

BS2006-006

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for special exception for a guest cottage in the R-1AA (Single Family Dwelling District); (Martoccia Custom Construction, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 08-28-06 Regular Consent Public Hearing – 6:00

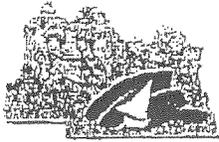
MOTION/RECOMMENDATION:

1. **APPROVE** The request for special exception for a guest cottage in the R-1AA (Single Family Dwelling District); (Martoccia Custom Construction, applicant); or
2. **DENY** The request for special exception for a guest cottage in the R-1AA (Single Family Dwelling District); (Martoccia Custom Construction, applicant); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	Applicant: Property Owner: Location:	Martoccia Custom Construction Tim & Tina Smith 3042 Holiday Avenue																																
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a guest cottage on a 0.63 acre site waterfront property with an existing single family home. • The proposed guest cottage is approximately 484 square feet of living space. The guest cottage will be located in the area in which there was a detached garage with a bomb shelter. 																																	
ZONING & FLU	<table border="1"> <thead> <tr> <th data-bbox="570 1598 776 1665">DIRECTION</th> <th data-bbox="776 1598 938 1665">EXISTING ZONING</th> <th data-bbox="938 1598 1154 1665">EXISTING FLU</th> <th colspan="2" data-bbox="1154 1598 1455 1665">USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td data-bbox="570 1665 776 1732">SITE</td> <td data-bbox="776 1665 938 1732">R-1AA</td> <td data-bbox="938 1665 1154 1732">LDR</td> <td colspan="2" data-bbox="1154 1665 1455 1732">Single Family Home</td> </tr> <tr> <td data-bbox="570 1732 776 1766">NORTH</td> <td data-bbox="776 1732 938 1766">R-1</td> <td data-bbox="938 1732 1154 1766">LDR</td> <td colspan="2" data-bbox="1154 1732 1455 1766">Single Family</td> </tr> <tr> <td data-bbox="570 1766 776 1799">SOUTH</td> <td data-bbox="776 1766 938 1799">R-1AA</td> <td data-bbox="938 1766 1154 1799">LDR</td> <td colspan="2" data-bbox="1154 1766 1455 1799">Single Family</td> </tr> <tr> <td data-bbox="570 1799 776 1833">EAST</td> <td colspan="3" data-bbox="776 1799 1154 1833">Bear Lake</td> <td data-bbox="1154 1799 1455 1833"></td> </tr> <tr> <td data-bbox="570 1833 776 1904">WEST</td> <td data-bbox="776 1833 938 1904">R-1</td> <td data-bbox="938 1833 1154 1904">LDR</td> <td colspan="2" data-bbox="1154 1833 1455 1904">Seminole County Retention Pond</td> </tr> </tbody> </table>				DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY		SITE	R-1AA	LDR	Single Family Home		NORTH	R-1	LDR	Single Family		SOUTH	R-1AA	LDR	Single Family		EAST	Bear Lake				WEST	R-1	LDR	Seminole County Retention Pond	
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<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</p>	<p>The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the land development code upon determination the use requested:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>Since there was an existing detached garage the placement of a guest cottage in the same area would be not be inconsistent with the development trend of the area</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>The guest cottage, as defined by the Land Development Code, is only intended for intermittent or temporary occupancy by a nonpaying guest. Therefore there will be no adverse effect on Holiday Avenue due to the low impact of the use.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes LDR (Low Density Residential) Future Land Use (FLU) as mostly appropriate for detached single-family development. A guest cottage is consistent with a single-family use.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>Based on the submitted site plan, the proposed use meets the minimum area and dimensional requirements of the R-1AA district.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>The proposed use of a guest will be less intense the previous use of a detached garage because it will be located away from the view of Bear Lake.</p>
<p>STAFF RECOMMENDATION</p>	<p>Based on the previous stated findings staff is recommending approval of the special exception for a guest cottage per the following conditions:</p> <ol style="list-style-type: none"> 1. The guest cottage shall not exceed 648 square feet including porch areas. 2. The guest cottage shall be only intended for intermittent or temporary occupancy by a nonpaying guest and will have no cooking facilities.

RECEIVED JUN 30 2006



COPY
SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BS 2006-006

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**
- SPECIAL EXCEPTION** for construction and establishment of a guest cottage in the RIAA zoning district
- LIMITED USE**
- SF 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	Tim and Tina Smith	MARTOCCIA CUSTOM CONSTRUCTION
ADDRESS	3042 Holiday Ave Apopka, FL	1011 Sweetwater Club Blvd. Longwood, FL 32779
PHONE 1	407-709-7171	407-774-1793
PHONE 2	407-709-8044	407-774-1673
E-MAIL		321-263-5326

PROJECT NAME: Smith Guest House
 SITE ADDRESS: 3042 Holiday Ave Apopka, FL
 CURRENT USE OF PROPERTY: residential home
 LEGAL DESCRIPTION: see attached site plan

SIZE OF PROPERTY: .69 acre(s) PARCEL I.D. 18-21-29-513-0000-002A

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 \$1,281.00 (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]

11/28/06

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

EMAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING

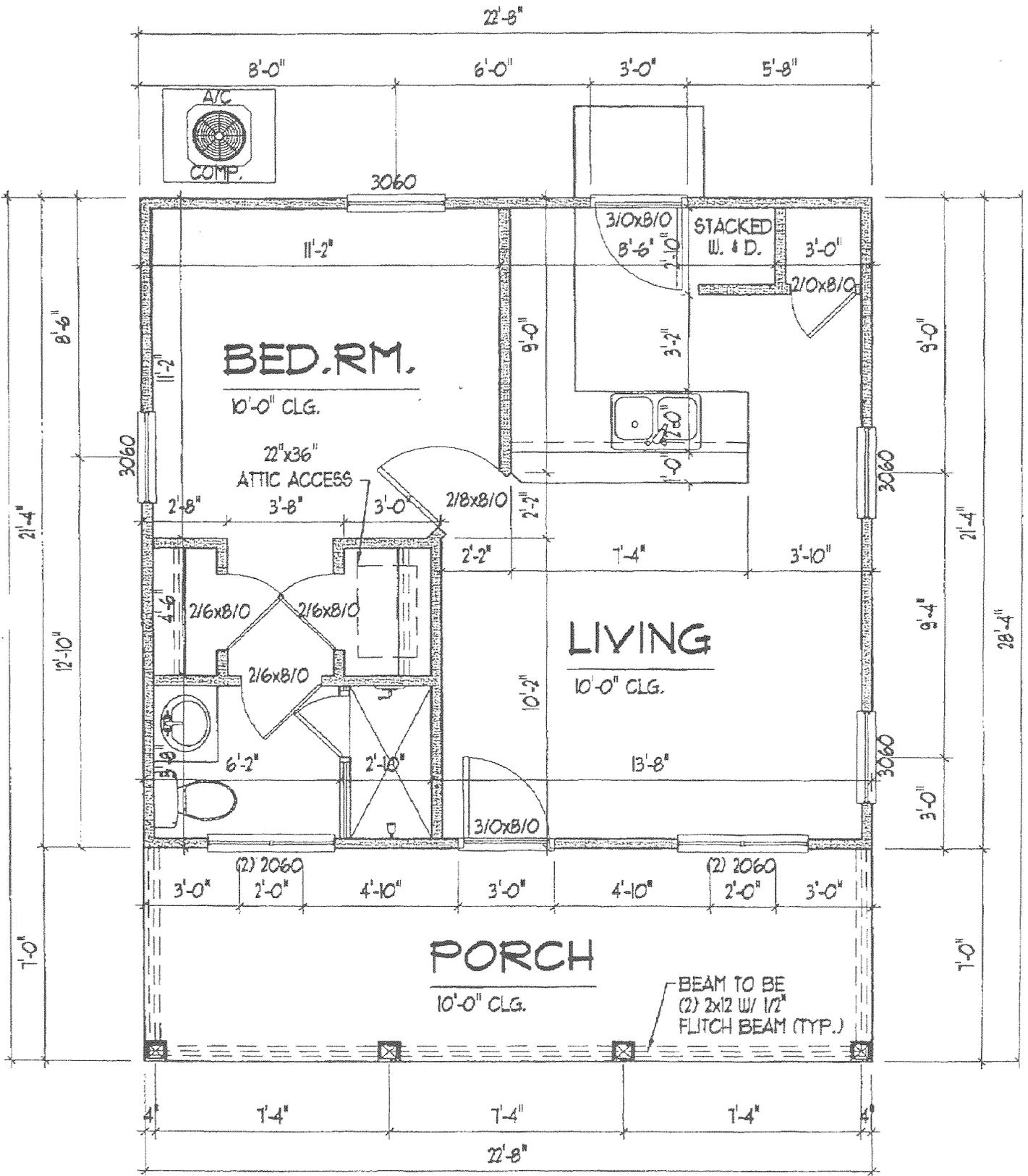
FEES: 270.00 COMMISSION DISTRICT: FIELD ZONING: R-1A1-F-100

BCC HEARING DATE: (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

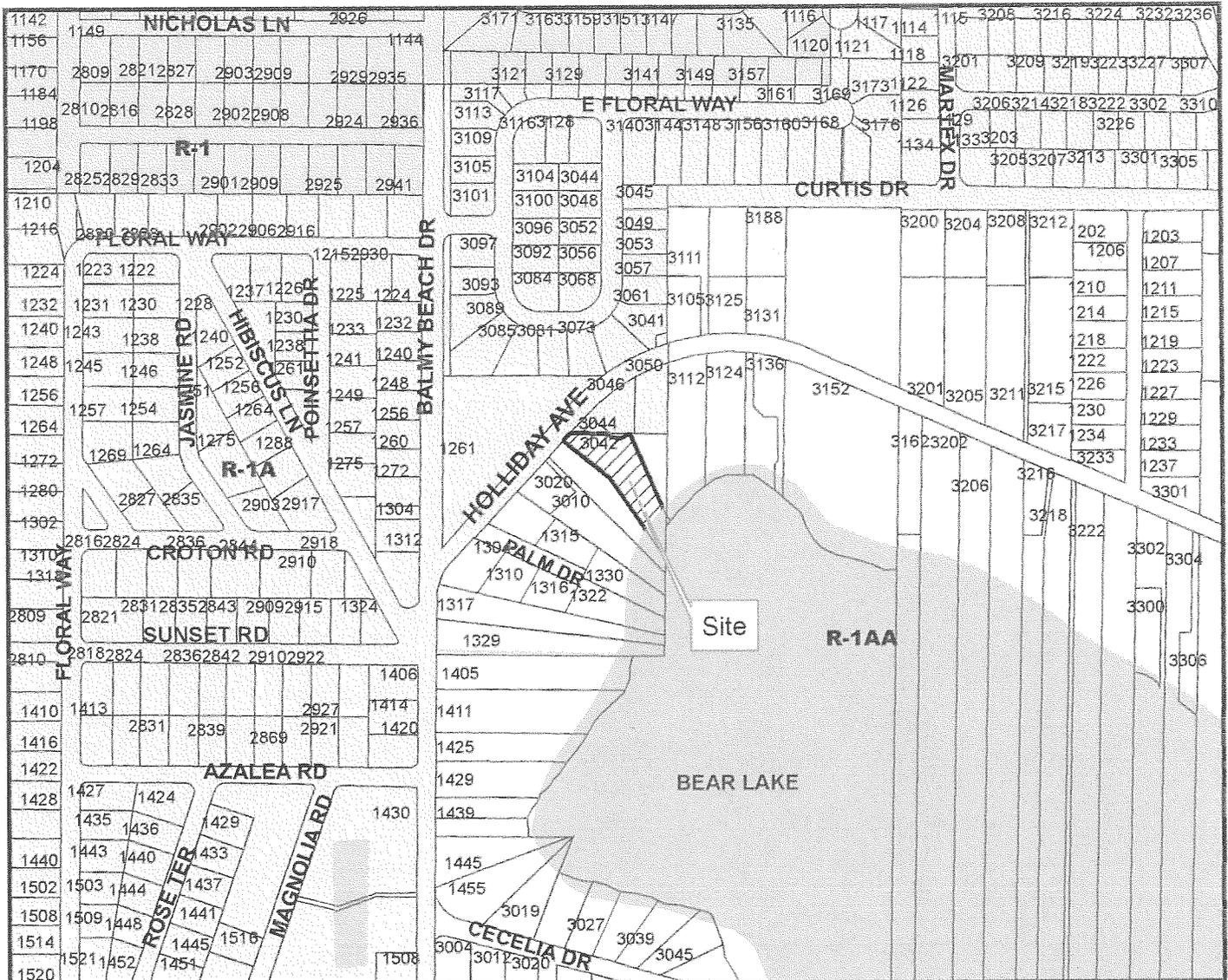
PLANNING ADVISOR DATE

SUFFICIENCY COMMENTS



BS 2006-006

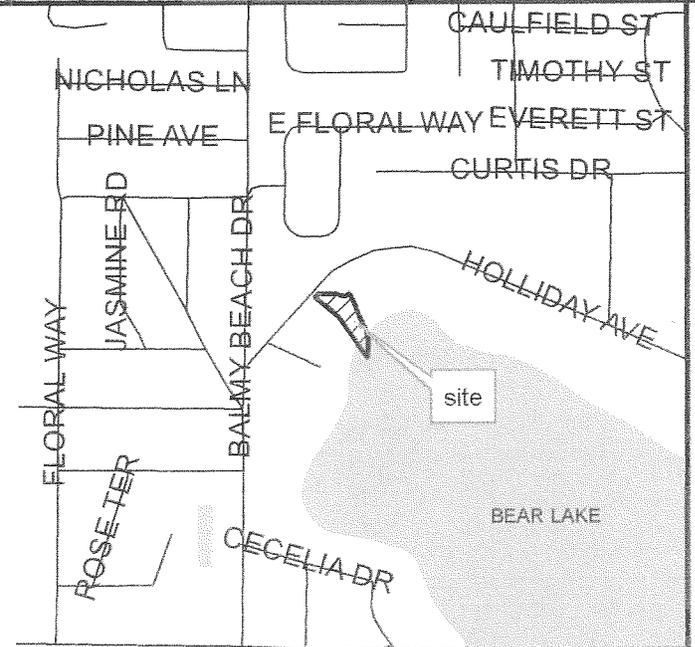
Martocchia Custom Construction
 3042 Holliday Ave
 Apopka, FI 32703

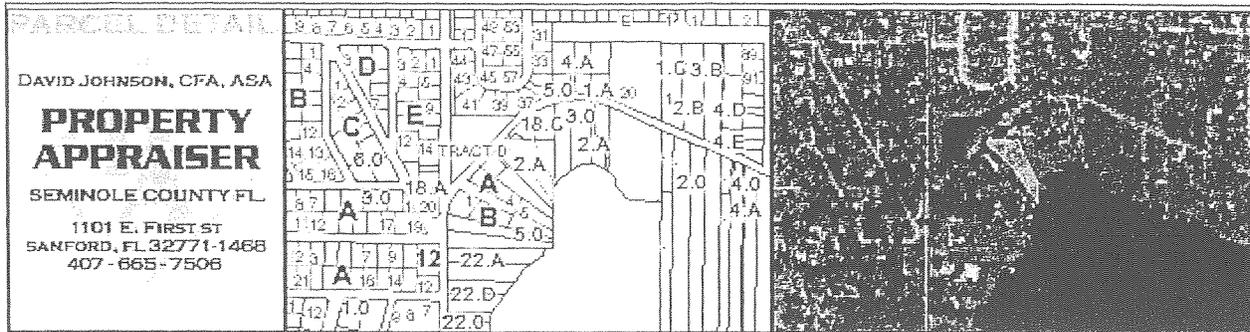


Seminole County Board of Adjustment
 August 28 2006
 Case: BS2006-006
 Parcel No: 18-21-29-513-0000-002A

Zoning

-  BS2006-006
-  R-1AA
-  R-1A
-  R-1





DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7506

GENERAL

Parcel Id: 18-21-29-513-0000-002A
 Owner: SMITH TIMOTHY A & TINA M
 Mailing Address: 3042 HOLLIDAY AVE
 City,State,ZipCode: APOPKA FL 32703
 Property Address: 3042 HOLLIDAY AVE APOPKA 32703
 Subdivision Name: SUNSET SHORES
 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: \$154,747
 Depreciated EXFT Value: \$2,571
 Land Value (Market): \$406,980
 Land Value Ag: \$0
 Just/Market Value: \$564,298
 Assessed Value (SOH): \$564,298
 Exempt Value: \$25,000
 Taxable Value: \$539,298
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	06/2005	05878	0470	\$730,000	Improved	Yes
WARRANTY DEED	07/1998	03463	1133	\$372,500	Improved	Yes
WARRANTY DEED	04/1979	01218	0359	\$63,000	Improved	Yes

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$7,612
 2005 Tax Bill Amount: \$4,546
 Save Our Homes (SOH) Savings: \$3,066
 2005 Taxable Value: \$277,451
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	72	305	.000	4,250.00	\$406,980

LEGAL DESCRIPTION

PLATS:

LEG BEG NW COR LOT 2 RUN S 51 DEG 16 MIN E 144 FT S 33 DEG 09 MIN E 236 FT TO SE
 COR LOT 2 NELY ALG LAKE 60 FT TO SE
 COR LOT 1 NWLY TO A PT ON N LINE LOT 1 N 88
 DEG 41 MIN W 112 FT OF NE COR S 73 DEG 55 MIN W 33.6 FT N 75 DEG 22 MIN W 43.95 FT N 88 DEG 36 MIN W 75.9 FT SWLY ALG ST 25 FT TO BEG
 SUNSET SHORES PB 7 PG 94

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	1948	9	2,205	4,847	3,321	CONC BLOCK	\$154,747	\$257,911
	Appendage / Sqft		OPEN PORCH FINISHED / 180						
	Appendage / Sqft		GARAGE FINISHED / 606						
	Appendage / Sqft		OPEN PORCH FINISHED / 32						
	Appendage / Sqft		OPEN PORCH FINISHED / 180						
	Appendage / Sqft		UPPER STORY FINISHED / 1116						
	Appendage / Sqft		DETACHED GARAGE UNFINISHED / 528						

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 Blt	Units	EXFT Value	Est. Cost New	
FIREPLACE	1989	1	\$863	\$1,500	
BOAT DOCK	1989	505	\$1,010	\$2,525	
ALUM CARPORT NO FLOOR	1990	168	\$314	\$672	
BOAT HOUSE	1989	120	\$384	\$960	

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.*

June 30, 2006

To whom it may concern:

I, the Owner of 3042 Holliday Avenue Apopka, FL, Tina Smith, hereby authorize Victoria Martoccia of Martoccia Custom Construction, to apply for, receive, and make payment for, all permits, Special Exceptions, Variances, Notice of Commencements, and all other documentation pertaining to the Guest Cottage construction on my property.

Please call me with any questions.

Thank you,



Tina Smith

Owner: Tim and Tina Smith
Address: 3042 Holliday Avenue
Apopka, FL
Phone Number 407-709-7171

Acknowledged:

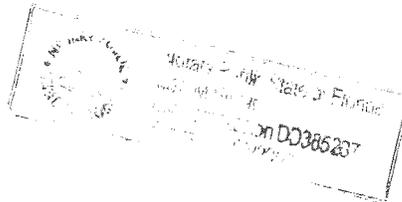
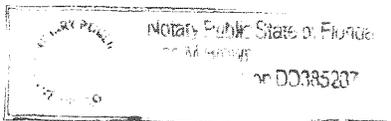
Sworn to and subscribed before me this 30th day of June,
2006.

Notary Public Lisa M Brown

Seal



My Commission expires on: _____



**MARTOCCIA CUSTOM CONSTRUCTION, INC.
AND CUSTOM DESIGN PAVERS**

**1011 Sweetwater Club Blvd. Longwood, FL. 32779
Victoria Martoccia Lic. General Contractor CGC1508284
TEL. 407-774-4805 FAX. 407-774-4803
MOBILE. 321-236-5326**

June 30, 2006

To whom it may concern:

I hereby authorize and appoint Alexia Pereira, of Martoccia Custom Construction, to apply for, receive, and make payment for, all permits, Special Exceptions, Notice of Commencements, and all other documentation pertaining to the Guest Cottage construction at 3042 Holliday Avenue.

Please call me with any questions.

Thank you,

Victoria Martoccia

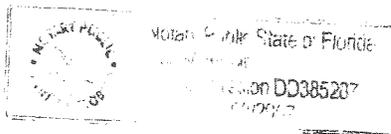
Victoria Martoccia
Martoccia Custom Construction

Acknowledged:

Sworn to and subscribed before me this 30th day of June,
2006.

Notary Public *Lisa Brown*

Seal



My Commission expires on: _____

BS 2006-006

August 7, 2006

Re: 3042 Holliday Ave.

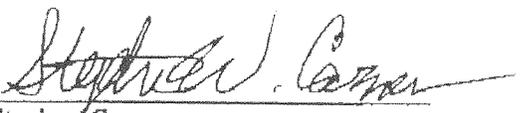
To the Board of Adjustments:

This letter is in reference to the Special Exception requested by Tim and Tina Smith of 3042 Holliday Avenue, Apopka, FL 32703.

I am on Lot 2.0, located adjacent to and abutting the Smith lot at the West side.

I have no objections to the Smith's building a 600 sq. ft. guest cottage in front of their existing residence.

Should you have any questions, please call.


Stephen Carnes
3030 Holliday Avenue
Apopka, FL 32703

407-436-6000