

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

SUBJECT: Request for (1) a rear yard setback variance from 10 feet to 5 feet for a proposed pool; (2) a side yard (south) setback variance from 10 feet to 8 feet for a proposed pool; (3) a rear yard setback variance from 5 feet to 2 feet for a proposed pool screen enclosure; and (4) a side yard (south) setback variance from 5 feet to 4.5 feet for a proposed pool screen enclosure in the R-AH (Affordable Housing Dwelling District); (Timothy E. Loughran, applicant).

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

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

Agenda Date 10/30/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for (1) a rear yard setback variance from 10 feet to 5 feet for a proposed pool; (2) a side yard (south) setback variance from 10 feet to 8 feet for a proposed pool; (3) a rear yard setback variance from 5 feet to 2 feet for a proposed pool screen enclosure; and (4) a side yard (south) setback variance from 5 feet to 4.5 feet for a proposed pool screen enclosure in the R-AH (Affordable Housing Dwelling District); or
2. **DENY** the request for (1) a rear yard setback variance from 10 feet to 5 feet for a proposed pool; (2) a side yard (south) setback variance from 10 feet to 8 feet for a proposed pool; (3) a rear yard setback variance from 5 feet to 2 feet for a proposed pool screen enclosure; and (4) a side yard (south) setback variance from 5 feet to 4.5 feet for a proposed pool screen enclosure in the R-AH (Affordable Housing Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Timothy E. Loughran
	Owner:	Timothy E. Loughran
	Location:	1189 Amanda Kay Circle
	Zoning:	R-AH (Affordable Housing Zoning District)

	Subdivision: Forest Cove
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to encroach into the rear and side yards of the 5,000 square foot property. • The applicant proposes to build an approximately 800 square foot (21' x 37'6") pool screen enclosure and an approximately 450 square foot (15' x 30") pool in the rear of the property. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	<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. • 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.
STAFF RECOMMENDATION	<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: <ul style="list-style-type: none"> • Any variance granted shall apply only to the proposed pool screen enclosure and 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.

GUI
PROJ. #

ZONED: R-AH

SEC: 20

TWP: 19

RNG: 30

DEVELOPMENT:		Forest Cove			DEVELOPER NAME:		Forest Cove at Sanford Farms, Ltd.							
LOCATION:		1 mile ± W of I-4; S side of Orange Boulevard												
FILE#: P&Z:	PZ 93-35	BA:		SP:		BCC:	4/22/97							
DEVEL. ORDER #:		94-42 amended 7/28/2000			TAX PAR. I.D. #:									
PB	55	PG	54 - 55	LOT		BLK		PARCEL		DBA		COMM DIST.		
SIDEWALKS: 4' sidewalk along Lots 37-58 only.					SETBACK REQUIREMENTS									
ROAD TYPE (CURB & GUTTER OR SWALE):					FY:	20'	SIDE ST.:	15'*	SY:	5'***	RY:	See below		
FLOOD PRONE:					MAIN STRUCTURE OTHER: <ul style="list-style-type: none"> • 700 sq. ft. min. du size. • **Side yard setbacks may be reduced to zero on one side and 10' on the opposite side. • 15' rear yard rear setback for internal Lots 37-58 • 25' rear yard setback for single-story structure and 45' setback for two-story structure on perimeter lots 1- 36. With the first ten feet of yard from fence to remain undisturbed. 									
COMMENTS OTHER: R/W Dedication: Per plat – 35' additional on Orange Boulevard. ** Signalization: All Lots are "A" Drainage. *** Access Rights: public streets. D.O. ORB 3902 Pg. 0709					ACCESSORY STRUCTURE SETBACKS: SY: 10' RY: See below ACCESSORY STRUCTURE OTHER: <ul style="list-style-type: none"> • Exceeding 200 sq. ft. or 12' in height. Shall meet all of setback requirements of main structure(25' for single-story and 45' for two-story structure.) Under 200 sq. ft. = 10' side and rear. • No fence or accessory structure may encroach into side yard setback (L.D.C.) on street side. 									
PROJECT MANAGER:														

1) 10' rear buffer easement along Lots 18, 19, 20, 21, 22, 23, and 24; to remain undisturbed. 2) 6' high quality wooden fence with galvanized metal post along southern boundary of property.(Lots 18-24)	IMPACT FEES	
	TRAFFIC ZONE:	2
	LAND USE:	3
	1. ROAD-CO. WIDE	394.00
	2. ROAD-COLL.	79.00
	3. LIBRARY	54.00
	4. FIRE	172.00
	5. PARK	
	6. SCHOOL	639.00
	7. LAW	50.00/D.U
	TOTAL	\$1,388.00
	REMARKS: 4' sidewalk along Lots 37-58 only. Miami curb	



COPY

APPL. NO. BU 2006-160

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 from 10' to 5' for a proposed pool
 - 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**

RECEIVED
 AUG 30 2006
 SEMINOLE COUNTY PLANNING

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>TIMOTHY E. LOUGHRAN</u>	<u>SAME</u>
ADDRESS	<u>1189 AMANDA KAY CIR. SANFORD FL. 32771</u>	RECEIVED AUG 30 2006
PHONE 1	<u>407 321 5439</u>	
PHONE 2	<u>407 468 4898</u>	
E-MAIL	<u>TLOUGHRAN@CFL.PR.COM</u>	

PROJECT NAME: LOUGHRAN POOL

SITE ADDRESS: 1189 AMANDA KAY CIR. SANFORD, FL. 32771

CURRENT USE OF PROPERTY: RESIDENTIAL

LEGAL DESCRIPTION: LOT 4 FOREST COVE P655 P65 54+55

SIZE OF PROPERTY: .114 (50449.66) acre(s) PARCEL I.D. 20-19-30-509-0000-0040

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 10/30/06 (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]
 SIGNATURE OF OWNER OR AGENT* 8/30/06
DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

side yard 10' to 8' for a proposed pool

VARIANCE 3:

rear yard from 5' to 2' for a proposed pool screen enclosure

VARIANCE 4:

side yard from 5' to 4.5' for a proposed pool 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 R-AH / MDR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

MAP OF SURVEY

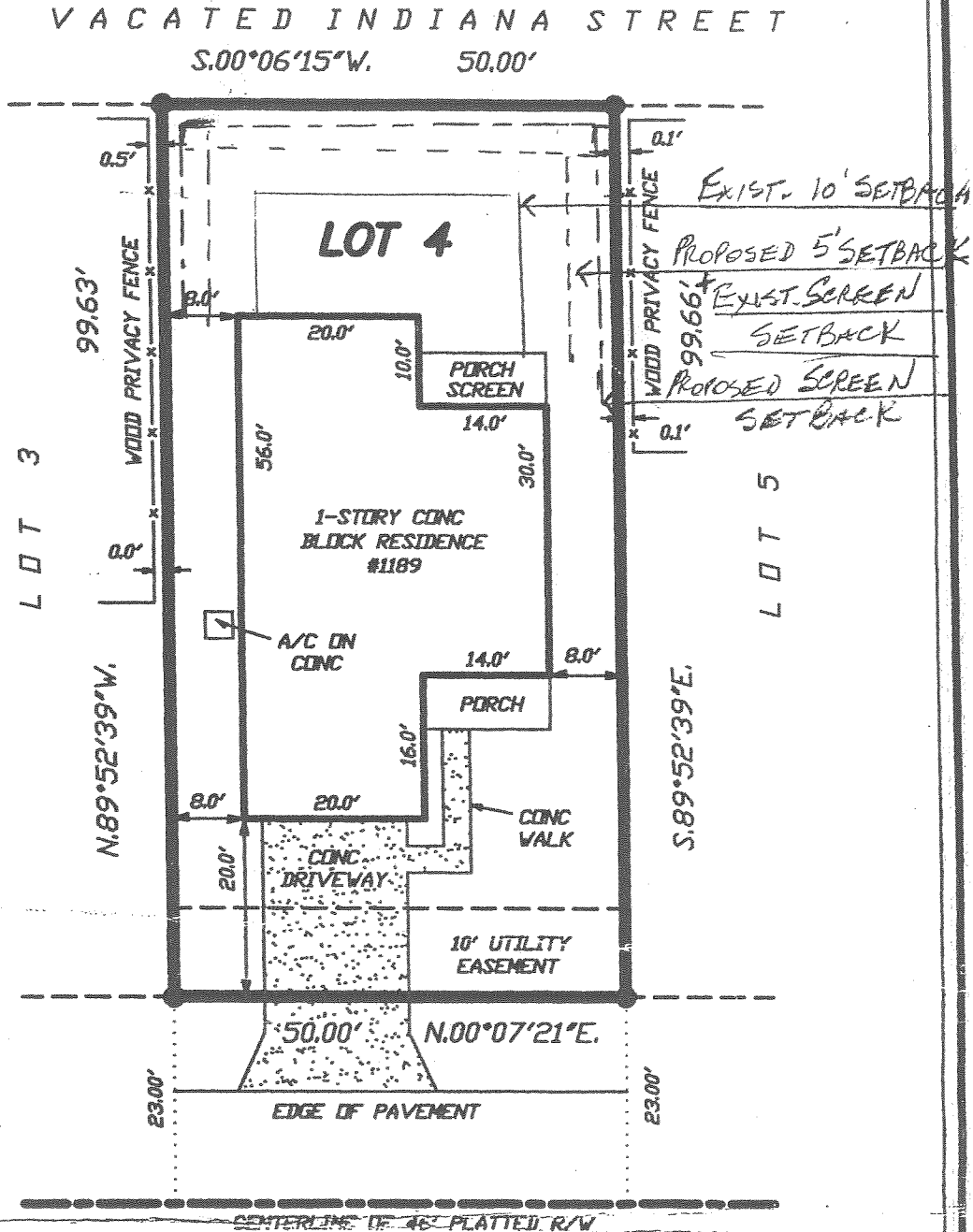


LEGEND

- CONC = CONCRETE
- R/W = RIGHT-OF-WAY
- PC = POINT OF CURVATURE
- = FOUND 5/8" IRON ROD #4671

NOTES :

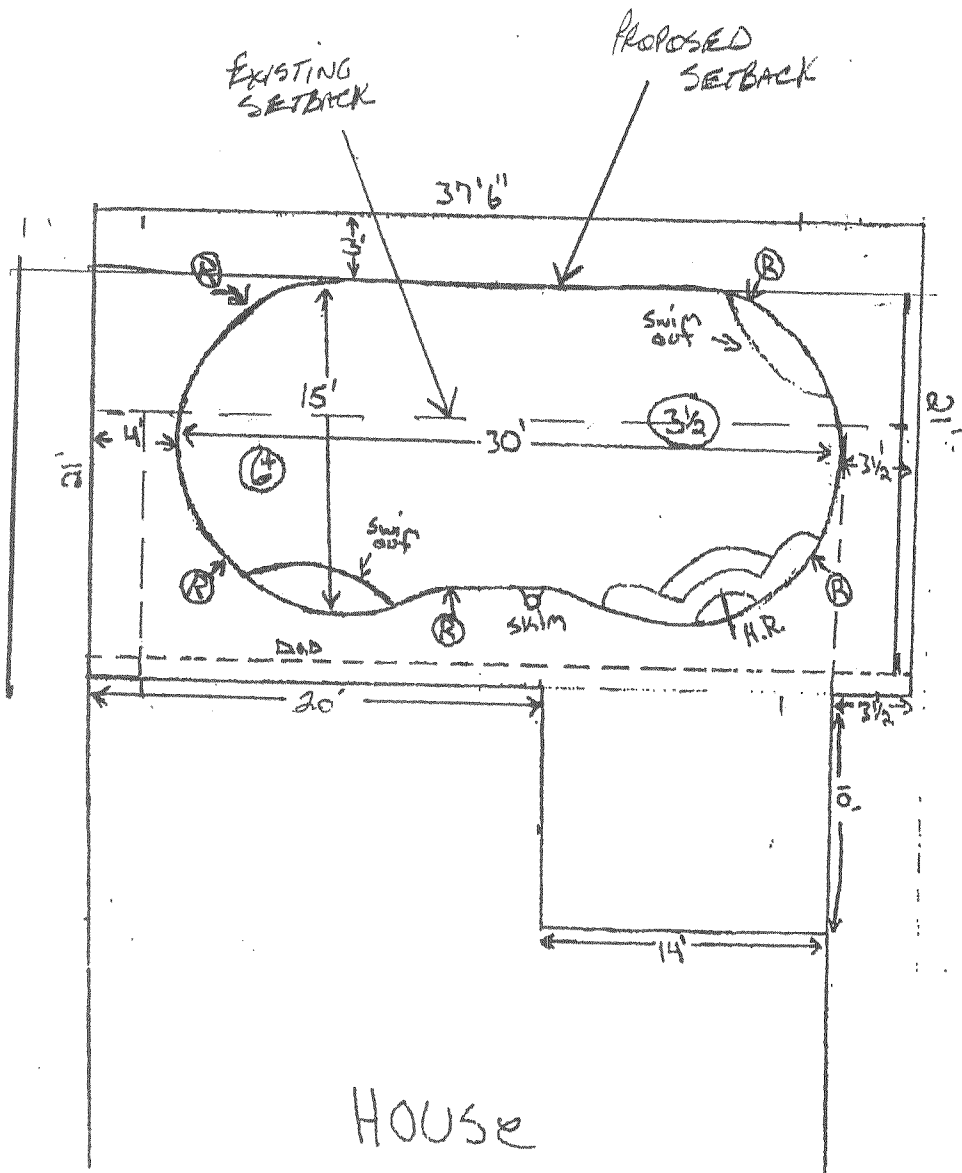
1. BEARINGS BASED ON THE N. LINE OF LOT 3 AS BEING S.89°52'39"E.
2. UNDERGROUND IMPROVEMENTS NOT LOCATED.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. SUBJECT PROPERTY LIES IN ZONE "X", PER FLOOD INSURANCE RATE MAP PANEL #120289 0030 E, DATED 4/17/95, AND LIES OUTSIDE THE 500-YEAR FLOOD PLAIN.
5. DATE OF FIELD SURVEY: 4/19/03.



BOUNDARY SURVEY

DESCRIPTION:

LOT 4, FOREST COVE, AS RECORDED IN PLAT BOOK 55, PAGES 54-55, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

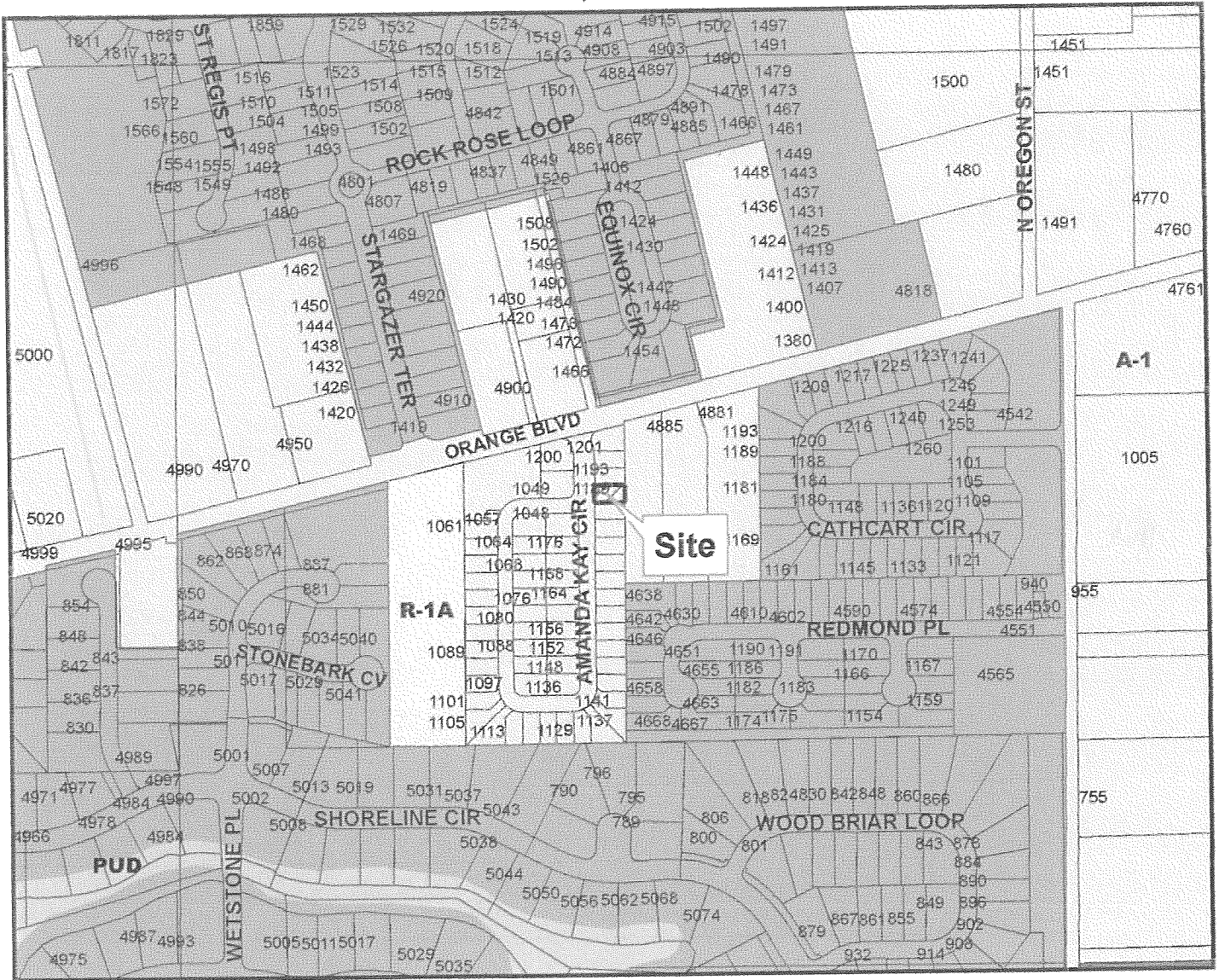


Pool PLAN

SCALE: 1/8" = 1'-0"







1. ELEVATION: DECK _____ BEAM: _____
2. DIG & HAUL: _____ DROP: _____
3. POOL SHAPE: freedom
4. DIMENSION: 15 x 30 x FT. POOL/DECK: 360 / 567
5. TILE: Choice 85' DEPTHS: 3 1/2 TO 6'
6. CAP TILE: 45'
7. DECKING TYPE: Acrylic COLOR: _____
8. DECK COPING: contoured
9. PUMP TYPE: Hayward SIZE: 1 1/2 HP
10. FILTER TYPE: Hayward SIZE: C1200
11. UNDERWATER LIGHT: FX
12. SANITIZER: Aqua Lite
13. AUTOMATIC TIMER: W
14. AUTOMATIC POOL CLEANER: plumb w/ valve
15. SKIMMER: W MAIN DRAIN: 2 RETURN INLETS: W
16. THERAPY JETS: _____ NO. OF JETS: 5
17. SWIM OUT: Y 2 HANDRAIL: Y 1'
18. INTERIOR FINISH: _____
19. TEST KIT: Y BRUSH NET & POLE: Y
20. MANUAL VAC: Y VAC. HOSE: Y
21. RAISED BEAM: _____ NO. OF LEVELS: _____
22. WATER FEATURES: _____
23. SPA: _____ THERAPY JETS: _____
24. SPA HEATER: _____ SPILLWAY: _____
25. POOL HEATING: _____
26. SCREEN ENCLOSURE: BRONZE: _____ WHITE: _____ ROOF STYLE: _____
27. DOORS: _____ GUTTERS & DOWNSPOUTS: _____
28. ALUMINUM ROOF: _____
29. FENCE: _____
30. TREE REMOVAL: _____ STUMP REMOVAL: _____
31. CONCRETE REMOVAL: _____
32. BUILDER: _____
33. OTHER: _____

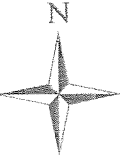
Timothy Loughran
 1189 Amanda Kay Cir
 Sanford, FL 32771

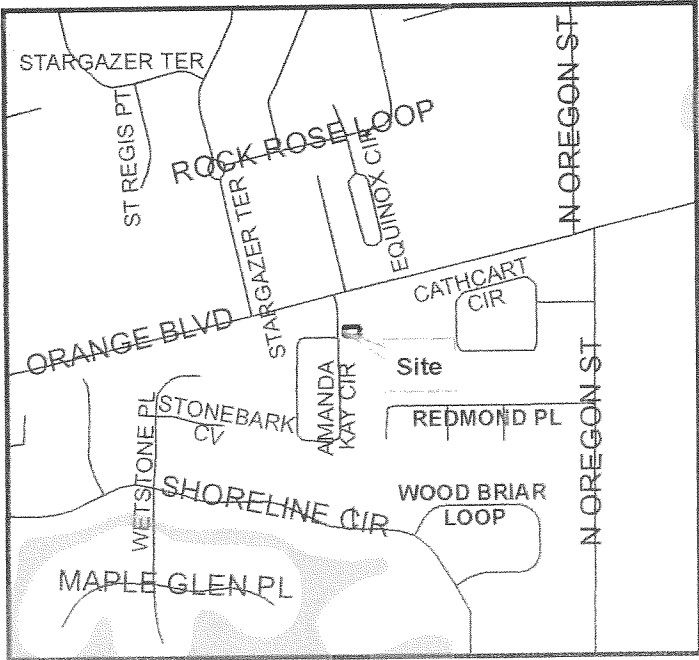


Seminole County Board of Adjustment
October 30, 2006
Case: BV2006-160
Parcel No: 20-19-30-509-0000-0040

Zoning

	BV2006-160		R-AH
	A-1		C-2
	R-1A		PUD

N




<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																						
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 20-19-30-509-0000-0040 Owner: LOUGHRAN TIMOTHY Mailing Address: 1189 AMANDA KAY CIR City,State,ZipCode: SANFORD FL 32771 Property Address: 1189 AMANDA KAY CIR SANFORD 32771 Subdivision Name: FOREST COVE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$100,622 Depreciated EXFT Value: \$643 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$136,265 Assessed Value (SOH): \$97,536 Exempt Value: \$25,000 Taxable Value: \$72,536 Tax Estimator 2006 Notice of Proposed Property Tax</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 Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>05/2003</td> <td>04824 0022</td> <td>\$108,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>03/2003</td> <td>04749 1502</td> <td>\$86,700</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>03/2001</td> <td>04032 0698</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>02/2001</td> <td>04003 1957</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/2000</td> <td>03949 0293</td> <td>\$94,900</td> <td>Improved</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	WARRANTY DEED	05/2003	04824 0022	\$108,000	Improved	Yes	CERTIFICATE OF TITLE	03/2003	04749 1502	\$86,700	Improved	No	CORRECTIVE DEED	03/2001	04032 0698	\$100	Improved	No	CORRECTIVE DEED	02/2001	04003 1957	\$100	Improved	No	WARRANTY DEED	10/2000	03949 0293	\$94,900	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,395 2005 Tax Bill Amount: \$1,142 Save Our Homes (SOH) Savings: \$253 2005 Taxable Value: \$69,695 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i></p> <p><i>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</i></p>																																						

Timothy E. Loughran
1189 Amanda Kay Cir.
Sanford, Fl. 32771-7191
(407) 321-5939 Cell (407) 468-4898
Email: tloughran@cfl.rr.com.

Attention: BOA
Seminole County Planning & Development Department
Planning Division
1101 East First Street (Room 2201)
Sanford, Fl. 32771
(407) 665-7444 Fax (407) 665-7385

To Whom It May Concern:

I am requesting a variance at the above-mentioned property to install a swimming pool. I was not aware of the setback requirements when I purchased the property. The side and rear yard setbacks are 10' but the house is only 8' from the property line on either side. In order to build a reasonable size pool I request the side and rear yard setbacks be changed from 10' to 5' and the screen enclosure setback from 5' to 2'. I am aware there have been other variances granted for the same reason in this subdivision. There are no utilities that would be affected as they are all in the front easement. There are no trees to be removed and I am on Seminole County water and sewer. I appreciate your consideration in this matter.

Sincerely,

Timothy E. Loughran

October 10, 2006

To Whom It May Concern:

We, Marshall and Cydney Fikes, of 1193 Amanda Kay Circle, Sanford, FL, are aware of Tim Loughran's plans to install a pool on his property at 1189 Amanda Kay Circle, Sanford, FL and that he will need to obtain a variance to do so. We have no objections to this plan and are confident Mr. Loughran will do all in his power to make sure all precautions are taken in his plans.

Marshall and Cydney Fikes



1193 Amanda Kay Circle
Sanford, FL 32771

10-19-06AC:42 RCVD

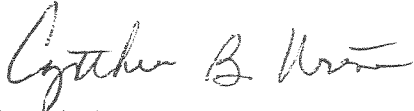
October 11, 2006

To Whom It May Concern:

My neighbor, Tim Loughran who resides at 1189 Amanda Kay Circle, Sanford, Florida has my consent to build a pool in his backyard. This letter is to inform you I am in agreement with his plans.

If you need further documentation, please do not hesitate to contact me.

Thank you.



Cynthia B. Ureña
1185 Amanda Kay Circle
Sanford, FL 32771
407 221-6082

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 30, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4 FOREST COVE PB 55 PGS 54 & 55

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

FINDINGS OF FACT

Property Owner: Timothy Loughran
1189 Amanda Kay Circle
Sanford, FL 32771

Project Name: Amanda Kay Circle (1189)

Requested Development Approval:

Request for (1) a rear yard setback variance from 10 feet to 5 feet for a proposed pool; (2) a side yard (south) setback variance from 10 feet to 8 feet for a proposed pool; (3) a rear yard setback variance from 5 feet to 2 feet for a proposed pool screen enclosure; and (4) a side yard (south) setback variance from 5 feet to 4.5 feet for a proposed pool screen enclosure in the R-AH (Affordable Housing 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 and 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: _____
April Boswell
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: