

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

**SUBJECT:** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL AND (2) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (WILLIAM L. CAMPBELL, JR., APPLICANT)

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Chris McMiller **EXT.** 7445

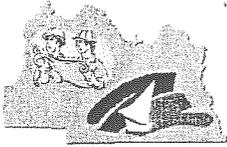
**Agenda Date** 09-26-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL AND (2) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (WILLIAM L. CAMPBELL, JR., APPLICANT); OR
2. **DENY** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL AND (2) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (WILLIAM L. CAMPBELL, JR., APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> WILLIAM L. CAMPBELL, APPLICANT <b>LOCATION:</b> 6356 EPPING COURT <b>ZONING:</b> PUD (BUCKINGHAM ESTATES)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A POOL THAT WOULD ENCROACH 7.5 FEET INTO THE 7.5 FEET REAR YARD SETBACK, AND A PROPOSED POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 7.5 FEET INTO THE 7.5 FEET REAR YARD SETBACK,</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING</li> </ul>

<b>STAFF FINDINGS</b>	<p>BEEN GRANTED FOR THIS PROPERTY.</p> <ul style="list-style-type: none"><li>• THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE BUCKINGHAM ESTATES NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANT.</li><li>• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCE.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT THE VARIANCES, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED GARAGE AND HOME ADDITION 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></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 APPL. NO. BU2005-130

**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 SET BACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR PROPOSED POOL AND SCREENED POOL ENCLOSURE IN THE P.U.D. LOCATED ON THE N.E. CORNER OF NORTHUMBRIA AND EPPING CT
- 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**

RECEIVED  
 AUG - 5 2005  
 PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>WILLIAM L. CAMPBELL, JR</u>	
ADDRESS	<u>6356 EPPING CT</u>	
	<u>SANFORD, FL 32771</u>	
PHONE 1	<u>407-323-5561</u>	
PHONE 2	<u>407-361-0251</u>	
E-MAIL	<u>WLC26@BELLSOUTH.NET</u>	

RECEIVED  
 AUG  
 PLANNING DIVISION

PROJECT NAME: VARIANCE REQUEST FOR PROPOSED POOL  
 SITE ADDRESS: 6356 EPPING CT SANFORD, FL 32771  
 CURRENT USE OF PROPERTY: RESIDENTIAL  
 LEGAL DESCRIPTION: LOT 195 BUCKINGHAM ESTATES PHASES 3 AND 4 PB 65 PGS 65-68  
 SIZE OF PROPERTY: < 1/4 ACRE acre(s) PARCEL I.D. 35-19-29-SRN-0000-1950  
 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.

W. L. Campbell, Jr.  
 SIGNATURE OF OWNER OR AGENT\* DATE 8/5/05

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

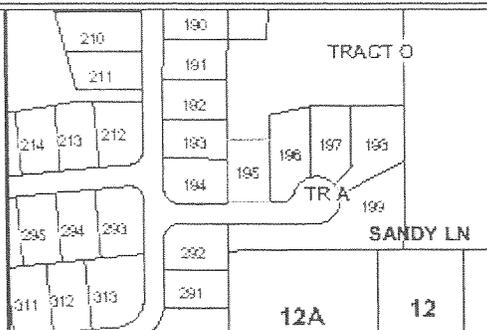
APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:  
 FEE(S): 150.00 COMMISSION DISTRICT 5 FLU/ZONING PUD/PD  
 BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
 LOCATION FURTHER DESCRIBED AS N. side of Epping Court less than 1/2 mi  
East of the intersection of Epping Ct. & \_\_\_\_\_  
 PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
 SUFFICIENCY COMMENTS \_\_\_\_\_  
 \_\_\_\_\_

**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7508



**GENERAL**

Parcel Id: 35-19-29-5RN-0000-1950 Tax District: 01-COUNTY-TX DIST 1  
 Owner: CAMPBELL WILLIAM L JR & Exemptions:  
 Own/Addr: ELIZABETH C  
 Address: 6356 EPPING CT  
 City,State,ZipCode: SANFORD FL 32771  
 Property Address: 6356 EPPING CT SANFORD 32771  
 Subdivision Name: BUCKINGHAM ESTATES PH 3 & 4  
 Dor: 00-VACANT RESIDENTIAL

**2005 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 0  
 Depreciated Bldg Value: \$0  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$65,000  
 Land Value Ag: \$0  
 Just/Market Value: \$65,000  
 Assessed Value (SOH): \$65,000  
 Exempt Value: \$0  
 Taxable Value: \$65,000  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	06/2005	05815	1150	\$315,700	Improved

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

2004 Tax Bill Amount: \$676  
 2004 Taxable Value: \$40,000  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

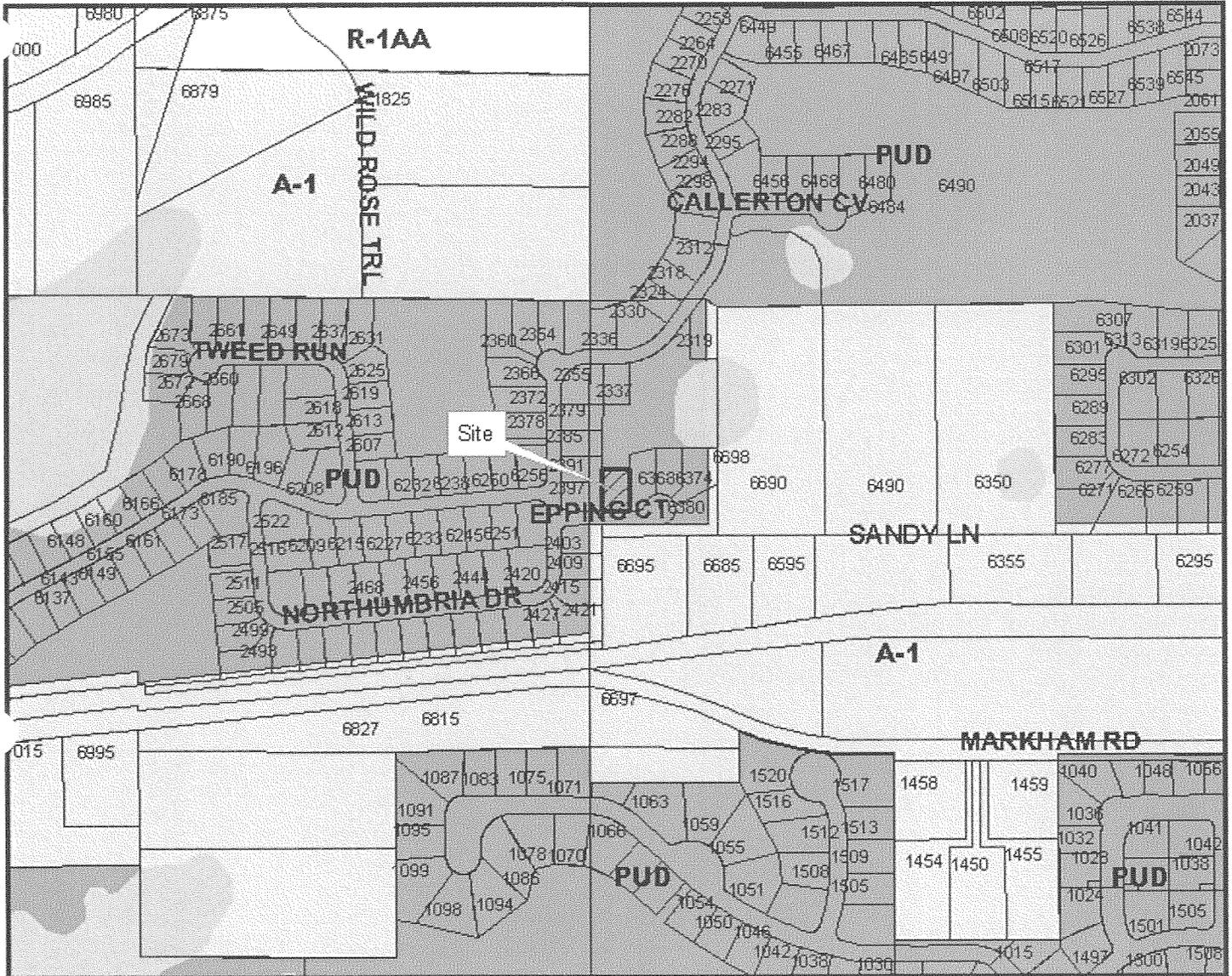
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	65,000.00	\$65,000

**LEGAL DESCRIPTION PLAT**

LOT 195 BUCKINGHAM ESTATES PHASES 3 AND 4 PB 65 PGS 65 - 68

**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.

William L. Campbell  
 3656 Epping Court  
 Sanford, FL 32771



**Seminole County Board of Adjustment**  
 September 26, 2005  
 Case: BV2005-130  
 Parcel No: 35-19-29-5RN-0000-1950

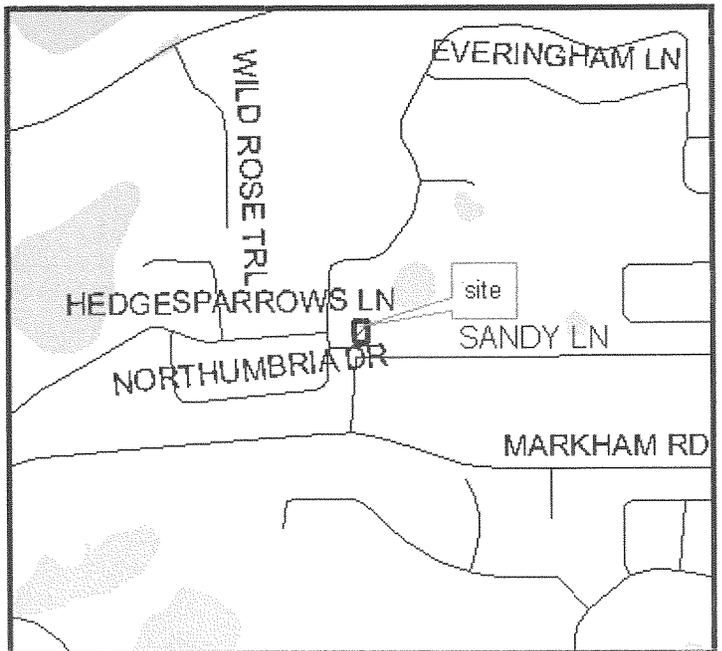
**Zoning**

-  A-1 Agricultural-1Ac
-  R-1AA Single Fam-11700
-  PUD Planned Unit Dev.
-  BV2005-130

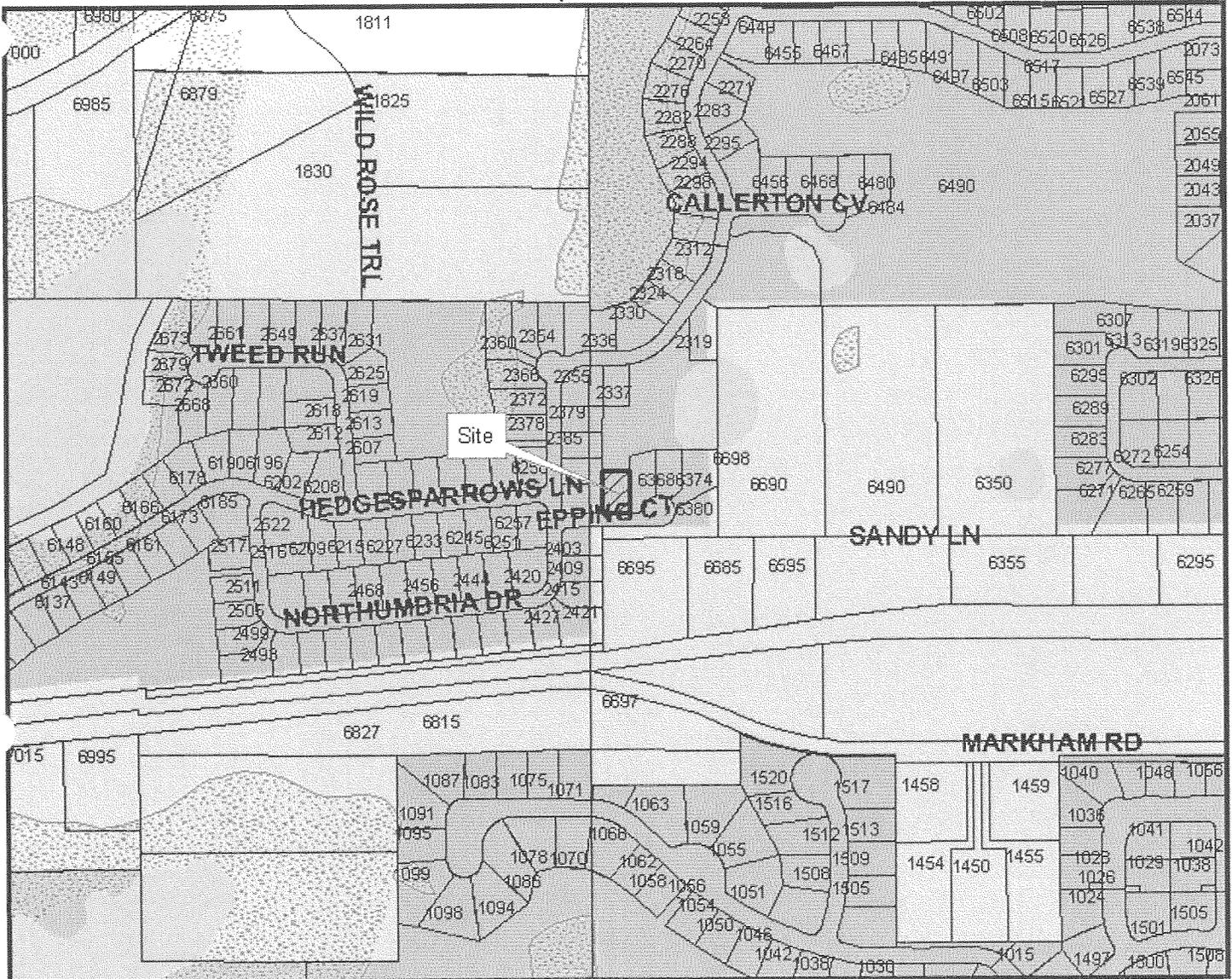
N



0 110 220 440 660 880 Feet



William L. Campbell  
 3656 Epping Court  
 Sanford, FL 32771



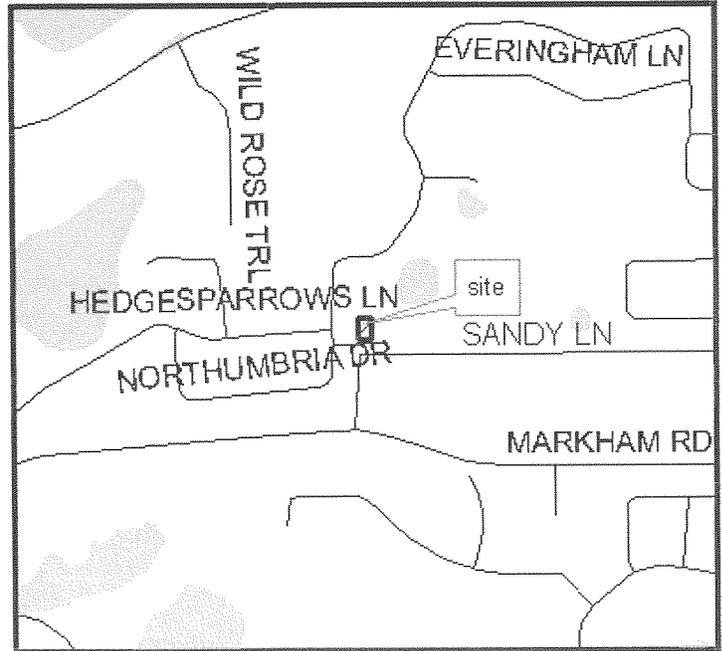
**Seminole County Board of Adjustment**  
 September 26, 2005  
 Case: BV2005-130  
 Parcel No: 35-19-29-5RN-0000-1950

**Future Land Use**

- CONS, SE
- CONS, LDR
- CONS, PD
- SE, NONE
- LDR, NONE
- PD, NONE
- BV2005-130

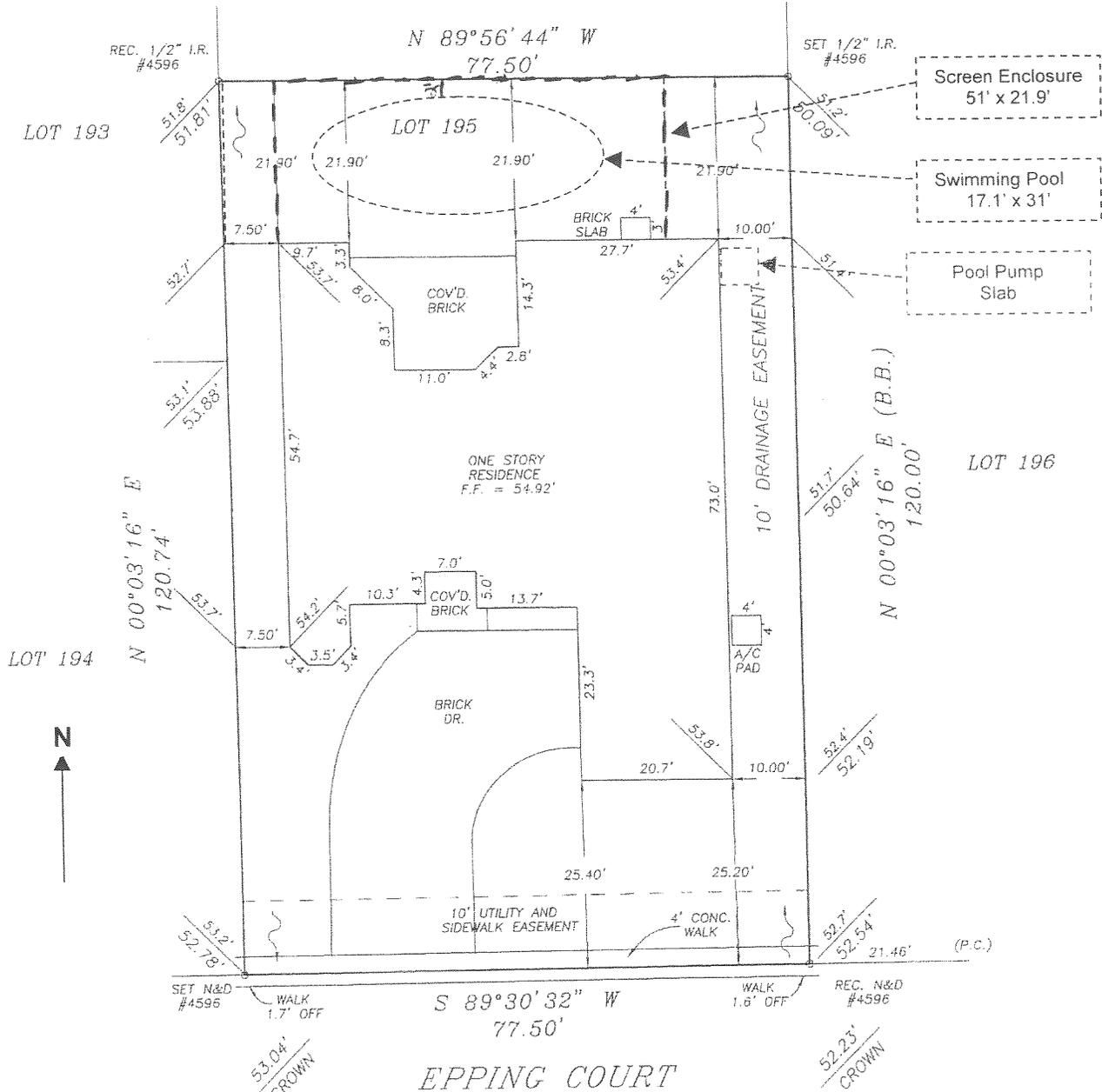
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0 95190 380 570 760 Feet



**DESCRIPTION AS FURNISHED:** Lot 195, BUCKINGHAM ESTATES PHASES 3 AND 4, as recorded in Plat Book 65, Pages 65 through 68 of the Public Records of Seminole County, Florida.

BOUNDARY FOR/CERTIFIED TO: WILLIAM L. JR. CAMPBELL AND ELIZABETH C. CAMPBELL; CITIZENS TRUST MORTGAGE; BROKERS TITLE OF ALTAMONTE, LLC; AMERICAN PIONEER TITLE INSURANCE COMPANY  
TRACT "O"  
RETENTION



**BUILDING SETBACKS (PER CLIENT):**  
 FRONT = 25'  
 REAR = 15'  
 SIDE = 7.5'  
 STREET SIDE = 15'

PROPOSED = FINISHED SPOT GRADE ELEVATION  
 PER DRAINAGE PLANS  
 = PROPOSED DRAINAGE FLOW  
 LOT GRADING TYPE "B/C"  
 PROPOSED F.F. PER PLANS = 54.88'

TOTAL LOT SQUARE FOOTAGE: 9,329± SQUARE FEET  
 TOTAL IMPERVIOUS AREA: 4,568± SQUARE FEET

**GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS**

LEGEND -  
 P = PLAT  
 F = FIELD

LEGEND -  
 P.O.L. = POINT ON LINE  
 TYP. = TYPICAL

NOTES:  
 5400 E. COLONIAL DR. ORLANDO, FL. 32807 (407)-277-3232 FAX (407)-658-1436

- a. That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; and

*Rear property line backs up to Tract "O", a retention pond. Surrounding homes' rear property lines end at the base of the retention pond. Applicant's lot ends 21.90 feet from the back of the house, leaving an additional 40+ feet of unused land, which is sodded and irrigated by the HOA, but currently maintained by applicant. Applicant wants to use all of the 21.90 feet of rear property to maximize back yard, while still maintaining sufficient land for official use by county or HOA.*

- b. That the special conditions and circumstances do not result from the actions of the applicant; and

*Original plans have the PUD drawn with applicant's lot drawn shorter than any other along the same Tract (Tract "O").*

- c. That granting the variance requested would not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and

- d. That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant; and

*Due to the way the lot was drawn, unless a variance is requested, applicant may not be able to use back yard for anything significant. With the setback, currently applicant has the use of 14.4 feet of rear yard.*

- e. That the variance granted is the minimum variance that would make possible the reasonable use of the land, building or structure; and

- f. That the grant of the variance would be in harmony with the general intent of Chapter 30, would not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

LEG LOT 195 BUCKINGHAM ESTATES PASHES 3 AND 4 PB 65 PGS 65-68

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

**FINDINGS OF FACT**

**Property Owner:** William L. Campbell, Jr.  
6356 Epping Court  
Sanford, FL 32771

**Site Address:** 6356 Epping Court  
Sanford, FL 32771

**Requested Development Approval:**

REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL AND (2) REAR YARD SETBACK VARIANCE FROM 7.5 FEET TO 0.0 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE

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: Chris McMiller  
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED 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: \_\_\_\_\_  
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 Tony Walter 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: