

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 5545 Ligustrum Loop – Angela Berkbigler, applicant; Request for a 1) rear yard setback variance from 10 feet to 5 feet and 2) a side yard (west) setback variance from 10 feet to 5 feet and 3) a side yard (east) setback variance from 10 feet to 4.9 feet for a proposed pool in R-1BB (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 6/25/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a 1) rear yard setback variance from 10 feet to 5 feet and 2) a side yard (west) setback variance from 10 feet to 5 feet and 3) a side yard (east) setback variance from 10 feet to 4.9 feet for a proposed pool in R-1BB (Single Family Dwelling District) ; or
2. **APPROVE** the request for a 1) rear yard setback variance from 10 feet to 5 feet and 2) a side yard (west) setback variance from 10 feet to 5 feet and 3) a side yard (east) setback variance from 10 feet to 4.9 feet for a proposed pool in R-1BB (Single Family Dwelling District) ; or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Angela Berkbigler 5545 Ligustrum Loop R-1BB Aloma Woods Phase 4
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool that would encroach 5 feet into the required 10-foot rear yard setback. • The proposed pool would also encroach 5 feet on the west side and 5.1 feet on the east side into the required 10-foot side yard setback. 	

	<ul style="list-style-type: none">• 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 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.
STAFF RECOMMENDATION	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the pool 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

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

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

Application # BV 2007-4
Meeting Date 6-25-07



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: Angela Berkbigler

Address: 5545 Liaustrum Loop City: Oviedo Zip code: 32765

Project Address: same City: _____ Zip code: _____

Contact number(s): Cell - 407-756-9319 h - 321-748-3583

Email address: aberkbigler@alignnetworks.com

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

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input checked="" type="checkbox"/> Pool	Please describe: <u>In ground</u>
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<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>10 ft</u>	Proposed setback:	<u>5 ft</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10 ft</u> <u>10 ft</u>	Proposed setback:	<u>5 ft west side</u> <u>4.9 ft east</u>
<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>3</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: Angela Berkbigler

DR OFFICE USE ONLY

Date Submitted: 4-4-07 Reviewed By: F. Johnson
 Tax parcel number: 29-21-31-5001-0000-0490 Zoning/FLU R-1BB/MOR ✓
 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: _____

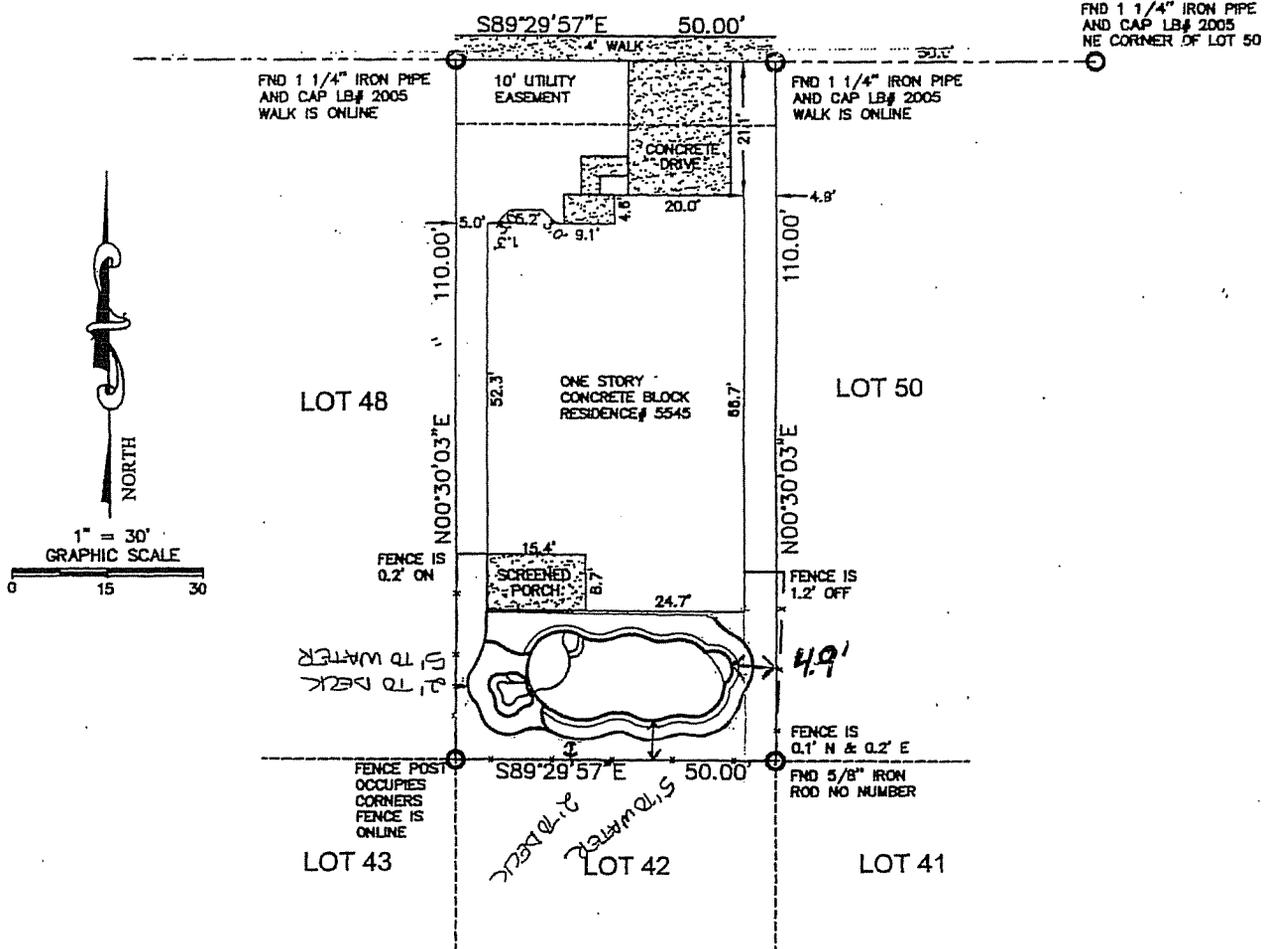
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>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.</p>	
	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 1/2 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.

Boundary Survey

LIGUSTRUM LOOP
46' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY



RLS #:	06-09-3074
CLIENT #:	ORL06/65
FIELD DATE:	10/2/2006
DRAFTER:	ENS DRAFTING
APPROVED:	MAC
SCALE:	1" = 30'

ADDRESS

5545 LIGUSTRUM LOOP
OVIEDO FLORIDA 32765

LEGAL DESCRIPTION: (AS FURNISHED)

LOT 49, ALOMA WOODS PHASE 4, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 52, PAGES 7-8, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF LOT 49, BEING N00°30'03"E, PER PLAT

LIST OF POSSIBLE ENCROACHMENTS:
SURVEYOR INFORMATION:



S.M.S.

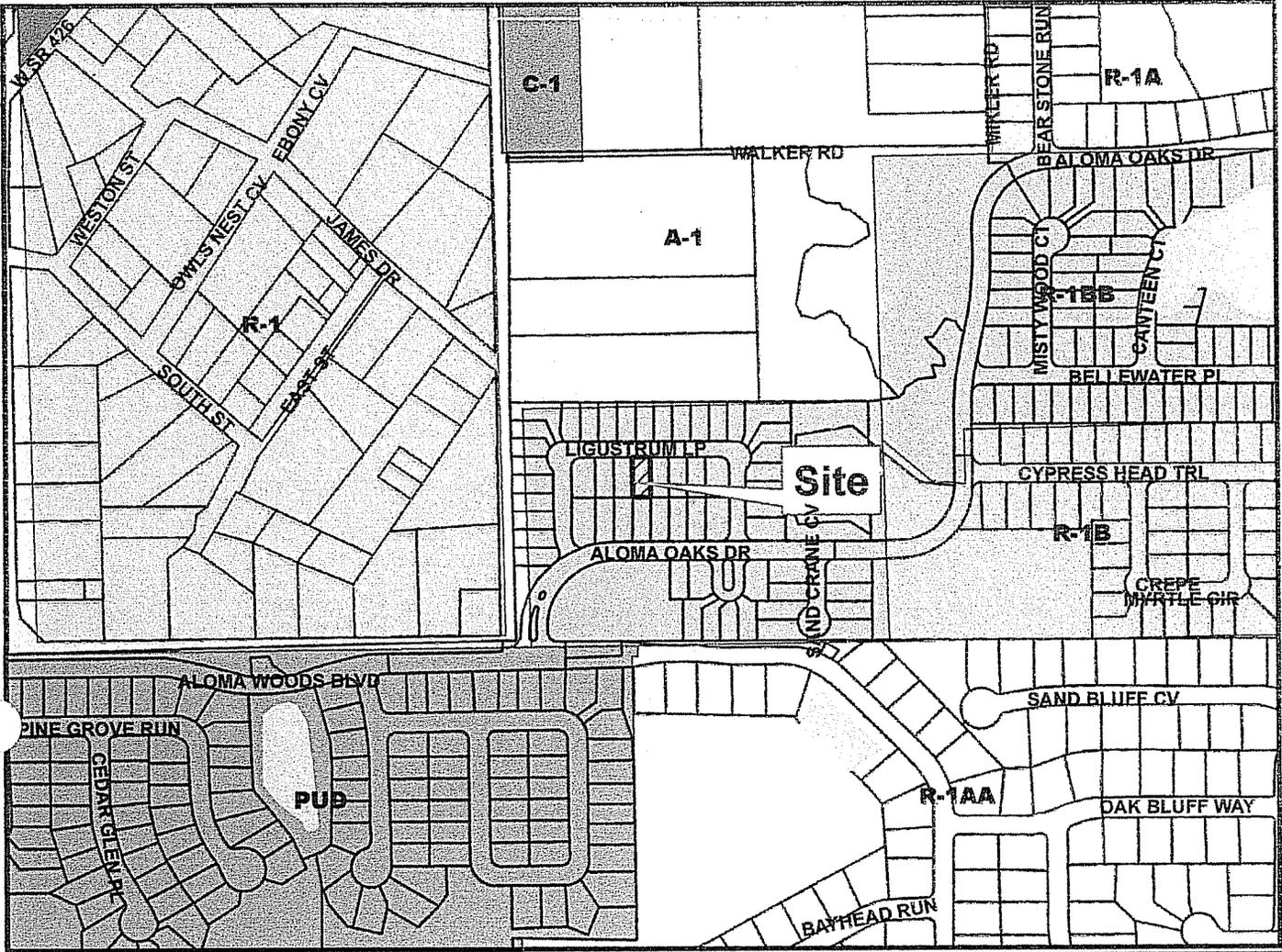
SURVEYING & MAPPING SERVICES
2001 Lakeside Dr. Suite #124-122, Casselberry, Florida 32725
Phone: 407-834-1268 Fax: 407-834-7333

LEADING EDGE TITLE
Leading You Home

RE/MAX

HOME BANC
MORTGAGE LENDING GROUP

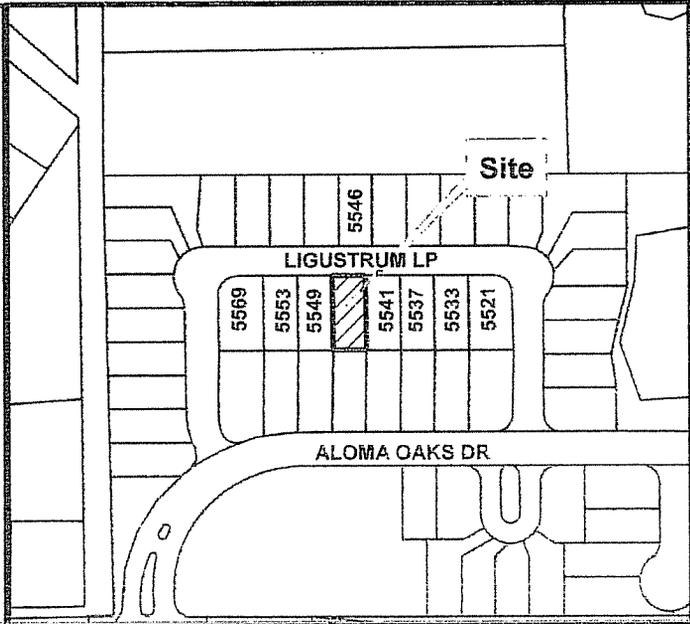
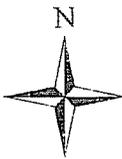
Angela & Jacob Berkbigler
 5545 Ligustrum Loop
 Oviedo, Florida 32765



Seminole County Board of Adjustment
 June 25, 2007
 Case: BV2007-42 (Map 3212, Grid B5)
 Parcel No: 29-21-31-5UW-0000-0490

Zoning

 BV2007-42	 R-1	 C-2
 A-1	 R-1B	 PUD
 R-1AA	 R-1BB	
 R-1A	 C-1	



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7508

<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 29-21-31-5UW-0000-0490</p> <p>Owner: BERKBIGLER JACOB C & ANGLEA M</p> <p>Mailing Address: 5545 LIGUSTRUM LP</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 5545 LIGUSTRUM LOOP OVIEDO 32765</p> <p>Subdivision Name: ALOMA WOODS PH 4</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2007)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$209,321</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$50,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$259,321</p> <p>Assessed Value (SOH): \$259,321</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$234,321</p> <p>Tax Estimator</p>
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<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/lmp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/2006</td> <td>06456</td> <td>1764</td> <td>\$295,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1998</td> <td>03495</td> <td>0805</td> <td>\$135,800</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1997</td> <td>03231</td> <td>1809</td> <td>\$440,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/lmp	Qualified	WARRANTY DEED	10/2006	06456	1764	\$295,000	Improved	Yes	WARRANTY DEED	08/1998	03495	0805	\$135,800	Improved	Yes	WARRANTY DEED	04/1997	03231	1809	\$440,000	Vacant	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$3,407</p> <p>2006 Tax Bill Amount: \$1,837</p> <p>Save Our Homes (SOH) Savings: \$1,570</p> <p>2006 Taxable Value: \$114,018</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/lmp	Qualified																							
WARRANTY DEED	10/2006	06456	1764	\$295,000	Improved	Yes																							
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<p style="text-align: center;">LAND</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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>50,000.00</td> <td>\$50,000</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	50,000.00	\$50,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 49 ALOMA WOODS PH 4 PB 52 PGS 7 & 8</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
LOT	0	0	1.000	50,000.00	\$50,000								

BUILDING INFORMATION

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1998	9	2,052	2,628	2,052	CB/STUCCO FINISH	\$209,321	\$217,476
			Appendage / Sqft	GARAGE FINISHED / 409					
			Appendage / Sqft	OPEN PORCH FINISHED / 32					
			Appendage / Sqft	SCREEN PORCH FINISHED / 135					

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

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 June 25, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 49
ALOMA WOODS PH 4 PB 52 PGS 7 & 8

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

FINDINGS OF FACT

Property Owner: Jacob & Angela Berkbigler
5545 Ligustrum Loop
Oviedo, FL 32765

Project Name: Ligustrum Loop (5545)

Requested Development Approval:

Request for a 1) rear yard setback variance from 10 feet to 5 feet and 2) a side yard (west) setback variance from 10 feet to 5 feet and 3) a side yard (east) setback variance from 10 feet to 4.9 feet for a proposed pool in R-1BB (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: Joy Willilams, 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 pool 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: _____
Dori L. DeBord
Planning & Development Director

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: