

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Baker Avenue (Lot 2) – William Partin, applicant; Request for 1) a lot size variance from 43,560 square feet to 14,144 square feet and 2) a front yard setback variance from 50 feet to 25 feet for a new single family residence in A-1 (Agriculture) 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 1) a lot size variance from 43,560 square feet to 14,144 square feet and 2) a front yard setback variance from 50 feet to 25 feet for a new single family residence in A-1 (Agriculture) district; or
2. **Approve** the request for 1) a lot size variance from 43,560 square feet to 14,144 square feet and 2) a front yard setback variance from 50 feet to 25 feet for a new single family residence in A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	William Partin Baker Avenue (Lot 2) A-1 (Agriculture) Twin Pines
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new single family home on a lot that is substandard for the A-1 zoning. The underlying Future Land Use is Low Density Residential (LDR) which allows for 4 dwelling units per acre. • The general pattern of the Twin Pine neighborhood is ¼ acre to ½ acre lots. • They also are requesting a variance from 50 feet to 25 feet for the front yard setback. 	

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

	<ul style="list-style-type: none">• Of the eleven lots in this subdivision, five of the lots received variances for lot area, four homes were constructed prior to 1960. This is the last vacant lot to be developed.• 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 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 # PL 2009-77
Meeting Date 8-24-09

COPY

VARIANCE APPLICATION



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: WILLIAM PARTIN
Address: 440 BAKER AVE City: Altamonte Springs Zip code: 32714
Project Address: Lot 2 BAKER AVE City: Altamonte Springs Zip code: 32714
Tax Parcel number: 17-21-29-515-0000-0020
Contact number(s): (407) 948-3893 cell
Email address: _____

Is the property available for inspection without an appointment?

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

RECEIVED JUL 16 2009

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:
<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>43,510</u>	Actual lot size: <u>14,144</u>
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50 ft</u>	Proposed setback: <u>25 ft.</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:

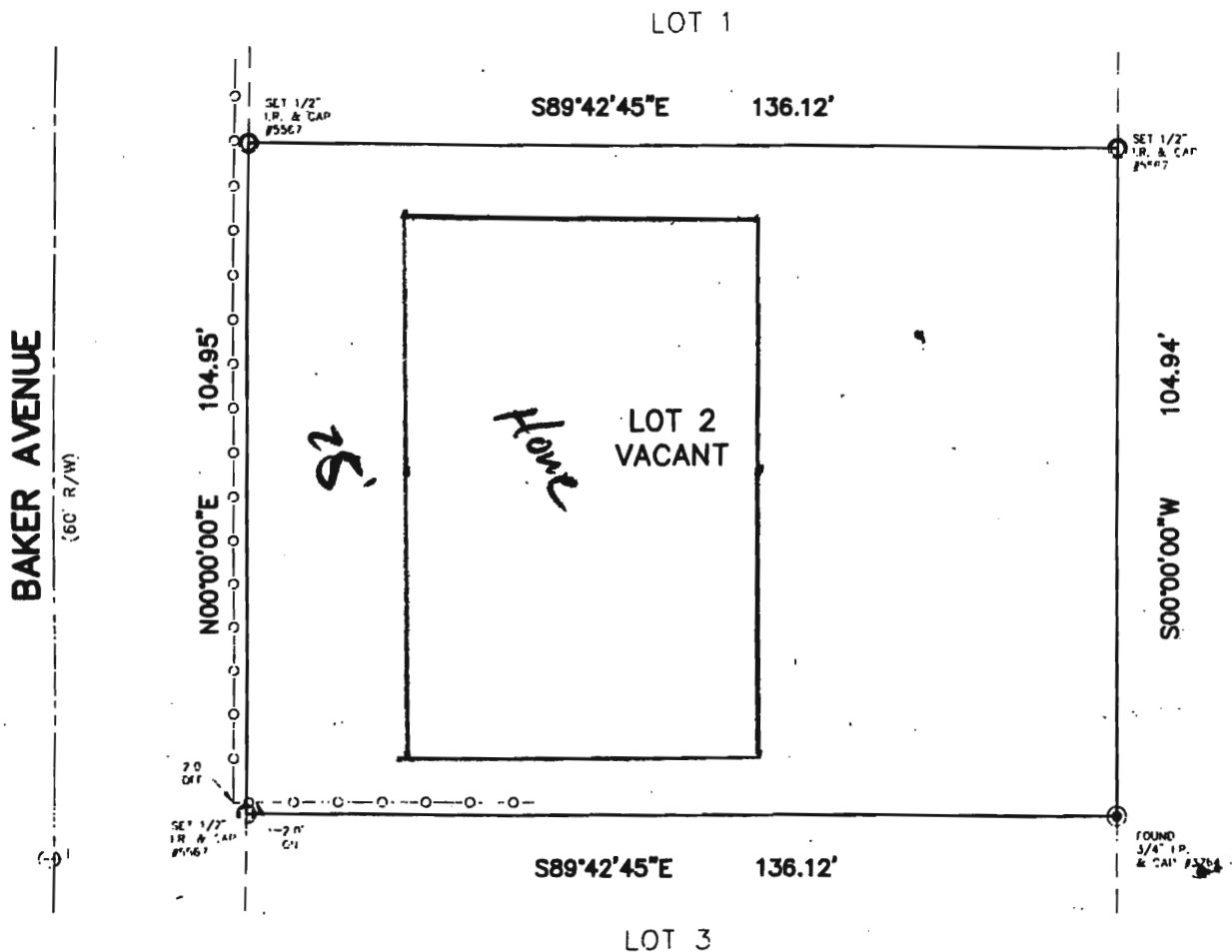
Total number of variances requested 2

Signed: W. Partin

Date: 7-16-09

BOUNDARY SURVEY

PROPERTY DESCRIPTION (AS PROVIDED BY CLIENT): LOT 2, TWIN PINES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11 PAGE(S) 58 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



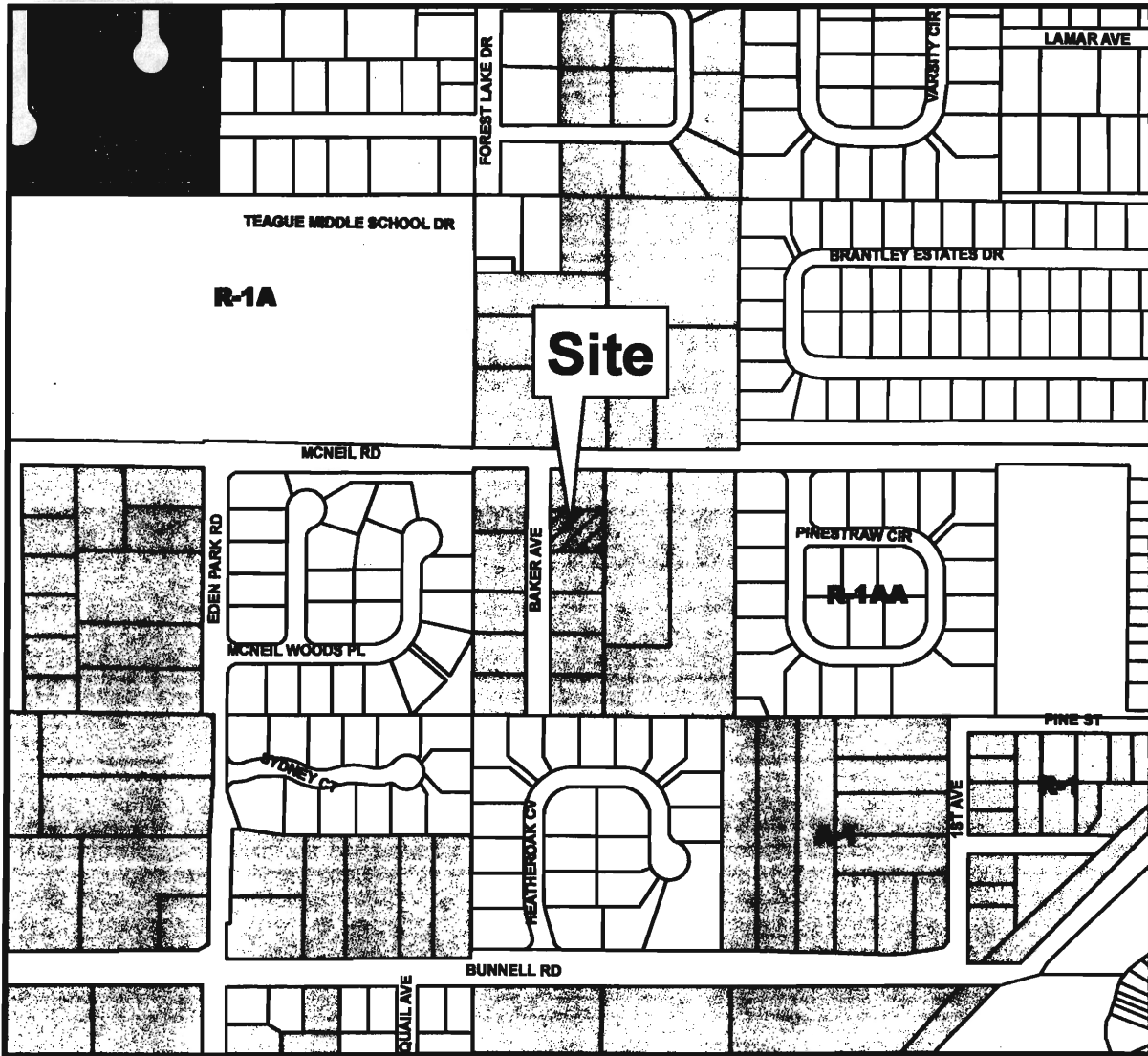
Home: W - 84' 8"
D - 56' 8"

LEGEND:

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> = CONCRETE = SET 1/2" REBAR & CAP PSM # 5567 = FOUND PROPERTY CORNER = FOUND 4" X 4" CONCRETE MONUMENT / ---- = WELL = GAS METER = FIRE HYDRANT = CHUTE/PINE = BUILDING SETBACK LINE = BARBED WIRE FENCE = WOOD FENCE = CHAIN LINK FENCE = OVERHEAD UTILITY LINES | <ul style="list-style-type: none"> NR = NOT RADIAL RAD = RADIAL R = RADIUS Δ = CENTRAL ANGLE L = ARC LENGTH CH BPG = CHORD BEARING LS = LAND SURVEYOR LB = LAND SURVEYING BUSINESS M = MEASURED P = PLAT PPM = PERMANENT REFERENCE MONUMENT PC = POINT OF CURVATURE POB = POINT OF BEGINNING PT = POINT OF TANGENT U.E. = UTILITY EASEMENT D.L. = DRAINAGE CASEMENT | <ul style="list-style-type: none"> U.R. = UTILITY ROOM CONC. = CONCRETE C.B. = CONCRETE BLOCK W.F. = WOOD FRAME COV. = COVERED ENT. = ENTRANCE WM = WATER METER WPP = WOOD POWER POLE CPP = COIC POWER POLE A/C = AIR CONDITIONER R/W = RIGHT OF WAY I.R. = IRON ROD I.P. = IRON PIPE C.M. = CONCRETE MONUMENT FF ELEV = FINISHED FLOOR ELEVATION D.U.E. = DRAINAGE & UTILITY EASEMENT |
|---|---|--|





SCALE:
1" = 30 FEET

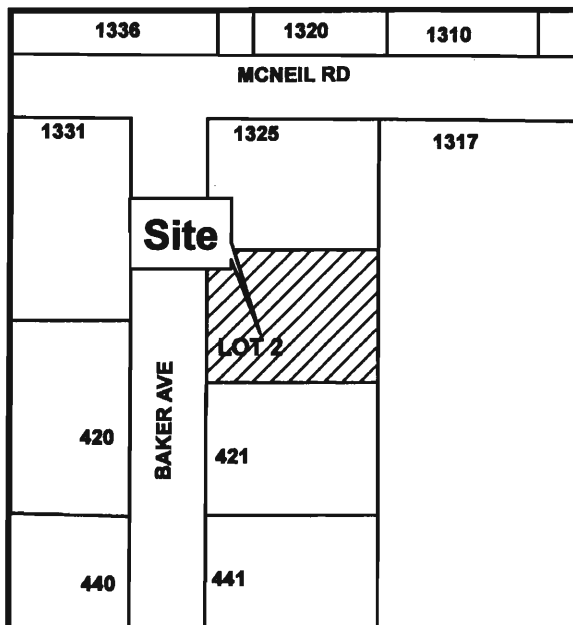
William Partin
 Baker Avenue (Lot 2) Vacant
 Altamonte Springs, FL 32714



Seminole County Board of Adjustment
 August 24, 2009
 Case: BV2009-77 (Map 3207 Grid C1)
 Parcel No: 17-21-29-515-0000-0020

Zoning

-  BV2009-77
-  A-1
-  R-1AA
-  R-1A
-  R-1
-  R-2



<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 32771-1408 407-688-7808</p>																																			
<p>GENERAL</p> <p>Parcel Id: 17-21-29-515-0000-0020</p> <p>Owner: GOSNEY SCOTT W & HOLLY H &</p> <p>Own/Addr: PARTIN WILLIAM W & REGINA</p> <p>Mailing Address: 1322 PALM DR</p> <p>City,State,ZipCode: APOPKA FL 32703</p> <p>Property Address:</p> <p>Subdivision Name: TWIN PINES SUBD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">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;">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;">\$56,250</td> <td style="text-align: center;">\$87,500</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;">\$56,250</td> <td style="text-align: center;">\$87,500</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;">\$56,250</td> <td style="text-align: center;">\$87,500</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	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$56,250	\$87,500	Land Value Ag	\$0	\$0	Just/Market Value	\$56,250	\$87,500	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$56,250	\$87,500
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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

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
William W Partin	440 Baker Avenue	407-948-3593
Regina Partin	440 Baker Avenue	407-948-3590
Scott Gosney	1322 Palm Drive Apopka	407-4107071

Holly Gosney " (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.

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.

7-16-09
Date

William Partin
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 16th day of July, 2009 by William Partin

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification _____
Type of Identification Produced FLA. Driver License

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

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:

LEG LOT 2 TWIN PINES SUBD PB 11 PG 58

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

FINDINGS OF FACT

Property Owner: Scott W & Holly H Gosney & William W & Regina Partin
1322 Palm Dr
Apopka Fl 32703

Project Name: Baker Avenue (Lot 2)

Requested Variance:

A lot size variance from 43,560 square feet to 14,144 square feet and a front yard setback variance from 50 feet to 25 feet for a new single family residence in A-1 (Agriculture) district.

Approval was sought to construct a new single family home on a substandard for lot are parcel and that would encroach into the required 50-foot 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:

LEG LOT 2 TWIN PINES SUBD PB 11 PG 58

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

FINDINGS OF FACT

Property Owner: Scott W & Holly H Gosney & William W & Regina Partin
1322 Palm Dr
Apopka FL 32703

Project Name: Baker Avenue (Lot 2)

Variance Approval:

A lot size variance from 43,560 square feet to 14,144 square feet and a front yard setback variance from 50 feet to 25 feet for a new single family residence 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: 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:

