

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

SUBJECT: 357 Radisson Place – Eric & Nydia Montijo, applicant; request for a rear yard setback variance from 30 feet to 17 feet for a proposed covered patio in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 1/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 17 feet for a proposed covered patio in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 17 feet for a proposed covered patio in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Eric & Nydia Montijo Location: 357 Radisson Place Zoning: R-1AA (Single Family Dwelling District) Subdivision: Bentley Cove
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a roof over the existing concrete patio that encroaches 13 feet into the required 30 foot rear yard setback. • The patio area is approximately 420 square feet. • There are currently no code enforcement or building violations 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,

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 requested is not 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.
<p>STAFF RECOMMENDATION</p>	<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 covered patio 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- PUD Commitment Card, *if applicable*
- Application**
- Authorization letter
- Applicant statement of request
- Proposed Development Order**
- Proposed Site Plan**
- Proposed elevation drawings, renderings, floor plans, etc
- Property Appraiser data sheet**
- Location map**

Support information:

- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

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

Application # B42006-212
Meeting Date 1-22-07

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: ERIC & NYDIA MONTIJO
Address: 357 RADISSON PLACE City: OVIEDO Zip code: 32765
Project Address: 357 RADISSON PLACE City: OVIEDO Zip code: 32765
Contact number(s): WORK (407) 365 6932 CELL 407 312 1996
Email address: eric.i.montijo@lmcc.com

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

RECEIVED
NOV 21 2006
PLANNING DIVISION

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>ADD ROOF OVER CONCRETE PATIO</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.	

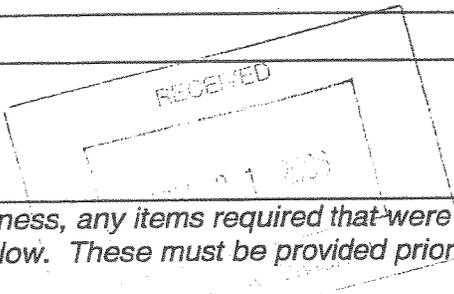
What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback: <u>17'</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:
<input checked="" type="checkbox"/> 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: Marty Nydia Montijo

FOR OFFICE USE ONLY

Date Submitted: 11-21-06 Reviewed By: P. Johnson
 Tax parcel number: 27-21-31-519-0000-0100 Zoning/FLU R-1AA/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!

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.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> 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.

11.19.2006

To: Seminole County Board of Adjustment

Reference: Property Variance Request

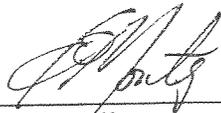
The intent of this letter is to request a variance on my property located at 357 Radisson Place, Oviedo, Florida. I have been an Orange County resident since 1985 and I recently moved to Seminole County last year. My experience so far at my new property has been enjoyable but some hardships have become evident, prompting me to request this variance. The hardships at my new property are:

- **Lack of enjoyable use of space/land.** We have a beautiful pond located on the rear of our property. The existing concrete patio is not covered, thus making this property feature useless for the most part. Similar neighbors are enjoying the pond view after building pools at their properties.
- **Direct sunlight/heat.** Our rear property is facing west, causing direct sun exposure into our great room during the afternoons. This condition makes this room useless during extended period of times due to high temperature levels. The proposed covered patio, to be located next to our great room, will eliminate this hardship.

This request will not create view obstructions or any kind of harm on my neighbors. In addition, the construction will be done by the original builder, Sun-Tec Builders. The construction of the new roof will be of the current property's quality and likeness.

I hope this letter accurately addresses my need for a variance. Please let me know if you have any questions and/or concerns regarding this request.

Thank you,



Eric Montijo
Home Phone No.: 407.365.6932
Work Phone No.: 407.356.7093
Cell Phone No.: 407.312.1996

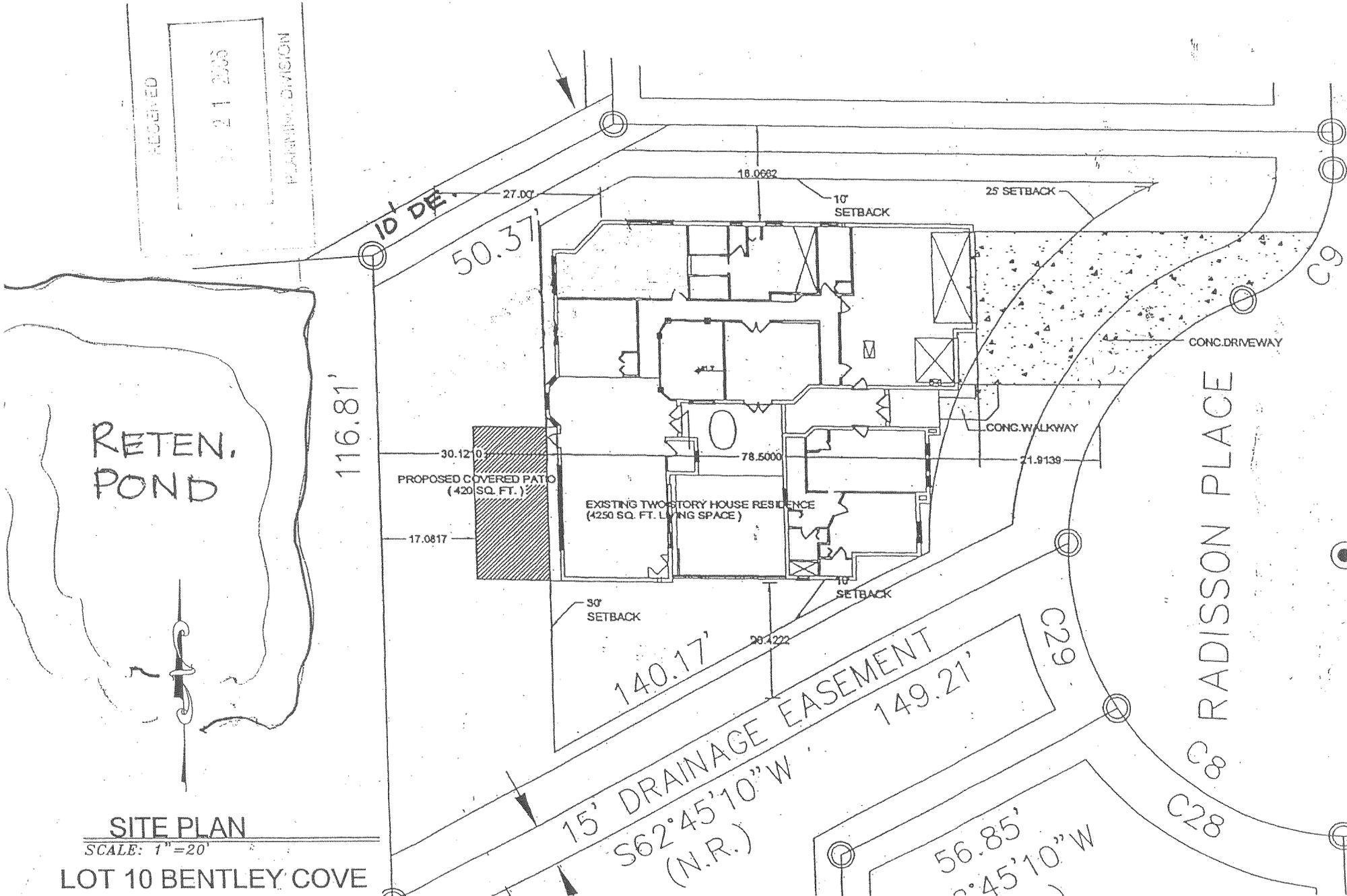


Nydia Montijo
Home Phone No.: 407.356.6932
Work Phone No.: 407.679.5151
Cell Phone No.: 407.739.2397

RECEIVED

21 2006

PLANNING DIVISION



SITE PLAN

SCALE: 1" = 20'

LOT 10 BENTLEY COVE

SECTION 27, TOWNSHIP 21 SOUTH, RANGE 31 EAST

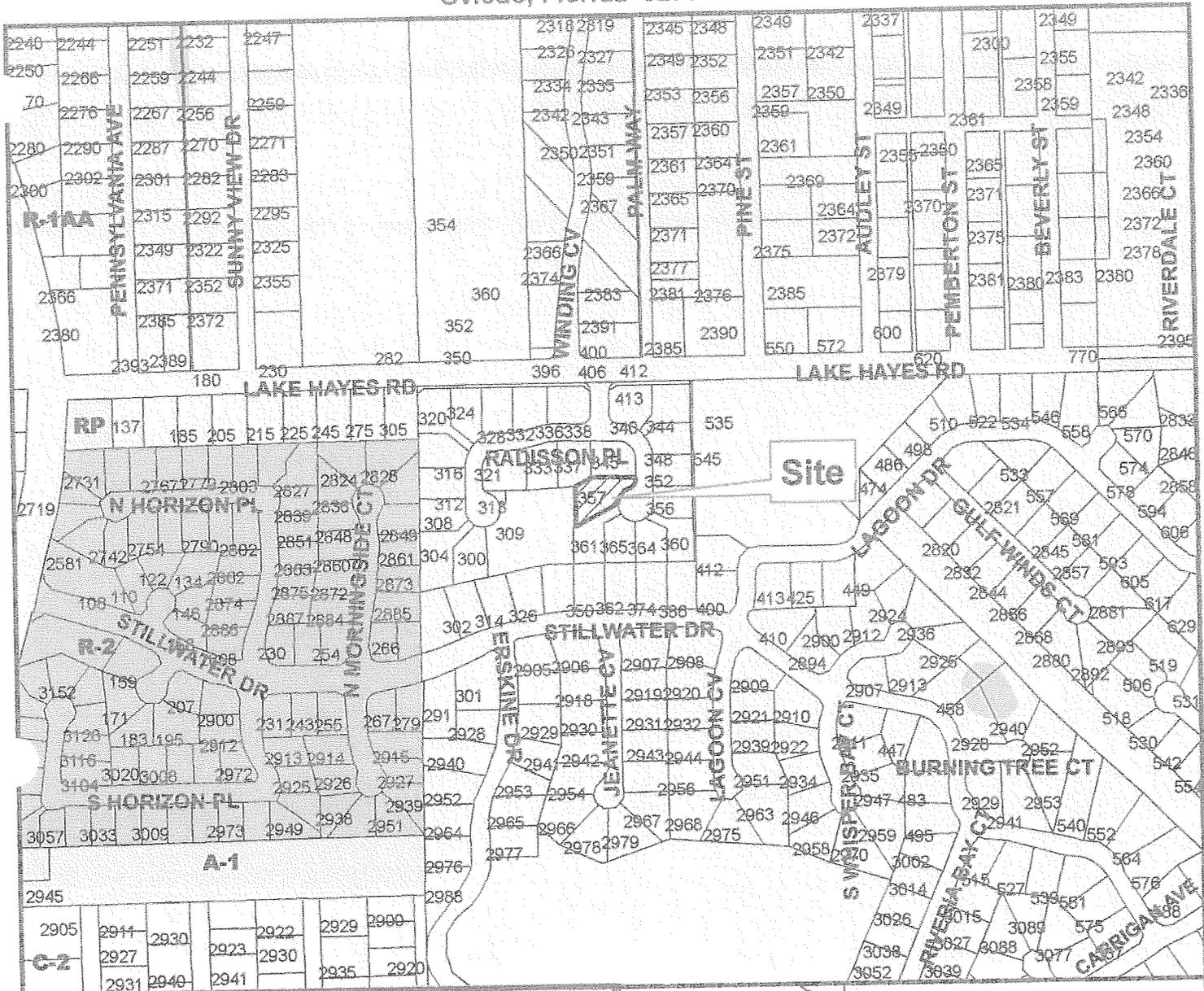
SEMINOLE COUNTY, FLORIDA

DRAINAGE TYPE "B"

UTILITIES : SEMINOLE COUNTY WATER AND SEWER

BUILDING HEIGHT : 25 FT.

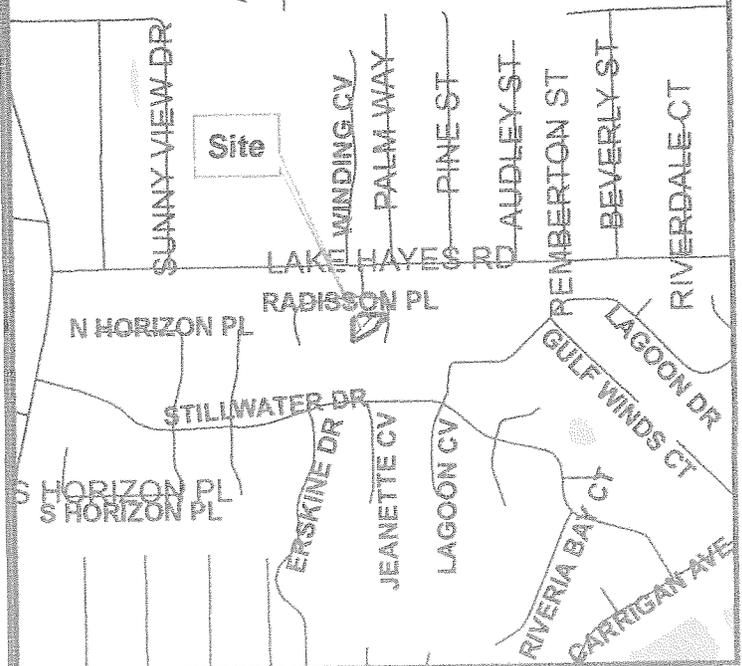
Nydia & Eric Montijo
 357 Radisson Place
 Oviedo, Florida 32765



Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-212 (Map 3213, Grid A4)
 Parcel No: 27-21-31-519-0000-0100

Zoning

- | | | | |
|---|------------|---|------|
|  | BV2006-212 |  | R-2 |
|  | A-1 |  | RP I |
|  | R-1AA |  | C-1 |



<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 27-21-31-519-0000-0100</p> <p>Owner: MONTIJO ERIC I & NYDIA P</p> <p>Mailing Address: 357 RADISSON PL</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 357 RADISSON PL</p> <p>Subdivision Name: BENTLEY COVE</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2006)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$399,903</p> <p>Depreciated EXFT Value: \$10,724</p> <p>Land Value (Market): \$62,900</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$473,527</p> <p>Assessed Value (SOH): \$473,527</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$448,527</p> <p>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>WARRANTY DEED</td> <td>02/2005</td> <td>05626</td> <td>1324</td> <td>\$546,300</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>09/2002</td> <td>04559</td> <td>1017</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2005	05626	1324	\$546,300	Improved	No	CORRECTIVE DEED	09/2002	04559	1017	\$100	Vacant	No	<p>2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$7,265</p> <p>2006 Tax Bill Amount: \$7,265</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2006 Taxable Value: \$450,841</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																																								
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SCREEN ENCLOSURE	2005	819	\$1,529	\$1,638
<i>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.</i>				

11.19.2006

To: Seminole County
Attn: Board of Adjustments

Reference: 357 Radisson Place Variance Request – Letters of support from adjacent property owners.

We, MAG DEVELOPMENT CO., INC., the owners of a home at 361 Radisson Place, neighbors of Mr. and Mrs. Montijo have no objections to the approval of a variance for the rear setback line of his property so that they can build a roof over the existing concrete patio.

Sincerely,

A. Shanduf
AL GHANDOUR
PRESIDENT.

11.19.2006

To: Seminole County
Attn: Board of Adjustments

Reference: 357 Radisson Place Variance Request – Letters of support from adjacent property owners.

We, David and Deborah Sazama the owners of a home at 345 Radisson Place, neighbors of Mr. and Mrs. Montijo have no objections to the approval of a variance for the rear setback line of his property so that they can build a roof over the existing concrete patio.

Sincerely,


deborah@sezanna

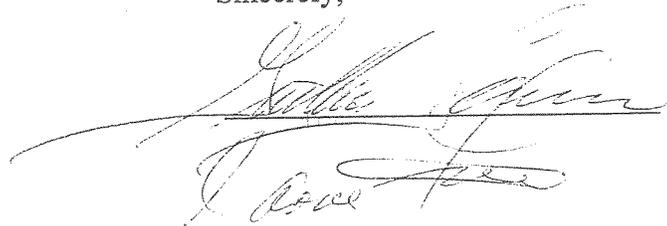
11.19.2006

To: Seminole County
Attn: Board of Adjustments

Reference: 357 Radisson Place Variance Request – Letters of support from adjacent property owners.

We, CARMEN FRANCO & GUILLERMO FRANCO the owners of a home at 337 Radisson Place, neighbors of Mr. and Mrs. Montijo have no objections to the approval of a variance for the rear setback line of his property so that they can build a roof over the existing concrete patio.

Sincerely,



A handwritten signature in cursive script, appearing to read 'Carmen Franco', written over a horizontal line.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 10 BENTLEY COVE PB 61 PGS 25 & 26

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

FINDINGS OF FACT

Property Owner: Eric & Nydia Montijo
357 Radisson Place
Oviedo, FL 32765

Project Name: Radisson Place (357)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 17 feet for a proposed covered patio in R-1AA (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 covered patio 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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: