

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

SUBJECT: 933 Kerwood Circle – Mark Buck, applicant; Request for a rear yard setback variance from 30 feet to 16 feet for a proposed addition in R-1A (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 4/23/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 16 feet for a proposed addition in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 16 feet for a proposed addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Mark Buck Location: 933 Kerwood Circle Zoning: R-1A (Single Family Dwelling District) Subdivision: Tuska Ridge Unit 4
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 20-foot 4-inch by 14-foot room addition to the rear of the existing home. • The proposed 280 square foot addition would encroach 14 feet into the required 30-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☒ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

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

Application # BV2007-26
Meeting Date April 23, 07

COPY



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED FEB 26 2007

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

Name: MARK BUCK

Address: 933 KERWOOD Circle City: Oviedo Zip code: 32765

Project Address: Same City: Zip code:

Contact number(s): 407-234-5637 or 407-977-0136

Email address: mbvck@AllianceSouth.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"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>family room 20'-4 x 14'</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>16' +</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:

☒ Total number of variances requested 1

NO 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: _____

FOR OFFICE USE ONLY

Date Submitted: 2-26-07 Reviewed By: _____
Tax parcel number: 17-21-31-5LU-0800-2960 Zoning/FLU R-1A / LDR

- ☐ 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: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

1. Completed application.

2. Owner's authorization letter (if needed). This form can be obtained at <http://www.seminolecountyfl.gov/pd/planning/forms.asp>

3. Provide a legible 8 1/2 x 11 inch site plan with the following information

NOTE: Please use your property survey for your site plan, if available.

See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.

☐ Please start with a clean survey (ex: white out old approval stamps)

☐ Size and dimension of the parcel

☐ Location and name of all abutting streets

☐ Location of driveways

☐ Location, size and type of any septic systems, drainfield and wells

☐ Location of all easements

☐ Existing or proposed house or addition
(Label existing, label proposed, and include square footage and dimensions of each)

☐ Existing and/or proposed buildings, structures and improvements
(Label existing, label proposed, and include square footage and dimension of each)

☐ Building height

☐ Setbacks from each building to the property lines

☐ Location of proposed fence(s)

☐ Identification of available utilities
(ex: water, sewer, well or septic)

4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

2/26/2007

Seminole County Zoning

Attached is a diagram that will show our plans to expand our current home at 933 Kerwood Circle in Oviedo Florida 32765.

Assuming that our current structure is 30 feet off the set back line (it could possibly be further from the set back line than 30') we are asking for a zoning variance so that we can add an additional 14' to the rear of the house. Also, we may want to add apx. 4' of patio to the rear of the new addition.

If 14' is approved, and based on our current structure being 30' from the set back line, the new structure would be 16' + from the set back line.

Also, fyi, my next door neighbor (Mr. & Mrs. Martin) have just completed an addition that needed a zoning variance for the same reason.

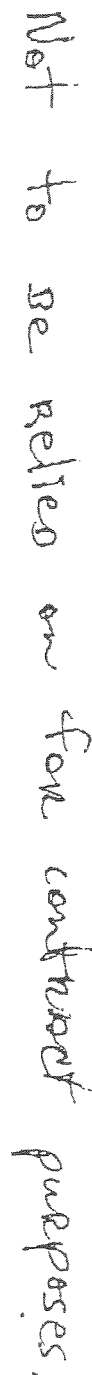
Your assistance on this is greatly appreciated.

Thanks very much,

A handwritten signature in black ink, appearing to read "Mark Buck", written over a horizontal line.

Mark Buck
407-234-5637

LOT 296, FUSKA RIDGE UNIT FOUR
AS RECORDED IN PLAT EXH 46, PAGE(S) 22 AND 27, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



~~DISAPPEARED SET STATE LISTS~~

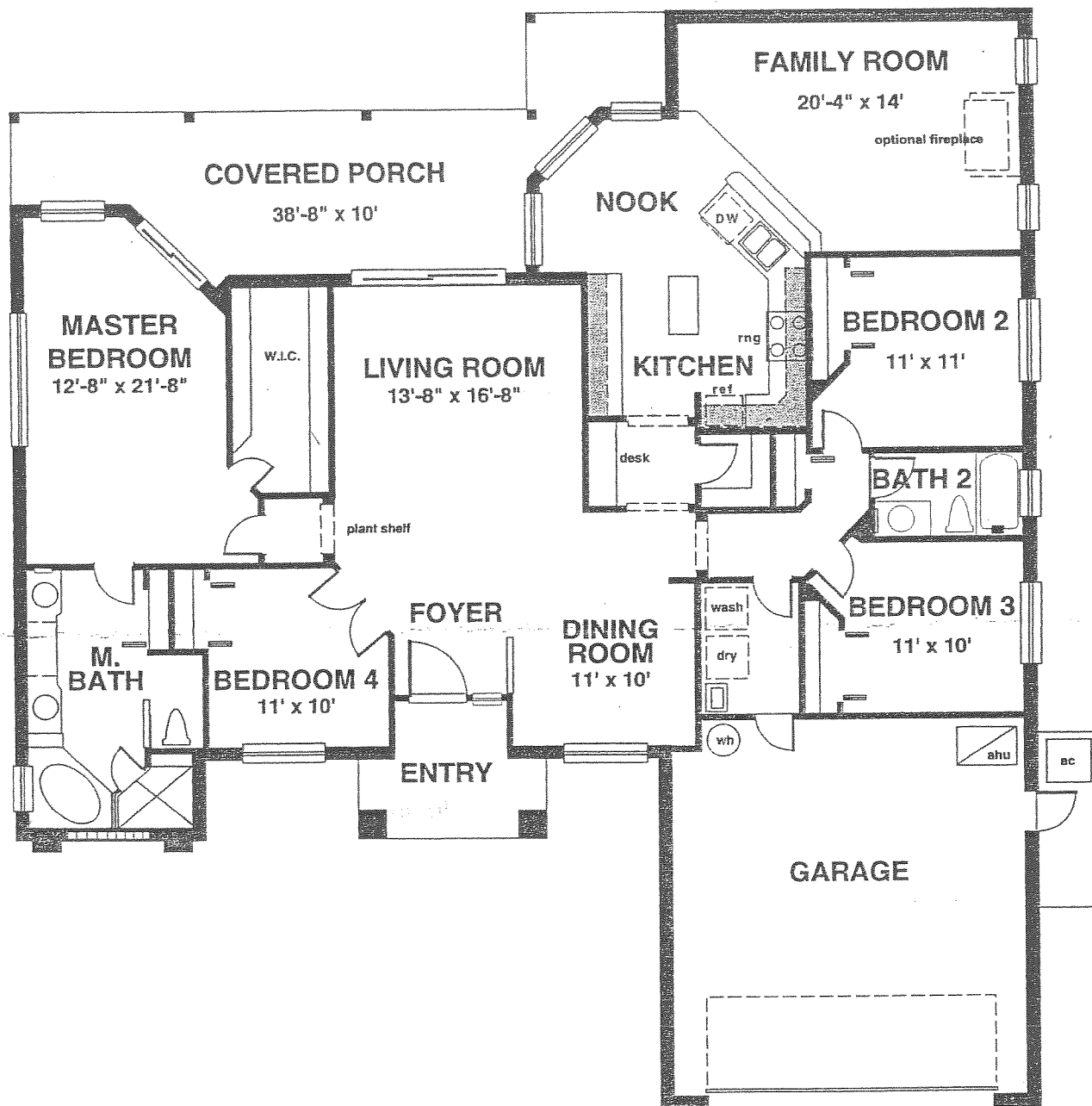
2000年12月10日

ACCURIGHT SURVEYS
of Orlando Inc.
Edie E. Robinson Sr.
Orlando, Florida 32803
(407) 894-6314

EXISTING FLOOR PLAN

FAIRMOUNT

4 Bedroom / 2 bath



Picerne Homes

Square Footage Tabulation

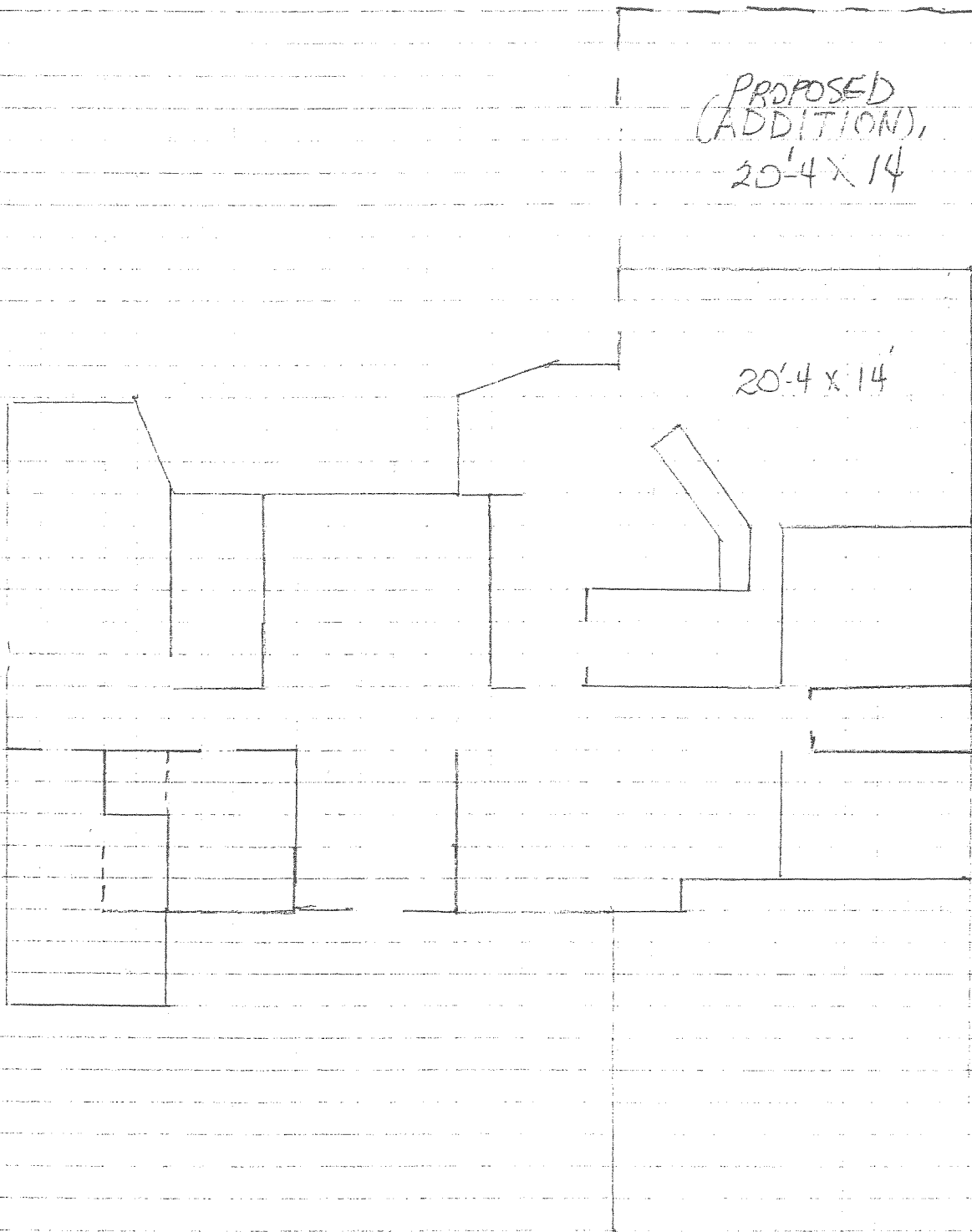
Living Area: 2117

Garage (2car): 510

Entry: 77

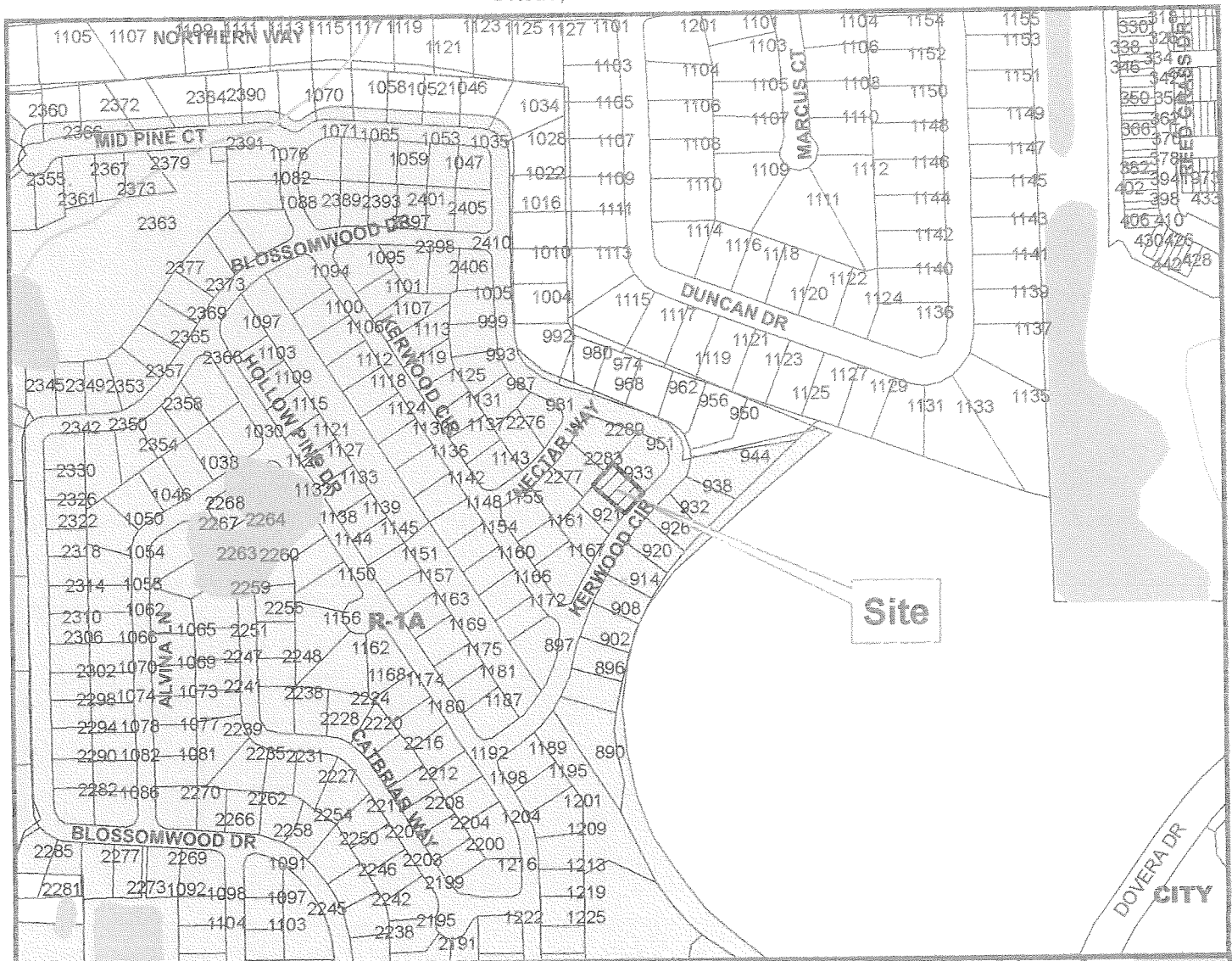
Porch: 388

Total (under roof): 3092



MARK BUCK
933 KERWOOD CIRCLE, DUNEDIN FL 32765 407-234-5637





Lynn & Mark Buck
933 Kerwood Circle
Oviedo, Florida 32765



Seminole County Board of Adjustment
April 23, 2007

Case: BV2007-26 (Map 3159, Grid A7)
Parcel No: 17-21-31-5LU-0B00-2960

Zoning

-  BV2007-26
-  RC-1
-  R-1AAA
-  R-1A



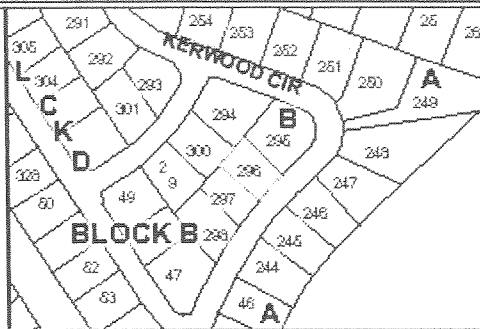
PARCEL DETAIL

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-0B00-2960

Owner: BUCK MARK D & LYNN A

Mailing Address: 933 KERWOOD CIR

City,State,ZipCode: OVIEDO FL 32765

Property Address: 933 KERWOOD CIR OVIEDO 32765

Subdivision Name: TUSKA RIDGE UNIT 4

Tax District: 01-COUNTY-TX DIST 1

Exemptions: 00-HOMESTEAD (1996)

Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method: Market
Number of Buildings: 1
Depreciated Bldg Value: \$204,870
Depreciated EXFT Value: \$9,257
Land Value (Market): \$54,000
Land Value Ag: \$0
Just/Market Value: \$268,127
Assessed Value (SOH): \$169,697
Exempt Value: \$25,000
Taxable Value: \$144,697
Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
CORRECTIVE DEED	06/2000	03866	1369	\$100	Improved	No
WARRANTY DEED	11/1994	02847	0238	\$145,500	Improved	Yes
WARRANTY DEED	11/1993	02692	1849	\$142,500	Vacant	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Amount(without SOH): \$3,689
2006 Tax Bill Amount: \$2,265
Save Our Homes (SOH) Savings: \$1,424
2006 Taxable Value: \$140,558
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:

LOT 296 & PT OF LOT 297 DESC AS 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	1995	10	2,167	3,069	2,167	CB/STUCCO FINISH	\$204,870	\$214,524
			Appendage / Sqft	OPEN PORCH FINISHED / 340					
			Appendage / Sqft	OPEN PORCH FINISHED / 78					
			Appendage / Sqft	GARAGE FINISHED / 484					

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

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
POOL GUNITE	1995	364	\$5,096	\$7,280

COOL DECK PATIO	1995	650	\$1,593	\$2,275
SCREEN ENCLOSURE	1995	1,772	\$2,128	\$3,544
SOLAR HEATER	1995	1	\$440	\$1,100

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.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 296 & PT OF LOT 297 DESC AS 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
PLAT BOOK 46 PAGES 78 & 79

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

FINDINGS OF FACT

Property Owner: Mark D & Lynn A Buck
933 Kerwood Circle
Oviedo, FL 32765

Project Name: Kerwood Circle (933)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 16 feet for a proposed addition in 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: Joy Williams, 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 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: _____
Dori Debord
Planning & Development Director

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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: