

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

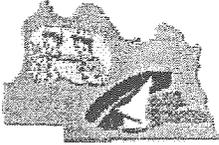
Agenda Date 08-22-05 Regular Consent Public Hearing – 6:00

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 12 AND SOUTH 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 SOUTH 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. BV2005-093

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
- APEAL 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 (mo/day/yr), in the Board Chambers (Room 1028) at 8:00 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 SIGNATURE OF OWNER OR AGENT* DATE 6-22-05

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

RF

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 S FLU/ZONING R-1/LDR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS West side of McCarty Ave. less than 110m. south of the intersection of McCarty Ave. & W 22nd St

PLANNING ADVISOR MIC DATE _____

SUFFICIENCY COMMENTS _____

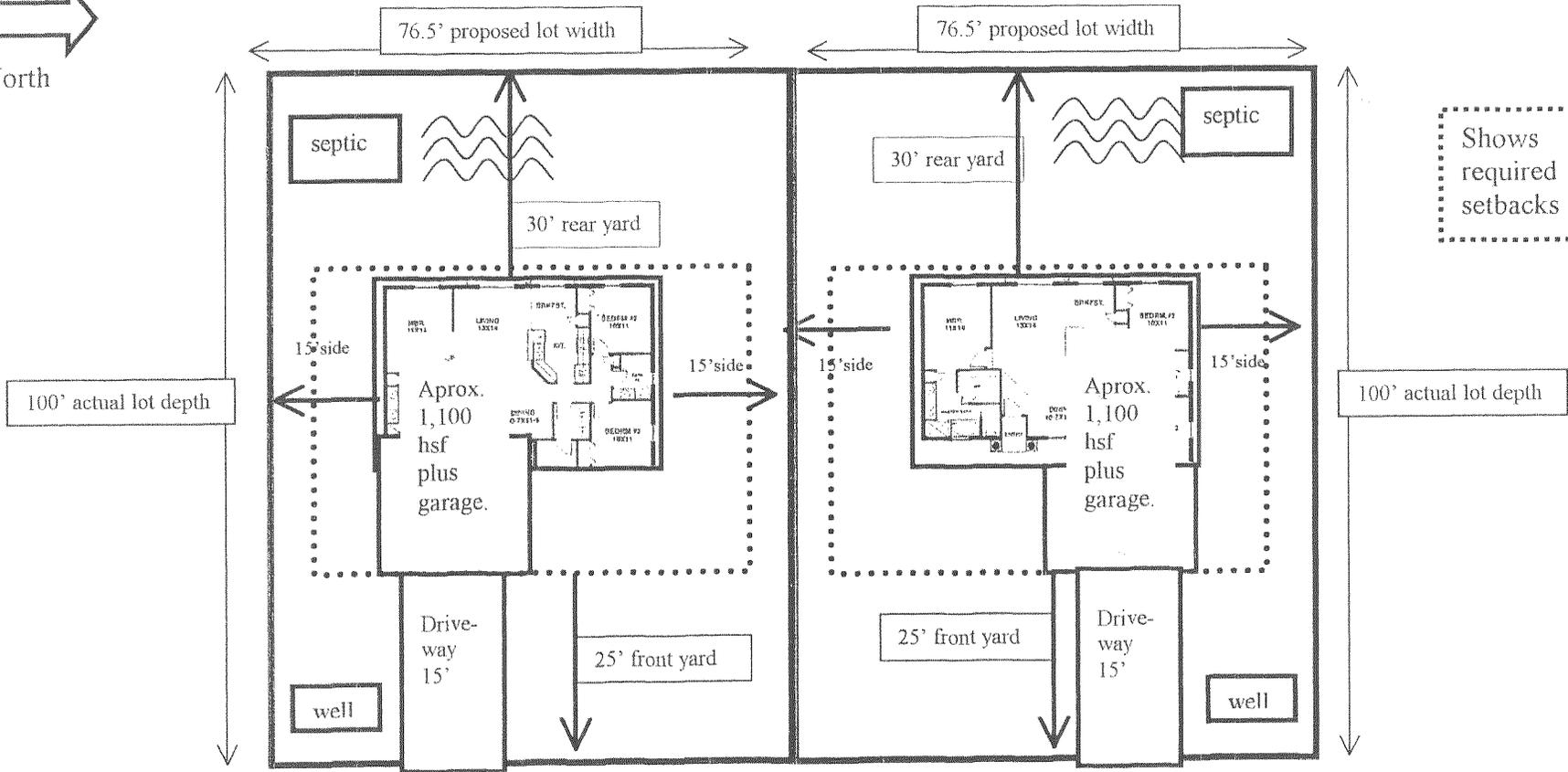
TO: Seminole County Board of Adjustment
 FROM: Carolyn Owji
 DATE: June 22, 2005
 SUBJECT: Request for variance, Lockharts Subdivision, Block 14, lots 10, 11, 12

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.

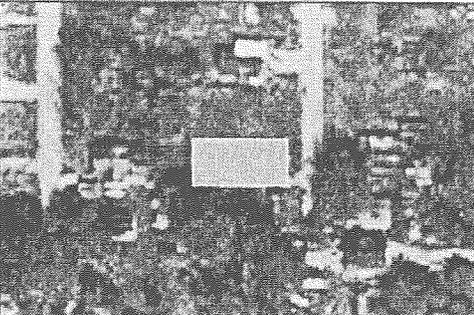
The 7,650 lots will be smaller than the required 8,400; however, most lots in Lockhart Subdivision are only 5,100 sq ft in size and already have houses on them. The two 7,640 sq ft lots will be an improvement to the neighborhood.

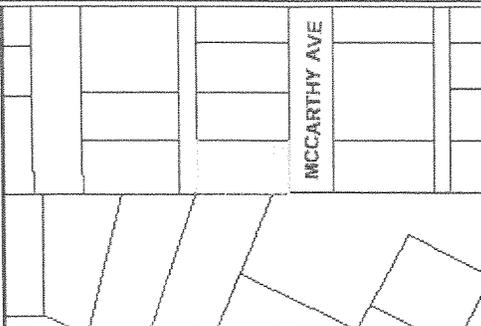
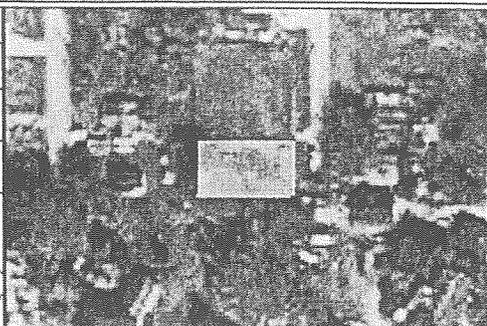
<p>1. That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; and</p>	<p>The special condition which exists in Lockhart Subdivision is that the lots 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>



McCarthy Ave.

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.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																
<p align="center">GENERAL</p> <p>Parcel Id: 35-19-30-517-1400-0110 Tax District: 01-COUNTY-TX DIST 1 Owner: SLAYDON ELLIS Exemptions: Address: 2700 S MAGNOLIA AVE City,State,ZipCode: SANFORD FL 32773 Property Address: MC CARTHY AVE Subdivision Name: LOCKHARTS SUBD Dor: 00-VACANT RESIDENTIAL</p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$5,646 Land Value Ag: \$0 Just/Market Value: \$5,646 Assessed Value (SOH): \$5,646 Exempt Value: \$0 Taxable Value: \$5,646 Tax Estimator</p>																														
<p align="center">SALES</p> <table border="1"> <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>05/1990</td> <td>02194</td> <td>0309</td> <td>\$2,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1985</td> <td>01646</td> <td>1442</td> <td>\$3,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1980</td> <td>01313</td> <td>1124</td> <td>\$2,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01124</td> <td>1247</td> <td>\$200</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	05/1990	02194	0309	\$2,000	Vacant	WARRANTY DEED	04/1985	01646	1442	\$3,000	Vacant	WARRANTY DEED	12/1980	01313	1124	\$2,000	Vacant	WARRANTY DEED	01/1977	01124	1247	\$200	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$78 2004 Taxable Value: \$4,600 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp																											
WARRANTY DEED	05/1990	02194	0309	\$2,000	Vacant																											
WARRANTY DEED	04/1985	01646	1442	\$3,000	Vacant																											
WARRANTY DEED	12/1980	01313	1124	\$2,000	Vacant																											
WARRANTY DEED	01/1977	01124	1247	\$200	Vacant																											
<p align="center">LAND</p> <table border="1"> <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>FRONT FOOT & DEPTH</td> <td>51</td> <td>100</td> <td>.000</td> <td>135.00</td> <td>\$5,646</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	51	100	.000	135.00	\$5,646	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 11 BLK 14 LOCKHARTS SUBD PB 3 PG 70</p>																		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																											
FRONT FOOT & DEPTH	51	100	.000	135.00	\$5,646																											
<p><small>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</small></p>																																

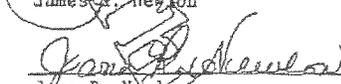
<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																			
<p align="center">GENERAL</p> <p>Parcel Id: 35-19-30-517-1400-0120 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SLAYDON ELLIS Exemptions:</p> <p>Address: 2700 S MAGNOLIA AVE</p> <p>City,State,ZipCode: SANFORD FL 32773</p> <p>Property Address: MC CARTHY AVE</p> <p>Subdivision Name: LOCKHARTS SUBD</p> <p>Dor: 07-MISCELLANEOUS RESIDE</p>	<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$691</p> <p>Land Value (Market): \$5,535</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$6,226</p> <p>Assessed Value (SOH): \$6,226</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$6,226</p> <p>Tax Estimator</p>																		
<p align="center">SALES</p> <table border="1"> <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>11/1989</td> <td>02130</td> <td>0843</td> <td>\$400</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01982</td> <td>1784</td> <td>\$500</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	11/1989	02130	0843	\$400	Improved	WARRANTY DEED	07/1988	01982	1784	\$500	Improved	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$88</p> <p>2004 Taxable Value: \$5,201</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp														
WARRANTY DEED	11/1989	02130	0843	\$400	Improved														
WARRANTY DEED	07/1988	01982	1784	\$500	Improved														
<p align="center">LAND</p> <table border="1"> <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>FRONT FOOT & DEPTH</td> <td>50</td> <td>100</td> <td>.000</td> <td>135.00</td> <td>\$5,535</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	50	100	.000	135.00	\$5,535	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 12 BLK 14 LOCKHARTS SUBD PB 3 PG 70</p>						
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value														
FRONT FOOT & DEPTH	50	100	.000	135.00	\$5,535														
<p align="center">EXTRA FEATURE</p> <table border="1"> <thead> <tr> <th>Description</th> <th>Year BIt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>WOOD UTILITY BLDG</td> <td>1983</td> <td>288</td> <td>\$691</td> <td>\$1,728</td> </tr> </tbody> </table>		Description	Year BIt	Units	EXFT Value	Est. Cost New	WOOD UTILITY BLDG	1983	288	\$691	\$1,728								
Description	Year BIt	Units	EXFT Value	Est. Cost New															
WOOD UTILITY BLDG	1983	288	\$691	\$1,728															
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																			

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



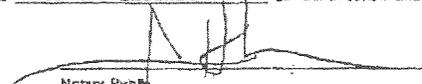
 James R. Newlon



 ELLIS SLAYDON
 2700 S. Magnolia Avenue
 Sanford, FL 32773

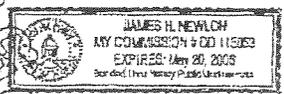
STATE OF FLORIDA
COUNTY OF SEMINOLE

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.



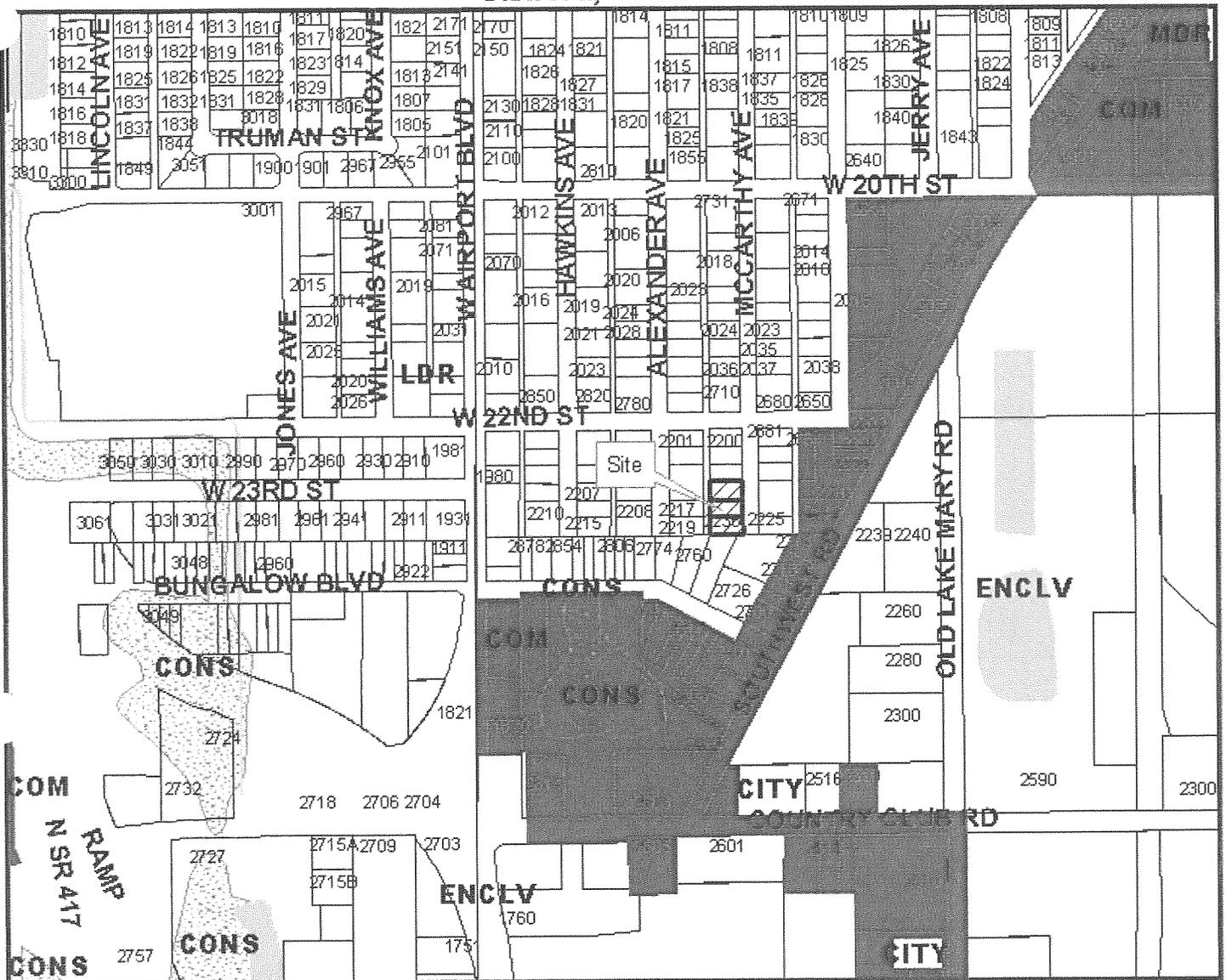
 Notary Public

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



This is not a certified copy

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



**Seminole County Board of Adjustment
August 22, 2005
Case: BV2005-093
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

0 100 200 400 600 800 Feet

