

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

SUBJECT: REQUEST FOR (1) LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 48.71 FEET FOR AN EXISTING LOT; AND (2) LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 8,135 SQUARE FEET FOR AN EXISTING LOT IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (RUDOLPH RODE, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 7-26-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 48.71 FEET FOR AN EXISTING LOT; AND (2) LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 8,135 SQUARE FEET FOR AN EXISTING LOT IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (RUDOLPH RODE, APPLICANT); OR
2. **DENY** REQUEST FOR (1) LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 48.71 FEET FOR AN EXISTING LOT; AND (2) LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 8,135 SQUARE FEET FOR AN EXISTING LOT IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (RUDOLPH RODE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: RUDOLPH RODE, APPLICANT (FOR BUILD LOCATION: FLORIDA, INC.) ZONING: AZALEA AVENUE (LOT 15) R-1 (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT WISHES TO CONSTRUCT A HOUSE PM LOT 15 OF AZALEA AVENUE. • THE LOT IS DEFICIENT IN BOTH MINIMUM WIDTH AT THE BUILDING LINE AND MINIMUM LOT SIZE; THE VARIANCES ARE THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES. STAFF HAS

	<p>DETERMINED THAT:</p> <ul style="list-style-type: none">• POLICY FLU 3.2, ANTIQUATED PLATS, OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN REQUIRES THE ELIMINATION OF ANTIQUATED (NONCONFORMING) LOTS THROUGH REPLATTING AND THE RECOMBINATION OF LOTS WHEN APPROPRIATE. THE REQUESTED VARIANCES COMPLY WITH THE POLICY. IT IS STAFF'S DETERMINATION THAT THE LOT IS CONSISTENT WITH THE COMMUNITY CHARACTER, AND WILL HAVE NO ENVIRONMENTAL OR INFRASTRUCTURE ISSUES.• THE TREND OF DEVELOPMENT IN THIS AREA INCLUDES SINGLE-FAMILY HOMES ON MOSTLY 50 FT WIDE BY 170 FT DEEP LOTS, PLATTED IN 1951 AND PRIOR TO THE ADOPTION OF COUNTYWIDE ZONING IN 1960.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1 DISTRICT.• THE APPLICANT WOULD NOT RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCES.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUESTED VARIANCES. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

APPL. NO. BV 2004-110

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.

COPY

APPLICATION TYPE:

- VARIANCE** WIDTH AT BUILDING LINE VARIANCE FROM 70' TO 48.21'
- 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	BUILD FLORIDA, INC	Rudolph Koe Pres.
ADDRESS	32618 WEKIVA PINES BLVD.	32618 WEKIVA PINES BL
	SORRENTO, FL 32776	SORRENTO FL 32776
PHONE 1	352-383-6339	352-383-6339
PHONE 2		
E-MAIL		

PROJECT NAME: New Single Family Residence

SITE ADDRESS: 1455 AZALEA AVE CASSELBERRY, FL 32707

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: LOT 15 IN BLOCK A, OF AMENDED PLAT OF BUTTON'S SUBDIVISION, PLAT BOOK 9, PAGE 25, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY

SIZE OF PROPERTY: 0.19 acre(s) PARCEL I.D. 10-21-30-SBR-0A00-0150

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on July 26, 2004 (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.

Rudolph Koe 6-03-04
 SIGNATURE OF OWNER OR AGENT* DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

Lot size variance from 8,400 ft² to 8,135 ft²

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

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: \$150 COMMISSION DISTRICT 2 FLU/ZONING R-1/LDR

LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF AZALEA AVE.,
APPROX 0.1 MI NORTH OF LAKE DRIVE.

PLANNER _____ DATE VB processed 6/14/04

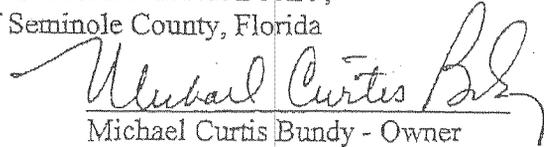
SUFFICIENCY COMMENTS _____

NOTICE OF AUTHORIZATION

State of Florida
County of DRANGE

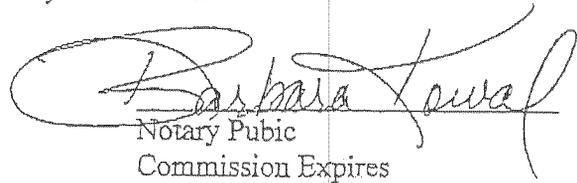
The undersigned owners and variance applicants hereby designate and authorize Build Florida, Incorporated, specifically, Rudolph Rode, Contractor, of 32618 Wekiva Pines Boulevard, Sorrento, Florida 32776, to act on their behalf before the Variance Board of Seminole County, Florida, regarding any improvements made to or applied for certain real property located at 5325 Pineview Way, Apopka, Florida 32703, legal description as

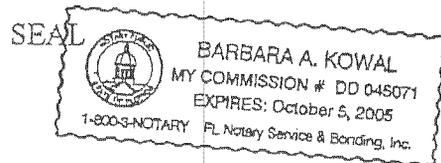
Lot 2, Block A, Adell Park, as recorded in Plat Book 9,
Page 48, Public Records of Seminole County, Florida


Michael Curtis Bundy - Owner


Margaret Sullivan Bundy - Owner

Sworn to and subscribed before me this 4th day of June 2004, by Michael Curtis Bundy and Margaret Sullivan Bundy, owners and variance applicants of the above-stated real property, who are personally known to me.


Notary Public
Commission Expires



ZONE A
ZONE X

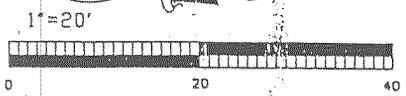
N 00°00'00" E 48.71'(M)

WATER LINE

FIR 1/2"
NO# 60.09

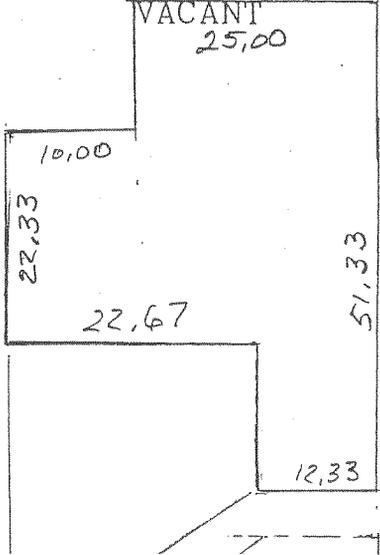
FIR 1/2"
NO# 58.78

TOP OF BANK



S 89°36'00" E 167.00'(R&M)

S 89°36'00" E 167.00'(R&M)



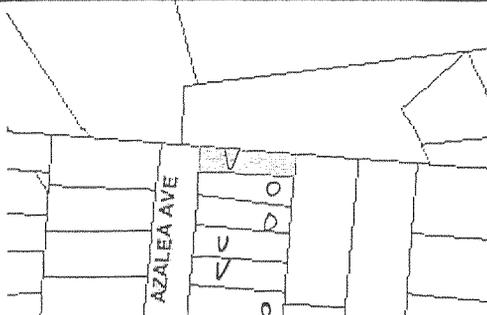
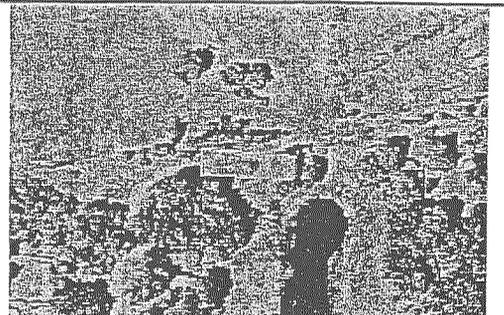
*64.36

Water Line

7.50 R. Rode

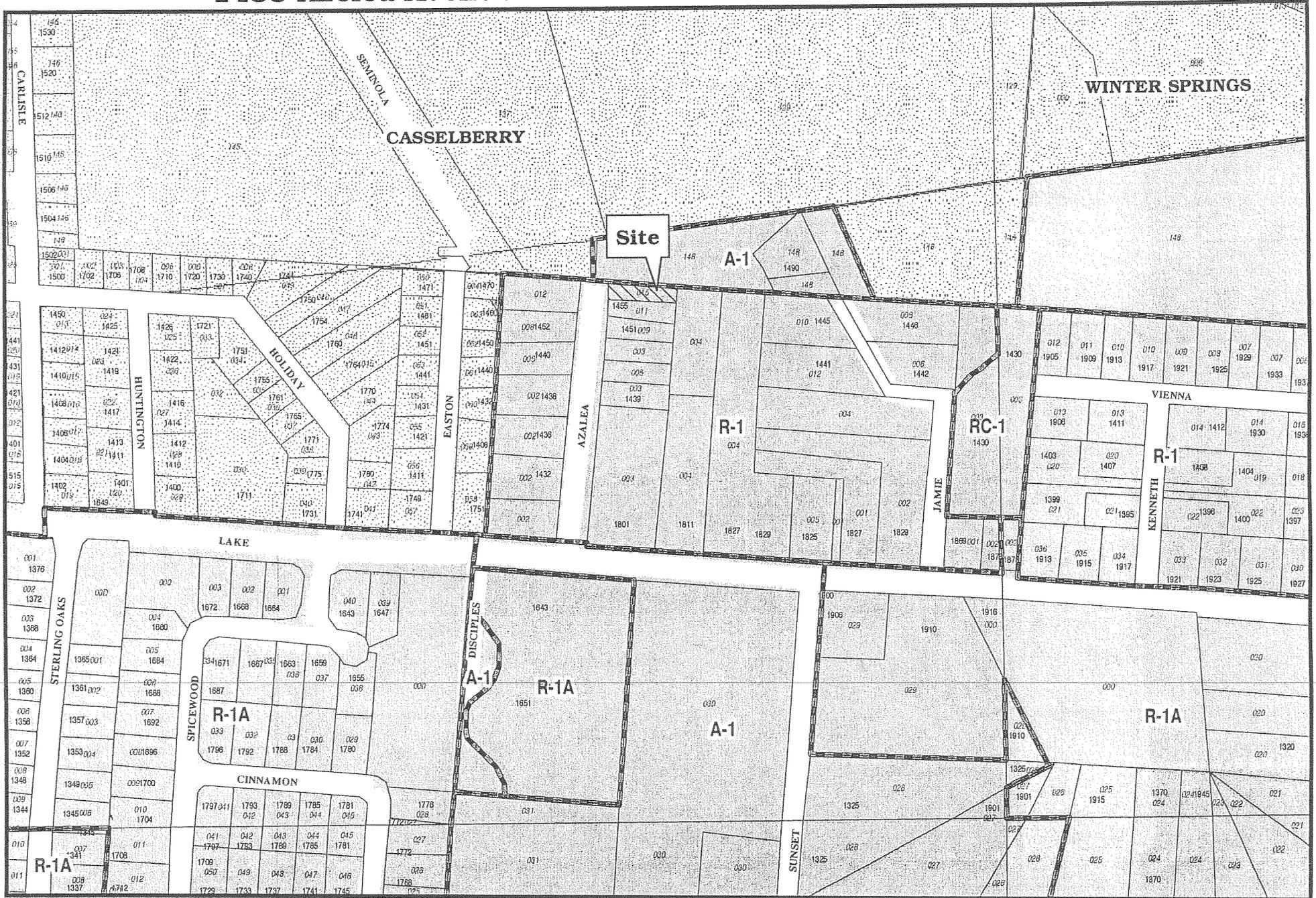
7.50 R. Rode

LOT 11

PARCEL DETAIL	PARCEL LIST PARCELS FOR SALE MAPS SUBS SEARCH													
 <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: 10-21-30-5BR-0A00-0150 Tax District: 01-TX DIST 1 - COUNTY Owner: COMMERCIAL ASSOC INC Exemptions: Address: PO BOX 181455 City,State,ZipCode: CASSELBERRY FL 32718 Property Address: AZALEA AVE Subdivision Name: BUTTONS SUBD AMENDED PLAT Dor: 00-VACANT RESIDENTIAL </p>		<p align="center">2004 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$7,448 Land Value Ag: \$0 Just/Market Value: \$7,448 Assessed Value (SOH): \$7,448 Exempt Value: \$0 Taxable Value: \$7,448 </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>10/1990</td> <td>02236</td> <td>1005</td> <td>\$7,500</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	10/1990	02236	1005	\$7,500	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p> 2003 Tax Bill Amount: \$128 2003 Taxable Value: \$7,448 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS </p>
Deed	Date	Book	Page	Amount	Vac/Imp									
QUIT CLAIM DEED	10/1990	02236	1005	\$7,500	Vacant									
<p align="center">LAND</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>FRONT FOOT & DEPTH</td> <td>49</td> <td>130</td> <td>.000</td> <td>160.00</td> <td>\$7,448</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	49	130	.000	160.00	\$7,448	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 15 BLK A BUTTONS SUBD PB 9 PG 25</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
FRONT FOOT & DEPTH	49	130	.000	160.00	\$7,448									
<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>														

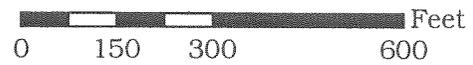


Build Florida, Inc./ Rudolph Rode
1455 Azalea Avenue



Parcel: 10-21-30-5BR-0A00-0150 / District: 2

BV2004-110
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 15 BLK A BUTTONS SUBD PB 9 PG 25

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

FINDINGS OF FACT

Property Owner: BUILD FLORIDA, INC.
32618 WEKIVA PINES BOULEVARD
SORRENTO, FL 32776

Project Name: AZALEA AVENUE (1455)

Requested Development Approval:

1. LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 48.71 FEET; AND
2. LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 8,135 SQUARE FEET FOR A PROPOSED HOUSE IN THE R-1 (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: Francisco Torregrosa, 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 existing 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.

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 _____ 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: