

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

SUBJECT: 1216 Brampton Place – William Robert, applicant; Request for a 1) rear yard setback variance from 5 feet to 3 feet for a pool and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 10/27/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a 1) rear yard setback variance from 5 feet to 3 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; or
2. **Approve** the request for a 1) rear yard setback variance from 5 feet to 3 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: William Roberts Location: 1216 Brampton Place Zoning: PUD (Planned Unit Development) Subdivision: Brampton Cove
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool and pool screen enclosure; the pool would encroach 2 feet and the screen enclosure would encroach 5 feet into the required 5-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • In May of 1991 the property was approved for a rear yard setback variance from 20 feet to 16 feet.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a

Reviewed by:
 Co Atty:
 Pln Mgr:

	<p>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.
<p>STAFF RECOMMENDATION</p>	<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 rear yard setback for 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
- 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

Application # BU 2008-100
Meeting Date 10-27-08



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

PROPERTY OWNER/ APPLICANT. (If you are not the owner please provide a letter of authorization from the owner)

Name: William Roberts
Address: 1216 BRAMPTON PLACE City: LAKE MARY Zip code: 32716
Project Address: _____ City: _____ Zip code: _____
Contact number(s): 407-718-7167
Email address: WWR3@AOL.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 checked="" 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 type="checkbox"/> Other	Please describe: _____
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED SEP 05 2008

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>5ft.</u>	Proposed setback: <u>3ft. 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>5ft</u>	Proposed setback: <u>0 pool screen enclosure</u>
<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: [Signature]

R=460.00'
 $\Delta=2^{\circ}54'12''$
 T=11.66'
 Ch=23.31'
 L=23.31'(P

R=305.00'
 $\Delta=10^{\circ}35'29''$
 T=28.27'
 Ch=56.30'
 L=56.38'(P&M)

R=195.00'
 $\Delta=10^{\circ}07'20''$
 T=17.27'
 Ch=34.41'
 L=34.45'(P&M)

3' to Property Line
0' to property line
5' setback

S 82°03'24" W 116.70'(P&M)

S 82°03'24" W 111.31'(P&M)

** Proposed Pool + Screen Enclosure*

** THIS IS THE AREA FOR WHICH A VARIANCE IS REQUESTED*

Scale: 1=20

- CONCRETE
- WIRE FENCE
- WOOD FENCE
- PROPERTY CORNER
- PROPERTY LINE
- CENTERLINE
- RECORD MEASUREMENT
- (M) FIELD MEASURED
- FD4 CP FOUND 4" CONCRETE POST
- SRB SET 1/2" DIAMETER REBAR
- TYP. TYPICAL
- * MORE OR LESS

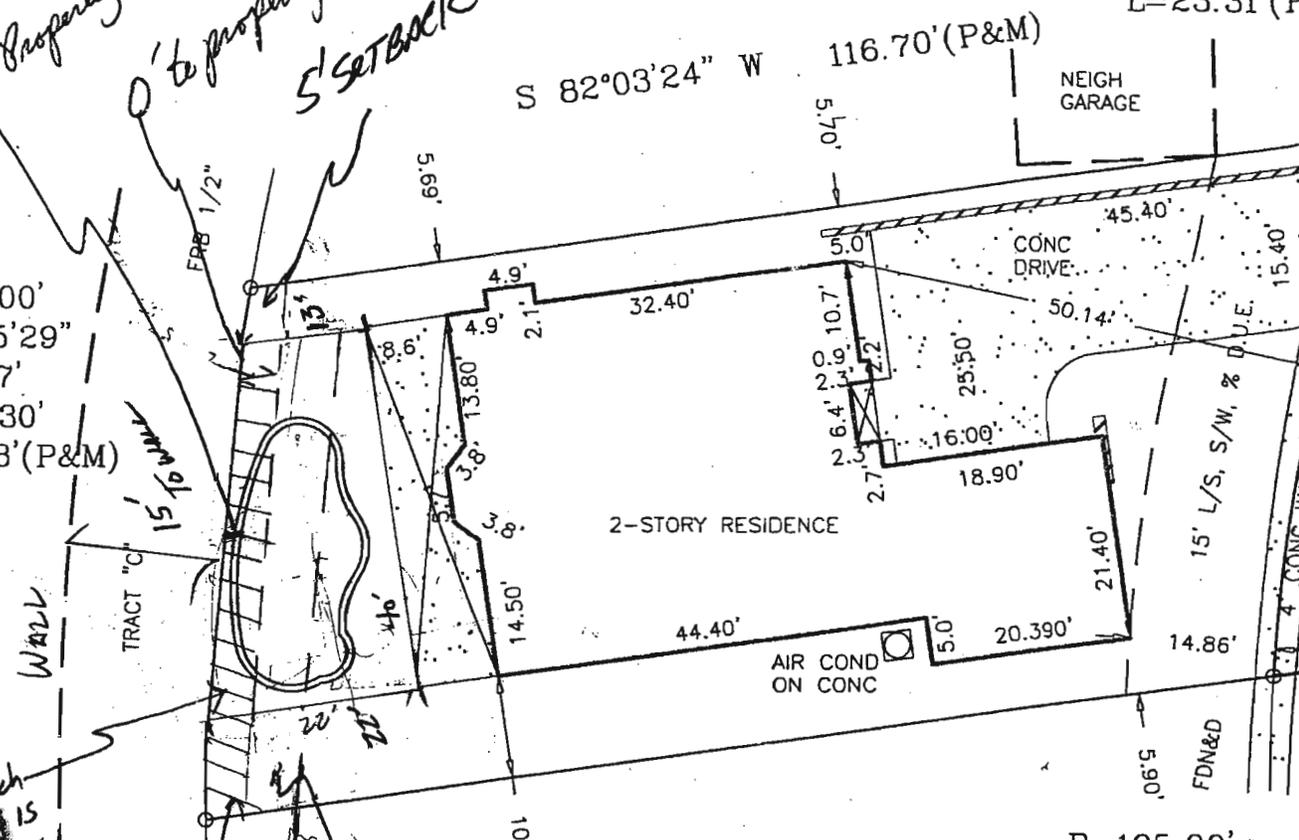
- CH CHORD
- TAN TANGENT
- Δ DELTA
- L ARC LENGTH
- R RADIUS
- N/D NAIL AND DISC
- CL CLEAR
- ENCR ENCROACHMENT
- FRP FOUND IRON PIPE
- FRB FOUND REBAR
- NEIGH NEIGHBORING PROPERTY
- OUR SUBJECT PROPERTY

- PRM PERMANENT REFERENCE MONUMENT
- PCP PERMANENT CONTROL POINT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- POCV POINT ON CURVE
- PC POINT OF CURVATURE
- PI POINT OF INTERSECTION
- PT POINT OF TANGENCY
- PRC POINT OF REVERSE CURVE
- PCC POINT OF COMPOUND CURVE
- D.U.E. DRAINAGE & UTILITY EASEMENT
- U.E. UTILITY EASEMENT

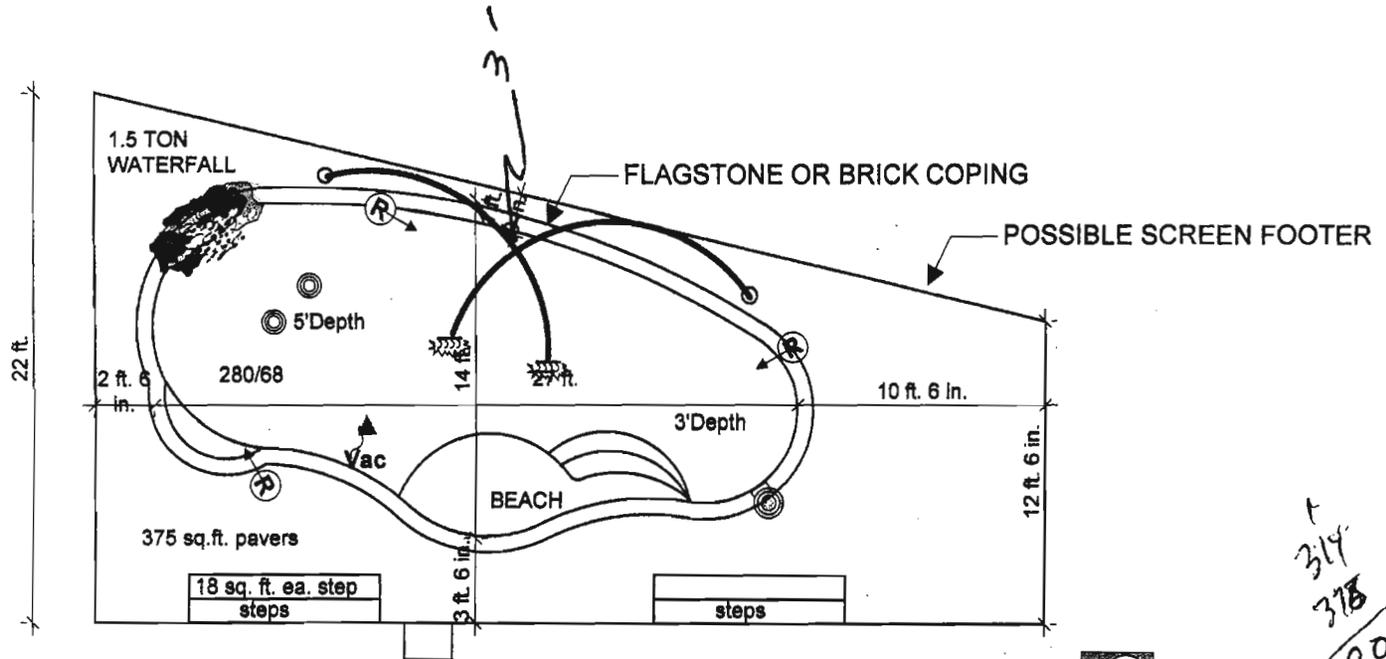
- CM CONCRETE MONUMENT
- FD FOUND
- R/W RIGHT-OF-WAY
- ORB OFFICIAL RECORD BOOK
- FF FINISHED FLOOR
- EL ELEVATION
- NTS NOT TO SCALE
- W/ WITH
- N/ NORTH
- S/ SOUTH
- E/ EAST
- W/ WEST

NOTES:

- 1) NOT VALID UNLESS SIGNATURE IS EMBOSSED WITH THE REGISTERED LAND SURVEYORS SEAL.
- 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 3) PROPERTIES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.
- 4) BEARINGS WHERE SHOWN ARE PER PLAT UNLESS OTHERWISE NOTED.
- 5) UNDERGROUND UTILITIES, FOUNDATIONS, OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
- 6) ELEVATIONS, IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) MEASUREMENTS TO WIRE FENCE.
- 9) MEASUREMENTS TO WOOD FENCE.
- 10) WALL MEASURES ARE TO/FROM.
- 11) DRAWING DISTANCE BETWEEN WALL PROPERTY LINES MAY BE EXAGGERATED.
- 12) FLOOD ZONE INFORMATION WAS OBTAINED FROM EMERGENCY MANAGEMENT AGENCY RATE MAPS.



WALLACE RESIDENCE



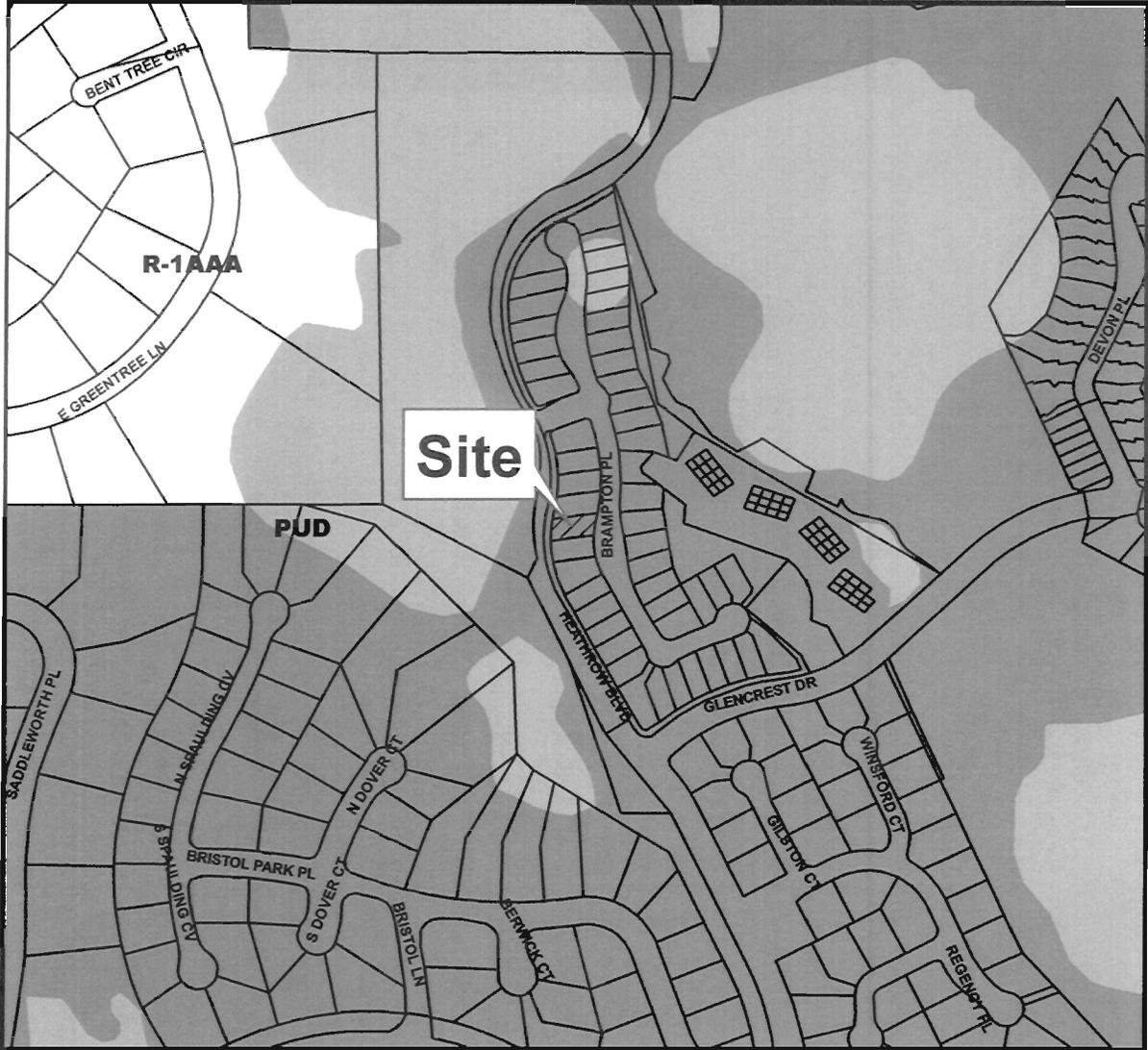
Lisa.yelcho@fhosp.org

Lisa
407-721-5449

314
378
90

SCALE: 1/8" = 1'

William W. Roberts III
1216 Brampton Place
Lake Mary, Florida 32746

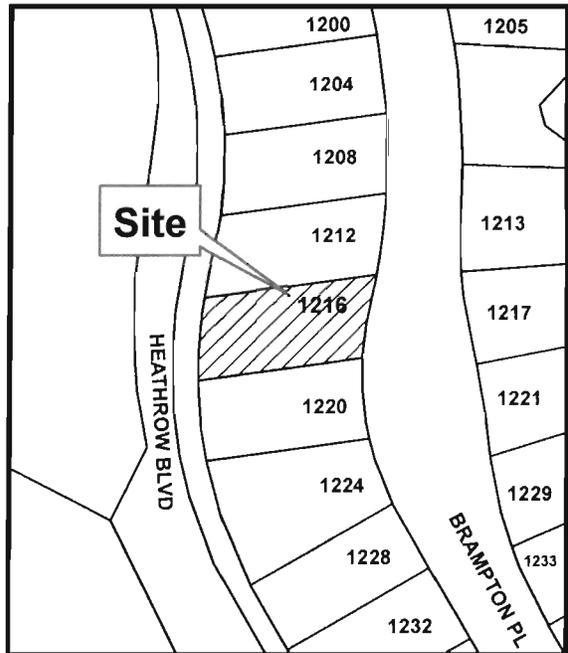


Seminole County Board of Adjustment
October 27, 2008
Case: BV2008-100 (Map 3050, Grid E6)
Parcel No: 12-20-29-510-0000-0240

Zoning

- BV2008-100
- R-1AAA
- PUD

N



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL.
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7506

PHOTO

GENERAL

Parcel Id: 12-20-29-510-0000-0240
 Owner: ROBERTS WILLIAM W III
 Mailing Address: PO BOX 953822
 City,State,ZipCode: LAKE MARY FL 32795
 Property Address: 1216 BRAMPTON PL
 Subdivision Name: BRAMPTON COVE
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY	
VALUES	W
Value Method	Cost
Number of Buildings	
Depreciated Bldg Value	\$2
Depreciated EXFT Value	
Land Value (Market)	\$
Land Value Ag	
Just/Market Value	\$2
Portability Adj	
Save Our Homes Adj	
Assessed Value (SOH)	\$2
Tax Estimate	
Portability Calc	
2008 Notice of Proposed	

2008 Taxes and Taxable Value Estimate

Taxing Authority	Assessment Value	Exempt Values	Taxable Value	N
Cnty County	\$289,177	\$0	\$289,177	
Schools	\$289,177	\$0	\$289,177	
Fire	\$289,177	\$0	\$289,177	
Road District	\$289,177	\$0	\$289,177	
SJWM(Saint Johns Water Management)	\$289,177	\$0	\$289,177	
Natural Lands/Trails I/S Debt	\$289,177	\$0	\$289,177	
Total				

The taxable values and taxes are calculated using the current years working values and the proposed millage

SALES

Deed	Date	Book Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/1992	02380 0295	\$183,300	Improved	Yes
SPECIAL WARRANTY DEED	02/1991	02266 0268	\$2,133,200	Vacant	No
WARRANTY DEED	06/1988	01966 0400	\$1,258,000	Vacant	No

Find Comparable Sales within this Subdivision

2007 VALUE SUM

2007 Tax Bill Am

2007 Taxable V

DOES NOT INCLUDE NON-AD VAL

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	55,000.00	\$55,000

LEGAL DESCRIP

PLATS:

LEG LOT 24 BRAMPTON COVE I

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	B

<u>Building Sketch</u>	1	SINGLE FAMILY	1992	10	1,677	2,896	2,147	WD/STUCCO FINISH
Appendage / Sqft								GARAGE FINISHED / 462
Appendage / Sqft								OPEN PORCH FINISHED / 21
Appendage / Sqft								OPEN PORCH FINISHED / 266
Appendage / Sqft								UPPER STORY FINISHED / 470

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

EXTRA FEATURE

Description	Year	Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1992		1	\$1,200	\$2,000

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax pu
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please 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: William Roberts
Address: 1216 Brampton Pl.
City/Zip: Heathrow, FL 32716
Phone #: 407-718-7167

Name: William Roberts
Address: 1216 Brampton Pl.
City/Zip: Heathrow, FL 32716
Phone #: 407-718-7167

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: N/A
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: N/A
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.

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.

9-8-08
Date

[Signature]
Owner, Agent, Applicant Signature

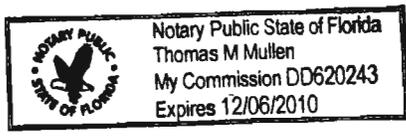
STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 8 day of Sept, 2008 by Willow

[Signature]
Signature of Notary Public

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: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 24
BRAMPTON COVE PB 38 PGS 81 TO 84

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

FINDINGS OF FACT

Property Owner: William Roberts
1216 Brampton Place
Lake Mary, FL 32746

Project Name: Brampton Place (1216)

Requested Variance:

Variance for a 1) rear yard setback variance from 5 feet to 3 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

Approval was sought to allow for a pool and screen enclosure to encroach within the rear yard setback. 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.

The requested development approval is hereby denied.

Prepared by: Joy Williams, 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:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 24
BRAMPTON COVE PB 38 PGS 81 TO 84

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

FINDINGS OF FACT

Property Owner: William Roberts
1216 Brampton Place
Lake Mary, FL 32746

Project Name: Brampton Place (1216)

Variance Approval:

Variance for a 1) rear yard setback variance from 5 feet to 3 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) 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: Joy Williams, 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 rear yard setback for 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: _____
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:

FILE NO.: BV2008-100

DEVELOPMENT ORDER #

08-3000093

