

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

SUBJECT: Request for (1) a lot size variance from 8,400 square feet to 6,300 square feet for a proposed home; and (2) minimum rear yard setback variance from 30 feet to 17 feet for a proposed home in the R-1 (Single-Family Dwelling District); (Robert Klettner, agent).

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** the request for (1) a lot size variance from 8,400 square feet to 6,300 square feet for a proposed home; and (2) minimum rear yard setback variance from 30 feet to 17 feet for a proposed home in the R-1 (Single-Family Dwelling District); (Robert Klettner, agent); or
2. **DENY** the request for (1) a lot size variance from 8,400 square feet to 6,300 square feet for a proposed home; and (2) minimum rear yard setback variance from 30 feet to 17 feet for a proposed home in the R-1 (Single-Family Dwelling District); (Robert Klettner, agent); or
3. **CONTINUE** the request to a time and date certain.

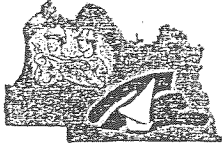
GENERAL INFORMATION	Agent: Property Owner: Location: Zoning:	Robert Klettner Habitat for Humanity in Seminole County Inc. Marker Street R-1 (Single-Family Dwelling District)
	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family home on a vacant lot that fails to meet the minimum lot size and minimum rear yard setback requirements of the R-1 district; the aforementioned variances are requested to reduce those standards. • The proposed single-family home would be approximately 48'x28' or 1,344 +/- square feet. • There have been no records of prior variances granted for this property. 	

STAFF FINDINGS

- The subject lot is considered a parcel of record by the 1971 tax records.
- Comprehensive Plan Policy FLU 3.2 requires the combination of lots to resolve land use compatibility, environmental and infrastructure issues. There is no ability to combine lot 20 with the adjacent lots 23, 20C, or 20G because they are under different ownership. However they are proposing to connect to water and sewer for the proposed single-family home. The majority of the parcels on Marker Street have been development as individual lots, therefore the development of this lot would not be incompatible with other uses along Marker Street and/or create environmental or infrastructure issues.
- The applicant is requesting the minimum variance that will make possible the reasonable use of the property.

Based on the above findings, staff recommends the Board approve the requests for a lot size variance from 8,400 square feet to 6,300 square feet and a rear yard setback from 30 feet to 17 feet for a proposed home with the recommended conditions:

- 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.



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

RECEIVED
 OCT - 5 2005

COPY

APPL. NO. DV 2005-163

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** Minimum lot size from 8,400 sq ft to 6,300 sq ft
- SPECIAL EXCEPTION** N/A
- MOBILE HOME SPECIAL EXCEPTION** N/A
- 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.	Robert C. Klettner	
	Unit 141		
PHONE 1	407-696-5855		
PHONE 2			
E-MAIL	bklettner@habitatseminole.org		

PROJECT NAME: Habitat Seminole

SITE ADDRESS: Marker Street

CURRENT USE OF PROPERTY: Residential

(See attached) LEGAL DESCRIPTION: Begin 330 ft N of SW corner of E 1/2 of the NE 1/4 of the SW 1/4 of Sec. 7, Township 21, Range 30 E, Run N 70 ft thence E 110ft

SIZE OF PROPERTY: 6300 square(s) PARCEL I.D. 07-21-30-300-020B-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS Reduce required minimum lot size from 8400 sq ft to 6300 sq ft

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: R.C. Klettner, ED]
 SIGNATURE OF OWNER OR AGENT* DATE 10-8-05

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

5

ADDITIONAL VARIANCES

VARIANCE 2:	Reduce rear setback from 30' to 17'.
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	

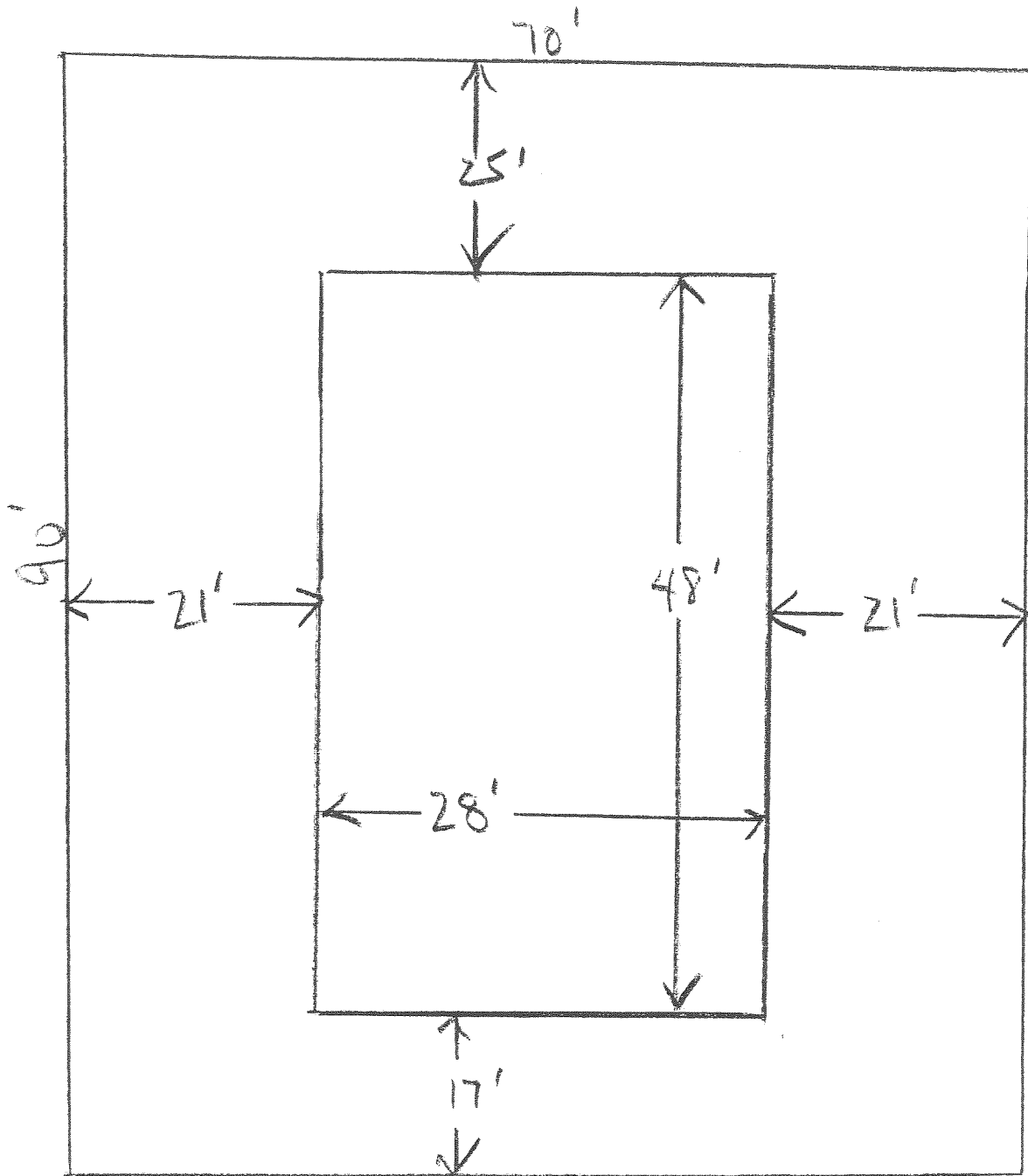
NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:	
FEE(S): <u>200.00</u>	COMMISSION DISTRICT <u>4</u> - FLU / ZONING <u>R-1/MDX</u>
BCC HEARING DATE	(FOR APPEAL)
LOCATION FURTHER DESCRIBED AS	<u>west side of Merker St. 0.1 mi north of the intersection of Merker St & Blake St.</u>
PLANNING ADVISOR <u>MA</u>	DATE <u>10-5-05</u>
SUFFICIENCY COMMENTS	<u>meets parcel of record requirements.</u>

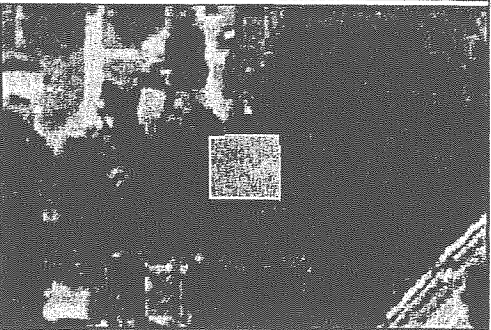
MARKER STREET



REAR

PARCEL DATA

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7508



7 8 9 10 11
 FORD AVE
 MARKER ST
 20G 20C 20B 20
 23 23B 23A

GENERAL

Parcel Id: 07-21-30-300-020B-0000
 Owner: HABITAT FOR HUMANITY IN
 Own/Addr: SEMINOLE CO FLA INC
 Mailing Address: 1548 SEMINOLA BLVD
 City,State,ZipCode: CASSELBERRY FL 32707
 Property Address:
 Subdivision Name:
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 85-COUNTY
 Dor: 00-VACANT RESIDENTIAL

2006 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 0
 Depreciated Bldg Value: \$0
 Depreciated EXFT Value: \$0
 Land Value (Market): \$6,738
 Land Value Ag: \$0
 Just/Market Value: \$6,738
 Assessed Value (SOH): \$6,738
 Exempt Value: \$6,738
 Taxable Value: \$0
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	08/2005	05884	1157	\$100	Vacant	No
CERTIFICATE OF TITLE	05/1998	03431	1216	\$100	Vacant	No
WARRANTY DEED	11/1979	01253	0523	\$2,500	Vacant	Yes
QUIT CLAIM DEED	01/1976	01090	0108	\$100	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

2005 Tax Bill Amount: \$0
 2005 Taxable Value: \$0
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

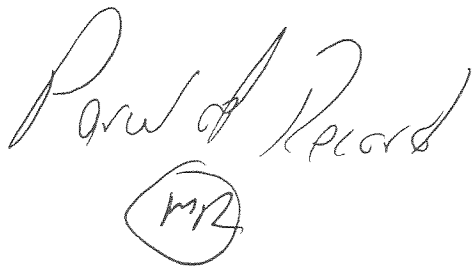
LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	70	90	.000	125.00	\$6,738

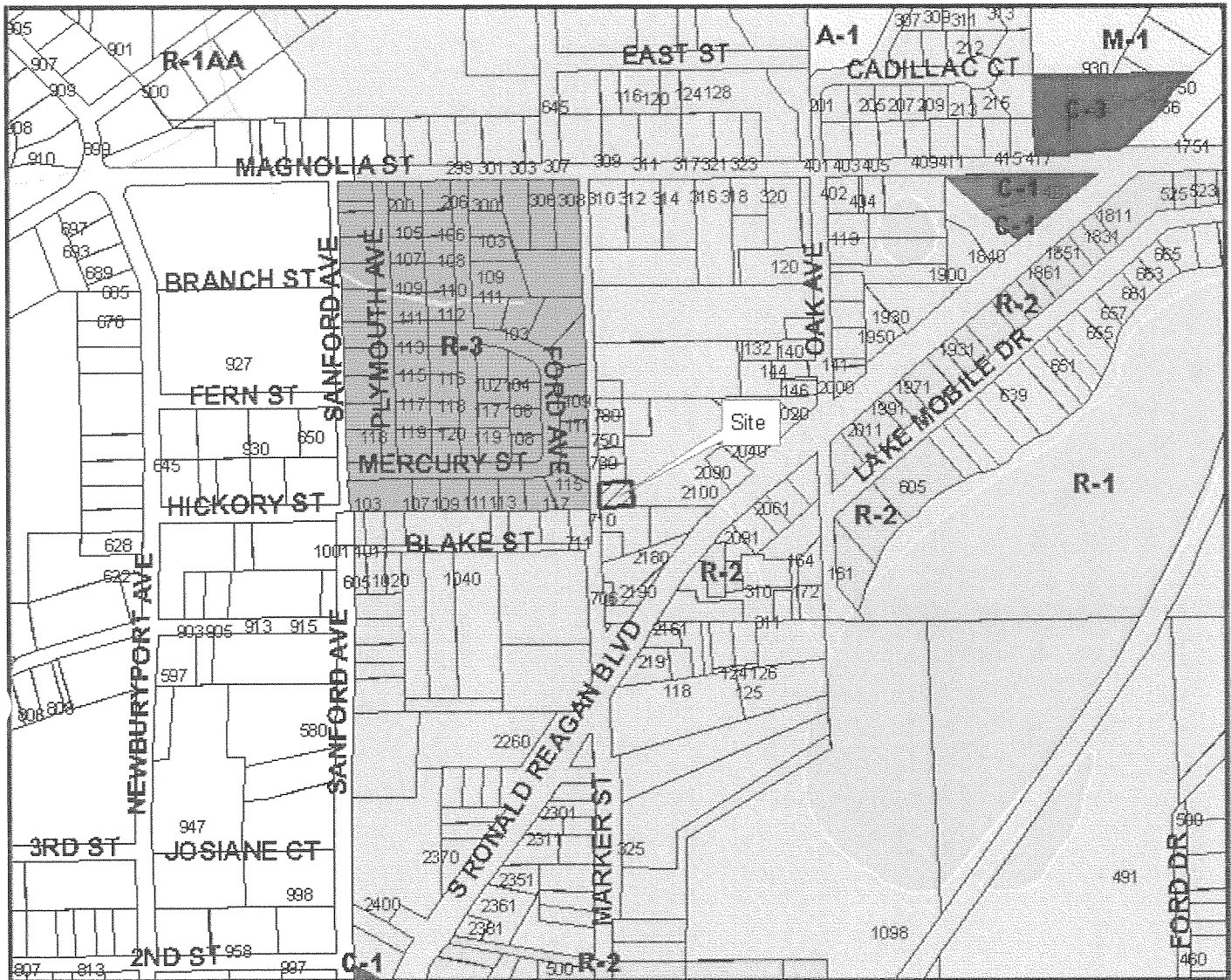
LEGAL DESCRIPTION

LEG SEC 07 TWP 21S RGE 30E BEG 330 FT N & 20 FT E OF SW COR OF E 1/2 OF NE 1/4 OF SW 1/4 RUN N 70 FT E 90 FT S 70 FT W 90 FT TO BEG

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.

Paul A. Record


Habitat for Humanity in Seminole County, Inc.
Marker Street

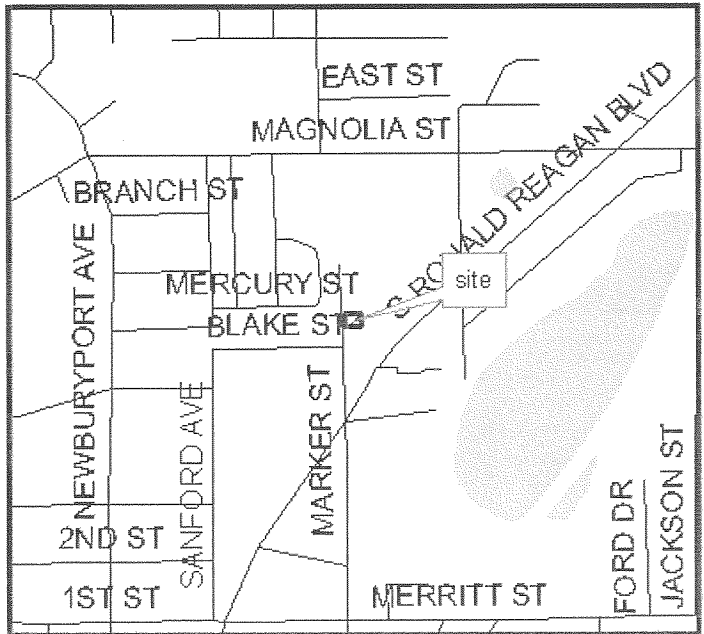


Seminole County Board of Adjustment
November 28, 2005
Case: BV2005-163
Parcel No: 07-21-30-020B-0000

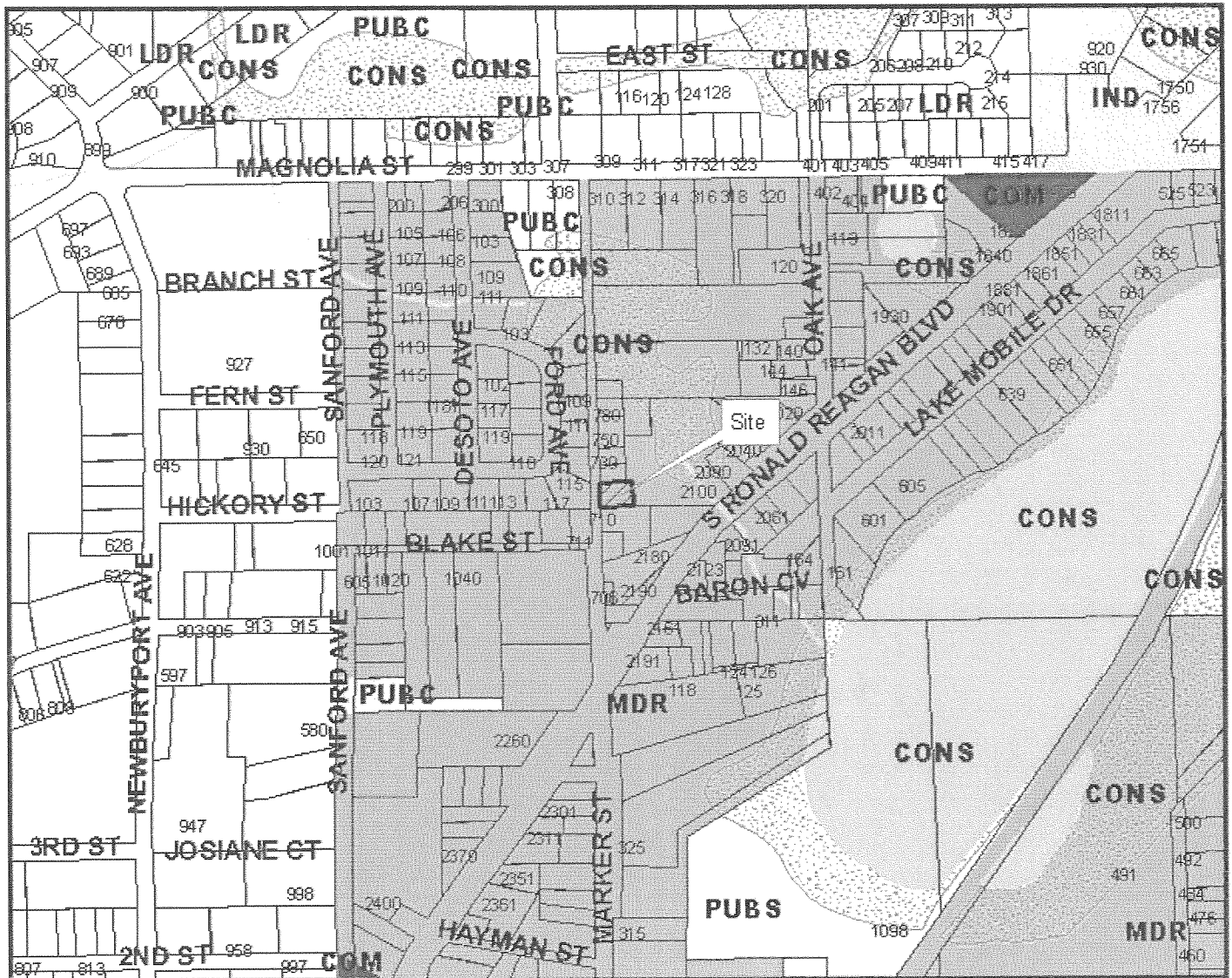
Zoning

- A-1 Agricultural-1 Ac
- R-1AA Single Fam-11700
- R-1 Single Fam-8400
- R-2 One and Two-Family-9000
- R-3 Multi-Family-13DU
- C-1 Retail Commercial
- C-3 Gen Commercial & Wholesale
- M-1 Industrial
- BV2005-163

0 85 170 340 510 680 Feet



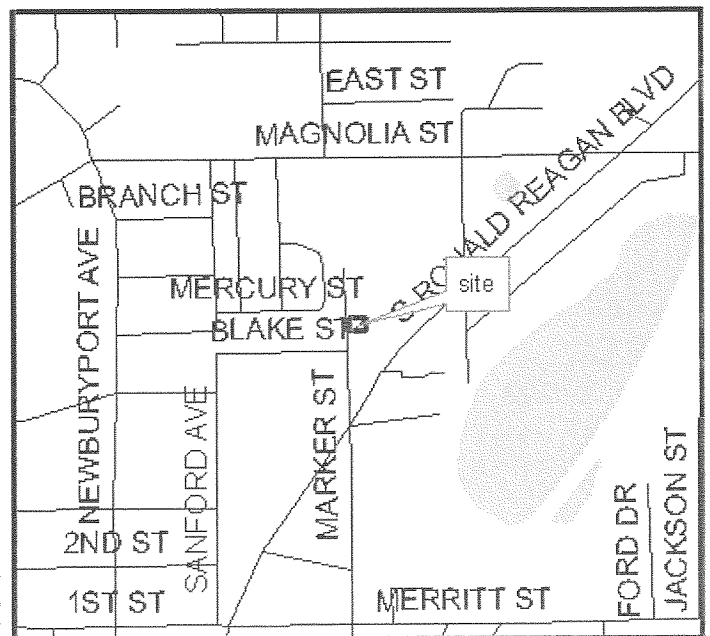
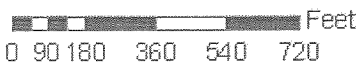
Habitat for Humanity in Seminole County, Inc.
Marker Street



Seminole County Board of Adjustment
November 28, 2005
Case: BV2005-163
Parcel No: 07-21-30-020B-0000

Future Land Use

- | | | | |
|--|------------|--|------------|
| | CONS, PUBC | | PUBS, NONE |
| | CONS, PUBS | | LDR, NONE |
| | CONS, LDR | | MDR, NONE |
| | CONS, MDR | | COM, NONE |
| | CONS, COM | | IND, NONE |
| | CONS, IND | | BV2005-163 |
| | PUBC, NONE | | |



MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05884 PGS 1157-1161
CLERK'S # 2005150560
RECORDED 09/01/2005 02:47:33 PM
RECORDING FEES 44.00
RECORDED BY J Eckenroth

This document was prepared by:
Arnold W. Schneider
Assistant County Attorney
County Attorney's Office
Seminole County Government
1101 East First Street
Sanford, FL 32771

Please return to:
Habitat For Humanity In Seminole County, Florida, Inc.
1548 Seminola Blvd.
Casselberry, FL 32707

COUNTY DEED

COUNTY OF SEMINOLE, FLORIDA

THIS DEED is made this 26 day of August, 2005, by SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter called the "GRANTOR," and HABITAT FOR HUMANITY IN SEMINOLE COUNTY, FLORIDA, INC., a Florida non-profit corporation, whose address is 1548 Seminola Blvd, Casselberry, Florida 32707, hereinafter called the "GRANTEE".

W I T N E S S E T H:

THAT GRANTOR for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) in hand paid by GRANTEE, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell to GRANTEE, its heirs and assigns forever, the following described land lying and being in Seminole County, Florida, to wit:

BEGIN 330 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 21, RANGE 30 EAST, RUN NORTH 70 FEET THENCE EAST 110 FEET THENCE SOUTH 70 FEET THENCE WEST 110 FEET TO THE POINT OF BEGINNING (LESS WEST 20 FEET FOR ROAD), PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

and also described as:

BEGIN 330 FEET NORTH AND 20 FEET EAST OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 21, RANGE 30 EAST, RUN NORTH 70 FEET, EAST 110 FEET, SOUTH 70 FEET, WEST 110 FEET TO BEGINNING.

Parcel Identification Number: 07-21-30-300-020B-0000

This conveyance shall be construed as a determinable fee simple according to the following conditions:

RETURN TO SANDY MCCANN

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *[Signature]*
DEPUTY CLERK

SEP 28 2005

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 SEC 07 TWP 21S RGE 30E BEG 330 FT N & 20 FT E OF SW COR OF E ½ OF
NE ¼ OF SW ¼ RUN N 70 FT W 90 FT TO BEG

(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 in Seminole County
1548 Seminola Blvd., Unit 141
Casselberry, FL 32707

Project Name: Marker Street

Requested Development Approval:

Request for (1) a lot size variance from 8,400 square feet to 6,300 square feet for a proposed home; and (2) minimum rear yard setback variance from 30 feet to 17 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. The variance granted will apply only to the proposed home as depicted on the attached site plan.
 2. The variance granted will apply only to the proposed minimum rear yard setback to the proposed 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 _____ 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: