

BV2004-165

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 4,320 SQUARE FEET; (2) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (PHILBERT PAYNE, APPLICANT).

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

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

Agenda Date 12-13-04 Regular  Consent  Public Hearing – 6:00

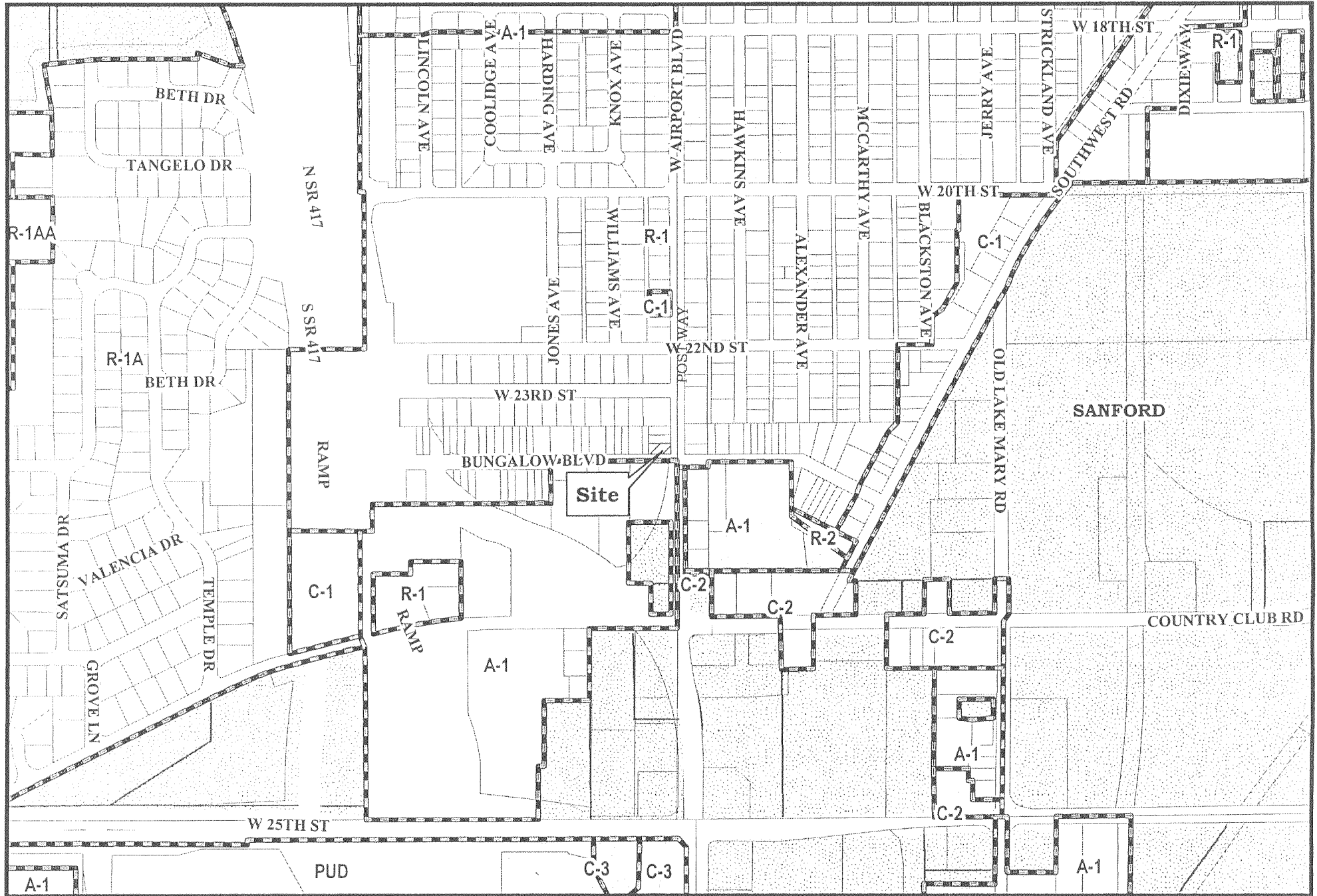
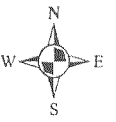
**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 4,320 SQUARE FEET; (2) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (PHILBERT PAYNE, APPLICANT).
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 4,320 SQUARE FEET; (2) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (PHILBERT PAYNE, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	PHILBERT PAYNE BUNGALOW BOULEVARD (LOT 3) R-1 (BUNGALOW CITY)
<b>BACKGROUND REQUEST</b>	/ • THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME ON A VACANT LOT THAT FAILS TO MEET THE MINIMUM LOT SIZE REQUIREMENTS OF THE R-1 DISTRICT; THE AFOREMENTIONED VARIANCES ARE	

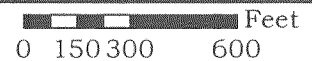
	<p>REQUESTED.</p> <ul style="list-style-type: none"><li>• THE BOARD OF ADJUSTMENT HAS APPROVED SIMILAR VARIANCES ON SIMILIARLY SIZED PROPERTIES AFTER THE DEMONSTRATION OF HARDSHIPS CONSISTENT WITH THE VARIANCE CRITERIA IDENTIFIED IN SECTION 30.43(b)(3) (VARIANCES).</li></ul>
<b>STAFF FINDINGS</b>	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"><li>• THE SUBJECT LOT WAS CREATED AS A PART OF BUNGALOW CITY WHICH WAS PLATTED ON NOVEMBER 18, 1948.</li><li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE R-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 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.</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 R-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>

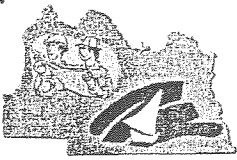
# Philbert M Payne Bungalow Blvd (Lot 3)



Parcel: 34-19-30-511-0C00-0030 / District: 5

**BV2004-165**  
**DECEN. R 13, 2004**





**COPY**

APPL. NO. BV 2004-165

**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 8,400 ft<sup>2</sup> to 4,320 ft<sup>2</sup>
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_)
- REPLACEMENT (YEAR \_\_\_\_\_) 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	PHILBERT M. PAYNE	
ADDRESS	111 FRANCES DRIVE ALTAMONTE SPGS FL 32714	
PHONE 1	407 694-0123	
PHONE 2	407 862-1270	
E-MAIL	mpfinseiv@msn.com	

PROJECT NAME: Bungalow Boulevard (Lot 3)  
 SITE ADDRESS: Lot 3 Bungalow Blvd  
 CURRENT USE OF PROPERTY: vacant  
 LEGAL DESCRIPTION: LEG LOT 3 BLKC BUNGALOW CITY PB7, PG 82

SIZE OF PROPERTY: 4,320 ft<sup>2</sup> acre(s) PARCEL I.D. 34-19-30-511-0000-0030

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 1/24/05 (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\*

10/23/04  
DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 2:  
*Minimum front yard setback variance from 25' to 10'*

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

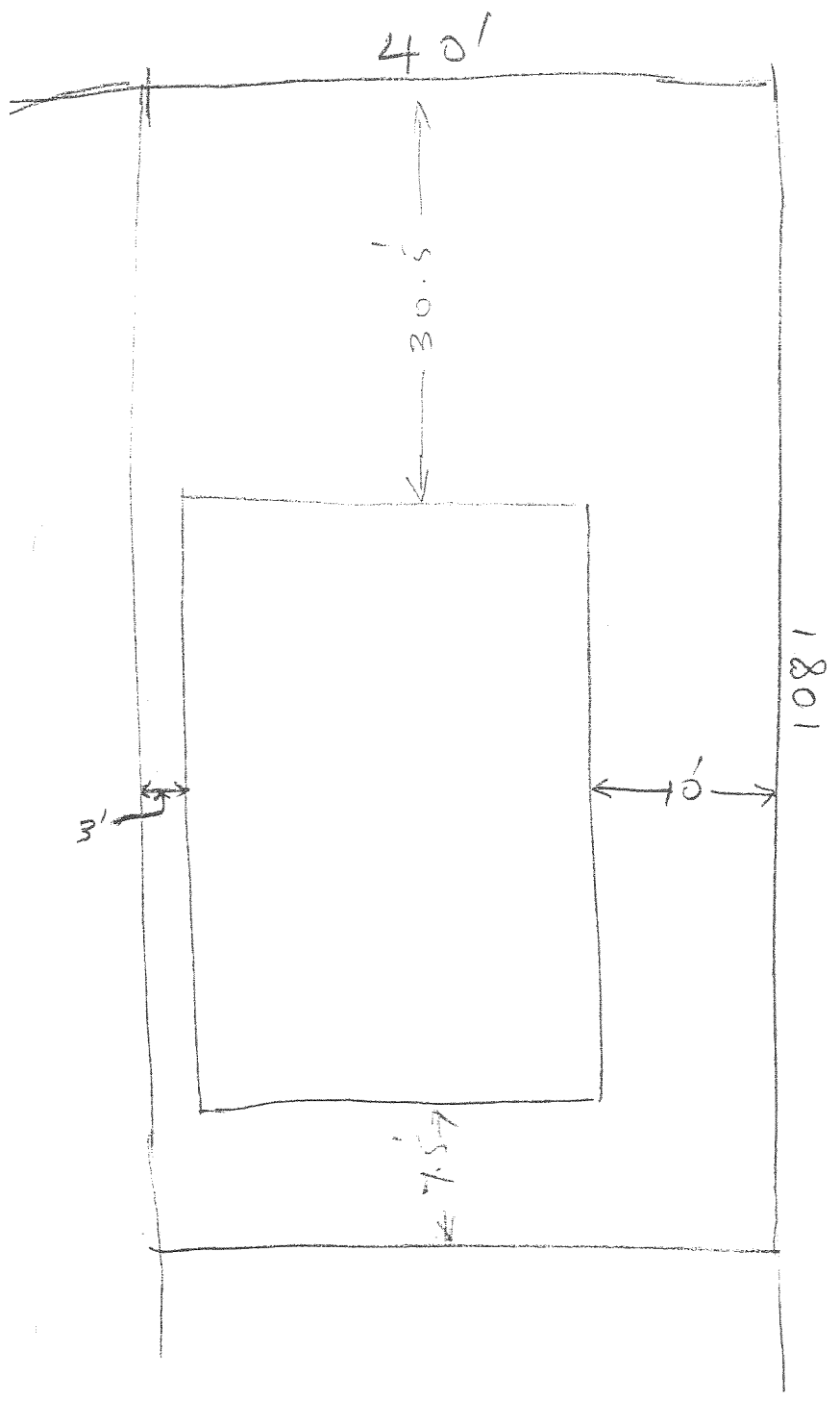
NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_


**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): *\$ 200.00* COMMISSION DISTRICT *5* FLU/ZONING *LDR/R-1*  
BCC HEARING DATE *1/24/05* (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS *at the NW corner of the intersection of Airport Blvd and Bungalow Blvd*  
PLANNING ADVISOR *JV* DATE *10/25/04*  
SUFFICIENCY COMMENTS \_\_\_\_\_

AIRPORT BLVD



BUNGALOW

<b>PARCEL DETAIL</b>	<a href="#">REAL ESTATE</a>	<a href="#">PERSONAL PROP</a>	<a href="#">TAX ROLL</a>	<a href="#">SALES SEARCH</a>	◀ Back ▶																		
 <p> <b>Seminole County</b>  <b>Property Appraiser</b>  <b>Services</b>          1101 E. First St.          Sanford FL 32771          407-665-7506       </p>																							
<p align="center"><b>GENERAL</b></p> <p>         Parcel Id: 34-19-30-511-0C00-0030    Tax District: 01-TX DIST 1 - COUNTY          Owner: PAYNE PHILBERT M    Exemptions:          Address: 111 FRANCES DR          City,State,ZipCode: ALTAMONTE SPRINGS FL 32714          Property Address: GRAPEVILLE AVE          Subdivision Name: BUNGALOW CITY          Dor: 00-VACANT RESIDENTIAL       </p>			<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>         Value Method:    Market          Number of Buildings:    0          Depreciated Bldg Value:    \$0          Depreciated EXFT Value:    \$0          Land Value (Market):    \$3,784          Land Value Ag:    \$0          Just/Market Value:    \$3,784          Assessed Value (SOH):    \$3,784          Exempt Value:    \$0          Taxable Value:    \$3,784       </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>TAX DEED</td> <td>01/2004</td> <td>05157</td> <td>0664</td> <td>\$3,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1976</td> <td>01098</td> <td>0732</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	TAX DEED	01/2004	05157	0664	\$3,000	Vacant	QUIT CLAIM DEED	01/1976	01098	0732	\$100	Vacant	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>         2004 Tax Bill Amount:    \$64          2004 Taxable Value:    \$3,784          DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS       </p>		
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
FRONT FOOT & DEPTH	40	108	.000	110.00	\$3,784																		
<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>																							

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On December 13, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 BLK C BUNGLOW CITY PB 7 PG 82

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

**FINDINGS OF FACT**

**Property Owner:** PHILBERT PAYNE  
111 FRANCES DRIVE  
ALTAMONTE SPRINGS, FL 32714

**Project Name:** BUNGALOW BOULEVARD (LOT 3)

**Requested Development Approval:**

REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 4,320 SQUARE FEET; (2) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET; AND (3) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (PHILBERT PAYNE, 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: