

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (JOSEPH AND LYNETTE SANCHEZ, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 03-28-05 **Regular** **Consent** **Public Hearing – 6:00**

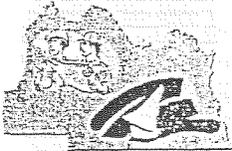
MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (JOSEPH AND LYNETTE SANCHEZ, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (JOSEPH AND LYNETTE SANCHEZ, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.



GENERAL INFORMATION	APPLICANTS: LOCATION: ZONING:	JOSEPH AND LYNETTE SANCHEZ 3843 REGENTS WAY PUD (CARILLON)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A POOL THAT WOULD ENCROACH 5 FOOT INTO THE 10 FOOT MINIMUM REAR YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE CARILLON NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL 	

	<p>COMPLIANT POOL. THEREFORE, THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</p> <ul style="list-style-type: none">• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none">• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL 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.



COPY

APPL. NO. BV2005-012

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 SET BACK VARIANCE FROM 10 FT. TO 5 FT FOR A PROPOSED POOL.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) 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**

RECEIVED
 FEB 02 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Joseph + Lynette Sanchez</u>	
ADDRESS	<u>3843 Regents way</u> <u>Oviedo FL 32765</u>	
PHONE 1	<u>407 376-7102</u>	
PHONE 2	<u>407 359-2964</u>	
E-MAIL	<u>Lynette35@aol.com</u>	

PROJECT NAME: _____
 SITE ADDRESS: 3843 Regents way Oviedo FL 32765
 CURRENT USE OF PROPERTY: residence
 LEGAL DESCRIPTION: Parcel ID 35-21-31-509-0000-1270 Leg Lot 127
tract 301 at Carillon PB 46 PGS 31 TRU 37
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-21-31-509-0000-1270
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 31 28, 05 (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.

SIGNATURE OF OWNER OR AGENT* [Signature] DATE 2-2-05

* 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:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): _____ COMMISSION DISTRICT _____ FLU / ZONING _____

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

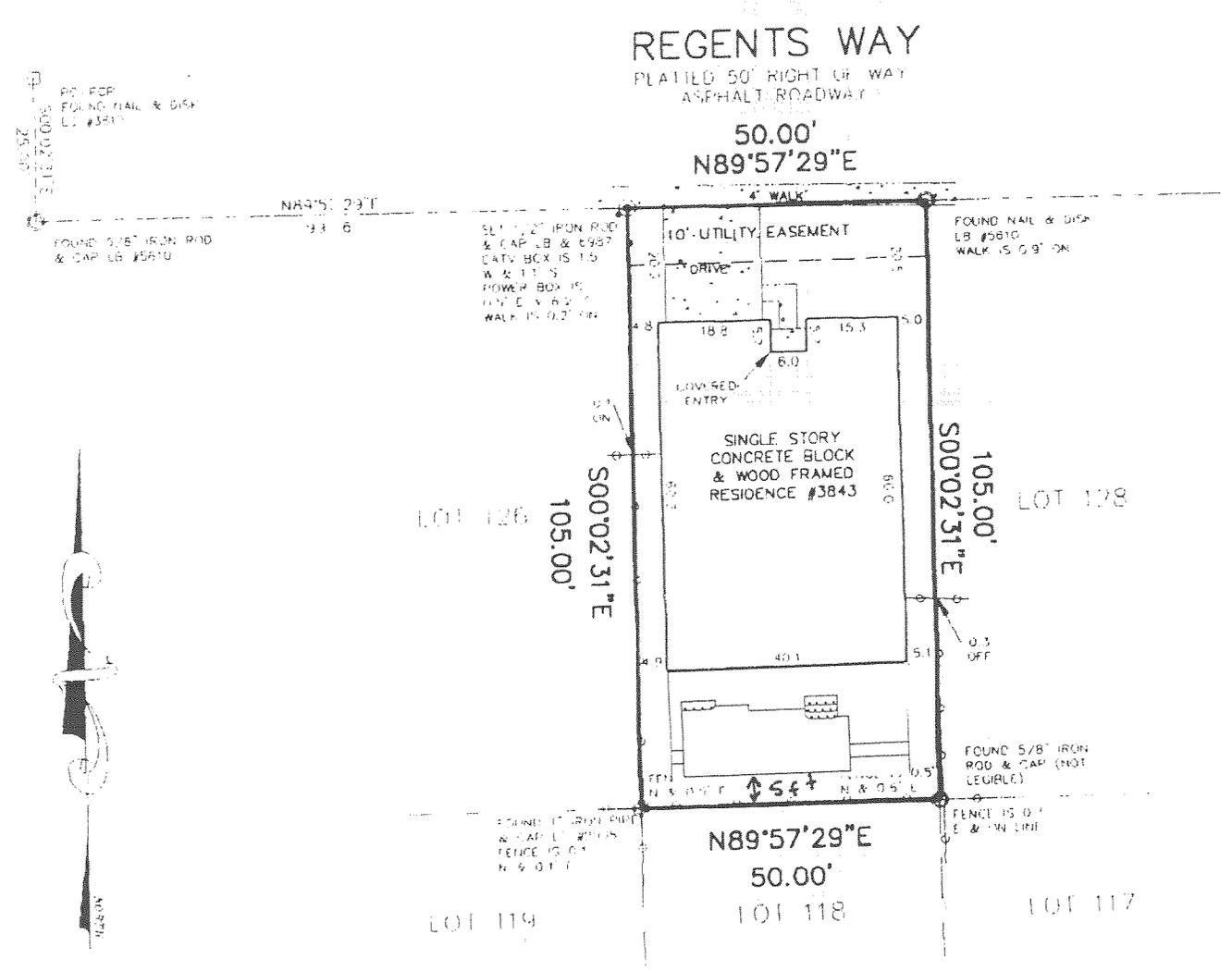
PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 127, TRACT 301 AT CARILLON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46, PAGES 31 THROUGH 37, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



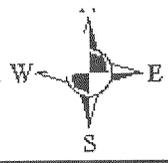
CERTIFIED TO:
 NILSA Y. PEREZ
 IVANHOE FINANCIAL
 CENTRAL FLORIDA TITLE COMPANY
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LEGEND:	
⊙	DENOTES SET 1/2" IRON ROD AND CAP LB #6987 (UNLESS NOTED)
⊠	DENOTES FOUND MONUMENT AS DESCRIBED HEREON
○	DENOTES FOUND MONUMENT AS DESCRIBED HEREON
CATV	DENOTES CABLE TELEVISION
(P)	DENOTES PLAT
(D)	DENOTES PER DESCRIPTION
(M)	DENOTES MEASURED
(C)	DENOTES CALCULATED
(TYP)	DENOTES TYPICAL
WF	DENOTES WOOD FENCE
CLF	DENOTES CHAIN LINK FENCE
ON	DENOTES ON SUBJECT PROPERTY
OFF	DENOTES OFF SUBJECT PROPERTY
CNA	DENOTES CORNER NOT ACCESSIBLE
OHUL	DENOTES OVERHEAD UTILITY LINE
PRM	DENOTES PERMANENT REFERENCE MONUMENT
PCP	DENOTES PERMANENT CONTROL POINT
BSL	DENOTES BUILDING SETBACK LINE
A/C	DENOTES AIR CONDITIONER
CBW	DENOTES CONCRETE BLOCK WALL
FC	DENOTES POINT OF CURVATURE
PT	DENOTES POINT OF TANGENCY
PI	DENOTES POINT OF INTERSECTION
R	DENOTES RADIUS
DA	DENOTES DELTA ANGLE
L	DENOTES ARC LENGTH
C.B	DENOTES CHORD BEARING
T	DENOTES TANGENT
(NF)	DENOTES NOT FIXED
(A)	DENOTES APPARENT
---	DENOTES RIGHT OF WAY LINE
---	DENOTES CENTERLINE
---	DENOTES OVERHEAD UTILITY LINE
⊠	DENOTES CONCRETE
▨	DENOTES WOOD
▩	DENOTES BRICK
⊙	UTILITY POLE
○	LIGHT POLE

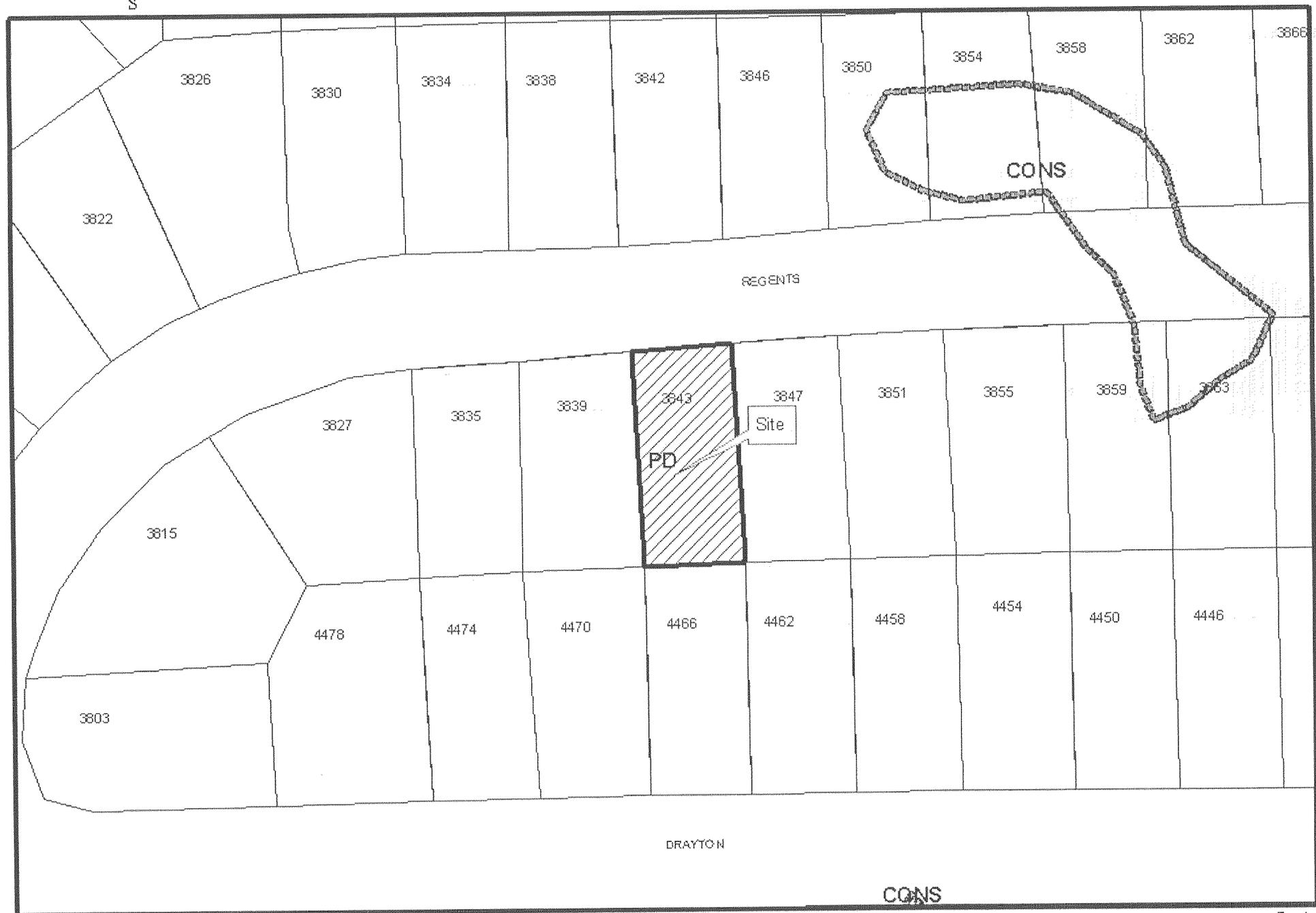
AZIMUTH SURVEYING AND MAPPING, LLC
 91 BROAD STREET, SUITE "A"

0° = 360°

NOTES:
 1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY LINE OF LOT 127, BEING

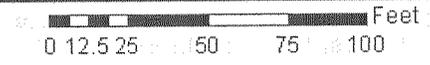


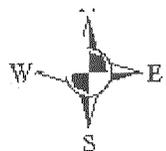
Joseph & Lynette Sanchez
3843 Regents Way
Oviedo, FL. 32765



Parcel No: 35-21-31-509-0000-1270

BV2005-012





Joseph & Lynette Sanchez
3843 Regents W
Oviedo, FL. 32765



<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 32771-1468 407-665-7506</p>																																											
<p align="center">GENERAL</p> <p>Parcel Id: 35-21-31-509-0000-1270 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SANCHEZ LYNETTE & JOSEPH Exemptions: 00-HOMESTEAD</p> <p>Address: 3843 REGENTS WAY</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 3843 REGENTS WAY OVIEDO 32765</p> <p>Subdivision Name: CARILLON TRACT 301 AT</p> <p>Dor: 01-SINGLE FAMILY</p>	<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$117,930</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$25,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$142,930</p> <p>Assessed Value (SOH): \$142,930</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$117,930</p> <p>Tax Estimator</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>QUIT CLAIM DEED</td> <td>12/2004</td> <td>05574</td> <td>1883</td> <td>\$94,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>11/2003</td> <td>05116</td> <td>1672</td> <td>\$67,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/2003</td> <td>04720</td> <td>0383</td> <td>\$148,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1999</td> <td>03779</td> <td>1062</td> <td>\$134,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1998</td> <td>03456</td> <td>1189</td> <td>\$122,700</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1996</td> <td>03136</td> <td>1338</td> <td>\$139,800</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	12/2004	05574	1883	\$94,000	Improved	QUIT CLAIM DEED	11/2003	05116	1672	\$67,000	Improved	WARRANTY DEED	02/2003	04720	0383	\$148,900	Improved	WARRANTY DEED	12/1999	03779	1062	\$134,000	Improved	WARRANTY DEED	06/1998	03456	1189	\$122,700	Improved	WARRANTY DEED	09/1996	03136	1338	\$139,800	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,998</p> <p>2004 Tax Bill Amount: \$1,998</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2004 Taxable Value: \$118,234</p> <p>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. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																											

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 35 TWP: 21 RNG: 31
 PROJ. #

DEVELOPMENT: Carillon Tract 301		DEVELOPER: Rich, Wayne	
LOCATION: N side of McCulloch Road, E end of the Carillon PUD		174 lots	
FILE#:	BA:	SP:	BCC: 3/24/92
P&Z:			
PB	46	PG	31-37 Lot
		Bik	Parcel
		DBA	Comm Dist
DEVEL. ORDER #: 88-314		TAX PAR. I.D. #:	
SIDEWALKS:		SETBACK REQUIREMENTS	
		FY: 20'	RY: 20'
		SIDE ST.:	SY: 0-10'
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER: 10' minimum between buildings.	
COMMENTS OTHER: *Intersection Improvements: McCulloch Road, left and right turn lanes required. 1) Dedicate all areas below the 100-year flood prone elevation as a Conservation Easement. 2) Provide pedestrian access between Lots 39 and 40.		ACCESSORY STRUCTURE SETBACKS:	
		SY: 0-10'	RY: 10'
		ACCESSORY STRUCTURE OTHER: Min. D/U: 1,000 sq. ft.	
Not flood prone.			

	IMPACT FEES	
	SCREEN:	
	TRAFFIC ZONE:	78
	LAND USE:	1
	1. ROAD-CO. WIDE	ORD
	2. ROAD-COLL.	ORD
	3. LIBRARY	ORD
	4. FIRE	ORD
	5. PARK	
	6. SCHOOL	ORD
	7. LAW	
	8. DRAINAGE	
	TOTAL	\$2,550.00
	REMARKS: Sidewalk, curb & gutter	

COMMITMENT CARD

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 127, Tract 301 at Carillon, PB 46 PGS 31 to 37

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

FINDINGS OF FACT

Property Owner: Joseph and Lynette Sanchez
3843 Regents Way
Oviedo, Fl. 32765

Site Address: 3843 Regents Way

Requested Development Approval:

THE REQUEST FOR MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT)

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
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 VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL, 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: