

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 side street (west) setback for the privacy fence 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

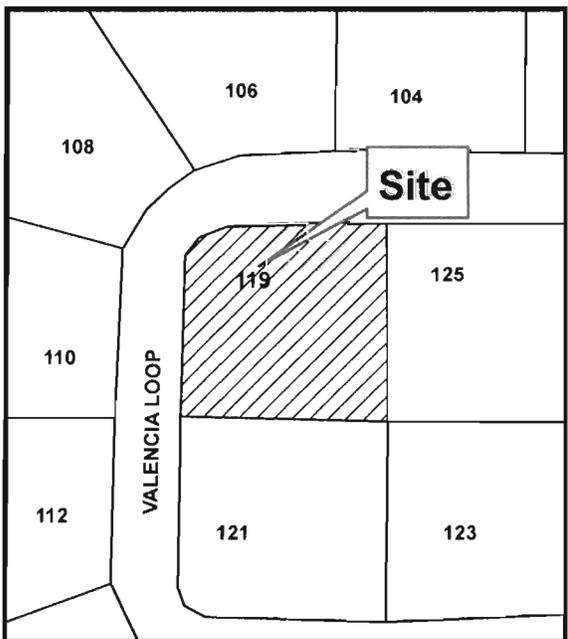
Davidson James & Susan Casajuana
119 Valencia Loop
Altamonte Springs, Florida 32714



Seminole County Board of Adjustment
April 27, 2009
Case: BV2009-16 (Map 3208 Grid B2)
Parcel No: 22-21-29-510-0P00-0210

Zoning

-  BV2009-16
-  A-1
-  R-1AAA
-  R-1A
-  C-3
-  PCD



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

COPY

Application # BV 2009-16
Meeting Date 4-27-09



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: Davidson James and Susan Casajuana
Address: 119 Valencia Loop City: A Hamont Sq Zip code: 32714
Project Address: Same City: _____ Zip code: _____
Contact number(s): 407-862-6869 ; 407-310-1046
Email address: sjames 32714@yahoo.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 checked="" type="checkbox"/> Fence	Please describe: <u>Move fence closer to sidewalk on side yard</u>
<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	Please describe:
<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:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25</u>	Proposed setback: <u>10</u>
<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: Davidson James [Signature]

FOR OFFICE USE ONLY

Date Submitted: 2-24-09 Reviewed By: P. JOHNSON
 Tax parcel number: 22-21-29-510-0900-0210 Zoning/FLU R-1AAA / LDR
 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

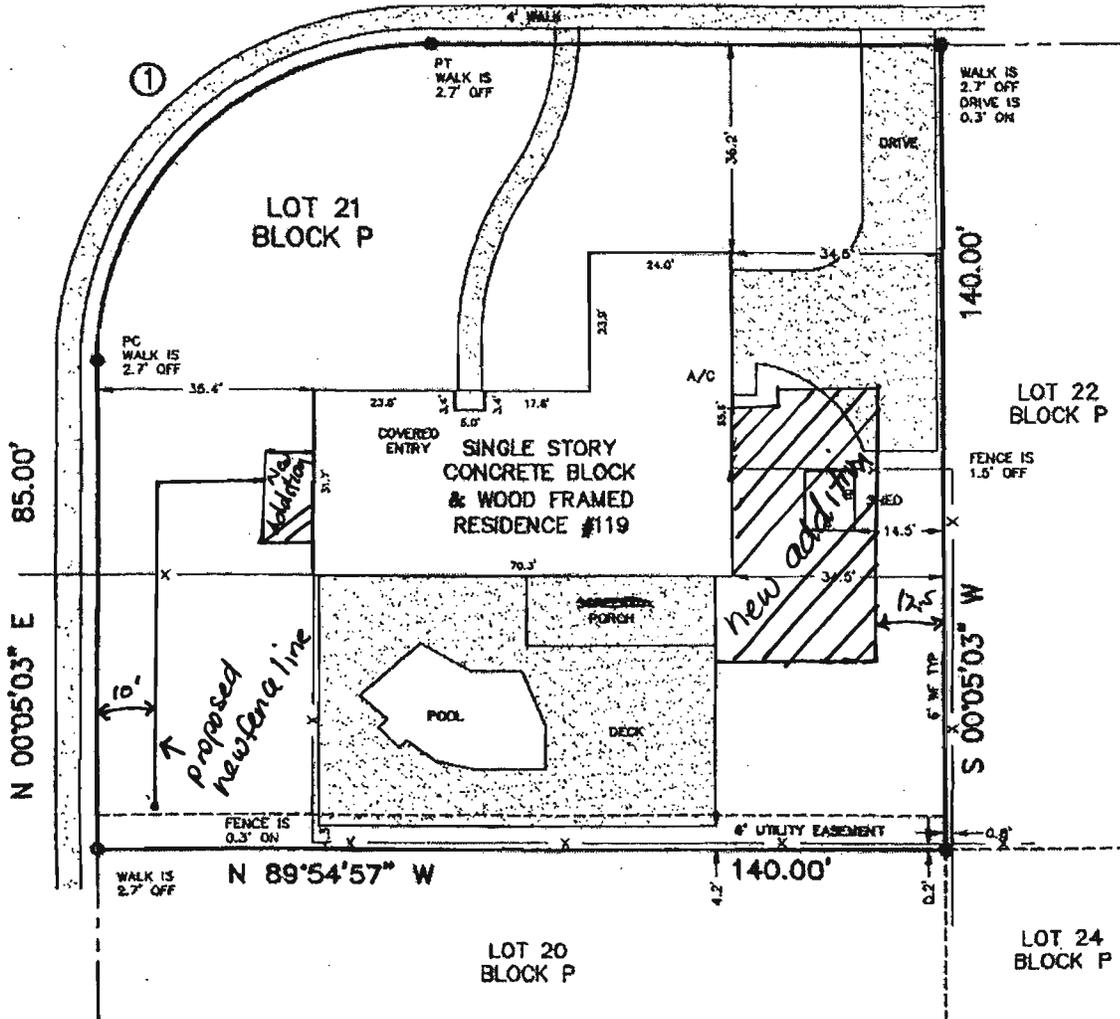
Please return this checklist with your application!

<p>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.</p>	
	1. Completed application.
	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. View a site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> 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.

VALENCIA LOOP
50' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

S 89°54'57" E 85.00'

VALENCIA LOOP
50' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY



① $\Delta = 90^{\circ}00'00''$
 $R = 55.00'$
 $L = 86.39'$
 $CB = S 45^{\circ}05'03'' W$

LEGEND:

○	DENOTES REC 4" X 4" CONCRETE MONUMENT	LS	LAND SURVEYING BUSINESS
R	DENOTES RADIUS	LS	LAND SURVEYOR
Δ	DENOTES DELTA ANGLE	PRM	PERMANENT REFERENCE MONUMENT
L	DENOTES ARC LENGTH	PCP	PERMANENT CONTROL POINT
CB	CHORD BEARING	PI	POINT OF INTERSECTION
---	RIGHT OF WAY LINE	PT	POINT OF TANGENCY
(P)	PLATTED	PC	POINT OF CURVATURE
(M)	MEASURED	CLF	CHAIN LINK FENCE
REC	RECOVERED	WF	WOOD FENCE
CON	CONCRETE	TYP	TYPICAL
		A/C	AIR CONDITIONER
		CBW	CONCRETE BLOCK WALL
		RP	RADIUS POINT

CERTIFIED TO:

DAVIDSON S. JAMES & SUSAN M. CASAJUANA
 NORTH AMERICAN MORTGAGE COMPANY
 GULF ATLANTIC TITLE
 LAWYER'S TITLE INSURANCE CORPORATION

I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NO 120289 0120 E DATED 4/17/95 AND FOUND THE SUBJECT PROPERTY LIES IN ZONE X, AREA OF MINIMAL FLOODING.

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 21, BLOCK P BEING S 89°54'57" E PER PLAT.

DATE) 3/18/97

REVISED:

SCALE: 1" = 30 FEET

APPROVED BY: BAM

JOB NO. ASM13958

DRAWN BY: J.L.H.



AMERICAN SURVEYING & MAPPING
 CERTIFICATION OF AUTHORIZATION NUMBER LB#383
 300 NORTH PARK AVENUE SUITE 202
 WINTER PARK, FLORIDA

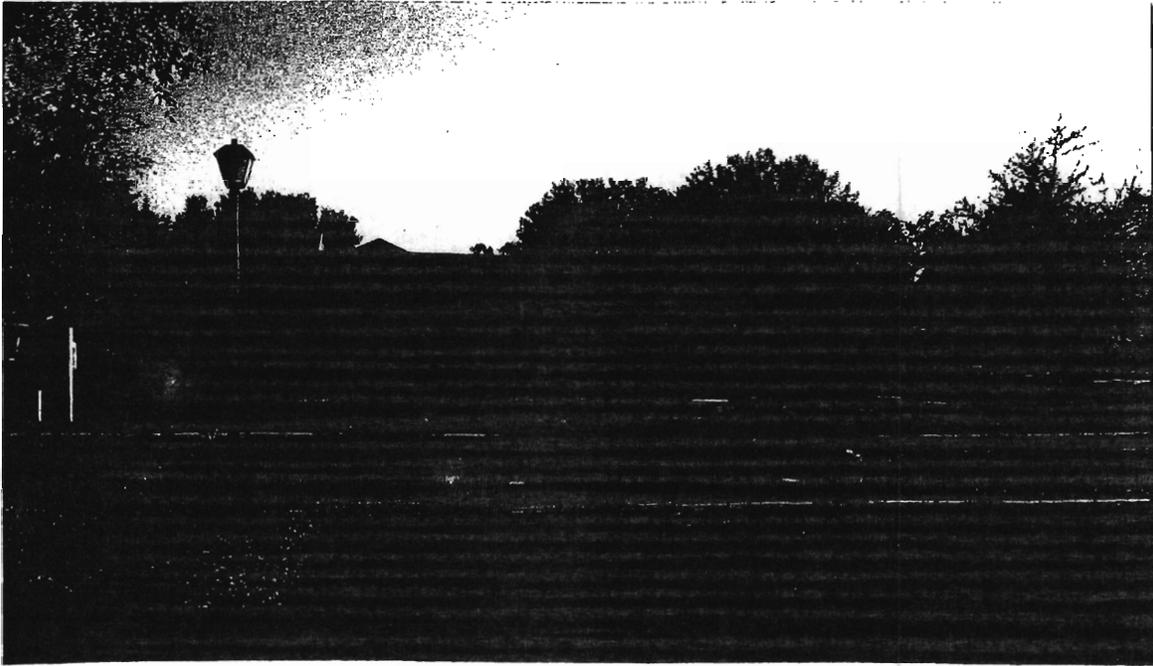
1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I hereby certify that we have performed a field survey of the hereon described property, for the purpose hereon described, that this drawing is a representation of that survey and meets the Minimum Technical Standards set forth in Chapter 61G17-6 of the Florida Administrative Code pursuant to Chapter 472.027, Florida Statutes.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7505</p>																																																																								
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 22-21-29-510-0P00-0210 Owner: JAMES DAVIDSON S & Own/Addr: CASAJUANA SUSAN M Mailing Address: PO BOX 161272 City,State,ZipCode: ALTAMONTE SPRINGS FL 32716 Property Address: 119 VALENCIA LOOP ALTAMONTE SPRINGS 32714 Subdivision Name: SPRING VALLEY FARMS SEC 09 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1998) Dor: 01-SINGLE FAMILY</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$308,980</td> <td>\$239,706</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$5,972</td> <td>\$5,972</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$70,000</td> <td>\$70,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$384,952</td> <td>\$315,678</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$112,136</td> <td>\$136,708</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$272,816</td> <td>\$178,970</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Tax Estimator</u></p> <p style="text-align: center;"><u>Portability Calculator</u></p>		VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$308,980	\$239,706	Depreciated EXFT Value	\$5,972	\$5,972	Land Value (Market)	\$70,000	\$70,000	Land Value Ag	\$0	\$0	Just/Market Value	\$384,952	\$315,678	Portability Adj	\$0	\$0	Save Our Homes Adj	\$112,136	\$136,708	Assessed Value (SOH)	\$272,816	\$178,970																																					
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<p>NOTE: Appendage Codes Included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p>																																																																								

Pictures of our home at 119 Valencia Loop:

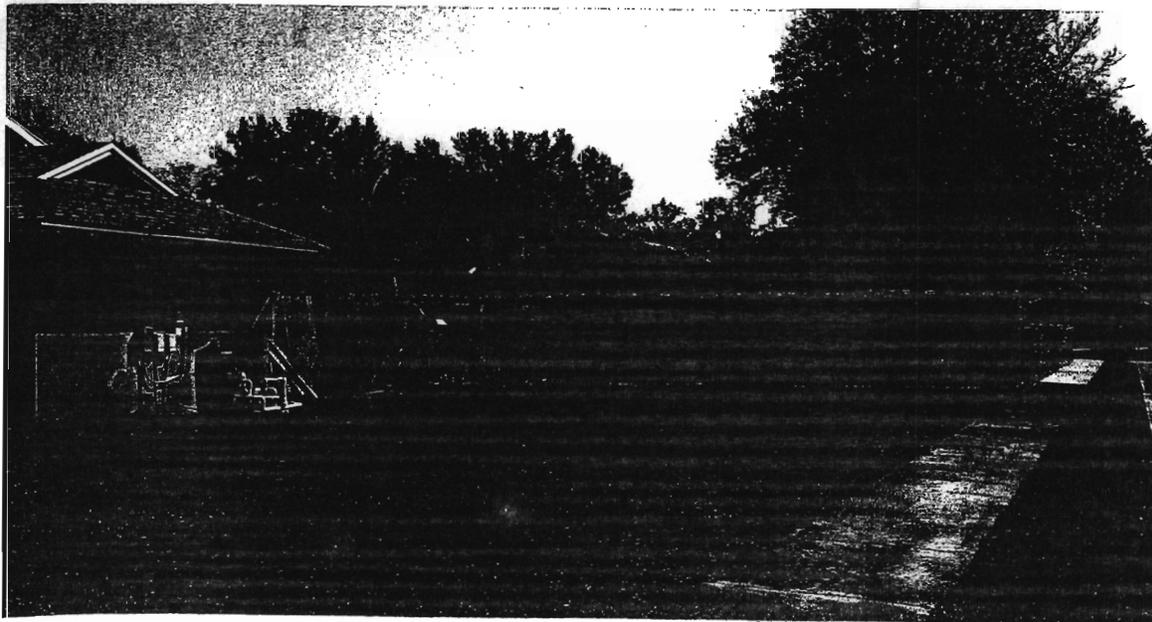
View from the front:



We are asking that the fence on the right side encompass some of this side yard. As you can see currently the fence goes to the rear of the property from the back corner of the house. We want to enclose the pool equipment and satellite dishes so they cannot be seen from the street. We also want to make this side yard usable and will put landscaping on the street side of the fence.



Additional pictures showing the side yard:



As you can see from the photographs, we really need to replace the fence. The neighbors to the rear have shrubs along the sidewalk, so a fence set off 10 feet from the sidewalk will leave sufficient area for grass and landscaping.



SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: Davidson S. James

Address: 119 Valencia Loop

City/Zip: Altamonte Springs, FL 32714

Phone #: 407-862-6869

(9) 407-342-1293

Name: Susan Casaywana

Address: same

City/Zip: _____

Phone #: 407-862-6869 (c) 407-310-104

Name: _____

Address: _____

City/Zip: _____

Phone #: _____

Name: _____

Address: _____

City/Zip: _____

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: _____

City/Zip: _____

Directors: _____

Address: _____

City/Zip: _____

Shareholders: _____

Address: _____

Name of Corporation: _____

Officers: _____

Address: _____

City/Zip: _____

Directors: _____

Address: _____

City/Zip: _____

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: _____

City/Zip: _____

Beneficiaries: _____

Address: _____

City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

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.

2/19/09
Date

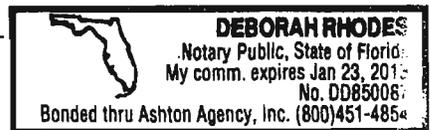

Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 19 day of February, 2009 by Susan Marie Casajvana

Deborah Rhodes
Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 21 BLK P
SPRING VALLEY FARMS SEC 9 PB 19 PG 89

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

FINDINGS OF FACT

Property Owner: Davidson James & Susan Casajuana
119 Valencia Loop
Altamonte Springs, FL 32716

Project Name: Valencia Loop (119)

Requested Variance:

Request for a side street (west) setback variance from 25 feet to 10 feet for a privacy fence in R-1AAA (Single Family Dwelling) district.

Approval was sought to allow a fence to encroach within the side street 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 April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 21 BLK P
SPRING VALLEY FARMS SEC 9 PB 19 PG 89

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

FINDINGS OF FACT

Property Owner: Davidson James & Susan Casajuana
119 Valencia Loop
Altamonte Springs, FL 32716

Project Name: Valencia Loop (119)

Variance Approval:

Side street (west) setback variance from 25 feet to 10 feet for a privacy fence in R-1AAA (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 side street (west) setback for a privacy fence 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

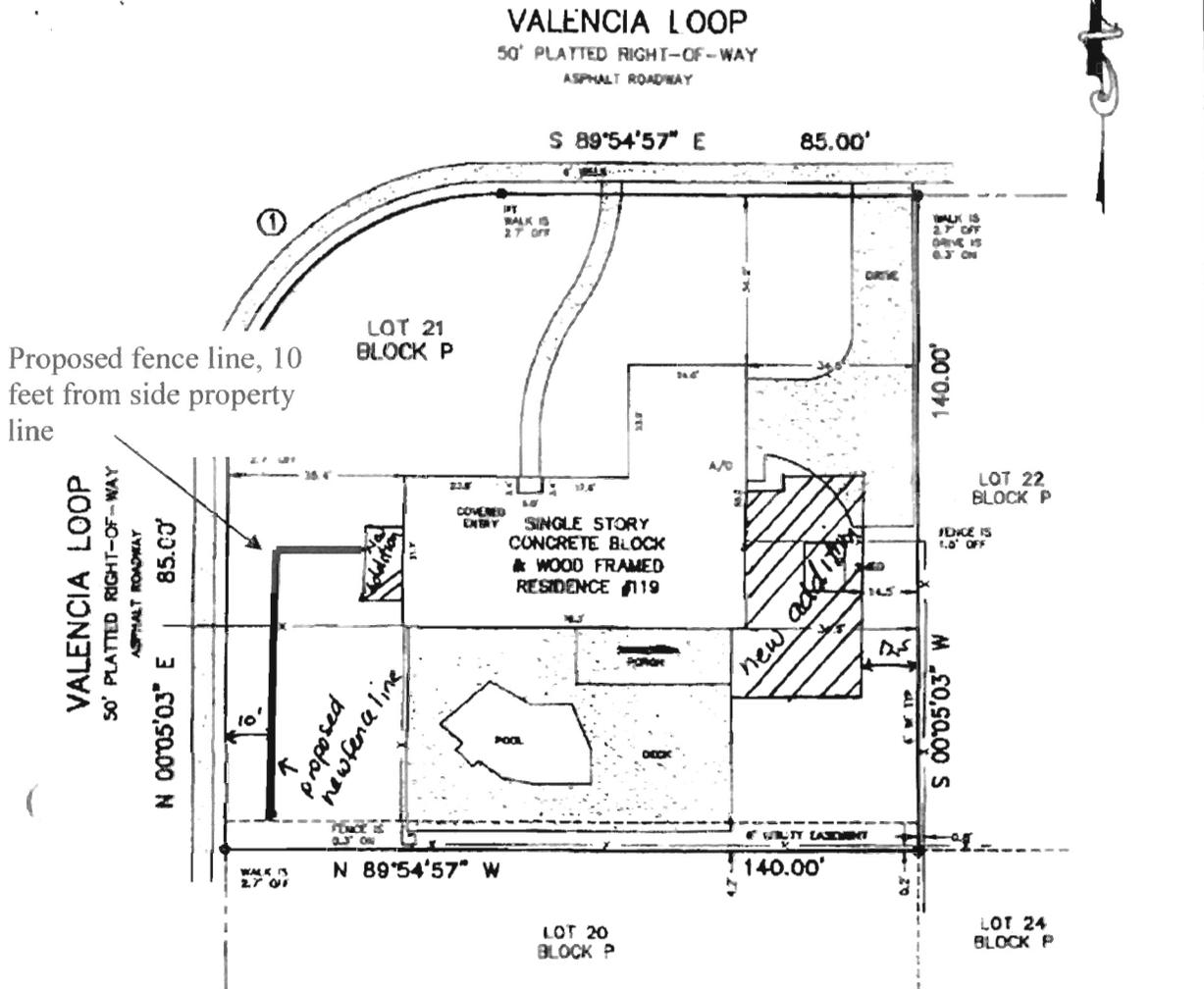
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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:



① Δ = 90°00'00"
R = 55.00'
L = 86.39'
CB = S 45°05'03" W

LEGEND:

- DENOTES 4" x 4" CONCRETE MONUMENT
- DENOTES RADIUS
- Δ DENOTES DELTA ANGLE
- L DENOTES ARC LENGTH
- CB CHORD BEARING
- RIGHT OF WAY LINE
- (P) PLATTED
- (M) MEASURED
- (R) RECOVERED
- CONCRETE
- LAND SURVEYING BUSINESS
- LS LAND SURVEYOR
- PRM PERMANENT REFERENCE MONUMENT
- PCP PERMANENT CONTROL POINT
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- POC POINT OF CURVATURE
- CLT CHAIN LINK FENCE
- WF WOOD FENCE
- TYP TYPICAL
- A/C AIR CONDITIONER
- CBW CONCRETE BLOCK WALL
- RP RADIAL POINT

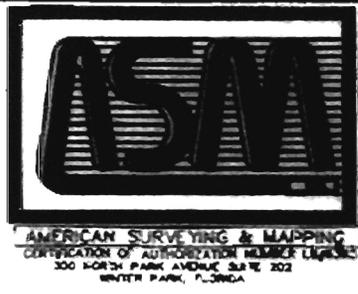
CERTIFIED TO:
DAVIDSON S. JAMES & SUSAN M. CASAJANA
NORTH AMERICAN MORTGAGE COMPANY
GULFSTREAM TITLE
LAWYER'S TITLE INSURANCE CORPORATION

I HAVE EXAMINED THE P.L.R.W. COMMUNITY PANEL NO 120288 0120 E DATED 4/17/95 AND FOUND THE SUBJECT PROPERTY LIES IN ZONE II, AREA OF MINIMAL FLOODING.

BOUNDARIES SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 21, BLOCK P BEING S 89°54'57" E PER PLAT

LD (DATE) 5/16/07
SCALE 1" = 30 FEET
APPROVED BY: BAM
JOB NO. ASM13056
DRAWN BY: JH

REVISED:



1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I hereby certify that we have performed a field survey of the herein described property, for the purpose herein described, that this drawing is a representation of that survey and meets the Minimum Technical Standards set forth in Chapter 61G17-6 of the Florida Administrative Code pursuant to Chapter 472.027, Florida Statutes.