

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (ROBERT & PATRICA ASHTON, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Kathy Fall EXT. 7389

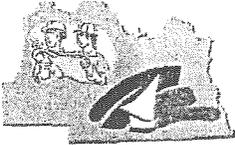
Agenda Date 06-27-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (ROBERT & PATRICA ASHTON, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED ADDITION IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (ROBERT & PATRICA ASHTON, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	ROBERT & PATRICA ASHTON 2770 TUSKAWILLA ROAD R-1AA
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT AN ADDITION THAT WOULD ENCROACH 5 FEET INTO THE 10 FOOT MINIMUM SIDE YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE AGRICULTURE DISTRICT BY ALLOWING ENCROACHMENT INTO THE SIDE YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS. • THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCE. 	

STAFF RECOMMENDATION	<ul style="list-style-type: none">• 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:<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED ADDITION 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.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV 2005-073

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE** Side yard setback variance from 10 feet To 5 feet in the R-1AA zoning district for a proposed home addition
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
 - ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 - PLAN TO BUILD YES NO IF SO, WHEN _____
 - MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	ROBERT L. + PATRICIA A. ASHTON	
ADDRESS	2770 TUSKAWILLA ROAD OVIDO, FL 32765	
PHONE 1	(407) 671 - 7826	
PHONE 2	(407) 509 - 1626	
E-MAIL	BOBWINE @ AOL.COM	

PROJECT NAME: NEW GARAGE
 SITE ADDRESS: 2770 TUSKAWILLA RD., OVIDO, FL 32765
 CURRENT USE OF PROPERTY: RESIDENCE
 LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: 2.5 acre(s) PARCEL I.D. 36-21-30-301-009C-0000
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 6/27/05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

[Signature]
 SIGNATURE OF OWNER OR AGENT*

5/3/05
 DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

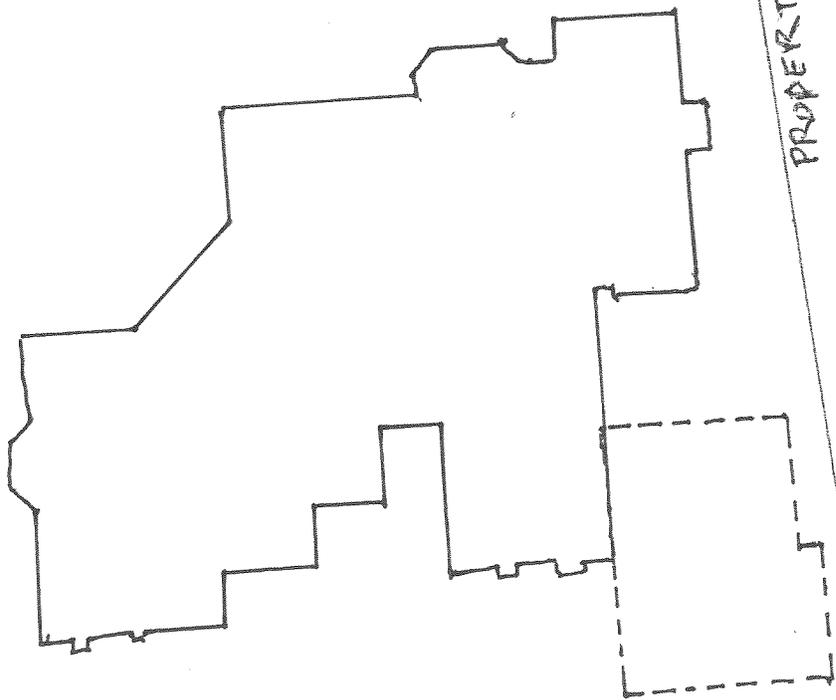
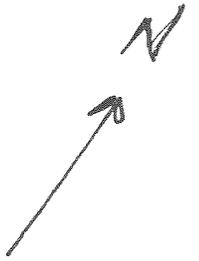
APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$ 150 COMMISSION DISTRICT L FLU/ZONING R-1AA/LDR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS West of Tuskeville Rd. 1/2 mi.
North of the intersection of Tuskeville Rd + Alamo Ave.
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

ROBERT L. + PATRICIA A. ASHTON
2770 TUSKAWILLA RD.

WIDE SET-BACK VARIANCE REQUEST



— EXISTING

.... PROPOSED STRUCTURE

SEMINOLE COUNTY
Board of Adjustment
Planning & Development Department
Planning Division

Application for Variance

General Application Submittal Requirements:

- A. Statement of the request:** Side Yard setback variance from 10 feet to 5 feet for proposed new garage.
- B. Applicants contact information:** Robert L. Ashton, 2770 Tuskawilla Road, Oviedo, Florida, 32765. Phone: (H)407-671-7826, (C)407-509-1626, e-mail: bobwine@aol.com
- C. Project name:** New garage
- D. Site Address:** Tuskawilla Road, Oviedo, Florida 32765
- E. Current use of property:** Private residence
- F. Legal description of property:** See attached
- G. Size of Property:** 2.5 acres
- H. Dimensions of lot or parcel:** 65' x 411.5' x 512.8 x 427.35 x 380.89 x 459.34 x 617.67
- I. Arrow indicating NORTH:** see attached survey
- J. Location and name of abutting streets or roads:** Tuskawilla Road
- K. Location and size of existing or proposed septic system, drain field, and well:**
N/A
- L. Location, size and type of any trees to be removed or retained:** 4 – 25' Oak trees located on property line to be retained.
- M. Location and width of all easements:** None exist
- N. Location and width of existing or proposed driveway access:** Existing 16' wide driveway to be utilized. Approach and turning access to be expanded approx. by 10'. This expansion has no conflict with the property line and/or setback(s).
- O. Parcel Identification Number:** 36-21-30-301-009C-0000
- P. Identification of available utilities:** Main power panel located less than 25' of proposed structure.
- Q. Description of know code enforcement violations on property:** None
- R. Property accessibility to inspection by Planning Division Staff:** Private residence with security gate located on Tuskawilla Road. Access through either telephone contact with residence, or gate code.
- S. Application Fee:** \$150 Variance fee, attached.
- T. Authorization form:** N/A
- U. 8 ½" x 11" Site plan depicting existing and proposed buildings, structures & improvements:** See attached.
- V. Written statement that responds to criteria stated in the LAND DEVELOPMENT CODE for the grant of a variance:** A grant of relief from the requirements of the Land Development Code is requested by the Property

Owner, due to limitations imposed on the construction of a "new garage addition" by the existing "fixed" structures, as well as the "set back" limitations currently in force, and that

- (a) the existing structure, as well as the available property, limits the size of the proposed structure,
- (b) the special conditions and circumstances of the limitation of the setback are not a result of any action of the applicant,
- (c) the granting of this variance would not confer upon the applicant any special privileges that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district,
- (d) the literal interpretation of the provisions of Chapter 30 would place an unnecessary hardship upon the applicant to build the proposed structure,
- (e) the variance, when granted, is the minimum variance that would make possible the reasonable use of the land and structure,
- (f) the grant of the variance would be harmony with the general intent of Chapter 30, and would NOT be injurious to the neighborhood (Please see letter attached from adjoining neighbor), or otherwise detrimental to the public welfare.

May 4, 2005

Seminole County Planning & Development Department
Planning Division
1101 East First Street (Room 2201)
Sanford, Florida 32771

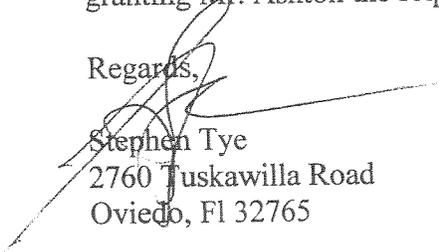
Re: Robert L. & Patricia A. Ashton
2770 Tuskawilla Road, Oviedo, Fl 32765
Subject: Variance Application for reduction of Side Set-back

To Whom It May Concern:

I am the owner of the property(2760 Tuskawilla Road) directly adjacent to the above subject, and would be the closest property owner affected by the granting of the requested variance.

Mr. Ashton has reviewed his plan, and intentions with me, and I am writing this letter to inform the Seminole County Board of Adjustment that I have no objection with the Board granting Mr. Ashton the requested variance.

Regards,


Stephen Tye
2760 Tuskawilla Road
Oviedo, Fl 32765

2770 Tuskawilla Road
Oviedo, Florida

Legal Description:

Begin at a point on the Westerly right of way line of Tuskawilla-Gabriella Road, 50.00 feet West of and 552.45 feet S. 00 Degrees 42' 20" E. of the N.E. corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, run Thence S. 89 Degrees 23' 40" W. 411.50 feet; Thence N. 44 Degrees, 51' 56" W., 512.80 feet; Thence N. 64 Degrees, 55' 29" W., 427.35 Feet to the North line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; run Thence S. 56 Degrees, 00' 35" E., 380.89 feet; Thence S. 29 Degrees, 45' 00" E., 459.34 feet; Thence N. 89 Degrees, 23' 40" E., 617.39 feet to said Westerly right of way line of Tuskawilla-Gabriella Road; Thence N. 00 Degrees, 42' 20" W. along said right of way line, 65.00 feet to the Point of Beginning. Containing 2.6 acres, more or less.

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7505

GENERAL

Parcel Id: 36-21-30-301-009C-0000 Tax District: 01-COUNTY-TX DIST 1
 Owner: ASHTON ROBERT L & PATRICIA A Exemptions: 00-HOMESTEAD
 Address: 2770 TUSKAWILLA RD
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 2770 TUSCAWILLA RD OVIEDO 32765
 Subdivision Name:
 Dor: 01-SINGLE FAMILY

UDR
RFAA

2005 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$555,503
 Depreciated EXFT Value: \$69,748
 Land Value (Market): \$207,532
 Land Value Ag: \$0
 Just/Market Value: \$832,783
 Assessed Value (SOH): \$583,564
 Exempt Value: \$25,000
 Taxable Value: \$558,564
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	06/1995	02927	0035	\$100	Vacant
QUIT CLAIM DEED	02/1994	02727	0502	\$100	Improved
WARRANTY DEED	10/1988	02007	1988	\$100	Vacant
WARRANTY DEED	12/1985	01692	1250	\$145,000	Vacant
WARRANTY DEED	08/1984	01573	1105	\$120,000	Vacant
WARRANTY DEED	07/1983	01472	0705	\$82,500	Vacant

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value(without SOH): \$12,721
 2004 Tax Bill Amount: \$9,153
 Save Our Homes (SOH) Savings: \$3,568
 2004 Taxable Value: \$541,567
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	94	574	.000	1,500.00	\$207,270
ACREAGE	0	0	.640	400.00	\$256
ACREAGE	0	0	.570	10.00	\$6

LEGAL DESCRIPTION

SEC 36 TWP 21S RGE 30E BEG 50 FT W & 557.12 FT S OF NE COR OF SW 1/4 OF NE 1/4 RUN W 613.79 FT
 N 28 DEG 39 MIN 29 SEC W 465.59 FT N 56 DEG 35 MIN W TO S LI OF SURVEY FOR RE PERSIS S 44 DEG 51 MIN 56 SEC E 512.8 FT E TO A PT N OF BEG S TO BEG

BUILDING INFORMATION

Bid Num	Bid Type	Year Bld	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1989	20	4,409	9,109	6,575	BRICK/WOOD FRAMING	\$555,503	\$587,834
	Appendage / Sqft		OPEN PORCH FINISHED / 976						
	Appendage / Sqft		OPEN PORCH FINISHED / 108						
	Appendage / Sqft		GARAGE FINISHED / 844						
	Appendage / Sqft		OPEN PORCH FINISHED / 546						
	Appendage / Sqft		OPEN PORCH FINISHED / 60						
	Appendage / Sqft		BASE / 1001						
	Appendage / Sqft		UPPER STORY FINISHED / 1165						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1989	2	\$3,600	\$6,000
POOL GUNITE	1992	1,595	\$21,533	\$31,900
COOL DECK PATIO	1992	4,321	\$10,209	\$15,124
SPA	1992	1	\$3,119	\$5,500
GAS HEATER	1992	1	\$440	\$1,100
WATER FEATURE	1992	1	\$3,375	\$5,000
WATER FEATURE	1992	1	\$3,375	\$5,000
COOL DECK PATIO	1992	928	\$2,192	\$3,248
WOOD DECK	1992	212	\$509	\$1,060
SPA	1992	1	\$1,418	\$2,500
SAUNA/STEAM ROOM	1992	1	\$2,363	\$3,500
GAS HEATER	1992	1	\$440	\$1,100
OVERRIDE	1992	1	\$15,000	\$15,000
FIREPLACE	1994	1	\$2,175	\$3,000

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.

Bob &Patti Ashton

***2770 Tuskawilla Rd.
Oviedo, Florida 32765 USA***

***95100 Pigeon Point Road
Mailing: P.O. Box 1150
Gold Beach, Oregon 97444 USA***

June 2, 2005

Seminole County Planning & Development Department
Planning Division
1101 East First Street
Sanford, Florida 32771

Attn: Karen

Re: Application for Variance
Application #: BV 2005-073
Applicant: Robert L. & Patricia A. Ashton

Dear Karen:

Per our phone conversation of this date, I had advised that we would be out of state both during the time that the Variance Notice sign would be issued and should be posted, and also for the June 27th meeting. I was concerned about receiving and posting the sign as required. You graciously indicated that you could have one of the staff post the sign once it was issued. I appreciate that offer very much.

Also, I am designating Mr. Frank Wilson of Wilson Drafting & Design, 2701 Bass Lake Blvd., Orlando, FL 32806, Phone 407-898-4017, Fax 407-898-4016, and email: f.wilson@prodigy.net, as our designated agent for the June 27th meeting.

Again, I appreciate your help and understanding in this matter. If you have any questions, please do not hesitate to contact me as indicated on the Variance application.

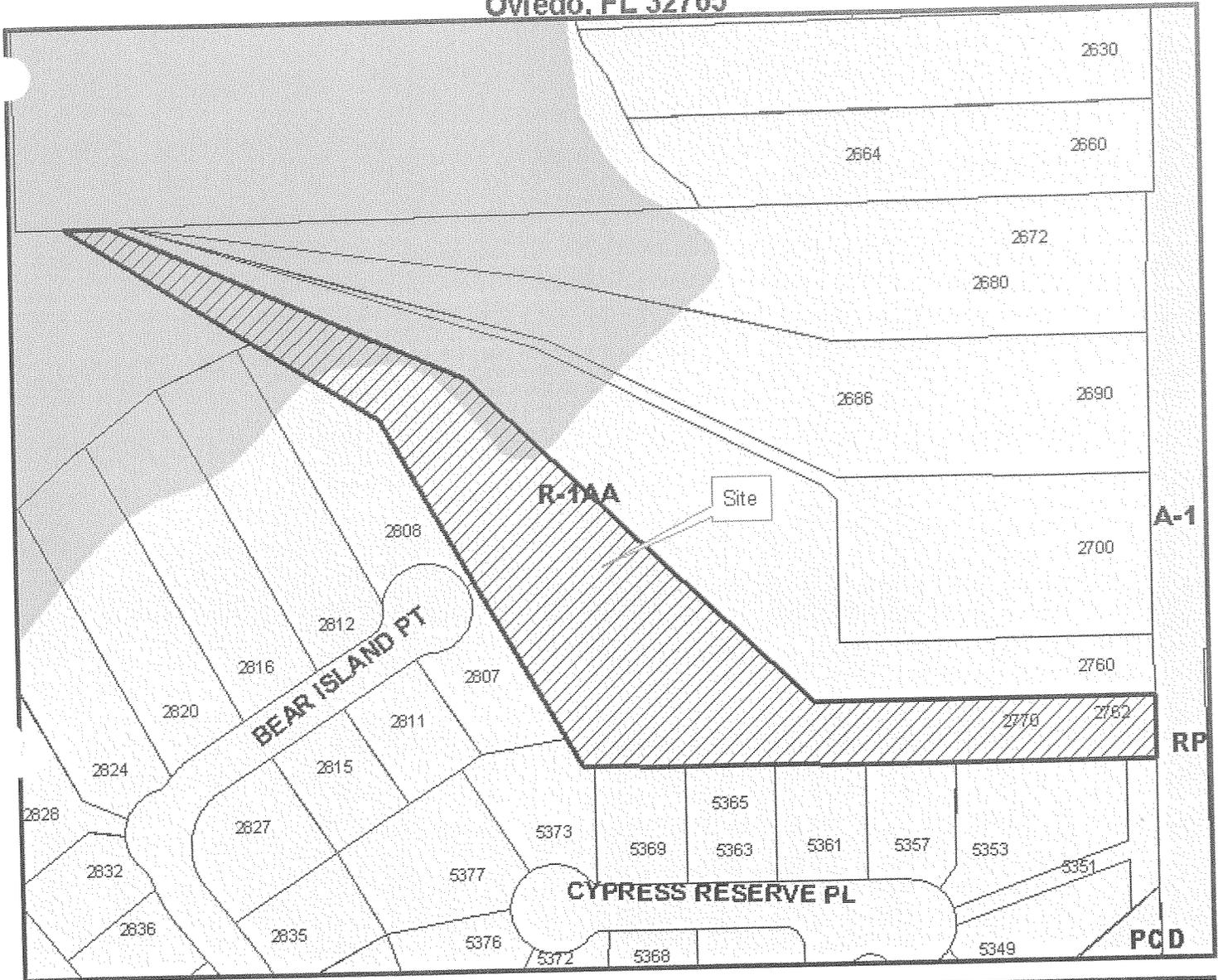
Regards,

Bob Ashton



***Telephone: (Florida / Residence: 407-671-7826 / Fax:407-671-3488)
(Oregon / Residence: 541-332-0883 / Fax: 541-332-0884)
Cell: (Florida / 407-509-1626 // Florida & Oregon / 407-256-8986)
e-mail: bobwine@aol.com***

Robert & Patricia Ashton
 2770 Tuskawilla Road
 Oviedo, FL 32765

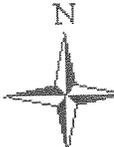
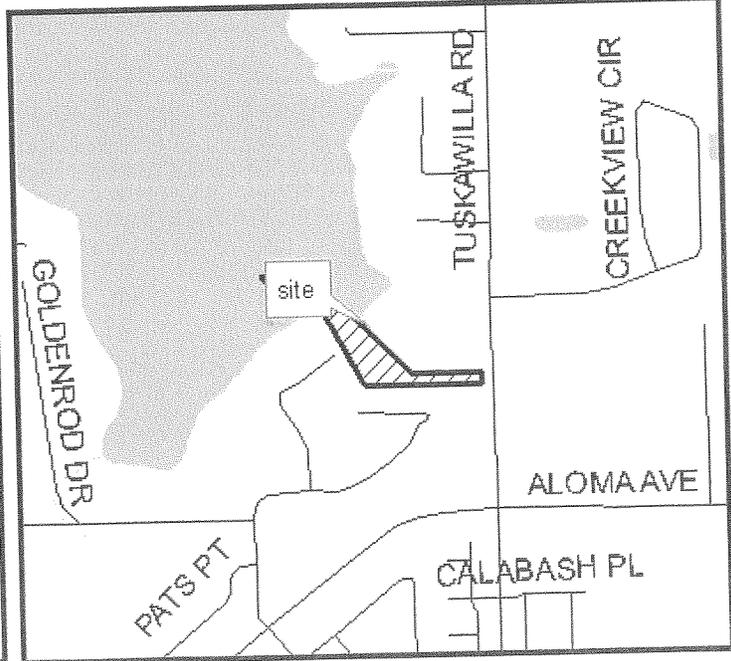


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-073
 Parcel No: 36-21-30-301-009C-0000

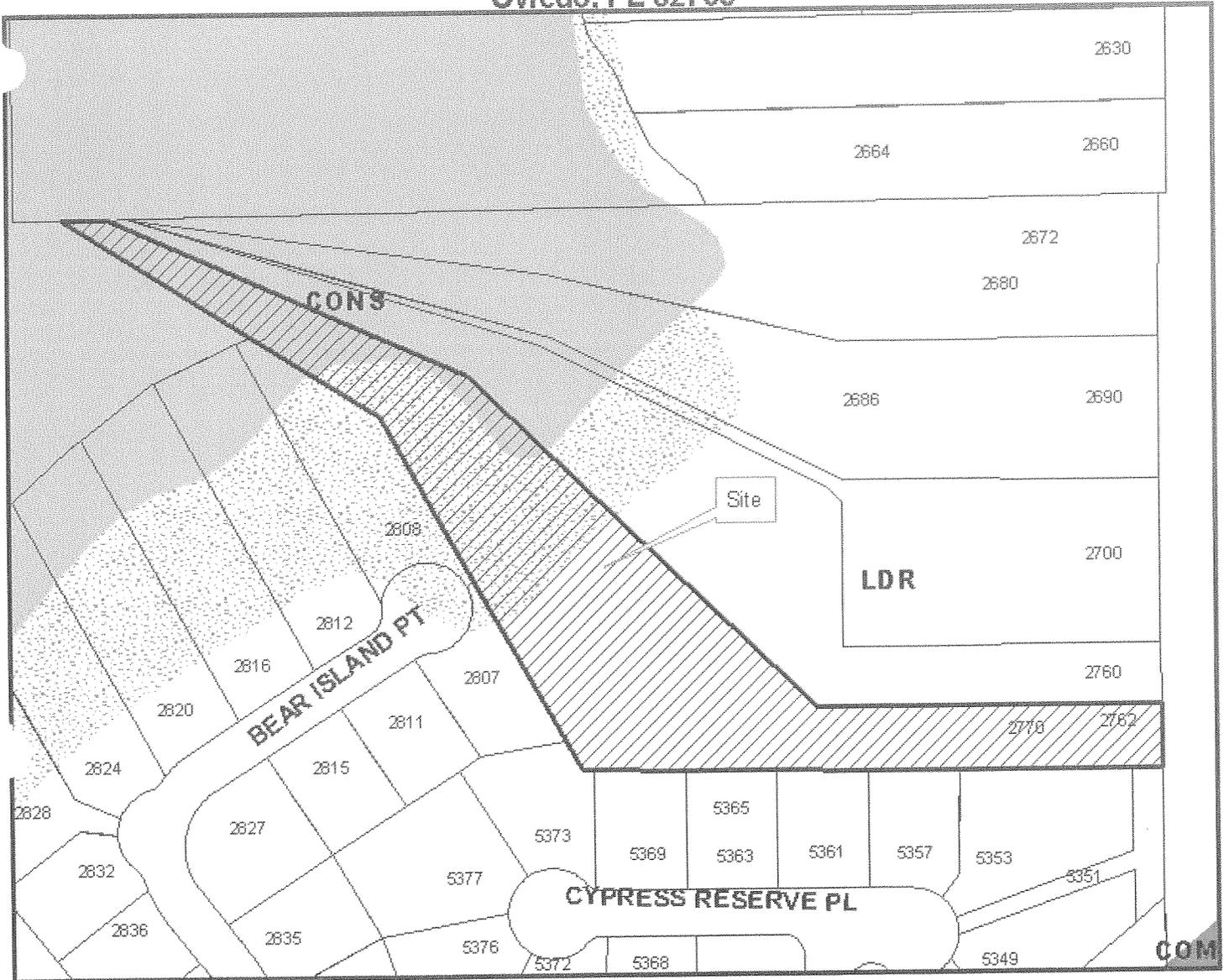
Zoning

-  BV2005-073
-  A-1 Agricultural-1Ac
-  R-1AA Single Fam-11700

0 40 80 160 240 320 Feet

Robert & Patricia Ashton
 2770 Tuskawilla Road
 Oviedo, FL 32765



Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-073
 Parcel No: 36-21-30-301-009C-0000

Future Land Use

-  BV2005-073
-  CONS, LDR
-  LDR, NONE
-  COM, NONE

