

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Smithson Road (Vacant Lot 30D) – Brian Hiler, applicant; Request for 1) a lot size variance from 11,700 square feet to 11,565 square feet and 2) a lot width variance from 90 feet to 76 feet for width at building line for a proposed single family dwelling in R-1AA (Single Family Dwelling) district.

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

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

Agenda Date 6/23/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for 1) a lot size variance from 11,700 square feet to 11,565 square feet and 2) a lot width variance from 90 feet to 76 feet for width at building line for a proposed single family dwelling in R-1AA (Single Family Dwelling) district.; or
2. **Deny** the request for 1) a lot size variance from 11,700 square feet to 11,565 square feet and 2) a lot width variance from 90 feet to 76 feet for width at building line for a proposed single family dwelling in R-1AA (Single Family Dwelling) district.; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Brian Hiler Smithson Road (Vacant Lot 30D) R-1AA (Single Family Dwelling) N/A
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a lot size and lot width variance in order to construct a new single family home. • The subject lot was a parcel of record in 1970. • The required lot size is 11,700 square feet and the subject property is 11,565 square feet. • The require lot width is 90 feet at the building line and the subject parcel has 76 feet at the proposed building 	

Reviewed by: KFT
Co Atty: _____
Pln Mgr: RS

	<p>line.</p> <ul style="list-style-type: none">• 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 satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• 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 do not result from the actions of the applicant.• The granting of the variance requested would not 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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request. 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 Lot 30D 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
- Applicant Authorization Form
- 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 # BU2008-53
Meeting Date 6-23-08

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: BRIAN M. HILER
Address: 258 MEGAN BETH ROAD City: APOPKA Zip code: 32712
Project Address: SMITHSON RD City: OUIDO Zip code: _____
Contact number(s): 321-303-6702 (BRIAN) 407-948-5273 (NEAL) (SON)
Email address: bhiler@embargmail.com nealhiler@gmail.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: RECEIVED MAY 01 2008
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe: WANT TO BUILD NEW HOME
<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:	<u>11,700</u>	Actual lot size:	<u>11,565</u>
<input type="checkbox"/> Width at the building line	Required lot width:	<u>90</u>	Actual lot width:	<u>76</u>
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<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>2</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: B m hiler

FOR OFFICE USE ONLY

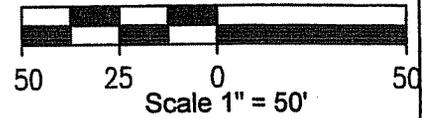
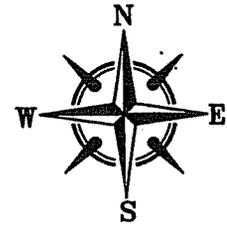
Date Submitted: 5/1/08 Reviewed By: F. Johnson

Tax parcel number: 27-21-31-300-030D-0020 zoning/FLU R1AA/LAR

- 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: _____

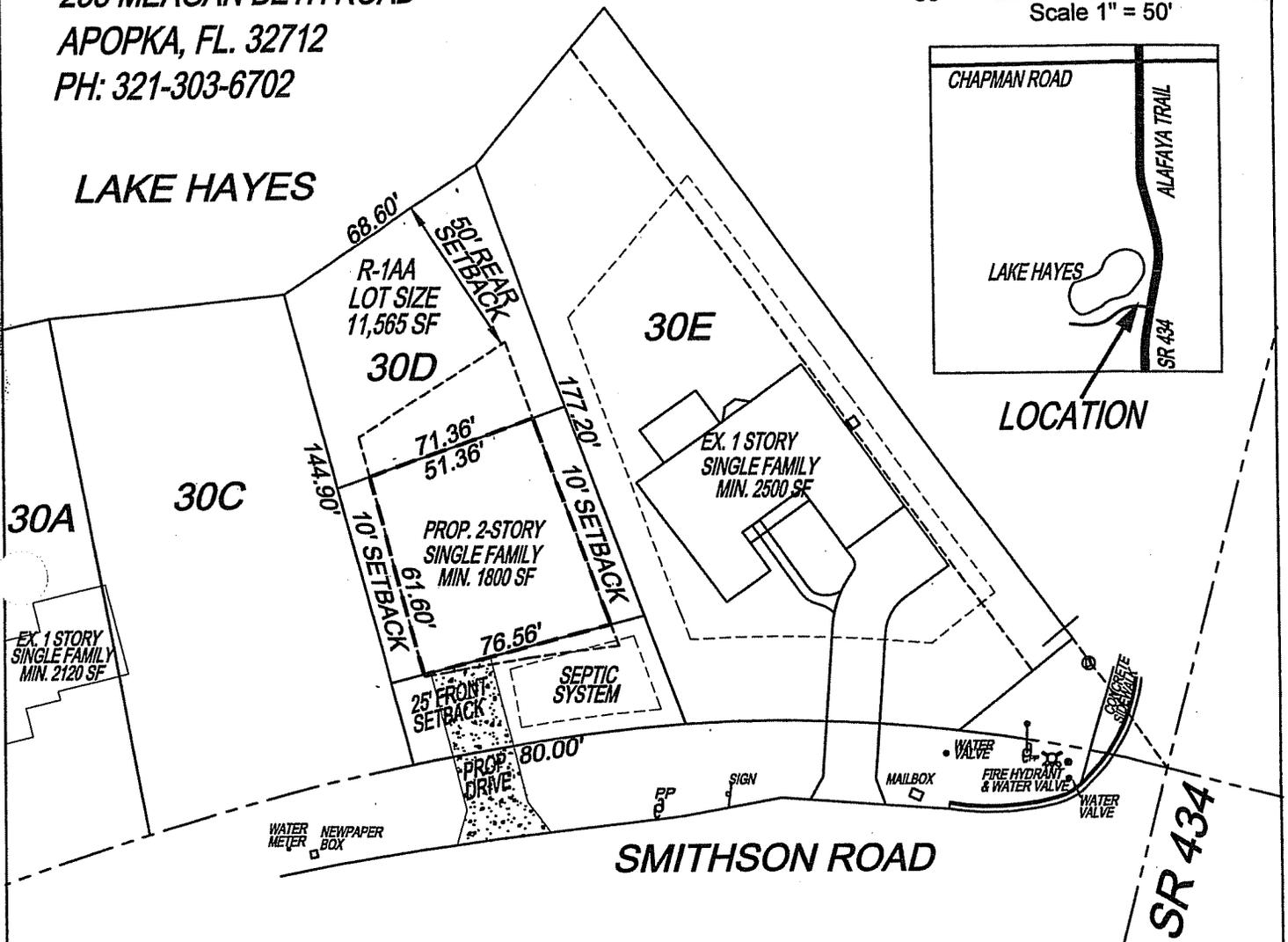
**PARCEL #27-21-31-300-030D-0000
SMITHSON ROAD, OVIEDO, FLORIDA**



OWNER / APPLICANT:

**BRIAN M. HILER
258 MEAGAN BETH ROAD
APOPKA, FL. 32712
PH: 321-303-6702**

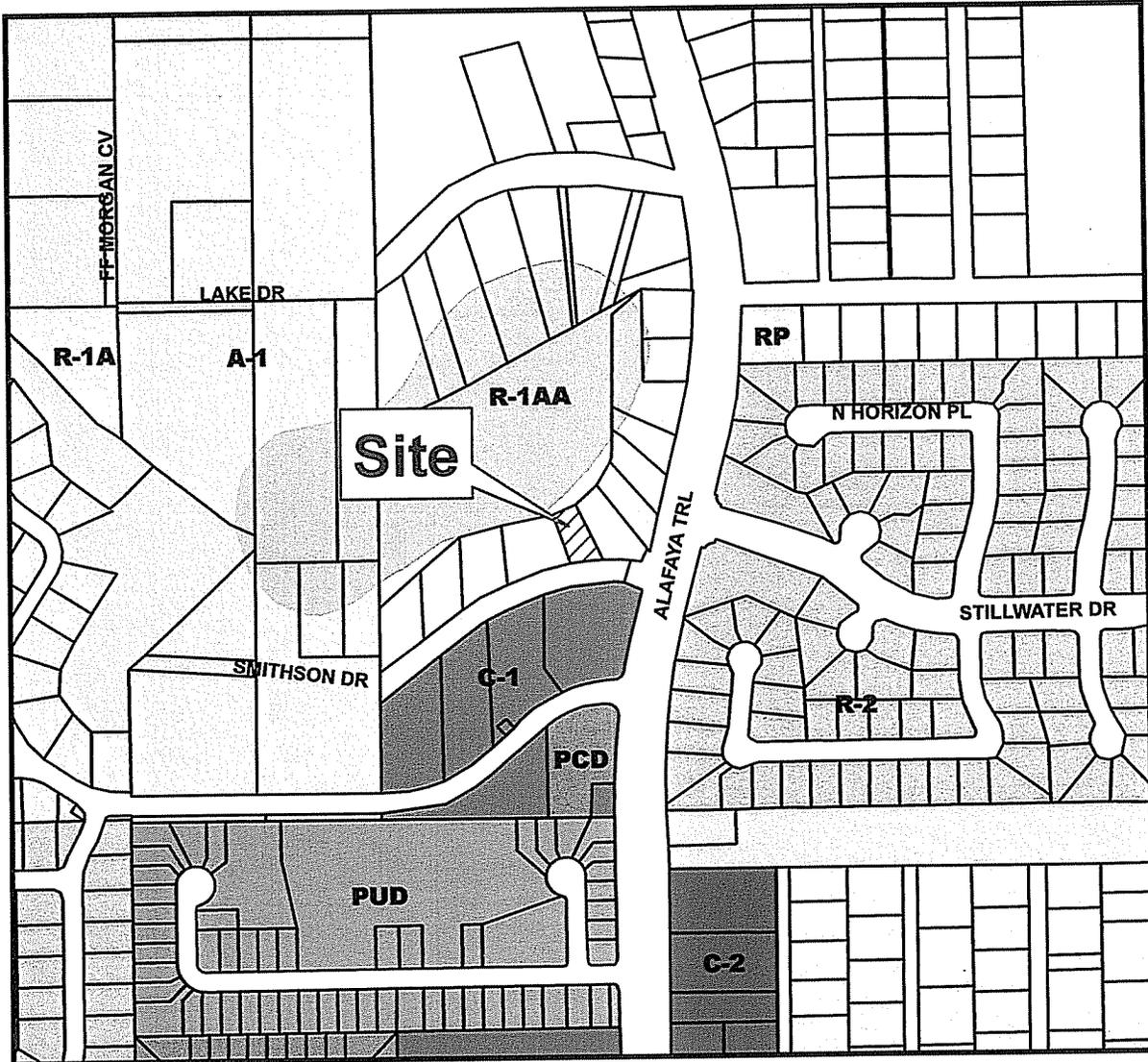
LAKE HAYES



<u>VARIANCE FOR:</u>	<u>FROM</u>	<u>TO</u>
1. MIN. LOT SIZE	11,700 SF	11,565 SF
2. MIN. LOT WIDTH @ BLDG. LINE	90.00 FT	70.00 FT.

- NOTES:**
- 1. VARIANCE REQUIRED FOR "BUILDABLE LOT".**
 - 2. HAS BEEN RECORDED LOT SINCE BEFORE 1971**
 - 3. ALL OTHER REQUIREMENTS SHALL BE BY CODE.**
 - 4. PUBLIC WATER WITH INDIVIDUAL SEPTIC TANK.**

Brain Hiler
 Smithson Road (Vacant Lot-Parcel 30D)
 Oviedo, Florida 32765

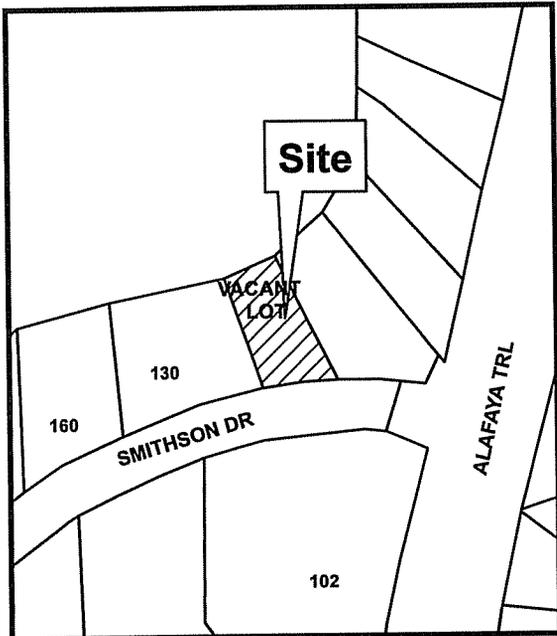


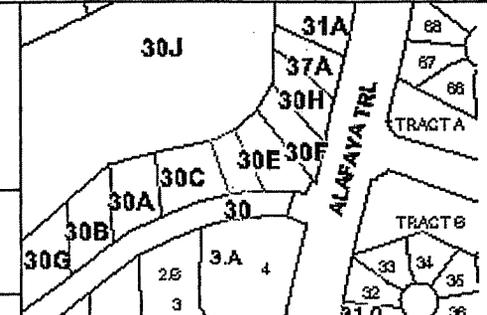
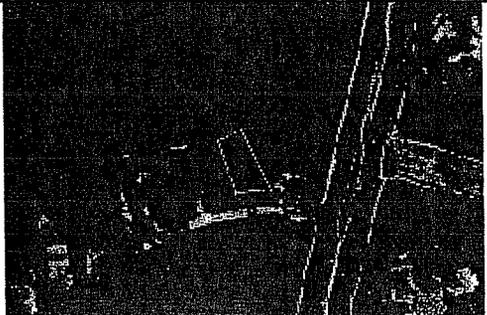
Seminole County Board of Adjustment
 June 23, 2008
 Case: BV2008-53 (Map 3212, Grid E4)
 Parcel No: 27-21-31-300-030D-0000

Zoning

	BV2008-53		R-1AA		C-2
	A-1		R-1A		PUD
	R-1BB		R-2		PCD
	R-1B		RP I		C-1

N



<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>		
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GENERAL

Parcel Id: 27-21-31-300-030D-0000
 Owner: HILER BRIAN M
 Mailing Address: 258 MEAGAN BETH DR
 City,State,ZipCode: APOPKA FL 32712
 Property Address: OVIEDO 32765
 Subdivision Name:
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 00-VACANT RESIDENTIAL

Please be advised that based on preliminary analysis of GIS data, this property may not meet the minimum lot size requirements of the zoning district. For more information, contact the Planning Division at 407-665-7441.

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$87,648
Land Value Ag:	\$0
Just/Market Value:	\$87,648
Assessed Value (SOH):	\$87,648
Exempt Value:	\$0
Taxable Value:	\$87,648

Tax Estimator
Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
CORRECTIVE DEED	07/2005	<u>05833</u>	<u>1631</u>	\$100	Vacant	No
WARRANTY DEED	04/2005	<u>05714</u>	<u>0205</u>	\$40,000	Vacant	No

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

2007 Tax Bill Amount: \$1,294
2007 Taxable Value: \$87,648
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	66	161	.000	1,600.00	\$87,648

LEGAL DESCRIPTION

SEC 27 TWP 21S RGE 31E BEG 635.93 FT N & 476.42 FT E OF SW COR OF E 1/2 OF NW 1/4 OF SW 1/4
 RUN ELY ON CURVE 80 FT N 20 DEG 49 MIN W TO LAKE HAYES WLY ALONG LAKE 68.8 FT S 13 DEG 8 MIN E TO BEG

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.

05-13309

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: BREAN M. HILEA Name: _____

Address: 258 MEGAN BETH RD APOPKA, FL 32712 Address: _____

Phone #: 407-914-9368 Phone #: _____

Name: _____ Name: _____

Address: _____ Address: _____

Phone #: _____ Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____ Name of Corporation: _____

Officers: _____ Officers: _____

Address: _____ Address: _____

Directors: _____ Directors: _____

Address: _____ Address: _____

Shareholders: _____ Shareholders: _____

Address: _____ Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____

Trustees: _____

Address: _____

Beneficiaries: _____

Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

5-1-08
Date

B. M. Hill
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 1st day of MAY, 2008 by _____

Brian M. Hill

Dolores Meyer
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 27 TWP 21S RGE 31E BEG 635.93 FT N & 476.42 FT E OF SW COR OF E 1/2
OF NW 1/4 OF SW 1/4 RUN ELY ON CURVE 80 FT N 20 DEG 49 MIN W TO LAKE
HAYES WLY ALONG LAKE 68.8 FT S 13 DEG 8 MIN E TO BEG

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

FINDINGS OF FACT

Property Owner: Brian M Hiler
258 Meagan Beth Dr
Apopka FL 32712

Project Name: Smithson Road (Lot 30D)

Requested Development Approval:

Request for 1) a lot size variance from 11,700 square feet to 11,565 square feet and 2) a lot width variance from 90 feet to 76 feet for width at building line for a proposed single family dwelling in R-1AA (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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:
 - a. The variance granted will apply only to Lot 30D 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: _____
Alison C. Stettner
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.

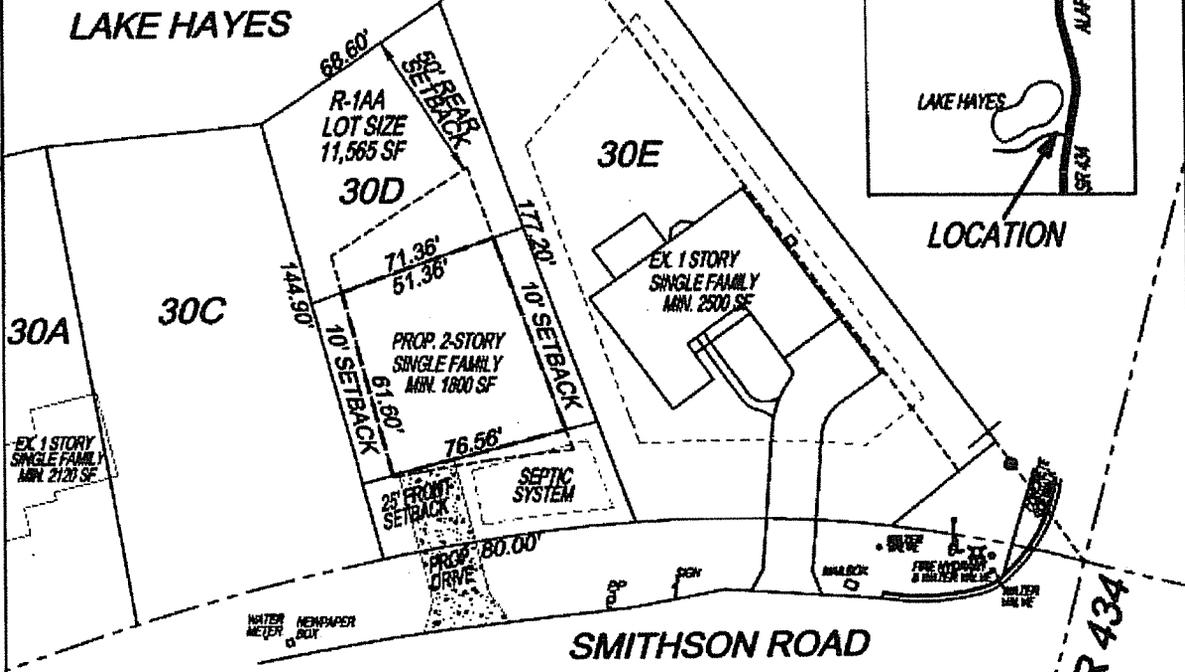
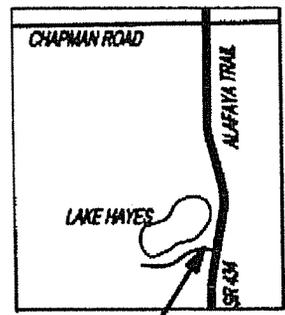
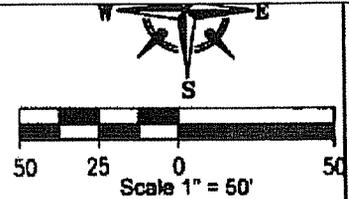
WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER / APPLICANT:

BRIAN M. HILER
258 MEAGAN BETH ROAD
APOPKA, FL. 32712
PH: 321-303-6702



<u>VARIANCE FOR:</u>	<u>FROM</u>	<u>TO</u>
1. MIN. LOT SIZE	11,700 SF	11,565 SF
2. MIN. LOT WIDTH @ BLDG. LINE	90.00 FT	70.00 FT.

- NOTES:**
1. VARIANCE REQUIRED FOR "BUILDABLE LOT".
 2. HAS BEEN RECORDED LOT SINCE BEFORE 1971
 3. ALL OTHER REQUIREMENTS SHALL BE BY CODE.
 4. PUBLIC WATER WITH INDIVIDUAL SEPTIC TANK.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 27 TWP 21S RGE 31E BEG 635.93 FT N & 476.42 FT E OF SW COR OF E 1/2 OF NW 1/4 OF SW ¼ RUN ELY ON CURVE 80 FT N 20 DEG 49 MIN W TO LAKE HAYES WLY ALONG LAKE 68.8 FT S 13 DEG 8 MIN E TO BEG

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

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Apopka FL 32712

Project Name: Smithson Road (Lot 30D)

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The Development Approval was sought to make a lot buildable. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: