

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

SUBJECT: Marjorie Boulevard (Lot 9) – 3D Builders, applicant; Request for a (1) minimum lot size from 8,400 square feet to 7,159 square feet and (2) width at the building line from 70 feet to 65 feet for a proposed single family home in the R-1 (Single Family Dwelling) district.

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

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

Agenda Date 7/28/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Approve** the request for a (1) minimum lot size from 8,400 square feet to 7,159 square feet and (2) width at the building line from 70 feet to 65 feet for a proposed single family home in the R-1 (Single Family Dwelling) district; or
2. **Deny** the request for a (1) minimum lot size from 8,400 square feet to 7,159 square feet and (2) width at the building line from 70 feet to 65 feet for a proposed single family home in the R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	3D Builders Mary Ferraro Marjorie Boulevard R-1 Longwood Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family home on a platted lot that does not meet the minimum lot size or width requirements of the R-1 zoning district. • The lot was platted in the Longwood Park Subdivision which was recorded March 30, 1957 prior to the adoption of the Seminole County Land Development Code. • There are currently no code enforcement or building 	

Reviewed by:
Co Atty: _____
Pln Mgr: AS

	<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.• Special conditions and circumstances did not result from the actions of the applicant.• The granting of the variance 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.• 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.• The variance requested is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would not still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request, since all six criteria under the Land Development Code for granting a variance have been satisfied. The literal interpretation and application of the minimum lot size and width at the building line requirements would result in an unbuildable lot and thereby constitute a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the proposed single family home 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
- Applicant Authorization Form
- 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 # BV2008-66
Meeting Date 7-28-08



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

RECEIVED JUN 06 2008

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

Name: 3D BUILDERS LLC
Address: PO BOX 789 City: DELEON SPGS Zip code: 32130
Project Address: MARJORIE BLVD. City: LONGWOOD Zip code: 32775
Contact number(s): 386 717 1792
Email address: jnlprops@yahoo.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"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" 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>8400</u>	Actual lot size:	<u>7150</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>70</u>	Actual lot width:	<u>65</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>\$200.00</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]
L:\pf\projects\boa\New applications 2006\Application Variance NEW 2006.doc

KCF

FOR OFFICE USE ONLY

Date Submitted: 6-6-08 Reviewed By: P. Johnson

Tax parcel number: 20-20-30-501-0100-0090 Zoning/FLU R-1/LDR

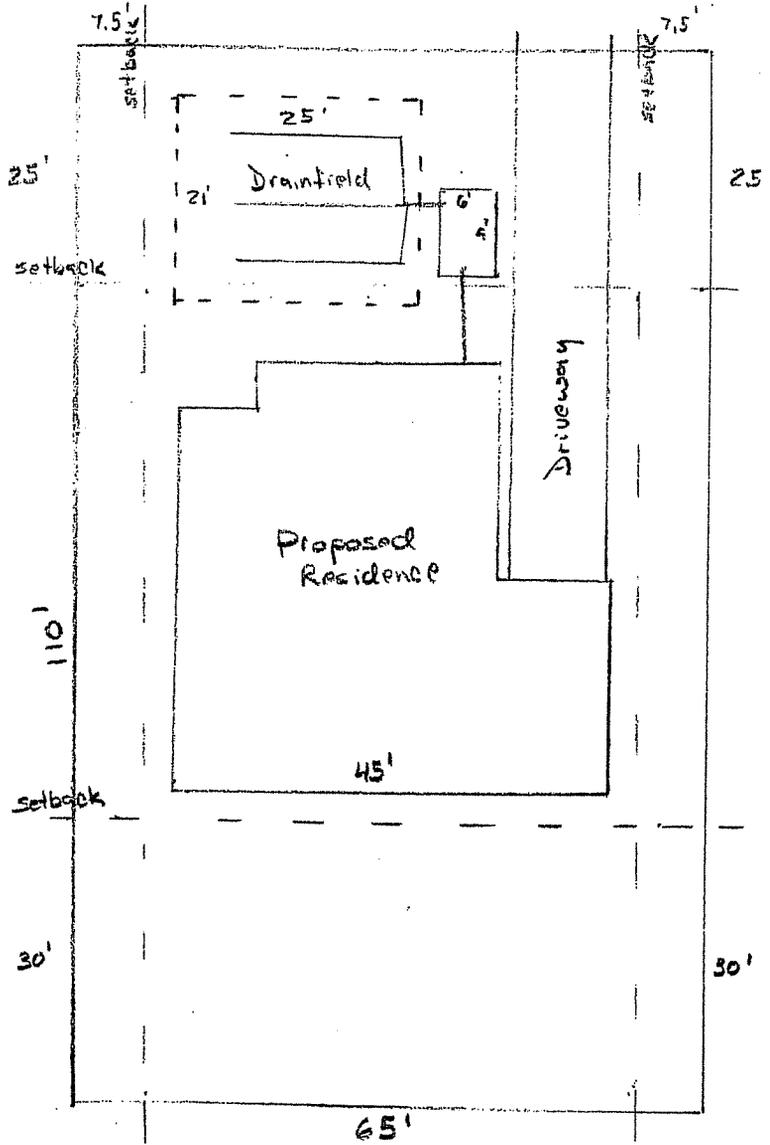
- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

Notes: Platted lot, variances granted in
the area

Proposed Site Plan

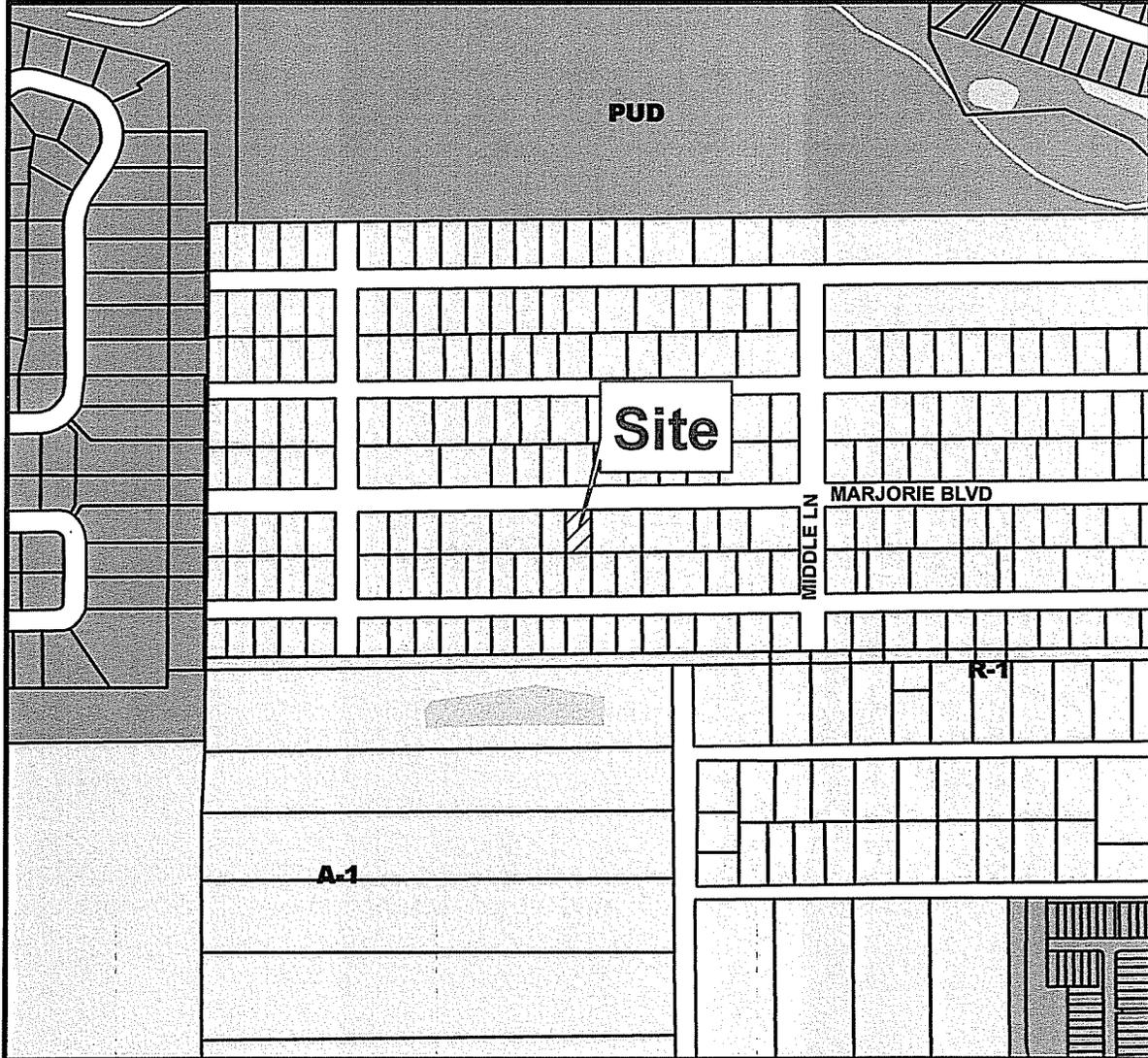
Parcel # 20-20-30-501-0100-0090

marjorie Blud.



Scale 20:1

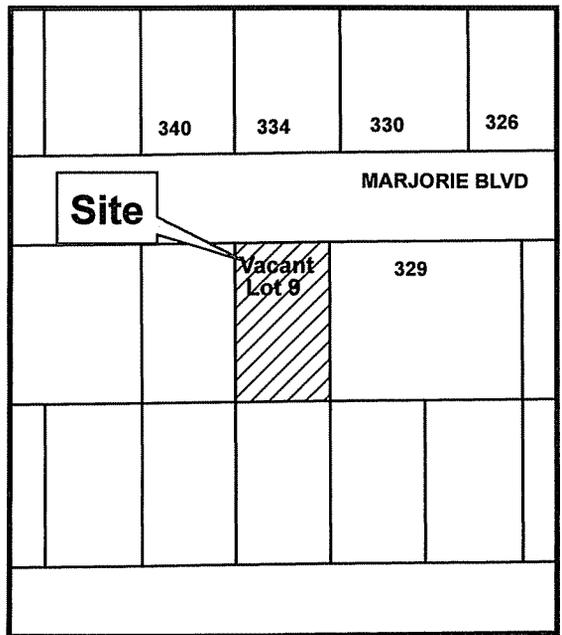
3D Builders LLC
Marjorie Blvd. (Lot 9 Vacant)
Longwood, Florida 32750



Seminole County Board of Adjustment
July 28, 2008
Case: BV2008-66 (Map 3103, Grid D5)
Parcel No: 20-20-30-501-0100-0090

Zoning

- BV2008-66
- A-1
- R-1
- PUD



**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: 3D BUILDERS LLC - ^{JAMES} MOESLER JR. Name: _____
Address: PO BOX 789 Address: _____
DELEON SPRINGS, FL 32130 (Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

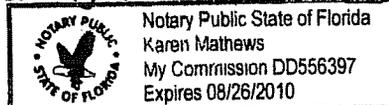
6-6-08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 6 day of June, 2008 by _____

[Signature]
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced Florida's Drivers License

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 9 Blk 1 Longwood Park PB 11 PG 10

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

FINDINGS OF FACT

Property Owner: Mary Ferraro
1525 Park Avenue
Mamaroneck, NY 10543

Project Name: Marjorie Boulevard (lot 9)

Requested Development Approval:

Request for a (1) minimum lot size variance from 8,400 square feet to 7,150 square feet and (2) width at the building line from 70 feet to 65 feet for a proposed single family home in the R-1 (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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:

- a. The variances granted will apply only to the proposed single family home 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: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 9 Blk 1 Longwood Park PB 11 PG 10

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

FINDINGS OF FACT

Property Owner: Mary Ferraro
1525 Park Avenue
Mamaroneck, NY 10543

Project Name: Marjorie Boulevard (lot 9)

Requested Development Approval:

Request for a (1) minimum lot size variance from 8,400 square feet to 7,150 square feet and (2) width at the building line from 70 feet to 65 feet for a proposed single family home in the R-1 (Single Family Dwelling) district.

The Development Approval was sought to construct a single family home on a non-conforming lot. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: