

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a lot size variance from 8400 square feet to 6650 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); (Kenneth Harrast, Applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Rufus Brown **EXT.** 7357

Agenda Date 12/04/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a lot size variance from 8400 square feet to 6650 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); or
2. **DENY** the request for a lot size variance from 8400 square feet to 6650 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Kenneth Harrast Owner: Samuel H. Pinder Jr Location: Nancy Drive, Oviedo, FL Zoning: R-1 (Single Family Dwelling District) Subdivision: Mineral Spring Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family home on a vacant platted lot that does not meet the R-1 zoning classifications minimal lot size. • The lot was platted in 1946 as the Mineral Spring Park in Oviedo, and the dimensions of the lot are 70' x 100'. • The applicant proposes to construct an approximate 1,050 square foot, one story single family home along with an approximate 198 square foot detached accessory.

	<ul style="list-style-type: none"> • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
<p>STAFF FINDINGS</p>	<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"> • The lot is a parcel of record as of 1946 known as Mineral Spring Park. • 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. Mineral Spring Park platted lots have been developed into single family lots without the requirement of combinations therefore the request would not be inconsistent with the community character. • 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 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 not 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 variance. • The grant of the variance would be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none"> • Based on the stated findings, staff recommends approval 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">• Any variance granted shall apply only to the 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.
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Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV 2006-180
Meeting Date 12-4-06

COPY



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION 2-06P
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: Kenneth Harrold
Address: 1005 Carrie Court SW City: Jacksonville AL Zip code: 36265
Project Address: Nancy drive lot 8 City: Oviedo Zip code: 32765
Contact number(s): 407-463-8885
Email address: kharrold@cmi.cc.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.	

What type of variance is this request?				
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>8400 ft²</u>	Actual lot size:	<u>6650 ft²</u>
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<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:	
<input type="checkbox"/> Total number of variances requested <u>1</u>				

NO 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: Kenneth Harrold

FOR OFFICE USE ONLY

Date Submitted: 10-2-04 Reviewed By: IS

Tax parcel number: 32-20-31-503-0200-0080 Zoning/FLU R-1/LDR

- 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: Homestead exc. in area / platted lot

THE HARRAST RESIDENCE

LOT 8 NANCY DRIVE

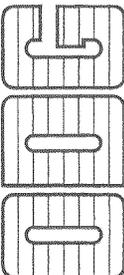


Job No: 06-104
 Date: 11-16-06
 Scale: NOTED
 Drawn By: JLN
 Revised:

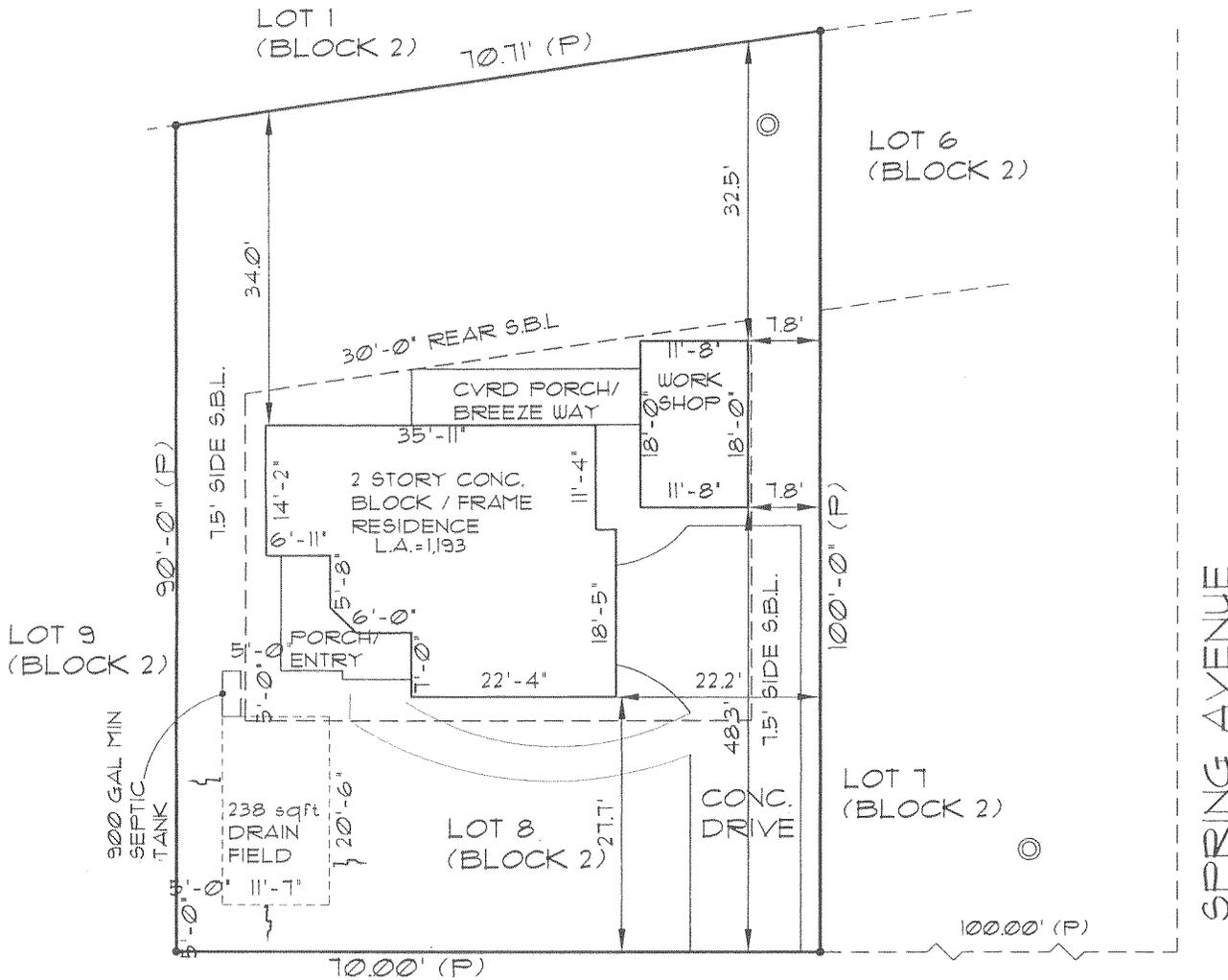
MEMBERS OF:
A
B.D.

PLOT PLAN
 THE HARRAST RESIDENCE

The Orlando Design Group Inc.
 3560 South Hwy. 17-92
 Suite 200
 Casselberry, FL 32707
 (407) 831-3113 Fax (407) 831-3399
 www.OrlandoDesignGroup.com



Sheet No:
PLOT
 Of:



SPRING AVENUE

PLOT PLAN

SCALE: 1" = 20'-0"

NANCY DRIVE
 25'-0" RW

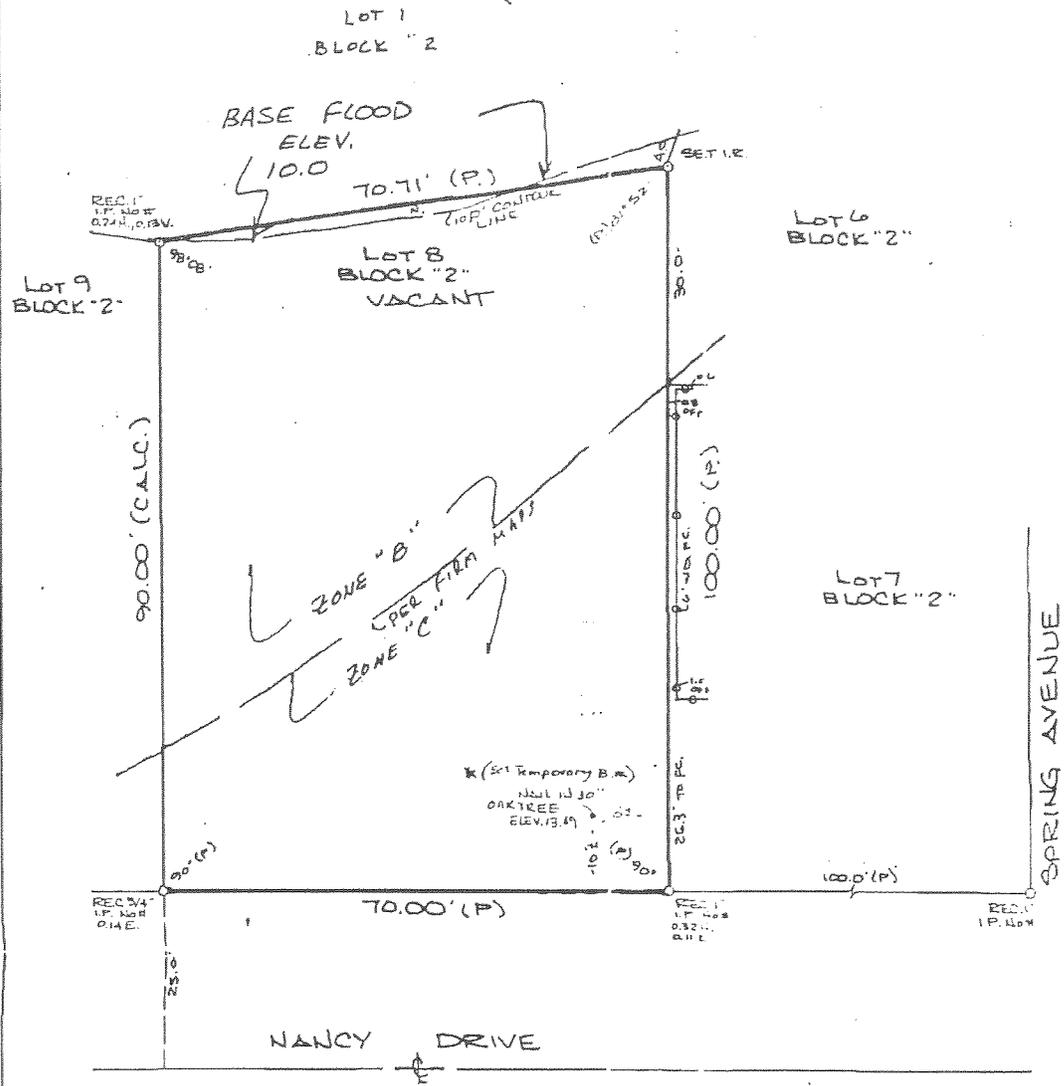
LEGAL DESCRIPTION:
 LOT 8, BLOCK 2, MINERAL SPRING PARK, AS RECORDED IN PLAT BOOK 1, PAGE 60, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

NOTE:
 THIS IS NOT A SURVEY.
 THE ORLANDO DESIGN GROUP, INC. & RICHARDSON ENGINEERING ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.
 THE OWNER AND CONTRACTOR ARE TOTALLY RESPONSIBLE FOR PLACING THE BUILDING ON THE PROPERTY.
 POOL DESIGN AND LOCATION, IF SHOWN, ARE ONLY SUGGESTED.
 LANDSCAPING DESIGN BY OTHERS.
 THE ORLANDO DESIGN GROUP, INC. & RICHARDSON ENGINEERING ASSUMES NO RESPONSIBILITY FOR SEPTIC DESIGN AND LOCATION, SEPTIC, IF SHOWN ON PLAN, IS PER BUILDER OR OWNER REQUIREMENTS. SEPTIC SYSTEMS ARE TO BE DESIGNED AND LOCATED PER DEPARTMENT OF HEALTH REQUIREMENTS OR AS PER GOVERNING CODES.

RICHARDSON ENGINEERING
 131 DELTA STREET
 ORLANDO, FLORIDA 32803
 (407) 478-4669
 1/2" 00013302 1/2" 00013301
 THIS STRUCTURE WAS DESIGNED IN ACCORDANCE WITH AND MEETS THE REQUIREMENTS OF CHAPTER 3 OF THE FLORIDA RESIDENTIAL BUILDING CODE 2004 ED. FOR 120 FUPH AND 204E.

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO: Samuel H. Pinder, Jr.

DESCRIPTION AS FOLLOWS: Lot 8, Block 2, MINERAL SPRING PARK, as recorded in Plat Book 7, Page 60, Public Records of Seminole County, Florida.



* B.M. USED: Seminole Co. - Designation # 2393301 - ELEV = 31.15

GRUSENMEYER-SCOTT & ASSOC., INC. — LAND SURVEYORS

<p>LEGEND-</p> <ul style="list-style-type: none"> P - PLAT F - FIELD RAD - RADIAL N.R - NON RADIAL IP - IRON PIPE IR - IRON ROD C.M. - CONCRETE MONUMENT SET I.R. - 1/2" I.R. w/ALB 3225 REC - RECOVERED PO L - POINT ON LINE PO B - POINT OF BEGINNING PO C - POINT OF COMMENCEMENT C - CENTER LINE R/D - NAIL & DISC R/W - RIGHT-OF-WAY ESMT - EASEMENT DR/IN - DRAINAGE UTIL - UTILITY S/W - SIDEWALK CL FC - CHAIN LINK FENCE WD FC - WOOD FENCE CB - CONCRETE BLOCK CALC - CALCULATED 		<p>NOTES</p> <ol style="list-style-type: none"> 1. THIS SURVEY REPRESENTED HEREON IS TRUE AND CORRECT AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.007, FLORIDA STATUTES. 2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. 3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY. 4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. 5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY. 6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES. 7. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (E.B.) 						
<p>THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLAINS PER "FIRM" ZONE "B", "C"</p> <p>PANEL # 322726 (15.9.01)</p>	<p>ORLANDO OFFICE 5405 E. COLONIAL DR. ORLANDO, FL 32807 (407) 271-3232 FAX: (407) 658-1438</p> <p>OCALA OFFICE 12200 N.W. CNTY RD. 221 REDDICK, FL 32686 (904) 591-3084 FAX: (904) 591-4475</p> <p>CERTIFIED BY: <i>James W. Scott</i> A.L.S. No. 4801 DATE SIGNED: 4/17/92</p> <p>TOM C. GRUSENMEYER, A.L.S. No. 1542 PAUL L. DEATER, A.L.S. No. 4610 TOM X. GRUSENMEYER, A.L.S. No. 4714 RICHARD E. FISCHER, A.L.S. No. 4818 JAMES W. SCOTT, A.L.S. No. 4827</p>	<p>SCALE 1" = 20'</p> <table border="1"> <tr> <td>FIELD DATE</td> <td>ORDER NO.</td> </tr> <tr> <td>VACANT 11-18-91</td> <td>C-59104</td> </tr> <tr> <td>100' CONTIGUOUS LINE 04-15-92</td> <td>C-7922</td> </tr> </table> <p>DRAWN BY: TDAV CHECKED BY:</p>	FIELD DATE	ORDER NO.	VACANT 11-18-91	C-59104	100' CONTIGUOUS LINE 04-15-92	C-7922
FIELD DATE	ORDER NO.							
VACANT 11-18-91	C-59104							
100' CONTIGUOUS LINE 04-15-92	C-7922							

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

GENERAL

Parcel Id: 32-20-31-503-0200-0080
 Owner: PINDER SAMUEL H JR
 Mailing Address: 160 N TRIPLET LAKE DR
 City, State, Zip Code: CASSELBERRY FL 32707
 Property Address: NANCY DR
 Subdivision Name: MINERAL SPRING PARK
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 00-VACANT RESIDENTIAL

2006 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$45,920
Land Value Ag:	\$0
Just/Market Value:	\$45,920
Assessed Value (SOH):	\$45,920
Exempt Value:	\$0
Taxable Value:	\$45,920

Tax Estimator
2006 Notice of Proposed Property Tax

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	11/1991	02358	1747	\$16,000	Vacant	Yes
WARRANTY DEED	03/1978	01159	1513	\$9,000	Vacant	Yes

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

2005 Tax Bill Amount:	\$376
2005 Taxable Value:	\$22,960

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	70	100	.000	800.00	\$45,920

LEGAL DESCRIPTION

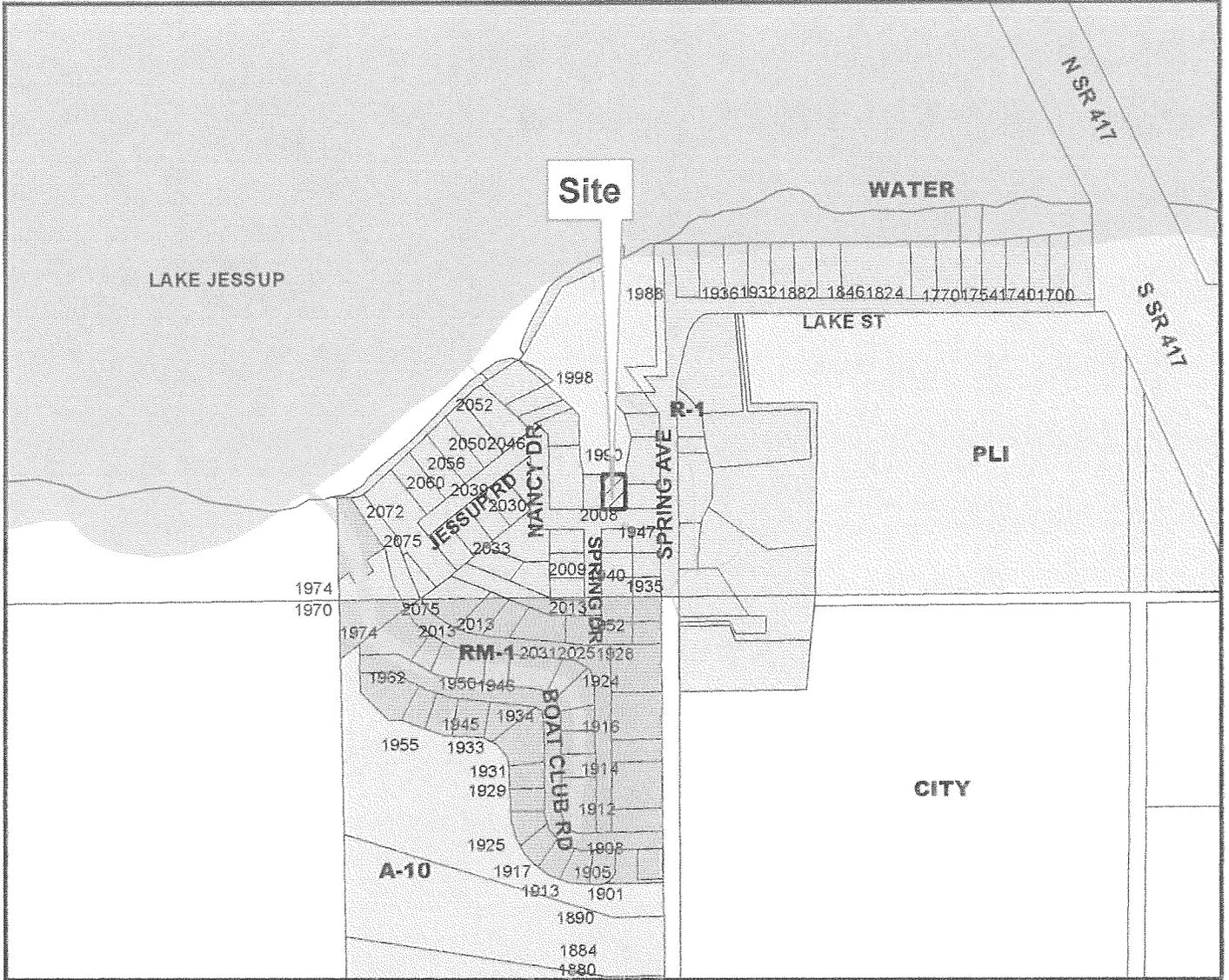
PLATS:

LEG LOT 8 BLK 2 MINERAL SPRING PARK
PB 7 PG 60

NOTE: 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.

R-1 LDR

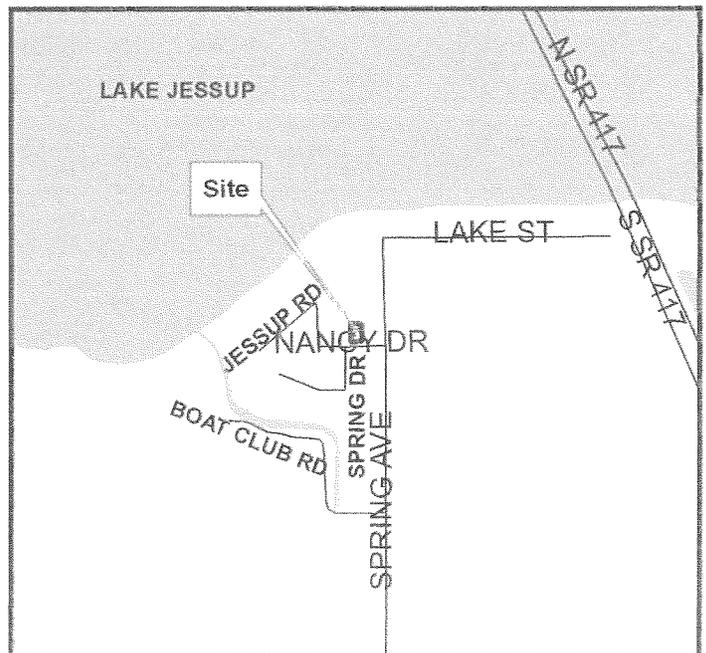
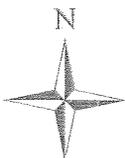
Kenneth Harrast
 Lot 8, Blk 2, Mineral Spring Park
 Nancy Drive
 Oviedo, FL 32765



Seminole County Board of Adjustment
 December 4, 2006
 Case: BV2006-180 (Map 3159, Grid B2)
 Parcel No: 32-20-31-503-0200-0080

Zoning

- | | |
|--|--|
|  BV2006-180 |  RM-1 |
|  A-10 |  PLI |
|  R-1 | |



SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM (ORIGINAL ONLY)

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

SAMUEL H. PINDER JR., the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) LEG LOT 8
BLK 2 MINERAL SPRING PARK PB 7 Pg 60

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
(circle one or more) from _____ to _____ and affirm that _____

_____ is hereby designated to act as my / our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request. TO APPLY FOR VARIANCE & SEPTIC

Samuel H. Pinder
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become
part of the Official Records of Seminole County, Florida and are not returnable.

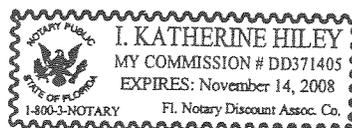
SWORN TO AND SUBSCRIBED before me this 29th day of Sept., 2006.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to
take acknowledgments, personally appeared Samuel Pinder, who is personally known to me or
who has produced _____ has identification and who executed the foregoing instrument and sworn
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of
Sept., 2006.

I Katherine Hiley
Notary Public in and for the County and State
Aforementioned

My Commission Expires: _____



FILE #: BA89-3-32V APPL: SCHMIDT, GEORGE & LORETTA
SEC: 32 TWP: 20 RNG: 31 SUF: PL BK: 11 PB PG: 45 BLOCK #:

DEVELOPMENT NAME: VAR.-SCHMIDT, GEORGE & LORETTA
LOCATION: E SIDE OF SPRING DRIVE, 150 FT. S OF NANCY DRIVE AND
PARC #1: 25 #2: #3: #4: #5: #6: #7:
PARC #1: #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:

LOT SIZE VARIANCE FROM 8,400 SQ. FT. TO 6,300 SQ. FT. AND FRONT YARD
SETBACK VARIANCE FROM 25 FT. TO 24 FT. AND REAR YARD SETBACK VARIANCE
FROM 30 FT. TO 28 FT.

ACTION: APPROVED.

DATE: 032089

REMARKS:

(LOCATION: ALSO 200 FT. W OF SPRING AVENUE AND 1/2 MILE N OF SR-434)
MINERAL SPRINGS SUBDIVISION, SECOND ADDITION

CMD 1 - End Job **CMD 2** - Go to Search Prompt **HELP** - SCREEN AID

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK 2 MINERAL SPRING PARK PB 7 PG 60

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

FINDINGS OF FACT

Property Owner: Samuel H. Pinder Jr
Nancy Dr
Oviedo, FL 32765

Project Name: Nancy Drive (Lot 8)

Requested Development Approval:

Request for a lot size variance from 8400 square feet to 6650 square feet for a proposed single family home in the 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: Rufus Brown, Planning 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 (Structure) 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: