

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

SUBJECT: Request for a rear yard setback variance from 30 feet to 22.5 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Martin & Maria Nelson, applicants).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date <u>6/26/06</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Public Hearing – 6:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 22.5 feet for a proposed addition in the R-1A (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 22.5 feet for a proposed addition in the R-1A (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Martin & Maria Nelson Owner: Martin & Maria Nelson Location: 927 Kerwood Circle Zoning: R-1A (Single-Family Dwelling District) Subdivision: Tuska Ridge
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition that would encroach 7.5 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The applicant would like to add an 810 square foot addition to the rear of the 1630 square foot single-family home. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

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.• 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 applicant could construct a smaller addition that wouldn't encroach into the rear yard setback thereby negating the need for a variance.• The applicant would still retain reasonable use of the land, building or structure without the granting of the 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7438 FAX

COPY

APPL. NO. BV 2006-085

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** 22.5^{ft} rear set back & pool w/screen. instead of 30ft rear set back - asking for 7.5 variance
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Martin Nelson & Maria	
ADDRESS	927 Kerwood Circle	
	Oviedo FL 32765	
PHONE 1	407-467-1403 (cell)	
PHONE 2	407-365-0981 (H)	
E-MAIL	tmartin@reygroup.com	

PROJECT NAME: Tuska Ridge
 SITE ADDRESS: 927 Kerwood Circle
 CURRENT USE OF PROPERTY: Single family residence
 LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 17-21-31-5LU-0B00-2970
 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 6/26/06
 (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] DATE 5/3/06

ADDITIONAL VARIANCES

VARIANCE 2: _____

VARIANCE 3: _____

VARIANCE 4: _____

VARIANCE 5: _____

VARIANCE 6: _____

VARIANCE 7: _____

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

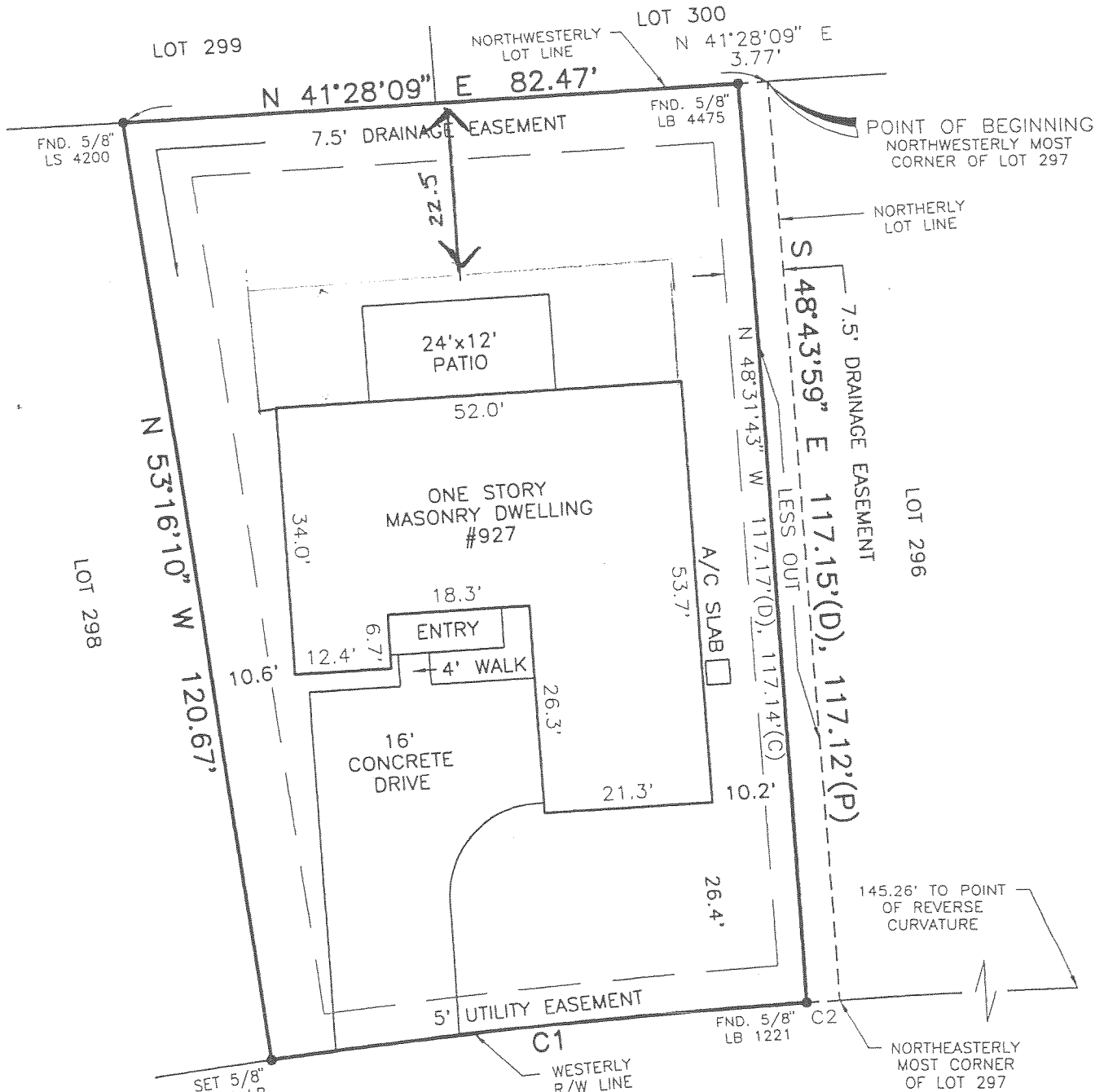
NAME	_____
ADDRESS	_____
PHONE 1	_____
PHONE 2	_____
E-MAIL	_____

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING: _____
FEE(S) 150-00 COMMISSION DISTRICT _____ FLU / ZONING R-1A / LOR
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____
PLANNING ADVISOR I SIKONIA DATE _____
SUFFICIENCY COMMENTS _____



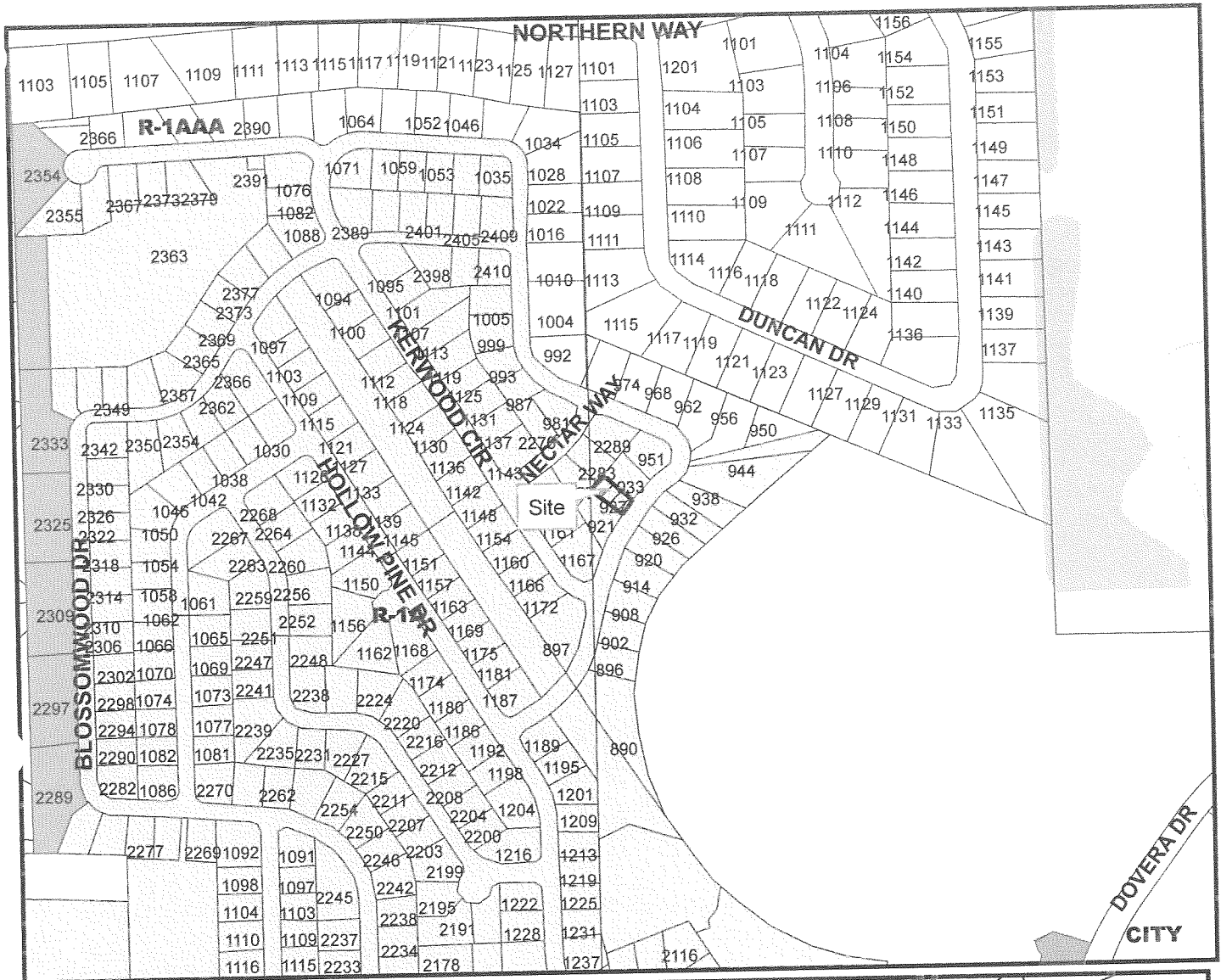
KERWOOD CIRCLE
50' R/W

C1
L=73.00' R=922.00'
Δ=04°32'11"
CB=S 38°59'56" W

C2
L=4.19' R=922.00'
Δ=00°15'37"
CB=S 41°08'13" W






Bearings shown hereon were based on the West line of the Southwest 1/4 of Section 17, Township 21 South, Range 31 East, Seminole County, Florida, being S 00°46'03" E, an assumed bearing.

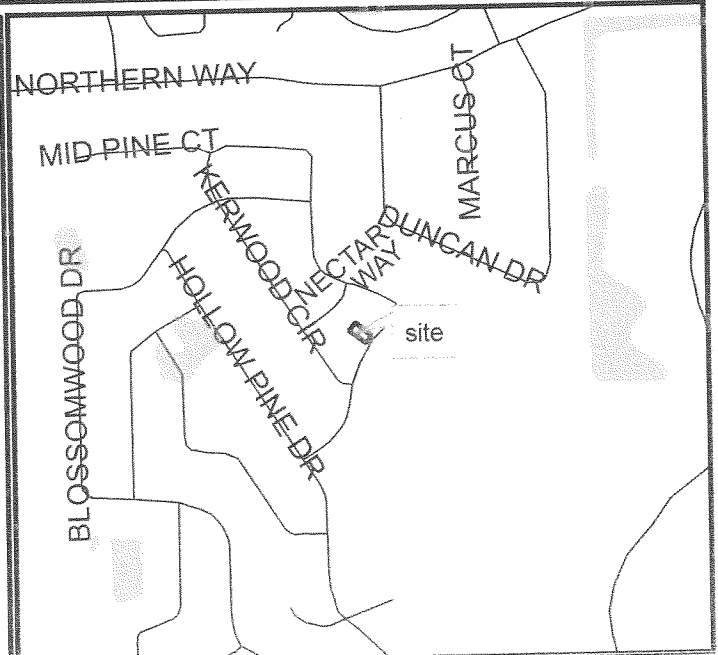
Maria & Nelson Martin
 927 Kerwood Cir
 Winter Springs, FL 32765



Seminole County Board of Adjustment
 June 26, 2006
 Case: BV2006-085
 Parcel No: 17-21-31-5LU-0B00-2970

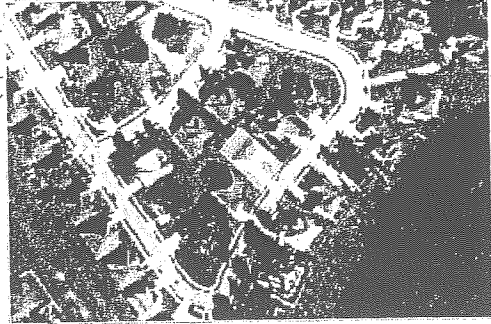
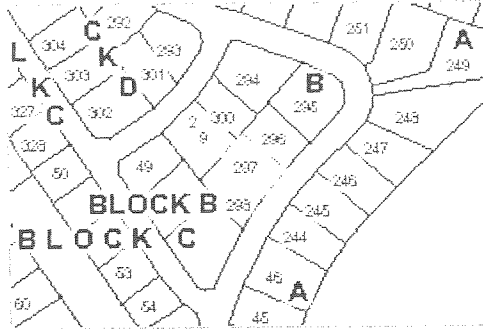
Zoning

-  BV2006-085
-  RC-1
-  R-1AAA
-  R-1A
-  PUD



R-1A

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



GENERAL

Parcel Id: 17-21-31-5LU-0B00-2970
 Owner: MARTIN NELSON P & MARIA T
 Mailing Address: 927 KERWOOD CIR
 City,State,ZipCode: WINTER SPRINGS FL 32765
 Property Address: 927 KERWOOD CIR WINTER SPRINGS 32765
 Subdivision Name: TUSKA RIDGE UNIT 4
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 01-SINGLE FAMILY

2006 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$127,620
 Depreciated EXFT Value: \$0
 Land Value (Market): \$54,000
 Land Value Ag: \$0
 Just/Market Value: \$181,620
 Assessed Value (SOH): \$134,269
 Exempt Value: \$25,000
 Taxable Value: \$109,269
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	12/1999	03788	0987	\$30,000	Vacant	Yes
WARRANTY DEED	11/1993	02692	1849	\$142,500	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$2,047
 2005 Tax Bill Amount: \$1,726
 Save Our Homes (SOH) Savings: \$321
 2005 Taxable Value: \$105,358
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	54,000.00	\$54,000

LEGAL DESCRIPTION

PLATS: Pick...

LOT 297 (LESS BEG NWLY MOST COR RUN S 48 DEG 43 MIN 59 SEC E 117.15 FT SWLY ON CURVE 4.19 FT N 48 DEG 31 MIN 51 SEC W 117.17 FT N 41 DEG 28 MIN 09 SEC E 3.77 FT TO BEG) BLK B TUSKA RIDGE UNIT 4
 PB 46 PGS 78 & 79

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	2000	7	1,630	2,144	1,630	CB/STUCCO FINISH	\$127,620	\$131,567

Appendage / Sqft OPEN PORCH FINISHED / 70
 Appendage / Sqft GARAGE FINISHED / 444

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

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.

To: Seminole County
From: Martin, Nelson & Maria
Address: 927 Kerwood Circle, Oviedo, FL 32765
Lot #: 297
Parcel ID: 17-21-31-5LU-OBOO-2970
Phone(s): Home 407-365-0981 Cell 407-467-1403 Work 407-281-6666 X211
Email: tmartin@reygroup.com or emailtessie@yahoo.com or npm03@yahoo.com
Application Type: Variance to request 7.5 feet from rear set backs.

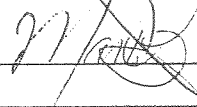
We hereby request a reduction of the 30 foot minimum rear setback to a 22.5 rear set back. The reason being, that we would like to build an addition to our home to be enjoyed by our growing family. This will add a much needed 810 square feet of living space to our current 1630; making it 2440 square feet. This addition will raise the square footage of our home and further add value to the existing community.

At the time of construction, the house was altered to fit the lot size. Our lot had being reduced in size to allow a larger home to be built next to us in lot 296. Because of it, our square footage had to be reduced. At the time, we were not aware of Seminole County zoning restrictions/setbacks. We assume that they were about 20 feet setbacks. As it is, our house is short of meeting the standard square footage for Tuska Ridge.

In an effort to make the application more valid, we have taken the initiative of asking our immediate neighbors for their overall feedback and approval.

Lot 296: Next door neighbor
Name: Buck, Mark & Lynn
Address: 933 Kerwood Circle
Living Space: 2167 SF with Pool

Agree to addition and the variance Do not agree to addition and the variance

Signature:  Date: 5/2/06

Lot 298: Next door neighbor
Name: Budnovich, Donald & Kelly
Address: 921 Kerwood Circle
Living Space: 2422 SF with Pool

Agree to addition and the variance Do not agree to addition and the variance

Signature:  Date: 5/2/06

Lot 299: Back neighbor
Name: France, Paul & Gloria
Address: 2277 Nectar Way
Living Space: 2363 SF, no Pool

Agree to addition and the variance Do not agree to addition and the variance

Signature: Paul & Gloria France Date: 2 MAY '06

Lot 300: Back neighbor
Name: Burns, Dale
Address: 2283 Nectar Way
Living Space: 2537 SF with Pool

He gave us the verbal ok.
umati

Agree to addition and the variance Do not agree to addition and the variance

Signature: _____ Date: 5/2/06

Lot 246: Across the street neighbor
Name: Sasso, Michael & Beth
Address: 932 Kerwood Circle
Living Space: 3240 SF with Pool

Agree to addition and the variance Do not agree to addition and the variance

Signature: Michael & Beth Sasso Date: 5/2/06

Lot 245: Across the street neighbor
Name: Bourque, Pierre & Lisette
Address: 926 Kerwood Circle
Living Space: 3958 SF with Pool

Agree to addition and the variance Do not agree to addition and the variance

Signature: Pierre & Lisette Bourque Date: 5/2/06

Your consideration and approval regarding this variance is greatly appreciated.

Regards,

Nelson P. Martin
Nelson P Martin

Maria T. Martin
Maria T. Martin

5/2/06
Date

July 11, 2005

APPROVED APPLICATION

NELSON P & MARIA T MARTIN
927 KERWOOD CIR
OVIEDO FL 32765

RE: TUSKA RIDGE COMM ASSN INC
927 KERWOOD CIR

Dear Homeowner:

We are pleased to inform you that the Architectural Review Board has approved your recent application **for addition to back of house** as submitted. A signed copy is enclosed for your records. Please submit a new application if your plans change or you are unable to begin your project within sixty (60) days from the date of approval.

This approval does not relieve you of the obligation to obtain all permits that may be required by county, city, and/or other departmental or governmental agencies that may have jurisdiction in this matter.

When applicable, any contingencies that accompany this approval are noted below:

SEE ATTACHED COMMENTS

If you have any questions, please feel free to contact me at the address listed above, or by e-mail to Susi@Attwood-Phillips.com.

Sincerely,

FOR THE BOARD OF DIRECTORS

Susi Pelot
Community Association Manager



TUSKA RIDGE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL REVIEW COMMITTEE (ARC) REQUEST FOR APPROVAL FORM

This form and any accompanying documentation MUST be delivered or mailed to the ARC for approval at the following address PRIOR to commencement of any work:

Tuska Ridge HOA, c/o Attwood-Phillips, Inc., 1350 Orange Ave, Suite 100, Winter Park, Florida 32789

If there are no attachments or they are only black and white 8 1/2 x 11-inch plans, estimates, etc., this form may be faxed to the following number to expedite processing:

407-644-6693 Attention: Susi

If you have any questions regarding this form, refer to the Tuska Ridge HOA ARC Request Form Instructions available at www.tuskaridge.com or your copy of the Declaration of Covenants, Conditions and Restrictions of Tuska Ridge; or contact Attwood-Phillips (Tuska Ridge Property Manager) at 407-644-4500, ext. 215 or susi@attwood-phillips.com.

TO BE COMPLETED BY PROPERTY OWNER

Name: Marla & Nelson Martin Lot # 297
Property Address: 927 Kerwood Circle
Mailing Address (if different): - Same -
Home #: 407-365-0981 Work #: 407-281-6666 x211 Cell #: 407-467-1403 Fax #: 407-281-3864

DETAILED DESCRIPTION OF CHANGE(S), INSTALLATION(S) OR ADDITIONS(S):

addition to the back of the house
adding 1 room / bath / and open patio area

SPECIFICATION(S):

DIMENSIONS: 52' x 11'

COLOR - specify brand(s), name(s) and number(s): _____

- ◆ For house painting, you MUST paint a square of the desired (main) color (~ 3 x 3 feet), as well as several linear feet of the desired trim color, so they are visible from the street; then contact the ARC to come by and review (color chips will NOT suffice). For fences, if the color is either white or the same as the house main or trim color, just make note as such; otherwise, a 3x3 test patch will also be required on the fence.
- ◆ Attach property survey or plot plan indicating location(s) of change(s), additions(s) or installation(s) along with copies of plans, estimates, pictures, etc. (as applicable).

LIABILITY: I take full responsibility and am personally liable for any damage that might occur to Tuska Ridge HOA property during completion of this project.

SIGNATURE: [Signature] DATE: 6/14/05

Note: All requests and alterations must conform to local (Seminole County) zoning and building regulations. You are required to obtain all necessary permits if your request is approved. This request is valid for 90 days from date of approval. You may appeal to the HOA Board of Directors if the ARC denies your request.

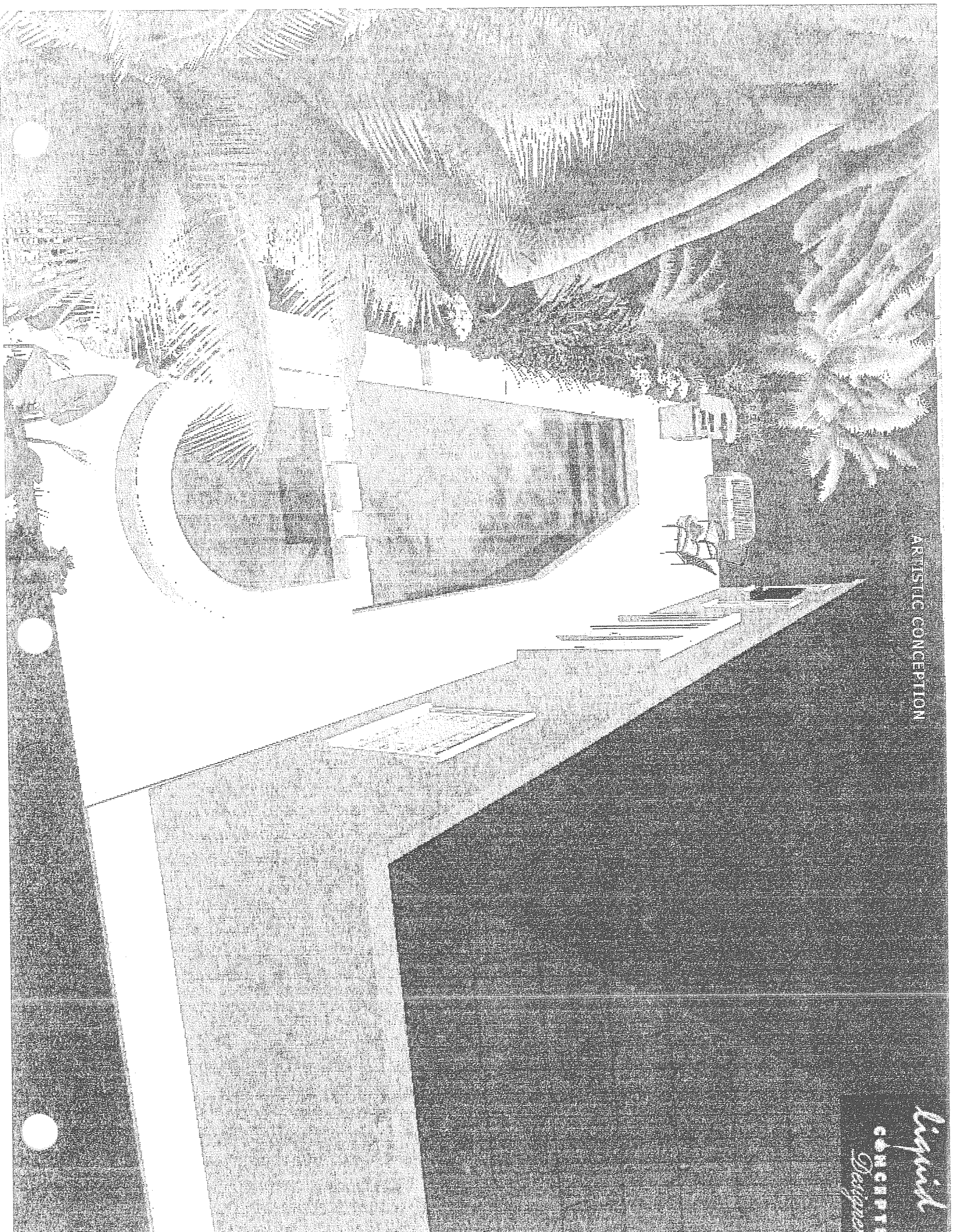
TO BE COMPLETED BY THE HOA AND ARC

Received by HOA on: 6/14/05 Forwarded to: A. Fikry On: 6/16/05

APPROVED DENIED [Signature] Date: 6/20/05
 APPROVED DENIED [Signature] Date: 6/25/05

ARC Comments: HO IS RESPONSIBLE TO OBTAIN BUILDING PERMIT / VARIANCE FOR BUILDING OVER SETBACKS. COPIES TO BE DELIVERED TO ATTWOOD PHILLIPS. SEPARATE APPLICATION TO BE PROVIDED IF HO CHOOSE TO

CHANGE PAINT FOR HOUSE / ADDITION - PROVIDE COLOR SAMPLES FOR INSPECTION



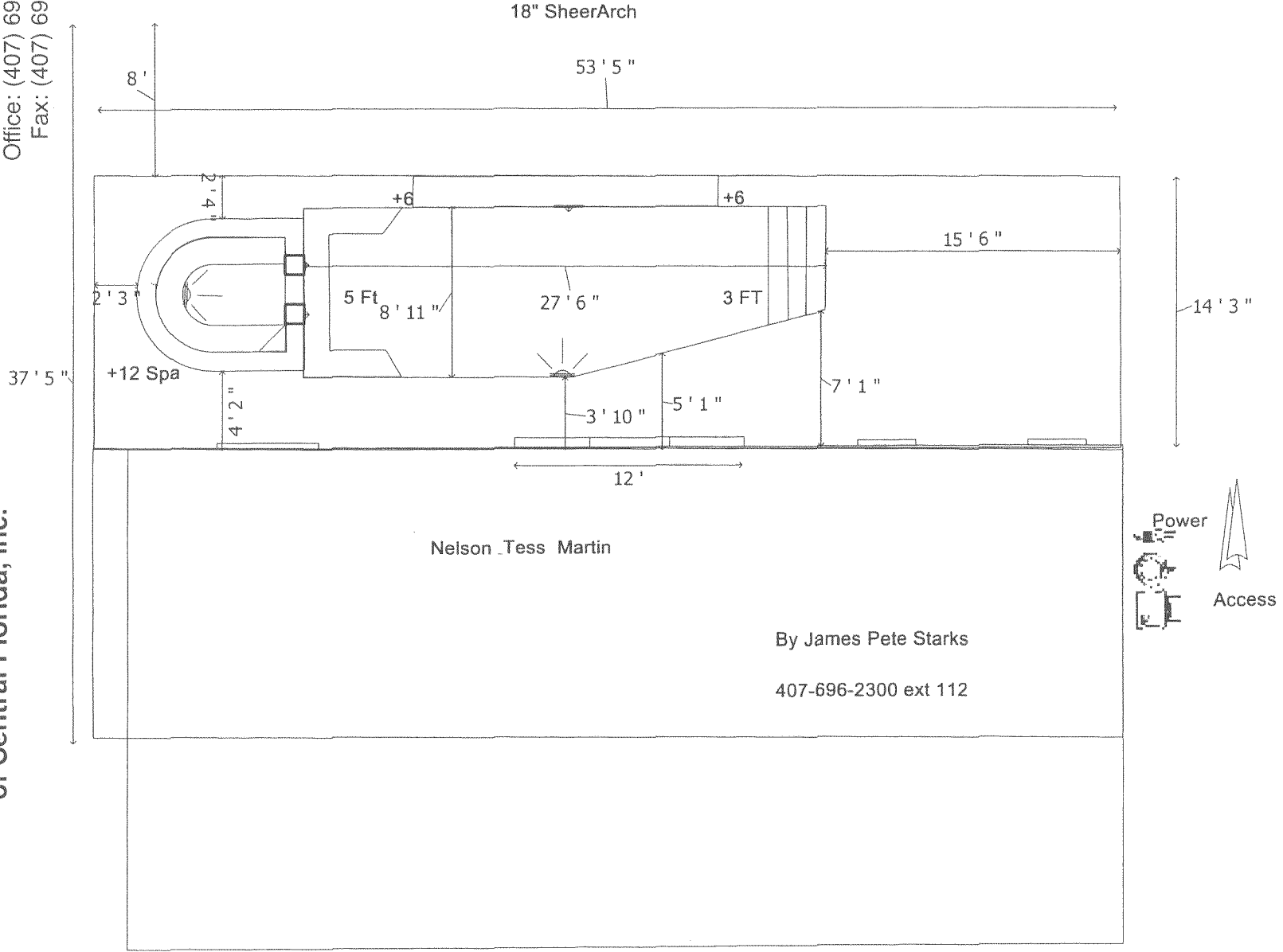
ARTISTIC CONCEPTION

Liquid
CONCEPTS
DESIGNERS

Florida Pools

of Central Florida, Inc.

1123 Seminola Boulevard
Casselberry, FL 32707
Office: (407) 696-2300
Fax: (407) 696-2360



BE SURE ... Check with **Florida Pools** the POOL PROS

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 297 (LESS BEG NWLY MOST COR RUN S 48 DEG 43 MIN 59 SEC E 117.15 FT SWLY ON CURVE 4.19 FT N 48 DEG 31 MIN 51 SEC W 117.17 FT N 41 DEG 28 MIN 09 SEC E 3.77 FT TO BEG) BLK B TUSKA RIDGE UNIT 4 PB 46 PGS 78 & 79

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

FINDINGS OF FACT

Property Owner: Nelson & Maria Martin
927 Kerwood Cir.
Winter Springs, FL 32765

Project Name: Kerwood Circle (927)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 22.5 feet for a proposed addition 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: Ian Sikonia, 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 proposed addition 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: