

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5.3 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (MARCHEL DIGIACOMO, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Francisco Torregrosa EXT. 7387

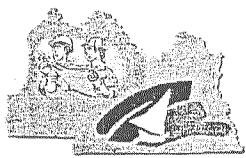
Agenda Date 6-28-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5.3 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (MARCHEL DIGIACOMO, APPLICANT); OR
2. **DENY** REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5.3 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (MARCHEL DIGIACOMO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	MARCHEL DIGIACOMO 728 WINDWILLOW CIRCLE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A ROOM ADDITION, APPROXIMATELY 138 SF IN SIZE, TO A SINGLE FAMILY HOME. • THE ROOM WOULD ENCROACH 4.7 FEET INTO THE MINIMUM SIDE YARD SETBACK; A SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5.3 FEET IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP BASED ON THE STANDARDS FOR GRANTING VARIANCES. • THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE LAKE TUSKAWILLA SUBDIVISION BY 	

	<p>ALLOWING ENCROACHMENT INTO THE SIDE YARD WITHOUT THE DEMONSTRATION OF A HARDSHIP.</p> <ul style="list-style-type: none">• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS DENIAL OF THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ROOM ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



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.

APPLICATION TYPE:

- VARIANCE** SIDE YARD set back from 10' to 5.3' [X] 184" Long Area
- 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	M. N. DI GIACOMO	
ADDRESS	728 WINDWILLOW Cir	
	WINTER SPRINGS, FL	
PHONE 1	407-699-7357	
PHONE 2	407-832-9009	
E-MAIL	POOLSALES@CFL.RL.COM	

PROJECT NAME: ROOM EXTENSION

SITE ADDRESS: 728 WINDWILLOW Cir - WINTER SPRINGS 32708

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: LOT 9, LAKE TOSKAWILLA Phase II

SIZE OF PROPERTY: 135 x 100 acre(s) PARCEL I.D. 12-21-30-51CD-0000-0090

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 May 24, 04 6PM (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] SIGNATURE OF OWNER OR AGENT* 2-25-4 DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

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


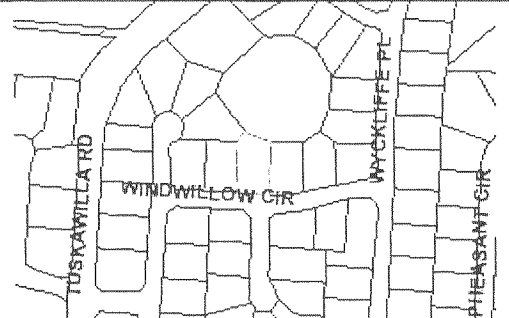
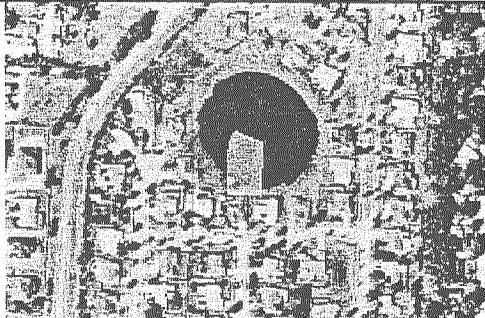
PROCESSING:

FEE: 150 COMMISSION DISTRICT 2 FLU/ZONING LDR / R1-AAA

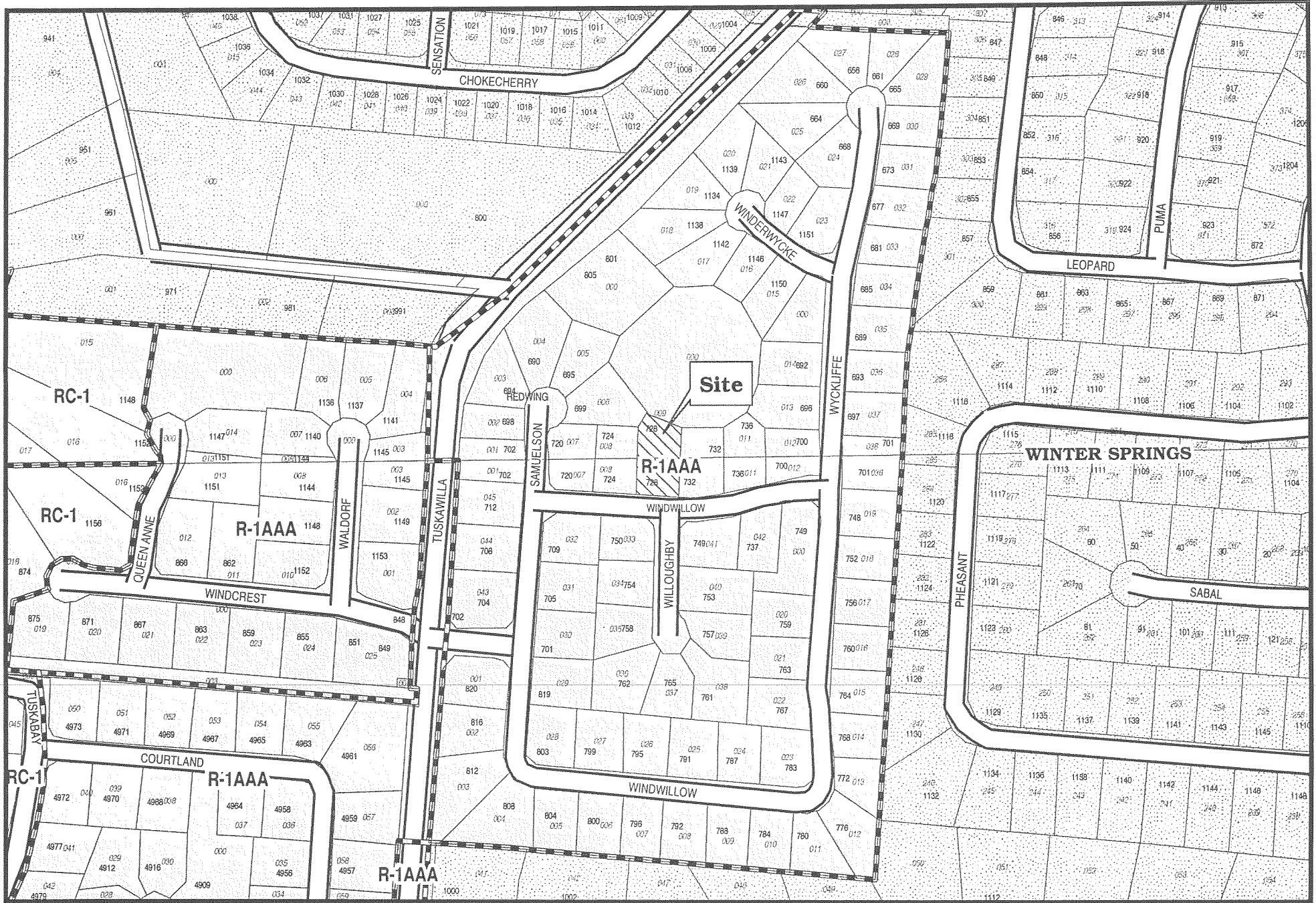
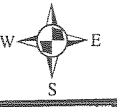
LOCATION FURTHER DESCRIBED AS ON THE NORTH SIDE OF WINDWILLOW CIRCLE
APPROX. 400' EAST OF WYCKLIFE PL.

PLANNER KM DATE TUES FEB 24 2004

SUFFICIENCY COMMENTS _____

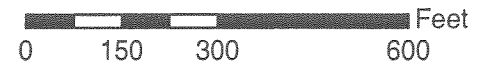
PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH												
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-668-7506</p>																
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 12-21-30-5KD-0000-0090 Tax District: 01-TX DIST 1 - COUNTY</p> <p>DIGIACOMO</p> <p>Owner: MARCHEL N & ANNA S Exemptions: 00-HOMESTEAD S</p> <p>Address: 728 WINDWILLOW CIR</p> <p>City,State,ZipCode: WINTER SPRINGS FL 32708</p> <p>Property Address: 728 WINDWILLOW CIR WINTER SPRINGS 32708</p> <p>Subdivision Name: LAKE TUSKAWILLA PH 2</p> <p>Dor: 01-SINGLE FAMILY</p>			<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$191,483</p> <p>Depreciated EXFT Value: \$15,708</p> <p>Land Value (Market): \$30,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$237,191</p> <p>Assessed Value (SOH): \$195,900</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$170,900</p>													
<p style="text-align: center;">SALES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>10/1989</td> <td>02120</td> <td>0760</td> <td>\$199,800</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	SPECIAL WARRANTY DEED	10/1989	02120	0760	\$199,800	Improved	<p style="text-align: center;">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,413</p> <p>2003 Tax Bill Amount: \$2,867</p> <p>Savings Due To SOH: \$546</p> <p>2003 Taxable Value: \$167,247</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
Deed	Date	Book	Page	Amount	Vac/Imp											
SPECIAL WARRANTY DEED	10/1989	02120	0760	\$199,800	Improved											
<p style="text-align: center;">LAND</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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>30,000.00</td> <td>\$30,000</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	30,000.00	\$30,000	<p style="text-align: center;">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 9 LAKE TUSKAWILLA PH 2 PB 39 PGS 1 & 2</p>	
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value											
LOT	0	0	1.000	30,000.00	\$30,000											
BUILDING INFORMATION																
Bld Num	Bld Type	Year Blt	Fixtures	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New								
1	SINGLE FAMILY	1989	11	4,498	3,084	CB/STUCCO FINISH	\$191,483	\$202,093								
	Appendage / Sqft		OPEN PORCH FINISHED / 796													
	Appendage / Sqft		UTILITY FINISHED / 84													
	Appendage / Sqft		OPEN PORCH FINISHED / 48													
	Appendage / Sqft		GARAGE FINISHED / 486													
EXTRA FEATURE																
	Description	Year Blt	Units	EXFT Value	Est. Cost New											
	FIREPLACE	1989	1	\$1,250	\$2,000											
	POOL GUNITE	1989	476	\$5,950	\$9,520											
	SPA	1989	1	\$2,252	\$4,500											
	GAS HEATER	1989	1	\$440	\$1,100											
	COOL DECK PATIO	1989	255	\$558	\$893											
	ALUM PORCH W/CONC FL	1990	120	\$416	\$780											
	SCREEN ENCLOSURE	1990	1,188	\$1,268	\$2,376											
	STUCCO WALL	1989	210	\$525	\$840											

Mini Digiacombo 728 Windwillow Circle



Parcel 12-21-30-5KD-0000-0090 / District 2

BV2004-025



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 28, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 9 LAKE TUSKAWILLA PH 2 PB 39 PGS 1 & 2

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

FINDINGS OF FACT

Property Owner: MARCHEL DIGIACOMO
728 WINDWILLOW CIRCLE
WINTER SPRINGS, FL 32708

Project Name: WINDWILLOW CIRCLE (728)

Requested Development Approval:

SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5.3 FEET FOR A PROPOSED ROOM ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT) AS DEPICTED ON THE ATTACHED SITE PLAN.

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 proposed room addition as shown 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: