

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

**SUBJECT:** 9401 Via Palma Ceia – Phillip Musarra, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District).

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

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

**Agenda Date** 9/24/07    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Musarra Phillip Location: 9401 Via Palma Ceia Zoning: R-1A (Single Family Dwelling District) Subdivision: Bear Lakes Heights
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 25 foot by 34 foot garage that will encroach 15 feet into the required 30-foot rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> <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,</li> </ul>

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><li>• Special conditions and circumstances result from the actions of the applicant.</li><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><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><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<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"><li>• Any variance granted shall apply only to the garage as depicted on the attached site plan; and</li><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*

**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 # BY2007-105  
Meeting Date 9-24-07

**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: Phillip MUSARPA  
Address: 9401 VIA PALMA C-1A City: APOLICA Zip code: 32703  
Project Address: SAME AS ABOVE City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): (407) 620-0991 cell  
Email address: \_\_\_\_\_

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:
<input type="checkbox"/> Pool screen enclosure	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>GARAGE / STORAGE</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED AUG 02 2007

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>16 Ft.</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:	
<input checked="" 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: [Signature] 8-2-07

**FOR OFFICE USE ONLY**

Date Submitted: 8-2-07 Reviewed By: P. Johnson  
 Tax parcel number: 19-21-29-505-0000-0080 Zoning/FLU R-1A/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**

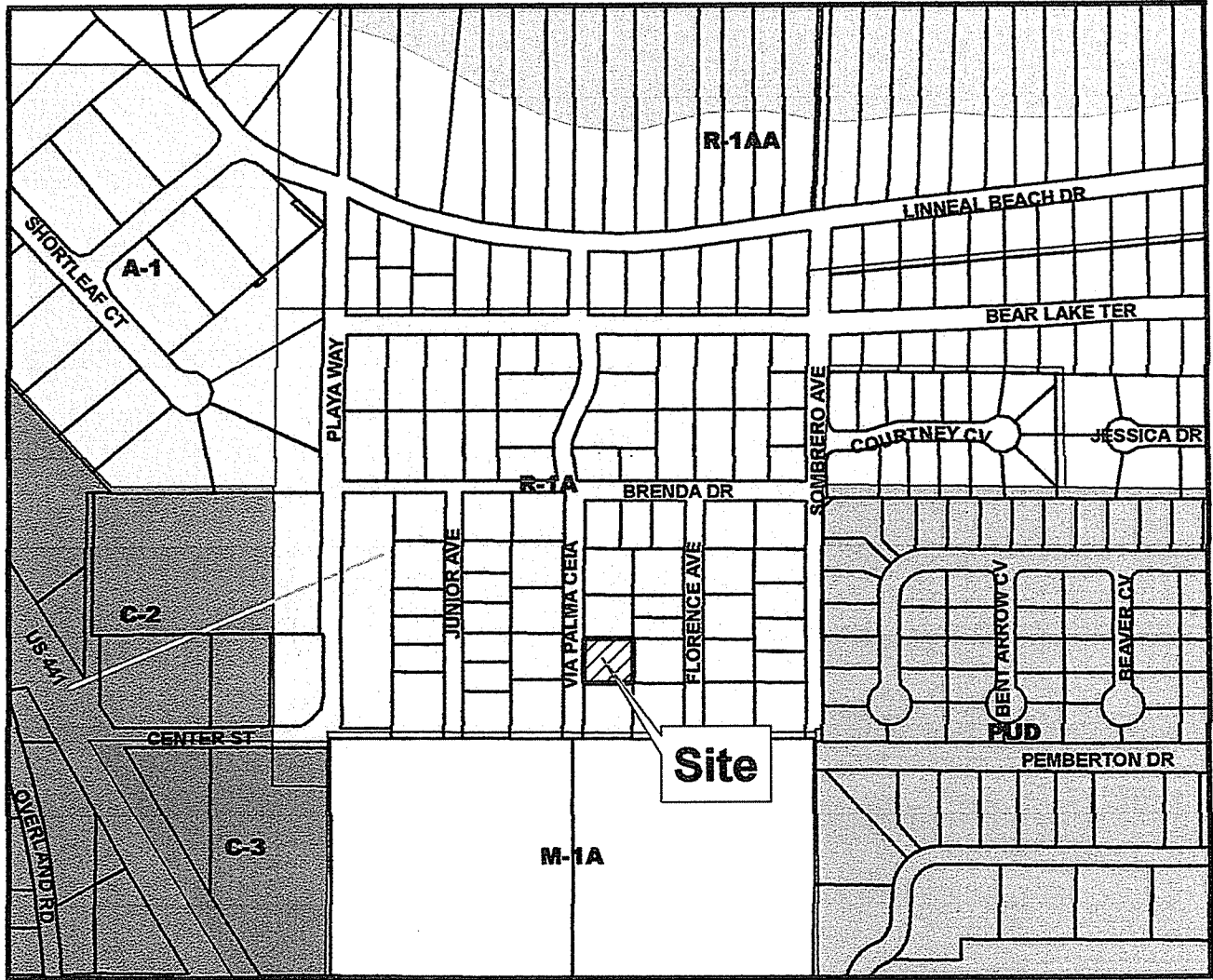
Please return this checklist with your application!

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 <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	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.



Phillip Musarra  
 9401 Via Palma Ceia  
 Apopka, Florida 32703

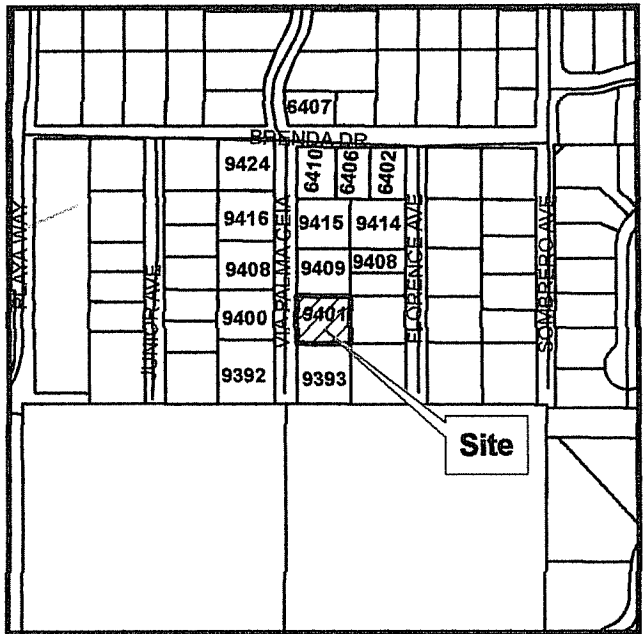


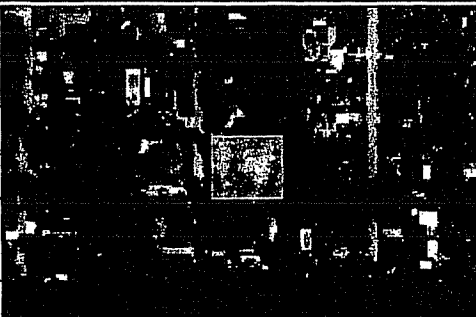
Seminole County Board of Adjustment  
 September 24, 2007  
 Case: BV2007-105 (Map 3207, Grid A3)  
 Parcel No: 19-21-29-505-0000-0080

**Zoning**

	BV2007-105		R-1A		M-1A
	A-1		C-2		PUD
	R-1AA		C-3		

N



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7508</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">4</td> <td style="width:5%;">3</td> <td style="width:5%;"></td> <td style="width:5%;">4</td> <td style="width:5%;">3</td> <td style="width:5%;"></td> <td style="width:5%;">14</td> <td style="width:5%;">13.A</td> </tr> <tr> <td>4.A</td> <td></td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">VIA PALMA CEIA</td> <td></td> <td>6.0</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">FLORENCE AVE</td> <td></td> <td>13.0</td> </tr> <tr> <td>5</td> <td>6</td> <td></td> <td>5</td> <td>6.A</td> <td></td> <td>15</td> <td>18.0</td> </tr> <tr> <td>5.0</td> <td></td> <td></td> <td>6</td> <td>7</td> <td></td> <td>18</td> <td>17.0</td> </tr> <tr> <td>8</td> <td>7</td> <td></td> <td>8</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>8.A</td> <td></td> <td></td> <td>9</td> <td>10</td> <td></td> <td>19</td> <td></td> </tr> <tr> <td>9</td> <td>E 10</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9.0</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	4	3		4	3		14	13.A	4.A		VIA PALMA CEIA		6.0	FLORENCE AVE		13.0	5	6		5	6.A		15	18.0	5.0			6	7		18	17.0	8	7		8					8.A			9	10		19		9	E 10							9.0											
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<p><b>GENERAL</b></p> <p>Parcel Id: 19-21-29-505-0000-0080</p> <p>Owner: MUSARRA PHILLIP</p> <p>Mailing Address: 9401 VIA PALMA CEIA</p> <p>City,State,ZipCode: APOPKA FL 32703</p> <p>Property Address: 9401 VIA PALMA CEIA APOPKA 32703</p> <p>Subdivision Name: BEAR LAKE HEIGHTS BLK C</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1997)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$275,070</p> <p>Depreciated EXFT Value: \$1,271</p> <p>Land Value (Market): \$36,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$312,341</p> <p>Assessed Value (SOH): \$153,160</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$128,160</p> <p>Tax Estimator</p> <p>Tax Reform Analysis</p>																																																																			
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On September 24, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BEAR LAKE HEIGHTS BLK C PB 10 PG 20

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

**FINDINGS OF FACT**

**Property Owner:** Musarra Phillip  
9401 Via Palma Ceia  
Apopka FL 32703

**Project Name:** Via Palma Ceia (9401)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (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: