

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 3787 Biscayne Drive – Elmer Lemesh & Patricia O’Bailey, applicants;
Request for a rear yard setback variance from 15 feet to 10 feet for a
screen room in PUD (Planned Unit Development).

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 10/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 15 feet to 10 feet for a screen room in PUD (Planned Unit Development); or
2. **APPROVE** the request for a rear yard setback variance from 15 feet to 10 feet for a screen room in PUD (Planned Unit Development); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Elmer Lemesh & Patricia O’Bailey Location: 3787 Biscayne Drive Zoning: PUD (Planned Unit Development) Subdivision: Hollowbrook PH 2
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicants propose to construct an 11-foot by 18-foot screen room that would encroach 5 feet into the required 15-foot rear yard setback. • 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,

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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 screen porch 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 # BV 2007-125
Meeting Date 10-22-07



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

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

Name: Elmer F. Lemesh + Patricia O. Bailey
Address: 3787 Biscayne Dr City: Winter Springs Zip code: 32708
Project Address: 3787 Biscayne Dr City: Winter Springs Zip code: 32708
Contact number(s): Hm 401-388-4907 or 407-222-7990
Email address: PAT126@AOL.COM

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 type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>Screen room</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

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:	<u>15</u>	Proposed setback: <u>10'</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 type="checkbox"/> Total number of variances requested <u>1</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: Elmer F. Lemesh Patricia O. Bailey

FOR OFFICE USE ONLY

Date Submitted: 9-5-07 Reviewed By: P. Johnson O. Gibbs
 Tax parcel number: 24-21-30-5JL-0000-1100 Zoning/FLU PUD / PD
 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

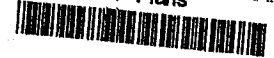
Please return this checklist with your application!

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 ½ 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.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

OFFICE COPY

BP-Plans



PLAT OF SURVEY

DESCRIPTION: (AS FURNISHED)

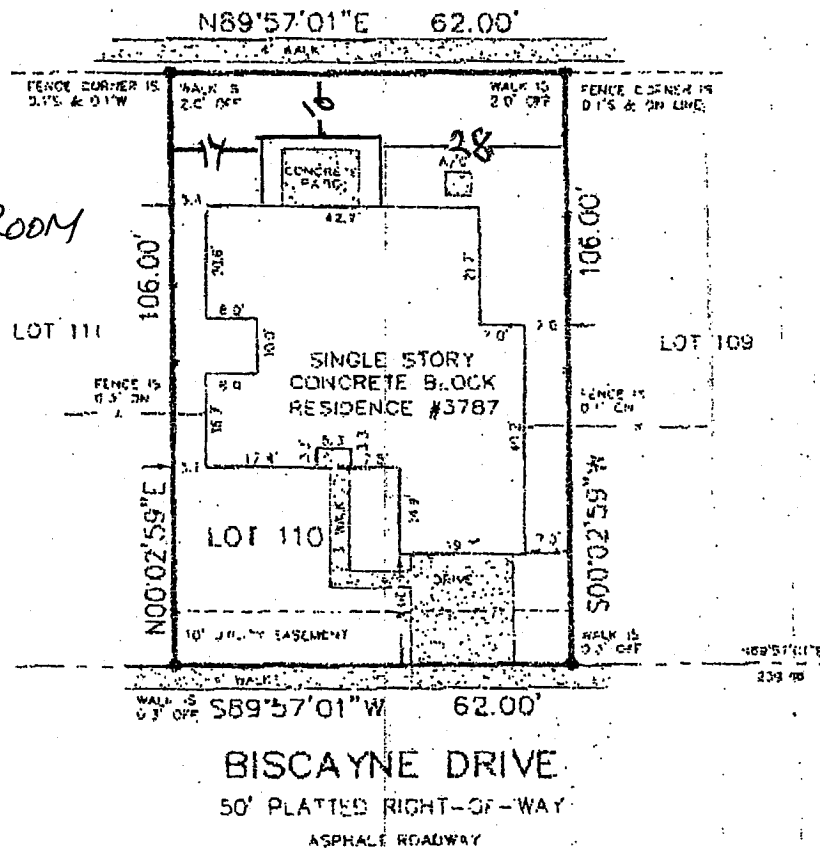
LOT 110, HOLLOWBROOK PHASE II, ACCORDING TO THE PLAT THEREOF.
AS RECORDED IN PLAT BOOK 36, PAGES 5 THROUGH 7, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

REVIEWED

JUN 19 2007

SEMINOLE COUNTY
PLANS EXAMINER

11x18 SCREEN ROOM

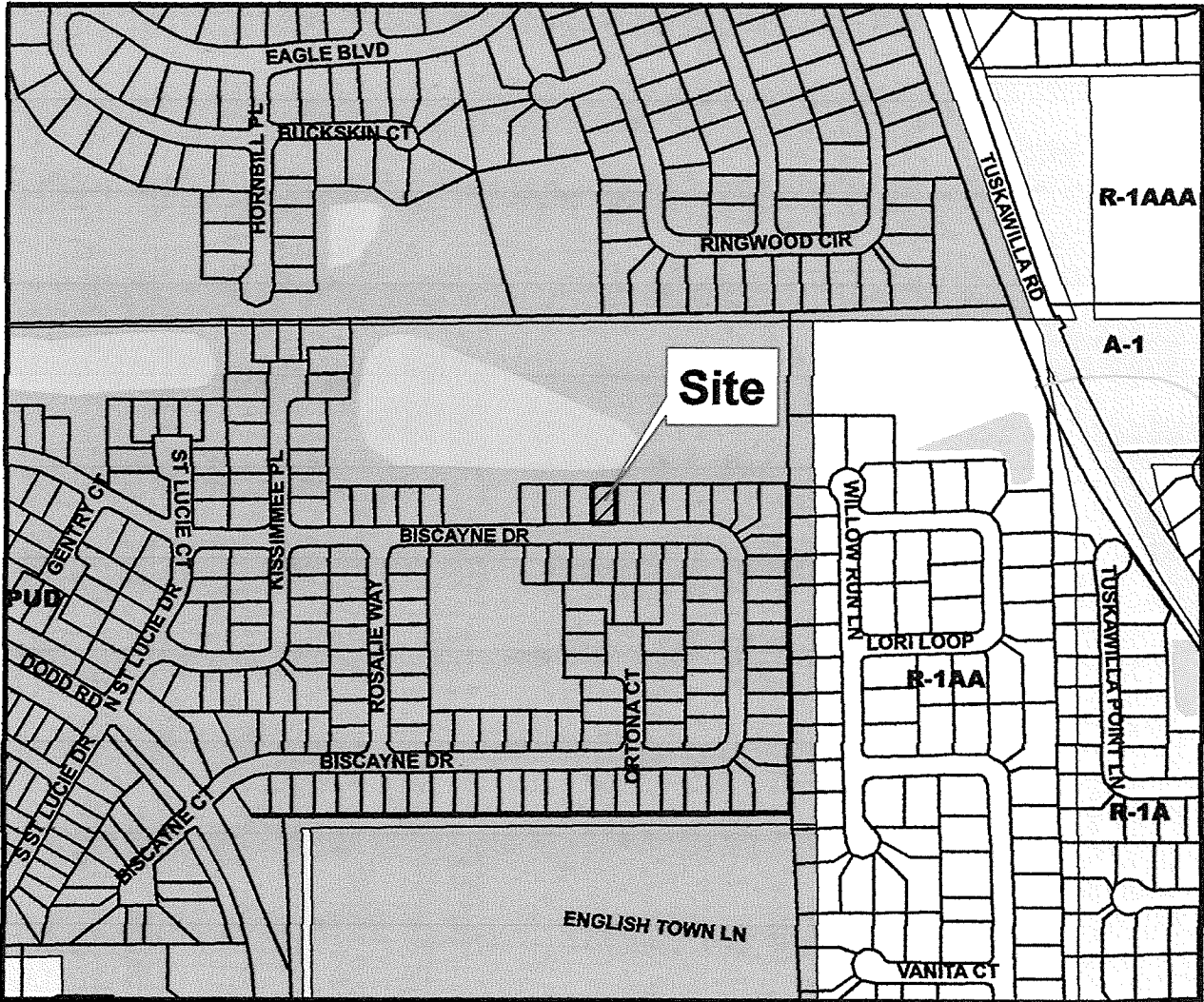


LEGEND:

- | | | | |
|-----|-------------------------------------------|----------|--------------------------|
| (C) | UTILITY POLE | F.I.R.M. | FLOOD INSURANCE RATE |
| (D) | CONCRETE END 1" IRON PIPE X CAP, LS #2005 | LS | LAND SURVEYING BUSINESS |
| (E) | DEGREE'S RADIUS | LS | LAND SURVEYOR |
| (F) | DEGREE'S DELTA ANGLE | PRM | PERMANENT REFERENCE MARK |
| (G) | DEGREE'S ARC LENGTH | PCP | PERMANENT CONTROL POINT |
| (H) | CHORD BEARING | PI | POINT OF INTERSECTION |
| (I) | RIGHT OF WAY LINE | PT | POINT OF TANGENCY |
| (J) | PER PLAT | QD | QUAD LINE FENCE |
| (K) | MEASURED | WF | WOOD FENCE |
| (L) | FOUND | TF | TYPICAL |
| | | AC | AIR CONDITIONER |

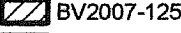
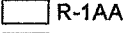
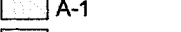
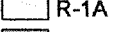
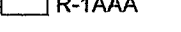

CERTIFIED TO:
 CLMER F LEMESH & PATRICIA D BAILEY
 NATIONAL CITY MORTGAGE
 STEIN, SUNNENSCHEIN, HOGGMAN & PEPPER
 LAWYER'S TITLE INSURANCE COMPANY


Elmer Lemesh & Patricia O'Bailey
 3787 Biscayne Drive
 Winter Springs, Florida 32708

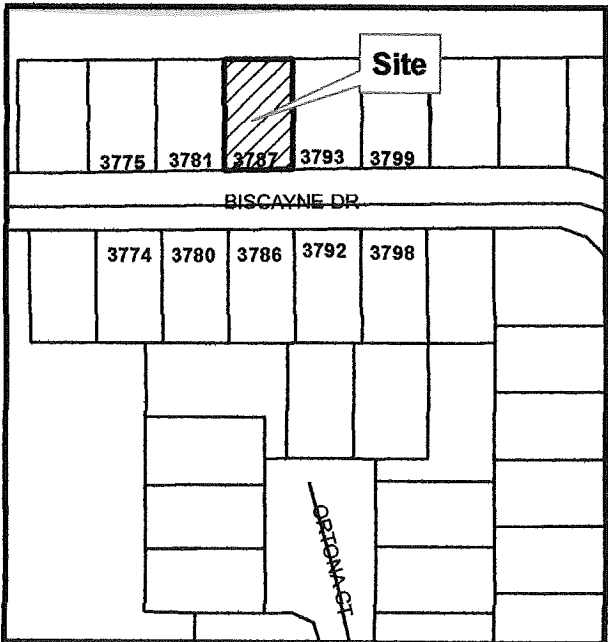


Seminole County Board of Adjustment
 October 22, 2007
 Case: BV2007-125 (Map 3211, Grid B1)
 Parcel No: 24-21-30-5JL-0000-1100

Zoning

 BV2007-125	 R-1AA
 A-1	 R-1A
 R-1AAA	 PUD

N




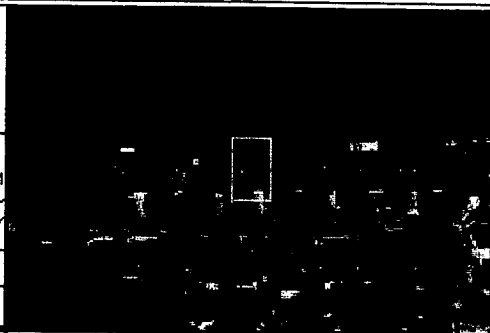
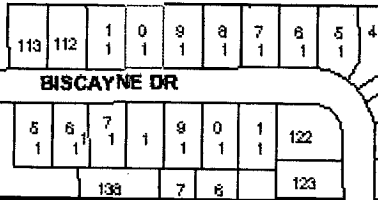
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506



GENERAL

Parcel Id: 24-21-30-5JL-0000-1100
 Owner: LEMESH ELMER F &
 Own/Addr: BAILEY PATRICIA O
 Mailing Address: 3787 BISCAYNE DR
 City,State,ZipCode: WINTER SPRINGS FL 32708
 Property Address: 3787 BISCAYNE DR WINTER SPRINGS 32708
 Subdivision Name: HOLLOWBROOK PH 2
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2002)
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$194,775
 Depreciated EXFT Value: \$750
 Land Value (Market): \$40,000
 Land Value Ag: \$0
 Just/Market Value: \$235,525
 Assessed Value (SOH): \$127,308
 Exempt Value: \$25,000
 Taxable Value: \$102,308

Tax Estimator

Tax Reform Analysis

2007 Notice of Proposed Property Tax

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	09/2001	04231	1862	\$142,000	Improved	Yes
SPECIAL WARRANTY DEED	02/1987	01830	0221	\$99,700	Improved	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Amount(without SOH): \$2,873
 2006 Tax Bill Amount: \$1,599
 Save Our Homes (SOH) Savings: \$1,274
 2006 Taxable Value: \$99,203

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	40,000.00	\$40,000

LEGAL DESCRIPTION

PLATS:
 LEG LOT 110 HOLLOWBROOK PH 2 PB 36
 PGS 5 TO 7

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	1987	7	1,959	2,416	1,959	CB/STUCCO FINISH	\$194,775	\$210,568
Appendage / Sqft			OPEN PORCH FINISHED / 15						
Appendage / Sqft			GARAGE FINISHED / 442						

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

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1987	1	\$750	\$1,500

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.

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 23

TWP: 21

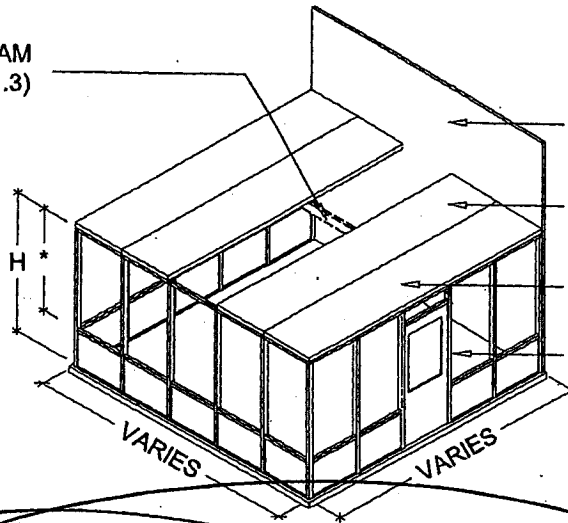
RNG: 30

DEVELOPMENT:		Hollowbrook Phase 2				DEVELOPER:		General Homes (Brentwood PUD)									
LOCATION:		N of Red Bug Lake Road, on the E side of Dodd Road								138 lots							
FILE#:		BA:		SP:		BCC:											
P&Z:																	
PB	36	PG	5-7	Lot		Blk		Parcel		DBA		Comm Dist					
DEVEL. ORDER #:						TAX PAR. I.D. #:											
SIDEWALKS:						SETBACK REQUIREMENTS											
						FY:	20'	SIDE ST.:	20'	SY:	5' & 5'	RY:	15'				
						ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER: Patio Home - Lot size: 6,300 sq ft					
						COMMENTS OTHER:						ACCESSORY STRUCTURE SETBACKS:					
												SY:	5'	RY:	5'		
						ACCESSORY STRUCTURE OTHER: Minimum RY 5' screened porches, pools and accessory building with side yard same as main structure											

		IMPACT FEES	
		SCREEN:	
		TRAFFIC ZONE:	107
		LAND USE:	1
		JURISDICTION:	50
		1. ROAD-CO. WIDE	V-200
		2. ROAD-COLL.	
		3. LIBRARY	
		4. FIRE	V-\$10
		5. PARK	
		6. SCHOOL	V-300
		7. LAW	
		8. DRAINAGE	
		TOTAL	\$510
		REMARKS:	

COMMITMENT CARD
Instructions: print two-sided on card stock and cut along the left and bottom border.

INTERIOR BEAM
(SEE TABLES 3A.1.3)



HOST STRUCTURE OR
FOURTH WALL FRAME

PANS OR PANELS

ALUMINUM ROOF SYSTEM
PER SECTION 7

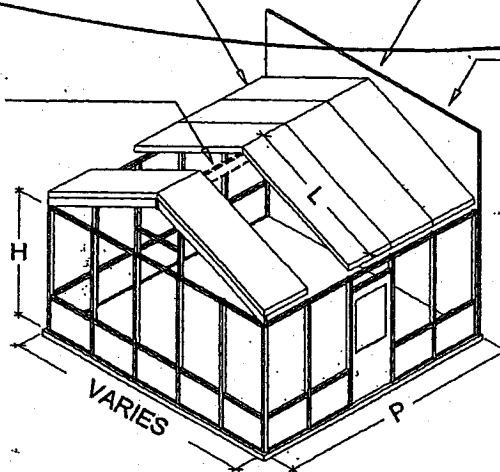
CARRIER BEAM POST

TYPICAL SLOPED SOLID ROOF ENCLOSURE

SCALE: N.T.S.

ALUMINUM ROOF SYSTEM
PER SECTION 7

RIDGE BEAM
(SEE TABLES 3A.1.4)



HOST STRUCTURE OR
FOURTH WALL FRAME

USE BEAM TO WALL DETAIL

REVIEWED

JUN 19 2007

SEMINOLE COUNTY
PLANS EXAMINE

TYPICAL GABLE SOLID ROOF ENCLOSURE

SCALE: N.T.S.

Lawrence E. Bennett, P.E. FL # 16644

CIVIL & STRUCTURAL ENGINEERING

P.O. Box 214368, South Daytona, FL 32121

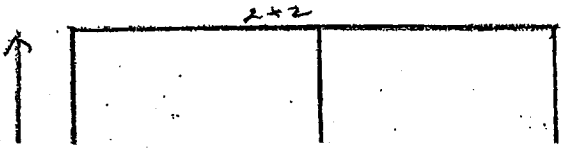
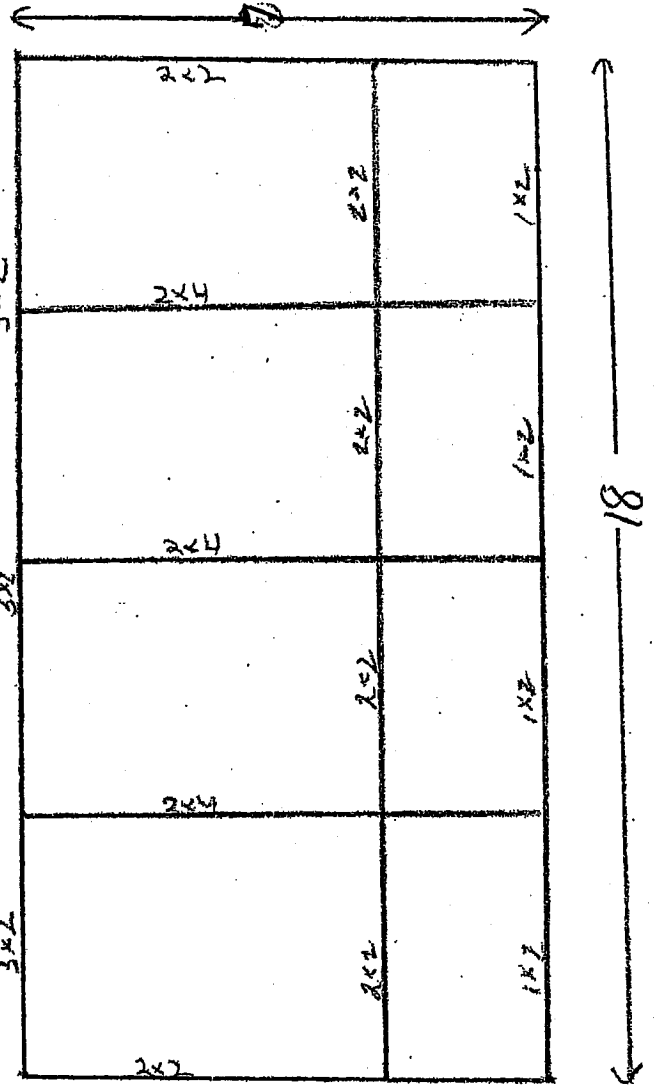
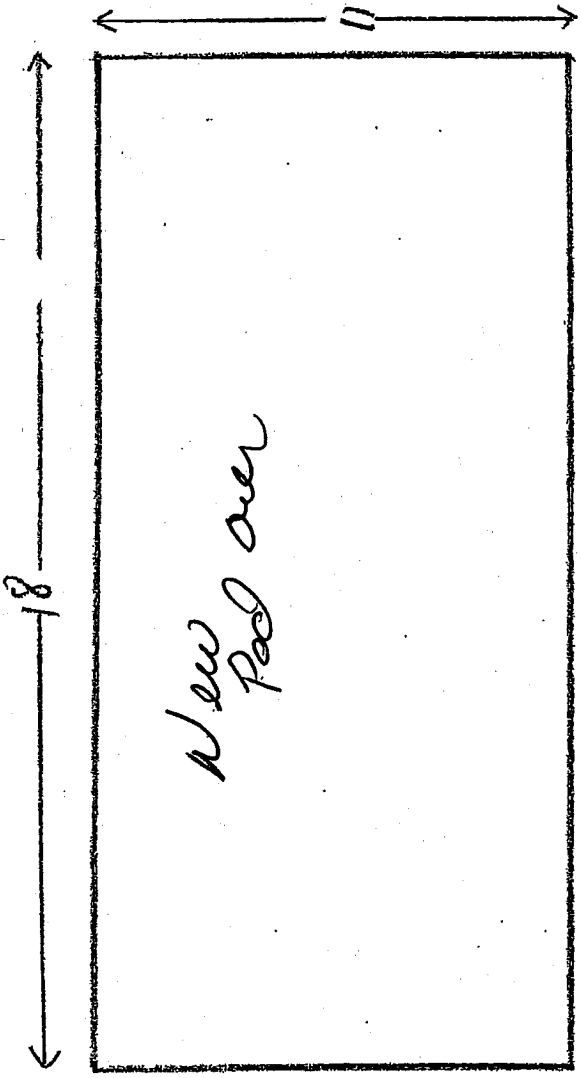
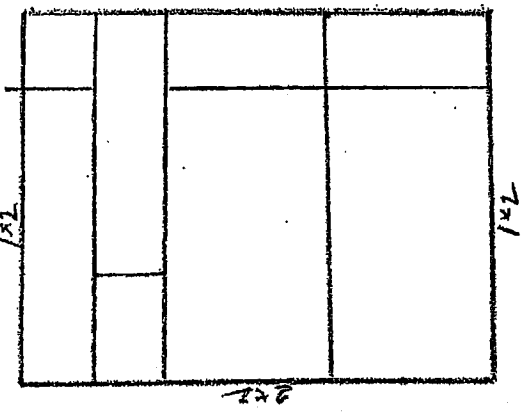
Telephone #: (386) 767-4774 Fax #: (386) 767-6556

Email: lebpe@bellsouth.net

REVIEWED

JUN 19 2007

SEMINOLE COUNTY
PLANS EXAMINER



August 28, 2007

Seminole County
Planning & Zoning
Sanford, FL

Re: Variance Request
Elmer F. Lemesh, Patricia O. Bailey
3787 Biscayne Dr. - 24-21-30-5JL-0000-1100
Winter Springs, Fl

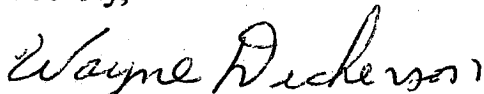
Dear Sir or Madam:

My neighbors, captioned above, have discussed with me their desire to have a screen room behind their house. As you can tell from the pictures, taken from their back door, we cannot see their backyard because of the way the houses sit on the lot.

Behind our houses is a "spring fed" lake beyond which is "wetlands." As you can see from the enclosed pictures, there are no neighbors who could object to enclosing the existing patio.

Therefore, we would support the issuing of a variance for the purpose of enclosing their patio. And yes, we do understand that they wish to increase the slab from 10 x 12 to 11 x 18.

Sincerely,



Wayne Dickerson
3781 Biscayne Dr.
Winter Springs, FL 32708

August 28, 2007

Seminole County
Planning & Zoning
Sanford, FL

Re: Variance Request
Elmer F. Lemesh, Patricia O. Bailey
3787 Biscayne Dr. - 24-21-30-5JL-0000-1100
Winter Springs, Fl

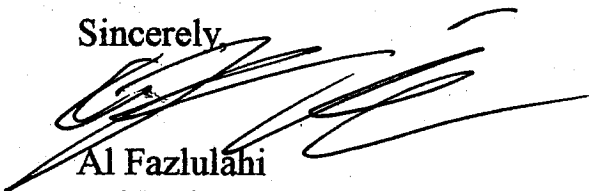
Dear Sir or Madam:

My neighbors, captioned above, have discussed with me their desire to have a screen room behind their house. As you can tell from the pictures, taken from their back door, we cannot see their backyard because of the way the houses sit on the lot.

Behind our houses is a "spring fed" lake beyond which is "wetlands." As you can see from the enclosed pictures, there are no neighbors who could object to enclosing the existing patio.

Therefore, we would support the issuing of a variance for the purpose of enclosing their patio. And yes, we do understand that they wish to increase the slab from 10 x 12 to 11 x 18.

Sincerely,



Al Fazlulahi
3793 Biscayne Dr.
Winter Springs, FL 32708

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 110
HOLLOWBROOK PH 2 PB 36 PGS 5 - 7

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

FINDINGS OF FACT

Property Owner: Elmer Lemesh & Patricia O'Bailey
3787 Biscayne Dr
Winter Springs, FL 32708

Project Name: 3787 Biscayne Drive (BV2007-125)

Requested Development Approval:

Request for a rear yard setback variance from 15 feet to 10 feet for a screen room in PUD (Planned Unit Development).

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 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: _____
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: