Item #BV2003-046

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR A (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 19 FT FOR AN EXISTING ADDITION AND (2) A SIDE YARD SETBACK FROM 10 FT TO 5 FT FOR A COVERED OVERHANG (MICHAEL AND SANDRA DUNLAP, APPLICANTS)

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR A (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 19 FT FOR AN EXISTING ADDITION AND (2) A SIDE YARD SETBACK FROM 10 FT TO 5 FT FOR A COVERED OVERHANG (MICHAEL AND SANDRA DUNLAP, APPLICANTS); OR
2. **DENY** THE REQUEST FOR A (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 19 FT FOR AN EXISTING ADDITION AND (2) A SIDE YARD SETBACK FROM 10 FT TO 5 FT FOR A COVERED OVERHANG (MICHAEL AND SANDRA DUNLAP, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 3 – Commissioner Van Der Weide) (Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANTS:	MICHAEL AND SANDRA DUNLAP
	LOCATION:	1913 BEARVIEW DRIVE
	ZONING:	R-1AA (SINGLE FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	• THE APPLICANT CONSTRUCTED A 597 SF (16.4 FT X 18.2 FT) TWO-STORY ADDITION TO AN EXISTING SINGLE-FAMILY HOME. THE APPLICANTS WERE CITED BY THE BUILDING DEPARTMENT FOR CONSTRUCTING THE ADDITION WITHOUT A BUILDING PERMIT. • THE ADDITION ENCROACHES INTO THE REAR YARD SETBACK, WHICH EXPLAINS THE APPLICANTS' REQUEST FOR A REAR YARD SETBACK VARIANCE FROM 30 FT TO 19 FT. • THE EXISTING HOME HAS AN OVERHANG THAT	

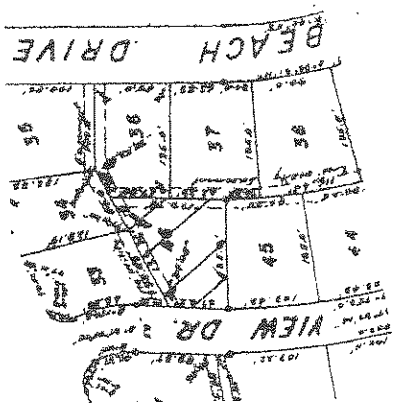
	ENCROAHES 5 FT INTO THE 10 FT MINIMUM SIDE YARD SETBACK ON THE NORTH SIDE.
STAFF FINDINGS	• THE REQUEST WOULD CONFER TO THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS IN THE R-1AA DISTRICT BY ALLOWING ENCROACHMENT INTO THE REAR AND SIDE YARDS THAT EXCEEDS THE LIMITS OF NEIGHBORHOOD DEVELOPMENT TRENDS. • THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES THAT ARE PECULIAR TO THIS PROPERTY. • THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.
STAFF RECOMMENDATION	STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST AND MAKE THE APPROPRIATE FINDINGS OF FACT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS: • ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING BUILDING OVERHANG AND TWO STORY ADDITION AS SHOWN ON THE ATTACHED SITE PLAN. • ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

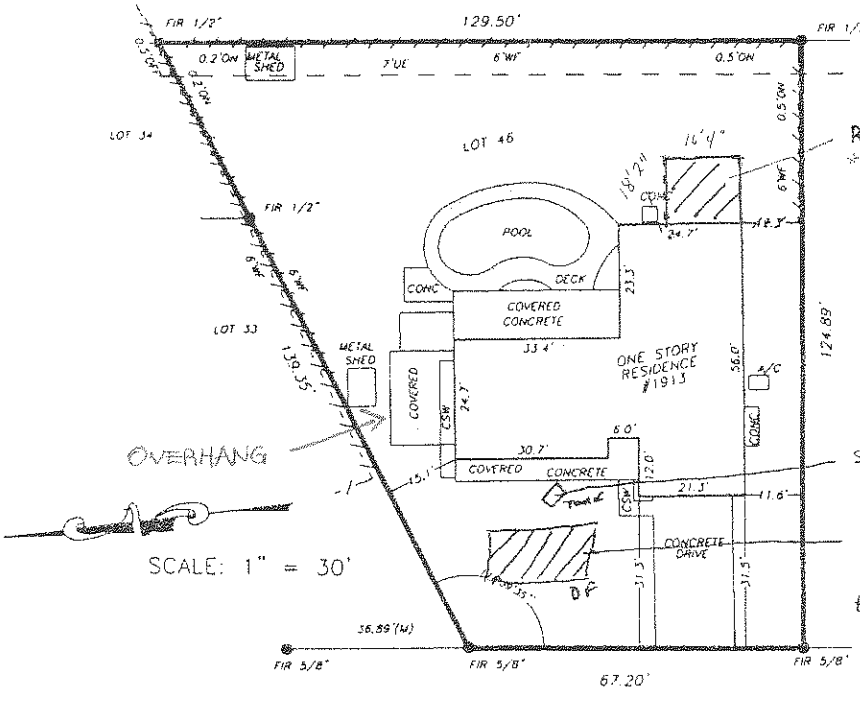
Legal Description

Lot 46, BEAR LAKE ESTATES, according to the plat thereof, as recorded in Plat Book 12, Page 95, of the Public Records of Seminole County, FL.

***Community number:** 120189 **Panel:** 0115*
***Suffix:** E **F.I.R.M. Date:** 4/17/1995 **Flood Zone:** X*
***Date of field work:** 11/19/2002 **Completion Date:** 11/19/2002*

Certified to:
Michael L. Dunlap; Sandra G. Dunlap; PGA Title, Inc.; American Pioneer Title Insurance Company; SouthTrust Mortgage Corporation, its' successors and/or assigns.





Property Address:
1913 Bear View Drive
Apopka, FL 32703

Survey number: SL 12951

LEGEND	
—x—x—	WOOD FENCE
-X-X-	WIRE FENCE
FN	FOUND NAIL
•	PROPERTY CORNER
R	RECORD
M	FIELD MEASURED
C	CALCULATED
CL	CLEAR
ENCR	ENCROACHMENT
℄	CENTERLINE
CONC	CONCRETE
R	PROPERTY LINE
CM	CONCRETE MONUMENT
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
R/W	RIGHT OF WAY
N&D	NAIL & DISK
D.E	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
FD.	FOUND
P	PLAT
ASPHALT	ASPHALT
O.H.U.	OVERHEAD UTILITIES
P.P.	POWER POLE
T.X	TRANSFORMER
CATV	CABLE RISER
W.M	WATER METER
TEL	TELEPHONE FACILITIES
COVERED AREA	COVERED AREA
B.R.	BEARING REFERENCE
CH	CHORD
RAD	RADIAL
N.R.	NON RADIAL
A/C	AIR CONDITIONER
B.M	BENCH MK
C.B.	CATCH BASIN
C	CALCULATED

TTTT	BLOCK WALL
Δ	CENTRAL ANGLE/DELTA
D.B	DEED BOOK
D	DESCRIPTION OR DEED
D.H	DRILL HOLE
D/W	DRIVEWAY
ESMT	EASEMENT
EL	ELEVATION
F.F.	FINISHED FLOOR
F.C.M	FOUND CONCRETE MONUMENT
F.P.K.	FOUND PARKER-KALON NAIL
L	LENGTH
L.A.E.	LIMITED ACCESS EASEMENT
M.H.	MANHOLE
N.T.S	NOT TO SCALE
O.R	OFFICIAL RECORDS
O.R.B	OFFICIAL RECORDS BOOK
P.C.P	PERMANENT CONTROL POINT
P.R.M	PERMANENT REFERENCE MONUMENT
PG	PAGE
PVMT	PAVEMENT
PB	PLAT BOOK
P.O.B	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.O.L.	POINT ON LINE
P.C	POINT OF CURVATURE
P.R.C.	POINT OF REVERSE CURVATURE
P.T	POINT OF TANGENCY
R	RADIUS (RADIAL)
R.O.E.	ROOF OVERHANG EASEMENT
S.I.R.	SET IRON ROD & CAP
S/W	SIDEWALK
T.B.M.	TEMPORARY BENCH MARK
T.O.P	TOP OF BANK
TYP	TYPICAL
W.C	WITNESS CORNER
10.50	EXISTING ELEVATION
E.O.W.	EDGE OF WATER

GENERAL NOTES

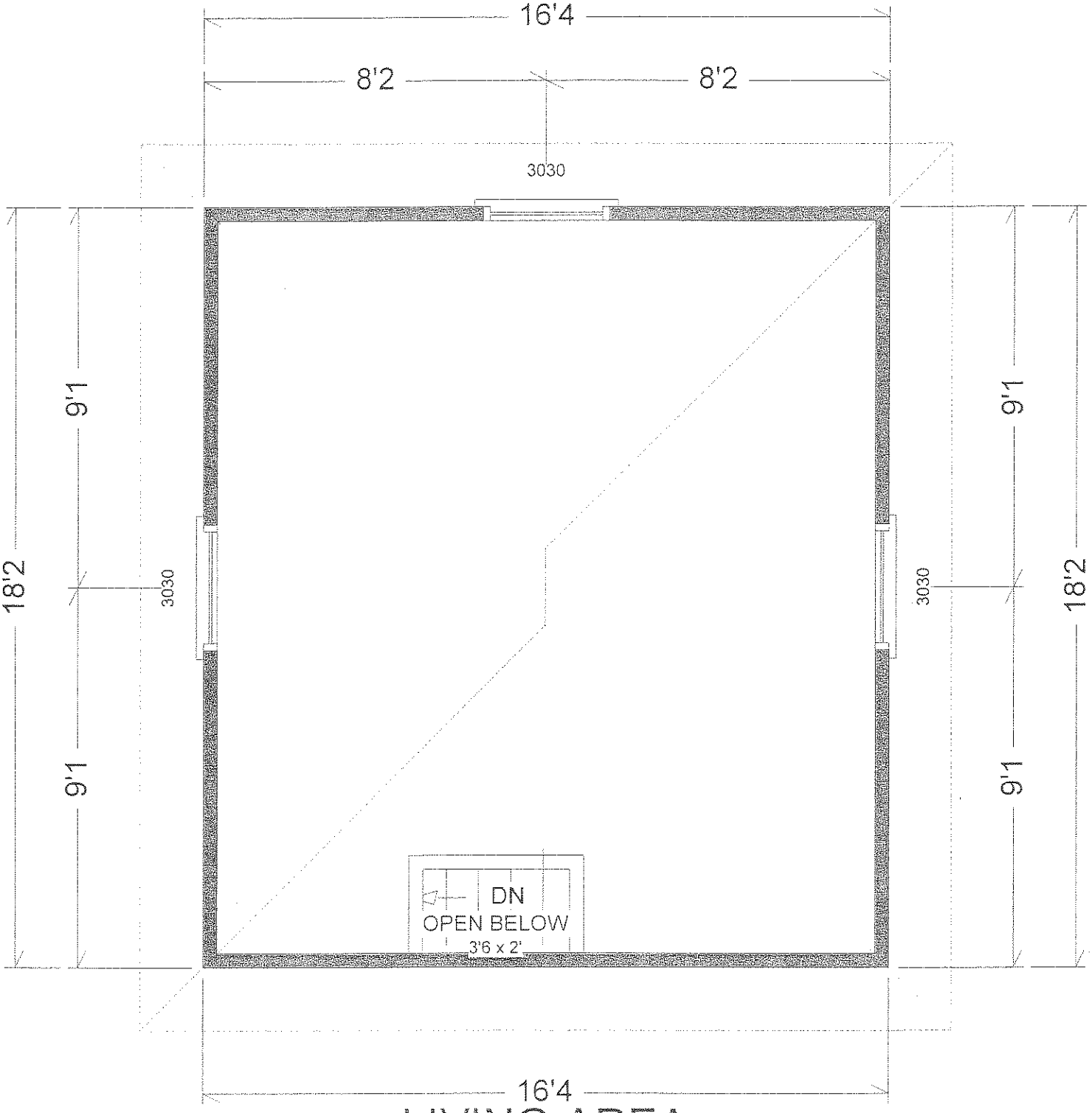
1) LEGAL DESCRIPTION PROVIDED BY OTHERS
2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
4) WALL TIES ARE TO THE FACE OF THE WALL.
5) ONLY VISIBLE ENCROACHMENTS LOCATED
6) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
7) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED
8) ELEVATIONS SHOWN ARE BASED UPON N.G.V.D. 1929 UNLESS OTHERWISE NOTED
9) ADJOINING LOTS ARE WITHIN THE SAME BLOCK, UNLESS OTHERWISE NOTED.
10) THIS IS AN AS-BUILT SURVEY UNLESS OTHERWISE NOTED.
11) NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYOR'S EMBOSSED SEAL
12) FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

RALPH SWERDLOFF REGISTERED LAND SURVEYOR NO. 3011

SWERDLOFF & LONG SURVEYING, INC.
365 Waymont Ct., Ste.109, Lake Mary, FL 32746
Voice (407) 688-7631 Fax (407) 688-7691
L.B. 7132

SWL



LIVING AREA

287 sq ft

EXISTING
ADDITION