

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) MINIMUM (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET; AND (2) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (JEAN CHARLES, APPLICANT).

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

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

Agenda Date 12-13-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET; AND (2) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (JEAN CHARLES, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET; AND (2) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (JEAN CHARLES, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	JEAN CHARLES, APPLICANT 400 EAGLE CIRCLE STERLING PARK UNIT 2 PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT WISHES TO CONSTRUCT A POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 5 FEET AND 3 FEET INTO THE MINIMUM SIDE YARD SETBACKS. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT:	

	<ul style="list-style-type: none">• THE LOT IS IRREGULARLY SHAPED MAKING THE PLACEMENT OF A COMPLIANT A POOL SCREEN ENCLOSURE NOT POSSIBLE.• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE PUD DISTRICT.• THE APPLICANT WOULD NOT RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCES.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUESTED VARIANCES. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN;• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY APPL. NO. BV 2004-171

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** Requesting 5' into setback not into easement on West side and 3' on south side of Lot
- 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>Jean Charles</u>		
ADDRESS	<u>400 Eagle Circle</u>		
	<u>Casselberry FL 32707</u>		
PHONE 1	<u>407 695-6854</u>		
PHONE 2			
E-MAIL			

PROJECT NAME: Jean Charles
 SITE ADDRESS: 400 Eagle Circle Casselberry FL 32707
 CURRENT USE OF PROPERTY: single family home
 LEGAL DESCRIPTION: Lot 1 Block D Steepling Park Unit 2 PB17 PG 8

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 15-21-30-503-0D00-0010

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on ___/___/___ (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.

Jean Charles 10-21-04
 SIGNATURE OF OWNER OR AGENT* DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:
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): _____ COMMISSION DISTRICT <u>1</u> FLU/ZONING <u>PD/PUD</u>
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS <u>East side of Eagle Circle, on the South East corner of Eagle Cir. & Swallow Drive.</u>
PLANNING ADVISOR <u>JV</u> DATE <u>11/2/04</u>
SUFFICIENCY COMMENTS _____

SWERDLOFF & LONG SURVEYING, INC.

Legal Description

Lot 1, Block D, STERLING PARK UNIT 2, according to the plat thereof, as recorded in Plat Book 17, Page(s) 87 and 88, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0145

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

Date of field work: 3/10/2004 Completion Date: 3/11/2004

Certified to:

Jean F. Charles; Martine Charles; MTC Title Company; First American Title Insurance Company; The Huntington National Bank, its successors and/or assigns.



Setbacks 7' in Rear
10' on sides

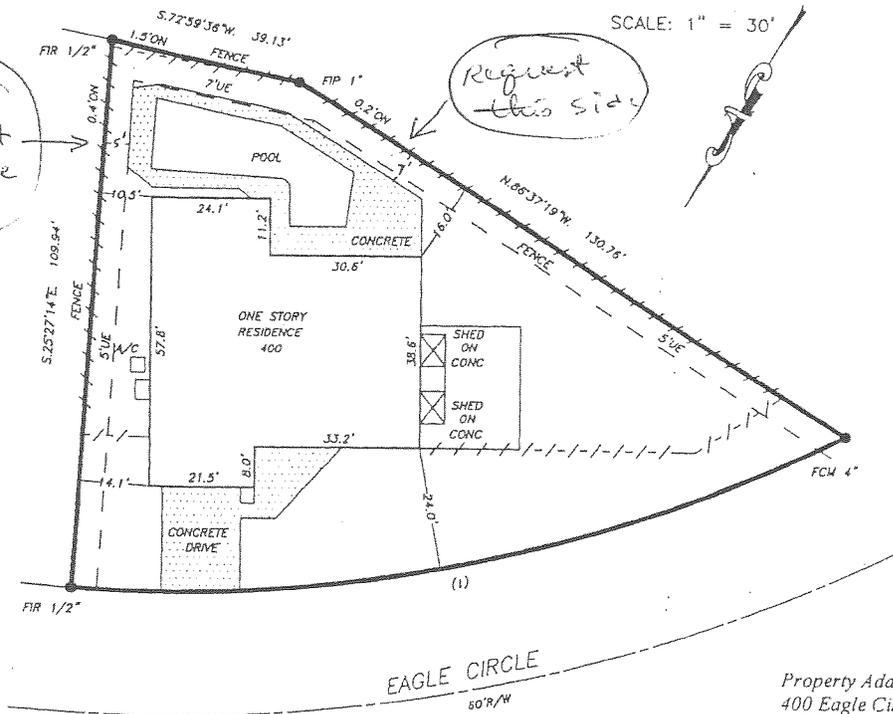
CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	310.00'	29°39'29"	160.47'	62.07'	158.68'	N.49°31'19"E.

SCALE: 1" = 30'

Request this side

Request this side



Property Address:
400 Eagle Circle
Casselberry, FL 32707

Survey number: SL 31170

LEGEND

Wood Fence	CATV	Cable Riser	M.H.	Manhole
Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
Found Nail	TEL.	Telephone Facilities	O.R.	Official Records
Property Corner Record	COV.	Covered Area	O.R.B.	Official Records Book
Field Measured	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
Clear	CH	Chord	P.R.M.	Permanent Reference Monument
Encroachment	RAD	Radial	PG.	Page
Centerline	N.R.	Non Radial	PVMT.	Pavement
Concrete	A/C	Air Conditioner	P.B.	Plat Book
Property Line	B.M.	Bench Mark	P.O.B.	Point of Beginning
Concrete Monument	C.	Calculated	P.O.C.	Point of Commencement
Found Iron Rod	ZZZZ	Block Wall	P.O.L.	Point on Line
Right Of Way	Δ	Central Angle/Delta	P.C.	Point of Curvature
Nail & Disk	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
Drainage Easement	D.	Description or Deed	P.T.	Point of Tangency
Utility Easement	D.H.	Drill Hole	R.	Radius (Radial)
Found	D/W	Drive way	R.O.E.	Roof Overhang Easement
Plat	ESMT	Easement	S.I.R.	Set Iron Rod & Cap
Asphalt	EL	Elevation	S/W	Sidewalk
Overhead Utilities	FF.	Finished Floor	T.O.P.	Top of Bank
Power Pole	F.C.M.	Found Concrete Monument	TYP.	Typical
	F.P.K.	Found Parker-Kalon Nail	W.C.	Witness Corner
	L	Length	W.C.	Existing Elevation
			10.05	

GENERAL NOTES

- Legal description provided by others.
- The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat.
- Underground portions of footings, foundations or other improvements were not located.
- Well ties are to the face of the wall.
- Only visible encroachments located.
- No identification found on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted.
- Adjoining lots are within the same block, unless otherwise noted.
- This is an AS-BUILT SURVEY unless otherwise noted.
- Not valid unless sealed with the signing surveyors embossed seal.
- Flood data determination are provided as a courtesy only, and are derived from the best sources available to the surveyor. This information should not be relied upon for flood insurance purposes, and may differ from information provided by others.
- L.S. 71132

I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

Ralph Swerdloff Registered Land Surveyor No. 3411

Swerdloff & Long Surveying, Inc.
165 Waymont Court, Suite 109, Lake Mary, FL 32746

COMMISSION DISTRICT #:

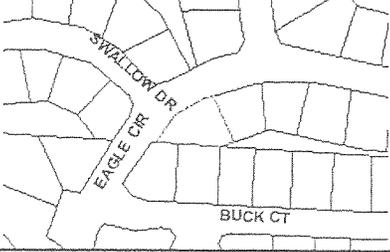
GUI ZONED: PUD SEC: 15 TWP: 21 RNG: 30
 PROJ. #

DEVELOPMENT:		Sterling Park Units 2 and 2A				DEVELOPER:		Dick Bond						
LOCATION:		40 acres – 91 units												
FILE#:		BA:		SP:		BCC:		10/17/73						
P&Z:														
PB	17	PG	87, 88	Lot		Blk		Parcel		DBA	Comm Dist			
DEVEL. ORDER #:						TAX PAR. I.D. #:								
SIDEWALKS:						SETBACK REQUIREMENTS								
						FY:	25'	SIDE ST.:	20'	SY:	10'	RY:	30'	
ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER:								
COMMENTS OTHER: 1) Unit 2A is four lots located at northeast corner of Laurel Way and Dew Drop Cove in former greenbelt area. (not approved as of 10/22/73). 2) Recreation area consisting of swimming pool, tennis courts, bath house, tot lot, located on Eagle Brook and golf courses. Recreation area to be started prior to occupancy of first houses. 3) 6' wide asphalt bike trail along green belts to south and east. 4) Existing trees to remain as indicated on map, dated 6/22/72. 5) Fishing pier and boat dock on lake.						ACCESSORY STRUCTURE SETBACKS:								
						SY:			RY:					
						ACCESSORY STRUCTURE OTHER: MINIMUM 20' BETWEEN HOUSES								

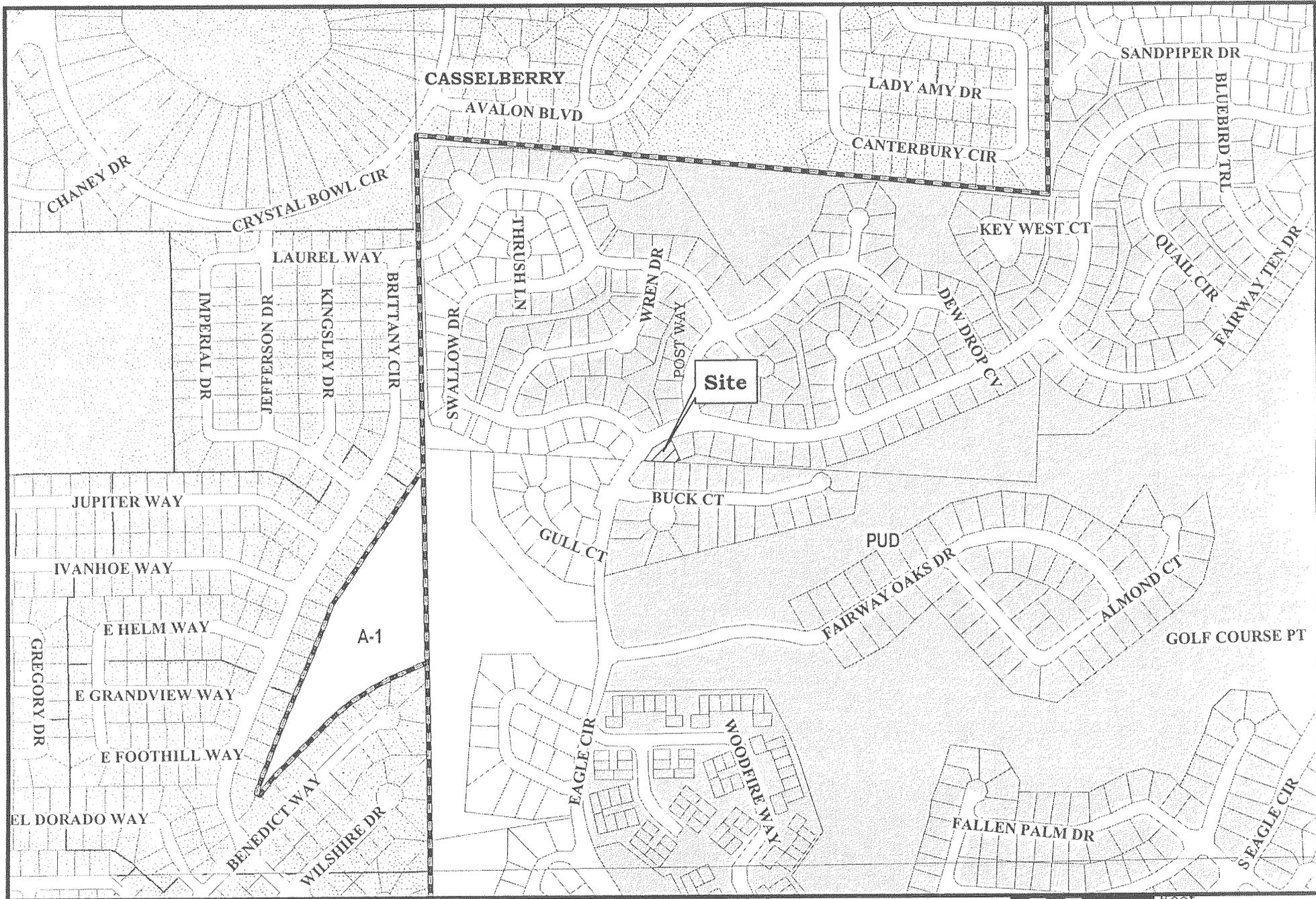
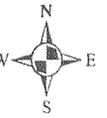
	IMPACT FEES	
	SCREEN:	
	TRAFFIC ZONE:	
	LAND USE:	
	1. ROAD-CO. WIDE	
	2. ROAD-COLL.	
	3. LIBRARY	
	4. FIRE	
	5. PARK	
	6. SCHOOL	
7. LAW		
8. DRAINAGE		
TOTAL		
REMARKS:		

COMMITMENT CARD

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

PARCEL DETAIL		REAL ESTATE PERSONAL PROP. TAX ROLL SALES SEARCH ◀ ◁ Back ▷ ▶																																									
 <p> Seminole County Property Appraiser Services 1101 E. Pirst St. Sanford FL 32771 407-665-7506 </p>																																											
<p align="center">GENERAL</p> <p> Parcel Id: 15-21-30-503-0D00-0010 Tax District: 01-COUNTY-TX DIST 1 Owner: CHARLES JEAN F & MARTINE Exemptions: 00-HOMESTEAD Address: 400 EAGLE CIR City,State,ZipCode: CASSELBERRY FL 32707 Property Address: 400 EAGLE CIR CASSELBERRY 32707 Subdivision Name: STERLING PARK UNIT 02 Dor: 01-SINGLE FAMILY </p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$117,353 Depreciated EXFT Value: \$4,589 Land Value (Market): \$20,000 Land Value Ag: \$0 Just/Market Value: \$141,942 Assessed Value (SOH): \$100,542 Exempt Value: \$25,000 Taxable Value: \$75,542 </p>																																									
<p align="center">SALES</p> <table border="1"> <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>WARRANTY DEED</td> <td>03/2004</td> <td>05280</td> <td>1700</td> <td>\$179,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1979</td> <td>01206</td> <td>0952</td> <td>\$53,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1978</td> <td>01157</td> <td>1187</td> <td>\$49,000</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/2004	05280	1700	\$179,900	Improved	WARRANTY DEED	01/1979	01206	0952	\$53,000	Improved	WARRANTY DEED	02/1978	01157	1187	\$49,000	Improved	<p align="center">2004 VALUE SUMMARY</p> <p> Tax Value(without SOH): \$1,994 2004 Tax Bill Amount: \$1,245 Save Our Homes (SOH) Savings: \$749 2004 Taxable Value: \$73,667 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS </p>																	
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<p>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>																																											

Jean & Martine Charles 400 Eagle Cir



Parcel 5-21-30-503-0D00-0010 / District: 1

BY 004-171
DECEMBER 13, 2004

0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 13, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 1 BLK D STERLING PARK UNIT 2 PB 17 PG 88

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

FINDINGS OF FACT

Property Owner: JEAN CHARLES
400 EAGLE CIRCLE
CASSELBERRY, FL 32707

Project Name: EAGLE CIRCLE (400)

Requested Development Approval:

1. MINIMUM (EAST) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET; AND
2. MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT 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 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: _____

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: