

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

SUBJECT: 3065 Lowery Drive – Michael Bargnesi, applicant; Request for a side yard (south) setback variance from 10 feet to 7-feet-6-inches for an existing shed in R-1AA (Single Family Dwelling District) .

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 5/21/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a side yard (south) setback variance from 10 feet to 7-feet-6-inches for an existing shed in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side yard (south) setback variance from 10 feet to 7-feet-6-inches for an existing shed in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Michael Bargnesi Owner: Donald Carter Location: 3065 Lowery Drive Zoning: R-1AA (Single Family Dwelling District) Subdivision: Seminole Terrace Replat
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a side yard (south) setback variance for an existing 11-foot by 16-foot shed. • The 176 square foot shed is encroaching 2-feet-6-inches into the required 10-foot side yard setback. • On February 5, 2007 a notice of code violation was issued for the un-permitted construction of the shed.

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.• 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 requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• 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	<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 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.

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

Application # BL2007-33
Meeting Date 5-21-07

COPY



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

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

Name: DONALD CARTER MICHAEL BARGNESI
Address: 3065 Lowery DR. City: Oviedo Zip code: 32765
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 832-1942
Email address: _____

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>11 X 16</u>
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<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.	

RECEIVED MAR 27 2007

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 type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	<u>7ft. 6 inches</u>
<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>			

10 ft.

7ft. 6 inches

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: _____ 3-27-07

FOR OFFICE USE ONLY

Date Submitted: 3-27-07 Reviewed By: P. Johnson
 Tax parcel number: 27-21-31-5CC 0600 - 0090 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: _____

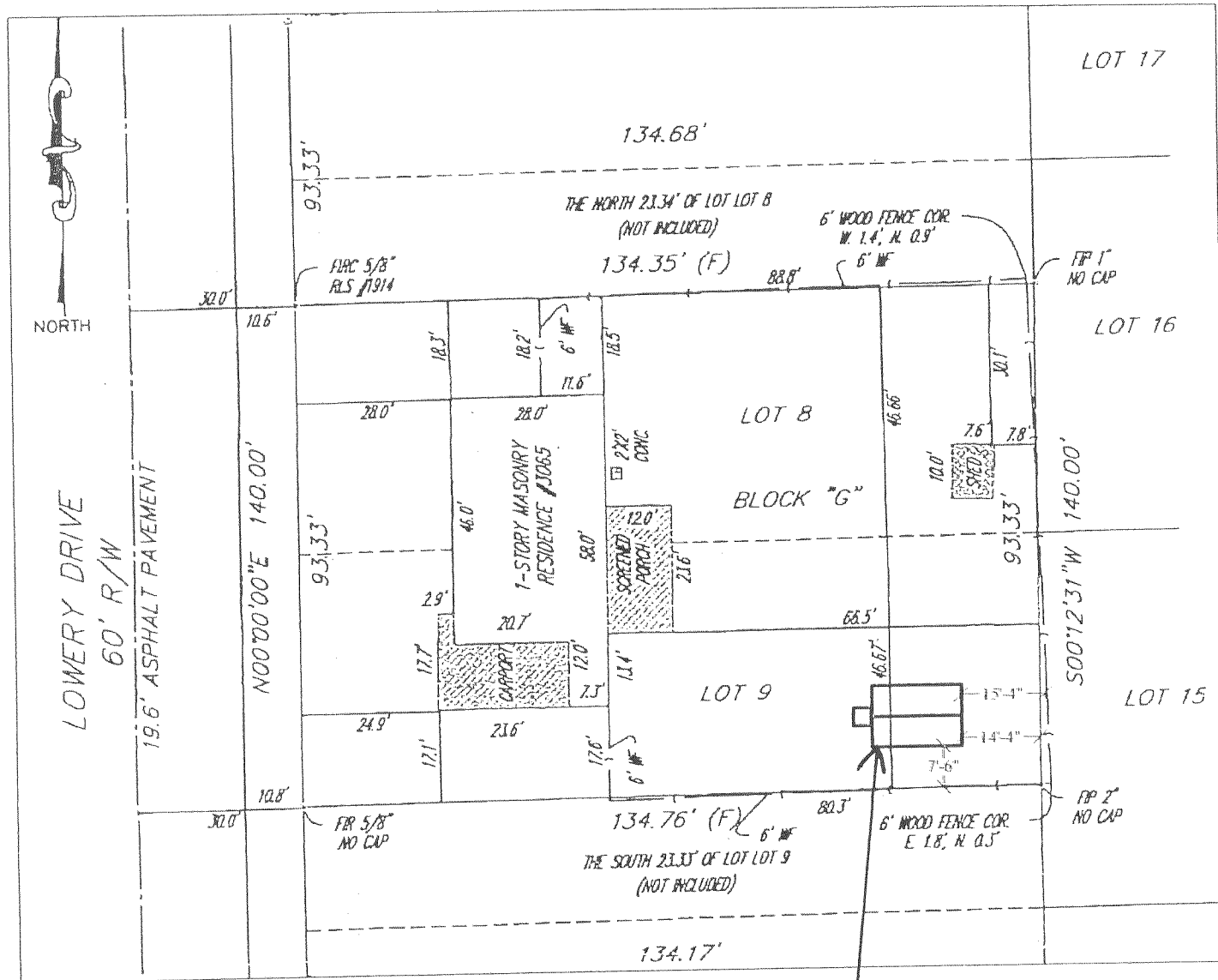
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

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.

	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 1/2 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 (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<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 (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

NEW 11' X 16' SHED SUPERIMPOSED OVER PROPERTY SURVEY

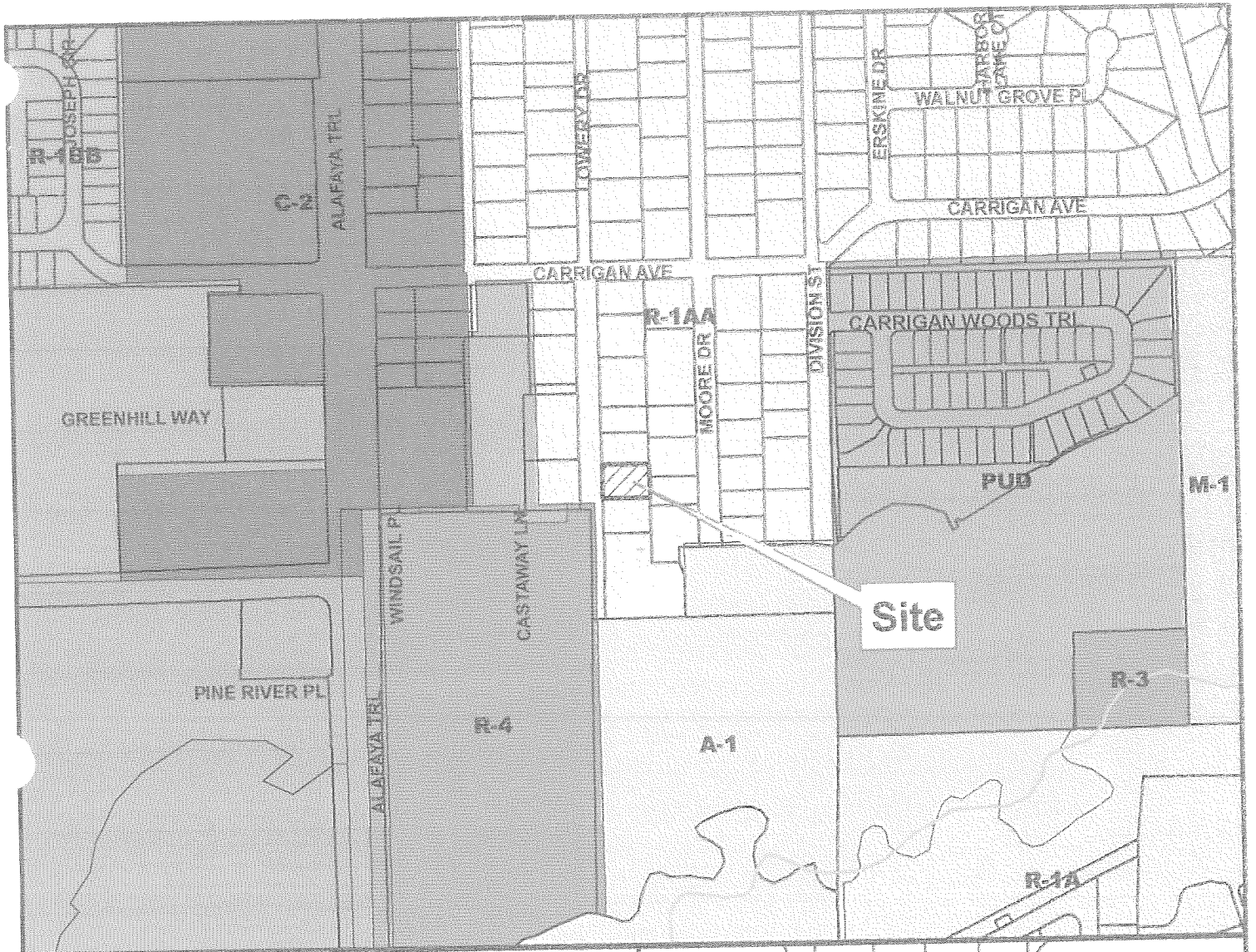


SCALE: 1" = 30'

2X4 SYP ROOF RAFTER
LAYOUT @ 2' OC NTS




NEW 11' X 16' SHED

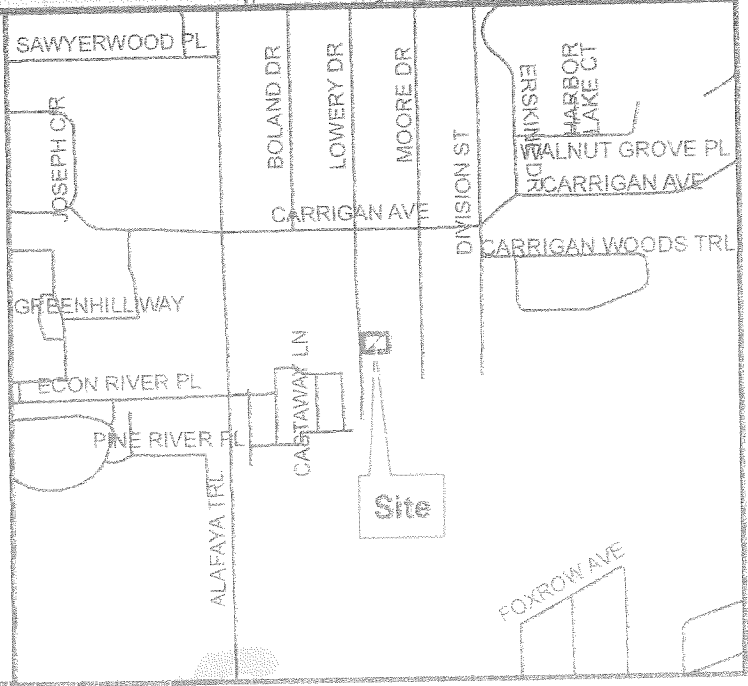
Donald Carter/Michael Bargnesi
 3065 Lowery Drive
 Oviedo, Florida 32765



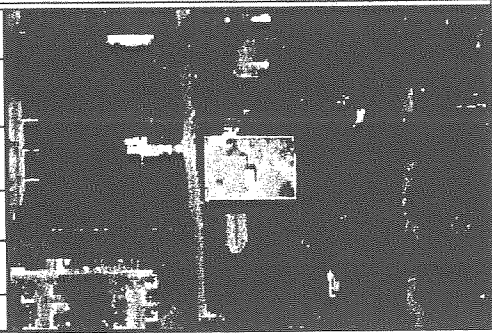
Seminole County Board of Adjustment
 May 21, 2007
 Case: BV2007-33 (Map 3213, Grid A5)
 Parcel No: 27-21-31-5CC-0G00-0090

Zoning

	BV2007-33		R-3
	A-1		R-4
	R-1AA		C-2
	R-1A		M-1
	R-1BB		PUD



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-666-7506	5	14	LOWERY DR	5	G-19	MOORE DR	5
	6	13		6	17.0		6.0
	7	5.0 12		7	17		7
	8	8.0 11		8	18.0		7.0
	9	10		9	15.0		9
				10	11.A		10
				10	14		
				10			
				10			
				11			



GENERAL

Parcel Id: 27-21-31-5CC-0G00-0090
 Owner: CARTER DONALD
 Mailing Address: 9793 LAKE GEORGIA DR
 City,State,ZipCode: ORLANDO FL 32817
 Property Address: 3065 LOWERY DR OVIEDO 32765
 Subdivision Name: SEMINOLE TERRACE REPLAT
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$109,119
Depreciated EXFT Value:	\$885
Land Value (Market):	\$59,267
Land Value Ag:	\$0
Just/Market Value:	\$169,271
Assessed Value (SOH):	\$169,271
Exempt Value:	\$0
Taxable Value:	\$169,271
Tax Estimator	

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	12/2005	06065	0731	\$225,000	Improved	Yes
WARRANTY DEED	05/2002	04446	0646	\$106,000	Improved	Yes
WARRANTY DEED	09/1993	02647	1141	\$68,400	Improved	Yes
WARRANTY DEED	04/1992	02422	1326	\$69,000	Improved	Yes
WARRANTY DEED	10/1983	01494	0632	\$55,000	Improved	Yes
WARRANTY DEED	04/1981	01334	0551	\$7,000	Vacant	No
WARRANTY DEED	07/1979	01236	1825	\$39,000	Vacant	No

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

2006 Tax Bill Amount:	\$2,226
2006 Taxable Value:	\$138,101

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	94	135	.000	650.00	\$59,267

LEGAL DESCRIPTION

PLATS:

LEG N 46.67 FT OF LOT 9 + S 46.66 FT OF LOT 8 BLK G SEMINOLE TERRACE REPLAT PB 11 PG 29

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	1981	6	1,288	1,624	1,288	CONC BLOCK	\$109,119	\$121,921
	Appendage / Sqft		CARPORT FINISHED / 252						
	Appendage / Sqft		UTILITY FINISHED / 84						

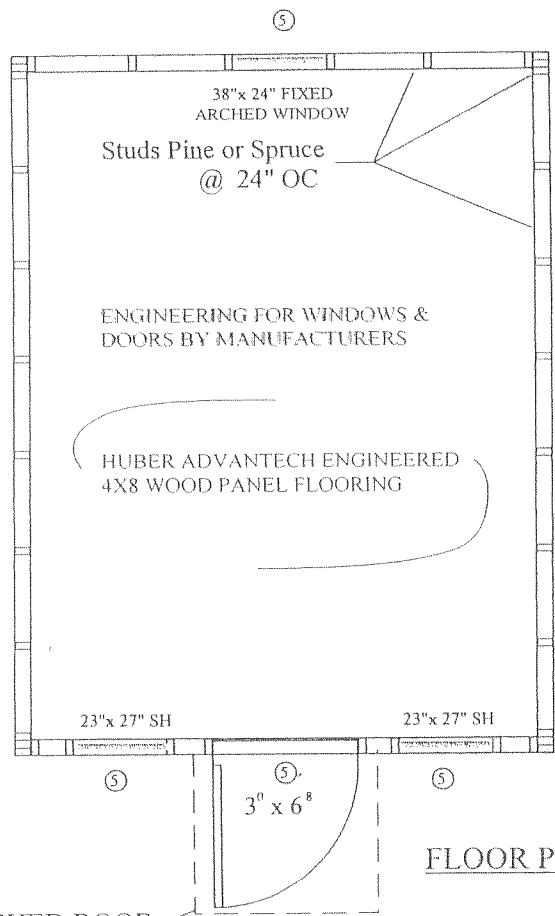
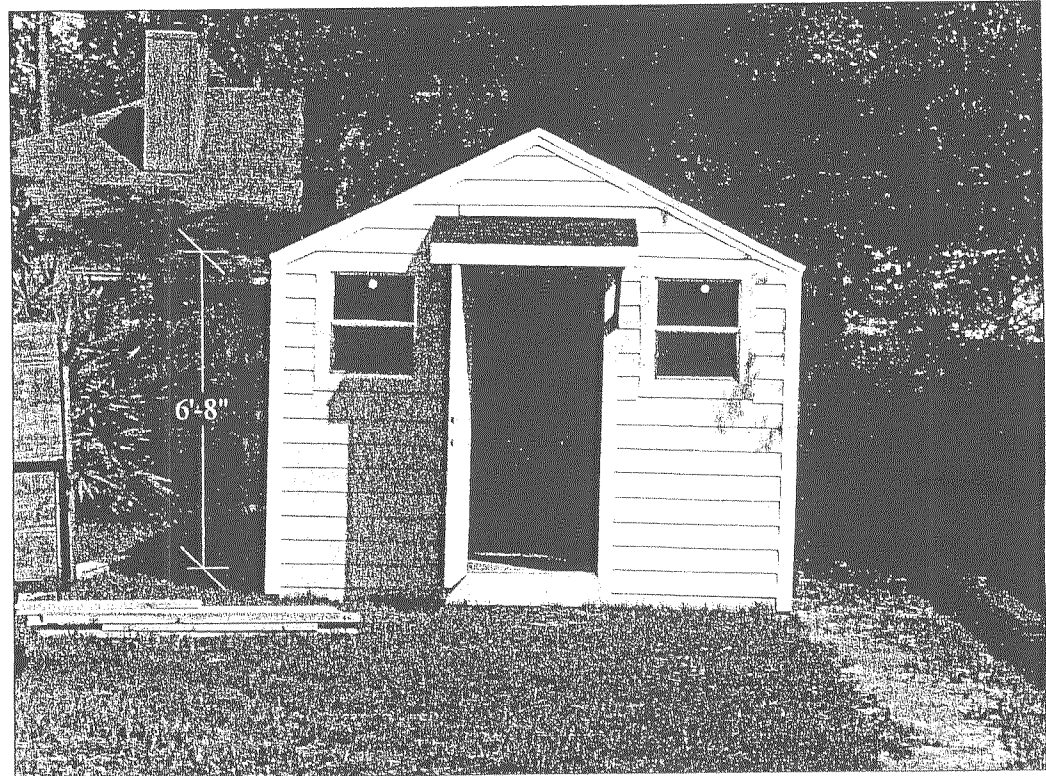
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

EXTRA FEATURE

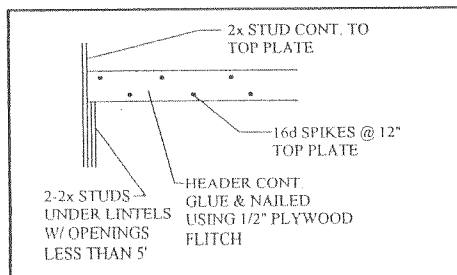
Description	Year Blt	Units	EXFT Value	Est. Cost New
ALUM SCREEN PORCH W/CONC FL	1990	240	\$885	\$2,040

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.



FLOOR PLAN

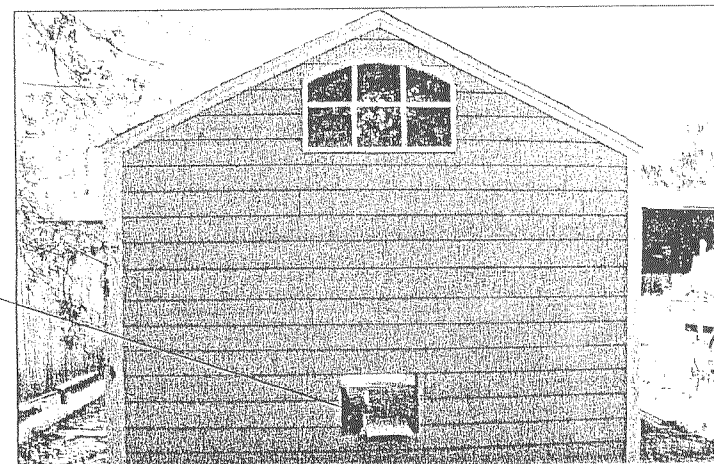
SHED ROOF



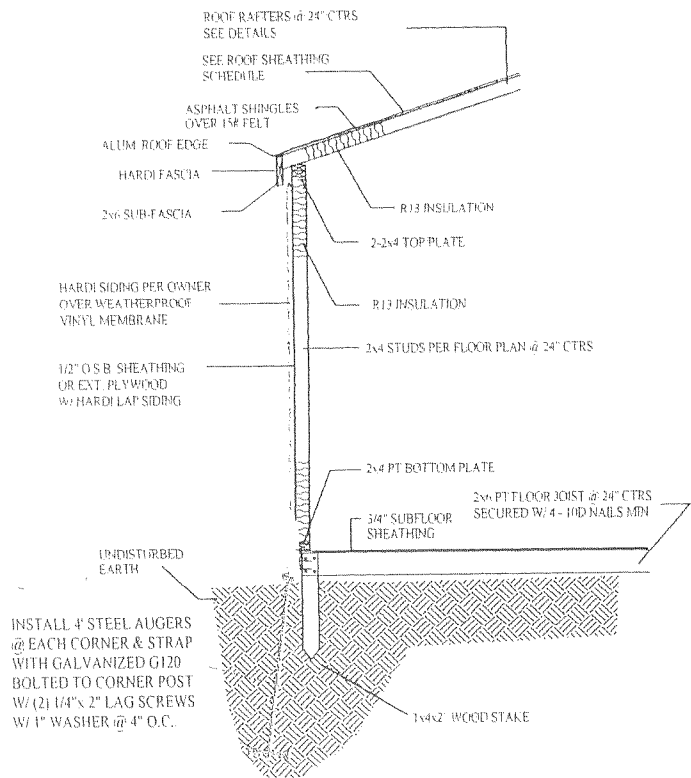
HEADER SCHEDULE

OPENING WIDTH	BEARING WALL OR SHEARWALL	NON-BEARING WALLS
0' - 0" TO 3' - 0"	2 - 2 x 6'S	2 - 2 x 4'S

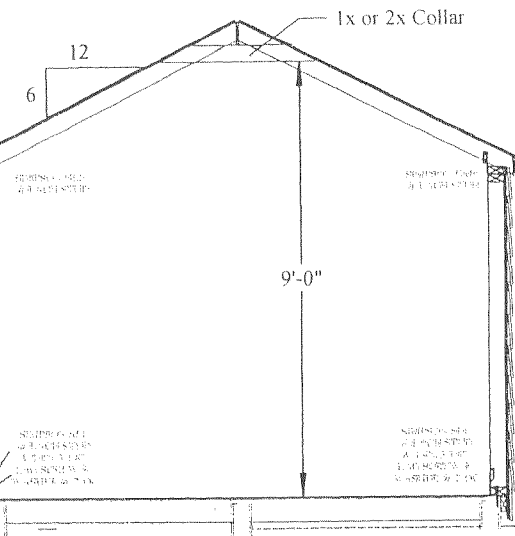
OPENING FOR WALL AC SYSTEM



TYPICAL WALL SECTION

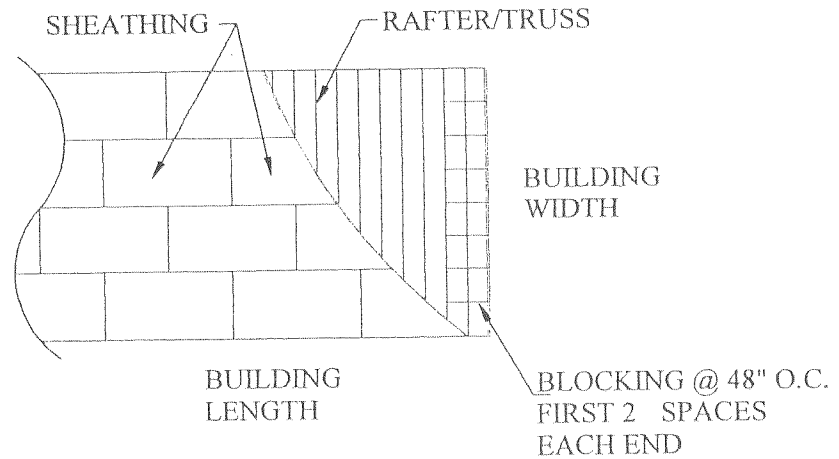


INSTALL 4 STEEL AUGERS @ EACH CORNER & STRAP WITH GALVANIZED G120 BOLTED TO CORNER POST W/ (2) 1/4"x 2" LAG SCREWS W/ 1" WASHER @ 4" O.C.



SEE WALL SECTION FOR AUGER INSTALLATION ABOVE

Roof Sheathing Layout



Note: All new wood materials added will be fastened in accordance with FBC 2004 TABLE 2304.9.1, unless otherwise specified.

2. All existing wood structural members is assumed to have a controlled stress grade lumber having a fiber stress of at least 1200 PSI.

3. All framing was fabricated and installed as per AITC, TPI and National Design Specs for Wood Construction.

WIND PRESSURES FOR WALL OPENINGS AS FOLLOW:
END ZONES # 5 - INTERIOR ZONES # 4

SQUARE FOOTAGE OF OPENINGS:
0 - 20 SQ FT - A
20 - 50 SQ FT - B
50 - 100 SQ FT - C
OVER 100 SQ FT - D

WIND PRESSURE 120 MPH EXPOSURE B - PSF
1ST FLOOR AND 2ND FLOOR INTERIOR ZONE 4

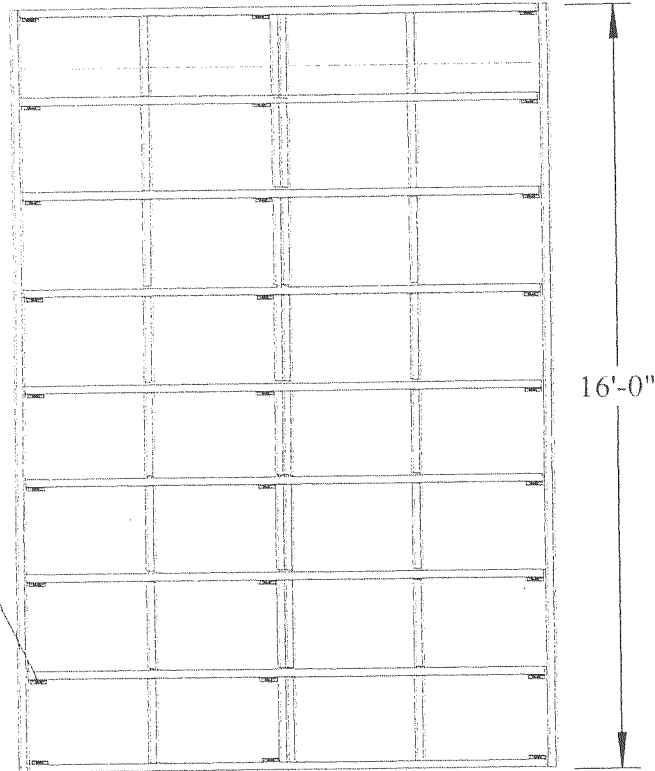
INT. ZONE 4 (A)	- 28.1 PSF + 25.9 PSF	(1)
INT. ZONE 4 (B)	- 26.9 PSF + 24.7 PSF	(2)
INT. ZONE 4 (C)	- 25.4 PSF + 23.2 PSF	(3)
	- 24.2 PSF	

UNLESS OTHERWISE NOTED ON FRAMING PLAN

PRIMARY FRAMING (BEAMS, GIRDERS, ETC.) WERE SIZED USING 1800 'FB' EXTREME FIBER IN BENDING (SINGLE) 90 'FY' HORIZONTAL SHEAR 16E 'E' MODULES OF ELASTICITY

3. JOIST, RAFTERS, LINTELS, ETC. WERE SIZED USING 1200 'FB' EXTREME FIBER IN BENDING (SINGLE) 90 'FY' HORIZONTAL SHEAR 16E 'E' MODULES OF ELASTICITY

SHEARWALL SEGMENT DETAIL



FLOOR SYSTEM

1/2" CDX PLYWOOD OR 7/16" O.S.B. SHEATHING W/ 8d NAILS AT 4" O.C. WITHIN 4'-0" OF ALL CORNERS ELSE WHERE. 4" O.C. AT PANEL EDGES & 12" O.C. AT INTERMEDIATE SUPPORTS

1/2" o x 8" A.B. W/ 2" WASHERS @ 24" O.C.

(1) HTT16

2x4 STUDS @ 16" O.C. MAX. (TYP.)

PRE-ENG. WOOD TRUSSES OR RAFTERS

(1) SP4 OR SP6 @ EA. STUD (TYP.)

CONC. FOOTING

(1) HTT16 @ EA. END

(1) SP4, SP6, OR SP8 @ EA. STUD (TYP.)

S.W.S.

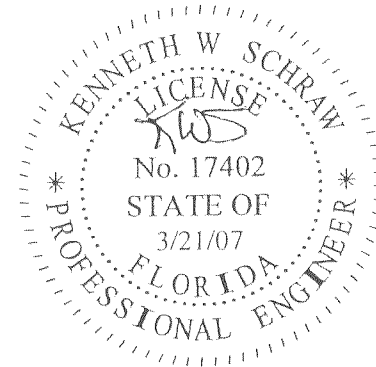
N.T.S.

(1-STORY FRAME WALLS)

NOTE: Floor: 40 # / sq. ft. Live Load
Roof: 20 # / sq. ft. Live Load
10 # / sq. ft. Dead Load.

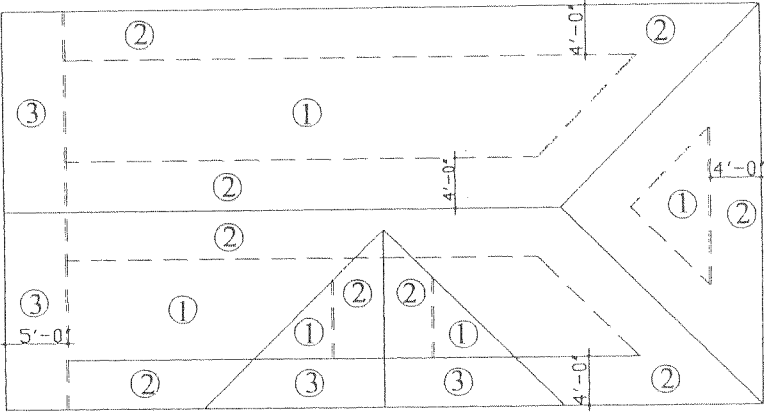
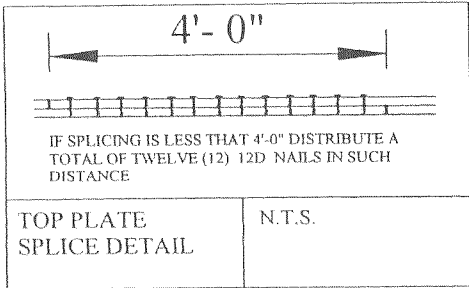
SITE PLAN & ANY ELECTRICAL SHALL BE PROVIDED BY OTHERS.

2X6 PT SYP FLOOR JOIST @ 2' OC, HELD IN PLACE W/ 1X STAKES 2' LONG @ 2' OC AS SHOWN & COVERED W/ 3/4" EXT. GRADE 4X8 STRAND BOARDS.



		+ 23.2 PSF
END ZONE 5 (D)		- 26.9 PSF
		+ 22.0 PSF
	(8)	

ROOF SHEATHING FASTENING SCHEDULE



ROOF SHEATHING	NAILS	PANEL LOCATIONS	ROOF FASTENING ZONES		
			1	2	3
7/16" OSB or LARGER STRUCTURAL SHEATHING	8d. COMMON NAIL	PANEL EDGES @ SUPPORTS (1)	6" O.C.	6" O.C.	4" O.C.
		PANEL FIELD	12" O.C.	6" O.C.	6" O.C.

NOTE:
(1) EDGE SPACING ALSO APPLIES OVER GABLE END WALLS OR TRUSSES
(2) PASLODE 2 1/4" X .099" DIAMETER POWER DRIVEN COATED SCREW NAILS MAY BE USED IN LIEU OF 8d. COMMON NAILS WITH REDUCED SPACING AS NOTED BELOW.
12" SPACE CHANGES TO 8", 6" TO 4", AND 4" OR 3" CHANGES TO 2 1/2".
1/2" GYPSUM CEILING : Use 5d Nails @ 7" on center
SECOND FLOOR NAILING : 8d @ 6" O.C. Edges (glue & nail)
@ 12" O.C @ Field



THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH, AND MEETS THE REQUIREMENTS OF ALL APPLICABLE STRUCTURAL SECTIONS OF RESIDENTIAL FLORIDA BUILDING CODE 2004 EDITION WHERE APPLICABLE FOR 120 MILES PER HOUR OR LESS WIND SPEED CERTIFICATION BY ENGINEER APPLIES TO STRUCTURAL DESIGN ONLY.
BASIC WIND SPEED = 120 MPH
WIND IMPORTANCE FACTOR = .87
WIND EXPOSURE CATEGORY = B
INTERNAL PRESSURE COEFFICIENT = +/- 0.18 FULLY ENCLOSED
WIND PRESSURES FOR COMPONENTS AND CLADDING FOR WALL ELEMENTS SHALL BE SHOWN ON FLOOR PLAN AND/OR ELEVATIONS.

S1	PAGE #	DATE 3/22/07	PROJECT NAME: Michael Bargnesi Shed	3065 Lowery Road Oviedo, FL 32765	Prepared By: KENNETH SCHRAW, PE 201 Park Place #313 Altamonte Springs, FL 32701	FLOOR PLAN 1/4" = 1'-0"
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March 27, 2007

ATTN: Patricia S. Johnson

I Donald Carter, owner of the property located at 3065 Lowery Drive, Oviedo, Florida 32765 hereby give my permission for the tenant Michael M. Bargnesi to apply for a variance for a shed constructed in the back yard. Any further questions feel free to contact me at 321-276-1497.

Thank you for time.

Sincerely,

A handwritten signature in cursive script that reads "Donald Carter". The signature is written in black ink and is positioned below the word "Sincerely,".

Donald Carter

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 21, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG N 46.67 FT OF LOT 9 + S 46.66 FT OF LOT 8 BLK G
SEMINOLE TERRACE REPLAT PB 11 PG 29

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

FINDINGS OF FACT

Property Owner: Donald Carter
3065 Lowery Dr
Oviedo, Fl 32765

Project Name: Lowery Drive (3065)

Requested Development Approval:

Request for a side yard (south) setback variance from 10 feet to 7-feet-6-inches for an existing shed 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: Joy Williams, 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: _____
Dori Debord,
Planning & Development

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: _____