

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

SUBJECT: Request for a (1) width at the building line variance from 70 feet to 60 feet; and a (2) lot size variance from 8,400 square feet to 7,200 square feet for a proposed home in the R-1 (Single-Family Dwelling District); (Nick Balevich, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

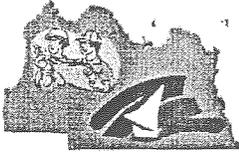
Agenda Date 11/28/05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a (1) width at the building line variance from 70 feet to 60 feet; and a (2) lot size variance from 8,400 square feet to 7,200 square feet for a proposed home in the R-1 (Single-Family Dwelling District); or
2. **DENY** Request for a (1) width at the building line variance from 70 feet to 60 feet; and a (2) lot size variance from 8,400 square feet to 7,200 square feet for a proposed home in the R-1 (Single-Family Dwelling District); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	Nick Balevich Lot 12 Butners Subdivision R-1 (Single-Family Dwelling District)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family residence on a vacant lot. • Currently, the subject property consists of lot 12 of the Butners Subdivision Plat. This lot was platted in 1956 and the dimensions of the lot are 60' x 120'. • The proposed single-family home would be approximately 41'x38' or 1,500 +/- square feet. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • The lot is a parcel of record as of November 13, 1956. • The lot would obtain water and sewer from a well and septic system. However there are other homes within the neighborhood that have well and septic systems on similar size lots. • Policy FLU 3.2, adopted on September 11, 1991, states the county shall resolve environmental and infrastructure issues 	

	<p>by requiring the combining of lots. Because of the lack of records for this lot, staff is not able to determine if there was any opportunity to combine this lot.</p> <ul style="list-style-type: none">• There are 18 homes along 23rd Street from Airport Boulevard to the 417 which receive homestead exemptions on existing single-family homes on similar size lots.• There is no record of prior variances having been granted for this property.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends the board of adjustment approve the requested variance. If the board should decide to grant a variance, staff recommends the following conditions:</p> <ul style="list-style-type: none">• Any variance granted should apply only to the proposed lot and proposed single-family residence as depicted on the attached site plan; and• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing.



COPY

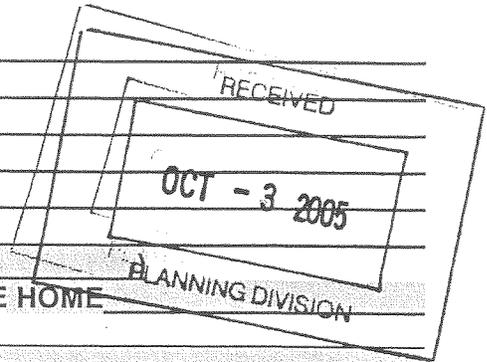
APPL. NO. 012005-159

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** 2 - see next page
- 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	Mary J. Bullard	Nick Balevich
ADDRESS	P.O. Box 431 Sanford, FL 32772	2715 Amaya Terrace Lake Mary, FL 32746
PHONE 1	407-323-5485	407-322-1607
PHONE 2		407-836-0092
E-MAIL		

PROJECT NAME: Single Family Lot

SITE ADDRESS: W 23rd Street

CURRENT USE OF PROPERTY: Vacant residential

LEGAL DESCRIPTION: Leg Lot 12 Butters Subd. P.B. 10 Pg 87

SIZE OF PROPERTY: .165 acre(s) PARCEL I.D. 34-19-30-513-0000-0120

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

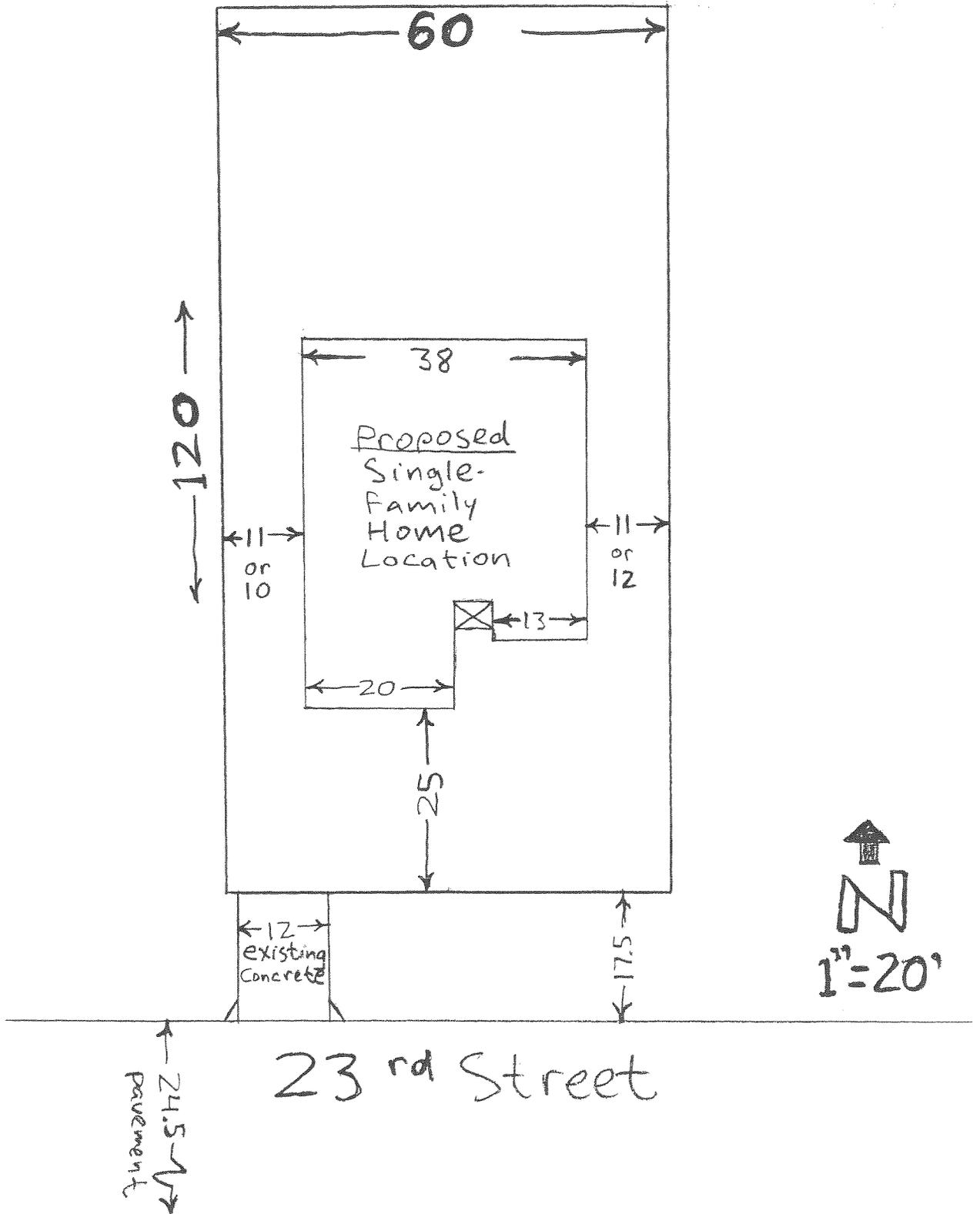
This request will be considered at the Board of Adjustment regular meeting on 11, 28, 05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

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]
 SIGNATURE OF OWNER OR AGENT* 9-24-05
 DATE

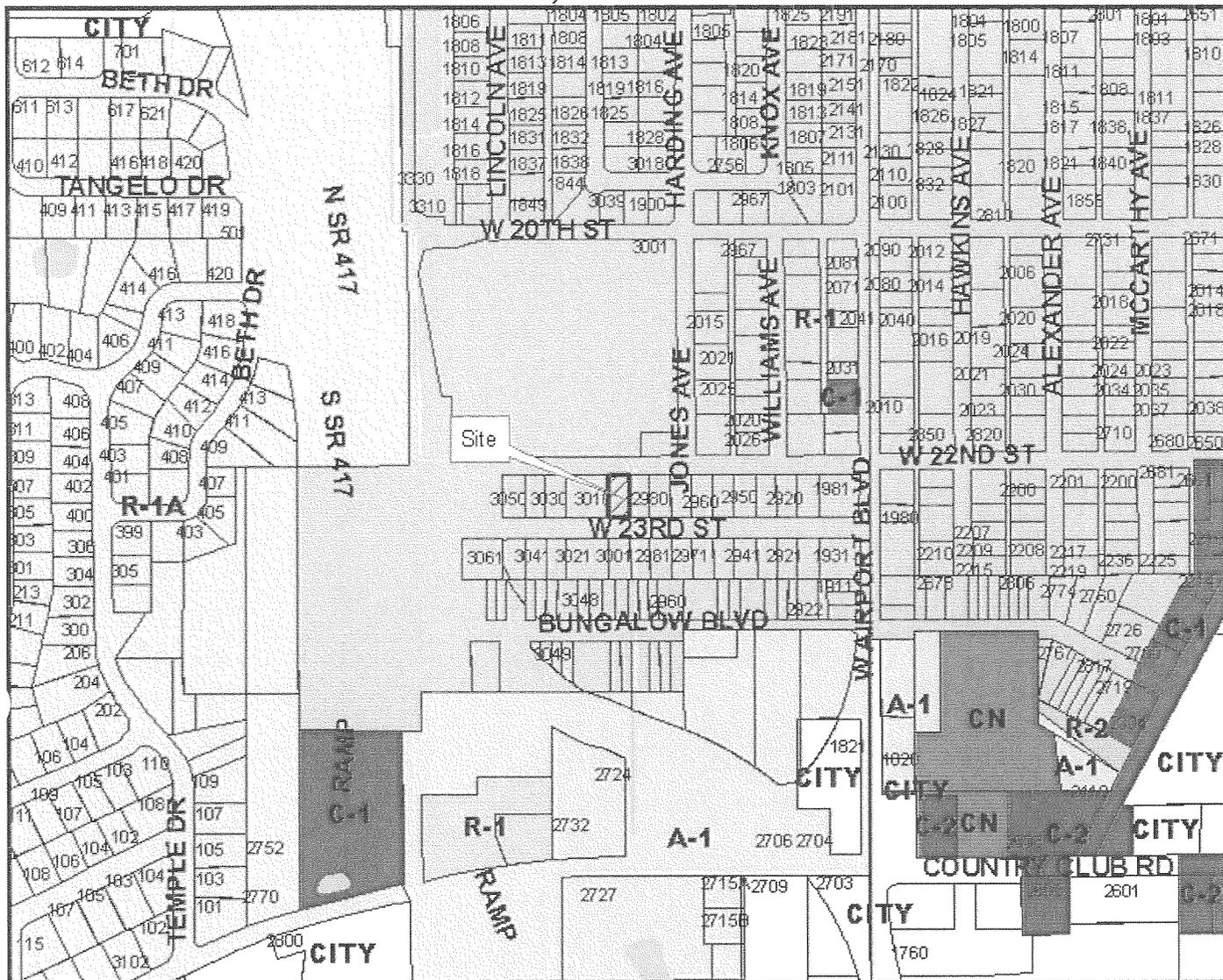
* Proof of owner's authorization is required with submittal if signed by agent.

15



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508	<table border="1"> <tr><td>22</td><td>0</td><td>10</td><td>22</td><td>10</td><td>22</td><td>9.0</td><td>22</td></tr> <tr><td>23</td><td>0</td><td>11</td><td>23</td><td>11</td><td>23</td><td>11</td><td>23</td></tr> <tr><td>24</td><td>F</td><td>12</td><td>24</td><td>12</td><td>24</td><td>1.0</td><td>24</td></tr> </table>	22	0	10	22	10	22	9.0	22	23	0	11	23	11	23	11	23	24	F	12	24	12	24	1.0	24					
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<p align="center">GENERAL</p> Parcel Id: 34-19-30-513-0000-0120 Owner: BULLARD HORACE & MARY J Mailing Address: PO BOX 431 City,State,ZipCode: SANFORD FL 32772 Property Address: 23RD ST W Subdivision Name: BUTNERS SUBD Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		<p align="center">2005 WORKING VALUE SUMMARY</p> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$7,371 Land Value Ag: \$0 Just/Market Value: \$7,371 Assessed Value (SOH): \$7,371 Exempt Value: \$0 Taxable Value: \$7,371 Tax Estimator 2005 Notice of Proposed Property Tax																												
<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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/1978</td> <td>01175</td> <td>1738</td> <td>\$500</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01041</td> <td>0938</td> <td>\$500</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/1978	01175	1738	\$500	Vacant	Yes	WARRANTY DEED	01/1975	01041	0938	\$500	Vacant	Yes	<p align="center">2004 VALUE SUMMARY</p> 2004 Tax Bill Amount: \$102 2004 Taxable Value: \$6,006 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS							
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<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>																														

**Nick Balevich
23rd Street W Lot 12
Sanford, FL 32771**



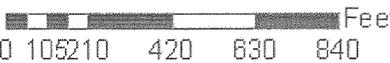
**Seminole County Board of Adjustment
November 28, 2005
Case: BV2005-159
Parcel No: 34-19-30-513-0000-0120**

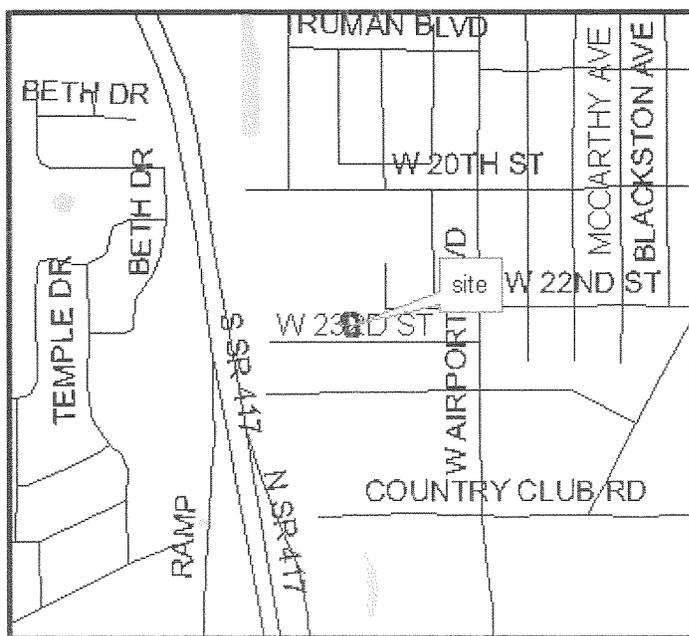
Zoning

-  A-1 Agricultural-1 Ac
-  R-1A Single Fam-9000
-  R-1 Single Fam-3400
-  R-2 One and Two-Family-9000
-  CN Restricted Neighborhood Comm
-  C-1 Retail Commercial
-  C-2 Retail Commercial
-  BV2005-159

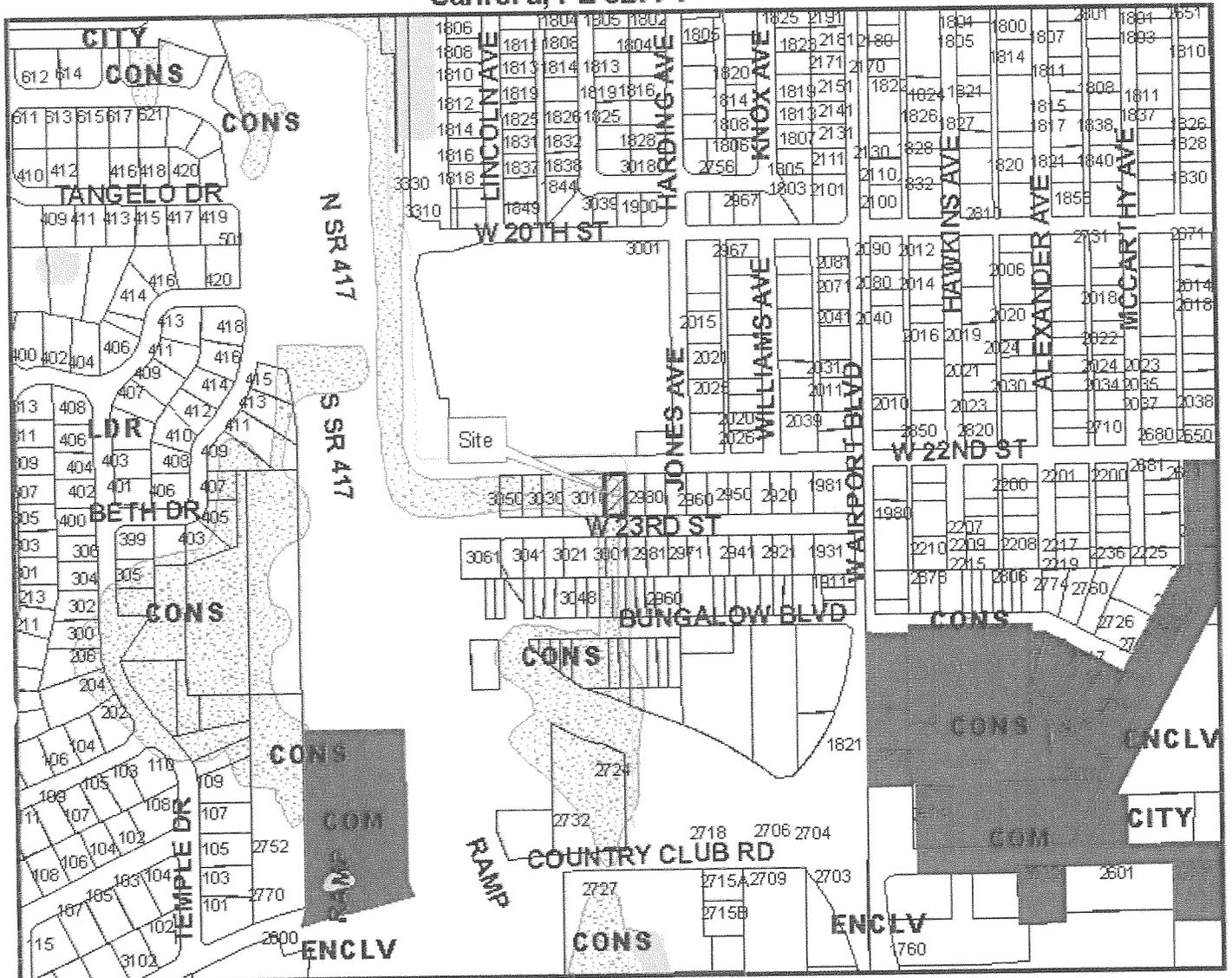
N



 Feet
0 105210 420 630 840



**Nick Balevich
23rd Street W Lot 12
Sanford, FL 32771**

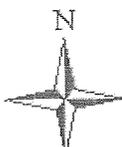


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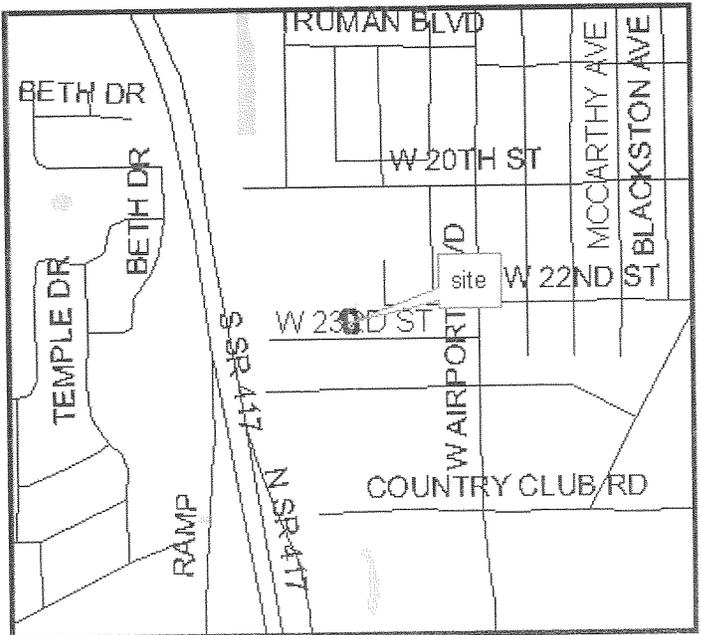
Future Land Use

-  CONS, LDR
-  CONS, COM
-  LDR, NONE
-  COM, NONE
-  BV2005-159

N



0 105210 420 630 840 Feet



Dear Board of Adjustment Members and Seminole County Staff:

RE property-tax ID # 34-19-30-513-0000-0120

Please accept the following application for a variance for the above mentioned property.

Said property was platted in 1956 as a 60 by 120 foot lot, which now requires variances (for lot width, and lot size) in order to build a home due to the present zoning of R-1. Thus this should constitute a special condition or circumstance not applicable to other lands in Seminole County in the same zoning district.

These special conditions and circumstances do not result from the actions of the applicant.

The granting of the requested variances would not confer any special privilege that is denied to other lands/buildings in the same zoning district. On the same block (23rd Street) there are 24 existing single-family homes, 22 of which are built on identical 60 by 120 foot lots.

Thus any literal code interpretation would deprive the applicant of rights enjoyed by a very high majority of properties in the same neighborhood and place an undue hardship on the applicant.

The variances requested are the minimum (and only possibility available) to make reasonable use of the land.

The granting of the requested variances would not be injurious to the neighborhood, but would rather be consistent with the pattern of development and existing character of the neighborhood.

Sincerely,

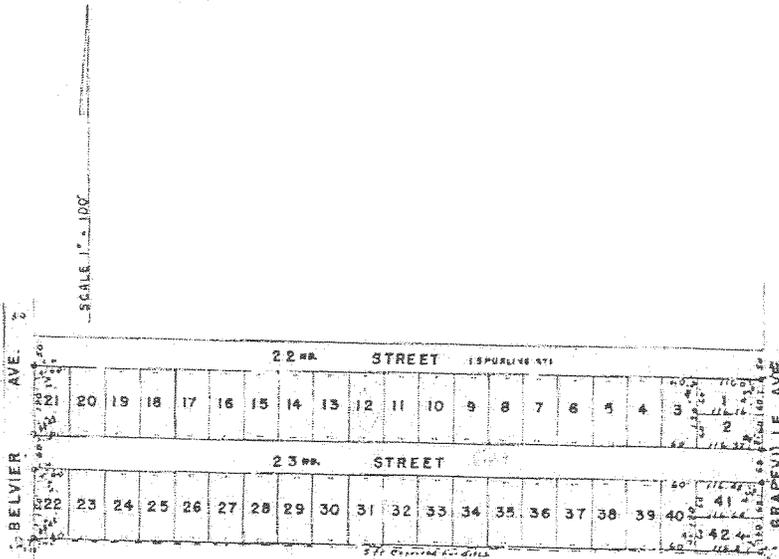


Nick Balevich

BUTNER'S SUBDIVISION SEMINOLE COUNTY, FLORIDA

DESCRIPTION

A REPLAT OF BLOCKS A, L, M, AND ALSO ALL AVENUES AND ALLEYS LYING SOUTH OF BARKING STREET OF FIRST ADDITION TO LORCHART'S SUBDIVISION, SEMINOLE FLORIDA, AS RECORDED IN PLAT BOOK 4 PAGE 54 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



PLATTED AS
1894

FILED AND RECORDED IN PLAT BOOK 10, PAGE 87, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THIS 24th DAY OF DECEMBER, 1956, AT 10 O'CLOCK.
CLERK OF CIRCUIT COURT, SEMINOLE COUNTY, FLORIDA.

PLAT BOOK AND PAGE

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the owners, or the heirs of the lands described in the foregoing caption for this plat, do hereby dedicate and deed for the use and purposes therein expressed and dedicate to the PUBLIC.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on this 12th day of November, 1956.

WITNESSES: Ed. Butler John Butler
Frank G. Gable Lois E. Butler

STATE OF Florida COUNTY OF Seminole
THIS IS TO CERTIFY, that on November 12, 1956, before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared ED BUTNER AND LOIS E. BUTNER (HIS WIFE)

to me known to be the persons described in and who executed the foregoing dedication and personally acknowledged the execution thereof to be their act and deed for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.
Ed. Gable
NOTARY PUBLIC
My Commission Expires April 7, 1958.

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered land surveyor, do hereby certify that on Nov. 12, 1956, I have completed the survey of the lands as shown in the foregoing plat; that said plat is a correct representation of the lands thereon described and plotted; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes; and that said land is located in Seminole County, Florida. Dated Nov. 12, 1956.

William C. Gable Registration No. 271

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS

THIS IS TO CERTIFY, that on Dec. 20, 1956, the foregoing plat was approved by the Board of County Commissioners of Seminole County, Florida.

W. C. Gable
Chairman of the Board
ATTEST:
Ed. Butler
Clerk of the Board

CERTIFICATE OF CLERK

I HEREBY CERTIFY, that I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on this 24th day of December, 1956, at 10 o'clock in the morning. File No. 10-87.

Ed. Butler
Clerk of the Circuit Court, in and for the County of Seminole, Florida.

Dear Board of Adjustment Members and Seminole
County Staff:

RE property-tax ID # 34-19-30-513-0000-0120

This letter is to inform you that I wish to authorize Nick
Balevich to act as the agent in order to obtain the
necessary variances to make the above mentioned
property buildable.

Mary J. Bullard

Mary Bullard

P.O. Box 431

Sanford, FL

32773

9/14/05
date

SEMINOLE COUNTY DEVELOPMENT ORDER

On November 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 12 BUTNERS SUBD PB 10 PG 87

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

FINDINGS OF FACT

Property Owner: Mary J. Bullard
P.O. Box 431
Sanford, FL 32772

Project Name: West 23rd Street (Lot 12)

Requested Development Approval:

Request for a (1) width at the building line variance from 70 feet to 60 feet; and a (2) lot size variance from 8,400 square feet to 7,200 square 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: Ian Sikonia, Planner
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:
 1. Any variance granted shall apply only to the existing lot and proposed single-family residence 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 _____ 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: