

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 20 feet for a proposed single story family room addition in R-1 (Single Family Dwelling District); (Thomas Green, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 6/26/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed single story family room addition in R-1; or
2. **DENY** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed single story family room addition in R-1; or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Property Owner: Location: Zoning: Subdivision:	Thomas Green Alan Migliarato 7125 Ivy Court R-1 Wrenwood Heights
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an 18 foot by 16 foot family room addition to replace an existing 18 foot by 12 foot screen enclosure. The new addition would encroach 10 feet into the 30 foot rear setback leaving a 20 foot rear setback. • There is no record of prior variances for this property. • There are currently no code enforcement or building violations for this property. 	

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The variance requested is not the minimum variance needed. There appears to be the ability to reconfigure the proposed addition to be longer rather than wider and not require any encroachment into the rear yard setback.</i>• The grant of the variance would not be in harmony with the general intent of Chapter 30.
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 proposed addition 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.



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

COPY

RECEIVED MAY 04 2006

APPL. NO. BV 2006-088

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 set back from 30ft. to 20ft. for Family Room Addition. (single story)
- SPECIAL EXCEPTION**
- LIMITED USE**

- SE DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING)
- SIZE OF MOBILE HOME / RV
- PLAN TO BUILD (YES OR NO IF SO WHEN)
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- (PROPOSED)
- TIME NEEDED

- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME:	<u>Alan Migliorato</u>	<u>Thomas Green</u>
ADDRESS:	<u>7125 Ivy Ct. Winter Park FL 32792</u>	<u>WDS Kirkland Build Group Inc. 1045 Brielle Ave Oviedo, FL 32765</u>
PHONE 1:	<u>(407) 678-0329</u>	<u>407-477-8259</u>
PHONE 2:	<u>(407) 415-2033</u>	<u>407-477-8259</u>
E-MAIL:		<u>twc4074278259@earthlink.net</u>

PROJECT NAME: Migliorato

SITE ADDRESS: 7125 Ivy Ct. Winter Park, FL 32792

CURRENT USE OF PROPERTY: Residential Dwelling

LEGAL DESCRIPTION: Lot 253 Wrenwood Heights unit 2PB 18 PGS 77 + 78

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 34-21-30-506-0000-2530

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 6/26/06 (moids/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]
SIGNATURE OF OWNER OR AGENT*

5-3-06
DATE

ADDITIONAL VARIANCES

VARIANCE 2
VARIANCE 3
VARIANCE 4
VARIANCE 5
VARIANCE 6
VARIANCE 7

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION	
NAME	Kian Migliorato
ADDRESS	7125 Julia Ct, Winter Park, FL 32792
PHONE 1	(407) 678-0329
PHONE 2	(407) 415-2033
E-MAIL	
NATURE OF THE APPEAL _____	

APPELLANT SIGNATURE *Kian Migliorato*

FOR OFFICE USE ONLY

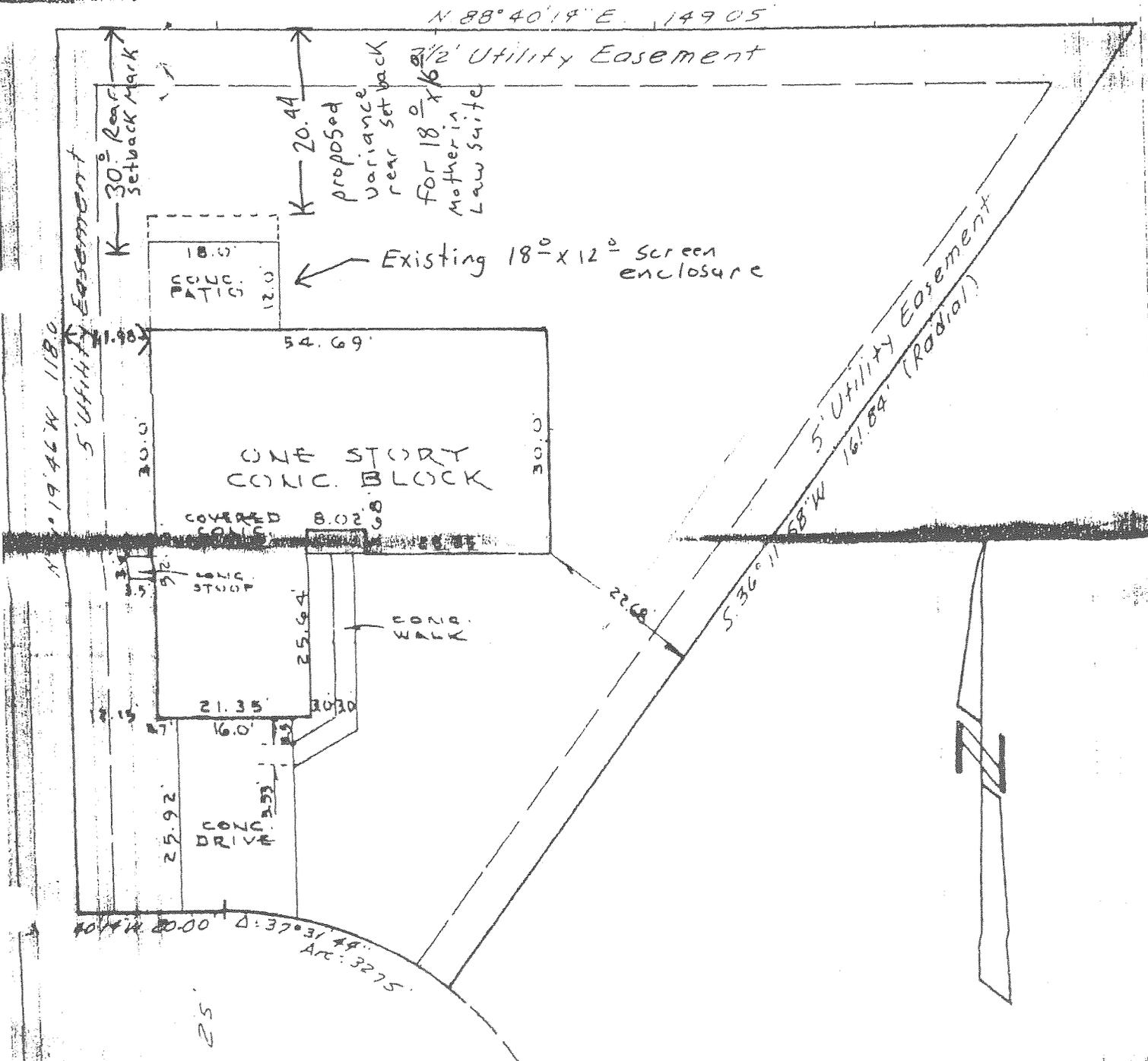
PROCESSING	
FEE(S)	\$150.00 COMMISSION DISTRICT _____ ELU / ZONING <i>LDR/R-1</i>
BCC HEARING DATE	
LOCATION FURTHER DESCRIBED AS	
PLANNING ADVISOR	
SUFFICIENCY COMMENTS	

PLAT of SURVEY
for
WRENCO HOMES INC.
DESCRIPTION

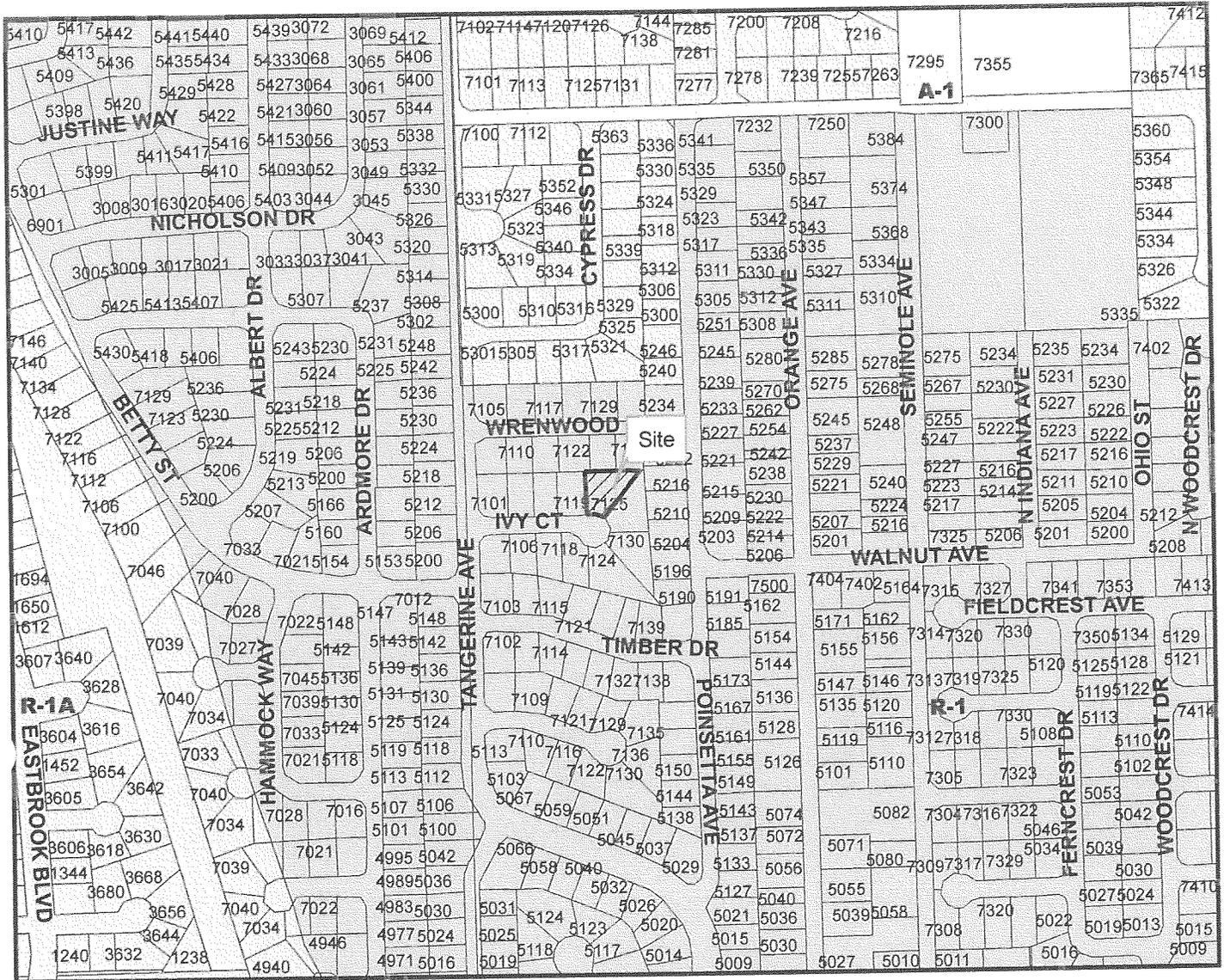
RECEIVED MAY 04 2006

LOT 253, WRENWOOD HEIGHTS ~ UNIT TWO

RECORDED IN PLAT BOOK 18 PAGE 77 & 78 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



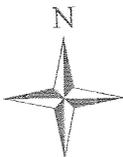
Thomas Green
 7125 Ivy Court
 Winter Park, FL 32792



Seminole County Board of Adjustment
 June 26, 2006
 Case: BV2006-088
 Parcel No: 34-21-30-5DG-0000-2530

Zoning

-  BV2006-088
-  A-1
-  R-1A
-  R-1



<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: 34-21-30-5DG-0000-2530</p> <p>Owner: MIGLIARATO ALAN A</p> <p>Mailing Address: 7125 IVY CT</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 7125 IVY CT WINTER PARK 32792</p> <p>Subdivision Name: WRENWOOD HEIGHTS UNIT 2</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$142,173</p> <p>Depreciated EXFT Value: \$1,613</p> <p>Land Value (Market): \$33,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$176,786</p> <p>Assessed Value (SOH): \$116,484</p> <p>Exempt Value: \$30,000</p> <p>Taxable Value: \$86,484</p> <p>Tax Estimator</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>WARRANTY DEED</td> <td>09/2002</td> <td>04534</td> <td>0106</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01094</td> <td>0937</td> <td>\$34,100</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1974</td> <td>01027</td> <td>1551</td> <td>\$33,300</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/2002	04534	0106	\$100	Improved	No	WARRANTY DEED	01/1976	01094	0937	\$34,100	Improved	Yes	WARRANTY DEED	01/1974	01027	1551	\$33,300	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,699</p> <p>2005 Tax Bill Amount: \$1,362</p> <p>Save Our Homes (SOH) Savings: \$337</p> <p>2005 Taxable Value: \$83,091</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																								
WARRANTY DEED	09/2002	04534	0106	\$100	Improved	No																								
WARRANTY DEED	01/1976	01094	0937	\$34,100	Improved	Yes																								
WARRANTY DEED	01/1974	01027	1551	\$33,300	Improved	Yes																								
<p style="text-align: center;">LAND</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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>33,000.00</td> <td>\$33,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	33,000.00	\$33,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 253 WRENWOOD HEIGHTS UNIT 2 PB 18 PGS 77 + 78</p>																
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
LOT	0	0	1.000	33,000.00	\$33,000																									
BUILDING INFORMATION																														
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																					
1	SINGLE FAMILY	1974	6	1,530	2,134	1,530	CB/STUCCO FINISH	\$142,173	\$165,317																					
			<p>Appendage / Sqft OPEN PORCH FINISHED / 32</p> <p>Appendage / Sqft GARAGE FINISHED / 572</p>																											
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																														
EXTRA FEATURE																														
		Description	Year Blt	Units	EXFT Value	Est. Cost New																								
		ALUM GLASS PORCH	1990	192	\$1,613	\$2,688																								
<p>NOTE: 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>																														

May 1, 2006

Kenneth R. Cossin
Sean P. Phalen
7131 Ivy Court
Winter Park, FL 32792
(407)-677-9377

To Whom It May Concern:

This letter is to inform you that we, Kenneth R. Cossin and Sean P. Phalen, located at the address above give our permission to Alan Migliarato to construct additions to his residence. He has discussed with us the plans for his residence located at 7125 Ivy Court.

Regards,


Kenneth R. Cossin


Sean P. Phalen

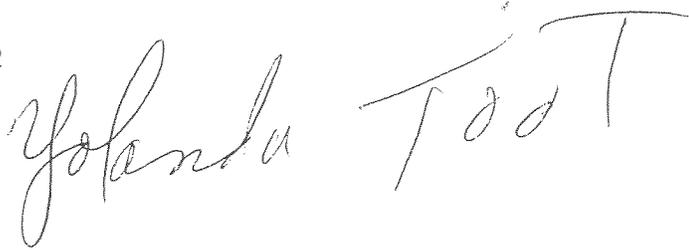
Untitled

To Whom it may concern:

I am writing this letter because I was asked by Mr. Migliorato if I would have any objections to the addition he wants to make to the rear of his home, that will be closer to the property line than 30 feet. I have absolutely no objections to the Migliorato family building a room addition closer to the property line.

Thank You.

Yolanda Toot
7119 Ivy Ct.
Winter Park, FL 32792

A handwritten signature in cursive script that reads "Yolanda Toot". The signature is written in black ink and is positioned to the right of the typed name and address.

Untitled

To Whom it may concern:

I was asked by Alan Migliorato, my neighbor at 7125 Ivy Ct., if I would be opposed to him adding a room addition to his home that would come closer to the property line than 30 feet. I do not have any objections to Mr. Migliorato's plans to add on to his home whatsoever. The addition that he wants to make will in no way make the neighborhood look less attractive, on the contrary...it will actually raise the value of all our homes. I grant my full permission to the variance he is asking for and hope you will consider doing the same.
Thank You.

David & Rose Fowkes
7122 Wrenwood Way
Winter Park, FL 32792

David Fowkes
Rose Fowkes

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 253 Wrenwood Heights Unit 2 PB 18 PGS 77 & 78

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

FINDINGS OF FACT

Property Owner: Alan Migliarato
7125 Ivy Court
Winter Park FL 32792

Project Name: Ivy Court (7125)

Requested Development Approval:

Request for a rear yard setback variance from 30 ft. to 20 ft. for a proposed single story family room addition in 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: Denny Gibbs, Senior 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 family room 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: