

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

SUBJECT: 626 Barbuda Way – Mario Enamorado, applicant; Request for a side yard (south) setback variance from 7.5 feet to 4 feet for an existing carport in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 1/26/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a side yard (south) setback variance from 7.5 feet to 4 feet for an existing carport in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for a side yard (south) setback variance from 7.5 feet to 4 feet for an existing carport in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Mario Enamorado Location: 626 Barbuda Way Zoning: R-1 (Single Family Dwelling) Subdivision: Oakland Hills</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant constructed a carport on the side of the existing house that encroaches 3 feet into the required 7.5 foot side yard setback. • A notice of violation for unpermitted construction was issued September 2008. • A building permit is under review and is subject to the approval of the variance request. • There is no record of prior variances for this property.

Reviewed by: _____
Co Atty: MC
Pln Mgr: AS

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 carport 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



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 655-4444

COPY

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

Name: Mario Enamorado **MARIO ENAMORADO**
Address: 626 BARBUDA WAY City: Altamonte Zip code: 32714
Project Address: SAME City: Spring Zip code: _____
Tax Parcel number: 21-21-29-501-0000-0810
Contact number(s): (407) 7820944 cell
Email address: (407)445-1630 hm

Is the property available for inspection without an appointment?

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

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"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other <u>CARPORT</u>	Please describe: <u>Carport Already Built</u>
<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:	<u>4'0</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 type="checkbox"/> Total number of variances requested <u>1</u>			

Signed: Mario Enamorado Date: 11/4/08

FOR OFFICE USE ONLY

Date Submitted: 11/4/08 Reviewed By: J.W
 Zoning/FLU R-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: Carport already built, Post are 4 FT From property line.

VARIANCE SUBMITTAL CHECKLIST

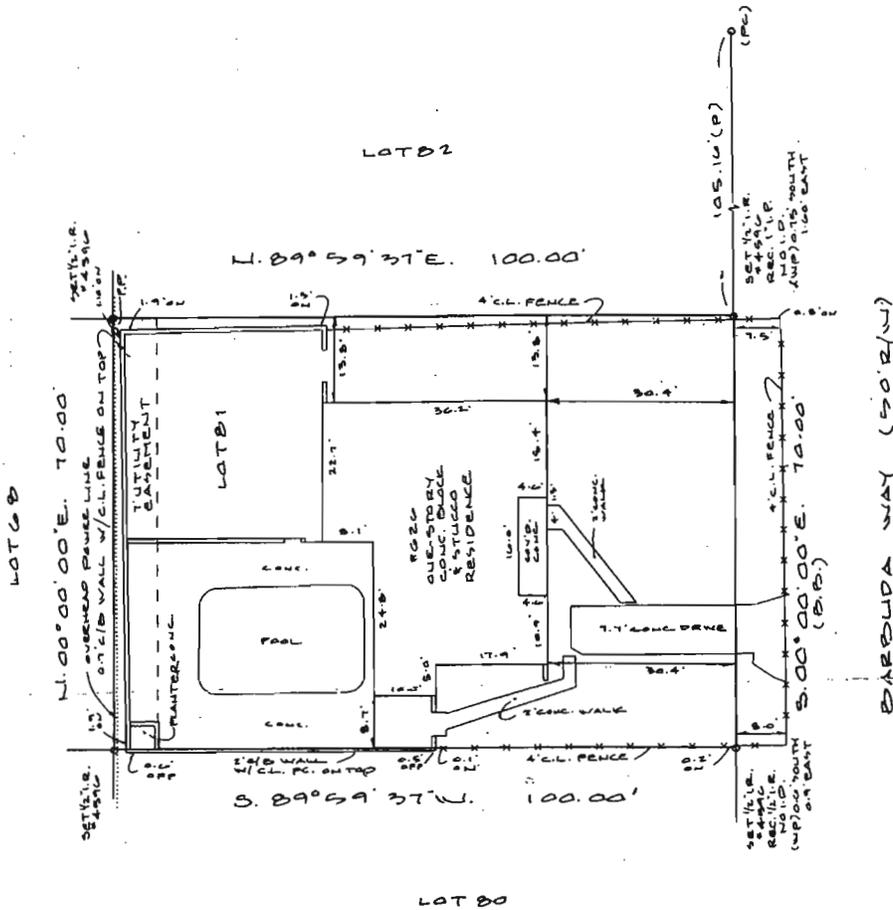
Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<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. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. 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, drain field and wells
	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

BOUNDARY SURVEY FOR/CERTIFIED TO: Mario Enamorado
 Smathers & Kemp, P.A., Attorneys' Title Insurance Fund, Inc., Southern Mortgage Investment Corp.

DESCRIPTION AS FURNISHED: Lot 81, OAKLAND HILLS, as recorded in Plat Book 13, Pages 63 & 64, Public Records of Seminole County, Florida.



GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS

5400 E. COLONIAL DR. ORLANDO, FL 32807 (407)-277-3232 FAX (407)-658-1436

- NOTES:
1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61017-8 FLORIDA ADMINISTRATIVE CODE PURSUANT SECTION 472-027 FLORIDA STATUTES.
 2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
 3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
 4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
 5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
 6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
 7. BEARINGS ARE BASED ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.).
 8. ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1928, UNLESS OTHERWISE NOTED.
 9. CERTIFICATE OF AUTHORIZATION No. 4594.

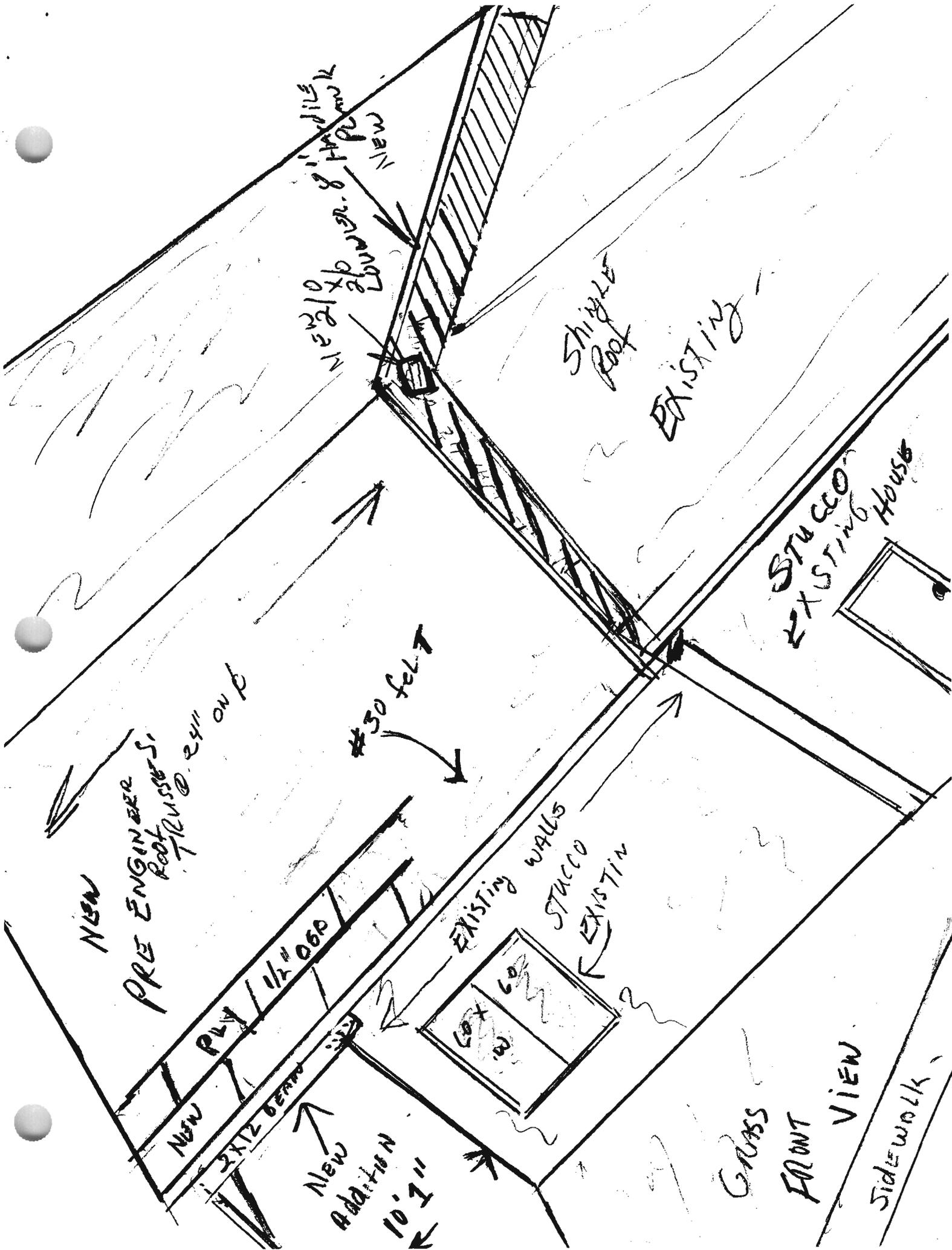
LEGEND	
- PLAT	R
- FIELD	L
- IRON PIPE	A
- IRON ROD	C
- CONCRETE MONUMENT	G.B.
- 1/2" IR. w/ #18 4594	P.O.L.
- RECORDED	TYP.
- POINT OF BEGINNING	P.C.C.
- POINT OF COMMENCEMENT	S.M.
- CENTERLINE	N.B.
- WALL & DISK	W.P.
- RIGHT-OF-WAY	D.A.L.C.
- EASEMENT	P.F.M.
- DRAINAGE	E.T.
- UTILITY	S.S.L.
- W/ LINK FENCE	B.M.
- FENCE	B.B.
- 2" X 4" BLOCK	
- CURVATURE	
- LINE OF TANGENCY	
- DESCRIPTION	



THIS BUILDING/PROPERTY DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLANE AS PER "FIRM" ZONE X PANEL # 120267 AT 08 (4-17-93)

CERTIFIED BY: James W. Scott R.L.S. # 4801
 JAMES W. SCOTT, R.L.S. # 4801
 TOM X. GRUSENMEYER, R.L.S. # 4714

SCALE 1" = 20'	
FIELD DATE	ORDER No.
BOUNDARY 01-25-01	495-01
DRAWN BY: M.A.	CHECKED BY:



NEW 2x10 Joist
2x12 BEAM
NEW

SHINGLE ROOF
EXISTING

STUCCO EXISTING
HOUSE

NEW
PRE ENGINEER
ROOF TRUSSES
7/8" @ 24" ON C

#30 FELT

EXISTING WALLS
STUCCO
EXISTING

60x60
W

NEW
ADDITION
10'-1"

GRASS
FRONT VIEW
SIDEWALK

POOL

NEW
1/2" OSB Plywood
#15 FELT
Com. SHINGLES

16" OVER HANG

24" x 24" COVER NEW

PRE ENGINEERED NEW
ROOF TRUSSES @ 24" o.c.
1/2" OSB NEW 27' 11"

NEW PRE ENGINEERED
ROOF TRUSSES @ 24" o.c.

NEW 2x12 CH
EXISTING HOUSE BEAM

Hardie PLANK

EXISTING PAVER DRIVEWAY

EXISTING HOUSE STAIRS

NEW OVER 15' FELT

NEW 2x12 BEAM

EASTMENT 4"

NEW 5' CONCRETE

5' EXISTING

EXISTING STAIRS
6x6x30 EXISTING WALL

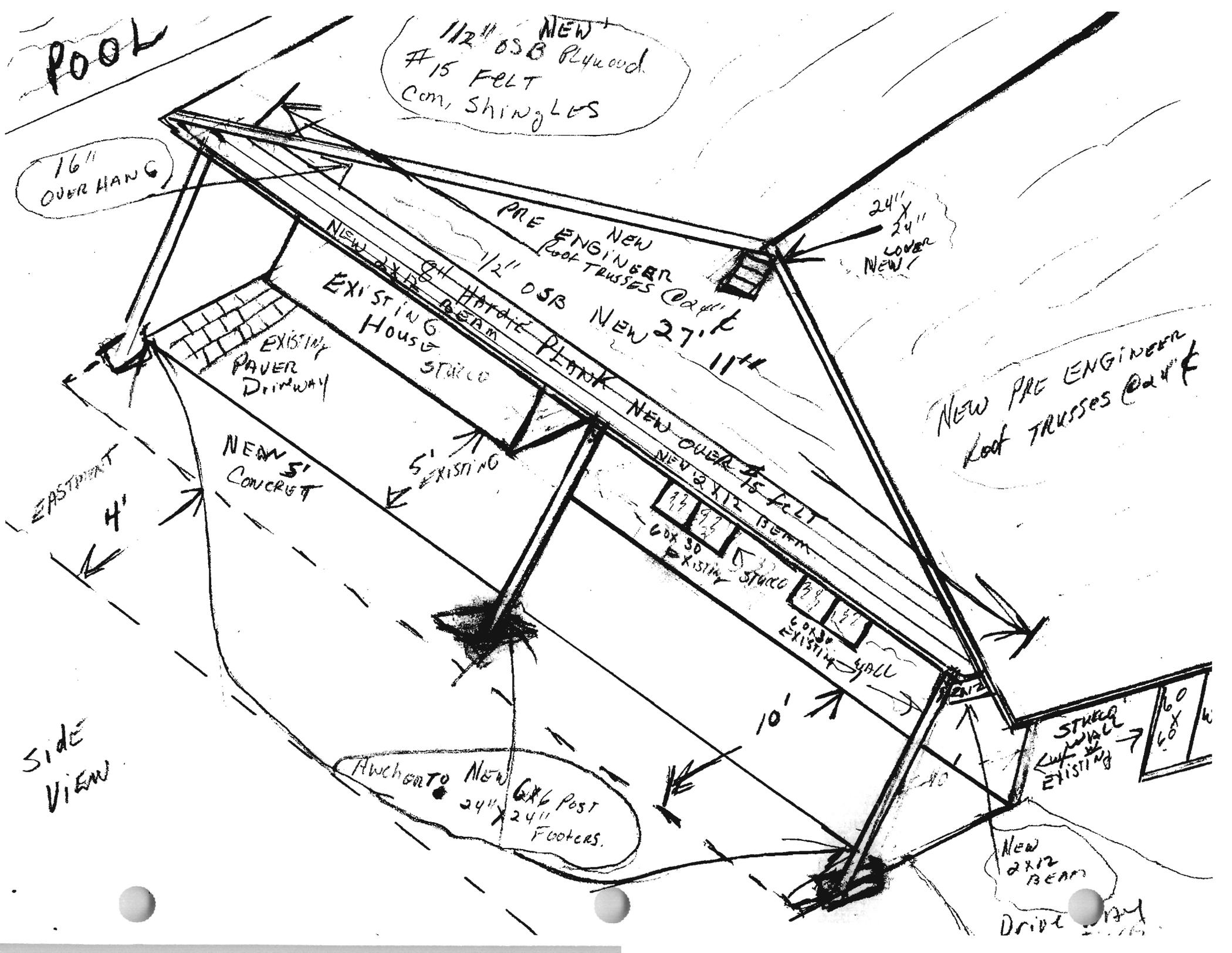
SIDE VIEW

Anchor to New 6x6 Post
24" x 24" Footers.

STAIR WALL
EXISTING
6x6x30

New 2x12 BEAM

DRIVEWAY



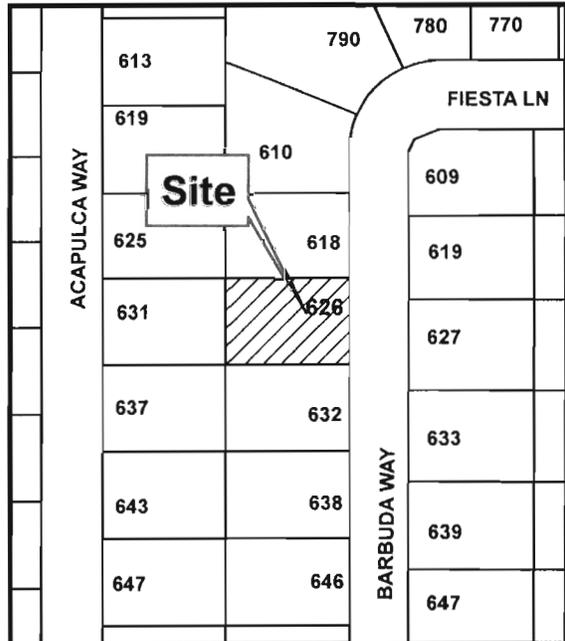
Mario and Miriam Enamorado
 626 Barbuda Way
 Altamonte Springs, Florida 32714



Seminole County Board of Adjustment
 January 26, 2009
 Case: BV2008-112 (Map 3208 Grid A2)
 Parcel No: 21-21-29-501-0000-0810

Zoning

-  BV2008-112
-  A-1
-  R-1A
-  R-1
-  C-3
-  PCD

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

EMINOLE COUNTY FL
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7505

ACAPULCA WAY	66	83	BARBUDA WAY	138	137
	67	82		139	136
	68	81		140	135
	69	80		141	134
	70	79		142	133



GENERAL

Parcel Id: 21-21-29-501-0000-0810
 Owner: ENAMORADO MARIO & MIRIAM J
 Mailing Address: 626 BARBUDA WAY
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32714
 Property Address: 626 BARBUDA WAY ALTAMONTE SPRINGS 32714
 Subdivision Name: OAKLAND HILLS
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$108,473	\$110,001
Depreciated EXFT Value	\$4,725	\$4,725
Land Value (Market)	\$25,000	\$25,000
Land Value Ag	\$0	\$0
Just/Market Value	\$138,198	\$139,726
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$138,198	\$139,726

Tax Estimator

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$138,198	\$0	\$138,198
Schools	\$138,198	\$0	\$138,198
Fire	\$138,198	\$0	\$138,198
Road District	\$138,198	\$0	\$138,198
SJWM(Saint Johns Water Management)	\$138,198	\$0	\$138,198
County Bonds	\$138,198	\$0	\$138,198

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/2001	04003	1134	\$80,000	Improved	Yes
WARRANTY DEED	03/1989	02047	1767	\$53,000	Improved	Yes
QUIT CLAIM DEED	11/1988	02047	1766	\$100	Improved	No
WARRANTY DEED	07/1988	01977	0461	\$56,400	Improved	Yes
WARRANTY DEED	04/1986	01727	1360	\$46,500	Improved	Yes
WARRANTY DEED	08/1980	01293	0450	\$35,900	Improved	No
WARRANTY DEED	10/1979	01247	1827	\$29,900	Improved	Yes

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

2008 Tax Bill Amount: \$2,104
2008 Certified Taxable Value and Taxes
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	25,000.00	\$25,000

LEGAL DESCRIPTION

PLATS:
 LOT 81 OAKLAND HILLS PB 13 PG 63 & 64

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1960	3	892	1,341	1,216	EW CONCRETE BLOCK	\$108,473	\$152,779
Appendage / Sqft		BASE SEMI FINISHED / 198							
Appendage / Sqft		UTILITY UNFINISHED / 45							
Appendage / Sqft		ENCLOSED PORCH FINISHED / 126							
Appendage / Sqft		OPEN PORCH FINISHED / 80							

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1969	493	\$3,944	\$9,860
COOL DECK PATIO	1969	558	\$781	\$1,953

*E: 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
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: Maud Enomawo Name: _____
Address: 626 Barbuda Way Altamonte Address: _____
Phone #: 407 782 0944 FL 32714 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: _____
Trustees: _____ Beneficiaries: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

Form #
Date

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.

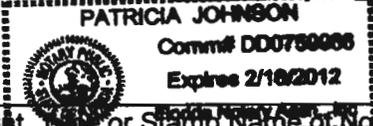
11/4/08
Date

Mario Enamorado
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 4th day of November, 2008 by MARIO

ENAMORADO
Patricia Johnson
Signature of Notary Public


Print Name or Stamp of Notary Public

Personally Known _____ OR Produced Identification ✓ Florida Driver License
Type of Identification Produced E560-540-64-367-D

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 81 OAKLAND HILLS PB 13 PG 63 & 64

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

FINDINGS OF FACT

Property Owner: Mario & Miriam J Enamorado
626 Barbuda Way
Altamonte Springs FL 32714

Project Name: Barbuda Way (626)

Requested Variance:

Side yard (south) setback variance from 7.5 feet to 4 feet for an existing carport in R-1 (Single Family Dwelling) district.

Approval was sought to retain an addition constructed within the side yard setback. 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.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 81 OAKLAND HILLS PB 13 PG 63 & 64

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

FINDINGS OF FACT

Property Owner: Mario & Miriam J Enamorado
626 Barbuda Way
Altamonte Springs FL 32714

Project Name: Barbuda Way (626)

Variance Approval:

Side yard (south) setback variance from 7.5 feet to 4 feet for an existing carport in R-1 (Single Family Dwelling) 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: 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:

- a. The variance granted will apply only to the carport 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

