

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR MINIMUM WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 51 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (ANITA TORRES, APPLICANT).

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

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

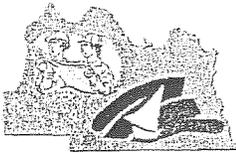
Agenda Date 02-28-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 51 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (ANITA TORRES, APPLICANT).
2. **DENY** THE REQUEST FOR MINIMUM WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 51 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (ANITA TORRES, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	ANITA TORRES 2026 McARTHUR AVENUE R-1 (LOCKHARTS SUBDIVISION)
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 THE BUILDING LINE REQUIREMENTS OF THE R-1 DISTRICT. • 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 LOCKHARTS SUBDIVISION WHICH WAS PLATTED ON SEPTEMBER, 1924. • THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY 	

	<p>SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE R-1 DISTRICT STANDARDS.</p> <ul style="list-style-type: none"> • 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 INCREASE OF THE MINIMUM WIDTH AT BUILDING LINE. • 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.
<p>STAFF RECOMMENDATION</p>	<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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED
 JAN 07 2005
 APPL. NO.

BV2005-003

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 OF WIDTH AT Buildingline From 70' to 51'**
- 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	Anita Torres	
ADDRESS	1830 GATEWOOD Dr. DELTONA FL 32738	
PHONE 1	386 532 6225 Home	
PHONE 2	407 8622230 work	
E-MAIL		

PROJECT NAME: TORRES PROJECT
 SITE ADDRESS: 2026 McCarthy Ave. Sanford FL
 CURRENT USE OF PROPERTY: Vacant LOT
 LEGAL DESCRIPTION: LEG LOT 19 BLK 10 LOCKHARTS SUBD
PB 3 PG 70
 SIZE OF PROPERTY: 51' x 100' acre(s) PARCEL I.D. 35 19 30 517 1000 0190
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER NONE
 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 2/28/05 (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.

Anita Torres
 SIGNATURE OF OWNER OR AGENT* DATE 01-07-05

* 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:

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): _____ COMMISSION DISTRICT 5 FLU/ZONING R-1 / LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS West side of McCarthy Ave, approx 300 ft. south of intersection at McCarthy Ave & W 20th St.
PLANNING ADVISOR JS DATE 1/7/05
SUFFICIENCY COMMENTS _____

Torres PROJECT

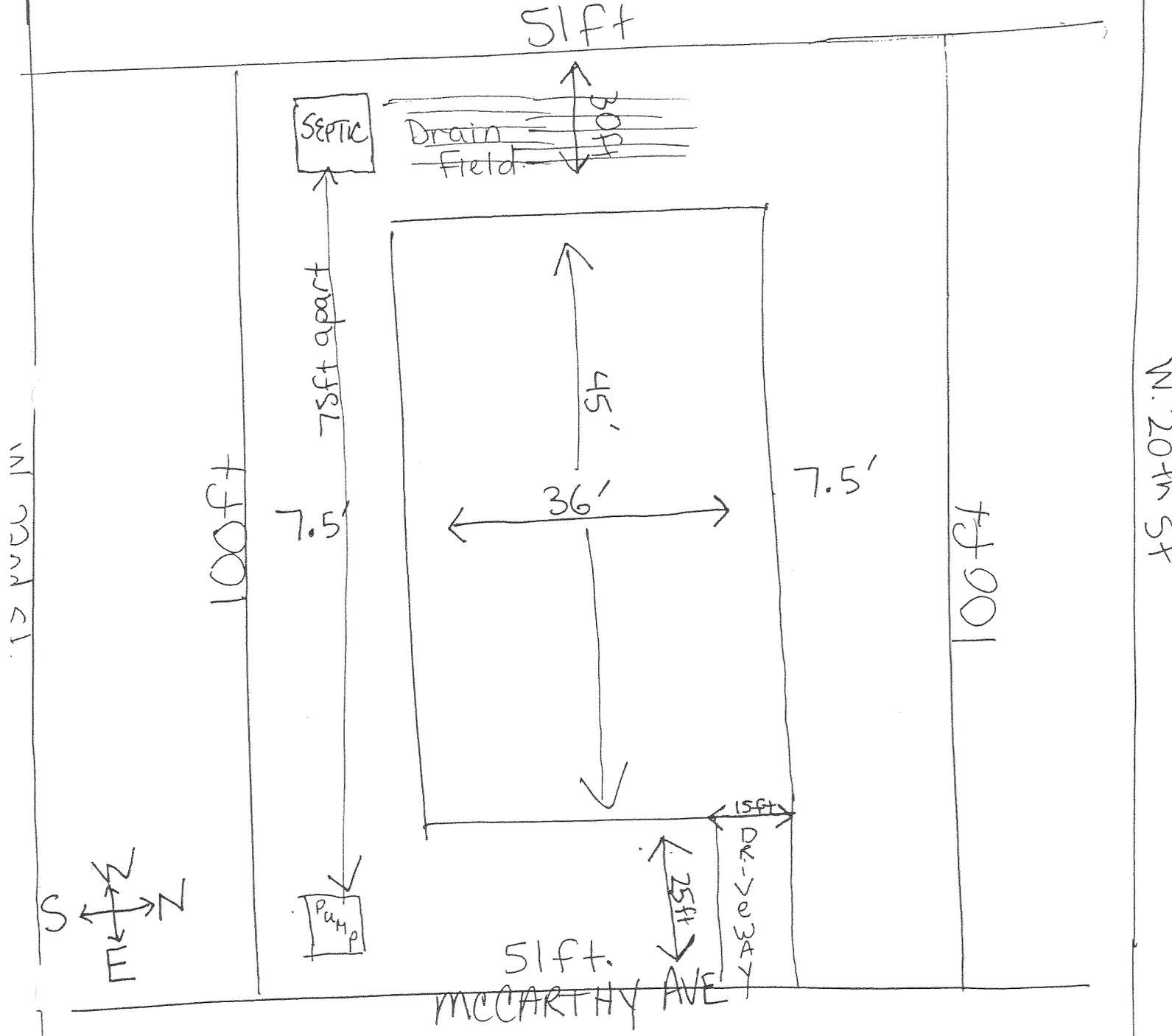
LEGAL - L26 L0114 BLK 10
LOCKHART SUBD PB 3 PG 7
PARCEL - 35193051710060190

ALEXANDER AVE

2026 McCarthy Ave
Sanford FL.

PROJECT Address

Anita Torres
1830 GATEWOOD Drive
DELTONA FL 32738
386-532-6225



17' 0" W

N. 20th St

Variance of Width at Building Line
From 51' to 51'

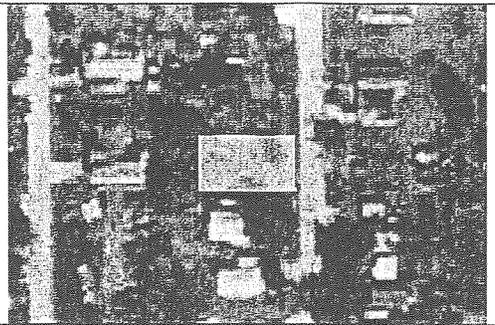
VACANT LOT

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7508

ALEXANDER AVE

MCCARTHY AVE



GENERAL

Parcel Id: 35-19-30-517-1000-0190 Tax District: 01-COUNTY-TX DIST 1
 Owner: TORRES ANITA Exemptions:
 Address: 1830 GATEWOOD DR
 City,State,ZipCode: DELTONA FL 32738
 Property Address: 2026 MC CARTHY AVE
 Subdivision Name: LOCKHARTS SUBD
 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): \$4,600
 Land Value Ag: \$0
 Just/Market Value: \$4,600
 Assessed Value (SOH): \$4,600
 Exempt Value: \$0
 Taxable Value: \$4,600
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
QUIT CLAIM DEED	11/2004	05529	1133	\$5,000	Improved
WARRANTY DEED	11/2003	05128	0003	\$18,000	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

2004 Tax Bill Amount: \$78
 2004 Taxable Value: \$4,600
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

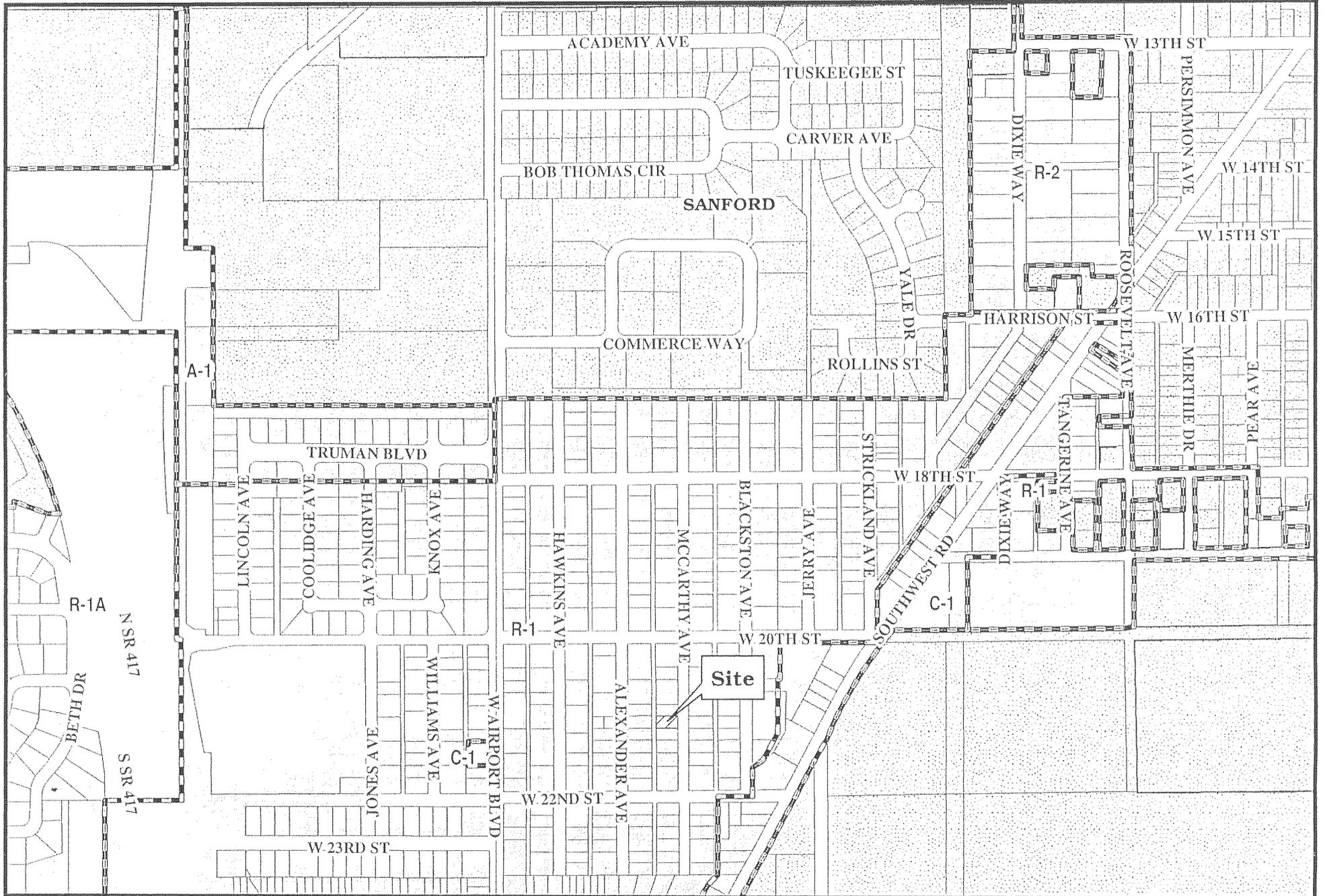
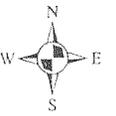
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	51	100	.000	110.00	\$4,600

LEGAL DESCRIPTION PLAT

LEG LOT 19 BLK 10 LOCKHARTS SUBD PB 3
 PG 70

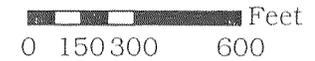
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

Anita Torres McCarthy Ave (2026)



Parcel: 35-19-30-517-1000-0190 / District: 5

BV2005-003
FEBRUARY 28, 2005



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:

LOT 19 BLK 10, LOCKHARTS SUBD, PB 3, PG 70

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

FINDINGS OF FACT

Property Owner: ANITA TORRES
1830 GATEWOOD DRIVE
DELTONA, FL 32738

Site Address: 2026 McCARTHY AVENUE

Requested Development Approval:

MINIMUM WIDTH AT THE BUILDING LINE FROM 70 FEET TO 51 FEET FOR A PROPOSED HOME.

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 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 Matthew West 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: