

BV2005-111

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

**SUBJECT:** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 6,732 SQUARE FEET ; (2) WIDTH AT THE BUILDING LINE FROM 70 FEET TO 52.8 FEET AND (3) SIDE STREET SETBACK FROM 25 FEET TO 17.3 FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (ROBERT KLETTNER, APPLICANT).

**DEPARTMENT:** PLANNING & DEVELOPMENT **DIVISION:** PLANNING

**AUTHORIZED BY:** KATHY FALL **CONTACT:** KATHY FALL **EXT.** 7389

**AGENDA DATE** 09-26-05 **REGULAR**  **CONSENT**  **PUBLIC HEARING – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 6,732 SQUARE FEET ; (2) WIDTH AT THE BUILDING LINE FROM 70 FEET TO 52.8 FEET AND (3) SIDE STREET SETBACK FROM 25 FEET TO 17.3 FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (ROBERT KLETTNER, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 6,732 SQUARE FEET ; (2) WIDTH AT THE BUILDING LINE FROM 70 FEET TO 52.8 FEET AND (3) SIDE STREET SETBACK FROM 25 FEET TO 17.3 FEET FOR A PROPOSED HOME IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (ROBERT KLETTNER, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

---

<b>GENERAL INFORMATION</b>	APPLICANT: ROBERT KLETTNER, APPLICANT LOCATION: BURROWS LANE (LOT 42) ZONING: R-1 (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"><li>• THE APPLICANT IS REQUESTING TO CONSTRUCT A SINGLE FAMILY HOME ON LOT 42, WHICH IS COLLECTIVELY DEFICIENT IN THE MINIMUM LOT SIZE</li></ul>

	<p>AND WIDTH AT THE BUILDING LINE FOR THE R-1AA ZONING DISTRICT.</p> <ul style="list-style-type: none"> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<p><b>STAFF FINDINGS</b></p>	<p>THE APPLICANT HAS DEMONSTRATED A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES:</p> <ul style="list-style-type: none"> <li>• THE SUBJECT LOT IS A PLATTED LOT IN THE ROSELAND PARK SUBDIVISION RECORDED IN 1946.</li> <li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY SUBSEQUENTLY RENDERED THE PLATTED LOT NONCONFORMING WITH RESPECT TO R-1 DISTRICT MINIMUM LOT SIZE (8,400 SQUARE FEET) AND WIDTH AT THE BUILDING LINE (70 FEET) THEREBY CREATING A HARDSHIP.</li> <li>• COMPREHENSIVE PLAN POLICY FLU 3.2 REQUIRES THE COMBINATION OF LOTS TO RESOLVE LAND USE COMPATIBILITY, ENVIRONMENTAL AND INFRASTRUCTURE ISSUES. THERE IS THE ABILITY TO COMBINE THE LOT 42 WITH THE ADJACENT LOT 41 BECAUSE THEY ARE UNDER THE SAME OWNERSHIP. THE COMBINATION OF THE LOTS WOULD NEGATE THE NEED FOR THE VARIANCES. BUT BECAUSE THE MAJORITY OF THE PARCELS IN ROSELAND PARK HAVE BEEN DEVELOPED AS INDIVIDUAL PLATTED LOTS AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM HAS PROVIDED INFRASTRUCTURE IMPROVEMENTS. THEREFORE THE DEVELOPMENT OF THE PLATTED LOT WOULD NOT BE INCOMPATIBLE WITH OTHER USES IN ROSELAND PARK AND/OR CREATE ENVIRONMENTAL OR INFRASTRUCTURE ISSUES.</li> <li>• THE APPLICANT IS REQUESTING THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE ABOVE FINDINGS, STAFF RECOMMENDS THE BOARD APPROVE THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 6,732 SQUARE FEET, (2) WIDTH AT THE BUILDING LINE FROM 70 FEET TO 52.8 FEET AND A SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 17.3 FEET FOR A PROPOSED HOME WITH THE RECOMMENDED CONDITIONS:</p> <ul style="list-style-type: none"> <li>• ANY VARIANCES GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li> <li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li> </ul>



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

**COPY**

APPL. NO. BU 2005-111

**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** <sup>①</sup> Lot size variance from 8,400 s.f. To 6,732 s.f. for a proposed home on Lot 42.
- 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**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Habitat for Humanity in	Seminole County, Inc.
ADDRESS	1548 Seminola Blvd. Unit 141	Robert C. Klettner
PHONE 1	407-696-5855	
PHONE 2		
E-MAIL	bklettner@habitatseminole.org	

PROJECT NAME: Habitat Seminole Burrows Lane (Lot 42)

SITE ADDRESS: 1821 Burrows Lane Lot 42

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Lots 41 and 42, Roseland Park as recorded thereof in Platbook 7 Page 51

SIZE OF PROPERTY: 0.31 acre(s) PARCEL I.D. 32-19-31-502-0000-0410

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 9, 26, 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.

*Robert C. Klettner*

7-17-05

SIGNATURE OF OWNER OR AGENT\*

DATE

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

KF

**ADDITIONAL VARIANCES**

VARIANCE 2:  
Change width to 52.8 feet from 70 feet.

VARIANCE 3:  
Change side set-back to 17.3 feet from 25 feet..

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 \_\_\_\_\_

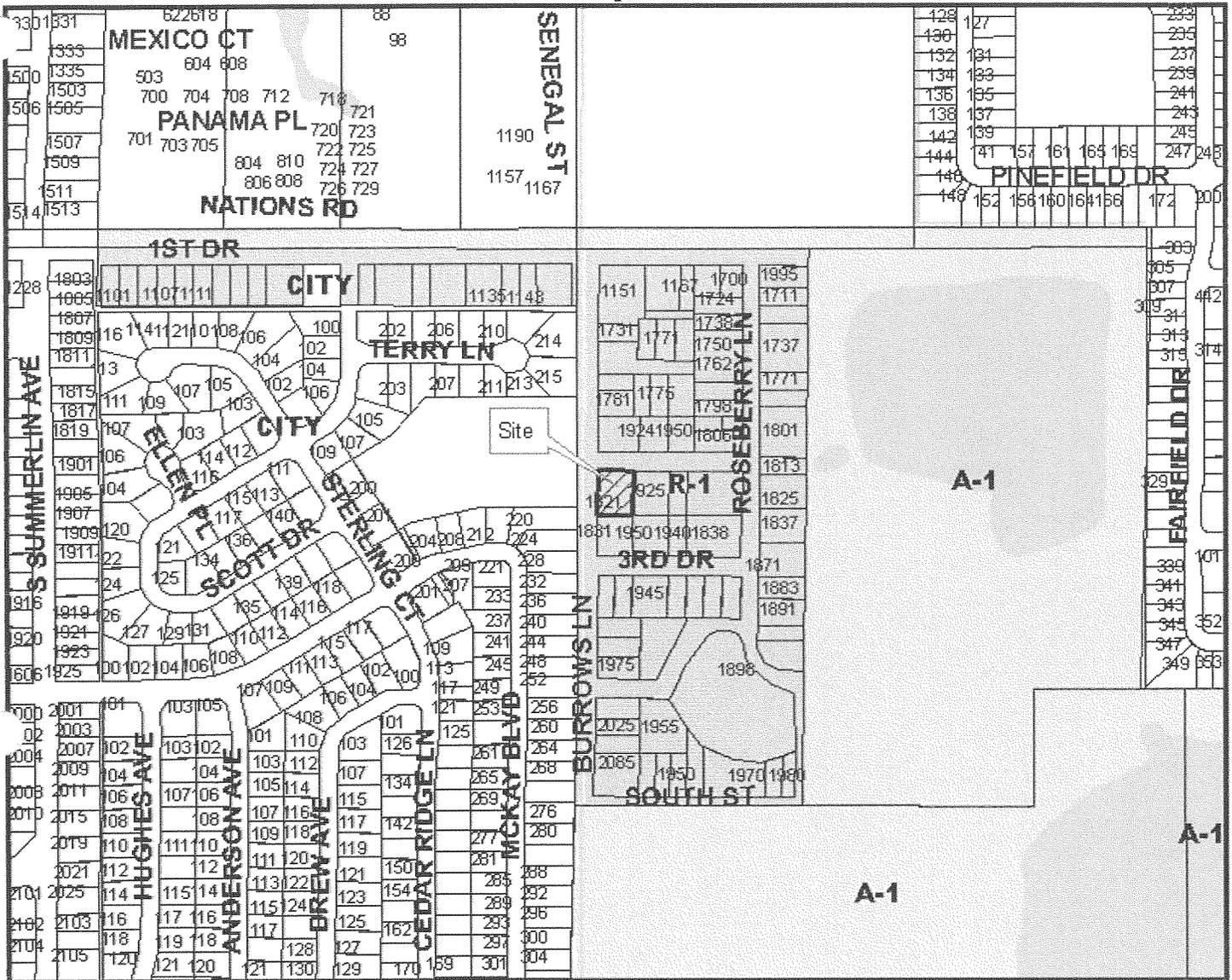
**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): \$ 250 COMMISSION DISTRICT 5 FLU/ZONING R-1  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS east of Burrans Rd 1/2 mile then  
0.1 mi North of the intersection of Burrans Rd + 3rd Dr.  
PLANNING ADVISOR MR DATE 7/18  
SUFFICIENCY COMMENTS \_\_\_\_\_

# Habitat for Humanity (Seminole County)

1821 Burrows Lane Lot 42

Casselberry, FL 32707



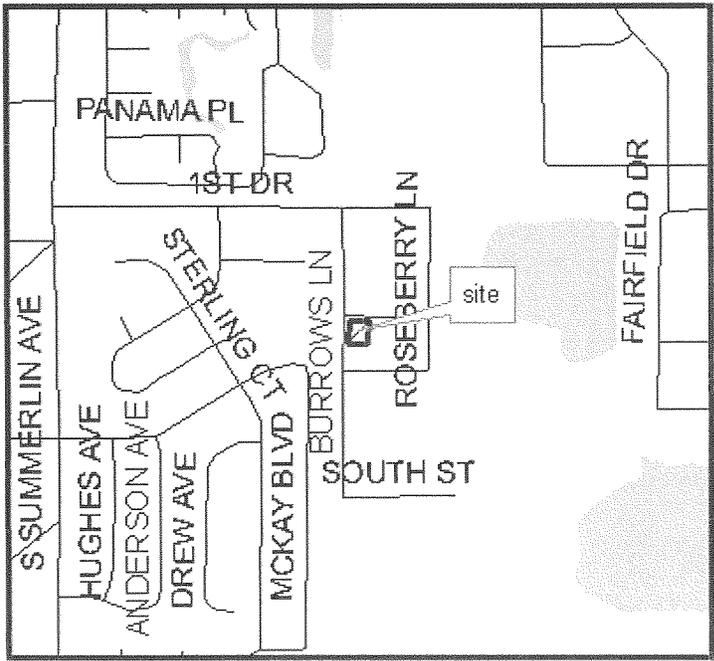
**Seminole County Board of Adjustment**  
 September 26, 2005  
 Case: BV2005-111  
 Parcel No: 32-19-31-502-0000-0410

**Zoning**

-  A-1 Agricultural-1Ac
-  R-1 Single Fam-8400
-  BV2005-111

N

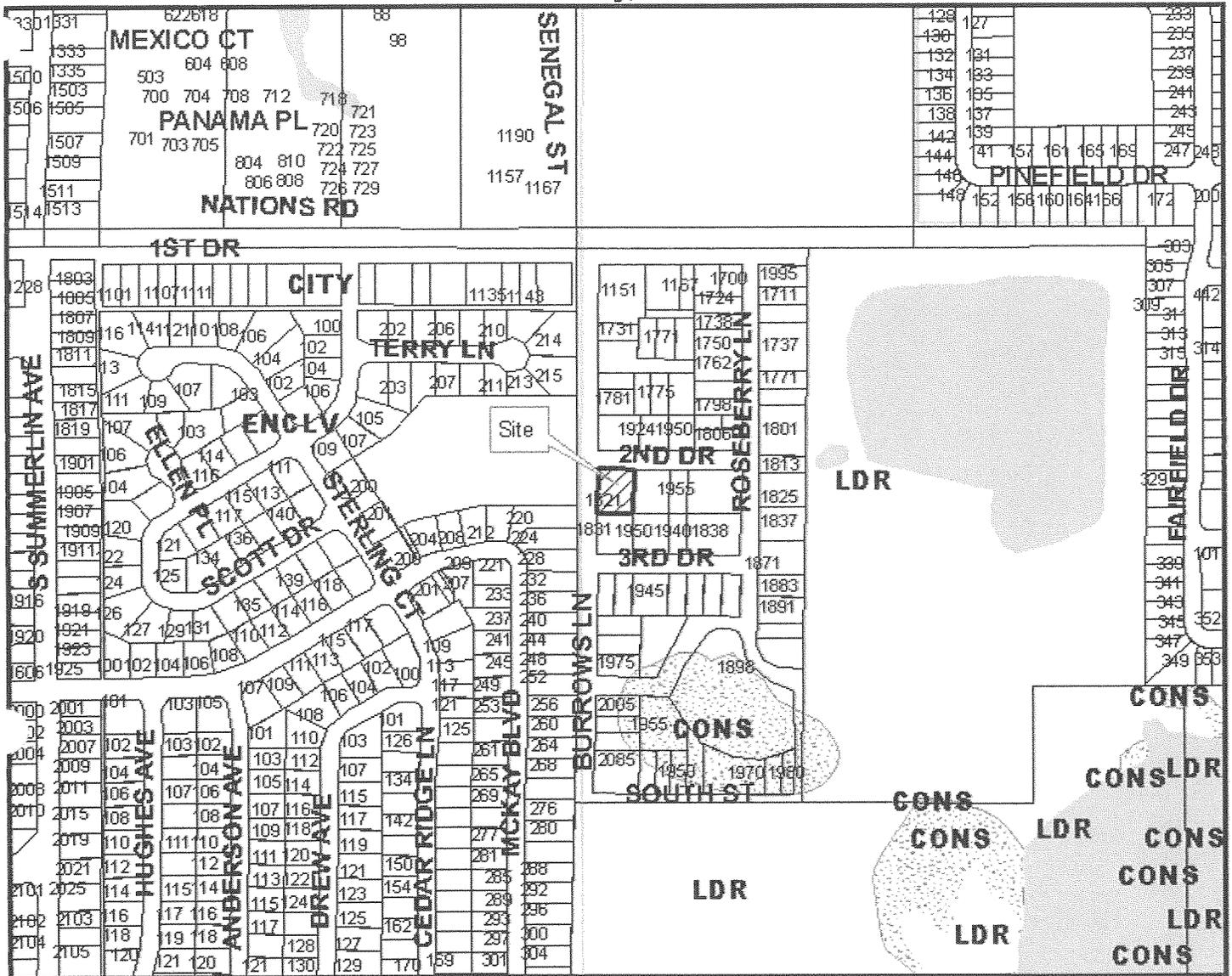
0 105210 420 630 840 Feet



# Habitat for Humanity (Seminole County)

1821 Burrows Lane Lot 42

Casselberry, FL 32707

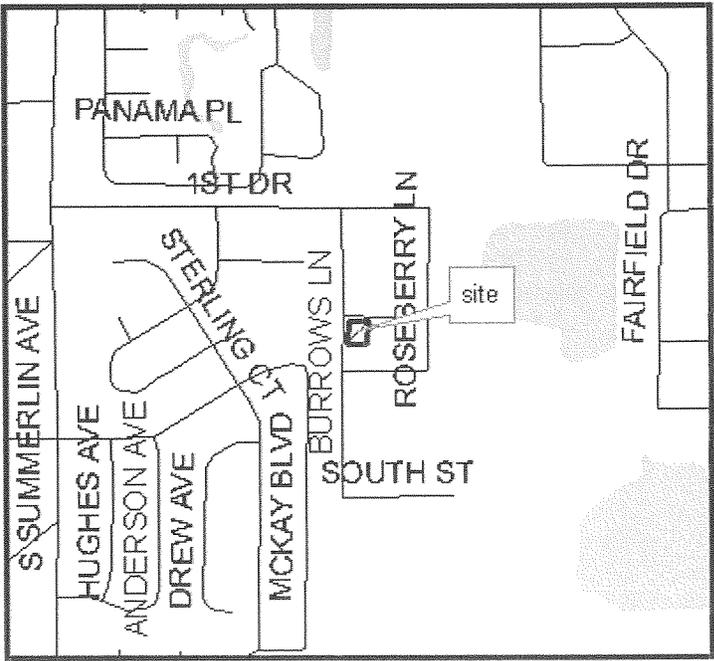


Seminole County Board of Adjustment  
 September 26, 2005  
 Case: BV2005-111  
 Parcel No: 32-19-31-502-0000-0410

**Future Land Use**

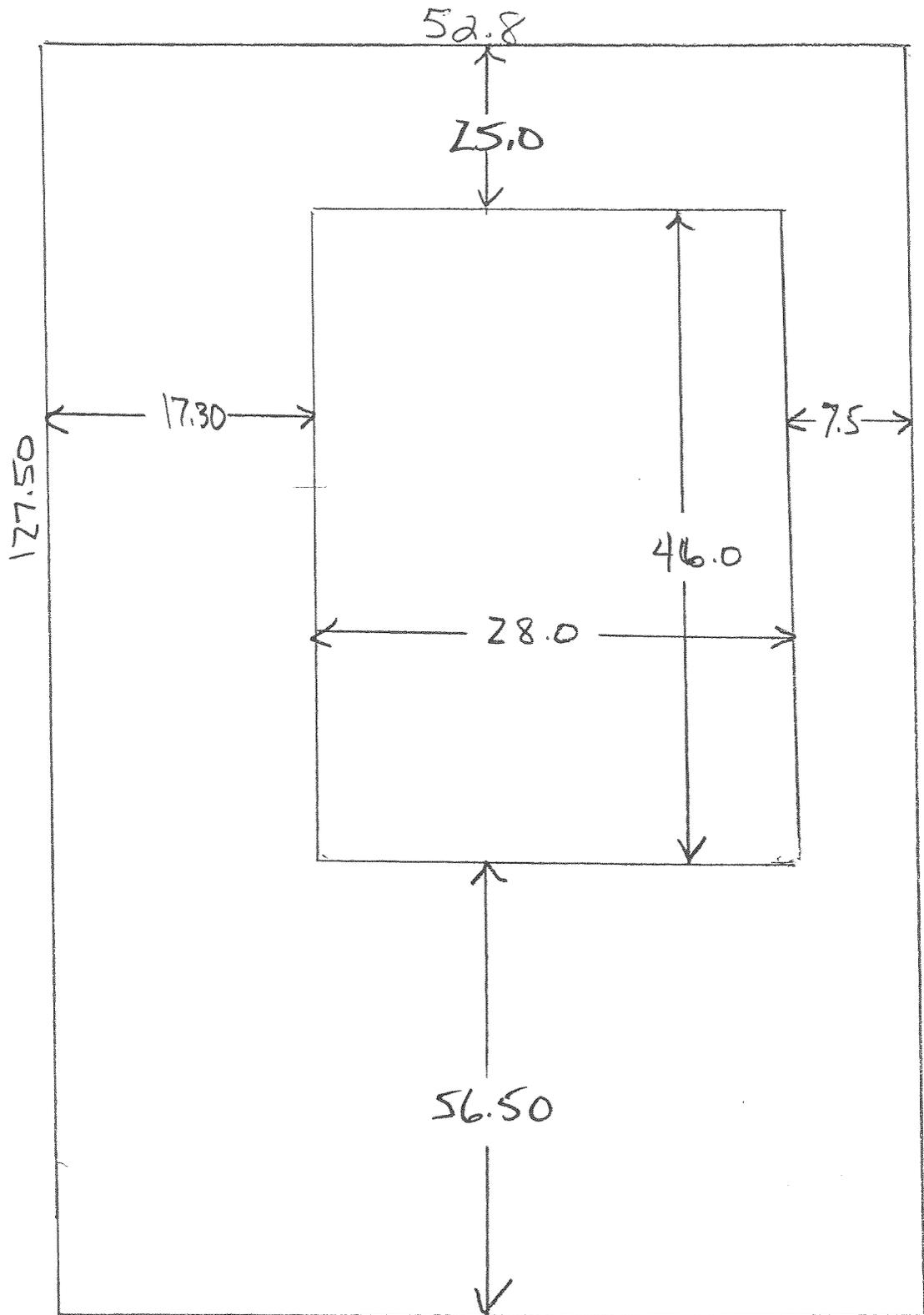
- CONS, LDR
- LDR, NONE
- BV2005-111

0 105 210 420 630 840 Feet



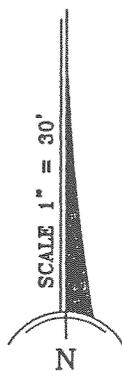
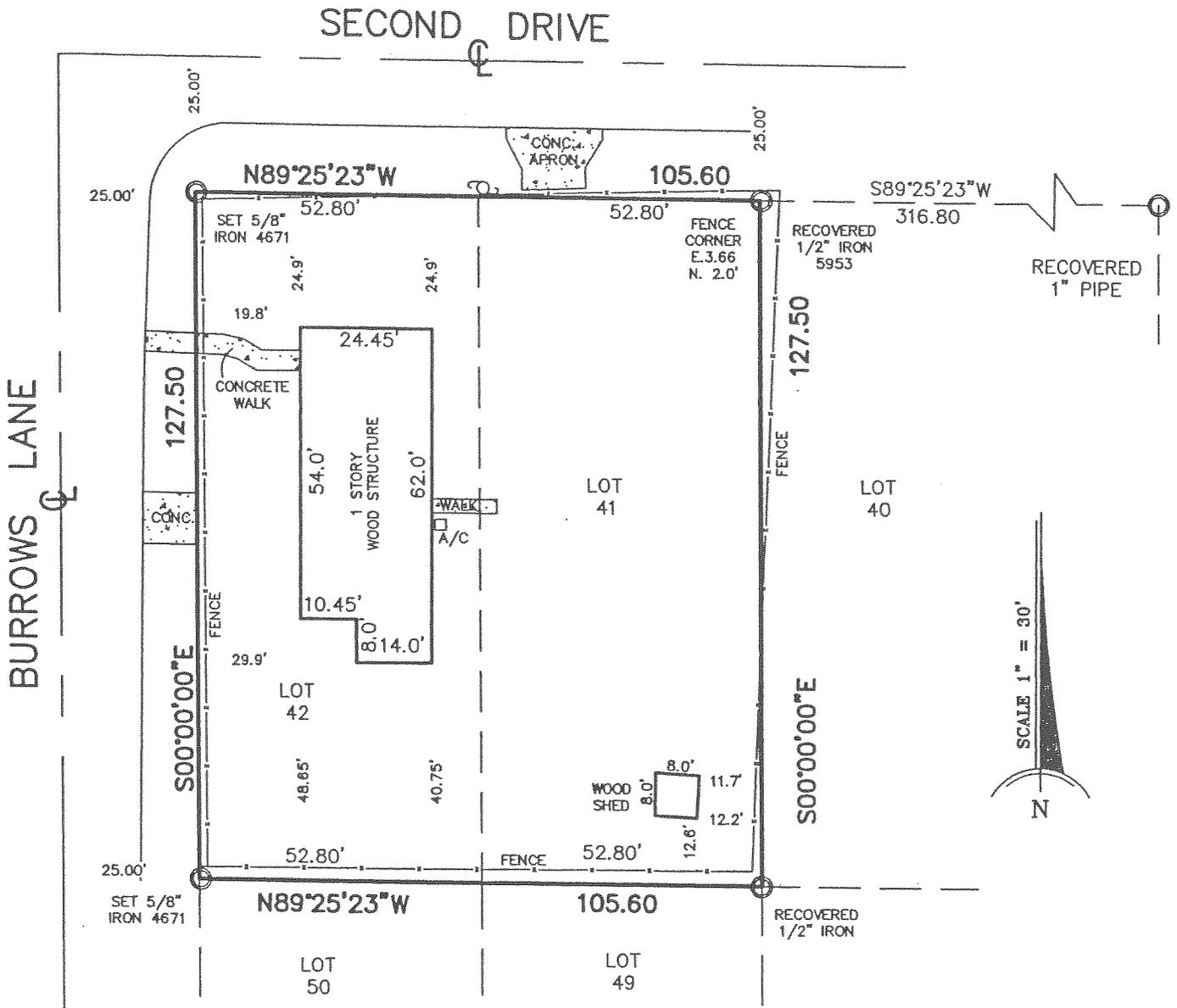
LOT 42 ROSELAND PARK  
SECOND DRIVE

BURROWS LANE  
↑  
N



# BOUNDARY SURVEY

DESCRIPTION: LOTS 41 AND 42, ROSELAND PARK AS RECORDED THEREOF IN PLAT BOOK 7, PAGE 51 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



**NOTES:**

- BEARINGS BASED ON THE CENTER LINE OF BURROWS LANE AS BEING N00°00'00"E.
- UNDERGROUND UTILITIES NOT LOCATED.

*[Handwritten Signature]*  
 JAMES R. SHANNON JR., P.L.S. #4871  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING, INC.  
 499 NORTH S.R. 434 - SUITE 2153  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

DATE OF SURVEY: MAY 19, 2005  
 FIELD BY: J.H. SCALE: 1" = 30'  
 FILE NUMBER: PB7-51 LOT 41+42

Project number 05 30000109  
 Project description BURROWS LANE (1821) LOT 42  
 balance .00

Select

Amount To Apply	Description	Previously Applied	Paid
00	APPEALS	.00	.00
00	MISCELLANEOUS FEES	.00	.00
00	READVERTISING FEE	.00	.00
00	VARIANCE	250.00	.00
100.00	VARIANCE TO WETLANDS/ECON ORD	.00	.00
50.00	VARIANCE TO PUBLIC ACCESS REQ	.00	.00

OK Exit Cancel Display all

7/28/05 SEMINOLE COUNTY GOVERNMENT - PROJECT FEES RECEIPT 15:27:18  
 PROJ # 05-30000109 RECEIPT # 0241655  
 OWNER:  
 JOB ADDRESS: 1821 BURROWS LN LOT #: 0410

VARIANCE	250.00	250.00	.00
TOTAL FEES DUE.....		250.00	
AMOUNT RECEIVED.....		250.00	

\* DEPOSITS NON-REFUNDABLE \*  
 \*\* THERE IS A PROCESSING FEE RETAINAGE FOR ALL REFUNDS \*\*

COLLECTED BY: PDPJ01	BALANCE DUE.....	.00
CHECK NUMBER.....	000000005019	
CASH/CHECK AMOUNTS.....	250.00	
COLLECTED FROM:	BURROWS LANE (1821) LOT 42	
DISTRIBUTION.....	1 - COUNTY 2 - CUSTOMER 3 -	4 -

**HABITAT FOR HUMANITY**  
 IN SEMINOLE CO. INC.  
 PH. 407-696-5855  
 1548 SEMINOLA BLVD., STE 141  
 CASSELBERRY, FL 32707

**SUNTRUST**  
**SUNTRUST BANK**  
 ORLANDO, FL 32801-3410  
 63-215/631

5019

7/18/2005

PAY TO THE ORDER OF SEMINOLE COUNTY \$ \*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\* DOLLARS

SEMINOLE COUNTY

MEMO VARIANCE - BURROWS LANE LOT 42

*[Handwritten Signature]*  
 AUTHORIZED SIGNATURE

⑈005019⑈ ⑆063102152⑆0390003619400⑈

Security Features Included Details on Back.

FILE #: BA(4-16-84)-46V      APPL: MCGRIFF, LUCILLE  
EC: 32    TWP: 19    RNG: 31    SUF:      PL BK:      7    PB PG: 51    BLOCK #:

DEVELOPMENT NAME: V-MCGRIFF, LUCILLE

LOC: NW CORNER OF SECOND DRIVE AND ROSSEBERRY LANE

OFF #1: 30    #2:      #3:      #4:      #5:      #6:      #7:  
ARC #1:      #2:      #3:      #4:      #5:      #6:      #7:

**REQUEST DESCRIPTION:**

LOT WIDTH VARIANCE IN R-1 FROM 70 FT TO 55 FT; LOT SIZE VARIANCE  
FROM 8400 SQ FT TO 7700 SQ FT; HOUSE SIZE VARIANCE FROM 700 SQ FT  
TO 640 SQ FT; SIDE STREET VARIANCE FROM 25 FT TO 21 FT

**ACTION:** APPROVED

**DATE:** 041684

**REMARKS:**

ROSELAND PARK)

**CMD 1** - End Job      **CMD 2** - Go to Search Prompt      **HELP** - SCREEN AID

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On September 26, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 41 AND 42 ROSELAND PARK PB 7 PG 51

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

**FINDINGS OF FACT**

**Property Owner:** Habitat for Humanity  
1548 Seminola Boulevard  
Unit 141

**Project Name:** Roseland Park (Lot 42)

**Requested Development Approval:**

REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 6,732 SQUARE FEET AND A (2) WIDTH AT THE BUILDING LINE FROM 70 FEET TO 52.8 FEET FOR A PROPOSED HOME IN THE 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:
  - ANY VARIANCES GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AS DEPICTED ON THE ATTACHED SITE PLAN; AND
  - ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.
- (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: \_\_\_\_\_  
Tony Walter  
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 \_\_\_\_\_ 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: