### 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 02/25/08 Regular Consent Dublic Hearing – 6:00					

#### MOTION/RECOMMENDATION:

- 1. <u>Deny</u> 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 (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); or
- 2. <u>Approve</u> 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 (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); or
- 3. Continue the request to a time and date certain.

GENERAL	Applicant:	Adam Landa
INFORMATION	Location:	3039 Cecelia Dr
	Zoning:	R-1AA (Single Family Dwelling District)
Subdivision:		Neals Bay Point
BACKGROUND / REQUEST	<ul> <li>The applicant proposes to renovate and exexisting 1900 sq ft single family residence and ft detached garage.</li> <li>The proposed garage addition will encroach 4 the required 10-foot side yard setback and attached to the main structure by a breezeway.</li> </ul>	
,		

	<ul> <li>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.</li> </ul>
	<ul> <li>There are currently no code enforcement or building violations for this property.</li> </ul>
	<ul> <li>In 1994 a Special Exception was granted to convert the existing detached garage into a guest cottage.</li> </ul>
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:
	<ul> <li>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.</li> </ul>
	<ul> <li>Special conditions and circumstances result from the actions of the applicant.</li> </ul>
	<ul> <li>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.</li> </ul>
	<ul> <li>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.</li> </ul>
	<ul> <li>The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li> </ul>
	<ul> <li>The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li> </ul>
,	<ul> <li>The grant of the variance would not be in harmony with the general intent of Chapter 30.</li> </ul>
STAFF RECOMMENDATION	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> <li>Any variance granted shall apply only to the garage addition and single family residence as depicted on the attached site plan; and</li> </ul>
	<ul> <li>Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li> </ul>

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
Suppo	ort 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
$\boxtimes$	Proposed Development Order

PLANNING

PAGE 06/11

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





# **VARIANCE APPLICATION** SEMINOLE COUNTY PLANNING DIVISION

ne: <u>ADAM B. LANT</u> ress: <u>3039 Cocelia</u>		City;	APOPKA	Zip code: 3	2703
ect Address: "	260	City:		Zip code:	
tact number(s): 407-999 ail address: LANDAA @					
			7/		
ne property available for inspec			✓ Yes LINo		
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[ ] Fence	Please describe:		- 550 07	2007	-
[ ] Pool	Please describe:	RE	CEIVED DEC 07		-
Pool screen enclosure	Please describe:				
[ ] Addition	Please describe:				$\dashv$
Mew Single Family Home	Please describe: Two	STORY HO	ME W/DETALLE	O GADAGE	$\dashv$
[ ] Other	Please describe:		in of bother	CHIDIO	_
[ ] This request is for a struc	ture that has already i	een built,			_
A 1700 DO 7 20 10 PO POPULA EN EN EN EN EN			5		
[ ] Minimum lot size	Required lot size:		Actual lot size:		
[ ] Width at the building line	Required lot width:		Actual lot width:		_
[ ] Front yard setback	Required setback:		Proposed setba		_
[ ] Rear yard setback	Required setback:		Proposed setba		_
[√] Side yard setback	Required setback:		Proposed setbar		4
[ ] Side street setback		10ft.	<u> </u>	1217	hou
	Required setback:	·	Proposed setba	3	
[ ] Fence height	Required height:		Proposed height		
[ ] Building helght	Required height:		Proposed height		7
Use below for additional yard se	tback variance reques	s;			_
17_61de_yard setback	Required setback:	10ft.	Proposed setba	ck: 6ft.	GARA
[ ]yard setback	Required setback:		Proposed setba	ck:	7."
<b>1000年,1000年</b>					
[ Total number of variances requested 2					

Signed: L:\p\projects\boatmaster forms & Lists\BOA Applications 2006\Variance\Application Variance 2006.doc

## FOR OFFICE USE ONLY

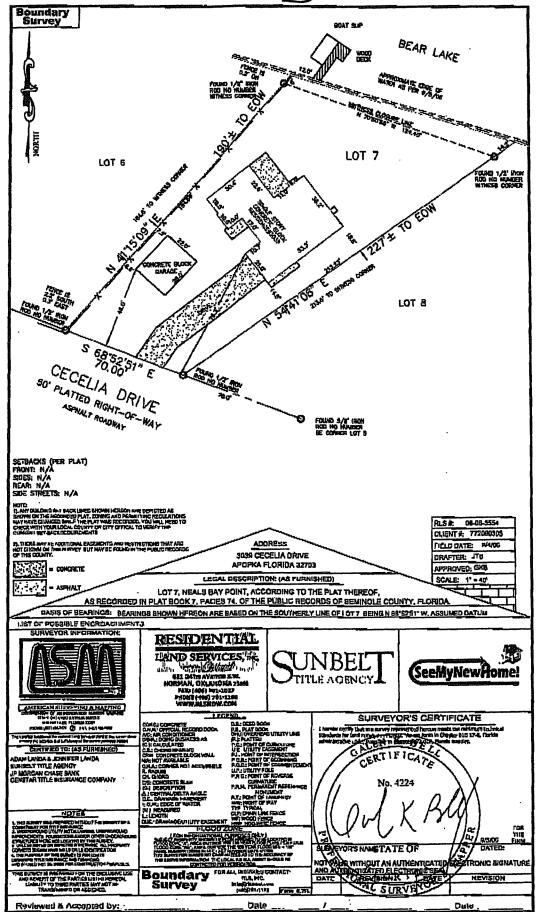
Tax parcel number:	7
[ ] Platted Lot (check easements as shown on lots, in notes or in dedication)	
	•
[ ] Lot size [ ] Meets minimum size and width	
[ ] Application and checklist complete	
Notes:	

# VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

a	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.
	Completed application.
	<ol> <li>Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</li> </ol>
	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.
<u>)</u>	See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	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
	<ul> <li>Location, size and type of any septic systems, drainfield and wells</li> </ul>
	o Location of all easements
	<ul> <li>Existing or proposed house <u>or</u> addition</li> <li>(Label existing, label proposed, and include square footage and dimensions of each )</li> </ul>
	<ul> <li>Existing and/or proposed buildings, structures and improvements         (Label existing, label proposed, and include square footage and dimension of each)</li> </ul>
	o Building height
	o Setbacks from each building to the property lines
	Location of proposed fence(s)
	Identification of available utilities     (ex: water, sewer, well or septic)
	<ol> <li>Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.</li> </ol>

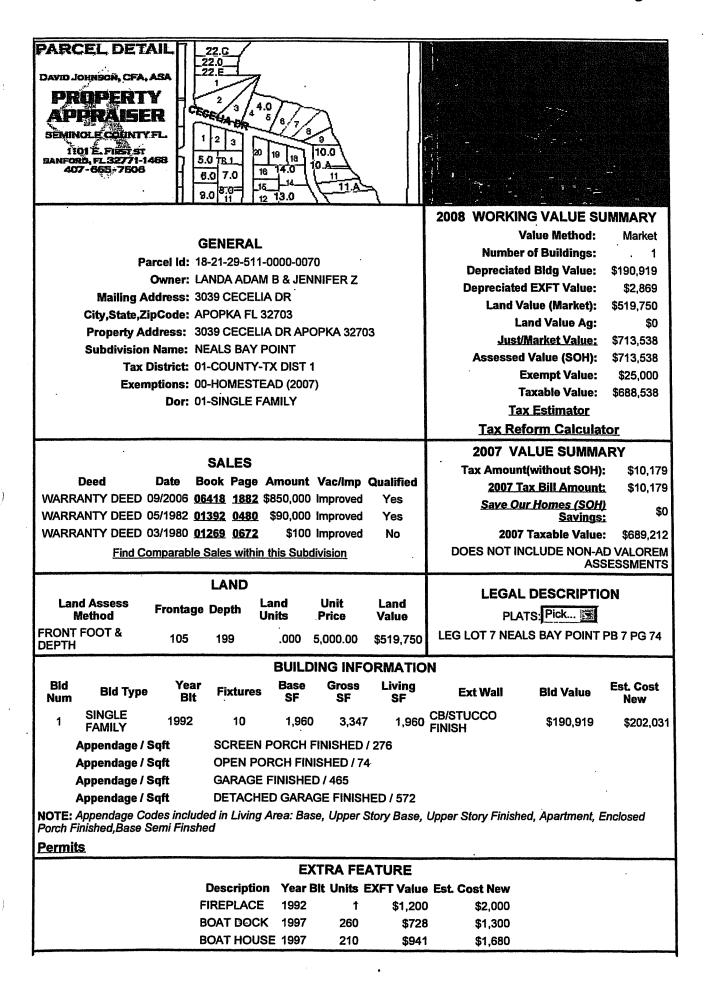
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HOUSE ON WELL & SEPTIC

Proposed



# SEMINOLE COUNTY APPLICATION & AFFIDAVIT

# Ownership Disclosure Form

List all <u>natural persons</u> who have an one name and address.	wnership interest in the property, which is the subject matter of this petition
Name: ADAM B. LANDA	Name:
Address: 3039 Carella Dr. 327	Address:
Phone #: 407 999 2525	Name:
Name:	
Name:Address:	Name:
Phone #:	Name:Address:Phone #:(Use additional sheets for more space.)
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# SEMINOLE COUNTY APPLICATION AND AFFIDAVIT

4.	For partnerships, including limited partnership including general or limited partners.	s, list the name and address of each principal in the partnership,
	Name of Partnership:	Name of Partnership:
		Principal:
	Principal:Address:	Address:
		litional sheets for more space.)
5.	equiesses, the seine as leadined for containing	use, list the name of each contract vendee, with their names and one, trust, or partnerships. In addition, the date of the contract for ntingency clause relating to the outcome of the consideration of this
	Contract Vendee:	Contract Vendee:
	Name:	
	Address:	Name:
		Address:
<b>7.</b>	I affirm that the above representations are tru- reasonable inquiry. I understand that any failu- future land use amendment, special exception	ment Director prior to the date of the public hearing on the application. ie and are based upon my personal knowledge and belief after all ire to make mandated disclosures is grounds for the subject rezone, or variance involved with this Application to become void. I certify that in and Affidavit and to bind the Applicant to the disclosures herein.
D	ecemen 5, 2007	Blan & All
Da	ite /	Owner, Agent, Applicant Signature
CC	TATE OF FLORIDA DUNTY OF <u>DRANGE</u> vom to (or affirmed) and subscribed before me this	5 5th day of <u>December</u> 2007 by Adam
	Kanda	
<b>7</b>	mature of Notary Public Print, Type or S	tamp Name of Notary Public
Pei Tyį	pe of Identification Produced OR Produced Ident	Janice A. De Julio MY COMMISSION # DD342954 EXPIRES August 2, 2008 BONDED THRU TROY FAIN INSURANCE, INC
	For Use by Plan	ning & Development Staff
	Date:Appli	cation Number:
1		

FILE NO.: BV2007-162 07-30000156

> SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 25, 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 aforedescribed legal description has been provided to Seminole County by the

owner of the aforedescribed property.)

FINDINGS OF FACT

**Property Owner:** 

Adam Landa

3039 Cecelia Dr

Apopka, FI 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 was sought to permit the expansion of an existing single

family residence and garage that would encroach in both side yard setback

requirements. 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

1

Done and Ordered on the date first	written above.
	By: Alison C. Stettner Planning Manager
STATE OF FLORIDA ) COUNTY OF SEMINOLE )	
and County aforesaid to ta	r, before me, an officer duly authorized in the State ke acknowledgments, personally appeared personally known to me or who has produced and who executed the foregoing instrument.
WITNESS my hand and official se	eal in the County and State last aforesaid this , 2008.
	Notary Public, in and for the County and State Aforementioned
	My Commission Expires:

07-30000156

SEMINOLE COUNTY APPROVAL DEVELOPMENT **ORDER** 

On February 25, 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 aforedescribed legal description has been provided to Seminole County by the owner of the aforedescribed property.)

**FINDINGS OF FACT** 

**Property Owner:** Adam Landa

3039 Cecelia Dr Apopka, Fl 32703

**Project Name:** 

FILE NO.:

BV2007-162

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 aforedescribed property.

> Prepared by: Joy Williams, Planner 1101 East First Street Sanford, Florida 32771

1

BV2007-162

#### Order

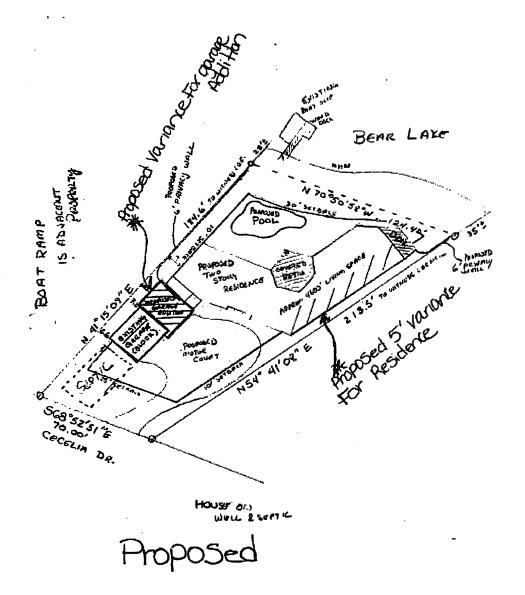
#### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (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:
  - 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 aforedescribed 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 FLOR	•	
and County	TIFY that on this day, before me, an officer duly authorize aforesaid to take acknowledgments, personally who is personally known to me or who be as identification and who executed the foregoing inst	y appeared nas produced
	and and official seal in the County and State last a	aforesaid this
	Notary Public, in and for the Coun Aforementioned	ty and State

My Commission Expires:



#### Williams, Joy

From:

Michelle Haynes [haynesmr0909@yahoo.com]

Sent:

Friday, January 25, 2008 1:57 PM

To:

Williams, Joy

Subject:

Variance request 3039 Cecelia Drive

Joy Williams, Planner

From: Shirley Haynes

I am half owner of the property at 3045 Cecelia Drive and I am responding to the petition by Adam Landa,

3039 Cecelia Drive, for a setback variance from the prescribed 10 feet to 5 feet. I am a member of the Bear Lake Preservation Association environmental committee which is dedicated to protecting the clarity

and purity of the water of bear lake. There is a

Seminole county drainage ditch that runs between Adam Landa's property and mine. ditch drains land across Cecelia drive via a culvert under the road.

The ditch marks the boundary between the two properties. It runs directly into the lake and it contains the necessary berms, swails and foliage to prevent contamination of the lake from watershed run-off. We need to protect those channels that ensure rain water and run-off enters the lake as clean as possible. If homes encroach to close to the ditch they will interfere with the natural working of the ditch by forcing too much water to run in a narrowed area which will cause erosion and the ditch will no longer be effective in keeping the lake clean.

Rendering the ditch ineffective would be a violation of water quality standards. Also, building houses

too close together blocks the sunlight which promotes unhealthy fungi to grow in the soil some of which washes into the lake.

My second objection to the requested variance is having a house that close to ours will decrease the value of out property.

Therefore I respectfully request that the board not approve the petition.

Shirley Haynes ///Signed////

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#### Williams, Joy

From: Sent: To: Richard Hagen [hagen@psy.fsu.edu] Saturday, January 26, 2008 2:41 AM

Williams, Joy

Subject:

Variance request from Adam Landa

TO:

Joy Williams, Seminole County Planner Seminole County Board of Adjustments

FROM: Richard Hagen

3045 Cecelia Drive Apopka, Florida

RE:

Variance request from Mr. Adam Landa

DATE:

January 25, 2008

According to a recent letter from your office, Mr. Adam Landa has applied for a variance to decrease the set-back for construction on the south-east side of his property located at 3039 Cecelia Drive from the prescribed 10 feet to 5 feet. Property owned by my sister, Shirley Haynes, and myself abuts the property for which this variance is sought.

This letter is written to request that the Board of Adjustment maintain the prescribed ten-foot set-back.

Last summer, Mr. Landa asked if I would grant a variance so that he could construct a new home nearer our property than the prescribed set-back would allow. I told him at that time that I did not want to be a bad neighbor but that I would not grant a request for a change in variance.

I have concerns about the following:

First, as my sister, Shirley Haynes, has written, I am concerned about the ecological health of Beat Lake, one of the finest lakes in Central Florida. My sister has served for years on the Bear Lake Committee and has worked diligently to preserve the health of the lake.

Second, it is my opinion that the granting of a variance would decrease the value of our property by making it less desirable.

Third, I am concerned about the overall beauty of the neighborhood and the enjoyment of the view of the lake by all neighbors. Because of recent construction on the south-east side of our property, neighbors immediately across Cecelia Drive have had their view of this beautiful lake diminished. They, too, deserve consideration.

Thank you for attending to my concerns about the request before you.

Sincerely,

Richard L. Hagen

# SIGNATURES OF SUPPORT

In Re: Variance Application of: Adam Landa 3039 Cecelia Dr.

To whom it may concern, the undersigned property owners support the variance application of Adam Landa. We have seen the attached plan for Mr. Landa's proposed addition, and believe that it is consistent with the improvements being made in the neighborhood. Moreover, we believe that the proposed addition will improve our neighborhood image and property values.

Name	Address	Signature
John V. Pa	Hupka, FL 32	703 Promo Particulos
RICHERA	DOMINICO 3/09 C	DR. PWO.
Bum	da Chiroleus 3/20	Cotalia Drive Drugela Churchen
Anid	GReenberg 3127	Comment of Spanish
Joyce :	W. Herrington	Cecelia Dr. Dans Boun.
Mo	un Momes-	- 3051 Cecelin Dr. APRILA
- luli	70 S. M	

# SKETCH OF PROPOSED BENOVATIONS

