

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

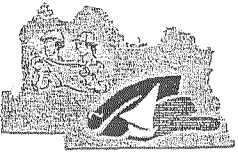
**Agenda Date** 07-26-04 **Regular**  **Consent**  **Public Hearing – 6:00**

**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.

<b>GENERAL INFORMATION</b>	JAMES WARE, APPLICANT CASS AVENUE LOT 6 (BLOCK 2) (CASSA VILLA HEIGHTS)	A-1 DISTRICT, LDC SECTION 30.186(a)(3)
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<b>BACKGROUND REQUEST</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• 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).</li></ul>
<b>STAFF FINDINGS</b>	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"><li>• THE SUBJECT LOT WAS CREATED AS A PART OF CASSA VILLA HEIGHTS, WHICH WAS PLATTED ON FEBRUARY 19, 1957.</li><li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE A-1 DISTRICT STANDARDS.</li><li>• 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 &amp; 7) 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.</li><li>• THE AFOREMENTIONED CIRCUMSTANCES COMPRISE A HARDSHIP, FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</li><li>• 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.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>1. ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED HOME, AS DEPICTED ON THE ATTACHED SITE PLAN.</li><li>2. ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ol>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV 2004-106

KF

**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 TWO FOR ALL VARIANCES 1 THROUGH 5  
**APPLICATION TYPE:**

- VARIANCE** change A1 zoning to R1 (min. lot width 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 setback 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.	
PHONE 1	407-359-7599	
PHONE 2		
E-MAIL		

PROJECT NAME: Cassa-Villa-Heights Lot 6  
 SITE ADDRESS: Cass Ave. Oviedo, FL 32765  
 CURRENT USE OF PROPERTY: Vacant Lot  
 LEGAL DESCRIPTION: leg Lot 6 Blk 2 Cassa-Villa-Heights PB 10 PG 97  
 SIZE OF PROPERTY: 75x110 .2 acre(s) PARCEL I.D. 04-21-31-501-0200-0060  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION  (YES)  NO

This request will be considered at the Board of Adjustment regular meeting on JULY 26 6PM (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 5-28-04

\* 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:

② LOT WIDTH VARIANCE FROM 150' TO 75'

VARIANCE 3:

③ (EAST) SIDE YARD SETBACK VARIANCE FROM 10' TO 7 1/2'

VARIANCE 4:

④ (WEST) SIDE YARD SETBACK VARIANCE FROM 10' TO 7 1/2'

VARIANCE 5:

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 FLUZIONING LDR/A-1  
 LOCATION FURTHER DESCRIBED AS ON THE SOUTH SIDE OF  
 CASS AVE APPROX 250 EAST OF PALM DRIVE

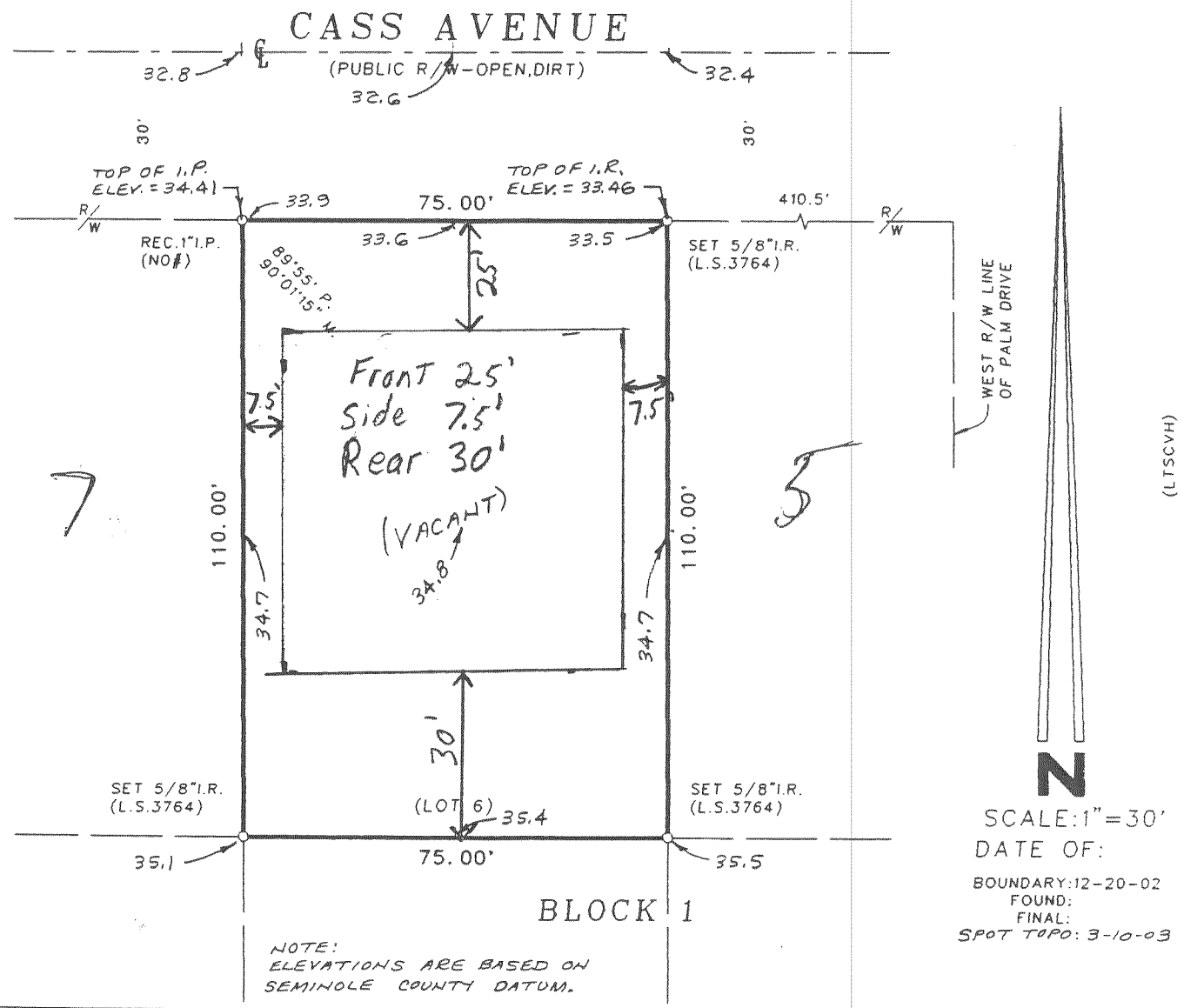
PLANNER V/B DATE 6/2/07

SUFFICIENCY COMMENTS

ONE CHECK SUPPLIED FOR BV2004-106 & BV2004-105

# BOUNDARY SURVEY FOR: SANDALWOOD HOMES

DESCRIPTION: LOT 6, 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.


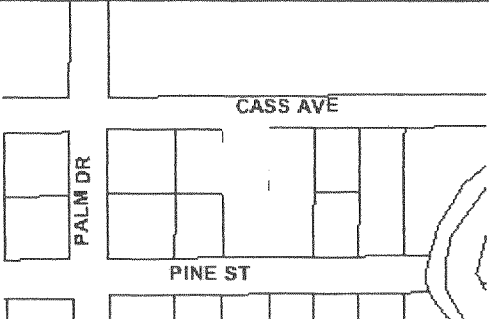

ABBREVIATIONS:			
REC.	DENOTES	RECOVERED	C.B. DENOTES CONCRETE BLOCK
C.M.	"	CONCRETE MONUMENT	W.F. " WOOD FRAME
I.P.	"	IRON PIPE	RES. " RESIDENCE
I.R.	"	IRON ROD	CONC. " CONCRETE
€	"	CENTERLINE	A.C. " AIR CONDITIONER
R/W	"	RIGHT-OF-WAY	UTIL. " UTILITY
(R.)	"	RADIAL	DRAIN. " DRAINAGE
(V.R.)	"	NON-RADIAL	ESMT. " EASEMENT
.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.

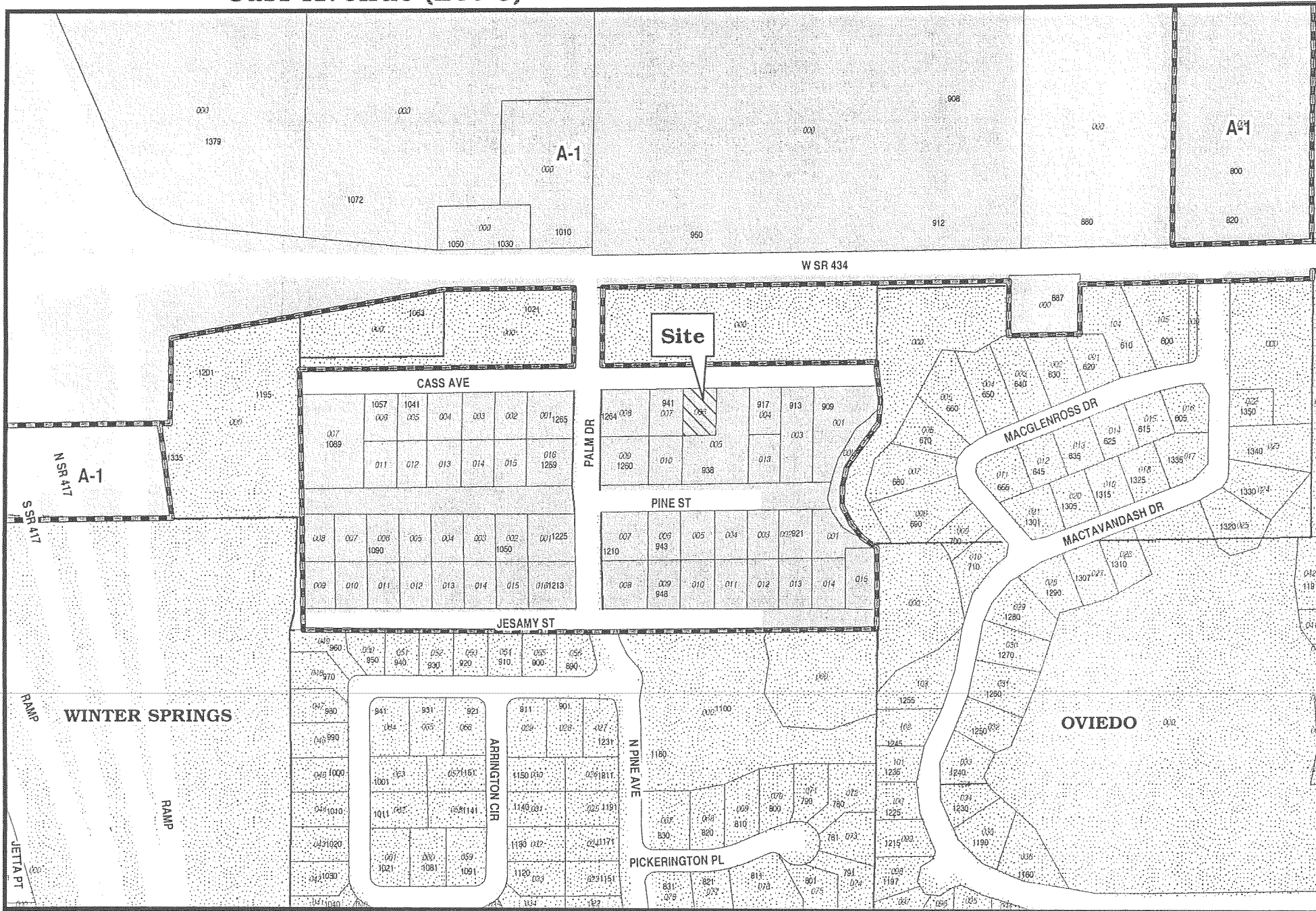
*Stam B. Swaggerty* DATE: 1-06-03  
REGISTERED LAND SURVEYOR NO. 3764

FILE NO. 03-03

<b>PARCEL DETAIL</b>		<b>REAL ESTATE</b>	<b>PERSONAL PROP</b>	<b>TAX ROLL</b>	<b>SALES SEARCH</b>	◀ ◁ Back ▷ ▶											
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Nashford FL 32771 407-665-7506</p>																	
	<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 04-21-31-501-0200-0060      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: WARE JAMES P &amp; ELSIE M TRS      Exemptions:</p> <p>Own/Addr: FBO JAMES P &amp; ELSIE M WARE</p> <p>Address: 941 CASS AVE</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: CASS AVE OVIEDO 32765</p> <p>Subdivision Name: CASSA-VILLA HEIGHTS</p> <p>Dor: 00-VACANT RESIDENTIAL</p>			<p align="center"><b>2004 WORKING VALUE SUMMARY</b></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"><b>SALES</b></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> </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	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$93</p> <p>2003 Taxable Value: \$5,405</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
Deed	Date	Book	Page	Amount	Vac/Imp												
QUIT CLAIM DEED	10/1996	03158	0385	\$100	Vacant												
<p align="center"><b>LAND</b></p> <table border="1"> <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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>20,000.00</td> <td>\$20,000</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	20,000.00	\$20,000	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOT 6 BLK 2 CASSA-VILLA HEIGHTS PB 10 PG 97</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value												
LOT	0	0	1.000	20,000.00	\$20,000												
<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>																	

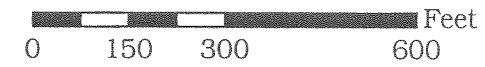
[BACK](#)      [PROPERTY APPRAISER HOME PAGE](#)      [CONTACT](#)

# James Ware Cass Avenue (Lot 6)



Parcel: 04-21-31-501-0200-0600 / District: 2

**BV2004-106**  
July, 2004



**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 6 BLOCK 2 CASSA VILLA HEIGHTS PB 10 PG 97

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

**FINDINGS OF FACT**

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

**Site Address:** CASS AVENUE (LOT 6)

**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;
- (4) (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND
- (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 aforescribed 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: