

BV2005-004

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); (TYRONE PINDER, APPLICANT).

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

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

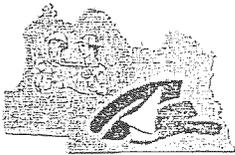
Agenda Date 02-28-05 Regular Consent Public Hearing – 6:00

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); (TYRONE PINDER, 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); (TYRONE PINDER, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	TYRONE PINDER McCARTHY AVENUE (LOT 18) 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 	

	<p>LOCKHARTS SUBDIVISION WHICH WAS PLATTED ON SEPTEMBER, 1924.</p> <ul style="list-style-type: none"> • 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 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.



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APPL. NO. BV 2005-004

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 Building line from 70' to 51'

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	Tyrone R. Pinder	
ADDRESS	1578 Roble Lane DELTONA FL 32738	
PHONE 1	407 497 8050 CELL	
PHONE 2	407 862-2230 WORK	
E-MAIL		

PROJECT NAME: Pinder Project

SITE ADDRESS: MCCARTY AVE. Sanford FL.

CURRENT USE OF PROPERTY: Vacant Land.

LEGAL DESCRIPTION: LEG LOT 18 BLK 10 Lockharts Subd PB 3 P 670

SIZE OF PROPERTY: 51' X 100' ~~acres~~ PARCEL I.D. 35-19-30-517-1000-0180

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER None Available

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 true and correct to the best of my knowledge.

Tyrone Pinder SIGNATURE OF OWNER OR AGENT* 01-07-05 DATE

Pinder PROJECT

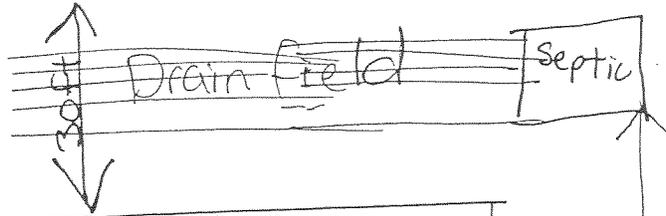
LEGAL - LCG LOT 18
BLK10 LOCKHARTS SUBD
PARCEL - PB 3 P 6 70
35 19 30 5171000 018

ALEXANDER AVE

Tyrone Pinder
1578 Roble Lane
DELTONA FL 32738
407 497 8050

McCarthy Ave
Sanford FL
Project address

51ft



FS pull-in

100ft

7.5'

45'

36'

7.5'

75ft. Apart

100ft

W 20th St

25ft.

51ft

15ft

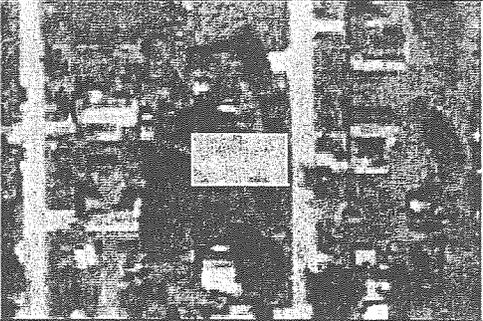
DRIVEWAY



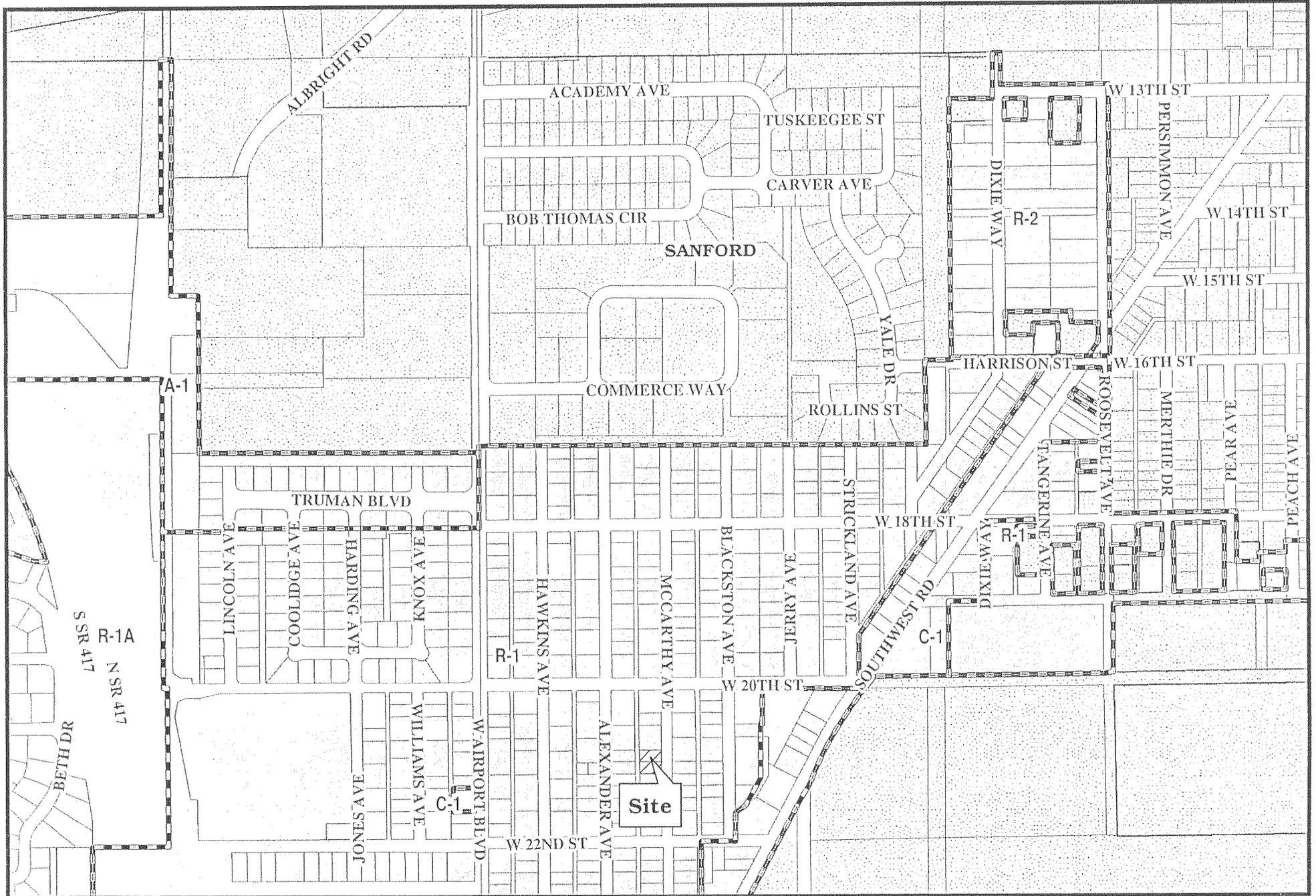
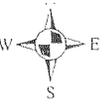
MCCARTHY AVE

Variance of width at Building Line
From 70' to 51'

VARIANT LOT

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		ALEXANDER AVE MCCARTHY AVE																			
GENERAL Parcel Id: 35-19-30-517-1000-0180 Owner: PINDER TYRONE R Address: 1578 ROBLE LN City, State, Zip Code: DELTONA FL 32738 Property Address: MC CARTHY AVE Subdivision Name: LOCKHARTS SUBD Dor: 00-VACANT RESIDENTIAL Tax District: 01-COUNTY-TX DIST 1 Exemptions:		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 <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>QUIT CLAIM DEED</td> <td>11/2004</td> <td>05529</td> <td>1137</td> <td>\$5,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/2003</td> <td>05128</td> <td>0003</td> <td>\$18,000</td> <td>Vacant</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	11/2004	05529	1137	\$5,000	Vacant	WARRANTY DEED	11/2003	05128	0003	\$18,000	Vacant	2004 VALUE SUMMARY 2004 Tax Bill Amount: \$78 2004 Taxable Value: \$4,600 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	
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LAND <table border="1"> <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>51</td> <td>100</td> <td>.000</td> <td>110.00</td> <td>\$4,600</td> </tr> </tbody> </table>		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 18 BLK 10 LOCKHARTS SUBD PB 3 PG 70							
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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.																					

Tyrone Pinder McCarthy Ave (Lot 18)



Parcel: 35-19-30-517-1000-0180 / District: 5

BV2005-004
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:

LOT 18 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: TYRONE PINDER
1578 ROBLE LANE
DELTONA, FL 32738

Site Address: McCARTHY AVENUE (LOT 18)

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: