

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

SUBJECT: REQUEST FOR SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION), WHILE A SINGLE-FAMILY HOME IS UNDER CONSTRUCTION AT 2361 WACCASSA ST. (DALE STEWART, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7337

Agenda Date 01-24-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

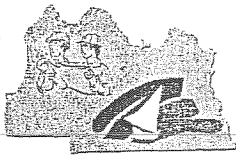
1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION), WHILE A SINGLE FAMILY HOME IS UNDER CONSTRUCTION AT 2361 WACCASSA STREET; (DALE STEWART, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION) WHILE A SINGLE FAMILY HOME IS UNDER CONSTRUCTION AT 2361 WACCASSA STREET; (DALE STEWART, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	DALE STEWART APPLICANT 2361 WACCASSA ST. GENEVA, FL	A-5 (RURAL ZONING CLASSIFICATION)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONTINUE OCCUPYING AN EXISTING MOBILE HOME FOR ONE YEAR IN THE A-5 DISTRICT, WHILE A PERMANENT SINGLE-FAMILY DWELLING IS UNDER CONSTRUCTION ON THE SAME PROPERTY. • THE PROPOSED MOBILE HOME IS A 1984 MODEL, 96 FEET X 14 FEET IN SIZE. • THE EXISTING MOBILE HOME WAS APPROVED FOR A PERIOD OF FIVE YEARS BY THE BOARD OF ADJUSTMENT IN 1984. 	

	<ul style="list-style-type: none"> • THE TEMPORARY OCCUPANCY OF A MOBILE HOME WHILE A SINGLE-FAMILY STRUCTURE IS UNDER CONSTRUCTION IS PERMITTED ONLY BY SPECIAL EXCEPTION IN THE A-1 DISTRICT. 																											
ZONING & FLU	<table border="1"> <thead> <tr> <th data-bbox="558 352 776 422">DIRECTION</th> <th data-bbox="776 352 943 422">EXISTING ZONING</th> <th data-bbox="943 352 1149 422">EXISTING FLU</th> <th data-bbox="1149 352 1448 422">USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td data-bbox="558 422 776 491">SITE</td> <td data-bbox="776 422 943 491">A-5</td> <td data-bbox="943 422 1149 491">RURAL – 5 / CONS</td> <td data-bbox="1149 422 1448 491">MOBILE HOME</td> </tr> <tr> <td data-bbox="558 491 776 560">NORTH</td> <td data-bbox="776 491 943 560">A-5</td> <td data-bbox="943 491 1149 560">RURAL – 5 / CONS</td> <td data-bbox="1149 491 1448 560">MOBILE HOME</td> </tr> <tr> <td data-bbox="558 560 776 630">SOUTH</td> <td data-bbox="776 560 943 630">A-5</td> <td data-bbox="943 560 1149 630">RURAL – 5 / CONS</td> <td data-bbox="1149 560 1448 630">SINGLE FAMILY</td> </tr> <tr> <td data-bbox="558 630 776 699">EAST</td> <td data-bbox="776 630 943 699">A-5</td> <td data-bbox="943 630 1149 699">RURAL – 5 / CONS</td> <td data-bbox="1149 630 1448 699">OTHER/NON-AGRICULTURAL</td> </tr> <tr> <td data-bbox="558 699 776 764">WEST</td> <td data-bbox="776 699 943 764">A-5</td> <td data-bbox="943 699 1149 764">RURAL – 5 / CONS</td> <td data-bbox="1149 699 1448 764">MOBILE HOME</td> </tr> </tbody> </table>				DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-5	RURAL – 5 / CONS	MOBILE HOME	NORTH	A-5	RURAL – 5 / CONS	MOBILE HOME	SOUTH	A-5	RURAL – 5 / CONS	SINGLE FAMILY	EAST	A-5	RURAL – 5 / CONS	OTHER/NON-AGRICULTURAL	WEST	A-5	RURAL – 5 / CONS	MOBILE HOME
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STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)	<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>MOBILE HOMES ARE COMMONLY PERMITTED SINGLE FAMILY UNITS IN THE A-5 DISTRICT. THEREFORE, THE TEMPORARY OCCUPANCY OF THE SAME ON A LOT WHERE A SINGLE-FAMILY HOME IS UNDER CONSTRUCTION WOULD BE COMPATIBLE WITH THE TREND OF DEVELOPMENT ON NEARBY AND ADJACENT PROPERTIES WITHIN THIS ZONING CATEGORY.</p>																											
	<p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p>																											
	<p>THE EXISTING MOBILE HOME HAS OCCUPIED THE SUBJECT PROPERTY FOR OVER 20 YEARS. THE CONTINUED OCCUPANCY OF THE SAME FOR AN ADDITIONAL YEAR WHILE A CONVENTIONAL HOME IS UNDER CONSTRUCTION WOULD HAVE NO MORE OF AN ADVERSE IMPACT ON TRAFFIC THAN A PERMANENT SINGLE-FAMILY DWELLING.</p>																											
<p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN;</u></p>																												
<p>THE REQUEST IS FOR THE TEMPORARY APPROVAL OF A USE, WHICH WOULD BE USED FOR SINGLE-FAMILY PURPOSES; THE SAME WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF RURAL-5 FUTURE LAND USE FOR THE SUBJECT PROPERTY.</p>																												
<p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR</u></p>																												

	<p><u>ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>THE SUBJECT PROPERTY MEETS THE MINIMUM SIZE AND YARD REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>AT PRESENT, THE TREND OF DEVELOPMENT IN THE IMMEDIATE AREA INCLUDES MOBILE HOMES, CONVENTIONAL SINGLE-FAMILY HOMES AND VACANT PROPERTIES. THEREFORE, THE TEMPORARY OCCUPANCY OF THE PROPOSED MOBILE HOME, WHILE A PERMANENT HOME IS CONSTRUCTED ON THE SUBJECT PROPERTY, WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE DISTRICT); LDC SECTION 30.104</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE 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 COMPATIBLE WITH THE CONCEPT OF LOW-DENSITY RESIDENTIAL LAND USE:</u></p> <p>THE PROPOSED USE WOULD BE CONSISTENT WITH THE CONCEPT OF SURROUNDING SINGLE-FAMILY, RURAL LAND USE SINCE THE COMPREHENSIVE PLAN DESCRIBES RURAL-5 AS AN APPROPRIATE FLU CATEGORY FOR THE TEMPORARY PLACEMENT OF A MOBILE BY SPECIAL EXCEPTION.</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 PROPOSED USE WOULD BE SERVED BY INDIVIDUAL WELL AND SEPTIC SYSTEMS AND WOULD HAVE ACCESS TO COUNTY SERVICES, INCLUDING SCHOOLS AND EMERGENCY SERVICES, WHICH ARE AVAILABLE TO THE SITE.</p>
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS SATISFIED THE STANDARDS FOR THE GRANT OF A SPECIAL EXCEPTION FOR TEMPORARY OCCUPANCY OF A MOBILE HOME AS A SINGLE-FAMILY DWELLING. BASED ON THE FINDINGS PRESENTED, STAFF RECOMMENDS APPROVAL OF THIS REQUEST, CONDITIONED UPON THE SITE PLAN SUBMITTED, CONFORMITY WITH THE COMPREHENSIVE PLAN, AND ADHERENCE TO THE FOLLOWING LAND DEVELOPMENT CODE STANDARDS</p> <ul style="list-style-type: none"> • A BUILDING PERMIT SHALL BE SECURED PRIOR TO PLACEMENT AND OCCUPANCY OF THE PROPOSED MOBILE HOME AS A TEMPORARY SINGLE-FAMILY

	<p>DWELLING ON THE SUBJECT PROPERTY.</p> <ul style="list-style-type: none">• A PERMANENT SINGLE-FAMILY HOME SHALL BE ACTIVELY UNDER CONSTRUCTION AND INSPECTION DURING THE PERIOD THE PROPOSED MOBILE HOME IS USED AS A TEMPORARY DWELLING.• THE PLACEMENT & OCCUPANCY OF THE PROPOSED MOBILE HOME SHALL NOT EXCEED ONE (1) YEAR & SHALL BE RENEWABLE FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR UPON APPROVAL BY THE BOARD OF ADJUSTMENT.• PRIOR TO FINAL INSPECTION OF THE RESIDENCE, THE PROPERTY OWNER SHALL FURNISH THE PLANNING DIVISION WITH ACCEPTABLE EVIDENCE AS TO THE DATE & METHOD THAT THE PROPOSED MOBILE HOME WILL BE REMOVED.• THE PROPOSED MOBILE HOME SHALL BE REMOVED WITHIN THIRTY (30) DAYS, FOLLOWING THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE PERMANENT SINGLE-FAMILY HOME.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BM 7004-030

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.

RECEIVED
 DEC 20 2004

APPLICATION TYPE:

- VARIANCE**
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION** request for 1 year placement of a mobile home while house is being build.
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) 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	<u>DALE STEWART</u>	
ADDRESS	<u>2361 WACCASSA ST. GENEVA, FL. 32732</u>	
PHONE 1	<u>(407) 349-9068</u>	
PHONE 2	<u>(407) 947-8780</u>	
E-MAIL		

PROJECT NAME: STEWART RESIDENCE
 SITE ADDRESS: 2361 WACCASSA ST. GENEVA, FL. 32732
 CURRENT USE OF PROPERTY: RESIDENCE
 LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: 5 acre(s) PARCEL I.D. 01-20-32-3AP-001F-0000
 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 1, 24, 05
 (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.

Dale Stewart 12/20/04
 SIGNATURE OF OWNER OR AGENT* 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 _____

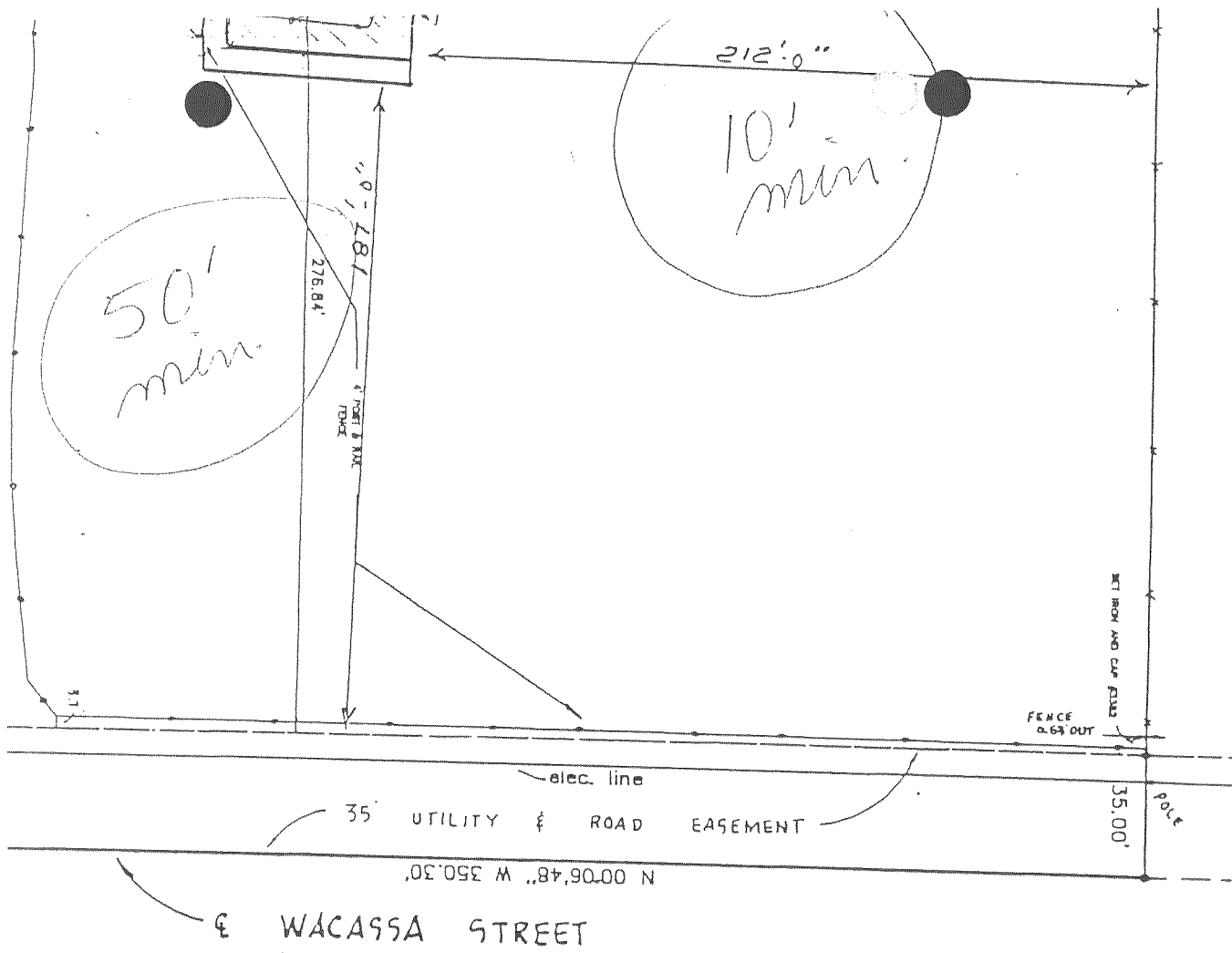
FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 185.00 COMMISSION DISTRICT _____ FLU / ZONING R-5 / A-5
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

FILED
DEC 20 2000

SITE PLAN


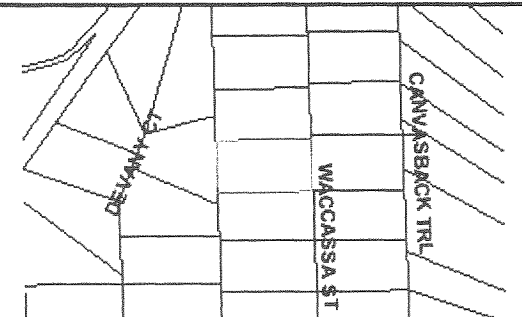


SURVEY NOTES:

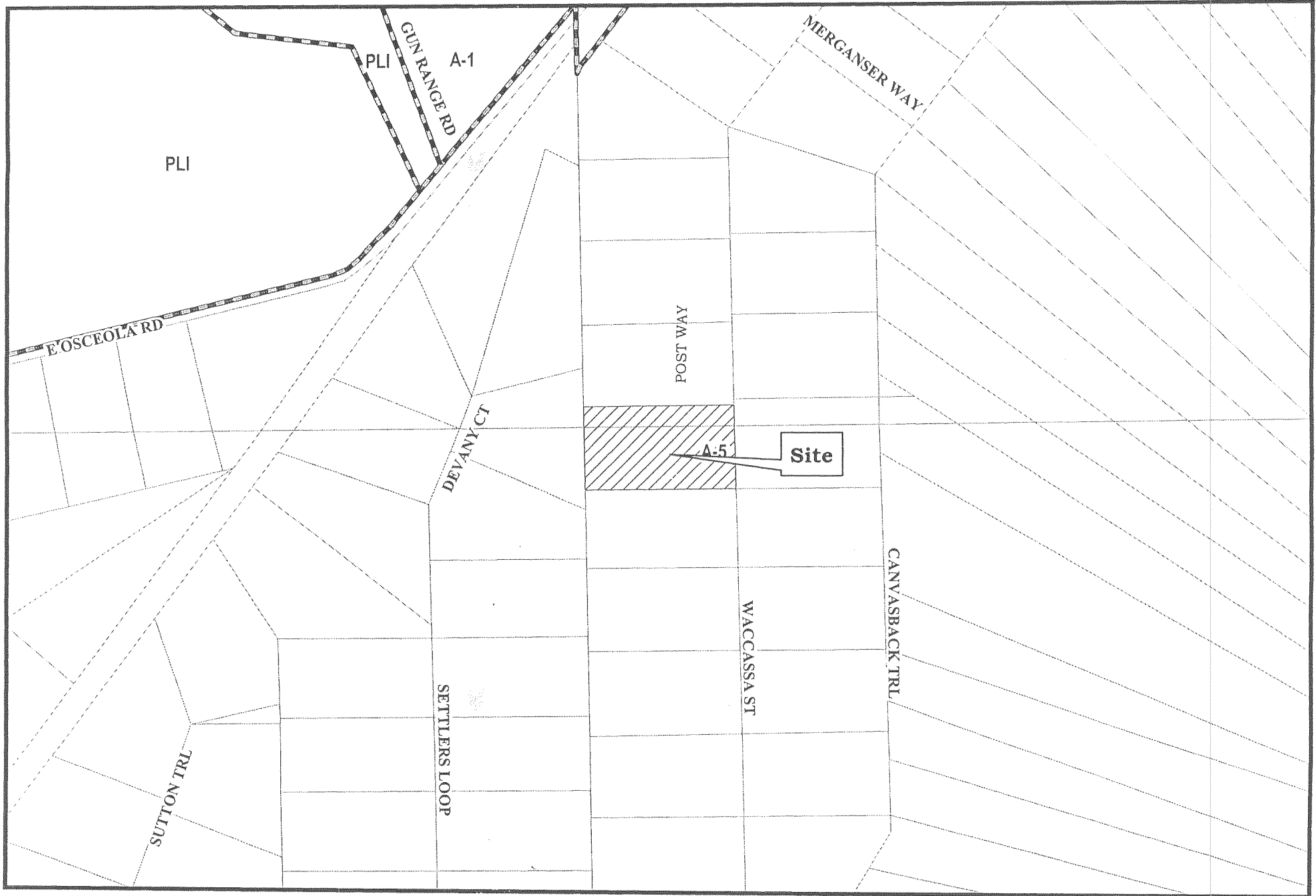
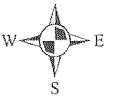
- 1) The above-described property lies in a Flood Zone AE.
- 2) The street address of the above-described property is Wacassa Street.
- 3) No underground improvements were located by this survey.
- 4) Bearings shown hereon are based on the West Line of section 12 being S.00°10'39"E.
- 5) This survey was completed on the ground on 29 January 2000.

SCALE: 1"=50'



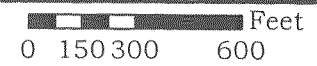
PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																														
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																			
<p align="center">GENERAL</p> <p>Parcel Id: 01-20-32-3AP-001F-0000 Tax District: 01-COUNTY-TX DIST 1 Owner: STEWART DALE S & LAURA Exemptions: 00-HOMESTEAD Address: 2361 WACASSA DR City,State,ZipCode: GENEVA FL 32732 Property Address: 2361 WACCASSA ST Subdivision Name: Dor: 02-MOBILE/MANUFACTURED</p>				<p align="center">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$5,250 Depreciated EXFT Value: \$32,899 Land Value (Market): \$42,500 Land Value Ag: \$0 Just/Market Value: \$80,649 Assessed Value (SOH): \$50,124 Exempt Value: \$25,000 Taxable Value: \$25,124</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>11/1984</td> <td>01593</td> <td>0821</td> <td>\$14,500</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	11/1984	01593	0821	\$14,500	Vacant	<p align="center">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$951 2004 Tax Bill Amount: \$409 Save Our Homes (SOH) Savings: \$542 2004 Taxable Value: \$24,189 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. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																			

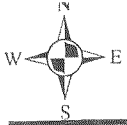
Dale Stewart
2361 Waccassa Street



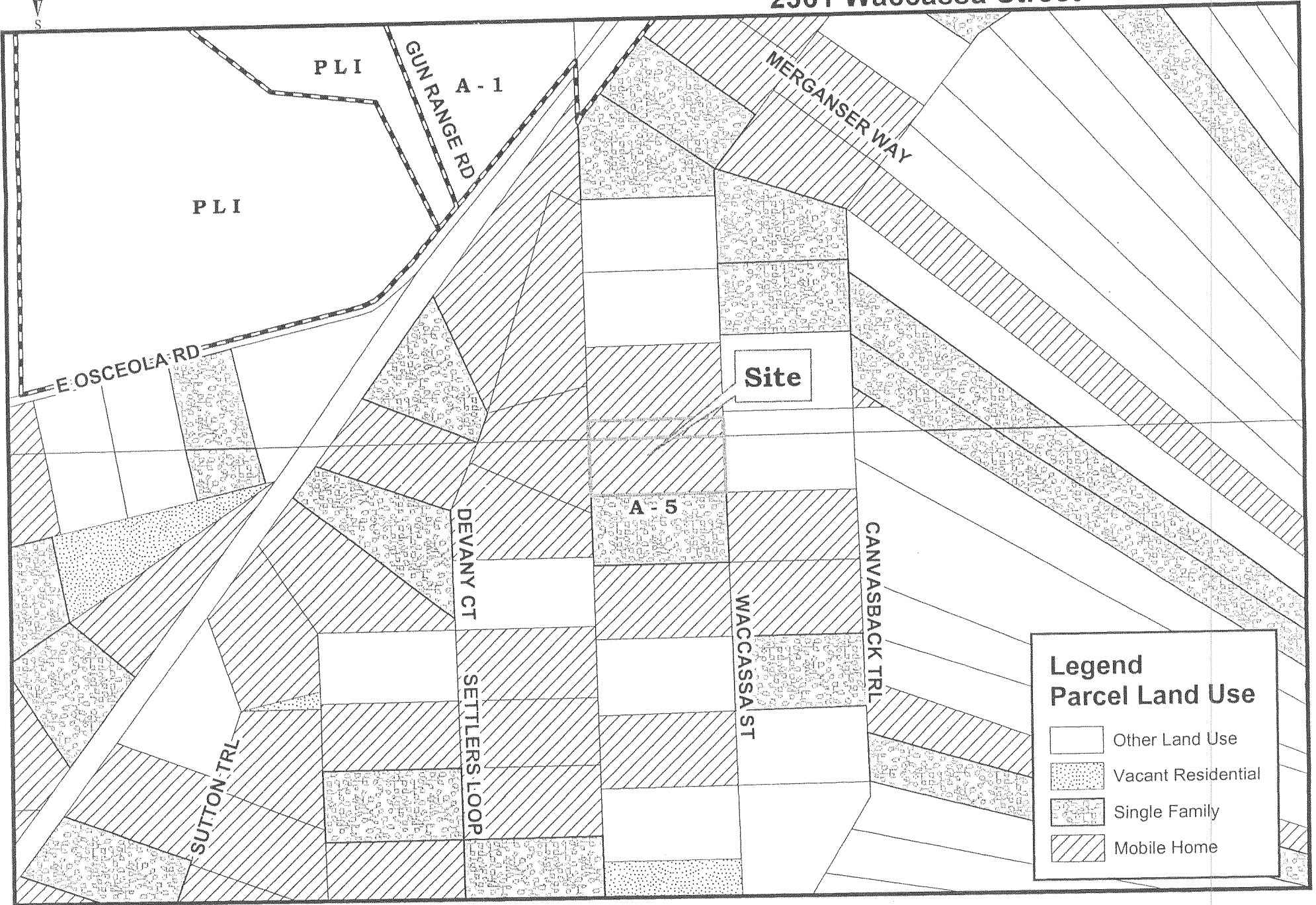
Parcel: 01-20-32-3AP-001F-0000 / District: 2

BM2004-030
JANUARY 24, 2005



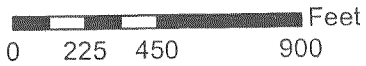


Dale Stewart
2361 Waccassa Street



Legend
Parcel Land Use

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



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 12 TWP 20S RGE 32E BEG NW COR RUN S 259.42 FT E 622.10 FT N
349.74 FT W 622.25 FT S 90.88 FT TO BEG (5 AC)

FINDINGS OF FACT

Property Owners: DALE STEWART
2361 WACCASSA STREET
GENEVA, FL 32732

Project Name: 2361 WACCASSA STREET
Requested Development Approval:

SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION), WHILE A SINGLE FAMILY HOME IS UNDER CONSTRUCTION AT 2361 WACCASSA STREET

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: Michael Rumer, 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 PERMANENT SINGLE-FAMILY HOME SHALL BE ACTIVELY UNDER CONSTRUCTION AND INSPECTION DURING THE PERIOD THE EXISTING MOBILE HOME IS USED AS A TEMPORARY DWELLING.
- THE PLACEMENT & OCCUPANCY OF THE EXISTING MOBILE HOME SHALL NOT EXCEED ONE (1) YEAR & SHALL BE RENEWABLE FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR UPON APPROVAL BY THE BOARD OF ADJUSTMENT.
- PRIOR TO FINAL INSPECTION OF THE RESIDENCE, THE PROPERTY OWNER SHALL FURNISH THE PLANNING DIVISION WITH ACCEPTABLE EVIDENCE AS TO THE DATE & METHOD THAT THE EXISTING MOBILE HOME WILL BE REMOVED.
- THE EXISTING MOBILE HOME SHALL BE REMOVED WITHIN THIRTY (30) DAYS, FOLLOWING THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE PERMANENT SINGLE-FAMILY HOME.

(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 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Order

OWNER'S CONSENT AND COVENANT

COMES NOW, _____, the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Witness

Print Name

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 did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: