

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

SUBJECT: 2220 Poinsettia Drive – Joseph DePaulis, applicant; Request for 1) a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (west) setback variance from 10 feet to 0 feet for an existing carport/playhouse structure in R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 5/19/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (west) setback variance from 10 feet to 0 feet for an existing carport/playhouse structure in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for 1) a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (west) setback variance from 10 feet to 0 feet for an existing carport/playhouse structure in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Joseph DePaulis Location: 2220 Poinsettia Drive Zoning: R-1AA (Single Family Dwelling) district Subdivision: Lake Brantley Isles
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant received a notice of violation for the unpermitted construction of a carport type structure with a play house on top that encroaches 30 feet into the required 30-foot rear yard setback and 10 feet into the required 10-foot side yard setback. • The playhouse is over 12 feet which requires the rear yard setback to be 30 feet. • There is no record of prior variances for this property.

Reviewed by:
Co Atty: _____
Pln Mgr: _____

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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 playhouse 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
- Applicant Authorization Form
- 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 # PL 2008-24
Meeting Date 4-28-08



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: Joseph DePaulis
Address: 2220 Poinsetta DR City: Longwood Zip code: 32779
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 448-4838
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:
<input 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 checked="" type="checkbox"/> Other	Please describe: <u>Play House</u>
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED FEB 27 2008

What type of variance is this request for?				
<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>0ft.</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10ft.</u>	Proposed setback:	<u>0ft.</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>2</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: _____

FOR OFFICE USE ONLY

Date Submitted: 2-27-08 Reviewed By: P. Johnson
 Tax parcel number: 04-21-29-501-0000-0070 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: Check height & size
the playhouse is greater than 12' therefore the rear yard setback is 30 feet.

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

LOT 7 LAKE BRANTLEY ISLES AMENDED PLAT
of the Public Records of Seminole

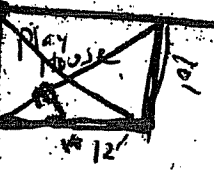
Iron Rod
w/cap 2108

NOT PLATTED

Rec. Pipe



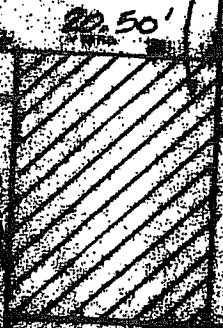
SUSPECT
PLAY HOUSE



4' Well

6x7 Metal
Storage Bldg.
on 1st Floor

ROBBED 1STY.
CONC. BLOCK GARAGE
ADDITION



EXIST
WOOD
DECK

EXIST. FENCE
w/GATE



EXIST 1 STY.
CONC. BLOCK
GARAGE

16.2'

18.0'

18.0'

510

25.8'

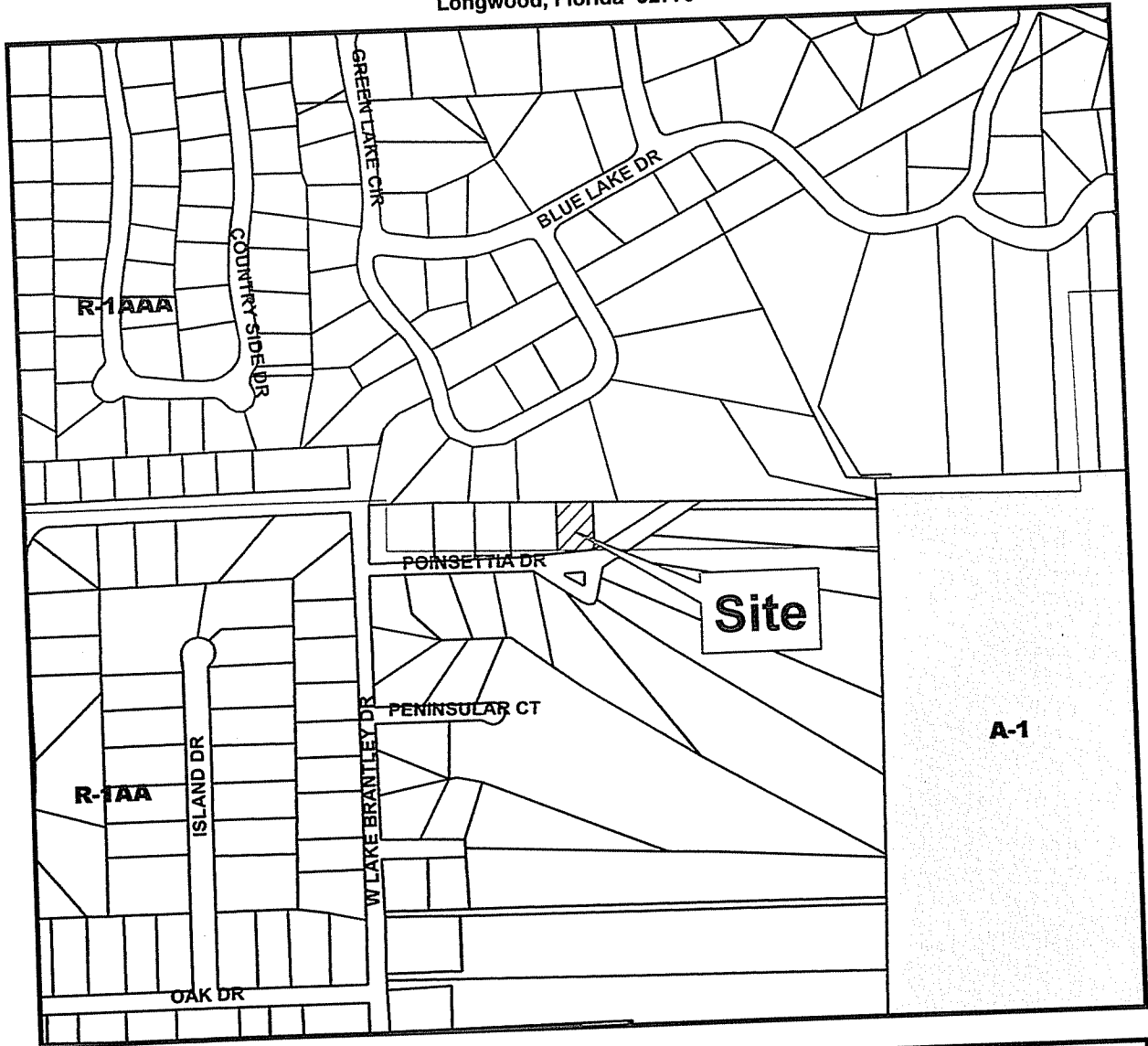
48.75' x
100.2'

510 Mailbox
w/cap 2108

DRIVE





7
E-WIRE
20


Joseph Depaulis
2220 Poinsettia Drive
Longwood, Florida 32779

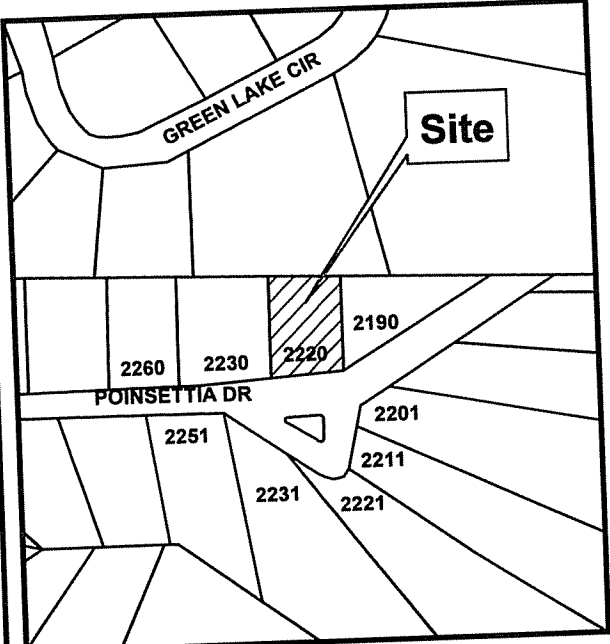


Seminole County Board of Adjustment
April 28, 2008
Case: BV2008-24 (Map 3154, Grid D2)
Parcel No: 04-21-29-501-0000-0070

Zoning

-  BV2008-24
-  A-1
-  R-1AAA
-  R-1AA

N




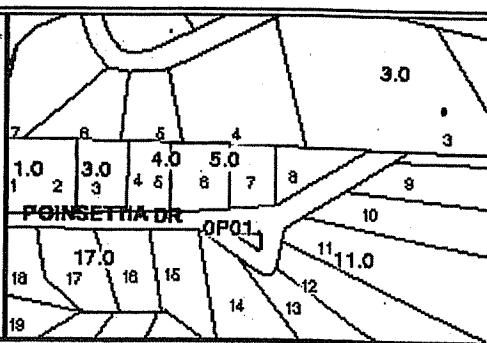
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
GAINESVILLE, FL 32771-1468
407-855-7505



GENERAL

Parcel Id: 04-21-29-501-0000-0070
 Owner: DEPAULIS JOSEPH F
 Mailing Address: 2220 POINSETTA DR
 City,State,ZipCode: LONGWOOD FL 32779
 Property Address: 2220 POINSETTIA DR LONGWOOD 32779
 Subdivision Name: LAKE BRANTLEY ISLES AMENDED PLAT
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (1994)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$227,133
 Depreciated EXFT Value: \$2,060
 Land Value (Market): \$38,000
 Land Value Ag: \$0
 Just/Market Value: \$267,193
 Assessed Value (SOH): \$107,178
 Exempt Value: \$25,000
 Taxable Value: \$82,178

Tax Estimator
 Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	09/1986	01790	0846	\$100	Improved	No

[Find Comparable Sales within this Subdivision](#)

2007 VALUE SUMMARY

Tax Amount(without SOH): \$3,766
 2007 Tax Bill Amount: \$1,175
 Save Our Homes (SOH) Savings: \$2,591
 2007 Taxable Value: \$79,564
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	38,000.00	\$38,000

LEGAL DESCRIPTION

PLATS:
 LEG LOT 7 LAKE BRANTLEY ISLES AMENDED PLAT
 PB 9 PG 67

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	1985	6	1,292	2,465	1,880	CB/STUCCO FINISH	\$227,133	\$249,597
	Appendage / Sqft		BASE SEMI FINISHED / 388						
	Appendage / Sqft		BASE / 200						
	Appendage / Sqft		OPEN PORCH FINISHED / 85						
	Appendage / Sqft		DETACHED GARAGE FINISHED / 500						

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

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1985	1	\$850	\$2,000
WOOD DECK	1995	504	\$1,210	\$2,520

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad

PLANNING AND DEVELOPMENT DEPARTMENT

BUILDING AND FIRE INSPECTIONS



January 23, 2008

HAND DELIVERY

Joseph F. Depaulis
2220 Poinsettia Drive
Longwood, FL 32779

**RE: Parcel ID #04-21-29-501-0000-0070/ 2220 Poinsettia Drive, Longwood, FL
Case #07-359**

Dear Property Owner and all Interested Parties:

This is to advise you that Case #07-359, at the above described property, has yet to be resolved and the following violation(s) of the Florida Building Code have been identified.

“Construction of a carport type structure and adding a play house to the top of the structure without permits”

Each violation shall be corrected by February 3, 2008. Failure to comply will result in formal charges being brought before the Seminole County Code Enforcement Board. The Board has been granted the authority to levy fines in an amount up to \$250.00 per day for every day the violation(s) exists.

Please contact Tom Helle at 407-665-7338 for any further information. Thank you for your cooperation in this matter.

Sincerely,

J

Tom Helle,
Deputy Building Official

TH/tb

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Use provide the information as requested below in accordance with Ordinance No. 07-23:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Joseph DePaulis
Address: 2220 Poinsetta DR
City/Zip: Longwood 32779
Phone #: 407-448-4838

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____
Trustees: _____
Address: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

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

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
City/Zip: _____ City/Zip: _____
(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: _____
City/Zip: _____ City/Zip: _____
(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.

2-27-08
Date

Joseph [Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 27th day of February, 2008 by _____

Patricia Johnson
Signature of Notary Public

Print, Type or Stamp Name of Notary Public: PATRICIA JOHNSON
Comm# DD0758968
Expires 2/18/2012
Florida Notary Assn., Inc

Personally Known _____ OR Produced Identification
Type of Identification Produced FLA. Driver License

For Use by Planning & Development Staff
Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 7 LAKE BRANTLEY ISLES AMENDED PLAT PB 9 PG 67

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

FINDINGS OF FACT

Property Owner: JOSEPH F DEPAULIS
2220 POINSETTIA DR
LONGWOOD FL 32779

Project Name: Poinsettia Drive (2220)

Requested Development Approval:

Request for 1) a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (west) setback variance from 10 feet to 0 feet for an existing carport/playhouse structure in R-1AA (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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:
 - a. The variance granted will apply only to the playhouse 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

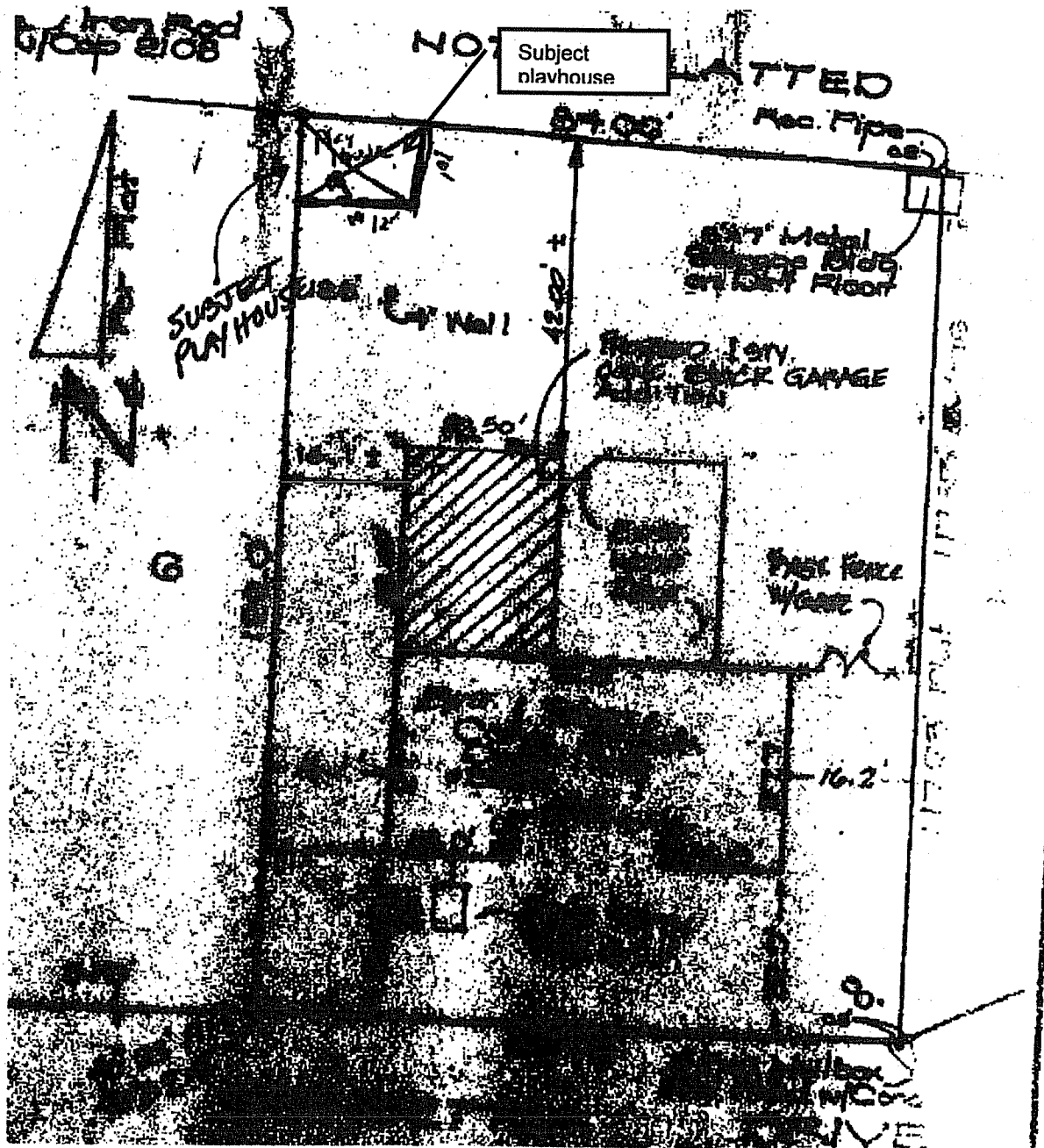
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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:



**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On May 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 7 LAKE BRANTLEY ISLES AMENDED PLAT PB 9 PG 67

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

FINDINGS OF FACT

Property Owner: JOSEPH F DEPAULIS
2220 POINSETTIA DR
LONGWOOD FL 32779

Project Name: Poinsettia Drive (2220)

Requested Development Approval:

Request for 1) a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (west) setback variance from 10 feet to 0 feet for an existing carport/playhouse structure in R-1AA (Single Family Dwelling) district.

The Development Approval was sought to bring into compliance the construction of a playhouse within the side and rear yard setbacks. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

ORDER

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

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: