

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

SUBJECT: Request for (1) minimum rear yard setback variance from 10 feet to 5 feet for an existing pool; and (2) minimum rear yard setback variance from 5 feet to 0 feet for a replacement screen enclosure in the PUD (Planned Unit Development District); (Robert Peterson, applicant)

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date 11-28-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** Request for (1) minimum rear yard setback variance from 10 feet to 5 feet for an existing pool; and (2) minimum rear yard setback variance from 5 feet to 0 feet for a replacement screen enclosure in the PUD (Planned Unit Development District); (Robert Peterson, applicant); or
2. **DENY** Request for (1) minimum rear yard setback variance from 10 feet to 5 feet for an existing pool; and (2) minimum rear yard setback variance from 5 feet to 0 feet for a replacement screen enclosure in the PUD (Planned Unit Development District); (Robert Peterson, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	Robert Peterson, Applicant 200 Redwing Court PUD (Planned Unit Development)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a pool and screened enclosure which encroaches into a 7 foot utility easement and the rear setback of the property. • The pool was constructed 5 feet into the 10 foot rear setback of the property. The pool screen closure is proposed 5 feet into the 5 foot rear setback of the property. • There is no record of prior variances having been granted for this property. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • The applicant would retain reasonable use of the property without the requested variance. • 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 	

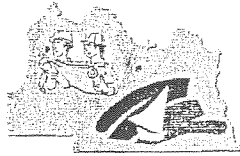
	<p>development.</p> <ul style="list-style-type: none">• There are no special conditions or circumstances that exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• 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">• Any variance granted shall apply only to the proposed pool as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.

COMMISSION DISTRICT #:

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

DEVELOPMENT: Sterling Park Unit 3		DEVELOPER: Richard Bond	
LOCATION: 196 lots – 67 acres			
FILE#:		BA:	
P&Z:		SP:	
		BCC: 3/27/73	
PB	18	PG	52
	Lot		Bik
		Parcel	
		DBA	
			Comm Dist
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS:		SETBACK REQUIREMENTS	
		FY: 20'	SY: 7.5'
		SIDE ST.:	RY: 25'**
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER:	
COMMENTS OTHER:		*25' from living area; 20' when garage is on front.	
1) Brook will be at least 200' from the back of any residence.		**When abutting greenbelt or lake, the setback shall be 20ft.	
2) There will be a system of sedimentation ponds constructed for storm water drainage treatment.		ACCESSORY STRUCTURE SETBACKS:	
3) Do whatever is required by the Utility Control Office for expansion of the Utility plant.		SY: 7.5'	RY: 10'
4) Will work with the fire dept to obtain adequate protection		ACCESSORY STRUCTURE OTHER:	
5) Land has been reserved for 3 school sites, but has not been sold to school board.			
6) 30 acres have been set aside for eagle reserve.			
7) No cash commitment for schools.			

	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:	



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

COPY
 APPL. NO. BU 2005-162

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 10ft. to 5ft
pool
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN ASAP
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
 OCT - 5 2005
 (PROPOSED DIVISION)

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Robert D. Peterson</u>	
ADDRESS	<u>200 Redwing Ct. Casselberry, FL 32707</u>	
PHONE 1	<u>407-695-3207</u>	
PHONE 2	<u>407-381-8084</u>	
E-MAIL	<u>billieanddoug@aol.com</u>	

PROJECT NAME: _____

SITE ADDRESS: 200 Redwing Ct. Casselberry, FL 32707

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: leg lot 15 BLK E Sterling Park unit 3 PB 18 PGS 52 to 54

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 15-21-30-504-0500-0150

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 11/29/05 (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* Robert D. Peterson DATE 10-05-05

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

ADDITIONAL VARIANCES

VARIANCE 2:

Rear yard from 5 ft to 0 ft
for a pool screen enclosure

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): 200.00 COMMISSION DISTRICT 2 FLU / ZONING PUD / PD

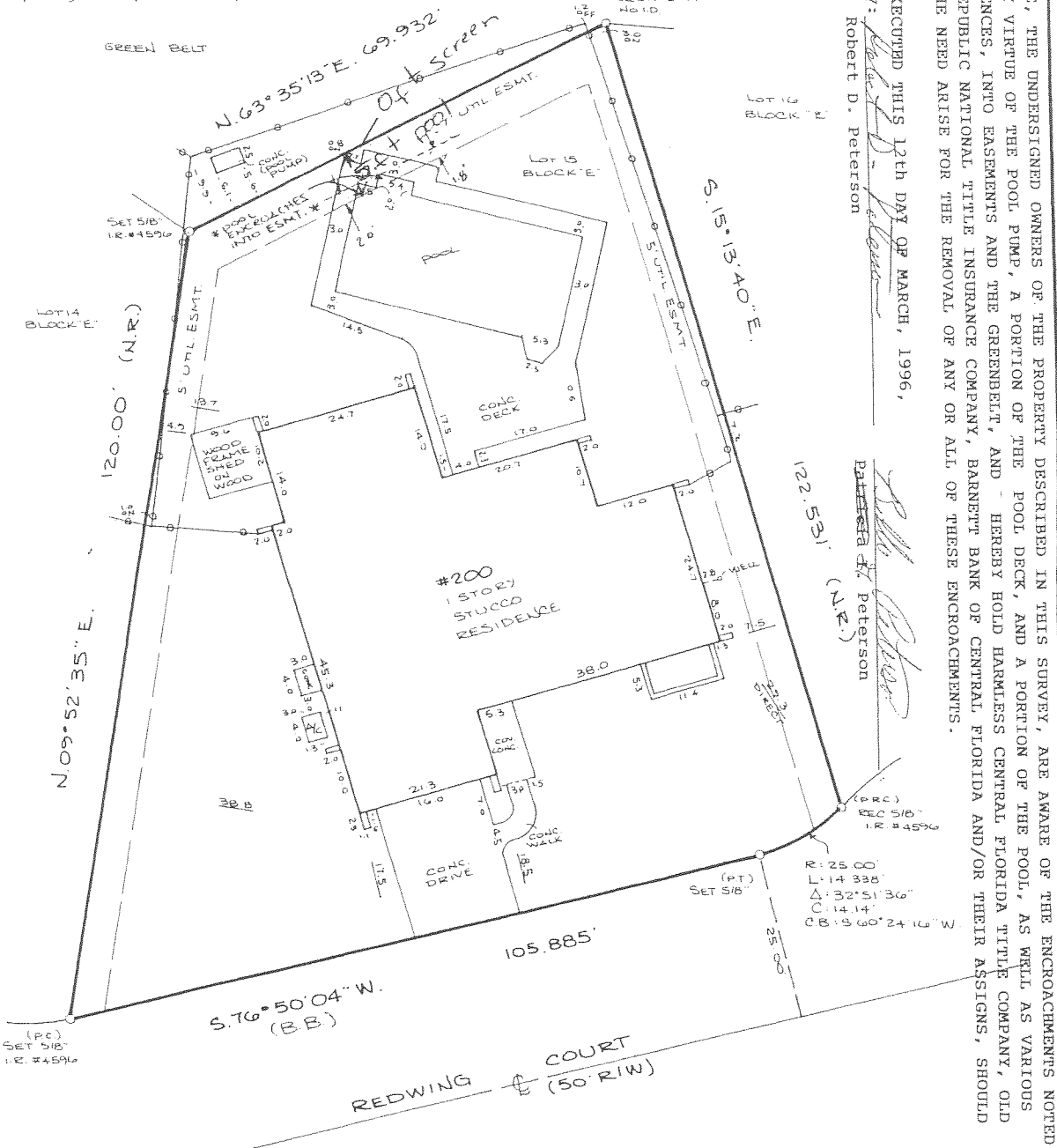
BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. side of Redwing Court at inters
ection at Redwing Court + Redwing Way

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS App. to call

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO: Robert D. Peterson & Billie G. Peterson
 Central Florida Title Company, Old Republic National Title Insurance
 Company, Barnett Bank of Central Florida, N.A.
 DESCRIPTION AS FOLLOWS: Lot 15, Block E, STERLING PARK UNIT THREE, as recorded in Plat Book
 18, Pages 52, 53 & 54, Public Records of Seminole County, Florida.



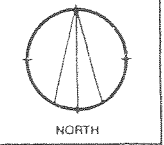
WE, THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED IN THIS SURVEY, ARE AWARE OF THE ENCROACHMENTS NOTED BY VIRTUE OF THE POOL PUMP, A PORTION OF THE POOL DECK, AND A PORTION OF THE POOL, AS WELL AS VARIOUS FENCES, INTO EASEMENTS AND THE GREENBELT, AND HEREBY HOLD HARMLESS CENTRAL FLORIDA TITLE COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, BARNETT BANK OF CENTRAL FLORIDA AND/OR THEIR ASSIGNS, SHOULD THE NEED ARISE FOR THE REMOVAL OF ANY OR ALL OF THESE ENCROACHMENTS.

EXECUTED THIS 12th DAY OF MARCH, 1996,
 by: *Robert D. Peterson*
 Robert D. Peterson

Billie G. Peterson
 Billie G. Peterson

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

- LEGEND:
- P - PLAT
 - F - FIELD
 - IP - IRON PIPE
 - IR - IRON ROD
 - CM - CONCRETE MONUMENT
 - SET IR - W.F.P. WALLS 4596
 - REC - RECOVERED
 - POB - POINT OF BEGINNING
 - POC - POINT OF COMMENCEMENT
 - CL - CENTERLINE
 - N&D - NAIL & DISC
 - RAW - RIGHT-OF-WAY
 - ESMT - EASEMENT
 - DRAIN - DRAINAGE
 - UTIL - UTILITY
 - CL FC - CHAIN LINK FENCE
 - WDFC - WOOD FENCE
 - CB - CONCRETE BLOCK
 - PC - POINT OF CURVATURE
 - PT - POINT OF TANGENCY
 - DESC - DESCRIPTION
 - R - RADIUS
 - L - ARC LENGTH
 - CA - CENTRAL ANGLE
 - CHRD - CHORD
 - CB - CHORD BEARING
 - POL - POINT ON LINE
 - TYP - TYPICAL
 - PRC - POINT OF REVERSE CURVATURE
 - PCC - POINT OF COMPOUND CURVATURE
 - RAD - RADIAL
 - NR - NON-RADIAL
 - WP - WITNESS POINT
 - CALC - CALCULATED
 - PRM - PERMANENT REFERENCE MONUMENT
 - FF - FINISHED FLOOR ELEVATION
 - BSL - BUILDING SETBACK LINE



ORLANDO OFFICE
 5400 E. COLONIAL DR.
 ORLANDO, FL 32807
 (407) 277-3232
 FAX: (407) 658-1438

CERTIFIED BY:
James W. Scott R.L.S. No. 4801

TOM X GRUSENMEYER, R.L.S. No. 4714 JAMES W. SCOTT, R.L.S. No. 4801

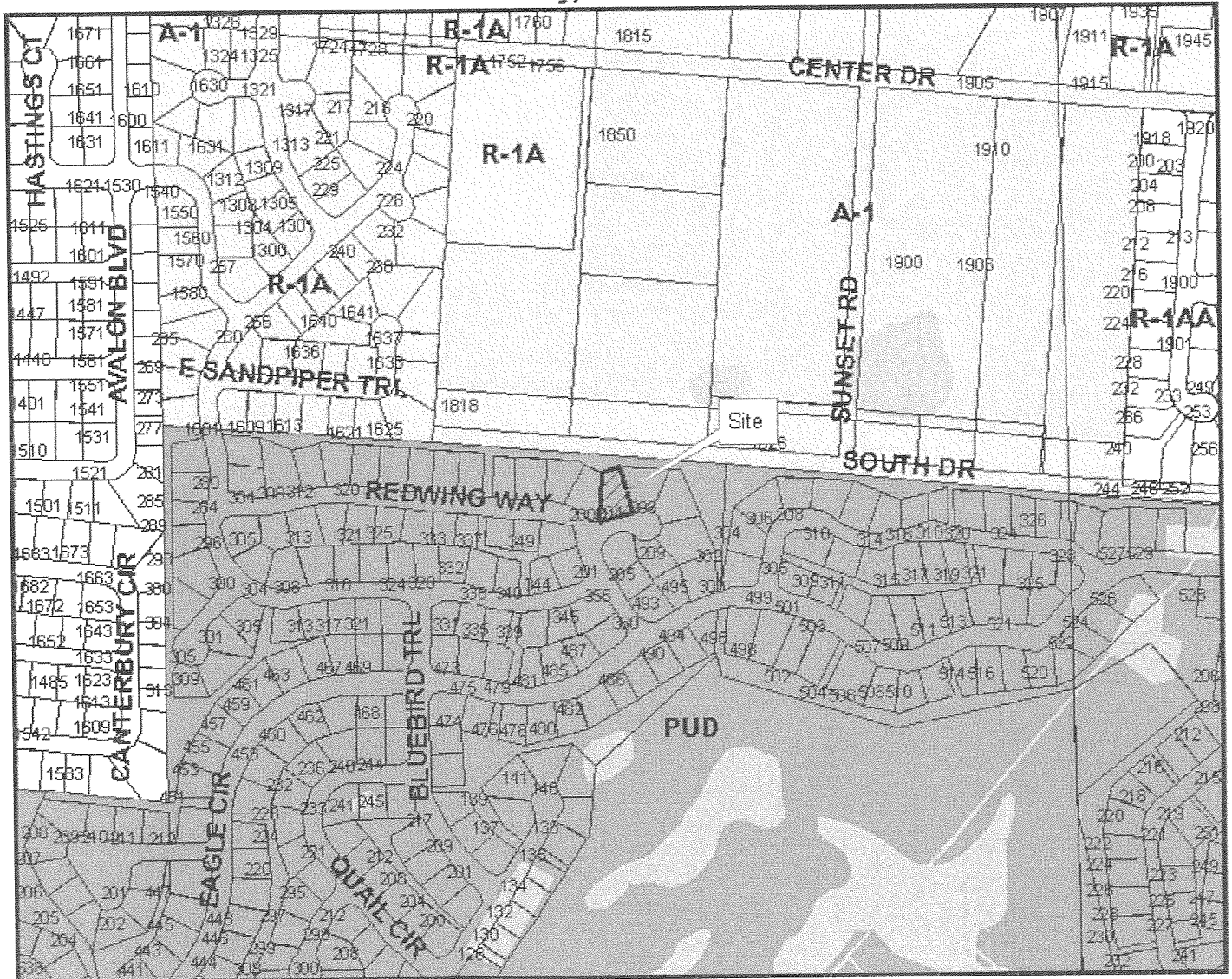
THIS BUILDING/PROPERTY DOES NOT LIE
 WITHIN THE ESTABLISHED SPECIAL FLOOD HAZARD AREA PER "FIRM" ZONE X
 PANEL # 1202B7 DATE 4-17-95

- NOTES
1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 81G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-027, FLORIDA STATUTES.
 2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
 3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
 4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
 5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
 6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
 7. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.)
 8. ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

SCALE 1" = 20'	
FIELD DATE	ORDER No.
BOUNDARY 03-08-96	F-0103
DRAWN BY: DVV	CHECKED BY:

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																													
<p align="center">GENERAL</p> <p>Parcel Id: 15-21-30-504-0E00-0150 Owner: PETERSON ROBERT D & BILLIE Mailing Address: 200 REDWING CT City,State,ZipCode: CASSELBERRY FL 32707 Property Address: 200 REDWING CT CASSELBERRY 32707 Subdivision Name: STERLING PARK UNIT 03 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>	<p align="center">2006 WORKING VALUE SUMMARY</p> <table border="0"> <tr><td>Value Method:</td><td>Market</td></tr> <tr><td>Number of Buildings:</td><td>1</td></tr> <tr><td>Depreciated Bldg Value:</td><td>\$136,168</td></tr> <tr><td>Depreciated EXFT Value:</td><td>\$7,531</td></tr> <tr><td>Land Value (Market):</td><td>\$26,000</td></tr> <tr><td>Land Value Ag:</td><td>\$0</td></tr> <tr><td>Just/Market Value:</td><td>\$169,699</td></tr> <tr><td>Assessed Value (SOH):</td><td>\$111,690</td></tr> <tr><td>Exempt Value:</td><td>\$25,000</td></tr> <tr><td>Taxable Value:</td><td>\$86,690</td></tr> <tr><td>Tax Estimator</td><td></td></tr> </table>	Value Method:	Market	Number of Buildings:	1	Depreciated Bldg Value:	\$136,168	Depreciated EXFT Value:	\$7,531	Land Value (Market):	\$26,000	Land Value Ag:	\$0	Just/Market Value:	\$169,699	Assessed Value (SOH):	\$111,690	Exempt Value:	\$25,000	Taxable Value:	\$86,690	Tax Estimator																																							
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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>																																																													

Robert D. Peterson
 200 Redwing Court
 Casselberry, FL 32707

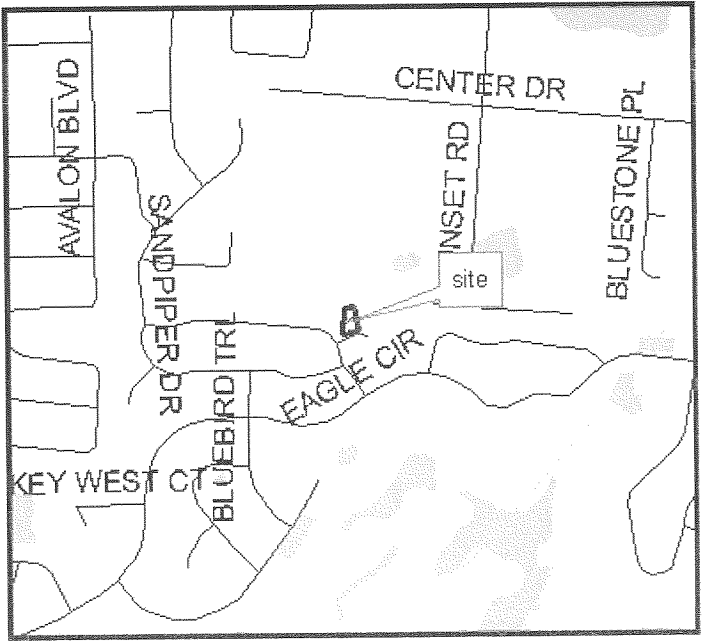


Seminole County Board of Adjustment
 November 28, 2005
 Case: BV2005-162
 Parcel No: 15-21-30-504-0E00-0150

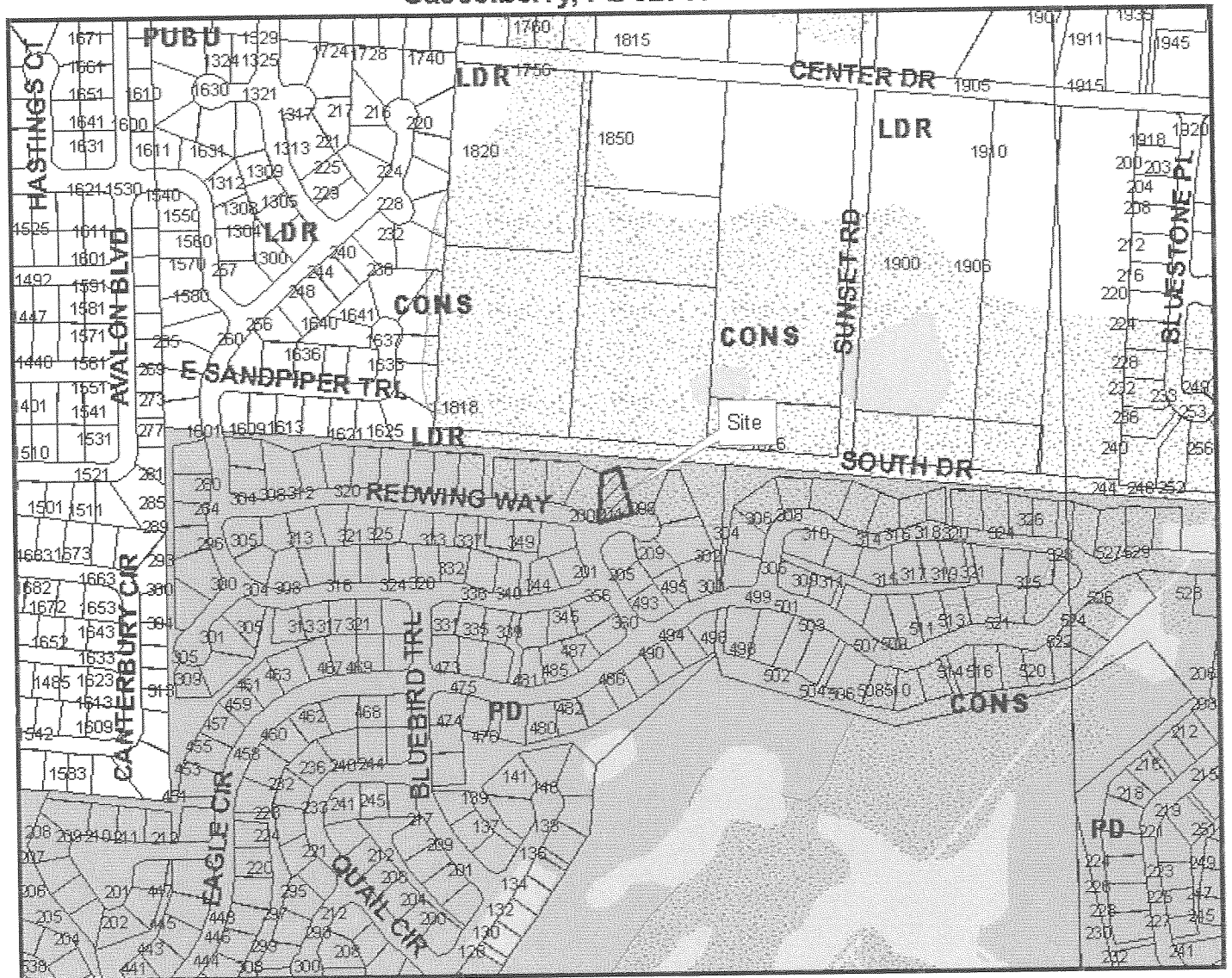
Zoning

- A-1 Agricultural-1 Ac
- R-1AA Single Fam-11700
- R-1A Single Fam-9000
- PUD Planned Unit Dev.
- BV2005-162

0 85 170 340 510 680 Feet








Robert D. Peterson
 200 Redwing Court
 Casselberry, FL 32707




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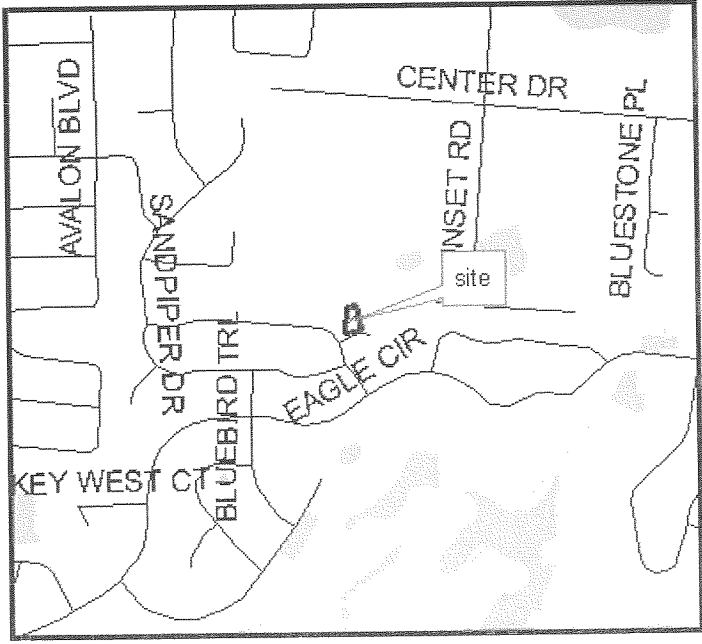
Future Land Use

-  CONS, LDR
-  CONS, PD
-  LDR, NONE
-  PD, NONE
-  BV2005-162

N



0 85 170 340 510 680 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 15 BLK E STERLING PARK UNIT 3 PB 18 PGS 52 TO 54

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

FINDINGS OF FACT

Property Owner: Robert Peterson
200 Redwing Court
Casselberry, FL 32707

Project Name: Redwing Court (200)

Requested Development Approval:

Request for (1) minimum rear yard setback variance from 10 feet to 5 feet for an existing pool; and (2) minimum rear yard setback variance from 5 feet to 0 feet for a replacement 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: Ian Sikonia, 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 existing pool as depicted on the attached site plan.
 2. The variance granted will apply only to the replacement 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: