

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 8,190 SQUARE FEET FOR AN EXISTING LOT IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (OBER MERINO, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

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

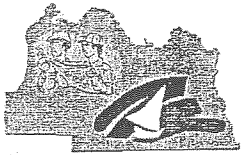
Agenda Date 10-25-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 8,190 SQUARE FEET FOR AN EXISTING LOT IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (OBER MERINO, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 8,190 SQUARE FEET FOR AN EXISTING LOT IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (OBER MERINO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	OBER MERINO, APPLICANT 100 DAHLIA DRIVE (LOT 132) R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT REQUESTS A MINIMUM LOT SIZE VARIANCE ON LOT 132 OF LAKE HARRIET ESTATES IN ORDER TO ESTABLISH ITS BUILDABILITY. • AS SHOWN ON THE SUBMITTED SITE PLAN, LOT 132 IS CURRENTLY OCCUPIED BY A ONE-STORY GARAGE, WHICH SERVES AS AN ACCESSORY BUILDING TO A SINGLE-FAMILY HOME LOCATED ON ABUTTING LOT 131. • LOTS 132 AND 131 ARE COMMONLY OWNED, SHARE ONE PARCEL ID NUMBER FOR TAXATION PURPOSES AND ARE COMBINED THROUGH UNITY OF TITLE. • WITH UNITY OF TITLE, THE TWO LOTS HAVE BEEN RELEGATED FOR TAXATION AND DEVELOPMENT PURPOSES TO A SINGLE LOT, WHICH WOULD EXPLAIN WHY THE ACCESSORY ONE-STORY GARAGE WAS PERMITTED ON LOT 132 IN ABSENCE OF THE 	

	<p>STANDARD PRINCIPAL (HOME) USE.</p> <ul style="list-style-type: none"> • SHOULD THE BOARD GRANT THE REQUESTED VARIANCE, THE RESULTING UNITY OF TITLE DISSOLUTION WOULD MAKE THE EXISTING (ACCESSORY) GARAGE A NONCONFORMING USE, UNLESS THE RECOMMENDED CONDITIONS ARE APPLIED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS 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. • ALTHOUGH THE TREND OF DEVELOPMENT IN THIS AREA INCLUDES SINGLE-FAMILY HOMES ON SIMILARLY SIZED LOTS PLATTED IN 1958 AND PRIOR TO THE 1960 ADOPTION OF COUNTYWIDE ZONING, THE REQUESTED VARIANCE COULD BE NEGATED THROUGH THE RECONFIGURATION OF LOTS 132 AND 131 AS PRESENTED BY STAFF; THIS WOULD FURTHER THE INTENT OF POLICY 3.2. • THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1 DISTRICT. • THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCE. 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 VARIANCE GRANTED SHALL BE CONTINGENT UPON THE REMOVAL, DEMOLITION OR CONVERSION OF THE EXISTING ONE-STORY GARAGE INTO A PRINCIPAL USE PERMITTED IN THE R-1A DISTRICT; AND • ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

VARIANCE Minimum lot size variance from 9000. ^{sq ft} to 8190 square feet.

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

RECEIVED

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Ober Merino</u>	
ADDRESS	<u>100 Dahlia Drive Altamonte Springs, FL 32714</u>	
PHONE 1	<u>(821) 439-8233</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: Dahlia Drive (100) - Lot 132

SITE ADDRESS: 100 Dahlia Drive (lot 132)

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: LEG LOTS 131 + 132 LAKE HARRIET ESTATES
PB 12 PG 15

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 09-21-29-503-0000-1310

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 11/15/04 (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 true and correct to the best of my knowledge.

[Signature] 9-20-04

SIGNATURE OF OWNER OR AGENT* 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: \$150.00 COMMISSION DISTRICT 3 FLU/ZONING LDR/R-1A

LOCATION FURTHER DESCRIBED AS At the NE corner of the intersection of Dublin Dr. & Alhambra Ave.

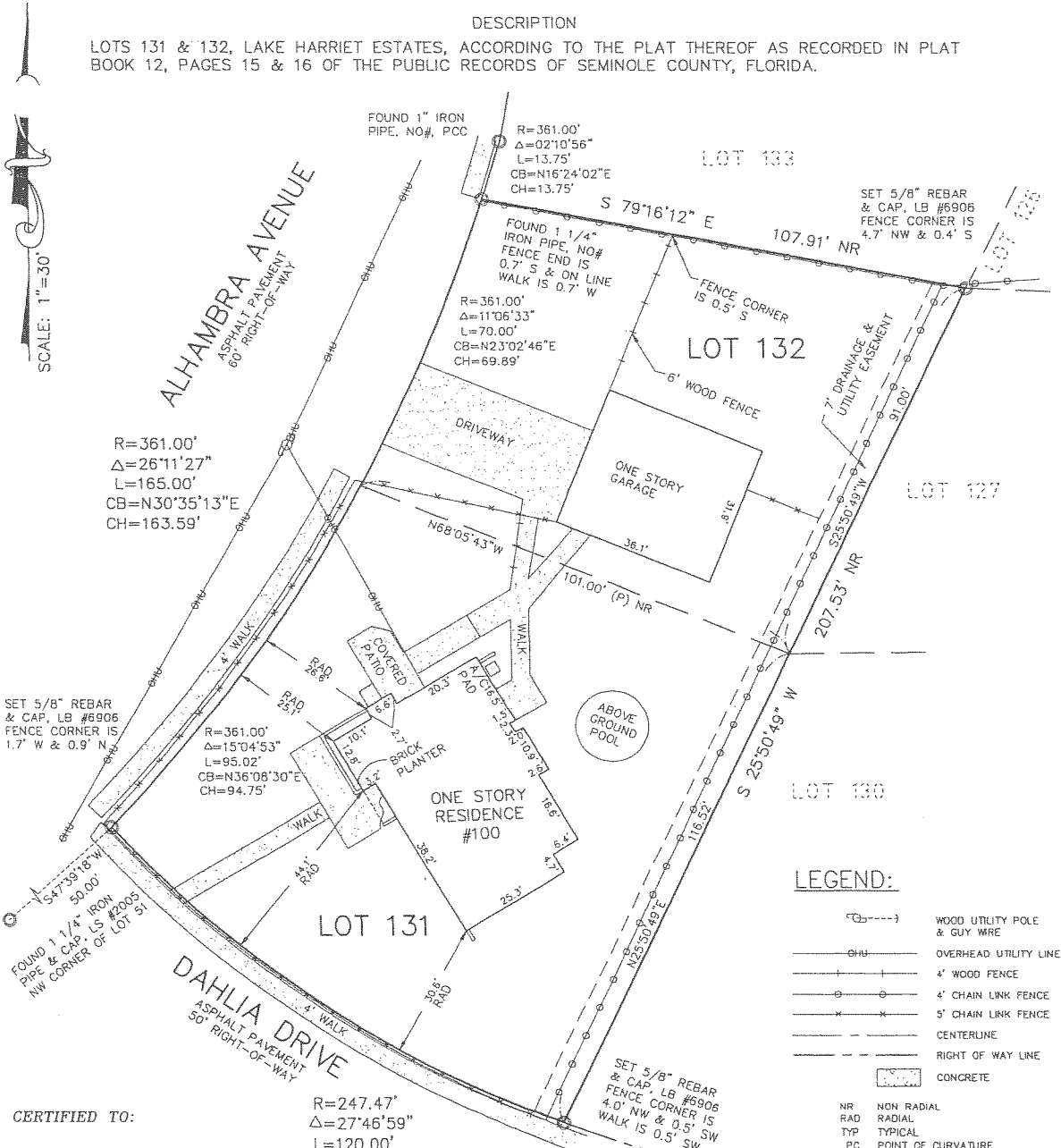
PIANNER JV DATE 9/20/04

EFFICIENCY COMMENTS applicant to provide lot 132 size in square feet by 9/24/04

MAP OF SURVEY

DESCRIPTION

LOTS 131 & 132, LAKE HARRIET ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGES 15 & 16 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



SET 5/8" REBAR & CAP. LB #6906 FENCE CORNER IS 1.7' W & 0.9' N

R=361.00'
Δ=26°11'27"
L=165.00'
CB=N30°35'13"E
CH=163.59'

R=361.00'
Δ=15°04'53"
L=95.02'
CB=N36°08'30"E
CH=94.75'

R=247.47'
Δ=27°46'59"
L=120.00'
CB=S56°14'11"E
CH=118.83'

LEGEND:

- (---) WOOD UTILITY POLE & GUY WRE
- OHU OVERHEAD UTILITY LINE
- 4' WOOD FENCE
- 4' CHAIN LINK FENCE
- 5' CHAIN LINK FENCE
- CENTERLINE
- RIGHT OF WAY LINE
- CONCRETE
- NR NON RADIAL
- RAD RADIAL
- TYP TYPICAL
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- PRC POINT OF REVERSE CURVATURE
- PCP PERMANENT CONTROL POINT
- PRM PERMANENT REFERENCE MONUMENT
- PI POINT OF INTERSECTION
- RP RADIUS POINT
- A/C AIR CONDITIONER
- R RADIUS
- Δ CENTRAL ANGLE
- L ARC LENGTH
- CB CHORD BEARING
- CH CHORD LENGTH
- ORB OFFICIAL RECORD BOOK
- PG PAGE

CERTIFIED TO:

OBER MERINO, MAYTE BAUZA,
JORGE HERNANDEZ AND
ELIZABETH RODRIGUEZ

IRWIN MORTGAGE CORPORATION

UNIVERSAL LAND TITLE, INC.

FIDELITY NATIONAL
TITLE INSURANCE COMPANY

GENERAL NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS SHOWN HEREON FOR EASEMENTS AND/OR RIGHT-OF-WAY RECORDS.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEAST LINE OF LOT 131, BEING S 25°50'49" W. AN ASSUMED DATUM PER PLAT.
3. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
4. DIRECTIONS AND DISTANCES SHOWN HEREON ARE PER RECORDED INSTRUMENT AND FIELD MEASUREMENT, UNLESS SHOWN OTHERWISE.
5. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY.

CERTIFICATION:

HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

THIS 13TH DAY OF JUNE, 2001

Greg Locklin

Gregory S. Locklin, Professional Surveyor & Mapper No. 5619
Land Surveyor Business No. 8906
VALID ONLY WITH SIGNATURE AND EMBOSSED SEAL



LOCKLIN & ASSOCIATES, INC.

SURVEYORS & MAPPERS

631 AGGIE DRIVE
ORLANDO, FL. 32828
VOICE: (407) 273-0356 FAX/DATA: 282-7850

No.	DATE	REVISION

DRAWN BY: HW

CHECKED BY: GSL

DRAWING FILE:
U01343SV.DWG

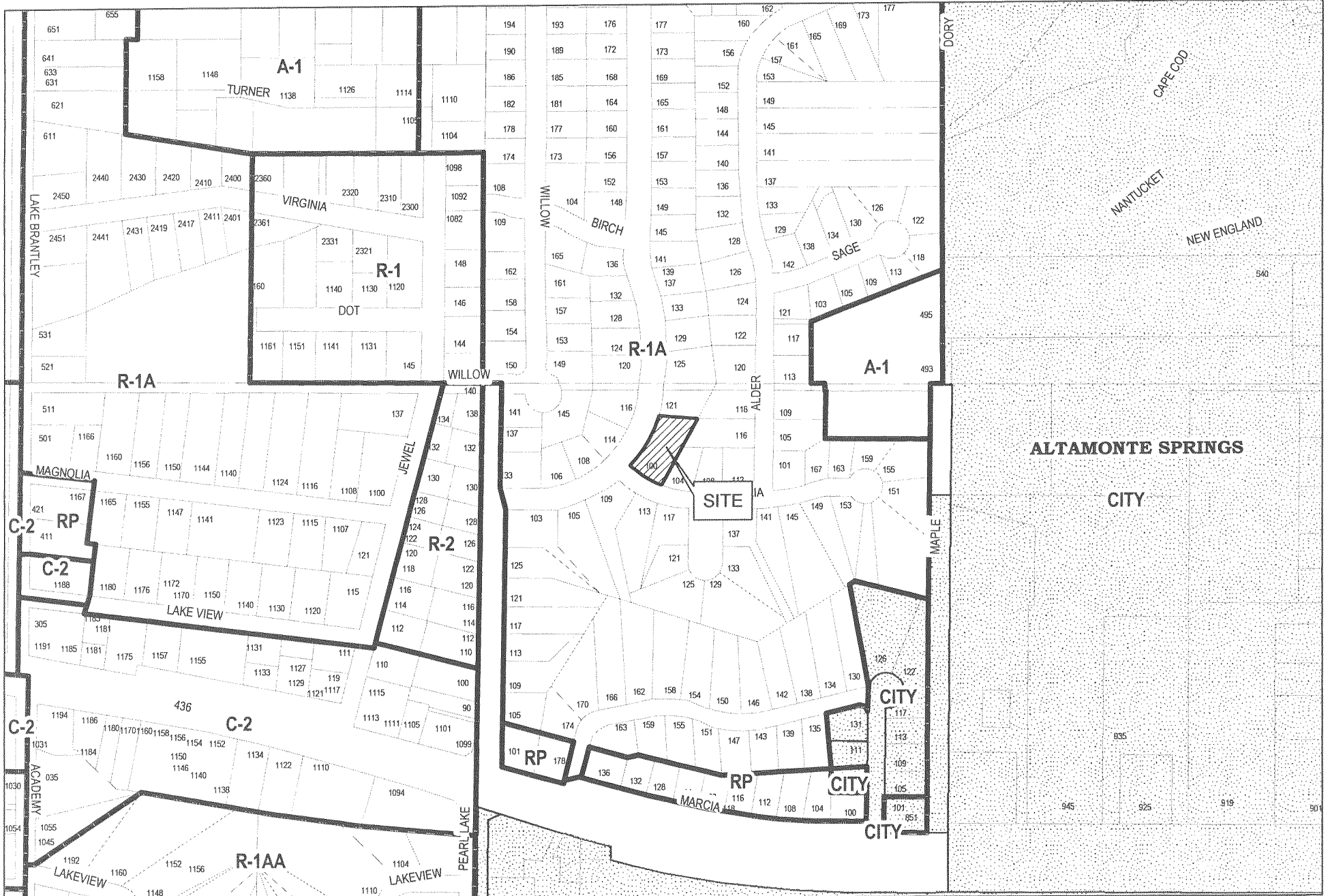
FIELD DATE:
4/19/01


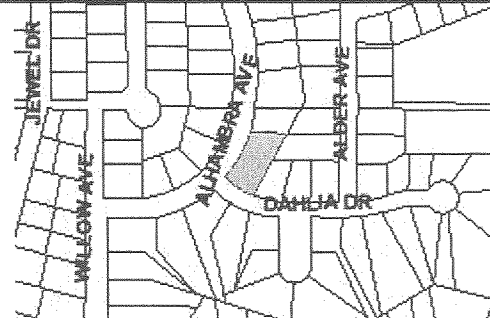

PROJECT No.
U01-343

SCALE:
1" = 30'

SHEET
OF 1 **1**

Ober Merino 100 Dahlia Drive



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SAL'S SEARCH	◀ ◀ Back ▶ ▶																																										
 Seminole County <i>Property Appraiser Services</i> 1101 E. First St. Sanford FL 32771 407-665-7506																																															
<p style="text-align: center;">GENERAL</p> Parcel Id: 09-21-29-503-0000-1310 Tax District: 01-TX DIST 1 - COUNTY Owner: MERINO OBER & Exemptions: 00-HOMESTEAD Own/Addr: BAUZA MAYTE Address: 100 DAHLIA DR City,State,ZipCode: ALTAMONTE SPRINGS FL 32714 Property Address: 100 DAHLIA DR ALTAMONTE SPRINGS 32714 Subdivision Name: LAKE HARRIET ESTATES Dor: 01-SINGLE FAMILY			<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$83,151 Depreciated EXFT Value: \$600 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$118,751 Assessed Value (SOH): \$104,315 Exempt Value: \$25,000 Taxable Value: \$79,315																																												
<p style="text-align: center;">SALES</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> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2001</td> <td>04131</td> <td>1923</td> <td>\$125,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/2001</td> <td>04131</td> <td>1922</td> <td>\$76,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1994</td> <td>02834</td> <td>1441</td> <td>\$82,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1990</td> <td>02268</td> <td>0603</td> <td>\$64,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1990</td> <td>02160</td> <td>0538</td> <td>\$75,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>12/1985</td> <td>01694</td> <td>0572</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/2001	04131	1923	\$125,000	Improved	WARRANTY DEED	04/2001	04131	1922	\$76,000	Improved	WARRANTY DEED	09/1994	02834	1441	\$82,000	Improved	WARRANTY DEED	11/1990	02268	0603	\$64,500	Improved	WARRANTY DEED	03/1990	02160	0538	\$75,000	Improved	QUIT CLAIM DEED	12/1985	01694	0572	\$100	Improved	<p style="text-align: center;">2004 VALUE SUMMARY</p> Tax Value(without SOH): \$1,604 2004 Tax Bill Amount: \$1,308 Save Our Homes (SOH) Savings: \$296 2004 Taxable Value: \$77,370 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS		
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LOT	0	0	2.000	17,500.00	\$35,000																																										
BUILDING INFORMATION																																															
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																						
1	SINGLE FAMILY	1959	5	950	2,535	950	CB/STUCCO FINISH	\$83,151	\$112,366																																						
	Appendage / Sqft		ENCLOSED PORCH UNFINISHED / 338																																												
	Appendage / Sqft		UTILITY FINISHED / 104																																												
	Appendage / Sqft		OPEN PORCH UNFINISHED / 246																																												
	Appendage / Sqft		ENCLOSED PORCH FINISHED / 273																																												
	Appendage / Sqft		OPEN PORCH UNFINISHED / 48																																												
	Appendage / Sqft		DETACHED GARAGE UNFINISHED / 576																																												
EXTRA FEATURE																																															
	Description	Year Blt	Units	EXFT Value	Est. Cost New																																										
	FIREPLACE	1959	1	\$600	\$1,500																																										
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.																																															

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 25, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 132 LAKE HARRIET ESTATES PB 12 PG 15

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

FINDINGS OF FACT

Property Owner: OBER MERINO
100 DAHLIA DRIVE
ALTAMONTE SPRINGS, FL 32714

Project Name: DAHLIA DRIVE (100)

Requested Development Approval:

MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 8,190 SQUARE FEET FOR A PROPOSED HOUSE IN THE R-1A (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 shall apply only to the existing lot as depicted on the attached site plan; and
 2. The variance shall be contingent upon the removal, demolition or conversion of the existing one-story garage into a principal use permitted in the R-1A (Single-Family Dwelling District).
- (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: