

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

SUBJECT: 5714 Bassett Place – Southern Pool Designs, applicant; Request for a side yard (north) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AAA (Single Family Dwelling District).

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

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

Agenda Date 07/23/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a side yard (north) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AAA (Single Family Dwelling District); or
2. **APPROVE** the request for a side yard (north) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AAA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Southern Pool Designs Owner: John & Janet Fyles Location: 5714 Bassett Place Zoning: R-1AAA (Single Family Dwelling District) Subdivision: Wilson Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool screen enclosure that would encroach 3 feet into the required 10-foot side yard (north) setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<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 variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<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">• Any variance granted shall apply only to the 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.

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 # BV2007-73
Meeting Date 7-23-07



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

COPY

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

Name: Southern Pool Designs / MARK NEUJAHN
Address: _____ City: _____ Zip code: _____
Project Address: 5714 Bissett Place City: SANFORD Zip code: 32771
Contact number(s): (407) 947-1930 cell (407) 339-5800 office
Email address: _____

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 type="checkbox"/> Pool	Please describe:
<input checked="" 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 MAY 31 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 type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10</u>	Proposed setback:	<u>7</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 type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

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: Mark Neujahn (on behalf of John James Fyles)

FOR OFFICE USE ONLY

Date Submitted: 5-31-07 Reviewed By: P. Johnson
Tax parcel number: 31-19-30-505-0000-0010 Zoning/FLU R-1AAA/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!

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.

1. Completed application.
2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
<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 or addition (Label existing, label proposed, and include square footage and dimensions of each)
<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
<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 (ex: water, sewer, well or septic)
4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

Herz & Associates Inc.

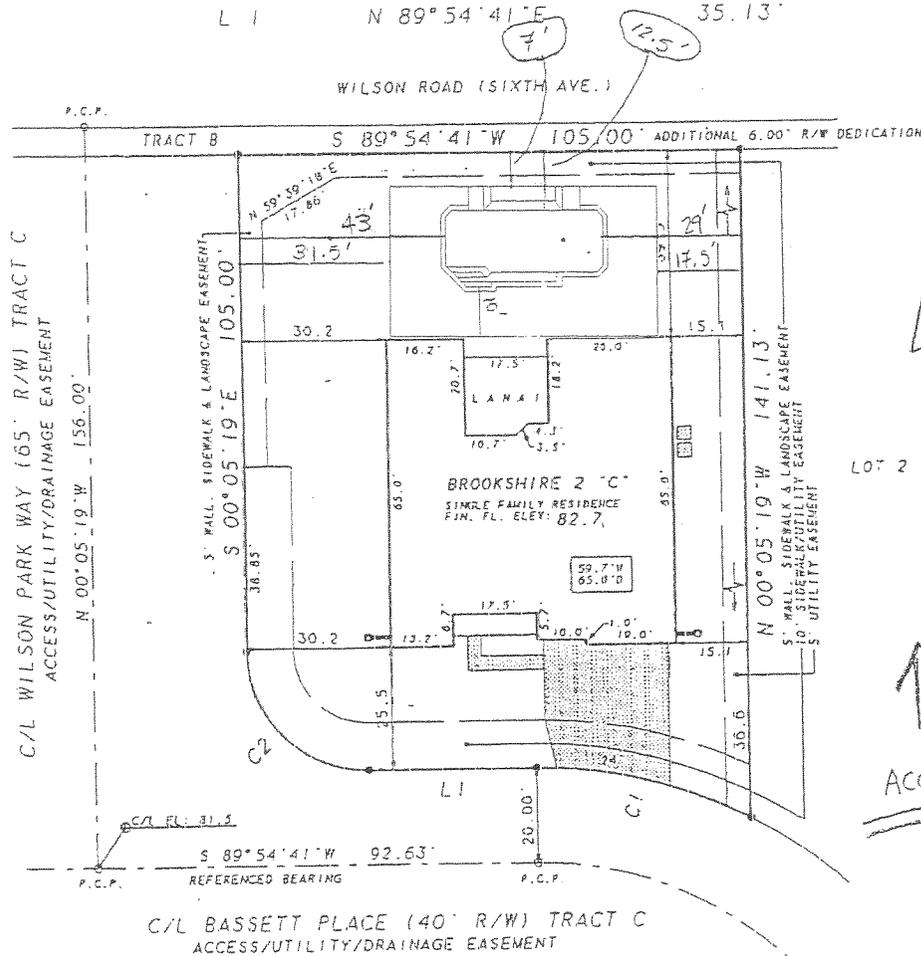
Land Surveyors

769 Douglas Avenue, Altamonte Springs, Florida. 32714 (407)788-8808

Member of the Florida Surveying and Mapping Society and American Congress on Surveying and Mapping

CURVE	DELTA ANGLE	RADIUS	Map of Survey	CHORD	CHORD BEARING
C 1	27° 51' 56"	96.00'	46.69'	23.82'	S 76° 09' 21" E
C 2	90° 00' 00"	25.00'	39.27'	25.00'	S 45° 05' 19" E

LINE	BEARING	DISTANCE
L 1	N 89° 54' 41" E	35.13'



LEGAL DESCRIPTION: Lot 1, "WILSON PARK" according to the plat thereof as recorded in Plat Book 70, at pages 24 - 28 of the Public Records of Seminole County, Florida.

FLOOD HAZARD DATA: The Parcel shown hereon lies within Flood Zone "X", according to the Flood Insurance Rate Map Community Panel Number 120289 0040E, Dated 04/17/95.

Flood Zone determination was performed by graphic plotting from Flood Insurance Rate Maps provided by FEMA. No field surveying was performed by this Firm to determine this Zone. The exact zone location can only be determined by an elevation study. We assume no responsibility for actual flooding conditions concerning this parcel.

SETBACKS:
Front 25' Rear 30'
Side 10' Corner 25'

Note: Bearings shown hereon are referenced to the C/L of BASSETT PLACE as being S 89° 54' 41" W.

Vertical datum is based on NGVD per Engineering construction plans by Florida Land Design, Inc. Project No. 338-01-201

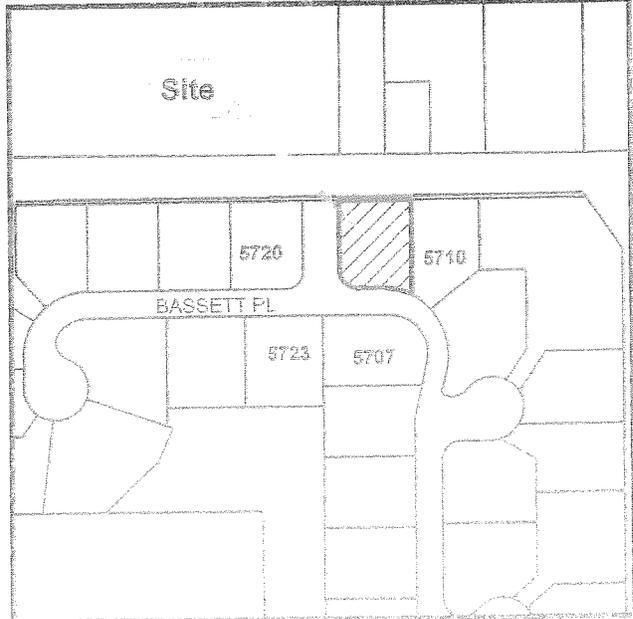
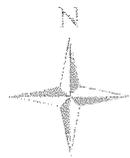
DRIVEWAY: 705.50 FT.

Southern Pool Designs/Mark Neujahr
5714 Bassett Place
Sanford, Florida 32771



Seminole County Board of Adjustment
July 23, 2007
Case: BV2007-73 (Map 3051, Grid B2)
Parcel No: 31-19-30-505-0000-0010

- Zoning
- BV2007-73
 - A-1
 - R-1AAA
 - PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, 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>29 30</p> <p>31</p> <p>WILSON RD</p> <p>TRACTS</p> <p>TRACT C BASSETT PL TRACT E</p> <p>18.0</p> <p>19.0</p> <p>20.0</p> <p>21.0</p> <p>22.0</p> <p>PK</p> <p>00P01</p>																																																																				
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 31-19-30-505-0000-0010</p> <p>Owner: FYLES JOHN J & JANET E</p> <p>Mailing Address: 1401 WILSON PARK WAY</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 1401 WILSON PARK WAY SANFORD 32771</p> <p>Subdivision Name: WILSON PARK</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2007)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$464,140</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$80,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$544,140</p> <p>Assessed Value (SOH): \$544,140</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$519,140</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>WARRANTY DEED</td> <td>12/2006</td> <td>06566</td> <td>1132</td> <td>\$650,000</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	12/2006	06566	1132	\$650,000	Improved	Yes	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$1,531</p> <p>2006 Taxable Value: \$95,000</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																																					
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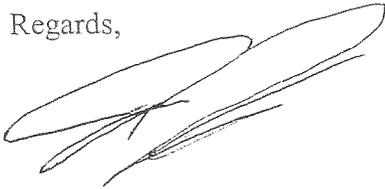
5714 Bassett Place
Sanford FL, 32771

May 30, 2007

To Whom it May Concern:

For the purposes of securing a variance on the property at 5714 Bassett Place, Sanford FL, 32771 – to allow for the completion of the construction of our swimming pool - please allow the firm of Southern Pool Designs to act on my behalf.

Regards,

A handwritten signature in black ink, appearing to read 'John James Fyles', written in a cursive style.

John James Fyles

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 23, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 1
WILSON PARK PB 70 PGS 24-28

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

FINDINGS OF FACT

Property Owner: John J. & Janet E. Fyles
5714 Bassett Pl
Sanford, FL 32771

Project Name: Bassett Place (5714)

Requested Development Approval:

Request for a side yard (north) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AAA (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 L. 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: