

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

SUBJECT: 2461 Dolarway – Phyllis Taylor, applicant; Request for 1) a side yard (north) setback variance from 7.5 feet to 4 feet and 2) a side yard (south) setback variance from 7.5 feet to 4 feet for an existing single family residence in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 10/7/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for 1) a side yard (north) setback variance from 7.5 feet to 4 feet and 2) a side yard (south) setback variance from 7.5 feet to 4 feet for an existing single family residence in R-1 (Single Family Dwelling) district; or
2. **Deny** the request for 1) a side yard (north) setback variance from 7.5 feet to 4 feet and 2) a side yard (south) setback variance from 7.5 feet to 4 feet for an existing single family residence in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Phyllis Taylor Location: 2461 Dolarway Zoning: R-1 (Single Family Dwelling) Subdivision: J O Packards 1st Add to Midway</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant proposes to renovate an existing home that encroaches 3.5 feet on both the north and south side yards. • The single family residence was built in 1935, prior to the subdivision regulations. The renovation will not cause the home to encroach any further into the setbacks. • The lot, which was platted in 1917, is located in the Midway Community which has been designated as a

Reviewed by: KFT
Co Atty: AS
Pln Mgr: AS

	<p>Community Development Target area by Seminole County.</p> <ul style="list-style-type: none">• In February of 2009, the applicant received a notice of code violation for the un-permitted construction of the renovation.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• Special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. <i>Special conditions exist because the lot was platted in 1917 prior to the adoption of the Land Development Code in 1960. When the Land Development Code was adopted the subject lot became nonconforming.</i>• Special conditions and circumstances did not result from the actions of the applicant. <i>The creation of the nonconforming lot was not the result from any action taken by the applicant.</i>• The granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. <i>The lot was created before the adoption subdivision regulations.</i>• The literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. <i>Without the requested variances the lot could not be developed with a single family home which would deny the applicant rights that are enjoyed by other properties in the area.</i>• The variances requested are the minimum variances that will make possible reasonable use of the land, building or structure. <i>Reasonable use has been established by the development of vacant land in the surrounding area with single family homes. Without the requested variances the applicant could not renovate the single family home.</i>

	<ul style="list-style-type: none">• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would be in harmony with the general intent of Chapter 30. <p><i>The requested variances would be in harmony with the character of the surrounding area in allowing the use of a single family home.</i></p>
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request. 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 north and south side yards for the 1,000 square foot 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 # BU 2009-103
Meeting Date 12-7-09



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: Phyllis E. Taylor
Address: 4721 Andover Square City: Indianapolis Zip code: 46226
Project Address: 2461 Dolarway City: Sanford Zip code: 32771
Tax Parcel number: 33-19-31-507-0000-2070
Contact number(s): 317-427-3276 or 317-490-3428 Mr BROWN
Email address: phyllis.taylor1@usarmy.mil

Is the property available for inspection without an appointment?

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

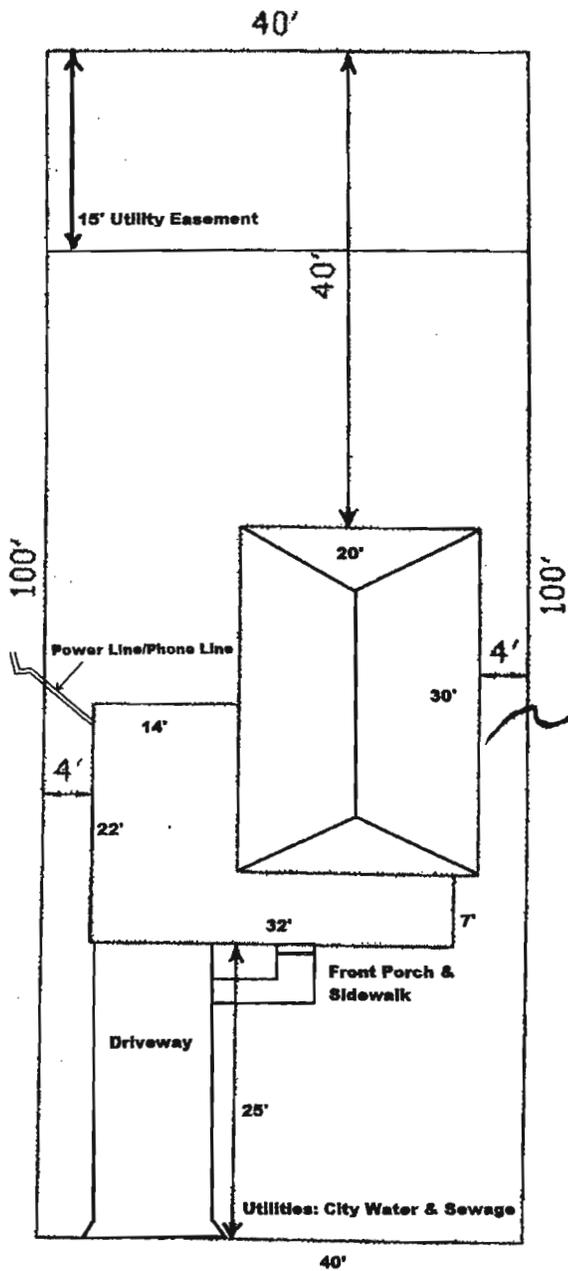
What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe: RECEIVED OCT 09 2009
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe: RECEIVED OCT 09 2009
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe: RECEIVED OCT 09 2009
<input type="checkbox"/> Other	Please describe: <u>existing Addition</u>
Requests for structures that have 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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5'</u>	Proposed setback:	<u>4.0'</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input checked="" type="checkbox"/> <u>Side</u> yard setback	Required setback:	<u>7.5'</u>	Proposed setback:	<u>4.0'</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Total number of variances requested <u>2</u>				

Signed: Phyllis E Taylor

Date: Oct 6 2009

Parcel ID# 33-19-31-507-0000-2070
Legal Description: Leg Lot 207 JO
Packards 1st Add to Midway PB 2 Pg 104

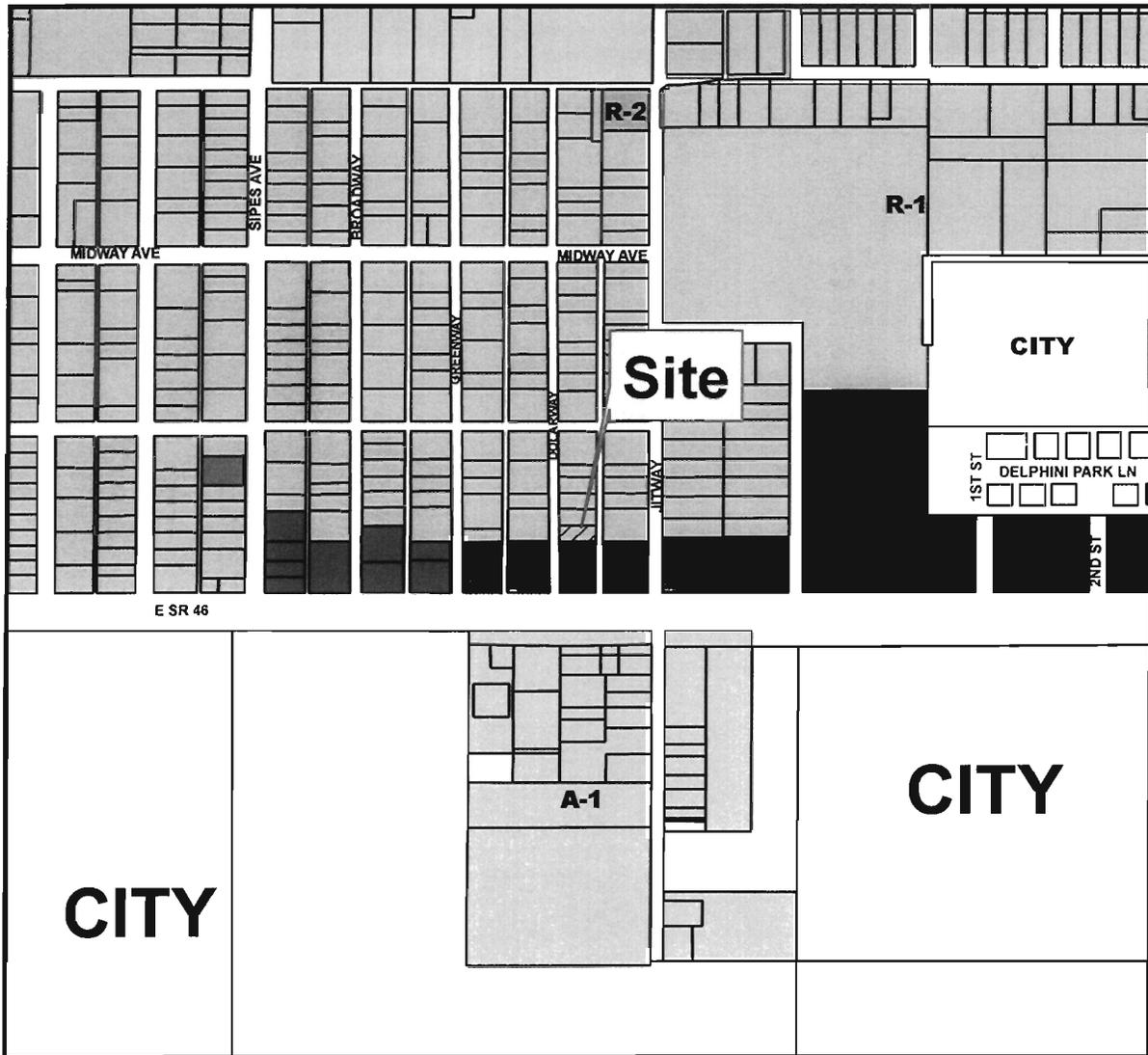


One Story House
928 ft²
(Existing)



Dolarway Street
2461 DOLARWAY
Scale 1" = 15'

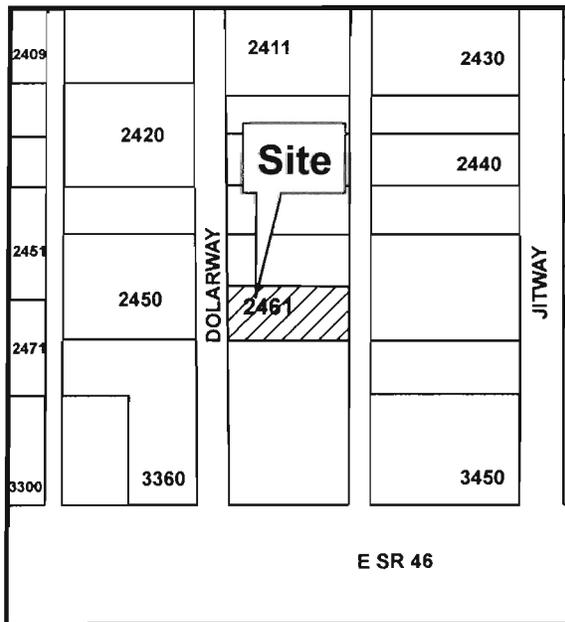
Phyllis Taylor
 2461 Dolarway
 Sanford, FL 32771



Seminole County Board of Adjustment
 December 7, 2009
 Case: BV2009-103 (Map 3054 Grid C4)
 Parcel No: 33-19-31-507-0000-2070

Zoning

	BV2009-103		R-3
	A-1		C-1
	R-1		C-2
	R-2		C-3

PARCEL DETAIL DAVID JOHNSON, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1408 407-855-7506	104	204	214	PUBLIC
	105	205	215	
	106	206	216	
	107	207	217	
	108	208	218	
	109	209	219	
	200	210	220	

GENERAL

Parcel Id: 33-19-31-507-0000-2070
 Owner: WILLIAMS BETTY J HEIRS &
 Own/Addr: TAYLOR PHYLLIS E ET AL
 Mailing Address: 2461 DOLARWAY ST
 City,State,ZipCode: SANFORD FL 32771
 Property Address: 2461 DOLARWAY SANFORD 32771
 Subdivision Name: PACKARDS 1ST ADD TO MIDWAY
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 0112-RESD STRUCTURE W/COM

VALUE SUMMARY		
VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$14,118	\$18,006
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$11,000	\$11,000
Land Value Ag	\$0	\$0
Just/Market Value	\$25,118	\$27,006
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$14,702
Assessed Value (SOH)	\$25,118	\$12,304
Tax Estimator		

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$25,118	\$0	\$25,118
Schools	\$25,118	\$0	\$25,118
Fire	\$25,118	\$0	\$25,118
Road District	\$25,118	\$0	\$25,118
SJWM(Saint Johns Water Management)	\$25,118	\$0	\$25,118
County Bonds	\$25,118	\$0	\$25,118

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	11/2008	07089	1774	\$100	Improved	No

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH): \$407
 2008 Tax Bill Amount: \$0
 Save Our Homes (SOH) Savings: \$407
 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
SQUARE FEET	0	0	4,000	2.75	\$11,000

LEGAL DESCRIPTION

PLATS: Pick...
 LEG LOT 207 J O PACKARDS 1ST ADD TO MIDWAY
 PB 2 PG 104

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	1935	3	580	928	874	SIDING AVG	\$14,118	\$35,296
Appendage / Sqft		ENCLOSED PORCH FINISHED / 240							
Appendage / Sqft		OPEN PORCH UNFINISHED / 54							
Appendage / Sqft		BASE / 54							

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 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
Phyllis E. Taylor	4721 Ardmore Sq, Indy, IN 46226	317-427-3276
Heirs, Betty S. Williams	Not Available	N/A

(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.

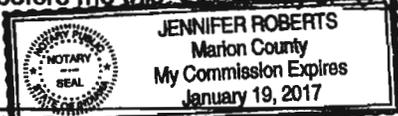
Oct 6 2009
Date

Phyllis E. Taylor
Owner, Agent, Applicant Signature

STATE OF ~~FLORIDA~~ Indiana
COUNTY OF ~~SEMINOLE~~ Marion

Sworn to (or affirmed) and subscribed before me this 6th day of October, 2009 by Phyllis E Taylor

Jennifer Roberts
Signature of Notary Public



Print Name of Notary Public

Personally Known _____ OR Produced Identification

Type of Identification Produced DEAS ID DSD

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 207 J O PACKARDS 1ST ADD TO MIDWAY
PB 2 PG 104

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

FINDINGS OF FACT

Property Owner: Betty J. Williams Heirs & Phyllis E. Taylor ET AL
2461 Dolarway
Sanford, FL 32771

Project Name: Dolarway (2461)

Variance Approval:

For 1) a side yard (north) setback variance from 7.5 feet to 4 feet and 2) a side yard (south) setback variance from 7.5 feet to 4 feet for an existing single family residence 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: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the north and south side yards for the 1,000 square foot 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)

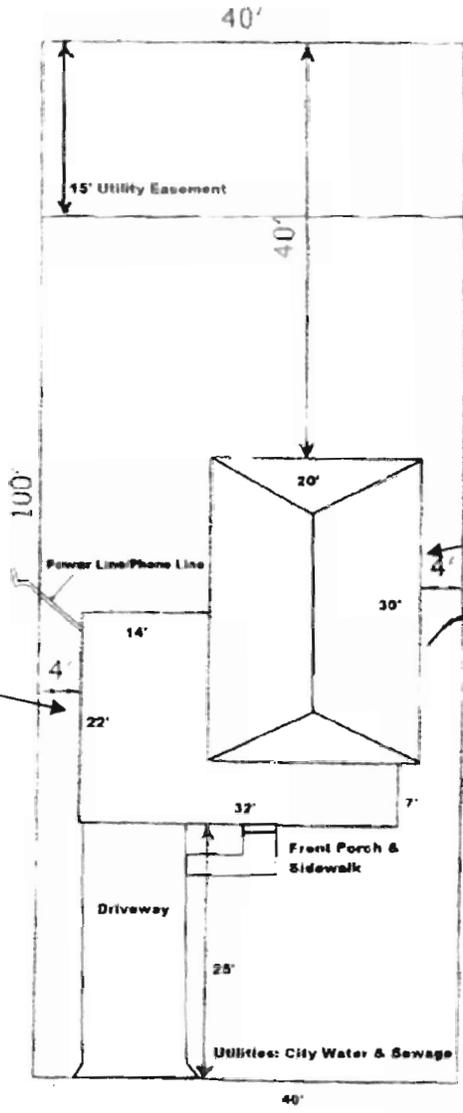
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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:

Parcel ID# 33-19-31-507-0000-2070
Legal Description: Leg Lot 207 JO
Packards 1st Add to Midway PB 2 Pg 104



Existing home 4 feet from both north and south side yard property lines.

Existing home 4 feet from both north and south side yard property lines.

One Story House
928 ft²
(Existing)

Dolarway Street
2461 DOLARWAY
Scale 1" = 15'

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 207 J O PACKARDS 1ST ADD TO MIDWAY
PB 2 PG 104

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

FINDINGS OF FACT

Property Owner: Betty J. Williams Heirs & Phyllis E. Taylor ET AL
2461 Dolarway
Sanford, FL 32771

Project Name: Dolarway (2461)

Requested Variance:

For 1) a side yard (north) setback variance from 7.5 feet to 4 feet and 2) a side yard (south) setback variance from 7.5 feet to 4 feet for an existing single family residence in R-1 (Single Family Dwelling) district.

Approval was sought to bring into compliance an existing home. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

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

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

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: