

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for side yard setback variance from 7.5 feet to 4.5 feet; for a proposed home in the R-1A (Single-Family Dwelling District); (Mike Beaudoin, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Michael Rumer **EXT** 7387

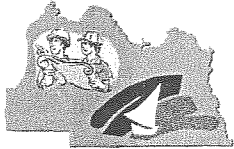
Agenda Date 10/24/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for side yard setback variance from 7.5 feet to 4.5 feet for a proposed home in the R-1A (Single-Family Dwelling District); (Mike Beaudoin, applicant); or
2. **DENY** the request for side yard setback variance from 7.5 feet to 4.5 feet for a proposed home in the R-1A (Single-Family Dwelling District); (Mike Beaudoin, applicant); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Mike Beaudoin LOCATION: 216 Laurel Park Court ZONING: R-1A (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The builder received an inaccurate copy of the proposed plat from the developer during their initial meeting about purchasing a lot. • The applicants reserved a lot and had a house plan designed for the lot. • During the engineering phase of the subdivision approval, the lot line was realigned thus creating the encroachment into the setback.
STAFF FINDINGS	<ul style="list-style-type: none"> • The lot was created by the Sanctuary at Lake Ann Plat which was approved in 2005.

	<ul style="list-style-type: none">• The proposed home is adjacent to a park area for the subdivision.• The aforementioned circumstances comprise a hardship, for which the applicant is not responsible.• Without the requested variance, the proposed new home would have to be redesigned which would cause a financial hardship.
STAFF RECOMMENDATION	<p>Based on the stated findings and the representations of the applicant, staff recommends approval of the request, subject to the following conditions:</p> <ul style="list-style-type: none">• Any variance granted should apply only to the existing lot and proposed home, as depicted on the attached site plan.• Any additional conditions deemed appropriate, based on information presented at the public hearing.



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

No Pictures

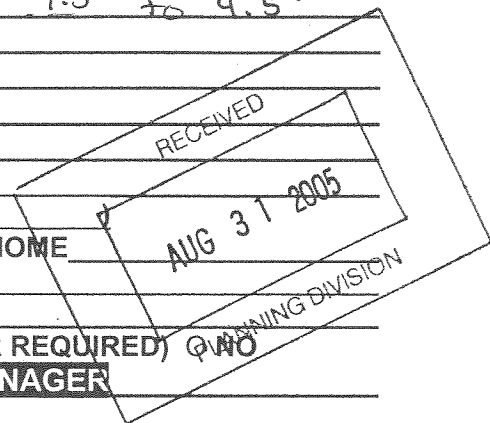
APPL. NO. BV2005-144

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 variance from 7.5' to 4.5' for proposed home
- 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	<u>Ken + Jo Grushka</u>	<u>Mike Beaudoin BCH</u>
ADDRESS	<u>PO Box 2705 Winter Park FL 32790</u>	<u>995A Westwood Sq Oviedo FL 32765</u>
PHONE 1	<u>407-628-8976</u>	<u>407 351 4055 ext 9</u>
PHONE 2	<u>407 628 1102</u>	
E-MAIL		

PROJECT NAME: New Single Family Residence
 SITE ADDRESS: 216 Laurel Park Ct. Winter Park FL 32792
 CURRENT USE OF PROPERTY: Vacant Land
 LEGAL DESCRIPTION: 27-21-30-510-0000-0060
lot #6 The Sanctuary at Lake Ann
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 27-21-30-510-0000-0060
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 10 / 24 / 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.

Michelle Beaudoin Bressler Custom Homes 8-30-05
 SIGNATURE OF OWNER OR AGENT* 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	

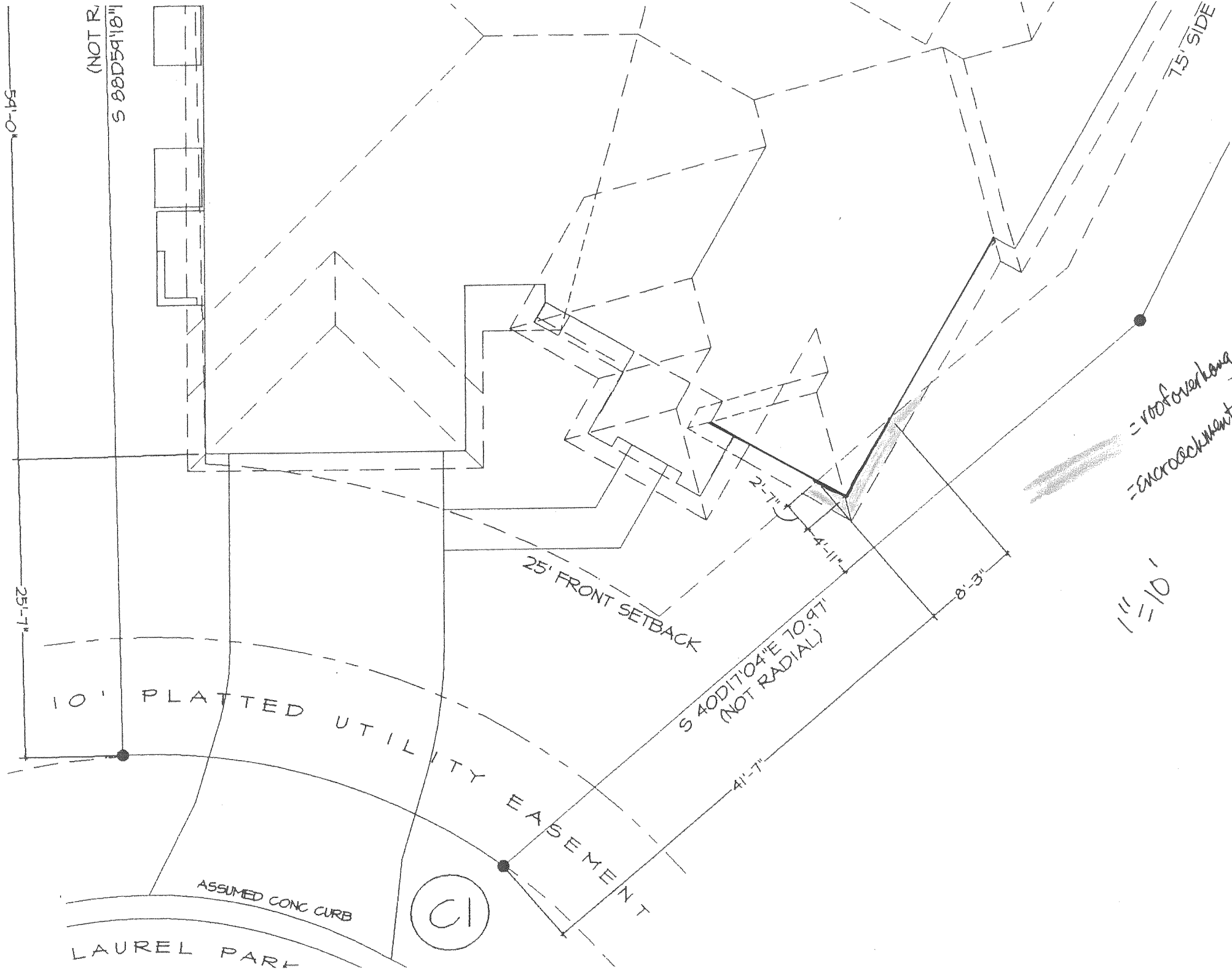
NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
 FEE(S): \$ 150 COMMISSION DISTRICT 4 FLU/ZONING R-1A/LDR
 BCC HEARING DATE _____ (FOR APPEAL)
 LOCATION FURTHER DESCRIBED AS west side of Laurel Park Ct.
0.1 mi north of the intersection of Laurel Park Ct & Lowell Howell Branch Rd
 PLANNING ADVISOR CM DATE _____
 SUFFICIENCY COMMENTS Complete

Laurel
Park Ct



54'-0"

(NOT R.)
S 88D59'18" W

25'-7"

10' PLATTED UTILITY EASEMENT

25' FRONT SETBACK

S 40D104"E TO 97'
(NOT RADIAL)

LAUREL PARK

C1

ASSUMED CONC CURB

2'-7"

4'-11"

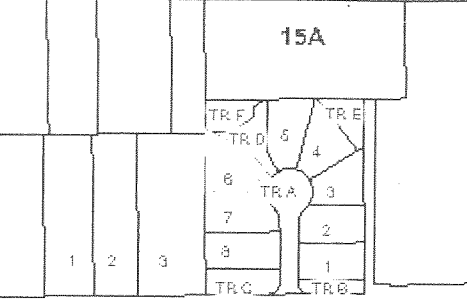
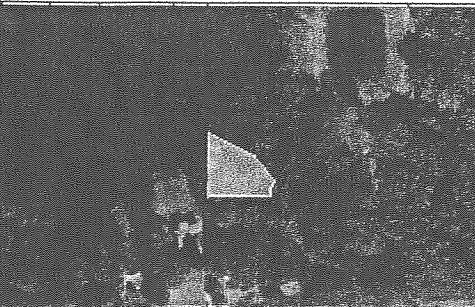
8'-3"

41'-7"

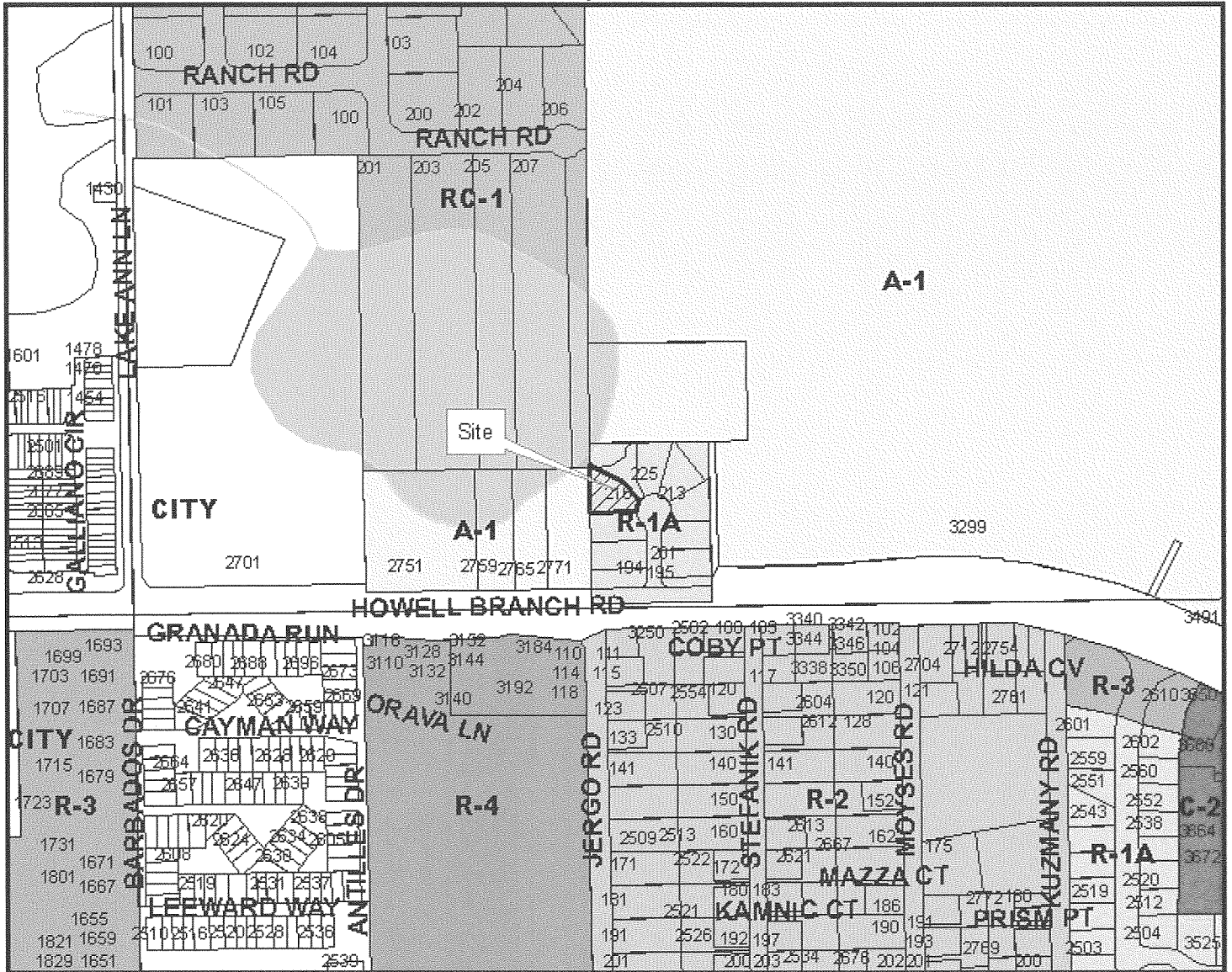
7.5' SIDE

= roof overhang
= encroachment

1" = 10'

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>														
<p align="center">GENERAL</p> <p>Parcel Id: 27-21-30-510-0000-0060</p> <p>Owner: GRUSHKA KENNETH I & JO ANN</p> <p>Mailing Address: PO BOX 2705</p> <p>City,State,ZipCode: WINTER PARK FL 32790</p> <p>Property Address: 216 LAUREL PARK CT</p> <p>Subdivision Name: SANCTUARY AT LAKE ANN</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$69,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$69,000</p> <p>Assessed Value (SOH): \$69,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$69,000</p> <p>Tax Estimator</p> <p>2005 Notice of Proposed Property Tax</p>												
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>03/2005</td> <td>05672</td> <td>1348</td> <td>\$229,000</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/2005	05672	1348	\$229,000	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount:</p> <p>2004 Taxable Value:</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp									
WARRANTY DEED	03/2005	05672	1348	\$229,000	Vacant									
<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>69,000.00</td> <td>\$69,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	69,000.00	\$69,000	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LOT 6 SANCTUARY AT LAKE ANN PB 66 PG 51</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
LOT	0	0	1.000	69,000.00	\$69,000									
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>														

Mike Beaudan
 216 Laurel Park Court
 Winter Park, FL 32792

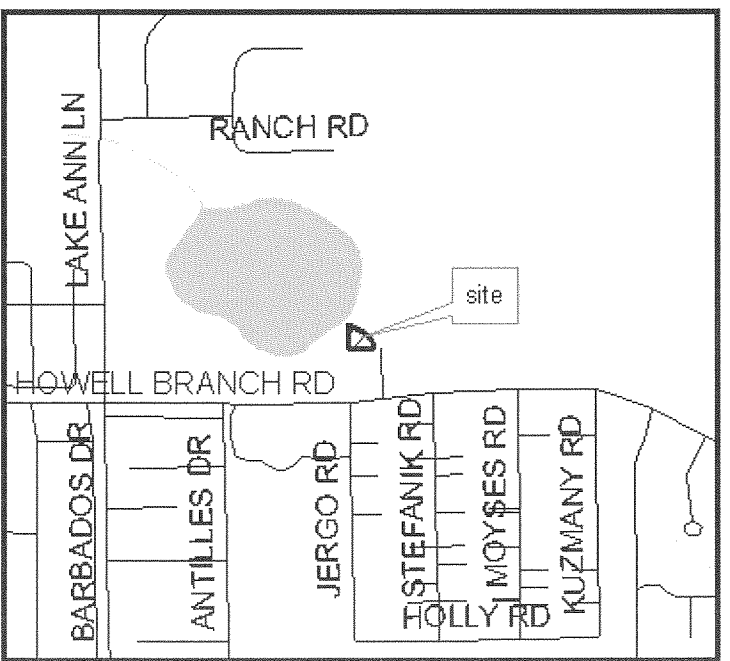


Seminole County Board of Adjustment
 October 24, 2005
 Case: BV2005-144
 Parcel No: 27-21-30-510-0000-0060

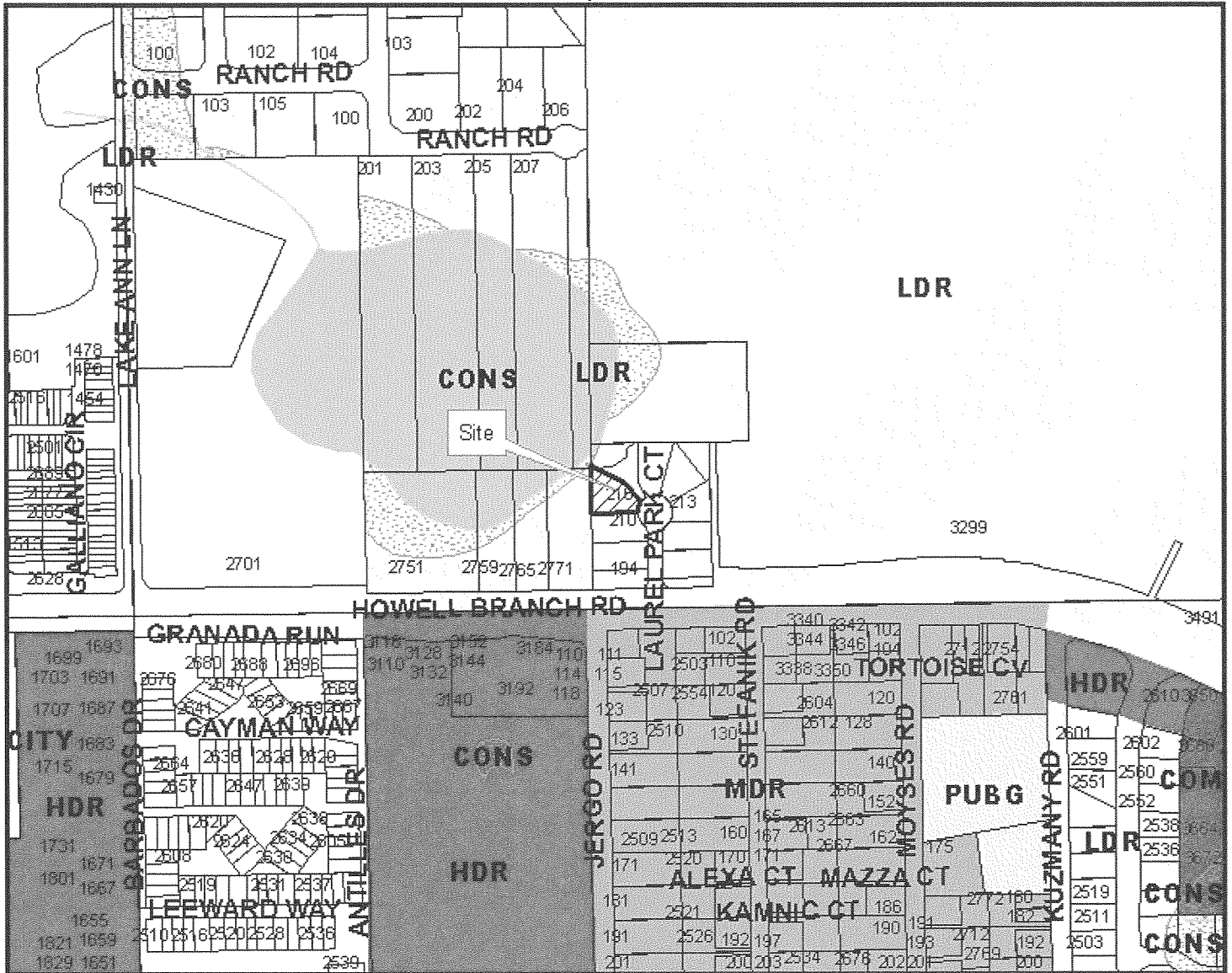
Zoning

	A-1 Agricultural-1Ac		BV2005-144
	RC-1 Country Homes-1Ac		
	R-1A Single Fam-9000		
	R-2 One and Two-Family-9000		
	R-3 Multi-Family-13DU		
	R-4 Multi-Family-		
	C-2 Retail Commercial		

0 95190 380 570 760 Feet



Mike Beaudan
 216 Laurel Park Court
 Winter Park, FL 32792

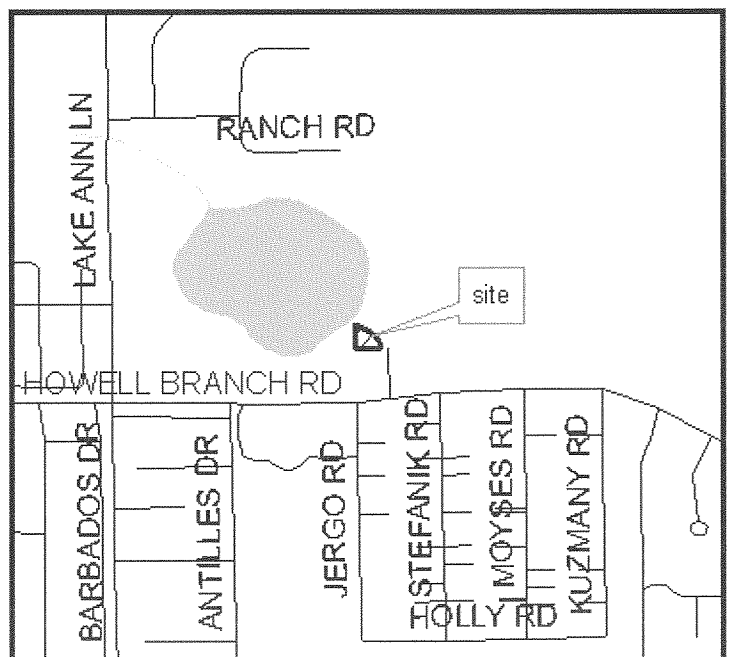


Seminole County Board of Adjustment
 October 24, 2005
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 Parcel No: 27-21-30-510-0000-0060

Future Land Use

	CONS, LDR		LDR, NONE
	CONS, MDR		MDR, NONE
	CONS, HDR		HDR, NONE
	CONS, COM		COM, NONE
	PUBG, NONE		BV2005-144

0 95 190 380 570 760 Feet



Seminole County Board Of Adjustments

Request for Variance

Owner: Ken and Jo Grushka

Applicant / Agent: Mike Beaudoin Bressler Custom Homes

Address of Property: 216 Laurel Park Court Winter Park, FL 32792

Parcel ID: 27-31-30-510-0000-0060

Lot #6 The Sanctuary at Lake Ann

7.5

We request a side yard set back variance of 2' 7" from 7' 6" to 4' 11" on the north side of the property in order to place the new single family home known as the Grushka residence on the lot as designed. We request this variance due to hardship conditions. The information supplied by the developer to the builder and architect as "final plat" information was somehow changed during the platting process. The house was designed specifically to fit this odd shaped lot. When the error was discovered it was determined that the house would encroach into the side yard setback by approximately 2' 7". The choices at this juncture are to; 1) redesign the house. This would cause the homeowner undue financial hardship due to costly architect redesign fees. Additionally, a two floor plan would cause undue hardship to the homeowners who are seniors one of which has a serious medical condition and cannot readily negotiate stairs 2) apply for a variance to allow the house to be placed into the side yard setback. The side yard setback is adjacent to the common area park and does not "crowd" another house on that side. The lot is oddly shaped and already required a significant expense to design a custom house to fit. To go back to the drawing board and start over to design a house to fit this lot would cause significant additional expenses.

It is understood that the Board of Adjustments will consider the following criteria, and we submit the corresponding comments.

The Board of Adjustment must first determine:

That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The shape of the lot and fees incurred constitute conditions peculiar to this project, which are not applicable to other projects in the same zoning district.

That the special conditions and circumstances do not result from the actions of the applicant.

The special conditions and circumstances are not the result of the actions or inactions of the Grushka's.

That granting the variance requested would not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Granting this variance would not confer any special privileges to the Grushka's.

That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant.

The literal interpretation of the provisions of Chapter 30 would deprive the Grushka's of their custom designed home and would work unnecessary financial hardship as well.

That the variance granted is the minimum variance that would make possible the reasonable use of the land, building or structure.

The variance requested is the minimum necessary to place the house as designed.

That the grant of the variance would be in harmony with the general intent of Chapter 30 would not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Since the variance is requested on the north side of the property, which is adjacent to the common area park it would not be injurious in any way to the neighborhood, nor would it be detrimental to the public welfare.

Thank you for your consideration on this matter.

Sincerely,



Mike Beaudoin
Bressler Custom Homes
(407) 359-4055 ext.9

Agent Authorization

Date: 8/31/05

I hereby authorize Mike Beaudoin

of Bressler Custom Homes to be by agent and to act on

my behalf regarding the applying for a variance from the BOA of Seminole County for the property listed below.

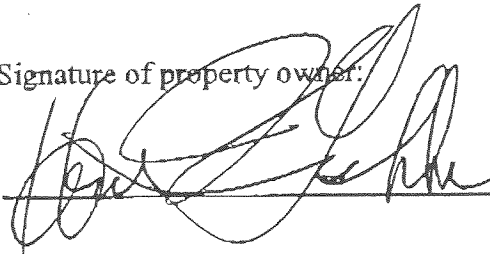
Property address: 216 Laurel Park Ct. Winter Park FL 32792

Parcel ID # 27-21-30-510-0000-0060

Property Owner Name and Address Ken Gruszka

PO box 2705 Winter Park FL 32790

Certified Contractor and License # Bressler Custom Homes CRC028404

Signature of property owner:


Date 8/31/05

*The Sanctuary at Lake Ann
Homeowners Association Inc.
2817 Cliffe Ct.
Oviedo, FL 32765*

September 28, 2005

Mr. Ken Grushka
P.O. Box 2705
Winter Park, FL 32790

Re: Lot #6 Lake Ann Subdivision
216 Laurel Park Ct.
Winter Park, FL 32792

Dear Mr. Grushka,

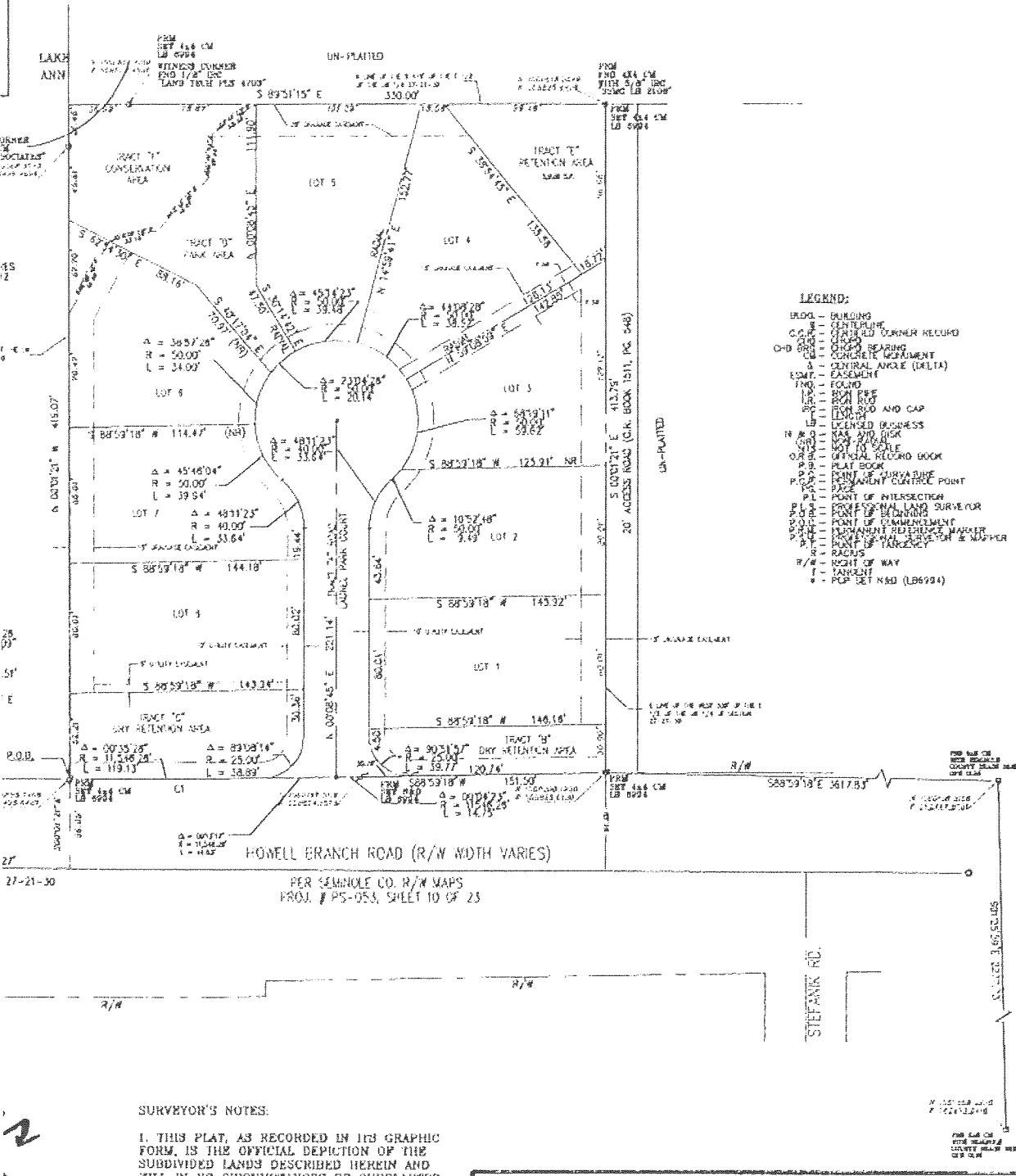
This letter is to serve as authorization for you to place your house approximately 3 feet into the set back on the north side of your property. It is understood that a variance has been applied for with Seminole County in respect to the placement of your house into this setback. The Homeowner's Association understands the need for this variance and will cooperate with Seminole County in any way necessary to obtain the variance.

Sincerely,

Mike Beaudoin
President, HOA

LEGAL DESCRIPTION

THE SOUTH 475 FEET OF THE WEST 330 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.



- LEGEND:**
- BUILD - BUILDING
 - CE - CENTERLINE
 - CD - CENTERED CURVER RECORD
 - CH - CHAIN
 - CHD - CHAIN BEARING
 - CL - CONCRETE CURB
 - CA - CENTRAL ANGLE (DELTA)
 - EA - EASEMENT
 - FO - FOUND
 - IR - IRON PIPE
 - IR - IRON ROD
 - IR - IRON ROD AND CAP
 - LE - LICENSED BUSINESS
 - MA - MARK
 - MA - MARK AND FLAG
 - NO - NOT TO SCALE
 - OR - ORIGINAL RECORD BOOK
 - PL - PLAT BOOK
 - PO - POINT OF CURVATURE
 - PO - POINT OF INTERSECTION
 - PI - POINT OF INTERSECTION
 - PL - PROFESSIONAL LAND SURVEYOR
 - PO - POINT OF BEGINNING
 - PO - POINT OF TERMINATION
 - PR - PERMANENT REFERENCE MARKER
 - PT - POINT OF TANGENCY
 - R - RADIUS
 - R/W - RIGHT OF WAY
 - T - TANGENT
 - PC - PER SET N&D (LD6904)

FOR THE USES AND PURPOSES THE STREETS, EASEMENTS, AND ALL TR AT LAKE ANN HOMEOWNERS ASSOCI CONSERVATION EASEMENT IN FAVOR MANAGEMENT DISTRICT AND SEMINO FLORIDA STATUTES. IN WITNESS W SIGNED AND ATTESTED TO BY THE SEAL TO BE AFFIXED HERETO ON

(DATE) 12/13/04

BY [Signature]

SIGNED AND SEAL

PRINTED NAME ROBERT N. LEWIS

STATE OF FLORIDA

THE FOREGOING INSTRUMENT WAS / BY EDWARD FLANAGAN, MANAGING A HE IS PERSONALLY KNOWN TO ME

IN WITNESS WHEREOF, I HAVE HERE MY HAND AND SEAL ON THE ABOVE

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATE OF SEMINOLE COUNTY PLANNING AND ZONING COMMISSION

THIS IS TO CERTIFY, THAT ON

PLANNING AND ZONING COMMISS

CERTIFICATE OF OF COUNTY

THIS IS TO CERTIFY THAT ON

BY THE BOARD OF COUNTY COMMISS
Carlton Lewis
CHAIRMAN OF THE BOARD

CLERK OF THE BOARD

BY

CERTIFY

I HEREBY CERTIFY, THAT I HAVE THAT IT COMPLIES IN FORM WITH FLORIDA STATUTES, AND WAS DED AT 12/13/04

ROBERT N. LEWIS

CLERK OF THE CIRCUIT COURT IN AND FOR SEMINOLE COUNTY, FL

CERTIFICATE

SURVEYOR'S NOTES:

1. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND

2

25

CONSERVATION
AREA

LOT 5

16.61

67.70

70.42

61

201°21' W 419.07'

S 52°34'30" E 88.16'

TRACT "D"
PARK AREA

N 00°00'45" E

$\Delta = 38^{\circ}57'28''$
 $R = 50.00'$
 $L = 34.00'$

LOT 6

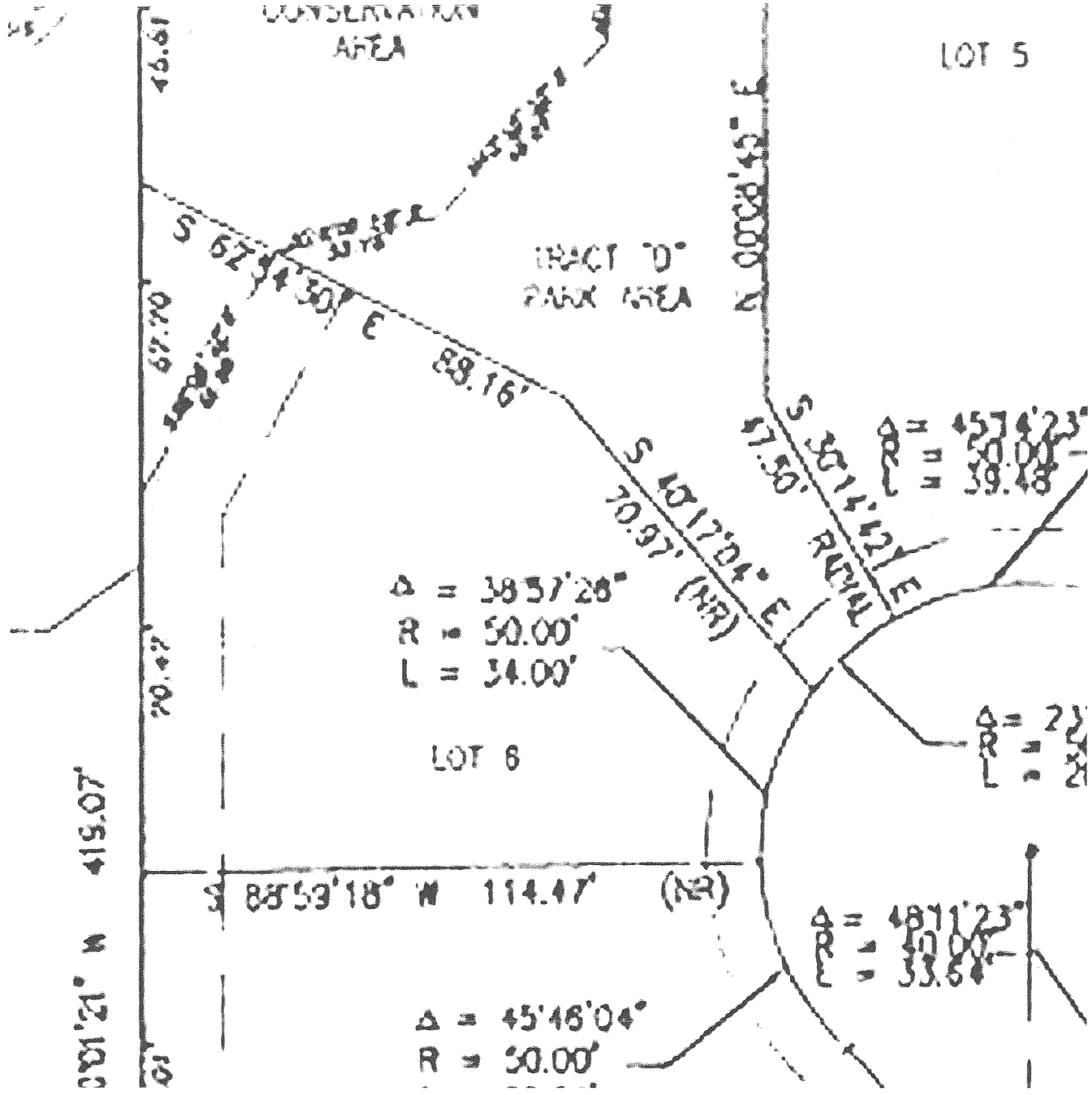
S 88°53'18" W 114.47' (NR)

$\Delta = 45^{\circ}46'04''$
 $R = 50.00'$

S 30°14'42" E
77.50' RURAL
 $\Delta = 45^{\circ}14'23''$
 $R = 50.00'$
 $L = 39.48'$

$\Delta = 23^{\circ}$
 $R = 23'$
 $L = 23'$

$\Delta = 48^{\circ}11'23''$
 $R = 50.00'$
 $L = 33.58'$



SEMINOLE COUNTY DEVELOPMENT ORDER

On October 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6 SANCTUARY AT LAKE ANN PB 66 PG 51

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

FINDINGS OF FACT

Property Owner: KENNETH GRUSHKA
PO BOX 2705
WINTER PARK, FL 32790

Project Name: LAUREL PARK COURT(216)

Requested Development Approval:

REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 4.5 FEET;
FOR A PROPOSED HOME IN THE R-1A (SINGLE-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: Michael Rumer, 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. ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING LOT AND PROPOSED HOME 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: _____
Tony Walter
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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: