

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR (1) MINIMUM (SOUTH) SIDE YARD SETBACK FROM 10 FEET TO 2.5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (NORTH) SIDE YARD SETBACK FROM 10 FEET TO 4 FEET FOR AN EXISTING SHED IN THE R-1AA (SINGLE- FAMILY DWELLING DISTRICT); (JAMES BROWN, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7398

Agenda Date 06/27/05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 2.5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING SHED IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (JAMES BROWN, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM (SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 2.5 FEET FOR AN EXISTING SHED; AND (2) MINIMUM (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING SHED IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (JAMES BROWN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	JAMES BROWN 2435 W. LAKE BRANTLEY DRIVE R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONSTRUCTED A 140 SF (10 X 14) SHED AND AN 80 SF (8 X 10) SHED WITHOUT THE REQUIRED BUILDING PERMITS; A NOTICE OF VIOLATION FROM THE SEMINOLE COUNTY BUILDING DIVISION WAS SUBSEQUENTLY ISSUED.</li> </ul>	

	<ul style="list-style-type: none"> <li>• THE UNPERMITTED SHEDS ENCROACHE 7.5 FEET INTO THE MINIMUM SIDE YARD SETBACK ON THE SOUTH PROPERTY LINE AND 6 FEET INTO THE MINIMUM SIDE YARD SETBACK ON THE NORTH PROPERTY LINE.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<p><b>STAFF FINDINGS</b></p>	<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"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR EXISTING SHEDS HAVE BEEN DEMONSTRATED.</li> <li>• THE SHEDS COULD HAVE BEEN BUILT TO COMPLY WITH THE CODE OR COULD BE RELOCATED TO NEGATE THE NEED FOR A VARIANCE.</li> <li>• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER PROPERTIES IN THE LAKE BRANTLEY ISLES SUBDIVISION, BY ALLOWING ENCROACHMENT INTO THE SIDE YARDS WITHOUT THE DEMONSTRATION OF A SPECIAL CIRCUMSTANCE OR HARDSHIP.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<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"> <li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHEDS, 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>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. BU 2005-056

*Show Call 6-1*

**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** Side yard setback variance from 10 feet To 2 Feet 6 inches for an existing shed
- SPECIAL EXCEPTION**
- LIMITED USE**
  - SF DWELLING UNDER CONSTRUCTION
  - NIGHT WATCHMAN
  - YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
  - SIZE OF MOBILE HOME / RV \_\_\_\_\_
  - PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	JAMES E BROWN	
ADDRESS	2435 W. LAKE BRANTLEY DRIVE	
	LONGWOOD, FL 32719	
PHONE 1	(407) 682-5883	
PHONE 2		
E-MAIL	JEB2435@YAHOO.COM	

PROJECT NAME: W. Lake Brantley (2435)  
 SITE ADDRESS: 2435 W. LAKE BRANTLEY DR. Longwood, FL 32719  
 CURRENT USE OF PROPERTY: HOME

LEGAL DESCRIPTION: LEG PT of LOTS 17 & 18 DESC AS BEG SW COR LOT 18 RUN N 125 FT, E 103.71 FT, S 12 DEG 15 MIN. 10 SEC, E 126.75 FT, S 63 DEG 40 MIN 41 SEC, E 93.47 FT, W 31.27 FT, N 77 DEG 41 MIN 42 SEC W TO BEG. LAKE BRANTLEY ISLE PB 9 PG 67

SIZE OF PROPERTY: .41 acre(s) PARCEL I.D. 04-21-29-501-0000-017A

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS yes

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 4/27/05 (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]*

5/1/05  
DATE

**ADDITIONAL VARIANCES**

VARIANCE 2: 2

Side yard setback variance from 10 feet to 4 feet for an 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 3 FLU / ZONING R-1AA  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS west of Lake Brantley Dr @ the intersection of Lake Brantley Dr. and Poinsettis Dr.  
PLANNING ADVISOR Mike Rumer DATE 4/27/05  
SUFFICIENCY COMMENTS \_\_\_\_\_

Poinsettia

428.91'

55.91'

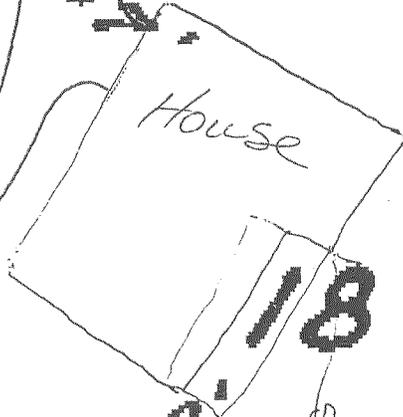
45.54'

158'

21.10. 105

West lake Brantley

125'



House

18

50 FT



8x10 SHED

17

102°32'

60 FT

10x14 PRE-FAB SHED



27 FT

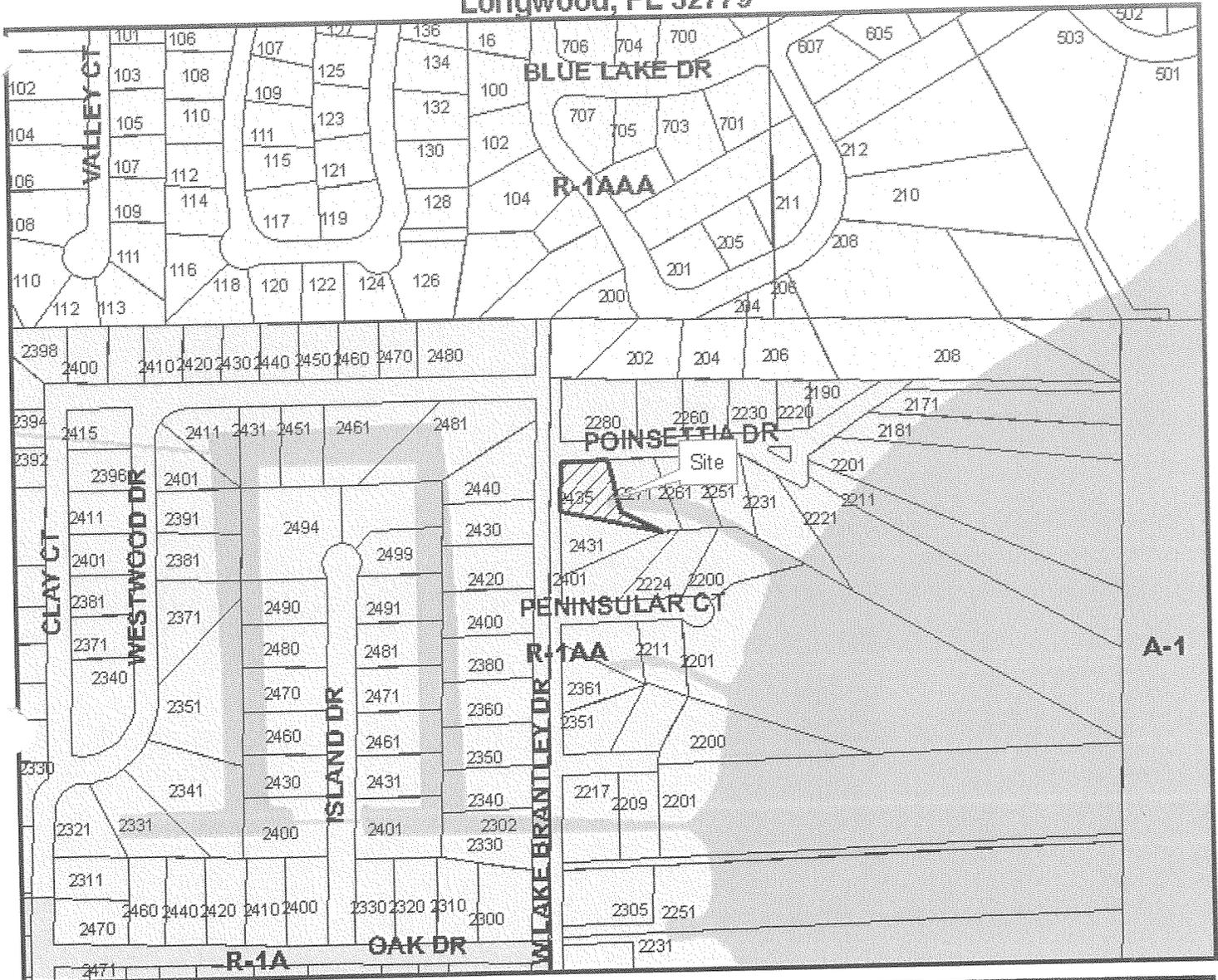
129.26'

19



<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 407-665-7506</p>																										
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 04-21-29-501-0000-017A      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: BROWN JAMES E &amp; BARBARA L TRS      Exemptions: 00-HOMESTEAD</p> <p>Own/Addr: FBO J E &amp; B L BROWN</p> <p>Address: 2435 W LAKE BRANTLEY DR</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 2435 LAKE BRANTLEY DR W LONGWOOD 32779</p> <p>Subdivision Name: LAKE BRANTLEY ISLES AMENDED PLAT</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$181,236</p> <p>Depreciated EXFT Value: \$7,924</p> <p>Land Value (Market): \$84,600</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$273,760</p> <p>Assessed Value (SOH): \$224,277</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$199,277</p> <p>Tax Estimator</p>																								
<p align="center"><b>SALES</b></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/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/1999</td> <td>03744</td> <td>0946</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1998</td> <td>03449</td> <td>1292</td> <td>\$225,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1993</td> <td>02568</td> <td>0393</td> <td>\$45,000</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/1999	03744	0946	\$100	Improved	WARRANTY DEED	06/1998	03449	1292	\$225,000	Improved	WARRANTY DEED	03/1993	02568	0393	\$45,000	Vacant	<p><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$3,625</p> <p>2004 Tax Bill Amount: \$3,258</p> <p>Save Our Homes (SOH) Savings: \$367</p> <p>2004 Taxable Value: \$192,745</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																					
FRONT FOOT & DEPTH	94	177	.000	1,000.00	\$84,600																					
<b>BUILDING INFORMATION</b>																										
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																	
1	SINGLE FAMILY	1996	6	2,002	2,607	2,002	CB/STUCCO FINISH	\$181,236	\$188,297																	
			Appendage / Sqft      GARAGE FINISHED / 380																							
			Appendage / Sqft      OPEN PORCH FINISHED / 18																							
			Appendage / Sqft      OPEN PORCH FINISHED / 207																							
<b>EXTRA FEATURE</b>																										
		Description	Year Blt	Units	EXFT Value	Est. Cost New																				
		FIREPLACE	1996	1	\$1,550	\$2,000																				
		WOOD DECK	1996	858	\$2,746	\$4,290																				
		BOAT DOCK	1996	128	\$410	\$640																				
		SCREEN ENCLOSURE	1998	709	\$1,087	\$1,418																				
		WOOD PORCH	1998	120	\$518	\$720																				
		BOAT HOUSE	1998	280	\$1,613	\$2,240																				
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																										

James E. Brown  
 2435 W. Lake Brantley Drive  
 Longwood, FL 32779



Seminole County Board of Adjustment  
 June 27, 2005  
 Case: BV2005-056  
 Parcel No: 04-21-29-501-0000-017A

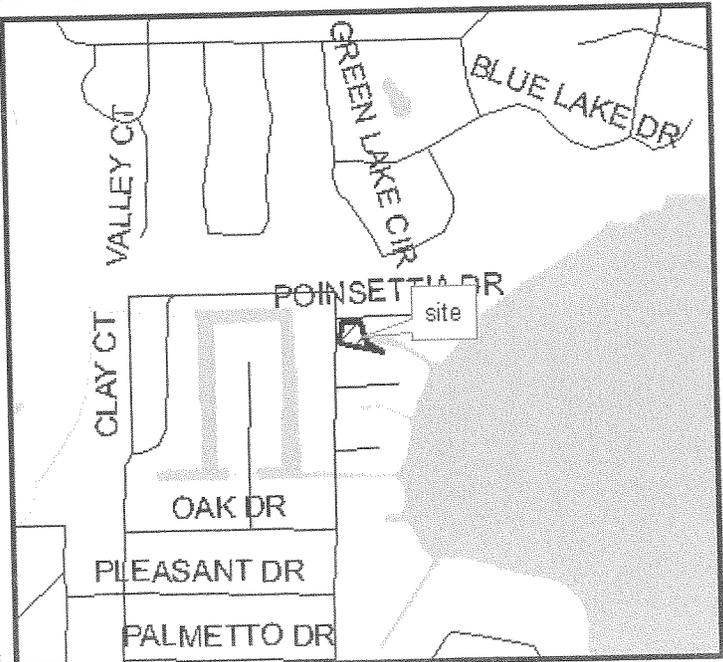
### Zoning

-  R-1AAA Single Fam-13500
-  R-1AA Single Fam-11700
-  R-1A Single Fam-9000
-  BV2005-056

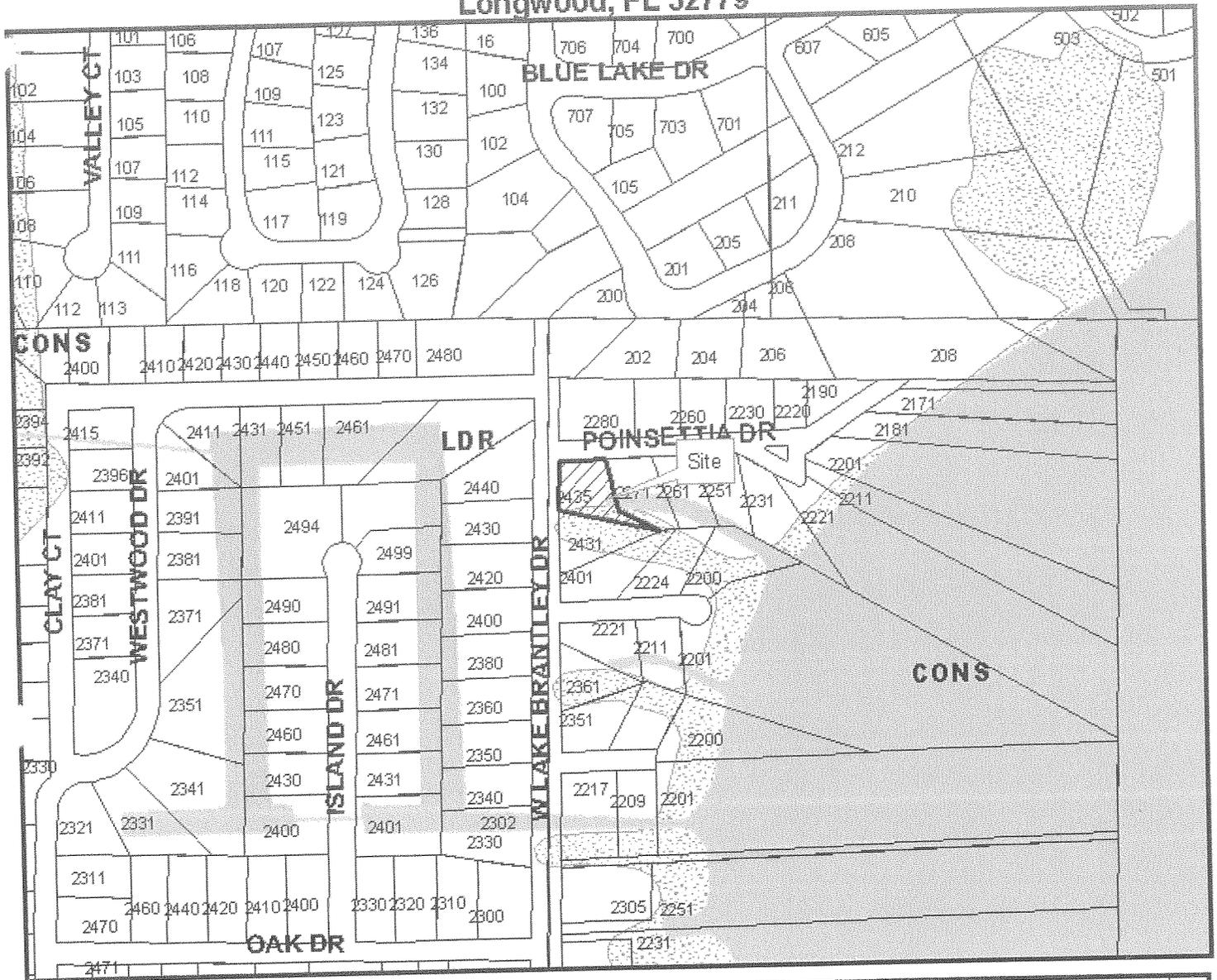
N



0 75 150 300 450 600 Feet

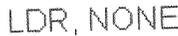


James E. Brown  
 2435 W. Lake Brantley Drive  
 Longwood, FL 32779

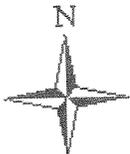


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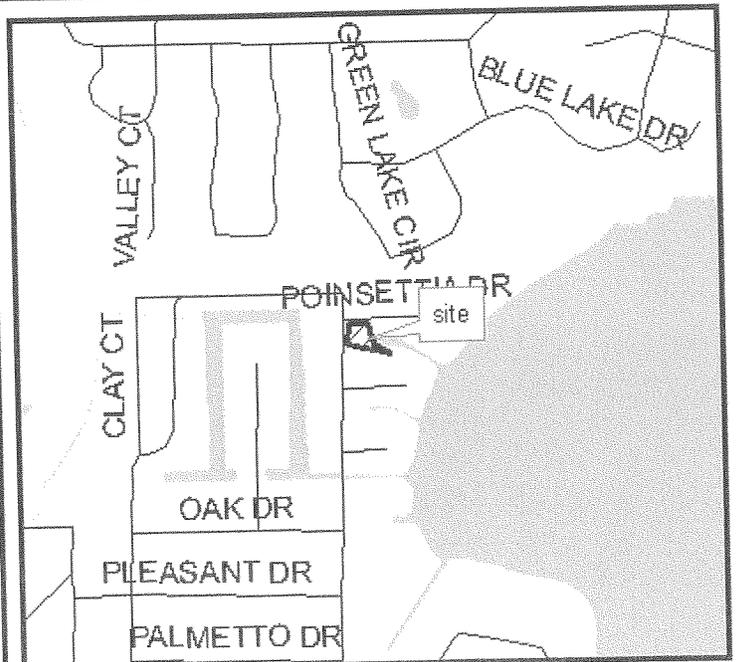
### Future Land Use

-  CONS, LDR
-  LDR, NONE
-  BV2005-056

N



0 75 150 300 450 600 Feet



# NOTICE OF CODE VIOLATION

**LOCATION OF VIOLATION:** 2435 W Lake Parkway Dr.  
IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT  
THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF Florida Building Code  
CHAPTER/ARTICLE CH. 1 SECTION 104.

**DESCRIPTION OF VIOLATION:** As shown on plan in Part  
2435 W. Lake Parkway Dr. and 2435 Lake Parkway Dr.  
to be used as a school also without permits.

**CORRECTIVE ACTION:** Obtain all proper permits and  
schedule all required inspections.

**THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY** 4-25-05.

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY 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.



**For further information contact:**  
**Building and Fire Inspection Division**  
**Seminole County Services Building**  
**1101 East First Street, Room 1020**  
**Sanford, FL 32771**  
**PHONE: (407) 665-7338 OR (407) 665-7423**

**DATE:** 4-11-05 **INSPECTOR:** JASON BULKER 407 665 7477  
**CASE NO:** 44-055

June 6, 2005

Seminole County  
Board of Adjustment

RE: Variance Application  
James E & Barbara L Brown  
2435 West Lake Brantley Drive  
Longwood, FL 32779

To The Board Members:

I, Robert Schroth, residing at 2431 W. Lake Brantley Drive, Longwood, FL. 32779, which lies directly adjacent to the side of the Brown's property, do acknowledge that the Browns have a storage shed close to the property line. The shed blends in well and acts as a privacy and sound buffer between our properties. I have no objections to its current location.

Thank you for your consideration.

Sincerely,



Robert Schroth

June 6, 2005

Seminole County  
Board of Adjustment

RE: Variance Application  
James E & Barbara L Brown  
2435 West Lake Brantley Drive  
Longwood, FL 32779

To The Board Members:

I, Bradford R. Launs, residing at 2271 Poinsettia Drive, Longwood, FL. 32779, which lies directly adjacent to the side of the Brown's property, do acknowledge that the Browns have a storage shed close to the property line. The shed blends in well and acts as a privacy and sound buffer between our properties. I have no objections to its current location.

Thank you for your consideration.

Sincerely,



Bradford R. Launs

## SEMINOLE COUNTY DEVELOPMENT ORDER

On June 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG PT OF LOTS 17 & 18 DESC AS BEG SW COR LOT 18 RUN N 125 FT E 103.7 FT S 12 DEG 55 MIN 10 SEC E 126.75 FT S 63 DEG 40 MIN 41 SEC E 93.47 FT W 31.27 FT N 77 DEG 41 MIN 42 SEC W TO BEG LAKE BRANTLEY ISLES AMENDED PLAT PB 9 PG 67

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

### FINDINGS OF FACT

**Property Owner:** JAMES BROWN  
2435 W. LAKE BRANTLEY DR  
LONGWOOD, FL 32779

**Project Name:** WEST LAKE BRANTLEY DRIVE (2435)

**Requested Development Approval:**

(SOUTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 2.5 FEET FOR AN EXISTING SHED; AND (2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4 FEET FOR AN EXISTING SHED IN THE 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: 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: