

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 40,000 SQUARE FEET (0.92 ACRE) FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JONATHAN FILLMON, APPLICANT).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

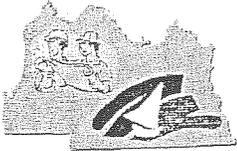
Agenda Date 07/25/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 40,000 SQUARE FEET (0.92 ACRE) FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JONATHON FILLMON, APPLICANT).
2. **DENY** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 40,000 SQUARE FEET (0.92 ACRE) FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JONATHON FILLMON, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	JONATHON FILLMON, APPLICANT SNOW QUEEN, LOT 1 (SEC2) (UNRECORDED PLAT CHULA VISTA)	A-1 DISTRICT, LDC SECTION 30.186(a)(3)
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 LOT SIZE REQUIREMENT OF THE A-1 DISTRICT; THE AFOREMENTIONED VARIANCE 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). 	
STAFF FINDINGS	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> • THE SUBJECT LOT WAS CREATED AS A PART OF 	

	<p>UNRECORDED PLAT OF CHULA VISTA SECTION 2.</p> <ul style="list-style-type: none">• 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 REDUCE USES THAT ARE INCONSISTENT WITH COMMUNITY CHARACTER BY REQUIRING THE COMBINING OF LOTS. CHULA VISTA SECTION 2 LOTS HAVE BEEN DEVELOPED INTO SINGLE FAMILY LOTS WITHOUT THE REQUIRMENT OF COMBININATION THEREFORE THE REQUEST WOULD NOT BE INCONSISTENT WITH THE COMMUNITY CHARACTER.• 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 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 AS DEPICTED ON THE ATTACHED SITE PLAN.2. ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

APPL. NO. BU 2005-081

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** MINIMUM LOT SIZE FROM 1 ACRE TO 40,000 SQ FEET (200' x 200') 43,560
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
MAY 27 2005

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	JONATHAN & JENNIFER Fillman	DREW KUSTERMAN OR LORREN SIMMONS
ADDRESS	1 Bis rue des Gaudines 78100 St Germain / France	8640 E. COLONIAL DR ORLANDO, FL 32817
PHONE 1	011 33 1 39 21 14 69	407-482-1999
PHONE 2		
E-MAIL	fillmanj@cs.com	515134@palmharbor.com

PROJECT NAME: _____
 SITE ADDRESS: TBD SNOW QUEEN DR., CHULUOTA, FL
 CURRENT USE OF PROPERTY: VACANT
 LEGAL DESCRIPTION: SEC 15 TWP 21S RGE 32E LOT 1 UNRECD PLAT CHULA VISTA SEC 2
 SIZE OF PROPERTY: 200' x 200' acre(s) PARCEL I.D. 15-21-32-5UL-0000-0010
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 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 07/25/05 (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.

Jonathan M. Fillman
 SIGNATURE OF OWNER OR AGENT*

18 May 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 _____

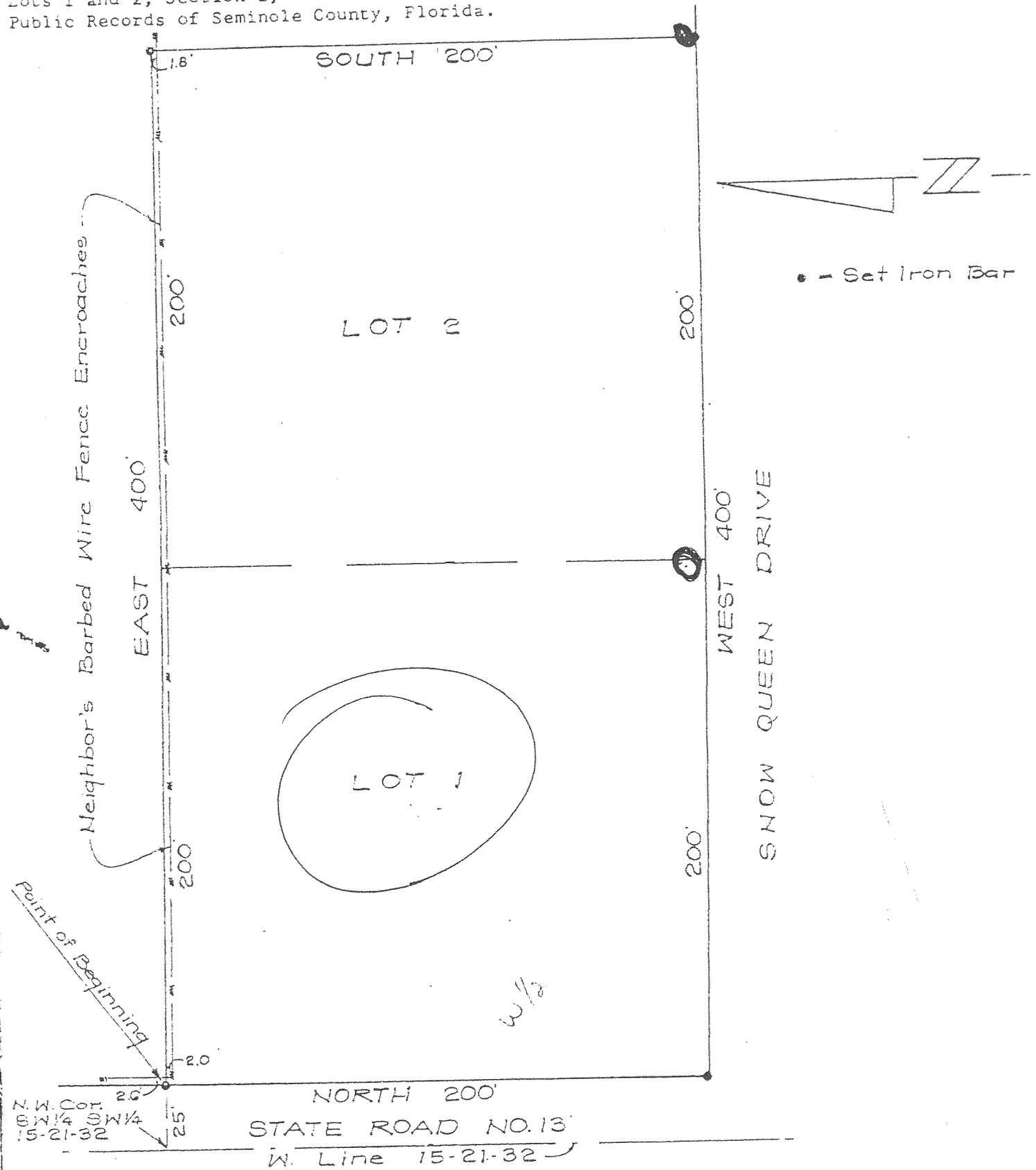
FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$ 150 COMMISSION DISTRICT 1 FLU/ZONING A-1 / SE
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS North of Snow Queen Dr at the
intersection of Snow Queen Dr + Snow Hill Rd.
PLANNING ADVISOR MR DATE 5/21/05
SUFFICIENCY COMMENTS _____

DESCRIPTION:

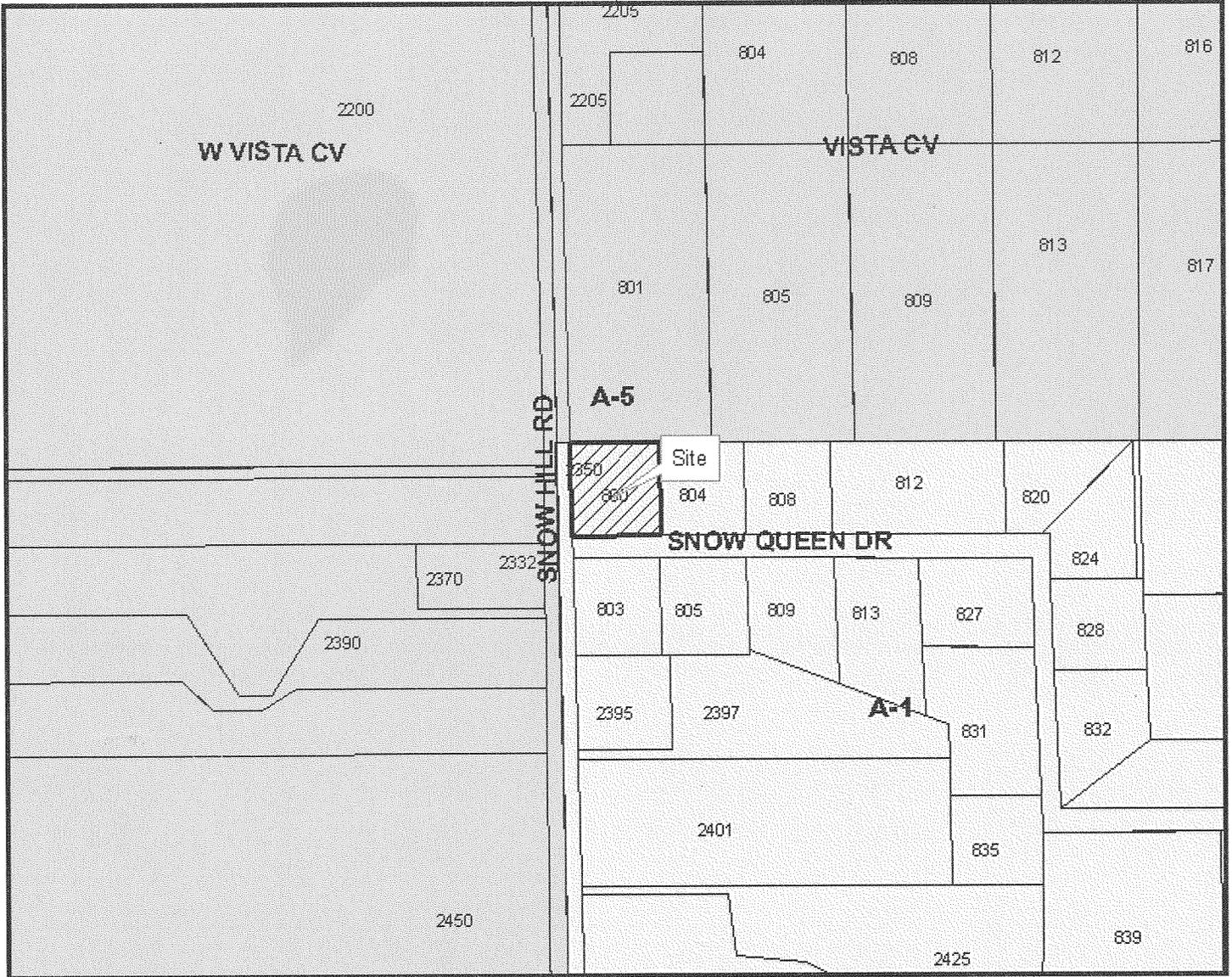
Begin 25 feet East of the Northwest corner of the Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ Section 15, Township 21S., Range 32 East, thence run South 200 feet, thence run East 400 feet, thence run North 200 feet to Point of Beginning. ALSO described as:

Lots 1 and 2, Section 2, unrecorded Plat of CHULA VISTA, Section 15, Township 21, Range 32 Public Records of Seminole County, Florida.



<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 15-21-32-5UL-0000-0020 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: CROSSMAN STEPHEN C & LORI E Exemptions: 00-HOMESTEAD</p> <p>Address: 2425 SNOW HILL RD</p> <p>City,State,ZipCode: CHULUOTA FL 32766</p> <p>Property Address: 804 SNOW QUEEN DR CHULUOTA 32766</p> <p>Subdivision Name: CHULA VISTA SEC 2</p> <p>Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$152,386</p> <p>Depreciated EXFT Value: \$1,238</p> <p>Land Value (Market): \$59,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$212,624</p> <p>Assessed Value (SOH): \$165,937</p> <p>Exempt Value: \$25,500</p> <p>Taxable Value: \$140,437</p> <p>Tax Estimator</p>																																										
<p style="text-align: center;">SALES</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>CORRECTIVE DEED</td> <td>02/2005</td> <td>05619</td> <td>0271</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/2005</td> <td>05590</td> <td>0124</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>10/2004</td> <td>05503</td> <td>0185</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/2004</td> <td>05447</td> <td>1132</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>07/1997</td> <td>03267</td> <td>1130</td> <td>\$20,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1996</td> <td>03170</td> <td>1692</td> <td>\$23,000</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	CORRECTIVE DEED	02/2005	05619	0271	\$100	Improved	QUIT CLAIM DEED	01/2005	05590	0124	\$100	Improved	QUIT CLAIM DEED	10/2004	05503	0185	\$100	Improved	QUIT CLAIM DEED	08/2004	05447	1132	\$100	Improved	QUIT CLAIM DEED	07/1997	03267	1130	\$20,000	Vacant	WARRANTY DEED	12/1996	03170	1692	\$23,000	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,493</p> <p>2004 Tax Bill Amount: \$2,292</p> <p>Save Our Homes (SOH) Savings: \$201</p> <p>2004 Taxable Value: \$135,604</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp																																						
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FRONT FOOT & DEPTH	200	200	.000	295.00	\$59,000																																						
BUILDING INFORMATION																																											
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																		
1	SINGLE FAMILY	1998	10	1,981	2,566	1,981	CB/STUCCO FINISH	\$152,386	\$157,505																																		
			Appendage / Sqft OPEN PORCH FINISHED / 90																																								
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			Appendage / Sqft GARAGE FINISHED / 465																																								
EXTRA FEATURE																																											
		Description	Year Blt	Units	EXFT Value	Est. Cost New																																					
		FIREPLACE	1998	1	\$1,238	\$1,500																																					
<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>																																											

**Drew Kusterman/Lorren Simmons
Snow Queen Drive
Chuluota, FL 32766**

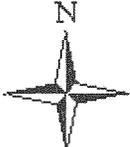


**Seminole County Board of Adjustment
July 25, 2005
Case: BV2005-081
Parcel No: 15-21-32-5UL-0000-0010**

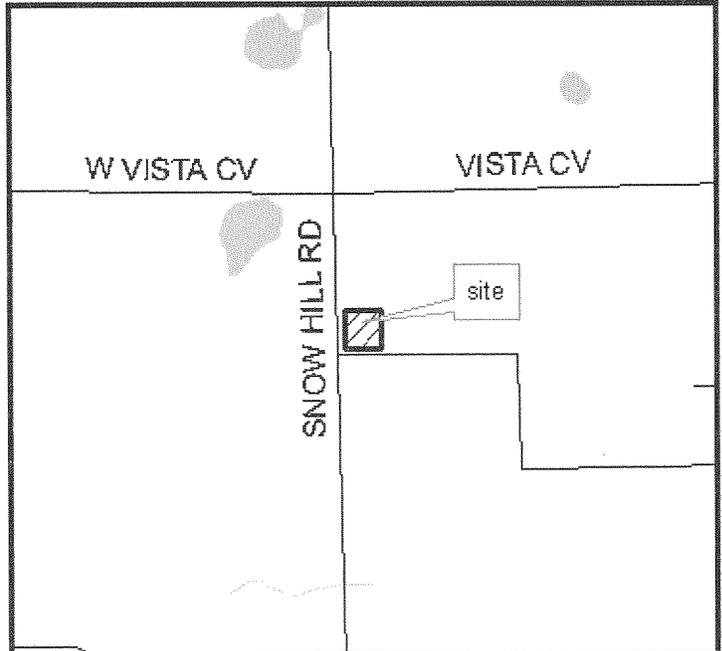
Zoning

-  A-1 Agricultural-1Ac
-  A-5 Rural-5Ac
-  BV2005-081

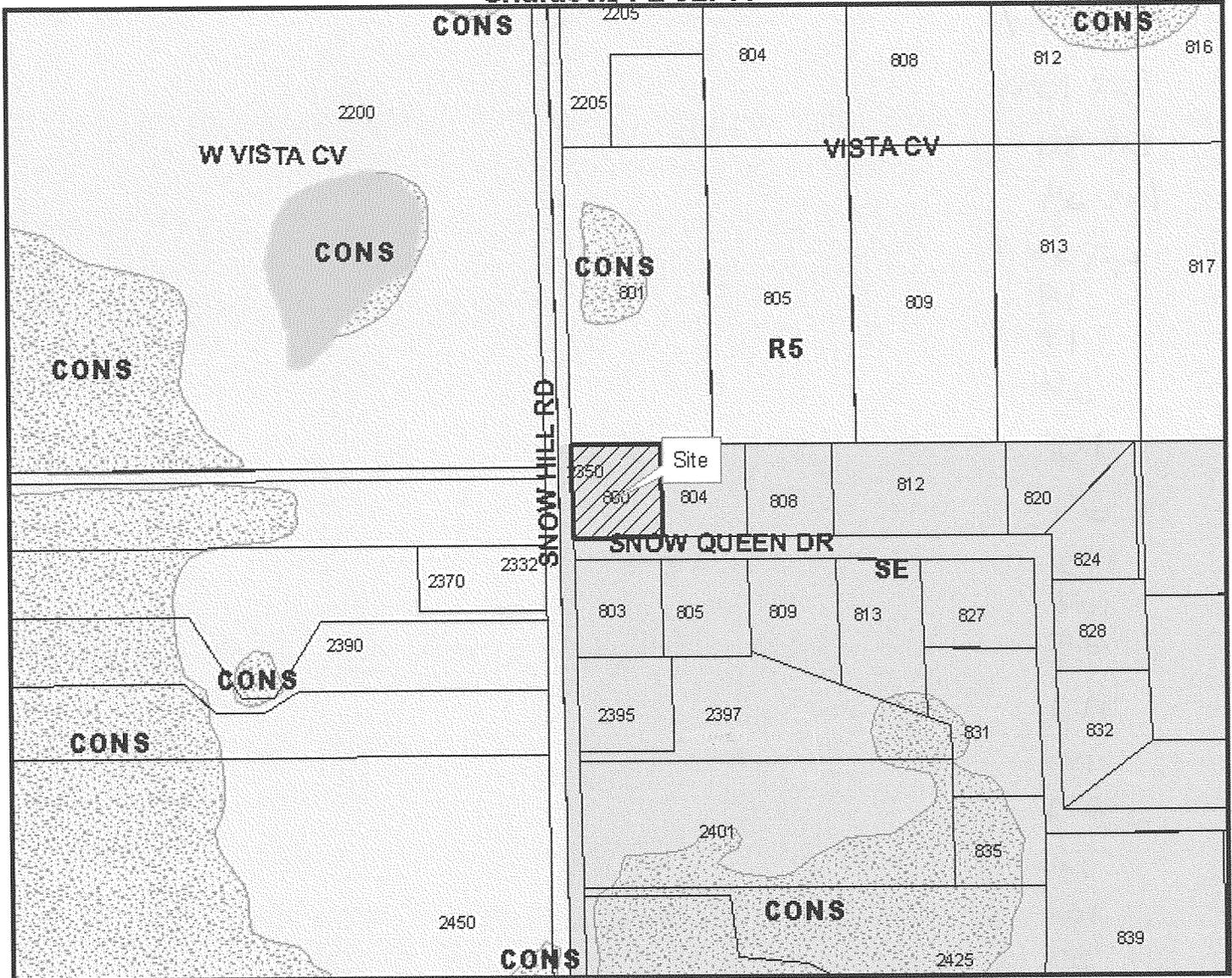
N



0 80 160 320 480 640 Feet



Drew Kusterman/Lorren Simmons
 Snow Queen Drive
 Chuluota, FL 32766

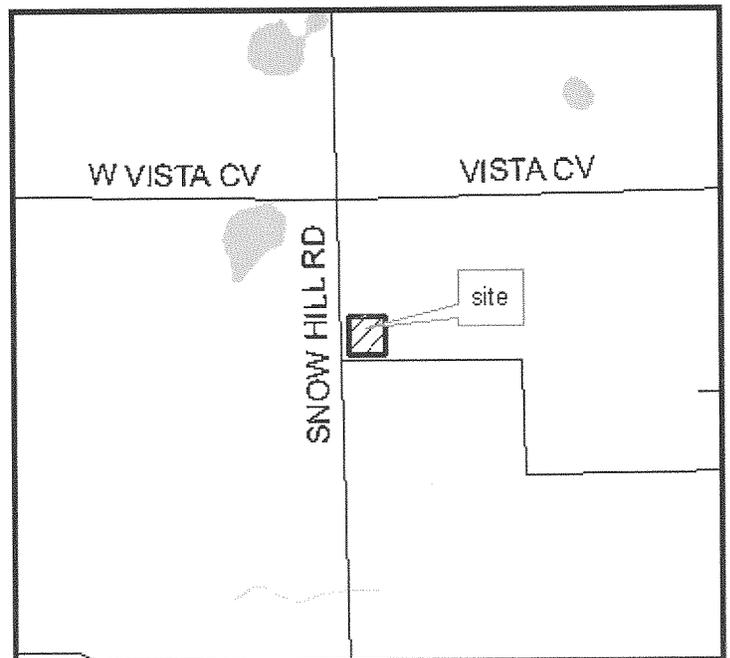


Seminole County Board of Adjustment
 July 25, 2005
 Case: BV2005-081
 Parcel No: 15-21-32-5UL-0000-0010

Future Land Use

-  CONS, R5
-  CONS, SE
-  R5, NONE
-  SE, NONE
-  BV2005-081

0 80 160 320 480 640 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:

LOT 1 UNRECD PLAT CHULA VISTA SEC 2

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

FINDINGS OF FACT

Property Owner: JONATHON FILLMON
4702 CYPRESS TREE DRIVE
TAMPA, FL 33624

Site Address: SNOW QUEEN (LOT 1)

Requested Development Approval:

- (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 40,000 SQUARE FEET (0.92 ACRE);

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 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:

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
1101 East First Street
Sanford, Florida 32771