

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

**SUBJECT:** 3504 West Lina Lane – Jesus Montanez, applicant; Request for a rear yard setback variance from 30 feet to 26.5 feet for a proposed single story family room addition in R-1A (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 rear yard setback variance from 30 feet to 26.5 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 26.5 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Jesus Montanez</p> <p>Location: 3504 West Lina Lane</p> <p>Zoning: R-1A (Single Family Dwelling)</p> <p>Subdivision: West Beverly Terrace</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a one-story addition at the rear of the existing home that will encroach 3.5 feet into the required 30-foot rear yard setback.</li> <li>• The existing house was built in 1970 and became non-conforming for the rear yard setback when the requirement for the rear setback in R-1A was changed from 20 feet to 30 feet in September of 1970.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

Reviewed by: AK  
Co Atty: AS  
Pln Mgr: AS

<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the addition at the rear as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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 # BV2008-113  
Meeting Date 1-26-08



# VARIANCE APPLICATION COPY

## 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: JESUS MONTANEZ  
Address: 3504 W LINDA LA. City: APOPKA, Zip code: 32703  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Tax Parcel number: 19-21-29-521-0000-0130 R-1A  
Contact number(s): (407) 774-5674 hm. (321) 277-1760 cell  
Email address: \_\_\_\_\_

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 checked="" type="checkbox"/> Addition	Please describe: <u>concrete room addition</u>
<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.	

RECEIVED NOV 06 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>30ft.</u>	Proposed setback: <u>26.5ft.</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>			

Signed: [Signature] Date: 11/6/08

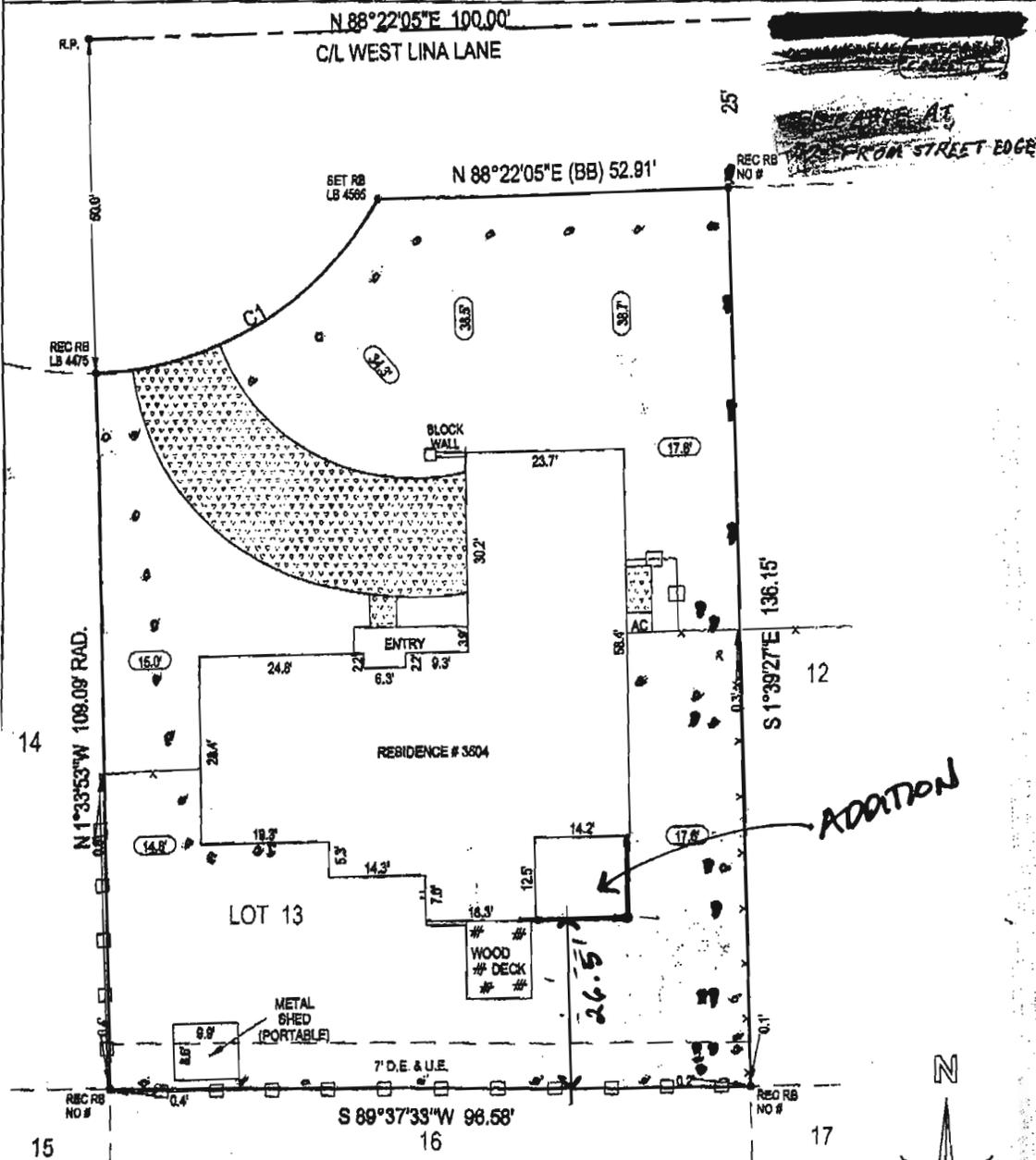
**NOTES:**

1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
5. BEARINGS ARE BASED ON RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0115 E DATED 04-17-95.

**Boundary  
And  
Mapping  
Associates, Inc.**

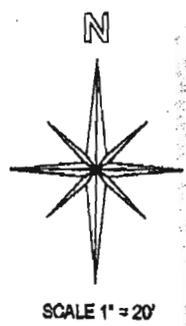
LAND SURVEYORS  
LB 4566

109 WEST ORANGE STREET  
ALTAMONTE SPRINGS, FL  
32714  
PH. (407) 686-1155



CERTIFIED TO:  
ESUS N. MONTANEZ & MIRIAM H. MONTANEZ  
VATSON TITLE SERVICES, INC.  
UNTRUST MORTGAGE, INC.  
LD REPUBLIC NATIONAL TITLE INSURANCE CO.

DESCRIPTION: LOT 13, WEST BEVERLY TERRACE, ACCORDING TO THE PLAT  
HEREOF, AS RECORDED IN PLAT BOOK 15, PAGE(S) 92, OF THE PUBLIC  
RECORDS OF SEMINOLE COUNTY, FLORIDA.



PLAT NO.: 04-1886  
DATE FIELD: 07-13-04  
SIGNED: 07-14-04  
DRAWN BY: JWW  
S.M.

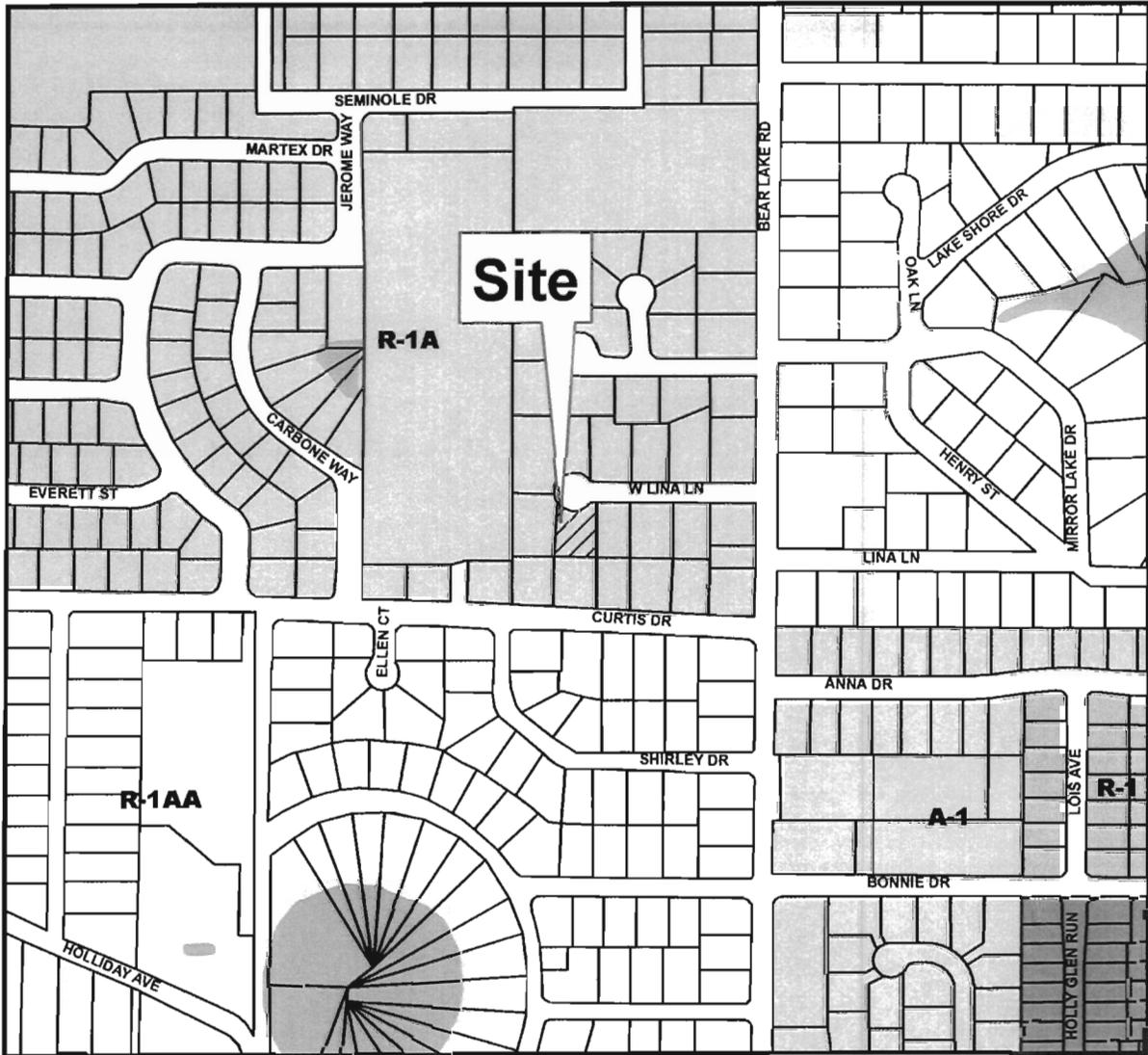
LEGEND	
REC - RECOVERED	CONCRETE
L.P. - IRON PIPE	PRC - POINT OF REVERSE CURVE
I.C. - ILLIGIBLE CAP #	R - RADIUS POINT
C.M. - CONCRETE MONUMENT	L - LENGTH OF ARC
RB - REBAR	CA - CENTRAL ANGLE
RAD. - RADIAL	U.E. - UTILITY EASEMENT
N.R. - NOT RADIAL	D.E. - DRAINAGE EASEMENT
NAD - NAIL & DISC	L.E. - LANDSCAPE EASEMENT
(P) - PER PLAT	P.E. - POOL EQUIPMENT
(M) - AS MEASURED	P. - POWER POLE
(D) - PER DESCRIPTION	J - CHAIN LINK FENCE
P.O.L. - POINT ON LINE	W - WOODEN FENCE
P.C. - POINT OF CURVATURE	
P.T. - POINT OF TANGENCY	

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports is prohibited without written consent of the signing party or parties.

*Jimmy W. Jackson*  
JIMMY W. JACKSON, PSM 4243



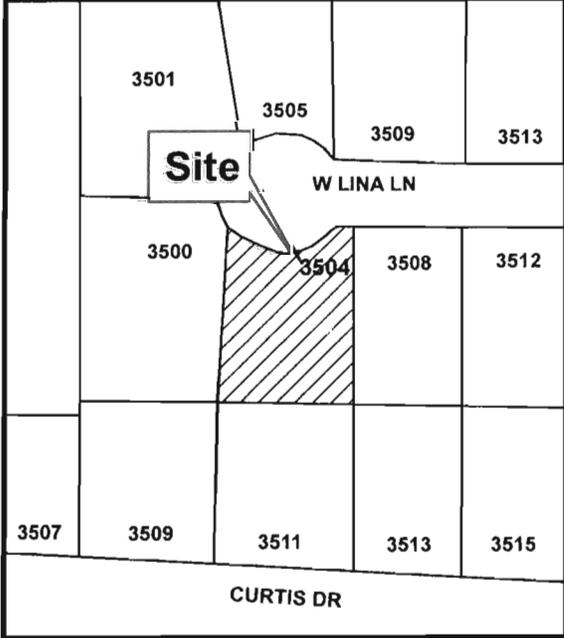
Jesus Montanez  
 3504 W. Lina Lane  
 Apopka, Florida 32703



Seminole County Board of Adjustment  
 January 26, 2009  
 Case: BV2008-113 (Map 3154 Grid B7)  
 Parcel No: 18-21-29-521-0000-0130

**Zoning**

-  BV2008-113
-  A-1
-  R-1AA
-  R-1A
-  R-1
-  R-1BB

## 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:

LEG LOT 13 WEST BEVERLY TERRACE PB 15 PG 92

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

### FINDINGS OF FACT

**Property Owner:** Jesus N & Miriam H Montanez  
3504 Lina Ln W  
Apopka FL 32703

**Project Name:** Lina Lane (3504)

### Variance Approval:

Rear yard setback variance from 30 feet to 26.5 feet for a proposed single story family room addition in R-1A (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 addition at the rear 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

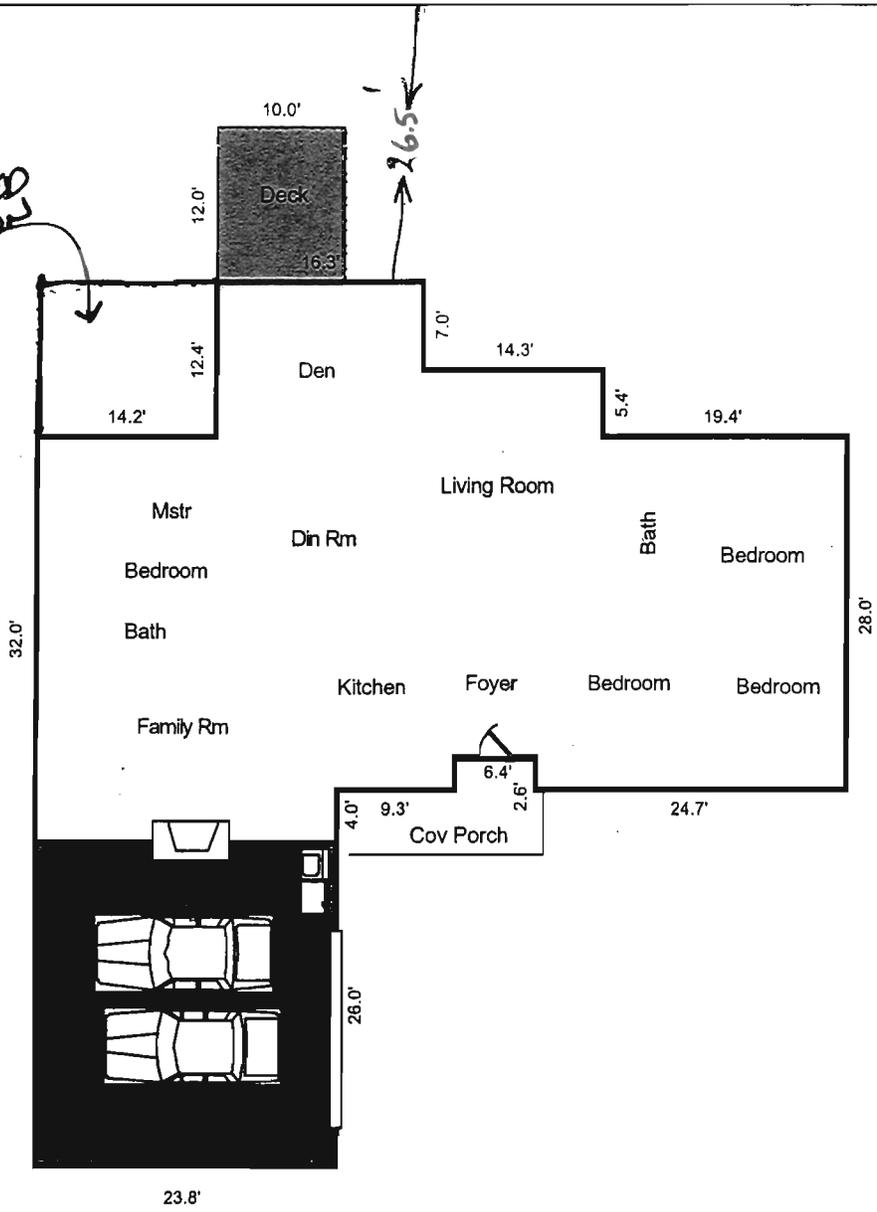
My Commission Expires:



# FLOORPLAN

Owner: Montanez	File No.: 4-5163BP
Property Address: 3504 West Lina Lane	Case No.: 0030229249
City: Apopka	State: FL
Lender: SunTrust Mortgage Inc	Zip: 32703

*PROPOSED ADDITION*



Sketch by Apex IV™

Comments

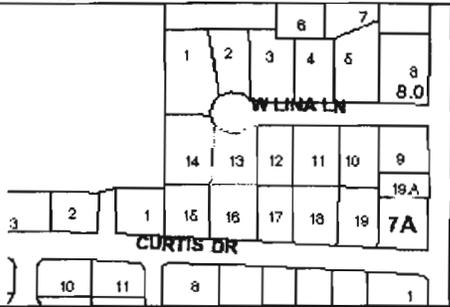
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

EMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506



**GENERAL**

Parcel Id: 18-21-29-521-0000-0130  
 Owner: MONTANEZ JESUS N & MIRIAM H  
 Mailing Address: 3504 W LINA LN  
 City,State,ZipCode: APOPKA FL 32703  
 Property Address: 3504 LINA LN W APOPKA 32703  
 Subdivision Name: WEST BEVERLY TERRACE  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (2005)  
 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	\$181,298	\$182,966
Depreciated EXFT Value	\$600	\$600
Land Value (Market)	\$35,000	\$35,000
Land Value Ag	\$0	\$0
<b>Just/Market Value</b>	<b>\$216,898</b>	<b>\$218,566</b>
Portability Adj	\$0	\$0
Save Our Homes Adj	\$46,620	\$53,248
Assessed Value (SOH)	\$170,278	\$165,318
<b>Tax Estimator</b>		
<b>Portability Calculator</b>		

**2009 TAXABLE VALUE WORKING ESTIMATE**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$170,278	\$50,000	\$120,278
Schools	\$170,278	\$25,000	\$145,278
Fire	\$170,278	\$50,000	\$120,278
Road District	\$170,278	\$50,000	\$120,278
SJWM(Saint Johns Water Management)	\$170,278	\$50,000	\$120,278
County Bonds	\$170,278	\$50,000	\$120,278

**Potential Portability Amount is \$46,620**

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	07/2004	05438 0610	\$196,000	Improved	Yes
WARRANTY DEED	06/1983	01471 1146	\$80,800	Improved	Yes
WARRANTY DEED	03/1978	01164 1077	\$48,200	Improved	Yes
WARRANTY DEED	01/1977	01118 0121	\$42,000	Improved	Yes

Find Comparable Sales within this Subdivision

**2008 VALUE SUMMARY**

Tax Amount (without SOH):	\$3,292
<b>2008 Tax Bill Amount:</b>	<b>\$1,925</b>
<b>Save Our Homes (SOH) Savings:</b>	<b>\$1,367</b>
<b>2008 Certified Taxable Value and Taxes</b>	
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	35,000.00	\$35,000

**LEGAL DESCRIPTION**

PLATS:   
 LEG LOT 13 WEST BEVERLY TERRACE PB 15 PG 92

**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	1971	7	1,945	2,855	1,945	EW CONCRETE BLOCK	\$181,298	\$222,451
<b>Appendage / Sqft</b>		SCREEN PORCH UNFINISHED / 180							
<b>Appendage / Sqft</b>		GARAGE FINISHED / 648							
<b>Appendage / Sqft</b>		OPEN PORCH FINISHED / 82							

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

Permits

EXTRA FEATURE

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: JESVS MONTANEZ  
Address: 3504 W. LINA LA.  
Phone #: 407-774-5574

Name: MIRIAM MONTANEZ  
Address: 3504 W. LINA LA.  
Phone #: 407-774-5574

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
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: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
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: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
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.

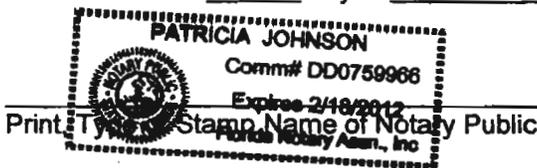
11/6/08  
Date

*Jesus Martinez*  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 6<sup>th</sup> day of November, 2008 by Jesus  
Martinez

Patricia Johnson  
Signature of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification ✓  
Type of Identification Produced M 535-434-41-335-0

<b>For Use by Planning &amp; Development Staff</b>	
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:

LEG LOT 13 WEST BEVERLY TERRACE PB 15 PG 92

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

### FINDINGS OF FACT

**Property Owner:** Jesus N & Miriam H Montanez  
3504 Lina Ln W  
Apopka FL 32703

**Project Name:** Lina Lane (3504)

**Requested Variance:**

Rear yard setback variance from 30 feet to 26.5 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) district.

Approval was sought to construction an addition within the rear 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: