

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

SUBJECT: Request for a side yard (north) setback variance from 7.5 feet to 5 feet 8 inches for a proposed two story single family home in R-1 (Single Family Dwelling District); Raymond Krogman, applicant.

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

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

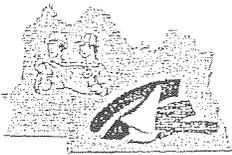
Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard (north) setback variance from 7.5 feet to 5 feet 8 inches for a proposed two story single family home in R-1 (Single Family Dwelling District); or
2. **DENY** the request for a side yard (north) setback variance from 7.5 feet to 5 feet 8 inches for a proposed two story single family home in R-1 (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Raymond Krogman Owner: Raymond and Michelle Krogman Location: 10026 Bear Lake Road Zoning: R-1 (Single Family Dwelling District) Subdivision: McNeils Orange Villa
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new single family home to replace an existing single family home built in 1930 where the new structure would encroach 1 foot 10 inches into the required 7 foot 6 inch side 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	<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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant could construct the new house without the need to encroach in this setback.</i>• 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	<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 single family home 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.



COPY

RECEIVED JUL 07 2006

APPL. NO. BU 2006-125

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.

APPLICATION TYPE:

- VARIANCE** MINIMUM SIDE (NORTH) YARD SET BACK
- VARIANCE** FROM 7.5 TO 5'8" PROPOSED 2 STORY HOUSE
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- MEDICAL HARDSHIP
- NIGHT WATCHMAN
- FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- TIME NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>RAYMOND KROGMAN</u>	
ADDRESS	<u>10026 BEAR LK RD</u>	
	<u>APOPKA FL 32703</u>	
PHONE 1	<u>407-291-2375</u>	
PHONE 2	<u>407-810-0952</u>	
E-MAIL	<u>MLKROGMAN@YAHOO.COM</u>	

PROJECT NAME: 10026 BEAR LK RD
 SITE ADDRESS: 10026 BEAR LK RD
 CURRENT USE OF PROPERTY: SFR
 LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 17-21-29-5BG-0000-14A0
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

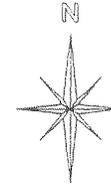
This request will be considered at the Board of Adjustment regular meeting on 8/28/06 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

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.

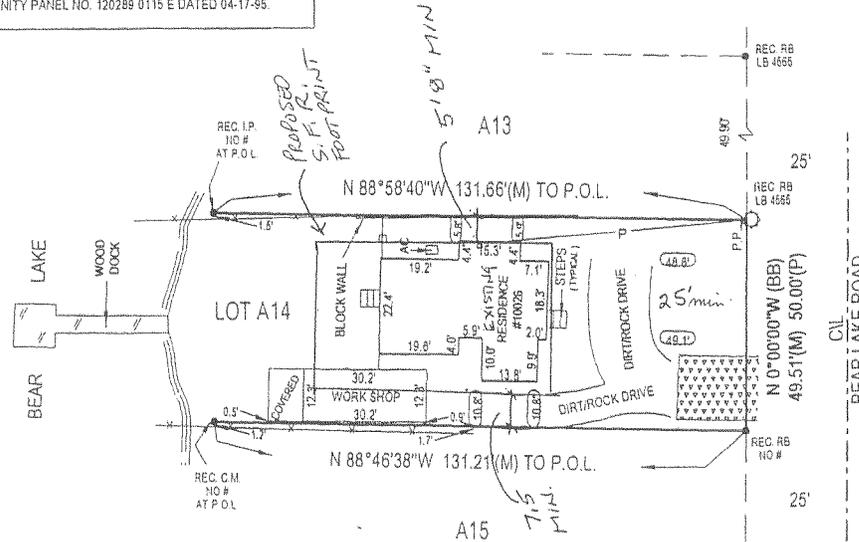
SIGNATURE OF OWNER OR AGENT: Raymond Kroger DATE: July 07 / 06

NOTES:

1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
5. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "AE" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0116 E DATED 04-17-95.



SCALE 1" = 30'



CERTIFIED TO:
 RAYMOND R. AND MICHELLE L. KROGMAN
 WATSON TITLE SERVICES, INC.
 NATIONAL CITY MORTGAGE, A DIVISION OF
 NATIONAL CITY BANK OF INDIANA
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

JOB NO.: 06-668

DATE: 03-02-06

SIGNED: 03

DRAWN BY: RY



Boundary
 And
 Mapping
 Associates, Inc.

109 WEST ORANGE STREET
 ALTAMONTE SPRINGS, FL.
 32714

LAND
 SURVEYORS
 LB 4555

DESCRIPTION: LOT A14, MCNEIL'S ORANGE VILLA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 99 THROUGH 101, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LEGEND	
REC - RECOVERED	CONCRETE
IP - IRON PIPE	PRC - POINT OF REVERSE CURVE
IC - ILLUSIBLE CAP #	R - RADIUS
CA - CONCRETE MONUMENT	L - LENGTH OF ARC
RB - REBAR	CA - CENTRAL ANGLE
RD - RADIAL	UE - UTILITY EASEMENT
RA - ROT RADIAL	DE - DRAINAGE EASEMENT
NAD - NAD & DISC	LE - LANDSCAPE EASEMENT
(P) - PER PLAT	PE - POOL EQUIPMENT
(N) - AS MEASURED	PP - POWER POLE
(D) - PER DESCRIPTION	X - CHAIN LINK FENCE
OL - ONLINE	W - WOODEN FENCE
P.C. - POINT OF CURVATURE	
P.T. - POINT OF TANGENCY	

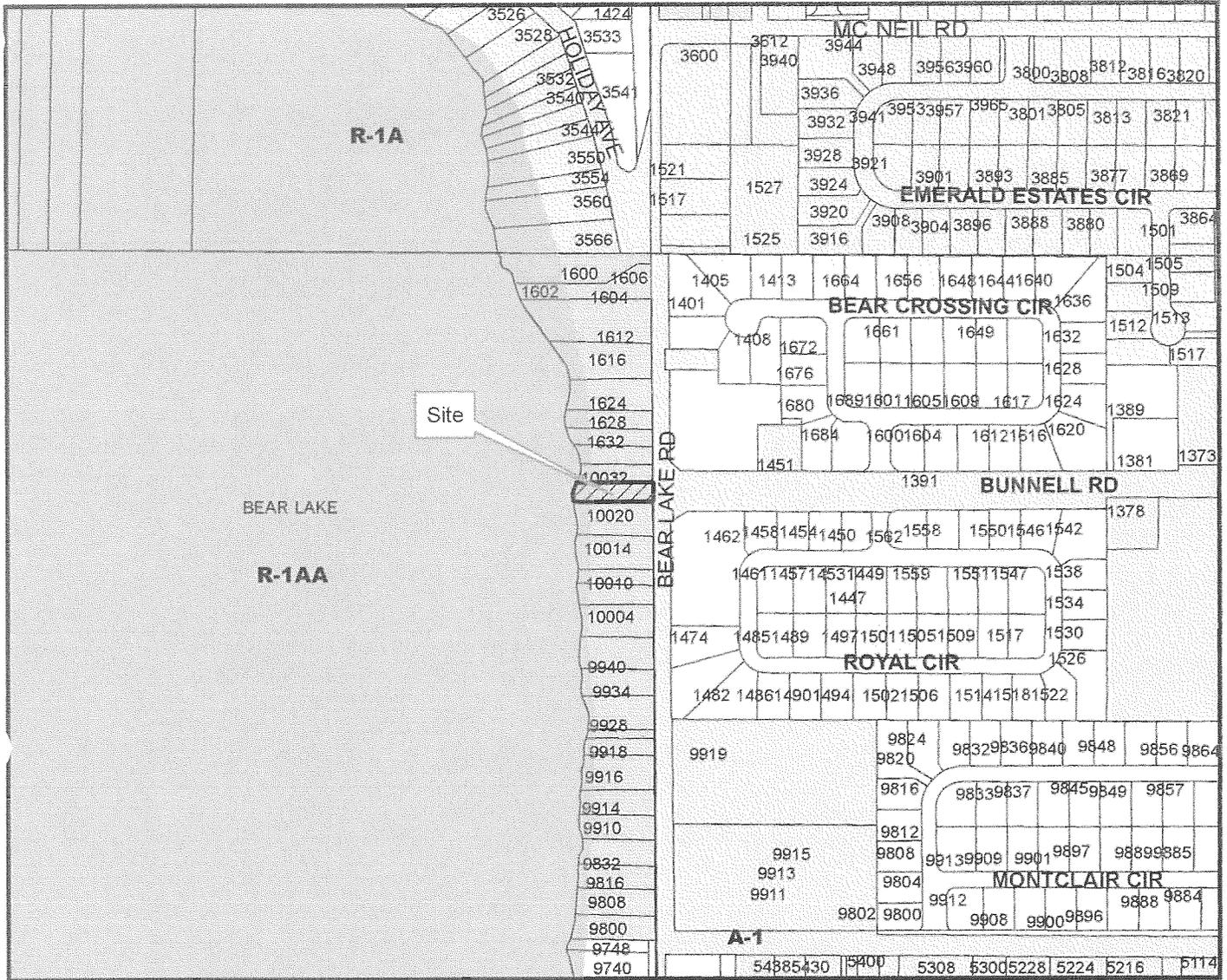
This is a digitally signed and sealed drawing of a boundary survey performed under the direction of the undersigned. Six copies are authorized on or about the date of the survey shown hereon and certified only to those persons and/or entities listed hereon. The boundary survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17 F.A.C. pursuant to section 472-027 Florida Statutes.



RODNEY W. JACKSON, PSM 6281

<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 407-665-7508</p>																														
<p align="center">GENERAL</p> <p>Parcel Id: 17-21-29-5BG-0000-14A0</p> <p>Owner: KROGMAN RAYMOND R & MICHELLE L</p> <p>Mailing Address: 10032 BEAR LAKE RD</p> <p>City,State,ZipCode: APOPKA FL 32703</p> <p>Property Address: 10026 BEAR LAKE RD S APOPKA 32703</p> <p>Subdivision Name: MC NEILS ORANGE VILLA</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</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: \$27,204</p> <p>Depreciated EXFT Value: \$240</p> <p>Land Value (Market): \$200,813</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$228,257</p> <p>Assessed Value (SOH): \$228,257</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$228,257</p> <p>Tax Estimator</p>																												
<p align="center">SALES</p> <table border="1"> <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>03/2006</td> <td>06159</td> <td>1277</td> <td>\$320,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1986</td> <td>01772</td> <td>1192</td> <td>\$55,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1978</td> <td>01185</td> <td>1683</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	03/2006	06159	1277	\$320,000	Improved	Yes	WARRANTY DEED	09/1986	01772	1192	\$55,000	Improved	Yes	WARRANTY DEED	06/1978	01185	1683	\$100	Improved	No	<p>2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$2,992</p> <p>2005 Taxable Value: \$182,581</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p>NOTE: 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>																														

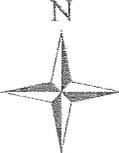
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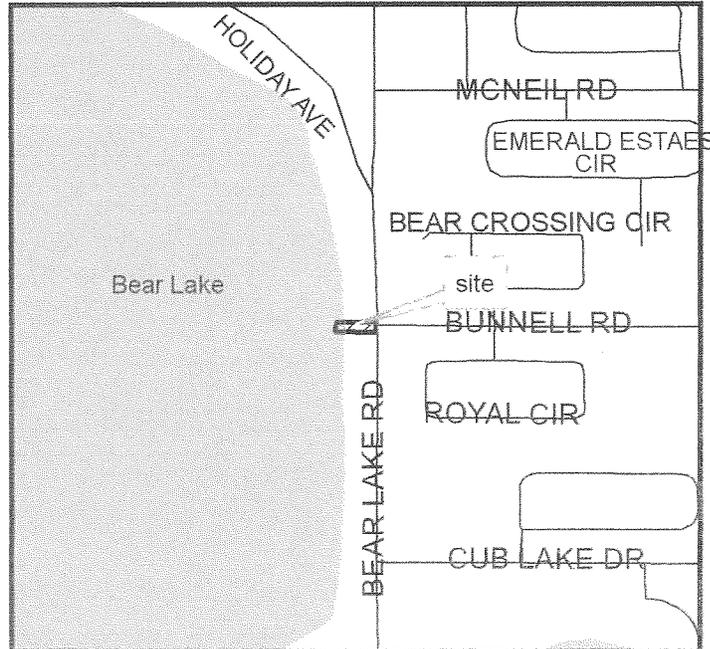


Seminole County Board of Adjustment
August 28 2006
Case: BV2006-125
Parcel No: 17-21-29-5BG-0000-14A0

Zoning

	BV2006-125		R-1A
	A-1		R-1
	R-1AA		R-1BB

N




SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 14A MC NEILS ORANGE VILLA PB 2 PG 99

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

FINDINGS OF FACT

Property Owner: Raymond and Michelle Krogman
10032 Bear Lake Road
Apopka FL 32703

Project Name: Bear Lake Road (10026)

Requested Development Approval:

Request for a side yard (north) setback variance from 7.5 feet to 5 feet 8 inches for a proposed two story single family home in R-1 (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: 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:
 1. The variance granted will apply only to the new single family residence 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: