

Item # 2006-195

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Request for a front yard setback from 50 feet to 37 feet for a proposed garage addition in the A-1 (Agriculture District), (Westbrook Davenport).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

**Agenda Date** 12/4/06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a front yard setback from 50 feet to 37 feet for a proposed garage addition in the A-1 (Agriculture District), (Westbrook Davenport); or
2. **DENY** the request for a front yard setback from 50 feet to 37 feet for a proposed garage addition in the A-1 (Agriculture District), (Westbrook Davenport); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Westbrook Davenport Location: 135 Snow Valley Way Zoning: A-1 Subdivision: Chula Vista
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is proposing to construct a three car garage that will encroach 13 feet into the front yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances 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</li> </ul>

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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 variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant has the ability, on his 1.24 acre property to construct a garage without encroaching on any of the required setbacks.</i></li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</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 attached garage 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>

100 plus \$50.00 for each additional variance

Application # BV2006-195  
Meeting Date DEC. 04, 06



**VARIANCE APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: WESTBROOK L DAVENPORT  
Address: 135 SLOW VALLEY WAY City: CHULUOTA Zip code: 32766  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 407 765-6666 cell 407 977-7295 Home  
Email address: ODKANA @ AOL.COM

Is the property available for inspection without an appointment?  Yes  No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>ADDITIONAL LIVING SPACE, SIDE ENTRY GARAGE WITH BOAT AREA ABOVE</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50 FT</u>	Proposed setback:	<u>37</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: [Signature]

10-13-06P02:33

**OFFICE USE ONLY**

Date Submitted: 10/13

Reviewed By: JS

Tax parcel number: \_\_\_\_\_ Zoning/FLU A-1/SE

- Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- Platted Lot (check easements as shown on lots, in notes or in dedication)
- Lot size \_\_\_\_\_  Meets minimum size and width
- Application and checklist complete

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Proposed Addition and Request for Variance for  
135 Snow Valley Way, Chuluota 32766  
Westbrook L. Davenport – Property Owner**

Scope of work: Addition of living space and three car side entry garage to accommodate expanding family. (Elderly parents moving in due to age related health concerns) Addition includes conversion of existing garage into new kitchen space and elevation change at entrance.

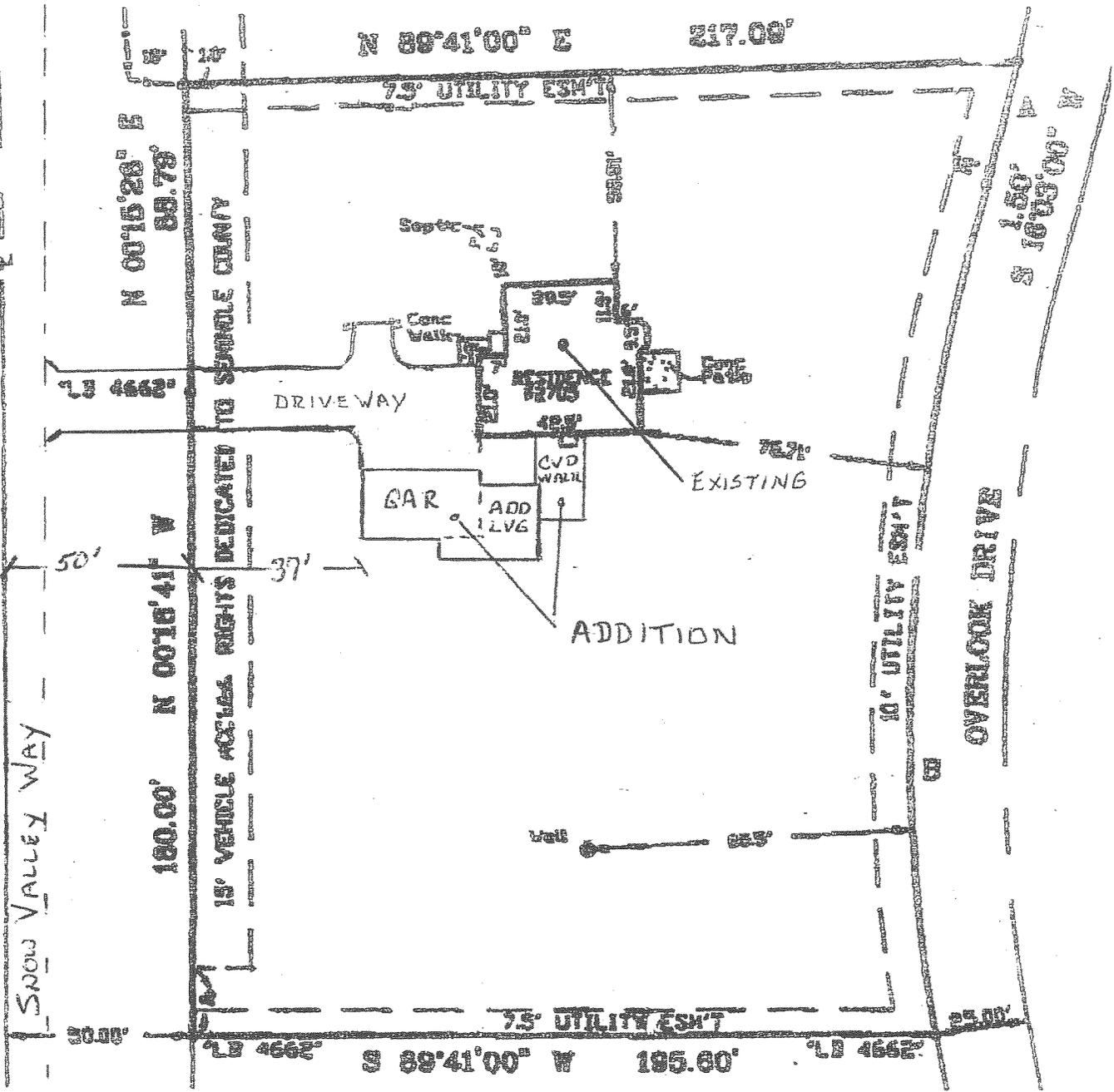
1. Parcel size is 1.24 acres
2. Parcel borders Snow Valley Way on the West @ 180.00 feet
3. Parcel borders Overlook DR. on the East @ 180.00 feet
4. Parcel is 195.60 feet on South boundary
5. Parcel is 217.09 feet on North boundary
6. Residence uses well and septic (1200 gal)

Points to note:

- Proposed new garage space is the only part of the project requiring a variance. Garage structure west facing outside wall will be 87 feet from the centerline of Snow Valley Way. ( 13 foot infringement)
- Property line on the west (variance side) is 50 feet from the centerline of Snow Valley Way with an additional set back of 50 feet.
- Many large oak trees surround the residence and an effort was made to preserve them with the proposed addition.
-

DEAD END →

(S.R. 13)

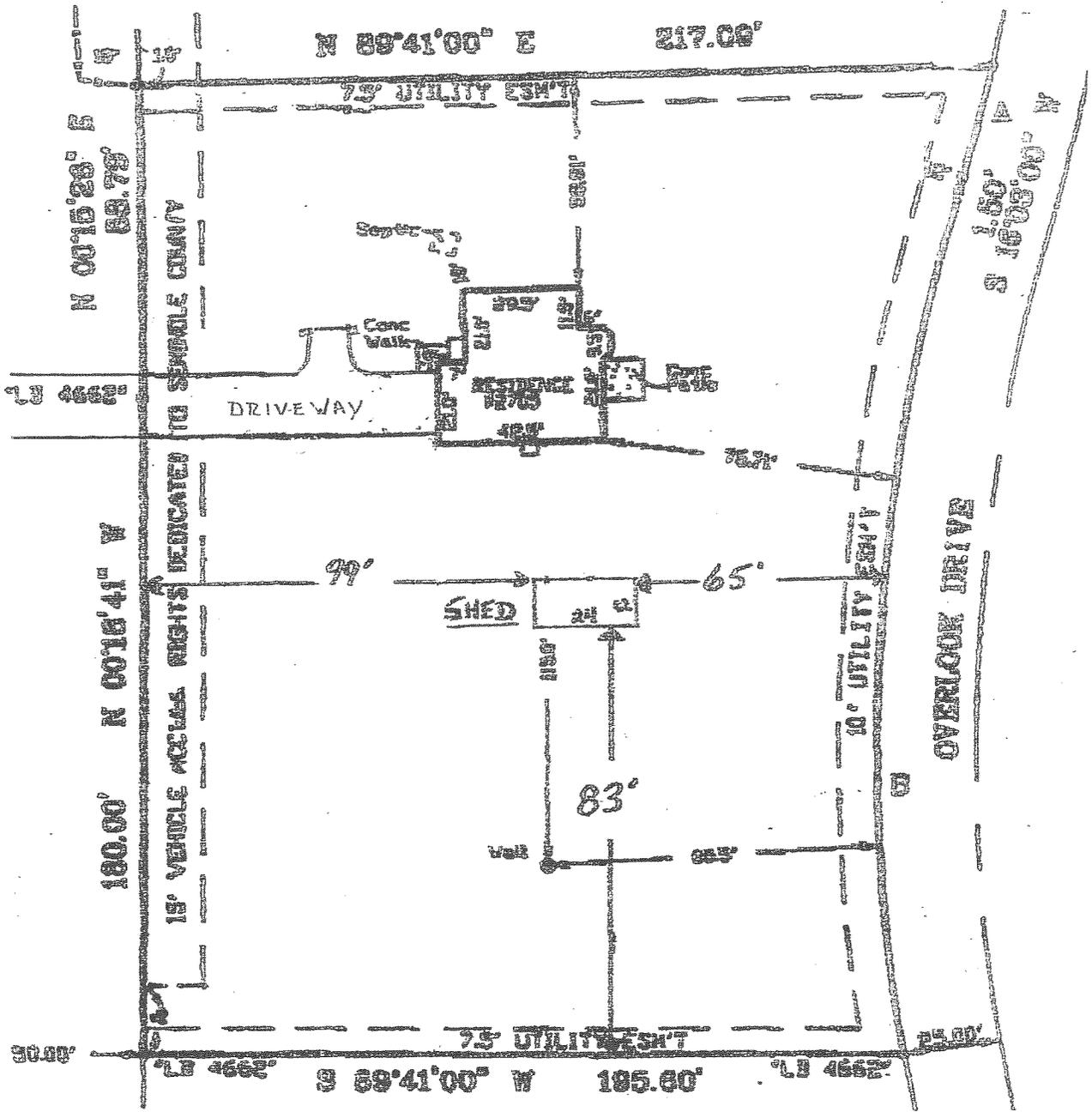


# PROPOSED PLAN

1" = 50'

(S.R. 19)

SNOW VALLEY Way



EXISTING PLAN

1" = 50'

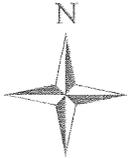
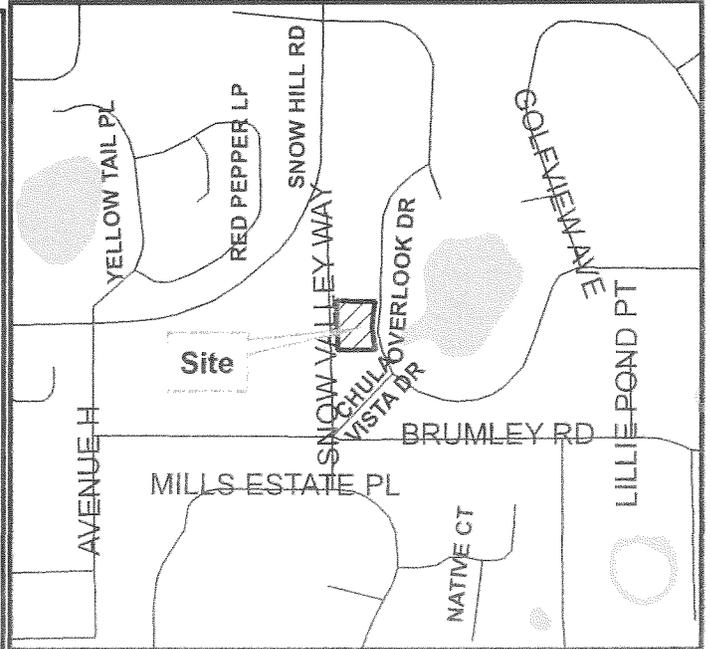
Diana & Westbrook Davenport  
 135 Snow Valley Way  
 Chuluota, FL 32766



**Seminole County Board of Adjustment**  
 December 4, 2006  
 Case: BV2006-195 (Map 3215, Grid B2)  
 Parcel No: 22-21-32-501-0000-0050

**Zoning**

-  BV2006-195
-  A-1
-  A-3
-  R-1A
-  PUD

Personal Property

DAVID JOHNSON, CPA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506

<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 22-21-32-501-0000-0050                  Owner: DAVENPORT WESTBROOK L &amp; DIANA                  Mailing Address: 135 SNOW VALLEY WAY                  City,State,ZipCode: CHULUOTA FL 32766                  Property Address: 135 SNOW VALLEY WAY CHULUOTA 32766                  Subdivision Name: CHULA VISTA 1ST ADD                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;"><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$148,068                  Depreciated EXFT Value: \$1,045                  Land Value (Market): \$97,960                  Land Value Ag: \$0                  Just/Market Value: \$247,073                  Assessed Value (SOH): \$132,996                  Exempt Value: \$25,000                  Taxable Value: \$107,996                  Tax Estimator</p>
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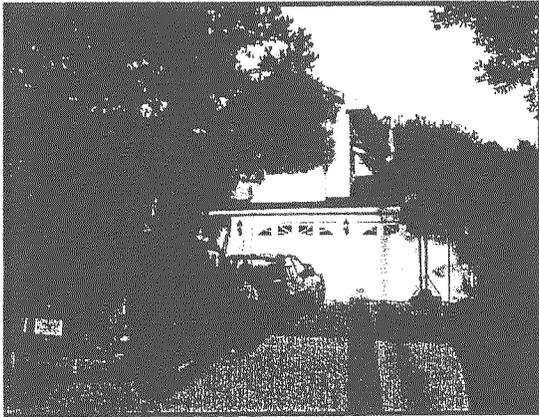
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>12/1998</td> <td>03560</td> <td>0479</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1995</td> <td>03011</td> <td>1412</td> <td>\$110,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1990</td> <td>02147</td> <td>1566</td> <td>\$125,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1988</td> <td>01946</td> <td>0225</td> <td>\$17,500</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	12/1998	03560	0479	\$100	Vacant	No	WARRANTY DEED	12/1995	03011	1412	\$110,000	Improved	Yes	WARRANTY DEED	01/1990	02147	1566	\$125,000	Improved	Yes	WARRANTY DEED	04/1988	01946	0225	\$17,500	Vacant	Yes	<p style="text-align: center;"><b>2006 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$3,592                  2006 Tax Bill Amount: \$1,678                  Save Our Homes (SOH) Savings: \$1,914                  2006 Taxable Value: \$104,122                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																														
WARRANTY DEED	12/1998	03560	0479	\$100	Vacant	No																														
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<p style="text-align: center;"><b>LAND</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>1.240</td> <td>79,000.00</td> <td>\$97,960</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	1.240	79,000.00	\$97,960	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 5 (LESS RD) CHULA VISTA 1ST ADD PB 30 PG 99</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
ACREAGE	0	0	1.240	79,000.00	\$97,960								

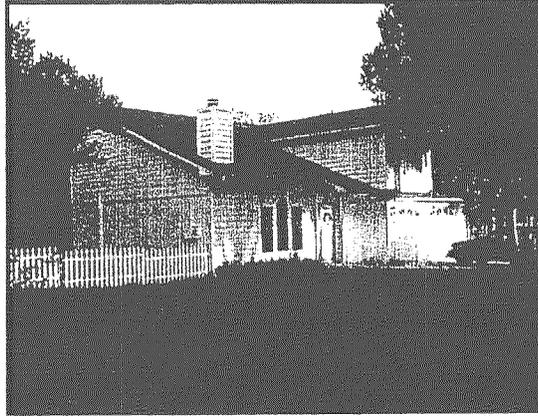
BUILDING INFORMATION									
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1989	9	1,118	2,403	1,925	CONC BLOCK	\$148,068	\$158,362
			Appendage / Sqft	OPEN PORCH FINISHED / 16					
			Appendage / Sqft	GARAGE FINISHED / 462					
			Appendage / Sqft	UPPER STORY FINISHED / 807					
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished									
Permits									

EXTRA FEATURE				
Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1989	1	\$825	\$1,500
WOOD DECK	1989	110	\$220	\$550

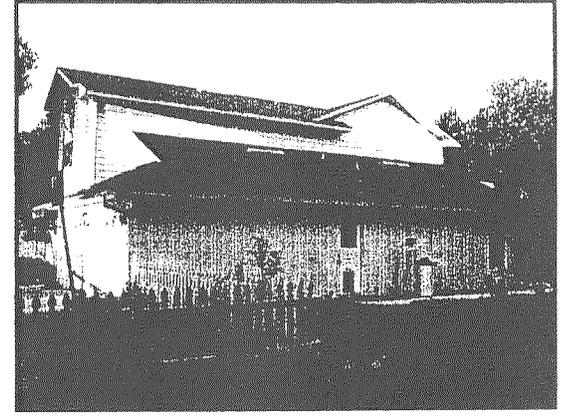
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad



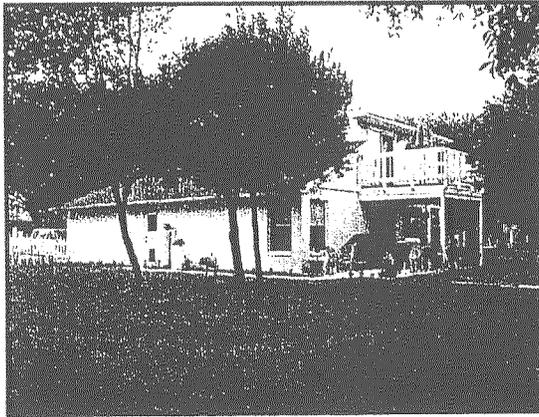
**West exposure**



**Northwest exposure**



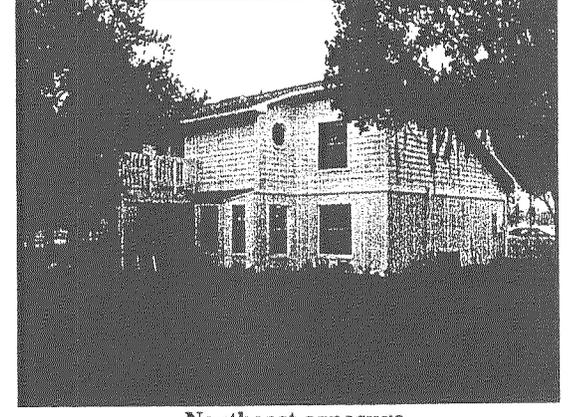
**South exposure**



**Southeast exposure**



**East exposure**



**Northeast exposure**

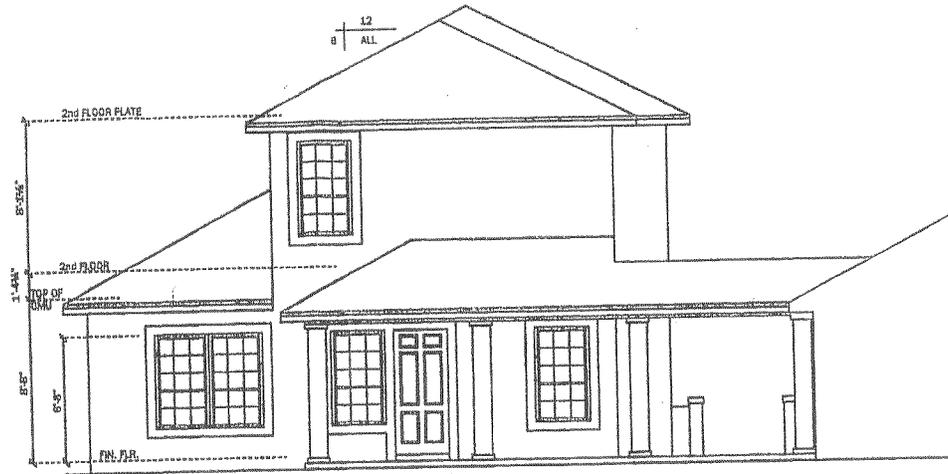


**Northwest exposure**

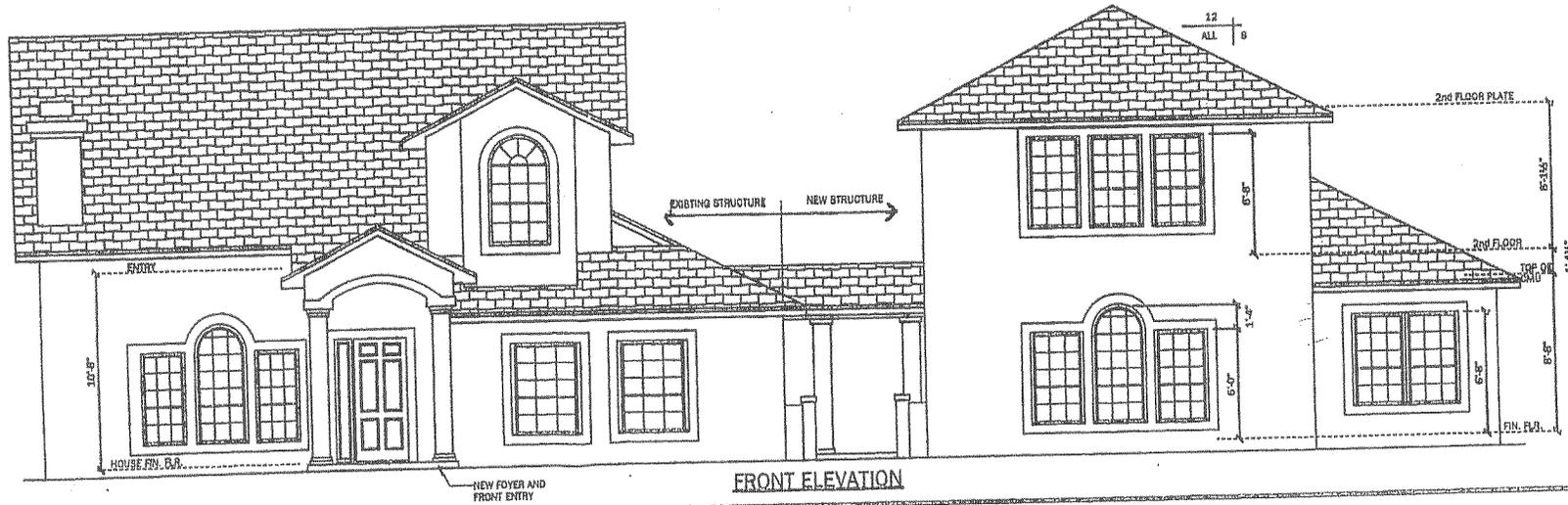
RIGHT ELEVATION

NEW ENTRY  
SIDE VIEW

LEFT ELEVATION



REAR ELEVATION



FRONT ELEVATION

TO THE BEST OF THE ENGINEER'S KNOWLEDGE AND UNDERSTANDING, THE STRUCTURAL SPECIFICATIONS WITH THE 2004 FLDI CODE SIGNED AND SEALED FOR THE PORTION OF THIS DRAWING

MICHAEL D. CAVAN  
F.L. LICENSE #AR0C

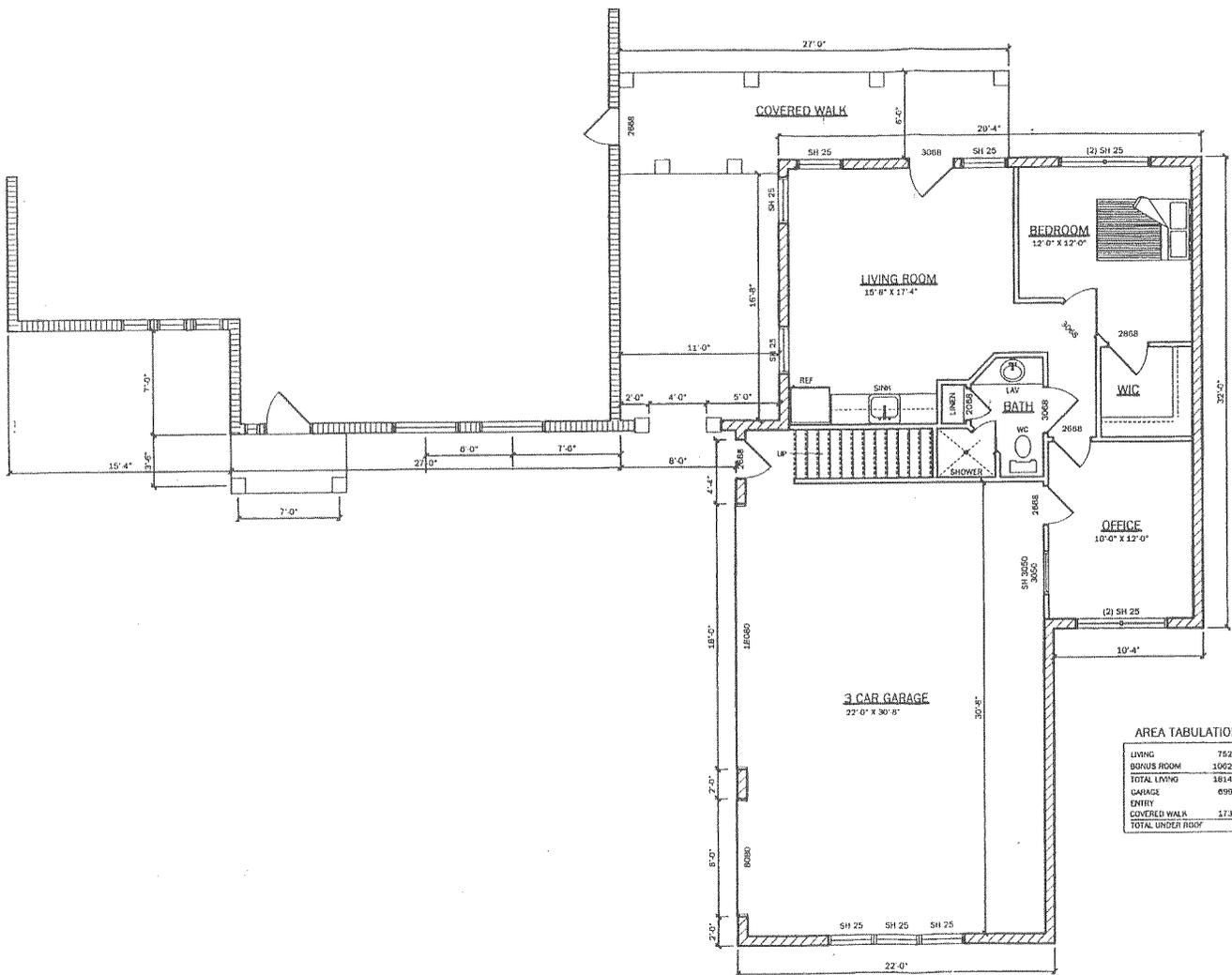
DATE January 09

A NEW CUSTOM HOME FOR  
**THE DAVENPORTS**

SHEET NO.

4

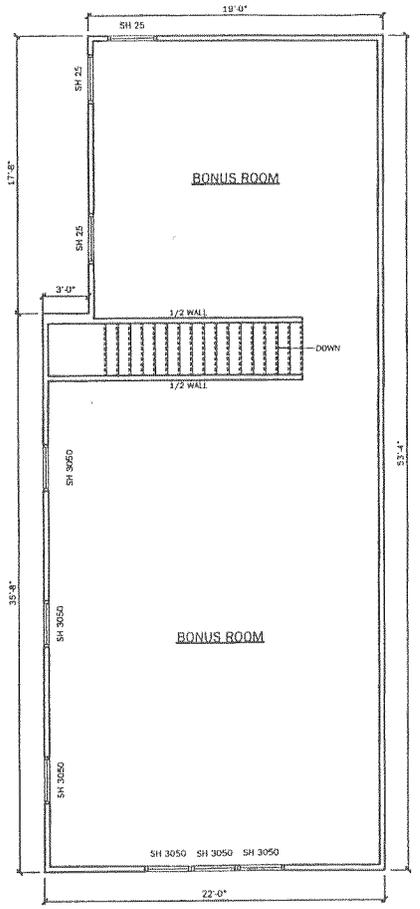
LAST PLOT DATE  
January 09, 2009



FIRST FLOOR PLAN

AREA TABULATION

LIVING	752 S.F.
BONUS ROOM	1002 S.F.
TOTAL LIVING	1814 S.F.
GARAGE	690 S.F.
ENTRY	
COVERED WALK	173 S.F.
TOTAL UNDER ROOF	



SECOND FLOOR PLAN

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 5 (less Road) Chula Vista 1<sup>st</sup> add. PB 30 PG 99

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

### FINDINGS OF FACT

**Property Owner:** Westbrook Davenport  
135 Snow Valley Road  
Chuluota, Fl. 32766

**Project Name:** 135 Snow Valley Road

**Requested Development Approval:**

Request for a front yard setback variance from 50 feet to 37 feet for a proposed garage addition in A-1 (Agriculture District); (BV2006-195).

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

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

Prepared by: Kathy Fall, Principal 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 proposed garage 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: \_\_\_\_\_  
April Boswell, AICP  
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: