

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

SUBJECT: 645 Brookfield Loop – Robert Dowell, applicant; Request for a rear yard setback variance from 5 feet to 3 feet for a proposed screen pool enclosure 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 rear yard setback variance from 5 feet to 3 feet for a proposed pool screen enclosure in PUD (Planned Unit Development); or
2. **APPROVE** the request for a rear yard setback variance from 5 feet to 3 feet for a proposed pool screen enclosure in PUD (Planned Unit Development); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Robert Dowell Location: 645 Brookefield Loop Zoning: PUD (Planned Unit Development) Subdivision: Lakewood at the Crossings Unit 2
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool screen enclosure that would encroach 2 feet into the required 5-foot minimum rear yard setback. • The applicant is aware that there is a 5 foot utility easement along the rear property line that must be vacated prior to any construction being permitted. • 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.• 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 pool 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

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

Application # BU 2007-74
Meeting Date 7-23-07



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 666-7144

COPY

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

Name: ROBERT DOWELL III
Address: 645 BROOKFIELD LOOP City: LAKE MARY, FL Zip code: 32746
Project Address: 645 BROOKFIELD LOOP City: LAKE MARY, FL Zip code: 32746
Contact number(s): 407.321.1978 (H) 407.399.9737 (CELL)
Email address: ROB.E.DOWELL@TYSON.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>40' x 25' DOME POOL ENCLOSURE. BRONZE ALU w/ CHARCOAL SCREENING, w/ 2 DOORS</u>
<input checked="" type="checkbox"/> Addition	Please describe: <u>12' x 42' 3" INSULATED WALK ON ROOF (ALU). w/ 2 FAN BEAMS, 7" SIPRE GUTTER w/ 2 DOWN SPOUTS</u>
<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.	

RECEIVED JUN 01 2007

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>5'</u>	Proposed setback:	<u>3'</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"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

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: 6-1-07 Reviewed By: P. Johnson
 Tax parcel number: 17-20-30-5HZ-0A00-0120 Zoning/FLU PUD/PO

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

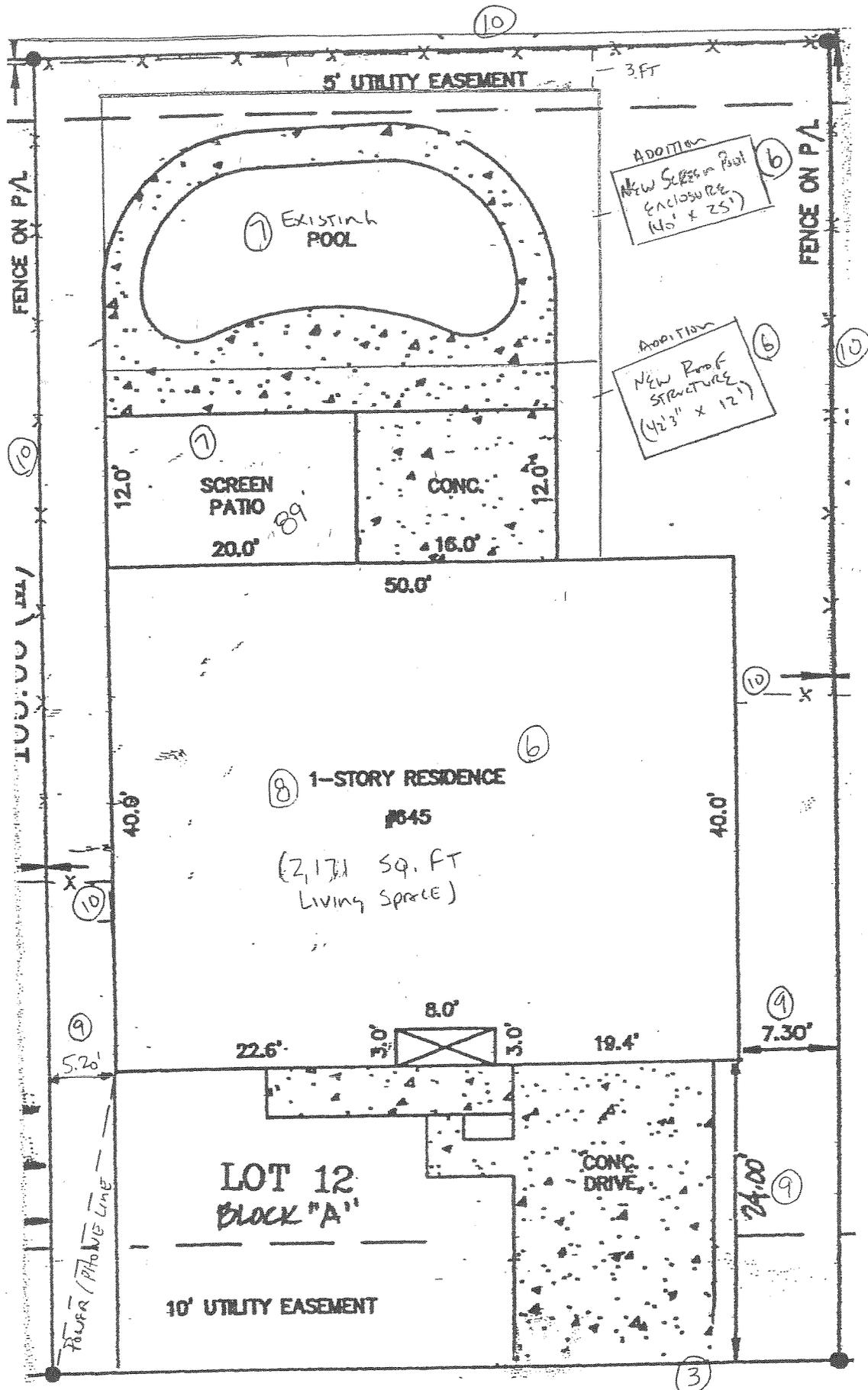
Notes: _____

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 <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<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 <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.



ADDITION
 NEW SCREEN ENCL. (16' x 25')

ADDITION
 NEW ROOF STRUCTURE (42'3" x 12')

⑧ 1-STORY RESIDENCE
 #645
 (2,171 SQ. FT. LIVING SPACE)

LOT 12
 BLOCK "A"

105.00 (P) ①
 105.12 (M)

62.50 (P:M) ①

645 BROOKFIELD LOOP ②

<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 407-865-7506</p>																							
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-20-30-5HZ-0A00-0120</p> <p>Owner: DOWELL ROBERT D III & SHANNON</p> <p>Mailing Address: 645 BROOKFIELD LOOP</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 645 BROOKFIELD LOOP LAKE MARY 32746</p> <p>Subdivision Name: CROSSINGS UNIT 2 LAKEWOOD AT THE</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2003)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$215,863</p> <p>Depreciated EXFT Value: \$8,027</p> <p>Land Value (Market): \$46,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$269,890</p> <p>Assessed Value (SOH): \$164,186</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$139,186</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>08/2001</td> <td>04166</td> <td>1877</td> <td>\$174,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>03/1987</td> <td>01836</td> <td>0926</td> <td>\$103,800</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	08/2001	04166	1877	\$174,000	Improved	Yes	SPECIAL WARRANTY DEED	03/1987	01836	0926	\$103,800	Improved	Yes	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$3,714</p> <p>2006 Tax Bill Amount: \$2,178</p> <p>Save Our Homes (SOH) Savings: \$1,536</p> <p>2006 Taxable Value: \$135,181</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
WARRANTY DEED	08/2001	04166	1877	\$174,000	Improved	Yes																	
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	46,000.00	\$46,000																		
BUILDING INFORMATION																							
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New														
1	SINGLE FAMILY	1986	9	1,520	2,724	2,164	CB/STUCCO FINISH	\$215,863	\$234,634														
			Appendage / Sqft	OPEN PORCH FINISHED / 104																			
			Appendage / Sqft	GARAGE FINISHED / 456																			
			Appendage / Sqft	UPPER STORY FINISHED / 644																			
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																							
Permits																							
EXTRA FEATURE																							
			Description	Year Blt	Units	EXFT Value	Est. Cost New																
			FIREPLACE	1986	1	\$713	\$1,500																
			POOL GUNITE	1989	512	\$5,632	\$10,240																
			COOL DECK PATIO	1989	450	\$866	\$1,575																
			ALUM SCREEN PORCH W/CONC FL	1989	240	\$816	\$2,040																
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.																							

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 17 TWP: 20 RNG: 30
 PROJ. #

DEVELOPMENT: Lakewood at the Crossings Unit 2		DEVELOPER: General Homes	
LOCATION:			
FILE#:	BA:	SP:	BCC:
P&Z:			
PB	33	PG	49-53 Lot
		Blk	
		Parcel	
		DBA	
		Comm Dist	
DEVEL. ORDER #:		TAX PAR. I.D. #:	

SIDEWALKS: Longwood-Lake Mary Road – 5'

ROAD TYPE:
 (CURB & GUTTER OR SWALE)

COMMENTS OTHER:
 *Signalization: Longwood–Lake Mary Road - Lake Way Road.
 **Intersection Improvements: Longwood-Lake Mary Road – Lake Way Road – Turn lanes required.
 1) Treatment of run-off into lake system.

SETBACK REQUIREMENTS					
FY:	20'	SIDE ST.:		SY:	*7'
				RY:	15'
MAIN STRUCTURE OTHER: Min. Lot size: 3,500 sq. ft. Min. Unit size: 650 sq. ft.					
ACCESSORY STRUCTURE SETBACKS:					
SY:	same as main structure			RY:	5'
ACCESSORY STRUCTURE OTHER: Screen porches, pools and accessory buildings will have a 5' minimum rear yard setback with side yard setbacks being the same as for the main structure and will not project beyond the main building line of the main structure.					

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:	

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 12 BLK A
LAKEWOOD AT THE CROSSINGS UNIT 2 PB 33 PGS 49 – 53

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

FINDINGS OF FACT

Property Owner: Robert D. & Shannon Dowell
645 Brookfield Loop
Lake Mary, FL 32746

Project Name: Brookfield Loop (645)

Requested Development Approval:

Request for a rear yard setback variance from 5 feet to 3 feet for a proposed pool screen enclosure 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 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: