

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 3827 Sanibel Cove - Michael Krakar, applicant; Request for a rear yard (south) setback variance from 30 feet to 20 feet for a proposed attached garage / addition to a two story family home in the PUD (Planned Unit Development District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Rufus Brown **EXT.** 7357

Agenda Date 1/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard (south) setback variance from 30 feet to 20 feet for a proposed attached garage/ addition to a two story family home in the PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard (south) setback variance from 30 feet to 20 feet for a proposed attached garage/ addition to a two story family home in the PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Michael Krakar 3827 Sanibel Cove PUD (Planned Unit Development District) River Walk
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an attached garage/ addition that will encroach 5 feet into the minimum 25 feet rear yard setback. • The applicant proposes to construct a home addition that will be approximately 1,227 square feet to the rear and side of the existing 4,114 square foot home. • 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.• 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 applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
STAFF RECOMMENDATION	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the garage/addition 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.

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV-2006-199
Meeting Date 1-22-07

10-26-06A11:14 RCVD



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

8850

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

Name: Michael KRAKAR
Address: 3827 SANIBEL COVE City: Oviedo Zip code: 32765
Project Address: _____ City: _____ Zip code: _____
Contact number(s): H) 407-359-8610 W) 407-659-0700 C) 407-340-2373
Email address: Michael.KRAKAR@ZURICHNA.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 type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>SINGLE STORY POOLROOM / GARAGE ATTACHED TO REAR OF HOUSE</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.	

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:	<u>25</u>	Proposed setback:	<u>20</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:	
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 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: [Signature] 10/25/06

FOR OFFICE USE ONLY

Date Submitted: 10-26-06 Reviewed By: _____

Tax parcel number: 33-21-31-503-0000-0850 Zoning/FLU PUD/PD

- 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: Application was mailed in.

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 http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<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, drainfield 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 <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.

Variance Request

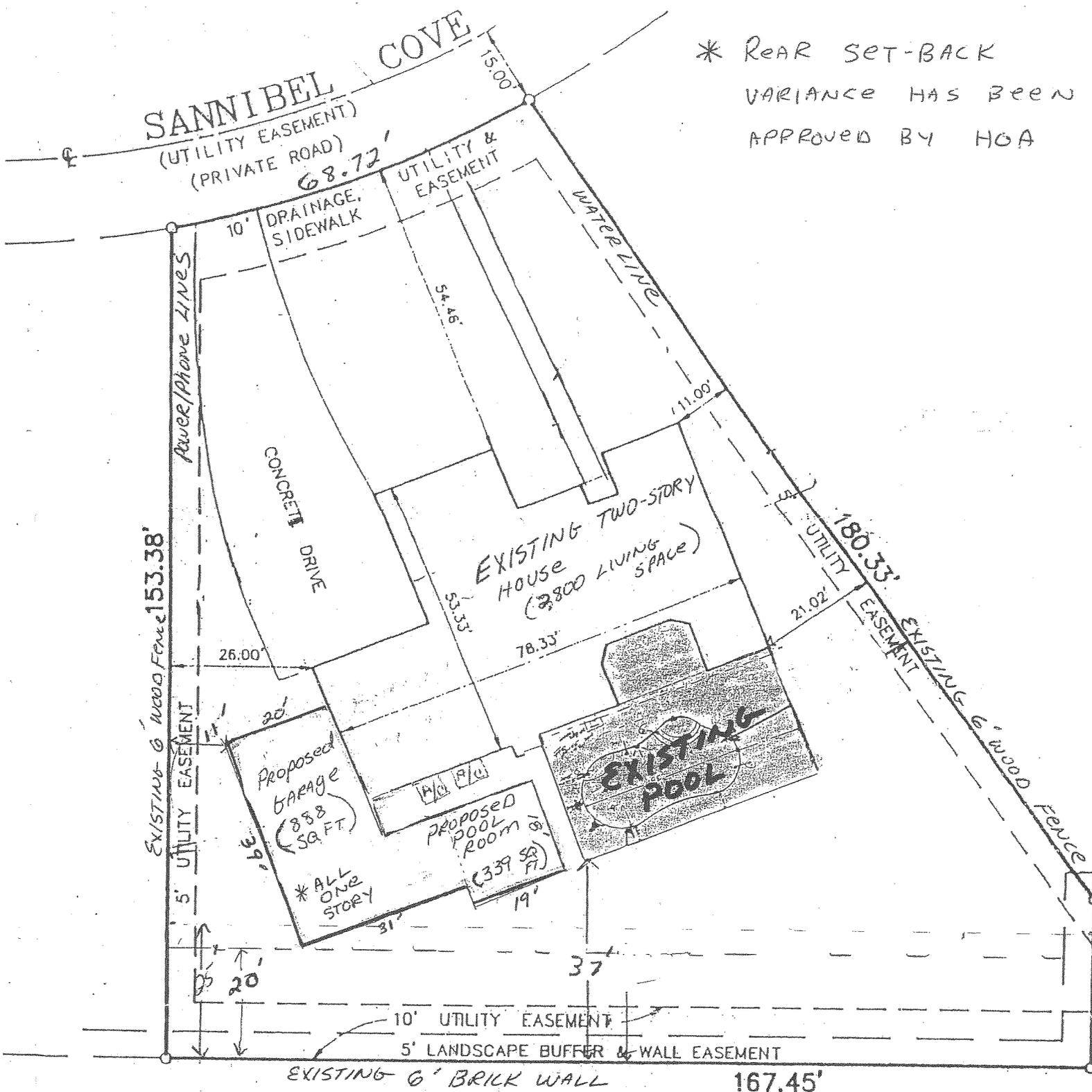
Krakar Residence
3827 Sanibel Cove
Oviedo, FL 32765

-The applicant proposes to construct a Poolroom/Garage addition that would encroach 5 feet into the minimum 25-foot rear yard setback. The rear yard setback variance is thereby requested.

- The applicant proposes to construct a single story Poolroom/Garage structure to the side and rear of the existing 2,792 square foot single family home.
- A **special condition** exists which is peculiar to the land and building involved. The land or lot is "pie" shaped and located on a cul-de-sac which required the existing single family home to be built at an angle on the lot. As such, the far corner of the proposed new structure is the only part of said structure encroaching on the 25-foot setback.
- The applicants HOA has reviewed the plans for the proposed addition and granted a variance from its own 30-foot rear setback to the requested 20-foot setback. A copy of that approval is attached to this application.
- The rear of the applicants property has 6-foot brick wall running the entire length of the property. One the other side of the wall is a large easement with a two lane road. On the other side of the road is a retention pond. As such, the applicant has no neighbors to the rear of his property.
- Subject property is located in Seminole County, outside the city limits of Oviedo.

* HOUSE IS ON SEWER SYSTEM, NO SEPTIC, DRAINFIELD OR WELL.

* REAR SET-BACK VARIANCE HAS BEEN APPROVED BY HOA

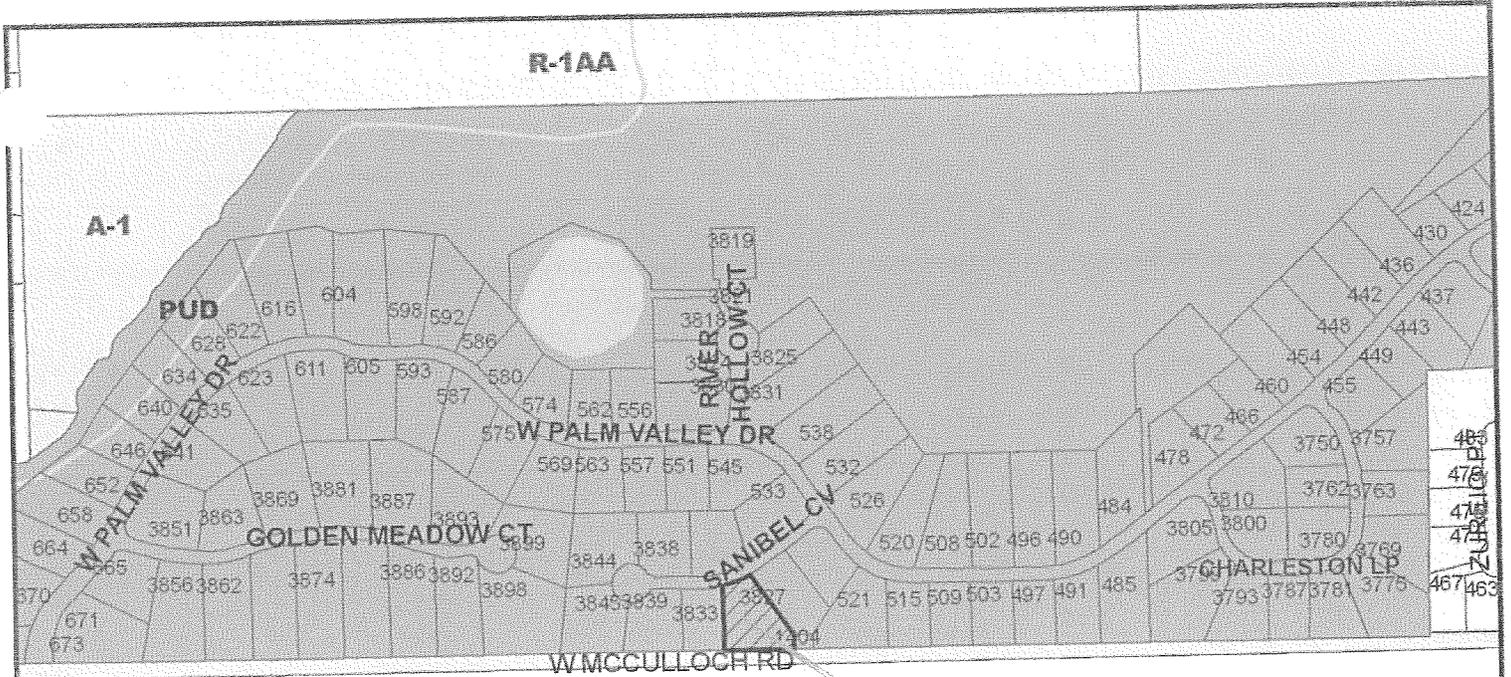


McCULLOCH ROAD

SCALE: 1" = 24'

VRDKAR

Michael Krakar
3827 Sanibel Cove
Oviedo, Florida 32765

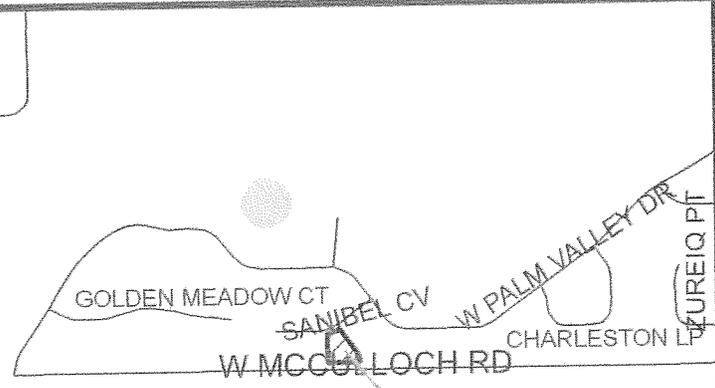


Site

ORANGE COUNTY

Seminole County Board of Adjustment
January 22, 2007
Case: BV2006-199 (Map 3212, Grid D7)
Parcel No: 33-21-31-503-0000-0850

- Zoning**
-  BV2006-199
 -  A-1
 -  R-1AA
 -  PUD



Site

ORANGE COUNTY

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-655-7506

GENERAL

Parcel Id: 33-21-31-503-0000-0850
 Owner: KRAKAR MICHAEL J
 Mailing Address: 3827 SANIBEL CV
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 3827 SANIBEL CV OVIEDO 32765
 Subdivision Name: RIVER WALK
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$318,828
Depreciated EXFT Value:	\$16,704
Land Value (Market):	\$86,500
Land Value Ag:	\$0
Just/Market Value:	\$422,032
Assessed Value (SOH):	\$283,775
Exempt Value:	\$25,000
Taxable Value:	\$258,775
Tax Estimator	

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	05/1999	03663	1645	\$100	Improved	No
WARRANTY DEED	11/1993	02693	1618	\$60,000	Vacant	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Value(without SOH):	\$6,421
2006 Tax Bill Amount:	\$4,037
Save Our Homes (SOH) Savings:	\$2,384
2006 Taxable Value:	\$250,510

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1,000	86,500.00	\$86,500

LEGAL DESCRIPTION

PLATS:

LEG LOT 85 RIVER WALK PB 43 PGS 30 TO 34

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	1994	15	1,904	4,114	2,792	BRICK+WOOD COMBO	\$318,828	\$334,728
	Appendage / Sqft		OPEN PORCH FINISHED / 192						
	Appendage / Sqft		OPEN PORCH FINISHED / 24						
	Appendage / Sqft		GARAGE FINISHED / 512						
	Appendage / Sqft		GARAGE FINISHED / 594						
	Appendage / Sqft		UPPER STORY FINISHED / 888						

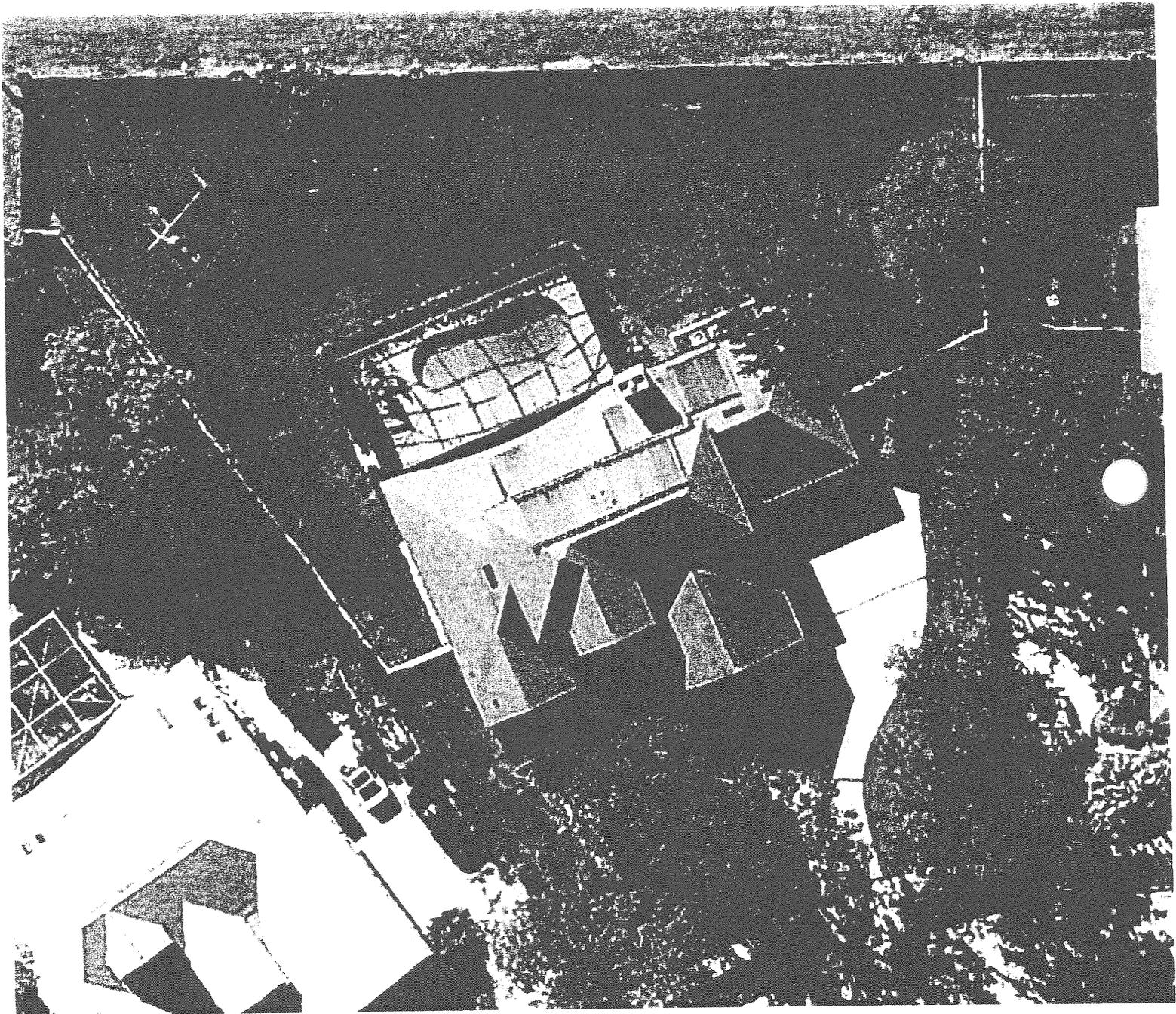
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1994	1	\$1,688	\$2,500
POOL GUNITE	2004	450	\$8,325	\$9,000
COOL DECK PATIO	2004	675	\$2,186	\$2,363
SCREEN ENCLOSURE	2004	2,075	\$3,735	\$4,150
SOLAR HEATER	2004	1	\$770	\$1,100

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.



5219

Date: 9.12.06
Date Received: 9/12/06
Date Returned: 9/12/06

**RIVER WALK HOMEOWNER ASSOCIATION
ARCHITECTURAL REVIEW BOARD DOCUMENT REVIEW APPLICATION**

Two sets of plans required with each application

Property Owner: Michael KRAKAR
Address: 3827 SANIBEL COVE
Submitted By: Michael KRAKAR
Architect: ANTHONY LEPORE

Phone: 407-359-8610
W 407-660-6549
Phone: 407-425-4820

Purpose of application: Check appropriate items.

Construction Drawings

Exterior Color Selection
(Attach color chip samples;
denote body trim and roof color)

Landscaping Plan Approval to
Remove two trees, which must be replaced.

Fence Plan and Detail
Must be painted color of house
Attach two copies of plot
plan with fence location sketched onto it;
denote type, height and color _____

Screen Room or Room Addition
and Detail (Attach two copies of plot plan
with improvement sketched onto it; denote
color, material)

Pool Plan and Detail
(Attach two copies of plot
plan with pool location sketched onto it)

Other VARIANCE FROM 30'
REAR SETBACK TO 20' IS
GRANTED ON ACTS LISTED below.*

Address Of Property

Legal Description
(Lot Number and Neighborhood) RIVERWALK LOT #85

"THESE PLANS HAVE BEEN REVIEWED FOR THE LIMITED PURPOSE OF DETERMINING THE AESTHETIC COMPATIBILITY OF THE DESIGN PLANS IN ACCORDANCE WITH RIVER WALK'S COVENANTS GENERALLY, IN THE SUBJECTIVE OPINION OF THE UNDERSIGNED. THESE PLANS ARE APPROVED ON THAT LIMITED BASIS. NO REVIEW HAS BEEN MADE WITH RESPECT TO FUNCTION ABILITY, SAFETY, COMPLIANCE WITH GOVERNMENTAL REGULATIONS, OR OTHERWISE AND NO RELIANCE ON THIS APPROVAL SHOULD BE MADE BY ANY PARTY WITH RESPECT TO ANY SUCH MATTERS. THE UNDERSIGNED EXPRESSLY DISCLAIMS LIABILITY OF ANY KIND WITH RESPECT TO THESE PLANS, THE REVIEW HEREOF, OR ANY STRUCTURES BUILT PURSUANT HERETO, INCLUDING BUT NOT LIMITED TO, LIABILITY FOR NEGLIGENCE OR BREACH OF EXPRESS OR IMPLIED WARRANTY."

Approved Disapproved

IMPORTANT

River Walk Architectural Review Board

IMPROVEMENTS MUST MEET ALL,

By: [Signature]

FEDERAL, STATE, COUNTY AND LOCAL

Date of Action: 09.12.06

BUILDING CODES.

The set back variance is being granted only because this is an exterior lot whose rear property line does not join with another resident's property. Also, because this is a single story addition.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 33 TWP: 21 RNG: 31
 PROJ. #

DEVELOPMENT: Riverwalk Subdivision		DEVELOPER: Whitemark, Inc.	
LOCATION: N side of McCulloch Road, W of SR 434			
FILE#:	BA:	SP:	BCC:
P&Z:			
PB	43	PG	30-34
Lot		Blk	
		Parcel	
		DBA	
			Comm Dist
DEVEL. ORDER #: 88-166		TAX PAR. I.D. #:	
SIDEWALKS: required.		SETBACK REQUIREMENTS	
		FY: 25'	RY: 25'
		SIDE ST.:	
ROAD TYPE:		MAIN STRUCTURE OTHER:	
		Minimum Lot Size: 11,700 sq. ft.	
		Minimum House Size: 1,500 sq. ft.	
		Garages Entry: 30' when adjacent to R/W.	
COMMENTS OTHER:		ACCESSORY STRUCTURE SETBACKS:	
*R/W Dedication: 40' 1/2 R/W on McCulloch Road		SY: 7.5'	RY: 5'
**Signalization: Pay 25% for signalization of Palm Valley Drive and SR 434 (\$7,500.00).			
1) Construct a 6.5' brick wall on McCulloch Road.		ACCESSORY STRUCTURE OTHER:	
2) Each lot must contain the required amount of lot area above the flood prone elevation.			
3) Vacate and abandonment of the old R/Ws in the NE corner of the development.			
Subject to all of the conditions of the approved developers agreement and the Development Order.			
5) Drainage and Utility Easement along front lot line do not require letter from Utility Company.			
Flood Prone: Lots 2-4, 7-26, 30-48.			

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	79-E
LAND USE:	1
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	
5. PARK	
6. SCHOOL	
7. LAW	
8. DRAINAGE	
TOTAL	\$2,550.00
REMARKS: Curb and gutter; sidewalks required.	

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 85 RIVER WALK PB 43 PGS 30 TO 34

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

FINDINGS OF FACT

Property Owner: MICHAEL J. KRAKAR
3827 SANIBEL COVE
OVIEDO FL 32765

Project Name: SANIBEL COVE (3827)

Requested Development Approval:

Request for a rear yard (south) setback variance from 30 feet to 20 feet for a proposed attached garage / addition to a two story family home in the PUD (Planned Unit Development).

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: Rufus Brown, Planning Intern
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 garage/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: _____
April Boswell, AICP
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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: