

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a rear yard setback variance from 25 feet to 6 feet - 8 inches for an existing screen room in the PUD (Planned Unit Development District); Hesham Abudaif, applicant.

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Austin Watkins      **EXT.** 7357

Agenda Date 9/25/2006 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance from 25 feet to 6 feet - 8 inches for an existing screen room in the PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 25 feet to 6 feet - 8 inches for an existing screen room in the PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Hesham Abudaif Owner: Hesham Abudaif and Mona Abdelmlak Location: 4391 Weeping Willow Circle Zoning: PUD (Planned Unit Development) Subdivision: Deer Run Unit 12B
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant has constructed a 20 foot by 40 foot (approximately 800 square feet) screen room, which encroaches 18 feet – 4 inches into the required 25 foot rear yard setback.</li> <li>• The screen room encroaches 9 inches into a 7.5 foot utility easement, which has not been vacated.</li> <li>• The applicant applied for a building permit on July 24, 2006, which is contingent upon this variance being granted and vacation of the utility easement.</li> </ul>

	<ul style="list-style-type: none"> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<p><b>STAFF FINDINGS</b></p>	<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"> <li>• 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.</li> <li>• Special conditions and circumstances result from the actions of the applicant. <i>The applicant constructed the screen room prior to the issuance of a building permit.</i></li> <li>• 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.</li> <li>• 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.</li> <li>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li> <li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"> <li>• 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"> <li>• Any variance granted shall apply only to the screen room as depicted on the attached site plan; and</li> <li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li> </ul> </li> </ul>



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. BV 2006-130

**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** REAL YARD SETBACK FROM 25' TO 6' 8" FOR A PROPOSED SCREEN ROOM ADDITION
- SPECIAL EXCEPTION**
- LIMITED USE**

RECEIVED JUL 25 2006

- SE 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 \_\_\_\_\_
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED \_\_\_\_\_

- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	<u>Hesham Abudair</u>	
ADDRESS	<u>4391 Weeping Willow Cir Casselberry FL 32707</u>	
PHONE 1	<u>(321) 279-6016</u>	
PHONE 2	<u>(407) 699-0498</u>	
E-MAIL	<u>Heshama@earthlink.net</u>	

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 4391 Weeping Willow Cir Casselberry FL 32707  
 CURRENT USE OF PROPERTY: Residential Home  
 LEGAL DESCRIPTION: Deer Run Unit 12B

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 14-21-30-509-0000-1280  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS None

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.

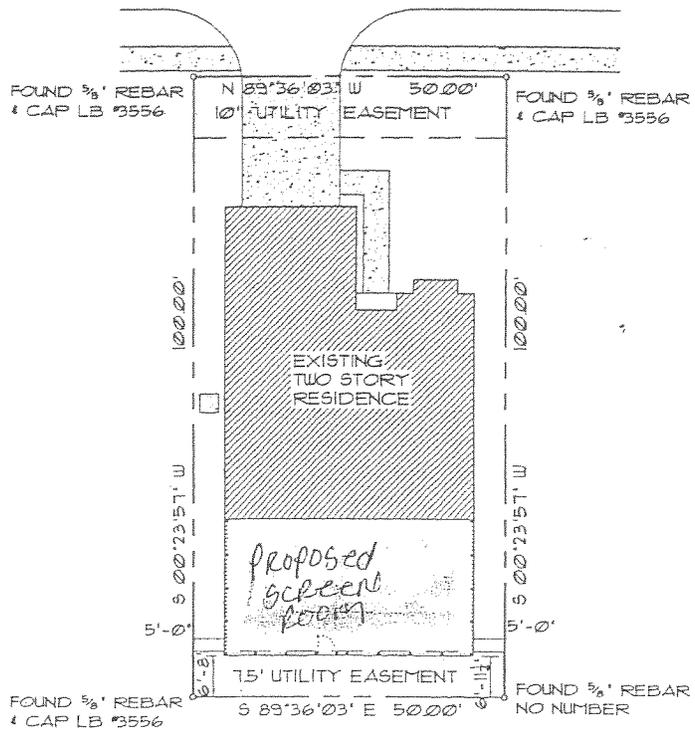
I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

*[Signature]*

7/25/06



KEEPING WILLOW CIRCLE



# SITE PLAN

SCALE: 1"=20'-0"

40°

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 14 TWP: 21 RNG: 30  
PROJ. #

DEVELOPMENT: Deer Run Unit 12B DEVELOPER: Amerifirst Development Corp.

LOCATION: SE corner of Eagle Boulevard and Dodd Road 85 lots

FILE#: BA: SP: BCC: 07/29/87

P&Z:

PB 37 PG 82 Lot Blk Parcel DBA Comm Dist

DEVEL. ORDER #: TAX PAR. I.D. #:

SIDEWALKS: Per PUD Agreement, 5' wide on both sides of Dodd Road.

SETBACK REQUIREMENTS

FY: 20' SIDE ST.: SY: 5' RY: 25'

ROAD TYPE: (CURB & GUTTER OR SWALE)

MAIN STRUCTURE OTHER: Single Family - Minimum setbacks

COMMENTS OTHER:  
1) Variance to allow existing ditch to remain.  
2) Underdrains may be required within roadways.

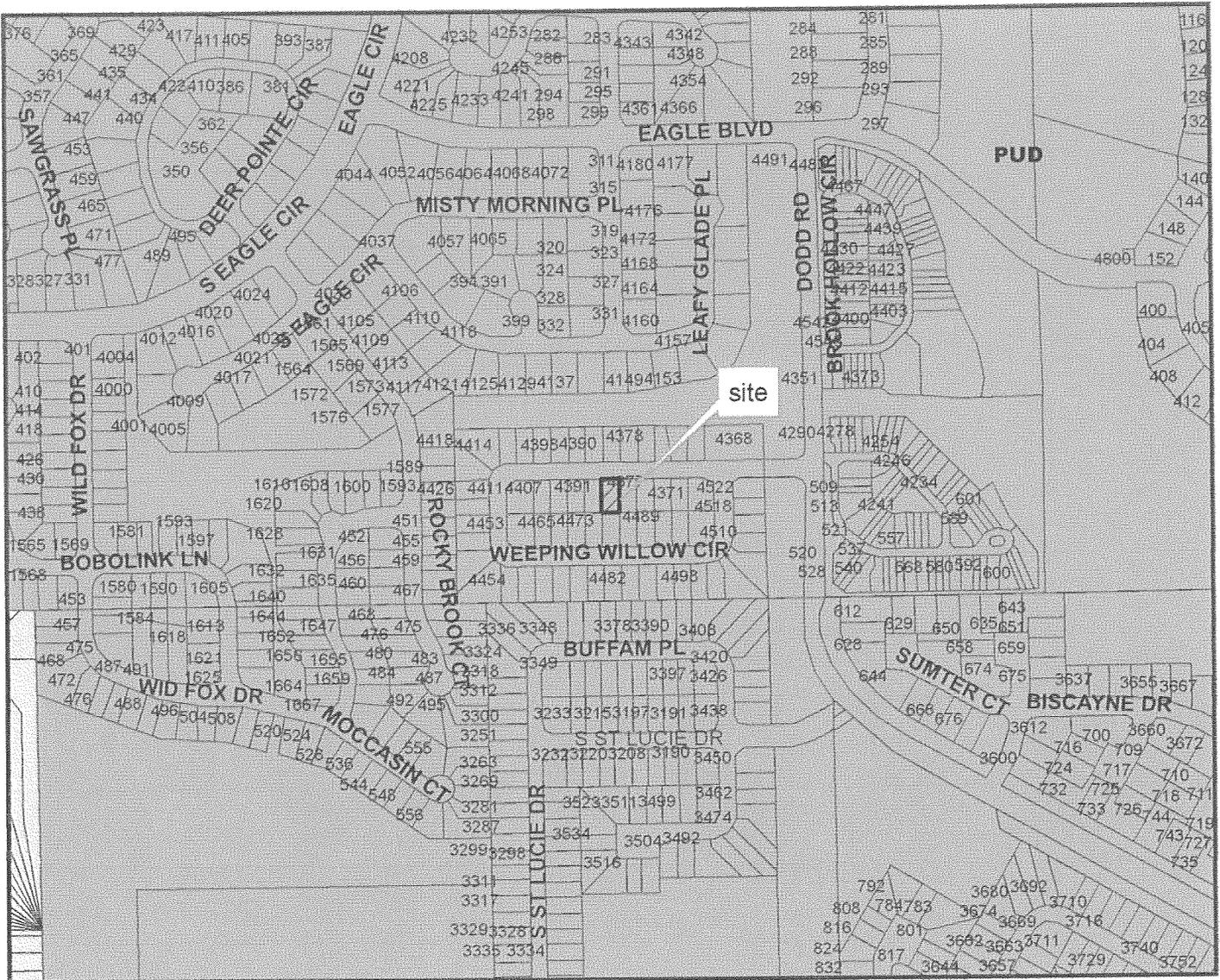
ACCESSORY STRUCTURE SETBACKS:

SY: 5' RY: 10'

ACCESSORY STRUCTURE OTHER:

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	106
LAND USE:	
1. ROAD-CO. WIDE	\$200.00
2. ROAD-COLL.	
3. LIBRARY	V-0
4. FIRE	\$10.00
5. PARK	
6. SCHOOL	
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS: Curb and gutter.	

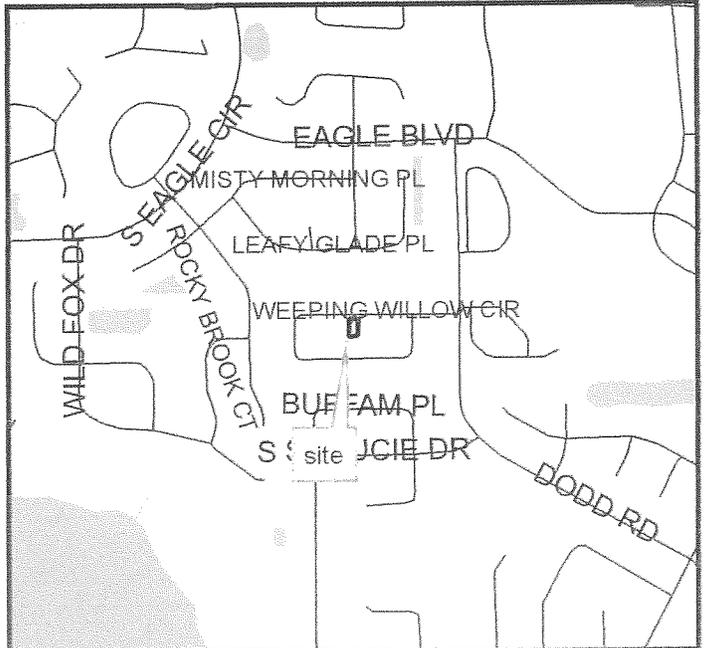
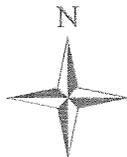
Mona Abdelmlak & Hesham Abudaif  
 4391 Weeping Willow Cir  
 Casselberry FI 32707



Seminole County Board of Adjustment  
 September 25, 2006  
 Case: BV2006-130  
 Parcel No: 14-21-30-509-0000-1280

**Zoning**

-  BV2006-130
-  R-1A
-  PUD





## 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 128 DEER RUN UNIT 12B PB 37 PG 82

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

### FINDINGS OF FACT

**Property Owner:** Hesham Abudaif and Mona Abdelmlak  
4391 Weeping Willow Circle  
Casselberry, FL 32707

**Project Name:** Weeping Willow Circle (4391)

**Requested Development Approval:**

Request for a rear yard setback variance from 25 feet to 6 feet - 8 inches for an existing screen room in the PUD (Planned Unit Development 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: Austin Watkins, 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 screen room 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: