

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

**SUBJECT:** Request for a rear yard (west) setback variance from 30 feet to 27 feet for a proposed addition in R-1A (Single Family Dwelling District); Eddie Nieto, applicant.

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

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

**Agenda Date** 10/30/06    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard (west) setback variance from 30 feet to 27 feet for a proposed addition in R-1A (Single Family Dwelling District); or
2. **DENY** the request for a rear yard (west) setback variance from 30 feet to 27 feet for a proposed addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Eddie Nieto Owner: Eddie & Nilma Nieto Location: 2302 Driftwood Drive Zoning: R-1A (Single Family Dwelling District) Subdivision: Laurelwood
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to construct an approximate 18 foot by 29.5 foot addition that will encroach 3 feet into the required 30-foot rear yard setback.</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>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <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,</li> </ul>

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><li>• Special conditions and circumstances result from the actions of the applicant.</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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant could construct an addition without the need for a variance.</i></li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</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 addition 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>

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV 2006-152  
Meeting Date 10-30-06



### VARIANCE APPLICATION

#### SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED AUG 16 2006  
**COPY**

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Eddie R. Nieto  
Address: 2302 Driftwood Dr. City: Casselberry Zip code: 32730  
Project Address: SAME AS ABOVE City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): (407) 339-5005 WK. (407) 331-0189 Hm  
Email address: \_\_\_\_\_

Is the property available for inspection without an appointment?  Yes  No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>relocate Kitchen + add LAUNDRY ROOM</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30 Ft.</u>	Proposed setback:	<u>27 Ft.</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<b>[1] Total number of variances requested <u>1</u> <u>150.00</u></b>				

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: Eddie R. Nieto 8/16/06

**FOR OFFICE USE ONLY**

Date Submitted: 8-16-06

Reviewed By: \_\_\_\_\_

Tax parcel number: 19-21-30-51.8-0000-0420 Zoning/FLU R-1A1 LOR

- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size \_\_\_\_\_  Meets minimum size and width
- Application and checklist complete

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

DM  
8-16-06

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

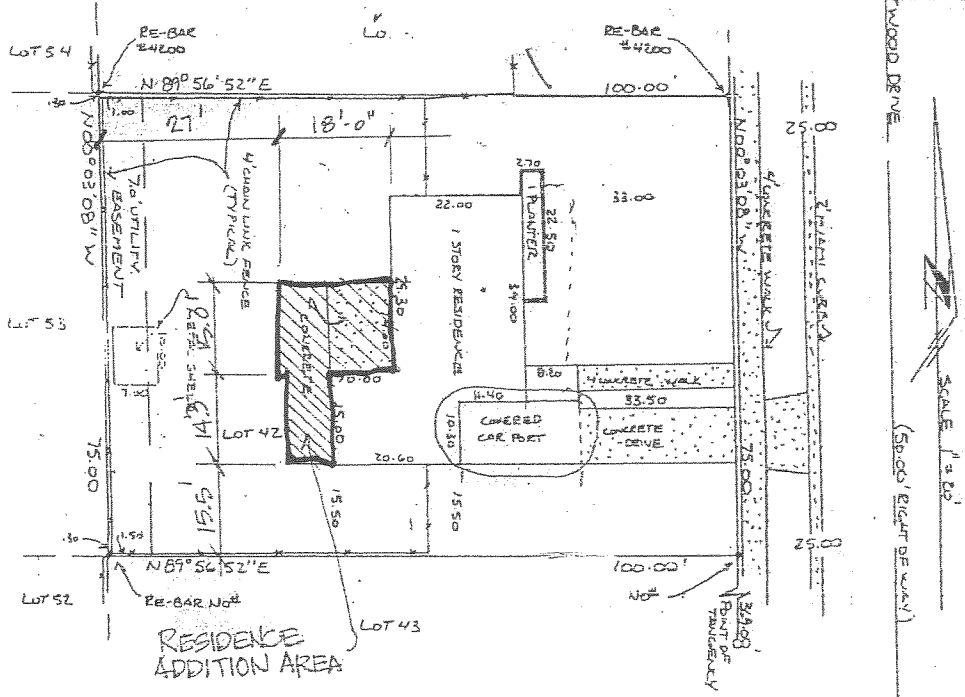
✓	1. Completed application.
N/A	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
✓	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
✓	o Please start with a clean survey ( <i>ex: white out old approval stamps</i> )
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
✓	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
✓	o Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
✓	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
✓	o Setbacks from each building to the property lines
✓	o Location of proposed fence(s)
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

LAND DESCRIPTION:

Lot 42, Laurelwood, according to the plat thereof as recorded in Plat Book 15, Page 85, Public Records of Seminole County, Florida-

Address: 2302 Driftwood Drive

*Zoned R1A  
Street Hydro  
Shade*



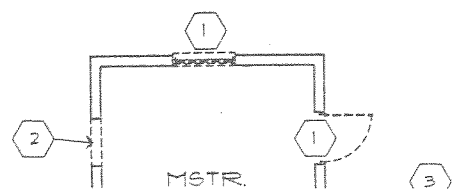
SURVEYORS NOTES:

1. Reproductions of this sketch are not valid unless sealed with an embossed surveyors seal.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. Bearings are from plat of record.
4. I have reviewed the F.I.R.M. map and determined that this property does not lie within the 100 year flood zone.
5. House ties are not to be used to reconstruct property lines.

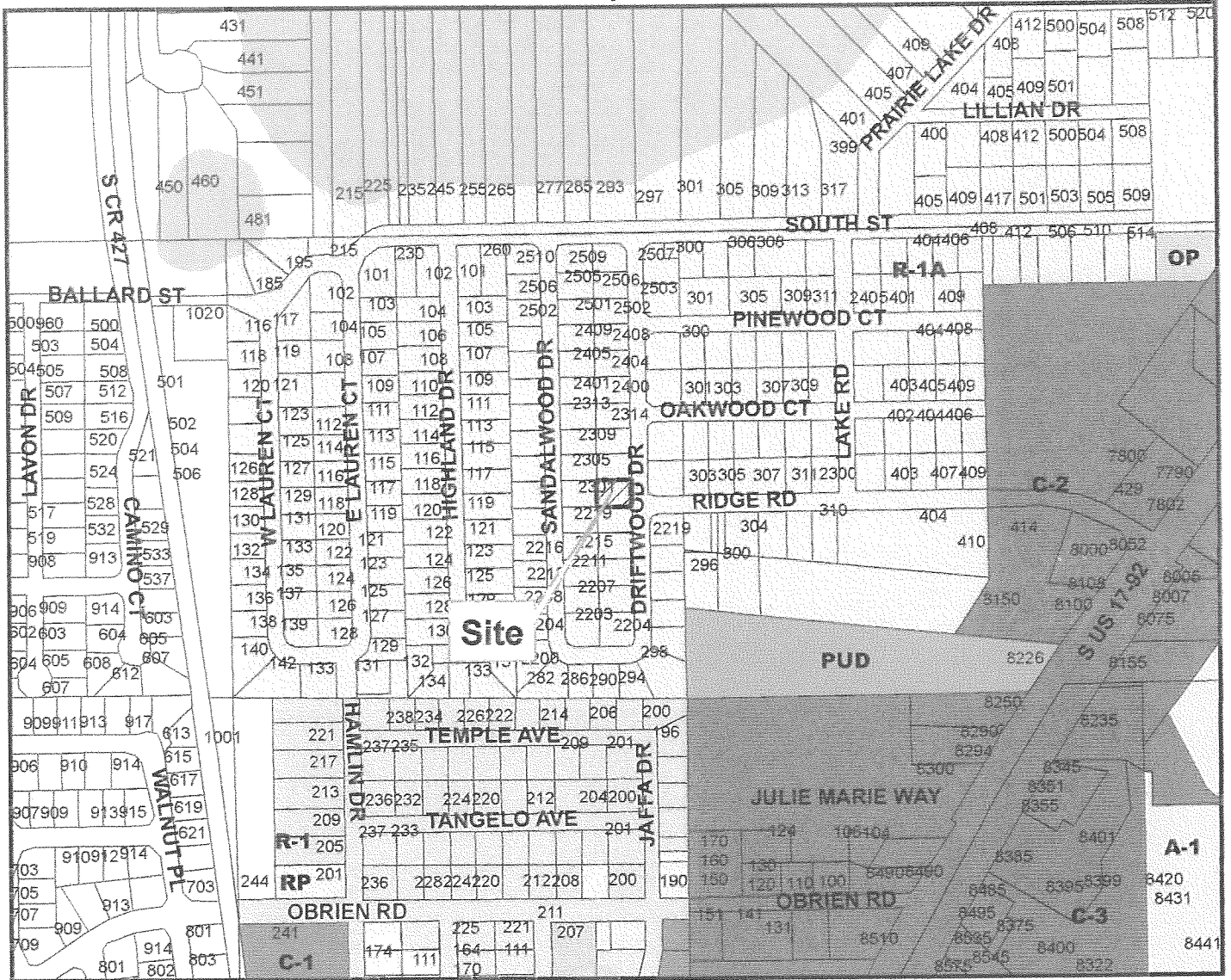


SITE PLAN

1" = 20'



**Nilma & Eddie Nieto**  
**2302 Driftwood Dr**  
**Casselberry, FL 32730**

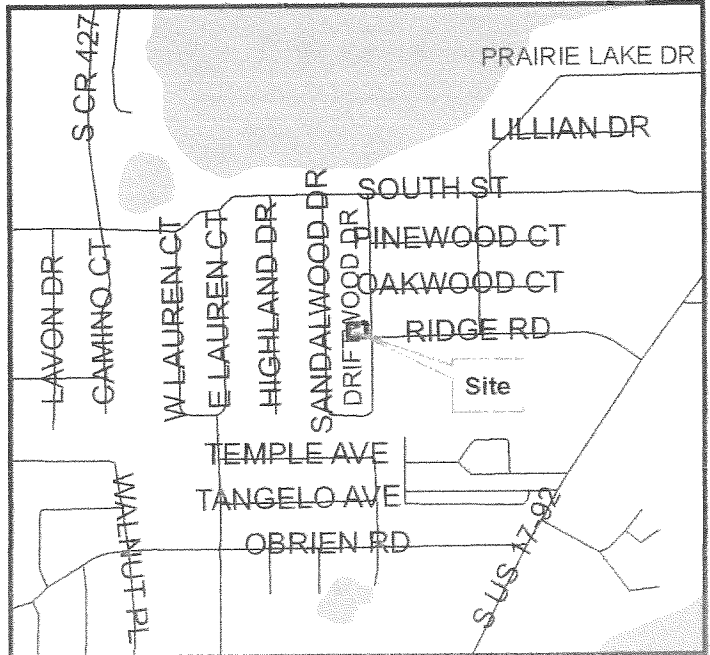


**Seminole County Board of Adjustment**  
**October 30, 2006**  
**Case: BV2006-152**  
**Parcel No: 19-21-30-518-0000-0420**

**Zoning**

	BV2006-152		OP
	A-1		C-1
	R-1A		C-2
	R-1		C-3
	RP I		PUD

N



<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		8 9 10 11 12		SANDLEWOOD DR 55 40 54 41 53 42 52 43 51 44		DRIFTWOOD DR 26 1 27 7 RIDGE RD 26 1 25																																																											
<b>GENERAL</b> Parcel Id: 19-21-30-518-0000-0420 Owner: NIETO EDDIE R & NILMA I Mailing Address: 2302 DRIFTWOOD DR City,State,ZipCode: CASSELBERRY FL 32730 Property Address: 2302 DRIFTWOOD DR CASSELBERRY 32730 Subdivision Name: LAURELWOOD Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY						<b>2006 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$97,111 Depreciated EXFT Value: \$0 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$132,111 Assessed Value (SOH): \$70,609 Exempt Value: \$25,000 Taxable Value: \$45,609 Tax Estimator																																																											
<b>SALES</b> <table border="1"> <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>10/1990</td> <td>02230</td> <td>1816</td> <td>\$57,300</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>02/1990</td> <td>02158</td> <td>0517</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1990</td> <td>02140</td> <td>1465</td> <td>\$57,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1984</td> <td>01578</td> <td>0555</td> <td>\$39,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1982</td> <td>01391</td> <td>0495</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01133</td> <td>1941</td> <td>\$21,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1973</td> <td>00984</td> <td>1892</td> <td>\$22,200</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision						Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	10/1990	02230	1816	\$57,300	Improved	Yes	QUIT CLAIM DEED	02/1990	02158	0517	\$100	Improved	No	WARRANTY DEED	01/1990	02140	1465	\$57,500	Improved	Yes	WARRANTY DEED	09/1984	01578	0555	\$39,000	Improved	Yes	QUIT CLAIM DEED	04/1982	01391	0495	\$100	Improved	No	WARRANTY DEED	01/1977	01133	1941	\$21,000	Improved	Yes	WARRANTY DEED	01/1973	00984	1892	\$22,200	Improved	Yes	<b>2005 VALUE SUMMARY</b> Tax Value(without SOH): \$1,317 2005 Tax Bill Amount: \$714 Save Our Homes (SOH) Savings: \$603 2005 Taxable Value: \$43,552 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS			
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## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 30, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 42 LAURELWOOD PB 15 PG 85

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

### FINDINGS OF FACT

**Property Owner:** Eddie & Nilma Nieto  
2302 Driftwood Drive  
Casselberry FL 32730

**Project Name:** Driftwood Drive (2302)

**Requested Development Approval:**

Request for a rear yard (west) setback variance from 30 feet to 27 feet for a proposed addition in 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: 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 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: \_\_\_\_\_  
April Boswell, AICP  
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: