

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL; AND (2) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE AND (3) MINIMUM SIDE (EAST) YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (FREDDY ALBALADEJO, APPLICANT).

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

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

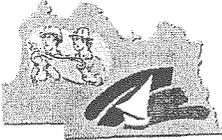
Agenda Date 09/26/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL; AND (2) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE AND (3) MINIMUM SIDE (EAST) YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (FREDDY ALBALADEJO, APPLICANT), OR
2. **DENY** REQUEST FOR (1) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL; AND (2) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE AND (3) MINIMUM SIDE (EAST) YARD SETBACK VARIANCE FROM 10 FEET TO 8 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (FREDDY ALBALADEJO, APPLICANT), OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS:	FREDDY ALBALADEJO
	LOCATION:	320 ALDRUP WAY
	ZONING:	PUD (CHASE GROVES)

<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A POOL THAT WOULD ENCROACH 3 FEET INTO THE 10 MINIMUM REAR YARD SETBACK, POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 2 FEET INTO THE 10 FOOT MINIMUM REAR YARD SETBACK AND 2 FEET INTO THE SIDE YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
<p>STAFF FINDINGS</p>	<ul style="list-style-type: none"> • THE OPPORTUNITY EXISTS TO CONSTRUCT THE PROPOSED POOL WITHOUT ENCROACHING INTO THE REAR OR SIDE YARD SETBACK, THEREFORE NEGATING THE REQUESTED VARIANCES. • THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE CHASE GROVES NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR AND SIDE YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS. • 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 AND SCREEN ENCLOSURE 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2005-128

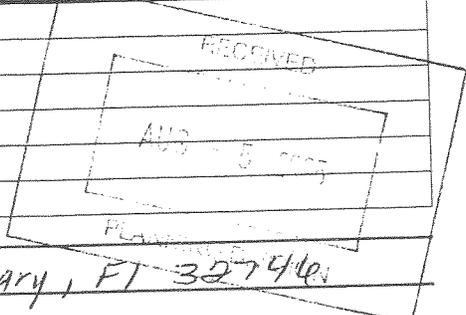
APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

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 10 to 7 feet for home 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**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Freddy Albaladejo</u>	
ADDRESS	<u>350 Aldrup Way Lake Mary, FL 32746</u>	
PHONE 1	<u>407-314-2018</u>	
PHONE 2		
E-MAIL		



PROJECT NAME: Chase Groves Unit 5A
 SITE ADDRESS: 350 Aldrup Way Lake Mary, FL 32746
 CURRENT USE OF PROPERTY: Single Family
 LEGAL DESCRIPTION: Lot 33 Chase Groves Unit 5A PB 50
Pg 5 95 & 96
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 03-30-30-530-0000-0330
 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 9/1/05 (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.

Freddy Albaladejo
 SIGNATURE OF OWNER OR AGENT*

8/5/05
 DATE

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

KF

ADDITIONAL VARIANCES

VARIANCE 2:

Right side yard setback from 10ft to 8 ft
for pool screen enclosure

VARIANCE 3:

Left side yard setback from 10ft to 8 ft for
pool screen enclosure

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 _____

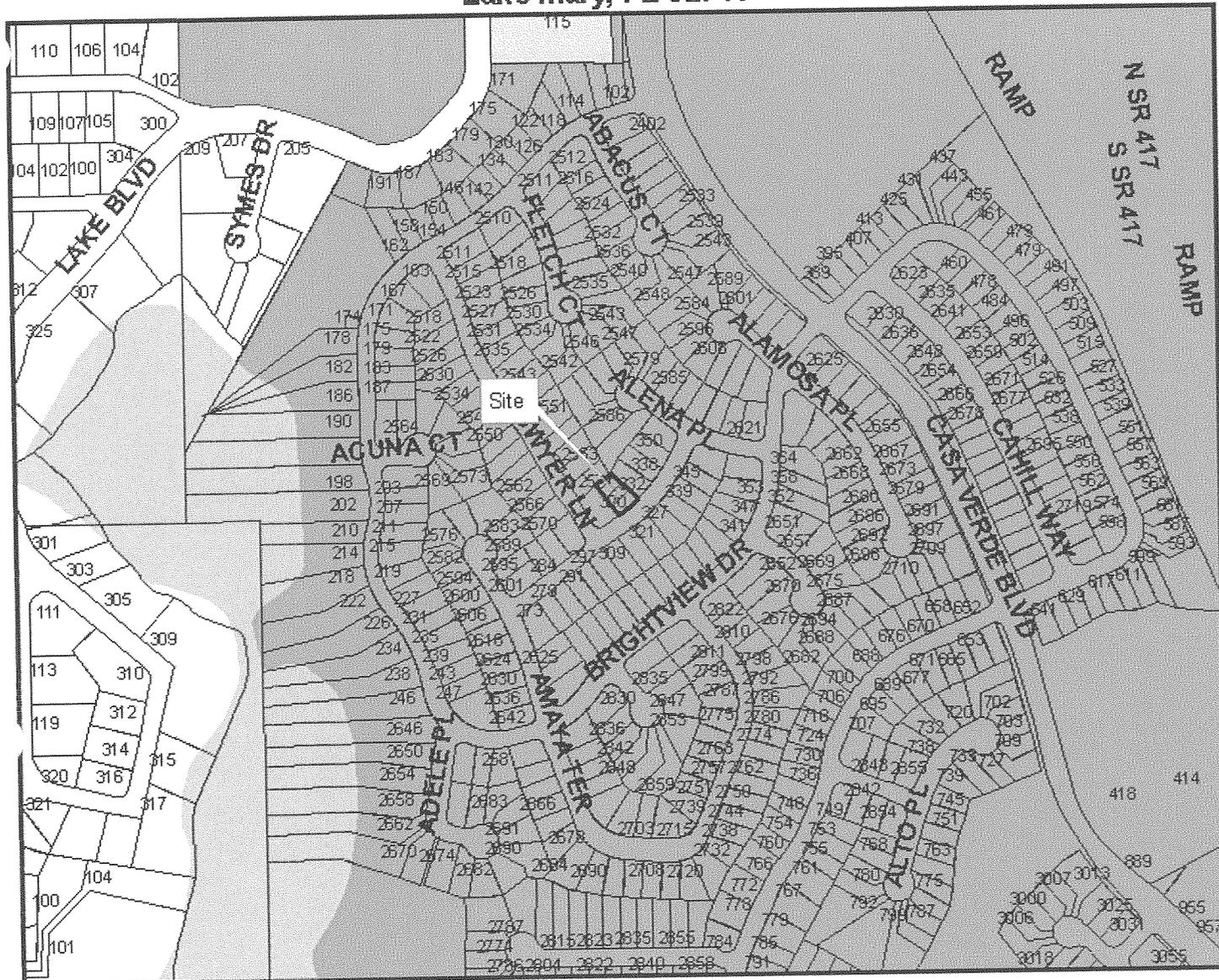
APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING: 250.00
FEE(S): ~~130~~ COMMISSION DISTRICT 5 FLU/ZONING PUD/PD
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS N side of Aldrup Way 0.1 mi
east of the intersection of Dwyer Ln & Aldrup Way
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS Applicant will bring in site plan
8/8/05

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																							
GENERAL Parcel Id: 03-20-30-520-0000-0330 Tax District: 01-COUNTY-TX DIST 1 Owner: ALBALADEJO FREDDY & Exemptions: 00-HOMESTEAD Own/Addr: MORALES TERESA E Address: 320 ALDRUP WAY City,State,ZipCode: LAKE MARY FL 32746 Property Address: 320 ALDRUP WAY LAKE MARY 32746 Subdivision Name: CHASE GROVES UNIT 5A Dor: 01-SINGLE FAMILY		2005 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$128,396 Depreciated EXFT Value: \$0 Land Value (Market): \$28,000 Land Value Ag: \$0 Just/Market Value: \$156,396 Assessed Value (SOH): \$108,310 Exempt Value: \$25,000 Taxable Value: \$83,310 Tax Estimator																																					
SALES <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>08/1997</td> <td>03287</td> <td>1696</td> <td>\$103,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1997</td> <td>03239</td> <td>1300</td> <td>\$445,000</td> <td>Vacant</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	08/1997	03287	1696	\$103,500	Improved	WARRANTY DEED	04/1997	03239	1300	\$445,000	Vacant	2004 VALUE SUMMARY Tax Value(without SOH): \$1,929 2004 Tax Bill Amount: \$1,355 Save Our Homes (SOH) Savings: \$574 2004 Taxable Value: \$80,155 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																			
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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.																																							

**Freddy Albaladejo
320 Aldrup Way
Lake Mary, FL 32746**

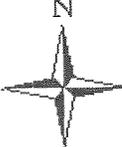


Seminole County Board of Adjustment
September 26, 2005
Case: BV2005-128
Parcel No: 03-20-30-520-0000-0330

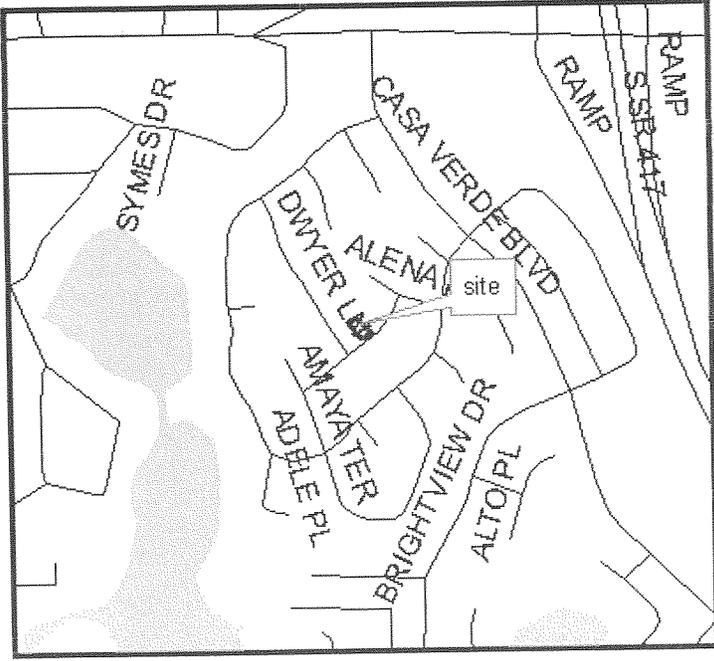
Zoning

-  A-1 Agricultural-1Ac
-  PUD Planned Unit Dev.
-  BV2005-128

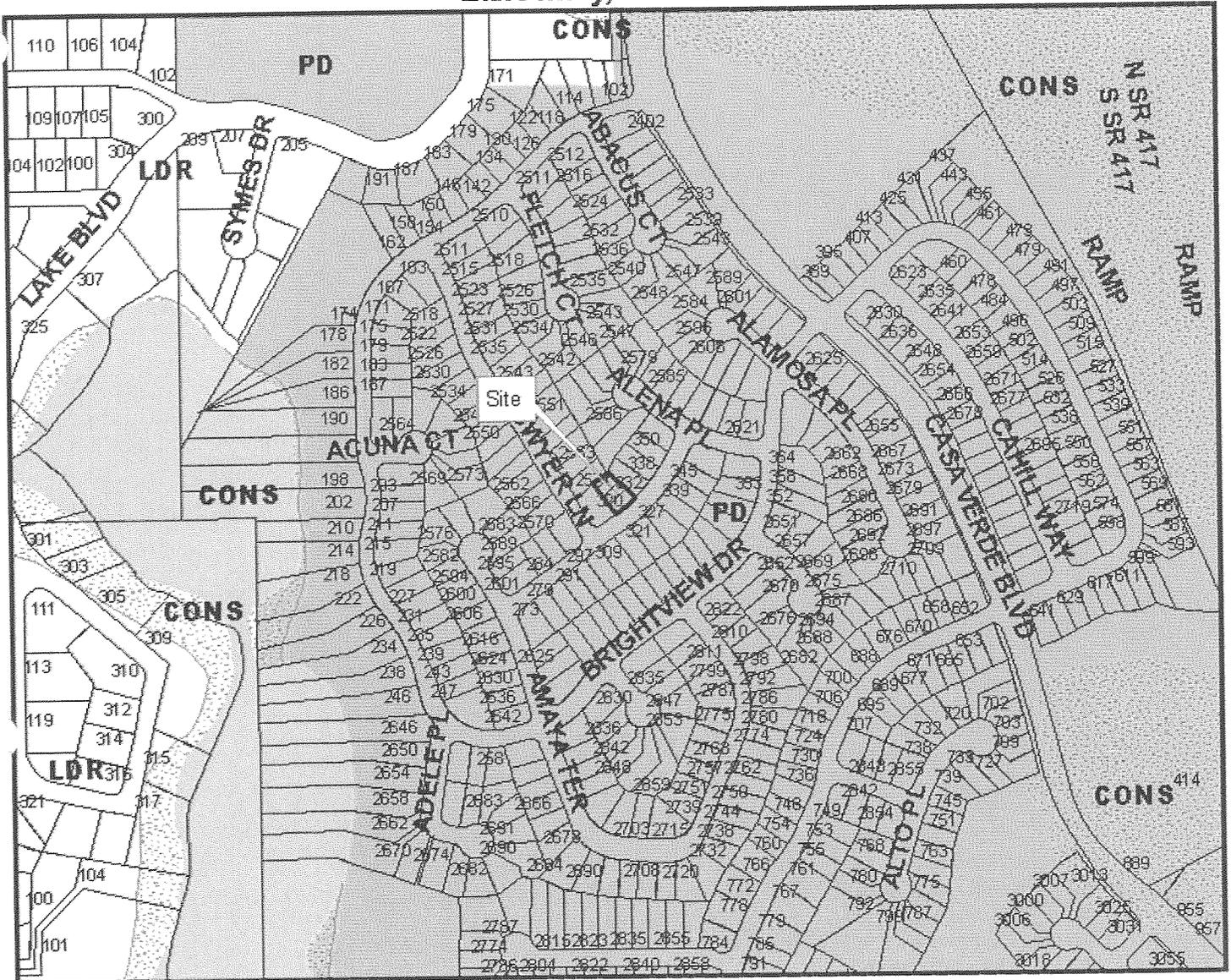
N



0 105210 420 630 840 Feet



**Freddy Albaladejo
320 Aldrup Way
Lake Mary, FL 32746**



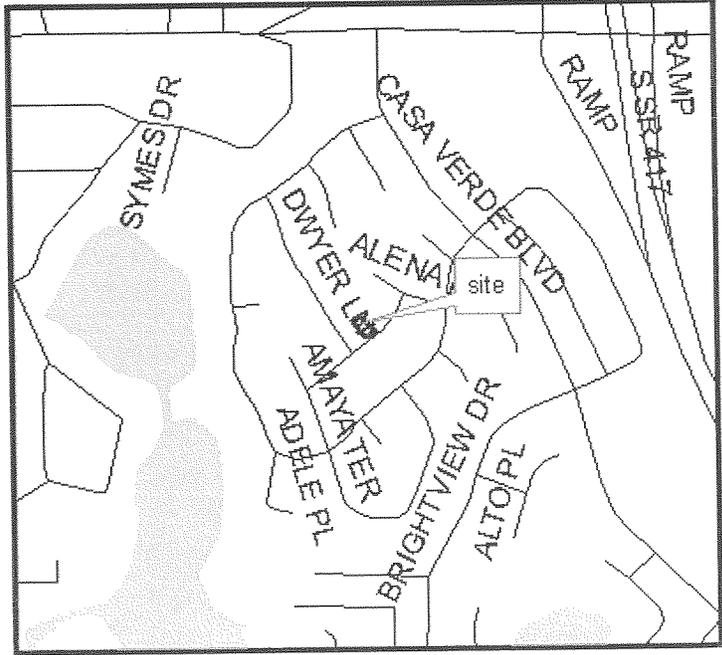
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Future Land Use

-  CONS, LDR
-  CONS, PD
-  LDR, NONE
-  PD, NONE
-  BV2005-128

N


0 105210 420 630 840 Feet



Herx & Associates Inc.

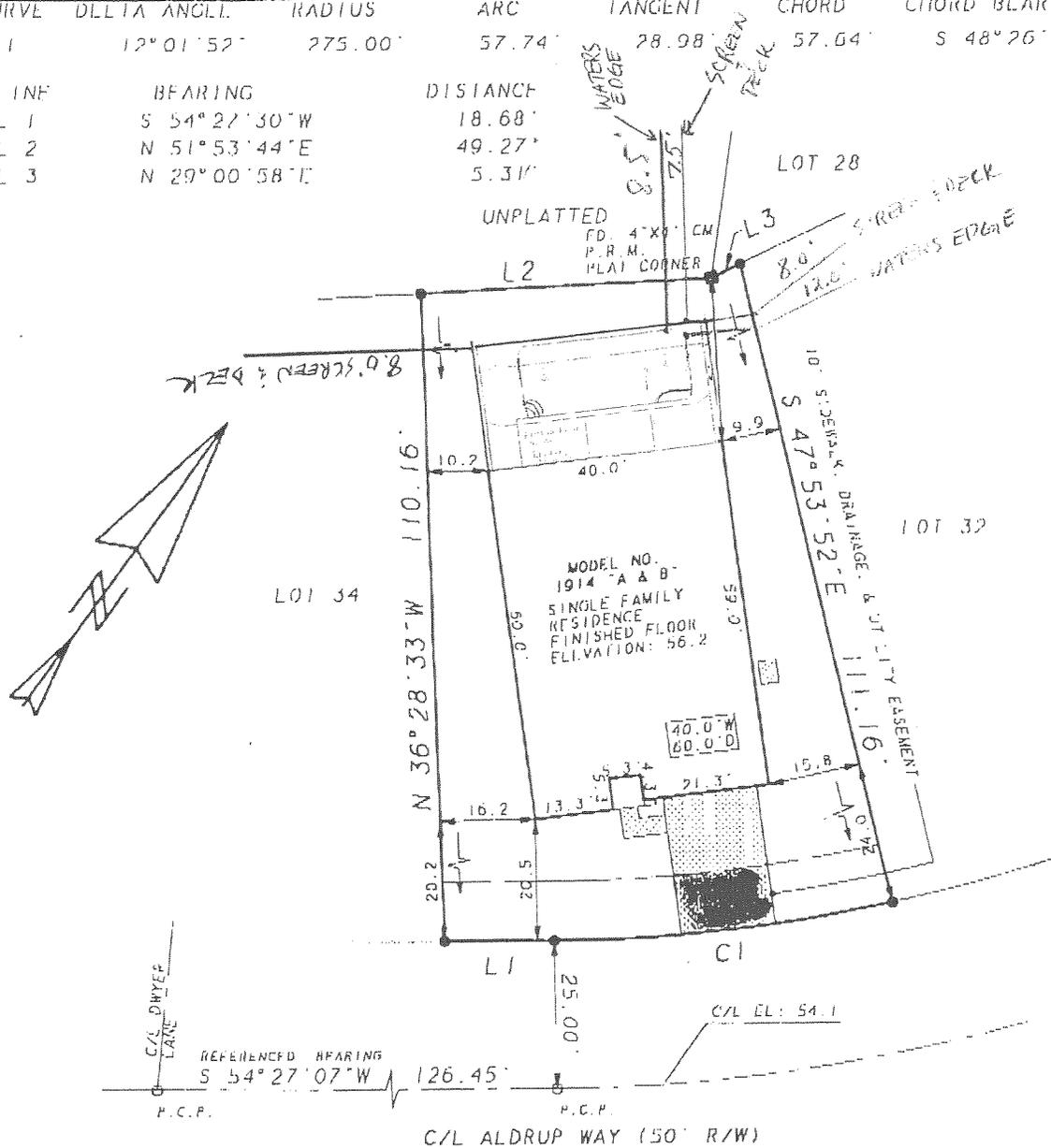
Professional Land Surveyors

1230 Douglas Avenue Suite 320, Longwood, Florida, 32779 (407)788-8808

Member of Florida Surveying and Mapping Society, American Congress on Surveying and Mapping, Florida Land Surveyors Council

CURVE	DELTA ANGL.	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	12° 01' 52"	275.00'	57.74'	28.98'	57.64'	S 48° 26' 11" W

LINE	BEARING	DISTANCE
L 1	S 54° 27' 30" W	18.68'
L 2	N 51° 53' 44" E	49.27'
L 3	N 29° 00' 58" E	5.31'



ADDRESS 330 ALDRUP WAY

SETBACKS:
 Front 20' Rear 20'
 Side 5' Corner 20'

LEGAL DESCRIPTION: Lot 33 "Chase Groves Unit 5A" according to the plat thereof as recorded in Plat Book 50, at pages 95-96 of the Public Records of Seminole County, Florida.

Note: Bearings shown hereon are referenced to the C/L of ALDRUP WAY as being S 51° 27' 07" W.

FLOOD HAZARD DATA: This Parcel shown hereon lies within Flood Zone "X" according to the Flood Insurance Rate Map Community Panel Number 120289 0045E, Dated 4/17/95.

Vertical datum is based on NGVD/OCVD per Engineering construction plans by Donald W. McIntosh Associates, Inc., Job NO. 8920

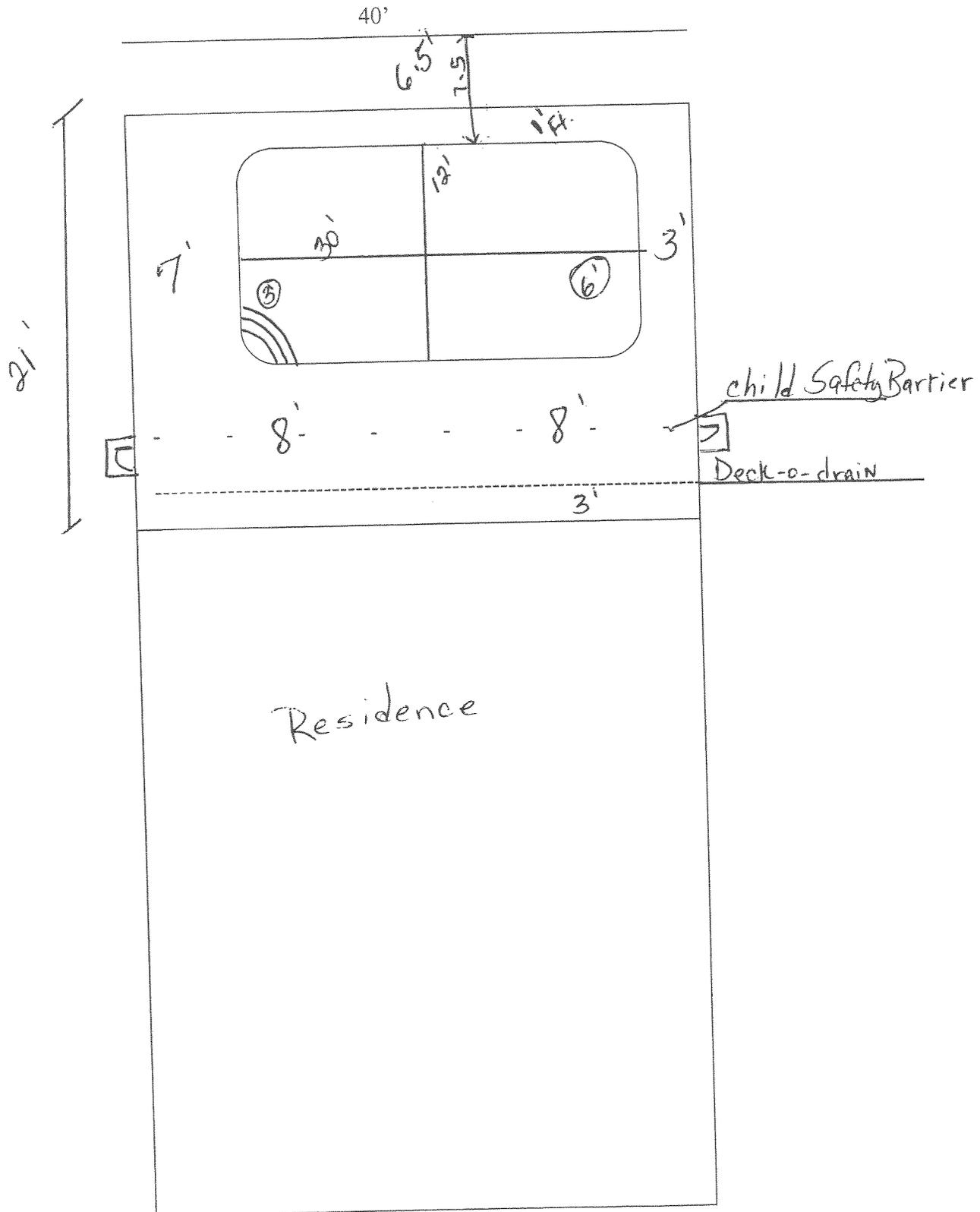
General Notes:

- This is a Boundary Survey performed in the field on 5.30.97
- No underground improvements or subsurface/aerial encroachments were located.

Legend:

- CB Chord Bearing
- CC Chord
- CA Centerline
- FR Flat Book
- FC Point of Curvature
- CCC Point of compound curvature

Residence: Freddy Albaladejo



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 26, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 33 CHASE GROVES UNIT 5A PB 50 PGS 95 & 96

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

FINDINGS OF FACT

Property Owner: FREDDY ALBALADEJO
320 ALDRUP WAY
LAKE MARY, FL 32746

Site Address: 320 ALDRUP WAY

Requested Development Approval:

Request for a (1) rear yard setback variance from 10 feet to 7 feet for a proposed pool, (2) rear yard setback variance from 10 feet to 8 foot for a proposed screen enclosure and (3) side street setback from 10 feet to 8 feet for a proposed screen enclosure.

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 AND 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: _____
 Tony Walter
 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: