

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 422 Devon Place – Scott Ryan, applicant; Request for a (1) rear yard setback variance from 10 feet to 5 feet for a pool, and a (2) rear yard setback variance from 5 feet to 7-inches for a pool screen enclosure in PUD (Planned Unit Development) district.

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

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

Agenda Date 01/26/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a (1) rear yard setback variance from 10 feet to 5 feet for a pool, and a (2) rear yard setback variance from 5 feet to 7-inches for a pool screen enclosure in PUD (Planned Unit Development) district; or
2. **Approve** the request for a (1) rear yard setback variance from 10 feet to 5 feet for a pool, and a (2) rear yard setback variance from 5 feet to 7-inches for a pool screen enclosure in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Scott Ryan Location: 422 Devon Place Zoning: PUD (Planned Unit Development) Subdivision: Lexington Green
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to replace an existing pool and pool screen enclosure. • The proposed pool would encroach 5 feet into the required 10-foot rear yard setback. The proposed screen enclosure would encroach 53 inches into the required 60-inch (5-foot) rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

Reviewed by:
Co Atty: _____
Pln Mgr: AB

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.• 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 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 rear yard setback for 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



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

COPY RECEIVED DEC 04 2008

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

Name: SCOTT RYAN
 Address: 422 Devon Pl. City: HENSTROW Zip code: 32746
 Project Address: SAME City: _____ Zip code: _____
 Tax Parcel number: 12-20-29-513-0000-0310
 Contact number(s): 407-927-7314
 Email address: Southern Pool Designs 407 339-5800

Is the property available for inspection without an appointment? Dave Montague
 Yes No If gated please provide a gate code to staff.

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: <u>REPLACING EXISTING POOL</u>
<input checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>AND SCREEN</u>
<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:
This request is for a structure that has already been built	

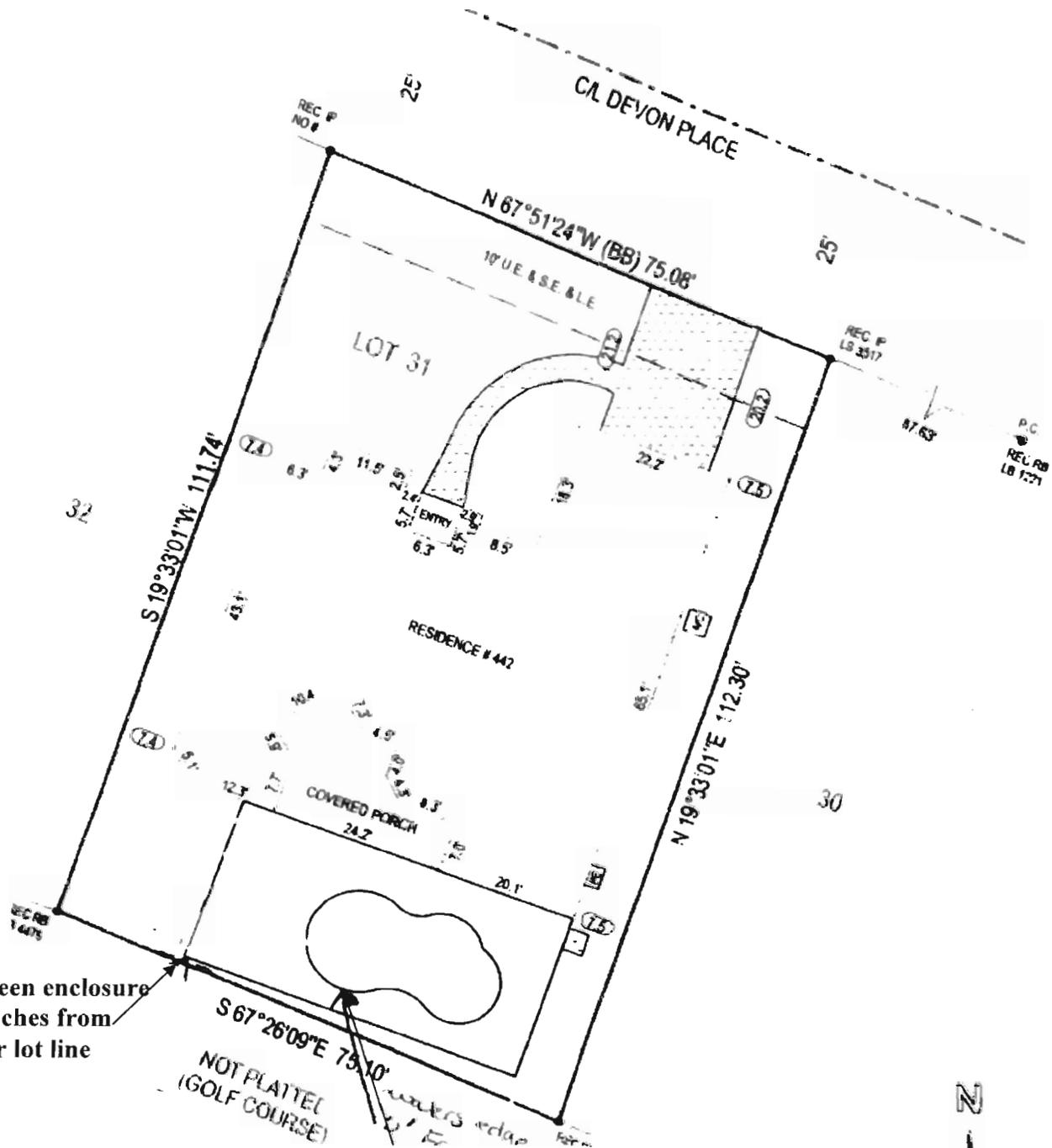
What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>10' - pool</u> <u>5' - screen</u> <u>5' - pool</u> <u>7' - screen</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 type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:

Total number of variances requested 2

Signed: K Ryan Date: 12-3-08



Screen enclosure
7 inches from
rear lot line

S 67°26'09"E 75.10'
NOT FLATTEL
(GOLF COURSE)

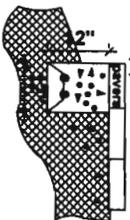
Pool's water's
edge is 5 feet from
rear lot line

REF TO:
T T. RYAN AND KELLY A. RYAN
FCH BANKING AND TRUST COMPANY DBA
RIDA MORTGAGE DIRECT.COM





DIG, SHUTTLE, & HAUL
 8" BOND BEAM
 1 - MDX MAIN DRAIN FOR POOL
 (2) #5 BAR CONT.



S.P.D. JOB SPECIFICATION CHECKLIST:

BASIC POOL: **27' x 15'** POOL DEPTHS: **3' TO 5'**
 DIMENSIONS:
 POOL WATER SURFACE AREA: **317-Sq. Ft.** PERIMETER: **72'**
 TOTAL GALLONS: **9,500 Gal.**

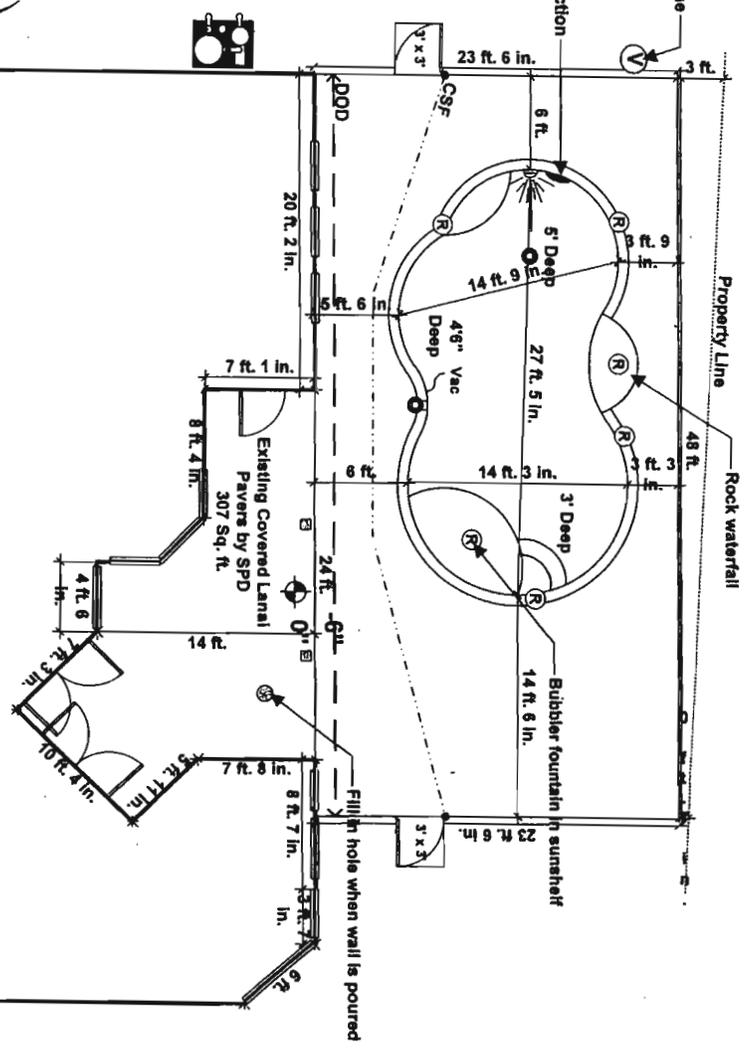
POOL PLUMBING:
 Pump Type: JANDY STEALTH SHP210 Size = 1.0 - H.P.
 Filter Type: JANDY CARTRIDGE CS210 Size = 280 - 8.5"
 Main Drain: # 1 Type: MDX Size = 2.5" Shimmer: 1 Size = 2"
 Feature suction: # 1 Type: SDX Size thru wall: 2.0" Size feed line: 2.5"
 Returns: YES # 4 Color: TED Pool Vacuum: NO Type: FREEFLO ONLY
 PCC-2000: NO Steps: NO Spa: NO Deck Cantilever: NO Color: NA
 Sanitizer Type: QUAT/PURE IODINE SALT Pool Heater: NONE
 Secondary Sanitizer Type: NONE
 Overflow Line: YES Auto Fill Line: NO Type: NA
 Pool Light: # 1 Standard: 300W Jandy Color: NO
 Time Clock Type: INTERMITTENT
 Water Feature: LTDN ROCK WATERFALL
 Water Feature: SUNSHINE RUBBER # 1

TILE:
 Waterline Size: 6" X 6" Model: TBD 39 - SQ. FT.
 Step & Bench Tile: YES Type: 3" X 3" INLAY Model: SAME
 Spillways: # 1
DECKING SPECIFICATIONS: Rear lanai poured: YES
 Coping Type: BUILDING BRICK Size: 1 1/4" - 10 - Ln. FT.
 Pool Deck Type: BRICK PAVERS 70 - SQ. FT.
 Existing Deck: BRICK PAVERS 302 - SQ. FT.
 Walkway: NONE
 Front Porch: NONE
 Acrylic Color: NA Color Band: NA
 Deck-O-Drain: YES 48 - Ln. FT. Type: QUAKER PAVEN DRAIN
 Area Drains: NO
 Raised Beam Pool Tile: NO
 Deck Step Type: BRICK PAVER 21 - Ln. FT.
 Footing: YES Type: 1 1/2" X 1 1/2" REBAR 95 - Ln. FT.
 Retaining Wall Req: YES Type: SET MAX. WALL/SEE ENGINEERING
 Texture Wall: NO Type: NONE
 Additional Notes: _____

SPA SPECS & SPA PLUMBING:
**** NO SPA ****

SCREEN SPECS: Screen Company: ARMSTRONG ALUMINUM
 Aluminum Metal Color: BRONZE Roof Type: DOME Wall Height: 18"
 # of Doors: 2 Aluminum Roof: NO

CHILD SAFETY FENCE: Aluminum Metal Color: BLACK
 Net Color: BLACK Length: 92' Height: 48"
POOL INTERIOR FINISH: QUARTZ



201 Specialty Pools
 Sanford, FL 32771
 (407) 339-5800 / 339-6153 (Fax)
 DESIGN CONSULTANT
 DAVE MONTAGUE

HOMEOWNER: Kelly Ryan	JOB ADDRESS: 422 Devon Pl. Heathrow, FL 32746	SUBDIVISION: Heathrow Lexington Green	LOT #: 31	TELEPHONE #: 407-927-7314	EXTRA WORK TO BE PERFORMED:
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Scott Ryan
422 Devon Place
Lake Mary, Florida 32746

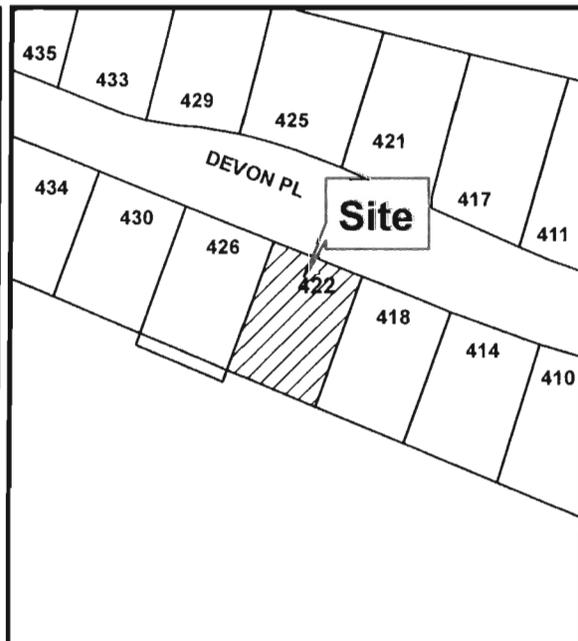


Seminole County Board of Adjustment
January 26, 2009
Case: BV2008-122 (Map 3051 Grid A6)
Parcel No: 12-20-29-513-0000-0310

Zoning

 BV2008-122

 PUD

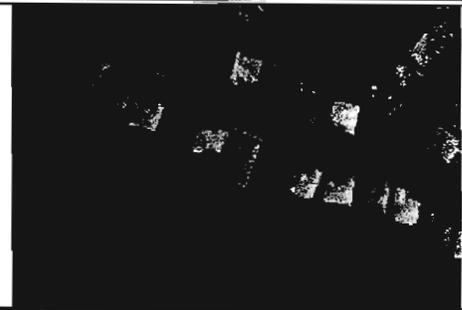
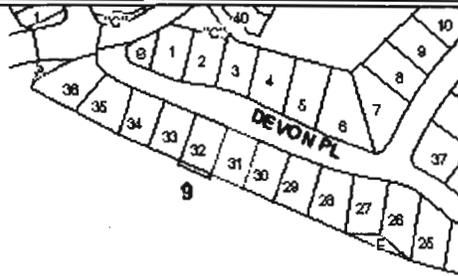


PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

MINOLE COUNTY FL
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-565-7506



GENERAL

Parcel Id: 12-20-29-513-0000-0310
Owner: RYAN SCOTT T & KELLY A
Mailing Address: 422 DEVON PL
City,State,ZipCode: LAKE MARY FL 32746
Property Address: 422 DEVON PL LAKE MARY 32746
Subdivision Name: LEXINGTON GREEN
Tax District: 01-COUNTY-TX DIST 1
Exemptions: 00-HOMESTEAD (2005)
Dor: 01-SINGLE FAMILY

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$262,324	\$285,986
Depreciated EXFT Value	\$10,693	\$11,211
Land Value (Market)	\$130,000	\$130,000
Land Value Ag	\$0	\$0
Just/Market Value	\$403,017	\$427,197
Portability Adj	\$0	\$0
Save Our Homes Adj	\$50,050	\$84,511
Assessed Value (SOH)	\$352,967	\$342,686
Tax Estimator		
Portability Calculator		

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$352,967	\$50,000	\$302,967
Schools	\$352,967	\$25,000	\$327,967
Fire	\$352,967	\$50,000	\$302,967
Road District	\$352,967	\$50,000	\$302,967
SJWM(Saint Johns Water Management)	\$352,967	\$50,000	\$302,967
County Bonds	\$352,967	\$50,000	\$302,967

Potential Portability Amount is \$50,050

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	02/2004	05225	0514	\$330,000	Improved	Yes
WARRANTY DEED	06/2001	04097	1896	\$305,000	Improved	Yes
WARRANTY DEED	06/2000	03875	1943	\$280,000	Improved	Yes
WARRANTY DEED	04/1994	02756	1177	\$233,000	Improved	No
SPECIAL WARRANTY DEED	03/1992	02400	1781	\$239,900	Improved	Yes

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH): \$6,434
2008 Tax Bill Amount: \$4,596
Save Our Homes (SOH) Savings: \$1,838
2008 Certified Taxable Value and Taxes
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	130,000.00	\$130,000

LEGAL DESCRIPTION

PLATS:
LEG LOT 31 LEXINGTON GREEN PB 43 PGS 19 TO 21

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1992	11	2,482	3,280	2,482	WD/STUCCO FINISH	\$262,324	\$279,068
Appendage / Sqft		OPEN PORCH FINISHED / 310							
Appendage / Sqft		GARAGE FINISHED / 440							
Appendage / Sqft		OPEN PORCH FINISHED / 48							

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

Permits

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 12

TWP: 20

RNG: 29

DEVELOPMENT: Lexington Green		DEVELOPER: Arvida/Heathrow	
LOCATION: Between Heathrow Boulevard and International Parkway			45 Lots
FILE#:	BA:	SP:	BCC:
P&Z:			
PB	43	PG	19-21 Lot
		Blk	Parcel
		DBA	Comm Dist
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS: Required on both sides of interior road.		SETBACK REQUIREMENTS	
		FY: 20'	RY: 20'
		SIDE ST.:	SY: 7.5'
ROAD TYPE:		MAIN STRUCTURE OTHER: Minimum House Size: 1,500 sq. ft. Minimum Height 35'	
COMMENTS OTHER: Not flood prone		ACCESSORY STRUCTURE SETBACKS:	
		SY: 7.5	RY: 10'
		ACCESSORY STRUCTURE OTHER:	

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	5
LAND USE:	1
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	
5. PARK	
6. SCHOOL	
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS: curb and gutter; private roads, sidewalks.	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

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: SCOTT T RYAN
Address: 422 Devon Pl.
Phone #: _____

Name: KELLY A. RYAN
Address: 422 Devon Pl.
Phone #: 407-927-7314

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
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: _____

Beneficiaries: _____
Address: _____

(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: _____

(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: _____

(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 rezoning, 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.

12-3-08
Date

K Ryan
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 3rd day of December, 2008 by Kelly

Ryan
Karen Annunziata
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 31
LEXINGTON GREEN PB 43 PGS 19 TO 21

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

FINDINGS OF FACT

Property Owner: Scott & Kelly Ryan
422 Devon Place
Lake Mary, FL 32746

Project Name: Devon Place (422)

Requested Variance:

Request for a (1) rear yard setback variance from 10 feet to 5 feet for a pool, and a (2) rear yard setback variance from 5 feet to 7-inches for a pool screen enclosure in PUD (Planned Unit Development) district.

Approval was sought to allow for a pool and screen enclosure to encroach 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: 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 31
LEXINGTON GREEN PB 43 PGS 19 TO 21

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

FINDINGS OF FACT

Property Owner: Scott & Kelly Ryan
422 Devon Place
Lake Mary, FL 32746

Project Name: Devon Place (422)

Variance Approval:

For a (1) rear yard setback variance from 10 feet to 5 feet for a pool, and a (2) rear yard setback variance from 5 feet to 7-inches for a pool screen enclosure in PUD (Planned Unit Development) 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: 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 rear yard setback for the pool and 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

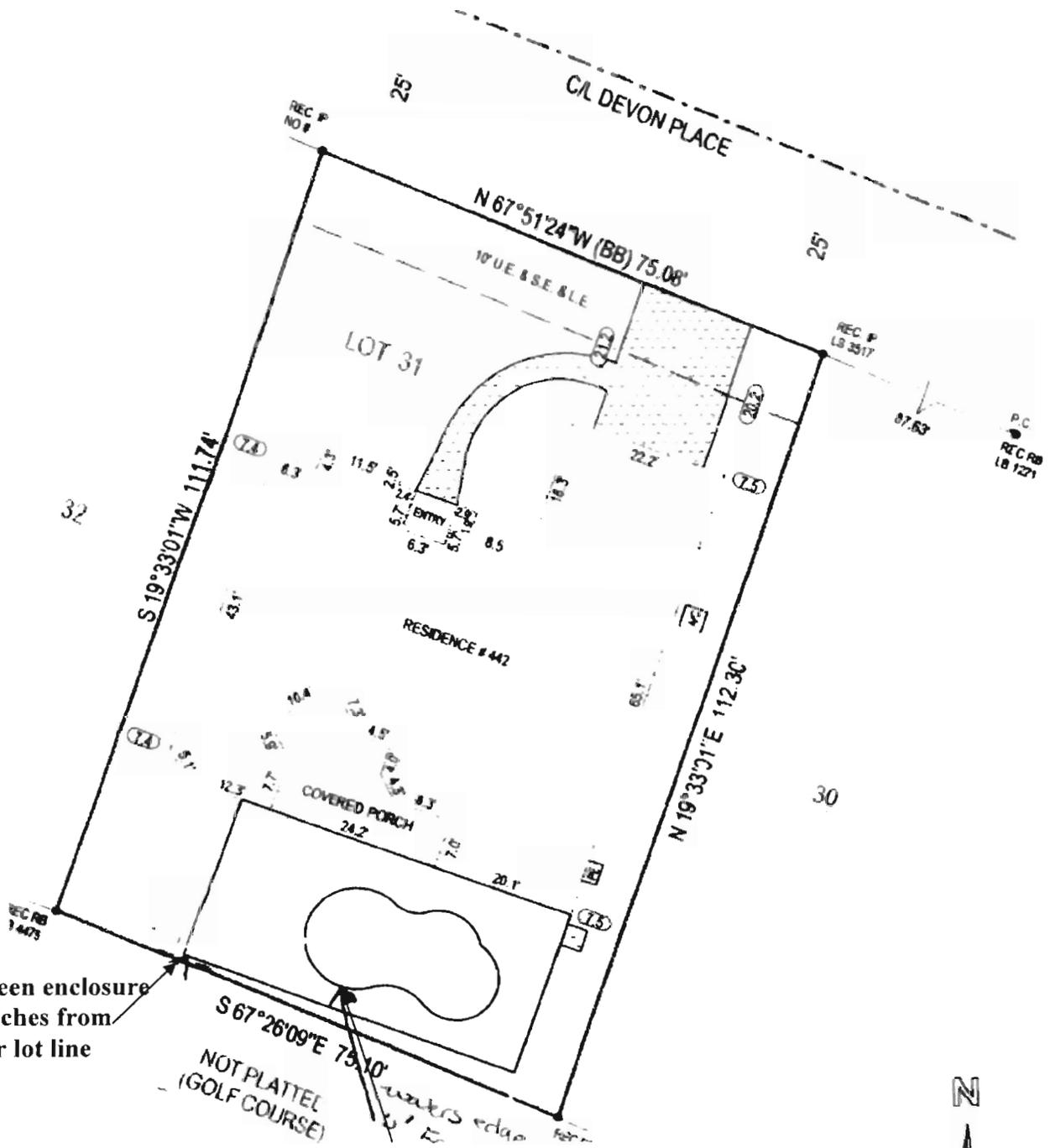
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Screen enclosure
7 inches from
rear lot line

NOT PLATTEL
(GOLF COURSE)

Pool's water's
edge is 5 feet from
rear lot line

IFIED TO:
T. T. RYAN AND KELLY A. RYAN
ICH BANKING AND TRUST COMPANY DBIA
RIDA MORTGAGE DIRECT.COM

