

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 3039 Cecelia Dr – Adam Landa, applicant; Request for a 1) side yard (west) setback variance from 10 feet to 6 feet for the expansion of an existing detached garage, and 2) a side yard (east) setback variance from 10 feet to 5 feet for the expansion of an existing single family home in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 01/28/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a 1) side yard (west) setback variance from 10 feet to 6 feet for the expansion of an existing detached garage, and 2) a side yard setback variance from 10 feet to 5 feet for the expansion of an existing single family home in R-1AA (Single Family Dwelling District); or
2. **Approve** the request for a 1) side yard (west) setback variance from 10 feet to 6 feet for the expansion of an existing detached garage, and 2) a side yard setback variance from 10 feet to 5 feet for the expansion of an existing single family home in R-1AA (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Adam Landa 3039 Cecelia Dr R-1AA (Single Family Dwelling District) Neals Bay Point
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to renovate and expand an existing 1900 sq ft single family residence and a 570 sq ft detached garage. • The proposed garage addition will encroach 4 feet into the required 10-foot side yard setback and will be attached to the main structure by a breezeway. 	

	<ul style="list-style-type: none">• The proposed expansion of the home on the east side of the property will encroach 5 feet into the required 10-foot side yard setback.• There are currently no code enforcement or building violations for this property.• In 1994 a Special Exception was granted to convert the existing detached garage into a guest cottage.
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 addition and 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
- 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 # BU2007-142
Meeting Date 1-28-08



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: ADAM B. LANDA
Address: 3039 CECELIA DR. City: APOKA Zip code: 32703
Project Address: " City: " Zip code: "
Contact number(s): 407-999-2525
Email address: LANDAA@GTLAW.COM

Is the property available for inspection without an appointment? Yes No

What type of structure is the request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe: <u>TWO STORY HOME W/DETACHED GARAGE</u>
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED DEC 07 2007

What type of variance is the request for?			
<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:	Proposed setback:	<u>5 ft. house</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 checked="" type="checkbox"/> <u>Side</u> yard setback	Required setback:	Proposed setback:	<u>6 ft. GARAGE</u>
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" 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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 12-7-07 Reviewed By: J. Williams P. Johnson
 Tax parcel number: 18-21-29-511-0000-0070 Zoning/FLU R-1AA/LOR

- 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 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.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing; label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> 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.

**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: ADAM B. LANDA
 Address: 3039 COELIA Dr. 32703
 Phone #: 407 999 2525

Name: _____
 Address: _____
 Phone #: _____

Name: _____
 Address: _____
 Phone #: _____

Name: _____
 Address: _____
 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: _____
 Officers: _____
 Address: _____
 Directors: _____
 Address: _____
 Shareholders: _____
 Address: _____

Name of Corporation: _____
 Officers: _____
 Address: _____
 Directors: _____
 Address: _____
 Shareholders: _____
 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

4. 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 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.

December 5, 2007
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF DRANGE

Sworn to (or affirmed) and subscribed before me this 5th day of December, 2007 by Adam Randa

[Signature]
Signature of Notary Public

TANICE A. DETULIO
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced N/A



Janice A. De Julio
MY COMMISSION # DD342954 EXPIRES
August 2, 2008
BONDED THRU TROY FAIN INSURANCE, INC

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

BOAT RAMP

IS ADJACENT
PROPERTY

Proposed Variance for Garage Addition

PROPOSED
6' PRIVACY WALL

184.6' TO WITNESS COR. 22 1/2'

EXISTING
BOAT SLIP
WOOD
DOCK

BEAR LAKE

MHW

N 70° 50' 58" W

30' SETBACK

PROPOSED
POOL

124.42'

35'

PROPOSED
TWO
STORY
RESIDENCE

COVERED
PATIO

APPROX. 4600' LIVING SPACE

213.5' TO WITNESS CORNER

PROPOSED
PRIVACY
WALL

PROPOSED
GARAGE
ADDITION
EXISTING
GARAGE
(BLOCK)

PROPOSED
MOTOR
COURT

N 54° 41' 08" E

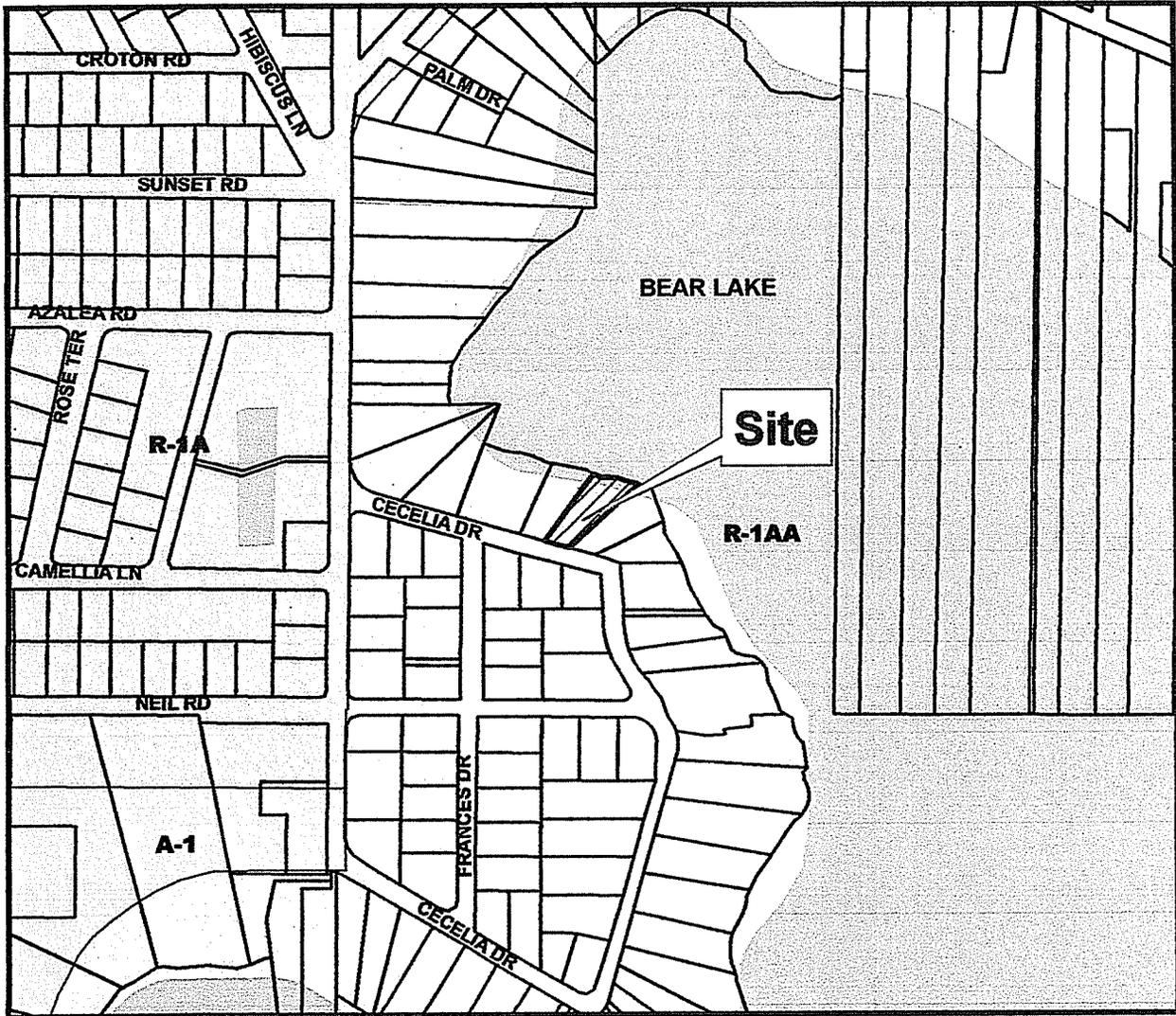
Proposed 5' Variance
for Residence

S 68° 52' 51" E
70.00'
CECELIA DR.

HOUSE OR
WELL & SEPTIC

Proposed

Adam Landa
 3039 Cecelia Drive
 Apopka, Florida 32703

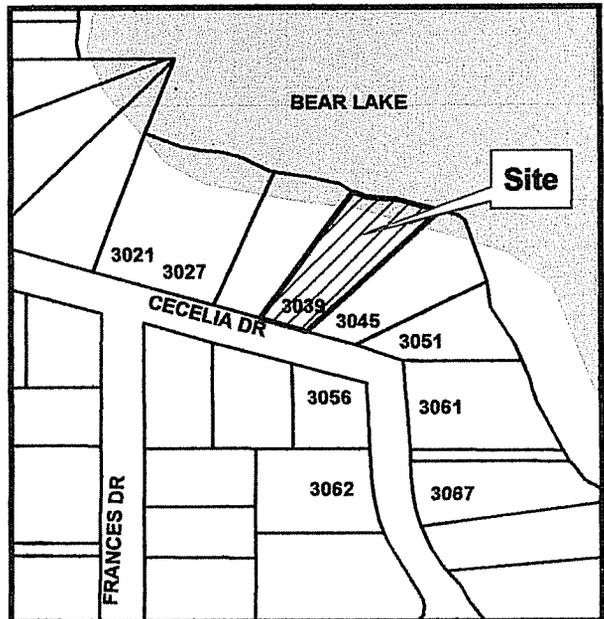


Seminole County Board of Adjustment
 January 28, 2008
 Case: BV2007-162 (Map 3207, Grid A1)
 Parcel No: 18-21-29-511-0000-0070

Zoning

 BV2007-162	 R-3A
 A-1	 R-3
 R-1AA	 PUD
 R-1A	

N

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508</p>																														
<p align="center">GENERAL</p> <p>Parcel Id: 18-21-29-511-0000-0070 Owner: LANDA ADAM B & JENNIFER Z Mailing Address: 3039 CECELIA DR City, State, Zip Code: APOPKA FL 32703 Property Address: 3039 CECELIA DR APOPKA 32703 Subdivision Name: NEALS BAY POINT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2007) Dor: 01-SINGLE FAMILY</p>		<p>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$190,919 Depreciated EXFT Value: \$2,869 Land Value (Market): \$519,750 Land Value Ag: \$0 Just/Market Value: \$713,538 Assessed Value (SOH): \$713,538 Exempt Value: \$25,000 Taxable Value: \$688,538</p> <p align="center"><u>Tax Estimator</u> <u>Tax Reform Calculator</u></p>																												
<p align="center">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/lmp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>09/2006</td> <td>06418</td> <td>1882</td> <td>\$850,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1982</td> <td>01392</td> <td>0480</td> <td>\$90,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1980</td> <td>01269</td> <td>0672</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p align="center"><u>Find Comparable Sales within this Subdivision</u></p>		Deed	Date	Book	Page	Amount	Vac/lmp	Qualified	WARRANTY DEED	09/2006	06418	1882	\$850,000	Improved	Yes	WARRANTY DEED	05/1982	01392	0480	\$90,000	Improved	Yes	WARRANTY DEED	03/1980	01269	0672	\$100	Improved	No	<p>2007 VALUE SUMMARY</p> <p>Tax Amount (without SOH): \$10,179 2007 Tax Bill Amount: \$10,179 <u>Save Our Homes (SOH) Savings:</u> \$0 2007 Taxable Value: \$689,212 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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FRONT FOOT & DEPTH	105	199	.000	5,000.00	\$519,750																									
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	1992	10	1,960	3,347	1,960	CB/STUCCO FINISH	\$190,919	\$202,031																					
			Appendage / Sqft	SCREEN PORCH FINISHED / 276																										
			Appendage / Sqft	OPEN PORCH FINISHED / 74																										
			Appendage / Sqft	GARAGE FINISHED / 465																										
			Appendage / Sqft	DETACHED GARAGE FINISHED / 572																										
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>																														
Permits																														
EXTRA FEATURE																														
			Description	Year Blt	Units	EXFT Value	Est. Cost New																							
			FIREPLACE	1992	1	\$1,200	\$2,000																							
			BOAT DOCK	1997	260	\$728	\$1,300																							
			BOAT HOUSE	1997	210	\$941	\$1,680																							

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 7
NEALS BAY POINT PB 7 PG 74

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

FINDINGS OF FACT

Property Owner: Adam Landa
3039 Cecelia Dr
Apopka, Fl 32703

Project Name: Cecelia Dr (3039)

Requested Development Approval:

Request for a 1) side yard (west) setback variance from 10 feet to 6 feet for the expansion of an existing garage, and 2) a side yard (east) setback variance from 10 feet to 5 feet for the expansion of an existing single family home 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: Joy Willilams, 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 on the west side and the single family residence on the east side 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: