

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

SUBJECT: 329 Kimberly Court – Bruce Rhea, applicant; Request for a side yard (east) setback variance from 10 feet to 2.5 feet for an existing pole barn in A-1 (Agriculture) district.

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

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

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

MOTION/RECOMMENDATION:

1. **Deny** the request for a side yard (east) setback variance from 10 feet to 2.5 feet for an existing pole barn in A-1 (Agriculture) district; or
2. **Approve** the request for a side yard (east) setback variance from 10 feet to 2.5 feet for an existing pole barn in A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Bruce Rhea Location: 329 Kimberly Court Zoning: A-1 (Agriculture)</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant has constructed a 30-foot by 45-foot pole barn that is encroaching 7.5 feet into the required 10-foot side yard setback. • The pole barn is currently being utilized for the storage of a boat, mowing equipment and household items. • The applicant constructed the barn in December of 2007; in July of 2008, the applicant was issued a notice of code violation for the unpermitted construction of the barn. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a

Reviewed by: _____
 Co Atty: _____
 Pln Mgr: AS

	<p>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.
<p>STAFF RECOMMENDATION</p>	<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 30-foot by 45-foot pole barn on the east side of property 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

COPY Application # BV-2008-83
Meeting Date 9-22-08



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: Bruce Rhea
Address: 329 Kimberly Ct City: SANFORD Zip code: 32771
Project Address: same City: _____ Zip code: _____
Contact number(s): 407-948-7850
Email address: Rheahotel@aol.com

Is the property available for inspection without an appointment?

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

RECEIVED AUG 01 2008

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 type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>30' X 45' Pole Barn Mowing Equip + personal Stor</u>
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	

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>10</u>	Proposed setback: <u>2'6"</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>1 (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: B. Rhea

FOR OFFICE USE ONLY

Date Submitted: 8-1-08 Reviewed By: D. McDevine
 Tax parcel number: 30-19-30-502-0000-D100+ Zoning/FLU R-1AAA / LDR
*30-19-30-300-032M-0000 (for house)
 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: _____

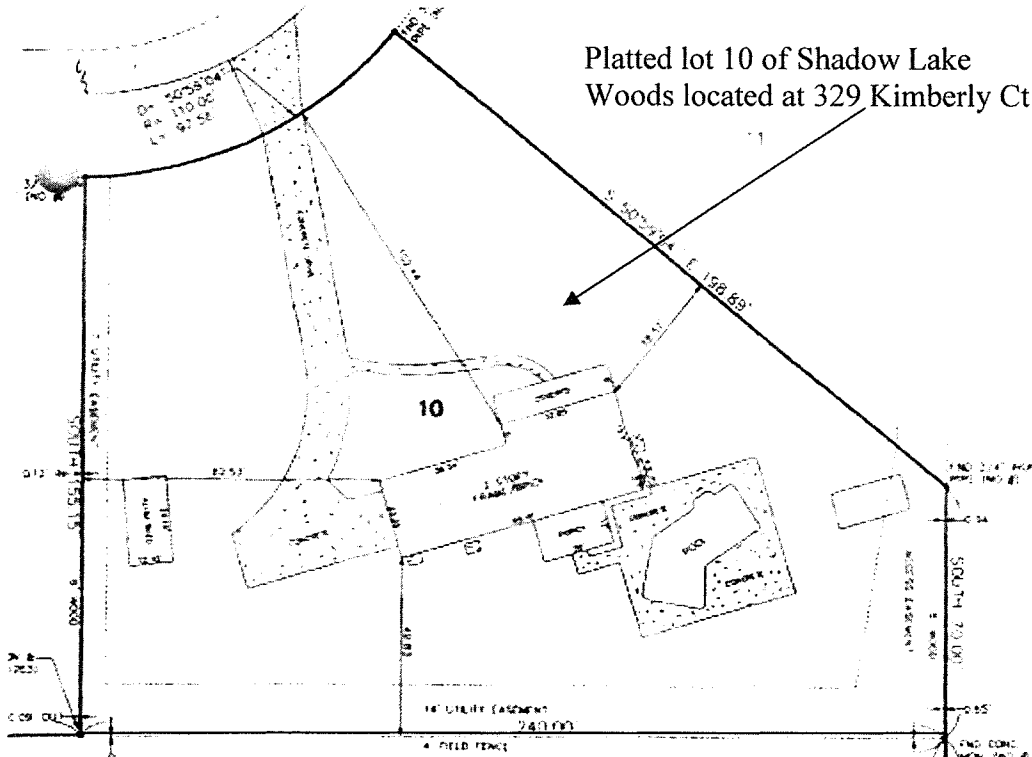
* Barn will be on A-1 property

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>	
X	1. Completed application.
NA	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
X	3. Provide a legible 8 1/2 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.
X	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
X	<input type="checkbox"/> Size and dimension of the parcel
X	<input type="checkbox"/> Location and name of all abutting streets
NA	<input type="checkbox"/> Location of driveways
NA	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
X	<input type="checkbox"/> Location of all easements
NA	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
X	<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>
X	<input type="checkbox"/> Building height
X	<input type="checkbox"/> Setbacks from each building to the property lines
NA	<input type="checkbox"/> Location of proposed fence(s)
NA	<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.

Platted lot 10 of Shadow Lake Woods located at 329 Kimberly Ct

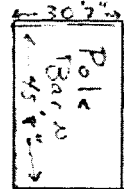


Acreage Parcel 30-19-30-300-032M-0000 Accessed from 329 Kimberly Ct

Pole Barn at 2-feet-6-inches from side property line

1387 sqft →

Dist Floor

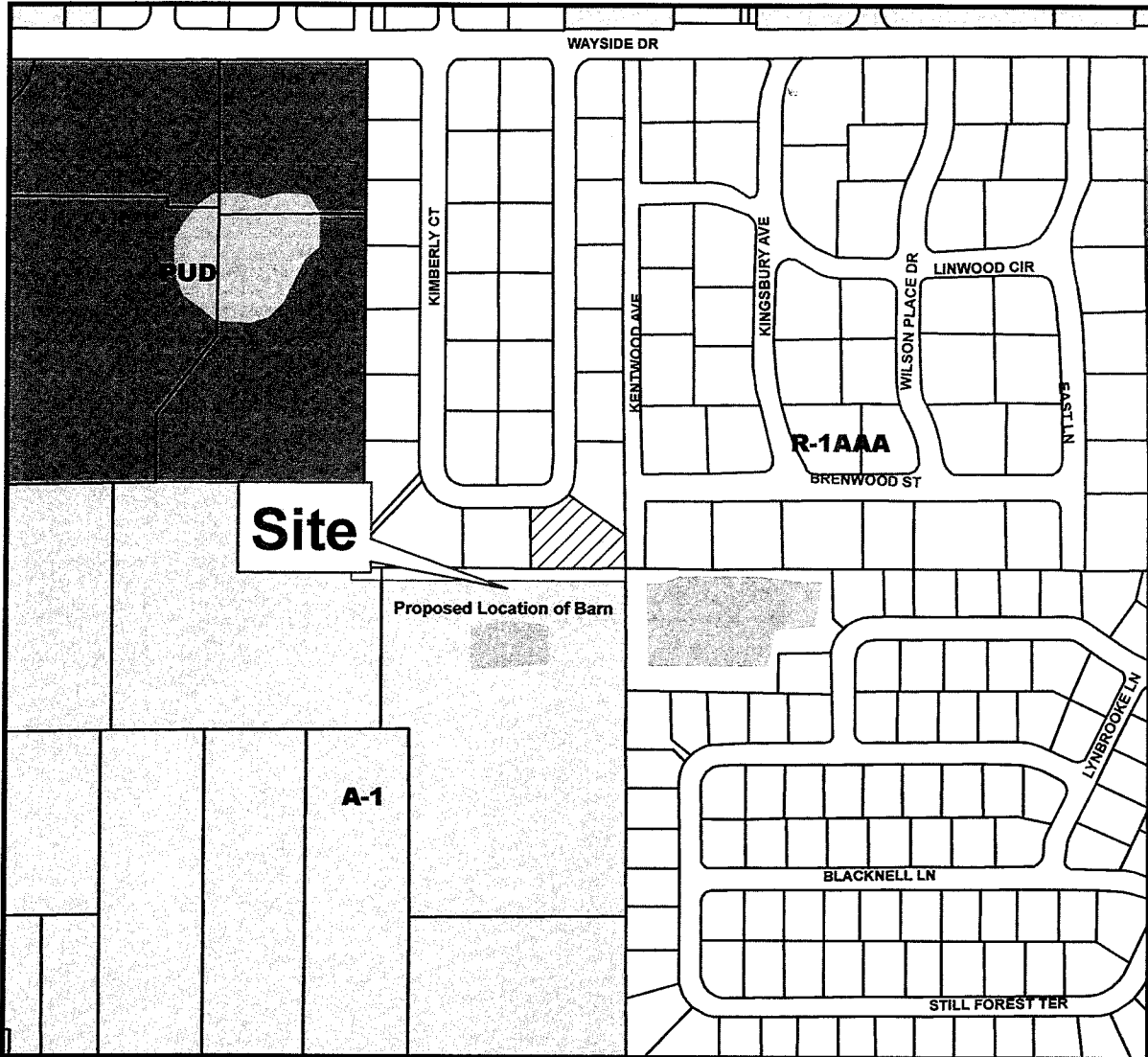


To Property Line

$\frac{1}{8}'' = 5'$





15.61± ACRES

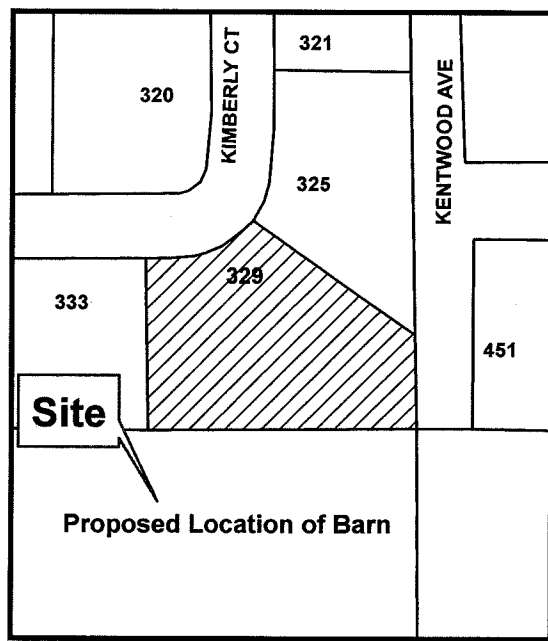

Bruce Rhea
329 Kimberly Court
Sanford, Florida 32771

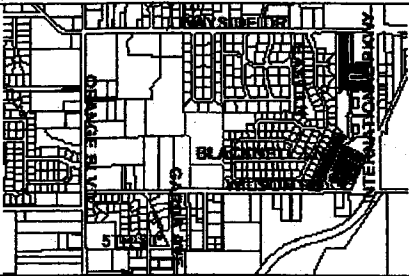



Seminole County Board of Adjustment
September 22, 2008
Case: BV2008-83 (Map3051, Grid B1)
Parcel No: 30-19-30-502-0000-0100

Zoning

-  BV2008-83
-  A-1
-  R-1AAA
-  PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7508</p>																																																		
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 30-19-30-300-032M-0000 Owner: RHEA BRUCE & RUTH A Mailing Address: 329 KIMBERLY CT City,State,ZipCode: SANFORD FL 32771 Property Address: SANFORD 32771 Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 99-ACREAGE NOT AGRICULT</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">2008 Working</th> <th style="text-align: center;">2007 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td style="text-align: center;">Market</td> <td style="text-align: center;">Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: center;">\$241</td> <td style="text-align: center;">\$241</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: center;">\$241</td> <td style="text-align: center;">\$241</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: center;">\$241</td> <td style="text-align: center;">\$241</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Tax Estimator</u></p> <p style="text-align: center;"><u>Portability Calculator</u></p>		VALUES	2008 Working	2007 Certified	Value Method	Market	Market	Number of Buildings	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$241	\$241	Land Value Ag	\$0	\$0	Just/Market Value	\$241	\$241	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$241	\$241															
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This is the property the pole barn will be constructed on.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-565-7506</p>																																																		
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SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

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: Bruce Rhea
Address: 329 Kimberly Ct
City/Zip: Sanford FL 32771
Phone #: 407 948 7850

Name: Ruth Rhea
Address: 329 Kimberly Ct
City/Zip: Sanford 32771
Phone #: 407 323 8409

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: _____
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.

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.

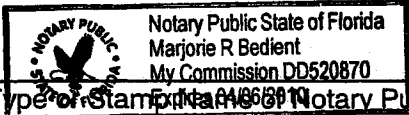
8/1/08
Date

Bruce R. Choa
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 1 day of August, 2008 by Bruce R. Choa

Marjorie R. Bedient
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 SEC 30 TWP 19S RGE 30E N 455 FT OF S 880 FT OF SW 1/4 (LESS W 1790.6 FT) & E 611 FT OF SW 1/4 (LESS N 1345 FT & S 880 FT)

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

FINDINGS OF FACT

Property Owner: Bruce & Ruth Rhea
329 Kimberly Ct
Sanford, FL 32771

Project Name: Parcel # 30-19-30-300-032M-0000

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 2.5 feet for an existing pole barn in A-1 (Agriculture) district.

The Development Approval was sought to (example: bring into compliance the construction of an existing pole barn within the side yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: 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:

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 SEC 30 TWP 19S RGE 30E N 455 FT OF S 880 FT OF SW 1/4
(LESS W 1790.6 FT) & E 611 FT OF SW 1/4 (LESS N 1345 FT & S 880 FT)

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

FINDINGS OF FACT

Property Owner: Bruce & Ruth Rhea
329 Kimberly Ct
Sanford, FL 32771

Project Name: Parcel # 30-19-30-300-032M-0000

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 2.5 feet for an existing pole barn in A-1 (Agriculture) 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 side yard (east) setback from 10 feet to 2.5 feet for the 30-foot by 45-foot pole barn 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:

