

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

SUBJECT: Request for a rear yard setback from 30 feet to 25 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 12-19-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** The request for a rear yard setback from 30 feet to 25 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 25 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 5 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 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.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2005-186

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 SETBACK VARIANCE FROM 30ft to 25ft. FOR A POOL FROM THE MEAN WATER LINE
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

MEDICAL HARDSHIP

FAMILY HARDSHIP

TIME NEEDED



	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>IVAN J. 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: LEG 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 1/1 (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 11/08/05

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): 150.00 COMMISSION DISTRICT 1 FLU/ZONING R-1A/LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS East side of Jacob Trl. 0.2mi north
of the intersection of Jacob Trl + Snow Hill Road
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

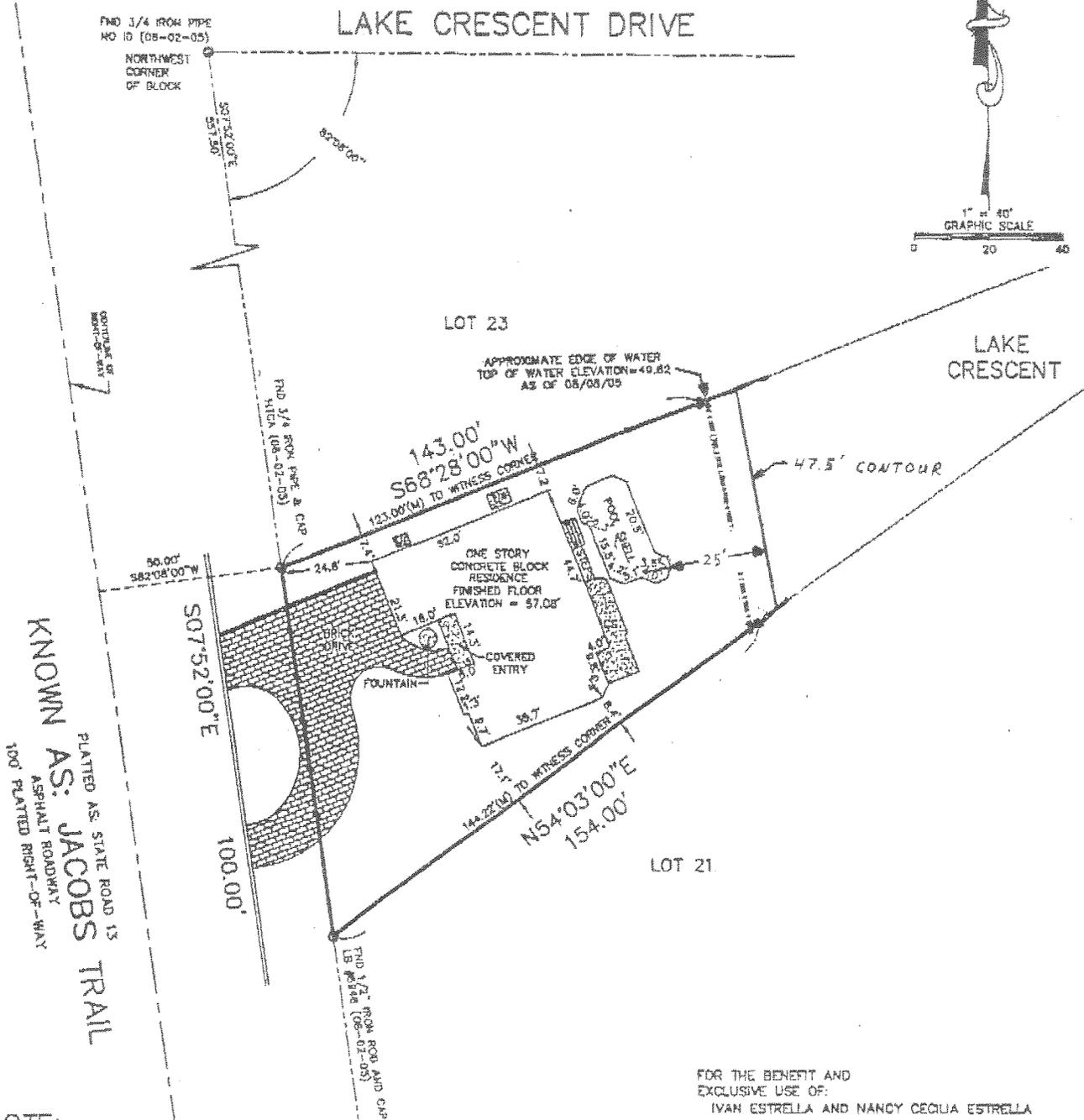
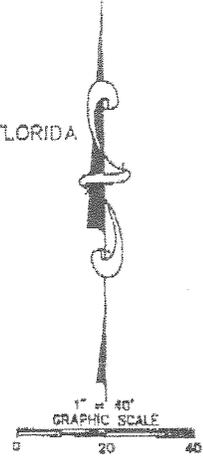
BOUNDARY SURVEY

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

LOT 21

LOT 23

LAKE CRESCENT

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

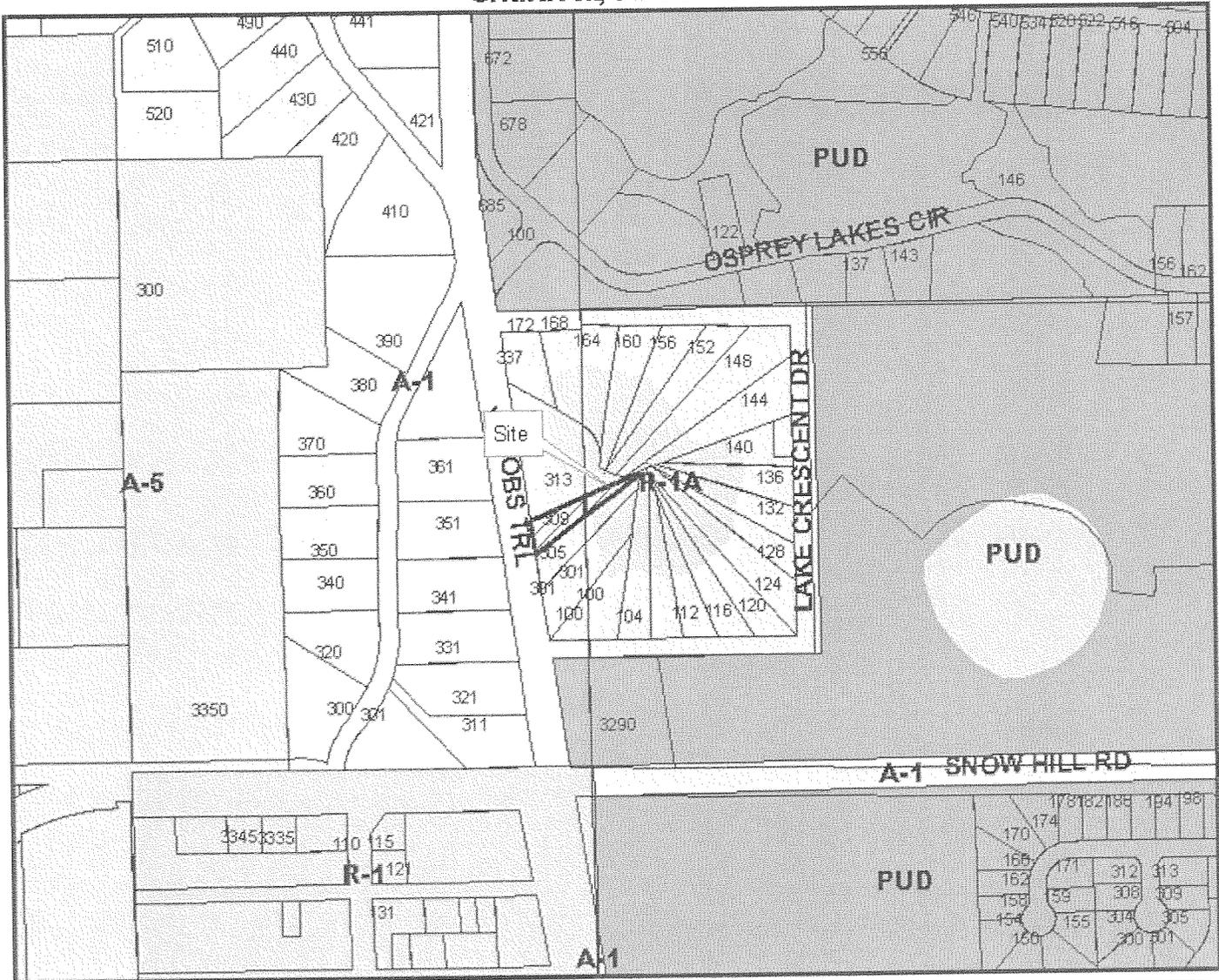
- NOTE:
1. ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED AND ANY INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
 2. PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 08-02-05 UNLESS OTHERWISE SHOWN.
 3. THE SURVEYOR HAS NOT ABSTRACTED THE

LEGEND

- CENTERLINE
- RIGHT OF WAY LINE
- EXISTING ELEVATION
- CONCRETE
- CORNER NOT ACCESSIBLE
- DENOTES DELTA ANGLE
- LICENSED BUSINESS

<p>DAVID JOHNSON, CPA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505</p>																																										
<p align="center">GENERAL</p> <p>Parcel Id: 21-21-32-501-0000-0220</p> <p>Owner: ESTRELLA IVAN</p> <p>Mailing Address: 309 JACOBS TRL</p> <p>City,State,ZipCode: CHULUOTA FL 32766</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: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$147,356</p> <p>Depreciated EXFT Value: \$975</p> <p>Land Value (Market): \$70,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$218,331</p> <p>Assessed Value (SOH): \$218,331</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$218,331</p> <p>Tax Estimator</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>																																										

Ivan Estrella
 309 Jacobs Trail
 Chuluota, FL 32766



Seminole County Board of Adjustment
 December 19, 2005
 Case: BV2005-186
 Parcel No: 21-21-32-501-0000-0220

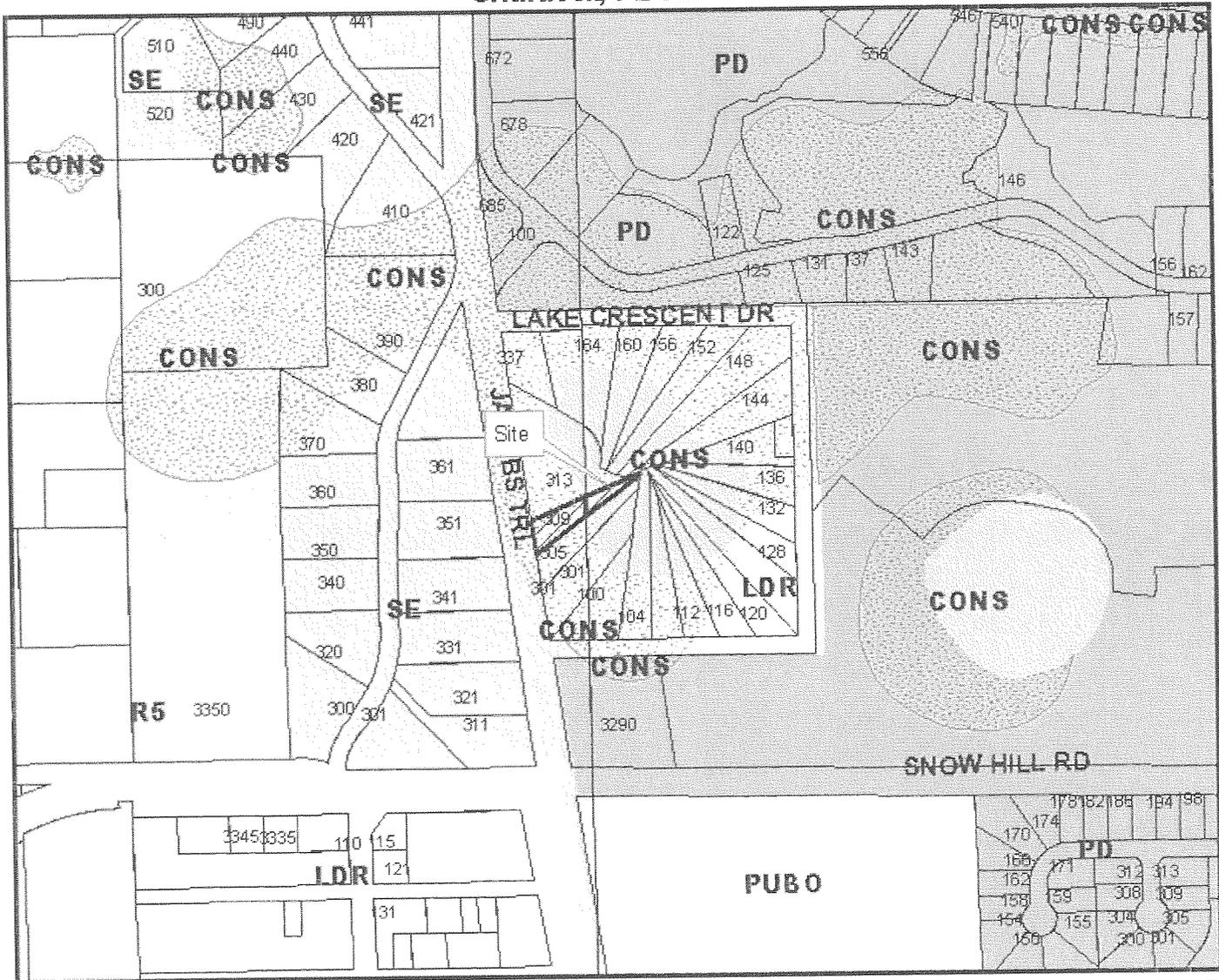
Zoning

- A-1 Agricultural-1Ac
- A-5 Rural-5Ac
- R-1A Single Fam-9000
- R-1 Single Fam-8400
- PUD Planned Unit Dev.
- BV2005-186

0 100 200 400 600 800 Feet



Ivan Estrella
 309 Jacobs Trail
 Chuluota, FL 32766



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Future Land Use

	CONS, R5	R5, NONE
	CONS, SE	SE, NONE
	CONS, LDR	LDR, NONE
	CONS, PD	PD, NONE
	PUBO, NONE	BV2005-186

0 100 200 400 600 800 Feet



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.



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



Sandra Peletz



SEMINOLE COUNTY DEVELOPMENT ORDER

On December 19, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 14 BLK A MERRITT PARK PB 8 PG22

(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:

Request for a rear yard setback from 30 feet to 25 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: