

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 137 Leon Street – London Campbell, applicant; Request for 1) a side yard (east) setback variance from 7.5 feet to 5.5 feet and 2) a side yard (west) setback variance from 7.5 feet to 5.5 feet for a proposed single family home in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 9/22/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a side yard (east) setback variance from 7.5 feet to 5.5 feet and 2) a side yard (west) setback variance from 7.5 feet to 5.5 feet for a proposed single family home in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for 1) a side yard (east) setback variance from 7.5 feet to 5.5 feet and 2) a side yard (west) setback variance from 7.5 feet to 5.5 feet for a proposed single family home in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: London Campbell Owner: Freddie Mae Morris, James Morris, and Chasity Ferguson Location: 137 Leon Street Zoning: R-1 (Single Family Dwelling) Subdivision: Winwood Park Replat
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new single family home approximately 1,550 sq. ft. that will encroach 2 feet into the required 7.5-foot side yard setbacks. • The property is currently vacant although a home built in 1940 was recently removed. • The subject property is located in the Winwood Park

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>Replat subdivision plat which is within a target area as designated by Seminole County in order to promote new housing opportunities.</p> <ul style="list-style-type: none">• 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 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 new single family 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.

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 # BV 2008-80
Meeting Date 9-22-08



VARIANCE APPLICATION COPY
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: LONDON Campbell
Address: 612 E. 5th Street City: SANford Zip code: 32771
Project Address: 137 LEON St. City: Altamonte Springs Zip code: 32701
Contact number(s): (407) 431-1413
Email address: TWANA@LIVE.COM

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

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"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe: <u>proposed single family home -</u>
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUL 22 2008

REPLACEMENT HOME

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:	<u>7.5 ft.</u>	Proposed setback: <u>5.5 ft.</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 checked="" type="checkbox"/> <u>side</u> yard setback	Required setback:	<u>7.5 ft.</u>	Proposed setback: <u>5.5 ft.</u>
<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: [Signature]

FOR OFFICE USE ONLY

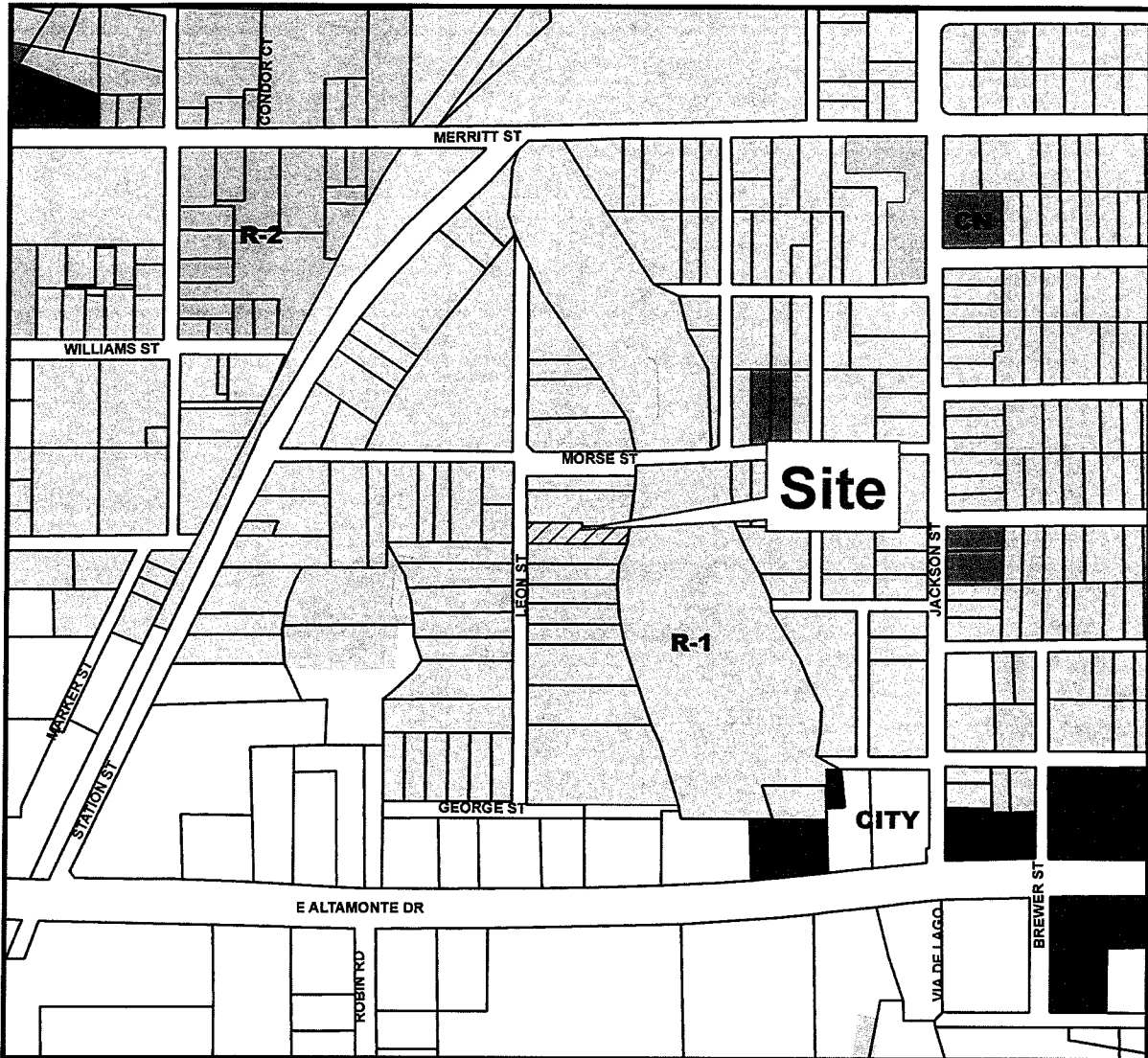
Date Submitted: 7-22-09 Reviewed By: P. Johnson
 Tax parcel number: 18-21-30-507-0000-0740 Zoning/FLU R-1/MOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: Winwood Park is a target area

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 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. View a site plan online 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 or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<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 <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.

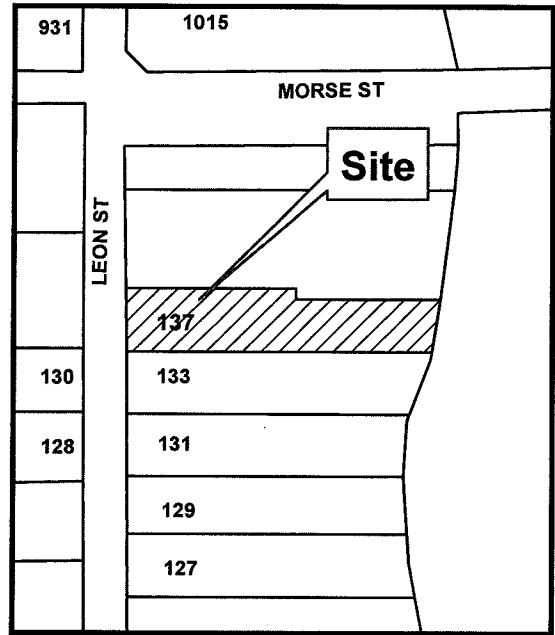
London Campbell
 137 Leon Street
 Altamonte Springs, Florida 32701



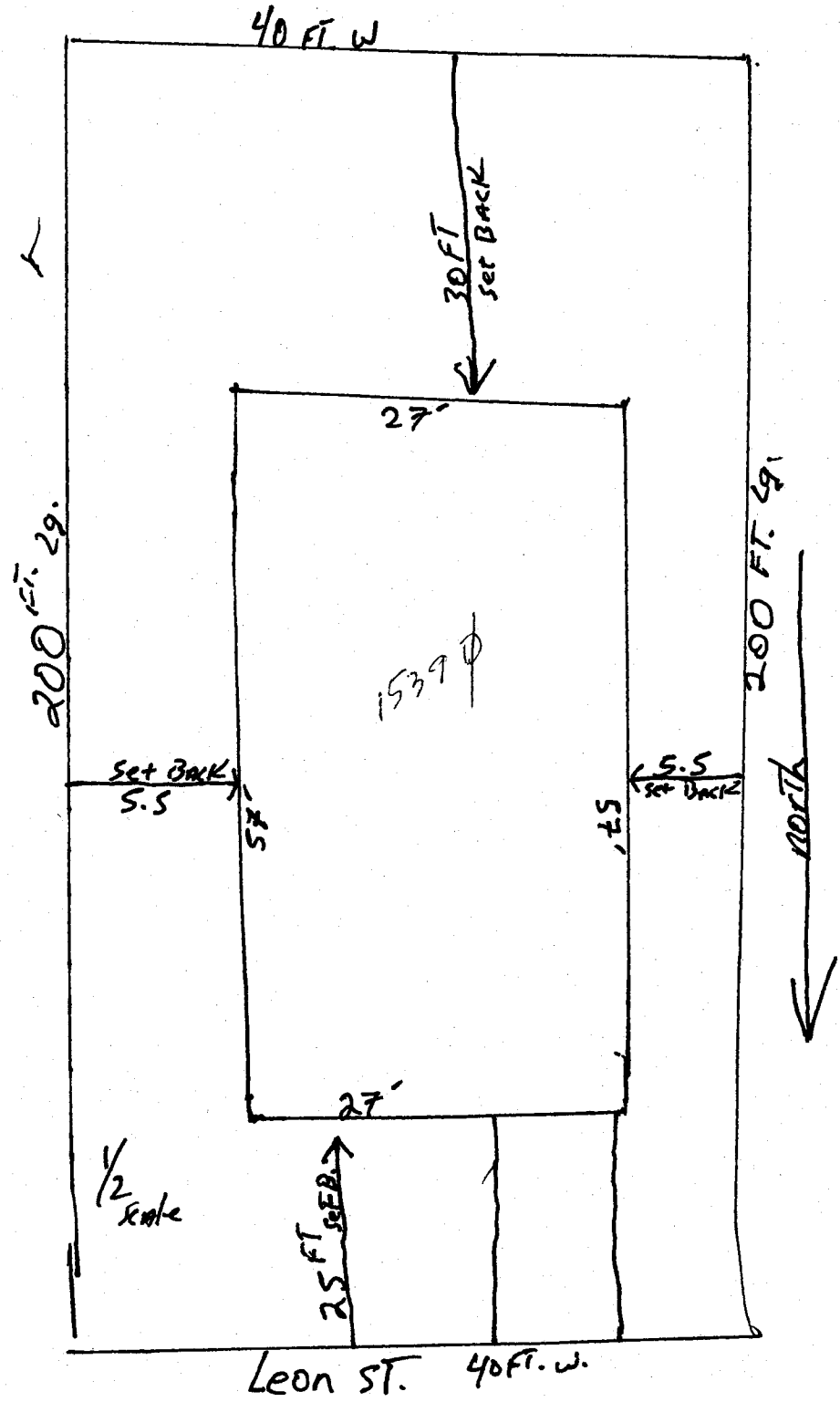
Seminole County Board of Adjustment
 September 22, 2008
 Case: BV2008-80 (Map3156, Grid C7)
 Parcel No: 18-21-30-507-0000-0740

Zoning

	BV2008-80		CN
	R-1		C-2
	R-2		M-1A



<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-668-7506</p>																																									
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 18-21-30-507-0000-0740 Owner: MORRIS FREDDIE M & JAMES & Own/Addr: BLAKE RUBY M HEIRS ET AL Mailing Address: 137 LEON ST City,State,ZipCode: ALTAMONTE SPRINGS FL 32701 Property Address: 137 LEON ST ALTAMONTE SPRINGS 32701 Subdivision Name: WINWOOD PARK REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2001) Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2008 Working</th> <th>2007 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$26,138</td> <td style="text-align: right;">\$28,120</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$6,000</td> <td style="text-align: right;">\$6,000</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: right;">\$32,138</td> <td style="text-align: right;">\$34,120</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: right;">\$2,631</td> <td style="text-align: right;">\$6,749</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: right;">\$29,507</td> <td style="text-align: right;">\$27,371</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p> <p style="text-align: center;">Portability Calculator</p> <p style="text-align: center;">2008 Notice of Proposed Property Tax</p>	VALUES	2008 Working	2007 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$26,138	\$28,120	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$6,000	\$6,000	Land Value Ag	\$0	\$0	Just/Market Value	\$32,138	\$34,120	Portability Adj	\$0	\$0	Save Our Homes Adj	\$2,631	\$6,749	Assessed Value (SOH)	\$29,507	\$27,371						
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Taxing Authority	Assessment Value	Exempt Values	Taxable Value	Millage	Taxes																																				
Cnty County	\$29,507	\$21,426	\$8,081	4.5153	\$36.49																																				
Schools	\$29,507	\$21,426	\$8,081	7.5430	\$60.95																																				
Fire	\$29,507	\$21,426	\$8,081	2.3299	\$18.83																																				
Road District	\$29,507	\$21,426	\$8,081	.1107	\$0.89																																				
SJWM(Saint Johns Water Management)	\$29,507	\$21,426	\$8,081	.4158	\$3.36																																				
Natural Lands/Trails I/S Debt	\$29,507	\$21,426	\$8,081	.1451	\$1.17																																				
Total				15.0598	\$121.69																																				
<p>Potential Portability Amount is \$2,631 The taxable values and taxes are calculated using the current years working values and the proposed millage rates.</p>																																									
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Building Sketch	1	SINGLE FAMILY	1940	3	720	792	720	SIDING AVG	\$26,138	\$55,028																															
	Appendage / Sqft		ENCLOSED PORCH UNFINISHED / 72																																						
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																																									



07/27/08

To whom it may concern,

We, Freddie Mae Morris, James Morris,
and Chasity Ferguson Do give London Campbell authority to
go before seminole county for a Lot variance for the property
at 137 Leon Street altamonte Springs, Florida 32701. If you
have any question please don't hesitate to call (407)834-3587.

James Morris Chasity Ferguson
Freddie Mae Morris

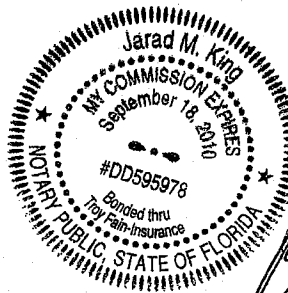
Freddie M. Morris

James Morris

James Morris

Chasity Ferguson

Chasity Ferguson



London Campbell

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.

Name: Freddie Morris
Address: 808 Walnut Place
City/Zip: Altamonte Springs, Fl 32701
Phone #: (407) 834-3587

Name: Chastity Ferguson
Address: 137 Leish St.
City/Zip: Altamonte Springs Fl
Phone #: (407) 834-3587

Name: James Morris
Address: 808 Walnut Place
City/Zip: Altamonte Springs, Fl
Phone #: (407) 834-3587

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: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
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: _____
Trustees: _____
Address: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(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: _____
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: _____	Name: _____
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.

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.

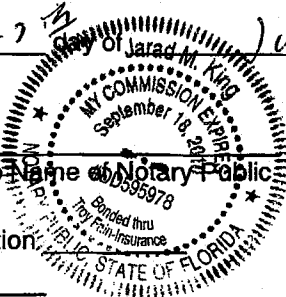
7/27/08
Date

Jessie M. Morris
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 27th day of July, 2008 by _____

Signature of Notary Public

Print, Type or Stamp Name of Notary Public


Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 22, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG ALL LOT 74 & S 10 FT OF W 100 FT OF LOT 75 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: Freddie M Morris & James Morris & Chasity M Ferguson
137 Leon St
Altamonte Springs FL 32701

Project Name: Leon Street (137)

Requested Development Approval:

Request for 1) a side yard (east) setback variance from 7.5 feet to 5.5 feet and
2) a side yard (west) setback variance from 7.5 feet to 5.5 feet for a proposed
single family home in R-1 (Single Family Dwelling) district.

The Development Approval was sought to construct a new single family home within the side yard setbacks. 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 September 22, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG ALL LOT 74 & S 10 FT OF W 100 FT OF LOT 75 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

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137 Leon St
Altamonte Springs FL 32701

Project Name: Leon Street (137)

Requested Development Approval:

Request for 1) a side yard (east) setback variance from 7.5 feet to 5.5 feet and 2) a side yard (west) setback variance from 7.5 feet to 5.5 feet for a proposed single family 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: 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 new single family 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:

