

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 24 feet for a proposed addition in the R-1A (Single-Family Dwelling District); (Steve & Linda Kuhn, applicants).

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

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

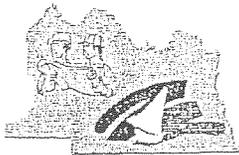
Agenda Date 07/24/06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 24 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 24 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	Applicants: Steve & Linda Kuhn Owner: Steve & Linda Kuhn Location: 1105 Cardinal Creek Place Zoning: R-1A (Single-Family Dwelling District) Subdivision: Cardinal Creek
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an addition to an existing single-family home that would encroach 6 feet into the minimum 30 foot rear yard setback; the aforementioned variance is thereby requested. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. • There is a 15 foot drainage easement in the rear and a 5 foot utility easement on the northern portion of the 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.• A compliant addition could be built on the rear, side or front of the house by reducing the size or relocating the addition.• 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.• Reasonable use of the property would be retained without the grant of 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV2006-103

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** Rear yard setback variance from 30 feet to 24 feet for proposed addition
- 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	Steve and Linda Kohn	
ADDRESS	1105 Cardinal Creek PL Oviedo, FL 32765	
PHONE 1	407-677-0168 H	
PHONE 2	407-927-1027 C	
E-MAIL	mamakohn@cfl.rr.com	

PROJECT NAME: Kohn Residence
 SITE ADDRESS: 1105 Cardinal Creek PL. Oviedo, FL 32765
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: Lot 22, Cardinal Creek, according to the plat thereof, as recorded in Plat Book 46, Pages 95 & 96, of the Public Records of Seminole Cty, FL.
 SIZE OF PROPERTY: .279 acre(s) PARCEL I.D. 24-21-30-512-0000-0220
 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 07/24/06 (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] Linda Kohn 5-10-06

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

*LDR/R-1A
(Consumption)*

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

Annette [unclear] &
[unclear] Ford

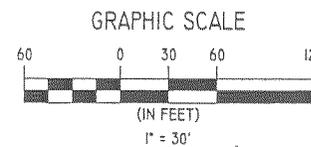
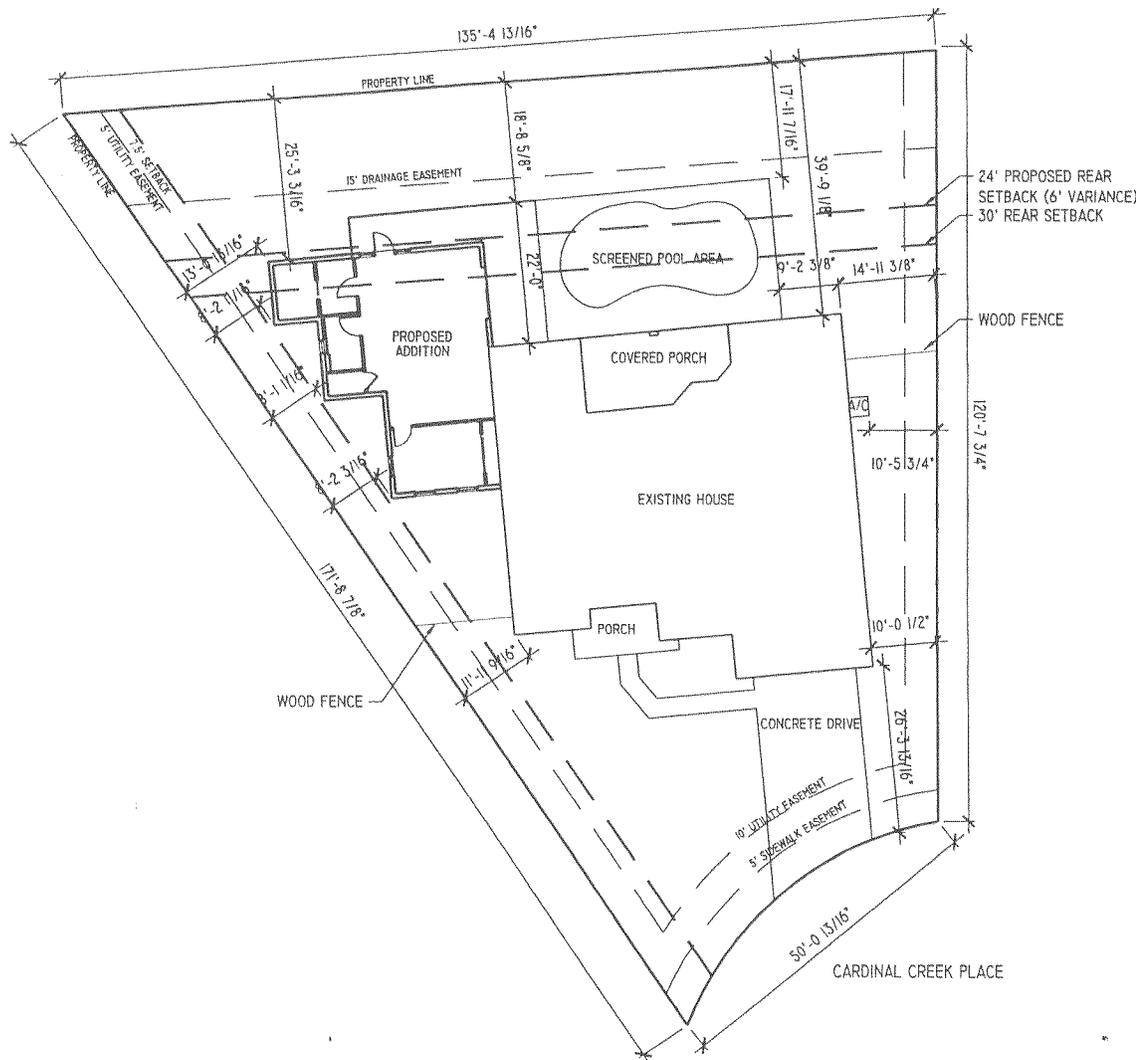
ARCHITECTURAL DESIGN

610 blackland terrace, apt 108
spopla, fl 32703
phone: 407.913.7367
phone2: 321.443.9977

Kohn Residence

1105 Cardinal Creek Place

Oviedo, FL



LEGAL DESCRIPTION:

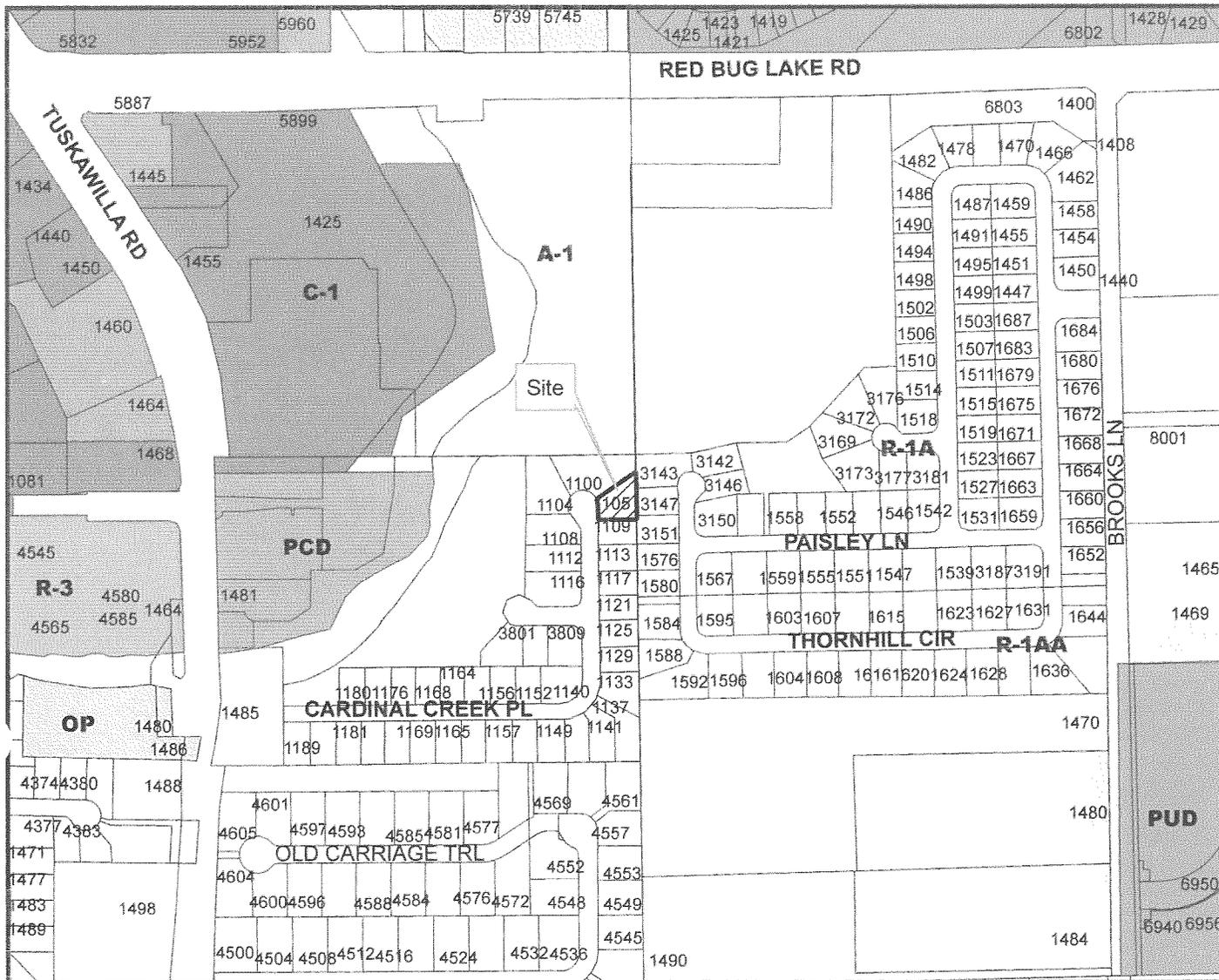
LOT 22, CARDINAL CREEK, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK
46, PAGES 95 AND 96, OF THE PUBLIC
RECORDS OF SEMINOLE COUNTY, FLORIDA.

12.06.05 DATE OF PROJECT

ARCHITECTURAL
SITE PLAN

A1.02

Linda & Steven Kohn
 1105 Cardinal Creek Pl
 Oviedo, FL 32765



DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506

GENERAL

Parcel Id: 24-21-30-512-0000-0220
 Owner: KOHN STEVEN C & LINDA S
 Mailing Address: 1105 CARDINAL CREEK PL
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 1105 CARDINAL CREEK PL OVIEDO 32765
 Subdivision Name: CARDINAL CREEK
 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: \$200,800
 Depreciated EXFT Value: \$8,703
 Land Value (Market): \$40,000
 Land Value Ag: \$0
 Just/Market Value: \$249,503
 Assessed Value (SOH): \$249,503
 Exempt Value: \$25,000
 Taxable Value: \$224,503
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	09/2004	05464	0737	\$270,000	Improved	Yes
WARRANTY DEED	03/1999	03625	0381	\$159,900	Improved	Yes
WARRANTY DEED	09/1994	02834	0409	\$158,500	Improved	Yes
WARRANTY DEED	11/1993	02686	0842	\$1,111,500	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$3,195
 2005 Tax Bill Amount: \$3,195
 Save Our Homes (SOH) Savings: \$0
 2005 Taxable Value: \$194,997
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	\$40,000

LEGAL DESCRIPTION

PLATS:

LEG LOT 22 CARDINAL CREEK PB 46 PGS 95 & 96

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	1994	9	1,983	2,781	1,983	CB/STUCCO FINISH	\$200,800	\$210,262
Appendage / Sqft			OPEN PORCH FINISHED / 249						
Appendage / Sqft			OPEN PORCH FINISHED / 84						
Appendage / Sqft			GARAGE FINISHED / 465						

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

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1994	420	\$5,880	\$8,400
SCREEN ENCLOSURE	1994	1,592	\$1,912	\$3,184
COOL DECK PATIO	1994	372	\$911	\$1,302

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

Attention: BV2006-103

Ian Sikonia

These are notes from the neighbor on the side of the proposed addition & the neighbor directly behind us.

Please call with any questions.

Linda Kohn

H - 407-677-0168

C - 407-927-1027

1105 Cardinal Creek Pl
Oviedo, FL 32765

BU 2006-103

Item # 12

To Whom It May Concern:

I have no objection to the proposed addition and requested variance that Steve and Linda Kohn are planning on having built at 1105 Cardinal Creek Pl, Oviedo, Florida.

Charles A. Thompson CHARLES A. THOMPSON
Name

1100 CARDINAL CREEK PLACE
Address

Charles A. Thompson 7-7-06
Signature Date

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 CARDINAL CREEK PB 46 PGS 95 & 96

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

FINDINGS OF FACT

Property Owner: Steven & Linda Kohn
1105 Cardinal Creek Pl.
Oviedo, FL 32765

Project Name: Cardinal Creek Place (1105)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 24 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: