

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

**SUBJECT:** 612 Lugano Court – Diane & Stephen Ferrando, applicant; Request for 1) a rear yard setback variance from 30 feet to 14 feet for a proposed concrete above ground pool and 2) a rear yard setback variance from 30 feet to 10 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** 10/26/09 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for 1) a rear yard setback variance from 30 feet to 14 feet for a proposed concrete above ground pool and 2) a rear yard setback variance from 30 feet to 10 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 variance from 30 feet to 14 feet for a proposed concrete above ground pool and 2) a rear yard setback variance from 30 feet to 10 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.

<b>GENERAL INFORMATION</b>	Applicant: Diane & Stephen Ferrando Location: 612 Lugano Court Zoning: R-1A (Single Family Dwelling) Subdivision: Lake Markham Estates
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an above grade pool with a screen enclosure that will encroach into the 30-foot rear yard for water body.</li> <li>• The pool will encroach 16 feet and the screen enclosure will encroach 20 feet.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

**Reviewed by:** KFT  
**Co Atty:** \_\_\_\_\_  
**Pln Mgr:** \_\_\_\_\_

<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the pool and pool screen enclosure as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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

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Fee: \$150.00 plus \$50.00 for each additional variance

**COPY**

Application # BV2009-90  
Meeting Date 10-26-09



### VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201  
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: Diana + Stephen Ferrando  
Address: 612 Lugano Ct City: SANFORD Zip code: 32771  
Project Address: SAME City: Zip code:  
Tax Parcel number: LOT 76 LAKE MARKHAM ESTATES 27-19-29-501-0000-0760  
Contact number(s): 407/468-1646  
Email address: COMFORTROOMS@aol.com

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

RECEIVED SEP 03 2009

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>Concrete pool (ABOVE GROUND)</u>
<input checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>ALUMINUM SCREEN 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.	

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>14'</u> pool
<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"/> <u>REAR</u> yard setback	Required setback:	Proposed setback:	<u>10</u> SCREEN ENCLOSURE
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

Signed: SR Ferrando

Date: 7/22/09

**FOR OFFICE USE ONLY**

Date Submitted: 9-3-09

Reviewed By: P. Johnson D. Mible

Zoning/FLU R-1A / 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.

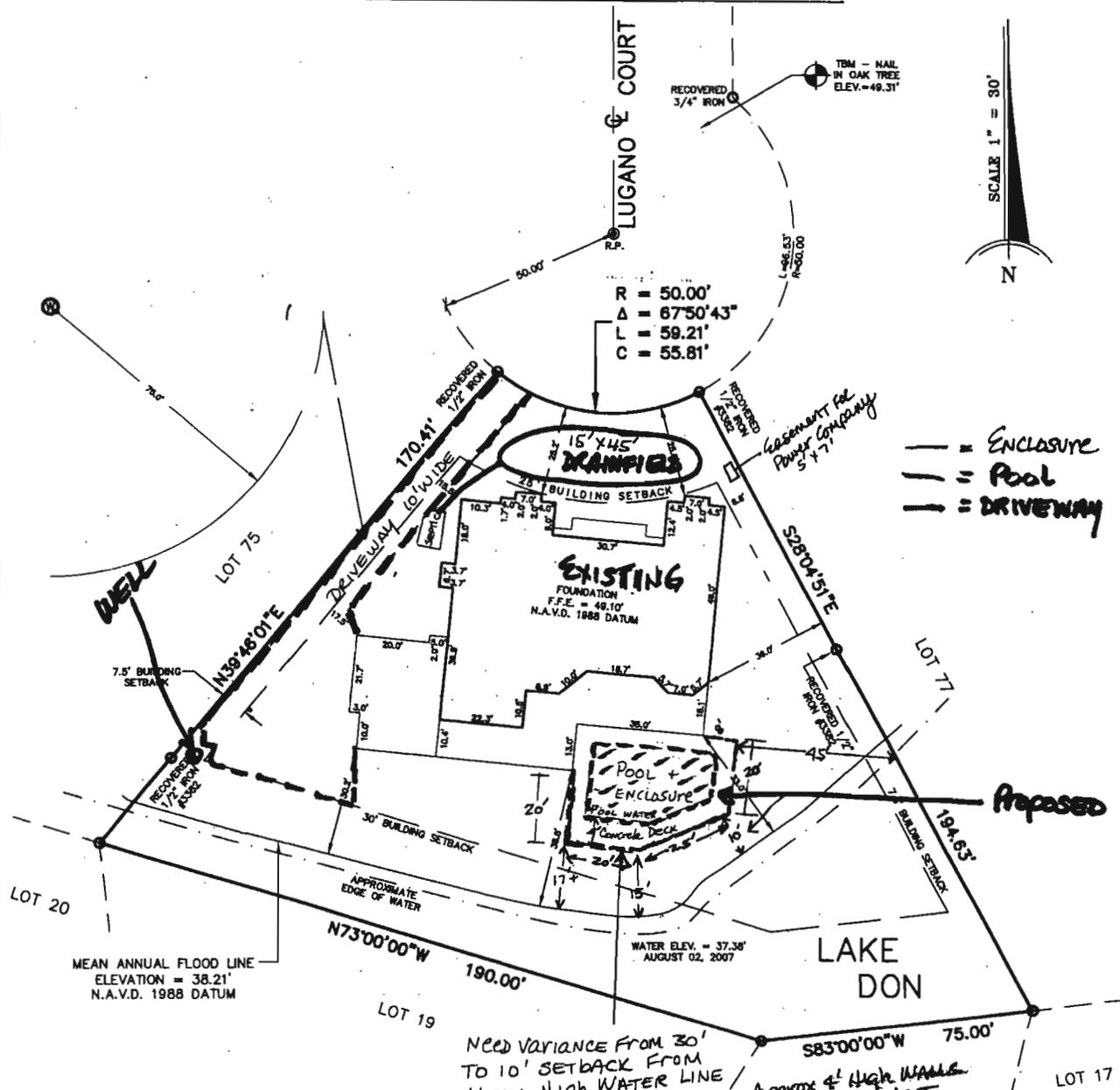
*After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.*

<input checked="" type="checkbox"/>	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a>
	4. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
<input checked="" type="checkbox"/>	<input type="checkbox"/> Size and dimension of the parcel
<input checked="" type="checkbox"/>	<input type="checkbox"/> Location and name of all abutting streets
<input checked="" type="checkbox"/>	<input type="checkbox"/> Location of driveways
<input checked="" type="checkbox"/>	<input type="checkbox"/> Location, size and type of any septic systems, drain field and wells
<input checked="" type="checkbox"/>	<input type="checkbox"/> Location of all easements
<input checked="" type="checkbox"/>	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/> Building height
<input checked="" type="checkbox"/>	<input type="checkbox"/> Setbacks from each building to the property lines
<input checked="" type="checkbox"/>	<input type="checkbox"/> Location of proposed fence(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/> 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.

# BOUNDARY & TOPOGRAPHIC SURVEY

DESCRIPTION: LOT 76, LAKE MARKHAM ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGES 60 AND 61, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

VIA BONITA



**NOTES:**

- BEARINGS BASED ON THE WEST LINE OF LOT 76 AS BEING N39°48'01"E.
  - EXISTING ELEVATIONS BASED ON SEMINOLE COUNTY BENCHMARK #8012005. ELEVATION = 47.552', N.A.V.D. 1988 DATUM. ELEVATIONS CONVERTED FROM N.G.V.D. 1929 DATUM TO N.A.V.D. 1988 DATUM BY LOWERING ELEVATIONS 1.02 FEET.
  - ACCORDING TO F.I.R.M. PANEL #12117C0045F, DATED SEPTEMBER 28, 2007, THE DESCRIBED PROPERTY LIES PARTIALLY IN ZONE AE, AREAS INUNDATED BY 100 YEAR FLOOD WITH A BASE FLOOD OF 47 FEET, AND ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.
  - SURVEYOR HAS NOT VERIFIED BUILDING SETBACK REQUIREMENTS. A 25' SETBACK FOR THE FRONT, 7.5' SETBACK FOR THE SIDES, AND A 30' SETBACK FOR THE REAR HAS BEEN ASSUMED.
  - MEAN ANNUAL FLOOD LINE (FORMERLY MEAN HIGH WATER LINE) WAS DETERMINED FROM THE SEMINOLE COUNTY WATERSHED ATLAS, TAKING THE AVERAGE OF ELEVATIONS FROM A TIME SPAN OF 10 YEARS.
- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>REVISED 02/08/2008 CONVERTED ELEVATIONS FROM N.G.V.D. 1929 DATUM TO N.A.V.D. 1988 DATUM.</li> <li>REVISED 06/18/2008 REMOVE WELL ON LOT 77</li> <li>REVISED 07/14/2008 RELOCATE PROPOSED WELL REVISE DRIVEWAY LOCATION</li> <li>REVISED 11/11/2008 ADD FOUNDATION</li> </ul> | <p>NEED VARIANCE FROM 30' TO 10' SETBACK FROM MEAN HIGH WATER LINE. ABOVE GROUND CONCRETE POOL APPROX 4' HIGH WALLS BECAUSE OF IRREGULAR SHAPED LOT + WATERLINE.</p> |
|---|--|

*[Signature]*  
 JAMES R. ...  
 NOT VALID UNLESS RAISED SEAL OF A ...

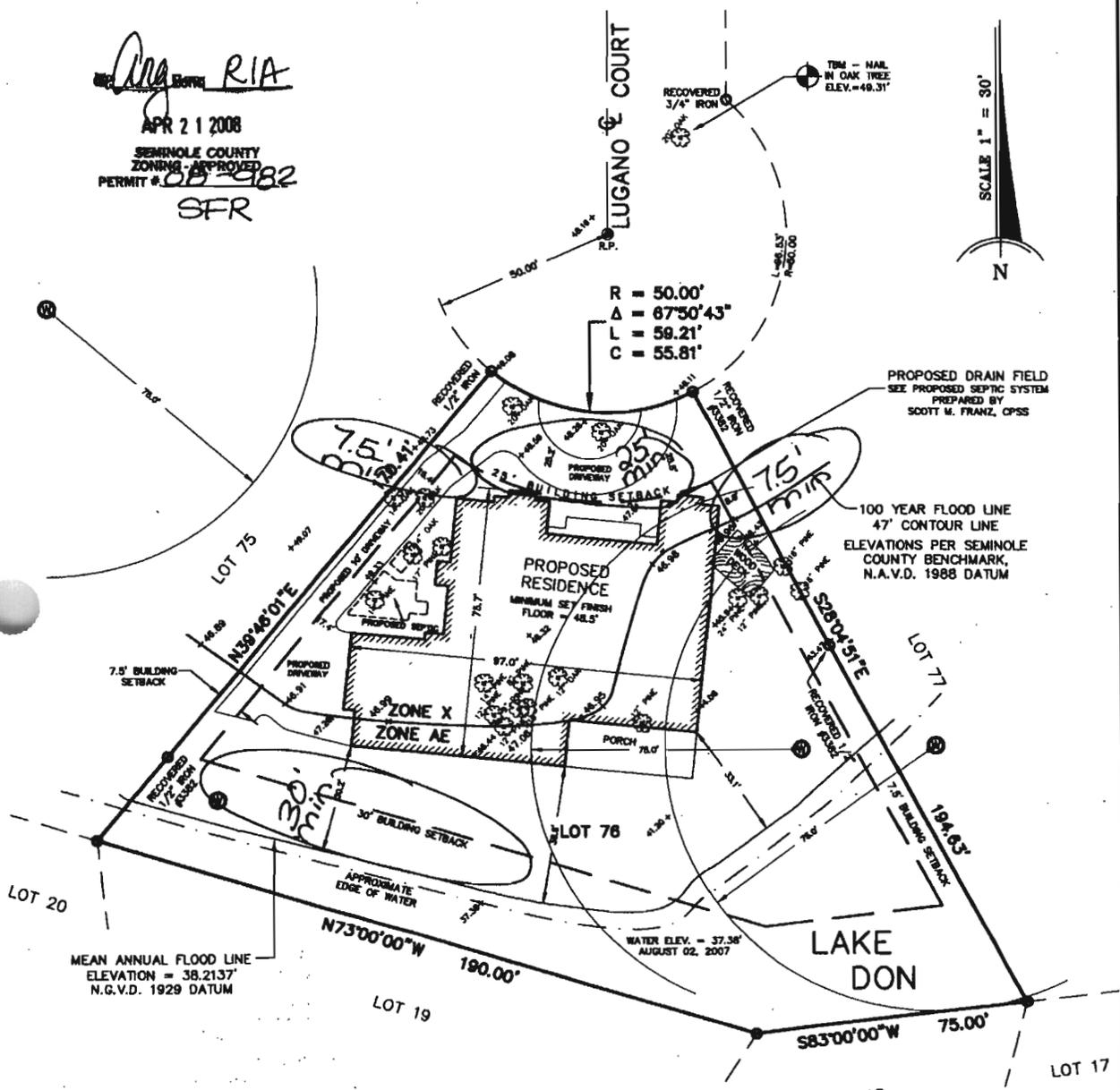
SHANNON SURVEYING, INC.  
 499 NORTH S.R. 434 - SUITE 2153  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

DATE OF SURVEY: 08/03/2007  
 FIELD BY: J.H. SCALE: 1" = 30'  
 FILE NUMBER: PB11-PC80-LQ178

# BOUNDARY & TOPOGRAPHIC SURVEY

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*Ang RIA*  
 APR 21 2008  
 SEMINOLE COUNTY  
 ZONING - APPROVED  
 PERMIT # **08-982**  
 SFR



PROPOSED DRAIN FIELD  
 SEE PROPOSED SEPTIC SYSTEM  
 PREPARED BY  
 SCOTT M. FRANZ, CPSS

100 YEAR FLOOD LINE  
 47' CONTOUR LINE  
 ELEVATIONS PER SEMINOLE  
 COUNTY BENCHMARK,  
 N.A.V.D. 1988 DATUM

MEAN ANNUAL FLOOD LINE  
 ELEVATION = 38.2137  
 N.G.V.D. 1929 DATUM

R = 50.00'  
 Δ = 67°50'43"  
 L = 59.21'  
 C = 55.81'

WATER ELEV. = 37.36'  
 AUGUST 02, 2007

- NOTES:
- BEARINGS BASED ON THE WEST LINE OF LOT 76 AS BEING N39°46'01"E.
  - EXISTING ELEVATIONS BASED ON SEMINOLE COUNTY BENCHMARK #8012005. ELEVATION = 47.552', N.A.V.D. 1988 DATUM. ELEVATIONS CONVERTED FROM N.G.V.D. 1929 DATUM TO N.A.V.D. 1988 DATUM BY LOWERING ELEVATIONS 1.02 FEET.
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REVISED 02/08/2008 CONVERTED ELEVATIONS FROM N.G.V.D. 1929 DATUM TO N.A.V.D. 1988 DATUM.

*James R. Shannon, Jr.*  
 JAMES R. SHANNON, JR., S.L.S. #4871  
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  
 STATE OF FLORIDA  
 Board of Surveyors

SHANNON SURVEYING, INC.  
 499 NORTH S.R. 434 - SUITE 2153  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

DATE OF SURVEY: 08/03/2007  
 FIELD BY: JRS SCALE: 1" = 30'  
 FILE NUMBER: P811-P880-LOT76

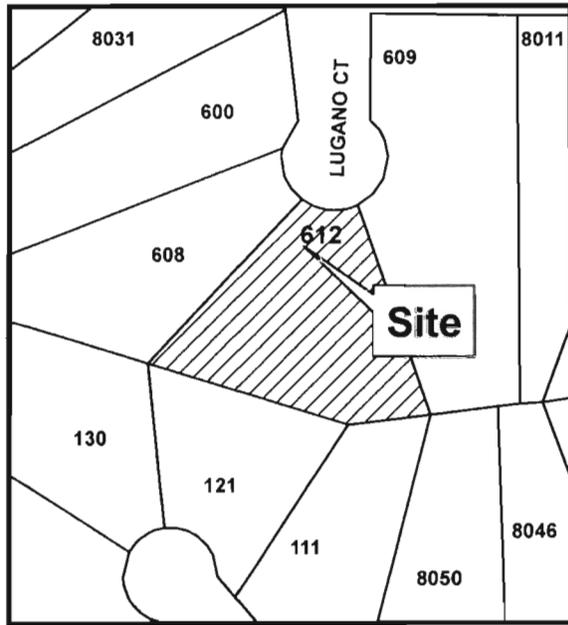
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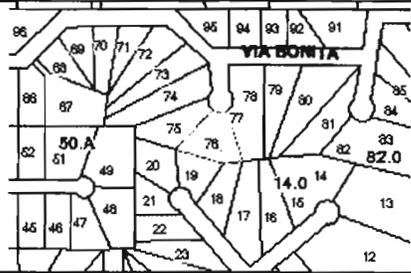


Seminole County Board of Adjustment  
October 26, 2009  
Case: BV2009-90 (Map 3050 Grid B2)  
Parcel No: 27-19-29-501-0000-0760

Zoning

-  BV2009-90
-  A-1
-  RC-1
-  R-1A



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL.                  1101 E. FIRST ST                  SANFORD, FL 32771-1408                  407-665-7806</p>																																						
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 27-19-29-501-0000-0760                  Owner: FERRANDO STEPHEN &amp;                  Own/Addr: POPTIC DIANA                  Mailing Address: 506 GEORGETOWN DR                  City,State,ZipCode: CASSELBERRY FL 32707                  Property Address: 612 LUGANO CT SANFORD 32773                  Subdivision Name: LAKE MARKHAM ESTATES                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 00-VACANT RESIDENTIAL</p>		<p style="text-align: center;"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">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 style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: center;">\$150,000</td> <td style="text-align: center;">\$150,000</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td><b>Just/Market Value</b></td> <td style="text-align: center;"><b>\$150,000</b></td> <td style="text-align: center;"><b>\$150,000</b></td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td><b>Assessed Value (SOH)</b></td> <td style="text-align: center;"><b>\$150,000</b></td> <td style="text-align: center;"><b>\$150,000</b></td> </tr> </tbody> </table> <p style="text-align: center;"><b>Tax Estimator</b>                  2009 Notice of Proposed Property Tax</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$150,000	\$150,000	Land Value Ag	\$0	\$0	<b>Just/Market Value</b>	<b>\$150,000</b>	<b>\$150,000</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	<b>Assessed Value (SOH)</b>	<b>\$150,000</b>	<b>\$150,000</b>			
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Schools	\$150,000	\$0	\$150,000																																			
Fire	\$150,000	\$0	\$150,000																																			
Road District	\$150,000	\$0	\$150,000																																			
SJWM(Saint Johns Water Management)	\$150,000	\$0	\$150,000																																			
County Bonds	\$150,000	\$0	\$150,000																																			
The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.																																						
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2006</td> <td><u>06284</u></td> <td><u>1558</u></td> <td>\$245,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/2005</td> <td><u>05862</u></td> <td><u>1293</u></td> <td>\$195,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>06/2000</td> <td><u>03884</u></td> <td><u>0851</u></td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1978</td> <td><u>01153</u></td> <td><u>1126</u></td> <td>\$10,400</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2006	<u>06284</u>	<u>1558</u>	\$245,000	Vacant	Yes	WARRANTY DEED	07/2005	<u>05862</u>	<u>1293</u>	\$195,000	Vacant	Yes	QUIT CLAIM DEED	06/2000	<u>03884</u>	<u>0851</u>	\$100	Vacant	No	WARRANTY DEED	01/1978	<u>01153</u>	<u>1126</u>	\$10,400	Vacant	Yes	<p style="text-align: center;"><b>2008 VALUE SUMMARY</b></p> <p style="text-align: right;"><b>2008 Tax Bill Amount:</b> \$2,259</p> <p style="text-align: center;"><b>2008 Certified Taxable Value and Taxes</b>                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p><b>NOTE:</b> 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.</p>																																						

SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The 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
DIANA Ferrando	506 GEORGETOWN DR	407 / 468-1646
STEPHEN Ferrando	CASS, FL 32707	

(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.

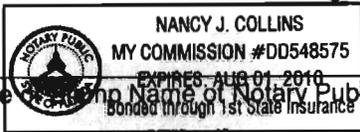
8/11/09  
Date

S R Ferrando  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 12 day of August, 2009 by Stephen Ferrando

Nancy Collins  
Signature of Notary Public



Personally Known  OR Produced Identification FCDL  
Type of Identification Produced FCDL

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 76 LAKE MARKHAM ESTATES PB 11 PG 61

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

### FINDINGS OF FACT

**Property Owner:** Stephen Ferrando & Diana Poptic  
506 Georgetown Dr  
Casselberry FL 32707

**Project Name:** Lugano Court (612)

**Requested Variance:**

A rear yard setback variance from 30 feet to 14 feet for a proposed concrete above ground pool and a rear yard setback variance from 30 feet to 10 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district.

Approval was sought to construct a swimming pool and pool screen enclosure 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 76 LAKE MARKHAM ESTATES PB 11 PG 61

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

### FINDINGS OF FACT

**Property Owner:** Stephen Ferrando & Diana Poptic  
506 Georgetown Dr  
Casselberry Fl 32707

**Project Name:** Lugano Court (612)

#### **Variance Approval:**

A rear yard setback variance from 30 feet to 14 feet for a proposed concrete above ground pool and a rear yard setback variance from 30 feet to 10 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

