

Item # 64

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment's decision to deny the request for (1) front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District).

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Francisco Torregrosa **EXT.** 7387

| | | | | |
|----------------------------|------------------------------------------------|-----------------------------------------------------------|---------------------------------------|-----------------------------------|
| Agenda Date <u>11-9-04</u> | Regular <input type="checkbox"/> | Consent <input type="checkbox"/> | Work Session <input type="checkbox"/> | Briefing <input type="checkbox"/> |
| | Public Hearing – 1:30 <input type="checkbox"/> | Public Hearing – 7:00 <input checked="" type="checkbox"/> | | |

MOTION/RECOMMENDATION:

1. **UPHOLD** the Board of Adjustment's decision to deny the request for (1) front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District) at 3453 Peace Valley Way in Longwood (Sec. 31, Twp 20S, Rng 29E, PB 9, PG 51); (Josue Llanos, applicant); or
2. **REVERSE** the Board of Adjustment's decision to deny the request for (1) front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District) at 3453 Peace Valley Way in Longwood (Sec. 31, Twp 20S, Rng 29E, PB 9, PG 51); (Josue Llanos, applicant); or
3. **CONTINUE** the request to a time and date certain.

(District 3 – Van Der Weide)

(Francisco Torregrosa, Planner)

BOARD OF ADJUSTMENT DECISION:

On October 4, 2004, the Board of Adjustment denied a request for (1) front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District) at 3453 Peace Valley Way. The Board based its denial on the determination that the applicant had reasonable use of the property and failed to demonstrate a hardship for the request.

| | |
|--------------|---------------------|
| Reviewed by: | <u>[Signature]</u> |
| Co Atty: | <u>[Signature]</u> |
| DFS: | <u>[Signature]</u> |
| Other: | <u>[Signature]</u> |
| DCM: | <u>[Signature]</u> |
| CM: | <u>[Signature]</u> |
| File No. | <u>ph 200 pdp02</u> |

STAFF RECOMMENDATION:

Based upon the findings stated in the staff report, staff recommends the Board of County Commissioners uphold the decision of the Board of Adjustment and deny the request for (1) front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District) at 3453 Peace Valley Way.

STAFF REPORT

| | |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GENERAL INFORMATION | Applicant: Josue Llanos Location: 3453 Peace Valley Way Zoning: A-1 (Agriculture District) |
| BACKGROUND/ REQUEST | <ul style="list-style-type: none">• The applicant proposes to construct a home that would encroach 15 feet into the minimum 35 foot front yard setback and 20 into the minimum 35 foot rear yard setback.• On May 7, 1999, the Board of County Commissioners approved the following variances:<ol style="list-style-type: none">1. Minimum lot size variance from 43,560 square feet to 25,293.59 square feet;2. Minimum front yard setback variance from 50 feet to 35 feet; and3. The applicant voluntarily agreed to increase the rear yard setback from 30 feet to 35 feet as a condition of approval for those variances. |
| STAFF FINDINGS | The applicant has failed to satisfy the criteria for the grant of the requested variances. Staff has determined that: <ul style="list-style-type: none">• No special circumstances applicable to the property or proposed home have been demonstrated.• The proposed home could be modified and built on the property to comply with the setback reductions of prior variances.• Reasonable use would be retained without the requested variances.• The requests would confer upon the applicant special privileges that would be denied to others in the A-1 district. |

| | |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STAFF RECOMMENDATION | Based on the proposed site plan and the representations of the applicant, staff recommends the Board of County Commissioners uphold the decision of the Board of Adjustment and deny the request. If the Board should decide to grant a variance, staff recommends the following conditions: <ul style="list-style-type: none">• Any variance granted should apply only to the proposed home as depicted on the attached site plan; and• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing. |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

ATTACHMENTS: Zoning & Future Land Use maps
Correspondence
Application for special exception
Location map
Property appraiser report
Proposed development order
Board of Adjustment meeting minutes
Recorded denial order
Proposed site plan
Decision on appeal

Seminole County, Florida

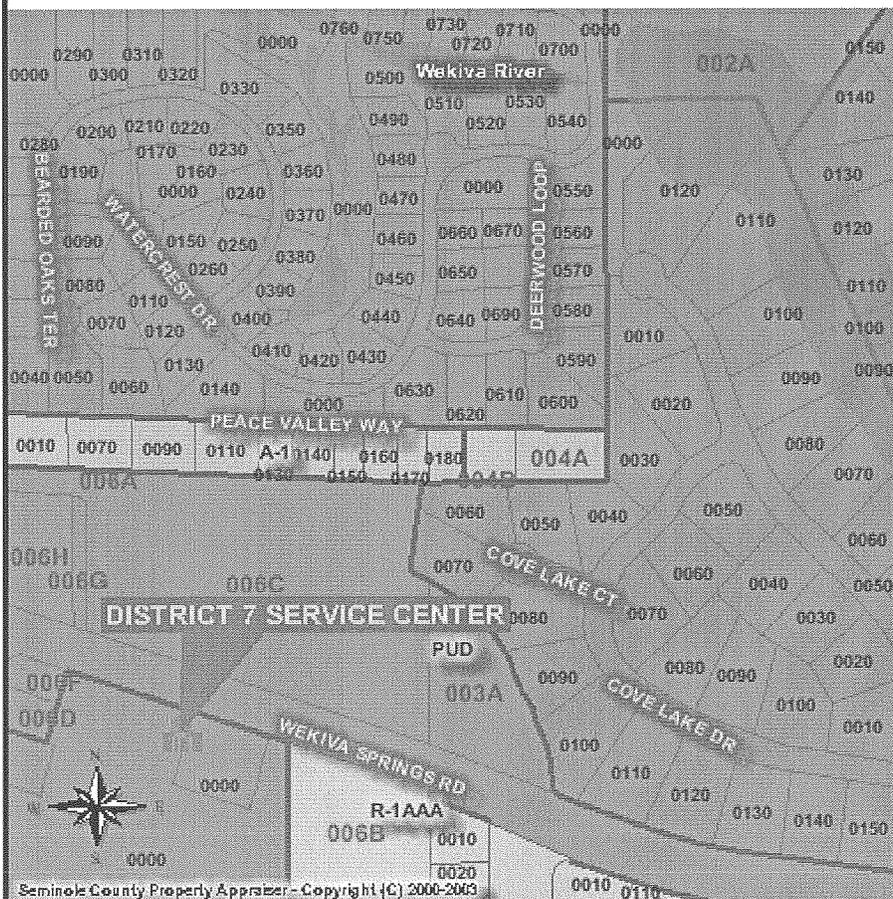
Property Appraiser Services
 Your Source for Property Information... Quick, Convenient, Accurate

H. W. "Bill" Suber CFA, ASA

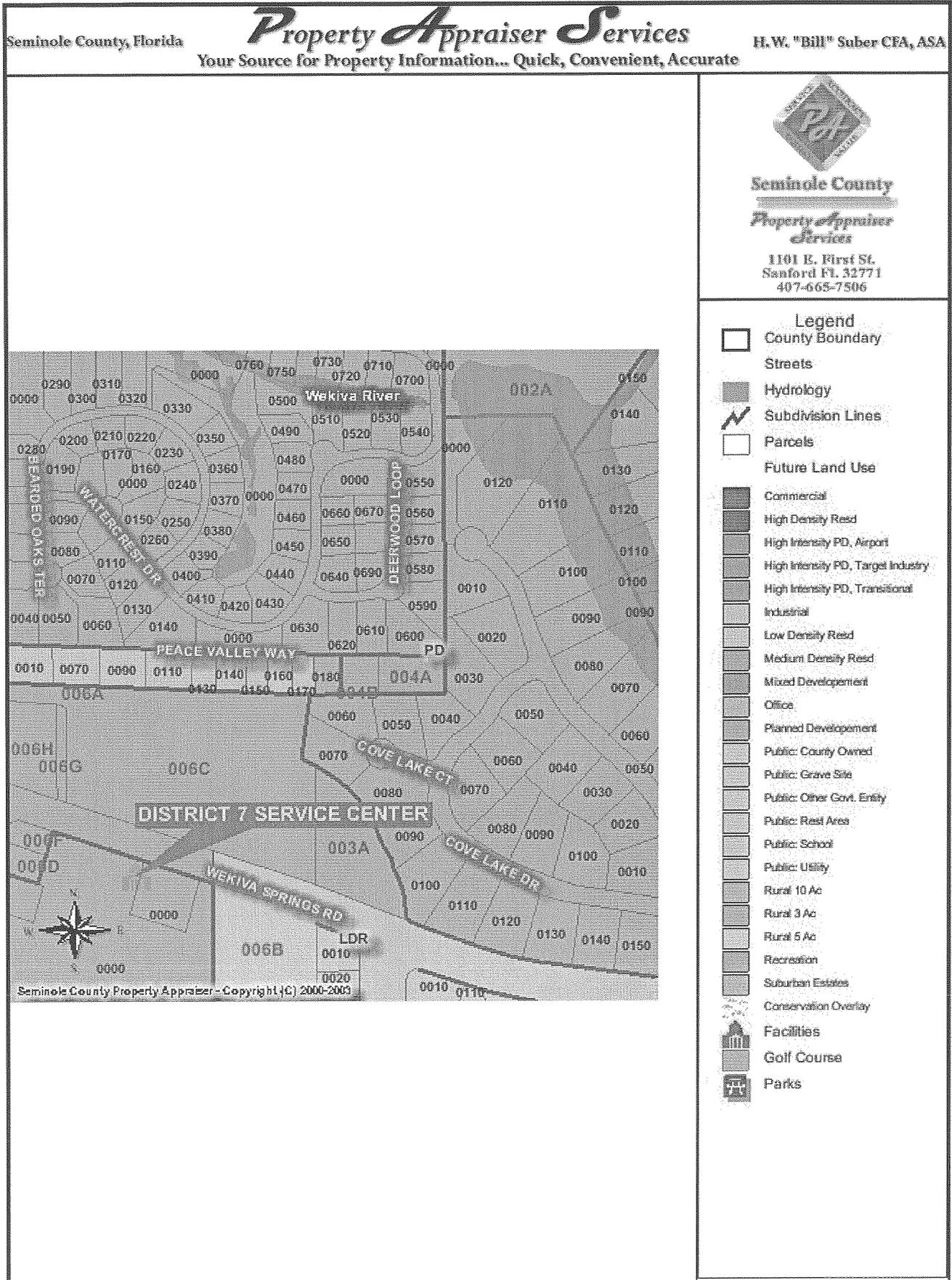


Seminole County
Property Appraiser Services

1101 E. First St.
 Sanford Fl. 32771
 407-665-7506



Seminole County Property Appraiser - Copyright (C) 2000-2003



10-6-04

I AM JOSUE LLANOS

PLEASE I LIKE TO APPEAL BOA DECISION
ON MY VACANT LOT ON PEACE VALLEY WAY
TO BUILD A HOUSE.

THIS VARIANCE ARE TO GET A HOUSE

SIZE ~~60' X 90'~~ 85' X 90'
WIDE LENGTH W LENGTH

PLEASE AND THANK YOU FOR YOUR HELP.

JOSUE LLANOS

RECEIVED

10-6-04

.....
Josue Llanos
603 San Marie Ave
Altamonte Springs Fl, 32711

30 July, 2004

To Seminole County Board

Dear Sir or Madam:

From Josue Llanos & Gloria Llanos, we have a plan to build a house
in parcel # 31-20-29-501-0000-0180

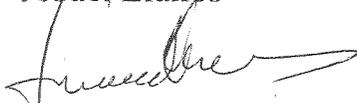
But setback are only 35 feet at front and 35 feet on back; this make

The house to narrow with only 50 feet wide.

For our type of house we need please to change just the setback front &
back to 20 feet that way we will have 80 feet wide or 90 feet if is
possible.

The house will be 80 x 100 Thankyou for your help.

Josue, Llanos



Sincerely,

.....

PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



July 19, 2004

Josue Llanos
603 San Marie Ave
Altamonte Springs, FL 32714

Re: 3453 Peace Valley Way/#31-20-29-501-0000-0180

Mr Llanos:

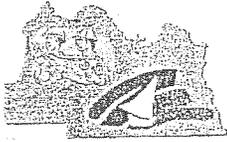
This is to advise you that the zoning and land use of the above-captioned parcel is governed by the laws and regulations of unincorporated Seminole County. The parcel has a Low Density Residential land use designation and an A-1 (Agriculture) zoning classification. On May 7, 1999 the Board of County Commissioners approved three variances: 1) a lot size variance from 43,560 square feet to 25,293.59 square feet; 2) front yard setback along Peace Valley Way of 35 feet; and 3) rear yard setback of 35 feet. A drawing is included to illustrate the granted setbacks.

If you have any questions concerning this correspondence please contact me at (407)665-7389.

Sincerely,

Kathy Fall
Senior Planner

Attachment



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED

AUG 02 2004

COPY

APPL. NO.

BV 2004-134

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

VARIANCE Front yard setback variance from 35' to 20'

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

EXISTING PROPOSED REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD YES NO IF SO, WHEN _____

MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

| | PROPERTY OWNER | AUTHORIZED AGENT * |
|---------|------------------------------------------|--------------------|
| NAME | JOSUE LLANDS | |
| ADDRESS | 603 SAN MARIE AVE. ALTAMONTE FL 32714 | |
| PHONE 1 | (407) 786-3838 | |
| PHONE 2 | (407) 310-1147 | |
| E-MAIL | (407) 786-4997 FAX | |

PROJECT NAME: _____

SITE ADDRESS: 34.53 PEARCE VALLEY WAY LOWEWOOD FL 32779

CURRENT USE OF PROPERTY: VACANT LOT

LEGAL DESCRIPTION: see attached

SIZE OF PROPERTY: 25,293.58 acre(s) PARCEL I.D. 32-20-29-300-004B-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on SEPT 27-2004 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

[Signature] _____ DATE 8-1-04

SIGNATURE OF OWNER OR AGENT*

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

Rear yard setback variance from 35' to 15'

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

| | PROPERTY OWNER | AUTHORIZED AGENT * |
|---------|----------------|--------------------|
| NAME | | |
| ADDRESS | | |
| PHONE 1 | | |
| PHONE 2 | | |
| E-MAIL | | |

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

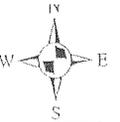
PROCESSING:

FEE: \$200.00 COMMISSION DISTRICT 3 FLU/ZONING LDR / A-1
LOCATION FURTHER DESCRIBED AS on Peace Valley Way approx. 500'
east of Miami Springs Dr.

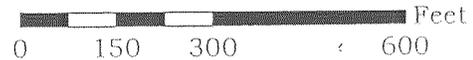
PLANNER JV DATE 8/2/04

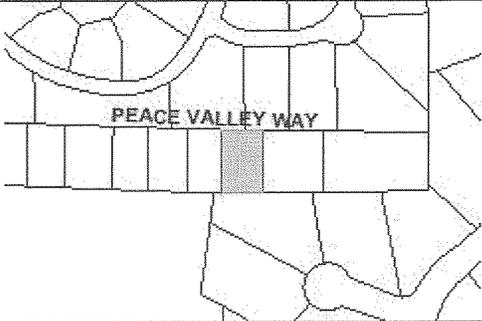
EFFICIENCY COMMENTS _____

Josue Llanos
3453 Peace Valley Way

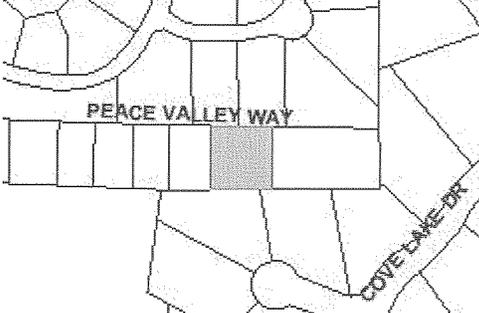


BV2004-134



| PARCEL DETAIL | | REAL ESTATE | PERSONAL PROP. | TAX ROLL | SALES SEARCH | ◀ ◁ Back ▷ ▶ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------|------------|------------|---------------|---------|-------|------|-----------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------|------|----------|--------|---------------|---------|-------|------|---------|--------|-----------------|---------|-------|------|-------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|  <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p> |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p align="center">GENERAL</p> <p>Parcel Id: 31-20-29-501-0000-0180 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: LIANOS JOSUE E & GLORIA E Exemptions:</p> <p>Address: 603 SAN MARIE AVE</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32714</p> <p>Property Address: 3453 PEACE VALLEY WAY LONGWOOD 32779</p> <p>Subdivision Name: PEACE VALLEY MIAMI SPRINGS</p> <p>Dor: 00-VACANT RESIDENTIAL</p> | | | <p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$37,050</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$37,050</p> <p>Assessed Value (SOH): \$37,050</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$37,050</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>02/2004</td> <td>05228</td> <td>1793</td> <td>\$80,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1997</td> <td>03347</td> <td>1925</td> <td>\$16,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1980</td> <td>01262</td> <td>1626</td> <td>\$5,500</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1980</td> <td>01262</td> <td>1625</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p> | | | Deed | Date | Book | Page | Amount | Vac/Imp | WARRANTY DEED | 02/2004 | 05228 | 1793 | \$80,000 | Vacant | WARRANTY DEED | 12/1997 | 03347 | 1925 | \$16,500 | Vacant | WARRANTY DEED | 01/1980 | 01262 | 1626 | \$5,500 | Vacant | QUIT CLAIM DEED | 01/1980 | 01262 | 1625 | \$100 | Vacant | <p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$626</p> <p>2004 Taxable Value: \$37,050</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p> | | | |
| Deed | Date | Book | Page | Amount | Vac/Imp | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WARRANTY DEED | 02/2004 | 05228 | 1793 | \$80,000 | Vacant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WARRANTY DEED | 12/1997 | 03347 | 1925 | \$16,500 | Vacant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WARRANTY DEED | 01/1980 | 01262 | 1626 | \$5,500 | Vacant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| QUIT CLAIM DEED | 01/1980 | 01262 | 1625 | \$100 | Vacant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">LAND</p> <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>ACREAGE</td> <td>0</td> <td>0</td> <td>.570</td> <td>65,000.00</td> <td>\$37,050</td> </tr> </tbody> </table> | | | Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value | ACREAGE | 0 | 0 | .570 | 65,000.00 | \$37,050 | <p align="center">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 18 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED</p> <p>PB 9 PG 51 & 32-20-29-300-00B0-0000</p> <p>SEC 32 TWP 20S RGE 29E BEG 119.98 FT N & 210.19 FT W OF NE COR LOT 4 BLK B SWEETWATER COVE RUN</p> <p>W TO NW COR LOT 18 PEACE VALLEY MIAMI SPRINGS S 120 FT E TO A PT S OF BEG N TO BEG</p> | | | | | | | | | | | | | | | | | | | | | |
| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ACREAGE | 0 | 0 | .570 | 65,000.00 | \$37,050 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

[BACK](#)
 [PROPERTY APPRAISER HOME PAGE](#)
 [CONTACT](#)

| PARCEL DETAIL | REAL ESTATE | PERSONAL PROP. | TAX ROLL | SALES SEARCH | ◀ ◁ Back ▷ ▶ | | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|------------|------------|------------|---------------|---------|-------|-------|----------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
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| <p align="center">GENERAL</p> <p>Parcel Id: 32-20-29-300-004B-0000 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: REFERENCE ONLY Exemptions:</p> <p>Address:</p> <p>City,State,ZipCode:</p> <p>Property Address: PEACE VALLEY WAY</p> <p>Facility Name:</p> <p>Dor: N.-INFORMATION/REFERENC</p> | | | <p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$10</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$10</p> <p>Assessed Value (SOH): \$10</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$10</p> | | | | | | | | | | | | | | |
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| Deed | Date | Book | Page | Amount | Vac/Imp | | | | | | | | | | | | |
| WARRANTY DEED | 02/2004 | 05228 | 1793 | \$80,000 | Vacant | | | | | | | | | | | | |
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| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value | | | | | | | | | | | | |
| LOT | 0 | 0 | 1.000 | 10.00 | \$10 | | | | | | | | | | | | |
| <p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p> | | | | | | | | | | | | | | | | | |

[BACK](#) [PROPERTY APPRAISER HOME PAGE](#) [CONTACT](#)

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 18 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED PB 9 PG 51 & 32-20-29-300-00B0-0000 SEC 32 TWP 20S RGE 29E BEG 119.98 FT N & 210.19 FT W OF NE COR LOT 4 BLK B SWEETWATER COVE RUN W TO NW COR LOT 18 PEACE VALLEY MIAMI SPRINGS S 120 FT E TO A PT S OF BEG N TO BEG

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

FINDINGS OF FACT

Property Owner: JOSUE LLANOS
603 SAN MARIE AVENUE
ALTAMONTE SPRINGS, FL 32714

Project Name: PEACE VALLEY WAY (3453)

Requested Development Approval:

1. MINIMUM FRONT YARD SETBACK VARIANCE FROM 35 FEET TO 20 FEET;
AND
2. MINIMUM REAR YARD SETBACK VARIANCE FROM 35 FEET TO 15 FEET
FOR AN EXISTING LOT IN THE A-1 (AGRICULTURE 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: Francisco Torregrosa, 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 existing 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: _____
Matthew West
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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

13.3453 PEACE VALLEY WAY - Josue Llanos, applicant; Request for (1) minimum front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District); Located on the south side of Peace Valley Way, approximately 0.2 mile east of the intersection of Miami Springs Drive and Peace Valley Way; (BV2004-134).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that as a result of actions taken by the Board in May 1999, the property is currently bound by 35 foot front and rear yard setbacks. He also stated that the applicant is requesting that the front yard setback be reduced to 20 feet and the rear yard be reduced 15 feet. He further stated that the applicant has failed to satisfy the criteria for granting a variance. He lastly stated that staff recommended denial of the request.

Josue Llanos stated that he wants to build a house on his vacant lot. He also stated that he would like to build the house in the middle of the lot and have a pool.

He lastly stated that he wanted to make his wife happy.

Mrs. Buchanan made a motion to approve the request.

The motion died for a lack of a second.

Mr. Rozon made a motion to deny the request.

Mr. Pennington seconded the motion.

The motion passed by a (4-1) consent. Mrs. Buchanan was in opposition.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 18 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED PB 9 PG 51 & 32-20-29-300-00B0-0000 SEC 32 TWP 20S RGE 29E BEG 119.98 FT N & 210.19 FT W OF NE COR LOT 4 BLK B SWEETWATER COVE RUN W TO NW COR LOT 18 PEACE VALLEY MIAMI SPRINGS S 120 FT E TO A PT S OF BEG N TO BEG

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

FINDINGS OF FACT

Property Owner: JOSUE LLANOS
603 SAN MARIE AVENUE
ALTAMONTE SPRINGS, FL 32714

Project Name: PEACE VALLEY WAY (3453)

Requested Development Approval:

1. MINIMUM FRONT YARD SETBACK VARIANCE FROM 35 FEET TO 20 FEET;
AND
2. MINIMUM REAR YARD SETBACK VARIANCE FROM 35 FEET TO 15 FEET
FOR AN EXISTING LOT IN THE A-1 (AGRICULTURE 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: Francisco Torregrosa, 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 existing 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: _____
Matthew West
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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

50' INGRESS & EGRESS EASEMENT. O.N.B. 1.

POINT OF BEGINNING INGRESS & EGRESS EASEMENT

POINT OF COMMENCEMENT INGRESS & EGRESS EASEMENT

S 89° 14' 48" W 420.37'

1.2' RINGS IS TO LINE TO OF 4 50' PER 2

X 1/2 Acre

5 00° 12' 28" W 120.00'

0.00' FND 4"x4" CONCRETE MONUMENT NO I.D.

65.00' 75.00'

FND 4"x4" CONCRETE MONUMENT NO I.D. 210.19'

A BROKEN DOWN WOOD RAIL FENCE MEANDERS ALONG LINE POINT OF BEGINNING

35 feet front yard

10' INGRESS AND EGRESS EASEMENT

18

Building Area 19 EXISTING

50' 20'

10 feet side yard

E. LINE OF LOT 18 120.00'

S 00° 22' 37" E 119.99'

35ft rear yard

FND 4"x4" CONCRETE MONUMENT NO I.D. 211.41'

SET IRON

347.82'

2' 0.00' 75.00'

6" WOOD FENCE 0.5' SOUTH OF LINE

N 89° 14' 48" E 422.82'

FND 4"x4" CONCRETE MONUMENT NO I.D.

30' PLATTED DRAINAGE

TED

BLOCK 'B' SWEETWATER PLAT BOOK 20. PAGES 3

FOUND IDENTIFICATION OFFICIAL RECORDS BOOK PAGE

LOT 6

LOT 5

50' INGRESS & EGRESS EASEMENT. O...B. 1

POINT OF BEGINNING INGRESS & EGRESS EASEMENT

POINT OF COMMENCEMENT INGRESS & EGRESS EASEMENT

SET IRON 420.37'

11.2' RINGS IS TO LINE OF 4' 50" PER 2'

1/2' yard

1' 0" FOUND IDENTIFICATION OFFICIAL RECORDS BOOK PAGE

FOUND IDENTIFICATION OFFICIAL RECORDS BOOK PAGE

E. LINE OF L. EXTENDED NOR

LINE OF LOT 18

S 89° 14' 48" W

0.00' FND 4"x4" CONCRETE MONUMENT NO 1.D. 65.00' 75.00'

FND 4"x4" CONCRETE MONUMENT NO 1.D. 210.19'

A BROKEN DOWN WOOD RAIL FENCE MEANDERS ALONG LINE POINT OF BEGINNING

10' INGRESS AND EGRESS EASEMENT 18

Buildings Area 19 PROPOSED

85' 20'

rear yard

S 00° 22' 37" E 119.99'

10 feet side yard

FND 4"x4" CONCRETE MONUMENT NO 1.D. 211.41'

N 89° 14' 48" E 422.82'

6" WOOD FENCE 0.5' SOUTH OF LINE

FND 4"x4" CONCRETE MONUMENT NO 1.D.

30' PLATTED DRAINAGE

BLOCK B - SWEETWATER PLAT BOOK 20. PAGES 3

LOT 6

LOT 5

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 9th day of November 2004, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, upholding a decision of the Board of Adjustment to deny a request for (1) minimum front yard setback variance from 35 feet to 20 feet; and (2) minimum rear yard setback variance from 35 feet to 15 feet in the A-1 (Agriculture District).

A. FINDINGS OF FACT

1. On October 4, 2004, the Board of Adjustment denied a request for (1) minimum front yard setback variance from 35 feet to 20 feet; and (2) minimum rear yard setback variance from 35 feet to 15 feet in the A-1 (Agriculture District), as requested by Josue Llanos, on the property further described by the following legal description:

LEG LOT 18 PEACE VALLEY MIAMI SPRINGS AS NOW LOCATED PB 9 PG 51 & 32-20-29-300-00B0-0000 SEC 32 TWP 20S RGE 29E BEG 119.98 FT N & 210.19 FT W OF NE COR LOT 4 BLK B SWEETWATER COVE RUN W TO NW COR LOT 18 PEACE VALLEY MIAMI SPRINGS S 120 FT E TO A PT S OF BEG N TO BEG

2. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43(f), LDC.

3. On November 9, 2004, the Board of County Commissioners heard an appeal of this decision.

B. CONCLUSIONS OF LAW

The Board of County Commissioners finds that the request is not in conformance with Section 30.128 of the Land Development Code of Seminole County due to the following:

1. The Board hereby agrees with and adopts the staff recommendations as reflected in the Agenda Memorandum, Item # _____.

2. The subject request does not meet all of the criteria in Section 30.128(a)(1)&(2), LDC, for granting of a variance because:
 - a. The subject request would allow development that would further encroachment into the required minimum front and rear yard without the demonstration of a hardship.

C. DECISION

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on November 9, 2004, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **UPHELD** and the variances requested are denied.

DATED this 9th day of November 2004.

Board of County Commissioners
Seminole County, Florida

Daryl G. McLain, Chairman