

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: 1725 Blackmon Court – Susan Behel, applicant; Request for a side yard (north) setback variance from 7.5 feet to 5 feet for a screen enclosure in R-1A (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 (north) setback variance from 7.5 feet to 5 feet for a screen enclosure in R-1A (Single Family Dwelling District); or
2. **Approve** the request for a side yard (north) setback variance from 7.5 feet to 5 feet for a screen enclosure in R-1A (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Susan Behel Location: 1725 Blackmon Court Zoning: R-1A (Single Family Dwelling District) Subdivision: Brantley Point
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to extend a screen enclosure to encroach 2.5 feet into the required 7.5-foot side yard setback.</li> <li>• A rear yard variance from 10 feet to 6 feet for the screen enclosure was granted in 1988.</li> <li>• On September 24, 2007, a variance was granted for 1) a rear yard setback variance from 30 feet to 18 feet for an addition; 2) a side yard (south) setback variance from 10 feet to 6 feet for a screen enclosure and 3) a rear yard setback variance from 10 feet to 6 feet- 4 inches to add an in ground spa and waterfall to an existing pool.</li> <li>• The west 1.5 feet of the utility easement was vacated in 1988.</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>An addition could be designed that would not require variances.</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 screen enclosure, north side, 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

Application # BV 2007-135  
Meeting Date 12-3-07

**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: Susan N. Behel  
Address: 1725 Blackman Ct. City: Longwood Zip code: 32779  
Project Address: 1725 Blackman Ct. City: Longwood Zip code: 32779  
Contact number(s): 407-342-4054 or 407-788-9207  
Email address: sbehel @ cfl.rr.com

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

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: <u>replace existing and extend one side</u>
<input type="checkbox"/> Covered screen room	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 OCT 02 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:	<u>7.5 ft.</u>	Proposed setback: <u>5 ft.</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:

Total number of variances requested 1

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: Susan N. Behel

**FOR OFFICE USE ONLY**

Date Submitted: 10-2-07 Reviewed By: D. Gibbs P. Johnson  
 Tax parcel number: 05-21-29-514-0000-0240 Zoning/FLU R-1A7 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>
	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 <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

Dear Ms. Gibbs:

I would like to apply for a variance to extend the screened enclosure around my pool 2.5 feet into the easement. This would move the side easement from 7.5 ft to 5.0 feet. I have attached the variance request form and the site plan.

If possible, I would like to seek an administrative variance. I was the victim of a home invasion in which 4 men cut my phone lines, entered my home, tazered me 30 times, and held me hostage for 4 hours. Three of the four men were apprehended. Two were sentenced to serve eight years and one was sentenced to fifteen years. I have been informed by the State Department of Corrections that one of the 3 will be released on parole in December (see attached document). As I still live in fear as a result of this crime, I would like to have all of the construction completed before this felon is released. If I wait for the regular variance process, the hearing will not be until December. However, if this is the only way to proceed, I will accept waiting.

Florida Pool Enclosures will be submitting the drawings and pulling the permit for replacing the existing screened enclosure.

Should you require any additional information, please contact me either by email ([sbchel@cfl.tx.com](mailto:sbchel@cfl.tx.com)) or by phone (cell phone # 407-342-4054).

I greatly appreciate all you have done in my behalf.

Respectfully,

Susan N. Behel

FLORIDA DEPARTMENT OF CORRECTIONS - VICTIM ASSISTANCE PROGRAM  
2601 Blair Stone Road, Tallahassee, FL 32399-2500

**INMATE STATUS NOTIFICATION**

We understand that as a victim of a crime, your sense of safety and security may well be diminished. At the Florida Department of Corrections, we try to do all we can to make sure you have as much information as possible to help you deal with the issues you face.

IT IS ESTIMATED THAT THE INMATE LISTED IN THIS NOTICE WILL BE RELEASED FROM PRISON WITHIN THE NEXT YEAR, DEPENDING ON THE AWARD AND/OR FORFEITURE OF GAIN TIME EACH MONTH. UPON RELEASE, THE INMATE WILL BE SUPERVISED BY A CORRECTIONAL PROBATION OFFICER UNDER THE CONDITIONAL RELEASE SUPERVISION PROGRAM. THE SUPERVISION PERIOD WILL BE DETERMINED BY THE FLORIDA PAROLE COMMISSION AND WILL BE BASED ON THE AMOUNT OF GAIN TIME THE INMATE RECEIVED WHILE IN PRISON. WHILE THE FLORIDA PAROLE COMMISSION AND THE FLORIDA DEPARTMENT OF CORRECTIONS CANNOT STOP THIS RELEASE, THE FLORIDA PAROLE COMMISSION CAN SET CONDITIONS OF SUPERVISION. THESE CONDITIONS ARE INTENDED TO PROTECT YOU AND THE PUBLIC.

WE HOPE YOU WILL GIVE US YOUR INPUT CONCERNING HOW THIS CRIME HAS AFFECTED YOU AND YOUR FAMILY, AND ANY FEARS YOU MAY HAVE OF THE INMATE, AND/OR ANY RECOMMENDATIONS YOU HAVE REGARDING THE RELEASE OF THIS INMATE. TO SHARE YOUR CONCERNS AND/OR RECOMMENDATIONS, PLEASE DOCUMENT THEM IN WRITING AND SEND THEM TO THE FLORIDA DEPARTMENT OF CORRECTIONS-RELEASE MANAGEMENT-RE:CONDITIONAL RELEASE SUPERVISION VICTIM STATEMENT-2601 BLAIR STONE ROAD-TALLAHASSEE, FLORIDA 32399-2500. OUR FAX MACHINE NUMBER IS (850) 921-4185. YOU MAY ALSO EMAIL: DC.RELEASE@MAIL.DC.STATE.FL.US.

PLEASE CONTACT US WITH ANY QUESTIONS AND/OR CONCERNS YOU HAVE REGARDING THIS NOTICE. YOU MAY CALL OUR OFFICE TOLL-FREE AT 1-877-884-2846. YOU MAY ALSO VIEW OUR WEB SITE, WHICH INCLUDES A SEARCHABLE DATABASE, WHERE YOU MAY OBTAIN A PICTURE AND GENERAL INFORMATION CONCERNING THIS INMATE: WWW.DC.STATE.FL.US.

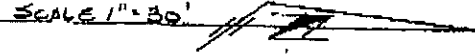
9/16/07 INMATE	FACILITY	
E14905 YOUNG, SAMUEL E.	AVON PARK C.I.	
DOB: 06/04/1978	CR 64 EAST	
SEX: MALE RACE: WHITE	AVON PARK	33826
01BEHES001	863-453-3174	

LAND DESCRIPTION:

Lot 24, Brantley Point, according to the plat thereof as recorded in Plat Book 24, Page 71, Public Records of Seminole County, Florida. Address: 1725 Blackmon Court

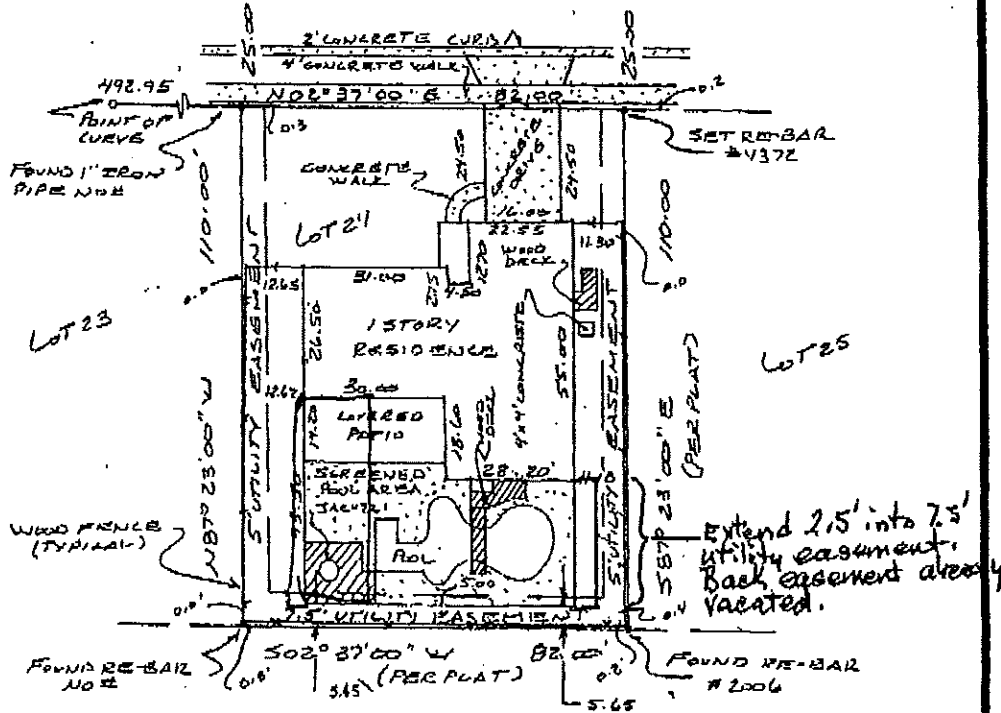
The undersigned, hereby accepts this survey, which shows encroachments as highlighted. We further understand that an exception will be issued in our firm's owner's policy.

Dated: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Signed: \_\_\_\_\_



First American Title Company

BLACKMON COURT (50.00 RIGHT OF WAY)



NOT PLATTED

SURVEYORS NOTES:

1. Reproductions of this sketch are not valid unless signed with an embossed surveyors seal.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. Bearings are based on Blackmon Court as N 02° 37' 00" E.
4. I have reviewed the F.I.R.M. map and determined that this property does not lie within the 100 year flood zone. Lies in Zone "C".
5. House ties are not to be used to reconstruct property lines.

CERTIFICATE:

I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and meets the Minimum Technical Standards pursuant to Chapter 21 HH-6 Florida Statutes.

Certified to:

1. First American Title Company
2. Lincoln Service Corporation
3. Susan N. Behel

*Michael E. Petulla*

MICHAEL E. PETULLA 622-92  
PROFESSIONAL LAND SURVEYOR  
FLORIDA REGISTRATION #4372

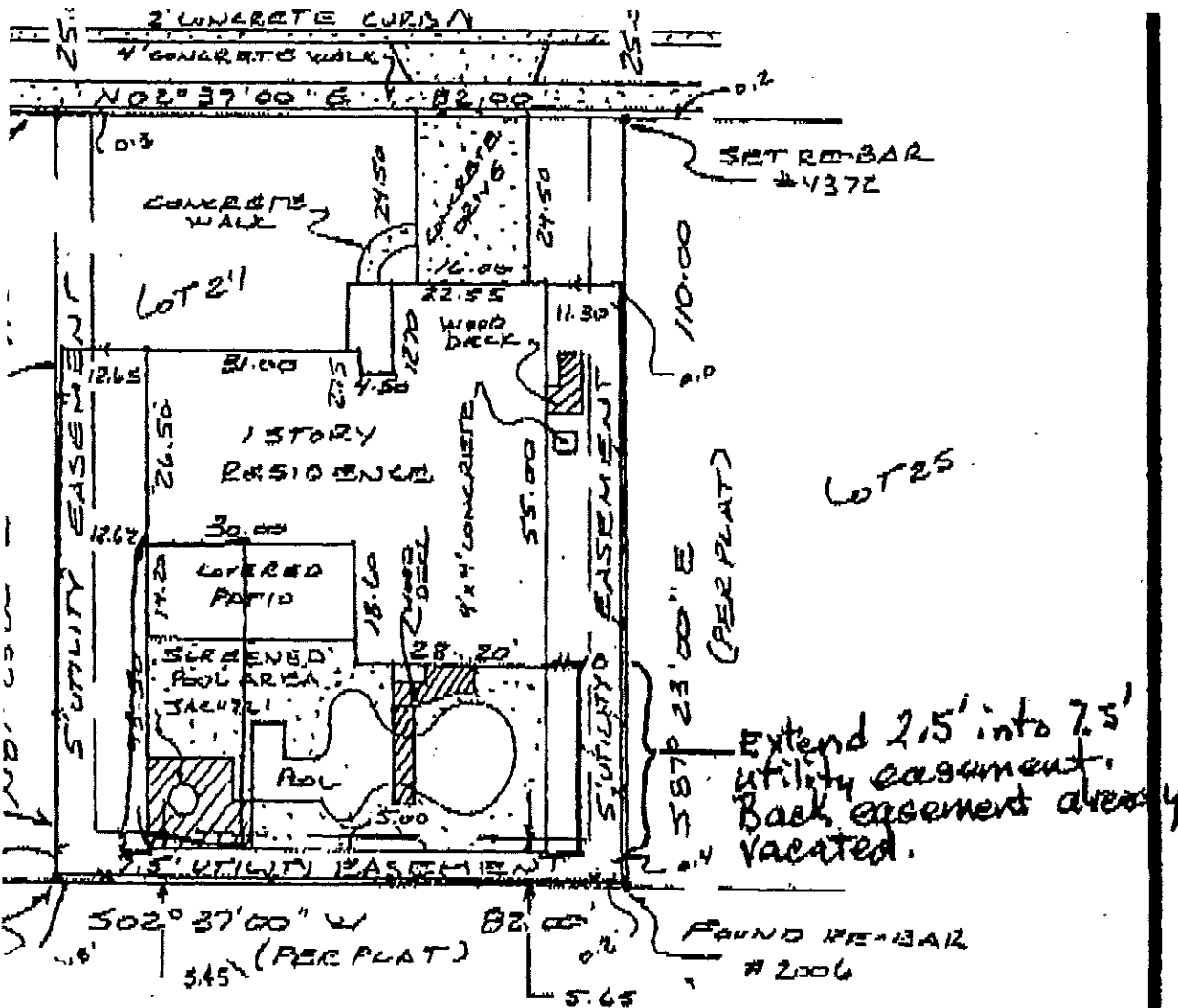
JOB NO: 92-4605

PROFESSIONAL LAND SURVEYING SERVICES, INC.  
288 N. GRANT STREET  
LONGWOOD, FLORIDA 32760  
(407) 834-2424

MICHAEL E. PETULLA P.L.S.

BOUNDARY SURVEY	KEP	06-22-07		MEP
REVISIONS	DRAWN	DATE	FB/PC	CHKD





NOT PLATTED

3:  
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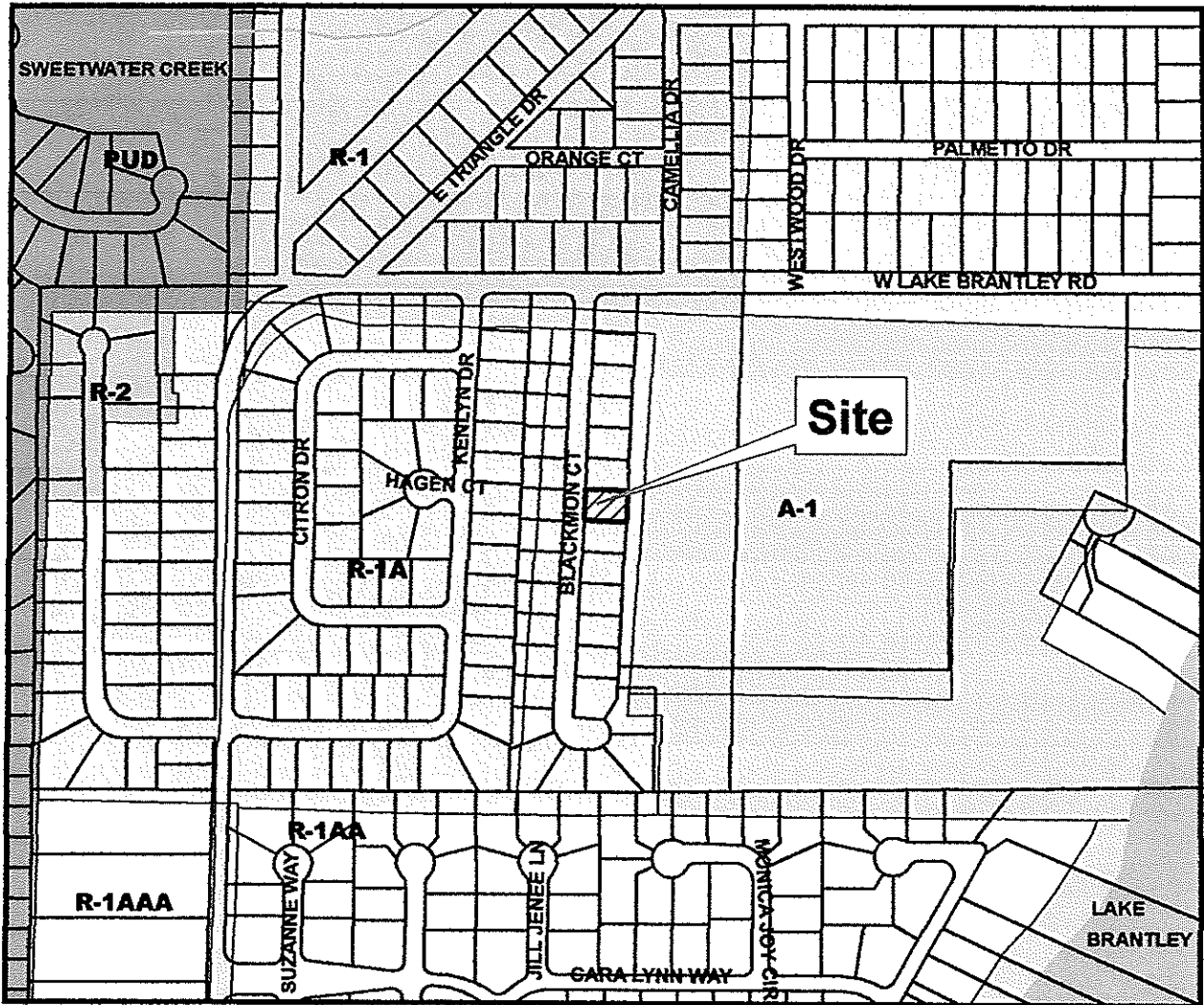
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an Title Company  
 Corporation  
 16.

*Michael E. Petulla*

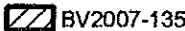

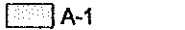

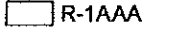

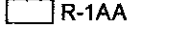

MICHAEL E. PETULLA 6-22-92  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA REGISTRATION #4372


Susan Behel  
 1725 Blackmon Court  
 Longwood, Florida 32779

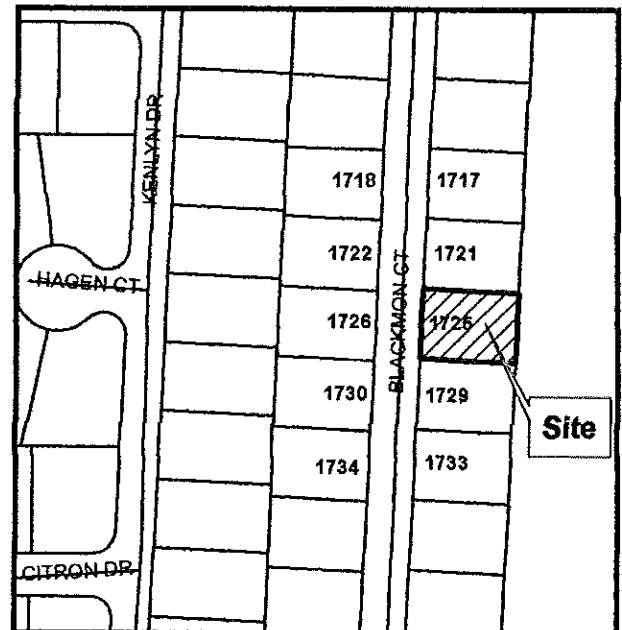


Seminole County Board of Adjustment  
 December 3, 2007  
 Case: BV2007-135 (Map 3154, Grid C3)  
 Parcel No: 05-21-29-514-0000-0240

**Zoning**

	BV2007-135		R-1A
	A-1		R-1
	R-1AAA		R-2
	R-1AA		PUD

N  




<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		<table border="1"> <tr><td>47</td><td>3</td><td>28</td></tr> <tr><td>48</td><td>4</td><td>25</td></tr> <tr><td>49</td><td>5</td><td>24</td></tr> <tr><td>50</td><td>6</td><td>23</td></tr> <tr><td>51</td><td>7</td><td>22</td></tr> </table> BLACKMON CT 3A	47	3	28	48	4	25	49	5	24	50	6	23	51	7	22																																										
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<b>GENERAL</b> Parcel Id: 05-21-29-514-0000-0240 Owner: BEHEL SUSAN N Mailing Address: 1725 BLACKMON CT City,State,ZipCode: LONGWOOD FL 32779 Property Address: 1725 BLACKMON CT LONGWOOD 32779 Subdivision Name: BRANTLEY POINT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY		<b>2007 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$194,233 Depreciated EXFT Value: \$9,609 Land Value (Market): \$44,000 Land Value Ag: \$0 Just/Market Value: \$247,842 Assessed Value (SOH): \$126,451 Exempt Value: \$25,000 Taxable Value: \$101,451 Tax Estimator Tax Reform Analysis 2007 Notice of Proposed Property Tax																																																									
<b>SALES</b> <table border="1"> <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>09/1988</td> <td>01997</td> <td>1416</td> <td>\$69,500</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1987</td> <td>01854</td> <td>0976</td> <td>\$92,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1985</td> <td>01667</td> <td>1985</td> <td>\$97,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/1988	01997	1416	\$69,500	Improved	No	WARRANTY DEED	05/1987	01854	0976	\$92,000	Improved	Yes	WARRANTY DEED	09/1985	01667	1985	\$97,000	Improved	Yes	<b>2006 VALUE SUMMARY</b> Tax Amount(without SOH): \$2,831 2006 Tax Bill Amount: \$1,498 Save Our Homes (SOH) Savings: \$1,333 2006 Taxable Value: \$98,367 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																													
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**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On December 3, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 24 BRANTLEY POINT PB 24 PG 71

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

**FINDINGS OF FACT**

**Property Owner:** Susan N. Behel  
1725 Blackmon Court  
Longwood FL 32779

**Project Name:** Blackmon Court (1725)

**Requested Development Approval:**

Request for a side yard (north) setback variance from 7.5 feet to 5 feet for a screen enclosure in R-1A (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 screen enclosure, north side, 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: