

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

SUBJECT: REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 5100 SQUARE FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (ANITA TORRES, APPLICANT).

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

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

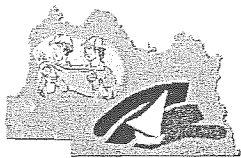
Agenda Date 07-25-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 5100 SQUARE FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (ANITA TORRES, APPLICANT).
2. **DENY** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 5100 SQUARE FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (ANITA TORRES, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

| | |
|----------------------------|---|
| GENERAL INFORMATION | <p>APPLICANT: ANITA TORRES</p> <p>LOCATION: 2026 McCARTHY AVENUE</p> <p>ZONING: R-1 (LOCKHARTS SUBDIVISION)</p> |
| 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 AND THE MINIMUM LOT SIZE REQUIREMENTS OF THE R-1 DISTRICT. • THE BOARD OF ADJUSTMENT APPROVED THE WIDTH AT THE BUILDING LINE FROM 70 FEET 51 FEET ON 2/28/05. WE DID NOT REALIZE THAT THE LOT ALSO NEEDED VARIANCE FOR THE MINIMUM LOT SIZE. • 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 | <p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none">• THE SUBJECT LOT WAS CREATED AS A PART OF LOCKHARTS SUBDIVISION WHICH WAS PLATTED ON SEPTEMBER, 1924.• 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 VARIANCE, 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. |
| STAFF RECOMMENDATION | <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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 JAN 07 2005
 APPL. NO. BV 2005-003

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 Buildingline From 70' to 51'**
- 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**

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| PROPERTY OWNER | | AUTHORIZED AGENT * |
|----------------|---------------------------------------|--------------------|
| NAME | Anita Torres | |
| ADDRESS | 1830 GATEWOOD Dr. DELTONA FL 32738 | |
| PHONE 1 | 386 532 6225 Home | |
| PHONE 2 | 407 862 2230 WORK | |
| E-MAIL | | |

PROJECT NAME: TORRES PROJECT
 SITE ADDRESS: 2026 McCarthy Ave. Sanford FL
 CURRENT USE OF PROPERTY: Vacant LOT
 LEGAL DESCRIPTION: LEG LOT 19 BLK 10 LOCKHARTS SUBD
PB 3 PG 70
 SIZE OF PROPERTY: 51' X 100' acre(s) PARCEL I.D. 35 19 30 517 1000 0190
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER NONE
 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 are true and correct to the best of my knowledge.

Anita Torres
 SIGNATURE OF OWNER OR AGENT* 5-12-05
01-07-05
 DATE

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

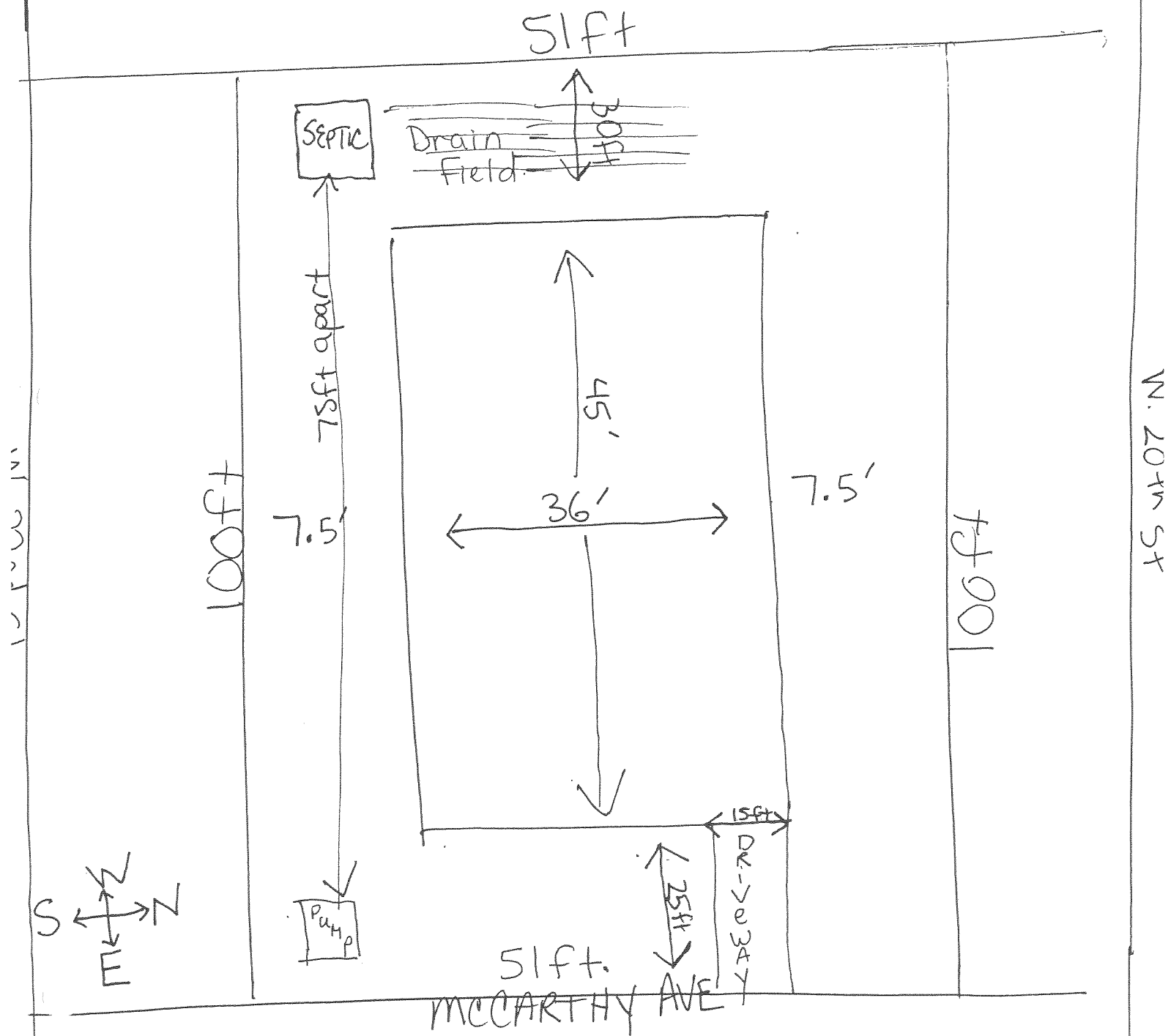
Torres PROJECT

LEGAL - LEG LOT 19 BLK 10
LOCKHART SUBD PB 3 PG 7
PARCEL - 35193051710060190

ALEXANDER AVE

Anita Torres
1830 GATEWOOD Drive
DELTONA FL 32738
386-532-6225

2026 McCarthy Ave
Sanford FL.
PROJECT Address



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

VACANT LOT

Anita Torres
 2026 McCarthy Avenue
 Sanford, FL 32771

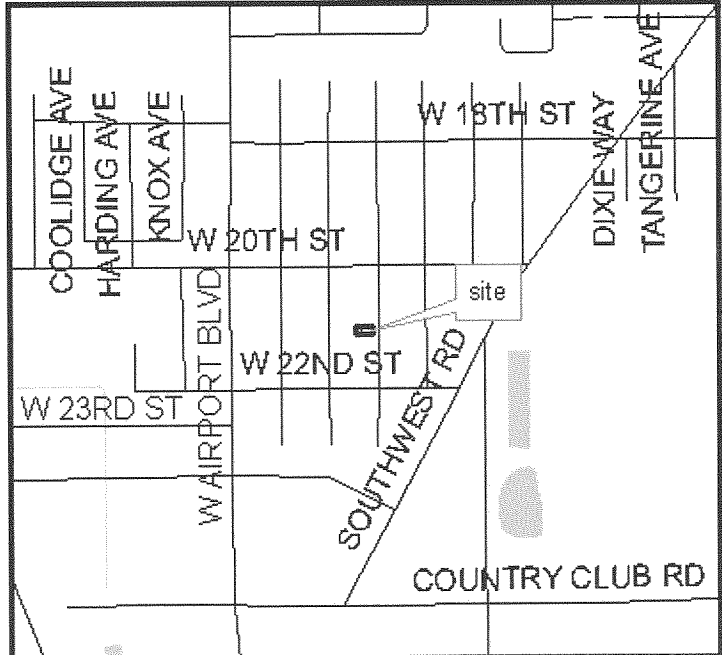


Seminole County Board of Adjustment
 July 25, 2005
 Case: BV2005-003
 Parcel No: 35-19-30-517-1000-0190

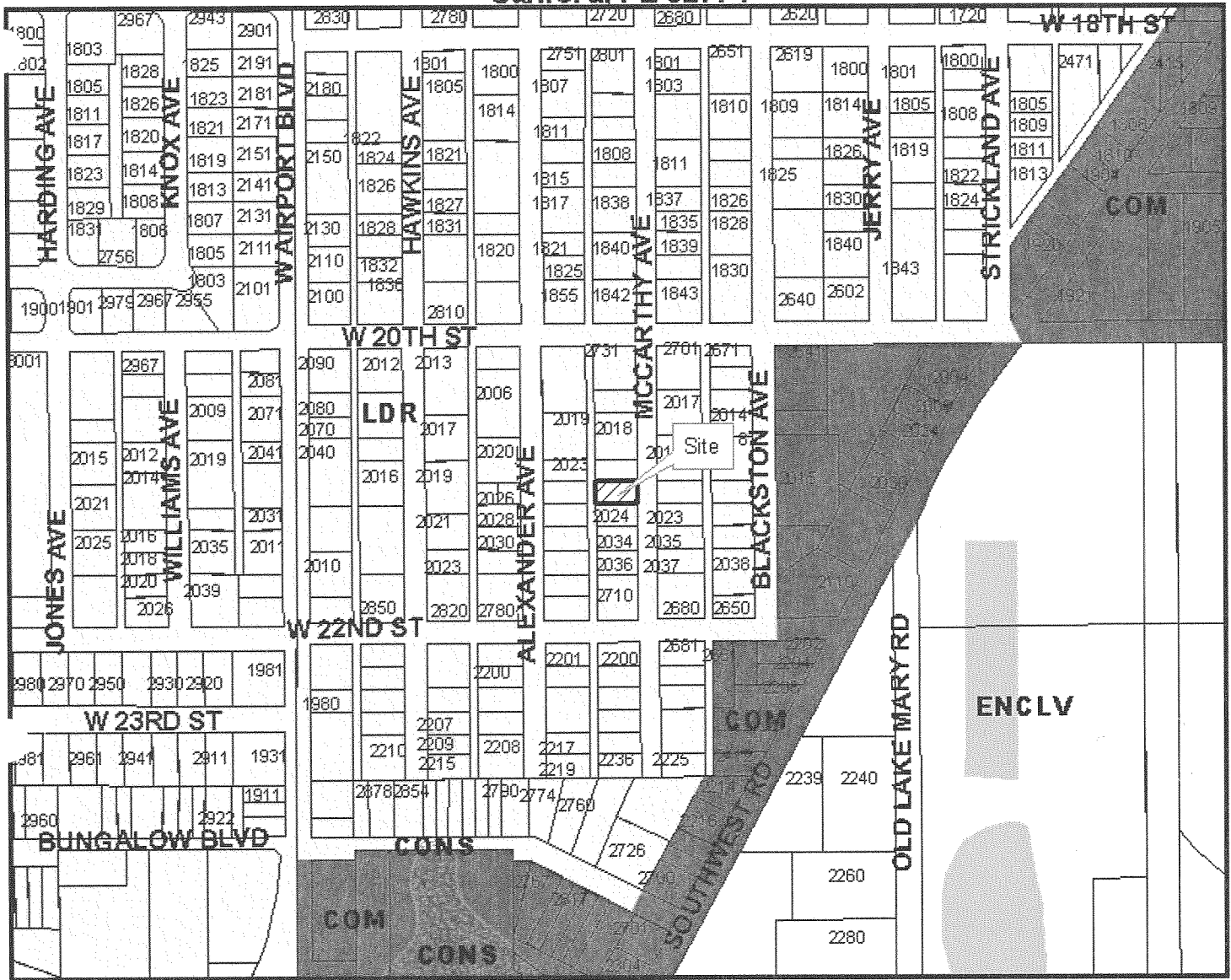
Zoning

- A-1 Agricultural-1Ac
- R-2
- R-1 Single Fam-8400
- CN Restricted Neighborhood Comm
- C-1 Retail Commercial
- BV2005-003

0 80 160 320 480 640 Feet



Anita Torres
 2026 McCarthy Avenue
 Sanford, FL 32771

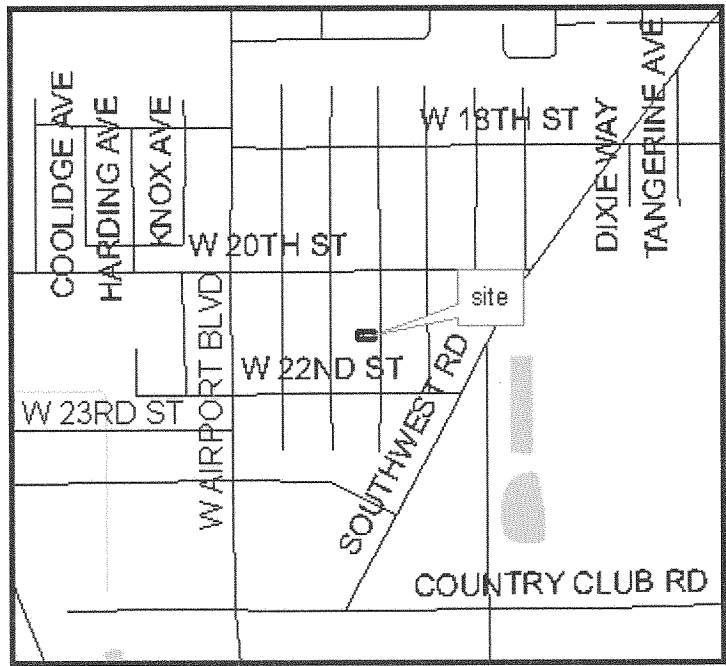


Seminole County Board of Adjustment
 July 25, 2005
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 Parcel No: 35-19-30-517-1000-0190

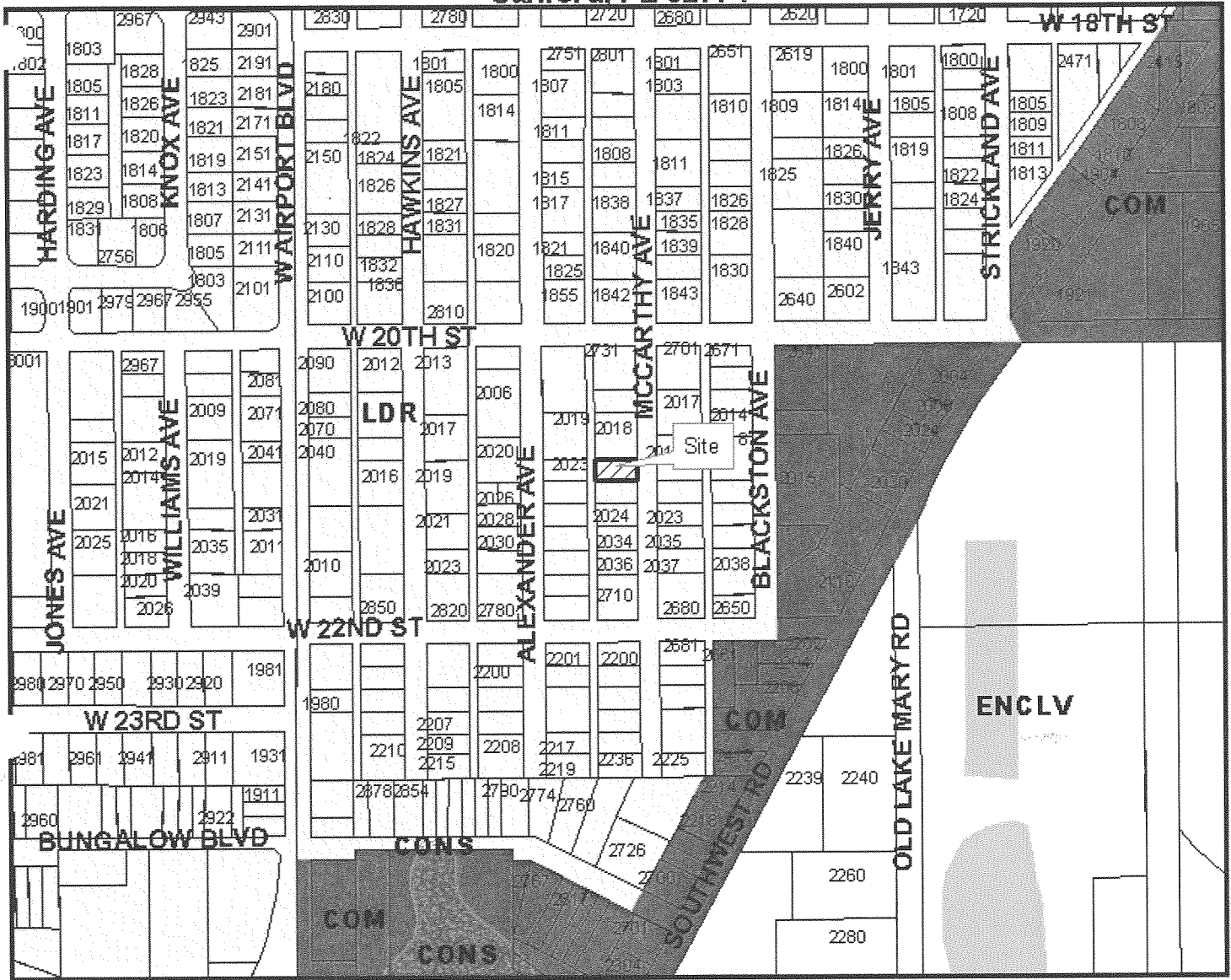
Future Land Use

- CONS, LDR
- CONS, COM
- LDR, NONE
- COM, NONE
- BV2005-003

0 80 160 320 480 640 Feet



Tyrone R. Pinder
 McCarty Avenue
 Sanford, FL 32771



Seminole County Board of Adjustment
 July 25, 2005
 Case: BV2005-004
 Parcel No: 35-19-30-517-1000-0180

Future Land Use

- CONS, LDR
- CONS, COM
- LDR, NONE
- COM, NONE
- BV2005-004

0 80 160 320 480 640 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 25, 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: ANITA TORRES
1830 GATEWOOD DRIVE
DELTONA, FL 32738

Site Address: 2026 McCARTHY AVENUE

Requested Development Approval:

MINIMUM LOT SIZE VARIANCE FROM 8400 SQ FT TO 5100 SQ FT FOR A PROPOSED HOME R-1 (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: 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: