

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; AND (3) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (NICOLE HUFF, APPLICANT).

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

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

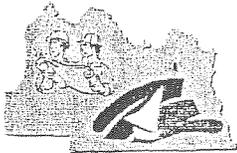
Agenda Date 09-26-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; AND (3) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (NICOLE HUFF, APPLICANT).
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE); (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET; AND (3) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (NICOLE HUFF, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	NICOLE HUFF, APPLICANT CASS AVENUE, LOT 2 (BLOCK 1) (CASSA VILLA HEIGHTS)	A-1 DISTRICT, LDC SECTION 30.186(a)(3)
BACKGROUND REQUEST	/ • THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME ON A VACANT LOT THAT FAILS TO MEET THE MINIMUM LOT SIZE, MINIMUM WIDTH AT BUILDING LINE AND MINIMUM SETBACK REQUIREMENTS OF THE A-1 DISTRICT; THE AFOREMENTIONED VARIANCES ARE REQUESTED TO REDUCE THOSE STANDARDS.	

	<ul style="list-style-type: none"> • 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).
<p>STAFF FINDINGS</p>	<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 FEBRUARY 19, 1957. • 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. CASSA-VILLA HEIGHTS PLATTED 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 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

APPL. NO. PA/2005-123

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 (43,560)
- VARIANCE** LOT SIZE FROM 1 ACRE TO PLANNING LOT
size 75' x 110' (8250)
 - SPECIAL EXCEPTION** WAS NOT ABLE TO REQUIRE OR PURCHASE AN ~~ADJ~~ ADJOINING LOT.
 - LIMITED USE** FOR SINGLE FAMILY RESIDENCE
- SF DWELLING UNDER CONSTRUCTION MEDICAL HARDSHIP
 NIGHT WATCHMAN FAMILY HARDSHIP
 YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
 SIZE OF MOBILE HOME / RV _____ TIME NEEDED _____
 PLAN TO BUILD YES NO IF SO, WHEN OCTOBER 1, 2005 OR ASAP
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	NICOLE HUFFER	N/A	
ADDRESS	432 COURTNEY SPRINGS CIR WINTER SPRINGS FL 32708		
PHONE 1	407. 359. 7758		
PHONE 2	407. 366. 5620		
E-MAIL	SDHuffer@aol.com		

PROJECT NAME: HUFFER RESIDENCE

SITE ADDRESS: LOT # 2 CASS AVE, OVIEDO FLORIDA 32765

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: Lot 2, Block 1, Cassa-villa Heights according to the plat thereof as recorded in Plat Book 10, Page 97 Public Records

OF SEMINOLE COUNTY FLORIDA
 SIZE OF PROPERTY: APPROX. 1/4 acre(s) PARCEL I.D. 04-21-31-501-0100-0020

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO 9, 26, 05

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.

SIGNATURE OF OWNER OR AGENT* [Signature] DATE 8.23.05

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

KF

ADDITIONAL VARIANCES

VARIANCE 2:

② WIDTH AT BUILDING LINE VARIANCE FRONT SETBACK FROM 150 FT. TO 75 FT.

VARIANCE 3:

Front yard setback from 50 feet to 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	

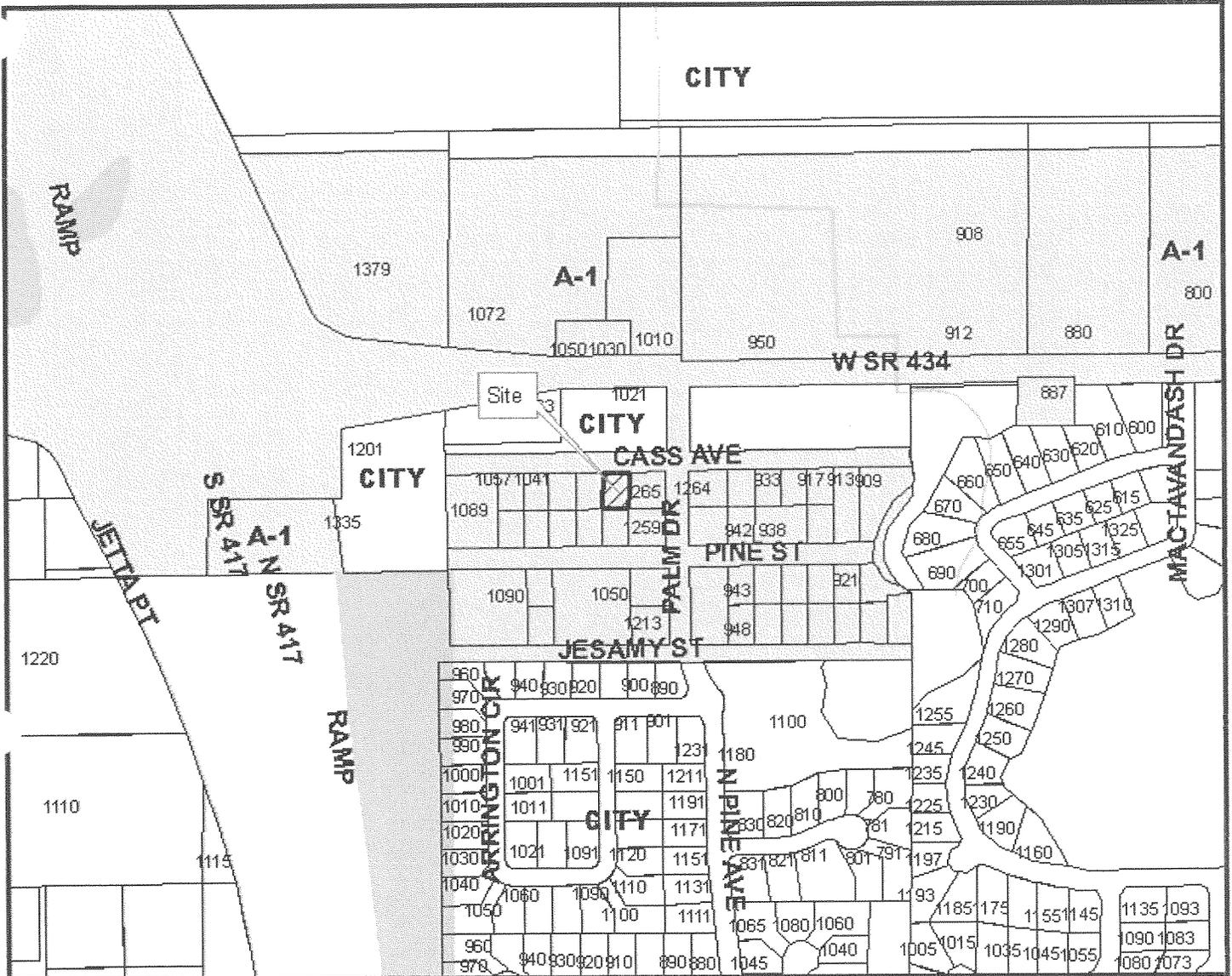
NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 250.00 COMMISSION DISTRICT 3 FLU/ZONING A1/LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS s side of Cass Ave 0.1 mi west of the intersection of Cass Ave + Palm Dr.
PLANNING ADVISOR KE DATE _____
SUFFICIENCY COMMENTS _____

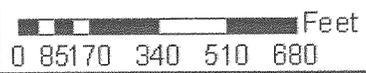
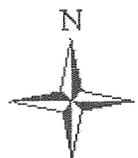
Nicole Huffer
 Cass Avenue Lot # 2
 Oviedo, FL 32765



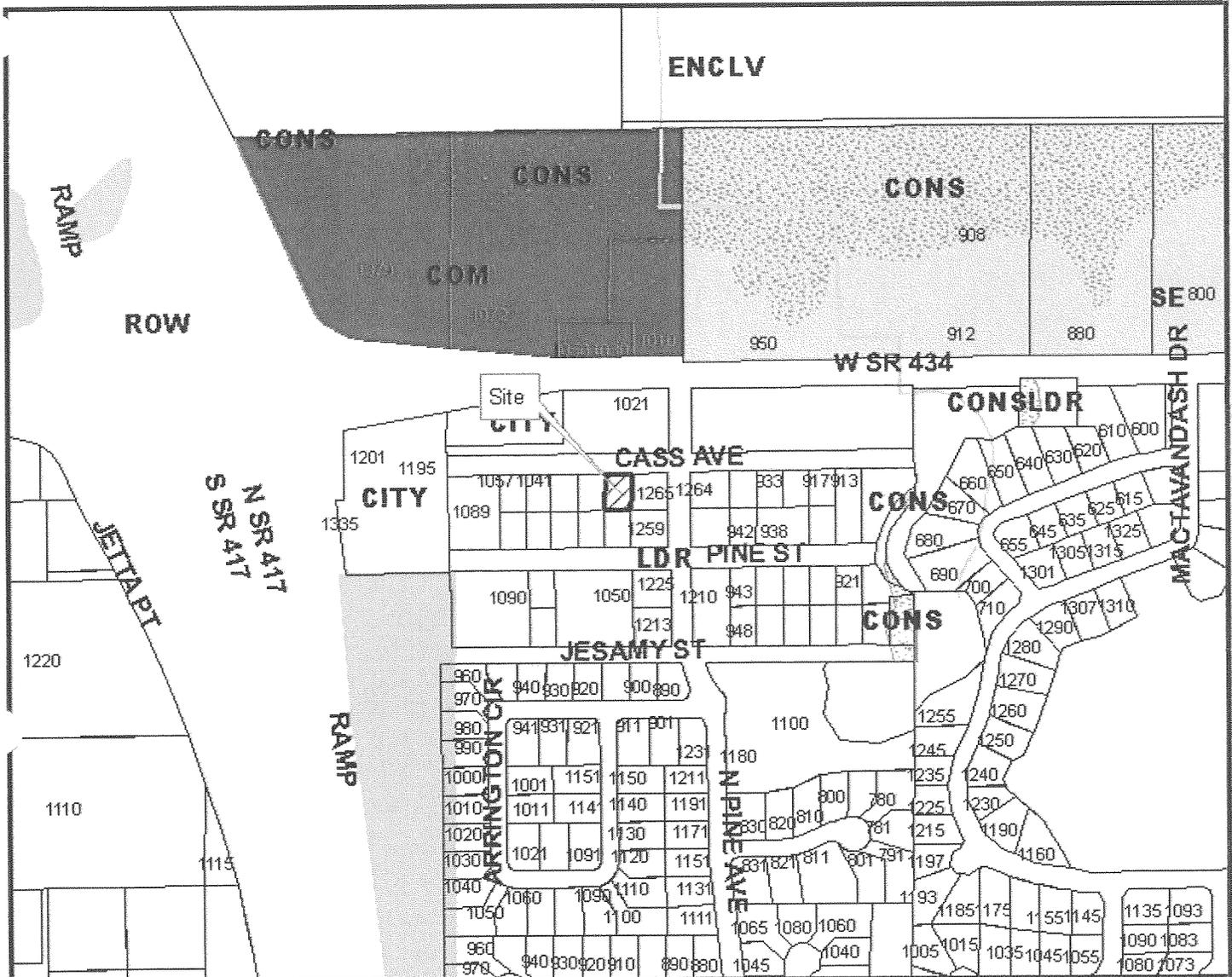
Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-123
 Parcel No: 04-21-31-501-0100-0020

Zoning

-  A-1 Agricultural-1Ac
-  BV2005-123



**Nicole Huffer
Cass Avenue Lot # 2
Oviedo, FL 32765**



Seminole County Board of Adjustment
September 26, 2005
Case: BV2005-123
Parcel No: 04-21-31-501-0100-0020

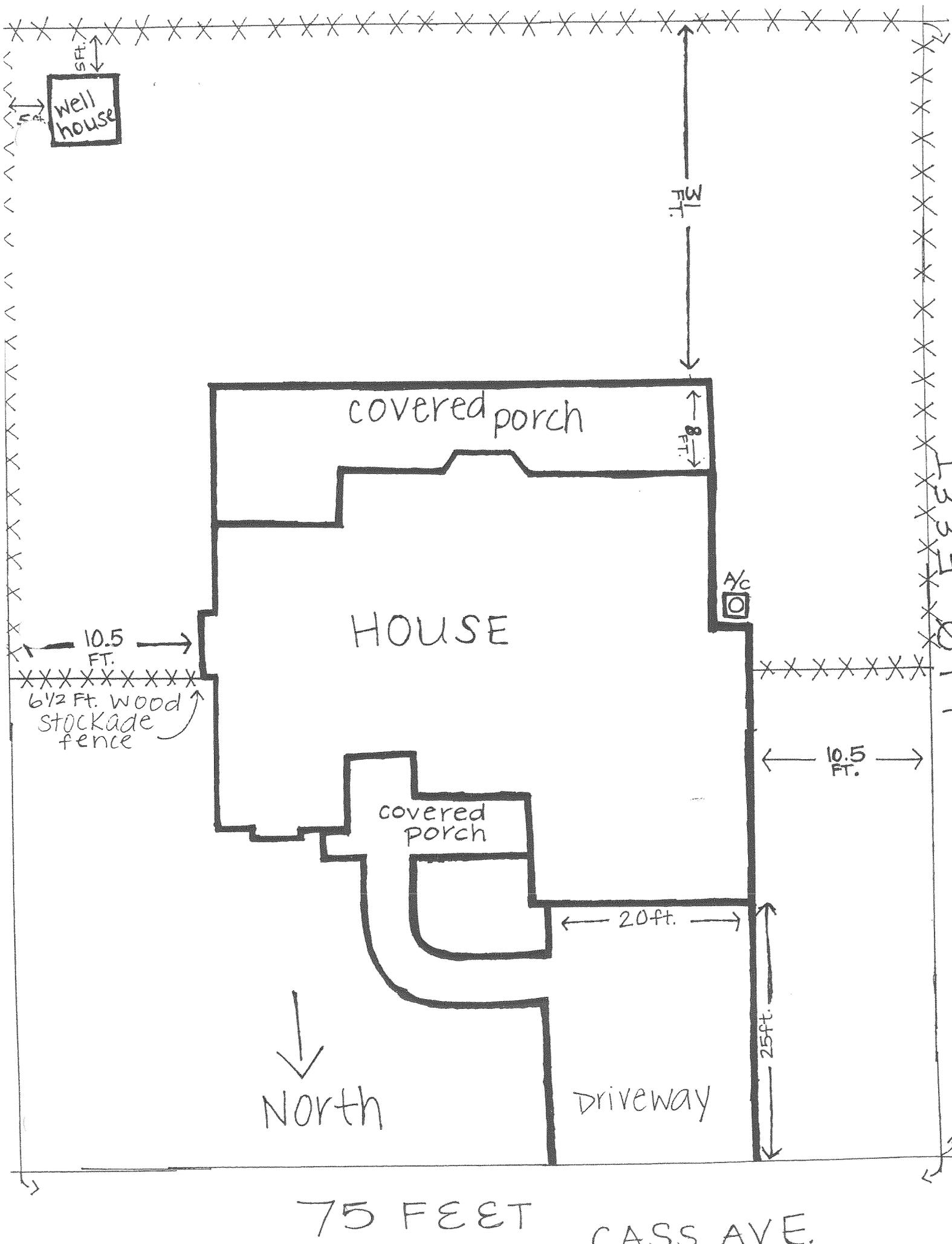
Future Land Use

- CONS, SE
- CONS, LDR
- CONS, COM
- SE, NONE
- LDR, NONE
- COM, NONE
- BV2005-123

N

0 85 170 340 510 680 Feet





well house

covered porch

HOUSE

covered porch

Driveway

75 FEET CASS AVE.

North

6 1/2 Ft. wood stockade fence

10.5 FT.

33.5 FT.

8 FT.

A/C

10.5 FT.

20 ft.

25 ft.

A. Statement of Request

We are requesting a width at building line variance change for the front set back from 50 feet to 25 feet and a variance from one acre to one building lot (75' x 110') to build a single family residence. We are asking for these changes due to the fact that we were unable to obtain any adjoining lots that would increase our lot size to meet the current requirements.

G. Size of Property: approx. ¼ of an acre

H. Dimensions of the lot or parcel: 75' x 110'

J. Location & name of abutting streets or roads: see attached ~~sketch~~ sketch

K. Location, size and type of existing or proposed septic system, drain field and well:
Will install as per required health department codes/regulations. There is nothing existing.

L. Location, size, and type of any trees to be removed or retained: none

M. Location and width of all easements: see sketch

N. Location and width of proposed driveway: 20 feet x 25 feet – see sketch

P. Identification of available utilities: There are no utilities in ground at this time however all utilities are available from all service providers, such as Bellsouth, Progress Energy, etc.

R. Property accessibility to inspection by Planning Division Staff: yes – off of main road – Cass Avenue

T. Authorization form (if the applicant & owner are not the same): Note – I (Nicole Huffer) am the owner of the lot however, I recently married that is why the name of the deed is Nicole Elston. See attached marriage license.

V. Written statement that responds to criteria stated in the LAND DEVELOPMENT CODE for the grant of a variance: see #A above

SEMINOLE COUNTY - Project Fees Maintenance

Actions Options Help

8/08/2005 4:35:16 PM

Project number 05 30000121
 Project description CASS AVE (LOT 2) VACANT
 Dr 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

Nicole M. Huffer 12-02
 Scott D. Huffer
 407-359-7758
 432 Courtney Springs Cir.
 Winter Springs, FL 32708-6337

Date 8.4.05 1674
 63-4/630-FL
 1469

Pay to the Order of **SEMINOLE COUNTY**

TWO HUNDRED FIFTY DOLLARS & 00/100 \$ 250.00 Dollars

Bank of America

ACH R/T 063100277

For **VARIANCE**

06 300004 71 00548973834 1 1674

ISLAND BREEZES™ WIS

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 LOT 2 BLOCK 1 CASSA VILLA HEIGHTS PB 10 PG 97

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

FINDINGS OF FACT

Property Owner: Nicole Huff
432 Courtney Springs Cove
Winter Springs, FL 32718

Site Address: Cass Avenue (Lot 2)

Requested Development Approval:

- (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE);
- (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET;
AND
- (3) FRONT YARD SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE 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.

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 SINGLE FAMILY 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: _____
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 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: