

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

SUBJECT: 1751 Missouri Avenue – Gerhard J.W. & Karen Munster, applicant; Request for 1) a rear yard setback variance from 30 feet to 18 feet for a proposed pool and 2) a rear yard setback variance from 25 feet to 14 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling 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 30 feet to 18 feet for a proposed pool and 2) a rear yard setback variance from 25 feet to 14 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for 1) a rear yard setback variance from 30 feet to 18 feet for a proposed pool and 2) a rear yard setback variance from 25 feet to 14 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Gerhard J.W. & Karen Munster Location: 1751 Missouri Avenue Zoning: R-1AA (Single Family Dwelling District) Subdivision: St. Johns River Estates</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant proposes to construct a 10 foot by 22 foot pool that will encroach 12 feet into the 30-foot waterfront rear yard setback. • They also propose to construct a pool screen enclosure that will encroach 11 feet into the required 25-foot waterfront rear yard setback.

	<ul style="list-style-type: none">• In 2001 a lot area and width variance was granted.• There are currently no code enforcement or building violations 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 pool and 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 # BV 2007-115
Meeting Date 10-22-07



RECEIVED AUG 13 2007
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: Gerhard J.W. and Karen A. Munster

Address: 1751 Missouri Ave City: Sanford Zip code: 32771

Project Address: Same City: _____ Zip code: _____

Contact number(s): (407) 268-3777 Cell (407) 760-0690

Email address: munsterg1e@bellsouth.net

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:
<input checked="" 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>30ft.</u>	Proposed setback: <u>18ft Pool</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>Rear</u> yard setback	Required setback:	<u>25ft.</u>	Proposed setback: <u>14ft. Pool screen enclosure</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
[2] Total number of variances requested _____			

O 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: Gerhard J.W. and Karen A. Munster

FOR OFFICE USE ONLY

Date Submitted: 8-13-07 Reviewed By: P. Johnson
 Tax parcel number: 17-19-30-501-0000-0090 Zoning/FLU R-1AA/LOR
 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: _____

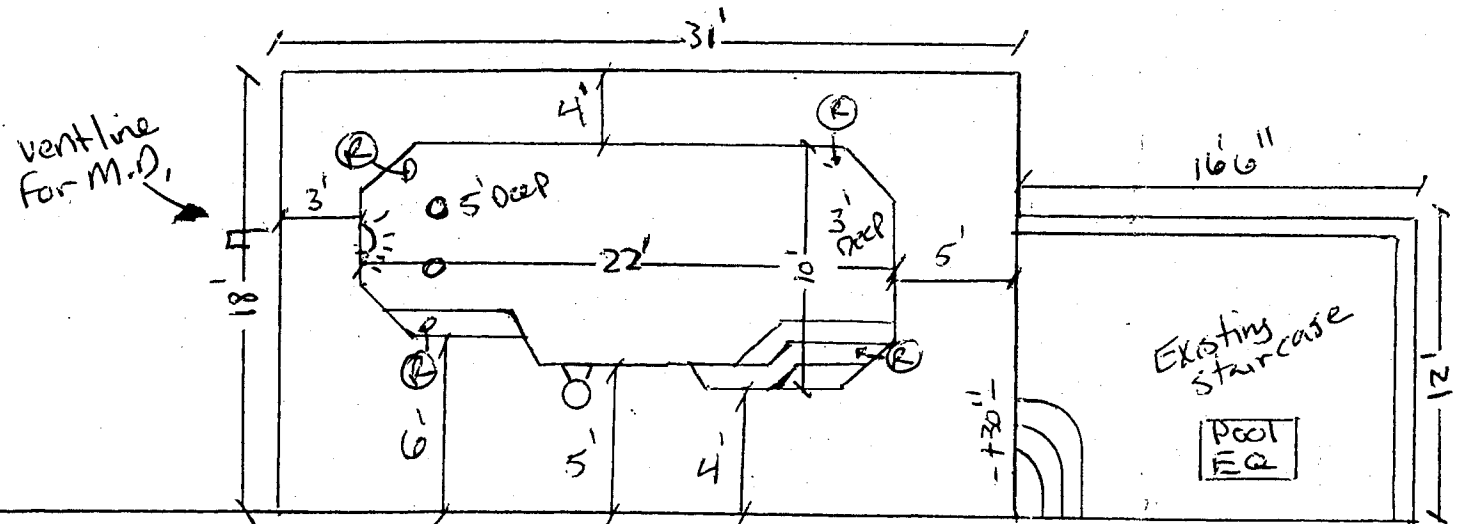
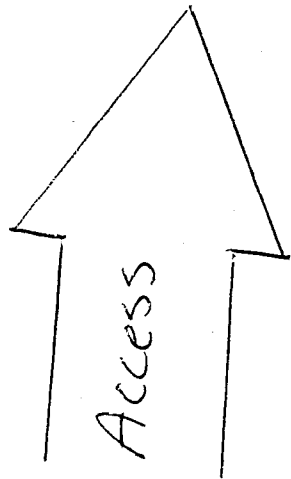
VARIANCE SUBMITTAL CHECKLIST

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 http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	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 <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.

MAP
(N.T.S.)

* DOOR LOCATIONS BY HOMEOWNER *



Monster Residence

SCALE 1/8" = 1'0"

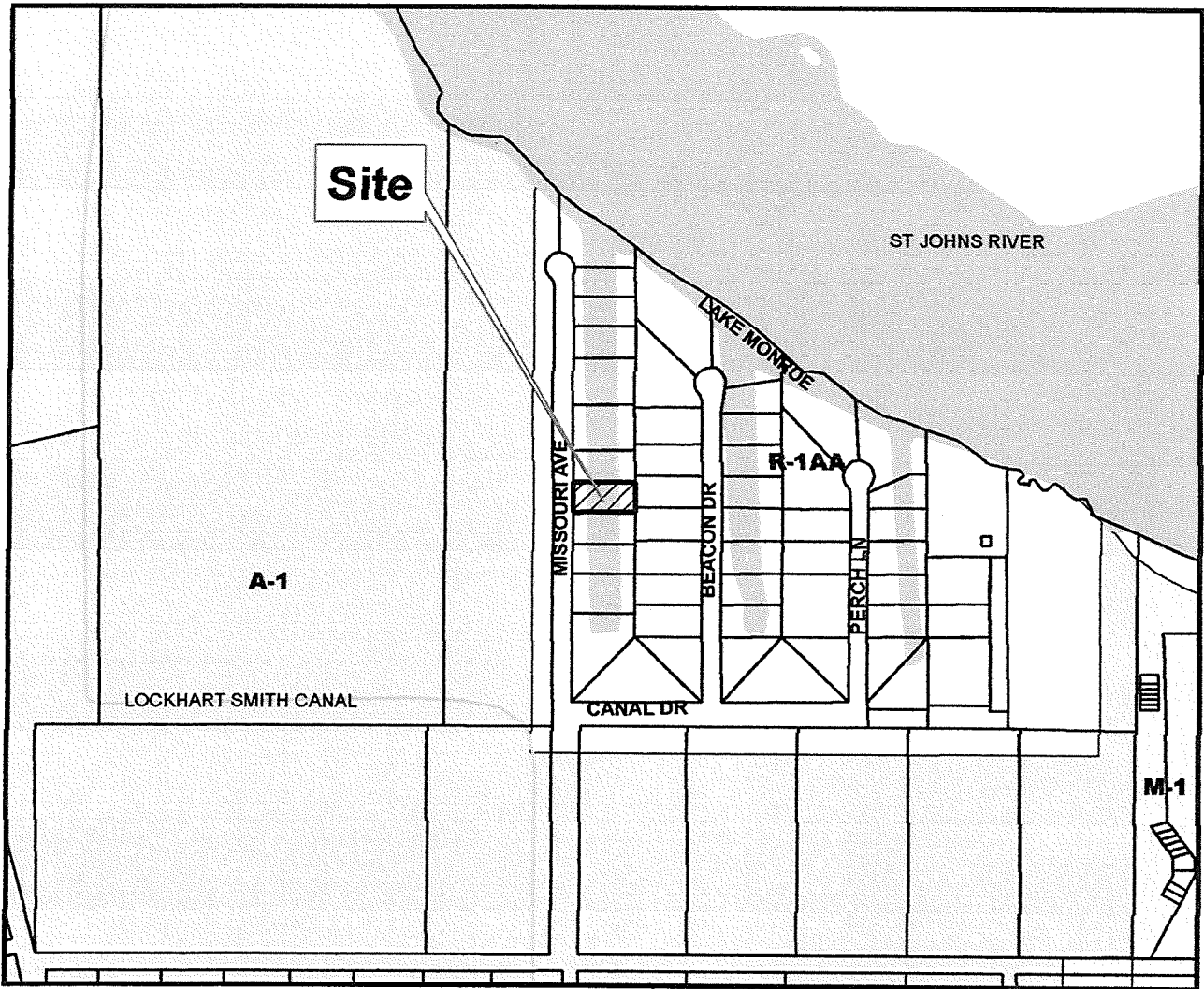


GENERAL SPECIFICATIONS

JOB NO.	SHAPE
SIZE 10' x 22'	DEPTH 3' TO 5'
SF 220	PER. 60 TEMP NO. -50
POOL CAPACITY	GALS:
FILTER 4800 DE, SQ.FT.	PUMP Norths HP. 2
TILE 6x6 T&G	BRICK: NA
DECKING: Acrylic	SQ. FT. 338
FOOTING: Perimeter	D.O.D. Houseside
LIGHT: 1- Deep end	WATTS: 300
SWIMOUT: Deep end	BENCH: -
LADDER: -	HANDRAIL: -
SKIMMER: 1-2"	MAIN DRAIN: 2-2"
RETURN LINES: QTY: 4	TYPE: 1/2"
ELECTRICAL HOOKUP:	included
UNDERWATER VACUUM WAHSE:	included
MAINTENANCE KIT:	included
POOL CLEANER:	-
CHLORINATOR:	Aqua Lite Salt
SPA SIZE: NA	JETS: -
FENCE: -	STUMPS: -
SCREEN: Shed style	2-Doors
MUNICIPALITY:	Seminole
SET BACK:	SIDE -
	REAR -
	HOUSE -
NOTE:	① Deck 1/2" raised
	② Deco-Band on outside of deck/stucco finish style
DESIGNED	M.F. DATE 08/02/07
SWIMMING POOL	
Name	Munster
Address	1751 Missouri
City	Sanford Phone (407) 760-0000
LEGAL DESCRIPTION	
LOT	9 BLK C SUB St. Johns River Estates
BOOK	13 PAGE 54 LOCATION Seminole





TO BE RETAINED AT SALES OFFICE

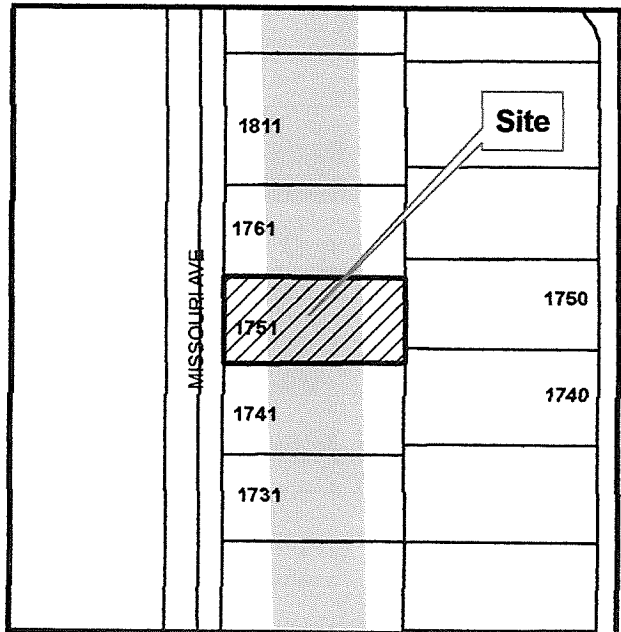
Gerhard & Karen Munster
1751 Missouri Avenue
Sanford, Florida 32771

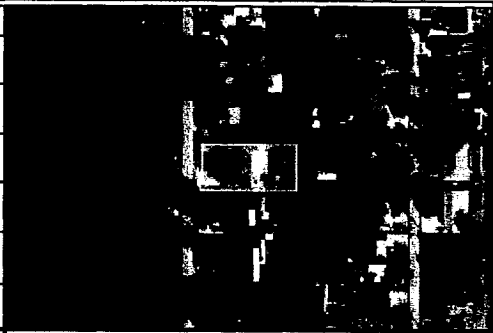


Seminole County Board of Adjustment
October 22, 2007
Case: BV2007-115 (Map 2999, Grid E5)
Parcel No: 17-19-30-501-0C00-0090

Zoning

-  BV2007-115
-  A-1
-  R-1AA
-  M-1



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508	2	6 6.0 7 24.0 24 8 9 C 22 10 11 12.0 19	2 3 4 5 6 7 8																									
GENERAL Parcel Id: 17-19-30-501-0C00-0090 Owner: MUNSTER GERHARD J W & KAREN A Mailing Address: PO BOX 2426 City,State,ZipCode: WINTER PARK FL 32790 Property Address: 1751 MISSOURI AVE SANFORD 32771 Subdivision Name: ST JOHNS RIVER ESTATES 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: \$6,287 Land Value (Market): \$165,848 Land Value Ag: \$0 Just/Market Value: \$172,135 Assessed Value (SOH): \$172,135 Exempt Value: \$0 Taxable Value: \$172,135 Tax Estimator																										
SALES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>02/2004</td> <td>05197 0387</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/2001</td> <td>04034 0673</td> <td>\$125,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01110 1489</td> <td>\$11,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	02/2004	05197 0387	\$100	Improved	No	WARRANTY DEED	03/2001	04034 0673	\$125,000	Improved	No	WARRANTY DEED	01/1977	01110 1489	\$11,000	Vacant	Yes	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$2,671 2006 Taxable Value: \$165,716 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS		
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LAND <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>FRONT FOOT & DEPTH</td> <td>81</td> <td>120</td> <td>.000</td> <td>1,500.00</td> <td>\$165,848</td> </tr> </tbody> </table> Permits		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	81	120	.000	1,500.00	\$165,848	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG LOT 9 BLK C ST JOHNS RIVER ESTATES PB 13 PG 54														
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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.																												

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 9 BLK C ST JOHNS RIVER ESTATES PB 13 PG 54

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

FINDINGS OF FACT

Property Owner: Gerhard J W & Karen A Munster
Po Box 2426
Winter Park Fl 32790

Project Name: Missouri Avenue (1751)

Requested Development Approval:

Request for 1) a rear yard setback variance from 30 feet to 18 feet for a proposed pool and 2) a rear yard setback variance from 25 feet to 14 feet for a proposed pool screen enclosure 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: 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 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: