

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 440 Ridge Drive – Elizabeth DiBartolo, applicant; Request for a side yard (west) setback variance from 10 feet to 5 feet for a proposed covered patio in R-1A (Single Family Dwelling District).

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

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

Agenda Date 10/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	Applicant: Elizabeth DiBartolo Location: 440 Ridge Drive Zoning: R-1A (Single Family Dwelling District) Subdivision: Fairlane Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 12 foot by 48 foot covered patio across the back of the existing home. This addition would encroach 5 feet into the required 10-foot side yard setback. • In 1997 a 5 foot side yard setback variance was granted for the garage. • 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, 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 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

- 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 # BV2007-121
Meeting Date = 10-22-07



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED AUG 30 2007

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Elizabeth J. DiBartolo
Address: 440 Ridge Drive City: Sanford Zip code: 32773
Project Address: Same City: _____ Zip code: _____
Contact number(s): 407-328-1845
Email address: none

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"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other <u>Patio Roof</u>	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED AUG 30 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 checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10 ft.</u>	Proposed setback:	<u>5 ft.</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>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: Elizabeth J. DiBartolo

FOR OFFICE USE ONLY

Date Submitted: 8-30-07 Reviewed By: P. Johnson
 Tax parcel number: 14-20-30-502-0800-0000 Zoning/FLU R-1A-LDR
 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

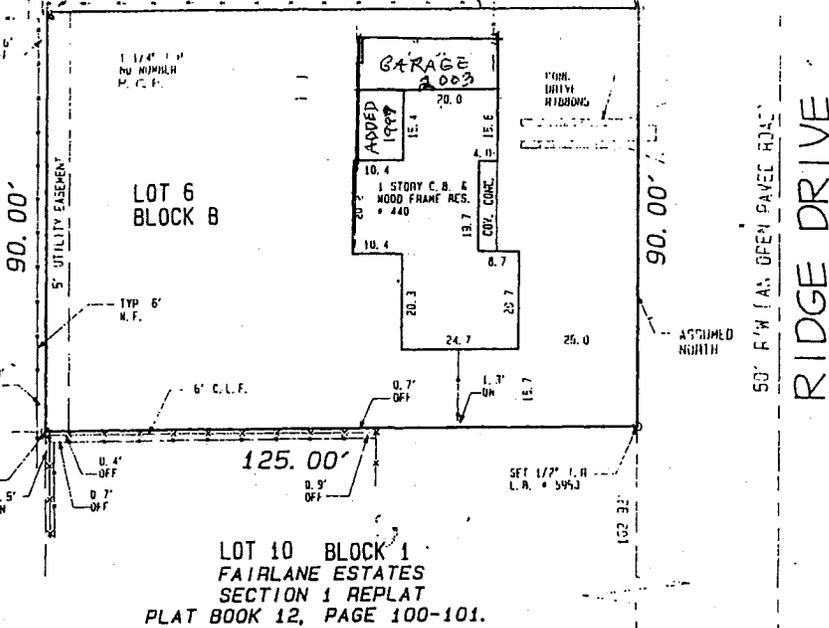
Please return this checklist with your application!

<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 <u>or</u> 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.

LOT 5
BLOCK B

125.00'

FAIRLANE ESTATES
SECTION 1 REPLAT
PLAT BOOK 12, PAGE 100-101.



LOT 10 BLOCK 1
FAIRLANE ESTATES
SECTION 1 REPLAT
PLAT BOOK 12, PAGE 100-101.

50' R/W (AS OPEN PAVED ROAD)
RIDGE DRIVE

Curve	Radius	Delta	Length	Tangent	Chord/Brg
C1	25.00'	90°00'00"	39.27'	25.00'	35.36' N45-00-00.0E

NOTE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THE PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NORTH R/W OF LAKE VIEW AVE.

LEGEND:	
R - RADIUS	M/F - WOOD FRAME
A - LENGTH OF ARC	Δ - DELTA ANGLE
J.R. - IRON ROD	P.C. - POINT OF CURVE
J.P. - IRON PIPE	P.C.P. - PERMANENT CONTROL POINT
CON. - CORNER	C.M. - CONCRETE MONUMENT
COV. - COVERED	L.I.F. - CHAIN LINK FENCE
CONC. - CONCRETE	K.F. - WOOD FENCE
C.B. - CONCRETE BLOCK	FLA. - FLORIDA
P.H.M. - PERMANENT REFERENCE MONUMENT	
RES. - RESIDENCE	R/W - RIGHT-OF-WAY
AVL. - AVENUE	MED. - MAIL AND DISK
ST. - STREET	M.F.S. - MEASURE
LK. - LAKE	TYP. - TYPICAL
CT. - COURT	DRAIN - DRAINAGE
RD. - ROAD	C. - CENTERLINE
° - DEGREES	' - MINUTES IN A BEARING
	" - SECONDS IN A BEARING
	OR FEET IN A DISTANCE
	N. - NORTH
	S. - SOUTH
	E. - EAST
	W. - WEST
	OR ANY COMBINATION THEREOF SUCH AS SE. NW.

PLAT OF SURVEY FOR: ELIZABETH DIBARTOLO

LEGAL DESCRIPTION: LOT 6, BLOCK B, FAIRLANE ESTATES, AS RECORDED IN PLAT BOOK 10, PAGE 19, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

SCALE 1 INCH = 30 FEET

ALSO CERTIFIED TO: THE CLOSING TABLE, INC. AMERICAN PIONEER TITLE INSURANCE COMPANY ELIZABETH DIBARTOLO INLAND MORTGAGE

DATE: 10/20/95 JOB #: 48295

THIS IS TO CERTIFY THAT I HAVE REVIEWED THE FLOOD INSURANCE RATING MAP PANEL NUMBER 12117C 0045 E, DATED 4/17/1995 AND DETERMINED THAT THIS PROPERTY LIES IN FLOOD ZONE "X"

AA ENGINEERING AND SURVEYING, INC.
407 LAKE HOWELL RD., SUITE 104
MAITLAND, FLORIDA 32751
(407) 677-1411
FAX 677-1406

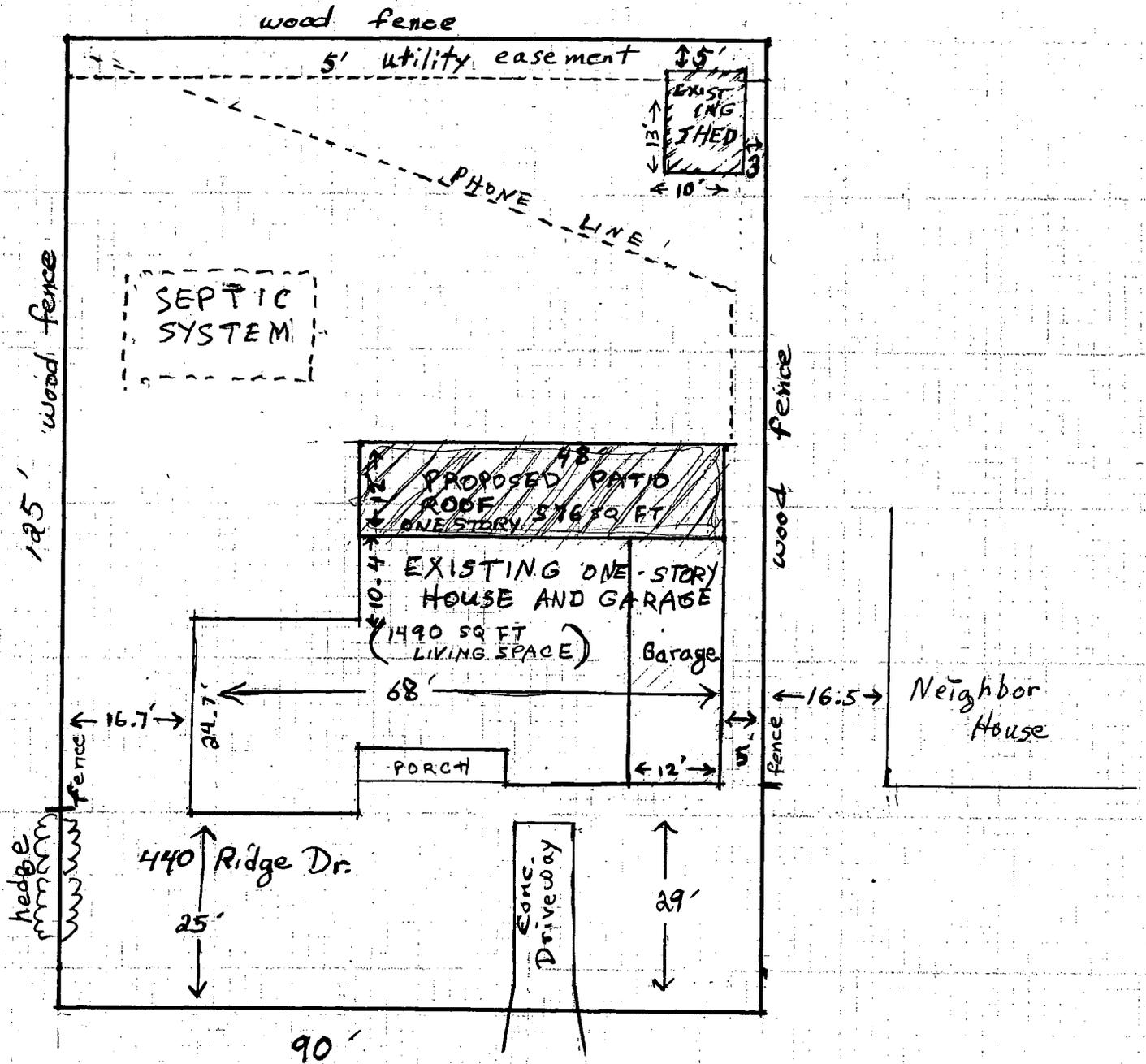
TYPE OF SURVEY: BOUNDARY & IMPROVEMENTS
LEGAL DESCRIPTION PROVIDED BY CLIENT
BEARINGS ARE ASSUMED NORTH ALONG THE WEST R/W OF RIDGE DR.
UNDERGROUND IMPROVEMENTS: NOT LOCATED

CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.
N. Campbell
NEVIL A. CAMPBELL, P.L.S. 3355
NOT VALID UNLESS SIGNED AND SEALED

YOUR NAME: Elizabeth J. DiBartolo

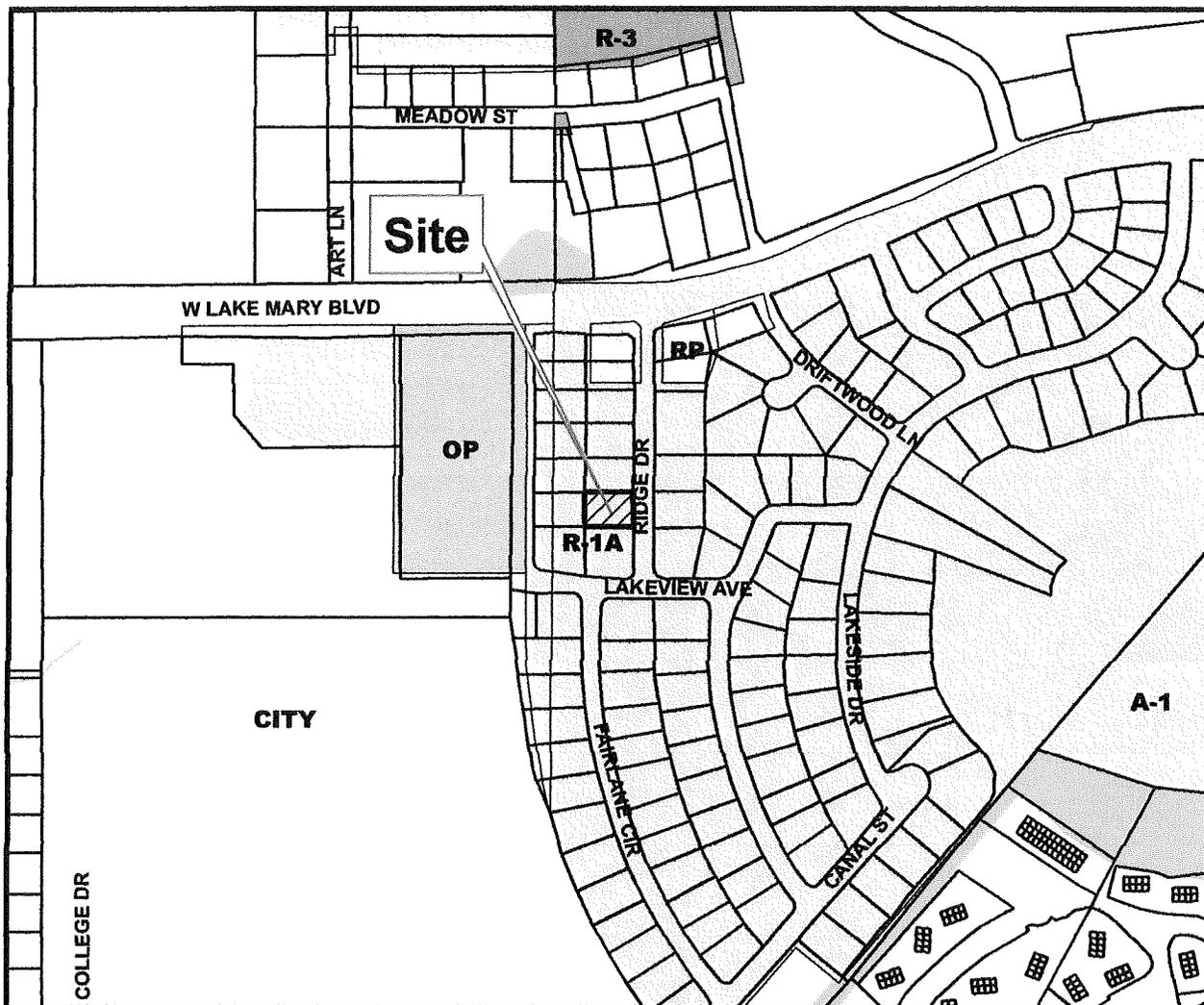
SCALE: 1" = 10' 1" = 20' 1" = 30'

HOUSE IS ON SEPTIC SYSTEM, CITY WATER



Ridge Drive

Elizabeth Dibartolo
 440 Ridge Drive
 Sanford, Florida 32773

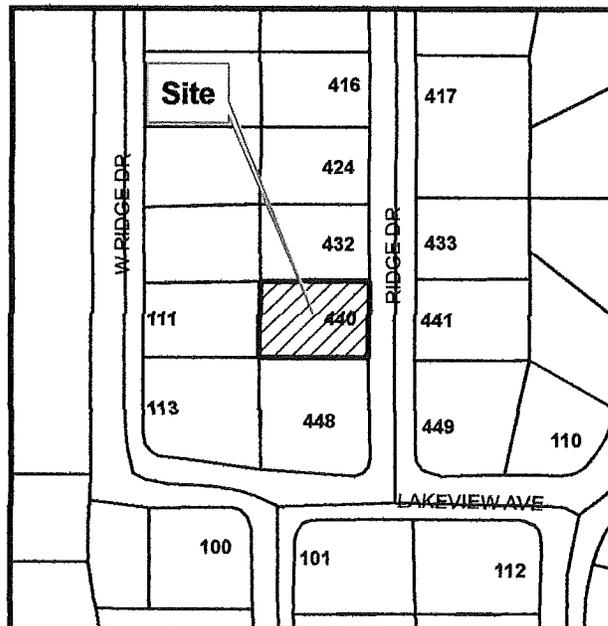


Seminole County Board of Adjustment
 October 22, 2007
 Case: BV2007-121 (Map 3104, Grid E1)
 Parcel No: 14-20-30-502-0B00-0060

Zoning

 BV2007-121	 R-3
 A-1	 RP I
 R-1A	 OP

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 407-665-7508</p>																																																										
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 14-20-30-502-0B00-0060</p> <p>Owner: DIBARTOLO ELIZABETH J</p> <p>Mailing Address: 440 RIDGE DR</p> <p>City,State,ZipCode: SANFORD FL 32773</p> <p>Property Address: 440 RIDGE DR SANFORD 32773</p> <p>Subdivision Name: FAIRLANE ESTATES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1996)</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: \$90,438</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$23,436</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$113,874</p> <p>Assessed Value (SOH): \$54,621</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$29,621</p> <p>Tax Estimator</p> <p>Tax Reform Analysis</p> <p>2007 Notice of Proposed Property Tax</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>SPECIAL WARRANTY DEED</td> <td>10/1995</td> <td>02991</td> <td>0497</td> <td>\$65,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>07/1995</td> <td>02947</td> <td>1952</td> <td>\$29,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>03/1995</td> <td>02887</td> <td>2006</td> <td>\$6,500</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>11/1990</td> <td>02243</td> <td>1224</td> <td>\$33,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>10/1990</td> <td>02233</td> <td>1338</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1989</td> <td>02032</td> <td>1922</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>05/1979</td> <td>01225</td> <td>1512</td> <td>\$100</td> <td>Improved</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	SPECIAL WARRANTY DEED	10/1995	02991	0497	\$65,000	Improved	No	SPECIAL WARRANTY DEED	07/1995	02947	1952	\$29,000	Improved	No	CERTIFICATE OF TITLE	03/1995	02887	2006	\$6,500	Improved	No	QUIT CLAIM DEED	11/1990	02243	1224	\$33,000	Improved	No	QUIT CLAIM DEED	10/1990	02233	1338	\$100	Improved	No	QUIT CLAIM DEED	01/1989	02032	1922	\$100	Improved	No	QUIT CLAIM DEED	05/1979	01225	1512	\$100	Improved	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$1,441</p> <p>2006 Tax Bill Amount: \$456</p> <p>Save Our Homes (SOH) Savings: \$985</p> <p>2006 Taxable Value: \$28,289</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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1	SINGLE FAMILY	1957	6	1,055	2,003	1,451	CONC BLOCK	\$90,438	\$129,197																																																	
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	Appendage / Sqft		UTILITY UNFINISHED / 100																																																							
	Appendage / Sqft		ENCLOSED PORCH FINISHED / 220																																																							
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finshed																																																										
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.																																																										

Seminole County Government

Current Planning Division 1101 East First Street Sanford FL 32771 Telephone (407) 321-1130 Ext 7433/7444 FAX 328-3239

*Copy of Variance Approval
from 1997 when garage slab
was added to house.*

June 24, 1997

Elizabeth J. DiBartolo
440 Ridge Drive
Sanford, Florida 32773

RE: File #BA97-6-71V

Dear Ms. DiBartolo:

At their meeting of June 23, 1997, the Seminole County Board of Adjustment approved your request for a side yard setback variance from 10 ft. to 5 ft. for a carport and utility room, side yard setback variance from 10 ft. to 3 ft. and a rear yard setback variance from 10 ft. to 5 ft. for a shed on the following described property:

Lot 6, Block B, Fairlane Estates, PB 10,
Pg 19, Section 14-20-30; W side of Ridge
Drive, 450 ft. S of Lake Mary Boulevard
and 3/5 mile W of Highway 17-92. (DIST 2)

Please be advised, there is a 15 day appeal period in which this decision can be appealed to the Board of County Commissioners. Therefore, the Development Order granted by the Board of Adjustment is not final until the appeal period has lapsed and no appeals have been filed. This means that a building permit incorporating the variance cannot be issued prior to July 9, 1997.

Sincerely,

Ginny Markley
Ginny Markley,
Zoning Coordinator

GM/tb

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 6 BLK B FAIRLANE ESTATES PB 10 PG 19

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

FINDINGS OF FACT

Property Owner: Elizabeth DiBartolo
440 Ridge Drive
Sanford FL 32773
(City, FL Zipcode)

Project Name: Street Name (Number)

Requested Development Approval:

Request for a side yard (west) setback variance from 10 feet to 5 feet for a proposed covered patio 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 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: _____
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: