

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

**SUBJECT:** 2454 Castlewood Road – Joseph J. Battaglia, applicant; Request for 1) a rear yard setback variance from 10 feet to 7 feet and 2) a side yard (east) setback variance from 10 feet to 4 feet for a proposed shed in R-1A (Single Family Dwelling District).

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

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

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

**MOTION/RECOMMENDATION:**

1. **DENY** the request for 1) a rear yard setback variance from 10 feet to 7 feet and 2) a side yard (east) setback variance from 10 feet to 4 feet for a proposed shed in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for 1) a rear yard setback variance from 10 feet to 7 feet and 2) a side yard (east) setback variance from 10 feet to 4 feet for a proposed shed in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning: Subdivision:	Joseph Battaglia 2454 Castlewood Road R-1A English Woods
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to construct a shed that will encroach 3 feet into the required 10-foot rear yard setback and 3.5 feet into the required 7.5-foot side 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>	<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>• 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 requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</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>	<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"><li>• Any variance granted shall apply only to the shed 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>

**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

**COPY**

Application # BV2007-60  
Meeting Date JUN 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: JOSEPH J. BATTAGLIA  
Address: 2454 CASTLEWOOD ROAD City: MAITLAND Zip code: 32751  
Project Address: SAME AS ABOVE City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 321-297-8750 (cell)  
Email address: JBATTAGLIA@CFL-RR.COM

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>8'x10' wood (Professional installation)</u>
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe: <u>RECEIVED MAY 04 2007</u>
<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'</u>	Proposed setback:	<u>7'</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5'</u>	Proposed setback:	<u>4'</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>2</u>				

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: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Submitted: 5-4-07 Reviewed By: P. Johnson  
 Tax parcel number: 20-21-30-513-0000-0590 Zoning/FLU R-1A/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 <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>
	<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.

HERRICK & ASSOC., INC.

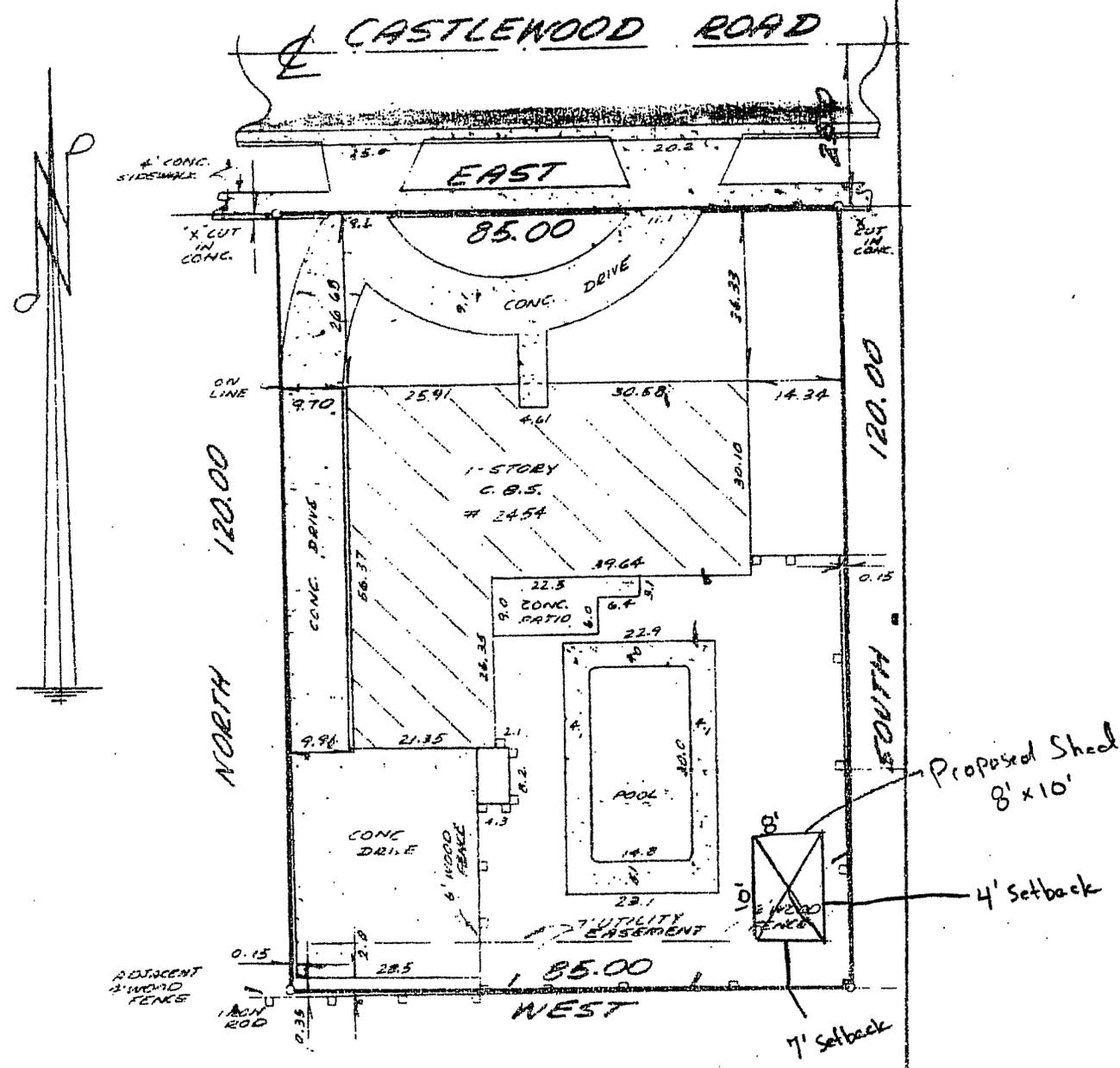
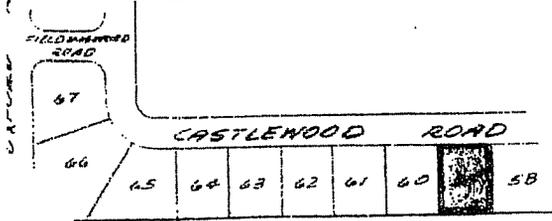
LAND SURVEYORS

513 W COLONIAL DR., SUITE #4  
ORLANDO, FLORIDA 32804  
PHONE 305/943 3922



I HEREBY CERTIFY that the Plan shown hereon represents a recent Survey made under my direction, and meets the minimum requirements adopted by the F.S.P.L.S. and the F.L.T.A., and is True and Correct to the best of my knowledge and belief.

*Barney A. Herrick*  
Barney A. Herrick, Reg. Land Surveyor No. 1093  
Dennis L. Deal, Reg. Land Surveyor No. 3421  
State of Florida

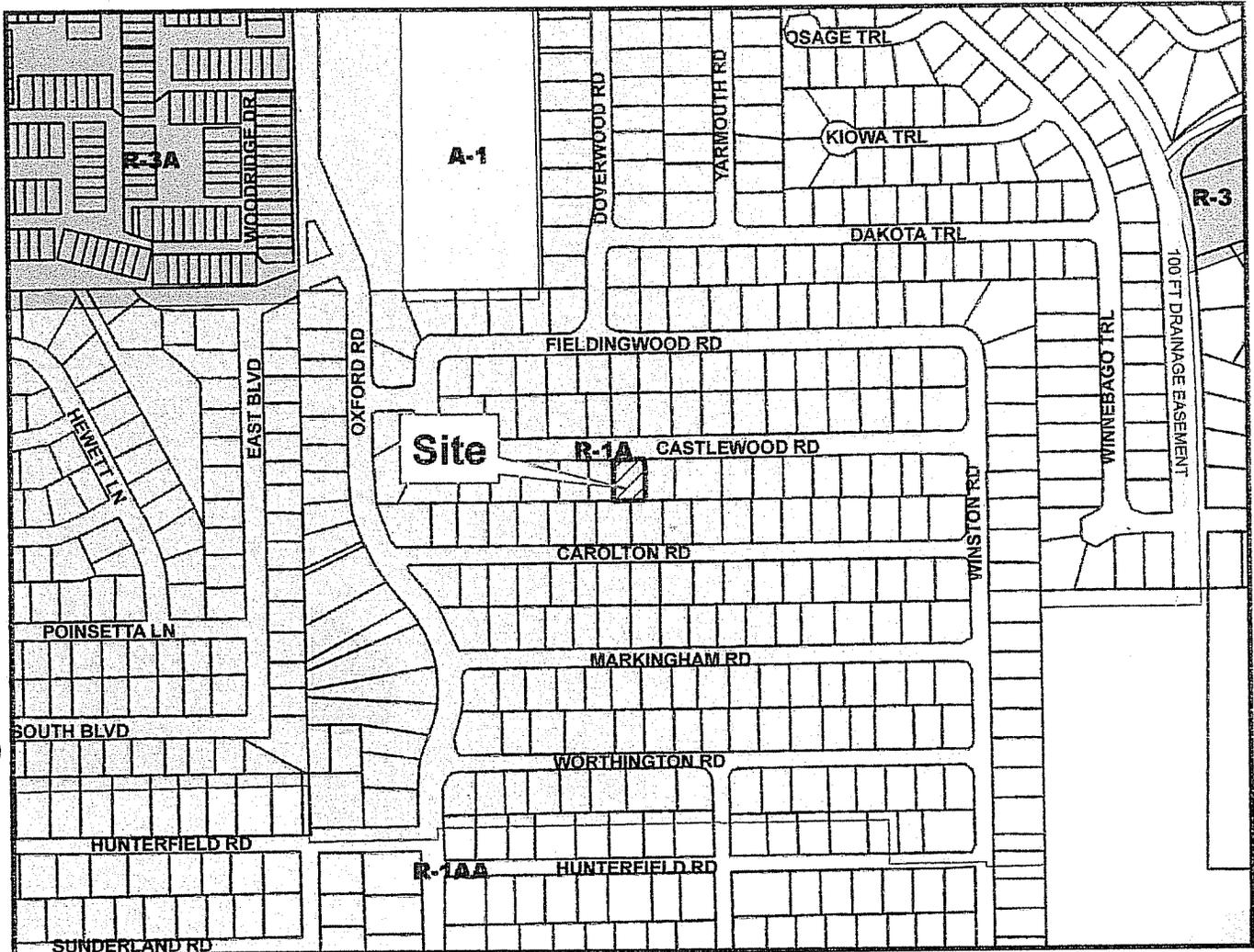


Lot 59, "ENGLISH WOODS"  
According to the plat thereof as recorded in Plat Book 15 at Page 93 of the Public records  
of Seminole County Florida

SCALE 1" = 20'	DATE April 25, 1979	F.B. sketch	ORDER # 5959-74-1
	REV.		
	REV.		
	REV.		

OR Gordon D. Garrow

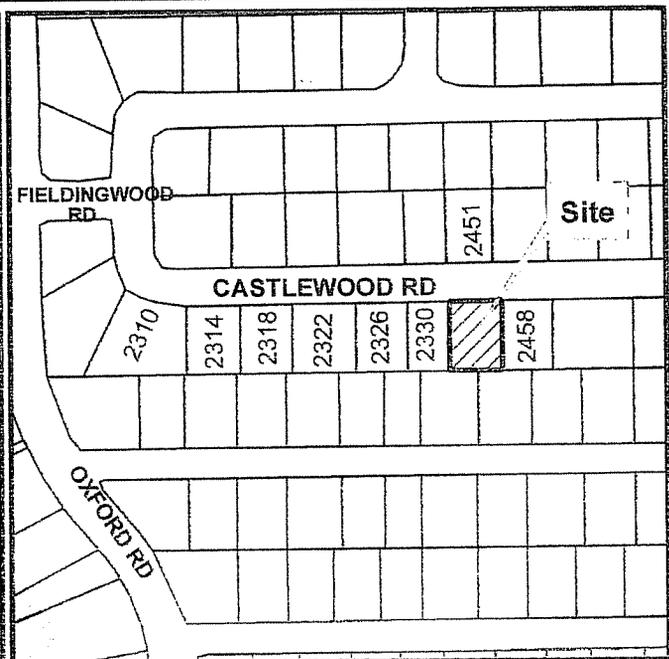
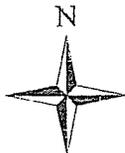
Joseph Battaglia  
 2454 Castlewood Road  
 Maitland, Florida 32730



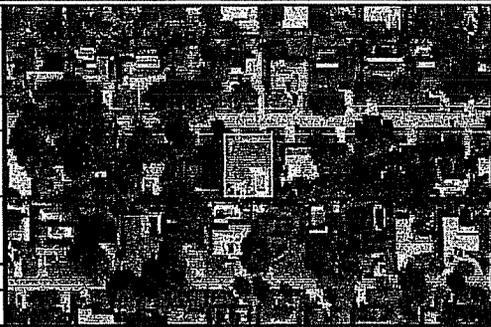
Seminole County Board of Adjustment  
 June 25, 2007  
 Case: BV2007-60 (Map 3209, Grid E2)  
 Parcel No: 20-21-30-518-0000-0590

**Zoning**

- |   |  |
|---|--|
|  BV2007-60 |  R-3A |
|  A-1       |  R-3  |
|  R-1AA     |  PUD  |
|  R-1A      |  |



<b>PARCEL DETAIL</b>												
<b>DAVID JOHNSON, CFA, ASA</b> <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508												
31.0	30	29	28	27								
34	35	36	37	38	39	40	41	42	43			
<b>CASTLEWOOD RD</b>												
64	63	62	61	60	59	58	57	56	55			
3	4	5	6.0	7	8	9	10	11	12	13		
<b>CAROLTON RD</b>												
3.0	4.0	5.A	5.0	6.0	7.0	8.0						



**GENERAL**

Parcel Id: 20-21-30-518-0000-0590  
 Owner: BATTAGLIA JOSEPH J  
 Mailing Address: 2454 CASTLEWOOD RD  
 City, State, Zip Code: MAITLAND FL 32751  
 Property Address: 2454 CASTLEWOOD RD MAITLAND 32730  
 Subdivision Name: ENGLISH WOODS  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1998)  
 Dor: 01-SINGLE FAMILY

**2007 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$185,418  
 Depreciated EXFT Value: \$4,490  
 Land Value (Market): \$40,000  
 Land Value Ag: \$0  
 Just/Market Value: \$229,908  
 Assessed Value (SOH): \$124,796  
 Exempt Value: \$25,000  
 Taxable Value: \$99,796  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	02/2002	04322	0490	\$25,000	Improved	No
FINAL JUDGEMENT	10/1999	03749	1665	\$100	Improved	No
QUIT CLAIM DEED	02/1997	03216	1373	\$100	Improved	No
WARRANTY DEED	04/1979	01221	0859	\$67,000	Improved	Yes
WARRANTY DEED	05/1977	01193	0570	\$100	Improved	No

Find Comparable Sales within this Subdivision

**2006 VALUE SUMMARY**

Tax Amount (without SOH): \$3,108  
 2006 Tax Bill Amount: \$1,559  
 Save Our Homes (SOH) Savings: \$1,549  
 2006 Taxable Value: \$96,752  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	\$40,000

**LEGAL DESCRIPTION**

PLATS:

LEG LOT 59 ENGLISH WOODS PB 15 PG 93

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1973	6	1,786	2,336	1,786	CONC BLOCK	\$185,418	\$219,429
			Appendage / Sqft	OPEN PORCH FINISHED / 16					
			Appendage / Sqft	GARAGE FINISHED / 534					

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

**Permits**

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1975	450	\$3,600	\$9,000
COOL DECK PATIO	1975	150	\$210	\$525
ALUM SCREEN PORCH W/CONC FL	1979	200	\$680	\$1,700

**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:

LEG LOT 59 ENGLISH WOODS PB 15 PG 93

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

### FINDINGS OF FACT

**Property Owner:** Joseph J. Battaglia  
2454 Castlewood Road  
Maitland FL 32751

**Project Name:** Castlewood Road (2454)

**Requested Development Approval:**

Request for 1) a rear yard setback variance from 10 feet to 7 feet and 2) a side yard (east) setback variance from 10 feet to 4 feet for a proposed shed 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 shed 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: