

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

**SUBJECT:** 2651 Crater Court – Mary Shafer, applicant; Request for 1) a side yard (east) setback variance from 10 feet to 5 feet and 2) a side yard (north) setback variance from 10 feet to 5 feet for a proposed pool with spa 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 a 1) side yard (east) setback variance from 10 feet to 5 feet and 2) a side yard (north) setback variance from 10 feet to 5 feet for a proposed pool with spa in PUD (Planned Unit Development District); or
2. **APPROVE** the request for a 1) side yard (east) setback variance from 10 feet to 5 feet and 2) a side yard (north) setback variance from 10 feet to 5 feet for a proposed pool with spa in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Mary Shafer Location: 2651 Crater Court Zoning: PUD (Planned Unit Development District) Subdivision: Chase Groves
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a pool on a corner lot that will encroach 5 feet into the required 10-foot side yard setbacks on the east and north sides of the property.</li> <li>• Chase Groves HOA has approved the pool installation subject to the variance.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

<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

**COPY** Application # BN2007-122  
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: MARY SHAFER  
Address: 2051 CRATER Ct. City: LAKE MARY Zip code: 07746  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): (407) 647-1068 wk (407) 417-4803  
Email address: MARYSHAFER@CFL.CA.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:
<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.	

RECEIVED AUG 31 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 type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	5ft. pool
<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"/> Side yard setback	Required setback:	Proposed setback:	5ft. pool
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>2</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: Mary Shafer

**FOR OFFICE USE ONLY**

Date Submitted: 8-31-07 Reviewed By: P. Johnson  
 Tax parcel number: 03-20-30-519-0000-0640 Zoning/FLU PUD/RO  
 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: no screen enclosure

**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

<p><i>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.</i></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 ½ 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>
	<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.

# S W ERIDLOFF & R AMIREZ

SURVEYING, INC.

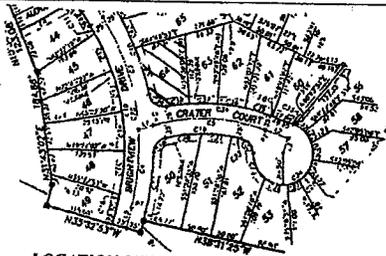
370 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

Lot 64, CHASE GROVES UNIT 5B, according to the plat thereof, as recorded in 50, Page(s) 67 and 68, of the Public Records of Seminole County, FL.

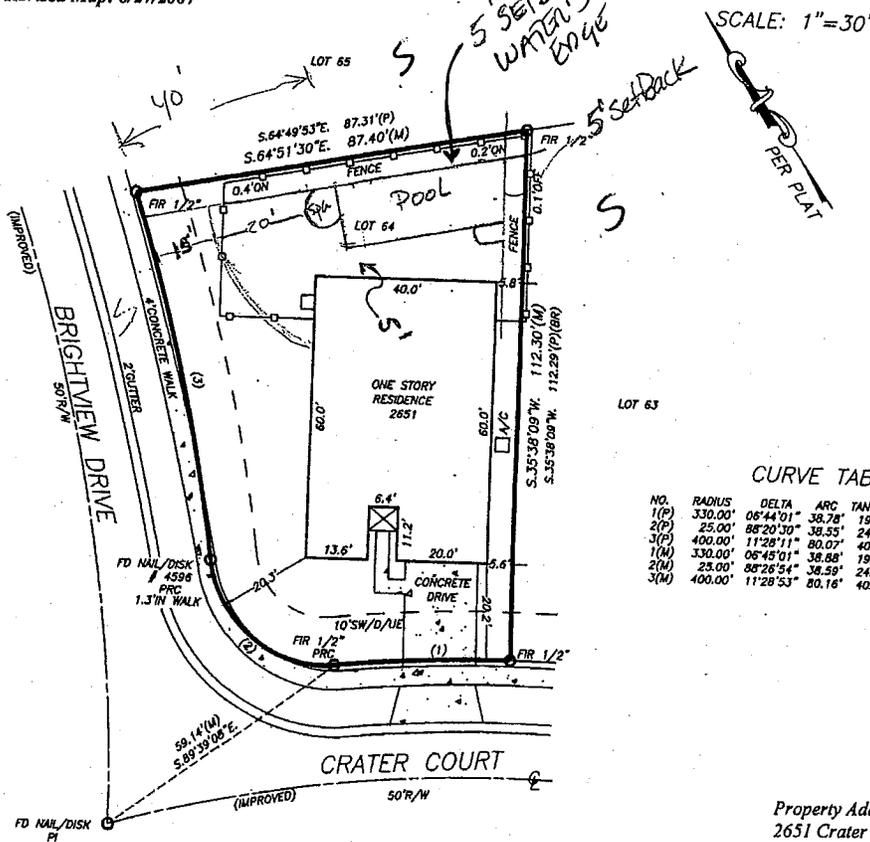
Community number: 120289 Panel: 0040  
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 4/18/2001 Completion Date: 4/20/2001

Certified to:  
 Jack L. Shafer; Mary E. Shafer; Sunbelt Title Agency; Commonwealth Land Title Insurance Company; American Heritage Mortgage Corporation, its successors and/or assigns.

Revised Map: 8/27/2007



LOCATION SKETCH  
Not to Scale



CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1(P)	330.00'	05°44'01"	38.76'	19.41'	38.76'	S.57°43'50"E
2(P)	25.00'	88°20'30"	38.55'	24.29'	34.84'	N.16°55'27"W
3(P)	400.00'	11°28'11"	80.07'	40.17'	79.94'	S.21°30'51"W
1(M)	330.00'	05°43'01"	38.88'	19.46'	38.86'	S.58°04'58"E
2(M)	25.00'	88°26'54"	38.59'	24.33'	34.87'	N.16°42'17"W
3(M)	400.00'	11°28'53"	80.16'	40.21'	80.02'	S.21°29'24"W

Property Address:  
 2631 Crater Court  
 Lake Mary, FL 32746

Survey number: SL 1246

**LEGEND**

—○— Wood Fence	W.M. Water Meter	O.H.L. Overhead Lines
—○ Wire Fence	TEL. Telephone Facilities	N.T.S. Not to Scale
C.L.F. Chain Link Fence	— Covered Area	O.R. Official Records
FN. Found Nail	B.R. Bearing Reference	O.R.B. Official Records Book
R. Record	CH Chord	P.C.P. Permanent Control Point
M. Field Measured	RAD Radial	P.R.M. Permanent Reference Monument
CL Clear	N.R. Non Radial	PG. Page
ENCR Encroachment	A/C Air Conditioner	P.V.M.T. Pavement
Centerline	B.M. Bench Mark	E.O.P. Edge of Pavement
Concrete	C. Calculated	P.B. Flat Book
Property Line	ZZZZ Block Wall	P.O.B. Point of Beginning
C.M. Concrete Monument	Central Angle/Delta	P.O.C. Point of Commencement
F.I.R. Found Iron Rod	D.B. Deed Book	P.O.L. Point on Line
F.I.P. Found Iron Pipe	D. Description or Deed	P.C. Point of Curvature
R.W. Right of Way	D.H. Drill Hole	P.R.C. Point of Reverse Curvature
N&D Nail & Disk	D.W. Driveway	P.T. Point of Tangency
D.E. Drainage Easement	EL Elevation	R. Radius (Radial)
U.E. Utility Easement	ESMT Easement	R.O.E. Roof Overhang Easement
FD. Found	FE Finished Floor	S.I.R. Set Iron Rod & Cap
P. Plat	F.C.M. Found Concrete Monument	SW. Sidewalk
O.H.U. Overhead Utilities	FK.M. Found Parker-Kalon Nail	SW Top of Bank
PP. Power Pole	L. Length	T.O.B. Top of Bank
TX. Transformer	L.B. Licensed Business	TYB. Typical
CAV. Cable Riser	L.A.E. Limited Access Easement	W.C. Witness Corner
CB. Chord Bearing	— Une Break Not to Scale	10.05 Existing Elevation
F.C.C. Found Cross Cut	M.H. Manhole	E.O.W. Edge of Water
F. Field	O. Found	P.C.C. Point of Compound Curve
		PI. Point of Intersection

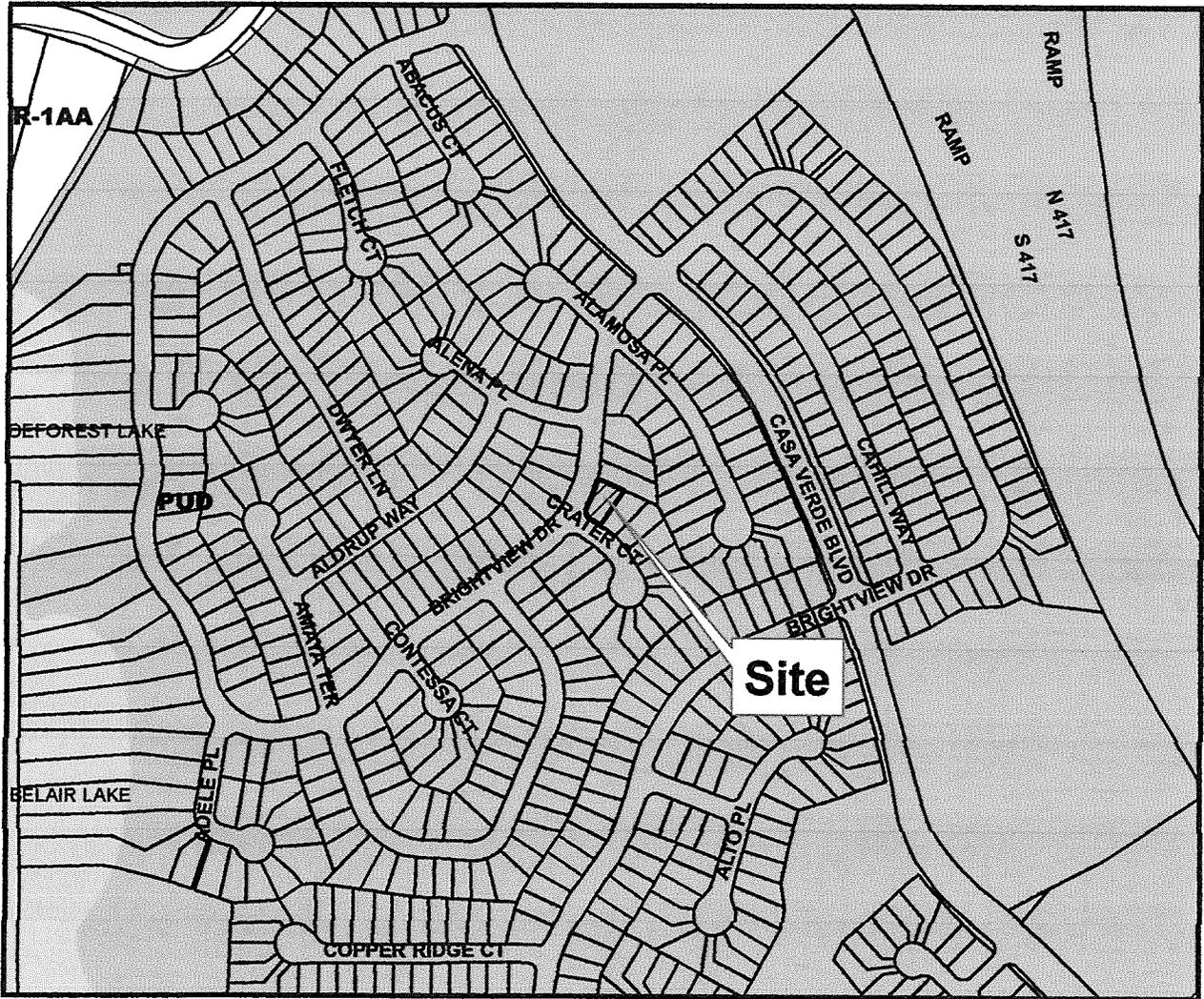
**GENERAL NOTES**

- Legal description provided by others.
- The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat.
- Underground portions of footings, foundations or other improvements were not located.
- Wall ties are to the face of the wall.
- Only visible encroachments located.
- No identification found on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted.
- Adjoining lots are within the same block, unless otherwise noted.
- This is a **BOUNDARY SURVEY** unless otherwise noted.
- No void unless signed with the signing surveyor's embossed seal.
- I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.
- FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY, AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.**
- Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies.
- Bearing basis shown per plat unless otherwise shown.
- Survey is for reference only unless signed and sealed by a Florida Registered Land Surveyor.
- All lines are not radial unless otherwise noted.
- Recertification does not indicate an update.



Ralph Sverdlhoff  
 Louis R. Ramirez  
 Registered Land Surveyor No. 3411  
 Professional Surveyor and Mapper No. 6304

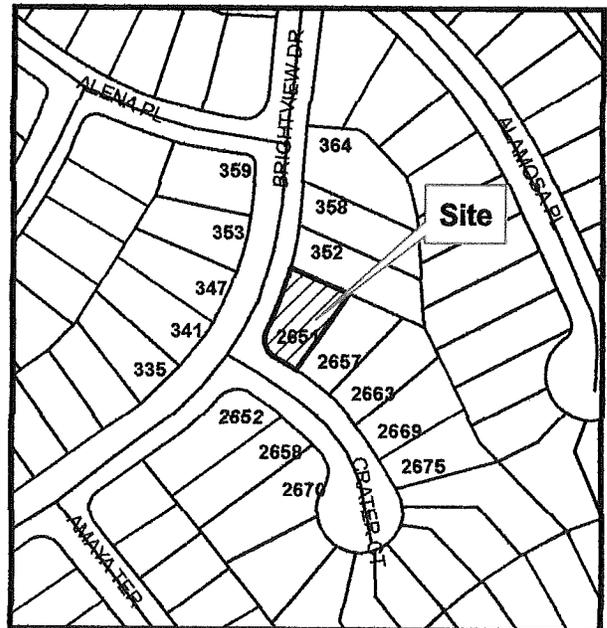
Mary Shafer  
2651 Crater Court  
Lake Mary, Florida 32746



Seminole County Board of Adjustment  
October 22, 2007  
Case: BV2007-122 (Map 3052, Grid D5)  
Parcel No: 03-20-30-519-0000-0640

Zoning

-  BV2007-122
-  R-1AA
-  PUD



**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-865-7508

**GENERAL**

Parcel Id: 03-20-30-519-0000-0640  
 Owner: SHAFER MARY E & JACK L  
 Mailing Address: 2651 CRATER CT  
 City,State,ZipCode: LAKE MARY FL 32746  
 Property Address: 2651 CRATER CT LAKE MARY 32746  
 Subdivision Name: CHASE GROVES UNIT 5B  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (2002)  
 Dor: 01-SINGLE FAMILY

**2007 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$195,669  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$42,000  
 Land Value Ag: \$0  
 Just/Market Value: \$237,669  
 Assessed Value (SOH): \$133,686  
 Exempt Value: \$25,000  
 Taxable Value: \$108,686

**Tax Estimator**  
**Tax Reform Analysis**  
**2007 Notice of Proposed Property Tax**

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	04/2001	04078	1271	\$133,500	Improved	Yes
WARRANTY DEED	11/1996	03159	0113	\$105,500	Improved	Yes
WARRANTY DEED	08/1996	03116	1420	\$22,800	Vacant	Yes

Find Comparable Sales within this Subdivision

**2006 VALUE SUMMARY**

Tax Amount(without SOH): \$2,460  
 2006 Tax Bill Amount: \$1,649  
 Save Our Homes (SOH) Savings: \$811  
 2006 Taxable Value: \$102,354

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	42,000.00	\$42,000

**LEGAL DESCRIPTION**

PLATS:

LOT 64 CHASE GROVES UNIT 5B PB 50 PGS 67 & 68

**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	1996	8	1,789	2,364	1,901	CB/STUCCO FINISH	\$195,669	\$204,354
	Appendage / Sqft		BASE SEMI FINISHED / 112						
	Appendage / Sqft		OPEN PORCH FINISHED / 30						
	Appendage / Sqft		GARAGE FINISHED / 433						

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

**Permits**

**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.



BV 2007-122

CHASE GROVES HOMEOWNER ASSOCIATION, INC.  
C/O Vista Community Association Management  
P.O. Box 162147  
Altamonte Springs, FL 32716-2147  
(407) 682-3443  
FAX (407) 682-0181

September 11, 2007

Mary Shafer  
2651 Crater Court  
Lake Mary, FL 32746

Dear Homeowner,

The Architectural Review Committee approved your request as submitted for pool installation as presented on your application, with the condition that the variance from Seminole County is obtained.

This approval does not release you from obtaining any required building permits from Seminole County.

Good luck with your project!

For the Architectural Review Committee  
Sincerely,  
Shawn Thornton, LCAM  
Community Manager  
Chase Groves HOA



## 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:

LOT 64 CHASE GROVES UNIT 5B PB 50 PGS 67 & 68

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

### FINDINGS OF FACT

**Property Owner:** Mary E & Jack L Shafer  
2651 Crater Court  
Lake Mary FL 32746

**Project Name:** Crater Court (2651)

**Requested Development Approval:**

Request for 1) a side yard (east) setback variance from 10 feet to 5 feet and 2) a side yard (north) setback variance from 10 feet to 5 feet for a proposed pool with spa 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 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: