard (east) setback variance from 7.5 feet to 5 feet for a proposed single family residence in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed single family residence in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Johnny Robinson, Robinson Custom Homes Kia Evans-Watson 107 Harris Street R-1 (Single Family Dwelling) district Replat of Winwood Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing a new 1350 square foot, single family residence that will encroach 2.5 feet into the required 7.5 foot side yard setback. • In 2007, the existing house was razed. • The side street setback at 15 feet was approved by Traffic Engineering per a provision within the R-1 zoning for side street setbacks. • There are currently no code enforcement or building 	

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>violations for this property.</p> <ul style="list-style-type: none">• 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 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 side yard (east) setback for the new single family residence 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



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: KIA EVANS-WATSON JOHNNY ROBINSON (407) 492-3262
Address: 10541 SANDHILL ROAD City: MILTON, DE Zip code: 19968
Project Address: 107 HARRIS STREET City: ALHAMANTE FL Zip code: 32701
Contact number(s): 202-344-6148 202-344-1865 5 PRINGS.
Email address: Vision1Marketing@aol.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 JUL 10 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 type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	7.5 ft.	Proposed setback:	5 ft.
<input checked="" type="checkbox"/> Side street setback	Required setback:	25 ft.	Proposed setback:	10 ft.
<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>				

15' approved by traffic engineers

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.

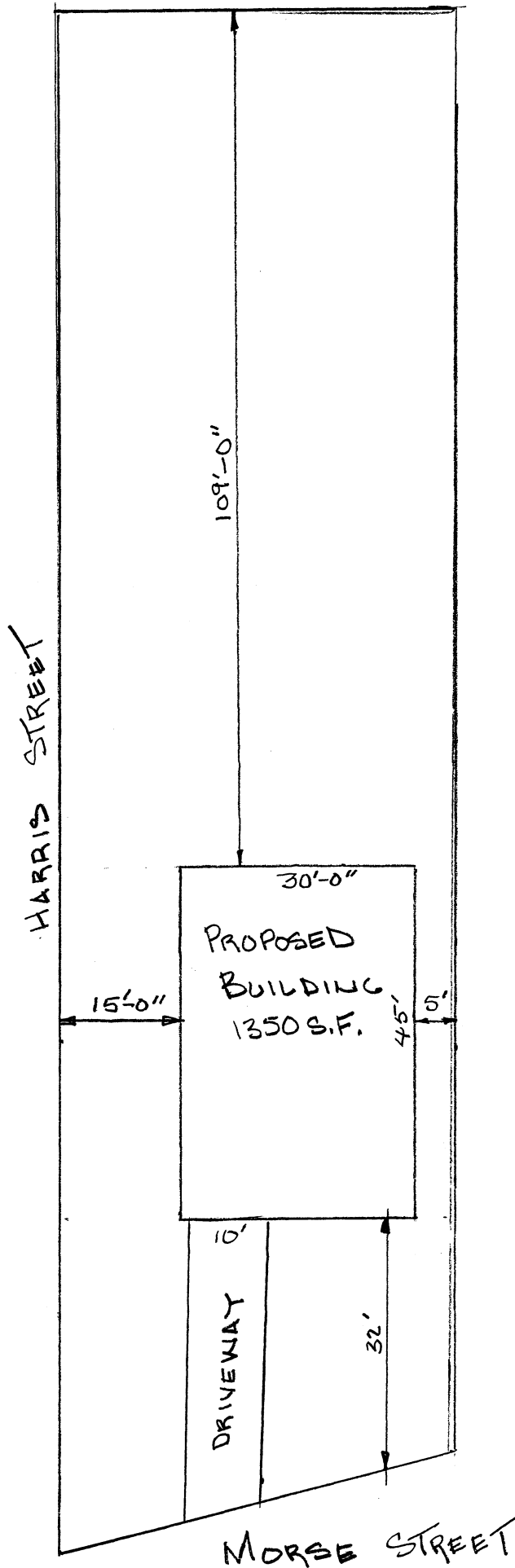
Signed: Johnny Robinson

FOR OFFICE USE ONLYDate Submitted: 7-10-09Reviewed By: P. JohnsonTax parcel number: 15-21-30-507-0000-1050 Zoning/FLU R-1/ MOR 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 completeNotes: T.E. review to 15 feet, check for previous home on property; see property record card
o previous structure on property. Razed Bl 07-6141**VARIANCE SUBMITTAL CHECKLIST**Please return this checklist with your application!

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.

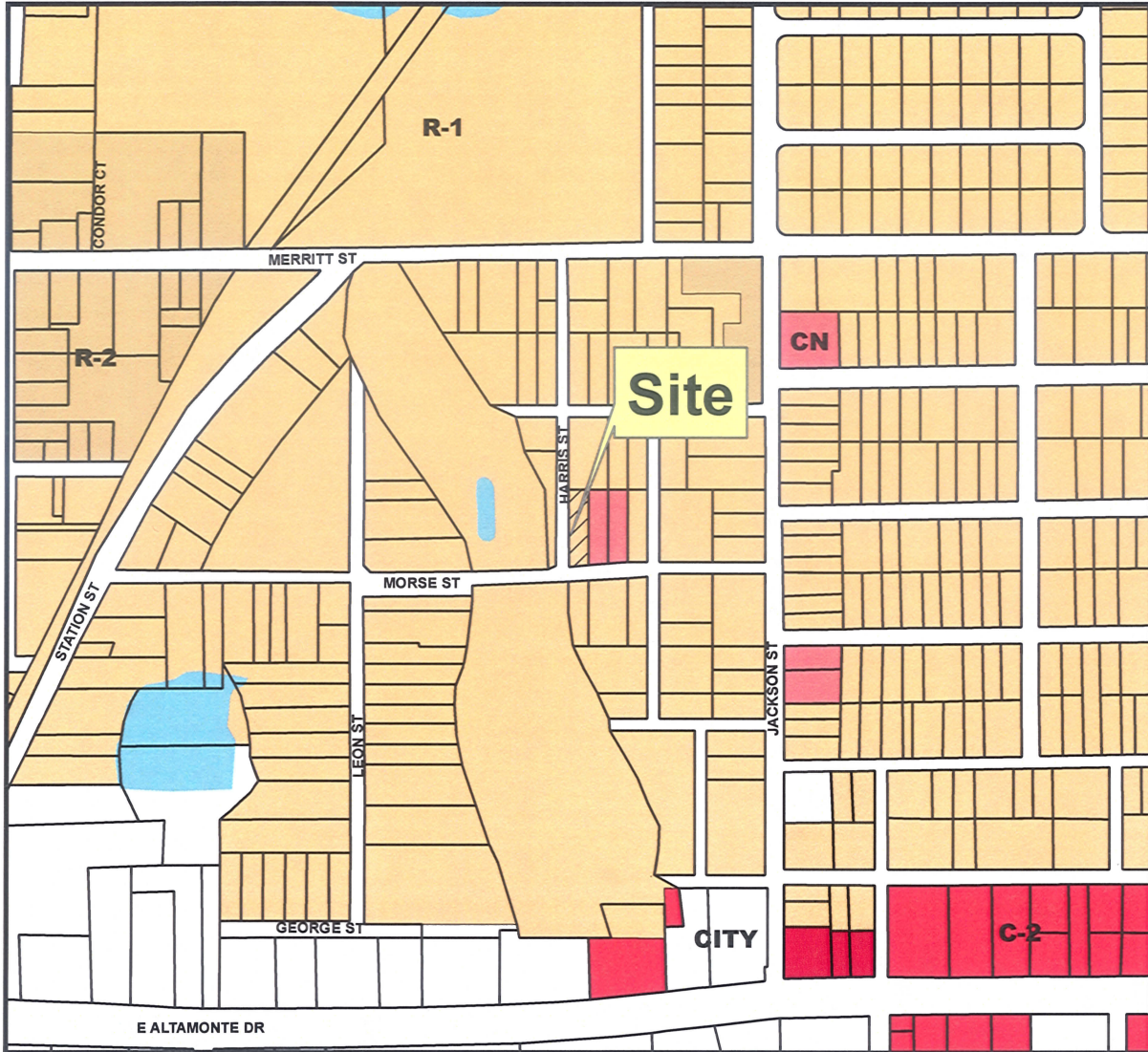
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

HEIGHT 12'
CITY WATER & SEWER
SCALE 1"=20'



N
A

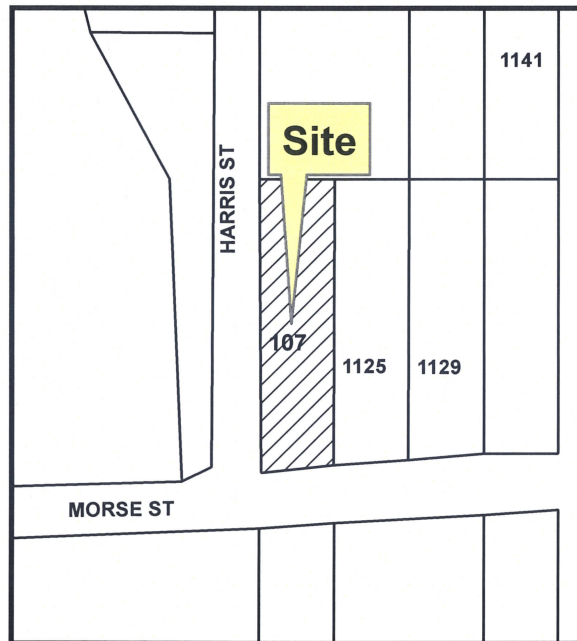
Johnny Robinson
107 Harris Street
Altamonte Springs, Florida 32701

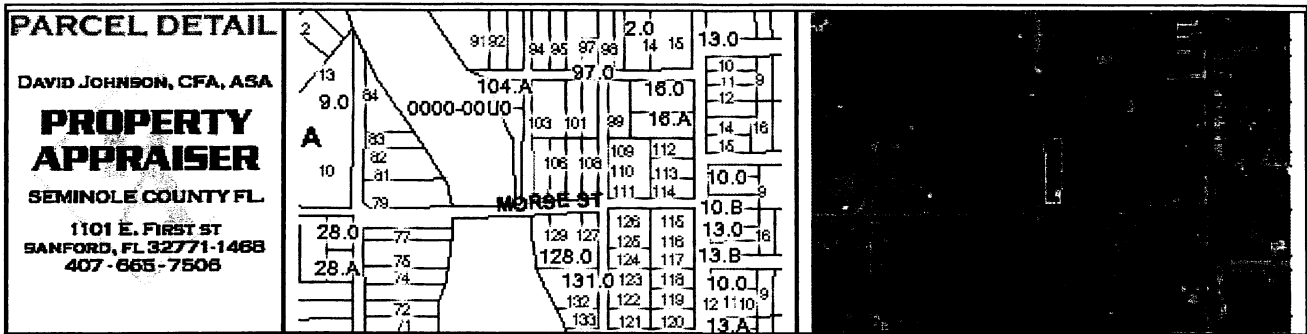


Seminole County Board of Adjustment
August 25, 2008
Case: BV2008-74 (Map 3156, Grid C6)
Parcel No: 18-21-30-507-0000-1050

Zoning

-  BV2008-74
-  R-1
-  R-2
-  CN
-  C-2





GENERAL

Parcel Id: 18-21-30-507-0000-1050
 Owner: EVANS ROSA &
 Own/Addr: WATSON KIA
 Mailing Address: RR 3 BOX 97
 City,State,ZipCode: MILTON DE 19968
 Property Address: 107 HARRIS ST
 Subdivision Name: WINWOOD PARK REPLAT
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 00-VACANT RESIDENTIAL

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method: Market
 Number of Buildings: 0
 Depreciated Bldg Value: \$0
 Depreciated EXFT Value: \$0
 Land Value (Market): \$7,250
 Land Value Ag: \$0
 Just/Market Value: \$7,250
 Assessed Value (SOH): \$7,250
 Exempt Value: \$0
 Taxable Value: \$7,250

Tax Estimator
Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	06/2001	04142	0664	\$100	Improved	No

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

2007 Tax Bill Amount: \$846
 2007 Taxable Value: \$57,261
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	50	185	.000	125.00	\$7,250

Permits

LEGAL DESCRIPTION

PLATS:

LEG LOT 105 REPLAT OF WINWOOD PARK PB 3 PG 30

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 Planning Division
1101 East First Street
Sanford, FL 327711

May 4, 2008

Dear Sir/Madame,

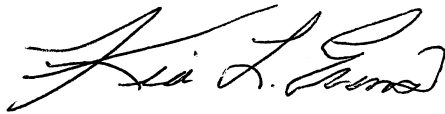
I am the land owner of 107 Harris Street located in Altamonte, Springs Florida 32701.

I am hereby requesting a variance for this property to construct my home.

Please accept this letter, authorizing Mr. Johnny Robinson of Robinson Custom Homes, of 4359 Lake Richmond Drive, Orlando Florida to represent me at the next Board of Adjustment meeting.

Should you need to contact me regarding this matter, I can be reached at my residence at 302-344-6148 or at my job 202-344-1865 and by e-mail: Vision1Marketing@aol.com

Thanks Kindly,
Kia

A handwritten signature in black ink, appearing to read "Kia L. Evans". The signature is fluid and cursive, with a large initial "K" and "E".

Kia L. Evans

Robinson Custom Homes
4359 Lake Richmond Drive
Orlando, Florida 32811

Dear Mr. Robinson,

Enclosed please find a check in the amount of \$200.00 to cover the Variance Application fee in preparation for construction of my home at 107 Harris Street, Altamonte Springs, Florida.

Additionally, I have enclosed a completed Variance Application and a letter authorizing you to represent me at the next Board of Adjustment meeting regarding this matter.

Please do not hesitate to contact me should you have additional questions.

Thanks kindly,
Kia

A handwritten signature in cursive script, appearing to read "Kia L. Evans".

Kia L. Evans

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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.

x Name: ROSA EVANS
Address: 10541 SANDHILL ROAD
City/Zip: MILTON, DE 19968
Phone #: 302-684-2528

x Name: KIA EVANS-WATSON
Address: 10541 SANDHILL ROAD
City/Zip: MILTON, DE 19968
Phone #: 302-344-6148

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
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: N/A
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: N/A
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
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: N/A
Trustees: _____
Address: _____
City/Zip: _____

Beneficiaries: N/A
Address: _____
City/Zip: _____

(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: N/A Name of Partnership: N/A
Principal: _____ Principal: _____
Address: _____ Address: _____
City/Zip: _____ City/Zip: _____

(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: N/A Name: N/A
Address: _____ Address: _____
City/Zip: _____ City/Zip: _____

(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.

6/04/08
Date _____ * Ken L. Egan
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 4th day of June, 2008 by Ken L. Egan

Sarah Massey Miller
Signature of Notary Public
Sarah Massey Miller
Print, Type or Stamp Name of Notary Public

Personally Known Personal OR Produced Identification N/A
Type of Identification Produced _____



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



Property Record Card

19 March 2008

Page 1 of 2

Parcel: 18-21-30-507-0000-1050
 Owner: EVANS ROSA &
 Address: WATSON KIA
 RR 3 BOX 97
 MILTON, DE 19968 9612
 Property: 107 HARRIS ST

Notes: 1436-1403 4142-663-DC
 Legal: LEG LOT 105
 REPLAT OF WINWOOD PARK
 PB 3 PG 30

TRY: 2007
 TD: 01 COUNTY-TX DIST 1
 DOR: 01 SINGLE FAMILY
 STATUS: IMPROVED
 Market Area: 04
 Ei Ind Next:
 Demo:
 Adj Ag:

CPI: 2.5
 Amend 10 CAP: 3

Homestead Year Granted:
 EI Number:
 EI IND:
 EI Code:
 VAB:

Exemption

Ownership % :

Activity Code: P

	Code	DATE
INSP	27	08/06/2004
LAND	36	06/06/2006
DE	SYB	06/18/2007

Income Ind:

Income Ltr Response:

Facility Code:
 Facility:

Assessment Information						
	Prior Year Total	Re Appraised	%	Addition	Total	%
Land Value	\$7,250	\$7,250			\$7,250	
Extra Features		\$0				
Building Value	\$37,635	\$50,011			\$50,011	
Income Value						
Total Just Value	\$44,885	\$57,261	27.6		\$57,261	27.6
Correct Assd/Admin Value						
Classified Value						
SOH Adjustment	\$0	\$0			\$0	
Total Assessed Value	\$44,885	\$57,261	27.6		\$57,261	27.6

LAND											
Code	Land Rate	Ag Rate	Land Area	Frontage	D/T	Depth	Class Value	% Adj	Ovd	Reason	Just Value
AF	125.00	0.00	0.000	50.00	2	185	\$7,250				\$7,250
Total:							\$7,250				\$7,250

Extra Feature

SALES								
Code	Deed	Description	Date	Book	Page	Amount	V/I	QC
SU	QD	QUIT CLAIM DEED	06/01/2001	04142	0664	\$100	I	11

PERMITS							
Stat	Code	Cty	Date	CO	No.	Value	Notes
07	D	1	06/06/2007		12007060606141	4,156	DEMOLISH & REMOVE SFR

CERTIFIED TRUE COPY
RECORDS OF
SEMINOLE COUNTY PROPERTY APPRAISER
 DATE: March 19, 2008
 BY: Janet B. Williams
 POSITION: Land Customer Specialist



Property Record Card

19 March 2008

Page 2 of 2

Building Traverse				
1 057	2 025	2 057	2 025	9 BAS

Parcel: 18-21-30-507-0000-1050

NBHD Factor:

1.2

TRY2007

Base Rate: \$70.00

Bldg Num: 1

Bldg Type:01

SINGLE FAMILY

RCN: 102,586

Arch. Mod:1

Act Blt: 1940

Eff Yr.:1940

DEPR-RCN: 50,011

Base Area: 1,425

Tax Roll Yr:1940

BASE			
Floor			Fixture
1			3

Bldg Size Factor:1

Total Points:.82

Adj Points:.82

Adj Rate: \$71.99

STRUCTURAL ELEMENTS			
CODE	Description	Points	OVD
0002	CONT FTG A	6	
0103	WD W/O SUB	5	
0207	CONC BLK	27	
0300	NONE	0	
0402	GABLE/HIP	10	
0503	COMP SHNGL	5	
0608	SOFT WOOD	4	
0705	WALL BOARD	20	
0800	NONE	0	
0903	AVG	5	

Building Layout	
+-----+	
I	I
I	I
I	I
I	I
I	I
+-----+	

APPENDAGE						
Seq	Code	Actual	Adj	Ovd	TRY	Year

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 LOT 105 REPLAT OF WINWOOD PARK PB 3 PG 30

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

FINDINGS OF FACT

Property Owner: Rosa Evans & Kia Watson
RR 3 Box 97
Milton De 19968

Project Name: Harris Street (107)

Requested Development Approval:

Request for a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed single family residence in R-1 (Single Family Dwelling) district.

The Development Approval was sought to construct a new single family home that will encroach into the required 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 August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 105 REPLAT OF WINWOOD PARK PB 3 PG 30

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

FINDINGS OF FACT

Property Owner: Rosa Evans & Kia Watson
RR 3 Box 97
Milton De 19968

Project Name: Harris Street (107)

Requested Development Approval:

Request for a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed single family residence 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 side yard (east) setback for the new single family residence 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)**

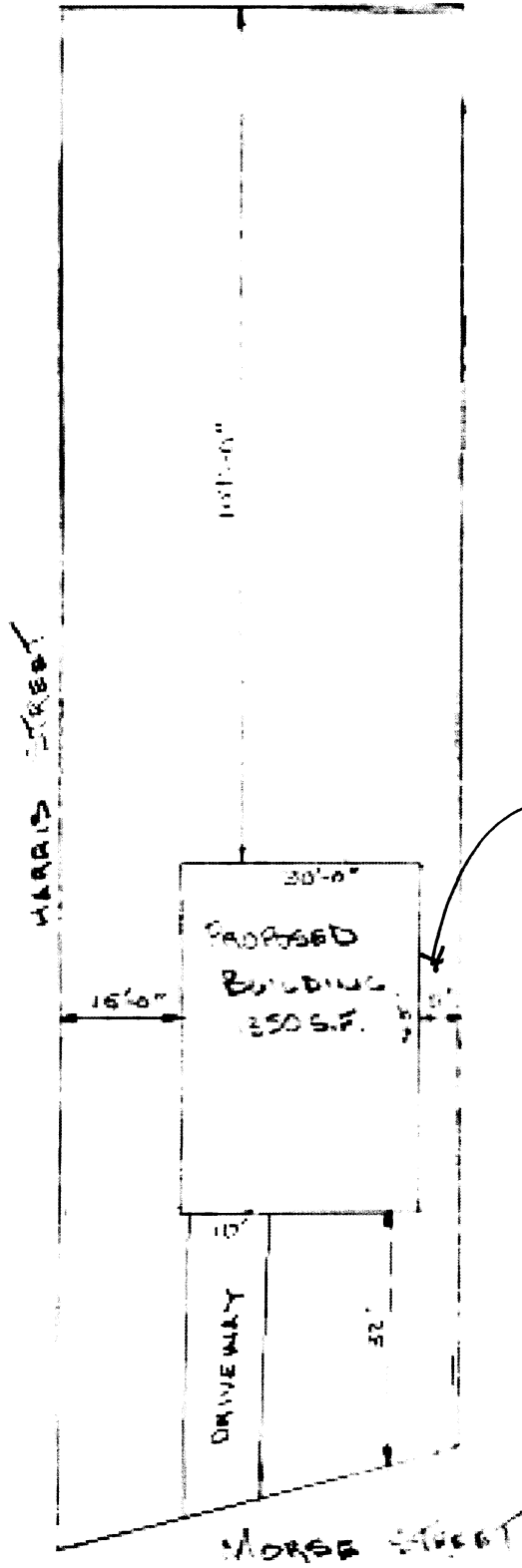
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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:

HEIGHT 12'
CITY WATER/SEWER
SCALE 1"=20'



SUBJECT YARD
VARIANCE
REQUEST