

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 102 Camden Road – Eduard Pineiro, Applicant; Request for a side yard setback variance from 20 feet to 15 feet for a detached garage in the RC-1 (Country Homes District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Darlene McGuire **EXT.** 7445

Agenda Date 4/28/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a side yard setback variance from 20 feet to 15 feet for a detached garage in the RC-1 (Country Homes District); or
2. **Approve** the request for a side yard setback variance from 20 feet to 15 feet for a detached garage in the RC-1 (Country Homes District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Eduard Pineiro Location: 102 Camden Road Zoning: RC-1 (Country Homes District) Subdivision: Bonaventure Heights 2 nd Section
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a detached RV garage on the south side of the property. • The proposed 50-foot by 18-foot garage (900 square feet) would encroach 5 feet into the required 20-foot side yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. • There is a building permit under review for this proposed garage.

Reviewed by:
Co Atty: _____
Pln Mgr: _____

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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 50-foot x 18-foot detached RV 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

DM

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

Application # BV 2008-26
Meeting Date 4-28-08



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: EDWARD PINEIRO
Address: 102 CAMDEN RD City: Alt. Spgs Zip code: 32714
Project Address: SAME City: _____ Zip code: _____
Contact number(s): 407-461-2600
Email address: eduardo@rol.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"/> Addition	Please describe: RECEIVED MAR 05 2008
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: GARAGE FOR R.V. EX-18
<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 checked="" type="checkbox"/> Side yard setback	Required setback:	20'	Proposed setback: 15'
<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: _____

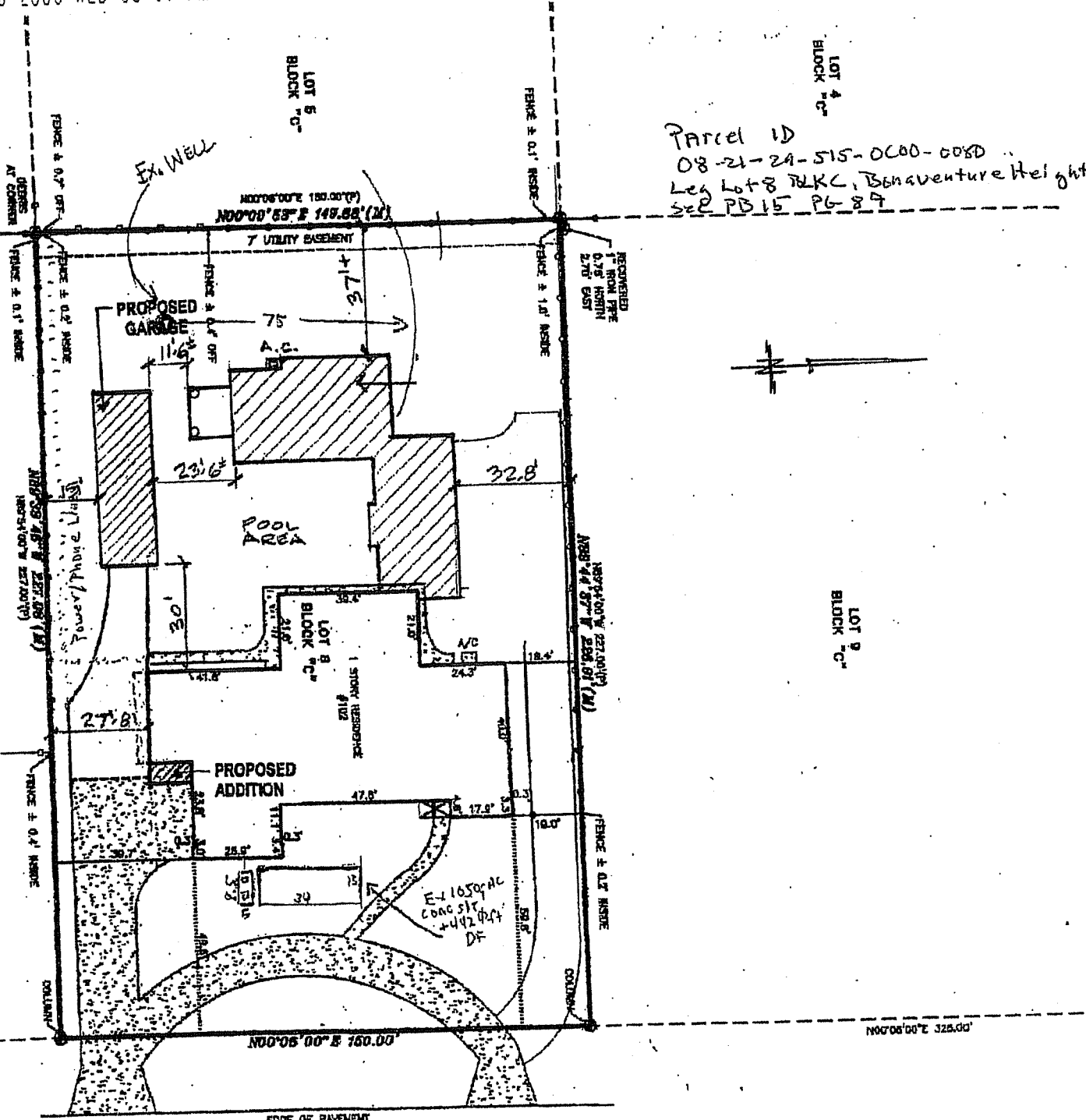
FOR OFFICE USE ONLY

Date Submitted: 3-5-08 Reviewed By: P. Johnson
 Tax parcel number: 08-21-29-515-0000-0080 Zoning/FLU RC-1/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: _____

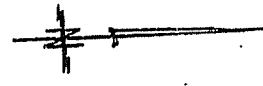
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<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>	
✓	1. Completed application.
N/A	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.
✓	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
N/A	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.



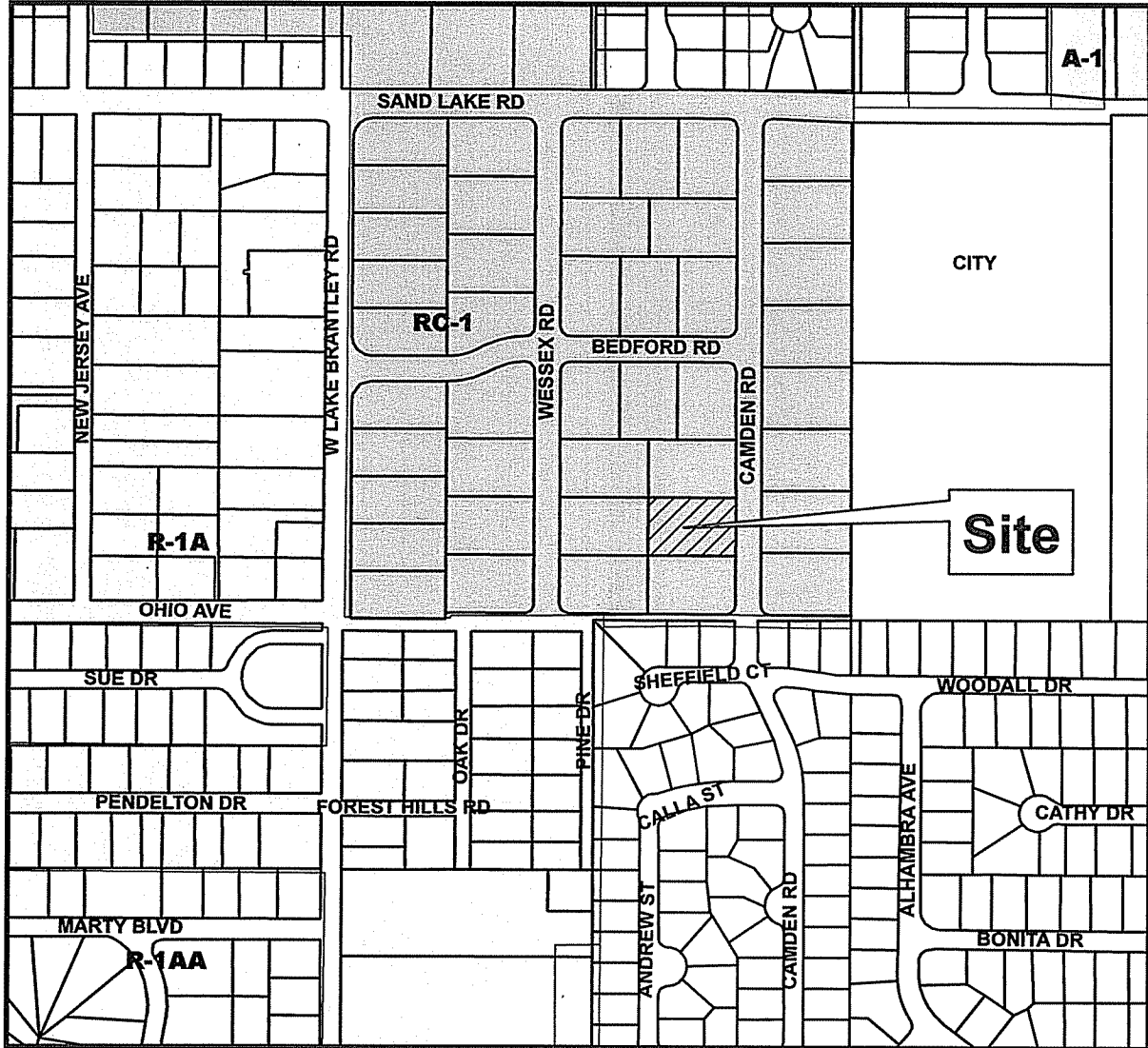
Parcel ID
 08-21-2A-515-0C00-008D
 Leg Lot 8 TRK, Benaventure Heights 2
 see PD 15 PG 89



CAMDEN ROAD
 68' RIGHT OF WAY
 (ASPHALT)






SITE PLAN
 1" = 40'-0"


Eduardo Pineiro
 102 Camden Road
 Altamonte Springs, Florida 32714

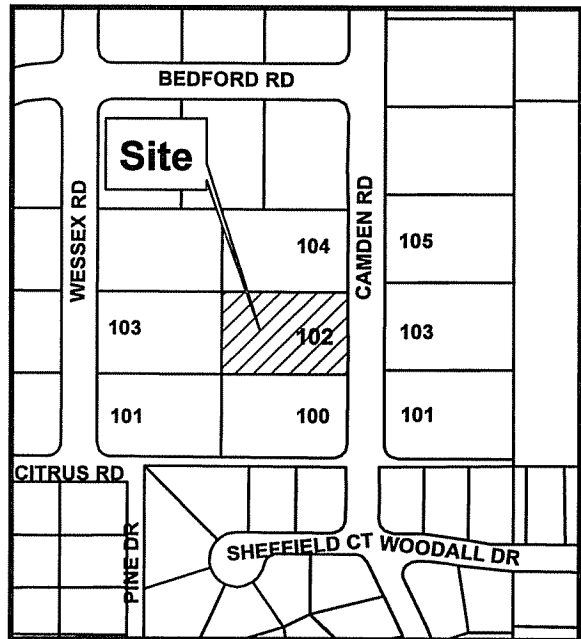


Seminole County Board of Adjustment
 April 28, 2008
 Case: BV2008-26 (Map 3154, Grid D5)
 Parcel No: 08-21-29-515-0C00-0080

Zoning

	BV2008-26		R-1AA
	A-1		R-1A
	RC-1		

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 407-865-7508</p>																																																														
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 08-21-29-515-0C00-0080</p> <p>Owner: PINEIRO ARACELA LIFE EST</p> <p>Own/Addr: (PINEIRO EDUARDO)</p> <p>Mailing Address: PO BOX 162174</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32716</p> <p>Property Address: 102 CAMDEN RD ALTAMONTE SPRINGS 32714</p> <p>Subdivision Name: BONAVENTURE HEIGHTS 2ND SEC</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$272,156</p> <p>Depreciated EXFT Value: \$7,713</p> <p>Land Value (Market): \$93,750</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$373,619</p> <p>Assessed Value (SOH): \$217,435</p> <p>Exempt Value: \$25,500</p> <p>Taxable Value: \$191,935</p> <p style="text-align: center;"><u>Tax Estimator</u> <u>Portability Calculator</u></p>																																																												
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WOOD UTILITY BLDG	1989	208	\$499	\$1,248
SPA	1992	1	\$2,570	\$5,500
FIREPLACE	1992	1	\$900	\$1,500
ALUM CARPORT W/SLAB	1996	459	\$1,792	\$2,984

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 8 BLK C BONAVENTURE HEIGHTS 2ND SEC PB 15 PG 87

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

FINDINGS OF FACT

Property Owner: Eduardo Pineiro
102 Camden Road
Altamonte Springs, Florida 32714

Project Name: Camden Road (102)

Requested Development Approval:

Request for a side yard setback variance from 20 feet to 15 feet for a detached garage in the RC-1 (Country Homes District).

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Darlene McGuire, Technician
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 50-foot by 18-foot detached garage 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:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

LEG LOT 8 BLK C BONAVENTURE HEIGHTS 2ND SEC PB 15 PG 87

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

FINDINGS OF FACT

Property Owner: Eduardo Pineiro
102 Camden Road
Altamonte Springs, Florida 32714

Project Name: Camden Road (102)

Requested Development Approval:

Request for a side yard setback variance from 20 feet to 15 feet for a detached garage in the RC-1 (Country Homes District).

The Development Approval was sought to bring into compliance the construction of a detached garage within the side yard setback. The applicant still retains reasonable use of the property without the granting of the requested variance. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

ORDER

The requested development approval is hereby denied.

Prepared by: Darlene McGuire, Technician
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: