

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

SUBJECT: Request for a rear yard setback variance from 30 feet to 24 feet for a proposed addition in the R- 1A (Single-Family Dwelling District); (David & Danna Olivo, applicants).

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

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

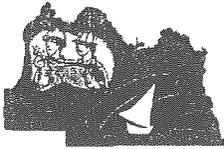
Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 24 feet for a proposed addition in the R- 1A (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 24 feet for a proposed addition in the R- 1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicants: David & Danna Olivo Owner: David & Danna Olivo Location: 9437 Belmont Terrace Zoning: R-1A (Single-Family Dwelling District) Subdivision: Lakes of Aloma</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition that would encroach 6 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The applicant proposes to construct an addition to the rear of the existing two-story single family home. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances 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.• 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 can construct a smaller addition to the single-family home that would comply with the required setbacks of the R-1A Zoning District.• 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 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.



RECEIVED JUL 07 2006
 SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

July 7th \$150.00
 letter's from
 neighbors of
 support

COPY No. 042006-127

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 Variance from 30' to 24' for proposed addition.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____) RECEIVED JUL 07 2006
- 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	OLIVO, DAVID & DANNA	
ADDRESS	9437 BELMONT TERRACE OVEEDO, FL. 32765	
PHONE 1	407-673-9470	
PHONE 2	407-405-6410	
E-MAIL	dolivo@schenkelshultz.com	

PROJECT NAME: House Renovation (OLIVO)

SITE ADDRESS: _____

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: LEG LOT 36 LAKES OF ALOMA PB41 PGS 31-33

SIZE OF PROPERTY: 109' x 83' acre(s) PARCEL I.D. 31-21-31-509-0000-0360

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 9/28/06 (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.

[Signature]
 SIGNATURE OF OWNER OR AGENT* 6/6/06
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

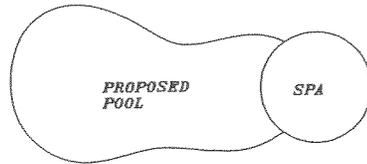
PROCESSING:
FEE(S): 150.00 COMMISSION DISTRICT _____ FLU / ZONING R-1A / MOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

N89°07'40"E

83.00'

LOT 36



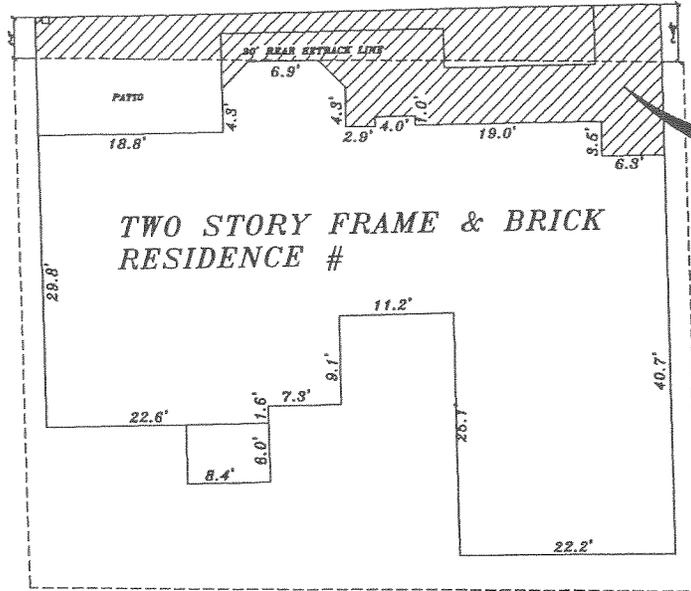
From 30'

24'

109.00'

N00°52'20"W

7.5' SIDE SETBACK



TWO STORY FRAME & BRICK RESIDENCE #

109.00'

NEW PROPOSED ADDITION

LOT 35

7.5' SIDE SETBACK

N00°52'20"W

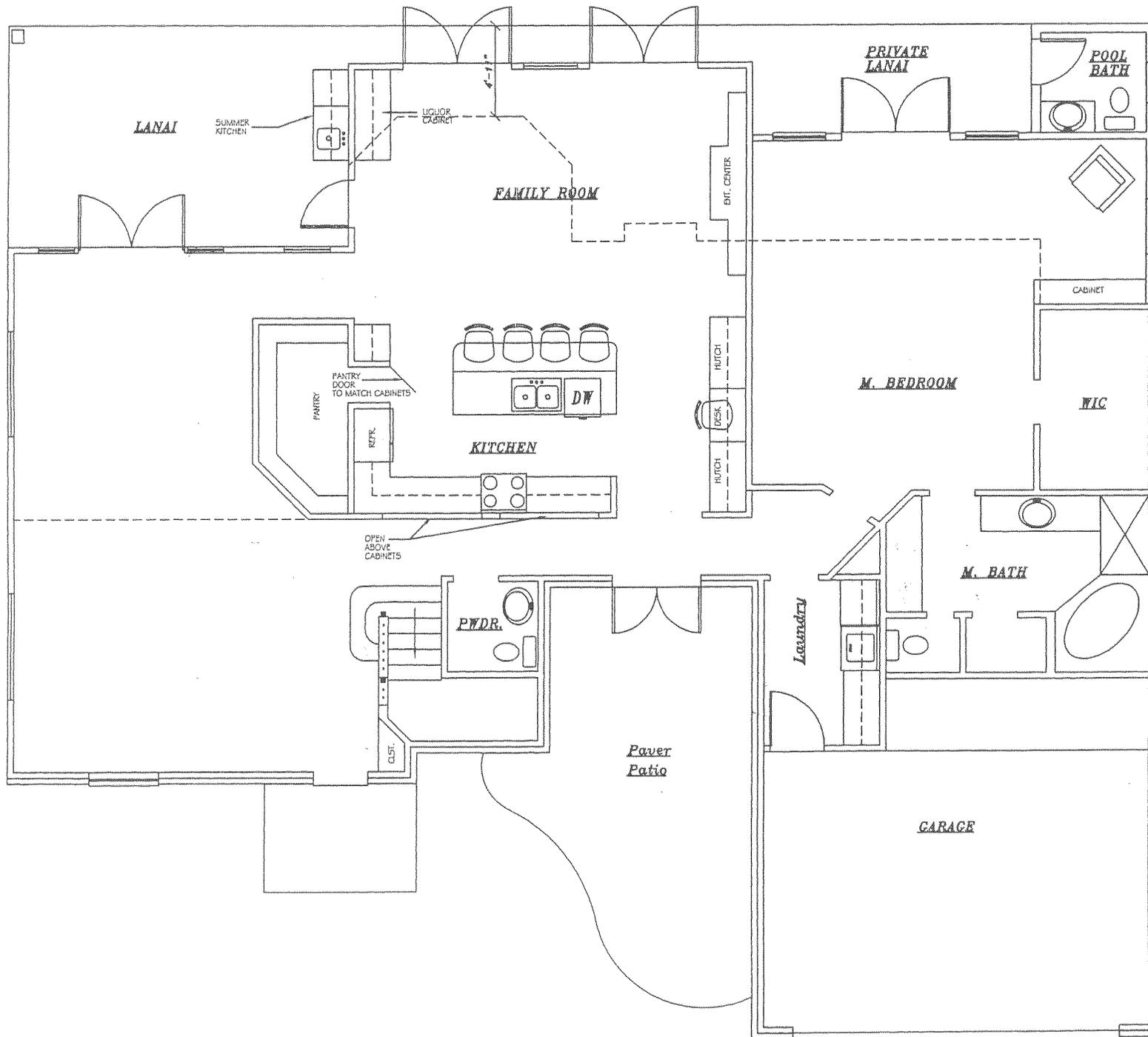
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83.00'

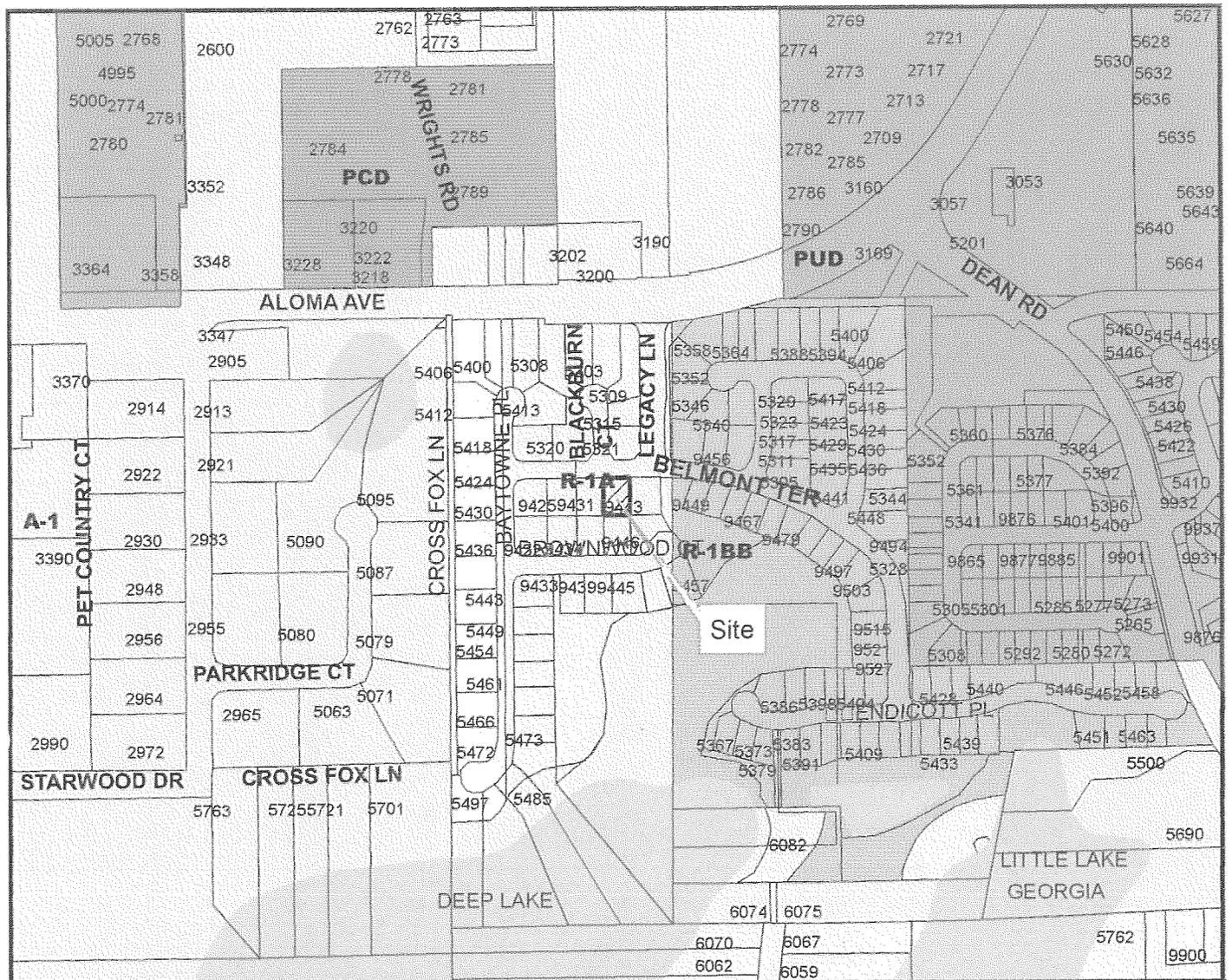
LOT 37

C BELMONT TERRACE

L 50' R/W (PAVED)

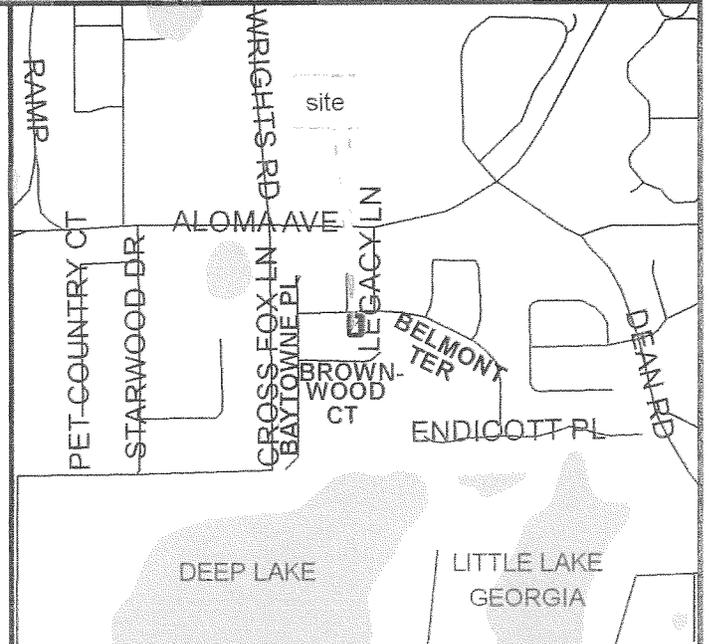
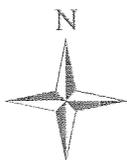


Danna & David Olivo
 9437 Belmont Ter
 Oviedo, FL 32765



Seminole County Board of Adjustment
 August 28 2006
 Case: BV2006-127
 Parcel No: 31-21-31-509-0000-0360
Zoning

- | | | | |
|---|------------|---|-------|
|  | BV2006-127 |  | R-1BB |
|  | A-1 |  | PUD |
|  | R-1AA |  | PCD |
|  | R-1A | | |



<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																											
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 31-21-31-509-0000-0360 Owner: OLIVO DAVID & DANNA Mailing Address: 9437 BELMONT TER City,State,ZipCode: OVIEDO FL 32765 Property Address: 9437 BELMONT TER OVIEDO 32765 Subdivision Name: LAKES OF ALOMA Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$244,961 Depreciated EXFT Value: \$2,500 Land Value (Market): \$45,000 Land Value Ag: \$0 Just/Market Value: \$292,461 Assessed Value (SOH): \$167,672 Exempt Value: \$25,000 Taxable Value: \$142,672 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>SPECIAL WARRANTY DEED</td> <td>12/1998</td> <td>03570</td> <td>1824</td> <td>\$155,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>10/1998</td> <td>03509</td> <td>1042</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1992</td> <td>02460</td> <td>0541</td> <td>\$170,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1991</td> <td>02278</td> <td>0616</td> <td>\$170,900</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	SPECIAL WARRANTY DEED	12/1998	03570	1824	\$155,000	Improved	No	CERTIFICATE OF TITLE	10/1998	03509	1042	\$100	Improved	No	WARRANTY DEED	07/1992	02460	0541	\$170,000	Improved	Yes	WARRANTY DEED	03/1991	02278	0616	\$170,900	Improved	Yes	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,287 2005 Tax Bill Amount: \$2,258 Save Our Homes (SOH) Savings: \$1,029 2005 Taxable Value: \$137,788 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																						
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<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i></p> <p><i>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</i></p>																																																											

Seminole County Planning & Development Department
Planning Division
1101 East First Street (Room 2201)
Sanford, FL 32771

Re: Application for Variance for **Olivo, David and Danna**
9437 Belmont Terrace, Oviedo, FL 32765
Parcel Id: **31-21-31-509-000-0360**

Dear Sirs:

We have seen the application for variance adjustment submitted for the rear setback change from 30 feet to 24 feet on the above referenced property and have no objection to approval of this variance.

Thank you,

Kelly Thys
Name

9431 Belmont Terr., Oviedo
Address
FL 32765

Kelly Thys
Signature

MATTHEW J. THYS
Name

Same
Address

[Signature]
Signature

Name

Address

Signature

Name

Address

Signature

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 36 LAKES OF ALOMA PB 41 PGS 31 TO 33

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

FINDINGS OF FACT

Property Owner: David & Danna Olivo
9437 Belmont Terrace
Oviedo, FL 32765

Project Name: Belmont Terrace (9437)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 24 feet for a proposed addition 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 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: