

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

SUBJECT: Request for a rear yard setback variance from 5 feet to 0 feet for an existing pool screen enclosure in the A-1 (Agriculture District); (Donald Davenport, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

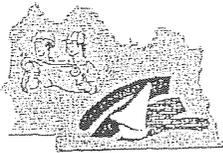
Agenda Date 3/27/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 5 feet to 0 feet for an existing pool screen enclosure in the A-1 (Agriculture District); or
2. **DENY** the request for a rear yard setback variance from 5 feet to 0 feet for an existing pool screen enclosure in the A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Donald Davenport LOCATION: 3800 Wimbledon Drive ZONING: A-1 (Agriculture District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • A previous owner of the subject property constructed a pool screen enclosure in 1985. The applicant proposes to replace that existing screen enclosure. • The applicant has received approval from the Shannon Homeowners Association for the proposed screen enclosure on 2/20/06. • The applicant submitted plans for the screen enclosure to the Building Division on 7/12/05. (App. # 05 00013449) • There is no record of prior variances having been granted for this property. • There are currently no code enforcement or building violations for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• 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">• Any variance granted shall apply only to the existing pool screen enclosure 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.



COPY

02-01-06A10:60

APPL. NO. B12006-027

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 5ft. to 0ft. for AN EXISTING pool screen enclosure
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE 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	<u>Donald Davenport</u>	
ADDRESS	<u>3800 Wimbledon Dr. Lake Mary, FL 32746</u>	
PHONE 1	<u>(407) 804-0079</u>	
PHONE 2	<u>(407) 230-8473</u>	
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 3800 Wimbledon Dr.
 CURRENT USE OF PROPERTY: residence
 LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 02-20-29-504-0000-0080
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 3/27/06 (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] 2-1-06
 SIGNATURE OF OWNER OR AGENT* DATE

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): 150.00 COMMISSION DISTRICT _____ FLU / ZONING A-1 / SE

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

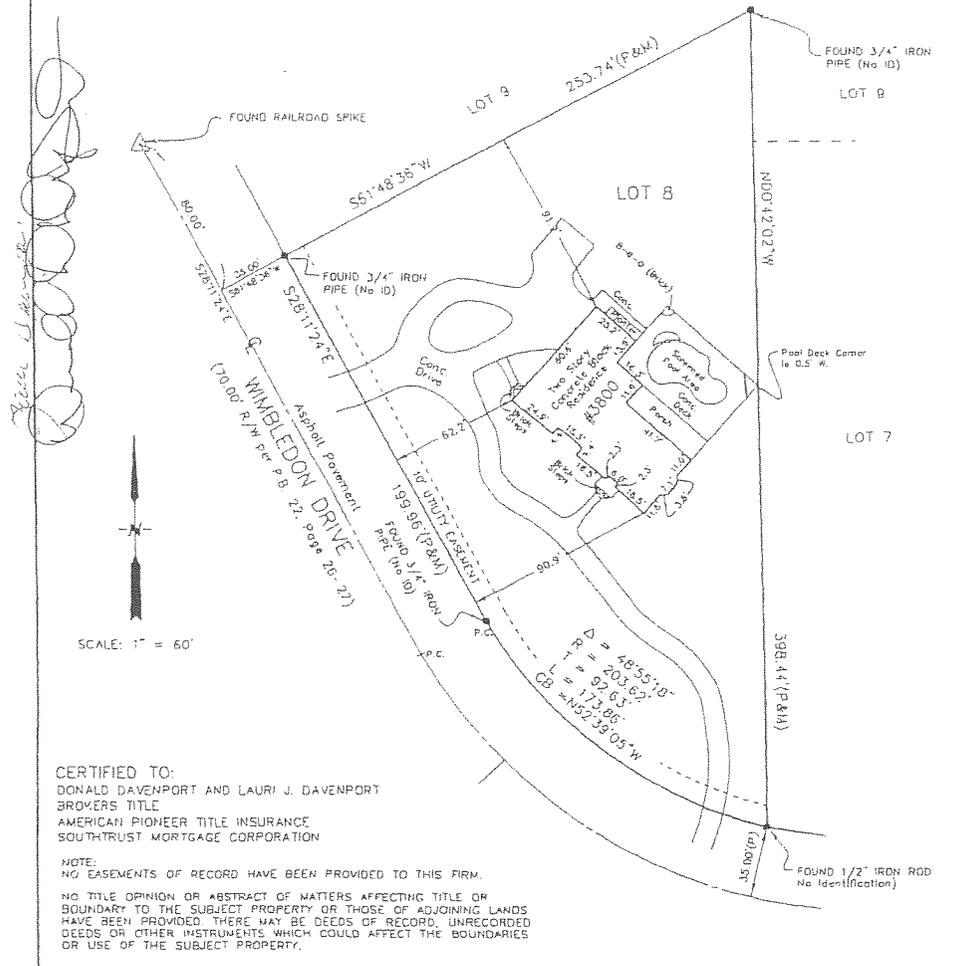
PLANNING ADVISOR K.F DATE 2-7-06

SUFFICIENCY COMMENTS _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 8, SHANNON DOWNS, according to the plat thereof as recorded in Plat Book 22, Pages 26-27 of the Public Records of Seminole County, Florida.



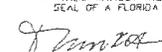
SCALE: 1" = 60'

CERTIFIED TO:
DONALD DAVENPORT AND LAURI J. DAVENPORT
BROWERS TITLE
AMERICAN PIONEER TITLE INSURANCE
SOUTHTRUST MORTGAGE CORPORATION

NOTE:
NO EASEMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY OR THOSE OF ADJOINING LANDS HAVE BEEN PROVIDED THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Seminole County, Florida, Community Panel Number 12177C 0020 E last dated April 17, 1985 it appears from a reading of said map that the land described herein is shown to be within "ZONE X" (area of minimal flooding). Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

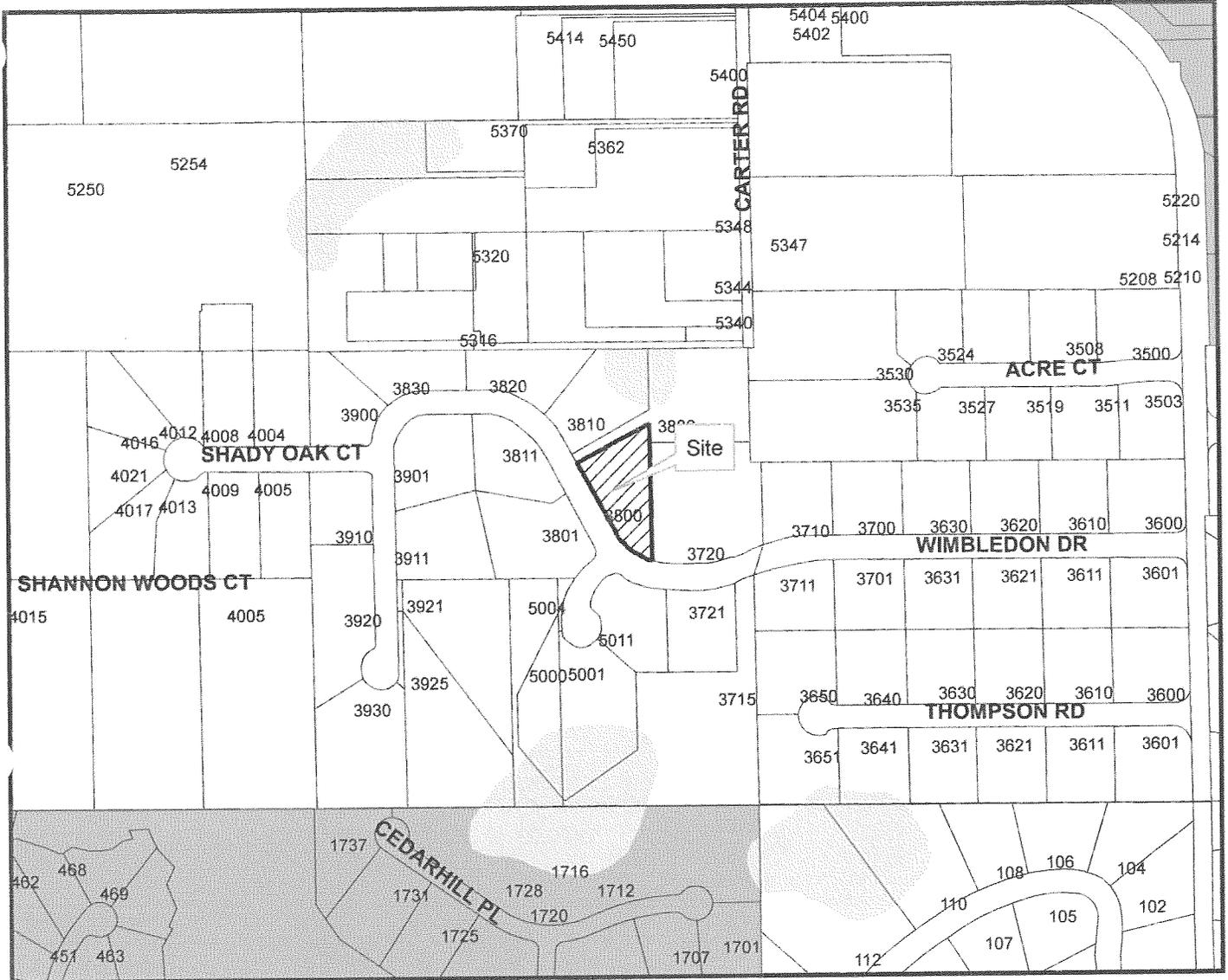
- This Plat represents a Boundary Survey of the description as furnished Harrison Surveying and Mapping, Inc. per clients instruction and makes no claim regarding ownership or rights of possession.
- Bearings shown herein are based on the Wagonway line of Lot 8, SHANNON DOWNS, Plat Book 22, Page 26-27 at N 28°11'24" W (per plat).
- This surveyor has not searched the public records or abstracts the land shown herein for easements, right of way, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The relative distance accuracy for boundary dimensions shown herein is in excess of 1 Foot in 7,500 Feet.
- Underground improvements and utilities have not been located.
- This survey performed by Harrison Surveying and Mapping, Inc. is for the singular use by the clients named herein for the express stated purposes listed herein. This drawing is not legally binding without my signature and original rolled embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or attempts at circumventing prescribed laws or professional fee payments. All data reports notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright thereto. The original of this drawing remains the property of Harrison Surveying and Mapping, Inc..

REVISIONS AND ADDITIONS	
LEGEND:	<ul style="list-style-type: none"> ∠ - Circle (Intersection Angles) RL - Realign ∠ - Arc Length Ch - Chord Bearing Ch - Chord Length P.C. - Point of Curvature P.T. - Point of Tangency P.B. - Point Back Pg.(a) - Flagpole CONC. - Concrete CL.F. - Chain Link Fence A/C - Air Condition R/W - Right-Of-Way (a) - Acurst (P) - Plat ∠ - Centurine ∠ - SET NAIL and ONE STEELWIRE "5/16 S&B" ∠ - SET 1/2" IRON ROD and PLASTIC CAP STEELWIRE "PSM S&B"
DRAWING: 89705BDY.DWG	SURVEY DATE: 06/02/00
INTENDED DISPLAY SCALE: 1" = 60'	DRAWN: T.E.H.
EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES	
IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61C17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.	
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
 THOMAS E. HARRISON, Fl. Reg. #5680 (For the Firm)	

HARRISON SURVEYING AND MAPPING, INC.
 PROFESSIONAL SURVEYORS AND MAPPERS
 Certificate of Authorization #LS 6848
 1104 Saddleback Ridge Road
 Apopka, Florida 32703
 Phone/Fax: (407) 880-0672
 JOB NO. 89705 Sheet 1 of 1

352-735-1263 Sorrento, FL
 99705 32529 Oklawaha Trl
 FROM-SOUTHTRUST MORTGAGE 11:51:00 00-12-00

Lauri & Donald Davenport
 3800 Wimbledon Drive
 Lake Mary, Florida 32746



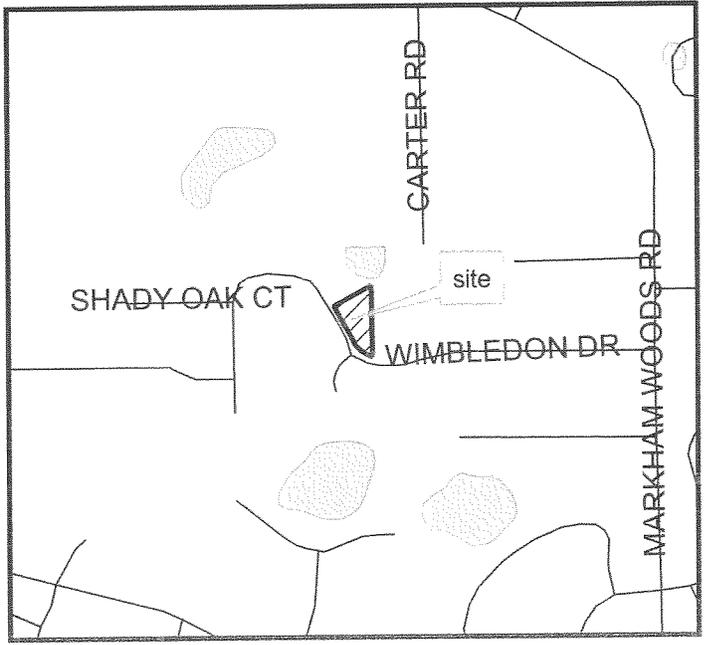
Seminole County Board of Adjustment
 March 27, 2006
 Case: BV2006-027
 Parcel No: 02-20-29-504-0000-0080

Zoning

-  BV2006-027
-  A-1
-  R-1AAA
-  PUD

N


0 100 200 400 600 800 Feet



<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 407-665-7506</p>																																																																					
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 02-20-29-504-0000-0080</p> <p>Owner: DAVENPORT DONALD D & LAURI J</p> <p>Mailing Address: 3800 WIMBLEDON DR</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 3800 WIMBLEDON DR LAKE MARY 32746</p> <p>Subdivision Name: SHANNON DOWNS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$248,887</p> <p>Depreciated EXFT Value: \$13,487</p> <p>Land Value (Market): \$80,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$342,374</p> <p>Assessed Value (SOH): \$308,580</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$283,580</p> <p>Tax Estimator</p>																																																																			
<p style="text-align: center;">SALES</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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2000</td> <td>03867</td> <td>0114</td> <td>\$350,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1997</td> <td>03334</td> <td>1022</td> <td>\$265,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1992</td> <td>02470</td> <td>1054</td> <td>\$295,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>11/1988</td> <td>02022</td> <td>0257</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1983</td> <td>01505</td> <td>1620</td> <td>\$35,900</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2000	03867	0114	\$350,000	Improved	Yes	WARRANTY DEED	09/1997	03334	1022	\$265,000	Improved	Yes	WARRANTY DEED	08/1992	02470	1054	\$295,000	Improved	No	QUIT CLAIM DEED	11/1988	02022	0257	\$100	Improved	No	WARRANTY DEED	11/1983	01505	1620	\$35,900	Vacant	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$5,231</p> <p>2005 Tax Bill Amount: \$4,500</p> <p>Save Our Homes (SOH) Savings: \$731</p> <p>2005 Taxable Value: \$274,592</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																									
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Donald and Lauri Davenport
3800 Wimbledon Drive
Lake Mary, Florida 32746

20 February 2006

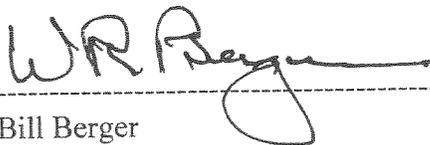
Lot 8
Shannon Downs Subdivision

Reference: Seminole County Board of Adjustment Application Number: BV2006-027

Don and Lauri Davenport have applied to the Seminole County Board of Adjustment for the purpose of requesting a variance for the repair of their existing pool screen enclosure. The existing structure is inside the county designated 10 feet minimum side setback. As such, the Davenport's are requesting this variance to repair/replace the existing structure. The existing structure, installed in 1985, was damaged during last year's hurricane season. The enclosure will be replaced with the same footprint as the existing enclosure.

To this end, the Davenport's have contacted adjacent neighbors and the Shannon Homeowner Association and are requesting their support in the request of this variance.

The signatures that follow signify our support in this request.



Bill Berger
President
Shannon Homeowners Association
P. O. Box 951544
Lake Mary, FL 32795-1544

2/20/2006

Date

Donald and Lauri Davenport
3800 Wimbledon Drive
Lake Mary, Florida 32746

20 February 2006

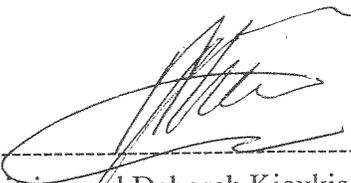
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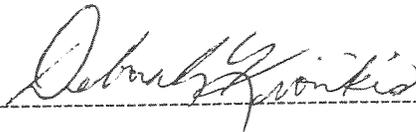
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The signatures that follow signify our support in this request.



Dimitrios and Deborah Kioukis
3810 Wimbledon Drive
Lake Mary, FL 32746



2/26/06
Date

Lot 10, immediate neighbor to the west of the Davenport property.

Donald and Lauri Davenport
3800 Wimbledon Drive
Lake Mary, Florida 32746

20 February 2006

Lot 8
Shannon Downs Subdivision

Reference: Seminole County Board of Adjustment Application Number: ~~BV~~2006-027

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The signatures that follow signify our support in this request.

Robert Littlefair + Patrani Littlefair

02/20/2006

Robert and Patrani Littlefair
3806 Wimbledon Drive
Lake Mary, FL 32746

Date

Lot 9, neighbor to the rear of the Davenport property.

Donald and Lauri Davenport
3800 Wimbledon Drive
Lake Mary, FL 32746

Lot 8 – Shannon Downs Subdivision

Reference Seminole County Board of Adjustment Application Number: BV2006-027

The purpose of this request is to obtain a variance to allow for the restoration of the existing pool screen enclosure. The existing enclosure was damaged during last year's hurricane season. The existing enclosure, installed in 1985, was originally located inside the county designated 10 foot minimum side setback. The footprint has not been altered since its original installation. The replacement enclosure will occupy the same footprint as the original.

Refer to Pat 70. Supplemental District Regulations, Sec. 30.1348 Nonconforming uses. (Separately attached).

The attached endorsements from the Shannon Downs Homeowners Association and neighbors indicate support for this request.

03-03-07 12:11 RCVP

03-03-07

LAND DEVELOPMENT CODE, SEMINOLE COUNTY FL (MUNICODE ONLINE)

considering applications for special exceptions relating to amateur radio towers, perform a reasonable accommodation analysis as may be required by the F.C.C. and state law.

(Ord. No. 98-13, § 17, 3-10-98).

Seminole County

ie. Pool Screen

Sec. 30.1348. Nonconforming uses.

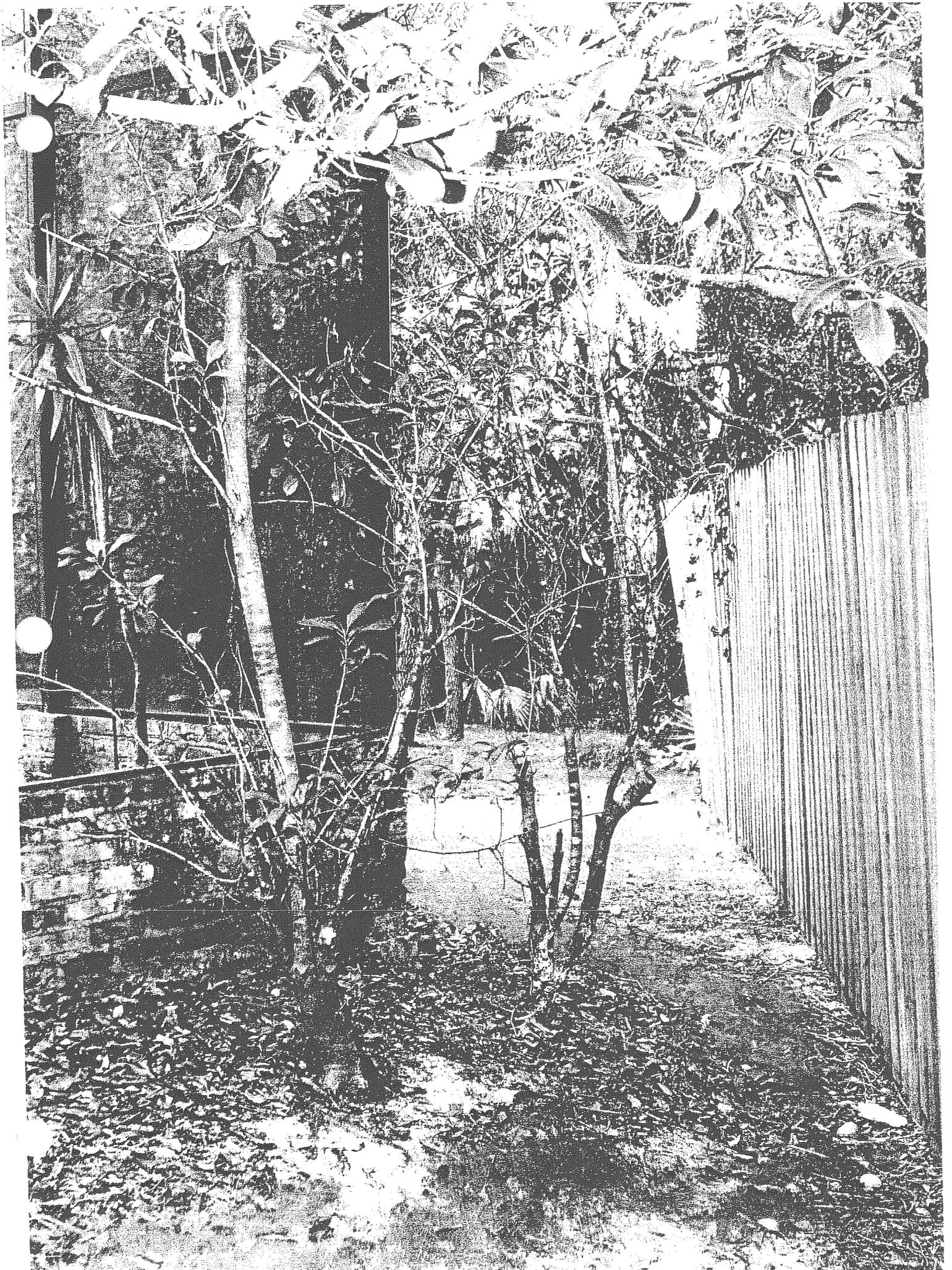
- (a) A nonconforming building may be maintained and repairs and alterations may be made, except that, in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law. Repairs such as plumbing or the changing of partitions or other interior alterations are permitted.
- (b) Buildings or structures or uses of land which are nonconforming shall not be extended or enlarged.
- (c) When a nonconforming use of land has been discontinued for one hundred eighty (180) days or longer, its future use shall revert to the uses permitted in the district in which said land is located.
- *
→ (d) A nonconforming building or structure, which is hereafter damaged or destroyed to the extent of fifty (50) percent or more of its value by flood, fire, explosion, earthquake, war, riot, or act of God, may be reconstructed or restored for the same use in compliance with the regulations of this section.

(§ 5, Ord. No. 81-14, 3-24-81; § 5.1027, LDC, through Supp 16).

Sec. 30.1349. Fence requirements.

- (a) On property assigned a residential zoning classification, a closed fence or wall in excess of three (3) feet in height shall maintain the same district front yard setback requirement as the main or principal dwelling structure except where backing up to a limited access highway or where regulations require such fences. In the case of corner lots, the lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way.
- (b) No closed fence or wall in excess of six (6) feet six (6) inches shall be erected on any property assigned a residential zoning classification without approval of the Board of Adjustment after public hearing. Nor shall such fence or wall be erected closer than five (5) feet to any existing adjacent neighborhood dwelling structure.
- (c) Entrance walls to a subdivision may be erected closer to streets or roads only on approval of the Board of County Commissioners.
- (d) No barbed-wire fence shall be erected in any residential district. Barbed wire may be used on security fences erected in any commercial or industrial district, provided such use is limited to three (3) strands, a minimum of six (6) feet above the ground. Such fences may be permitted in estate areas, on approval of the Board of Adjustment, after public hearing.
- (e) All fences shall be maintained in their original upright condition.
- (f) Fences and walls designed for painting or similar surface finish shall be maintained in their original condition as designed. Any walls or fences which have been defaced shall be promptly restored to their original condition.
- (g) Missing boards, pickets, posts or bricks shall be promptly replaced with material of the same type and quality.

(§ 5.1028, LDC, through Supp 16; Part XVII, § 1, Ord. No. 92-5, 3-30-92; Ord. No. 97-18, § 34, 5-13-97; Ord. No. 02-53, § 52, 12-10-02).



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 27, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 SHANNON DOWNS PB 22 PGS 26 & 27

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

FINDINGS OF FACT

Property Owner: Donald Davenport
3800 Wimbledon Drive
Lake Mary, FL 32746

Project Name: Wimbledon Drive (3800)

Requested Development Approval:

Request for a rear yard setback variance from 5 feet to 0 feet for an existing pool screen enclosure in the A-1 (Agriculture 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: Ian Sikonia, 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 pool screen enclosure 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: _____
Tony Walter
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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: