

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1811 Beacon Drive – Michael & Patricia Gallagher, applicant; Request for a (1) rear yard setback variance from 30 feet to 6 feet for a proposed pool, and a (2) rear yard setback variance from 25 feet to 3 feet, and a (3) side yard setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 5/19/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a (1) rear yard setback variance from 30 feet to 6 feet for a proposed pool, and a (2) rear yard setback variance from 25 feet to 3 feet, and a (3) side yard setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); or
2. **Approve** the request for a (1) rear yard setback variance from 30 feet to 6 feet for a proposed pool, and a (2) rear yard setback variance from 25 feet to 3 feet, and a (3) side yard setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Michael & Patricia Gallagher Location: 1811 Beacon Dr Zoning: R-1AA (Single Family Dwelling District) Subdivision: St Johns River Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool that would encroach 24 feet into the required 30-foot rear yard setback. • The applicant also proposes to construct a pool screen enclosure that would encroach 3 feet into the required 10-foot side yard setback; and also encroach 22 feet

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>into the required 25-foot rear yard setback.</p> <ul style="list-style-type: none"> • The applicant's lot abuts a canal; per Sec. 30.1345.1 of the Seminole County Land Development Code; no pool shall be less than 30 feet, and no pool screen enclosure shall be less than 25 feet from a natural shoreline as determined by the mean high water mark. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
<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"> • 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. <i>Approximately 45 feet of the rear yard is designated as a canal.</i> • Special conditions and circumstances do not 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.
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 and 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.
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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
- Applicant Authorization Form
- 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 # BV 2008-39
Meeting Date 5-19-08



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: Michael & Patricia Gallagher
Address: 1811 Beacon Dr. City: Sanford Zip code: 32771
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 324-4255 hm. (321) 262-4604 Michael's cell #
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 checked="" 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 MAR 31 2008

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>30ft</u>	Proposed setback:	<u>6ft</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10ft</u>	Proposed setback:	<u>7ft</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>Rear</u> yard setback	Required setback:	<u>25ft</u>	Proposed setback:	<u>3ft</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>3</u>				

pool screen enclosure
pool screen enclosure

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: Patricia A Gallagher

FOR OFFICE USE ONLY

Date Submitted: 3-31-08 Reviewed By: P. Johnson
 Tax parcel number: 17-19-30-501-0300-0020 Zoning/FLU R-1AA / LOR
 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: _____

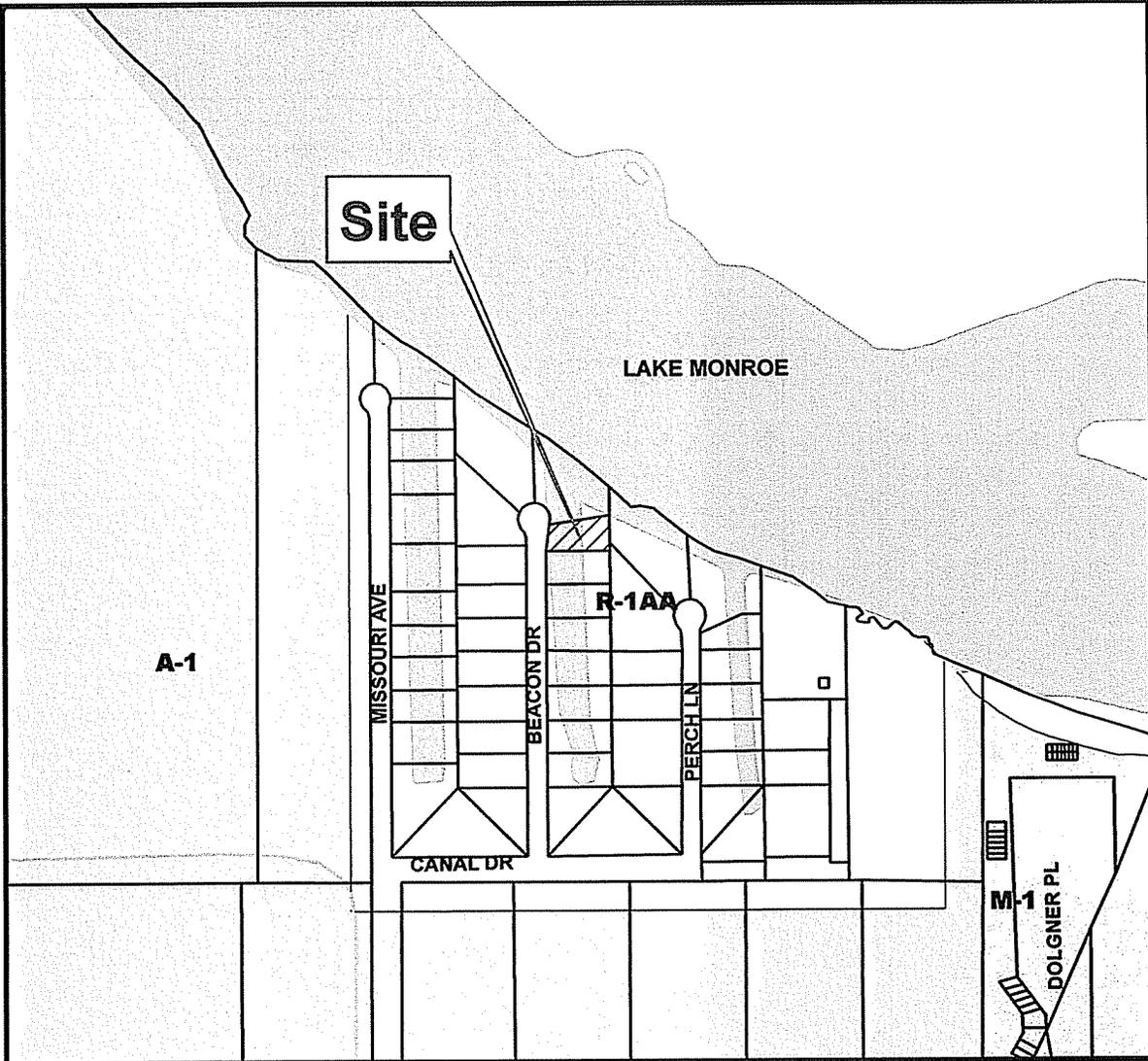
VARIANCE SUBMITTAL CHECKLIST

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). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ 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 <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.

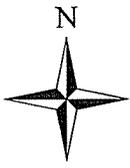
Michael & Patricia Gallagher
1811 Beacon Drive
Sanford, Florida 32771



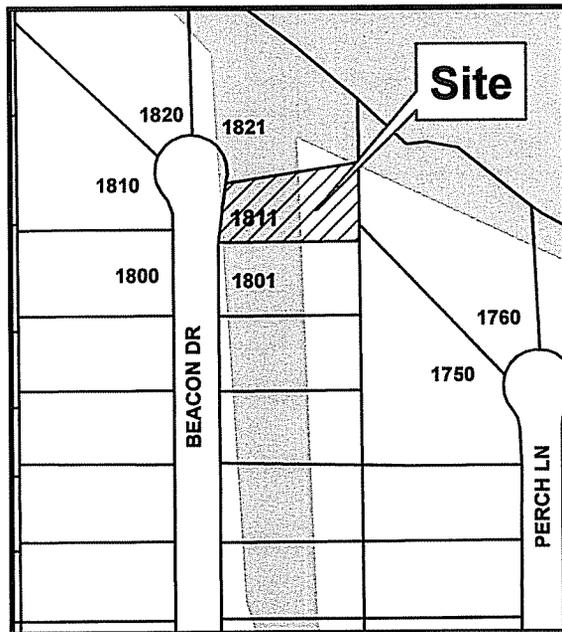
Seminole County Board of Adjustment
May 19, 2008
Case: BV2008-38 (Map 2999, Grid E4)
Parcel No: 17-19-30-501-0B00-0020

Zoning

-  BV2008-38
-  A-1
-  R-1AA
-  M-1



A north arrow is located at the bottom center of the text block.



<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 407-855-7506</p>																																						
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-19-30-501-0B00-0020</p> <p>Owner: GALLAGHER MICHAEL P & PATRICIA</p> <p>Mailing Address: 1811 BEACON DR</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 1811 BEACON DR SANFORD 32771</p> <p>Subdivision Name: ST JOHNS RIVER ESTATES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1997)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$311,336</p> <p>Depreciated EXFT Value: \$3,576</p> <p>Land Value (Market): \$112,200</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$427,112</p> <p>Assessed Value (SOH): \$266,230</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$241,230</p> <p style="text-align: center;"><u>Tax Estimator</u> <u>Portability Calculator</u></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>01/2000</td> <td>03795 0591</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1994</td> <td>02779 0275</td> <td>\$155,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>05/1991</td> <td>02305 0988</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01113 0517</td> <td>\$48,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1973</td> <td>00965 0108</td> <td>\$9,000</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	01/2000	03795 0591	\$100	Improved	No	WARRANTY DEED	05/1994	02779 0275	\$155,500	Improved	Yes	QUIT CLAIM DEED	05/1991	02305 0988	\$100	Improved	No	WARRANTY DEED	01/1977	01113 0517	\$48,900	Improved	Yes	WARRANTY DEED	01/1973	00965 0108	\$9,000	Vacant	No	<p style="text-align: center;">2007 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$6,197</p> <p>2007 Tax Bill Amount: \$3,448</p> <p>Save Our Homes (SOH) Savings: \$2,749</p> <p>2007 Taxable Value: \$233,476</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book Page	Amount	Vac/Imp	Qualified																																	
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<p style="text-align: center;">LAND</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>FRONT FOOT & DEPTH</td> <td>85</td> <td>113</td> <td>.000</td> <td>1,500.00</td> <td>\$112,200</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	85	113	.000	1,500.00	\$112,200	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>LEG LOT 2 BLK B ST JOHNS RIVER ESTATES PB 13 PG 54</p>																								
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																	
FRONT FOOT & DEPTH	85	113	.000	1,500.00	\$112,200																																	
BUILDING INFORMATION																																						
	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																												
<u>Building Sketch</u>	1	SINGLE FAMILY	1976	11	1,204	4,630	3,284	CB/STUCCO FINISH	\$311,336	\$332,980																												
	Appendage / Sqft		BASE / 400																																			
	Appendage / Sqft		OPEN PORCH FINISHED / 205																																			
	Appendage / Sqft		CARPORT FINISHED / 400																																			
	Appendage / Sqft		GARAGE FINISHED / 616																																			
	Appendage / Sqft		OPEN PORCH FINISHED / 125																																			
	Appendage / Sqft		UPPER STORY FINISHED / 1680																																			
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																						
Permits:																																						
EXTRA FEATURE																																						

Description	Year Blt	Units	EXFT Value	Est. Cost New
SEAWALL	1995	760	\$3,576	\$4,560

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Michael Gallagher
Address: 1811 Beacon Dr
City/Zip: Sanford FL 32771
Phone #: 407.324.4255 - home
321.262.4604 - cell

Name: Patricia Gallagher
Address: 1811 Beacon Dr
City/Zip: Sanford FL 32771
Phone #: 407.324.4255 / 321.262.3179 - cell

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____
Trustees: _____
Address: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____	Name of Partnership: _____
Principal: _____	Principal: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee:	Contract Vendee:
Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

03.31.08
Date

Patricia A. Gallagher
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 31st day of MARCH, 2008 by PATRICIA

Gallagher

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification

Type of Identification Produced G426-681-65-551-D

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 BLK B
ST JOHNS RIVER ESTATES PB 13 PG 54

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

FINDINGS OF FACT

Property Owner: Michael & Patricia Gallagher
1811 Beacon Dr
Sanford, FL 32771

Project Name: Beacon Drive (1811)

Requested Development Approval:

Request for a (1) rear yard setback variance from 30 feet to 6 feet for a proposed pool, and a (2) rear yard setback variance from 25 feet to 3 feet, and a (3) side yard setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District).

The Development Approval was sought to allow for a pool & pool screen enclosure to encroach within the required rear and side yard setbacks. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 BLK B
ST JOHNS RIVER ESTATES PB 13 PG 54

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All six criteria for granting a variance under the Land Development Code have been satisfied.

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:
 - a. The variance granted will apply only to the pool and 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: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Boundary Survey for Michael P. Gallagher

Lot 2, Block B,
ST. JOHNS RIVER ESTATES
Plat Book 13, Page 54,
Seминоle County, Florida

SITE PLAN

Lot 19
Block B

500° 00' 00" E 85.00'

