

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

SUBJECT: 4591 Whimbrel Place – Superior Aluminum, applicant; Request for a rear yard setback variance from 30 feet to 23 feet for a proposed covered screen room in R-1AA (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 6/25/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 23 feet for a proposed covered screen room in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 23 feet for a proposed covered screen room in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Superior Aluminum Owner: Wayne & Debby Bushkin Location: 4591 Whimbrel Place Zoning: R-1AA (Single Family Dwelling District) Subdivision: Quail Run
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 36-foot by 12-foot screen room to the rear of the home. • The 432 square foot screen room would encroach 7 feet into the required 30-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a

	<p>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 variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the covered screen room 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BY 2007-4
Meeting Date 6-25-07



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

COPY

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

Name: WAYNE BUSHKIN
Address: 4591 WHIMBREL PL City: WINDY HILL FL Zip code: 32792
Project Address: 4191 WHIMBREL PL City: WINDY HILL FL Zip code: 32792
Contact number(s): Sandra Rose 407 678 0500 ext. 302
Email address: _____

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"/> Fence	Please describe: _____
<input type="checkbox"/> Pool	Please describe: _____
<input type="checkbox"/> Pool screen enclosure	Please describe: <u>Just a 35' 9" x 12' Screen Room</u>
<input type="checkbox"/> Addition	Please describe: _____
<input type="checkbox"/> New Single Family Home	Please describe: _____
<input checked="" type="checkbox"/> Other	Please describe: <u>Screen Room Alum. Roof 35' x 12'</u>
<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 type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>23ft.</u>
<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: Wayne Bushkin

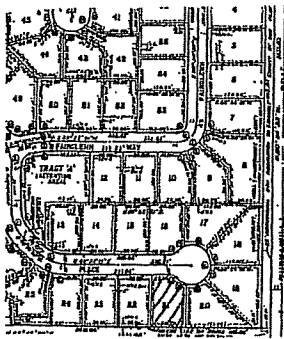
FOR OFFICE USE ONLY

Date Submitted: 4-25-07 Reviewed By: P. JOHNSON
 Tax parcel number: 25-21-30-510-0000-0210 Zoning/FLU R-1AA/LOR ✓
 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: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained online.</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. <u>View a sample site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</u>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



Legal Description

Lot 21, **QUAIL RUN**, according to the Plat thereof, as recorded in Plat Book 33, Pages 20-21, of the Public Records of Seminole County, Florida.

Community Number: 120289 Panel: 0145
 Suffix: E F.I.R.M. Date: 4/17/95 Flood Zone: X
 Field Work: 10/25/00 Completed: 10/27/00

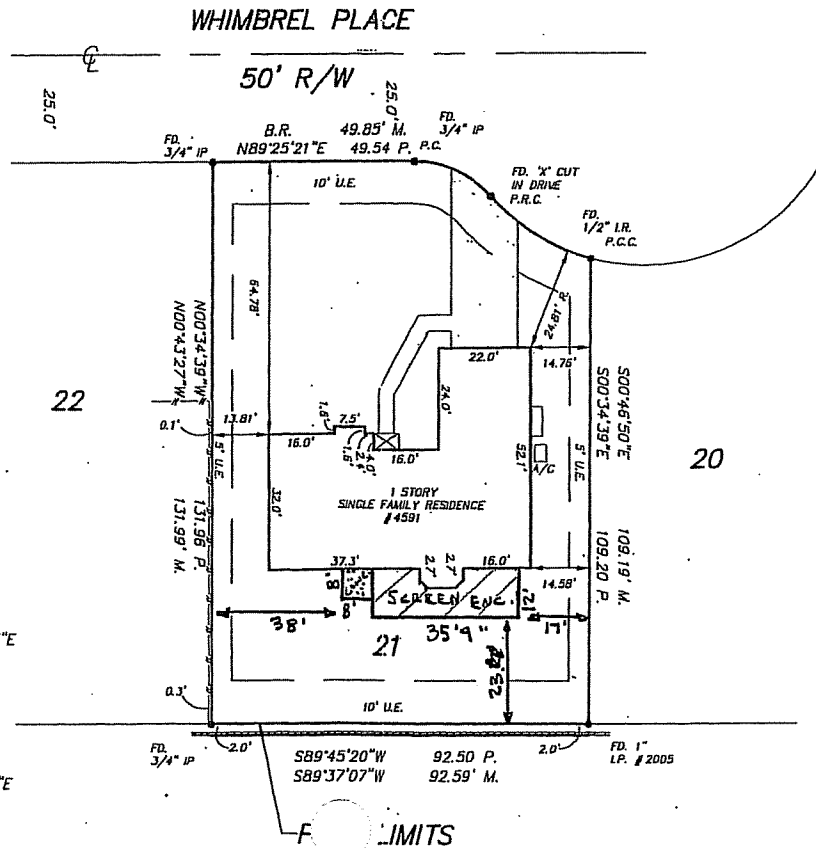
Certified To:
 Wayne G. Bushkin; Debby J. Bushkin; First Southwestern Title Company of Florida; Commonwealth Land Title Insurance Company; First Union Mortgage Corporation, its successors and/or assigns.

Property Address:
 4591 Whimbrel Place
 Winter Springs, Florida 32708

Survey Number: O-68933



C-1 (P.)	C-1 (M.)
Δ = 48°11'23"	Δ = 47°49'48"
R = 25.00'	R = 25.00'
L = 21.03'	L = 20.87'
C = 20.41'	C = 20.27'
CB = S66°28'57"E	CB = S66°40'47"E
C-2 (P.)	C-2 (M.)
Δ = 33°11'23"	Δ = 32°59'12"
R = 50.00'	R = 50.00'
L = 28.96'	L = 28.79'
C = 28.56'	C = 28.39'
CB = S58°58'40"E	CB = S58°54'18"E



LEGEND	WOOD FENCE	Δ	CENTRAL ANGLE/Delta
-x-x-	WIRE FENCE	D.B.	DEED BOOK
FN	NAIL	D.	DESCRIPTION OR DEED
PC	PROPERTY CORNER	D.H.	DRILL HOLE
R	RECORD	D.V.	DRIVEWAY
M	FIELD MEASURED	ESMT	EASEMENT
C	CALCULATED	E1	ELEVATION
CL	CLEAR	FF	FINISHED FLOOR
ENCR	ENCROACHMENT	F.C.M.	FOUND CONCRETE MONUMENT
CL	CENTERLINE	FPK	FOUND PARKER-KALON NAIL
CONC	CONCRETE	L	LENGTH
CL	PROPERTY LINE	L.A.E.	LIMITED ACCESS EASEMENT
C.M.	CONCRETE MONUMENT	L.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	NAIL & DISK	P.C.P.	PERMANENT CONTROL POINT
D.E.	DRAINAGE EASEMENT	P.R.M.	PERMANENT REFERENCE MONUMENT
U.E.	UTILITY EASEMENT	P.G.	PAGE
FD.	FOUND	P.W.M.	PAVEMENT
P	PLAT	PL	PLAT BOOK
ASPH	ASPHALT	P.O.B.	POINT OF BEGINNING
O.H.L.	OVERHEAD UTILITIES	P.O.C.	POINT OF COMMENCEMENT
P.P.	POWER POLE	P.O.L.	POINT ON LINE
T.X.	TRANSFORMER	P.C.	POINT OF CURVATURE
CATV	CABLE RISER	P.R.C.	POINT REVERSE CURVE
W.M.	WATER METER	PT.	POINT OF TANGENCY
TEL.	TELEPHONE FACILITIES	R	RADIUS (RADIAL)
COVERED AREA		R.O.E.	ROOF OVERHANG EASEMENT
B.R.	BEARING REFERENCE	S.I.R.	SET IRON ROD & CAP
CH	CHORD	SW	SIDEWALK
RD	RADIAL	T.B.M.	TEMPORARY BENCH MARK
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	10.50	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.
 - ONLY VISIBLE ENCROACHMENTS LOCATED.
 - NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
 - DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
 - ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. 1829 UNLESS OTHERWISE NOTED.
 - BEARINGS REFERENCED TO LINE NOTED AS B.R.
 - THIS IS A BOUNDARY SURVEY UNLESS OTHERWISE NOTED.
 - NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYORS EMBOSSED SEAL.
- HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

SIGNED _____ STATE OF FLORIDA
 RALPH SWERDLOFF REGISTERED LAND SURVEYOR NO. 3411

SIGNED _____ STATE OF FLORIDA
 CARL MICHAEL SMITH REGISTERED LAND SURVEYOR NO. 3722

SIGNED _____ STATE OF FLORIDA
 HOE AUGULAR REGISTERED LAND SURVEYOR NO. 1571

SIGNED _____ STATE OF FLORIDA
 CLYDE D. McNEEL REGISTERED LAND SURVEYOR NO. 2843

SIGNED _____ STATE OF FLORIDA
 CEDRIG E. PHARRON REGISTERED LAND SURVEYOR NO. 8171

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.

8500 SW 82nd Street, Suite B-204
 Miami, Florida 33156
 (305) 271-3555 Fax (305) 271-8499

2000 N. Florida Mango Road, Suite 202
 West Palm Beach, Florida 33409
 (561) 640-6300 Fax (561) 640-3578

825 Anchor Road Drive
 Naples, Florida 34103
 (841) 513-6332 Fax (841) 615-6331

1187 Wilson Boulevard
 Nashville Tennessee 37217
 (615) 355-8432 Fax (615) 355-8477

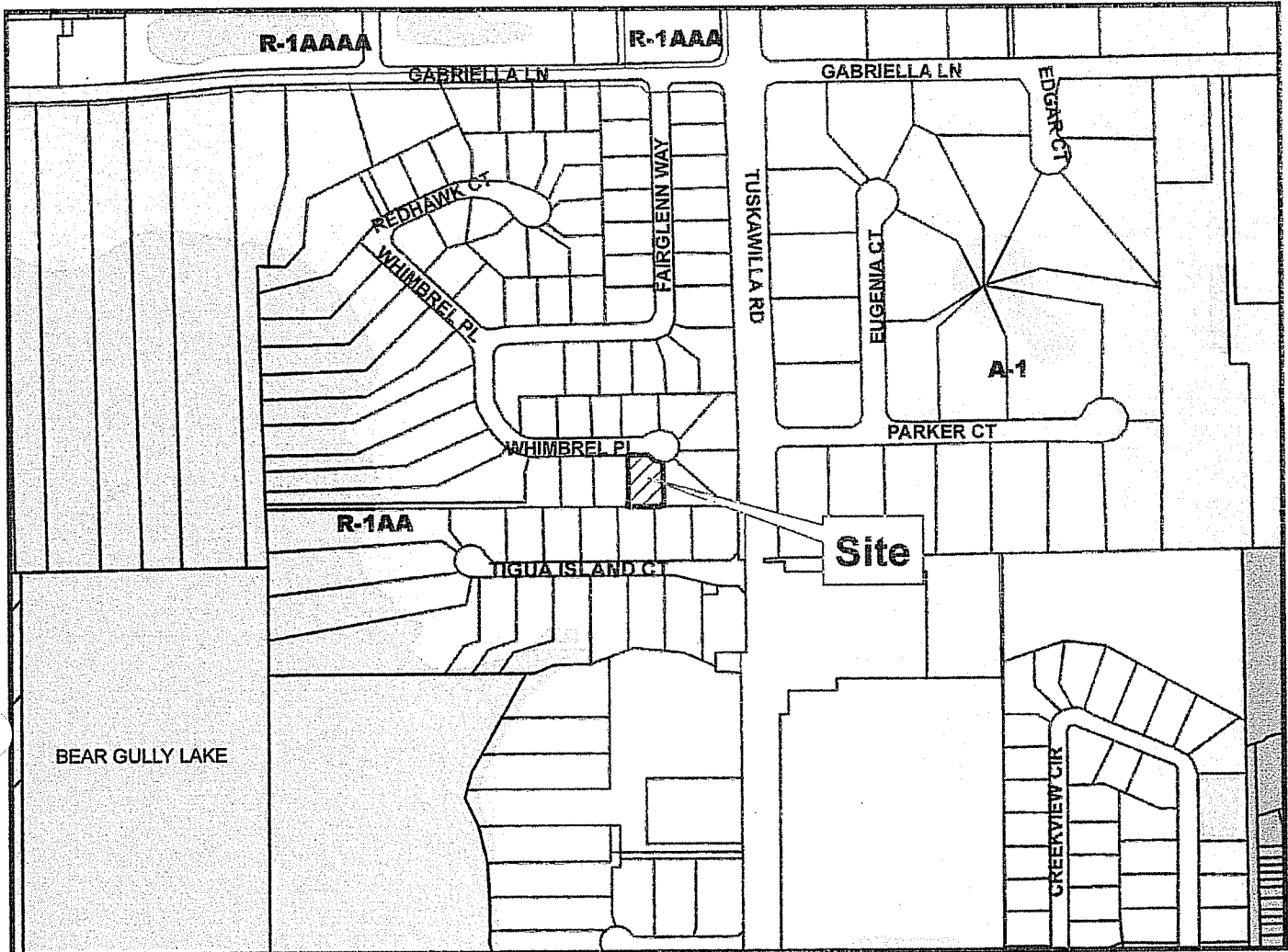
P.O. Box 34088
 Atlanta, Tennessee 38184-0088
 (801) 377-5959 Fax (801) 377-5955

365 Aulita Avenue
 Oviedo, Florida 32765
 (407) 977-7010 Fax (407) 977-7020
 (800) 787-8266 Fax (800) 787-8260

17702
 Blvd., Suite 445
 17702
 Fax (713) 821-8527







First Financial Surveyors, Inc.
 AND AFFILIATED COMPANIES
 L.B. 6387 (FLORIDA)

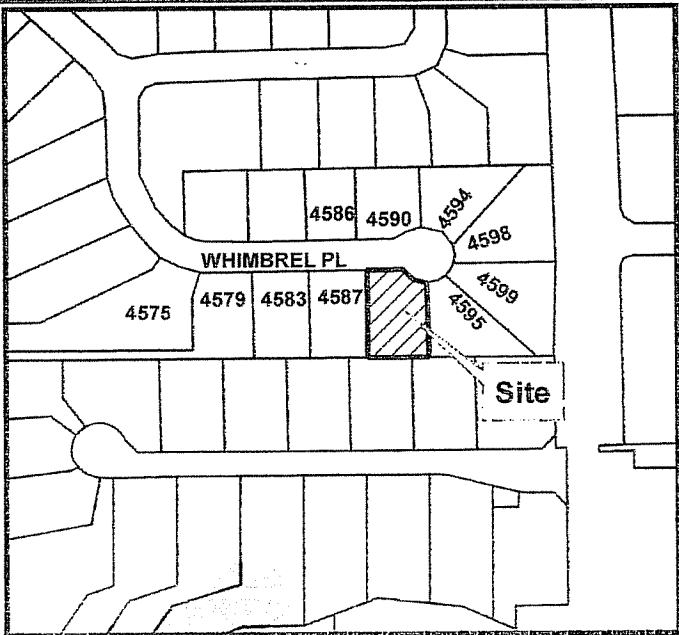
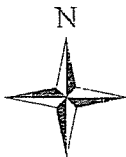
Debby & Wayne Bushkin
 4591 Whimbrel Place
 Winter Park, Florida 32792



Seminole County Board of Adjustment
 June 25, 2007
 Case: BV2007-49 (Map 3211, Grid C5)
 Parcel No: 25-21-30-510-0000-0210

Zoning

- | | | | |
|---|-----------|---|--------|
|  | BV2007-49 |  | R-1AAA |
|  | A-1 |  | R-1AA |
|  | R-1AAAA |  | PUD |



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																																	
GENERAL Parcel Id: 25-21-30-510-0000-0210 Owner: BUSHKIN WAYNE G & DEBBY J Mailing Address: 4591 WHIMBREL PL City,State,ZipCode: WINTER PARK FL 32792 Property Address: 4591 WHIMBREL PL WINTER PARK 32792 Subdivision Name: QUAIL RUN Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2001) Dor: 01-SINGLE FAMILY		2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$180,142 Depreciated EXFT Value: \$1,000 Land Value (Market): \$50,000 Land Value Ag: \$0 Just/Market Value: \$231,142 Assessed Value (SOH): \$131,195 Exempt Value: \$25,000 Taxable Value: \$106,195 Tax Estimator																																															
SALES <table border="1"> <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>10/2000</td> <td>03952</td> <td>0386</td> <td>\$153,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1998</td> <td>03395</td> <td>0827</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>06/1996</td> <td>03085</td> <td>1831</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1987</td> <td>01844</td> <td>0430</td> <td>\$121,700</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	10/2000	03952	0386	\$153,000	Improved	Yes	WARRANTY DEED	03/1998	03395	0827	\$100	Improved	No	QUIT CLAIM DEED	06/1996	03085	1831	\$100	Improved	No	WARRANTY DEED	04/1987	01844	0430	\$121,700	Improved	Yes	2006 VALUE SUMMARY Tax Amount(without SOH): \$3,124 2006 Tax Bill Amount: \$1,660 Save Our Homes (SOH) Savings: \$1,464 2006 Taxable Value: \$102,995 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS												
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																																	

Limited Power of Attorney

Date: 4/20/07

I hereby name and appoint Sondra Rose of Superior Aluminum to be my lawful attorney in fact to act for me and apply to Seminole County Building and Fire Division for a variance and building permit for work to be performed at the location described as:

Parcel ID #: 25-21-30-510-0000-0210

Address of Job: 4591 Whimbrel Pl

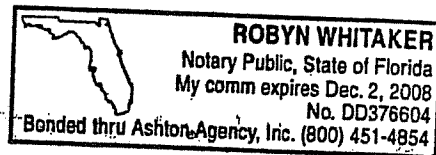
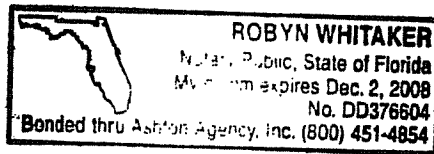
Property Owner: Wayne Bushkin

Homeowner's Signature: Wayne Bushkin

Sworn to and subscribed before me this 20 day of April 2007

Notary Public: Robyn Whitaker

(seal)



My commission expires: 12-2-08

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 25, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 21
QUAIL RUN PB 33 PGS 20 & 21

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

FINDINGS OF FACT

Property Owner: Wayne & Debby Bushkin
4591 Whimbrel Pl
Winter Park, FL 32792

Project Name: Whimbrel Place (4591)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 23 feet for a proposed covered screen room in R-1AA (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: Joy Williams, 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 covered screen room 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: _____
Dori L. DeBord
Planning & Development Director

**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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: