

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Daisey Avenue (Lot 20) – Yougraj BeHarry, applicant; Request for 1) a minimum lot size variance from 8,400 square feet to 5,775 square feet & 2) side street setback variance from 25 feet to 12 ½ feet for a proposed single family home in R-1 (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

Agenda Date 8/27/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for 1) a minimum lot size variance from 8,400 square feet to 5,775 square feet & 2) side street setback variance from 25 feet to 12 ½ feet for a proposed single family home in R-1 (Single Family Dwelling District); or
2. **APPROVE** the request for 1) a minimum lot size variance from 8,400 square feet to 5,775 square feet & 2) side street setback variance from 25 feet to 12 ½ feet for a proposed single family home in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Yougraj BeHarry Daisey Avenue R-1 Washington Heights
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance on a lot that is deficient 2,625 square feet in the R-1 zoning which requires a minimum lot size of 8,400 square feet. The proposed home also requires a side street setback for a property line that abuts a un-improved platted road right-of-way. • There are currently no code enforcement or building 	

	<p>violations for this property.</p> <ul style="list-style-type: none">• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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. <i>Special conditions exist because the lot was platted in 1923 prior to the adoption of the Land Development Code in 1960. The lots in the Washington Heights area are predominantly 55 feet by 105 feet. When the Land Development Code was adopted the subject lot became nonconforming.</i>• Special conditions and circumstances did not result from the actions of the applicant. <i>The location of the unimproved road right-of-way, which is being used as a ditch, and the creation of the nonconforming lot were not results from any action taken by the applicant.</i>• The granting of the variances 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. <i>The lot was created before the adoption subdivision regulations.</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. <i>Without the requested variances the lot could not be developed with a single family home which would deny the applicant rights that are enjoyed by other properties in the area.</i>• The variances requested are the minimum variances that will make possible reasonable use of the land, building or structure. <i>Reasonable use has been established by the development of vacant land in the surrounding area with single family homes. Without the requested variances the applicant could not develop the property with a single family home.</i> <ul style="list-style-type: none">• The grant of the variances would be in harmony with

	<p>the general intent of Chapter 30. <i>The requested variances would be in harmony with the character of the surrounding area in allowing the use of a single family home.</i></p>
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval:</p> <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.

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 # BV 2007-80
Meeting Date 08-27-07



COPY
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
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: yougraj Beharry
Address: 9000 Red Gold Lane City: ORLANDO Zip code: 32818
Project Address: Daisy Ave (Lot 20) City: OVIEDO Zip code: 32756
Contact number(s): 407-947-6792
Email address: Nbeharry@aol.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"/> Covered screen room	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.	

RECEIVED JUN 28 2007

What type of variance is this request?				
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>8,400</u>	Actual lot size:	<u>5,775</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	<u>X</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 checked="" type="checkbox"/> Side street setback	Required setback:	<u>25</u>	Proposed setback:	<u>12 1/2 feet</u>
<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 checked="" 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: [Signature] 6/28/07

FOR OFFICE USE ONLY

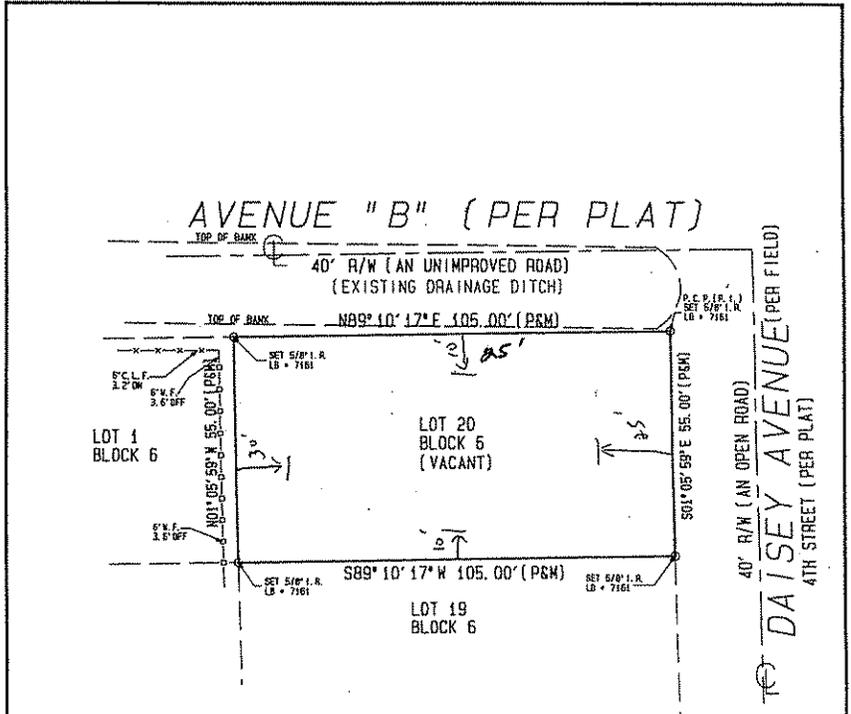
Date Submitted: 6-28-07 Reviewed By: P. Johnson
 Tax parcel number: 11-21-31-508-0600-0200 Zoning/FLU R-1/LOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

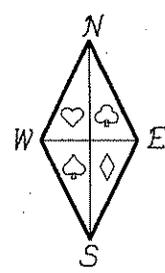
Please return this checklist with your application!

<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). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	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
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	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.

<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7506</p>																																					
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 11-21-31-508-0600-0200 Owner: BEHARRY YOUNGRAJ & Own/Addr: SUPERIOR PROP INV INC Mailing Address: 335 DANIELS POINTE DR City,State,ZipCode: WINTER GARDEN FL 34787 Property Address: DAISEY AVE Subdivision Name: ALLENS 1ST ADD TO WASHINGTON HEIGHTS Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$18,480 Land Value Ag: \$0 Just/Market Value: \$18,480 Assessed Value (SOH): \$18,480 Exempt Value: \$0 Taxable Value: \$18,480 Tax Estimator</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>WARRANTY DEED</td> <td>06/2007</td> <td>06729</td> <td>1201</td> <td>\$40,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>05/2007</td> <td>06693</td> <td>1765</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>TAX DEED</td> <td>04/2005</td> <td>05693</td> <td>0733</td> <td>\$7,500</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/1989</td> <td>02100</td> <td>0681</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2007	06729	1201	\$40,000	Vacant	Yes	FINAL JUDGEMENT	05/2007	06693	1765	\$100	Vacant	No	TAX DEED	04/2005	05693	0733	\$7,500	Vacant	No	QUIT CLAIM DEED	08/1989	02100	0681	\$100	Vacant	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$112 2006 Taxable Value: \$6,930 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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FRONT FOOT & DEPTH	55	105	.000	400.00	\$18,480																																
<p>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.</p>																																					

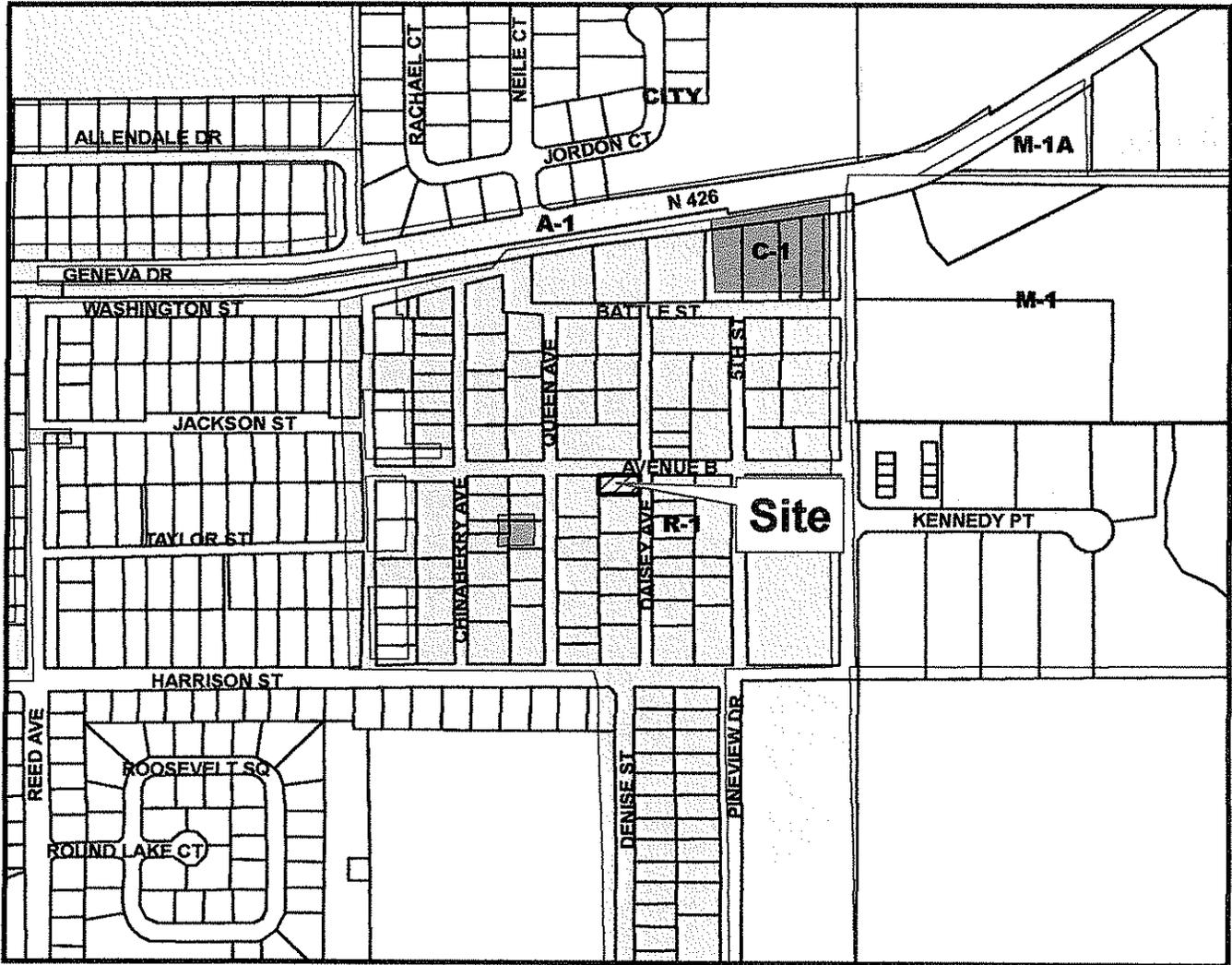


LEGAL DESCRIPTION:
 LOT 20, BLOCK 6, ALLEN'S FIRST ADDITION
 TO WASHINGTON HEIGHTS, ACCORDING TO THE
 PLAT THEREOF AS RECORDED IN PLAT BOOK 3,
 PAGE 23, OF THE PUBLIC RECORDS OF
 SEMINOLE COUNTY, FLORIDA.



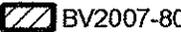
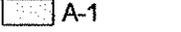
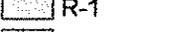
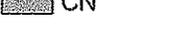
ABBREVIATIONS:	
M.S. - MAIL AND DISK REFL. - REFLECTOR TYP. - TYPICAL (P) - PLAT I.S. - IRON ROD REFL. - REFLECTOR DRAIN. - DRAINAGE DRAIN - MAINLINE C. - CENTERLINE P.I. - POINT OF INTERSECTION P.R.C. - POINT OF REVERSE CURVE W.P. - WOOD PILE P.O.B. - POINT OF BEGINNING P.C. - POINT OF CURVE	P.C.P. - PERMANENT CONTROL POINT C.M. - CONCRETE MONUMENT C.L.F. - CHAIN LINK FENCE W.F. - WOOD FENCE B.S.L. - BUILDING SETBACK LINE R/W - RIGHT-OF-WAY RES. - RESISTANCE L.W. - LEASURED P.L. - POINT OF TANGENCY SEC. BE. L. - DESCRIPTION P.O.L. - POINT ON LINE SETL. - SETOFF R - RADIUS Δ - LEGANT OF ARC I.P. - IRON PIPE CON. - CONCRETE CON. - CONCRETE CONC. - CONCRETE C.C. - CONCRETE BLOCK P.R.M. - PERMANENT REFERENCE MONUMENT
PLAT OF SURVEY FOR: SUPERIOR PROPERTY & INVESTMENT	ALSO CERTIFIED TO: SUPERIOR PROPERTY & INVESTMENT
THIS IS TO CERTIFY THAT I HAVE REVIEWED THE FLOOD INSURANCE RATINGS MAP PANEL NUMBER 12117C-017D-E DATED 7/17/1995 AND DETERMINED THAT THIS PROPERTY LIES IN FLOOD ZONE X	TYPE OF SURVEY: BOUNDARY & IMPROVEMENTS UNDERGROUND IMPROVEMENTS & FOOTINGS NOT LOCATED LEGAL DESCRIPTION: BEARINGS BASED ON ASSUMED NORTH PROVIDED BY CLIENT AS BEING 200° 10' 11" C NOTE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THE PLAT THIS MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
ACE SURVEYING & MAPPING, INC. 20761 S.W. 7 320 SUITE 200 ORLANDO, FLORIDA 32833 (L.B. # 7161) (407) 588-6399 FAX 588-6397	DATE: 6/8/2007 JOB #: 070457
* SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. KEVIN J. WALSH P. S. & M. #0006150 NOT VALID UNLESS SIGNED AND SEALED	

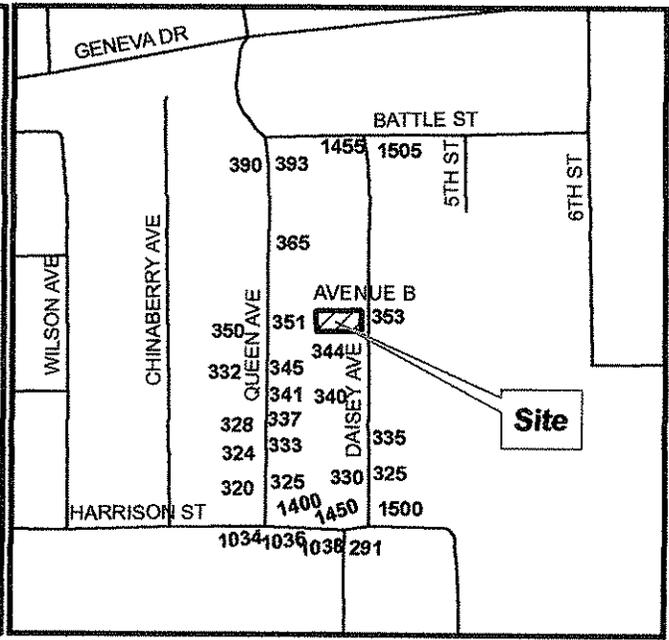
Yougraj Beharry
 LOT 20, BLK 6, ALLENS 1ST ADD TO WASHINGTON HEIGHTS
 Daisey Avenue, Oviedo, Florida 32765



Seminole County Board of Adjustment
 August 27, 2007
 Case: BV2007-80 (Map 3160, Grid C5)
 Parcel No: 11-21-31-508-0600-0200

Zoning

 BV2007-80	 C-1
 A-1	 M-1A
 R-1	 M-1
 CN	



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 20 BLK 6 ALLENS 1ST ADD TO WASHINGTON HEIGHTS PB 3 PG 23

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

FINDINGS OF FACT

Property Owner: Yougraj BeHarry
335 Daniels Pointe Drive
Winter Garden, Fl. 34787

Project Name: Daisey Avenue (Lot 20)

Requested Development Approval:

Request for 1) a minimum lot size variance from 8,400 square feet to 5,775 square feet & 2) side street setback variance from 25 feet to 12 ½ feet for a proposed single family home in 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: 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 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: _____
Dori L. DeBord
Planning & Development Director

**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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: