

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

**SUBJECT:** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 7,875 SQUARE FEET FOR A PROPOSED HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (GUY MONICO, APPLICANT).

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

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

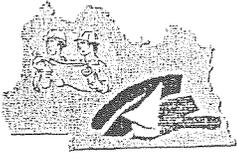
<b>Agenda Date</b> <u>09/26/05</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input checked="" type="checkbox"/> <b>Public Hearing – 6:00</b> <input type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 7,875 SQUARE FEET FOR A PROPOSED HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (GUY MONICO, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 7,875 SQUARE FEET FOR A PROPOSED HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (GUY MONICO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> GUY MONICO <b>LOCATION:</b> PINWOOD COURT, LOT 5 LAKE RIDGE PARK SUBDIVISION <b>ZONING:</b> R-1A (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-FAMILY HOME (2,137 S.F.) ON A VACANT LOT THAT FAILS TO MEET THE MINIMUM LOT SIZE REQUIREMENT OF THE R-1A DISTRICT; THE AFOREMENTIONED VARIANCE IS REQUESTED.</li> <li>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).</li> </ul>
<b>STAFF FINDINGS</b>	<b>STAFF HAS DETERMINED THE FOLLOWING:</b> <ul style="list-style-type: none"> <li>THE SUBJECT LOT WAS CREATED AS A PART OF LAKE RIDGE PARK, WHICH WAS PLATTED ON SEPTEMBER 14,</li> </ul>

	<p>1954.</p> <ul style="list-style-type: none"><li>• THE ADOPTION OF COUNTYWIDE ZONING IN 1960 BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOTS NONCONFORMING WITH RESPECT TO THE R-1A DISTRICT STANDARDS.</li><li>• IT THEREBY FAILS TO MEET THE MINIMUM LOT SIZE ESTABLISHED FOR THE R-1A DISTRICT. FOR THIS REASON, THE APPLICATION OF R-1A ZONING TO LOTS OF THIS TYPE IS UNIQUE AND WOULD NOT OTHERWISE CREATE SIMILAR NON-CONFORMING CONDITIONS ON LOTS CREATED TODAY.</li><li>• POLICY FLU 3.2, ADOPTED ON SEPTEMBER 11, 1991, REQUIRES THE RECOMBINATION OF PROPERTIES WHEN VARIANCES CAN BE NEGATED. ACCORDING TO SEMINOLE COUNTY REAL PROPERTY RECORDS, THE OPPORTUNITY HAS EXISTED SINCE 1991 TO COMBINE THE SUBJECT PROPERTY WITH ABUTTING LOT 4. LOT 4 HAD BEEN UNDER THE SAME OWNERSHIP AS LOT 5.</li><li>• LOT 4 HAD A SFR BUILT ON IT IN 1961 WITHOUT USING ANY PORTION OF LOT 5 OR USING ITS LEGAL DESCRIPTION FOR THE BUILDING PERMIT. LOT 5 REMAINED UNDER THE SAME OWNERSHIP UNTIL 2003. FOR THIS REASON, POLICY 3.2 SHOULD NOT BE APPLIED TO REQUIRE THE COMBINATION OF THOSE LOTS.</li><li>• THE VARIANCES REQUESTED BY THE APPLICANT ARE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE LOT IN QUESTION.</li><li>• ALL OF THE ADJOINING PROPERTIES ARE OF A SIMILAR SIZE AND SINGLE-FAMILY CHARACTER. FOR THIS REASON, STAFF BELIEVES THE GRANTING OF THE VARIANCE REQUEST WOULD BE IN GENERAL HARMONY WITH CHAPTER 30 OF THE LAND DEVELOPMENT CODE AND WOULD NOT BE INJURIOUS TO ADJOINING PROPERTIES OR THE PUBLIC WELFARE IN GENERAL.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE ABOVE STANDARDS FOR GRANTING VARIANCES AND STAFF FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUEST SUBJECT TO THE FOLLOWING CONDITION AND MAKE APPROPRIATE FINDINGS OF FACT:</p> <ul style="list-style-type: none"><li>• ANY VARIANCES GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED HOME AS DEPICTED ON THE ATTACHED SITE PLAN.</li></ul>



**COPY**

APPL. NO. BV 2005-129  
 RECEIVED

**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.

RECEIVED  
 AUG 2 2005  
 SPECIAL EXCEPTION  
 PLANNING DIVISION

**APPLICATION TYPE:**

- VARIANCE** From minimum lot size 9000 SF to 7875  
For R1A
- 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 Oct 05
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	<u>Guy &amp; Janet Monica</u>	<u>Gene Whitlock</u>
ADDRESS	<u>2300 Lake RD</u>	<u>635 Arbuckle Ct</u>
	<u>Fern Park, FL 32730</u>	<u>Winter Spr, FL 32708</u>
PHONE 1	<u>407-831-6642</u>	<u>407-977-8773</u>
PHONE 2		
E-MAIL		<u>gwhitlock@adl.com</u>

PROJECT NAME: Construct SFR  
 SITE ADDRESS: 308 Pinewood Ct. Fern Park, FL  
 CURRENT USE OF PROPERTY: Vacant  
 LEGAL DESCRIPTION: Leg Lot 5 Blk 3 Lake Ridge Park  
PB 9 PG 69  
 SIZE OF PROPERTY: .1807 acre(s) PARCEL I.D. 19-21-30-503-0300-0050  
 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.

Guy Monica Janet Monica  
 SIGNATURE OF OWNER OR AGENT\* DATE 8-5-05

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

MR

**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:

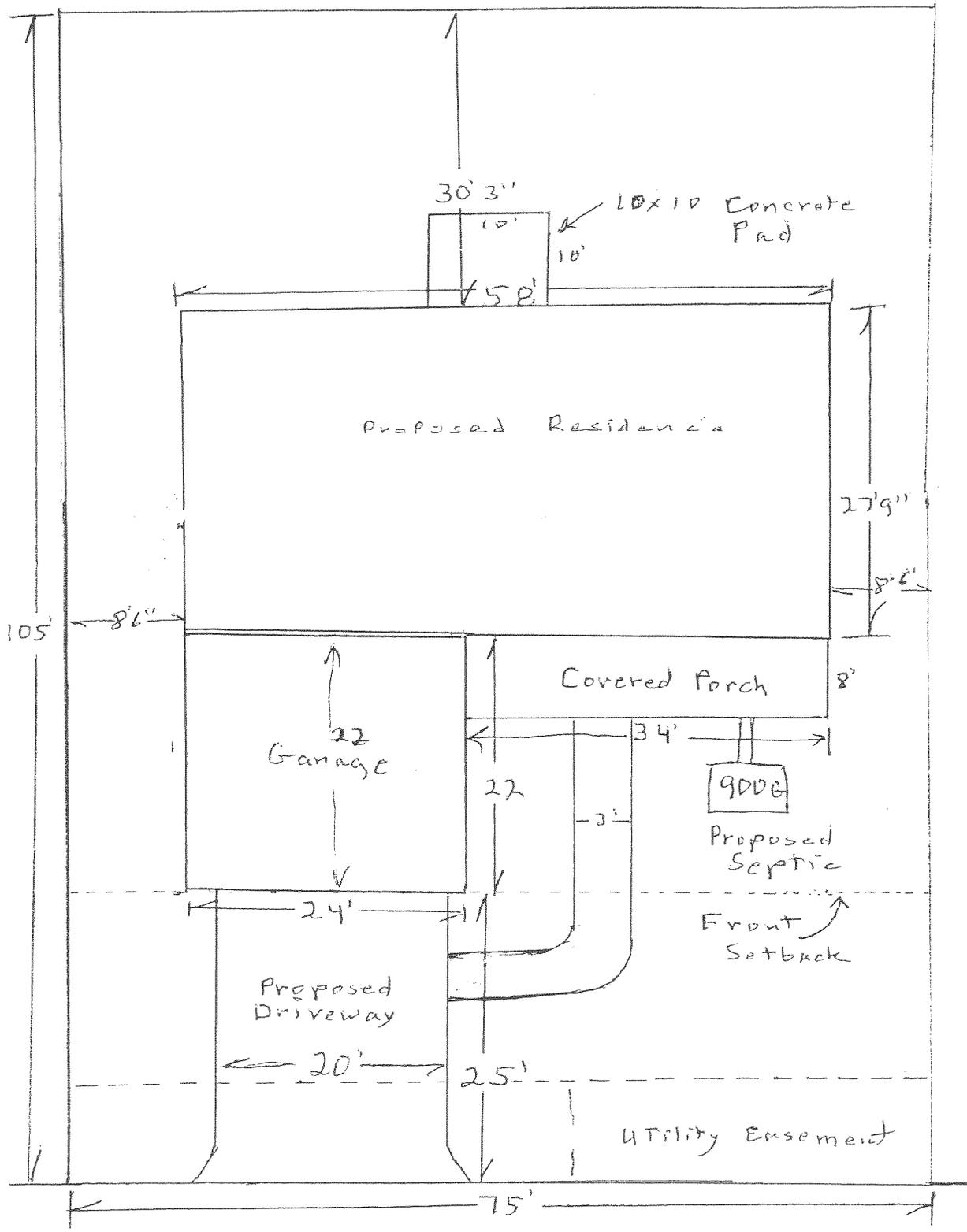
FEE(S): 4 150.00 COMMISSION DISTRICT 4 FLU/ZONING R-1A

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS South side of Pinewood Court 0.1 mi. from the intersection of Pinewood Court + Little Rd.

PLANNING ADVISOR KF DATE \_\_\_\_\_

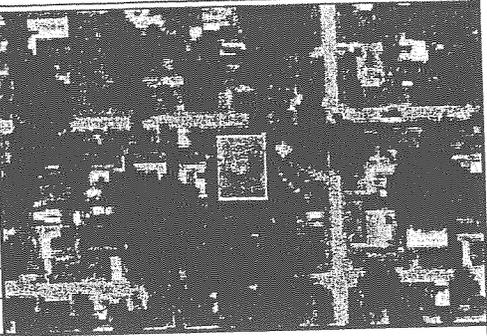
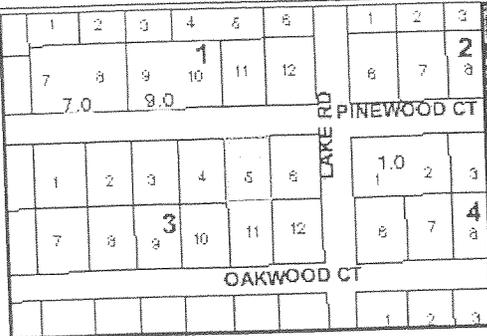
SUFFICIENCY COMMENTS \_\_\_\_\_



Pinewood Ct

**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7506



**GENERAL**

Parcel Id: 19-21-30-503-0300-0050      Tax District: 01-COUNTY-TX DIST 1

Owner: MONICO GUY & JANET      Exemptions:

Address: 2300 LAKE RD

City, State, Zip Code: FERN PARK FL 32730

Property Address: 308 PINEWOOD CT

Subdivision Name: LAKE RIDGE PARK

Dor: 00-VACANT RESIDENTIAL

**2005 WORKING VALUE SUMMARY**

Value Method: Market

Number of Buildings: 0

Depreciated Bldg Value: \$0

Depreciated EXFT Value: \$0

Land Value (Market): \$35,000

Land Value Ag: \$0

Just/Market Value: \$35,000

Assessed Value (SOH): \$35,000

Exempt Value: \$0

Taxable Value: \$35,000

Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	05/2003	04842	1116	\$21,000	Vacant
ADMINISTRATIVE DEED	05/2003	04807	0651	\$100	Vacant
PROBATE RECORDS	01/2003	04664	0572	\$100	Vacant

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

2004 Tax Bill Amount: \$270

2004 Taxable Value: \$16,000

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

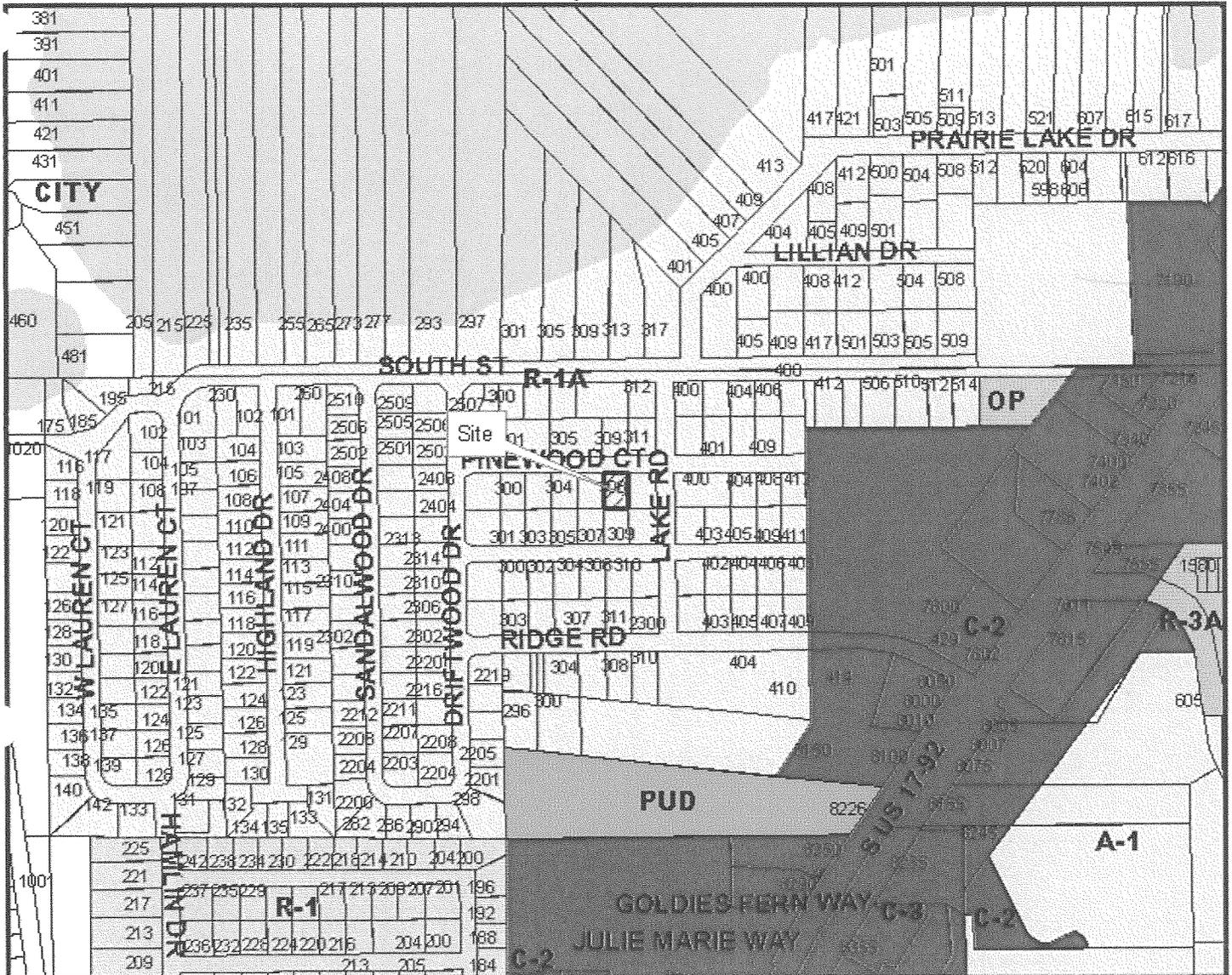
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	35,000.00	\$35,000

**LEGAL DESCRIPTION PLAT**

LEG LOT 5 BLK 3 LAKE RIDGE PARK PB 9  
 PG 69

**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.

Gene Whitlock  
 308 Pinewood Court  
 Fern Park, FL 32730

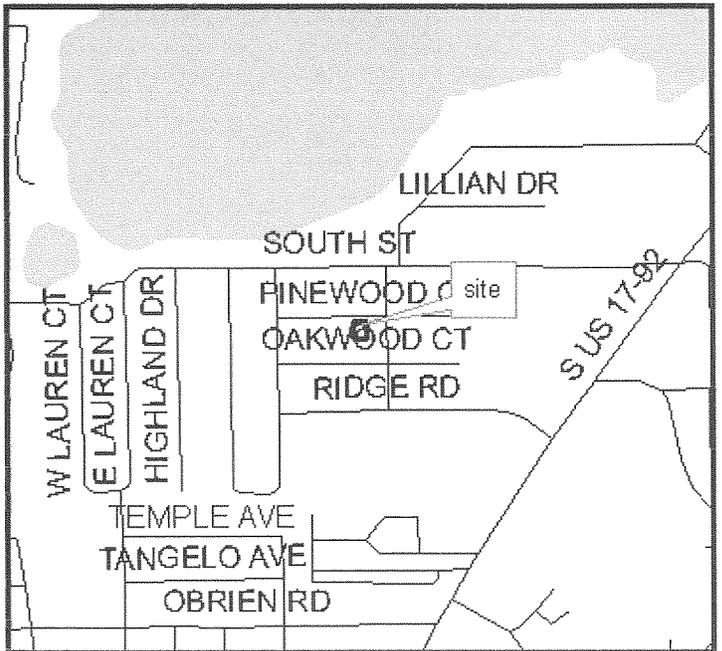


**Seminole County Board of Adjustment**  
 September 26, 2005  
 Case: BV2005-129  
 Parcel No: 19-21-30-503-0300-0050

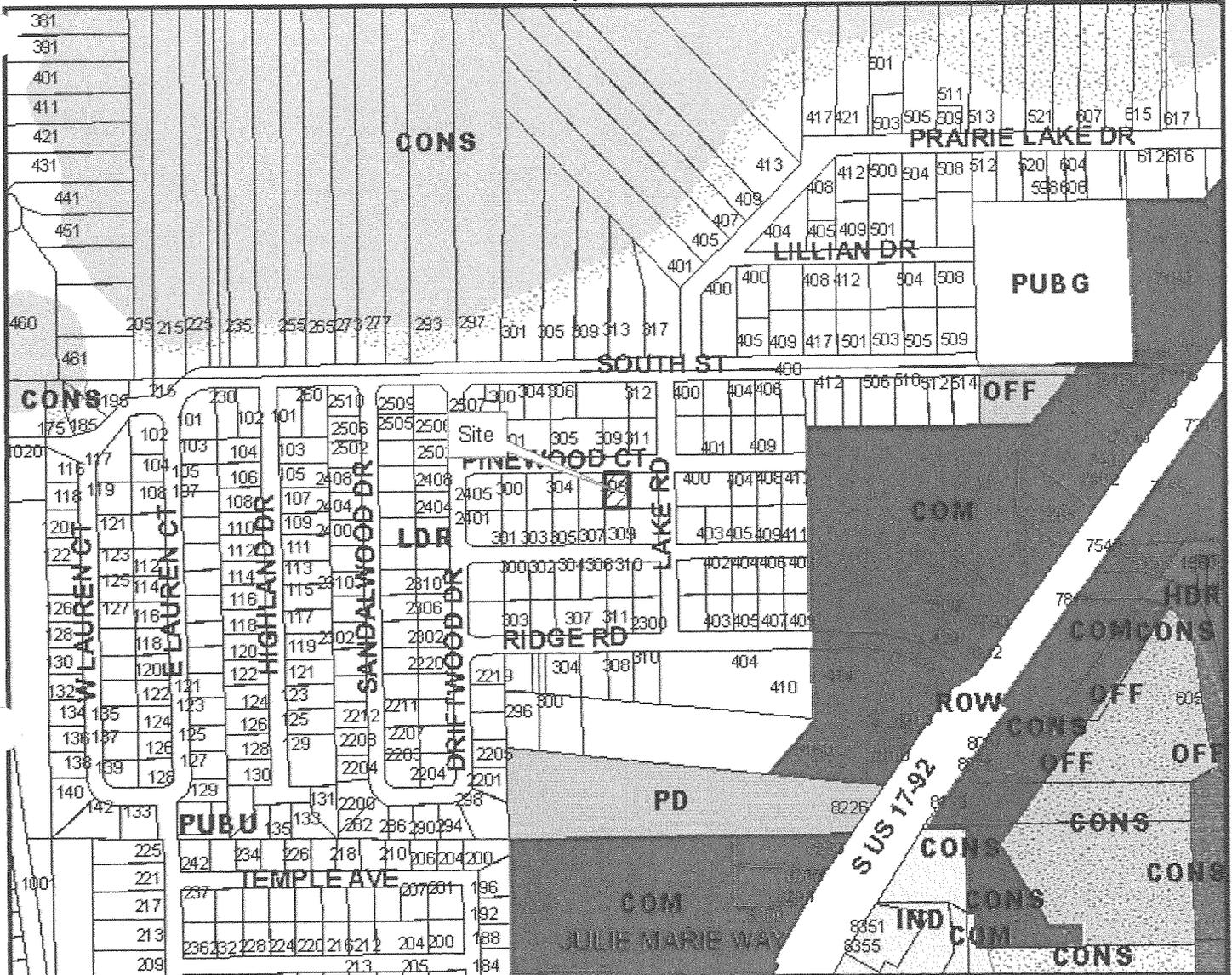
**Zoning**

	A-1 Agricultural-1Ac		BV2005-129
	R-1A Single Fam-9000		
	R-1 Single Fam-8400		
	R-3A Multi-Family-10DU		
	OP Office		
	C-2 Retail Commercial		
	C-3 Gen Commercial & Wholesale		
	PUD Planned Unit Dev.		

0 100 200 400 600 800 Feet



Gene Whitlock  
 308 Pinewood Court  
 Fern Park, FL 32730

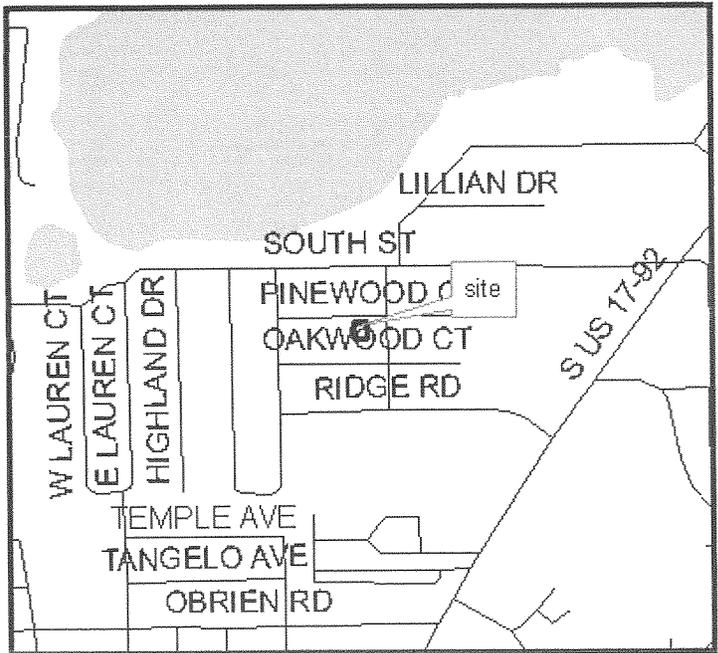


Seminole County Board of Adjustment  
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**Future Land Use**

CONS, PUBU	PUBG, NONE	COM, NONE
CONS, LDR	PUBU, NONE	IND, NONE
CONS, HDR	LDR, NONE	BV2005-129
CONS, OFF	HDR, NONE	
CONS, COM	PD, NONE	
CONS, IND	OFF, NONE	

0 100 200 400 600 800 Feet





500 Aloma Ave, Ste 12W Winter Park, FL 32792 407-977-8773 FAX 407-696-9365

August 4, 2005

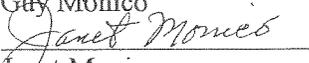
Contact Information

Guy and Janet Monico  
2300 Lake RD  
Fern Park, FL 32730  
407-831-6642

Gene Whitlock  
635 Arbukle CT  
Winter Springs, FL 32708  
407-977-8773  
407-696-9365 Fax  
[gwhitlock1@aol.com](mailto:gwhitlock1@aol.com)

**Authorization to act as agent**

By my/our signature I/we authorize Gene Whitlock to act as our agent in order to obtain a variance on the property located at 308 Pinewood CT, Fern Park, FL.

	<u>8-5-05</u>
Guy Monico	Date
	<u>8-5-05</u>
Janet Monico	Date



Putting the pieces together for you



500 Aloma Ave. Ste 12W Winter Park, FL 32792 407-977-8773 FAX 407-696-9365

August 4, 2005

### Statement of Request

PID 19-21-30-503-0300-0050

Legal Disc:

LOT 5 BLK 3 LAKE RIDGE PARK PB 9 PG 89

Address:

308 Pinewood CT  
Fern Park, FL 32730

This request is for a variance from the minimum square foot requirement for lot size under zoning R 1A for the construction of a single family residence containing 1609 square feet with an attached garage containing 528 square feet. (See enclosed drawing)

The minimum square footage requirement for lot size under R 1A is 9000 square feet and this lot contains 7875 square feet. (75' X 105')

The proposed residence falls within the setback requirements for R 1A

The subdivision is built out and the size of the majority of the other lots are 75' X 105'

Respectfully Submitted

Guy Monico 8-5-05  
Guy Monico Owner Date

Janet Monico 8-5-05  
Janet Monico Owner Date



\_\_\_\_\_  
Gene Whitlock Builder Date

*Putting the pieces together for you*

**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 5 BLOCK 3 LAKE RIDGE PARK PB 9 PG 69

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

**FINDINGS OF FACT**

**Property Owner:** JANET & GUY MONICO  
2300 LAKE RD  
FERN PARK, FL 32730

**Site Address:** PINEWOOD CT (LOT 5)

**Requested Development Approval:**

MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 7,875 SQUARE FEET

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: