

BV2005-032

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 17.5 FT FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (SAGEWOOD PROPERTIES, LLC, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7398

Agenda Date 06-27-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 17.5 FT FOR A PROPOSED HOME ADDITION IN THE PUD(PLANNED UNIT DEVELOPMENT DISTRICT); (SAGEWOOD PROPERTIES, LLC, APPLICANT); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 17.5 FT FOR A PROPOSED HOME ADDITION IN THE PUD(PLANNED UNIT DEVELOPMENT DISTRICT); (SAGEWOOD PROPERTIES, LLC, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	SAGEWOOD PROPERTIES 3180 FOXWOOD DRIVE APOPKA, FL 32703	PUD DISTRICT
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO BUILD AN ADDITION TO AN EXISITING HOME THAT WOULD ENCRACH 14.5 FT INTO THE MINIMUM 30 FT REAR YARD SETBACK.</li> <li>• THERE IS NO RECORD OF OTHER VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT:               <ul style="list-style-type: none"> <li>○ NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.</li> <li>○ THE REQUESTED VARIANCES WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE PUD.</li> <li>○ THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCE.</li> </ul> </li> </ul>	

<b>STAFF RECOMMENDATION</b>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST AND MAKE THE APPROPRIATE FINDINGS OF FACT, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED HOME ADDITION, AS SHOWN ON THE ATTACHED SITE PLAN.</li></ul>
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COMMISSION DISTRICT #:

GUI  
PROJ. #

ZONED: PUD

SEC: 7

TWP: 21

RNG: 29

DEVELOPMENT:	Foxwood, Phases 2 and 3	DEVELOPER:	U.S. Homes Corp.
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LOCATION:	40 lots – 13.3 acres		
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FILE#:	BA:	SP:	BCC:	1-17-79
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P&Z:	PB	22	PG	41, 49	Lot	Blk	Parcel	DBA	Comm Dist
	23		34						

DEVEL. ORDER #:	TAX PAR. I.D. #:
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SIDEWALKS:

SETBACK REQUIREMENTS						
FY:	25'	SIDE ST.:	SY:	7.5'	RY:	30'

ROAD TYPE:  
(CURB & GUTTER OR SWALE)

MAIN STRUCTURE OTHER:  
Maximum Height: 35'  
Minimum lot size: 7,500 sq. ft.  
Minimum Living area: 1,250 sq. ft.

COMMENTS OTHER:  
1) Two lanes of arterial road to be completed during Phase I. Upon Completion of 2 lanes will be entitled to Certificates of Occupancy for all residential homes in Phases 1 and 2. Building Permits obtainable prior to completion of 2-lane road.

ACCESSORY STRUCTURE SETBACKS:			
SY:	7.5'	RY:	10'

ACCESSORY STRUCTURE OTHER:

- 2) Bike path system changed from rear of lots to front.
- 3) Landscaping on 25' easement South of Sand Lake Road shall include a hedge, 24" to 30" in height at time of planting, on the property line to be installed at time of house construction.
- 4) Two trees per lot in front yard at time of house construction.
- 5) 25' buffer surrounding residential section. Landscaping, consisting of trees and shrubs, will be provided in buffer area.
- 6) Remove old under drains wherever possible.
- 7) Stabilized path system in Tract A from Baybridge Court to Park.

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	
LAND USE:	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	10.00
5. PARK	
6. SCHOOL	300.00
7. LAW	
8. DRAINAGE	
TOTAL	

REMARKS:



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. BV2005-032

**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** Minimum rear yard setback variance from 30' to 17.5' for a proposed home 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 22 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	SAGEWOOD PROPERTIES, LLC	CHRISTOPHER TORCHIA FRANK J. TORCHIA
ADDRESS	522 S. HUNT CLUB BLVD # 406 APOPKA, FL 32703	
PHONE 1	407-864-9018	
PHONE 2	407-252-9652	
E-MAIL	torchia.co@earthlink.net	

PROJECT NAME: Foxwood Drive (3180)

SITE ADDRESS: 3180 FOXWOOD DRIVE

CURRENT USE OF PROPERTY: RESIDENTIAL

LEGAL DESCRIPTION: LOT 17, FOXWOOD PHASE II, PLAT BOOK 22, PAGE 41, SEMINOLE COUNTY, FL

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 07-21-29-504-0000-0170

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 6/27/05 (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.

SAGEWOOD PROPERTIES LLC  
Christopher Torchia Mgr  
 SIGNATURE OF OWNER OR AGENT\* DATE 3/22/05

\* 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 COMMISSION DISTRICT 3 FLU/ZONING PD/UD

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS on the south side of Foxwood Dr. approx 85' w of the intersection of Autumnwood Tr. and Foxwood Dr.

PLANNING ADVISOR JV

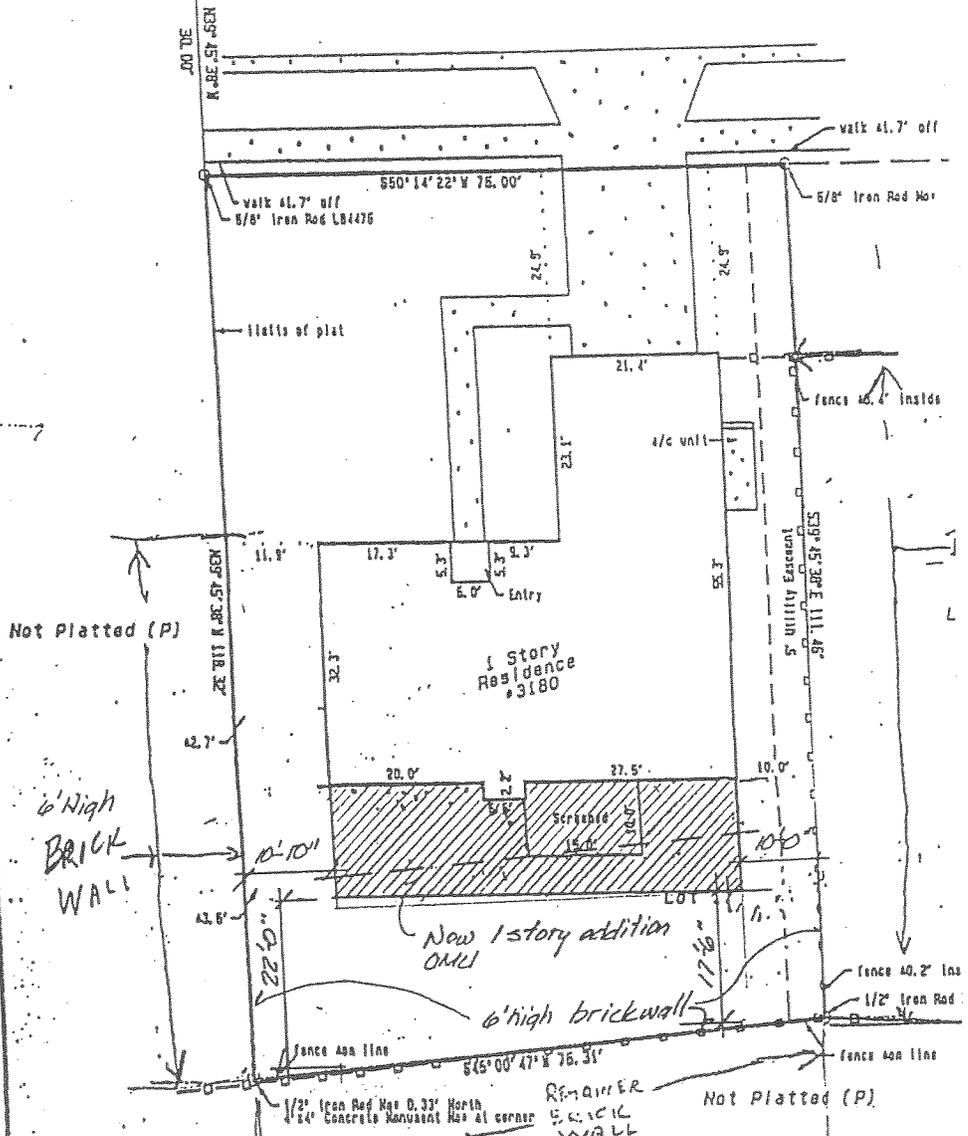
DATE 3/22/05

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

# Boundary Survey for Sagewood Properties, LLC

Lot 17,  
FOXWOOD PHASE II  
Plat Book 22, Page 41,  
Sealnoie County, Florida

3180 FOXWOOD DRIVE  
FOXWOOD DRIVE



- Legend**
- ◻ - Recovered 4'x4' Concrete Monument
  - - Set 4'x4' Concrete Monument
  - ▲ - Recovered Nail & Disk
  - ✕ - Cut in Concrete
  - - Recovered Iron Rod or Pipe as shown
  - ◉ - Set 1/2" Iron Rod
  - ◇ - Light Pole as shown
  - ▭ - 6" Wood Fence
  - ⊗ - 4" Chain link fence
  - ▭ - Concrete Slab

This Survey Certified  
Sagewood Properties, LLC

This survey was prepared by the undersigned and the original plat and plat book are on file in the office of the Surveyor General, State of Florida, Tallahassee, Florida. The survey was made on the 5th day of January, 2000, and the plat was filed in the office of the Surveyor General, State of Florida, Tallahassee, Florida, on the 10th day of January, 2000.

Surveyor General  
State of Florida  
Tallahassee, Florida

SCALE: 1" = 20'
REVIEWED BY: MWS
DRAWN BY: LJO
DATE: January 5, 2000
JOB No.: 11835
REVISION:

This survey is certified to and prepared for the legal sale and exclusive benefit of the utilities and/or individuals listed and shall not be called on by any other entity or individual whatsoever.

Underground foundations and/or improvements were not located as a part of this survey.

Legal center as per Panel

Legal client

Legal insurance

Legal dated

Legal that

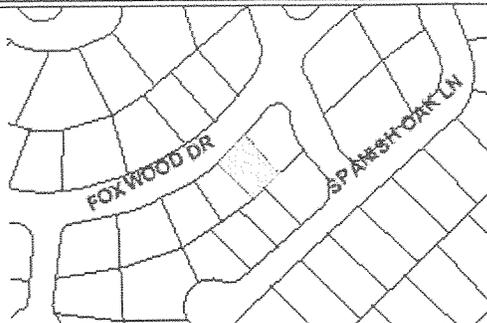
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL.

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



**GENERAL**

Parcel Id: 07-21-29-504-0000-0170 Tax District: 01-COUNTY-TX DIST 1  
 Owner: SAGEWOOD PROPERTIES LLC Exemptions:  
 Address: 522 S HUNT CLUB BLVD #406  
 City,State,ZipCode: APOPKA FL 32703  
 Property Address: 3180 FOXWOOD DR  
 Subdivision Name: FOXWOOD PHASE 2  
 Dor: 01-SINGLE FAMILY

**2005 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$113,580  
 Depreciated EXFT Value: \$2,880  
 Land Value (Market): \$22,000  
 Land Value Ag: \$0  
 Just/Market Value: \$138,460  
 Assessed Value (SOH): \$138,460  
 Exempt Value: \$0  
 Taxable Value: \$138,460  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	11/1999	03762	1972	\$104,400	Improved
CERTIFICATE OF TITLE	12/1997	03334	1211	\$100	Improved
WARRANTY DEED	10/1993	02660	0620	\$102,000	Improved
WARRANTY DEED	05/1990	02185	1284	\$93,000	Improved
WARRANTY DEED	10/1985	01677	0007	\$82,500	Improved
WARRANTY DEED	01/1982	01375	0430	\$84,000	Improved
WARRANTY DEED	03/1980	01272	1590	\$64,200	Improved

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

2004 Tax Bill Amount: \$1,591  
 2004 Taxable Value: \$94,121  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	22,000.00	\$22,000

**LEGAL DESCRIPTION PLAT**

LEG LOT 17 FOXWOOD PHASE 2 PB 22 PG 41

**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	1979	6	1,671	2,202	1,671	CONC BLOCK	\$113,580	\$126,905
			Appendage / Sqft	OPEN PORCH FINISHED / 25					
			Appendage / Sqft	GARAGE FINISHED / 506					

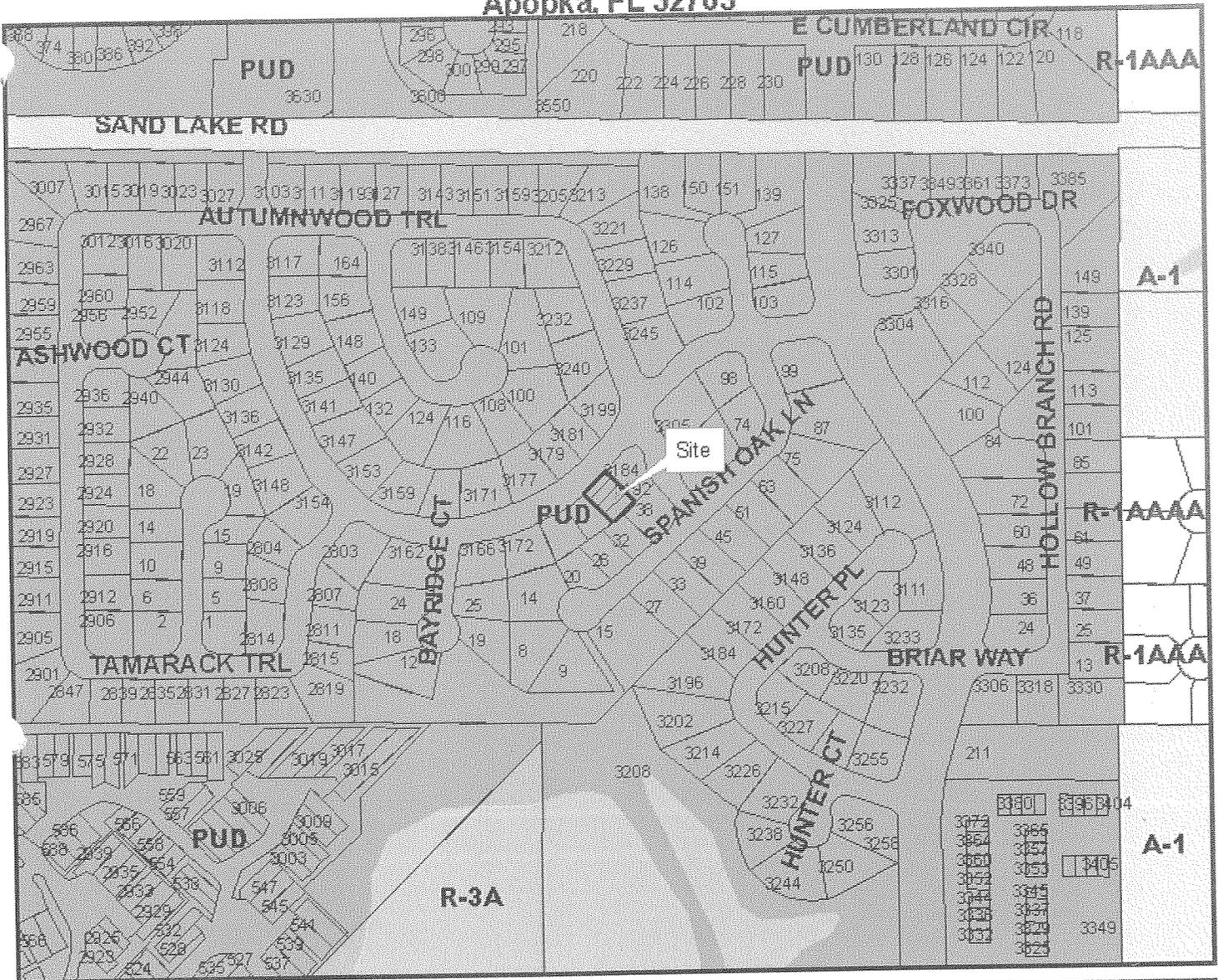
**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1979	1	\$600	\$1,500
BRICK PATIO	2003	600	\$2,280	\$2,400

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.

Christopher & Frank Torchia  
 3180 Foxwood Drive  
 Apopka, FL 32703



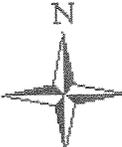
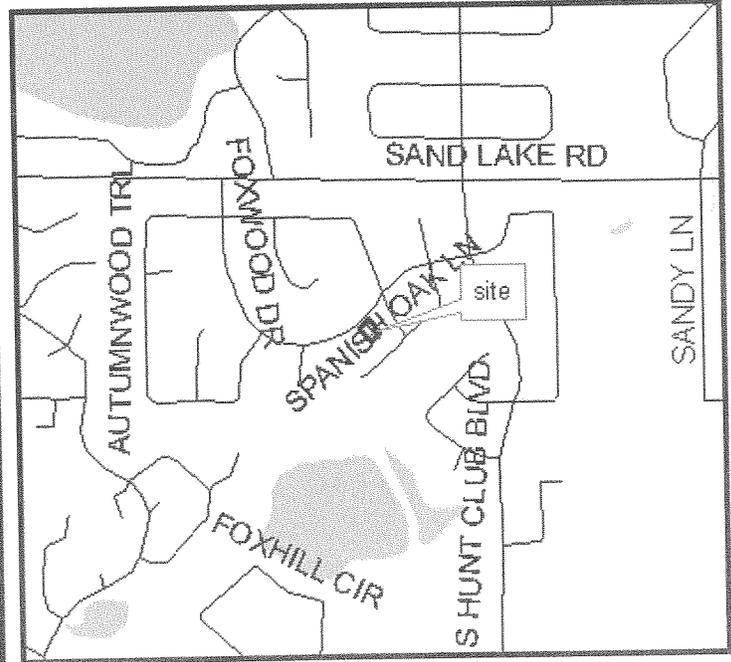
**Seminole County Board of Adjustment**  
 June 27, 2005  
 Case: BV2005-032  
 Parcel No: 07-21-29-504-0000-0170

**Zoning**

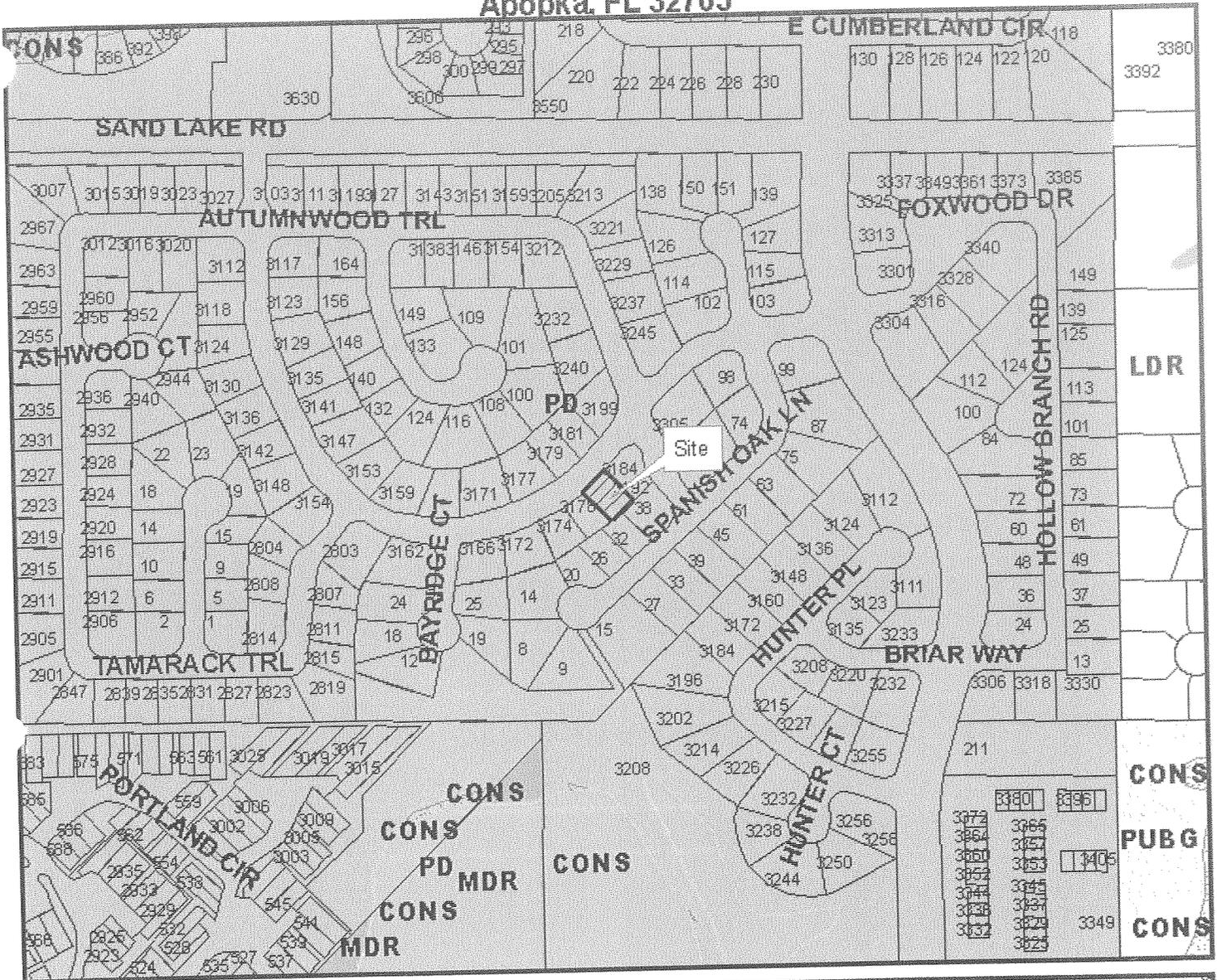
-  A-1 Agricultural-1Ac
-  R-1AAAA Single Fam-21780
-  R-1AAA Single Fam-13500
-  R-3A Multi-Family-10DU
-  PUD Planned Unit Dev.

 BV2005-032

0 75 150 300 450 600 Feet

Christopher & Frank Torchia  
 3180 Foxwood Drive  
 Apopka, FL 32703

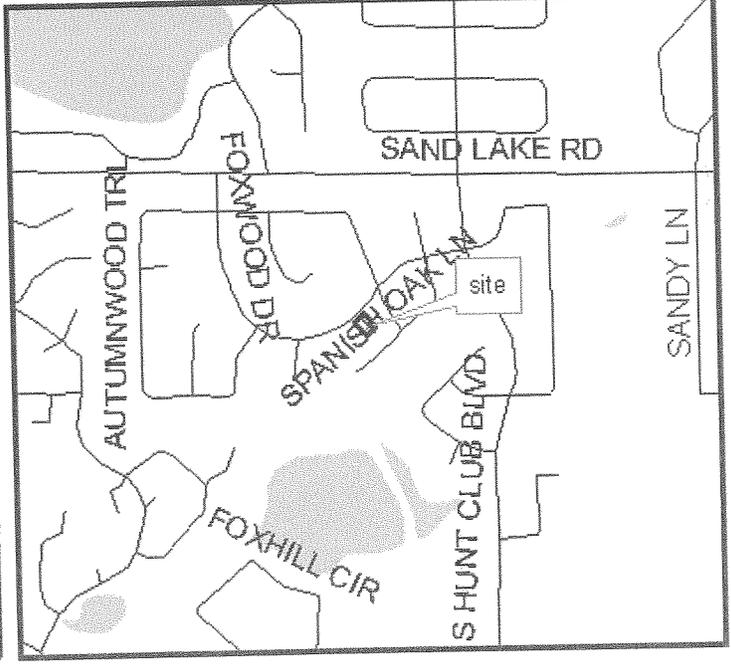


Seminole County Board of Adjustment  
 June 27, 2005  
 Case: BV2005-032  
 Parcel No: 07-21-29-504-0000-0170

### Future Land Use

	CONS, PUBG	PUBG, NONE
	CONS, LDR	LDR, NONE
	CONS, MDR	MDR, NONE
	CONS, PD	BV2005-032
	PD, NONE	

0 75 150 300 450 600 Feet



## SEMINOLE COUNTY DEVELOPMENT ORDER

On June 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 17 FOXWOOD PHASE 2 PB 22 PG 41

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

### FINDINGS OF FACT

**Property Owner:** SAGEWOOD PROPERTIES, LLC  
522 S HUNT CLUB BLVD  
APOPKA, FL 32703

**Project Name:** FOXWOOD DRIVE (3180)

**Requested Development Approval:**

REAR YARD SETBACK VARIANCE FROM 30 FT TO 17.5 FT FOR A PROPOSED HOME ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT)

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:

1. The variance granted will apply only to the existing shed 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: