

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for rear yard setback variance from 10 feet to 1 foot for a proposed pool in the PUD (Planned Unit Development District); (Gordon Erd, Applicant).

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

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

Agenda Date 02/27/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** Request for rear yard setback variance from 10 feet to 1 foot for a proposed pool in the PUD (Planned Unit Development District); (Gordon Erd, applicant); or
2. **DENY** Request for rear yard setback variance from 10 feet to 1 foot for a proposed pool in the PUD (Planned Unit Development District); (Gordon Erd, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Gordon Erd LOCATION: 124 Lakebreeze Circle Lake Mary, FL ZONING: PUD (Planned Unit Development District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 10' x 28' pool that would encroach 9 feet into the 10 foot minimum rear yard setback for a pools edge. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none">• The requested variance would not be the minimum that would make possible the reasonable use of the property. The pool could be designed to make most use of the available area. The applicant is able to move the pool at least a foot closer to the existing home and use more area adjacent to the Lanai.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, 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.



COPY

APPL. NO. BV 2006-017

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** Back yard variance from 10 feet to 1 foot for pool
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- MEDICAL HARDSHIP
- NIGHT WATCHMAN
- FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- TIME NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Gordon Erd</u>	
ADDRESS	<u>124 Lakebreeze Cir. Lake Mary, FL 32746</u>	
PHONE 1	<u>407-330-3845</u>	
PHONE 2	<u>407-718-5467</u>	
E-MAIL	<u>tiu@b@cfl.tr.com</u>	

PROJECT NAME: pool
 SITE ADDRESS: 124 Lakebreeze circle, Lake Mary
 CURRENT USE OF PROPERTY: residential
 LEGAL DESCRIPTION: Lot 70 Lake View Village
Plat book 38, pages 86-89
 SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 17-23-30-505-0005-0700
 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 2, 27, 06
 (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]
 SIGNATURE OF OWNER OR AGENT*

1/16/03
 DATE

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

FLU / ZONING

PUD / PD

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS 3,500 ft south east of the intersection of Greenwood Blvd and W Lake Mary Blvd, and 300 ft east of the intersection of Lakeside Ct and Creekway Tr

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

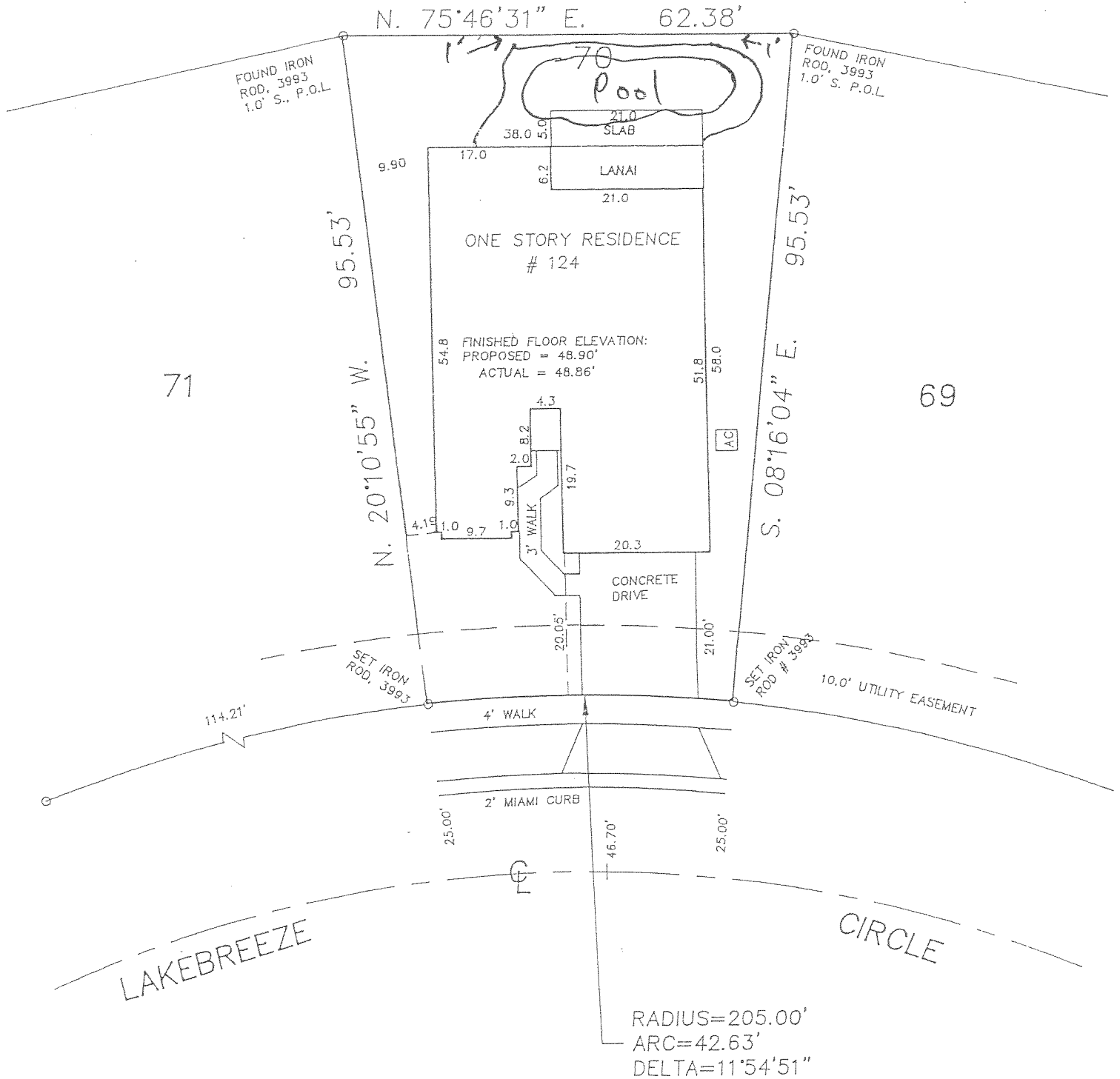
Handwritten notes:
Lakeside Ct
and Creekway Tr
Terrace

BOUNDARY SURVEY

ORDER No. 88028-070

REVISIONS

TRACT 3, LANDSCAPE TRACT AND
DRAINAGE EASEMENT

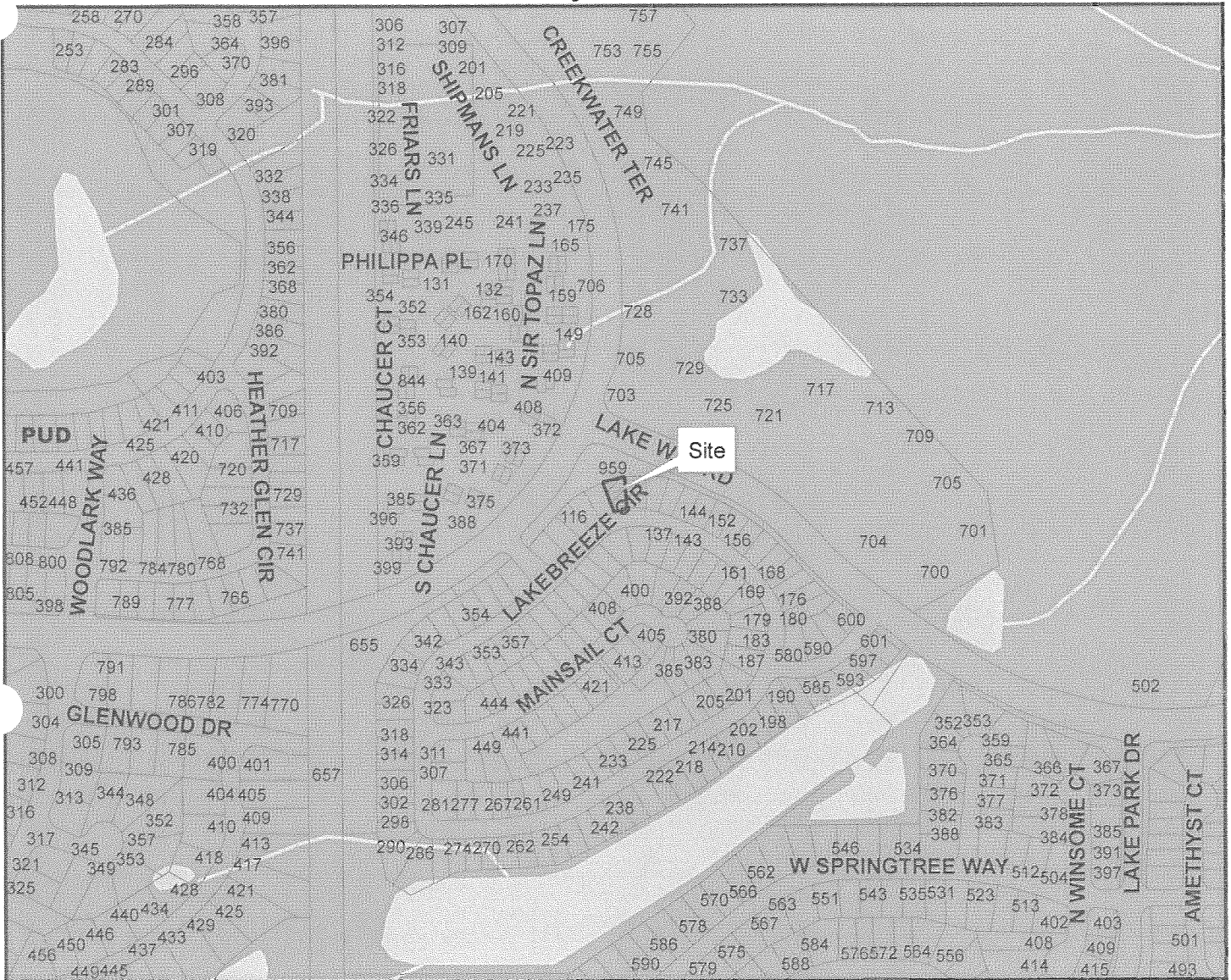


LEGAL DESCRIPTION: LOT 70, LAKEVIEW VILLAGE

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																									
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-20-30-505-0000-0700 Owner: ERD GORDON A & MARILYN M & Own/Addr: ERD CHARLES A & LINDA G Mailing Address: 124 LAKEBREEZE CIR City,State,ZipCode: LAKE MARY FL 32746 Property Address: 124 LAKEBREEZE CIR LAKE MARY 32746 Subdivision Name: LAKEVIEW VILLAGE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$117,272 Depreciated EXFT Value: \$358 Land Value (Market): \$28,000 Land Value Ag: \$0 Just/Market Value: \$145,630 Assessed Value (SOH): \$100,190 Exempt Value: \$25,000 Taxable Value: \$75,190 Tax Estimator</p>																																																							
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>01/1999</td> <td>03602</td> <td>0538</td> <td>\$41,700</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1999</td> <td>03576</td> <td>0815</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1992</td> <td>02434</td> <td>0805</td> <td>\$95,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1989</td> <td>02093</td> <td>1988</td> <td>\$1,392,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	01/1999	03602	0538	\$41,700	Improved	No	QUIT CLAIM DEED	01/1999	03576	0815	\$100	Improved	No	WARRANTY DEED	05/1992	02434	0805	\$95,900	Improved	Yes	WARRANTY DEED	08/1989	02093	1988	\$1,392,000	Vacant	No	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,982 2005 Tax Bill Amount: \$1,184 Save Our Homes (SOH) Savings: \$798 2005 Taxable Value: \$72,272 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>																																																									



LOT 63 - 15 To 2.5 rear
 11 - 15 To 11 rear
 43 - 15 To 10 rear
 448 Main St - 15 To 12 rear

**Gordon Erd
124 Lakebreeze Cir.
Lake Mary, FL 32746**

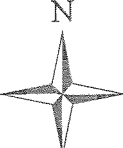


**Seminole County Board of Adjustment
February 27, 2006
Case: BV2006-017
Parcel No: 17-20-30-505-0000-0700**

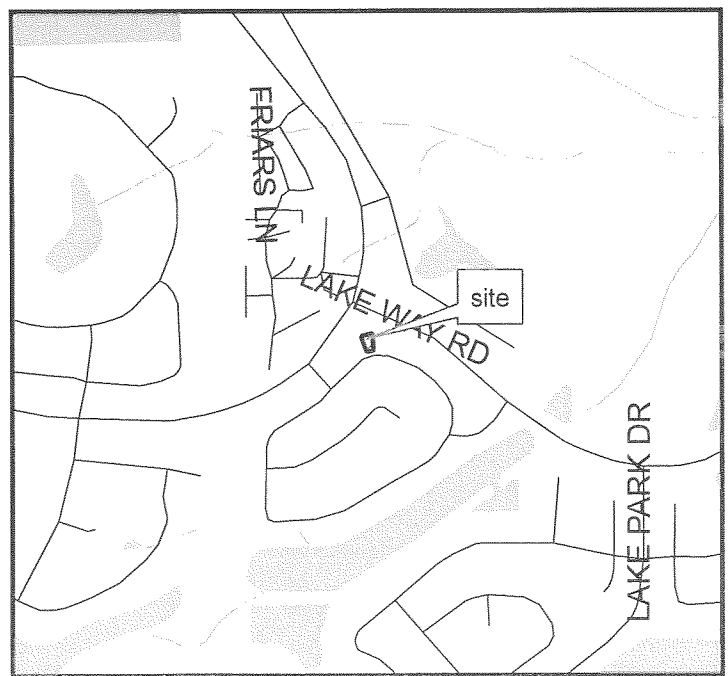
Zoning

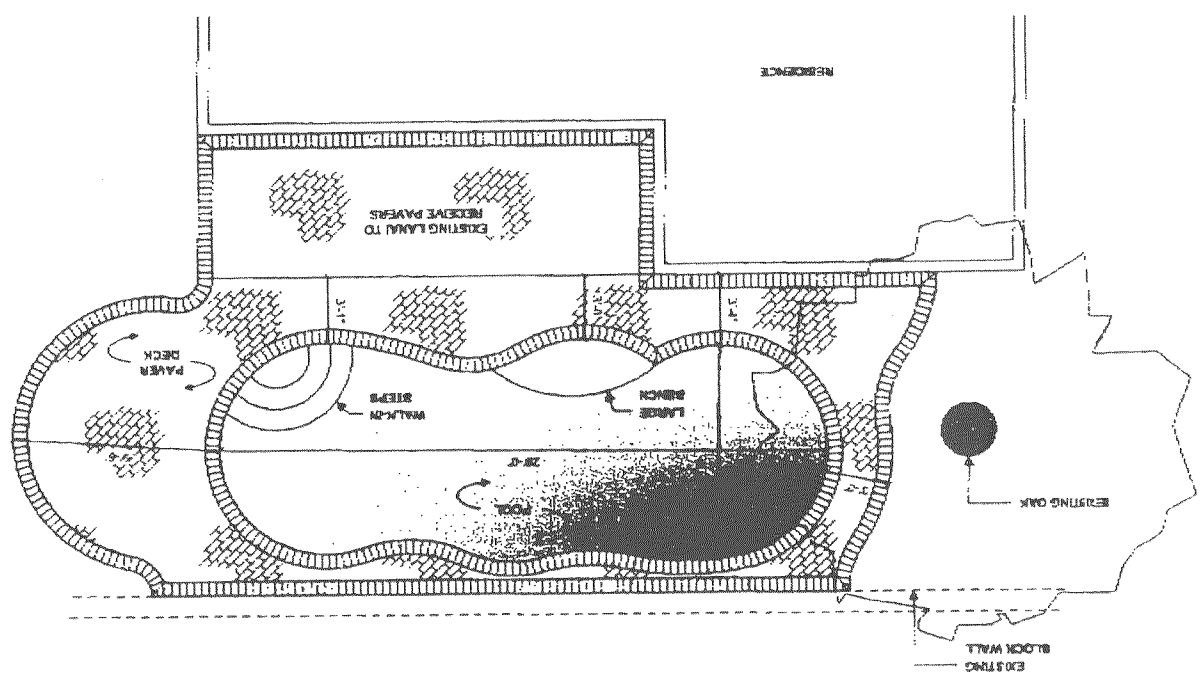
-  BV2006-017_Zon
-  PUD

N



0 90 180 360 540 720 Feet





PPOOL SIZE:	10' X 28'
PPOOL AREA:	248 Sq. Ft.
PPOOL PERIMETER:	69 Ft.
DECK AREA:	329 Sq. Ft.
LANAI AREA:	142 Sq. Ft.

LAST RELEASED DATE:
11/18/08

POOL DZINE INC.
Pool Design, Construction, Maintenance
 Installation, Repairs, Accessories, Supplies

A New Residence Pool For The
Gordon Family
 10197 LAKESHORE VILLAGE
 - 124 LAKESHORE DRIVE
 LAKE HAVAS, FL.



1 4 1
 CHECKED BY:
 DRAWN BY: DMV
 DATE: 18 NOV 05
 SCALE: 3/16" = 1'

Andy Pagan
116 Lakebreeze Circle
Lake Mary, FL 32746

January 10, 2006

To Whom It May Concern,

I am Andy Pagan, and I live at 116 Lakebreeze Circle in Lake Mary. I have no objection to my neighbors, Gordon and Marilyn Erd building a pool in the backyard of their home at 124 Lakebreeze Circle.

Sincerely,


Andy Pagan

Michael Correa
128 Lakebreeze Circle
Lake Mary, FL 32746

January 10, 2006

To Whom It May Concern,

I am Mike Correa, and I live at 128 Lakebreeze Circle in Lake Mary. I have no objection to my neighbors, Gordon and Marilyn Erd building a pool in the backyard of their home at 124 Lakebreeze Circle.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Correa", written in a cursive style.

Michael Correa

**LAKEVIEW VILLAGE HOMEOWNER'S ASSOCIATION, INC.
REQUEST FOR ARCHITECTURAL IMPROVEMENT APPROVAL**

Please refer to your Declaration of Covenants, Conditions and Restrictions for details necessary to complete this written request. The association's Covenants, Conditions and Restrictions require written approval from the Board of Directors for **ANY** exterior alterations. In an effort to protect lot owners' rights and property value, it is required that any lot owner considering exterior improvements or alterations to their home or property submit a Request For Architectural Improvement to the Board of Directors PRIOR to initiating the work. NOTE: In addition to the requirements recorded in the Declaration of Covenants, Conditions and Restrictions, all applications must conform to any applicable Seminole County zoning or building regulations. It is the responsibility of the homeowner to obtain all necessary permits when the Association approves your application. Approval by the Association does not imply approval or conformity to any Seminole County or City of Lake Mary regulations.

THIS SECTION TO BE COMPLETED BY PROPERTY OWNER:

PROPERTY OWNER NAME: Gordon & Marilyn Erd

PROPERTY ADDRESS: 124 Lakebreeze Circle

HOME PHONE #: 407-330-3845 WORK PHONE #: 407-321-7284

DESCRIPTION OF EXTERIOR CHANGE: (i.e. Addition, Fence, Pool, Paint, Landscaping, etc.)
Pool

LOCATION OF INSTALLATION: (Please attach a copy of your survey or site plan to show the precise location of the installation on your lot.) BE SURE TO FOLLOW SET BACK REQUIREMENTS.

Back yard

SPECIFICATIONS OF IMPROVEMENT: (Follow requirements in Declaration of Covenants, Conditions, and Restrictions.) IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH ON SHEET OF PAPER.

DIMENSIONS: 10' x 28'

MATERIALS: concrete

COLOR: white

ESTIMATED COMPLETION DATE: March 2006

I hereby submit to the Board of Directors for consideration, and agree to obtain necessary building permits and adhere to building setbacks as specified.

DATE: 1/10/06 SIGNATURE [Signature]
(MUST BE A PROPERTY OWNER)

THIS SECTION TO BE COMPLETED BY ARCHITECTURAL REVIEW COMMITTEE

APPROVED

APPROVED WITH CONDITIONS
(See notes in letter)

DENIED

DATE 1/10/06

COMMENTS/SIGNATURES OF AT LEAST TWO DIRECTORS:

[Signature] [Signature]

Return to: Lakeview Village Homeowner's Association, Inc.
P.O. Box 915322
Longwood, FL 32791-5322

If Certified: 165 West State Road 434
Winter Springs, FL 32708

(407) 327-5824 (office)
(407) 327-5816 (fax)

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On Monday, February 27, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 70 LAKEVIEW VILLAGE PB 38 PGS 86 TO 89

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

FINDINGS OF FACT

Property Owner: Gordon Erd
124 Lakebreeze Circle
Lake Mary, FL 32746

Project Name: Lakebreeze 124

Requested Development Approval:

REQUEST FOR REAR YARD SETBACK VARIANCE FROM 10 FEET TO 1 FOOT FOR A PROPOSED POOL 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, Senior 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 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: