

BV2004-105

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

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES WARE, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7430

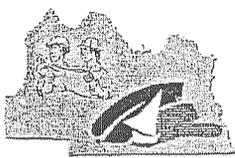
Agenda Date 07-26-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES WARE, APPLICANT).
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES WARE, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	JAMES WARE, APPLICANT PINE STREET LOT 10 (BLOCK 2) (CASSA VILLA HEIGHTS)	A-1 DISTRICT, LDC SECTION 30.186(a)(3)
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<p>BACKGROUND REQUEST</p>	<p>/</p> <ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME ON A VACANT LOT THAT FAILS TO MEET THE MINIMUM LOT SIZE, MINIMUM WIDTH AT BUILDING LINE AND MINIMUM SETBACK REQUIREMENTS OF THE A-1 DISTRICT; THE AFOREMENTIONED VARIANCES ARE REQUESTED TO REDUCE THOSE STANDARDS. • THE BOARD OF ADJUSTMENT HAS APPROVED SIMILAR VARIANCES ON NEARBY PROPERTIES AFTER THE DEMONSTRATION OF HARDSHIPS CONSISTENT WITH THE VARIANCE CRITERIA IDENTIFIED IN SECTION 30.43(b)(3) (VARIANCES).
<p>STAFF FINDINGS</p>	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> • THE SUBJECT LOT WAS CREATED AS A PART OF CASSA VILLA HEIGHTS, WHICH WAS PLATTED ON FEBRUARY 19, 1957. • THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE A-1 DISTRICT STANDARDS. • POLICY FLU 3.2, ADOPTED ON SEPTEMBER 11, 1991, REQUIRES THE RECOMBINATION OF PROPERTIES WHEN VARIANCES CAN BE NEGATED. ACCORDING TO SEMINOLE COUNTY REAL PROPERTY RECORDS, NO OPPORTUNITY HAS EXISTED SINCE 1991 TO COMBINE THE SUBJECT PROPERTY WITH ABUTTING LOTS (5 & 9) SINCE NONE OF THOSE PROPERTIES HAVE BEEN IN COMMON OWNERSHIP. FOR THIS REASON, POLICY 3.2 CAN NOT BE APPLIED TO REQUIRE THE COMBINATION OF THOSE LOTS, PURSUANT TO THE REDUCTION OR ELIMINATION OF MINIMUM LOT SIZE, MINIMUM WIDTH AT BUILDING LINE AND DIMENSIONAL NONCONFORMITY. • THE AFOREMENTIONED CIRCUMSTANCES COMPRISE A HARDSHIP, FOR WHICH THE APPLICANT IS NOT RESPONSIBLE. • WITHOUT THE REQUESTED VARIANCES, NO REASONABLE USE OF THE SUBJECT PROPERTY CAN BE MADE FOR CONSTRUCTING A SINGLE-FAMILY HOME, A USE EXPRESSLY PERMITTED IN THE A-1 DISTRICT.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE STATED FINDINGS AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS APPROVAL OF THE REQUEST, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <ol style="list-style-type: none"> 1. ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED HOME, AS DEPICTED ON THE ATTACHED SITE PLAN. 2. ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department Planning Division.

SEE PAGE 2 FOR ALL VARIANCES 1-5

APPLICATION TYPE:

VARIANCE (Change A1 zoning to R1 (min. lot with from 150' to 75' min lot size from 1 ac. to .2 ac 75X110 and side set backs to 7 1/2'; front set backs from 50' to 25' rear set backs 30')

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

EXISTING PROPOSED REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD YES NO IF SO, WHEN _____

MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	James Ware	
ADDRESS	941 Cass Ave Oviedo, FL 32765	
PHONE 1	407-359-7599	
PHONE 2		
E-MAIL		

PROJECT NAME: Cassa-Villa-Heights Lot 10

SITE ADDRESS: Pine St. Oviedo FL 32765

CURRENT USE OF PROPERTY: Vacant Lot

LEGAL DESCRIPTION: Leg Lot 10 Bk. 2 Cassa-Villa-Heights PB 10 PG 97

SIZE OF PROPERTY: 75x110 acre(s) PARCEL I.D. 04-21-31-501-0200-0100

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on July 26 6 P.M. (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT* _____ DATE 5-28-02

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 1:

① MINIMUM LOT SIZE VARIANCE FROM 1 ACRE TO .2 ACRE (75x110)

VARIANCE 2:

LOT WIDTH VARIANCE FROM 150' TO 75'

VARIANCE 3:

(EAST) SIDE YARD SETBACK VARIANCE FROM 10' TO 7 1/2'

VARIANCE 4:

(WEST) SIDE YARD SETBACK VARIANCE FROM 10' TO 7 1/2'

VARIANCE 5:

FRONT YARD SETBACK VARIANCE FROM 50' TO 25'

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$350 COMMISSION DISTRICT 2 FLU/ZONING LDR/A-1
 LOCATION FURTHER DESCRIBED AS ON THE NORTH SIDE OF PINE STREET APPROX 170' EAST OF PALM DRIVE

PLANNER V.B

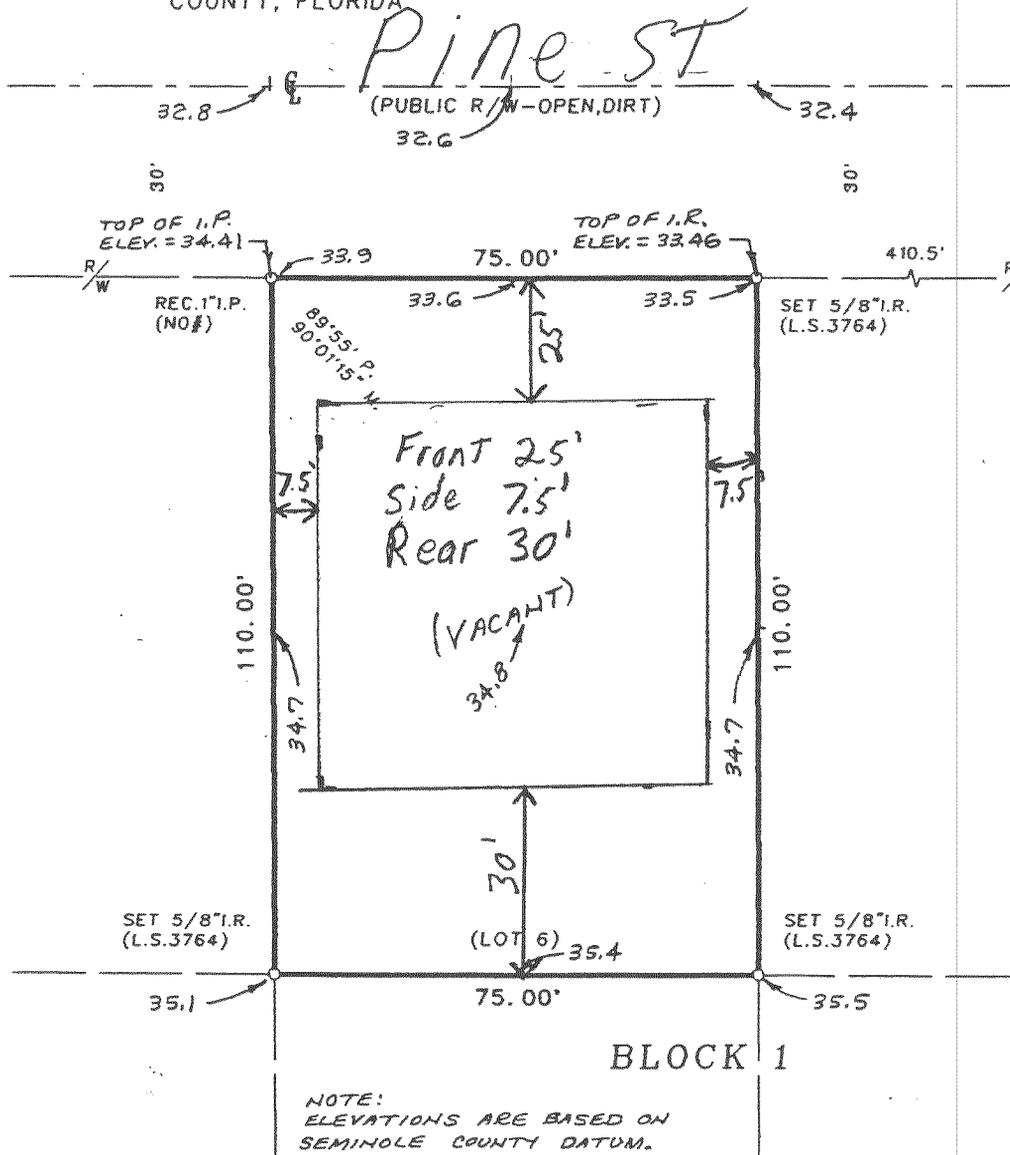
DATE 6/2/04

SUFFICIENCY COMMENTS

NOTE - ONE CHECK SUPPLIED FOR BV2004-105 & BV2004-106

BOUNDARY SURVEY FOR: SANDALWOOD HOMES

DESCRIPTION: LOT 10 BLOCK 2 CASSA-VILLA-HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 97 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



SWAGGERTY LAND SURVEYING, INC.
LICENSED BUSINESS NO. 4906
1450 KASTNER PLACE, SUITE 100
P.O. BOX 2384
SANFORD, FLORIDA 32772-2384
(407)322-4630 FAX (407)322-8611

1. THIS PROPERTY LIES IN FLOOD ZONE "X", PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120289 0155 E, DATED APRIL 17, 1995.
2. TITLE DATA HAS NOT BEEN FURNISHED TO THE SURVEYOR.
3. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED.
4. NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL.
5. THIS PROPERTY LIES IN SECTION 4, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

ABBREVIATIONS:

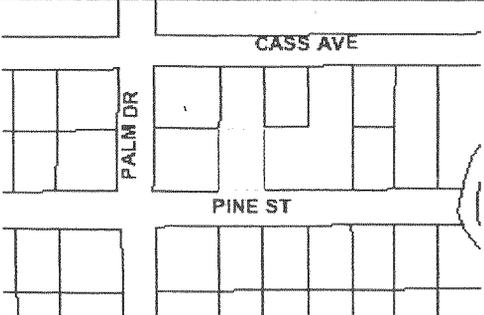
REC. DENOTES	RECOVERED	C.B. DENOTES	CONCRETE BLOCK
C.M.	CONCRETE MONUMENT	W.F.	WOOD FRAME
I.P.	IRON PIPE	RES.	RESIDENCE
I.R.	IRON ROD	CONC.	CONCRETE
⊙	CENTERLINE	A.C.	AIR CONDITIONER
R/W	RIGHT-OF-WAY	UTIL.	UTILITY
(R.)	RADIAL	DRAIN.	DRAINAGE
(N.R.)	NON-RADIAL	ESMT.	EASEMENT
R.P.	RADIUS POINT	L.S.	LICENSED SURVEYOR
P.C.	POINT OF CURVATURE	L.B.	LICENSED BUSINESS
P.T.	POINT OF TANGENCY	P.	PLAT
P.R.C.	POINT OF REVERSE CURVATURE	M.	MEASURED
P.C.C.	POINT OF COMPOUND CURVATURE	D.	DESCRIPTION
		C.	CALCULATED

CERTIFIED CORRECT TO:

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE TO THE "MINIMUM TECHNICAL STANDARDS" FOR LAND SURVEYING IN THE STATE OF FLORIDA CH. 472.027 AND CH. 61G17-6.

Steven B. Swaggerty DATE: 1-06-03
REGISTERED LAND SURVEYOR NO. 3764

FILE NO. 2-1-03

PARCEL DETAIL		REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																													
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																			
	<p align="center">GENERAL</p> <p>Parcel Id: 04-21-31-501-0200-0100 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: WARE JAMES P & ELSIE M TRS Exemptions:</p> <p>Own/Addr: FBO JAMES P & ELSIE M WARE</p> <p>Address: 941 CASS AVE</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: PINE ST OVIEDO 32765</p> <p>Subdivision Name: CASSA-VILLA HEIGHTS</p> <p>Dor: 00-VACANT RESIDENTIAL</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$20,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$20,000</p> <p>Assessed Value (SOH): \$20,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$20,000</p>																															
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>10/1996</td> <td>03158</td> <td>0385</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1982</td> <td>01429</td> <td>0367</td> <td>\$7,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1979</td> <td>01239</td> <td>0941</td> <td>\$2,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1978</td> <td>01160</td> <td>0012</td> <td>\$2,500</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	10/1996	03158	0385	\$100	Vacant	WARRANTY DEED	12/1982	01429	0367	\$7,000	Vacant	WARRANTY DEED	07/1979	01239	0941	\$2,500	Vacant	WARRANTY DEED	03/1978	01160	0012	\$2,500	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$93</p> <p>2003 Taxable Value: \$5,405</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
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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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																			

[BACK](#) [PROPERTY APPRAISER HOME PAGE](#) [CONTACT](#)

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 10 BLOCK 2 CASSA VILLA HEIGHTS PB 10 PG 97

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

FINDINGS OF FACT

Property Owner: JAMES WARE
941 CASS AVENUE
OVIEDO, FL 32765

Site Address: PINE STREET (LOT 10)

Requested Development Approval:

- (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE);
- (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET;
- (3) (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME;
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- (5) (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES WARE, APPLICANT).

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 afordescribed property.

Prepared by: Kathy Fall
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING LOT AND PROPOSED 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: _____
Matthew West
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 Matthew West 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: