Item #BV2007-110

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

**SUBJECT:** **Daisey Avenue (Lot 5)** – Paul McManus, 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** 9/24/07 **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.

---

| | | |
|---|---|---|
| **GENERAL INFORMATION** | Applicant: | Paul McManus |
| | Property Owner: | Victor Ramos |
| | Location: | Daisey Avenue |
| | Zoning: | R-1 |
| | Subdivision: | Washington Heights |
| **BACKGROUND / REQUEST** | • 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. The lot also requires a lot width at the building line from 70 feet to 50 feet.<br>• There are currently no code enforcement or building | |

| | |
|---|---|
| | violations for this property.<br>• There is no record of prior variances for this property. |
| **STAFF FINDINGS** | The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:<br>• 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.<br>*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.*<br>• Special conditions and circumstances did not result from the actions of the applicant.<br>*The creation of the nonconforming lot was not the result from any action taken by the applicant.*<br>• 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.<br>*The lot was created before the adoption subdivision regulations.*<br>• 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.<br>*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.*<br>• The variances requested are the minimum variances that will make possible reasonable use of the land, building or structure.<br>*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.*<br>• The grant of the variances would be in harmony with the general intent of Chapter 30.<br>*The requested variances would be in harmony with* |

| | |
|---|---|
| | *the character of the surrounding area in allowing the use of a single family home.* |
| **STAFF RECOMMENDATION** | Based on the stated findings, staff recommends approval of the request based upon the following conditions of approval:<br>• Any variance granted shall apply only to the lot as depicted on the attached site plan; and<br>• 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 **COPY**

Application # BV 2007-110
Meeting Date 9-24-07

# 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: VICTOR RAMOS / PAUL Mc MANUS

Address: 3880 Heir Loom Rose Place City: Oviedo Zip code: 32766

Project Address: 339 DAISEY AVE City: OVIEDO, FL Zip code: 32765

Contact number(s): 508-863-1921 (321) 244-0404

Email address:

*Is the property available for inspection without an appointment?* ☒ Yes ☐ No

| ***What type of structure is this request for?*** | |
|---|---|
| [ ] **Shed** | *Please describe:* |
| [ ] **Fence** | *Please describe:* RECEIVED AUG 0 3 2007 |
| [ ] **Pool** | *Please describe:* |
| [ ] **Pool screen enclosure** | *Please describe:* |
| [ ] **Covered screen room** | *Please describe:* |
| [ ] **Addition** | *Please describe:* |
| [X] **New Single Family Home** | *Please describe:* |
| [ ] **Other** | *Please describe:* |
| [ ] **This request is for a structure that has already been built.** | |

| ***What type of variance is this request?*** | | | | |
|---|---|---|---|---|
| [X] **Minimum lot size** | Required lot size: | 8400 | Actual lot size: | 5250 |
| [ ] **Width at the building line** | Required lot width: | 70ft. | Actual lot width: | 50' |
| [ ] **Front yard setback** | Required setback: | | Proposed setback: | |
| [ ] **Rear yard setback** | Required setback: | | Proposed setback: | |
| [ ] **Side yard setback** | Required setback: | | Proposed setback: | |
| [ ] **Side street setback** | Required setback: | | Proposed setback: | |
| [ ] **Fence height** | Required height: | | Proposed height: | |
| [ ] **Building height** | Required height: | | Proposed height: | |
| ***Use below for additional yard setback variance requests:*** | | | | |
| [ ] _____ **yard setback** | Required setback: | | Proposed setback: | |
| [ ] _____ **yard setback** | Required setback: | | Proposed setback: | |
| [ ] **Total number of variances requested** 2 | | | | |

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:*** Paul McManus

**FOR OFFICE USE ONLY**

Date Submitted: 8/3/07 Reviewed By: P. Johnson

Tax parcel number: 11-21-31-508-0700-0050 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

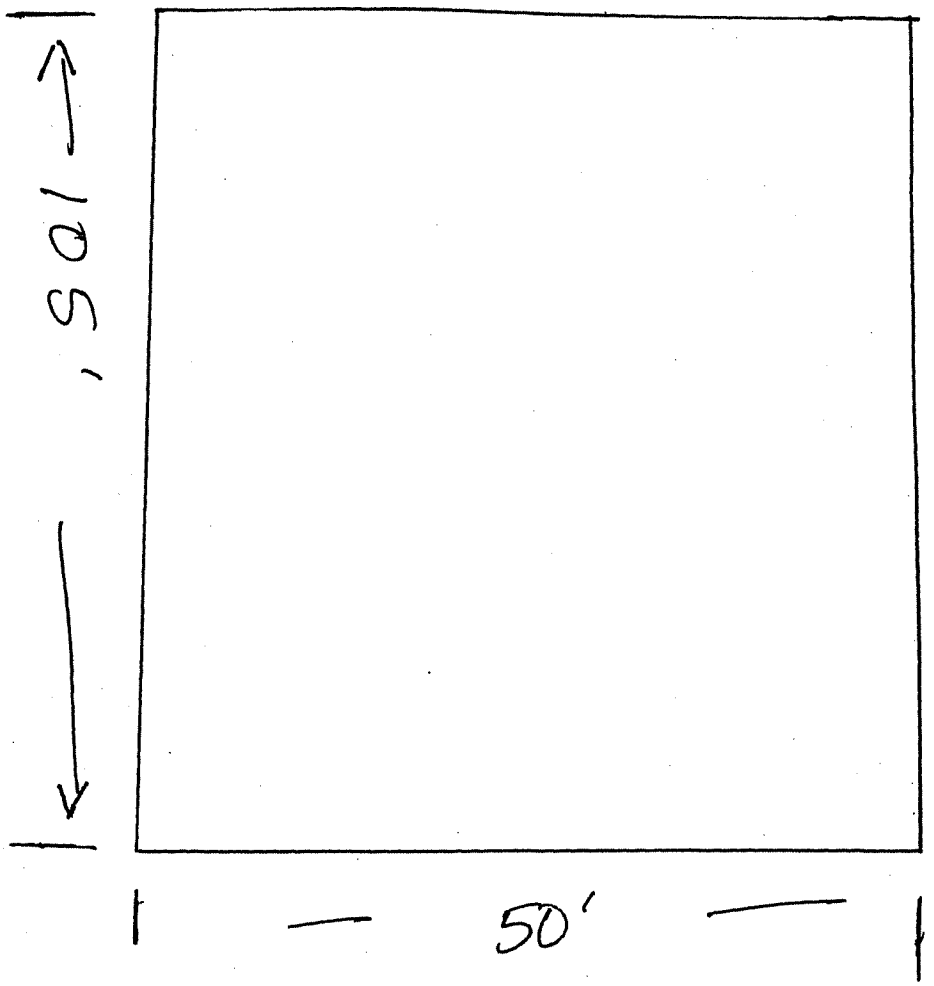
[ ] Application and checklist complete

Notes: _____

## *VARIANCE SUBMITTAL CHECKLIST*

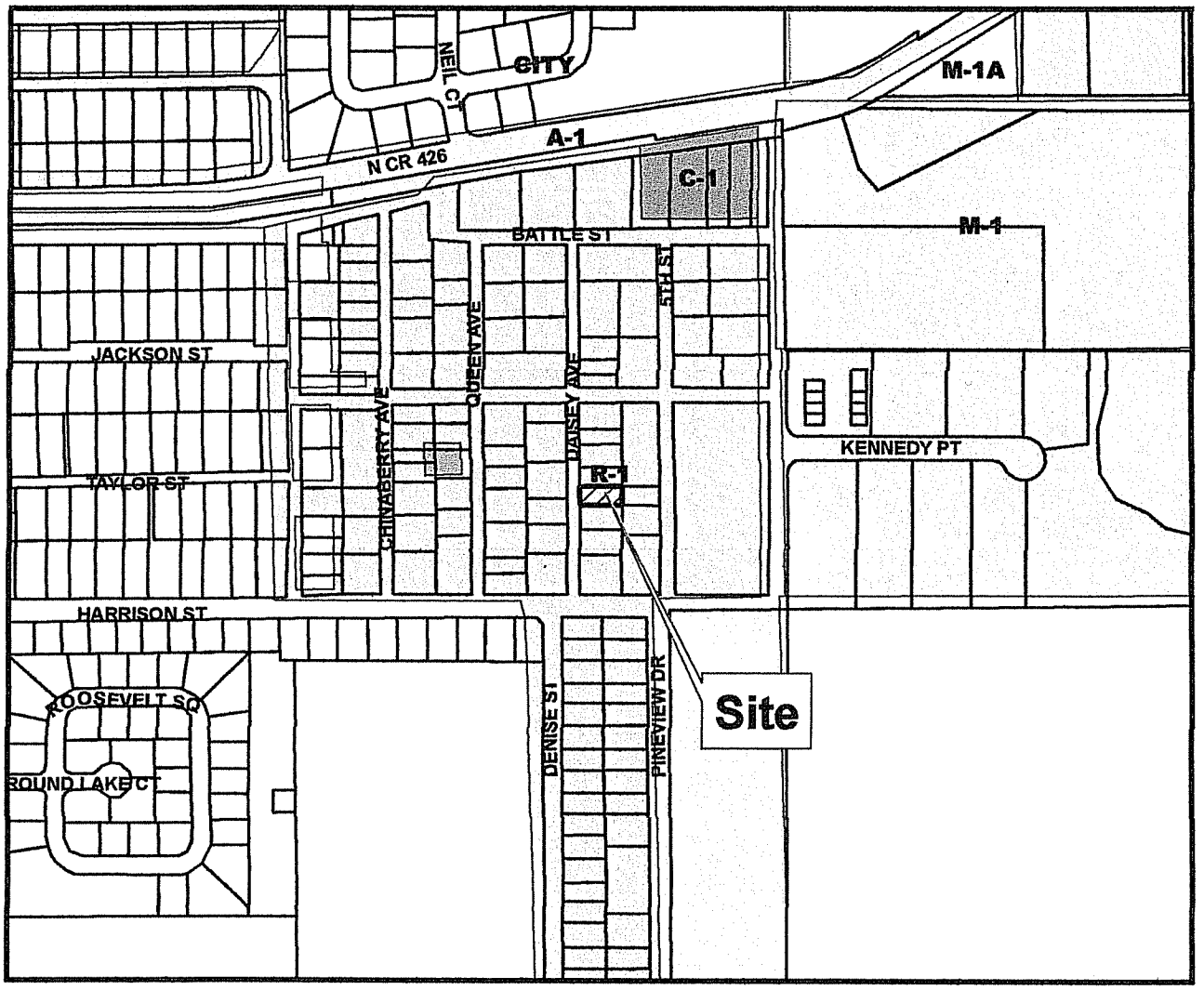
*Please return this checklist with your application!*

| | |
|---|---|
| | *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 http://www.seminolecountyfl.gov/pd/planning/forms.asp* |
| | 3. Provide a legible 8 ½ x 11 inch site plan with the following information<br>***NOTE: Please use your property survey for your site plan, if available.***<br>***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 <u>or</u> addition<br>*(Label existing, label proposed, and include square footage and dimensions of each )* |
| | o Existing and/or proposed buildings, structures and improvements<br>*(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<br>*(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. |




PARCEL ID# 11-21-31-508-0700-0170

Victor Ramos/Paul McManus
Lot 5 Blk 7 Allens 1st Add to Washington Heights
Daisey Avenue, Oviedo, Florida 32765

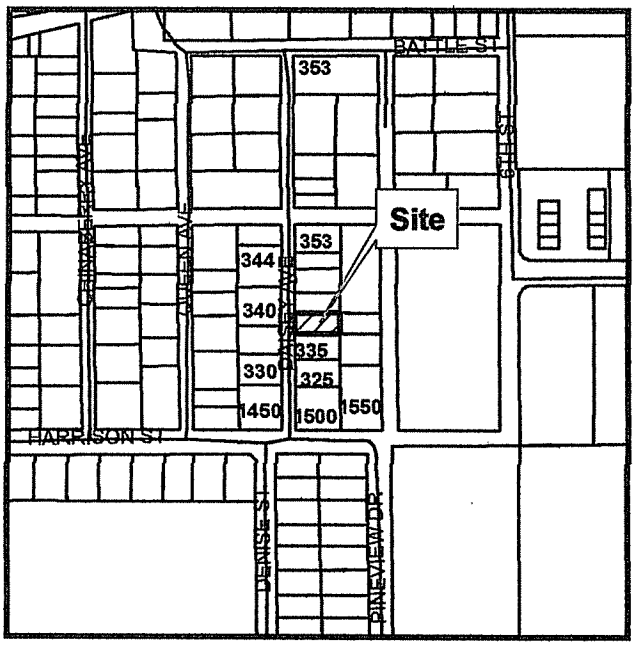



**Seminole County Board of Adjustment**
**September 24, 2007**
**Case: BV2007-110 (Map 3160, Grid C5)**
**Parcel No: 11-21-31-508-0700-0050**

**Zoning**

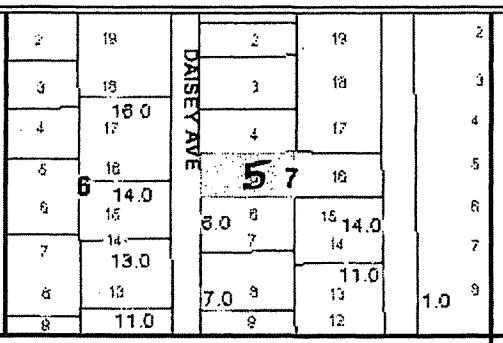
- BV2007-110
- A-1
- R-1
- CN
- C-1
- M-1A
- M-1

N



# 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:** | 11-21-31-508-0700-0050 |
| **Owner:** | RAMOS VICTOR |
| **Mailing Address:** | 339 DAISEYAVE |
| **City,State,ZipCode:** | OVIEDO FL 32765 |
| **Property Address:** | DAISEY AVE |
| **Subdivision Name:** | ALLENS 1ST ADD TO WASHINGTON HEIGHTS |
| **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):** | $6,300 |
| **Land Value Ag:** | $0 |
| **Just/Market Value:** | $6,300 |
| **Assessed Value (SOH):** | $6,300 |
| **Exempt Value:** | $0 |
| **Taxable Value:** | $6,300 |

Tax Estimator

## SALES

| Deed | Date | Book | Page | Amount | Vac/Imp | Qualified |
|---|---|---|---|---|---|---|
| WARRANTY DEED | 08/2006 | 06404 | 0673 | $158,000 | Vacant | No |
| QUIT CLAIM DEED | 04/2003 | 04784 | 0421 | $100 | Vacant | No |
| QUIT CLAIM DEED | 10/1993 | 02665 | 0174 | $100 | Vacant | No |
| WARRANTY DEED | 04/1992 | 02416 | 0494 | $8,000 | Vacant | No |
| TAX DEED | 04/1984 | 01541 | 0788 | $300 | Vacant | No |

Find Comparable Sales within this Subdivision

## 2006 VALUE SUMMARY

| | |
|---|---|
| **2006 Tax Bill Amount:** | $102 |
| **2006 Taxable Value:** | $6,300 |

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

## LAND

| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value |
|---|---|---|---|---|---|
| FRONT FOOT & DEPTH | 50 | 105 | .000 | 150.00 | $6,300 |

## LEGAL DESCRIPTION

PLATS: Pick...

LEG LOT 5 BLK 7 ALLENS 1ST ADD TO WASHINGTON HEIGHTS

PB 3 PG 23

**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.*

# 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).

I VICTOR RAMOS, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) 11-21-31-508-0700-0050

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 PAUL McMANUS 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.

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 18 day of JAN, 20 07

I HEREBY CERTIFY that on this day, before me/an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared VICTOR RAMOS, who is personally known to me or who has produced LICENSE 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 18 day of JANUARY, 2007.

Cecilia M. Carney BRISTOL COUNTY
Notary Public in and for the County and State Aforementioned

My Commission Expires: 3-15-07

My Commission Expires
March 15, 2007
Cecilia M. Carney

# SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 BLK 7 ALLENS 1ST ADD TO WASHINGTON HEIGHTS PB 3 PG 23

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

## FINDINGS OF FACT

**Property Owner:** Victor Ramos
339 Daisey Avenue
Oviedo, Fl. 34765

**Project Name:** Daisey Avenue (Lot 5)

**Requested Development Approval:**

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