

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

SUBJECT: REQUEST FOR (1) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 6 FT FOR A PROPOSED POOL; AND (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (ANDRAS RACZ, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 06-27-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 6 FT FOR A PROPOSED POOL; AND (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (ANDRAS RACZ, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 6 FT FOR A PROPOSED POOL; AND (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR A PROPOSED POOL SCREEN ENCLOSURE; (ANDRAS RACZ, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	ANDRAS RACZ, APPLICANT 811 ROSWELL COVE HEATHROW, FL 32746	PUD DISTRICT
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO BUILD A POOL THAT WOULD ENCROACH 1.5 FT INTO THE MINIMUM 7.5 FT SIDE YARD SETBACK, AS WELL AS A POOL SCREEN ENCLOSURE THAT WOULD ENCRACH 2.5 FT INTO THE MINIMUM 7.5 FT SIDE YARD SETBACK. • THERE IS NO RECORD OF OTHER VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> ○ PRINCIPAL BUILDINGS ON ADJACENT AND NEARBY PROPERTIES DO NOT APPEAR TO ENCROACH INTO THE MINIMUM SIDE YARD SETBACKS TO THE EXTENT 	

	<p>THE PROPOSED POOL AND SCREEN ENCLOSURE WOULD.</p> <ul style="list-style-type: none">○ THE PROPOSED POOL AND SCREEN ENCLOSURE WOULD BEGIN A TREND OF SIDE YARD ENCROACHMENT THAT IS INCONSISTENT WITH THE CHARACTER OF DEVELOPMENT IN THE NEIGHBORHOOD.○ THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCES, SINCE A COMPLIANT POOL AND SCREEN ROOM THAT AFFORDS RECREATIONAL OPPORTUNITY COULD BE BUILT WITHOUT VARIANCES.
<p>STAFF RECOMMENDATION</p>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST AND MAKE THE APPROPRIATE FINDINGS OF FACT, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL AND POOL SCREEN ENCLOSURE, AS SHOWN ON THE ATTACHED SITE PLAN.

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 01

TWP: 20

RNG: 29

DEVELOPMENT:		Wembley Park				DEVELOPER:		Arvida													
LOCATION:		E side of Heathrow Boulevard, located in the central portion of the PUD 81 lots																			
FILE#:		BA:		SP:		BCC:		01/14/92													
P&Z:		PB		45		PG		60-66		Lot		Bik		Parcel		DBA		Comm Dist			
DEVEL. ORDER #:				94-69				TAX PAR. I.D. #:													
SIDEWALKS: Lots 48-54, 55-60, 78-81, W side Lots 1, 61-77, 40-43						SETBACK REQUIREMENTS															
						FY: 20'		SIDE ST.:				SY: 7.5'		RY: 20'							
ROAD TYPE: (CURB & GUTTER OR SWALE)								MAIN STRUCTURE OTHER: Minimum House size: 1,500 sq. ft.													
COMMENTS OTHER: Plat was approved subject to the 1/15/92 letter from John Dwyer to Joe Dobosh.						ACCESSORY STRUCTURE SETBACKS:															
						SY: 7.5'						RY: 10'									
Not flood prone.						ACCESSORY STRUCTURE OTHER:															

		IMPACT FEES	
Not flood prone		SCREEN:	
		TRAFFIC ZONE:	5
		LAND USE:	
		1. ROAD-CO. WIDE	
		2. ROAD-COLL.	
		3. LIBRARY	
		4. FIRE	
		5. PARK	
		6. SCHOOL	
		7. LAW	
		8. DRAINAGE	
		TOTAL	
		REMARKS: curb and gutter; private roads.	

COMMITMENT CARD

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



MAY 06 2005



APPL. NO. BV 2005-071

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** SYSBY from 7.5ft. to 6ft. for proposed pool.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>ANDRAS RACZ</u>	
ADDRESS	<u>811 Roswell Cove Heathrow FL 32746</u>	
PHONE 1	<u>407-804-9051</u>	
PHONE 2	<u>407-435-3921 CELL</u>	
E-MAIL	<u>aracz@khouryconsulting.com</u>	

PROJECT NAME: swimming pool

SITE ADDRESS: same as above

CURRENT USE OF PROPERTY: residence

LEGAL DESCRIPTION: LEG LOT 68 Wembley Park PB 45
PGS 60 THRU 66

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 01-20-29-501-0000-0680

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 6/27/2005 (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.

Andras J. Racz April 21st, 2005
 SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent

ADDITIONAL VARIANCES

VARIANCE 2:

Side yard setback variance from 7.5' to 5' for a Pool screen enclosure

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): 200.00 COMMISSION DISTRICT 5 FLU/ZONING PUD/POD

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS South of Tedsworth Ter at intersection of Aracoma CV + Tedsworth Ter

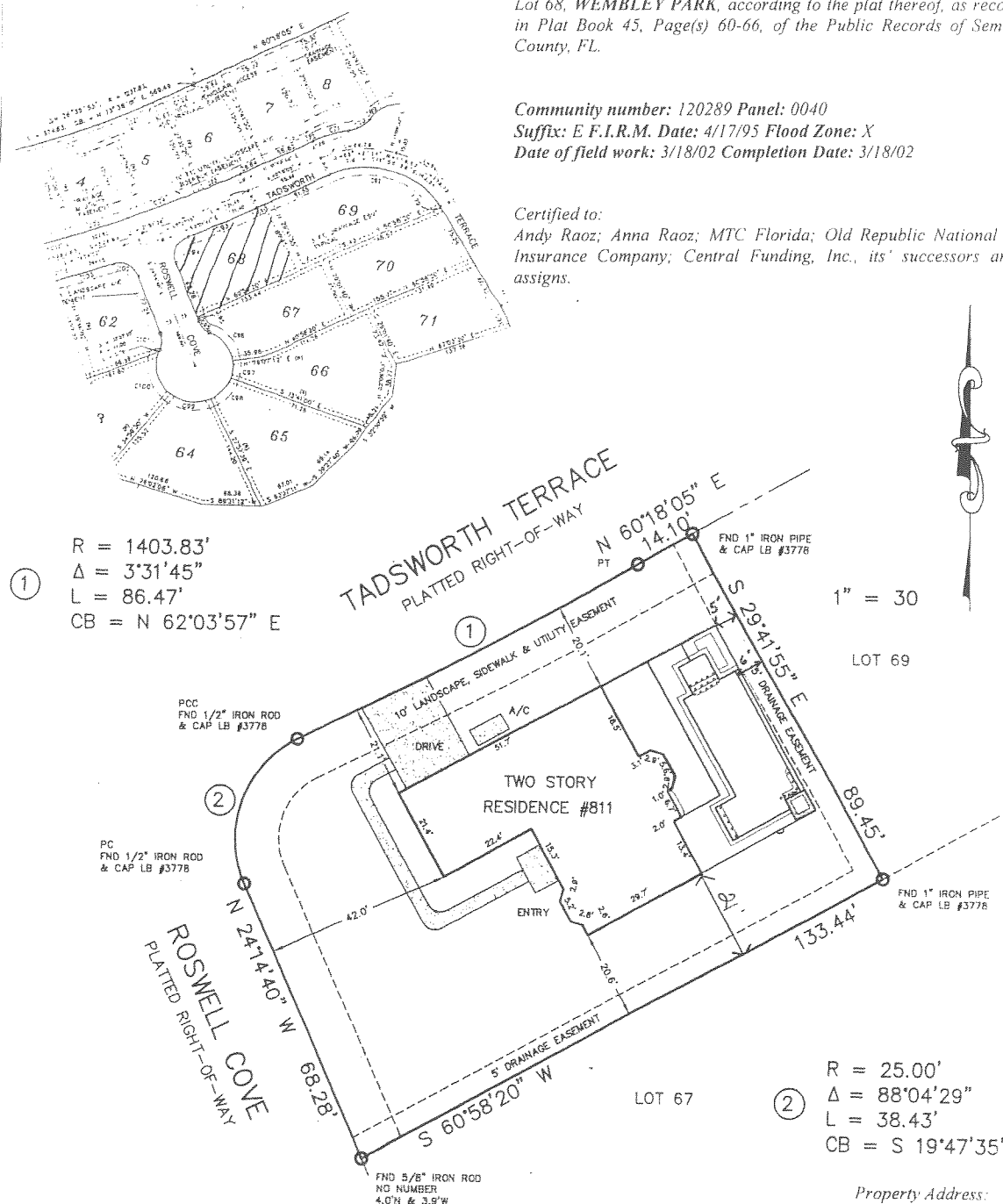
PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS Issue refund for second variance

Lot 68, WEMBLEY PARK, according to the plat thereof, as recorded in Plat Book 45, Page(s) 60-66, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0040
 Suffix: E F.I.R.M. Date: 4/17/95 Flood Zone: X
 Date of field work: 3/18/02 Completion Date: 3/18/02

Certified to:
 Andy Raoz; Anna Raoz; MTC Florida; Old Republic National Title Insurance Company; Central Funding, Inc., its' successors and/or assigns.



R = 1403.83'
 Δ = 3°31'45"
 L = 86.47'
 CB = N 62°03'57" E

1" = 30'

LOT 69

R = 25.00'
 Δ = 88°04'29"
 L = 38.43'
 CB = S 19°47'35" W

Property Address:
 811 Roswell Cove
 Heathrow, FL 32746

Survey number: SL 6748

LEGEND

- WOOD FENCE
- X-X- WIRE FENCE
- FN FOUND NAIL
- PC PROPERTY CORNER
- R RECORD
- M FLD MEASURED
- C CALCULATED
- CL CLEAR
- ENOR ENROADMENT
- C CENTERLINE
- CONC CONCRETE
- PL PROPERTY LINE
- CM CONCRETE MONUMENT
- FR FOUND IRON ROD
- FR FOUND IRON PIPE
- R/W RIGHT OF WAY
- N&D NAIL & DISK
- D.E DRAINAGE EASEMENT
- L.E UTILITY EASEMENT
- FD FOUND
- P PLAT
- ASPH ASPHALT
- UTIL UTILITIES
- RR POWER POLE
- TX TRANSFORMER
- CATV CABLE RISER
- W/M WATER METER
- TEL TELEPHONE FACILITIES
- COVERED AREA
- BEARING REFERENCE
- CH CHORD
- RAO RADIAL
- NR NON RADIAL
- A/C AIR CONDITIONER
- B.M BENCH MARK
- C.B CATCH BASIN
- C CALCULATED

- BLOCK WALL
- Δ CENTRAL ANGLE/Delta
- D.B DEED BOOK
- D DESCRIPTION OF DEED
- D.H DRILL HOLE
- D/W DRIVEWAY
- ESMT EASEMENT
- EL ELEVATION
- FF FINISHED FLOOR
- F.C.M FOUND CONCRETE MONUMENT
- FRK FOUND PARKER-KALON NAIL
- L LENGTH
- L.A.E LIMITED ACCESS EASEMENT
- M.H MAIN HOLE
- N.T.S. NOT TO SCALE
- O.R OFFICIAL RECORDS
- O.R.B. OFFICIAL RECORDS BOOK
- P.C.P PERMANENT CONTROL POINT
- P.P.M. PERMANENT REFERENCE MONUMENT
- PG PAGE
- P.V.M.T. PAVEMENT
- P.B PLAT BOOK
- P.B.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.L. POINT OF LINE
- P.C. POINT OF CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- P.T. POINT OF TANGENCY
- R. RADIUS (RADIAL)
- R.O.E. ROOF OVERHANG EASEMENT
- S.I.R. SET IRON ROD & CAP
- S.W. SIDEWALK
- T.B.M. TEMPORARY BENCH MARK
- T.O.P. TOP OF BANK
- TYR TYPICAL
- W.C. WITNESS CORNER
- 10.50 EXISTING ELEVATION
- E.O.W. EDGE OF WATER

GENERAL NOTES

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) 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.
- 3) WALL TIES ARE TO THE FACE OF THE WALL.
- 4) ONLY VISIBLE ENROADMENTS LOCATED.
- 5) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
- 7) ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. 1928 UNLESS OTHERWISE NOTED.
- 8) ADJOINING LOTS ARE WITHIN THE SAME BLOCK, UNLESS OTHERWISE NOTED.
- 9) THIS IS AN AS-BUILT SURVEY UNLESS OTHERWISE NOTED.
- 10) NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYORS EMBOSSED SEAL.
- 11) FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY, AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY OBSERVATION.

RALPH SWERDLOFF REGISTERED LAND SURVEYOR NO. 3411

SWERDLOFF & LONG SURVEYING, INC.

365 Waymont Ct., Ste.109, Lake Mary, FL 32746
 Voice (407) 688-7631 Fax (407) 688-7691

I support my neighbor

(Andy Racz at 811 Roswell Cove, Heathrow, FL 32746)

to have a pool built with a screen enclosure, and his request for a variance for a 5 foot setback, because of the limited size of his backyard. (See attachment of the plan)

805 Roswell Cove

Robert L. Bernheim Robert L. Bernheim

1217 Tadsworth Ter.

CARA L. KANSIER Cara L. Kansier

1233 Tadsworth Terrace

Yvonne Catala Yvonne Catala

1230 Tadsworth Terrace

Sundy Norberg Sundy Norberg

1223 Tadsworth Terr.

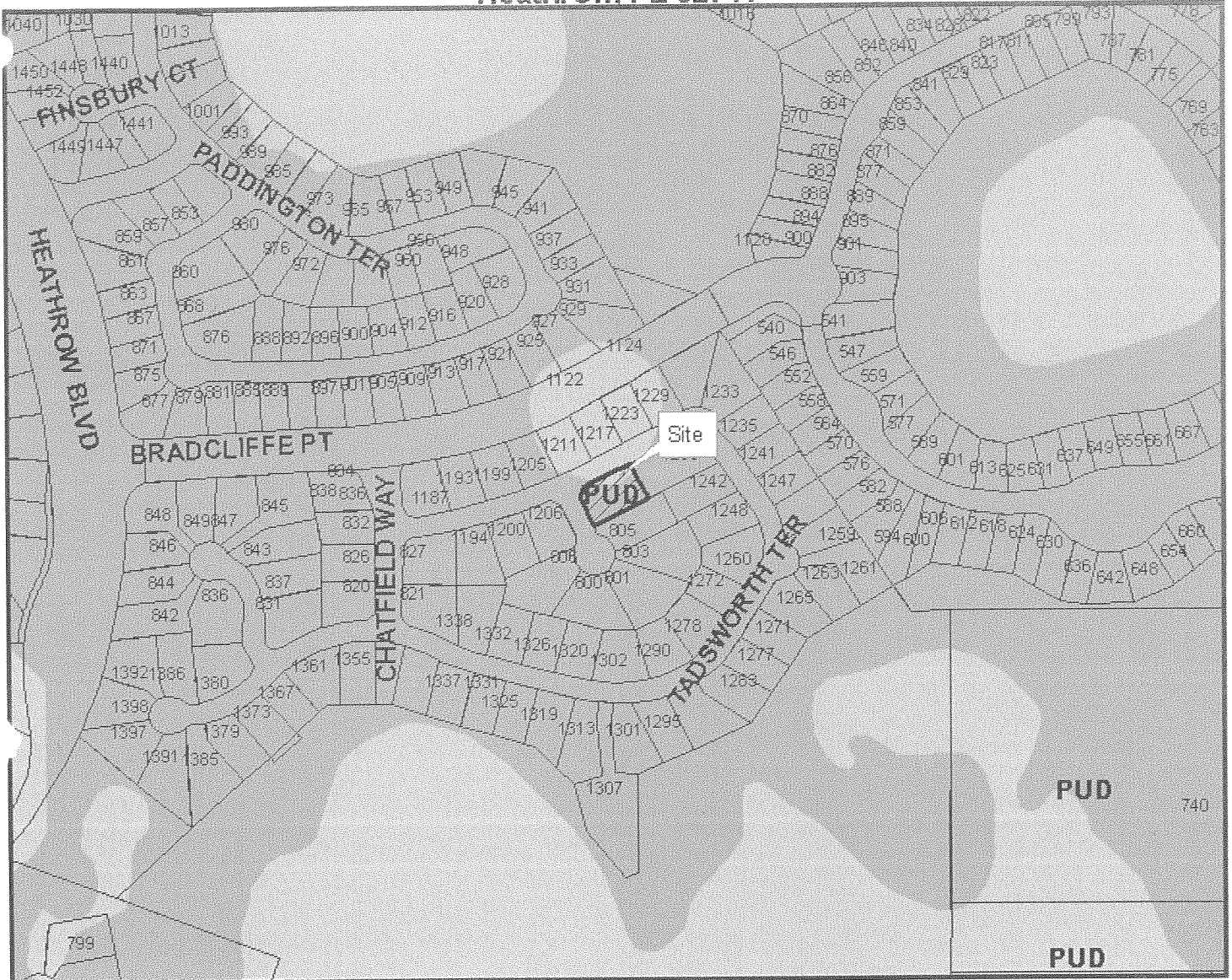
Scarlett Griffin Scarlett Griffin

803 ROSWELL COVE

JAMES SHEPHERD

<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 407-665-7506</p>																																																														
<p style="text-align: center;">GENERAL</p> <p>* Parcel Id: 01-20-29-507-0000-0680 Tax District: 01-COUNTY-TX DIST 1 Owner: RACZ ANDY & ANNA Exemptions: 00-HOMESTEAD Address: 811 ROSWELL CV City,State,ZipCode: LAKE MARY FL 32746 Property Address: 811 ROSWELL CV HEATHROW 32746 Subdivision Name: WEMBLEY PARK Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$248,743 Depreciated EXFT Value: \$0 Land Value (Market): \$50,000 Land Value Ag: \$0 Just/Market Value: \$298,743 Assessed Value (SOH): \$241,225 Exempt Value: \$25,000 Taxable Value: \$216,225 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> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>03/2002</td> <td>04371</td> <td>0894</td> <td>\$255,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>09/1994</td> <td>02824</td> <td>0026</td> <td>\$198,500</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/2002	04371	0894	\$255,000	Improved	SPECIAL WARRANTY DEED	09/1994	02824	0026	\$198,500	Improved	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,895 2004 Tax Bill Amount: \$3,536 Save Our Homes (SOH) Savings: \$359 2004 Taxable Value: \$209,199 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>																																																														

Andras Racz
811 Roswell Cove
Heathrow, FL 32746

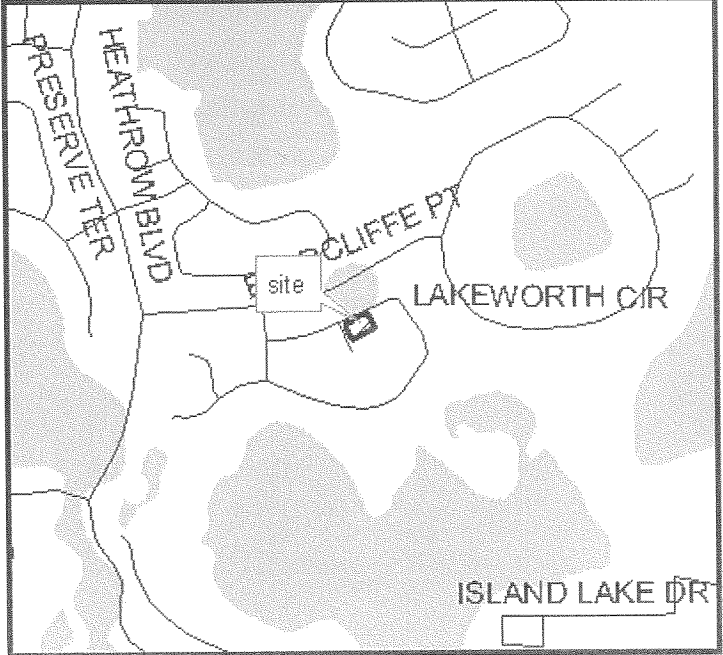
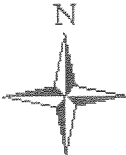


Seminole County Board of Adjustment
June 27, 2005
Case: BV2005-071
Parcel No: 01-20-29-507-0000-0680

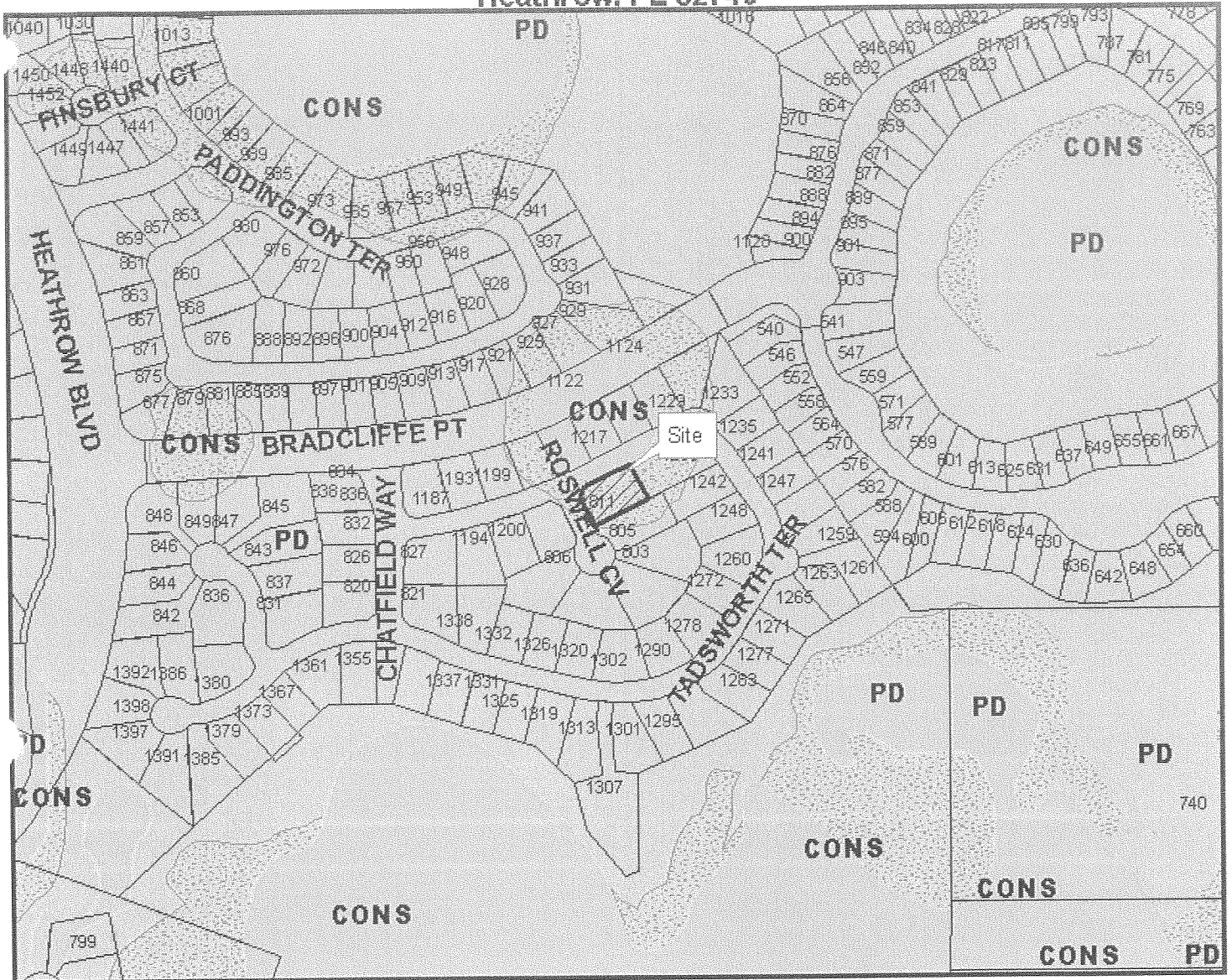
Zoning

- PUD Planned Unit Dev.
- BV2005-071

0 70 140 280 420 560 Feet



Andras Racz
 811 Roswell Cove
 Heathrow, FL 32746

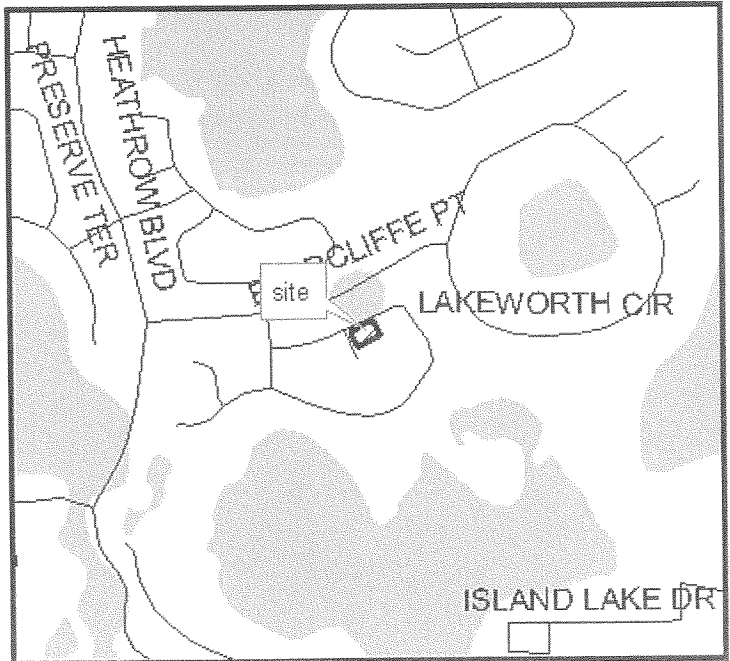


Seminole County Board of Adjustment
 June 27, 2005
 Case: BV2005-071
 Parcel No: 01-20-29-507-0000-0680

Future Land Use

- CONS, PD
- PD, NONE
- BV2005-071

0 70 140 280 420 560 Feet



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 68 WEMBLEY PARK PB 45 PGS 60 THRU 66

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

FINDINGS OF FACT

Property Owner: ANDY & ANNA RACZ
811 ROSWELL COVE
LAKE MARY, FL 32746

Project Name: 811 ROSWELL COVE

Requested Development Approval:

1. SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR PROPOSED POOL SCREEN ENCLOSURE.
2. SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 6 FEET FOR 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: Earnest McDonald,
Principal Coordinator
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 proposed pool and pool screen enclosure 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 _____ 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: