

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 15 feet to 0 feet for a proposed screen room (not roofed) addition in PUD (Planned Unit Development District); (Jose Rolon, applicant).

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

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

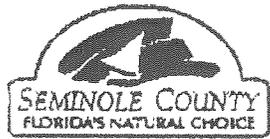
Agenda Date 12/4/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 15 feet to 0 feet for a proposed screen room (not roofed) addition in PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 15 feet to 0 feet for a proposed screen room (not roofed) addition in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Jose F Rolon Owner: Jose F & Maria F Rolon Location: 257 N. Post Way Zoning: PUD (Planned Unit Development District) Subdivision: Deer Run Unit 14B
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 27-foot by 14-foot 4-inch screen enclosure (not roofed) over the rear yard of their townhome which will encroach 15 feet into the required 15-foot rear yard setback. • 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.• Special conditions and circumstances result from the actions of the applicant.• 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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
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 screen room 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.



COPY
VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: JOSE FERNANDO ROLON
Address: 257 N. POST WAY City: CASSELBERRY Zip code: 32707
Project Address: 257 N. POST WAY City: CASSELBERRY Zip code: 32707
Contact number(s): (407) 695-9603 Cell: 407-252-5679
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: <u>27 BY 14 feet and 4 inches</u>
<input checked="" type="checkbox"/> Addition	Please describe: <u>screen enclosure w/ concrete floor</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>15 feet</u>	Proposed setback: <u>0</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:	
[] Total number of variances requested <u>1</u>			

NO 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: fernando rolon

FOR OFFICE USE ONLY

Date Submitted: _____

Reviewed By: _____

Tax parcel number: 14-21-30-504-0005-1830 Zoning/FLU P15/PD

- 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: no solid roof / no pool /

SWERDLOFF & LONG

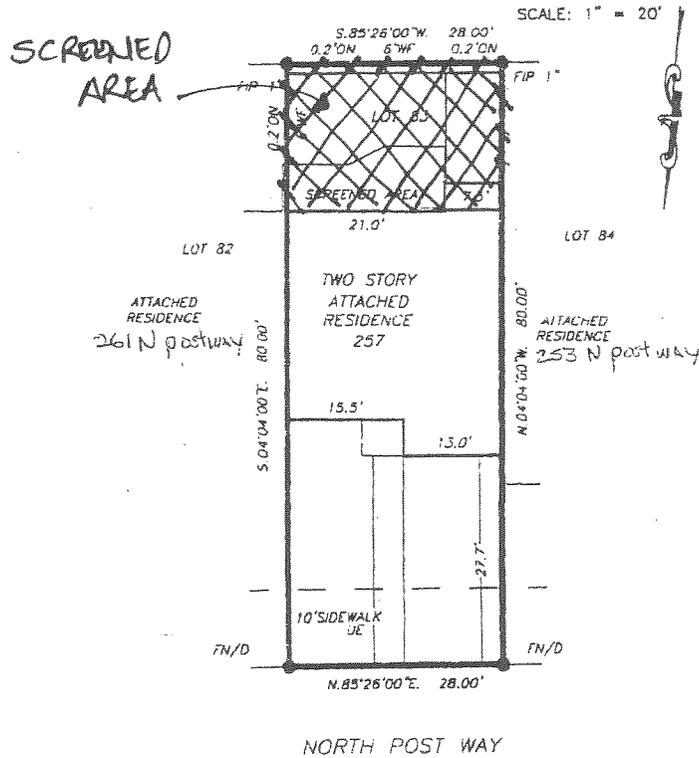
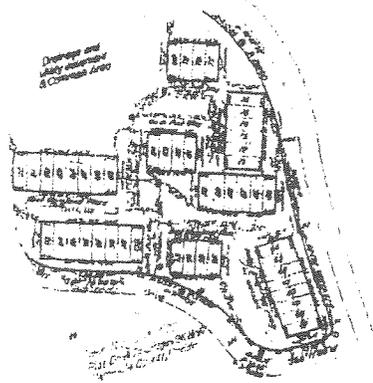
SURVEYING, INC.

Legal Description

Lot 83, DEER RUN UNIT 14 "B", according to the plat thereof, as recorded in Plat Book 30, Page(s) 78 and 79, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0145
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 8/29/2003 Completion Date: 8/29/2003

Certified to:
 Jose F. Rolon; Guida Rolon; Fidelity National Title Company; Fidelity National Title Insurance Company of New York; Countrywide Home Loans, Inc., its' successors and/or assigns.



Property Address:
 257 North Post Way
 Casselberry, FL 32707

Survey number: SI. 23462

LEGEND

W.F.	Wood Fence	CATV	Cable Riser	M.H.	Manhole
W.F.	Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
F.N.	Found Nail	TEL.	Telephone Facilities	O.R.	Official Records
PC	Property Corner	TEL.	Covered Area	O.R.B.	Official Records Book
R.	Record	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
M	Field Measured	CH	Cham	P.R.M.	Perm. Reference Monument
CL	Clear	RAD	Radial	PG.	Page
ENCR	Encroachment	N.R.	Non Radial	PVMT.	Pavement
Q	Centerline	A/C	Air Conditioner	P.B.	Plot Book
L	Concrete Monument	B.M.	Benchmark	P.O.B.	Point of Beginning
F.I.R.	Found Iron Rod	C.	Calculated	P.O.C.	Point of Commencement
F.I.P.	Found Iron Pipe	ZZZZ	Block Wall	P.O.L.	Point of Lias
R/W	Right of Way	Δ	Central Angle/Delta	P.C.	Point of Curvature
N&D	Nail & Disk	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
D.E.	Drainage Easement	D.	Description or Deed	P.T.	Point of Tangency
U.E.	Utility Easement	D.H.	Drill Hole	R.	Radius (Radial)
FD.	Found	D/W	Drive Way	R.O.E.	Roof Overhang Easement
P.	Plat	ESMT	Easement	S.I.R.	Set Iron Rod in Cap
ASPH	Asphalt	EL	Elevation	S/W	Sidewalk
O.H.U.	Overhead Utilities	F.F.	Finished Floor	T.O.B.	Top of Bank
		F.C.M.	Found Concrete Monument	TYP.	Typical
		P.P.K.	Found Parker-Kalon Nail	W.C.	Witness Corner

GENERAL NOTES

1. Legal description provided by others.
2. The labels shown herein were not abstracted for easements or other recorded encumbrances shown on the plat.
3. Underground portions of footings, foundations or other improvements were not located.
4. Wall ties are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted.
7. Dimensions shown are plat and measured unless otherwise noted.
8. Elevations if shown are based upon N.G.M.D. 1928 unless otherwise noted.
9. Adjoining lots are within the same block, unless otherwise noted.
10. This is an AS-BUILT SURVEY unless otherwise noted.
11. Not valid unless sealed with the signing surveyors embossed seal.
12. Flood zone determinations are provided as a courtesy only, and are derived from the best sources available to the surveyor. This information should not be relied upon for flood insurance purposes, and may differ from information provided by others.
13. L.R. 7132

I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

Ralph Swerdloff

Registered Land Surveyor No. 3411

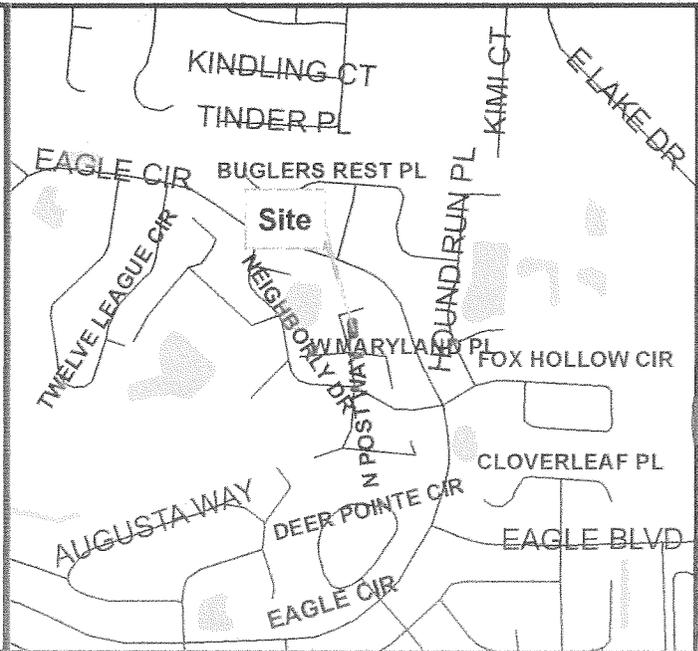
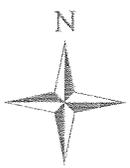
Swerdloff & Long Surveying, Inc.

Maria & Jose Rolon
257 N Post Way
Casselberry, FL 32707



Seminole County Board of Adjustment
December 4, 2006
Case: BV2006-182 (Map 3158, Grid A7)
Parcel No: 14-21-30-504-0000-0830

- Zoning**
- BV2006-182
 - R-1A
 - A-1
 - PUD
 - R-1AA



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																																					
<p align="center">GENERAL</p> <p>Parcel Id: 14-21-30-504-0000-0830</p> <p>Owner: ROLON JOSE F & MARIA F</p> <p>Mailing Address: 257 N POST WAY</p> <p>City,State,ZipCode: CASSELBERRY FL 32707</p> <p>Property Address: 257 POST WAY N CASSELBERRY 32707</p> <p>Subdivision Name: DEER RUN UNIT 14B</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 0103-TOWNHOME</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$111,878</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$25,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$136,878</p> <p>Assessed Value (SOH): \$72,823</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$47,823</p> <p>Tax Estimator</p>																																																																			
<p 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>QUIT CLAIM DEED</td> <td>11/1996</td> <td>03162</td> <td>0912</td> <td>\$32,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1991</td> <td>02316</td> <td>1219</td> <td>\$77,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1989</td> <td>02126</td> <td>1719</td> <td>\$75,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1985</td> <td>01650</td> <td>1006</td> <td>\$53,600</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1985</td> <td>01650</td> <td>0524</td> <td>\$73,500</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	QUIT CLAIM DEED	11/1996	03162	0912	\$32,000	Improved	No	WARRANTY DEED	07/1991	02316	1219	\$77,000	Improved	Yes	WARRANTY DEED	10/1989	02126	1719	\$75,000	Improved	Yes	WARRANTY DEED	06/1985	01650	1006	\$53,600	Vacant	No	WARRANTY DEED	06/1985	01650	0524	\$73,500	Improved	Yes	<p>2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,813</p> <p>2006 Tax Bill Amount: \$736</p> <p>Save Our Homes (SOH) Savings: \$1,077</p> <p>2006 Taxable Value: \$45,702</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																									
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Dear Run #14 Homeowners Association, Inc.
c/o Don Asher & Associates
1801 Cook Ave.
Orlando, FL 32806

NOTICE OF APPROVAL

September 01, 2006

JOSE F & MARIA F ROLON
257 POST WAY NORTH
CASSELBERRY FL 32707

RE: 257 POST WAY NORTH
CASSELBERRY FL 32707

Dear Owner:

Your Request for Architectural Change has been approved. Specifically, you have approval to proceed with the following:

Screen Enclosure

We reserve the right to make a final inspection of the change to make sure it matches the Request you submitted for Approval. Please follow the plan you submitted or submit an additional Request form if you cannot follow the original plan.

You must follow all local building codes and setback requirements when making this change. A Building Permit may be needed. This can be applied for at the County offices.

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate Utility Companies before digging.

We appreciate your cooperation in submitting this Request for Approval. An attractive Community helps all of us get the full value from our homes when we decide to sell.

Sincerely,
FOR THE BOARD OF DIRECTORS

Treva Erquitt

Treva Erquitt, LCAM
Community Association Manager

LETTER OF NO OBJECTION

TO WHOM IT MAY CONCERN,

We would like to attest that we have no objection for our neighbor/neighbors Mr. / Mrs. Lorraine Kelen, to build a screen enclosure in his/her/their property located at 257 North Post Way.

He/she/they must be committed to strictly adhering to the specifications provided by the county or city his/her/their property is located.

Sincerely,

Signature: Allison Jamnik

Name: Allison Jamnik

Address: 201 N. Post Way
Casper, WY

LETTER OF NO OBJECTION

TO WHOM IT MAY CONCERN,

We would like to attest that we have no objection for our neighbor/neighbors Mr. / Mrs. Fernando Delos, to build a screen enclosure in his/her/their property located at 257 North Post Way.

He/she/they must be committed to strictly adhering to the specifications provided by the county or city his/her/their property is located.

Sincerely,

Signature: Meryl Lieberman

Name: Meryl Lieberman

Address: 272 N Post Way
Casselberry, FL 32707

LETTER OF NO OBJECTION

TO WHOM IT MAY CONCERN,

We would like to attest that we have **no objection** for our neighbor/neighbors Mr. / Mrs. Fernando Debra, to build a screen enclosure in his/her/their property located at 257 North Post Way.

He/she/they must be committed to strictly adhering to the specifications provided by the county or city his/her/their property is located.

Sincerely,

Signature: Louise Marchetti

Name: Louise Marchetti

Address: 253 North Post Way
Casselberry, Fl 32707

LETTER OF NO OBJECTION

TO WHOM IT MAY CONCERN,

We would like to attest that we have no objection for our neighbor/neighbors Mr. / Mrs. Fernando Garcia to build a screen enclosure in his/her/their property located at 252 North Post Way.

He/she/they must be committed to strictly adhering to the specifications provided by the county or city his/her/their property is located.

Sincerely,

Signature: Kim Arnold

Name: _____

Address: 265 N. Post Way
Classelberry, FL 32707

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 83 DEER RUN UNIT 14B PB 30 PGS 78 & 79

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

FINDINGS OF FACT

Property Owner: Jose F & Maria F Rolon
257 N. Post Way
Casselberry FL 32707

Project Name: N. Post Way (257)

Requested Development Approval:

Request for a rear yard setback variance from 15 feet to 0 feet for a proposed screen room (not roofed) addition in PUD (Planned Unit Development 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 screen room (not roofed) 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: