

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 210 Wekiva Park Drive – Margarita Borrero Vicente, applicant; Request for a side yard (west) setback variance from 10 feet to 7 feet for a proposed shed in the A-1 (Agriculture) 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 side yard (west) setback variance from 10 feet to 7 feet for a proposed shed in the A-1 (Agriculture) district; or
2. **Approve** the request for a side yard (west) setback variance from 10 feet to 7 feet for a proposed shed in the A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Margarita Borrero Vicente 210 Wekiva Park Drive A-1 Wekiva Camp
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a shed with a bathroom (140 square feet) that will encroach 3 feet into the 10 foot west side 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	<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, 	

Reviewed by: _____
Co Atty: gpc
Pln Mgr: _____

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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.
<p>STAFF RECOMMENDATION</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">• Any variance granted shall apply only to the shed 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



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

COPY

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

Name: MARGARITA BORRERO VICENTE
Address: 210 WEKIVA PARK DR City: SANFORD Zip code: 32771
Project Address: SAME City: _____ Zip code: _____
Tax Parcel number: 211929 5MB 0000 0110
Contact number(s): 407 322 2606 407 920 1010
Email address: DRMARGGY@AOL.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 checked="" 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 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:	<u>10'</u>	Proposed setback: <u>7'</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input checked="" 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: *M. Borrero Vicente*

Date: 3/27/09

FOR OFFICE USE ONLY

Date Submitted: 3-31-09

Reviewed By: P. Johnson

Zoning/FLU A-1/SE

- 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!

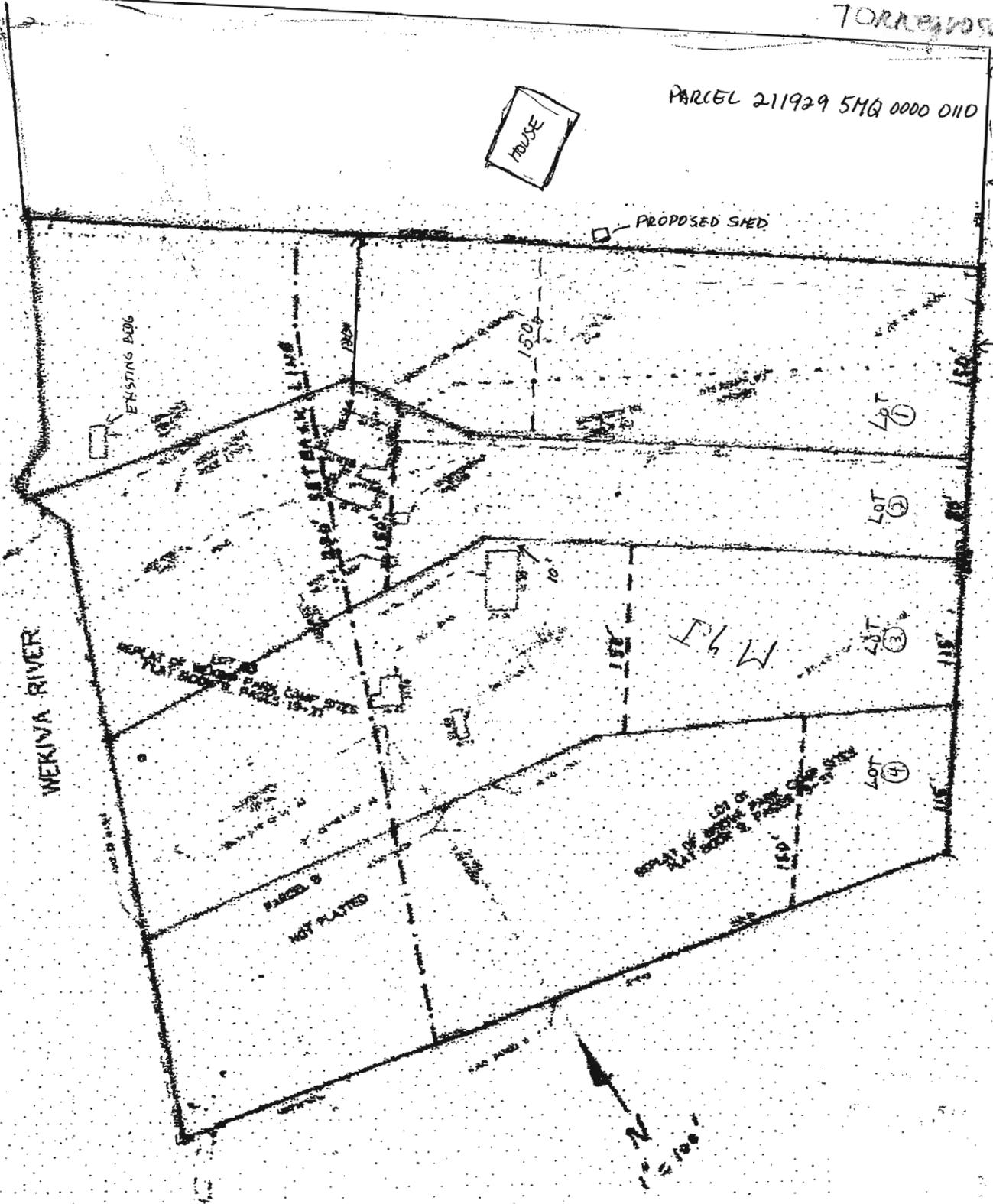
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

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 ½ 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 checked="" type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input checked="" type="checkbox"/> Size and dimension of the parcel
	<input checked="" type="checkbox"/> Location and name of all abutting streets
	<input checked="" type="checkbox"/> Location of driveways
	<input checked="" type="checkbox"/> Location, size and type of any septic systems, drain field and wells
	<input type="checkbox"/> Location of all easements <u>N/A</u>
	<input checked="" type="checkbox"/> Existing or proposed house <u>or</u> addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input checked="" type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input checked="" type="checkbox"/> Building height
	<input checked="" type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s) <u>N/A</u>
	<input checked="" 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.

TORREYHOSA - 211

PARCEL 211929 5MG 0000 0110

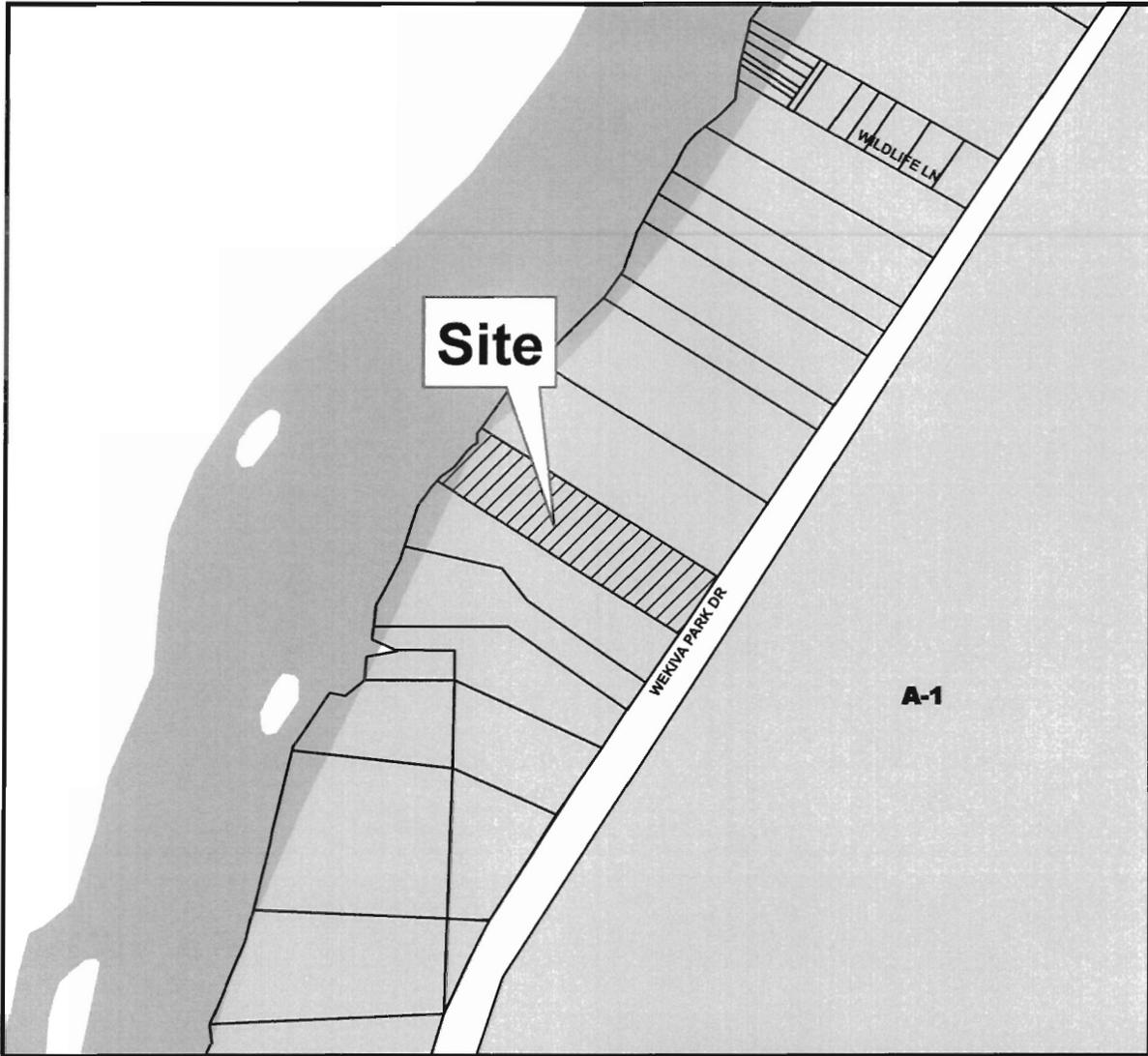


← 210 WEKIVA PARK DR

← 200 WEKIVA PARK DRIVE

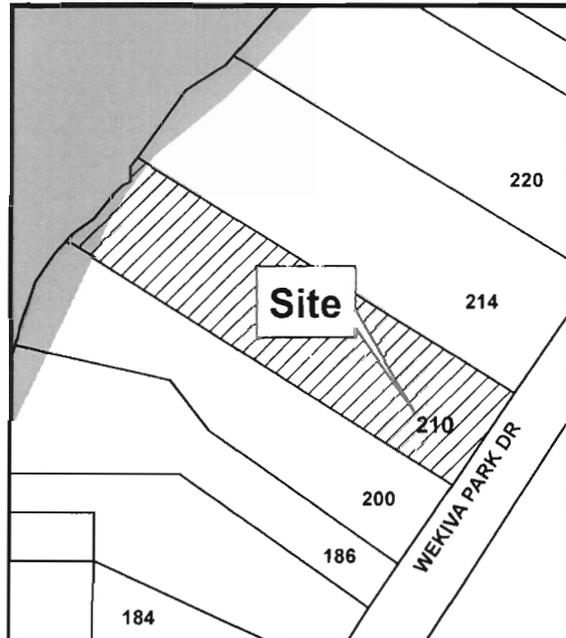
WEKIVA PARK DRIVE 60' R/W

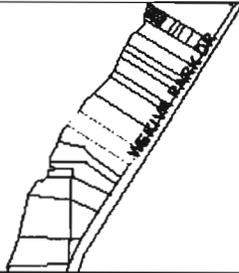
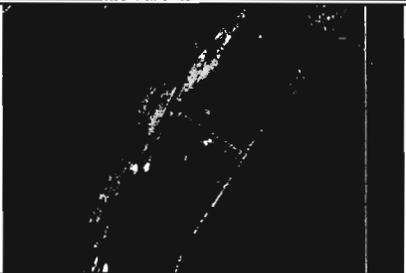
Margarita Borrero Vicente
210 Wekiva Park Drive
Sanford, Florida 32771



Seminole County Board of Adjustment
May 18, 2009
Case: BV2009-25 (Map 2997 Grid E7)
Parcel No: 21-19-29-5MQ-0000-0110

Zoning
[Hatched Box] BV2009-25
[Gray Box] A-1



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 21-19-29-5MQ-0000-0110 Owner: VICENTE MARGARITA B Mailing Address: 210 WEKIVA PARK DR City,State,ZipCode: SANFORD FL 32771 Property Address: 210 WEKIVA PARK DR SANFORD 32771 Subdivision Name: WEKIVA CAMP SITES REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2009) Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: right;">\$311,616</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$20,726</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$260,750</td> <td style="text-align: right;">\$260,750</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: right;">\$593,092</td> <td style="text-align: right;">\$260,750</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: right;">\$164,239</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$428,853</td> <td style="text-align: right;">\$260,750</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator Portability Calculator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	0	Depreciated Bldg Value	\$311,616	\$0	Depreciated EXFT Value	\$20,726	\$0	Land Value (Market)	\$260,750	\$260,750	Land Value Ag	\$0	\$0	Just/Market Value	\$593,092	\$260,750	Portability Adj	\$164,239	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$428,853	\$260,750
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2009 TAXABLE VALUE WORKING ESTIMATE																																			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value																																
County General Fund	\$428,853	\$50,000	\$378,853																																
Schools	\$428,853	\$25,000	\$403,853																																
Fire	\$428,853	\$50,000	\$378,853																																
Road District	\$428,853	\$50,000	\$378,853																																
SJWM(Saint Johns Water Management)	\$428,853	\$50,000	\$378,853																																
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<p style="text-align: center;">Potential Portability Amount is \$164,239</p> <p style="text-align: center;">The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.</p>																																			
SALES		2008 VALUE SUMMARY																																	
Deed	Date	Book Page	Amount Vac/Imp																																
QUIT CLAIM DEED	12/2005	06134 1625	\$100 Improved No																																
QUIT CLAIM DEED	05/2005	05741 1761	\$100 Improved No																																
WARRANTY DEED	08/2004	05479 1750	\$305,000 Improved Yes																																
PROBATE RECORDS	06/2000	03869 1210	\$100 Improved No																																
Find Comparable Sales within this Subdivision																																			
2008 Tax Bill Amount:		\$3,927																																	
2008 Certified Taxable Value and Taxes		DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																	
LAND		LEGAL DESCRIPTION																																	
Land Assess Method	Frontage	Depth	Land Units																																
FRONT FOOT & DEPTH	175	643	.000																																
Unit Price	1,000.00																																		
Land Value	\$260,750																																		
		PLATS: <input type="text" value="Pick..."/>																																	
LEG NELY 100 FT OF LOT 11 + SLY 1/2 OF LOT 12 REPLAT OF WEKIVA CAMP SITES PB 9 PG 20																																			
BUILDING INFORMATION																																			
Bid Num	Bid Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																										
1	SINGLE FAMILY	2008	13	2,280	5,744	3,310	WOOD LOGS	\$311,616	\$313,182																										
Building Sketch																																			
Appendage / Sqft		OPEN PORCH FINISHED / 208																																	
Appendage / Sqft		OPEN PORCH FINISHED / 558																																	
Appendage / Sqft		UPPER STORY FINISHED / 1030																																	
Appendage / Sqft		OPEN PORCH FINISHED / 224																																	
Appendage / Sqft		DETACHED GARAGE FINISHED / 1064																																	
Appendage / Sqft		DETACHED UTILITY UNFINISHED / 240																																	
Appendage / Sqft		DETACHED UTILITY FINISHED / 140																																	

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	Bit Units	EXFT Value	Est. Cost New
FIREPLACE	2008	2	\$3,900	\$4,000
ALUM CARPORT NO FLOOR	2008	560	\$2,165	\$2,240
BOAT DOCK	2008	240	\$1,152	\$1,200
BOAT HOUSE	2008	300	\$2,304	\$2,400
BRICK DRIVEWAY	2008	2,235	\$8,717	\$8,940
BRICK PATIO	2008	638	\$2,488	\$2,552

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

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
MARGARITA B. VICENTE	210 WERKIA PARK DR	407 322 2606
		01 407 920-1010

(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.

Date March 31/09

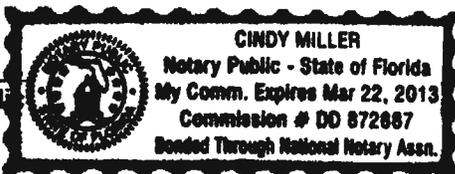
[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 31st day of March, 2009 by _____

Margarita Vicente
[Signature]
Signature of Notary Public

Cindy Miller
Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification ✓

Type of Identification Produced Florida Drivers License

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

I, Francisco J. Torregrosa do not object to my neighbor, Margarita Borrero
Francisco J. Torregrosa

Vicente, erecting a shed six (6) feet from my northern property boundary. The shed with
bathroom facility is to be built adjacent to the RV carport located at 210 Wekiva Park
Drive.

Signed,



Francisco J. Torregrosa
Owner: 200 Wekiva Park Drive

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 NELY 100 FT OF LOT 11 + SLY 1/2 OF LOT 12 REPLAT OF WEKIVA CAMP SITES PB 9 PG 20

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

FINDINGS OF FACT

Property Owner: Margarita Borrero Vicente
210 Wekiva Park Drive
Sanford, Fl. 32771

Project Name: Wekiva Park Drive (210)

Variance Approval:

Side yard (west) setback variance from 10 feet to 7 feet for a shed.

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: 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 shed 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 NELY 100 FT OF LOT 11 + SLY ½ OF LOT 12 REPLAT OF WEKIVA CAMP
SITES PB 9 PG 20

FINDINGS OF FACT

Property Owner: Margarita Borrero Vicente
210 Wekiva Park Drive
Sanford, Fl. 32771

Project Name: Wekiva Park Drive (210)

Requested Variance:

Side yard (west) setback variance from 10 feet to 7 feet for a shed.

Approval was sought to construct a shed. 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.

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: