

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

**SUBJECT:** 2201 Peninsular Court – Jim Palmer, applicant; Request a rear yard setback variance from 30 feet to 20 feet for a proposed pool in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 08/27/07 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed pool in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed pool in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Jim Palmer Location: 2201 Peninsular Ct Zoning: R-1AA (Single Family Dwelling District) Subdivision: Lake Brantley Isles Amended Plat
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a pool that would encroach 10 feet into the required 30-foot rear yard setback.</li> <li>• The applicant's lot is contiguous to Lake Brantley; per sec 30.1345.1(a) of the Seminole County Land Development Code, no pool shall be less than 30 feet from the shore line of a natural water body as determined by the mean high water mark.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• On August 28<sup>th</sup>, 2006, the Board of Adjustment granted a height variance from 35 feet (mean roof height) to 43</li> </ul>

	feet (mean roof height) for a proposed two story single family home.
<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the pool as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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 2007-88  
Meeting Date 09-27-07

# COPY



## VARIANCE APPLICATION

### SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED JUL 06 2007

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

Name: Jim Palmer  
Address: 1900 Summit Tower Blvd # 820 City: Orlando Zip code: 32810  
Project Address: 2201 Peninsular Ct. City: Longwood Zip code: 32779  
Contact number(s): 407-875-3400, 407-230-4084, 407-647-2006  
Email address: please contact Joel @ Cspringman@aol.com and brent@redmondesign.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 checked="" type="checkbox"/> Pool	Please describe: <u>Pool setback change (see attached)</u>
<input type="checkbox"/> Pool screen enclosure	Please describe:
<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 type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>20</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 checked="" type="checkbox"/> <u>POOL</u> yard setback	Required setback:	Proposed setback:	<u>20'</u>
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" 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 submittal checklist are provided to the planning division.

Signed: [Signature]

**FOR OFFICE USE ONLY**

Date Submitted: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

Tax parcel number: \_\_\_\_\_ Zoning/FLU \_\_\_\_\_

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

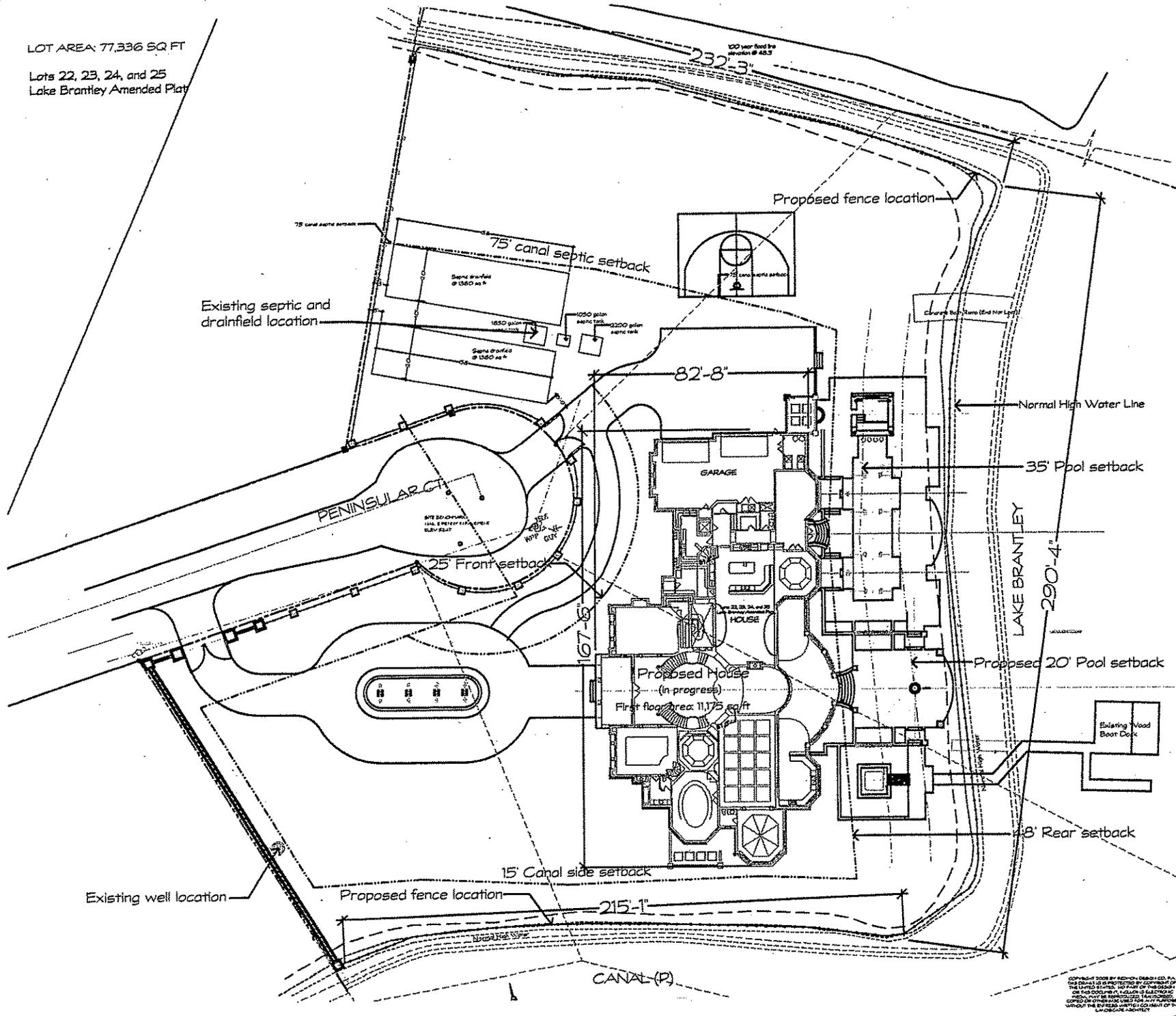
*Please return this checklist with your application!*

<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 at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information
	<b>NOTE: Please use your property survey for your site plan, if available.</b>
	<b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel LA-1
	o Location and name of all abutting streets LA2 + LA3
	o Location of driveways LA-1
	o Location, size and type of any septic systems, drainfield and wells LA-1
	o Location of all easements LA-1
	o Existing or proposed house or addition LA-1 (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements LA-1 (Label existing, label proposed, and include square footage and dimension of each)
	o Building height attached front elevation
	o Setbacks from each building to the property lines LA-1
	o Location of proposed fence(s) LA-1
	o Identification of available utilities LA-1 (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.

*(see attached letters)*

LOT AREA: 77,336 SQ. FT.

Lots 22, 23, 24, and 25  
Lake Brantley Amended Plat



**REDMON  
DESIGN  
COMPANY, PA**  
Landscape Architecture

407.647.2908  
Fax 407.647.2914



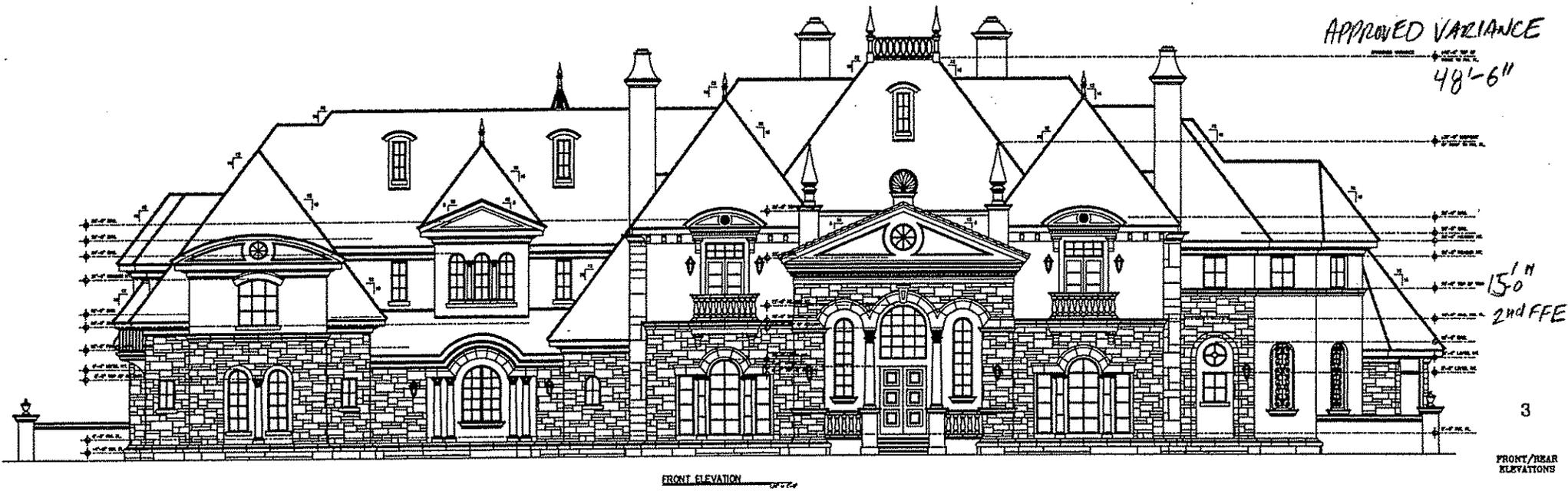
128 S. Shoppo. 1801  
Maitland, FL  
32751

The Palmer Residence  
Site Plan  
2201 Peninsular Court, Longwood, FL

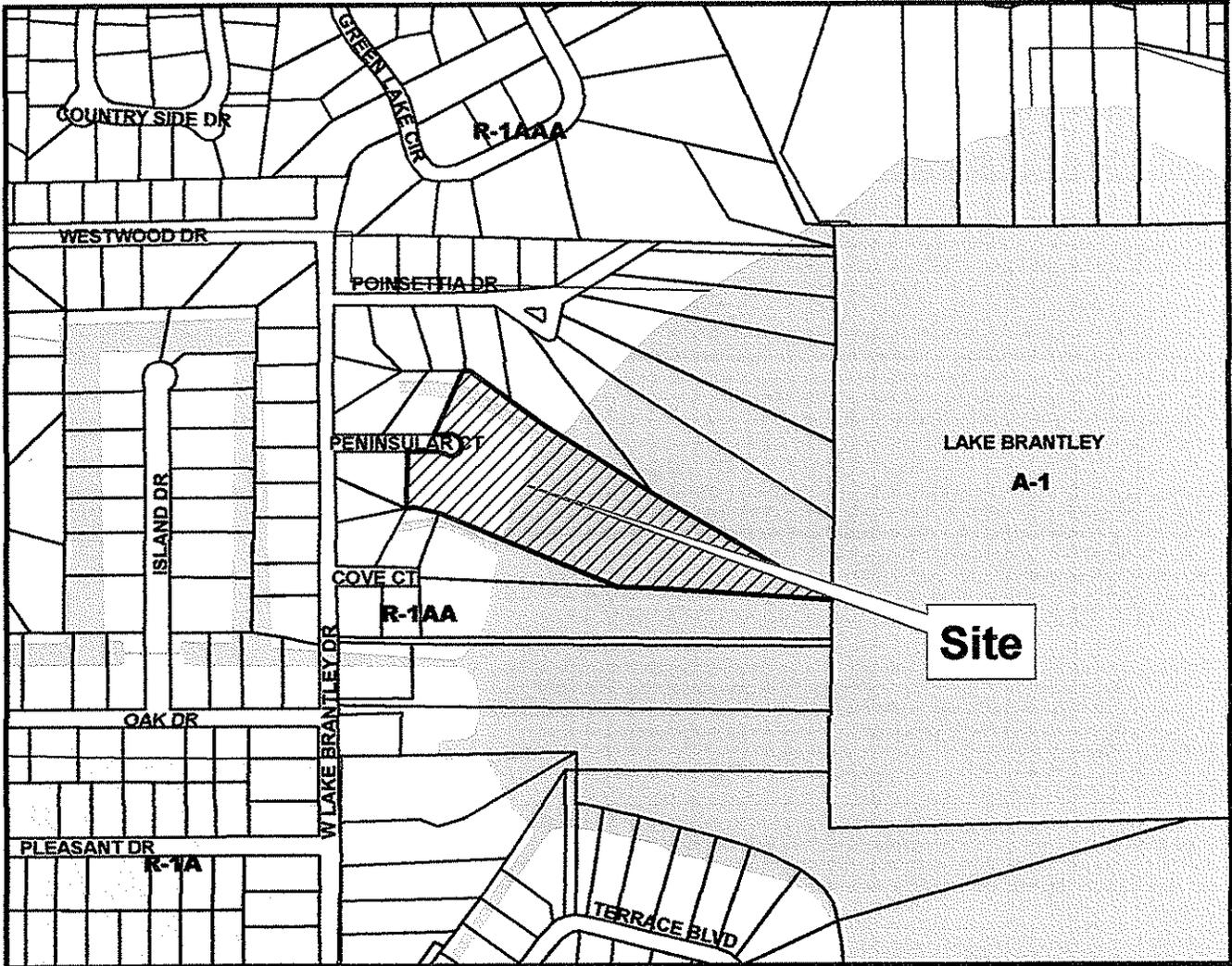
Revision Date
7-5-07
Date
1" = 50'
Scale
B. REDMON
Designed By
B. GRAHAM
Drawn By

Sheet  
**LA-1**  
of 3 Sheets

Copyright 2008 by Redmon Design Co., PA. All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the express written consent of the Landscape Architect.

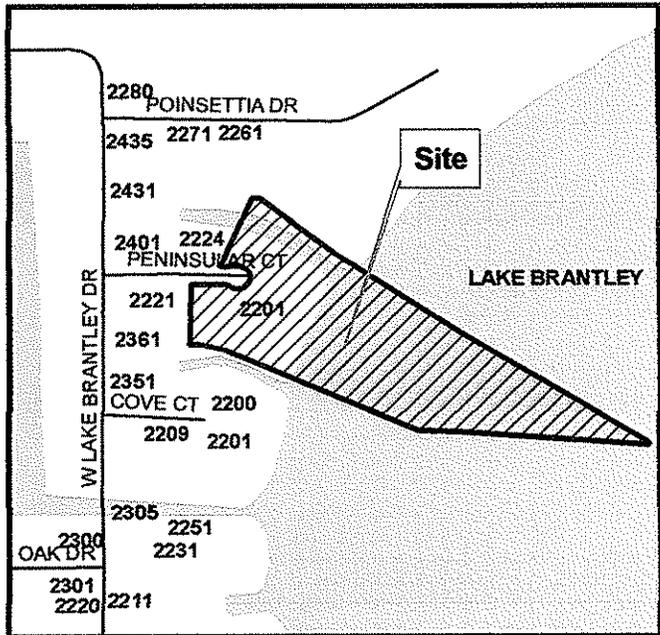


Jim Palmer  
 2201 Peninsular Court  
 Longwood, Florida 32779



Seminole County Board of Adjustment  
 August 27, 2007  
 Case: BV2007-88 (Map 3154, Grid D2)  
 Parcel No: 04-21-29-501-0000-0220

- Zoning**
-  BV2007-88
  -  A-1
  -  R-1AAA
  -  R-1AA
  -  R-1A



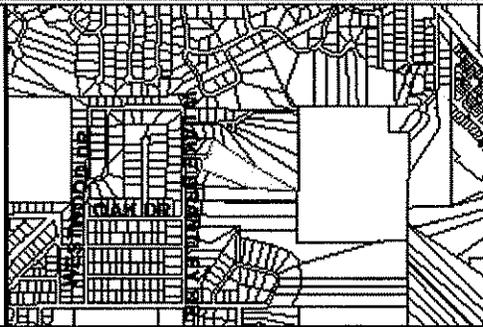
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY, FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506



**GENERAL**

Parcel Id: 04-21-29-501-0000-0220

Owner: PALMER JAMES R & LISA J

Mailing Address: 2201 PENINSULAR CT

City,State,ZipCode: LONGWOOD FL 32779

Property Address: 2201 PENINSULAR CT LONGWOOD 32779

Subdivision Name: LAKE BRANTLEY ISLES AMENDED PLAT

Tax District: 01-COUNTY-TX DIST 1

Exemptions:

Dor: 07-MISCELLANEOUS RESIDE

**2007 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 0  
 Depreciated Bldg Value: \$0  
 Depreciated EXFT Value: \$6,290  
 Land Value (Market): \$892,800  
 Land Value Ag: \$0  
 Just/Market Value: \$899,090  
 Assessed Value (SOH): \$899,090  
 Exempt Value: \$0  
 Taxable Value: \$899,090  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	02/2007	06590	1490	\$1,100,000	Improved	No
WARRANTY DEED	01/1981	01316	0215	\$110,000	Improved	Yes
WARRANTY DEED	12/1980	01311	1580	\$110,000	Improved	No

Find Comparable Sales within this Subdivision

**2006 VALUE SUMMARY**

Tax Amount(without SOH): \$8,552  
 2006 Tax Bill Amount: \$2,724  
 Save Our Homes (SOH) Savings: \$5,828  
 2006 Taxable Value: \$169,034  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	300	272	.000	2,400.00	\$892,800

Permits

**LEGAL DESCRIPTION**

PLATS:

LOTS 22 - 25 LAKE BRANTLEY ISLES AMENDED PLAT  
 PB 9 PG 67

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
BOAT HOUSE	2004	405	\$2,851	\$3,240
WOOD PORCH	2004	323	\$1,705	\$1,938
BOAT DOCK	2004	394	\$1,734	\$1,970

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.

June 29, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

To the Planning and Zoning Commission:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, in Longwood, Florida.

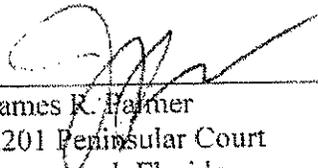
There are no objections by any neighbors to having the edge of the pool twenty feet away from the normal high water line.

Based on the large foot print of the home and the large scale of the structure, it makes aesthetic and practical sense to allow this variance.

The house is approximately 48 feet from the normal high water line and if the variance is not granted, we would have a hardship in that our entire pool would need to be built within a 13 foot width including any decking. This would look awful and could negatively affect the appraised value of the property. It could end up resembling a moat or kids splash area instead of a swimming pool.

The home is built on four lots and a large portion of one of the lots has a recreation area on it with a basketball court and a portion of another lot contains a septic tank and its drain field. There will be approximately 60-70 feet of uninterrupted green space along the lake with no vertical structures on it. Therefore, when viewing the pool area from the lake or surrounding properties, it will fit in well with the home and the large amount of green space surrounding it.

It is respectfully requested that you grant this Variance request.

  
James R. Palmer  
2201 Peninsular Court  
Longwood, Florida

June 29, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel on Lake Brantley adjacent to the Palmer property to the South.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.



---

Julie Rudd  
2221 Poinsetta Drive, Longwood, FL  
321-377-2700

July 3, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

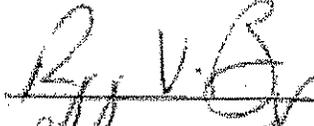
To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel adjacent to the Palmer property.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.

  
REGGIE V. FERGUSON  
230 NCB Hill Circle  
Longwood, FL 32779

July 3, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel adjacent to the Palmer property.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.

D L Mel  
2221 Peninsular Ct  
Longwood FL 32779

July 3, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel adjacent to the Palmer property.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.

  
2201 Poinsette Dr  
Longwood, FL

July 3, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel adjacent to the Palmer property.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.

Janet Brandel  
2211 Peninsular Ct.  
Longwood, FL 32779

July 3, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

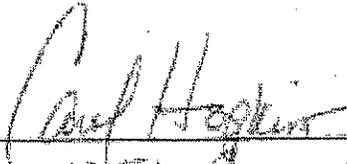
To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel adjacent to the Palmer property.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.

  
\_\_\_\_\_  
2251 Palmetto Dr.

July 3, 2007

Re: Palmer/ 2201 Peninsular Ct., Longwood

To the Board of Adjustments:

This letter is in reference to the Variance requested by Jim and Lisa Palmer, 2201 Peninsular Court, Longwood, Florida.

We own the neighboring parcel adjacent to the Palmer property.

We have no objections to the additional feet toward the lake requested by the Palmer's in order to fit a pool and lanai in their proposed Variance.

Should you have any questions, please call.

  
\_\_\_\_\_  
Todd Schrott  
2431 W. Lake Branley  
Longwood FL

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27<sup>th</sup>, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 22 – 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 R. & Lisa J. Palmer  
1900 Summit Tower Blvd #820  
Orlando, FL 32810

**Project Name:** Peninsular Court (2201)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 20 feet for a proposed pool 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: 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 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: