

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Rut Street (Lot 16) – Barbara Johnson, applicant; Request for (1) a lot size variance from 43,560 square feet to 5,000 square feet, a (2) width at building line variance from 150 feet to 50 feet, a (3) front yard setback variance from 50 feet to 20 feet, a (4) rear yard setback variance from 30 feet to 20 feet, and a (5) side yard (south) setback variance from 10 feet to 7.5 feet for a single family home in A-1 (Agriculture) district.

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

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

Agenda Date 12/01/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for (1) a lot size variance from 43,560 square feet to 5,000 square feet, a (2) width at building line variance from 150 feet to 50 feet, a (3) front yard setback variance from 50 feet to 20 feet, a (4) rear yard setback variance from 30 feet to 20 feet, and a (5) side yard (south) setback variance from 10 feet to 7.5 feet for a single family home in A-1 (Agriculture) district; or
2. **Deny** the request for (1) a lot size variance from 43,560 square feet to 5,000 square feet, a (2) width at building line variance from 150 feet to 50 feet, a (3) front yard setback variance from 50 feet to 20 feet, a (4) rear yard setback variance from 30 feet to 20 feet, and a (5) side yard (south) setback variance from 10 feet to 7.5 feet for a single family home in A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Barbara Johnson Rut Street (Lot 16) A-1 (Agriculture) F T Meriwethers Survey
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a home on a substandard lot that was created prior to the adoption of the zoning regulations. 	

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

	<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 satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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>• 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>• The granting of the variances 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>• 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>• 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>• The grant of the variances would be in harmony with the general intent of Chapter 30. <i>The requested variances would be in harmony with the character of the surrounding area in allowing the</i>

	<i>use of a single family home.</i>
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request; the applicant has demonstrated 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 proposed 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 # BV2008-105
Meeting Date 12/1/08



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: Barbara B. Johnson
Address: 711 Sherwood Terr. Dr #3-201 City: Orl. Zip code: 32818
Project Address: 2032 Rut St. City: SANFORD Zip code: 32771
Contact number(s): 321-332-3887 Abner
Email address: A.Jackson2@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"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>43,560</u>	Actual lot size: <u>5000'</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150'</u>	Actual lot width: <u>50'</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50'</u>	Proposed setback: <u>20'</u>
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback: <u>20'</u>
<input checked="" type="checkbox"/> Side yard setback (Right) (south side)	Required setback:	<u>10'</u>	Proposed setback: <u>7.5'</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:

Total number of variances requested 5

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: Barbara Johnson

FOR OFFICE USE ONLY

Date Submitted: 10/8/08 Reviewed By: D. Mc Guire
 Tax parcel number: 33-19-31-502-000-0160 Zoning/FLU A-1/MDR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	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 or 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.

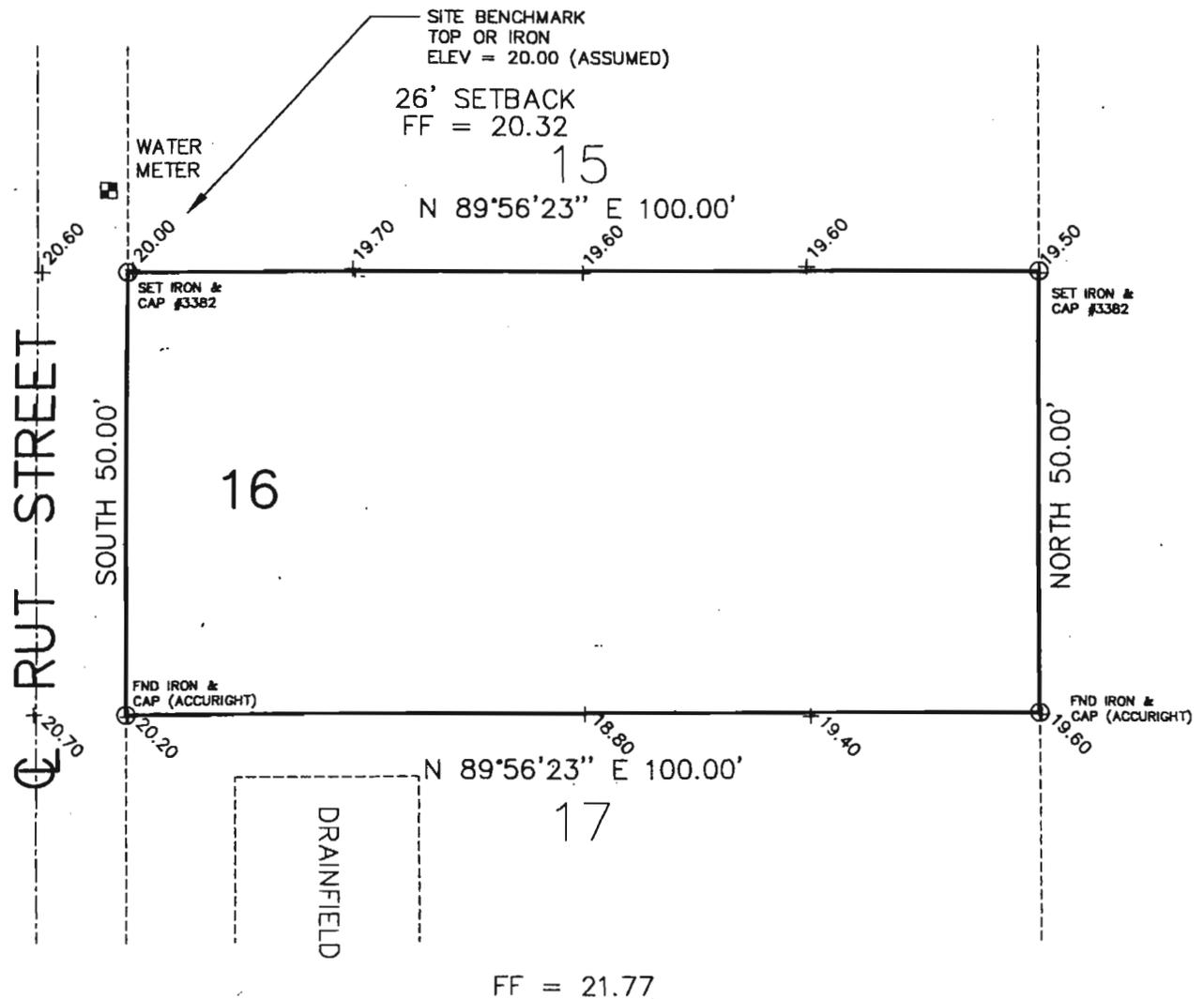
PLAT OF BOUNDARY SURVEY

for
ABNER JACKSON, JR.

Legal Description

Lot 16, F. T. MERIWETHER'S SURVEY, according to the plat thereof as recorded in Deed Book 139, Page 499, of the Public Records of Seminole County, Florida

SCALE AS NOTED



RUT STREET

16

15

17

DRAINFIELD

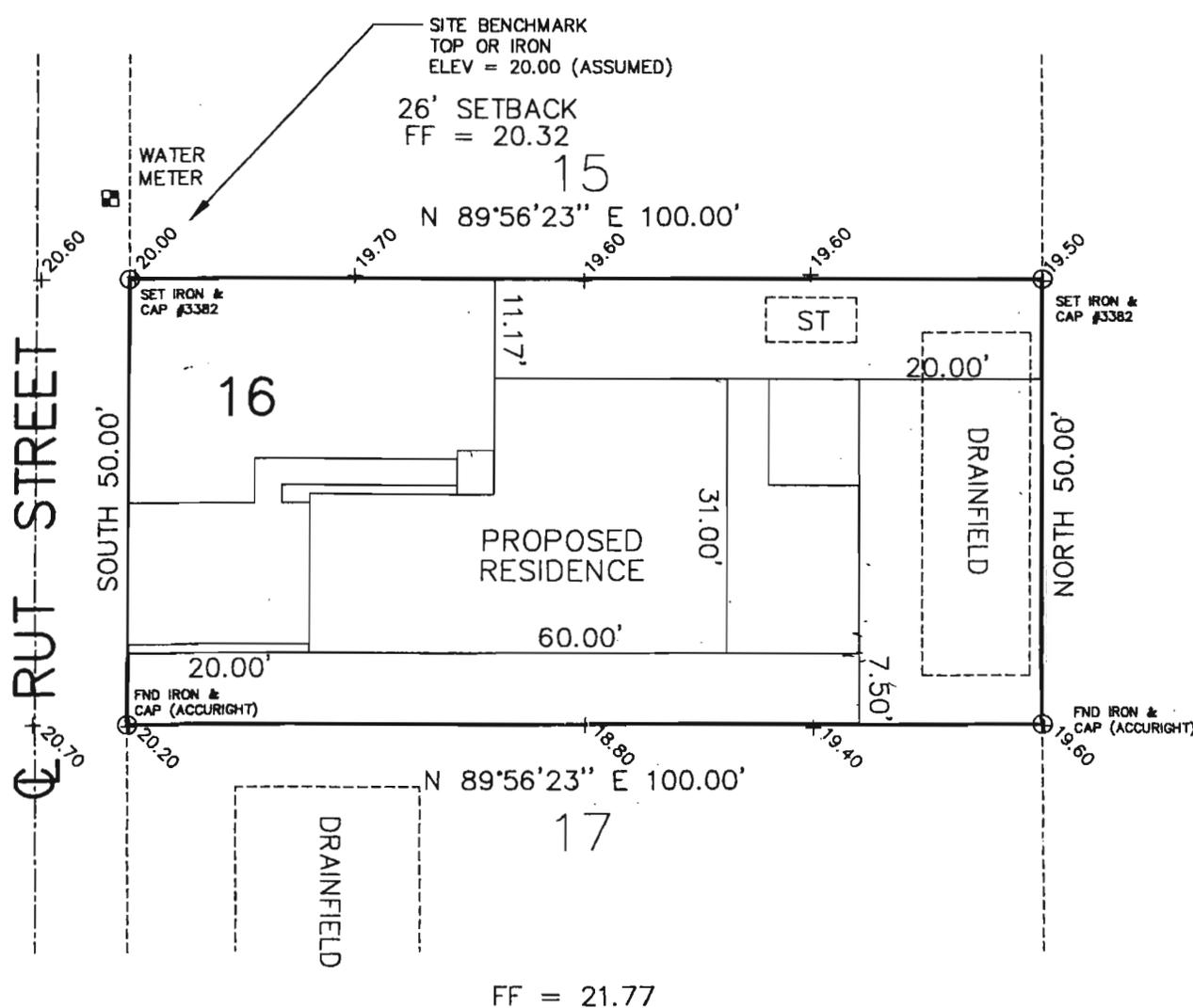
SCALE: 1"=20

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ABNER JACKSON, JR.

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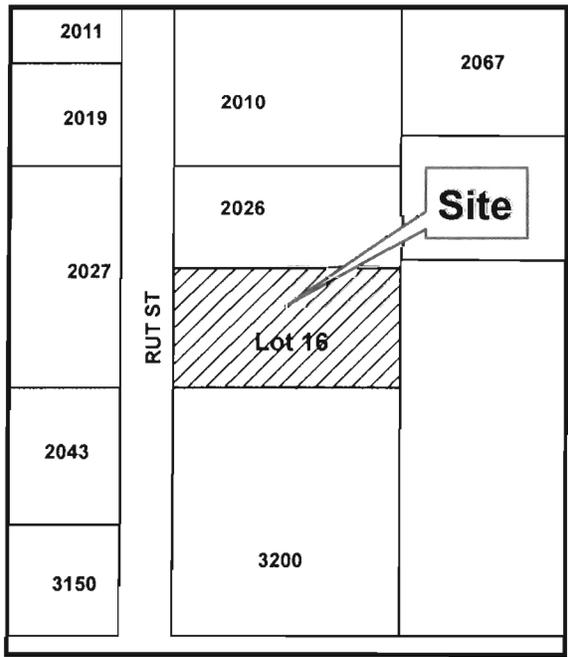
Barbara Johnson
 Rut Street (Lot 16)
 Sanford, Florida 32771



Seminole County Board of Adjustment
 December 1, 2008
 Case: BV2008-105 (Map 3054 Grid C3)
 Parcel No:33-19-31-502-0000-0160

Zoning

-  BV2008-105
-  A-1
-  R-1
-  C-2
-  M-1
-  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 32771-1488 407-665-7506</p>	<table border="1" style="margin: auto;"> <tr><td>1</td><td>7</td><td>13</td><td>41D</td><td>41B</td></tr> <tr><td>2</td><td>8</td><td>14</td><td rowspan="2">41A</td><td rowspan="2">41L</td></tr> <tr><td>3</td><td>9</td><td>15</td></tr> <tr><td>4</td><td>10</td><td>16</td><td rowspan="3">41M</td><td rowspan="3">41E</td></tr> <tr><td>5</td><td>11</td><td>17</td></tr> <tr><td>8</td><td>12</td><td>18</td></tr> </table> <p>HUGHEY ST</p>	1	7	13	41D	41B	2	8	14	41A	41L	3	9	15	4	10	16	41M	41E	5	11	17	8	12	18																										
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<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 33-19-31-502-0000-0160</p> <p>Owner: JOHNSON BARBARA B &</p> <p>Own/Addr: CALLAHAN RUTH M</p> <p>Mailing Address: 176 ONEIDA ST</p> <p>City,State,ZipCode: SAINT AUGUSTINE FL 32084</p> <p>Property Address:</p> <p>Subdivision Name: MERIWETHERS SURVEY F T</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="padding-left: 40px;">Dor: 00-VACANT RESIDENTIAL</p> <p>Please be advised that based on preliminary analysis of GIS data, this property may not meet the <u>minimum lot size requirements</u> of the zoning district. For more information, contact the Planning Division at 407-665-7441.</p>		<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">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;">Cost/Market</td> <td style="text-align: center;">Cost/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;">\$12,300</td> <td style="text-align: center;">\$9,225</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;">\$12,300</td> <td style="text-align: center;">\$9,225</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;">\$12,300</td> <td style="text-align: center;">\$9,225</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	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$12,300	\$9,225	Land Value Ag	\$0	\$0	Just/Market Value	\$12,300	\$9,225	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$12,300	\$9,225															
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<p>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.</p>																																																			

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: Barbara B. Johnson Name: _____
Address: 711 Sherwood Terr. Dr # 3-201 Address: N/A
City/Zip: O.L. FL. 32818 City/Zip: _____
Phone #: _____ Phone #: _____

Name: Ruth Callahan Name: _____
Address: 176 South Oneida St. Address: N/A
City/Zip: St. Augustine FL ~~32005~~ City/Zip: _____
Phone #: 32084 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: N/A
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

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

Beneficiaries: _____
Address: N/A
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: _____	Name of Partnership: _____
Principal: _____	Principal: _____
Address: <u>N/A</u>	Address: <u>N/A</u>
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: <u>N/A</u>	Address: <u>N/A</u>
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.

10/7/08
Date

Barbara S. Johnson
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 7 day of October, 2008 by Barbara Johnson

[Signature]
Signature of Notary Public

Kierra Davis
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced FWDL 5575062557940



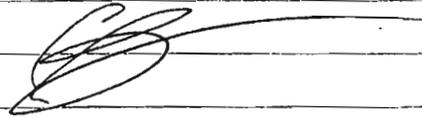
For Use by Planning & Development Staff

Date: _____ Application Number: _____

10/2/08
To Whom It May Concern:

I believe it would be
an asset to the neighborhood
to have a home built on
the vacant property at 2032
Rut Street.

Thank you.
Carolyn Bennett
2010 Rut Street
Dayton, Fla. 32771



10/4/08

This letter is to say that

I have no objections to a

house to be built at 2063 West St.

Sanford, Fla. for Barbara Johnson.

Raymond Johnson 10/4/08

10-4-08

I agree for Barbara Johnson

to build a house on her property

at 2032 Rut Street Sanford, Fla. 32771

Ida Mae Ford

Sanford Fla 32771

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 1, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 16
F T MERIWETHERS SURVEY DB 139 PG 499

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

FINDINGS OF FACT

Property Owner: Barbara Johnson
176 Oneida Street
Saint Augustine, FL 32084

Project Name: Rut Street (Lot 16)

Variance Approval:

Approved for (1) a lot size variance from 43,560 square feet to 5,000 square feet, a (2) width at building line variance from 150 feet to 50 feet, a (3) front yard setback variance from 50 feet to 20 feet, a (4) rear yard setback variance from 30 feet to 20 feet, and a (5) side yard (south) setback variance from 10 feet to 7.5 feet for a single family home 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 variances granted will apply only to the 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

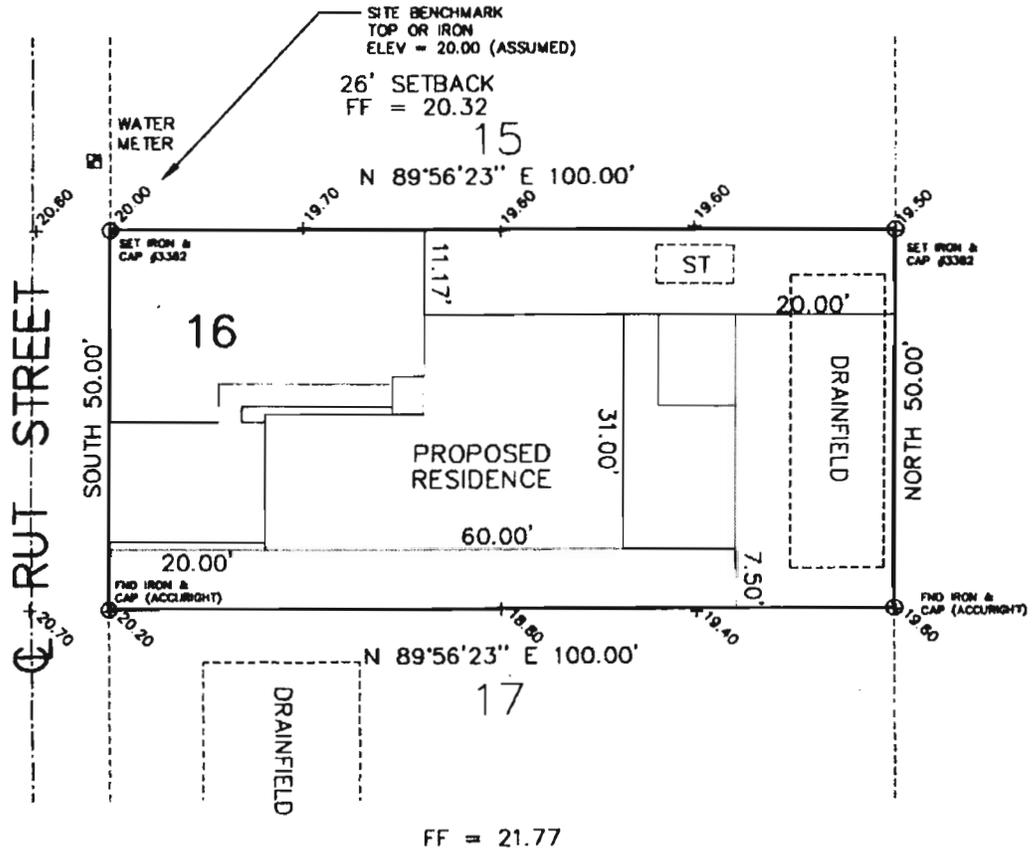
My Commission Expires:

PLAT OF BOUNDARY SURVEY

for

ABNER JACKSON, JR.

Lot 16, F. T. MERIWETHER'S SURVEY, according to the plat thereof as recorded in Deed Book 139, Page 499, of the Public Records of Seminole County, Florida



SCALE: 1"=20

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 1, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 16
F T MERIWETHERS SURVEY DB 139 PG 499

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

FINDINGS OF FACT

Property Owner: Barbara Johnson
176 Oneida Street
Saint Augustine, FL 32084

Project Name: Rut Street (Lot 16)

Requested Variance:

Request for (1) a lot size variance from 43,560 square feet to 5,000 square feet, a (2) width at building line variance from 150 feet to 50 feet, a (3) front yard setback variance from 50 feet to 20 feet, a (4) rear yard setback variance from 30 feet to 20 feet, and a (5) side yard (south) setback variance from 10 feet to 7.5 feet for a single family home in A-1 (Agriculture) district.

Approval was sought to allow a single family home on 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: