

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

SUBJECT: Request for a rear yard setback variance from 10 feet to 6 feet for a proposed pool in the PUD (Planned Unit Development District); (Steve Kerr, applicant.)

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Courtney Counts **EXT.** 7357

Agenda Date 09/25/2006 Regular **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 10 feet to 6 feet for a proposed pool in the PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 10 feet to 6 feet for a proposed pool in the PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Steve Kerr Owner: Steve Kerr Location: 917 Stillwell Lane, Lake Mary, FL 32746 Zoning: PUD (Planned Unit Development) Subdivision: Silver Lakes West at the Crossings Unit two
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to encroach 4 feet into the required 10 foot rear yard setback for a proposed pool addition. • The applicant proposes to construct a 17 foot by 34 feet – 5 inches swimming pool located within a deck area. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances 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 and which are not applicable to other lands, structures or building in the same zoning district.• 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.
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.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 19 TWP: 20 RNG: 30
 PROJ. #

DEVELOPMENT:		Silver Lakes East at the Crossings Unit 2				DEVELOPER:		Sal Orlando											
LOCATION:		SE corner of Lake Emma Road and Greenway Boulevard						49 lots											
FILE#:		BA:		SP:		BCC:		09/25/86											
P&Z:		PB		PG		65		Lot		Blk		Parcel		DBA		Comm Dist			
DEVEL. ORDER #:						TAX PAR. I.D. #:													
SIDEWALKS:						SETBACK REQUIREMENTS													
						FY:		20'		SIDE ST.:		SY:		*3-10'		RY:		15	
ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER: * 3' one side; 7' on one side; 10' between bldg													
COMMENTS OTHER:						ACCESSORY STRUCTURE SETBACKS:													
1) Construction of a wall or buffer between the subdivision and the wastewater treatment plant.						SY:		same as main structure		RY:		5'							
2) Coordinate driveway off-set with the church and the development on Greenway Boulevard.						ACCESSORY STRUCTURE OTHER: 5' rear yard setback and setback on the side yard the same as main structure and shall not project beyond the main structure building line.													
3) Development must accommodate offsite drainage through this property. Out-fall must be provided from the pond area to the swamp.																			

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	12-N
LAND USE:	
1. ROAD-CO. WIDE	\$250.00
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	\$10.00
5. PARK	
6. SCHOOL	\$300.00
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS:	



RECEIVED
 SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET 2006
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX
 APPL. NO. BV2006-148

COPY

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 setback variance from 10 feet to 6 feet for proposed swimming pool addition
- SPECIAL EXCEPTION** Water edge at 6 feet with 1 foot Decid outside edge
- LIMITED USE**
- SE DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV
- PLAN TO BUILD
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED
- YES
- NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED AUG 04 2006

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	<u>Steve Kerr</u>	
ADDRESS	<u>917 Stillwell Lane Lake Mary, FL 32746</u>	
PHONE 1	<u>407-497-4428</u>	
PHONE 2	<u>407-320-8046</u>	
E-MAIL	<u>skerr1@cfi.rr.com</u>	

PROJECT NAME: Kerr Swimming pool
 SITE ADDRESS: 917 Stillwell Ln., Lake Mary, FL 32746
 CURRENT USE OF PROPERTY: single residence home
 LEGAL DESCRIPTION: Silver Lakes West at the Crossings
Unit Two

* SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. Lot 81 19-20-30-504-0000
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER 0810
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO 9, 25, 06

This request will be considered at the Board of Adjustment regular meeting on 9, 25, 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.

* Steve Kerr
 SIGNATURE OF OWNER OR AGENT*

8-3-06
 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): _____ COMMISSION DISTRICT _____ FLU/ZONING PD / PUD

BCC HEARING DATE _____ (FOR APPEAL)

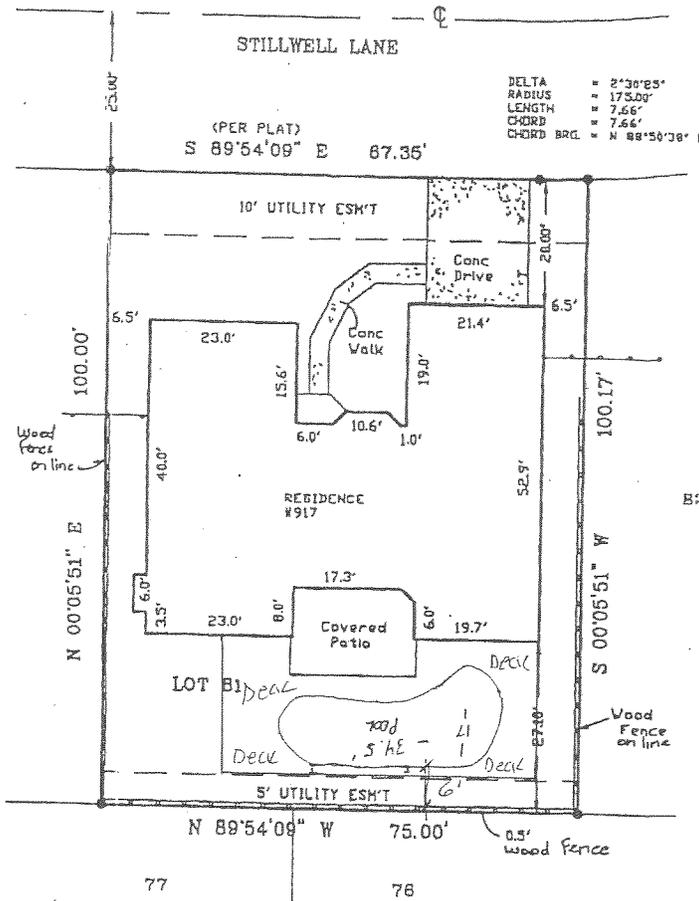
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____

DATE _____

SUFFICIENCY COMMENTS _____

LOT 81.
SILVER LAKES WEST AT THE CROSSINGS UNIT TWO.
 AS RECORDED IN PLAT BOOK 36, PAGE 63-64,
 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



DELTA = 2°30'25"
 RADIUS = 173.00'
 LENGTH = 7.66'
 CHORD = 7.66'
 CHORD BRG. = N 89°50'38" E



Steven H. Kerr

- NOTES:**
1. ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAPS, IT IS MY OPINION THAT THE BUILDING SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD PRONE AREA AND LIES WITHIN FLOOD ZONE "X" PURSUANT TO FIRM PANEL #12117C0130E, EFFECTIVE 4/17/95.
 2. IMPROVEMENTS SHOWN HEREON WERE LOCATED AT GROUND LEVEL. SUBSURFACE AND/OR AERIAL IMPROVEMENTS OR ENCROACHMENTS, IF ANY, WERE NOT LOCATED.
 3. NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS SURVEYOR. THE LEGAL DESCRIPTION AND OTHER PERTINENT INFORMATION SHOWN HEREON IS AS PROVIDED BY THE CLIENT. RECORDED DIRECTIONS AND DISTANCES ARE SUBSTANTIALLY THE SAME AS FIELD MEASURED UNLESS OTHERWISE SHOWN HEREON IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
 4. THIS SURVEY IS FOR MORTGAGE FINANCING AND THE INFORMATION SHOWN HEREON IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
 5. "O" INDICATES FOUND 1/2" IRON ROD UNLESS OTHERWISE SHOWN.
 6. THIS SURVEY IS PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THOSE PARTIES NAMED BELOW AND IS NOT TO BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL.

I HEREBY CERTIFY THAT THIS "SKETCH OF RECORD SURVEY" TO THE BEST OF MY KNOWLEDGE AND BELIEF, MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, IN CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 47E027 OF THE FLORIDA STATUTES

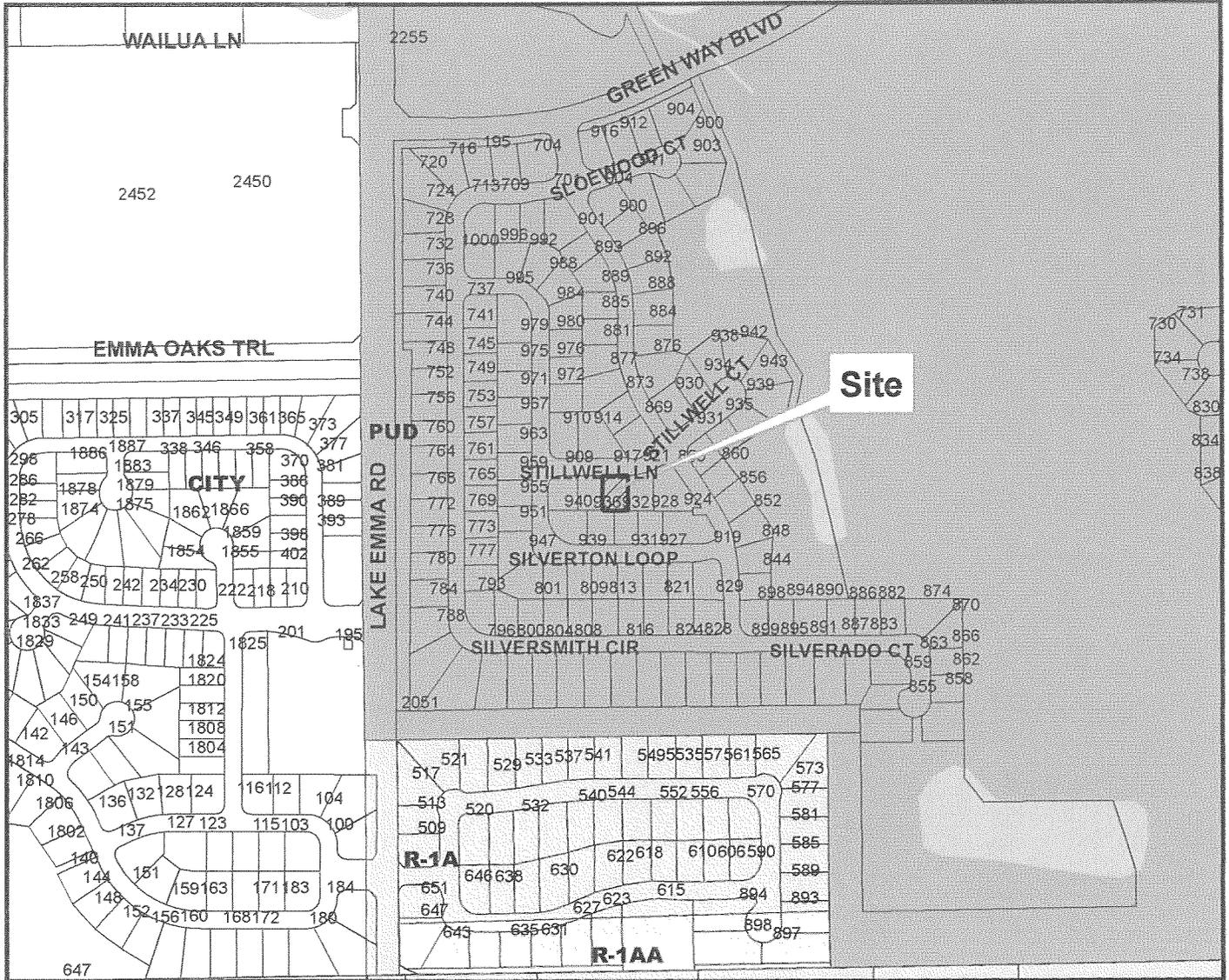
Frederick J. Francis

© 1999 L.S.#3681 STATE OF FLORIDA
 COPIES ARE NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF THIS SURVEYOR

CERTIFIED EXCLUSIVELY TO
STEVEN H. KERR
 CORNERSTONE HOME MORTGAGE CORPORATION
 CENTRAL FLORIDA TITLE COMPANY (L7212HB)
 OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

FREDERICK J. FRANCIS
 Professional Land Surveyor
 1251 Marina Point #123
 Casselberry, FL 32707
 Tele-Fax (407) 677-7515

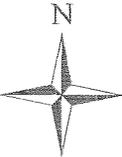
Steve Kerr
 917 Stillwell Ln
 Lake Mary, FL 32746

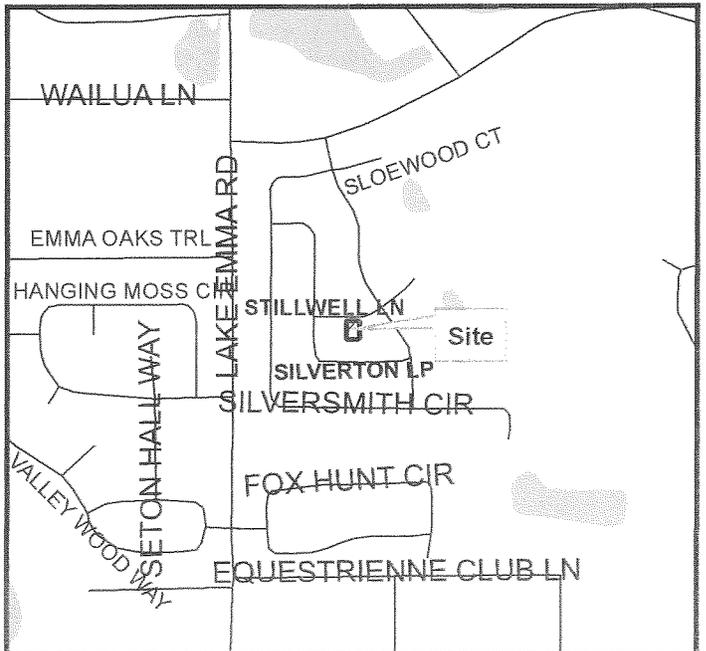


Seminole County Board of Adjustment
September 25, 2006
Case: BV2006-148
Parcel No: 19-20-30-504-0000-0810

Zoning

-  BV2006-148
-  A-1
-  R-1AA
-  R-1A
-  PUD

N




<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 407-665-7506</p>																																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 19-20-30-504-0000-0810</p> <p>Owner: KERR STEVEN H</p> <p>Mailing Address: 917 STILLWELL LN</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 917 STILLWELL LN LAKE MARY 32746</p> <p>Subdivision Name: CROSSINGS UNIT 2 SILVER LAKES WEST AT THE</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: \$197,268</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$46,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$243,268</p> <p>Assessed Value (SOH): \$131,035</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$106,035</p> <p>Tax Estimator</p>																																																		
<p style="text-align: center;">SALES</p> <table 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>01/1996</td> <td>03019</td> <td>1348</td> <td>\$129,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1988</td> <td>02016</td> <td>1519</td> <td>\$122,200</td> <td>Improved</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	01/1996	03019	1348	\$129,000	Improved	Yes	WARRANTY DEED	11/1988	02016	1519	\$122,200	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,452</p> <p>2005 Tax Bill Amount: \$1,675</p> <p>Save Our Homes (SOH) Savings: \$777</p> <p>2005 Taxable Value: \$102,218</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																													
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 25, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 81 SILVER LAKES W AT THE CROSSING U 2 PB 35 PGS 53 & 54

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

FINDINGS OF FACT

Property Owner: Steven Kerr
917 Stillwell Lane
Lake Mary, FL 32746

Project Name: Stillwell Lane (917)

Requested Development Approval:

Request for a (1) rear yard setback variance from 10 feet to 6 feet and (2) side yard setback variance from 10 feet to 6.5 feet 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: Courtney Counts, Planning Intern
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: