

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback from 25 feet to 20 feet 3 inches for a proposed pool screen enclosure 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

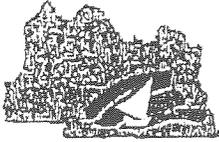
Agenda Date 6/26/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback from 25 feet to 20 feet 3 inches for a proposed pool screen enclosure in the R-1A (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback from 25 feet to 20 feet 3 inches for a proposed pool screen enclosure in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Ivan Estrella Ivan Estrella 309 Jacobs Trail R-1A (Single-Family Dwelling District) Lake Crescent
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool screen enclosure that would encroach 4.7 feet into the 25 foot minimum rear yard setback; the aforementioned variance is thereby requested. • This variance request only pertains to the proposed pool screen enclosure which will be attached to the existing concrete slab in the rear of the property. • The applicant submitted a previous variance request for the pool which was heard at the October 24, 2005 Board 	

	<p>of Adjustment hearing which was denied.</p> <ul style="list-style-type: none"> • The applicant then requested a different variance for the pool and the item was heard at the December 19, 2005 Board of Adjustment hearing and was given approval.
<p>STAFF FINDINGS</p>	<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"> • 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. • Special conditions and circumstances result from the actions of the applicant. • 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. • 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. • The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
<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: • Any variance granted shall apply only to the proposed pool 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
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED APR 13 2006

COPY

APPL. NO. PV 2-006-076

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 25' to 20'3" for a proposed pool screen enclosure
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE DWELLING UNDER CONSTRUCTION**
- NIGHT WATCHMAN**
- YEAR OF MOBILE HOME**
- SIZE OF MOBILE HOME**
- PLAN TO BUILD**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	IVAN ESTRELLA	
ADDRESS	309 Jacobs TRAIL	
	Chuluota, FL 32766	
PHONE 1	(407) 359-5545	
PHONE 2		
E-MAIL	ivoxaula@hollsouth.net	

PROJECT NAME: Jacobs Trail (309)

SITE ADDRESS: 309 Jacobs Trail

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: LEG LOT 22 LAKE CRESCENT SUBD PB 10 P 685

SIZE OF PROPERTY: 0.25 ac 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 4/26/06 (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.

Ivan Estrella

04/12/2006

SIGNATURE OF OWNER OR AGENT*

DATE

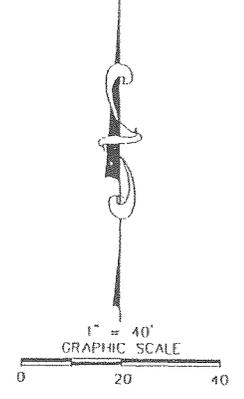
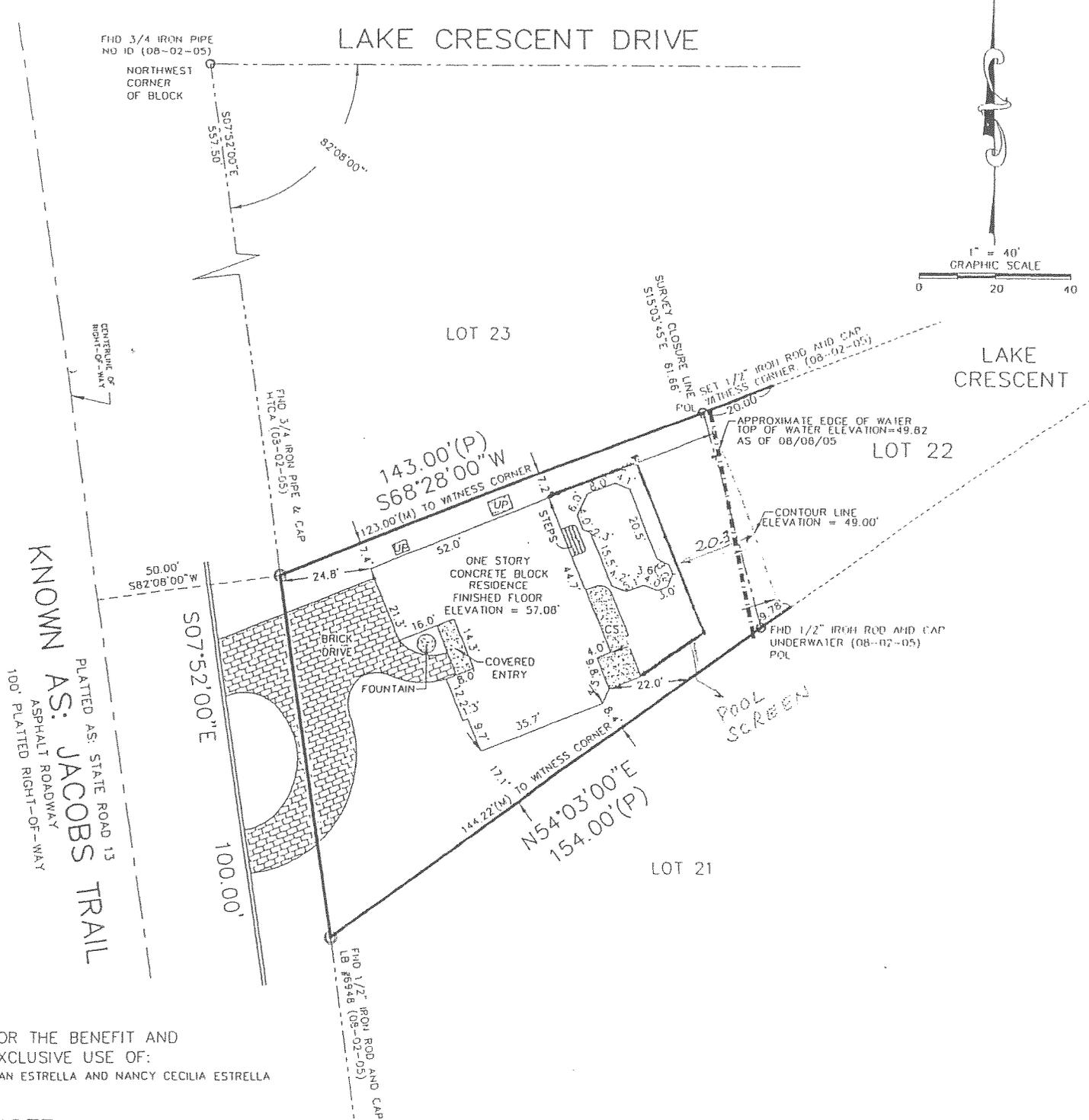
* Proof of owner's authorization is required with submittal if signed by agent.

PLAT OF 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



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

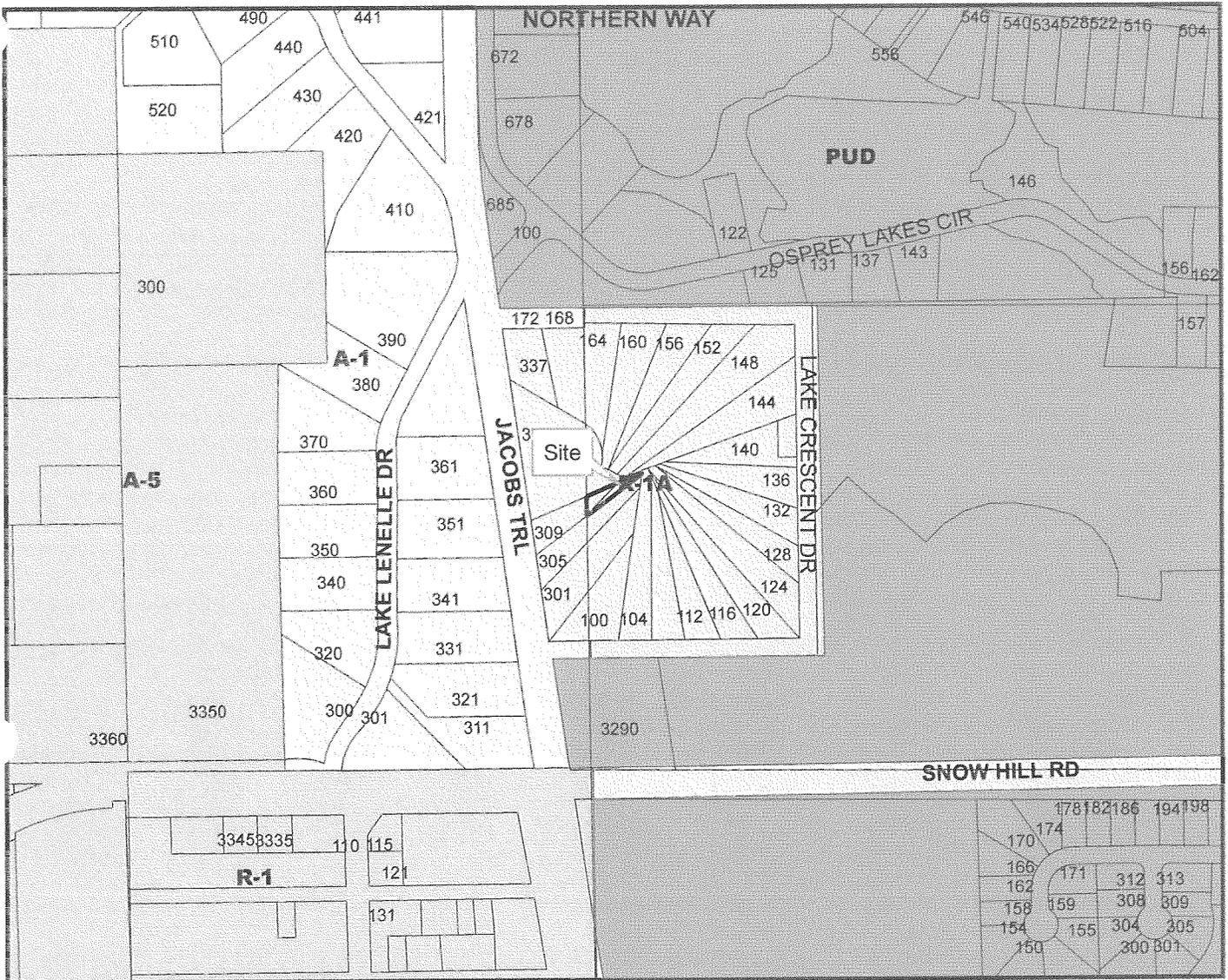
NOTE:

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.

LEGEND

	CENTERLINE		FND NAIL AND DISC LB #6393 (03/02/05)
	RIGHT OF WAY LINE		SET 1/2" IRON ROD AND CAP LB #6393 (03/02/05)
	EXISTING ELEVATION		DENOTES DELTA ANGLE
	A/C AIR CONDITIONER	(P)	PER PLAT
	C CHORD LENGTH	PC	BENDIES POINT OF CURVATURE
	C.B. CHORD BEARING	PCC	POINT OF COMPOUND CURVE
	CBW CONCRETE BLOCK WALL	PCP	PERMANENT CONTROL POINT
	CNA CORNER NOT ACCESSIBLE	PI	DENOTES POINT OF INTERSECTION
	CP CONCRETE PAD	PK	PARKER KALON
	CS CONCRETE SLAB	POC	POINT ON CURVE
	C/W CONCRETE WALK	POL	POINT ON LINE

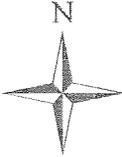
Ivan Estrella
 309 Jacobs Trl
 Chuluota, FI 32766

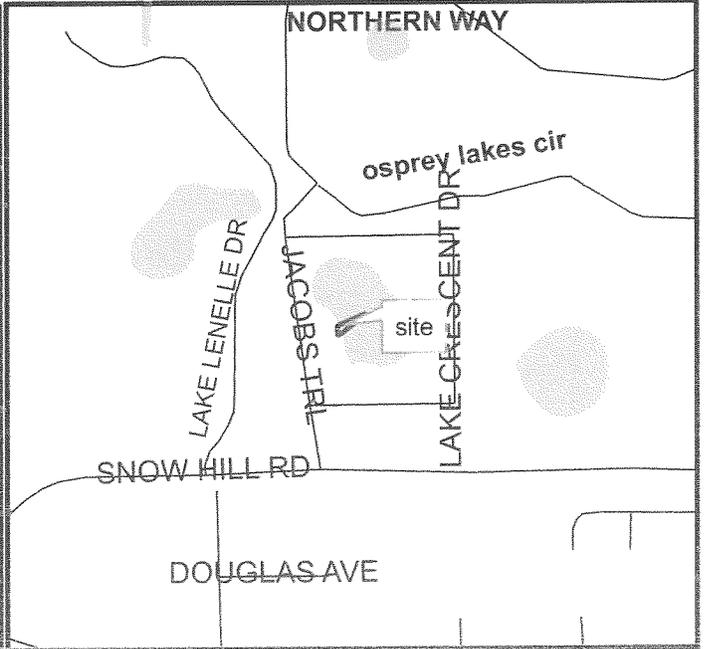


Seminole County Board of Adjustment
 June 26, 2006
 Case: BV2006-076
 Parcel No: 21-21-32-501-0000-0220

Zoning

	BV2006-076		R-1A
	A-1		R-1
	A-5		PUD

N




<p>DAVID JOHNSON, CPA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																														
<p>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: 00-HOMESTEAD</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: \$207,183</p> <p>Depreciated EXFT Value: \$975</p> <p>Land Value (Market): \$105,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$313,158</p> <p>Assessed Value (SOH): \$313,158</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$288,158</p> <p>Tax Estimator</p>																												
<p style="text-align: center;">SALES</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>CERTIFICATE OF TITLE</td> <td>07/2004</td> <td>05372</td> <td>0868</td> <td>\$95,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/2002</td> <td>04376</td> <td>0719</td> <td>\$29,900</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1989</td> <td>02121</td> <td>0332</td> <td>\$19,900</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	CERTIFICATE OF TITLE	07/2004	05372	0868	\$95,000	Improved	No	WARRANTY DEED	03/2002	04376	0719	\$29,900	Vacant	Yes	WARRANTY DEED	10/1989	02121	0332	\$19,900	Vacant	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,147</p> <p>2005 Tax Bill Amount: \$1,147</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2005 Taxable Value: \$70,000</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
LOT	0	0	1.000	105,000.00	\$105,000																									
<p>BUILDING INFORMATION</p>																														
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																					
1	SINGLE FAMILY	2005	8	2,052	2,595	2,052	CB/STUCCO FINISH	\$207,183	\$208,224																					
			<p>Appendage / Sqft GARAGE FINISHED / 483</p> <p>Appendage / Sqft OPEN PORCH FINISHED / 60</p>																											
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																														
<p>EXTRA FEATURE</p>																														
		Description	Year Blt	Units	EXFT Value	Est. Cost New																								
		WATER FEATURE	2005	1	\$975	\$1,000																								
<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>																														

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 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:

Request for a rear yard setback from 25 feet to 20 feet 3 inches for a proposed pool screen enclosure 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 proposed pool 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 _____ 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: