

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Request for a rear yard setback from 30 feet to 18.1 feet for an existing pool in the R-1A (Single-Family Dwelling District); (Ivan Estrella, applicant)

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

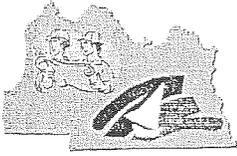
Agenda Date 10-24-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** The request for a rear yard setback from 30 feet to 18.1 feet for an existing pool in the R-1A (Single-Family Dwelling District); (Ivan Estrella, applicant); or
2. **DENY** The request for a rear yard setback from 30 feet to 18.1 feet for an existing pool in the R-1A (Single-Family Dwelling District); (Ivan Estrella, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Ivan Estrella, Applicant LOCATION: 309 Jacobs Trail ZONING: R-1A (Residential Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a pool which encroaches 11.9 feet into the 30 foot rear yard setback because of the mean high water line. • Upon inspection of the pool the building department requested a survey showing the mean high water line of Lake Crescent. The building department analyzed the survey and found that the pool didn't meet the 30 foot setback. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	<ul style="list-style-type: none"> • The applicant would retain reasonable use of the property without the requested variance. • 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.
STAFF RECOMMENDATION	<ul style="list-style-type: none"> • Based on the stated findings, staff recommends denial of the request, unless the applicant can demonstrate a hardship. if the board should decide to grant the variances, staff

	<p>recommends the following conditions of approval:</p> <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.
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COPY

APPL. NO. BV2005-136

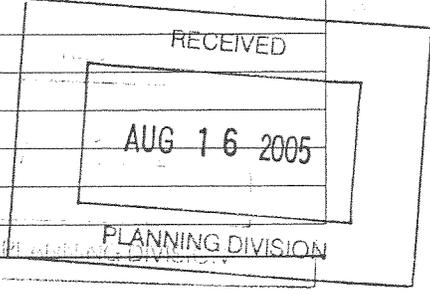
APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

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 FT. TO 18.1 FT. FOR A POOL FROM THE MEAN HIGH WATER^{ED} LINE.
- SPECIAL EXCEPTION**
- LIMITED USE** 6 2005
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	<u>IVAN ESTRELLA</u>		
ADDRESS	<u>309 JACOBS TRAIL CHULUOTA, FL 32766</u>		
PHONE 1	<u>407-359-5595</u>		
PHONE 2	<u>407-748-1618</u>		
E-MAIL	<u>IVOXAVI@BELLSOUTH.NET</u>		



PROJECT NAME: _____
 SITE ADDRESS: _____
 CURRENT USE OF PROPERTY: RESIDENCE
 LEGAL DESCRIPTION: Lot 22 Lake Crescent Subd PB 10 PG 85
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 21-21-32-501-0000-0220
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO
 This request will be considered at the Board of Adjustment regular meeting on 10, 24, 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 8/16/05
 * 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): 100.00 COMMISSION DISTRICT 1 FLU/ZONING R-1A / LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS East side of Jacobs Trl. 0.2 miles
north of the intersection of Jacobs Trl + Snow Hill Road
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

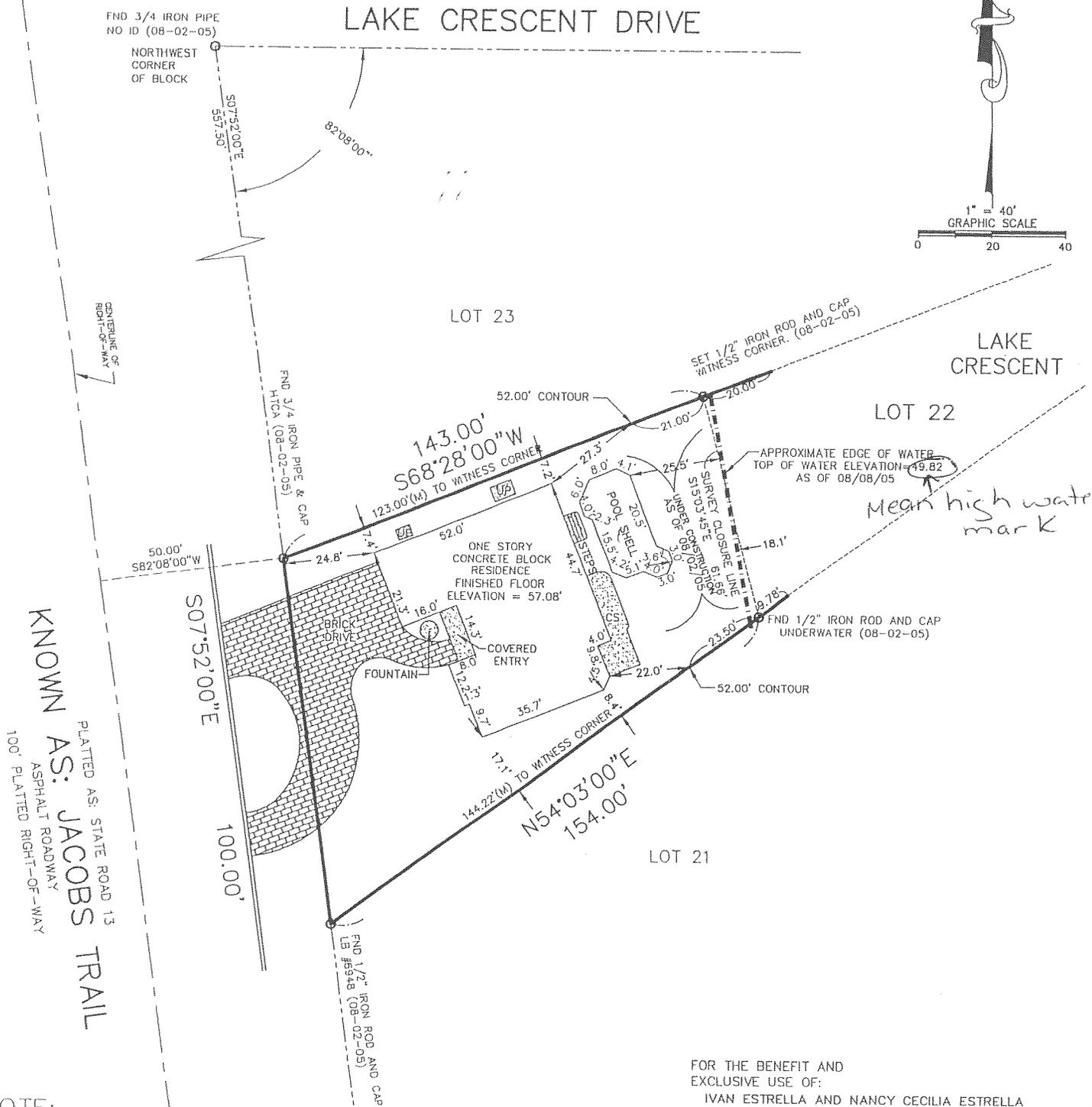
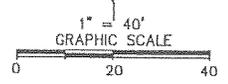
BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 22, LAKE CRESCENT SUBDIVISION,

AS RECORDED IN PLAT BOOK 10, PAGE 85, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

LAKE CRESCENT DRIVE



KNOWN AS: JACOBS TRAIL
 PLATTED AS: STATE ROAD 13
 ASPHALT ROADWAY
 100' PLATTED RIGHT-OF-WAY

FOR THE BENEFIT AND EXCLUSIVE USE OF:
 IVAN ESTRELLA AND NANCY CECILIA ESTRELLA

NOTE:

1. ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED AND ANY INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
2. PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 08-02-05 UNLESS OTHERWISE SHOWN.
3. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.

LEGEND

	CENTERLINE		EXISTING ELEVATION
	RIGHT OF WAY LINE		CONCRETE
	CONCRETE		CNA CORNER NOT ACCESSIBLE
	LB LICENSED BUSINESS		Δ DENOTES DELTA ANGLE
	LS LICENSED SURVEYOR		L DENOTES ARC LENGTH
	PSM PROFESSIONAL SURVEYOR AND MAPPER		C.B. DENOTES CHORD BEARING
	PRM PERMANENT REFERENCE MONUMENT		PC DENOTES POINT OF CURVATURE
	PCP PERMANENT CONTROL POINT		PI DENOTES POINT OF INTERSECTION
	(P) PER PLAT		PRC DENOTES POINT OF REVERSE CURVATURE
	(M) MEASURED		PT DENOTES POINT OF TANGENCY
	FND FOUND		TYP TYPICAL
	C/W CONCRETE WALK		A/C AIR CONDITIONER
			CBW CONCRETE BLOCK WALL

<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 407-665-7508</p>																														
<p align="center">GENERAL</p> <p>Parcel Id: 21-21-32-501-0000-0220</p> <p>Owner: ESTRELLA IVAN</p> <p>Mailing Address: 2992 CEDAR LN</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 309 JACOBS TRL CHULUOTA 32766</p> <p>Subdivision Name: LAKE CRESCENT SUBD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <table border="0"> <tr><td>Value Method:</td><td>Market</td></tr> <tr><td>Number of Buildings:</td><td>0</td></tr> <tr><td>Depreciated Bldg Value:</td><td>\$0</td></tr> <tr><td>Depreciated EXFT Value:</td><td>\$0</td></tr> <tr><td>Land Value (Market):</td><td>\$70,000</td></tr> <tr><td>Land Value Ag:</td><td>\$0</td></tr> <tr><td>Just/Market Value:</td><td>\$70,000</td></tr> <tr><td>Assessed Value (SOH):</td><td>\$70,000</td></tr> <tr><td>Exempt Value:</td><td>\$0</td></tr> <tr><td>Taxable Value:</td><td>\$70,000</td></tr> <tr><td>Tax Estimator</td><td></td></tr> </table>	Value Method:	Market	Number of Buildings:	0	Depreciated Bldg Value:	\$0	Depreciated EXFT Value:	\$0	Land Value (Market):	\$70,000	Land Value Ag:	\$0	Just/Market Value:	\$70,000	Assessed Value (SOH):	\$70,000	Exempt Value:	\$0	Taxable Value:	\$70,000	Tax Estimator							
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<p><small>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.</small></p>																														

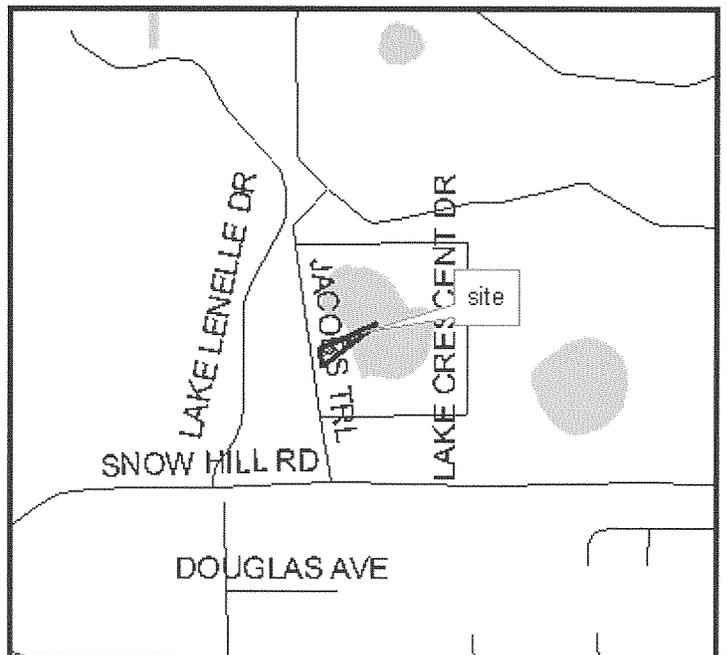
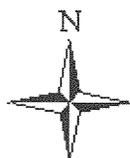
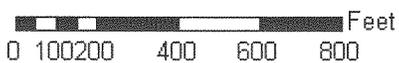
Ivan Estrella
 309 Jacobs Trail
 Chuluota, FL 32766



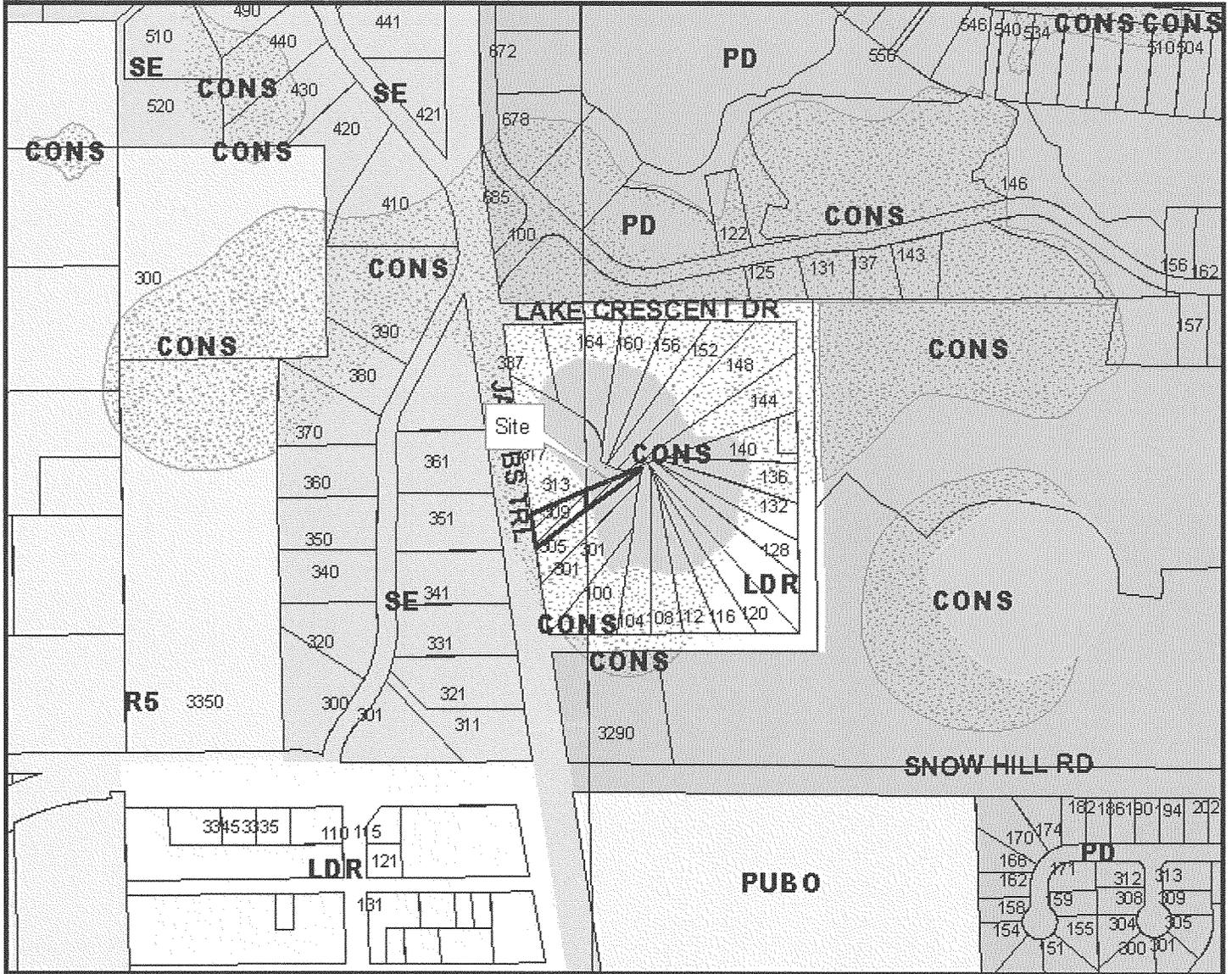
Seminole County Board of Adjustment
 October 24, 2005
 Case: BV2005-136
 Parcel No: 21-21-32-501-0000-0220

Zoning

-  A-1 Agricultural-1Ac
-  A-5 Rural-5Ac
-  R-1A Single Fam-9000
-  R-1 Single Fam-8400
-  PUD Planned Unit Dev.
-  BV2005-136



Ivan Estrella
 309 Jacobs Trail
 Chuluota, FL 32766

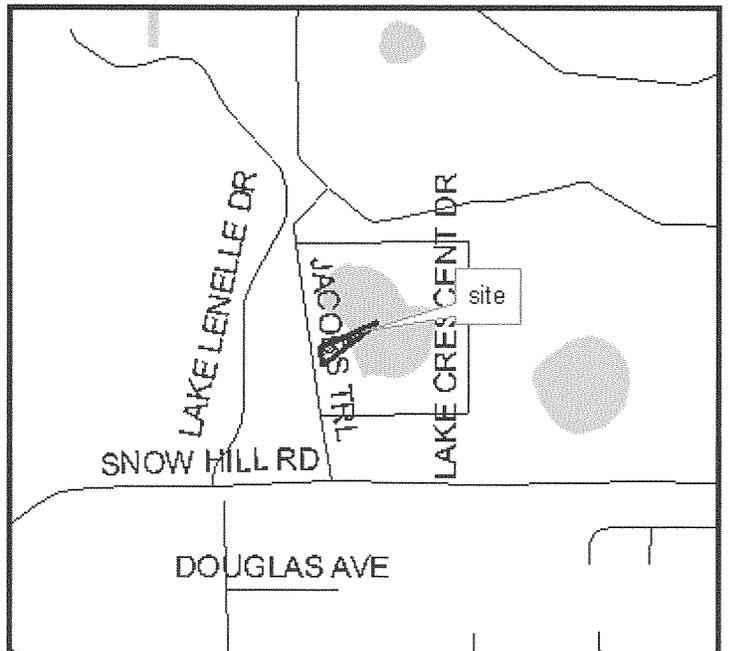


Seminole County Board of Adjustment
 October 24, 2005
 Case: BV2005-136
 Parcel No: 21-21-32-501-0000-0220

Future Land Use

	CONS, R5		R5, NONE
	CONS, SE		SE, NONE
	CONS, LDR		LDR, NONE
	CONS, PD		PD, NONE
	PUBO, NONE		BV2005-136

0 100 200 400 600 800 Feet



RICHARD L. MAYS
136 LAKE CRESCENT DRIVE
CHULUOTA, FLORIDA 32766
(407) 365-1778

August 17, 2005

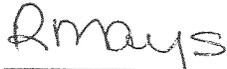
Seminole County Planning and Development Department
1101 East First Street
Sanford, Florida 32771

Ref: Construction and Pool Installation at Lot #22, Lake Crescent Sub-division, Jacobs Tr.,
Chuluota, Florida

To Whom It May Concern:

Regarding the construction of a swimming pool at the rear of the above mentioned address, my wife and I have no objection to the approval of this project. We live directly across the lake from the rear of the home and would not find the pool unsightly. In fact, Ivan and Cecilia Estrella have built a residence that is a beautiful addition to the neighborhood from a previously unsightly lot that was fronted by a large drainage ditch.

Sincerely,



Richard L. Mays

ROBERT & TYRA MILLER
148 LAKE CRESCENT DRIVE
CHULUOTA, FL 32766
(407) 366-8476

August 23, 2005

To Whom It May Concern:

We live at 148 Lake Crescent Drive and are neighbors of Ivan and Cecilia Estrella, 309 Jacobs Trail. We understand they are asking for a variance to continue the construction of their swimming pool.

We have visited the construction site and see no issues with the construction of the pool or where it is located in relation to Lake Crescent. The construction of the pool will improve their home's value as well as improve surrounding home values.

We hope you will grant the variance requested so that they may continue the construction of their swimming pool. If you have any questions or need additional information please feel free to contact us.

A handwritten signature in cursive script that reads "Robert & Tyra Miller". The signature is written in black ink and is positioned above the printed name.

Robert & Tyra Miller

**Greg and Carla Hogan
313 Jacobs Trail
Chuluota, FL 32766
(407) 421-8641**

September 26, 2005

Seminole County Building Department:

To Whom It May Concern:

In reference to the construction of a pool at the residence of Ivan and Cecilia Estrella on 309 Jacobs Trail and being their next neighbor, we do not have any objection concerning the approval for the final construction of this project. We believe that the entire implementation of their residence has improved their own home as well as the rest of the neighborhood.

A handwritten signature in black ink that reads "Greg Hogan". The signature is written in a cursive style with a small dot at the end.

Greg Hogan

Date: August 17, 2005

To: Seminole County Building Department

Subject: Pool construction at 309 Jacobs Trail

As residences on Lake Crescent, Sandy and I have no reservations with the construction of the proposed pool at 309 Jacobs Trail provided it complies with all Seminole County and DEP regulations for construction near a natural lake.

Lawrence Peletz Jr

A handwritten signature in cursive script, appearing to read "Sandra Peletz".

Sandra Peletz

A handwritten signature in cursive script, appearing to read "Sandra Peletz".

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 LAKE CRESCENT SUBD PB 10 PG 85

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

FINDINGS OF FACT

Property Owner: Ivan Estrella
309 Jacobs Trail
Chuluota, FL 32766

Project Name: Jacobs Trail (309)

Requested Development Approval:

The request for a rear yard setback from 30 feet to 18.1 feet for an existing pool in the R-1A (Single-Family Dwelling 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: Ian Sikonia, 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 existing 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: _____

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 _____ 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: