

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Appeal of the Board of Adjustment decision to deny a width at the building line variance from 90 feet to 73.75 feet in the R-1AA (Single Family Dwelling District); (William Hasson, appellant).

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

**AUTHORIZED BY:** Dori L. DeBord **CONTACT:** Kathy Fall **EXT.** 7389

<b>Agenda Date</b> <u>2/13/07</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

1. **REVERSE** the Board of Adjustment decision to deny a width at the building line variance from 90 feet to 73.75 feet in the R-1AA (Single Family Dwelling District); (William Hasson, appellant) and authorize the Chairman to execute the Approval Development Order; or
2. **UPHOLD** the Board of Adjustment decision to deny a width at the building line variance from 90 feet to 73.75 feet in the R-1AA (Single Family Dwelling District); (William Hasson, appellant); or
3. **CONTINUE** the request to a time and date certain.

District 5 – Carey

Kathy Fall, Principal Planner

**BACKGROUND:**

At the December 4, 2006, regular meeting, the Board of Adjustment denied the applicant's variance request for a width at the building line from 90 feet to 73.75 feet in order to construct a single family home. The Board of Adjustment failed to find that a hardship existed and further determined that the granting of the variance would not be consistent with the character of the area and therefore would be inconsistent with the Comprehensive plan.

The Board of County Commissioners, under the Seminole County Land Development Code Part 3 Sec. 30.43 (e), can hear an appeal of a Board of Adjustment decision. The appeal shall be heard de novo.

**STAFF RECOMMENDATION:**

The request meets criteria for granting a variance as outlined in the Seminole County Land Development Code and the Vision 2020 Future Land Use Element Objective FLU 3 outlining criteria for the

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	
Other:	<u>[Signature]</u>
DCM:	
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp02</u>

reduction on non-conforming uses and antiquated plats. This objective states that the County shall reduce uses that are inconsistent with the community character or in infrastructure plans by reducing nonconforming uses or zonings.

Community character for this evaluation is defined by the development of the lots within the Loch Arbor Fairlane Section plat. This plat was recorded in 1955, making it an antiquated plat. Staff research indicates that there are 8 lots or 26% of the entire plat with similar lot dimensions which have been developed with single family homes over the course of time, representing over 1/4 of the Loch Arbor Fairlane plat. Since the existing home was constructed entirely on Lot 18 it is not inconsistent with other home sites in the Loch Arbor Fairlane plat, thereby meeting the intent of community character and consistency with the surrounding development patterns. Without the granting of the variance the applicant would be denied reasonable use of his property which has been established by other properties in the area which have the same lot size. This constitutes a hardship in denying the applicant rights that are commonly enjoyed by others in the same zoning classification.

Staff recommends the Board of County Commissioners reverse the decision of the Board of Adjustment to deny a width at the building line variance from 90 feet to 73.75 feet in the R-1AA (Single Family Dwelling District) based on staff findings.

#### **ATTACHMENTS**

Staff Report

Zoning Map

Site Plan

Fairlane Plat

Property Appraiser Information

Aerial

Appeal Letter

BOA Minutes from December 4, 2006 (BV2006-157)

Denial Development Order

Approval Development Order

## STAFF REPORT

### BACKGROUND / REQUEST

- The applicant is proposing to construct a single family home on a platted lot which does not meet the required 90 foot width at the building line.
- There are currently no code enforcement or building violations for this property.
- There is no record of prior variances for this property.

### STAFF FINDINGS

The applicant has satisfied the following criteria under the Seminole County Land Development Code for the grant of a variance. Staff has determined that :

Sec 30.43 (b)(3) Variances:

- a. 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; and

*Staff Finding: Special conditions exist because the lot was platted in 1955 prior to the adoption of the Land Development Code in 1960.*

- b. Special conditions and circumstances did not result from the actions of the applicant; and

*Staff Finding: The applicant owns lot 17 & 18 but these lots have been under separate legal descriptions. Therefore, when the existing single family home was constructed on the adjacent lot (lot 18) in 1956, lot 17 was under separate tax identification number.*

- c. 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; and

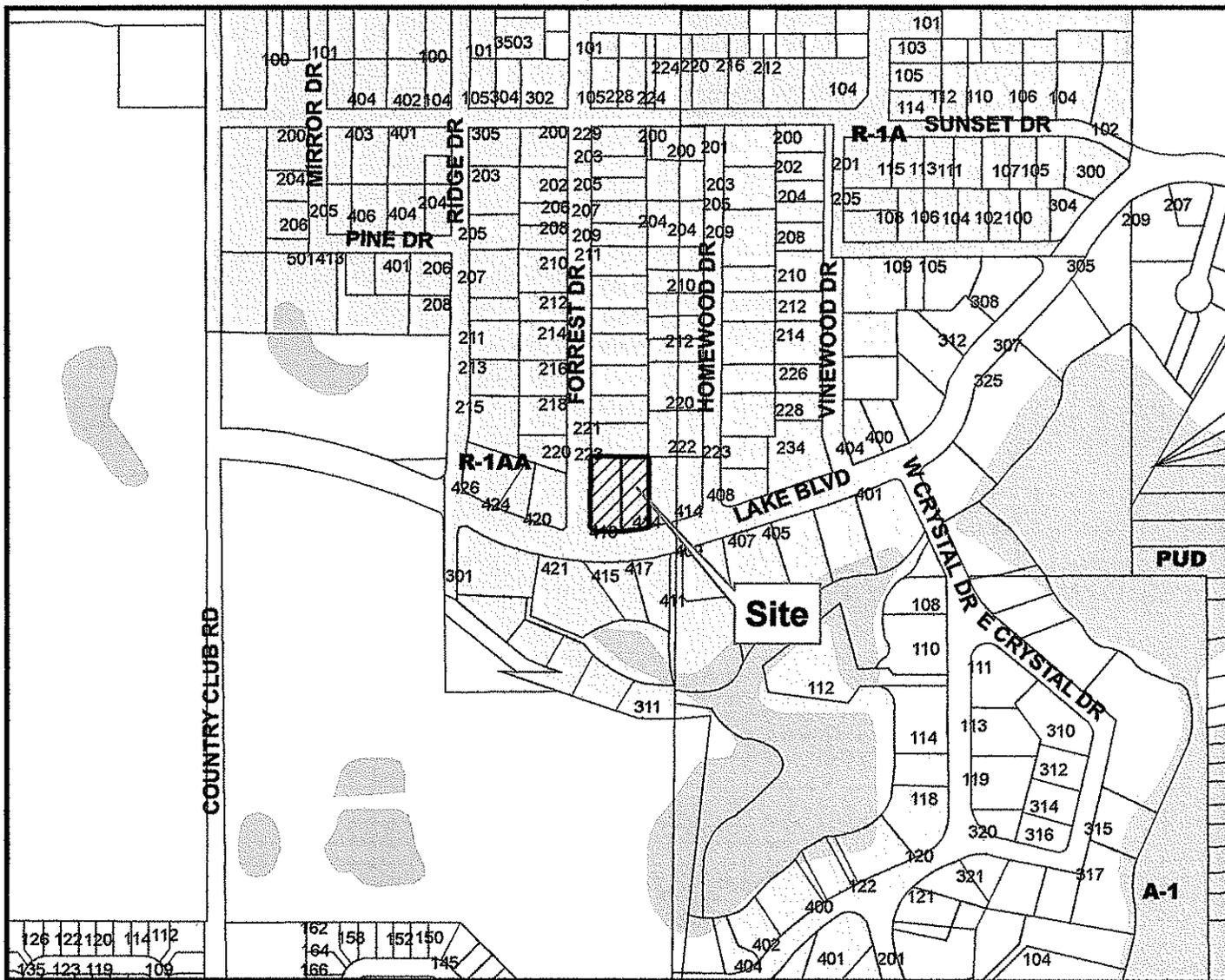
*Staff Finding: The majority of the platted lots in the surrounding area do not meet the 90 foot width at the building line requirement of zoning district.*

- d. 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; and

*Staff Finding: Other platted lots in the Loch Arbor Fairlane plat have been developed. These lots are smaller than the requested variance of 73.75 width at the building line. There are platted lots in which the homes were constructed on two lots. These homes are in the middle of the two platted*

	<p><i>lots unlike the applicant's property where the home is on the separate platted lot.</i></p> <p>e. The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure; and</p> <p><i>Staff Finding: The platted lot meets the minimum lot size requirement of the district and there are no yard setback variances requested in order to construct a single family home. Without the granting of the variance the applicant would be denied reasonable use of his property which has been established by other properties in the area which have the same lot size. Any setback variances that would be requested for this lot would not receive staff's recommendation.</i></p> <p>f. The applicant would not retain reasonable use of the land, building or structure without the granting of the variance;</p> <p><i>Staff Finding: The platted lot could not be developed unless there was a variance granted for the width at the building line.</i></p>
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**William Hasson  
 Lot 17, Loch Arbor Fairlane Sec, Lake Blvd  
 Sanford, FL 32773**

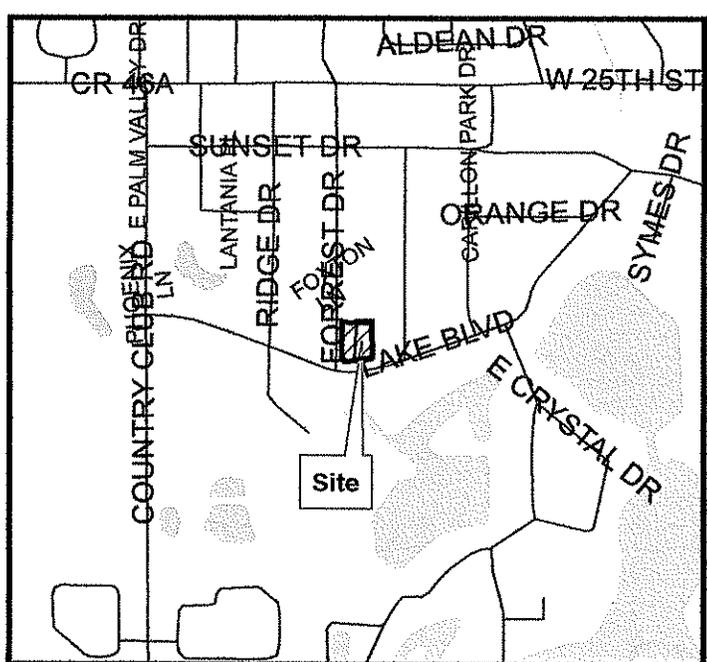


**Seminole County Board of Adjustment  
 October 30, 2006  
 Case: BV2006-157 (Map 3052, Grid C4)  
 Parcel No: 03-20-30-504-0000-0170**

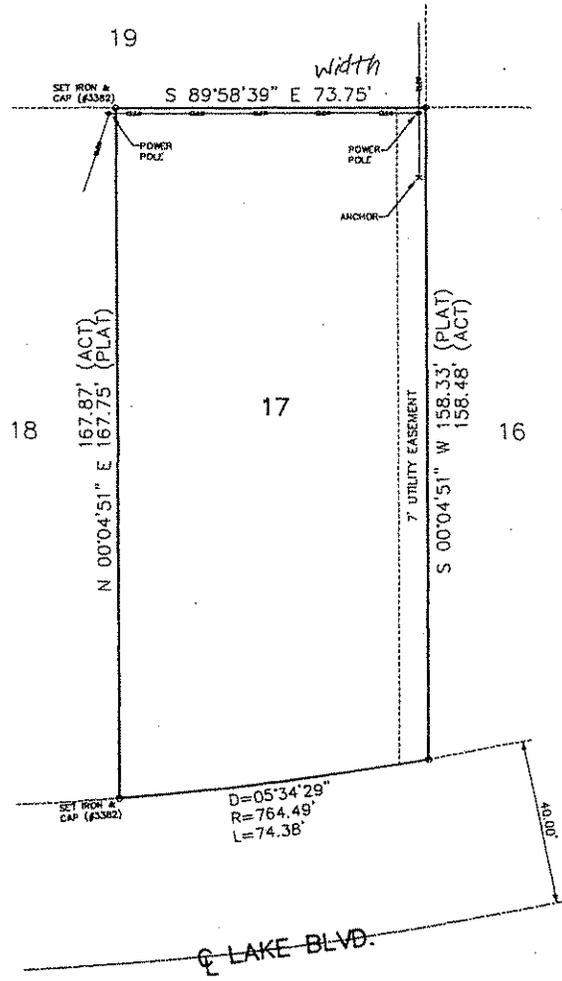
**Zoning**

-  BV2006-157
-  R-1AA
-  R-1A

  
 N



PLAT OF BOUNDARY SURVEY  
 for  
 WILLIAM HASSON  
 Legal Description  
 LOT 17, LOCH ARBOR FAIRLANE SECTION, according to the Plat thereof as recorded in Plat Book 9,  
 Page 100, of the Public Records of Seminole County, Florida.



SCALE AS NOTED

SCALE: 1"=30'

SURVEY NOTES:

- 1) The street address of the above-described property is LAKE BOULEVARD.
- 2) The above-described property lies in a Flood Zone X.

SURVEYOR'S CERTIFICATE

This is to certify that I have made a Survey of the above described property and that the plat hereon delineated is an accurate representation of the same. I further certify that this Survey meets the Minimum Technical Standards set forth by the Florida Board of Land Surveyors pursuant to Section 427.027 of the Florida Statutes.

REVISIONS:	 KIPNER SURVEYING, INC. R. BLAIR KITNER - P.L.S. NO. 3382 Post Office Box 823, Sanford, FL 32772-0823 (407) 322-2000	CERTIFIED CORRECT TO:
PROJECT NO: 06-404(B)	SURVEY DATE: 18 AUGUST 2006	

# LOCH ARBOR FAIRLINE SECTION

SEMINOLE COUNTY, FLA.

## DESCRIPTION

A replat of Lots 27 thru 33 of Loch Arbor, Crystal Lake Club Section, according to Plat thereof recorded in Plat Book , Pages & , of the Public Records of Seminole County, Florida; also Lots 2 thru 17, Block 9, Loch Arbor, Country Club Entrance Section, according to Plat thereof recorded in Plat Book , Pages & , of the Public Records of Seminole County, Florida.

## DEDICATION

Know all men by these presents that Charles E. Bloom and Helen F. Bloom, his wife; and Simon Gluck and Janice Gluck, his wife; as Owners have caused the land embraced in the annexed plat to be surveyed, laid out, and platted to be known as Loch Arbor, Fairline Section and the streets as shown are hereby dedicated to the use of the Public.

Signed and sealed in the presence of:

Charles E. Bloom  
Charles E. Bloom

R. W. Williams  
Witness

Joseph Mahoney  
Witness

Edna Rubin  
Witness

Helen F. Bloom  
Helen F. Bloom

Simon Gluck  
Simon Gluck

Janice Gluck  
Janice Gluck

## ACKNOWLEDGEMENT

State of New Jersey  
County of Cook

On this day personally appeared before me, an Officer duly authorized to administer oaths and take Acknowledgements, Helen F. Bloom, wife of Charles E. Bloom, Simon Gluck and Janice Gluck, his wife, to me well known to be the persons who executed the foregoing dedication and who Acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal in East Orange, New Jersey, this 19 day of April, 1955.

Edna Rubin  
Notary Public

My Commission Expires: June 5, 1956

## ACKNOWLEDGEMENT

State of Florida  
County of Seminole

On this day personally appeared before me, an Officer duly authorized to administer oaths and take Acknowledgements, Charles E. Bloom, to me well known to be a person who executed the foregoing dedication, and who acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Sanford, Florida, this 2nd day of May, 1955.

A. M. Cameron  
Notary Public

My commission expires: May 17, 1958

## SURVEYOR'S CERTIFICATE

This is to Certify that the Undersigned, being a registered land Surveyor, has surveyed, laid out, and platted the above described property, and the plat hereon attached is a true and correct representation of the same. Permanent reference monuments have been placed at all points marked thus: Survey completed 27 Apr 55.

A. C. Doudney  
A. C. Doudney, Reg. Land Surveyor No. 813

## COUNTY APPROVAL

This Plat was approved By the Board of County Commissioners of Seminole County, Florida, at a meeting held in Sanford, Florida, this day of May, A.D. 1955.

\_\_\_\_\_  
Clerk of Board

\_\_\_\_\_  
Chairman of Board

State of Florida  
County of Seminole

This is to certify that I have examined the foregoing Plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, 1955.

\_\_\_\_\_  
Clerk of Circuit Court and ex-officio County Clerk of Seminole County, Florida

No. \_\_\_\_\_ Filed and recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Seminole County, Florida, this day of May, 1955 A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

SUNSET DRIVE  
NOT INCLUDED

HOMWOOD DRIVE

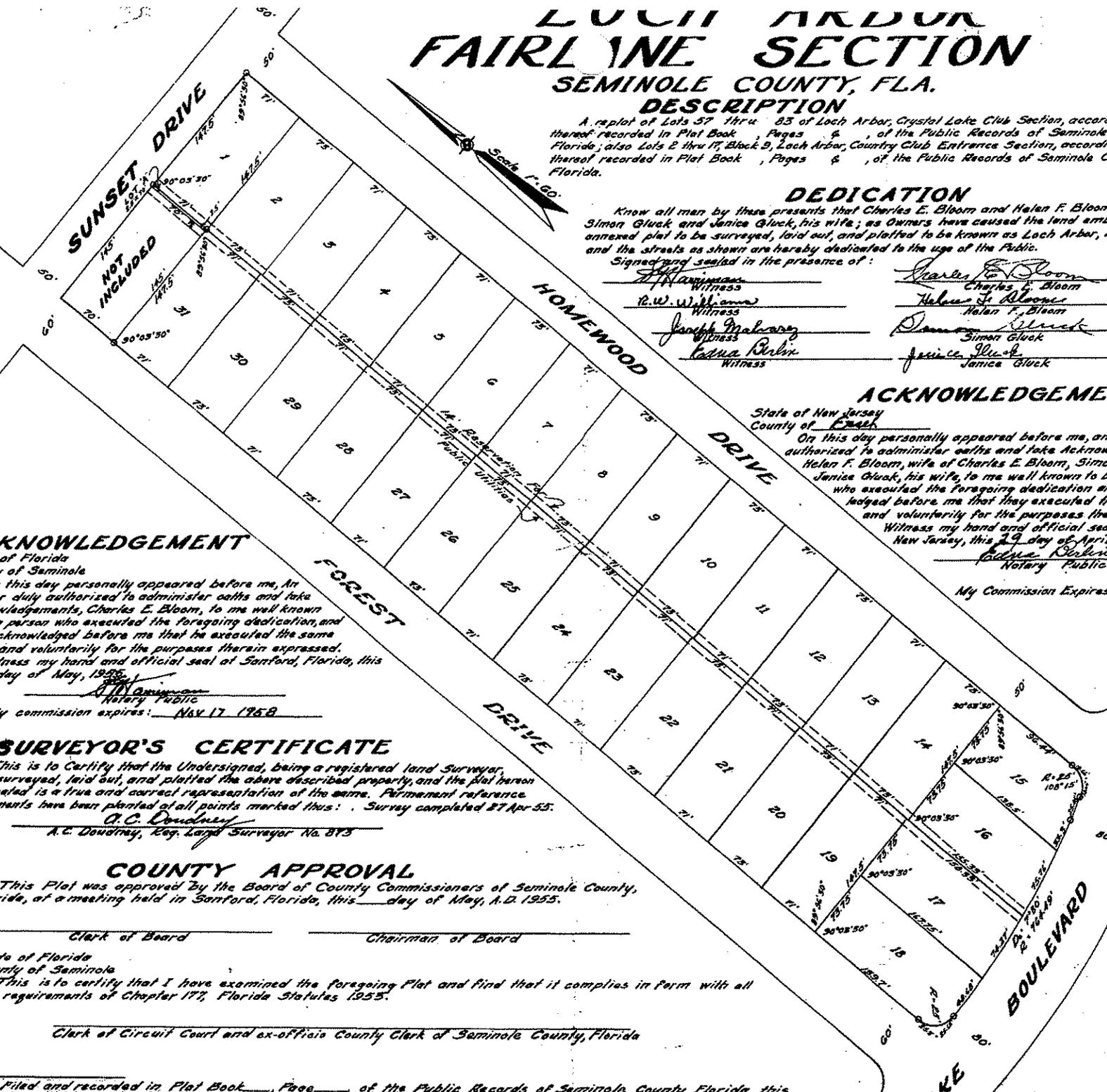
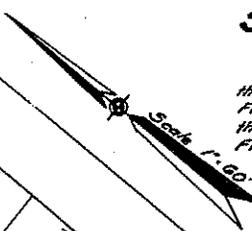
FOREST DRIVE

DRIVE

DRIVE

LAKE BOULEVARD

LAKE



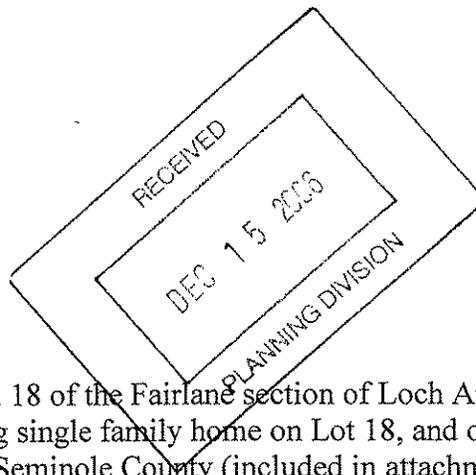
<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY, FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 03-20-30-504-0000-0170                  Owner: HASSON WILLIAM S                  Mailing Address: 119 MARY AVE                  City,State,ZipCode: NEW SMYRNA BEACH FL 32168                  Property Address: 418 LAKE BLVD SANFORD 32773                  Subdivision Name: LOCH ARBOR FAIRLANE SEC                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$78,271                  Depreciated EXFT Value: \$0                  Land Value (Market): \$24,605                  Land Value Ag: \$0                  Just/Market Value: \$102,876                  Assessed Value (SOH): \$47,881                  Exempt Value: \$25,000                  Taxable Value: \$22,881</p> <p align="center">Tax Estimator</p> <p align="center">2006 Notice of Proposed Property Tax</p>														
<p align="center"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>ADMINISTRATIVE DEED</td> <td>03/1986</td> <td>01717</td> <td>1149</td> <td>\$47,700</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	ADMINISTRATIVE DEED	03/1986	01717	1149	\$47,700	Vacant	Yes	<p><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$724                  2005 Tax Bill Amount: \$352                  Save Our Homes (SOH) Savings: \$372                  2005 Taxable Value: \$21,486</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified										
ADMINISTRATIVE DEED	03/1986	01717	1149	\$47,700	Vacant	Yes										
<p align="center"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT &amp; DEPTH</td> <td>73</td> <td>163</td> <td>.000</td> <td>315.00</td> <td>\$24,605</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	73	163	.000	315.00	\$24,605	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>LEG LOTS 17 &amp; 18 LOCH ARBOR FAIRLANE SEC PB 9 PG 100</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value											
FRONT FOOT & DEPTH	73	163	.000	315.00	\$24,605											
<b>BUILDING INFORMATION</b>																
<b>Bld Num</b>	<b>Bld Type</b>	<b>Year Bilt</b>	<b>Fixtures</b>	<b>Base SF</b>	<b>Gross SF</b>	<b>Living SF</b>	<b>Ext Wall</b>	<b>Bld Value</b>	<b>Est. Cost New</b>							
1	SINGLE FAMILY	1956	3	1,000	1,518	1,000	CONC BLOCK	\$78,271	\$111,816							
	<b>Appendage / Sqft</b>	OPEN PORCH UNFINISHED / 16														
	<b>Appendage / Sqft</b>	SCREEN PORCH UNFINISHED / 140														
	<b>Appendage / Sqft</b>	CARPORT UNFINISHED / 252														
	<b>Appendage / Sqft</b>	UTILITY UNFINISHED / 60														
	<b>Appendage / Sqft</b>	OPEN PORCH UNFINISHED / 50														
<p><b>NOTE:</b> Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																

LEGAL LOT 17 LOCH ARBOR FAIRLANE SECTION  
PB 9 PG 100



December 14, 2006

Dear Mr. Carlton Henley,



I, William Hasson, own Lots 17 and 18 of the Fairlane section of Loch Arbor, Seminole County, Florida. There is an existing single family home on Lot 18, and on August 29, 2006, I submitted an application to Seminole County (included in attachment 1) requesting a variance to allow the construction of a single family home on Lot 17.

On October 30, 2006 at 6:00 p.m. the Planning and Zoning Board of Adjustments held a meeting in which considerable evidence and discussion was heard relative to this variance. The request was ultimately tabled and re-scheduled for consideration on December 4, 2006. At that meeting, the variance was denied by a vote of 3 to 2, with an alternate member voting in favor of the denial even though she was not present at the earlier meeting where my application had been initially presented and discussed at length.

At the December 4 Board meeting, the chairman specifically stated that they could either merely review the matter as presented at the previous hearing or have another "full fledged" hearing. It was apparently decided to merely review the matters previously presented and discussed, because no input was received from myself or the public. Because it was merely a "review" (as described by the chairman), I do not believe that it was appropriate for the alternate member, Melanie Chase, to have voted on the issue, since she was not present or privy to the matters discussed at the previous hearing.

The voting record of the Board at the December 4 hearing further indicates the confusion that was present. Three motions were entertained. The first motion was to deny the variance, and that motion failed for lack of a second. The second motion was to approve the variance, which failed by a vote of 3 to 2 (with the alternate member voting against the approval). When the other board members questioned how the motion to approve could be denied when the initial motion had not even obtained a second, a new (second) motion was made to deny the request. With the alternate member voting, that third motion was carried by a vote of 3 to 2.

I believe that there is no substantial evidence to support the Board's decision denying my application because the literal application of the code to this property is so unreasonable and unjust as to amount to a confiscation of my property. Further, allowing the alternate member to make the deciding vote, when she was not present at the earlier meeting at which time the application was presented and discussed at length, results in a denial of my due process rights.

At the December 4 meeting, there **still** seemed to be much confusion among the panel as to the basis of my request. The variance requested was very simple, i.e. to allow

construction of a single family home on a lot which contained more than the total requisite amount of square footage under the Code, but which did not meet the applicable lot width requirement by approximately 16 feet. The staff clearly indicated that Lots 17 and 18 have at all times been separate and distinct lots, however, certain members of the Board appeared to be under the impression that since they were combined under one tax parcel identification number they had been legally combined for all purposes and therefore, I was asking for permission to "split" the properties. Indeed, at all times these lots have been separate and distinct parcels as verified by the staff, so no "lot split" is necessary or has been requested.

Literal enforcement of the Code as it applies to Lot 17 under these circumstances is oppressive and confiscatory, because it is impossible to use the land for any other purpose, including in any manner for which it is zoned under the Code.

In my letter supporting my application dated November, 2006, I set forth in detail how this property meets all of the criteria provided in the Code to support the variance as set forth in Section 9 (entitled "Variance Criteria"):

- 1) This a special condition or circumstance that exists and which does not apply to most, similar properties in the same zoning district.
- 2) The granting of the variance would not result in a special privilege that is denied to other lands, buildings or structures in the same zoning district. In fact, it is consistent with the rights commonly enjoyed by other property owners in the same district, because many of the lots upon which homes have been constructed in that phase of the subdivision do not meet the current lot size requirements.
- 3) The special condition and circumstance does not result from the actions of the applicant. (I am not seeking to separate lots; these lots have always been separate and distinct lots. The tax assessor/collector was kind enough to issue just one tax bill for both lots as a matter of convenience to me, but I never sought to legally combine the lots into one lot and never received any special benefits merely because they were combined into one tax bill.)
- 4) The special condition and circumstance causes undue hardship or practical difficulty if the variance is not granted, because the lot cannot be used for any other purpose permitted by the County Codes, and certainly not for the purpose or in the manner for which it is zoned, to-wit: a single family home residential lot.
- 5) Without the variance, I will be denied a right enjoyed by owners of similar property in the surrounding area.
- 6) The variance is the **minimum** variance that would make possible the reasonable use of the land.

7) The variance will not harm the neighbors, because numerous lots in this area do not meet the existing lot width criteria and the variance would merely allow for construction of a single family home compatible with the surrounding area.

8) The variance is in harmony with the general intent of Chapter 30. The literal enforcement of the ordinance as applied to this lot, which meets the total square footage requirement for a building lot, is oppressive and confiscatory.

The county staff agrees with my assessment and recommended approval of the variance. Their report indicates that I have satisfied the criteria for granting of the variance, and states: *“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.”* It further states that *“The majority of the platted lots in the surrounding area do not meet the 90 foot width and the building line requirement of the zoning district.”* In addition, the report concludes that *“the grant of the variance would be in harmony with the general intent of Chapter 30.”*

I believe that the Board’s decision was arbitrary, capricious and confiscatory and there is no competent substantial evidence to support the Board’s decision. The literal enforcement of the Code to this property is oppressive and confiscatory, and results in unnecessary and undue hardship to me, because I will be left with a lot which cannot be used for any purpose whatsoever. The basic intent and purpose of the zoning regulations would be met by the approval of the variance. In denying the variance, I am being deprived of the rights commonly enjoyed by other landowners in the same district.

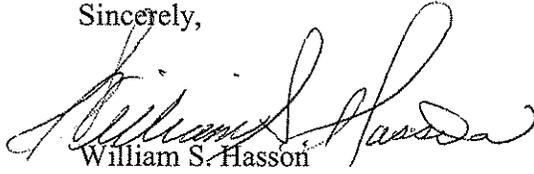
At the time of your consideration of this appeal, I respectfully request that Commissioner Brenda Carey recuse herself. Commissioner Carey’s assistant, Amy Lockhart, lives directly across the street from my property, and she and her husband have played a very active role in opposing this variance. Although I do not know if this will prejudice her opinion, I believe that it does create an appearance of impropriety, and as a matter of fairness, I would merely prefer her not participate in a decision relative to this matter under the circumstances.

I hope that you all will acknowledge that this request is not unusual or extraordinary. The basis of the request is for a small reduction in the width requirement of the property in order to meet the current zoning regulations. Besides that, the lot meets all other county guidelines for building a single family home. There have been other variances of this same nature approved in the *recent* past and this case is no different. In addition, there are *many* lots in Loch Arbor that are non-conforming according to the current zoning guidelines.

I am attaching the original variance request, the County Staff Report as well as my research and letter to the Board of Adjustments from the previous meeting

If I can provide you any additional information to assist you in your consideration, please let me know. I can be reached at: 407-462-7992.

Sincerely,

A handwritten signature in cursive script, appearing to read "William S. Hasson".

William S. Hasson

Cc: Margaret A. Wharton, Esquire

**MINUTES FOR THE SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
DECEMBER 4, 2006 MEETING  
6:00 p.m.**

**Members Present:** Mike Hattaway, Chairman; Dan Bushrui, Wes Pennington, Tom O'Daniel and Melanie Chase

**Staff Present:** Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Rufus Brown, Planning Intern; Kimberly Laucella, Assistant County Attorney; Patty Johnson, Staff Assistant

Mr. Hattaway, Chairman; called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

**CONTINUED ITEMS**

8. **Lake Blvd (Lot 17)** – William Hasson, applicant; Request for a width at the building line from 90 feet to 73.75 feet for a proposed single family home in R-1AA (Single Family Dwelling District); Located on the north east corner of Lake Blvd and Forrest Drive; (BV2006-157).  
Kathy Fall, Principal Planner

Chairman Mike Hattaway stated that last month the Board of Adjustment had a public hearing on Lake Blvd (Lot 17). He further stated that a fair amount of discussion and some legal questions came up at that meeting. He then stated that Kimberly Laucella, our legal staff was asked to research some of the questions about variances and what is referred to as antiquated plats and some of the legalities of the Comprehensive Plan as it pertains to antiquated plats and having to join lots if you have the ability to do so. He further stated that the Board referred to a court case last month and wanted to revisit that case also. He then stated that they could go over those items if the Board wished to and they could make a decision or they could have a full hearing. He also stated that he knew there were people at the hearing who had something to say if given a chance. The Board unanimously decided to listen to what the County Attorney had to say and make their decision.

Kimberly Laucella, Assistant County Attorney stated that she was not working for Seminole County at the time of the case the Board inquired about, but from the County Attorney's recollection in the case the purchaser of the property bought the property prior to the County creating the new zoning, the County's zoning rendered the applicant with no reasonable use of the property, and then the Board of Adjustment denied

the variance and suggested that the applicant purchase another lot adjacent to his so that the lot would be buildable. The applicant appealed and the Court forced the County to grant the variance. She then stated that with the item before them the question is can a reasonable use be made of the property without the granting of the variance. The Board of Adjustment could find that combining the lots constitutes a reasonable use of the property and therefore, could choose not to grant the variance as there is no hardship. She then referred to the second question of the Board. If there is one house on one lot plus a vacant lot is adjacent, is combining required? Nothing in the Land Development Code requires the combining of lots. The Comprehensive Plan sets forth two methods of resolving compatibility, environmental and infrastructure issues in cases where antiquated plats are involved. They are by way of, but not limited to the following techniques: (a) Requiring the combining of lots and (b) allowing for replatting or vacating procedures. She then stated that the Comprehensive Plan does not limit the County to use of either of these methods. She lastly referred to the Property Appraiser issue: Does combining property for tax purposes preclude later separating the lots? She said the answer was no, the lots remain separately platted lots.

**Mr. O' Daniel made a motion to deny the request.**

**The motion died for a lack of a second.**

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

**The motion failed by a (2-3) vote. Mr. Hattaway, Mr. O' Daniel and Mrs. Chase were in opposition.**

**Mr. O' Daniel renewed his motion to deny the request.**

**Mrs. Chase seconded the motion.**

**The motion passed by a (3-2) vote. Mr. Pennington and Mr. Bushrui were in opposition.**

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 13, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

Leg Lots 17 Loch Arbor Fairlane Sec PB 9 PG 100

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

### FINDINGS OF FACT

**Property Owner:** William Hasson  
119 Mary Avenue  
New Smyrna Beach, Fl. 32168

**Project Name:** Lake Blvd (Lot 17)

**Requested Development Approval:**

Request for a width at the building line from 90 feet to 73.75 feet for a proposed single family home in R-1AA (Single Family Dwelling District).

The Development Approval was sought to bring into compliance the construction of a single family home on the above lot. This was found to be inconsistent with the Seminole County Comprehensive Plan Future Land Use Objective 3: Reduction of non-conforming uses and antiquated plats, Policy FLU 3.2: Antiquated Plats, and not in keeping with the character of the general neighborhood. The Board of County Commissioners also failed to find that a hardship existed as defined in SCLDC 30.43 (b)(3), and found that the applicant retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner  
1101 East First Street  
Sanford, Florida 32771

**Done and Ordered on the date first written above.**

Board of County Commissioners  
Seminole County, Florida

\_\_\_\_\_  
Carlton Henley, Chairman

**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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 7 & N ½ of Lot 8 Blk A Tract 11 Sanlando Springs PB 5 PG 48

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

### FINDINGS OF FACT

**Property Owner:** William Hasson  
119 Mary Avenue  
New Smyrna Beach, Fl. 32168

**Project Name:** Lake Blvd (Lot 17)

#### **Requested Development Approval:**

Request for a width at the building line from 90 feet to 73.75 feet for a proposed single family home in R-1AA (Single Family Dwelling District).

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: Kathy Fall, Principal 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:
  1. The variance granted will apply only to the lot 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.**

Board of County Commissioners  
Seminole County, Florida

\_\_\_\_\_  
Carlton Henley, Chairman

**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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: