

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

SUBJECT: REQUEST FOR (NORTH) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5.33 FEET FOR A PROPOSED HOME ADDITION IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (CESAR & MARGARET BARO, APPLICANTS).

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

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

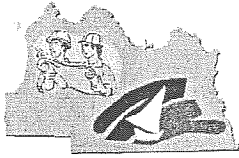
Agenda Date <u>5-23-05</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Public Hearing – 6:00 <input type="checkbox"/>
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MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (NORTH) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5.33 FEET FOR A PROPOSED HOME ADDITION IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (CESAR & MARGARET BARO, APPLICANTS); OR
2. **DENY** REQUEST FOR (NORTH) MINIMUM SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5.33 FEET FOR A PROPOSED HOME ADDITION IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (CESAR & MARGARET BARO, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: CESAR & MARGARET BARO LOCATION: 9800 BEAR LAKE ROAD ZONING: R-1 (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A HOME THAT WOULD ENCROACH 2.17 FEET INTO THE MINIMUM 7.55 FOOT SIDE YARD SETBACK; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> • NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED HOME ADDITION HAVE

	<p>BEEN DEMONSTRATED.</p> <ul style="list-style-type: none">• THE HOME ADDITION COULD BE REDESIGNED TO COMPLY WITH SETBACK REQUIREMENTS.• THE REQUEST WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1 DISTRICT.
STAFF RECOMMENDATION	<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 APPLY ONLY TO THE PROPOSED HOME ADDITION 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

APPL. NO. BU2005-035

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** N side setbacks from 7 1/2 to 5'4" for 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**

RECEIVED
 MAR 29 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Cesar and Margaret Baro</u>	
ADDRESS	<u>9800 Bear Lake Road</u>	
	<u>Apopka 32703</u>	
PHONE 1	<u>407-298-0984</u>	
PHONE 2	<u>407-647-1717</u>	
E-MAIL	<u>margbaro@cl-r.com</u>	

PROJECT NAME: Baro Residence

SITE ADDRESS: 9800 Bear Lake Road

CURRENT USE OF PROPERTY: residential

LEGAL DESCRIPTION: Leg Lot 40A + S 1/2 of Lot 39A McNeills
Orange Villa PB 2 pg. 99

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 17-21-29-5BCG-0000-40A0

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 5, 23, 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.

Margaret Baro
 SIGNATURE OF OWNER OR AGENT* DATE 3/29/05

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

JV

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

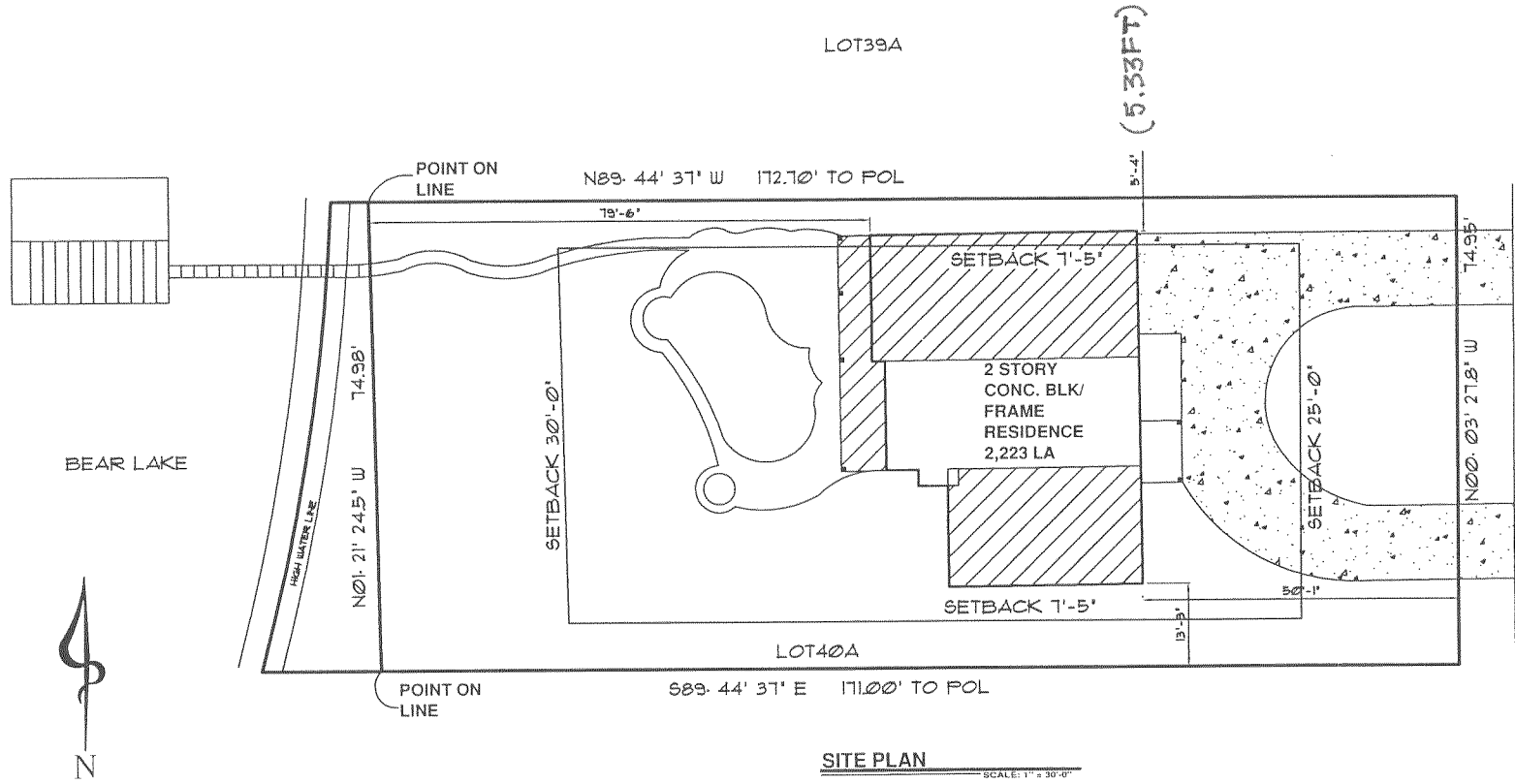
PROCESSING:
FEE(S): 150.00 COMMISSION DISTRICT 3 FLU/ZONING R-1/LAR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS west of Bear Lake Rd at the intersection
of Bear Lake Rd + Cub Lake rd
PLANNING ADVISOR P.J/M.R. DATE 3/29/05
SUFFICIENCY COMMENTS _____

THE BARO RESIDENCE

9800 BEAR LAKE ROAD

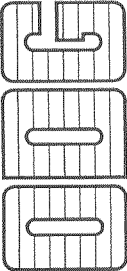


Job No:	05-020
Date:	03-10-05
Scale:	AS NOTED
Drawn By:	JLN
Revised:	
MEMBERS OF:	A B D



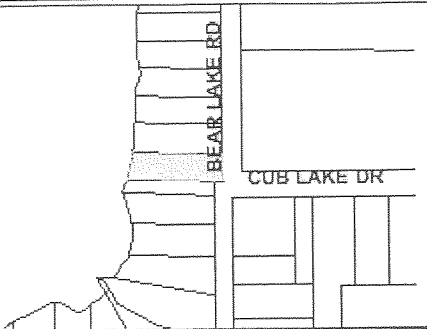

SITE PLAN
BARO RESIDENCE
CONCEPTS IN CONSTRUCTION

The Orlando Design Group Inc.
 3580 South Hwy. 17-92
 Suite 200
 Casselberry, FL 32707
 (407) 831-3113 Fax (407) 831-3399
www.OrlandoDesignGroup.com

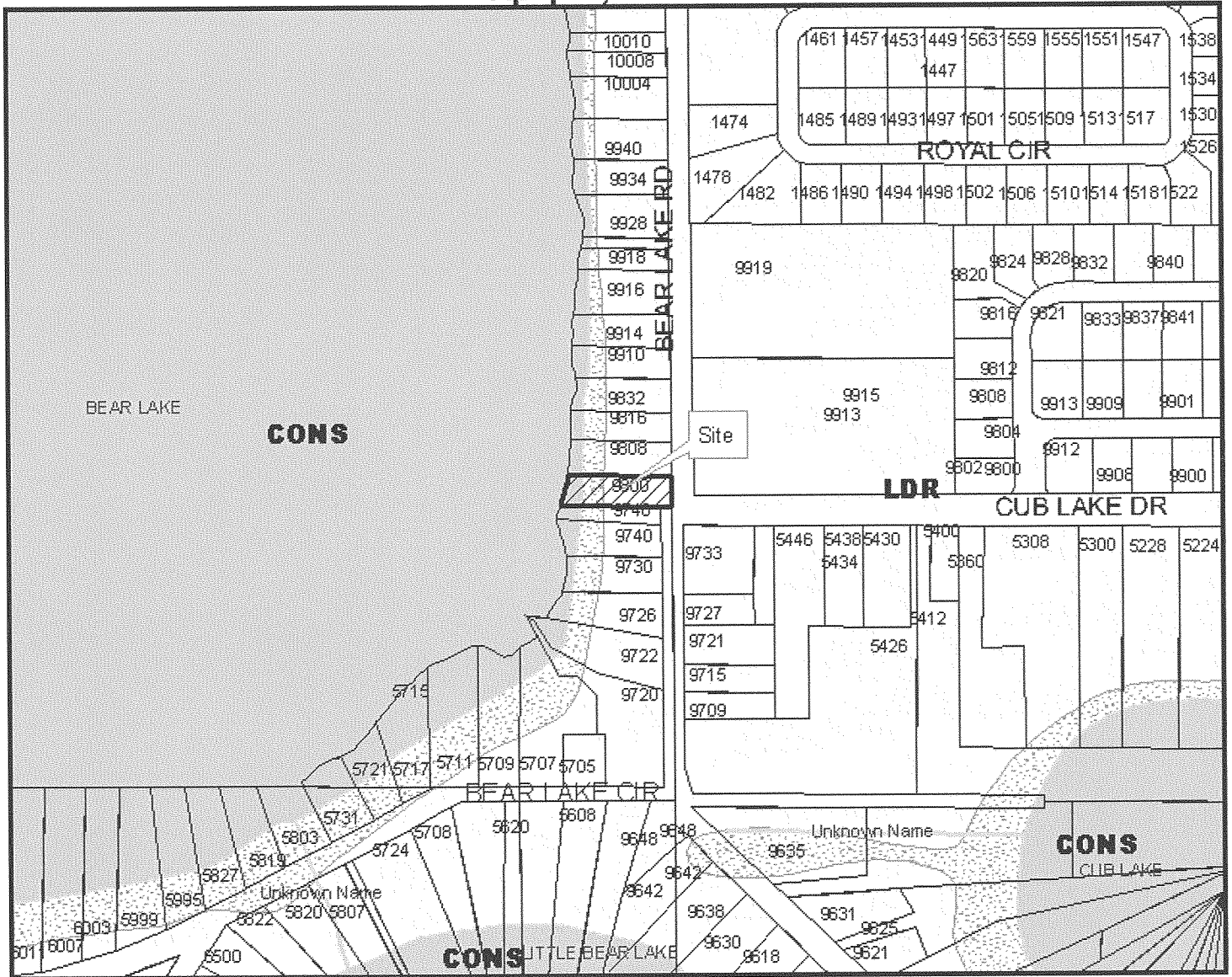


Sheet No:	SITE
Of:	

NOTE:
 THIS IS NOT A SURVEY.
 THE ORLANDO DESIGN GROUP, INC. ASSUMES NO RESPONSIBILITY FOR IT'S ACCURACY.
 THE OWNER AND CONTRACTOR ARE TOTALLY RESPONSIBLE FOR PLACING THE BUILDING ON THE PROPERTY.
 POOL DESIGN AND LOCATION, IF SHOWN, ARE ONLY SUGGESTED.
 LANDSCAPING DESIGN BY OTHERS.
 THE ORLANDO DESIGN GROUP, INC. ASSUMES NO RESPONSIBILITY FOR SEPTIC DESIGN AND LOCATION. SEPTIC, IF SHOWN ON PLAN, IS PER BUILDER OR OWNER REQUIREMENTS. SEPTIC SYSTEMS ARE TO BE DESIGNED AND LOCATED PER DEPARTMENT OF HEALTH REQUIREMENTS OR AS PER GOVERNING CODES.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																																	
<p align="center">GENERAL</p> <p>Parcel Id: 17-21-29-5BG-0000-40A0 Tax District: 01-COUNTY-TX DIST 1 Owner: BARO CESAR F & MARGARET L Exemptions: 00-HOMESTEAD Address: 9800 BEAR LAKE RD City,State,ZipCode: APOPKA FL 32703 Property Address: 9800 BEAR LAKE RD S APOPKA 32703 Subdivision Name: MC NEILS ORANGE VILLA Dor: 01-SINGLE FAMILY</p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$74,452 Depreciated EXFT Value: \$16,366 Land Value (Market): \$180,563 Land Value Ag: \$0 Just/Market Value: \$271,381 Assessed Value (SOH): \$271,381 Exempt Value: \$25,000 Taxable Value: \$246,381 Tax Estimator</p>																																																															
<p 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>WARRANTY DEED</td> <td>11/2004</td> <td>05508</td> <td>1125</td> <td>\$484,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2000</td> <td>03920</td> <td>1918</td> <td>\$280,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/2000</td> <td>03914</td> <td>1945</td> <td>\$202,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>02/1997</td> <td>03221</td> <td>1269</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>11/1994</td> <td>02846</td> <td>1268</td> <td>\$10,400</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1986</td> <td>01797</td> <td>1754</td> <td>\$118,000</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	11/2004	05508	1125	\$484,000	Improved	WARRANTY DEED	09/2000	03920	1918	\$280,000	Improved	SPECIAL WARRANTY DEED	08/2000	03914	1945	\$202,000	Improved	SPECIAL WARRANTY DEED	02/1997	03221	1269	\$100	Improved	CERTIFICATE OF TITLE	11/1994	02846	1268	\$10,400	Improved	WARRANTY DEED	11/1986	01797	1754	\$118,000	Improved	<p align="center">2004 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$4,487 2004 Tax Bill Amount: \$4,487 Save Our Homes (SOH) Savings: \$0 2004 Taxable Value: \$265,503 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</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>																																																																	

**Cesar & Margaret Baro
9800 Bear Lake Rd
Apopka, FL 32703**



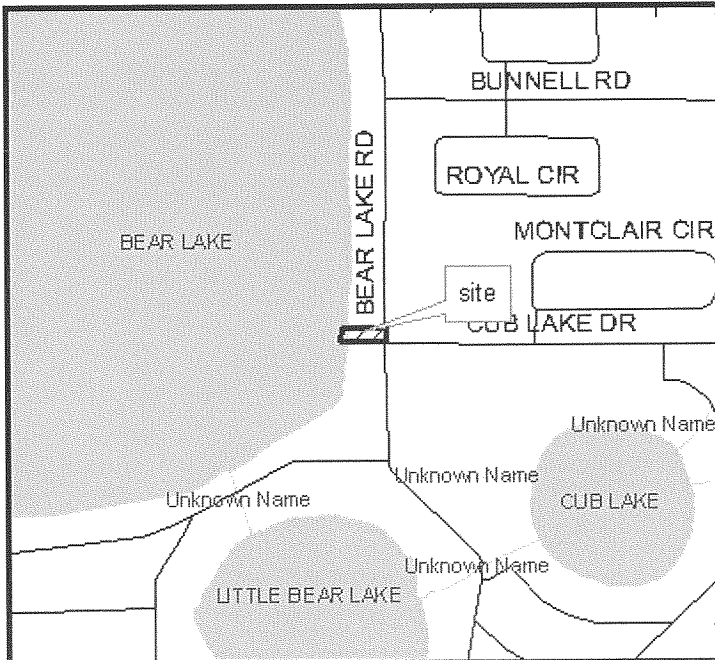
**Seminole County Board of Adjustment
May 23, 2005
Case: BV2005-035
Parcel No: 17-21-29-5BG-0000-40A0**

Future Land Use

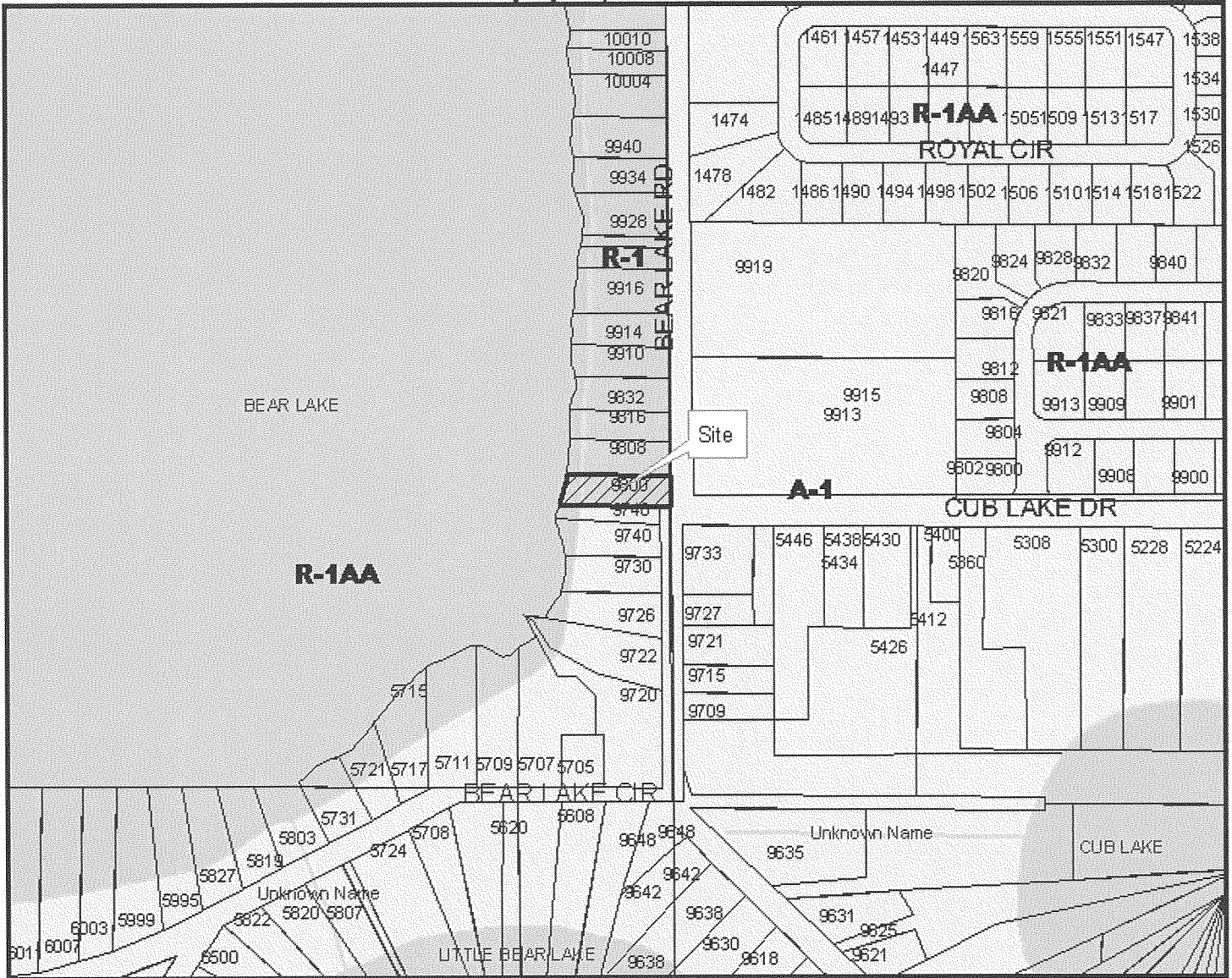
- CONS, LDR
- LDR, NONE
- BV2005-035

N

0 80 160 320 480 640 Feet



**Cesar & Margaret Baro
9800 Bear Lake Rd
Apopka, FL 32703**



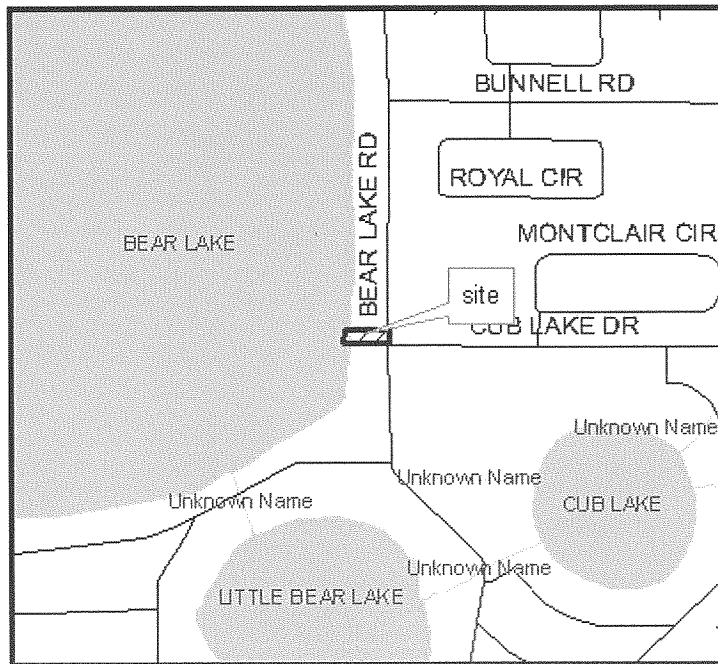
**Seminole County Board of Adjustment
May 23, 2005
Case: BV2005-035
Parcel No: 17-21-29-5BG-0000-40A0**

Zoning

- A-1 Agricultural-1Ac
- R-1AA Single Fam-11700
- R-1 Single Fam-8400
- BV2005-035

N

0 80 160 320 480 640 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 23, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 40A + S 1/2 OF LOT 39A MC NEILS ORANGE VILLA PB 2 PG 99

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

FINDINGS OF FACT

Property Owner: CESAR F & MARGARET L BARO
9800 BEAR LAKE ROAD
APOPKA, FL 32703

Project Name: BEAR LAKE ROAD (9800)

Requested Development Approval:

MINIMUM (NORTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5.33 FEET FOR A PROPOSED HOME ADDITION IN THE R-1 (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 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: