

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 355 Bodie Ave – John Kurzon, applicant; Request for a front yard setback variance from 25 feet to 21 feet for a proposed 6-foot high concrete block wall in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 5/19/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a front yard setback variance from 25 feet to 21 feet for a 6-foot high concrete block wall in R-1AA (Single family Dwelling District); or
2. **Approve** the request for a front yard setback variance from 25 feet to 21 feet for a 6-foot high concrete block wall in R-1AA (Single family Dwelling District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: John Kurzon Location: 355 Bodie Ave Zoning: R-1AA (Single Family Dwelling District) Subdivision: Sanlando Springs
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 6-foot high concrete block wall that would encroach 4 feet into the required 25-foot front yard setback.</li> <li>• The proposed wall will be 20 feet in length and will provide privacy for the swimming pool.</li> <li>• The design of home and pool currently under construction is unique in the way that the pool is in the center of the lot and is visible and accessible from the front yard.</li> <li>• The proposed wall will be designed to blend in with the architecture of the home and will provide a barrier to</li> </ul>

Reviewed by:  
Co Atty: \_\_\_\_\_  
Pln Mgr: \_\_\_\_\_

	<p>ensure that the pool will not be a safety hazard.</p> <ul style="list-style-type: none"><li>• There are currently no code enforcement or building violations for this property.</li><li>• On May 27, 1997, the property was granted a variance for width at building line from 90 feet to 61 feet.</li></ul>
<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the 6-foot high concrete block wall as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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
- Applicant Authorization Form
- 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 # BV2008-45  
Meeting Date 5-19-08

**COPY**

**VARIANCE APPLICATION**

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



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

Name: JOHN F. KURZON  
Address: 5320 DON MAR ST. City: APOPKA Zip code: 32703  
Project Address: 355 BODIE AVE City: LONSWOOD Zip code: 32750  
Contact number(s): 407-256-2120  
Email address: JKURZON@CFL.RR.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 checked="" type="checkbox"/> Fence <u>6' BLK WALL</u>	Please describe: <u>STUCCO</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<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.	

RECEIVED APR 15 2008

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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25</u>	Proposed setback:	<u>21</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<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 checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

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: 4-15-09 Reviewed By: P. Johnson  
 Tax parcel number: 01-21-29-5CL-120D-0130 Zoning/FLU R-1AA/LOR  
 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!*

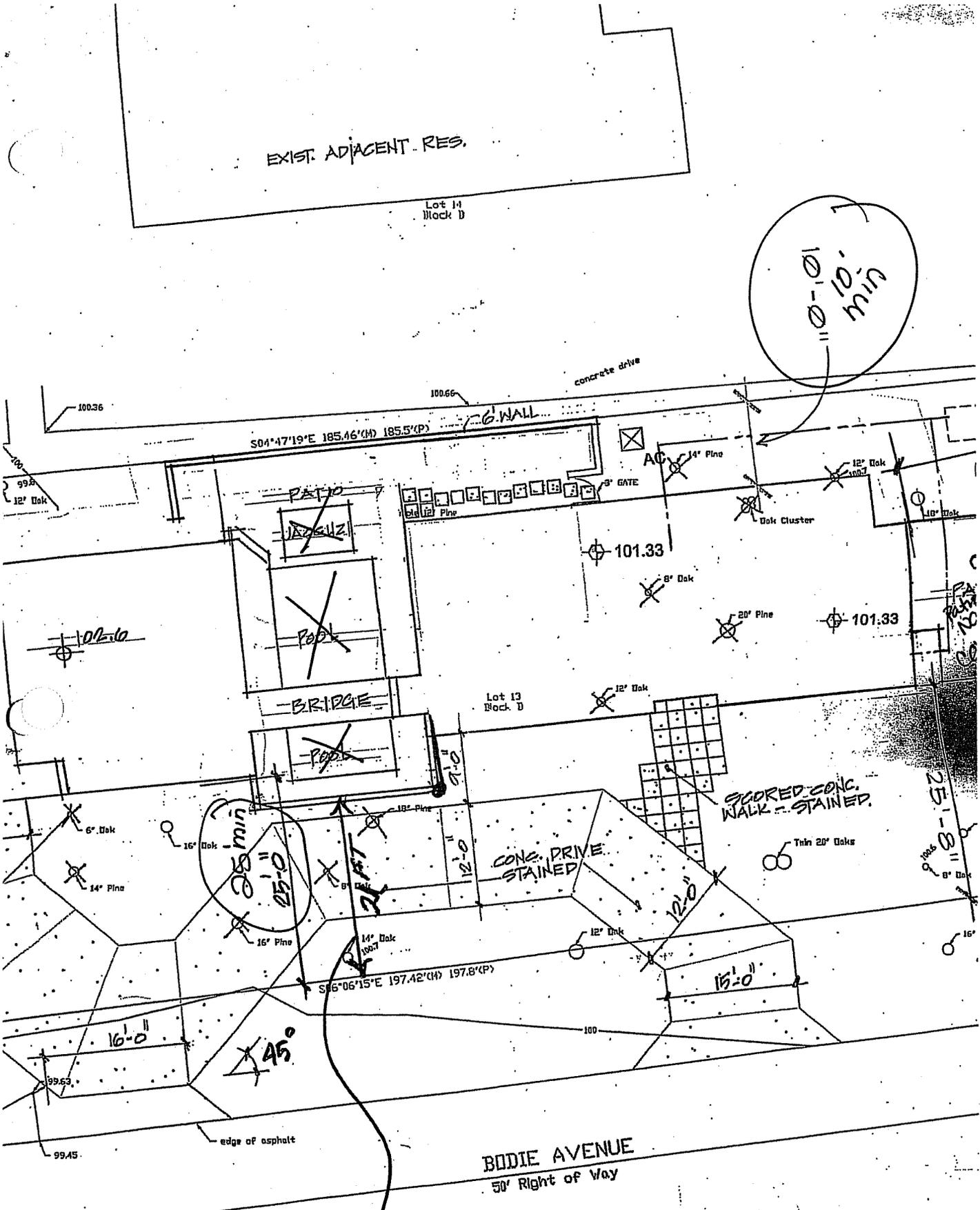
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



EXIST. ADJACENT RES.

Lot 14  
Block D

0-10-10  
min



BODIE AVENUE  
50' Right of Way

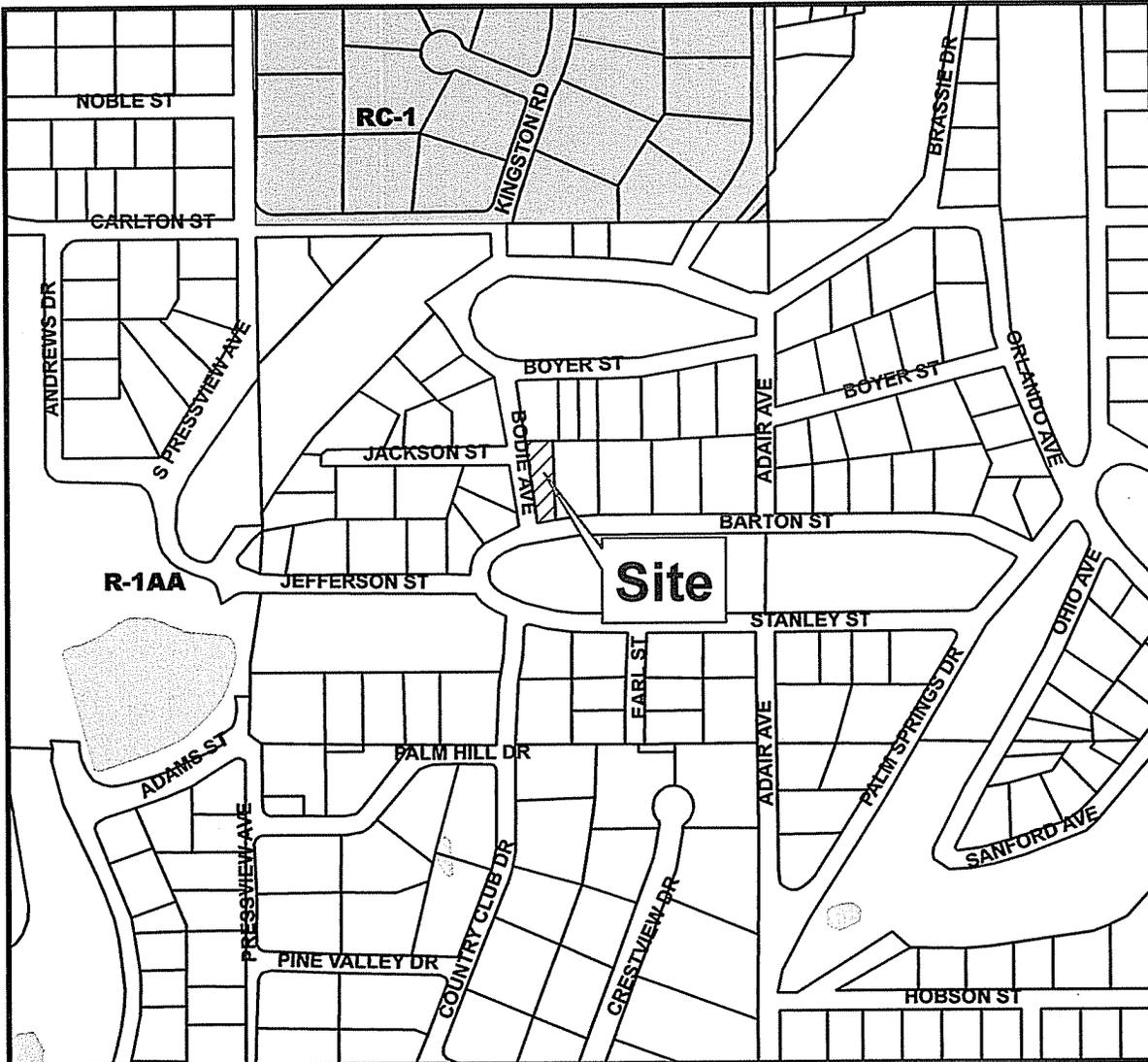
PROPOSED WALL  
SETBACK  
@ 21 FT.

**LOAD CALCULATION CRITERIA**

FLOOR LIVE LOAD: 40 PSF  
ROOF LIVE LOAD: 20 PSF  
WIND LOAD: PER FBC, 2004 ED, 110 MPH REC

**ARCHITECTURAL DRAWINGS:**

John Kurzon  
355 Bodie Avenue  
Longwood, Florida 32750

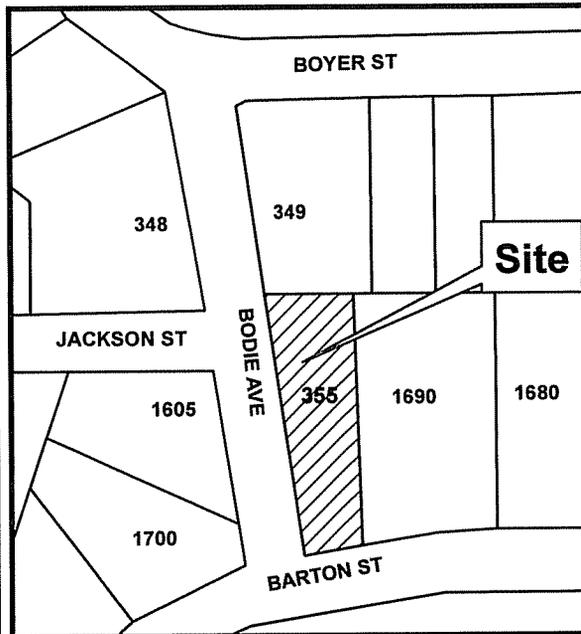


Seminole County Board of Adjustment  
May 19, 2008  
Case: BV2008-45 (Map 3155, Grid E3)  
Parcel No: 01-21-29-5CK-120D-0130

**Zoning**

-  BV2008-45
-  RC-1
-  R-1AA

N



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY, FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-666-7506</p>																						
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 01-21-29-5CK-120D-0130</p> <p>Owner: KURZON JOHN F &amp; GLENNA L</p> <p>Mailing Address: 5320 DON MAR ST</p> <p>City, State, Zip Code: APOPKA FL 32703</p> <p>Property Address: 355 BODIE AVE LONGWOOD 32750</p> <p>Subdivision Name: SANLANDO SPRINGS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: Dor: 00-VACANT RESIDENTIAL</p>	<p style="text-align: center;"><b>2008 WORKING VALUE SUMMARY</b></p> <p>Amendment 1 impact not reflected.</p> <table style="width:100%;"> <tr><td>Value Method:</td><td>Market</td></tr> <tr><td>Number of Buildings:</td><td>0</td></tr> <tr><td>Depreciated Bldg Value:</td><td>\$0</td></tr> <tr><td>Depreciated EXFT Value:</td><td>\$0</td></tr> <tr><td>Land Value (Market):</td><td>\$95,000</td></tr> <tr><td>Land Value Ag:</td><td>\$0</td></tr> <tr><td>Just/Market Value:</td><td>\$95,000</td></tr> <tr><td>Assessed Value (SOH):</td><td>\$95,000</td></tr> <tr><td>Exempt Value:</td><td>\$0</td></tr> <tr><td>Taxable Value:</td><td>\$95,000</td></tr> </table> <p style="text-align: center;"><u>Tax Estimator</u> <u>Portability Calculator</u></p>	Value Method:	Market	Number of Buildings:	0	Depreciated Bldg Value:	\$0	Depreciated EXFT Value:	\$0	Land Value (Market):	\$95,000	Land Value Ag:	\$0	Just/Market Value:	\$95,000	Assessed Value (SOH):	\$95,000	Exempt Value:	\$0	Taxable Value:	\$95,000	
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<p style="text-align: center;"><b>SALES</b></p> <table 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>07/2007</td> <td>06771</td> <td>0545</td> <td>\$142,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/2006</td> <td>06494</td> <td>1772</td> <td>\$33,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Find Comparable Sales within this Subdivision</u></p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/2007	06771	0545	\$142,500	Improved	Yes	WARRANTY DEED	11/2006	06494	1772	\$33,000	Vacant	No	<p style="text-align: center;"><b>2007 VALUE SUMMARY</b></p> <p>2007 Tax Bill Amount: \$1,403</p> <p>2007 Taxable Value: \$95,000</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																	
LOT	0	0	1.000	95,000.00	\$95,000																	
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																						

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07-23:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>JOHN F. KYRZON</u>	Name: _____
Address: <u>5320 DON MAR ST.</u>	Address: _____
City/Zip: <u>APOPKA, FL. 32703</u>	City/Zip: _____
Phone #: <u>407-256-2120</u>	Phone #: _____

Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	City/Zip: _____
City/Zip: _____	_____

(Use additional sheets for more space.)

SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_ City/Zip: \_\_\_\_\_

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_ City/Zip: \_\_\_\_\_

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

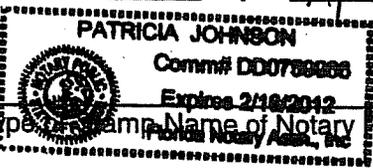
4/15/08  
Date

*[Handwritten Signature]*  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 15<sup>th</sup> day of April, 2008 by John Kurzon

*Patricia Johnson*  
Signature of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced K625-466-46-030-D

**For Use by Planning & Development Staff**  
Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 13 BLK D TRACT 12  
SANLANDO SPRINGS PB 5 PG 59

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

### FINDINGS OF FACT

**Property Owner:** John & Glenna Kurzon  
5320 Don Mar St  
Apopka, FL 32703

**Project Name:** Bodie Ave (355)

**Requested Development Approval:**

Request for a front yard setback variance from 25 feet to 21 feet for a 6-foot high concrete block wall in R-1AA (Single family Dwelling District).

The Development Approval was sought to permit a wall to encroach within the front yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner  
1101 East First Street  
Sanford, Florida 32771

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On May 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 13 BLK D TRACT 12  
SANLANDO SPRINGS PB 5 PG 59

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

**FINDINGS OF FACT**

**Property Owner:** John & Glenna Kurzon  
5320 Don Mar St  
Apopka, FL 32703

**Project Name:** Bodie Ave (355)

**Requested Development Approval:**

Request for a front yard setback variance from 25 feet to 21 feet for a 6-foot high concrete block wall in R-1AA (Single family Dwelling District).

All six criteria for granting a variance under the Land Development Code have been satisfied.

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:
  - a. The variance granted will apply only to the 6-foot high concrete block wall 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: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

