

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

SUBJECT: 108 Whitley Bay Lane – Kenneth P. Bourgoin, applicant; Request for a rear yard setback variance from 15 feet to 6-feet-8-inches for a proposed sunroom addition in PUD (Planned Unit Development District).

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

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

Agenda Date 08/27/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 15 feet to 6-feet-8-inches for a proposed sunroom addition in PUD (Planned Unit Development District); or
2. **APPROVE** the request for a rear yard setback variance from 15 feet to 6-feet-8-inches for a proposed sunroom addition in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Kenneth P. Bourgoin Location: 108 Whitley Bay Lane Zoning: PUD (Planned Unit Development District) Subdivision: Wekiva Cove PH 2
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to add a 10-foot by 13-foot addition to the existing screen porch and convert the porch into a sunroom. • The proposed addition would encroach 8-feet-4-inches into the required 15-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. <p><i>The applicant can extend the existing screen room to meet the setback requirement and still retain reasonable use of the property.</i></p> <ul style="list-style-type: none">• 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 sunroom 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.

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

COPY

Application # BV 2007-82
Meeting Date 06-27-07



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

RECEIVED JUN 29 2007

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

Name: Kenneth P. Bourquin
Address: 108 Whitley Bay Lane City: Longwood Zip code: 32779
Project Address: 108 Whitley Bay Lane City: Longwood Zip code: 32779
Contact number(s): (407) 786-2976 (407) 748-4901 (407) 963-9001
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:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Extension to porch and closing porch in</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>Deck</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUN 29 2007
RECEIVED JUN 29 2007

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>6'-8"</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:	
[4] 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: _____

FOR OFFICE USE ONLY

Date Submitted: 6-29-07 Reviewed By: R Johnson
 Tax parcel number: 07-21-29-508-0000-0320 Zoning/FLU PUD/PD
 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!

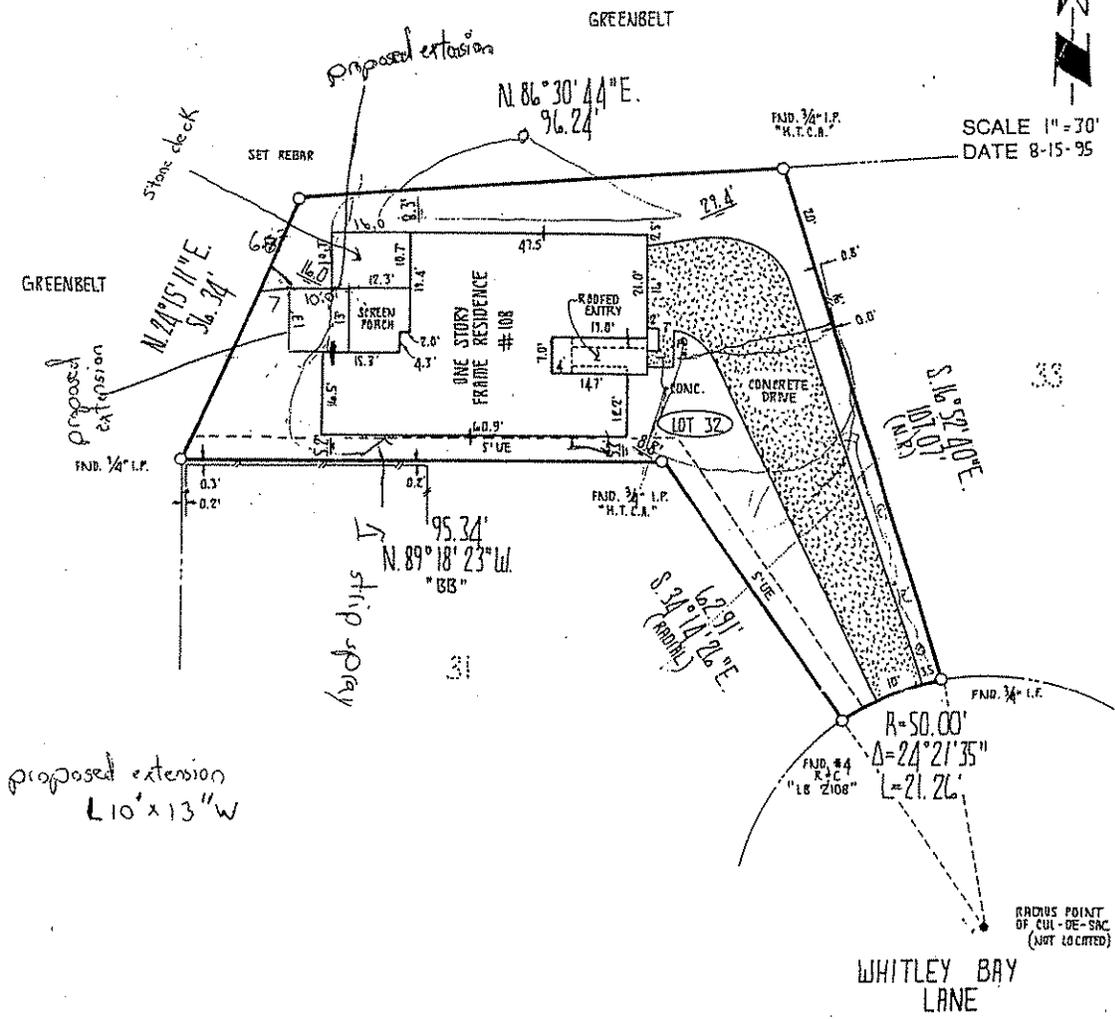
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
✓	1. Completed application.
N/A	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<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 <u>or</u> 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
N/A	<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.

PLAT OF SURVEY

DESCRIPTION LOT 32, WEKIVA COVE PHASE TWO

RECORDED IN PLAT BOOK 25 PAGE(S) 22
 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

SCALE 1" = 30'
 DATE 8-15-95



LEGEND	
BLK	BLOCK
---	BOUNDARY LINE
---	CENTER LINE
---	CHAIN LINK FENCE
CALC.	CALCULATED
C.B.	CONCRETE BLOCK
Ch. B.	CHORD BEARING
C.M.	CONCRETE MONUMENT
CONC.	CONCRETE
Δ	DELTA
D.E.	DRAINAGE EASEMENT
ELEV.	ELEVATION
ESMT.	EASEMENT
---	EASEMENT LINE
F.F.	FINISHED FLOOR
FND.	FOUND
I.P.	IRON PIPE
L.	ARC LENGTH
M.	MEASURED
N & D	NAIL & DISC
N.R.	NON RADIAL
O.R.B.	OFFICIAL RECORDS BOOK
---	OVERHEAD POWER LINE
---	OVERHEAD TELEPHONE LINE
P	PLAT
P.B.	PLAT BOOK
P.C.C.	POINT OF COMPOUND CURVE
P.C.P.	PERMANENT CONTROL POINT
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.C.	POINT OF CURVE
P.O.L.	POINT OF LINE
P.P.	POWER POLE
P.R.C.	POINT OF REVERSE CURVE
P.R.M.	PERMANENT REFERENCE MONUMENT
P.T.	POINT OF TANGENCY
RAD.	RADIAL
R.	RADIUS
R & C	REBAR & CAP
REC.	RECOVERED
RFD.	ROOFED
R	RIGHT-OF-WAY
R.P.	RADIUS POINT
R.R.	RAILROAD
SET REBAR	5/8 REBAR W/CAP #PLS 4200
S/W	SIDEWALK
T.R.	TELEPHONE RISER
TYP.	TYPICAL
UE.	UTILITY EASEMENT
W.M.	WATER METER
---	WOOD FENCE
---	HOGWIRE FENCE

NOTES

THIS PROPERTY LIES IN ZONE GC
 PER F.I.R.M. COMMUNITY PANEL NO. 130283
0115 E DATED 4-17-95

BEARING STRUCTURE IS BASED UPON THE LINE DENOTED WITH 'BB'

THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLAIN ZONE.

SURVEY BASED ON LEGAL DESCRIPTION SUPPLIED BY CLIENT.

SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD

UNDERGROUND UTILITIES AND FOOTERS HAVE NOT BEEN LOCATED UNLESS NOTED.

0 30 60
SCALE IN FEET

PREPARED FOR: **KENNETH P. BOURGOIN & SUSAN C. BOURGOIN**

CERTIFIED TO: **FIRST AMERICAN TITLE INSURANCE COMPANY**
INLAND MORTGAGE CORPORATION
KENNETH P. BOURGOIN & SUSAN C. BOURGOIN

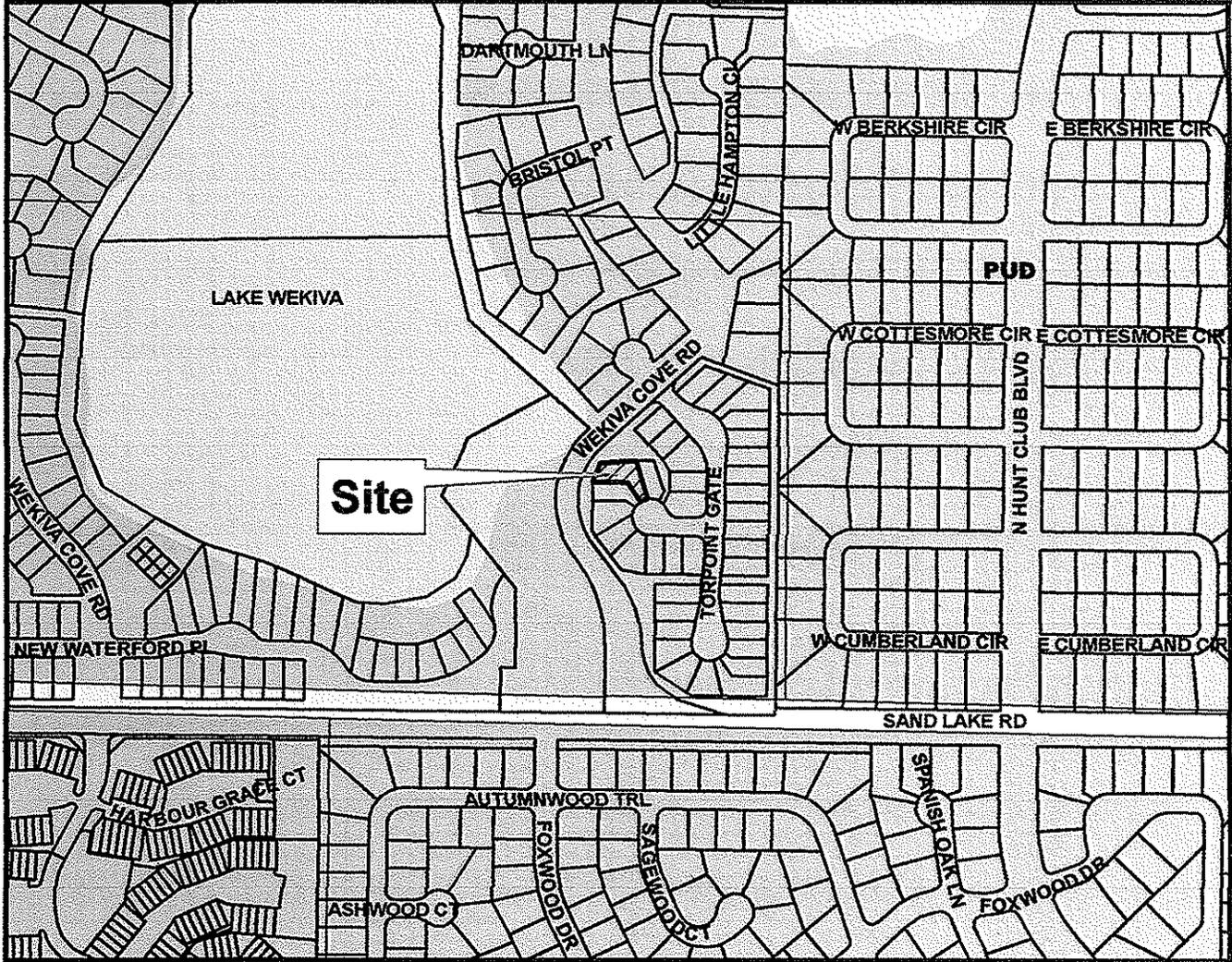
IRELAND SURVEYING, INC.
 2950 ALOMA AVENUE • WINTER PARK, FLORIDA 32792
 SUITE 401 • PH: 678-3366 • FAX: 671-6678

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION ON THE DATE SHOWN, BASED ON INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CH. 61G17-4 FLORIDA ADMINISTRATIVE CODE.

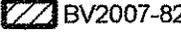
[Signature]
 JAMES L. IRELAND PLS 4200
 THIS SURVEY IS INTENDED ONLY FOR THE USE OF SAID CERTIFIED PARTIES.
 THIS SURVEY NOT VALID UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL.

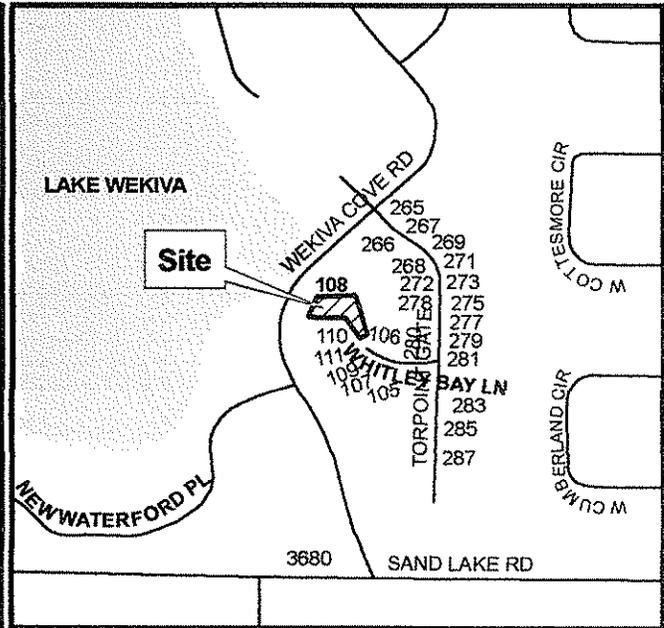
FILE NO. 156-95

Kenneth Bourgojn
 108 Whitley Bay Lane
 Longwood, Florida 32779



Seminole County Board of Adjustment
 August 27, 2007
 Case: BV2007-82 (Map 3154, Grid B5)
 Parcel No: 07-21-29-508-0000-0320

- Zoning**
-  BV2007-82
 -  A-1
 -  PUD



<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 style="text-align: center;">GENERAL</p> <p>Parcel Id: 07-21-29-508-0000-0320</p> <p>Owner: BOURGOIN KENNETH P & SUSAN C</p> <p>Mailing Address: 108 WHITLEY BAY LN</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 108 WHITLEY BAY LN LONGWOOD 32779</p> <p>Subdivision Name: WEKIVA COVE PH 2</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1996)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$183,719</p> <p>Depreciated EXFT Value: \$850</p> <p>Land Value (Market): \$47,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$231,569</p> <p>Assessed Value (SOH): \$112,346</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$87,346</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>08/1995</td> <td>02973</td> <td>0378</td> <td>\$108,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1990</td> <td>02215</td> <td>0403</td> <td>\$105,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1986</td> <td>01750</td> <td>0849</td> <td>\$93,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1984</td> <td>01573</td> <td>0118</td> <td>\$96,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1984</td> <td>01542</td> <td>1206</td> <td>\$50,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1981</td> <td>01335</td> <td>1423</td> <td>\$857,000</td> <td>Vacant</td> <td>No</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	08/1995	02973	0378	\$108,000	Improved	Yes	WARRANTY DEED	08/1990	02215	0403	\$105,000	Improved	Yes	WARRANTY DEED	06/1986	01750	0849	\$93,000	Improved	Yes	WARRANTY DEED	08/1984	01573	0118	\$96,900	Improved	Yes	WARRANTY DEED	04/1984	01542	1206	\$50,000	Vacant	No	WARRANTY DEED	04/1981	01335	1423	\$857,000	Vacant	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$3,014</p> <p>2006 Tax Bill Amount: \$1,363</p> <p>Save Our Homes (SOH) Savings: \$1,651</p> <p>2006 Taxable Value: \$84,606</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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1	SINGLE FAMILY	1984	6	1,559	2,300	1,559	CB/STUCCO FINISH	\$183,719	\$201,889																																										
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NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																																			
EXTRA FEATURE																																																			
		Description	Year Blt	Units	EXFT Value	Est. Cost New																																													
		FIREPLACE	1984	1	\$850	\$2,000																																													
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.																																																			

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 7 TWP: 21 RNG: 29
 PROJ. #

DEVELOPMENT:		Wekiva Cove Phase 2				DEVELOPER:		The Urban Expansion Corp.											
LOCATION:		38 Lots - 8.98 Acres																	
FILE#:		BA:		SP:		BCC:		3/9/81											
P&Z:		PB		25		PG		22		Lot		Blk		Parcel		DBA		Comm Dist	
DEVEL. ORDER #:				TAX PAR. I.D. #:															
SIDEWALKS:						SETBACK REQUIREMENTS													
						FY: 20'		SIDE ST.:		SY: *0'		RY: 15'							
ROAD TYPE:						7.5'													
COMMENTS OTHER:						Between structures													
1) 50' buffer as shown on plat. This consists of 25' common greenbelt and 25' easement at the rear of the lots with "no structure permitted" comment as shown on the face of the plat. 2) Bike paths/sidewalks completed throughout the project along with each phase. Developer is to submit siting plans for entire zero lot line area prior to applying for building permits in zero lot line area.						MAIN STRUCTURE OTHER: Minimum Lot Size: 3,000 sq. ft. Minimum Unit Size: 1,000 sq. ft. Maximum Building Height: 35'													
						ACCESSORY STRUCTURE SETBACKS:													
						SY:		5'		RY:		10'							
						ACCESSORY STRUCTURE OTHER:													

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	
LAND USE:	
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	\$10.00
5. PARK	
6. SCHOOL	\$300.00
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27th, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 32
WEKIVA COVE PH 2 PB 25 PG 22

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

FINDINGS OF FACT

Property Owner: Kenneth P. & Susan C. Bourgoin
108 Whitley Bay Ln
Longwood, FL 32779

Project Name: Whitley Bay Lane (108)

Requested Development Approval:

Request for a rear yard setback variance from 15 feet to 6-feet-8-inches for a proposed sunroom addition in 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: 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 sunroom 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: _____
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: