

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

**SUBJECT:** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 3.2 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (KEVIN MORRISSEY, APPLICANT).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

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

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 3.2 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (KEVIN MORRISSEY, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 3.2 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (KEVIN MORRISSEY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	KEVIN MORRISSEY, APPLICANT 301 RED MULBERRY COURT SABAL POINT TRACT A PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO ENLARGE AN EXISTING POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 1.10 FEET INTO THE MINIMUM 5 FOOT SIDE YARD SETBACK.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	
<b>STAFF FINDINGS</b>	<p>THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> <li>• THE REQUEST WOULD NOT CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE</li> </ul>	

	<p>DENIED TO OTHERS IN THE SABAL POINT PUD DISTRICT.</p> <ul style="list-style-type: none"><li>• THE APPLICANT WOULD NOT RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.</li><li>• THE SCREEN ENCLOSURE WILL ENCROACH INTO A 7.5 FOOT UTILITY EASEMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCES. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN;</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY** 2005-115

**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** <sup>side</sup> REAR YARD setback VARIANCE from 5ft. to 3.2ft FOR A PROPOSED SCREEN ENCLOSURE
  - SPECIAL EXCEPTION** Pool
  - 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	KEVIN MORRISSEY	
ADDRESS	301 RED MULBERRY CT. LOWWOOD FL 32719	
PHONE 1	(407) 865-9162	
PHONE 2	321 308-4732	
E-MAIL	Firefox22@cf.rr.com	

PROJECT NAME: MORRISSEY

SITE ADDRESS: 301 RED MULBERRY CT. LOWWOOD, FL 32719

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: Leg Lot 24 BK 3 SABAL Point Amended Plat PB19 PGS 102 TO 104

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 53-20-29-507-0300-0240

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 9, 2005 (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.

\_\_\_\_\_  
 SIGNATURE OF OWNER OR AGENT\*

7/26/05  
 DATE

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

KMR

**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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

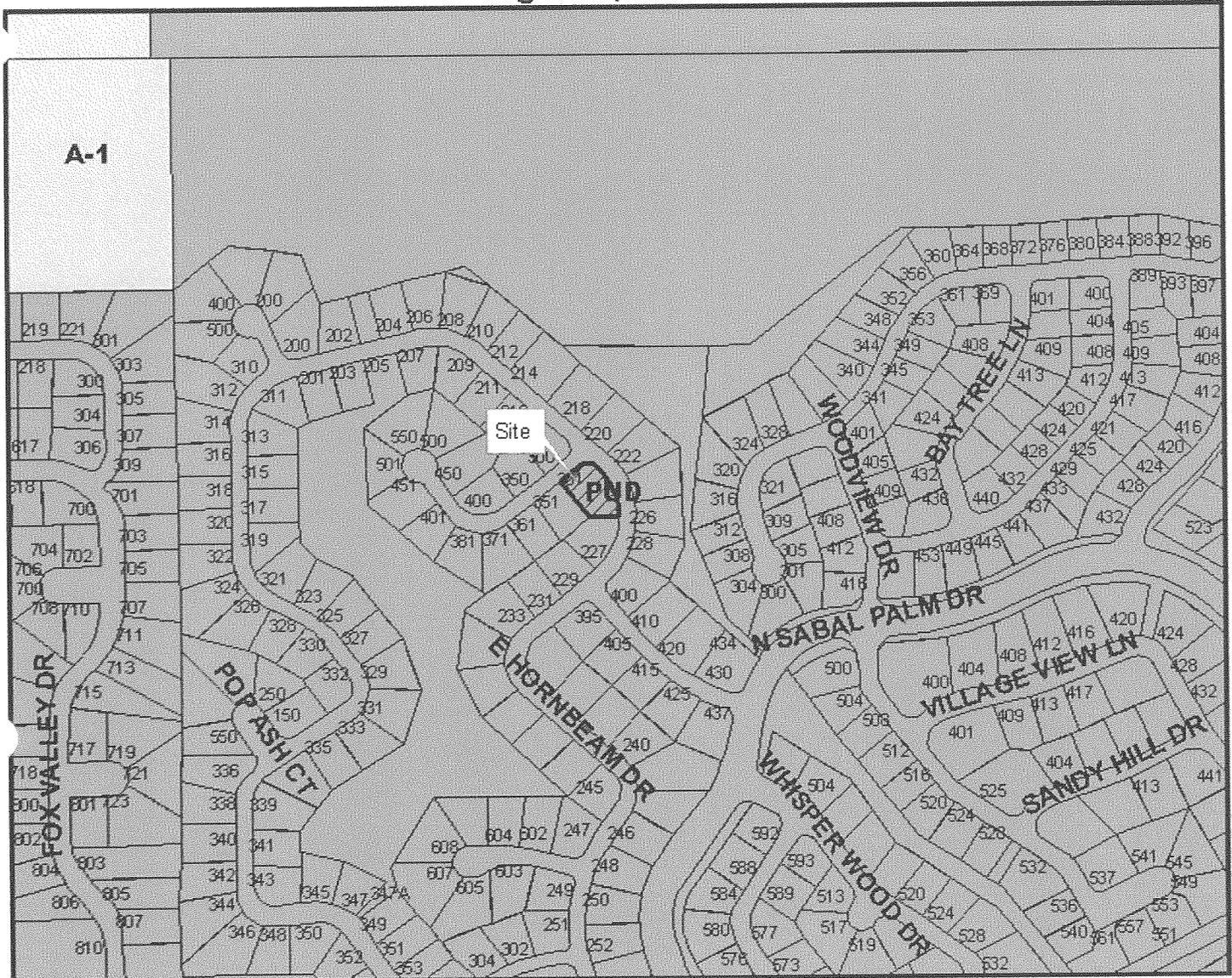
APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): \$ 150 COMMISSION DISTRICT 3 FLU/ZONING PUD/PO  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS s side of E Hornbeam Dr at the  
intersection of Hornbeam Dr & Red Mulberry CT  
PLANNING ADVISOR MR DATE 7/26/05  
SUFFICIENCY COMMENTS Utility Easement Vacate in

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																																													
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 33-20-29-507-0300-0240 Tax District: 01-COUNTY-TX DIST 1                  Owner: MORRISSEY KEVIN C &amp; Exemptions: 00-HOMESTEAD                  Own/Addr: BIVINS-MORRISSEY DIANE E                  Address: 301 RED MULBERRY CT                  City,State,ZipCode: LONGWOOD FL 32779                  Property Address: 301 RED MULBERRY CT LONGWOOD 32779                  Subdivision Name: SABAL POINT AMENDED PLAT                  Dor: 01-SINGLE FAMILY</p>		<p><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$178,528                  Depreciated EXFT Value: \$7,708                  Land Value (Market): \$40,000                  Land Value Ag: \$0                  Just/Market Value: \$226,236                  Assessed Value (SOH): \$205,875                  Exempt Value: \$25,000                  Taxable Value: \$180,875</p> <p align="right">Tax Estimator</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>																																																																													

Kevin Morrissey  
 301 Red Mulberry Court  
 Longwood, FL 32779

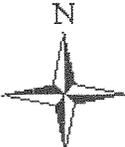
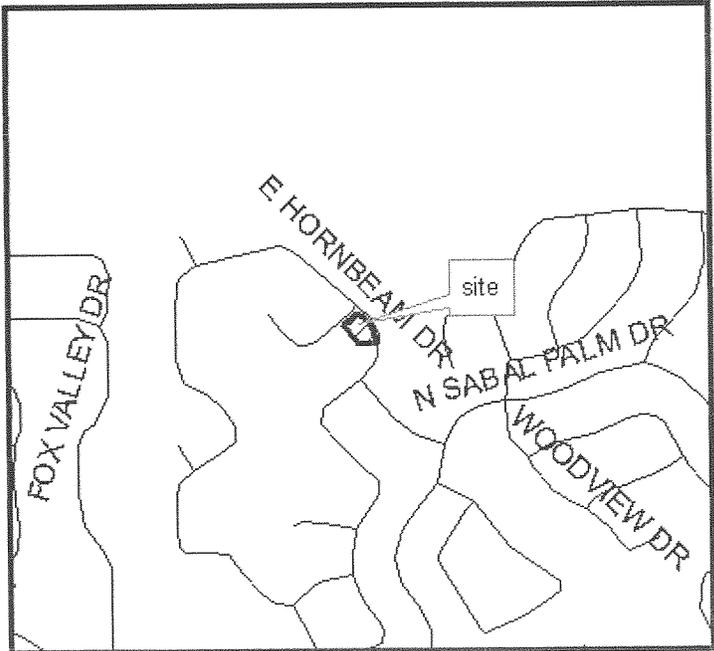


Seminole County Board of Adjustment  
 September 26, 2005  
 Case: BV2005-115  
 Parcel No: 33-20-29-507-0300-0240

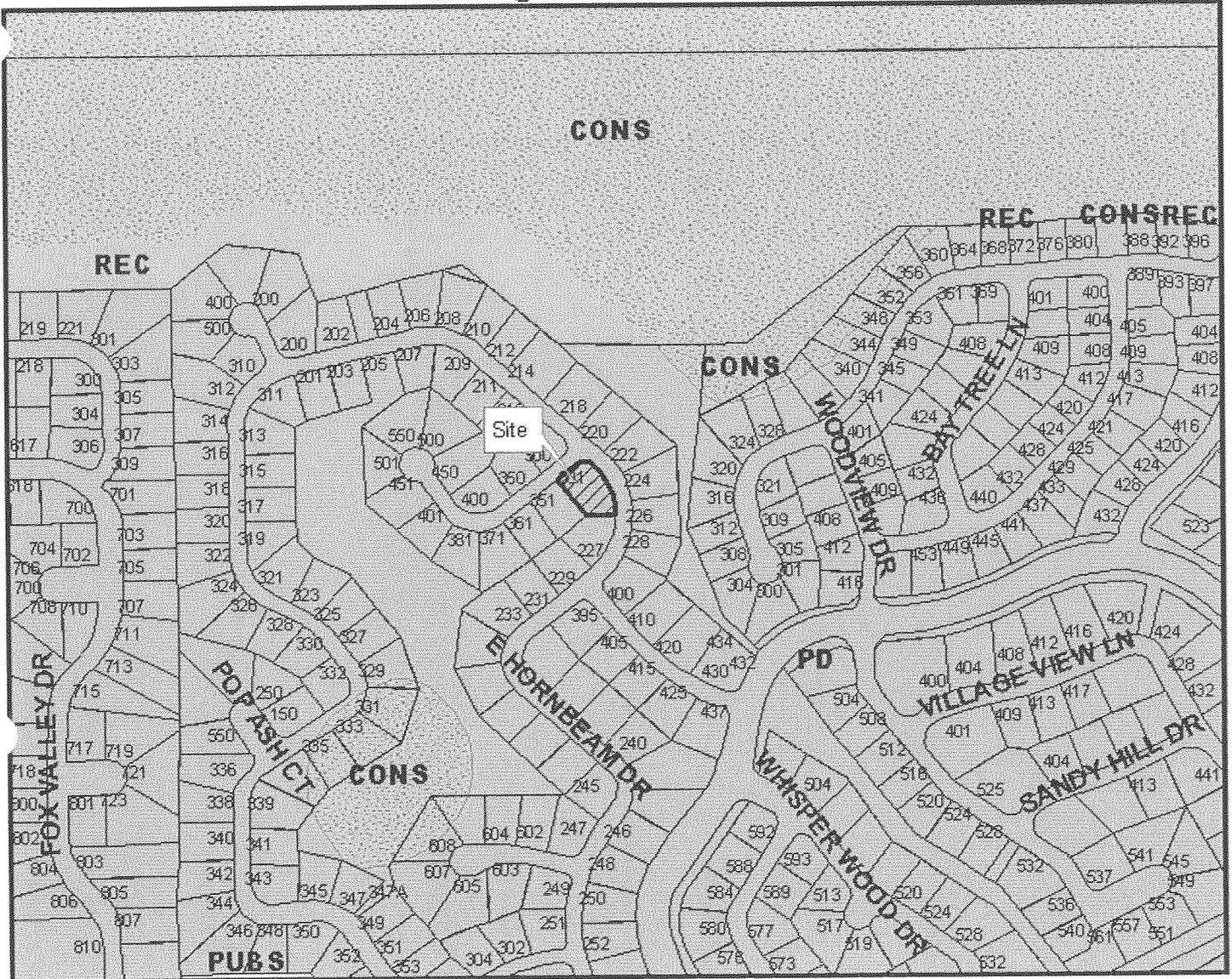
**Zoning**

-  A-1 Agricultural-1 Ac
-  PUD Planned Unit Dev.
-  BV2005-115

0 85170 340 510 680 Feet

Kevin Morrissey  
 301 Red Mulberry Court  
 Longwood, FL 32779

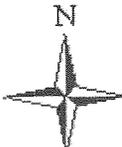
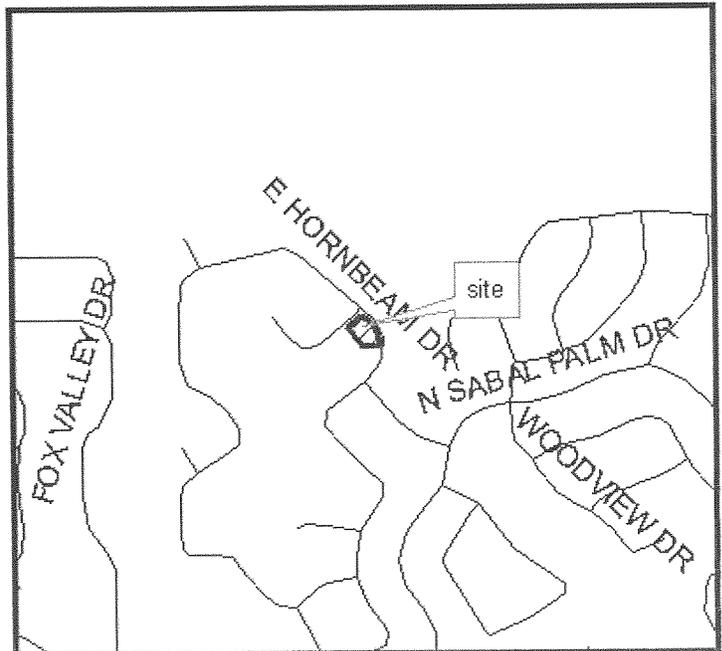


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**Future Land Use**

-  CONS, REC
-  CONS, PD
-  REC, NONE
-  PD, NONE
-  BV2005-115

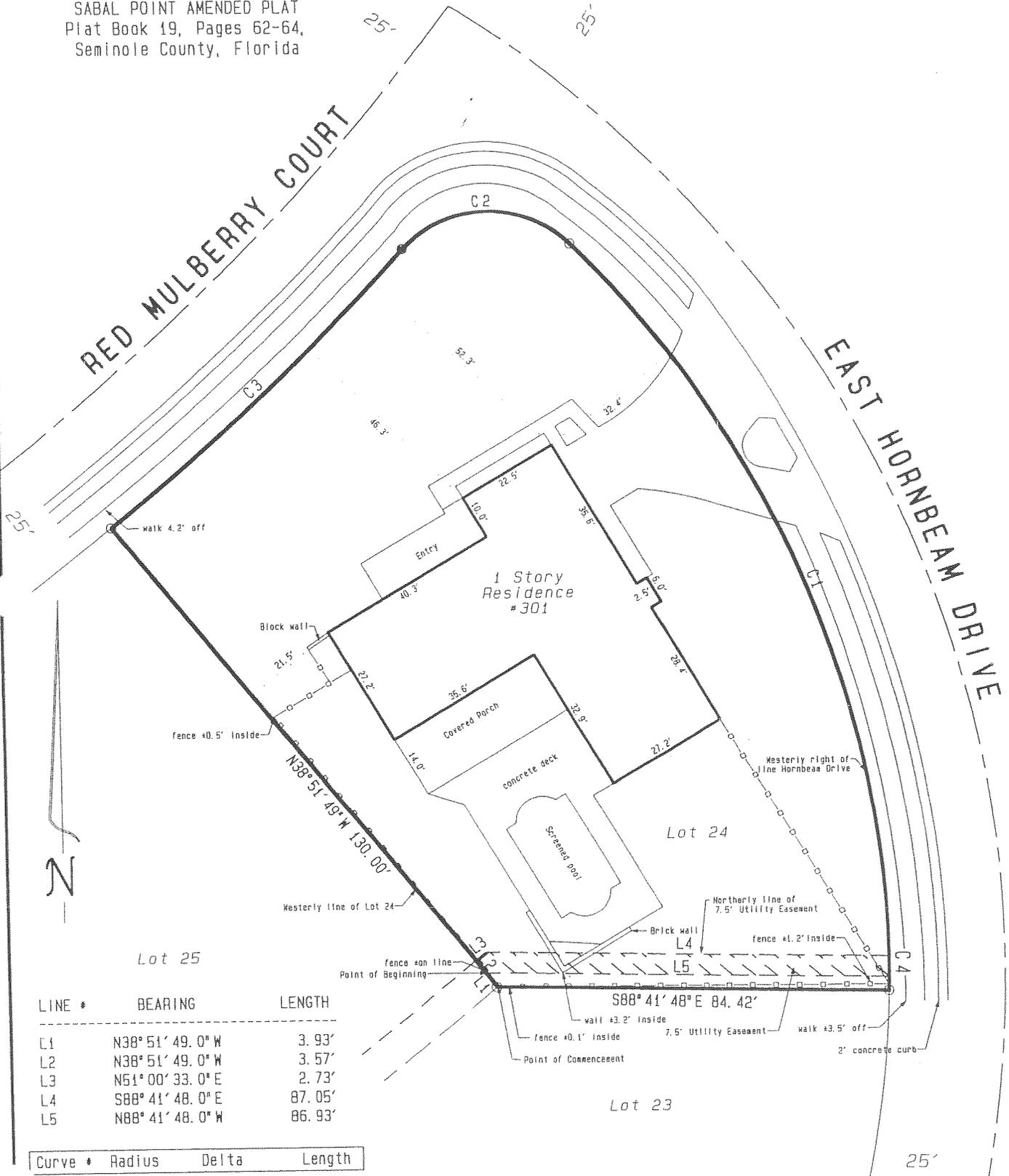
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# SKETCH OF DESCRIPTION for Diane Morrissey

Lot 24, Block 3,  
SABAL POINT AMENDED PLAT  
Plat Book 19, Pages 62-64,  
Seminole County, Florida

Curve #	Radius	Delta	Length
C1	225.00'	46° 20' 54"	182.01
C2	25.00'	92° 50' 29"	40.51
C3	557.88'	9° 01' 22"	87.85



LINE #	BEARING	LENGTH
L1	N38° 51' 49.0" W	3.93'
L2	N38° 51' 49.0" W	3.57'
L3	N51° 00' 33.0" E	2.73'
L4	S88° 41' 48.0" E	87.05'
L5	N88° 41' 48.0" W	86.93'

Curve #	Radius	Delta	Length
4	225.00'	1° 08' 46"	4.50

- Legend**
- = Recovered 4"x4" Concrete Monument
  - = Set 4"x4" Concrete Monument #LB6300
  - △ = Recovered 5/8" Iron Rod #LB4475
  - x = Recovered X Cut in concrete
  - = Recovered 1 1/4" Iron Pipe LS4243
  - = Recovered 1/2" Iron Rod No.
  - = Light Pole as shown
  - o- = 6' Wood Fence
  - x- = 4' Chain link fence

Legal Description written by  
Surveyor based on clients direction

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 33 TWP: 20 RNG: 29  
 PROJ. #

DEVELOPMENT:		Sabal Point Tract A Replat				DEVELOPER:		Sabal Point Properties, Inc.					
LOCATION:		150 Lots											
FILE#:		BA:		SP:		BCC:		7/16/74					
P&Z:													
PB	19	PG	62-64	Lot		Bik		Parcel		DBA	Comm Dist		
DEVEL. ORDER #:						TAX PAR. I.D. #:							
SIDEWALKS:						<b>SETBACK REQUIREMENTS</b>							
						FY:	25'	SIDE ST.:		SY:	10'	RY:	30'
ROAD TYPE:						MAIN STRUCTURE OTHER: Corner: 25' Minimum Living Area: 1,400 sq. ft. Minimum Lot Size: 8,400 sq. ft. Maximum Building Height: 35'							
COMMENTS OTHER: 1) \$300.00 per dwelling unit for school fund to be applied against land contribution plus \$75,000.00 spent by developer on school building. 2) Facilities and equipment for tot lot will be provided upon granting a building permit for the 50 <sup>th</sup> unit in tract. 3) Approval by Board of County Commissioners of vegetative berm along the double fronted lots on Sabal Palm Drive prior to issuance of building permits.						<b>ACCESSORY STRUCTURE SETBACKS:</b>							
						SY:	10'			RY:	10'		
						ACCESSORY STRUCTURE OTHER:							

4) Single Family lots contiguous to Sweetwater Oaks to be no less than 15,000 sq. ft. Lots 12-35, Section 1. The following lots must have at least 4 acres at time of final building inspection: Block 1, Lots 34-38, 41-52; Block 3, Lots 22-27, 32-41.  5) Board of County Commissioners approved wooden fence supplemented by plantings along double fronted lots.	<b>IMPACT FEES</b>	
	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:		



June 24, 2005

Mr. Kevin Morrissey  
301 Red Mulberry Court  
Longwood, FL 32779

**RE: Vacation and Abandonment of Platted Utility Easement  
301 Red Mulberry Court, Longwood, Florida**

Dear Mr. Morrissey:

Please be advised that Progress Energy (formerly known as Florida Power Corporation) has "no objection" to the vacation and abandonment of that certain portion of 7.5 foot wide platted utility easement (rear lot) being more particularly described as the North 3.5 feet of the South 7.5 feet of Lot 24, Block 3, SABAL POINT AMENDED, according to the plat thereof, as recorded in Plat Book 19, Pages 62 through 64, of the Public Records of Seminole County, Florida.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads 'Lori L. Herring'.

Lori L. Herring  
Land Agent  
NCF Regional Engineering

844 Maguire Road  
Ocoee, FL 34761  
Tel 407-532-8596  
Fax 407-656-1162



February 10, 2005

Kevin Morrissey  
301 Red Mulberry Court  
Longwood, Florida 32779

Re: Request for a Vacation of a Utility Easement  
SECTION 33, TOWNSHIP 20, RANGE 29

Dear Mr Morrissey,

Bright House Networks has reviewed your request for a Vacation of a Utility Easement described as.

The 7.5' Utility Easement lying adjacent to the south or rear property line of 301 Red Mulberry Court, Longwood, Florida.

Bright House Networks has "**No Objection**" to a Vacation of a Utility Easement as described above.

Please do not hesitate to call me at (407) 532-8508 should you have any additional questions or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "P.J. King".

P.J. King,  
Senior Construction Manager  
Bright House Networks

cc: Marvin Usry  
Construction Supervisor *MU*

PJK/vbs



450 South Highway 17-92  
DeBary, FL 32713  
(386) 668-2600  
(386) 668-2692 fax

February 17<sup>th</sup>, 2005

Kevin Morrissey  
301 Red Mulberry Court  
Longwood, FL 32779

Re: Vacate portion of utility easement

Dear Mr. Morrissey:

Florida Public Utilities Company has no objections to the petition to certain 7.5 foot wide utility easement that is adjoining the most southerly lot line of Lot 24, Block 3, SABAL POINT AMENDED PLAT, according to the Plat thereof, as recorded in Plat Book 19, Page 64 of the Public Records of Seminole County, Florida.

If you have any questions or need additional information, please feel free to call.

Sincerely,  
  
Dan P. Scribner  
Engineering Manager  
Central-Florida Division





FLALT-H0101  
Box 153000  
Altamonte Springs, FL 32715

February 18, 2005

Kevin Morrissey  
301 Red Mulberry Court  
Longwood, Florida 32779

RE: LOT 24, BLOCK 3, SABAL POINT AMENDED PLAT, PLAT BOOK 19, PAGES  
62-64, SEMINOLE COUNTY, FLORIDA

Dear Mr. Morrissey,

Sprint-Florida, Incorporated has no objections to the abandonment of the 7.5' utility  
easement located along the southern edge of Lot 24.

If you require any additional assistance, please contact Jay Hall, engineer for this area at  
407 830-3266.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. M. Shell".

R. M. Shell  
Engineering Manager – Winter Park

## SEMINOLE COUNTY DEVELOPMENT ORDER

On September 26, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 24 BLK 3 SABAL POINT AMENDED PLAT PB 19 PGS 62 TO 64

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

### FINDINGS OF FACT

**Property Owner:** KEVIN MORRISSEY  
301 RED MULBERRY COURT  
LONGWOOD, FL 32779

**Project Name:** RED MULBERRY COURT (301)

**Requested Development Approval:**

REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 5 FEET TO 3.2 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: Michael Rumer, 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. ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED 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: \_\_\_\_\_  
Tony Walter  
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 \_\_\_\_\_, 2005.

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

My Commission Expires: