

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

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED ADDITION TO A SINGLE-FAMILY HOME IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHAEL DIONNE, APPLICANT).

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

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

<b>Agenda Date</b> <u>04-25-05</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Public Hearing – 6:00</b> <input checked="" type="checkbox"/>
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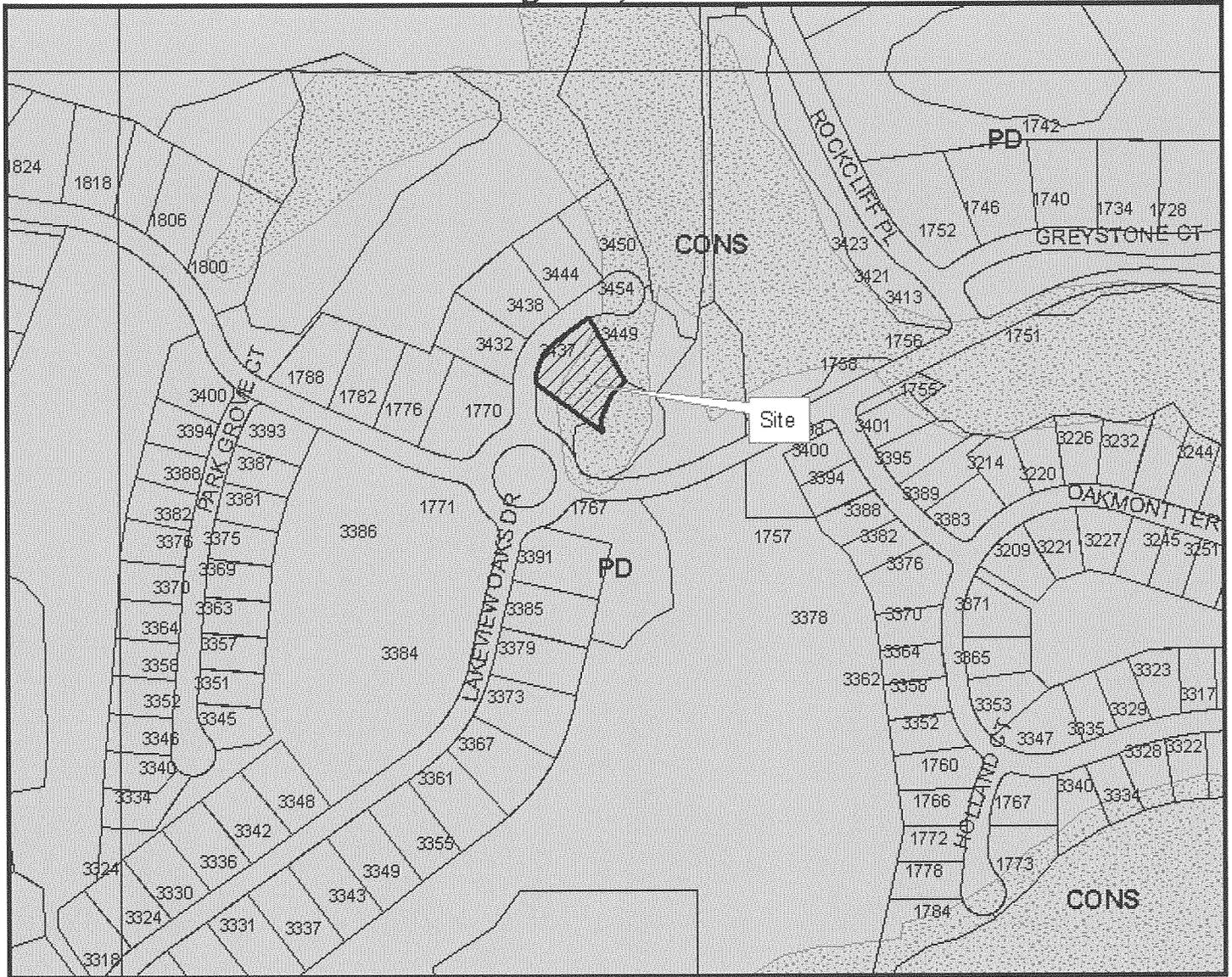
**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED ADDITION TO A SINGLE-FAMILY HOME IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHAEL DIONNE, APPLICANT); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED ADDITION TO A SINGLE-FAMILY HOME IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHAEL DIONNE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

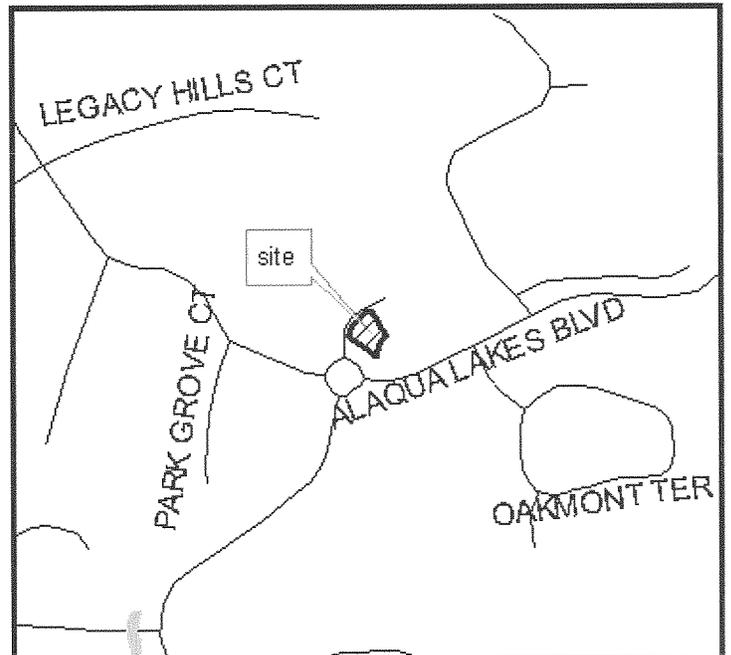
<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> MICHAEL DIONNE <b>LOCATION:</b> 3437 ASHTON OAKS COVE <b>ZONING:</b> ALAQUA LAKES PHASE 1 PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION THAT WOULD ENCROACH 8 FEET INTO THE MINIMUM 25 FOOT REAR YARD SETBACK; THE AFOREMENTIONED REAR YARD SETBACK VARIANCE IS THEREBY REQUESTED.</li> <li>THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE</li> </ul>

	<p>PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.</p> <ul style="list-style-type: none"><li>• A COMPLIANT ADDITION COULD BE BUILT ON THE REAR, SIDE OR FRONT OF THE HOUSE BY REDUCING THE SIZE OR RELOCATING THE ADDITION.</li><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE PUD DISTRICT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, 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"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>

Michael Dionne  
3437 Ashton Oaks Cv.  
Longwood, FL 32779



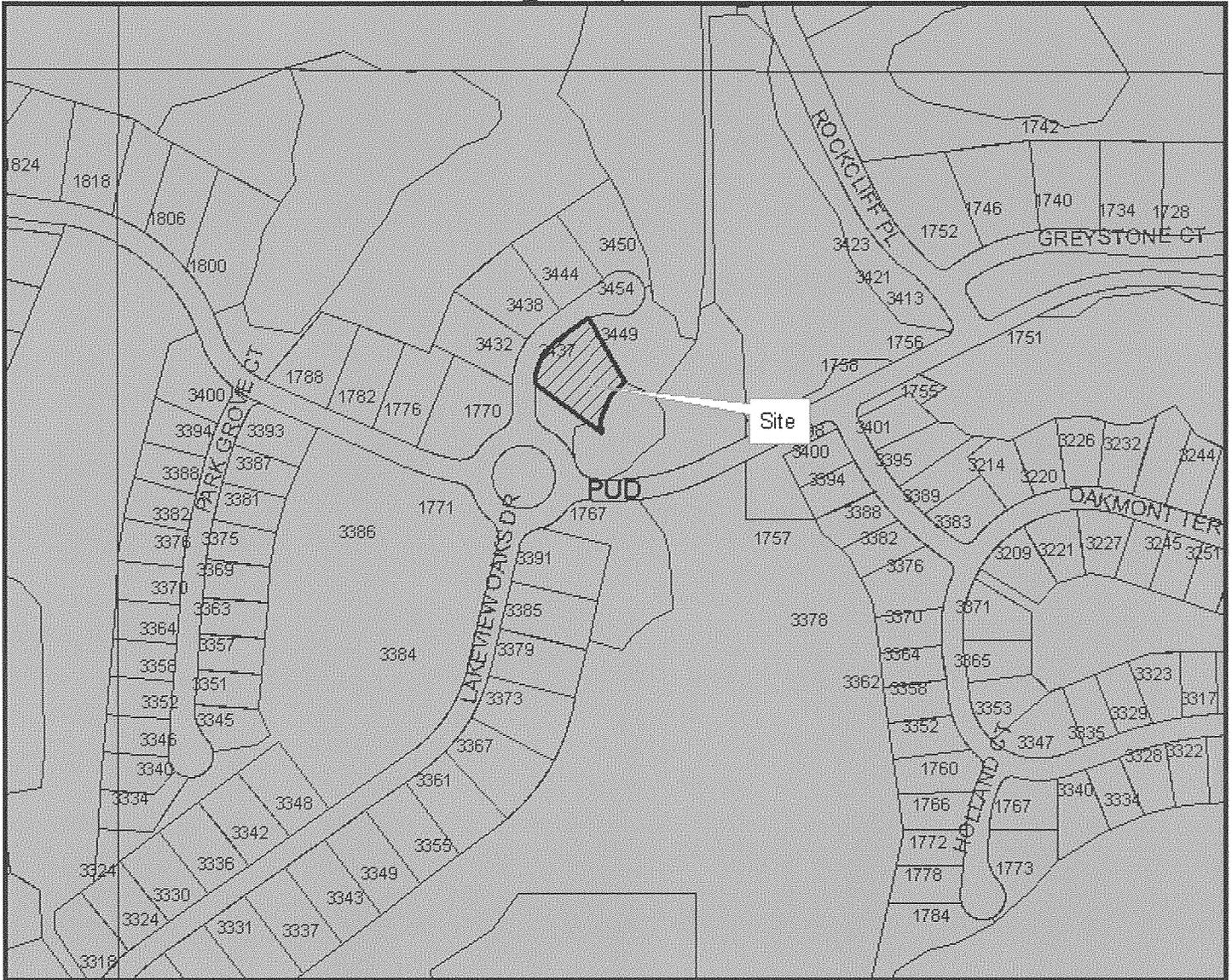
Seminole County Board of Adjustment  
April 25, 2005  
Future Land Use Map  
Case: BV2005-022  
Parcel No: 14-20-29-5NE-0000-1250



0 87.5175 350 525 700 Feet

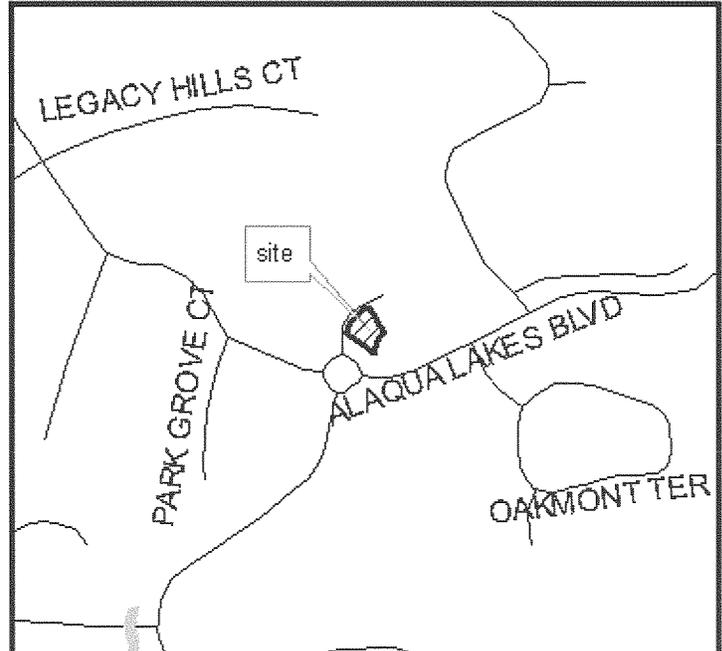


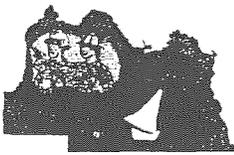
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Seminole County Board of Adjustment  
April 25, 2005  
Zoning Map  
Case: BV2005-022  
Parcel No: 14-20-29-5NE-0000-1250

A north arrow is located at the bottom center of the text box. Below it is a scale bar with markings at 0, 87.5, 175, 350, 525, and 700 feet.





**COPY**

APPL. NO. BV 2005-022

**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: 17**

- VARIANCE** rear yard setback from 25- to accommodate 70 sqm bedroom addition
- 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>Michael Donne</u>	
ADDRESS	<u>3437 Ashton Oaks Lane Longwood, FL 32779</u>	
PHONE 1	<u>(407) 333-2720</u>	
PHONE 2	<u>(407) 804-6021</u>	
E-MAIL	<u>mikedonne@aol.com</u>	

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 3437 Ashton Oaks Lane Longwood, FL 32779  
 CURRENT USE OF PROPERTY: Personal Residence  
 LEGAL DESCRIPTION: Lot 125 Alaguna Lakes Ph 1 PB 52 PDS 20711480

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 14-20-29-5NE-0000-1250  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO  
 This request will be considered at the Board of Adjustment regular meeting on 4/25/05  
 (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 OF OWNER OR AGENT\* [Signature] DATE 3/1/05

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

JY

**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): \$ 150 COMMISSION DISTRICT 5 FLU/ZONING PD/POD  
 BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
 LOCATION FURTHER DESCRIBED AS East of Ashton Oaks CV about  
1/2 of a mile ~~to~~ north of the intersection of ~~the~~ the highway on Ashton Oaks CV

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

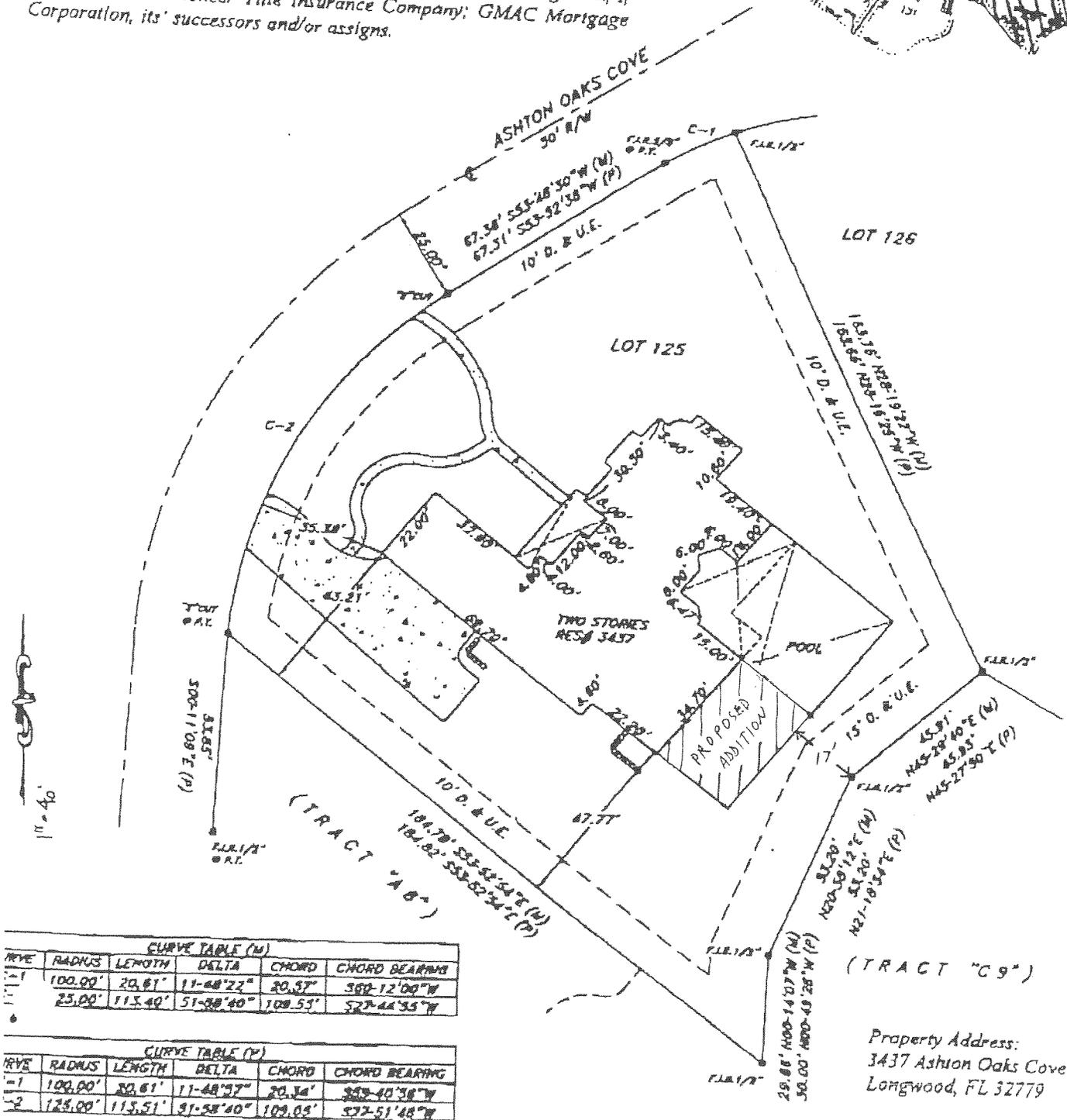
\_\_\_\_\_

Lot 125, ALAQUA LAKES PHASE I, according to the plat thereof, as recorded in Plat Book 52, Page(s) 70-80, of the Public Records of Seminole County, FL.

STRUBBINS INC

Community number: 120289 Panel: 0020  
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone:  
 Date of field work: 4/19/2003 Completion Date: 4/21/2003

Certified to:  
 Michael J. Dionna; Kristine O. Dionna; Broker's Title of Longwood, I, LLC; American Pioneer Title Insurance Company; GMAC Mortgage Corporation, its' successors and/or assigns.



CURVE TABLE (M)					
RCVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
-1	100.00'	20.81'	11-48'22"	20.57'	S62-12'00"W
-1	25.00'	113.40'	51-58'40"	109.53'	S72-44'55"W

CURVE TABLE (P)					
RCVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
-1	100.00'	20.81'	11-48'22"	20.57'	S62-12'00"W
-2	125.00'	113.51'	51-58'40"	109.05'	S72-51'48"W

Property Address:  
 3437 Ashton Oaks Cove  
 Longwood, FL 32779

<b>DEVELOPMENT:</b>		Alaqua Lakes Phase 1			<b>DEVELOPER:</b>		Taylor-Woodrow Com.				
<b>LOCATION:</b>		W side of Markham Woods Road, at Lake Mary Boulevard						136 lots			
<b>FILE#:</b>		<b>BA:</b>		<b>P. Pln:</b>		2/28/97		<b>BCC:</b>			
<b>P&amp;Z:</b>											
<b>PB</b>	52	<b>PG</b>	70-80	<b>Lot</b>		<b>Blk</b>		<b>Parcel</b>			
								<b>DBA</b>			
								<b>Comm</b>	5		
								<b>Dist</b>			
<b>DEVEL. ORDER #:</b>				<b>TAX PAR. I.D. #:</b>							
<b>SIDEWALKS:</b> 5' concrete sidewalks				<b>SETBACK REQUIREMENTS</b>							
<b>ROAD TYPE:</b>				<b>FY:</b>	25'	<b>SIDE ST.:</b>	25'	<b>SY:</b>	10'	<b>RY:</b>	25'
<b>COMMENTS OTHER:</b> Pools and screened enclosures – Resolution 98-R-248 (11/1/98) attached vacating and abandoning a portion of 15' drainage and utility easements on Lots 5, 9, 11-13, 15-18, 20, 22, 27-29, 31, 32, 36, 38, 39, 42-44, 46, 48, 50, 55, 57, 61, 62, 65-68, 70-75, 78, 79, 81, 85, and 88-90.				<b>MAIN STRUCTURE OTHER:</b> Lot width on irregular lots (cul-de-sacs) can be 75% at the front building line. Lots: 1-26, 87-136: ½ acre: minimum lot size: 21,780 sq. ft.; Minimum dwelling size: 1,800 sq. ft.; Maximum building height: 35'; Minimum lot width: 100'; Access side and rear 10'.  Lots: 27-86: ¼ acre: minimum lot size: 10,890 sq. ft.; Minimum dwelling size: 1,800 sq. ft., Maximum building height: 35'; Minimum lot width: 80'; Access side and rear 7.5'.							
<a href="#">Link to Developer's Commitment Agreement</a>				<b>ACCESSORY STRUCTURE SETBACKS:</b>							
				<b>SY:</b>				<b>RY:</b>			
				<b>ACCESSORY STRUCTURE OTHER:</b> Minimum 25' side street; not to project in front of building line; side and rear noted above.							

IMPACT FEES	
<b>SCREEN:</b>	
<b>TRAFFIC ZONE:</b>	
<b>LAND USE:</b>	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	54.00
4. FIRE	172.00
5. PARK	
6. SCHOOL	1,384.00
7. LAW	75.00
8. DRAINAGE	
<b>TOTAL</b>	<b>\$1,685.00</b>
<b>REMARKS:</b> Private streets. Internal streets: 50' R/W; 20' pavement; 2' type F gutter. Entry road: 50' minimum R/W; 24' pavement; 2' curb and gutter; 6' sidewalk	

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																																																		
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 14-20-29-5NE-0000-1250      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: DIONNE MICHAEL J &amp; KRISTINE O      Exemptions:</p> <p>Address: 3437 ASHTON OAKS CV</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 3437 ASHTON OAKS CV LONGWOOD 32779</p> <p>Subdivision Name: ALAQUA LAKES PH 1</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$559,376</p> <p>Depreciated EXFT Value: \$20,765</p> <p>Land Value (Market): \$110,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$690,141</p> <p>Assessed Value (SOH): \$690,141</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$690,141</p> <p>Tax Estimator</p>																																																																																
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<p>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.</p>																																																																																		

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On April 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 125 ALAQUA LAKES PH 1 PB 52 PGS 70 THRU 80

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

**FINDINGS OF FACT**

**Property Owner:** MICHAEL DIONNE  
3437 ASHTON OAKS COVE  
LONGWOOD, FL 32779

**Project Name:** ASHTON OAKS COVE (3437)

**Requested Development Approval:**

MINIMUM REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT 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 proposed home addition 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 \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: