

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 781 Minerva Lane – Chris E. Pierce, applicant; Request for 1) a rear yard setback variance from 10 feet to 7.5 feet and 2) a side yard setback variance from 10 feet to 5 feet for a proposed above ground pool in PUD (Planned Unit Development District).

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

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

Agenda Date 10/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for 1) a rear yard setback variance from 10 feet to 7.5 feet and 2) a side yard setback variance from 10 feet to 5 feet for a proposed above ground pool in PUD (Planned Unit Development District); or
2. **APPROVE** the request for 1) a rear yard setback variance from 10 feet to 7.5 feet and 2) a side yard setback variance from 10 feet to 5 feet for a proposed above ground pool in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Chris E. Pierce Location: 781 Minerva Lane Zoning: PUD (Planned Unit Development District) Subdivision: Greenwood Lakes
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an above ground pool which will encroach 2.5 feet into the required 10-foot rear yard setback and encroach 5 feet into the required 10-foot side yard setback. • Wynngate Home Owners Association has approved the above ground pool. • A Building Permit is under review for this pool. • 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 above ground 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

Application # BU 2007-114
Meeting Date 10-22-07



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: Chris E. Pierce
Address: 791 MINERVA LANE City: LAKE MARY Zip code: 32746
Project Address: SAME AS ABOVE City: _____ Zip code: _____
Contact number(s): (407) 474-9872 cell
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 type="checkbox"/> Fence	Please describe: RECEIVED AUG 09 2007
<input checked="" type="checkbox"/> Pool	Please describe: <u>ABOVE GROUND</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 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>10 ft.</u>	Proposed setback:	<u>7.5 ft.</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10 ft.</u>	Proposed setback:	<u>5 ft.</u>
<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: Chris E. Pierce 9 AUG 07

FOR OFFICE USE ONLY

Date Submitted: 8-9-07 Reviewed By: F. Johnson
 Tax parcel number: 19-20-30-510-0000-0380 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!

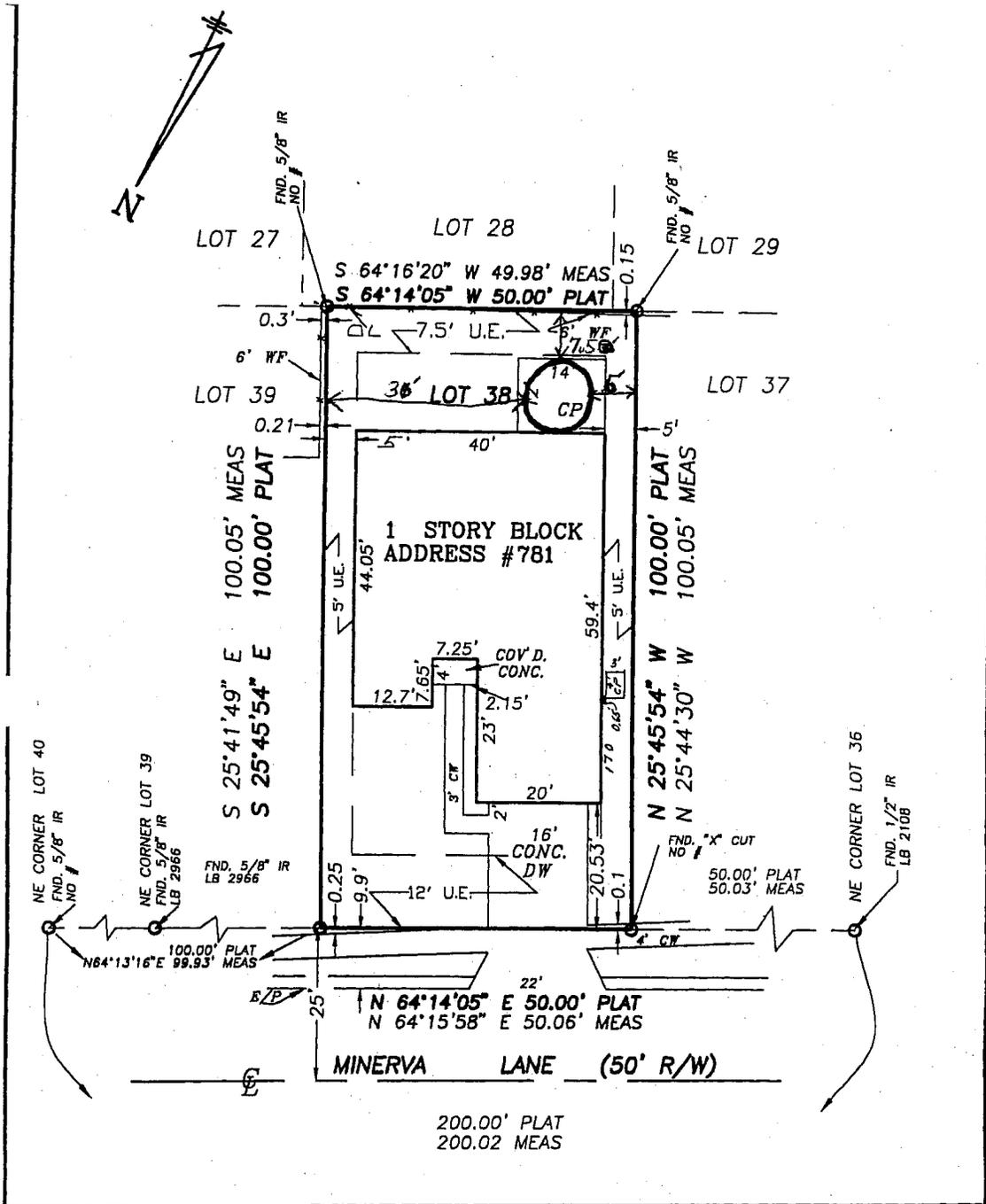
After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	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 ½ 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.

PLAT OF SURVEY

DESCRIPTION

LOT 38, GREENWOOD LAKES UNIT D-3 "B", FIRST ADDITION AS RECORDED IN PLAT BOOK 38, PAGES 99 AND 100, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



BOUNDARY SURVEY CERTIFIED TO CHRIS PIERCE AND ANDREA PIERCE, RESIDENTIAL MORTGAGE CORPORATION, TICOR TITLE INSURANCE COMPANY AND THOMAS H. WARLICK, P. A.

FIELD DATE: JUNE 4, 1998 THIS BUILDING/LOT IS NOT IN A FLOOD PRONE AREA, ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO. 120289-0130 E, SEMINOLE COUNTY, FLORIDA. REVISIONS:

SCALE: 1" = 20'
 DRAWN BY: S. J. D. /NB
 BEARING STRUCTURE BASED ON SOUTH RIGHT OF WAY LINE OF MINERVA LANE.

THIS SURVEY MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 61G17-6 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

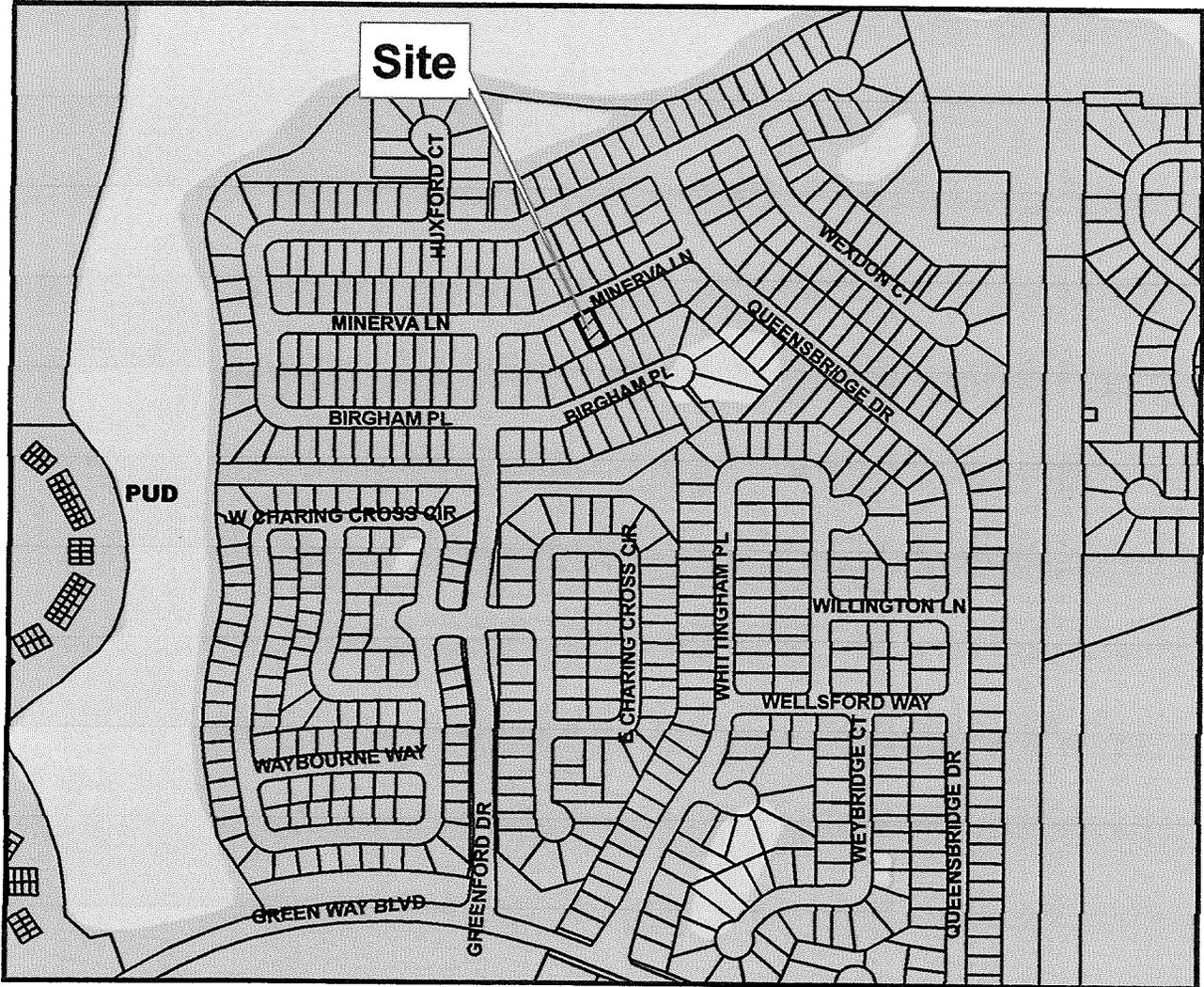
Frank A. Raymond
 FRANK A. RAYMOND PLS 4007

ACCURIGHT SURVEYS
 of Orlando Inc., LB 4475
 2012 E. Robinson St.
 Orlando, Florida 32803
 (407) 894-6314

- LEGEND**
- CALC - CALCULATED
 - CL - CENTERLINE
 - CLF - CHAIN LINK FENCE
 - CONC - CONCRETE
 - CP - CONCRETE PAD
 - CA - CENTRAL ANGLE
 - DW - DRIVEWAY
 - E/P - EDGE OF PAVEMENT
 - FND - FOUND
 - IR - IRON ROD
 - MEAS - MEASURED
 - N&D - NAIL & DISK
 - PC - POINT OF CURVATURE
 - POB - POINT OF BEGINNING
 - R - RADIUS
 - TYP - TYPICAL
 - UE - UTILITY EASEMENT
 - CBW - CONCRETE BLOCK WALL
 - CMW - CONCRETE MONUMENT
 - COVD - COVERED
 - CW - CONCRETE WALKWAY
 - DE - DRAINAGE EASEMENT
 - ESMT - EASEMENT
 - FFE - FINISHED FLOOR ELEVATION
 - IR - IRON PIPE
 - L - ARC LENGTH
 - MS - METAL SHED
 - OL - DW LANE
 - P&M - PLAT & MEASURED
 - POC - POINT OF COMMENCEMENT
 - R/W - RIGHT OF WAY
 - UB - UTILITY BOX
 - WF - WOOD FENCE
 - # - NUMBER

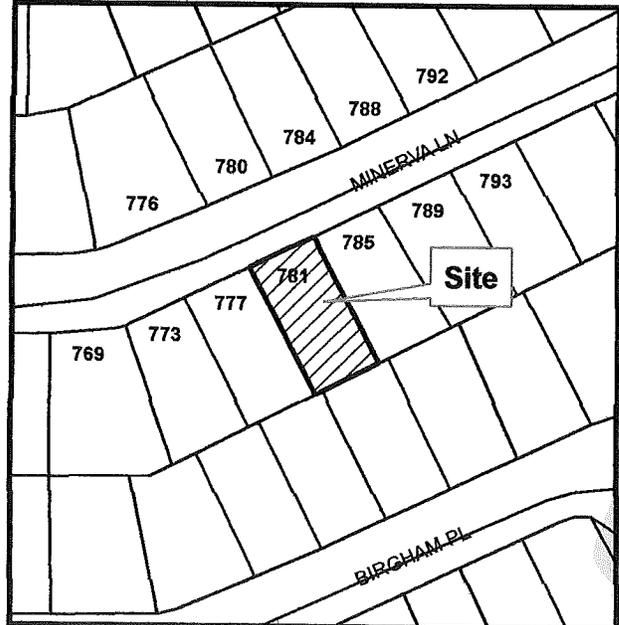
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

Chris Pierce
781 Minerva Lane
Lake Mary, Florida 32746



Seminole County Board of Adjustment
October 22, 2007
Case: BV2007-114 (Map 3103, Grid C3)
Parcel No: 19-20-30-510-0000-0380

Zoning
BV2007-114
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 align="center">GENERAL</p> <p>Parcel Id: 19-20-30-510-0000-0380</p> <p>Owner: PIERCE CHRIS E & ANDREA C</p> <p>Mailing Address: 781 MINERVA LN</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 781 MINERVA LN LAKE MARY 32746</p> <p>Subdivision Name: GREENWOOD LAKES UNIT D-3B 1ST ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</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: \$179,038</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$43,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$222,038</p> <p>Assessed Value (SOH): \$101,361</p> <p>Exempt Value: \$30,000</p> <p>Taxable Value: \$71,361</p> <p><u>Tax Estimator</u></p> <p><u>Tax Reform Analysis</u></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>11/1990</td> <td>02246</td> <td>1908</td> <td>\$87,400</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p align="center"><u>Find Comparable Sales within this Subdivision</u></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	11/1990	02246	1908	\$87,400	Improved	Yes	<p>2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$2,607</p> <p>2006 Tax Bill Amount: \$1,110</p> <p>Save Our Homes (SOH) Savings: \$1,497</p> <p>2006 Taxable Value: \$68,889</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified										
WARRANTY DEED	11/1990	02246	1908	\$87,400	Improved	Yes										
<p align="center">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>43,000.00</td> <td>\$43,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	43,000.00	\$43,000	<p align="center">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 38 GREENWOOD LAKES UNIT D-3B 1ST ADD PB 38 PGS 99 & 100</p>		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value											
LOT	0	0	1.000	43,000.00	\$43,000											
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	1990	8	1,544	2,095	1,544	CB/STUCCO FINISH	\$179,038	\$190,466							
			Appendage / Sqft	OPEN PORCH FINISHED / 91												
			Appendage / Sqft	GARAGE FINISHED / 460												
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p>																
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																

COMMISSION DISTRICT #:

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

DEVELOPMENT: Greenwood Lakes Unit D-3B DEVELOPER: Centex Homes
 1st Addition

LOCATION: N of Greenway Boulevard, E of Lake Emma Road 69 lots

FILE#: BA: SP: BCC: 7/14/87

P&Z: PB 38 PG 99-100 Lot Blk Parcel DBA Comm Dist

DEVEL. ORDER #: 87-0703 TAX PAR. I.D. #:

SIDEWALKS:

SETBACK REQUIREMENTS
 FY: 20' SIDE ST.: SY: *0 RY: 10'

ROAD TYPE:
 (CURB & GUTTER OR SWALE)

MAIN STRUCTURE OTHER:
 *7' Min. between structures
 Maximum Height: 35'
 Minimum Dwelling size: 650 sq. ft.

COMMENTS OTHER:
 1) Must comply with all of the requirements of the Developer's Agreement.

ACCESSORY STRUCTURE SETBACKS:
 SY: Same as main structure RY: 5'

ACCESSORY STRUCTURE OTHER:

IMPACT FEES	
SCREEN:	Ordinance
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	\$560.00
REMARKS: Write "Greenwood Lakes/Lake Mary Boulevard" at the top of the permit application.	

Wynngate Homeowners Association

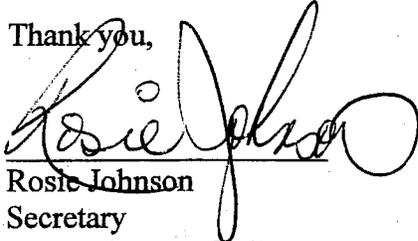
August 8th, 2007

To whom it may concern:

Please know that the Wynngate Homeowners Association Board has approved the installation of a fence at 781 Minerva Lane Lake Mary, FL 32746. The Board has also approved an above ground pool addition to this same address.

Any questions please feel free to contact me at #407 925 2539.

Thank you,



Rosie Johnson

Secretary

RosieJohnson7@cfl.rr.com

407 925 2539 (Mobile)

RE: Minerva Lane (781)
Pierce, Chris E. & Andrea C.
BV2007-114

August 12, 2007

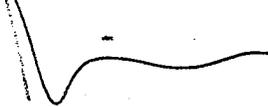
Variance Approval Board
Seminole County
1101 1st Street
Sanford, FL 32771

Dear Sirs:

We, the undersigned, support the application for variance submitted by Chris E. Pierce for the installation of a pool in his back yard, 7.5 feet from the rear property line and 5 feet from the side property line.

Jason Proodian

785 Minerva Lane (East of property)



Hilda Gibson

777 Minerva Lane (West of property)



RE: Minerva Lane (781)
 Pierce, Chris E. & Andrea C.
 BV2007-114

Pierce, Chris E.

BEFORE FILLING PERFORM SECURITY CHECK ON REVERSE

NOT TO BE FILLED IN
 VA PHARMACIES
 ONLY

~~XXXXXXXXXX~~ (SSN)

158893713

IMPRINT PATIENT DATA CARD IN SPACE ABOVE

Please check or circle appropriate block:

AUTH ABS - 96 HOURS	AUTH ABS + 96 HOURS	INPA- TIENT	EMP	REG DISCH	NBC	PBC	A&A OR HB	CNH	SC	OPT NSC	OTHER FED	AMB CARE	OTHER
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I prescribe the purchase of a portable SP which is medically necessary for his bilateral knee osteoarthritis.

ARMAND ZILIOLI, MD
 VAHC ORL/ NDO
 BD4632015-1 3513

Refill: 1 2 3 4 5 Nonrefill

Another brand equal, in quality, of the same basic drug may be dispensed, UNLESS checked.

Label with medicine NAME, STRENGTH and QUANTITY UNLESS checked.

SIGNATURE AND TITLE OF PHYSICIAN OR DENTIST <i>Armand Zilioli MD</i>	DEA NUMBER A26737069	DATE 1/31/06
---	-------------------------	-----------------

NOTE TO PHARMACIST: Complete Medication Record on reverse BEFORE DISPENSING

VA FORM 10-2577F
 JAN 1994

SECURITY PRESCRIPTION FORM

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 38 GREENWOOD LAKES UNIT D-3B 1ST ADD PB 38 PGS 99 & 100

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

FINDINGS OF FACT

Property Owner: Chris E & Andrea C Pierce
781 Minerva Ln
Lake Mary 32746

Project Name: Minerva Lane (781)

Requested Development Approval:

Request for 1) a rear yard setback variance from 10 feet to 7.5 feet and 2) a side yard setback variance from 10 feet to 5 feet for a proposed above ground 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: 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 above ground 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: