

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

CONTINUED FROM THE MAY 24, 2004 REGULAR MEETING

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.4 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (RICHARD FIELDS, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Francisco Torregrosa EXT. 7387

Agenda Date 06-28-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.4 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (RICHARD FIELDS, APPLICANT); OR
2. **DENY** THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 2.4 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (RICHARD FIELDS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	RICHARD FIELDS 300 SHADOW OAK DRIVE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) / DEER RUN (UNIT 4)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 5.1 FEET INTO THE 7.5 FOOT MINIMUM SIDE YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. • THIS ITEM WAS CONTINUED FROM THE MAY 24, 2004 REGULAR MEETING. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> ○ AT THE TIME OF ITS CONSTRUCTION, THE EXISTING POOL WAS COMPLIANT; SUBSEQUENT AMENDMENTS TO THE LAND DEVELOPMENT CODE HAVE RENDERED 	

	<p>THE POOL NONCONFORMING WITH RESPECT TO THE MINIMUM SETBACK AND ELIMINATED THE POSSIBILITY OF CONSTRUCTING A COMPLIANT SCREEN ENCLOSURE, WHICH IS A COMMON POOL AMENITY. THIS IS A SPECIAL CIRCUMSTANCE OR HARDSHIP FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</p> <ul style="list-style-type: none">○ THE GRANTING OF THE REQUESTED VARIANCE WOULD NOT CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT ARE DENIED TO OTHERS IN THE DEER RUN PUD.
<p>STAFF RECOMMENDATION</p>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL SCREEN ENCLOSURE, AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.

COMMISSION DISTRICT #:

GUI

ZONED: PUD

SEC: 14, 15

TWP: 21

RNG: 30

PROJ. #

DEVELOPMENT: Deer Run Unit 4 (Sterling Park)		DEVELOPER: Sterling Park, Ltd.	
LOCATION: 40.65 Acres - 123 Lots			
FILE#:	BA:	SP:	BCC: 10/10/77
P&Z:	PG 6, 7	Lot	Parcel
PB 21		Blk	DBA
DEVEL. ORDER #:	TAX PAR. I.D. #:		
SIDEWALKS:			
ROAD TYPE: (CURB & GUTTER OR SWALE)		SETBACK REQUIREMENTS	
COMMENTS OTHER: \$210.00, for Lots 18D, 20D, 21D, 22D, and 23D, was not collected because Commitment Agreement was not in effect at time of issuance of permits.		FY: 20'	SY: 7.5'
		ST.:	RY: 25'
MAIN STRUCTURE OTHER: *20' rear set back when abutting a greenbelt or lake Max Height: 35' Min. Lot size: 7,500 sq. ft. Min width at building line: 70'			
ACCESSORY STRUCTURE SETBACKS:			
SY:	Same as main structure	RY: 10'	
ACCESSORY STRUCTURE OTHER:			

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	
LAND USE:	
1. ROAD-CO. WIDE	\$200.00
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	\$10.00
5. PARK	
6. SCHOOL	
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS:	

COMMITMENT CARD

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



APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

VARIANCE SIDE (WEST) YARD SETBACK VARIANCE FROM 7.5'
TO 24' FOR A PROPOSED SCREEN ENCLOSURE.

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

EXISTING PROPOSED REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD YES NO IF SO, WHEN _____

MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

application changed to reflect revised site plan

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Richard Fields	Danielle Dumores
ADDRESS	300 Shadow Oak Dr Cocoa FL 32707	3005 Forsyth Rd Wor FL 32792
PHONE 1	407-609-1055	407-678-0500
PHONE 2		407-408-1488
E-MAIL	N/A	N/A

PROJECT NAME: Fields

SITE ADDRESS: 300 Shadow Oak Dr

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: Lot 1 Blk A Sterling Park Unit 4 PB 21 PGS 1047

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 15-21-30-5EF-DAC00-001

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 5-24-04 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Richard Fields

SIGNATURE OF OWNER OR AGENT*

15 Mar 04

DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2: _____

VARIANCE 3: _____

VARIANCE 4: _____

VARIANCE 5: _____

VARIANCE 6: _____

VARIANCE 7: _____

VARIANCE 8: _____

APPEAL FROM BOA DECISION TO BCC

PROPERTY OWNER	AUTHORIZED AGENT *
NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	
NATURE OF THE APPEAL _____	
BCC PUBLIC HEARING DATE _____	
FOR OFFICE USE ONLY _____	

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 2 FLU/ZONING PD/PUD

LOCATION FURTHER DESCRIBED AS LOCATED ON THE CORNER OF
EAGLE CIR. AND SHADOW OAK DRIVE

PLANNER R/VB CHECK !! DATE 03/18/04

SUFFICIENCY COMMENTS IT APPEARS THAT APPLICANT NEEDS TO BE
CONTACTED: APPEARS TO BE LESS THAN 5' FROM PROPOSED SCREEN TO WESTERN
PROPERTY LINE AND LESS THAN 10' FROM PUBLIC EDGE TO PROPERTY LINE AND
FENCE PROBLEM

Pool Enclosures
Vinyl Enclosures
Glass Enclosures
Aluminum Awnings
Solar Screens
Carpports



Screen Rooms
Hurricane Storm Panels
Aluminum and Vinyl Siding
Soffit and Fascia
Replacement Windows
Mobile Home Roofovers

Variance for:
Richard and Barbara Fields
300 Shadow Oak Dr.
Casselberry, Fl. 32707

3-9-04

Contact Information:
Danielle Quinones
Superior Aluminum
407-678-0500
407-402-1488

To Whom It May Concern:

We are writing to request a variance for the rear yard setback. (Also referred to as the side setback due to lot being on the corner) The homeowner currently has an existing pool and deck which sits at 7 feet and ^{2.4}~~5~~ feet from the property line. We are requesting to add a screen pool enclosure over the existing area. The setback requirement is 7.5 feet.

We are requesting a variance for the pool enclosure to sit at the same setback as the deck and pool. (7 feet and ^{2.4}~~5~~ feet) Thank you for your time and consideration in this matter.

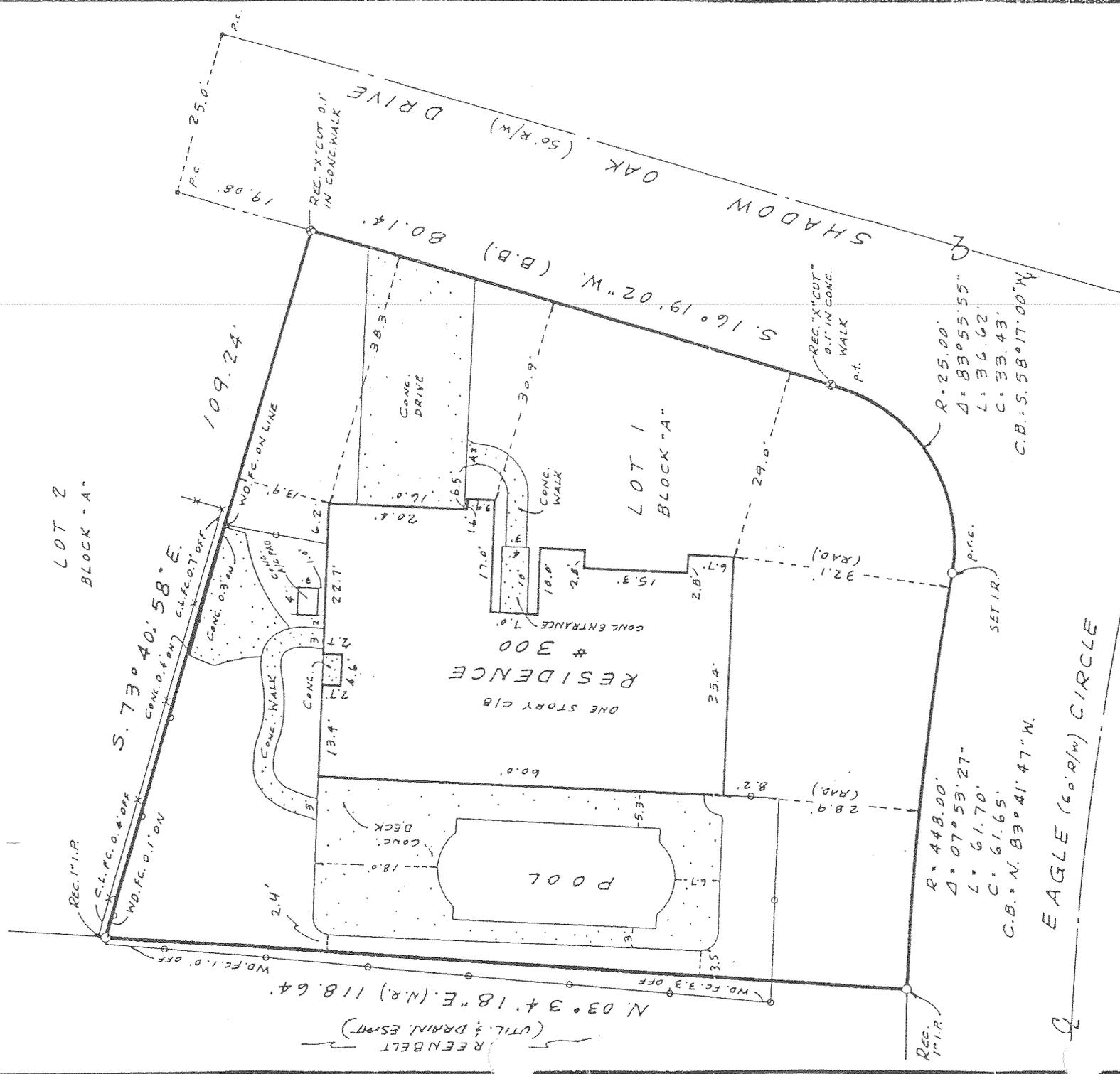
Sincerely,

Danielle Quinones
Superior Aluminum Permitting



ALUMINUM ASSOCIATION AWARD OF EXCELLENCE

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO: Richard L. & Barbara B. Fields
 Sentry Title Company, Chicago Title Insurance Company
 Barnett Bank of Central Florida, N.A.
 DESCRIPTION AS FOLLOWS: Lot 1, Block A, STERLING PARK - UNIT FOUR, as recorded in Plat Book 21, pages 6 & 7, Public Records of Seminole County, Florida.



LOT 2
 BLOCK "A"

REG. 1" I.R.
 R * 448.00'
 D = 07° 53' 27"
 L = 61.70'
 C = 61.65'
 C.B. = N. 83° 41' 47" W.

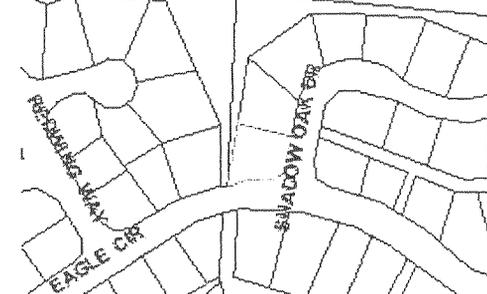
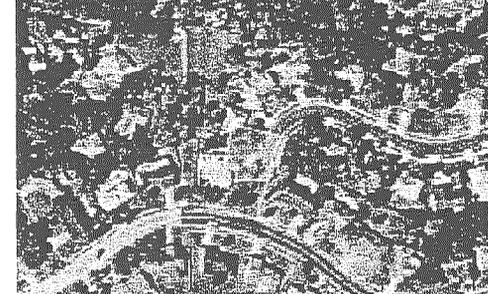
R * 25.00'
 Δ = 83° 55' 55"
 L = 36.62'
 C = 33.43'
 C.B. = S. 58° 17' 00" W.

EAGLE (60'R/W) CIRCLE

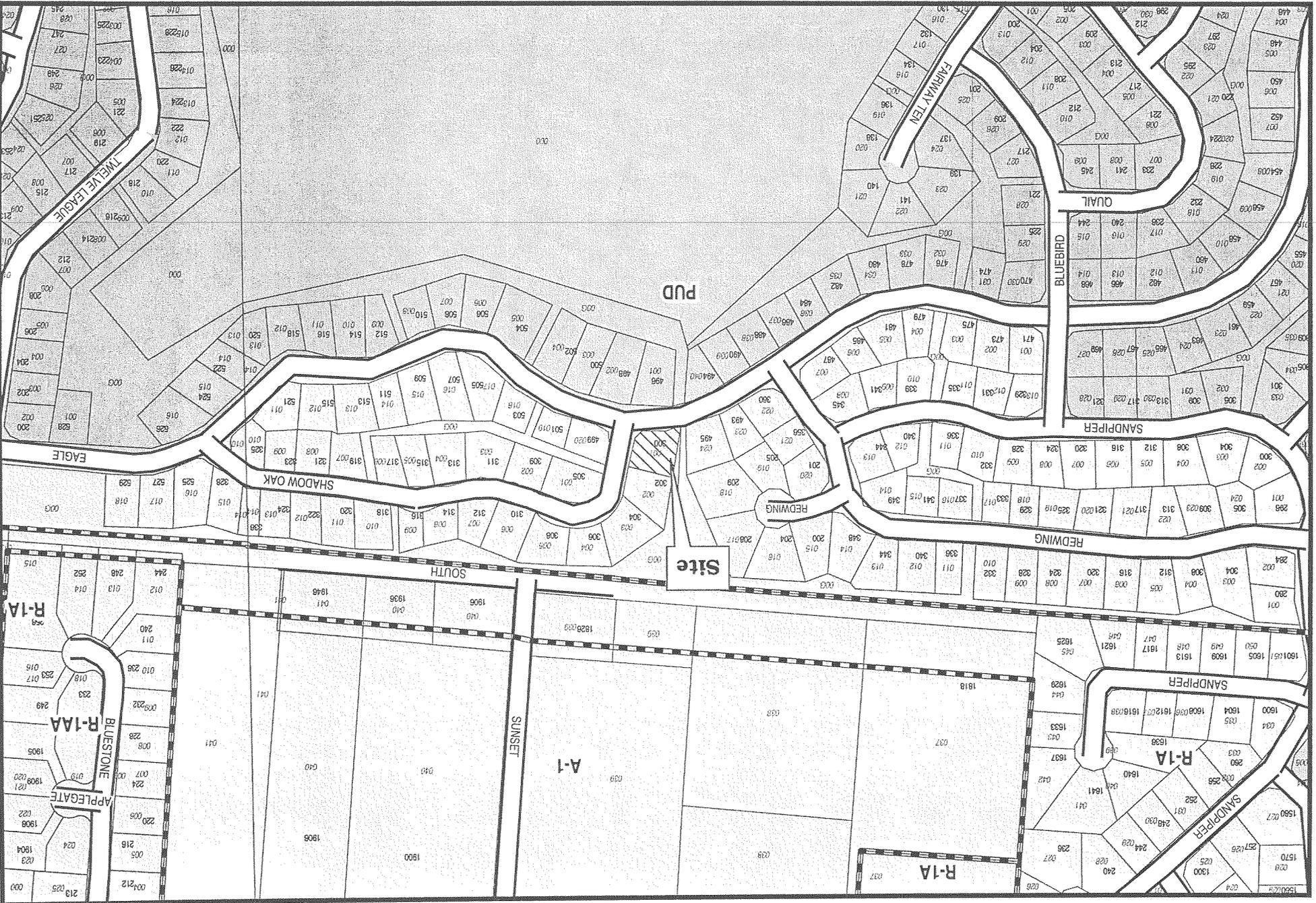
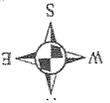
GRUSENMEYER-SCOTT & ASSOC., INC. — LAND SURVEYORS

LEGEND:
 - PLAT
 - HIGH POINT
 - MICH. ROD

NOTES
 1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 21 HH-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-327, FLORIDA STATUTES.

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																																				
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sudard FL 32771 407-665-7506</p>																																									
<p style="text-align:center;">GENERAL</p> <p>Parcel Id: 15-21-30-5EF-0A00-0010 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: FIELDS RICHARD L & BARBARA B Exemptions: 00-HOMESTEAD</p> <p>Address: 300 SHADOW OAK DR</p> <p>City,State,ZipCode: CASSELBERRY FL 32707</p> <p>Property Address: 300 SHADOW OAK DR CASSELBERRY 32707</p> <p>Subdivision Name: STERLING PARK UNIT 04 — per Angie Deer Run (unit 4)</p> <p>Dor: 01-SINGLE FAMILY</p>			<p style="text-align:center;">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$89,727</p> <p>Depreciated EXFT Value: \$6,261</p> <p>Land Value (Market): \$20,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$115,988</p> <p>Assessed Value (SOH): \$92,717</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$67,717</p>																																						
<p style="text-align:center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>08/1985</td> <td>01665</td> <td>2022</td> <td>\$89,900</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>06/1984</td> <td>01553</td> <td>0902</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>02/1984</td> <td>01530</td> <td>0467</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1979</td> <td>01244</td> <td>1862</td> <td>\$54,700</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1979</td> <td>01227</td> <td>0526</td> <td>\$309,100</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align:center;">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	08/1985	01665	2022	\$89,900	Improved	QUIT CLAIM DEED	06/1984	01553	0902	\$100	Improved	QUIT CLAIM DEED	02/1984	01530	0467	\$100	Improved	WARRANTY DEED	09/1979	01244	1862	\$54,700	Improved	WARRANTY DEED	06/1979	01227	0526	\$309,100	Vacant	<p style="text-align:center;">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,459</p> <p>2003 Tax Bill Amount: \$1,131</p> <p>Savings Due To SOH: \$327</p> <p>2003 Taxable Value: \$65,988</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
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LOT	0	0	1.000	20,000.00	\$20,000																																				
BUILDING INFORMATION																																									
Bld Num	Bld Type	Year Blt	Fixtures	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																	
1	SINGLE FAMILY	1979	6	2,168	1,517	CB/STUCCO FINISH	\$89,727	\$99,697																																	
	Appendage / Sqft		OPEN PORCH FINISHED / 35																																						
	Appendage / Sqft		GARAGE FINISHED / 601																																						
	Appendage / Sqft		OPEN PORCH UNFINISHED / 15																																						
	Appendage / Sqft		BASE / 117																																						
EXTRA FEATURE																																									
	Description	Year Blt	Units	EXFT Value	Est. Cost New																																				
	FIREPLACE	1979	1	\$600	\$1,500																																				
	POOL GUNITE	1981	540	\$4,590	\$10,800																																				
	COOL DECK PATIO	1981	720	\$1,071	\$2,520																																				
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									

Richard Fields 300 Shadow Oak Drive



Parcel 15-21-30-5E-0A00-0010 / District 2

BV2004-042

0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 25, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 1 BLK A STERLING PARK UNIT 4 PB 21 PGS 6 & 7

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

FINDINGS OF FACT

Property Owner: RICHARD FIELDS
300 SHADOW OAK DRIVE
CASSELBERRY, FL 32707

Project Name: SHADOW OAK DRIVE (300)

Requested Development Approval:

SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 2.4 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) AS DEPICTED ON THE ATTACHED SITE PLAN.

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: Francisco Torregrosa, 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:
 1. The variance granted will apply only to the proposed pool screen enclosure as shown 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: _____
Matthew West
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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: