

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

**SUBJECT:** Request for 1) a lot size variance from 8,400 square feet to 8,340 square feet; 2) width at the building line from 70 feet to 60 feet for a proposed home in R-1 (Single Family Dwelling District); Golden Rule Housing CDC, applicant.

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Denny Gibbs      **EXT.** 7387

**Agenda Date** July 24, 2006   **Regular**    **Consent**    **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for 1) a lot size variance from 8,400 square feet to 8,340 square feet; 2) width at the building line from 70 feet to 60 feet for a proposed home in R-1 (Single Family Dwelling District); or
2. **DENY** the request for 1) a lot size variance from 8,400 square feet to 8,340 square feet; 2) width at the building line from 70 feet to 60 feet for a proposed home in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

|                             |  |
|-----------------------------|--|
| <b>GENERAL INFORMATION</b>  | Applicant: Golden Rule Housing CDC<br>Owner: AR Construction & Realty Inc<br>Location: Jack Court (Lot 5)<br>Zoning: R-1<br>Subdivision: Thomas 2 <sup>nd</sup> Addition to Midway   |
| <b>BACKGROUND / REQUEST</b> | <ul style="list-style-type: none"> <li>• The applicant proposes to construct a single family home on a platted lot that does not meet the R-1 zoning classification minimal dimensional requirements for lot area and lot width.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul> |
| <b>STAFF FINDINGS</b>       | The applicant has satisfied the criteria for the grant of a  |

|  |  |
|--|--|
|  | <p>variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• The subject lot was created in the Thomas 2<sup>nd</sup> Addition to Midway plat in 1958.</li><li>• The adoption of County wide zoning in 1960 subsequently rendered the lot non-conforming thereby created a hardship.</li><li>• The size of the subject property is consistent with the surrounding properties and development pattern of this neighborhood.</li><li>• Special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li><li>• Special conditions and circumstances did not result from the actions of the applicant.</li><li>• The granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would be in harmony with the general intent of Chapter 30.</li></ul> |
| <p><b>STAFF<br/>RECOMMENDATION</b></p> | <ul style="list-style-type: none"><li>• Based on the stated findings, staff recommends approval of the request. If the board should decide to grant a variance, staff recommends the following conditions of approval:<ul style="list-style-type: none"><li>• Any variance granted shall apply only to the lot size and lot width as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>  |



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

**COPY**

RECEIVED JUN 02 2006

APPL. NO. 34 2006-102

**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** To allow a (60) foot building line instead of (70)
- SPECIAL EXCEPTION**
- LIMITED USE**
- SEWELLING UNDER CONSTRUCTION**       **MEDICAL HARDSHIP**
- NIGHT WATCHMAN**       **FAMILY HARDSHIP**
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)**
- SIZE OF MOBILE HOME / RV \_\_\_\_\_**       **TIME NEEDED \_\_\_\_\_**
- PLAN TO BUILD**     **YES**     **NO IF SO, WHEN \_\_\_\_\_**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

|                | <b>PROPERTY OWNER</b>               | <b>AUTHORIZED AGENT*</b>            |
|----------------|-------------------------------------|-------------------------------------|
| <b>NAME</b>    | AR Construction                     | GoldenRule Housing & CDC            |
| <b>ADDRESS</b> | 1320 Oleander Ave. Sanford<br>32771 | 417 E. 2nd Street, Sanford<br>32771 |
| <b>PHONE 1</b> | (407) 302-1696                      | (407) 324-9123                      |
| <b>PHONE 2</b> | (407) 687-5798                      | Cynthia Smith                       |
| <b>E-MAIL</b>  |                                     | goldrule@fdn.com                    |

PROJECT NAME: Jack Court  
 SITE ADDRESS: TBA  
 CURRENT USE OF PROPERTY: vacant zoned R-1  
 LEGAL DESCRIPTION: Legal Lots 5 Thomas 2nd Add to Midway PB 11 PG 97  
 SIZE OF PROPERTY: 60X139 acre(s) PARCEL I.D. 32-19-31-508-0000-0050  
 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 7/24/06  
 (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.  
Andrew Kalle  
 OWNER OR AGENT  
7/24/06  
 DATE

**ADDITIONAL VARIANCES**

VARIANCE 2:

Lot size variance from 9,400 square feet to 9,740 square feet.

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): 200.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1/LOR

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

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

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

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

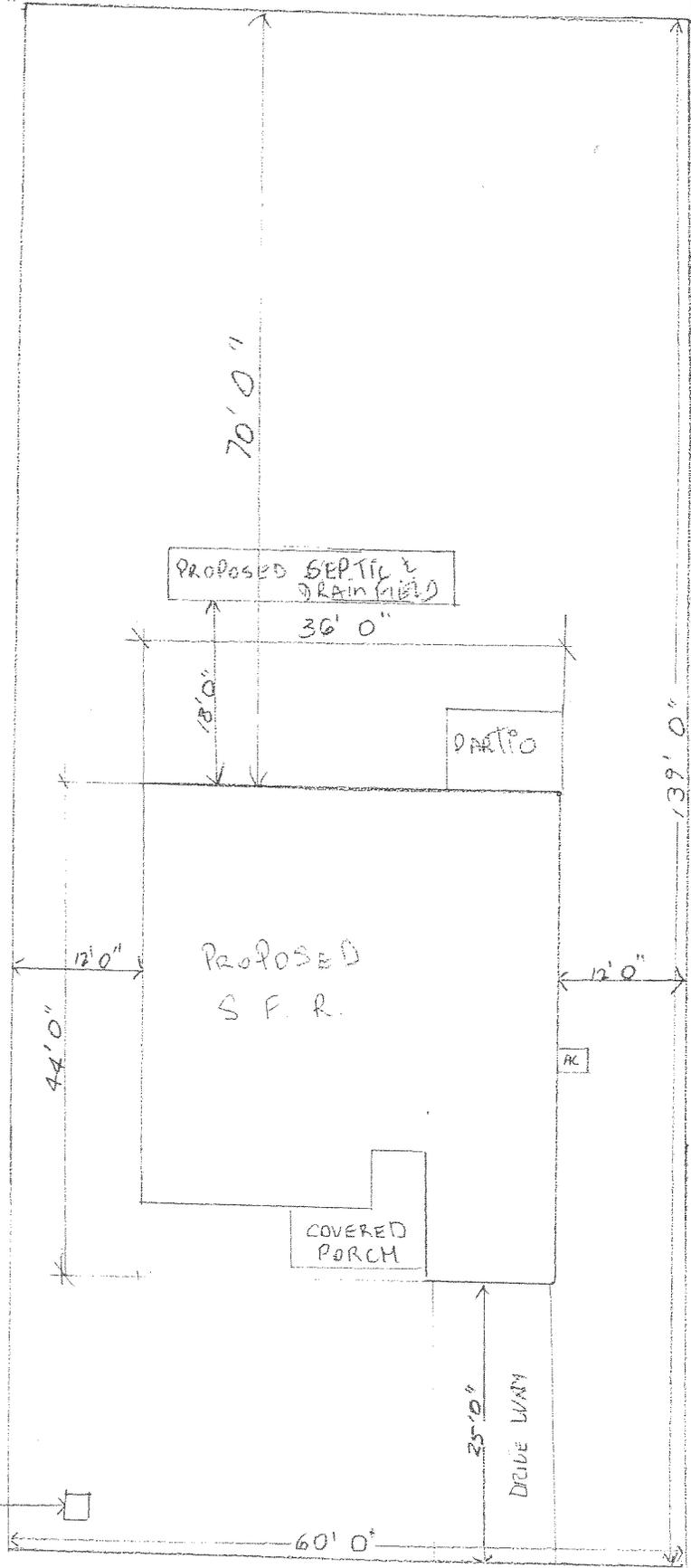
7

Lot 27D

27 C

Lot A

VEGETATION AREA



PROPOSED WELL

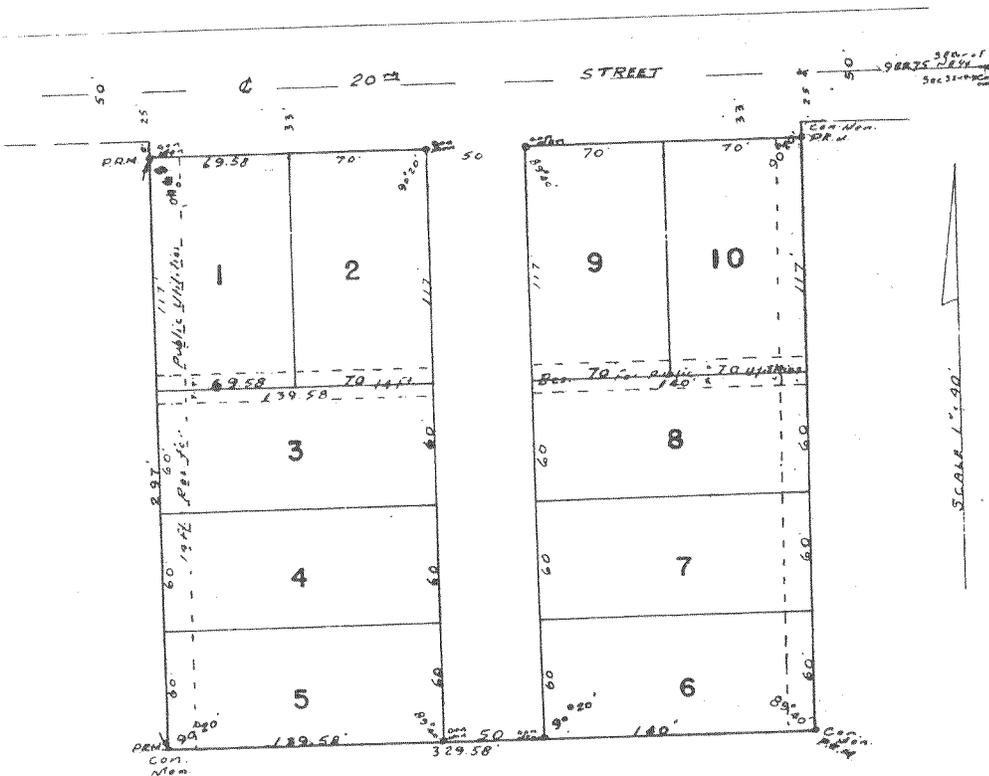
LEGAL DESCR  
LEG LOT 5 THOMAS :  
PB 11 PG 97

Clark Rd

# THOMAS' SECOND ADD. TO MIDWAY SEMINOLE COUNTY, FLORIDA

## DESCRIPTION

THE NORTH 33 00' OF WEST 1/2 OF NW 1/4 OF NE 1/4 OF SE 1/4 SECTION 32 TWP 19S RB 1E.



KNOW ALL MEN BY THESE PRESENTS, that the donor, the owner, in fee simple of the lands described in the plat to this plat, do hereby dedicate said lands and the purposes therein expressed and dedicate the STRIP shown hereon to the perpetual use of the public.

IN WITNESS WHEREOF, The undersigned, Thomas, has hereunto set his hand and seal on January 16th 1958

WITNESSES:  
*Mrs. A. D. Smith*  
*Thomas L. Thomas*

STATE OF FLORIDA COUNTY OF SEMINOLE  
 THIS IS TO CERTIFY, That on January 16th before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared THOMAS AND FRANCES L. THOMAS (WIFE)

to me known to be the persons described in, and who executed the foregoing dedication and severally acknowledged the execution thereof to be their free 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.

*Frances L. Thomas*  
 NOTARY PUBLIC  
 My Commission Expires

**CERTIFICATE OF SURVEYOR**

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on April 7, 1958 he completed the survey of the lands as shown in the foregoing plat; that said plat is a correct representation of the lands therein described and platted; 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 April 7, 1958

*Marion L. Barber* Registration No. 671

**CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS**

THIS IS TO CERTIFY, That on April 22, 1958 the foregoing plat was approved by the Board of County Commissioners of Seminole County, Florida.

*John Fisher*  
 Chairman of the Board.

ATTEST:  
*O. Henderson*  
 Clerk of the Board.

**CERTIFICATE OF APPROVAL BY ZONING COMMISSION**

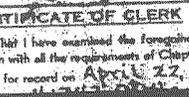
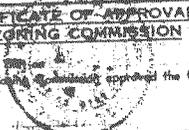
THIS IS TO CERTIFY, That on April 22, 1958 the Seminole County Zoning Commission approved the foregoing plat.

**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 April 22, 1958

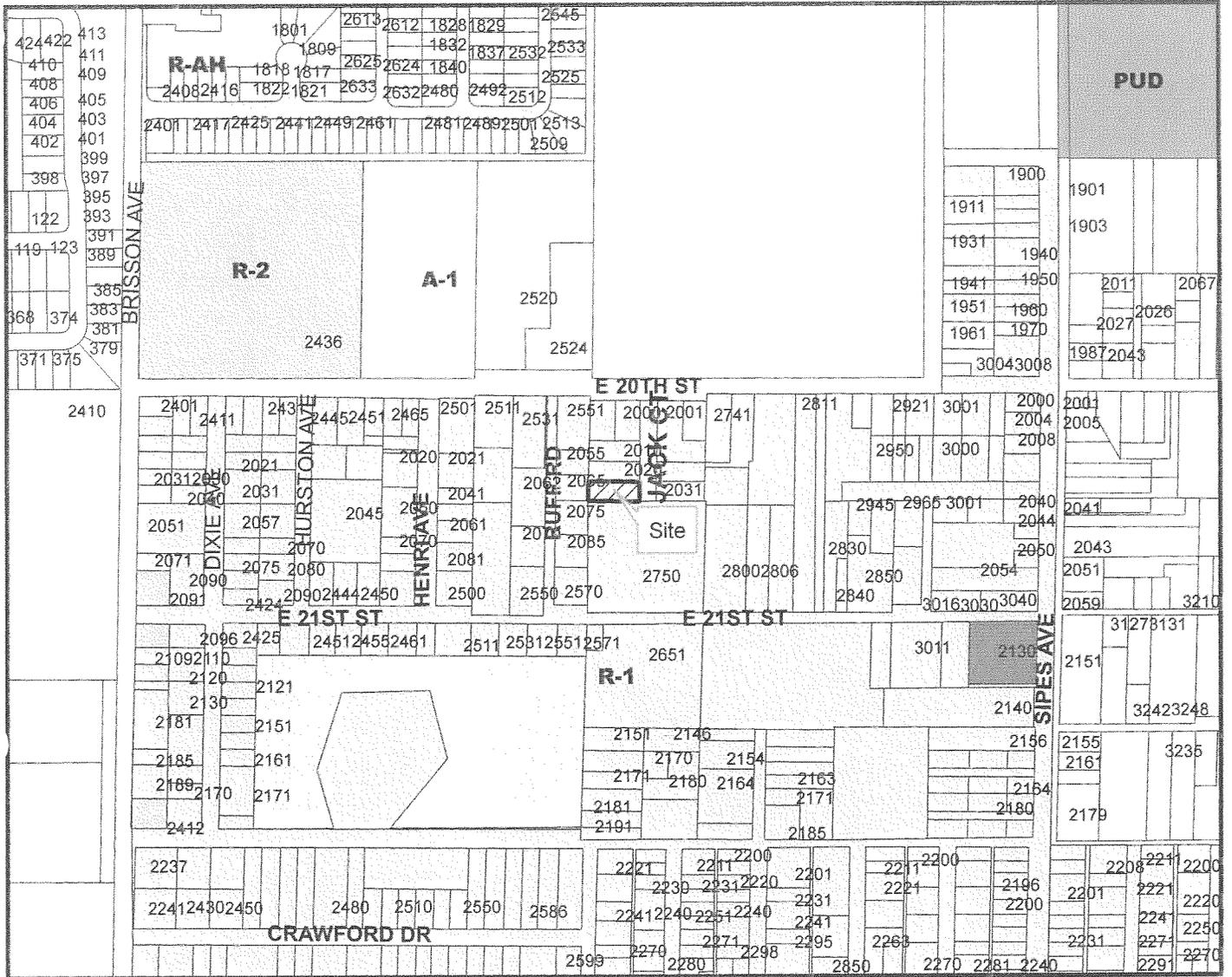
# 41342  
 FILED AND RECORDED IN PLAT BOOK 11 PAGE 97 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THIS 22 DAY OF April 1958. AT 2:30 O'CLOCK P.M.

*O. Henderson*  
 CLERK OF CIRCUIT COURT  
 SEMINOLE COUNTY, FLORIDA.



| <b>PARCEL DETAIL</b><br>DAVID JOHNSON, CFA, ASA<br><b>PROPERTY APPRAISER</b><br>SEMINOLE COUNTY FL<br>1101 E. FIRST ST<br>SANFORD, FL 32771-1468<br>407-665-7506   |          | 25C<br>25B<br>26<br>26B<br>25 | 27E<br>27C<br>27D<br>27<br>27B | 1 2<br>3 4<br>5<br>6<br>28 | JACK CT<br>9 10<br>6 7<br>8<br>39  |           |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
|--|----------|-------------------------------|--------------------------------|----------------------------|--|-----------|-------|------------|------------|------------|--------------------|---------------|---------|-------|--------|----------|---|-----|---------------|---------|-------|------|---------|--------|-----|-----------------|---------|-------|------|-------|--------|----|-----------------|---------|-------|------|---------|--------|----|---------------|---------|-------|------|-------|--------|----|---|--|
| <b>GENERAL</b><br>Parcel Id: 32-19-31-508-0000-0050<br>Owner: A R CONSTR & REALTY INC<br>Mailing Address: 1320 S OLEANDER AVE<br>City,State,ZipCode: SANFORD FL 32771<br>Property Address: JACK CT SANFORD 32771<br>Subdivision Name: THOMAS 2ND ADD TO MIDWAY<br>Tax District: 01-COUNTY-TX DIST 1<br>Exemptions:<br>Dor: 00-VACANT RESIDENTIAL   |          |                               |                                |                            | <b>2006 WORKING VALUE SUMMARY</b><br>Value Method: Market<br>Number of Buildings: 0<br>Depreciated Bldg Value: \$0<br>Depreciated EXFT Value: \$0<br>Land Value (Market): \$7,350<br>Land Value Ag: \$0<br>Just/Market Value: \$7,350<br>Assessed Value (SOH): \$7,350<br>Exempt Value: \$0<br>Taxable Value: \$7,350<br>Tax Estimator |           |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| <b>SALES</b><br><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>06094</td> <td>1507</td> <td>\$14,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/2006</td> <td>06094</td> <td>1506</td> <td>\$7,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>09/2005</td> <td>05967</td> <td>1288</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>07/1986</td> <td>01754</td> <td>0872</td> <td>\$1,500</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01119</td> <td>0199</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision |          |                               |                                |                            | Deed   | Date      | Book  | Page       | Amount     | Vac/Imp    | Qualified          | WARRANTY DEED | 01/2006 | 06094 | 1507   | \$14,000 | Vacant  | Yes | WARRANTY DEED | 01/2006 | 06094 | 1506 | \$7,000 | Vacant | Yes | QUIT CLAIM DEED | 09/2005 | 05967 | 1288 | \$100 | Vacant | No | QUIT CLAIM DEED | 07/1986 | 01754 | 0872 | \$1,500 | Vacant | No | WARRANTY DEED | 01/1977 | 01119 | 0199 | \$100 | Vacant | No | <b>2005 VALUE SUMMARY</b><br>2005 Tax Bill Amount: \$67<br>2005 Taxable Value: \$4,116<br>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS |  |
| Deed   | Date     | Book                          | Page                           | Amount                     | Vac/Imp  | Qualified |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| WARRANTY DEED  | 01/2006  | 06094                         | 1507                           | \$14,000                   | Vacant   | Yes       |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| WARRANTY DEED  | 01/2006  | 06094                         | 1506                           | \$7,000                    | Vacant   | Yes       |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| QUIT CLAIM DEED  | 09/2005  | 05967                         | 1288                           | \$100                      | Vacant   | No        |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| QUIT CLAIM DEED  | 07/1986  | 01754                         | 0872                           | \$1,500                    | Vacant   | No        |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| WARRANTY DEED  | 01/1977  | 01119                         | 0199                           | \$100                      | Vacant   | No        |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| <b>LAND</b><br><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>FRONT FOOT &amp; DEPTH</td> <td>60</td> <td>139</td> <td>.000</td> <td>125.00</td> <td>\$7,350</td> </tr> </tbody> </table>  |          |                               |                                |                            | Land Assess Method   | Frontage  | Depth | Land Units | Unit Price | Land Value | FRONT FOOT & DEPTH | 60            | 139     | .000  | 125.00 | \$7,350  | <b>LEGAL DESCRIPTION</b><br>PLATS: <input type="text" value="Pick..."/><br>LEG LOT 5 THOMAS 2ND ADD TO MIDWAY PB 11 PG 97 |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| Land Assess Method   | Frontage | Depth                         | Land Units                     | Unit Price                 | Land Value   |           |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| FRONT FOOT & DEPTH   | 60       | 139                           | .000                           | 125.00                     | \$7,350  |           |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |
| NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.<br>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.   |          |                               |                                |                            |  |           |       |            |            |            |                    |               |         |       |        |          |   |     |               |         |       |      |         |        |     |                 |         |       |      |       |        |    |                 |         |       |      |         |        |    |               |         |       |      |       |        |    |   |  |

**GoldenRule Housing & CDC  
Jack Court, Lot 5  
Sanford, FL 32771**

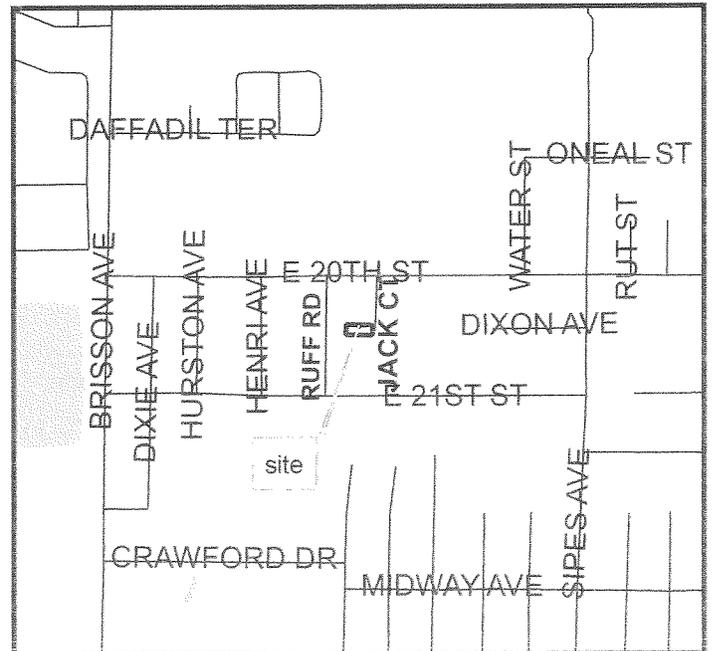


**Seminole County Board of Adjustment**  
**July 24, 2006**  
**Case: BV2006-102**  
**Parcel No: 32-19-31-508-0000-0050**

**Zoning**

|  |            |  |      |
|--|------------|--|------|
|  | BV2006-102 |  | R-AH |
|  | R-2        |  | C-2  |
|  | R-1        |  | PUD  |
|  | A-1        |  |      |

N



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 5 Thomas 2<sup>nd</sup> Addition to Midway PB 11 PG 97

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

**FINDINGS OF FACT**

**Property Owner:** AR Construction & Realty Inc  
1320 Oleander Ave  
Sanford FL 32771

**Project Name:** Jack Court

**Requested Development Approval:**

Request for 1) a lot size variance from 8,400 square feet to 8,340 square feet; 2) width at the building line from 70 feet to 60 feet for a proposed home in 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: Denny Gibbs, Senior 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 lot size and lot width 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 \_\_\_\_\_, 2006.

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

My Commission Expires: