

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

SUBJECT: Request for a (1) rear yard setback variance from 10 feet to 0 feet for a proposed pool; and (2) rear yard setback variance from 5 feet to 0 feet for a proposed pool screen enclosure in PUD (Planned Unit Development District); (Leigh Beyer, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 6/26/06 **Regular** **Consent** **Public Hearing – 6:00**

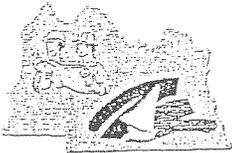
MOTION/RECOMMENDATION:

1. **APPROVE** the request for a (1) rear yard setback variance from 10 feet to 0 feet for a proposed pool; and (2) rear yard setback variance from 5 feet to 0 feet for a proposed pool screen enclosure in PUD (Planned Unit Development District); or
2. **DENY** the request for a (1) rear yard setback variance from 10 feet to 0 feet for a proposed pool; and (2) rear yard setback variance from 5 feet to 0 feet for a proposed pool screen enclosure in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Leigh Beyer
	Property Owner:	George Patages
	Location:	7372 Winding Lake Circle
	Zoning:	PUD
	Subdivision:	Kenmure
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 15 foot x 39 foot-8 inch pool with spa, within a 27 foot by 60 foot pool deck, which encroaches 5 feet into the required 10 foot water's edge setback with a deck that goes to the rear property line leaving a 0 foot setback. • The applicant also proposes a 16 foot high screen enclosure which would encroach 5 feet into the required 	

	<p>5 foot rear setback leaving a 0 foot setback.</p> <ul style="list-style-type: none"> • The rear yard abuts the conservation tract for the Kenmure subdivision. • There is no record of prior variances for this property or other properties in the Kenmure PUD. • There are currently no code enforcement or building violations for this property.
<p>STAFF FINDINGS</p>	<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 peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. • Special conditions and circumstances result from the actions of the applicant. <i>Kenmure is a new subdivision therefore accessory structures could have been addressed as each house was constructed.</i> • The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. <i>The granting of the requested variance would confer special privileges on this applicant not yet given to other properties in the Kenmure PUD.</i> • The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. • The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The variance requested is not the minimum variance needed, the applicant has the ability to reduce the size of the pool and screen enclosure to reduce or eliminate the need to encroach into the rear yard setback.</i> • The grant of the variance would not be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none"> • Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval: <ul style="list-style-type: none"> • Any variance granted shall apply only to the pool and pool screen enclosure as depicted on the attached site plan; and

	<ul style="list-style-type: none">• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

RECEIVED MAY 05 2006
COPY

APPL. NO. BY 2006-090

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** A REAR YARD SET BACK VARIANCE FROM 10 FT. TO 0 FT. FOR A 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	GEORGE PATAGES	LEIGH BEYER
ADDRESS	7372 WINDING LAKE CIR OVIEDO FL 32765	1025 S. SEMORAN BLVD STE 1093 WINTER PARK FL 32792
PHONE 1	407-257-4824	407-679-7222
PHONE 2	407-977-5911	407-947-4700
E-MAIL		leighbeyer@fl.ine.com

PROJECT NAME: DATAGES POOL + SCREEN ENCLOSURE

SITE ADDRESS: 7372 WINDING LAKE CIR.

CURRENT USE OF PROPERTY: SFR

LEGAL DESCRIPTION: LOT 19 KENHURE PB 64 PGS 13-19

SIZE OF PROPERTY: 75' X 122', 2 acre(s) PARCEL I.D. 19-21-31-5RC-0000-0190

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 6/26/06 (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.

[Signature] LEIGH BEYER 5/5/06

ADDITIONAL VARIANCES

VARIANCE 2:
A REAR GARD SETBACK VARIANCE FROM 5 FT. TO 0 FT. FOR A PROPOSED 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): 100.00 COMMISSION DISTRICT: _____ FLU / ZONING: PUD

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

Date: May 3, 2006

To Whom It May Concern:

I authorize Leigh Beyer to act on my behalf and represent me at the hearing for:

Seminole County Board of Zoning Adjustment Variance to construct a swimming pool and erect a screen enclosure enclosure at the rear of my home.

The property is located at:

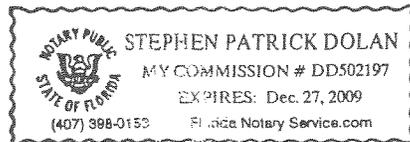
7372 Winding Lake Cir. Oviedo, FL 32765
Lot 19 Kenmure subdivision Pb64 Pg 13-19, Public Records of Seminole County, Florida

George Patages 5-4-06
George Patages Date
George Patages

Acknowledged before me this 5/4/06 in Seminole County, Florida,
George Patages is personally known to me or has produced
P 322 300 62 150 0 as identification.

Stephen Patrick Dolan
Notary

Seal

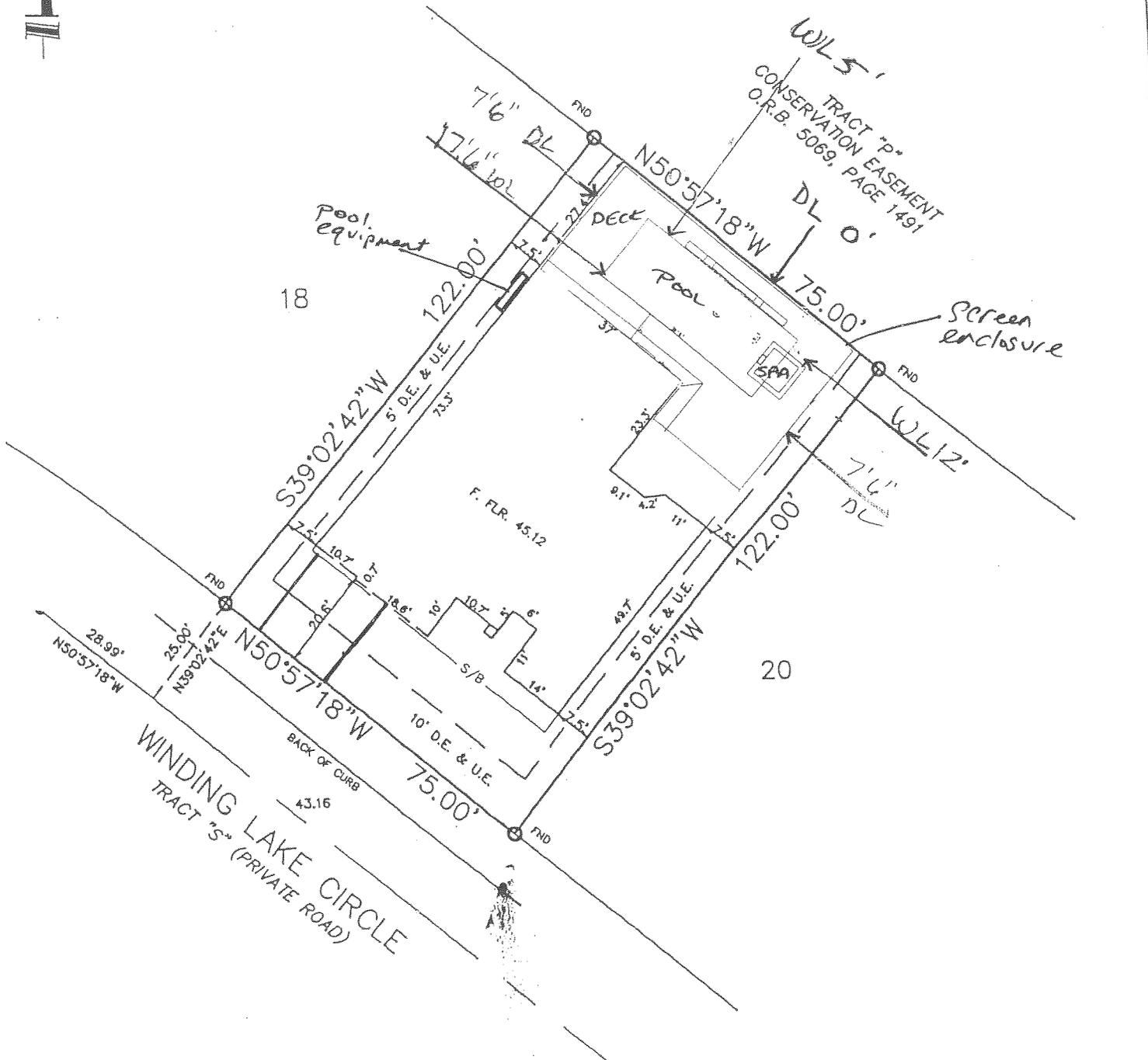


Claron M.

8417

LOT 19 KENMURE

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64,
PAGES 13-19 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



NOTES:

LOT DRAINAGE TYPE: "C"

DOOR OVERHANGS & FOOTERS HAVE NOT BEEN LOCATED
 NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
 BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED
 & PLATTED LINES
 THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR
 EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES,
 OR MATTERS OF RECORD BY THIS FIRM.
 THE ACCURACY OF FIELD MEASURED CONTROL
 POINTS IS 1 FOOT IN 15,000 FEET.
 THIS IS VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 USED SEAL OF A FLORIDA LICENSED SURVEYOR AND
 APPR.
 DIMENSIONS ARE BASED UPON THE CENTERLINE OF
 WINDING LAKE CIRCLE PER RECORD PLAT, HAVING A
 BEARING OF N 50°57'18" W.
 DIMENSIONS AND DISTANCES SHOWN HEREON ARE MEASURED
 AND PER RECORDED PLAT UNLESS OTHERWISE NOTED

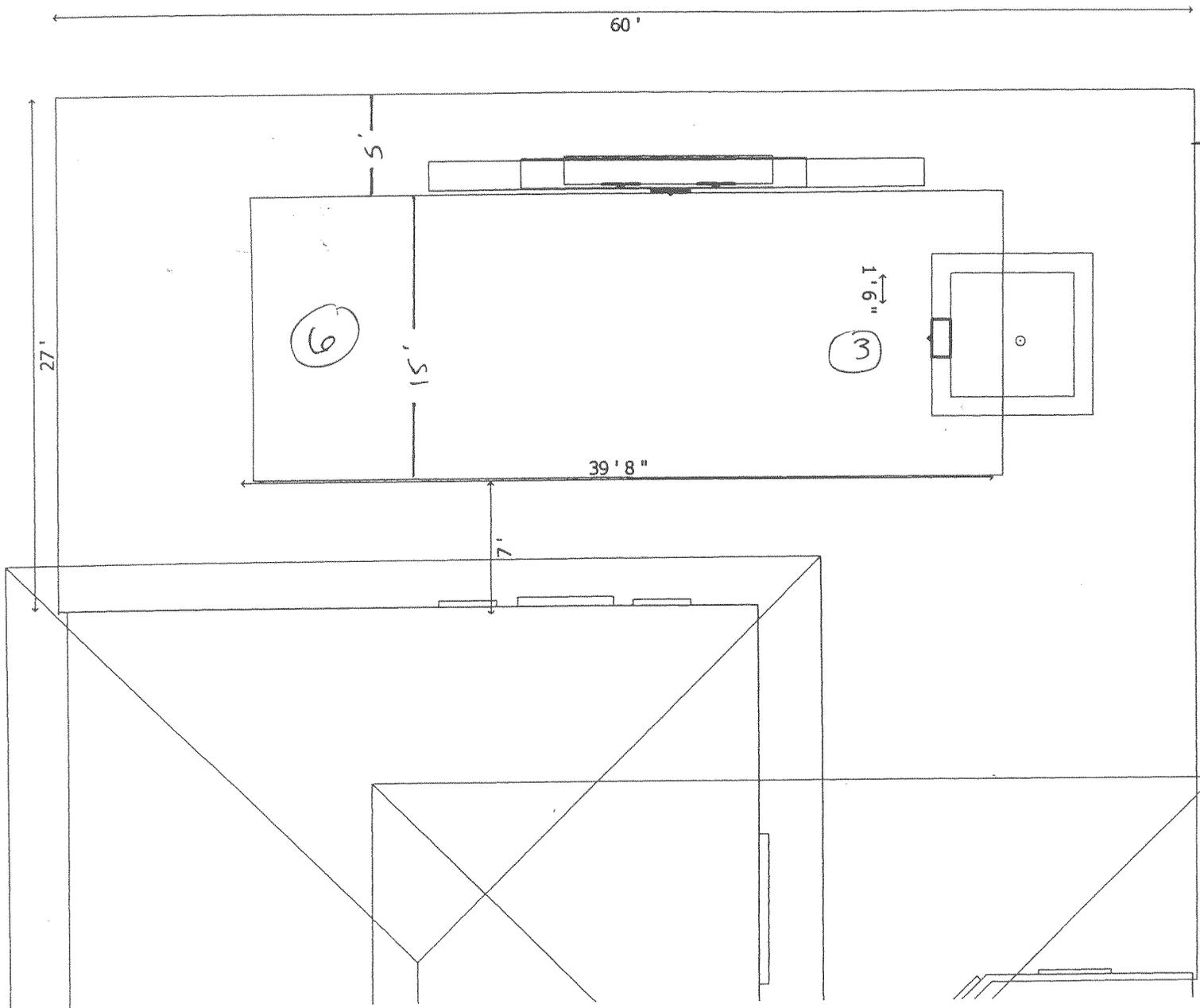
CERTIFIED TO:

RYLAND GROUP, INC.

- - INDICATES 18" - 5/8" REBAR & CAP (LB 6767) UNLESS NOTED OTHERWISE
- - INDICATES PERMANENT CONTROL POINT
- ◻ - INDICATES CONG. MON. / PRM

LEGEND

S/B	= BUILDING SETBACK	L.E.	= LANDSCAPE EASEMENT
MAINT	= MAINTENANCE	D.E.	= DRAINAGE EASEMENT
UTIL	= UTILITY	U.E.	= UTILITY EASEMENT
CONG.	= CONCRETE	I.P.	= IRON PIPE
CM	= CONCRETE MONUMENT	R/C	= ROD AND CAP
F.FLR.	= FINISHED FLOOR	I.R.	= IRON ROD
BLK.	= BLOCK	H/D	= NAIL & DISK
WM	= WATER METER	FND.	= FOUND
ESMT.	= EASEMENT	REC.	= RECOVERED
MON	= MONUMENT	S.E.	= SIDEWALK EASEMENT
TRANS.	= TRANSFORMER	R.	= RADIAL
TEL	= TELEPHONE	N.R.	= NON-RADIAL
SQ.FT.	= SQUARE FEET	CL	= CENTERLINE
TYP.	= TYPICAL	PC	= POINT OF CURVATURE
PB.	= PLAT BOOK	PT	= POINT OF TANGENCY
PG.	= PAGE	PI	= POINT OF INTERSECTION
P	= PLAT DISTANCE	A	= ARC



SCREEN ENCLOSURE TO BE ERECTED ON DECK'S PERIMETER

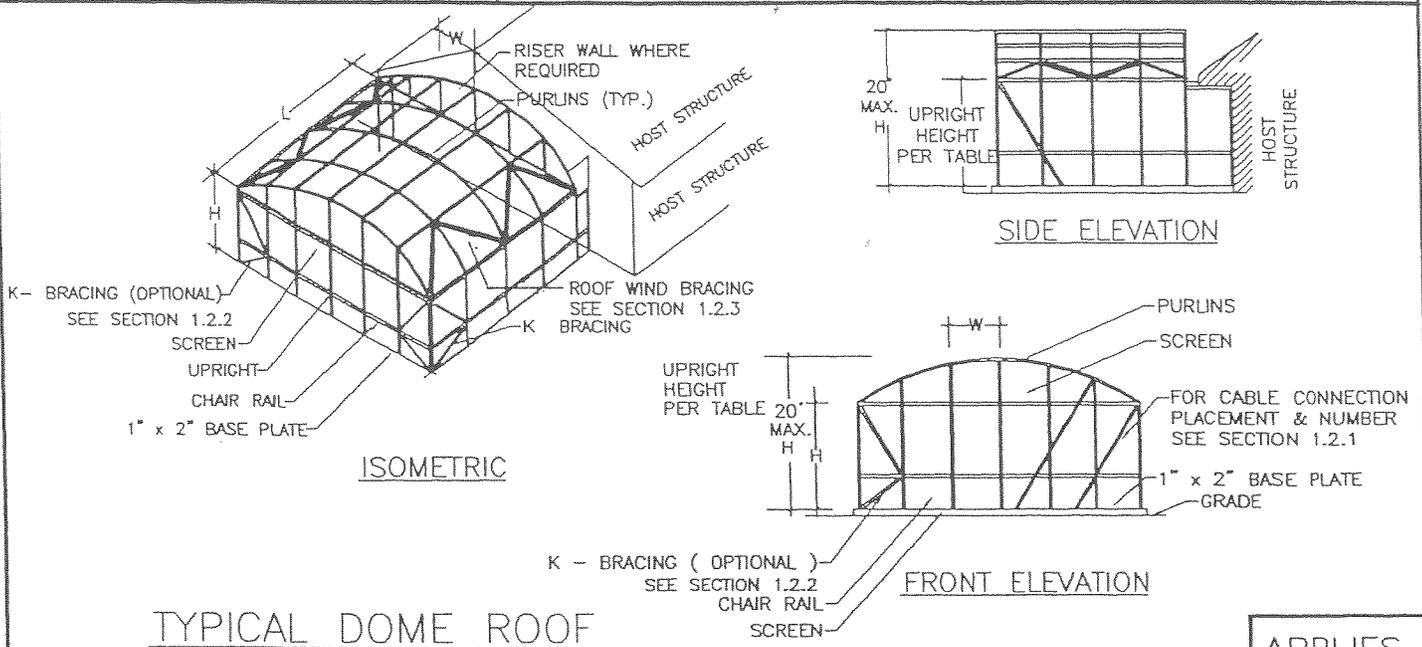
- DOME STYLE ROOF WITH PEAK HEIGHT OF 14 FT.

SECTION 1.1.1

DOME

SCREEN ENCLOSURES

REVISIONS
02/15/05



TYPICAL DOME ROOF

APPLIES

(STANDARDS)

- 1) DESIGN CONFORMS TO THE FLORIDA BUILDING CODE 2004 AS AMENDED & THE FLORIDA BUILDING CODE RESIDENTIAL AS AMENDED & ASCE 7-98 FOR WIND LOAD ON THE ATTACHED TABLES.
- 2) ALL SCREEN ENCLOSURES GREATER THAN 20'-0" MAX. HEIGHT OR GREATER THAN 40'-0" PROJECTION FROM THE HOST STRUCTURE (REGARDLESS OF DIRECTION OF BEAM SPAN) OR WITH A BEAM SPAN GREATER THAN 40'-0", WILL REQUIRE SITE SPECIFIC SIGNED AND SEALED ENGINEERING PLANS AND SIGNED AND SEALED LAYOUT DRAWINGS.
- 3) STRUCTURAL DETAIL DRAWING SHALL RELATE TO 6063-T6, 6061-T5, OR 6061-T6 ALUMINUM EXTRUSIONS WITH AN ACTUAL WALL THICKNESS OF NOT LESS THAN 0.040.
- 4) ALUMINUM SURFACES IN CONTACT WITH LIME-MORTAR, CONCRETE OR OTHER MASONRY MATERIALS, SHALL BE PROTECTED WITH ALKALI-RESISTANT COATINGS SUCH AS HEAVY-BODIED BITUMINOUS PAINT OR WATER - WHITE METHACRYLATE LACQUER.
- 5) ALUMINUM IN CONTACT WITH WOOD OR OTHER ABSORBING MATERIALS WHICH MAY BECOME REPEATEDLY WET SHALL BE PAINTED WITH TWO COATS OF ALUMINUM METAL AND MASONRY PAINT, OR HEAVY-BODIED BITUMINOUS PAINT, OR THE WOOD OR ABSORBING MATERIAL SHALL BE PAINTED WITH TWO COATS OF ALUMINUM HOUSE PAINT AND THE JOINTS SEALED WITH HIGH QUALITY CAULKING COMPOUND.
- 6) ALL FASTENERS WILL BE 24" C - C MAX. UNLESS OTHERWISE NOTED. SCREWS SHALL BE COATED WEATHER SEALED.
- 7) NO OPEN AREA BETWEEN ALUMINUM SHALL EXCEED 56 S.F.
- 8) ALL SCREEN ENCLOSURE DOORS SHALL BE SELF LATCHING AND CLOSING AND MAY BE LOCATED INTO ANY SCREEN PANEL OPENING.
- 9) DISTANCE BETWEEN PURLINS SHALL NOT EXCEED 84 INCHES CENTER TO CENTER.
- 10) ALL PURLINS AND CHAIR RAILS WILL BE ATTACHED WITH MIN. OF 3 SCREWS INTO SCREW BOSS EACH SIDE. SEE SECTION 1.2.3 FOR PURLIN AND CHAIR RAIL SCHEDULE.
- 11) ENCLOSURE MUST BE GROUNDED AND BONDED IN ACCORDANCE WITH N.E.C.
- 12) NO UNAPPROVED APPENDICES OR ACCESSORIES MAY BE ATTACHED TO ANY ALUMINUM MEMBERS WITHOUT PRIOR WRITTEN APPROVAL OF THE ENGINEER.
- 13) WHEN 6061-T5 OR 6061-T6 ALUMINUM ALLOY IS USED IN A STRUCTURE FOR UPRIGHTS, BEAMS, KNEE BRACES, WIND BRACES, AND K-BRACES, 6063-T6 ALUMINUM ALLOY MAY BE USED FOR PURLINS, CHAIR RAILS, TOP PLATES, AND BOTTOM PLATES.
- 14) THIS IS AN OPEN ALUMINUM FRAMED STRUCTURE WITH SCREEN (MAX MESH OF 20/20) ROOF AND WALLS. IT HAS AN IMPORTANCE FACTOR (Iw) OF 0.77. DESIGN LOADS ARE BASED ON TABLE 2002.4 OF 2004 FLORIDA BUILDING CODE FOR A MEAN HEIGHT UP TO 30 FT.

APPLIES

THIS PAGE CAN ONLY BE USED IF THE CONTRACTOR IS AUTHORIZED TO USE THE MASTER FILE MANUAL OR IF THE PAGE HAS AN ORIGINAL SIGNATURE AND SEAL

FLILINE INC.
1025 S. SEMORAN BLVD.
SUITE 1093
WINTER PARK FL 32792
TEL. (407) 679-7500
FAX (407) 679-9188
E-MAIL

GORDON H. SHEPARDSON P.E.
FLORIDA P.E. 19233

Statement of Request

VARIANCE REQUEST FOR:

George Patages
7372 Winding Lake Cir.
Oviedo, FL 32765
19-21-31-5RC-0000-0190

Due to the property size creating a hardship for the construction of a swimming pool, spa, deck area, and screen enclosure, the applicant is requesting a variance for the following:

Construct a swimming pool and spa with a 5 ft setback from the rear property line to the waters edge in lieu of the required 10 ft.

Construct a swimming pool deck area with a 0 ft setback at the rear property line or the minimum rear setback the Board will approve.

Erect a screen pool enclosure with a 0 ft setback at the rear property line in lieu of the required 5 ft or the minimum rear setback the Board will approve.

NOTE: There is a conservation easement abutting the rear of the property. Therefore, the structures having a 0 ft rear setback will not interfere with or hinder the privacy of a private property.

<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: 19-21-31-5RC-0000-0190 Owner: MILLER KATHY L & Own/Addr: PATAGES GEORGE Mailing Address: 7372 WINDING LAKE CIR City,State,ZipCode: OVIEDO FL 32765 Property Address: 7372 WINDING LAKE CIR Subdivision Name: KENMURE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$273,096 Depreciated EXFT Value: \$1,900 Land Value (Market): \$48,000 Land Value Ag: \$0 Just/Market Value: \$322,996 Assessed Value (SOH): \$300,171 Exempt Value: \$25,000 Taxable Value: \$275,171 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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>12/2004</td> <td>05558</td> <td>0406</td> <td>\$341,400</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>02/2004</td> <td>05197</td> <td>0807</td> <td>\$11,164,400</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	12/2004	05558	0406	\$341,400	Improved	Yes	SPECIAL WARRANTY DEED	02/2004	05197	0807	\$11,164,400	Vacant	No	<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$4,366 2005 Tax Bill Amount: \$4,366 Save Our Homes (SOH) Savings: \$0 2005 Taxable Value: \$266,428 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>																																																											

DEVELOPMENT:		Kenmure			DEVELOPER:		Butler Ridge Development Inc					
LOCATION:		Red Bug / Mikler										
FILE#: P&Z:		BA:		SP:			BCC:					
DEVEL. ORDER #:				1-20500003		TAX PAR. I.D. #:						
PB	64	PG	13-19	LOTS	BLK	PARCEL	DBA	COMM DIST.	1			
SIDEWALKS: Required					SETBACK REQUIREMENTS							
Flood Prone: N/A					FY:	20'	SST	20'	SY:	7.5'	RY:	25'
					Minimum dwelling size: 2,000 sq ft							
					ACCESSORY STRUCTURE SETBACKS:							
COMMENTS OTHER:					SY:	Not addressed in D.O.		RY:	Not addressed in D.O.			
Existing trees in the 10-ft buffer between lots 10-14 and the north property line shall be preserved. This area may be sodded, but no grade changes shall be allowed. A 6-foot vinyl fence shall be provided within this buffer.					ACCESSORY STRUCTURE OTHER:							
Minimum of 6" of trees to be planted on each lot. (6" total, of no less than 2" trees @ 8' EX: 3 @ 2" or 2 @ 3")												
PROJECT MANAGER: Denny Gibbs												

	IMPACT FEES	
	TRAFFIC ZONE:	001 East
	LAND USE:	
	JURISDICTION:	
	1. ROAD-CO. WIDE	Ord.
	2. ROAD-COLL.	Ord.
	3. LIBRARY	Ord.
	4. FIRE	Ord
	5. PARK	
	6. SCHOOL	Ord
	7. LAW	
	8. DRAINAGE	
	TOTAL	\$2550.00
	REMARKS:	

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 19 KENMURE PB 64 PGS 13 - 19

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

FINDINGS OF FACT

Property Owner: Kathy L Miller &
George Patages
7372 Winding Lake Circle
Oviedo FL 32765

Project Name: Winding Lake Circle (7372)

Requested Development Approval:

Request for a (1) rear yard setback variance from 10 ft. to 0 ft. for a proposed pool; and (2) rear yard setback variance from 5 ft. to 0 ft. for a proposed pool screen enclosure in PUD (Planned Unit Development 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: Denny Gibbs, Senior 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:

1. The variance granted will apply only to the pool and associated 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: _____
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, 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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: