

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,000 SQUARE FEET; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE FROM 90 FEET TO 80 FEET FOR AN EXISTING LOT IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (KENNETH KOVALSKI, APPLICANT).

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

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

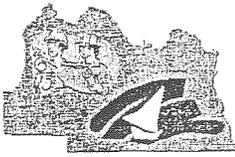
Agenda Date 12-13-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,000 SQUARE FEET; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE FROM 90 FEET TO 80 FEET FOR AN EXISTING LOT IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (KENNETH KOVALSKI, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,000 SQUARE FEET; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE FROM 90 FEET TO 80 FEET FOR AN EXISTING LOT IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (KENNETH KOVALSKI, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	KENNETH KOVALSKI, APPLICANT 3635 PALM AVENUE (LOT 17) R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT WISHES TO CONSTRUCT A HOUSE ON LOT 17 OF MIRROR LAKE MANOR. • LOTS 16 AND 17 ARE UNDER SAME OWNERSHIP AND SHARE ONE PARCEL ID NUMBER. • LOT 17 IS DEFICIENT IN MINIMUM LOT SIZE AND LOT WIDTH AT THE BUILDING LINE FOR THE R-1AA DISTRICT. • A SINGLE-FAMILY HOME EXISTS ON LOT 16 WHILE LOT 17 IS VACANT. 	

	<ul style="list-style-type: none">• A LOT LINE RECONFIGURATION WOULD NOT ELIMINATE THE NEED FOR VARIANCES SINCE LOT 16 IS ONLY 800 SQUARE FEET LARGER THAN THE MINIMUM LOT SIZE REQUIREMENT WHILE LOT 17 IS 1,700 SQUARE FEET SMALLER THAN THE REQUIRED 11,700 SQUARE FEET.• EXCEPT FOR ONE DOUBLE LOT, ALL OTHER LOTS ON PALM AVENUE ARE 80' X 125' (10,000 SQUARE FEET) IN SIZE AS PLATTED IN FEBRUARY 1956.• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES. 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. THE REQUESTED VARIANCE COMPLIES WITH THE POLICY. IT IS STAFF'S DETERMINATION THAT LOT 17 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 LOTS OF SIMILAR SIZE PLATTED IN 1956 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-1AA DISTRICT.• THE APPLICANT WOULD NOT RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCES.
STAFF RECOMMENDATION	<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;• 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** MLS-V from 11,700 SF to 10,000 SF for proposed SF
- 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	<u>KENNETH KOVALSKI</u>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED NOV 12 2004 </div>
ADDRESS	<u>PO BOX 540726</u>	
	<u>ORLANDO, FL 32854</u>	
PHONE 1	<u>407-620-4099</u>	
PHONE 2		
E-MAIL	<u>KEN.KOVALSKI@EARTHLINK.NET</u>	

PROJECT NAME: N/A

SITE ADDRESS: 3635 Palm Ave.

CURRENT USE OF PROPERTY: Vacant

LEGAL DESCRIPTION: See att. PA report (Leg lot 17, Mirror Lake Manor, PB 10, PG 46)

SIZE OF PROPERTY: 0.23 acre(s) PARCEL I.D. 17-21-29-506-0000-0160

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 12 / 13 / 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 are true and correct to the best of my knowledge.

X Kenneth Kovalski
 SIGNATURE OF OWNER OR AGENT* 11/12/04
DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

MW at BhV from 90 FT to 80 FT for proposed SF

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 COMMISSION DISTRICT 3 FLU / ZONING LDR / R-1AA

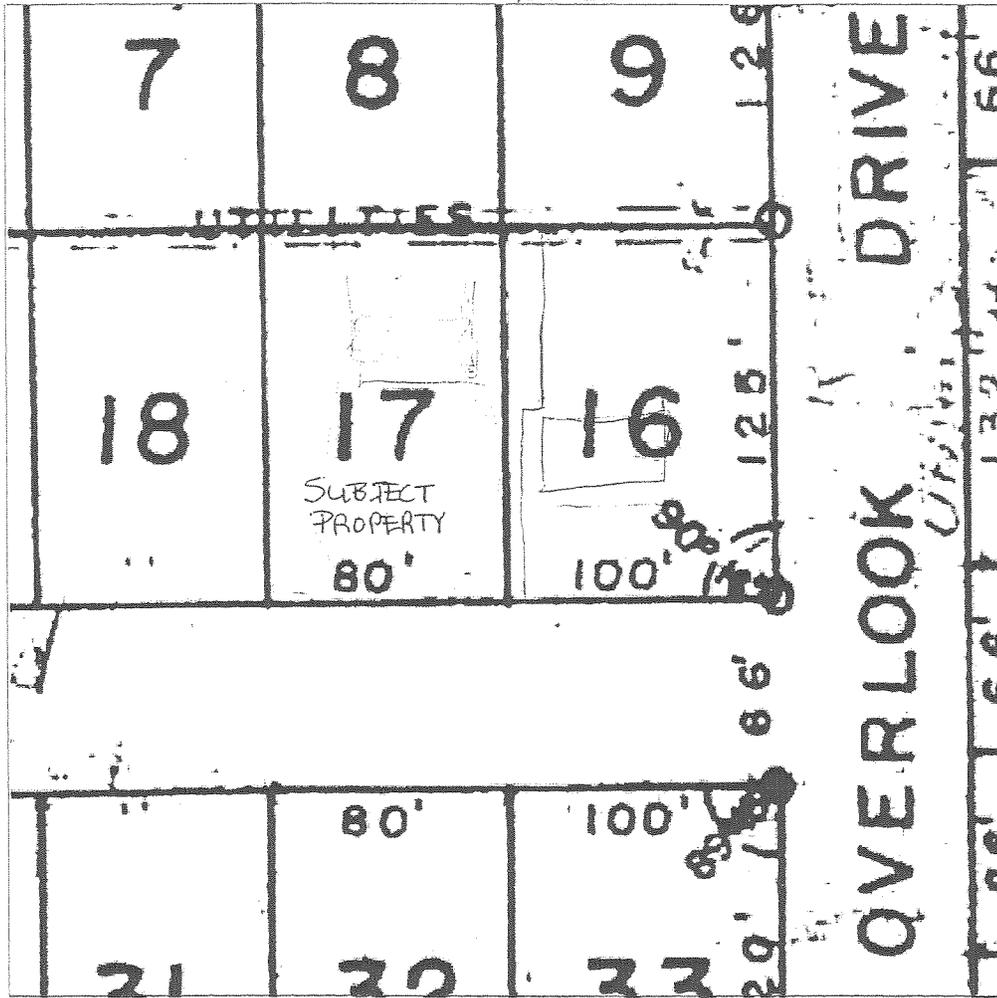
BCC HEARING DATE _____ (FOR APPEAL)

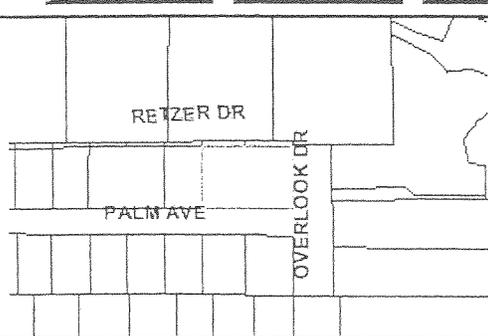
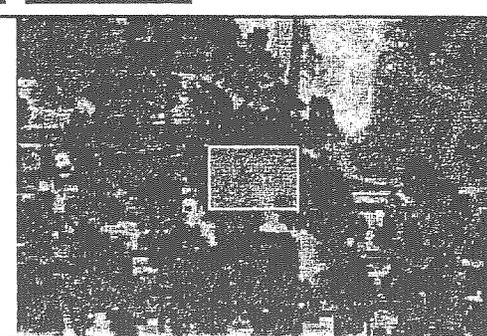
LOCATION FURTHER DESCRIBED AS NW corner of Palm Ave. & Overlook Dr.

PLANNING ADVISOR ERM DATE 11-12-04

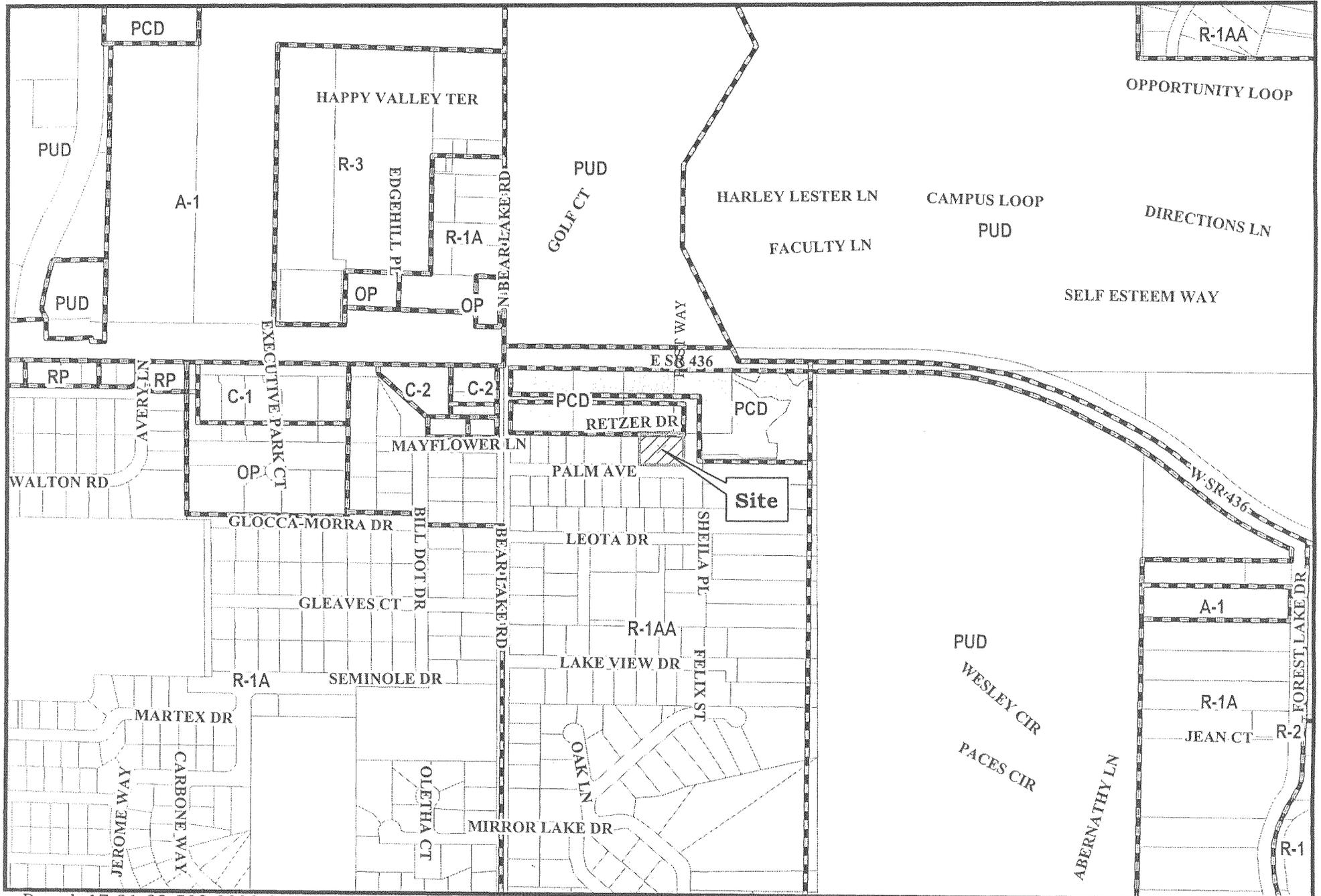
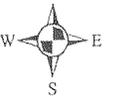
SUFFICIENCY COMMENTS Abutting lot 16 has existing home & can't be used for recombination; abutting lot 18 under different ownership

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PARCEL DETAIL	REAL ESTATE PERSONAL PROP. TAX ROLL SALES SEARCH	◀ Back ▶																																																		
 <p style="font-size: 10px;">Seminole County Property Appraiser Services 1101 N. First St. Sanford FL 32771 407-665-7506</p>																																																				
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-21-29-508-0000-0160 Tax District: 01-COUNTY-TX DIST 1 Owner: KOVALSKI KENNETH Exemptions: 00-HOMESTEAD Address: PO BOX 540726 City,State,ZipCode: ORLANDO FL 32854 Property Address: 3635 PALM AVE Subdivision Name: MIRROR LAKE MANOR Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$92,441 Depreciated EXFT Value: \$1,574 Land Value (Market): \$32,250 Land Value Ag: \$0 Just/Market Value: \$126,265 Assessed Value (SOH): \$81,453 Exempt Value: \$25,000 Taxable Value: \$56,453</p>																																																		
<p style="text-align: center;">SALES</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Deed</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Book</th> <th style="text-align: left;">Page</th> <th style="text-align: left;">Amount</th> <th style="text-align: left;">Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>04/1993</td> <td>02574</td> <td>1151</td> <td>\$72,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1978</td> <td>01171</td> <td>1181</td> <td>\$36,300</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	04/1993	02574	1151	\$72,500	Improved	WARRANTY DEED	05/1978	01171	1181	\$36,300	Improved	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,732 2004 Tax Bill Amount: \$928 Save Our Homes (SOH) Savings: \$804 2004 Taxable Value: \$54,934 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																
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<p><small>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.</small></p>																																																				

Kenneth Kovalski
3635 Palm Ave.



Parcel: 17-21-29-508-0000-0160 / District: 3

BV2004-172

DECEMBER 13, 2004

0 150 300 600 Feet

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 16 MIRROR LAKE MANOR PB 10 PG 46

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

FINDINGS OF FACT

Property Owner: KENNETH KOVALSKI
P.O. BOX 540726
ORLANDO, FL 32854

Project Name: PALM AVENUE (3635)

Requested Development Approval:

1. MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,000 SQUARE FEET; AND
2. MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 90 FEET TO 80 FEET FOR A PROPOSED HOUSE 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 variances 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: