

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a rear yard setback variance from 10 feet to 8 feet for a proposed pool in the R-1B (Single Family Dwelling District); (Armando Perez, applicant).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

**Agenda Date** 03-27-06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance from 10 feet to 8 feet for a proposed pool in the R-1B (Single Family Dwelling District); (Armando Perez, applicant).
2. **DENY** the request for a rear yard setback variance from 10 feet to 8 feet for a proposed pool in the R-1B (Single Family Dwelling District); (Armando Perez, applicant).
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning:	Armando Perez 5509 Crepe Myrtle Circle R-1B (Aloma Woods)
<b>BACKGROUND REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct pool will encroach 2 feet into the 10 foot setback requirement.</li> <li>• The applicant has received approval from the Aloma Woods Homeowners Association, contingent on variance approval, for the proposed pool on February 7, 2006.</li> <li>• There is no record of prior variances having been granted for this property.</li> </ul>	
<b>STAFF FINDINGS</b>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> <li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. The proposed pool</li> </ul>	

	<p>can be constructed without a variance if it was reduced in size.</p> <ul style="list-style-type: none"><li>• The applicant would retain reasonable use of the property without the requested variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings and the representations of the applicant, staff recommends approval of the request, subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Any variance granted should apply only to the proposed pool, as depicted on the attached site plan.</li><li>2. Any additional conditions deemed appropriate, based on information presented at the public hearing.</li></ol>



**COPY**

APPL. NO. BV 2006 - 020

**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 FT. TO 8 FT. FOR A PROPOSED POST.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION     MEDICAL HARDSHIP
- NIGHT WATCHMAN     FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_  TIME NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Armando Pérez	
ADDRESS	5509 Crepe Myrtle cir DUCIBO FL 32765	
PHONE 1	407-687-0027	
PHONE 2	407-895-7445	
E-MAIL		

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 5509 Crepe Myrtle cir. DUCIBO  
 CURRENT USE OF PROPERTY: Residence  
 LEGAL DESCRIPTION: C0 + B2 Aloma Woods PH 5 P13 53 PG 11

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 29-21-31-504-0000 - 0620  
 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 3, 27, 06 (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.

Armando Pérez SIGNATURE OF OWNER OR AGENT\*      2-1-06 DATE

**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

FLU / ZONING

R-1B / MOR

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

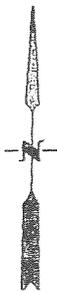
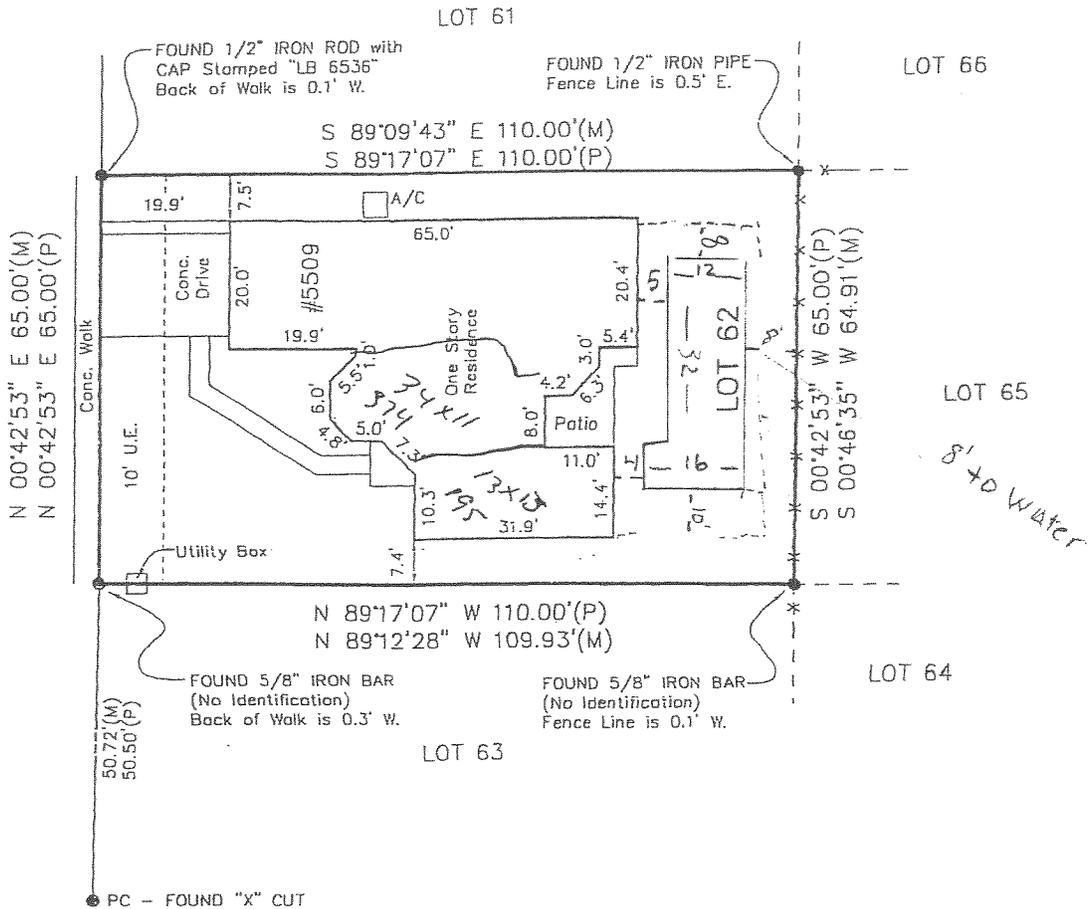
SUFFICIENCY COMMENTS

# PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 62, ALOMA WOODS PHASE 5, according to the plat thereof as recorded in Plat Book 53, Pages 11 - 13 of the Public Records of Seminole County, Florida.

Asphalt Pavement  
**CREPE MYRTLE CIRCLE**  
 (R/W width varies  
 per P.B. 53, Page 12)



SCALE: 1" = 30'

NOTE:  
 NO EASEMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.

NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY OR THOSE OF ADJOINING LANDS HAVE BEEN PROVIDED. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.

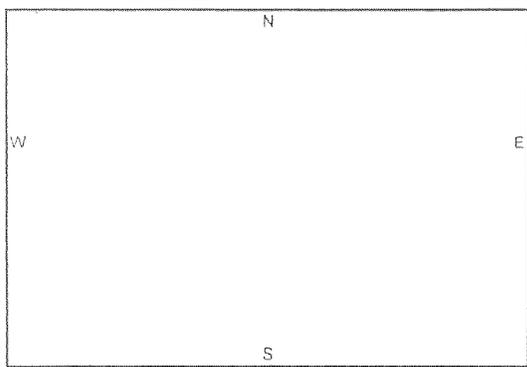
CERTIFIED TO:  
 ARGENT MORTGAGE CO., LLC  
 GREATER FLORIDA TITLE CO. II, LLC  
 AMERICAN PIONEER TITLE INSURANCE CO.  
 ARMANDO PEREZ

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Seminole County, Florida, Community Panel Number 120289/12117C 0165 E, last dated 04/17/95 it appears from a scaling of said map that the land described herein is shown to be within "ZONE X" (Areas determined to be outside 500-year floodplain). Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

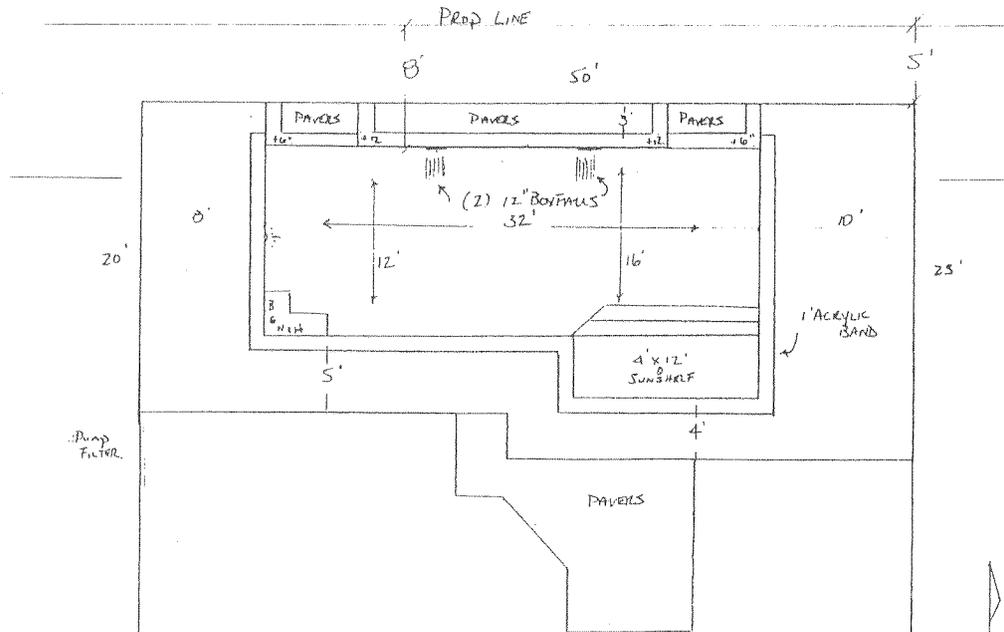
REVISIONS AND ADDITIONS	

LEGEND:  
 P.C. = Point of Curvature  
 P.R.C. = Point of Reverse Curve  
 P.T. = Point of Tangency  
 D.E. = Drainage Easement

1. This Plat represents a Boundary Survey of the description as furnished



Layout Elevation:



POOL PLAN  
SCALE 1/8" = 1' 0"

This drawing and its principle design is the exclusive property of Artesian Pools  
It cannot be copied, loaned, or reproduced without the written consent of Artesian Pools.

<input checked="" type="checkbox"/> No	Screen Enclosure
Color	_____
Roof Style	_____
Doors	_____
Elite Roof	_____
Gutter	_____
Other	_____

Reference No	_____	Depth	3 1/2 - 6'
Length & Width	16' X 32'	Pool Gallons	13,500
Swimout	YES	Hand / Grabrail	NO
Decking Type & Col	1' Acrylic Band	Tile Selection	T&A
Re-top Existing	PAVER'S	Step Tile	T&A
Color Band	NO	Deco Tiles	T&A
Pavers Color & Pat	YES	Termite	YES
Paver Border	YES	Barrier or Alarms	BY OWNER
Interior Finish	DIAMOND BUTE	Job #	_____
Pump Size	2 HP	Pool Returns	3+1
Filter Type & Size	200 S.F. CART	(std light includes lens kit)	_____
Cleaner	PARACLEAN LEAFM	Spa	NO
Chlorinator	AQUA RITE	Therapy Jets	NO
Light (Type & Qty)	SUNN LITE	Blower	NO
Spa	NO	Heater & Type	NO
Therapy Jets	NO	Box Waterfalls	(2) 1' WIDE
Blower	NO	Deck Spouts	NO
Heater & Type	NO	Rockwork	NO
Box Waterfalls	(2) 1' WIDE	Solar	NO (Includes Cover)
Deck Spouts	NO	Access Approval	NEEDED
Rockwork	NO	Dirt Removal	YES
Solar	NO (Includes Cover)	Tree Removal	NO
Access Approval	NEEDED	Stump Removal	NO
Dirt Removal	YES	Driveway Approv	NO
Tree Removal	NO	Fence Removal	NO
Stump Removal	NO	Fence Re-install	NO
		Concrete Remov	NO

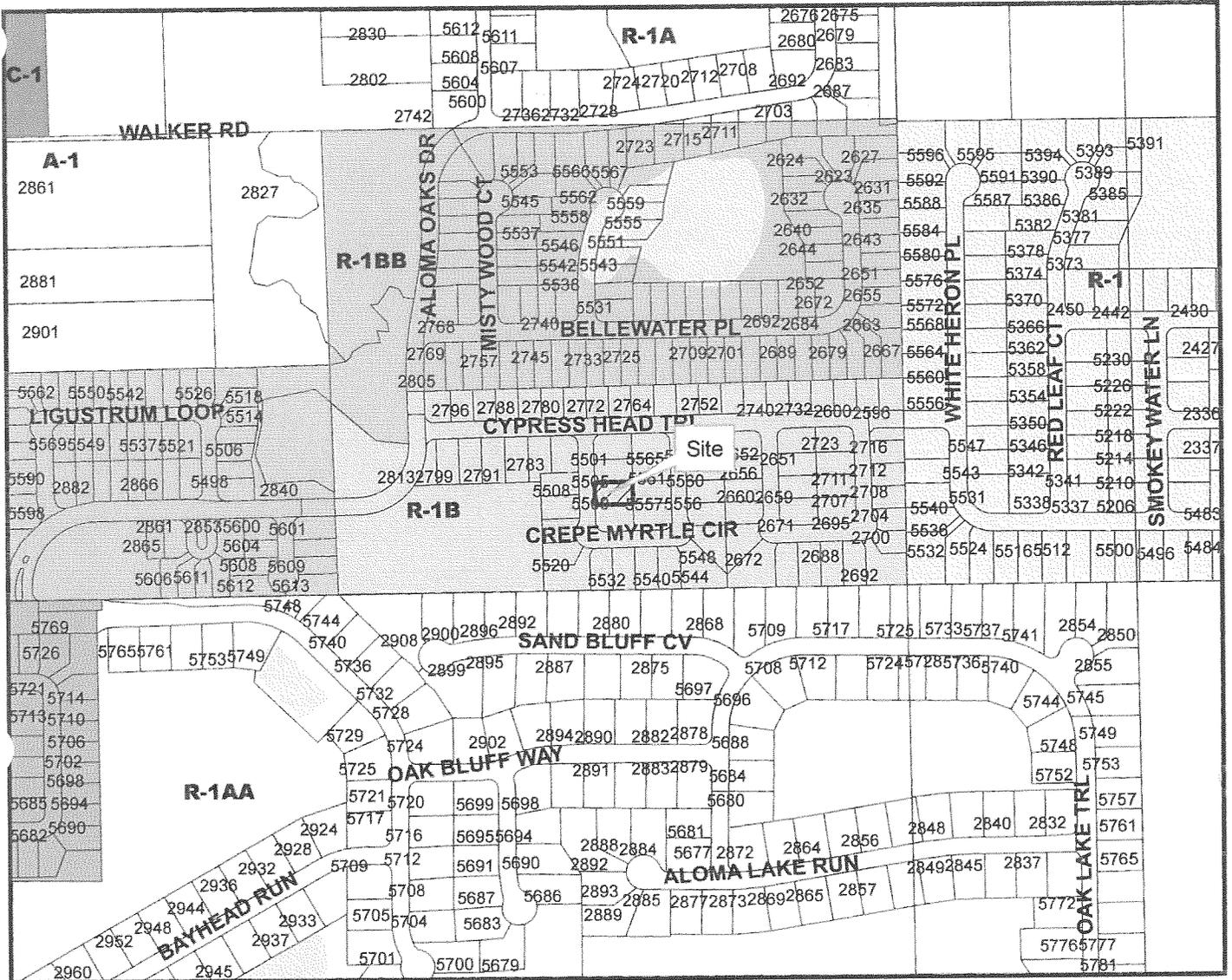
Skimmers, Dual Main Drains, Electrical, Time Clock, Test kit, Brush, Pole, Manual Vac, Vac Hose, Thermometer, Rope / Float / Hooks are included.  
Broken sprinkler lines will be capped after pregrade and re-routed by H/O

Other Options SUNBELF 1st STEP w/ (1) BUBBLER

AN ARTESIAN POOL FOR:	
Name	ARMANDO PEREZ
Address	5509 CREPE MYRTLE CIRCLE
City	_____ Zip _____
Phone (s) - Home	_____ Work _____
Lot	02 Block PB 53 Sub ALOMA WOODS.
Customer's Signature	_____
Drawn By	TONY ALLO
Date	1-25-06



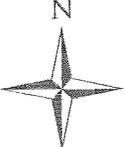
**Armando Perez  
5509 Crepe Myrtle Circle  
Oviedo, Florida 32765**



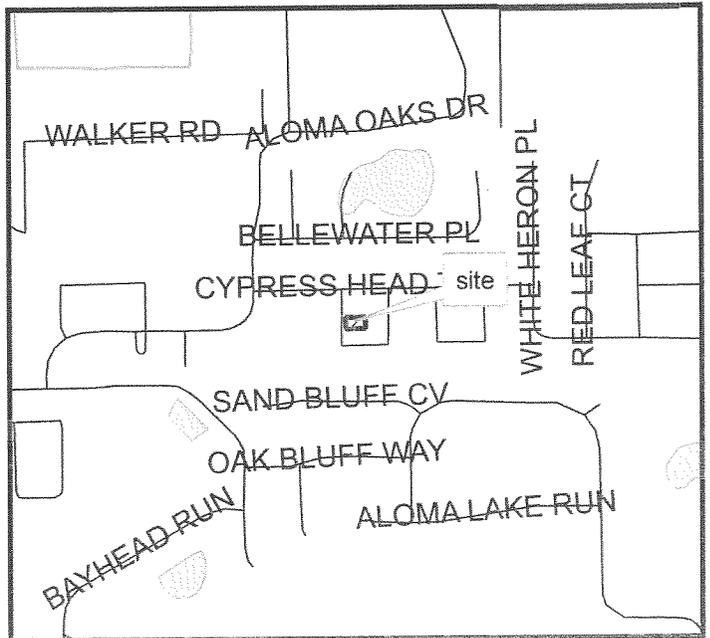
**Seminole County Board of Adjustment**  
**March 27, 2006**  
**Case: BV2006-026**  
**Parcel No: 29-21-31-504-0000-0620**

**Zoning**

	BV2006-026		R-1B
	A-1		R-1BB
	R-1AA		C-1
	R-1A		PUD
	R-1		

N  


 Feet  
0 100 200 400 600 800



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																														
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 29-21-31-504-0000-0620</p> <p>Owner: PEREZ ARMANDO</p> <p>Mailing Address: 5509 CREPE MYRTLE CIR</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 5509 CREPE MYRTLE CIR OVIEDO 32765</p> <p>Subdivision Name: ALOMA WOODS PH 5</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$140,226</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$38,700</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$178,926</p> <p>Assessed Value (SOH): \$165,952</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$140,952</p> <p>Tax Estimator</p>																												
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2003</td> <td>05062</td> <td>1578</td> <td>\$179,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>01/1999</td> <td>03581</td> <td>0641</td> <td>\$137,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1998</td> <td>03455</td> <td>1902</td> <td>\$255,800</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2003	05062	1578	\$179,000	Improved	Yes	SPECIAL WARRANTY DEED	01/1999	03581	0641	\$137,900	Improved	Yes	WARRANTY DEED	06/1998	03455	1902	\$255,800	Vacant	No	<p style="text-align: center;"><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$2,528</p> <p>2005 Tax Bill Amount: \$2,230</p> <p>Save Our Homes (SOH) Savings: \$298</p> <p>2005 Taxable Value: \$136,118</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p style="text-align: center;"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>38,700.00</td> <td>\$38,700</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	38,700.00	\$38,700	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 62 ALOMA WOODS PH 5 PB 53 PGS 11 THRU 13</p>																
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BU 2006-026

# CYPRESS HEAD AT ALOMA WOODS

Homeowners Association

## ARCHITECTURAL REVIEW FORM

NOTE: This is a request form to be completed by the homeowner and submitted to the Architectural Review Board for consideration and then passed on to the Board of Directors with recommendations, BEFORE any work commences. Please refer to your Declaration of Covenants & Restrictions for a description of the Architectural Review Board and its purpose.

1. NAME: Armando PÉREZ LOT# 62

2. ADDRESS: 5509 Crepe Myrtle cir Oviedo

3. PHONE NUMBER: (407) 687-0027

4. BRIEFLY DESCRIBE THE CHANGE: (i.e. fence installation, repaint house exterior, porch, pool, etc.)

POOL -> Request for rear yard setback variance.  
from 10' FT to 8' FT.

5. LOCATION: Attach a copy of the plot plan showing where addition such as fence, porch, etc. will be placed.

6. SPECIFICATIONS: Attach copies of plans, or use a copy of lot survey if available, or pictures that will describe the following:

DIMENSIONS: \_\_\_\_\_

MATERIAL: \_\_\_\_\_

COLOR: \_\_\_\_\_

NOTE: All requests must conform to the local zoning and building regulations and you must obtain all necessary permits if your request is approved by the board.

The following section will be completed by the Architectural Review Board of Directors.

Architectural Review:

Recommendation:

Comments:

Board of Directors:

Approved

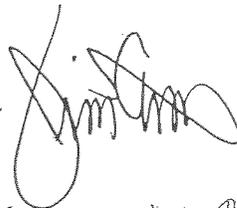
Denied

etgcy

Date:

2/7/06

Date:

*Judy Walker*  


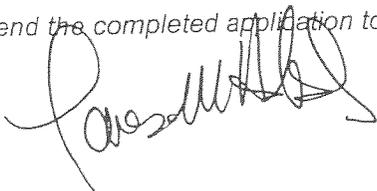
Comments: Contingent upon Approval from Seminole City prior to starting the work.

FINAL INSPECTION:

MEETS REQUEST

CHANGES (LIST&DATE)

Send the completed application to:



Premier Property Management of Central Florida, Inc.  
P. O. Box 1596  
Sanford, FL 32772-1596 or Fax to: 407-322-8922

Cypress Head at the Enclave  
PO Box 1596  
Sanford, FL 3277-1596

ADDRESS SERVICE REQUESTED

**NOTICE OF ARCHITECTURAL APPROVAL WITH CONTINGENCIES**

February 08, 2006

Armando Perez  
5509 Crepe Myrtle Cir  
Oviedo FL 32765

RE: 5509 Crepe Myrtle Cir

Dear Armando Perez:

This is formal notification that the Architectural Control Committee has approved the improvement (s) described on the ACC Application for the above referenced property.

Your application for the following exterior change of your home was approved as submitted below contingent upon:

**Addition of a pool approved contingent that you submit a copy of the approved variance from Seminole County prior to starting the work. Request for rear yard setback variance from 10ft to 8ft.**

Per the recorded DCCR's Section 5.9 Compliance with Governmental Requirements. In addition to the foregoing requirements, an IMPROVEMENT made by any OWNER must be in compliance with the requirements of all controlling governmental authorities and the OWNER shall be required to obtain an appropriate building permit from the applicable governmental authority when required by the controlling governmental requirements. This approval is effective for one year from the date of the approval. If the installation of your improvement begins after this deadline you will need to re-submit. This approval is good for 90 days and construction of your improvement must be completed within 90 days from the date of starting the work. If you need an extension please contact our office.

Attached please find a copy of your approved ACC Application for your records. Please keep this letter for your records.

Feel free to contact me if you have any questions.

Sincerely,



Gina N. Holbrook, LCAM  
Association Manager

Telephone: 407-322-4922  
E-Mail: [CypressHead.HOA@premiermgmtcfl.com](mailto:CypressHead.HOA@premiermgmtcfl.com)

5505 Crepe Myrtle Cir

Agirion D. Aponte

5508 Crepe Myrtle Cir.

W

Tony Nyy

5525 Crepe Myrtle Cir

Denise Aunta

Above all neighbors in support for  
the request for my Janice request from  
the Seminals County

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 27, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 62 ALOMA WOODS PH 5 PGS 11 THRU 13

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

**FINDINGS OF FACT**

**Property Owner:** ARMANDO PEREZ  
5509 CREPE MYRTLE CIRCLE  
OVIEDO, FL 32765

**Site Address:** 5509 CREPE MYRTLE CIRCLE

**Requested Development Approval:**

Request for rear yard setback from 10 feet to 8 feet for a proposed pool.

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: \_\_\_\_\_  
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, who is personally known to me and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: