

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18.6 FEET FOR A PROPOSED ROOM ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (KAREL SPALA, APPLICANT).

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

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

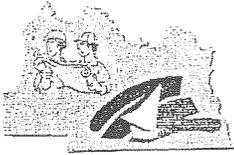
Agenda Date 09/26/05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18.6 FEET FOR A PROPOSED ROOM ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (KAREL SPALA, APPLICANT); OR
2. **DENY** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18.6 FEET FOR A PROPOSED ROOM ADDITION IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (KAREL SPALA, APPLICANT); OR **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: KAREL SPALA LOCATION: 3129 FOXWOOD DRIVE, FOXWOOD PHASE 2 SUBDIVISION ZONING: PUD (PLANNED UNIT DEVELOPMENT DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION (APPROXIMATELY 25' X 25') TO AN EXISTING HOME.</li> <li>• THE PROPOSED ADDITION WOULD ENCROACH 11.6 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFORMENTIONED REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18.6 FEET IS THEREBY REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:

	<ul style="list-style-type: none"><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE FOXWOOD PUD, WITHOUT THE DEMONSTRATION OF A HARDSHIP.</li><li>• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.</li><li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCE. 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 ROOM ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



**COPY**

APPL. NO. BV2005-126

**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** REAR YARD SETBACK VARIANCE FROM 30 FT. TO 15.10 FT. FOR A PROPOSED ADDITION
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED	
AUG	5 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>MARK SPAIN</u>	
ADDRESS	<u>3129 FOREWORD DR</u>	
PHONE 1	<u>407-516-5731</u>	
PHONE 2	<u>407-516-5731</u>	
E-MAIL	<u>MARK.SPAIN@SEMCOFLA.GOV</u>	

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 3129 FOREWORD DR  
 CURRENT USE OF PROPERTY: Residential  
 LEGAL DESCRIPTION: \_\_\_\_\_  
LEG LOT 45 FOREWORD PLAZA FIRST ADD PB22 PE  
 SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 07-21-19-505 2005  
 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 9.20.05

(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\* \_\_\_\_\_ DATE 9/15/05

MIR

**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/PD

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS East side of Foxwood Dr 0.1 mi south of the intersection of Autumnwood Tr & Foxwood Dr

PLANNING ADVISOR DATE

SUFFICIENCY COMMENTS



<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 407-665-7508</p>																																										
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 07-21-29-505-0000-0430    Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: TORCHIA LARA TRUSTEE    Exemptions:</p> <p>Own/Addr: FBO</p> <p>Address: 522 S HUNT CLUB BLVD #111</p> <p>City,State,ZipCode: APOPKA FL 32703</p> <p>Property Address: 3129 FOXWOOD DR APOPKA 32703</p> <p>Subdivision Name: FOXWOOD PHASE 2 FIRST ADD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$96,649</p> <p>Depreciated EXFT Value: \$578</p> <p>Land Value (Market): \$27,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$124,227</p> <p>Assessed Value (SOH): \$124,227</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$124,227</p> <p>Tax Estimator</p>																																								
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<p><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.</small></p>																																										

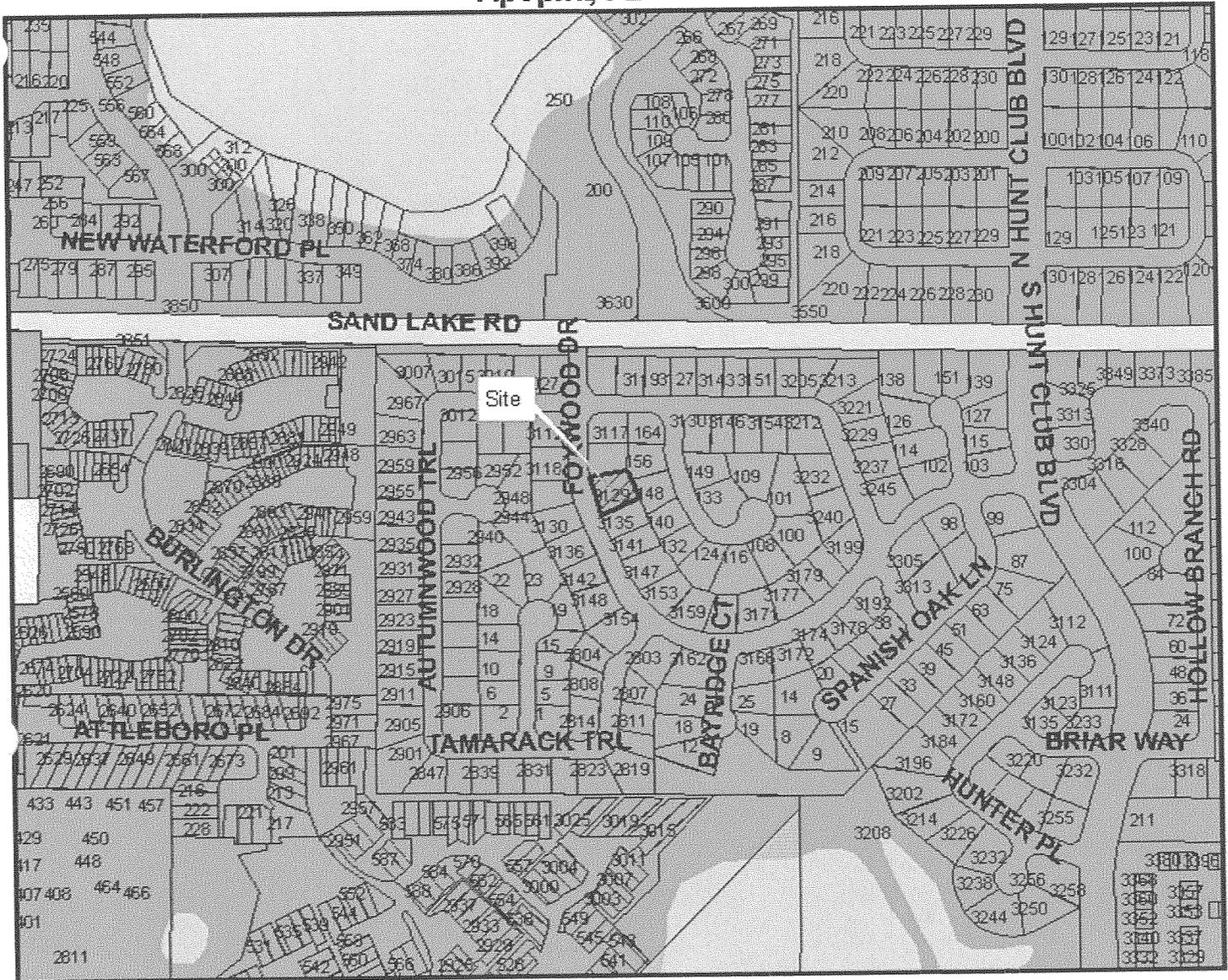
COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 7 TWP: 21 RNG: 29  
 PROJ. #

DEVELOPMENT: Foxwood, Phases 2 and 3		DEVELOPER: U.S. Homes Corp.	
LOCATION: 40 lots – 13.3 acres			
FILE#:	BA:	SP:	BCC: 1-17-79
P&Z:			
PB	22	PG	41, 49
	23		34
		Lot	
		Bik	
		Parcel	
		DBA	
		Comm	Dist
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS:		<b>SETBACK REQUIREMENTS</b>	
		FY: 25'	SY: 7.5'
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER:	
		Maximum Height: 35' Minimum lot size: 7,500 sq. ft. Minimum Living area: 1,250 sq. ft.	
COMMENTS OTHER: 1) Two lanes of arterial road to be completed during Phase I. Upon Completion of 2 lanes will be entitled to Certificates of Occupancy for all residential homes in Phases 1 and 2. Building Permits obtainable prior to completion of 2-lane road.		<b>ACCESSORY STRUCTURE SETBACKS:</b>	
		SY: 7.5'	RY: 10'
		ACCESSORY STRUCTURE OTHER:	

2) Bike path system changed from rear of lots to front. 3) Landscaping on 25' easement South of Sand Lake Road shall include a hedge, 24" to 30" in height at time of planting, on the property line to be installed at time of house construction. 4) Two trees per lot in front yard at time of house construction. 5) 25' buffer surrounding residential section. Landscaping, consisting of trees and shrubs, will be provided in buffer area. 6) Remove old under drains wherever possible. 7) Stabilized path system in Tract A from Baybridge Court to Park.	<b>IMPACT FEES</b>	
	SCREEN:	
	TRAFFIC ZONE:	
	LAND USE:	
	1. ROAD-CO. WIDE	
	2. ROAD-COLL.	
	3. LIBRARY	
	4. FIRE	10.00
	5. PARK	
	6. SCHOOL	300.00
7. LAW		
8. DRAINAGE		
	TOTAL	
	REMARKS:	

**Isabel Spala  
3129 Foxwood Drive  
Apopka, FL 32703**

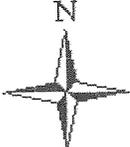


**Seminole County Board of Adjustment  
September 26, 2005  
Case: BV2005-126  
Parcel No: 07-21-29-505-0000-0430**

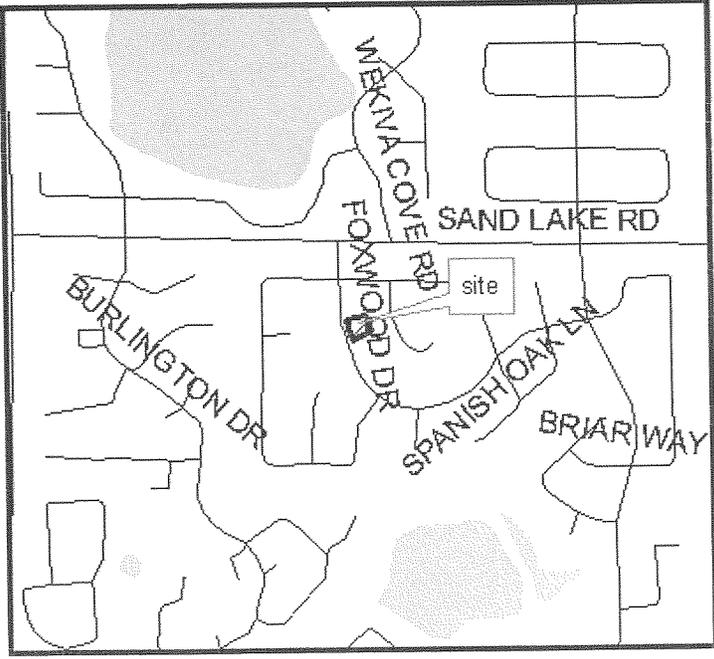
**Zoning**

-  A-1 Agricultural-1Ac
-  R-3A Multi-Family-10DU
-  RP Residential Professional
-  PUD Planned Unit Dev.
-  BV2005-126

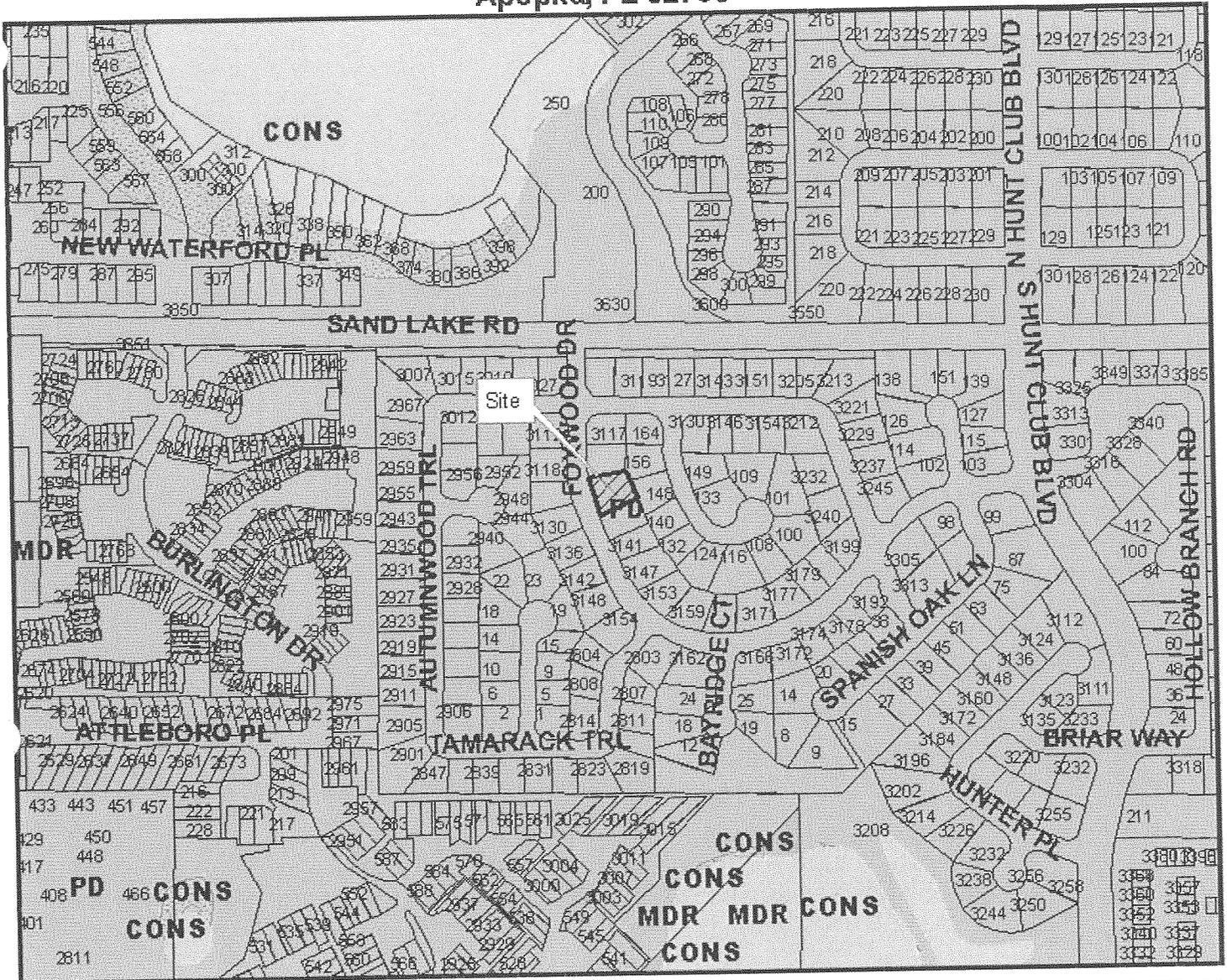
N



0 100 200 400 600 800 Feet



**Isabel Spala  
3129 Foxwood Drive  
Apopka, FL 32703**



**Seminole County Board of Adjustment  
September 26, 2005  
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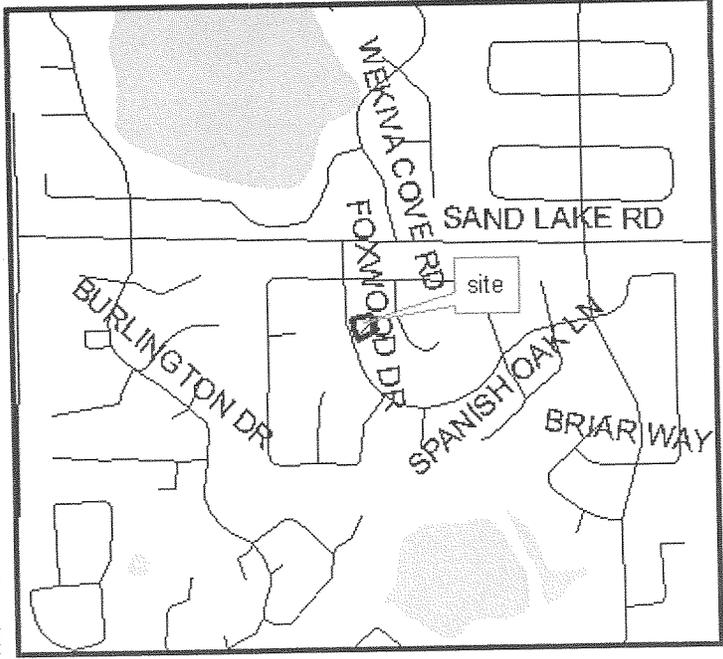
**Future Land Use**

-  CONS, MDR
-  CONS, PD
-  MDR, NONE
-  PD, NONE
-  BV2005-126

N



0 100 200 400 600 800 Feet



## 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 43 FOXWOOD PHASE 2 FIRST ADD PB 22 PG 49

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

### FINDINGS OF FACT

**Property Owner:** KAREL SPALA  
3129 FOXWOOD DRIVE  
APOPKA, FL 32703

**Project Name:** FOXWOOD DRIVE (3129)

**Requested Development Approval:**

REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 18.6 FEET FOR A PROPOSED ROOM ADDITION 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. The variance granted will apply only to the proposed 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: \_\_\_\_\_  
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: