

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 569 Tulane Drive – Miguel & Evelyn Chico, applicants; Request for a 1) rear and side yard (east) setback variance from 10 feet to 6 feet for a proposed pool and 2) a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed pool screen enclosure in R-1 (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

**Agenda Date** 5/21/07 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a 1) rear and side yard (east) setback variance from 10 feet to 6 feet for a proposed pool and 2) a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed pool screen enclosure in R-1 (Single Family Dwelling District); or
2. **APPROVE** the request for 1) a rear and side yard (east) setback variance from 10 feet to 6 feet for a proposed pool and 2) a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed pool screen enclosure in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant:	Miguel & Evelyn Chico
	Location:	569 Tulane Drive
	Zoning:	R-1 (Single Family Dwelling District)
	Subdivision:	Weathersfield 2 <sup>nd</sup> Addition
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicants propose to construct a pool that would encroach 4 feet into the required 10-foot rear and side yard setback.</li> <li>• The applicants also propose to construct a pool screen enclosure that would encroach 2.5 feet into the required 7.5-foot side yard setback.</li> </ul>	

	<ul style="list-style-type: none"><li>• There are currently no code enforcement or building violations for this property.</li><li>• There is no record of prior variances 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.</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 variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>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:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the pool &amp; 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>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2007-41  
Meeting Date 5-21-07



VARIANCE APPLICATION **COPY**  
SEMIOLE COUNTY PLANNING DIVISION  
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED MAR 30 2007

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Miguel And Evelyn Chico  
Address: 569 TULANE DRIVE City: Altamonte Zip code: 32714  
Project Address: SAME AS ABOVE City: Spring Zip code: \_\_\_\_\_  
Contact number(s): (407) 830-1808  
Email address: evelyn119@yahoo.com

Is the property available for inspection without an appointment?  Yes  No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input checked="" type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAR 30 2007

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>10 ft.</u>	Proposed setback: <u>6 ft. Pool</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10 ft.</u>	Proposed setback: <u>6 ft. Pool</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input checked="" type="checkbox"/> <u>side</u> yard setback	Required setback:	<u>7.5 ft.</u>	Proposed setback: <u>5 ft. screen enclosure</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Evelyn Chico

**FOR OFFICE USE ONLY**

Date Submitted: 3-30-07 Reviewed By: \_\_\_\_\_  
 Tax parcel number: 15-21-29-509-1600-0060 Zoning/FLU R-1/LDR  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)  
 Platted Lot (check easements as shown on lots, in notes or in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

If interests may appear.

# TULANE DRIVE 60' R/W



Scale: 1"=20'

589'39'20"E 64.00'

17.50'

ICK  
RNER

FLP. 1/2"

FLP. 1/2"

N00°20'40"E 110.00'

CHAIN LINK FENCE  
0.5' OFF PROP. LINE

S00°20'40"W 110.00'

LOT 5

LOT 7

COVD  
ENTRY

LOT 6  
1 - STORY  
RESIDENCE

CHAIN LINK FENCE  
0.5' OFF PROP. LINE

FLP. 1/2"

FLP. 1/2"

- ███ BLOCK WALL
- △ CENTRAL ANGLE/Delta
- ▭ DEED BOOK
- DESCRIPTION OR DEED
- H OLL HOLE
- H OLL HOLE
- H OLL HOLE
- H OLL HOLE

CHAIN LINK FENCE  
27' OFF PROP. LINE

Property Address:  
569 Tulane Drive  
Altamonte Springs, FL

DATE/TIME

DATE/TIME

BU 2007-41  
Item # 10

May 9, 2007

To Whom It May Concern:

I have been informed by my neighbors Miguel and Evelyn Chico, of their plans to have an in-ground pool and a screen enclosure in their backyard area. Our property is located on the left-side of The Chico Family yard and currently my property is fenced with a 6 feet tall fence which gives us both the privacy needed. My wife and I have no objections to their plans.

Sincerely, *Miguel Torres*

Miguel Torres  
573 Tulane Drive  
Altamonte Springs, FL 32714

BU 2007-41  
Item # 10

5/8/2007

To Whom it May Concern:

I have been informed by my neighbors, the Chico family of their plans to screen their backyard area and install an in-ground pool.

Our property is behind their home and we have no objection to their plans.

Sincerely,

Ronda and Freddy Muschamp  
564 Notre Dame Dr  
Altamonte Springs, FL

(407) 786-5656






32714

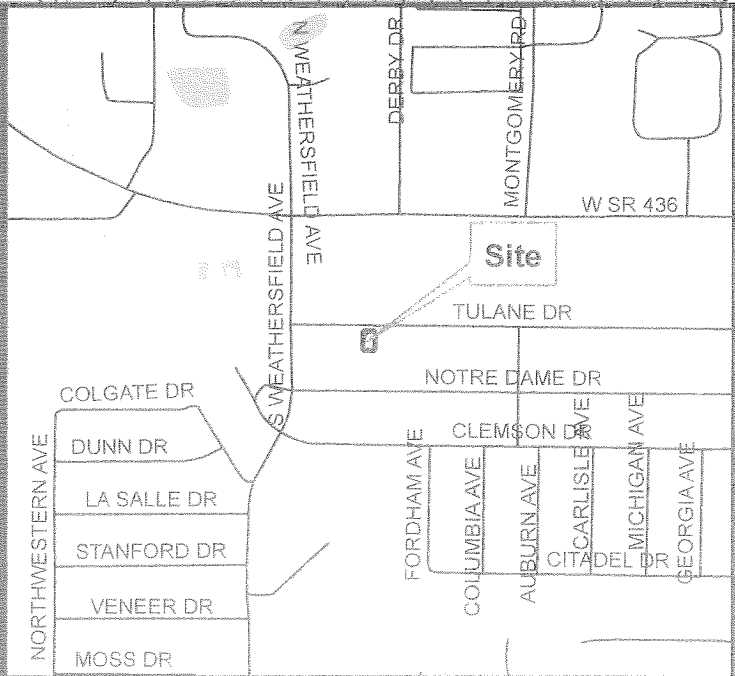
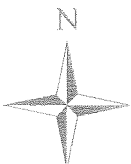


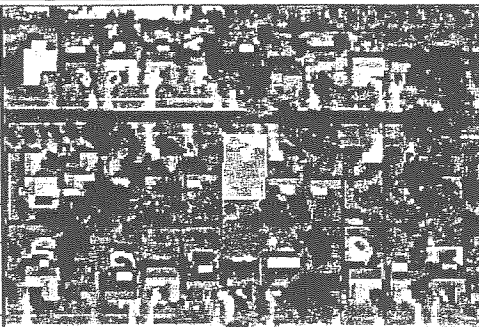
Evelyn & Miguel Chico  
 569 Tulane Drive  
 Altamonte Springs, Florida 32714



Seminole County Board of Adjustment  
 May 21, 2007  
 Case: BV2007-41 (Map 3155, Grid B7)  
 Parcel No: 15-21-29-509-1600-0060

- Zoning**
-  BV2007-41
  -  A-1
  -  R-1
  -  R-3A
  -  C-2



<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 407-665-7506</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td colspan="11">TULANE DR</td></tr> <tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td>34</td><td>33</td><td>32</td><td>31</td><td>30</td><td>29</td><td>28</td><td>27</td><td>26</td><td>25</td><td>24</td></tr> </table>	1	2	3	4	5	6	7	8	9	10	11	TULANE DR											1	2	3	4	5	6	7	8	9	10	11	34	33	32	31	30	29	28	27	26	25	24																				
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<p><b>GENERAL</b></p> <p>Parcel Id: 15-21-29-509-1600-0060</p> <p>Owner: CHICO MIGUEL JR &amp; EVELYN</p> <p>Mailing Address: 569 TULANE DR</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32714</p> <p>Property Address: 569 TULANE DR ALTAMONTE SPRINGS 32714</p> <p>Subdivision Name: WEATHERSFIELD 2ND ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2003)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$136,804</p> <p>Depreciated EXFT Value: \$480</p> <p>Land Value (Market): \$33,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$170,284</p> <p>Assessed Value (SOH): \$107,437</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$82,437</p> <p>Tax Estimator</p>																																																															
<p><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>08/2002</td><td>04493</td><td>0729</td><td>\$119,000</td><td>Improved</td><td>Yes</td></tr> <tr><td>WARRANTY DEED</td><td>03/2001</td><td>04029</td><td>1280</td><td>\$97,500</td><td>Improved</td><td>Yes</td></tr> <tr><td>QUIT CLAIM DEED</td><td>03/1996</td><td>03154</td><td>0651</td><td>\$100</td><td>Improved</td><td>No</td></tr> <tr><td>QUIT CLAIM DEED</td><td>08/1996</td><td>03142</td><td>0747</td><td>\$100</td><td>Improved</td><td>No</td></tr> <tr><td>QUIT CLAIM DEED</td><td>10/1992</td><td>02497</td><td>0079</td><td>\$100</td><td>Improved</td><td>No</td></tr> <tr><td>WARRANTY DEED</td><td>10/1992</td><td>02489</td><td>1274</td><td>\$69,500</td><td>Improved</td><td>Yes</td></tr> <tr><td>WARRANTY DEED</td><td>03/1981</td><td>01323</td><td>0137</td><td>\$52,900</td><td>Improved</td><td>Yes</td></tr> <tr><td>WARRANTY DEED</td><td>01/1971</td><td>00896</td><td>0456</td><td>\$21,300</td><td>Improved</td><td>Yes</td></tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/2002	04493	0729	\$119,000	Improved	Yes	WARRANTY DEED	03/2001	04029	1280	\$97,500	Improved	Yes	QUIT CLAIM DEED	03/1996	03154	0651	\$100	Improved	No	QUIT CLAIM DEED	08/1996	03142	0747	\$100	Improved	No	QUIT CLAIM DEED	10/1992	02497	0079	\$100	Improved	No	WARRANTY DEED	10/1992	02489	1274	\$69,500	Improved	Yes	WARRANTY DEED	03/1981	01323	0137	\$52,900	Improved	Yes	WARRANTY DEED	01/1971	00896	0456	\$21,300	Improved	Yes	<p><b>2006 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$2,197</p> <p>2006 Tax Bill Amount: \$1,286</p> <p>Save Our Homes (SOH) Savings: \$911</p> <p>2006 Taxable Value: \$79,817</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 21, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 6 BLK 16  
WEATHERSFIELD 2ND ADD PB 12 PG 103

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

### FINDINGS OF FACT

**Property Owner:** Miguel & Evelyn Chico  
569 Tulane Dr  
Altamonte Springs, Fl 32714

**Project Name:** Tulane Drive (569)

**Requested Development Approval:**

Request for 1) a rear and side yard (east) setback variance from 10 feet to 6 feet for a proposed pool and 2) a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed pool screen enclosure in R-1 (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: Joy Williams, 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 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: \_\_\_\_\_  
Dori Debord,  
Planning & Development Director

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 \_\_\_\_\_, 2007.

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

My Commission Expires: