

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 125 Shirley Avenue – Michael Scivally, applicant; Request for a front yard setback variance from 25 feet to 13 feet for a new single family home in R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 1/26/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 25 feet to 13 feet for a new single family home in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a front yard setback variance from 25 feet to 13 feet for a new single family home in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Michael Scivally Owner: John D Hunter Location: 125 Shirley Avenue Zoning: R-1AA (Single Family Dwelling) Subdivision: Marvania 2nd Sec
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new two-story 3,500 square foot single family home which will encroach 12 feet into the required 25-foot front yard setback. An existing house will be demolished. • The new structure will incorporate an existing pool and pool deck. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

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

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 2008-123
Meeting Date 1-26-09



COPY

VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED DEC 04 2008

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: JOHN D. HUNTER / Michael Scivally
Address: 125 SHIRLEY AVE City: SEMINOLE CO Zip code: 32771
Project Address: 125 SHIRLEY AVE City: SEMINOLE CO Zip code: 32771
Tax Parcel number: 30-19-31-501-0700-0010
Contact number(s): 407-310-5453
Email address: MSCLIVALLY@CFL.PR.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>The existing structure to be demolished and new single family home to be built.</u>
<input type="checkbox"/> Other	Please describe: <u>2 STORY, 3500 sq. ft. UNDER HVAC</u>
<input 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25ft.</u>	Proposed setback: <u>13ft.</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:

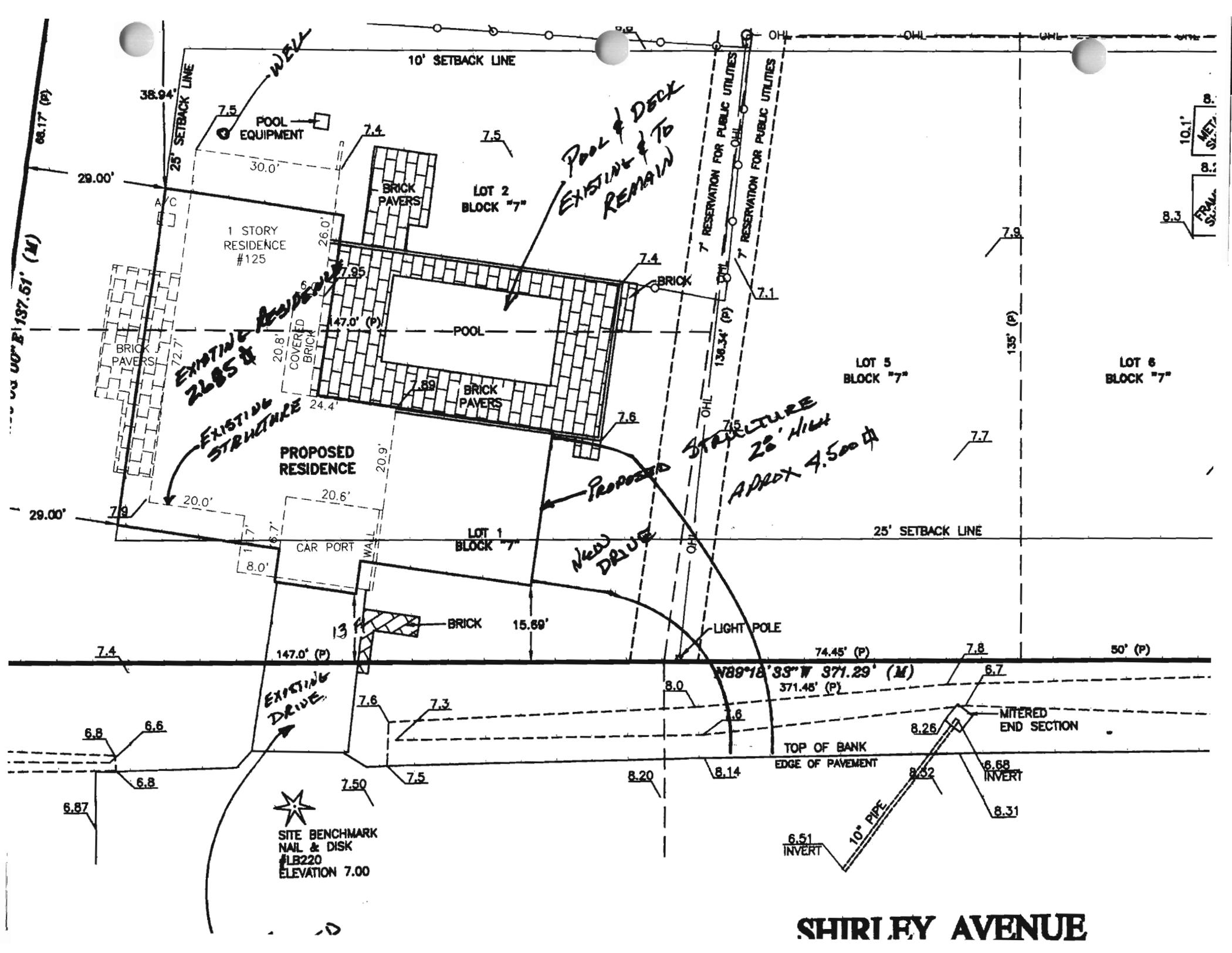
Use below for additional yard setback variance requests:

<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:

Total number of variances requested 1

Signed: John D. Hunter

Date: 12-1-08





STREET SIDE



LAKE SIDE



Rear

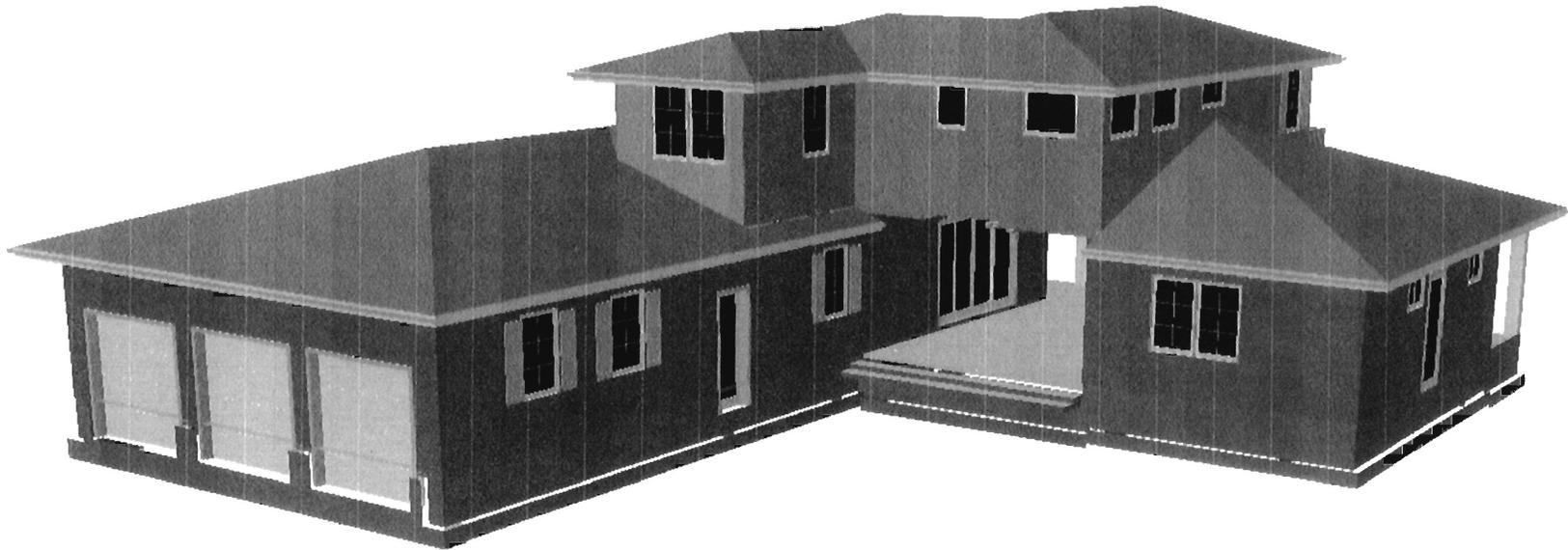




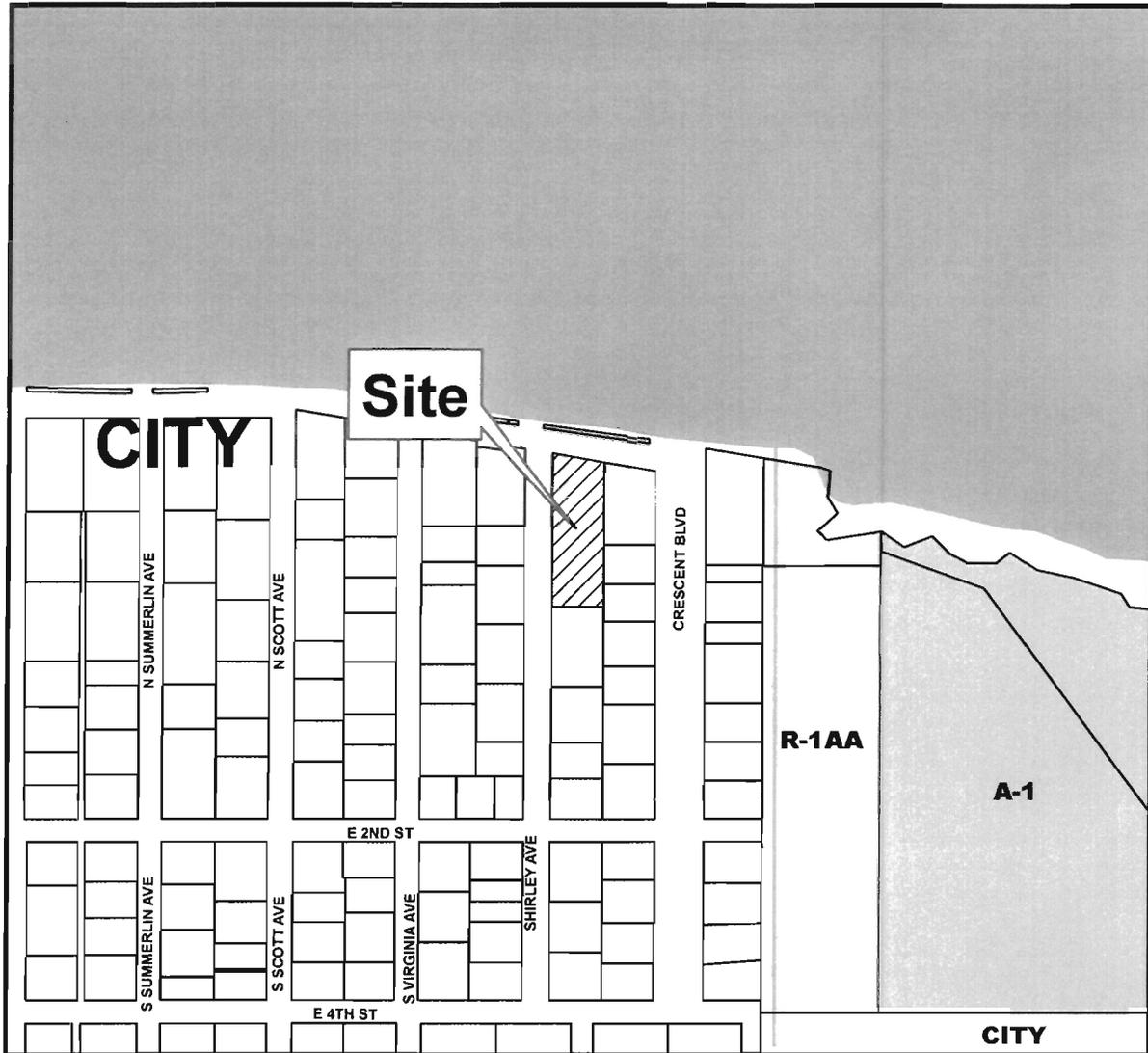
STREET SIDE



LAKE SIDE



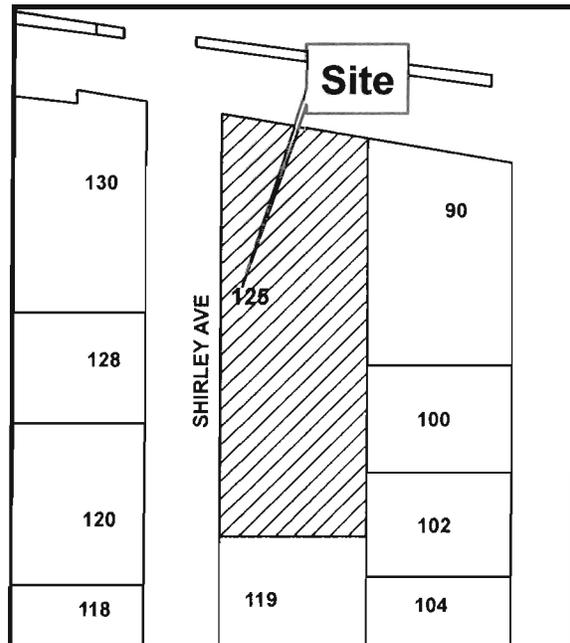
Michael Scivally
125 Shirley Avenue
Sanford, Florida 32771



Seminole County Board of Adjustment
January 26, 2009
Case: BV2008-123 (Map 3053 Grid E1)
Parcel No: 30-19-31-501-0700-0010

Zoning

-  BV2008-123
-  A-1
-  R-1AA



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

EMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-668-7506



GENERAL

Parcel Id: 30-19-31-501-0700-0010
 Owner: HUNTER JOHN D
 Mailing Address: 125 SHIRLEY AVE
 City,State,ZipCode: SANFORD FL 32771
 Property Address: 125 SHIRLEY AVE N SANFORD 32771
 Subdivision Name: MARVANIA 2ND SEC
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2005)
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$122,318	\$135,241
Depreciated EXFT Value	\$12,605	\$10,245
Land Value (Market)	\$299,008	\$299,008
Land Value Ag	\$0	\$0
Just/Market Value	\$433,931	\$444,494
Portability Adj	\$0	\$0
Save Our Homes Adj	\$141,803	\$163,279
Assessed Value (SOH)	\$292,128	\$281,215
Tax Estimator		
Portability Calculator		

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$292,128	\$50,000	\$242,128
Schools	\$292,128	\$25,000	\$267,128
Fire	\$292,128	\$50,000	\$242,128
Road District	\$292,128	\$50,000	\$242,128
SJWM(Saint Johns Water Management)	\$292,128	\$50,000	\$242,128
County Bonds	\$292,128	\$50,000	\$242,128

Potential Portability Amount is \$141,803

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
PROBATE RECORDS	02/2005	05609	1989	\$100	Improved	No
TRUSTEE DEED	12/2004	05569	0649	\$100	Improved	No
QUIT CLAIM DEED	02/1999	03606	1290	\$100	Improved	No

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH): \$6,694
 2008 Tax Bill Amount: \$3,671
 Save Our Homes (SOH) Savings: \$3,023
 2008 Certified Taxable Value and Taxes
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	136	147	.000	1,500.00	\$208,080
FRONT FOOT & DEPTH	218	135	.000	430.00	\$90,928

LEGAL DESCRIPTION

PLATS:
 LOTS 1 2 5 6 7 & 8 BLK 7 2ND SEC MARVANIA PB 5 PG 88

BUILDING INFORMATION

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
Building Sketch	1	SINGLE FAMILY	1955	9	2,364	2,983	2,364 EW CONCRETE BLOCK	\$122,318	\$188,182
Appendage / Sqft	OPEN PORCH FINISHED / 126								
Appendage / Sqft	CARPORT FINISHED / 357								
Appendage / Sqft	UTILITY UNFINISHED / 136								

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1955	1	\$600	\$1,500
POOL GUNITE	1979	648	\$5,184	\$12,960
BRICK PATIO	2006	1,174	\$4,344	\$4,696
BOAT DOCK	2008	516	\$2,477	\$2,580

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
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: JOHN D. HUNTER
Address: 125 SHIRLEY AVE
Phone #: 407-323-0879

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
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: _____

Beneficiaries: _____
Address: _____

(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: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject 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.

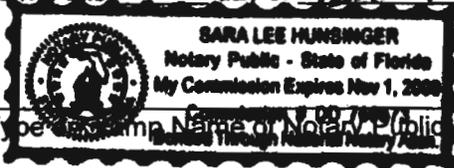
DEC 1, 2008
Date

John D. Hink
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 1 day of Dec, 2008 by John D.

Sara Lee Hunsinger
Signature of Notary Public



Personally Known OR Produced Identification _____
Type of Identification Produced _____

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

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I JOHN D. HUNTER, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) _____
TAX ID# 30193150167000010

hereby affirm that MICHAEL SCIVALLY is hereby designated to act as my /our authorized agent and to file the attached application for the stated special exception / variance request and make binding statements and commitments regarding the request.

Owner's Signature John D. Hunter

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 1st day of Dec, 2008

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

WITNESS my hand and official seal in the County and State last aforesaid this 1 day of Dec, 2008
Sara Lee Hunsinger
Notary Public in and for the County and State
Aforementioned

My Commission Expires: _____



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

Laura J. Parker

130 Shirley Avenue
Sanford, FL 32771
(407) 322-7860

December 1, 2008

Seminole County Board of Adjustment
1101 E. First Street
Sanford Florida 32771

Dear Board of Adjustment:

I am the neighbor who resides across the street from John Hunter on Shirley Avenue. He is requesting a setback variance so that he may construct a new residence on the footprint of the existing residence he plans on demolishing due to its exceedingly low floor elevation. I support the granting of this variance because it would enable much of the mature landscaping to remain and thus continue to provide an attractive buffer to the street.

Sincerely,



Laura Parker

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 1 2 5 6 7 & 8 BLK 7 2ND SEC MARVANIA PB 5 PG 88

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

FINDINGS OF FACT

Property Owner: John D Hunter
125 Shirley Ave N
Sanford FL 32771

Project Name: Shirley Avenue (125)

Requested Variance:

Front yard setback variance from 25 feet to 13 feet for a new single family home in R-1AA (Single Family Dwelling) district.

Approval was sought to construct a new single family home that would encroach into the front 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 1 2 5 6 7 & 8 BLK 7 2ND SEC MARVANIA PB 5 PG 88

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

FINDINGS OF FACT

Property Owner: John D Hunter
125 Shirley Ave N
Sanford FL 32771

Project Name: Shirley Avenue (125)

Variance Approval:

Front yard setback variance from 25 feet to 13 feet for a new single family home in R-1AA (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

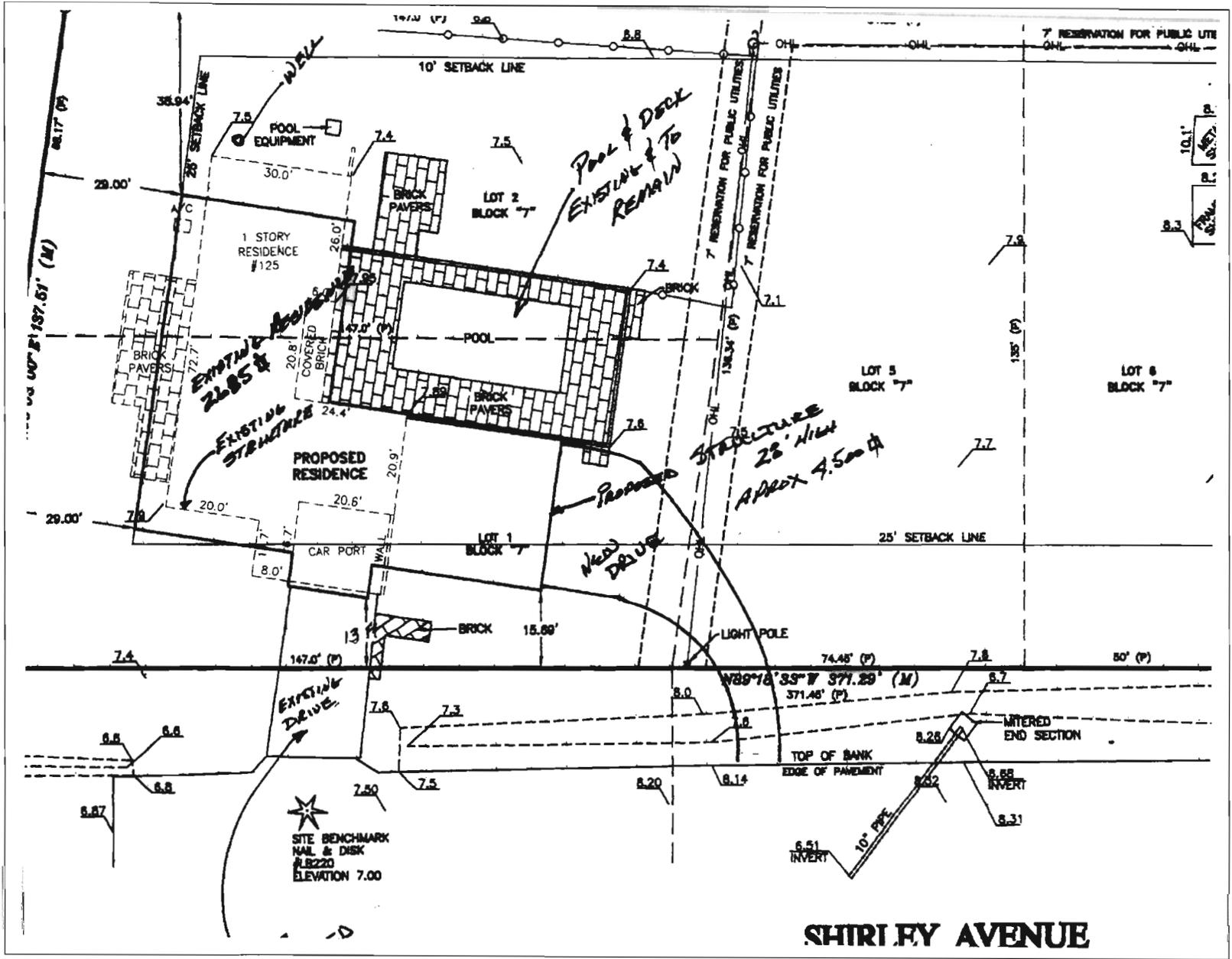
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



SHIRTY AVENUE