

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

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (SCOTT RYAN, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7430

Agenda Date 06-27-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (SCOTT RYAN, APPLICANT).
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (SCOTT RYAN, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<p>GENERAL INFORMATION</p>	<p>SCOTT RYAN, APPLICANT PINE STREET, LOT 14 (BLOCK 1) (CASSA VILLA HEIGHTS)</p>	<p>A-1 DISTRICT, LDC SECTION 30.186(a)(3)</p>
<p>BACKGROUND REQUEST</p>	<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 LOT SIZE, MINIMUM WIDTH AT BUILDING LINE AND MINIMUM SETBACK REQUIREMENTS OF THE A-1 DISTRICT; THE AFOREMENTIONED VARIANCES ARE REQUESTED TO REDUCE THOSE STANDARDS. • THE BOARD OF ADJUSTMENT HAS APPROVED SIMILAR VARIANCES ON NEARBY PROPERTIES AFTER THE DEMONSTRATION OF HARDSHIPS CONSISTENT WITH THE VARIANCE CRITERIA IDENTIFIED IN SECTION 30.43(b)(3) (VARIANCES). 	
<p>STAFF FINDINGS</p>	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> • THE SUBJECT LOT WAS CREATED AS A PART OF CASSA VILLA HEIGHTS, WHICH WAS PLATTED ON FEBRUARY 19, 1957. • THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE A-1 DISTRICT STANDARDS. • POLICY FLU 3.2, ADOPTED ON SEPTEMBER 11, 1991, STATES THE COUNTY SHALL RESOLVE ENVIRONMENTAL AND INFRASTRUCTURE ISSUES BY REQUIRING THE COMBINING OF LOTS. THE APPLICANT HAS THE OPPORTUNITY TO COMBINE LOT 14 WITH THE ADJACENT LOT 15, WHICH IS ALSO ON THE AGENDA FOR THE SAME VARIANCES. • 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 A-1 DISTRICT. 	
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE STATED FINDINGS AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS DENIAL OF THE REQUEST BUT RECOMMENDATION OF VARIANCES NEEDED IN THE COMBINATION OF LOTS 14 AND 15, 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. 	

Vision 2020 Comprehensive Plan Seminole County, Florida



OBJECTIVE FLU 3: REDUCTION OF NONCONFORMING USES AND ANTIQUATED PLATS

The County shall reduce uses that are inconsistent with community character, future land uses and service and facility plans through a systematic program to reduce nonconforming uses, eliminate nonconforming zonings and resolve issues related to antiquated plats.

Policy FLU 3.1 Nonconforming Uses, Nonconforming Zonings and Conflicting Zonings
The County shall reduce nonconforming uses and zonings and eliminate conflicting zonings by means of procedures set forth in the Implementation Element of this Plan.

Policy FLU 3.2 Antiquated Plats
The County shall continue to resolve land use compatibility, environmental and infrastructure issues related to antiquated plats by way of, but not limited to, the following techniques:

- A Requiring the combining of lots; and
- B Allowing for replatting and vacating and abandonment procedures.





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 2005-057

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**
- 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
MAY 02 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Scott K. Ryan</u>	<u>Scott K. Ryan</u>
ADDRESS	<u>P.O. Box 620226</u>	
	<u>Oviedo, FL 32762-0226</u>	
PHONE 1	<u>407-402-3405</u>	
PHONE 2	<u>FAX # 407-673-7268</u>	
E-MAIL		

PROJECT NAME: Cassa-Villa-Heights

SITE ADDRESS: LOT 140 Pine Street

CURRENT USE OF PROPERTY: vacant land

LEGAL DESCRIPTION: LOT 14 Bk. 1 Cassa Villa Heights
PB 10 Pg 97

SIZE OF PROPERTY: 8250 sq. ft. acre(s) PARCEL I.D. 04-21-31-501.0100.0140

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 6/27/05 (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.

[Signature]
SIGNATURE OF OWNER OR AGENT*

2 APR 10 2005
DATE

* 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:

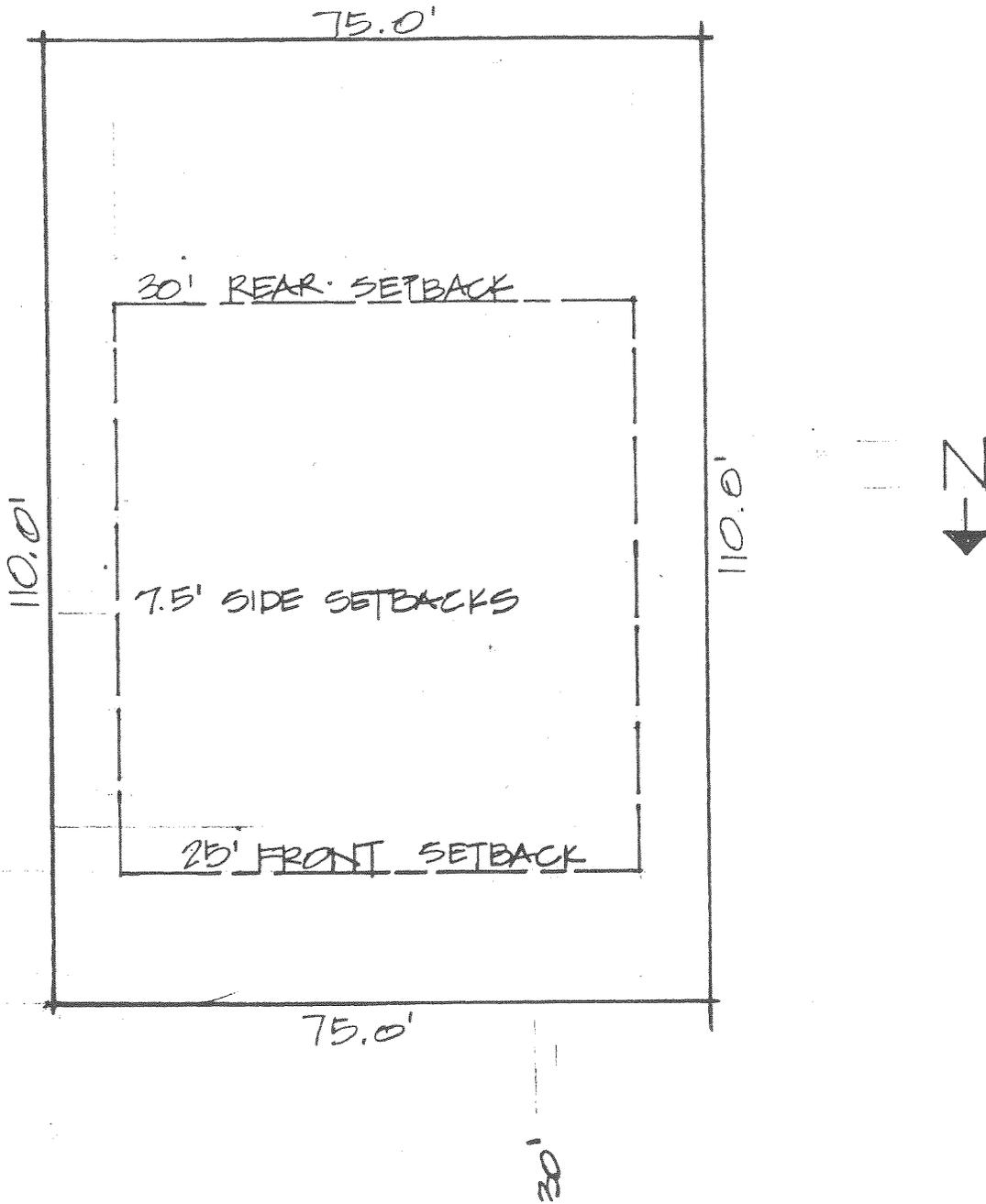
FEE(S): \$ 150 COMMISSION DISTRICT 2 FLU / ZONING A-1 / LOR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS North of Pine St about 1/4 mi west of the intersection of Pine St. & Palm Dr.

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____



E PINE ST

SR BUILDERS, INC.

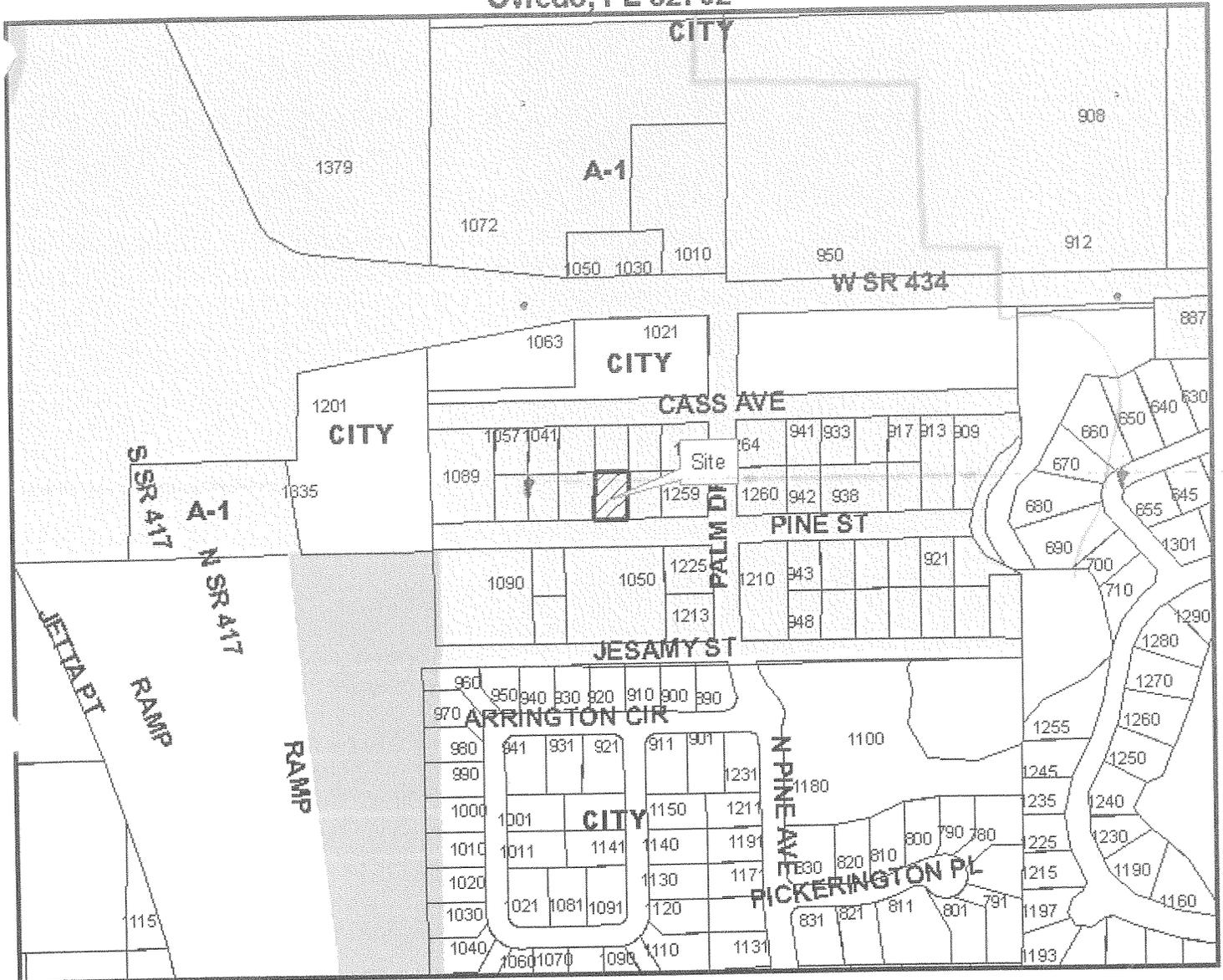
LOT # 14 BLOCK 1

CASSAVILLA HEIGHTS

PB 10, PG 97, SEMINOLE CO, FL

<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 407-665-7506</p>														
<p align="center">GENERAL</p> <p>Parcel Id: 04-21-31-501-0100-0140 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MOTT LILLIAN J & Exemptions:</p> <p>Own/Addr: MOTT ROBERT T JR</p> <p>Address: PO BOX 620441</p> <p>City,State,ZipCode: OVIEDO FL 32762</p> <p>Property Address: PINE ST</p> <p>Subdivision Name: CASSA-VILLA HEIGHTS</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>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): \$22,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$22,000</p> <p>Assessed Value (SOH): \$22,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$22,000</p> <p>Tax Estimator</p>												
<p align="center">SALES</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>WARRANTY DEED</td> <td>05/1999</td> <td>03660</td> <td>0954</td> <td>\$10,000</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	05/1999	03660	0954	\$10,000	Vacant	<p>2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$338</p> <p>2004 Taxable Value: \$20,000</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp									
WARRANTY DEED	05/1999	03660	0954	\$10,000	Vacant									
<p align="center">LAND</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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>22,000.00</td> <td>\$22,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	22,000.00	\$22,000	<p>LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 14 BLK 1 CASSA-VILLA HEIGHTS PB 10 PG 97</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
LOT	0	0	1.000	22,000.00	\$22,000									
<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>														

Scott K. Ryan
 Lot 14 Pine Street
 Oviedo, FL 32762

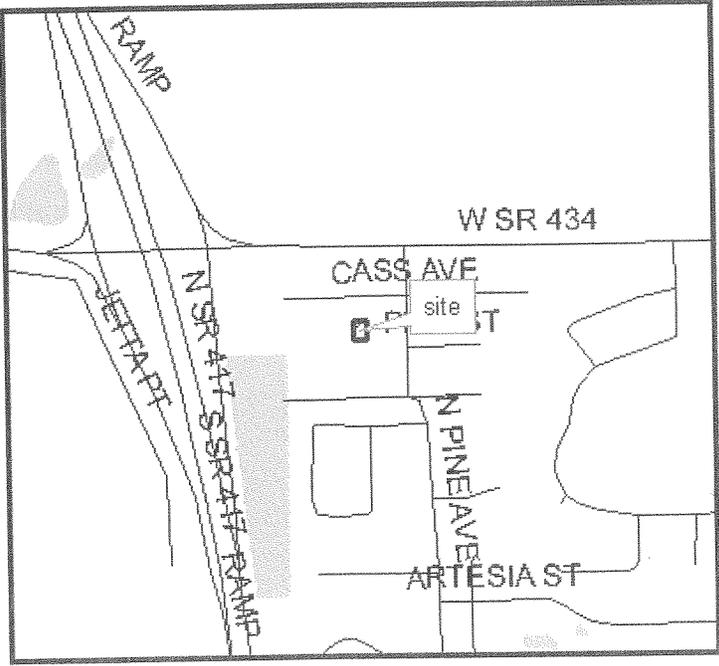


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-057
 Parcel No: 04-21-31-501-0100-0140

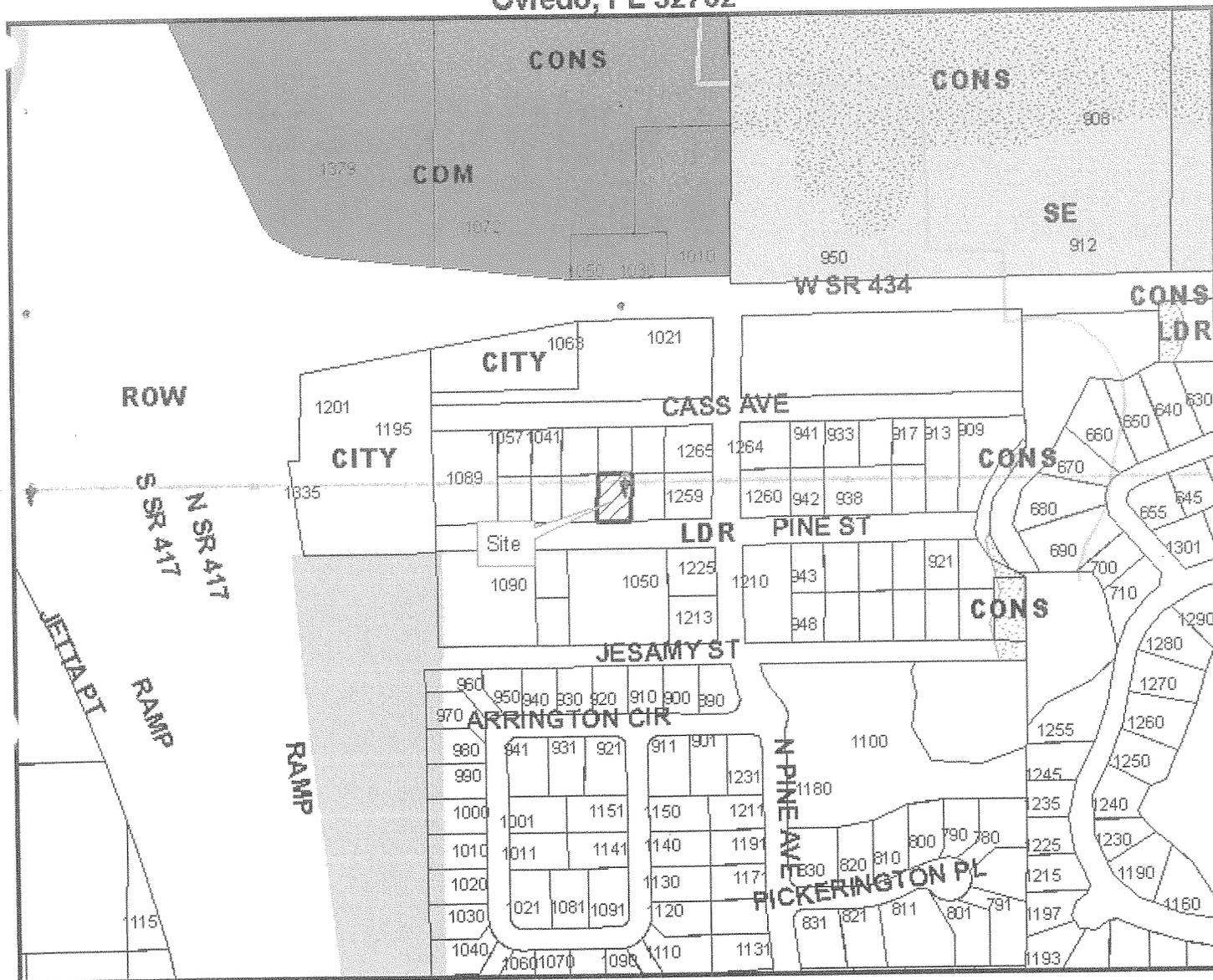
Zoning

- A-1 Agricultural-1Ac
- BV2005-057

0 75 150 300 450 600 Feet



Scott Ryan
 Lot 14 Pine Street
 Oviedo, FL 32762

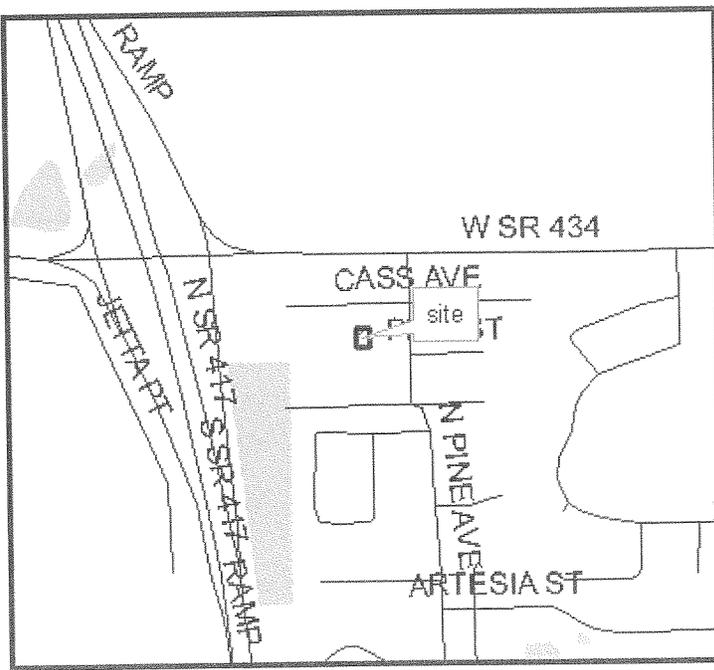


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-057
 Parcel No: 04-21-31-501-0100-0140

Future Land Use

	CONS, SE		SE, NONE
	CONS, LDR		LDR, NONE
	CONS, COM		COM, NONE
	BV2005-057		

0 75 150 300 450 600 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 14 BLOCK 1 CASSA VILLA HEIGHTS PB 10 PG 97

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

FINDINGS OF FACT

Property Owner: SCOTT RYAN
P.O. BOX 620226
OVIDO, FL 32762

Site Address: PINE STREET (LOT 14)

Requested Development Approval:

- (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE);
- (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET;
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- (5) (5) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES WARE, APPLICANT).

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.

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 SINGLE FAMILY 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: