

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

SUBJECT: 300 Radisson Place – Roxanna Garcia, applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed two story room addition in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 9/24/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed two story room addition in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed two story room addition in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Roxanna Garcia, applicant Location: 300 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 two story addition, 640 square foot on the first floor, which will encroach 10 feet into the required 30-foot rear yard setback. • This item was heard by the BOA on 8/27/07. The applicant has reapplied and has submitted new information to address the concerns of the adjacent property owner. The south facing second floor windows are proposed to be either opaque or transom type windows. • There are currently no code enforcement or building violations for this property.

	<ul style="list-style-type: none">• 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. <i>An addition could be designed that would not require a setback variance.</i>• 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. <i>Bentley Cove was platted in 2002. The lots were designed for a product that was consistent with setbacks and open space established by the R1AA zoning. The house was constructed in 2004.</i>
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 addition as depicted on the attached site plan; and• The south facing second floor windows shall be either opaque or transom type windows.• 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 # BV2007-119
Meeting Date 9-24-07



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: Roxanna Garcia
Address: 300 Radisson Place City: Oviedo Zip code: 32765
Project Address: 300 Radisson Place City: Oviedo Zip code: 32765
Contact number(s): 407-970-5502
Email address: suntecbldrs@msn.com

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 type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: Extending the Family room and placing a second story above
<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:	30 ft	Proposed setback:	20 ft
<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 1

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: Roxanna Garcia

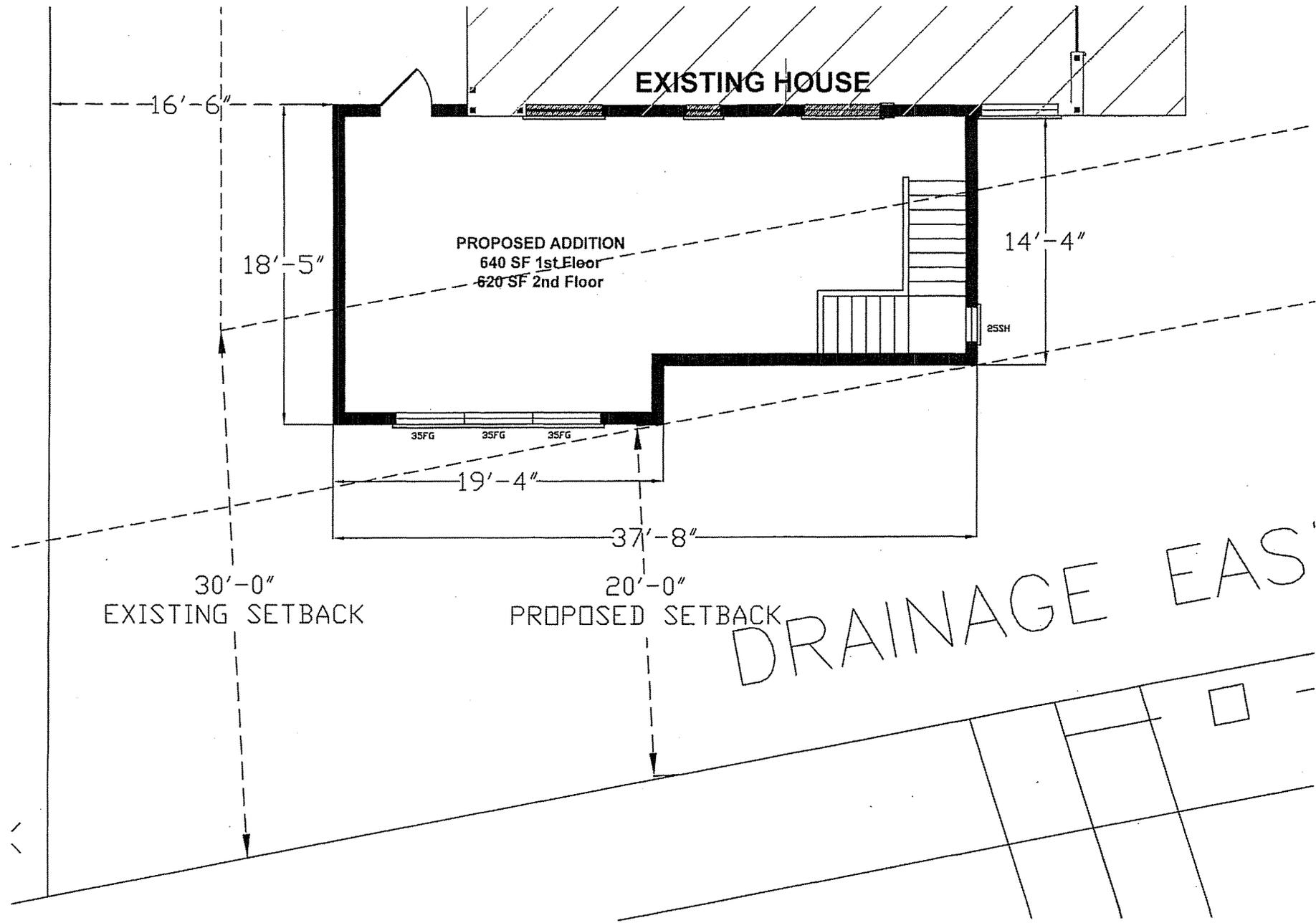
FOR OFFICE USE ONLY

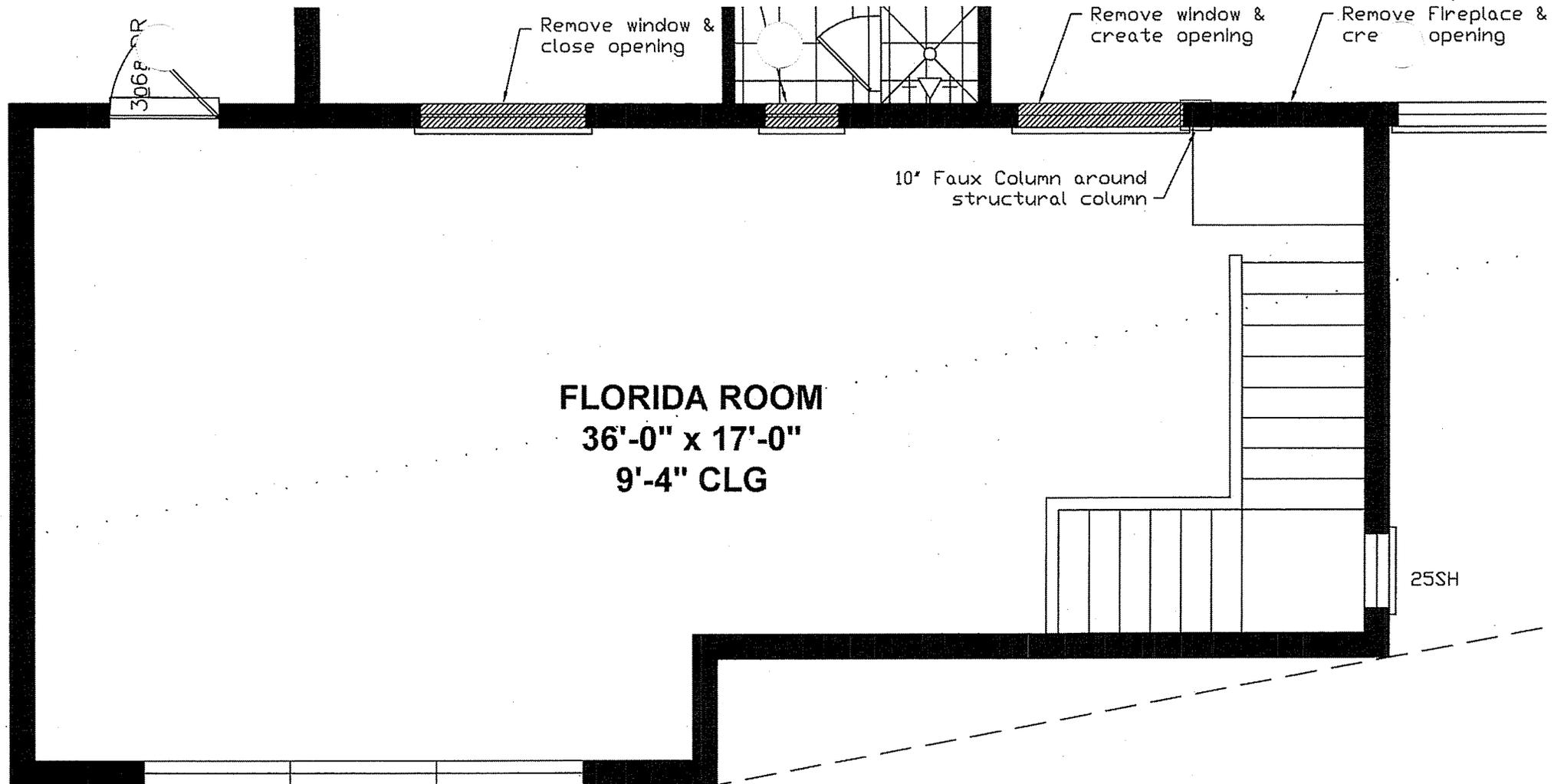
Date Submitted: 9-4-07 Reviewed By: DHG
Tax parcel number: 27-21-31-519-0000-0150 Zoning/FLU R-1AA / LOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<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 <p>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.</p> <ul style="list-style-type: none"> <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 (Label existing, label proposed, and include square footage and dimensions of each) <input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each) <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 (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

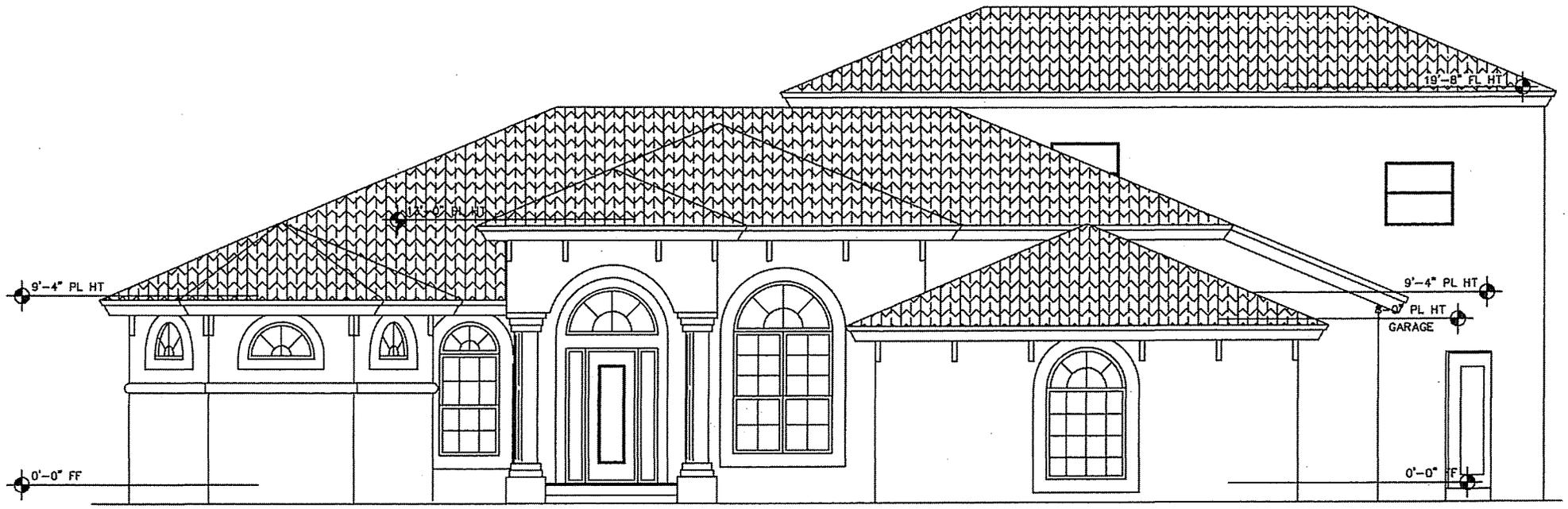




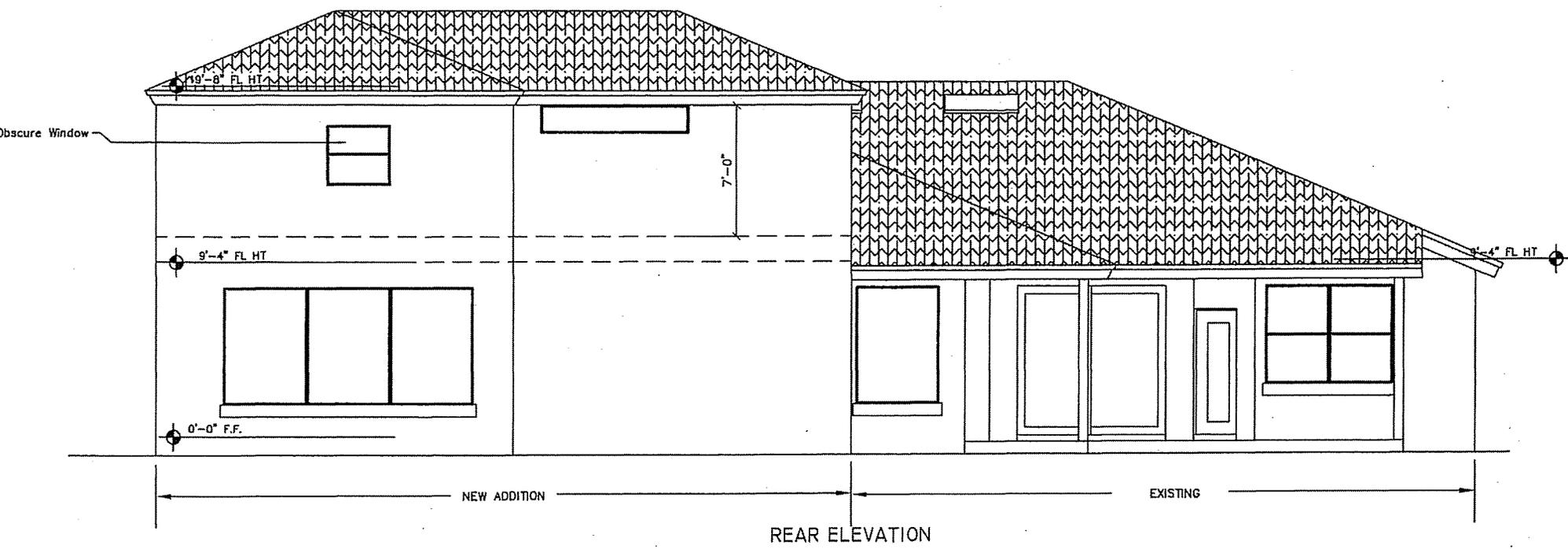
FLORIDA ROOM
36'-0" x 17'-0"
9'-4" CLG

EXISTING FOOTPRINT:	3717 SF
ADDITIONAL FOOTPRINT:	640 SF
TOTAL FOOTPRINT:	4375 SF
LOT SIZE:	14536 SF
R1-AA ZONING	

MANAGEMENT E

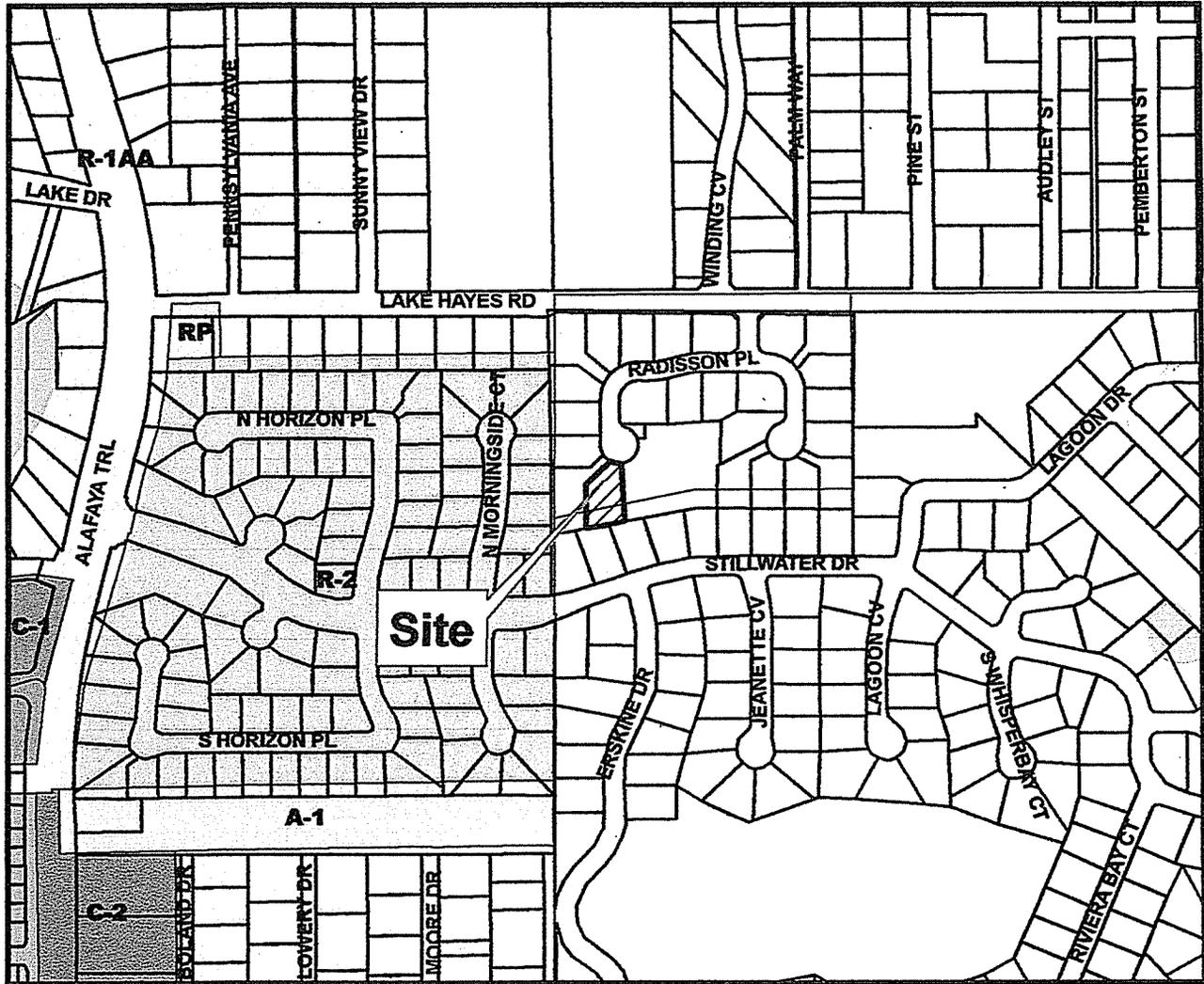


FRONT ELEVATION



REAR ELEVATION

Roxanna Garcia
 300 Radisson Place
 Oviedo, Florida 32765

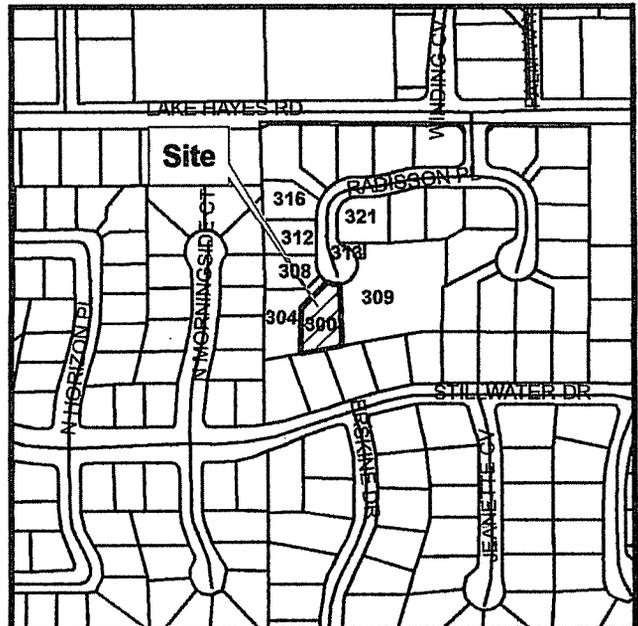


Seminole County Board of Adjustment
 September 24, 2007
 Case: BV2007-119 (Map 3213, Grid A4)
 Parcel No: 27-21-31-519-0000-0150

Zoning

	BV2007-119		R-2		C-2
	A-1		RP I		PUD
	R-1AA		C-1		PCD

N



<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 407-866-7506</p>																																																																	
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 27-21-31-519-0000-0150</p> <p>Owner: GARCIA ROXANNA C</p> <p>Mailing Address: 300 RADISON PL</p> <p>City, State, Zip Code: OVIEDO FL 32765</p> <p>Property Address: 300 RADISSON PL OVIEDO 32765</p> <p>Subdivision Name: BENTLEY COVE</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 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: \$371,048</p> <p>Depreciated EXFT Value: \$15,742</p> <p>Land Value (Market): \$62,900</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$449,690</p> <p>Assessed Value (SOH): \$449,690</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$449,690</p> <p style="text-align: center;"><u>Tax Estimator</u></p> <p style="text-align: center;"><u>Tax Reform Analysis</u></p> <p style="text-align: center;"><u>2007 Notice of Proposed Property Tax</u></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>QUIT CLAIM DEED</td> <td>05/2007</td> <td>06752</td> <td>0033</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/2004</td> <td>05345</td> <td>1444</td> <td>\$95,000</td> <td>Vacant</td> <td>Yes</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;"><u>Find Comparable Sales within this Subdivision</u></p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	05/2007	06752	0033	\$100	Improved	No	WARRANTY DEED	06/2004	05345	1444	\$95,000	Vacant	Yes	CORRECTIVE DEED	09/2002	04559	1017	\$100	Vacant	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$5,731</p> <p>2006 Taxable Value: \$355,629</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																				
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BENTLEY COVE HOMEOWNERS ASSOCIATION

357 Radisson Place

Oviedo, FL 32765

Dr. Roxanna Garcia
300 Radisson Place
Oviedo, Florida 32765

July 2, 2007

Ref: Approval of ARB request

Dear Dr. Garcia,

We reviewed your request to the Bentley Cove HOA Architect Review Board, concerning the proposed addition to your home. We understand that this will be constructed at the rear of your home and will be physically connected to your home. The primary access to this addition will be from the inside of your existing home and that the finishing will match that of your existing home. We also understand that this addition will consist of tile roof matching the existing tile roof.

You are in understanding that you will be held liable for any damage(s) done to any done by your contractor, and your contractor's subcontractors, to any property (owned either by another homeowner or by the homeowner's association). You are in understanding that work will be done only during the times that is outlined in the County's ordinance. You are also in the understanding that you will be responsible for any financial penalties that are incurred from the Homeowner's Association on any of said contractors of your property.

Under these conditions, the Bentley Cove Homeowner's Association sees this Architectural request to be in accordance to the Deeds and Covenants and the Board **approves** the proposed addition to your house, 300 Radisson Place Oviedo 32765.

This approval is not a substitute for any required permits and/or any other necessary approvals from the governing official(s). It is your responsibility to obtain all required engineering and permits.

Sincerely,



Rich Ubaldini

President

Bentley Cove HOA



Dave Sazama

Vice President

Bentley Cove HOA

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 15 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: ROXANNA C GARCIA
300 RADISSON PL
OVIEDO FL 32765

Project Name: Radisson Place (300)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20 feet for a proposed two story room addition 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 addition as depicted on the attached site plan.
 2. The south facing second floor windows shall be either opaque or transom type windows.
- (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: