

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,676 SQUARE FEET; AND (2) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (RANDY HOLMBERG, APPLICANT).

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

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

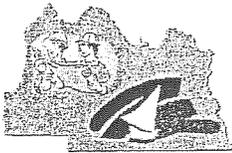
Agenda Date 2-28-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,676 SQUARE FEET; AND (2) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (RANDY HOLMBERG, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,676 SQUARE FEET; AND (2) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (RANDY HOLMBERG, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: RANDY HOLMBERG LOCATION: 457 EAST HILLCREST STREET ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A HOME THAT WOULD ENCROACH 2 FEET INTO THE MINIMUM SIDE YARD SETBACK ON A LOT THAT IS DEFICIENT IN SIZE BY 24 SQUARE FEET; THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE LOT SIZE VARIANCE BUT HAS FAILED TO

	<p>SATISFY THE CRITERIA FOR THE GRANT OF THE SIDE YARD SETBACK VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• THE LOT WAS CREATED IN 1925 AND PREDATES COUNTY ZONING ESTABLISHED IN 1960. THEREFORE, THE LOT SIZE DEFICIENCY IS A HARDSHIP NOT CREATED BY THE APPLICANT;• THE LOT SIZE (11,676 SQUARE FEET) IS CONSISTENT WITH OTHER LOTS IN THE AREA;• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPOSED HOME HAVE BEEN DEMONSTRATED. THE HOME COULD BE DESIGNED AND BUILT TO COMPLY WITH THE CODE; AND• THE (WEST) SIDE YARD SETBACK VARIANCE REQUEST WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.
<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 FOR LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,676 SQUARE FEET AND DENY THE REQUEST FOR (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET. 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 AND PROPOSED HOME 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 (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. BV 2005-001

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.

COPY

APPLICATION TYPE:

- VARIANCE** See back page for variance requests
- 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**

RECEIVED
 JAN 05 2005

PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	<u>Long The Nguyen</u>	NAME	<u>Randy W. Holmberg</u>
ADDRESS	<u>210 Cambria Way</u>	ADDRESS	<u>210 Cambria Way</u>
	<u>Santa Rosa, CA 95403</u>		<u>Santa Rosa, CA 95403</u>
PHONE 1	<u>407-616-3602</u>	PHONE 1	<u>321-662-8829</u>
PHONE 2	<u>707-566-6806</u>	PHONE 2	<u>707-566-6806</u>
E-MAIL	<u>longnguyen777@yahoo.com</u>	E-MAIL	<u>randyholmberg@yahoo.com</u>

PROJECT NAME: Single Family Home

SITE ADDRESS: 457 E. Hillcrest Street, Alt. Spgs

CURRENT USE OF PROPERTY: vacant lot

LEGAL DESCRIPTION: The East 20.83 feet of lot 39 and All of lot 40, Block 63, Sanlando, The Suburb Beautiful, Palm Springs Section - Plat Bk 3, pg 65 1/2

SIZE OF PROPERTY: 11,820 Ft² (acres) PARCEL I.D. 12-21-29-5BD-6300-D390

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 02, 28, 2005 (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.

Randy W. Holmberg 1/5/2005

SIGNATURE OF OWNER OR AGENT* DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

Change minimum lot size from 11,700 ft²
to 11,676 ft² for proposed residential home.

VARIANCE 3:

Change side setback (west side) from 10'
to 8.0', for proposed residential home.

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 4 FLU/ZONING SER/R-1AA

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS on the NW corner of intersection
of Palm Springs Drive and Hillcrest Street

PLANNING ADVISOR JV DATE 1/4/05

SUFFICIENCY COMMENTS _____

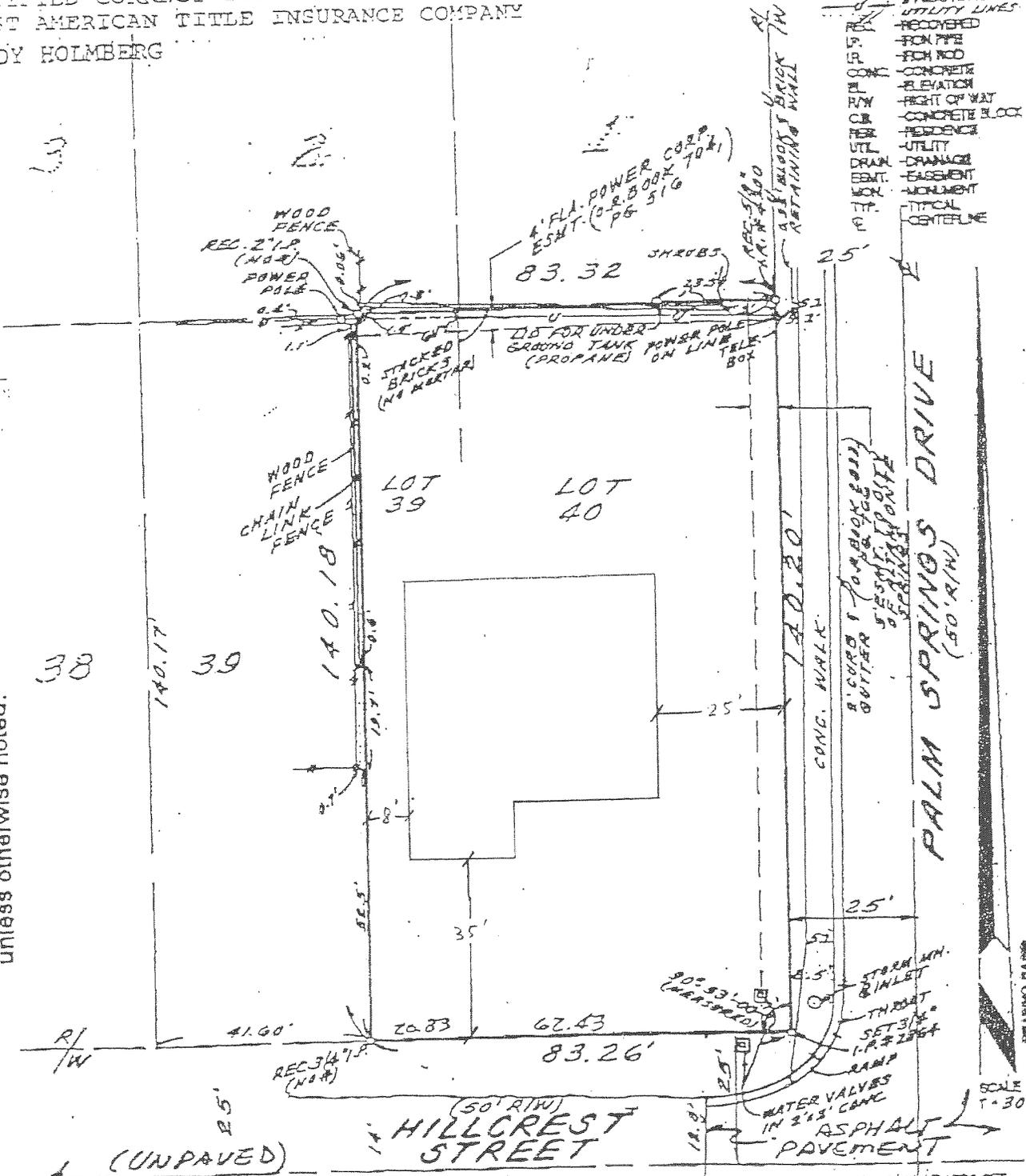
RANDY HOLMBERG
 DESCRIPTION THE EAST 20.83 FEET OF LOT 39 AND ALL OF LOT 40,
BLOCK 63, SAN CANDO, THE SUBURB BEAUTIFUL, PALM
SPRINGS SECTION
 RECORDED IN PLAT BOOK 3 PAGE(S) 65 1/2 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

CERTIFIED CORRECT TO:
 FIRST AMERICAN TITLE INSURANCE COMPANY
 RANDY HOLMBERG

LEGEND

—	OVERHEAD UTILITY LINES
—	RECOVERED
—	FOR PIPE
—	FOR ROD
—	CONCRETE
—	ELEVATION
—	HEIGHT OF WAT
—	CONCRETE BLOCK
—	RESIDENCE
—	UTILITY
—	DRAIN
—	EASMT
—	MONUMENT
—	TYPICAL CENTERLINE

NOTE: Bearings or angles shown on the survey are as platted, and are unchanged according to field measurements unless otherwise noted.



HEINRICH TROTTER,
 CARTER & AYERS, INC.
 LAND SURVEYORS

THIS PROPERTY LIES IN ZONE "X"
 PLAT COMMUNITY PANEL NUMBER
 1117 60140 E DATED 4-17-95

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 47200 FLORIDA STATUTES, CHAPTER 61517-6

CERTIFIED CORRECT:

636 N. WYMORE ROAD
 WINTER PARK, FLORIDA 32789
 (407) 647-7348
 FAX (407) 647-8097

DATE OF:
 BOUNDARY 8-21-95
 FOUND _____
 FINAL _____

M. E. [Signature]
 REG. LAND SURVEYOR NO. 2083

SCALE 1" = 30'

FILED IN 1117 60140 E

Agent Authorization

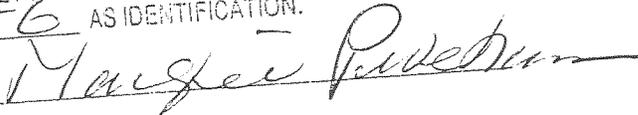
I, Long The Nguyen, hereby authorize Randy W. Holmberg to act as my agent to represent my case for zoning variance before the Seminole County Board of Adjustment. This authorization applies to my request for variance on my property located at 457 E. Hillcrest Street, Altamonte Springs, to be heard February 28, 2005.

Signed: 

Date: 01-05-05

STATE OF FLORIDA
COUNTY OF SEMINOLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS 01/05/05 BY LONG THE NGUYEN
WHO IS PERSONALLY KNOWN TO ME OR PRODUCED BY
D3878856 AS IDENTIFICATION.

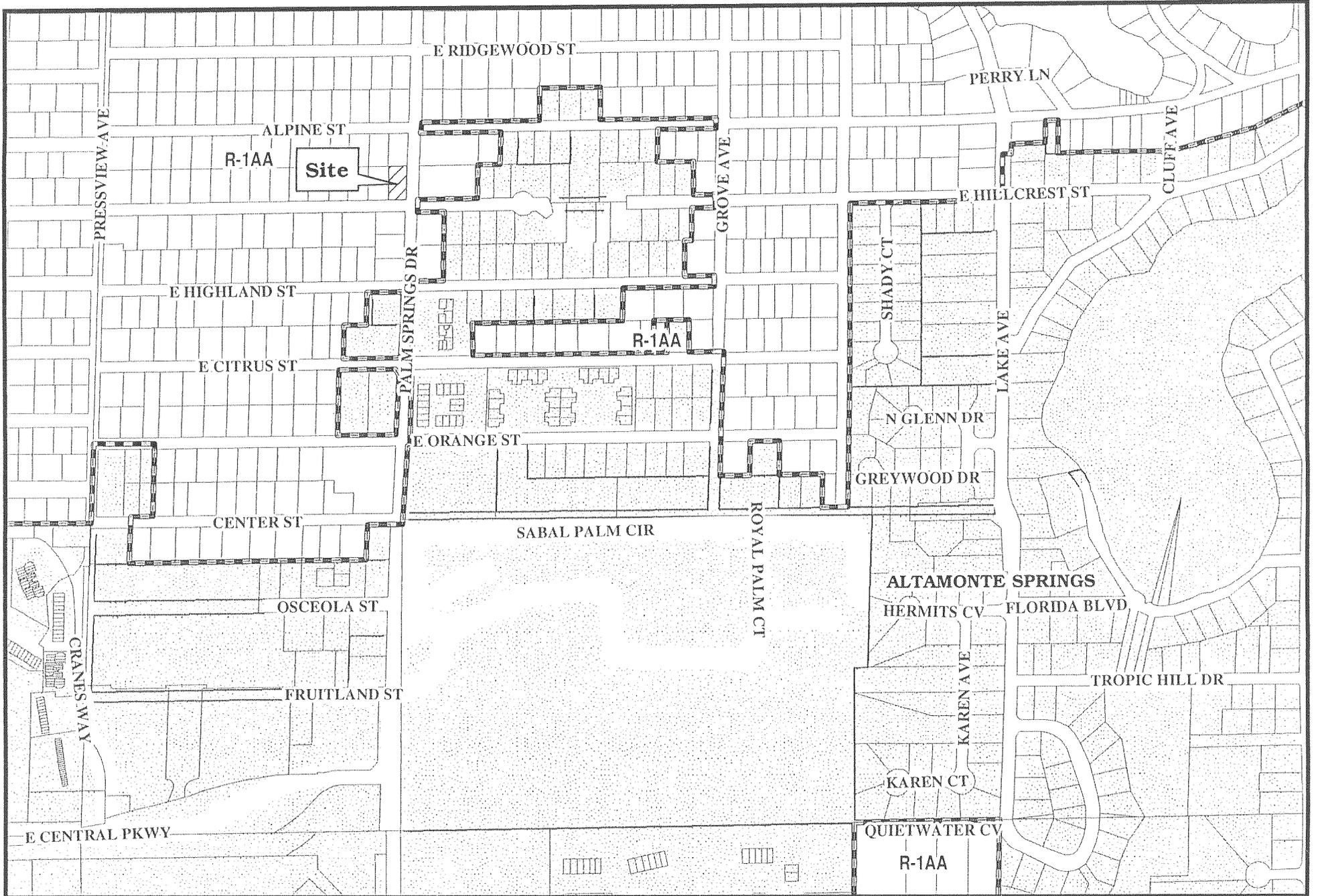
NOTARY PUBLIC: 



Margie Pevehouse
My Commission DD12008A
Expires May 22, 2006

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																						
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 12-21-29-5BD-6300-0390 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: NGUYEN LONG THE TRUSTEE Exemptions:</p> <p>Own/Addr: FBO</p> <p>Address: 210 CAMBRIA WAY</p> <p>City,State,ZipCode: SANTA ROSA CA 95403</p> <p>Property Address: 457 HILLCREST ST E</p> <p>Subdivision Name: SANLANDO</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$19,721</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$19,721</p> <p>Assessed Value (SOH): \$19,721</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$19,721</p> <p style="text-align: right;">Tax Estimator</p>																																				
<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>FEE SIMPLE DEED</td> <td>09/2003</td> <td>05091</td> <td>1844</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2002</td> <td>04545</td> <td>0906</td> <td>\$5,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1995</td> <td>02959</td> <td>1136</td> <td>\$13,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1978</td> <td>01193</td> <td>1688</td> <td>\$51,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01113</td> <td>0154</td> <td>\$44,000</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	FEE SIMPLE DEED	09/2003	05091	1844	\$100	Vacant	WARRANTY DEED	09/2002	04545	0906	\$5,000	Vacant	WARRANTY DEED	08/1995	02959	1136	\$13,000	Vacant	WARRANTY DEED	10/1978	01193	1688	\$51,000	Vacant	WARRANTY DEED	01/1977	01113	0154	\$44,000	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$333</p> <p>2004 Taxable Value: \$19,721</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp																																	
FEE SIMPLE DEED	09/2003	05091	1844	\$100	Vacant																																	
WARRANTY DEED	09/2002	04545	0906	\$5,000	Vacant																																	
WARRANTY DEED	08/1995	02959	1136	\$13,000	Vacant																																	
WARRANTY DEED	10/1978	01193	1688	\$51,000	Vacant																																	
WARRANTY DEED	01/1977	01113	0154	\$44,000	Vacant																																	
<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>83</td> <td>140</td> <td>.000</td> <td>240.00</td> <td>\$19,721</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	83	140	.000	240.00	\$19,721	<p style="text-align: center;">LEGAL DESCRIPTION PLAT</p> <p>LEG LOTS 39 + 40 (LESS W 41.66 FT OF LOT 39) BLK 63 SANLANDO</p> <p>PB 3 PG 65 1/2</p>																								
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																	
FRONT FOOT & DEPTH	83	140	.000	240.00	\$19,721																																	
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																						

Long The Nguyen 457 East Hillcrest



Parcel: 12-21-29-5BD-6300-0390 / District: 1

BV2005-001
FEBRUARY 28, 2005

0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 39 + 40 (LESS W 41.66 FT OF LOT 39) BLK 63 SANLANDO
PB 3 PG 65 1/2

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

FINDINGS OF FACT

Property Owner: LONG THE NGUYEN
210 CAMBRIA WAY
SANTA ROSA, CA 95403

Project Name: EAST HILLCREST (457)

Requested Development Approval:

1. MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,676 SQUARE FEET; AND
2. MINIMUM (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 8 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 and proposed 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: