

BV2005-039

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,720 SQUARE FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL MARSDEN, APPLICANT)

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

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

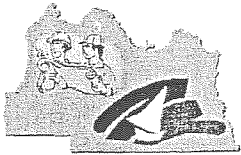
**Agenda Date** 05-23-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,720 SQUARE FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL MARSDEN, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,720 SQUARE FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL MARSDEN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: DANIEL MARSDEN, APPLICANT LOCATION: CHARLOTTE STREET (LOTS 9 & 10) ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT IS REQUESTING TO CONSTRUCT A HOUSE ON LOTS 9 &amp; 10, WHICH ARE COLLECTIVELY DEFICIENT IN THE MINIMUM LOT SIZE FOR THE R-1AA ZONING DISTRICT.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS DEMONSTRATED A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES: <ul style="list-style-type: none"> <li>• THE SUBJECT LOTS WERE CREATED AS A PART OF THE SANLANDO SPRINGS TRACT 73, WHICH WAS PLATTED ON SEPTEMBER 22, 1952.</li> </ul>

	<ul style="list-style-type: none"><li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY SUBSEQUENTLY RENDERED THE PLATTED LOTS (5350 SQUARE FEET EACH) NONCONFORMING WITH RESPECT TO R-1AA DISTRICT MINIMUM LOT SIZE (11,700 SQUARE FEET), THEREBY CREATING A HARDSHIP.</li><li>• THE APPLICANT IS REQUESTING THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY, IN COMBINING TWO PLATTED LOTS. THE COMBINATION OF THE TWO PLATTED LOTS WILL CREATE A LOT COMPLIANT WITH THE DIMENSIONAL REQUIREMENTS OF THE R-1AA ZONING DISTRICT EXCEPT FOR THE MINIMUM LOT SIZE REQUIREMENT. THE LOT WILL CONSIST OF 10,720 SQUARE FEET WHICH IS 980 SQUARE FEET SHORT OF THE 11,700 SQUARE FEET REQUIREMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE ABOVE FINDINGS, STAFF RECOMMENDS THE BOARD APPROVE THE REQUEST FOR THE REQUESTED MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 10,720 SQUARE FEET WITH THE RECOMMENDED CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCES GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. B112005-039

**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** LOT SIZE VARIANCE FROM 11,700 sq. ft. to 10,720 sq. ft.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_) MAP. 5-8-2005
- 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>DANIEL MARSDEN</u>	
ADDRESS	<u>617 Prairie Lake DR.</u>	
	<u>Fern Park, FL 32730</u>	
PHONE 1	<u>407-830-8085</u>	
PHONE 2	<u>321-231-1607</u>	
E-MAIL	<u>DMARSDEN2000@yahoo.com</u>	

PROJECT NAME: Charlotte St. #2  
 SITE ADDRESS: Charlotte st. (# not known yet)  
 CURRENT USE OF PROPERTY: VACANT RESIDENTIAL  
 LEGAL DESCRIPTION: LOTS 9 & 10, Block H, Sanlando Springs Tract No. 73 second Replat, plat book 9, pg. 3 Seminole County  
 SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 01-21-29-50K-730H-0060  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO  
 This request will be considered at the Board of Adjustment regular meeting on 5/23/05 (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.  
Daniel Marsden  
 SIGNATURE OF OWNER OR AGENT\* 3-30-05  
DATE  
 \* Proof of owner's authorization is required with submittal if signed by agent.

KF

**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): \$ 150 COMMISSION DISTRICT 4 FLU/ZONING R-1AA/LDR  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS charlotte north of Charlotte St @ the intersection of Charlotte St + Fairview Ave  
PLANNING ADVISOR K. Fall DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS \_\_\_\_\_  
\_\_\_\_\_

Seminole County Planning & Development  
Planning Division  
1101 East First Street  
Sanford, FL 32771

March 30, 2005

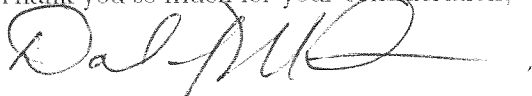
To Whom It May Concern:

I am applying for a variance to allow the minimum lot size of a parcel we just purchased to be 10,720 sf in lieu of 11,700 sf so that we may build a home on the parcel.

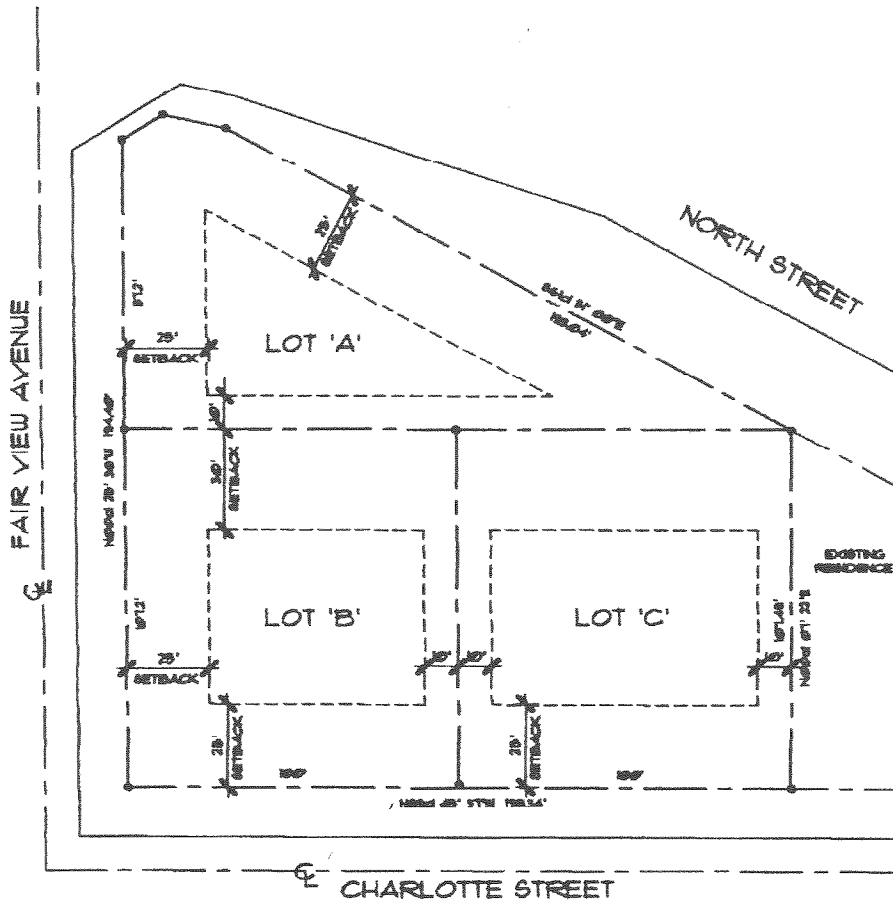
Things to Consider:

- \* A large number of homes in this area, with the same zoning(R-1AA) have been built on the same size lots as this one.
- \* The plans we have purchased for the lot fit on the lot, within all the required setbacks.

Thank you so much for your consideration;



Daniel J. Marsden



	WIDTH @ BLD'G LN	LOT SIZE	MAX. BLD'G ENVELOPE
LOT 'A'	92'-1"	10,576 SF	10,576 SF
LOT 'B'	100'-0"	10,721 SF	10,721 SF
LOT 'C'	100'-2"	10,736 SF	10,736 SF

**LEGAL DESCRIPTION**

A PORTION OF LOTS 6, 7, 8, 9, AND 10, BLOCK 14, SANLANDO SPRINGS TRACT NO. 73 SECOND REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BK 3, PG 3 OF PUB REC OF SEMINOLE COUNTY, FLORIDA.



SCALE: NTS

CHARLOTTE - FAIR VIEW

SITE PLAN

DATE: 11/15/11

LINE \* BEARING LENGTH

L1(M)	S58°55'54.0"W	14.52'
L1(D)	S58°38'31.0"W	14.52'
L2(M)	N00°25'38.0"W	20.00'
L2(D)	N00°43'15.0"W	20.00'
L3(M)	S61°42'07.0"E	35.16'
L3(D)	S61°59'44.0"E	35.16'

Curve *	Radius	Delta	Length
C1	611.62'	1°45'53"	18.84'

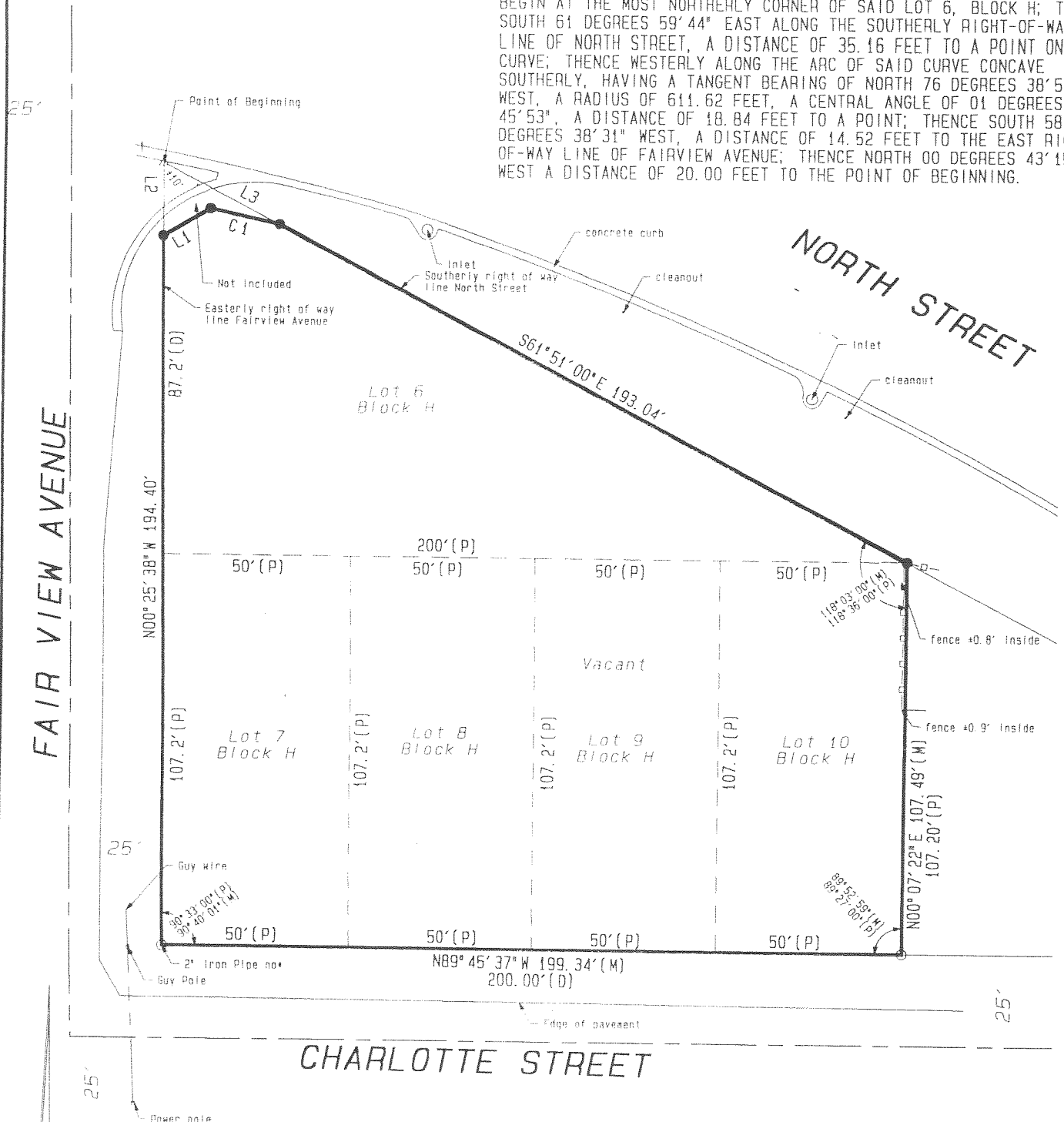
## Boundary Survey of

A PORTION OF LOTS 6, 7, 8, 9, AND 10, BLOCK H, SANLANDO SPRINGS TRACT NO. 73 SECOND REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 3, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LESS AND EXCEPT:

A PORTION OF LOT 6, BLOCK H, SANLANDO SPRINGS TRACT NO. 73 SECOND REPLAT, AS RECORDED IN PLAT BOOK 9, PAGE 3, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHERLY CORNER OF SAID LOT 6, BLOCK H; THENCE SOUTH 61 DEGREES 59'44" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH STREET, A DISTANCE OF 35.16 FEET TO A POINT ON A CURVE; THENCE WESTERLY ALONG THE ARC OF SAID CURVE CONCAVE SOUTHERLY, HAVING A TANGENT BEARING OF NORTH 76 DEGREES 38'52" WEST, A RADIUS OF 611.62 FEET, A CENTRAL ANGLE OF 01 DEGREES 45'53", A DISTANCE OF 18.84 FEET TO A POINT; THENCE SOUTH 58 DEGREES 38'31" WEST, A DISTANCE OF 14.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF FAIRVIEW AVENUE; THENCE NORTH 00 DEGREES 43'15" WEST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.



Legend

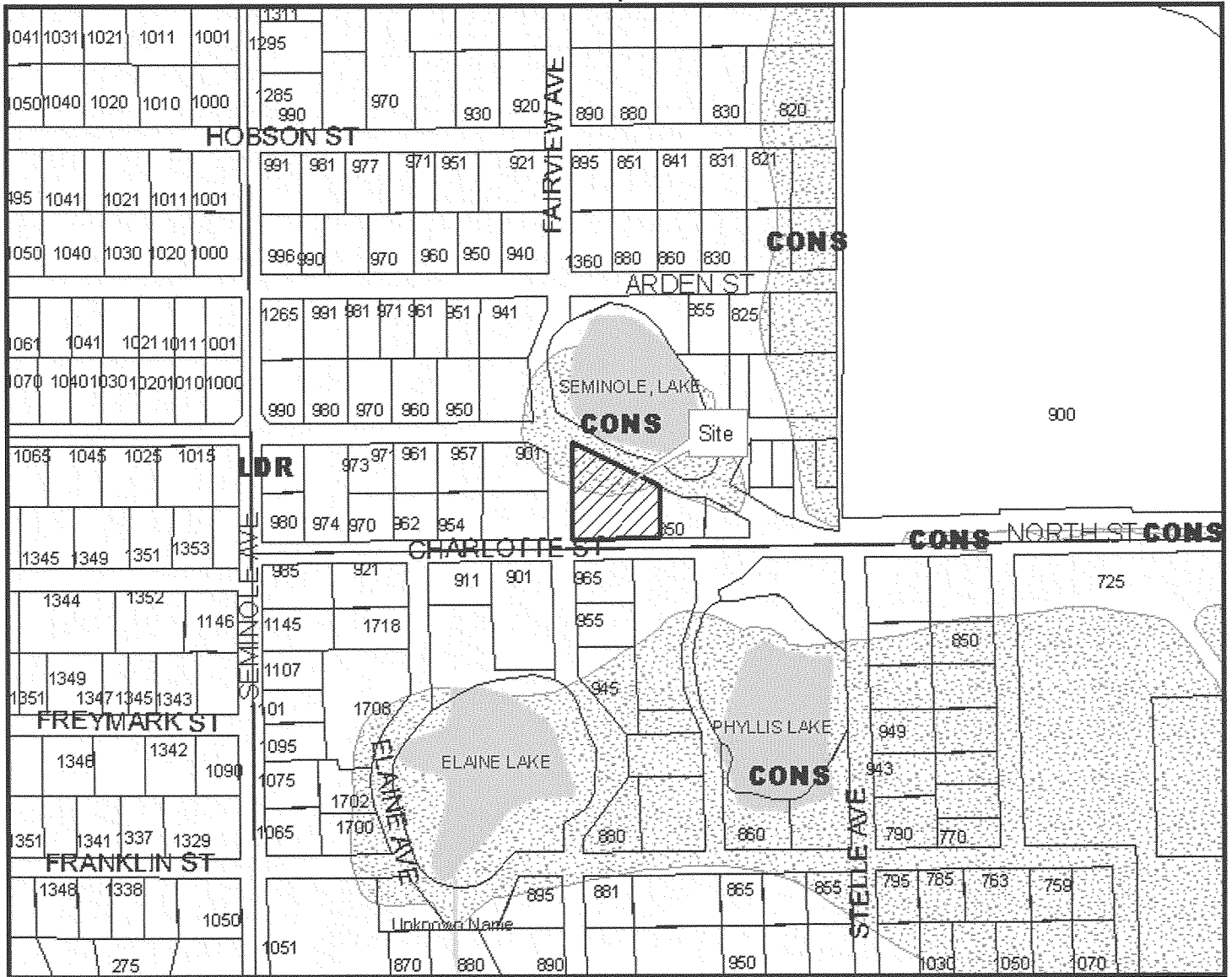
- = Recovered 4"x4" Concrete Monument.
- = Set 4"x4" Concrete Monument #LR6300
- ▲ = Set Nail & Disk LR6300
- x = Recovered X Cut in concrete

This Survey Certified To:  
Dan Marsden

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY, FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>														
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 01-21-29-5CK-730H-0060      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: KAZEN WILLIAM PER REP FOR EST      Exemptions:</p> <p>Own/Addr: OF STELLA KAZEN</p> <p>Address: 23835 GREENWOOD RD</p> <p>City,State,ZipCode: EUCLID OH 44117</p> <p>Property Address: CHARLOTTE ST</p> <p>Subdivision Name: SANLANDO SPRINGS</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p align="center"><b>2005 WORKING VALUE SUMMARY</b></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): \$46,224</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$46,224</p> <p>Assessed Value (SOH): \$46,224</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$46,224</p> <p>Tax Estimator</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>PROBATE RECORDS</td> <td>07/2002</td> <td>04485</td> <td>0434</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	PROBATE RECORDS	07/2002	04485	0434	\$100	Vacant	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>2004 Tax Bill Amount: \$781</p> <p>2004 Taxable Value: \$46,224</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp									
PROBATE RECORDS	07/2002	04485	0434	\$100	Vacant									
<p align="center"><b>LAND</b></p> <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 &amp; DEPTH</td> <td>200</td> <td>160</td> <td>.000</td> <td>240.00</td> <td>\$46,224</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	200	160	.000	240.00	\$46,224	<p align="center"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOTS 6 7 8 9 &amp; 10 (LESS RD) BLK H TRACT 73 SANLANDO SPRINGS PB 9 PG 3</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
FRONT FOOT & DEPTH	200	160	.000	240.00	\$46,224									
<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>														






**Daniel Marsden  
Charlotte St.  
Fern Park, FL 32730**




**Seminole County Board of Adjustment  
May 23, 2005  
Case: BV2005-040  
Parcel No: 01-21-29-5CK-730H-0060**

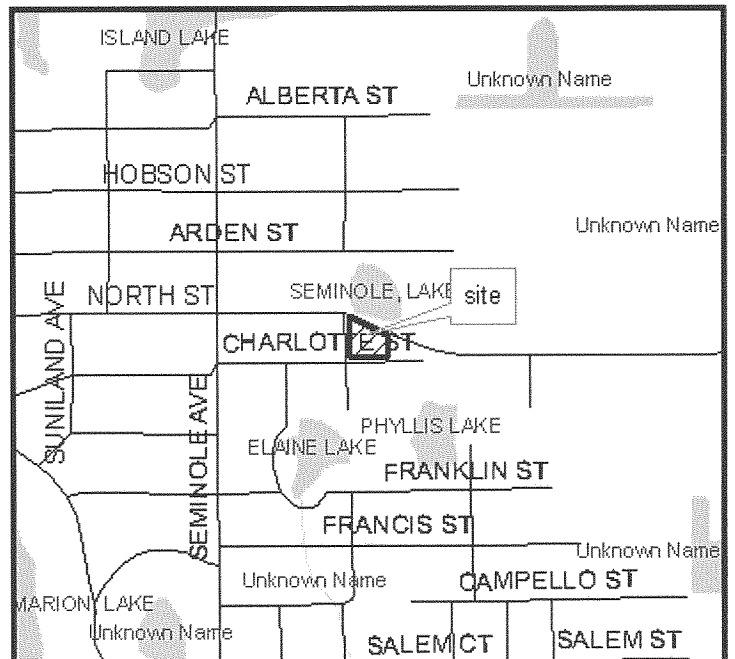
**Future Land Use**

-  CONS, LDR
-  LDR, NONE
-  BV2005-040

N



0 85 170 340 510 680 Feet







**Daniel Marsden  
Charlotte St.  
Fern Park, FL 32730**

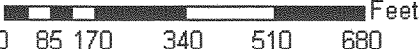


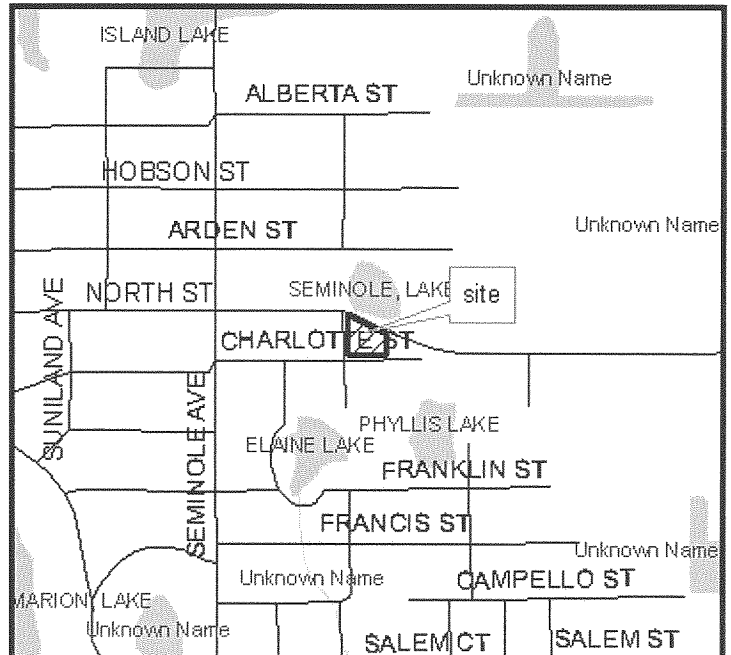
**Seminole County Board of Adjustment  
May 23, 2005  
Case: BV2005-040  
Parcel No: 01-21-29-5CK-730H-0060**

**Zoning**

-  R-1AA Single Fam-11700
-  R-1 Single Fam-8400
-  BV2005-040

N  


 Feet  
0 85 170 340 510 680



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On May 23, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 9 & 10 BLK H TRACT 73 SANLANDO SPRINGS PB 9  
PG 3

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

**FINDINGS OF FACT**

**Property Owner:** Daniel Marsden  
617 Prairie Lake Drive  
Fern Park, FL 32730

**Project Name:** Charlotte Street (lots 9 & 10)

**Requested Development Approval:**

Request for minimum lot size variance from 11,700 square feet to 10,720 square feet for a proposed home in the R-1AA (Single-Family District); Located on the northeast corner of the intersection of Charlotte Street and Fairview Street; (BV2005-040)

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 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 \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: