

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

SUBJECT: Request for a building height variance from 35 feet to 43 feet for a proposed two story single family home in R-1AA (Single Family Dwelling District); Martoccia Custom Construction, applicant.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

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

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a building height variance from 35 feet to 43 feet for a proposed two story single family home in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for a building height variance from 35 feet to 43 feet for a proposed two story single family home in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Martoccia Custom Construction James & Lisa Palmer 2201 Peninsular Court R-1AA (Single Family Dwelling District) Lake Brantley Isles
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a two-story single family residence with a 43 foot mean roof height where a 35 foot mean roof height is allowed. • There are currently no code enforcement or building violations for this property. • 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.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures 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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
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 single family residence as depicted on the attached site plan and elevation; 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
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2006-122

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** Roof elevation variance from 35' to 43' (height)
- SPECIAL EXCEPTION**
- LIMITED USE**
- SEMI-OWNING UNDER CONSTRUCTION**
- STIMULATED MEDICAL NEEDSHIP**
- RIGHT WATCHMAN**
- FAMILY HANDSHIP**
- YEAR OF MOBILE HOME/REVERTING**
- SIZE OF MOBILE HOME/REVERTING**
- PLAN TO BUILD HOMES/REVERTING**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	Jim and Lisa Palmer	Martocchia custom construction
ADDRESS	109 Haviland Pt. Longwood, FL 32779	1011 Sweetwater Club Blvd. Longwood, FL 32779
PHONE 1	407-862-2543	407-774-1793
PHONE 2		407-774-1673
EMAIL		321-263-5326

PROJECT NAME: Palmer Residence
 SITE ADDRESS: Peninsular ct. (2201)
 CURRENT USE OF PROPERTY: single family residence
 LEGAL DESCRIPTION: see attached

SIZE OF PROPERTY: 1.21 acre(s) PARCEL I.D. 04-21-29-501-0000-023A
 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, 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.

[Signature] 9/28/06
 SIGNATURE OF OWNER OR AGENT 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) 100.00 COMMISSION DISTRICT _____ ZONING R1AA/LAR

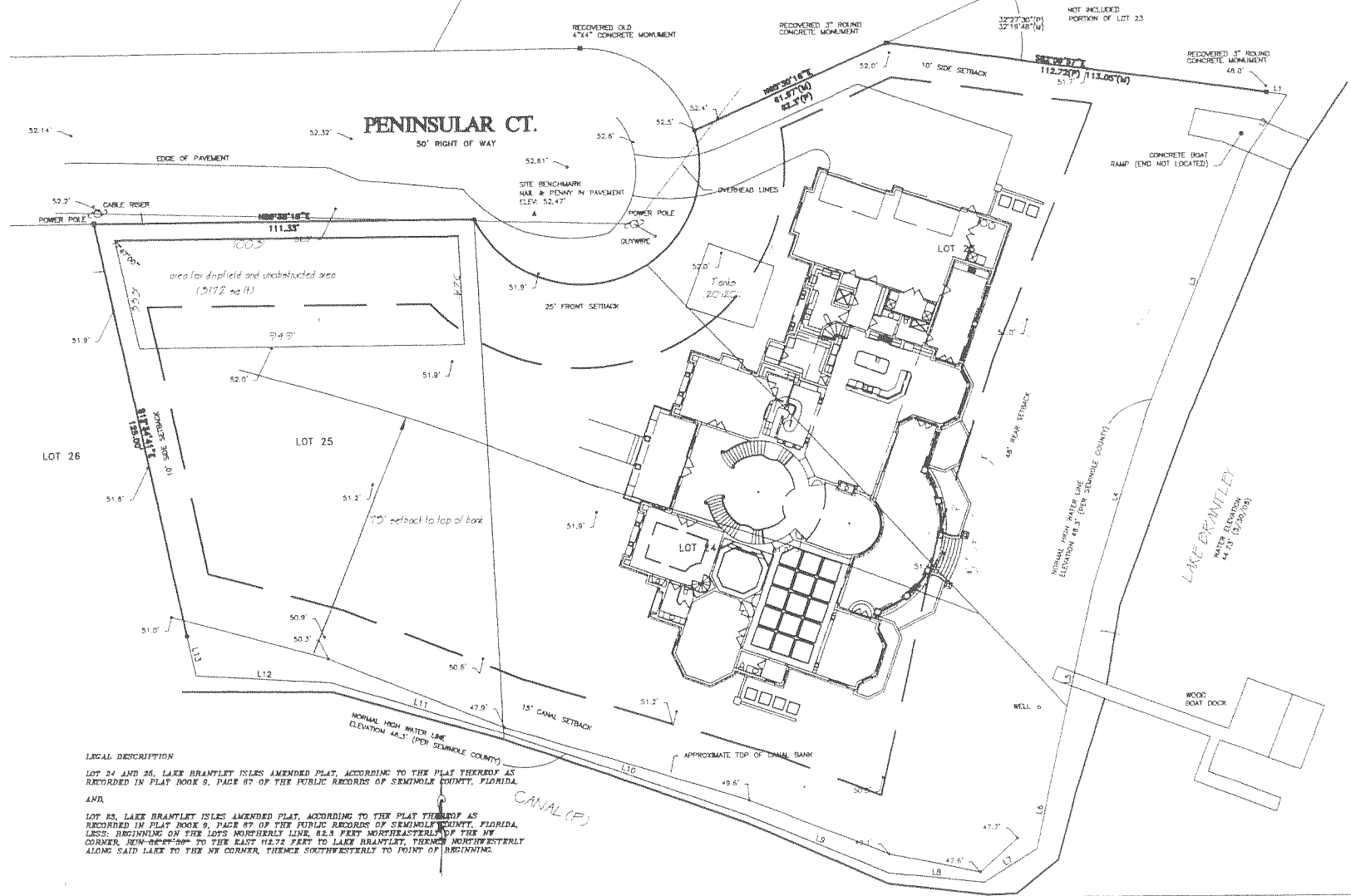
BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS Determined the actual building height. G mark 14.5

THE PALMER RESIDENCE



LEGAL DESCRIPTION
 LOT 24 AND 25, LAKE BRANTLEY ISLES AMENDED PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 87 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.
 AND
 LOT 25, LAKE BRANTLEY ISLES AMENDED PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 87 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.
 LESS: BEGINNING ON THE LOT'S NORTHERLY LINE, 62.5 FEET NORTHEASTERLY OF THE NW CORNER, RUN-88°57'50" TO THE EAST 112.72 FEET TO LAKE BRANTLEY, THENCE NORTHWESTERLY ALONG SAID LAKE TO THE NW CORNER, THENCE SOUTHWESTERLY TO POINT OF BEGINNING.

PENINSULAR CT.
 50' RIGHT OF WAY

LAKE BRANTLEY
 WATER ELEVATION
 44.73 (5/20/05)

NORMAL HIGH WATER LINE
 ELEVATION 45.3' (PER SEMINOLE COUNTY)

CANAL (P)

NORMAL HIGH WATER LINE
 ELEVATION 45.3' (PER SEMINOLE COUNTY)

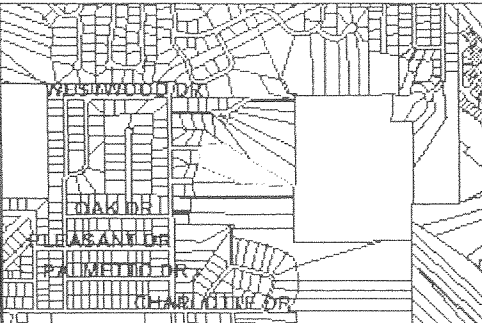
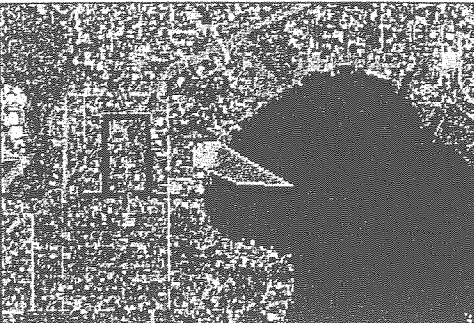
APPROXIMATE TOP OF CANAL BANK



Please note:
 Actual house is flipped on
 site plan.

This actually is
 left side of
 house.

- Not to
 scale

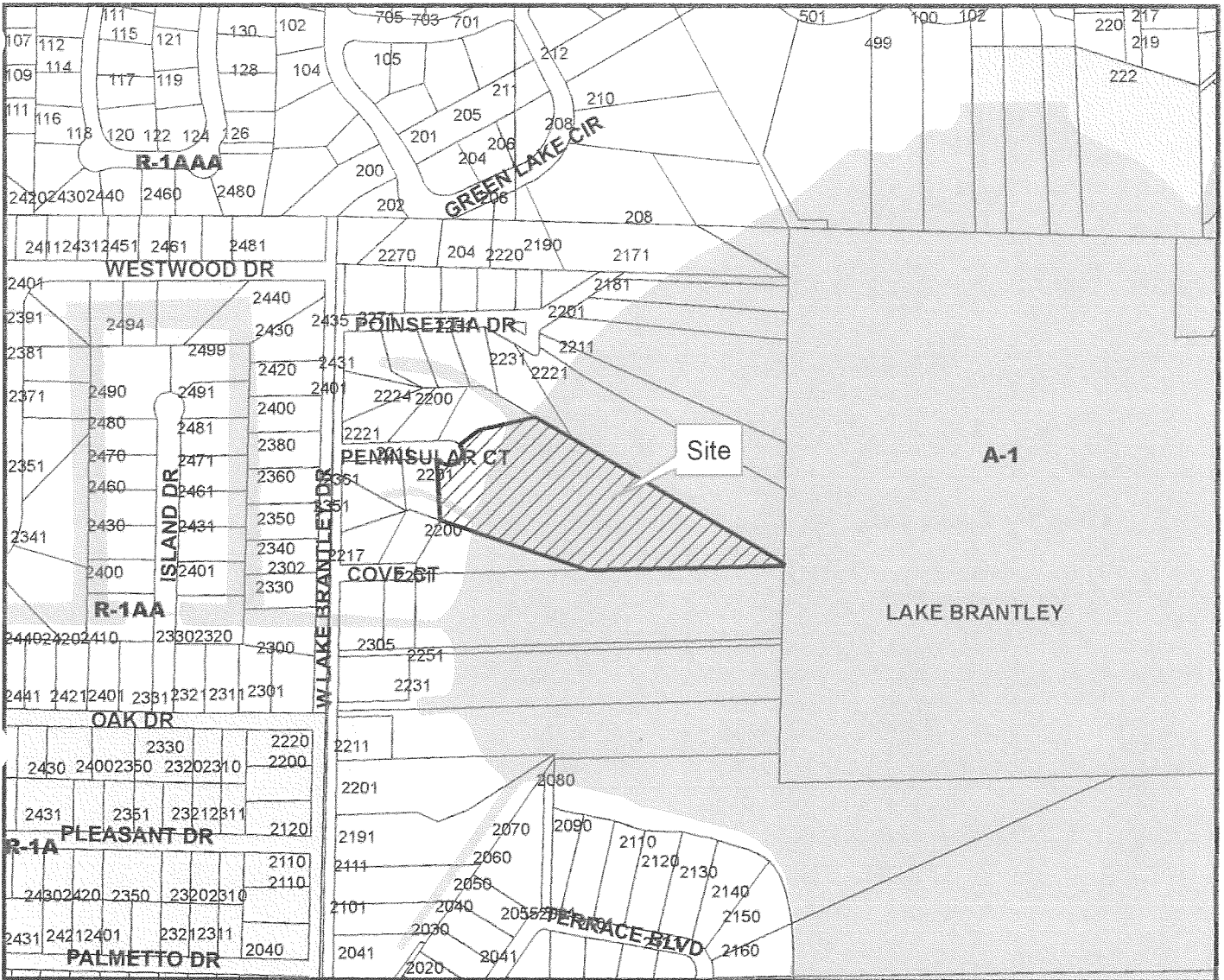
<p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																														
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 04-21-29-501-0000-023A</p> <p>Owner: PALMER JAMES R & LISA A</p> <p>Mailing Address: 2201 PENINSULAR CT</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 2201 PENINSULAR CT LONGWOOD 32779</p> <p>Subdivision Name: LAKE BRANTLEY ISLES AMENDED PLAT</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$586,842</p> <p>Depreciated EXFT Value: \$10,376</p> <p>Land Value (Market): \$732,625</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$1,329,843</p> <p>Assessed Value (SOH): \$725,021</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$700,021</p> <p>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>WARRANTY DEED</td> <td>12/1992</td> <td>02527</td> <td>0436</td> <td>\$155,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1972</td> <td>00953</td> <td>0916</td> <td>\$14,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1971</td> <td>00838</td> <td>0510</td> <td>\$9,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	12/1992	02527	0436	\$155,000	Vacant	Yes	WARRANTY DEED	01/1972	00953	0916	\$14,000	Vacant	Yes	WARRANTY DEED	01/1971	00838	0510	\$9,000	Vacant	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$20,131</p> <p>2005 Tax Bill Amount: \$11,125</p> <p>Save Our Homes (SOH) Savings: \$9,006</p> <p>2005 Taxable Value: \$678,904</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
FRONT FOOT & DEPTH	253	198	.000	3,900.00	\$732,625																									
BUILDING INFORMATION																														
Bld Num	Bld Type	Year Bit	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																					
1	SINGLE FAMILY	1994	13	3,046	5,714	4,490	CUSTOM WOOD/STUCCO/B	\$586,842	\$614,494																					
			Appendage / Sqft	SCREEN PORCH FINISHED / 384																										
			Appendage / Sqft	GARAGE FINISHED / 648																										
			Appendage / Sqft	OPEN PORCH FINISHED / 72																										
			Appendage / Sqft	SCREEN PORCH FINISHED / 120																										
			Appendage / Sqft	UPPER STORY FINISHED / 1444																										
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																														
EXTRA FEATURE																														
			Description	Year Bit	Units	EXFT Value	Est. Cost New																							
			FIREPLACE	2004	2	\$3,800	\$4,000																							

BOAT DOCK	2004	394	\$1,812	\$1,970
BOAT HOUSE	2004	405	\$2,981	\$3,240
WOOD PORCH	2004	323	\$1,783	\$1,938

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.


Martoccia Custom Construction
 2201 Peninsular Ct
 Longwood, FL 32779

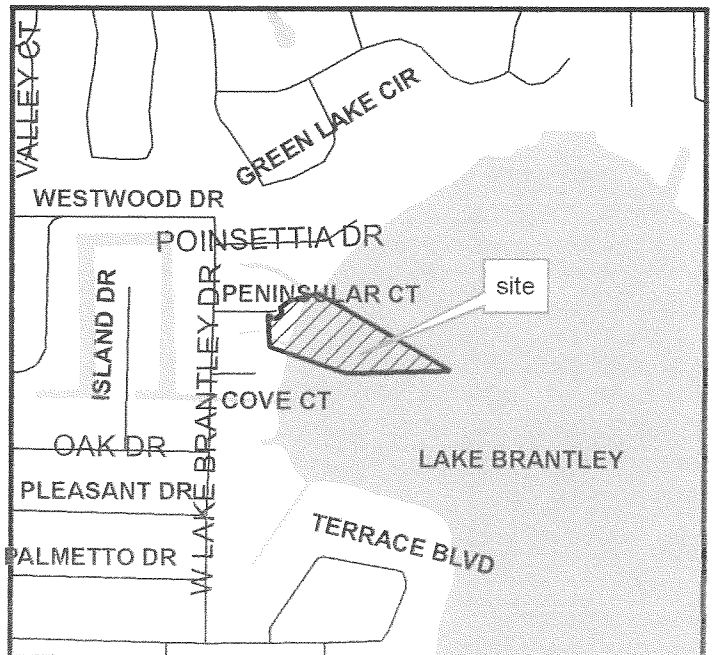


Seminole County Board of Adjustment
August 28, 2006
Case: BV2006-122
Parcel No: 04-21-29-501-0000-023A

Zoning

	BV2006-122		R-1AA
	A-1		R-1A
	R-1AAA		

N




August 1, 2006

BU 2006-177

Re: Palmer 2201 Peninsular Ct.

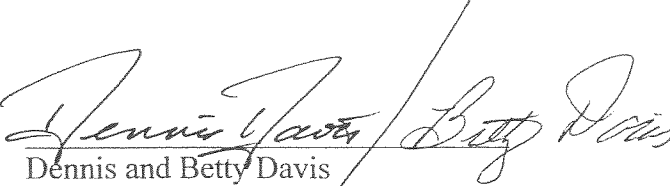
To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

We are on Lot 20 on the corner entering Peninsular Court.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.


Dennis and Betty Davis
2401 West Lake Brantley Dr.
Longwood, FL 32779
407-862-1054

August 1, 2006

BU 2006-122

Re: Palmer 2201 Peninsular Ct.

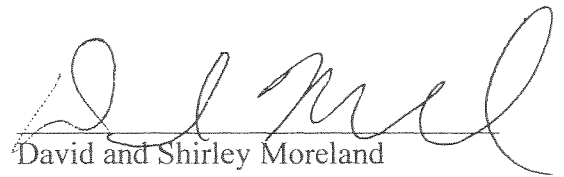
To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

We are on Lot 26 next to the Palmer Property.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.



David and Shirley Moreland
2221 Peninsular Ct.
Longwood, FL 32779

August 1, 2006

BV 2006-122

Re: Palmer 2201 Peninsular Ct.

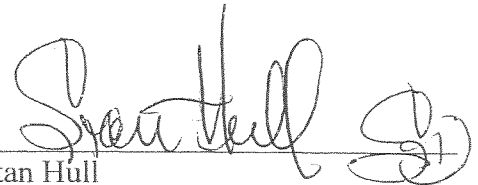
To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

I am on Lot 22 next to the Palmer Property.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.

A handwritten signature in cursive script, appearing to read "Stan Hull", written over a horizontal line.

Stan Hull
2200 Peninsular Ct.
Longwood, FL 32779
407-869-5672

BV 2006-122

August 1, 2006

Re: Palmer 2201 Peninsular Ct.

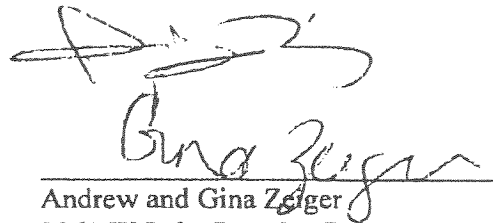
To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

We are on Lot 27 where the back of the lot faces the lake off the canal.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.



Andrew and Gina Zeiger
2361 W Lake Brantley Drive
Longwood, FL 32779
407-786-8607

August 1, 2006

BU2006-122

Re: Palmer 2201 Peninsular Ct.

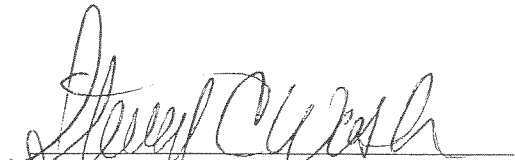
To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

We own the vacant Lot 29 across the canal and plan to build our home there.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.



Steve and Tana Wash
118 Havilland Pt.
Longwood, FL 32779

BV2006-122

August 1, 2006

Re: Palmer 2201 Peninsular Ct.


To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

We are on the lake adjacent to the Palmer properties.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.



Darryl and Julie Rudd
2221 Poinsetta Drive
Longwood, FL 32779
407-788-2077

BV 2006-172

August 1, 2006

Re: Palmer 2201 Peninsular Ct.

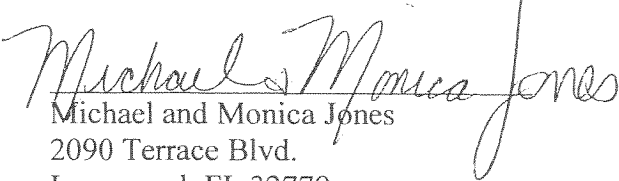
To the Board of Adjustments:

This letter is in reference to the Height Variance requested by Jim and Lisa Palmer of 2201 Peninsular Ct., Longwood, FL.

We are on the lot across from the lake from the Palmer property.

We have no objections to the maximum 49' height elevation proposed in the plan for their new home construction on Lake Brantley.

Should you have any questions, please call.


Michael and Monica Jones
2090 Terrace Blvd.
Longwood, FL 32779
407-865-5873

**MARTOCCIA CUSTOM CONSTRUCTION, INC.
AND CUSTOM DESIGN PAVERS**

**1011 Sweetwater Club Blvd. Longwood, FL. 32779
Victoria Martoccia Lic. General Contractor CGC1508284
TEL. 407-774-4805 FAX. 407-774-4803
MOBILE. 321-236-5326**

June 30, 2006

To whom it may concern:

I hereby authorize and appoint Alexia Pereira, of Martoccia Custom Construction, to apply for, receive, and make payment for, all permits, Special Exceptions, Notice of Commencements, and all other documentation pertaining to Lots 23, 24, and 25 on Peninsular Court.

Please call me with any questions.

Thank you,

Victoria Martoccia

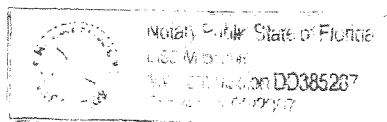
Victoria Martoccia
Martoccia Custom Construction

Acknowledged:

Sworn to and subscribed before me this 30th day of June,
2006.

Notary Public *Lisa Brown*

Seal



My Commission expires on: _____

June 30, 2006

To whom it may concern:

I, the Owner of Lots 23, 24, and 25 on Peninsular Court Longwood, FL, Jim and Lisa Palmer, hereby authorize Victoria Martoccia of Martoccia Custom Construction, to apply for, receive, and make payment for, all permits, Special Exceptions, Variances, Notice of Commencements, and all other documentation pertaining to the construction on my property.

Please call me with any questions.

Thank you,



Jim Palmer

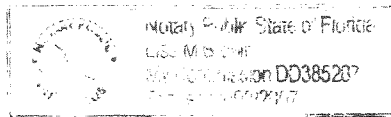
Owner: Jim and Lisa Palmer
Address: 108 Havilland Pt.
Longwood, FL 32779
Phone Number 407-862-2543

Acknowledged:

Sworn to and subscribed before me this 30th day of June,
2006.

Notary Public Lisa Brown

Seal



My Commission expires on: _____

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 23 (LESS BEG 62.3 FT NELY ON NLY LI FROM NW COR RUN N 32 DEG 27 MIN 30 SEC E 112.72 FT NWLY ALONG LAKE TO NLY COR SWLY TO BEG) & ALL LOTS 24 & 25 LAKE BRANTLEY ISLES AMENDED PLAT PB 9 PG 67

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

FINDINGS OF FACT

Property Owner: James & Lisa Palmer
108 Havilland Pt.
Longwood FL 32779

Project Name: Peninsular Court (2201)

Requested Development Approval:

Request for a building height variance from 35 feet to 43 feet for a proposed two story single family home in R-1AA (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: Denny Gibbs, 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 single family house 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: