

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 3241 Night Breeze Lane – Renee Hosein, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a proposed room addition in R-1AA (Single Family Dwelling District).

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

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

**Agenda Date** 2/26/07    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a rear yard setback variance from 30 feet to 18 feet for a proposed room addition in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 18 feet for a proposed room addition in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Renee Hosein Owner: Mohamed & Vida Hosein Location: 3241 Night Breeze Lane Zoning: R-1AA (Single Family Dwelling District) Subdivision: The Cove
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing a 16 foot by 29 foot addition that would encroach 11 feet – 4 inches into the required 30-foot rear yard setback.</li> <li>• The Cove is a new subdivision, platted in 2000. The existing house was built in 2003.</li> <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>

<b>STAFF FINDINGS</b>	<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.</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 requested is not the minimum variance that will make possible reasonable use of the land, building or structure. <i>There is the ability to construct an addition without encroaching in the setback.</i></li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30. <i>The Cove subdivision was platted in 2000 and the house built in 2003. As a new development, all construction should have been anticipated within the given setbacks.</i></li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the addition 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>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

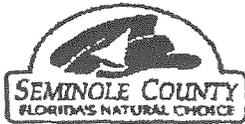
**Support information:**

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

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

**COPY**

Application # BL2007-09  
Meeting Date 2-26-07



**VARIANCE APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 865-7444

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

Name: Renee Hossain  
Address: 3241 Night Breeze LN City: Lake Mary Zip code: 32746  
Project Address: SAME City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 407 302-5692  
Email address: \_\_\_\_\_

Is the property available for inspection without an appointment?  Yes  No

What type of structure is the 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>Adding Room to 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 the 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>30</u>	Proposed setback: <u>18</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 checked="" 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: Renee Hossain

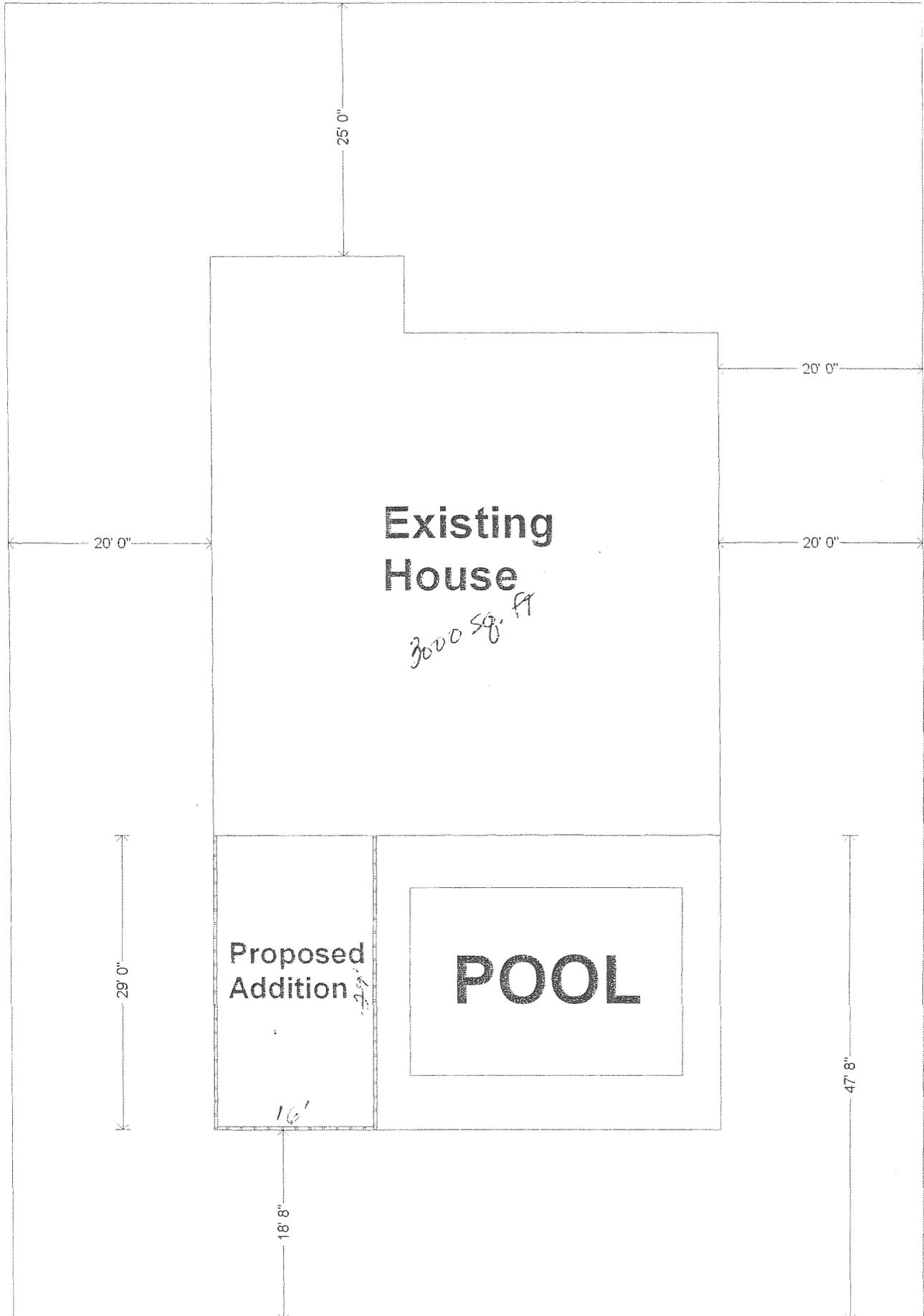
**FOR OFFICE USE ONLY**

Date Submitted: 1-12-07 Reviewed By: F. Johnson  
 Tax parcel number: 03-20-30-5PZ-0000-1030 Zoning/FLU R-1AA / LOR  
 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: \_\_\_\_\_  
 \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST**

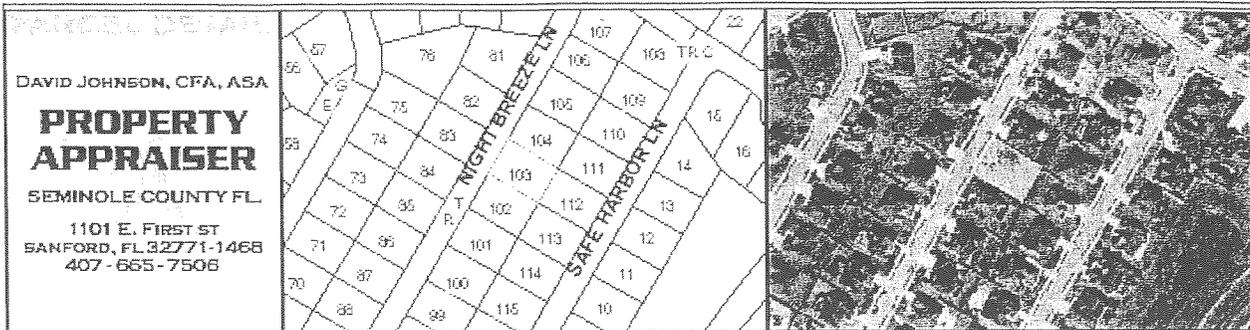
*Please return this checklist with your application!*

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









DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7506

**GENERAL**  
 Parcel Id: 03-20-30-5PZ-0000-1030  
 Owner: HOSEIN VIDA &  
 Own/Addr: HOSEIN MOHAMMED  
 Mailing Address: 3241 NIGHT BREEZE LN  
 City,State,ZipCode: LAKE MARY FL 32746  
 Property Address: 3241 NIGHT BREEZE LN LAKE MARY 32746  
 Subdivision Name: THE COVE PH 2  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (2006)  
 Dor: 01-SINGLE FAMILY

**2007 WORKING VALUE SUMMARY**  
 Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$303,346  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$57,000  
 Land Value Ag: \$0  
 Just/Market Value: \$360,346  
 Assessed Value (SOH): \$360,346  
 Exempt Value: \$25,000  
 Taxable Value: \$335,346  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	11/2005	05993	0710	\$100	Improved	No
QUIT CLAIM DEED	07/2005	05830	1937	\$100	Improved	No
QUIT CLAIM DEED	11/2004	05537	0736	\$100	Improved	No
WARRANTY DEED	04/2003	04825	0652	\$238,800	Improved	Yes
SPECIAL WARRANTY DEED	11/2002	04607	1927	\$217,900	Vacant	No

Find Comparable Sales within this Subdivision

**2006 VALUE SUMMARY**  
 Tax Value(without SOH): \$5,304  
 2006 Tax Bill Amount: \$5,304  
 Save Our Homes (SOH) Savings: \$0  
 2006 Taxable Value: \$336,894  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	57,000.00	\$57,000

**LEGAL DESCRIPTION**  
 PLATS:   
 LOT 103 THE COVE PH 2 PB 58 PGS 73 - 78

**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	2003	12	1,910	3,732	3,003	CB/STUCCO FINISH	\$303,346	\$309,537
			Appendage / Sqft	OPEN PORCH FINISHED / 256					
			Appendage / Sqft	OPEN PORCH FINISHED / 36					
			Appendage / Sqft	GARAGE FINISHED / 437					
			Appendage / Sqft	UPPER STORY FINISHED / 1093					

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

Permits

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.

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 103 THE COVE PH 2 PB 58 PGS 73 - 78

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

### FINDINGS OF FACT

**Property Owner:** Mohammed & Vida Hosein  
3241 Night Breeze Lane  
Lake Mary FL 32746

**Project Name:** Night Breeze Lane (3241)

#### **Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 18 feet for a proposed room addition in R-1AA (Single Family Dwelling District).

The Development Approval was sought to construction an addition within the rear yard setback. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

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:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 103 THE COVE PH 2 PB 58 PGS 73 - 78

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

### FINDINGS OF FACT

**Property Owner:** Mohammed & Vida Hosein  
3241 Night Breeze Lane  
Lake Mary FL 32746

**Project Name:** Night Breeze Lane (3241)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 18 feet for a proposed room addition in 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: 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 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: