

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

SUBJECT: 5286 Pineview Way – Luis Linares, applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a detached garage in the R-1A (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

Agenda Date 3/24/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	Applicant: Luis Linares Location: 5286 Pineview Way Zoning: R-1A Subdivision: Adell Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposed to construct a 602 square feet detached garage that will encroach 10 feet into the 30-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • 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,

	<p>structures or building in the same zoning district.</p> <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 detached 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
- Applicant Authorization Form
- 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 # BN 2008-07
Meeting Date 3-24-08



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: Luis LINARES
Address: 5286 Pineview Way City: Apopka Zip code: 32703
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 399-9892 cell (407) 903-5346 wk.
Email address: _____

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	Please describe: <u>detached GARAGE.</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JAN 24 2008

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:	<u>30 ft.</u>	Proposed setback: <u>20 ft.</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>			

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: Luis Linares 01.24.08

FOR OFFICE USE ONLY

Date Submitted: 1-24-08 Reviewed By: P. Johnson
 Tax parcel number: 20-21-29-504-0800-0090 Zoning/FLU R-1A/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><i>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.</i></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 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 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.

MAP OF SURVEY

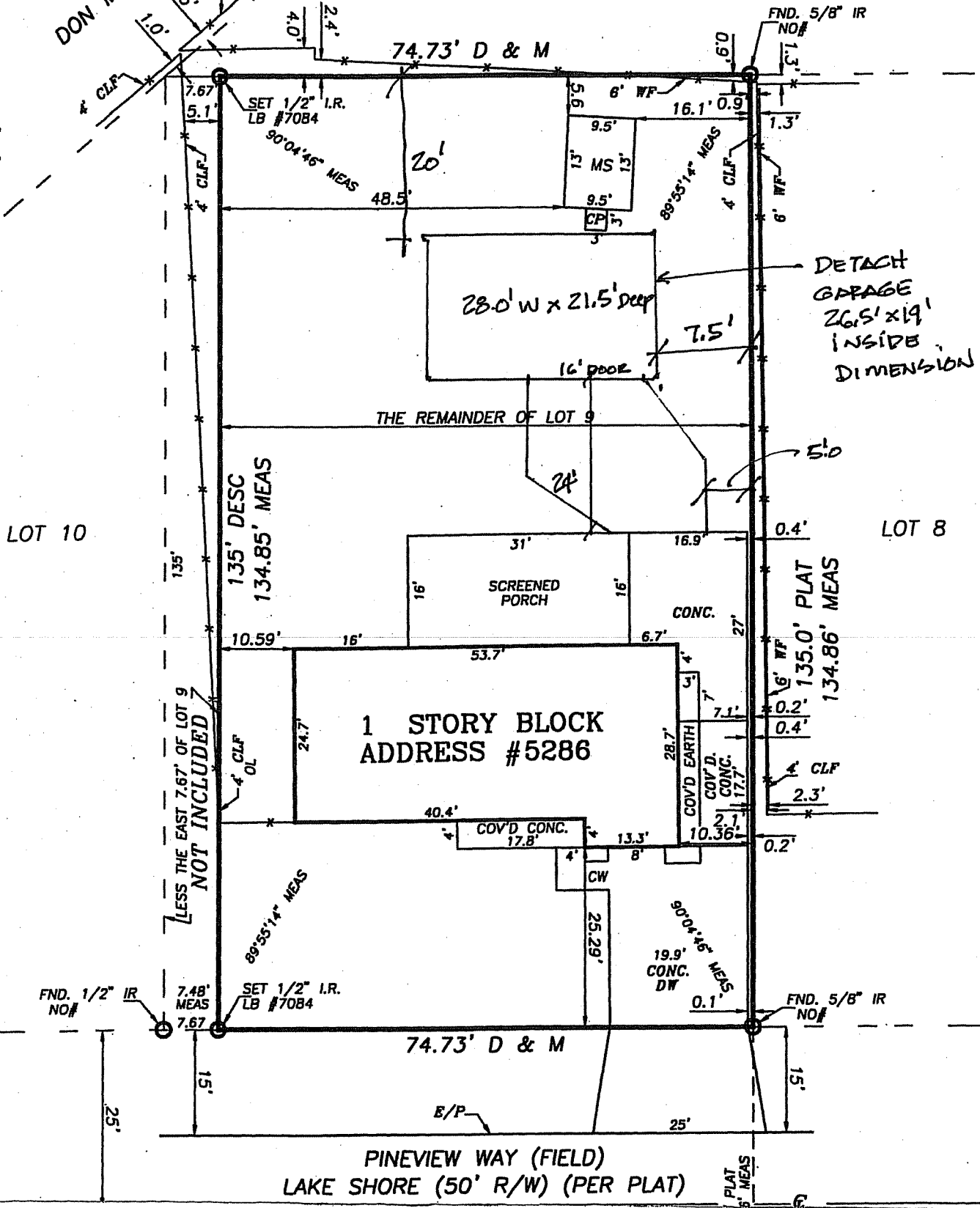
DESCRIPTION

LOT 9 (LESS THE EAST 7.67 FEET), BLOCK B, ADELL PARK, AS RECORDED IN PLAT BOOK 9, PAGE 48, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LOT 8
ADELL PARK 1ST ADDITION
PLAT BOOK 13, PAGE 19



DON MAR STREET



LOT 10

LOT 8

1 STORY BLOCK
ADDRESS #5286

DETACH GARAGE
26.5' x 19'
INSIDE DIMENSION

THE REMAINDER OF LOT 9

SCREENED PORCH

COVD CONC.
17.8'

CONC.

COVD CONC.
17.7'

19.9'
CONC. DW

74.73' D & M

PINEVIEW WAY (FIELD)
LAKE SHORE (50' R/W) (PER PLAT)

LESS THE EAST 7.67' OF LOT 9
NOT INCLUDED







PLAT MEAS
5'


Luis Linares
 5286 Pineview Way
 Apopka, Florida 32703

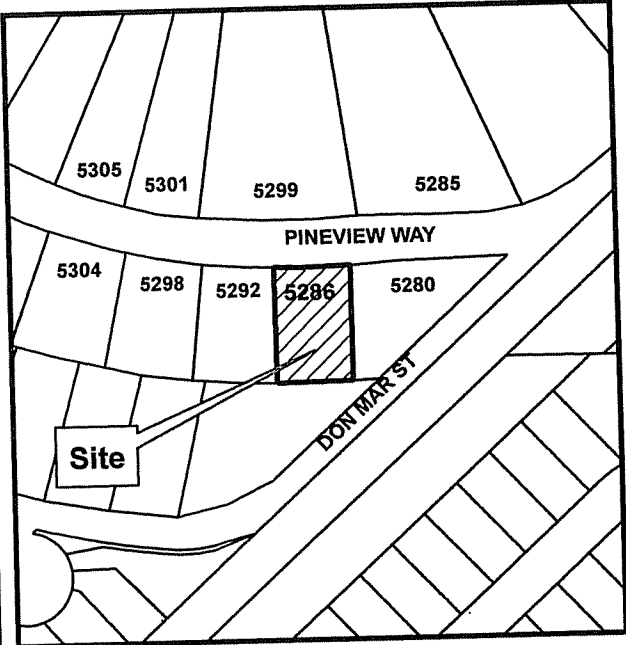


Seminole County Board of Adjustment
 March 24, 2008
 Case: BV2008-07 (Map 3207, Grid B2)
 Parcel No: 20-21-29-504-0B00-0090

Zoning

 BV2008-07	 R-1A
 R-1BB	 R-1BB
 R-1AA	 C-1

N




**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: Luis Linares
Address: 5286 Pineview
City/Zip: APPKA / 32703
Phone #: 407-399-9892

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
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: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
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: _____
Trustees: _____
Address: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

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.

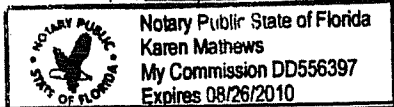
01.24.08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 24 day of January, 2008 by _____

[Signature]
Signature of Notary Public



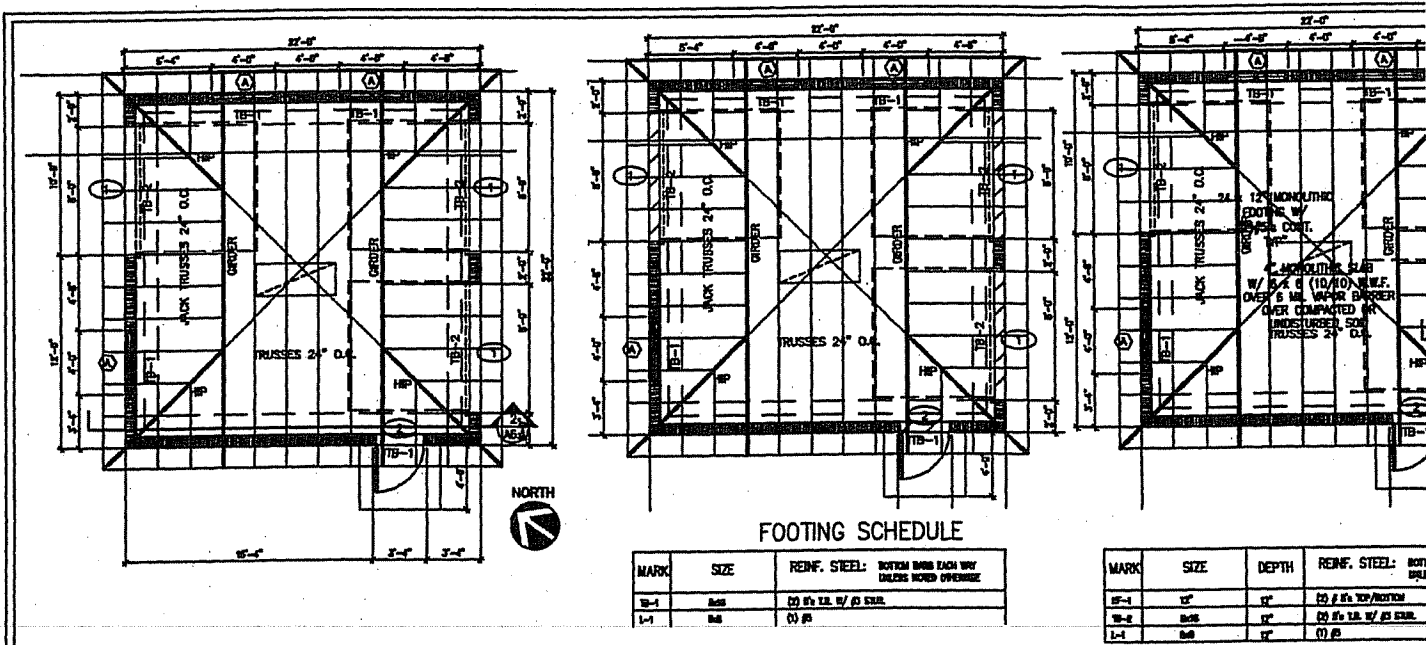
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced Florida's Drivers License

For Use by Planning & Development Staff

Date: _____ Application Number: _____

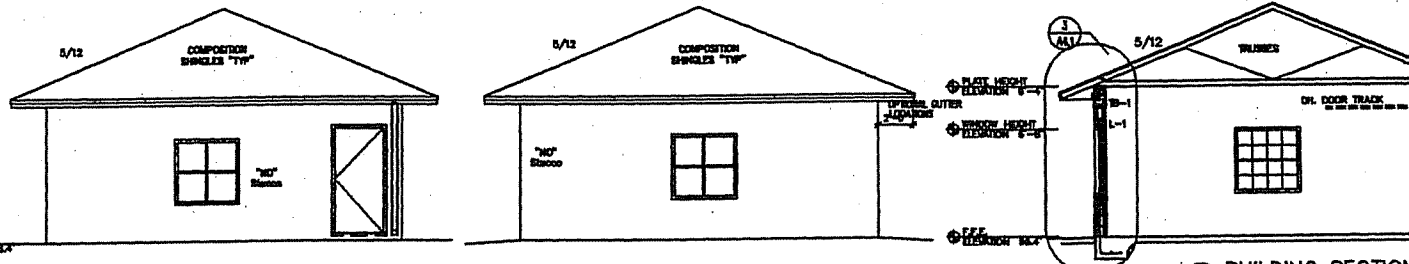
<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																			
<p align="center">GENERAL</p> <p>Parcel Id: 20-21-29-504-0B00-0090</p> <p>Owner: LINARES LUIS</p> <p>Mailing Address: 5286 PINEVIEW WAY</p> <p>City,State,ZipCode: APOPKA FL 32703</p> <p>Property Address: 5286 PINEVIEW WAY APOPKA 32703</p> <p>Subdivision Name: ADELL PARK</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2006)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$108,741</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$50,000</p> <p>Land Value Ag: \$0</p> <p><u>Just/Market Value:</u> \$158,741</p> <p>Assessed Value (SOH): \$158,741</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$133,741</p> <p>Tax Estimator</p> <p>Tax Reform Calculator</p>																																																		
<p 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>12/2005</td> <td>06082</td> <td>0086</td> <td>\$210,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1984</td> <td>01537</td> <td>0478</td> <td>\$57,200</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1972</td> <td>00948</td> <td>0526</td> <td>\$18,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	12/2005	06082	0086	\$210,000	Improved	Yes	WARRANTY DEED	04/1984	01537	0478	\$57,200	Improved	Yes	WARRANTY DEED	01/1972	00948	0526	\$18,000	Improved	Yes	<p>2007 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,070</p> <p><u>2007 Tax Bill Amount:</u> \$2,017</p> <p><u>Save Our Homes (SOH) Savings:</u> \$53</p> <p>2007 Taxable Value: \$136,605</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																						
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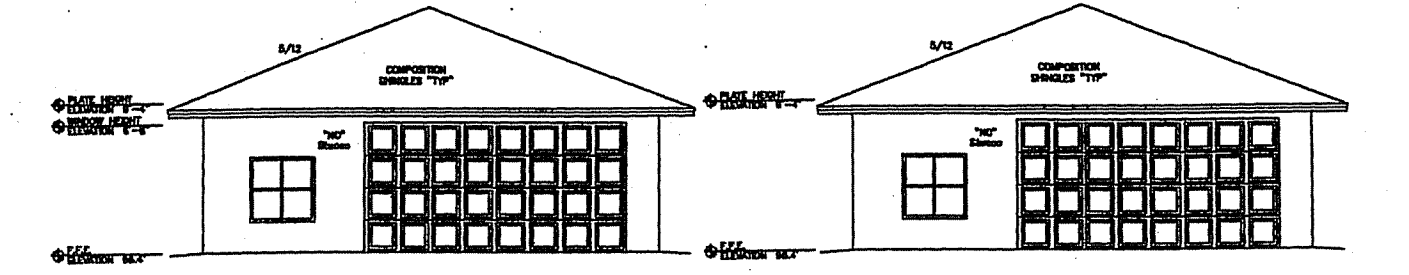
A GARAGE FL./E.C. PLAN
SCALE: 1/4"=1'-0"

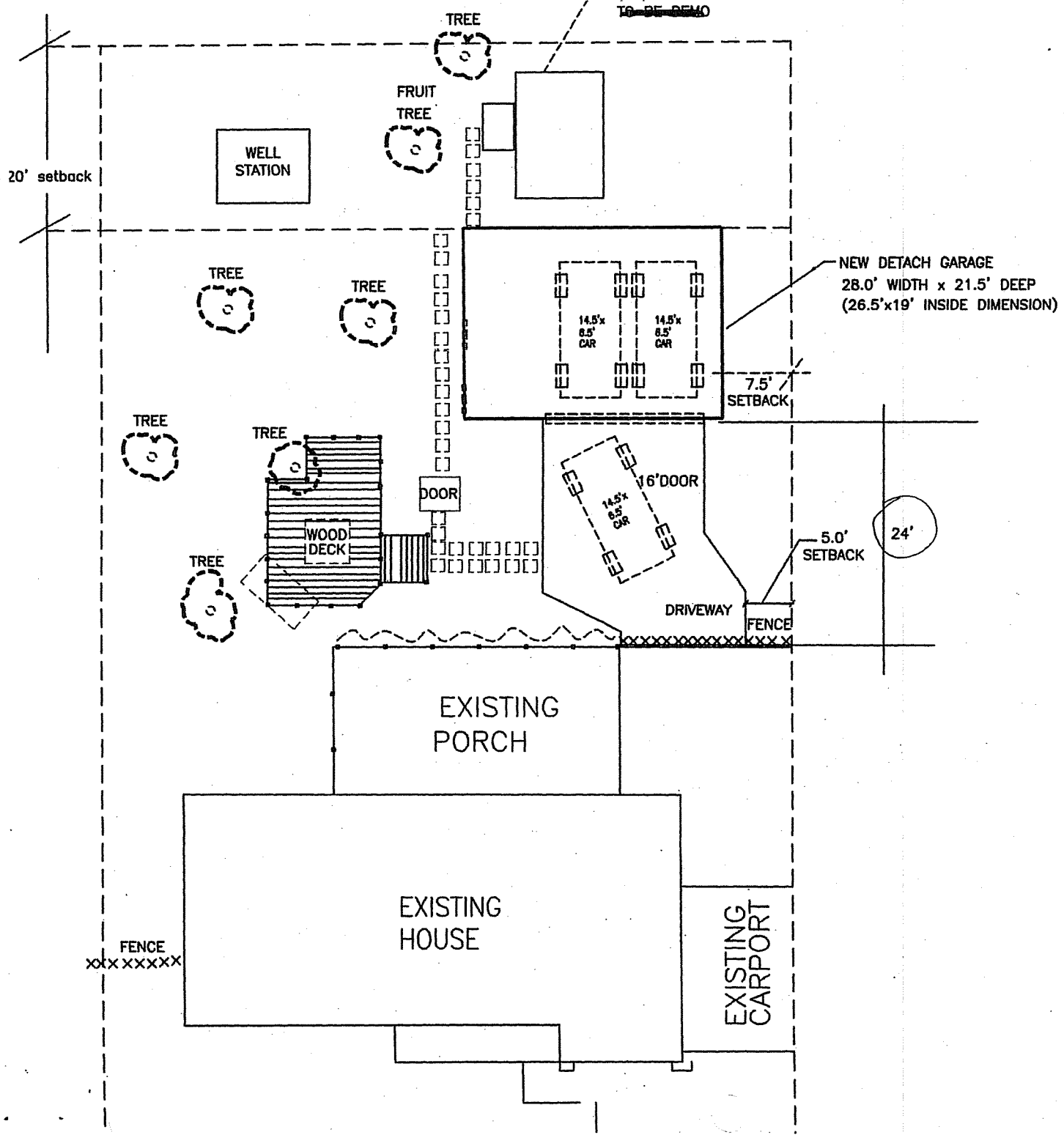
B ROOF FRAMING PLAN
SCALE: 1/4"=1'-0"

B FOUNDATION PLAN
SCALE: 1/4"=1'-0"



1 BUILDING SECTION
SCALE: 1/4"=1'-0"





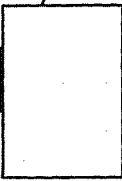
20' setback

WELL STATION

TREE

TO BE DEMO

FRUIT TREE



NEW DETACH GARAGE
28.0' WIDTH x 21.5' DEEP
(26.5'x19' INSIDE DIMENSION)

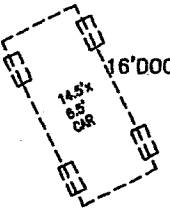
14.5' x 8.5' CAR

14.5' x 8.5' CAR

7.5' SETBACK



DOOR

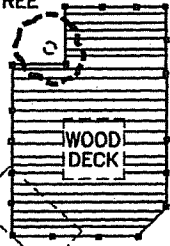


6' DOOR

14.5' x 8.5' CAR

5.0' SETBACK

24'



WOOD DECK

DRIVEWAY

FENCE

EXISTING PORCH

EXISTING HOUSE

EXISTING CARPORT

FENCE
XXXX XXXXXX

Jan. 24th 2008

Luis Linares
5286 Pineview Way
Apopka, FL 32703

RE: Variance Petition for Building Detached Garage

Dear Neighbor:

This letter is to inform you that I am planning to building a detached garage 28 feet wide by 21.5 feet deep (outside dimension) in the backyard. Seminole County request a setback of 30 feet from the back fence dividing the neighbor's property line and 7.5 feet from the side.

In order for my detached garage to work I need to space the car garage at least 22 feet from the back exterior wall of my house. This present a problem since I need to be 20 feet from the back fenced area instead of 30 feet like the county preferred. I will meet the 7.5 feet side set back.

The new detached garage will be concrete block and shingles to match the house's appearance. The roof will be hip type so every side will get a slope roof at 12 feet high in the center. One story Garage painted to match the house.

The intention of the detached garage is to keep my hobby cars and tools separate from the house and be able to organized my backyard. I will keep my daily car parked in front of the house.

I submitted a variance petition form to the county on January 24, 2008 to request a building permit to built inside the setback. A pending meeting will be scheduled March 24th 2008 to hear my proposed garage idea.

If you do not have any problems with my additional detached garage I would like to request a signature from you to present to the Seminole County Committed group on March 24th 2008.


Thank you for your time and I appreciate your support.

SMITH ROBERT T
5292 PINEVIEW WAY APOPKA 32703

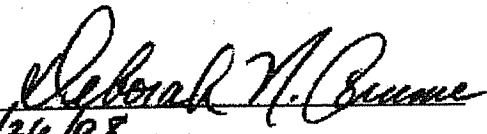
Signature: 

Date: 01/26/08

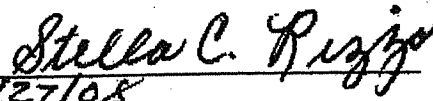
GRAY JERRY E & DEBORAH
5280 PINEVIEW WAY APOPKA 32703

Signature: 
Date: 1-26-08

CRUME DAVID L & DEBORAH N
5302 DON MAR ST APOPKA FL 32703

Signature: 
Date: 1/26/08

FBO STELLA C RIZZO
5299 PINEVIEW WAY APOPKA FL 32703

Signature: 
Date: 1/27/08

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 24, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 9 (LESS E 7.67 FT) BLK B ADELL PARK PB 9 PG 48

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

FINDINGS OF FACT

Property Owner: Luis Linares
5286 Pineview Way
Apopka, Fl. 32703

Project Name: Pineview Way (5286)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20 feet for a detached garage in the 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: Kathy Fall, Principal 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:
 - a. The variance granted will apply only to the detached garage (602 square feet) 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: _____
Alison 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:

MAP OF SURVEY

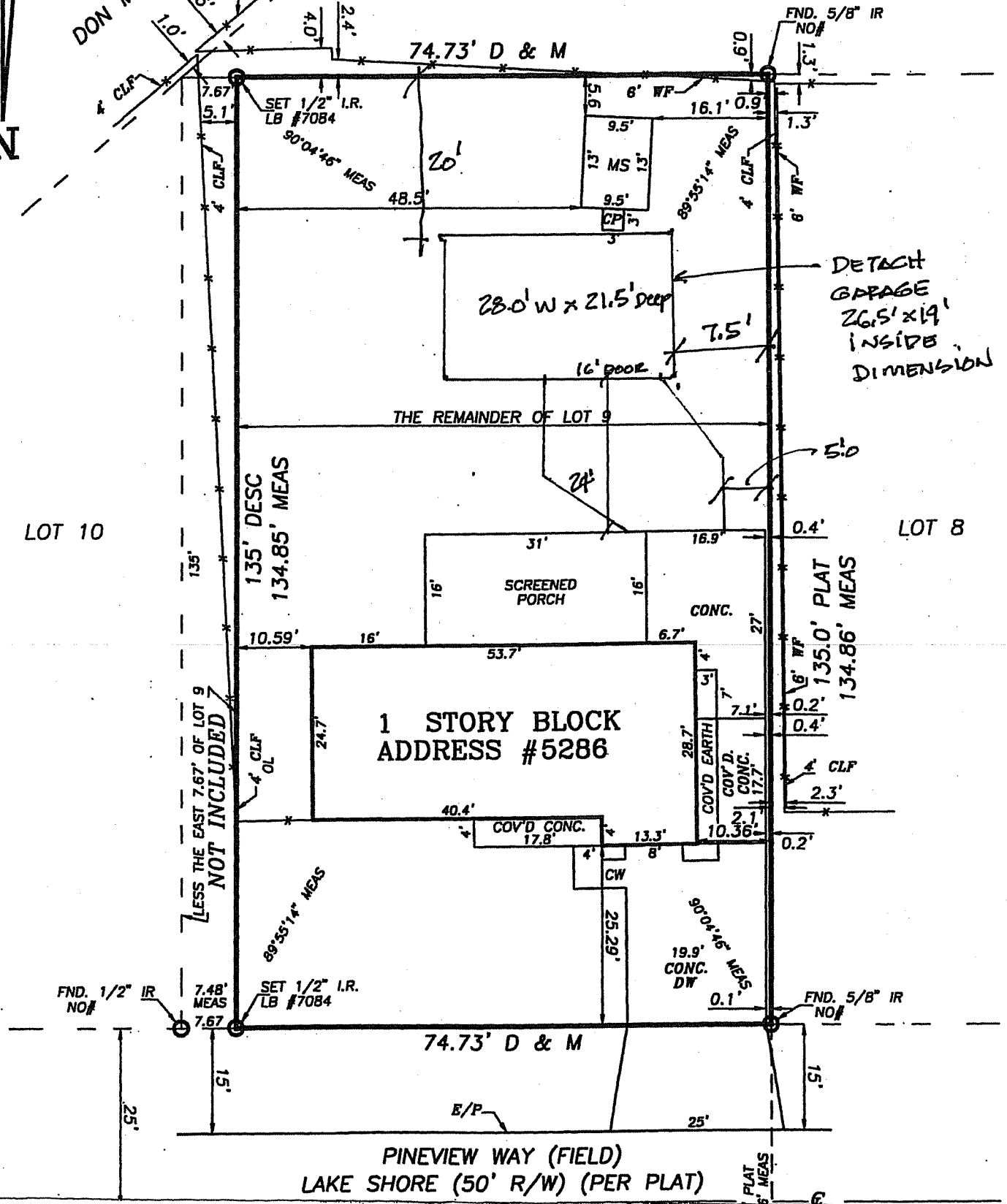
DESCRIPTION

LOT 9 (LESS THE EAST 7.67 FEET), BLOCK B, ADELL PARK, AS RECORDED IN PLAT BOOK 9, PAGE 48, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LOT 8
ADELL PARK 1ST ADDITION
PLAT BOOK 13, PAGE 19



DON MAR STREET



1 STORY BLOCK
ADDRESS #5286

DETACH
GARAGE
26.5' x 19'
INSIDE
DIMENSION

THE REMAINDER OF LOT 9

SCREENED
PORCH

COVD CONC.
17.8'

CONC.

COVD EARTH

COVD CONC.

CONC. DW

PINEVIEW WAY (FIELD)
LAKE SHORE (50' R/W) (PER PLAT)

PLAT
5' MEAS

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 24, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 9 (LESS E 7.67 FT) BLK B ADELL PARK PB 9 PG 48

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

FINDINGS OF FACT

Property Owner: Luis Linares
5286 Pineview Way
Apopka, Fl. 32703

Project Name: Pineview Way (5286)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20 feet for a detached garage in the R-1A (Single Family Dwelling District).

The Development Approval was sought to construct a detached garage 10 feet into the required 30 foot rear yard setback. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison 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

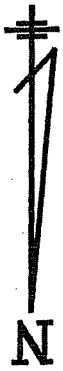
My Commission Expires:

MAP OF SURVEY

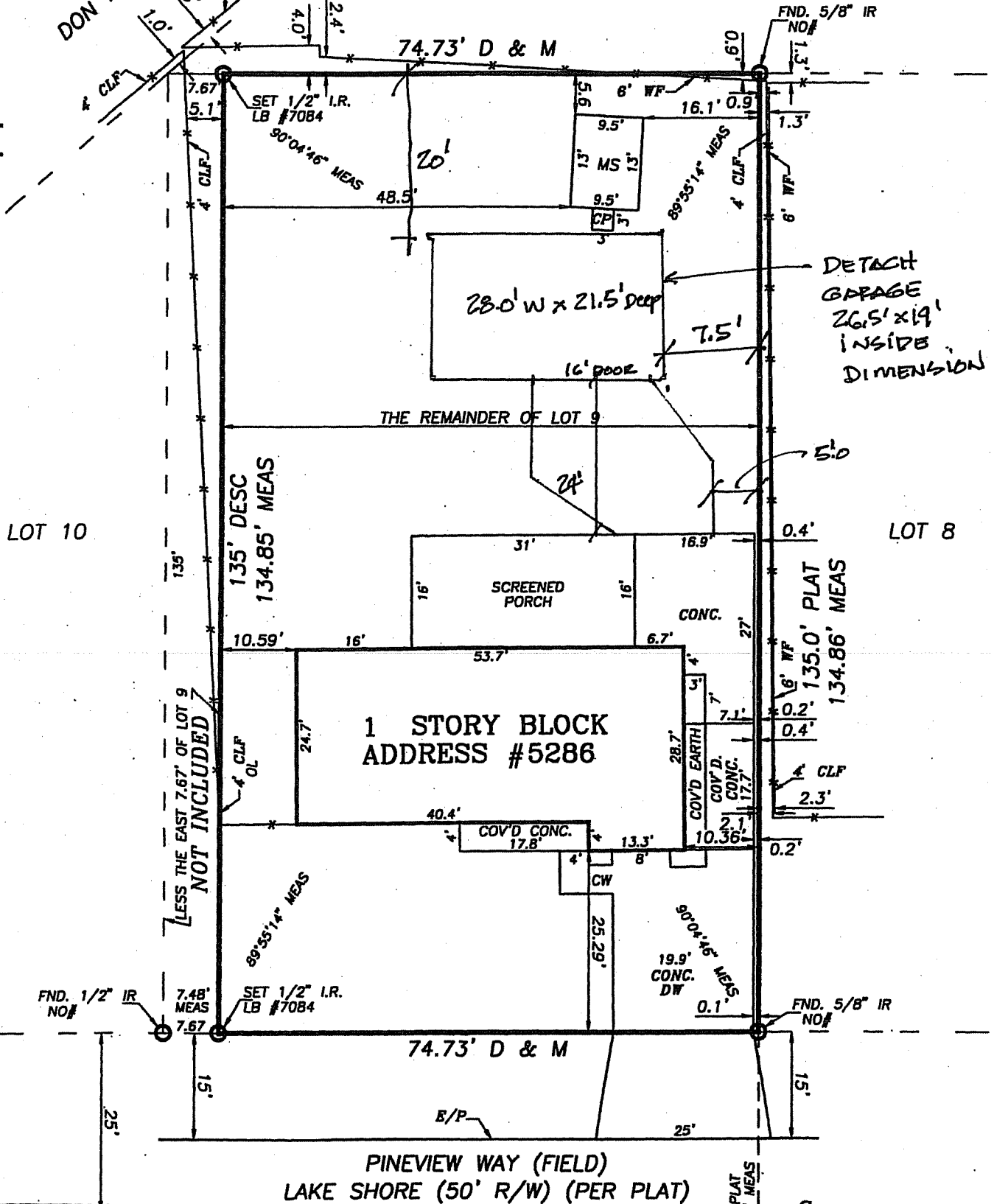
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LOT 8
ADELL PARK 1ST ADDITION
PLAT BOOK 13, PAGE 19



DON MAR STREET



LOT 10

LOT 8

1 STORY BLOCK
ADDRESS #5286

DETACH
GARAGE
26.5' x 19'
INSIDE
DIMENSION

THE REMAINDER OF LOT 9

COVD CONC.
17.8'

CONC.

COVD D.
CONC.
17.7'

CONC.
DW
19.9'

PINEVIEW WAY (FIELD)
LAKE SHORE (50' R/W) (PER PLAT)

FND. 1/2" IR
NO#

SET 1/2" I.R.
LB #7084

FND. 5/8" IR
NO#

25'

E/P

25'

PLAT
6" MEAS