

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,715 SQUARE FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL & DIANE MARSDEN, APPLICANTS).

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

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

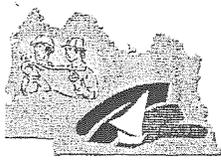
Agenda Date 08-23-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,715 SQUARE FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL & DIANE MARSDEN, APPLICANTS); OR
2. **DENY** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,715 SQUARE FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL & DIANE MARSDEN, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: DANIEL & DIANE MARSDEN LOCATION: LOT 6 SHALLOWFORD STREET ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A HOUSE ON A LOT THAT IS DEFICIENT IN MINIMUM LOT SIZE BY 985 SQUARE FEET; THE AFOREMENTIONED MINIMUM LOT SIZE SETBACK VARIANCE FROM 11,700 SQUARE FEET TO 10,715 SQUARE FEET IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANTS HAVE SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> • POLICY FLU 3.2, ANTIQUATED PLATS, OF THE

	<p>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. NO OPPORTUNITY TO COMBINE THE SUBJECT LOT WITH ADJACENT LOTS HAS EXISTED SINCE 1991 WHEN POLICY FLU 3.2 WAS ADOPTED. IT IS STAFF'S DETERMINATION THAT THE LOT IS CONSISTENT WITH THE COMMUNITY CHARACTER, AND WILL HAVE NO ENVIRONMENTAL OR INFRASTRUCTURE ISSUES.</p>
	<ul style="list-style-type: none"> • THE TREND OF DEVELOPMENT IN THIS AREA INCLUDES SINGLE-FAMILY HOMES ON MOSTLY 98 FT WIDE BY 107 FT DEEP LOTS, PLATTED IN 1954 AND PRIOR TO THE ADOPTION OF COUNTYWIDE ZONING IN 1960. • THE ABUTTING DEVELOPED LOTS TO THE WEST, SOUTH AND EAST ARE SMALLER IN SIZE THAN THE SUBJECT LOT. • THE REQUEST WOULD NOT CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT. • THE APPLICANTS 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 REQUEST. 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BV2004-125

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.

APPLICATION TYPE:

VARIANCE MINIMUM LOT SIZE FROM 11,700^{sq} TO 10,715 SF.
to build a home on.

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	DANIEL & DIANA MARSDEN	
ADDRESS	617 PRAIRIE LAKE DR. FERN PARK, FL 32730	
PHONE 1	321-231-1607	
PHONE 2	407 830-8085	
E-MAIL	DDMARS DEN@AOL.COM	

RECEIVED
 JUL 02 2004

PROJECT NAME: SHALLOWFORD RESIDENCE

SITE ADDRESS: SHALLOWFORD ST. (# NOT KNOWN YET)

CURRENT USE OF PROPERTY: VACANT RESIDENTIAL

LEGAL DESCRIPTION: LOT 6, BLOCK B SANLANDO SPRINGS REPLAT OF TRACT NO. 57 IN PLAT BOOK 9, PAGE 49, PUBLIC RECORDS S.C., FL.

SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 01-21-29-5CK-0800-0060

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 August 23, 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.

[Signature]
 SIGNATURE OF OWNER OR AGENT*

7-2-04
 DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

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

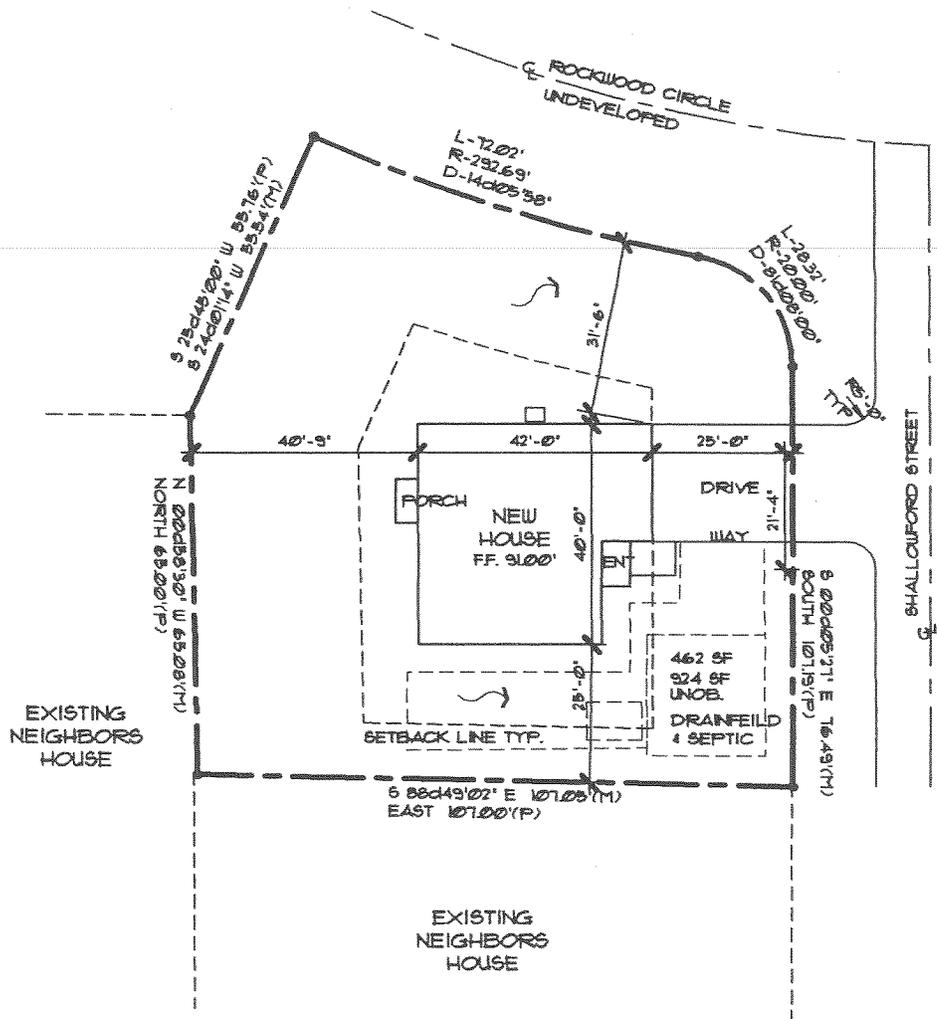
PROCESSING:

FEE: \$ 150 COMMISSION DISTRICT 4 FLU/ZONING LDR/R1AA

LOCATION FURTHER DESCRIBED AS ON THE WEST SIDE OF SHALLOWFORD ST.
 APPROX. 275' NORTH OF PINEVIEW STREET

PLANNER V B DATE July 2, '01

SUFFICIENCY COMMENTS _____



EXISTING NEIGHBORS HOUSE

EXISTING NEIGHBORS HOUSE

LEGAL DESCRIPTION

LOT 6, BLOCK B
 SANLANDO SPRINGS REFLAT OF NO. 57,
 IN FLAT BOOK 9, PAGE 49, PUBLIC RECORDS
 OF SEMINOLE COUNTY, FLORIDA.



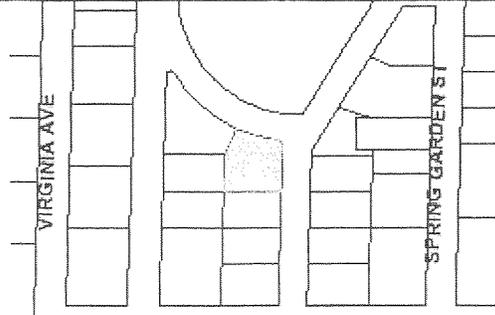
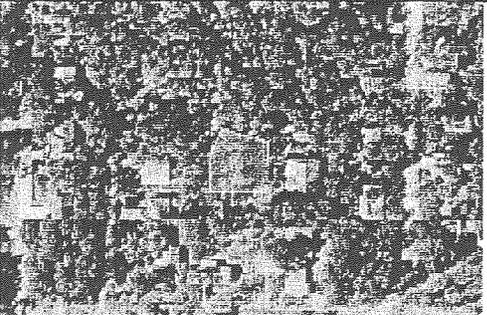
SCALE: 1"=20'

SHALLOWFORD RESIDENCE

SITE PLAN

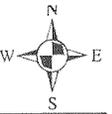
003

7/26/04 04-005

PARCEL DETAIL		REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ Back ▶												
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-668-7506</p>																		
<p align="center">GENERAL</p> <p>Parcel Id: 01-21-29-5CK-0B00-0060 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MARSDEN DANIEL J & DIANA Exemptions:</p> <p>Address: 617 PRAIRIE LAKE DR City,State,ZipCode: FERN PARK FL 32730 Property Address: Subdivision Name: SANLANDO SPRINGS 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): \$9,996 Land Value Ag: \$0 Just/Market Value: \$9,996 Assessed Value (SOH): \$9,996 Exempt Value: \$0 Taxable Value: \$9,996</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>WARRANTY DEED</td> <td>05/2004</td> <td>05329</td> <td>0119</td> <td>\$35,000</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	05/2004	05329	0119	\$35,000	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$171 2003 Taxable Value: \$9,996 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
Deed	Date	Book	Page	Amount	Vac/Imp													
WARRANTY DEED	05/2004	05329	0119	\$35,000	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>98</td> <td>107</td> <td>.000</td> <td>240.00</td> <td>\$9,996</td> </tr> </tbody> </table>				Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	98	107	.000	240.00	\$9,996	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 6 BLK B SANLANDO SPRINGS REPLAT OF TRACT 57 PB 9 PG 49</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value													
FRONT FOOT & DEPTH	98	107	.000	240.00	\$9,996													
<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>																		

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

Daniel & Diane Marsden Shallowford Street (Lot 6)



Parcel: 01-21-29-5CK-0B00-0060 / District: 4

BV2004-125
August, 2004

1:6,500

Seminole County Planning & Development
Planning Division
1101 East First Street
Sanford, FL 32771

July 02, 2004

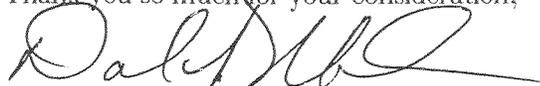
To Whom It May Concern:

My wife and I are applying for a variance to allow the minimum lot size of a parcel we just purchased to be 10,715 sf in lieu of 11,700 sf so that we may build a home on the parcel.

Things to Consider:

- * Many homes within the subdivision, with the same zoning(R-1AA) have been built on approximately 7000 sf lots.
- * We just purchased the lot with the intent on building a single family residence on it and found out the size was 8% short of meeting the minimum requirements for R-1AA.
- * The plans we have purchased for the lot fit on the lot within all the required setbacks.

Thank you so much for your consideration;



Daniel J. Marsden

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 6 BLK B SANLANDO SPRINGS REPLAT OF TRACT 57 PB 9 PG 49

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

FINDINGS OF FACT

Property Owner: DANIEL & DIANA MARSDEN
617 PRAIRIE LAKE DRIVE
FERN PARK, FL 32730

Project Name: SHALLOWFORD STREET (LOT 6)

Requested Development Approval:

1. MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,715 SQUARE FEET FOR A PROPOSED HOME IN THE 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: 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: