

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22 FEET FOR A PROPOSED POOL ABUTTING A NATURAL WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ROOM ADDITION ABUTTING A NATURAL WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DARRELL & JULIE RUDD, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

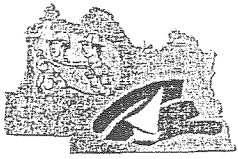
Agenda Date 11-15-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22 FEET FOR A PROPOSED POOL ABUTTING A NATURAL WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ROOM ADDITION ABUTTING A NATURAL WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DARRELL & JULIE RUDD, APPLICANTS); OR
2. **DENY** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22 FEET FOR A PROPOSED POOL ABUTTING A NATURAL WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ROOM ADDITION ABUTTING A NATURAL WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (DARRELL & JULIE RUDD, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: LOCATION: ZONING:	DARRELL & JULIE RUDD 2221 POINSETTA DRIVE R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A POOL AND AN ADDITION THAT WOULD EACH ENCROACH 8 FEET AND 6 FEET RESPECTIVELY INTO THE MINIMUM 30 FOOT REAR YARD SETBACK FOR PROPERTY ABUTTING A NATURAL WATER BODY (LAKE BRANTLEY); THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED. 	

	<ul style="list-style-type: none">• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANTS HAVE SATISFIED THE CRITERIA FOR THE GRANT OF THE VARIANCES. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• A SPECIAL CIRCUMSTANCE APPLICABLE TO THE PROPERTY HAS BEEN DEMONSTRATED. THE PROPERTY'S TRIANGULAR SHAPE AND NARROW FRONT YARD RELEGATED BUILDABLE AREA FROM THE REAR YARD TO THE FRONT YARD. THIS RESULTED IN THE HOUSE HAVING TO BE PLACED FURTHER TO THE REAR OF THE LOT TO ADDRESS THE MINIMUM WIDTH AT THE BUILDING LINE STANDARD OF 90 FEET FOR THIS DISTRICT AND EFFECTIVELY REDUCED THE BUILDABLE DEPTH OF THE LOT BY APPROXIMATELY 35 FEET.• A COMPLIANT ADDITION OR SWIMMING POOL CANNOT BE BUILT ON THE PROPERTY WITHOUT OBTAINING A REAR YARD SETBACK VARIANCE.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER PROPERTIES IN THE R-1AA DISTRICT.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT THE VARIANCES, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL AND ROOM ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

10/21/2004

APPL. NO. BV 2004-163

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE** RY from 30 feet to 22 feet for proposed pool
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____)
- REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Darrell & Julie Rudd</u>	
ADDRESS	<u>2221 Poinsetta Drive</u>	
	<u>Longwood, FL 32779</u>	
PHONE 1	<u>321-377-2700 cell</u>	
PHONE 2	<u>407-788-2077 Hm</u>	
E-MAIL	<u>jrudd@civillrecoverylaw.com</u>	

PROJECT NAME: _____

SITE ADDRESS: 2221 Poinsetta Drive, Longwood, FL 32779

CURRENT USE OF PROPERTY: resident

LEGAL DESCRIPTION: Lot 13 + part of lot 12 beg SW corner sely on S line 141.15 Ft. NWly 137.94 ft. to Ely R/W Poinsetta Dr.

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 04-21-29-501-0000-0130

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 1/1 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Julie Rudd
 SIGNATURE OF OWNER OR AGENT*

10/21/04
 DATE

* Proof of owner's authorization is required with submittal if signed by agent.



ADDITIONAL VARIANCES

VARIANCE 2:

Rear yard setback variance from 30' to 24' for a proposed addition

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): \$150.00 COMMISSION DISTRICT _____ FLU/ZONING LDR/RIAA

BCC HEARING DATE 11/15/04 (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

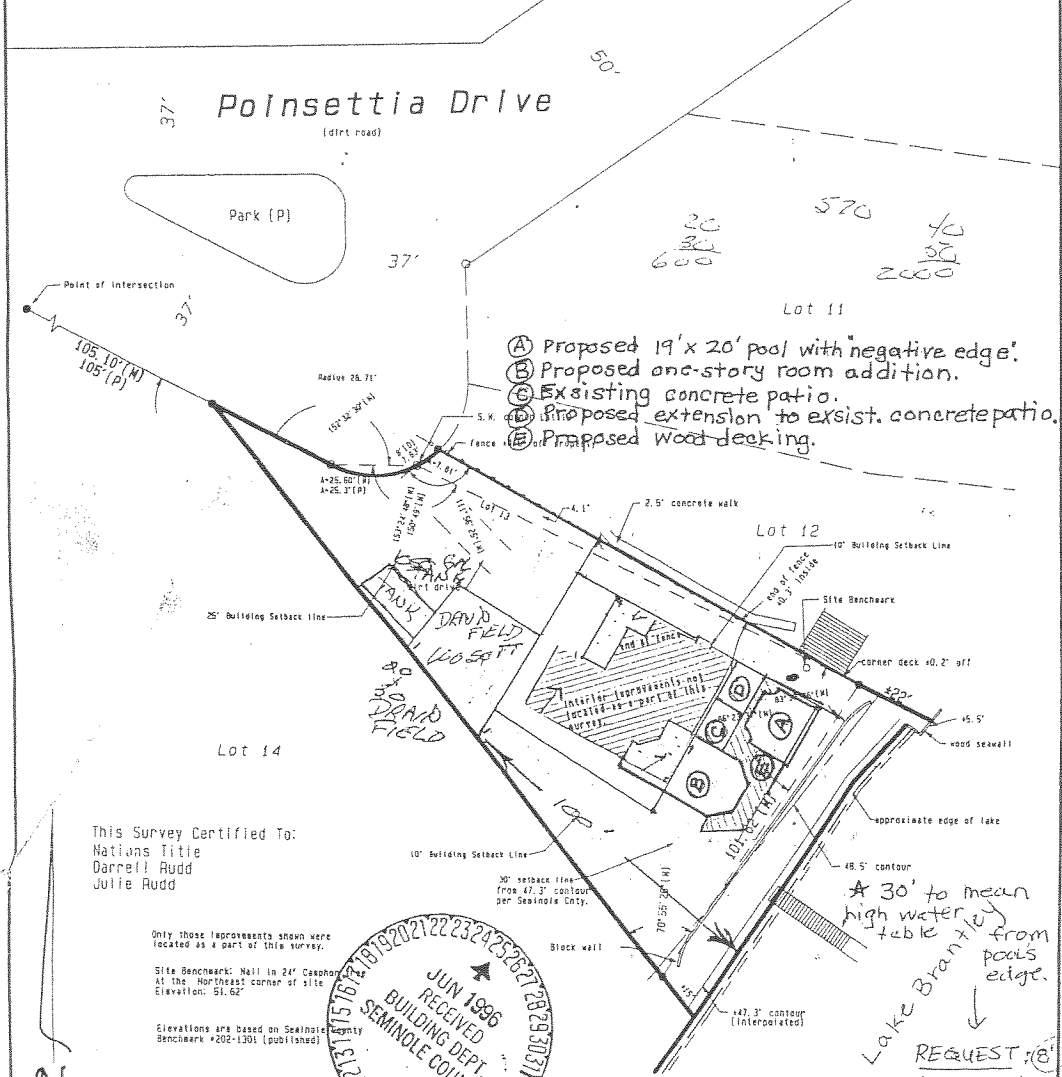
SUFFICIENCY COMMENTS _____

Specific Purpose Survey for Darrell & Julie Rudd

Legal Description

Lot 13 and Beginning at the S.W. corner of Lot 12, LAKE BRANTLEY ISLES, AMENDED PLAT, as recorded in Plat Book 9, Page 67 of the Public Records of Seminole County, Florida; run thence S61° along the S. line of said Lot 12 141.15 feet to a point, thence N61° 137.94 feet to a point on the E. R/W line of Poinsettia Drive 8 feet Nly from beginning, thence S1° along said R/W line 8 feet to point of beginning.

Preliminary



This Survey Certified To:
Nations Title
Darrell Rudd
Julie Rudd

Only those improvements shown were located as a part of this survey.

Site Benchmark: Nail in 2" Caspion
At the Northeast corner of site
Elevation: 51.62'

Elevations are based on Seminole County
Benchmark #202-1301 (published)

Revised: April 8, 1995 add house
and 100 yr. flood contour

Legal Description (furnished by
client (unless otherwise noted))

CERTIFICATION
This is to Certify that I have performed a field survey of the above described property, for the purposes hereon represented, and that this drawing is a representation of that survey, and meets the Minimum Technical Standards pursuant to Section 472.023, Florida Statutes (Chapter 61G17, F.A.C.).

Michael K. Solitro,
Certificate #4458
Not valid unless signed and sealed

- Recovered 4" x 4" Concrete Monument
- Set 4" x 4" Concrete Monument #LB6300
- ✕ Recovered Nail & Disk as shown
- ✕ Recovered X Cut in concrete
- Recovered 1/2" Iron pipe or as shown
- Recovered 1/2" Iron rod LB2108
- ◇ Light Pole as shown
- ⊕ 6" Wood Fence
- ⊖ Fence as shown
- ▭ Concrete Slab
- ⊞ 4" Chain Link fence
- △ Central Angle L-Arc R-Radius R/W-Right of Way
- A/C-Air Conditioner (R)-Radial (NR)-Non-Radial
- (P)-Pit (M)-Measured (C)-Calculated (D)-Deed
- POB-Point of Beginning POC-Point of Commencement
- POL-Point On Line

SCALE: 1" = 40'

REVIEWED BY: MWS

DRAWN BY: MWS

DATE: November 7, 1995

JOB No.: 956394

Revised:

This Survey is certified and prepared for the sole and exclusive benefit of the entities and/or individuals listed and shall not be relied on by any other entity or individual whatsoever.

Underground foundations and/or improvements were not located as a part of this survey.

Lands shown hereon were not abstracted for rights of ways and/or easements of public records.

ALTAMONTE SURVEYING AND PLATTING, INC.

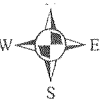
Phone (407) 862-7555

445 Douglas Avenue, Suite 1455 F
Altamonte Springs, Florida 32714

Fax (407) 862-6329

PARCEL DETAIL	REAL ESTATE PERSONAL PROP TAX ROLL SALES SEARCH																																																																							
<p> Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-865-7506 </p>																																																																								
<p style="text-align: center;">GENERAL</p> <p> Parcel Id: 04-21-29-501-0000-0130 Tax District: 01-TX DIST 1 - COUNTY Owner: CONFIDENTIAL PER STATUTES Exemptions: 00-HOMESTEAD Own/Addr: 119.07(03)(1) CID# 119 Address: 1101 E 1ST ST City,State,ZipCode: SANFORD FL 32771 Property Address: Subdivision Name: LAKE BRANTLEY ISLES AMENDED PLAT Dor: 01-SINGLE FAMILY </p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$190,381 Depreciated EXFT Value: \$5,110 Land Value (Market): \$163,760 Land Value Ag: \$0 Just/Market Value: \$359,251 Assessed Value (SOH): \$296,367 Exempt Value: \$25,000 Taxable Value: \$271,367 </p>																																																																						
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>ADMINISTRATIVE DEED</td> <td>05/1996</td> <td>03072</td> <td>1007</td> <td>\$170,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1996</td> <td>03072</td> <td>1005</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1996</td> <td>03072</td> <td>1003</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1996</td> <td>03072</td> <td>1001</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>PROBATE RECORDS</td> <td>06/1994</td> <td>02788</td> <td>0419</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center; font-size: small;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	ADMINISTRATIVE DEED	05/1996	03072	1007	\$170,000	Improved	QUIT CLAIM DEED	04/1996	03072	1005	\$100	Improved	QUIT CLAIM DEED	04/1996	03072	1003	\$100	Improved	QUIT CLAIM DEED	04/1996	03072	1001	\$100	Improved	PROBATE RECORDS	06/1994	02788	0419	\$100	Improved	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p> Tax Value(without SOH): \$5,661 2004 Tax Bill Amount: \$4,493 Save Our Homes (SOH) Savings: \$1,168 2004 Taxable Value: \$265,841 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS </p>																																		
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<p style="font-size: x-small;">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.</p>																																																																								

**Darrell & Julie Rudd
2221 Poinsetta Drive**



Parcel: 04-21-29-501-0000-0130 / District: 3

**BV2004-163
NOVEMBER 15, 2004**

0 150 300 600 Feet

October 15, 2004

Re: Rudd/ 2221 Poinsetta Drive, Longwood


To the Board of Adjustments:

This letter is in reference to the Variance requested by Darrell and Julie Rudd, 2221 Poinsetta Drive, Longwood, Florida.

We own the neighboring parcel adjacent to and abutting the Rudd property to the South.

We have no objections to the 8 additional feet toward the lake requested by the Rudd's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.



Lucy DePaulis
2211 Poinsetta Drive
407-788-7477

October 15, 2004

Re: Rudd/ 2221 Poinsetta Drive, Longwood

To the Board of Adjustments:

This letter is in reference to the Variance requested by Darrell and Julie Rudd, 2221 Poinsetta Drive, Longwood, Florida.

We own the neighboring parcel adjacent to and abutting the Rudd property to the North.

We have no objections to the 8 additional feet toward the lake requested by the Rudd's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.



John McLain
2231 Poinsetta Drive, Longwood, FL
407-389-1644

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 15, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 13 + PART OF LOT 12 BEG SW COR RUN SELY ON S LINE 141.15 FT NWLY 137.94 FT TO ELY R/W POINSETTA DRIVE CHORD DIST 8 FT NLY OF BEG SLY ON R/W TO BEG LAKE BRANTLEY ISLES AMENDED PLAT PB 9 PG 67

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

FINDINGS OF FACT

Property Owner: DARRELL & JULIE RUDD
2221 POINSETTA DRIVE
LONGWOOD, FL 32779

Project Name: POINSETTA DRIVE (2221)

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 22 FEET FOR A PROPOSED POOL ABUTTING A NATURAL WATER BODY; AND
2. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ROOM ADDITION ABUTTING A NATURAL WATER BODY IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT).

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: Francisco Torregrosa, 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:

1. The variance granted will apply only to the proposed pool and room addition 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: _____
Matthew West
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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: