

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

**SUBJECT:** Request for a rear yard setback variance 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District); (Neal Winnie, Michelle Winnie, and William Cluff, applicants).

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

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

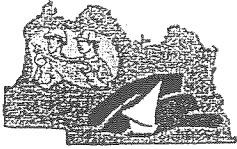
**Agenda Date** 5/22/06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District); or
2. **DENY** the request for a rear yard setback variance 30 feet to 10 feet for a existing carport in the R-1AAA (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p><b>APPLICANT:</b> Neal Winnie, Michelle Winnie, and William Cluff</p> <p><b>LOCATION:</b> 1888 Derbyshire Road</p> <p><b>ZONING:</b> R-1AAA (Single-Family Dwelling District)</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed a carport that encroaches 20 feet into the minimum 30 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested.</li> <li>• The applicant was cited on June 3, 2005 by Seminole County Code Enforcement for unpermitted construction on the property.</li> <li>• The applicant has submitted plans to the Building Division on October 10, 2005 for the existing carport.</li> <li>• There is no record of prior variances having been granted for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<ul style="list-style-type: none"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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 carport 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>



**COPY**

RECEIVED MAR 22 2006

RECEIVED MAR 22 2006  
 APPL. NO. BU-2006-054

**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:** *Rearyard setback variance from*

- VARIANCE** Carport extending approx. six (6) feet beyond 30ft. to 10ft. rear set back requirement. (See attached drawing) *for a 20'x20' detached carport*
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION** *3-22-06 am \*after the fact*
- EXISTING (YEAR \_\_\_\_\_) / PROPOSED (YEAR \_\_\_\_\_)**
- REPLACEMENT (YEAR \_\_\_\_\_) / SIZE OF MOBILE HOME \_\_\_\_\_**
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_**
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_**
- MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
<b>NAME</b>	Neal Winnie, Michele Winnie, William Cluff	
<b>ADDRESS</b>	1888 Derbyshire Road	
	Maitland, FL 32751	
<b>PHONE 1</b>	(407) 260-0190	
<b>PHONE 2</b>	(407) 754-5000	
<b>E-MAIL</b>	nwinnie@mtg-man.com	

**PROJECT NAME:** Backyard Carport

**SITE ADDRESS:** 1888 Derbyshire Road, Maitland, FL 32751

**CURRENT USE OF PROPERTY:** Residence

**LEGAL DESCRIPTION:** See attached survey.

**SIZE OF PROPERTY:** 1/3 acre(s) **PARCEL I.D.** 19-21-30-525-0000-0780

**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 5/22/06 (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

*Neal Winnie Michele Winnie William Cluff* 05/22/06  
 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): 150.00

COMMISSION DISTRICT

FLU / ZONING

R-1A1A / LOR

BCC HEARING DATE (FOR APPEAL)

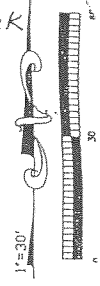
LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

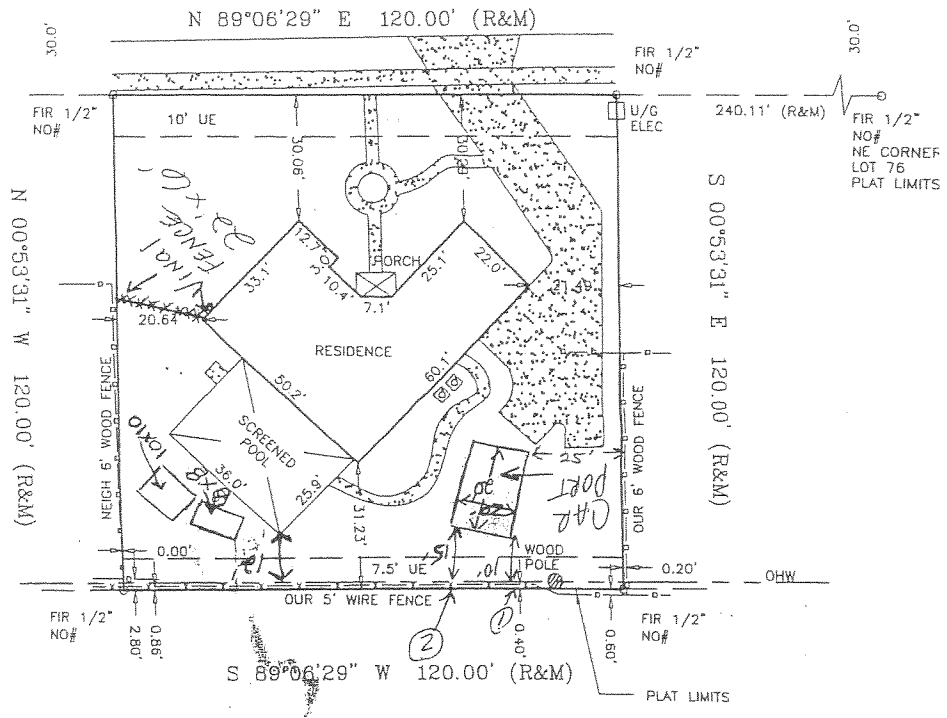
DATE

SUFFICIENCY COMMENTS

POOL 10' From Set Back  
 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	FW FOUND IRON PIPE	MEGH NEIGHBORING PROPERTY	X—X WIRE FENCE	CONCRETE
(M) MEASURED	DAE DRAINAGE & UTILITY EASEMENT	FR FOUND IRON ROD	OUR SUBJECT PROPERTY	—O—O WOOD FENCE	
N/C AS FOUND/NOTED	R/W RIGHT-OF-WAY	FCW FOUND CONCRETE MONUMENT	DEB/DLG DEBRIED WIRE	PROPERTY CORNER	

NOTES:  
 1) NOT VALID UNLESS COPIES CONFORM TO SIGNATURE AND DATE CERTIFICATION  
 2) LEGAL DESCRIPTION PROVIDED BY OTHERS  
 3) PROPERTIES SHOWN HEREON 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 GEODESIC VERTICAL DATUM 1929.  
 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED  
 8) MEASUREMENTS TO WOOD FENCES ARE TO CENTERS 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 BE ENLARGED FOR CLARITY.  
 12) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS.

ADDRESS:  
 1888 DERBYSHIRE ROAD  
 MATLAND, FLORIDA

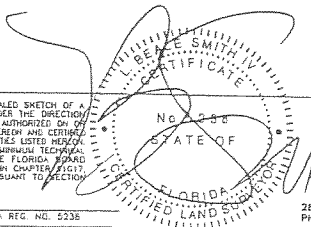
LEGAL DESCRIPTION:  
 LOT 76, WELLINGTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 7, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CLOSING SERVICES BY:  
 INTERVAL TITLE SERVICES, INC.  
 407 629 7226

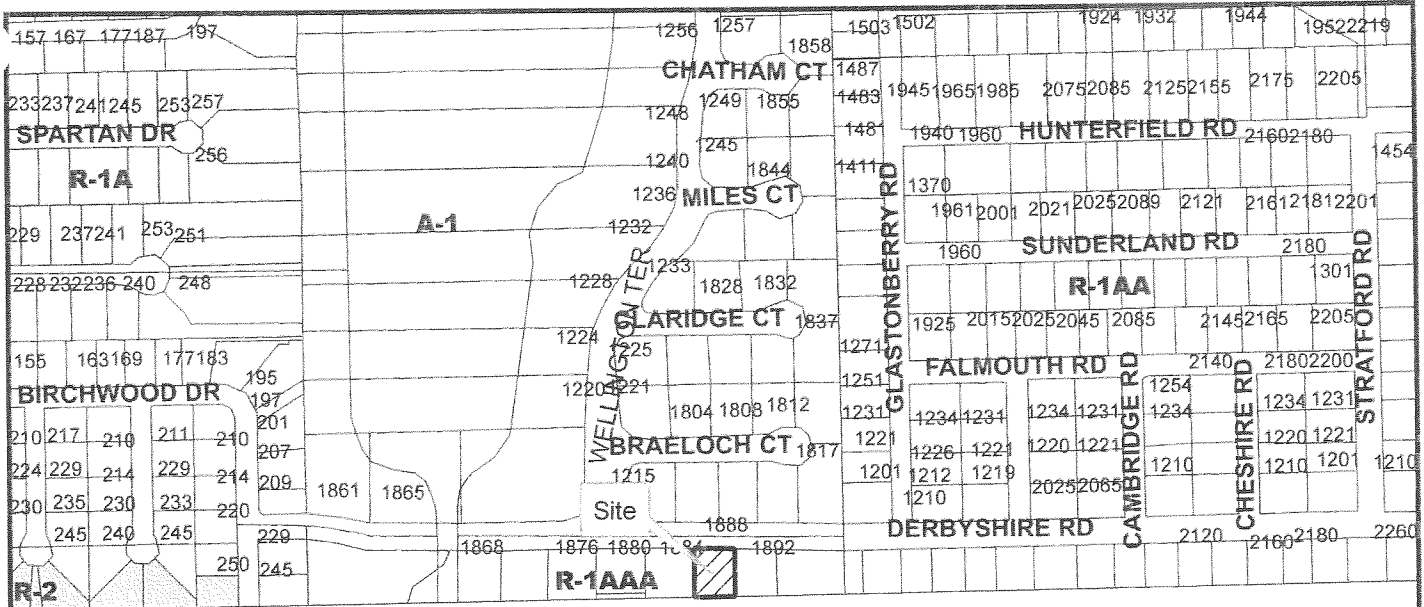
FLOOD INFORMATION:  
 FLOOD ZONE COMMUNITY NO. 120228  
 PANEL NO. 0140  
 SUFFIX E  
 DATE OF FIRM 4/17/95  
 DATE OF SURVEY 6/11/04  
 SURVEY NO. 26658

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

PROFESSIONAL SURVEYOR  
**BEALE SMITH ASSOCIATES**  
 282 SHORT AVENUE, SUITE 124 LONGWOOD, FLORIDA 32750  
 PHONE: 407-331-5577 FAX: 407-331-8188









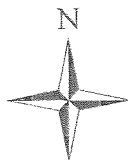
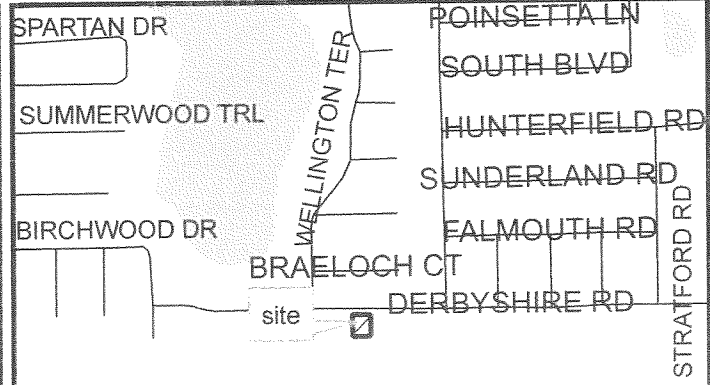
William Cluff  
 1888 Derbyshire Rd  
 Maitland, FL 32751



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

**Zoning**

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



087.575 350 525 700 Feet

<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 407-665-7508</p>	<p>DERBYSHIRE RD</p>																																																										
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 19-21-30-525-0000-0780                  Owner: CLUFF WILLIAM &amp;                  Own/Addr: WINNIE NEAL &amp; MICHELE                  Mailing Address: 1888 DERBYSHIRE RD                  City,State,ZipCode: MAITLAND FL 32751                  Property Address: 1888 DERBYSHIRE RD MAITLAND 32751                  Subdivision Name: WELLINGTON                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$380,889                  Depreciated EXFT Value: \$13,161                  Land Value (Market): \$48,000                  Land Value Ag: \$0                  Just/Market Value: \$442,050                  Assessed Value (SOH): \$442,050                  Exempt Value: \$0                  Taxable Value: \$442,050                  Tax Estimator</p>																																																									
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/2004</td> <td>05602</td> <td>1928</td> <td>\$365,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1995</td> <td>03009</td> <td>0825</td> <td>\$47,500</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1983</td> <td>01510</td> <td>1250</td> <td>\$23,900</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1981</td> <td>01374</td> <td>1042</td> <td>\$23,900</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	07/2004	05602	1928	\$365,000	Improved	Yes	WARRANTY DEED	12/1995	03009	0825	\$47,500	Vacant	Yes	WARRANTY DEED	12/1983	01510	1250	\$23,900	Vacant	Yes	WARRANTY DEED	12/1981	01374	1042	\$23,900	Vacant	Yes	<p style="text-align: center;"><b>2005 VALUE SUMMARY</b></p> <p>2005 Tax Bill Amount: \$6,513                  2005 Taxable Value: \$397,444                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																						
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<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i></p> <p><i>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</i></p>																																																											



# 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 *Tom Helle*  
Sanford, FL 32771  
PHONE: (407) 665-7338 OR (407) 665-7423

**DATE:** 7-6-05 **INSPECTOR:** JASON RUCKER 407-665-7472

**CASE NO:** 05-418



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 78 WELLINGTON PB 25 PG 7 TO 9

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

### FINDINGS OF FACT

**Property Owner:** Neal Winnie, Michelle Winnie, and William Cluff  
1888 Derbyshire Rd.  
Maitland, FL 32751

**Project Name:** Derbyshire Road (1888)

**Requested Development Approval:**

Request for a rear yard setback variance 30 feet to 10 feet for an existing carport in the R-1AAA (Single-Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: 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 existing carport 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: