

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: 5687 Bear Stone Run – Thomas Cason, applicant; Request for a rear yard setback variance from 30 feet to 19.5 feet for a proposed addition in R-1A (Single Family Dwelling) district.

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Kathy Fall CONTACT: Denny Gibbs EXT. 7387

Agenda Date 6/22/09 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 30 feet to 19.5 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 19.5 feet for a proposed addition in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Owner: Location: Zoning: Subdivision:	Thomas Cason Thomas & Rebecca Kohm & Norman Kohm 5687 Bear Stone Run R-1A (Single Family Dwelling) district Bear Stone
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 19 foot by 20 foot addition that will encroach 10.5 feet into the required 30-foot rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>	

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

<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 addition 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 # BV 2009-34  
Meeting Date 6-22-09



# VARIANCE APPLICATION COPY

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201  
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: THOMAS J. KOHM / THOMAS CASON (407) 416-2534  
Address: 5687 BEAR STONE RUN City: OVIEDO Zip code: 32765  
Project Address: 5687 BEAR STONE RUN City: OVIEDO Zip code: 32765  
Tax Parcel number: 29-21-31-506-0000-0620  
Contact number(s): 407-359-0992 407-786-2000  
Email address: TKOHM@CFL.RR.COM

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

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 type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Bedroom</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.	

RECEIVED MAY 01 2009

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>19.5 ft.</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:	

30 ft.

19.5 ft.

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>			

Signed: [Signature]

Date: 4/30/09

**FOR OFFICE USE ONLY**

Date Submitted: 5-1-09

Reviewed By: P. Johnson

Zoning/FLU 29-21-31-506-0000-0620

*R1A Zoning*

- 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!*

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

*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.*

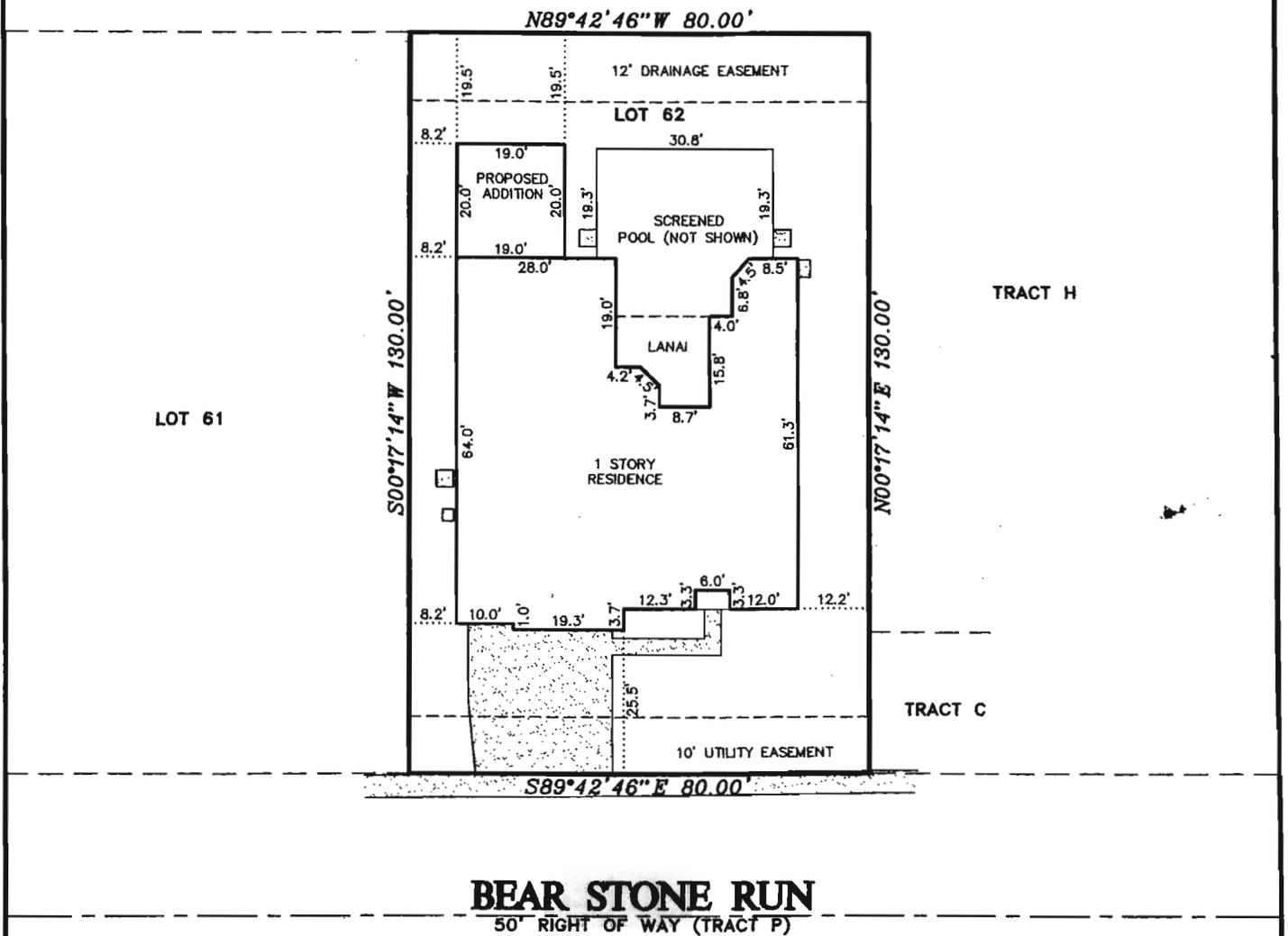
	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a>
	4. Provide 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>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drain field and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each )</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

# SITE PLAN FOR DOVE BUILDERS OF CENTRAL FLORIDA, INC.

LOT 62  
BEAR STONE  
PLAT BOOK 58, PAGES 49 AND 50,  
SEMINOLE COUNTY, FLORIDA



TRACT H

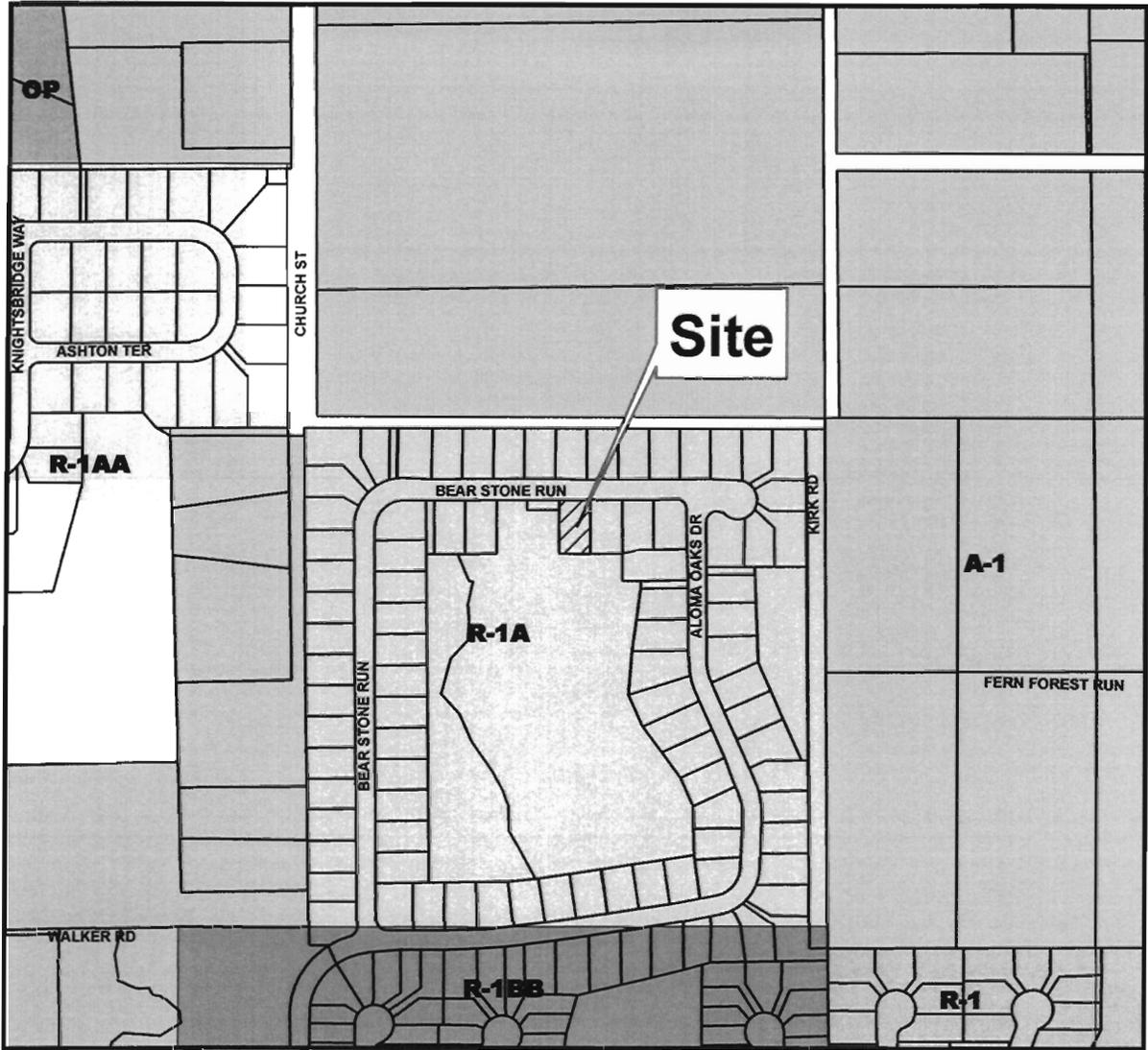


BEARINGS ARE BASED ON THE CENTERLINE  
OF BEAR STONE RUN AS BEING  
N89°42'47"W, PER PLAT.

LEGAL DESCRIPTION WAS FURNISHED BY  
CLIENT, UNLESS OTHERWISE NOTED.

MATTERS NOT KNOWN TO THIS SURVEYOR  
MAY AFFECT THE BOUNDARY LINES SHOWN  
HERE ON.

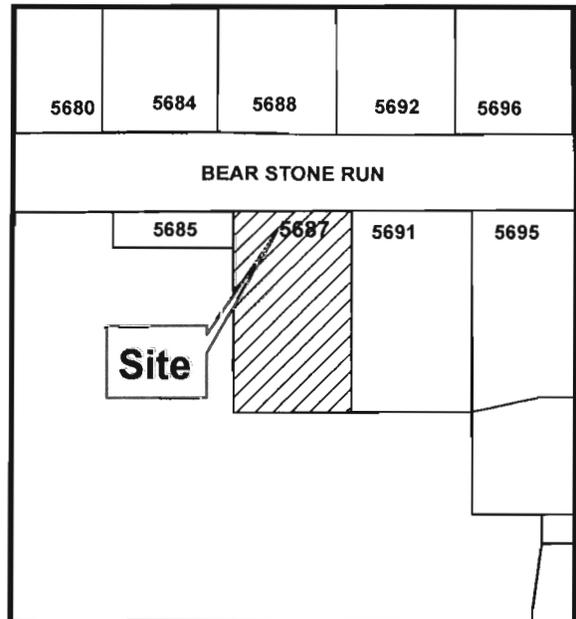
Thomas Cason  
 5687 Bear Stone Run  
 Oviedo, Florida 32765



**Seminole County Board of Adjustment**  
 June 22, 2009  
 Case: BV2009-34 (Map 3212 Grid C4)  
 Parcel No: 29-21-31-506-0000-0620

**Zoning**

-  BV2009-34
-  A-1
-  R-1AA
-  R-1A
-  R-1
-  R-1BB
-  OP

<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 407-665-7505</p>																																																														
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 29-21-31-506-0000-0620                  Owner: KOHM THOMAS J &amp; REBECCA A &amp;                  Own/Addr: KOHM NORMAN J                  Mailing Address: 5687 BEAR STONE RUN                  City,State,ZipCode: OVIEDO FL 32765                  Property Address: 5687 BEAR STONE RUN OVIEDO 32765                  Subdivision Name: BEAR STONE                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (2002)                  Dor: 01-SINGLE FAMILY</p>	<p><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$258,562</td> <td align="right">\$360,708</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$7,970</td> <td align="right">\$8,245</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$58,000</td> <td align="right">\$55,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td><b>Just/Market Value</b></td> <td align="right"><b>\$324,532</b></td> <td align="right"><b>\$423,953</b></td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$9,347</td> <td align="right">\$109,083</td> </tr> <tr> <td><b>Assessed Value (SOH)</b></td> <td align="right"><b>\$315,185</b></td> <td align="right"><b>\$314,870</b></td> </tr> </tbody> </table> <p align="center"> <a href="#">Tax Estimator</a>  <a href="#">Portability Calculator</a> </p>		VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$258,562	\$360,708	Depreciated EXFT Value	\$7,970	\$8,245	Land Value (Market)	\$58,000	\$55,000	Land Value Ag	\$0	\$0	<b>Just/Market Value</b>	<b>\$324,532</b>	<b>\$423,953</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$9,347	\$109,083	<b>Assessed Value (SOH)</b>	<b>\$315,185</b>	<b>\$314,870</b>																											
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COOL DECK PATIO	2001	313	\$877	\$1,096
SCREEN ENCLOSURE	2001	1,279	\$1,877	\$2,558
WATER FEATURE	2001	1	\$800	\$1,000

**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 APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, THOMAS J. KOHM, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s))  
29-21-31-506-0000-0620

hereby affirm that THOMAS R. CASON is hereby designated to act as my /our  
authorized agent and to file the attached application for the stated special exception / variance request and  
make binding statements and commitments regarding the request.

*Thomas J. Kohm*  
Owner's Signature

*Rebecca Kohm*

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

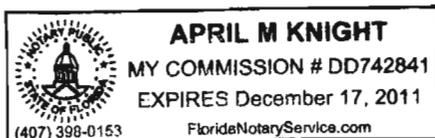
**SWORN TO AND SUBSCRIBED** before me this 1st day of May, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas & Rebecca Kohm, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of May, 2009

*April M Knight*  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: 12/17/2011



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The owner of the real property associated with this application is a (check one)

- Individual                       Corporation                       Land Trust  
 Limited Liability Company     Partnership  
 Other (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	ADDRESS	PHONE NUMBER
THOMAS KOHM	5687 BEAR STONE RUN	407-359-0992
Rebecca Kohm	5687 Bear Stone Run	407-359-0992
NORMAN KOHM	5687 BEAR STONE RUN	407-359-0992

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
<del> </del>			

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST
<del> </del>			

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

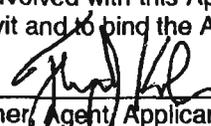
NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

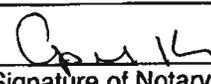
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are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

Date 4/30/09

  
 Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

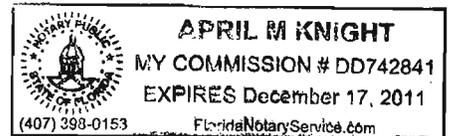
Sworn to (or affirmed) and subscribed before me this 1st day of May, 2009 by Thomas Kohn

  
Signature of Notary Public

April M. Knight  
Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 62 BEAR STONE PB 58 PGS 49 & 50

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

### FINDINGS OF FACT

**Property Owner:** Thomas J & Rebecca A Kohm & Norman J Kohm  
5687 Bear Stone Run  
Oviedo FL 32765

**Project Name:** Bear Stone Run (5687)

**Requested Variance:**

Rear yard setback variance from 30 feet to 19.5 feet for a proposed addition in R-1A (Single Family Dwelling) district.

Approval was sought to construct an addition that would encroach into the rear 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: Denny Gibbs, Senior 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 \_\_\_\_\_, 2009.

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

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 62 BEAR STONE PB 58 PGS 49 & 50

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

### FINDINGS OF FACT

**Property Owner:** Thomas J & Rebecca A Kohm & Norman J Kohm  
5687 Bear Stone Run  
Oviedo FL 32765

**Project Name:** Bear Stone Run (5687)

#### **Variance Approval:**

Rear yard setback variance from 30 feet to 19.5 feet for a proposed addition in R-1A (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: Denny Gibbs, Senior 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 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: \_\_\_\_\_  
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 \_\_\_\_\_, 2009.

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

My Commission Expires:

