

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: 1307 Lake Asher Circle – Adan Alcala, applicant; Request for a front yard setback variance from 25 feet to 21 feet for an addition in R-1AA (Single Family Dwelling) district;

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Kathy Fall CONTACT: Joy Williams EXT. 7399

Agenda Date 01/26/09 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a front yard setback variance from 25 feet to 21 feet for an addition in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a front yard setback variance from 25 feet to 21 feet for an addition in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Adan Alcala Location: 1307 Lake Asher Circle Zoning: R-1AA (Single Family Dwelling) district Subdivision: Bear Lake Manor
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an 8-ft by 17-ft addition that would encroach 4 feet into the required 25-foot front yard setback.</li> <li>• The one story addition would be utilized as a walk-in closet for the 2000 square-foot home.</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>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> <li>• No special conditions or circumstances exist, which</li> </ul>

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

	<p>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.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></p>	<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 front yard setback for the 8-foot by 17-foot addition 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 # BV2008-116  
Meeting Date 1-26-09



**VARIANCE APPLICATION**  
**SEMINGOLE 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: Adán Alcalá  
Address: 1307 Lake Asher Circle City: Apopka Zip code: 32703  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Tax Parcel number: 18-21-29-519-0800-0350  
Contact number(s): 407-772-3722 407-435-7968 (cell)  
Email address: aalca58@Hotmail.com

Is the property available for inspection without an appointment?

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

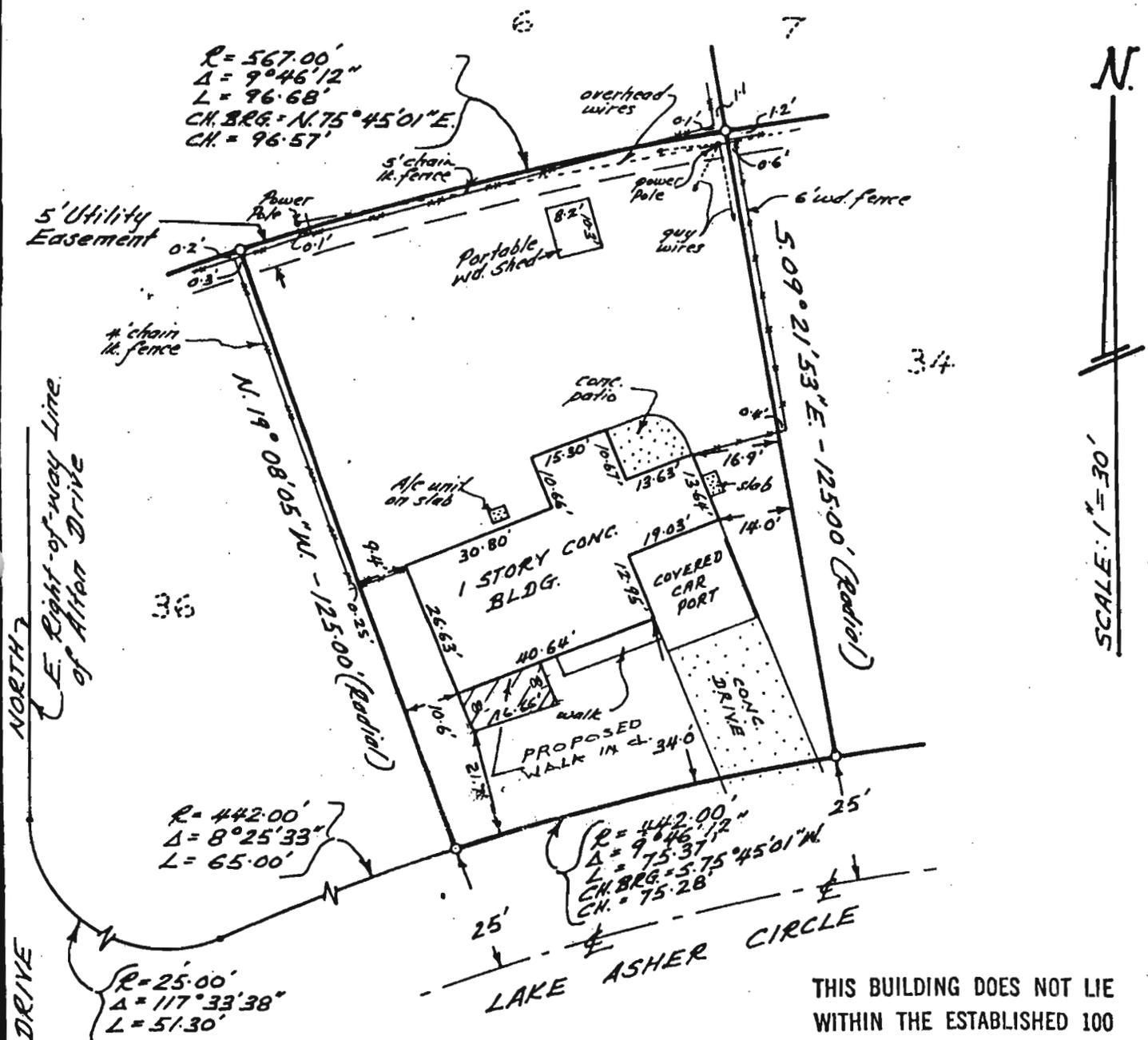
What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>walk in closet</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 25 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25 Ft.</u>	Proposed setback: <u>21 Ft.</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<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: Adán Alcalá Date: 11-25-08

BOUNDARY SURVEY  
LOT 35, BEAR LAKE MANOR



THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PRONE AREA.

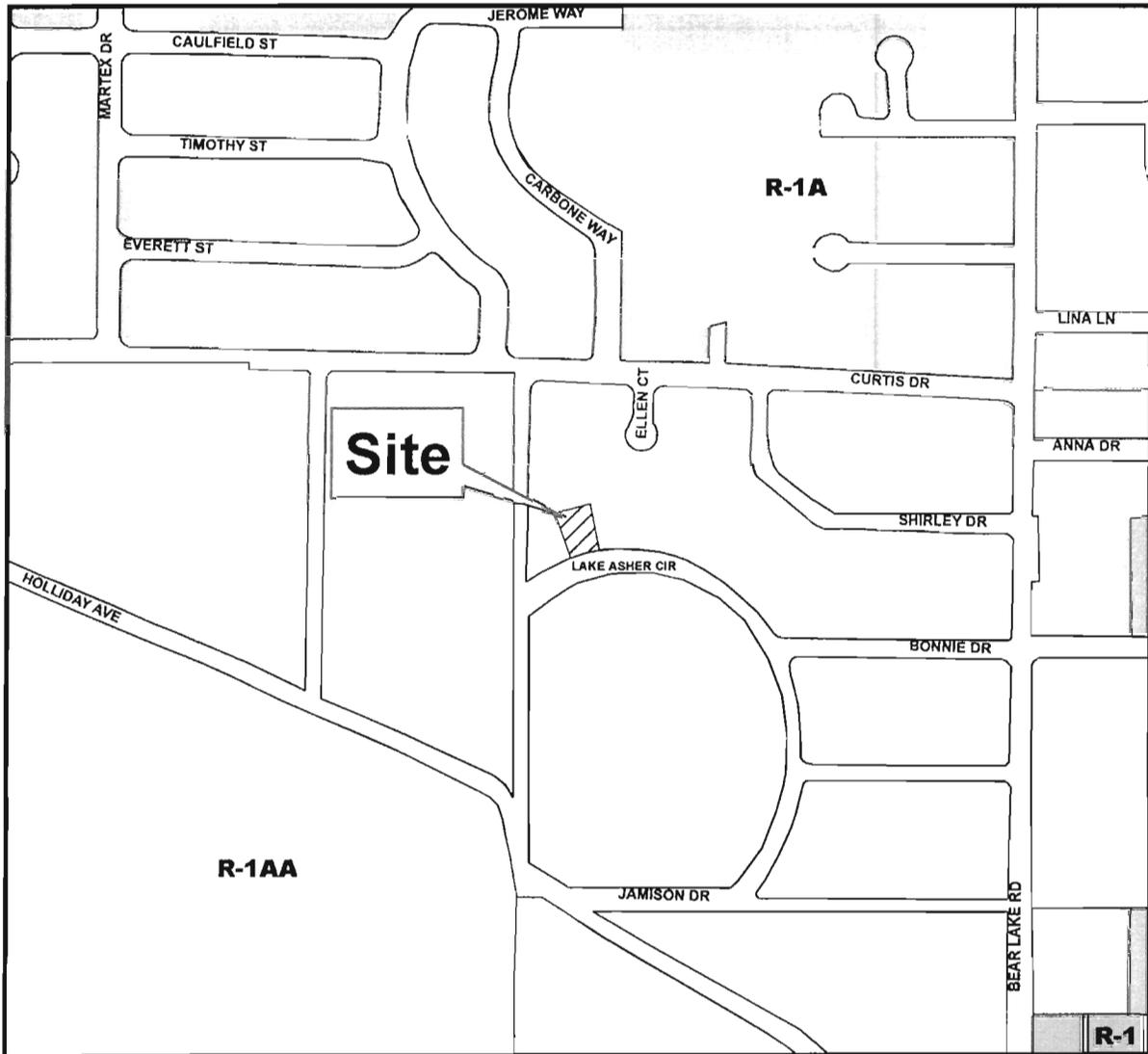
NOTES

1. Bearings are oriented to the East Right-of-way line of Alton Drive assumed North.
2. Street address: - 1307 Lake Asher Circle.
3.  $\circ$  Denotes iron rod/cap #3505

LEGAL DESCRIPTION

LOT 35, BEAR LAKE MANOR, AS RECORDED IN PLAT BOOK 11, PAGE 79, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

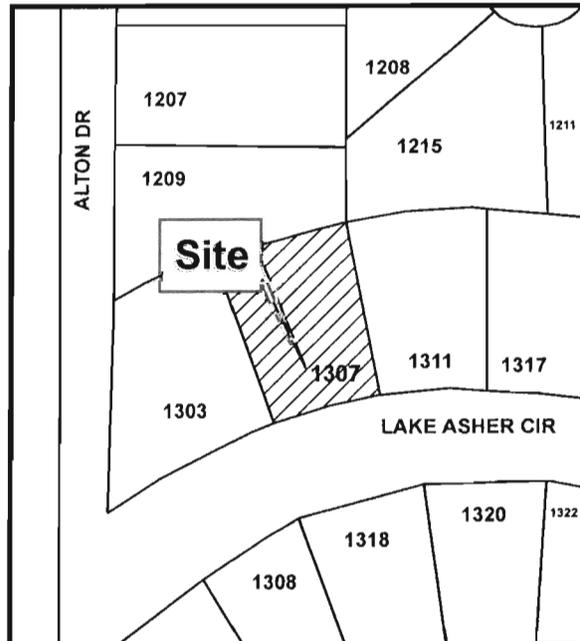
Adan Alcala  
1307 Lake Asher Circle  
Apopka, Florida 32703



Seminole County Board of Adjustment  
January 26, 2009  
Case: BV2008-116 (Map 3154 Grid A7)  
Parcel No: 18-21-29-519-0B00-0350

**Zoning**

-  BV2008-116
-  A-1
-  R-1AA
-  R-1A
-  R-1



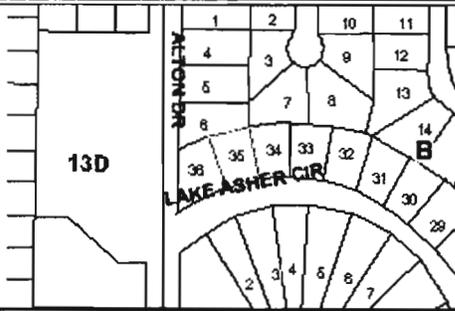
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

MINOLE COUNTY FL

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



**GENERAL**

Parcel Id: 18-21-29-519-0B00-0350  
 Owner: ALCALA ADAN & ROSA M  
 Mailing Address: 1307 LAKE ASHER CIR  
 City,State,ZipCode: APOPKA FL 32703  
 Property Address: 1307 LAKE ASHER CIR APOPKA 32703  
 Subdivision Name: BEAR LAKE MANOR  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1994)  
 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	\$140,108	\$154,260
Depreciated EXFT Value	\$461	\$461
Land Value (Market)	\$35,000	\$35,000
Land Value Ag	\$0	\$0
Just/Market Value	\$175,569	\$189,721
Portability Adj	\$0	\$0
Save Our Homes Adj	\$31,509	\$49,857
Assessed Value (SOH)	\$144,060	\$139,864
<b>Tax Estimator</b>		
<b>Portability Calculator</b>		

**2009 TAXABLE VALUE WORKING ESTIMATE**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$144,060	\$50,000	\$94,060
Schools	\$144,060	\$25,000	\$119,060
Fire	\$144,060	\$50,000	\$94,060
Road District	\$144,060	\$50,000	\$94,060
SJWM(Saint Johns Water Management)	\$144,060	\$50,000	\$94,060
County Bonds	\$144,060	\$50,000	\$94,060

Potential Portability Amount is \$31,509

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 06/1987 01857 1405 \$50,000 Improved Yes  
 Find Comparable Sales within this Subdivision

**2008 VALUE SUMMARY**

Tax Amount (without SOH): \$2,857  
 2008 Tax Bill Amount: \$1,542  
 Save Our Homes (SOH) Savings: \$1,315  
**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	35,000.00	\$35,000

**LEGAL DESCRIPTION**

PLATS:   
 LEG LOT 35 BLK B BEAR LAKE MANOR PB 11 PG 79

**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	6	1,275	2,573	2,011	EW CONCRETE BLOCK	\$140,108	\$197,335
Appendage / Sqft		OPEN PORCH FINISHED / 84							
Appendage / Sqft		GARAGE FINISHED / 380							
Appendage / Sqft		UTILITY FINISHED / 98							
Appendage / Sqft		BASE / 358							
Appendage / Sqft		BASE / 378							

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
WOOD UTILITY BLDG	1979	192	\$461	\$1,152

**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  
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: ADAN & ROSA ALCALA Name: \_\_\_\_\_  
Address: 1307 LAKE FISHER CIRCLE Address: \_\_\_\_\_  
Phone #: (407) 435-7968 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.)

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.

Nov 25 '08  
Date

[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 25<sup>th</sup> day of November, 2008 by ADAN

ALICIA  
Patricia Johnson  
Signature of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced A424-001-41-343-0  
Florida Driver License

**For Use by Planning & Development Staff**  
Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

BV2008-116

DATE: Jan 5, 2009  
FROM: Joan Kelly  
TO: Planning and Development Department  
RE: Room Addition

This is to certify that Mr. Adán Alcalá has talked to me about the addition of a walk-in closet.

I have no objection as to this addition.

  
Joan Kelly

1303 Lake Asher Circle  
Apopka Fl. 32703  
407 862-0730

BV2008-116

DATE: Jan 5, 2009  
FROM: Eric/Helene  
TO: Planning and Development Department  
RE: Room Addition

This is to certify that Mr. Adán Alcalá has talked to us about the addition of a walk-in closet to the front of his house.

We have no objection as to this addition.

  
Eric Levine

  
Helene Levine

1311 Lake Asher Circle  
Apopka Fl. 32703  
Ph # 407 376-6688

**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 35 BLK B  
BEAR LAKE MANOR PB 11 PG 79

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

**FINDINGS OF FACT**

**Property Owner:** Adan & Rosa Alcala  
1307 Lake Asher Circle  
Apopka, FL 32703

**Project Name:** Lake Asher Circle (1307)

**Requested Variance:**

Request for a front yard setback variance from 25 feet to 21 feet for an addition in R-1AA (Single Family Dwelling) district.

Approval was sought to allow an addition to encroach within the front 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: Joy Williams, 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 35 BLK B  
BEAR LAKE MANOR PB 11 PG 79

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

### FINDINGS OF FACT

**Property Owner:** Adan & Rosa Alcalá  
1307 Lake Asher Circle  
Apopka, FL 32703

**Project Name:** Lake Asher Circle (1307)

#### **Variance Approval:**

Front yard setback variance from 25 feet to 21 feet for an addition in R-1AA (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: Joy Williams, 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 front yard setback for an addition 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:

