

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

SUBJECT: Request for (1) a lot size variance from 43,560 square feet to 9,581 square feet; (2) a width at the building line variance from 150 feet to 127.75 feet; and (3) a side street setback variance from 50 feet to 10 feet for a proposed home in the A-1 (Agriculture District); (Randall Thevenet, applicant).

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

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

Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

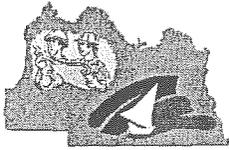
MOTION/RECOMMENDATION:

1. **APPROVE** the request for (1) a lot size variance from 43,560 square feet to 9,581 square feet; (2) a width at the building line variance from 150 feet to 127.75 feet; and (3) a side street setback variance from 50 feet to 10 feet for a proposed home in the A-1 (Agriculture District); or
2. **DENY** the request for (1) a lot size variance from 43,560 square feet to 9,581 square feet; (2) a width at the building line variance from 150 feet to 127.75 feet; and (3) a side street setback variance from 50 feet to 10 feet for a proposed home in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Randall Thevenet
	Owner: Randall Thevenet
	Location: Blossom Road (Lot 22)
	Zoning: A-1 (Agriculture)
	Subdivision: Whealey Acres
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • This property was previously granted a lot size and width at the building variance at the January 20, 1986 Board of Adjustment hearing. (BA86-1-4V) • Since the other variances have already been granted the only variance request being heard tonight is for the

	<p>side street setback request from 50 feet to 10 feet.</p> <ul style="list-style-type: none">• The applicant proposes to construct a single-family home on a platted lot that does not meet the A-1 zoning classifications minimal dimensional requirements. The proposed home will also encroach into the minimal setback requirements.• The building area on the site plan will accommodate a single-family home that will be approximately 2,140 square feet.• There are currently no code enforcement or building violations for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• The lot is a parcel of record in the 1970 tax roll.• The parcel was created prior to the adoption of subdivision regulations which created the process that required the parcels and/or lots to meet the minimum dimensional requirements of the zoning classification.• The size of the subject property is consistent with the surrounding properties and development pattern of the neighborhood.• 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.• Special conditions and circumstances did not result from the actions of the applicant.• 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.• 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.• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would not retain reasonable use of the land, building or structure without the granting of the

	<p>variance.</p> <ul style="list-style-type: none">• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• 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">• Any variance granted shall apply only to the proposed single-family home as depicted on the attached site plan; and• Any additional condition(s) 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 JUN 21 2006 **COPY**

APPL. NO. BV 2006-116

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.

Handwritten mark

APPLICATION TYPE:

VARIANCE Side set back variance from 50' to 10' for new home

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	Randall Thevenet	
ADDRESS	1332 Holly Glen Run Apopka FL 32703	
PHONE 1	407-788-2304	
PHONE 2		
E-MAIL	miceman7@hotmail.com	

PROJECT NAME: _____

SITE ADDRESS: Blossom Road / whealey Acres

CURRENT USE OF PROPERTY: vacant

LEGAL DESCRIPTION: lot 22 + S 1/2 of lot 21 whealey Acres
PB 10 PG 99

SIZE OF PROPERTY: 9600sf acre(s) PARCEL I.D. 31-21-31-505-0000-0220

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 8, 28, 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.

Randall Thevenet 6/26/06
 SIGNATURE OF OWNER OR AGENT* DATE

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

Wooded Vacant Lot

NORTH



private well



<10ft>

<--128ft-->

<--50ft-->

<--30ft-->

driveway

<--75ft-->

Proposed Home
2140sqft

<15ft>

<--50ft-->

ST

septic
drainfield

<48ft>

<10ft>

Wooded Vacant land

<--50ft-->

Blossom Rd. (Right-of-way)

Planted tall bushes

commercial property

http://www.scpa.org/plats_pdf/10-99.pdf - Microsoft Internet Explorer

File Edit Go To Favorites Help

Back Stop Print Search Favorites

Save a Copy Search Select 29% 3700 Create an Adobe PDF from your desktop

10 20

150' 50'

21 127.75'

100' 50'

22 107.75'

30' 20' 20' C.M.

150'

DRIVE

FILED AND RECORDED IN PLAT BOOK 10 PAGE 99 PUBLIC OF SEMINOLE COUNTY, FLORIDA. THIS 19 DAY OF FEB. 19

[Signature]
CLERK OF CIRCUIT SEMINOLE COUNTY, FLORIDA.

85.71 x 84.18 in 1 of 1 Unknown Zone

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>															
<p align="center">GENERAL</p> <p>Parcel Id: 31-21-31-505-0000-0220</p> <p>Owner: CLAMOR BERNARDINO S</p> <p>Mailing Address: 2313 TIMBERLINE DR</p> <p>City,State,ZipCode: MELBOURNE FL 32934</p> <p>Property Address: BLOSSOM RD</p> <p>Subdivision Name: WHEALEY ACRES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>	<p>2006 WORKING VALUE SUMMARY</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): \$22,560</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$22,560</p> <p>Assessed Value (SOH): \$22,560</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$22,560</p> <p>Tax Estimator</p>														
<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>QUIT CLAIM DEED</td> <td>05/2005</td> <td>05737</td> <td>1058</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	QUIT CLAIM DEED	05/2005	05737	1058	\$100	Vacant	No	<p>2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$99</p> <p>2005 Taxable Value: \$6,028</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified									
QUIT CLAIM DEED	05/2005	05737	1058	\$100	Vacant	No									
<p align="center">LAND</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>FRONT FOOT & DEPTH</td> <td>75</td> <td>128</td> <td>.000</td> <td>320.00</td> <td>\$22,560</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	75	128	.000	320.00	\$22,560	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 22 + S 1/2 OF LOT 21 WHEALEY ACRES PB 10 PG 99</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value										
FRONT FOOT & DEPTH	75	128	.000	320.00	\$22,560										
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>															

COUNTY OF SEMINOLE



FLORIDA

LAND MANAGEMENT
ONE (305) 321-1130 EXT 443

COUNTY SERVICES BUILDING
1101 E. 1st STREET
SANFORD, FLORIDA 32771

January 21, 1986

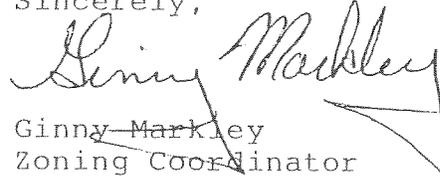
Mr. Bernardino Clamor
2313 Timberline Dr
Melbourne, FL 32935

Dear Mr. Clamor:

At their meeting of January 20, 1986, the Seminole County Board of Adjustment approved your request for a lot size variance from 43,560 sq ft to 8,081.25 sq ft and a lot width variance from 150 ft to 107.75 ft in an A-1 Agriculture zone on the following described property:

S 1/2 of Lot 21 and all of Lot 22, Whealey Acres, PB 10, Pg 99, Section 31-21-31, 660 ft N of SR 426 on the W side of Blossom Dr.

Sincerely,


Ginny Markley
Zoning Coordinator

GM/jes

BA86-1-4V

Variance requested by Randall Thevenet (407) 788-2306 -dated June 28, 2006

Please consider granting of this variance request as it does respond to the criteria stated in the Land Development Code.

(1) The granting of a variance will not be detrimental to the property or improvements in the area in which the property is located.

If granted, the variance would not adversely impact the surrounding area. This particular lot is located on the east side of Whealey Acres and does not contain any homes at this time. Any home built in this neighborhood should increase the overall value of the neighborhood and not be detrimental. Also, it should be noted that these parcels were recorded in 1957 and currently have not been improved.

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property;

The variance request is unique for this area because the platted parcel is considered a corner lot in Whealey Acres and may not be a usable lot based on the current setbacks. The setback for this lot would be 50ft from both sides of Blossom road which would only allow for a 15ft wide strip of land available to build. A variance would allow a reasonable sized home to be built on this lot.

(3) Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

The variance request is unique for this area because the platted parcel is considered a corner lot in Whealey Acres and may not be a usable lot based on the current setbacks. The setback for this lot would be 50ft from both sides of Blossom road which would only allow for a 15ft wide strip of land available to build. A variance would allow a home to be built on this lot.

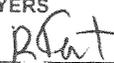
Sincerely,


Randall Thevenet

Settlement Statement

	Paid From Borrower's Funds At Settlement	Paid From Seller's Funds At Settlement
Total Sale Commission 3975.00		
Division of Commission (line 700) As Follows:		
\$3975.00 to (Broker Only Commission \$295.00) / COLDWELL BANKER RESIDENTIAL REAL ESTATE		
Commission Selling		
Commission paid at settlement		\$3,975.00
Items Payable In Connection With Loan		
Loan Origination Fee		
Loan Discount		
Appraisal Fee		
Credit Report		
Lender Inspection Fee		
Items Required By Lender To Be Paid In Advance		
Interest		
Mortgage Insurance Premium		
Hazard Ins. Premium		
0. Reserves Deposited With Lender		
01. Hazard Ins. Reserve		
02. Mortgage Ins. Reserve		
03. City Property Taxes		
04. County Property Taxes		
00. Aggregate Accounting Adjustment		
Charges		
01. Settlement/Closing fee to SUNBELT TITLE AGENCY	\$125.00	\$125.00
02. Abstract or Title Search to SUNBELT TITLE AGENCY		\$60.00
03. Title examination to SUNBELT TITLE AGENCY		\$100.00
04. Title Insurance Binder		
05. Document preparation		
06. Notary fee		
07. Attorney Fee		
08. Title Ins. Total to SUNBELT TITLE AGENCY		\$264.00
09. Lender's Coverage \$		
10. Owner's Coverage \$46000.00 (PR \$264.50)		
18. Shipping and Handling Fee \$45 Each Shipment to SUNBELT TITLE AGENCY		\$45.00
19. Wire Transfer and Handling Fee \$25 1st / \$10 Additional to SUNBELT TITLE AGENCY	\$25.00	
47. \$25 Certified Check Service Fee to SUNBELT TITLE AGENCY		\$25.00
00. Government Recording And Transfer Charges		
01. Recording Fees for Deed 18.50; Recording Fees for Mortgage	\$18.50	
03. Deed Doc Stamps 322.00		\$322.00
00. Additional Settlement Charges		
05. 2005 Property Taxes to RAY VALDES, TAX COLLECTOR		\$120.00
00. Total Settlement Charges	\$168.50	\$5,037.21

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BUYERS


 THEVENET

SELLERS

 BERNARDINO S. CLAMOR

I, _____, Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent


 chelle J Shaffer

Date
 06/23/2006

Type of Loan			
<input type="checkbox"/> FHA	<input type="checkbox"/> FmHA	<input type="checkbox"/> Conv. Unins.	6. File Number: 151060160-MS
<input type="checkbox"/> VA	<input type="checkbox"/> Conv. Ins.		7. Loan Number:
			8. Mortgage Insurance Case Number:

NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside of the closing; they are shown here for informational purposes and are not included in the totals.

Name and Address of Borrower DALL THEVENET 2 HOLLY GLEN RUN OPKA, FL 32703	E. Name and Address of Seller BERNARDINO S. CLAMOR 2313 TIMBERLINE DRIVE MELBOURNE, FL 32934	F. Name and Address of Lender
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Property Location C BLOSSOM ROAD, EDO, FL 32765 COUNTY: SEMINOLE RCEL ID: 31-21-31-505-0000-0220	H. Settlement Agent SUNBELT TITLE AGENCY Place of Settlement 561 E. MITCHELL HAMMOCK RD, SUITE 200, OVIEDO, FL 32765	I. Settlement Date 06/23/2006 Disbursement Date 06/23/2006
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SUMMARY OF BORROWER'S TRANSACTIONS		K. SUMMARY OF SELLER'S TRANSACTIONS	
1. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
1. Contract Sales Price	\$46,000.00	401. Contract Sales Price	\$46,000.00
2. Personal Property		402. Personal Property	
3. Settlement Charges to Borrower	\$168.50	403.	
4. Additional Escrow Deposit due to Bank Clearance due to SUNBELT TITLE AGENCY	\$500.00	410.	
Adjustments For Items Paid By Seller in Advance		Adjustments For Items Paid By Seller in Advance	
3. City/Town Taxes		413. City/Town Taxes	
4. County Taxes		414. County Taxes	
8. Assessments		418. Assessments	
9.		419.	
10. Gross Amount Due From Borrower		420. Gross Amount Due To Seller	
	\$46,668.50		\$46,000.00
11. Amounts Paid By Or In Behalf Of Borrower		500. Reductions in Amount Due To Seller	
11. Deposit or Earnest Money	\$500.00	501. Excess Deposits	
12. Principal		502. Settlement Charges to Seller	\$5,037.21
13. Existing Loan(s) Taken Subject to		503. Existing Loan(s) Taken Subject to	
Adjustments For Items Unpaid By Seller		Adjustments For Items Unpaid By Seller	
10.		510.	
11.		511.	
12.		512.	
13. City/Town Taxes		513. City/Town Taxes	
14. County Taxes (Unpaid) 98.76/yr 1/1/2006 to 2/23/2006	\$46.81	514. County Taxes (Unpaid) 98.76/yr 1/1/2006 to 6/23/2006	\$46.81
18. Assessments		518. Assessments	
19.		519.	
20. Buyer's Total Credits		520. Seller's Total Charges	
	\$546.81		\$5,084.02
21. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
21. Gross Amount Due From Borrower (line 120)	\$46,668.50	601. Gross Amount Due To Seller (line 420)	\$46,000.00
22. Less Amounts Paid By/For Borrower (line 220)	\$546.81	602. Less Deductions in Amt. Due To Seller (line 520)	\$5,084.02
23. Cash [X] From [] To Borrower		603. Cash [X] To [] From Seller	
	\$46,121.69		\$40,915.98

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 + S ½ OF LOT 21 WHEALEY ACRES PB 10 PG 99

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

FINDINGS OF FACT

Property Owner: Randall Thevenet
1332 Holly Glenn Run
Apopka, Fl 32703

Project Name: Blossom Road (Lot 22)

Requested Development Approval:

Request for a side street setback variance from 50 feet to 10 feet for a proposed home 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: 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 single-family 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: