

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a lot size variance from 7650 square feet to 7550 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); (Carolyn Owji, applicant).

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

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

Agenda Date 12/4/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a lot size variance from 7650 square feet to 7550 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); (William Hasson, applicant); or
2. **DENY** the request for a lot size variance from 7650 square feet to 7550 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); (William Hasson, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Carolyn Owji McCarthy Avenue (Block 14, Lots 11 & 12) R-1 Lockhart
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family home on a vacant lot and the south ½ of a second lot that fails to meet the minimum lot size, minimum width at building line and minimum setback requirements of the R-1 district; the aforementioned variances are requested to reduce those standards. • The Board of Adjustment has approved a lot size variance last year from 8400 square feet to 7650 square feet. The applicant did not have the correct dimensions of the lot and needs to have an additional 100 square feet therefore is requesting a lot size variance from 7650 	

	square feet to 7550 square feet.
STAFF FINDINGS	<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 subject lot was created as a part of Lockhart Subdivision, which was platted on September, 1924.• The adoption of countywide zoning in 1960 by Seminole County consequently rendered the lot nonconforming with respect to the R-1 district standards.• Without the requested variances, the applicant would be denied reasonable use of the subject property for constructing a single-family home, a use expressly permitted in the R-1 district.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends approval of the request, based upon the following conditions of approval:<ul style="list-style-type: none">• Any variance granted shall apply only to the proposed 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2006-193

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** of size of lot required to be 7,550 sq ft.
- 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	Sunrise Domain, Inc. (Carolyn Owji)	
ADDRESS	1766 Seneca Blvd. Winter Springs, FL 32708	
PHONE 1	(407) 970-8291 Carolyn <u>407-977-7000</u>	
PHONE 2	(407) 617-4566 Tony <u>407-921-8172 cell</u>	
E-MAIL	Cbowji@yahoo.com	

PROJECT NAME: Lockhart Subd., McCarthy Street, Block 14, lot 12 and s 1/2 of lot 11.

SITE ADDRESS: McCarthy Street, Sanford, FL (Lockhart's Subd)

CURRENT USE OF PROPERTY: Vacant residential

Legal Description: Parcel # 35-19-30-517-1400-0110 Leg Lot 12 and s 1/2 of lot 11 Blk 14 Lockharts Subd PB 3 PG 70

SIZE OF PROPERTY: 7550 sq ft acre(s) PARCEL I.D. 35-19-30-517-1400-0110

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 12: 4: 2006 (m/caywr), 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.

SIGNATURE OF OWNER OR AGENT Carolyn Owji DATE 9-11-06

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

ADDITIONAL VARIANCES

VARIANCE 2:

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): _____ COMMISSION DISTRICT _____ FLU / ZONING _____
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

TO: Seminole County Board of Adjustment
FROM: Carolyn Owji
DATE: September 11, 2006
SUBJECT: Request for variance, Lockharts Subdivision, Parcel ID 35-19-30-517-1400-0110

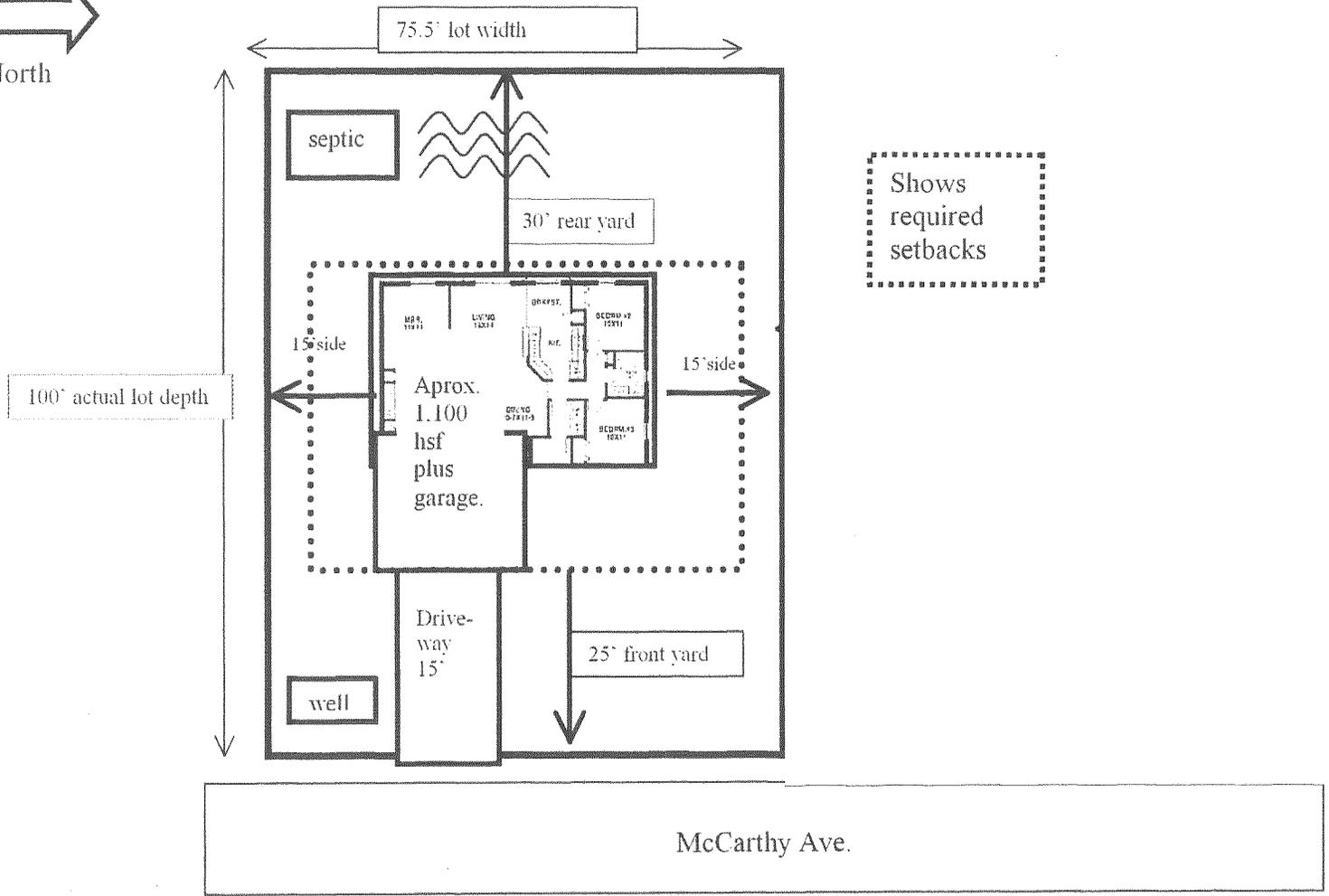
I currently own a lot in Lockhart (parcel ID 35-19-30-517-1400-0110) which is 7,550 square feet in size. When I purchased the land, I thought the size was 7,650 square feet; however, after having a survey done, I found out it is actually 7,550 square feet.

On August 22, 2005 I was granted a variance to allow a home to be built on the land based on the lot being 7,650 square feet. (See attached variance information from August 22, 2005 for justification of the variance request.)

Since I have now found out the land is actually smaller, **I am requesting an adjustment of the variance to the actual size of the lot which is 7,550 square feet.** The overall purpose of the variance is the same as before. Also, the survey shows that there is a 15' vacant alley adjacent to the back yard of the lot. That vacant alley allows a "buffer zone" of 1,132 square feet adjacent to my lot. (The house would still fit within all set-back requirements.)

I apologize for the incorrect lot size on the original variance request; the plat was drawn in 1924 and I misread it.

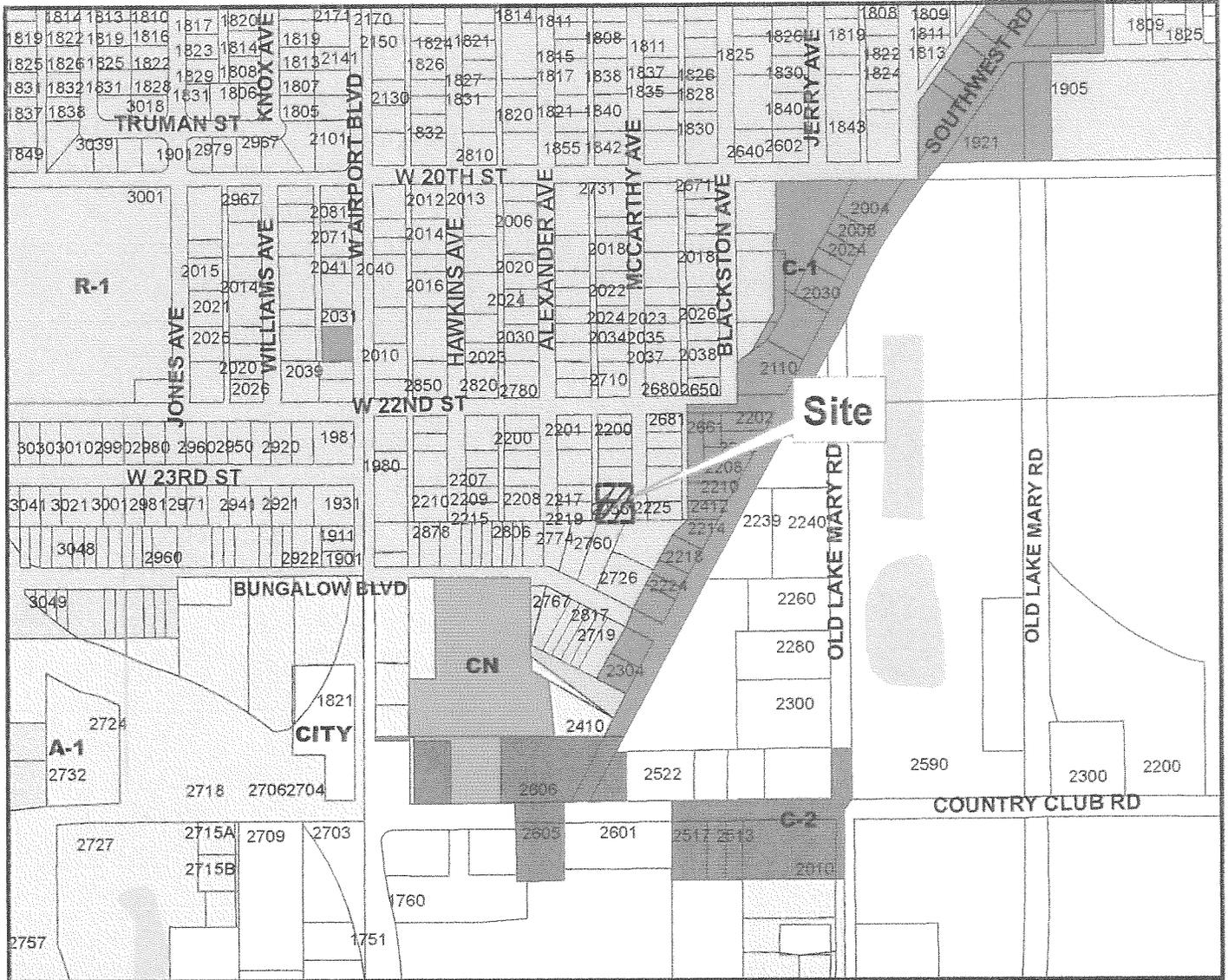
Thank you for your consideration.



Project Name: Lockhart Subd., McCarthy Street, Block 14, lots 12 and south 1/2 of 11.

Request to allow a single family home on parcel ID 35-19-30-517-1400-0110 (minimum lot size reduction).

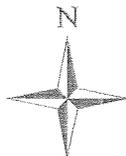
Sunrise Domain, Inc. (Carolyn Owji)
 S 1/2 of Lot 11 & All Lot 12, Blk 14, Lockharts Subdivision
 Mc Carthy Avenue
 Sanford, FL 32771



Seminole County Board of Adjustment
December 4, 2006
Case: BV2006-193 (Map 3052, Grid E3)
Parcel No: 35-19-30-517-1400-0110

Zoning

- | | | | |
|---|------------|---|-----|
|  | BV2006-193 |  | CN |
|  | A-1 |  | C-1 |
|  | R-1 |  | C-2 |
|  | R-2 | | |



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506	15	ALEXANDER AVE	2	8	2	7	
	10		3	14 9	3	13	
	11		4 3.0	10	4		
	12		5	10.0	5 4.0		
			6	11.0	6	14	
	19.0	17.0	15.0	13.0			
	21.00	19.18	17.17	15.15	14.14	13.13	12.12
						1.0	2
							3
							4 3.0
							5
							6
							7

GENERAL

Parcel Id: 35-19-30-517-1400-0110
 Owner: SUNRISE DOMAINE INC
 Mailing Address: 1766 SENECA BLVD
 City,State,ZipCode: WINTER SPRINGS FL 32708
 Property Address: MC CARTHY AVE
 Subdivision Name: LOCKHARTS SUBD
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 00-VACANT RESIDENTIAL

2007 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 0
 Depreciated Bldg Value: \$0
 Depreciated EXFT Value: \$0
 Land Value (Market): \$9,348
 Land Value Ag: \$0
 Just/Market Value: \$9,348
 Assessed Value (SOH): \$9,348
 Exempt Value: \$0
 Taxable Value: \$9,348
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	06/2005	05777	0255	\$9,500	Vacant	No
WARRANTY DEED	05/1990	02194	0309	\$2,000	Vacant	No
WARRANTY DEED	04/1985	01646	1442	\$3,000	Vacant	No
WARRANTY DEED	12/1980	01313	1124	\$2,000	Vacant	No
WARRANTY DEED	01/1977	01124	1247	\$200	Vacant	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

2006 Tax Bill Amount: \$151
 2006 Taxable Value: \$9,348
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	76	100	.000	150.00	\$9,348

LEGAL DESCRIPTION

PLATS:

S 1/2 OF LOT 11 & ALL LOT 12 BLK 14
 LOCKHARTS SUBD
 PB 3 PG 70

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.



August 23, 2005

Carolyn Owji
Sunrise Domain
1766 Seneca Boulevard
Winter Springs, FL 32708

ATTACHMENT

Dear Applicant:

On Monday, August 22, 2005, the Seminole County Board of Adjustment approved the following variance requests for lots 10, 11 and 12 of Block 14 of Lockhart's Subdivision:

1. REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 7650 SQUARE FEET FOR A PROPOSED HOME FOR LOT 10 AND THE NORTH ½ OF LOT 11.
2. REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 8400 SQUARE FEET TO 7650 SQUARE FEET FOR A PROPOSED HOME FOR LOT 12 AND THE SOUTH ½ OF LOT 11. ←

Be advised there is a fifteen (15) day period from the time the development order is recorded, in which this decision can be appealed to the Board of County Commissioners. Therefore, a building permit incorporating the same can not be issued prior to September 6, 2005.

The Development Order will be executed by the County and recorded in the Seminole County Clerk of Circuit Court Recording Office. A certified copy of the development order may be obtained from the Clerk of the Board of County Commissioners Office, located in Room 2204 of the County Services Building.

Please retain this letter for your records, and do not hesitate to contact me at (407)665-7389, should you have questions or require additional information.

Sincerely,

Kathy Fall

Kathy Fall
Principal Planner

KFALL @ seminolecountyfl.gov

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 12 & ½ OF LOT 11, Lockart Subd PB 3 PG 70

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

FINDINGS OF FACT

Property Owner: Carolyn Owji
1766 Seneca Blvd.
Winter Springs, Fl. 32708

Project Name: McCarthy Avenue (lot 12 & ½ lot 11)

Requested Development Approval:

Request for a lot size variance from 7650 square feet to 7550 square feet for a proposed home in the R-1 (Single-Family Dwelling District; (BV2006-193).

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:

1. The variance granted will apply only to the proposed 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: