

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (STEVEN AND AMY ORNSTEIN, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 07-26-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (STEVEN AND AMY ORNSTEIN, APPLICANTS); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (STEVEN AND AMY ORNSTEIN, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: STEVEN AND AMY ORNSTEIN LOCATION: 2538 FLETCH COURT ZONING: PUD (CHASE GROVES)
BACKGROUND REQUEST	/ <ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO BUILD A POOL TO THE REAR OF AN EXISTING SINGLE-FAMILY HOME, CONSTRUCTED IN 2000. • THE PROPOSED POOL WOULD ENCROACH 5 FT INTO THE 10 FT MINIMUM REAR YARD SETBACK; A REAR YARD SETBACK VARIANCE FROM 10 FT TO 5 FT IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANTS HAVE SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE, AS STATED BELOW: <ul style="list-style-type: none"> ○ THE FRONT OF THE SUBJECT PROPERTY HAS AN ASYMMETRICAL SHAPE, WHEREBY THE LOT NARROWS IN WIDTH FROM THE BUILDING LINE TO THE FRONT PROPERTY LINE. BUILDABLE AREA, THAT WOULD HAVE BEEN OTHERWISE AVAILABLE IN THE

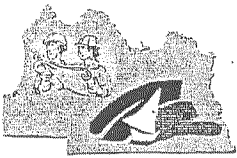
	<p>FRONT YARD, HAS BEEN REDUCED BY THIS UNIQUE CIRCUMSTANCE, WHICH CONSTITUTES A HARDSHIP.</p> <ul style="list-style-type: none">○ THE GRANT OF THE REQUESTED VARIANCE WOULD NOT CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE PUD ZONING DISTRICT, SINCE THE POOL WOULD BE CONSISTENT WITH THE CHARACTER OF NEARBY AND ADJACENT SINGLE-FAMILY DEVELOPMENT.○ THE REQUESTED VARIANCE WOULD BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY FOR THE PURPOSE OF CONSTRUCTING A POOL.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST WITH THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL AS SHOWN ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 3 TWP: 20 RNG: 30
 PROJ. #

DEVELOPMENT:		Chase Groves Unit 3 (Parcel D, Final Master Plan)				DEVELOPER:		Laurel Homes			
LOCATION:		S of CR 46A within Chase Groves PUD						87 lots			
FILE#:		BA:		SP:		BCC:					
P&Z:		PB		PG		Lot		Bik		Parcel	
57		48,49						DBA		Comm Dist	
DEVEL. ORDER #:						TAX PAR. I.D. #:					
SIDEWALKS: 4' sidewalks throughout						SETBACK REQUIREMENTS					
						FY: 20'		SIDE ST.: *		RY: 20'	
						SY: *15					
ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER: *Side yard: Min. 10' between structures on adj. lots – there will be no "0" lot line set backs Side Street: Side street driveways on corner lots are prohibited where side street setback is 15'					
COMMENTS OTHER: 5,000 sq. ft. minimum lot area						ACCESSORY STRUCTURE SETBACKS:					
		SY: 10'				RY: 10'					
						ACCESSORY STRUCTURE OTHER: Accessory: Side 0-10'/minimum 10' between structures on adjacent lots – There will be no "0" lot line setbacks.					

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	23
LAND USE:	1
1. ROAD-CO. WIDE	705.00
2. ROAD-COLL.	142.00
3. LIBRARY	54.00
4. FIRE	172.00
5. PARK	
6. SCHOOL	1,384.00
7. LAW	
8. DRAINAGE	
TOTAL	\$2,657.00
REMARKS: Sidewalks throughout; 2' Miami curb. Public streets	



COPY

APPL. NO. BV 2004-104

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.

APPLICATION TYPE:

VARIANCE REAR YARD SETBACK VARIANCE FROM 10 FT TO 5 FT FOR PROPOSED POOL

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

EXISTING PROPOSED REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ 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 *
NAME	Steven D. or Amy E. Ornstein	
ADDRESS	2538 Fletch Court Lake Mary, Fla. 32746	
PHONE 1	407-688-8006	
PHONE 2	321-377-2802	
E-MAIL	sornstein@cfllr.com	

PROJECT NAME: Ornstein Pool

SITE ADDRESS: 2538 Fletch Court Lake Mary, Fla. 32746

CURRENT USE OF PROPERTY: Single family home for family of 5

LEGAL DESCRIPTION: Lot 290, Chase Groves Unit 3, according to the plat thereof, as recorded in plat book 57, pages 48 & 49, of the public records of seminole county

SIZE OF PROPERTY: APPROX 0.2 acre(s) PARCEL I.D. 03-20-30-524-0000-2900

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 July 26, 6 PM (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.

Amy E. Ornstein
 SIGNATURE OF OWNER OR AGENT

May 29, 2004
 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:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: 150 COMMISSION DISTRICT 5 FLU/ZONING PD/PUD
 LOCATION FURTHER DESCRIBED AS AT THE ^{SOUTHERN} END OF FLETCH COURT
APPROX 300 FT S. OF BRIGHTVIEW -

PLANNER VB DATE JUNE 2

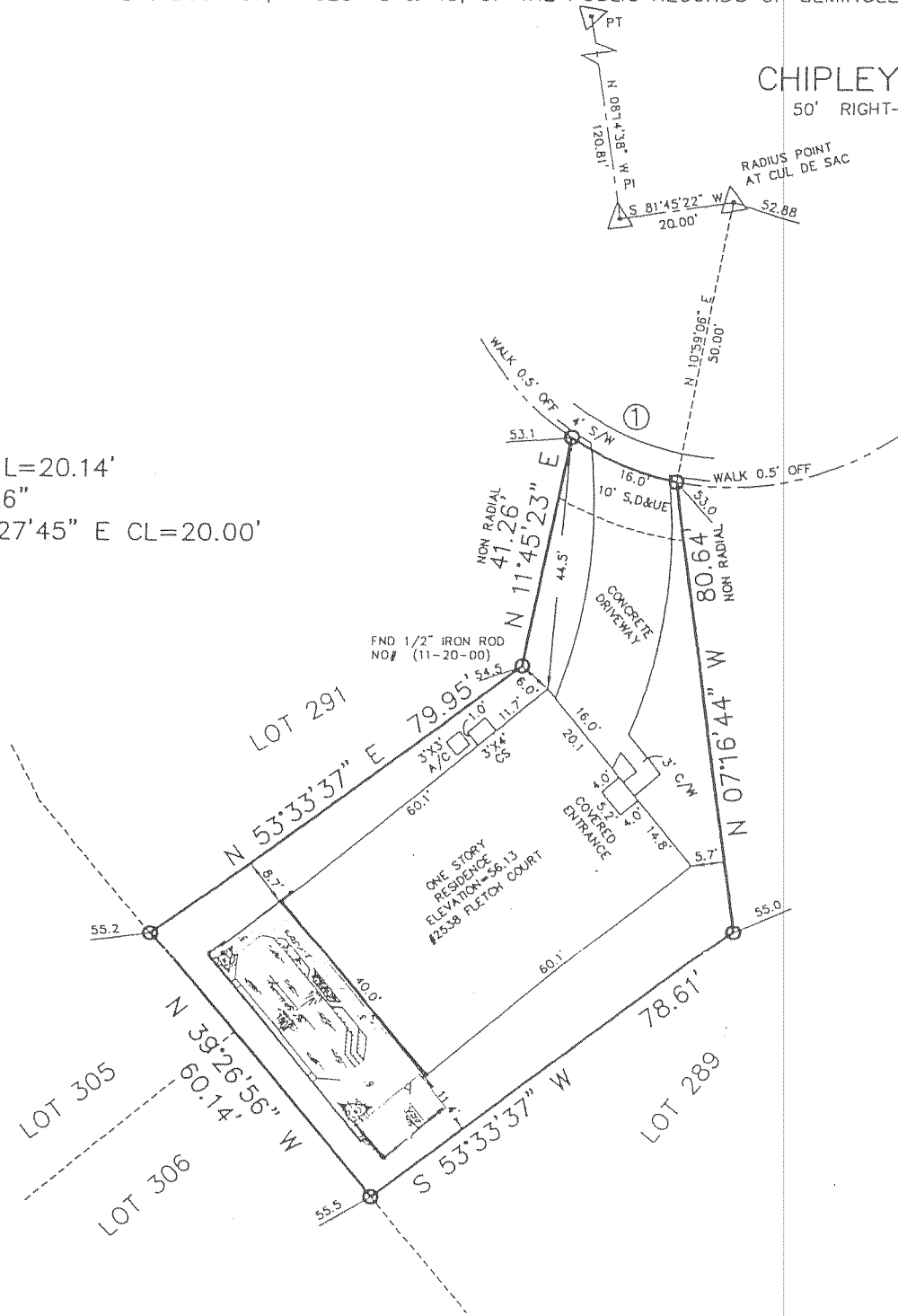
SUFFICIENCY COMMENTS Screen enclosure will also be 5' from RY line.

PLAT OF SURVEY

LOT 290, CHASE GROVES UNIT 3, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 57, PAGES 48 & 49, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

CHIPLEY COURT
50' RIGHT-OF-WAY

①
R=50.00' L=20.14'
Δ=23°04'26"
CD=S 67°27'45" E CL=20.00'



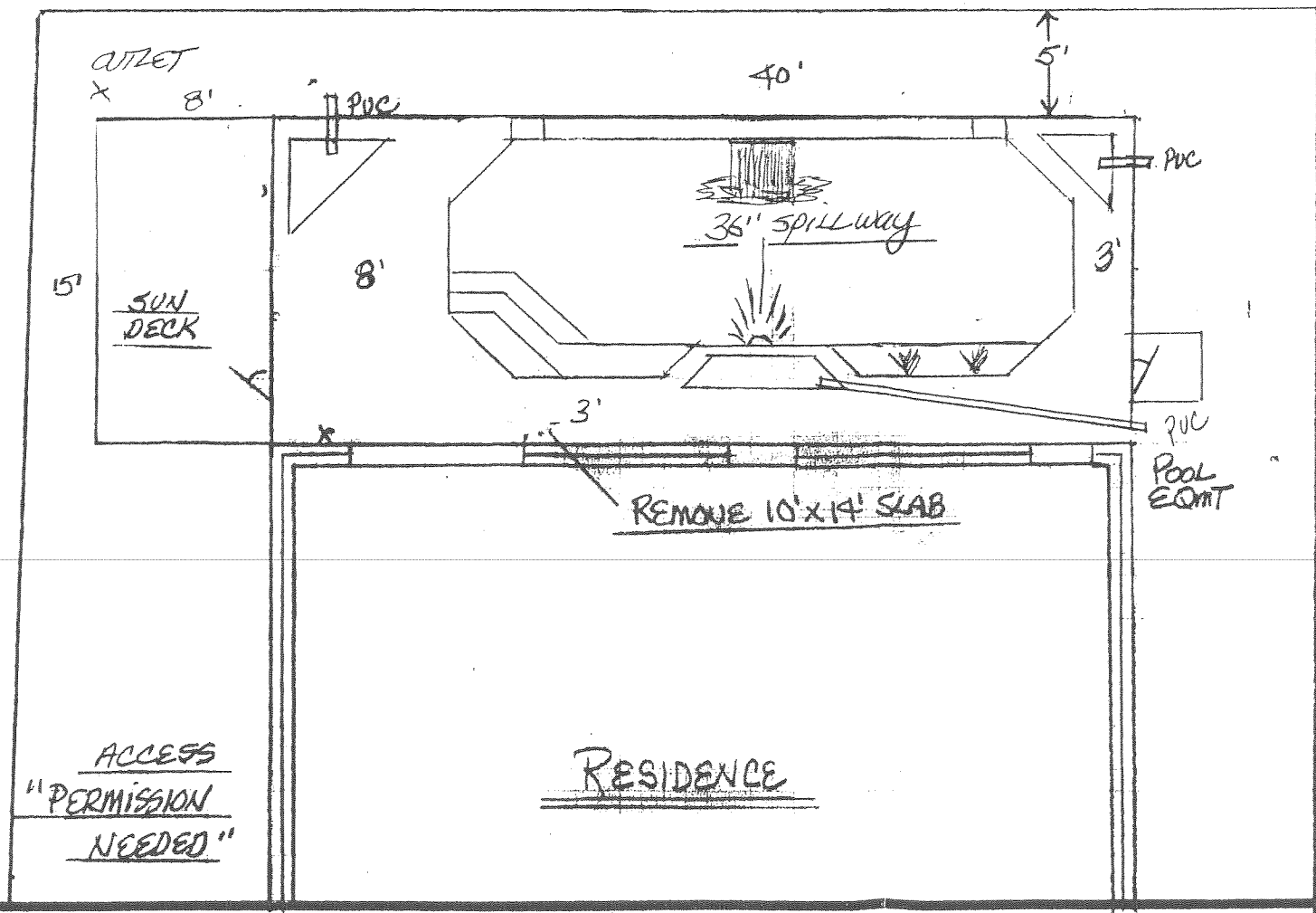
CERTIFIED TO:
STEVEN D. AND AMY E. ORNSTEIN
D.R.H. TITLE COMPANY OF FLORIDA INC.
FIDELITY NATIONAL TITLE INSURANCE OF PENNSYLVANIA
FIRST HORIZON HOME LOAN CORPORATION
B/A SUNBELT WHOLESAL

LEGEND

- | | | | |
|-------|------------------------------|--------|---|
| --- | BUILDING SETBACK LINE | △ | FND PK NAIL NO# (11-20-00) |
| --- | CENTERLINE | ○ | FND 1/2" IRON ROD AND CAP LB #5353 (11-20-00) |
| --- | RIGHT OF WAY LINE | S,D&UE | SIDEWALK, DRAINAGE & UTILITY EASEMENT |
| 58.13 | EXISTING ELEVATION | CNA | CORNER NOT ACCESSABLE |
| □ | CONCRETE | Δ | DENOTES DELTA ANGLE |
| LB | LAND SURVEYING BUSINESS | L | DENOTES ARC LENGTH |
| LS | LAND SURVEYOR | C.B. | DENOTES CHORD BEARING |
| PRM | PERMANENT REFERENCE MONUMENT | PC | DENOTES POINT OF CURVATURE |
| | | PI | DENOTES POINT OF INTERSECTION |
| | | PRC | DENOTES POINT OF REVERSE CURVATURE |

NOTE:
1. THIS IS AN AS-BUILT SURVEY DELINEATING CONSTRUCTED IMPROVEMENTS ONLY AND COMPLIES WITH SECTION 61G17-6.005 OF THE FLORIDA ADMINISTRATIVE CODE FOR AN AS-BUILT SURVEY

Deck Typ
 Deck Dra
 Conc Pui
 Tile CHO
 2Tile
 Screen F
 Color CH
 Pool Ligh
 Automati
 Interior F
 Fence Re
 Other Op



DI

NAME _____
 ADDRESS _____
 CITY LA
 PHONE: H _____

LEGAL DE
 SUBDIVIS
 LOT 29

DESIGNEE _____

SCALE 1/8" = 1'

FENCING

If your application is for a FENCE, draw the location on your lot survey and fill in the following:

TYPE OF CONSTRUCTION: (e.g., shadowbox, stockade, board on board, etc.) _____

TYPE OF MATERIALS AND FINISH: (e.g., pressure treated cypress, stained redwood, painted white, etc., must match the color of your home). _____

ORNAMENTATION OR DECORATION? _____ If yes, please provide sketch or picture.

NUMBER OF GATES? _____ HEIGHT? _____

ARE YOU ON A CORNER LOT? _____ ON A LAKE? _____

ARE YOU CONNECTING TO A NEIGHBORS FENCE? _____ IF SO, PLEASE ATTACH A WRITTEN AUTHORIZATION FROM YOUR NEIGHBOR.

DOES YOUR HOUSE BACK UP TO THE FIVE (5) BRICK WALL? _____ (IF YES, YOUR FENCE MUST SLOPE DOWN TO THE BRICK WALL.

***** THE GOOD SIDE OF THE FENCE MUST FACE OUT *****

POOLS/ENCLOSURES:

Be sure to include the specificaitons for both the pool and the screened enclosure. Will need to know color of aluminum and screening.

Brown Aluminum and Black Screening with 2 doors

WOOD DECKS AND GAZEBO'S:

Be sure to include detailed specifications including a sketch, lot survey with exact location, type of wood, type of finish, etc....

The aforementioned request for improvements is subject to the Declaration of Covenants, Conditions and Restrictions for Chase Groves. Refer to Article IX, Section, 7, pages 21 and 22.

Date Received: 5-28-04

Approved: YES NO

Date Returned: 6-1-04

[Signature]
Signature of A.R.C. Member

Alt. ARC Member

[Signature]
Signature of A.R.C. Member

***** Subject to review and approval of plans, specs and permits. *****

**CHASE GROVES
ARCHITECTURAL REVIEW COMMITTEE (ARC) APPLICATION**

Please print or type. Submit in DUPLICATE. One application per improvement.
Read all instructions carefully!!!

(A complete and detailed application will expedite the approval process.)

LOT OWNER'S NAME: Steven and Amy Ornstein
LOT ADDRESS: 2538 Fletch, ct
Lake Mary, Florida 32746
PHONE: Day: 321-377-2802 Unit 3B
Night: 407-688-8006

CHECK TYPE OF APPROVAL DESIRED (One application per improvement):
(Additionally, please fill out the applicable section on page 2)

- | | |
|--|--|
| <input type="checkbox"/> LANDSCAPING | <input checked="" type="checkbox"/> GAZEBO |
| <input type="checkbox"/> WALL/FENCE | <input checked="" type="checkbox"/> POOL |
| <input checked="" type="checkbox"/> SCREENED PORCH/PATIO | <input type="checkbox"/> ADDITION TO HOME |
| <input type="checkbox"/> WOOD DECK | <input type="checkbox"/> OTHER |

DESCRIBE THE IMPROVEMENT(s) TO BE MADE AND INDICATE WITH A COLOR HIGHLIGHTER on the lot survey the LOCATION of the proposed improvement(s).

Attach a COPY OF THE PROPOSAL from a licensed contractor or state that you plan to make the improvement yourself. If someone other than a licensed contractor is doing the work, you must PROVIDE A COPY OF THE COUNTY PERMIT approving the construction. Also include all CONSTRUCTION SPECIFICATIONS such as color, dimensions, etc. Use an additional sheet of paper if necessary.

DESCRIPTION OF IMPROVEMENT: We are going to put a
POOL and screen it in.

2542 Fletch Court gave permission to access up the
property line to dig for the pool. The grass will be replaced
after the pool is completed.

MARIE-JOSÉ FRANÇOIS
M. François

BV 2004-104

CHASE GROVES COMMUNITY ASSOCIATION, INC.
c/o Vista Community Association Management
225 South Westmonte Drive, Ste: 2050
Altamonte Springs, FL 32714
Office: 407-682-3443 Fax: 407-682-0181

NOTICE OF ARCHITECTURAL APPROVAL

June 01, 2004

STEVEN & AMY ORNSTEIN
2538 FLETCH COURT
LAKE MARY FL 32746

Property: 2538 FLETCH COURT

Request Description: Pool installation.

Dear STEVEN & AMY ORNSTEIN:

Congratulations, your Architectural Review Committee Application form concerning the above request was approved as submitted, **provided that all stipulations required from your Association and any governmental agency, including , but not limited to any applicable permits, concerning your application, are met.** Any variation from the originally submitted Application needs to be re-submitted to your Architectural Review Committee for approval before any work is done.

All of us associated with Chase Groves want to maintain the quality and appearance of our neighborhood. That is why, it is essential that all residents comply with the recorded deed restrictions contained in the Association's documents in order to ensure the maintenance of our property values. I want to thank you again for submitting your Application and wish you luck in your new endeavor.

While thanking you for your cooperation, I am

Sincerely,
For the Board of Directors

ED WHEELER

Ed Wheeler, CAM
Property Manager, Chase Groves Community Association

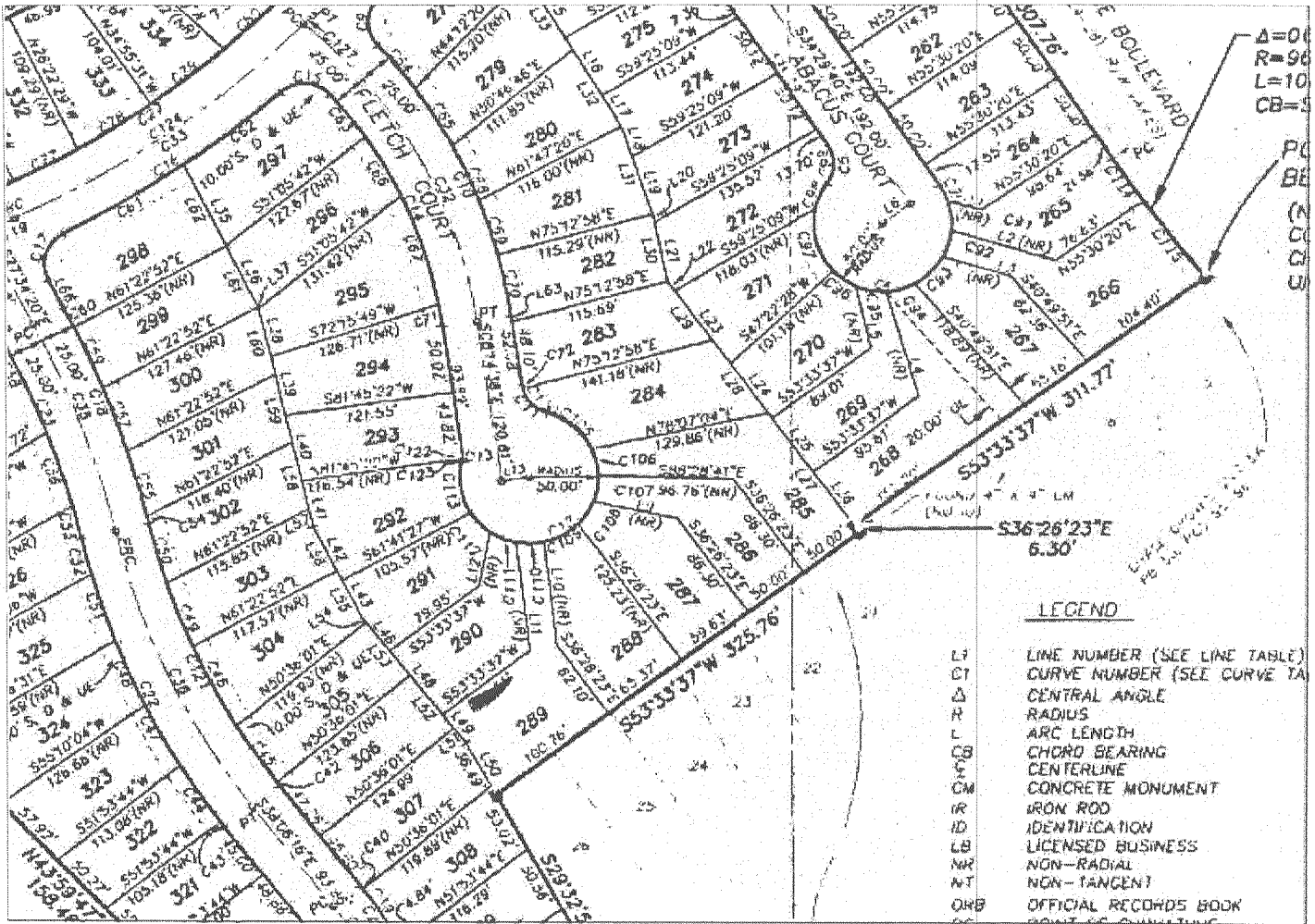


SEMINOLE COUNTY

APPRAISAL DATA




1101 E. First Street
Sanford Florida 32771
407-865-7506

- REAL ESTATE
- PERSONAL PROP
- TAX ROLL
- SALES SEARCH



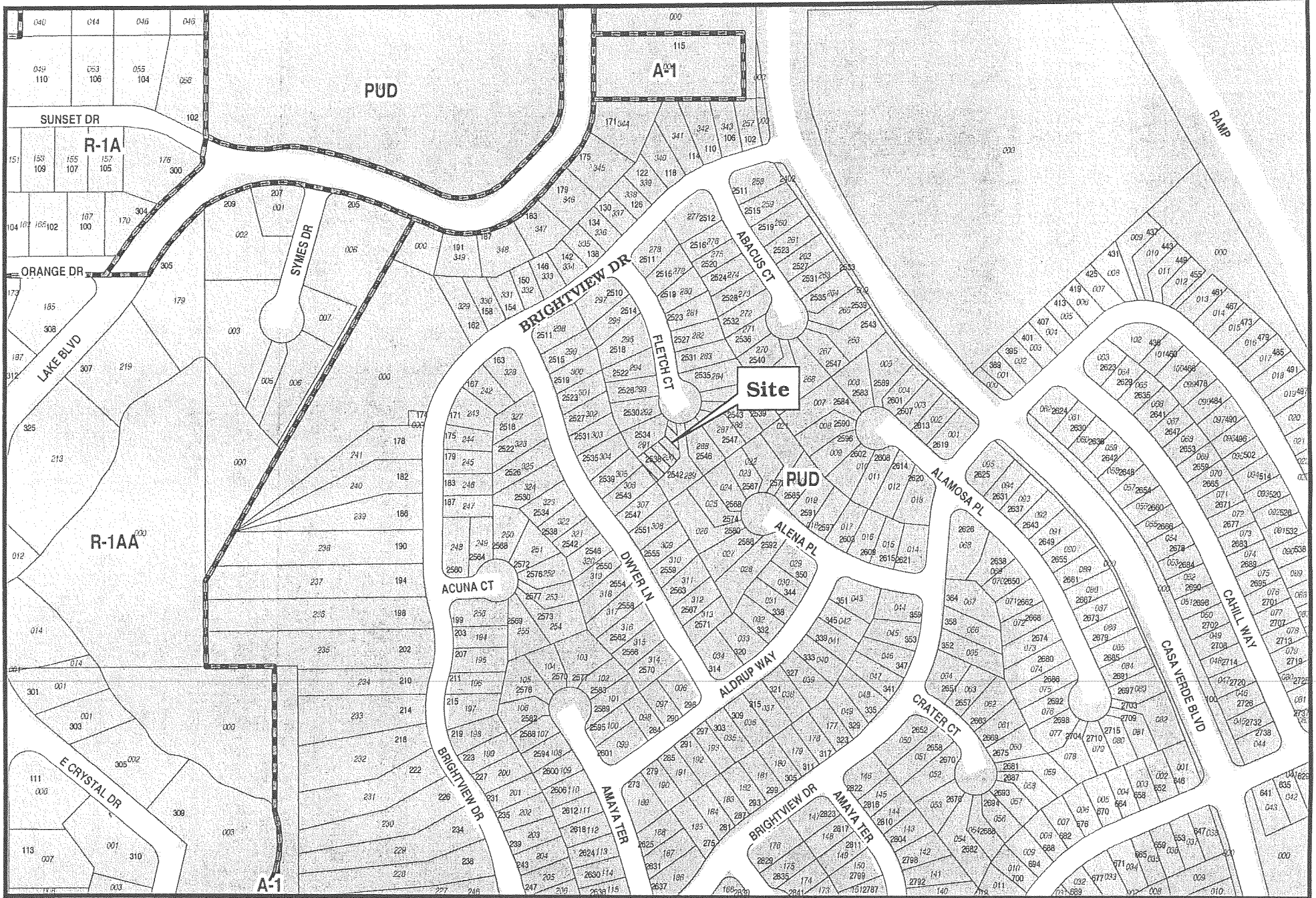
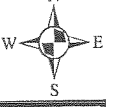
- BACK
- PROPERTY APPRAISER HOME PAGE
- CONTACT

Rear yard 20ft

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH	◀ Back ▶																																								
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																													
<p align="center">GENERAL</p> <p>Parcel Id: 03-20-30-524-0000-2900 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: ORNSTEIN STEVEN D & AMY C Exemptions: 00-HOMESTEAD</p> <p>Address: 2538 FLETCH CT</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 2538 FLETCH CT LAKE MARY 32746</p> <p>Subdivision Name: CHASE GROVES UNIT 3</p> <p>Dor: 01-SINGLE FAMILY</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$118,597</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$24,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$142,597</p> <p>Assessed Value (SOH): \$116,921</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$91,921</p>																																										
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>11/2000</td> <td>03973</td> <td>0341</td> <td>\$133,700</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/2000</td> <td>03911</td> <td>0963</td> <td>\$339,600</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	11/2000	03973	0341	\$133,700	Improved	WARRANTY DEED	08/2000	03911	0963	\$339,600	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,767</p> <p>2003 Tax Bill Amount: \$1,539</p> <p>Savings Due To SOH: \$229</p> <p>2003 Taxable Value: \$89,741</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																								
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<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>																																													

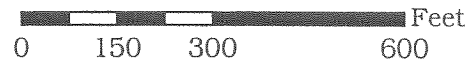
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Steven & Amy Ornstein
2538 Fletch Court



Parcel: 03-20-30-524-0000-2900 / District: 5

BV2004-104
July, 2004



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 290 CHASE GROVES UNIT 3 PB 57 PGS 48 TO 49

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

FINDINGS OF FACT

Property Owners: STEVEN AND AMY ORNSTEIN
2538 FLETCH COURT
LAKE MARY, FL 32746

Site Address: 2538 FLETCH COURT

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL.

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
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL, 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: _____
Matthew West
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 Matthew West 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: