

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

SUBJECT: 1001 Broadway Street – Omar Rodriguez, applicant; Request for a side street (south) setback variance from 25 feet to 0 feet for an existing fence in R-1 (Single Family Dwelling District).

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

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

Agenda Date 12/03/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street (south) setback variance from 25 feet to 0 feet for an existing fence in R-1 (Single Family Dwelling District); or
2. **Approve** the request for a side street (south) setback variance from 25 feet to 0 feet for an existing fence in R-1 (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Omar Rodriguez Location: 1001 Broadway Street Zoning: R-1A Subdivision: Quiet Acres
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a fence that encroaches 25 feet into the required 25-foot side yard setback. • Code Enforcement issued a notice of violation for the fence and two sheds. • A building permit is under review for the fence. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <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.

	<ul style="list-style-type: none">• 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 fence 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 # BV2007-131
Meeting Date 12-3-07



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

COPY

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

Name: OMAR A. RODRIGUEZ
Address: 1001 BROADWAY ST. City: Altamonte zip code: 32714
Project Address: _____ City: Spring Zip code: _____
Contact number(s): (407) 235-4616
Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

RECEIVED SEP 13 2007

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" 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 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 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>25ft.</u>	Proposed setback: <u>16ft.</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 type="checkbox"/> Total number of variances requested _____			

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: [Signature] 09/13/07

FOR OFFICE USE ONLY

Date Submitted: 9-13-07 Reviewed By: P. Johnson
 Tax parcel number: 09-21-29-503-0000-0100 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). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 ½ 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.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

Omar Rodriguez

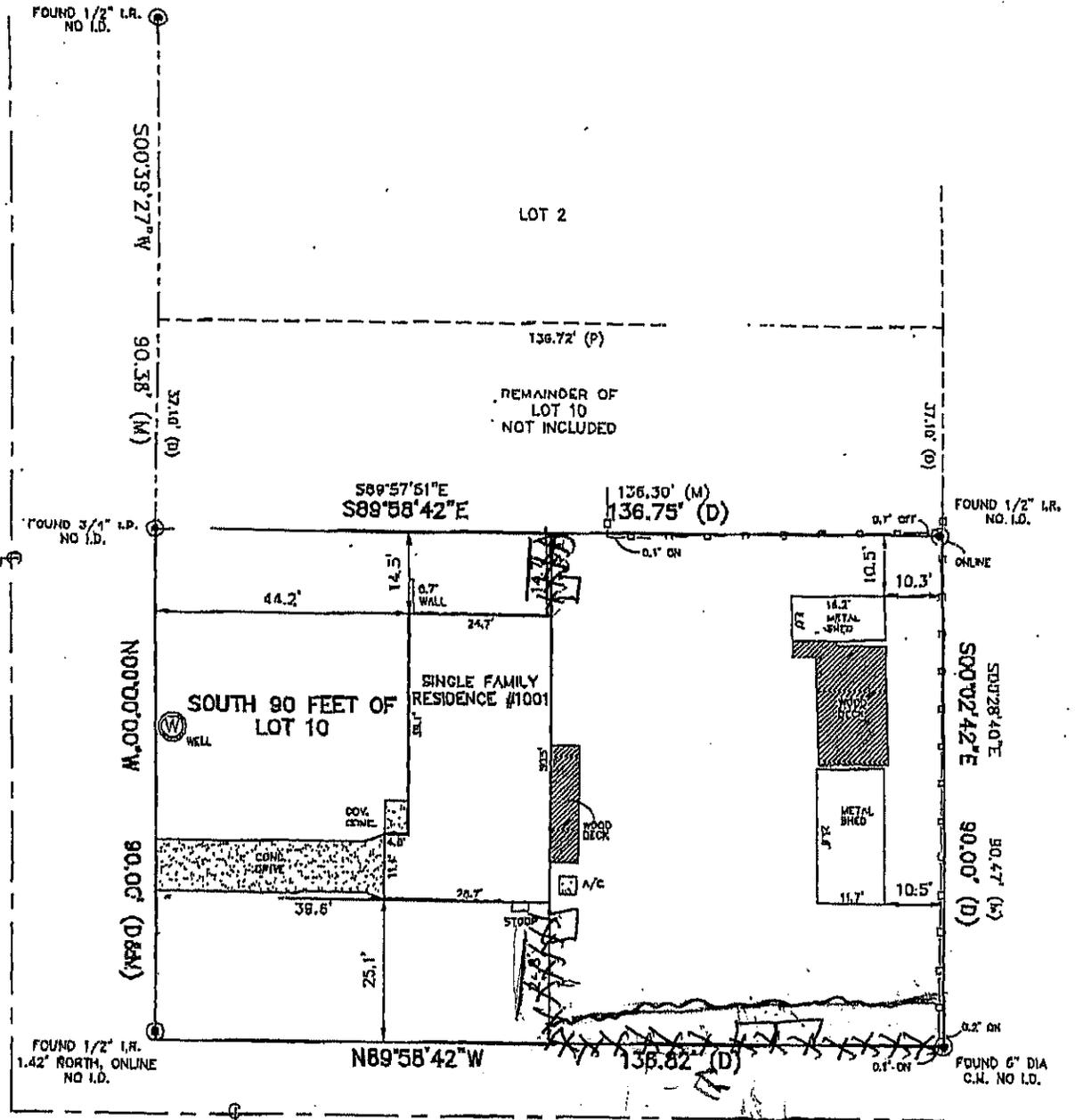
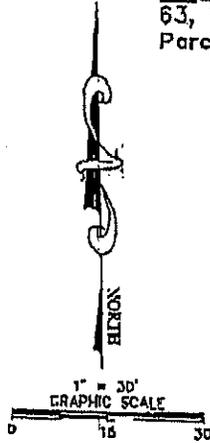
8/14/03

I put my fence right there because I have a dog. And I also have my sister baby playing in the back yard and shes only 1 year 7 months I cant let her play in her back yard whith out a fence because Ther is a street right in front of my yard so I really need this fence.

Omar A. Rodriguez -


BOUNDARY SURVEY

PROPERTY DESCRIPTION: The South 90 feet of Lot 10, Quist Acres, as shown in Plat Book 10, Page 63, Public Records of Seminole County, Florida.
 Parcel ID Number: 08212950300000100



BROADWAY STREET

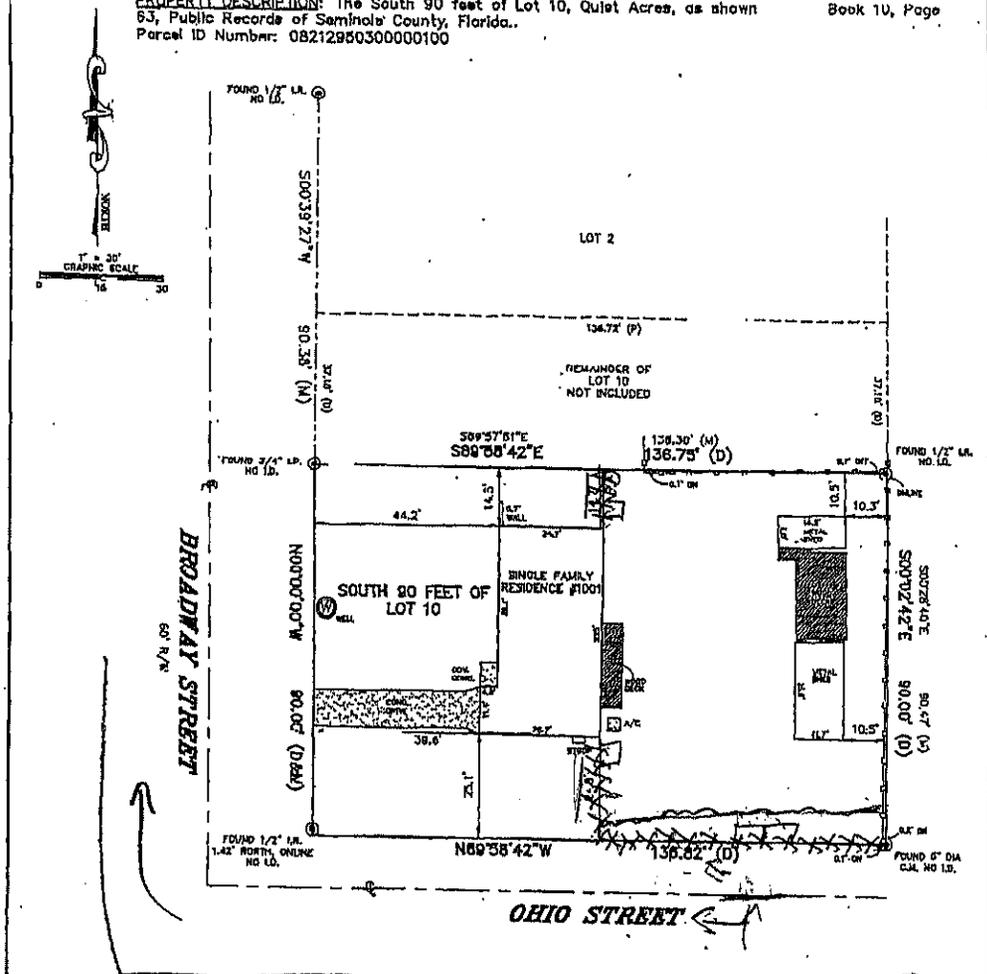
60' R/W

OHIO STREET

BOUNDARY SURVEY

PROPERTY DESCRIPTION: The South 90 feet of Lot 10, Quist Acres, as shown
63, Public Records of Seminole County, Florida.
Parcel ID Number: 08212980300000100

Book 10, Page



LEGEND:

<ul style="list-style-type: none"> UTILITY POLE 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
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CERTIFIED TO:
SUGAR RODRIGUEZ
OWN TITLE SERVICES
STEWART TITLE
SENBORNA FUNDING

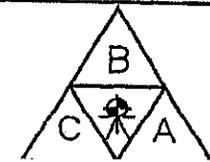
BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BROADWAY STREET AS BEING N00°00'00"E ASSUMED, PER PLAT.

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12117C 012D-E DATED 04/17/82 THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE X.

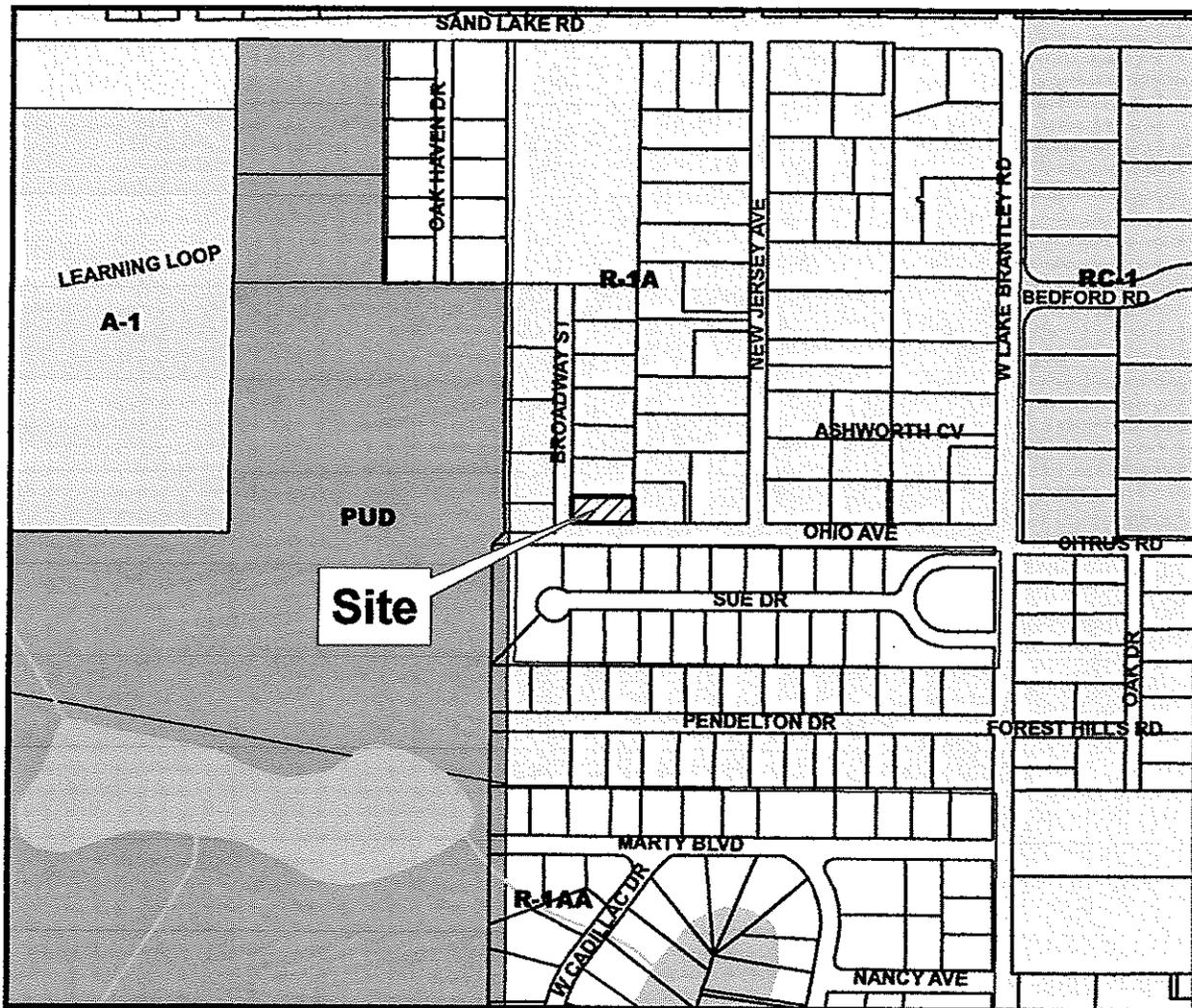
NOTES:

1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT.
2. THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
3. DO NOT RECONSTRUCT PROPERTY LINES FROM BUILDING TIES.
4. NO FOOTING OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. NO IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT WE HAVE PERFORMED A FIELD SURVEY OF THE HEREON DESCRIBED PROPERTY, THIS DRAWING IS A REPRESENTATION OF THAT SURVEY AND

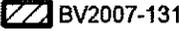
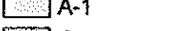
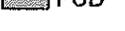


Omar Rodriguez
 1001 Broadway Street
 Altamonte Springs, Florida 32714

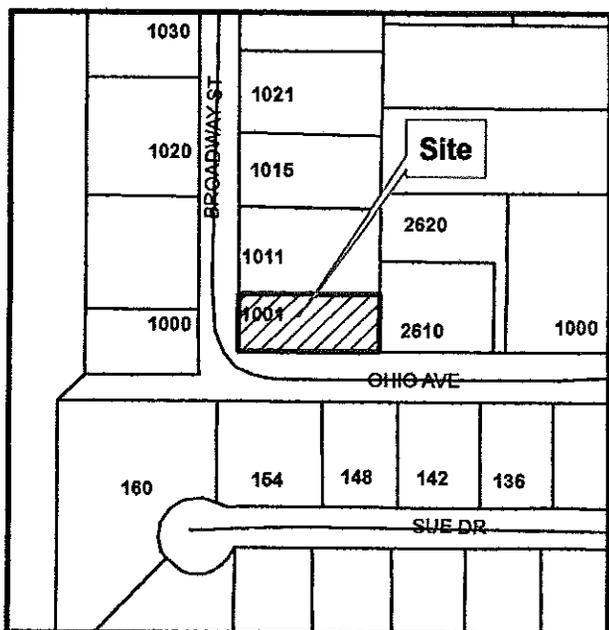


Seminole County Board of Adjustment
 December 3, 2007
 Case: BV2007-131 (Map 3154, Grid C5)
 Parcel No: 08-21-29-503-0000-0100

Zoning

	BV2007-131		R-1AA
	A-1		R-1A
	RC-1		PUD

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 407-655-7508</p>																																							
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 08-21-29-503-0000-0100 Owner: RODRIGUEZ OMAR A Mailing Address: 595 CALIBRE CREST PKWY #103 City, State, Zip Code: ALTAMONTE SPRINGS FL 32714 Property Address: 1001 BROADWAY ST ALTAMONTE SPRINGS 32714 Subdivision Name: QUIET ACRES 082129503 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$70,144 Depreciated EXFT Value: \$456 Land Value (Market): \$93,750 Land Value Ag: \$0 Just/Market Value: \$164,350 Assessed Value (SOH): \$65,980 Exempt Value: \$25,000 Taxable Value: \$40,980</p> <p style="text-align: center;"><u>Tax Estimator</u> <u>Tax Reform Analysis</u> 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>WARRANTY DEED</td> <td>04/2007</td> <td>06679</td> <td>1351</td> <td>\$165,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/2003</td> <td>04900</td> <td>1257</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1986</td> <td>01728</td> <td>0677</td> <td>\$2,000</td> <td>Improved</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	WARRANTY DEED	04/2007	06679	1351	\$165,000	Improved	Yes	WARRANTY DEED	06/2003	04900	1257	\$100	Improved	No	WARRANTY DEED	03/1986	01728	0677	\$2,000	Improved	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,136 2006 Tax Bill Amount: \$509 Save Our Homes (SOH) Savings: \$1,627 2006 Taxable Value: \$39,371</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>									
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NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1001 BROADWAY ST. ^(A)

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF THE FLORIDA BUILDING CODE CHAPTER ONE, SECTION 105.1, PERMITS REQUIRED.

DESCRIPTION OF VIOLATION:

INSTALLED OR REPLACED WOOD PRIVACY FENCE, REPLACED FRONT DOOR, AND 2 SHEDS ON PROPERTY. ADDING ELECTRIC AND PLUMBING TO LARGER SHED POSSIBLE TO MAKE LIVING SPACE. ALL WORK DONE WAS WITHOUT PERMITS.

^(JD) 1- shed HAD PERMIT 85-2134
CORRECTIVE ACTIONS:

**** OBTAIN REQUIRED PERMITS FOR ALL WORK THAT IS BEING DONE. ****

THE ABOVE CORRECTIVE ACTIONS MUST BE TAKEN BY: 8-29-07 ^(JD) 9/29/07

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS



For further information contact:

**Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771**

PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 8-15-07
CASE NO: 07-415

INSPECTOR: Jason Rucker, (407) 665-7465
Cell Number, (407) 463-7638

PROJECT LOG

SEMINOLE COUNTY - Case Inquiry - General Information & Names

Functions Options Help

10/29/2007 11:15:44 AM

Case nbr 07 00000415
Property address, ID 1001 BROADWAY ST 59686
Parcel ID 08-21-29-503-0000-0100
Subdivision Name QUIET ACRES
Case status, desc AC ACTIVE
Case type, desc, estbl UNPA UNPERMITTED CONSTRUCTION 8/15/07

Origination code, desc AP ANON - PHONE
Default Inspector ID 134 JASON RUCKER
Tenant name, number
Case credit balance .00

View

Name	Name type	Disposition
RODRIGUEZ OMAR A	OW OWNER	

OK

Exit

Cancel

Liens

SEMINOLE COUNTY - Case Text Inquiry

Functions Help

10/29/2007 11:16:03 AM

Case number 07 00000415
Property address, ID 1001 BROADWAY ST 59686
Parcel ID 08-21-29-503-0000-0100
Subdivision Name QUIET ACRES
Tenant name and number

Case narrative	
Installation of a fence, front door, 2 sheds, electric and plumbing to the larger shed and possibly making larger shed into living space.tb	8/15/07
NOV issued by #134	8/15/07
ISSUED N.O.V. AND POSTED ON FRONT DOOR FOR INSTALLING OR REPLACING A WOOD PRIVACY FENCE, REPLACED FRONT DOOR, AND 2 SHEDS ON PROPERTY, ADDED ELECTRIC AND PLUMBING TO LARGER SHED POSSIBLY TO MAKE LIVING SPACE. ALL WORK DONE WAS WITHOUT PERMITS. MUST COMPLY BY 082907. #134	8/15/07

OK

Exit

Cancel

PROJECT LOG

SEMINOLE COUNTY - Case Text Inquiry

Functions Help



10/29/2007 11:16:18 AM

Case number	07 0000415
Property address, ID	1001 BROADWAY ST 59686
Parcel ID	08-21-29-503-0000-0100
Subdivision Name	QUIET ACRES
Tenant name and number	

Extension given to 092907 by #134 on 082807. Needs more time for plans. #134	8/28/07 ▲
Re-inspected front door and it is not new. It has new paint. #134	8/28/07 ▲
1- shed was permitted #85-2134. Owner just needs a permit for the fence and a permit for the guest house made out of ashed. #134	8/31/07 ▲
Permit #07-10239 in plan check on 091307 (for a fence). tb	8/31/07 ▲
Extension given to 101407 per TH on 091407 - for plans. tb	9/13/07 ▲
Violation comments	9/13/07 ▲

OK Exit Cancel

SEMINOLE COUNTY - Case Text Inquiry

Functions Help



10/29/2007 11:16:39 AM

Case number	07 0000415
Property address, ID	1001 BROADWAY ST 59686
Parcel ID	08-21-29-503-0000-0100
Subdivision Name	QUIET ACRES
Tenant name and number	

Re-inspected front door and it is not new. It has new paint. #134	9/04/07 ▲
004 - MISC NOTES	9/04/07 ▲
Request status	
1- shed was permitted #85-2134. Owner just needs a permit for the fence and a permit for the guest house made out of ashed. #134	9/13/07 ▲
005 - MISC NOTES	9/13/07 ▲
Request status	
Permit #07-10239 in plan check on 091307 (for a fence). tb	9/13/07 ▲

OK Exit Cancel

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG S 90 FT OF LOT 10 QUIET ACRES PB 10 PG 63

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

FINDINGS OF FACT

Property Owner: RODRIGUEZ OMAR A
595 CALIBRE CREST PKWY #103
ALTAMONTE SPRINGS FL 32714 Check this address

Project Name: Broadway (1001)

Requested Development Approval:

Request for a side street (south) setback variance from 25 feet to 0 feet for an existing fence in R-1 (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 fence 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: