

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

SUBJECT: Request for a side yard (east) setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (Single Family Dwelling District); (David Kosich, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 6/26/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard (east) setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (Single Family Dwelling District); (David Kosich, applicant); or
2. **DENY** the request for a side yard (east) setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (Single Family Dwelling District); (David Kosich, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: David Kosich Location: 3060 Harbor Lake Court Zoning: R-1AA (Stillwater)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a storage shed without a permit and within the side yard setback. • The shed is 10 feet by 16 feet (160 square feet) and encroaches 8 feet into the east side yard setback. • The shed is also located in the 5 foot drainage and utility easement and the applicant is currently in the easement vacate process. • 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 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 has the ability to construct the exact shed on their property without encroaching into the setbacks.</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 shed 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

APPL. NO. B02006-132

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** Side yard setback variance from 10ft. to 2ft. for a 10'x16' storage shed.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) / PROPOSED (YEAR _____)**
- REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____**
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____**
- PLAN TO BUILD YES NO IF SO, WHEN _____**
- MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	David J. Kosich / Emily M. Randall	
ADDRESS	3060 Harbor Lake Ct. Oviedo, FL 32765	
PHONE 1	407-366-8046	
PHONE 2	407-736-5921	
E-MAIL	randkos3@bellsouth.net	

PROJECT NAME: Shed
 SITE ADDRESS: Same
 CURRENT USE OF PROPERTY: Back yard
 LEGAL DESCRIPTION: Lot 58, Stillwater - Phase 2

SIZE OF PROPERTY: 0.3 acre(s) PARCEL I.D. 27-21-31-509-0000-0580

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 9, 25, 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.

David J. Kosich
 SIGNATURE OF OWNER OR AGENT* 7/25/06
DATE

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

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): _____ COMMISSION DISTRICT _____ FLU / ZONING R-1AA

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS shed in drainage and utility easements

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

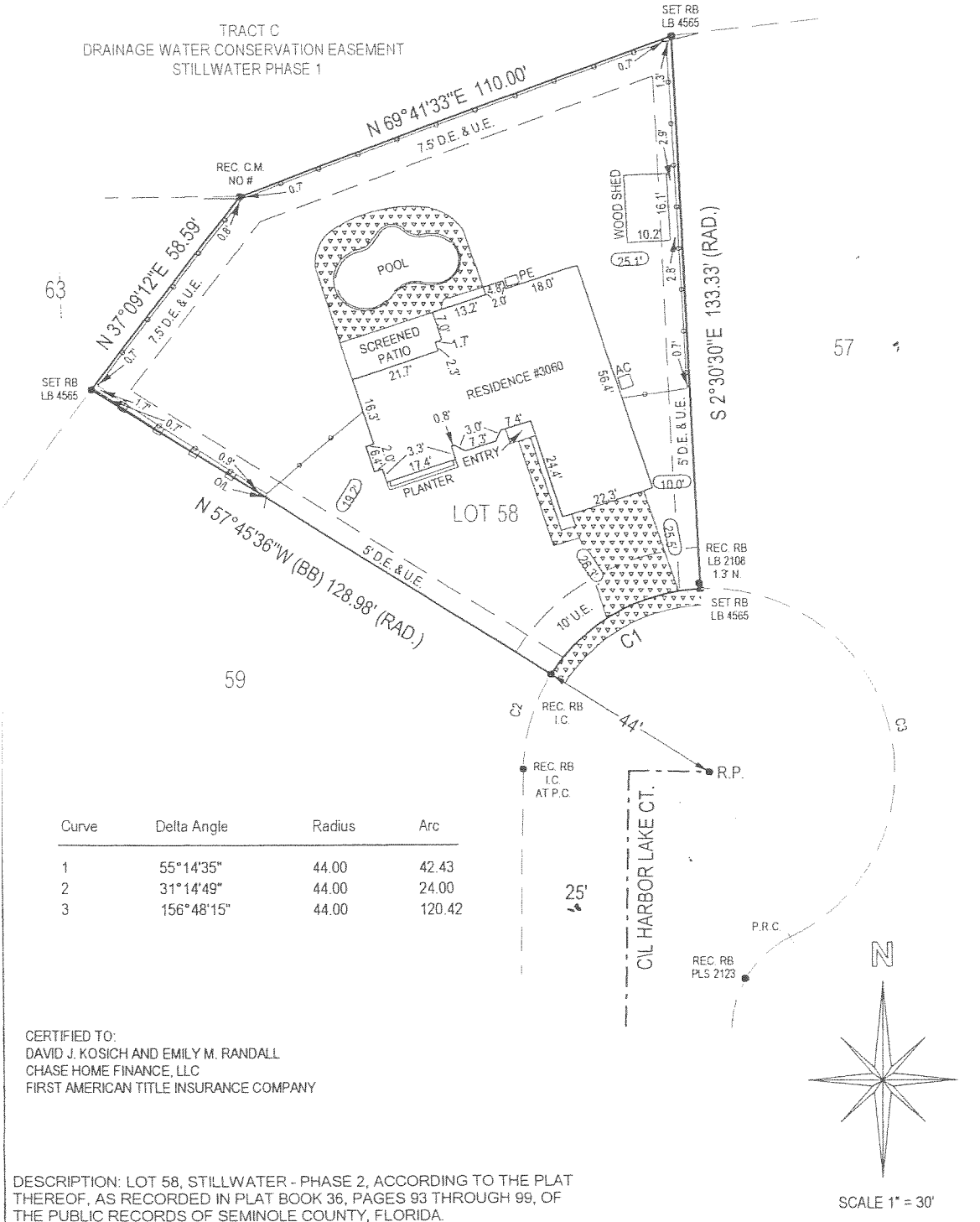
NOTES:

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 RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.I.R.M. COMMUNITY PANEL NO. 120287 0165 E DATED 04-17-95.

LAND
SURVEYORS
LB 4565

**Boundary
And
Mapping
Associates, Inc.**

109 WEST ORANGE STREET
ALTA MONTE SPRINGS, FL
32714
PH. (407) 696-1155



CERTIFIED TO:
DAVID J. KOSICH AND EMILY M. RANDALL
CHASE HOME FINANCE, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

DESCRIPTION: LOT 58, STILLWATER - PHASE 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGES 93 THROUGH 99, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

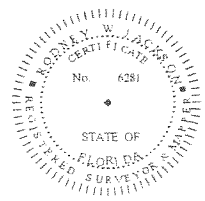
JOB NO.: 06-2106
DATE:
FIELD: 07-10-06
SIGNED: 07-11-06
DRAWN BY: CMS
P.C.: JA
CHECKED: RWJ

LEGEND	
REC - RECOVERED	CONCRETE
I.P. - IRON PIPE	P.R.C. - POINT OF REVERSE CURVE
I.C. - ALLEGIBLE CAP #	R.P. - RADIUS POINT
C.M. - CONCRETE MONUMENT	R - RADIUS
RB - REBAR	L - LENGTH OF ARC
RAD - RADIAL	CA - CENTRAL ANGLE
N.R. - NOT RADIAL	U.E. - UTILITY EASEMENT
N&D - NAIL & DISC	D.E. - DRAINAGE EASEMENT
(P) - PER PLAT	LE - LANDSCAPE EASEMENT
(M) - AS MEASURED	P.E. - POOL EQUIPMENT
(D) - PER DESCRIPTION	P.P. - POWER POLE
OL - ON LINE	-X- - CHAIN LINK FENCE
P.C. - POINT OF CURVATURE	-□- - WOODEN FENCE
P.T. - POINT OF TANGENCY	

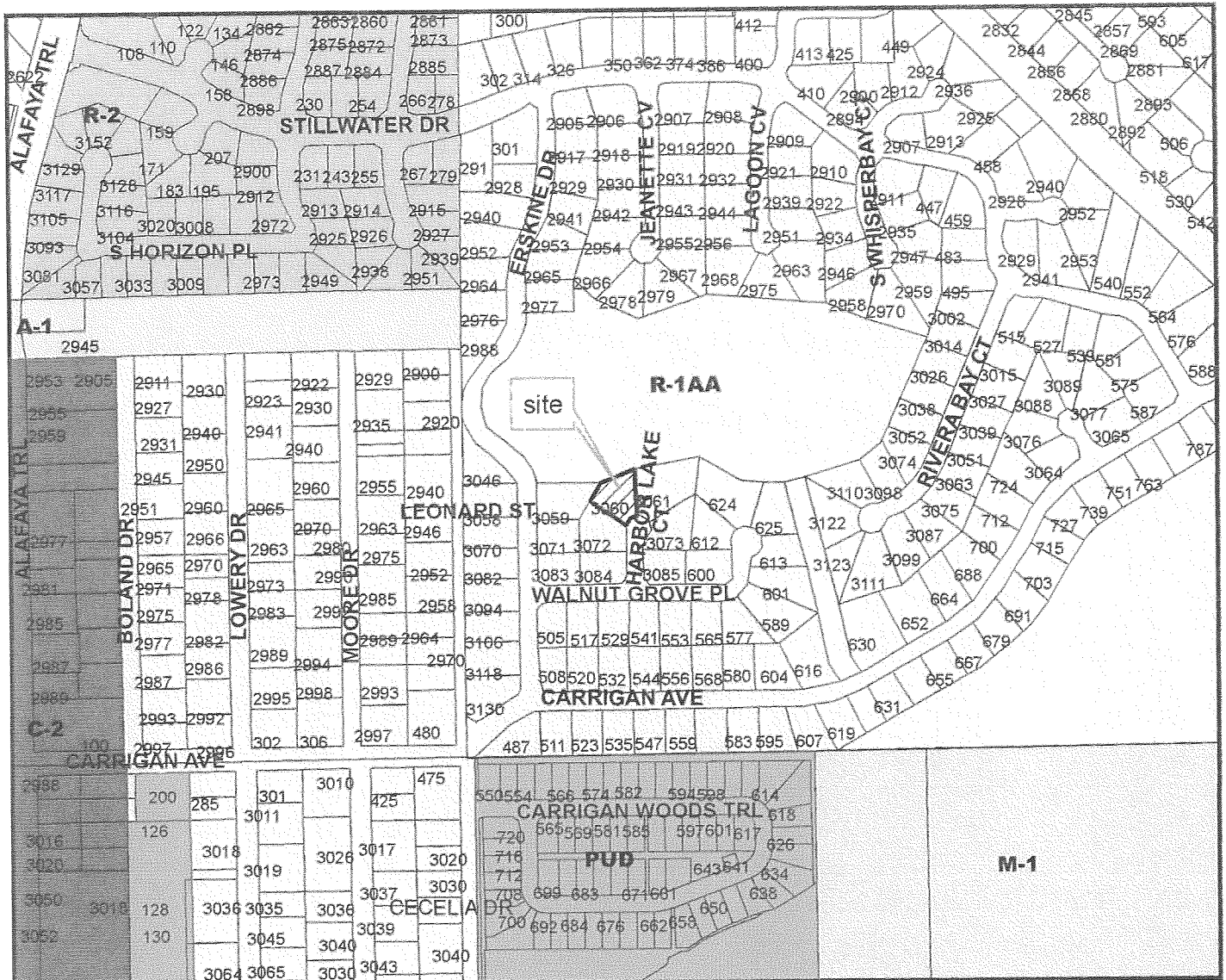
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

Rodney W. Jackson

RODNEY W. JACKSON, PSM 6281










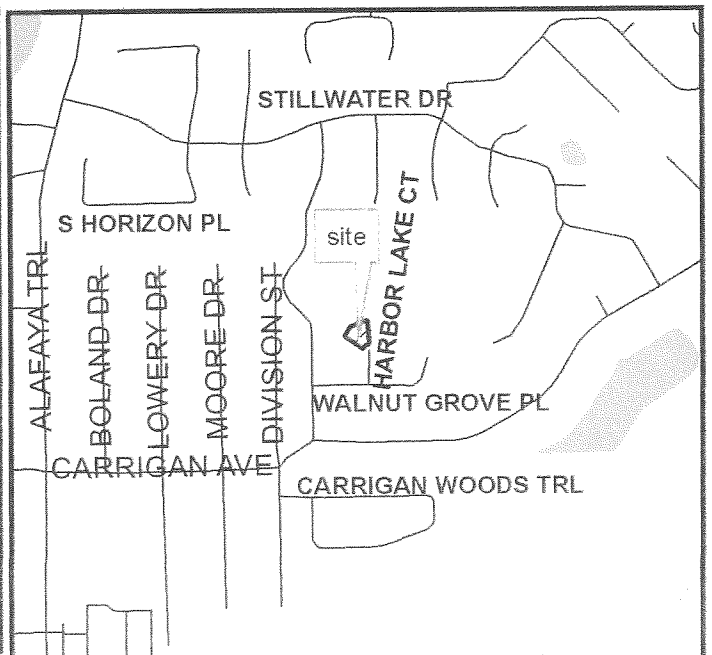
Emily Randall & David Kosich
 3060 Harbor Lake Ct
 Oviedo FL 32765



Seminole County Board of Adjustment
 September 25, 2006
 Case: BV2006-132
 Parcel No: 27-21-31-509-0000-0580

Zoning

-  BV2006-132
-  C-2
-  A-1
-  M-1
-  R-1AA
-  PUD
-  R-2



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: 27-21-31-509-0000-0580
 Owner: KOSICH DAVID J &
 Own/Addr: RANDALL EMILY M
 Mailing Address: 3060 HARBOR LAKE CT
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 3060 HARBOR LAKE CT OVIEDO 32765
 Subdivision Name: STILLWATER PH 2
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 01-SINGLE FAMILY

2006 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$162,782
 Depreciated EXFT Value: \$6,724
 Land Value (Market): \$43,000
 Land Value Ag: \$0
 Just/Market Value: \$212,506
 Assessed Value (SOH): \$121,538
 Exempt Value: \$25,000
 Taxable Value: \$96,538
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	11/2002	04652	0247	\$100	Improved	No
WARRANTY DEED	06/1992	02447	1289	\$124,000	Improved	Yes
WARRANTY DEED	07/1988	01979	0104	\$95,000	Improved	Yes
WARRANTY DEED	08/1987	01881	0994	\$182,700	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH): \$2,305
 2005 Tax Bill Amount: \$1,524
 Save Our Homes (SOH) Savings: \$781
 2005 Taxable Value: \$92,998
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	43,000.00	\$43,000

LEGAL DESCRIPTION

PLATS:

LEG LOT 58 STILLWATER PH 2 PB 36 PGS 93 TO99

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	1988	8	1,817	2,582	1,817	WD/STUCCO FINISH	\$162,782	\$174,098
	Appendage / Sqft		SCREEN PORCH FINISHED / 212						
	Appendage / Sqft		GARAGE FINISHED / 529						
	Appendage / Sqft		OPEN PORCH FINISHED / 24						

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

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1987	1	\$788	\$1,500
POOL GUNITE	1988	450	\$4,950	\$9,000
COOL DECK PATIO	1988	512	\$986	\$1,792

*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.*

SENTRY
management INC.
COMMUNITY ASSOCIATION MANAGEMENT

MAIN OFFICE
2160 West SR 434
Suite 5000
Longwood FL
32779-5044
PH 407-788-6700
FAX 407-788-7488

BREVARD COUNTY
597 Haverly Ct #110
Rockledge FL
32955-3613
PH 321-638-8860
FAX 321-638-9901

CLERMONT
1645 E Hwy 50 #201
Clermont FL
34711-5124
PH 352-243-4595
FAX 352-243-4597

FT MYERS
12573 New Brittany Blvd #23
FL Myers FL
33907-3625
PH 239-277-0112
FAX 239-277-0114

GEORGIA
270 Carpenter Dr #320
Atlanta GA
30328-4912
PH 404-459-8951
FAX 404-459-8962

JACKSONVILLE
2960 Hartley Rd W #4
Jacksonville FL
32257-8202
PH 904-880-4055
FAX 904-880-3550

KISSIMMEE
3377 W Vine St #306
Kissimmee FL
34741-4665
PH 407-846-6323
FAX 407-846-0301

LEESBURG
10332 US Hwy 441 #102
Leesburg FL
34788-7222
PH 352-343-5706
FAX 352-343-5123

PONTE VEDRA
10036 Sawgrass Dr #3
Ponte Vedra Beach FL
32082-3585
PH 904-265-1526
FAX 904-265-1260

SARASOTA
5500 Bee Ridge Rd #202
Sarasota FL
34239-1502
PH 941-343-0506
FAX 941-343-9674

SOUTH CAROLINA
1130 Folly Rd
Charleston SC
29412-4104
PH 843-795-0190
FAX 843-795-0191

TAMPA BAY AREA
25400 US 19 North #164
Clearwater FL
33769-2149
PH 727-799-8982
FAX 727-799-8984

VOLUSIA COUNTY
4188 S Atlantic Ave
New Smyrna Beach FL
32189-3711
PH 966-423-7796
FAX 386-423-1278

August 23, 2006

David Kosich
3060 Harbor Lake Court
Oviedo, FL 32765

RE: Stillwater of Flying Cloud

To Whom It May Concern:

This is to acknowledge that the Board of Directors of the Stillwater Homeowners Association Inc. is working with David Kosich in resolving the issue with the matter that pertains to the shed application he has requested with Seminole County.

The association however, has not decided to approve or disapprove his application and is waiting on requested information to be presented to the Architectural Review Board.

If you have any further questions please feel free to contact me.

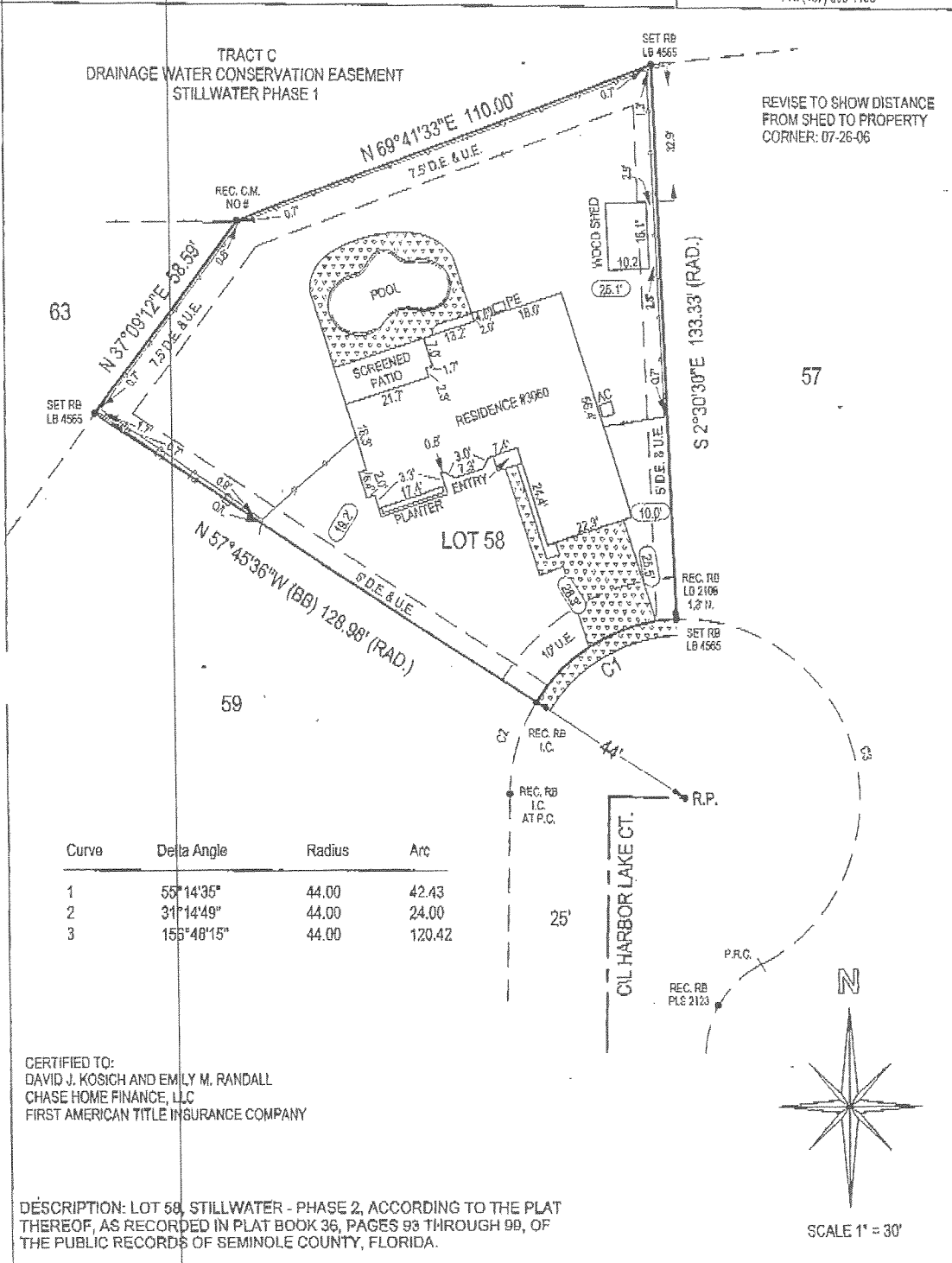


Ron Berry
Community Association Manager



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Boundary And Mapping Associates, Inc.
 LAND SURVEYORS LB 4565
 109 WEST ORANGE STREET
 ALTAMONTE SPRINGS, FL 32714
 PH. (407) 606-1155



REVISE TO SHOW DISTANCE FROM SHED TO PROPERTY CORNER: 07-26-06

Curve	Delta Angle	Radius	Arc
1	55°14'35"	44.00	42.43
2	31°14'49"	44.00	24.00
3	155°48'15"	44.00	120.42

CERTIFIED TO:
 DAVID J. KOSICH AND EMILY M. RANDALL
 CHASE HOME FINANCE, LLC
 FIRST AMERICAN TITLE INSURANCE COMPANY

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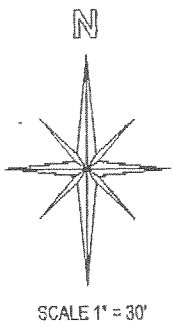
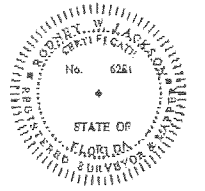
JOB NO.: 06-2106
 DATE: 07-10-06
 FIELD: 07-10-06
 SIGNED: 07-11-06
 DRAWN BY: CMS
 P.C.: JA
 CHECKED: RWJ

LEGEND

REC - RECOVERY	CONCRETE
I.P. - IRON PIPE	PRC - POINT OF REVERSE CURVE
I.C. - ILLUSIBLE CURVE	R.P. - RADIUS POINT
C.M. - CONCRETE MONUMENT	R - RADIUS
RM - REBAR	L - LENGTH OF ARC
RAO - RADIAL	CA - CENTRAL ANGLE
N.R. - NOT RADIAL	U.E. - UTILITY EASEMENT
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(P) - PER PLAT	L.E. - LANDSCAPE EASEMENT
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(D) - PER DESCRIPTION	P.P. - POWER POLE
D.L. - ON DRAIN	Y. - CHAIN LINK FENCE
(C) - POINT OF CURVATURE	W.F. - WOODEN FENCE
P.T. - POINT OF TANGENCY	

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

Rodney W. Jackson
 RODNEY W. JACKSON, PSM 6281



To whom it may concern,

This is a letter to express our thoughts about the "Shed" that was built by our neighbors, David Kosich and Emily Randall at 3060 Harbor Lake Ct., Oviedo, FL 32765.

A brief description:

- The structure (shed) was built along the boundary line between our houses.
- The structure is within their 5' Drainage and Utility Easement area - 2.8' off the common boundary line.
- They are currently going through Seminole Co. to get legal permission to have this structure placed where it is.

As far as the construction/materials, appearance and location of this structure, we have no problems at all.

Also, we understand that if for any reason in the future, the easement area is needed by any of the utility companies, the easement area on our side will have to be used. We do not have a problem with that either.

We are good friends with the Randall/Kosich family and we plan on living here for many years.


 Tom Davenport
 
 Zulena Davenport


 Date

3061 Harbor Lake Ct. (Lot # 57)
Oviedo, FL 32765

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 25, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 58 Stillwater Ph 2 PB 36 PGS 93 to 99

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

FINDINGS OF FACT

Property Owner: David Kosich

Project Name: 3060 Harbor Lake Court

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (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: Kathy Fall, Principal 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 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: