

Item # 52

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**  
*(Continued from the August 8, 2006 BCC Hearing)*

**SUBJECT:** Appeal of the Board of Adjustment decision to approve a rear yard setback variance from 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District); (Wellington Terrace Homeowners Association, appellant).

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Ian Sikonia **EXT.** 7398

<b>Agenda Date</b> <u>09/12/06</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/> <b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1. **REVERSE** the Board of Adjustment decision to approve a rear yard setback variance from 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District); (Wellington Terrace Homeowners Association, appellant); or
2. **UPHOLD** the Board of Adjustment decision to approve a rear yard setback variance from 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District); (Wellington Terrace Homeowners Association, appellant); or
3. **CONTINUE** the request to a time and date certain.

Commission District #4, Henley

Ian Sikonia, Planner

**BACKGROUND:**

At the May 22, 2006 regular meeting, the Board of Adjustment heard the property owner's request for a rear yard setback variance from 30 feet to 10 feet for an existing carport at 1888 Derbyshire Road. The Board of Adjustment voted 3-1 to approve the request because the location of the carport was less intrusive to the neighborhood than it would have been if it was placed within the required setbacks of a detached accessory structure. Staff recommended denial of this request because it did not meet the six criteria required for determination of a hardship (Land Development Code Section 30.43(b)(3)). The Wellington Terrace Homeowners Association

<b>Reviewed by:</b> <u>KL</u> <b>Co Atty:</b> _____ <b>DFS:</b> _____ <b>Other:</b> _____ <b>DCM:</b> <u>SA</u> <b>CM:</b> <u>CS</u>  <b>File No.</b> <u>ph130pdp08</u>
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submitted an application to appeal the Board of Adjustment's decision on June 6, 2006.

If the Board of County Commissioners reverses the Board of Adjustment's decision the existing carport will be required to be removed or placed in a location that will comply with the setback requirements of a detached accessory structure per Land Development Code Section 30.1345.

**STAFF RECOMMENDATION:**

Reverse the Board of Adjustment decision to approve a rear yard setback variance from 30 feet to 10 feet for an existing carport based on staff findings.

**ATTACHMENTS:**

Staff Report  
Future Land Use Map  
Zoning Map  
Aerial  
Site Plan  
Appeal Letter  
Notice of Violation  
BOA Minutes from May 22, 2006 (BV2006-054, Neal Winnie, Michelle Winnie, and William Cluff)  
Pictures of existing carport  
Violation notice from Wellington Terrace Homeowners Association  
Petition of appellant

## STAFF REPORT

**BACKGROUND / REQUEST:**

- The property owner was cited on July 6, 2005 by the Seminole County Building Division for unpermitted construction on the property.
- The property owner applied to the Building Division for a building permit for a 20' x 20' carport and submitted plans on October 10, 2005. The Building Permit was not issued due to the carport not meeting the required setbacks.
- The required setbacks for a detached accessory structure exceeding 200 sq. ft. in size and/or 12 ft. in height shall meet all of the district setback and requirements applicable to the main residential structure located on the same parcel. Therefore the 400 sq. ft. carport would have to comply with all of the setback requirements for the main residential structure in the R-1AAA zoning district. The carport meets all the required setbacks except for the 30 foot rear yard setback which is why the property owner had to apply for the variance.
- The property owner applied for the variance on March 22, 2006 for the existing carport and appeared at the May 22, 2006 Board of Adjustment meeting. At that meeting, the Board of Adjustment approved the requested variance for the existing carport.
- The Wellington Terrace Homeowners Association submitted the application to appeal the Board of Adjustment's decision to the Planning Division on June 6, 2006.
- There is no record of any approved variances for carports in the immediate area of the subject property.

**ZONING & FUTURE LAND USE (FLU)**

Direction	Existing Zoning	Existing FLU	Use of Property
Site	R-1AAA	Low Density Residential	Single-Family (Conventional)
North	R-1AA	Low Density Residential	Single-Family (Conventional)
South	City of Maitland	City of Maitland	Single-Family (Conventional)
East	R-1AAA	Low Density Residential	Single-Family (Conventional)
West	R-1AAA	Low Density Residential	Single-Family (Conventional)

**STAFF FINDINGS:**

The Board of County Commissioners shall have the power to hear and decide appeals from Board of Adjustment decisions,

including variances the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination that all of the following provisions of **Section 30.43(b)(3)** are satisfied:

**a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification.**

No special conditions or circumstances exist on this property that would warrant a carport to be placed in that location.

**b) That the special conditions and circumstances do not result from the actions of the applicant.**

No special conditions or circumstances exist that would prevent the property owner from constructing a detached accessory structure in compliance with the Land Development Code. In addition, the property owner constructed the illegal carport on the property without obtaining the proper permits.

**c) That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning classification.**

The grant of the requested variance will confer on the property owner special privileges due the fact that other property owners in the Wellington Subdivision have detached accessory structures that comply with the regulations of the Land Development Code. The property owner also could have constructed the detached accessory structure in compliance with the Land Development Code.

**d) That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant.**

The literal interpretation would not deprive the property owner of rights commonly enjoyed by others due to the fact that other residents of the Wellington Subdivision have detached accessory structures that comply with the regulations of the Land Development Code. The property owner also could have

	<p>constructed the detached accessory structure in compliance with the Land Development Code.</p> <p><b>e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.</b></p> <p>The property owner will still retain reasonable use of the property without the requested variance because the carport could be placed in a location which would comply with the regulations of the Land Development Code.</p> <p><b>f) That the grant of the variance will be in harmony with the general intent and purpose of Chapter 30, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</b></p> <p>The grant of the variance will not be in harmony with the trend of development of the neighborhood because other residents of the subdivision have detached accessory structures that comply with the regulations of the Land Development Code.</p>
<p><b>STAFF RECOMMENDATION:</b></p>	<ul style="list-style-type: none"> <li>• Based on the stated findings, staff recommends the Board of County Commissioners <u>reverse</u> the decision of the Board of Adjustment to approve a rear yard setback variance from 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District).</li> </ul>

# NOTICE OF CODE VIOLATION

**LOCATION OF VIOLATION:** 1888 DERBYSHIRE RD

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:** CONSTRUCTED OR INSTALLED 2 CAR ALUMINIUM CARPORT STRUCTURE, VINYL AND WOOD PRIVACY FENCE, AND SHED IN BACK YARD WITHOUT PERMIT.

**CORRECTIVE ACTION:** OBTAIN (ALL) PROPER PERMITS AND SCHEDULE ALL REQUIRED INSPECTIONS.

**THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY** 7-20-05

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**

*Tom Helle*

**DATE:** 7-6-05

**INSPECTOR:** JASON RUCKER 407-665-7472

**CASE NO:** 05-418

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**  
**MAY 22, 2006**  
**ITEM #4**

**1888 DERBYSHIRE ROAD** – Neal Winnie, Michelle Winnie, and William Cluff, applicants; Request for a rear yard setback variance 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District); Located on the south side of Derbyshire Road approximately 300 feet east of Wellington Terrace and Derbyshire Road; (BV2006-054).  
Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant constructed an approximately 400 square foot aluminum carport in the rear of the property. He further stated that the applicant was cited on June 3, 2005 by the Seminole County Code Enforcement Department for the construction of the carport without a permit. He then stated that the applicant had submitted plans to the Building Division for the carport on October 10, 2005. He also stated that there was no record of any similar approved variances in the immediate area. He lastly stated that staff had received a petition with 55 signatures requesting the Board of Adjustment to deny the request.

Peter McGrath stated that he was an Attorney; helping Mr. Winnie with his variance application. He then passed out an information packet to the Board members and the County Attorney. He further stated that after sitting down with Mr. Winnie and looking at his request it appeared to him that the carport was an accessory structure under Section 30.1345 in the Land Development Code. He then referred to the copy he had given to the Board of Section 30.1345 and stated that Mr. Winnie carport met all the criteria for an accessory structure. He also stated that it was not attached to the main structure, it was 10 feet away from the rear property line, which was the minimum requirements. He further stated that at the top of the list of concerns was if a variance request was necessary. He then stated that the Code Enforcement Officer indicated to Mr. Winnie that the structure was properly installed and that it seemed to meet all requirements except for the setback requirements. He then referred to the survey which was a part of the packet he passed out.

Mr. Rozon asked was the carport surveyed with the survey.

Peter McGrath stated no, the carport was added to the survey.

Peter McGrath then stated that if the 30 foot setback applied to the carport, it did not meet that setback. He then stated that the carport is set far back and the visibility of the carport is limited. He then stated that his concern was if the 30 feet setback requirement could be lawfully enforced against an accessory structure. He further stated that he would love to address the issue of why the Board had a petition with 55 signatures, this has to do with another legal matter between the Winnie's and a dispute involving the Wellington Terrace Home Owner's Association, he then stated if the Board wanted to hear some back ground on that case he would be happy to provide it.

Mr. Hattaway asked was it pertinent to the subject of the carport? Mr. Hattaway then stated that the Board of Adjustment was accustomed to having petitions and they weigh them in making their decision, but he didn't want Peter McGrath, to get away from the fact of the matter of the request that was before the Board.

Peter McGrath stated that it was pertinent and he would be brief. He continued by stating that on March 1, 2005, Mr. Winnie was contacted by the Wellington Terrace Homeowner's Association concerning improvements on his property. He further stated that the carport was one of the issues and he told Mr. Winnie he needed approval from his Homeowner's Association, because the carport is a structure that the Association has the right to approve or deny. He then stated that they put together a letter and sent it certified to the Homeowner's Association, which was received by the Association. He further referred to paragraph 2 in the letter stating, please consider this letter to be an application for the Association to approve the following improvements located on my clients' lot and residence located at 1888 Derbyshire Road, vinyl fence; and carport. He then asked the Board to go to the Declaration of Covenants Conditions and Restrictions the second to the last page Section 6 Architectural Control, stating ; in the event that the said Architectural Review Committee or its successors or assigns fail to approve or disapprove such design and location within fifteen (15) days after the same have been submitted to said Architectural Review Committee, such approval will be required and this covenant will be deemed to have been fully complied with.

Mr. Bushrui stated that the Homeowner's Association rules have nothing to do with what the Board of Adjustment does.



Peter McGrath stated that the point he wanted to make was that he believes the Homeowner's Association is trying to use the Board of Adjustment as an instrument to enforce their own covenants.

Mr. Hattaway stated that the Board of Adjustment doesn't do that. He further stated that the Board of Adjustment advises the applicants out of courtesy, if they have a mandatory Homeowner's Association that they should apply to them also.

Peter McGrath stated that the 55 signatures is an organization that is upset because of their failure to act timely in connection with Mr. Winnie's request for approval under their own covenants.

Mr. Winnie stated that there are two (2) different sections of Wellington Terrace and they are before the Board of Adjustment because of an angry Homeowner's Association that have called the Building Department and sent someone out to my property. He further stated that when you pull out of the Subdivision the very first house that you see has a carport and, no one has asked them to remove that structure. He then stated that his carport is very expensive, it is tastefully done and it is not an eyesore. He lastly stated that he would not degrade his neighborhood and he would like the Board to allow him to keep the carport in its current location.

Mark Troum stated that he was one of the neighbors in Mr. Winnie's neighborhood; a member of the Homeowner's Association Board and also on the Architectural Review Board. He further stated that the Homeowner's Association Board and the Architectural Review Board required all request be submitted on their forms.

Mr. Hattaway stated that the Board of Adjustment was very experienced and they wanted to talk about the facts involved in the request before them, which would be if be liked or not liked the idea of the variance request.

Mark Troum then stated that the 55 different signatures that the Board has already received and his made 56 plus he stated he had another letter of opposition to present to the Board. He further stated that there was 83 lots in the entire neighborhood and 57 of the lots were in opposition of the request. He then stated that he looked at the picture of the other carport in the neighborhood and (1) it is behind the fence and (2) it is substantially smaller than the requested carport and (3) I pull out of the neighborhood every day and I have not noticed this alleged carport behind the fence. He then stated that the applicant carport can be seen, it is large and it was not approved. He further stated that carports are not allowed in the neighborhood without approval. He then stated that it was not a matter of

trying to reduce the value of Mr. Winnie home, it is just a matter of something that is not approved.

Steve Waleseh stated that he was one of the neighbors and he then apologized for not having the neighbors put their complete address on the petition. He further stated that he knew the neighbors were not happy with the carport, therefore he wanted to put together something for the Board of Adjustment to inform them of the neighborhood objection.

Peter McGrath stated that this is an Association controversy, with Association generated opposition. He further stated that the application for the carport is appropriate.

Mr. Winnie stated that he wanted to thank the Board of Adjustment for their time. He further stated that he would appreciate any thing the Board could do to help. He then stated that the carport could be moved 20 feet forward, but because it would be an eyesore he didn't want to do that to his neighbors.

**Mr. Bushrui made a motion to deny the request.**

**The motion died for a lack of a second.**

**Mr. Rozon made a motion to approve the request, stating its location is less intrusive to the neighborhood.**

**Mr. O'Daniel seconded the request.**

**The motion failed with a vote of 2-2.**

**A motion was made to reconsider the request.**

**Mr. Rozon made a motion to approve the request.**

**Mr. Bushrui reluctantly seconded the motion to move the meeting along**

**The motion passed by a (3-1) vote. Mr. Hattaway was in opposition.**

Wellington Terrace Homeowners Association  
190 N. Westmonte Drive, Suite 100  
Altamonte Springs FL 32714  
(407) 862-2250 Ext. 301

February 15, 2005

Wellington Terrace  
Owner Id: 1888D -02  
Property: 1888 Derbyshire Rd  
Maitland FL 32751

Wm.Cluff/Neal & Michele Winnie  
1888 Derbyshire Rd  
Maitland FL 32751

Re: Violation - 2ND NOTICE

Dear Wm.Cluff/Neal & Michele Winnie:

The Association has previously notified you of a violation (or violations) of the covenants and restrictions which requires your immediate attention.

Since you have been unable or unwilling to resolve this violation within the time period(s) previously allotted, the Board of Directors has instructed me to send you this final COURTESY NOTICE to advise you that, should you not resolve the violation(s) noted above, or contact us in writing regarding your plans to do so, WITHIN THE NEXT 14 (Fourteen) DAYS or sooner, if stated below, this matter will be referred to the Association's attorney for enforcement.

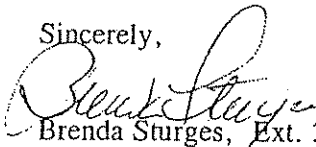
The violation(s) is/are more particularly described as follows:

On January 3, 2005 you were sent three notices for violations at the property. One was for the erection of a vinyl fence without ARC approval; the second was for installation of a carport without ARC approval; and the third was for a motor home parked on the property.

As provided in the governing documents of the Association, the costs of all such enforcement actions, including attorneys' fees and court costs, shall be the responsibility of the offending Owner and may be assessed to your maintenance fee account, resulting in additional costs and fees to you.

This is a serious matter requiring your prompt attention. Your cooperation is expected and appreciated. Should you have any questions regarding this matter, please contact the Community Association Manager at the number or address shown herein.

Sincerely,



Brenda Sturges, Ext. 301

Community Association Manager  
Wellington Terrace Homeowners' Association, Inc.

To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name WILLIAM RUMMANS William Rummans  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date 6-4-2006 \_\_\_\_\_

Lot # 1 Street Address: 1861 DERBYSHIRE RD.

Additional comments if any:

To: Patty Johnson/Appeal of Variance Granted.

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name SHARON L. CORSO Sharon L. Corso  
Print Signature

Name FRANK N. CORSO [Signature]  
Print Signature

Date June 5, 2006 \_\_\_\_\_

Lot # 2 Street Address: 1865 Derbyshire Rd  
Maitland, FL 32751

Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name JAMES HEADLEY [Signature]  
Print Signature

Name SUSAN HEADLEY [Signature]  
Print Signature

1224 Wellington Ter.

Date 5-18-06 5-18-06

Lot # 4  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name S.T. Richbourg [Signature]  
Print Signature

Name Jane D. Richbourg [Signature]  
Print Signature

Date 5/16/06 5/16/06

Lot # 5 1228 Wellington Terrace  
Additional comments if any:

Item #4

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Valerie Barnes Reynolds Valerie Barnes Reynolds  
Print Signature

Name Charles T. Reynolds Charles T. Reynolds  
Print Signature

Date May 15, 2006

Lot # 0 1282 Wellington Terrace  
Additional comments if any:



To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888, Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Robert Reynolds  
Print

Robert Reynolds  
Signature

Name Kathleen D Reynolds  
Print

Kathleen D Reynolds  
Signature

Date May 16, 2006

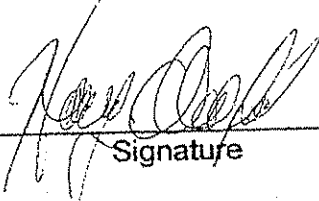
Lot # 14 1264 Wellington Terrace  
Additional comments if any:

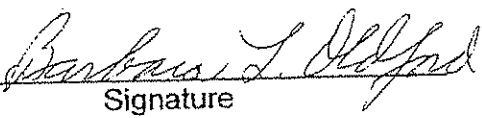
To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 -6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name HARRY OLD FORD   
Print Signature

Name BARBARA L. OLD FORD   
Print Signature

Date 16 MAY 2006

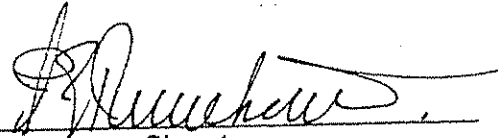
Lot # 23 1300 Wellington Terrace  
Additional comments if any:


To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 -6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name PAUL PLASSCHAERT   
Print Signature

Name ANN PLASSCHAERT   
Print Signature

Date 5-16-06 5/16/06

lot # 24 1304 Wellington Terrace  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Rae LaRoche R. LaRoche  
Print Signature

Name Jeffrey LaRoche [Signature]  
Print Signature

Date 5-16-06 \_\_\_\_\_

Lot # 29 1293 Wellington Terrace  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Thomas J. Horvath Thomas J. Horvath  
Print Signature

Name Janet Horvath Janet A. Horvath  
Print Signature

Date 5/16/06 5/16/06

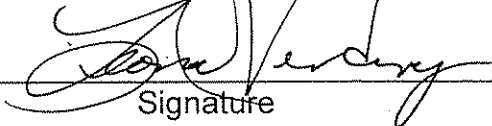
LOT # 33 1889 BERKELEY COURT  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing\*

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name LEONARD VERDERY   
Print Signature

Name \_\_\_\_\_  
Print Signature

Date \_\_\_\_\_

Additional comments if any:

LOT #36 1874 Bristol Court

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Stephen B. Sambol [Signature]  
Print Signature

Name Deanne Sambol [Signature]  
Print Signature

Date 5/16/06 5/16/06

Lot # 38 1879 Bristol Court  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Cheryl Anderson [Signature]  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date 5-16-06 \_\_\_\_\_

LOT #40 1273 Wellington Terrace  
Additional comments if any:



To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Danny R O'Hara [Signature]  
Print Signature

Name BARBARA O'HARA [Signature]  
Print Signature

Date 5-15-06 5-15-06

LOT # 44 1867 WALES COURT  
Additional comments if any:

To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name Kathleen Pittaluga  
Print

Kathleen Pittaluga  
Signature

Name Ivan Pittaluga  
Print

Ivan Pittaluga  
Signature

Date 6/5/2005

\_\_\_\_\_

Lot # 51

Street Address: 1245 Wellington Terrace

Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name T. M. Bonnicksen [Signature]  
Print Signature

Name Jacob Bonnicksen [Signature]  
Print Signature

Date 5/15/06 5-13-06

LO # 52<sup>63</sup> 1844 MILLS COURT § 1829 Clavidge Ct.  
Additional comments if any:

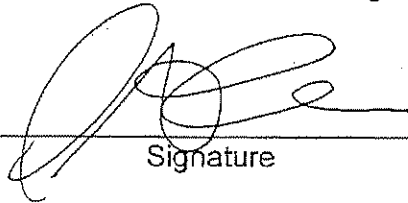
To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Dennis Abraham  
Print

  
Signature

Name Susan Abraham  
Print

  
Signature

Address: 1848 Miles Ct (Wellington subdivision)  
Maitland 32751

Date 5/22/06 5/22/06

Lot # 53

Comments:

The carport is unsightly! There are no other carports of this nature anywhere on Derbyshire Road, in Wellington or in the surrounding developments of English Estates and English Woods. Please remove this blight from our neighborhood.

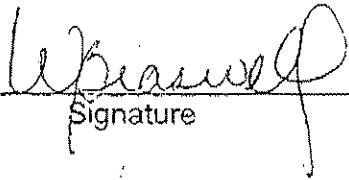
Item # 4

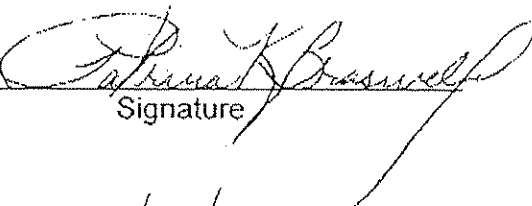
To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name William Braswell   
Print Signature

Name Patricia K Braswell   
Print Signature

Date 5/15/06 5/15/06

LOT # 64 1849 MILES COURT  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Elizabeth Watesch Elizabeth Watesch  
Print Signature

Name Steven Watesch [Signature]  
Print Signature

Date 5/15/06 5/15/06

LOT #66 1846 MIUS COURT  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name PETE SMAU [Signature]  
Print Signature

Name CATHY SMAU [Signature]  
Print Signature

Date 5/15/06 5/15/06

LOT 56 1237 WELLINGTON TOWNSHIP

Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Sandra Slane Sandra Slane  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date 5.17.06

Lot # 57 1237 Wellington Terrace  
Additional comments if any:



To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Luciana D. McDonough [Signature]  
Print Signature

Name Mark M. McDonough [Signature]  
Print Signature

Date 5-16-06 5-16-06

LOT # 69 1832 Claridge Court  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Laura Cassidy Laura Cassidy  
Print Signature

Name Paul James Cassidy Paul James Cassidy  
Print Signature

Date May 15, 2006 May 15, 2006

Lot #60 1888 Claridge Court  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Fred Daunno FRED DAUNNO  
Print Signature

Name Jill Daunno Jill Daunno  
Print Signature

Date 5/15/06

Lot # 61 1837 Claridge Court  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Tom Weninger *Thomas A Weninger*  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date 5/22/06 \_\_\_\_\_

LOT#64 1825 Claridge Court  
Additional comments if any:

*The carport will likely blow away during hurricane type wind like we had in 2004.*

To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name Jean B. Hargrove Jean B. Hargrove  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date June 5, 2006 \_\_\_\_\_

Lot # 65 Street Address: 1225 Wellington Terrace

Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888<sup>th</sup> Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name SUSANNE MICALIZO [Signature]  
Print Signature

Name ROBERT MICALIZO [Signature]  
Print Signature

Date MAY 17, 2006

LOT # 06 - 1221 WELLINGTON TERRACE

Additional comments if any:


RESIDENTS OF WELLINGTON TERRACE SUBDIVISION


To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name Mark Troum   
Print Signature

Name Julie Troum   
Print Signature

Date 6-5-06 6/5/06

Lot # 67 Street Address: 1804 Braebuck Ct

Additional comments if any:

To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name CYNTHIA Hicks Cynthia Hicks  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date \_\_\_\_\_

Lot # 68 Street Address: 1808 Braebach Ct.

Additional comments if any:



To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision

Name Douglas J Wagner D. J. Wagner  
Print Signature

Name Julie A Wagner Julie A Wagner  
Print Signature

Date 5/15/06

LOT # 7D 18W BY DELOCH COURT  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name FREDA Ackerman Freda Ackerman  
Print Signature

Name Aymie Ackerman Aymie Ackerman  
Print Signature

Date 5/15/06

Lot # 71 1817 Braeloch Court  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Edwin Owens Ed Owens  
Print Signature

Name Linda Owens Linda Owens  
Print Signature

Date 5/16/06


Lot # 72 1813 Braeloch Court  
Additional comments if any:

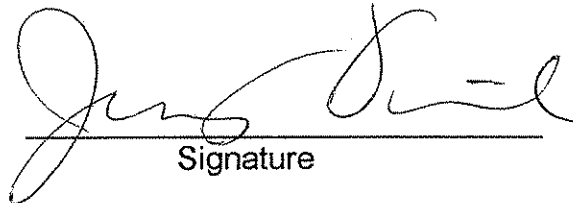
To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name MAVEED FLOK   
Print Signature

Name JERRY FLOK   
Print Signature

Date 6/4/04 \_\_\_\_\_

Lot # 73 Street Address: 1809 BRAELOCH CT

Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Tracy L. Smith Tracy L. Smith  
Print Signature

Name Sharon B. Smith Sharon B. Smith  
Print Signature

Date May 20, 2006 May 20, 2006

Additional comments if any:

Lot 74 - Wellington Terrace Subdivision  
1805 Braelock Court

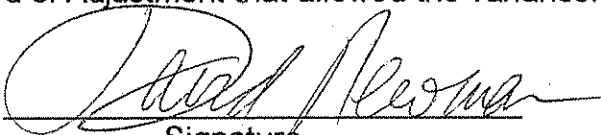
Deed restrictions were made very clear to us with the purchase of our home in 1986. We fully expect all residents of the subdivision to abide by the rules and regulations that are in place.


To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name David Newman   
Print Signature

Name Susan Newman   
Print Signature

Date 6/4/06 6/4/06

Lot # 75 Street Address: 1215 Wellington Terrace

Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Pam Frisbey *Pam Frisbey*  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date 5/15/06 \_\_\_\_\_

Lot #76 1896 Derbyshire Road  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject: Request for Carport Variance at 1888 Derbyshire Road**  
**What: Board of Adjustment Hearing**  
**When: 5/22/06 - 6:00 PM**

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Maheer ELDADAH  
Print

  
Signature

Name PATRICIA ELDADAH  
Print

  
Signature

Date 5/15/06

5/15/06

LOT # 77 1892 Derbyshire

Additional comments if any:

5/15



To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

**Subject:** Request for Carport Variance at 1888 Derbyshire Road  
**What:** Board of Adjustment Hearing  
**When:** 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name TODD BROGAN TODD  
Print Signature

Name \_\_\_\_\_  
Print Signature

Date 05-15-06 \_\_\_\_\_

LOT # 79 1884 Derbyshire Road  
Additional comments if any:

To: Patty Johnson/Board of Adjustment Hearing

Fax: 407/665-7385

Subject: Request for Carport Variance at 1888 Derbyshire Road  
What: Board of Adjustment Hearing  
When: 5/22/06 - 6:00 PM

Please DENY the request for variance to allow the carport to stay at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision.

Name Sarah Doisy Sarah Doisy  
Print Signature

Name BRADLEY A. ASHTON Bradley Ashton  
Print Signature

Date 5/15/06 5/15/06

LOT #80 1880 Derbyshire Rd

Additional comments if any:

If they would construct a fence  
high enough to conceal car port,  
I'd be O.K. with that.

Bradley Ashton

To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Michael Corbett  
Name Michael Corbett Print [Signature] Signature

Thomas Corbett  
Name Thomas Corbett Print [Signature] Signature

Date 6.4.06

Lot # 82 Street Address: 1872 Derbyshire Rd

Additional comments if any:

To: Patty Johnson/Appeal of Variance Granted

Fax: 407/665-7385

**Subject: Appeal of Carport Variance at 1888 Derbyshire Road**

Please APPEAL AND DENY the variance for the carport erected at the residence at 1888 Derbyshire Road, Maitland Florida, in the Wellington Subdivision. Please appeal the decision of the Board of Adjustment that allowed the variance.

Name MURIEL PEREGOY Muriel Peregoy  
Print Signature

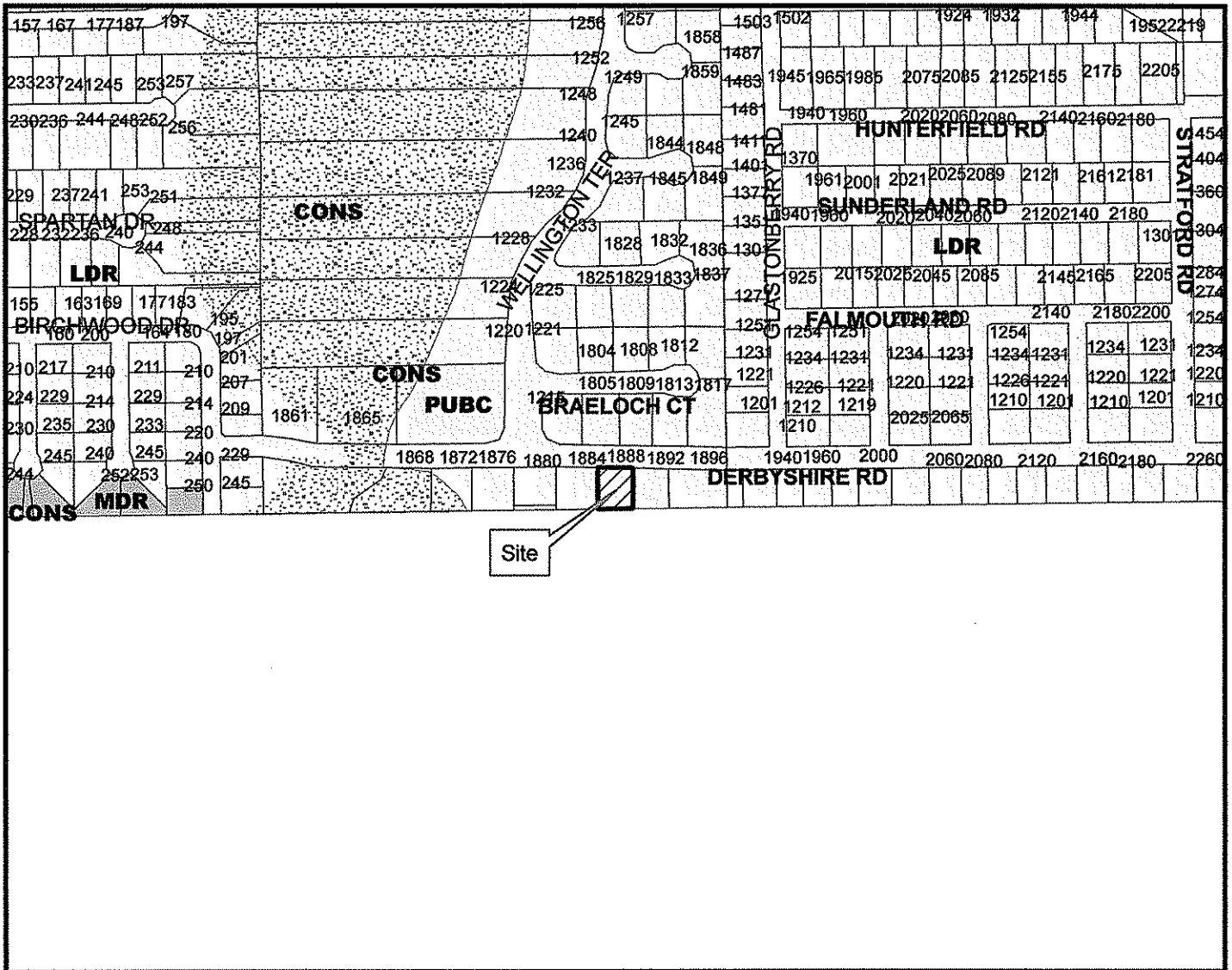
Name WINFIELD G. PEREGOY W G Peregoy  
Print Signature

Date July 12 2006 July 12, 2006

Lot # 35 Street Address: 1281 Wellington Terrace  
Maitland FL







Additional comments if any:


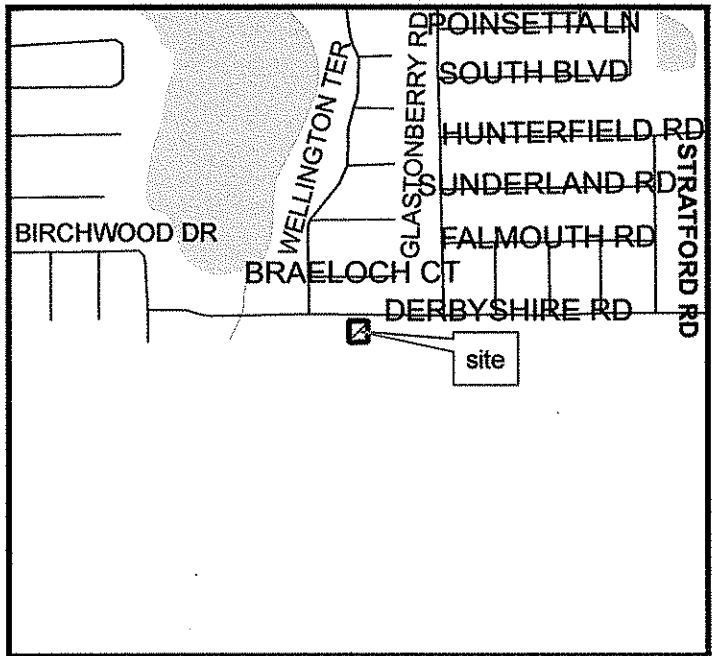
William Cluff  
 1888 Derbyshire Rd  
 Maitland, FL 32751



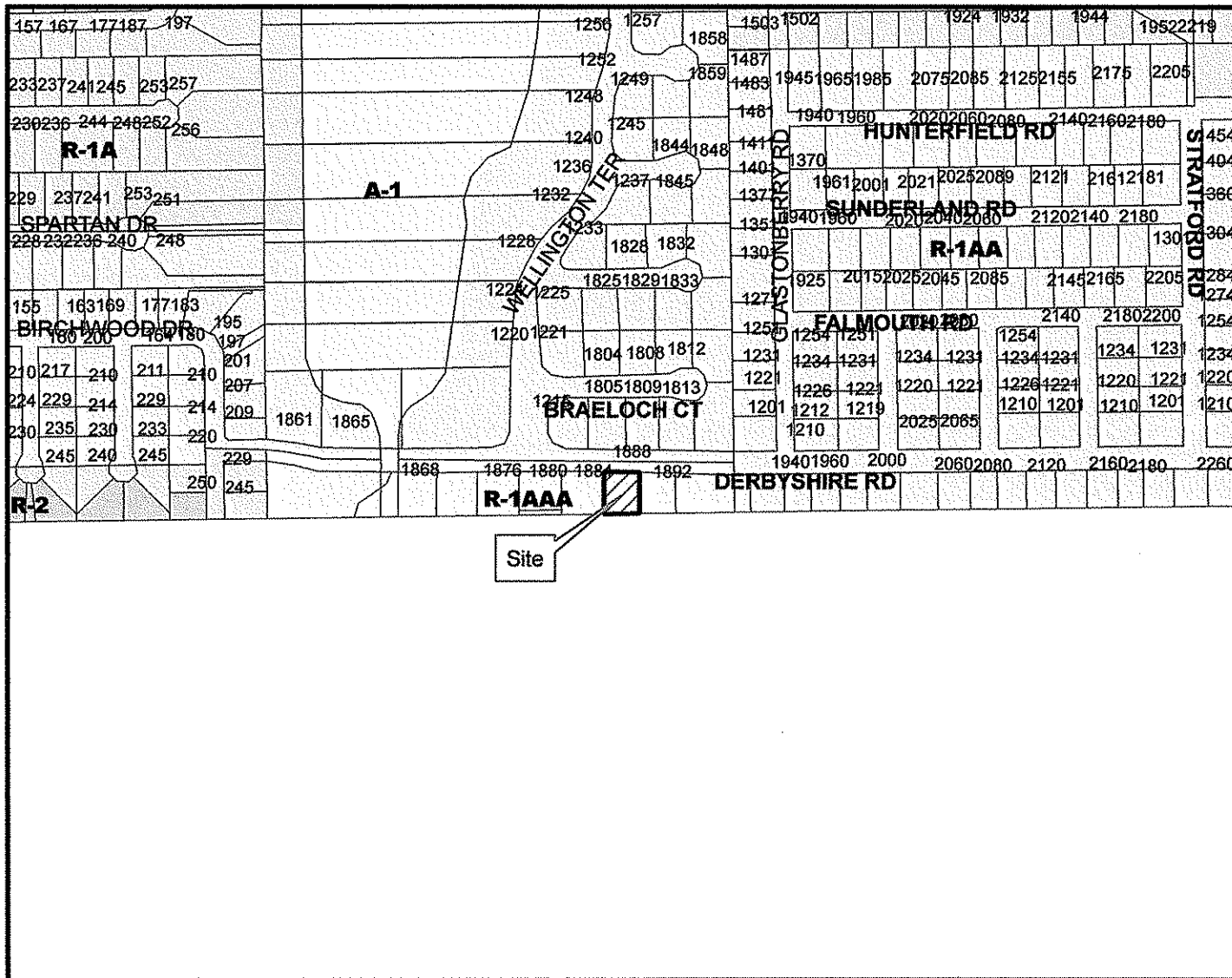
**Seminole County Board of Adjustment**  
 May 22, 2006  
 Case: BV2006-054  
 Parcel No: 19-21-30-525-0000-0780

**Future Land Use**

-  BV2006-054
-  CONS, PUBC
-  CONS, LDR
-  PUBC
-  LDR
-  MDR











**William Cluff  
1888 Derbyshire Rd  
Maitland, FL 32751**

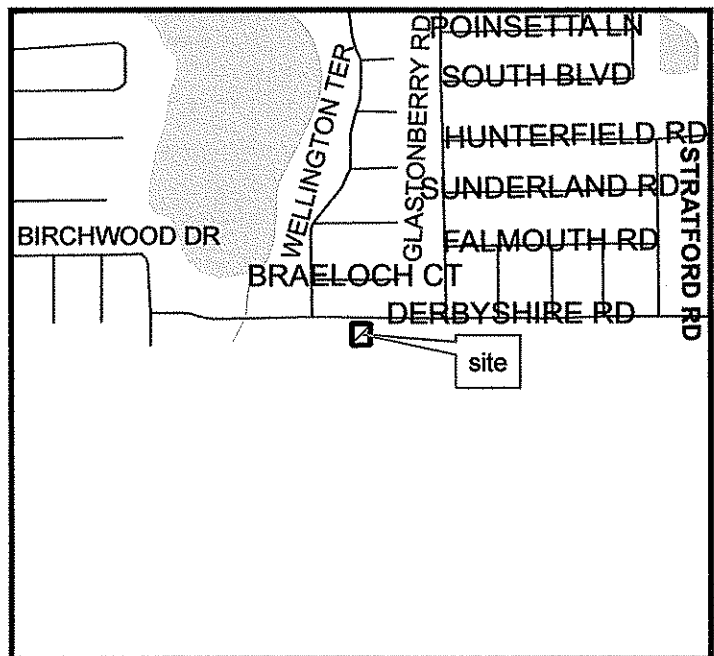


**Seminole County Board of Adjustment**  
**May 22, 2006**  
**Case: BV2006-054**  
**Parcel No: 19-21-30-525-0000-0780**

**Zoning**

-  BV2006-054
-  A-1
-  R-1AAA
-  R-1AA
-  R-1A
-  R-2

N  




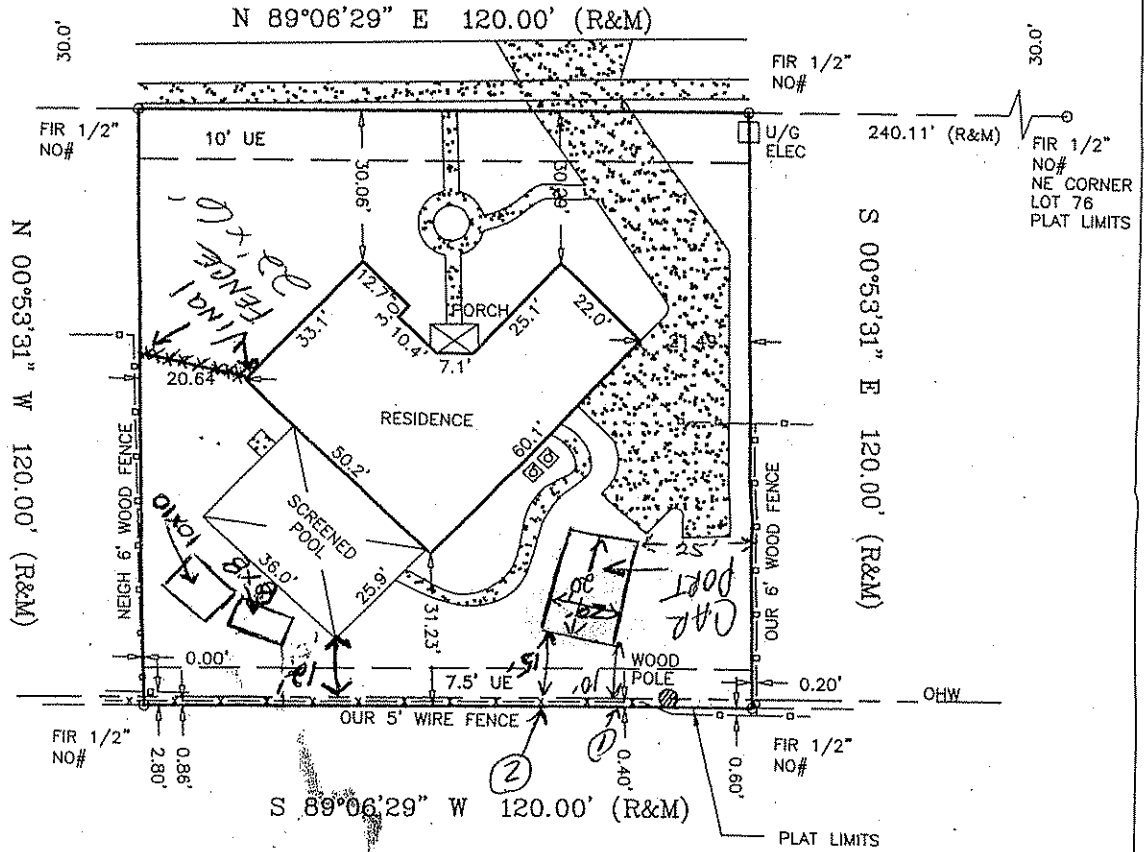
# 2006 Aerial



POOL 12' From Set Back  
 1) CARPORT 10' From Set Back 2) CARPORT is 15' From Set Back  
 CARPORT 20' X 20' X 12'



DERBYSHIRE ROAD  
 60' R/W 27' ASPHALT



(R) RECORD	UE UTILITY EASEMENT	FIP FOUND IRON PIPE	NEIGH NEIGHBORING PROPERTY	X-X-X WIRE FENCE	CONCRETE
(M) MEASURED	EVE DRAINAGE & UTILITY EASEMENT	FIR FOUND IRON ROD	OUR OUR SUBJECT PROPERTY	--- WOOD FENCE	
A/C AIR CONDITIONER	R/W RIGHT-OF-WAY	TH/D FOUND THUNDER/DISK	OHW OVERHEAD WIRES	□ PROPERTY CORNER	
		FCM FOUND CONCRETE MONUMENT			

- NOTES:
- 1) NOT VALID UNLESS COPIES CONFORM TO SIGNATURE AND DATE CERTIFICATION.
  - 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.
  - 3) PROPERTIES SHOWN HEREIN WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.
  - 4) BEARINGS WHERE SHOWN ARE PER RECORD UNLESS OTHERWISE NOTED.
  - 5) UNDERGROUND UTILITIES, FOUNDATIONS, AND/OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
  - 6) ELEVATIONS, IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.
  - 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED.
  - 8) MEASUREMENTS TO WIRE FENCES ARE TO CENTER OF WIRE.
  - 9) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD.
  - 10) WALL MEASURES ARE TO/FROM FACE OF WALL.
  - 11) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE ENLARGED FOR CLARITY.
  - 12) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS.

ADDRESS:  
 1888 DERBYSHIRE ROAD  
 MAITLAND, FLORIDA  
 LEGAL DESCRIPTION:  
 LOT 78, WELLINGTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 7, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CERTIFIED TO:  
 WILLIAM CLUFF, NEAL AND MICHELE WINNIE, INTERVAL TITLE SERVICES, INC., ATTORNEYS TITLE INSURANCE FUND, INC., WASHINGTON MUTUAL BANK, FA

CLOSING SERVICES BY: INTERVAL TITLE SERVICES, INC. 407 629 7228

THIS IS A DIGITALLY SIGNED AND SEALED SKETCH OF A BOUNDARY SURVEY PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED. 5 COPIES ARE AUTHORIZED ON OR ABOUT THE DATE OF SURVEY SHOWN HEREON AND CERTIFIED ONLY TO THOSE PERSONS AND/OR ENTRIES LISTED HEREON. THE BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 11C17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027, FLORIDA STATUTES.

L. BEALE SMITH IV, PS  
 PROFESSIONAL SURVEYOR, FLORIDA REG. NO. 5238

PROFESSIONAL SURVEYOR  
**BEALE SMITH ASSOCIATES**  
 282 SHORT AVENUE, SUITE 124 LONGWOOD, FLORIDA 32780  
 PHONE: 407-331-5577 FAX: 407-331-9188



## NATURE OF THE CARPORT VARIANCE APPEAL:

- A permit was **NOT** requested and obtained from Seminole County **PRIOR** to the construction of the carport the end of 2004.
- **Timeline –**
  - 6/3/05: Seminole County Code Enforcement was contacted for un-permitted construction.
  - 7/6/05: Notice of Violation was cited by Code Enforcement regarding installation without a permit.
  - 7/28/05: First of three certified letters of compliance sent. Four extensions have been granted to the homeowner to comply.
- The **Staff Recommendation** from the Seminole County Government Board of Adjustment, *Agenda Memorandum* of 5/22/06 states: “Based on the stated findings, **staff recommends denial of the request**, unless the applicants can demonstrate a hardship.”
- The consensus of the Wellington homeowners is that the owners of 1888 did not demonstrate the hardship recommended above to be necessary to approve the variance.
- 5/22/06 - The Seminole County Board of Adjustment Approved the Variance, but as will be noted in the minutes it was a split decision, *only approved as they wanted to move the matter forward feeling that either decision would be appealed.*

Several items that were a factor in the approval were misunderstood:

- A request for approval from the Wellington Home Owners’ Architectural Review Board was **NOT** submitted **PRIOR** to the construction of the carport. Wellington HOA was **NOT** a factor in delaying the construction of the structure as it was already in place. On 1/3/05, a notice of violation was sent from the Wellington HOA for violation of the installation of the carport. Followed by a 2<sup>nd</sup> notice on 2/15/05. (See attached).
- The *courtesy notice of public hearing* was only sent to the two neighbors on either side of 1888 Derbyshire Road and **BOTH** neighbors sent objections to the variance. (See attached for Lots 77 & 79) The resident located directly behind 1888 Derbyshire Road, is located in Orange County, and was **NOT** notified of the variance or the meeting on 5/22/06.
- Wellington Terrace is an established neighborhood that has been in existence for more than 25 years with recorded home sales in the last 12 months from \$400,000 to over \$1,000,000. The carport constructed does not coincide with the neighborhood’s traditional character and integrity for many reasons including: set-back, size (20x20, about 400 square feet), and material used (silver metal). The carport construction is clearly a violation of the Wellington HOA bylaws. The structure is typically used in a business or rural setting not in the Wellington subdivision or the surrounding residential neighborhoods.
- If this structure is approved by Seminole County, it will set precedence over the entire community that **HUGE** metal carports (20 x 20) can be constructed.
- **To date 71 residents of Wellington’s 80 homes** have signed the request to deny the variance. (See attached.) The residents of Wellington would like to request that the variance be appealed and the carport removed.











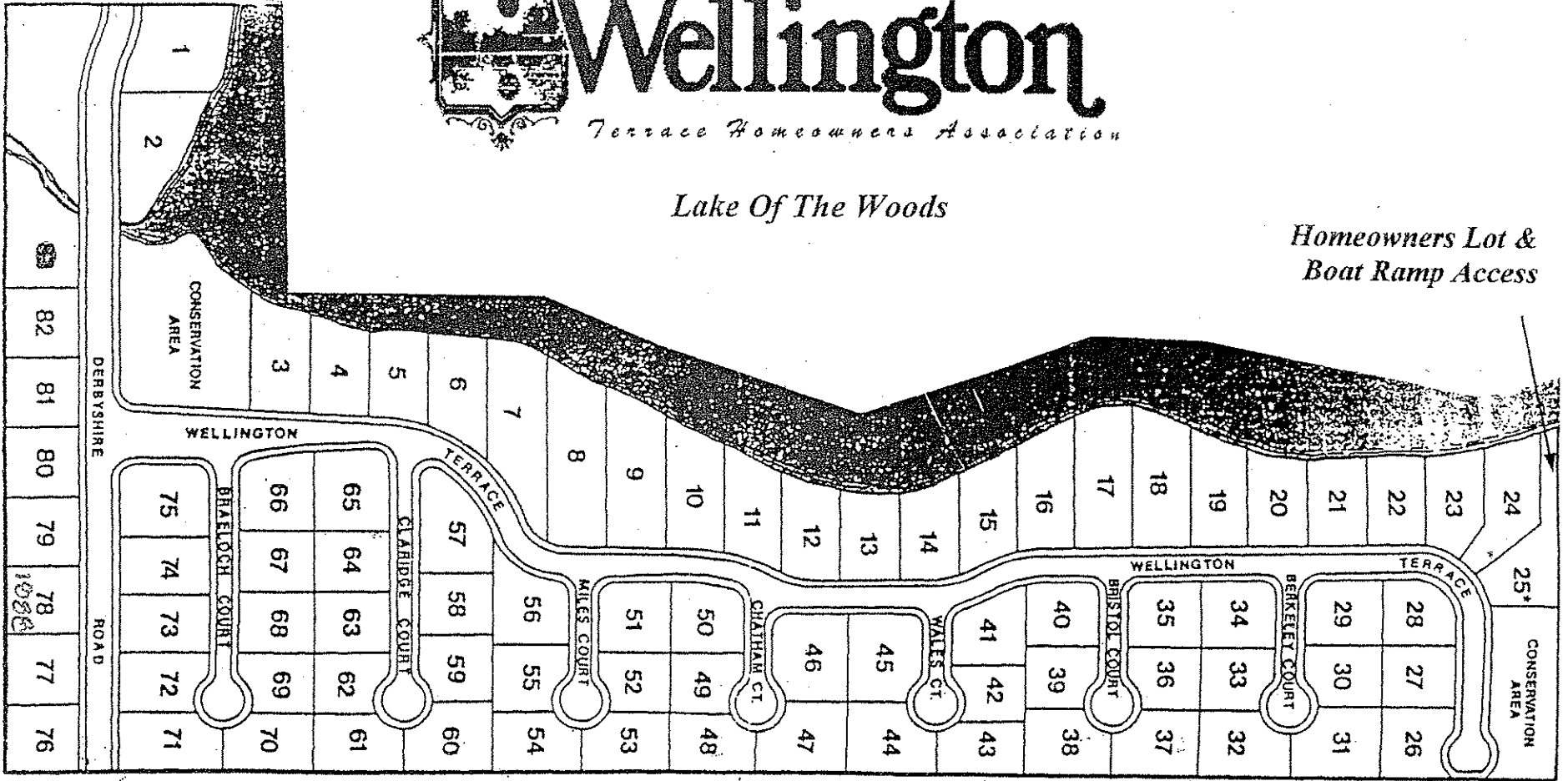






Lake Of The Woods

Homeowners Lot & Boat Ramp Access



Residents who have requested to deny variance for carpet to date.