

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

**SUBJECT:** Request for a side street (north) setback variance from 50 feet to 20 feet for a proposed garage in the A-1 (Agriculture District); Nicholas & Helen Abatsas, applicants.

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Austin Watkins      **EXT.** 7357

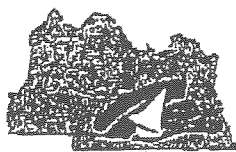
**Agenda Date** 8/28/2006   **Regular**    **Consent**    **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a side street (north) setback variance from 50 feet to 20 feet for a proposed garage in the A-1 (Agriculture District); or
2. **DENY** the request for a side street (north) setback variance from 50 feet to 20 feet for a proposed garage in the A-1 (Agriculture); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Nicholas &amp; Helen Abatsas          Owner: Nicholas &amp; Helen Abatsas          Location: 1226 Sunshine Tree Blvd          Zoning: A-1 (Agriculture District)          Subdivision: Mandarin Section One</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The above-referenced property is a corner lot and the required front setback for both street sides is 50 feet.</li> <li>• The applicant proposes to encroach 30 feet into the required 50 foot side street setback for a proposed garage.</li> <li>• The applicant proposes to construct a 40 foot x 48 foot (approximately 1,920 square foot) garage to the north of the existing single-family home. The applicant also proposes to construct an 8 foot x 43 foot covered walkway to connect the garage and single-family home.</li> <li>• There are currently no code enforcement or building</li> </ul>

	<p>violations for this property.</p> <ul style="list-style-type: none"><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No 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 result from the actions of the applicant.</li><li>• The granting of the variance requested would 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 not 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. <i>The applicant could relocate the proposed garage without encroaching on the required setbacks.</i></li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. 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 garage 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

APPL. NO. BV 2006-124

### 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** Side Street set Back Variance from 50ft to 20ft For a 40 x 48 ft attached garage
- SPECIAL EXCEPTION**
- LIMITED USE**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME:	Nicholas & Helen Abatsas	
ADDRESS:	1226 Sunshine tree Blvd Longwood, Fl. 32779	
PHONE:	407-774-0360	
FAX:	407-872-7979	
E-MAIL:	Nabatsas@CFI.LR.com	

PROJECT NAME: Garage Abatsas  
 SITE ADDRESS: 1226 Sunshine tree Blvd Longwood Fl. 32779  
 CURRENT USE OF PROPERTY: single family residence  
 LEGAL DESCRIPTION: Lot 35 section 1 Mandarin P.B. 20, Page 42  
 SIZE OF PROPERTY: 2 acre(s) PARCEL I.D. 26-2029-503-0000-35  
 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.

Helen Abatsas 7/6/06  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 1
VARIANCE 2
VARIANCE 3
VARIANCE 4
VARIANCE 5
VARIANCE 6
VARIANCE 7

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE	
PHONE 2	
EMAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_

APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING FEE(S) \$150.00	COMMISSION DISTRICT	FLUT ZONING SE / A / I
BCC HEARING DATE	(FOR APPEAL)	
LOCATION FURTHER DESCRIBED AS		
PLANNING ADVISOR	DATE	
SUFFICIENCY COMMENTS		

# PLAT OF SURVEY

LOT 35, MANDARIN SECTION ONE, ACCORDING TO THE PLAT THEREOF,  
 AS RECORDED IN PLAT BOOK 20, PAGE 42, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

## DIXON ROAD

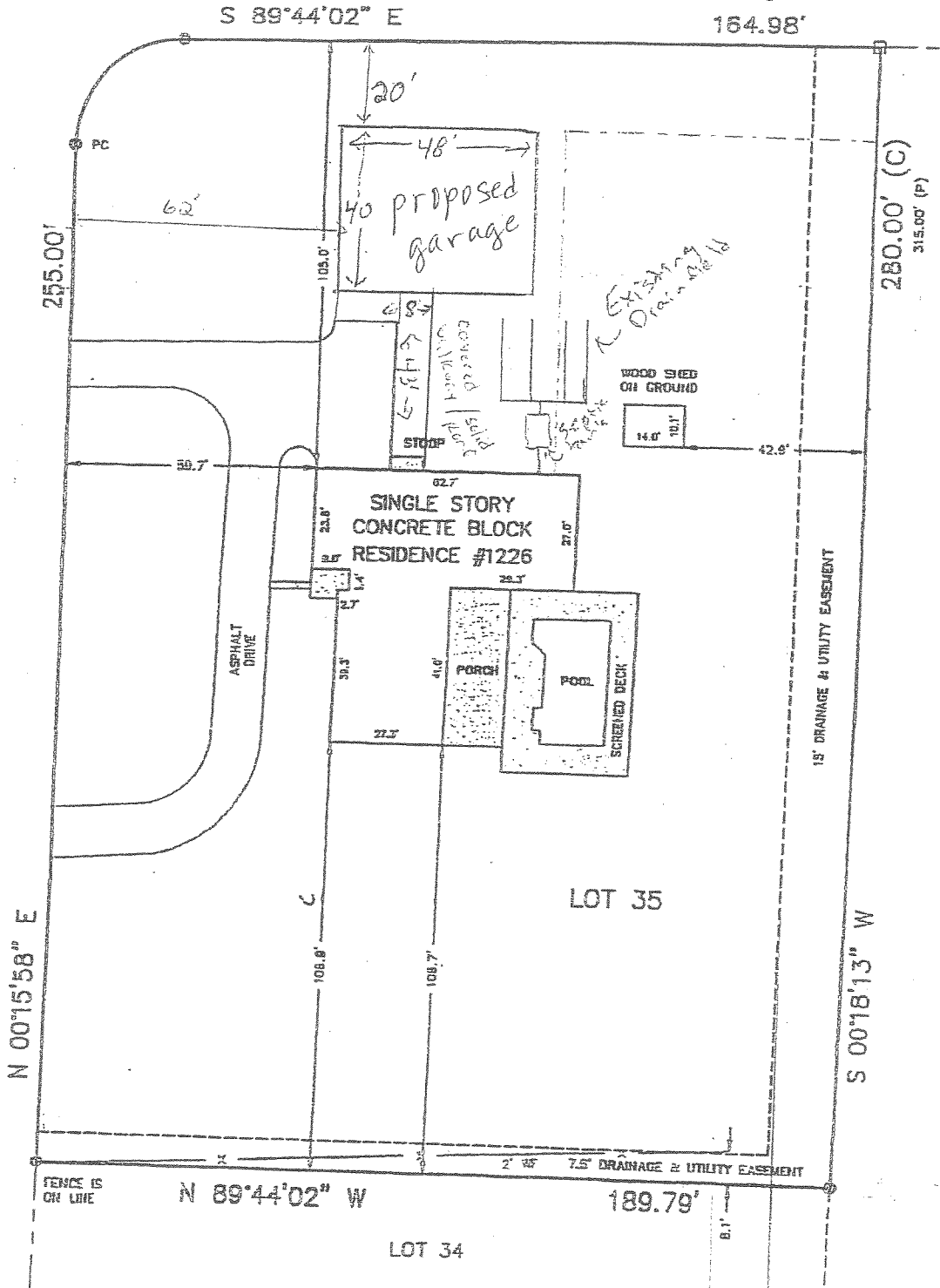
ASPHALT ROADWAY

*Tracts are shown as they exist. The ground is shown as is.*

## SUNSHINE TREE BOULEVARD

80' PLATTED RIGHT-OF-WAY

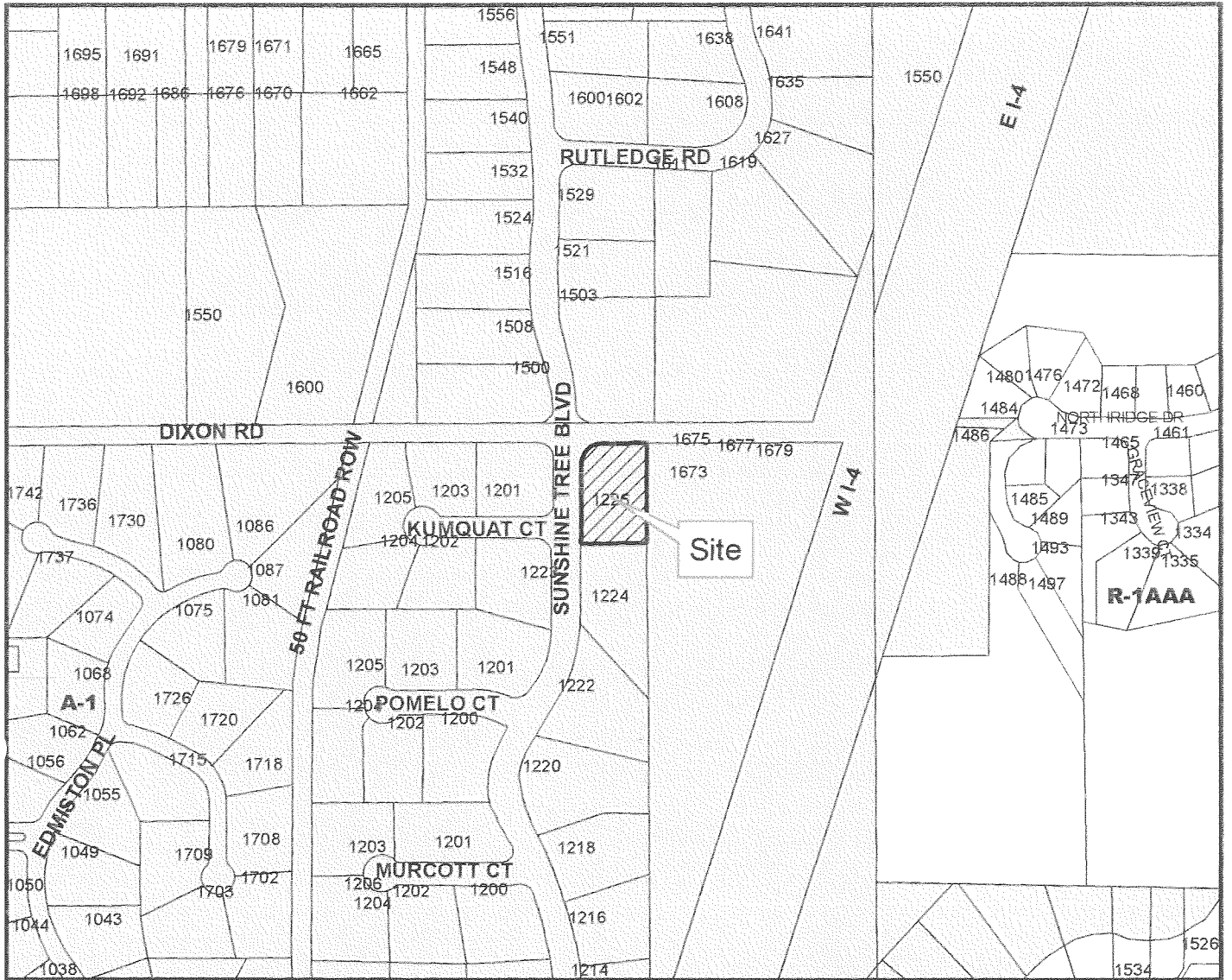
ASPHALT ROADWAY



1" = 40 Ft.




<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL                  1101 E. FIRST ST                  SANFORD, FL 32771-1468                  407-865-7508</p>																																																													
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 26-20-29-503-0000-0350                  Owner: ABATSAS NICHOLAS &amp; HELEN                  Mailing Address: 1226 SUNSHINE TREE BLVD                  City,State,ZipCode: LONGWOOD FL 32779                  Property Address: 1226 SUNSHINE TREE BLVD LONGWOOD 32779                  Subdivision Name: MANDARIN SEC 1                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>	<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$232,655                  Depreciated EXFT Value: \$8,546                  Land Value (Market): \$60,000                  Land Value Ag: \$0                  Just/Market Value: \$301,201                  Assessed Value (SOH): \$163,504                  Exempt Value: \$25,000                  Taxable Value: \$138,504                  Tax Estimator</p>																																																												
<p align="center"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>09/2004</td> <td>05498</td> <td>0370</td> <td>\$109,300</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>09/2000</td> <td>03938</td> <td>1594</td> <td>\$102,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1998</td> <td>03357</td> <td>0754</td> <td>\$80,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1998</td> <td>03357</td> <td>0753</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>06/1997</td> <td>03315</td> <td>1040</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/1990</td> <td>02220</td> <td>1179</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1979</td> <td>01230</td> <td>1136</td> <td>\$84,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	09/2004	05498	0370	\$109,300	Improved	No	QUIT CLAIM DEED	09/2000	03938	1594	\$102,000	Improved	No	WARRANTY DEED	01/1998	03357	0754	\$80,000	Improved	No	WARRANTY DEED	01/1998	03357	0753	\$100	Improved	No	QUIT CLAIM DEED	06/1997	03315	1040	\$100	Improved	No	QUIT CLAIM DEED	08/1990	02220	1179	\$100	Improved	No	WARRANTY DEED	06/1979	01230	1136	\$84,000	Improved	Yes	<p><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$3,470                  2005 Tax Bill Amount: \$2,192                  Save Our Homes (SOH) Savings: \$1,278                  2005 Taxable Value: \$133,742                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>				
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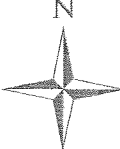
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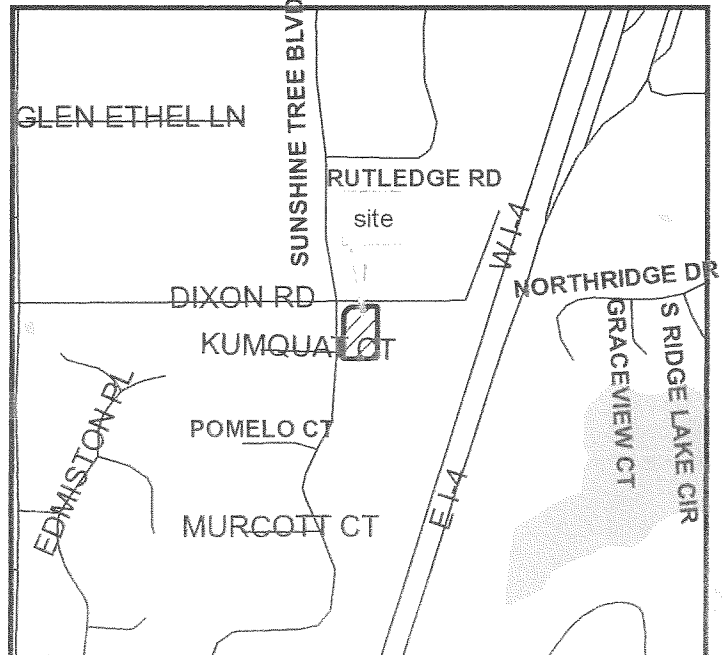


**Seminole County Board of Adjustment**  
**August 28, 2006**  
**Case: BV2006-124**  
**Parcel No: 26-20-29-503-0000-0350**

**Zoning**

-  BV2006-124
-  A-1
-  R-1AAA

N  




## 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 35 MANDARIN SEC 1 PB 20 PGS 42 & 43

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

### FINDINGS OF FACT

**Property Owner:** Nicholas & Helen Abatsas  
1226 Sunshine Tree Boulevard  
Longwood, FL 32779

**Project Name:** Sunshine Tree Boulevard (1226)

**Requested Development Approval:**

Request for a side street (north) setback variance from 50 feet to 20 feet for a proposed garage 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: Austin Watkins, Intern  
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 garage 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: