

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

**SUBJECT:** Request for a front yard setback variance from 25 feet to 0 feet for a proposed 6 foot opaque wall in the R-1 (Single Family Dwelling District); (Cesar & Margaret Baro, applicants).

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

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

**Agenda Date** 9/25/06    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a front yard setback variance from 25 feet to 0 feet for a proposed 6 foot opaque wall in the R-1 (Single Family Dwelling District); or
2. **DENY** the request for a front yard setback variance from 25 feet to 0 feet for a proposed 6 foot opaque wall in the R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Owner: Location: Zoning: Subdivision:	Cesar & Margaret Baro Cesar & Margaret Baro 9800 Bear Lake Road R-1 (Single-Family Dwelling District) McNeil's Orange Villa
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a wall that would encroach 25 feet into the minimum 25 foot front yard setback; the aforementioned front yard setback variance is thereby requested.</li> <li>• The applicant proposes to build a 6 foot tall opaque wall that extends 50 feet along the front property line.</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 6 foot tall opaque wall 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>



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

RECEIVED AUG 01 2006

**COPY**

APPL. NO. BU 2006-136

**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** Front yard setback variance from 25' to 0' for a proposed opaque 6' tall wall.
- SPECIAL EXCEPTION**
- LIMITED USE**

RECEIVED AUG 01 2006

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

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	<u>Cesar + Margaret Baro</u>	
ADDRESS	<u>9800 Bear Lake Rd Apopka FL 32703</u>	
PHONE 1	<u>407-298-0984</u>	
PHONE 2		
E-MAIL	<u>margiebaro@chl.rv.com</u>	

PROJECT NAME: Baro Residence

SITE ADDRESS: 9800 Bear Lake Road

CURRENT USE OF PROPERTY: residential

LEGAL DESCRIPTION: lg. lot 40A + S 1/2 of lot 39A McNells Orange Villa PB 2 PG 99

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 172129-506-0000-40A0

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 9/25/06 (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.

Margaret Baro

8/1/06  
DATE

**ADDITIONAL VARIANCES**

VARIANCE 2: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
VARIANCE 3: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
VARIANCE 4: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
VARIANCE 5: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
VARIANCE 6: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
VARIANCE 7: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	_____
ADDRESS	_____
PHONE 1	_____
PHONE 2	_____
E-MAIL	_____

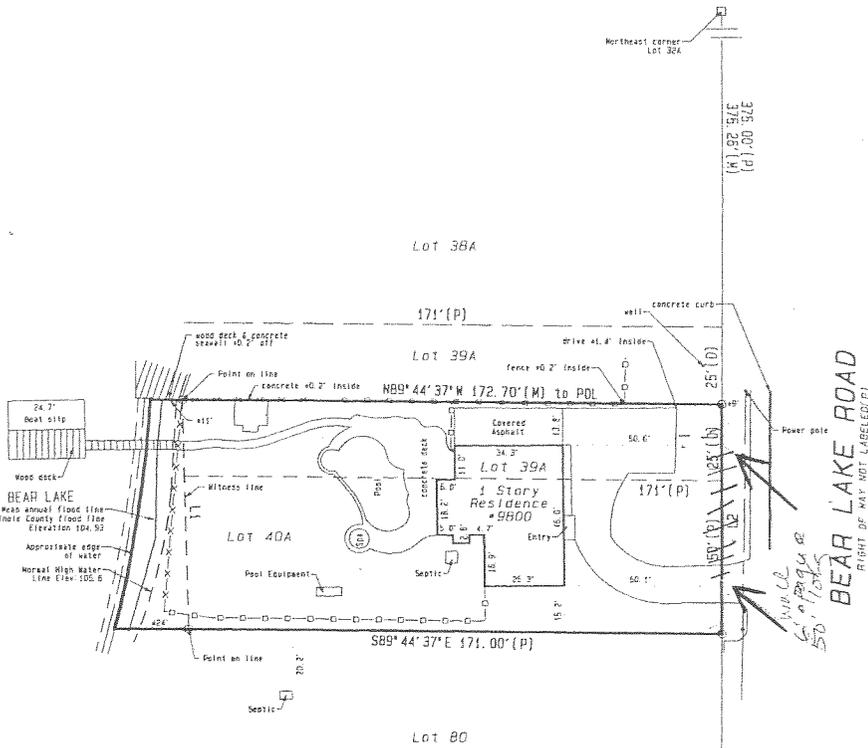
NATURE OF THE APPEAL \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING: \_\_\_\_\_  
FEE(S): 150.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1 / LDR  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS \_\_\_\_\_  
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS \_\_\_\_\_  
\_\_\_\_\_

# Boundary Survey for Cesar & Margaret Baro

Lot 40A and the South 1/2 of Lot 39A  
MCNEILS ORANGE VILLA  
Plat Book 2, Pages 99-101,  
Seminole County, Florida



LINE #	BEARING	LENGTH
L1	N01°21'24.5\"/>	
L2	N00°03'27.8\"/>	

ELEVATIONS BASED ON ORANGE COUNTY DATUM



- Legend
- Recovered 4\"/>
  - Set 4\"/>
  - ✕ Recovered Nail & Disk as shown
  - ✕ Recovered Y Cut in concrete
  - Recovered 1/2\"/>
  - Set 1/2\"/>
  - Light Pole as shown
  - 6\"/>
  - Fence as shown
  - Concrete Slab

This Survey Certified To:  
Cesar Baro  
Margaret Baro  
Ohio Savings Bank  
Chicago Title Insurance Company  
Fassett, Anthony & Taylor, P.A.  
Riverside Bank of Central Florida

Locate Mean High Water line  
12/27/06

NOT valid without the signatures and the original PLAT BOOK DEED of a Florida Licensed Surveyor and MAPPER. ADDITIONS AND OMISSIONS TO FORMS, MAPS, SKETCHES OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES TO ORIGINAL REGULATIONS WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

*[Signature]*

Michael W. Solitto, PSM #44530  
For The Firm of Altamonte Surveying  
and Platting, Inc. #LB6300

SCALE: 1" = 40'

REVIEWED BY: MWS

DRAWN BY: SAN

DATE: September 16 2004

JOB No.: 22437

Add Well and Septic

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 whatsoever.

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

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

Bearings are based on the North line of Lot 40 as being S67°42'37\"/>

Legal Description furnished by client (unless otherwise noted)

This is to certify that I have reviewed the Flood Insurance Rating Map (FIRM), Panel Number 120289 D115 E. Dated 12/06/06 and determined that the lands shown hereon lies in Flood Zone "AC"



<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 align="center"><b>GENERAL</b></p> <p>Parcel Id: 17-21-29-5BG-0000-40A0                  Owner: BARO CESAR F &amp; MARGARET L                  Mailing Address: 9800 BEAR LAKE RD                  City,State,ZipCode: APOPKA FL 32703                  Property Address: 9800 BEAR LAKE RD S APOPKA 32703                  Subdivision Name: MC NEILS ORANGE VILLA                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$63,860                  Depreciated EXFT Value: \$15,856                  Land Value (Market): \$306,957                  Land Value Ag: \$0                  Just/Market Value: \$386,673                  Assessed Value (SOH): \$331,596                  Exempt Value: \$25,000                  Taxable Value: \$306,596                  Tax Estimator</p>																																																	
<p 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>WARRANTY DEED</td> <td>11/2004</td> <td>05508</td> <td>1125</td> <td>\$484,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2000</td> <td>03920</td> <td>1918</td> <td>\$280,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/2000</td> <td>03914</td> <td>1945</td> <td>\$202,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>02/1997</td> <td>03221</td> <td>1269</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>11/1994</td> <td>02846</td> <td>1268</td> <td>\$10,400</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1986</td> <td>01797</td> <td>1754</td> <td>\$118,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	11/2004	05508	1125	\$484,000	Improved	Yes	WARRANTY DEED	09/2000	03920	1918	\$280,000	Improved	No	SPECIAL WARRANTY DEED	08/2000	03914	1945	\$202,000	Improved	Yes	SPECIAL WARRANTY DEED	02/1997	03221	1269	\$100	Improved	No	CERTIFICATE OF TITLE	11/1994	02846	1268	\$10,400	Improved	No	WARRANTY DEED	11/1986	01797	1754	\$118,000	Improved	Yes	<p align="center"><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$4,866                  2005 Tax Bill Amount: \$4,866                  Save Our Homes (SOH) Savings: \$0                  2005 Taxable Value: \$296,938                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																																													
WARRANTY DEED	11/2004	05508	1125	\$484,000	Improved	Yes																																													
WARRANTY DEED	09/2000	03920	1918	\$280,000	Improved	No																																													
SPECIAL WARRANTY DEED	08/2000	03914	1945	\$202,000	Improved	Yes																																													
SPECIAL WARRANTY DEED	02/1997	03221	1269	\$100	Improved	No																																													
CERTIFICATE OF TITLE	11/1994	02846	1268	\$10,400	Improved	No																																													
WARRANTY DEED	11/1986	01797	1754	\$118,000	Improved	Yes																																													
<p 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>220</td> <td>.000</td> <td>4,250.00</td> <td>\$306,957</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	75	220	.000	4,250.00	\$306,957	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>LEG LOT 40A + S 1/2 OF LOT 39A MC NEILS ORANGE VILLA PB 2 PG 99</p>																																					
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																														
FRONT FOOT & DEPTH	75	220	.000	4,250.00	\$306,957																																														
<b>BUILDING INFORMATION</b>																																																			
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																																										
1	SINGLE FAMILY	1950	3	1,160	1,974	1,534	CONC BLOCK	\$63,860	\$102,176																																										
			Appendage / Sqft	OPEN PORCH FINISHED / 32																																															
			Appendage / Sqft	CARPORT FINISHED / 408																																															
			Appendage / Sqft	BASE / 99																																															
			Appendage / Sqft	BASE / 275																																															
<p><i>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</i></p>																																																			
<b>Permits</b>																																																			
<b>EXTRA FEATURE</b>																																																			
		Description	Year Blt	Units	EXFT Value	Est. Cost New																																													

FIREPLACE	1974	1	\$600	\$1,500
BOAT DOCK	1990	395	\$790	\$1,975
ALUM UTILITY BLDG NO FLOOR	1990	80	\$128	\$320
BOAT HOUSE	1990	200	\$640	\$1,600
ELECTRIC HEATER	2001	1	\$550	\$1,100
POOL GUNITE	2001	480	\$8,400	\$9,600
CUSTOM PATIO/TILE/MARBLE ETC	2001	435	\$2,664	\$3,045
SPA	2001	1	\$2,084	\$2,500

**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.

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 25, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 40A + S ½ OF LOT 39A MC NEILS ORANGE VILLA PB 2 PG 99

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

### FINDINGS OF FACT

**Property Owner:** Cesar & Margaret Baro  
9800 Bear Lake Rd.  
Apopka, FL 32703

**Project Name:** Bear Lake Road (9800)

**Requested Development Approval:**

Request for a front yard setback variance from 25 feet to 0 feet for a proposed 6 foot opaque wall in the 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: 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 6 foot tall opaque wall 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: