

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 20 feet to 15 feet for a proposed screen enclosure addition in the PUD (Planned Unit Development District); (Wendy Tumlin, applicant).

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 from 20 feet to 15 feet for a proposed screen enclosure addition in the PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 20 feet to 15 feet for a proposed screen enclosure addition in the PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Wendy Tumlin LOCATION: 7757 Fox Knoll Place ZONING: PUD (Planned Unit Development District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a screen enclosure addition that would encroach 5 feet into the minimum 20 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested. • The applicant submitted plans for the screen enclosure addition to the Building Division on March 16, 2006. • The Board of Adjustment has granted similar variances on nearby and adjacent properties in the Bridgewater subdivision. (BV2003-102, BA95-3-28V, BA92-7-70V) • There are currently no code enforcement or building violations for this property. • There is no record of prior variances having been granted for this property.

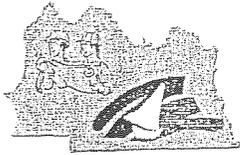
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to 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 proposed screen enclosure addition 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.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 35 TWP: 21 RNG: 30
 PROJ. #

DEVELOPMENT:		Bridgewater (Fernbrook Trail)			DEVELOPER:		Catalina Homes				
LOCATION:		E side of Howell Branch Road, between Dodd Road and Bear Gully Road 57 lots									
FILE#:		BA:		SP:		BCC:		2/24/87			
P&Z:		PG		Lot		Bik		Parcel			
PB	39	PG	8, 9	Lot		Bik		Parcel	DBA		
									Comm Dist		
DEVEL. ORDER #:					TAX PAR. I.D. #:						
SIDEWALKS: Interior and exterior sidewalks are required					SETBACK REQUIREMENTS						
					FY:	20'	SIDE ST.:	15'	SY:	*2'/8'	RY:
ROAD TYPE: (CURB & GUTTER OR SWALE)					MAIN STRUCTURE OTHER: *Minimum of 10' between buildings. Max. Building Height: 2-story or 35'. Min. house size: 950 sq. ft.						
COMMENTS OTHER: *Intersection Improvements: Howell Branch Road, left and right turn lanes. 1) Must resolve location of lift station. 2) Provisions for joining access along the northern entrance road must be resolved with adjacent property owners. The developer is responsible for the completion and maintenance of the PUD in accordance with the development agreement and master plan.					ACCESSORY STRUCTURE SETBACKS:						
					SY:	5'	RY:	5'			
					ACCESSORY STRUCTURE OTHER: Decking or concrete patio may be located a minimum of 2' adjacent the side and rear property line.						

IMPACT FEES	
SCREEN:	Interim
TRAFFIC ZONE:	109
LAND USE:	3
1. ROAD-CO. WIDE	V-490.00
2. ROAD-COLL.	V-152.00
3. LIBRARY	V-25.00
4. FIRE	V-10.00
5. PARK	C-25.00
6. SCHOOL	C-200.00
7. LAW	C-50.00
8. DRAINAGE	
TOTAL	\$952.00
REMARKS: Curb & gutter	



RECEIVED MAR 29 2006

COPY

APPL. NO. BV 2006-059

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 set back from 20' to 15' for screened enclosure.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- MEDICAL HARDSHIP
- NIGHT WATCHMAN
- FAMILY HARDSHIP
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- TIME NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Wendy Tumlin</u>	
ADDRESS	<u>7757 Fox Knoll Place</u>	
	<u>Winter Park, FL 32792</u>	
PHONE 1	<u>407.657.2923</u>	
PHONE 2	<u>407.766.2923</u>	
E-MAIL	<u>WendyTUMLIN@S@hotmail.com</u>	

PROJECT NAME: _____
 SITE ADDRESS: 7757 Fox Knoll Place, Winter Park, FL 32792
 CURRENT USE OF PROPERTY: Residential
 LEGAL DESCRIPTION: Lot 9 Bridgewater, according to the Plat thereof, as recorded in Plat Book 39, Pages 8-9, of the Public Records of Seminole County, Florida
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-21-30-529-0000-0090
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO Call as need to unlock gate

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.
[Signature]
 SIGNATURE OF OWNER OR AGENT* DATE 03/29/06

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

RUD/PD

BCC HEARING DATE

(FOR APPEAL)

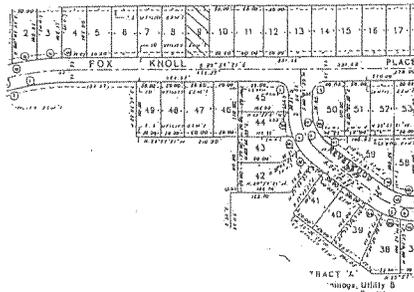
LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

AS-BUILT SURVEY



Legal Description

Lot 9, BRIDGEWATER, according to the Plat thereof, as recorded in Plat Book 39, Pages 8-9, of the Public Records of Seminole County, Florida.

Community Number: 120289 Panel: 0210
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Field Work: 7/9/2001 Completed: 7/11/2001

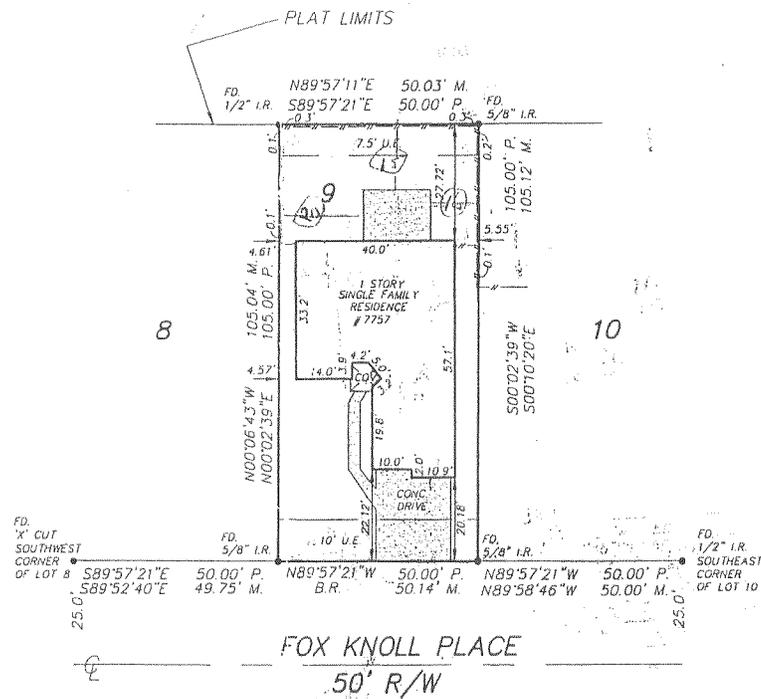
Certified To:
 Wendy Tunin; First Southwestern Title Company of Florida; Commonwealth Land Title Insurance Company; Town and Country Mortgage, its successors; and/or assigns.

Property Address:
 7757 Fox Knoll Place
 Winter Park, Florida 32792

Survey Number: O-81474

Notes:

Accepted By: _____



1"=30'

LEGEND	
WOOD FENCE	△ CENTRAL ANGLE DELTA
WIRE FENCE	D.B. DEED BOOK
F.N. NAAL	D. DESCRIPTION ON DEED
● PROPERTY CORNER	D.H. DRILL HOLE
R RECORD	D.W. DRIVEWAY
M FIELD MEASURED	EASEMENT
C CALCULATED	ELEVATION
CE CLEAR	F.F. FINISHED FLOOR
ENCR ENCROACHMENT	F.C.M. FOUND CONCRETE MONUMENT
E CENTERLINE	F.P.K. FOUND PARKER-KALON NAAL
CONCRETE	L LENGTH
PROPERTY LINE	L.A.E. LIMITED ACCESS EASEMENT
C.M. CONCRETE MONUMENT	M.H. MANHOLE
F.I.R. FOUND IRON ROD	N.T.S. NOT TO SCALE
F.I.P. FOUND IRON PIPE	O.R. OFFICIAL RECORDS
R.W. RIGHT OF WAY	O.R.B. OFFICIAL RECORDS BOOK
N&D NAL & DISC	P.C.P. PERMANENT CONTROL POINT
D.E. DRAINAGE EASEMENT	P.R.M. PERMANENT REFERENCE MONUMENT
U.E. UTILITY EASEMENT	P.O. PAGE
FD FOUND	P.V.M. PAVEMENT
P PLAT	P.B. PLAT BOOK
ASPHALT	P.O.B. POINT OF BEGINNING
OVERHEAD UTILITIES	P.O.C. POINT OF COMMENCEMENT
POWER POLE	P.O.L. POINT ON LINE
TRANSFORMER	P.C. POINT OF CURVATURE
CABLE RISER	P.R.C. POINT OF REVERSE CURVE
W.M. WATER METER	P.T. POINT OF TANGENCY
TELEPHONE FACILITIES	R. RADIUS (RADIAL)
COVERED AREA	R.O.E. ROOF OVERHANG EASEMENT
B.E. BEARING REFERENCE	S.I.R. SET IRON ROD & CAP
CH CHOISE	SW SUBWALL
RAD RADIAL	T.B.M. TEMPORARY BENCHMARK
N.R. NON RADIAL	T.O.B. TOP OF BANK
A.C. AIR CONDITIONER	TYP. TYPICAL
B.M. BENCH MARK	W.C. WITNESS CORNER
C.B. CATCH BASIN	X.E. EXISTING ELEVATION
C CALCULATED	E.O.W. EDGE OF WATER

- GENERAL NOTES:**
- LEGAL DESCRIPTION PROVIDED BY OTHERS
 - THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
 - UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
 - WALL TIES ARE TO THE FACE OF THE WALL.
 - NOT VALID UNLESS SEALED WITH THE EMBOSSED SURVEYOR'S SEAL.
 - ONLY VISIBLE ENCROACHMENTS LOCATED.
 - NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
 - DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
 - FENCE OWNERSHIP NOT DETERMINED.
 - ELEVATIONS IF SHOWN ARE BASED UPON M.G.D.V. UNLESS OTHERWISE NOTED.
 - BEARINGS REFERENCED TO LINE NOTED AS B.R.
- HEREBY CERTIFY THAT THIS AS-BUILT SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

SIGNED _____ STATE OF FLORIDA
 CAROL BIRCHARD SMITH LAND SURVEYOR & MAPPER NO. 3164

SIGNED _____ STATE OF FLORIDA
 OGALYS C. BELLO-IZAGA LAND SURVEYOR & MAPPER NO. 8169

SIGNED _____ STATE OF FLORIDA
 NOE AGUILAR LAND SURVEYOR & MAPPER NO. 3571

THIS SURVEY IS INTENDED FOR MORTGAGE OR REFERENCE PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF FIRST FINANCIAL SURVEYORS, INC.

First Financial Surveyors, Inc.

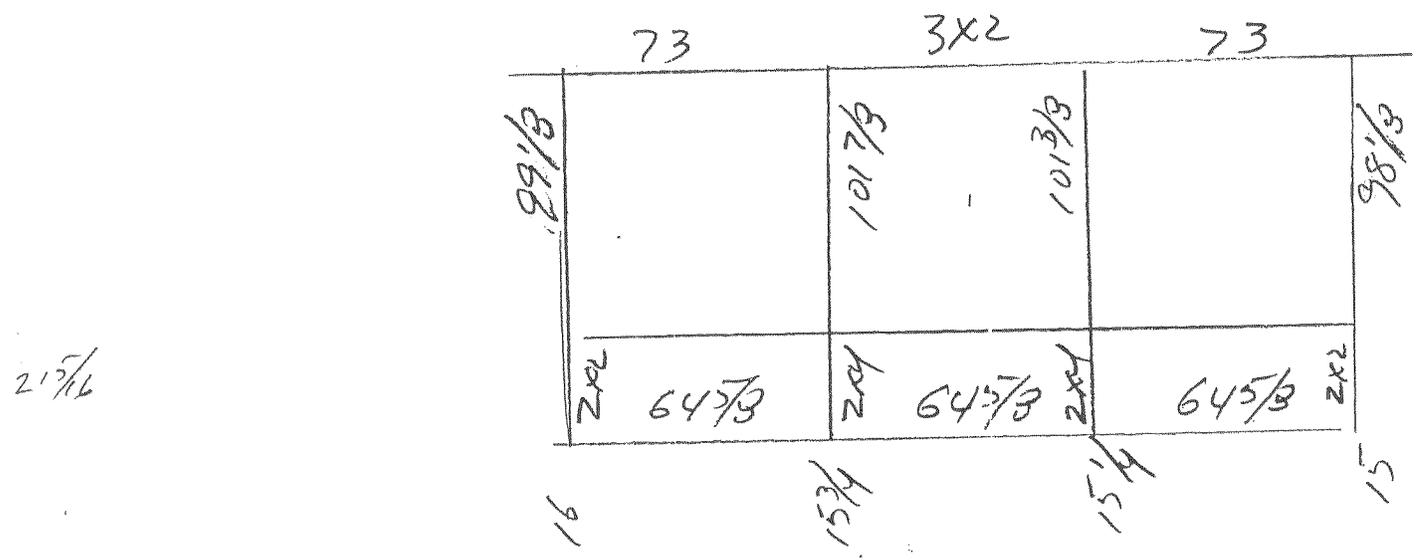
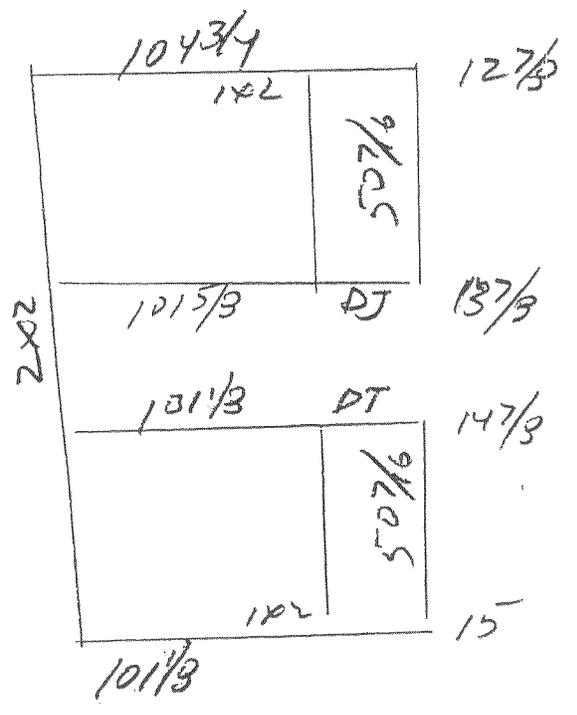
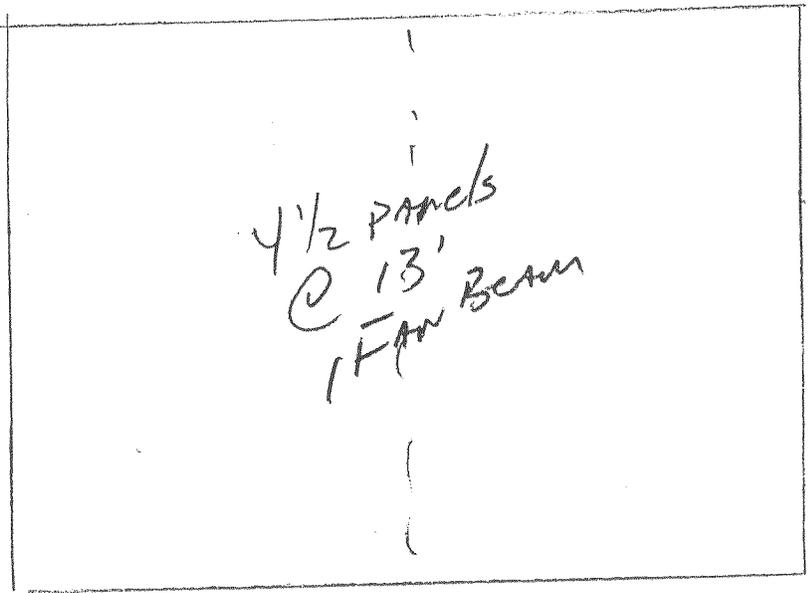
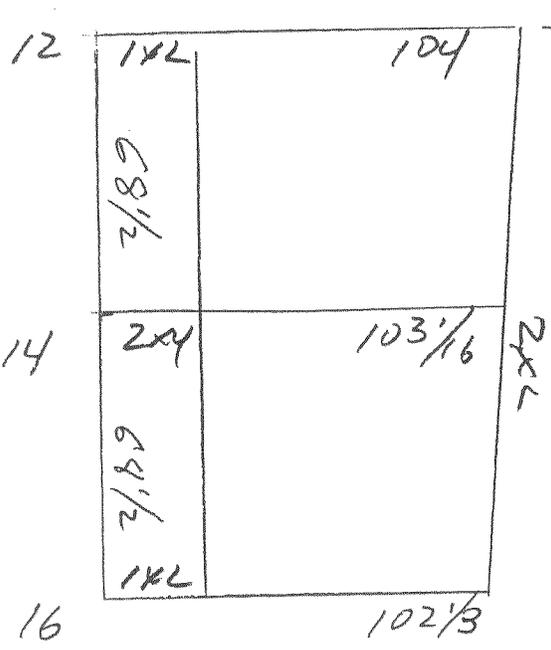
365 Aulin Avenue
 Orlando, Florida 32716
 (407) 327-7010 Fax (407) 977-1020

8300 SW 82nd Street, Suite B-204
 Miami, Florida 33156
 (305) 571-3655 Fax (305) 271-8499

828 Anchor Road Drive Suite 409
 Naples, Florida 34103
 (241) 263-5702 Fax (241) 263-8761

AND AFFILIATED COMPANIES
 L.B. 6387

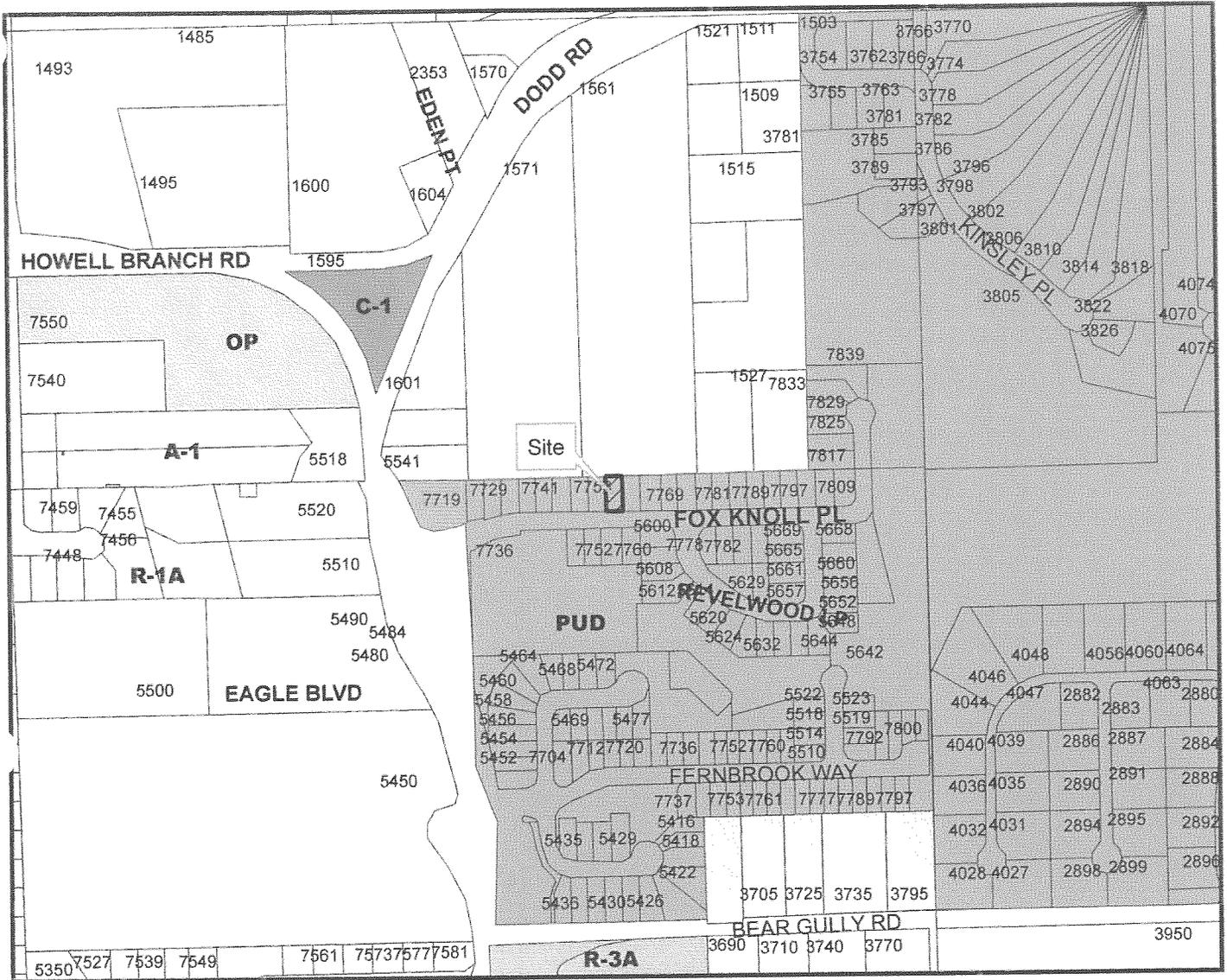
Nationwide: 1-800-767-8266 Fax: 1-800-767-8269



Tumlin
 7757 Fox Knoll
 Winter Park

White

Wendy Tumlin
 7757 Fox Knoll Pl
 Winter Park, FL 32792

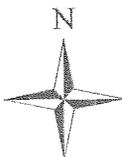
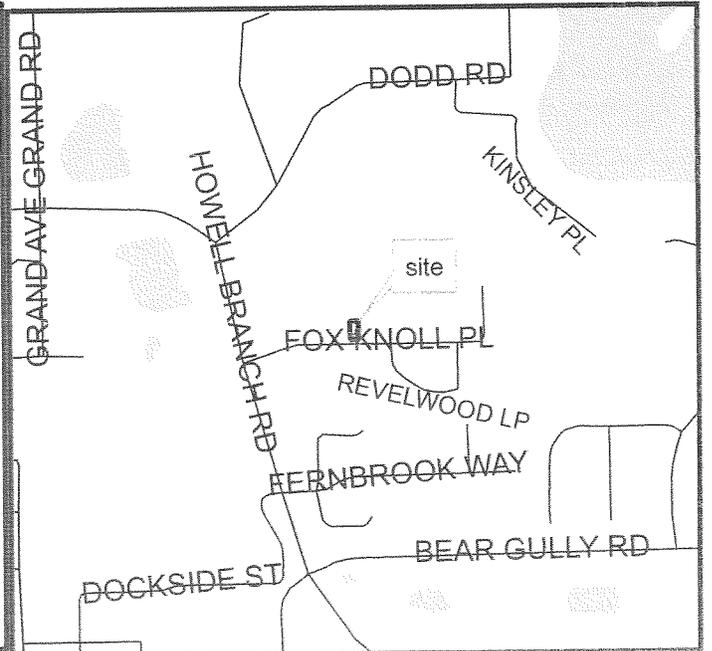


Seminole County Board of Adjustment
 May 22, 2006
 Case: BV2006-059
 Parcel No: 35-21-30-525-0000-0090

Zoning

	BV2006-059		OP
	A-1		C-1
	R-1A		PUD
	R-3A		PCD

0 95 190 380 570 760 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 407-665-7508</p>	<p>2C</p> <p>FOX KNOLL PL</p>																													
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 35-21-30-525-0000-0090</p> <p>Owner: TUMLIN WENDY H</p> <p>Mailing Address: 7757 FOX KNOLL PL</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 7757 FOX KNOLL PL WINTER PARK 32792</p> <p>Subdivision Name: BRIDGEWATER</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: \$109,189</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$25,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$134,189</p> <p>Assessed Value (SOH): \$93,614</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$68,614</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>CORRECTIVE DEED</td> <td>12/2002</td> <td>04613</td> <td>0811</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/2001</td> <td>04153</td> <td>1747</td> <td>\$109,800</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1988</td> <td>02003</td> <td>1332</td> <td>\$80,800</td> <td>Improved</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	CORRECTIVE DEED	12/2002	04613	0811	\$100	Improved	No	WARRANTY DEED	07/2001	04153	1747	\$109,800	Improved	Yes	WARRANTY DEED	09/1988	02003	1332	\$80,800	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,584</p> <p>2005 Tax Bill Amount: \$1,080</p> <p>Save Our Homes (SOH) Savings: \$504</p> <p>2005 Taxable Value: \$65,887</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																								
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<p style="text-align: center;">LAND</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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>25,000.00</td> <td>\$25,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	25,000.00	\$25,000	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 9 BRIDGEWATER PB 39 PGS 8 & 9</p>																
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LOT	0	0	1.000	25,000.00	\$25,000																									
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	1988	6	1,298	1,819	1,298	SIDING AVG	\$109,189	\$116,780																					
			<p>Appendage / Sqft OPEN PORCH FINISHED / 39</p> <p>Appendage / Sqft GARAGE FINISHED / 482</p>																											
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																														

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 9 BRIDGEWATER PB 39 PGS 8 & 9

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

FINDINGS OF FACT

Property Owner: Wendy Tumlin
7757 Fox Knoll Pl.
Winter Park, FL 32792

Project Name: Fox Knoll Place (7757)

Requested Development Approval:

Request for a rear yard setback variance from 20 feet to 15 feet for a proposed screen enclosure addition in the PUD (Planned Unit Development 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 proposed screen enclosure addition 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: