

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (MARK AND ROBIN OGIER, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall/Jason Showe **EXT.** 7398

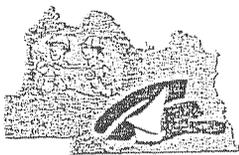
Agenda Date 09-27-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (MARK AND ROBIN OGIER, APPLICANTS); OR
2. **DENY** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (MARK AND ROBIN OGIER, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: LOCATION: ZONING:	MARK AND ROBIN OGIER 616 GRAND CYPRESS POINT R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE REAR YARD OF THE LOT ABUTS A NATURAL WATER BODY (SYLVAN LAKE). MINIMUM REAR YARD SETBACKS ARE INCREASED FROM 10 FEET TO 30 FEET FOR POOLS AND 5 FEET TO 25 FEET FOR POOL SCREEN ENCLOSURES THAT ABUT A NATURAL WATER BODY; MEASUREMENTS ARE TAKEN FROM THE MEAN 	

	<p>HIGH WATER ELEVATION OF THE WATER BODY.</p> <ul style="list-style-type: none">• THE APPLICANTS PROPOSE TO CONSTRUCT A POOL THAT WOULD ENCROACH 10 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK AND A POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 8 FEET INTO THE MINIMUM 25 FOOT REAR YARD SETBACK; THE AFOREMENTIONED VARIANCES ARE REQUESTED.• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none">• NO HARDSHIP OR SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED IMPROVEMENTS HAVE BEEN DEMONSTRATED TO THE APPLICANTS.• THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE LAKE SYLVAN COVE NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACKS WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.• THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL AND POOL SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

RECEIVED
 9/20/04
 11:20 AM

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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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE** Rear yard setback variance from 30' to 20' for a proposed pool
- 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** _____

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Mark and Robin Ogier	
ADDRESS	616 Grand Cypress Point Sanford, FL 32771	
PHONE 1	Home 407-302-4448	
PHONE 2	work 407-333-3797 x106	
E-MAIL	mogier@centravest.com	

PROJECT NAME: N/A

SITE ADDRESS: SAME AS ABOVE

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: Lot 27 Lake Sylvan Cove Plat Book 42 pages
69-74, Seminole County

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 26-19-29-507-0000-0270

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 September 27, 2004 (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.

[Handwritten Signature]

9/2/04

SIGNATURE OF OWNER OR AGENT*

DATE

ADDITIONAL VARIANCES

VARIANCE 2:

Rear yard setback variance from 25' to 17' for a proposed pool screen enclosure

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: \$200 COMMISSION DISTRICT ^{McLain} 11/14 FLU/ZONING LDR /R1-AA

LOCATION FURTHER DESCRIBED AS _____

PLANNER Tasen Showel, IV DATE 5/14/04

SUFFICIENCY COMMENTS _____

GUI
PROJ. #

ZONED: R-1A &
R-1AA

SEC: 26

TWP: 19

RNG: 29

DEVELOPMENT:		Lake Sylvan Cove			DEVELOPER NAME:		Hagen Homes					
LOCATION:		E side of Markham Woods Road, W of Sylvan Lake, S of SR 46										
FILE#:		BA:		SP:		BCC:	11/22/88					
P&Z:												
DEVEL. ORDER #:				TAX PAR. I.D. #:								
PB	42	PG	69-74	LOT		BLK		PARCEL		DBA		COMM DIST.
SIDEWALKS: Install both external and internal sidewalks					SETBACK REQUIREMENTS							
ROAD TYPE (CURB & GUTTER OR SWALE): curb, gutter					FY:		SIDE ST.:		SY:		RY:	
FLOOD PRONE: Lots 9-12, 20-33, 44-47					MAIN STRUCTURE OTHER:							
COMMENTS OTHER: ' <ol style="list-style-type: none"> 1) The following waivers were granted: <ol style="list-style-type: none"> a) Allow a 30' R/W with 10' drainage easements on each side of Court "C". b) A waiver to allow septic tanks on lots of less than one acre in size. c) A waiver to allow double frontage lots of less than 150' deep subject to the installation of a 6' masonry wall. 2) Dedicate all areas below the 100 year flood plain as a conservation easement. 3) Utilization of compensating storage as approved by the County Engineering Dept. **Lots 27-35 and lots 43-47 zoned R1AA. See Tax Map for Lots 26 & 42, zoning is split R1A & R1AA					ACCESSORY STRUCTURE SETBACKS:							
PROJECT MANAGER:									RY:			
					ACCESSORY STRUCTURE OTHER:							

IMPACT FEES	
TRAFFIC ZONE:	3 -N
LAND USE:	1
JURISDICTION	00
1. ROAD-CO. WIDE	\$705.00
2. ROAD-COLL.	\$142.00
3. LIBRARY	\$54.00
4. FIRE	\$172.00
5. PARK	
6. SCHOOL	\$1,384.00
7. LAW	
TOTAL	\$2,457.00
REMARKS: curb & gutter; sidewalks, public streets	

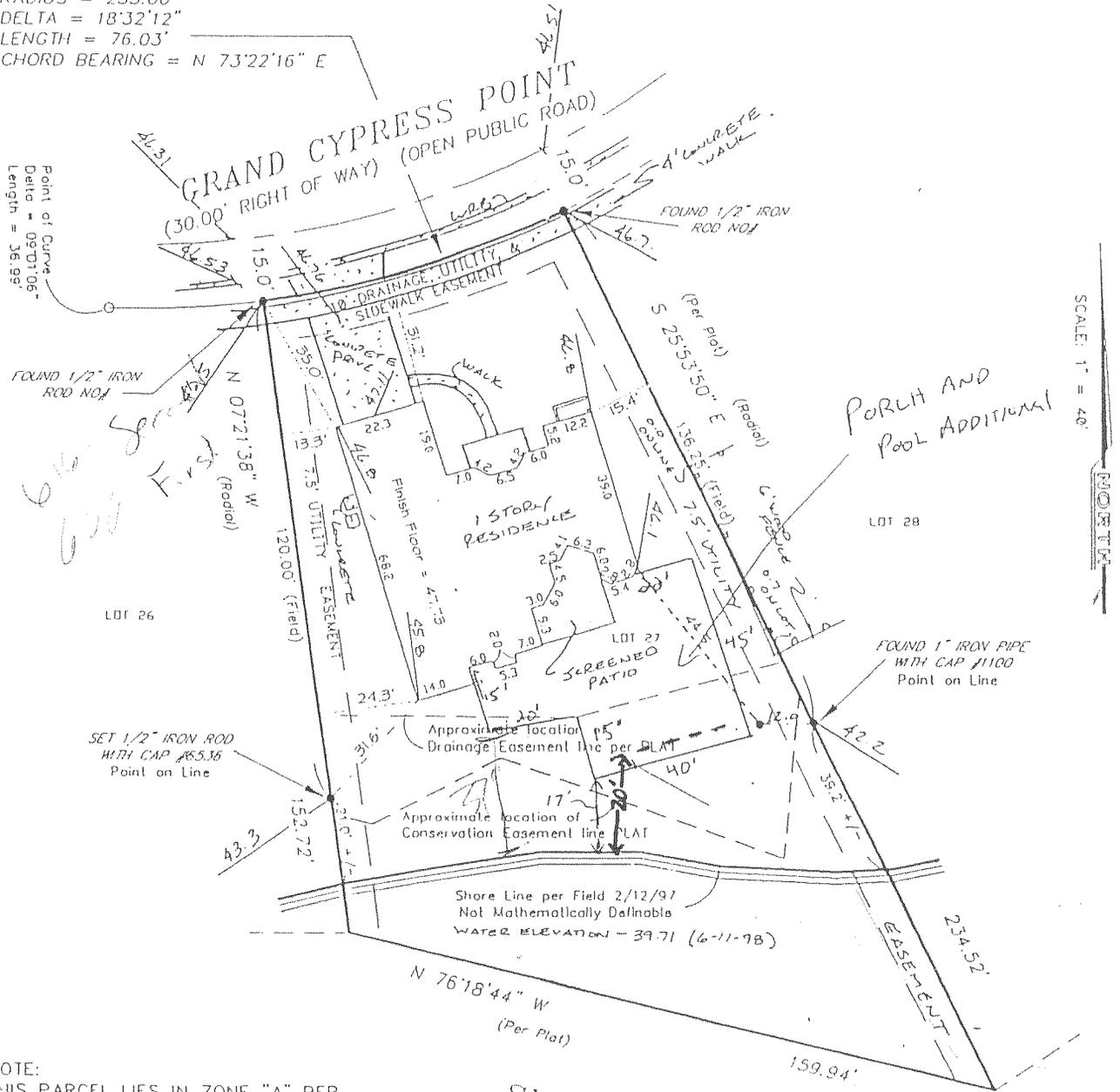
PLAT OF SURVEY

LAND DESCRIPTION:

LOT 27, LAKE SYLVAN COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGES 69-74, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ADDRESS: 1016 GRAND CYPRESS POINT

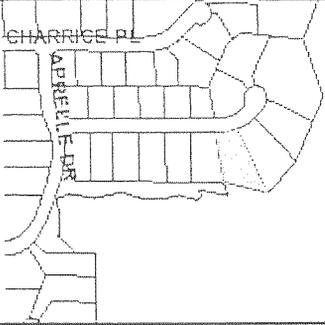
RADIUS = 235.00'
 DELTA = 18°32'12"
 LENGTH = 76.03'
 CHORD BEARING = N 73°22'16" E



NOTE:
 THIS PARCEL LIES IN ZONE "A" PER
 COMMUNITY-PANEL NUMBER 120289 0020 B,
 DATED: MAY 5, 1981

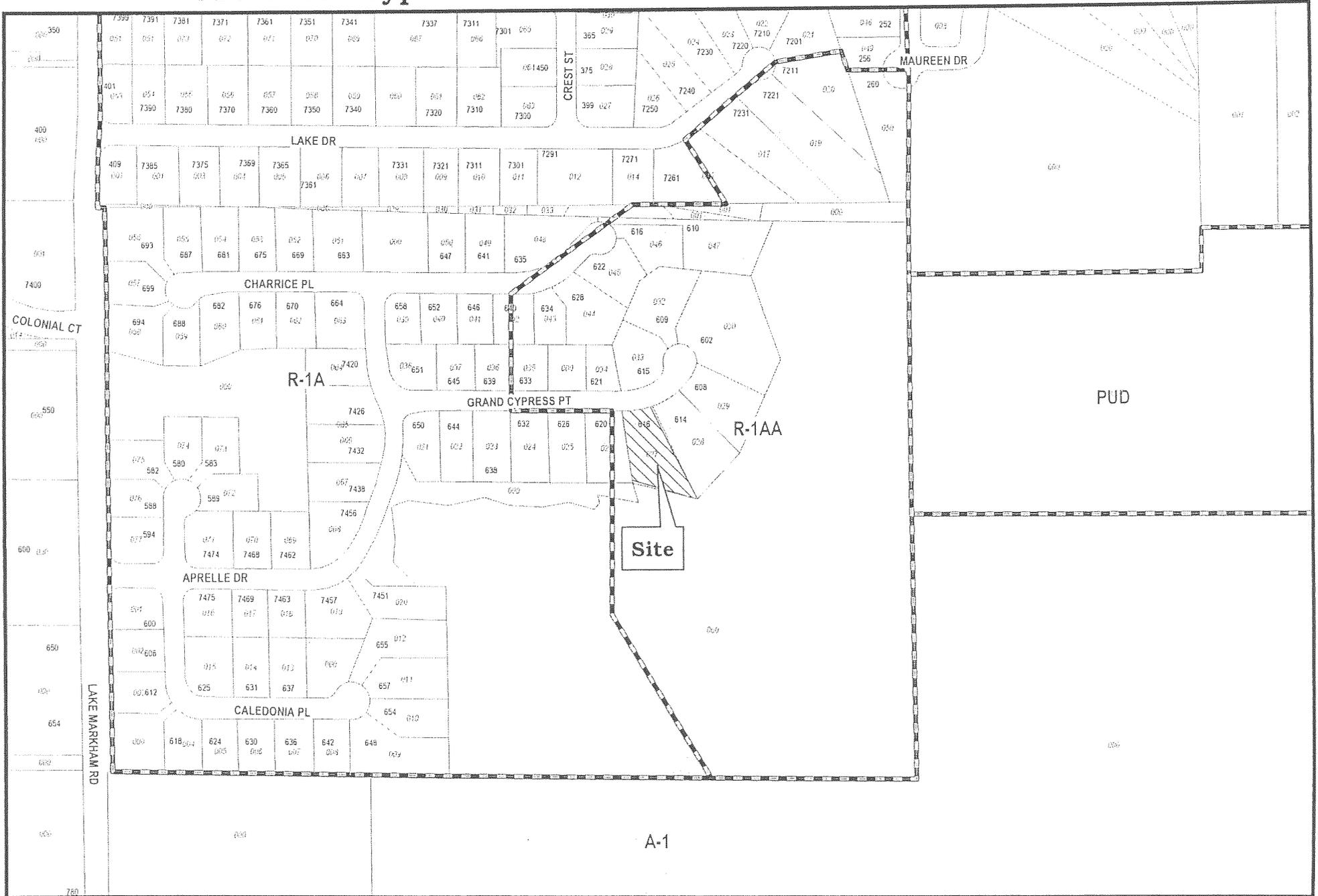
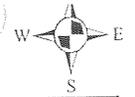
SURVEYORS NOTES:

1. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. Bearings are based on the West lot line as being N 07°21'38" W.
4. I have reviewed the Flood Insurance Rate Map and determined that this property

PARCEL DETAIL		GENERAL INFORMATION		APPROVALS		CAD DATA		Back																																																			
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																											
<p align="center">GENERAL</p> <p>Parcel Id: 26-19-29-507-0000-0270 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: OGIER MARK C & ROBIN K Exemptions: 00-HOMESTEAD</p> <p>Address: 616 GRAND CYPRESS PT</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 616 GRAND CYPRESS PT SANFORD 32771</p> <p>Subdivision Name: LAKE SYLVAN COVE</p> <p>Dor: 01-SINGLE FAMILY</p>					<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$163,510</p> <p>Depreciated EXFT Value: \$2,333</p> <p>Land Value (Market): \$142,500</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$308,343</p> <p>Assessed Value (SOH): \$226,238</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$201,238</p>																																																						
<p align="center">SALES</p> <table border="1"> <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>06/1997</td> <td>03263</td> <td>1334</td> <td>\$110,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1997</td> <td>03263</td> <td>1330</td> <td>\$105,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1993</td> <td>02670</td> <td>1483</td> <td>\$2,106,300</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>					Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/1997	03263	1334	\$110,000	Vacant	WARRANTY DEED	02/1997	03263	1330	\$105,000	Vacant	WARRANTY DEED	10/1993	02670	1483	\$2,106,300	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,851</p> <p>2003 Tax Bill Amount: \$3,378</p> <p>Savings Due To SOH: \$473</p> <p>2003 Taxable Value: \$197,020</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																														
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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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																											



Mark & Robin Ogier 616 Grand Cypress Point



A-1

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September 16, 2004

**RE: 616 Grand Cypress Point
Setback Variance Request
BV2004-135**

Dear Seminole County Planning Review Division,

We, the neighbors of Mark and Robin Ogier, do not object to their requested rear yard setback variance from 30 feet to 20 feet for a proposed pool as well as their rear yard setback variance from 25 feet to 17 feet for a proposed screen enclosure.



**Elizabeth DeFalco
614 Grand Cypress Point
Sanford, FL 32771
407-324-0144**



**James Loisel
620 Grand Cypress Point
Sanford, FL 32771
407-322-7800**



**Diane Blangstead
621 Grand Cypress Point
Sanford, FL 32771
407-324-7268**

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 27 LAKE SYLVAN COVE PB 42 PGS 69 TO 74

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

FINDINGS OF FACT

Property Owners: MARK AND ROBIN OGIER
616 GRAND CYPRESS POINT
SANFORD, FL 32771

Site Address: 616 GRAND CYPRESS POINT

Requested Development Approval:

- 1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND
- 2. REAR YARD SETBACK VARIANCE FROM 25 FEET TO 17 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY.

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 aforesaid property.

Prepared by: Kathy Fall
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:

THE VARIANCES GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL AND POOL SCREEN ENCLOSURE 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: _____
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 Matthew West 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: