

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

SUBJECT: Request for a rear yard setback variance from 10 feet to 2 feet for an existing addition in PUD (Planned Unit Development District); (Stephen & Raquel Wood, applicants).

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

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

Agenda Date 10/30/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 10 feet to 2 feet for an existing addition in PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 10 feet to 2 feet for an existing addition in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Stephen & Raquel Wood Owner: Stephen & Raquel Wood Location: 572 Tall Oaks Terrace Zoning: PUD (Planned Unit Development District) Subdivision: Crystal Creek
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a room addition that encroaches 8 feet into the minimum 10 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The existing addition is approximately 400 square feet (29' x 14') which was built in the rear of the existing single-family home. • To the rear behind the subject property is designated as Tract H on the Crystal Creek Unit 1 plat which is a drainage, retention, and greenbelt area easement. • A notice of violation from the Seminole County Building

	<p>Division was subsequently issued on August 2, 2006 for unpermitted construction on the property.</p> <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.• Special conditions and circumstances result from the actions of the applicant.• 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 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 existing 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.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 21,28 TWP: 20 RNG: 30
 PROJ. #

DEVELOPMENT: Crystal Creek Unit 1		DEVELOPER: Florida Homecrafters	
LOCATION: W side of C-15, N of C-427		168 lots	
FILE#:	BA:	SP:	BCC: 7/23/85
P&Z:			
PB	41	PG	49-52
	Lot		Bik
		Parcel	
		DBA	
			Comm Dist
DEVEL. ORDER #: 88-0016		TAX PAR. I.D. #:	
SIDEWALKS: Required		SETBACK REQUIREMENTS	
		FY:	RY:
		SIDE ST.:	
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER:	
COMMENTS OTHER: On 4/16/00, Board of Adjustments approved setback variances which are as follows:		Lots 1-60 - Minimum House: 1,000 sq. ft	
1) BA90-4-58V: Side Street setback variance from 20' to 10' for Lot 61.		Setbacks: FY: 25', SY: 7.5', RY: 30'	
2) BA90-4-59V Side street setback variance from 20' to 10' for Lot 71.		Lots 61-188 - Min. House: 800 sq. ft.	
3) BA90-4-57V: Rear yard setback variance from 30' to 15' for Lot 29.		Setbacks: FY:20', SY: 0' one side (10 ft. between bldg.), RY: 10'	
4) BA90-4-60V: Rear yard setback variance from 30' to 5' for Lot 100.		ACCESSORY STRUCTURE SETBACKS:	
5) BA90-4-61V: Side street setback variance from 20' to 10' for Lot 121.		SY:	RY: 10'
		ACCESSORY STRUCTURE OTHER:	
		Same as main structure	

IMPACT FEES			
SCREEN:			
TRAFFIC ZONE:	14		
LAND USE:	Lots 1-60: 1	Rem.: 3	
1. ROAD-CO. WIDE	V-705.00	V-394.00	
2. ROAD-COLL.	V-142.00	V-79.00	
3. LIBRARY	V-0.00	V-0.00	
4. FIRE	V-10.00	V-10.00	
5. PARK			
6. SCHOOL	V-300.00	V-200.00	
7. LAW			
8. DRAINAGE			
TOTAL	\$1,157.00	\$683.00	
REMARKS: Curb and gutter; sidewalks			

BV 2006-155

Fee: \$150.00 plus \$50.00 for each additional variance

Application # _____
Meeting Date 10-30-06



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

RECEIVED
AUG 23 2006
PLANNING DIVISION

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Stephen & Raquel Wood

Address: 1572 Tall Oaks Terr City: Lepwood Zip code: 32780

Project Address: Same City: _____ Zip code: _____

Contact number(s): 321-439-9611

Email address: Stephen Curtis Wood@yahoo.com

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Was present at time of purchase.</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>2 1/2</u>
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Fence height	Required height:	Proposed height:	
<input type="checkbox"/> Building height	Required height:	Proposed height:	
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Total number of variances requested <u>1</u>			

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: [Signature]

FOR OFFICE USE ONLY

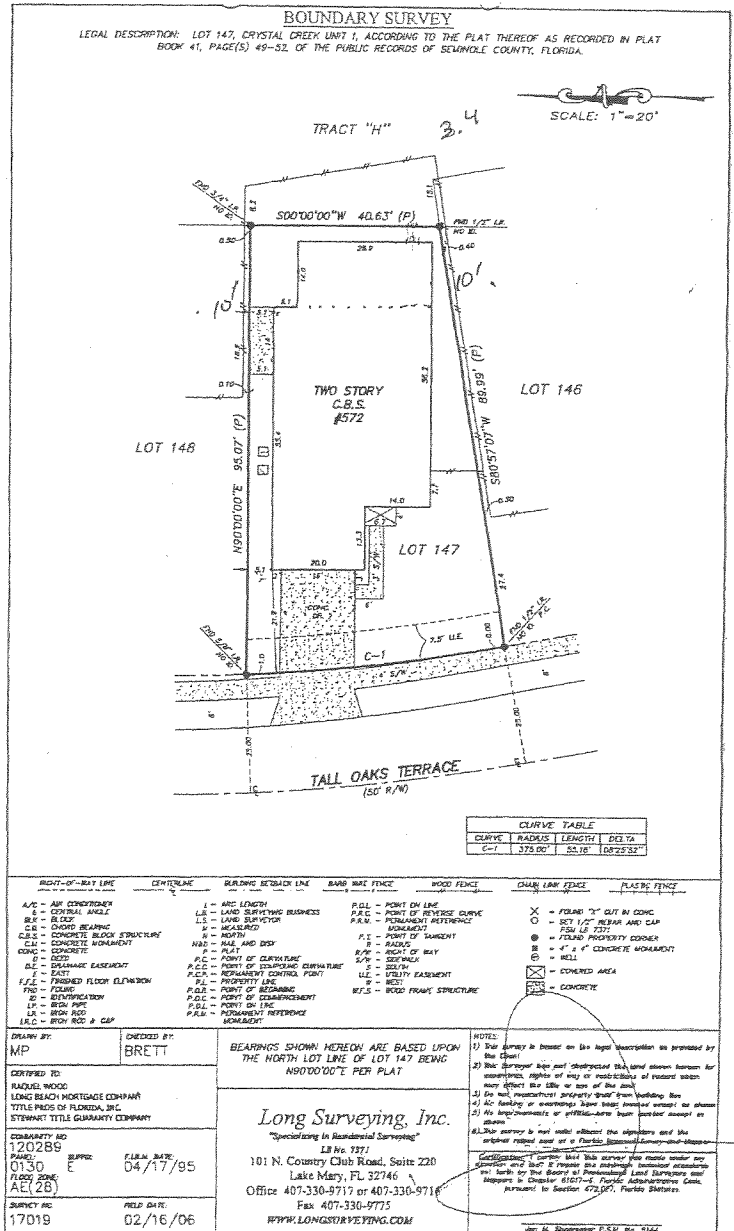
Date Submitted: 8-23-06

Reviewed By: Valletta T. Ginnard-Fossitt

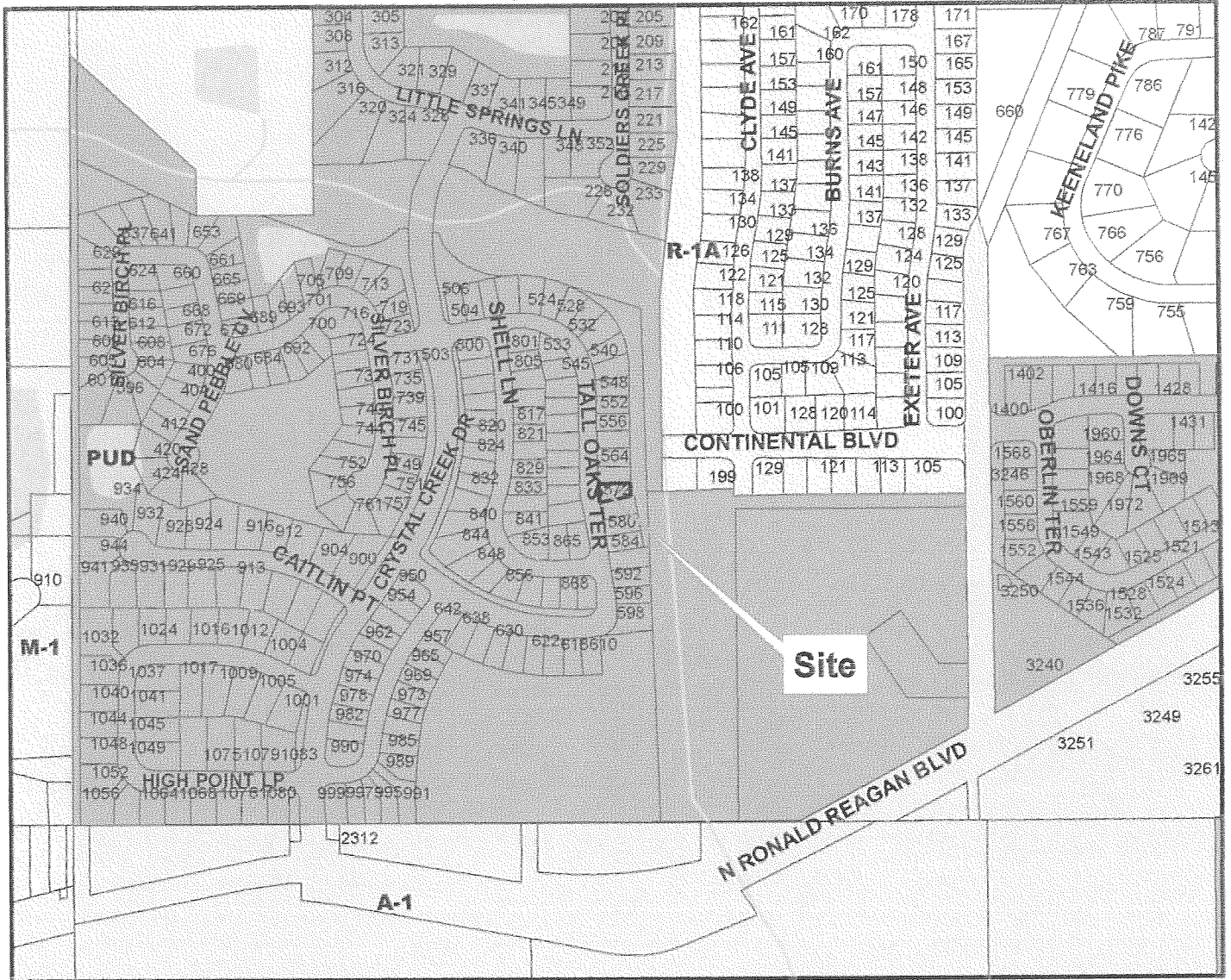
Tax parcel number: 21-20-30-515-0000-1470 Zoning/FLU PUD/MD

- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

Notes: _____








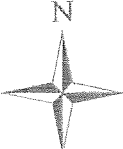
Raquel & Stephen Wood
 572 Tall Oaks Ter
 Longwood, FL 32750

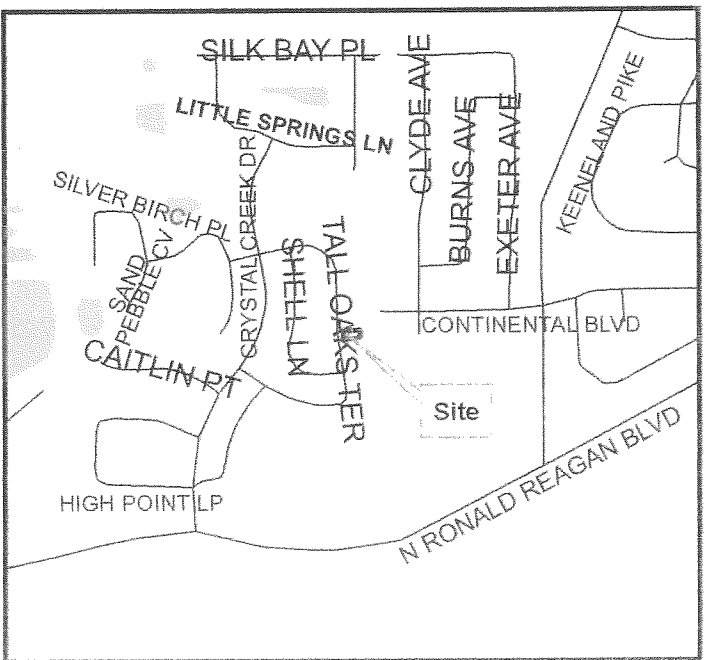


Seminole County Board of Adjustment
October 30, 2006
Case: BV2006-155
Parcel No: 21-20-30-515-0000-1470

Zoning

-  BV2006-155
-  A-1
-  R-1A
-  M-1
-  PUD

N




<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 21-20-30-515-0000-1470</p> <p>Owner: WOOD RAQUEL G & STEPHEN</p> <p>Mailing Address: 572 TALL OAKS TER</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 572 TALL OAKS TER LONGWOOD 32750</p> <p>Subdivision Name: CRYSTAL CREEK UNIT 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$167,857</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$37,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$204,857</p> <p>Assessed Value (SOH): \$160,659</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$135,659</p> <p>Tax Estimator</p> <p>2006 Notice of Proposed Property Tax</p>																																																								
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>02/2006</td> <td>06151</td> <td>0421</td> <td>\$300,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/2004</td> <td>05560</td> <td>1169</td> <td>\$195,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/2003</td> <td>05022</td> <td>0636</td> <td>\$175,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1995</td> <td>02952</td> <td>1859</td> <td>\$110,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/1994</td> <td>02815</td> <td>1220</td> <td>\$159,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1993</td> <td>02815</td> <td>1218</td> <td>\$180,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1989</td> <td>02132</td> <td>0803</td> <td>\$3,962,700</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2006	06151	0421	\$300,000	Improved	Yes	WARRANTY DEED	11/2004	05560	1169	\$195,000	Improved	Yes	WARRANTY DEED	08/2003	05022	0636	\$175,000	Improved	Yes	WARRANTY DEED	07/1995	02952	1859	\$110,900	Improved	Yes	SPECIAL WARRANTY DEED	08/1994	02815	1220	\$159,000	Vacant	No	SPECIAL WARRANTY DEED	12/1993	02815	1218	\$180,000	Vacant	No	SPECIAL WARRANTY DEED	12/1989	02132	0803	\$3,962,700	Vacant	No	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,146</p> <p>2005 Tax Bill Amount: \$2,146</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2005 Taxable Value: \$130,980</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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BUILDING INFORMATION																																																										
Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																																																	
1	SINGLE FAMILY	1995	10	1,250	2,326	1,860	CB/STUCCO FINISH	\$167,857	\$175,308																																																	
			Appendage / Sqft	GARAGE FINISHED / 438																																																						
			Appendage / Sqft	OPEN PORCH FINISHED / 28																																																						
			Appendage / Sqft	UPPER STORY FINISHED / 610																																																						
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																																																										

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 572 Tall Oaks Terrace
IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT
THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF _____
CHAPTER/ARTICLE FBC 105.7 SECTION _____.

DESCRIPTION OF VIOLATION: Addition to back of house without permit.

CORRECTIVE ACTION: Contact building department to find out what procedure must be followed to obtain permits.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 08-16-2006.

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



For further information contact:
Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771
PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 08-02-2006 **INSPECTOR:** Ray Cooney
CASE NO: 06-386

I agree by the signing of this letter that the Wood's home is in no way a infringing on anybody's privacy and in fact is conforming and adds value to the looks of our neighborhood.

George R. Van Pelt 872 Shell Ln.

William B. Bringham 873 Shell Ln.

David S. Rhodes 575 TALL OAKS TERR.

Fred B. 576 " " "

Royane Bludyn 568 Tall Oaks Terr.

Karen Wilkins 610 Tall Oaks Terr.

9/8/2006

My name is Larry O'Dea. My address is 580 Tall Oaks Terrace. Stephen and Raquel Wood's addition is fine with me. It's actually nice, and looks like the rest of the house.

A handwritten signature in cursive script, appearing to read "Larry O'Dea". The signature is written in dark ink and is positioned below the typed text.

My name is Henry Green. My mother and I live at 569 Tall Oaks Terrace. The Wood's addition is in no way a distraction ect. It's very nice, and is conforming to the neighborhood. It is not seen from the road and they have no rear neighbors anyway.

Henry Green

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 30, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 147 CRYSTAL CREEK UNIT 1 PB 41 PGS 49 TO 52

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

FINDINGS OF FACT

Property Owner: Stephen & Raquel Wood
572 Tall Oaks Terrace
Longwood, FL 32750

Project Name: Tall Oaks Terrace (572)

Requested Development Approval:

Request for a rear yard setback variance from 10 feet to 2 feet for an existing addition in PUD (Planned Unit Development 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 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: _____
April Boswell
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: