

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

SUBJECT: Virginia Avenue (Lot 9) – Nora Martinez, applicant; Request for a (1) lot size variance from 11,700 square feet to 7,020 square feet and a (2) width at the building line from 90 feet to 65 feet for a proposed home in the R-1AA (Single Family Dwelling District)

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 6/13/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a (1) lot size variance from 11,700 square feet to 7,020 square feet and a (2) width at the building line from 90 feet to 65 feet for a proposed home; or
2. **APPROVE** the request for a (1) lot size variance from 11,700 square feet to 7,020 square feet and a (2) width at the building line from 90 feet to 65 feet for a proposed home; or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Location: Zoning: Subdivision:</p>	<p>Nora Martinez Virginia Avenue R-1AA Sanlando Springs</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • In 1987, the applicant, Ms. Martinez, purchased Lots 8 and 9 of Block A. These two lots were platted with lot sizes of 7,085 and 7,020 square feet respectively, and lot widths of 65 feet. Lot 8 contains a two-story home built in 1971. In 2000, she sold the house on Lot 8 to the current owner, Mr. Jose R. Santiago. • The applicant requested the same above variances in 2002 and was denied by the Board of Adjustment and the Board of County Commissioners. 	

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
- Proposed Development Order

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

Application # BY2007-43
Meeting Date June 25, 07

COPY

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

RECEIVED APR 10 2007

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

Name: Nora N. Martinez
Address: 222 Windmeadows City: Altamonte Springs Zip code: 32701
Project Address: Lot 9 Blk 9 Sanlando Springs City: Altamonte Springs Zip code: 32701
Contact number(s): (407) 937-9463-Cel (407) 830-8208
Email address: virizarry6@cfl.rr.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"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input 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>11,700ft²</u>	Actual lot size:	<u>7,020ft²</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>90ft</u>	Actual lot width:	<u>65ft</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:	
<input type="checkbox"/> Total number of variances requested <u>2</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: Nora N. Martinez

FOR OFFICE USE ONLY

Date Submitted: 4-10-07 Reviewed By: KF
 Tax parcel number: 01-21-29-SCK-DA00-0090 Zoning/FLU R-1AA/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: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
✓	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained online.</i>
✓	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. <u>View a sample site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</u>
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
N/A	o Location of driveways - <i>Not built</i>
N/A	o Location, size and type of any septic systems, drainfield and wells <i>Not built</i>
✓	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
✓	o Location of proposed fence(s)
✓	o Identification of available utilities (ex: water, sewer, well or septic)
✓	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

4.a. EXHIBIT I - Lot 9 Boundary Survey
 4.b. EXHIBIT II - Narrative in support of application
 4.c. EXHIBIT III - Copy of Year 1954 Replat of Tract 57

Narrative in support of variance application filed by Ms. Nora N. Martínez for Lot 9 Block A, Sanlando Springs Replat of Tract 57 (PB 9 PG 49)

Background

The subject lot was included in the Replat of Tract 57 in Seminole County, approved and certified by the Board of County Commissioners in year 1954. Copy of the year 1954 Replat, Exhibit III, shows lot dimensions as 65 ft. width by 108.71 ft. on the South boundary and 107.96 ft. on the North boundary. The intended use for this Lot 9 was for a single home, it was approved as such with its separate legal identity, individually recorded, not legally combined with any adjacent lot. Since Lot 9 has never been legally or officially grouped with any other property, the legal boundary lines identifying this lot have never changed and the Seminole County Tax Collector has always separately assessed and collected property taxes on the property. The property I.D. number is 01-21-29-5CK-0A00-0090.

Ms. Nora N. Martínez purchased Lot 9 in September 25, 1987, always paid separate property taxes on the lot, and never legally grouped, combined, segregated, nor changed the legal position of the lot, neither requested recording any document changing the legal identity of the separate lot.

Justification of Variance

The variances requested by the owner for both lot width and lot size should be approved, because the circumstances meet the criteria in Section 30.43 (b)(3) of the zoning regulations. The required lot size 11,700 sq. ft. and width 65 ft. under present zoning regulations, adopted long after Replat of Tract 57 was approved, definitely created/caused undue hardship, and the Board of Adjustment can find:

(A) That special conditions and circumstances exist: It is impossible to increase the area and the width of Lot 9 in any direction, since the lot is limited, in its North and South boundaries by two other lots; and it is limited, in its East and West boundaries by two streets' rights of ways (Public property). That the actual size and width of the lot and its boundaries were conceived and designed in 1954 by the original owner and approved by the Board of County Commissioners with the approval of Replat of Tract 57.

(B) That the special conditions and circumstances did not result from the actions of the applicant; those were caused by the adoption of new zoning regulations, many years after the Replat of Tract 57 was approved. **The applicant/owner never legally grouped, combined, segregated, or requested recording any document changing the legal identity or legal position of Lot 9 as a separate lot; this lot has been exactly the same since its inception in 1954. A previous owner conceived and designed Lot 9 within the Replat of Tract 57 and in year 1954 it was duly evaluated and approved by the Seminole County Board of County Commissioners.**

(C) That granting the variances requested will not confer on the applicant any special privilege; it will simply allow for residential use; the use for which the division of the land was intended in 1954 and for which the Replat of Tract 57 was approved.

(D) That the literal interpretation of the zoning regulations would deprive the applicant of rights commonly enjoyed by owners of properties in the same zoning district and has caused unnecessary and undue hardship on the applicant. Since the lot is for residential use, not approving the variance deprives the applicant of the ownership right commonly enjoyed by other adjacent and nearby owners. Also, the imposition of the zoning regulations has caused unnecessary and undue hardship on the applicant, since the owner has been and is obliged to pay property taxes, separately on Lot 9, since acquiring the property in 1987. The owner has paid taxes during 20 years, over \$4,000.00 in property taxes for this unique, separate, and individual residential lot, also recognized as such by the Seminole County Tax Collector that in recent years augmented the assessed value and corresponding taxes on the lot. The applicant has also expended over \$3,500.00 in attorney's fees and other costs to achieve this variance. The obligation to continually pay taxes should in turn allow the owner to exercise and enjoy her ownership rights. The circumstances constitute a financial burden and cause stress and suffering in the applicant.

(E) That the variance applied for is the minimum variance that will make possible the reasonable use of Lot 9. The variance will make it possible to build a home in Lot 9, the use for which it was conceived, intended, and approved in 1954; and there is no other reasonable use for this lot (the lot cannot be institutional, commercial, industrial, etc.). What would the County use this lot for?

(F) That the grant of the variance will be in harmony with the general intent and purpose of the zoning regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. A well designed beautiful home built in Lot 9 would definitely be in harmony with the neighborhood; will not be injurious to the neighborhood and will not be detrimental to the public welfare, since it will add beauty and value. The applicant has observed that all over in Central Florida thousands of beautiful homes are being built, and at present sold for over \$300,000.00, in lots that are narrower and smaller than Lot 9. Lot 9 is completely adequate for residential use. Leaving the lot undeveloped is a nuisance/eyesore to the neighborhood.

This is a plea for fairness and justice.

Respectfully Submitted:

Date: April 9, 2007


Nora N. Martínez

BV 2007-43

May 23, 2007

Seminole County Planning and Development Department
Planning Division
1101 East First Street
Sanford, FL 32771

Re: Application for Variances, April 10, 2007, Nora N. Martinez; Lot 9, Block A, Sanlando Springs

The Applicant, owner of vacant property described as Lot 9 Block A in Sanlando Springs, respectfully requests to correct a minor mistake in the subject application, add some information, and to express a commitment to comply with Zoning District Regulations concerning minimum house size and setbacks.

The minor mistake in the application form is that the project address line shows Lot 9 Block 9, it should instead read Lot 9 Block A.

An official of your offices informed at the time of filing the application, that certain alleged qualities of the single family dwelling structure built in Lot 8, that applicant sold approximately 6 years ago, do not meet the zoning regulations, suggesting that such circumstances could have influenced the decision to deny a variance application for Lot 9 back in year 2002. The Official also stated that the intention of the original owner that built the house in Lot 8 was to utilize both Lot 8 and Lot 9 as a single lot to comply with zoning regulations, that the structure in Lot 8 does not meet the side setbacks if considered separate from Lot 9, and that the septic tank serving Lot 8 had been built within Lot 9.

An examination of Lot 8 (including the house foundation) survey made in 1971 by Surveyor V.K. Smith (Reg. Land Surveyor No. 1653), reveals that the dwelling structure in Lot 8 meets the setbacks. Three setbacks exceed the minimum established in zoning regulations: the side setback from the boundary with Lot 7 exceeds 10.0 ft., the front setback from the boundary with the right of way of Virginia Street is 25.7 ft., and the rear setback from the boundary with the right of way with Teagarden Street is 53.33 ft. The actual setback from the boundary line with Lot 9 is 9.83 ft. (this is a negligible or non-consequential deviation of 0.17 ft. or 2 inches). The septic tank is built within Lot 8. These findings reveal that the intention of the original owner was to dedicate Lot 8 exclusively for the dwelling unit and to preserve Lot 9 as a separate lot.

Concerning the project to eventually build a house in Lot 9, I have discussed with developers and builders and it is possible to build a house exceeding the minimum house size for Zoning District R-1AA, still maintaining and complying with all required setbacks. Incidentally, there is a house for sale in Sanlando Springs, built in 1973 in a 6,969 sq. ft. lot size, with a price of \$262,000. I foresee a house that once built, together with the lot, will exceed \$300,000.00, and this will be a plus for the neighborhood.

The minutes of the Board of Adjustment (BOA) for the last four years show that the BOA has consistently approved these types of variances (lot size and width), for Zoning Districts R-1AA within Seminole County, particularly for nearby neighborhoods (one under similar circumstances in Palm Springs Drive).

I respectfully request that the information provided be taken into consideration in the evaluation of the application.

I also want to express thanks to your office personnel for the orientation offered back in April 20, 2007 in regard to this matter.

Sincerely,



Nora N. Martinez

222 Windmeadows,
~~Sanford~~, FL 32701

(407) 830-8208

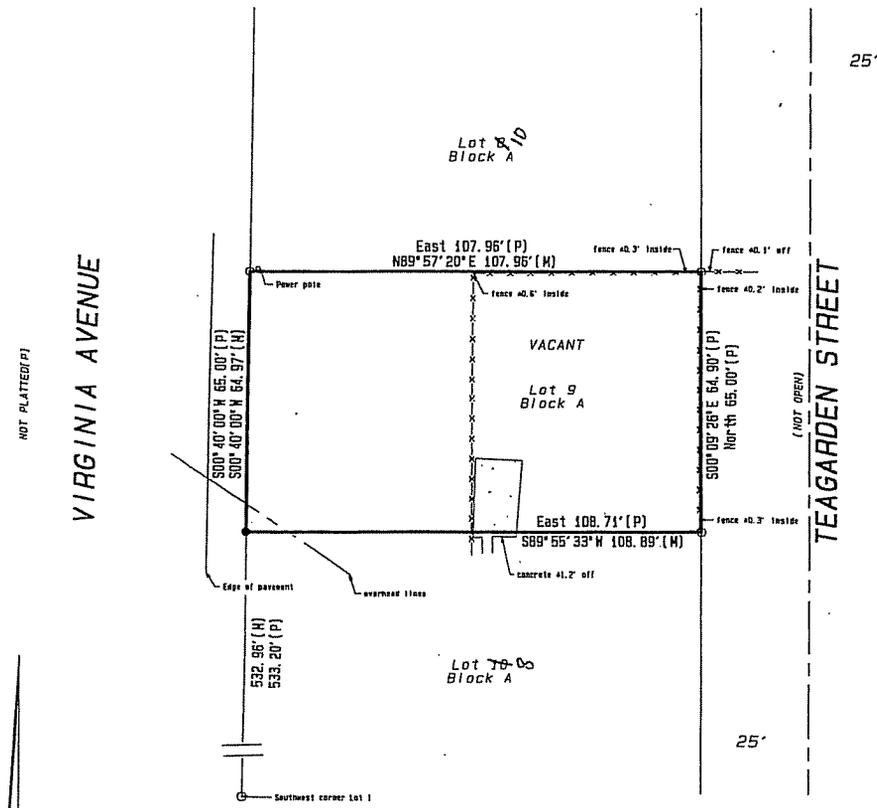
(407) 937-9463

Altamonte Springs

**Boundary Survey
for
Nora Martinez**

EXHIBIT - I

Lot 9, Block A,
SANLANDO SPRINGS REPLAT OF TRACT 57
Plat Book 9, Page 49,
Seminole County, Florida



Legend

- Recovered 4" x 4" Concrete Monument
- Set 4" x 4" Concrete Monument #LB6300
- ▲ Recovered Nail & Disk as shown
- × Recovered X Cut in concrete
- Recovered 1 1/4" Iron Pipe no.
- Recovered 1/2" Iron Rod no.
- Light Pole as shown
- 5' Wood Fence
- 4' Chain link fence
- Fence as shown
- Concrete Slab

This Survey Certified To:
Nora Martinez

A-Central Angle L-Arc R-Radius R/M-Right of Way
A/C-Air Conditioner (R)-Radial (NR)-Non-Radial
(P)-Plat (M)-Measured (C)-Calculated (D)-Deed
POB-Point of Beginning POC-Point of Commencement
POL-Point On Line

Bearings are based on the
West 1/2 line of Lot 9, Block A,
as being N00°40'00"E, per plat

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapmaker. Additions and omissions to surveys, maps, sketches or reports by other than the signing party or parties is prohibited without written consent of the signatory party or parties.

[Signature]

Michael K. Solitare, P.E. & C.S.
For the Firm of Altamonte Surveying
and Platting, Inc. #LB6300

SCALE: 1" = 30'
REVIEWED BY: MHS
DRAWN BY: SAM
DATE: February 7, 2002
JOB No.: 152B7
Revised:

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed and shall not be relied on by any other entity or individual whatsoever.

Underground foundations and/or improvements were not located as a part of this survey.

Lands shown hereon were not abstracted for rights of ways and/or easements of public records.

Legal Description furnished by client (unless otherwise noted)

This is to certify that I have reviewed the Flood Insurance Rating Map (FIRM), Panel Number 120289 0120 E, Dated 4/17/95 and determined that the lands shown hereon lies in Flood Zone 'X'.

ALTAMONTE SURVEYING AND PLATTING, INC.

445 Douglas Avenue, Suite 150B
Altamonte Springs, Florida 32714
Phone (407) 862-7555 Fax (407) 862-6229

Avent

F. I. P SURVEY FOR JIM GAMBLE
SEMINOLE COUNTY, FLORIDA
DESCRIPTION

~~3371~~
~~33682~~ 33682

Lot 8, Block A, Sanlando Springs Replat of Tract 57, according to the
Plat thereof as recorded in Plat Book 9, page 49, of the Public Records of
Seminole County, Florida.

~~SURVEYOR'S CERTIFICATE~~

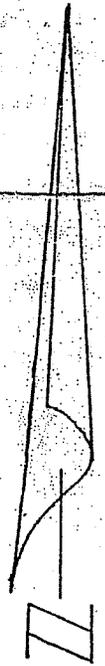
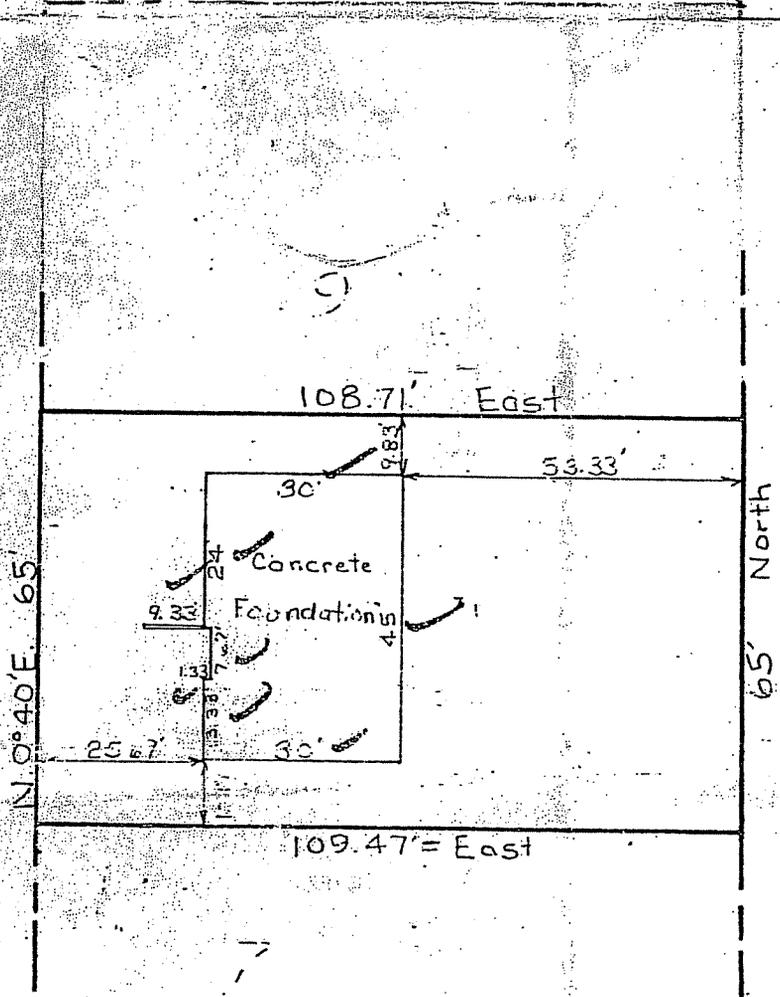
This is to certify that I have made a Survey of the above described
property and the Plat hereon is a correct representation of the same.

V. K. Smith 19 Aug 71
V. K. SMITH, REG. LAND SURVEYOR NC.1653
2015 French Ave., Sanford, Florida

FOUNDATION SURVEY: V. K. Smith 22 Sept 71

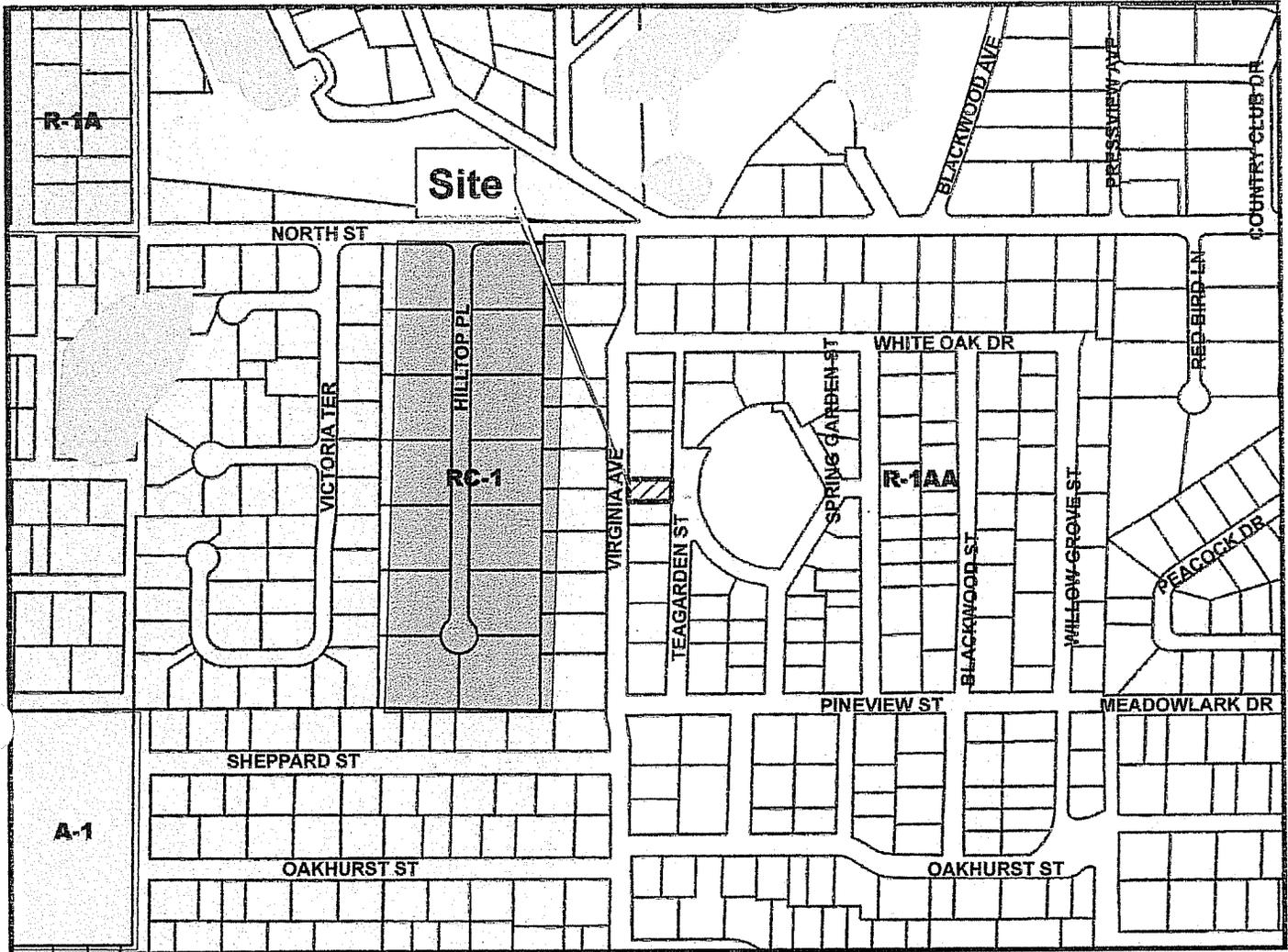
9-30-71 TB

VIRGINIA AVE. 50' W



Scale 1" = 30'

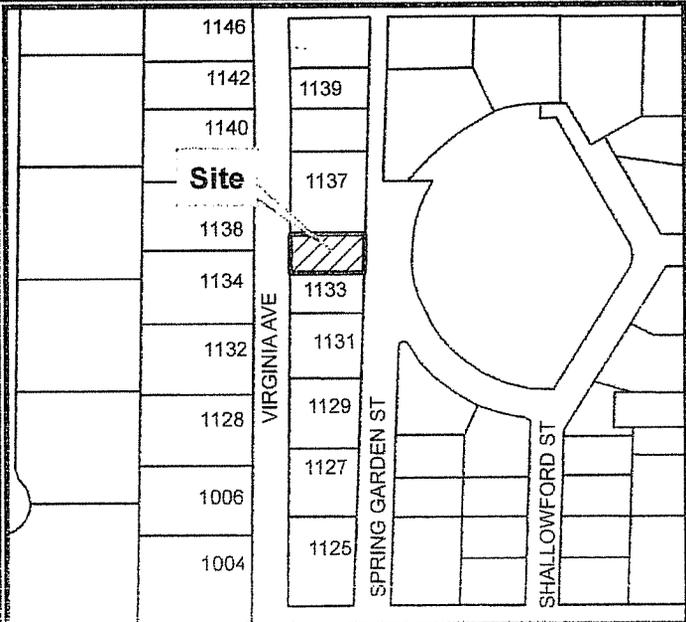
Nora Martinez
 Lot 9, Blk A, Sanlando Springs
 Replat of Tract 57
 1135 Virginia Avenue
 Altamonte Springs, Florida 32701



Seminole County Board of Adjustment
 June 25, 2007
 Case: BV2007-43 (Map 3155, Grid D4)
 Parcel No: 01-21-29-5CK-0A00-0090

Zoning

-  BV2007-43
-  A-1
-  RC-1
-  R-1AA
-  R-1A



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		4 T H A 5 T A 6 7	12 11 10 10.0 9 8 8.0 7 6																						
GENERAL Parcel Id: 01-21-29-5CK-0A00-0090 Owner: MARTINEZ NORA Mailing Address: 222 WINDMEADOWS City,State,ZipCode: ALTAMONTE SPRINGS FL 32701 Property Address: 1135 VIRGINIA AVE Subdivision Name: SANLANDO SPRINGS 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): \$23,758 Land Value Ag: \$0 Just/Market Value: \$23,758 Assessed Value (SOH): \$23,758 Exempt Value: \$0 Taxable Value: \$23,758 Tax Estimator																							
SALES <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>WARRANTY DEED</td> <td>09/1987</td> <td>01893</td> <td>0601</td> <td>\$90,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1979</td> <td>01212</td> <td>0353</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/1987	01893	0601	\$90,000	Vacant	No	QUIT CLAIM DEED	03/1979	01212	0353	\$100	Vacant	No	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$383 2006 Taxable Value: \$23,758 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS		
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																			
WARRANTY DEED	09/1987	01893	0601	\$90,000	Vacant	No																			
QUIT CLAIM DEED	03/1979	01212	0353	\$100	Vacant	No																			
LAND <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>65</td> <td>108</td> <td>.000</td> <td>425.00</td> <td>\$23,758</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	65	108	.000	425.00	\$23,758	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG LOT 9 BLK A SANLANDO SPRINGS REPLAT OF TRACT 57 PB 9 PG 49											
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FRONT FOOT & DEPTH	65	108	.000	425.00	\$23,758																				
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.																									

BV2007-43

Johnson, Patricia

From: Jose Santiago [pepin1031@cfl.rr.com]**Sent:** Tuesday, May 29, 2007 3:33 PM**To:** Johnson, Patricia**Subject:** Variance Request Continuance (Lot 9, Sanlando, 1135 Virginia Ave Altamonte Springs, Nora Martinez, June 25, 2007)

As per our conversation today at your office, I am respectfully requesting a continuance for ref. hearing now schedule for the June 25 meeting . Reason for this is that, as I am the most affected I will definitely want to be present and I will be out of town from June 15 to July 10, a trip already planned and paid for. As explained at your office, the owner of the lot, Nora Martinez was the person that sold me my house. At the time of the purchase, no one, her, her realtor Al Rodriguez nor the title company disclosed to me about the non-conforming status of the property. s I was to buy from her the lot later, she speculated with it and tried to sell it to me at a too high price. I could not agree on the price she was asking for it so I could never was able to come to an agreement with her. The first time she requested a variance was when I came to know about the non-conforming . At that time I opposed to granting the variance and so I do now. This is the reason why I want to be present at the hearing anf if necessary provide more information on how badly this situtation is affecting me and how much in danger my invest is, not only for the price I bought the house for but for all the improvements made. I will appreciate very much if you tell me if I have to take any further action in order to secure the continuance or what other suggestion I may get from your department. Also, I will appreciate if you confirm receipt of this e-mail and action take. Thank you for your time.

5/29/2007

Johnson, Patricia

From: Jose Santiago [pepin1031@cfl.rr.com]**Sent:** Wednesday, June 06, 2007 8:05 AM**To:** Johnson, Patricia**Subject:** Variance Request, Nora Martinez, lot 9, Sanlando, 1133 Virginia Ave, Altamonte Springs, Fl. 32701

Good morning, just to ask if you can please confirm receipt of my previous e-mail requesting a continuance for the hearing on ref. request scheduled for June 25, 2007 as I, the most affected, will be out of town from June 15 through July 10. I understand that my request will be presented at the hearing and at that moment is when it will be granted or not. Again, I oppose very strongly to granting the variance, if it is granted I can understand that my property has also to be changed from non-conforming to conforming. Really appreciate your attention to my request and hope you have a great day.