

Item# BV2005-074

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3.33 FEET (3 FEET 4 INCHES) FOR A PROPOSED SHED IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL APONTE, 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** REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3.33 FEET (3 FEET 4 INCHES) FOR A PROPOSED SHED IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL APONTE, APPLICANT); OR
2. **DENY** REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3.33 FEET (3 FEET 4 INCHES) FOR A PROPOSED SHED IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL APONTE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	DANIEL APONTE 759 FRANKLIN STREET R-1 (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A SHED THAT WILL ENCROACH INTO THE MINIMUM SIDE YARD SETBACK. THE AFOREMENTIONED 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>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED SHED HAVE BEEN DEMONSTRATED.</li> <li>• THE SHED COULD BE BUILT TO COMPLY WITH THE CODE AND WOULD NEGATE THE NEED FOR A</li> </ul>	

	<p>VARIANCE.</p> <ul style="list-style-type: none"><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1 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 SHED 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>



**COPY**  
 MAY 06 2005  
 APPL. NO. BV 2005-074

**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** West side setback from 7'6" to 3'4" for prop. shed Addition.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	DANIEL APONTE	
ADDRESS	759 FRANKLIN ST. ALT. SPRGS. FL 32701	
PHONE 1	407-265-1791	
PHONE 2	407 339-8498	
E-MAIL		

PROJECT NAME: SHED Addition

SITE ADDRESS: 759 FRANKLIN STREET ALTAMONTE SPRINGS

CURRENT USE OF PROPERTY: SINGLE FAMILY, MAIN RESIDENCE

LEGAL DESCRIPTION: LOTS 3 & 4 E, SANLANDO SPRINGS, TRACK NO 77, AS RECORDED IN PLAT BOOK 9, PAGE 86, OF THE PUBLIC REC. OF SEM. CNTY, FL.

SIZE OF PROPERTY: 0.2870 acre(s) PARCEL I.D. 01-21-29-SCK-770E-0030

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.

Daniel Aponte  
 SIGNATURE OF OWNER OR AGENT\* DATE MAY 6, 2005

**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<sup>00</sup> COMMISSION DISTRICT 3 FLU/ZONING R-1/LDR

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

LOCATION FURTHER DESCRIBED AS south of Franklin St 350ftE from  
intersection of Franklin St & Stelle Ave.

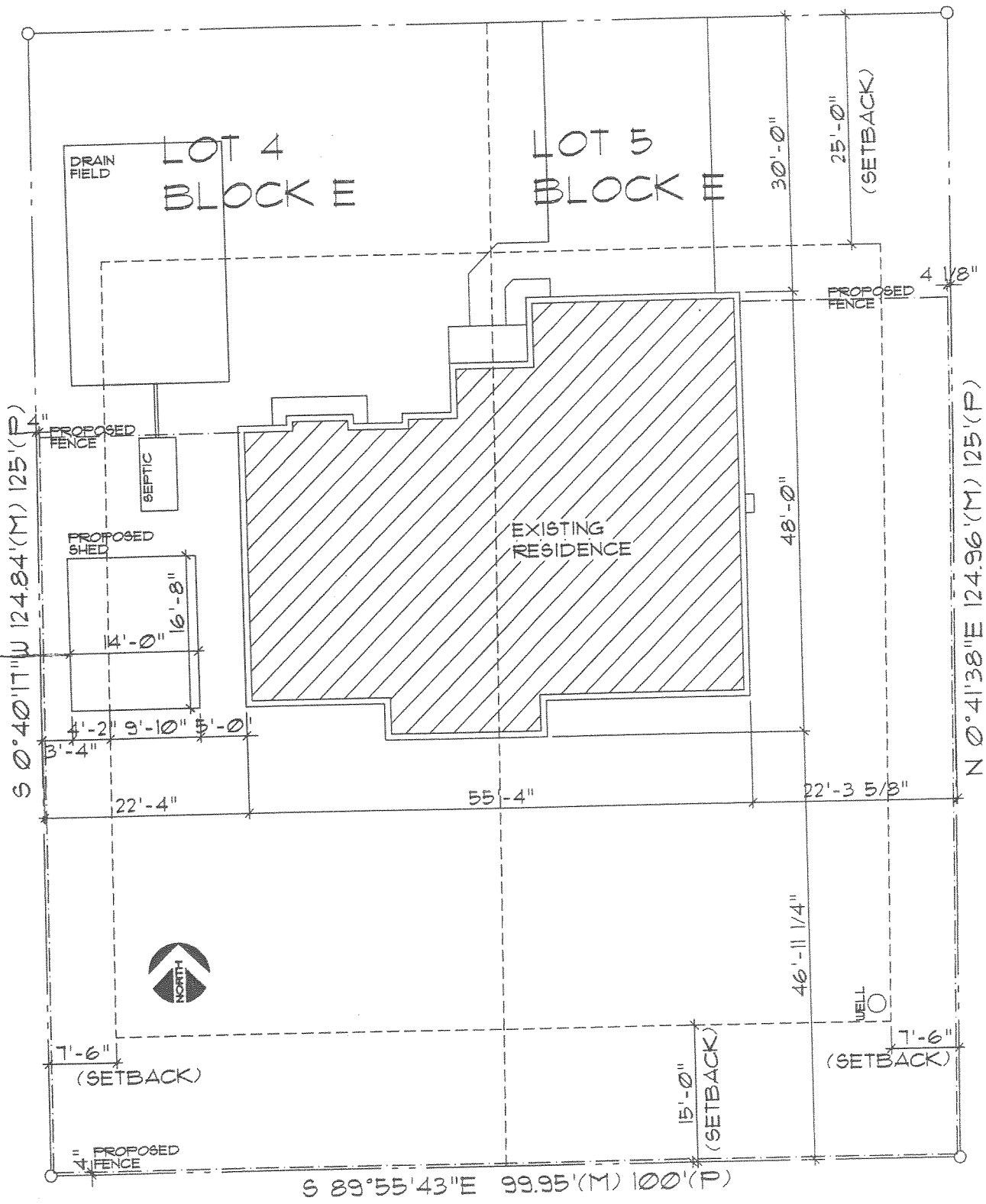
PLANNING ADVISOR KF DATE \_\_\_\_\_

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

FRANKLYN STREET (UNIMPROVED) (50' R/W)

S 90°00'00"W (BB) 100'(P&M)

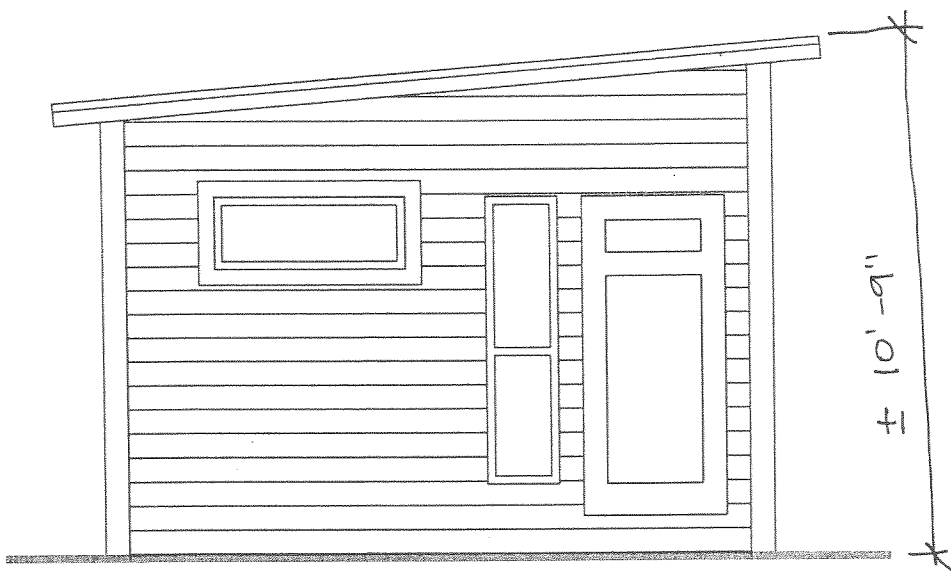
← 49' to 19th Ave's House  
(NO W/DWS OR DOORS ON EAST OF Bldg.)



S 0°40'17"W 124.84'(M) 125'(P)

N 0°41'38"E 124.96'(M) 100'(P)

S 89°55'43"E 99.95'(M) 100'(P)



Proposed SHED

**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506

**GENERAL**

Parcel Id: 01-21-29-5CK-770E-0030 Tax District: 01-COUNTY-TX DIST 1  
Owner: APONTE DANIEL Exemptions: 00-HOMESTEAD  
Address: 759 FRANKLIN ST  
City,State,ZipCode: ALTAMONTE SPRINGS FL 32701  
Property Address: 759 FRANKLIN ST ALTAMONTE SPRINGS 32701  
Subdivision Name: SANLANDO SPRINGS  
Dor: 01-SINGLE FAMILY

**2005 WORKING VALUE SUMMARY**

Value Method: Market  
Number of Buildings: 1  
Depreciated Bldg Value: \$164,717  
Depreciated EXFT Value: \$0  
Land Value (Market): \$13,950  
Land Value Ag: \$0  
Just/Market Value: \$178,667  
Assessed Value (SOH): \$136,180  
Exempt Value: \$25,000  
Taxable Value: \$111,180  
Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	11/1999	03755	1432	\$16,000	Improved
WARRANTY DEED	04/1984	01537	1892	\$11,700	Vacant
WARRANTY DEED	10/1983	01494	1658	\$13,000	Vacant
WARRANTY DEED	01/1983	01431	1754	\$10,500	Vacant
WARRANTY DEED	07/1981	01347	1525	\$10,500	Vacant

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

Tax Value(without SOH): \$2,016  
2004 Tax Bill Amount: \$1,812  
Save Our Homes (SOH) Savings: \$204  
2004 Taxable Value: \$107,214  
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	100	125	.000	200.00	\$13,950

**LEGAL DESCRIPTION PLAT**

LEG LOTS 3 & 4 BLK E TRACT 77  
SANLANDO SPRINGS PB 9 PG 86

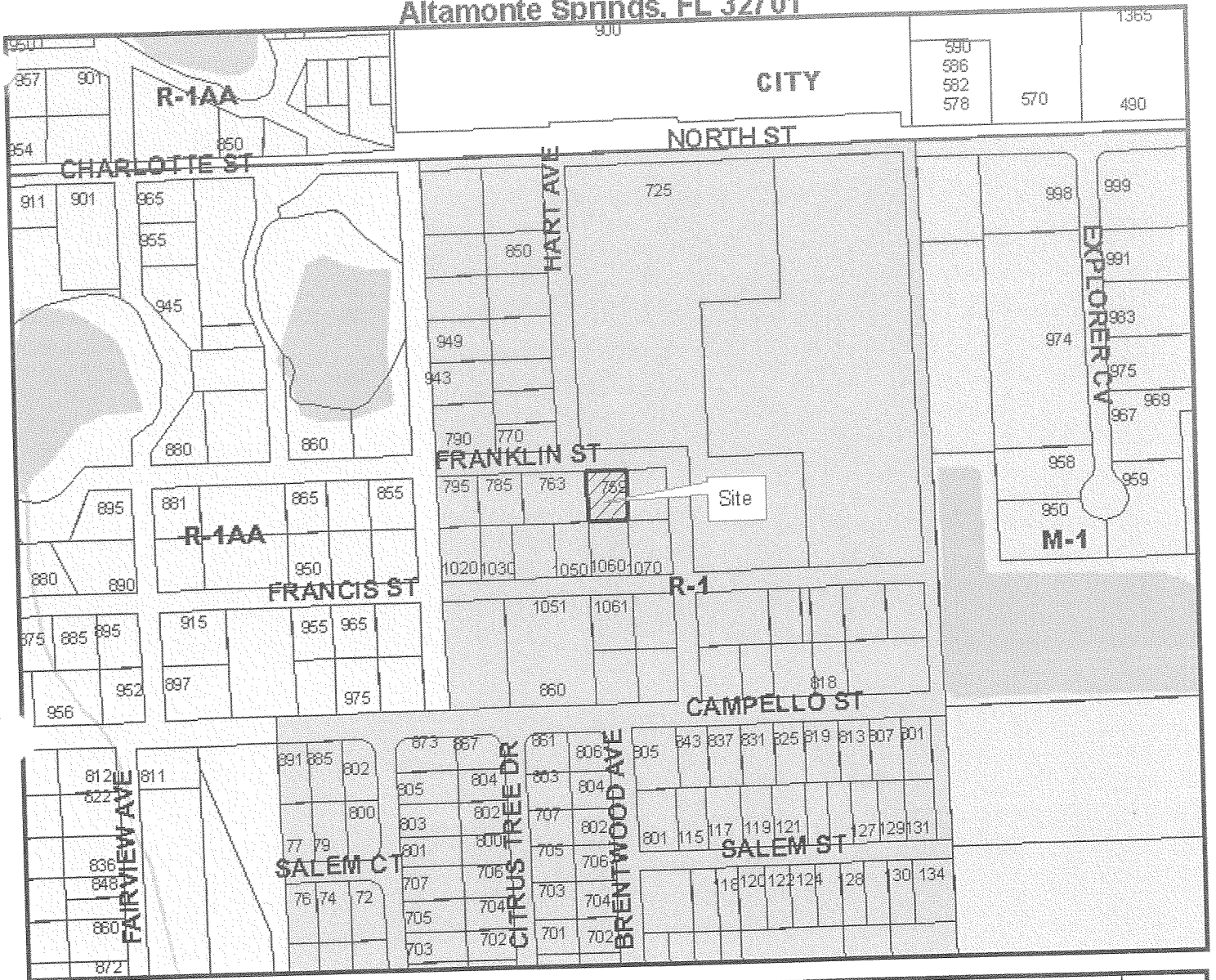
**BUILDING INFORMATION**

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	2001	8	1,673	2,222	1,673	CB/STUCCO FINISH	\$164,717	\$168,079
Appendage / Sqft			GARAGE FINISHED / 513						
Appendage / Sqft			OPEN PORCH FINISHED / 36						

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.

Daniel Aponte  
 759 Franklin Street  
 Altamonte Springs, FL 32701

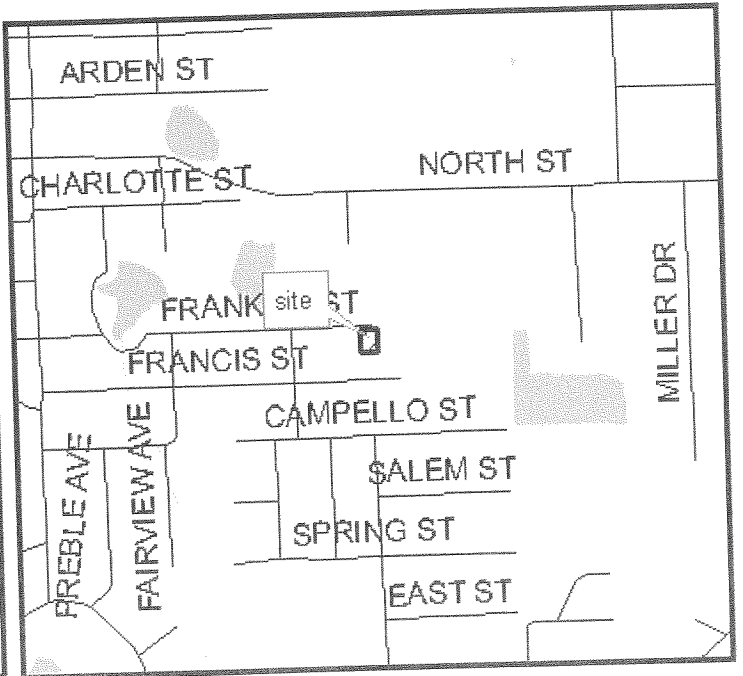


Seminole County Board of Adjustment  
 June 27, 2005  
 Case: BV2005-074  
 Parcel No: 01-21-29-5ck-770E-0030

**Zoning**

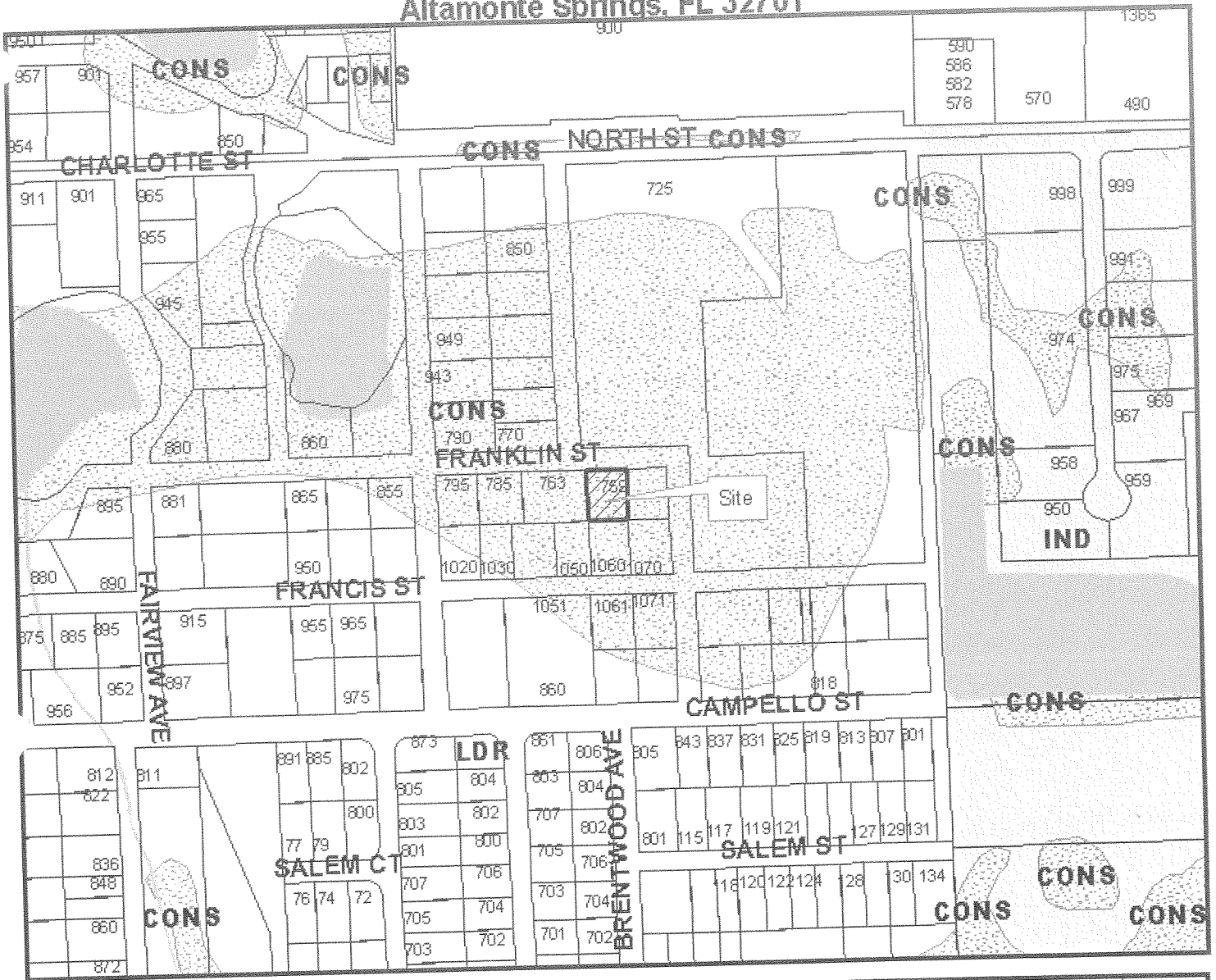
- R-1AA Single Fam-11700
- R-1 Single Fam-8400
- M-1 Industrial
- BV2005-074

0 85 170 340 510 680 Feet










Daniel Aponte  
 759 Franklin Street  
 Altamonte Springs, FL 32701

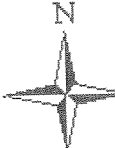


Seminole County Board of Adjustment  
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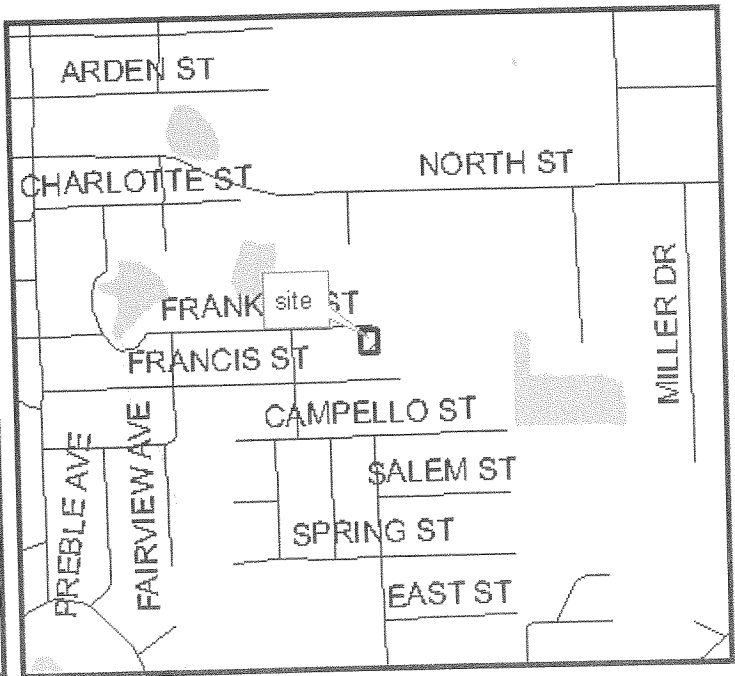
### Future Land Use

-  CONS, LDR
-  CONS, IND
-  LDR, NONE
-  IND, NONE
-  BV2005-074

N



0 85 170 340 510 680 Feet



**Daniel J. Aponte**

759 Franklin Street  
Altamonte Springs, Florida 32701  
407.265.1791

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May 6, 2005

Seminole County Planning & Development Department  
Planning Division  
1101 East First Street  
Sanford, Florida 32771

Re: Variance Request

General Application Submittal Requirements

A: Request Statement

West side setback variance from 7'-6" to 3'-4" for proposed detached shed addition.

B: Contact Information

Daniel Aponte  
759 Franklin Street, Altamonte Springs, Florida 32701  
Home - 407-265-1791  
Work - 407-339-8498  
E-mail - [aponte4@juno.com](mailto:aponte4@juno.com)

C: Project Name

Shed Addition

D: Site Address

759 Franklin Street, Altamonte Springs, Florida 32701

E: Property Use

Single Family, Main Residence

F: Legal Description

Lots 3 & 4 E, Sanlando Springs, Track No. 77, as recorded in plat book 9, page 86, of the public records of Seminole county, Florida.

G: Size of Property

100' wide, 125' deep. 12,500 square feet.

H - N. See attached site drawing for additional information.

O. Parcel Identification Number

01-21-29-5CK-770E-0030

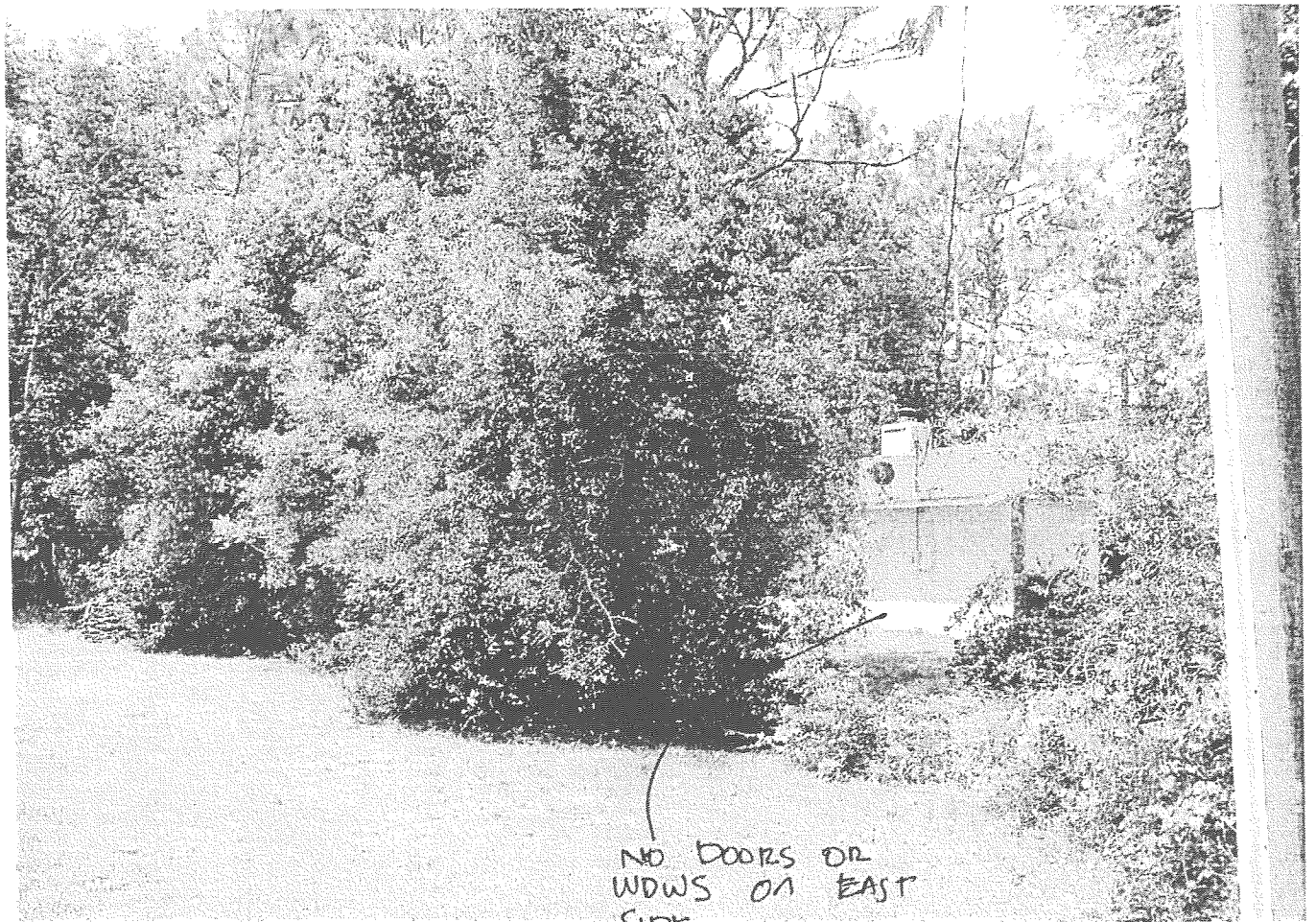
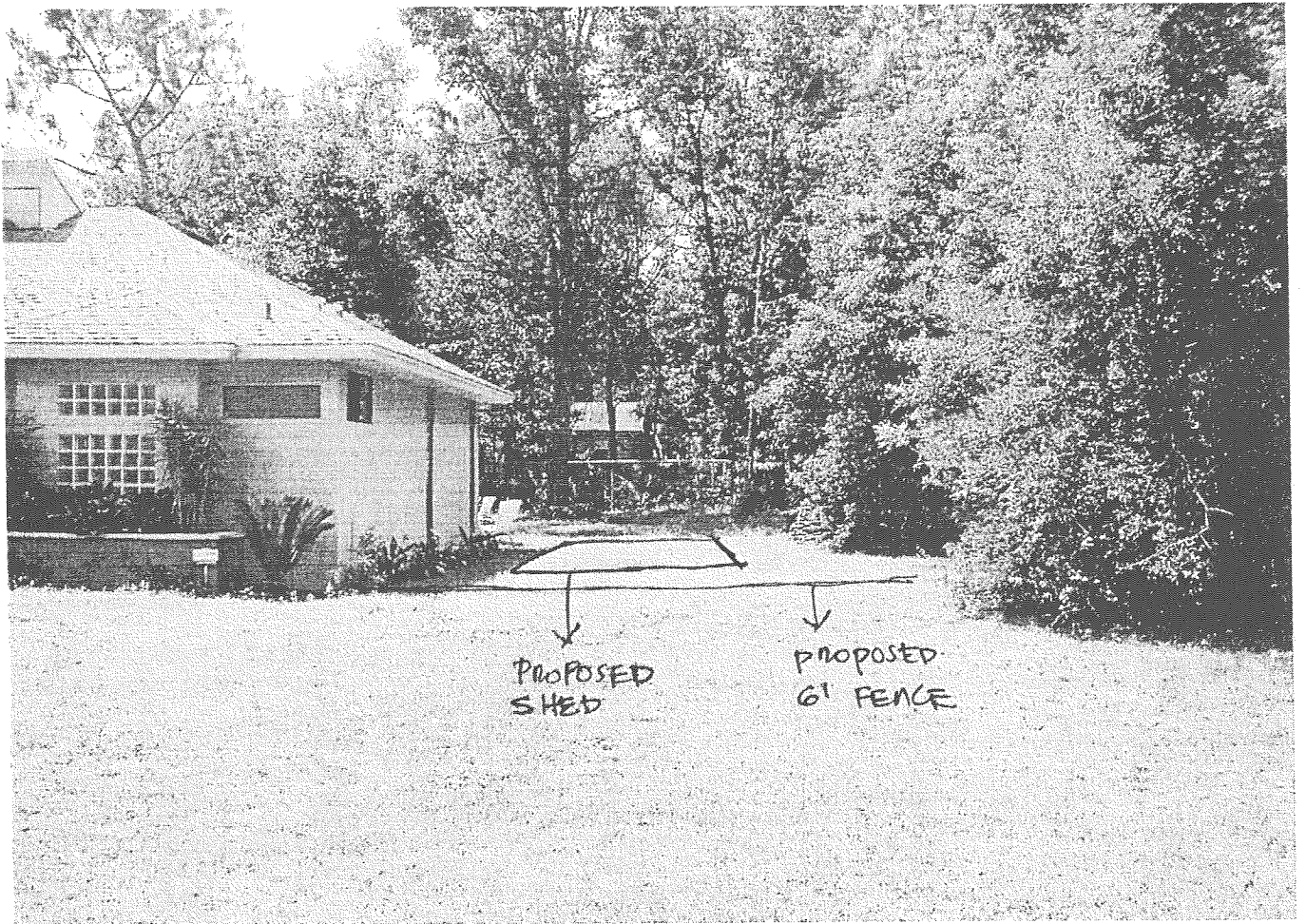
V. Written Statement.

The request for a variance is submitted in the hopes of continuing to enjoy the open space at the rear of the property. Proposed shed to be constructed above ground as non-permanent structure (no concrete slab).

Sincerely,



Daniel Aponte



## 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 LOTS 3 & 4 BLK E TRACT 77 SANLANDO SPRINGS PB 9 PG 86

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

### FINDINGS OF FACT

**Property Owner:** DANIEL APONTE  
759 FRANKLIN STREET  
ALTAMONTE SPRINGS, FL 32701

**Project Name:** FRANKLIN STREET (759)

**Requested Development Approval:**

SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3 FEET 4 INCHES FOR A PROPOSED SHED 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: 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 proposed 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:

### Order

#### OWNER'S CONSENT AND COVENANT

**COMES NOW**, \_\_\_\_\_, the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

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 did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: