

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

SUBJECT: 7305 Houston Avenue – Anthony Alexander, applicant; Request for a side street (west) setback variance from 15 feet to 13 feet for a proposed addition in R-1 (Single Family Dwelling) district.

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

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

Agenda Date 12/07/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street (west) setback variance from 15 feet to 13 feet for a proposed addition in R-1 (Single Family Dwelling) district; or
2. **Approve** the request for a side street (west) setback variance from 15 feet to 13 feet for a proposed addition in R-1 (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Anthony Alexander Owner: Jorge Oliveira Location: 7305 Houston Avenue Zoning: R-1 (Single Family Dwelling) Subdivision: Woodcrest Unit 2</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • An administrative variance was granted on February 16, 2009 from 25 feet to 22.5 feet for the front yard (south) setback. During permitting, Traffic Engineering also approved a setback reduction to 15 feet for the side street (west) setback as provided in SCLDC Sec. 30.186. • A building permit was issued for the addition (BP 09-4321) and a construction error occurred that rendered the addition 2 feet into the required 15-foot side street setback.

Reviewed by: KFT
 Co Atty: AS
 Pln Mgr: AS

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 new 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

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

Application # BN 2009-97
 Meeting Date DEC 1, 09

COPY

VARIANCE APPLICATION



SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
 1101 East First Street Sanford FL 32771 (407) 685-7444

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

Name: JORGE A. OLIVEIRA
 Address: MALLING, 1135 CALANDA AVE. City: ORLANDO Zip code: 32807
 Project Address: 7305 HOUSTON AVE. W. City: WINTER PARK Zip code: 32792
 Tax Parcel number: 35 21 30 507 0000 - 0190
 Contact number(s): 407 704-6900 407 992-5757
 Email address: A.ALEX9191@YAHOO.COM

Is the property available for inspection without an appointment?

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

BP 09-4321

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: <i>See attached letter</i>
<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 type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	Proposed setback: <i>13 FT</i>	<i>15 FT</i>
<input type="checkbox"/> Fence height	Required height:	Proposed height:	
<input type="checkbox"/> Building height	Required height:	Proposed height:	

Use below for additional yard setback variance requests:

<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:

Total number of variances requested 1

Signed: *[Signature]*

Date: 10/7/2009

FOR OFFICE USE ONLY

Date Submitted: 7 OCT 09 Reviewed By: Denny
 Zoning/FLU R-1 / 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!

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.

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

SWERDLOFF & LONG

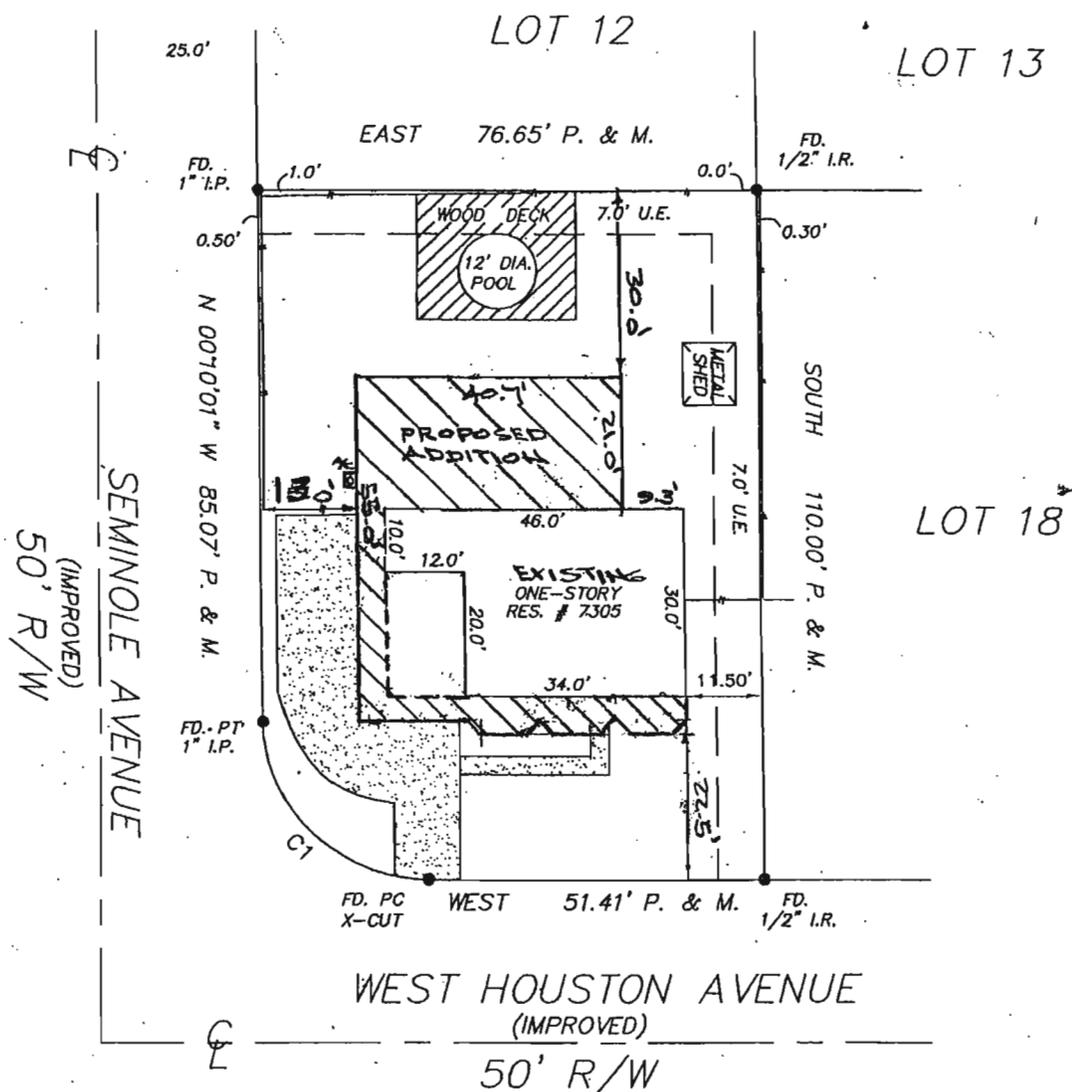
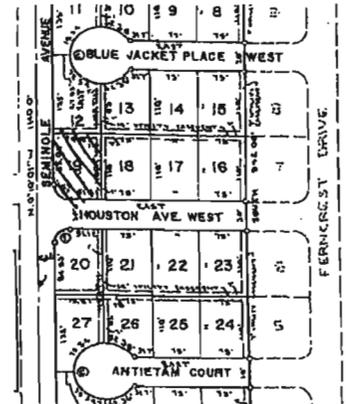
SURVEYING, INC.

Legal Description

Lot 19, WOODCREST UNIT TWO, according to the plat thereof, as recorded in Plat Book Plat Book 15, Page(s) 72, of the Public Records of Seminole County, FL.

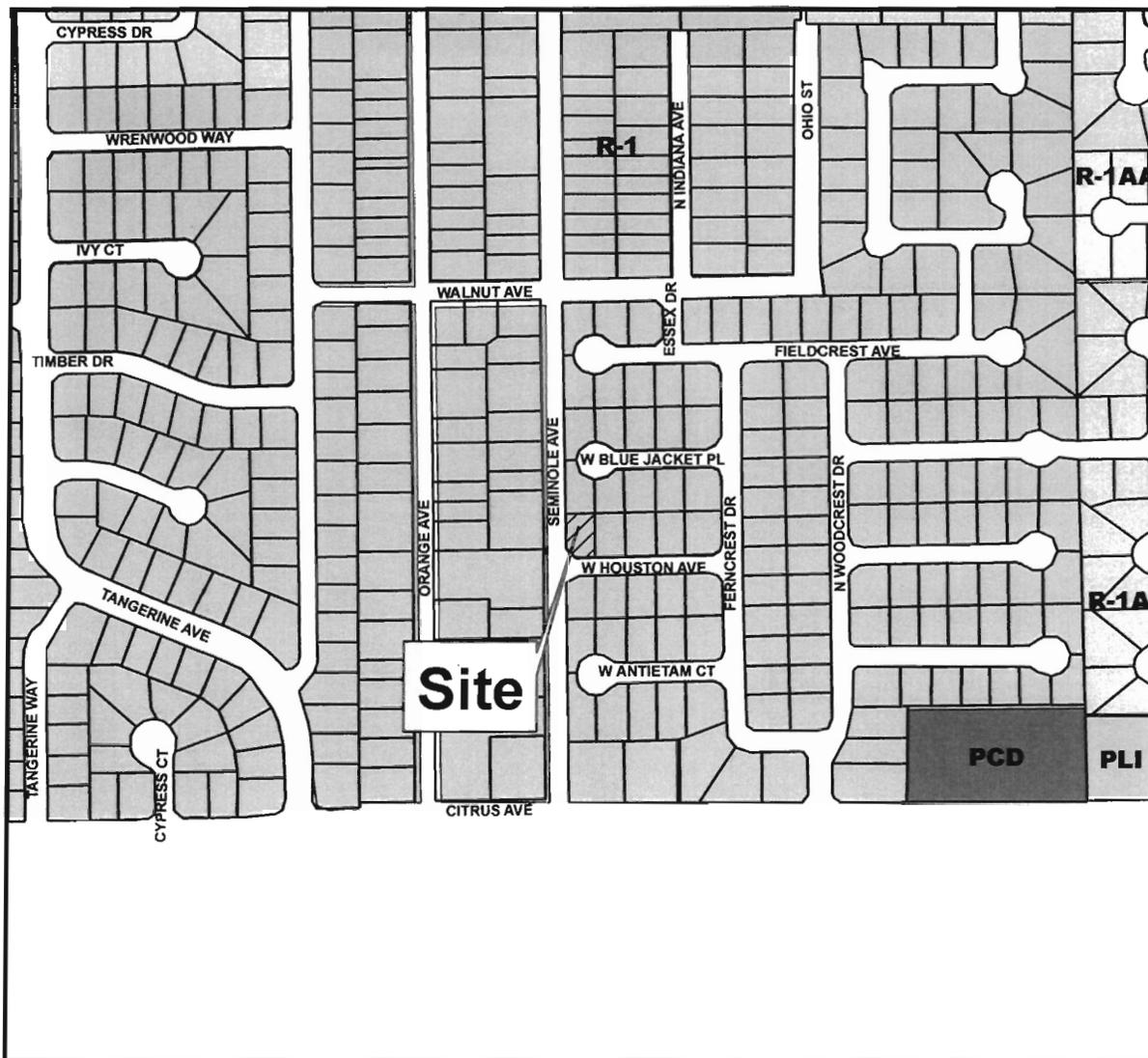
Community number: 120289 Panel: 0210
 Suffix: E.F.L.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 8/5/2004 Completion Date: 8/6/2004

Certified to:
 Eve Eileen Weeks; Lawyers Advantage Title Group, Inc.; First American Title Insurance Company



Property Address:

Jorge A Oliveira
 7305 Houston Avenue West
 Winter Park, FL 32792



Seminole County Board of Adjustment
 December 7, 2009
 Case: BV2009-97 (Map 3210 Grid E7)
 Parcel No: 35-21-30-507-0000-0190

Zoning

-  BV2009-97
-  R-1AA
-  R-1A
-  R-1
-  PCD
-  PLI




<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1408 407-686-7806</p>																																																																																																											
<p align="center">GENERAL</p> <p>Parcel Id: 35-21-30-507-0000-0190 Owner: OLIVEIRA JORGE A Mailing Address: 9939 UNIVERSAL BLVD City,State,ZipCode: ORLANDO FL 32819 Property Address: 7305 HOUSTON AVE W WINTER PARK 32792 Subdivision Name: WOODCREST UNIT 02 Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 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 align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$66,664</td> <td align="right">\$72,784</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$30,000</td> <td align="right">\$30,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$96,664</td> <td align="right">\$102,784</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$96,664</td> <td align="right">\$102,784</td> </tr> </tbody> </table> <p align="center">Tax Estimator</p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$66,664	\$72,784	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$30,000	\$30,000	Land Value Ag	\$0	\$0	Just/Market Value	\$96,664	\$102,784	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$96,664	\$102,784																																																																								
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Appendage / Sqft	UTILITY FINISHED / 120
Appendage / Sqft	OPEN PORCH FINISHED / 52
Appendage / Sqft	CARPORT FINISHED / 240

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

Permits

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
JORGE A. OLIVEIRA	1135 CALANDA AVE, ORLANDO 32807	407 704-6900 , 407 492-5757

(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
NA			

(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
NA			

(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
N/A		

(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
N/A		

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.

10/17/09
Date

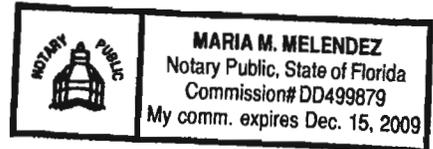
[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 7 day of October, 2009 by Anthony Alexander

[Signature]
Signature of Notary Public

Maria M. Melendez
Print, Type or Stamp Name of Notary Public



Personality Known _____ OR Produced Identification

Type of Identification Produced FED

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

LIMITED POWER OF ATTORNEY

BY THIS LIMITED POWER OF ATTORNEY, I JORGE A. OLIVEIRA, a resident of Orange County, Florida, appoint ANTHONY ALEXANDER as my attorney-in-fact to manage my affairs with respect to my property at 7305 Houston Ave. W., Winter Park, in Seminole County, Florida concerning Seminole County, the City of Casselberry Utilities Department, Progress Energy and Brighthouse Networks.

All acts done by my attorney-in-fact pursuant to this Limited Power of Attorney shall bind me, my heirs, devisees and personal representatives. This Limited Power of Attorney is nondelegable.

I HEREBY CERTIFY that the following is the true and authentic signature of my attorney-in-fact:



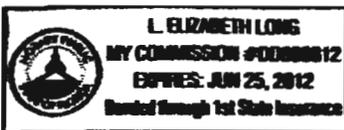
Anthony Alexander

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of October, 2009.



Jorge A. Oliveira

Signed, sealed and delivered in the presence of:





Witness

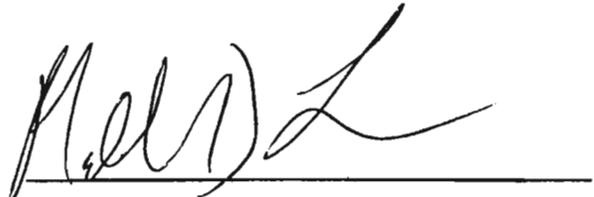
BV2009-97

To Whom it may concern:

We are property owners of lots adjoining 7305 Houston Ave. W., Winter Park, FL.

We have no objection to and support the side setback variance for 7305 Houston

Ave. W., Winter Park, FL 32792



Mike Lane

7311 Houston Ave. W.,

Winter Park, FL 32792

**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 19 WOODCREST UNIT 2 PB 15 PG 72

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

FINDINGS OF FACT

Property Owner: Jorge A Oliveira
9939 Universal Blvd
Orlando FL 32819

Project Name: Houston Avenue (7305)

Requested Variance:

Side street (west) setback variance from 15 feet to 13 feet for a proposed addition in R-1 (Single Family Dwelling) district.

Approval was sought to construct an addition 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: 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 December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 19 WOODCREST UNIT 2 PB 15 PG 72

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

FINDINGS OF FACT

Property Owner: Jorge A Oliveira
9939 Universal Blvd
Orlando FL 32819

Project Name: Houston Avenue (7305)

Variance Approval:

Side street (west) setback variance from 15 feet to 13 feet for a proposed addition in R-1 (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the 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:

