

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

SUBJECT: 6167 Hedgesparrows Lane- Michael & Maria Kutz, applicants; Request for a 1) rear yard setback variance from 7.5 feet to 2.5 feet for a proposed pool screen enclosure; and a 2) rear yard setback variance from 7.5 feet to 6.5 feet for a proposed pool in PUD (Planned Unit Development).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 7/23/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a 1) rear yard setback variance from 7.5 feet to 2.5 feet for a proposed pool screen enclosure; and a 2) rear yard setback variance from 7.5 feet to 6.5 feet for a proposed pool in PUD (Planned Unit Development); or
2. **APPROVE** the request for a 1) rear yard setback variance from 7.5 feet to 2.5 feet for a proposed pool screen enclosure; and a 2) rear yard setback variance from 7.5 feet to 6.5 feet for a proposed pool in PUD (Planned Unit Development); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Michael & Maria Kutz Location: 6167 Hedgesparrows Lane Zoning: PUD (Planned Unit Development) Subdivision: Buckingham Estates Ph 3</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicants propose to construct a pool that would encroach 1 foot into the required 7.5-foot rear yard setback; and a pool screen enclosure that would encroach 5 feet into the required 7.5-foot rear yard setback. • 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.
<p>STAFF FINDINGS</p>	<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.
<p>STAFF RECOMMENDATION</p>	<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 pool and screen enclosure 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

RECEIVED MAY 31 2007

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

COPY Application No. BV 2007-72
Meeting Date July 23, 07



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

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

Name: Michael J. Kutz and Maria L. Wills-Kutz
Address: 6667 Hedge Sparrows Ln. City: Sanford Zip code: 32777
Project Address: 6667 Hedgesparrows Ln City: Sanford Zip code: 32777
Contact number(s): 407 804 1918 / 407 927 1918
Email address: KUTZmike@aol.com

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 type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>requesting variance for + screen enclosure.</u>
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input 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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>7.5'</u>	Proposed setback: <u>2.5'</u>
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:	Proposed setback:	
<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"/> <u>rear</u> yard setback	Required setback:	<u>7.5</u>	Proposed setback: <u>6.5</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> 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 submital checklist are provided to the planning division.

Signed: [Signature]

FOR OFFICE USE ONLY

Please see attached documents regarding specifications, Thanks,

Date Submitted: 5-31-07 Reviewed By: P. Johnson
 Tax parcel number: 35-19-29-5RA-0000-2700 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

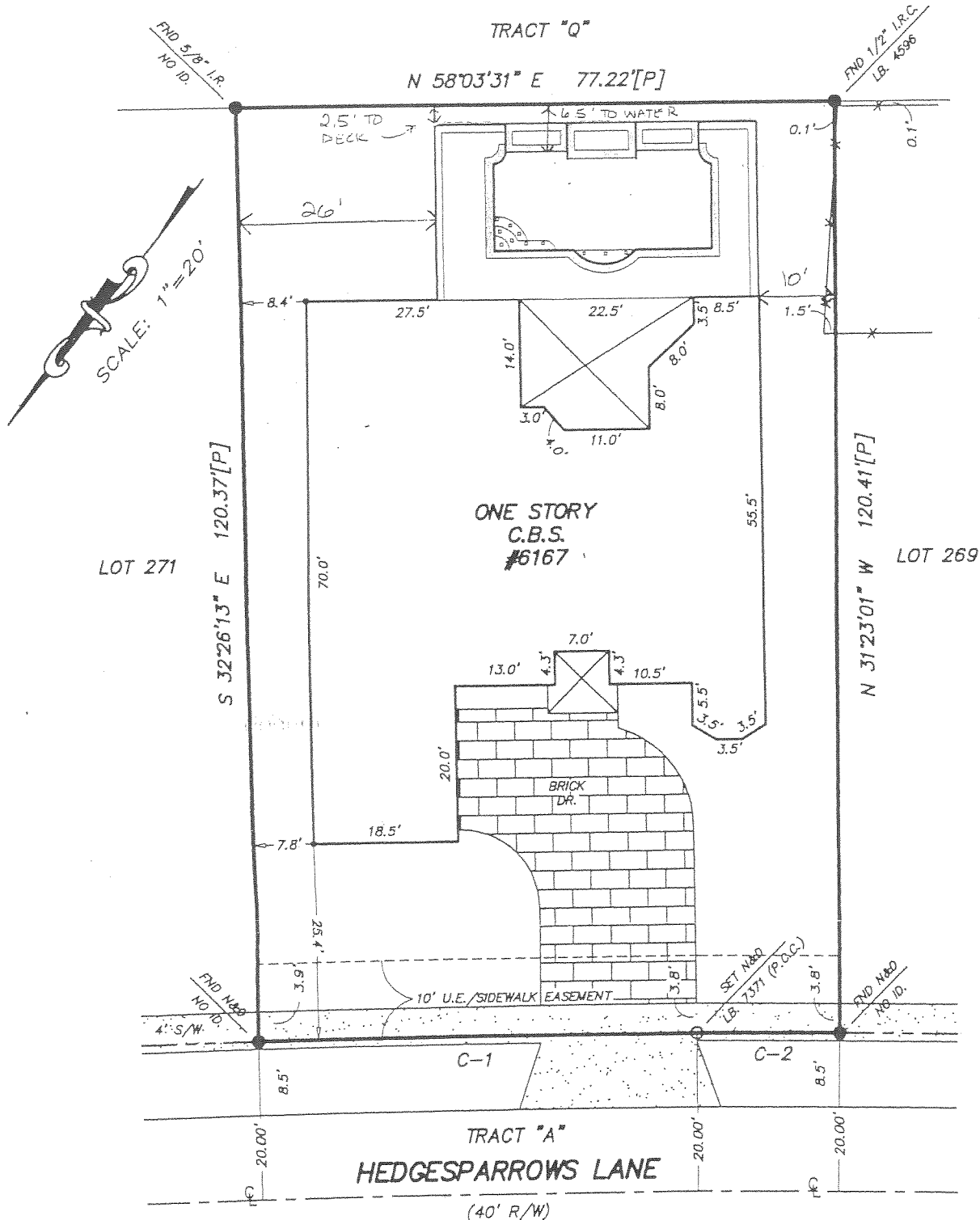
Please return this checklist with your application!

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.

1. Completed application.
2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
<input type="checkbox"/> Size and dimension of the parcel
<input type="checkbox"/> Location and name of all abutting streets
<input type="checkbox"/> Location of driveways
<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
<input type="checkbox"/> Location of all easements
<input type="checkbox"/> Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
<input type="checkbox"/> Building height
<input type="checkbox"/> Setbacks from each building to the property lines
<input type="checkbox"/> Location of proposed fence(s)
<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
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

LEGAL DESCRIPTION: LOT(S) 270, BUCKINGHAM ESTATES PHASE 3 AND 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 65, PAGE(S) 65-68, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C-1	4162.74'	56.47'	00°46'38"
C-2	3846.38'	18.54'	00°16'34"

RIGHT-OF-WAY LINE CENTERLINE BUILDING SETBACK LINE BARR WIRE FENCE WOOD FENCE CHAIN LINK FENCE PLASTIC FENCE

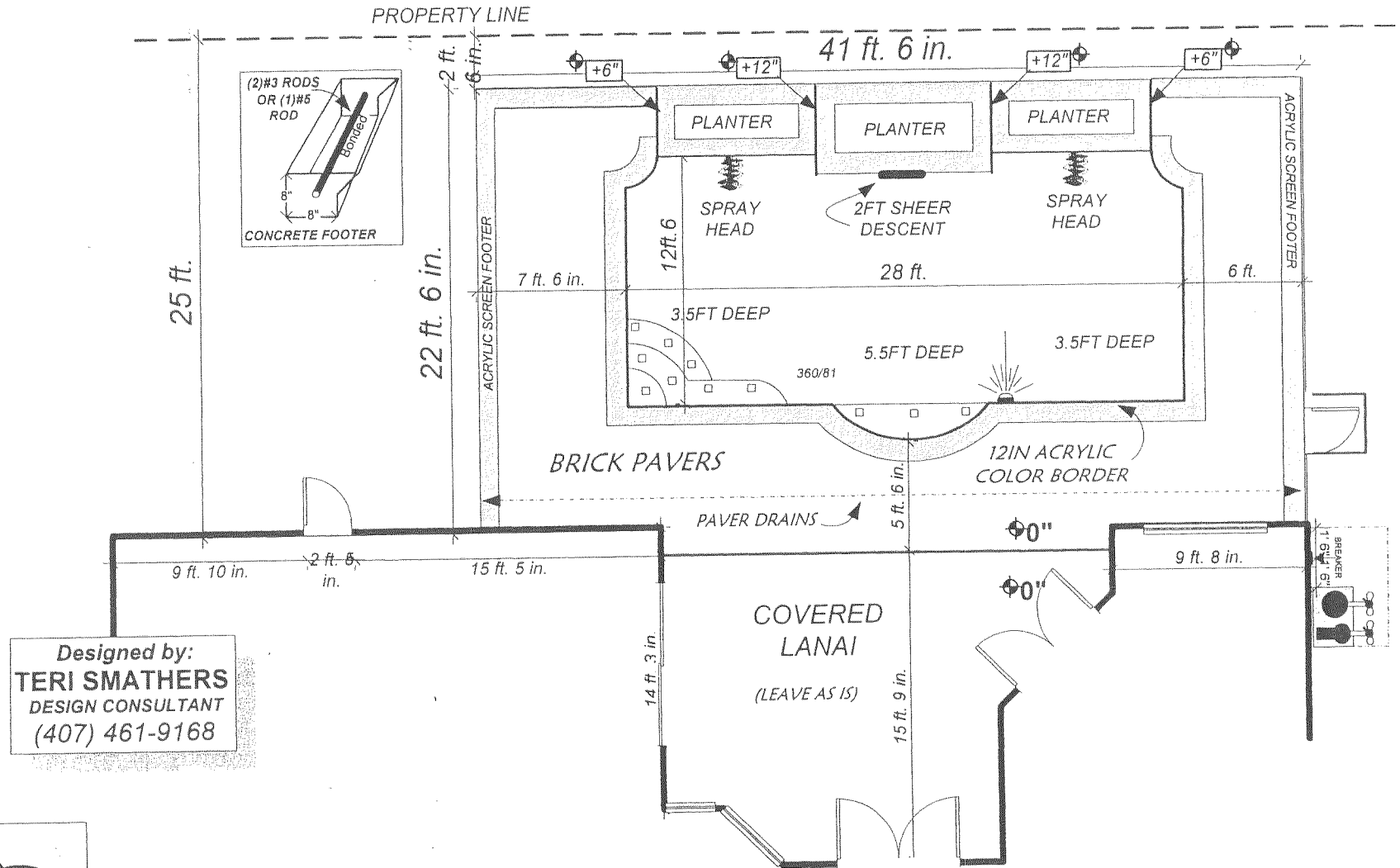
A/C - AIR CONDITIONER L - ARC LENGTH P.O.L - POINT ON LINE X = FOUND "X" CUT IN CONC.

LS - LAND SURVEYING BUSINESS P.R.C - POINT OF REVERSE CURVE SEE LEGEND FOR ALL OTHER

NOTE:

REQUESTING SEMINOLE COUNTY GRANT A VARIANCE TO ALLOW FOR A 2.5' SETBACK TO DECK FROM REAR P.L. IN LIEU OF STANDARD 7.5' SETBACK TO REAR DECK PER HOMEOWNER REQUEST. THANK YOU.

CONST. TURN DOWN EDGE AT RAISED AREAS



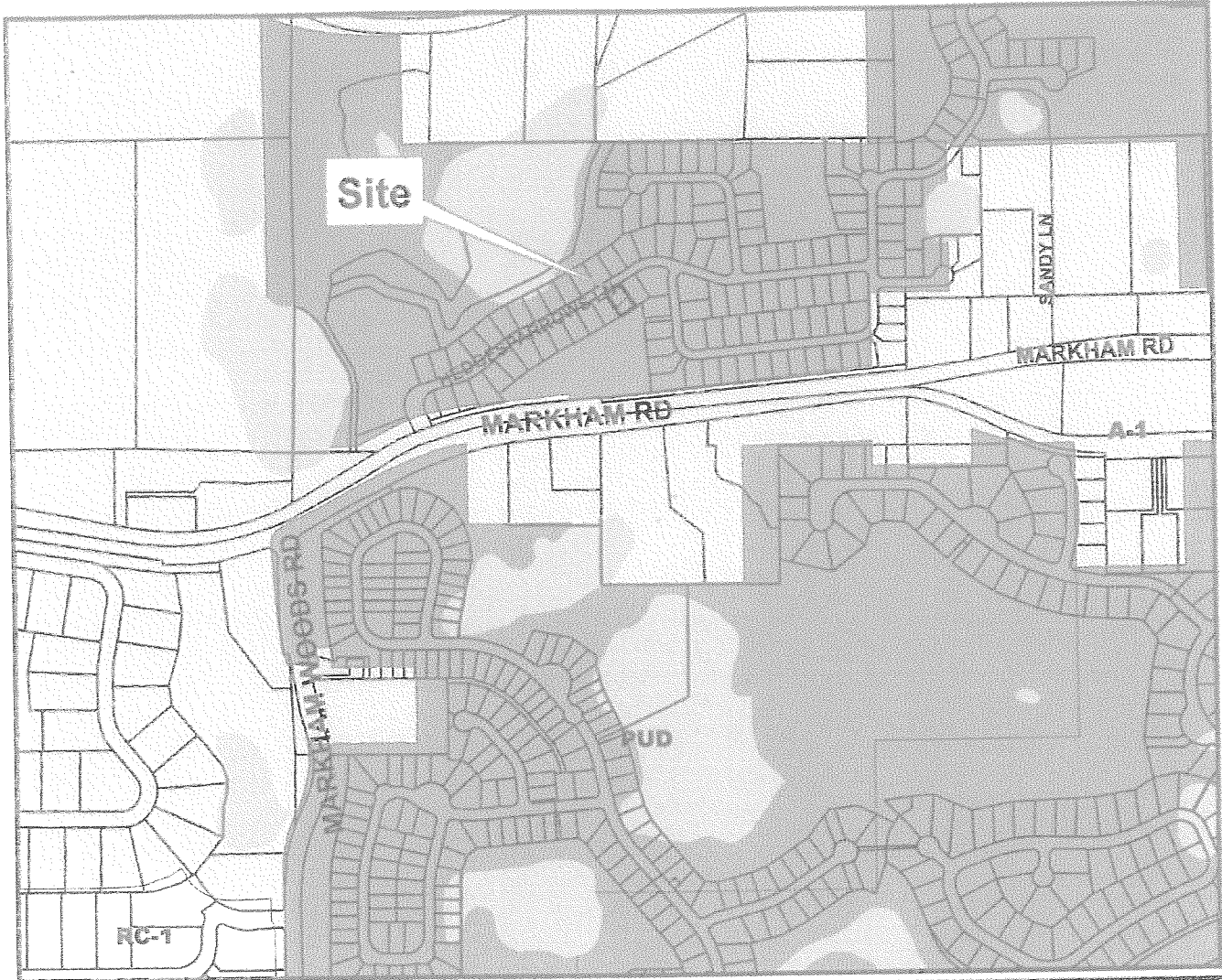
Designed by:
TERI SMATHERS
 DESIGN CONSULTANT
 (407) 461-9168



Scale: 1/8"=1'0"

HOMEOWNER
MIKE AND MARILOU KUTZ
 6167 HEDGESPARROWS LANE
 SANFORD, FLORIDA 32771
 (407) 804-1918

Maria & Michael Kutz
6167 Hedgesparrows Lane
Sanford, Florida 32771



Seminole County Board of Adjustment
July 23, 2007
Case: BV2007-72 (Map 3050, Grid D3)
Parcel No: 35-19-29-5RN-0000-2700

- Zoning
-  BV2007-72
 -  A-1
 -  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 407-665-7506</p>																																																																					
<p>GENERAL</p> <p>Parcel Id: 35-19-29-5RN-0000-2700</p> <p>Owner: KUTZ MICHAEL J & MARIA L</p> <p>Mailing Address: 6167 HEDGESPARROWS LN</p> <p>City,State,ZipCode: SANFORD FL 32771</p> <p>Property Address: 6167 HEDGESPARROWS LN SANFORD 32771</p> <p>Subdivision Name: BUCKINGHAM ESTATES PH 3 AND 4</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2007)</p> <p>Dor: 01-SINGLE FAMILY</p>				<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$275,154</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$90,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$365,154</p> <p>Assessed Value (SOH): \$365,154</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$340,154</p> <p>Tax Estimator</p>																																																																	
<p>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>11/2006</td> <td>06497</td> <td>1674</td> <td>\$425,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/2005</td> <td>06097</td> <td>0148</td> <td>\$499,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/2005</td> <td>06097</td> <td>0145</td> <td>\$369,800</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	11/2006	06497	1674	\$425,000	Improved	Yes	WARRANTY DEED	12/2005	06097	0148	\$499,000	Improved	Yes	SPECIAL WARRANTY DEED	12/2005	06097	0145	\$369,800	Improved	Yes	<p>2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$4,918</p> <p>2006 Tax Bill Amount: \$4,918</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2006 Taxable Value: \$305,187</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																					
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COMMISSION DISTRICT #: 5

GUI ZONED: PUD SEC: 36 TWP: 19 RNG: 29
 PROJ. #

DEVELOPMENT:	Buckingham Estates Ph 1,2,&3	DEVELOPER:	Karen Spillina, Eng. Homes		
LOCATION:	Markham Road West off of Orange Boulevard				
DEVEL. ORDER #:	00-21000004	TAX PAR. I.D. #:			
SIDEWALKS:Required	SETBACK REQUIREMENTS				
	FY: 20'	SST: 15'	SY: 7.5'	RY: 15'	
ROAD TYPE: (CURB & GUTTER OR SWALE)	MAIN STRUCTURE OTHER:				
COMMENTS OTHER: (Phase 1)Plant/retain 2 trees, 8' high, 2" caliper min. prior to C.O.	ACCESSORY STRUCTURE SETBACKS: CORNER LOTS:The accessory structure may not be located closer to the property line than the establishe SFR				
(Phase 2)50% of existing trees must be retained on each lot. An arbor permit is required with each building permit	SY: 10'		RY: 10'		
Plant /retain 4 trees, 8' high, 3" caliper min. prior to C.O.	ACCESSORY STRUCTURE OTHER: Pool & pool screen enclosure SY: 7.5 RY:7.5'				

IMPACT FEES	
TRAFFIC ZONE:	003
LAND USE:	
1. ROAD-CO. WIDE	ord
2. ROAD-COLL.	ord
3. LIBRARY	ord
4. FIRE	ord
5. PARK	N/A
6. SCHOOL	ord
7. LAW	N/A
TOTAL	\$2457.00
REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 23, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 270
BUCKINGHAM ESTATES PH 3 & 4 PB 65 PGS 65-68

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

FINDINGS OF FACT

Property Owner: Michael J. & Maria L Kutz
6167 Hedgesparrows Ln
Sanford, FL 32771

Project Name: Hedgesparrows Lane (6167r)

Requested Development Approval:

Request for a 1) rear yard setback variance from 7.5 feet to 2.5 feet for a proposed pool screen enclosure; and a 2) rear yard setback variance from 7.5 feet to 6.5 feet for a proposed pool in PUD (Planned Unit Development).

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: Joy Williams, 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 pool and pool screen enclosure 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: