

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

SUBJECT: 8804 Atwater Loop – Leonard & Roberta Valania, applicants; Request for a rear yard setback variance from 7.5 feet to 6 feet for a pool in PUD (Planned Unit Development) district.

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

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

Agenda Date 02/23/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 7.5 feet to 6 feet for a pool in PUD (Planned Unit Development) district; or
2. **Approve** the request for a rear yard setback variance from 7.5 feet to 6 feet for a pool in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Leonard & Roberta Valania Location: 8804 Atwater Loop Zoning: PUD (Planned Unit Development) Subdivision: Clifton Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool that would encroach 1.5 feet into the required 7.5-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.
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,

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 rear yard setback for a pool 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

Application # BV2009-02
Meeting Date 2-23-09

COPY



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: LEONARD, ROBERTA, MARIE VALANIA / ATLANTIS CUSTOM POOLS
Address: 8804 ATWATER LOOP City: OWEEO Zip code: 32765
Project Address: 8804 ATWATER LOOP City: OWEEO Zip code: 32765
Tax Parcel number: 36-21-30-55K-0000-0990
Contact number(s): 407-657-4747 - 407-298-4846 (407) 529-7991
Email address: RKUCHINSKY@VERIZON.NET Michael Maccum

Is the property available for inspection without an appointment?

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>11x27- Pool</u>
<input checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>40x15 - Enclosure</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:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JAN 08 2009

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>6 ft. 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:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Total number of variances requested <u>1</u>			

Signed: Leonard Valania

Date: 1/2/09

FOR OFFICE USE ONLY

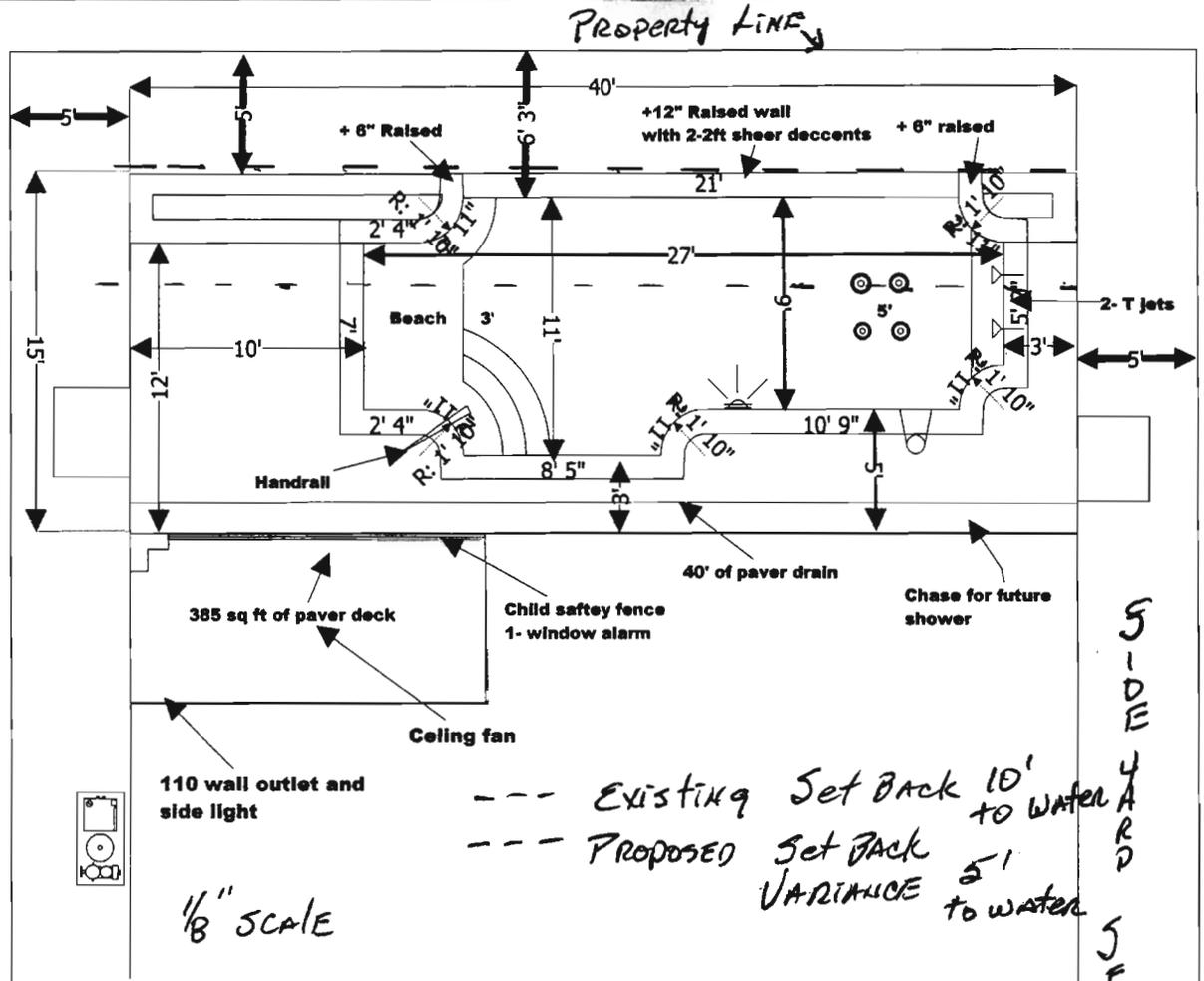
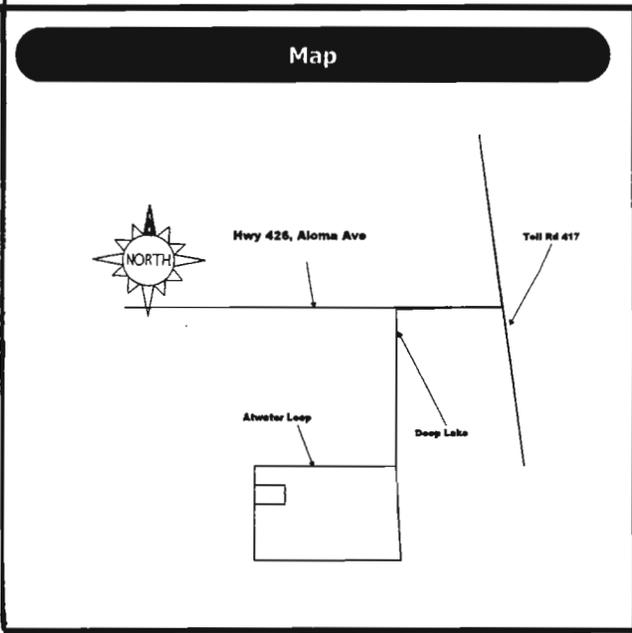
Date Submitted: 1-8-09 Reviewed By: F. Johnson
 Zoning/FLU PUD / LOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

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

<p><i>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.</i></p>	
✓	1. Completed application.
✓	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
✓	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
✓	4. 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.
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
None	o Location, size and type of any septic systems, drain field and wells
✓	o Location of all easements
✓	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
✓	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	o Building height
✓	o Setbacks from each building to the property lines
None	o Location of proposed fence(s)
✓	o Identification of available utilities (ex: water, sewer, well or septic)
✓	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



Customer Info

Customer Name: Lenard Velania

Address: Lot 99 Clifton Park / 8804 Atwater Loop

City: Oviedo State/Zip: FL, 32765

Phone: 201-280-5352...201-291-0082

Cell: _____

Email: RKUCHINSKY@Verizon.net



3904 Moorings Lane
Orlando, FL 32810

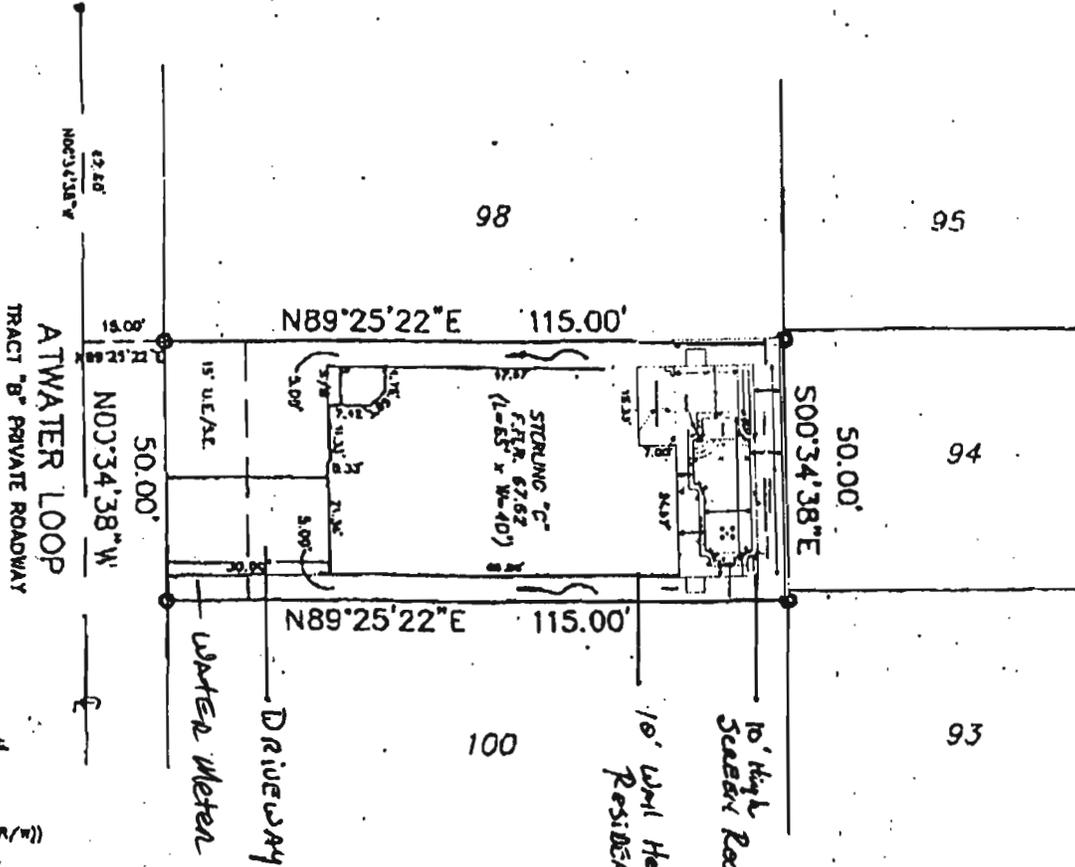
Atlantis
Custom Pools

Discover what's been missing!

CPC 1457249
Off 407-298-4846
Fax 407-297-1178

CLIFTON PARK

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10,
PAGES 1 THROUGH 7 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



BUILDING SETBACKS:
FRONT - 30'
SIDE - 5'
REAR - 10'
SIDE STREET - 10'
(ADJACENT TO J.J. R/W)

FRONT - 20'
SIDE - 5'
REAR - 20'
SIDE STREET - 20'
(LOTS 61-78)
(ADJACENT TO 50' R/W)

NOTES: LOT DRAINAGE TYPE: "A"

AGREEMENT OF CARRIER TO SURVEY MAPS OR REPORTS BY OTHER THAN SURVEY PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEY PARTY OR PARTIES.

SYMBOLS NOT TO SCALE

DIMENSIONS OF SUBJECT PROPERTY AND IMPROVEMENTS UNDETERMINED.

THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 30'

MOOR DRAINAGE & POHORS HAVE NOT BEEN LOCATED

NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.

BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT FEET ON PLATTED LINES

THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR CASUALTY, RIGHTS OF WAY, RESERVATIONS, USES, OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.

THE SPATIAL ACCURACY OF FIELD MEASUREMENTS DOES NOT EXCEEDS 1 FOOT IN 1000 FEET.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PRINTED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPING.

BEARINGS ARE BASED UPON THE CLOSURE OF ATWATER LOOP PER RECORDS PLAT, BEARING A BEARING OF N89°25'22"E

BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND ARE SPECIFIED PLAT UNLESS OTHERWISE NOTED

THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "X" FOR F.L.A.M. MAP PARCEL NO. 121100000 0, DATED SEPTEMBER 28, 2007. THE FLOOD INSURANCE RATE MAP IS NOT A SURVEY. FLOOD ZONE DETERMINATION IS BY DRAWING ONLY.

POTENTIAL BOUNDARY PROPORTIONANCES OBSERVED: NONE

ELEVATIONS, IF SHOWN, ARE BASED ON BOUNDARY PROVIDED BY SURVEY (MONO 25).

MODEL OPTIONS:
A123637 - EXTERIOR FRENCH DOORS (INT)
A114822 - EXTERIOR DOOR (INT)
A215231 - MAIN STONE ACCENT GARAGE FRONT

CERTIFIED TO:

PROPOSED HOUSE LOCATION
DATE: 1/02/08 MODEL: STERLING "C"

THE LOT SHOWN HEREON CONTAINS 3,750 SQ. FT. MORE OR LESS

○ - INDICATES 1/8" - 5/8" REBAR & CAP (LB 8787) UNLESS NOTED OTHERWISE

● - INDICATES MEASUREMENT CONTROL POINT

□ - INDICATES CONC. MON. / PAV

LEGEND

B/S	BUILDING SWIRL	LP	IRON PIPE
W/PT	WATERWAY	R/C	ROD AND CAP
UPL	UTILITY	IA	IRON ROD
CONC	CONCRETE	N/D	NAIL & BRN
COPT	CONCRETE CONCRETE	PTD	POST
F/PL	FENCED PLOT	P/L	POST FROM EXTERIOR
BLK	BLOCK	R/W	RIGHT OF WAY
W	WATER WET	R	RADIAL
CONC	CONCRETE	RA	NON-RADIAL
MON	MONUMENT	CL	CENTRAL
TRNS	TRANSFORMATION	PS	POINT OF BEGINNING
PL	PLAT	PT	POINT OF BEGINNING
PLT	PLAT	PI	POINT OF INTERSECTION
TY	TYPICAL	A	ARC
BL	BLAT BRICK	L	LENGTH
PL	PLAT	ES	SHOWN BEARING
P	PLAT DISTANCE	EC	SIDEWALK EASEMENT
M	MEASURED DISTANCE	LE	LANDSCAPE EASEMENT
C	CALCULATED	SE	SEWER EASEMENT
U/L	UTILITY UNDER	UE	UTILITY EASEMENT
P/L	POINT ON LINE	R/W	RIGHT OF WAY
R/C	ROD AND CAP		
RA	RADIAL		
P.A.E.	PRIVATE ALLEY EASEMENT		
POF	POINT OF BEGINNING		
POI	POINT OF INTERSECTION		
POC	POINT OF COMPLETION		
CAW	UNDERGROUND CABLE WIRE		

I CERTIFY THAT THIS MAPS OR REPORTS BY OTHER THAN SURVEY PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEY PARTY OR PARTIES.

CERTIFIED FOR PROFESSIONAL LAND SURVEYING & MAPPING

By: [Signature]

Surveyor: [Name]

PROPOSED FOR: **Ryland Homes**

PREPARED BY: **Associated Land Surveying & Mapping, Inc.**

101 WYMORE ROAD, SUITE 110
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE: (407) 869-5002-FAX: (407) 859-8393
Certificate of Authorization Number: LB 8787 EMAIL: alsm@alam.net

BOUNDARY SURVEY

FORM AND LOCATION

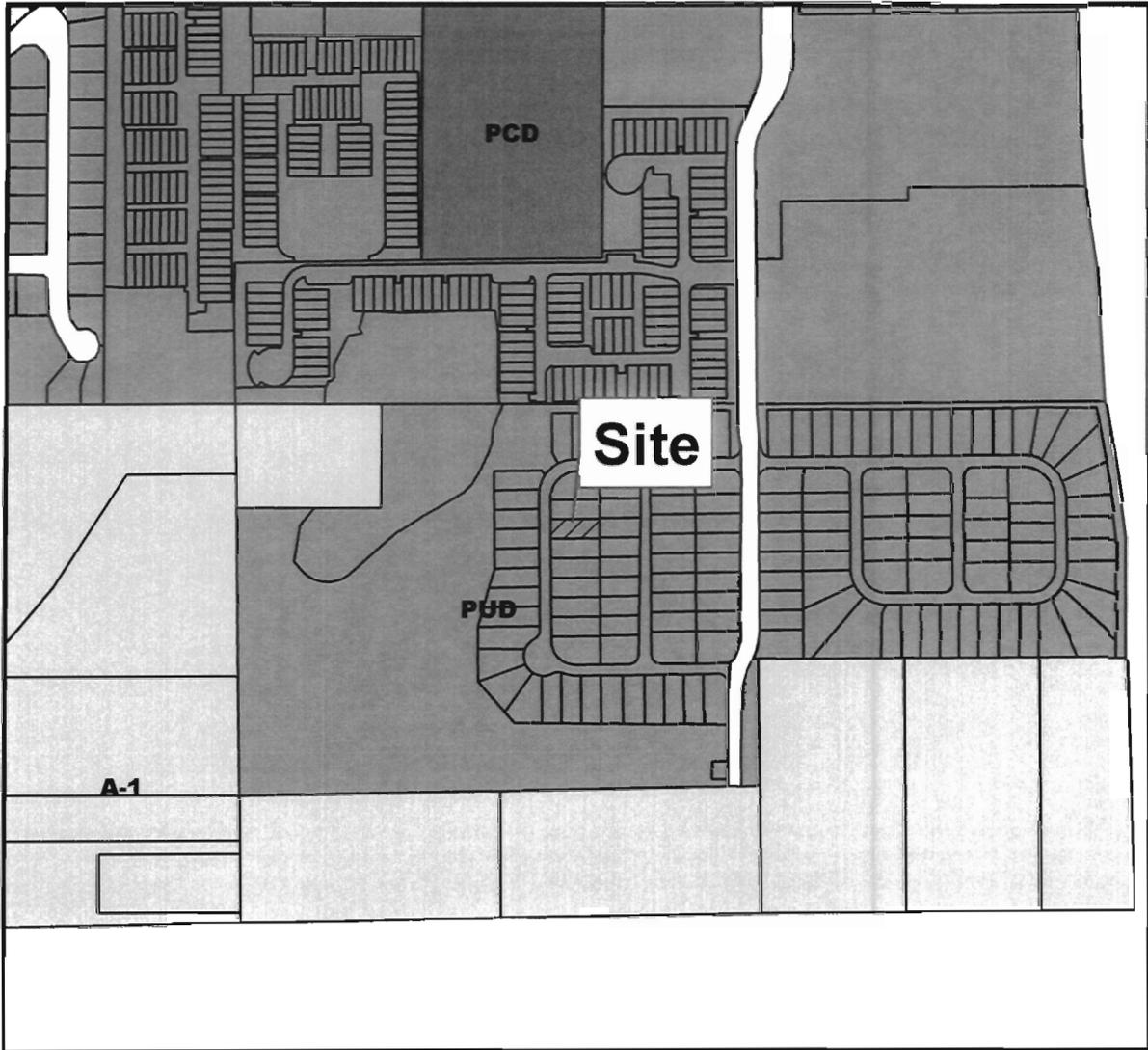
PLAT NUMBER

FILE NUMBER SURVEY

SCALE: 1" = 30'

JOB NO. 06049

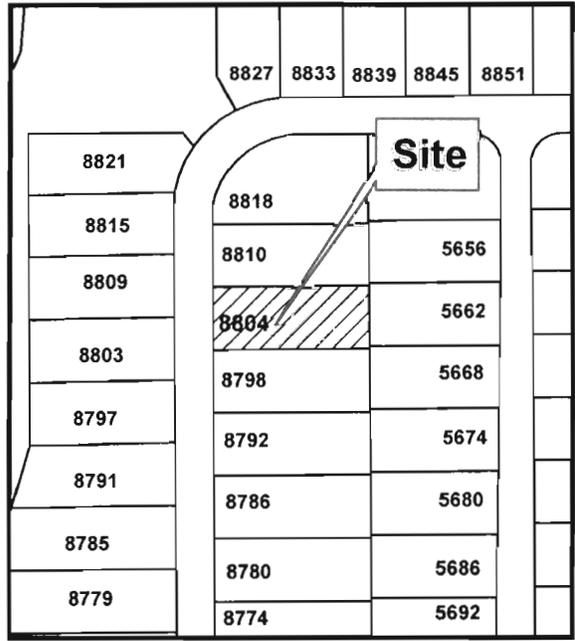
Atlantis Custom Pools
 8804 Atwater Loop
 Oviedo, Florida 32765



Seminole County Board of Adjustment
 February 23, 2009
 Case: BV2009-02 (Map 3211 Grid D6)
 Parcel No: 36-21-30-5SK-0000-0990

Zoning

-  BV2009-02
-  A-1
-  PUD
-  PCD

<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 407-658-7505</p>		
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<p>GENERAL</p> <p>Parcel Id: 36-21-30-5SK-0000-0990</p> <p>Owner: VALANIA LEONARD F & VALANIA</p> <p>Own/Addr: ROBERTA & VALANIA MARIE</p> <p>Mailing Address: 8804 ATWATER LP</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address: 8804 ATWATER LOOP OVIEDO 32765</p> <p>Subdivision Name: CLIFTON PARK</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$177,355</td> <td>\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$60,000</td> <td>\$41,450</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$237,355</td> <td>\$41,450</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$237,355</td> <td>\$41,450</td> </tr> </tbody> </table> <p style="text-align: right;">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	0	Depreciated Bldg Value	\$177,355	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$60,000	\$41,450	Land Value Ag	\$0	\$0	Just/Market Value	\$237,355	\$41,450	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$237,355	\$41,450
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2009 TAXABLE VALUE WORKING ESTIMATE			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$237,355	\$0	\$237,355
Schools	\$237,355	\$0	\$237,355
Fire	\$237,355	\$0	\$237,355
Road District	\$237,355	\$0	\$237,355
SJWM(Saint Johns Water Management)	\$237,355	\$0	\$237,355
County Bonds	\$237,355	\$0	\$237,355

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

<p>SALES</p> <table 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>11/2008</td> <td>07101 0847</td> <td>\$280,100</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	11/2008	07101 0847	\$280,100	Improved	Yes	<p>2008 VALUE SUMMARY</p> <p>2008 Tax Bill Amount: \$624</p> <p>2008 Certified Taxable Value and Taxes</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book Page	Amount	Vac/Imp	Qualified								
WARRANTY DEED	11/2008	07101 0847	\$280,100	Improved	Yes								
<p>LAND</p> <table 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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>60,000.00</td> <td>\$60,000</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	60,000.00	\$60,000	<p>LEGAL DESCRIPTION</p> <p>PLATS: Pick... </p> <p>LOT 99 CLIFTON PARK PB 70 PGS 1 - 7</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
LOT	0	0	1.000	60,000.00	\$60,000								

BUILDING INFORMATION									
Bld Num	Bld Type	Year Blt	Fxtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	2008	10	1,989	2,567	1,989	CB/STUCCO FINISH	\$177,355	\$178,246
Appendage / Sqft		OPEN PORCH FINISHED / 105							
Appendage / Sqft		OPEN PORCH FINISHED / 53							
Appendage / Sqft		GARAGE FINISHED / 420							

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

Permits

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.

BY 2009-02
2-23-09

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

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	ADDRESS	PHONE NUMBER
Leonard Valania	8804 Atwater Lp	407-657-4747
Roberta Valania	8804 Atwater Lp	407-657-4747
Marie Valania	8804 Atwater Loop	407-657-4747

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

1-12-09
Date

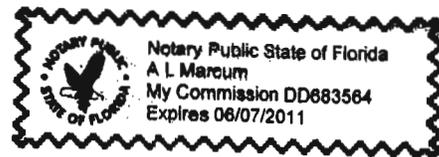
Leonard J. Valania
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 12 day of January, 2009 by Leonard Valania

A. L. Marcum
Signature of Notary Public

A. L. Marcum
Print, Type or Stamp Name of Notary Public



Personally Known XX OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff	
Date: _____	Application Number: _____



Atlantis Custom Pools

Discover what's been missing!

CPC 1437249

Off 407-298-4846

Fax 407-297-1178

3904 Moorings Lane
Orlando, FL 32810

January 6, 2009

Seminole County Planning Division
1101 East First Street
Sanford, FL 32772

RE: 8804 Atwater Loop

To Whom it May Concern:

We are requesting a variance for the Valania Residence for the purpose of installing a swimming pool for therapy/medical reasons. Mr. Valania is disabled and by Doctors request needs water therapy on a daily basis to relieve his discomfort and pain. The original backyard setback is 5' to structure, 10' to water's edge, and we would request that you issue this variance for 5' setback to water's edge to allow us to install a large enough pool for his therapy reasons.

Sincerely,

Michael Marcum

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, LEONARD VALANIA the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) 36-21-30-55K
-0000-0990 Lot 99 CLIFTON PARK

hereby affirm that Atlantis Custom Pools is hereby designated to act as my /our authorized agent and to file the attached application for the stated special exception / variance request and make binding statements and commitments regarding the request.

LEONARD VALANIA
Leonard Valania
Owner's Signature

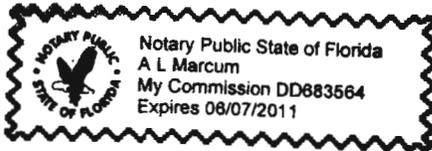
I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 7th day of Jan, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Leonard Valania who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 7th day of Jan, 2009

A. L. Marcum
Notary Public in and for the County and State
Aforementioned



My Commission Expires: 06-07-2011

Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 23, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 99
CLIFTON PARK PB 70 PGS 1 - 7

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

FINDINGS OF FACT

Property Owner: Leonard & Roberta Valania
8804 Atwater Loop
Oviedo, FL 32765

Project Name: Atwater Loop (8804)

Requested Variance:

Request for a rear yard setback variance from 7.5 feet to 6 feet for a pool in PUD (Planned Unit Development) district.

Approval was sought to allow a pool 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 February 23, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 99
CLIFTON PARK PB 70 PGS 1 - 7

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

FINDINGS OF FACT

Property Owner: Leonard & Roberta Valania
8804 Atwater Loop
Oviedo, FL 32765

Project Name: Atwater Loop (8804)

Variance Approval:

A rear yard setback variance from 7.5 feet to 6 feet for a pool 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 a pool 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.

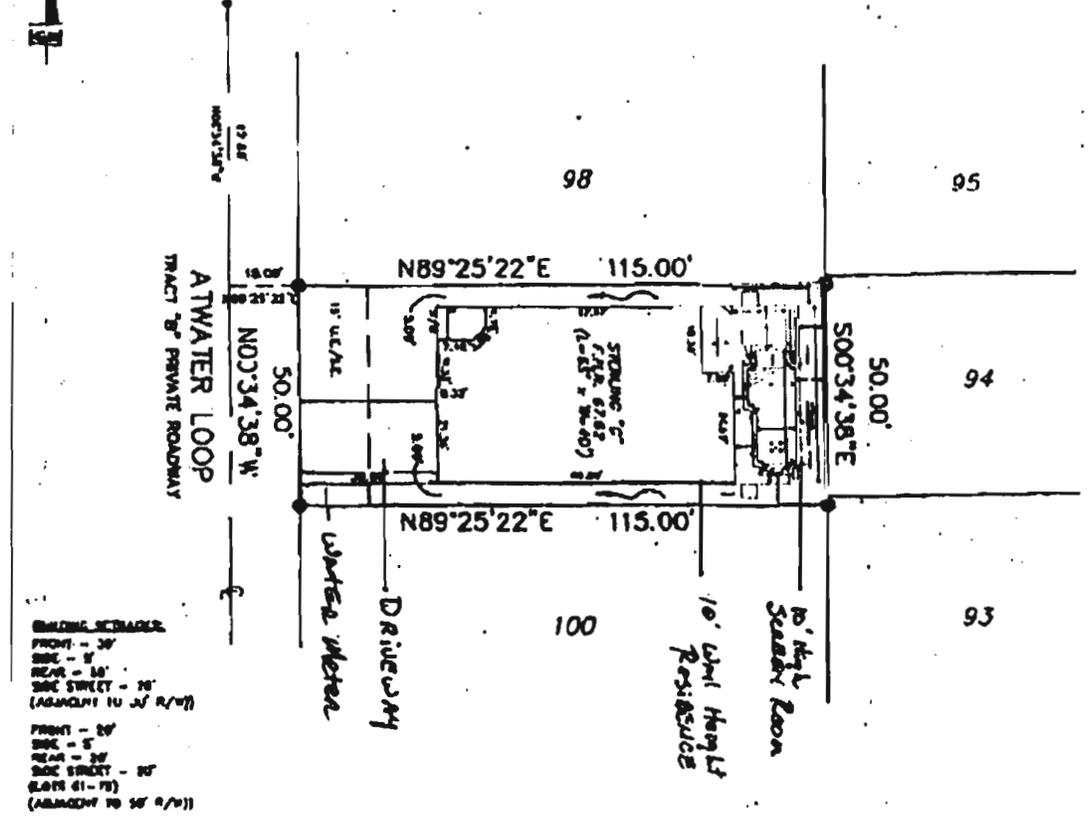
WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

CLIFTON PARK

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGES 1 THROUGH 7 OF THE PUBLIC RECORDS OF SEMNOLE COUNTY, FLORIDA.



BUILDING SETBACKS:
 FRONT - 30'
 SIDE - 5'
 REAR - 10'
 SIDE STREET - 10'
 (ADJACENT TO J.R. R/W)

FRONT - 30'
 SIDE - 5'
 REAR - 10'
 SIDE STREET - 10'
 (ADJACENT TO S.R. R/W)

NOTES:

1. THIS PLAN IS SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

2. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

3. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

4. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

5. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

6. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

7. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

8. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

9. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

10. THE ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

NOTE: OWNER
 A123837 - EXTENSIVE FRENCH DOORS (INT)
 A124022 - SWIMMING POOL (INT)
 A125225 - 600' STONE ACCENT GARAGE FRONT

CERTIFIED BY

PROPOSED HOUSE LOCATION
 DATE: 10/20/09
 DRAWN BY: STERLING "C"

THE LOT SHOWN HEREON CONTAINS 2,750 SQ. FT. MORE OR LESS

○ - INDICATES 10" - 1/2" REBAR & CAP (S.D. 6170)
 □ - INDICATES REBAR/CONCRETE CURB POINT
 ⊠ - INDICATES CONCRETE SIGN / POST

LEGEND

10	10' - 1/2" REBAR	15	15' - 1/2" REBAR
20	20' - 1/2" REBAR	20	20' - 1/2" REBAR
30	30' - 1/2" REBAR	25	25' - 1/2" REBAR
40	40' - 1/2" REBAR	30	30' - 1/2" REBAR
50	50' - 1/2" REBAR	35	35' - 1/2" REBAR
60	60' - 1/2" REBAR	40	40' - 1/2" REBAR
70	70' - 1/2" REBAR	45	45' - 1/2" REBAR
80	80' - 1/2" REBAR	50	50' - 1/2" REBAR
90	90' - 1/2" REBAR	55	55' - 1/2" REBAR
100	100' - 1/2" REBAR	60	60' - 1/2" REBAR
110	110' - 1/2" REBAR	65	65' - 1/2" REBAR
120	120' - 1/2" REBAR	70	70' - 1/2" REBAR
130	130' - 1/2" REBAR	75	75' - 1/2" REBAR
140	140' - 1/2" REBAR	80	80' - 1/2" REBAR
150	150' - 1/2" REBAR	85	85' - 1/2" REBAR
160	160' - 1/2" REBAR	90	90' - 1/2" REBAR
170	170' - 1/2" REBAR	95	95' - 1/2" REBAR
180	180' - 1/2" REBAR	100	100' - 1/2" REBAR
190	190' - 1/2" REBAR	105	105' - 1/2" REBAR
200	200' - 1/2" REBAR	110	110' - 1/2" REBAR
210	210' - 1/2" REBAR	115	115' - 1/2" REBAR
220	220' - 1/2" REBAR	120	120' - 1/2" REBAR
230	230' - 1/2" REBAR	125	125' - 1/2" REBAR
240	240' - 1/2" REBAR	130	130' - 1/2" REBAR
250	250' - 1/2" REBAR	135	135' - 1/2" REBAR
260	260' - 1/2" REBAR	140	140' - 1/2" REBAR
270	270' - 1/2" REBAR	145	145' - 1/2" REBAR
280	280' - 1/2" REBAR	150	150' - 1/2" REBAR
290	290' - 1/2" REBAR	155	155' - 1/2" REBAR
300	300' - 1/2" REBAR	160	160' - 1/2" REBAR
310	310' - 1/2" REBAR	165	165' - 1/2" REBAR
320	320' - 1/2" REBAR	170	170' - 1/2" REBAR
330	330' - 1/2" REBAR	175	175' - 1/2" REBAR
340	340' - 1/2" REBAR	180	180' - 1/2" REBAR
350	350' - 1/2" REBAR	185	185' - 1/2" REBAR
360	360' - 1/2" REBAR	190	190' - 1/2" REBAR
370	370' - 1/2" REBAR	195	195' - 1/2" REBAR
380	380' - 1/2" REBAR	200	200' - 1/2" REBAR
390	390' - 1/2" REBAR	205	205' - 1/2" REBAR
400	400' - 1/2" REBAR	210	210' - 1/2" REBAR
410	410' - 1/2" REBAR	215	215' - 1/2" REBAR
420	420' - 1/2" REBAR	220	220' - 1/2" REBAR
430	430' - 1/2" REBAR	225	225' - 1/2" REBAR
440	440' - 1/2" REBAR	230	230' - 1/2" REBAR
450	450' - 1/2" REBAR	235	235' - 1/2" REBAR
460	460' - 1/2" REBAR	240	240' - 1/2" REBAR
470	470' - 1/2" REBAR	245	245' - 1/2" REBAR
480	480' - 1/2" REBAR	250	250' - 1/2" REBAR
490	490' - 1/2" REBAR	255	255' - 1/2" REBAR
500	500' - 1/2" REBAR	260	260' - 1/2" REBAR
510	510' - 1/2" REBAR	265	265' - 1/2" REBAR
520	520' - 1/2" REBAR	270	270' - 1/2" REBAR
530	530' - 1/2" REBAR	275	275' - 1/2" REBAR
540	540' - 1/2" REBAR	280	280' - 1/2" REBAR
550	550' - 1/2" REBAR	285	285' - 1/2" REBAR
560	560' - 1/2" REBAR	290	290' - 1/2" REBAR
570	570' - 1/2" REBAR	295	295' - 1/2" REBAR
580	580' - 1/2" REBAR	300	300' - 1/2" REBAR
590	590' - 1/2" REBAR	305	305' - 1/2" REBAR
600	600' - 1/2" REBAR	310	310' - 1/2" REBAR
610	610' - 1/2" REBAR	315	315' - 1/2" REBAR
620	620' - 1/2" REBAR	320	320' - 1/2" REBAR
630	630' - 1/2" REBAR	325	325' - 1/2" REBAR
640	640' - 1/2" REBAR	330	330' - 1/2" REBAR
650	650' - 1/2" REBAR	335	335' - 1/2" REBAR
660	660' - 1/2" REBAR	340	340' - 1/2" REBAR
670	670' - 1/2" REBAR	345	345' - 1/2" REBAR
680	680' - 1/2" REBAR	350	350' - 1/2" REBAR
690	690' - 1/2" REBAR	355	355' - 1/2" REBAR
700	700' - 1/2" REBAR	360	360' - 1/2" REBAR
710	710' - 1/2" REBAR	365	365' - 1/2" REBAR
720	720' - 1/2" REBAR	370	370' - 1/2" REBAR
730	730' - 1/2" REBAR	375	375' - 1/2" REBAR
740	740' - 1/2" REBAR	380	380' - 1/2" REBAR
750	750' - 1/2" REBAR	385	385' - 1/2" REBAR
760	760' - 1/2" REBAR	390	390' - 1/2" REBAR
770	770' - 1/2" REBAR	395	395' - 1/2" REBAR
780	780' - 1/2" REBAR	400	400' - 1/2" REBAR
790	790' - 1/2" REBAR	405	405' - 1/2" REBAR
800	800' - 1/2" REBAR	410	410' - 1/2" REBAR
810	810' - 1/2" REBAR	415	415' - 1/2" REBAR
820	820' - 1/2" REBAR	420	420' - 1/2" REBAR
830	830' - 1/2" REBAR	425	425' - 1/2" REBAR
840	840' - 1/2" REBAR	430	430' - 1/2" REBAR
850	850' - 1/2" REBAR	435	435' - 1/2" REBAR
860	860' - 1/2" REBAR	440	440' - 1/2" REBAR
870	870' - 1/2" REBAR	445	445' - 1/2" REBAR
880	880' - 1/2" REBAR	450	450' - 1/2" REBAR
890	890' - 1/2" REBAR	455	455' - 1/2" REBAR
900	900' - 1/2" REBAR	460	460' - 1/2" REBAR
910	910' - 1/2" REBAR	465	465' - 1/2" REBAR
920	920' - 1/2" REBAR	470	470' - 1/2" REBAR
930	930' - 1/2" REBAR	475	475' - 1/2" REBAR
940	940' - 1/2" REBAR	480	480' - 1/2" REBAR
950	950' - 1/2" REBAR	485	485' - 1/2" REBAR
960	960' - 1/2" REBAR	490	490' - 1/2" REBAR
970	970' - 1/2" REBAR	495	495' - 1/2" REBAR
980	980' - 1/2" REBAR	500	500' - 1/2" REBAR
990	990' - 1/2" REBAR	505	505' - 1/2" REBAR
1000	1000' - 1/2" REBAR	510	510' - 1/2" REBAR

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 10/20/09

BY: STERLING "C"

Ryland Homes

ASSOCIATED BY

Associated Land Surveying & Mapping, Inc.

101 WYMORE ROAD, SUITE 110
 ALTAMONTE SPRINGS, FLORIDA 32714
 PHONE: (407) 889-8008 - FAX: (407) 889-0383
 Certificate of Authorization Number: LB 6787 EMail: alsm@alsm.net

PROJECT NAME	
PROPOSED LOCATION	
PLANNED	
FILE, COUNTY SURVEY	
SCALE 1" = 30'	JOB NO. 06049

