

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

SUBJECT: 209 Ambergate Court – Louella Espinoza, applicant; Request for a rear yard setback variance from 30 feet to 17 feet for a proposed addition in PUD (Planned Unit Development) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 6/22/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 17 feet for a proposed addition in PUD (Planned Unit Development) district; or
2. **Approve** the request for a rear yard setback variance from 30 feet to 17 feet for a proposed addition in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Louella Espinoza 209 Ambergate Court PUD (Planned Unit Development) Wekiva Hills Section 9
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes a 13 foot x 15 foot addition that will encroach 13 feet into the required 30 foot rear yard setback. • Along the north side the addition will follow the line of the existing house which is at 9.56 feet. An Administrative Variance has been granted for this setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. 	

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

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 addition at the rear of the house 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 **APPLICATION**
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

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

Application # BV2009-30
Meeting Date 6-22-09

COPY

VARIANCE APPLICATION



SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: Louella Espinoza
Address: 209 Amber gate ct City: Longwood Zip code: 32779
Project Address: 209 Amber gate ct City: Longwood Zip code: 32779
Tax Parcel number: _____
Contact number(s): 407-774-0980
Email address: lucuesp50@earthlink.net

Is the property available for inspection without an appointment?

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

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Bathroom off master bedroom</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED APR 21 2009

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>30ft.</u>	Proposed setback: <u>17ft.</u>
<input checked="" type="checkbox"/> Side yard setback <u>ADJ. IN D</u>	Required setback:	<u>10 FT</u>	Proposed setback: <u>9.56 FT.</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:
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>			

Signed: [Signature]

Date: 4/21/09

FOR OFFICE USE ONLY

Date Submitted: 4-21-09 Reviewed By: P. Johnson
Zoning/FLU PUD / PD

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!

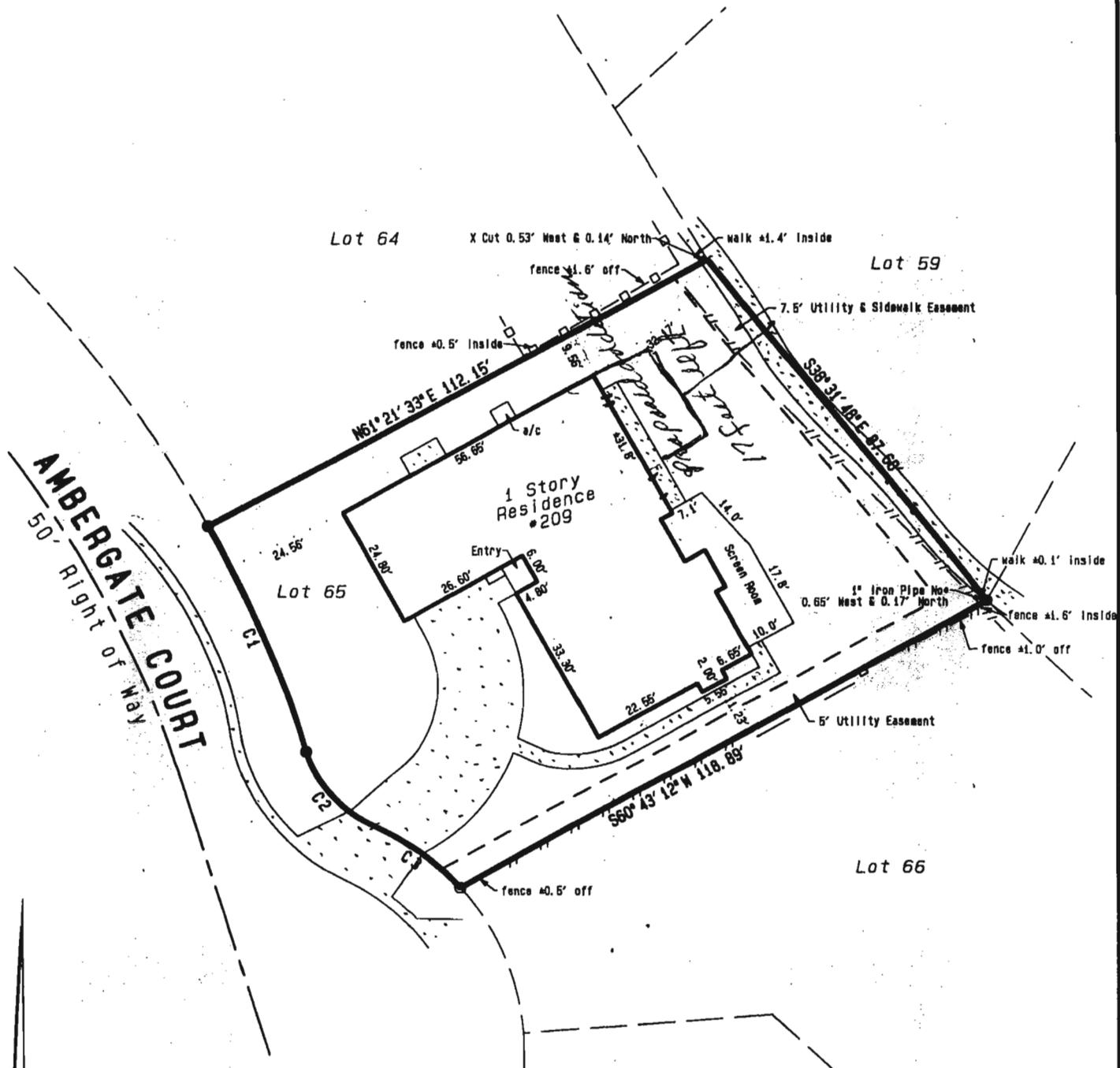
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

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 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 or addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<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 for Louella J. Espinoza

Lot 65,
"WEKIVA HILLS SECTION NINE"
Plat Book 22 Pages 78-79,
Seminole County, Florida



AMBERGATE COURT
50' Right of Way

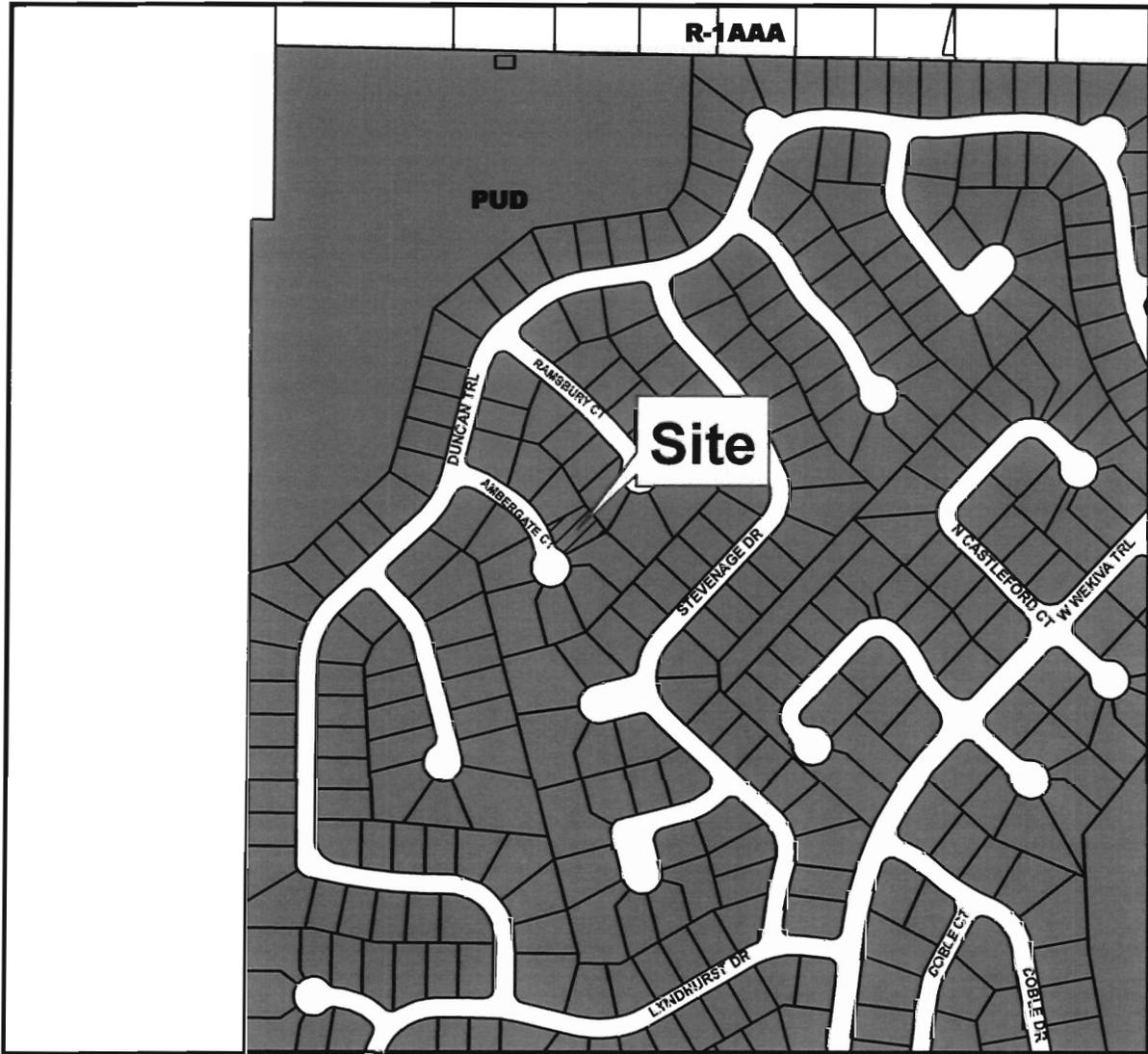
Curve	Radius	Delta	Length
C1	248.49'	11° 22' 17"	49.32
C2	25.00'	48° 11' 23"	21.03
C3	50.00'	23° 57' 00"	20.87

N

Legend
 □ = Recovered 4"x4" Concrete Monument.
 ■ = Set 4"x4" Concrete Monument #186300

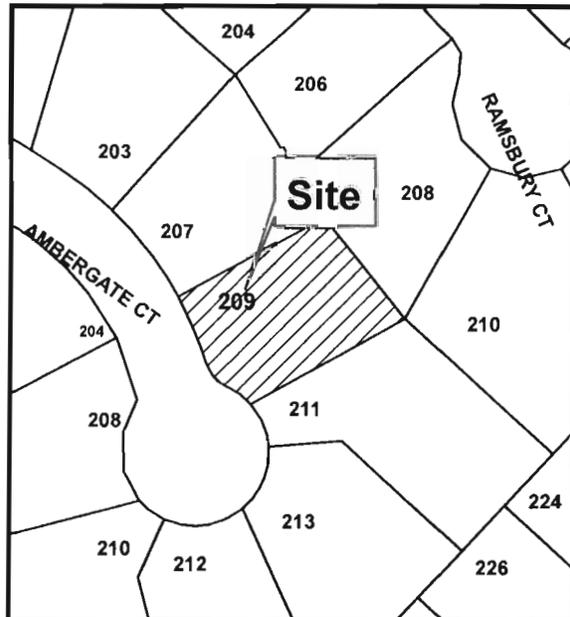
This Survey Certified To:

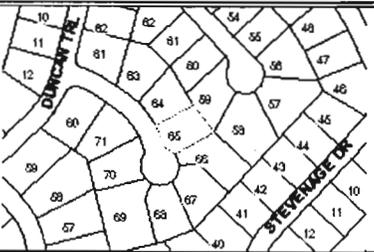
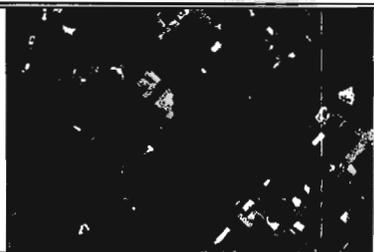
Louella Espinoza
209 Ambergate Court
Longwood, Florida 32779



Seminole County Board of Adjustment
June 22, 2009
Case: BV2009-30 (Map 3153 Grid E2)
Parcel No: 06-21-29-510-0000-0650

- Zoning
-  BV2009-30
 -  R-1AAA
 -  PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1408 407-658-7506</p>																																																			
<p>GENERAL</p> <p>Parcel Id: 06-21-29-510-0000-0650 Owner: ESPINOZA LOUELLA J Mailing Address: 209 AMBERGATE CT City,State,ZipCode: LONGWOOD FL 32779 Property Address: 209 AMBERGATE CT LONGWOOD 32779 Subdivision Name: WEKIVA HILLS SEC 09 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1999) 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>\$173,116</td> <td>\$212,717</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$600</td> <td>\$600</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$40,000</td> <td>\$51,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$213,716</td> <td>\$264,317</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$65,233</td> <td>\$115,982</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$148,483</td> <td>\$148,335</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	1	Depreciated Bldg Value	\$173,116	\$212,717	Depreciated EXFT Value	\$600	\$600	Land Value (Market)	\$40,000	\$51,000	Land Value Ag	\$0	\$0	Just/Market Value	\$213,716	\$264,317	Portability Adj	\$0	\$0	Save Our Homes Adj	\$65,233	\$115,982	Assessed Value (SOH)	\$148,483	\$148,335																
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COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 6

TWP: 21

RNG: 29

DEVELOPMENT:		Wekiva Hills Section 9				DEVELOPER:		Magnolia Service Corp.									
LOCATION:		25 Acres - 71 Lots															
FILE#:		BA:		SP:		BCC:		5/3/79									
P&Z:		PB		PG		78, 79		Lot		Blk		Parcel		DBA		Comm Dist	
DEVEL. ORDER #:						TAX PAR. I.D. #:											
SIDEWALKS:						SETBACK REQUIREMENTS											
						FY: 25'		SIDE ST.:		SY: 10'		RY: 30'					
ROAD TYPE:						MAIN STRUCTURE OTHER: Minimum Lot Size: 8,400 sq. ft. Maximum Building Height: 35'											
COMMENTS OTHER: 1) No minimum size for dwellings. 2) No lots in flood prone area.						ACCESSORY STRUCTURE SETBACKS:											
						SY: 10'		RY: 10'									
						ACCESSORY STRUCTURE OTHER:											

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	
LAND USE:	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	\$10.00
5. PARK	
6. SCHOOL	\$300.00
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

**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
Loquilla Espinoza	209 Ambergate Ct Longwood ³²⁷⁷⁹	407-774-0880

(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.

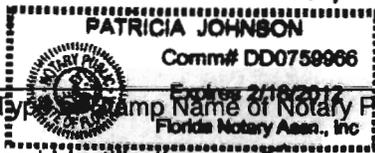
4/21/09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 21st day of April, 2009 by Louella

Espinoza
Patricia Johnson
Signature of Notary Public



Print, Type, Stamp Name of Notary Public

Personally Known _____ OR Produced Identification

Type of Identification Produced E215-530-49-626-0 FLA. Driver License

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

**Wekiva Hunt Club Community Association
Architectural Control Committee
Exterior Improvement Approval Form**

BN2009-30

Section 1: Name and Location

Name: Loquilla Espinoza

Mailing Address (if different from property):
209 Ambergate Ct Longwood FL

Property Address:
209 Ambergate Ct Longwood FL

City: Longwood State: FL ^{work} Zip: 32779

Day Phone: 407-774-0880 Evening Phone: 407-889-1044 Cell phone: 321-439-0280

Section 2: Change Description (include dimensions, materials, color, finish, location, etc.)

Beige color same as existing on frame.
Stucco - 13x15 does not go beyond the
side. Same with an existing screen panel
(Bathroom off master bedroom).

Section 3: Request For Approval

I request approval to make the above changes. I understand that some types of changes require County Permits and I will acquire any required permits prior to making the above changes.

Signed: [Signature] Date: 4/21/09

Section 4: Approval or Denial (WHCCA USE ONLY)

Approved

Approved - subject to the following:

Denied - comments:

Will need to see APPROVED plans before final
APPROVAL by ACC

Signed (WHCCA - ACC): [Signature]

Received:

RECEIVED

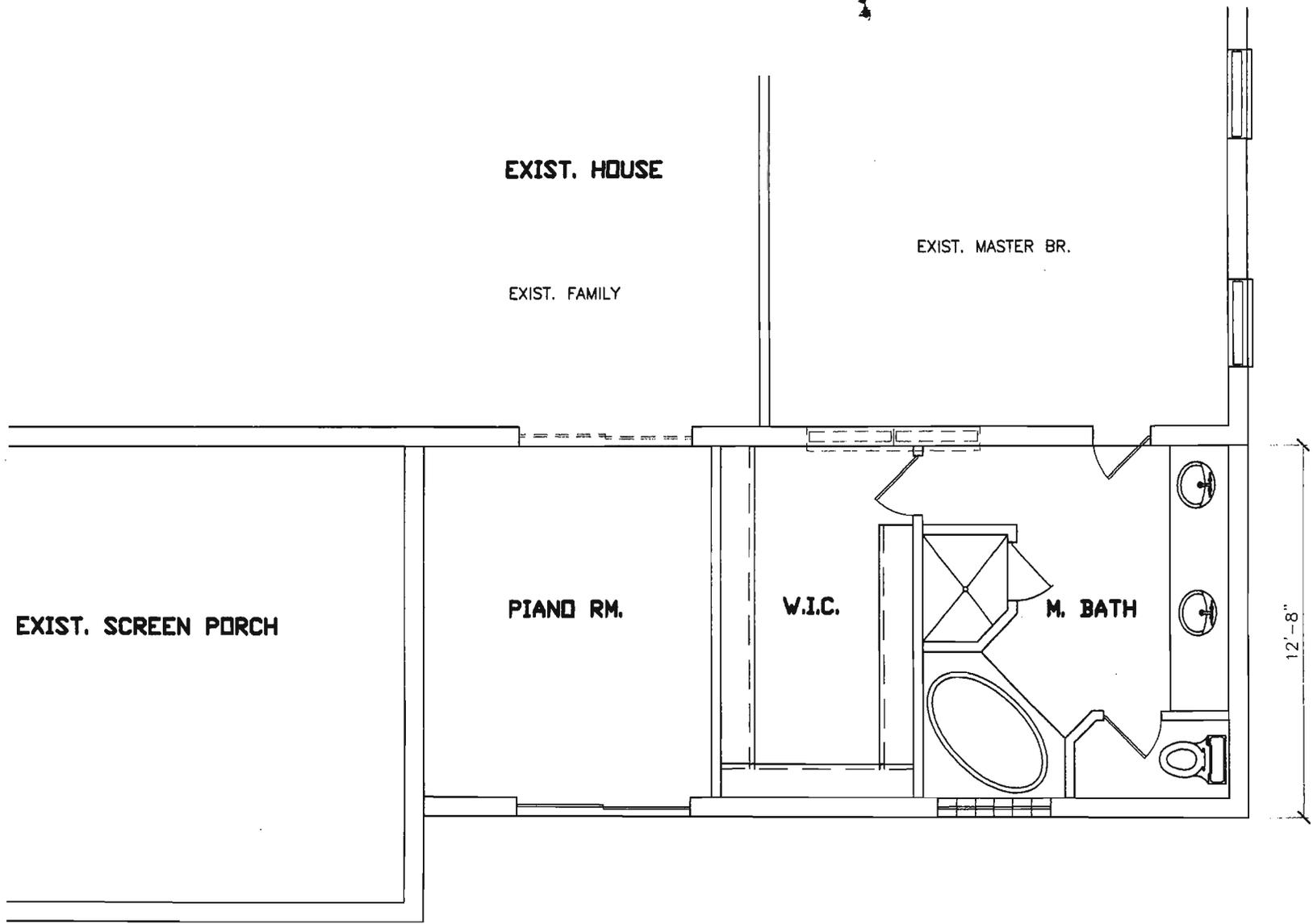
APR 21 2009

By _____

Date: 4/22/09

Instructions: Changes must be completed within 120 days from the date of approval. If more time is needed you must submit a written request for an extension. Please fill out sections 1, 2 and 3. Attach a plot survey showing locations of changes. For paint color, please attach "color chips" with the colors desired clearly marked (larger samples may be requested). If construction is to occur in an easement, an additional form is also required. This form will be returned via U.S. Mail either approved or denied within 30 days from the date received. You may contact the association office at (407) 774-6111 if you have any questions. Please return this form and required attachments to:

Wekiva Hunt Club Community Association, Inc. - ACC
197 N. Hunt Club Blvd.
Longwood, FL 32779



PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



June 2, 2009

Louella J Espinoza
209 Ambergate Ct
Longwood FL 32779

RE: Ambergate Ct (209) (BV #2009-30)

Dear Applicant:

In accordance with Sec. 30.42(c) Seminole County Land Development Code, an Administrative Variance has been granted for a side yard setback variance from 10 feet to 9.56 for an existing house and proposed addition as depicted on the attached site plan.

Be advised there is a fifteen (15) day period in which this decision can be appealed to the Board of County Commissioners. The Development Order granted is not final until the appeal period has lapsed and no appeals have been filed. The rear yard setback for the proposed addition is scheduled to be heard by the Board of Adjustment on June 22, 2009, therefore, a building permit incorporating the same cannot be issued prior to July 7, 2009.

The enclosed Development Order has been executed and will be recorded in the Seminole County Clerk of Circuit Court Recording Office. A certified copy of the Development Order may be obtained from Seminole County Clerk of the Court.

Please retain this letter for your records and submit with any permit applications. If you have any questions please feel free to contact this office.

Sincerely

A handwritten signature in black ink, appearing to read "Al Stettner".

Alison C. Stettner, AICP
Planning Manager

Attachment: Signed Development Order

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 65 WEKIVA HILLS SEC 9 PB 22 PGS 78 & 79

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

FINDINGS OF FACT

Property Owner: Louella J Espinoza
209 Ambergate Ct
Longwood FL 32779

Project Name: Ambergate Ct (209)

Requested Variance:

Rear yard setback variance from 30 feet to 17 feet for a proposed addition in PUD (Planned Unit Development) district.

Approval was sought to construct an addition within the rear 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:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 65 WEKIVA HILLS SEC 9 PB 22 PGS 78 & 79

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

FINDINGS OF FACT

Property Owner: Louella J Espinoza
209 Ambergate Ct
Longwood FL 32779

Project Name: Ambergate Ct (209)

Variance Approval:

Rear yard setback variance from 30 feet to 17 feet for a proposed addition in PUD (Planned Unit Development) 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 addition at the rear of the house 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:

