

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) (NORTH) MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED HOME; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 90 FEET TO 60 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DONALD ROBERTS, APPLICANT).

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

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

Agenda Date 4-25-05 Regular Consent Public Hearing – 6:00

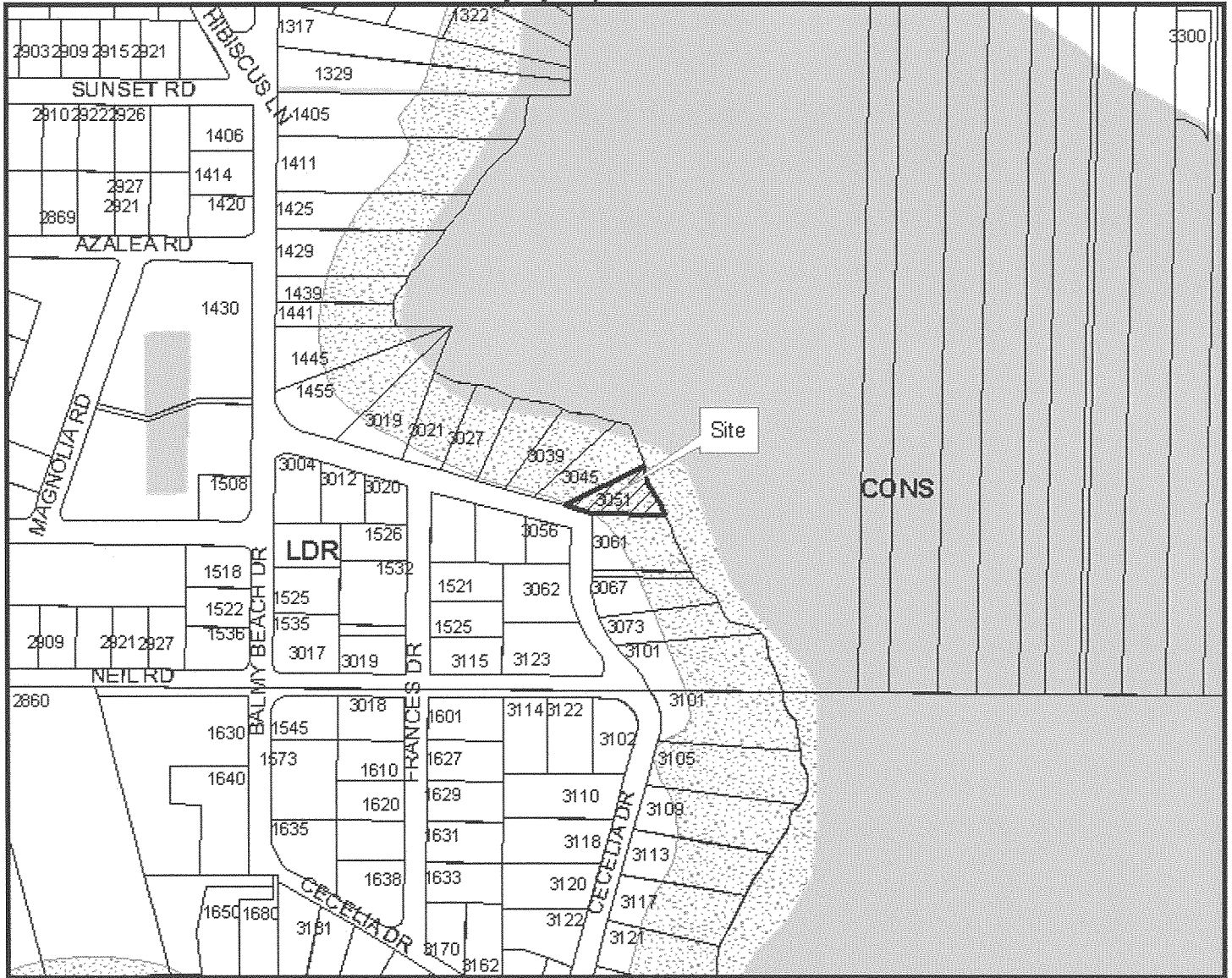
MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) (NORTH) MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED HOME; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 90 FEET TO 60 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DONALD ROBERTS, APPLICANT); OR
2. **DENY** REQUEST FOR (1) (NORTH) MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED HOME; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 90 FEET TO 60 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DONALD ROBERTS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT:	DONALD ROBERTS
	LOCATION:	3051 CECELIA DRIVE
	ZONING:	R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A HOME THAT WOULD ENCROACH 5 FEET INTO THE MINIMUM 10 FOOT (NORTH) SIDE YARD SETBACK. THE LOT WIDTH AT THE BUILDING LINE IS DEFICIENT BY 30 FEET. THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	

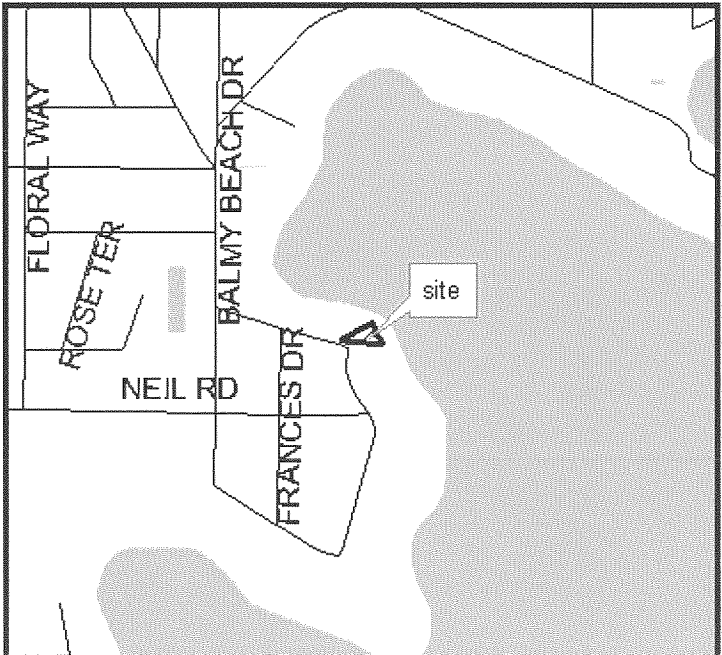
STAFF FINDINGS	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED LOT WIDTH AT THE BUILDING LINE VARIANCE BUT FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED SIDE YARD SETBACK VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• SPECIAL CIRCUMSTANCES APPLICABLE TO THE LOT HAVE BEEN DEMONSTRATED BY THE APPLICANT. THE PROPERTY IS A CORNER TRIANGULAR LOT THAT NARROWS TOWARD THE FRONT. THE PROPOSED HOME WILL NOT ENCROACH ONTO THE 25 FOOT FRONT YARD SETBACK. HOWEVER, THE FRONT OF THE HOME WILL BE LOCATED WHERE THE LOT IS ONLY 60 FEET WIDE.• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPOSED HOME HAVE BEEN DEMONSTRATED. THE PROPOSED HOME COULD BE RELOCATED, REDUCED IN SIZE OR RECONFIGURED TO COMPLY WITH DISTRICT SIDE YARD SETBACK REQUIREMENTS;• THE REQUESTED SIDE YARD SETBACK VARIANCE WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT; AND• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED SIDE YARD SETBACK VARIANCE.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUESTED LOT WIDTH AT THE BUILDING LINE VARIANCE AND DENY THE REQUESTED SIDE YARD SETBACK VARIANCE. 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 EXISTING LOT AND 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.

Donald C Roberts
3051 Cecelia Dr.
Apopka, FL 32703

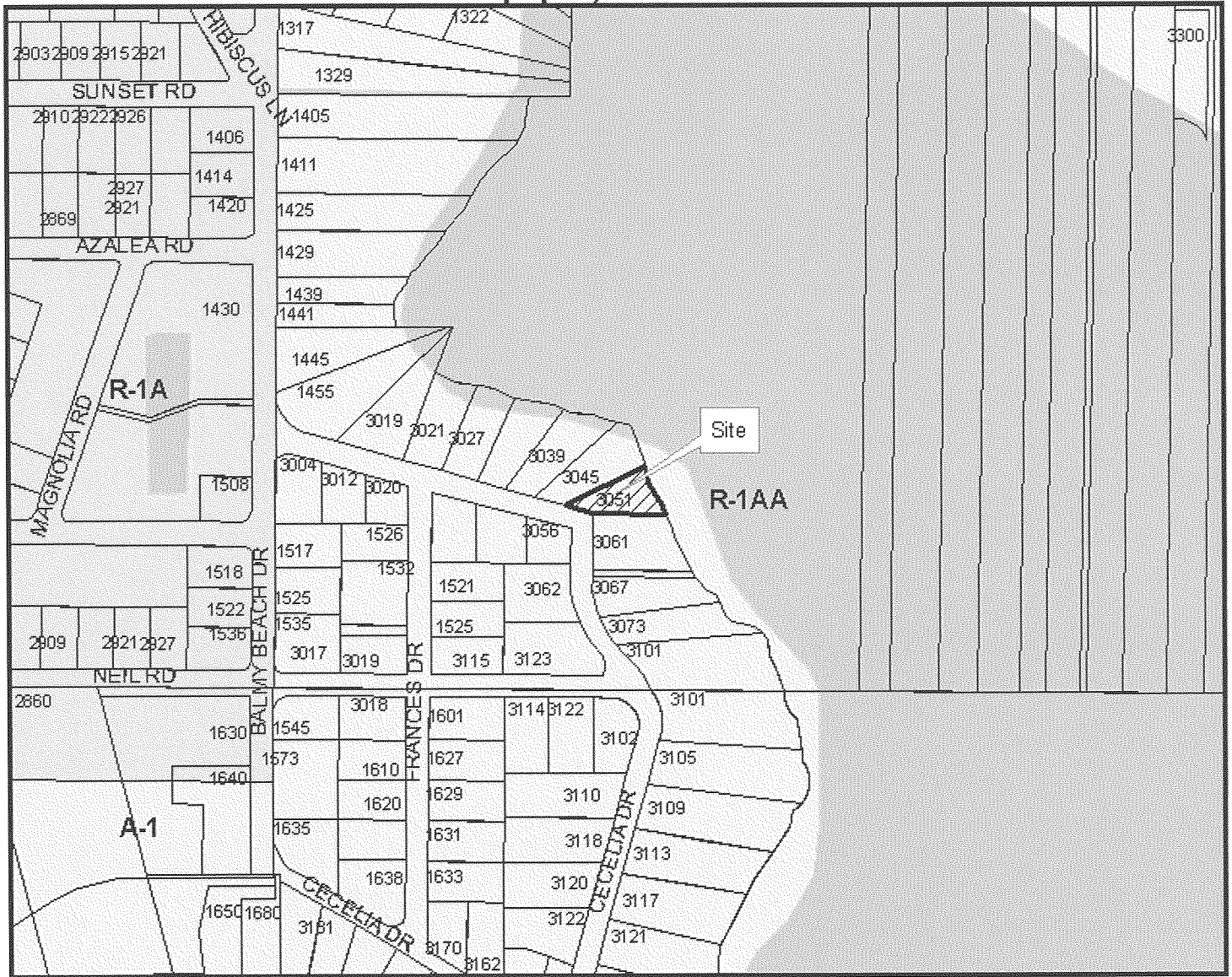


Seminole County Board of Adjustment
April 25, 2005
Future Land Use Map
Case: BV2005-027
Parcel No: 18-21-29-511-0000-0090

A north arrow is positioned 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.

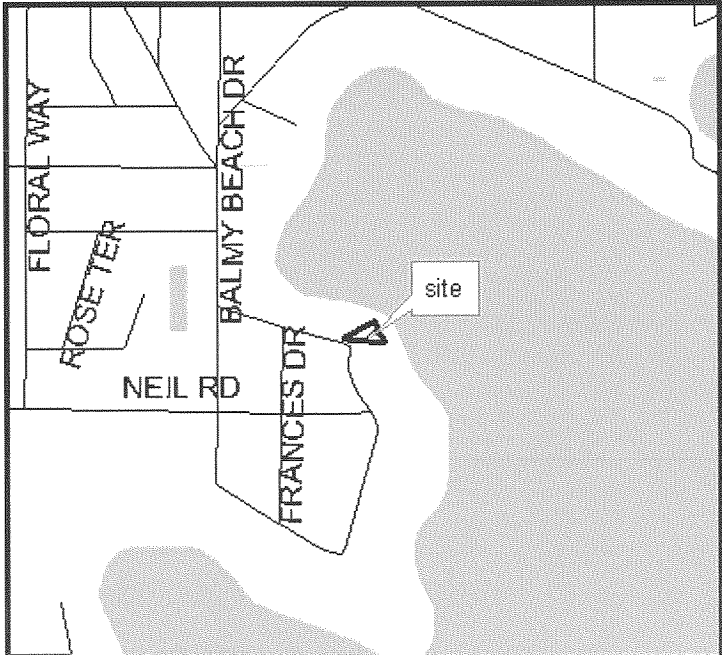


Donald C Roberts
3051 Cecelia Dr.
Apopka, FL. 32703



Seminole County Board of Adjustment
April 25, 2005
Zoning Map
Case: BV2005-027
Parcel No: 18-21-29-511-0000-0090

A north arrow pointing upwards and a scale bar in feet. The scale bar is marked at 0, 87.5, 175, 350, 525, and 700 feet.





COPY BV 2005-027
 MAR 04 2005
 APPL. NO. 03-11743

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 REQUEST TO CHANGE THE HOUSE SETBACK ON THE NORTH SIDE PROPERTY LINE FROM 10 FT. TO 5 FT.**
- 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
- APEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	MARLO MARIANI	DONALD C. ROBERTS
ADDRESS	1470 S. LAKE PLEASANT RD. APOPKA, FL 32703	1055 KENSINGTON PARK DRIVE UNIT 611 ALTAMONTE SPRINGS, FL 32714
PHONE 1	407 814-1397 (HOME)	407 786-9343
PHONE 2	321 228-6842 (CELL)	
E-MAIL		

Call for placed

PROJECT NAME: THE MARLO MARIANI RESIDENCE

SITE ADDRESS: 3051 CECELA DR. LOT 9 APOPKA, FLORIDA 32703

CURRENT USE OF PROPERTY: VACANT ZONED RESIDENTIAL

LEGAL DESCRIPTION: LOT 9, NEAL'S BAY POINT, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 7, PAGE 74 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

SIZE OF PROPERTY: .44 acre(s) PARCEL I.D. 18-21-29-511-0000-0090

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER IN GROUND SEWAGE PROCESSOR

KNOWN CODE ENFORCEMENT VIOLATIONS —

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.

Donald C. Roberts

 SIGNATURE OF OWNER OR AGENT*

MARCH 4, 2005

 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 _____

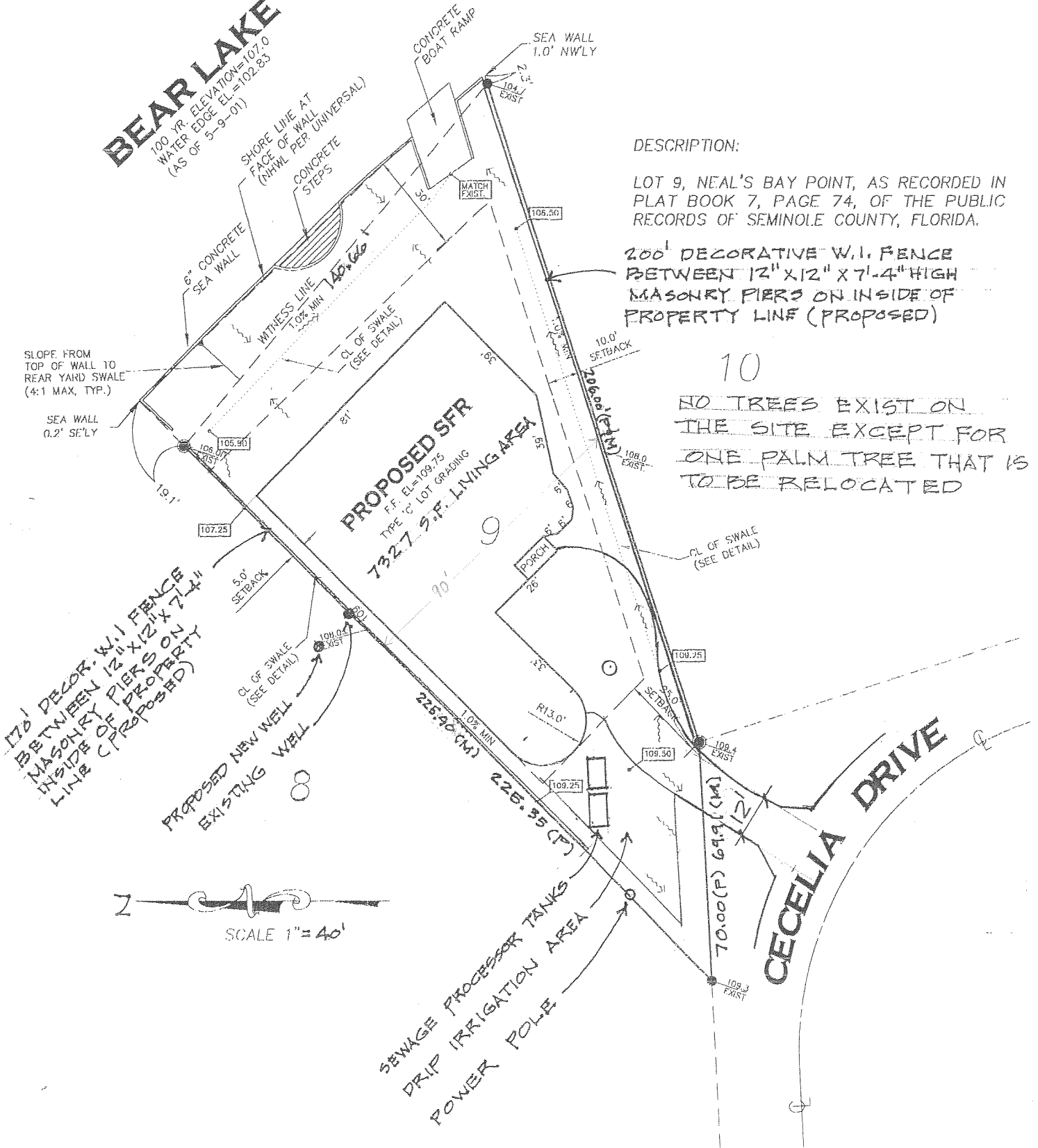
APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 150⁰⁰ COMMISSION DISTRICT 3 FLU / ZONING DR/R-1AA
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS # 1 on western side of Cecelia
Drive less than 1/2 mile from the intersection of Francis^{dr.} and Cecelia dr.
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS needs lot width at the building line

THE MARIO & ASHLEIGH RESIDENCE
 3051 CECELIA DR.
 APOPKA, FL. 32703
 NEALS BAY POINT, LOT 9

BEAR LAKE
 100 YR ELEVATION=107.0
 WATER EDGE EL.=102.83
 (AS OF 5-9-01)



DESCRIPTION:

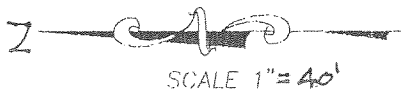
LOT 9, NEAL'S BAY POINT, AS RECORDED IN PLAT BOOK 7, PAGE 74, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

200' DECORATIVE W.I. FENCE BETWEEN 12" X 12" X 7'-4" HIGH MASONRY PIERS ON INSIDE OF PROPERTY LINE (PROPOSED)

10

NO TREES EXIST ON THE SITE EXCEPT FOR ONE PALM TREE THAT IS TO BE RELOCATED

170' DECOR. W.I. FENCE BETWEEN 12" X 12" X 7'-4" HIGH MASONRY PIERS ON INSIDE OF PROPERTY LINE (PROPOSED)



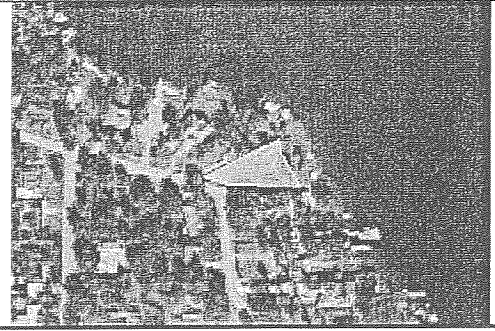
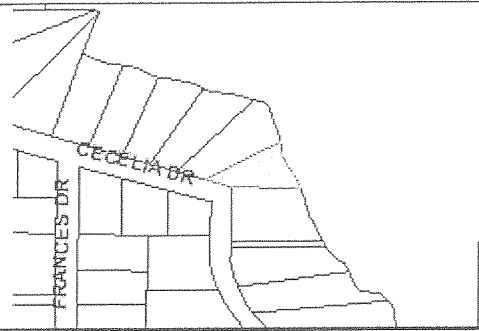
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407 - 665 - 7508



GENERAL

Parcel Id: 18-21-29-511-0000-0090 Tax District: 01-COUNTY-TX DIST 1

Owner: MARIANI MARIO & ASHLEIGH Exemptions:

Address: 1470 LAKE PLEASANT RD S

City, State, Zip Code: APOPKA FL 32703

Property Address: 3051 CECELIA DR APOPKA 32703

Subdivision Name: NEALS BAY POINT

Dor: 00-VACANT RESIDENTIAL

2005 WORKING VALUE SUMMARY

Value Method: Market

Number of Buildings: 0

Depreciated Bldg Value: \$0

Depreciated EXFT Value: \$0

Land Value (Market): \$304,500

Land Value Ag: \$0

Just/Market Value: \$304,500

Assessed Value (SOH): \$304,500

Exempt Value: \$0

Taxable Value: \$304,500

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	06/2000	03878	1223	\$325,000	Improved

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

2004 Tax Bill Amount: \$5,146

2004 Taxable Value: \$304,500

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	116	215	.000	2,500.00	\$304,500

LEGAL DESCRIPTION PLAT

LEG LOT 9 NEALS BAY POINT PB 7 PG 74

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.

MARIO MARIANI
1470 S. LAKE PLEASANT RD.
APOPKA, FLORIDA 32703

MARCH 4, 2005

TO: THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

TO WHOM IT MAY CONCERN,

I GIVE DONALD C. ROBERTS AUTHORIZATION TO
BE MY AGENT ON THESE VARIANCE ADJUSTMENT
PROCEEDINGS,

SINCERELY,

MARIO MARIANI, OWNER



DONALD C. ROBERTS AIA
REGISTERED ARCHITECT
1055 KENSINGTON PARK DRIVE
UNIT 611
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE: 407-786-9343

MARCH 4, 2005

REASON FOR REQUEST FOR VARIANCE:

THE OWNER, MARIO MARIANI, RECENTLY BUILT A SEAWALL WITH A BOAT RAMP ON HIS PROPERTY AT BEAR LAKE, BUT FINDS THAT THE HOUSE IS TOO CLOSE TO THE SOUTH PROPERTY LINE TO ALLOW FOR IN AND OUT MANEUVERING SPACE FOR HIS TRUCK AND BOAT TRAILER. HE IS REQUESTING THAT THE PROPOSED RESIDENCE BE LOCATED 5 FEET FROM THE SIDE PROPERTY LINE AT THE NORTH TO GIVE HIM THE ACCESS WIDTH NEEDED.

THE AIR CONDITIONER PAD AND PROPANE GAS STORAGE TANK NOW SHOWN ON THE CONSTRUCTION DRAWINGS AS BEING LOCATED ON THE NORTH SIDE OF THE RESIDENCE WILL BE MOVED TO THE SOUTH SIDE OF THE RESIDENCE INTO AREAS THAT WILL NOT INFRINGE ON THE ACCESS WIDTH TO THE BOAT RAMP.

SINCERELY,



REGISTERED ARCHITECT
LIC. # AR 6710

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:

LEG LOT 9 NEALS BAY POINT PB 7 PG 74

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

FINDINGS OF FACT

Property Owner: MARIO & ASHLEIGH MARIANI
1470 LAKE PLEASANT ROAD
APOPKA, FL 32703

Project Name: CECELIA DRIVE (3051)

Requested Development Approval:

1. MINIMUM (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET; AND
2. MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 90 FEET TO 60 FEET FOR A PROPOSED HOME IN THE R-1AA (SINGLE-FAMILY DWELLING 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 variances granted will apply only to the proposed 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: _____
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:

February 27, 2002

To Whom It May Concern:

This letter is written to the Seminole County Building Department in reference to the property owned by Mario and Ashleigh Mariani, located at 3051 Cecelia Drive, Apopka, Florida 32703. As the immediate neighbors, (address 3045 Cecelia Drive - Phone # 407-293-5108) we give our consent and approval for Mr. and Mrs. Mariani to build in a closer proximity to the lot line than is permitted by set-back codes, i.e. 5 feet vs. the required 10 feet.

Raymond Y. Finney
Raymond Y. Finney

5/24/02
Date

Notary:

Richard L. Hagen
Richard L. Hagen

5/24/02
Date

Notary:

Shirley H. Haynes
Shirley H. Haynes

3/7/02
Date

Notary:

Rhonda R. Hoskinson

