

BV2005-059

**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

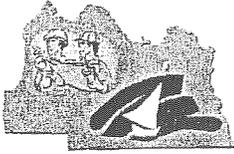
**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

**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.

<b>GENERAL INFORMATION</b>	SCOTT RYAN, APPLICANT CASS AVENUE, LOT 3 (BLOCK 1) (CASSA VILLA HEIGHTS)	A-1 DISTRICT, LDC SECTION 30.186(a)(3)
<b>BACKGROUND REQUEST</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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).</li> </ul>	
<b>STAFF FINDINGS</b>	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> <li>• THE SUBJECT LOT WAS CREATED AS A PART OF CASSA VILLA HEIGHTS, WHICH WAS PLATTED ON FEBRUARY 19, 1957.</li> <li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE A-1 DISTRICT STANDARDS.</li> <li>• POLICY FLU 3.2, ADOPTED ON SEPTEMBER 11, 1991, STATES THE COUNTY SHALL REDUCE USES THAT ARE INCONSISTENT WITH COMMUNITY CHARACTER BY REQUIRING THE COMBINING OF LOTS. THERE IS AN THE OPPORTUNITY TO COMBINE WITH ADJACENT LOTS 14 AND 15 BUT THE COMBINATION WOULD CREATE A DOUBLE FRONTAGE LOT WHICH WOULD BE INCONSISTENT WITH THE COMMUNITY CHARACTER.</li> <li>• THE AFOREMENTIONED CIRCUMSTANCES COMPRISE A HARDSHIP, FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</li> <li>• 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.</li> </ul>	
<b>STAFF RECOMMENDATION</b>	<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"> <li>1. ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED HOME, AS DEPICTED ON THE ATTACHED SITE PLAN.</li> <li>2. ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li> </ol>	



**COPY**

APPL. NO. BV2005-059

**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	<i>Hillian Mott + Robert Mott Jr.</i>	<i>Scott K. Ryan</i>
ADDRESS	<i>P.O. Box 620441</i>	<i>P.O. Box 620226</i>
	<i>Oviedo, FL. 32762</i>	<i>Oviedo, Florida 32762-0226</i>
PHONE 1	<i>407-366-5620</i>	<i>407-462-3465</i>
PHONE 2		
E-MAIL		

PROJECT NAME: *Cassa-Villa-Heights*

SITE ADDRESS: *LOT 30 / Cass St.*

CURRENT USE OF PROPERTY: *Vacant land*

LEGAL DESCRIPTION: *LOT 3 Block 1 Cassa-Villa-Heights*  
*PB 10 Pg 97*

SIZE OF PROPERTY: *8520 sq.ft.* acre(s) PARCEL I.D. *04-21-31-501-0100-0030*

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\* *29 APR 05* 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 \_\_\_\_\_

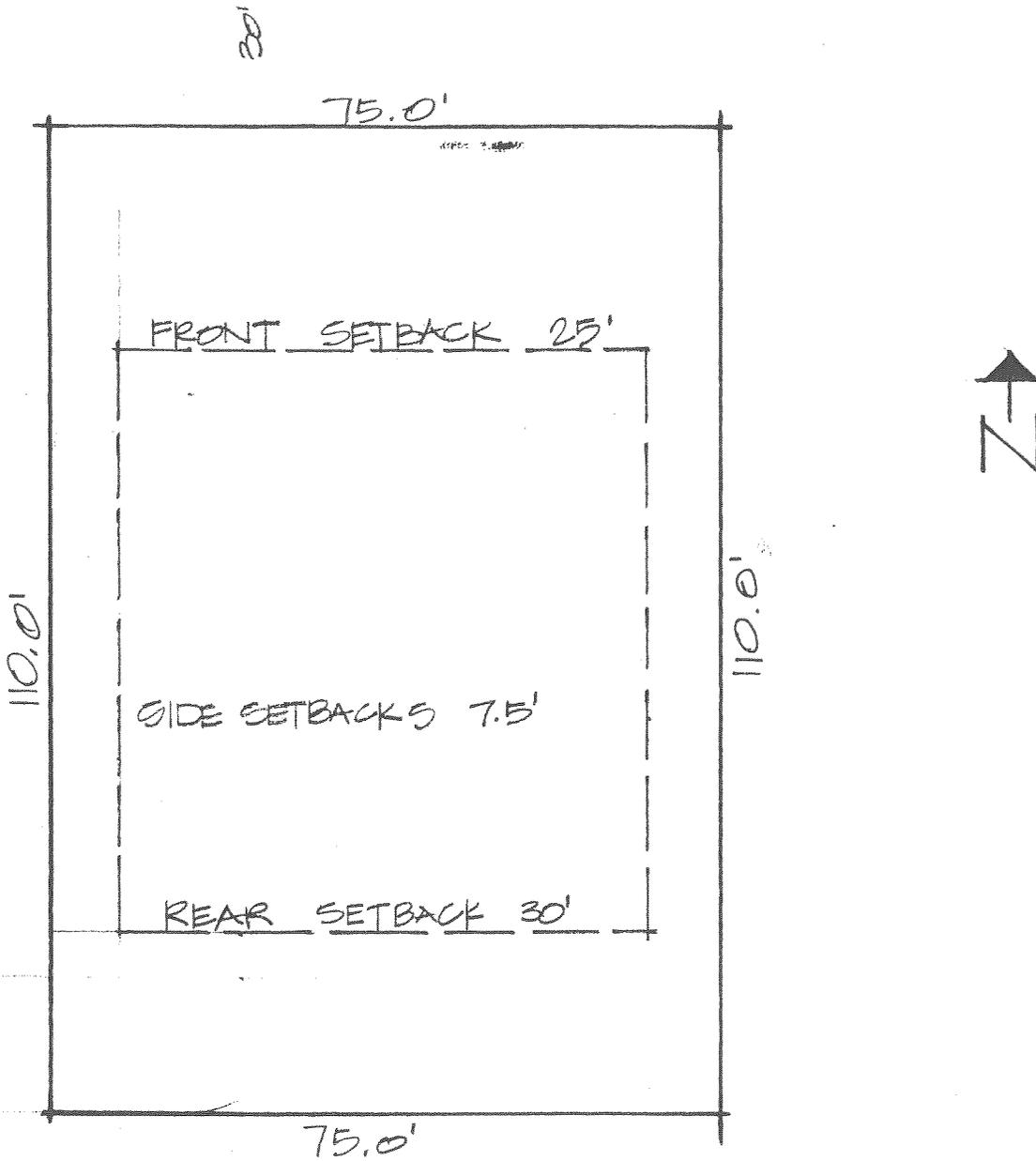
\_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): \$ 150 COMMISSION DISTRICT 2 FLU/ZONING A-1/LDR  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS south of Cass Ave less than 1/10mi  
west of the intersection of Cass Ave + Palm Dr.  
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS \_\_\_\_\_

E CASS AVENUE



SR BUILDERS, INC.

LOT # 3 BLOCK 1

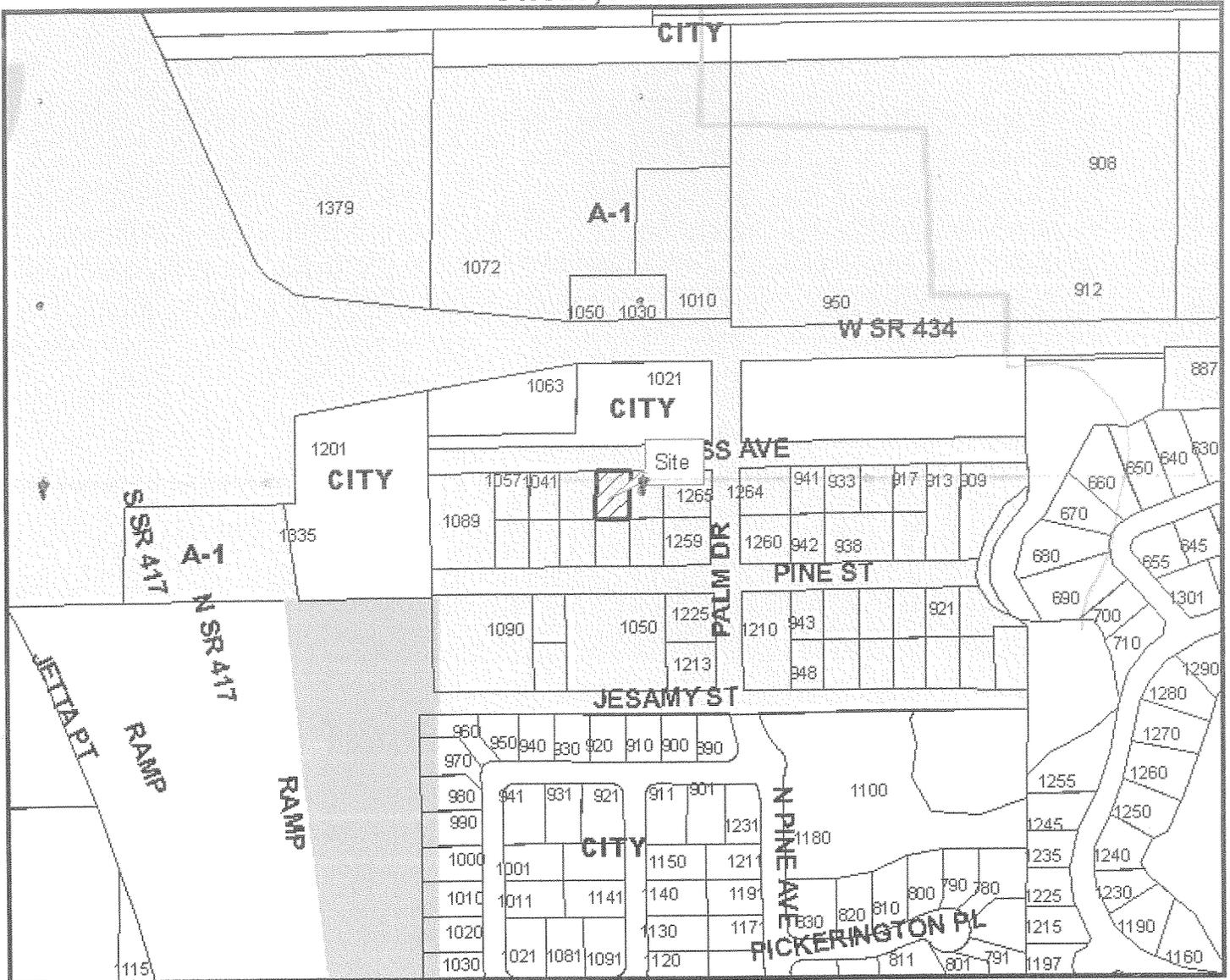
CASSAVILLA HEIGHTS

PB 10, PG 97, SEMINOLE CO, FL

	<b>REAL ESTATE</b>	<b>PERSONAL</b>	<b>TAX ROLL</b>	<b>SALES SEARCH</b>	<b>BACK</b>												
<p>JOHNSON, CPA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7506</p>																	
<p style="text-align:center;"><b>GENERAL</b></p> <p>Parcel Id: 04-21-31-501-0100-0030      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MOTT LILLIAN J &amp;      Dor: 00-VACANT RESIDENTIAL</p> <p>Own/Addr: MOTT ROBERT T JR      Exemptions: -</p> <p>Address: PO BOX 620441</p> <p>City,State,ZipCode: OVIEDO FL 32762</p> <p>Property Address: CASS AVE</p> <p>Subdivision Name: CASSA-VILLA HEIGHTS</p>			<p style="text-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): \$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 style="text-align:center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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 style="text-align:center;"><b>2004 VALUE SUMMARY</b></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 style="text-align:center;"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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 style="text-align:center;"><b>LEGAL DESCRIPTION PLAT</b></p> <p>LEG LOT 3 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><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p>																	

[BACK](#)      [HOME](#)      [CONTACT](#)

Scott K. Ryan  
 Lot 3 Cass Street  
 Oviedo, FL 32762

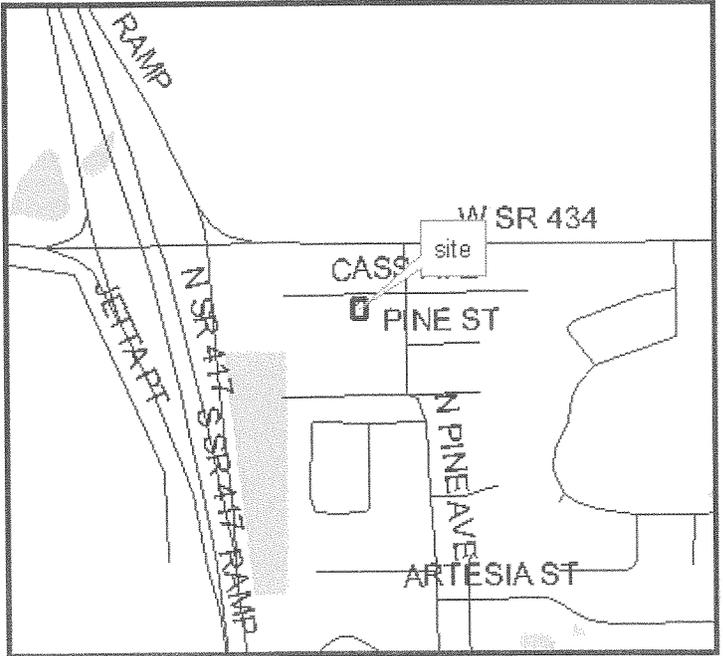


Seminole County Board of Adjustment  
 June 27, 2005  
 Case: BV2005-059  
 Parcel No: 04-21-31-501-0100-0030

**Zoning**

- A-1 Agricultural-1 Ac
- BV2005-059

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 3 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  
OVIEDO, FL 32762

**Site Address:** CASS AVENUE (LOT 3)

**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;
- (3) (3) (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME;
- (4) (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME; AND
- (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: