

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

SUBJECT: Request for side yard setback from 7.5 feet to 3.5 feet for an existing accessory structure in the R-1A (Single-Family Dwelling District); (Scott Kramer, Applicant).

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

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

Agenda Date 10/24/05 **Regular** **Consent** **Public Hearing – 6:00**

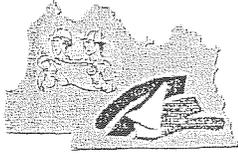
MOTION/RECOMMENDATION:

1. **APPROVE** Request for side yard setback from 7.5 feet to 3.5 feet for an existing accessory structure in the R-1A (Single-Family Dwelling District); (Scott Kramer, Applicant); or
2. **DENY** Request for side yard setback from 7.5 feet to 3.5 feet for an existing accessory structure in the R-1A (Single-Family Dwelling District); (Scott Kramer, Applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Scott Kramer LOCATION: Linden Road (1823) ZONING: R-1A (Single-Family Dwelling District)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant constructed a 10'x14' shed without a building permit; a notice of violation from the Seminole County Code Enforcement division was subsequently issued on 7/01/05. • The unpermitted shed encroaches 4 feet into the minimum 7.5 foot side yard setback. • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	<p>The applicant has failed to satisfy the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • The shed could have been built to comply with the code or could be relocated to negate the need for a variance. • No special circumstances applicable to the property or proposed addition have been demonstrated. • The shed encroaches a 7.5 foot side yard setback along the western property line.

STAFF RECOMMENDATION	<p>Based on the proposed site plan and the representations of the applicant, staff recommends the board of adjustment deny the requested variance. If the board should decide to grant a variance, staff recommends the following conditions:</p> <ul style="list-style-type: none">• Any variance granted should apply only to the existing shed as depicted on the attached site plan; and• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing.
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05 30060133



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BU 2005-135

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.

APPL. NO. BU 2005-135
2005
PLANNING DIVISION

APPLICATION TYPE:

- VARIANCE** sideyard setback adjusted from 7.5 feet to 3.0 feet for existing shed
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Scott Kramer</u>	<u>No power to shed</u> <u>height - 12 ft</u>
ADDRESS	<u>216 E Washington St</u>	
	<u>Orlando FL 32801</u>	
PHONE 1	<u>407 383 6601</u>	
PHONE 2		
E-MAIL	<u>sjkramer@gmail.com</u>	

PROJECT NAME: Linden Rd (1823)
SITE ADDRESS: 1823 Linden Rd Winter Park FL 32792
CURRENT USE OF PROPERTY: residential property
LEGAL DESCRIPTION: see attached

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 33-21-30-505-0A00-0050

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS Case # 05-453

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 10/24/05 (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* [Signature] DATE 8/15/05

* Proof of owner's authorization is required with submittal if signed by agent.

MJR

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 COMMISSION DISTRICT 4 FLU / ZONING LDR / R1A
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS North side of Linden Ave on mi west of the intersection of Lake Howell Road + Linden Ad
PLANNING ADVISOR MIR DATE 5/15/05
SUFFICIENCY COMMENTS _____

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 1823 LINDEN RD

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FLORIDA Building code CHAPTER/ARTICLE CH. 1 SECTION 104.

DESCRIPTION OF VIOLATION: Install a wood privacy fence, and constructed or installed a shed all without permit. (shed is approx. 10x10).

CORRECTIVE ACTION: obtain all proper permits and schedule all required inspections.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 8-2-05.

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

Tom Helle

DATE: 07-19-05

INSPECTOR: JASON RUCKER 407-665-7472

CASE NO: 05-453

SWERDLOFF & LONG

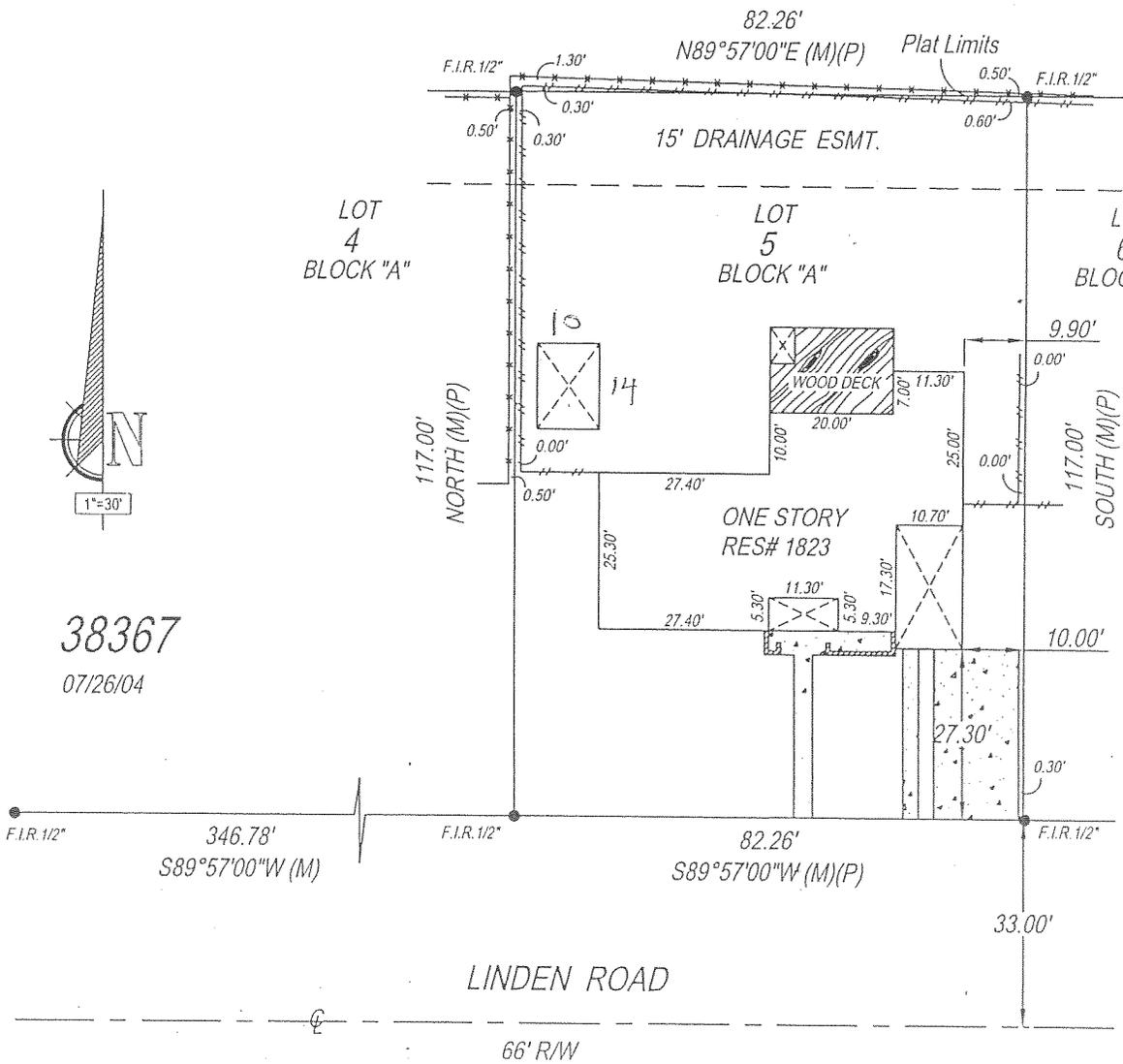
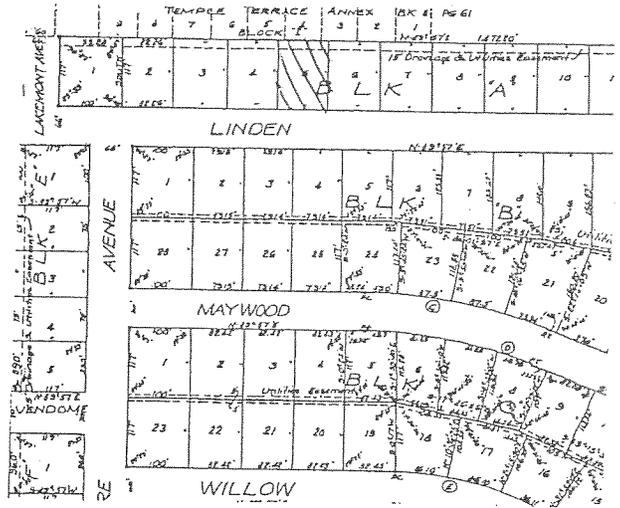
SURVEYING, INC

Legal Description

Lot 5, Block A, TANGLEWOOD SECOND THREE REPLAT, according to the plat thereof, as recorded in Plat Book 10, Page(s) 39 and 40, of the Public Records of Orange County, FL.

Community number: 120289 Panel: 0210
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Date of field work: 7/21/2004 Completion Date: 7/23/2004

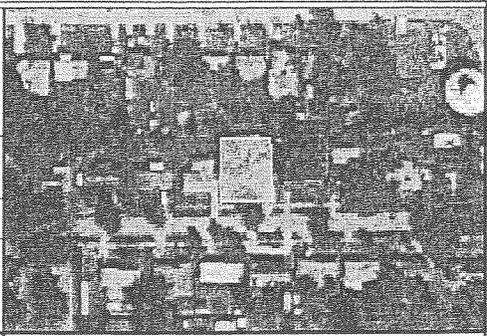
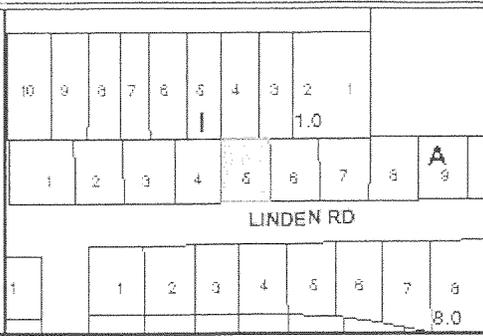
Certified to:
 Scott J. Kramer; The Closing Agent, Inc.; Commonwealth Land Title Insurance Company; Lakeland Regional Mortgage Corporation, its' successors and/or assigns.



Property Address:
 1823 Linden Road
 Winter Park, FL 32792

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: 33-21-30-505-0A00-0050
 Owner: KRAMER SCOTT J
 Mailing Address: 1823 LINDEN RD
 City, State, Zip Code: WINTER PARK FL 32792
 Property Address: 1823 LINDEN RD WINTER PARK 32792
 Subdivision Name: TANGLEWOOD SEC 3 REPLAT
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 01-SINGLE FAMILY

2005 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$107,592
Depreciated EXFT Value:	\$560
Land Value (Market):	\$23,000
Land Value Ag:	\$0
Just/Market Value:	\$131,152
Assessed Value (SOH):	\$131,152
Exempt Value:	\$25,000
Taxable Value:	\$106,152
Tax Estimator:	

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	07/2004	05481	0447	\$185,000	Improved
WARRANTY DEED	03/1999	03619	1196	\$98,500	Improved
WARRANTY DEED	08/1992	02503	0711	\$10,100	Improved
WARRANTY DEED	01/1977	01109	1027	\$20,200	Improved

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value (without SOH):	\$1,594
2004 Tax Bill Amount:	\$961
Save Our Homes (SOH) Savings:	\$633
2004 Taxable Value:	\$56,865

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	23,000.00	\$23,000

LEGAL DESCRIPTION PLAT

LEG LOT 5 BLK A TANGLEWOOD SEC 3
 REPLAT PB 10 PG 40

BUILDING INFORMATION

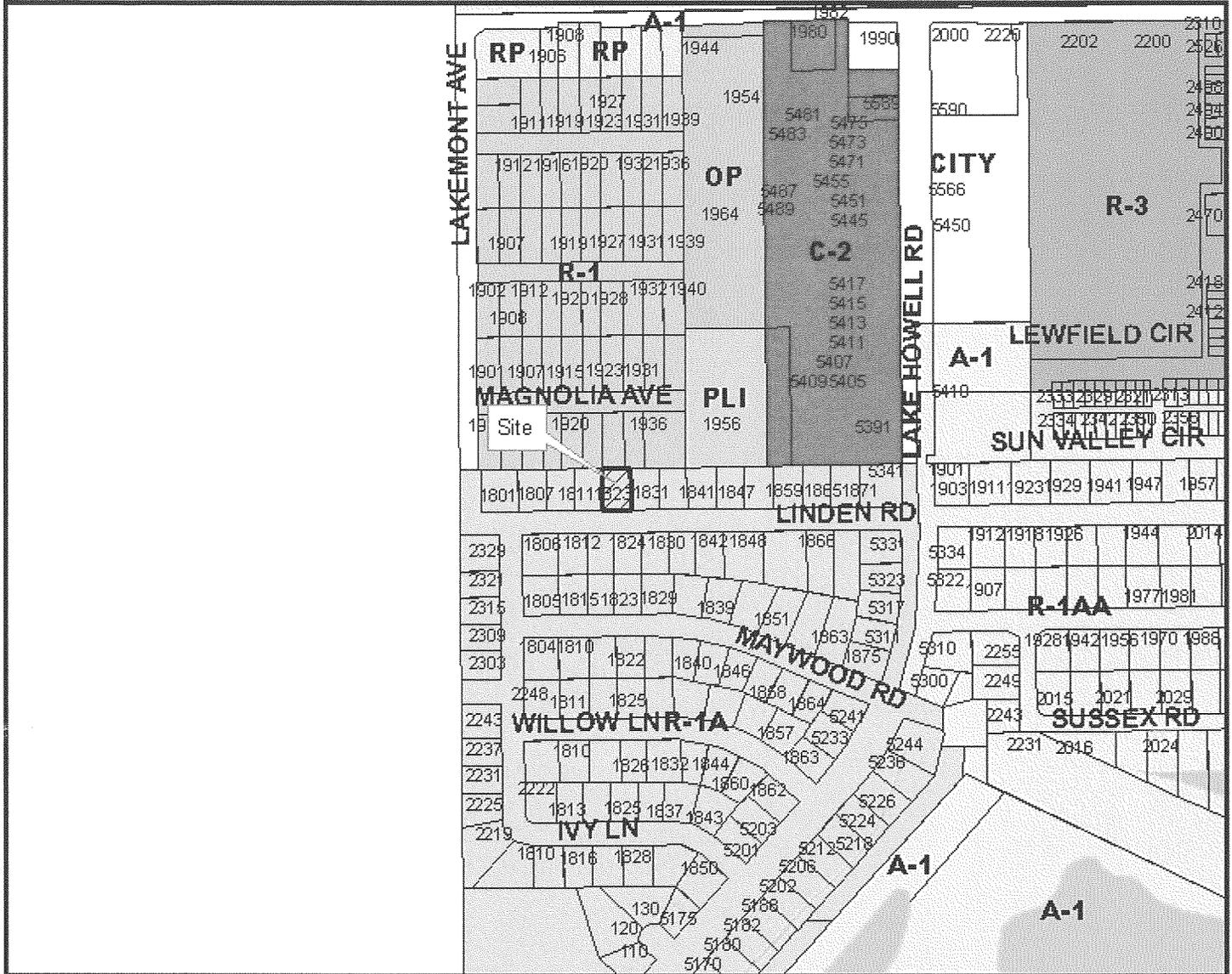
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1957	6	1,350	1,872	1,350	CONC BLOCK	\$107,592	\$149,433
	Appendage / Sqft		OPEN PORCH FINISHED / 60						
	Appendage / Sqft		CARPORT FINISHED / 187						
	Appendage / Sqft		UTILITY FINISHED / 88						
	Appendage / Sqft		UTILITY FINISHED / 187						

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
WOOD DECK	1980	280	\$560	\$1,400

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.

Scott Kramer
 1823 Linden Road
 Winter Park, FL 32792

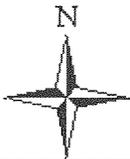


Seminole County Board of Adjustment
 October 24, 2005
 Case: BV2005-135
 Parcel No: 33-21-30-505-0A00-0050

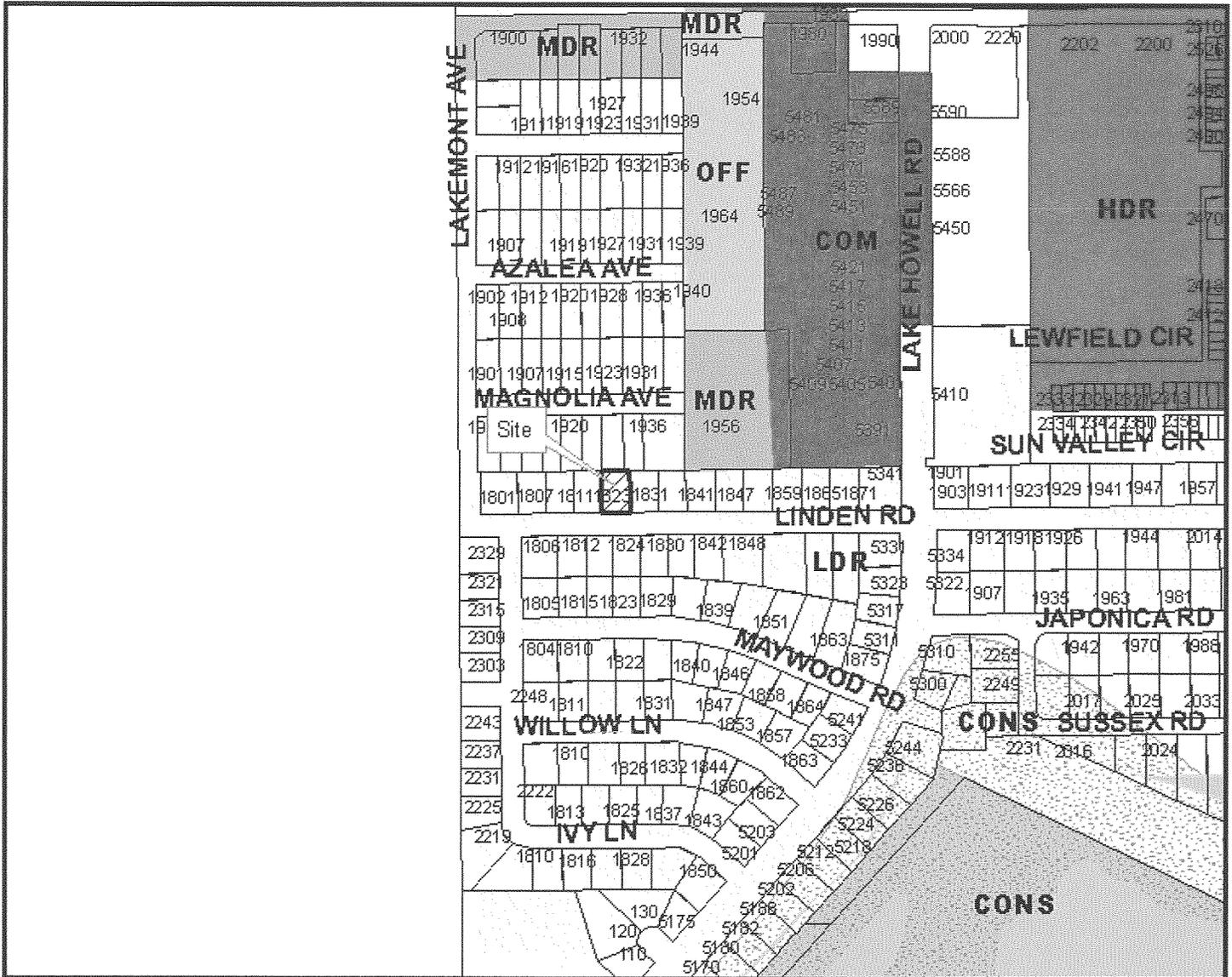
Zoning

	A-1 Agricultural-1Ac		BV2005-135
	R-1 AA Single Fam-11700		
	R-1 A Single Fam -9000		
	R-1 Single Fam -8400		
	R-3 Multi-Family-1 3DU		
	RP Residential Professional		
	OP Office		
	C-2 Retail Commercial		
	PLI Public Land & Institutions		

0 110 220 440 660 880 Feet




Scott Kramer
 1823 Linden Road
 Winter Park, FL 32792



Seminole County Board of Adjustment
 October 24, 2005
 Case: BV2005-135
 Parcel No: 33-21-30-505-0A00-0050
Future Land Use

- CONS, REC
- CONS, LDR
- LDR, NONE
- MDR, NONE
- HDR, NONE
- OFF, NONE
- COM, NONE
- BV2005-135

0 110 220 440 660 880 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 BLK A TANGLEWOOD SEC 3 REPLAT PB 10 PG 40

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

FINDINGS OF FACT

Property Owner: Scott Kramer
1823 Linden Rd.
Winter Park, FL 32792

Project Name: Linden Road (1823)

Requested Development Approval:

Request for side yard setback from 7.5 feet to 3.5 feet for an existing accessory structure 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 shed 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: