

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

SUBJECT: Request for a rear yard setback variance from 30 feet to 15 feet for a proposed single-family home in the R-1A (Single-Family Dwelling District); (Mike Beaudoin, applicant).

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

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

Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed single-family home in the R-1A (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed single-family home in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Mike Beaudoin Owner: William & Deanne Glackin Location: 204 Laurel Park Court Zoning: R-1A (Single-Family Dwelling District) Subdivision: Sanctuary at Lake Ann
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a one story approximately 3,000 square foot single-family home that would encroach 15 feet into the minimum 30 foot rear yard setback; the aforementioned variance is thereby requested. • A permit was issued for a single-family home on the property on June 16, 2006 by the Building Division. • There are currently no code enforcement or building violations for this property.

	<ul style="list-style-type: none">• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The proposed single-family home can be redesigned to meet all the required setbacks of the R-1A Zoning District therefore negating the need for a 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 single-family home 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.



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

RECEIVED JUN 28 2006
 APPL. NO. BU 2006-118

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** To move House 15' toward rear property line to save tree
 - 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**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	MR + MRS Glackin	Mike Beaudoin Breasher
ADDRESS	6075 Shallow Brook Ct Port Orange, FL 32128	Custom Homes 995A Westwood Sq Orlando FL 32765
PHONE 1	(386) 322-7903	(407) 359-4055 x 9
PHONE 2		
E-MAIL		

PROJECT NAME: Glackin New SFR
 SITE ADDRESS: 204 Laurel Park Ct Winter Park FL 32792
 CURRENT USE OF PROPERTY: Vacant
 LEGAL DESCRIPTION: 27-21-30-510-0000-0080
lot 8 Sanctuary at Lake Ann
 SIZE OF PROPERTY: .25 acre(s) PARCEL I.D. 27-21-30-510-0000-0080
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO Gate code *7070"

This request will be considered at the Board of Adjustment regular meeting on 6/28/06 (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.

Michael A Beaudoin 6/27/06
 SIGNATURE OF OWNER OR AGENT* DATE

* 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 _____ FLU / ZONING P-1A / LDR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

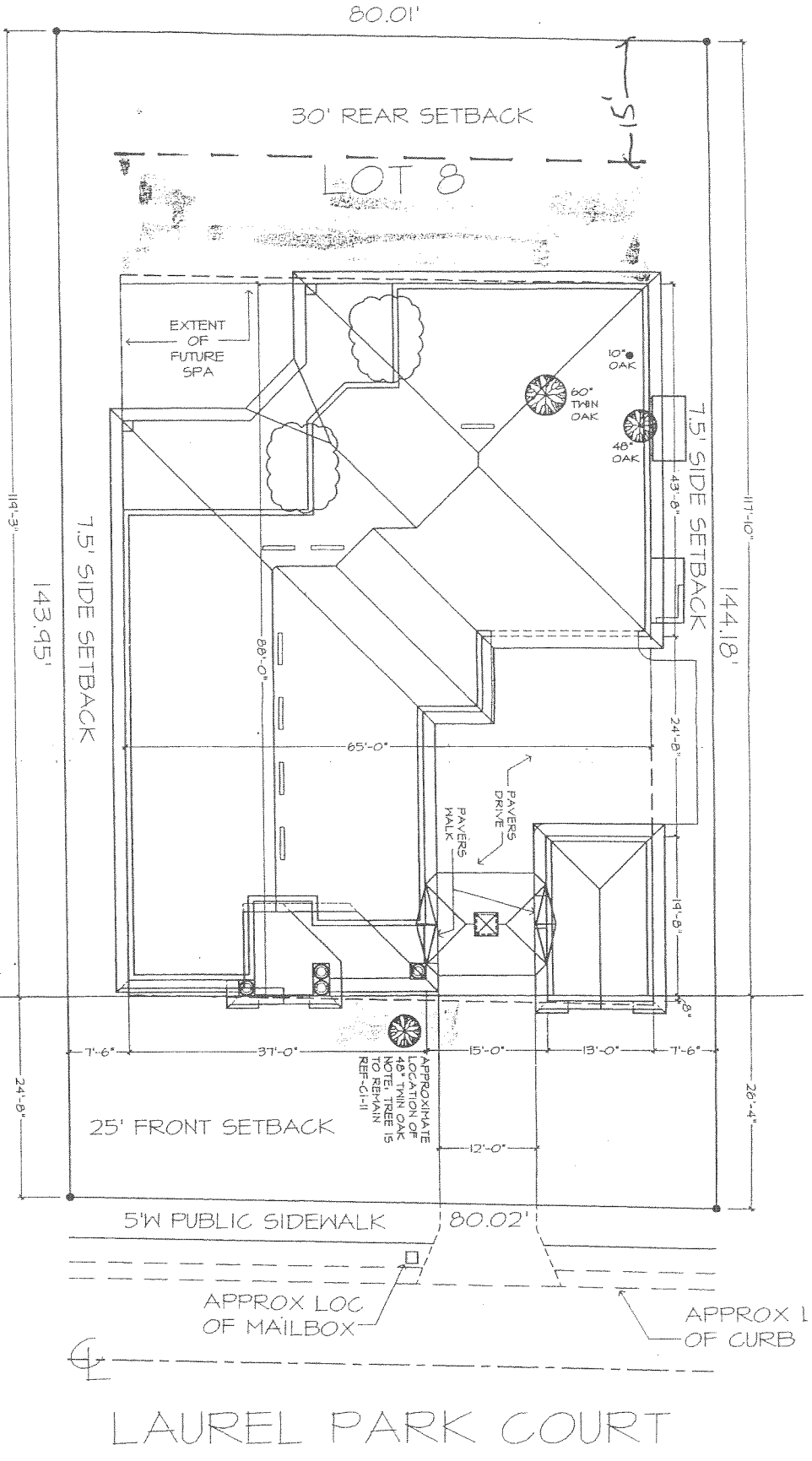
PROPERTY WA SURVEYED BY THE UNDERSIGNED BUT IS CONCEPTUAL DESIGN AND WAS PREPARED FROM PLATS, MAPS, RECORDS AND GENERAL ARRANGEMENT DRAWINGS PROVIDED

FIGURE IS AN ESTIMATE BASED UPON THE APPROXIMATE LOCATION OF THE CURB

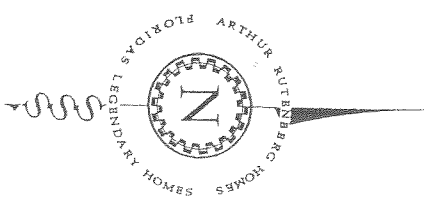
SQUARE FOOTAGES			
	PERVIOUS	IMPERVIOUS	N/A
PAV ON LOT	1204 SQ FT	4343 SQ FT	
PAV ON R/W *	14 SQ FT		1411 SQ FT
AT		64 SQ FT	
LK			330 SQ FT
STAGE	61.3%		34.3%
	11,525 SQ FT (-)	7,068 SQ FT (=)	4,457 SQ FT

TRACT "C" RETENTION AREA

permitted driveway = variance requested
 paved driveway = permitted driveway
 paved driveway = variance requested

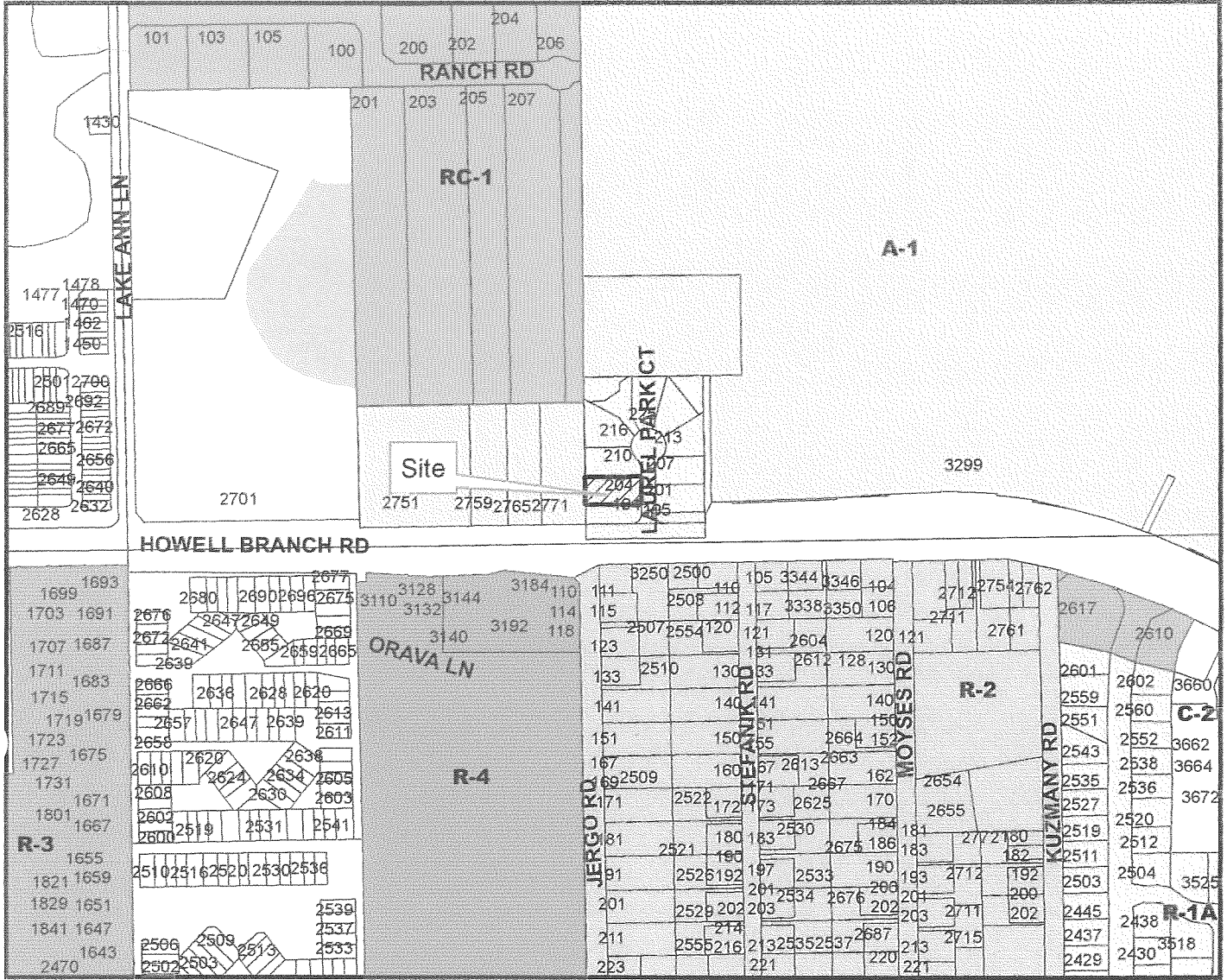


LAUREL PARK COURT










LEGAL DESCRIPTION
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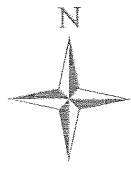
Mike Beaudoin
 204 Laurel Park Ct
 Winter Park, FL 32792

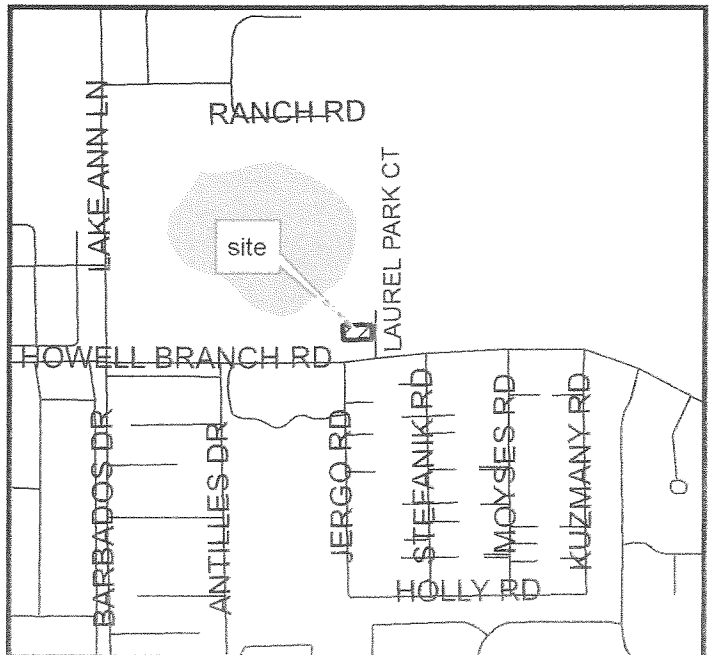


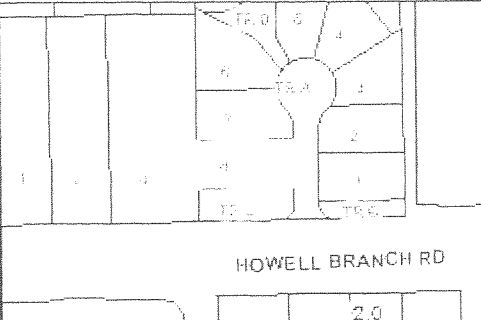

Seminole County Board of Adjustment
August 28, 2006
Case: BV2006-118
Parcel No: 27-21-30-510-0000-0080

Zoning

	BV2006-118		R-2
	A-1		R-3
	RC-1		R-4
	R-1A		

N




<p>DAVID JOHNSON, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7508</p>	 <p>HOWELL BRANCH RD</p>																						
<p align="center">GENERAL</p> <p>Parcel Id: 27-21-30-510-0000-0080 Owner: GLACKIN WILLIAM & DEANNE Mailing Address: 6075 SHALLOW BROOK CT City,State,ZipCode: DAYTONA BEACH FL 32124 Property Address: 204 LAUREL PARK CT Subdivision Name: SANCTUARY AT LAKE ANN Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$160,000 Land Value Ag: \$0 Just/Market Value: \$160,000 Assessed Value (SOH): \$160,000 Exempt Value: \$0 Taxable Value: \$160,000 Tax Estimator</p>																					
<p align="center">SALES</p> <table border="1"> <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>WARRANTY DEED</td> <td>04/2006</td> <td>06201</td> <td>1308</td> <td>\$186,700</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/2005</td> <td>05672</td> <td>1349</td> <td>\$149,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/2006	06201	1308	\$186,700	Vacant	Yes	WARRANTY DEED	03/2005	05672	1349	\$149,000	Vacant	Yes	<p>2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$1,131 2005 Taxable Value: \$69,000 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>160,000.00</td> <td>\$160,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	160,000.00	\$160,000	<p align="center">LEGAL DESCRIPTION</p> <p>PLATS: Pick... LOT 8 SANCTUARY AT LAKE ANN PB 66 PG 51</p>									
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	160,000.00	\$160,000																		
<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>																							

Agent Authorization

DATE: June 27, 2006

TO: Seminole County Board of Adjustment

I, William Glackin  hereby authorize as my agent

Mike Beaudoin

of Bressler Custom Homes

Said agent has my permission to make any necessary decisions on my behalf concerning the application for, and pursuit of a Variance for the property located at:

204 Laurel Park Court Winter Park, FL 32792

Parcel ID # 27-21-30-510-0000-0080

Applicant's Signature



Date

6/27/06

*The Sanctuary at Lake Ann
Homeowners Association Inc.
2817 Cliffe Ct.
Oviedo, FL 32765*

June 27, 2006

Mr. William Glackin
6075 Shallow Brook Ct.
Port Orange, FL 32128

Re: Lot #8 Lake Ann Subdivision
204 Laurel Park Ct.
Winter Park, FL 32792

Dear Mr. Glackin,

This letter is to serve as authorization for you to place your house approximately 15 feet into the rear set back on the west side of your property in order to save the 48" twin oak tree located in the front of your property. It is understood that a variance has been applied for with Seminole County in respect to the placement of your house into this setback. The Homeowner's Association understands the need for this variance and will cooperate with Seminole County in any way necessary to obtain the variance.

Sincerely,



Mike Beaudoin
President, HOA

Seminole County Planning Department
Board of Adjustment
1101 East First Street
Room 2202
Sanford, FL 32771

June 27, 2006

This letter is submitted in order to apply for a variance for Mr. and Mrs. Glackin to place their house 15 feet into the rear setback of their property in order to save a 48" Twin Oak Tree located in the front of their property. The property address is 204 Laurel Park Ct. Winter Park, FL 32792. This is lot #8 in The Sanctuary at Lake Ann which is located approximately ½ mile east of S.R. 436 on Howell Branch Road in unincorporated Winter Park. The parcel ID number is 27-21-30-510-0000-0080. The sole intention of this variance is to save a magnificent old growth Oak Tree located in the front of the property. Placing the house within the platted setbacks will most certainly kill this tree as the house will be approximately 3 feet from the house itself. This variance, if granted, will allow the tree an additional 15 feet of space and would make the chances of survival much better.

A letter from the President of the Homeowners Association stating that the Homeowners Association has no problem placing the house 15' into the rear setback in order to save this tree is attached to this application for variance.

The criteria for a variance are addressed below.

- 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
- ✓ *The special condition is the location of the tree to be saved. The literal application of the building code would place the house within 3 feet of the tree which would almost certainly kill the tree. The tree is a large old growth 48" Twin Oak which is worth saving if at all possible. Some pictures of the tree are submitted with this application for variance.*
- That the special conditions and circumstances do not result from the actions of the applicant; and
- ✓ *The special conditions are not a result of the actions of the property owner.*
- 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
- ✓ *Granting this variance would not confer any special privileges to the property owners that are denied to other land owners in the same zoning district.*
- 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

- ✓ *The literal interpretation of Chapter 30 would deprive the property owners of a magnificent Oak tree and would detract from the natural beauty of the property.*

- That the variance granted is the minimum variance that would make possible the reasonable use of the land, building or structure; and
 - ✓ *The variance applied for is the minimum necessary in order to give the tree the best chance of survival. The 15 foot encroachment into the rear setback still allows the full 15 foot drainage easement that makes up the balance of the rear of the property. Please refer to the site plan submitted with this application for variance.*

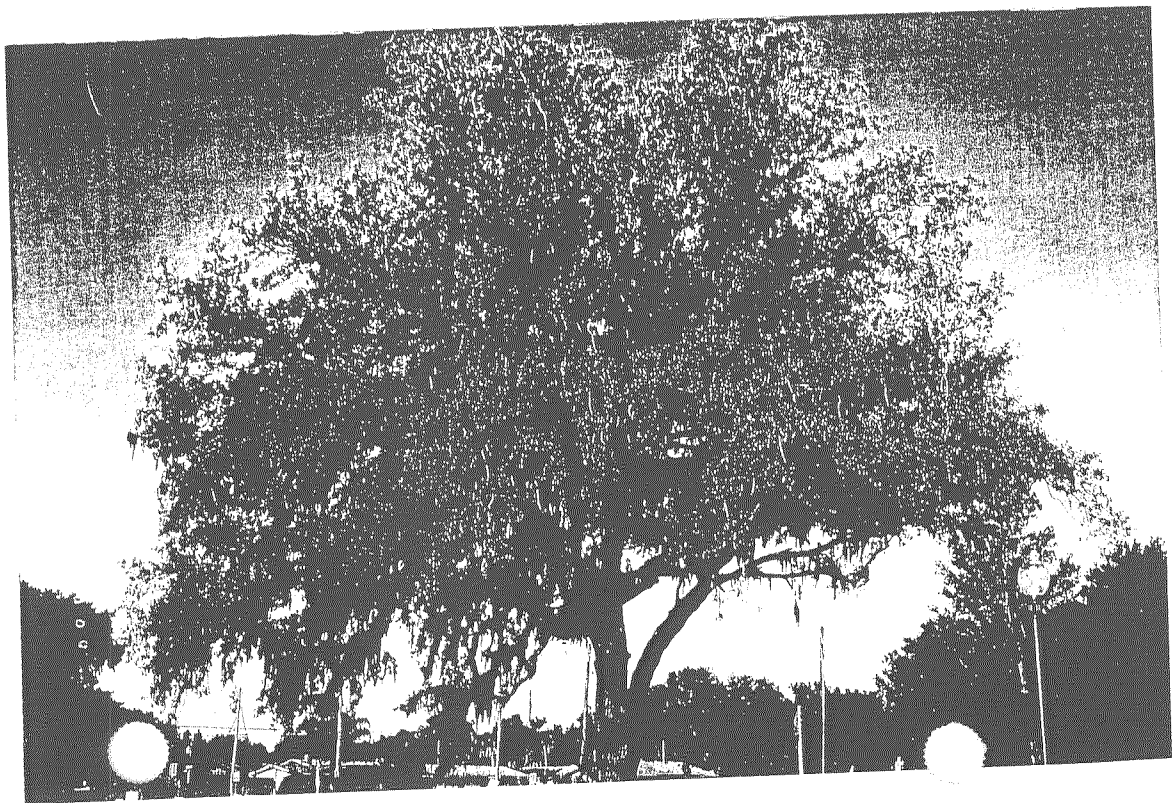
- That the grant of the variance would be in harmony with the general intent of Chapter 30, would not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - ✓ *Granting this variance would be in harmony with the general intent of Chapter 30, and would not be injurious to the neighborhood or otherwise detrimental to the public welfare. Granting the variance will, in fact, help keep the natural beauty of the neighborhood.*

Please do not hesitate to call me if there are any questions or concerns regarding this matter.

Sincerely,



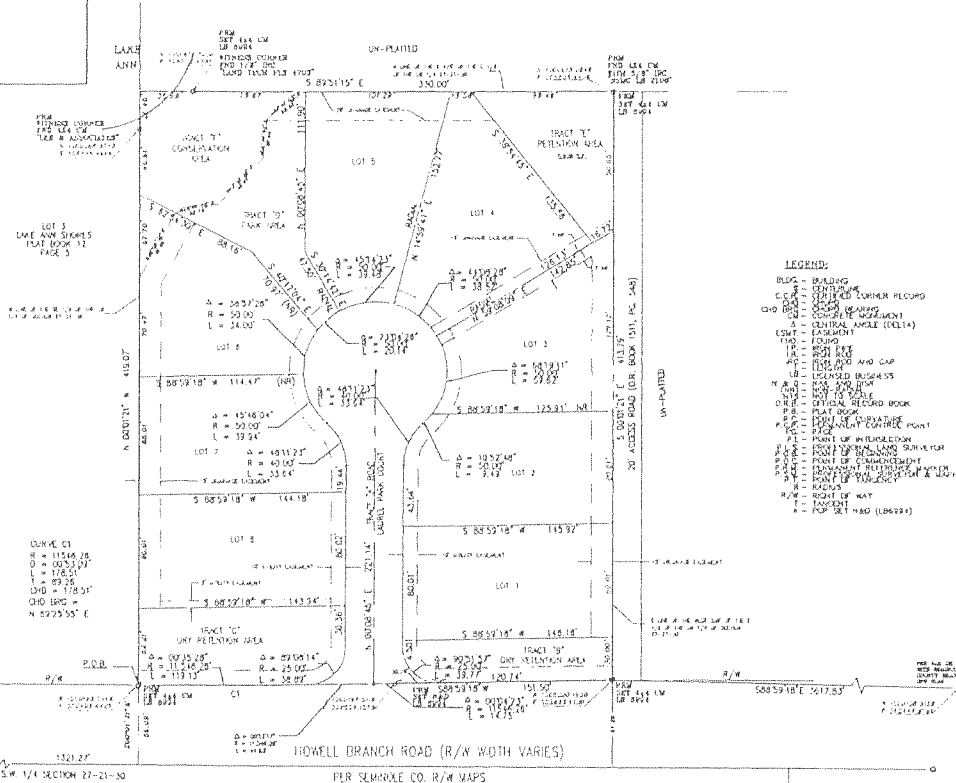
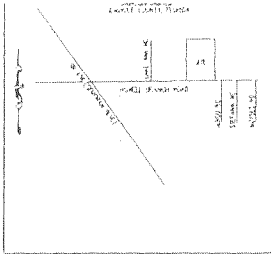
Mike Beaudoin
Bressler Custom Homes
(407) 359-4055 ext # 9



SECTION 27, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA

LEGAL DESCRIPTION

THE SOUTH 475 FEET OF THE WEST 300 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.



SCALE 1" = 60'



SURVEYOR'S NOTES

1. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED BY AUTHORITY BY ANY OTHER GRAPHIC OR ORIGINAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
2. ALL EASEMENTS HEREON ARE SHOWN.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE S 1/4 OF SECTION 27 - TOWNSHIP 21 SOUTH - RANGE 30 EAST, SAID BEARING IS S88°59'18"W.

CERTIFICATE OF COUNTY SURVEYOR

I HAVE REVIEWED THIS PLAT AND FIND IT TO BE IN CONFORMITY WITH CHAPTER 177.08(1) FLORIDA STATUTES.

Steve L. Kessels 1-4-05
Steve L. Kessels, P.L.S. Date

Florida Registration Number 4509
County Surveyor for Seminole County, Florida

KNOW ALL MEN BY THESE PRESENTS, THAT THE CORPORATION NAMED BELOW, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND DEDICATES THE STREETS, EASEMENTS, AND ALL TRACTS SHOWN HEREON TO THE SANCTUARY AT LAKE ANN HOMEOWNERS ASSOCIATION, INC. TRACT F IS SUBJECT TO A CONSERVATION EASEMENT IN FAVOR OF THE ST JOHN'S RIVER WATER MANAGEMENT DISTRICT AND SEMINOLE COUNTY, PURSUANT TO SECTION 704.06, FLORIDA STATUTES. IN WITNESS WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO BY THE OFFICERS NAMED BELOW AND ITS CORPORATE SEAL TO BE AFFIXED HERETO ON

(DATE) 12/15/04
BY *Ed Flanagan* Ed Flanagan

SIGNED AND SEALED IN THE PRESENCE OF:
Robert A. Gill Robert A. Gill
PRINTED NAME: Robert A. Gill
STATE OF FLORIDA COUNTY OF SEMINOLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 12/20/2004 BY EDWARD FLANAGAN, MANAGING MEMBER, LAKE ANN ASSOCIATES, LLC HE IS PERSONALLY KNOWN TO ME

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL ON THE ABOVE DATE

Janet Swathley
JANET SWATHLEY
NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATE OF APPROVAL BY SEMINOLE COUNTY PLANNING AND ZONING COMMISSION

THIS IS TO CERTIFY, THAT ON _____ THE PLANNING AND ZONING COMMISSION APPROVED THE FOREGOING PLAT.

CHAIRMAN.

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS

THIS IS TO CERTIFY THAT ON 12/15/2004 THE FOREGOING PLAT WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA.

Carlton Dentley
CARLTON DENTLEY
CHAIRMAN OF THE BOARD

CLERK OF THE BOARD

BY _____ D.C.

CERTIFICATE OF CLERK

I HEREBY CERTIFY, THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND WAS FILED FOR RECORD ON 12/15/04 AT 1:19 PM FILE NO. 200500445.

Robert N. Lewis
ROBERT N. LEWIS
CLERK OF THE CIRCUIT COURT
IN AND FOR SEMINOLE COUNTY, FL.

CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT THE SURVEY WAS MADE UNDER MY DIRECT SUPERVISION, AND THAT THE SURVEY DATA CONTAINED HEREIN COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177 OF THE FLORIDA STATUTES. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH CHAPTER 177.09(1)(7) AND THAT THE PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AS REQUIRED. THE LAND IS LOCATED IN UNINCORPORATED SEMINOLE COUNTY, FLORIDA.

Robert N. Lewis DATED 12/15/04
ROBERT N. LEWIS, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 5419

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 8 SANCTUARY AT LAKE ANN PB 66 PG 51

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

FINDINGS OF FACT

Property Owner: William & Deanne Glackin
6075 Shallow Brook Ct.
Daytona Beach, FL 32124

Project Name: Laurel Park Court (204)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed single-family home in the R-1A (Single-Family Dwelling 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 proposed single-family home 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: