

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 1.4 FEET FOR A PROPOSED SHED; AND (2) (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.10 FEET FOR A PROPOSED SHED IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT); (JUAN CARLO CORONADO, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Michael Rumer EXT. 7337

Agenda Date 01-24-05 Regular Consent Public Hearing – 6:00

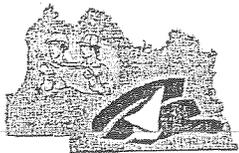
MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 1.4 FEET FOR A PROPOSED SHED; AND (2) (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.10 FEET FOR A PROPOSED SHED IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT); (JUAN CARLO CORONADO, APPLICANT); OR
2. **DENY** REQUEST FOR (1) (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 1.4 FEET FOR A PROPOSED SHED; AND (2) (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.10 FEET FOR A PROPOSED SHED IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT); (JUAN CARLO CORONADO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: JUAN CARLO CORONADO LOCATION: 2849 NORTH MORNINGSIDE COURT ZONING: R-2 (ONE AND TWO FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CONSTRUCTED A 12 X 14 FOOT SHED WITHOUT RECEIVING A BUILDING PERMIT. AN ANONYMOUS CALL REPORTING THE SHED WAS PLACED WITH THE BUILDING DIVISION. • THE APPLICANT HAS SINCE APPLIED FOR A BUILDING PERMIT, WHICH IS DEPENDENT UPON THE VARIANCES REQUESTED.

	<ul style="list-style-type: none"> • THE SHED ENCROACHES 8.9 FEET INTO THE SIDE YARD SETBACK AND 8.6 FEET INTO THE REAR YARD SETBACK. THE AFOREMENTIONED VARIANCES ARE REQUESTED. • THE SHED ENCROACHES 6.1 FEET INTO A DRAINAGE AND UTILITY EASEMENT ALONG THE REAR PROPERTY LINE, WHICH HAS A DRAINAGE SWALE. • THE SHED ALSO ENCROACHES 3.9 FEET INTO A DRAINAGE AND UTILITY EASEMENT ALONG THE (SOUTH) SIDE PROPERTY LINE. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANTING OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-2 DISTRICT BY ALLOWING ENCROACHMENT INTO THE MINIMUM SIDE AND REAR YARDS WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP. • THE SHED COULD HAVE BEEN CONSTRUCTED OR COULD BE RELOCATED TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS. • THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW THE CONTINUANCE OF DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT. • ENGINEERING STAFF FROM THE DEVELOPMENT REVIEW DIVISION DOES NOT SUPPORT THE EXISTING SHED'S ENCROACHMENT INTO THE DRAINAGE SWALE, AS IT APPEARS TO BE AN IMPEDIMENT TO STORMWATER FLOW TO AN INLET TO THE SOUTH OF THE PROPERTY. SHOULD THE BOARD APPROVE THE VARIANCES AND THEREBY ALLOW THE SHED TO REMAIN IN ITS CURRENT LOCATION, DRAINAGE WOULD NEED TO BE DIVERTED ELSEWHERE ALONG THE PROPERTY.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY 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 BE CONDITIONED UPON THE VACATION OF THE DRAINAGE AND UTILITY EASEMENTS ALONG THE REAR AND (SOUTH) SIDE PROPERTY LINES AND/OR THE ACQUISITION OF

	<p>LETTERS OF NO OBJECTION FROM ALL APPLICABLE UTILITY PROVIDERS WITH AN INTEREST IN THE IDENTIFIED EASEMENTS.</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.
--	--



COPY L.N.O. BV 2004-175

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:** 10ft to 5ft
- VARIANCE** Set back on property lines 30ft to 10ft
 - SPECIAL EXCEPTION**
 - MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) 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	<u>Juan Carlo Coronado</u>	
ADDRESS	<u>2849 North Morningside CT</u>	
	<u>Dixie FL 32765</u>	
PHONE 1	<u>407-941-3378</u>	
PHONE 2	<u>321-303-8858</u>	
E-MAIL		

COPY

PROJECT NAME: 2849 North Morningside CT

SITE ADDRESS: Same

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: see attached

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 27-21-31-508-000-0950

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

RECEIVED
 NOV 22 2004
 08:00 - 09:50

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 1/1 (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] 11-22-04
 SIGNATURE OF OWNER OR AGENT* 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:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 200.00 COMMISSION DISTRICT 1 FLU / ZONING R-2 / MOR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS East side of N. Morningside City
Approx 441 ft North of intersection of Stillwater Dr & Morningside Ct.

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS Need correct R15B / S15B & size of accessory bldg.

PARCEL DETAIL

REAL ESTATE PERSONAL PROPERTY DISTRICT AD VALOREM

◀ ◁ Back ▷ ▶



Seminole County
Property Appraiser
Services
 1101 E. First St.
 Sanford FL 32771
 407-665-7506

GENERAL

Parcel Id: 27-21-31-508-0000-0950 Tax District: 01-COUNTY-TX DIST 1
 Owner: CORONADO JUAN & MARIVEL Exemptions: 00-HOMESTEAD
 Address: 2849 N MORNINGSIDE CT
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 2849 MORNINGSIDE CT N OVIEDO 32765
 Subdivision Name: STILLWATER PH 1
 Dor: 01-SINGLE FAMILY

2005 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$112,886
 Depreciated EXFT Value: \$86
 Land Value (Market): \$20,400
 Land Value Ag: \$0
 Just/Market Value: \$133,372
 Assessed Value (SOH): \$102,938
 Exempt Value: \$25,000
 Taxable Value: \$77,938

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	07/2004	05437	0733	\$180,500	Improved
WARRANTY DEED	06/1999	03681	1796	\$109,000	Improved
WARRANTY DEED	07/1987	01874	1096	\$83,500	Improved
WARRANTY DEED	01/1986	01701	0859	\$139,700	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value(without SOH): \$1,842
 2004 Tax Bill Amount: \$1,285
 Save Our Homes (SOH) Savings: \$557
 2004 Taxable Value: \$76,019
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	20,400.00	\$20,400

LEGAL DESCRIPTION PLAT

LEG LOT 95 STILLWATER PH 1 PB 33 PGS 45 TO 48

BUILDING INFORMATION

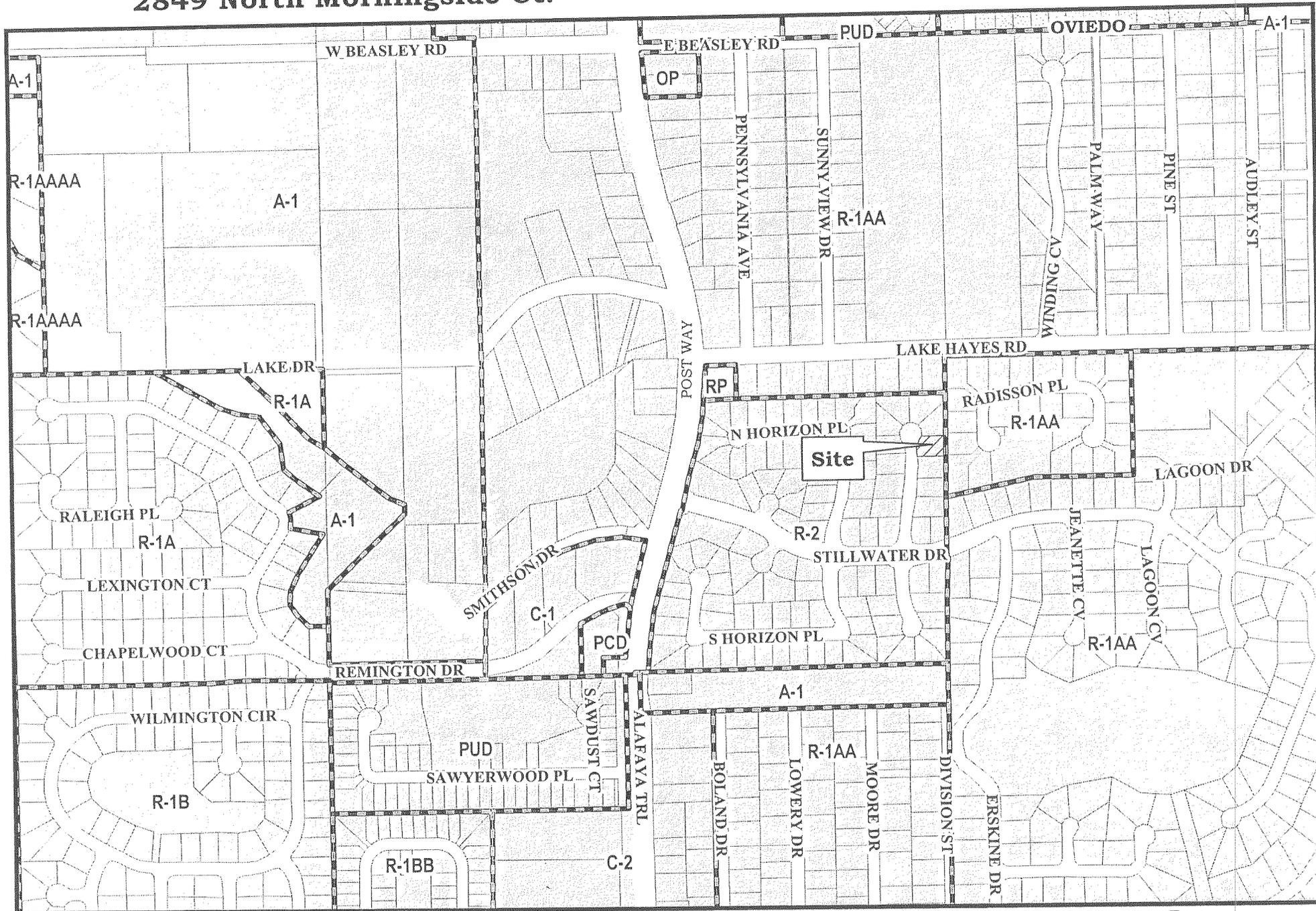
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1987	7	1,806	2,295	1,806	CB/STUCCO FINISH	\$112,886	\$120,734
	Appendage / Sqft		GARAGE FINISHED / 441						
	Appendage / Sqft		OPEN PORCH FINISHED / 48						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
WOOD UTILITY BLDG	1989	36	\$86	\$216

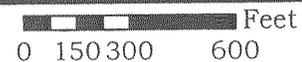
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

Juan Carlo Coronado 2849 North Morningside Ct.



Parcel: 27-21-31-508-0000-0950 / District: 1

BV2004-175
JANUARY 24, 2005



James Potter/Seminole
01/07/2005 04:50 PM

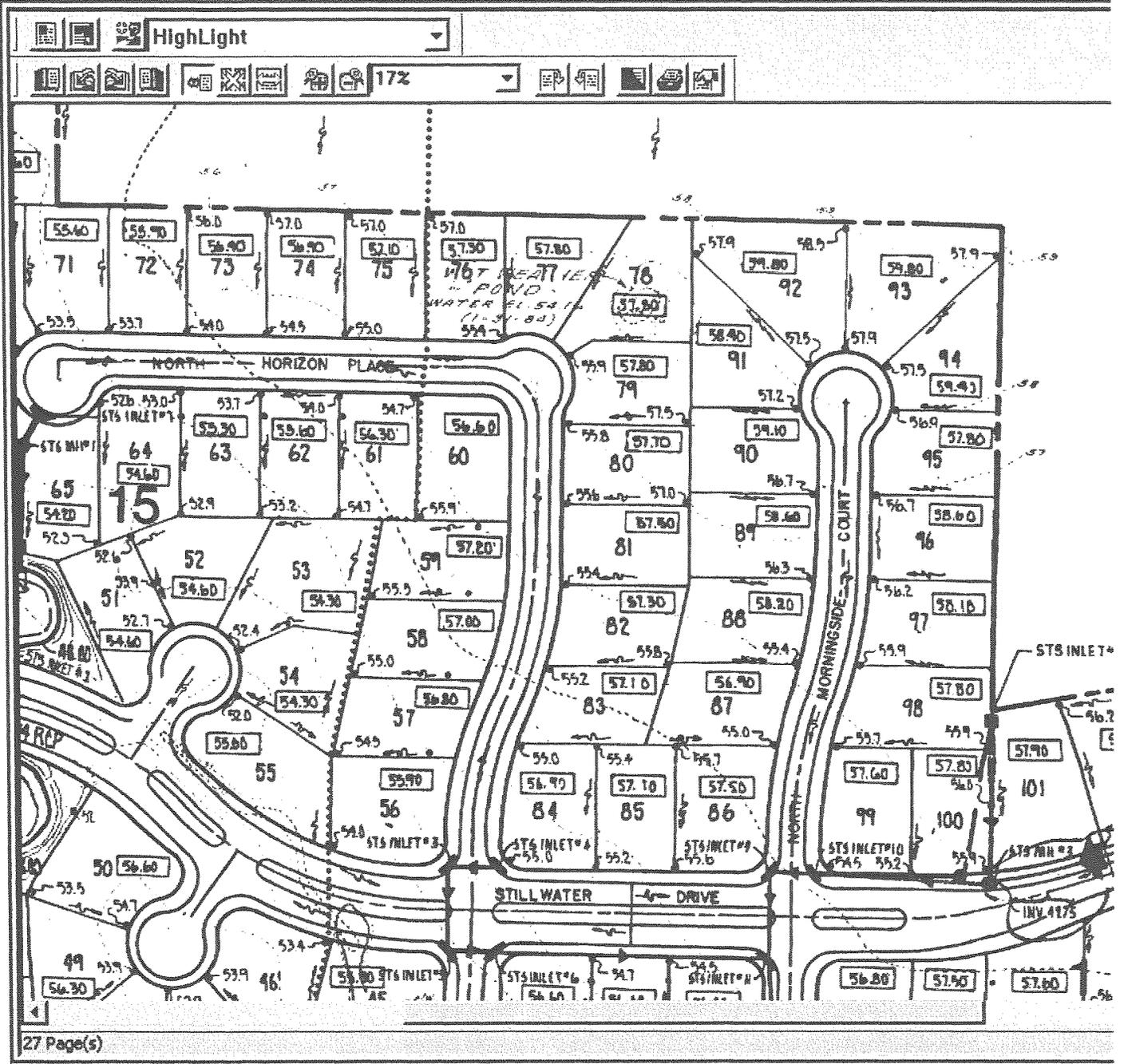
To Michael Rumer/Seminole@Seminole
cc
bcc
Subject

Mike,

I did not find the entire set of plans, but the information below seems to indicate that there is a drainage swale that takes the stormwater from the rear of this lot and eventually flows to the inlet to the south. I do not believe that we could support the drainage easement being vacated. They could possibly work around this issue but it would require engineering and quite a bit of expense.

Thanks,

Jim



27 Page(s)

Object load is complete!

Start | [Icons] | J... | HTE - | C:\... | W... | Pro... | htt... | Se... | C:\... | PO... | C

James Potter, P.E., Senior Engineer,
Planning & Development,
Development Review, Seminole County Government
1101 East First Street
Sanford, FL 32771

Office (407) 665-7341

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 95 STILLWATER PH 1 PB 33 PGS 45 TO 48

FINDINGS OF FACT

Property Owners: JUAN CARLO CORONADO
2849 NORTH MORNINGSIDE COURT
OVIEDO, FL 32765

Project Name: 2849 NORTH MORNINGSIDE COURT
Requested Development Approval:

1. (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 1.4 FEET FOR AN EXISTING SHED; AND
2. (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.10 FEET FOR AN EXISTING SHED.

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: Michael Rumer, 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. ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED AS DEPICTED ON THE ATTACHED SITE PLAN.
 - b. ANY VARIANCE GRANTED SHOULD BE CONDITIONED UPON THE VACATION OF THE DRAINAGE AND UTILITY EASEMENTS ALONG THE REAR AND (SOUTH) SIDE PROPERTY LINES AND/OR THE ACQUISITION OF LETTERS OF NO OBJECTION FROM ALL APPLICABLE UTILITY PROVIDERS WITH AN INTEREST IN THE IDENTIFIED EASEMENTS.
- (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 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

