

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 15.6 feet for an existing room addition in the R-1A (Single-Family Dwelling District); (Scott & Charity Maurer, applicants).

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

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

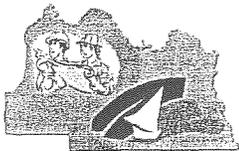
Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 15.6 feet for an existing room addition in the R-1A (Single-Family Dwelling District);
or
2. **DENY** the request for a rear yard setback variance from 30 feet to 15.6 feet for an existing room addition in the R-1A (Single-Family Dwelling District);
or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicants: Scott & Charity Maurer Owner: Marilyn Dover-Cuskaden Location: 1810 Poinciana Road Zoning: R-1A (Single-Family Dwelling District) Subdivision: Winter Woods
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The property owner constructed a room addition that encroaches 14.4 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The property owner proposes to do an interior renovation of the existing room addition. • There are currently no code enforcement or building violations for this property.

	<ul style="list-style-type: none">• 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.
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 existing room 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 (ROOM 202) SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BU 2006-110

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 FT. TO 15.6 FT. FOR AN EXISTING FLORIDA ROOM
- 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	MARILYN CUSKADEN	CHARITY MAULT
ADDRESS	1810 PRINCIANA ROAD WINTER PARK, FL 32792	407-617-4652
PHONE 1	(407) 657-8817	
PHONE 2	(407) 679-4333	
E-MAIL	prsocki@aol.com	

PROJECT NAME: _____

SITE ADDRESS: _____

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 33-21-30-512-0000-0150

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 9/28/06 (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 OF OWNER OR AGENT* _____ DATE 6/13/06

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 COMMISSON DISTRICT _____ FLU / ZONING R-1A / LOR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

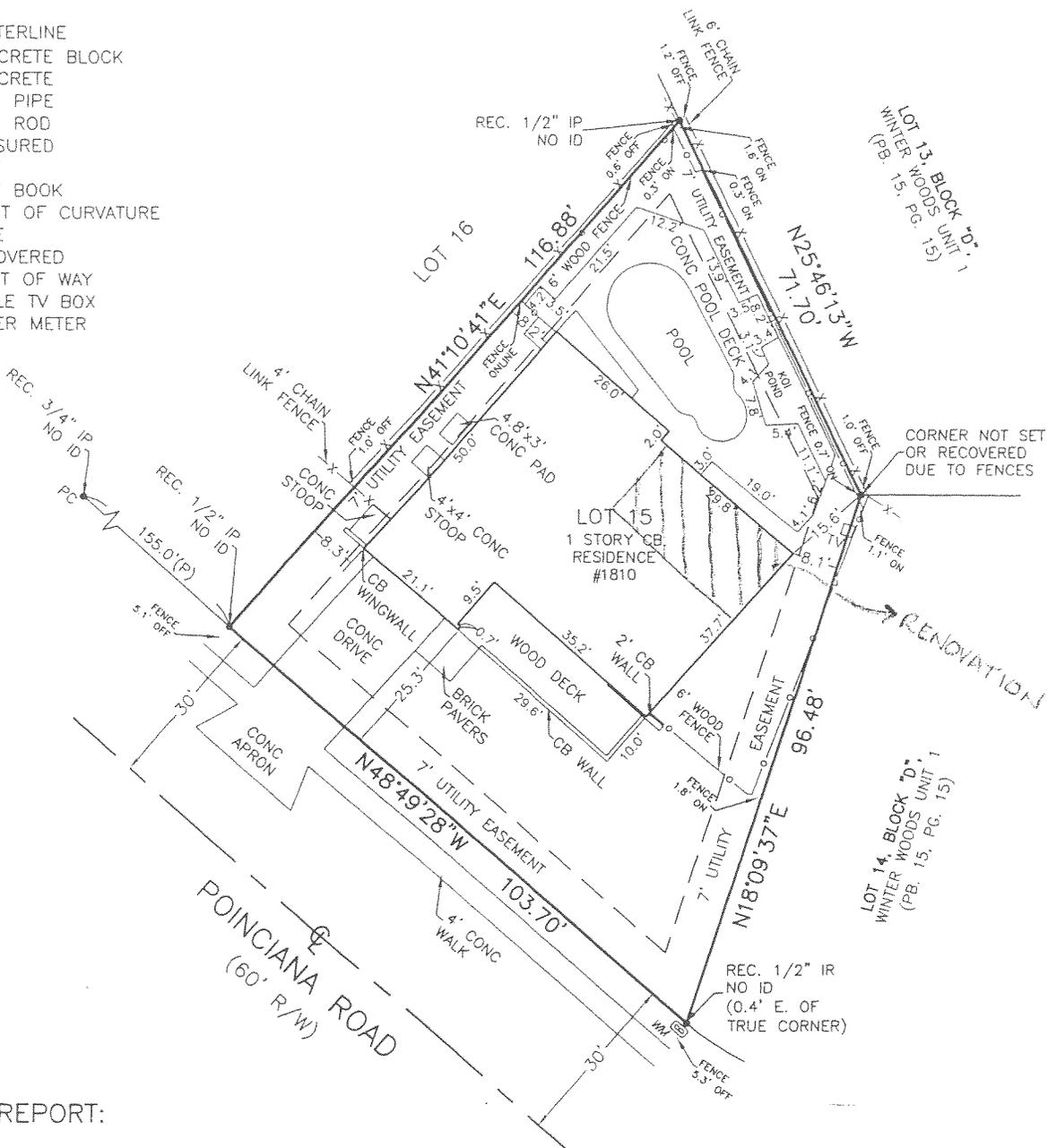
SUFFICIENCY COMMENTS _____

DESCRIPTION:

LOT 15, BLOCK "D", WINTER WOODS SUBDIVISION UNIT 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 63, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LEGEND:

- ⊕ CENTERLINE
- CB CONCRETE BLOCK
- CONC CONCRETE
- IP IRON PIPE
- IR IRON ROD
- (M) MEASURED
- (P) PLAT
- PB PLAT BOOK
- PC POINT OF CURVATURE
- PG PAGE
- REC RECOVERED
- R/W RIGHT OF WAY
- TV CABLE TV BOX
- WM WATER METER



BASIS OF BEARINGS: NORTHERLY RIGHT OF WAY LINE OF POINCIANA ROAD HAVING A BEARING OF S. 48°49'28" E. (PER PLAT)

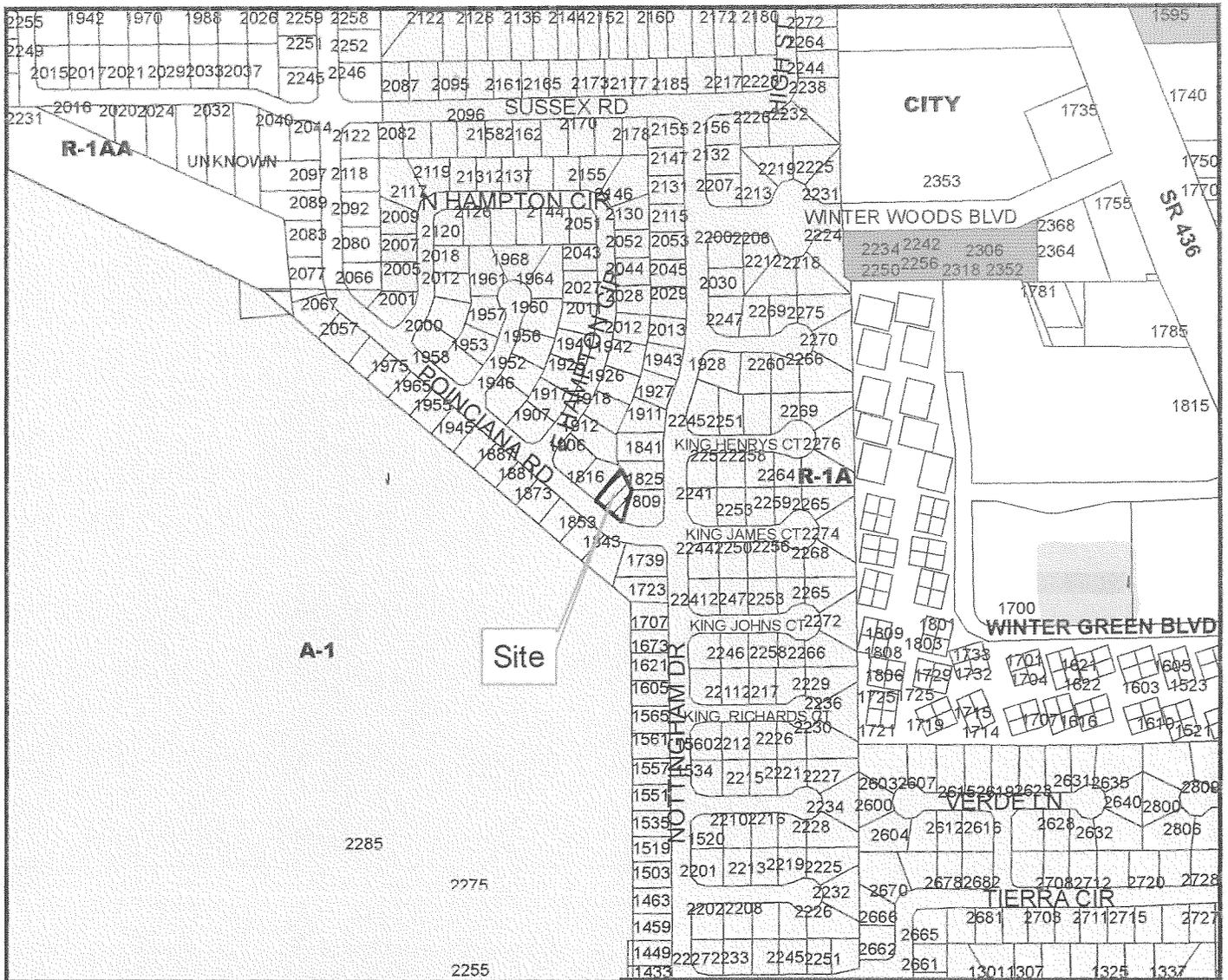
SURVEY REPORT:

1. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
2. This survey does not reflect or determine ownership
3. No Title data has been provided to this surveyor unless otherwise noted.
4. All easements of which the surveyor has knowledge of, or has had furnished to him, has been noted on the survey map.
5. Underground improvements or underground foundations have not been located except as noted on survey map.
6. According to the Federal Insurance Rate Map, this property lies in Zone "X", Community Panel number 12117C0210 E, Dated: April 17, 1995.
7. This property lies in Section 33, Township 21 South, Range 30 East, Seminole County, Florida.

<p>HENRICH-LUKE & SWAGGERTY, LLC <i>surveyors & mappers</i> 250 Ronald Reagan Blvd. Suite 114 Longwood, FL 32750 (407) 647-7346 FAX (407) 647-8097 Licensed Business No. 7276</p>	 Mark I. Luke Professional Surveyor and Mapper Florida Registration No. 5006	BOUNDARY SURVEY FOR MARILYN CUSKADEN		
	"Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper"	DATE OF FIELD SURVEY 5-16-06	JOB NO. E-3591	FIELD BY AR
		SCALE 1" = 30'	DRAWN BY TSS	CHECKED BY DOM

FILE: 321-06

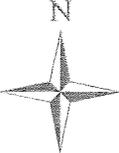
Charity Mault
1810 Poinciana Rd
Winter Park, FL 32792

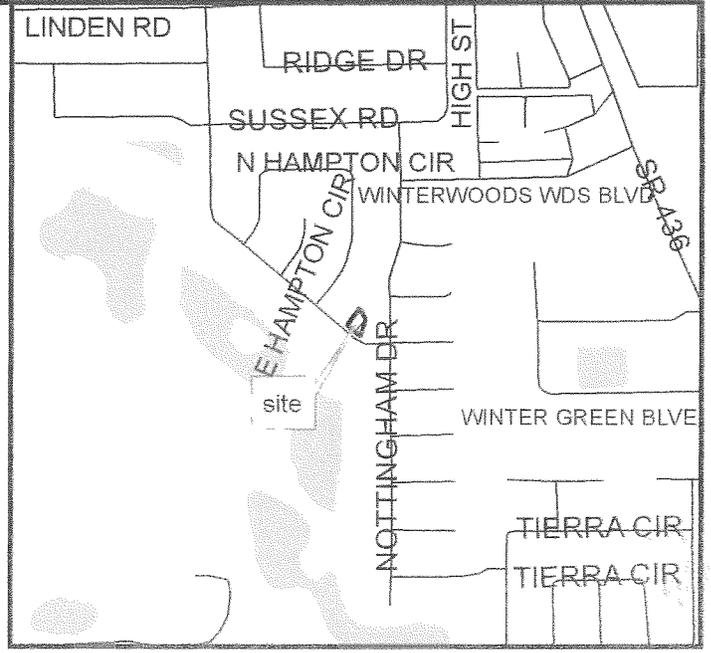


Seminole County Board of Adjustment
August 28 2006
Case: BV2006-110
Parcel No: 33-21-30-512-0D00-0150

Zoning

	BV2006-110		R-1A
	A-1		R-3
	R-1AA		CN

N




DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7508

GENERAL

Parcel Id: 33-21-30-512-0D00-0150
 Owner: DOVER-CUSKADEN MARILYN A TR
 Own/Addr: FBO MARILYN DOVER-CUSKADEN
 Mailing Address: 1810 POINCIANA RD
 City,State,ZipCode: WINTER PARK FL 32792
 Property Address: 1810 POINCIANA RD WINTER PARK 32792
 Subdivision Name: WINTER WOODS UNIT 02
 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: \$132,609
 Depreciated EXFT Value: \$5,014
 Land Value (Market): \$69,000
 Land Value Ag: \$0
 Just/Market Value: \$206,623
 Assessed Value (SOH): \$98,896
 Exempt Value: \$25,000
 Taxable Value: \$73,896
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	08/2001	04186	1794	\$100	Improved	No
FINAL JUDGEMENT	08/2001	04159	1780	\$100	Improved	No
QUIT CLAIM DEED	09/1990	02221	0196	\$100	Improved	No
WARRANTY DEED	05/1979	01222	0063	\$60,900	Improved	Yes
WARRANTY DEED	10/1978	01193	0941	\$55,900	Improved	Yes

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$2,171
 2005 Tax Bill Amount: \$1,164
 Save Our Homes (SOH) Savings: \$1,007
 2005 Taxable Value: \$71,016
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	69,000.00	\$69,000

LEGAL DESCRIPTION

PLATS:

LEG LOT 15 BLK D WINTER WOODS UNIT 2
 PB 15 PG 63

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	1970	6	1,430	2,440	1,430	CONC BLOCK	\$132,609	\$159,770
	Appendage / Sqft		OPEN PORCH FINISHED / 60						
	Appendage / Sqft		GARAGE FINISHED / 500						
	Appendage / Sqft		ENCLOSED PORCH UNFINISHED / 450						

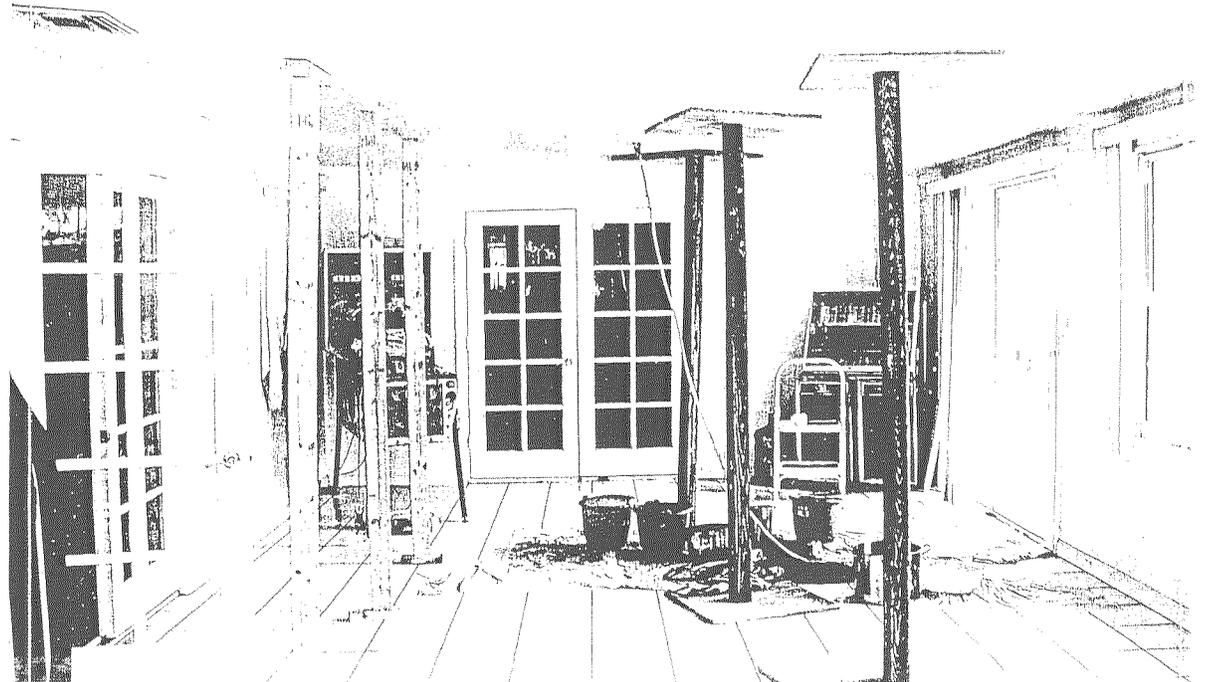
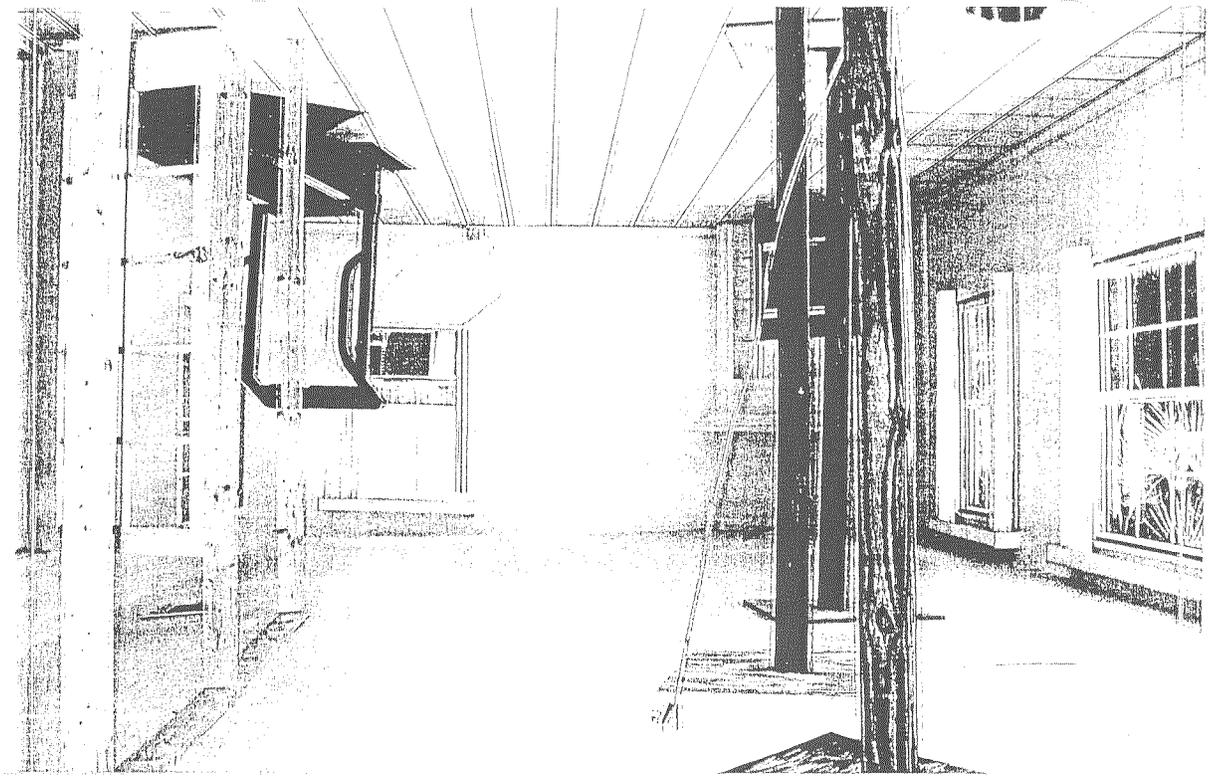
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1970	495	\$3,960	\$9,900
COOL DECK PATIO	1970	410	\$574	\$1,435
FIREPLACE	1975	1	\$480	\$1,200

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.





BY 2006-110

July 20, 2006

To: Ms Patricia S. Johnson
Board of Adjustment Secretary

From: Marilyn Cuskaden
1810 Poinciana Road
Winter Park, Florida 32792
407-657-8817

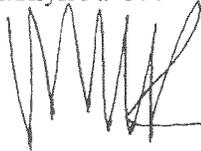
Subject: Board meeting August 28, 2006 for variance

Please allow my daughter and her husband, Scott and Charity Maurer, to represent me at the hearing for an approval of a variance to have my home restored.

Thank you very much for your consideration in this matter, and if I need to send you anything else, please give me a call.

Most sincerely,

Marilyn A. Cuskaden



MARILYN A. CUSKADEN

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 15 BLK D WINTER WOODS UNIT 2 PB 15 PG 63

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

FINDINGS OF FACT

Property Owner: Marilyn Dover-Cuskaden
1810 Poinciana Rd.
Winter Park, FL 32792

Project Name: Poinciana Road (1810)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 15.6 feet for an existing room 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 existing room 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: