

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

**SUBJECT:** 1521 Tracy Dee Way – Gary Garofalo, applicant; Request for a side yard (south) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District).

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

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

**Agenda Date** 9/24/07    **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 for a proposed pool screen enclosure 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 for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Owner: Location: Zoning: Subdivision:	Kelly Schmehl Gary Garofalo 1521 Tracy Dee Way R-1AA (Single Family Dwelling District) Jennifer Estates
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct an approximate 30 foot by 75 foot pool screen enclosure over an existing pool.</li> <li>• The screen enclosure will extend the width of the house plus protrude approximately 4 feet beyond the house on the south side.</li> <li>• The screen enclosure also is proposed to extend approximately 3 feet into the utility easement at the rear of the property. The utility easement will be required to</li> </ul>	

	<p>be vacated.</p> <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>
<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>The screen enclosure could be constructed in a manner that would not require a variance.</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.</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 pool screen enclosure 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 # BV 2007-100  
Meeting Date Sept. 24, 2007



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

BP 07-7780

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

Name: Gary Garofalo / Kelly Schmehl 407 488-2051

Address: 1521 Tracy Dee Way City: Longwood Zip code: 32779

Project Address: 1521 Tracy Dee Way City: Longwood Zip code: 32779

Contact number(s): Gary Garofalo 407-832-9967

Email address: \_\_\_\_\_

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 checked="" type="checkbox"/> Pool screen enclosure	Please describe: Existing pool deck is within setback on side
<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 JUL 25 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 checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	10ft.
<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>2</u>			

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: Gary Garofalo

**FOR OFFICE USE ONLY**

Date Submitted: 7-25-07 Reviewed By: P. Johnson  
 Tax parcel number: 05-21-29-5EL-0000-0150 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!*

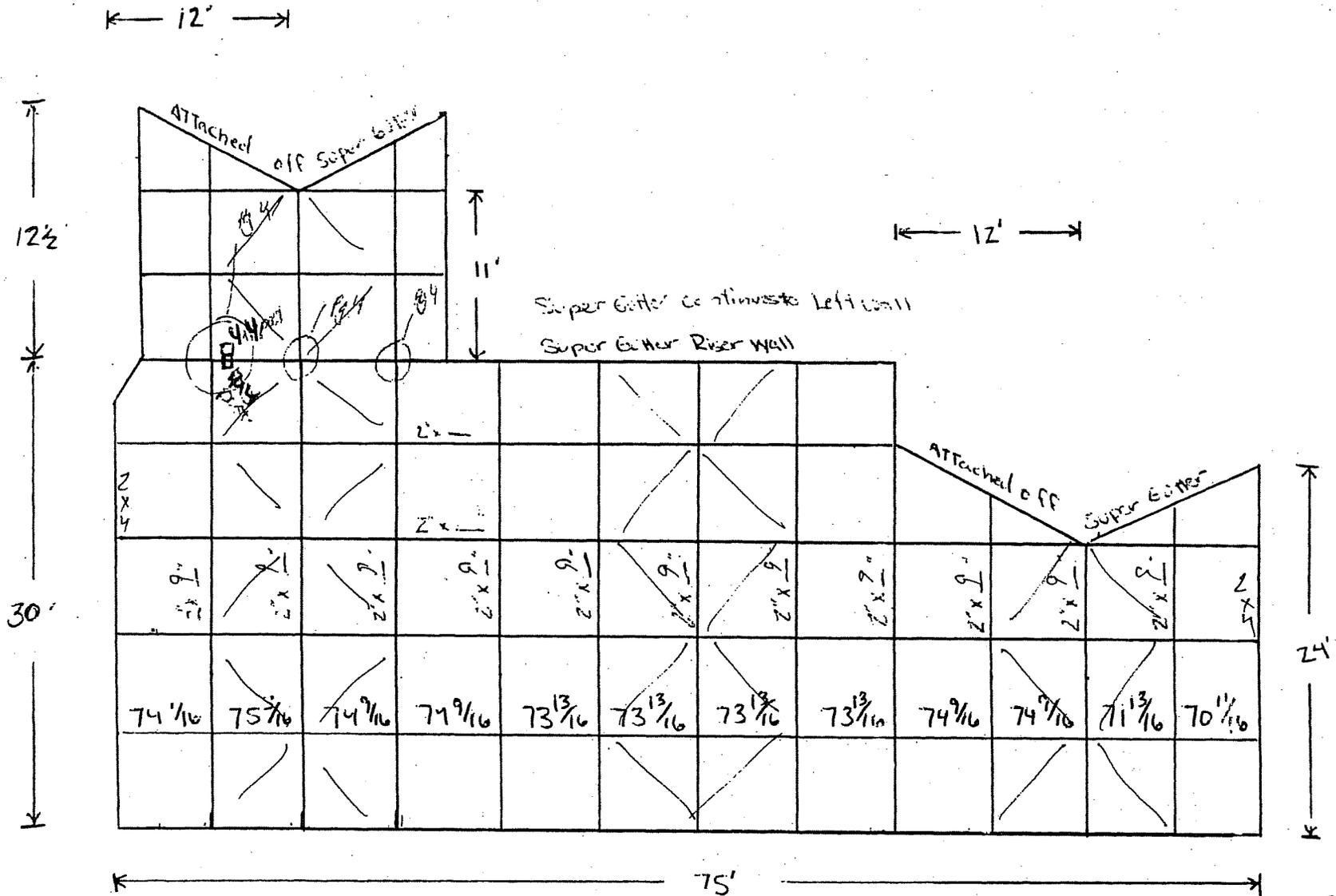
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization 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 1/2 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.



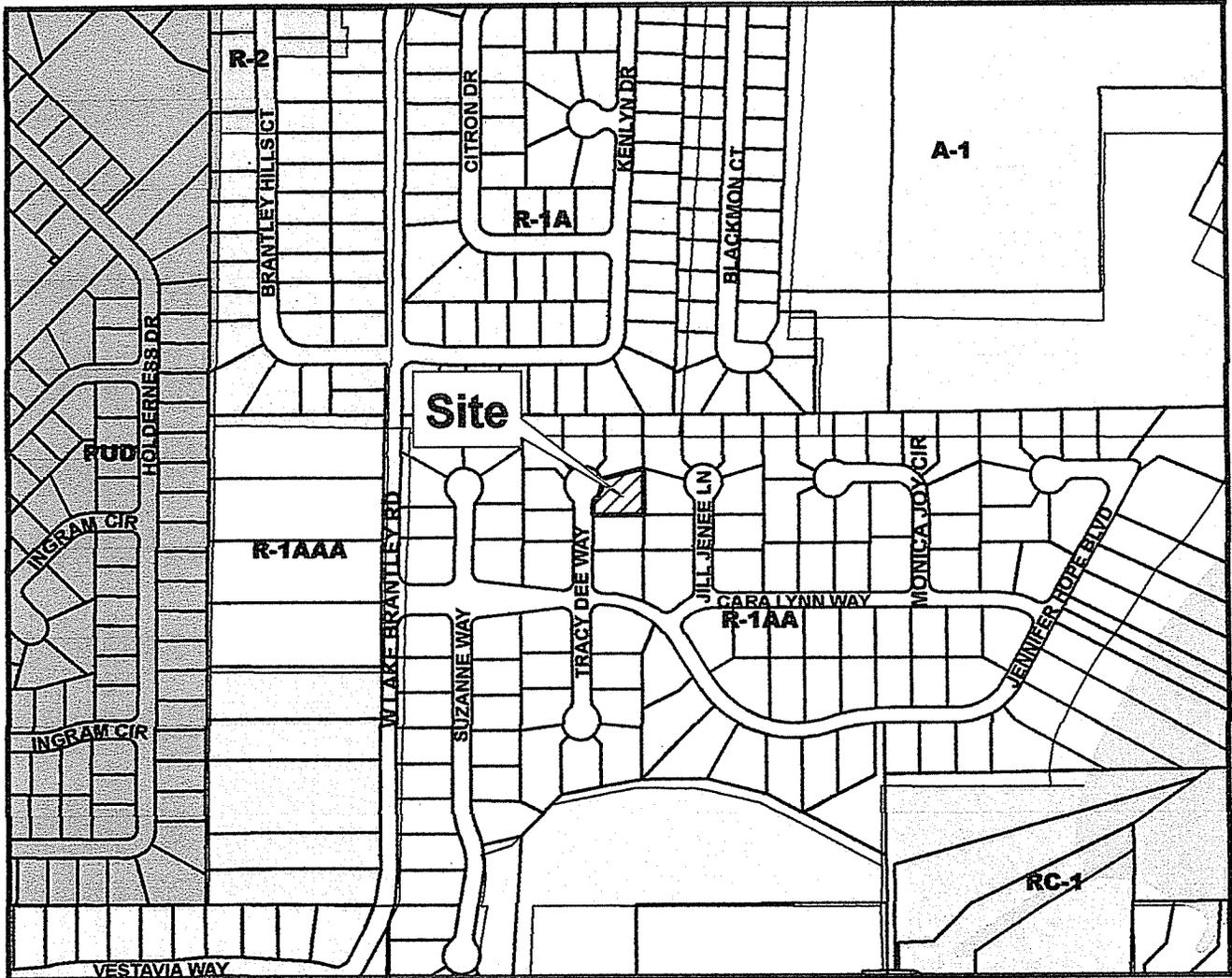


Scale (10)

Page 2



Gary Garofalo/Kelly Schmehl  
 1521 Tracy Dee Way  
 Longwood, Florida 32779

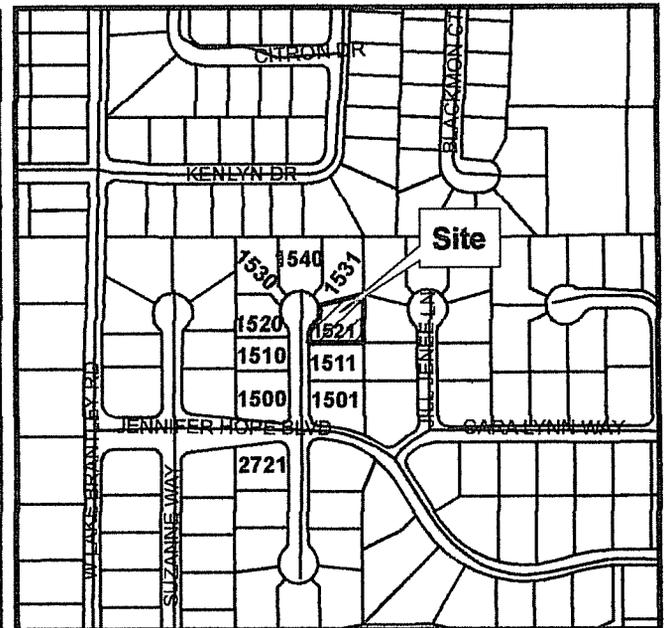


**Seminole County Board of Adjustment**  
 September 24, 2007  
 Case: BV2007-100 (Map 3154, Grid C4)  
 Parcel No: 05-21-29-5EL-0000-0150

**Zoning**

BV2007-100	R-1AAA	R-2
A-1	R-1AA	PUD
RC-1	R-1A	

N



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																		
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 05-21-29-5EL-0000-0150</p> <p>Owner: GAROFALO GARY B &amp; JENNIFER L</p> <p>Mailing Address: 1521 TRACY DEE WAY</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 1521 TRACY DEE WAY LONGWOOD 32779</p> <p>Subdivision Name: JENNIFER ESTATES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2003)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$216,452</p> <p>Depreciated EXFT Value: \$6,670</p> <p>Land Value (Market): \$51,500</p> <p>Land Value Ag: \$0</p> <p><u>Just/Market Value:</u> \$274,622</p> <p>Assessed Value (SOH): \$180,731</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$155,731</p> <p style="text-align: center;"><u>Tax Estimator</u></p> <p style="text-align: center;"><u>Tax Reform Analysis</u></p>																																
<p style="text-align: center;"><b>SALES</b></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>08/2002</td> <td>04501</td> <td>1096</td> <td>\$188,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1978</td> <td>01189</td> <td>1986</td> <td>\$73,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1978</td> <td>01174</td> <td>0459</td> <td>\$29,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Find Comparable Sales within this Subdivision</u></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/2002	04501	1096	\$188,500	Improved	Yes	WARRANTY DEED	09/1978	01189	1986	\$73,900	Improved	Yes	WARRANTY DEED	06/1978	01174	0459	\$29,000	Vacant	No	<p style="text-align: center;"><b>2006 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$4,051</p> <p><u>2006 Tax Bill Amount:</u> \$2,439</p> <p><u>Save Our Homes (SOH) Savings:</u> \$1,612</p> <p>2006 Taxable Value: \$151,323</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>				
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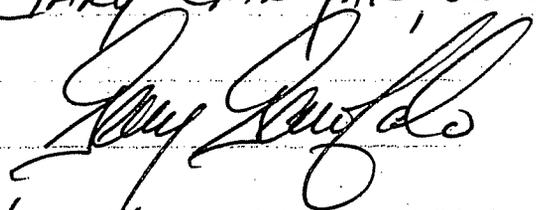
"OWNERS AUTHORIZATION"

DATE: July 24, 2007

TO: Seminole County Planning Division

RE: VARIANCE APPLICATION for the following ADDRESS:  
1521 TRACY DEE WAY!  
LONGWOOD, FL. 32779  
OWNER: GARY GAROFALO

ON BEHALF OF THE ABOVE REFERENCED VARIANCE  
APPLICATION I DO HERE BY AUTHORIZE  
KELLY SCHMEHL TO ACT ON MY BEHALF TO  
PROCESS AND HANDLE THE VARIANCE REQUEST.

GARY GAROFALO, OWNER  


PH# 407-832-9967.

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On September 24, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 15 JENNIFER ESTATES PB 21 PGS 44 TO 46

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

**FINDINGS OF FACT**

**Property Owner:** Gary B. & Jennifer L. Garofalo  
1521 Tracy Dee Way  
Longwood FL 32779

**Project Name:** Tracy Dee Way (1521)

**Requested Development Approval:**

Request for a side yard (south) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure 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 pool screen enclosure 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 L. DeBord  
Planning & Development Director

**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: