

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

SUBJECT: 234 Nob Hill Circle – Steven and Janet Risner, applicant; Request for a side yard (east) setback variance from 10 feet to 6.5 feet for a proposed garage in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 7/23/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a side yard (east) setback variance from 10 feet to 6.5 feet for a proposed garage in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side yard (east) setback variance from 10 feet to 6.5 feet for a proposed garage in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Steven & Janet Riser Location: 234 Nob Hill Circle Zoning: R-1AA (Single Family Dwelling District) Subdivision: Meredith Manor Nob Hill Sec</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant is proposing to construct a 25 foot 4 inch x 25 foot 4 inch garage and bath addition that will encroach approximately 3.5 feet into the required 10-foot side yard setback. • The house was constructed in 1959 when the side setbacks were 7.5 feet. The garage will continue along the same setback as the existing house. • There are currently no code enforcement or building violations for this property. • In 2001 a rear yard setback variance from 30 feet to 22 feet was granted 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 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 garage 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*

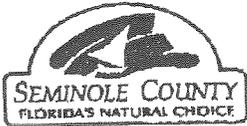
Support information:

- 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 # BV2007-66
Meeting Date 7-23-07



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: Steven and Janet Risner
Address: 234 Nob Hill Circle City: Longwood Zip code: 32779
Project Address: 234 Nob Hill Circle City: Longwood Zip code: 32779
Contact number(s): 407-617-7572 cell 407-774-9110 work 407-682-7162 home
Email address: forste1@earthlink.net

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: RECEIVED MAY 24 2007
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: adding bath and garage 25'4" x 25'4"
<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:	10'	Proposed setback: 6.5'
<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>			

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: Janet Risner

FOR OFFICE USE ONLY

Date Submitted: 5/24/07 Reviewed By: DG
 Tax parcel number: 04-21-29-514-CAC0-0210 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: _____

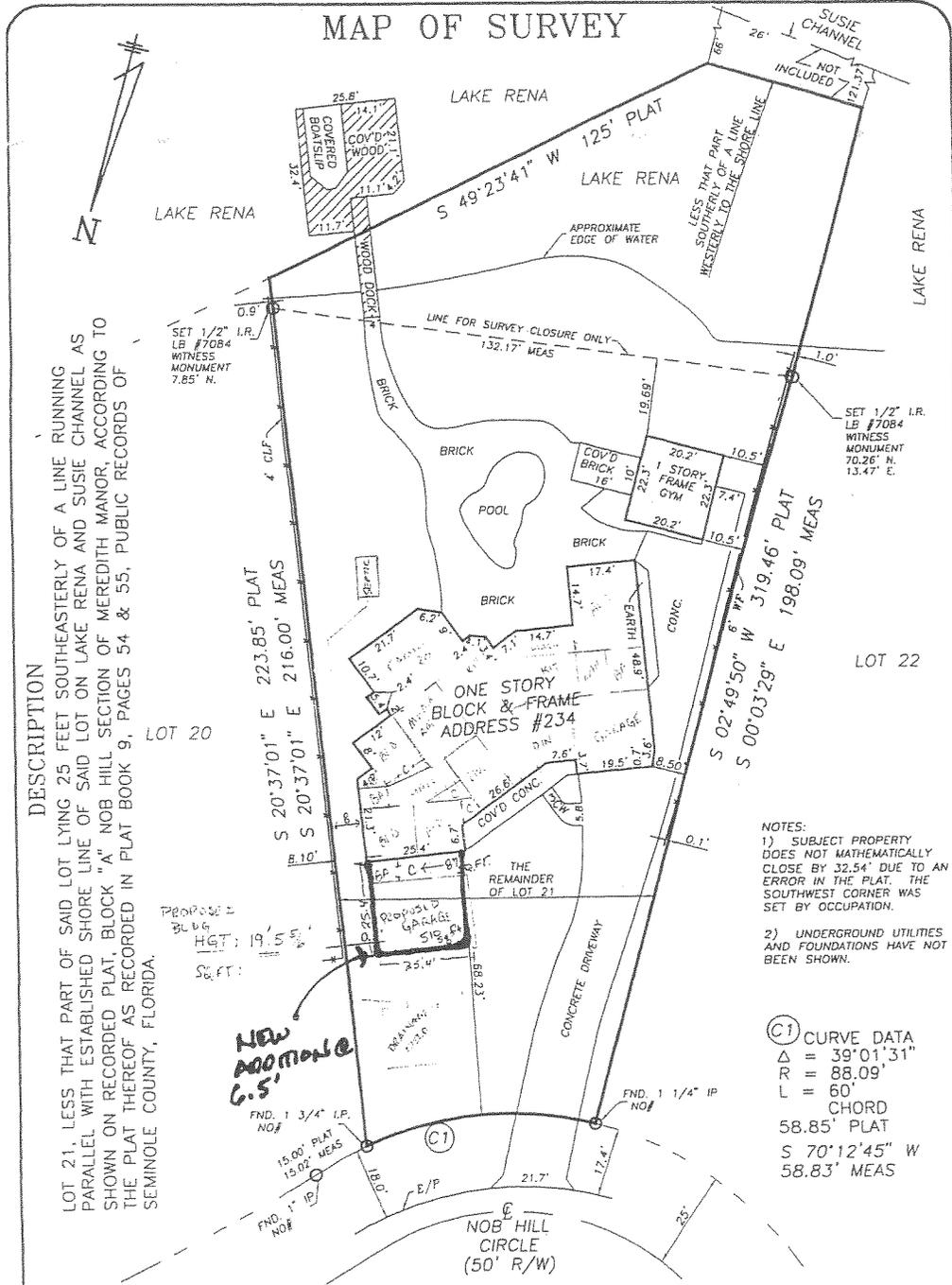
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

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). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
✓	3. Provide a legible 8 1/2 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 <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.

MAP OF SURVEY



DESCRIPTION
 LOT 21, LESS THAT PART OF SAID LOT LYING 25 FEET SOUTHEASTERLY OF A LINE RUNNING PARALLEL WITH ESTABLISHED SHORE LINE OF SAID LOT ON LAKE RENA AND SUSIE CHANNEL AS SHOWN ON RECORDED PLAT, BLOCK "A" NOB HILL SECTION OF MEREDITH MANOR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGES 54 & 55, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

NOTES:
 1) SUBJECT PROPERTY DOES NOT MATHEMATICALLY CLOSE BY 32.54" DUE TO AN ERROR IN THE PLAT. THE SOUTHWEST CORNER WAS SET BY OCCUPATION.
 2) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

(C1) CURVE DATA
 $\Delta = 39^{\circ}01'31''$
 $R = 88.09'$
 $L = 60'$
 CHORD
 58.85' PLAT
 S 70°12'45" W
 58.83' MEAS

DP# SC9-55-BLKA-LOT21

BOUNDARY SURVEY CERTIFIED TO: STEVEN CRAIG RISNER & JANET RIESS RISNER; ALOMA TITLE COMPANY; COMMONWEALTH LAND TITLE INSURANCE COMPANY; THE MORTGAGE FIRM, INC.

LEGEND	
BC - BACK OF CURB	CBW - CONCRETE BLOCK WALL
CALC - CALCULATED	CM - CONCRETE MONUMENT
C - CENTERLINE	COVD - COVERED
CLF - CHAIN LINK FENCE	CW - CONCRETE WALKWAY
CONC - CONCRETE	DE - DRAINAGE EASEMENT
CP - CONCRETE PAD	ESMT - EASEMENT
CA - CENTRAL ANGLE	FFE - FINISHED FLOOR ELEVATION
DESC - DESCRIPTION	IP - IRON PIPE
DW - DRIVEWAY	L - ARC LENGTH
E/P - EDGE OF PAVEMENT	LS - METAL SHED
FND - FOUND	OL - ON LINE
IR - IRON ROD	PLM - PLAT & MEASURED
MEAS - MEASURED	PBE - POINT OF BEGINNING
N&D - NAIL & DISK	POC - POINT OF COMMENCEMENT
PC - POINT OF CURVATURE	R/W - RIGHT OF WAY
R - RADIUS	UB - UTILITY BOX
TYP - TYPICAL	WF - WOOD FENCE
UE - UTILITY EASEMENT	- NUMBER
LB - LICENSE BUSINESS	

M.A.P. Land Surveying, Inc.
 4515 Curry Ford Rd. Suite C
 Orlando FL 32812
 PH. 407 896 4557
 FAX 407 896 4874
 E-Mail: Mapiansurvey@ell.rr.com
 LB #7084

REVISIONS: _____
 FIELD DATE: DEC. 9, 2005
 SCALE: 1" = 30'
 DRAWN BY: B.D.
 THIS BUILDING IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO. 120289 0110 E. SEMINOLE COUNTY, FLORIDA.
 BEARING STRUCTURE BASED ON: THE SOUTH R/W LINE OF NOB HILL CIRCLE.
 Andrew Perry, P.S.M.
 Professional Surveyor & Mapper #6124
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

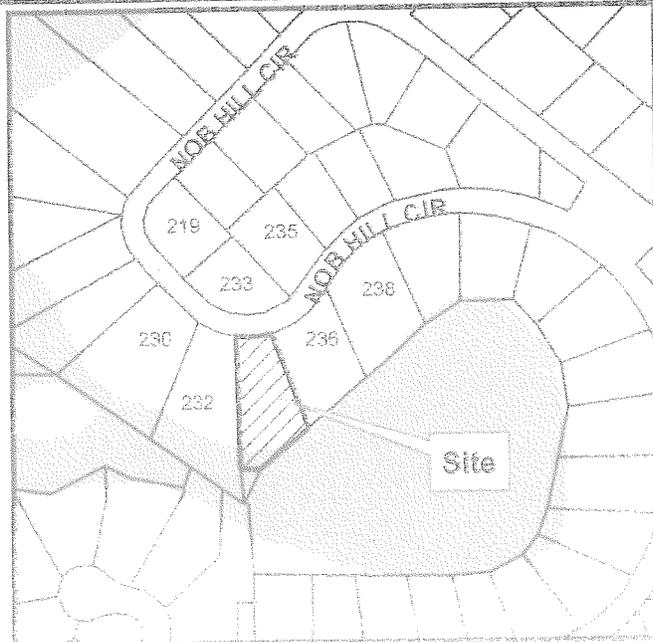
Janet & Steven Risner
 234 Nob Hill Circle
 Meredith Manor Nob Hill Section
 Longwood, Florida 32779

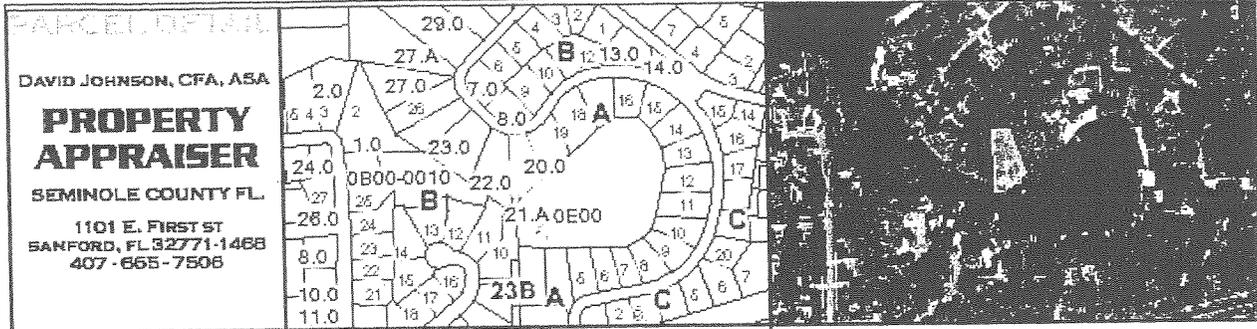


Seminole County Board of Adjustment
 July 23, 2007
 Case: BV2007-66 (Map 3154, Grid E3)
 Parcel No: 04-21-29-514-0A00-0210

Zoning

	BV2007-66		R-2		C-2
	A-1		RP I		PUD
	R-1AA		OP		PCD
	R-1A		C-1		





DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7506

GENERAL
 Parcel Id: 04-21-29-514-0A00-0210
 Owner: RISNER STEVEN C & JANET R
 Mailing Address: 234 NOB HILL CIR
 City,State,ZipCode: LONGWOOD FL 32779
 Property Address: 234 NOB HILL CIR LONGWOOD 32779
 Subdivision Name: MEREDITH MANOR NOB HILL SECTION
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (1994)
 Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY
 Value Method: Market
 Number of Buildings: 2
 Depreciated Bldg Value: \$176,969
 Depreciated EXFT Value: \$11,695
 Land Value (Market): \$242,880
 Land Value Ag: \$0
 Just/Market Value: \$431,544
 Assessed Value (SOH): \$210,477
 Exempt Value: \$25,000
 Taxable Value: \$185,477
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	03/1992	02405	0364	\$148,000	Improved	Yes
WARRANTY DEED	04/1980	01274	0341	\$98,000	Improved	No
WARRANTY DEED	01/1971	00846	0373	\$32,500	Improved	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY
 Tax Amount(without SOH): \$6,302
 2006 Tax Bill Amount: \$2,906
 Save Our Homes (SOH) Savings: \$3,396
 2006 Taxable Value: \$180,343
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	92	170	.000	2,400.00	\$242,880

LEGAL DESCRIPTION
 PLATS:
 LEG LOT 21 (LESS PT SELY OF A LI 25 FT WELY & PARALLEL TO SHORE LI) BLK A
 MEREDITH MANOR NOB HILL SEC PB 9 PG 55

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	1959	7	1,955	3,047	2,329	CB/STUCCO FINISH	\$160,532	\$222,961
	Appendage / Sqft		UTILITY UNFINISHED / 140						
	Appendage / Sqft		BASE SEMI FINISHED / 374						
	Appendage / Sqft		GARAGE FINISHED / 418						
	Appendage / Sqft		OPEN PORCH UNFINISHED / 160						
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished									
2	SINGLE FAMILY	1995	3	400	560	400	CB/STUCCO FINISH	\$16,437	\$17,212
	Appendage / Sqft		OPEN PORCH FINISHED / 160						
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished									

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1987	1	\$750	\$1,500
BOAT HOUSE	1996	276	\$1,236	\$2,208

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 21 (LESS PT SELY OF A LI 25 FT WELY & PARALLEL TO SHORE LI) BLK A
MEREDITH MANOR NOB HILL SEC PB 9 PG 55

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

FINDINGS OF FACT

Property Owner: Steven C & Janet R Risner
234 Nob Hill Circle
Longwood, FL 32779

Project Name: Nob Hill Circle (234)

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 6.5 feet for a proposed garage 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 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 garage 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: