

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

SUBJECT: 100 Faith Terrace – Kathy Hattaway, applicant; Request for a front yard setback variance from 25 feet to 7 feet for a proposed office building in OP (Office) district.

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

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

Agenda Date 8/24/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 25 feet to 7 feet for a proposed office building in OP (Office) district; or
2. **Approve** the request for a front yard setback variance from 25 feet to 7 feet for a proposed office building in OP (Office) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Kathy Hattaway Owner: 100 East Faith LLC Location: 100 Faith Terrace Zoning: OP (Office) Subdivision: Northwood Heights and two other lots</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is seeking a variance for a portion of a proposed building that will encroach 18 feet into the required 25-foot front yard setback. • On April 26, 2005 a conceptual site plan was approved with the OP (Office) rezoning with a front yard setback along Maitland Avenue and a side yard setback along Oakwood Drive of 25 feet. Subsequently a survey error was discovered and as a result the property was left with a right-of-way corner clip at Maitland Avenue and Oakwood Drive which change the building setback at the southwest corner. The current setback from

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>Maitland Avenue is shown at 7 feet and requires a variance.</p> <ul style="list-style-type: none">• The setback at Oakwood Drive is now shown at 5 feet and although approved at 25 feet with the adopted site plan it does not require a variance for this change as Oakwood Drive is an easement and therefore a side yard as defined in the Land Development Code.• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.

STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the southwest corner of the building 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.
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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 # BU2009-73
Meeting Date 8-24-09



VARIANCE APPLICATION

COPY

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: Kathy Hattaway, AICP HCI
Address: P.O. Box 149921 City: Orlando Zip code: 32814
Project Address: 100 Faith Tr; 1408 Maitland Ave; 101 Oakwood City: Maitland Zip code: 32751
Tax Parcel number: 24212951200000220; 24212930004900000; 24212930004500000
Contact number(s): 407-622-7500; 407-718-0858
Email address: Kathy@HattawayConsulting.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 type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>New Office Building</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUL 10 2009

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:	Proposed setback:	<u>7'</u>
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	<u>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:	

} at narrowest point

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:

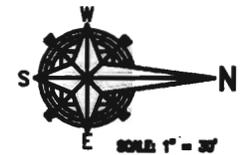
Total number of variances requested 2

Signed: K. Hattaway

Date: 7-10-09

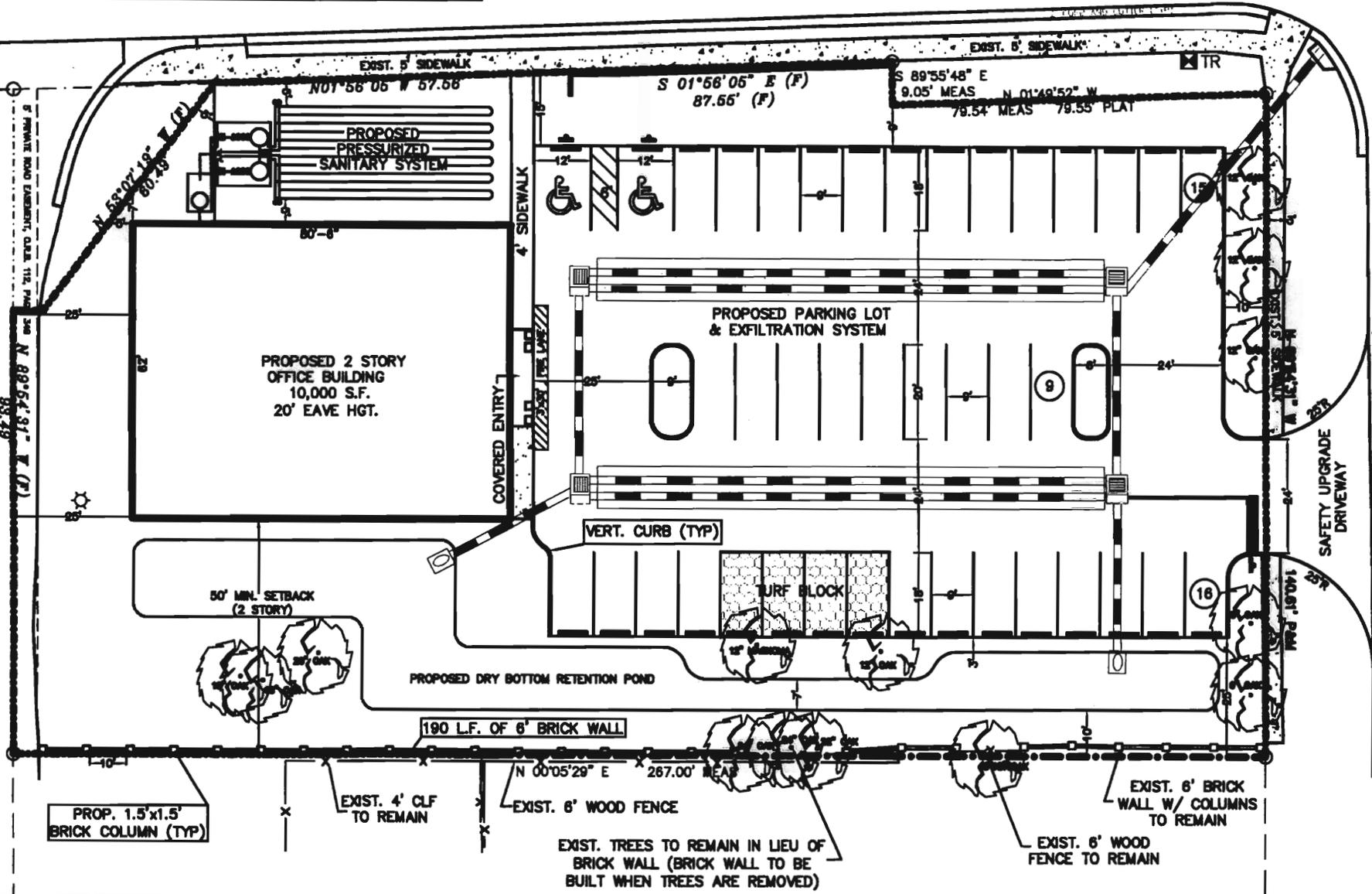
SITE STATISTICAL DATA			
DESCRIPTION	SQ. FT.	ACRES	% OF SITE
SITE AREA	38,007	0.87	100.0%
PROP. BLDG. AREA	5,000	0.11	13.16%
PROP. PAVEMENT AREA	15,185	0.35	39.95%
IMPERVIOUS AREA	20,185	0.47	53.11%
OPEN AREA	17,822	0.40	46.89%

MAITLAND AVENUE STATE ROAD S-427

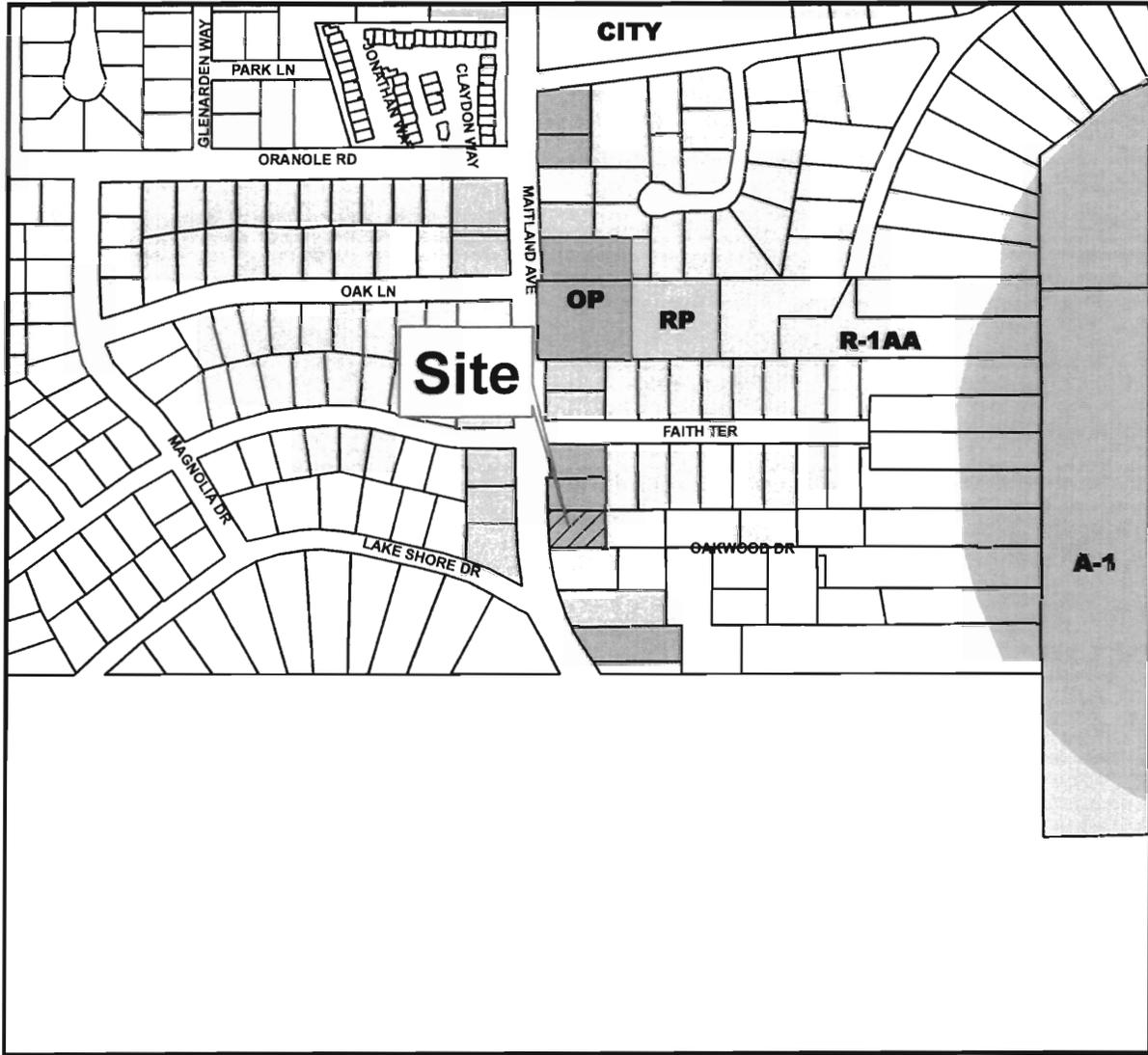


OAKWOOD DRIVE (PRIVATE ROAD)

FAITH TERRACE (66' R/W)



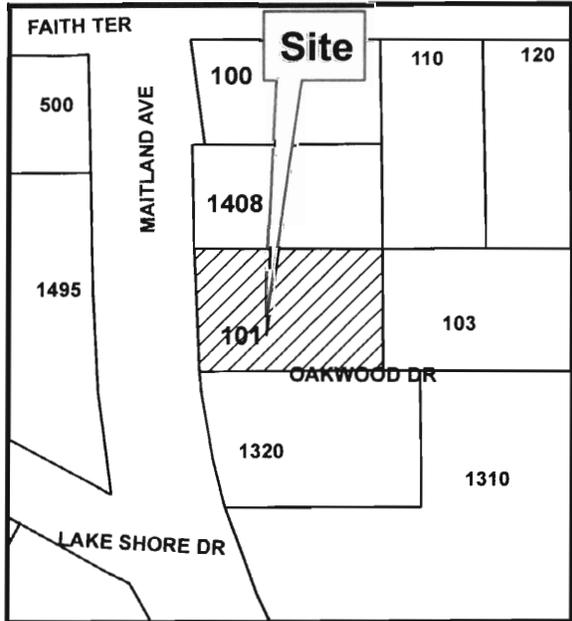
Kathy Hattaway, AICP
100 Faith Terrace
Maitland, FL 32751



Seminole County Board of Adjustment
August 24, 2009
Case: BV2009-73 (Map 3209 Grid A3)
Parcel No: 24-21-29-300-0450-0000

Zoning

-  BV2009-73
-  A-1
-  R-1AA
-  RP I
-  OP




PLANNING & LAND
DEVELOPMENT CONSULTANTS

July 10, 2009

Ms. Kathy Fall
Board of Adjustment Coordinator
Seminole County Planning Division
1101 East First Street
Sanford, Florida 32771

Dear Ms. Fall:

Enclosed please find an application to the Board of Adjustment for a front yard and side yard setback variance for an office building to be constructed at 101 Oakwood Drive. The proposed office building and associated infrastructure will be constructed across three (3) lots adjacent to Maitland Boulevard: 101 Oakwood Drive, 1408 Maitland Avenue, and 100 Faith Terrace.

The three (3) lots were rezoned, and the project received conceptual site plan approval, by the Seminole County Commission on April 26, 2005 on behalf of the David & McElyea Law Firm. The law firm has since disbanded and during the course of the distribution of assets between the partners it was discovered that the survey used in the 2005 rezoning process reflected an error in the property boundary at the corner of Maitland Boulevard and Oakwood Drive. The owner of the project properties is now 100 Faith Terrace LLC, the partners of which are Timothy H. David and Holly David.

The property owner is requesting that the Board of Adjustment grant a variance to the front and side yard setback requirements for the property in order to construct the office building and associated site plan as approved by the Board of County Commissioners on April 26, 2005. The survey submitted with the 2005 rezoning application failed to less out a corner of the property at the intersection of Maitland Boulevard and Oakwood Drive that had been taken by Seminole County for the widening of Maitland Boulevard. That widening project is complete and the property remaining is not needed for the roadway. The omission of the less out corner area resulted in the building being sited on the property within the proper setbacks of the original property line, but encroaching into the setback area once the less out corner is applied to the site plan, resulting in the need for a front yard and side yard variance in order to construct the office building as approved.

Please do not hesitate to contact me if you have questions or need additional information in order to schedule our application for the August 24, 2009 Board of Adjustment meeting.

Sincerely,



Kathy Hattaway, AICP
President

c: Timothy H. and Holly David

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1400 407-080-7800</p>																																			
<p>GENERAL</p> <p>Parcel Id: 24-21-29-512-0000-0220 Owner: 100 EAST FAITH LLC Mailing Address: 100 FAITH TER E City,State,ZipCode: MAITLAND FL 32751 Property Address: 100 FAITH TER E Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 1701-OFFICE/CONV. RESIDEN</p>		<p style="text-align: center;">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;">2009 Working</th> <th style="text-align: center;">2008 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;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$162,453</td> <td style="text-align: right;">\$163,322</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: right;">\$98,829</td> <td style="text-align: right;">\$98,829</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: right;">\$281,282</td> <td style="text-align: right;">\$262,151</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: right;">\$281,282</td> <td style="text-align: right;">\$262,151</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$162,453	\$163,322	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$98,829	\$98,829	Land Value Ag	\$0	\$0	Just/Market Value	\$281,282	\$262,151	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$281,282	\$262,151
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PARCEL DETAIL

DAVID JOHNSON, CPA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

1101 E. FIRST ST
 SANFORD, FL 32771-1408
 407-688-7206

	VALUE SUMMARY		
GENERAL	VALUES	2009 Working	2008 Certified
Parcel Id: 24-21-29-300-0440-0000	Value Method	Cost/Market	Cost/Market
Owner: 100 EAST FAITH LLC	Number of Buildings	1	1
Mailing Address: 100 E FAITH TER	Depreciated Bldg Value	\$72,460	\$81,302
City,State,ZipCode: MAITLAND FL 32751	Depreciated EXFT Value	\$0	\$0
Property Address: 1408 MAITLAND AVE N	Land Value (Market)	\$163,647	\$163,647
Facility Name:	Land Value Ag	\$0	\$0
Tax District: 01-COUNTY-TX DIST 1	Just/Market Value	\$236,107	\$244,949
Exemptions:	Portability Adj	\$0	\$0
Dor: 12-COMM AND RES MIXED	Save Our Homes Adj	\$0	\$0
	Assessed Value (SOH)	\$236,107	\$244,949
	Tax Estimator		

2009 TAXABLE VALUE WORKING ESTIMATE			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$236,107	\$0	\$236,107
Schools	\$236,107	\$0	\$236,107
Fire	\$236,107	\$0	\$236,107
Road District	\$236,107	\$0	\$236,107
SJWM(Saint Johns Water Management)	\$236,107	\$0	\$236,107
County Bonds	\$236,107	\$0	\$236,107

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

SALES						2008 VALUE SUMMARY		
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified		
WARRANTY DEED	06/2006	06670	1691	\$124,900	Improved	No	2008 Tax Bill Amount: \$3,689 2008 Certified Taxable Value and Taxes DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	
WARRANTY DEED	08/1999	03713	0323	\$250,000	Improved	No		
WARRANTY DEED	01/1972	00915	0458	\$16,000	Improved	Yes		
Find Sales within this DOR Code								

LAND						LEGAL DESCRIPTION
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	
SQUARE FEET	0	0	18,183	9.00	\$163,647	LEG SEC 24 TWP 21S RGE 29E BEG 400 FT N OF SW COR OF SE 1/4 OF SE 1/4 RUN S 89 DEG 54 MIN E 208.5 FT N 87.5 FT N 89 DEG 54 MIN W 209.15 FT S 87.5 FT TO BEG (LESS RD)

BUILDING INFORMATION									
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New	
Permits									
BUILDING INFORMATION									
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
Building Sketch	1	SINGLE FAMILY	1956	4	768	1,286	1,286 CONC BLOCK	\$72,460	\$109,374
	Appendage / Sqft		BASE / 336						
	Appendage / Sqft		BASE / 180						

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

Permits

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>PARCEL DETAIL</p> <p>DAVID JOHNSON, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1408 407-688-7805</p>																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 24-21-29-300-0450-0000 Owner: 100 EAST FAITH LLC Mailing Address: 100 E FAITH TER City,State,ZipCode: MAITLAND FL 32751 Property Address: 101 OAKWOOD DR LAKE MARY 32751 Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 12-COMM AND RES MIXED</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$94,889</td> <td style="text-align: right;">\$105,912</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$187,200</td> <td style="text-align: right;">\$187,200</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: right;">\$282,089</td> <td style="text-align: right;">\$293,112</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: right;">\$282,089</td> <td style="text-align: right;">\$293,112</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$94,889	\$105,912	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$187,200	\$187,200	Land Value Ag	\$0	\$0	Just/Market Value	\$282,089	\$293,112	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$282,089	\$293,112
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2009 TAXABLE VALUE WORKING ESTIMATE																																			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value																																
County General Fund	\$282,089	\$0	\$282,089																																
Schools	\$282,089	\$0	\$282,089																																
Fire	\$282,089	\$0	\$282,089																																
Road District	\$282,089	\$0	\$282,089																																
SJWM(Saint Johns Water Management)	\$282,089	\$0	\$282,089																																
County Bonds	\$282,089	\$0	\$282,089																																
The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.																																			
SALES		2008 VALUE SUMMARY																																	
Deed	Date	Book Page	Amount Vac/Imp																																
WARRANTY DEED	06/2006	06670 1691	\$124,900 Improved No																																
WARRANTY DEED	08/1999	03713 0323	\$250,000 Improved No																																
Find Sales within this DOR Code																																			
2008 VALUE SUMMARY		LEGAL DESCRIPTION																																	
2008 Tax Bill Amount:		LEG SEC 24 TWP 21S RGE 29E W 208.48 FT OF N 100 FT																																	
\$4,414		OF S 400 FT OF SE 1/4 OF SE																																	
2008 Certified Taxable Value and Taxes		1/4 E OF RD																																	
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																			
LAND																																			
Land Assess Method	Frontage	Depth	Land Units																																
SQUARE FEET	0	0	20,800																																
Unit Price	Land Value																																		
9.00	\$187,200																																		
BUILDING INFORMATION																																			
Bid Num	Bid Class	Year Blt	Fixtures																																
Gross SF	Stories	Ext Wall	Bid Value																																
Est. Cost New																																			
BUILDING INFORMATION																																			
Bid Num	Bid Type	Year Blt	Fixtures																																
Base SF	Gross SF	Living SF	Ext Wall																																
Bid Value	Est. Cost New																																		
1	SINGLE FAMILY	1960	6																																
1,240	1,985	1,240	CONC BLOCK																																
\$94,889	\$133,647																																		
Appendage / Sqft	OPEN PORCH FINISHED / 125																																		
Appendage / Sqft	GARAGE FINISHED / 440																																		
Appendage / Sqft	UTILITY UNFINISHED / 180																																		
NOTE: Appendage 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.																																			

**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: **100 EAST FAITH LLC**

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

(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**

1. 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
100 EAST FAITH LLC	32746	
TIMOTHY DAVID	362 Woldunn Circle, Lake Mary	50
HOLLY DAVID	362 Woldunn Circle, Lake Mary	50
	32746	

(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 rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

7/8/09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 8th day of July, 2009 by Timothy David

[Signature]
Signature of Notary Public



Print, Type of State, Name 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, Timothy H. David, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) 3 PARCELS:
24212951200000220 24212930004400000
24212930004500000

hereby affirm that Kathy Hattaway/HCI 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.

TIMOTHY DAVID
[Signature]
Owner's Signature

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 8th day of July, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Timothy David, 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 8th day of July, 2009
Seminole County, Florida

Notary Public in and for the County and State
Aforementioned
My Commission Expires: _____
ANTOINETTE BRAGA
Comm# DD0854286
Expires 1/25/2013
Florida Notary Assn., Inc

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 1: LEG LOT 22 NORTHWOOD HEIGHTS PB 10 PG 28 and

Lot 2: LEG SEC 24 TWP 21S RGE 29E BEG 400 FT N OF SW COR OF SE 1/4 OF SE 1/4 RUN S 89 DEG 54 MIN E 208.5 FT N 87.5 FT N 89 DEG 54 MIN W 209.15 FT S 87.5 FT TO BEG (LESS RD) and

Lot 3: LEG SEC 24 TWP 21S RGE 29E W 208.48 FT OF N 100 FT OF S 400 FT OF SE 1/4 OF SE 1/4 E OF RD

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

FINDINGS OF FACT

Property Owner: 100 East Faith Llc
100 East Faith Terrace
Maitland Fl 32751

Project Name: East Faith Ter (100)

Requested Variance:

A front yard setback variance from 25 feet to 7 feet for a proposed office building in OP (Office) district.

Approval was sought to construct a building within 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 August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 1: LEG LOT 22 NORTHWOOD HEIGHTS PB 10 PG 28 and

Lot 2: LEG SEC 24 TWP 21S RGE 29E BEG 400 FT N OF SW COR OF SE 1/4 OF SE 1/4 RUN S 89 DEG 54 MIN E 208.5 FT N 87.5 FT N 89 DEG 54 MIN W 209.15 FT S 87.5 FT TO BEG

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

FINDINGS OF FACT

Property Owner: 100 East Faith Llc
100 East Faith Terrace
Maitland Fl 32751

Project Name: East Faith Ter (100)

Variance Approval:

A front yard setback variance from 25 feet to 7 feet for a proposed office building in OP (Office) 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 southwest corner of the building 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:

