

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

SUBJECT: Request for a side yard setback from 7.5 feet to 6.69 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Julio and Diana Rodriguez, applicants);.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

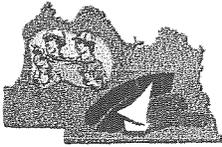
Agenda Date 10/24/05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a side yard setback from 7.5 feet to 6.69 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Julio and Diana Rodriguez, applicants); or
2. **DENY** Request for a side yard setback from 7.5 feet to 6.69 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Julio and Diana Rodriguez, applicants); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	<p>APPLICANT: Julio and Diana Rodriguez</p> <p>LOCATION: 2428 Chantilly Terrace</p> <p>ZONING: R-1A (Single-Family Dwelling District)</p>
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition (approximately 4' x 6') to an existing home. • The proposed addition would encroach .81 feet into the minimum 7.5 foot side yard setback; the aforementioned side yard setback variance from 7.5 feet to 6.69 feet is thereby requested. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	<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"> • The request would confer upon the applicant special privileges that would be denied to others in the R-1A (Single-Family Dwelling District), without the demonstration of a hardship. • The applicant would retain reasonable use of the subject property without the requested variance.

	<ul style="list-style-type: none">• No special circumstances applicable to the property or proposed addition have been demonstrated.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends the Board of Adjustment deny the requested 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 proposed 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. BV2005-145

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** side yard set back Variance From 7.6 to 6.69'
- 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
 SEP - 1 2005
 PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Julio and Diana Rodriguez	
ADDRESS	2428 Chantilly Terrace Oviedo FL 32765	
PHONE 1	407 620-4159	
PHONE 2	407 971-3133	
E-MAIL	FD.Rodriguez2001@yahoo.com	

PROJECT NAME: _____
 SITE ADDRESS: 2428 Chantilly Terrace Oviedo FL 32765
 CURRENT USE OF PROPERTY: Residential
 LEGAL DESCRIPTION: lot 7 Huntington PH 2 PB 39 PGS 85 and 86 public records seminole county
 SIZE OF PROPERTY: 1/3 approx acre(s) PARCEL I.D. 28-21-31-504-0000-0010
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO
 This request will be considered at the Board of Adjustment regular meeting on 10, 24, 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.

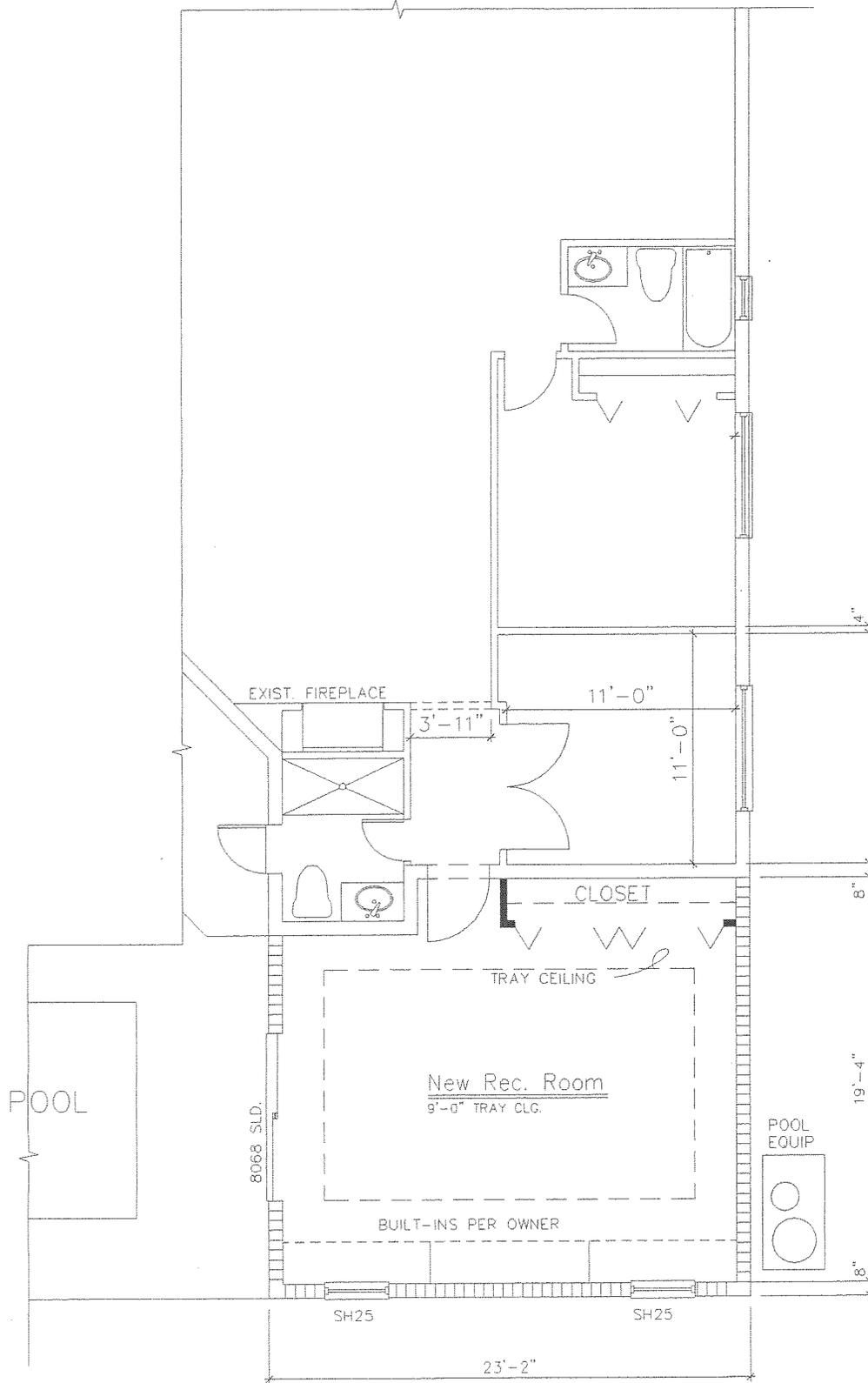
I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

 SIGNATURE OF OWNER OR AGENT* Sept 1-05
 DATE

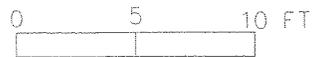
* Proof of owner's authorization is required with submittal if signed by agent.

Deanna Rodriguez

existing

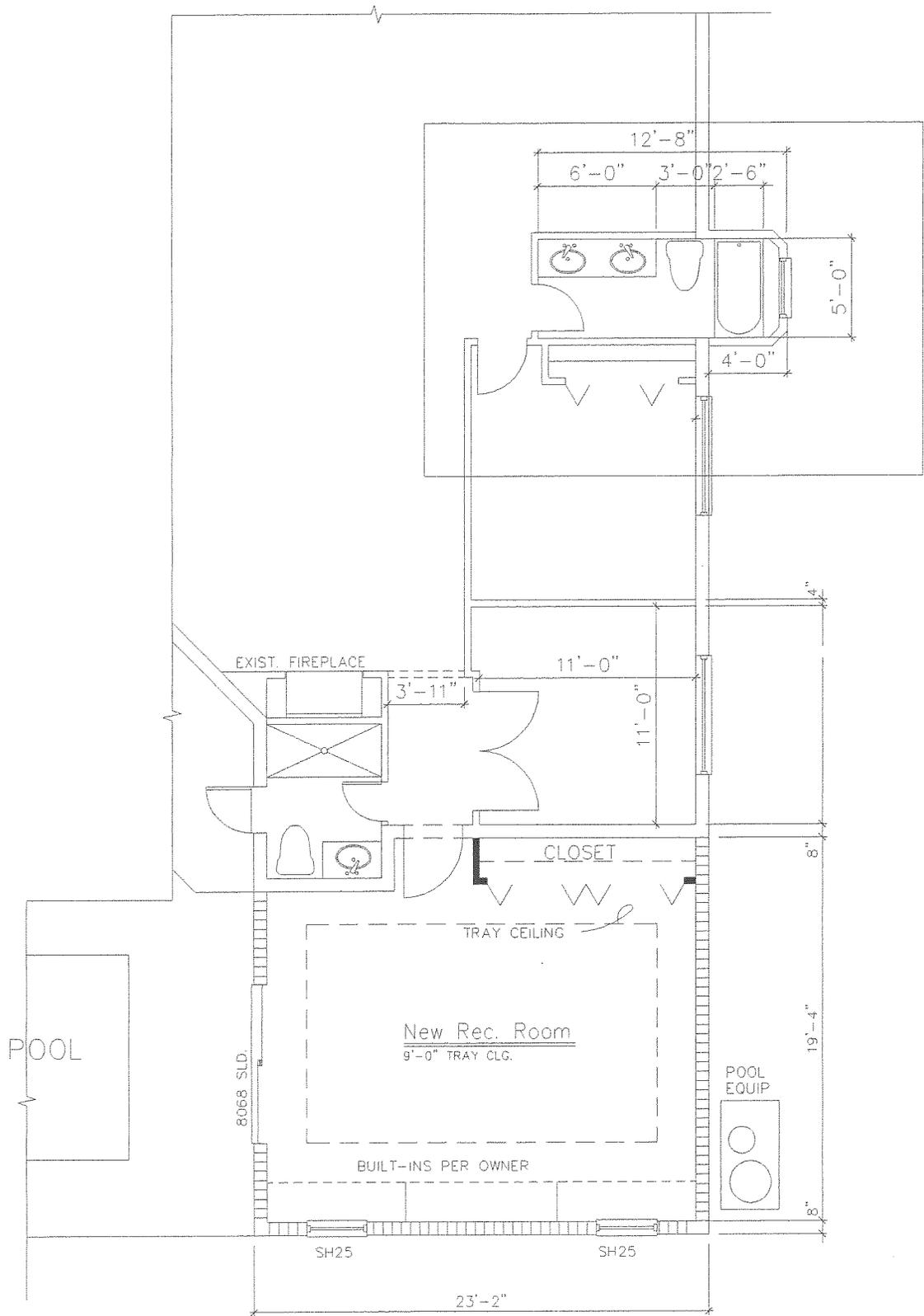


EXISTING Floor Plan



SCALE 1/8"=1'-0"

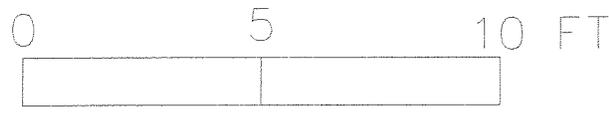
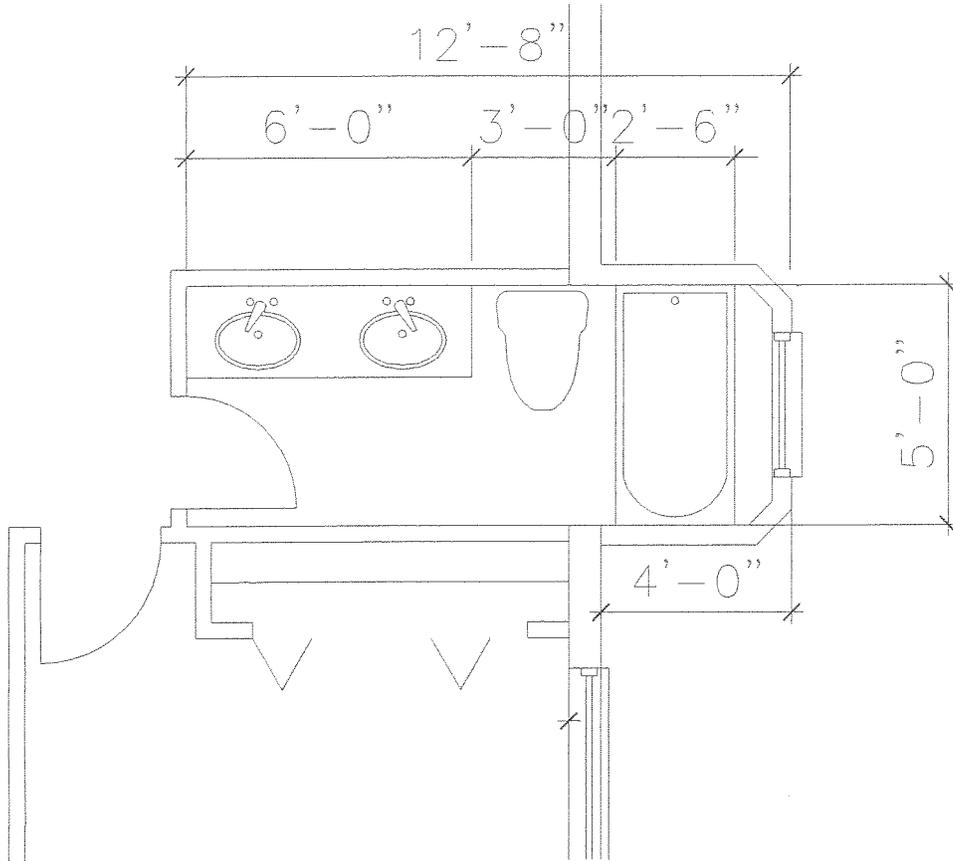
proposed



PROPOSED Floor Plan



SCALE 1/8"=1'-0"



SCALE 1/4" = 1'-0"

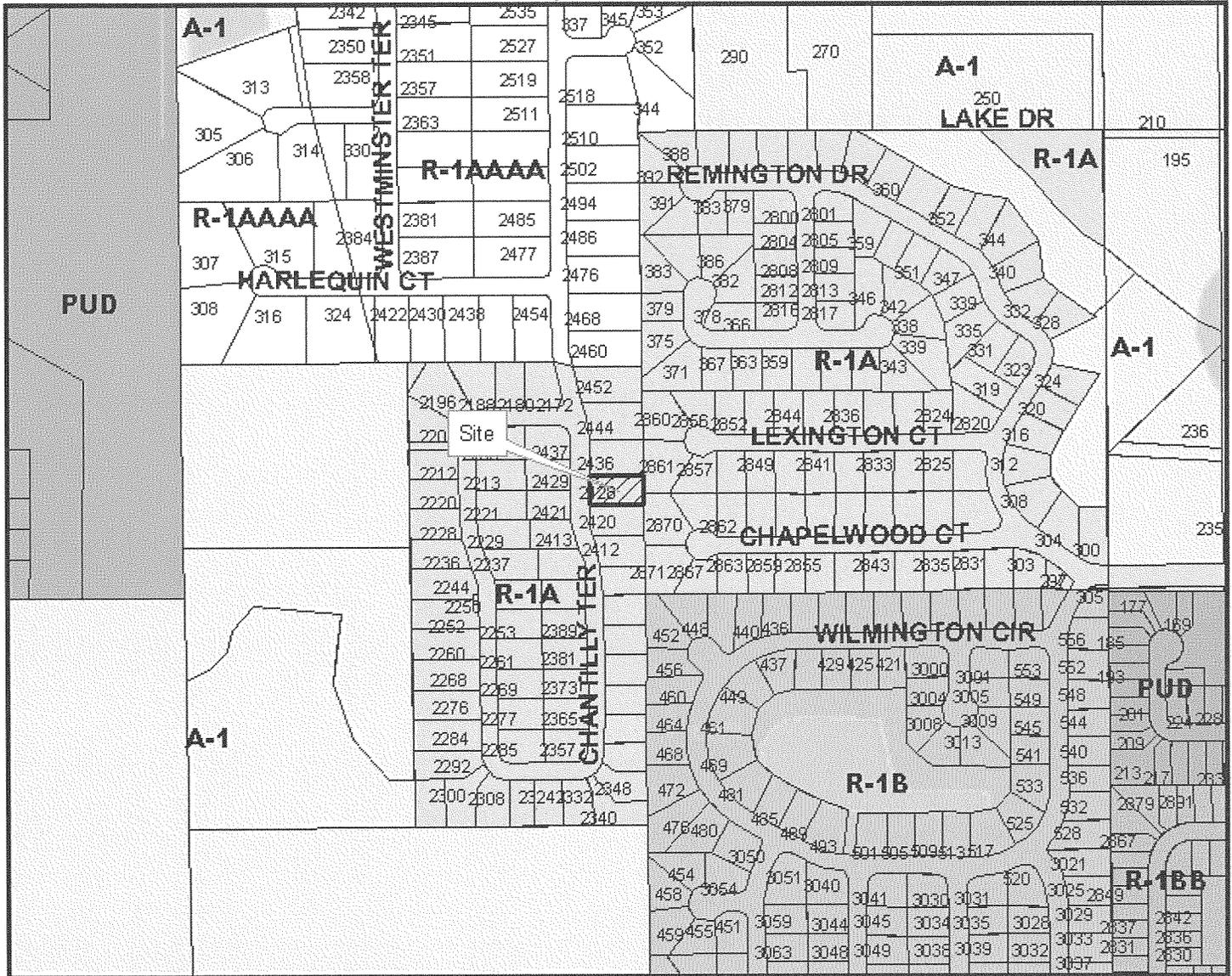
<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																												
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 28-21-31-504-0000-0070 Owner: RODRIGUEZ JULIO A & DIANA Mailing Address: 2428 CHANTILLY TER City,State,ZipCode: OVIEDO FL 32765 Property Address: 2428 CHANTILLY TER OVIEDO 32765 Subdivision Name: HUNTINGTON PH 2 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p>2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$218,947 Depreciated EXFT Value: \$10,122 Land Value (Market): \$55,500 Land Value Ag: \$0 Just/Market Value: \$284,569 Assessed Value (SOH): \$237,206 Exempt Value: \$25,000 Taxable Value: \$212,206</p> <p>Tax Estimator 2005 Notice of Proposed Property Tax</p>																																										
<p style="text-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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>03/2001</td> <td>04043</td> <td>0151</td> <td>\$208,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>09/2000</td> <td>03915</td> <td>0482</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>08/1993</td> <td>02638</td> <td>0673</td> <td>\$20,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1989</td> <td>02135</td> <td>1505</td> <td>\$194,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1988</td> <td>02000</td> <td>1096</td> <td>\$110,700</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	03/2001	04043	0151	\$208,000	Improved	No	CERTIFICATE OF TITLE	09/2000	03915	0482	\$100	Improved	No	QUIT CLAIM DEED	08/1993	02638	0673	\$20,000	Improved	No	WARRANTY DEED	12/1989	02135	1505	\$194,000	Improved	Yes	WARRANTY DEED	08/1988	02000	1096	\$110,700	Vacant	No	<p>2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,295 2004 Tax Bill Amount: \$2,994 Save Our Homes (SOH) Savings: \$301 2004 Taxable Value: \$177,165 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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LOT	0	0	1.000	55,500.00	\$55,500																																							
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	1989	12	2,368	3,894	2,824	CB/STUCCO FINISH	\$218,947	\$231,690																																			
			Appendage / Sqft	BASE / 456																																								
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EXTRA FEATURE																																												
		Description	Year Blt	Units	EXFT Value	Est. Cost New																																						
		FIREPLACE	1989	1	\$1,500	\$2,500																																						
		POOL GUNITE	1989	450	\$5,400	\$9,000																																						
		COOL DECK PATIO	1989	375	\$788	\$1,313																																						
		SCREEN ENCLOSURE	1989	2,134	\$1,994	\$4,268																																						

SOLAR HEATER	1990	1	\$440	\$1,100
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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.

Julio & Diana Rodriguez
 2428 Chantilly Terrace
 Oviedo, FL 32765

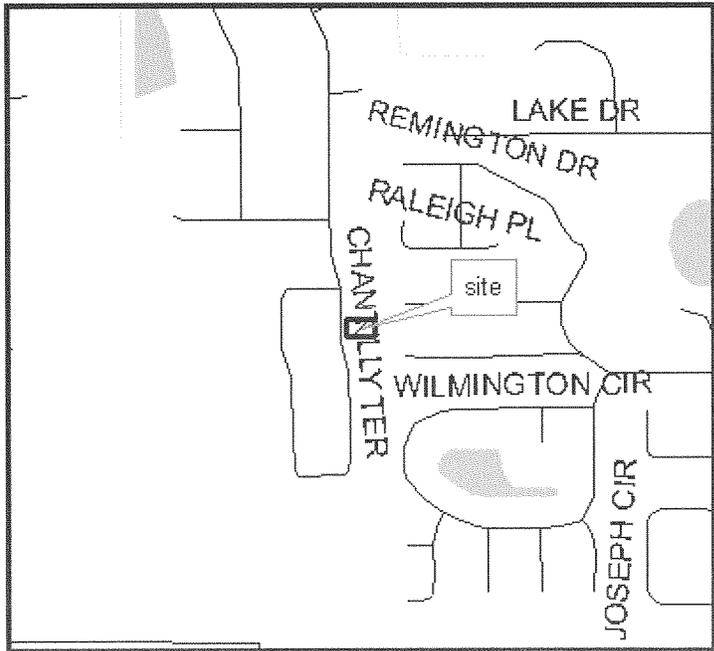


Seminole County Board of Adjustment
 October 24, 2005
 Case: BV2005-145
 Parcel No: 28-21-31-504-0000-0070

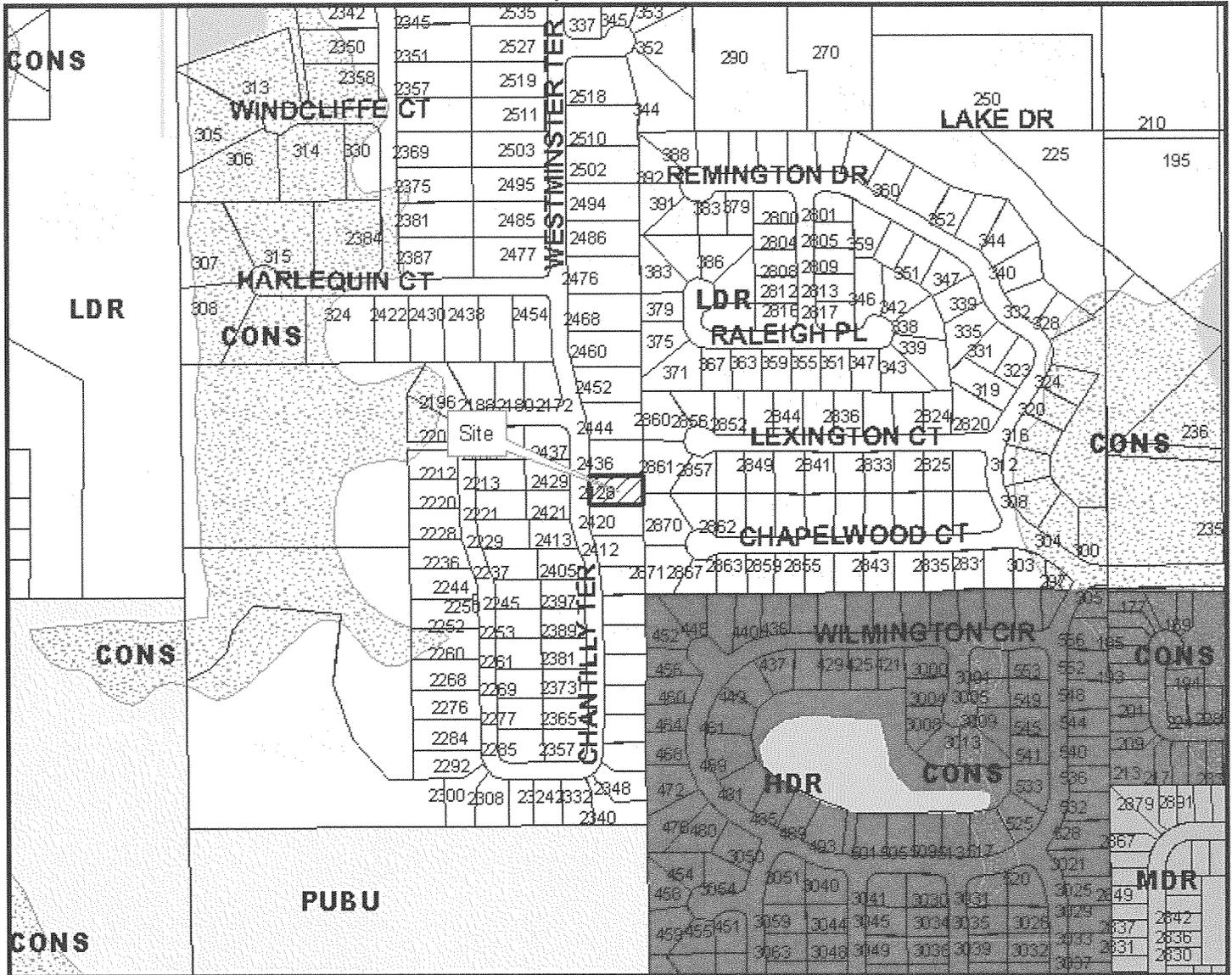
Zoning

- A-1 Agricultural-1Ac
- R-1AAA Single Fam-21780
- R-1A Single Fam-9000
- R-1B Single Fam-6700
- R-1BB Single Fam-5000
- PUD Planned Unit Dev.
- BV2005-145

0 90 180 360 540 720 Feet



**Julio & Diana Rodriguez
2428 Chantilly Terrace
Oviedo, FL 32765**



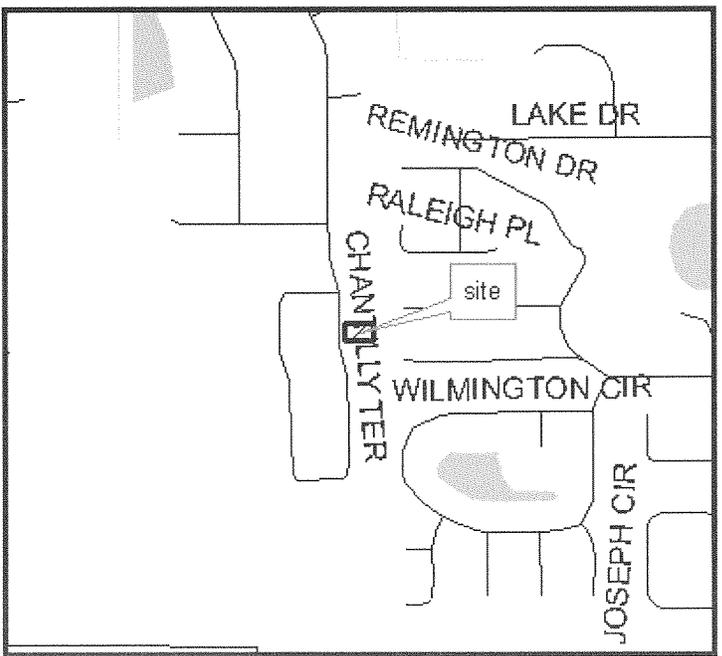
**Seminole County Board of Adjustment
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Future Land Use

	CONS, PUBU		LDR, NONE
	CONS, LDR		MDR, NONE
	CONS, HDR		HDR, NONE
	PUBU, NONE		BV2005-145

N

0 90 180 360 540 720 Feet



August 29, 2005

Architectural Committee
Huntington II

Dear Sirs:

Freddie and Diana Rodriguez, 2428 Chantilly Terrace, have shared with Sue and me their desire and the plans to enlarge their children's bathroom. This bathroom is on the side of their house that is nearest to our house.

I wholeheartedly agree with them that this is a great idea. It meets the needs of their family and causes no hardship or damage to me or any other property owner in Huntington II. In fact, their improvement to their home will only add to the value of the surrounding property.

I strongly recommend that the Architectural Committee approve the application from Freddie and Diane. If you have other questions please feel free to call Tommy at 407-687-5385.

Sincerely,

A handwritten signature in cursive script that reads "Tommy and Sue Gilmore". The signature is written in black ink and is positioned above the typed name and address.

Tommy and Sue Gilmore
2436 Chantilly Terrace
Oviedo, FL 32765

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 7 HUNTINGTON PH 2 PB 39 PGS 85 & 86

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

FINDINGS OF FACT

Property Owner: Julio and Diana Rodriquez
2428 Chantilly Terrace
Oviedo, FL 32765

Project Name: Chantilly Terrace (2428)

Requested Development Approval:

Request for a side yard setback from 7.5 feet to 6.69 feet for a proposed addition 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: Ian Sikonia, 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 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: _____

Tony Walter
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: