

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

**SUBJECT:** Request for a rear yard setback variance from 15 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); (Anna Gutierrez, applicant).

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Ian Sikonia      **EXT.** 7398

**Agenda Date** 8/28/06   **Regular**    **Consent**    **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance from 15 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 15 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Anna Gutierrez
	Owner: Anna Gutierrez
	Location: 182 Post Way
	Zoning: PUD (Planned Unit Development)
	Subdivision: Deer Run
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a covered screen room that would encroach 5 feet into the minimum 15 foot rear yard setback; the aforementioned rear yard setback variance is thereby requested.</li> <li>• The applicant submitted plans for the covered screen room to the Building Division on 5/30/06. (App. # 06 00006354)</li> <li>• There are currently no code enforcement or building violations for this property.</li> </ul>

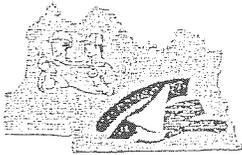
	<ul style="list-style-type: none"><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No special conditions or 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.</li><li>• 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.</li><li>• 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.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• 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"><li>• Any variance granted shall apply only to the proposed covered screen room as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul></li></ul>

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 14 TWP: 21 RNG: 30  
PROJ. #

DEVELOPMENT:		Deer Run 14A				DEVELOPER:		Amerifirst					
LOCATION:		52 Units – 9.3533 Acres											
FILE#:		BA:				SP:		BCC: 4/27/84					
P&Z:													
PB	29	PG	96, 97	Lot		Bik		Parcel		DBA	Comm Dist		
DEVEL. ORDER #:						TAX PAR. I.D. #:							
SIDEWALKS:						<b>SETBACK REQUIREMENTS</b>							
						FY:	20'	SIDE ST.:		SY:	0'	RY:	15'
ROAD TYPE:						MAIN STRUCTURE OTHER:							
(CURB & GUTTER OR SWALE)						Patio Home – Min Lot size 2,000 sq. ft.; Min Home size 700 sq. ft.; Max height 35'							
COMMENTS OTHER:						<b>ACCESSORY STRUCTURE SETBACKS:</b>							
1) Red Bug Lake Road Improvement Fund: \$200.00/unit. 2) Muck area to be utilized as retention area. 3) Eight inch lines required 4) Flood prone areas may be modified as long as compensating storage can be accommodated.						SY:		0'		RY:		10'	
						ACCESSORY STRUCTURE OTHER:							

IMPACT FEES		
	SCREEN:	
	TRAFFIC ZONE:	
	LAND USE:	
	1. ROAD-CO. WIDE	
	2. ROAD-COLL.	
	3. LIBRARY	
	4. FIRE	10.00/unit
	5. PARK	
	6. SCHOOL	
	7. LAW	
	8. DRAINAGE	
	TOTAL	
	REMARKS:	



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

**COPY**

RECEIVED JUN 30 2006

APPL. NO. BV2006-119

**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:

*should have 15'; will leave 10' R-set Back*

**VARIANCE** Need a 5' variance wanting to build 21.4" x 5' Screen Room with Acrylic Windbreak Panels

**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 \_\_\_\_\_
- MEDICAL HARDSHIP
- FAMILY HARDSHIP
- TIME NEEDED \_\_\_\_\_

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT*
NAME	Anna Gutierrez	
ADDRESS	182 Post Way	
PHONE 1	407-325 6794 cell	
PHONE 2	407-388-7730 Hm	
E-MAIL		

PROJECT NAME: Gutierrez, Anna

SITE ADDRESS: 182 Post Way

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: Leg Lot 4 Deer Run Unit 14 A PB 29 Pgs 96 + 97

SIZE OF PROPERTY: 2,240<sup>58</sup> ft<sup>2</sup> acre(s) PARCEL I.D. 14-21-30-502-0000-0040

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS NO

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO Has Lock on Gate, Call 1st St

This request will be considered at the Board of Adjustment regular meeting on 8/28/06 (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.

Anna Gutierrez  
 SIGNATURE OF OWNER OR AGENT

06-30-06  
 DATE

**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): 150.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING PURJ PD  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS \_\_\_\_\_  
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
SUFFICIENCY COMMENTS \_\_\_\_\_  
\_\_\_\_\_

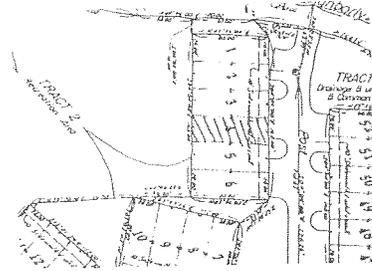
# SWITZBERG OFF & LONG SURVEYING, INC.

## Legal Description

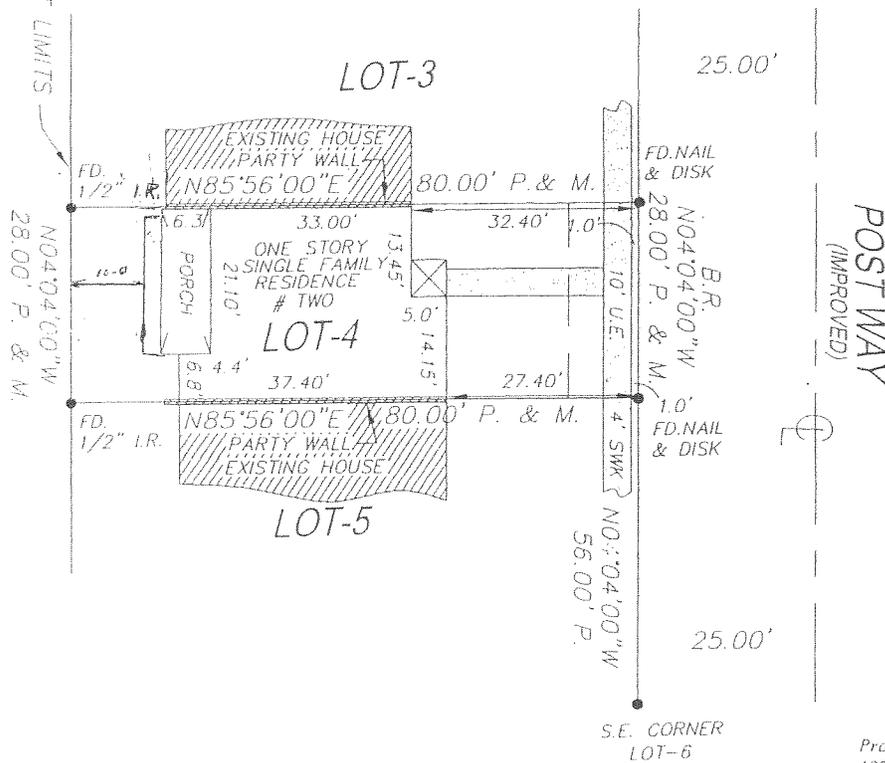
Lot 4, DEER RUN UNIT 14 "A", according to the plat thereof, as recorded in Plat Book 29, Page(s) 96 and 97, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0145  
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 9/2/2003 Completion Date: 9/8/2003

Certified to:  
 Ana M. Gutierrez, Lawyers Advantage Title Group, Inc.; First American Title Insurance Company, Gateway Funding, its successors and/or assigns.



*Need 15' Rear Setback*



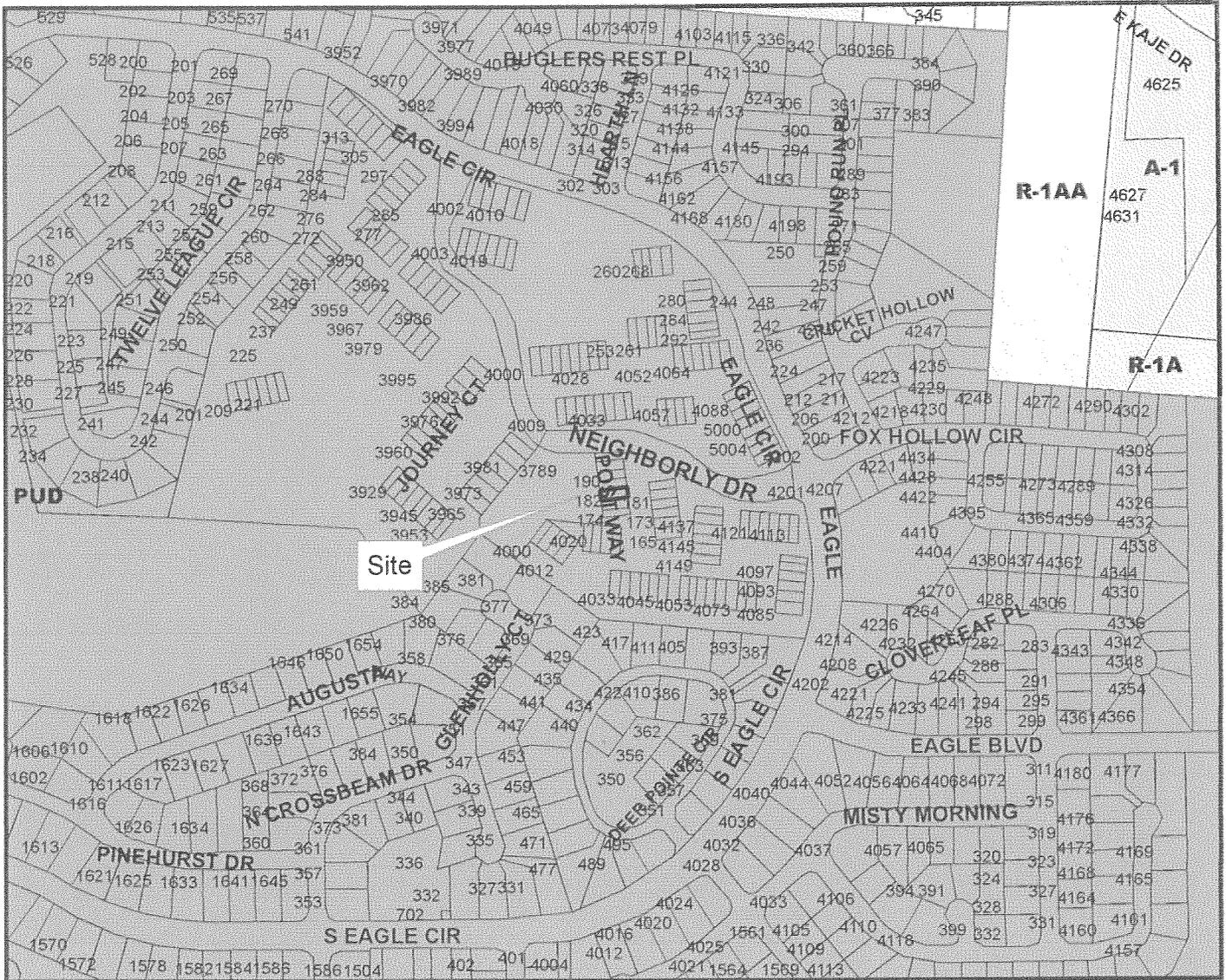
Property Address:  
 182 Post Way  
 Casselberry, FL 32707

### LEGEND

---	Wood Fence	C.A.V.	Cable Ties	M.H.	Manhole
---	White Fence	W.M.	Water Meter	S.I.S.	Not to Scale
---	Concrete Block	---	---	---	---

Survey number: SL 23590

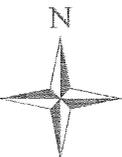
Ana Gutierrez  
 182 Post Way  
 Casselberry, FL 32707

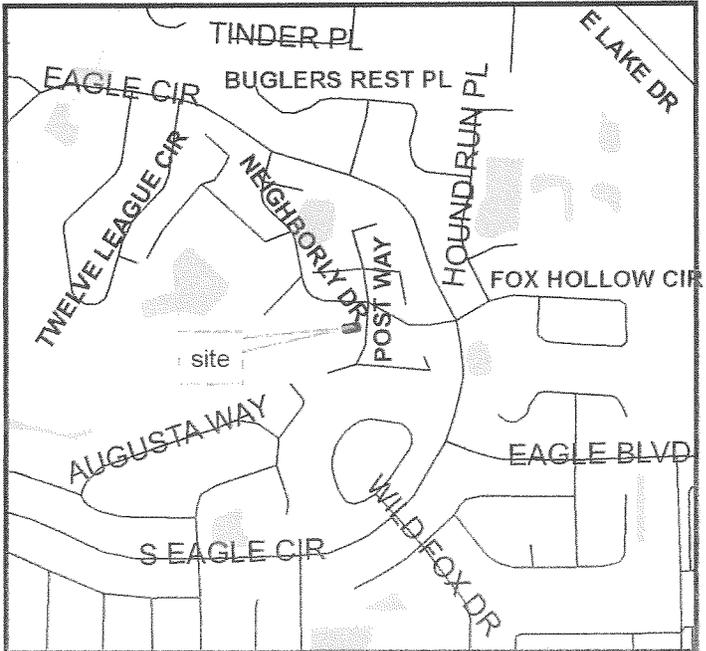


**Seminole County Board of Adjustment**  
**August 28, 2006**  
**Case: BV2006-119**  
**Parcel No: 14-21-30-502-0000-0040**

**Zoning**

	BV2006-119		R-1A
	A-1		PUD
	R-1AA		

N  




<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																																					
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 14-21-30-502-0000-0040                  Owner: GUTIERREZ ANA M                  Mailing Address: 182 POST WAY                  City,State,ZipCode: CASSELBERRY FL 32707                  Property Address: 182 POST WAY CASSELBERRY 32707                  Subdivision Name: DEER RUN UNIT 14A                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD                  Dor: 01-SINGLE FAMILY</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$111,324                  Depreciated EXFT Value: \$0                  Land Value (Market): \$25,000                  Land Value Ag: \$0                  Just/Market Value: \$136,324                  Assessed Value (SOH): \$99,255                  Exempt Value: \$25,500                  Taxable Value: \$73,755                  Tax Estimator</p>																																																																			
<p align="center"><b>SALES</b></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>SPECIAL WARRANTY DEED</td> <td>08/2003</td> <td>05031</td> <td>0870</td> <td>\$99,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>07/2003</td> <td>04931</td> <td>0829</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>06/2003</td> <td>04848</td> <td>1032</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/2000</td> <td>03951</td> <td>0344</td> <td>\$89,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1997</td> <td>03244</td> <td>0017</td> <td>\$68,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1984</td> <td>01581</td> <td>0982</td> <td>\$69,600</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1984</td> <td>01581</td> <td>0981</td> <td>\$12,500</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	08/2003	05031	0870	\$99,000	Improved	No	SPECIAL WARRANTY DEED	07/2003	04931	0829	\$100	Improved	No	CERTIFICATE OF TITLE	06/2003	04848	1032	\$100	Improved	No	WARRANTY DEED	10/2000	03951	0344	\$89,000	Improved	Yes	WARRANTY DEED	05/1997	03244	0017	\$68,500	Improved	Yes	WARRANTY DEED	09/1984	01581	0982	\$69,600	Improved	Yes	WARRANTY DEED	09/1984	01581	0981	\$12,500	Vacant	Yes	<p><b>2005 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,341                  2005 Tax Bill Amount: \$1,161                  Save Our Homes (SOH) Savings: \$180                  2005 Taxable Value: \$70,864                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>											
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<p><b>NOTE:</b> 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>																																																																					

DEER RUN HOMEOWNERS ASSN. #14  
1801 COOK AVENUE  
ORLANDO FL 32806-2913  
407-425-4561

April 12, 2006

**1ST NOTICE OF VIOLATION**

ANA M GUTIERREZ  
182 POST WAY  
CASSELBERRY FL 32707

Re: 182 POST WAY  
CASSELBERRY FL 32707

Dear ANA M GUTIERREZ:

While it is not always easy, it is our responsibility on behalf of the Board of Directors to notify each homeowner when an infraction of the community rules has occurred. Recently it was noted that the following item(s) require(s) your attention:

**Application for screen enclosure has been approved. Color must be BRONZE. Applicant will supply complete drawing by screen company for final approval.**

If you have already corrected this matter, please disregard this letter. If not, please take the necessary steps to correct the problem(s) promptly.

**Enclosure color was not indicated on documents on first request and was denied access was required to the back yard by DRC chairperson, Diane Birmingham. call ph: 407-696-0905. Color must be bronze. Applicant will supply complete drawing by screen compa**

If you are unable to comply with this request, or if you feel that this request was made in error, please contact me in WRITING at the address listed above, or by sending an e-mail to [treva\\_e@bellsouth.net](mailto:treva_e@bellsouth.net)

Thank you for your understanding in this matter. Your cooperation is needed to preserve the appearance of the community and protect property values.

Sincerely,  
*Treva Erquitt*  
FOR THE BOARD OF DIRECTORS  
Treva Erquitt, LCAM

*Applicant has met all requirements  
and is approved as of July 15, 2006.*

*Diane Birmingham DRC Chairperson*

DEER RUN #14 HOMEOWNERS' ASSOCIATION, INC.  
APPLICATION FOR DESIGN REVIEW COMMITTEE (DRC)

APPLICATION DATE: 3/27/06

OWNER'S NAME: ANA M Gutierrez

UNIT ADDRESS: 182 Post Way - Felix 407-325-6794 (c)

MAILING ADDRESS (IF DIFFERENT): \_\_\_\_\_

In accordance with the Declaration of Covenants, Conditions, and Restrictions and the Associations' Rules and Regulations, I acknowledge that installation must conform to the approval and the Associations' guidelines. I hereby request consent to make the following changes, alterations, renovations and/or additions to my property:

     Fence      Landscaping X Screen Enclosure      Patio      Satellite      Other

(Describe fully) Concrete block base - 24 inches high from the existing foundation. Five feet wide from the existing roof. Built with insulated Aluminum roof + sides - Windows on the back of a door - Screen door.

If required, have you applied for proper permit from Seminole County?

X Yes      No      N/A

Describe the improvement(s) to be made, attach a Copy of Lot survey, elevation plan, landscaping/design plan, and, if applicable, specifications. Use additional paper if necessary.

Note: The Property Manager will forward this application to the DRC. Applications submitted without copies of the design plan and lot survey will be considered incomplete. If an application is incomplete, it delays the approval process. If we need to request more information and it's not returned within one (1) week of the request, your application will be denied. DRC will notify you at the above address of approval or denial in writing. A decision by DRC may take up to 30 days.

By my signature below I declare I understand and agree to the following conditions:

1. No work will begin until a written approval is received from the DRC.
2. All work will be done expeditiously once commenced and will be done in good workmanship manner by a licensed contractor, hired handy person or myself.

(OVER)

- 2 -

3. All work will be performed in a manner that will minimize interference and inconvenience to other residents.

4. I understand that the Deer Run Village HOA #14 will not be liable or responsible for any damages to other lots and/or common areas or injury which may result from performance of this work.

5. I will comply with all applicable federal, state and local laws, codes, regulations, permits and requirements in connection with this work.

6. I understand if this work needs to be removed to facilitate/repairs/replacements of the exterior of my dwelling it will be at my expense.

Signature of Applicant: *Don Asher*

Dated: 3/26/06

The Design Review Committee (DRC)

Date: 4-11-06

This application is hereby:  Approved  Denied

DRC Signature: *Polly Burand*

DRC Signature: *Debi Birmingham*

DRC Signature: \_\_\_\_\_

Mail your completed request to:

Deer Run # 14 HOA, Inc.  
C/o Don Asher and Associates, Inc.  
Trevi Erquitt, Property Manager  
1801 Cook Avenue  
Orlando, FL 32806

*COLOR MUST  
BE BRONZE*

*Applicant will supply  
completed drawing by  
series company for final  
approval.*

*Birmingham*

*4-11-06*

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 DEER RUN UNIT 14A PB 29 PGS 96 & 97

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

**FINDINGS OF FACT**

**Property Owner:** Anna Gutierrez  
182 Post Way  
Casselberry, FL 32707

**Project Name:** Post Way (182)

**Requested Development Approval:**

Request for a rear yard setback variance from 15 feet to 10 feet for a proposed covered screen room in the 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: Ian Sikonia, 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 proposed 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, 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: