

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 7.5 FEET FOR A PROPOSED HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ROSY RIOS, APPLICANT).

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

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

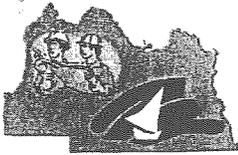
Agenda Date 5-23-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 7.5 FEET FOR A PROPOSED HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ROSY RIOS, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 7.5 FEET FOR A PROPOSED HOME IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (ROSY RIOS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: ROSY RIOS LOCATION: GROVE AVENUE (LOT 1) ZONING: R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A HOME THAT WOULD ENCROACH 17.5 FEET INTO THE MINIMUM 25 FOOT SIDE STREET SETBACK; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS 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 HAVE BEEN DEMONSTRATED. • THE HOME COULD BE REDESIGNED TO COMPLY WITH SETBACK REQUIREMENTS.

	<ul style="list-style-type: none">• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT.
STAFF RECOMMENDATION	<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">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE 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.



COPY

APPL. NO. BV 2005-047

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** - Change the side setback on the corner from 25' to 7.5'. The adjacent street is a dead end street w. no prospect of future traffic.
- 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>Rosy E. Rios</u>	<u>Rosy E. Rios</u>
ADDRESS	<u>3621 Leota Drive</u>	
	<u>Apopka FL. 32703</u>	
PHONE 1	<u>407-468-2244</u>	
PHONE 2		
E-MAIL	<u>rrios3@cf1.rr.com</u>	

PROJECT NAME: Grove St.

SITE ADDRESS: Grove St + Lake Forest Drive

CURRENT USE OF PROPERTY: vacant

LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: 1 ± acre(s) PARCEL I.D. 17-21-29-5/6-0000-0010

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.

Rosy E. Rios

4/1/05
DATE

SIGNATURE OF OWNER OR AGENT*

* 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): 150.00 COMMISSION DISTRICT 3 FLU/ZONING B-1A/LDR

BCC HEARING DATE _____ (FOR APPEAL)

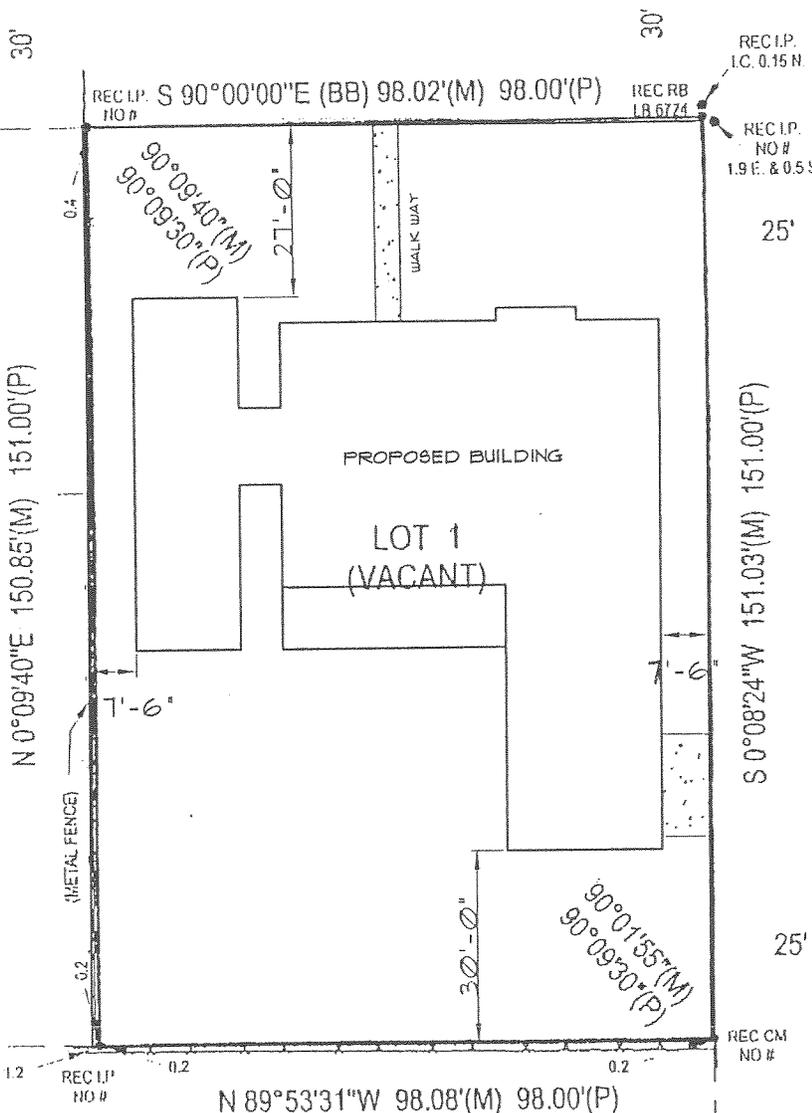
LOCATION FURTHER DESCRIBED AS located at the intersection of Grove Ave + Forest Lake Drive

PLANNING ADVISOR ML DATE 4/1/05

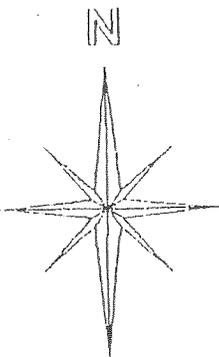
SUFFICIENCY COMMENTS _____

C/L GROVE AVENUE

LOT 2



C/L FOREST LAKE DRIVE



McNEILS ORANGE VILLA
P.B. 2, PG. 99

CERTIFIED TO:
ROSY E. RIOS
CAMAAN TITLE INSURANCE AGENCY
CHICAGO TITLE INSURANCE CO.
FIDELITY FEDERAL BANK & TRUST

DESCRIPTION: LOT 1, PENDLETON SUBDIVISION, ACCORDING TO
DEED PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE(S) 37,
THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

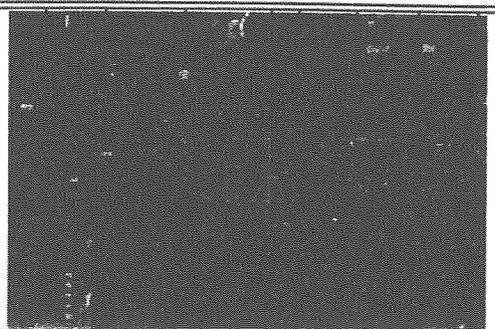
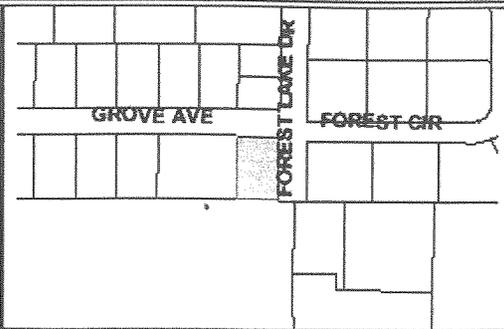
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

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



GENERAL

Parcel Id: 17-21-29-516-0000-0010 Tax District: 01-COUNTY-TX DIST 1
 Owner: RIOS ROSY E Exemptions:
 Address: 3621 LEOTA DR
 City,State,ZipCode: APOPKA FL 32703
 Property Address: GROVE AVE
 Subdivision Name: PENDLETON SUBD
 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): \$18,000
 Land Value Ag: \$0
 Just/Market Value: \$18,000
 Assessed Value (SOH): \$18,000
 Exempt Value: \$0
 Taxable Value: \$18,000
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	07/2004	05408	1583	\$49,000	Vacant
WARRANTY DEED	11/1986	01791	1598	\$16,000	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

2004 Tax Bill Amount: \$304
 2004 Taxable Value: \$18,000
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	3	1.000	18,000.00	\$18,000

LEGAL DESCRIPTION PLAT

LEG LOT 1 PENDLETON SUBD PB 11 PG 37

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.

BOA DECISION (10-25-04): REQUEST DENIED (5-0)

BCC DECISION (01-25-05): **BOA DECISION UPHELD** (5-0)

17. APPEAL OF BOA'S DECISION TO APPROVE A SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-1 (AGRICULTURE DISTRICT); LOCATED ON THE SOUTH SIDE OF OAK WAY, APPROXIMATELY 0.16 MILE FROM THE INTERSECTION OF OAK WAY AND SOUTH SANFORD AVENUE.

BOA DECISION (02-28-05): REQUEST APPROVED (5-0)

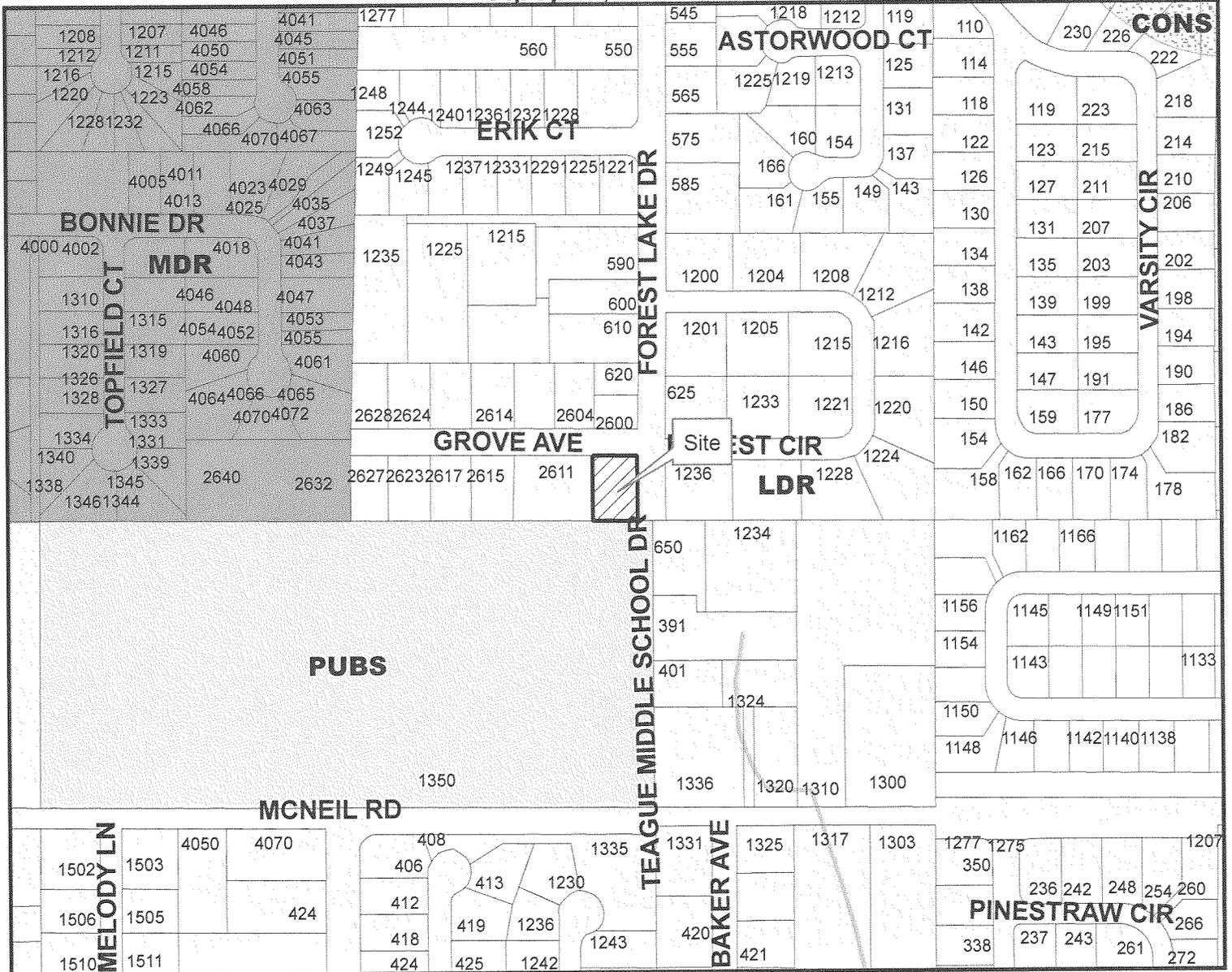
BCC DECISION (04-26-05): **BOA DECISION REVERSED** (4-1) TO ALLOW FIVE YEAR PLACEMENT OF THE EXISTING MOBILE HOME, AS OPPOSED TO THE ONE YEAR APPROVED BY THE BOA.

18. APPEAL OF BOA'S DECISION TO DENY A (1) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 5.5 FEET FOR AN EXISTING PRIVACY FENCE; AND (2) FRONT YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR AN EXISTING (ACCESSORY) ADDITION IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (VALERIE BLANCHARD, APPELLANT).

BOA DECISION (06-28-04): REQUEST (1) DENIED (3-2)
REQUEST (2) APPROVED (5-0)

BCC DECISION (TBD): COUNTY ATTORNEY DETERMINED APPLICANT HAS NO BASIS TO APPEAL DECISION THAT AFFECTS TEMPORARY EASEMENT; APPLICANT HAS ELECTED TO PROCEED WITH APPEAL TO BCC FOR A LESSER VARIANCE THAN WHAT WAS DENIED BY BOA. ITEM TO BE SCHEDULED FOR BCC CONSIDERATION.

**Rosy E. Rios
Lot 1 Grove Avenue
Apopka, FL 32703**



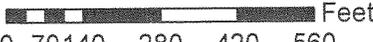
**Seminole County Board of Adjustment
May 23, 2005
Case: BV2005-047
Parcel No: 17-21-29-516-0000-0010**

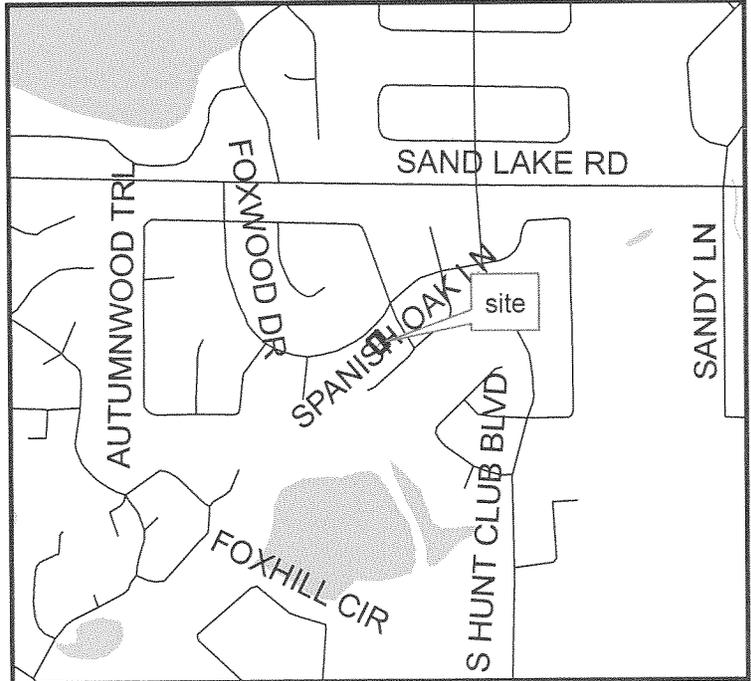
Future Land Use

-  CONS, LDR
-  PUBS, NONE
-  LDR, NONE
-  MDR, NONE
-  BV2005-047

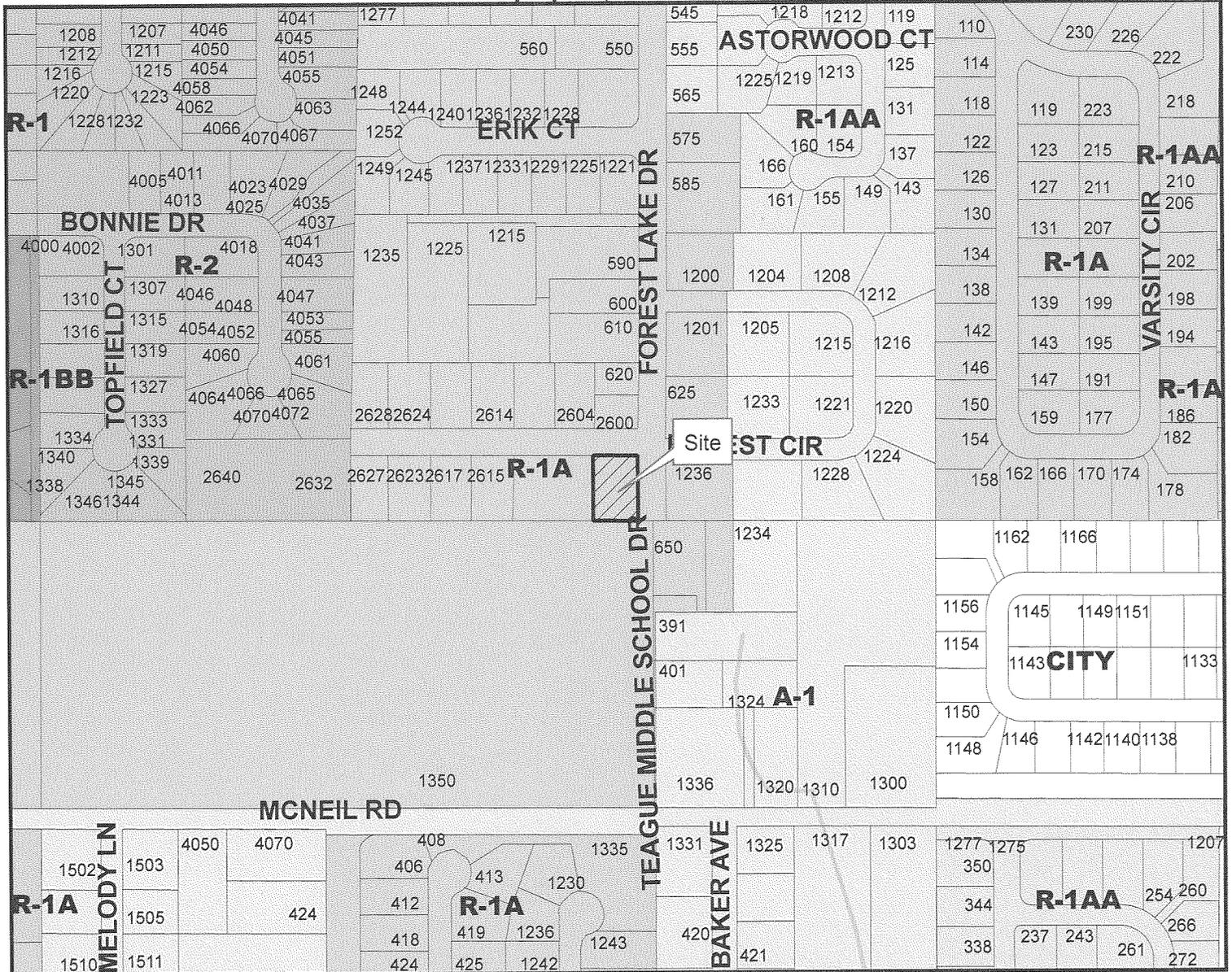
N



 Feet
0 70 140 280 420 560



**Rosy E. Rios
Lot 1 Grove Avenue
Apopka, FL 32703**



**Seminole County Board of Adjustment
May 23, 2005
Case: BV2005-047
Parcel No: 17-21-29-516-0000-0010**

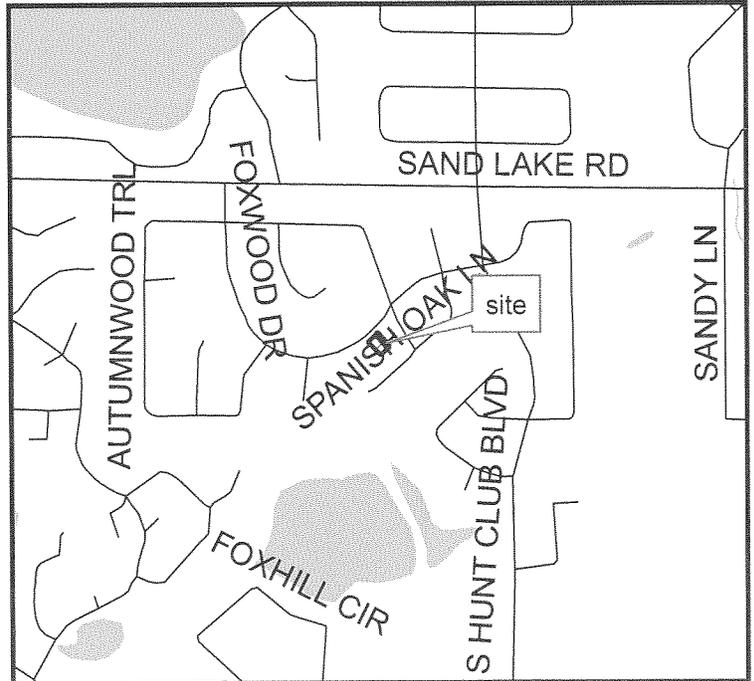
Zoning

	A-1 Agricultural-1Ac		BV2005-047
	R-1AA Single Fam-11700		
	R-1A Single Fam-9000		
	R-1 Single Fam-8400		
	R-1BB Single Fam-5000		
	R-2 One and Two-Family-9000		

N



0 70 140 280 420 560 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 1 PENDLETON SUBD PB 11 PG 37

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

FINDINGS OF FACT

Property Owner: ROSY RIOS
3621 LEOTA DRIVE
APOPKA, FL 32703

Project Name: GROVE AVENUE (LOT 1)

Requested Development Approval:

MINIMUM SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 7.5 FEET FOR A PROPOSED HOME IN THE R-1A (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:

The variance granted shall 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: