

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

SUBJECT: Request for a side yard (east) setback variance from 10 feet to 8 feet for a proposed two story garage and family room addition in R-1AA (Single Family Dwelling District); J. David Arnold, applicant.

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

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

Agenda Date 10/30/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard (east) setback variance from 10 feet to 8 feet for a proposed two story garage and family room addition in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for a side yard (east) setback variance from 10 feet to 8 feet for a proposed two story garage and family room addition in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	J. David Arnold David Demetree, Jr. 238 Nob Hill Circle R-1AA (Single Family Dwelling District) Meredith Manor Nob Hill
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 28 foot by 36 foot two story garage and family room addition that encroaches 2 feet into the 10-foot side 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	<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 granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant could construct the garage addition without the need for a variance.</i>• 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	<ul style="list-style-type: none">• 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:<ul style="list-style-type: none">• Any variance granted shall apply only to the two story garage and family room addition 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.

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV 2006-151
Meeting Date 10-30-06

COPY



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

RECEIVED AUG 11 2006

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

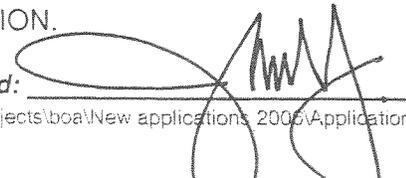
Name: J. DAVID ARNOLD - AGENT
Address: 3848 VILLA ROSE LN. City: ORLANDO Zip code: 32808
Project Address: 238 NOB HILL CIR. ~~1511~~ City: LONGWOOD Zip code: 32779
Contact number(s): 407-291-0193 - 407-719-5815
Email address: AJ DAVID 2001 @ AOL . COM

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"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>GARAGE / CAMEREROOM</u>
<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.	

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>10'</u>	Proposed setback:	<u>8'</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 type="checkbox"/> Total number of variances requested <u>ONE (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:  J. DAVID ARNOLD

FOR OFFICE USE ONLY

Date Submitted: 8-11-06 Reviewed By: DG
Tax parcel number: 04-21-29-514-0A00-0180 Zoning/FLU R-1AA/LDR

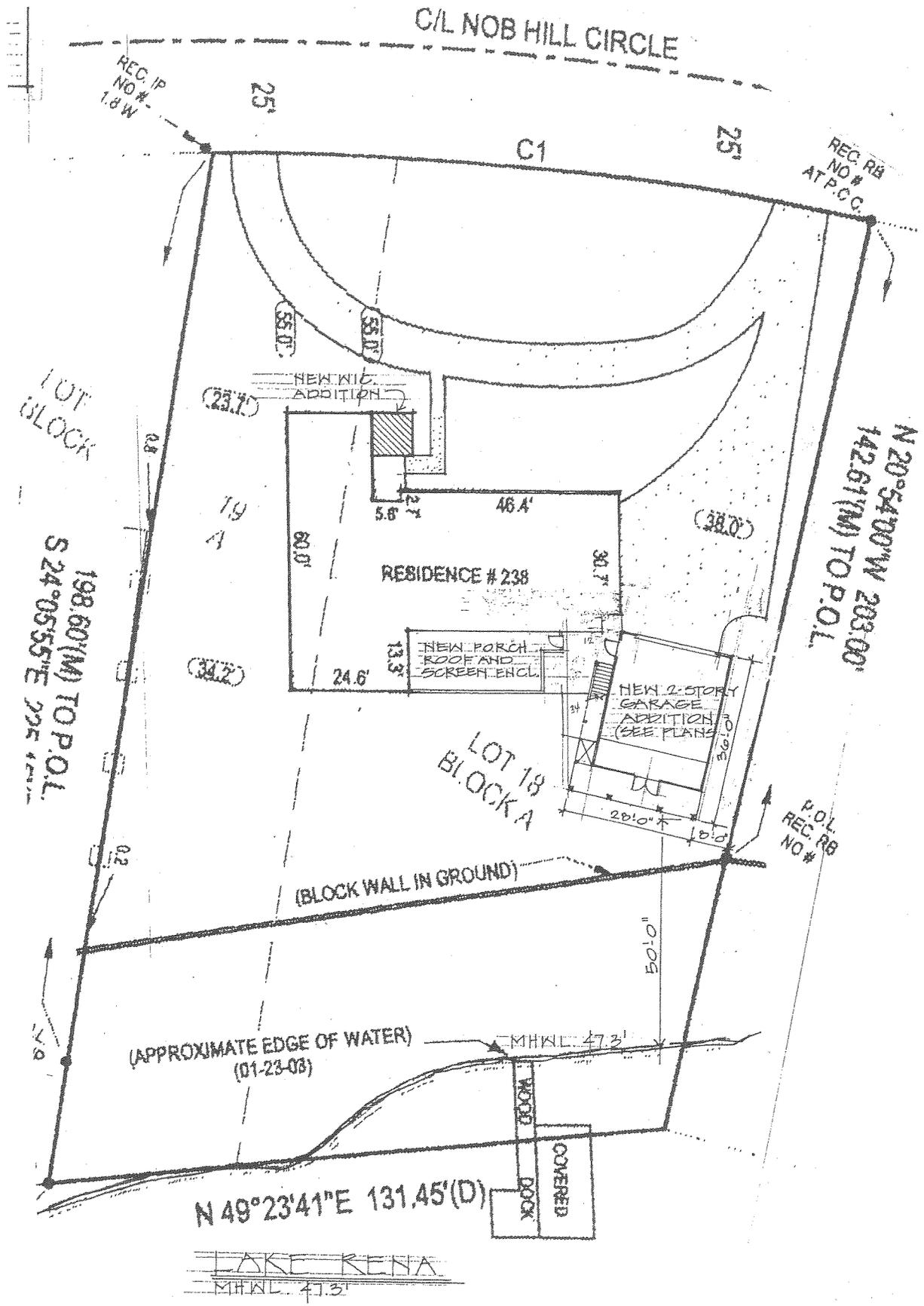
- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size _____ Meets minimum size and width
- Application and checklist complete

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). 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) <i>water & power</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.



SITE PLAN

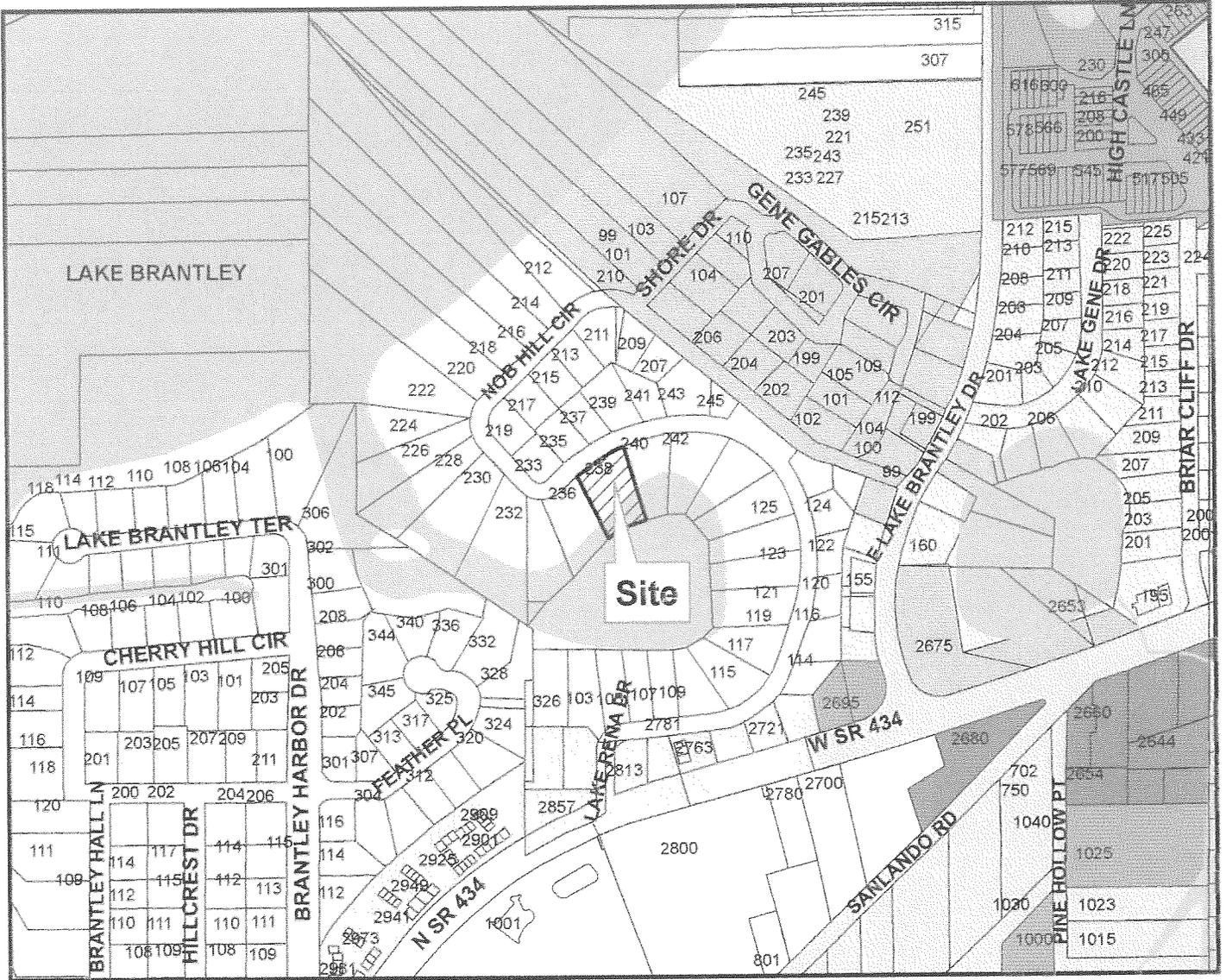
SCALE 1 IN. = 20 FT.

LEGAL DESCRIPTION

LOT 18 AND THE NE 40 FT. OF LOT 19, BLOCK "A", MEREDITH MANOR, NOB HILL SECTION, AS RECORDED IN PLAT BK. 9, P. 55, PUBLIC RECORDS OF SEMINOLE COU

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																					
<p align="center">GENERAL</p> <p>Parcel Id: 04-21-29-514-0A00-0180</p> <p>Owner: DEMETREE DAVID JR</p> <p>Mailing Address: 238 NOB HILL CIR</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 238 NOB HILL CIR LONGWOOD 32779</p> <p>Subdivision Name: MEREDITH MANOR NOB HILL SECTION</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$171,147</p> <p>Depreciated EXFT Value: \$16,188</p> <p>Land Value (Market): \$275,683</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$463,018</p> <p>Assessed Value (SOH): \$309,986</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$284,986</p> <p>Tax Estimator</p>																																			
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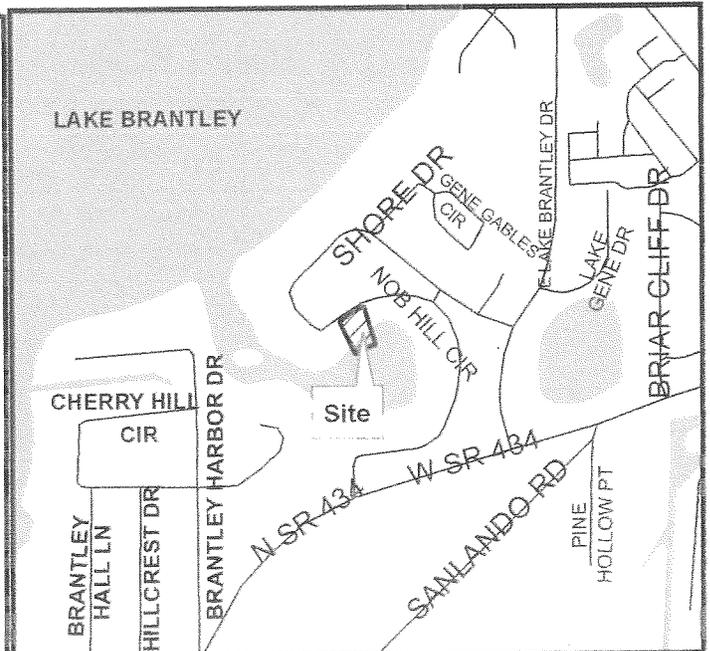
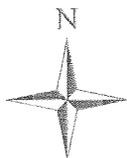
J David Arnold
 238 Nob Hill Cir
 Longwood, FL 32779



Seminole County Board of Adjustment
 October 30, 2006
 Case: BV2006-151
 Parcel No: 04-21-29-514-0A00-0180

Zoning

	BV2006-151		R-2		C-1
	A-1		RM-1		C-2
	R-1AA		RP I		PUD
	R-1A		OP		PCD



J. David Arnold

- Residence Architecture •
- Planning Design •

• STATEMENT OF REQUEST •

THE OWNERS, DAVID and REED DEMETREE REQUEST TO VARY 2 FT FROM THE SIDE SETBACK OF 10 FT. TO 8 FT TO ALLOW CONSTRUCTION OF A GARAGE AND PLAY ROOM ABOVE FOR THEIR CHILDREN AND FRIENDS.

THE REASON FOR THE VARIANCE IS BECAUSE THE CONFIGURATION OF THE LOT LINES DENIES US THE ABILITY TO DO ~~AN~~ AN ADDITION THAT IS PERPENDICULAR TO THE RESIDENCE AS THE SITE PLAN CLEARLY SHOWS. WE HAVE TO ANGLE IT BEHIND THE RESIDENCE.

IN DOING SO WE DO NOT PRESENT A LARGE ELEVATION TO THE STREET SO AS TO BE UNDESIRABLE IN ITS STREETScape.

WE ALSO AVOID ENDANGERING ANY OF THE BEAUTIFUL, OLD OAKS THAT ARE ON THE PROPERTY.

WE KNOW OF NO PRIVILEGES THAT WOULD BE DENIED OR IN A NEGATIVE SENSE TO OUR NEIGHBORS, IN FACT,

PG 2.

WE HAVE PRESENTED IT TO ALL OUR
AFFECTED AND NON-AFFECTED NEIGHBORS
AND HAVE THEIR SUPPORT. (SEE LETTERS)

THIS PROPERTY IS PHYSICALLY ADJACENT
TO THE CITY OF LONGWOOD WHERE THE
SETBACK IS 7 1/2 FT. IN FACT, WHEN WE
BEGAN DESIGN OF THIS PROJECT WE WERE
TOLD BY CITY OF LONGWOOD THAT WE
WERE IN LONGWOOD AND INDEED HAD A
7 1/2 FT SETBACK.

OBVIOUSLY, WE HAVE FOUND OUT
DIFFERENT.

THE DEMETREES ARE A YOUNG, ALL
AMERICAN TYPE FAMILY, DAVID IS A DR.
AND REED IS HOUSEWIFE AND MOTHER TO
A GROWING FAMILY - THEY REALLY NEED
THIS ADDITIONAL SPACE OF 1) GARAGE
AND 2) GAMEROOM (THEIR PRESENT HOME
IS COVERED W/ CHILDREN AND TOYS IN
ALL THE LIVING AREAS.

WE FEEL THIS IS AN HONORABLE
REQUEST, THAT IT IS MINIMAL (2') IN
NATURE AND HAS NO NEGATIVE IMPACT
ON THE NEIGHBORS, THE NEIGHBORHOOD
AND IT'S WELFARE. WE WOULD GREATLY
APPRECIATE YOUR SUPPORT AND APPROVAL
OF OUR REQUEST

TRULY,

David A. Demetree
238 Nob Hill Cir.
Longwood, Fl. 32779

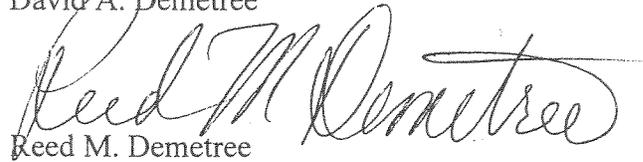
Seminole County Public Works
Sanford, Florida

This letter will serve as an instrument to certify J. David Arnold as our authorized representative concerning Planning and Zoning and Building Department applications and related matters at Seminole County Building Department. More particularly, these matters are related to renovations and additions at the above address.

Very truly yours,



David A. Demetree



Reed M. Demetree

David Demetree
238 Knob Hill Cir.
Longwood, Fl. 32779

TO: Seminole County Planning and Zoning
Sanford, Florida

Attn: County Board of Adjustment

Dear Sirs,

With regards to a variance request by David and Reed Demetree for an addition to the side of their home of 2 FT. past the setback and within 8 feet of the property line; we have no objection and support their request.

Jean Stokes
Neighboring Owners

240 Knob Hill Cir.
Address

David Demetree
238 Nob Hill Cir.
Longwood, Fl. 32779

TO: Seminole County Planning and Zoning
Sanford, Florida

Attn: County Board of Adjustment

Dear Sirs,

With regards to a variance request by David and Reed Demetree for an addition to the side of their home of 2 FT. past the setback and within 8 feet of the property line; we have no objection and support their request.


Neighboring Owners

235 Nob Hill
Address

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 30, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 18 + NELY 40 FT OF LOT 19 BLK A MEREDITH MANOR NOB HILL
SECTION PB 9 PG 55

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

FINDINGS OF FACT

Property Owner: David Demetree, Jr.
238 Nob Hill Cir
Longwood 32779

Project Name: Nob Hill Circle (238)

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 8 feet for a proposed two story garage and family room addition 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 afordescribed 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 two story garage and family room addition 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: _____
April Boswell, AICP
Planning Manager

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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: