

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

**SUBJECT:** REQUEST FOR (1) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3 FEET AND (2) MINIMUM SIDE YARD SETBACK FROM 7 ½ FEET TO 3 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL ELLERY, APPLICANT).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

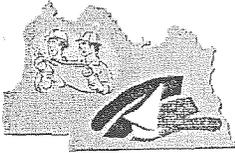
**Agenda Date** 07-25-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3 FEET AND (2) MINIMUM SIDE YARD SETBACK FROM 7 ½ FEET TO 3 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL ELLERY, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) MINIMUM REAR YARD SETBACK VARIANCE FROM 10 FEET TO 3 FEET AND (2) MINIMUM SIDE YARD SETBACK FROM 7 ½ FEET TO 3 FEET FOR AN EXISTING SHED IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (DANIEL ELLERY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: LOCATION: ZONING:	DANIEL ELLERY 4308 ROCKY RIDGE PLACE R-1A (WOODBINE)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONSTRUCTED A SHED, WITHOUT A PERMIT, THAT ENCROACHES 7 FEET INTO THE 10 FOOT MINIMUM REAR YARD SETBACK AND 4 ½ FEET INTO THE SIDE YARD SETBACK.</li> <li>• THE SHED IS 8 FEET BY 12 FEET OR 96 SQUARE FEET.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>	
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE WOODBINE NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO</li> </ul>	

	<p>THE REAR AND SIDE YARD SETBACKS WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS.</p> <ul style="list-style-type: none"><li>• THE OPPORTUNITY EXISTS TO CONSTRUCT A COMPLIANT SHED. THEREFORE, THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"><li>• 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 style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING SHED 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></li></ul>



APPL. NO. BV 2005-79

**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** BACKYARD SET BACK FROM 10' TO 3' (BACK FENCE) AND FROM 7 1/2' TO 3' (SIDE FENCE) <sup>for shed</sup>
- SPECIAL EXCEPTION** side yard
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION     MEDICAL HARDSHIP
- NIGHT WATCHMAN     FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING \_\_\_\_\_) (PROPOSED \_\_\_\_\_)
- SIZE OF MOBILE HOME / RV \_\_\_\_\_  TIME NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	DANIEL R ELLERY	
ADDRESS	4308 ROCKY RIDGE PLACE	
	SANFORD, FLORIDA 32773	
PHONE 1	407-320-1298 (HOME)	
PHONE 2	*407-920-0348 (cell) Cheri	
E-MAIL	DRELLERY@CFL,RR.COM	

PROJECT NAME: UTILITY SHED INSTALLATION

SITE ADDRESS: 4308 ROCKY RIDGE PLACE, SANFORD, FLORIDA 32773

CURRENT USE OF PROPERTY: PRIVATE RESIDENTS

LEGAL DESCRIPTION: LEG LOT S6 BLK A WOODBINE PB 41 PLS 22 & 23

SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 13-20-30-507-0A00-0560

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

KNOWN CODE ENFORCEMENT VIOLATIONS SHED NOT WITHIN SET-BACK LIMITATIONS - 10' FROM BACK FENCE / 7 1/2' FROM SIDE FENCE

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 7, 25, 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.

*Daniel R. Ellery*

5/25/05

SIGNATURE OF OWNER OR AGENT\*

DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 2:

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:

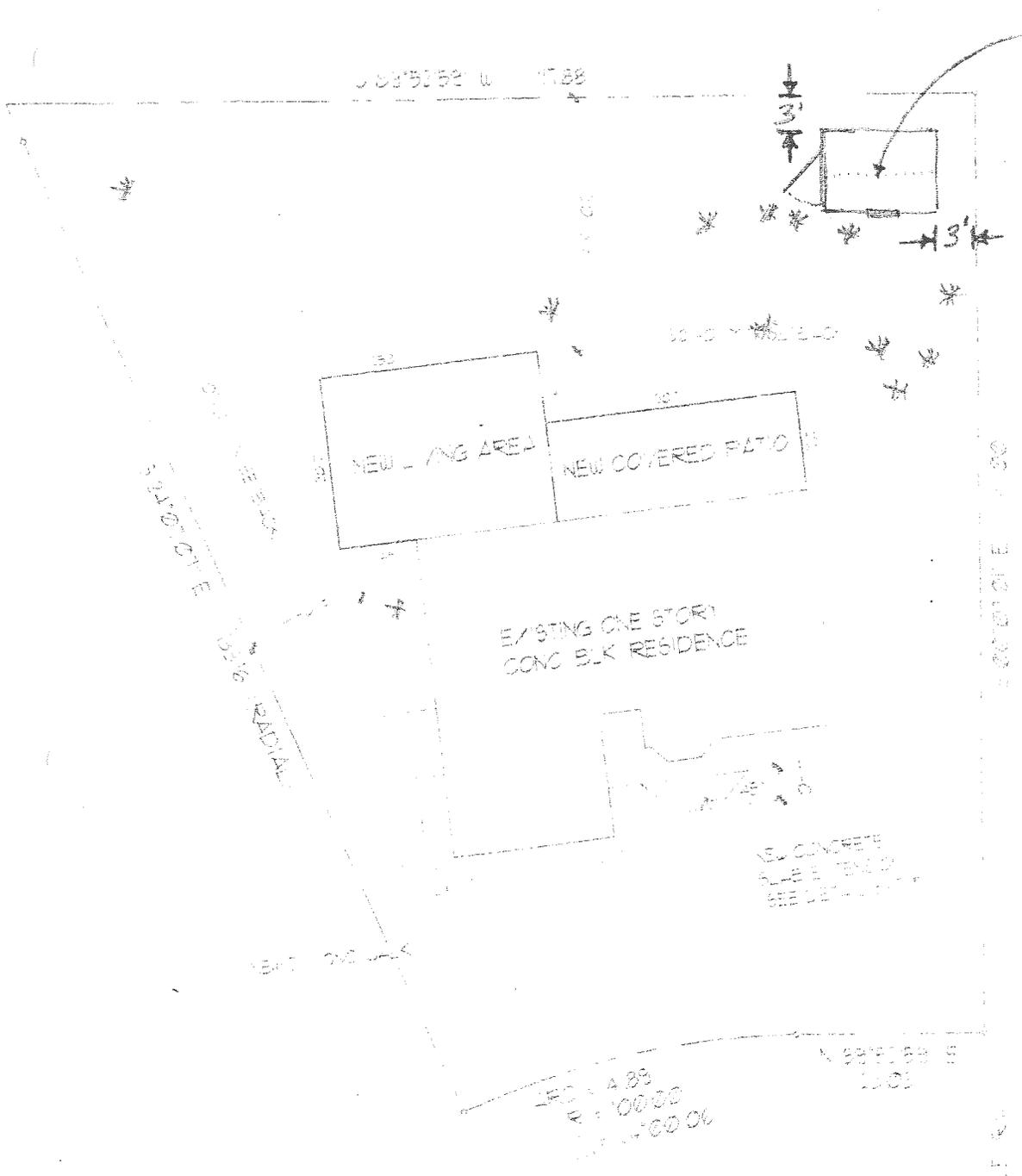
FEE(S): 200.00 COMMISSION DISTRICT 5 FLU/ZONING R-1A / LDR

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS South of Rocky Ridge Pl less than 1/10 mile from intersection of Rocky Ridge Pl + Shady Crest LN

PLANNING ADVISOR JU DATE 5/25/05

SUFFICIENCY COMMENTS Chairman notification



8' x 10' WOOD FRAME  
 SHED w/ ALUMINUM  
 SIDING  
 8'10" HIGH

\* TREES  
 (NO TREES TO BE  
 REMOVED)

ROCKY  
 RIDGE  
 PLACE

Cheri and Daniel Ellery  
4308 Rocky Ridge Place  
Sanford, FL 32773  
407-920-0348 mobile

This is a petition of support for a variance request for a shed in the back corner of our lot. Please sign if you have no objections to its placement. Thank You.

Cheri and Daniel Ellery

JAMES K. Fowler

<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>ROCKY RIDGE PL</p> <p>TIFFANY LN</p>																																																												
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 13-20-30-507-0A00-0560      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: ELLERY DANIEL R &amp; CHERI C      Exemptions: 00-HOMESTEAD</p> <p>Address: 4308 ROCKY RIDGE PL</p> <p>City,State,ZipCode: SANFORD FL 32773</p> <p>Property Address: 4308 ROCKY RIDGE PL SANFORD 32773</p> <p>Subdivision Name: WOODBINE</p> <p>Dor: 01-SINGLE FAMILY</p>	<p align="center"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method:      Market</p> <p>Number of Buildings:      1</p> <p>Depreciated Bldg Value:      \$126,080</p> <p>Depreciated EXFT Value:      \$0</p> <p>Land Value (Market):      \$25,000</p> <p>Land Value Ag:      \$0</p> <p>Just/Market Value:      \$151,080</p> <p>Assessed Value (SOH):      \$108,894</p> <p>Exempt Value:      \$25,000</p> <p>Taxable Value:      \$83,894</p> <p>Tax Estimator</p>																																																												
<p align="center"><b>SALES</b></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>12/1990</td> <td>02253</td> <td>0300</td> <td>\$81,300</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1990</td> <td>02232</td> <td>1710</td> <td>\$18,700</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	12/1990	02253	0300	\$81,300	Improved	WARRANTY DEED	10/1990	02232	1710	\$18,700	Vacant	<p align="center"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH):      \$1,752</p> <p>2004 Tax Bill Amount:      \$1,364</p> <p>Save Our Homes (SOH) Savings:      \$388</p> <p>2004 Taxable Value:      \$80,722</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>																																																													

# NOTICE OF CODE VIOLATION

**LOCATION OF VIOLATION:** \_\_\_\_\_

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 1001.

**DESCRIPTION OF VIOLATION:** metal shed in back yard  
without a permit from the owner AND did not  
meet 50' BACK 11'6" ELEVATION & 30' HIGH  
above ground pool in back yard without a  
permit

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

**THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY** 5/12/05  
Approved Extension to 5/27/05 5/31/05

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.

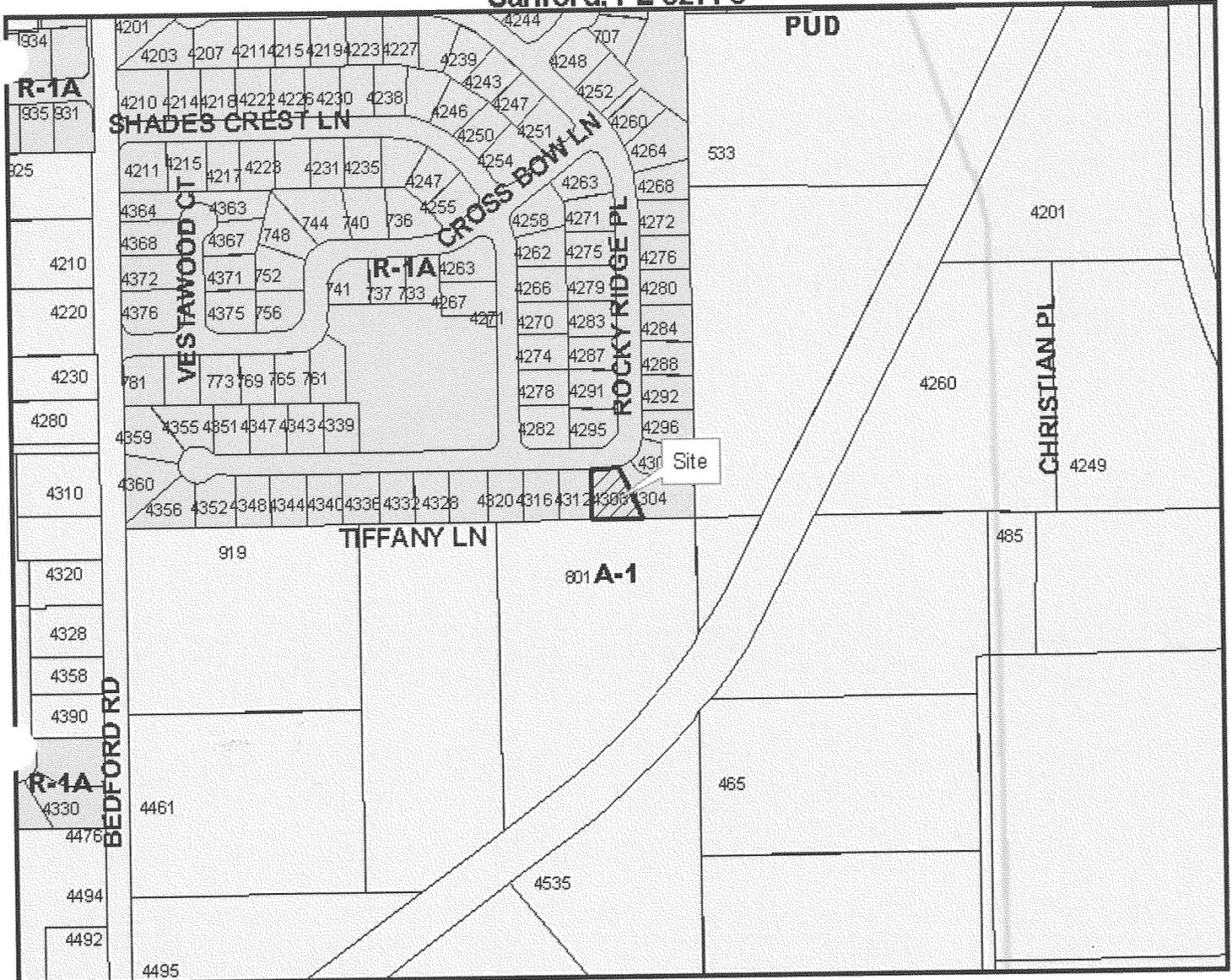


**For further information contact:**  
**Building and Fire Inspection Division**  
**Seminole County Services Building**  
**1101 East First Street, Room 1020**  
**Sanford, FL 32771**  
**PHONE: (407) 665-7338 OR (407) 665-7423**

**DATE:** 5/12/05 **INSPECTOR:** [Signature]

**CASE NO:** 2005-00000

Daniel R. Ellery  
 4308 Rocky Ridge Place  
 Sanford, FL 32773



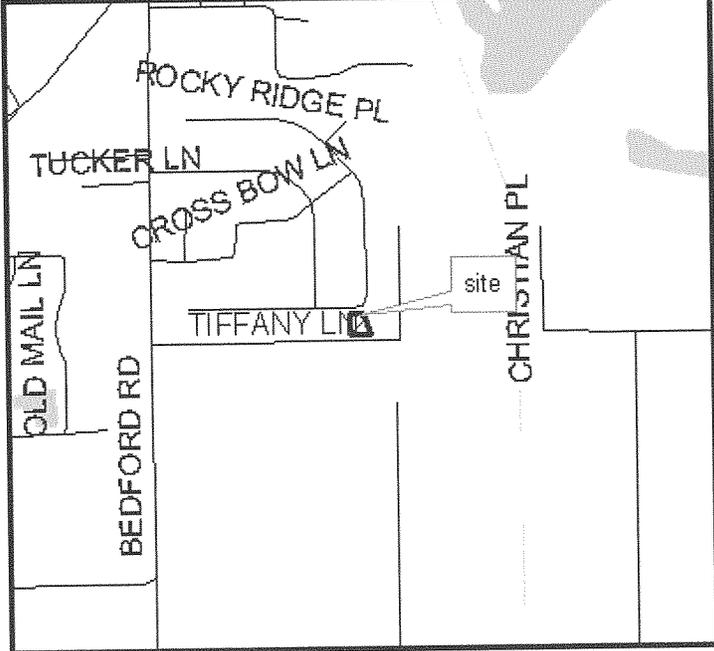
Seminole County Board of Adjustment  
 July 25, 2005  
 Case: BV2005-079  
 Parcel No: 13-20-30-507-0A00-0560

**Zoning**

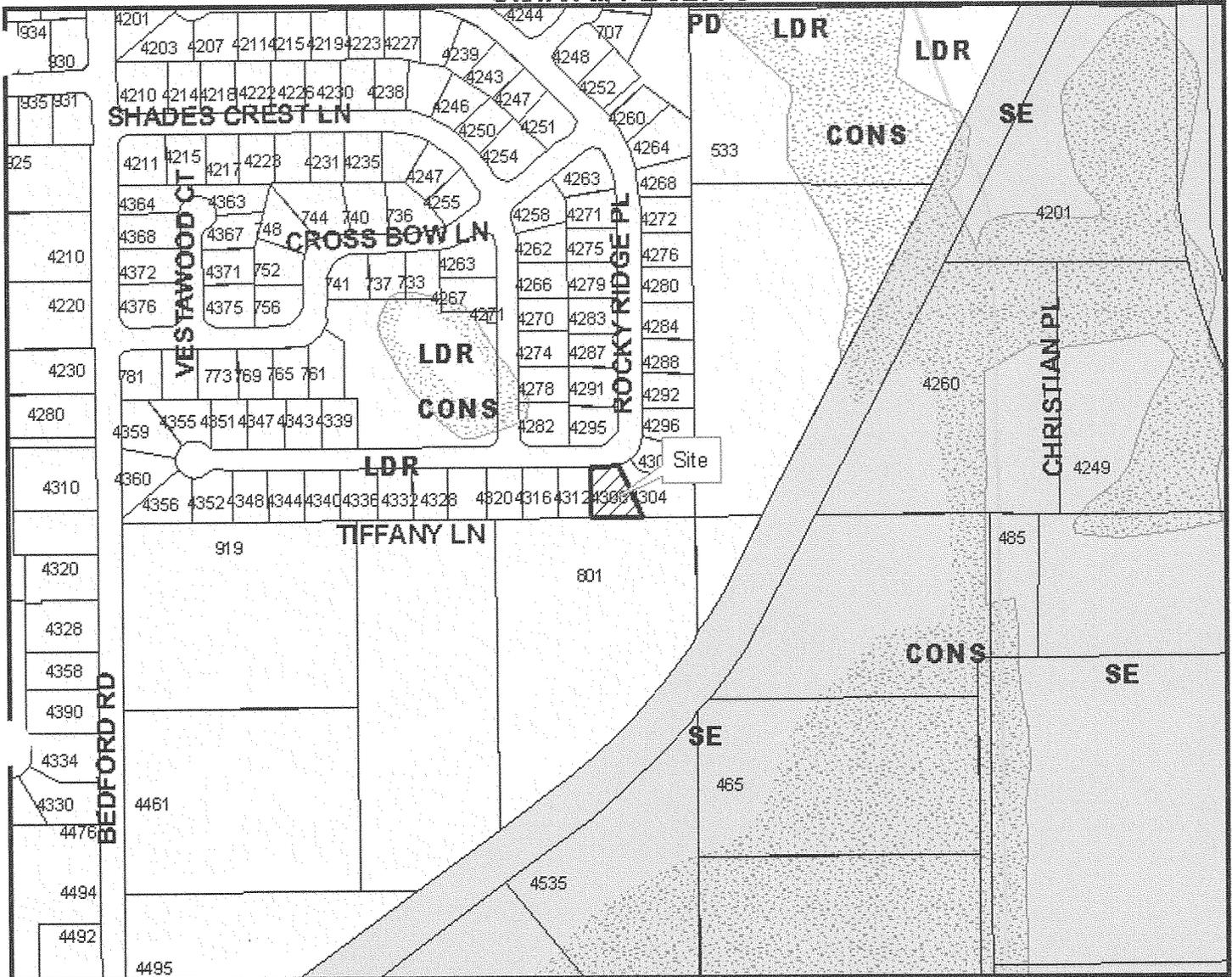
- A-1 Agricultural-1Ac
- R-1A Single Fam-9000
- BV2005-079

N

0 75 150 300 450 600 Feet



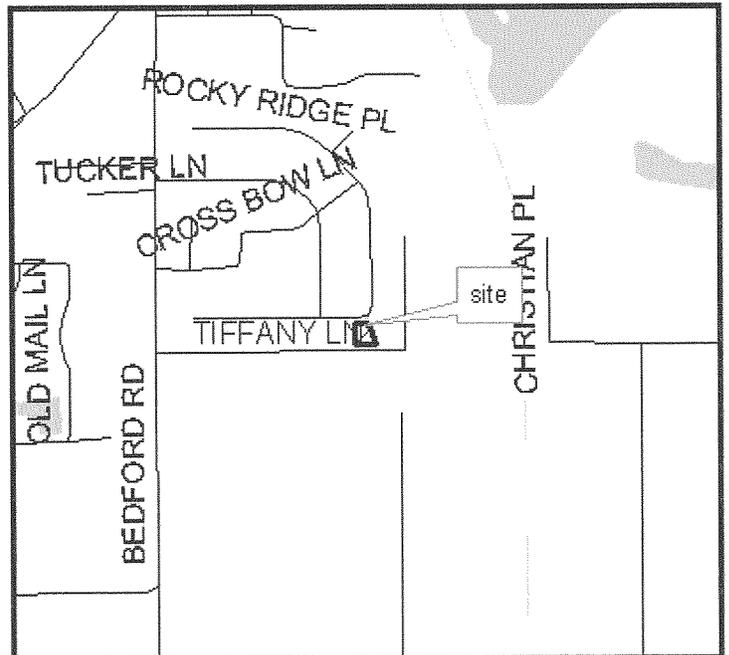
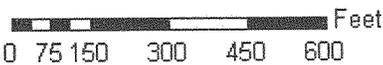
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**Future Land Use**

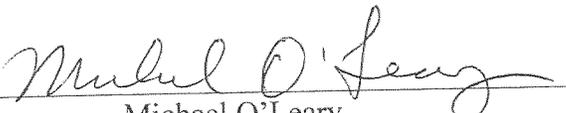
-  CONS, SE
-  CONS, LDR
-  SE, NONE
-  LDR, NONE
-  BV2005-079



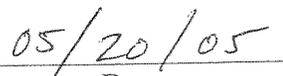
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This is a petition of support for a variance request for a shed in the back corner of our lot. Please sign if you have no objections to its placement. Thank You.

Cheri and Daniel Ellery

  
\_\_\_\_\_  
Michael O'Leary

President Woodbine Homeowners Association

  
\_\_\_\_\_  
Date

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 56 BLK A WOODBINE PB 41 PGS 22 & 23

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

**FINDINGS OF FACT**

**Property Owner:** DANIEL ELLERY  
4308 ROCKY RIDGE PLACE  
SANFORD, FL 32773

**Site Address:** 4308 ROCKY RIDGE PLACE

**Requested Development Approval:**

THE REQUEST FOR MINIMUM REAR YARD SETBACK FROM 10 FEET TO 3 FEET AND SIDE YARD SETBACK FROM 7 ½ TO 3 FEET FOR AN EXISTING SHED.

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: Kathy Fall  
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:

THE VARIANCE GRANTED SHALL 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 Matthew West 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: