

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

**SUBJECT:** Request for a (1) side yard (south) setback variance from 10 feet to 0 feet; and (2) a side yard (east) setback variance from 10 feet to 0 feet for a proposed pool screen enclosure in the R-1AA (Single-Family Dwelling District); (Jorge Rodriguez).

**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 a (1) side yard (south) setback variance from 10 feet to 0 feet; and (2) a side yard (east) setback variance from 10 feet to 0 feet for a proposed pool screen enclosure in the R-1AA (Single-Family Dwelling District); or
2. **DENY** the request for a (1) side yard (south) setback variance from 10 feet to 0 feet; and (2) a side yard (east) setback variance from 10 feet to 0 feet for a proposed pool screen enclosure in the R-1AA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> Jorge Rodriguez <b>LOCATION:</b> 628 Alpine Street <b>ZONING:</b> R-1AA (Single-Family Dwelling District)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a pool screen enclosure that would encroach 10 feet into the 10 foot minimum side yard setbacks.</li> <li>• This property has received prior approvals from the Board of Adjustment for lot size, width at the building line, and a side street setback variance for a proposed fence. (BV2003-017 &amp; BV2005-182)</li> <li>• The subject site has a 50' public right-of-way abutting the property to the west.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<ul style="list-style-type: none"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the proposed pool screen enclosure as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>



**COPY**

RECEIVED MAR 27 2006

APPL. NO. BV 2006-056

**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 Street Satch Variance From 25 Feet To 10 Feet For a Euscreen Enclosure
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE DWELLING UNDER CONSTRUCTION
- MEDICAL HARDSHIP
- NIGHT WATCHMAN
- FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_
- TIME NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Jorge Rodriguez</u>	
ADDRESS	<u>628 Alpinas</u>	
	<u>Altamonte Springs, FL 32701</u>	
PHONE 1	<u>407-491-8425</u>	
PHONE 2	<u>407-897-7075</u>	
E-MAIL	<u>Bas1QuickPC.FL@Averca</u>	

PROJECT NAME: 628 ALPINAS  
 SITE ADDRESS: 628 Alpinas, Altamonte Springs, FL 32701  
 CURRENT USE OF PROPERTY: NEW CONSTRUCTION  
 LEGAL DESCRIPTION: THE WEST 1/2 OF LOT 13 and ALL OF LOT 14, Block 41, Skylands The Suburbs Beautiful  
 SIZE OF PROPERTY: 10,500 acre(s) PARCEL I.D. 12-21-29-53D-4100-  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER 0130  
 KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

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.

Jorge Rodriguez 3-27-2006  
 SIGNATURE OF OWNER OR AGENT\* DATE

**ADDITIONAL VARIANCES**

RECEIVED MAR 27 2006

VARIANCE 2:

Side yard setback variance from 10ft. to 0 ft.  
for a proposed screen enclosure.

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): 700.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1AA / OR

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

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

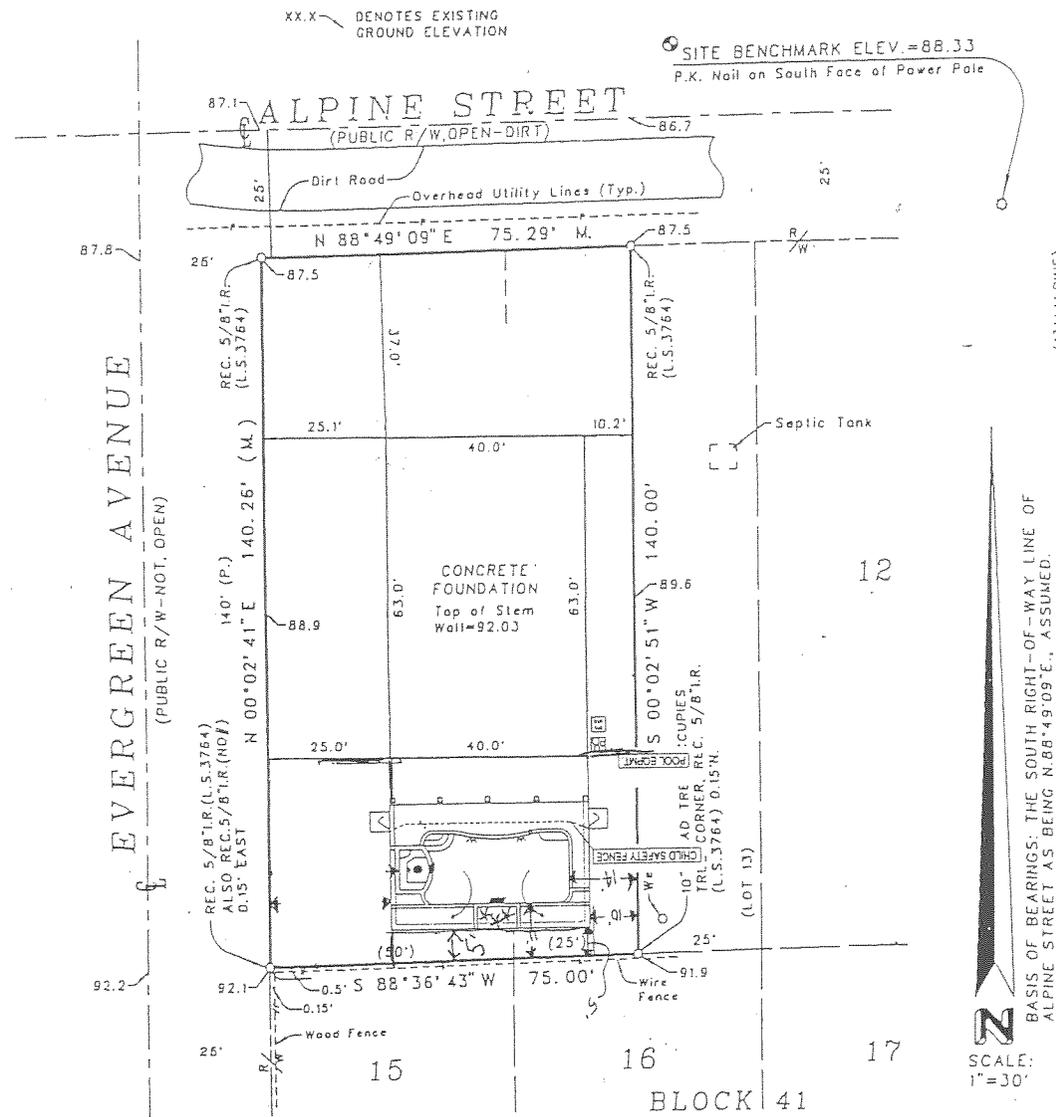
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

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

# BOUNDARY SURVEY MAP FOR: JORGE R. RODRIGUEZ

## DESCRIPTION:

THE WEST 1/2 OF LOT 13 AND ALL OF LOT 14, BLOCK 41, SANLANDO THE SUBURB BEAUTIFUL PALM SPRINGS SECTION, AS RECORDED IN PLAT BOOK 3, PAGE 65 1/2 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



### SURVEY REPORT:

1. This survey does not reflect or determine ownership.
2. Title data has not been furnished to this surveyor unless otherwise noted.
3. Underground improvements or underground foundations have not been located except as noted on survey map.
4. According to the Federal Insurance Rate Map, this property lies in Zone "X", Community-Panel number 120289 0140 E, Dated April 17, 1995.
5. This property lies in Section 12, Township 21 S., Range 29 E., Seminole County, Florida.
6. Site Benchmark and elevations are based on Seminole County vertical datum (NGVD 1929).

CERTIFIED TO:

THAT THIS SURVEY WAS PERFORMED AS OF THE DATE(S) SHOWN HEREON.

### ABBREVIATIONS:

REC.	DENOTES RECOVERED
I.R.	IRON ROD
C	CENTERLINE
R/W	RIGHT-OF-WAY
C.B.	CONCRETE BLOCK
RES.	RESIDENCE
CONC.	CONCRETE
A.C.	AIR CONDITIONER
L.S.	LICENSED SURVEYOR
L.B.	LICENSED BUSINESS
PR.	PROPOSED ELEVATION

**HENRICH-LUKE & SWAGGERTY, LLC**



surveyors & mappers  
250 S. Ronald Reagan Blvd.  
Suite 114  
Longwood, FL 32750  
(407) 647-7346  
Fax (407) 647-8097  
Licensed Business No. 7276

### FIELD SURVEY DATES

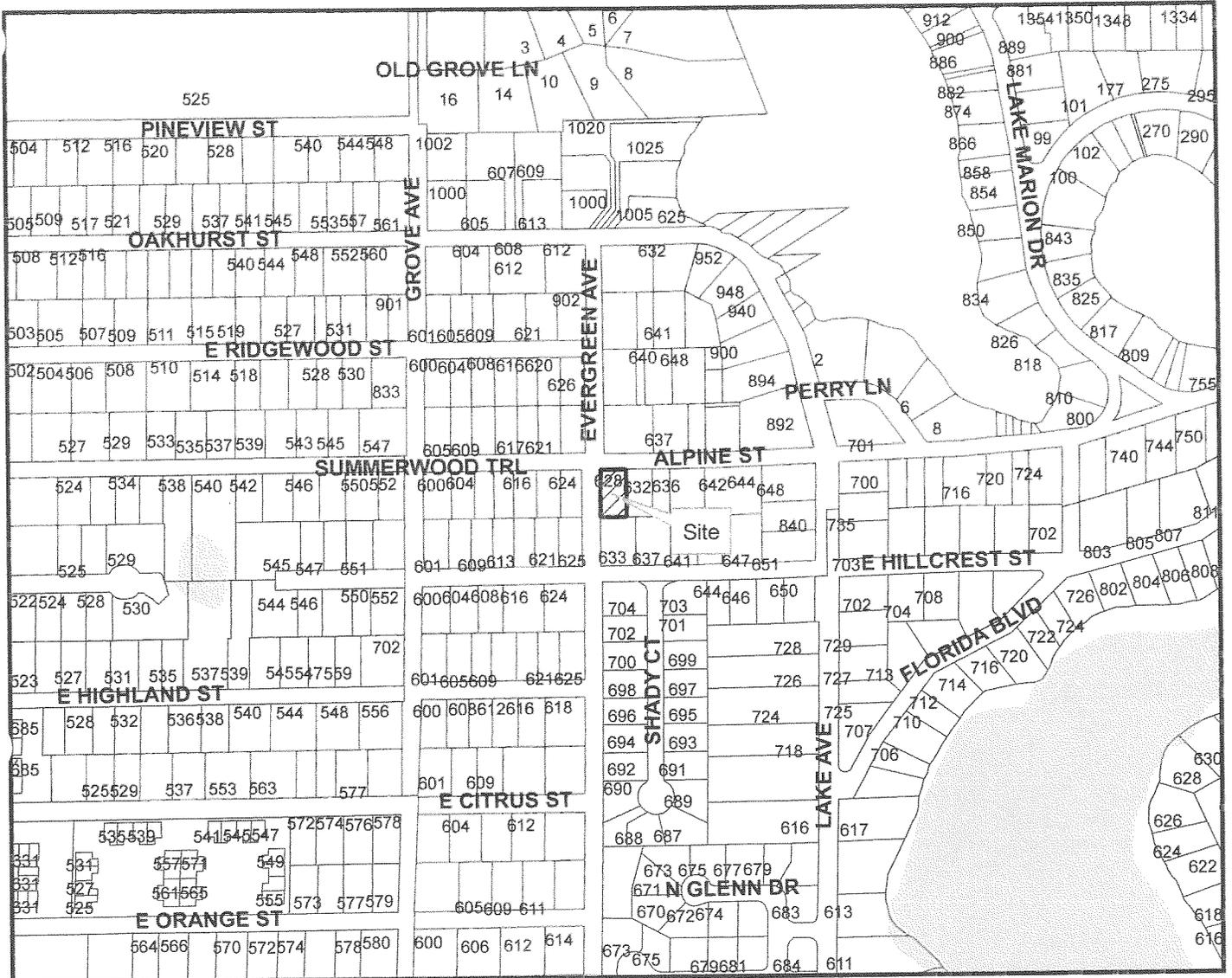
BOUNDARY: 2-13-03  
SPOT TCPO: 4-27-05  
SITE PLAN: 10-18-05  
STAKE HOUSE: 11-05-05  
FOUNDATION: 12-16-05  
WORK ORDER: E2853

*Mark I. Luke*  
Mark I. Luke  
Professional Surveyor and Mapper  
Florida License No. 5006

This survey map or copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

FILE:128-05

Jorge Rodriguez  
 628 Alpine St  
 Longwood, FL 32750



Seminole County Board of Adjustment  
 May 22, 2006

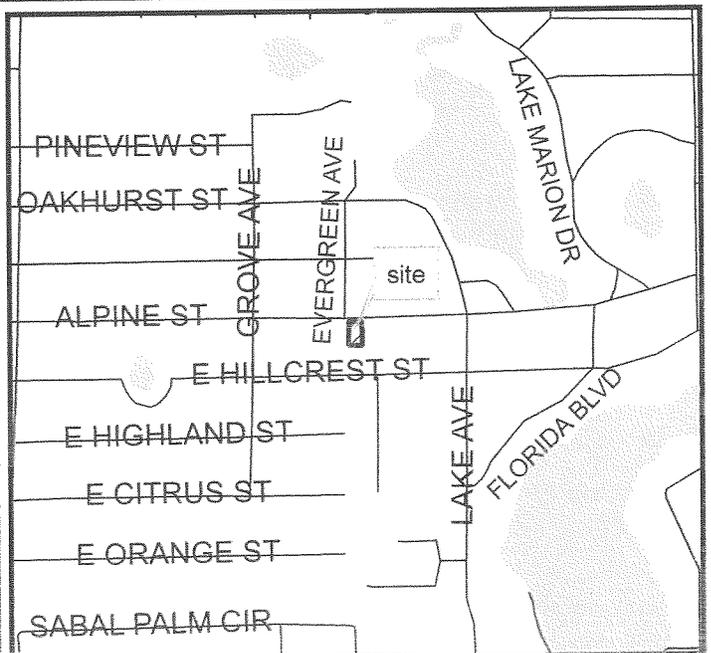
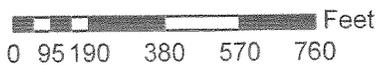
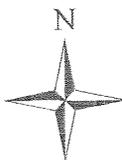
Case: BV2006-056

Parcel No: 12-21-29-5BD-4100-0130

**Zoning**

 BV2006-056

 R-1AA



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																						
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 12-21-29-5BD-4100-0130</p> <p>Owner: RODRIGUEZ JORGE</p> <p>Mailing Address: 1100 NORTH ST</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 628 ALPINE ST</p> <p>Subdivision Name: SANLANDO</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="padding-left: 40px;">Dor: 00-VACANT RESIDENTIAL</p>	<p style="text-align: center;"><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$22,275</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$22,275</p> <p>Assessed Value (SOH): \$22,275</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$22,275</p> <p>Tax Estimator</p>																					
<p style="text-align: center;"><b>SALES</b></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>03/2003</td> <td>04771</td> <td>1326</td> <td>\$25,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>03/2003</td> <td>04771</td> <td>1323</td> <td>\$25,000</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	03/2003	04771	1326	\$25,000	Vacant	No	SPECIAL WARRANTY DEED	03/2003	04771	1323	\$25,000	Vacant	No	<p style="text-align: center;"><b>2005 VALUE SUMMARY</b></p> <p>2005 Tax Bill Amount: \$365</p> <p>2005 Taxable Value: \$22,275</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p style="text-align: center;"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT &amp; DEPTH</td> <td>75</td> <td>140</td> <td>.000</td> <td>300.00</td> <td>\$22,275</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	75	140	.000	300.00	\$22,275	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>W 1/2 OF LOT 13 &amp; ALL LOT 14 BLK 41 SANLANDO PB 3 PG 65 1/2</p>									
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																						

## 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:

W ½ OF LOT 13 & ALL LOT 14 BLK 41 SANLANDO PB 3 PG 65 ½

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

### FINDINGS OF FACT

**Property Owner:** Jorge Rodriguez  
628 Alpine St.  
Longwood, FL 32750

**Project Name:** Alpine Street (628)

#### **Requested Development Approval:**

Request for a (1) side yard (south) setback variance from 10 feet to 0 feet; and (2) a side yard (east) setback variance from 10 feet to 0 feet for a proposed pool screen enclosure in the R-1AA (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 pool screen enclosure 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: