

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

SUBJECT: 725 Palmer Court – Judith H. Southard, applicant; Request for a rear yard setback variance from 10 feet to 7-feet-6-inches for a pool in PUD (Planned Unit Development District);

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

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

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

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 10 feet to 7-feet-6-inches for a pool in PUD (Planned Unit Development District); or
2. **APPROVE** the request for a rear yard setback variance from 10 feet to 7-feet-6-inches for a pool in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Judith H. Southard Location: 725 Palmer Court Zoning: PUD (Planned Unit Development District) Subdivision: Lakewood at the Crossings Unit 6
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to reconstruct an existing pool that is currently encroaching 2-feet-6-inches into the required 10-foot rear yard setback. • The pool has existed since 1989; however, there is no record of a prior variance for the property. • There are currently no code enforcement or building violations 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,

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 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 2007-89
Meeting Date 8-27-07



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: Judith H. Southard
Address: 725 Palmer Court City: Lake Mary Zip code: 32746
Project Address: 725 Palmer Court City: Lake Mary Zip code: 32746
Contact number(s): 407.323.0158
Email address: j.southard@collateral.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>add retaining wall, renovate existing pool AND NEW DECKING</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: RECEIVED JUL 06 2007
<input type="checkbox"/> Other	Please describe:
<input checked="" type="checkbox"/> This request is for a structure that has already been built. <u>EXISTING POOL</u>	

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:	Proposed setback:	<u>10</u> <u>7'6"</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 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: Judith Southard

FOR OFFICE USE ONLY

Date Submitted: 7-6-07 Reviewed By: P. Johnson
 Tax parcel number: 20-20-30-510-0000-0050 Zoning/FLU TUD / 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). 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.

Brian call # 407-408-5461

1. Head west on Seminola Blvd toward N Winter Park Dr
2. Continue on Dog Track Rd
- 3. Turn right at CR-427 N/Ronald Reagan Blvd
- ← 4. Turn left at Longwood Lake Mary Rd
- ← 5. Turn left at Greenway Blvd
- 6. Turn right at Lake Park Dr
- ← 7. Turn left at S Sundance Dr
- 8. Turn right at Starstone Dr
- ← 9. Turn left at Palmer Ct

PLASTERERS

1123 Seminola Boulevard
Casselberry, FL 3271

of Central Florida, Inc.

Office: (407) 696-231
Fax: (407) 696-231

NAME: CHRISTINE "JUDY" SOUTHARD
 ADDRESS: 725 PALMER CT
 CITY: LAKE MARY FL 32746
 PHONE: HOME: 407-323-0158 OFFICE: 407-772-075

CELL: 5X
2

LEGAL DESCRIPTION OF PROPERTY

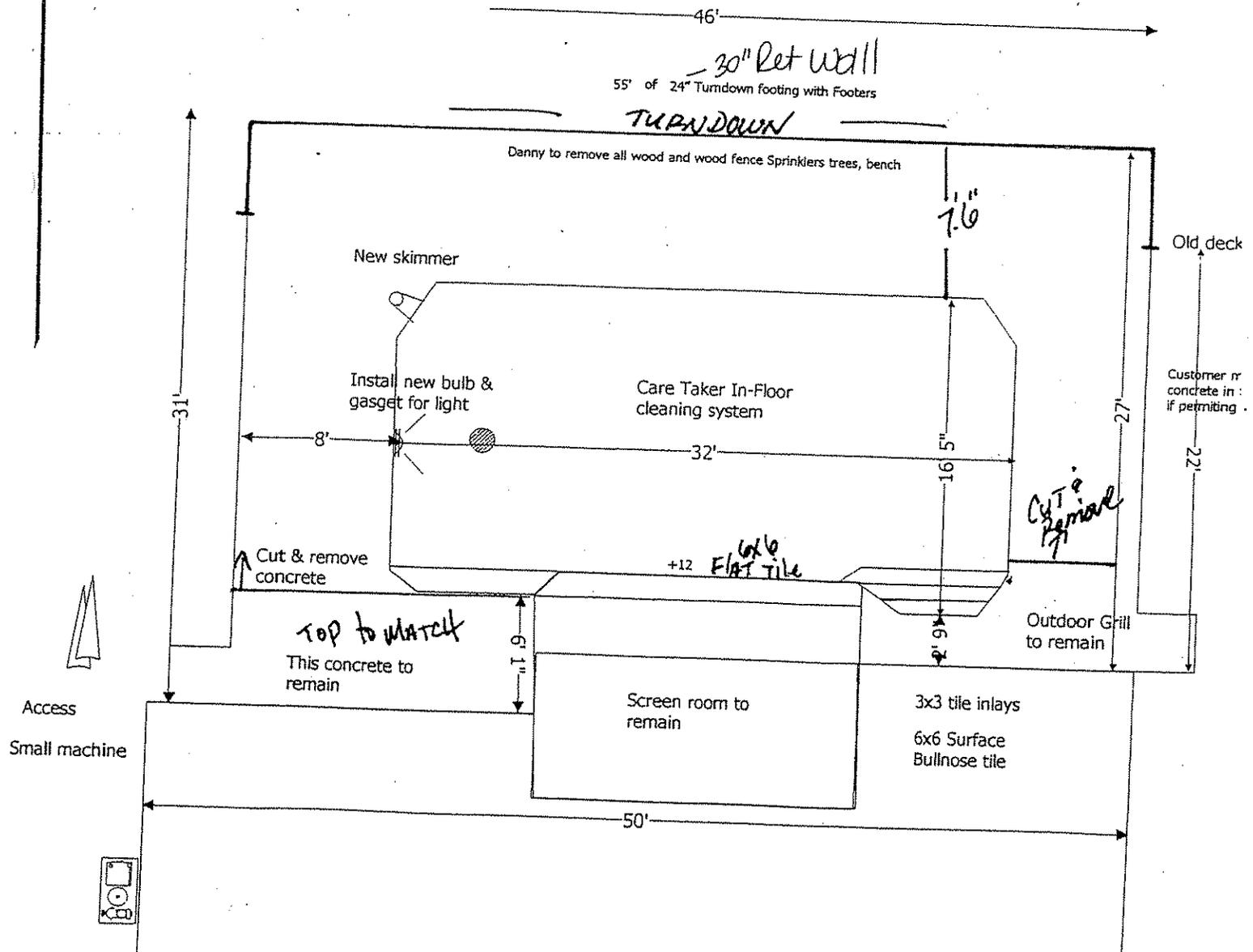
SUBDIVISION: LAKEWOOD AT THE CROSSINGS

LOT 5 BLOCK _____ PLATBOOK 39 PAGE(S) 52-3

CUSTOMER'S SIGNATURE: ON FILE

DESIGNED BY: THE SPARKS DATE: 5-7-0

7 1/2 FT.



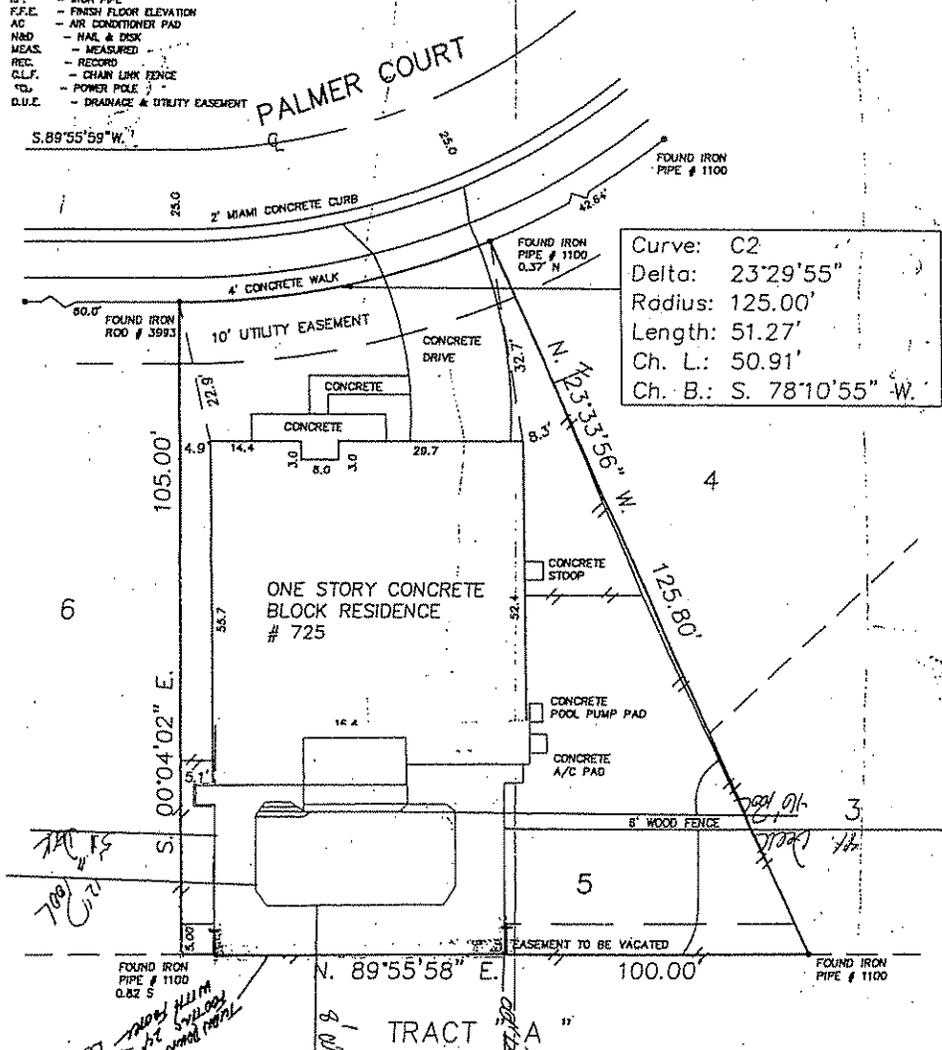
4451

- LEGEND**
- P.B., PG. - PLAT BOOK, PAGE
 - P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - FND. - FOUND
 - C.M. - CONCRETE MONUMENT
 - SEC. - SECTION
 - R. - RADIUS
 - L. - LENGTH OF ARC
 - D. - DELTA ANGLE
 - C.B. - CHORD BEARING
 - O.R.B., PG. - OFFICIAL RECORD BOOK, PAGE
 - I.R. - IRON ROD
 - I.P. - IRON PIPE
 - F.F.E. - FINISH FLOOR ELEVATION
 - AC - AIR CONDITIONER PAD
 - N&D - NAIL & DISK
 - MEAS. - MEASURED
 - REC. - RECORD
 - CL.F. - CHAIN LINK FENCE
 - PO. - POWER POLE
 - D.U.E. - DRAINAGE & UTILITY EASEMENT

BOUNDARY SURVEY

CERTIFIED TO:
 JUDITH H. SOUTHARD
 COUNTRYWIDE FUNDING CORPORATION
 FIDELITY NATIONAL TITLE

ORDER No. 88200-005
DISK #
REVISIONS
RESURVEY MARCH 10, 1994
11/02/06: EASEMENT VACATION DESCRIPTION



LEGAL DESCRIPTION: LOT 5 LAKEWOOD AT THE CROSSINGS UNIT SIX PLAT 39 PAGE 52-55 SEMINOLE COUNTY, FLORIDA

PROPOSED VACATION LEGAL: THE 5.00 FOOT UTILITY EASEMENT AT THE REAR LINE OF LOT 5, LAKEWOOD AT THE GROSSING, UNIT SIX, PLAT 39, PAGE 52-55 SEMINOLE COUNTY, FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.

DATE OF SURVEY	
LOT PLAN	
BOUNDARY	OCTOBER 1, 1988
BOUNDATION	OCTOBER 11, 1988
MAP	JANUARY 4, 1989
LEWIS SURVEYING, INC.	
119 WEST SECOND STREET APOPKA, FLORIDA 32703	
407-886-7772 * FAX 407-886-9262	

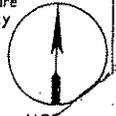
Dennis J. Lewis
 DENNIS J. LEWIS, P.S.M. # LS 3993
 CERTIFICATE OF AUTHORIZATION # LB 6732
 FLORIDA REGISTERED SURVEYOR & MAPPER

This property is in Flood Zone "X" as shown on Community Panel Number _____ County, Florida

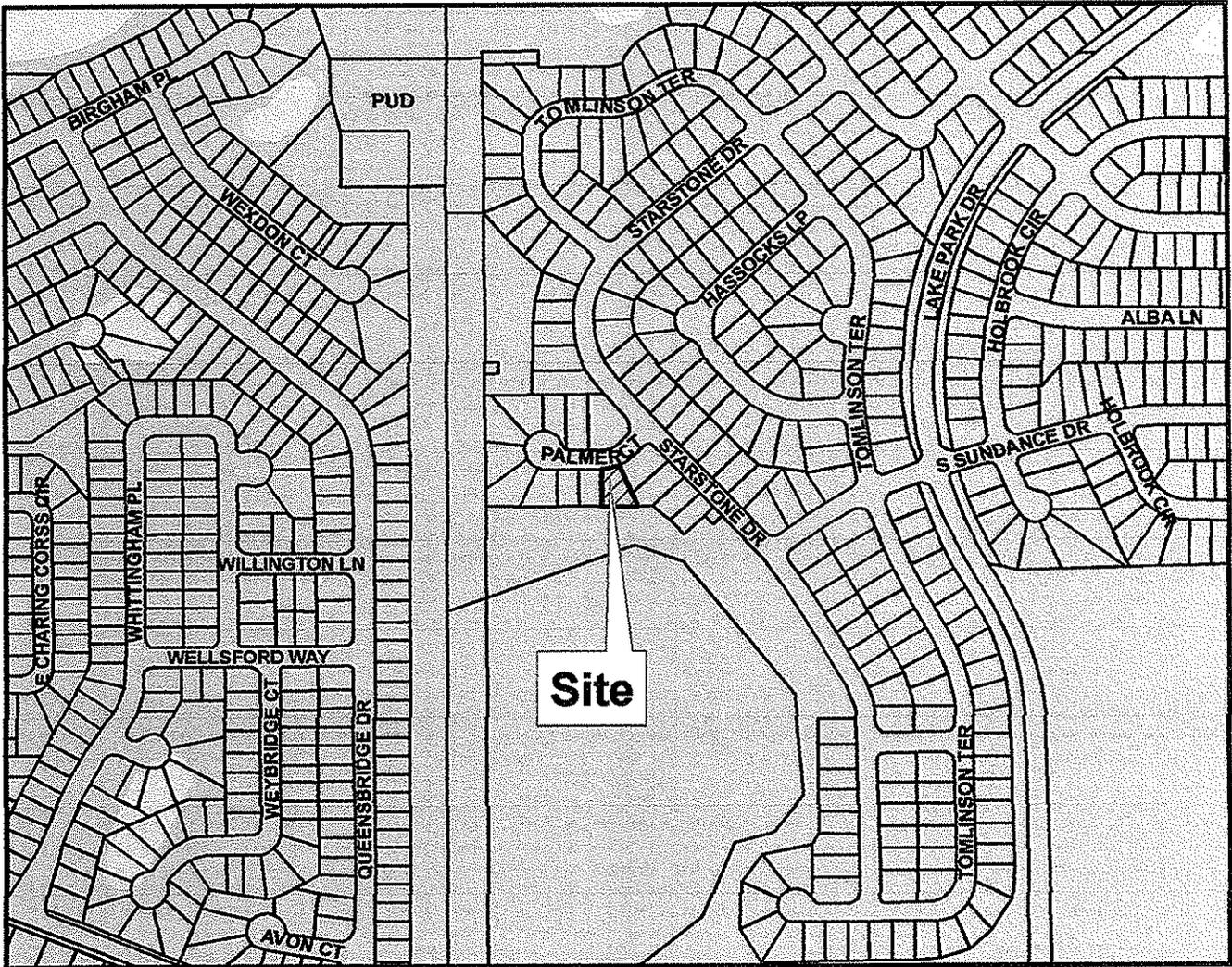
dated _____
 Elevations shown hereon are based on _____ County datum.

Basis of Bearings:
 PALMER COURT BEING S 89°55'59" W PER PLAT SECTION 20 TOWNSHIP 20 SOUTH RANGE 30 EAST

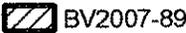
F.B. 46 PG.37 SCALE: 1" = 40'

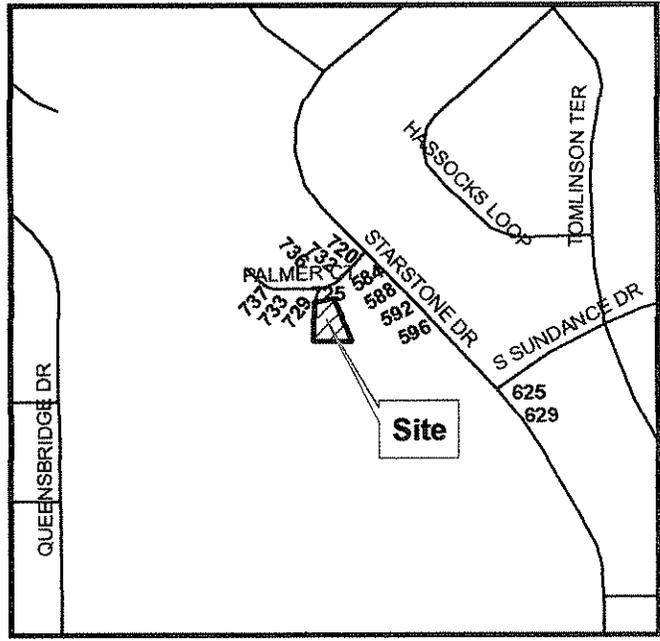


Judith Southard
 725 Palmer Court
 Lake Mary, Florida 32746



Seminole County Board of Adjustment
 August 27, 2007
 Case: BV2007-89 (Map 3103, Grid D3)
 Parcel No: 20-20-30-510-0000-0050

- Zoning**
-  BV2007-89
 -  PUD



<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>		
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GENERAL

Parcel Id: 20-20-30-510-0000-0050
 Owner: EASTON JUDITH H TRUSTEE
 Own/Addr: FBO JUDITH H EASTON
 Mailing Address: 725 PALMER CT
 City,State,ZipCode: LAKE MARY FL 32746
 Property Address: 725 PALMER CT LAKE MARY 32746
 Subdivision Name: CROSSINGS UNIT 6 LAKEWOOD AT THE
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (1994)
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$221,429
 Depreciated EXFT Value: \$7,079
 Land Value (Market): \$46,000
 Land Value Ag: \$0
 Just/Market Value: \$274,508
 Assessed Value (SOH): \$135,056
 Exempt Value: \$25,000
 Taxable Value: \$110,056
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	05/2003	04846	1911	\$100	Improved	No
QUIT CLAIM DEED	03/1994	02742	0664	\$100	Improved	No
SPECIAL WARRANTY DEED	01/1988	02032	0194	\$111,600	Improved	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Amount(without SOH): \$3,654
 2006 Tax Bill Amount: \$1,720
 Save Our Homes (SOH) Savings: \$1,934
 2006 Taxable Value: \$106,762
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	46,000.00	\$46,000

LEGAL DESCRIPTION

PLATS: Pick...
 LEG LOT 5 LAKEWOOD AT THE CROSSINGS UNIT 6 PB 39 PGS 52 TO 55

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	1989	9	2,137	2,804	2,137	CB/STUCCO FINISH	\$221,429	\$236,822
			Appendage / Sqft	SCREEN PORCH FINISHED / 128					
			Appendage / Sqft	GARAGE FINISHED / 437					
			Appendage / Sqft	OPEN PORCH FINISHED / 102					

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1989	1	\$1,100	\$2,000
POOL GUNITE	1989	512	\$5,632	\$10,240
COOL DECK PATIO	1989	180	\$347	\$630

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.

COMMISSION DISTRICT #:

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

EVELOPMENT:		Lakewood at Crossings Unit 6				DEVELOPER:		General Homes Corp.				
LOCATION:		E side of Lake Park Drive, N side of Greenway Boulevard						100 lots				
FILE#:		BA:		SP:		BCC:						
P&Z:												
PB	39	PG	52-55	Lot		Blk		Parcel		DBA		Comm Dist
DEVEL. ORDER #:						TAX PAR. I.D. #:						
SIDEWALKS:						SETBACK REQUIREMENTS						
						FY:	20'	SIDE ST.:		SY:	3' & 7'	RY:
ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER: *10' separation is required, setback may be 5' and 5' on side setback						
COMMENTS OTHER:		1) Subject to all conditions of the PUD.				ACCESSORY STRUCTURE SETBACKS:						
		SY:		same as main structure		RY:		5'				
		ACCESSORY STRUCTURE OTHER:										

IMPACT FEES	
SCREEN:	Ordinance
TRAFFIC ZONE:	12
LAND USE:	1
1. ROAD-CO. WIDE	V-250.00
2. ROAD-COLL.	V-0
3. LIBRARY	V-0
4. FIRE	V-10.00
5. PARK	
6. SCHOOL	C-300.00
7. LAW	
8. DRAINAGE	
TOTAL	\$560.00
REMARKS: Write "Greenwood Lakes/Lake Mary Boulevard" at the top of application form.	

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LOT 5
LAKEWOOD AT THE CROSSINGS UNIT 6 PB 39 PGS 52-55

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

FINDINGS OF FACT

Property Owner: Judith H. Southard
725 Palmer Ct
Lake Mary, FL 32746

Project Name: Palmer Court (725)

Requested Development Approval:

Request for a rear yard setback variance from 10 feet to 7-feet-6-inches for a pool 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: 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: