

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for (1) lot size variance from 43,560 square feet to 24,393 square feet; and (2) minimum lot width variance from 150 feet to 87.5 feet for a vacant lot in the A-1 (Agriculture District); (Scott & Lori Forrest, applicants).

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

**AUTHORIZED**

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

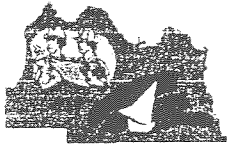
Agenda Date 11/28/05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** Request for (1) lot size variance from 43,560 square feet to 24,393 square feet; and (2) minimum lot width variance from 150 feet to 87.5 feet for a vacant lot in the A-1 (Agriculture District); or
2. **DENY** Request for (1) lot size variance from 43,560 square feet to 24,393 square feet; and (2) minimum lot width variance from 150 feet to 87.5 feet for a vacant lot in the A-1 (Agriculture District); or
3. **CONTINUE** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	Scott & Lori Forrest Lot 2 Geneva Heights A-1 (Agriculture District)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicants desire to construct a single-family home on a lot that does not meet the minimum width at the building line and minimum lot size standards of the A-1 district; the stated variances are thereby requested.</li> <li>• The subject property is an existing nonconforming lot of record (created prior to the adoption of countywide zoning in May 1960); before a single-family home can be constructed on the property, variances from minimum lot size and minimum lot width at the building line must be approved by the board of adjustment.</li> </ul>	
<b>STAFF FINDINGS</b>	Staff has determined the following:	

	<ul style="list-style-type: none"> <li>• A similar variance variance was approved on lot 6 on June 28<sup>th</sup>, 2004.</li> <li>• The subject lot was a lot of record in 1960. The adoption of Seminole County zoning regulations consequently rendered the lot nonconforming with respect to the A-1 district minimum lot width at the building line and minimum lot size standards.</li> <li>• Policy FLU 3.2, adopted September 11, 1991, requires the recombination of properties when variances can be negated. Staff has determined that the subject property and the abutting properties to the north and south have not shared common ownership since the adoption of this policy. Therefore, no opportunity exists to reduce or eliminate the nonconformity of the subject property without the requested variances.</li> <li>• Staff believes the grant of the requested variances would not confer special privileges denied to other properties in the A-1 district, for the requested variances are necessary to ensure reasonable use of the property for single-family development purposes.</li> <li>• Lastly, the requested variances would be the minimum that would make possible the reasonable use of the property and would otherwise be compliant with the land development code.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<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"> <li>• Any variance granted should apply only to the depicted on the attached site plan; and</li> <li>• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing.</li> </ul>



**COPY**

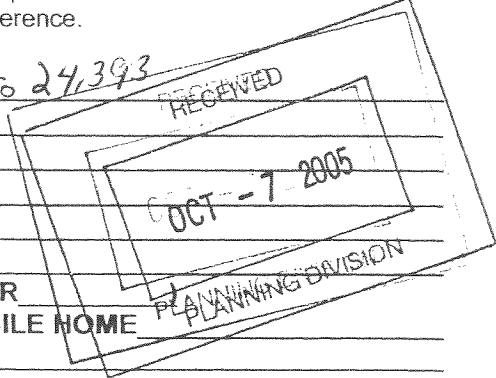
APPL. NO. BV 2005-167

**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 SIZE From 43,560 To 24,393
- 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	YARBOROUGH, IMOGENE	FORREST, SCOTT & LORI	
ADDRESS	P.O. BOX 65 GENEVA FL 32732	248 ROBIN SONG RD CHULLUOTA FL 32766	
PHONE 1		407-365-4198	
PHONE 2		407-739-1606 cell-Lori	
E-MAIL		sandlforrest@bellsouth.net	

PROJECT NAME: FORREST RESIDENCE

SITE ADDRESS: NO ADDRESS - VACANT LAND

CURRENT USE OF PROPERTY: VACANT LOT

LEGAL DESCRIPTION: Leg lots 2 Geneva Heights PB 3 PG 75

SIZE OF PROPERTY: .567 acre(s) PARCEL I.D. 16-20-32-502-0000-0020

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 11/28/2005 (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.

SEE ATTACHED SIGNED CONTRACT  
 SIGNATURE OF OWNER OR AGENT\* Lori Forrest DATE 10-6-05

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



E'

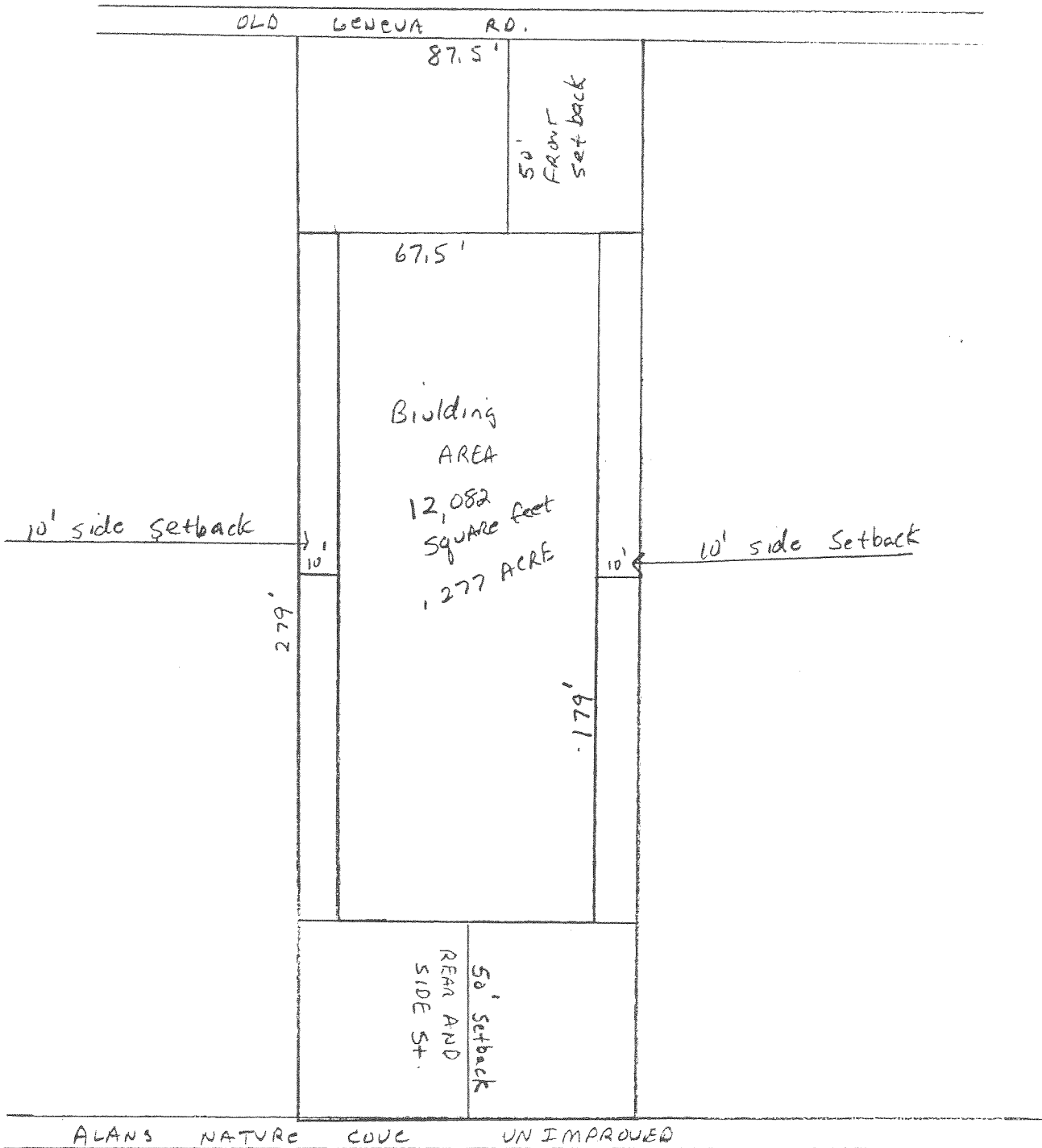
# FORREST VARIANCE

Legal Description - Lot 2 Geneva Heights PB 3 pg. 75

PARCEL I.D. - 16 - 20 - 32 - 502 - 0000 - 0020

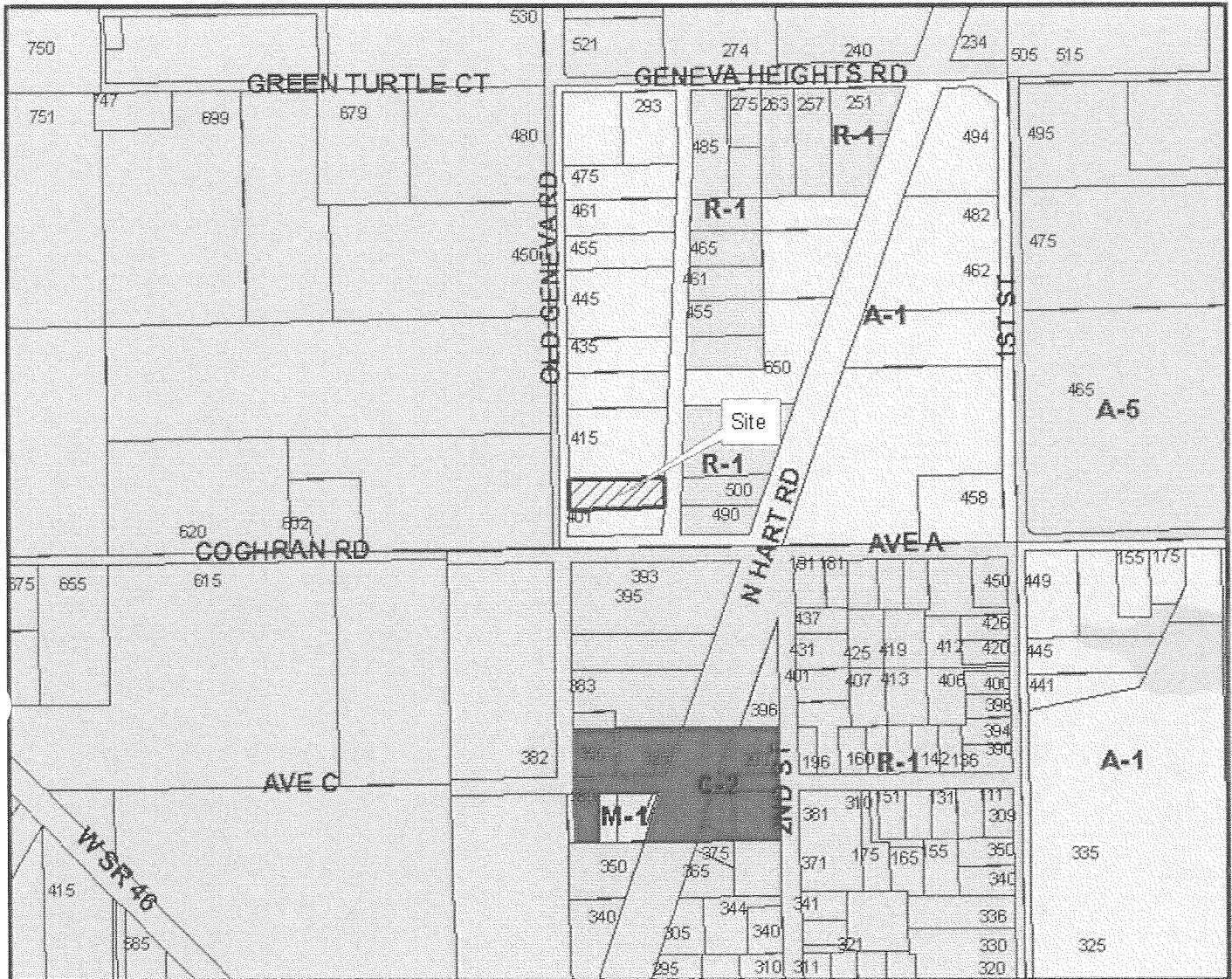
Dimensions - 87.5' x 279' ± .56 ACRES

ZONING - Ag. - (Rural 1)



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>															
<p><b>GENERAL</b></p> <p>Parcel Id: 16-20-32-502-0000-0020</p> <p>Owner: YARBOROUGH IMOGENE &amp;</p> <p>Own/Addr: YARBOROUGH JAMES W CO TRS</p> <p>Mailing Address: PO BOX 65</p> <p>City,State,ZipCode: GENEVA FL 32732</p> <p>Property Address:</p> <p>Subdivision Name: GENEVA HEIGHTS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$4,593</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$4,593</p> <p>Assessed Value (SOH): \$4,593</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$4,593</p> <p>Tax Estimator</p>														
<p><b>SALES</b></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>ADMINISTRATIVE DEED</td> <td>08/2002</td> <td>04515</td> <td>1455</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	ADMINISTRATIVE DEED	08/2002	04515	1455	\$100	Vacant	No	<p><b>2005 VALUE SUMMARY</b></p> <p>2005 Tax Bill Amount: \$75</p> <p>2005 Taxable Value: \$4,593</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified									
ADMINISTRATIVE DEED	08/2002	04515	1455	\$100	Vacant	No									
<p><b>LAND</b></p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>.567</td> <td>27,000.00</td> <td>\$4,593</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.567	27,000.00	\$4,593	<p><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOTS 2 GENEVA HEIGHTS PB 3 PG 75</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value										
ACREAGE	0	0	.567	27,000.00	\$4,593										
<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>															

**Scott & Lori Forrest  
Old Geneva Road Lot 2  
Geneva, FL 32732**



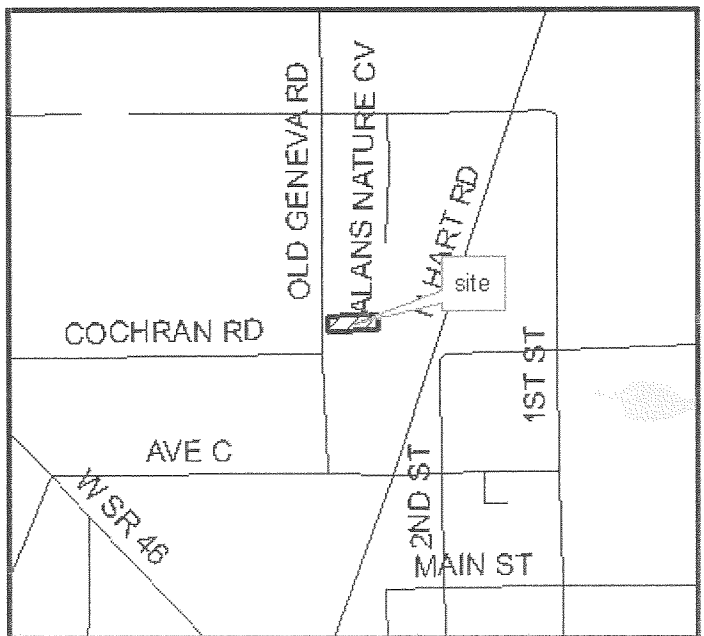
**Seminole County Board of Adjustment  
November 28, 2005  
Case: BV2005-167  
Parcel No: 16-20-32-502-0000-0020**

**Zoning**

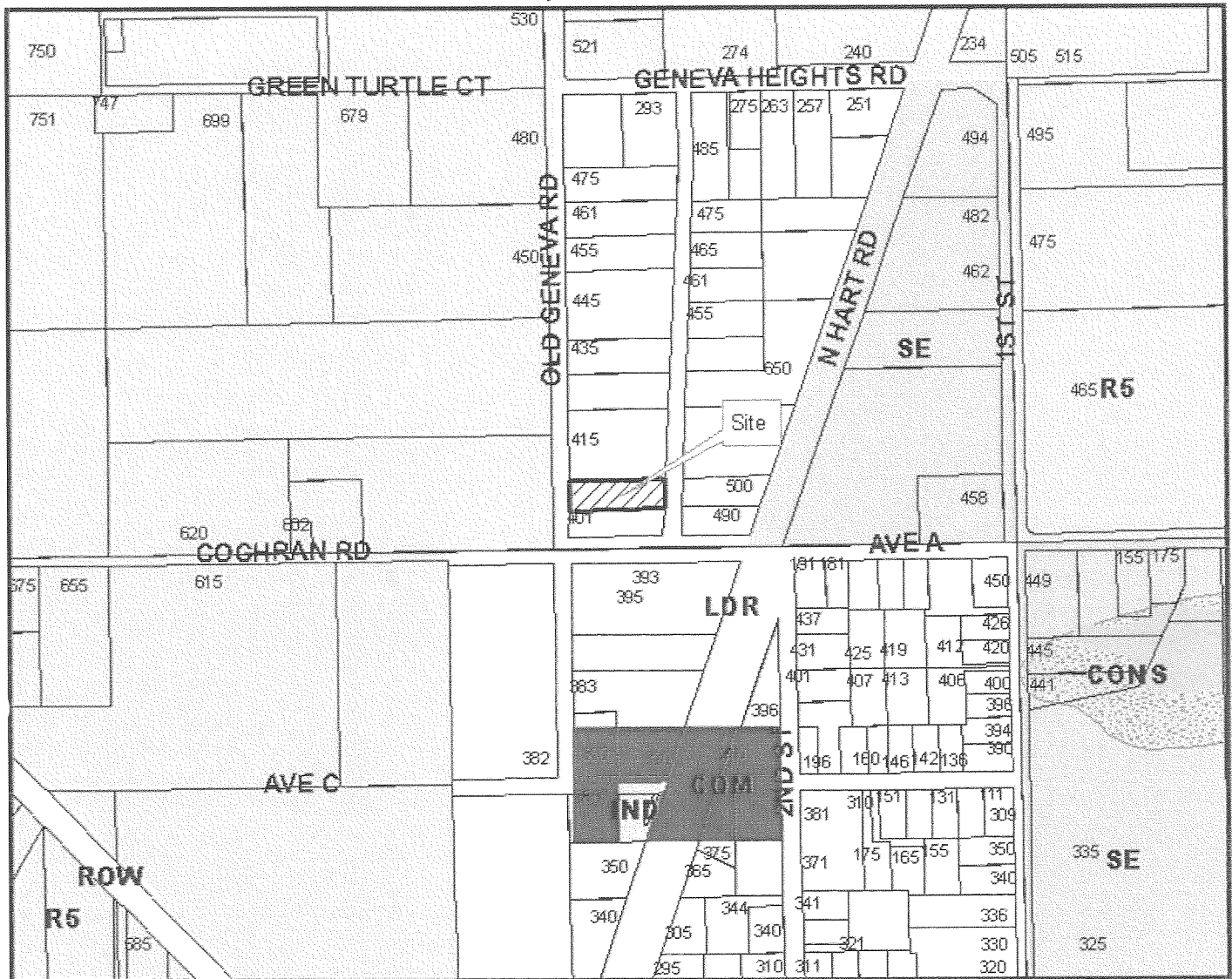
- A-1 Agricultural-1 Ac
- A-5 Rural-5Ac
- R-1 Single Fam -8400
- C-2 Retail Commercial
- M-1 Industrial
- BV2005-167

N

0 115 230 460 690 920 Feet



**Scott & Lori Forrest  
Old Geneva Road Lot 2  
Geneva, FL 32732**



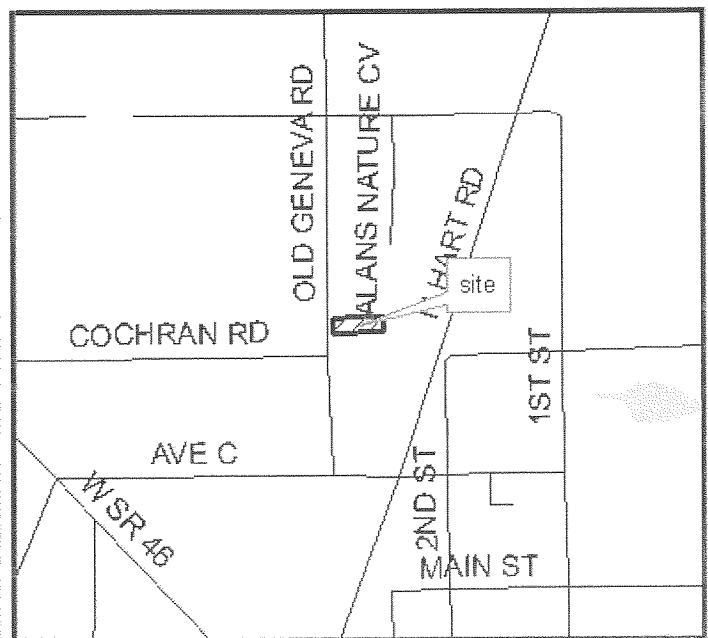
**Seminole County Board of Adjustment  
November 28, 2005  
Case: BV2005-167  
Parcel No: 16-20-32-502-0000-0020**

**Future Land Use**

- CONS, SE
- R5, NONE
- SE, NONE
- LDR, NONE
- COM, NONE
- IND, NONE
- BV2005-167

N

0 115 230 460 690 920 Feet





- A. Statement of Request:  
Lot size and lot width variance  
Lot size in A-1 (Rural 1) is 43,500 square feet. Subject property is 124,393.6 square feet.  
Lot width in A-1 (Rural 1) is 150 feet. Subject property is 87.5 in Width.
- B. Contact Information:  
Scott and Lori Forrest  
248 Robin Song Road  
Chuluota, FL 32766  
407-365-4198  
[sandlforrest@bellsouth.net](mailto:sandlforrest@bellsouth.net)
- C. Project Name: Forrest residence
- D. Site Address: Old Geneva Road – no address / Parcel I.D. 16-20-32-502-0000-0020
- E. Current Use of Property: Vacant land
- F. Legal Description of Property: Lot 2, Geneva Heights, PB 3, PG 75
- G. Size of property: +/- .56 acre
- H. Dimensions of the lot: 87.5' x 279'
- J. Location and name of abutting streets or roads: Old Geneva Road, Alans Natural Cove
- K. Location and size of existing or proposed septic system: n/a
- L. Location, size and type of any trees to be removed or retained: heavily wooded; upon building permit submittal will apply for arbor permit.
- M. Location and width of all easements: None
- N. Location and width of existing or proposed driveway access:
- O. Parcel Identification # 16-20-32-502-0000-0020
- P. Identification of available utilities: telephone and power at Old Geneva Road
- Q. Description of known code enforcement violations on property: None
- R. Property accessibility to inspection by Planning Division Staff: fully accessible.
- S. Application fee: attached
- T. Authorization form: see attached executed sales contract
- U. 8 ½ x 11" site plan: see attached
- V. Written statement that responds to criteria stated in the Land Development Code for the grant of a variance. Per meeting with Tony Matthews, Sr. Planner suggestion.

separate brokerage agreements with the parties to this cooperative agreement between the parties, except to the extent Broker has received such fees from the borrower(s). In the absence of such brokerage agreements, closing agent will disburse brokerage fees as indicated below. This paragraph will not be used to modify any MLS or other offer of compensation made by Seller or listing broker to cooperating brokers.

N/A

N/A

Selling Broker's Compensation (Rate) \_\_\_\_\_ Selling Agent's Broker's Compensation (Rate) \_\_\_\_\_

Listing Sales Associate's Compensation (Rate) \_\_\_\_\_ Listing Agent's Brokerage Fee (Sort of Purchase Price) \_\_\_\_\_

ADDITIONAL TERMS

18. ADDITIONAL TERMS:

- ① This contract contingent upon Buyer receiving an approved VARIANCE to meet LINDS DEVELOPMENT code requirements to build a single family residence. Buyer will apply for variance no later than October 7th 2005. If variance is denied buyer will receive a full refund of deposit.
- ② Signature on this contract by seller authorizes buyers to apply for necessary variance as stated above.

Buyer (Signature) and Seller (Signature) I acknowledge receipt of a copy of this page, which is Page 6 of 7 Pages

This is intended to be a legally binding contract, if not fully understood, seek the advice of an attorney prior to signing.

OFFER AND ACCEPTANCE

Check if applicable:  Buyer hereby offers the undersigned to buy, and release from Seller, upon making this Offer.

Buyer offers to purchase the Property on the above terms and conditions. Unless this Contract is signed by Seller and a copy delivered to Buyer no later than 10-05-05  a.m.  p.m. on 10-05-05 this offer will be rejected and Buyer's deposit not used as part to clearance of funds.

Date: 10-5-05 Buyer: [Signature]  
Print name: Scott Forrest

Date: 10-5-05 Buyer: [Signature]  
Print name: LORI FORREST

Phone: \_\_\_\_\_ Print name: \_\_\_\_\_  
Fax: \_\_\_\_\_ Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Date: 10-5-05 Seller: [Signature]  
Print name: James W. Yarbrough

Date: 10-5-05 Seller: [Signature]  
Print name: Imogene Yarbrough  
Address: Po Box 65  
Genev2, FL 32732

COUNTER OFFER/ REJECTION

Seller counters Buyer's offer (to accept the counter offer, Buyer must sign or initial the counter offered terms and deliver a copy of the acceptance to Seller by 5:00 p.m. on \_\_\_\_\_).  Seller rejects Buyer's offer.

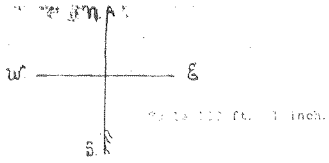
Effective Date: 10-05-05 (The date on which the last party signed or initialed acceptance of the final offer.)

Buyer [Signature] and Seller [Signature] ( [Signature] ) acknowledge receipt of a copy of this page, which is Page 7 of 7 Pages.

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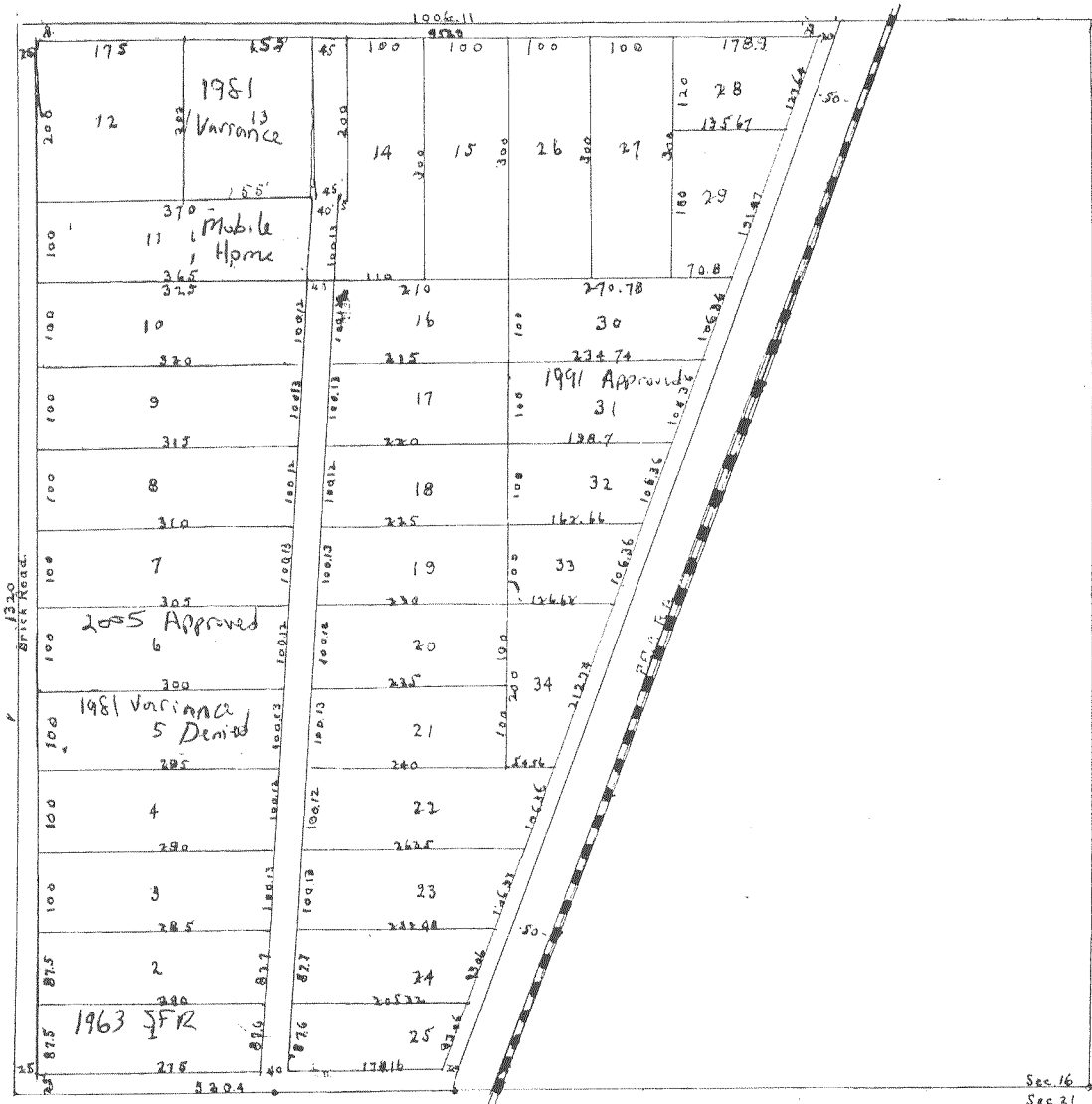
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# GENEVA HEIGHTS.

FLYNT AND BRENT OWNERS.



DESCRIPTION: That part of the Southeast quarter of the Southeast quarter of Sec. 16, Township 29 South, Range 4 East, lying east of the Florida East Coast Railway's right of way.

Indication: Also will men by these presents that J. J. Flynt and J. J. Brent owners of above described property have caused this land to be surveyed, laid out and platted to be known as GENEVA HEIGHTS and that the streets as shown on this plat are hereby indicated to the use of the public.

Witness my hand and seal in the presence of  
 J. J. Flynt  
 J. J. Brent  
 W. E. Douglass  
 J. J. Brent

State of Florida  
 County of Seminole

On this day personally appeared before me an officer duly authorized to administer oaths and take acknowledgments J. J. Flynt and J. J. Brent known to me to be the persons who executed the above indication, and who being each duly sworn, depose that they are the owners of above described tract and that they are the persons who caused it to be surveyed and platted to be their free act and deed.

Witness my hand and official seal at Sanford, Florida, this 13th day of Jan. A. D. 1925.

W. E. Douglass  
 My Commission expires Aug. 1, 1927.

In this day personally appeared before me an officer duly authorized to administer oaths and take acknowledgments W. E. Douglass, who certifies that he is a competent Civil Engineer, and that he made the survey and plat herein indicated, and that this plat is a correct representation of the land surveyed and that appropriate iron monuments have been placed at points marked thereon. All measurements are in feet and hundredths of feet.

W. E. Douglass  
 My Commission expires 1927

#19847

Filed this 5 day of Feb 1925 A.M. 4 P.M. and recorded in Plat Book No. 3 Page 70 of the Public Records of Seminole County, Florida, this 5 day of Feb A.D. 1925  
 W. E. Douglass  
 Clerk of the Circuit Court  
 by A. M. Weeks, D.C.

COUNTY APPROVAL: This plat was approved by the Board of County Commissioners of Seminole County, Florida at a meeting held Feb. 3, 1925

W. E. Douglass  
 Clerk of the Circuit Court  
 By: A. M. Weeks, D.C.

## 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 LOTS 2 GENEVA HEIGHTS PB 3 PG 75

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

### FINDINGS OF FACT

**Property Owner:** IMOGENE & JAMES W CO TRS YARBOROUGH  
PO BOX 65  
GENEVA, FL 32732

**Project Name:** GENEVA HIGHTS (LOT 2)

#### **Requested Development Approval:**

REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SQUARE FEET TO 24,393 SQUARE FEET; (2) MINIMUM WIDTH AT BUILDING LINE VARIANCE FROM 150 FEET TO 87.5 FEET 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.

Prepared by: Michael Rumer, 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: