

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

SUBJECT: Request for a width at the building line from 90 feet 73.75 feet for a proposed home in the R-1AA (Single Family Dwelling District); (William Hasson, applicant).

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

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

Agenda Date 10/30/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a width at the building line from 90 feet 73.75 feet for a proposed home in the R-1AA (Single Family Dwelling District); (William Hasson, applicant); or
2. **DENY** the request for a width at the building line from 90 feet 73.75 feet for a proposed home in the R-1AA (Single Family Dwelling District); (William Hasson, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: William Hasson Location: 418 Lake Boulevard Zoning: R-1AA Subdivision: Loch Arbor Fairlane
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family home on a platted lot which does not meet the required 90 foot width at the building line. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • Special conditions or circumstances exist, which are peculiar to the land, structure, or building involved

	<p>and which are not applicable to other lands, structures or building in the same zoning district. <i>Special conditions exist because the lot was platted in 1955 prior to the adoption of the Land Development Code in 1960.</i></p> <ul style="list-style-type: none">• <i>Special conditions and circumstances did not result from the actions of the applicant. The applicant owns lot 17 & 18 but these lots have been under separate ownership in the past and separate legal descriptions. Therefore, when the existing single family home was constructed on the adjacent lot (lot 18) in 1956, lot 17 was under separate tax identification number.</i>• <i>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 majority of the platted lots in the surrounding area do not meet the 90 foot width at the building line requirement of zoning district.</i>• <i>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. Other platted lots in the Loch Arbor Fairlane plat have been developed. These lots are smaller than the requested variance of 73.75 width at the building line. There are platted lots in which the homes were constructed on two lots. These homes are in the middle of the two platted lots unlike the applicant's property where the home is on the separate platted lot..</i>• <i>The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. The platted lot meets the minimum lot size requirement of the district and there are no yard setback variances requested in order to construct a single family home.</i>• <i>The applicant would not retain reasonable use of the land, building or structure without the granting of the variance. The platted lot could not be developed unless there was a variance granted for the width at the building line.</i>• <i>The grant of the variance would be in harmony with the general intent of Chapter 30. The requested variance is in harmony with the other regulations contained in Chapter 30.</i>
--	---

STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends approval of the request, based upon the following conditions:<ul style="list-style-type: none">• Any variance granted shall apply only to the platted lot 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.
---------------------------------	--

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU2006-157
Meeting Date 10-30-06



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: WILLIAM S. HASSON
Address: 119 MARY AVENUE City: NEW SMYRNA Zip code: 32168
Project Address: 418 LAKE BLVD City: SANFORD FL Zip code: 32723
Contact number(s): 407-462-7992
Email address: LAWHAJB2@YAHOO.COM

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built	

RECEIVED
AUG 29 2006
SEMINOLE COUNTY PLANNING

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>90</u>	Actual lot width:	<u>73.75</u>
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
[/] Total number of variances requested _____				

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: William S. Hasson

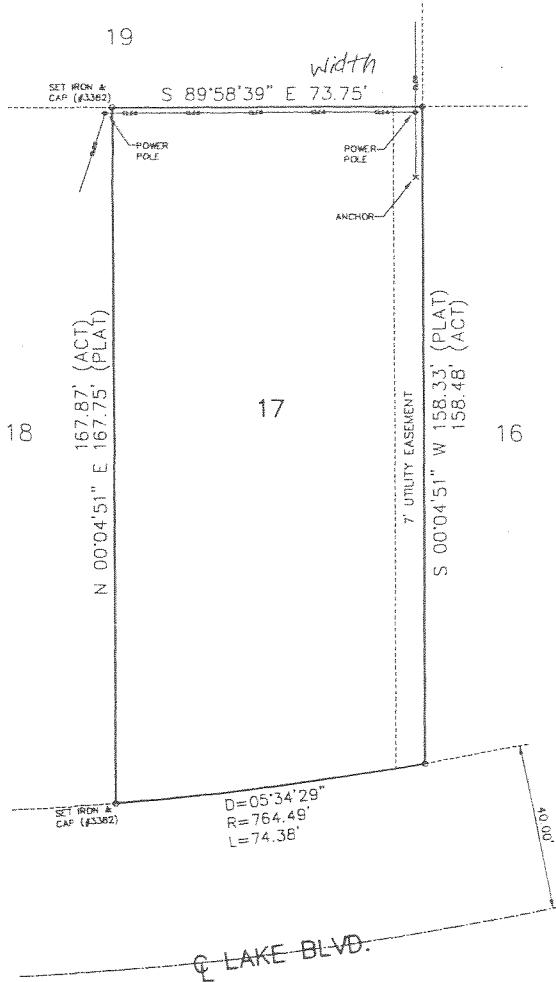
FOR OFFICE USE ONLY

Date Submitted: 8-29-06 Reviewed By: _____
Tax parcel number: 03-20-30-504-0000-0170 Zoning/FLU R-1AA / LOR

- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

Notes: _____


PLAT OF BOUNDARY SURVEY
 for
 WILLIAM HASSON
 Legal Description
 LOT 17, LOCH ARBOR FAIRLANE SECTION, according to the Plat thereof as recorded in Plat Book 9,
 Page 100, of the Public Records of Seminole County, Florida.



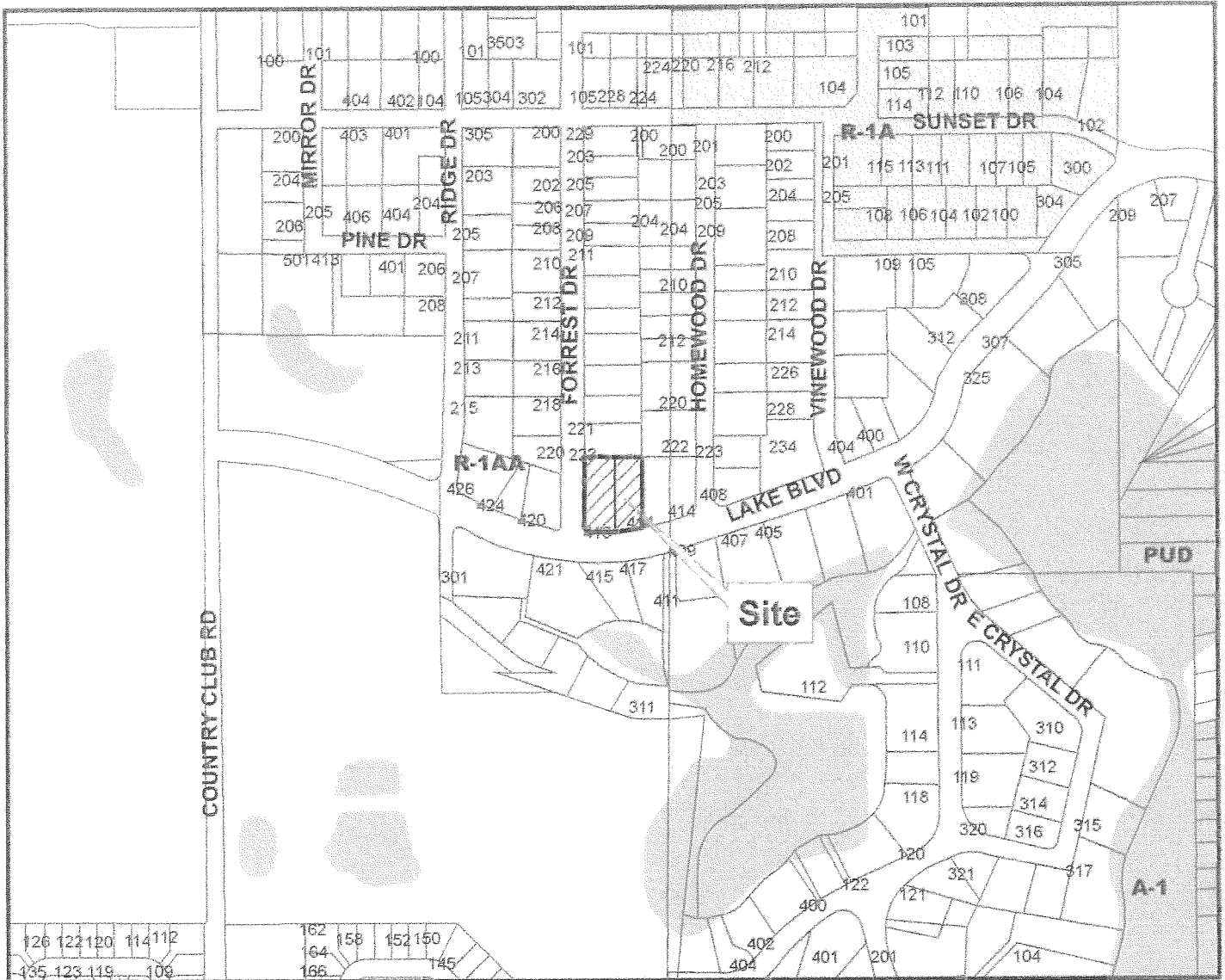
SCALE: 1"=30'

- SURVEY NOTES:
- 1) The street address of the above-described property is LAKE BOULEVARD.
 - 2) The above-described property lies in a Flood Zone X.

SURVEYOR'S CERTIFICATE
 This is to certify that I have made a Survey of the above described property and that the plat hereon delineated is an accurate representation of the same. I further certify that this Survey meets the Minimum Technical Standards set forth by the Florida Board of Land Surveyors pursuant to Section 427.027 of the Florida Statutes.




REVISIONS:	 KIPNER SURVEYING, INC. R. BLAIR KITNER - P.L.S. NO. 3382 Post Office Box 823, Sanford, FL 32772-0823 (407) 322-2000	CERTIFIED CORRECT TO:
PROJECT NO: 06-404(B)	SURVEY DATE: 18 AUGUST 2006	

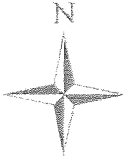
William Hasson
 418 Lake Blvd
 Sanford, FL 32773

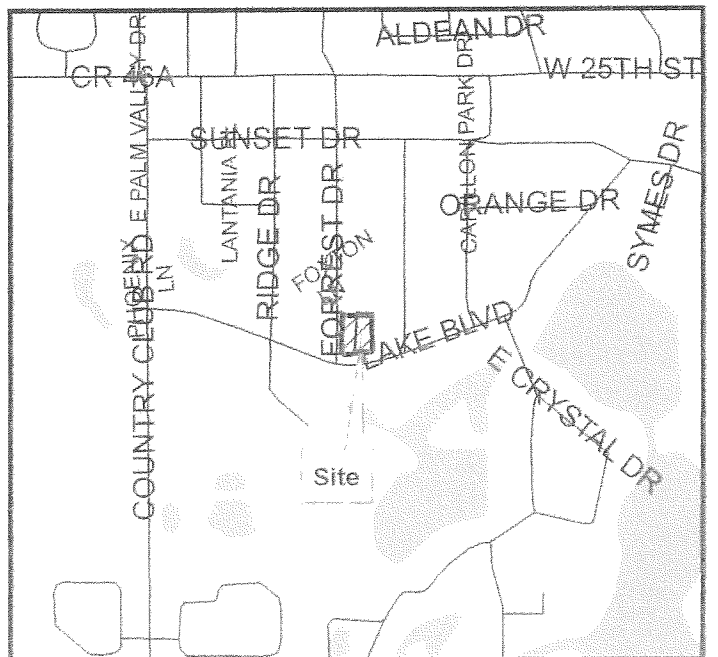


Seminole County Board of Adjustment
October 30, 2006
Case: BV2006-157
Parcel No: 03-20-30-504-0000-0170

Zoning

-  BV2006-157
-  R-1AA
-  R-1A

N




LOCH ARBOR FAIRLINE SECTION SEMINOLE COUNTY, FLA.

DESCRIPTION

A replat of Lots 57 thru 83 of Loch Arbor, Crystal Lake Club Section, according to Plat thereof recorded in Plat Book _____, Pages _____, of the Public Records of Seminole County, Florida; also Lots 2 thru 17, Block 9, Loch Arbor, Country Club Entrance Section, according to Plat thereof recorded in Plat Book _____, Pages _____, of the Public Records of Seminole County, Florida.

DEDICATION

Know all men by these presents that Charles E. Bloom and Helen F. Bloom, his wife; and Simon Gluck and Janice Gluck, his wife; as Owners have caused the land embraced in the annexed plat to be surveyed, laid out, and platted to be known as Loch Arbor, Fairlane Section and the streets as shown are hereby dedicated to the use of the Public.

Signed and sealed in the presence of:

R.W. Williams
Witness

Joseph Mahoney
Witness
Kasua Rubin
Witness

Charles E. Bloom
Charles E. Bloom

Helen F. Bloom
Helen F. Bloom

Simon Gluck
Simon Gluck

Janice Gluck
Janice Gluck

ACKNOWLEDGEMENT

State of New Jersey
County of Essex

On this day personally appeared before me, an Officer duly authorized to administer oaths and take Acknowledgements, Helen F. Bloom, wife of Charles E. Bloom, Simon Gluck and Janice Gluck, his wife, to me well known to be the persons who executed the foregoing dedication and who Acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal in East Orange, New Jersey, this 29 day of April, 1955.

Kasua Rubin
Notary Public

My Commission Expires: June 5, 1956

ACKNOWLEDGEMENT

State of Florida
County of Seminole

On this day personally appeared before me, an Officer duly authorized to administer oaths and take Acknowledgements, Charles E. Bloom, to me well known to be a person who executed the foregoing dedication, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal at Sanford, Florida, this 2nd day of May, 1955.

R.W. Williams
Notary Public

My commission expires: Nov 17 1958

SURVEYOR'S CERTIFICATE

This is to Certify that the Undersigned, being a registered land Surveyor, has surveyed, laid out, and platted the above described property, and the plat hereon delineated is a true and correct representation of the same. Permanent reference monuments have been planted at all points marked thus: Survey completed 27 Apr 55.

A.C. Doolney
A.C. Doolney, Reg. Land Surveyor No. 873

COUNTY APPROVAL

This Plat was approved by the Board of County Commissioners of Seminole County, Florida, at a meeting held in Sanford, Florida, this _____ day of May, A.D. 1955.

Clerk of Board

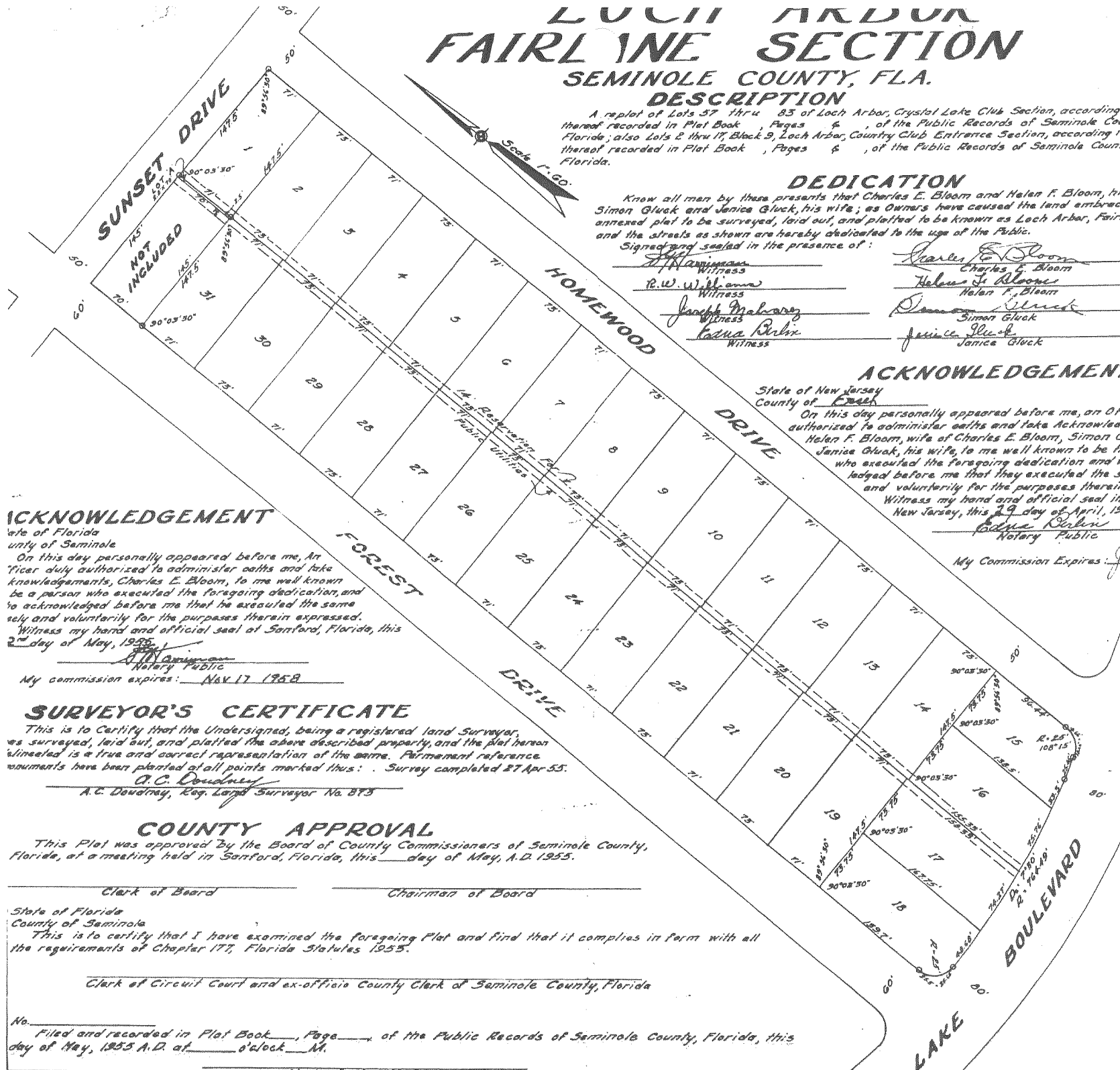
Chairman of Board

State of Florida
County of Seminole

This is to certify that I have examined the foregoing Plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes 1955.

Clerk of Circuit Court and ex-officio County Clerk of Seminole County, Florida

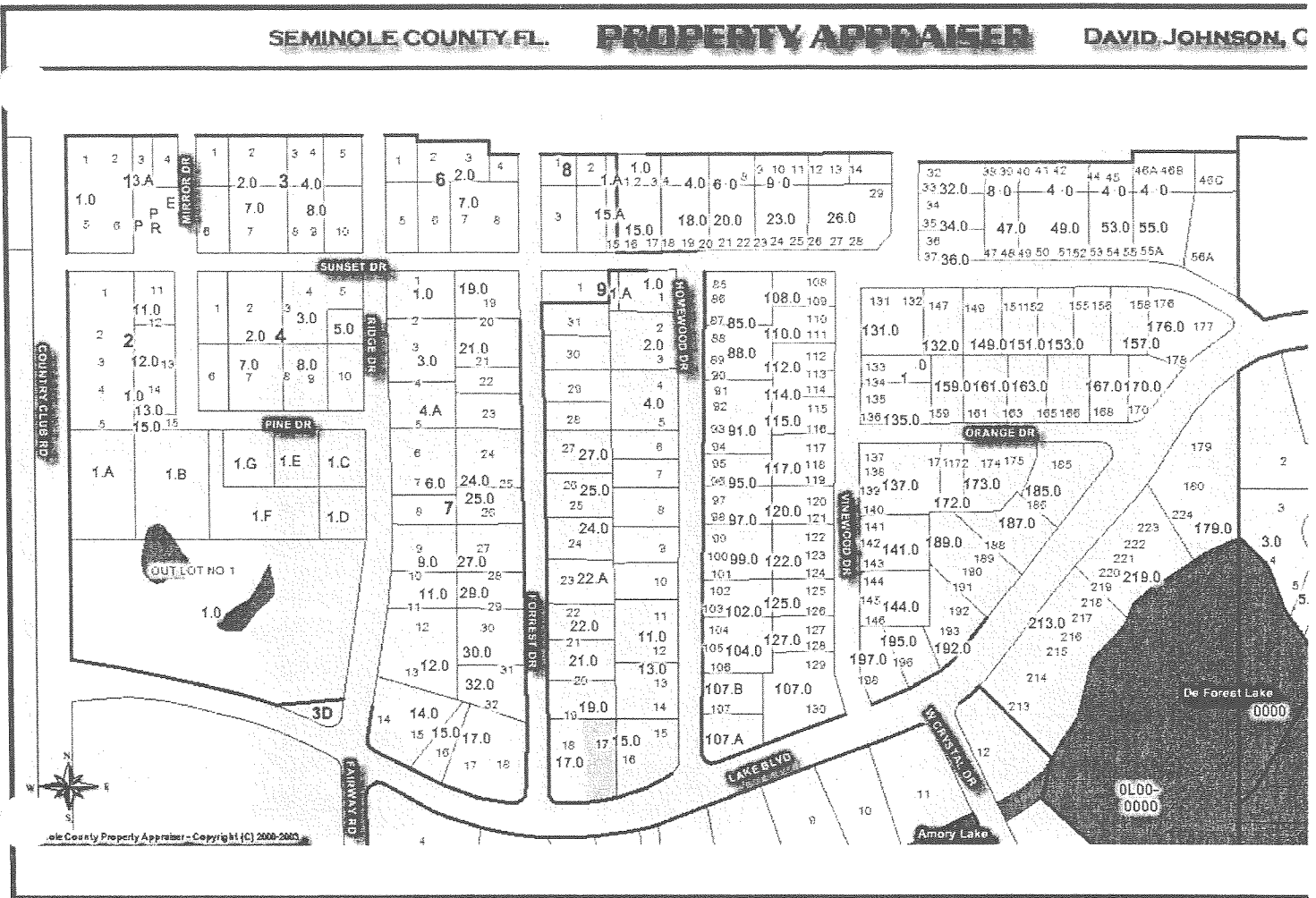
No. _____ Filed and recorded in Plat Book _____, Page _____ of the Public Records of Seminole County, Florida, this _____ day of May, 1955 A.D. at _____ o'clock _____ M.



SEMINOLE COUNTY, FL.

PROPERTY APPRAISER

DAVID JOHNSON, C



Seminole County Property Appraiser - Copyright (C) 2000-2005

<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 03-20-30-504-0000-0170 Owner: HASSON WILLIAM S Mailing Address: 119 MARY AVE City,State,ZipCode: NEW SMYRNA BEACH FL 32168 Property Address: 418 LAKE BLVD SANFORD 32773 Subdivision Name: LOCH ARBOR FAIRLANE SEC Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$78,271 Depreciated EXFT Value: \$0 Land Value (Market): \$24,605 Land Value Ag: \$0 Just/Market Value: \$102,876 Assessed Value (SOH): \$47,881 Exempt Value: \$25,000 Taxable Value: \$22,881</p> <p style="text-align: center;">Tax Estimator</p> <p>2006 Notice of Proposed Property Tax</p>														
<p style="text-align: center;">SALES</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>ADMINISTRATIVE DEED</td> <td>03/1986</td> <td>01717</td> <td>1149</td> <td>\$47,700</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	ADMINISTRATIVE DEED	03/1986	01717	1149	\$47,700	Vacant	Yes	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$724 2005 Tax Bill Amount: \$352 Save Our Homes (SOH) Savings: \$372 2005 Taxable Value: \$21,486</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified										
ADMINISTRATIVE DEED	03/1986	01717	1149	\$47,700	Vacant	Yes										
<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>73</td> <td>163</td> <td>.000</td> <td>315.00</td> <td>\$24,605</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	73	163	.000	315.00	\$24,605	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOTS 17 & 18 LOCH ARBOR FAIRLANE SEC PB 9 PG 100</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value											
FRONT FOOT & DEPTH	73	163	.000	315.00	\$24,605											
BUILDING INFORMATION																
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New							
1	SINGLE FAMILY	1956	3	1,000	1,518	1,000	CONC BLOCK	\$78,271	\$111,816							
	Appendage / Sqft		OPEN PORCH UNFINISHED / 16													
	Appendage / Sqft		SCREEN PORCH UNFINISHED / 140													
	Appendage / Sqft		CARPORT UNFINISHED / 252													
	Appendage / Sqft		UTILITY UNFINISHED / 60													
	Appendage / Sqft		OPEN PORCH UNFINISHED / 50													
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <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>																

Lake Blvd (418)
 Platted in 1955
 House built in 1956
 Parcels were separate parcels in 1971 tax roll and properties put together on tax rolls when sold together in 1986.

What was the first zoning on this property? R1AA required 10,000 Sq. ft. and 85' width.
 R1AA changed to 11,700 sq. ft. and 90' width.
 The lot meets the lot area: approx 12,000 sq. ft. according to the plat.
 The lot was always non-conforming for width.

http://www.seminolecountyfl.gov/planning/pdf/taxroll/T20R30.pdf - Microsoft Internet Explorer

Address: http://www.seminolecountyfl.gov/planning/pdf/taxroll/T20R30.pdf

MURIEL D BOX 45 SANFORD FLA	03 20 30 504 0000 0160 LOT 16 LOCH ARBOR FAIRLANE SEC PB 9 PG 100	65	HEX W/D WEX NEX TOT
JULIAN GERTRUDE # P O BOX 556 SANFORD FLA	03 20 30 504 0000 0170 LOT 17 LOCH ARBOR FAIRLANE SEC PB 9 PG 100		HEX W/D WEX NEX TOT
JULIAN GERTRUDE F P O BOX 556 SANFORD FLA	03 20 30 504 0000 0180 LOT 18 LOCH ARBOR FAIRLANE SEC PB 9 PG 100	65	HEX W/D WEX NEX TOT

http://officialrecords.seminoleclerk.org/NV_Records/details.asp?doc_id=275700&file_num=1986-276 - Microsoft Internet ...

Address: http://officialrecords.seminoleclerk.org/NV_Records/details.asp?doc_id=275700&file_num=1986-276558&doc_status=V

Document Detail

Type: D

File Number: 1986-276558

Date/Time: 3/14/86 16:14:00

Book Type: 0

Book/Page: 1717/1149

Pages: 2

Consideration: \$0.00

Legal 1: L17 & 18 LOCH ARBOR

Legal 2: FAIRLANE SEC

Grantors: JULIAN, NED N JR PER REP

PERSONAL REPRESENTATIVE'S DEED

THIS DEED made and entered into this 14th day of March, A.D. 1986, and between NED N. JR., the duly constituted and appointed Personal Representative of the Estate of GERTRUDE F. JULIAN, deceased, late of Seminole County, Florida, and WILLIAM S. HANSON, a single man, whose address is Post Office Box 139, Sanford, Florida, of the County of Seminole and State of Florida, as party of the first part,

WITNESSETH:

GERTRUDE F. JULIAN, of Seminole County, Florida, died intestate on December 27, 1985. She is survived by her husband, NED N. JR., who has been duly appointed and qualified as Personal Representative of the Estate of GERTRUDE F. JULIAN, since Letters of Administration having been issued to him December 30, 1985, and that said Letters are in force and effect, and

WITNESSES on March 11, 1986, upon Petition of the first part, the Honorable DONALD J. SHULTZ, Circuit Judge, in and for Seminole County, Florida, did grant title to the party of the first part to sell the property after described at private sale to the party of the second part for the sum of \$17,750.00.

NOW, THEREFORE, in consideration of the foregoing in further consideration of the sum of \$17,750.00 money paid at and before the signing and delivery of this receipt of which is hereby acknowledged, the party of the first part has sold and does hereby sell and convey to the party of the second part, the heirs and assigns, the in and above described property, situated in the County of Seminole and State of Florida, to-wit:

Lot 17 and 18, LOCH ARBOR, FAIRLANE SECTION, Seminole Co. Florida, according to the Plat thereof as recorded in Plat Page 100 of the Public Records of Seminole County, Florida. This is not homestead property.

1717 1149
SEMINOLE CO. FL.

Applet NvApplet started

Internet

Start | Inbo... | MTE... | C.WIND... | P004450... | 4:11 PM
 P004450... | Seminole... | http://ww... | http://of... | Wednesday

http://www.seminolecountyfl.gov/pd/planning/pdf/complan/complan_flu.pdf - Microsoft Internet Explorer

File Edit Go To Favorites Help

Address http://www.seminolecountyfl.gov/pd/planning/pdf/complan/complan_flu.pdf

Save a Copy Search Select 78%

Vision 2020 Comprehensive Plan Seminole County, Florida

OBJECTIVE FLU 3: REDUCTION OF NONCONFORMING USES AND ANTIQUATED PLATS

The County shall reduce uses that are inconsistent with community character, future land uses and service and facility plans through a systematic program to reduce nonconforming uses, eliminate nonconforming zonings and resolve issues related to antiquated plats.

Policy FLU 3.1 Nonconforming Uses, Nonconforming Zonings and Conflicting Zonings
The County shall reduce nonconforming uses and zonings and eliminate conflicting zonings by means of procedures set forth in the Implementation Element of this Plan.

Policy FLU 3.2 Antiquated Plats
The County shall continue to resolve land use compatibility, environmental and infrastructure issues related to antiquated plats by way of, but not limited to, the following techniques:

- A Requiring the combining of lots; and
- B Allowing for replating and vacating and abandonment procedures.

21 of 95

Downloaded (0 B) Unknown Zone

Start Inbox - Microsoft... Lake Dr variance... 1871 Tex Roll - P... 8:38 AM

Seminole County... Comprehensive... http://www.sem... Thursday

http://www.scpaff.org/plats_pdf/9-100.pdf - Microsoft Internet Explorer

File Edit Go To Favorites Help

Address http://www.scpaff.org/plats_pdf/9-100.pdf

Save a Copy Search Select 12.5%

PLATE
Survey completed 27 Apr 55.

No. 873

APPROVAL
of County Commissioners of Seminole County, Florida, this day of May, A.D. 1955.

Chairman of Board

of the foregoing Plat and find that it complies in form with all Statutes 1955.

This County Clerk of Seminole County, Florida

Page of the Public Records of Seminole County, Florida, this

86.93 x 79.44 in 1 of 1

Done Unknown Zone

Start Inbox - Microsoft... Lake Dr variance... Land Developme... 8:54 AM

Seminole County... http://www.munic... http://www.scp...

PLAT ADOPTED IN 1955

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 31, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lots 17 Loch Arbor Fairlane Sec PB 9 PG 100

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

FINDINGS OF FACT

Property Owner: William Hasson
119 Mary Avenue
New Smyrna Beach, Fl. 32168

Project Name: Lake Blvd (Lot 17)

Requested Development Approval:

Request for a width at the building line from 90 feet to 73.75 feet for a proposed single family home in R-1AA (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: Kathy Fall, Principal 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:

The variance granted will apply only to the lot 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: _____
April Boswell, AICP
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: