

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

SUBJECT: 2863 Bermuda Avenue – Alexis Rodriguez, applicant; Request for a rear yard setback variance from 30 feet to 25 feet for an addition in the R-1A (Single Family) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 5/18/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 25 feet for an addition in the R-1A (Single Family) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 25 feet for an addition in the R-1A (Single Family) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Alexis Rodriguez 2863 Bermuda Avenue R-1A Belaire Hills
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition that consist of enclosed storage room and a covered open carport. • The addition will consist of approximately 246 square feet and will encroach 5 feet into the 30 foot rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. 	
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:	

Reviewed by:
Co Atty: MC
Pln Mgr: _____

	<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 addition 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

COPY

VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED MAR 20 2009



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

Name: Alexis Gonzalez Rodriguez
Address: 2863 Bermuda Ave N. City: Apopka Zip code: 32703
Project Address: 2863 Bermuda Ave N. City: Apopka Zip code: 32703
Tax Parcel number: 18-21-29-525-0000-2200
Contact number(s): 321-279-5444
Email address: AlexgonzalezR@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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>(15'4" x 12') (15.6 x 12) enclosed storage + open carport</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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30</u>	Proposed setback: <u>25</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 type="checkbox"/> Total number of variances requested <u>1</u>			

Signed: [Signature]

Date: 3/20/09

FOR OFFICE USE ONLY

Date Submitted: <u>3/20/09</u>	Reviewed By: <u>K Fall</u>
Zoning/FLU <u>R-1A1 LOR</u>	
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	
<input type="checkbox"/> Platted Lot (check easements as shown on lots, in notes or in dedication)	
<input type="checkbox"/> Lot size _____ <input type="checkbox"/> Meets minimum size and width	
<input type="checkbox"/> Application and checklist complete	
Notes: _____	

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.

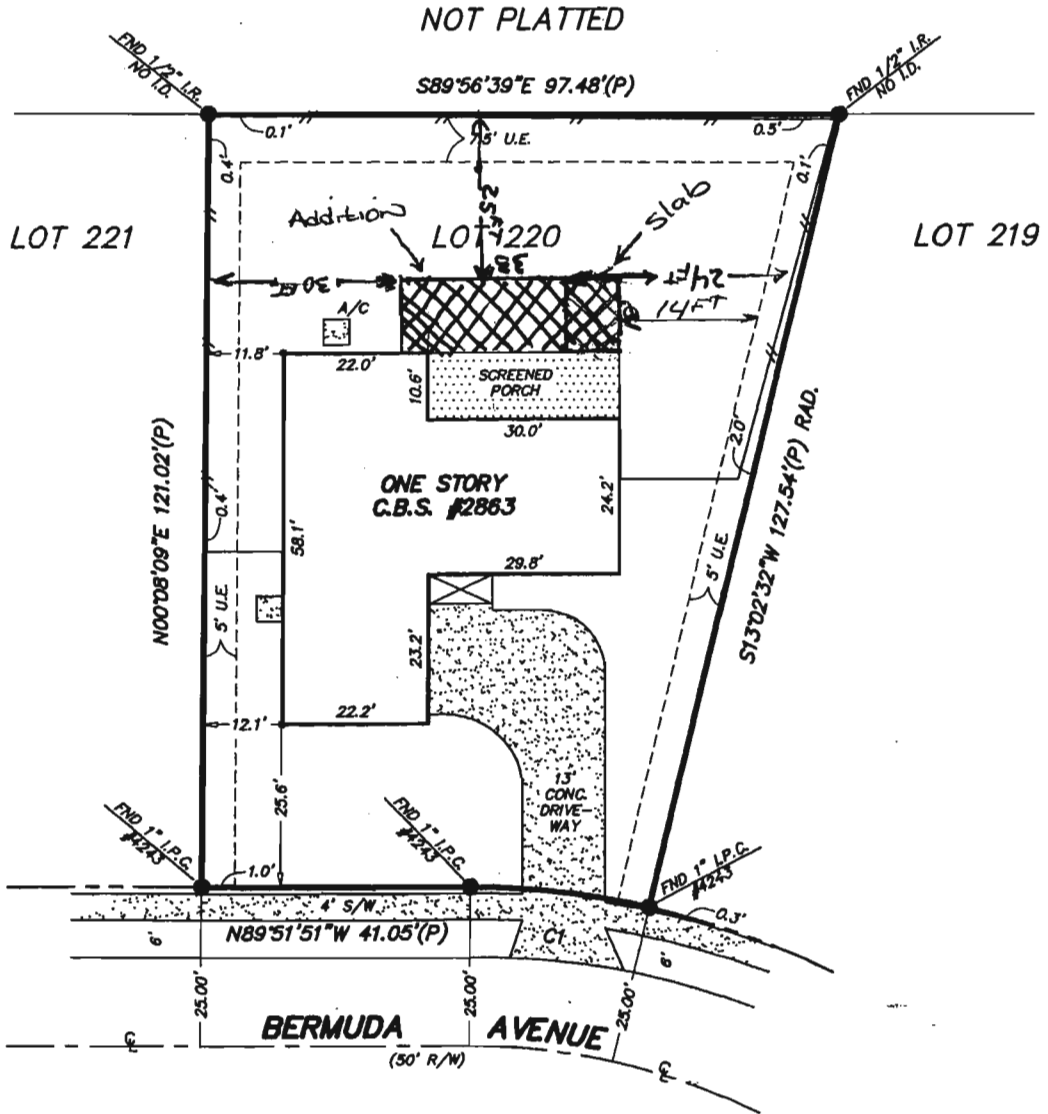
After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

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 1/2 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.
<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, drain field 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 (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

LEGAL DESCRIPTION: LOT 220, BEL AIRE HILLS UNIT THREE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE(S) 37-38, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

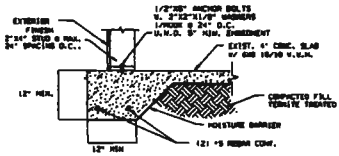
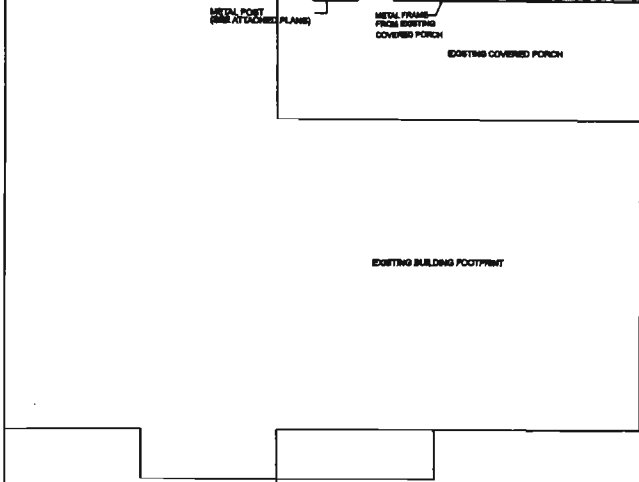
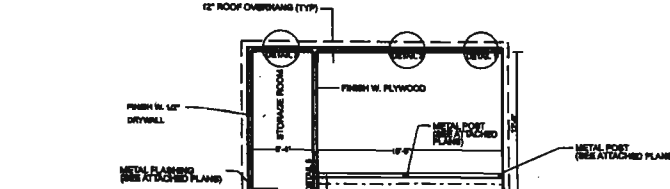
SCALE: 1"=30'



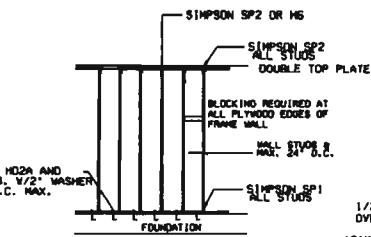
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	28.17'	125.00'	12°34'43"

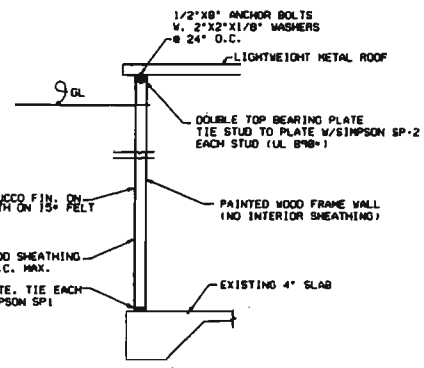
RIGHT-OF-WAY LINE	CENTERLINE	BUILDING SETBACK LINE	BARB WIRE FENCE	WOOD FENCE	CHAIN LINK FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER Δ - CENTRAL ANGLE BLK - BLOCK	L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR	P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE	X - FOUND "X" CUT IN CONC. O - SET 1/2" REBAR AND CAP			



1 TYPICAL EXTERIOR FOOTING
SINGLE STORY, BLOCK WALL
MONOLITHIC FOUNDATION
FOOTING REINFORCEMENT DETAIL

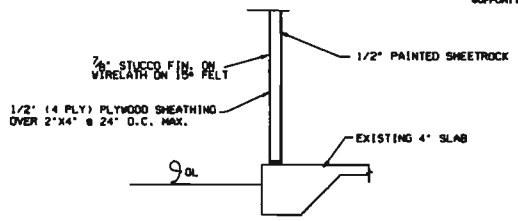


2 FOR WOOD FRAME WITH SILL PLATE BOLTED TO SLAB
WALL FRAMING DETAIL

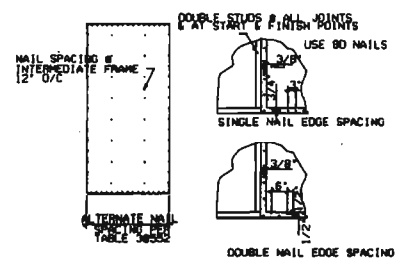


3 FOR WOOD FRAME WITH SILL PLATE BOLTED TO SLAB
WALL FRAMING DETAIL

4 4\"/>



5 FINISHING DETAILS FOR STORAGE ROOM
WALL FRAMING DETAIL



PANEL ATTACHMENT
FOR UPLIFT SHEAR WALL & GABLE END

3/4/09
Rory E. Rios
RORY E. RIOS, P.E., SEVEN'S

RER ENGINEERING & CONSTRUCTION, LLC
1780 WALNUT AVENUE
WINTER PARK, FLORIDA 32789
PHONE: 407-466-2244
FAX: 888-527-3104

THESE PLANS ARE THE PROPERTY OF RER ENGINEERING & CONSTRUCTION, LLC. NO PART OF THESE PLANS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF RER ENGINEERING & CONSTRUCTION, LLC.

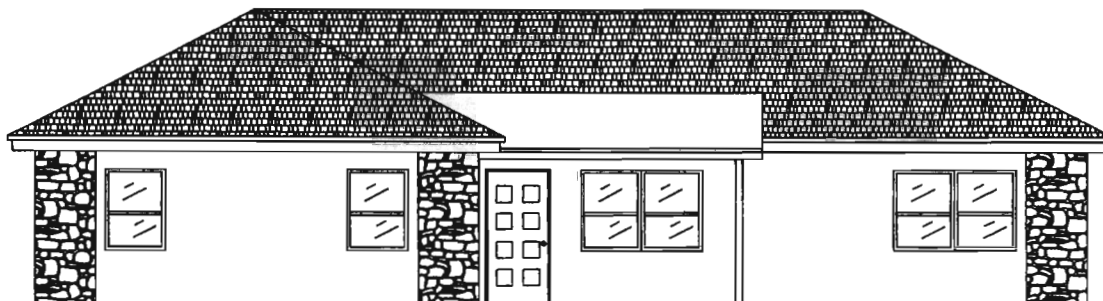
PLANS FOR
GONZALEZ RESIDENCE-COVERED PATIO
2863 N. BERMLIDA AVENUE
APOPKA, FLORIDA, SEMINOLE COUNTY

REVISIONS:
NO. DATE

CHECKED: R.E.R.
DRAWN: R.E.R.
SH - 4

INDEX OF DRAWINGS:

- SH-1 COVER
- SH-2 ELEVATIONS 1
- SH-3 ELEVATIONS 2
- SH-4 FLOORPLAN & DETAILS
- METAL ROOF & METAL FRAMING PLAN



PROJECT NAME: GONZALEZ RESIDENCE-COVERED PATIO

ADDRESS: 2863 N. BERMUDA AVENUE
APOPKA, FLORIDA, SEMINOLE COUNTY


GENERAL NOTES:

CODE REQUIREMENTS:
It is the intent that all the work shall conform to the adopted codes, standards and rules of the administrative authority having jurisdiction.

EXISTING CONDITIONS:
The Contractor shall verify existing conditions and field coordinate corrective actions as required. The General Contractor shall notify the designer of all conflicts and discrepancies that affect the work prior to proceeding.

DESIGN NOTES:
THE PROPOSED REPAIRS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE AND FLORIDA BUILDING CODE RESIDENTIAL 2004, 2005 REVISIONS, AND 2006 SUPPLEMENTS FBC 106.1.1

- 1. BASIC WIND SPEED = 120 MPH
- 2. WIND IMPORTANCE FACTOR = 1.0
- 3. CONSTRUCTION TYPE = SINGLE FAMILY RESIDENCE

3/11/09

ROBERT E. RICH, P.E. 907676

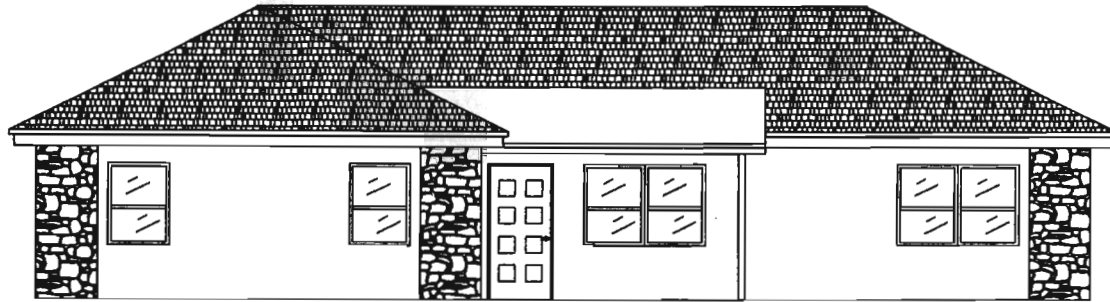
RER ENGINEERING & CONSTRUCTION, LLC
1780 WALNUT AVENUE
WINTER PARK, FLORIDA 32789
PHONE: 407-488-2244
FAX: 905-827-3104

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OR BY ANY
INFORMATION
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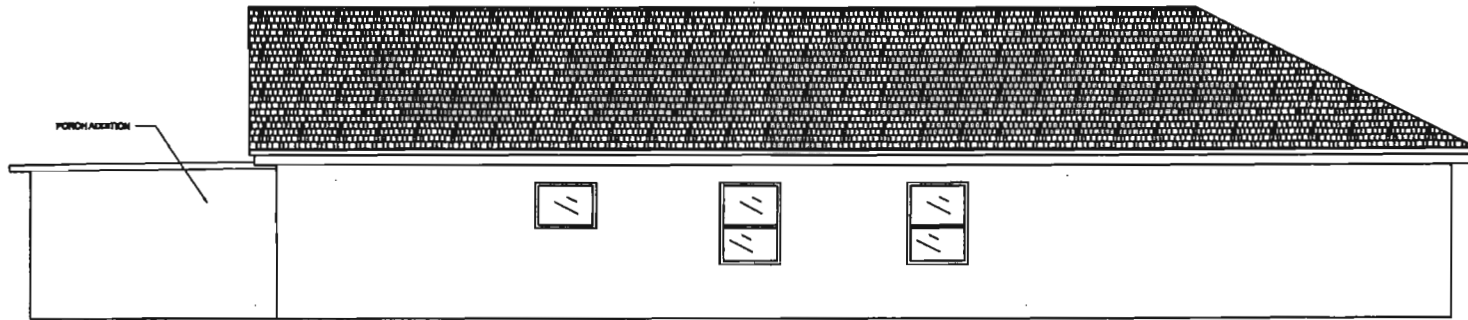
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APOPKA, FLORIDA, SEMINOLE COUNTY

REVISIONS:

DESIGNED: R.E.R.
CHECKED: R.E.R.
SH - 1



FRONT ELEVATION



LEFT SIDE ELEVATION

3/1/09
Ravi E. Rao
 ROBY E. POOL, P.E. 65726

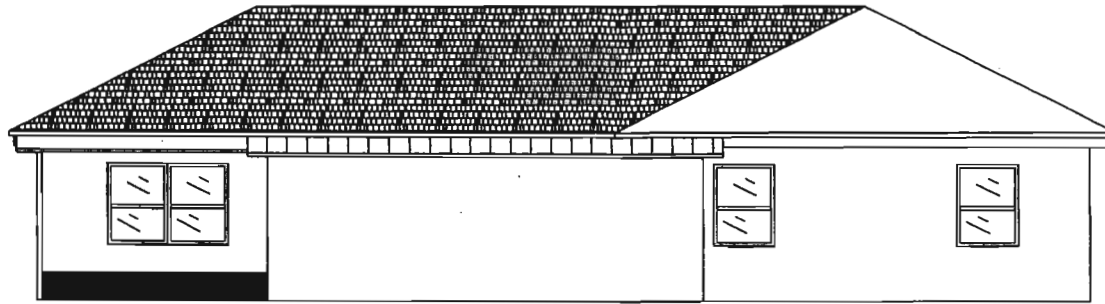
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 PHONE: 407-488-2244
 FAX: 888-827-3104

THESE PLANS ARE
 PREPARED BY ME
 OR UNDER MY CLOSE
 PERSONAL SUPERVISION
 AND I AM A LICENSED
 PROFESSIONAL ENGINEER
 IN THE STATE OF FLORIDA
 NO. 65726. ANY VIOLATION OF
 THESE PROVISIONS IS
 A VIOLATION OF THE
 PROFESSIONAL SEAL.

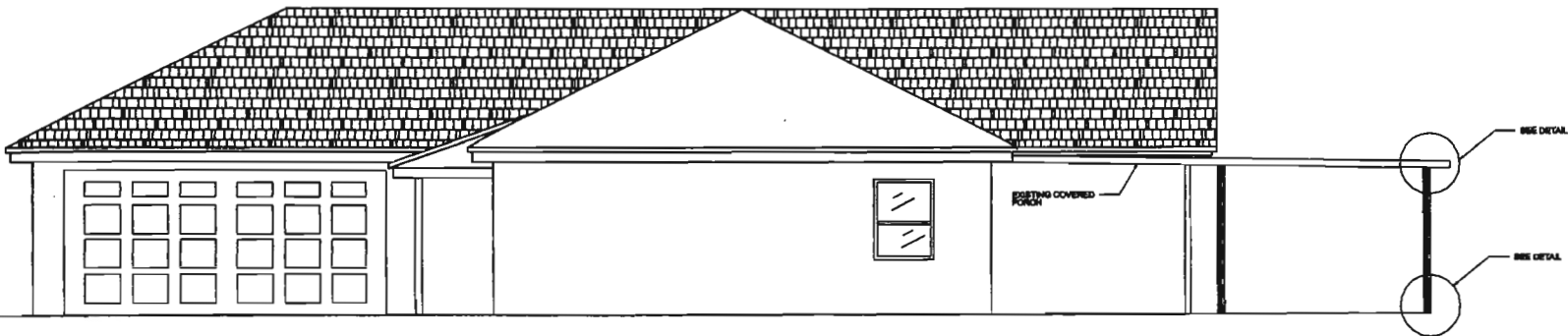
PLANS FOR:
 GONZALEZ RESIDENCE-COVERED PATIO
 2863 N. BERMUDA AVENUE
 APOPKA, FLORIDA, SEMINOLE COUNTY

REVISIONS:
 03/10/2009

 DESIGNED: R.E.R.
 CHECKED: R.E.R.
 SH - 2



REAR ELEVATION



RIGHT SIDE ELEVATION

RER ENGINEERING & CONSTRUCTION, LLC
 1780 WALNUT AVENUE
 WINTER PARK, FLORIDA 32789
 PHONE: 407-488-2244
 FAX: 866-827-3104

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




Handwritten signature
 PROJECT ARCHITECT

Alexis Gonzalez Rodriguez
2863 Bermuda Avenue North
Apopka, Florida 32703



Seminole County Board of Adjustment
May 18, 2009
Case: BV2009-22 (Map 3153 Grid E6)
Parcel No: 18-21-29-525-0000-2200

Zoning

-  BV2009-22
-  A-1
-  R-1A
-  R-1
-  R-3A
-  C-1



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1408 407-688-7508</p>																																																																	
<p>GENERAL</p> <p>Parcel Id: 18-21-29-525-0000-2200 Owner: RODRIGUEZ ALEXIS & YAQUELIN G Mailing Address: 2863 N BERMUDA AVE City,State,ZipCode: APOPKA FL 32703 Property Address: 2863 BERMUDA AVE N APOPKA 32703 Subdivision Name: BEL AIRE HILLS UNIT 3 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2008) Dor: 01-SINGLE FAMILY</p> <p style="font-size: 1.5em; font-family: cursive;">R-1A / LDR</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>\$143,224</td> <td>\$158,736</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$1,020</td> <td>\$1,020</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$40,000</td> <td>\$40,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$184,244</td> <td>\$199,756</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$184,244</td> <td>\$199,756</td> </tr> </tbody> </table> <p style="text-align: right;">Tax Estimator</p>		VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$143,224	\$158,736	Depreciated EXFT Value	\$1,020	\$1,020	Land Value (Market)	\$40,000	\$40,000	Land Value Ag	\$0	\$0	Just/Market Value	\$184,244	\$199,756	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$184,244	\$199,756																														
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**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The 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
Alexis G. Rodriguez	2863 Bermuda Ave N	(321) 279-5444
YAGUELIN RODRIGUEZ	2863 Bermuda Ave N	

(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.

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.

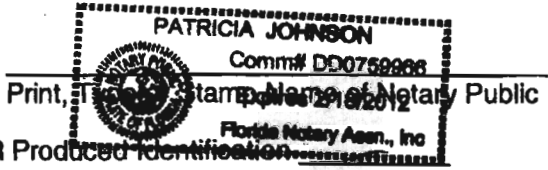
3/26/09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 20th day of MARCH, 2009 by Alexis G. Rodriguez

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification _____
Type of Identification Produced G524-000-70-335-1

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 18, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg lot 220 Belaire Hills Unit 3 PB 24 PGS 37 & 38

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

FINDINGS OF FACT

Property Owner: Alexis Rodriguez
2863 Bermuda Avenue
Apopka, Fl. 32703

Project Name: Bermuda Avenue (2863)

Variance Approval:

Rear yard setback from 30 feet to 25 feet for an addition.

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 aforedescribed property.

Prepared by: Kathy Fall, Principal 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 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 May 18, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg lot 220 Belaire Hills Unit 3 PB 24 PGS 37 & 38

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

FINDINGS OF FACT

Property Owner: Alexis Rodriguez
2863 Bermuda Avenue
Apopka, Fl. 32703

Project Name: Bermuda Avenue (2863)

Requested Variance:

Rear yard setback from 30 feet to 25 feet for an addition.

Approval was sought to construct an addition. 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: Kathy Fall, Principal 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.

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Aforementioned

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