

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

SUBJECT: REQUEST FOR (1) (SOUTH) SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) (EAST) REAR YARD SETBACK FROM 10 FEET TO 7 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT); (BRIAN FRESK, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Michael Rumer^{MR} **EXT.** 7398

Agenda Date 04/25/05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (BRAIN FRESK, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (BRAIN FRESK, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	BRIAN FRESK 2313 SANDALWOOD DRIVE R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CONSTRUCTED A 192 SF (12 X 16) SHED WITHOUT A BUILDING PERMIT; A NOTICE OF VIOLATION FROM THE SEMINOLE COUNTY BUILDING DIVISION WAS SUBSEQUENTLY ISSUED. • THE UNPERMITTED SHED ENCROACHES 2.5 FEET INTO THE MINIMUM SIDE YARD SETBACK AND 3 FEET INTO 	

	<p>THE MINIMUM REAR YARD SETBACK.</p> <ul style="list-style-type: none">• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR EXISTING SHED HAVE BEEN DEMONSTRATED.• THE SHED COULD HAVE BEEN BUILT TO COMPLY WITH THE CODE OR COULD BE RELOCATED TO NEGATE THE NEED FOR A VARIANCE.• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER PROPERTIES IN THE LAURELWOOD SUBDIVISION, BY ALLOWING ENCROACHMENT INTO THE REAR AND SIDE YARDS WITHOUT THE DEMONSTRATION OF A SPECIAL CIRCUMSTANCE OR HARDSHIP.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED, 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.

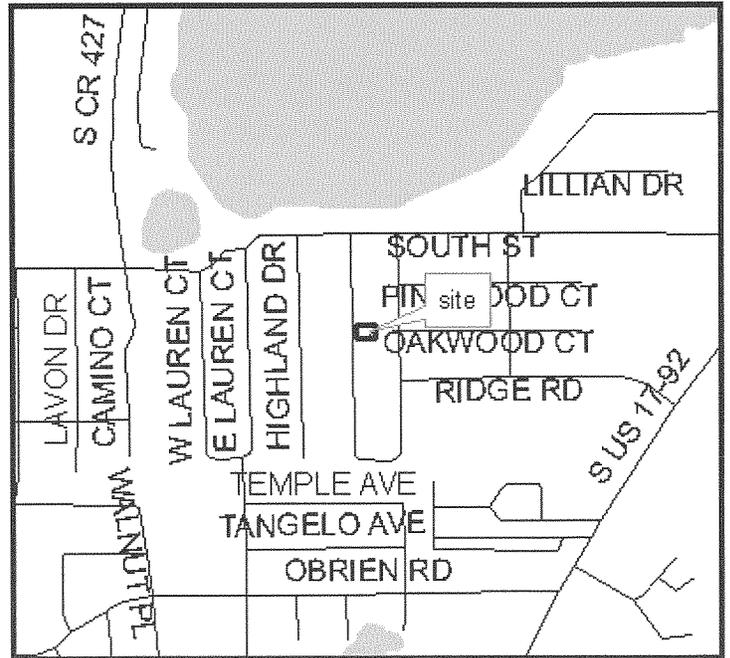
**Brian Frisk
2313 Sandalwood Dr.
Casselberry, FL. 32730**



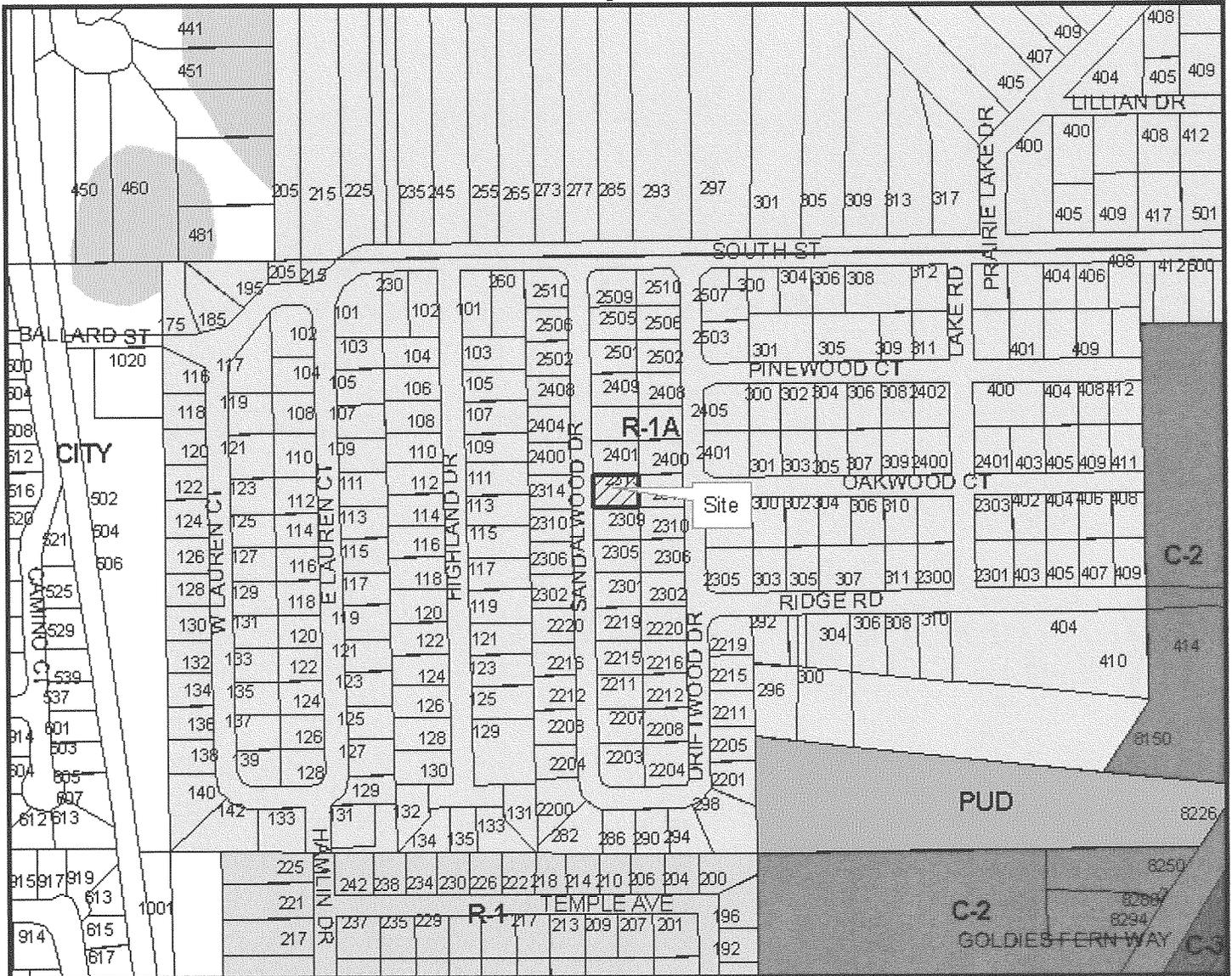
**Seminole County Board of Adjustment
April 25, 2005
Future Land Use Map
Case: BV2005-016
Parcel No: 19-21-30-518-0000-0560**

N

0 87.5 175 350 525 700 Feet



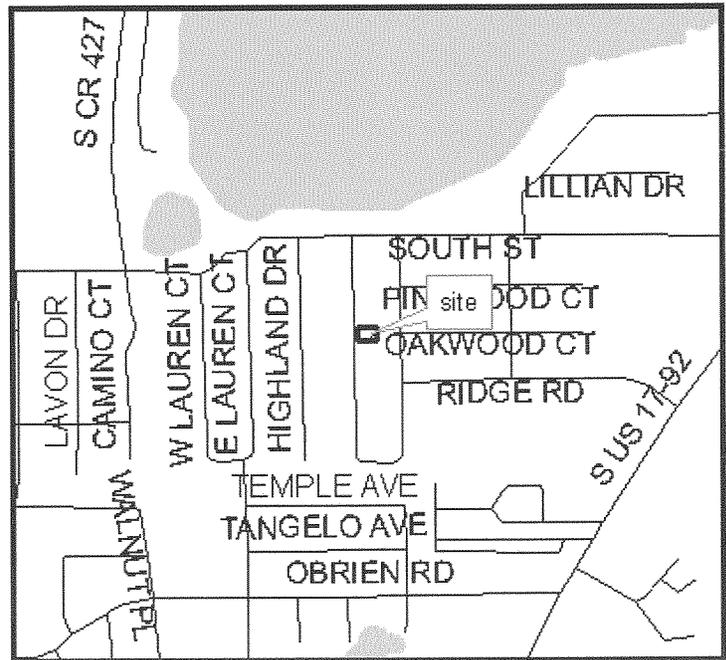
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2313 Sandalwood Dr.
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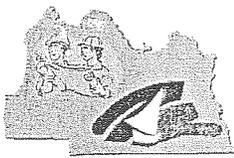


Seminole County Board of Adjustment
April 25, 2005
Zoning Map
Case: BV2005-016
Parcel No: 19-21-30-518-0000-0560

N

0 87.5 175 350 525 700 Feet





COPY

APPL. NO. BV 2005-0110

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE** REAR YARD SETBACK VARIANCE @ from 10ft to 7ft for existing shed
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____)
- REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
FEB 07 2005

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	<u>BRIAN FRESH</u>	
ADDRESS	<u>2313 SANDALWOOD DR.</u>	
PHONE 1	<u>(407) 934-1005</u>	
PHONE 2	<u>(407) 492-3054</u>	
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 2313 SANDALWOOD DR.
 CURRENT USE OF PROPERTY: RESIDENCE
 LEGAL DESCRIPTION: LEG LOT 56 LAURELWOOD PB 15 PG 85

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 19-21-30-518-0000-05100
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO
 This request will be considered at the Board of Adjustment regular meeting on 4/25/09
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT* Brian Fresh DATE 2/3/05

* Proof of owner's authorization is required with submittal if signed by agent.

MR

ADDITIONAL VARIANCES

VARIANCE 2:

gine yard setback VARIANCE from 7.5 ft. to 5 ft.
for existing shed

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): \$ 200 COMMISSION DISTRICT 4 FLU/ZONING R-1A/

BCC HEARING DATE _____ (FOR APPEAL)

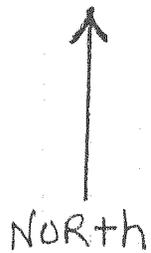
LOCATION FURTHER DESCRIBED AS east of Sandalwood Dr, 1/4 mile
south at the intersection of Smith and Sandalwood Dr

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

2313

SANDALWOOD DRIVE



FRONT

Porch

Concrete Drive

one story Residence

CARPORT

Concrete Pad

SCALE

1" = 10'

12' x 16' SHED

Roof overhang

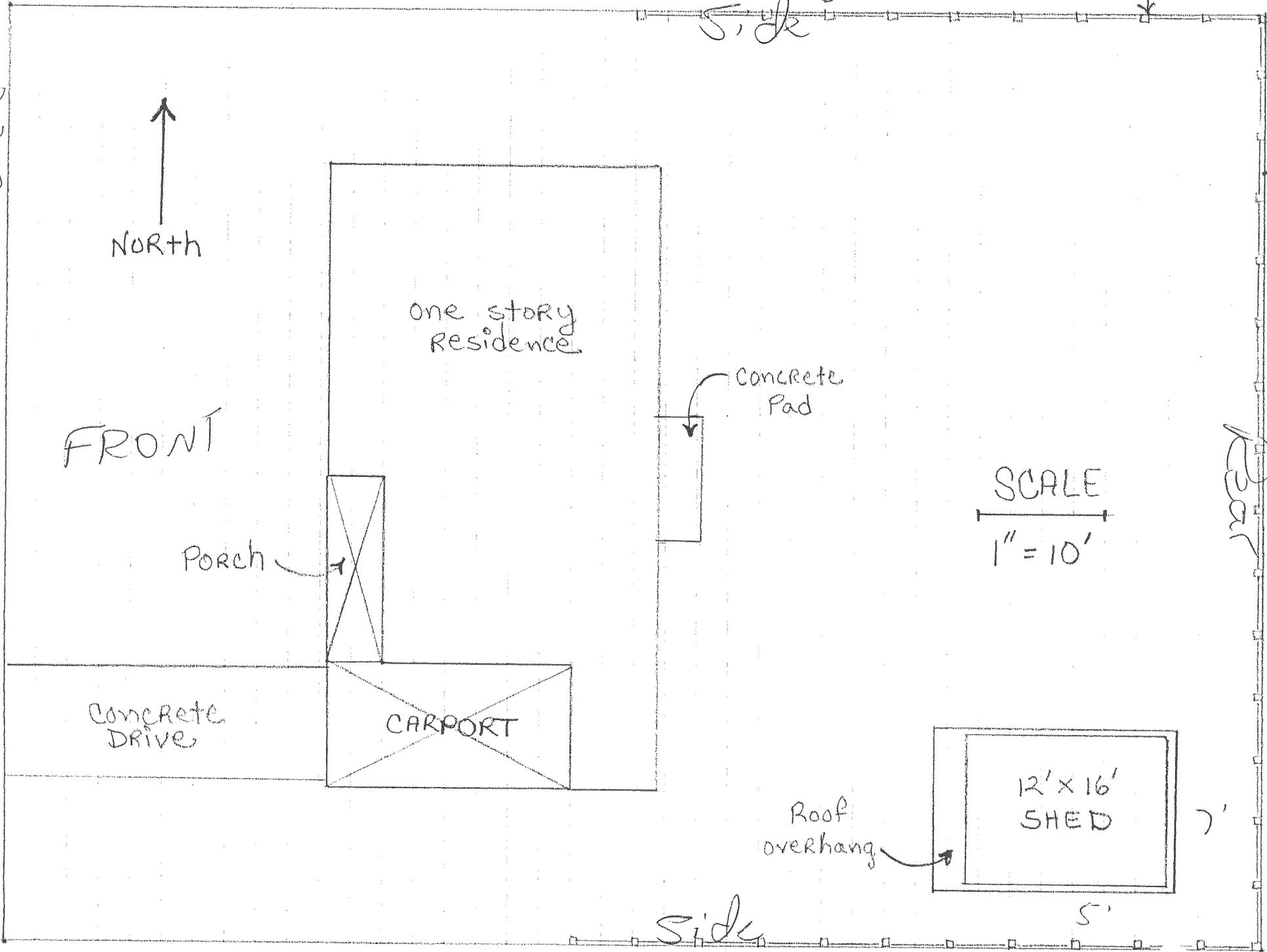
Side

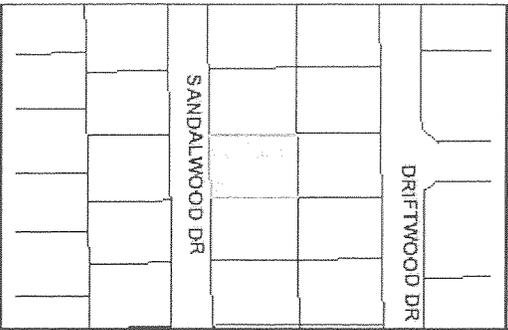
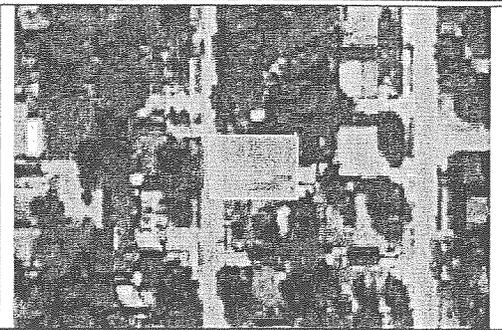
Existing 6' wooden fence

Existing 6' wooden fence

EXISTING SIX FOOT WOODEN FENCE

Back



<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>																																																													
<p align="center">GENERAL</p> <p>Parcel Id: 19-21-30-518-0000-0560 Tax District: 01-COUNTY-TX DIST 1 Owner: FRESK BRIAN G Exemptions: 00-HOMESTEAD Address: 2313 SANDALWOOD DR City,State,ZipCode: CASSELBERRY FL 32730 Property Address: 2313 SANDALWOOD DR FERN PARK 32730 Subdivision Name: LAURELWOOD Dor: 01-SINGLE FAMILY</p>		<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$66,302 Depreciated EXFT Value: \$240 Land Value (Market): \$16,000 Land Value Ag: \$0 Just/Market Value: \$82,542 Assessed Value (SOH): \$61,629 Exempt Value: \$25,000 Taxable Value: \$36,629 Tax Estimator</p>																																																											
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>11/1998</td> <td>03545</td> <td>0487</td> <td>\$67,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1986</td> <td>01728</td> <td>1378</td> <td>\$46,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01109</td> <td>1095</td> <td>\$24,300</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	11/1998	03545	0487	\$67,900	Improved	WARRANTY DEED	04/1986	01728	1378	\$46,500	Improved	WARRANTY DEED	01/1977	01109	1095	\$24,300	Improved	<p align="center">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$983 2004 Tax Bill Amount: \$600 Save Our Homes (SOH) Savings: \$383 2004 Taxable Value: \$35,480</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																			
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<p>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.</p>																																																													

PLANNING AND DEVELOPMENT DEPARTMENT

BUILDING AND FIRE INSPECTIONS



December 7, 2004

CERTIFIED 7004 1350 0000 2168 9110

Brian Fresk
2313 Sandalwood Dr
Casselberry, FL 32730

**RE: PARCEL ID 19 21 30 518 0000 0560, 2313 SANDALWOOD, FL
CASE NO. 04-576**

Dear Property Owner and all Interested Parties:

Despite previous notification, our records indicate that the following violation(s) continue(s) to exist at the above mentioned property.

"Install shed without permit."

Each violation shall be corrected within 7 days of receipt of this letter. Failure to comply will result in formal charges brought before the Seminole County Code Enforcement Board. The Board has been granted the authority to levy fines in an amount up to \$250.00 per day for every day the violation(s) exists.

Please contact Tom Helle at 407.665.7338 for any further information. Thank you for your cooperation in this matter.

Sincerely,

Seminole County,
Building & Fire Inspection Division

dv

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 2313 Sandalwood Dr

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF Sem Co CHAPTER/ARTICLE 40 SECTION 51.

DESCRIPTION OF VIOLATION: Install shed w/o permit
Fence is existing when house was purchased

CORRECTIVE ACTION: Pull permit schedule inst.
a) needed

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 7-15-04. FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD OR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE POWER TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

PLANNING AND DEVELOPMENT DEPARTMENT
SEMINOLE COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771
PHONE: 321-1130 EXTENSION 407-665-7338 *R*

REVIEWED

NOV 03 2004

SEMINOLE COUNTY
PLANS EXAMINER

DATE 11-01-04

FILE NO. 576

Steve Burns
INSPECTOR

Date: March 1, 2005

From: Philip Holman
2401 Sandalwood Drive
Fern Park, FL 32730

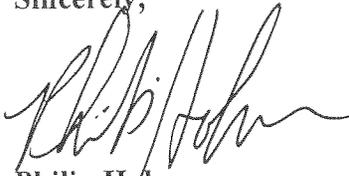
To: Seminole County Board Of Commissioners

Re: Variance/Permit

Dear Board members and to whom it may concern:

This letter is to inform you that I have NO objection to the shed located on the property at: 2313 Sandalwood Drive owned by Mr. Brian Fresk. Let it also be noted that I have always been granted such variances and permits on my property. Thank you very much concerning the above matter.

Sincerely,



Philip Holman

COPY

February 26, 2005

From: John McGilvary
2314 Sandalwood Drive
Fern Park, FL 32730

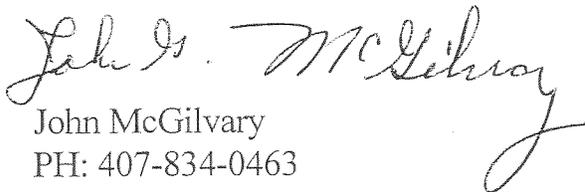
To: Seminole County Board of Commissioners

Re: Variance/Permit
2313 Sandalwood Drive

Dear Board Members and to whom it may concern:

I live across the street from Brian Fresk and consider him a good neighbor. All of us who live close to Brian have no objection to the variance he is requesting. This board granted a variance for me and I feel he deserves the same.

Sincerely,


John McGilvary
PH: 407-834-0463

COPY

February 26, 2005

From: Steven K. Wilbanks
2400 Sandalwood Drive
Fern Park, FL 32730

To: Seminole County Board of Commissioners

Re: Variance/Permit
2313 Sandalwood Drive

Dear Board Members and to whom it may concern:

As a close neighbor of Brian Fresk, I give my support to him in his request for a variance. I have noted that all requests for a variance in our neighborhood have, so far, been granted. Please consider approving a variance for Brian. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "S.K. Wilbanks", written in a cursive style.

Steven K. Wilbanks
PH: 407-830-6219

COPY

SEMINOLE COUNTY DEVELOPMENT ORDER

On April 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 56 LAURELWOOD PB 16 PG 85

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

FINDINGS OF FACT

Property Owner: BRIAN FRESK
2313 SANDALWOOD DRIVE
CASSELBERRY, FL 32730

Project Name: SANDALWOOD DRIVE (2313)

Requested Development Approval:

(SOUTH) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR AN EXISTING SHED; AND (2) (EAST) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 7 FEET FOR AN EXISTING SHED IN THE 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: Michael Rumer, 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 existing shed 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: _____
Matthew West
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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: