

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); (TYRONE PINDER, APPLICANT).

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

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

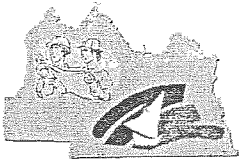
**Agenda Date** 07-25-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**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.

|                            |  |  |
|----------------------------|--|--|
| <b>GENERAL INFORMATION</b> | APPLICANT:<br>LOCATION:<br>ZONING:   | TYRONE PINDER<br>McCARTHY AVENUE (LOT 18)<br>R-1 (LOCKHARTS SUBDIVISION) |
| <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 WIDTH AT THE BUILDING LINE AND THE MINIMUM LOT SIZE REQUIREMENTS OF THE R-1 DISTRICT.</li> <li>• 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.</li> <li>• 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</li> </ul> |  |

|                             |   |
|-----------------------------|---|
| <b>STAFF FINDINGS</b>       | <p>30.43(b)(3) (VARIANCES).</p> <p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"><li>• THE SUBJECT LOT WAS CREATED AS A PART OF LOCKHARTS SUBDIVISION WHICH WAS PLATTED ON SEPTEMBER, 1924.</li><li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE R-1 DISTRICT STANDARDS.</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 INCREASE OF THE MINIMUM WIDTH AT BUILDING LINE.</li><li>• THE AFOREMENTIONED CIRCUMSTANCES COMPRISE A HARDSHIP, FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</li><li>• 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.</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>   |



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

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COPY

APPL. NO. BV 2005-004

**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 Building line from 70' to 51'

**SPECIAL EXCEPTION**

**MOBILE HOME SPECIAL EXCEPTION**

EXISTING  PROPOSED  REPLACEMENT  
 MOBILE HOME IS FOR \_\_\_\_\_  
 YEAR OF MOBILE HOME \_\_\_\_\_ 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    | Tyrone R. Pinder                    |                    |
| ADDRESS | 1578 Roble Lane<br>DELTONA FL 32738 |                    |
| PHONE 1 | 407 497 8050 CELL                   |                    |
| PHONE 2 | 407 862-2230 WORK                   |                    |
| E-MAIL  |                                     |                    |

PROJECT NAME: Pinder Project  
 SITE ADDRESS: McCarty Ave. Sanford FL.  
 CURRENT USE OF PROPERTY: Vacant Land.  
 LEGAL DESCRIPTION: LEG LOT 18 BLK 10 Lockharts Subd PB 3 P 670

SIZE OF PROPERTY: 51' X 100' ~~acres~~ PARCEL I.D. 35-19-30-517-1000-0180  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER None Available  
 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 7-25-05  
~~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 true and correct to the best of my knowledge.

Tyrone Pinder  
 SIGNATURE OF OWNER OR AGENT\* DATE 5-12-05  
01-07-05

# Pinder PROJECT

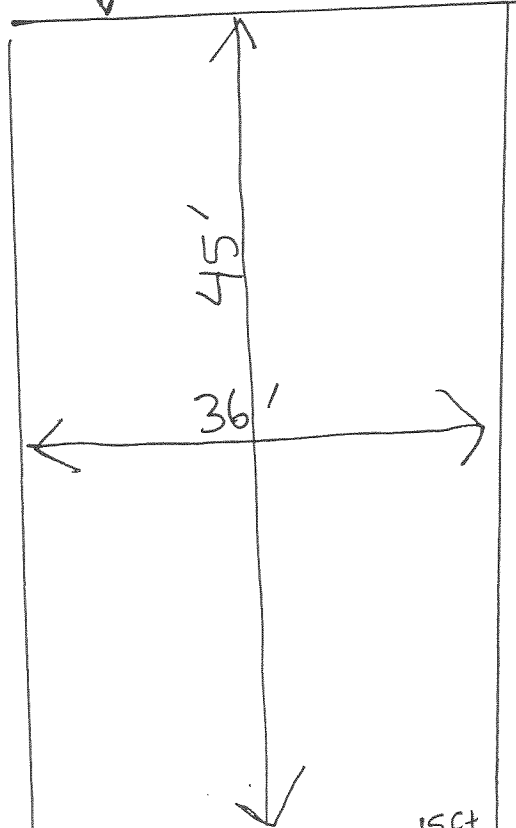
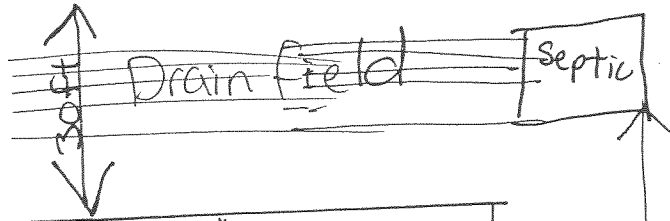
LEGAL - LCG LOT 18  
BLK10 LOCKHARTS SUBD  
PARCEL - PB 3 PG 70  
35 19 30 517 1000 018

ALEXANDER AVE

Tyrone Pinder  
1578 Roble Lane  
DELTONA FL 32738  
407 497 8050

McCarthy Ave  
Sanford FL  
Project address

51ft



100ft

7.5'

45'

36'

7.5'

75ft. Apart

100ft

1578 Roble Ln

25ft

51ft

15ft

DRIVEWAY



MCCARTHY AVE

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

VACANT LOT

**ADDITIONAL VARIANCES**

VARIANCE 2:

Lot size variance 8400 sq ft to 5100 sq ft

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): \_\_\_\_\_ COMMISSION DISTRICT 5 FLU/ZONING R-1/LDR

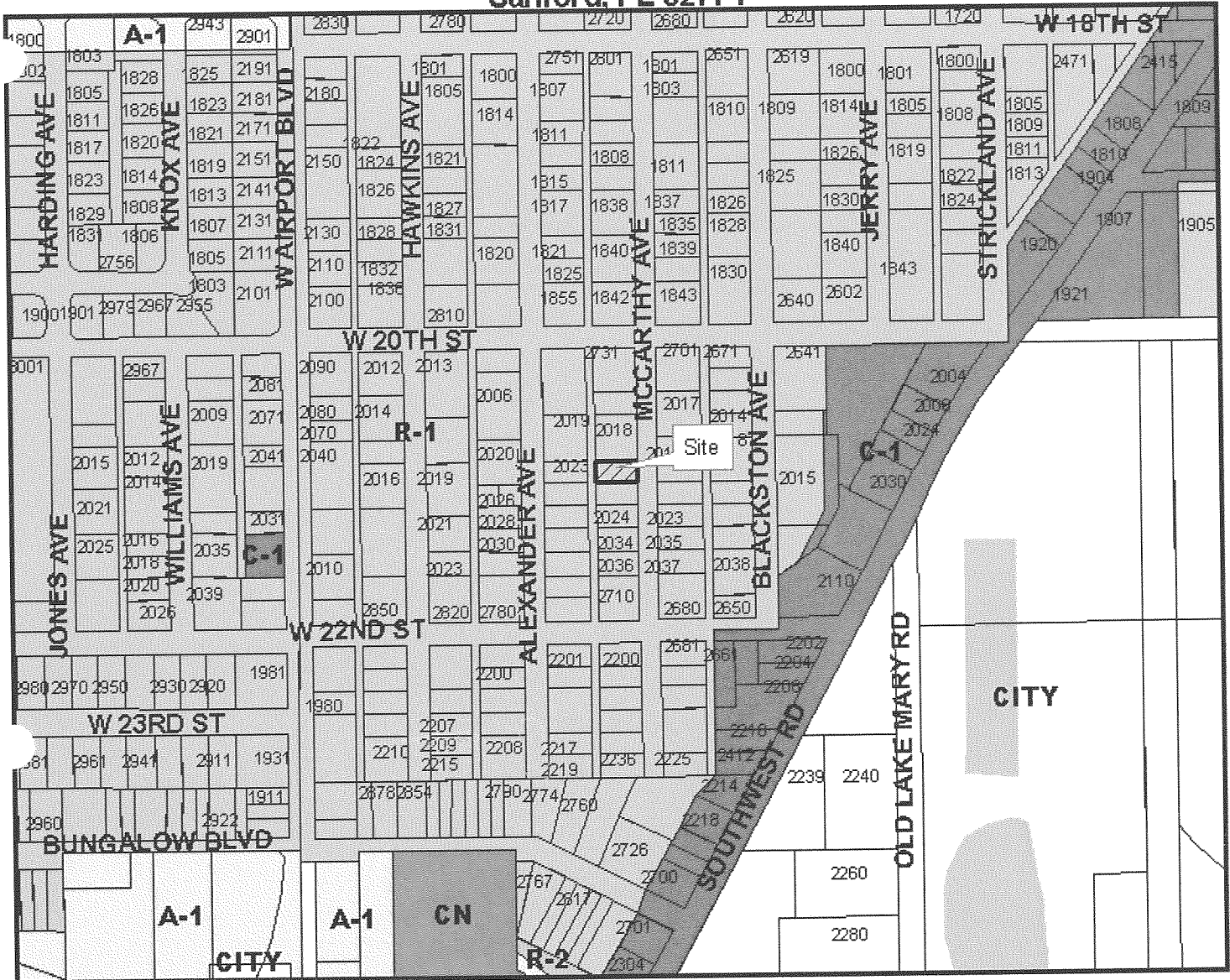
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS West side of McCarthy Ave, approx 200 250 ft. South of intersection of McCarthy Ave & W 20<sup>th</sup> St.

PLANNING ADVISOR JS DATE 1/7/05

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

Tyrone R. Pinder  
 McCarty Avenue  
 Sanford, FL 32771

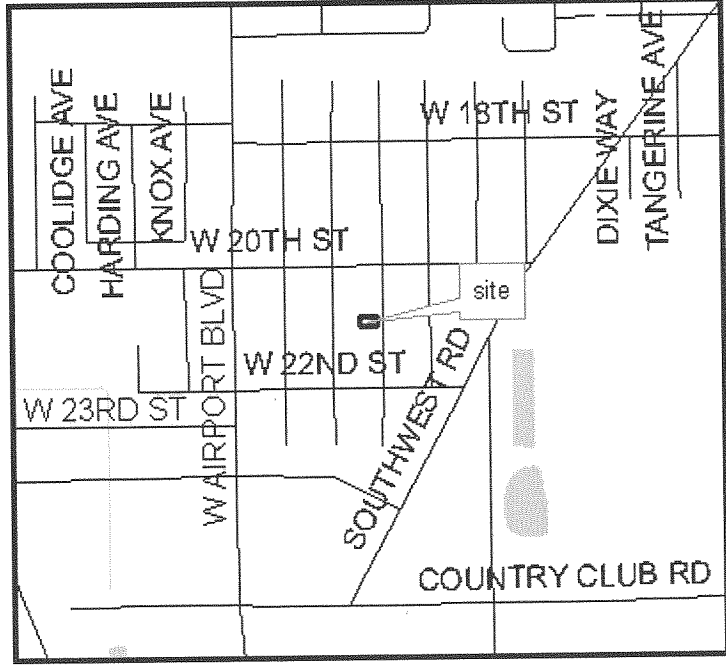


Seminole County Board of Adjustment  
 July 25, 2005  
 Case: BV2005-004  
 Parcel No: 35-19-30-517-1000-0180

**Zoning**

- A-1 Agricultural-1 Ac
- R-2
- R-1 Single Fam-8400
- CN Restricted Neighborhood Comm
- C-1 Retail Commercial
- 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:** TYRONE PINDER  
1578 ROBLE LANE  
DELTONA, FL 32738

**Site Address:** McCARTHY AVENUE (LOT 18)

**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: