

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

SUBJECT: 490 Whittingham Place – Robert Taylor, applicant; Request for a side street setback variance from 20 feet to 10 feet for a proposed fence in PUD (Planned Unit Development District).

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

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

Agenda Date 6/25/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a side street setback variance from 20 feet to 10 feet for a proposed fence in PUD (Planned Unit Development District). (Request); or
2. **APPROVE** the request for a side street setback variance from 20 feet to 10 feet for a proposed fence in PUD (Planned Unit Development District). (Request); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Robert Taylor 490 Whittingham Place PUD (Planned Unit Development District) Greenwood Lakes Unit D-3a
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a privacy fence around an existing pool that encroaches 10 feet into the required 20-foot side street setback. The new fence replaced an old fence in the same location. • 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 requested is not 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	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the privacy fence 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV 2007-46
Meeting Date June 25, 07



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED APR 16 2007

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Robert Taylor
Address: 490 Whittingham Place City: Lake Mary Zip code: 32746
Project Address: 490 Whittingham Place City: Lake Mary Zip code: 32746
Contact number(s): 407-421-9399
Email address: _____

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>Changing setback for Pool fence</u>
<input checked="" type="checkbox"/> Pool	Please describe: <u>Changing setback for pool fence</u>
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>20'</u>	Proposed setback:	<u>10'</u>
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
[] Total number of variances requested <u>1</u>				

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 4-16-07 Reviewed By: P. Johnson
 Tax parcel number: 19-20-30-507-0100-0400 Zoning/FLU PUD/PD
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
✓	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained online.</i>
✓	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. <i>View a sample site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</i>
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
✓	o Location of proposed fence(s)
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

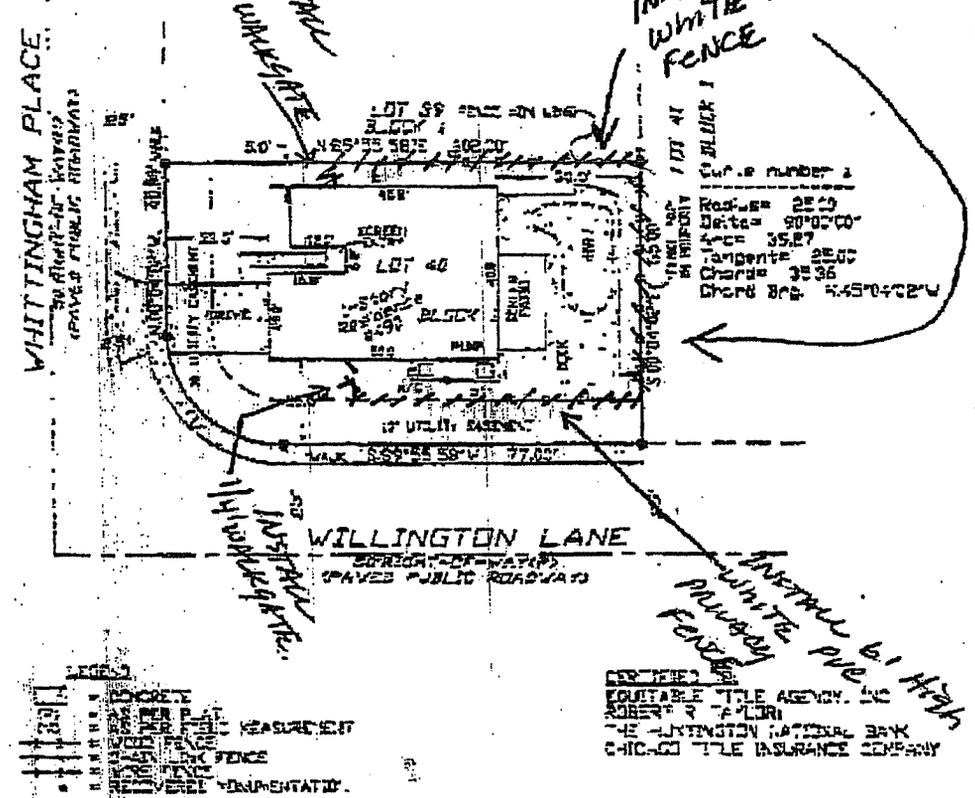
BOUNDARY SURVEY
"ROBERT R. TAYLOR PROPERTY"
490 WHITTINGHAM PLACE, LAKE MARY, FLORIDA

ED #
 099701547

RECEIVED
 APR 11 2007



LEGAL DESCRIPTION
 LOT 40, BLOCK 1, GREENWOOD LAKES JV - D-3 "A" - SUBDIVISION
 ACCORDING TO THE PLAT OR MAP THEREOF AS DESCRIBED IN PLAT BOOK
 55, PAGE(S) 18-22, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY
 FLORIDA.

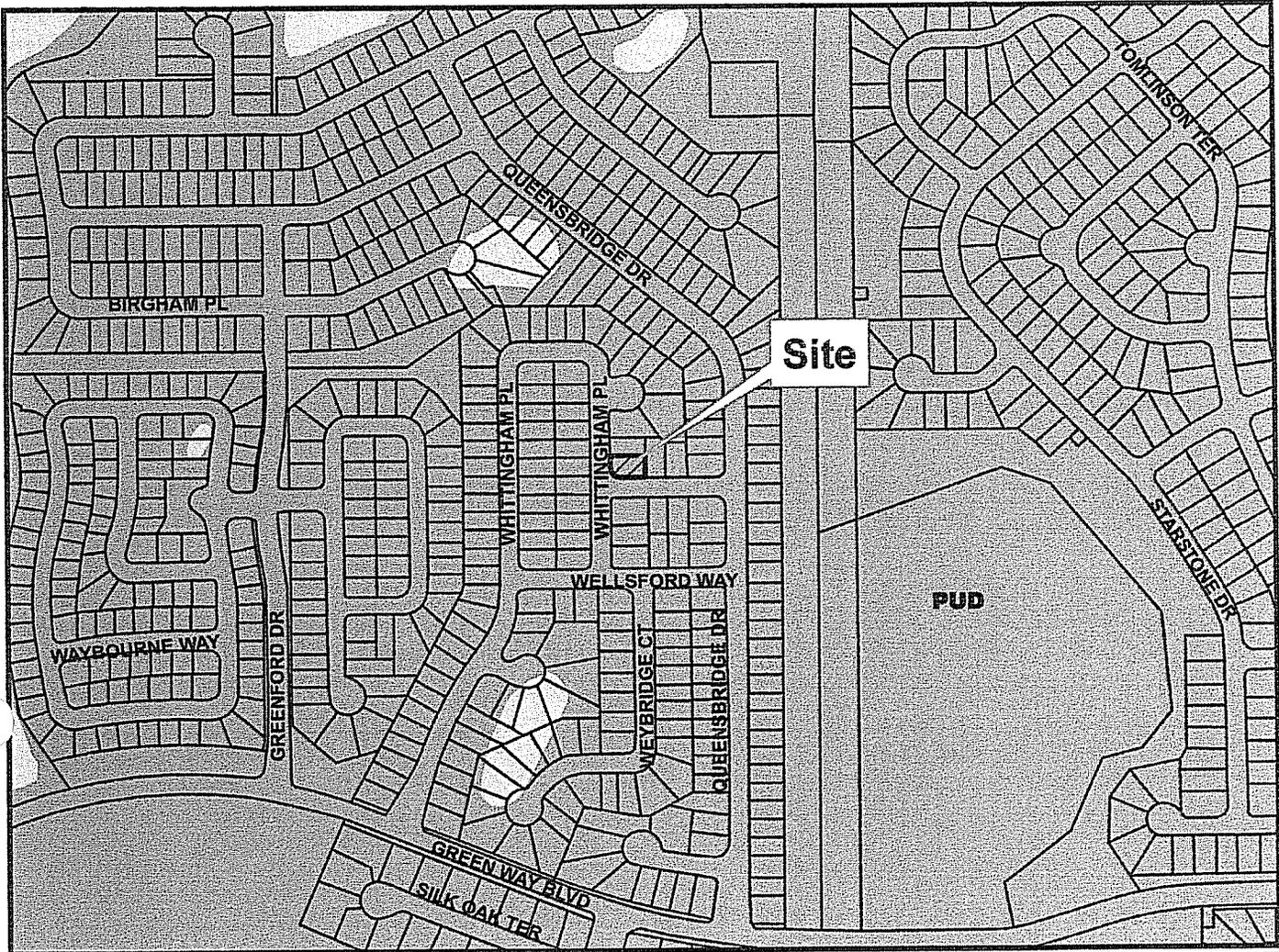


Asper
 Candy
 Gross
 needs a
 20' setback
 or variance

- NOTES**
1. DIMENSIONS ARE BASED ON THE EASTERLY LINE OF LOT 40, BLOCK 1 AS BEING SHOWN ON THE PLAT.
 2. UTILITIES COVERED BY UTILITIES AND OTHER IMPROVEMENTS ARE NOT SHOWN AS PART OF THIS SURVEY, UNLESS NOTED OTHERWISE.
 3. THERE MAY BE ADDITIONAL EASEMENTS AND/OR OTHER RESTRICTIONS THAT ARE NOT SHOWN HEREON. THEY MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 4. I HAVE REVIEWED THE NATIONAL FLOOD INSURANCE RATE MAP AND HAVE DETERMINED THAT THIS PROPERTY LIES IN ZONE "X" AND DOES NOT LIE WITHIN A 100-YEAR DESIGNATED FLOOD PRONE AREA.
 5. BUILDING DIMENSIONS SHOWN REFER TO EXISTING WALL LINES AND MAY VARY FROM THOSE ALONG THE STRUCTURES' FOUNDATION.

Prof. Registered SURVEYING MAPPING AND PHOTOGRAMMETRY TECHNOLOGY SERVICES & SUPPLIES	LIND T. SANFT, P.S.M. 112 Old Hickory Court Longwood, Florida 32750 Phone: 407-786-9458 Fax: 407-786-0559 Email: PL55792@aol.com	I hereby certify the accuracy and the true and correct nature of the foregoing survey, map or plat, and I am not aware of any material error or fraud in and to the same. _____ Lind T. Sanft Registered Land Surveyor & Mapper, Florida Registration #5752
	08/02/06 07	

Robert Taylor
490 Whittingham Place
Lake Mary, Florida 32746



Seminole County Board of Adjustment
June 25, 2007
Case: BV2007-46 (Map 3103, Grid C4)
Parcel No: 19-20-30-507-0100-0400

Zoning

-  BV2007-46
-  PUD



<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>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p>	<p>WHITTINGHAM PL</p> <p>WILLINGTON LN</p>																																					
<p align="center">GENERAL</p> <p>Parcel Id: 19-20-30-507-0100-0400</p> <p>Owner: TAYLOR ROBERT R</p> <p>Mailing Address: 490 WHITTINGHAM PL</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 490 WHITTINGHAM PL LAKE MARY 32746</p> <p>Subdivision Name: GREENWOOD LAKES UNIT D-3A</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2004)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$148,585</p> <p>Depreciated EXFT Value: \$9,178</p> <p>Land Value (Market): \$43,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$200,763</p> <p>Assessed Value (SOH): \$140,226</p> <p>Exempt Value: \$30,000</p> <p>Taxable Value: \$110,226</p> <p>Tax Estimator</p>																																					
<p 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>06/2003</td> <td>04887</td> <td>1865</td> <td>\$166,800</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01974</td> <td>1934</td> <td>\$79,700</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1986</td> <td>01800</td> <td>1650</td> <td>\$935,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2003	04887	1865	\$166,800	Improved	Yes	WARRANTY DEED	07/1988	01974	1934	\$79,700	Improved	Yes	WARRANTY DEED	11/1986	01800	1650	\$935,000	Vacant	No	<p align="center">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,495</p> <p>2006 Tax Bill Amount: \$1,721</p> <p>Save Our Homes (SOH) Savings: \$774</p> <p>2006 Taxable Value: \$106,806</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>									
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COMMISSION DISTRICT #:

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

DEVELOPMENT: Greenwood Lakes D-3 A		DEVELOPER: Mobley Homes of FL Inc.	
LOCATION: N side of Greenway Boulevard, E of Lake Emma Road		122 lots	
FILE#:	BA:	SP:	BCC: 12/3/86
P&Z:			
PB 36	PG 18-22	Lot	Bik
		Parcel	DBA
			Comm Dist
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS:		SETBACK REQUIREMENTS	
		FY: 20'	SIDE ST.:
ROAD TYPE: (CURB & GUTTER OR SWALE)		SY: *3'-	RY: 10'
		7'	
COMMENTS OTHER:		MAIN STRUCTURE OTHER: Patio/Cluster *Must maintain 10' between structures Min. Lot size: 2,800 sq. ft. Min. Unit size: 650 sq. ft.	
		ACCESSORY STRUCTURE SETBACKS:	
		SY: same as main structure	RY: 5'
		ACCESSORY STRUCTURE OTHER:	

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	12-N
LAND USE:	1
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:	

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On (Month Date, Year) Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 40 BLK 1 GREENWOOD LAKES UNIT D-3A PB 36 PGS 18 TO 22

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

FINDINGS OF FACT

Property Owner: Robert R. Taylor
490 Whittingham Place
Lake Mary FL 32746

Project Name: Whittingham Place (490)

Requested Development Approval:

Request for a side street setback variance from 20 feet to 10 feet for a proposed fence in 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: 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 fence 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: _____
Dori L. DeBord
Planning & Development Director

**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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: