

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

SUBJECT: REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 360 SOUTH HART ROAD; (IMOGENE & BEVERLY YARBOROUGH, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Jason Showe **EXT.** 7389

Agenda Date 12-13-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

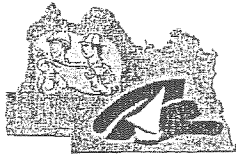
1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 360 SOUTH HART ROAD; (IMOGENE & BEVERLY YARBOROUGH, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 360 SOUTH HART ROAD; (IMOGENE & BEVERLY YARBOROUGH, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	IMOGENE & BEVERLY YARBOROUGH 360 SOUTH HART ROAD GENEVA, FLORIDA 32732	A-5 DISTRICT, LDC SECTIONS 30.104 (A-5 CONDITIONAL USES) & 30.1401 (MOBILE HOME SITING STANDARDS)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT'S ARE REQUESTING PERMANENT PLACEMENT OF A 2005 MOBILE HOME IN THE A-5 DISTRICT, WHERE MOBILE HOMES ARE ALLOWED ONLY BY SPECIAL EXCEPTION. THIS NEW MOBILE HOME WILL REPLACE THE 1972 MOBILE HOME CURRENTLY ON THE PROPERTY • A THREE YEAR SPECIAL EXCEPTION FOR A MOBILE HOME WAS APPROVED ON JUNE 25, 2001. • THE PROPOSED MOBILE HOME WILL BE 28 x 80, WITH 1,909 SQUARE FEET. 	

ZONING & FLU	DIRECTION EXISTING ZONING EXISTING FLU USE OF PROPERTY			
	SITE	A-5	RURAL-5	MOBILE HOME
	NORTH	A-5	RURAL-5	AGRICULTURE
	SOUTH	A-5	RURAL-5	VACANT
	EAST	A-5	RURAL-5	SINGLE FAMILY
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>GIVEN THE TREND OF MIXED (MOBILE AND CONVENTIONAL HOME) SINGLE-FAMILY DEVELOPMENT IN THE AREA, THE PERMANENT PLACEMENT OF THE PROPOSED MOBILE HOME WOULD NOT BE INCOMPATIBLE WITH THE TREND OF DEVELOPMENT ON NEARBY AND ADJACENT PROPERTIES</p> <p>AVAILABLE RECORDS INDICATE THAT SEVERAL PARCELS WITHIN THE GENERAL VICINITY HAVE MOBILE HOMES THAT THE BOA HAS TYPICALLY APPROVED FOR BOTH PERMANENT AND LIMITED TIME PERIODS. IN ADDITION, SOME OF THE MOBILE HOMES HAVE EXPIRED SPECIAL EXCEPTIONS, OR STAFF CAN FIND NO RECORD OF A SPECIAL EXCEPTION.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>SINCE THE PROPOSED USE IS A SINGLE-FAMILY UNIT THAT WOULD NOT BE HIGHLY INTENSIVE IN NATURE, STAFF DOES NOT BELIEVE IT WOULD ADVERSELY IMPACT ADJOINING TRANSPORTATION FACILITIES.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>THE REQUEST WOULD BE CONSISTENT WITH THE TREND OF LOW-DENSITY SINGLE-FAMILY LAND USE, INCLUDING CONVENTIONAL AND MOBILE HOMES, ESTABLISHED IN THIS AREA.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p>			

	<p>THE SUBJECT PROPERTY IS A 12.8 ACRE PARCEL THAT MEETS THE MINIMUM SIZE AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>THE SUBJECT PROPERTY IS CURRENTLY OCCUPIED BY A MOBILE HOME. THE TREND OF DEVELOPMENT IN THE AREA HAS LARGELY REMAINED INCLUSIVE OF CONVENTIONAL AND MOBILE HOMES. IN LIGHT OF THIS, STAFF BELIEVES THE PROPOSED USE WOULD BE CONSISTENT WITH THE CHARACTER OF SINGLE-FAMILY HOMES IN THE AREA.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE DISTRICT); LDC SECTION 30.104(a)</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) UPON MAKING FINDINGS OF FACT, IN ADDITION TO THOSE REQUIRED BY SECTION 30.43(B)(2) OF THE LAND DEVELOPMENT CODE, THAT THE USE:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT):</u></p> <p>THE USE IS ALLOWED ONLY BY SPECIAL EXCEPTION IN THE A-5 DISTRICT. THE PROPOSED MOBILE HOME WOULD BE REQUIRED TO COMPLY WITH THE SITING STANDARDS ENUMERATED IN SECTION 30.1401 OF THE LAND DEVELOPMENT CODE, WHICH ARE INTENDED TO MINIMIZE POTENTIAL INCOMPATIBILITY WITH NEARBY CONVENTIONAL SINGLE-FAMILY HOMES AS FOLLOWS:</p> <ul style="list-style-type: none">o THE PROPOSED MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS.o THE PROPOSED MOBILE HOME SHALL BE REQUIRED TO CONFORM TO APPLICABLE CODES, WHICH INCLUDE STANDARDS FOR INSTALLATION, ANCHORING, UTILITY ACCESSIBILITY, AND SKIRTING. <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>THE REQUEST IS NOT HIGHLY INTENSIVE IN NATURE, AS THE PROPOSED MOBILE HOME WOULD ONLY BE PERMITTED FOR SINGLE-FAMILY OCCUPANCY.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>THE SUBJECT PROPERTY IS SERVED BY ON-SITE SEPTIC AND WELL SYSTEMS. OTHER COUNTY SERVICES, INCLUDING SCHOOLS AND EMERGENCY SERVICES, ARE ALSO AVAILABLE TO THE SITE.</p>

MOBILE HOME AS A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.103	A MOBILE HOME MAY BE PERMITTED AS A SPECIAL EXCEPTION ON A LOT OR PARCEL OF RECORD IN THE A-5 (AGRICULTURE DISTRICT), SUBJECT TO THE PREVIOUSLY REFERENCED MOBILE HOME SITING STANDARDS IN SECTION 30.1401 OF THE LAND DEVELOPMENT CODE.
STAFF FINDINGS:	<p>SPECIAL EXCEPTIONS WITHIN ANY ZONING DISTRICT ARE GENERALLY GRANTED FOR PERMANENT USES. HOWEVER, WITH RESPECT TO MOBILE HOMES, SECTION 30.123 OF THE LAND DEVELOPMENT CODE PROVIDES THE ABILITY FOR THE BOA IN ITS SOUND DISCRETION TO PLACE REASONABLE CONDITIONS AND LIMITATIONS, WHICH ARE NECESSARY TO PROTECT THE CHARACTER OF AN AREA AND ARE IN FURTHERANCE OF THE PUBLIC INTEREST. THEREFORE, THE BOA SHOULD GIVE PRIMARY CONSIDERATION TO EITHER GRANTING A SPECIAL EXCEPTION FOR THE PROPOSED MOBILE HOME OR DENYING THE REQUEST, BASED UPON THE FOLLOWING FACTORS:</p> <p><u>COMPATIBILITY & DEVELOPMENT TRENDS IN THE AREA (CONVENTIONAL VS. MOBILE HOMES)</u></p>
STAFF RECOMMENDATION:	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS APPROVAL OF THE REQUEST WITH THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">○ ONLY ONE (1) SINGLE-FAMILY MOBILE HOME SHALL OCCUPY THE SITE, AS SHOWN ON THE PROPOSED SITE PLAN; THE EXISTING MOBILE HOME SHALL BE REMOVED, PRIOR TO THE ISSUANCE OF A PERMIT FOR THE PROPOSED MOBILE HOME;○ THE EXISTING MOBILE HOME SHALL OTHERWISE CONFORM TO APPLICABLE BUILDING CODES, INCLUDING STANDARDS FOR ANCHORING, UTILITY ACCESSIBILITY AND SKIRTING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BM 2004-028

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**
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION** permanent placement (replace existing)
- EXISTING (YEAR 1972) PROPOSED (YEAR 2005)
- REPLACEMENT (YEAR 2005) SIZE OF MOBILE HOME 1907 sq ft. / 28x50
- ANTICIPATED TIME MOBILE HOME IS NEEDED permanent
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
NOV 15 2004

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Imogene Yarbrough</u>	<u>BETHLY YARBROUGH</u>
ADDRESS	<u>P.O. Box 65 186 1st Street</u>	<u>P.O. Box 232 180 1st St</u>
	<u>GENEVA FL 32732</u>	<u>GENEVA FL 32732</u>
PHONE 1	<u>407-349-5342</u>	<u>407-349-5323</u>
PHONE 2	<u>407-349-2347</u>	<u>407-383-2261</u>
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 360 S. HART ROAD, Geneva FL 32732

CURRENT USE OF PROPERTY: Single

LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: 1.320 acre(s) PARCEL I.D. 15-20-32-5BC-0000-0350

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 12/13/04 (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.

Imogene Yarbrough
SIGNATURE OF OWNER OR AGENT*

11/15/04
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:

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): _____ COMMISSION DISTRICT _____ FLU / ZONING R5/A-S

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS West side of S Hart Rd, approx 0.25 mile South of the intersection of S Hart Rd & W SR46

PLANNING ADVISOR _____ DATE _____

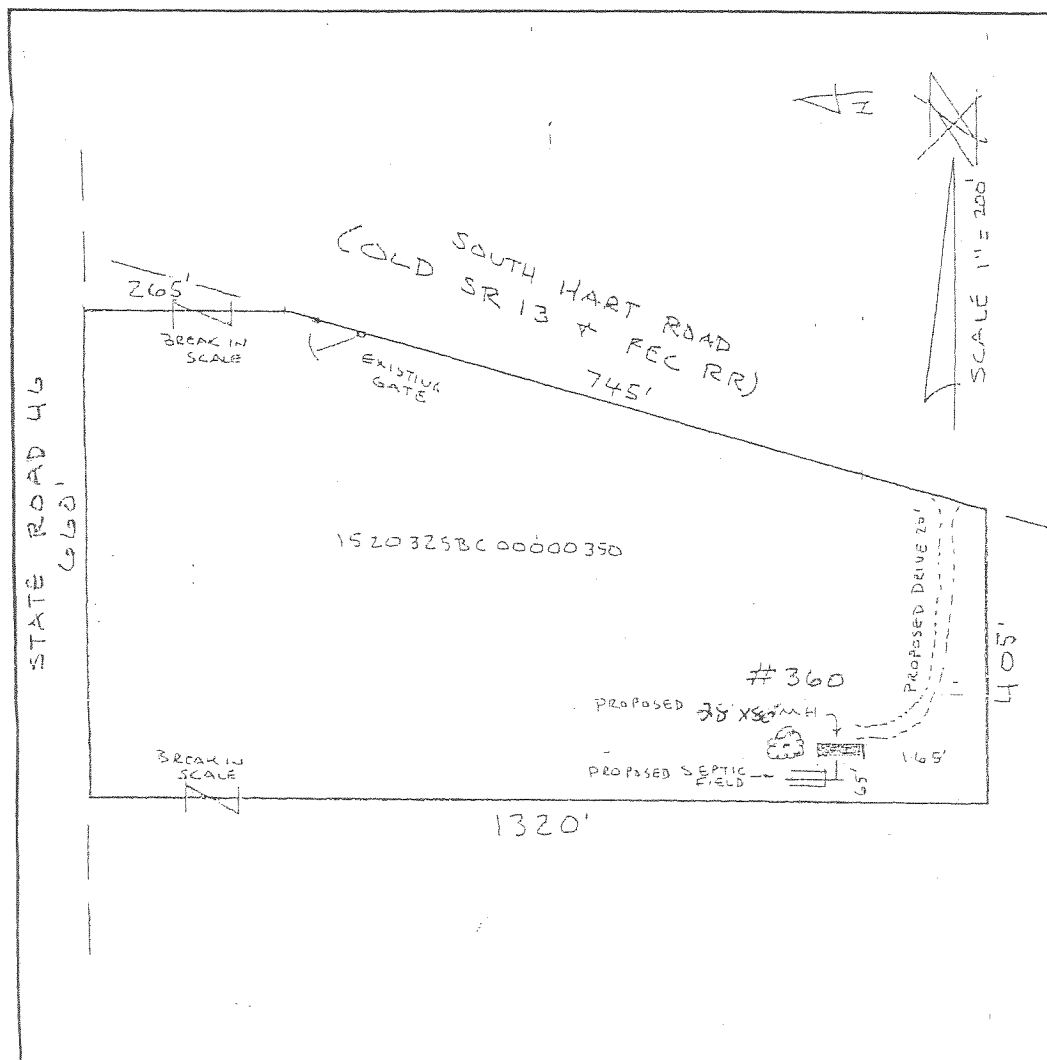
SUFFICIENCY COMMENTS _____


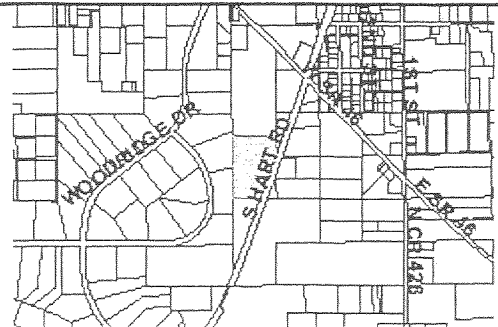
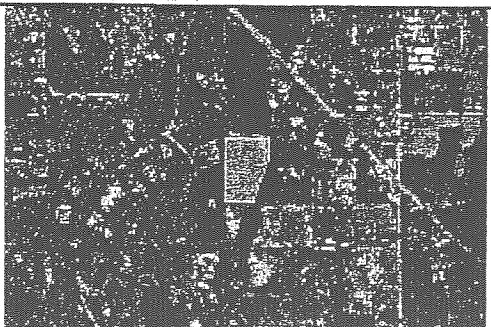
SITE PLAN REQUIREMENT

A site plan must be submitted with any application to the Board of Adjustment for a Special Exception, Special Exception for a mobile home or a variance. The site plan can be a copy of a survey with the proposed addition indicated or a drawing, drawn to scale, which accurately depicts the nature of the request.

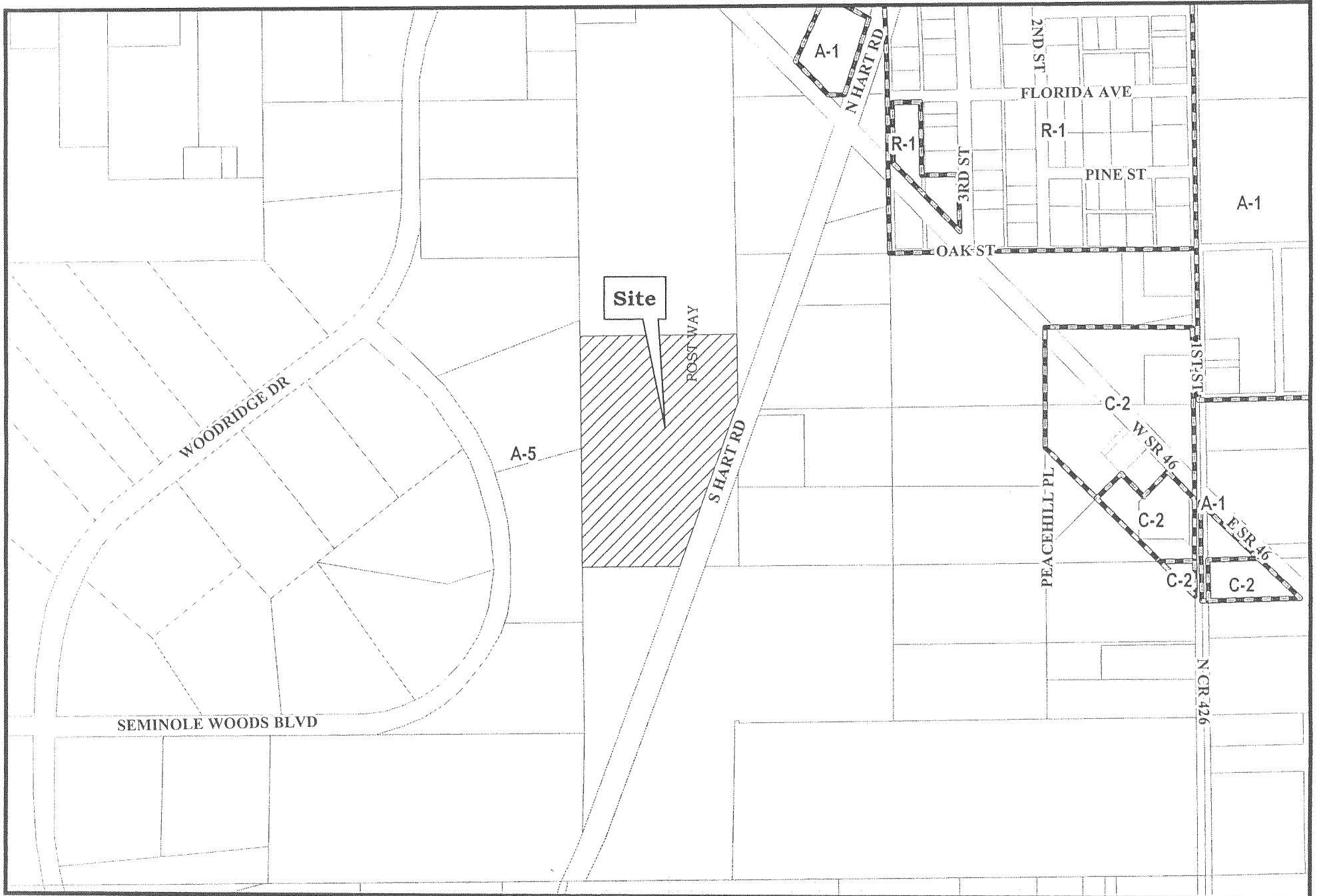
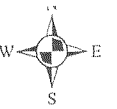
The following information needs to be indicated on the site plan:

1. The dimensions of the lot or parcel.
2. Location and name of abutting street or road. *Hart Rd*
3. Location, size and setbacks from property lines for all proposed or existing mobile homes, conventional homes, and accessory structures.
4. Location and size of proposed or existing septic system, drainfield and well, if applicable.
5. The location, size and type of any trees to be removed. *None*
6. The type, location and width of all easements on the property. *dirt Road*
7. The location and width of the existing or proposed driveway access.



<p>PARCEL DETAIL</p>  <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>	<p>REAL ESTATE PERSONAL PROP TAX ROLL SALES SEARCH</p>	<p>◀ ◁ Back ▷ ▶</p>																														
																																
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 15-20-32-5BC-0000-0350 Tax District: G1-AGRICULTURAL Owner: YARBOROUGH IMOGENE & Exemptions: Own/Addr: YARBOROUGH JAMES W CO TRS Address: PO BOX 65 City,State,ZipCode: GENEVA FL 32732 Property Address: HART RD S GENEVA 32732 Facility Name: Dor: 60-GRAZING LAND</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$9,051 Land Value (Market): \$128,700 Land Value Ag: \$12,671 Just/Market Value: \$137,751 Assessed Value (SOH): \$21,722 Exempt Value: \$0 Taxable Value: \$21,722</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> </tr> </thead> <tbody> <tr> <td>ADMINISTRATIVE DEED</td> <td>08/2002</td> <td>04515</td> <td>1455</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1986</td> <td>01858</td> <td>1386</td> <td>\$57,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1985</td> <td>01645</td> <td>0088</td> <td>\$67,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01114</td> <td>1975</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	ADMINISTRATIVE DEED	08/2002	04515	1455	\$100	Improved	WARRANTY DEED	08/1986	01858	1386	\$57,500	Vacant	WARRANTY DEED	06/1985	01645	0088	\$67,500	Vacant	WARRANTY DEED	01/1977	01114	1975	\$100	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$321 2004 Taxable Value: \$22,473 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p><small>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.</small></p>																																

Imogene & Beverly Yarborough 360 South Hart Rd.



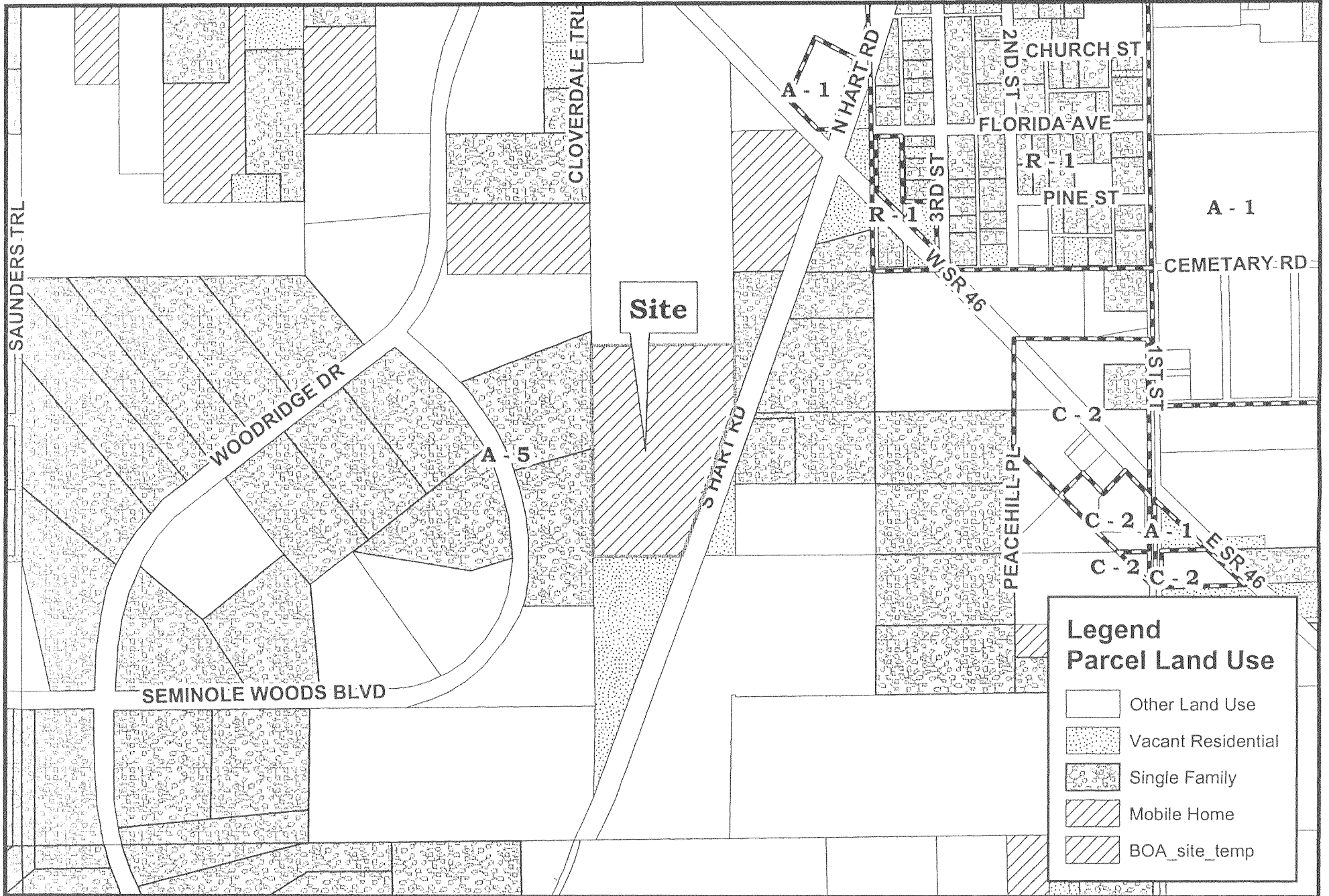
Parcel: 15-20-32-5BC-0000-0350 / District: 2

BM2004-028
DECEMBER 13, 2004

0 150 300 600 Feet

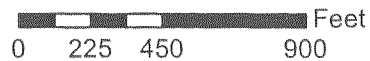


Imogene & Beverly Yarborough 360 South Hart Rd.



Legend
Parcel Land Use

- Other Land Use
- Vacant Residential
- Single Family
- Mobile Home
- BOA_site_temp





PLANNING DIVISION - ZONING

June 28, 2001

IMOGENE YARBOROUGH
PO BOX 65
GENEVA, FL 32732

RE: File #-BA01-6-14TE

Dear Mrs. Yarborough:

At their meeting of June 25, 2001, the Seminole County Board of Adjustment approved your request of a Special Exception to place a mobile home on the following described property:

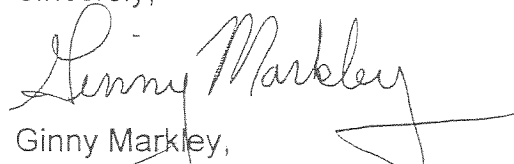
South ½ of Lot 35 and Lot 36W. of Old State Road 13 Geneva Tract,
PB 2, Pg. 66; in Sec 21-20-32; W. side of S. Hart Rd., 2/5 mile S. of
SR-46 (DISTRICT 5)

The approval of this request is for a period of three (3) years.

Prior to the placing of the mobile home, the necessary mobile home tie-down permits must be obtained from the Building Department within one year from the date of the Board of Adjustment meeting or the Special Exception becomes void.

Please be advised that there is a 15-day appeal period in which this decision can be appealed to the Board of County Commissioners. Therefore, the Development Order granted by the Board of Adjustment is not final until the appeal period has lapsed and no appeals have been filed. This means that a building permit incorporating the Special Exception cannot be issued prior to July 10, 2001.

Sincerely,


Ginny Markley,
Principal Zoning Coordinator

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 13, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG S ½ OF LOT 35 & LOT 36 W OF OLD SR 13 GENEVA TRACT IN SEC 21
TWP 20 RGE 32 PB 2 PG 66

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

FINDINGS OF FACT

Property Owner: IMOGENE YARBOROUGH
PO BOX 65
GENEVA, FLORIDA 32732

Project Name: 360 SOUTH HART AVE.

Requested Development Approval:

SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION 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: Jason Showe, 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:
 - A. THE PROPOSED MOBILE HOME SHALL OTHERWISE CONFORM TO APPLICABLE BUILDING CODES, INCLUDING STANDARDS FOR ANCHORING, UTILITY ACCESSIBILITY AND SKIRTING.
- (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 _____ 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: