

BV2006-022

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a rear yard setback variance from 30 feet to 22 feet for an existing covered screen room in the R-1A (Single Family Dwelling District); (Brad Heath, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 03-27-06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 22 feet for an existing covered screen room in the R-1A (Single Family Dwelling District); (Brad Heath, applicant).
2. **DENY** the request for a rear yard setback variance from 30 feet to 22 feet for an existing covered screen room in the R-1A (Single Family Dwelling District); (Brad Heath, applicant).
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning:	Brad Heath 829 Fantasy Lane R-1A (Chula Woods)
BACKGROUND REQUEST	<ul style="list-style-type: none"> • The applicant constructed covered screen room/florida room that encroaches 8 feet into the 30 rear yard setback requirement. • The applicant submitted a permit for the screen enclosure in 12/05 and can not receive final inspection until a variance is granted. • There is no record of prior variances having been granted for this property. 	
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are 	

	<p>peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. The applicant could of constructed a covered screen room without a variance by reducing the size.</p> <ul style="list-style-type: none">• The applicant would retain reasonable use of the property without the requested variance.
STAFF RECOMMENDATION	<p>Based on the stated findings and the representations of the applicant, staff recommends approval of the request, subject to the following conditions:</p> <ol style="list-style-type: none">1. Any variance granted should apply only to the existing covered screen room, as depicted on the attached site plan.2. Any additional conditions deemed appropriate, based on information presented at the public hearing.



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

COPY

01-26-06 A10:46
 APPL. NO. BV2006-022

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** REAR YARD set back VARIANCE from 30 ft. to 22 ft. FOR AN existing SCREEN ROOM.
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE 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**

MEDICAL HARDSHIP

FAMILY HARDSHIP

TIME NEEDED _____

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Bradley W. Heath</u>	
ADDRESS	<u>829 Fantasy Ln Chuluota, FL 32766</u>	
PHONE 1	<u>(407) 971-2873</u>	
PHONE 2	<u>(321) 388-5194</u>	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 829 Fantasy Ln Chuluota, FL 32766

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Lot 38 Chula Woods PB 50 PGS 22 & 23

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 28-21-32-5MV-0000-0380

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO Please call

This request will be considered at the Board of Adjustment regular meeting on 3, 27, 06
 (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.

Bradley W. Heath
 SIGNATURE OF OWNER OR AGENT* DATE 01-26-06

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): 190.00

COMMISSION DISTRICT

FLU/ZONING

R-1A/LOR

BCC HEARING DATE

(FOR APPEAL)

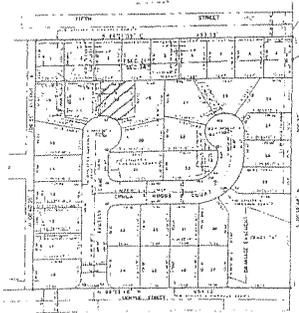
LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

BOUNDARY SURVEY



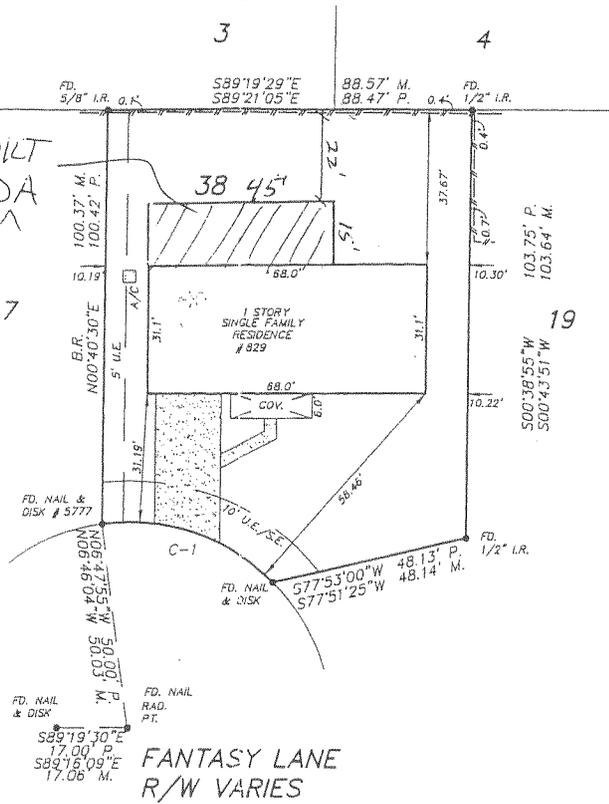
ASBUILT
FLORIDA
ROOM

17

19

C-1 (P.)
 $\Delta = 52^{\circ}01'03''$
 $R = 50.00'$
 $L = 45.39'$
 $C = 43.86'$
 $CB = N70^{\circ}47'06''W$

C-1 (M.)
 $\Delta = 51^{\circ}57'55''$
 $R = 50.00'$
 $L = 45.35'$
 $C = 43.81'$
 $CB = N70^{\circ}45'30''W$



Legal Description

Lot 38, CHULA WOODS, according to the Plat thereof, as recorded in Plat Book 50, Pages 22-23, of the Public Records of Seminole County, Florida, being that same property described in Warranty Deed filed 4-28-2000 in Official Records Book 3823 at Page 43, Public Records of Seminole County, Florida.

Community Number: 120289 Panel: 0190
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Field Work: 7/22/2002 Completed: 7/23/2002

Certified To:
 Bradlea Heath; Dena Heath; First Southwestern Title Company of Florida; First American Title Insurance Company; Countrywide Home Loans, Inc., its successors and/or assigns.

Property Address:
 829 Fantasy Lane
 Chuluota, Florida 32766

Survey Number: O-98924

Notes:

Accepted By: _____



LEGEND	
WOOD FENCE	Δ CENTRAL ANGLE/DELTA
WIRE FENCE	D.B. DEED BOOK
F.N. NAIL	D. DESCRIPTION OR DEED
● PROPERTY CORNER	D.H. DRILL HOLE
○ SITE BENCH MARK	D.V. DRIVEWAY
M FIELD MEASURED	D.V.E. DRIVEWAY EASEMENT
C CALCULATED	ESMT EASEMENT
ELEV ELEVATION	L.M.E. LANDSCAPE MAINTENANCE EASEMENT
ENCR ENCROACHMENT	F.F. FINISHED FLOOR
ENCR ENCROACHMENT	F.C.M. FOUND CONCRETE MONUMENT
ENCR ENCROACHMENT	F.P.K. FOUND PARKER-NOLAN NAIL
ENCR ENCROACHMENT	L LENGTH
ENCR ENCROACHMENT	L.A.E. LIMITED ACCESS EASEMENT
ENCR ENCROACHMENT	M.H. MANHOLE
ENCR ENCROACHMENT	N.T.S. NOT TO SCALE
ENCR ENCROACHMENT	O.R. OFFICIAL RECORDS
ENCR ENCROACHMENT	O.R.B. OFFICIAL RECORDS BOOK
ENCR ENCROACHMENT	P.C.P. PERMANENT CONTROL POINT
ENCR ENCROACHMENT	P.R.M. PERMANENT REFERENCE MONUMENT
ENCR ENCROACHMENT	PAGE PAGE
ENCR ENCROACHMENT	P.V.M.T. PAVEMENT
ENCR ENCROACHMENT	P.B. PLAT BOOK
ENCR ENCROACHMENT	P.O.B. POINT OF BEGINNING
ENCR ENCROACHMENT	P.O.C. POINT OF COMMENCEMENT
ENCR ENCROACHMENT	P.O.L. POINT ON LINE
ENCR ENCROACHMENT	P.C. POINT OF CURVATURE
ENCR ENCROACHMENT	P.C.C. POINT OF COMPOUND CURVATURE
ENCR ENCROACHMENT	P.R.C. POINT OF REVERSE CURVE
ENCR ENCROACHMENT	P.T. POINT OF TANGENCY
ENCR ENCROACHMENT	R. RADIUS (RADIAL)
ENCR ENCROACHMENT	R.O.E. ROOF OVERHANG EASEMENT
ENCR ENCROACHMENT	S.I.R. SET IRON ROD & CAP
ENCR ENCROACHMENT	S.W. SIDEWALK
ENCR ENCROACHMENT	T.B.M. TEMPORARY BENCH MARK
ENCR ENCROACHMENT	T.O.B. TOP OF BANK
ENCR ENCROACHMENT	T.Y.P. TYPICAL
ENCR ENCROACHMENT	W.C. WITNESS CORNER
ENCR ENCROACHMENT	E.O.W. EDGE OF WATER
ENCR ENCROACHMENT	WELL WELL
ENCR ENCROACHMENT	10.50 EXISTING ELEVATION

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
 - 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.
 - WALL TIES ARE TO THE FACE OF THE WALL.
 - NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - ONLY VISIBLE ENCROACHMENTS LOCATED.
 - NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
 - DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
 - FENCE OWNERSHIP NOT DETERMINED.
 - ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
 - BEARINGS REFERENCED TO LINE NOTED AS B.R.
 - THIS SURVEY DEPICTED HERE FORMS A CLOSED GEOMETRIC FIGURE
- I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

SIGNED _____ STATE OF FLORIDA
 CARL MICHAEL SMITH LAND SURVEYOR & MAPPER NO. 3782

SIGNED _____ STATE OF FLORIDA
 ODALYS C. BELLO-IZAMA LAND SURVEYOR & MAPPER NO. 8189

SIGNED _____ STATE OF FLORIDA
 LOUIS R. RAMIREZ LAND SURVEYOR & MAPPER NO. 3004

THIS SURVEY IS INTENDED FOR PLANNING OR REFERENCE PURPOSES ONLY, EXCLUSIVELY FOR THE USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF FIRST FINANCIAL SURVEYORS, INC.

First Financial Surveyors, Inc.

365 Aslan Avenue,
 Orlando, Florida 32785
 (407) 977-7010 Fax (407) 977-7020

8500 SW 82nd Street, Suite B-104
 Miami, Florida 33156
 (305) 271-3655 Fax (305) 271-6400

828 Anchor Road Drive Suite 409
 Naples, Florida 34110
 (239) 263-9782 Fax (239) 263-9781

AND AFFILIATED COMPANIES
 L.B. 6387

Nationwide: 1-800-767-6286 Fax: 1-800-787-6200

BOUNDARY SURVEY

LEGEND			
—	WOOD FENCE	△	CENTRAL ANGLE/DELTA
---	WIRE FENCE	D.B.	DEED BOOK
F.N.	NAIL	D.	DESCRIPTION OR DEED
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ENCR.	ENCROACHMENT	F.C.M.	FOUND CONCRETE MONUMENT
CL	CENTERLINE	F.P.K.	FOUND PARKER-KALON NAIL
CONC.	CONCRETE	L	LENGTH
PL	PROPERTY LINE	L.A.E.	LIMITED ACCESS EASEMENT
C.M.	CONCRETE MONUMENT	M.H.	MANHOLE
F.I.R.	FOUND IRON ROD	N.T.S.	NOT TO SCALE
F.I.P.	FOUND IRON PIPE	O.R.	OFFICIAL RECORDS
R.W.	RIGHT OF WAY	O.R.B.	OFFICIAL RECORDS BOOK
NAD	NAIL & DISC	P.C.P.	PERMANENT CONTROL POINT
D.E.	DRAINAGE EASEMENT	P.R.M.	PERMANENT REFERENCE MONUMENT
U.E.	UTILITY EASEMENT	PG	PAGE
FD.	FOUND	PAVMT.	PAVEMENT
P	PLAT	P.B.	PLAT BOOK
ASPHALT	ASPHALT	P.O.B.	POINT OF BEGINNING
O.H.L.	OVERHEAD LINES	P.O.C.	POINT OF COMMENCEMENT
P.P.	POWER POLE	P.O.L.	POINT ON LINE
T	TRANSFORMER	P.C.	POINT OF CURVATURE
CATY	CABLE RISER	P.C.C.	POINT OF COMPOUND CURVATURE
W.M.	WATER METER	P.R.C.	POINT OF REVERSE CURVE
TEL.	TELEPHONE FACILITIES	P.T.	POINT OF TANGENCY
COV.	COVERED AREA	R	RADIUS (RADIAL)
B.R.	BEARING REFERENCE	R.O.E.	ROOF OVERHANG EASEMENT
CHD	CHURCH	S.I.R.	SET IRON ROD & CAP
RAD	RADIAL TIE	S.W.	SIDEWALK
N.R.	NON RADIAL	T.B.M.	TEMPORARY BENCH MARK
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SIGNED: CARL MICHAEL SMITH, STATE OF FLORIDA LAND SURVEYOR & MAPPER NO. 3762

SIGNED: CATALYS C. BELLO-OLIVERA, STATE OF FLORIDA LAND SURVEYOR & MAPPER NO. 8159

SIGNED: LOUIS R. RAMIREZ, STATE OF FLORIDA LAND SURVEYOR & MAPPER NO. 3200*

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First Financial Surveyors, Inc.

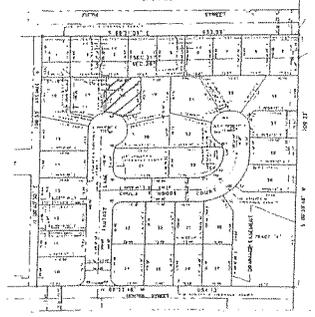
365 Auld Avenue
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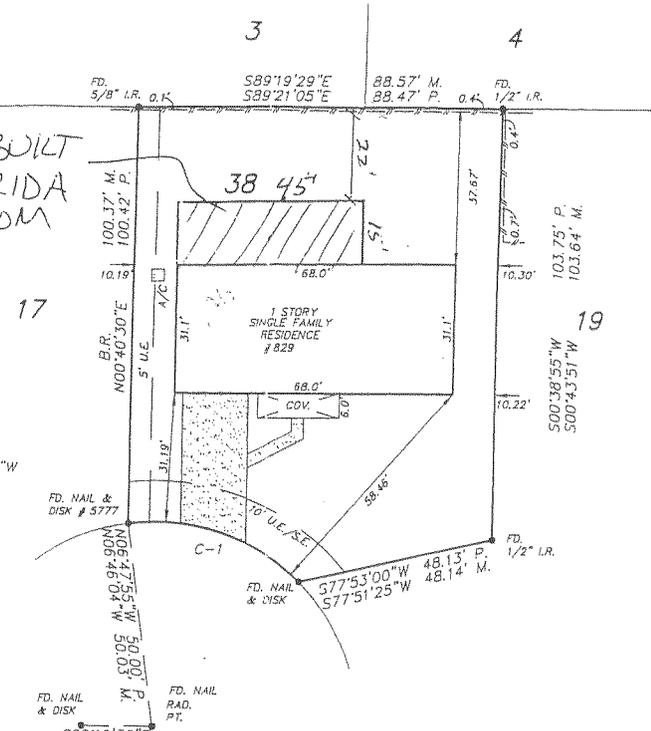
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ASBUILT
FLORIDA
ROOM



C-1 (P.)
 $\Delta = 52^{\circ}01'03''$
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Community Number: 120289 Panel: 0190
 Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X
 Field Work: 7/22/2002 Completed: 7/23/2002

Certified To:
 Bradlea Heath; Dena Heath; First Southwestern Title Company of Florida; First American Title Insurance Company; Countrywide Home Loans, Inc., its successors and/or assigns.

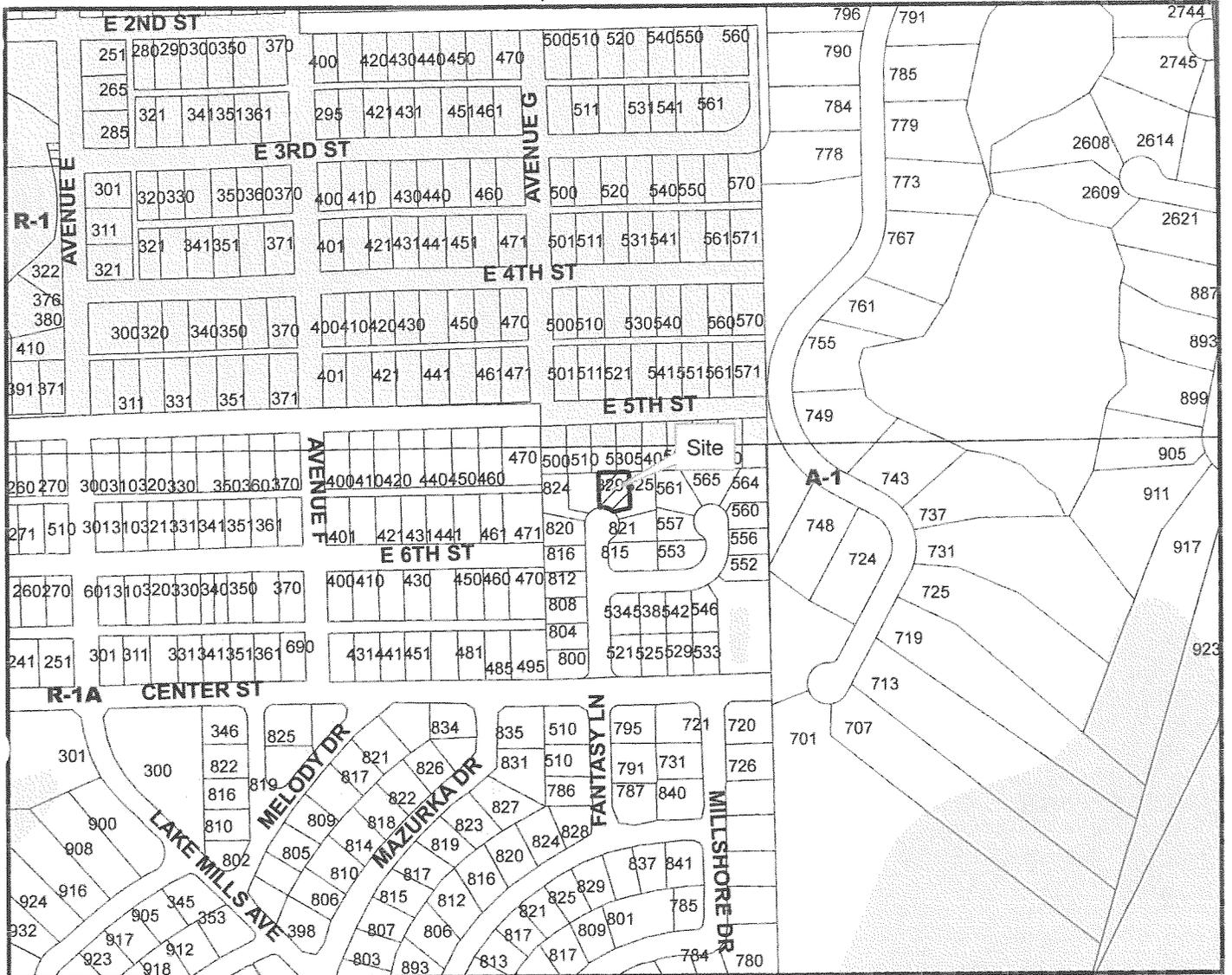
Property Address:
 829 Fantasy Lane
 Chuluota, Florida 32766

Survey Number: O-98924

Notes:

Accepted By: _____

**Bradlea & Dena Heath
829 Fantasy Lane
Chuluota, Florida 32766**

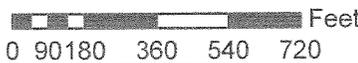


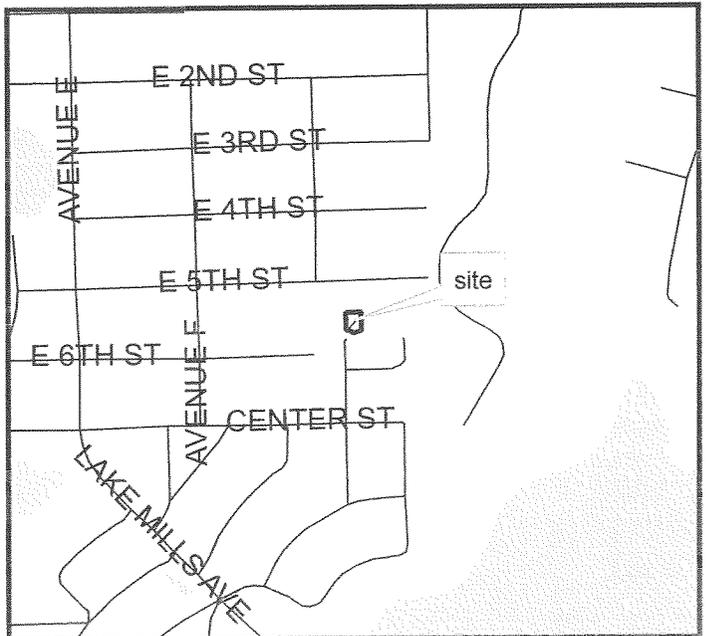
**Seminole County Board of Adjustment
March 27, 2006
Case: BV2006-022
Parcel No: 28-21-32-5MV-0000-0380**

Zoning

-  BV2006-022
-  A-1
-  R-1A
-  R-1

N


 Feet
0 90 180 360 540 720



<p>DAVID JOHNSON, CPA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-685-7508</p>																							
<p align="center">GENERAL</p> <p>Parcel Id: 28-21-32-5MV-0000-0380</p> <p>Owner: HEATH BRADLEA W & DENA L</p> <p>Mailing Address: 829 FANTASY LN</p> <p>City,State,ZipCode: CHULUOTA FL 32766</p> <p>Property Address: 829 FANTASY LN CHULUOTA 32766</p> <p>Subdivision Name: CHULA WOODS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$110,036</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$28,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$138,036</p> <p>Assessed Value (SOH): \$116,083</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$91,083</p> <p>Tax Estimator</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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/2002</td> <td>04476</td> <td>0174</td> <td>\$128,600</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/2000</td> <td>03823</td> <td>0043</td> <td>\$102,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/2002	04476	0174	\$128,600	Improved	Yes	WARRANTY DEED	03/2000	03823	0043	\$102,000	Improved	Yes	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,862</p> <p>2005 Tax Bill Amount: \$1,437</p> <p>Save Our Homes (SOH) Savings: \$425</p> <p>2005 Taxable Value: \$87,702</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>28,000.00</td> <td>\$28,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	28,000.00	\$28,000	<p align="center">LEGAL DESCRIPTION</p> <p>PLATS: <input type="button" value="Pick..."/></p> <p>LOT 38 CHULA WOODS PB 50 PGS 22 & 23</p>									
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<p align="center">BUILDING INFORMATION</p> <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Bld</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Living SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>2000</td> <td>6</td> <td>1,557</td> <td>2,228</td> <td>1,557</td> <td>CB/STUCCO FINISH</td> <td>\$110,036</td> <td>\$113,439</td> </tr> </tbody> </table> <p>Appendage / Sqft: GARAGE FINISHED / 551</p> <p>Appendage / Sqft: OPEN PORCH FINISHED / 120</p> <p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>		Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	2000	6	1,557	2,228	1,557	CB/STUCCO FINISH	\$110,036	\$113,439		
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1	SINGLE FAMILY	2000	6	1,557	2,228	1,557	CB/STUCCO FINISH	\$110,036	\$113,439														
<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>																							

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 27, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 38 CHULA WOODS PB 50 PGS 22 & 23

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

FINDINGS OF FACT

Property Owner: BRAD HEATH
829 FANTASY LANE
CHULUOTA, FL 32766

Site Address: 829 FANTASY LANE

Requested Development Approval:

Request for rear yard setback from 30 feet to 22 feet for an existing covered screen room.

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 EXISTING COVERED SCREEN ROOM, 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: _____
Tony Walter
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, who is personally known to me and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: