

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

SUBJECT: Request for (1) a rear yard setback variance from 30 feet to 6 feet; and (2) a side yard (south) setback variance from 7.5 feet to 3 feet for an existing shed in the R-1 (Single-Family Dwelling District); (Jesus Duran, applicant).

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

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

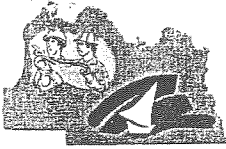
Agenda Date 5/22/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for (1) a rear yard setback variance from 30 feet to 6 feet; and (2) a side yard (south) setback variance from 7.5 feet to 3 feet for an existing shed in the R-1 (Single-Family Dwelling District); or
2. **DENY** the request for (1) a rear yard setback variance from 30 feet to 6 feet; and (2) a side yard (south) setback variance from 7.5 feet to 3 feet for an existing shed in the R-1 (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Jesus Duran LOCATION: 640 Caliente Way ZONING: R-1 (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant erected a shed that encroaches 24 feet into the minimum 30 foot rear yard setback and 4.5 feet into the minimum 7.5 foot side yard setback. The aforementioned variances are requested. • The applicant constructed a 12' x 20' shed without a building permit; a notice of violation from the Seminole County Building division was subsequently issued on March 2, 2006. (violation 06 109) • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval:<ul style="list-style-type: none">• Any variance granted shall apply only to the existing shed as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.



COPY

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** Rear Yard setback Variance from 30ft To 6ft for an existing 12x20 shed
- 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 16 2007

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	JESUS DURAN	
ADDRESS	831 Yew Court	
PHONE 1	x 407.5294278	
PHONE 2		
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 640 CALIENTE WAY ALTAMONTE SPRINGS
 CURRENT USE OF PROPERTY: _____
 LEGAL DESCRIPTION: Lot-133 OAKLAND HILLS P.B. 13 PG 8-64
 SIZE OF PROPERTY: 0.16⁺ acre(s) PARCEL I.D. 21-21-29-501-0000-1330
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER
 KNOWN CODE ENFORCEMENT VIOLATIONS Case No. 00-109

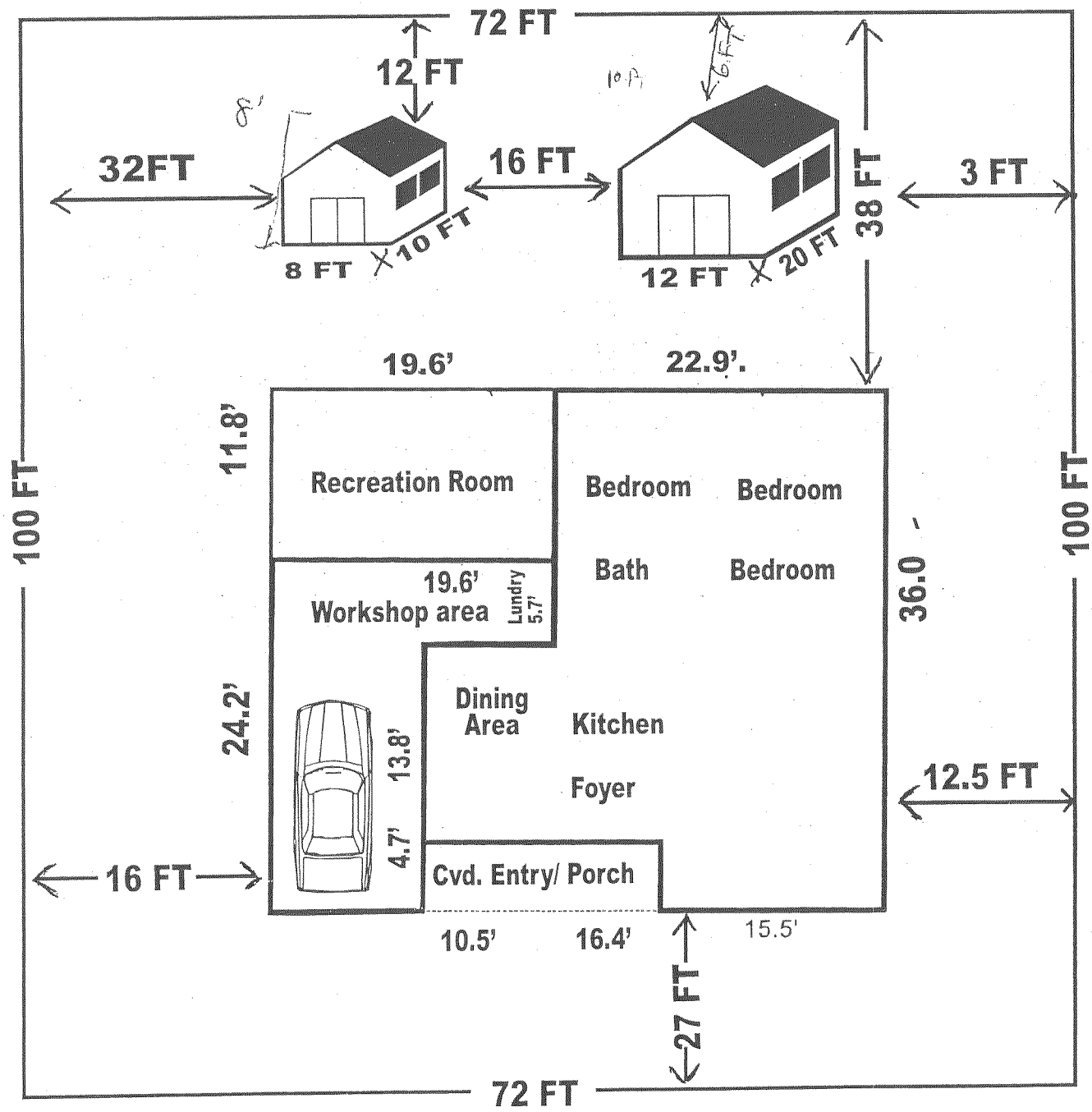
IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 5/22/06 (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.

Jesus Duran
 SIGNATURE OF OWNER OR AGENT* DATE 3/7/06

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



100 FT

72 FT

32 FT

12 FT

16 FT

8 FT X 10 FT

10 FT

6 FT

12 FT X 20 FT

38 FT

3 FT

19.6'

22.9'

11.8'

Recreation Room

Bedroom

Bedroom

24.2'

Workshop area

Lundry 5.7'

Bath

Bedroom

Dining Area

Kitchen

Foyer

13.8'

4.7'

Cvd. Entry/ Porch

36.0'

12.5 FT

16 FT

10.5'

16.4'

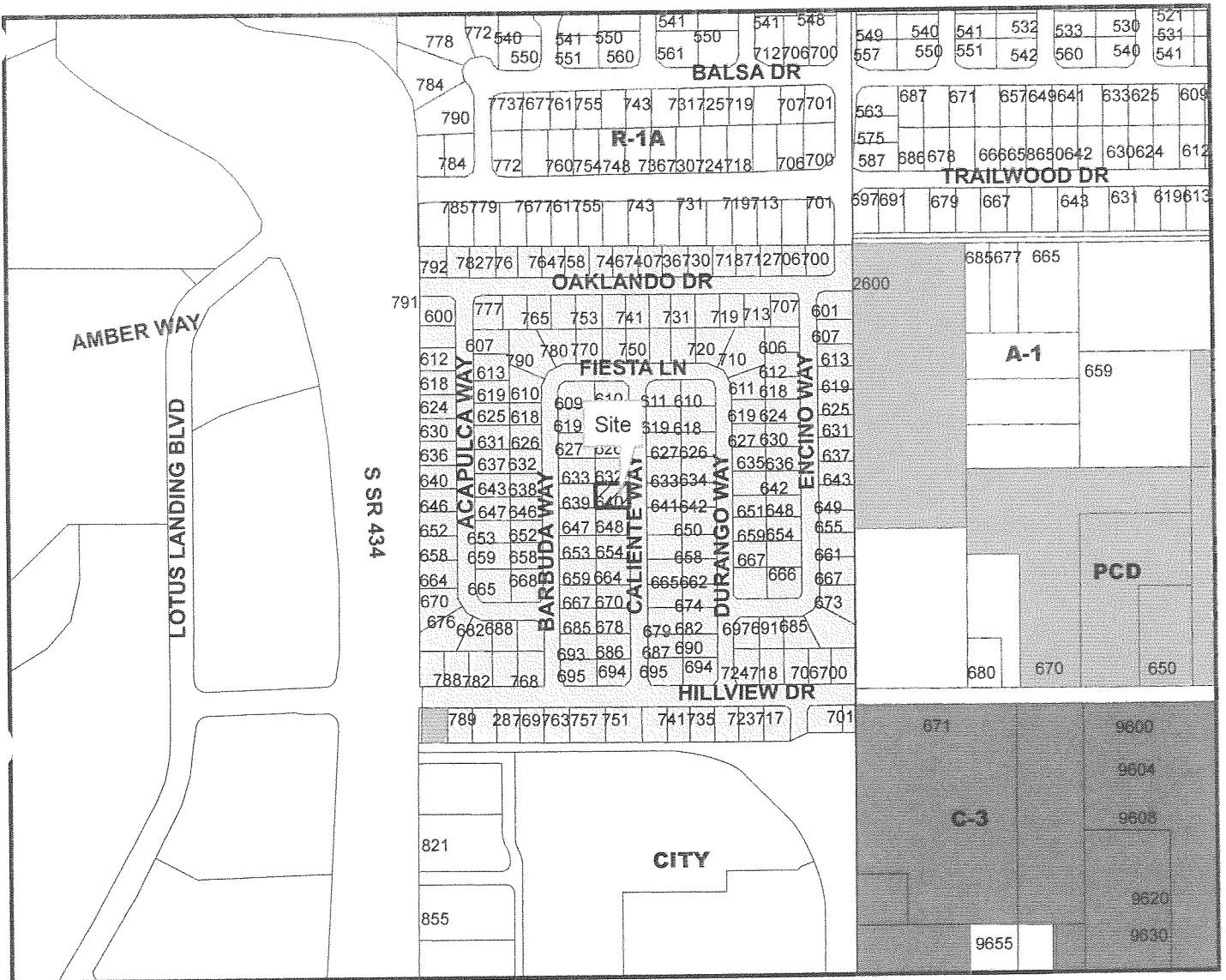
15.5'

72 FT

27 FT








100 FT

Jesus Duran
640 Caliente Way
Altamonte Springs, FL. 32714

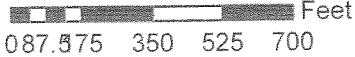


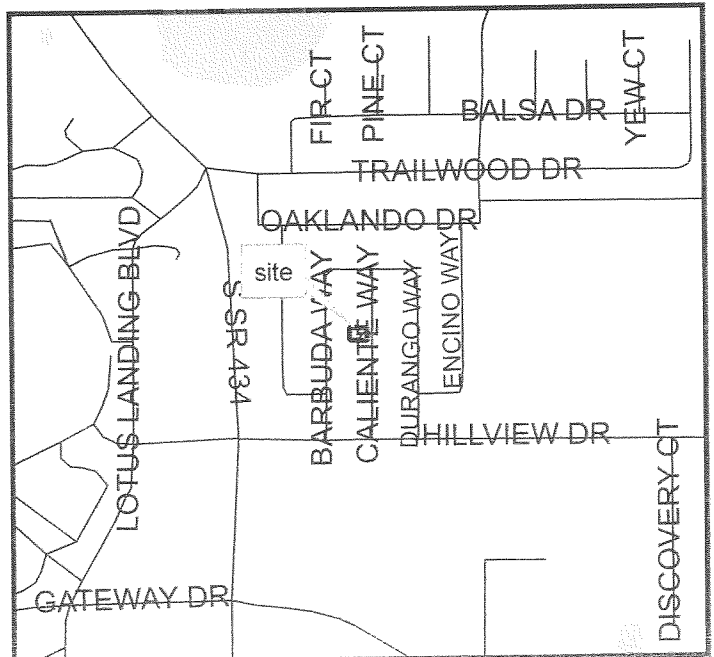
Seminole County Board of Adjustment
May 22, 2006
Case: BV2006-053
Parcel No: 21-21-29-501-0000-1330

Zoning

	BV2006-053		C-2
	A-1		C-3
	R-1A		PCD
	R-1		

N

 Feet
 087.875 350 525 700



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506	81	BARBUDA WAY CALIENTE WAY	140	135	116	111																																																					
	80		141	134	117	110																																																					
	79		142	133	118	109																																																					
	78		143	132	119	108																																																					
	77		144	131	120	107																																																					
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GENERAL Parcel Id: 21-21-29-501-0000-1330 Owner: DURAN JESUS E Mailing Address: 640 CALIENTE WAY City,State,ZipCode: ALTAMONTE SPRINGS FL 32714 Property Address: 640 CALIENTE WAY ALTAMONTE SPRINGS 32714 Subdivision Name: OAKLAND HILLS Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY					2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$64,460 Depreciated EXFT Value: \$1,114 Land Value (Market): \$16,000 Land Value Ag: \$0 Just/Market Value: \$81,574 Assessed Value (SOH): \$60,925 Exempt Value: \$25,000 Taxable Value: \$35,925 Tax Estimator																																																						
SALES <table border="1"> <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>WARRANTY DEED</td> <td>07/2003</td> <td>04915</td> <td>0358</td> <td>\$81,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1987</td> <td>01828</td> <td>0016</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision					Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/2003	04915	0358	\$81,000	Improved	Yes	WARRANTY DEED	03/1987	01828	0016	\$100	Improved	No	2005 VALUE SUMMARY Tax Value(without SOH): \$814 2005 Tax Bill Amount: \$560 Save Our Homes (SOH) Savings: \$254 2005 Taxable Value: \$34,150 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																	
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NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 640 COLIENTE WAY

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF ~~SECTION~~ CHAPTER/ARTICLE Fl. Bldg Code 105.1 SECTION _____

DESCRIPTION OF VIOLATION: 4 SHEDS (don't meet set backs No Permits) Addition to House without Permit.

CORRECTIVE ACTION: Remove SHEDS or obtain variance and obtain Permits for addition or obtain Permit and all required Permits

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 3/2/06

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



For further information contact:
Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771
PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 3/2/06 **INSPECTOR:** Paul Watson

CASE NO: 06-109

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 133 OAKLAND HILLS PB 13 PG 63 & 64

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

FINDINGS OF FACT

Property Owner: Jesus Duran
640 Caliente Way
Altamonte Springs, FL 32714

Project Name: Caliente Way (640)

Requested Development Approval:

Request for (1) a rear yard setback variance from 30 feet to 6 feet; and (2) a side yard (south) setback variance from 7.5 feet to 3 feet for an existing 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: 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 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: _____
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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: