

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

SUBJECT: 2049 Jessup Road – Alan Wood, applicant; Request for a side yard (west) setback variance from 7.5 feet to 3 feet for an existing shed in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 4/27/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	<p>Applicant: Alan Wood Location: 2049 Jessup Road Zoning: R-1 (Single Family Dwelling) Subdivision: Mineral Spring Park Amended Plat of 1st Add</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a 10 foot x 16 foot shed that encroaches 4 feet into the 7.5 foot required side yard setback. • A Notice of Violation for unpermitted construction was issued February, 2009. • 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,

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

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 10' x 16' shed 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

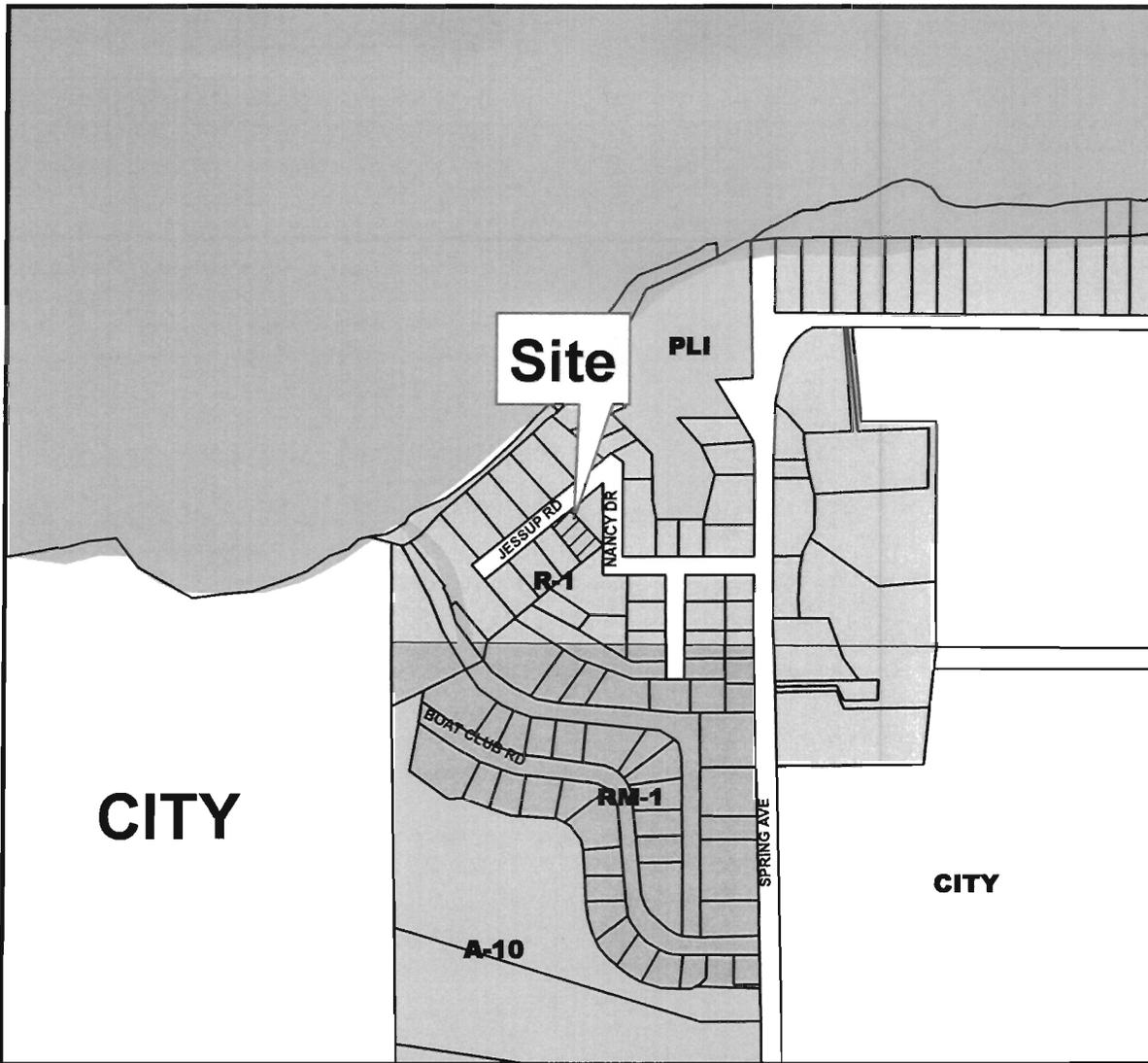
- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

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

Alan Wood
2049 Jessup Road
Oviedo, Florida 32765



Seminole County Board of Adjustment
April 27, 2009
Case: BV2009-20 (Map 3159 Grid B2)
Parcel No: 32-20-31-502-0300-0110

Zoning

-  BV2009-20
-  A-10
-  R-1
-  RM-1
-  PLI



FOR OFFICE USE ONLY

Date Submitted: 3-9-09 Reviewed By: P. Johnson
Zoning/FLU 32-20-31-502-0300-0110 LOR
 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

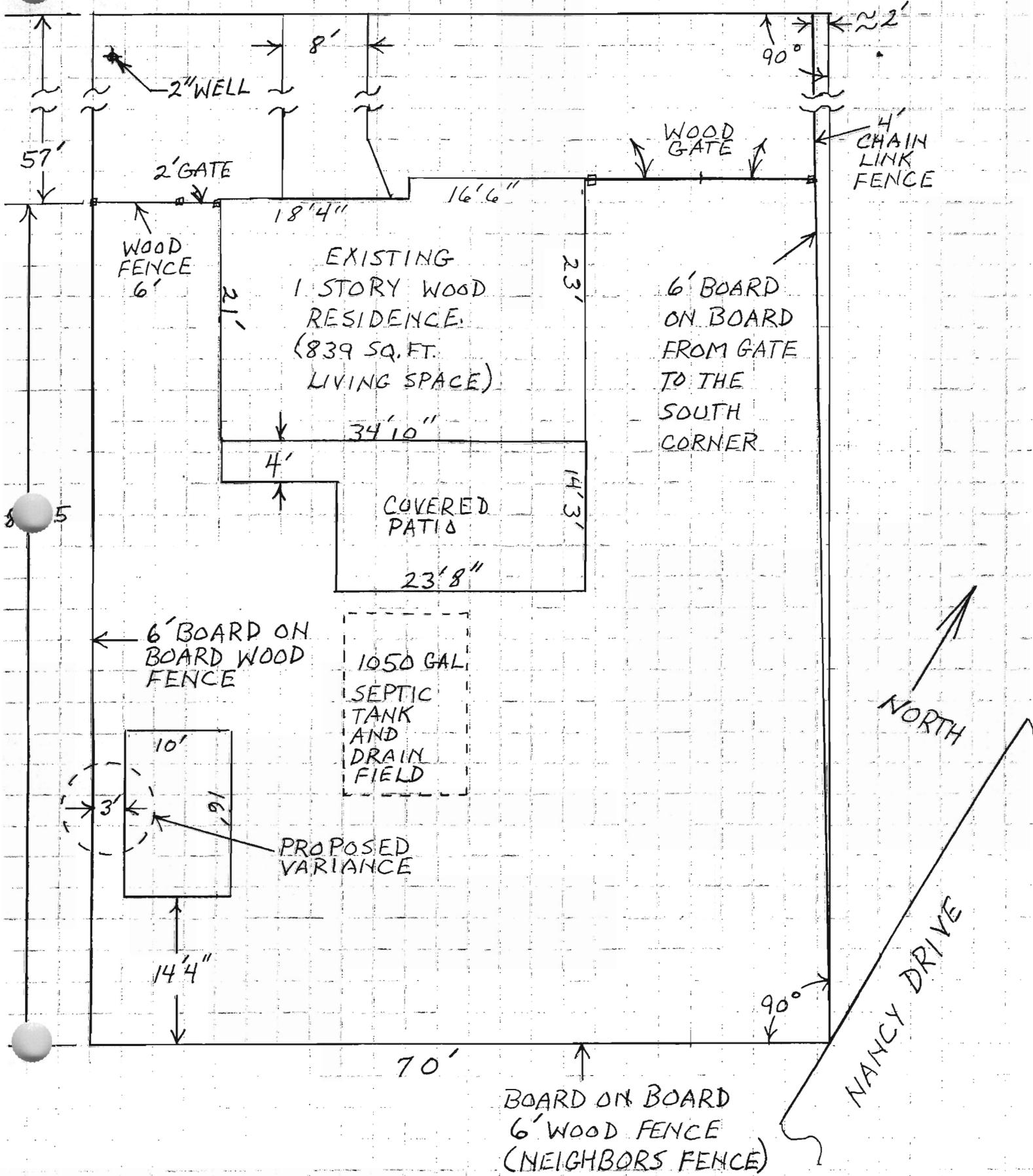
Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<i>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.</i>	
	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. 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.
	<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, drain field 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)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

PARCEL ID #32-20-31-502-0300-0110, 2049 JESSUP RD.

JESSUP ROAD
HOUSE ON WELL AND SEPTIC



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-666-7506

GENERAL

Parcel Id: 32-20-31-502-0300-0110
 Owner: WOOD ALAN R
 Mailing Address: 2049 JESSUP RD
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 2049 JESSUP RD OVIEDO 32765
 Subdivision Name: MINERAL SPRING PARK AMENDED PLAT OF 1ST ADD
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2008)
 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	\$48,763	\$54,117
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$41,160	\$41,160
Land Value Ag	\$0	\$0
Just/Market Value	\$89,923	\$95,277
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$89,923	\$95,277
<u>Tax Estimator</u>		

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$89,923	\$50,000	\$39,923
Schools	\$89,923	\$25,000	\$64,923
Fire	\$89,923	\$50,000	\$39,923
Road District	\$89,923	\$50,000	\$39,923
SJWM(Saint Johns Water Management)	\$89,923	\$50,000	\$39,923
County Bonds	\$89,923	\$50,000	\$39,923

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
WARRANTY DEED	07/2007	<u>06792</u>	<u>1463</u>	\$97,000	Improved	Yes
QUIT CLAIM DEED	04/2003	<u>04831</u>	<u>1947</u>	\$30,000	Improved	No
FINAL JUDGEMENT	02/1997	<u>03194</u>	<u>0587</u>	\$100	Improved	No
QUIT CLAIM DEED	08/1996	<u>03113</u>	<u>1785</u>	\$100	Improved	No
TAX DEED	08/1996	<u>03111</u>	<u>1241</u>	\$14,600	Improved	No
SPECIAL WARRANTY DEED	11/1990	<u>02245</u>	<u>1212</u>	\$17,900	Improved	No
CERTIFICATE OF TITLE	09/1990	<u>02221</u>	<u>0395</u>	\$100	Improved	No
WARRANTY DEED	08/1978	<u>01185</u>	<u>1035</u>	\$27,900	Improved	Yes

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

2008 Tax Bill Amount: \$870

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	70	137	.000	600.00	\$41,160

LEGAL DESCRIPTION

PLATS:

LEG LOT 11 BLK 3 AMENDED PLAT OF 1ST ADD MINERAL SPRING PARK
 PB 8 PG 46

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1972	3	839	929	839	SIDING AVG	\$48,763	\$59,286

Appedage / Sqft OPEN PORCH FINISHED / 90

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

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.



February 26, 2009

Alan R. Wood
or Current Owner / Occupant
2049 Jessup Road
Oviedo, FL 32765

**RE: Parcel ID #32-20-31-502-0300-0110, 2049 Jessup Road, Oviedo, FL 32765
Case #09-36**

Dear Property Owner and all Interested Parties:

This is to advise you that the above described property has been inspected and the following violation(s) of the Seminole County Code have been identified.

"Constructing a building behind house without a permit"

Each violation shall be corrected by March 5, 2009. Failure to comply will result in formal charges brought before the Seminole County Code Enforcement Board. The Board has been granted the authority to levy fines in an amount up to \$250.00 per day for every day the violation(s) exists.

Please contact Jason Rucker at 407-665-7465 for any further information. Thank you for your cooperation in this matter.

Sincerely,

Seminole County,
Building & Fire Inspection Division

TB

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
- Limited Liability Company Partnership
- Other (describe): _____

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	ADDRESS	PHONE NUMBER
ALAN R. Wood	2049 Jessop Rd 32765	407 221 0654
Leslee Heller	218 Clacyn Ct Winter Garden Fl. 34787	407 341 5066

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

3-09-09

Date

Alan R. Wood

Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Geminole

Sworn to (or affirmed) and subscribed before me this 9th day of MARCH, 2009 by ALAN WOOD

Patricia Johnson
Signature of Notary Public



 PATRICIA JOHNSON
 Comm# DD0759936
 Expires 2/18/2012
 Florida Notary Assn., Inc.
 Print, Type, or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification

Type of Identification Produced W 300-016-60-248-0

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

FROM THE DESK OF
Steve Smith
Jessup Drive
Oviedo, FL 32765

Attention: Board of County Commissioners

I, Steve Smith owner of the above mentioned property is adjacent to Alan Wood, 2049 Jessup Road, Oviedo, FL 32765.

During Tropical Storm Faye, Mr. Wood's shed was destroyed/damaged.

Recently he has received a violation for a new shed that he has constructed in his back yard, February 2009.

I, Steve Smith state that the shed he has constructed does not affect any access for medical or fire emergencies to my property.



Steve Smith

Date 03-10-09

FROM THE DESK OF
Phillip Adams
2033 Nancy Drive
Oviedo, FL 32765
Phone: 407-359-9333
407-971-7694

Attention: Board of County Commissioners

I, Phillip Adams owner of the above mentioned property is adjacent to Alan Wood, 2049 Jessup Road, Oviedo, FL 32765.

During Tropical Storm Faye, Mr. Wood's shed was destroyed/damaged.

Recently he has received a violation for a new shed that he has constructed in his back yard, February 2009.

I, Phillip Adams state that the shed he has constructed does not affect any access for medical or fire emergencies to my property.


Phillip Adams

3-10-09
Date

FROM THE DESK OF
Patricia Kirby
2039 Nancy Drive
Oviedo, FL 32765

Attention: Board of County Commissioners

I, Patricia Kirby owner of the above mentioned property is adjacent to Alan Wood, 2049 Jessup Road, Oviedo, FL 32765.

During Tropical Storm Faye, Mr. Wood's shed was destroyed/damaged.

Recently he has received a violation for a new shed that he has constructed in his back yard, February 2009.

I, Patricia Kirby state that the shed he has constructed does not affect any access for medical or fire emergencies to my property.


Patricia Kirby

Date 3-10-09

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 11 BLK 3 AMENDED PLAT OF 1ST ADD MINERAL SPRING PARK
PB 8 PG 46

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

FINDINGS OF FACT

Property Owner: Alan R Wood
2049 Jessup Rd
Oviedo FL 32765

Project Name: Jessup Road (2049)

Requested Variance:

Side yard (west) setback variance from 7.5 feet to 3 feet for an existing shed in R-1 (Single Family Dwelling) district.

Approval was sought to bring into compliance the construction of a shed 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: 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 April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 11 BLK 3 AMENDED PLAT OF 1ST ADD MINERAL SPRING PARK
PB 8 PG 46

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

FINDINGS OF FACT

Property Owner: Alan R Wood
2049 Jessup Rd
Oviedo FL 32765

Project Name: Jessup Road (2049)

Variance Approval:

Side yard (west) setback variance from 7.5 feet to 3 feet for an existing shed 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 10' x 16' shed 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:

