

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for (1) minimum lot width at the building line variance from 150 feet to 87 feet; and (2) front yard setback variance from 50 feet to 10 feet for a proposed single-family home in the A-1 (Agriculture District); (Damon Chase, applicant).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 11-28-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request (1) minimum lot width at the building line variance from 150 feet to 87 feet; and (2) front yard setback variance from 50 feet to 10 feet for a proposed single-family home in the A-1 (Agriculture District); (Damon Chase, applicant).
2. **DENY** the request (1) minimum lot width at the building line variance from 150 feet to 87 feet; and (2) front yard setback variance from 50 feet to 10 feet for a proposed single-family home in the A-1 (Agriculture District); (Damon Chase, applicant).
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Damon Chase, Esquire Property Owner: Alan Tucker Location: Michigan Street (Parcel 13A) Zoning: A-1 (Mecca Hammock)
<b>BACKGROUND REQUEST</b>	/ <ul style="list-style-type: none"> <li>• The applicant proposes to construct a single-family home on a vacant lot that fails to meet the minimum width at building line and a proposed home that fails to meet the minimum front yard setback requirements of the A-1 zoning district; the aforementioned variances are requested to reduce those standards.</li> <li>• On August 28, 2001 the Board of County Commissioners denied a Special Exception for a monopole tower on the subject property. The Board expressed that a residential use would be a more appropriate use of the subject property than a monopole tower.</li> <li>• On May 18, 2005 an administrative variance for a lot size</li> </ul>

<b>STAFF FINDINGS</b>	waiver was granted to the subject property. Staff has determined the following: <ul style="list-style-type: none"><li>• The subject lot was created from the acquisition of a portion of the parent parcel for construction of the Greenway (SR 417).</li><li>• The irregular size and shape of the parcel created a hardship for the owner in developing the property without variances to the minimum A-1 zoning district dimensional requirements.</li><li>• Without the requested variances, no reasonable use of the subject property can be made in constructing a single-family home, a use expressly permitted in the A-1 zoning district.</li><li>• The applicant would be denied rights commonly enjoyed by others in the A-1 district in the ability to construct a single-family home.</li><li>• The aforementioned circumstances comprise a hardship, for which the applicant is not responsible.</li></ul>
<b>STAFF RECOMMENDATION</b>	Based on the stated findings and the representations of the applicant, staff recommends approval of the request, subject to the following conditions: <ol style="list-style-type: none"><li>1. Any variance granted should apply only to the existing lot and proposed home, as depicted on the attached site plan.</li><li>2. Any additional conditions deemed appropriate, based on information presented at the public hearing.</li></ol>

**AL VARIANCES**

CE 2:

SIDE STREET SET BACK FROM 50' TO 10'

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): \$ 200 COMMISSION DISTRICT 5 FLU / ZONING A-1 / SE

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

LOCATION FURTHER DESCRIBED AS N. side of Michigan St at intersection of Michigan St + N. SR 417

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

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

\_\_\_\_\_

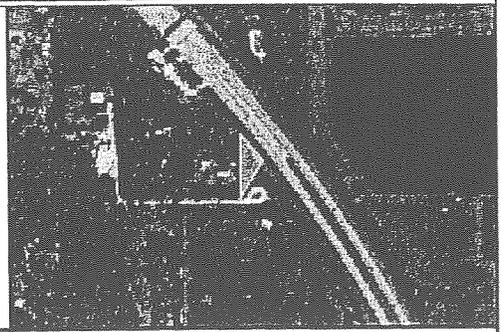
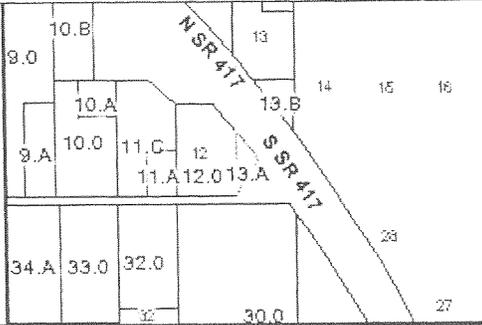
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7508



**GENERAL**

Parcel Id: 19-20-31-501-0000-013A  
 Owner: TUCKER ALAN B  
 Mailing Address: 120 TRAFALGER PL  
 City,State,ZipCode: LONGWOOD FL 32779  
 Property Address: MICHIGAN ST  
 Subdivision Name: MECCA HAMMOCK  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 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): \$1,980  
 Land Value Ag: \$0  
 Just/Market Value: \$1,980  
 Assessed Value (SOH): \$1,980  
 Exempt Value: \$0  
 Taxable Value: \$1,980

Tax Estimator

2005 Notice of Proposed Property Tax

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/2005	05589	1915	\$10,000	Vacant	Yes
QUIT CLAIM DEED	07/1987	01871	0083	\$100	Vacant	No

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

2004 Tax Bill Amount: \$28  
 2004 Taxable Value: \$1,650  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	.220	30,000.00	\$1,980

**LEGAL DESCRIPTION**

PLATS:

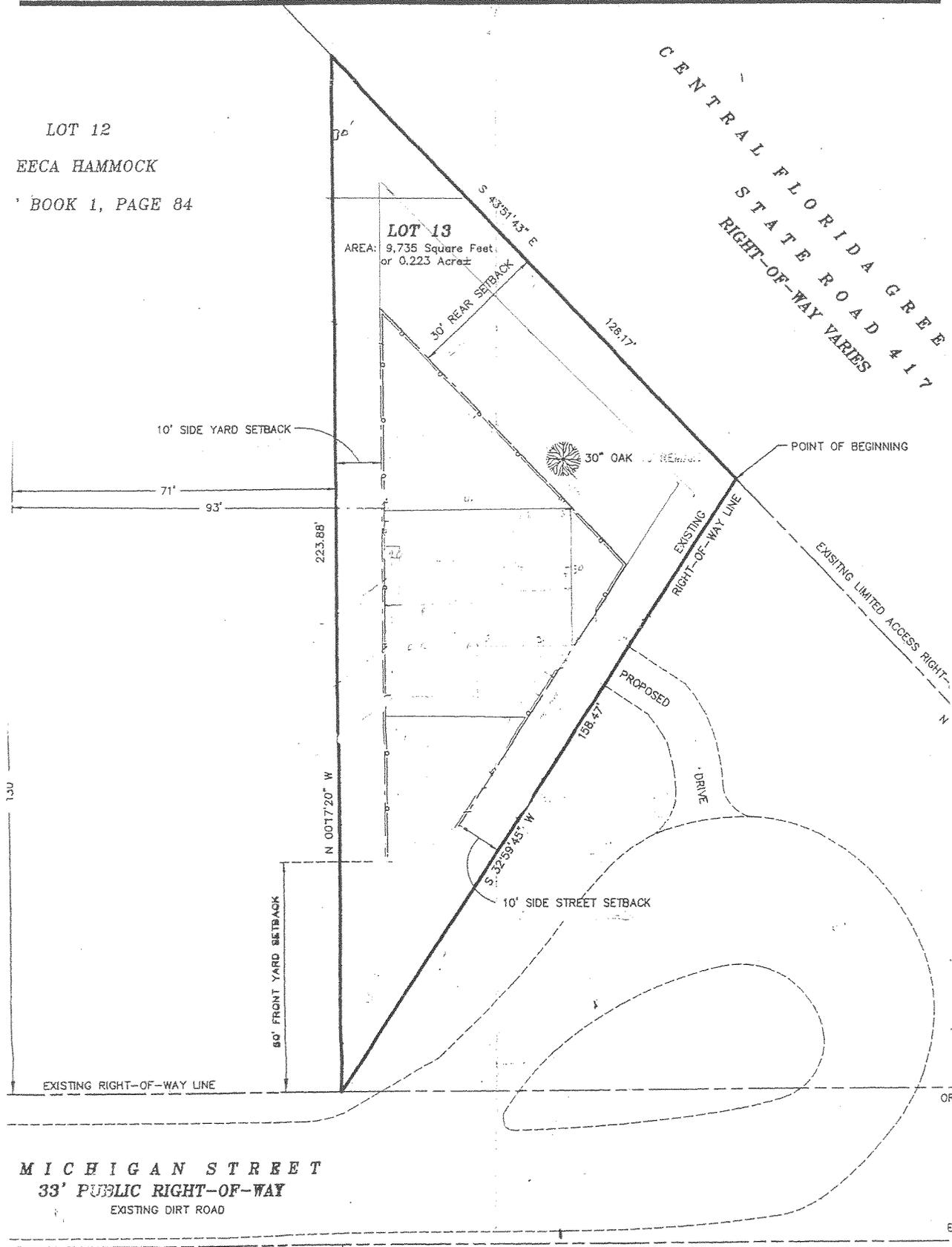
LEG THAT PT OF LOT 13 S & W OF EXPRESSWAY MECCA HAMMOCK  
 PB 1 PG 84

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.

CENTRAL FLORIDA GREEN  
STATE ROAD 417  
RIGHT-OF-WAY VARIES

LOT 12  
EECA HAMMOCK  
BOOK 1, PAGE 84

LOT 13  
AREA: 9,735 Square Feet  
or 0.223 Acres±



MICHIGAN STREET  
33' PUBLIC RIGHT-OF-WAY  
EXISTING DIRT ROAD

PLANNING AND DEVELOPMENT DEPARTMENT

ADMINISTRATION



May 23, 2005

Mr. Alan Tucker  
120 Trafalgar Place  
Longwood, Florida 32779

RE: Development of Parcel Number 19-20-31-501-0000-013A

Mr Tucker:

This letter is in response to your February 18, 2005 correspondence to Mr. Don Fisher requesting administrative waivers to construct a single-family residence on the above referenced parcel, zoned Agricultural (A-1). In your letter, you requested the following waivers:

<u>Waiver</u>	<u>Required</u>	<u>Requested</u>
Lot Size	1 Acre	0.223 Acres
Lot Width	150 Feet	87 Feet
Side Street Setback	50 Feet	10 Feet

On June 25, 2001 the owners of the subject parcel received approval for a special exception, a rear yard setback variance (from 50 feet to 30 feet) and a separation variance by the Board of Adjustments (BOA) for the placement of a monopole tower. The decision was ultimately appealed and overturned by the Board of County Commissioners on August 28, 2001. During this meeting, Commissioner Maloy directed Staff to, "Do whatever they can to assist Mr. Hammond (owner) to use his property" and "perhaps meet with the owner and District Commissioner to explore other properties for the use of the property".

With respect to your request for waivers, I offer the following analysis and conclusion:

Lot Size:

Section 30.26(d) of the Land Development Code states "No lot or yard existing on September 8, 1980 shall thereafter be reduced in size, dimension or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use...". In addition, during the August 28, 2001 Board meeting, County Attorney McMillan reported that "Staff is interpreting the Code to mean if the applicant had a lot size prior to the taking, he could still build on it and the minimum lot size provisions would not apply, but all other Code requirements must be met". The above referenced parcel was created through the property acquisition process for the construction of SR 417. At the time of the BOA hearing, Staff interpreted the Code (Section 30.26(d)) to mean that the minimum lot size provision did not apply, therefore by virtue of this letter, I am administratively approving your request for a lot size waiver.

Lot Width:

Section 30.27 (LDC) authorizes the Planning & Development Director to administratively approve waivers to the minimum lot width within the A-1 zoning district, provided such waivers do not exceed three percent (3%) of the size of a conforming lot width as required by the Code. In addition, Section 30.1360 of the LDC (irregular shaped lot rule) authorizes the Planning Manager to administratively reduce the required lot width by 25%. The required width of a conforming lot in the A-1 zoning district is 150'. Your requested waiver to 87' is 42% of the required lot width. While the LDC does not permit the Planning & Development Director or the Planning Manager to administratively grant a variance of this size, due to the uniqueness and circumstances regarding this parcel, Staff would take this into consideration, should you apply for a lot width variance from the Board of Adjustment.

Side Street Setback:

The subject (triangular) parcel is bound by SR 417 to the north and northeast, Michigan Avenue to the south, and Michigan Avenue right-of-way (school bus turnaround) to the southeast. The subject bus turnaround (Michigan Avenue) is recognized as a street as defined in the definition section of the LDC with sufficient right-of-way and therefore requires a 50' side street setback. Under Section 30.42 (LDC), the Planning Manager has the authority to grant one (1) setback variance in residential zoning classifications when the variance request is equal to or less than ten percent (10%) of the required setback. The requested variance from 50 feet to 10 feet represents a decrease of 80%. While the LDC does not permit the Planning & Development Director or the Planning Manager to administratively grant a setback variance of this size, due to the uniqueness and circumstances regarding this parcel, Staff would take this into consideration, should you apply for a setback variance to the Board of Adjustment.

Staff understands your desire to construct a single-family dwelling unit has been made difficult due to the irregular size and shape of the parcel created by the construction of the Greenway (SR 417). While the Land Development Code limits the administrative variance authority of the Planning & Development Director, please note that Staff will work with you in formulating a positive recommendation to the Board of Adjustment for the requested variances not authorized by the Director to be made administratively (lot width and side yard setback).

Should you have any questions or comments, please do not hesitate to contact me at (407) 665-7397.

Sincerely,



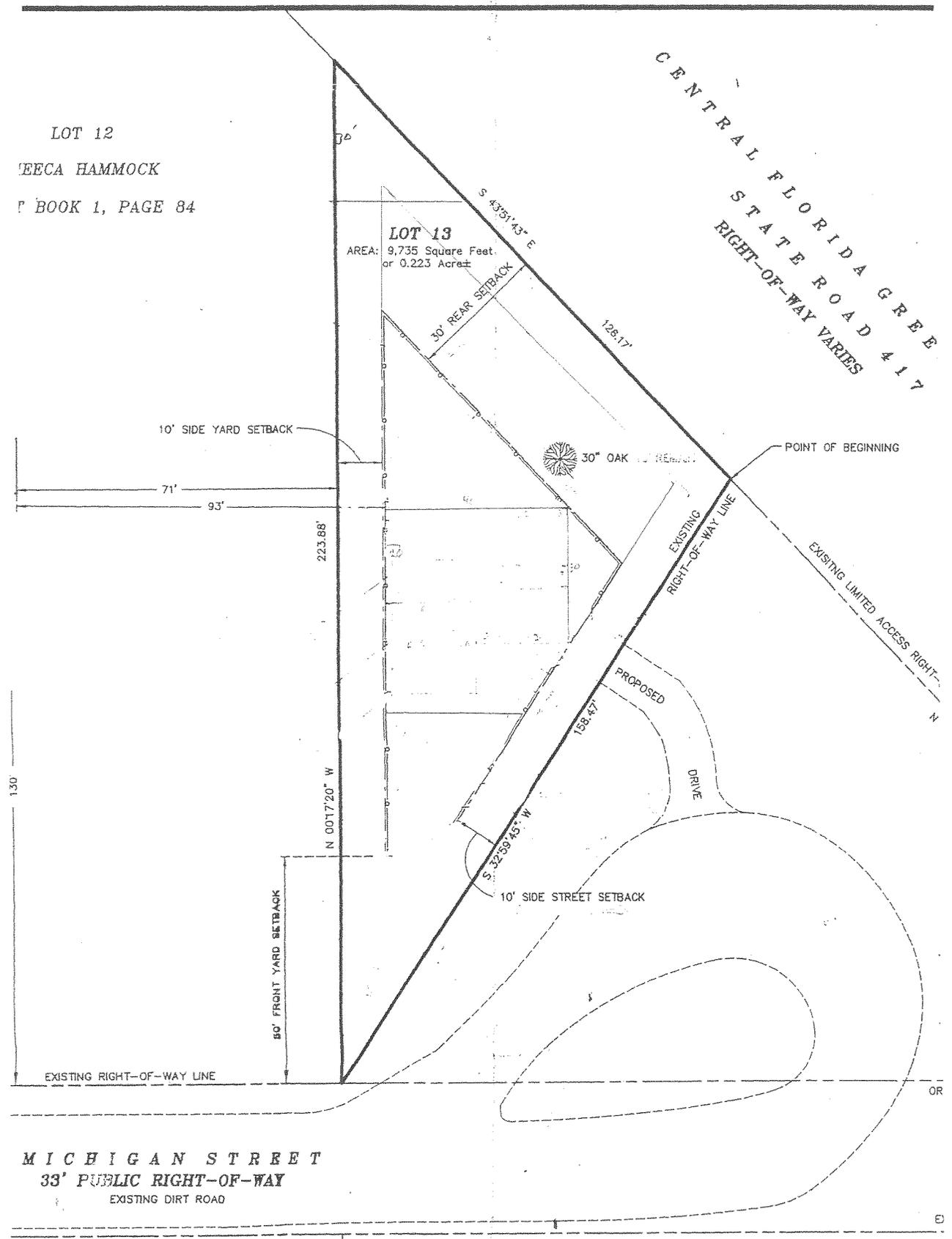
Dan Matthys, Director  
Planning & Development Department

Copy: Don Fisher, Deputy County Manager  
Ben Tucker

LOT 12  
ECCA HAMMOCK  
P BOOK 1, PAGE 84

LOT 13  
AREA: 9,735 Square Feet  
or 0.223 Acres

CENTRAL FLORIDA GREE  
STATE ROAD 417  
RIGHT-OF-WAY VARIES



September 21, 2005

Seminole County Government  
1101 East First Street  
Sanford, FL 32771

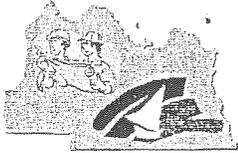
Dear Board:

I hereby authorized Damon A. Chase, Esquire to act on my behalf to request a variance for Parcel ID 19-20-31-501-0000-013A.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Tucker", written in a cursive style.

Alan Tucker



**COPY** BV 2005-154

**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** LOT WIDTH FROM 150' TO 87'
- 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 \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED  
 SEP 21 2005  
 PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	ALAN TUCKER	DAMON A. CHASE, ESQ.
ADDRESS	120 TRAFALGAR PLACE LONGWOOD, FL 32779	PO BOX 196309 WINTER SPRINGS, FL 32719
PHONE 1		407 327 1977
PHONE 2		407 310 2758
E-MAIL		CHASELAW@JUSTICE.COM

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: PARCEL NUMBER 19-20-31-501-0000-013A  
 CURRENT USE OF PROPERTY: VACANT  
 LEGAL DESCRIPTION: LEG THAT PT OF LOT 13 S & W OF  
EXPRESSWAY Mecca Hammock PB 1 PG 84  
 SIZE OF PROPERTY: 0.223 acre(s) PARCEL I.D. 19-20-31-501-0000-013A  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

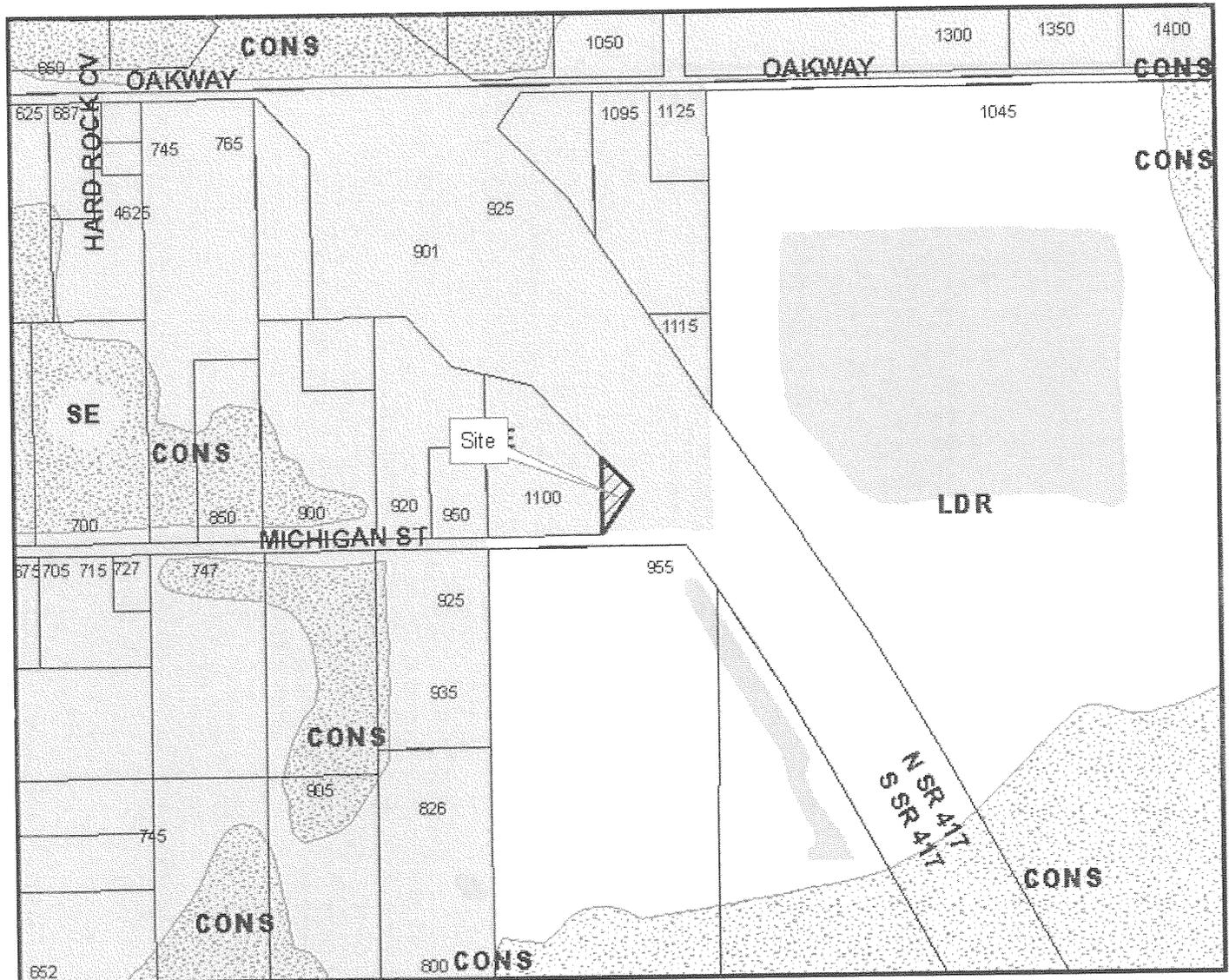
This request will be considered at the Board of Adjustment regular meeting on 11/28/05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

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\* \_\_\_\_\_ DATE 9/21/05

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

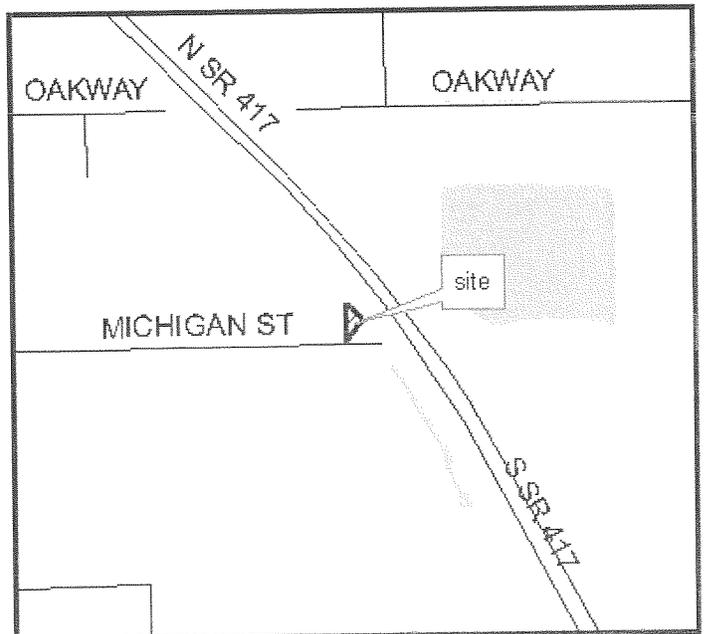
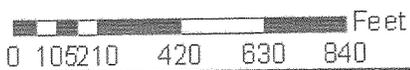
Damon A. Chase  
Michigan Street



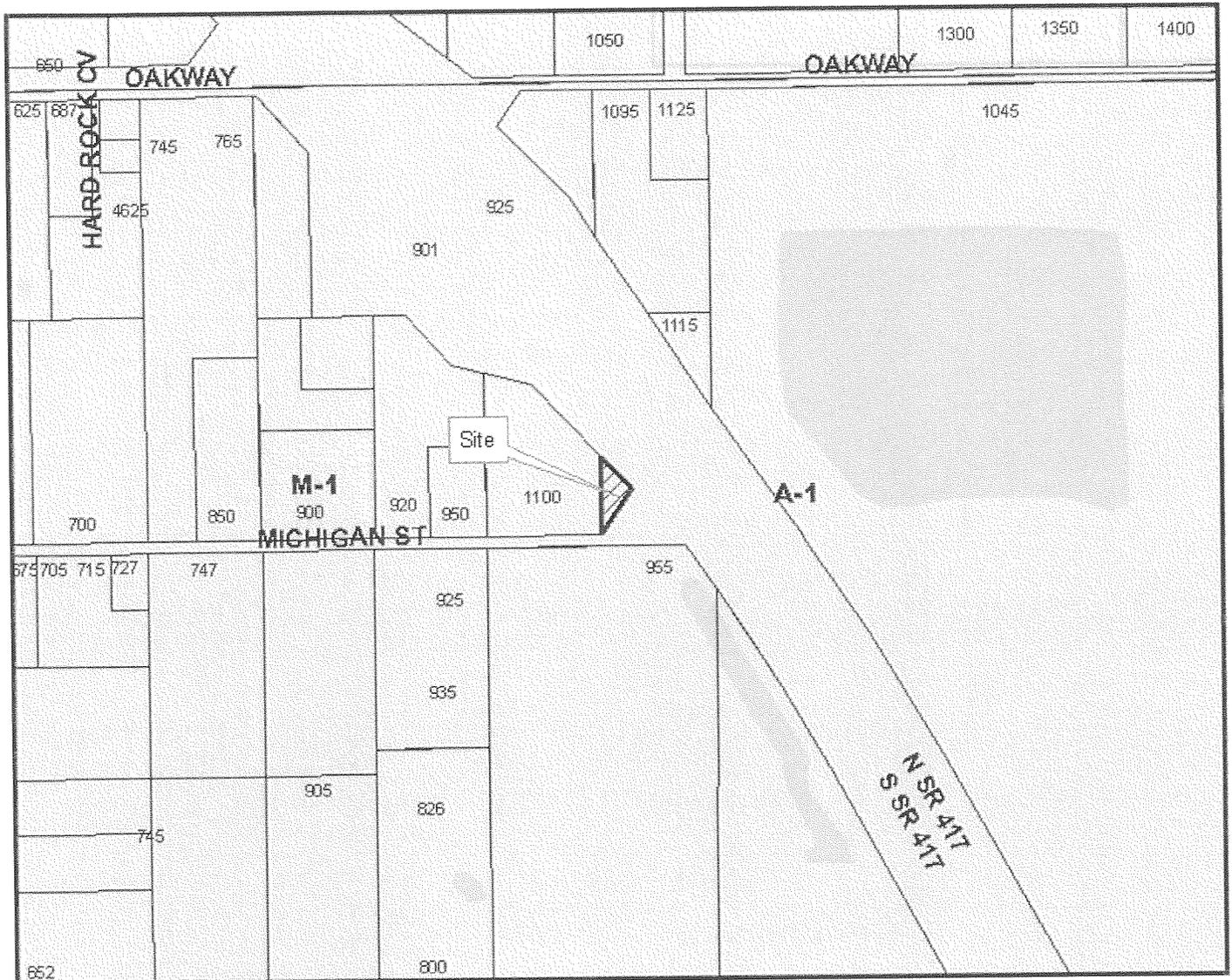
Seminole County Board of Adjustment  
November 28, 2005  
Case: BV2005-154  
Parcel No: 19-20-31-501-0000-013A

**Future Land Use**

-  A-1 Agricultural-1Ac
-  M-1 Industrial
-  BV2005-154



Damon A. Chase  
Michigan Street

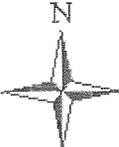
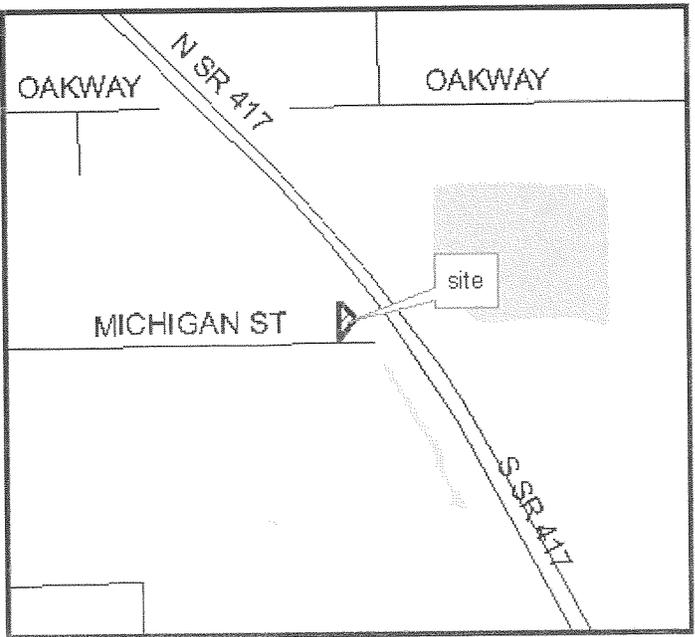


Seminole County Board of Adjustment  
November 28, 2005  
Case: BV2005-154  
Parcel No: 19-20-31-501-0000-013A

**Zoning**

-  A-1 Agricultural 1Ac
-  M-1 Industrial
-  BV2005-154

0 105210 420 630 840 Feet

Mailed 5/23

PLANNING AND DEVELOPMENT DEPARTMENT



ADMINISTRATION

May 18, 2005

Mr. Ben Tucker  
120 Trafalgar Place  
Longwood, Florida 32779

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Dan Matthys, Director  
Planning & Development Department

Copy: Don Fisher, Deputy County Manager