

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a (1) rear yard setback variance from 10 feet to 1 foot for a pool; (2) rear yard setback variance from 5 feet to 0 feet; and a (3) side yard (west) setback variance from 7 feet to 0 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development); (Karen & Elvis Figueroa, applicants).

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

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

**Agenda Date** 5/22/06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) rear yard setback variance from 10 feet to 1 foot for a pool; (2) rear yard setback variance from 5 feet to 0 feet; and a (3) side yard (west) setback variance from 7 feet to 0 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development); or
2. **DENY** the request for a (1) rear yard setback variance from 10 feet to 1 foot for a pool; (2) rear yard setback variance from 5 feet to 0 feet; and a (3) side yard (west) setback variance from 7 feet to 0 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning:	Karen & Elvis Figueroa 432 Mainsail Court PUD (Lakeview Villiage)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicants propose to construct a pool and screen enclosure that will abut the rear and side (west) side yard property lines.</li> <li>• The property is located in the Lakeview Village development which requires the side yard setbacks to be seven feet between structures. Without the survey of the abutting property the side yard setback request must</li> </ul>	

	<p>be from 7 feet to 0 feet for the screen enclosure.</p> <ul style="list-style-type: none"><li>• There is no record of prior variances having been granted for this property.</li><li>• There are no variances granted in this development for structures to be located on the property line.</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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the proposed pool and screen enclosure as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>

# BOUNDARY SURVEY

ORDER No. 88028-092

REVISIONS

17 JUNE 91-ROTATE HOUSE

82

81

S. 02°23'37" W.-(18.91')

S. 00°05'20" W.-(28.16')

FOUND IRON  
ROD #3993

FOUND IRON  
ROD #3993

FOUND IRON  
ROD #2700

*Screen*

*Screen*

92 Pool

40

16.0'

PATIO

5.4'

PROPOSED  
FINISHED FLOOR ELEVATION = 48.20'  
ACTUAL = 48.91'

1-STORY CONCRETE  
BLOCK RESIDENCE

91

N. 33°10'26" W. 100.24'

S. 35°18'02" E. 100.25'

93

# 432

4.8

5.2

8.4

5.5

25.6

22.0'

3' WALK

CONCRETE  
DRIVE

165.49'

FOUND IRON  
ROD #3993

FOUND IRON 10.0 UTILITY EASEMENT  
ROD #2700

4' WALK

2' MIAMI CURB

ASPHALT PAVED

MAINSAIL

COURT

RADIUS=1368.11'

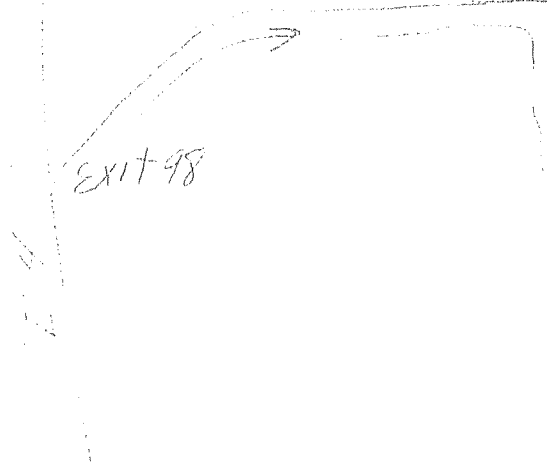
ARC=50.78'

DELTA=02°07'36"

LEGAL DESCRIPTION: LOT 92, LAKEVIEW VILLAGE,  
PLAT BOOK 38 PAGES 86-89, SFMINOIF COUNTY, FLORIDIA.

W. LAKE MARY BLVD

Small machine/shuttle



GREENWOOD BLVD

MAIN SAIL CT

LAKEBERRY CIR

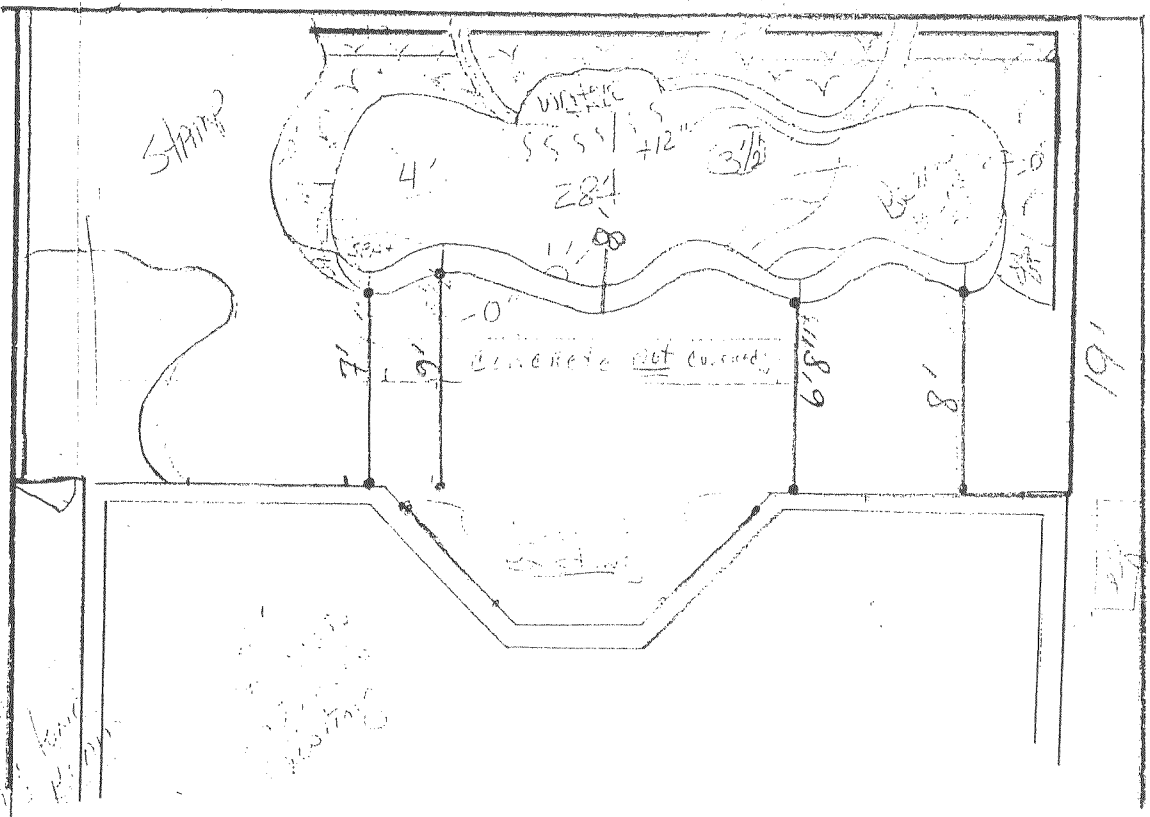
10/16 = 5/8

2 1/16

Concrete slab 2'x7'  
 200 NATURAL STONE  
 W/ 1/2" - 1" / pool

From I-405 Lake Mary Rd  
 to left on Greenwood Blvd  
 to left on Lakeberry Cir  
 to left on MAIN SAIL CT  
 432  
 HS. on left

Figueroa #432 mansard (Lake Marys)  
 (pool/screen variance)



Stamp

W/ 1/2" - 1" / pool

concrete not covered

19'

8'

6'8.9'

4'

12''

3 1/2''

284

11'00

-0'

7'

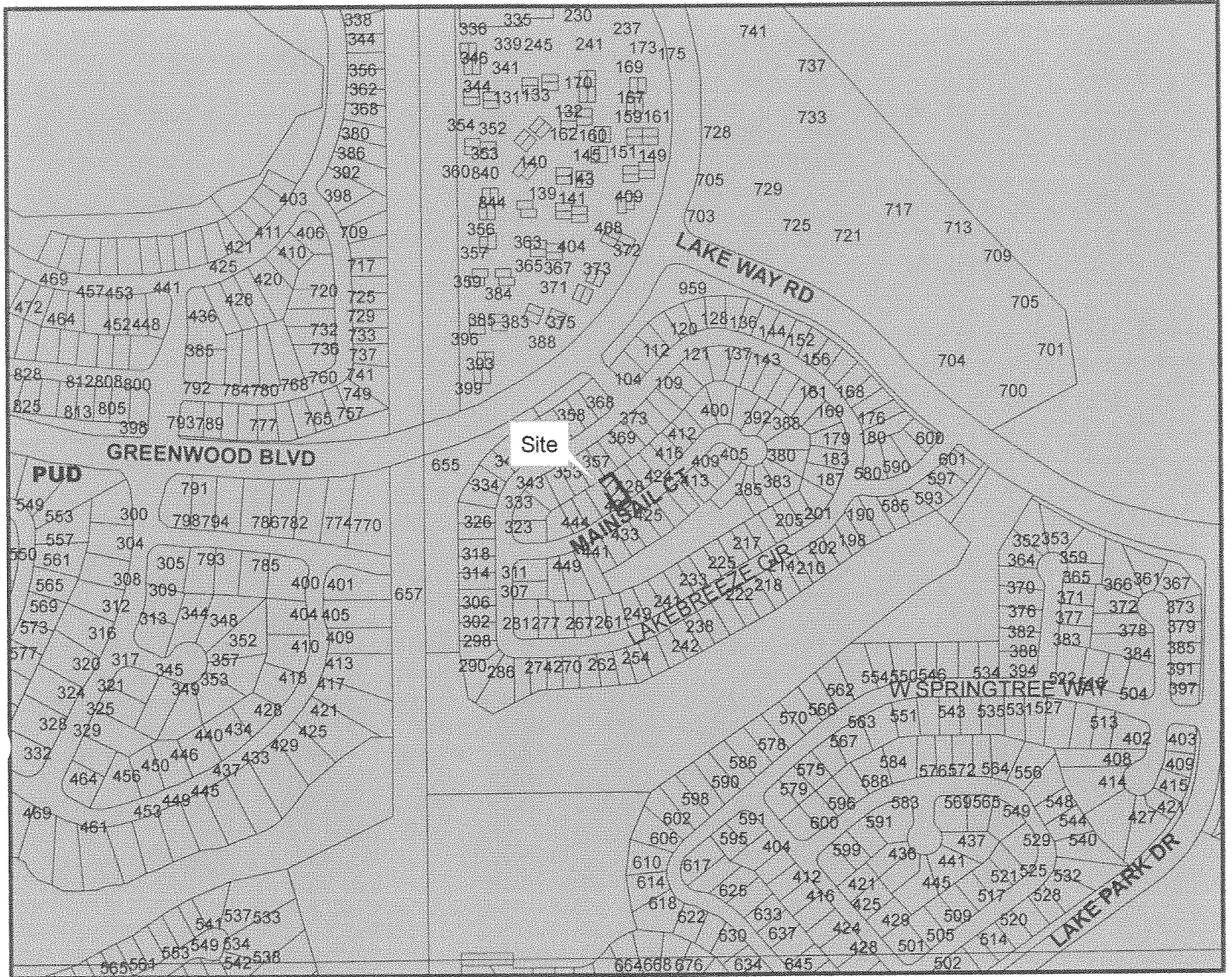
6'

10/16 = 5/8  
 2 1/16



in the machine/shuttle

Stamp  
 10/16 = 5/8  
 2 1/16

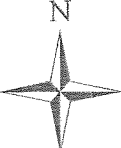
Karen & Elvis Figueroa  
 432 Mainsail Ct  
 Lake Mary, FL 32746



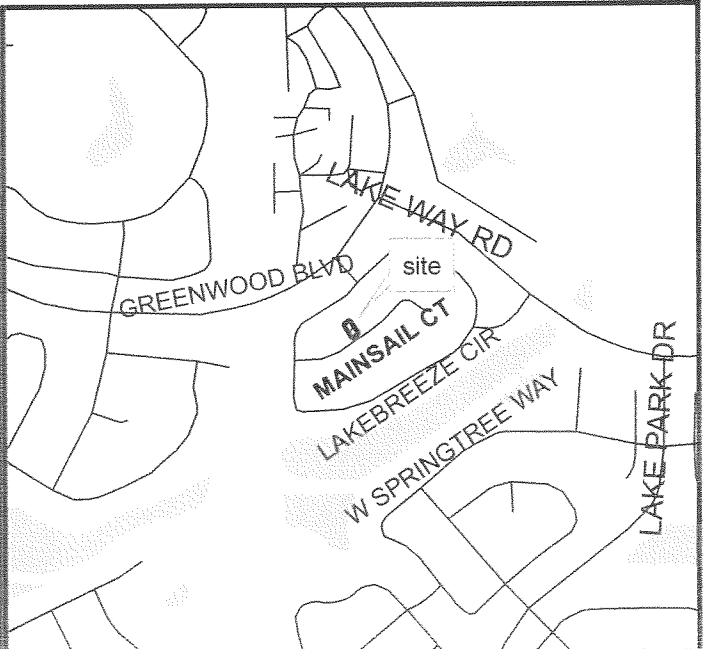
**Seminole County Board of Adjustment**  
**May 22, 2006**  
**Case: BV2006-060**  
**Parcel No: 17-20-30-505-0000-0920**  
**Zoning**

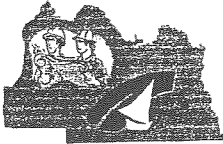
 BV2006-060  
 PUD

N



0 95 190 380 570 760 Feet





SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 1028)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

RECEIVED MAR 29 2006

APPL. NO. 312006-060

**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** Backyard variances: from 10 feet to 1 foot for pool and from 15 feet to 0 feet for screen enclosure (rear + side)
- 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>Karen + Elvis Figueroa</u>	
ADDRESS	<u>432 mainsail Ct Lake Mary, FL 32746</u>	
PHONE 1	<u>407 324 4947</u>	
PHONE 2	<u>407 474 8959</u>	
E-MAIL	<u>karen_fig@yahoo.com</u>	

PROJECT NAME: pool with screen enclosure  
 SITE ADDRESS: 432 mainsail Ct Lake Mary  
 CURRENT USE OF PROPERTY: residential  
 LEGAL DESCRIPTION: Lot 92, Lakeview Village, Plat Book 38  
Pages 86-89, Seminole County, Florida  
 SIZE OF PROPERTY: approx 1/4 acre(s) PARCEL I.D. 17-20-30-505-0000-0920  
 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 5/22/06 (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.

[Signature] 3/20/2006  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

**ADDITIONAL VARIANCES**

variances for pool & screen

VARIANCE # 1:

Backyard variance from 10 feet to 1 foot for pool

VARIANCE # 2:

Rear yard setback variance from 5 feet to 0 feet for screen enclosure

VARIANCE # 3:

Side backyard variance to 0 feet for screen enclosure

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 FLU / PD

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_



COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 17 TWP: 20 RNG: 30  
 PROJ. #

<b>DEVELOPMENT:</b> Lakeview Village		<b>DEVELOPER:</b> Del American Properties	
<b>LOCATION:</b> S side of Greenwood Boulevard and Lake Way Road, Tract J1		158 lots	
<b>FILE#:</b>	<b>BA:</b>	<b>SP:</b>	<b>BCC:</b> 2/24/87
<b>P&amp;Z:</b>			
<b>PB</b>	<b>38</b>	<b>PG</b>	<b>86-89 Lot</b>
		<b>Blk</b>	
		<b>Parcel</b>	
		<b>DBA</b>	
			<b>Comm Dist</b>
<b>DEVEL. ORDER #:</b>		<b>TAX PAR. I.D. #:</b>	
<b>SIDEWALKS:</b> Lake Emma Road – 5’ wide.		<b>SETBACK REQUIREMENTS</b>	
		<b>FY:</b> 20’	<b>SY:</b> *0’
		<b>SIDE ST.:</b>	<b>RY:</b> 15’
<b>ROAD TYPE:</b> (CURB & GUTTER OR SWALE)		<b>MAIN STRUCTURE OTHER:</b> *7’ Min between structures Max. Height: 35’ Min. House size: 650 sq. ft.	
<b>COMMENTS OTHER:</b> 1) Must meet all of the requirements of the developer’s agreement.		<b>ACCESSORY STRUCTURE SETBACKS:</b>	
		<b>SY:</b> same as main structure	<b>RY:</b> 5’
		<b>ACCESSORY STRUCTURE OTHER:</b> Note: Fireplaces and sidewalks may encroach setbacks a maximum of 30”.	

IMPACT FEES	
<b>SCREEN:</b>	Ordinance
<b>TRAFFIC ZONE:</b>	12
<b>LAND USE:</b>	1
1. ROAD-CO. WIDE	V-\$250.00
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	V-\$10.00
5. PARK	
6. SCHOOL	V-\$300.00
7. LAW	
8. DRAINAGE	
<b>TOTAL</b>	<b>\$560.00</b>
<b>REMARKS:</b> Write “Greenwood Lakes/Lake Mary Boulevard” at the top of the application.	

**COMMITMENT CARD**

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



<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: 17-20-30-505-0000-0920</p> <p>Owner: FIGUEROA ELVIS &amp; KAREN K</p> <p>Mailing Address: 432 MAINSAIL CT</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 432 MAINSAIL CT LAKE MARY 32746</p> <p>Subdivision Name: LAKEVIEW VILLAGE</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: \$130,568</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$28,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$158,568</p> <p>Assessed Value (SOH): \$96,619</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$71,619</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>09/1991</td> <td>02335</td> <td>0027</td> <td>\$95,600</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1989</td> <td>02093</td> <td>1988</td> <td>\$1,392,000</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	09/1991	02335	0027	\$95,600	Improved	Yes	WARRANTY DEED	08/1989	02093	1988	\$1,392,000	Vacant	No	<p style="text-align: center;"><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,937</p> <p>2005 Tax Bill Amount: \$1,127</p> <p>Save Our Homes (SOH) Savings: \$810</p> <p>2005 Taxable Value: \$68,805</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	09/1991	02335	0027	\$95,600	Improved	Yes																	
WARRANTY DEED	08/1989	02093	1988	\$1,392,000	Vacant	No																	
<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>28,000.00</td> <td>\$28,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	28,000.00	\$28,000	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 92 LAKEVIEW VILLAGE PB 38 PGS 86 TO 89</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	28,000.00	\$28,000																		
<p><b>BUILDING INFORMATION</b></p>																							
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New														
1	SINGLE FAMILY	1991	6	1,442	2,063	1,442	CB/STUCCO FINISH	\$130,568	\$137,803														
			<p>Appendage / Sqft      OPEN PORCH FINISHED / 80</p> <p>Appendage / Sqft      OPEN PORCH FINISHED / 35</p> <p>Appendage / Sqft      GARAGE FINISHED / 506</p>																				
<p><b>NOTE:</b> Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																							
<p><b>NOTE:</b> 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>																							

**LAKEVIEW VILLAGE HOMEOWNER'S ASSOCIATION, INC.  
REQUEST FOR ARCHITECTURAL IMPROVEMENT APPROVAL**

Please refer to your Declaration of Covenants, Conditions and Restrictions for details necessary to complete this written request. The association Declarations of Covenants, Conditions and Restrictions require written approval from the Board of Directors for **ANY** exterior alterations. In an effort to protect lot owners rights and property value, it is required that any lot owner considering exterior improvements or alterations to their home or property submit a Request For Architectural Improvement to the Board of Directors **PRIOR** to initiating the work. **NOTE:** In addition to the requirements recorded in the Declaration of Covenants, Conditions and Restrictions, all applications must conform to any applicable Seminole County zoning or building regulations. It is the responsibility of the homeowner to obtain all necessary permits when the Association approves your application. Approval by the Association does not imply approval or conformity to any Seminole County or City of Lake Mary regulations.

THIS SECTION TO BE COMPLETED BY PROPERTY OWNER:

PROPERTY OWNER NAME: Karen + Elms Fjærd

PROPERTY ADDRESS: 432 Mainsail Ct Lake Mary, FL 32746

HOME PHONE #: 407 324 4947 WORK PHONE #: 407 474 8959 (cell)

DESCRIPTION OF EXTERIOR CHANGE: (i.e. Addition, Fence, Pool, Paint, Landscaping, etc.)  
pool w/ screen enclosure

LOCATION OF INSTALLATION: (Please attach a copy of your survey or site plan to show the precise location of the installation on your lot.) **BE SURE TO FOLLOW SET BACK REQUIREMENTS.**  
backyard

SPECIFICATIONS OF IMPROVEMENT: (Follow requirements in Declaration of Covenants, Conditions, and Restrictions.) IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH ON SHEET OF PAPER.

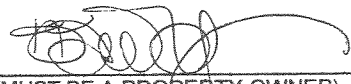
DIMENSIONS: 8' x 28' pool w/ screen enclosure

MATERIALS: concrete (stamped) for pool deck w/ flagstone coping

COLOR: bronze screen enclosure / natural stone color for pool deck

ESTIMATED COMPLETION DATE: \_\_\_\_\_

I hereby submit to the Board of Directors for consideration, and agree to obtain necessary building permits and adhere to building setbacks as specified.

DATE: 3/16/2006 SIGNATURE   
(MUST BE A PROPERTY OWNER)

THIS SECTION TO BE COMPLETED BY ARCHITECTURAL REVIEW COMMITTEE  
 APPROVED     APPROVED WITH CONDITIONS     DENIED    DATE \_\_\_\_\_



President LV Board

(See notes in letter)

COMMENTS/SIGNATURES OF AT LEAST TWO DIRECTORS:

 a.  / Treas.

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Return to: Lakeview Village Homeowner's Association, Inc.  
P.O. Box 915322  
Longwood, FL 32791-5322

If Certified: 165 West State Road 434  
Winter Springs, FL 32708

(407) 327-5824 (office)  
(407) 327-5816 (fax)

[www.lakeviewvillage.net](http://www.lakeviewvillage.net)

Michael Datson  
436 Mainsail Court  
Lake Mary, FL 32746

March 19, 2006

To Whom It May Concern:

I am Michael Datson and I reside at 436 Mainsail Court in Lake Mary. I have no objection to my neighbors, Karen & Elvis Figueroa, building a pool with a screen enclosure in the back yard of their home at 432 Mainsail Court, Lake Mary.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Datson". The signature is written in a cursive style with a large, stylized 'M' and 'D'.

Michael Datson