

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 910 River Edge Court – Lucindo & Martha Fidalgo, applicant; Request for a side street setback variance from 50 feet to 28.1 feet for a proposed garage addition in A-1 (Agricultural District).

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

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

Agenda Date 7/23/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a side street setback variance from 50 feet to 28.1 feet for a proposed garage addition in A-1 (Agricultural District); or
2. **APPROVE** the request for a side street setback variance from 50 feet to 28.1 feet for a proposed garage addition in A-1 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Lucindo & Martha Fidalgo 910 River Edge Drive A-1 (Agricultural District) N/A
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 40 foot – 6 inch by 24 foot garage that will encroach 21.9 feet into the required 50-foot side street setback. • The Building Permit for this addition is under review. (BP 07-4989) • 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 garage 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 2007-62
Meeting Date 7-23-07



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: Lucindo + Martha Fidalgo
Address: 910 River Edge Ct City: Longwood Zip code: 32779
Project Address: Same City: _____ Zip code: _____
Contact number(s): 407-415-1320
Email address: FidalgoL@yahoo

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"/> 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>Garage</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.	

RECEIVED MAY 15 2007

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 type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>50 ft.</u>	Proposed setback:	<u>28.1 ft.</u>
<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>				

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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 5-15-07 Reviewed By: P. Johnson
 Tax parcel number: 34-20-29-301-001B-0000 Zoning/FLU A-1/6E

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

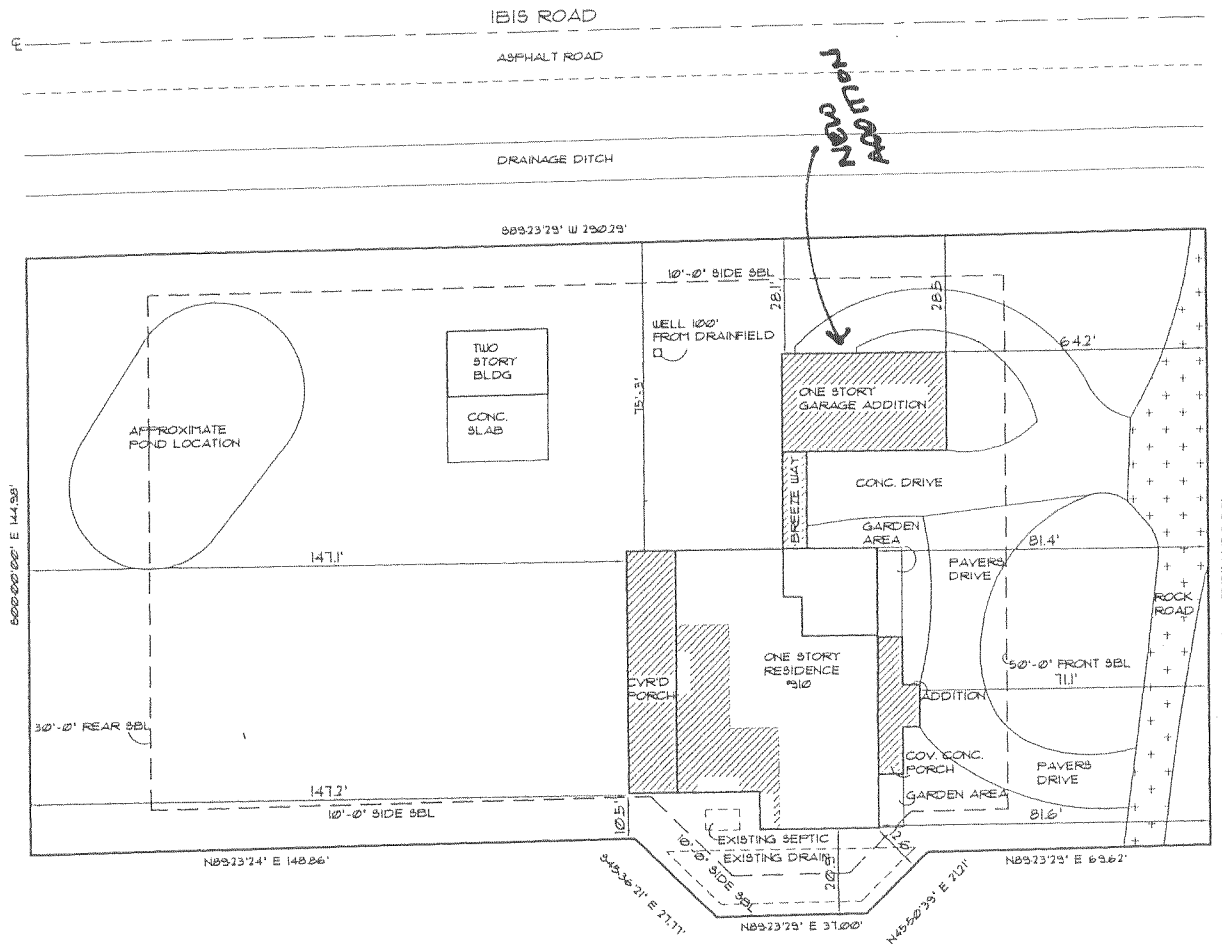
Notes: _____

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.

• THE FIDALGO RESIDENCE
910 RIVER EDGE COURT
LONGWOOD, FLORIDA 32779

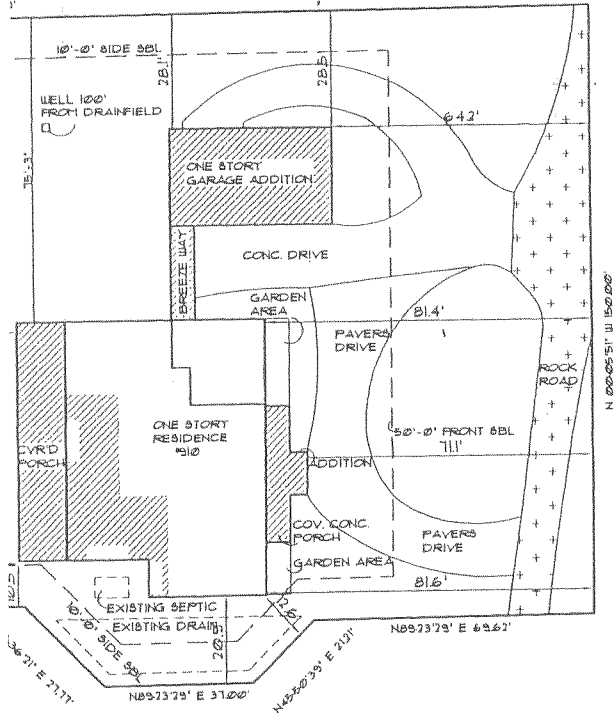


SITE PLAN

SCALE: 1" = 40' 0"

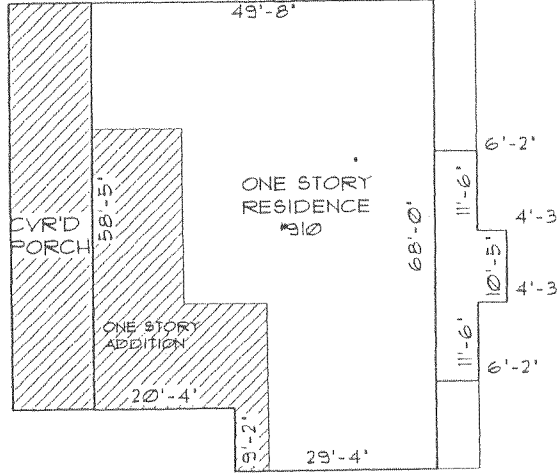
THE FIDALGO RESIDENCE

91C RIVER EDGE COURT
LONGWOOD, FLORIDA 32779



SITE PLAN
SCALE: 1" = 40'-0"

RIVER EDGE COURT



ENLARGED STRUCTURE
SCALE: 1" = 30'-0"

LEGAL DESCRIPTION:

A PART OF THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 25 EAST, SEMINOLE COUNTY, FLORIDA.

NOTE:

THIS IS NOT A SURVEY.
THE ORLANDO DESIGN GROUP, INC. OR RICHARDSON ENGINEERING ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.
THE OWNER AND CONTRACTOR ARE TOTALLY RESPONSIBLE FOR PLACING THE BUILDING ON THE PROPERTY.
POOL DESIGN AND LOCATION, IF SHOWN, ARE ONLY SUGGESTED.
LANDSCAPING DESIGN BY OTHERS.
THE ORLANDO DESIGN GROUP, INC. OR RICHARDSON ENGINEERING ASSUMES NO RESPONSIBILITY FOR SEPTIC DESIGN AND LOCATION, IF SHOWN ON PLAN, IS PER BUILDER OR OWNER REQUIREMENTS. SEPTIC SYSTEMS ARE TO BE DESIGNED AND LOCATED PER DEPARTMENT OF HEALTH REQUIREMENTS OR AS PER GOVERNING CODES.

RICHARDSON ENGINEERING
REGISTERED PROFESSIONAL ENGINEER
FLORIDA LICENSE NO. 12781

THIS STRUCTURE WAS EXAMINED IN ACCORDANCE WITH AND PERITS THE REQUIREMENTS OF CHAPTER 6 OF THE FLORIDA RESIDENTIAL BUILDING CODE WHICH IS PART 622, F.P.C. 622.05.

Richardson
3/11/07



Job No. 05-103
Date 02-27-07
State NOTED
Drawn By JLN
Review
WORKING ON:
A I
B D.

PLOT PLAN
THE FIDALGO RESIDENCE

The Orlando Design Group Inc.
3580 South Hwy. 17-92
Suite 200
Casselberry, FL 32707
(407) 831-3113 Fax (407) 831-3399
www.OrlandoDesignGroup.com



PLOT
11

Martha & Lucindo Fidalgo
910 River Edge Court
Longwood, Florida 32779



Seminole County Board of Adjustment
July 23, 2007
Case: BV2007-62 (Map 3102, Grid C7)
Parcel No: 34-20-29-301-001B-0000

- Zoning
- BV2007-62
 - A-1
 - PUD



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																																											
GENERAL Parcel Id: 34-20-29-301-001B-0000 Owner: FIDALGO LUCINDO & MARTHA Mailing Address: 910 RIVER EDGE CT City,State,ZipCode: LONGWOOD FL 32779 Property Address: 910 RIVER EDGE CT LONGWOOD 32779 Subdivision Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2004) Dor: 01-SINGLE FAMILY		2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$232,496 Depreciated EXFT Value: \$1,951 Land Value (Market): \$95,000 Land Value Ag: \$0 Just/Market Value: \$329,447 Assessed Value (SOH): \$221,728 Exempt Value: \$25,000 Taxable Value: \$196,728 Tax Estimator																																																									
SALES <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>08/2003</td> <td>04990</td> <td>0505</td> <td>\$230,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1999</td> <td>03751</td> <td>1913</td> <td>\$169,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>05/1999</td> <td>03653</td> <td>2050</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1991</td> <td>02335</td> <td>1540</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1991</td> <td>02327</td> <td>1921</td> <td>\$152,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1983</td> <td>01510</td> <td>0805</td> <td>\$135,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1979</td> <td>01231</td> <td>0659</td> <td>\$20,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/2003	04990	0505	\$230,000	Improved	Yes	WARRANTY DEED	10/1999	03751	1913	\$169,000	Improved	Yes	FINAL JUDGEMENT	05/1999	03653	2050	\$100	Improved	No	WARRANTY DEED	09/1991	02335	1540	\$100	Improved	No	WARRANTY DEED	08/1991	02327	1921	\$152,000	Improved	No	WARRANTY DEED	12/1983	01510	0805	\$135,000	Improved	No	WARRANTY DEED	06/1979	01231	0659	\$20,000	Vacant	No	2006 VALUE SUMMARY Tax Amount(without SOH): \$3,656 2006 Tax Bill Amount: \$3,083 Save Our Homes (SOH) Savings: \$573 2006 Taxable Value: \$191,320 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	
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Lucindo & Martha Fidalgo
910 River Edge Ct
Longwood, FL 32779

Re: Variance 07-30000062/ BV 2007-62

Dear Board of Adjustments,

In reference to the Fidalgos addition and renovation we welcome the project and hope you would issue an approval, we are aware the setback calls for 50ft and it's only approx. 28.1
The home was an eye-sore until purchased by the Fidalgos.

Sincerely,

* 

1039 LOK RD

* 

935 River Edge CT

* 

964 RIVER EDGE CT

* 

907 RIVER EDGE CT

190 Ibis Rd

182 Ibis Rd

* Patricia D. Vanyoung

226 Ibis Rd.

* Theresa S. Kerstead

222 Ibis Rd.

* Sybil Douglas

230 Ibis Rd

Alyson Pratt

242 Ibis Rd

* Anita M. Gray

1021 Deer Rd.



Guy NICOLAS 950 River edge ct

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 34 TWP 20S RGE 29E BEG 615.89 FT W & 40 FT S OF NE COR RUN S 144.98 FT E 144.86 FT S 45 DEG 36 MIN 21 SEC E 27.77 FT E 37 FT N 45 DEG 50 MIN 38 SEC E 21.21 FT E 69.62 FT N 150 FT W 290.28 FT TO BEG

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

FINDINGS OF FACT

Property Owner: Lucindo & Martha Fidalgo
910 River Edge Ct.
Longwood FL 32779

Project Name: River Edge Ct. (910)

Requested Development Approval:

Request for a side street setback variance from 50 feet to 28.1 feet for a proposed garage addition in A-1 (Agricultural 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 garage 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: