

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

SUBJECT: 877 Brantley Drive – Michael Morro, applicant; Request for a rear yard setback variance from 30 feet to 20 feet – 8 inches for a proposed single family residence in R-1A (Single Family Dwelling District).

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

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

Agenda Date 1/28/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 20 feet – 8 inches for a proposed single family residence in R-1A (Single Family Dwelling District); or
2. **Approve** the request for a rear yard setback variance from 30 feet to 20 feet – 8 inches for a proposed single family residence in R-1A (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Michael Morro Owner: Frances Morro Location: 877 Brantley Drive Zoning: R-1A (Single Family Dwelling District) Subdivision: Tranquility on Lake Brantley</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new single family residence that encroaches 9 feet- 4 inches into the required rear yard setback. • A building permit is under review for this structure: BP 07-13156. • 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 new single family residence 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

EXISTING RETENTION POND

LOT 5

LOT 7

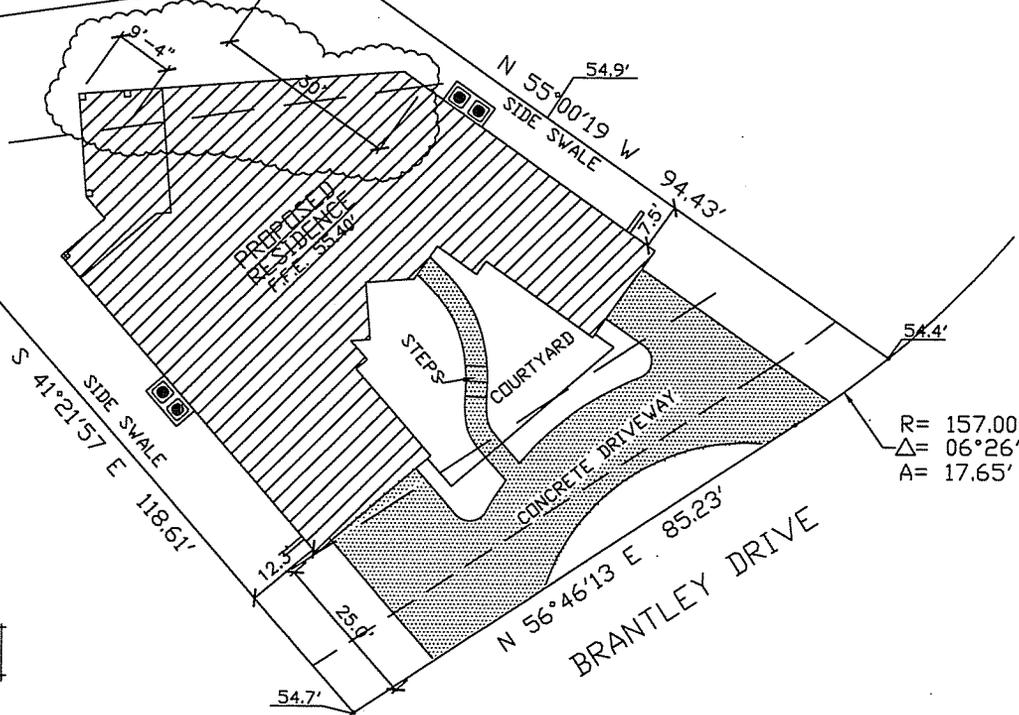


LAKE

CANAL

NHW 47.3' N 16°32'58" W 49.49'
S 81°57'25" W 8.98'
27.39'
S 81°57'25" W 167.39'
6°50' REAR SET BACK NHW
EXISTING SWALE W 49.0'
EXISTING SWALE W 49.0'
S 81°57'25" W 98.47'

54.5'
54.5'
55.0'



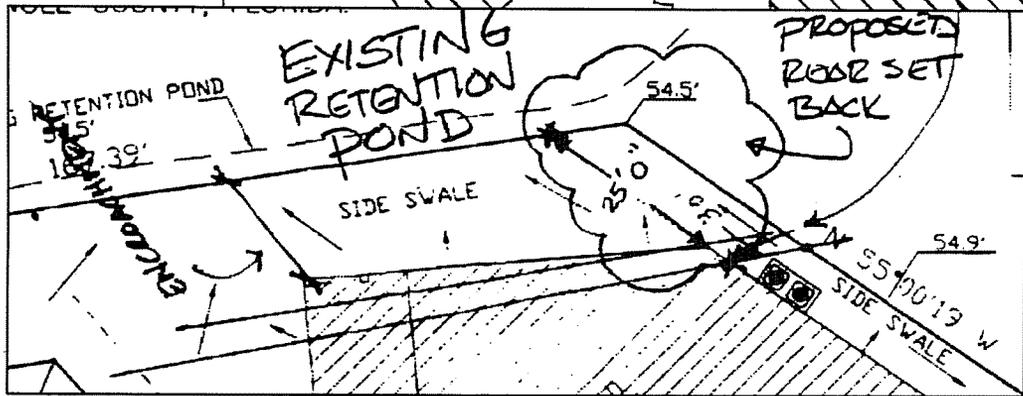
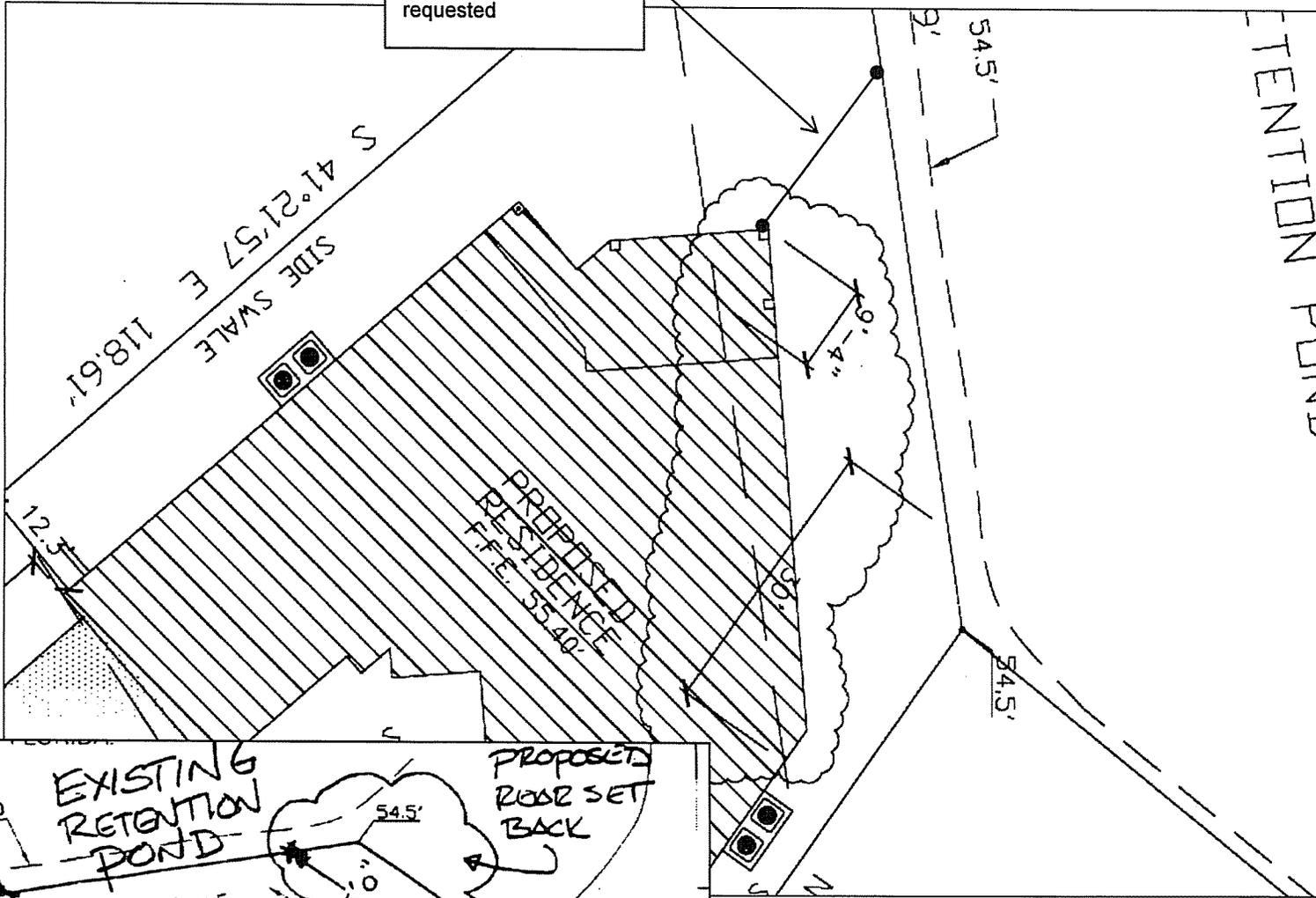
R= 157.00'
Δ= 06°26'25"
A= 17.65'

SITE PLAN

SCALE: 1"=20'

MORRO RESIDENCE
LOT 6, BRANTLEY DRIVE
SEMINOLE COUNTY, FLORIDA

20' 8" setback variance requested



Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU 2007-164
Meeting Date 1-28-08



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

RECEIVED DEC 26 2007
DEC 19 2007

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

Name: FRANCES MORRO MICHAEL MORRO
Address: 985 Cutler Rd. City: Longwood Zip code: 32779
Project Address: Lot 6 TRANQUILITY ON LAKE City: BRANTLEY Zip code: _____
Contact number(s): (407) 9620 6088
Email address: _____ 877 BRANTLEY DRIVE

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 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:	Proposed setback:	<u>30 ft - 8 in.</u>
<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:	
<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: Frances Morro

FOR OFFICE USE ONLY

Date Submitted: 12-19-07 Reviewed By: P. Johnson
 Tax parcel number: 33-20-29-5R1-0000-0060 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!

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 http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	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.
	<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.

12-20-07

Members of the Seminole County Variance Board;

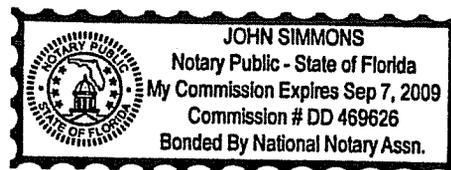
I FRANCES MORRO give power of attorney to my husband Michael Morro to represent me at the January 28, 2008 variance board meeting, refering a rear yard setback on Lot 6, Tranquility on Lake Brantley.

Frances Morro

FRANCES MORRO

December 20th 2007


John Simmons



**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: FRANCES MORRO Name: _____
Address: 995 Cutler Rd. Longwood Fla Address: _____
Phone #: (407) 962-1099 32779 Phone #: _____

Name: _____ Name: _____
Address: _____ Address: _____
Phone #: _____ Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

12/20/07
Date

Frances Marro
Owner, Agent, Applicant Signature

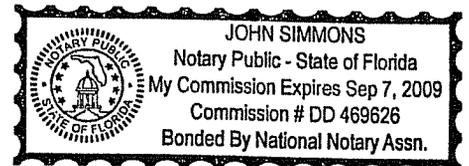
STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 20 day of December, 2007 by Frances
D Ayala Marro

[Signature]
Signature of Notary Public

John Simmons
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification FLDL
Type of Identification Produced FLDL



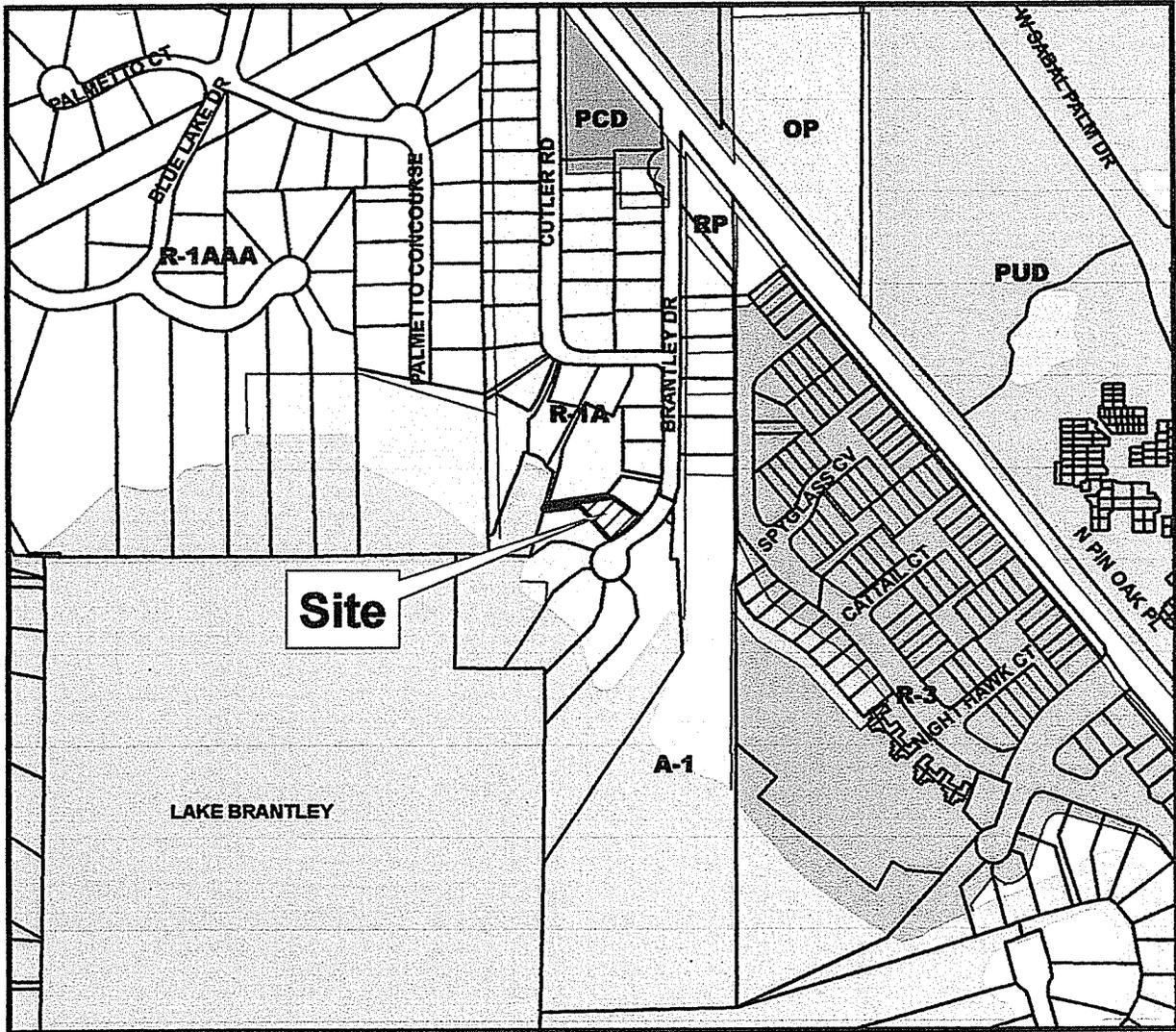
For Use by Planning & Development Staff	
Date: _____	Application Number: _____

DEAR MEMBERS OF THE VARIANCE BOARD,

THE LOT WE ARE TRYING TO BUILD ON HAS AN IRREGULAR SHAPE. WE HAVE CREATED A HOUSE DESIGN THAT FITS THE LOT YET ATTEMPTS TO HAVE WATER VIEWS OF ADJACENT LAKE AND CANAL. THE LOT PER THE PLANNING DIVISION HAS THE REAR LINE FACING THE SUBDIVISION RETENTION POND. THE HOUSE DESIGN WAS PLANNED WITH THIS FACE BEING A SIDE WITH LIMITED WINDOWS AND NO DOORS. WE ARE ASKING THE BOARD TO APPROVE AT 25' REAR SETBACK. PLEASE NOTE THIS LOT LINE FACES THE POND AND DOES NOT IMPACT ANY PROPERTY OWNERS.

THANK YOU
SINCERELY MIKE MORRO
Michael Morro

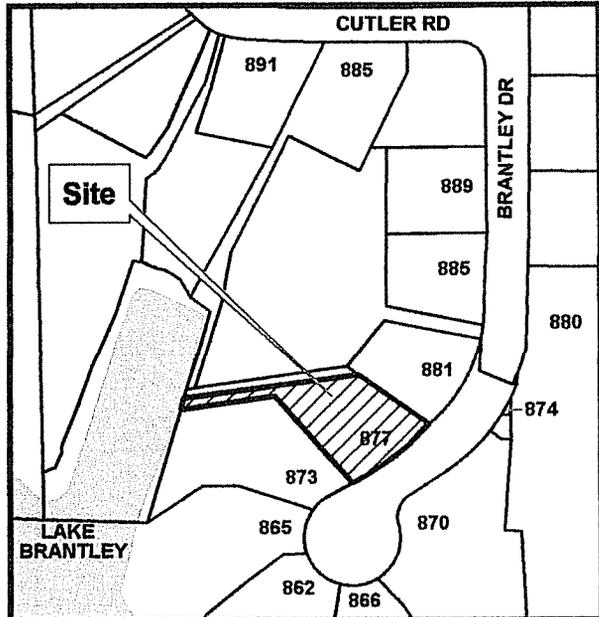
Frances and Michael Morro
 877 Brantley Drive
 Longwood, Florida 32779



Seminole County Board of Adjustment
 January 28, 2008
 Case: BV2007-164 (Map 3154, Grid E2)
 Parcel No: 33-20-29-5RJ-00000-0060

Zoning

 BV2007-164	 R-1AA	 R-3	 PUD
 A-1	 R-1A	 RP I	 PCD
 R-1AAA	 R-1BB	 OP	



<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 align="center">GENERAL</p> <p>Parcel Id: 33-20-29-5RJ-0000-0060</p> <p>Owner: MORRO FRANCES</p> <p>Mailing Address: 885 CUTLER RD</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address:</p> <p>Subdivision Name: TRANQUILITY ON LAKE BRANTLEY</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$320,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$320,000</p> <p>Assessed Value (SOH): \$320,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$320,000</p> <p>Tax Estimator</p> <p>Tax Reform Calculator</p>												
<p align="center">SALES</p> <p>Deed Date Book Page Amount Vac/Imp Qualified</p> <p>Find Comparable Sales within this Subdivision</p>		<p>2007 VALUE SUMMARY</p> <p>2007 Tax Bill Amount: \$4,726</p> <p>2007 Taxable Value: \$320,000</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>												
<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>320,000.00</td> <td>\$320,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	320,000.00	\$320,000	<p align="center">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 6 TRANQUILITY ON LAKE BRANTLEY PB 65 PGS 27 & 28</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
LOT	0	0	1.000	320,000.00	\$320,000									
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>														

Tranquility on Lake
Brantley
885 Cutler Rd.
Longwood, Fl., 32779
12-29-07

To the Variance Board of Seminole County:

This is to inform you that the rear variance requested by lot 6 of Tranquility on Lake Brantley, backs up to the approximately one acre wet retention pond of Tranquility on Lake Brantley, and granting of this variance should not affect anyone at any time now and in the future.

Sincerely,
MICHAEL MORRO PRESIDENT
Michael Morro Pres.

BU 2007-164

1-5-01

To Variance Board of Seneca County -

Re: Rear yard variance of lot 6 - Tranquility on
Lake Brantley

I live at 870 Brantley Drive across from
the requested variance, and I have no objection
to the rear yard proposal of lot 6.


MICHAEL SOLITRO

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6 TRANQUILITY ON LAKE BRANTLEY PB 65 PGS 27 & 28

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

FINDINGS OF FACT

Property Owner: FRANCES MORRO
885 CUTLER RD
LONGWOOD FL 32779

Project Name: BRANTLEY DR (877)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20 feet – 8 inches for a proposed single family residence 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 new SFR house 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: _____

Allison C. Stettner
Planning Manager

**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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: