

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

**SUBJECT:** 1111 Oranole Road – Derek Chontas, applicant; Request for a side yard (north) setback variance from 10 feet to 8.9 feet in order to enclose an existing carport in R-1AA (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. **Approve** the request for a side yard (north) setback variance from 10 feet to 8.9 feet in order to enclose an existing carport in R-1AA (Single Family Dwelling) district.; or
2. **Deny** the request for a side yard (north) setback variance from 10 feet to 8.9 feet in order to enclose an existing carport in R-1AA (Single Family Dwelling) district.; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Derek Chontas          Owner: Michael W &amp; Karith E Barclay          Location: 1111 Oranole Road          Zoning: R-1AA (Single Family Dwelling)          Subdivision: Druid Hills Park</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to enclose an existing carport. The existing carport encroaches 1.1 foot into the required side yard (north) setback.</li> <li>• The house was constructed in 1958 and became non-conforming for the side setback in 1970 when the side yard setback requirement for R-1AA was changed from 7.5 feet to 10 feet.</li> <li>• The north wall of the carport is an existing enclosed storage area and the portion of the structure that is</li> </ul>

Reviewed by:                       
 Co Atty:                       
 Pln Mgr:

	<p>encroaching into the side setback. Enclosing the remaining area of the carport would not be furthering the non-conformity nor would it create a greater or new encroachment into this setback.</p> <ul style="list-style-type: none"><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>	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• 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 do not result from the actions of the applicant.</li><li>• The granting of the variance requested would not 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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance requested is 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 be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends approval of the request. 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 enclosure of the carport 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

**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: Michael Buckley / Derek Chontas  
 Address: 1111 ORANDE ROAD City: Maize Zip code: 32751  
 Project Address: " City: " Zip code: "  
 Tax Parcel number: 23-21-29-503-0800-0170  
 Contact number(s): 407 3148232  
 Email address: DCchontas43@gmail.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:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" 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:	Proposed setback:	<u>10ft</u> / <u>8.9ft</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:

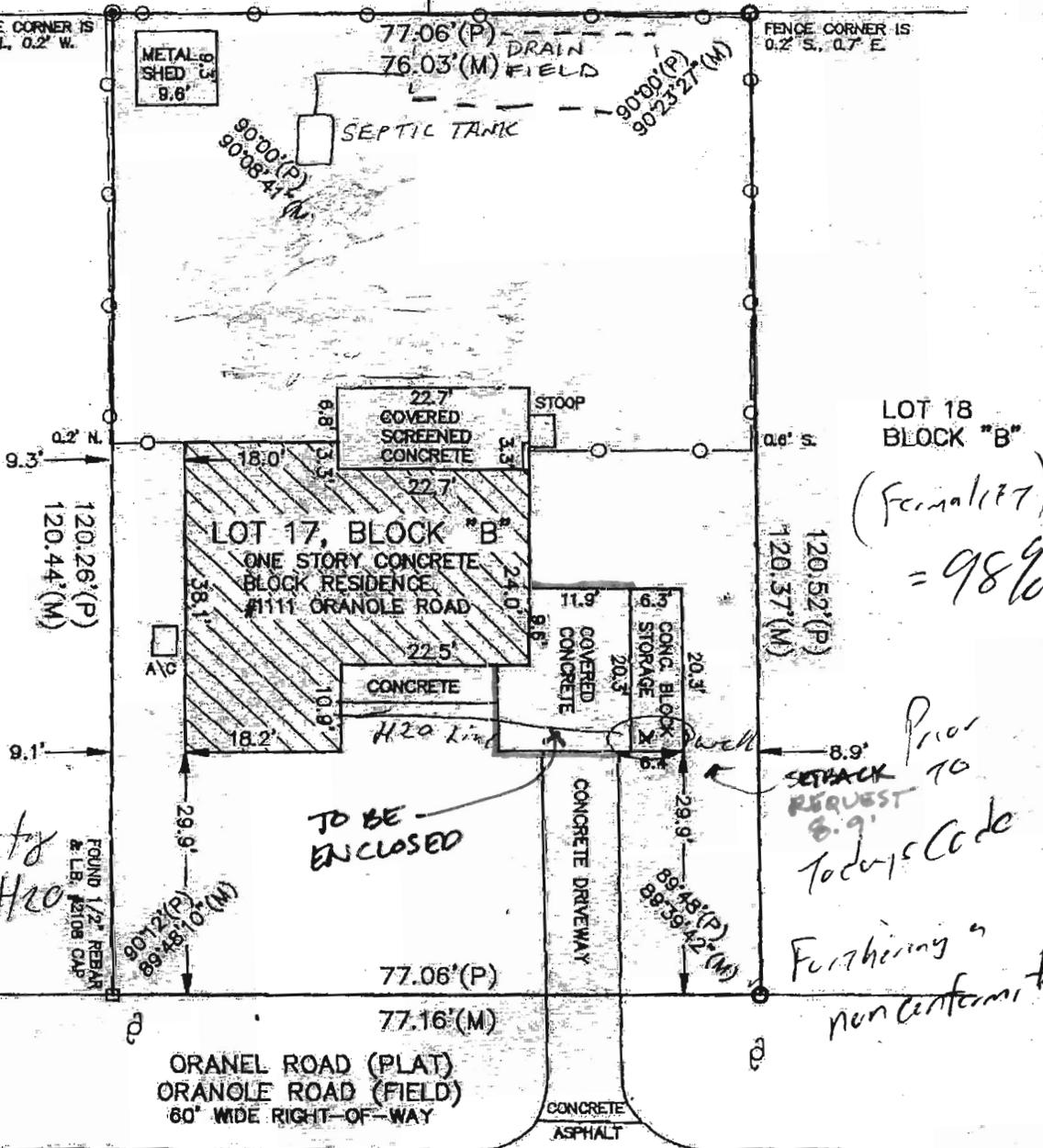
Total number of variances requested 1

Signed: [Signature] Date: 1-26-08

**LEGAL DESCRIPTION:** BOUNDARY & LOCATION SURVEY  
 LOT 17, BLOCK "B", DRUID HILLS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED  
 IN PLAT BOOK 10, PAGE 21 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.  
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

LOT 15  
BLOCK "B"

LOT 19  
BLOCK "B"



*Neighbors have entry H2O*

*TO BE ENCLOSED*

*8.9' SETBACK REQUEST 8.9' Today's Code*

*Furthering non-conformity*

*(Final 1/27) = 98%*

**SURVEYOR'S NOTES:**

UNDERGROUND, AERIAL AND/OR NON-VISIBLE IMPROVEMENTS WERE NOT LOCATED OR SHOWN HEREON. THIS SURVEYOR HAS NOT DONE ANY TITLE RESEARCH. SURVEY PREPARED SOLELY FOR A MORTGAGE LOAN CLOSING.

(P) DENOTES A PLAT DISTANCE AND/OR DIRECTION.

(M) DENOTES A MEASURED DISTANCE AND/OR DIRECTION.

□ — □ — DENOTES A WOOD PRIVACY FENCE.

○ — ○ — DENOTES A CHAIN LINK FENCE.

● DENOTES A FOUND 1" IRON PIPE, NO IDENTIFICATION.

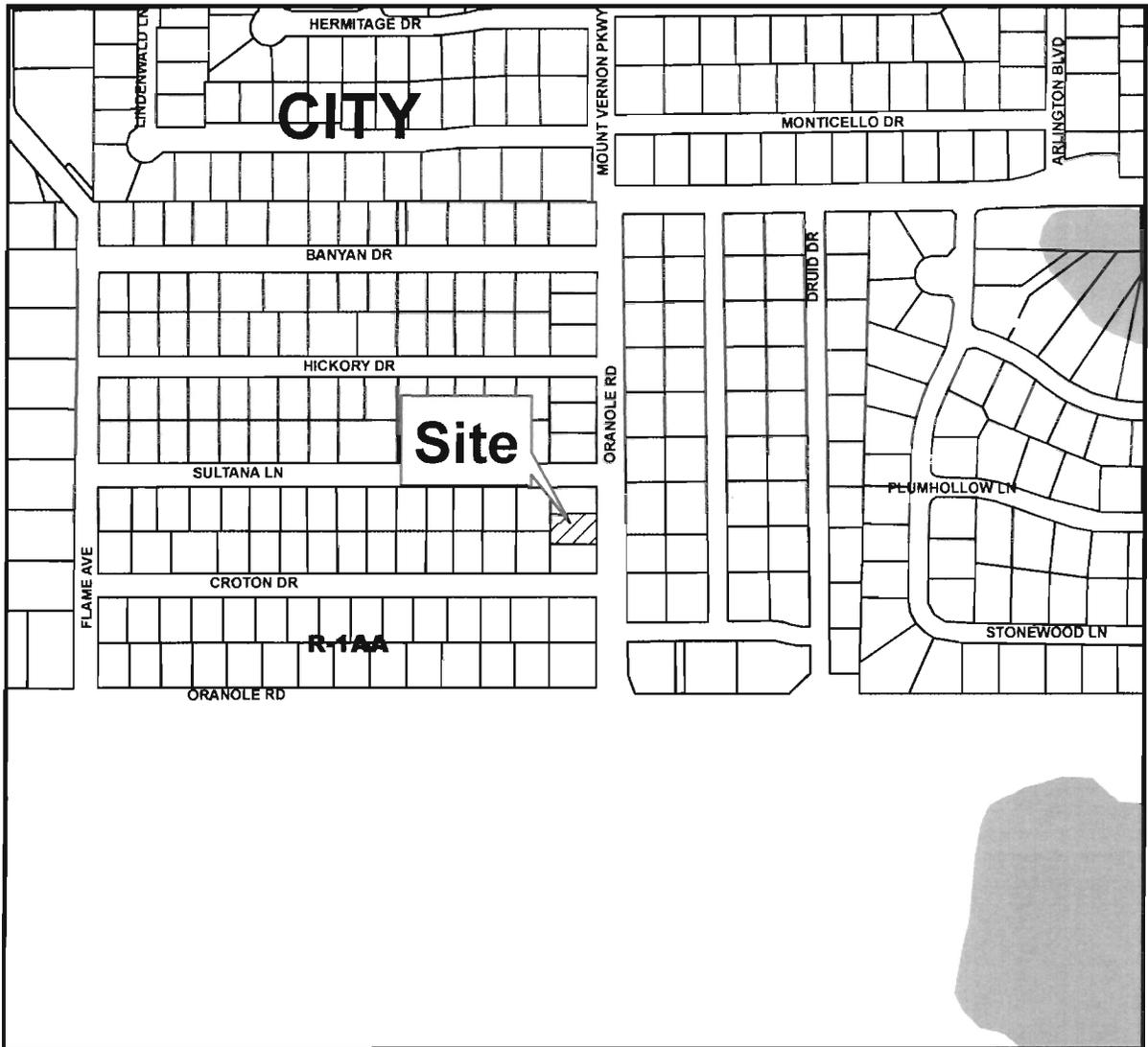
● DENOTES A FOUND 1/2" IRON PIPE, NO IDENTIFICATION.



**FLOOD CERTIFICATION:**  
 HAVING EXAMINED THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS THE OPINION OF THIS SURVEYOR THAT THE HEREON DESCRIBED PROPERTY LIES IN FLOOD ZONE "X", DEFINED ON SAID F.I.R.M. AS "AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN." SEE PANEL NO. 120289 0120 E, DATED 4/17/95.

**CERTIFIED SOLELY AND EXCLUSIVELY TO:**

Derek Chontas  
 1111 Oranole Road  
 Maitland, Florida 32751

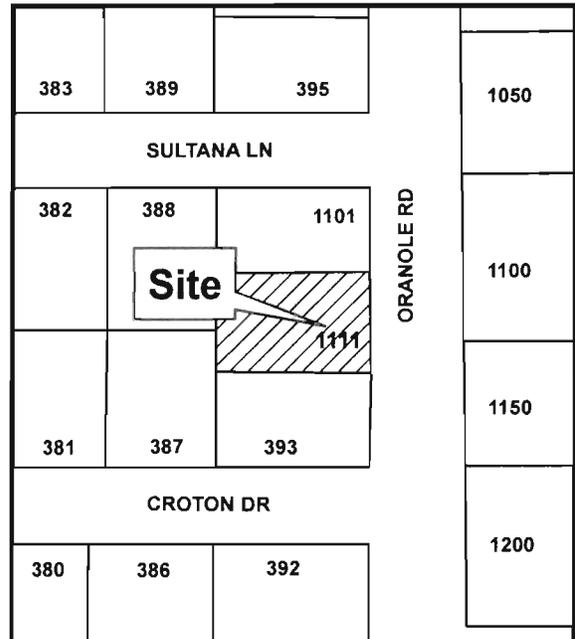


Seminole County Board of Adjustment  
 January 26, 2009  
 Case: BV2008-127 (Map 3208 Grid E3)  
 Parcel No: 23-21-29-503-0B00-0170

**Zoning**

 BV2008-127

 R-1AA

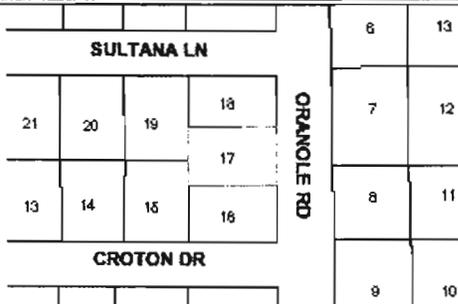



**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

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



**VALUE SUMMARY**

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$63,111	\$69,617
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$45,000	\$45,000
Land Value Ag	\$0	\$0
Just/Market Value	\$108,111	\$114,617
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$108,111	\$114,617
<b>Tax Estimator</b>		

**GENERAL**

Parcel Id: 23-21-29-503-0B00-0170  
 Owner: BARCLAY MICHAEL W & KARITH E  
 Mailing Address: 1111 ORANOLE RD  
 City, State, Zip Code: MAITLAND FL 32751  
 Property Address: 1111 ORANOLE RD MAITLAND 32751  
 Subdivision Name: DRUID HILLS PARK  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (2008)  
 Dor: 01-SINGLE FAMILY

**2009 TAXABLE VALUE WORKING ESTIMATE**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$108,111	\$50,000	\$58,111
Schools	\$108,111	\$25,000	\$83,111
Fire	\$108,111	\$50,000	\$58,111
Road District	\$108,111	\$50,000	\$58,111
SJWM(Saint Johns Water Management)	\$108,111	\$50,000	\$58,111
County Bonds	\$108,111	\$50,000	\$58,111

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
QUIT CLAIM DEED	11/2007	06883	1564	\$100	Improved	No
WARRANTY DEED	11/2002	04594	0644	\$109,000	Improved	Yes
WARRANTY DEED	04/1992	02417	0623	\$66,500	Improved	Yes
WARRANTY DEED	07/1990	02207	0573	\$66,000	Improved	Yes
QUIT CLAIM DEED	04/1984	01709	1569	\$100	Improved	No

Find Comparable Sales within this Subdivision

**2008 VALUE SUMMARY**

2008 Tax Bill Amount: \$1,162  
 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	60,000.00	\$45,000

**LEGAL DESCRIPTION**

PLATS:   
 LEG LOT 17 BLK B DRUID HILLS PARK PB 10 PG 21

**BUILDING INFORMATION**

	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
Building Sketch	1	SINGLE FAMILY	1958	6	1,278	1,792	1,278	EW CONCRETE BLOCK	\$63,111	\$91,798
		Appendage / Sqft	UTILITY UNFINISHED / 120							
		Appendage / Sqft	CARPORT UNFINISHED / 240							
		Appendage / Sqft	SCREEN PORCH UNFINISHED / 154							

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

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**

owner of the real property associated with this application is a (check one)

Individual                       Corporation                       Land Trust

Limited Liability Company     Partnership

Other (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	ADDRESS	PHONE NUMBER
Michael Barclay	1111 Orange Rd	407 3148 332
Karish Barclay	Maitland FL 32751	

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

12-10-08  
Date

[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

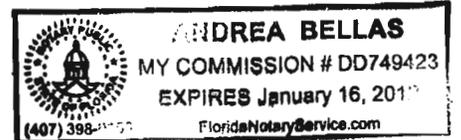
Sworn to (or affirmed) and subscribed before me this 10 day of December, 2008 by [Signature]

[Signature]  
Signature of Notary Public

Andrea Bellas  
Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, Michael Barclay, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) 1111 Avenue Rd  
Manhattan FL 32751, Lot 17, Block B Deed 11, 115  
Block P13 10 PG 21, 23-21-29-503-0800-0170

hereby affirm that Derek Charles is hereby designated to act as my /our authorized agent and to file the attached application for the stated special exception / variance request and make binding statements and commitments regarding the request.

Michael Barclay  
\_\_\_\_\_

Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

**SWORN TO AND SUBSCRIBED** before me this 10 day of December 2008

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael Barclay, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 10 day of December, 2008

Charles Bellan  
\_\_\_\_\_  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: Jan 16, 2012



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

## 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 17 BLK B DRUID HILLS PARK PB 10 PG 21

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

### FINDINGS OF FACT

**Property Owner:** Michael W & Karith E Barclay  
1111 Oranole Rd  
Maitland FL 32751

**Project Name:** Oranole Rd (1111)

**Requested Variance:**

Side yard (north) setback variance from 10 feet to 8.9 feet in order to enclose an existing carport 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: 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 enclosure of 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

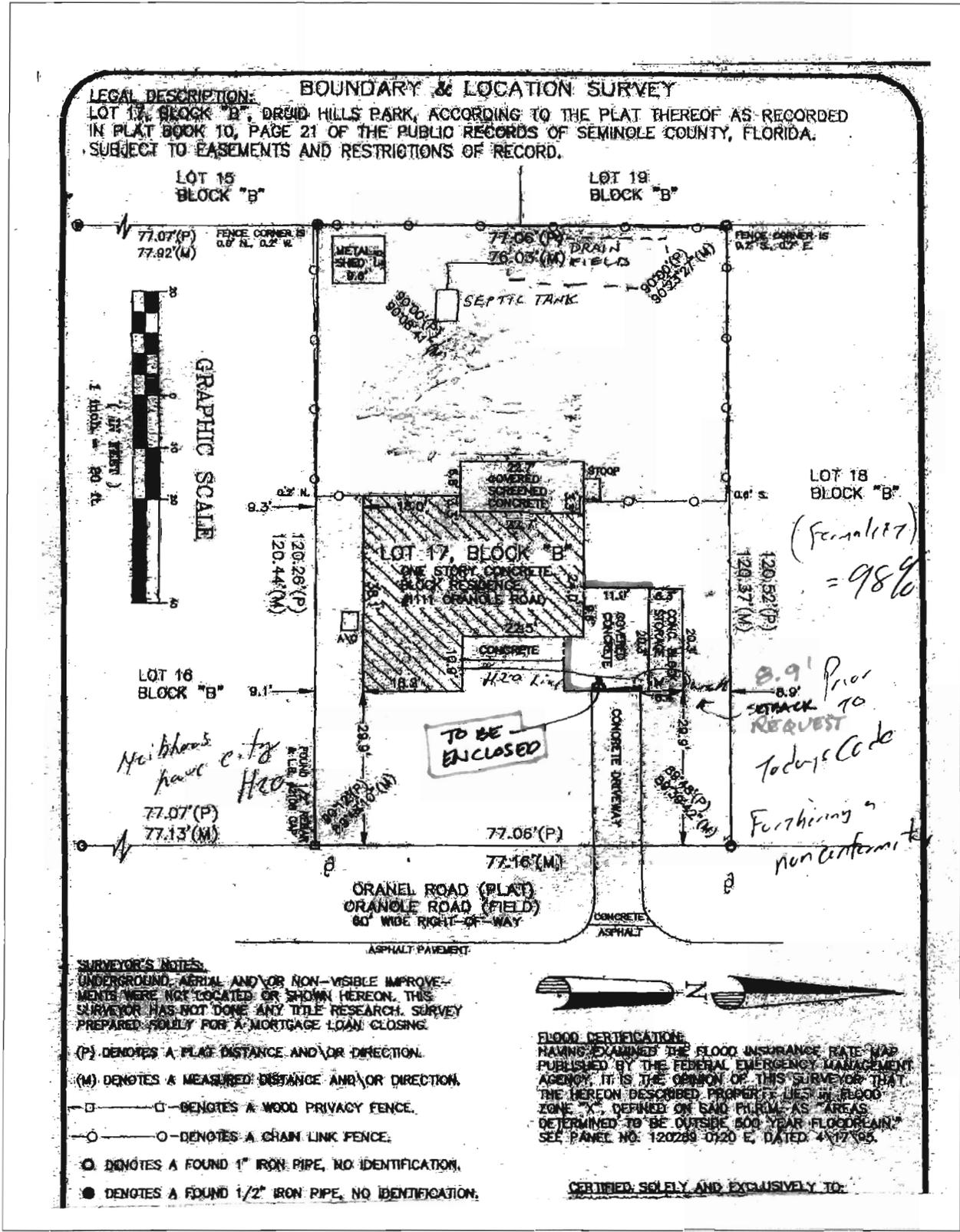
**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

**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:



## **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 17 BLK B DRUID HILLS PARK PB 10 PG 21

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

### **FINDINGS OF FACT**

**Property Owner:** Michael W & Karith E Barclay  
1111 Oranole Rd  
Maitland FL 32751

**Project Name:** Oranole Rd (1111)

**Requested Variance:**

Side yard (north) setback variance from 10 feet to 8.9 feet in order to enclose an existing carport in R-1AA (Single Family Dwelling) district.

Approval was sought to enclose an existing carport 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: