

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

SUBJECT: REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 7650 SQUARE FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (CAROLYN OWJI, APPLICANT).

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

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

Agenda Date 08-22-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 7650 SQUARE FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (CAROLYN OWJI, APPLICANT).
2. **DENY** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 7650 SQUARE FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (CAROLYN OWJI, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	CAROLYN, APPLICANT McCARTHY STREET, LOT 10 AND NORTH ½ OF LOT 11 (BLOCK 14) (CASSA VILLA HEIGHTS)	R-1 DISTRICT, LOCKHARTS SUBD
BACKGROUND REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME ON A VACANT LOT AND THE NORTH ½ OF A SECOND LOT THAT FAILS TO MEET THE MINIMUM LOT SIZE, MINIMUM WIDTH AT BULDING LINE AND MINIMUM SETBACK REQUIREMENTS OF THE R-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). 	

STAFF FINDINGS	<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 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, STATES THE COUNTY SHALL RESOLVE ENVIRONMENTAL AND INFRASTRUCTURE ISSUES BY REQUIRING THE COMBINING OF LOTS. THE APPLICANT HAS THE OPPORTUNITY TO COMBINE LOTS 10, 11 & 12 TO MEET THE MINIMUM LOT SIZE REQUIREMENT OF 8400 SQUARE FEET.• WITHOUT THE REQUESTED VARIANCES, 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 DENIAL OF THE REQUESTED VARIANCE, IF APPROVED WE RECOMMEND 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.

COPY



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

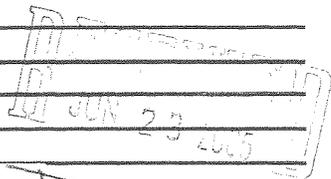
APPL. NO. BV 2005-092

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 size of lots required (from 8,400 sq ft down to 7,650 sq ft)
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) OR 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**



PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Sunrise Domain, Inc. (Carolyn Owji)	
ADDRESS	1766 Seneca Blvd. Winter Springs, FL 32708	
PHONE 1	(407) 970-8291 Carolyn	
PHONE 2	(407) 617-4566 Tony	
E-MAIL	Cbowji@yahoo.com	

PROJECT NAME: Lockhart Subd., McCarthy Street, Block 14, lots 10,11,12

SITE ADDRESS: McCarthy Street, Sanford, FL (Lockhart's Subd)

CURRENT USE OF PROPERTY: Vacant residential

Legal Description: Parcel # 35-19-30-517-1400-0100 Leg Lot 10 Blk 14 Lockharts Subd PB 3 PG 70
 Parcel # 35-19-30-517-1400-0110 Leg Lot 11 Blk 14 Lockharts Subd PB 3 PG 70
 Parcel # 35-19-30-517-1400-0120 Leg Lot 12 Blk 14 Lockharts Subd PB 3 PG 70

SIZE OF PROPERTY: 15,300 sq ft (3 lots total) PARCEL I.D. See above

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 8 / 22 / 05 (m/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.

Carolyn Owji 6-22-05
 SIGNATURE OF OWNER OR AGENT* DATE

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

KE

ADDITIONAL VARIANCE

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

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS west side of McCarthy Ave less than 1/4 mi south of the intersection of McCarthy Ave + W 22nd St.

PLANNING ADVISOR MJC DATE 6-23-09

SUFFICIENCY COMMENTS _____

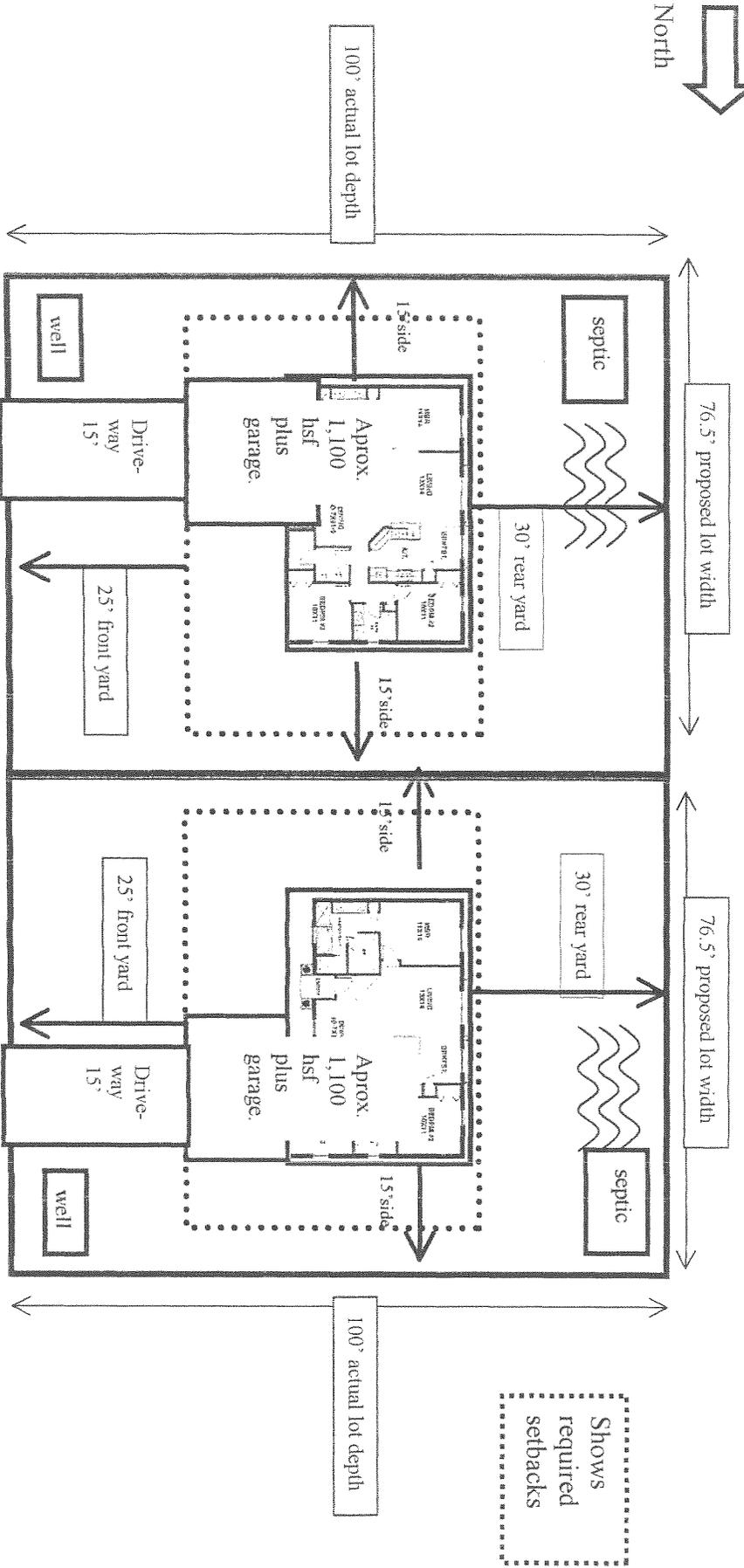
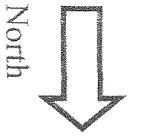
TO: Seminole County Board of Adjustment
 FROM: Carolyn Owji
 DATE: June 22, 2005
 SUBJECT: Request for variance, Lockharts Subdivision, Block 14, lots 10, 11, 12

In June 2005 I purchased three contiguous lots in the Lockhart Subdivision in Sanford. These lots are each 5,100 square feet in size. The County requires a lot size of 8,400 in order to build a single-family home.

There is a hardship since the lots are too small to meet the zoning criteria. I am requesting a variance for lot size. My goal is to recombine the three 5,100 sq ft lots into two 7,650 sq ft lots and to build a house on each 7,650 sq ft lot.

The 7,650 lots will be smaller than the required 8,400; however, most lots in Lockhart Subdivision are only 5,100 sq ft in size and already have houses on them. The two 7,640 sq ft lots will be an improvement to the neighborhood.

<p>1. That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; and</p>	<p>The special condition which exists in Lockhart Subdivision is that the lots were platted at a size of 5,100 sq ft. Years after the land was platted, the County changed the required size of a lot to 8,400 sq ft to build a single-family home.</p>
<p>2. That the special conditions and circumstances do not result from the actions of the applicant; and</p>	<p>The special conditions did not result from the actions of the applicant.</p>
<p>3. That granting the variance requested would not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and</p>	<p>A special privilege would not be conferred on the applicant since the majority of lots in Lockhart Subdivision already have houses built on them in the size of 5,100 sq ft. Variances have been granted in year 2005 to allow houses on other 5,100 sq ft lots. The proposed 7,650 lots would be 2,550 sq ft larger than most existing lots.</p>
<p>4. That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant; and</p>	<p>The literal interpretation of Chapter 30 would be a hardship because of the financial requirements of an 8,400 sq ft lot in an area which mostly has 5,100 sq ft lots.</p>
<p>5. That the variance granted is the minimum variance that would make possible the reasonable use of the land, building or structure; and</p>	<p>The variance would be the minimum and most logical size for the two lots to make reasonable use of the land.</p>
<p>6. That the grant of the variance would be in harmony with the general intent of Chapter 30, would not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</p>	<p>Granting the variance would be in harmony with the general intent of Chapter 30 and would not be injurious to the neighborhood or detrimental to the public welfare. The variance would allow for improvement of the neighborhood.</p>



Project Name: Lockhart Subd., McCarthy Street, Block 14, lots 10, 11, 12
Request to allow reconfiguration of three 5100 sq ft lots into two 7650 sq ft lots;
Allow a single family home on each 7650 sq ft lot.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



 James R. Newlon



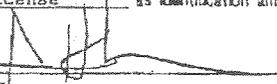
 James R. Newlon



 ELLIS SLAYDON
 2700 S. Magnolia Avenue
 Sanford, FL 32773

STATE OF FLORIDA
COUNTY OF SEMINOLE

THE FOREGOING INSTRUMENT was acknowledged before me this 16th day of June, 2005 by ELLIS SLAYDON who is/are personally known to me or who has produced drivers license as identification and who did/did not take an oath.



 Notary Public

Notary Typed/
 Printed Name: James R. Newlon
 Commission
 Number: _____
 My Commission Expires _____



FAX p.1 of 3

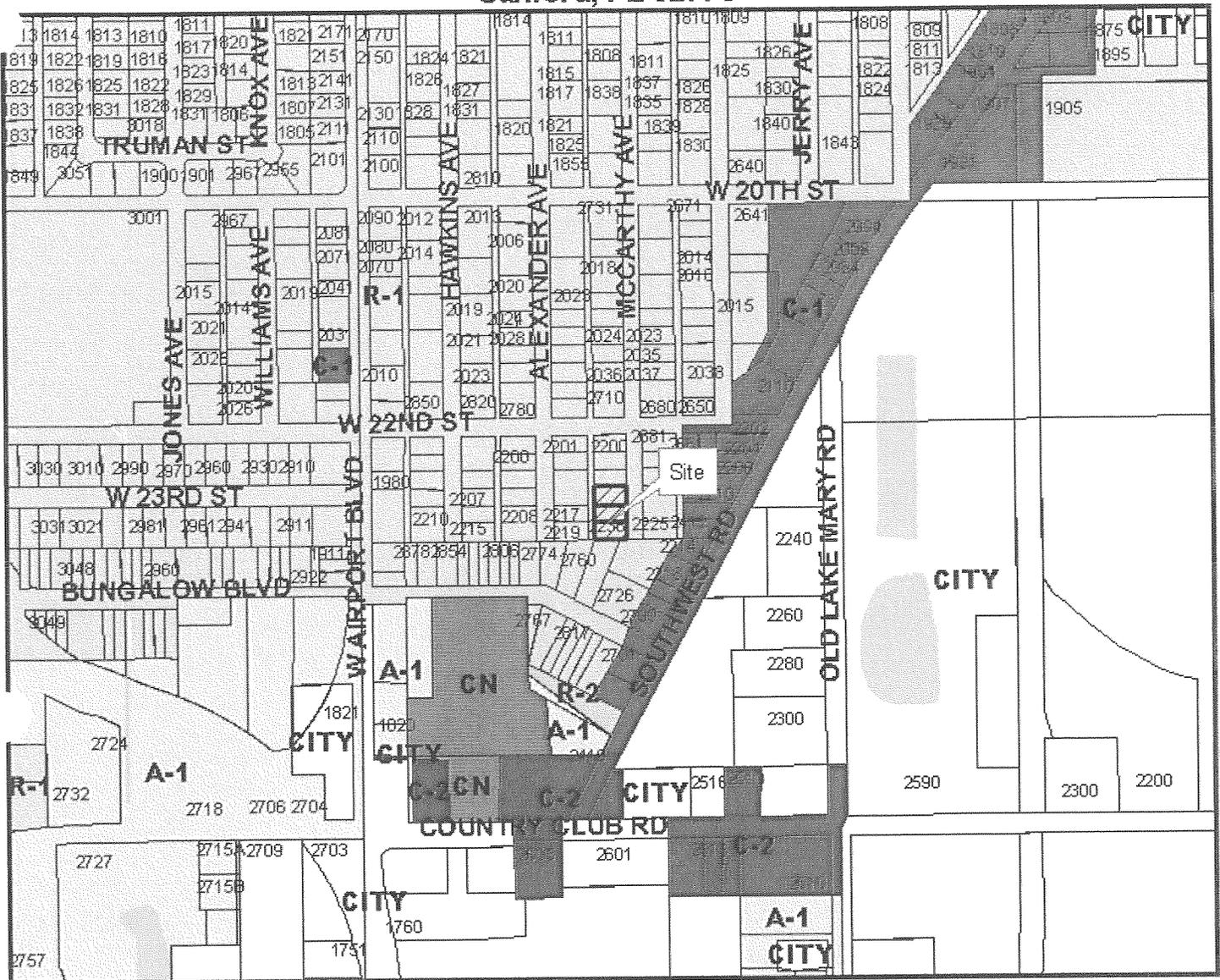
TO: Planning; Attn: Patty
Fax: 407-665-7385
FROM: Carolyn Owji (Sunrise Domain, Inc.)
Fax: 407-977-7000
DATE: June 24, 2005
SUBJECT: Variance Requests #BV2005-092 & 093

Attached please find proof of ownership of the lots for which the variances are requested. This deed was recorded by Seminole County Clerk of the Circuit Court on 6/22/05; however, the Property Appraiser's records have not yet been updated.

Please give me a call if you need anything else at (407) 970-8291.

Thank you.

**Carolyn Owji
McCarthy Street Lot 10, 11, 12
Sanford, FL 32773**

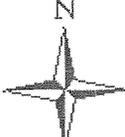


**Seminole County Board of Adjustment
August 22, 2005
Case: BV2005-092
Parcel No: 35-19-30-517-1400-0100
35-19-30-517-1400-0110
35-19-30-517-1400-0120**

Zoning

-  A-1 Agricultural-1Ac
-  R-1 Single Fam-8400
-  R-2 One and Two-Family-9000
-  CN Restricted Neighborhood Comm
-  C-1 Retail Commercial
-  C-2 Retail Commercial
-  BV2005-092

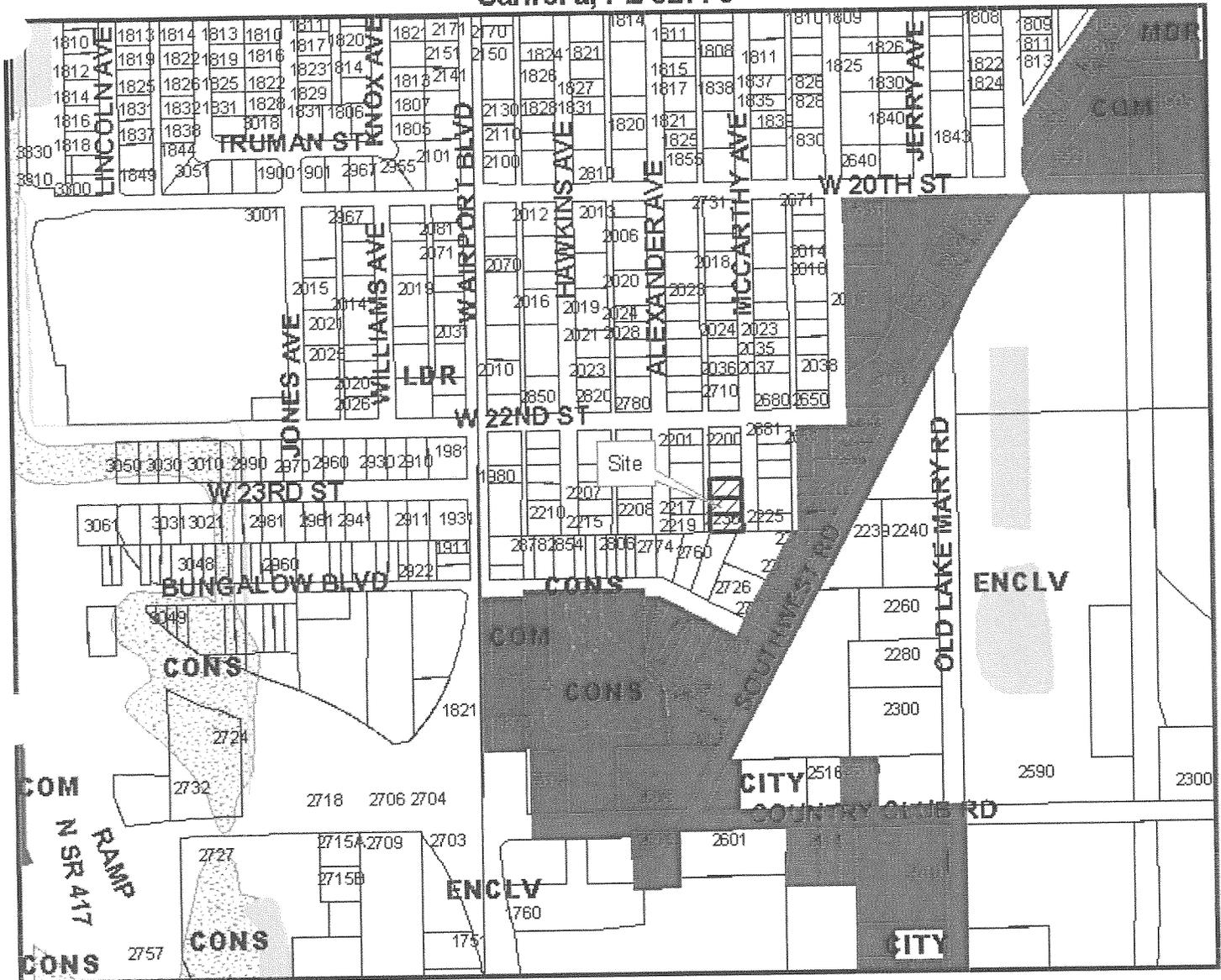
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0 100 200 400 600 800 Feet



**Carolyn Owji
McCarthy Street Lot 10, 11, 12
Sanford, FL 32773**



**Seminole County Board of Adjustment
August 22, 2005
Case: BV2005-092
Parcel No: 35-19-30-517-1400-0100
35-19-30-517-1400-0110
35-19-30-517-1400-0120**

Future Land Use

- CONS, LDR
- CONS, COM
- LDR, NONE
- COM, NONE
- BV2005-092

N

0 100 200 400 600 800 Feet

