

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage in the R-1A (Single-Family Dwelling District); (Joseph Calder, applicant).

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

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

Agenda Date 7/24/06    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage in the R-1A (Single-Family Dwelling District); or
2. **DENY** the request for a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Joseph Calder Owner: Edwin Tosado Location: 1254 Forest Lake Dr. Zoning: R-1A (Single-Family Dwelling District) Subdivision: Forest Lake Heights
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to encroach 2.5 feet into the minimum 7.5 foot side yard setback for a proposed garage.</li> <li>• The applicant proposes to construct an approximately 700 square foot garage to the front of the existing single-family home.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

<b>STAFF FINDINGS</b>	<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"><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>• 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 garage 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 MAY 11 2006

APPL. NO. BV 2006-091

**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 setback variance from 7.5 ft. to 5 ft. for a proposed garage.
- 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**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	EDWIN TOSADO	JOSEPH CALDER
ADDRESS	1254 FOREST LAKE DR. W. Altamonte Springs, FL 32714	501 N. ORLANDO AVE. STE. 313-276 WINTER PARK, FL 32789
PHONE 1	407-467-7507	407-467-7507
PHONE 2	321-229-2510	321-229-2510
E-MAIL	DPARTSMANZ@YAHOO.COM	DPARTSMANZ@YAHOO.COM

PROJECT NAME: 1254 FOREST LAKE DR. WEST

SITE ADDRESS: 1254 FOREST LAKE DR. WEST Altamonte Springs, FL 32714

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: 17-21-29-517-0000-0020, LOT 2 FOREST LAKE HEIGHTS, B/P - 9/88

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 17-21-29-517-0000-0020

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 7, 24, 00 (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] May 11, 2006  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

**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): 150.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1A / LOR

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

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

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

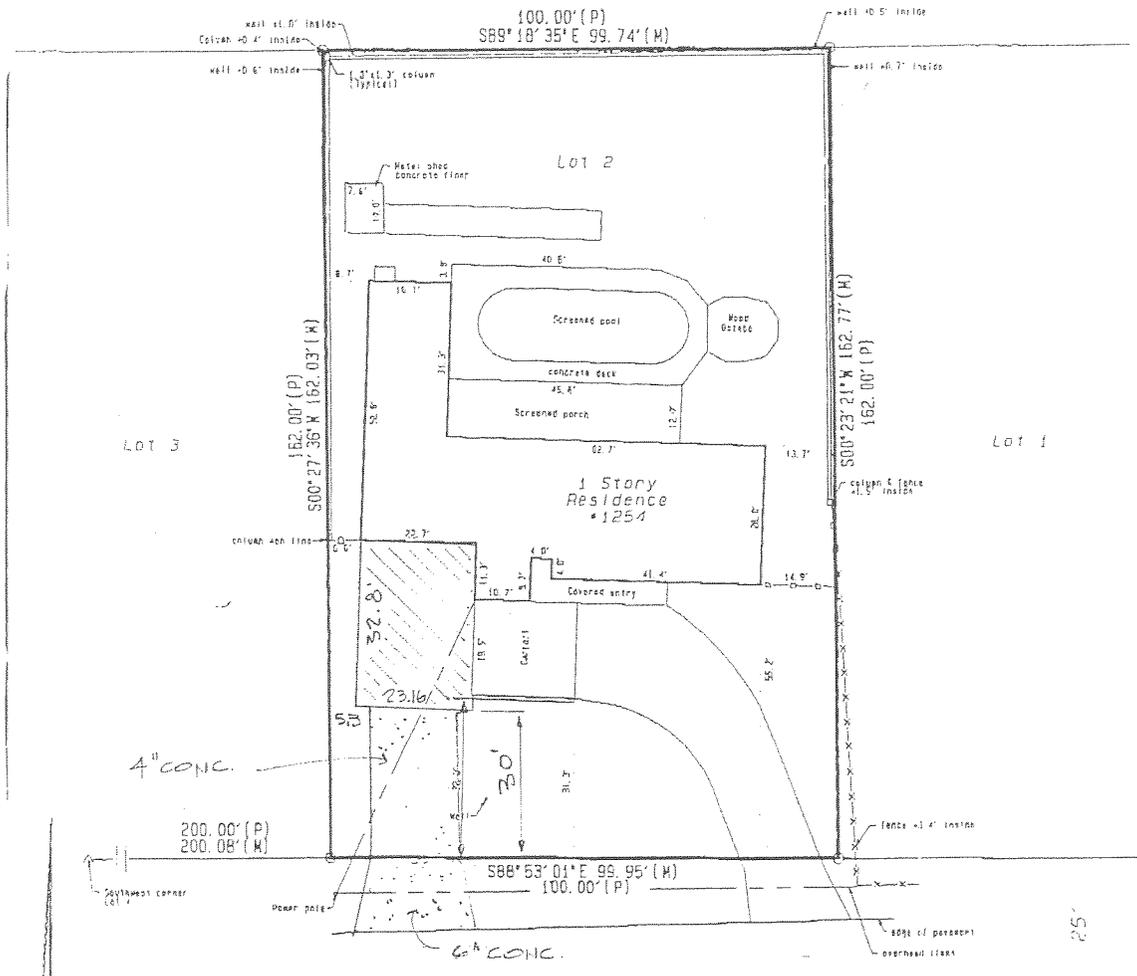
SUFFICIENCY COMMENTS \_\_\_\_\_

**Boundary Survey  
for  
Edwin P. Tosado**

Lot 2,  
FOREST LAKE HEIGHTS  
Plat Book 9, Page 68,  
Seminole County, Florida

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NOT PLATTED (P)



**FOREST LAKE DR. WEST**

- Legend**
- Recovered 4"x4" Concrete Monument
  - Set 4"x4" Concrete Monument #LB6300
  - × Recovered 5/8" Iron Rod no#
  - o Recovered X Cut in concrete
  - Recovered 1/4" Iron Pipe no#
  - Set 1/2" Iron Rod #LB6300
  - Light Pole as shown
  - - - 6" Wood Fence
  - - - - - 4" Chain link fence
  - ▣ Fence as shown
  - ▣ Concrete Slab

This Survey Certified To:  
Central Florida Title Company  
Old Republic National Title Insurance Co  
Chase Manhattan Mortgage Corporation  
Edwin P. Tosado

Bearings are based on the  
centerline of Forest Lake Dr.,  
as being N90°00'00"E, per plat

Not valid without the signature and the original  
plotted steel of a Florida licensed surveyor and  
sealer. Additions and deletions to survey maps,  
sketches or reports by other than the signing  
party or parties is prohibited without written  
consent of the signing party or parties.

Michael R. Seiffers, PSK #4266  
For the Firm of Altamonte Surveying  
and Platting, Inc. #186306

SCALE: 1" = 30'
REVIEWED BY: MWS
DRAWN BY: SAN
DATE: March 22, 2001
JOB No. 13740
Update: 4-20-06

This survey is certified to and prepared for the  
sole and exclusive benefit of the entities and/or  
individuals listed and shall not be relied on  
by any other entity or individual whoseever

Underground foundations and/or improvements were  
not located as a part of this survey

Lands shown hereon were not abstracted for rights  
of way and/or easements of public records.

Local Description furnished by  
client (unless otherwise noted)

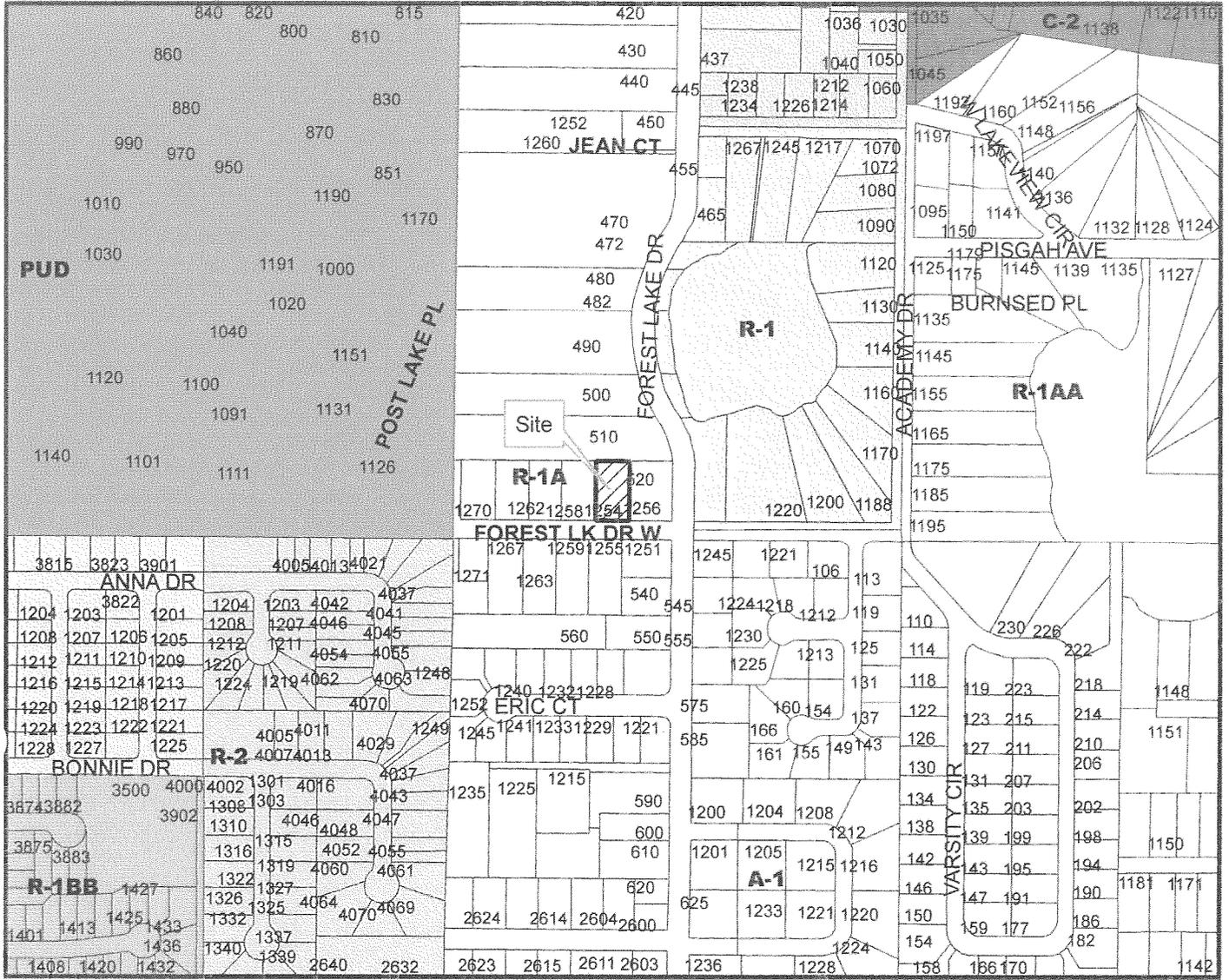
This is to certify that I  
have reviewed the Flood  
Insurance Rating Map (FIRM),  
Panel Number 120289 0120 E,  
Dated 12/06/00 and determined  
that the lands shown hereon  
lie in Flood Zone "X"

**ALTAMONTE SURVEYING AND PLATTING, INC.**  
435 Douglas Avenue, Suite 1505 F  
Altamonte Springs, Florida 32714  
Phone (407) 862-7555 Fax (407) 862-6229

**GARAGE ADDITION  
MR & MRS EDWIN P TOSADO  
1254 FOREST LAKE DR WEST ALTAMONTE SPRINGS FL**

Date	3-9-06
Scale	
Drawn	
Job	06015
Sheet	ONE
<b>A 1</b>	
Of	2 Sheets

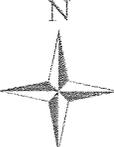
**Joseph Calder**  
**1254 Forest Lake Dr W**  
**Altamonte Springs, FL 32714**

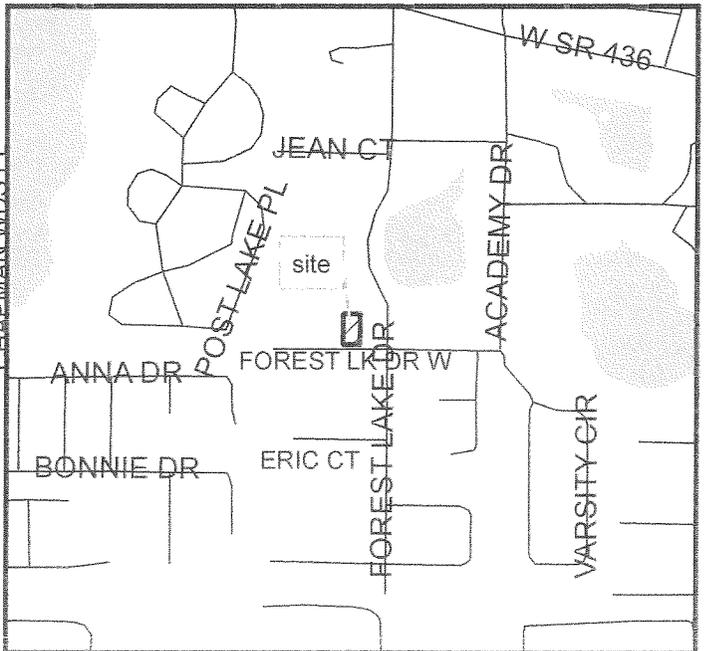


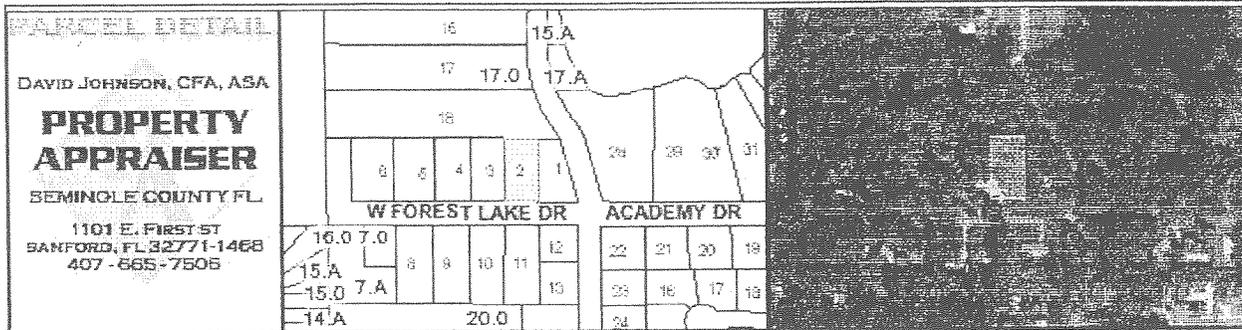
**Seminole County Board of Adjustment**  
**July 24, 2006**  
**Case: BV2006-091**  
**Parcel No: 17-21-29-517-0000-0020**

**Zoning**

	BV2006-091		R-1BB
	A-1		R-2
	R-1AA		C-2
	R-1A		PUD
	R-1		

N  






**GENERAL**

Parcel Id: 17-21-29-517-0000-0020  
 Owner: TOSADO EDWIN P  
 Mailing Address: 1254 W FOREST LAKE DR  
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32714  
 Property Address: 1254 FOREST LAKE DR W ALTAMONTE SPRINGS 32714  
 Subdivision Name: FOREST LAKE HEIGHTS  
 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: \$151,115  
 Depreciated EXFT Value: \$6,990  
 Land Value (Market): \$45,475  
 Land Value Ag: \$0  
 Just/Market Value: \$203,580  
 Assessed Value (SOH): \$116,999  
 Exempt Value: \$25,000  
 Taxable Value: \$91,999  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	05/2001	04102	0386	\$130,000	Improved	Yes
WARRANTY DEED	12/1999	03786	1815	\$125,000	Improved	Yes
SPECIAL WARRANTY DEED	06/1999	03678	0070	\$70,000	Improved	No
CERTIFICATE OF TITLE	06/1999	03665	0354	\$100	Improved	No
WARRANTY DEED	02/1984	01523	0449	\$90,000	Improved	Yes
WARRANTY DEED	07/1979	01236	0432	\$65,600	Improved	Yes
WARRANTY DEED	11/1978	01196	0993	\$46,500	Improved	Yes

Find Comparable Sales within this Subdivision

**2005 VALUE SUMMARY**

Tax Value(without SOH): \$2,350  
 2005 Tax Bill Amount: \$1,452  
 Save Our Homes (SOH) Savings: \$898  
 2005 Taxable Value: \$88,591  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	100	162	.000	425.00	\$45,475

**LEGAL DESCRIPTION**

PLATS: 9-88  
 LEG LOT 2 FOREST LAKE HEIGHTS PB 9 PG 88

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1961	7	1,424	3,194	2,272	CONC BLOCK	\$151,115	\$201,487
	Appendage / Sqft		OPEN PORCH UNFINISHED / 20						
	Appendage / Sqft		SCREEN PORCH FINISHED / 252						
	Appendage / Sqft		BASE / 848						
	Appendage / Sqft		UTILITY FINISHED / 99						
	Appendage / Sqft		CARPORT FINISHED / 400						
	Appendage / Sqft		OPEN PORCH FINISHED / 151						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

**EXTRA FEATURE**

Description	Year Bld	Units	EXFT Value	Est. Cost New
FIREPLACE	1961	2	\$960	\$2,400

POOL GUNITE	1969	570	\$4,560	\$11,400
BLOCK WALL	1969	1,225	\$1,470	\$3,675

*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.*

05/10/06

To Whom It May Concern at Seminole County Government;

I, Edwin P. Tosado, do hereby acknowledge and appoint, Joseph CALDER, as my agent-in fact, to apply for, acquire, permits, attend meetings, for variances, and make decisions for me, that pertain to my property located at 1254 Forest Lake Dr. W., Altamonte Springs, FL 32714, AKA. 17-21-29-~~517~~-0000-0020. This appoint and power is not set to expire, but except in writing or via facsimile. Nothing to follow.

X Edwin P. Tosado 05/11/06  
EDWIN P. TOSADO

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 2 FOREST LAKE HEIGHTS PB 9 PG 88

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

**FINDINGS OF FACT**

**Property Owner:** Edwin Tosado  
1254 Forest Lake Drive  
Altamonte Springs, FL 32714

**Project Name:** Forest Lake Drive (1254)

**Requested Development Approval:**

Request for a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed garage 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 garage 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: