

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

**SUBJECT:** 2500 Howell Branch Road – Dave Schmitt Engineering, applicant; Request for a rear yard setback variance from 35 feet to 4 feet for proposed parking garages in the R-3 (Multiple Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

**Agenda Date** 1/28/2008 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 35 feet to 4 feet for proposed parking garages in the R-3 (Multiple Family Dwelling District); or
2. **Approve** the request for a rear yard setback variance from 35 feet to 4 feet for proposed parking garages in the R-3 (Multiple Family Dwelling District) ; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Dave Schmitt Engineering          Owner: Shelter Properties          Location: 2500 Howell Branch Road          Zoning: R-3</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to construct three (3) parking garages over existing parking spaces in a multi-family development.</li> <li>• The proposed parking garages will be 4 feet from adjacent an existing single family neighborhood.</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</li> </ul>

	<p>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.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></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"><li>• Any variance granted shall apply only to the parking garages 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 # BU 2007-158  
Meeting Date 1-28-08



**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: Dave Schmitt Engineering, Inc.  
Address: 13013 Founders Square Drive City: Orlando Zip code: 32828  
Project Address: 2500 Howell Branch Road City: Winter Park Zip code: 32792  
Contact number(s): (407) 207-9088 Judy Stewart, Manager of Planning  
Email address: judy.stewart@dseorl.com

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<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 checked="" type="checkbox"/> Other	Please describe: Parking Garages
<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:	35ft.	Proposed setback:	4ft.
<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>One</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: Judy Stewart

**FOR OFFICE USE ONLY**

Date Submitted: 11-30-07 Reviewed By: P. Johnson  
 Tax parcel number: 33-21-30-300-0080-0000 Zoning/FLU R-3/HOR  
 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!*

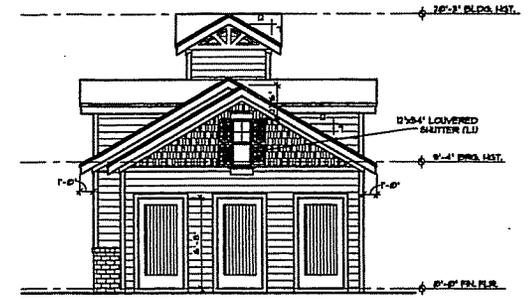
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization 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 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>View a site plan online 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
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each )</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.



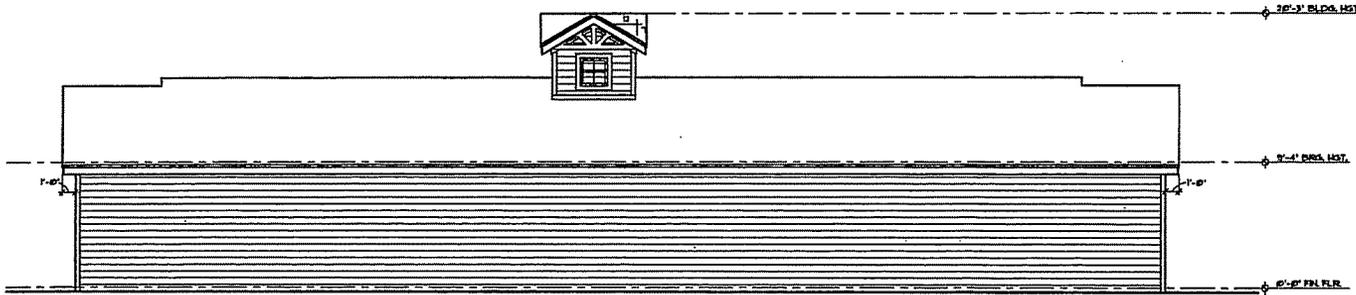




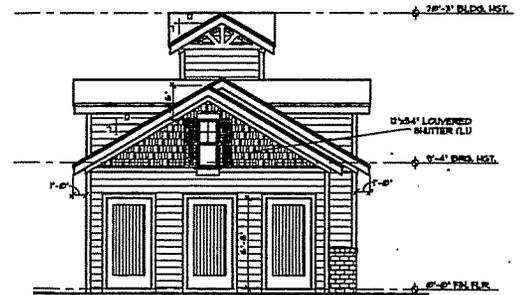
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

SIGNAL POINTE ADTS.

Personal Property

**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: 33-21-30-300-0080-0000  
 Owner: SHELTER PROPERTIES II  
 Own/Addr: C/O DELOITTE PTS-DEPT 208  
 Mailing Address: 6363 N STATE HWY 161 SUITE 800  
 City,State,ZipCode: IRVING TX 75038  
 Property Address: 2500 HOWELL BRANCH RD  
 Facility Name: SIGNAL POINTE (PARCEL 1 OF 2)  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 03-MULTI FAMILY 10 OR M

**2008 WORKING VALUE SUMMARY**

Value Method: Income  
 Number of Buildings: 11  
 Depreciated Bldg Value: \$0  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$0  
 Land Value Ag: \$0  
 Just/Market Value: \$5,536,831 \*  
 Assessed Value (SOH): \$5,536,831 \*  
 Exempt Value: \$0  
 Taxable Value: \$0

**Tax Estimator**  
**Tax Reform Calculator**  
 (\* Income Approach used.)

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
SPECIAL WARRANTY DEED	06/1981	01344	0036	\$9,565,200	Improved	No
SPECIAL WARRANTY DEED	03/1978	01161	1315	\$4,650,000	Improved	No

Find Sales within this DOR Code

**2007 VALUE SUMMARY**

2007 Tax Bill Amount: \$78,515  
 2007 Taxable Value: \$5,316,389  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	288,230	4.00	\$1,152,920

**LEGAL DESCRIPTION**

LEG SEC 33 TWP 21S RGE 30E W 380 FT OF N 766 FT OF E 1/2 OF NW 1/4 OF NE 1/4 (LESS RD)

**BUILDING INFORMATION**

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MULTIFAMILY	1970	64	15,304	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$644,019	\$790,207
	Subsection / Sqft		OPEN PORCH FINISHED / 1683					
	Subsection / Sqft		OPEN PORCH UNFINISHED / 240					
2	MULTIFAMILY	1970	64	15,288	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$647,778	\$794,820
	Subsection / Sqft		OPEN PORCH FINISHED / 1780					
	Subsection / Sqft		OPEN PORCH UNFINISHED / 480					
3	MULTIFAMILY	1970	48	8,251	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$372,957	\$457,616
	Subsection / Sqft		OPEN PORCH FINISHED / 890					

	<b>Subsection / Sqft</b>		OPEN PORCH UNFINISHED / 240				
4	MASONRY PILAS	1970	14	2,165	1	WOOD SIDING WITH WOOD OR METAL STUDS	\$126,676 \$222,239
	<b>Subsection / Sqft</b>		UTILITY FINISHED / 336				
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 168				
	<b>Subsection / Sqft</b>		UTILITY UNFINISHED / 96				
5	MULTIFAMILY	1970	48	11,152	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$487,821 \$598,553
	<b>Subsection / Sqft</b>		UTILITY FINISHED / 560				
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 1222				
6	MULTIFAMILY	1970	48	11,152	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$487,821 \$598,553
	<b>Subsection / Sqft</b>		UTILITY FINISHED / 560				
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 1222				
7	MULTIFAMILY	1970	48	10,096	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$438,234 \$537,711
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 890				
	<b>Subsection / Sqft</b>		OPEN PORCH UNFINISHED / 240				
8	MULTIFAMILY	1970	96	18,268	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$761,803 \$934,728
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 1034				
	<b>Subsection / Sqft</b>		OPEN PORCH UNFINISHED / 480				
9	MULTIFAMILY	1970	99	24,516	2	WOOD SIDING WITH WOOD OR METAL STUDS	\$1,032,124 \$1,266,410
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 2670				
	<b>Subsection / Sqft</b>		OPEN PORCH UNFINISHED / 720				
10	MASONRY PILAS	1970	4	729	1	BRICK COMMON - MASONRY	\$48,078 \$84,347
11	MASONRY PILAS	1970	2	401	1	WOOD SIDING WITH WOOD OR METAL STUDS	\$25,590 \$44,895

**Permits**

EXTRA FEATURE						
	Description	Year Blt	Units	EXFT Value	Est. Cost	New
	COMMERCIAL ASPHALT DR 2 IN	1979	84,361	\$30,708	\$76,769	
	CONCRETE WALKWAY	1979	12,376	\$12,376	\$30,940	
	POOL COMMERCIAL	1979	660	\$7,392	\$18,480	
	POLE LIGHT CONCRETE 3 ARM	1979	4	\$16,604	\$16,604	
	POLE LIGHT STEEL 1 ARM	1979	34	\$32,776	\$32,776	
	SPA	1979	2	\$2,000	\$5,000	
	FIREPLACE	1979	1	\$480	\$1,200	
	TENNIS COURT/ASPHALT	1979	7,200	\$4,320	\$10,800	
	10' CHAIN LINK FENCE	1979	360	\$1,440	\$3,600	

**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  
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: SHELTER PROPERTIES II, L.P Name of Partnership: \_\_\_\_\_  
Principal: SEE ATTACHED SHEET Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

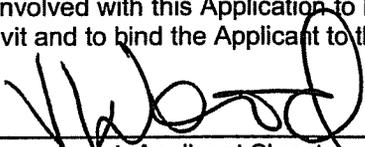
5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

NOVEMBER 15, 2007  
Date

  
\_\_\_\_\_  
Owner, Agent, Applicant Signature

STATE OF FLORIDA GEORGIA  
COUNTY OF COBB

Sworn to (or affirmed) and subscribed before me this 15 day of NOVEMBER, 2007 by VICTORIA WOOD

  
\_\_\_\_\_  
Signature of Notary Public

SUSAN. J. PAREDES  
\_\_\_\_\_  
Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

General Partner

SHELTER REALTY II CORPORATION  
4582 S. Ulster Street Parkway  
Suite 1100  
Denver, CO 80237

Limited Partners

AIMCO IPLP, L.P.  
4582 S. Ulster Street Parkway  
Suite 1100  
Denver, CO 80237

COOPER RIVER PROPERTIES, LLC  
4582 S. Ulster Street Parkway  
Suite 1100  
Denver, CO 80237

AIMCO PROPERTIES, L.P.  
4582 S. Ulster Street Parkway  
Suite 1100  
Denver, CO 80237

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record: or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

(Owner's Name) SHELTER PROPERTIES II LP the fee simple owner of the following

described property (Provide Legal Description or Tax Parcel ID Number(s) 2500 HOWSK BRANCH ROAD,  
WINTER PARK, FL. LEG SEC 23 TWP 215 R 6E 30E W 380 FT OF N  
766 FT OF E 1/2 OF N 1/4 OF NE 1/4 (LESS ROAD)

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map (circle one or more) from \_\_\_\_\_ to \_\_\_\_\_ and affirm that \_\_\_\_\_  
Judy Stewart of DSE Inc. is hereby designated to act as my / our authorized agent and to file the attached application for the stated amendment and make binding statements and commitments regarding the amendment request.

[Signature]  
Owner's Signature VPOF SHELTER REALTY II CORPORATION,  
GENERAL PARTNER OF OWNER.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 20<sup>th</sup> day of Nov., 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Victoria Wood, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 20<sup>th</sup> day of November, 2007.

Cobb County, Georgia  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: Jan 16, 2011

**ASSISTANT SECRETARY'S CERTIFICATE**

I HEREBY CERTIFY THAT I am a duly elected and qualified Assistant Secretary of Shelter Realty II Corporation, a South Carolina corporation (the "Corporation"), the general partner of Shelter Properties II Limited Partnership, a South Carolina limited partnership ("LP"), the owner of the property known as Signal Pointe, and do hereby certify that the person listed below holds the office listed opposite her name in the Corporation as of the date hereof and is duly authorized and empowered to sign on behalf of the Corporation, as general partner of the LP.

Name

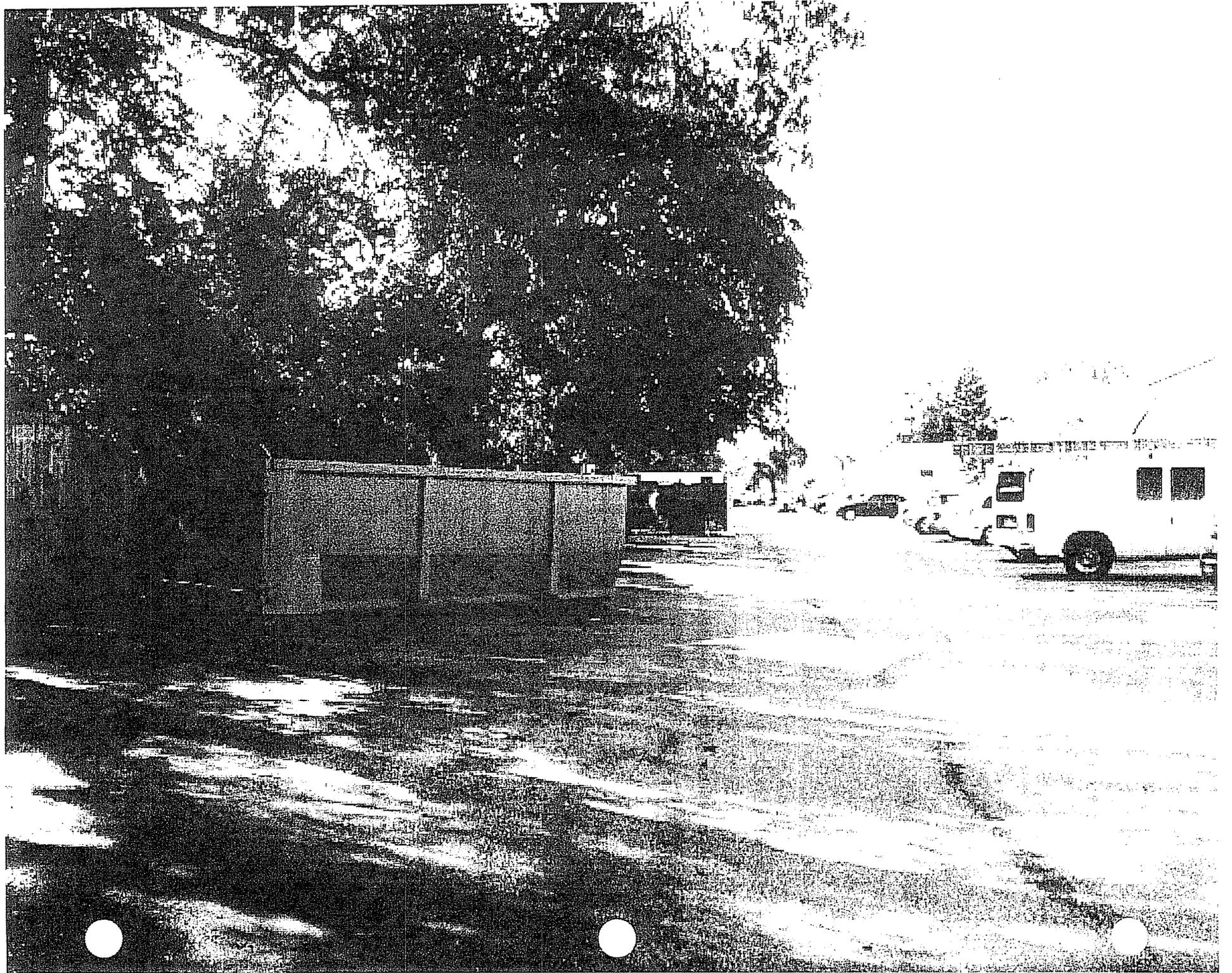
Title

Victoria Wood

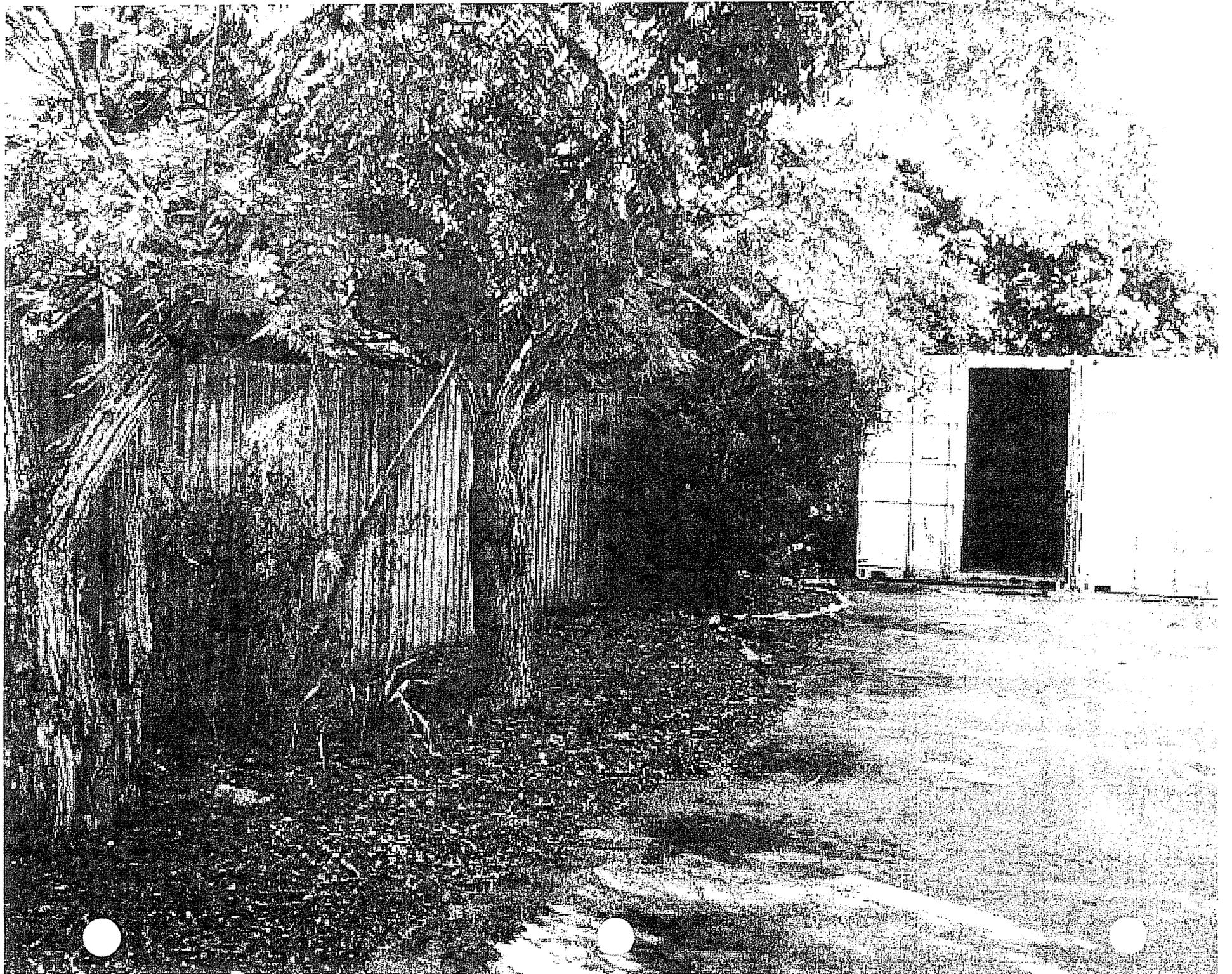
Vice President

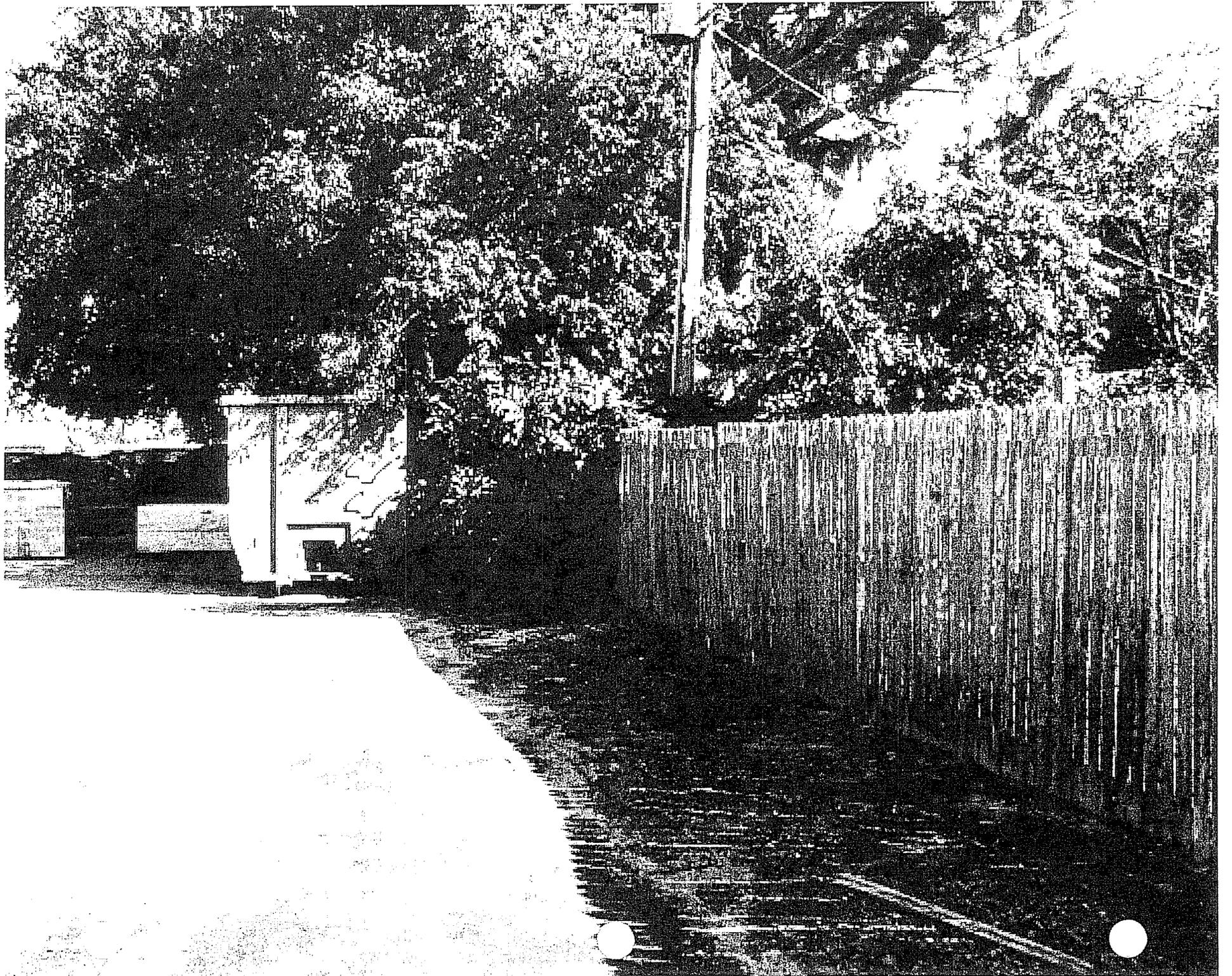
IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of November, 2007.

By: Catherine E. Mosier  
Name: Catherine E. Mosier  
Title: Assistant Secretary









## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 33 TWP 21S RGE 30E W 380 FT OF N 766 FT OF E 1/2 OF NW 1/4 OF NE 1/4  
(LESS RD)

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

### FINDINGS OF FACT

**Property Owner:** Shelter Properties  
6363 N State Hwy 161, Suite 800  
Irving, Tx 75038

**Project Name:** Howell Branch Road (2500)

#### **Requested Development Approval:**

Request for a rear yard setback variance from 35 feet to 4 feet for proposed parking garages in R-3 (Multiple-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: Kathy Fall, Principal 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 parking garages 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: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

**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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: