

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

**SUBJECT:** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 9,795 SQUARE FEET FOR A PROPOSED HOME AND; (2) MINIMUM WIDTH AT BUILDING LINE VARIANCE FROM 90 FEET TO 70 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (OCTAVIO OSORIO, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7398

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

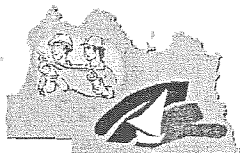
**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 9,795 SQUARE FEET FOR A PROPOSED HOME AND; (2) MINIMUM WIDTH AT BUILDING LINE VARIANCE FROM 90 FEET TO 70 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (OCTAVIO OSORIO, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 9,795 SQUARE FEET FOR A PROPOSED HOME AND; (2) MINIMUM WIDTH AT BUILDING LINE VARIANCE FROM 90 FEET TO 70 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (OCTAVIO OSORIO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> OCTAVIO OSORIO <b>LOCATION:</b> LOT 20 (LESS W 30 FT) & 21 E HILLCREST STREET <b>ZONING:</b> R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT IS PROPOSING TO CONSTRUCT A HOUSE ON LOTS 20 (LESS W 30 FT.) &amp; 21. THE COMBINED LOTS ARE DEFICIENT IN THE MINIMUM LOT SIZE REQUIREMENT AND THE MINIMUM LOT WIDTH AT THE BUILDING LINE REQUIREMENT IN THE R-1AA ZONING DISTRICT.</li> <li>• THE COMBINED EAST 20 FT OF LOT 20 AND ALL OF LOT</li> </ul>

	<p>21 WOULD BE CONSIDERED A PARCEL OF RECORD BY THE LAND DEVELOPMENT CODE.</p> <ul style="list-style-type: none"><li>• IN 1988, AN APPLICATION FOR MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 9,795 SQUARE FEET AND A MINIMUM WIDTH AT BUILDING LINE VARIANCE FROM 90 FEET TO 70 FEET WAS DENIED.</li></ul>
<b>STAFF FINDINGS</b>	<p>THE APPLICANT HAS DEMONSTRATED A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES:</p> <ul style="list-style-type: none"><li>• THE SUBJECT PROPERTY WAS PLATTED ON JANUARY 21, 1925 AND PRIOR TO SEMINOLE COUNTY'S ADOPTION OF COMPREHENSIVE ZONING REGULATIONS ON MAY 31, 1960.</li><li>• IT THEREBY FAILS TO MEET THE MINIMUM LOT SIZE AND WIDTH REQUIREMENTS ESTABLISHED FOR THE R-1AA DISTRICT. THE SUBSEQUENT APPLICATION OF R-1AA ZONING TO THE SUBJECT PROPERTIES RESULTED IN TWO NON-CONFORMING LOT OF RECORD, OR A COMBINED DEVELOPABLE LOT WHICH FAILS TO MEET MINIMUM STANDARDS DEFINED BY SECTION 30.205(C) OF THE LAND DEVELOPMENT CODE. FOR THIS REASON, THE APPLICATION OF R-1AA ZONING TO LOTS OF THIS TYPE IS UNIQUE AND WOULD NOT OTHERWISE CREATE SIMILAR NON-CONFORMING CONDITIONS ON LOTS CREATED TODAY.</li><li>• 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 REDUCTION OF THE MINIMUM WIDTH AT BUILDING LINE AND DIMENSIONAL NONCONFORMITY.</li><li>• THE SPECIAL CIRCUMSTANCES DESCRIBED ABOVE DID NOT RESULT FROM ANY ACTIONS BY THE APPLICANT.</li><li>• THE VARIANCES REQUESTED BY THE APPLICANT ARE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE LOT IN QUESTION.</li><li>• MANY OF THE ADJOINING PROPERTIES ARE OF A SIMILAR SIZE AND SINGLE-FAMILY CHARACTER. FOR THIS REASON, STAFF BELIEVES THE GRANTING OF THE VARIANCE REQUEST WOULD BE IN GENERAL HARMONY WITH CHAPTER 30 OF THE LAND DEVELOPMENT CODE AND WOULD NOT BE INJURIOUS TO ADJOINING PROPERTIES OR THE PUBLIC WELFARE IN GENERAL.</li></ul>

<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE ABOVE STANDARDS FOR GRANTING VARIANCES AND STAFF FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUEST SUBJECT TO THE FOLLOWING CONDITION AND MAKE APPROPRIATE FINDINGS OF FACT:</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>• THE EXISTING PARCELS SHALL BE COMBINED THROUGH UNITY OF TITLE.</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>
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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. BV 2005-044

**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** From 11,700 sq ft to 9,795
- 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  
 APR 01 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Octavio Osorio</u>	<u>Silvano Madrignan</u>
ADDRESS	<u>647 E. Hillcrest St.</u> <u>11 Towne Shrs, FL 32701</u>	
PHONE 1		<u>(407) 461-6584</u>
PHONE 2		<u>(407) 431-6193</u>
E-MAIL		

PROJECT NAME: E Hillcrest (Lot 20)

SITE ADDRESS: \_\_\_\_\_

CURRENT USE OF PROPERTY: Residential Vacant Land

LEGAL DESCRIPTION: Lot 20 (Less W 30 FT) & ALL LOT 21 BLK 415 Aulando PB 3 Pt 65 1/2

SIZE OF PROPERTY: 9800 acre(s) PARCEL I.D. 12-21-29-5BD-4100-0200

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

Interior  
AIT

KNOWN CODE ENFORCEMENT VIOLATIONS none

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO May 23

This request will be considered at the Board of Adjustment regular meeting on 3/31/2005 (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.

Rodriguez 3-31-05  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

MR

**ADDITIONAL VARIANCES**

VARIANCE 2:

From 90 Feet in width TO 70 Feet  
width

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): \$200.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1AA / LDR

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

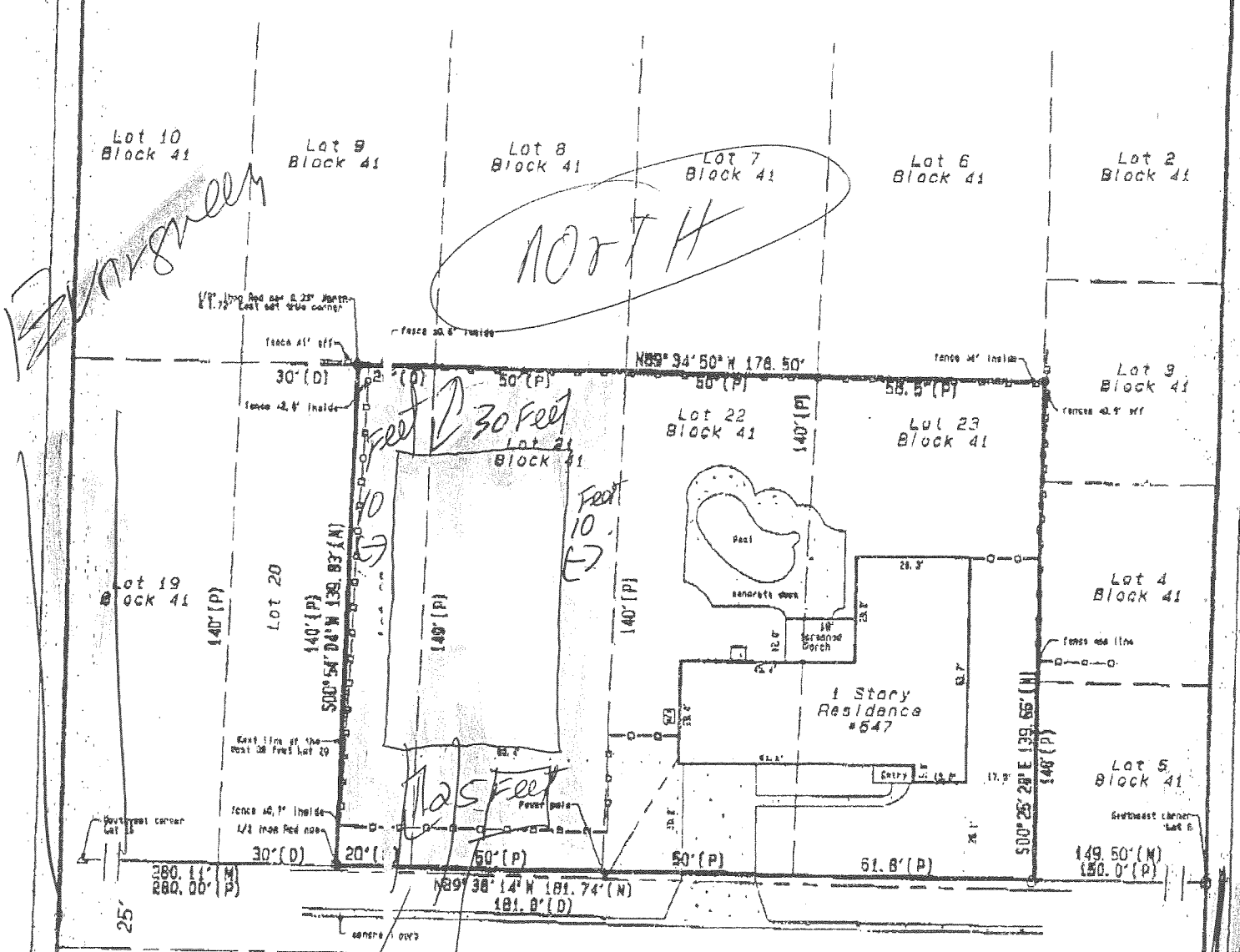
LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

# Boundary Survey for Octavio & Dora Alicia Osorio

Lot 20 Less the West 30 feet and all of  
Lots 21, 22 and 23, Block 41,  
SANLANDO, THE SUBURB BEAUTIFUL  
PALM SPRINGS SECTION  
Plat Book 3, Page 65 1/2,  
Seminole County, Florida



**HILLCREST STREET E.**

Driveway  
Softic Tanks

**Legend**

- C = Recovered 6" Round Concrete Monument
- = Set 4"x4" Concrete Monument #L86300
- ▲ = Recovered 3/4" Iron Pipe nail
- ✕ = Recovered X Cut In concrete
- = Recovered 1/4" Iron Pipe nail
- = Set 1/2" Iron Rod L86300
- = Light Pole as shown
- = 5' Wood Fence
- = 6' Chain Link
- = Concrete Slab
- = 4' Chain Link fence

This Survey Certified To:  
Good Faith Title Company  
Old Republic National Title Insurance Co  
Countrywide Wholesale  
Octavio Osorio  
Dora Alicia Osorio

A-Central Angle L-Arc R-Radius R/W-Right of Way  
A/C-As Condition (R)-Radial (NR)-Non-Radial  
(P)-Plat (M)-Measured (C)-Calculated (D)-Deed  
PGB-Point of Beginning POC-Point of Commencement  
PCL-Point On Line

Bearings are based on the  
centerline of Hillcrest Street E  
as being 88°36'18"E, assumed

Not valid without the signature and the original  
sealed seal of a Florida Licensed Surveyor and  
engineer. Additions and deletions to survey maps,  
sketches or reports by other than the original  
party or parties is prohibited without written  
consent of the signing party or parties.

SCALE: 1" = 40'
REVIEWED BY: MWS
DRAWN BY: SAW
DATE: May 23, 2002

This survey is certified to and prepared for the  
sole and exclusive benefit of the entities and/or  
individuals listed and shall not be called on  
by any other entity or individual whatsoever.

Legal Description furnished by  
client (unless otherwise noted)

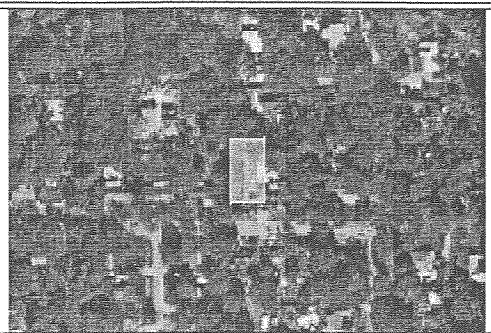
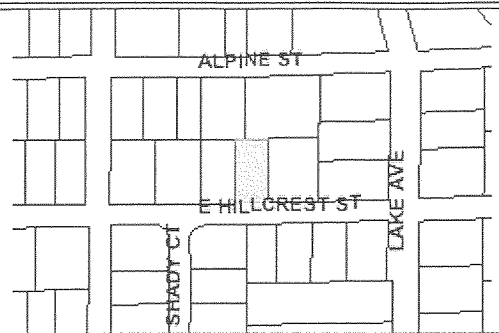
This is to certify that I  
have reviewed the Flood

Underground foundations and/or improvements

Octavio  
Dora  
Osorio

**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL.  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7506



**GENERAL**

Parcel Id: 12-21-29-5BD-4100-0200      Tax District: 01-COUNTY-TX DIST 1  
 Owner: OSORIO OCTAVIO & DORA A      Exemptions:  
 Address: 647 E HILLCREST ST  
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32701  
 Property Address: HILLCREST ST E ALTAMONTE SPRINGS 32701  
 Subdivision Name: SANLANDO  
 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): \$8,316  
 Land Value Ag: \$0  
 Just/Market Value: \$8,316  
 Assessed Value (SOH): \$8,316  
 Exempt Value: \$0  
 Taxable Value: \$8,316  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	06/2002	04458	1556	\$179,000	Vacant
WARRANTY DEED	06/1996	03090	0083	\$100	Vacant
WARRANTY DEED	06/1996	03090	0067	\$100	Vacant

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

2004 Tax Bill Amount: \$141  
 2004 Taxable Value: \$8,316  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	70	140	.000	240.00	\$8,316

**LEGAL DESCRIPTION PLAT**

LEG LOT 20 (LESS W 30 FT) & ALL LOT 21 BLK 41 SANLANDO  
 PB 3 PG 65 1/2

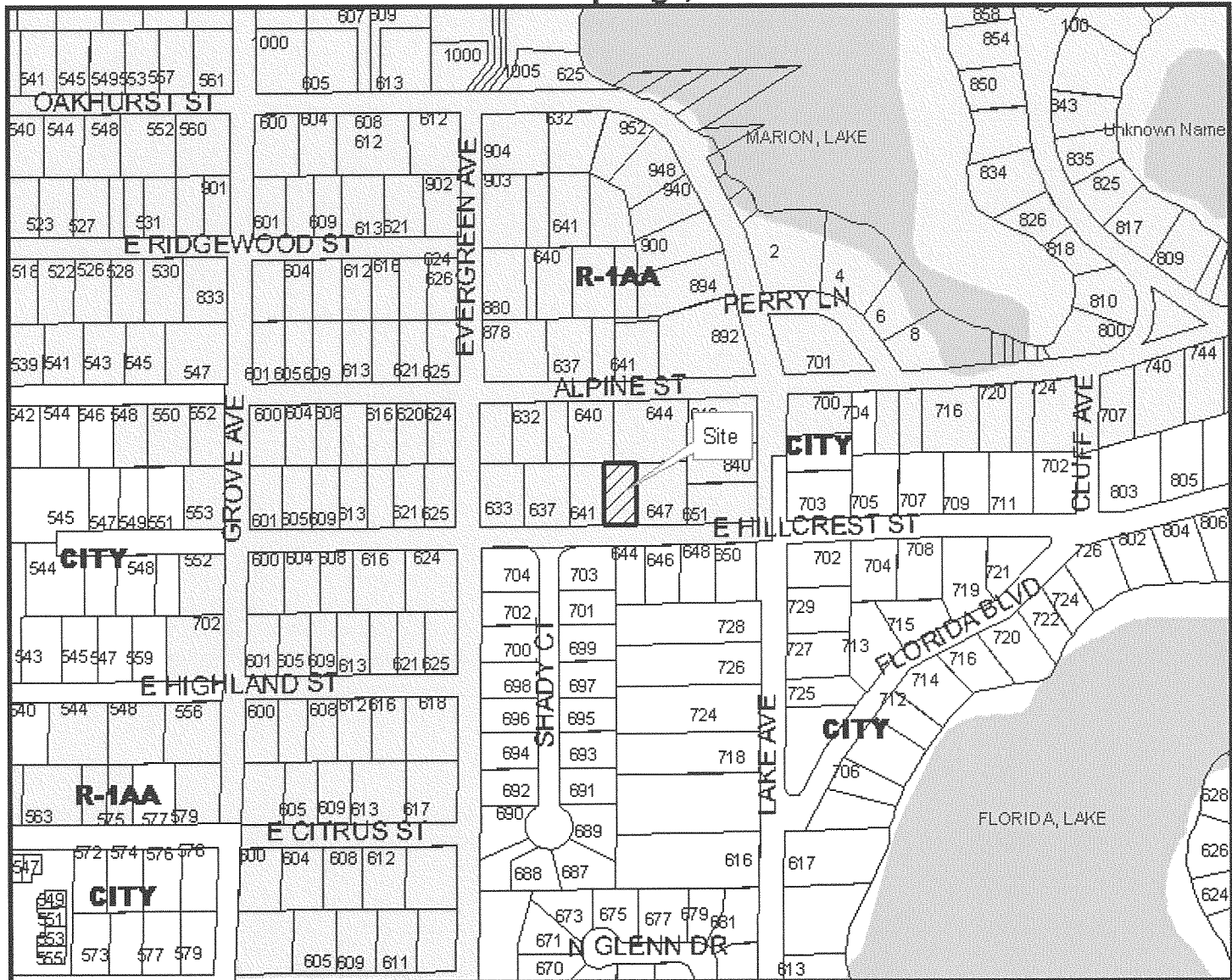
**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.  
 \*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

50x140

Denild in 88



Silvano Rodriguez  
 647 E. Hillcrest St.  
 Altamonte Springs, FL 32701



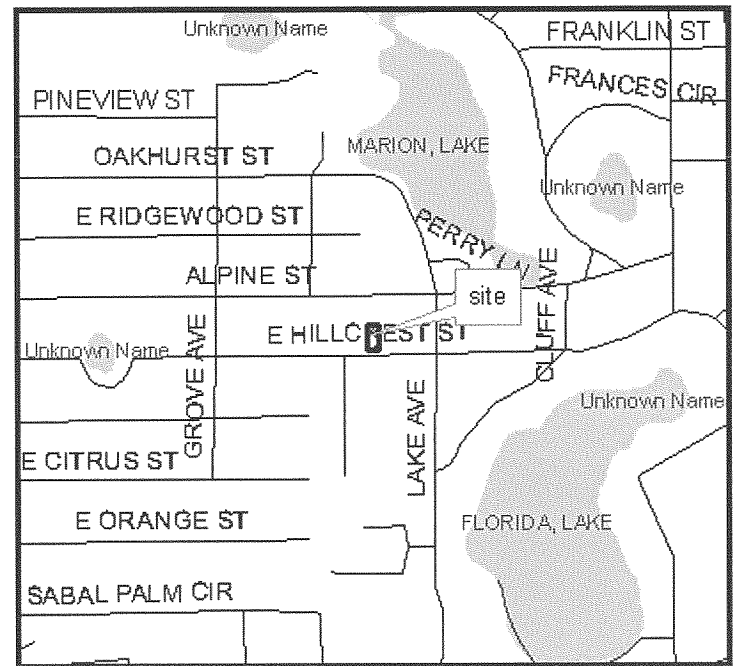
**Seminole County Board of Adjustment**  
 May 23, 2005  
 Case: BV2005-044  
 Parcel No: 12-21-29-5BD-4100-0200

**Zoning**

- R-1AA Single Fam-11700
- BV2005-044

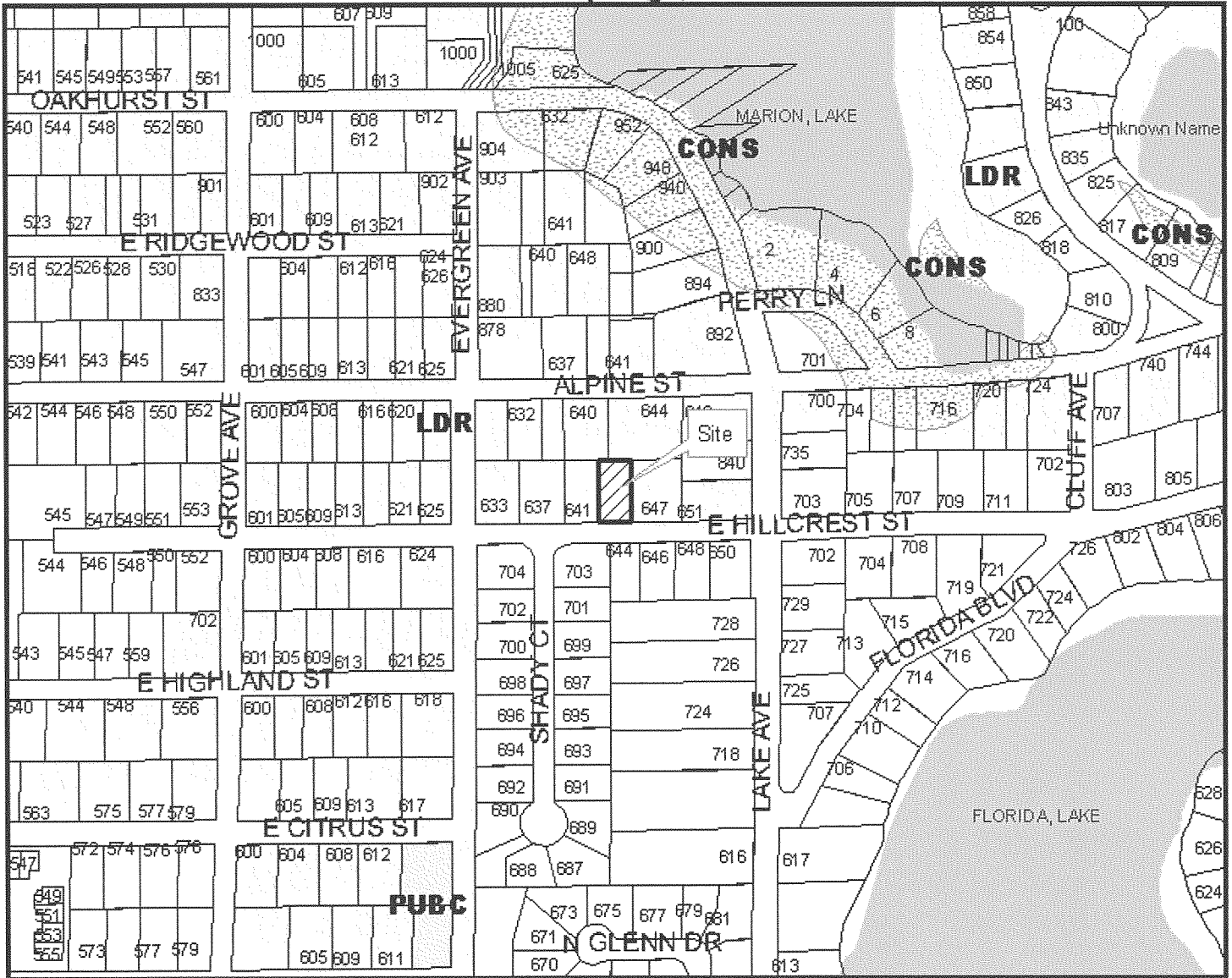
N

0 85 170 340 510 680 Feet









**Silvano Rodriguez  
647 E. Hillcrest St.  
Altamonte Springs, FL 32701**



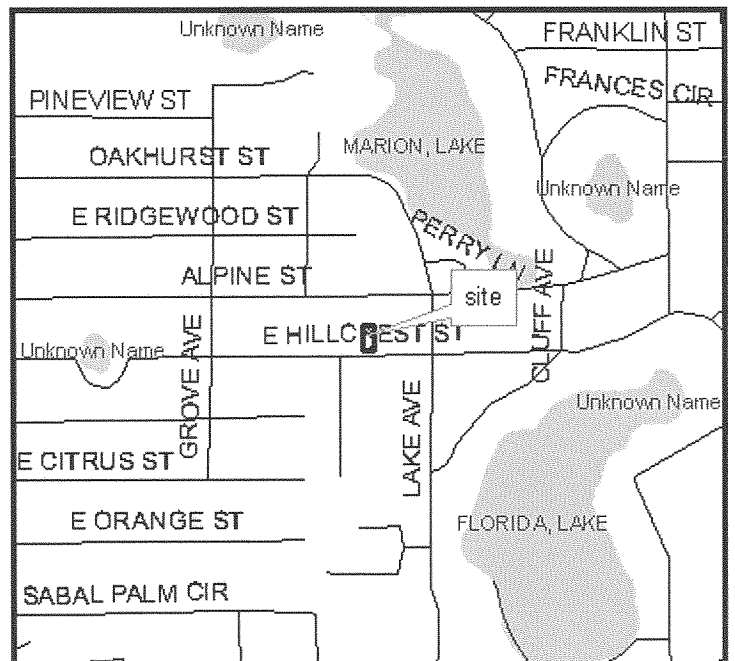
**Seminole County Board of Adjustment  
May 23, 2005  
Case: BV2005-044  
Parcel No: 12-21-29-5BD-4100-0200**

**Future Land Use**

-  CONS, LDR
-  PUBC, NONE
-  LDR, NONE
-  BV2005-044

N

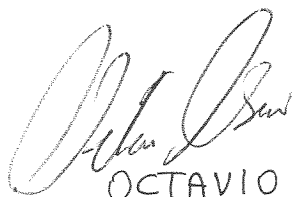
0 85 170 340 510 680 Feet



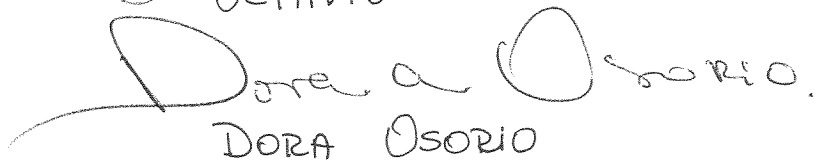
THIS LETTER IS TO ALLOW MRS. SILVANA RODRIGUEZ TO APPLY FOR A VARIANCE ON  
MY VACANT LAND LOCATED ON 647 HILLCREST ST. ALTAMONTE SPRNGS FL 32701.

LEGAL DESCRIPTION LEG LOT 20 (LESS W 30 FT) & ALL LOT 21 BLK 41 SANLANDO PB 3

PG 65 1/2



OCTAVIO OSORIO



DORA OSORIO

## SEMINOLE COUNTY DEVELOPMENT ORDER

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

LEG LOT 20 (LESS W 30 FT) & ALL LOT 21 BLK 41 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:** OCTAVIO OSORIO  
647 E HILLCREST STREET  
ALTAMONTE SPRINGS, FL 32701

**Project Name:** E HILLCREST STREET (LOT 20)

### Requested Development Approval:

(1) MINIMUM LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 9,795 SQUARE FEET FOR A PROPOSED HOME AND; (2) MINIMUM WIDTH AT BUILDING LINE VARIANCE FROM 90 FEET TO 70 FEET FOR A PROPOSED HOME 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: Michael Rumer, 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 variance 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: