

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

SUBJECT: Request for a side street (north) setback variance from 25 feet to 0 feet for a proposed fence in the R-1 (Single-Family Dwelling District); (Abdallah Ghazzawieh, applicant).

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

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

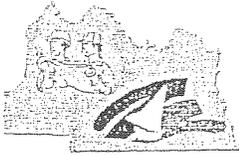
Agenda Date 6/26/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side street (north) setback variance from 25 feet to 0 feet for a proposed fence in the R-1 (Single-Family Dwelling District); or
2. **DENY** the request for a side street (north) setback variance from 25 feet to 0 feet for a proposed fence in the R-1 (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Abdallah Ghazzawieh Wendy Ghazzawieh 165 Jay Drive R-1 (Single-Family Dwelling District) Goldie Manor
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a fence that would encroach 25 feet into the 25 foot side street setback; the aforementioned variance is thereby requested. • As of June 7, 2006 the applicant has not submitted plans to the building division for the proposed fence. • There are currently no code enforcement or building violations for this property. • 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.• The proposed fence could be constructed without encroaching into the setback thereby negating the need for a variance.• 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	<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 proposed fence 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7585 FAX

COPY

RECEIVED APR 07 2006

APPL. NO. BV 2006-074

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 st set back variance 25 ft to 0 feet for a proposed fence
- 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	ABDALLAH GHAZZAWICH	
ADDRESS	165 JAY DRIVE Altamonte Springs	
PHONE 1	407-862-7456	
PHONE 2	321-202-7704	
E-MAIL	GHAZZAWICH@Yantr.com	

PROJECT NAME: 165 JA
 SITE ADDRESS: 165 JAY DRIVE Altamonte Springs
 CURRENT USE OF PROPERTY: Residential
 LEGAL DESCRIPTION: See property Appraisal sheet

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 15-21-29-502-0000-0470

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

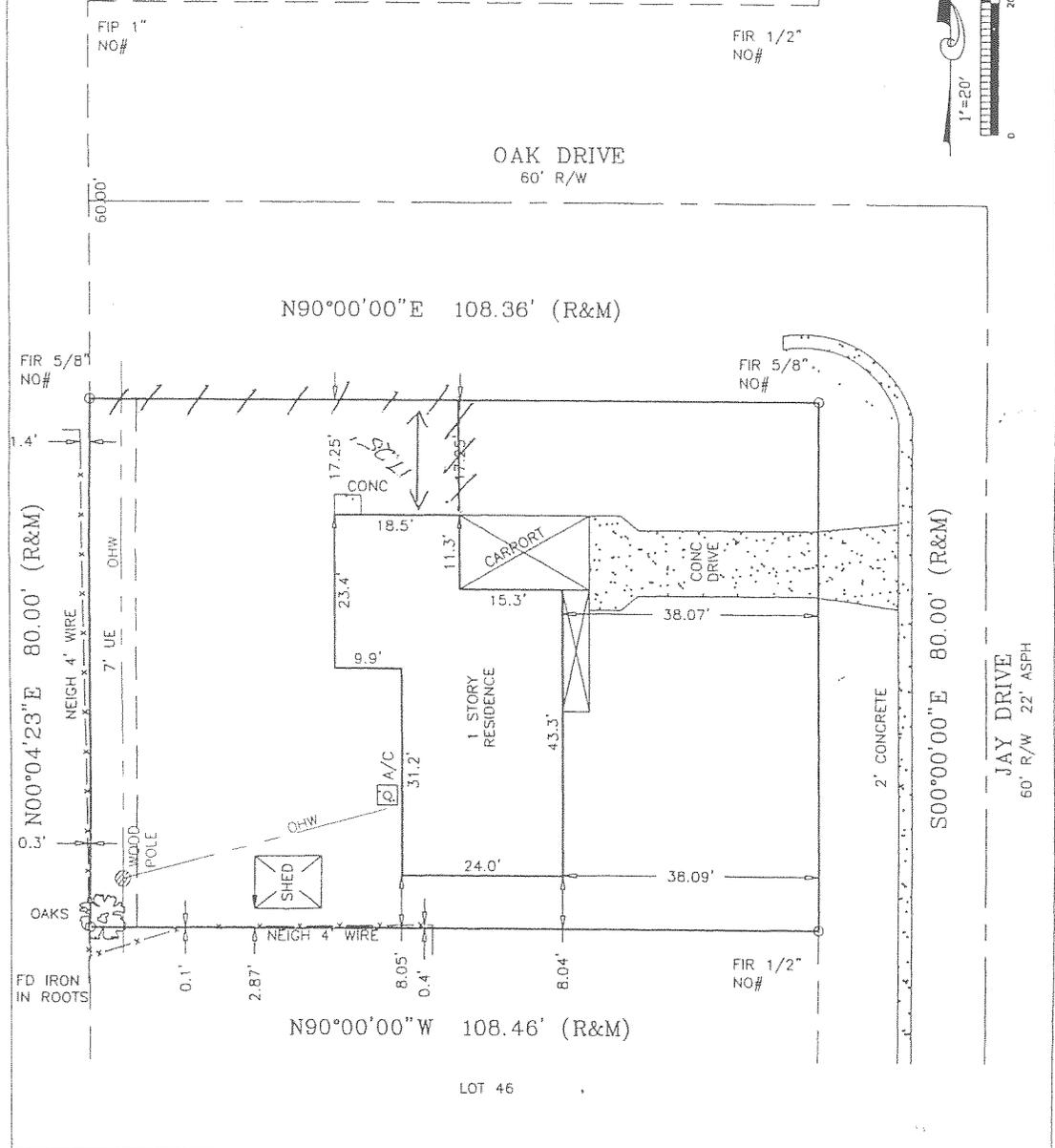
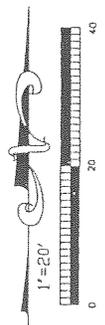
This request will be considered at the Board of Adjustment regular meeting on 01/26/06 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

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]
 SIGNATURE OF OWNER OR AGENT
 4-7-06
 DATE

I, the undersigned, hereby accept this survey and its findings, endorsements, as highlighted. We further understand that an exception will be made on our final owner's policy.

Drawn By _____
 Checked By _____
 LAWRENCE R. STEINER, P.A.



(R) RECORD	UE UTILITY EASEMENT	FP FOUND IRON PIPE	NEIGH NEIGHBORING PROPERTY	X - X - X WIRE FENCE	CONC CONCRETE
(M) MEASURED	DE DRAINAGE & UTILITY EASEMENT	FR FOUND IRON ROD	OUR OUR SUBJECT PROPERTY	□ - □ - □ WOOD FENCE	
A/C AIR CONDITIONER	R/W RIGHT-OF-WAY	FIN/D FOUND NAIL/DISK	OHW OHW OVERHEAD WIRES	○ ○ ○ PROPERTY CORNER	
		FCM FOUND CONCRETE MONUMENT	SP SET IRON PIPE		
			SR SET IRON ROD		

NOTES:
 1) NOT VALID UNLESS COPIES CONFORM TO SIGNATURE AND DATE CERTIFICATION.
 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.
 3) PROPERTIES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.
 4) BEARINGS WHERE SHOWN ARE PER RECORD UNLESS OTHERWISE NOTED.
 5) UNDERGROUND UTILITIES, FOUNDATIONS, AND/OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
 6) ELEVATIONS IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.
 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED.
 8) MEASUREMENTS TO WIRE FENCES ARE TO CENTER OF WIRE.
 9) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD.
 10) WALL MEASURES ARE TO/FROM FACE OF WALL.
 11) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE EXAGGERATED FOR CLARITY.
 12) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS.

FLOOD INFORMATION:
 FLOOD ZONE X
 COMMUNITY NO. 120290
 PANEL NO. 0120
 SUFFIX E
 DATE OF FIRM 4/17/95
 DATE OF SURVEY 5/6/05
 SURVEY NO. 28566

ADDRESS:
 165 JAY DRIVE
 ALTAMONTE SPRINGS, FLORIDA 32714

LEGAL DESCRIPTION:
 LOT 47, GOLDIE MANOR 1ST ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 89, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CERTIFIED TO:
 WENDY Y. CHAZZANIEH, LAWRENCE R. STEINER, P.A., TICOR TITLE INSURANCE COMPANY OF FLORIDA, SAGE HOME LENDING CORP.

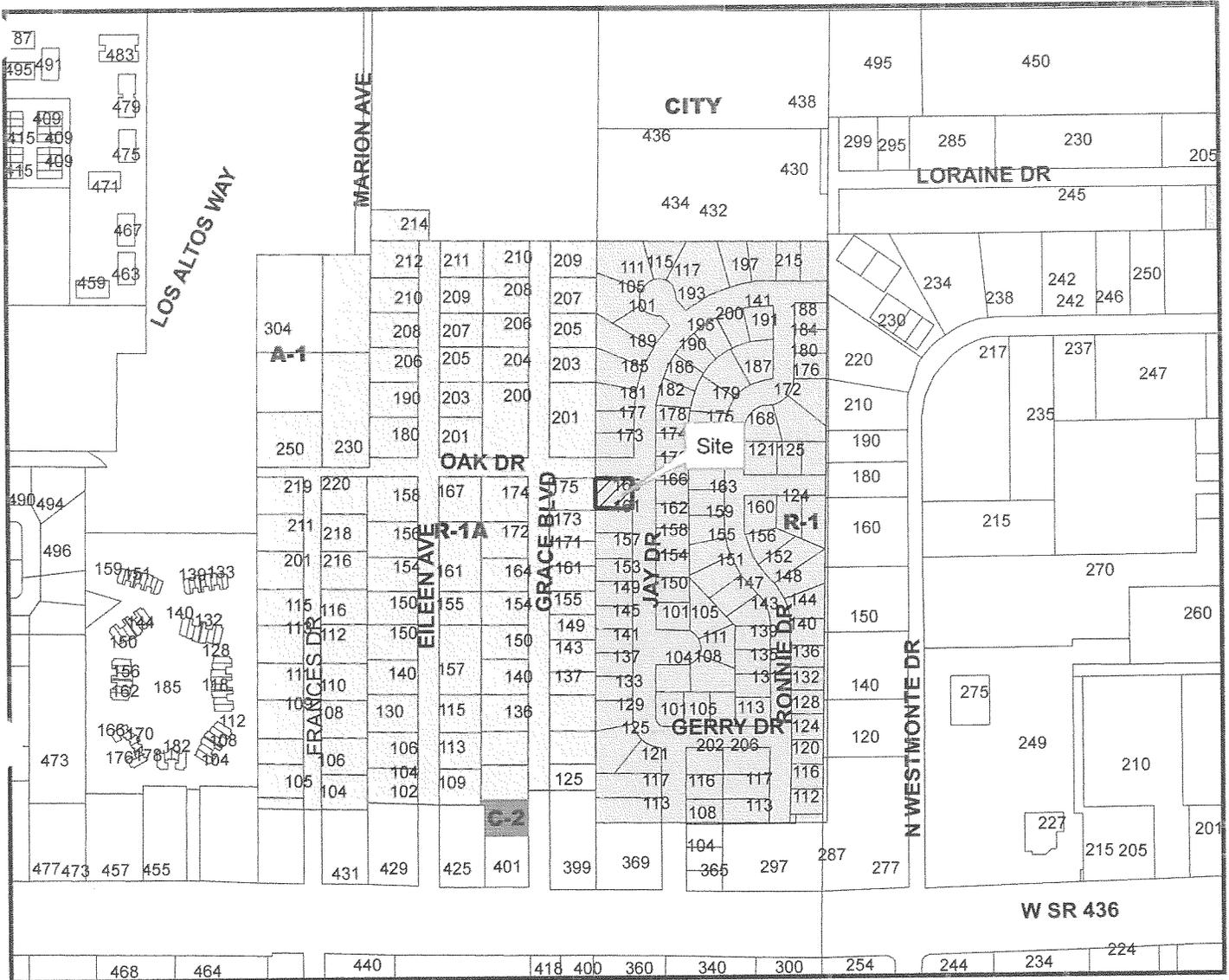
CLOSING SERVICES BY: LAWRENCE R. STEINER, P.A. 407-774-7500

THIS IS A DIGITALLY SIGNED AND SEALED SKETCH OF A BOUNDARY SURVEY PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED & COPIES ARE AUTHORIZED ON _____ ABOUT THE DATE OF 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 LAND SURVEYORS IN CHAPTER 11C17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027, FLORIDA STATUTES.

L. BEALE SMITH IV PS
 PROFESSIONAL SURVEYOR, FLORIDA REG. NO. 5238

PROFESSIONAL SURVEYOR
BEALE SMITH ASSOCIATES
 282 SHORT AVENUE, SUITE 124 LONGWOOD, FLORIDA 32750
 PHONE: 407-331-5577 FAX: 407-331-9188

Wendy Ghazzawieh
 165 Jay Dr
 Altamonte Springs, FL 32714



Seminole County Board of Adjustment

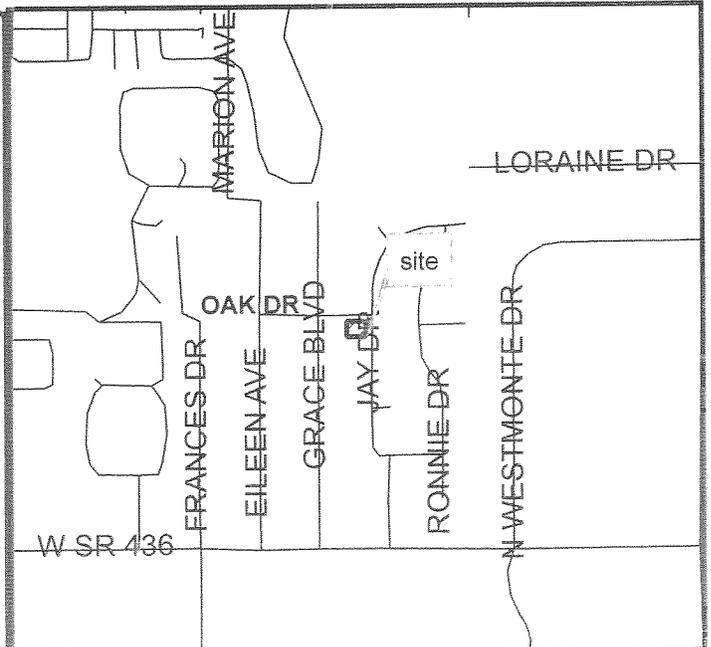
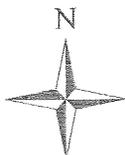
June 26, 2006

Case: BV2006-074

Parcel No: 15-21-29-502-0000-0470

Zoning

-  BV2006-074
-  A-1
-  R-1A
-  R-1
-  C-2



<p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																														
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 15-21-29-502-0000-0470 Owner: GHAZZAWIEH WENDY Y Mailing Address: 165 JAY DR City,State,ZipCode: ALTAMONTE SPRINGS FL 32714 Property Address: 165 JAY DR ALTAMONTE SPRINGS 32714 Subdivision Name: GOLDIE MANOR 1ST ADD Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$87,635 Depreciated EXFT Value: \$0 Land Value (Market): \$27,000 Land Value Ag: \$0 Just/Market Value: \$114,635 Assessed Value (SOH): \$114,635 Exempt Value: \$0 Taxable Value: \$114,635 Tax Estimator</p>																												
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>06/2005</td> <td>05764</td> <td>0740</td> <td>\$120,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1995</td> <td>02948</td> <td>1971</td> <td>\$58,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1980</td> <td>01288</td> <td>0384</td> <td>\$34,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2005	05764	0740	\$120,000	Improved	Yes	WARRANTY DEED	07/1995	02948	1971	\$58,000	Improved	Yes	WARRANTY DEED	07/1980	01288	0384	\$34,000	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$1,441 2005 Taxable Value: \$87,957 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
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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	1961	6	1,032	1,652	1,032	CONC BLOCK	\$87,635	\$116,846																					
			Appendage / Sqft	UTILITY UNFINISHED / 99																										
			Appendage / Sqft	SCREEN PORCH UNFINISHED / 240																										
			Appendage / Sqft	OPEN PORCH UNFINISHED / 72																										
			Appendage / Sqft	CARPORT UNFINISHED / 209																										
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <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>																														

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 47 GOLDIE MANOR 1st ADD PB 13 PG 89

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

FINDINGS OF FACT

Property Owner: Abdallah Ghazzawieh
165 Jay Dr.
Altamonte Springs, Fl 32714

Project Name: Jay Drive (165)

Requested Development Approval:

Request for a side street (north) setback variance from 25 feet to 0 feet for a proposed fence in the 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: 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 proposed fence 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: