

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 625 East Highland Street – Pattie Brown, applicant; Request for 1) a side yard (north) setback variance from 10 feet to 7 feet and 2) a side street (east) setback variance from 25 feet to 7 feet for a proposed shed (Shed 1); and 3) a side street (east) setback variance from 25 feet to 15 feet for a proposed shed (Shed 2) in R-1AA (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7389

Agenda Date 1/25/10 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a side yard (north) setback variance from 10 feet to 7 feet and 2) a side street (east) setback variance from 25 feet to 7 feet for a proposed shed (Shed 1); and 3) a side street (east) setback variance from 25 feet to 15 feet for a proposed shed (Shed 2) in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for 1) a side yard (north) setback variance from 10 feet to 7 feet and 2) a side street (east) setback variance from 25 feet to 7 feet for a proposed shed (Shed 1); and 3) a side street (east) setback variance from 25 feet to 15 feet for a proposed shed (Shed 2) in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Pattie Brown Location: 625 Highland Street Zoning: R-1AA (Single Family Dwelling) Subdivision: Sanlando
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to place two sheds on the property. Shed 1 will encroach 3 feet into the 10-foot required side yard setback and 18 feet into the required 25-foot side street setback. Shed 2 will encroach 10 feet into the required 25-foot side street setback.

Reviewed by: _____
Co Atty: auc
Pln Mgr: KB

	<ul style="list-style-type: none">• The side street is an uncut platted right-of-way.• 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 Shed 1 and Shed 2 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



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: Pattie Brown
Address: 625 E. Highland St. City: Altamonte Springs Zip code: 32701
Project Address: as above City: _____ Zip code: _____
Tax Parcel number: Lot 15 (less W. of 40.38 ft) + all of lot 16, Block 48 Sawland/
Contact number(s): ~~904-222-1000~~ (11-21-29-580-4800-015)
Email address: _____

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 checked="" type="checkbox"/> Shed	Please describe: <u>2 10' x 20' sheds (permit # 09-8929)</u>
<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 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 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 checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	<u>7'</u>
<input checked="" type="checkbox"/> Side street setback	Required setback:	Proposed setback:	<u>7'</u>
<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 St</u> yard setback	Required setback:	<u>25'</u>	Proposed setback:	<u>15'</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	

Total number of variances requested _____

Signed: Pattie Brown

Date: Dec. 1, 2009

FOR OFFICE USE ONLY

Date Submitted: 12-1-09 Reviewed By: J. Gibbons
 Zoning/FLU RIAP / 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.

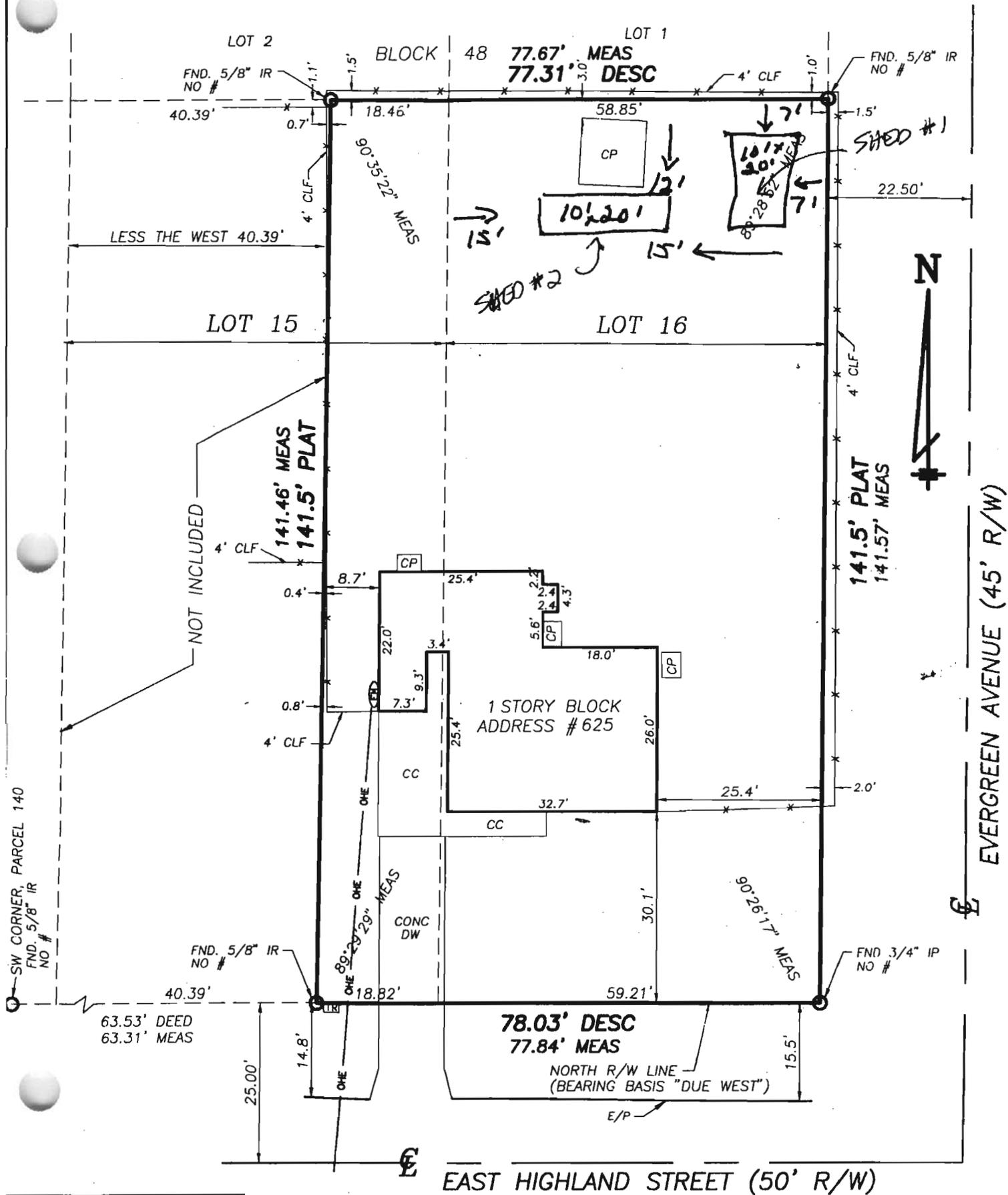
After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	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 ½ 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.

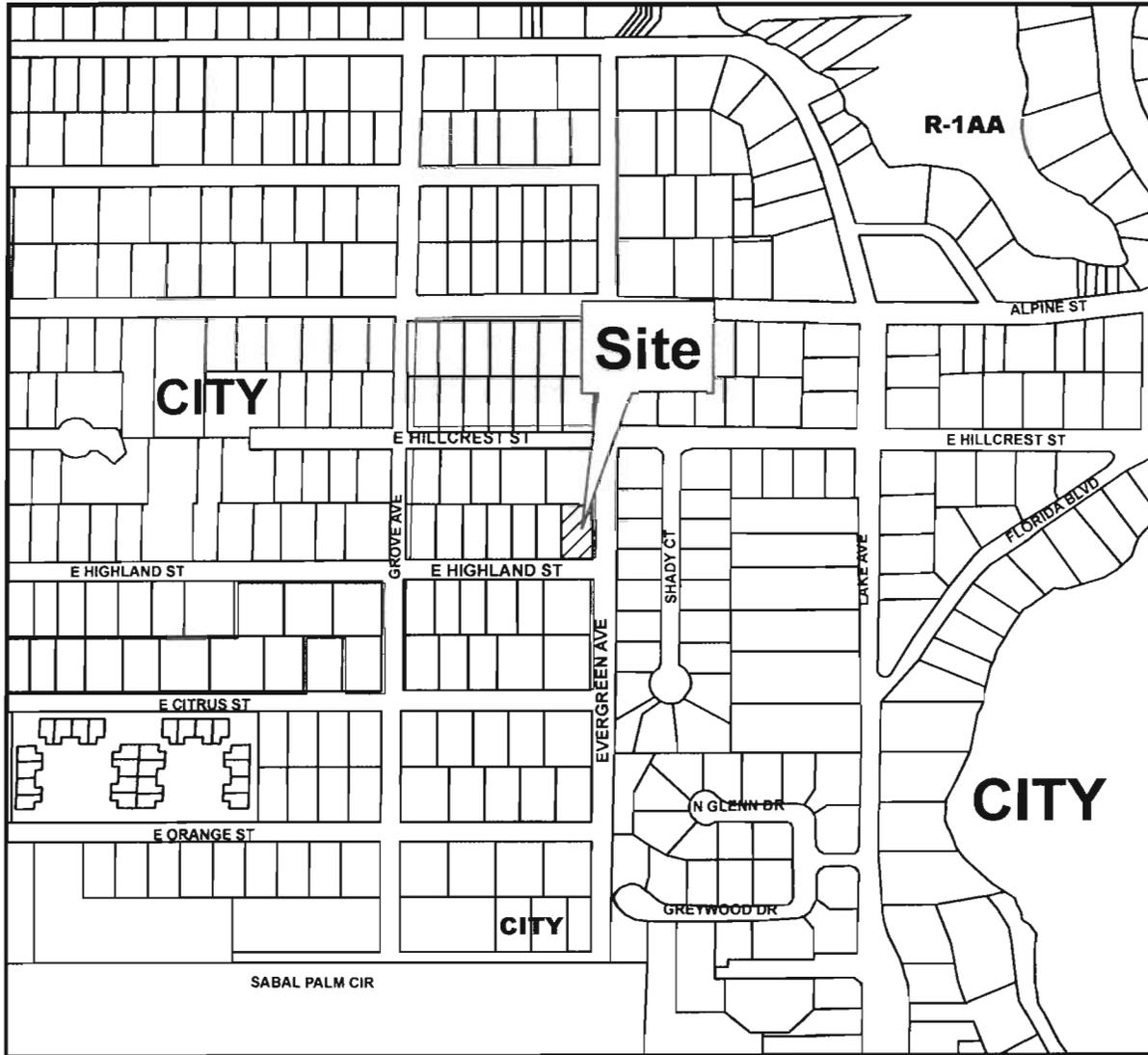
PLAT OF SURVEY

DESCRIPTION

LOT 15 (LESS THE WEST 40.39 FEET) AND ALL OF LOT 16, BLOCK 48, SANLANDO THE SUBURB BEAUTIFUL PALM SPRINGS SECTION AS RECORDED IN PLAT BOOK 3, PAGE 65 1/2, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



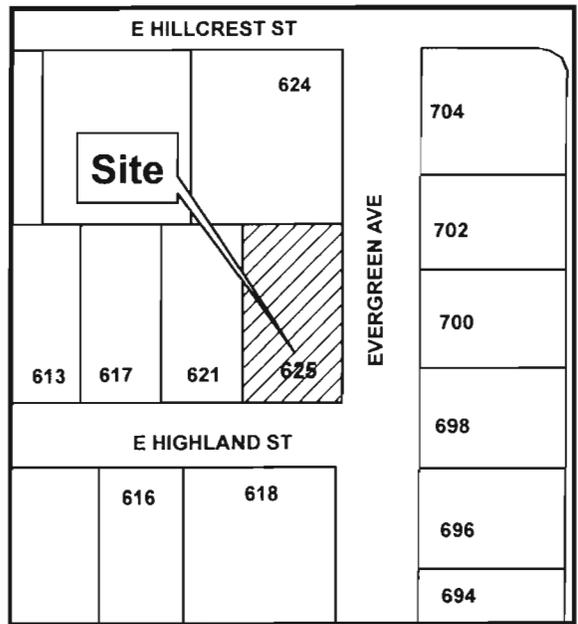
Pattie Brown
 625 East Highland Street
 Altamonte Springs, FL 32701



Seminole County Board of Adjustment
 January 25, 2010
 Case: BV2009-115 (Map 3156 Grid A5)
 Parcel No: 12-21-29-5BD-4800-0150

Zoning

-  BV2009-115
-  R-1AA

<p>PARCEL DETAIL</p> <p>DAVID JOSEPHSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1400 407-666-7500</p>																																			
<p align="center">GENERAL</p> <p>Parcel Id: 12-21-29-5BD-4800-0150 Owner: BROWN PATTIE PER REP Own/Addr: ESTATE OF MARJORIE WEST Mailing Address: 400 PINE WAY City,State,ZipCode: SANFORD FL 32773 Property Address: 625 HIGHLAND ST E ALTAMONTE SPRINGS 32701 Subdivision Name: SANLANDO Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 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 align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$41,592</td> <td align="right">\$45,762</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$480</td> <td align="right">\$480</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$27,300</td> <td align="right">\$27,300</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$69,372</td> <td align="right">\$73,542</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$69,372</td> <td align="right">\$73,542</td> </tr> </tbody> </table> <p align="right">Tax Estimator</p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$41,592	\$45,762	Depreciated EXFT Value	\$480	\$480	Land Value (Market)	\$27,300	\$27,300	Land Value Ag	\$0	\$0	Just/Market Value	\$69,372	\$73,542	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$69,372	\$73,542
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2010 TAXABLE VALUE WORKING ESTIMATE																																			
Taxing Authority		Assessment Value	Exempt Values	Taxable Value																															
County General Fund		\$69,372	\$0	\$69,372																															
Schools		\$69,372	\$0	\$69,372																															
Fire		\$69,372	\$0	\$69,372																															
Road District		\$69,372	\$0	\$69,372																															
SJWM(Saint Johns Water Management)		\$69,372	\$0	\$69,372																															
County Bonds		\$69,372	\$0	\$69,372																															
<p align="center">The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.</p>																																			
SALES			2009 VALUE SUMMARY																																
Deed	Date	Book Page	Amount	Vac/Imp	Qualified	2009 Tax Bill Amount:		\$1,149																											
PROBATE RECORDS	04/2008	06987	0257	\$100	Improved	No	2009 Certified Taxable Value and Taxes																												
<p align="center"><u>Find Comparable Sales within this Subdivision</u></p>						<p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																													
LAND			LEGAL DESCRIPTION																																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	PLATS: Pick... LEG LOT 15 (LESS W 40.39 FT) + ALL LOT 16 BLK 48 SANLANDO PB 3 PG 65 1/2																													
FRONT FOOT & DEPTH	78	142	.000	350.00	\$27,300																														
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	1961	3	858	1,558	1,062	CONC BLOCK	\$41,592	\$58,580																										
Appendage / Sqft		UTILITY UNFINISHED / 132																																	
Appendage / Sqft		ENCLOSED PORCH FINISHED / 204																																	
Appendage / Sqft		CARPORT UNFINISHED / 220																																	
Appendage / Sqft		UTILITY UNFINISHED / 72																																	
Appendage / Sqft		OPEN PORCH FINISHED / 27																																	
Appendage / Sqft		OPEN PORCH UNFINISHED / 45																																	
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																																			
Permits																																			
EXTRA FEATURE																																			
Description	Year Blt	Units	EXFT Value	Est. Cost New																															
FIREPLACE	1961	1	\$480	\$1,200																															
<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
<i>Pattie Brown</i>	<i>1625 E. Highland Ave.</i>	<i>407 831-0471 (H)</i>
	<i>Altamonte Springs 32701</i>	<i>* 407 303-5383 (W)</i>

(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.

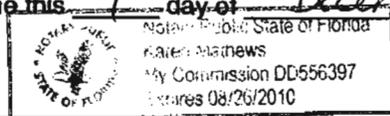
Dec. 1, 2009
Date

Pattie Brown
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 1 day of December, 2009 by _____

Karen Matthews
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification

Type of Identification Produced Florida Drivers License

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 15 (LESS W 40.39 FT) + ALL LOT 16 BLK 48 SANLANDO
PB 3 PG 65 1/2

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

FINDINGS OF FACT

Property Owner: Brown Pattie per Rep
Estate of Marjorie West
400 Pine Way
Sanford FL 32773

625 Highland St E
Altamonte Springs FL 32701

Project Name: East Highland St (625)

Requested Variance:

1) a side yard (north) setback variance from 10 feet to 7 feet and 2) a side street (east) setback variance from 25 feet to 7 feet for a proposed shed (Shed 1); and 3) a side street (east) setback variance from 25 feet to 15 feet for a proposed shed (Shed 2) in R-1AA (Single Family Dwelling) district.

Approval was sought to construct two sheds within the side yard setback and side street setbacks. 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 15 (LESS W 40.39 FT) + ALL LOT 16 BLK 48 SANLANDO
PB 3 PG 65 1/2

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

FINDINGS OF FACT

Property Owner: Brown Pattie per Rep
Estate of Marjorie West
400 Pine Way
Sanford FL 32773

625 Highland St E
Altamonte Springs FL 32701

Project Name: East Highland St (625)

Variance Approval:

1) a side yard (north) setback variance from 10 feet to 7 feet and 2) a side street (east) setback variance from 25 feet to 7 feet for a proposed shed (Shed 1); and 3) a side street (east) setback variance from 25 feet to 15 feet for a proposed shed (Shed 2) in R-1AA (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to Shed 1 and Shed 2 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

