

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

**SUBJECT:** Chinaberry Avenue (Lot 3) – Yougraj BeHarry, applicant; Request for 1) a minimum lot size variance from 8,400 square feet to 5,250 square feet & 2) lot width at the building line variance from 70 feet to 50 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 5,250 square feet & 2) lot width at the building line variance from 70 feet to 50 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 5,250 square feet & 2) lot width at the building line variance from 70 feet to 50 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.

<p><b>GENERAL INFORMATION</b></p>	<p>Applicant: Location: Zoning: Subdivision:</p>	<p>Yougraj BeHarry Chinaberry Avenue R-1 Washington Heights</p>
<p><b>BACKGROUND / REQUEST</b></p>	<ul style="list-style-type: none"> <li>• The applicant is requesting a variance on a lot that is deficient 3,150 square feet in the R-1 zoning which requires a minimum lot size of 8,400 square feet and 20 feet in the lot width at the building line.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>	

<p><b>STAFF FINDINGS</b></p>	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• 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></li><li>• Special conditions and circumstances did not result from the actions of the applicant. <i>The creation of the lot prior to the adoption of the Land Development Code did not result from actions taken by the applicant</i></li><li>• 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></li><li>• 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></li><li>• 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></li><li>• The grant of the variances would be in harmony with the general intent of Chapter 30. <i>The requested variances would be in harmony with the character of the surrounding area in allowing the</i></li></ul>
------------------------------	---

	<i>use of a single family home.</i>
<b>STAFF RECOMMENDATION</b>	Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval: <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the lot as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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

**COPY**

Application # 31 2007-81

Meeting Date 06-27-07



**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: YOUNG RAJ BEHARRIS

Address: 9000 Red Gold Lane City: ORLANDO Zip code: 32818

Project Address: Chinaberry Ave Lot 3 City: Orlando Zip code: 32756

Contact number(s): (407) 947-6792

Email address: \_\_\_\_\_

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 type="checkbox"/> Minimum lot size	Required lot size:	<u>\$,400</u>	Actual lot size:	<u>5,250</u>
<input type="checkbox"/> Width at the building line	Required lot width:	<u>70 ft.</u>	Actual lot width:	<u>50 ft.</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 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: \_\_\_\_\_ 6/28/07

**FOR OFFICE USE ONLY**

Date Submitted: P. Johnson Reviewed By: P. Johnson  
 Tax parcel number: 11-21-31-509-0300-0030 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

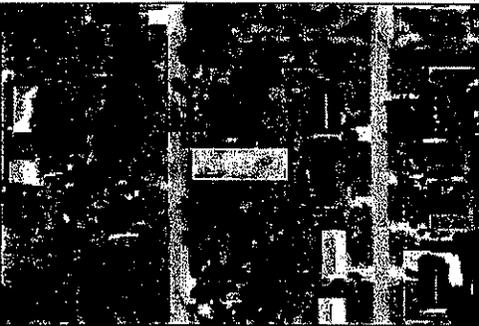
Notes: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

Please return this checklist with your application!

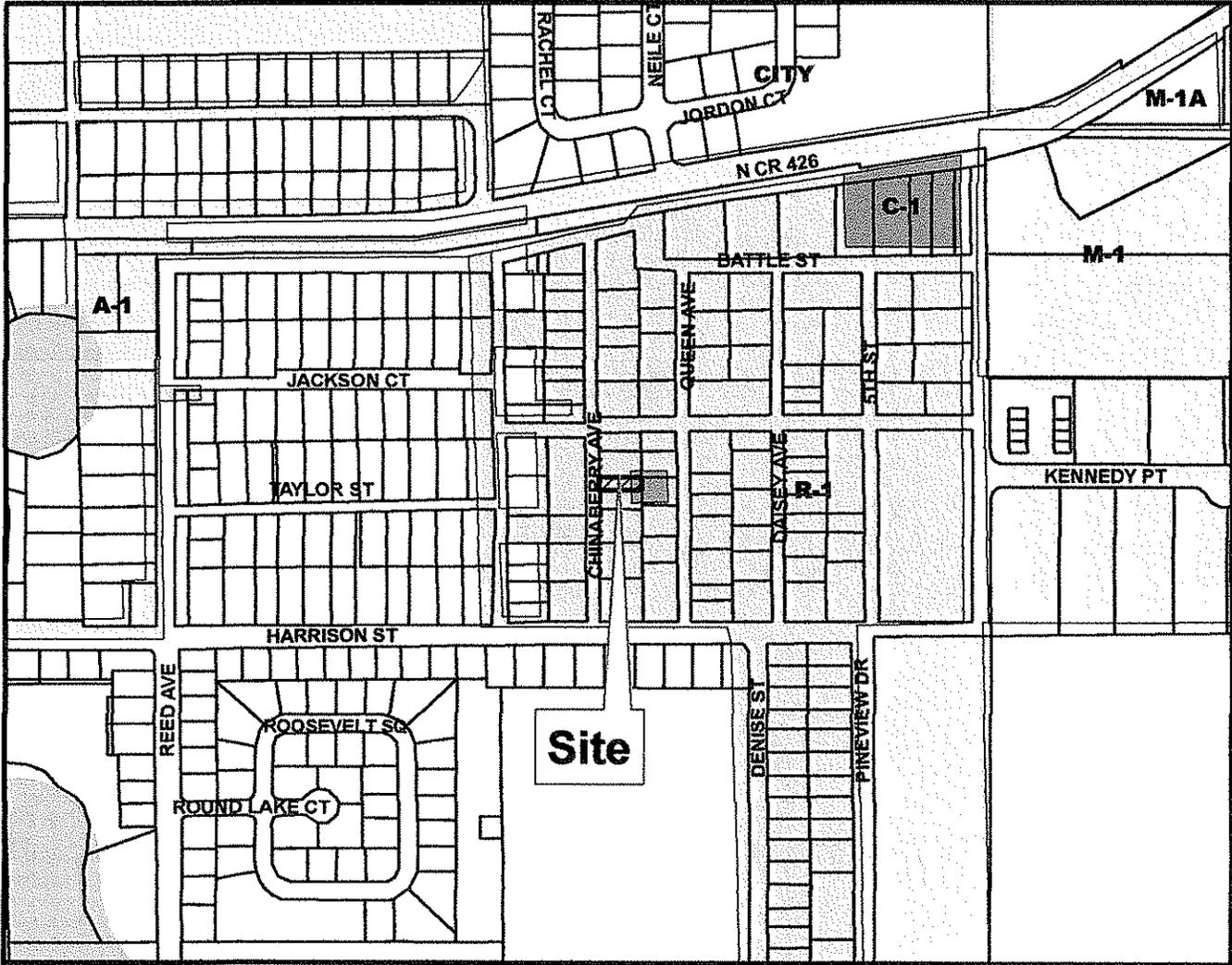
After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each )
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> 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  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL                  1101 E. FIRST ST                  SANFORD, FL 32771-1468                  407-665-7508</p>	<p>CHINABERRY AVE</p> <table border="1" style="margin: auto;"> <tr><td>1</td><td>17.0</td><td>1</td><td>20</td><td>1</td></tr> <tr><td>2</td><td>19</td><td>2</td><td>19</td><td>1.0</td></tr> <tr><td>3</td><td>19</td><td>3</td><td>17.0</td><td>3.0</td></tr> <tr><td>4</td><td>17</td><td>4</td><td>17</td><td>4.0</td></tr> <tr><td>5</td><td>15.0</td><td>5.0</td><td>6</td><td>15.0</td></tr> <tr><td>6</td><td>2</td><td>6</td><td>3</td><td>15</td></tr> <tr><td></td><td>13.0</td><td>7</td><td>14.0</td><td>5.0</td></tr> <tr><td></td><td></td><td></td><td>14</td><td></td></tr> </table> <p>QUEEN AVE</p>	1	17.0	1	20	1	2	19	2	19	1.0	3	19	3	17.0	3.0	4	17	4	17	4.0	5	15.0	5.0	6	15.0	6	2	6	3	15		13.0	7	14.0	5.0				14		
1	17.0	1	20	1																																						
2	19	2	19	1.0																																						
3	19	3	17.0	3.0																																						
4	17	4	17	4.0																																						
5	15.0	5.0	6	15.0																																						
6	2	6	3	15																																						
	13.0	7	14.0	5.0																																						
			14																																							
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 11-21-31-508-0300-0030                  Owner: SUPERIOR PROP INV INC                  Mailing Address: 525 DANIELS POINTE DR                  City,State,ZipCode: WINTER GARDEN FL 34787                  Property Address: CHINABERRY AVE                  Subdivision Name: ALLENS 1ST ADD TO WASHINGTON HEIGHTS                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 00-VACANT RESIDENTIAL</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 0                  Depreciated Bldg Value: \$0                  Depreciated EXFT Value: \$0                  Land Value (Market): \$16,800                  Land Value Ag: \$0                  Just/Market Value: \$16,800                  Assessed Value (SOH): \$16,800                  Exempt Value: \$0                  Taxable Value: \$16,800                  Tax Estimator</p>																																								
<p style="text-align: center;"><b>SALES</b></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>1163</td> <td>\$40,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>TAX DEED</td> <td>09/2005</td> <td>05921</td> <td>1520</td> <td>\$8,000</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	1163	\$40,000	Vacant	Yes	TAX DEED	09/2005	05921	1520	\$8,000	Vacant	No	<p><b>2006 VALUE SUMMARY</b></p> <p>2006 Tax Bill Amount: \$102                  2006 Taxable Value: \$6,300                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																			
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																																				
WARRANTY DEED	06/2007	06729	1163	\$40,000	Vacant	Yes																																				
TAX DEED	09/2005	05921	1520	\$8,000	Vacant	No																																				
<p style="text-align: center;"><b>LAND</b></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 &amp; DEPTH</td> <td>50</td> <td>105</td> <td>.000</td> <td>400.00</td> <td>\$16,800</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	50	105	.000	400.00	\$16,800	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 3 BLK 3 ALLENS 1ST ADD TO WASHINGTON HEIGHTS                  PB 3 PG 23</p>																												
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																					
FRONT FOOT & DEPTH	50	105	.000	400.00	\$16,800																																					
<p><b>NOTE:</b> 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>																																										

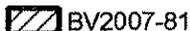
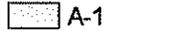
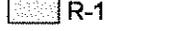


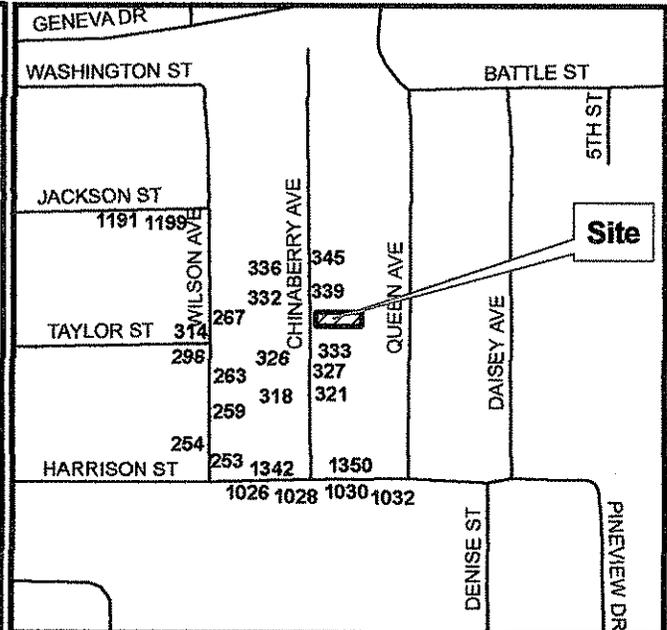
**Yougraj Beharry**  
**LOT 3, BLK 3, ALLENS 1ST ADD TO WASHINGTON HEIGHTS**  
**Chinaberry Avenue, Oviedo, Florida 32765**



**Seminole County Board of Adjustment**  
**August 27, 2007**  
**Case: BV2007-81 (Map 3160, Grid C5)**  
**Parcel No: 11-21-31-508-0300-0030**

**Zoning**

- |   |  |
|---|--|
|  BV2007-81 |  C-1  |
|  A-1       |  M-1A |
|  R-1       |  M-1  |
|  CN        |  |



PARTIES AND DESCRIPTION OF PROPERTY

1. SALE AND PURCHASE: James E. Atford - A Licensed Realtor ("Seller")  
and Yograj L. Babbar / Superior Property Investments, Inc. ("Buyer")  
agree to sell and buy on the terms and conditions specified below the property ("Property") described as:  
Address: Chimney  
Description:  
Tract ID # 11-21-31-509-0300-0020  
Lot 3 BIR3 Allis 1st Ave of Washington Heights  
Sevinole County, FL  
including all improvements and the following additional property:

2. PURCHASE PRICE: \$ 40,000. PRICE AND FINANCING payable by Buyer in U.S. funds as follows:

- (a) \$ 0 Deposit received (checks are subject to clearance) \_\_\_\_\_ by \_\_\_\_\_ for \_\_\_\_\_ ("Escrow Agent")
- (b) \$ \_\_\_\_\_ Additional deposit to be made by \_\_\_\_\_ or \_\_\_\_\_ days from Effective Date.
- (c) 32,000. Total Financing (see Paragraph 3 below) (express as a dollar amount or percentage)
- (d) \$ \_\_\_\_\_ Other: \_\_\_\_\_
- (e) \$ 8,000. Balance to close (not including Buyer's closing costs, prepaid items and prorations). All funds paid at closing must be paid by locally drawn cashier's check, official check or wired funds.

(f) (complete only if purchase price will be determined based on a per unit cost instead of a fixed price) The unit used to determine the purchase price is  lot  acre  square foot  other (specify: \_\_\_\_\_) prorating areas of less than a full unit. The purchase price will be \$ \_\_\_\_\_ per unit based on a calculation of total area of the Property as certified to Buyer and Seller by a Florida-licensed surveyor in accordance with Paragraph 3(c) of this Contract. The following rights of way and other areas will be excluded from the calculation: \_\_\_\_\_

3. CASH/FINANCING: (Check as applicable)  (a) Buyer will pay cash for the Property with no financing contingency.  
 (b) This Contract is contingent on Buyer qualifying and obtaining the commitment(s) or approval(s) specified below (the "Financing") within \_\_\_\_\_ days from Effective Date (if left blank then Closing Date or 30 days from Effective Date, whichever occurs first) (the "Financing Period"). Buyer will apply for Financing within \_\_\_\_\_ days from Effective Date (5 days if left blank) and will timely provide any and all credit, employment, financial and other information required by the lender. If Buyer, after using diligence and good faith, cannot obtain the Financing within the Financing Period, either party may cancel this tract. Upon cancellation, Buyer will return to Seller all title evidence, surveys and association documents provided by \_\_\_\_\_, and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from all interested parties. Buyer will pay all loan expenses, including the lender's title insurance policy.  
 (1) New Financing: Buyer will secure a commitment for new third party financing for \$ \_\_\_\_\_ or \_\_\_\_\_ % of the purchase price at the prevailing interest rate and loan costs. Buyer will keep Seller and Broker fully informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all such information to Seller and Broker.  
 (2) Seller Financing: Buyer will execute a  first  second purchase money note and mortgage to Seller in the amount of \$ 32,000. bearing annual interest at 10% and payable as follows: Interest paid monthly, Balance due 1 yr from date of closing.  
The mortgage, note, and any security agreement will be in a form acceptable to Seller and will follow forms generally accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the

Buyer (Y/L) and Seller (J/A) acknowledge receipt of a copy of this page, which is Page 1 of 6 Pages.  
VAC-6 10/00 ©2000 Florida Association of Realtors® All Rights Reserved  
LICENSED TO THE ORLANDO REGIONAL REALTOR® ASSOCIATION



## 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 3 BLK 3 ALLENS 1<sup>ST</sup> 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:** Chinaberry Avenue (Lot 3)

#### **Requested Development Approval:**

Request for 1) a minimum lot size variance from 8,400 square feet to 5,250 square feet & 2) lot width at the building line from 70 feet to 55 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: