

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 626 Grand Cypress Point – Andrea Kaye, applicant; Request for 1) a rear yard setback from water body variance from 30 feet to 7 feet for a proposed pool and 2) a rear yard setback from water body variance from 25 feet to 5 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 10/27/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a rear yard setback from water body variance from 30 feet to 7 feet for a proposed pool and 2) a rear yard setback from water body variance from 25 feet to 5 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district.; or
2. **Approve** the request for 1) a rear yard setback from water body variance from 30 feet to 7 feet for a proposed pool and 2) a rear yard setback from water body variance from 25 feet to 5 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district.; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Andrea Kaye Location: 626 Grand Cypress Point Zoning: R-1A (Single Family Dwelling) Subdivision: Lake Sylvan Cove
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool that will encroach 23 feet into the required 30-foot rear yard setback from water body and pool screen enclosure that will encroach 20 feet into the required 25-foot rear yard setback from water body. • The pool and pool screen enclosure will also be constructed within a drainage easement which is

Reviewed by:
Co Atty:
Pln Mgr:

	<p>required to be vacated. Utilization of any variance granted is subject to this easement being vacated.</p> <ul style="list-style-type: none"> • 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"> • 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.
<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.

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

COPY

Application # BV 2009-95
Meeting Date 10-27-09



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: Andrea Kaye
Address: 624 GRAND CYPRESS POINT City: SANFORD Zip code: 32771
Project Address: SAME AS ABOVE City: _____ Zip code: _____
Contact number(s): (407) 463-4903
Email address: _____

Is the property available for inspection without an appointment? Yes No If gated please provide a gate code to staff. RECEIVED SEP 03 2008

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"/> Covered screen room	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.	

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>7ft. pool</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<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>5ft. pool 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: Andrea Kaye

BOUNDARY SURVEY
"LOISEL PROPERTY"
626 GRAND CYPRESS POINT, SANFORD, FLORIDA

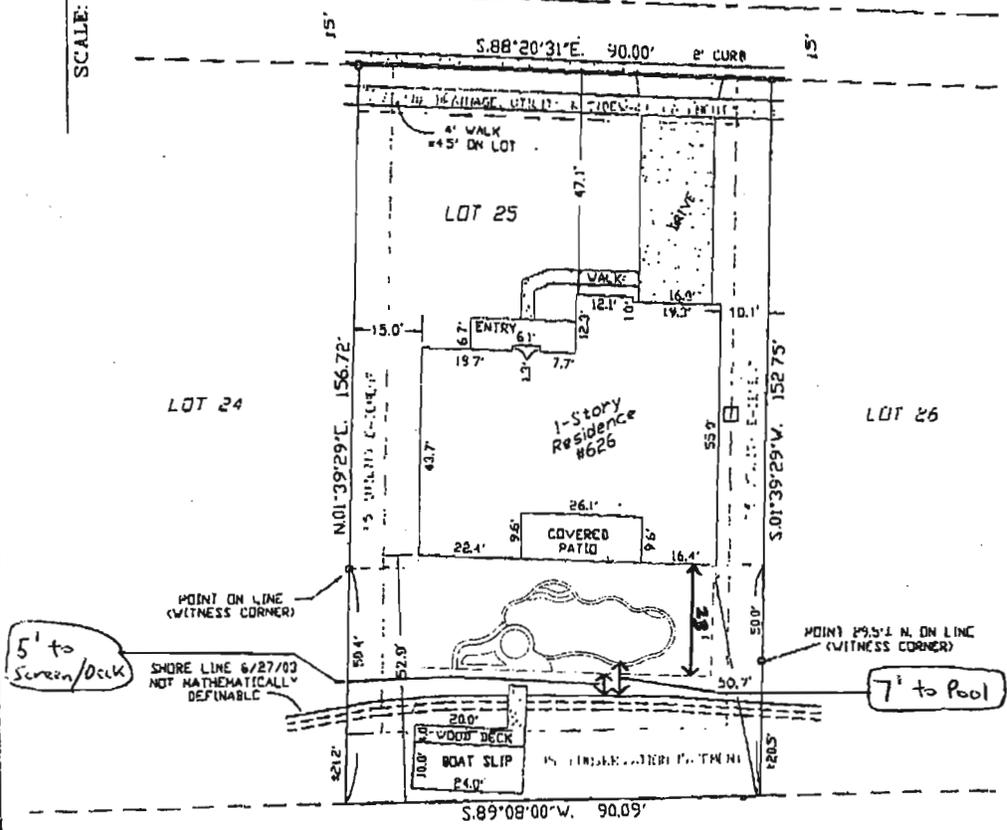
LEGAL DESCRIPTION

LOT 25, LAKE SYLVAN COVE, A SUBDIVISION ACCORDING TO THE PLAT OR MAP THEREOF AS DESCRIBED IN PLAT BOOK 42, PAGE(S) 69-74, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

N.
SCALE: 1" = 30'

GRAND CYPRESS POINT

30' RIGHT-OF-WAY (P)
(PAVED PUBLIC ROADWAY)



LEGEND

- = CONCRETE
- = AS PER PLAT
- = AS PER FIELD MEASUREMENT
- = WOOD FENCE
- = CHAIN LINK FENCE
- = WIRE FENCE
- = RECOVERED MONUMENTATION

TRACT "C"
PARK AREA

CERTIFIED TO:
EQUITABLE TITLE AGENCY, INC.,
JAMES LOISEL & MICHELLE LOISEL,
CHEY CHASE BANK, F.S.B.,
LAWYERS TITLE INSURANCE COMPANY,

SURVEYOR'S NOTES:

- 1.) BEARINGS ARE BASED ON THE CENTERLINE OF GRAND CYPRESS POINT AS BEING S.88°20'31"E, PER PLAT.
- 2.) UNDERGROUND/OVERHEAD UTILITIES AND OTHER IMPROVEMENTS ARE NOT SHOWN AS A PART OF THIS SURVEY, UNLESS NOTED OTHERWISE.
- 3.) THERE MAY BE ADDITIONAL EASEMENTS AND/OR OTHER RESTRICTIONS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 4.) I HAVE REVIEWED THE NATIONAL FLOOD INSURANCE RATE MAP AND HAVE DETERMINED THAT THIS PROPERTY LIES IN ZONE "X" AND DOES NOT LIE WITHIN A 100-YEAR DESIGNATED FLOOD PRONE AREA.
- 5.) BUILDING DIMENSIONS SHOWN HEREON DEPICT EXTERIOR WALL LINES AND MAY VARY FROM THOSE ALONG THE STRUCTURES FOUNDATION.

Proj # 03-ALT

**SURVEYING,
MAPPING
AND
REPROGRAPHICS
TECHNOLOGY
SERVICES & SUPPLIES**

LINO T. SANFT, P.S.M.
110 Old Hickory Court
Longwood, Florida 32750
Phone: 407-786-9456
Fax: 407-786-0659
Email: PLS5792@aol.com

[Signature]
Lino T. Sanft
Professional Land Surveyor & Mapper.
Florida Registration #5792
Date: 9-23-08

Bella Pools

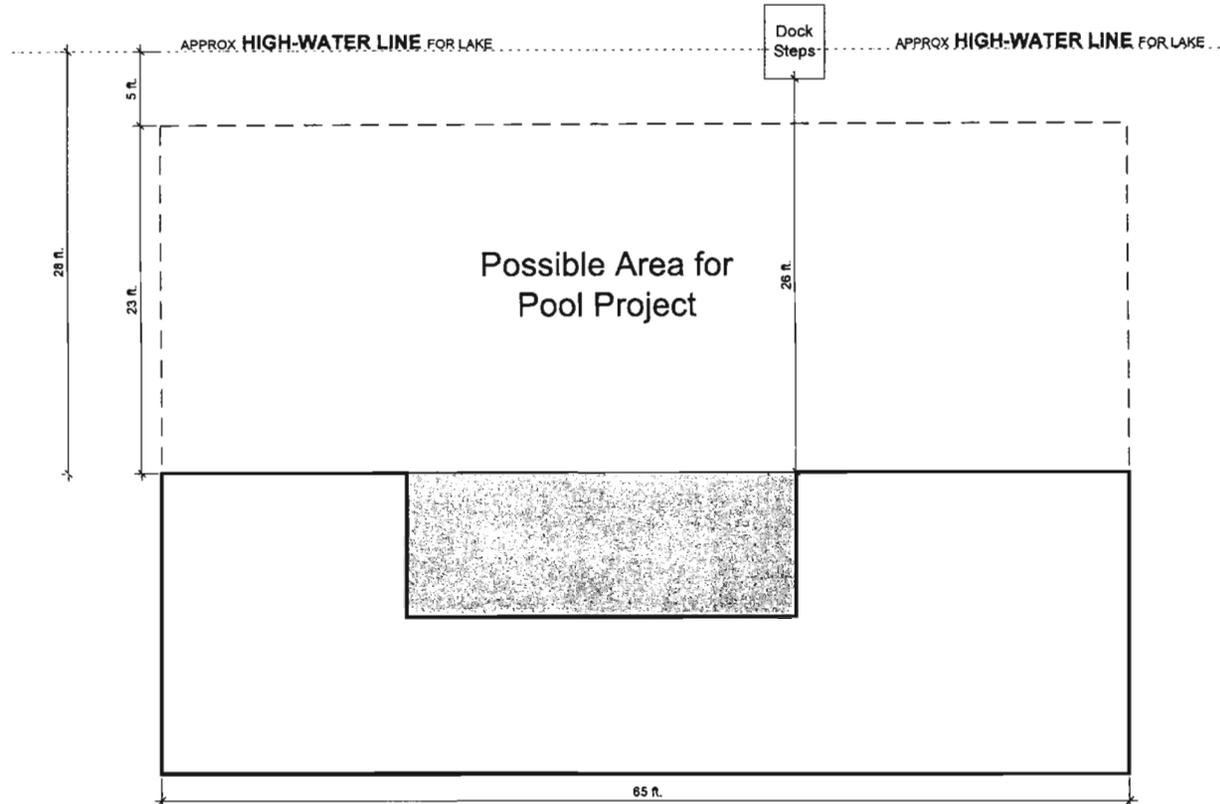
The Exclusive Pool & Spa Local Expert

with you!
Local EXPERTS

8615 Commodity Circle, Suite 9
Orlando, FL 32819

Robert Ramos
DESIGN CONSULTANT
(407) 733-2000 mobile
(407) 226-0774 office
(407) 226-0775 fax

www.BellaPools.com



Prepared For:
Andrea Kaye

Address:
626 Grand Cypress Pt, Sanford, FL 32771

Legal Description:

Design Approval:

Artist representation only, all dimensions approximate. Designed exclusively for homeowner by Robert Ramos, sales representative of Bella Pools.

Landscaping and furniture for display purposes only, prices are site specific depending on lot conditions and access. Does not account for retaining walls, turndowns, fill dirt and small equipment access if needed.

BOUNDARY SURVEY "LOISEL PROPERTY" 626 GRAND CYPRESS POINT, SANFORD, FLORIDA

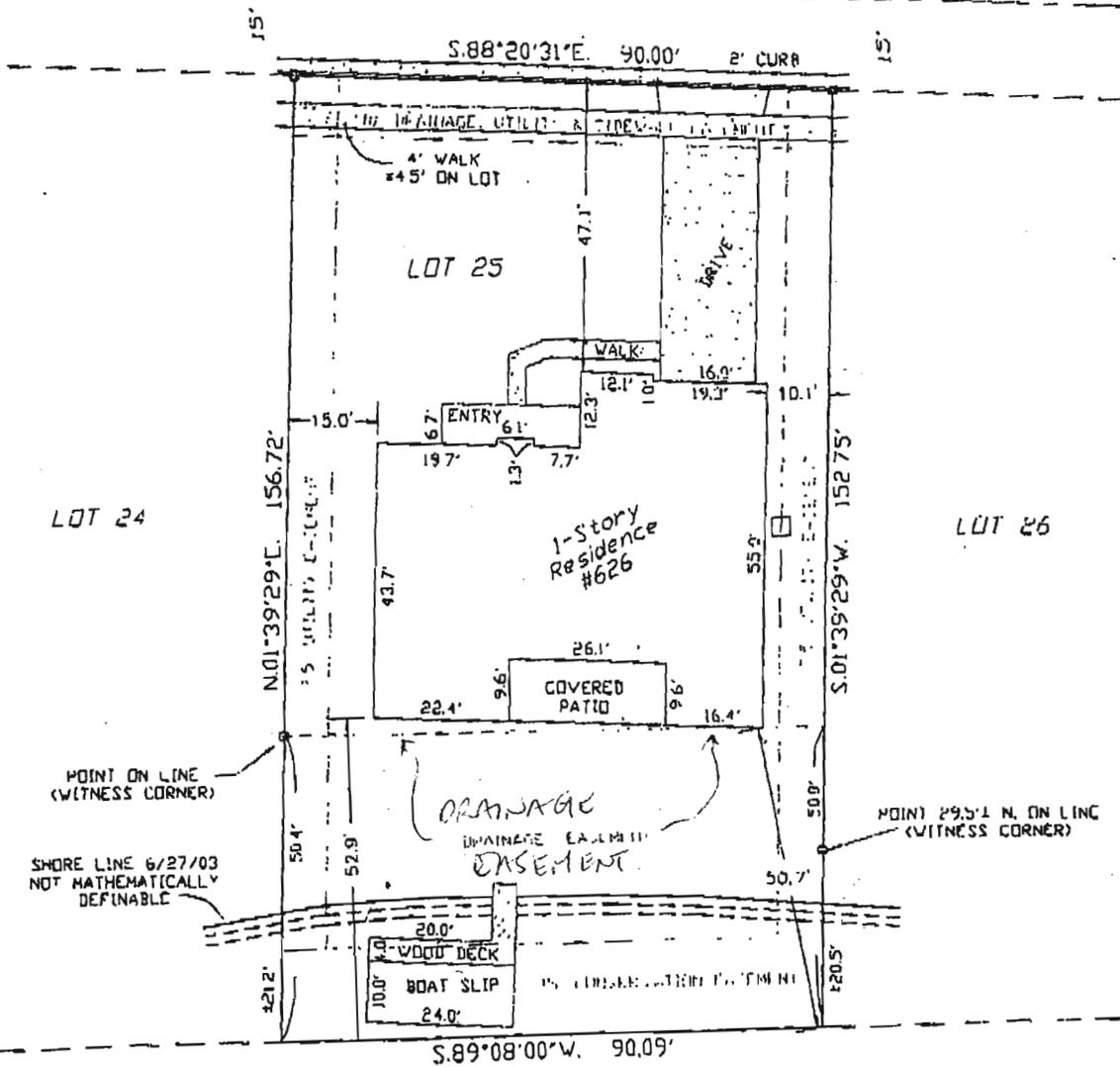
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GRAND CYPRESS POINT

30' RIGHT-OF-WAY (P)
(PAVED PUBLIC ROADWAY)



POINT ON LINE
(WITNESS CORNER)

SHORE LINE 6/27/03
NOT MATHEMATICALLY
DEFINABLE

POINT 29.5' N. ON LINE
(WITNESS CORNER)

LEGEND

- = CONCRETE
- = AS PER PLAT
- = AS PER FIELD MEASUREMENT
- = WOOD FENCE
- = CHAIN LINK FENCE
- = WIRE FENCE
- = RECOVERED MONUMENTATION

TRAC "C"
PARK AREA

CERTIFIED TO:
EQUITABLE TITLE AGENCY, INC.;
JAMES LOISEL & MICHELLE LOISEL;
CHEY CHASE BANK, F.S.B.;
LAWYERS TITLE INSURANCE COMPANY;

SURVEYOR'S NOTES:

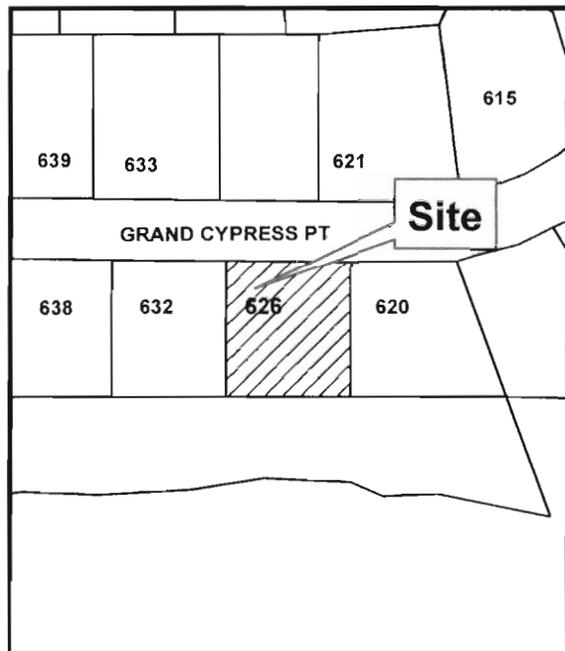
Andrea Kaye
626 Grand Cypress Point
Sanford, Florida 32771



Seminole County Board of Adjustment
October 27, 2008
Case: BV2008-95 (Map 3050, Grid D1)
Parcel No: 26-19-29-507-0000-0250

Zoning

-  BV2008-95
-  A-1
-  RC-1
-  R-1AA
-  R-1A
-  PUD



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

0F00-0000

GENERAL

Parcel Id: 26-19-29-507-0000-0250
 Owner: KAYE ANDREA
 Mailing Address: 626 GRAND CYPRESS PT
 City,State,ZipCode: SANFORD FL 32771
 Property Address: 626 GRAND CYPRESS PT SANFORD 32771
 Subdivision Name: LAKE SYLVAN COVE
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY	
VALUES	Wt
Value Method	Cost
Number of Buildings	
Depreciated Bldg Value	\$2
Depreciated EXFT Value	
Land Value (Market)	\$1
Land Value Ag	
Just/Market Value	\$3
Portability Adj	
Save Our Homes Adj	
Assessed Value (SOH)	\$3
Tax Estimate	
Portability Calc	
2008 Notice of Proposed	

2008 Taxes and Taxable Value Estimate

Taxing Authority	Assessment Value	Exempt Values	Taxable Value	M
Cnty County	\$339,766	\$0	\$339,766	
Schools	\$339,766	\$0	\$339,766	
Fire	\$339,766	\$0	\$339,766	
Road District	\$339,766	\$0	\$339,766	
SJWM(Saint Johns Water Management)	\$339,766	\$0	\$339,766	
Natural Lands/Trails I/S Debt	\$339,766	\$0	\$339,766	
Total				

The taxable values and taxes are calculated using the current years working values and the proposed millage

SALES

Deed	Date	Book Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	08/2008	<u>07051</u> <u>1696</u>	\$570,000	Improved	Yes
WARRANTY DEED	02/2006	<u>06164</u> <u>0221</u>	\$440,000	Improved	Yes
WARRANTY DEED	07/2003	<u>04938</u> <u>0283</u>	\$315,000	Improved	Yes
CORRECTIVE DEED	07/2000	<u>03912</u> <u>0813</u>	\$100	Vacant	No
SPECIAL WARRANTY DEED	07/2000	<u>03896</u> <u>0198</u>	\$199,700	Improved	Yes
WARRANTY DEED	04/1999	<u>03642</u> <u>0573</u>	\$1,078,000	Vacant	No
WARRANTY DEED	10/1993	<u>02670</u> <u>1483</u>	\$2,106,300	Vacant	No

Find Comparable Sales within this Subdivision

2007 VALUE SUM

2007 Tax Bill Am

2007 Taxable V

DOES NOT INCLUDE NON-AD VAL

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value

LEGAL DESCRIF

LOT	0	0	1.000	125,000.00	\$125,000	PLATS: <input type="text" value="Pick..."/>
						LEG LOT 25 LAKE SYLVAN COVE

BUILDING INFORMATION

	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	B
<u>Building Sketch</u>	1	SINGLE FAMILY	2000	8	2,333	3,374	2,567	CB/STUCCO FINISH	
	Appendage / Sqft		OPEN PORCH FINISHED / 260						
	Appendage / Sqft		BASE / 234						
	Appendage / Sqft		GARAGE FINISHED / 392						
	Appendage / Sqft		OPEN PORCH FINISHED / 155						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
BOAT DOCK	2002	136	\$620	\$816
BOAT HOUSE	2002	240	\$1,824	\$2,400

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: <u>Andrea Kaye</u>	Name: _____
Address: <u>626 Grand Cypress Pt</u>	Address: _____
City/Zip: <u>Sanford, FL 32771</u>	City/Zip: _____
Phone #: <u>407 463 4903</u>	Phone #: _____

Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	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: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Shareholders: _____	Shareholders: _____
Address: _____	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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	City/Zip: _____
City/Zip: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

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.)

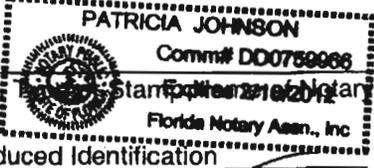
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

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.

<u>9.2.08</u> Date	<u>Andrea Kaye</u> Owner, Agent, Applicant Signature
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STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 3rd day of September, 2008 by ANDREA KAYE

<u>Patricia Johnson</u> Signature of Notary Public		
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Personally Known _____ OR Produced Identification _____
Type of Identification Produced K000-010-71-594-0

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 25 LAKE SYLVAN COVE PB 42 PGS 69 TO 74

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

FINDINGS OF FACT

Property Owner: Andrea Kaye
626 Grand Cypress Point
Sanford, FL 32771

Project Name: Grand Cypress Point (626)

Variance Approval:

Rear yard setback from water body variance from 30 feet to 7 feet for a proposed pool and a rear yard setback from water body variance from 25 feet to 5 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district.

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: Denny Gibbs, Senior 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:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 25 LAKE SYLVAN COVE PB 42 PGS 69 TO 74

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

FINDINGS OF FACT

Property Owner: Andrea Kaye
626 Grand Cypress Point
Sanford, FL 32771

Project Name: Grand Cypress Point (626)

Requested Variance:

Rear yard setback from water body variance from 30 feet to 7 feet for a proposed pool and a rear yard setback from water body variance from 25 feet to 5 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district.

Approval was sought to construct a pool within the rear yard setback. 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: Denny Gibbs, Senior 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: