

BV2004-162

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 62 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN III, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 11-15-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

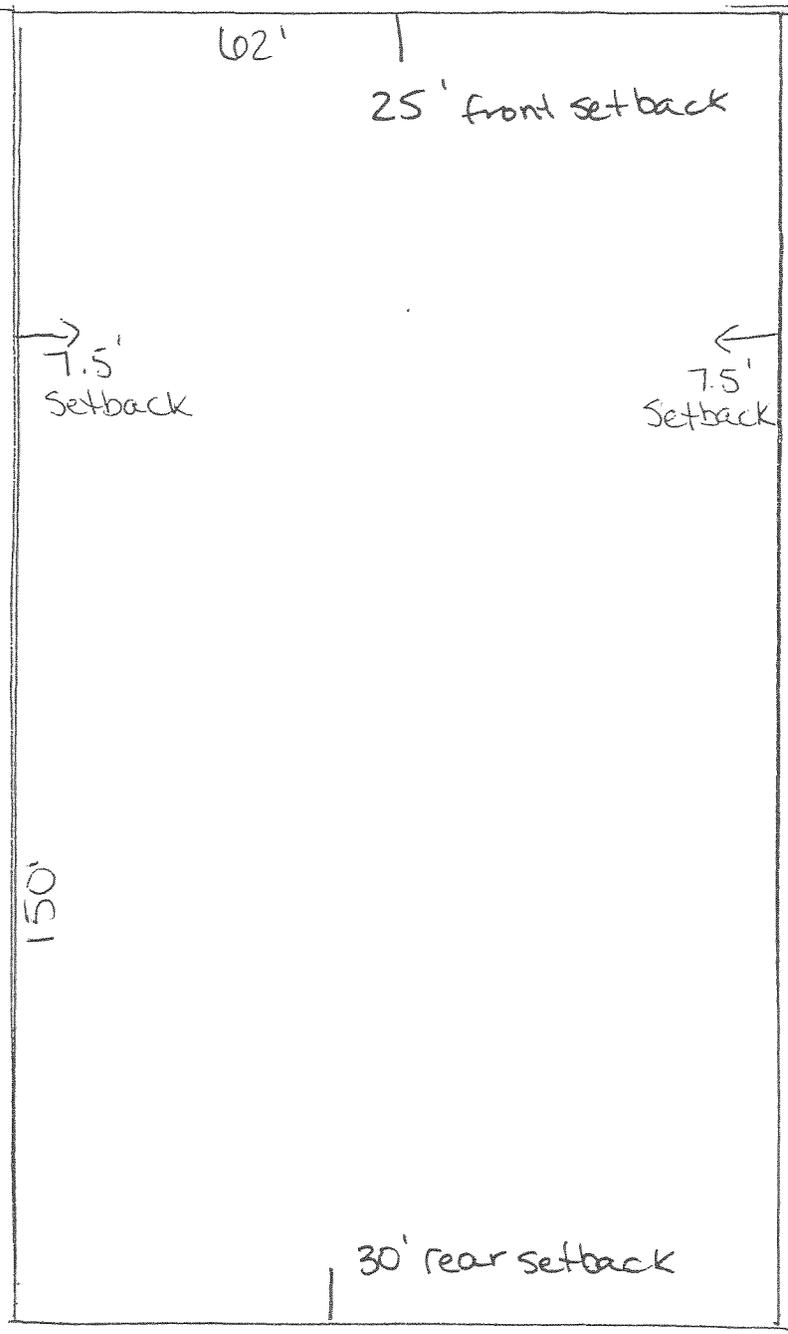
1. **APPROVE** THE REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 62 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN III, APPLICANT).
2. **DENY** THE REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 62 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN III, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: OWNER: ZONING:	BOBBY SOLOMAN III CHARLES BRUCKS, JR R-1 (CHULUOTA)
BACKGROUND REQUEST	<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 WIDTH AT BUILDING REQUIREMENTS OF THE R-1 DISTRICT; THE AFOREMENTIONED VARIANCES ARE REQUESTED. • THE BOARD OF ADJUSTMENT HAS APPROVED SIMILAR VARIANCES ON SIMILIARLY SIZED PROPERTIES AFTER THE DEMONSTRATION OF HARDSHIPS CONSISTENT WITH THE VARIANCE CRITERIA IDENTIFIED IN SECTION 30.43(b)(3) (VARIANCES). 	
STAFF FINDINGS	STAFF HAS DETERMINED THE FOLLOWING:	

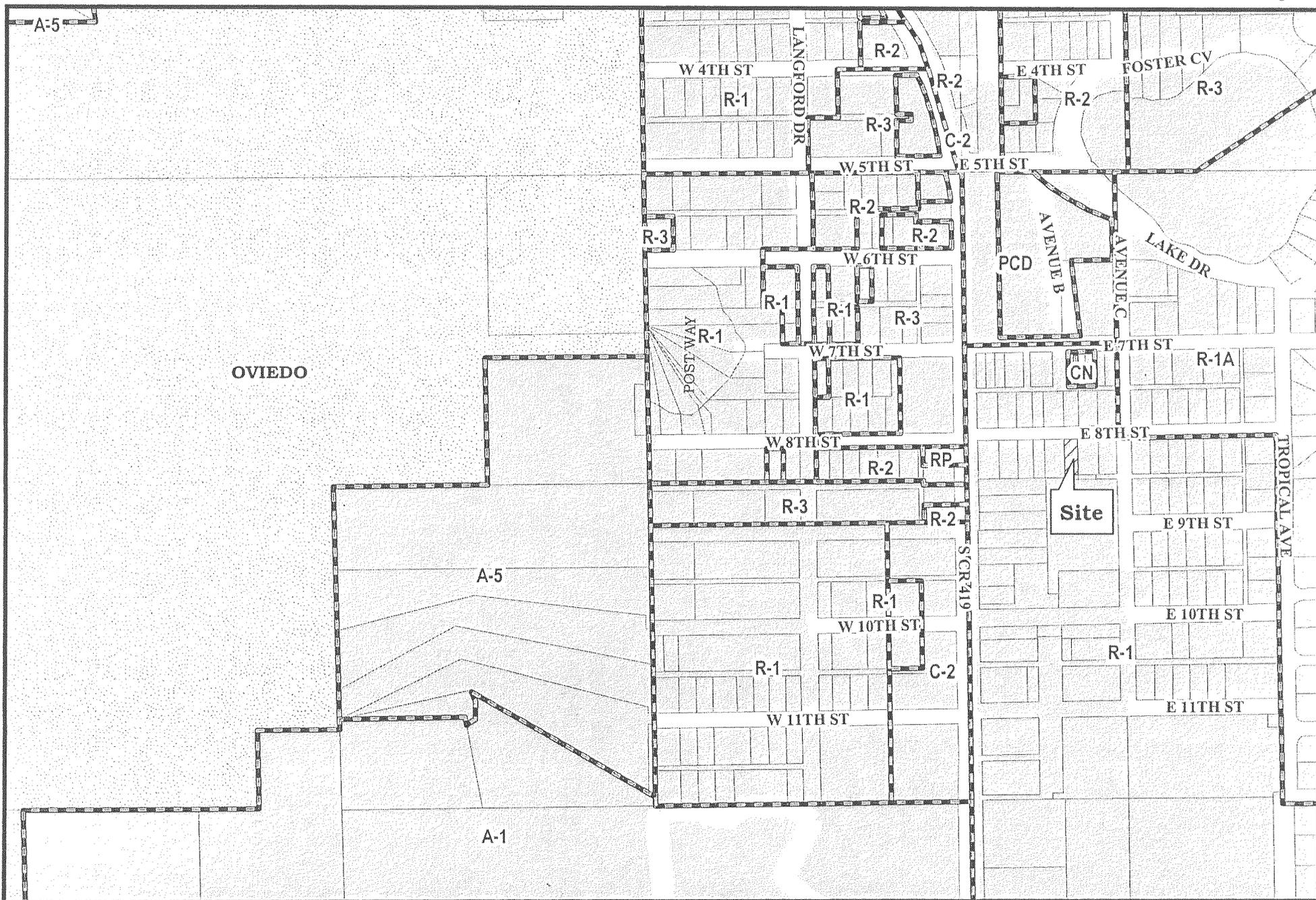
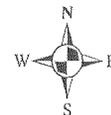
	<ul style="list-style-type: none">• THE SUBJECT LOT WAS CREATED AS A PART OF NORTH CHULUOTA, WHICH WAS PLATTED ON NOVEMBER 18, 1917.• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE R-1 DISTRICT STANDARDS.• POLICY FLU 3.2, ADOPTED 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 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 OF THE 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 R-1 DISTRICT.
STAFF RECOMMENDATION	<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.



E 8th Street

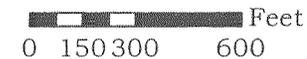


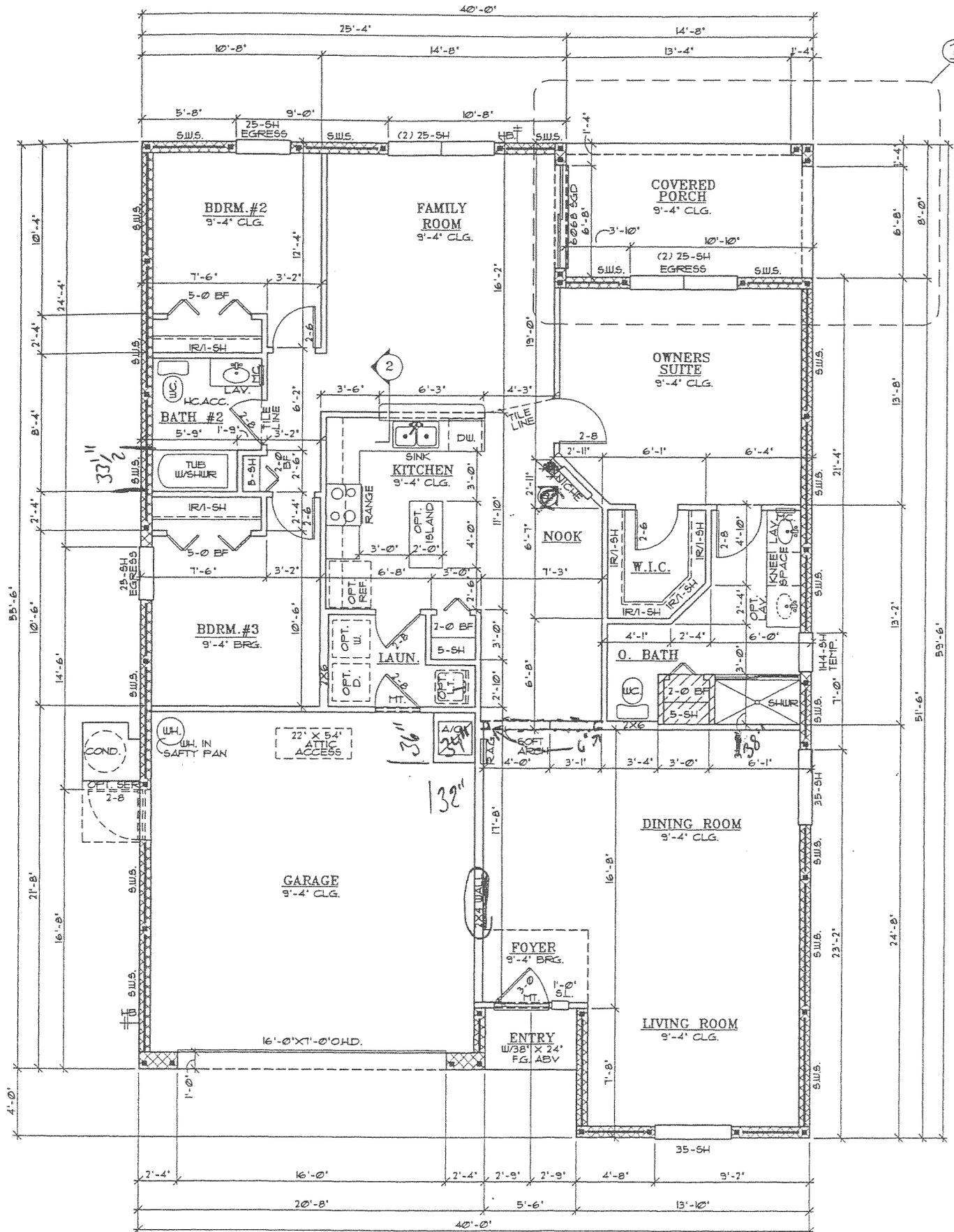
Bobby Solomon III 124 East 8th Street



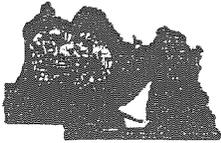
Parcel: 21-21-32-5CF-6700-0050 / District: 1

BV2004-162
NOVEMBER 15, 2004





FLOOR PLAN



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV 2004-162

RECEIVED

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 width of Building Line Variance from 70ft to 62 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

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	Charles R. Brucks, Jr.	Bobby J Solomon III
ADDRESS	1470 High Point Blvd. Orlando, FL 32825	828 Nocturne Dr Chuluota, FL 32746
PHONE 1	407-277-5230	407-467-4002 cell *
PHONE 2		409-971-1938
EMAIL		

PROJECT NAME: Solomon Residence

SITE ADDRESS: 124 E 8th Street Chuluota, FL 32764

CURRENT USE OF PROPERTY: Vacant land

LEGAL DESCRIPTION: All lot 5 + E 23.5 ft of vacd st Adj on W
Blk 67 North Chuluota PB 2 pgs 54 to 58

SIZE OF PROPERTY: .21± acre(s) PARCEL I.D. 21-21-32-5CF-6700-0050

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS None known

IS PROPERTY ACCESSIBLE FOR INSPECTION **YES** **NO**

This request will be considered at the Board of Adjustment regular meeting on _____ (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* [Signature] DATE 10/21/04

I:\p\projects\boa\master forms & lists\boa applications\boa application.doc

360

KF

* 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: _____ COMMISSION DISTRICT _____ FLU / ZONING Res

LOCATION FURTHER DESCRIBED AS _____

PLANNER _____ DATE _____

SUFFICIENCY COMMENTS _____

LETTER OF AUTHORIZATION

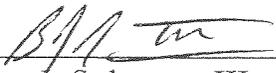
October 19, 2004

To Whom It May Concern:

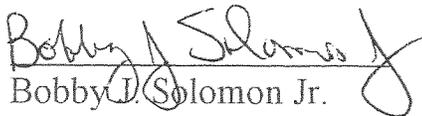
I, Charles R. Brucks, Jr., owner of a vacant Parcel ID# 21-21-32-5CF-6700-0050 located at 124 East 8th Street, Chuluota, FL 32766, give my authorization for Bobby J. Solomon III and Bobby J. Solomon Jr. to apply for a Width of Building Line Variance for Residential purposes with Seminole County, Florida.



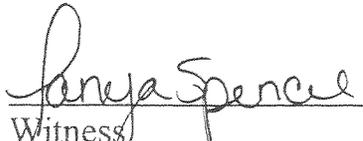
Charles R. Brucks Jr.



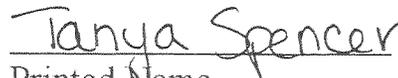
Bobby J. Solomon III



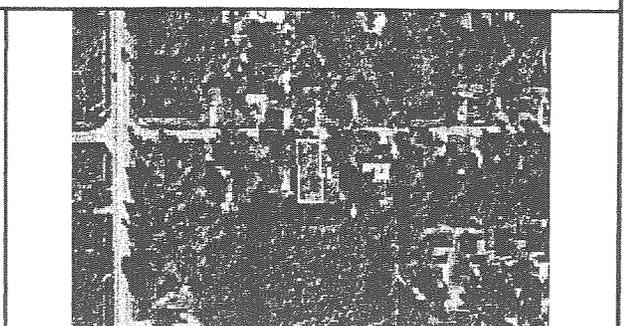
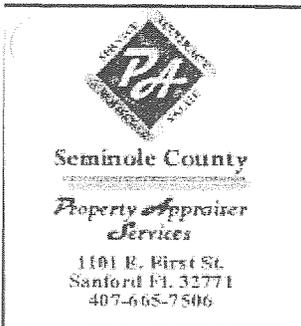
Bobby J. Solomon Jr.



Witness



Printed Name



GENERAL

Parcel Id: 21-21-32-5CF-6700-0050 Tax District: 01-TX DIST 1 - COUNTY
 Owner: BRUCKS CHARLES R JR Exemptions:
 Address: 1470 HIGH POINT BLVD
 City,State,ZipCode: ORLANDO FL 32825
 Property Address: 124 8TH ST E
 Subdivision Name: NORTH CHULUOTA
 Dor: 00-VACANT RESIDENTIAL

2005 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$14,369
Land Value Ag:	\$0
Just/Market Value:	\$14,369
Assessed Value (SOH):	\$14,369
Exempt Value:	\$0
Taxable Value:	\$14,369

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	08/2002	04496	1771	\$5,000	Vacant
WARRANTY DEED	04/1988	01949	1652	\$6,000	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

2004 Tax Bill Amount:	\$243
2004 Taxable Value:	\$14,369

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	62	150	.000	225.00	\$14,369

LEGAL DESCRIPTION PLAT

ALL LOT 5 & E 23.5 FT OF VACD ST ADJ ON W BLK 67
 NORTH CHULUOTA
 PB 2 PGS 54 TO 58

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 November 15, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 & E 23.5 FT OF VACD ST ADJ ON W BLK 67 NORTH CHULUOTA
PB 2 PG 54 TO 58

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

FINDINGS OF FACT

Property Owner: CHARLES BRUCKS, JR
1470 HIGH POINT BLVD
ORLANDO, FL 32825

Project Name: 124 W 8TH STREET

Requested Development Approval:

THE REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 62 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (BOBBY SOLOMAN III, 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
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 _____ 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: