

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

SUBJECT: 1680 Maitland Avenue – Mehrdad Hariri, applicant; Request for a rear yard setback variance from 30 feet to 23 feet for an existing single family residence in R-1AA (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 10/29/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for a rear yard setback variance from 30 feet to 23 feet for an existing single family residence in R-1AA (Single Family Dwelling) district; or
2. **Deny** the request for a rear yard setback variance from 30 feet to 23 feet for an existing single family residence in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Mehrdad Hariri Owner: NRRN Holdings, LLC Location: 1680 Maitland Avenue Zoning: R-1AA (Single Family Dwelling)</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant is requesting a rear yard setback variance for an existing home that encroaches 7 feet into the required 30-foot rear yard setback. • When the home was constructed in 1967, the rear yard setback for the R-1AA zoning district was 20 feet; therefore, the structure is a legal non-conforming use. • The applicant is in the process of rezoning the property to RP (Residential Professional), and would like to bring the structure into compliance.

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

	<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 or circumstances did not result from the actions of the applicant. <i>When the home was built in 1967 the rear yard setback for the R-1AA zoning district was 20 feet.</i>• 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 still 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; the applicant has demonstrated that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 rear yard setback for the single family residence 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

COPY Application # BU 2509-100
Meeting Date 12-7-09



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: NREN Holdings, LLC / MEHRDAD HARIPI - MGRM
Address: 77 Cypress Lane City: Maitland Zip code: 32751
Project Address: 1680 Maitland Avenue City: Maitland Zip code: 32751
Tax Parcel number: 24-2189-300-038-0000
Contact number(s): 407-786-7000 Ext 22 - BYRON BONYADI, AIA
Email address: bonyadi@adci.cc

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: RECEIVED OCT 09 2009
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>RESIDENCE / IN REZONING CURRENTLY TO RP</u>
<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 checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>23' (EXISTING)</u>
<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:	

Total number of variances requested 1

Signed: [Signature]

Date: 10/8/09

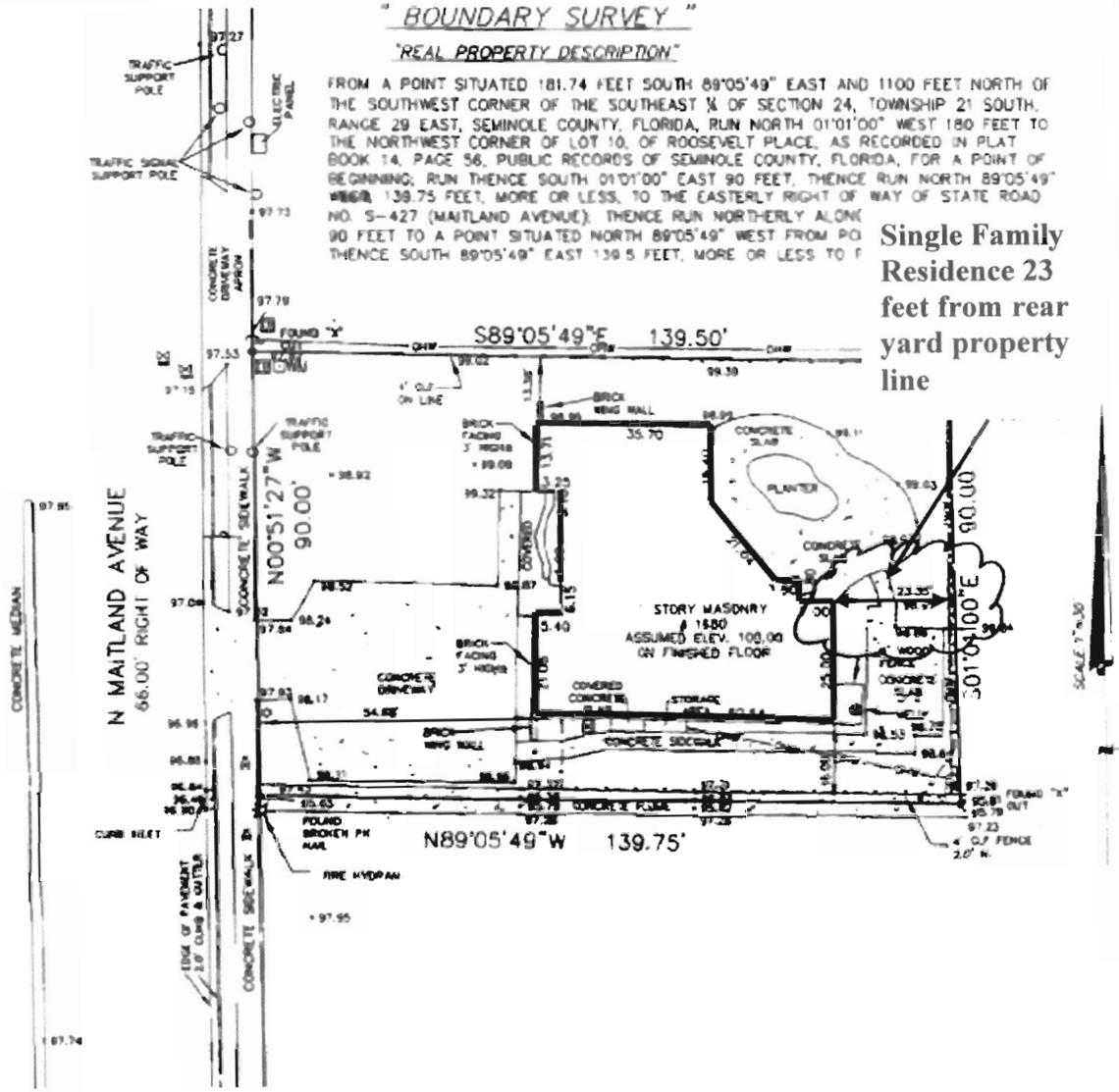
FOR OFFICE USE ONLY

" BOUNDARY SURVEY "

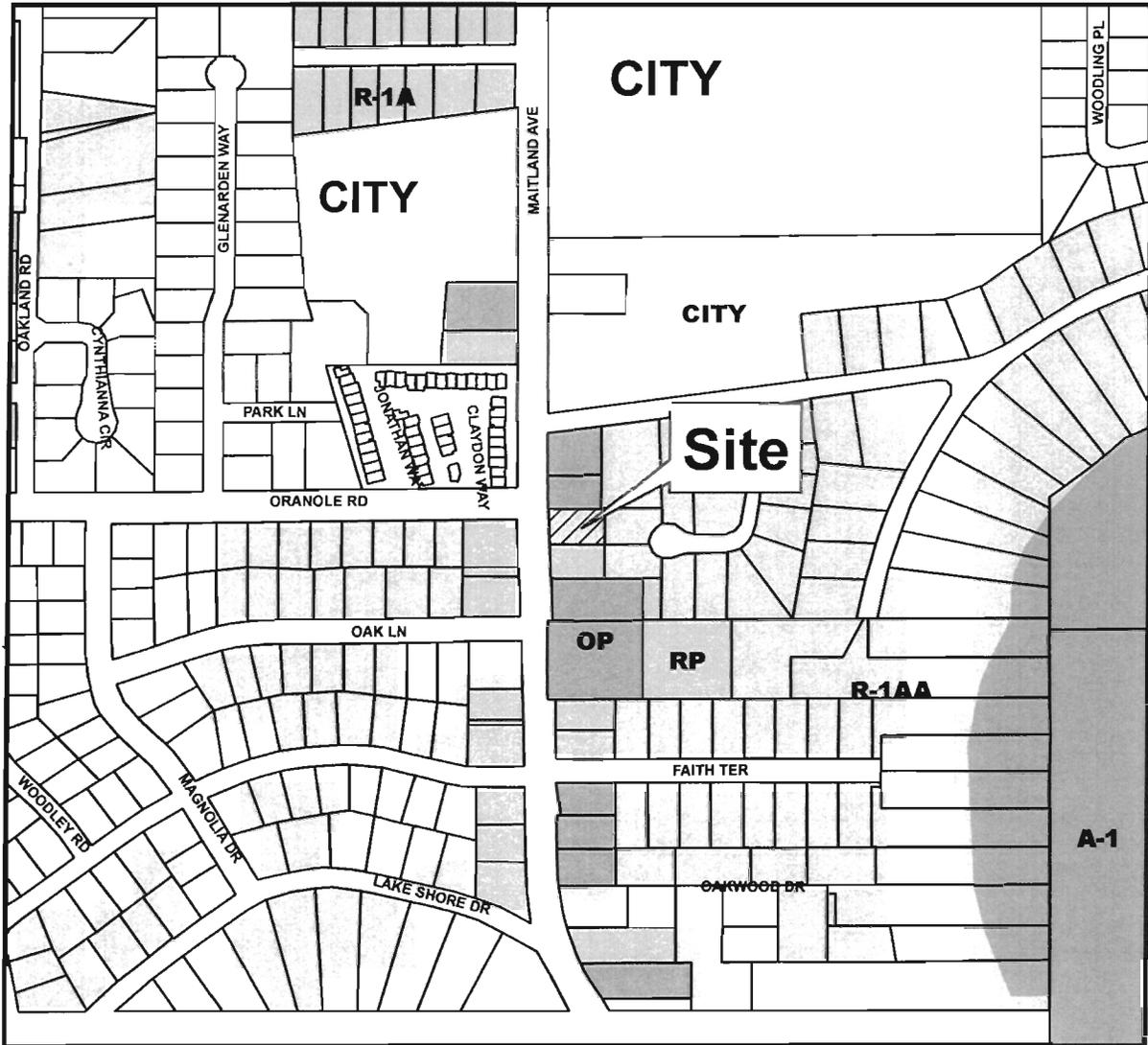
" REAL PROPERTY DESCRIPTION "

FROM A POINT SITUATED 181.74 FEET SOUTH 89°05'49" EAST AND 1100 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, RUN NORTH 01°01'00" WEST 180 FEET TO THE NORTHWEST CORNER OF LOT 10, OF ROOSEVELT PLACE, AS RECORDED IN PLAT OF BOOK 14, PAGE 56, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; RUN THENCE SOUTH 01°01'00" EAST 90 FEET, THENCE RUN NORTH 89°05'49" WEST 139.75 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF STATE ROAD NO. S-427 (MAITLAND AVENUE); THENCE RUN NORTHERLY ALONG 90 FEET TO A POINT SITUATED NORTH 89°05'49" WEST FROM PO THENCE SOUTH 89°05'49" EAST 139.5 FEET, MORE OR LESS TO P

Single Family Residence 23 feet from rear yard property line



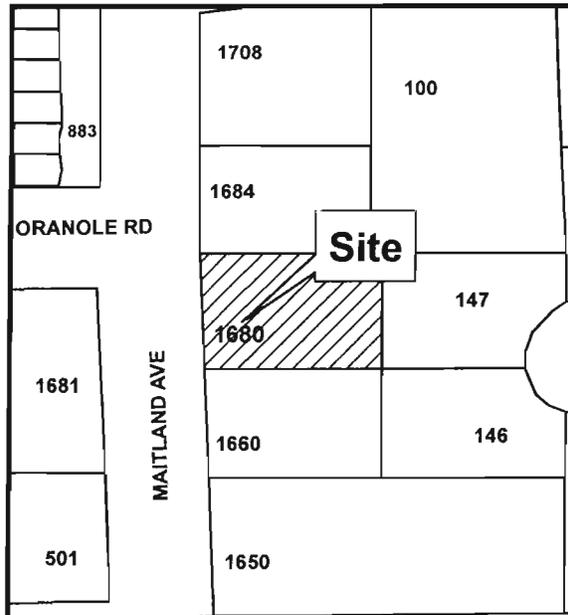
NRRN Holdings, LLC
1680 Maitland Avenue
Maitland, FL 32751



Seminole County Board of Adjustment
December 7, 2009
Case: BV2009-100 (Map 3209 Grid A3)
Parcel No: 24-21-29-300-0380-0000

Zoning

-  BV2009-100
-  A-1
-  R-1AA
-  R-1A
-  RP I
-  OP



DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL.
 1101 E. FIRST ST
 SANFORD, FL 32771-1400
 407-655-7806

GENERAL

Parcel Id: 24-21-29-300-0380-0000
 Owner: NRRN HOLDINGS LLC
 Mailing Address: 77 CYPRESS LN
 City, State, Zip Code: MAITLAND FL 32751
 Property Address: 1680 MAITLAND AVE MAITLAND 32751
 Facility Name:
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 7201-DAY CARE/PRE SCHOOL

VALUE SUMMARY		
VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$152,595	\$170,412
Depreciated EXFT Value	\$7,231	\$7,321
Land Value (Market)	\$113,400	\$113,400
Land Value Ag	\$0	\$0
Just/Market Value	\$273,226	\$291,133
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$273,226	\$291,133

Tax Estimator

2009 TAXABLE VALUE WORKING ESTIMATE			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$273,226	\$0	\$273,226
Schools	\$273,226	\$0	\$273,226
Fire	\$273,226	\$0	\$273,226
Road District	\$273,226	\$0	\$273,226
SJWM(Saint Johns Water Management)	\$273,226	\$0	\$273,226
County Bonds	\$273,226	\$0	\$273,226

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	12/2008	07110	0527	\$400,000	Improved	No
QUIT CLAIM DEED	08/2006	06380	0213	\$100	Improved	No
QUIT CLAIM DEED	01/2000	03804	1097	\$37,600	Improved	No
WARRANTY DEED	04/1998	03414	0898	\$54,100	Improved	No
WARRANTY DEED	06/1989	02080	0647	\$255,000	Improved	No
QUIT CLAIM DEED	05/1987	01847	0457	\$10,000	Improved	No
QUIT CLAIM DEED	07/1985	01684	1325	\$10,000	Improved	No
WARRANTY DEED	04/1981	01331	0267	\$83,000	Improved	Yes
QUIT CLAIM DEED	12/1978	01206	0144	\$100	Improved	No

Find Sales within this DOR Code

2008 VALUE SUMMARY

2008 Tax Bill Amount: \$4,384

2008 Certified Taxable Value and Taxes

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	12,600	9.00	\$113,400

LEGAL DESCRIPTION

LEG SEC 24 TWP 21S RGE 29E BEG 22.31 FT S + 41.74 FT E OF SW COR OF NE 1/4 OF SE 1/4 RUN E 140 FT S 1 DEG E 90 FT N 89 DEG 6 MIN W 140 FT N TO BEG

BUILDING INFORMATION

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1967	9	2,961	2,991	2,961 EW CONCRETE BLOCK	\$152,595	\$195,634

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	1967	9	2,961	2,991	2,961 EW CONCRETE BLOCK	\$152,595	\$195,634	

[Building Sketch](#)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

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	ADDRESS	PHONE NUMBER
MEHRDAD HARIRI	17 EXPRESS LANE, MAITLAND, FL 32751	407-383-3301
NICK HARIRI	"	"
RYEEN HARIRI	"	"

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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 rezone, 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.

10/8/09
Date

[Signature]
Owner, Agent, Applicant Signature

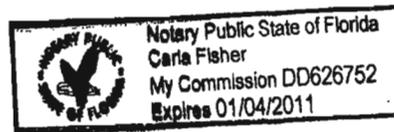
STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 8th day of October, 2009 by _____

Carla Fisher
Signature of Notary Public

Carla Fisher
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 December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 24 TWP 21S RGE 29E BEG 22.31 FT S + 41.74 FT E OF SW COR OF NE 1/4 OFSE 1/4 RUN E 140 FT S 1 DEG E 90 FT N 89 DEG 6 MIN W 140 FT N TO BEG

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

FINDINGS OF FACT

Property Owner: NRRN Holdings LLC
77 Cypress Lane
Maitland, FL 32751

Project Name: Maitland Avenue (1680)

Variance Approval:

For a rear yard setback variance from 30 feet to 23 feet for an existing single family residence 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: Joy Williams, 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 the rear yard setback for the existing single family residence 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 24 TWP 21S RGE 29E BEG 22.31 FT S + 41.74 FT E OF SW COR OF NE 1/4 OFSE 1/4 RUN E 140 FT S 1 DEG E 90 FT N 89 DEG 6 MIN W 140 FT N TO BEG

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

FINDINGS OF FACT

Property Owner: NRRN Holdings LLC
77 Cypress Lane
Maitland, FL 32751

Project Name: Maitland Avenue (1680)

Requested Variance:

Request for a rear yard setback variance from 30 feet to 23 feet for an existing single family residence in R-1AA (Single Family Dwelling) district.

Approval was sought to bring into compliance the construction of an existing single family residence within the side yard setback. 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: Joy Williams, 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: