

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 2617 Tierra Circle – Sebastian Aloi, applicant; Request for a side street setback variance from 25 feet to 20 feet for an existing privacy fence in R-1A (Single-Family Dwelling) district.

DEPARTMENT: Growth Management DIVISION: Planning & Development

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

Agenda Date 03/22/10 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street setback variance from 25 feet to 20 feet for an existing privacy fence in R-1A (Single-Family Dwelling) district; or
2. **Approve** the request for a side street setback variance from 25 feet to 20 feet for an existing privacy fence in R-1A (Single-Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Sebastian Aloi Location: 2617 Tierra Circle Zoning: R-1A Subdivision: Casa Aloma
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a privacy fence that encroaches into the side street setback on a corner lot. • The existing fence encroaches five (5) feet into the 25 foot side street setback along Tierra Circle. • 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: <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.

Reviewed by _____
Co Atty: AKC
Pln Mgr: _____

	<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.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicant 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 privacy fence as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

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

Application # BV2010-11
Meeting Date 3-22-10



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: SEBASTIAN ALOI
Address: 2617 TIERRA CIRCLE City: WINTER PARK Zip code: 32792
Project Address: 2617 TIERRA CIRCLE City: WINTER PARK Zip code: 32792
Tax Parcel number: 33-21-30-509-0000-1060
Contact number(s): 407-760-9044
Email address: _____

Is the property available for inspection without an appointment?

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

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

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25'</u>	Proposed setback: <u>20'</u>
<input type="checkbox"/> Fence height	Required height:	Proposed height:	
<input type="checkbox"/> Building height	Required height:	Proposed height:	

Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	

Total number of variances requested ONE

Signed: Sebastian Aloï

Date: 2-15-10

FOR OFFICE USE ONLY

Date Submitted: <u>3-15-10</u>	Reviewed By: <u>P. Johnson / K. Fall</u>
Zoning/FLU <u>R-1A / 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.

<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>	
	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 or 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.

SWERDLOFF & BERRY

SURVEYING, INC.

370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691

Legal Description

Lot 106, CASA ALOMA, according to the plat thereof, as recorded in Plat Book 15, Page(s) 7, of the Public Records of Seminole County, FL.

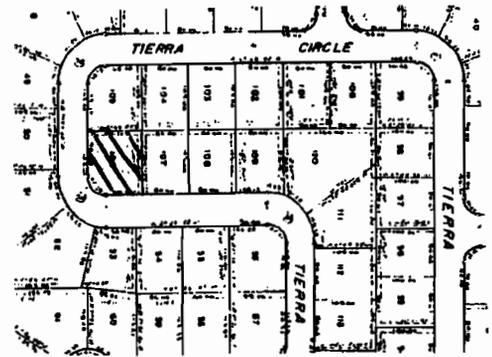
Community number: 120289 Panel: 0210

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

Date of field work: 2/16/2010 Completion Date: 2/16/2010

Certified to:

Anthony Aloï; Sebastian Aloï.

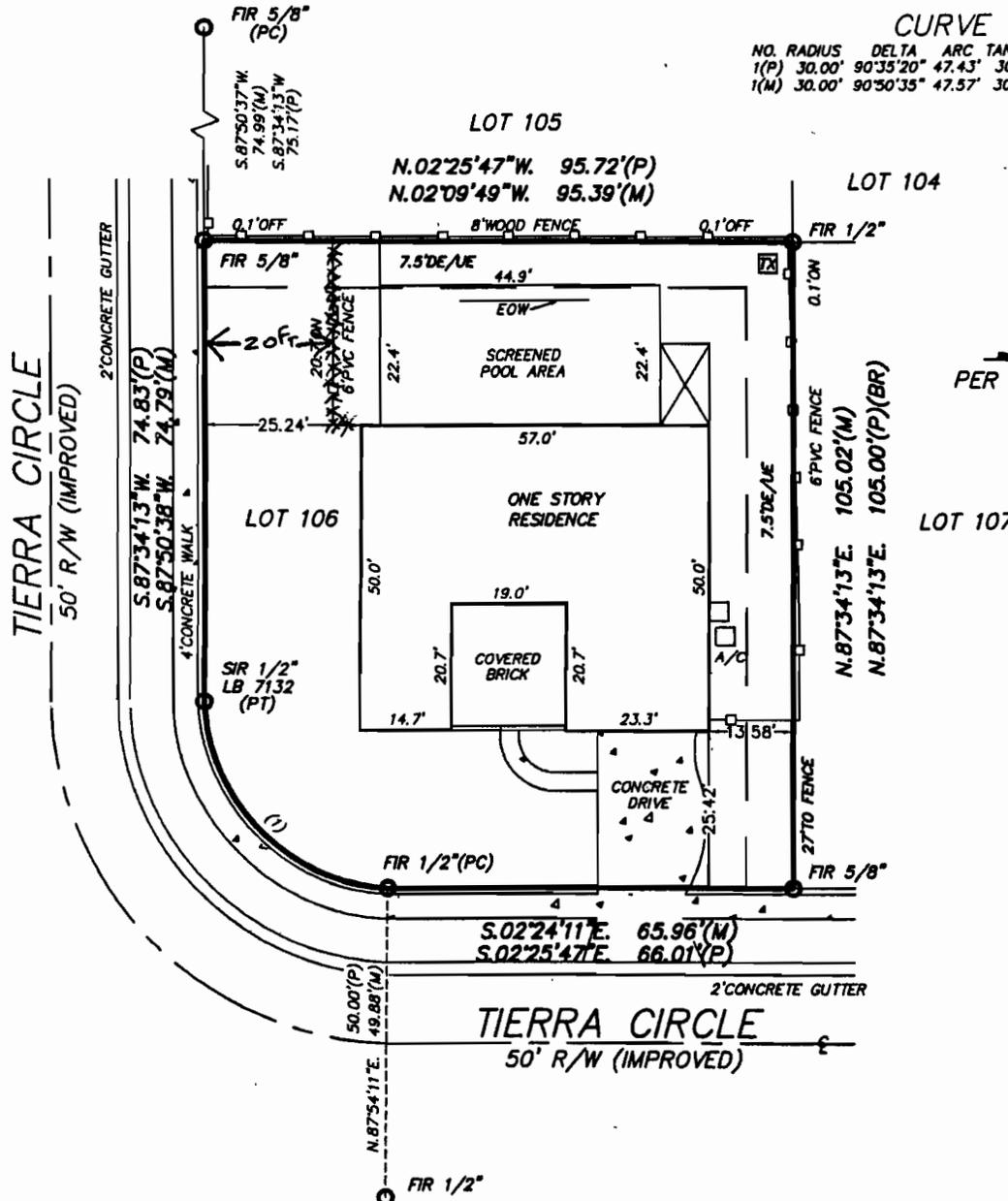


LOCATION SKETCH

Not to Scale

CURVE TABLE

NO.	RADIUS	DELTA	ARC TANGENT	CHORD	CHORD BEARING
1(P)	30.00'	90°35'20"	47.43'	30.31'	42.64' S.42°36'13"W.
1(M)	30.00'	90°50'35"	47.57'	30.44'	42.74' S.43°22'55"W.



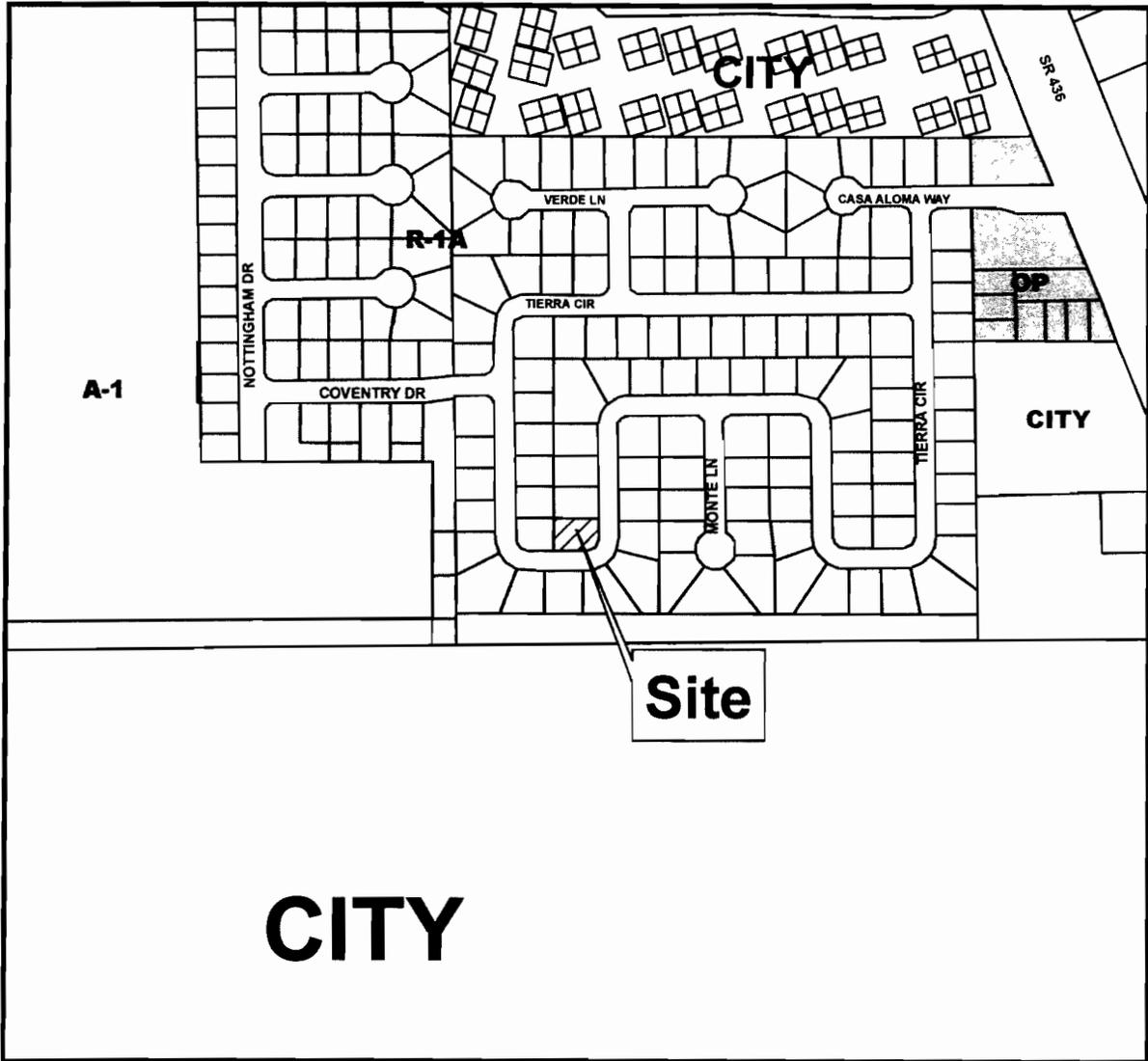
SCALE: 1"=30'

PER PLAT

Property Address:
 2617 Tierra Circle
 Winter Park, FL 32792

Survey number: SL 42304

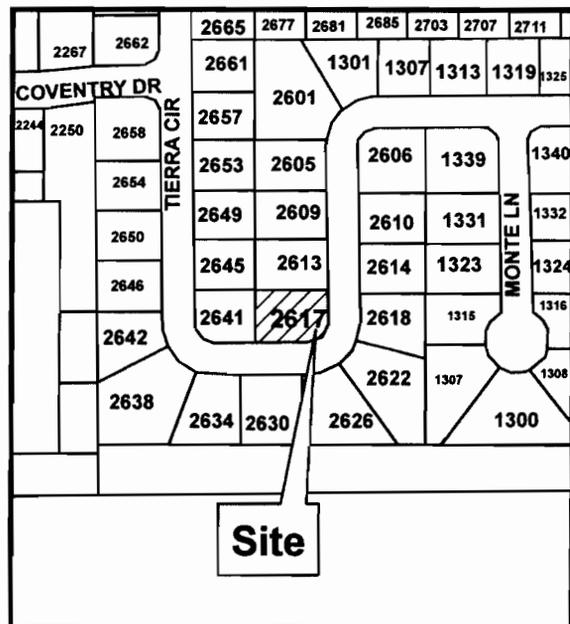
Sebastian Aloi
 2617 Tierra Circle
 Winter Park, FL 32792



Seminole County Board of Adjustment
 March 22, 2010
 Case: BV2010-11 (Map 3210 Grid C7)
 Parcel No: 33-21-30-509-0000-1060

Zoning

-  BV2010-11
-  A-1
-  R-1A
-  OP

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7506</p>																																												
<p>GENERAL</p> <p>Parcel Id: 33-21-30-509-0000-1060 Owner: ALOI SEBASTIAN & Own/Addr: ALOI ANTHONY Mailing Address: 2617 TIERRA CIR City,State,ZipCode: WINTER PARK FL 32792 Property Address: 2617 TIERRA CIR WINTER PARK 32792 Subdivision Name: CASA ALOMA Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2009) Dor: 01-SINGLE FAMILY</p>	<p>VALUE SUMMARY</p> <table border="1"> <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>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$131,097</td> <td>\$144,142</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$5,894</td> <td>\$5,894</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$30,000</td> <td>\$30,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$166,991</td> <td>\$180,036</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>\$166,991</td> <td>\$180,036</td> </tr> </tbody> </table> <p>Tax Estimator</p>		VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$131,097	\$144,142	Depreciated EXFT Value	\$5,894	\$5,894	Land Value (Market)	\$30,000	\$30,000	Land Value Ag	\$0	\$0	Just/Market Value	\$166,991	\$180,036	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$166,991	\$180,036									
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<p>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.</p>																																												

R-1A / LDR

**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
SEBASTIAN AROI	2617 TIERRA CIR, WINTER PARK, 32782	407-760-9044
ANTHONY AROI	2617 TIERRA CIR, WINTER PARK, 32782	

(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.)

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. For each **limited liability company**, list the name, address, and title of each manager or managing member; and the name and address of each additional member with two percent (2%) or more membership interest. If any member with two percent (2%) or more membership interest, manager, or managing member is a corporation, trust or partnership, please provide the information required in paragraphs 2, 3 and/or 4 above.

NAME	TITLE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

6. 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.

2-15-10

Date

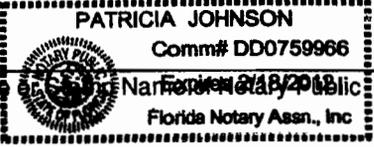
Sebastian Alois
Owner, Agent, Applicant Signature

STATE OF FLORIDA

COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 15th day of February, 2010 by Sebastian Alois

Patricia Johnson
Signature of Notary Public

Print, Type Patricia Johnson Notary Public

 Florida Notary Assn., Inc

Personally Known _____ OR Produced Identification -

Type of Identification Produced FLA. DRIVER LICENSE

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 22, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 106 CASA ALOMA PB 15 PG 7

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

FINDINGS OF FACT

Property Owner: Sebastian Aloï
2617 Tierra Circle
Winter Park, Fl. 32792

Project Name: Tierra Circle (2617)

Variance Approval:

Request for a side street setback variance from 25 feet to 20 feet for an existing privacy fence.

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 privacy fence as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning & Development 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SWERDLOFF & BERRY SURVEYING, INC.

370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691

Legal Description

Lot 106, CASA ALOMA, according to the plat thereof, as recorded in Plat Book 15, Page(s) 7, of the Public Records of Seminole County, FL.

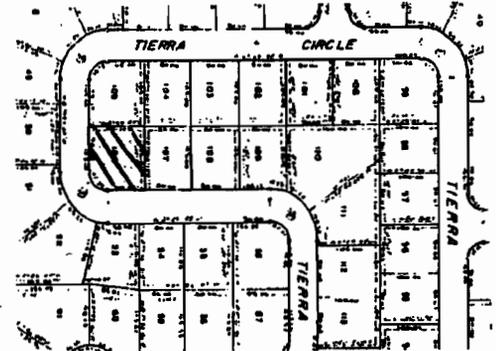
Community number: 120289 Panel: 0210

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

Date of field work: 2/16/2010 Completion Date: 2/16/2010

Certified to:

Anthony Aloï; Sebastian Aloï.

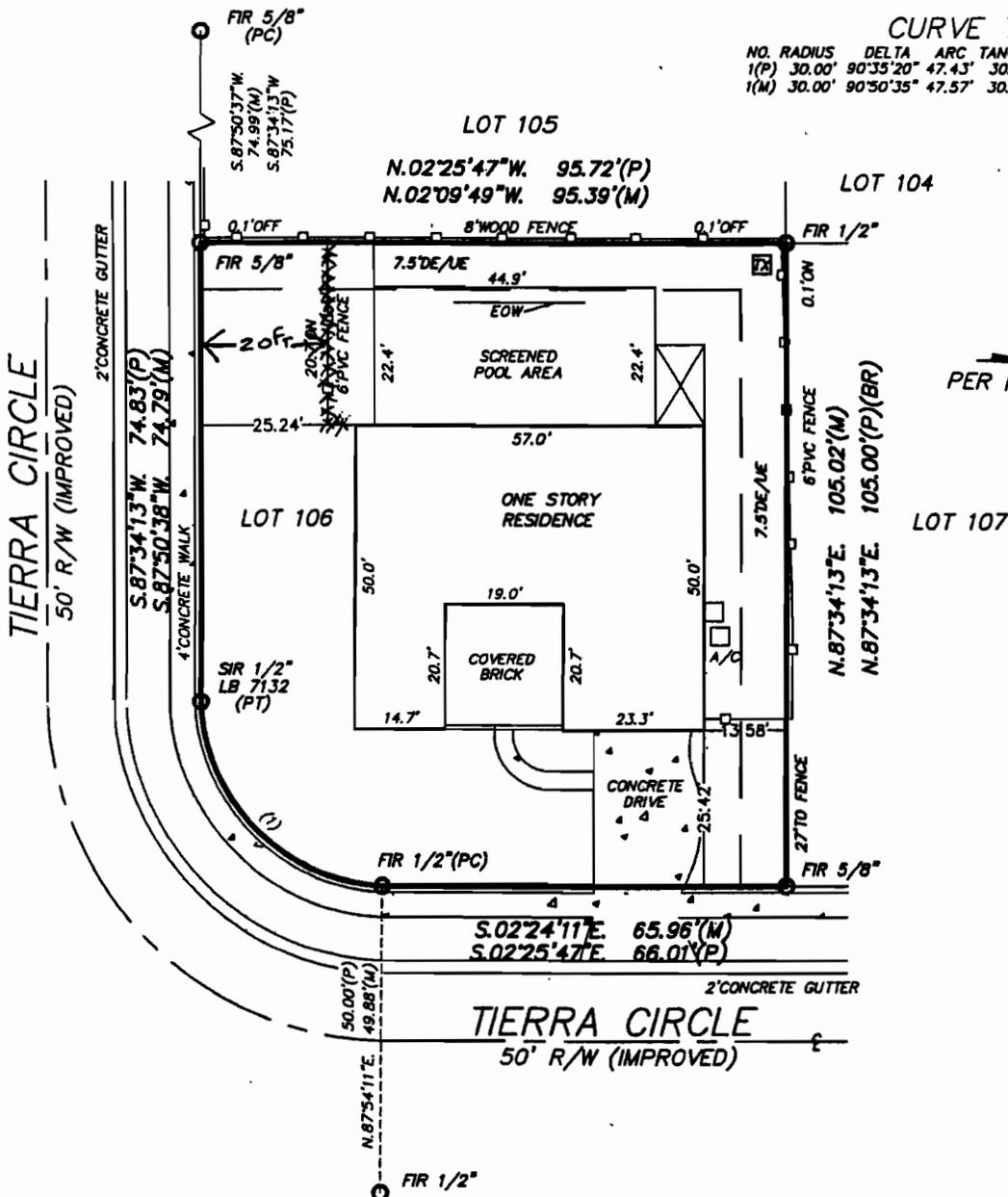


LOCATION SKETCH

Not to Scale

CURVE TABLE

NO.	RADIUS	DELTA	ARC TANGENT	CHORD BEARING	CHORD BEARING
1(P)	30.00'	90°35'20"	47.43'	30.31'	42.64' S.42°36'13"W.
1(M)	30.00'	90°50'35"	47.57'	30.44'	42.74' S.43°22'55"W.



Property Address:
 2617 Tierra Circle
 Winter Park, FL 32792

Survey number: SL 42304

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 22, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 106 CASA ALOMA PB 15 PG 7

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

FINDINGS OF FACT

Property Owner: Sebastian Aloi
2617 Tierra Circle
Winter Park, Fl. 32792

Project Name: Tierra Circle (2617)

Variance Request:

Request for a side street setback variance from 25 feet to 20 feet for an existing privacy fence.

Approval was sought to bring into compliance the construction of an existing 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: 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 & Development 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SWERDLOFF & PERRY SURVEYING, INC.

370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691

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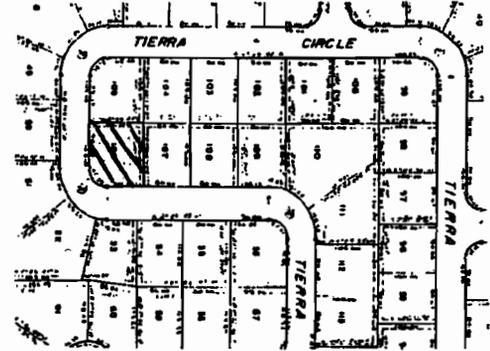
Community number: 120289 Panel: 0210

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

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Certified to:

Anthony Aloï; Sebastian Aloï.

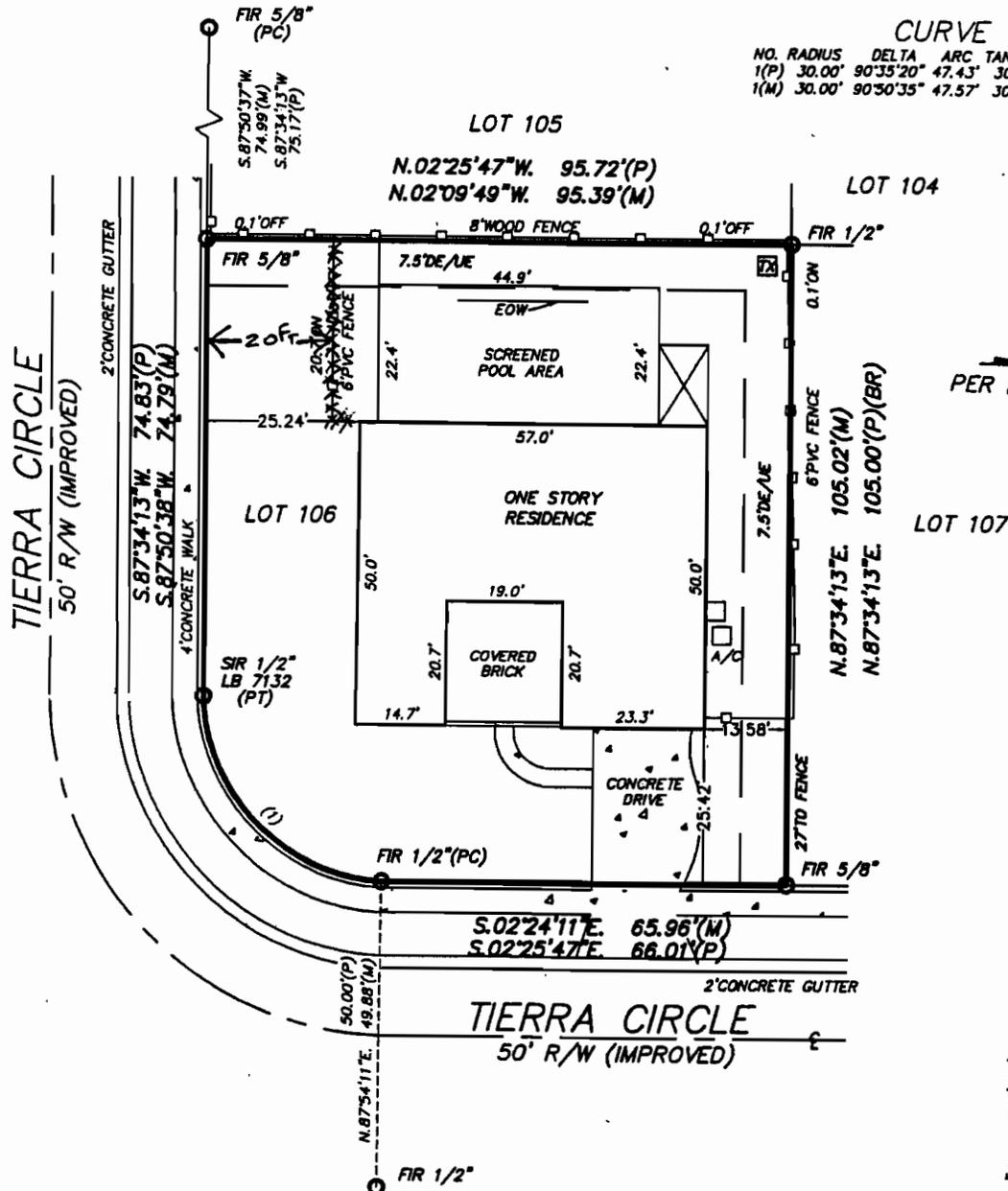


LOCATION SKETCH

Not to Scale

CURVE TABLE

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1(M)	30.00'	90°50'35"	47.57'	30.44'	42.74'	S.43°22'55"W.



SCALE: 1"=30'
 PER PLAT

Property Address:
 2617 Tierra Circle
 Winter Park, FL 32792

Survey number: SL 42304