

BV2006-031

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

**SUBJECT:** Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) front yard setback variance from 50 feet to 25 feet and (4) side yard setback variances from 10 feet to 7.5 feet for a proposed single-family home in the A-1 (Agriculture District); (Scott Ryan, applicant).

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

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

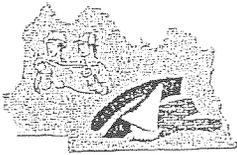
**Agenda Date** 03-27-06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) front yard setback variance from 50 feet to 25 feet and (4) side yard setback variances from 10 feet to 7.5 feet for a proposed single-family home in the A-1 (Agriculture District); (Scott Ryan, applicant).
2. **DENY** the request (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) front yard setback variance from 50 feet to 25 feet and (4) side yard setback variances from 10 feet to 7.5 feet for a proposed single-family home in the A-1 (Agriculture District); (Scott Ryan, applicant).
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Property Owner: Location: Zoning:	Scott Ryan McCavanagh Corporation Pine Street (Lot 13 Block 1) A-1 (Cassa-villa)
<b>BACKGROUND REQUEST</b>	/ • The applicant proposes to construct a single-family home on a vacant lot that fails to meet the minimum lot size, minimum width at building line and minimum setback requirements of the A-1 district; the aforementioned variances are requested to reduce those standards.	

	<ul style="list-style-type: none"><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>	<p>Staff has determined the following:</p> <ul style="list-style-type: none"><li>• The subject lot was created as a part of Cassa Villa Heights, which was platted on February 19, 1957.</li><li>• The adoption of countywide zoning in 1960 by Seminole County consequently rendered the lot nonconforming with respect to the A-1 district standards.</li><li>• Policy FLU 3.2, adopted on September 11, 1991, states the county shall reduce uses that are inconsistent with community character by requiring the combining of lots. Cassa Villa Heights platted lots have been developed into single family lots without the requirement of combination therefore the request would not be inconsistent with the community character.</li><li>• The aforementioned circumstances comprise a hardship, for which the applicant is not responsible.</li><li>• Without the requested variances, no reasonable use of the subject property can be made for constructing a single-family home, a use expressly permitted in the A-1 district.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings and the representations of the applicant, staff recommends approval of the request, subject to the following conditions:</p> <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>



**COPY**

APZ-06-03  
 APPL. NO. B12006-031

**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**
- 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 2006
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	THE M'CAVANAGH CORPORATION	Scott K. Ryan
ADDRESS	P.O. BOX 620226 OVIEDO, FLORIDA 32762-0226	
PHONE 1	407-402-3405	407-402-3405
PHONE 2		
E-MAIL	FAX # 407.673.7268	FAX # 407.673.7268

PROJECT NAME: Cassa Villa  
 SITE ADDRESS: LOT 13 Pine Street  
 CURRENT USE OF PROPERTY: Vacant land  
 LEGAL DESCRIPTION: LOT 13 Block 1 Cassa-Villa Heights  
PB 10, Pg 97  
 SIZE OF PROPERTY: 75 X 110 acre(s) PARCEL I.D. 04-21-31-501-0100-0630  
 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 3, 27, 06  
 (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.

Scott K. Ryan  
 SIGNATURE OF OWNER OR AGENT DATE 2-3-06

**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): 350.00

COMMISSION DISTRICT

FLU / ZONING

A-1 / LOR

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

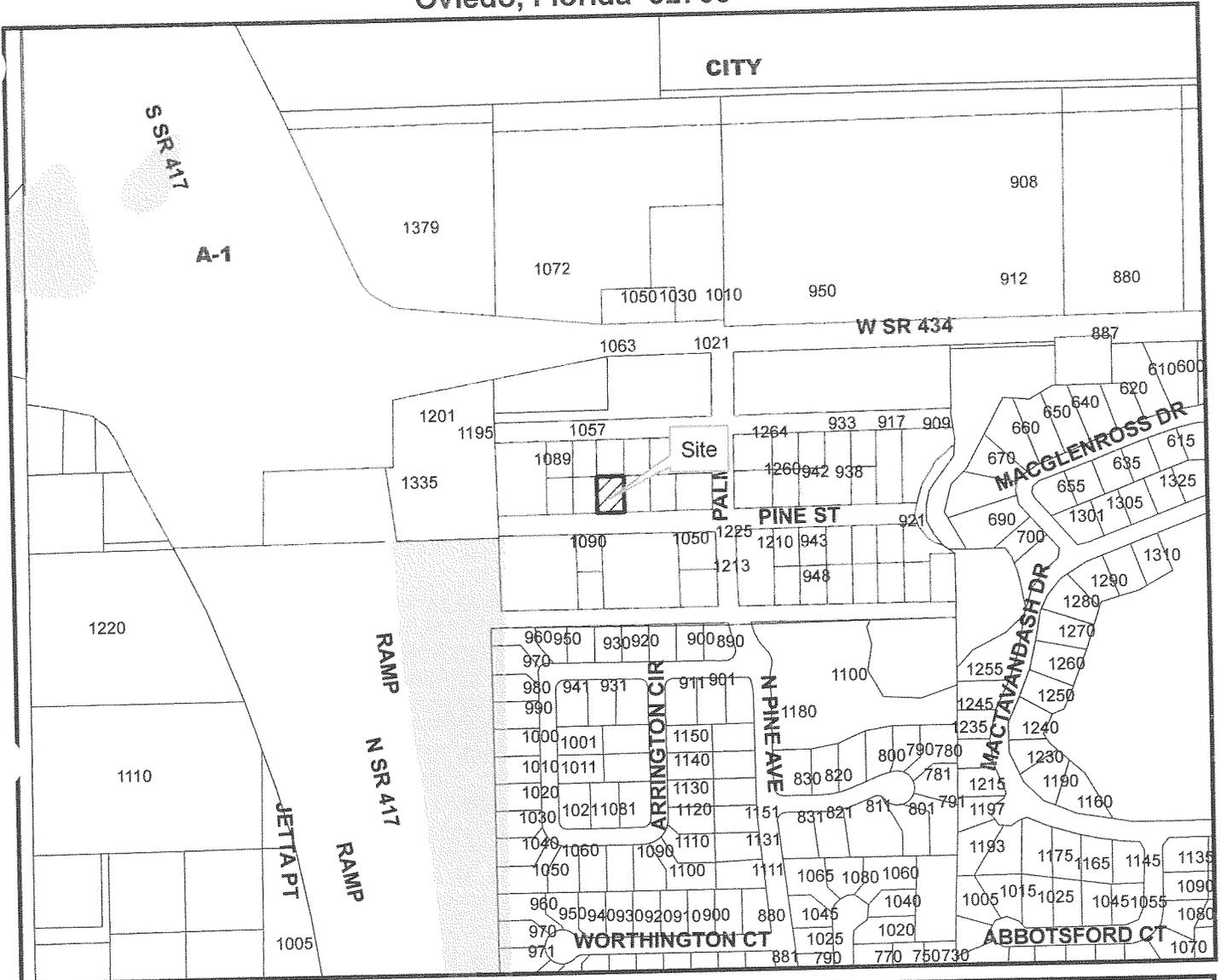
DATE

SUFFICIENCY COMMENTS

REQUEST FOR:

- (1) MINIMUM LOT SIZE VARIANCE FROM 43, 560 SQUARE FEET (1 ACRE) TO 8,250 SQUARE FEET (0.2 ACRE);
- (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FEET TO 75 FEET;
- (3) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME;
- (4) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7.5 FEET FOR A PROPOSED SINGLE-FAMILY HOME.
- (5) *front yard setback variance from 60 ft. to 25 ft.*

**Scott Ryan  
Pine Street, Lot 13, Block 1  
Oviedo, Florida 32765**



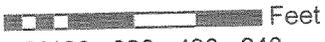
**Seminole County Board of Adjustment**  
**March 27, 2006**  
**Case: BV2006-031**  
**Parcel No: 04-21-31-501-0100-0130**

**Zoning**

-  BV2006-031
-  A-1

N



 Feet  
 0 80 160 320 480 640





<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 align="center"><b>GENERAL</b></p> <p>Parcel Id: 04-21-31-501-0100-0130                  Owner: MCCA VANAGH CORP                  Mailing Address: 207-CW SR 434                  City,State,ZipCode: WINTER SPRINGS FL 32708                  Property Address: PINE ST                  Subdivision Name: CASSA-VILLA HEIGHTS                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 00-VACANT RESIDENTIAL</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 0                  Depreciated Bldg Value: \$0                  Depreciated EXFT Value: \$0                  Land Value (Market): \$22,000                  Land Value Ag: \$0                  Just/Market Value: \$22,000                  Assessed Value (SOH): \$22,000                  Exempt Value: \$0                  Taxable Value: \$22,000                  Tax Estimator</p>																					
<p align="center"><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>WARRANTY DEED</td> <td>01/2006</td> <td>06083</td> <td>1761</td> <td>\$60,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/2003</td> <td>04984</td> <td>0885</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	01/2006	06083	1761	\$60,000	Vacant	No	QUIT CLAIM DEED	08/2003	04984	0885	\$100	Vacant	No	<p><b>2005 VALUE SUMMARY</b></p> <p>2005 Tax Bill Amount: \$360                  2005 Taxable Value: \$22,000                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	22,000.00	\$22,000																		
<p><b>NOTE:</b> 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>																							

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 27, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 4 Blk 1 Cass Villa Heights PB 10 PG 97

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

**FINDINGS OF FACT**

**Property Owner:** McCavanagh Corp  
207 SR 434  
Winter Springs, Fl

**Site Address:** Pine Street (Lot 13)

**Requested Development Approval:**

Request (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) front yard setback variance from 50 feet to 25 feet and (4) side yard setback variances from 10 feet to 7.5 feet for a proposed single-family home in the A-1.

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: Kathy Fall  
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:

THE VARIANCE GRANTED SHALL APPLY ONLY 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, who is personally known to me and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: