

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 270 Lake Seminary Circle – Iris Cluggish, applicant; Request for a side yard (east) setback variance from 10 feet to 5 feet for two existing sheds in R-1AA (Single Family Dwelling District).

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

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

Agenda Date 1/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a side yard (east) setback variance from 10 feet to 5 feet for two existing sheds in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side yard (east) setback variance from 10 feet to 5 feet for two existing sheds in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Iris Cluggish Location: 270 Lake Seminary Circle Zoning: R-1AA (Single Family Dwelling District) Subdivision: Florida Haven
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a side yard set back for two existing sheds located on the northeast side that encroach 5 feet into the required 10-foot side yard setback. • The first shed (7 feet by 8 feet, 56 square feet) was placed on the property around 1959. The second shed is 10 feet by 12 feet (120 square feet) and was placed on the property around 1990. • There is currently a notice of code violation on this property for un-permitted placement of the sheds; however, in 1959 there were no regulations regarding placement of sheds.

	<ul style="list-style-type: none">• There is no record of prior variances 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 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.• 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.• 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 requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<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 two existing sheds as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

Fee: \$150.00 plus \$50.00 for each additional variance

Application # AV 2006-208
Meeting Date 1-22-07

COPY



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Iris Clughish TRICIA Elmquist
Address: 270 LAKE SEMINARY Circle City: MAITLAND Zip code: 32751
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 339-0178 (321) 438-4084
Email address: _____

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed <u>2</u>	Please describe: <u>2 sheds in the left REAR side of the property</u>
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10</u>	Proposed setback: <u>5ft.</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input checked="" type="checkbox"/> <u>Side</u> yard setback	Required setback:	<u>10</u>	Proposed setback: <u>5ft</u>
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested _____			

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Iris Clughish 11/14/06

FOR OFFICE USE ONLY

Date Submitted: 11-14-06 Reviewed By: _____
 Tax parcel number: 24-21-29-5B2-0000-0070 Zoning/FLU R-1AA / LDR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

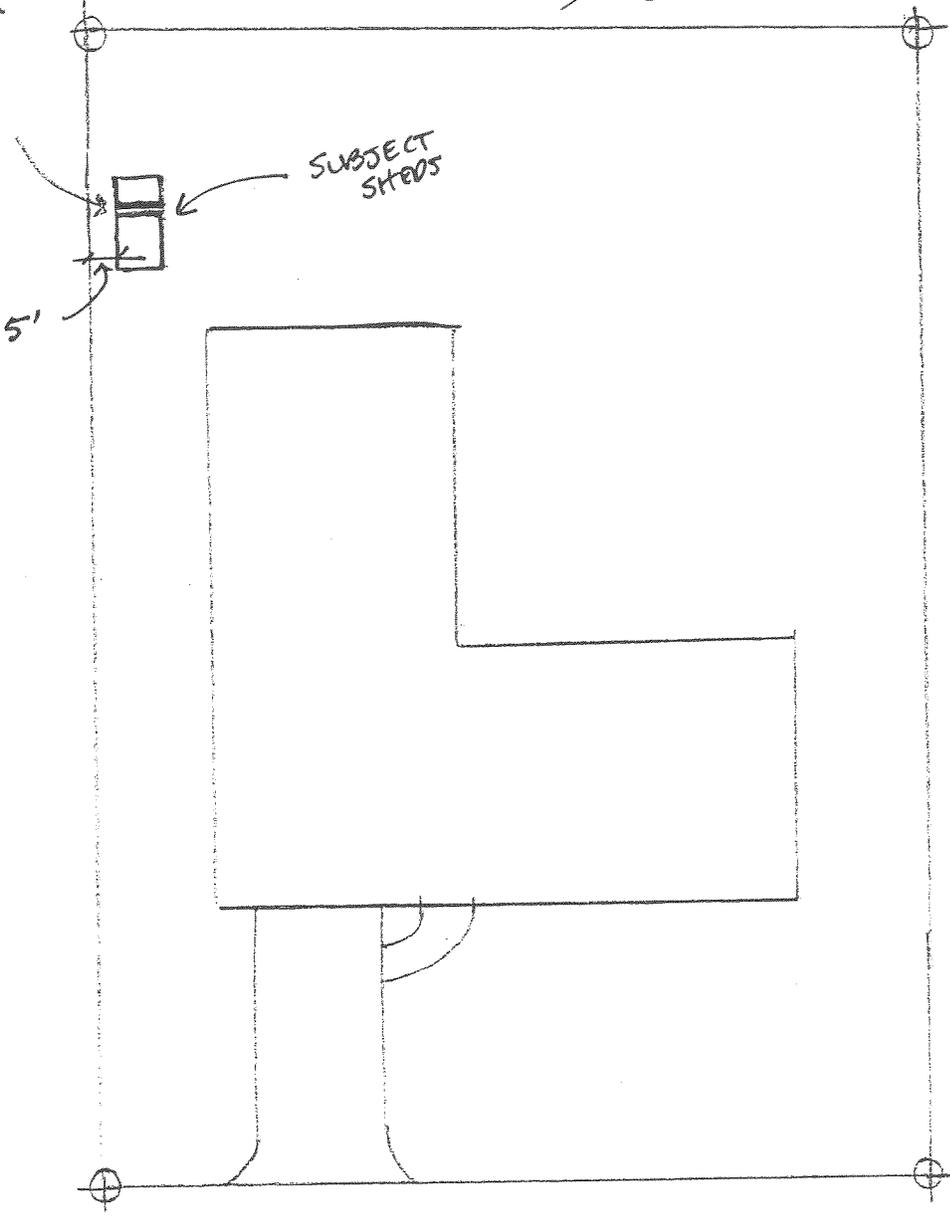
	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

BU 2006-208

Lake

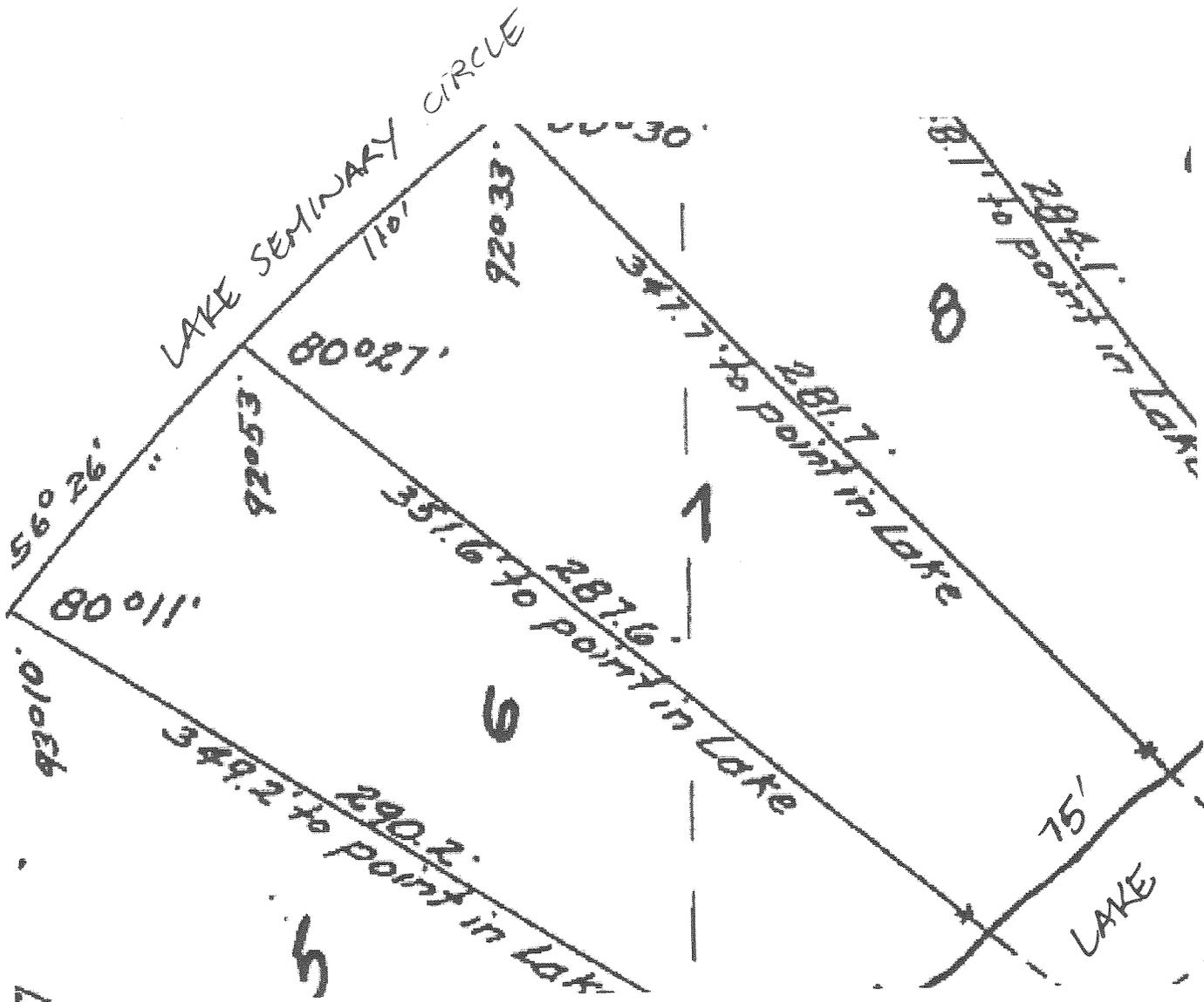
COPY

2 Sheds 5' off property line



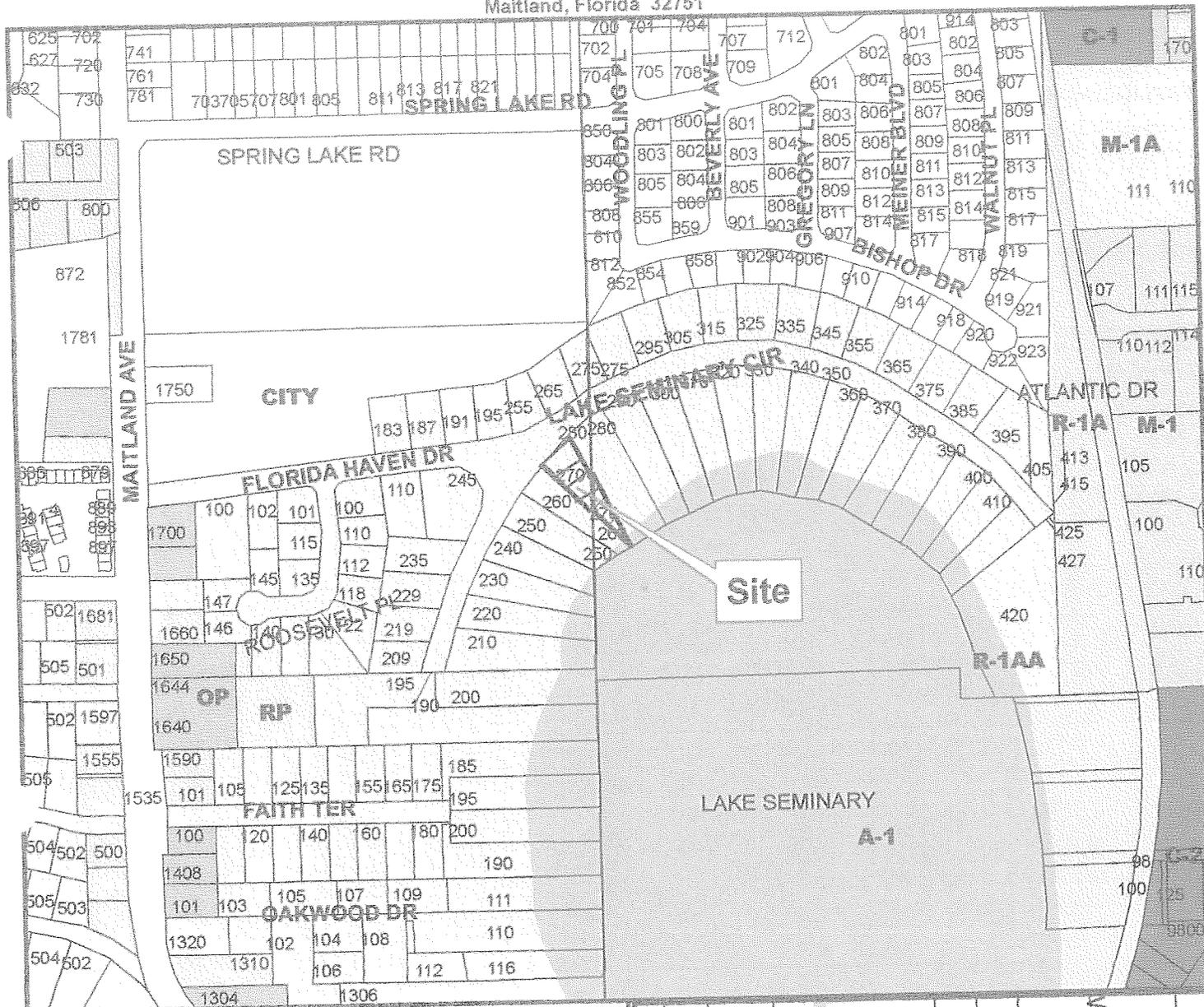
LAKE SEMI CIRCLE

← Street →



PLAT

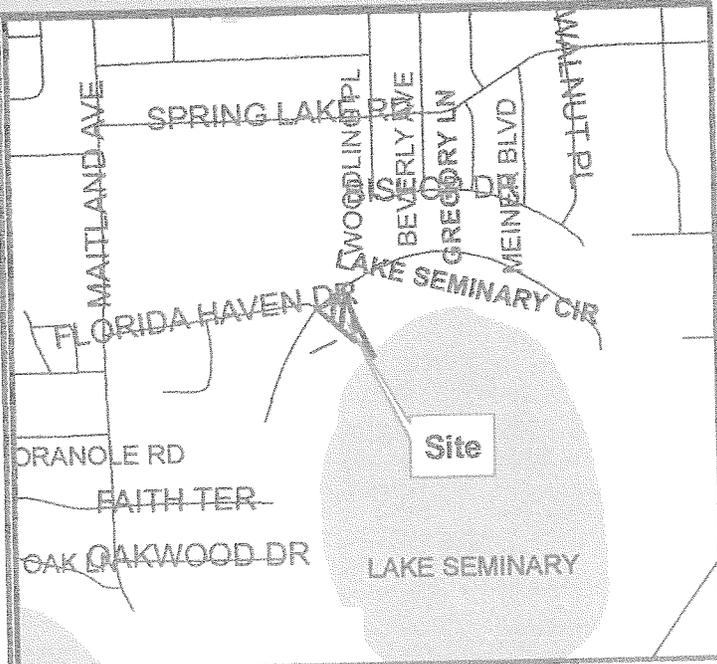
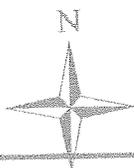
Iris Cluggish
 270 Lake Seminary Circle
 Maitland, Florida 32751



Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-208, (Map 3209, Grid B2)
 Parcel No: 24-21-29-5BX-0000-0070

Zoning

 BV2006-208	 R-1	 C-2
 A-1	 RP1	 M-1A
 R-1AA	 OP	 M-1
 R-1A	 C-1	



<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 407-865-7508</p>																											
<p align="center">GENERAL</p> <p>Parcel Id: 24-21-29-5BX-0000-0070</p> <p>Owner: CLUGGISH IRIS D</p> <p>Mailing Address: 270 LAKE SEMINARY CIR</p> <p>City,State,ZipCode: MAITLAND FL 32751</p> <p>Property Address: 270 LAKE SEMINARY CIR MAITLAND 32751</p> <p>Subdivision Name: FLORIDAHAVEN</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p> <p align="right"><i>R-1AA LOR</i></p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$127,766</p> <p>Depreciated EXFT Value: \$600</p> <p>Land Value (Market): \$300,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$428,366</p> <p>Assessed Value (SOH): \$166,277</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$141,277</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>03/1981</td> <td>01324</td> <td>0309</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	03/1981	01324	0309	\$100	Improved	No	<p>2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$6,526</p> <p>2006 Tax Bill Amount: \$2,199</p> <p>Save Our Homes (SOH) Savings: \$4,327</p> <p>2006 Taxable Value: \$136,434</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>											
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																					
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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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																											

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 270 LK SEMINOLE RD, NTL, FL
IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT
THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF _____
CHAPTER/ARTICLE 105.11 SECTION F 1

DESCRIPTION OF VIOLATION: TALKED TO HOMEOWNER LOOKED
AT SHEETS (2). I CAN NOT TELL WHAT WERE PROBLEMS IS.
1-5000 WAS INSPECTED IN 1959 W.P.A. IN 1998.
NOW HOUSE BEING BUILT NEXT DOOR.

CORRECTIVE ACTION: OBTAIN ALL PROPER PERMITS
FOR WHOLE STRUCTURE

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 10-15-00

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



For further information contact:
Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771
PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 10-3-00 **INSPECTOR:** Mark Z...

CASE NO: 20-507

PETITION

This Petition is to show support for Iris Cluggish, 270 Lake Seminary Circle, Maitland, FL, in her endeavor to retrieve from Seminole County a variance for her two (2) storage buildings in her backyard. We understand and they are located less than the required ten (10) feet from the side property line.

NAME	SIGNATURE	ADDRESS	DATE
1. Tricia Elmquist	Tricia Elmquist	195 LK Seminary Circle	11-15-06
2. ERNEST THOMAS	Ernest Thomas	170 LK SEMINARY CIR	11-15-06
3. JOSEPH L. CHADWICK JR	Joseph Chadwick Jr	207 LK SEMINARY CIR	11-15-06
4. MARLENE V. CHADWICK	Marlene Chadwick	207 LK SEMINARY CIR	11-15-06
5. GREG N. ELMQUIST	Greg Elmquist	195 LK SEMINARY CR	11-15-06
6. ALANA QUIGLEY	Alana Quigley	200 LK SEMINARY CR	11-15-06
7. JOE QUIGLEY	Joe Quigley	200 LK SEMINARY CIR	11/15/06
8. MARY J. GREEN	Mary J Green	229 LK Seminary Cir	11/16/06
9. RAYMOND F. GREEN	Raymond F Green	229 LK Seminary Cir	11/16/06
10. Maureen A. Castille	Maureen A Castille	250 Lake Seminary Circle	11/17/06
11. Lloyd D. Castille	Lloyd D. Castille	250 Lake Seminary Circle	11/17-06
12. BRAD CASTLE	Brad Castle	220 LAKE SEMINARY Circle	11/18/06
MARIE McElwain	Marie McElwain	315 Lake Seminary Cr.	11/19/06
Judy Piperno	Judy Piperno	305 Lake Seminary Cr.	11/20/06
H.C. McElwain	H.C. McElwain	315 Lake Seminary Cr	11/20/06

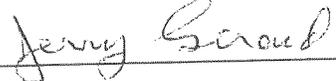
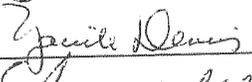
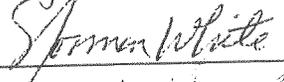
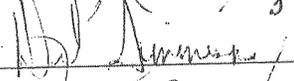
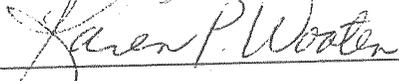
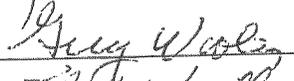
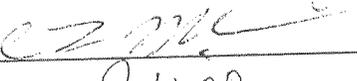
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This Petition is to show support for Iris Cluggish, 270 Lake Seminary Circle, Maitland, FL, in her endeavor to retrieve from Seminole County a variance for her two (2) storage buildings in her backyard. We understand and they are located less than the required ten (10) feet from the side property line.

NAME	SIGNATURE	ADDRESS	DATE
13. OPAL REGISTER	<i>Opal Register</i>	380 Lake Seminary Circle Maitland, FL 32751	11/18/06
14. Fern Zuniga	<i>Fern Zuniga</i>	375 Lake Seminary Circle Maitland, FL 32751	11/18/06
15. <i>David [unclear]</i>	<i>[unclear]</i>	385 Lake Seminary Cir Maitland, FL 32751	11/18/06
16. <i>Wendy Priest</i>	<i>Wendy Priest</i>	395 Lk. Sem. Cr. Maitland 32751	11/18/06
17. HUBERT PRIEST	<i>Hubert Priest</i>	395 Lk. Sem. Cr. Maitland 32751	11/18/06
18. Catherine Scribner	<i>Cath hnd</i>	355 Lake Seminary Cir. Maitland 32751	
19. Charles Scribner	<i>Chen S</i>	355 Lk. Seminary Cir Maitland 32751	11/18/06
20. Edmund & Margaret Swiatosz	<i>Edmund Swiatosz</i>	355 Lk. Seminary Cir Maitland, FL 32751	11/18/06
21. Margaret Swiatosz	<i>Margo Swiatosz</i>	385 Lake Seminary Maitland, FL 32751	11/18/06
22. DIANA B. JACKSON	<i>Diana B. Jackson</i>	325 Lk. Seminary Circle, Maitland, FL 32751	
23. John H. Jackson	<i>John H. Jackson</i>	325 Lk Seminary Cir Maitland, FL 32751	
24. MARY MARIE REGNIER	<i>Mary Marie Regnier</i>	260 Lk Seminary Cir Maitland FL 32751	
<i>Katke Schaffer</i>	<i>Katke Schaffer</i>	345 Lk Seminary Cir Maitland, FL 32751	

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NAME	SIGNATURE	ADDRESS	DATE
25. Paula Girard		290 Lake Seminary Circle Maitland, FL 32751	11/18/06
26. JERRY GIRARD		290 LAKE SEMINARY CIR. MAITLAND FL 32751	11-18-06
27. Yvonne Dennis		101 Roosevelt Race Maitland FL 32751	11/19/06
28. Norman White		110 ROOSEVELT PLACE Maitland Fl. 32751	11/19/06
29. MILTON HUMPHREYS		115 ROOSEVELT PLACE MAITLAND FL 32751	11/19/06
30. DEL SIMMONS		147 ROOSEVELT PLACE MAITLAND, FL 32751	11/19/06
31. MARYANN SIMMONS		147 Roosevelt Pl Maitland, FL 32751	11/19/06
32. KAREN WOOTEN		140 Roosevelt PL Maitland, FL 32751	11-19-06
33. Greg Wooten		140 Roosevelt PL Maitland, FL 32751	
34. SHERRI McLAUGHLIN		135 ROOSEVELT PL. MAITLAND, FL 32751	
35. OTRANK McLAUGHLIN		135 Roosevelt Pl Maitland FL 32751	11/19/06
36. Mary Lou Hillman		183 Florida Haven Dr Maitland, Fl. 32751	11/19/06

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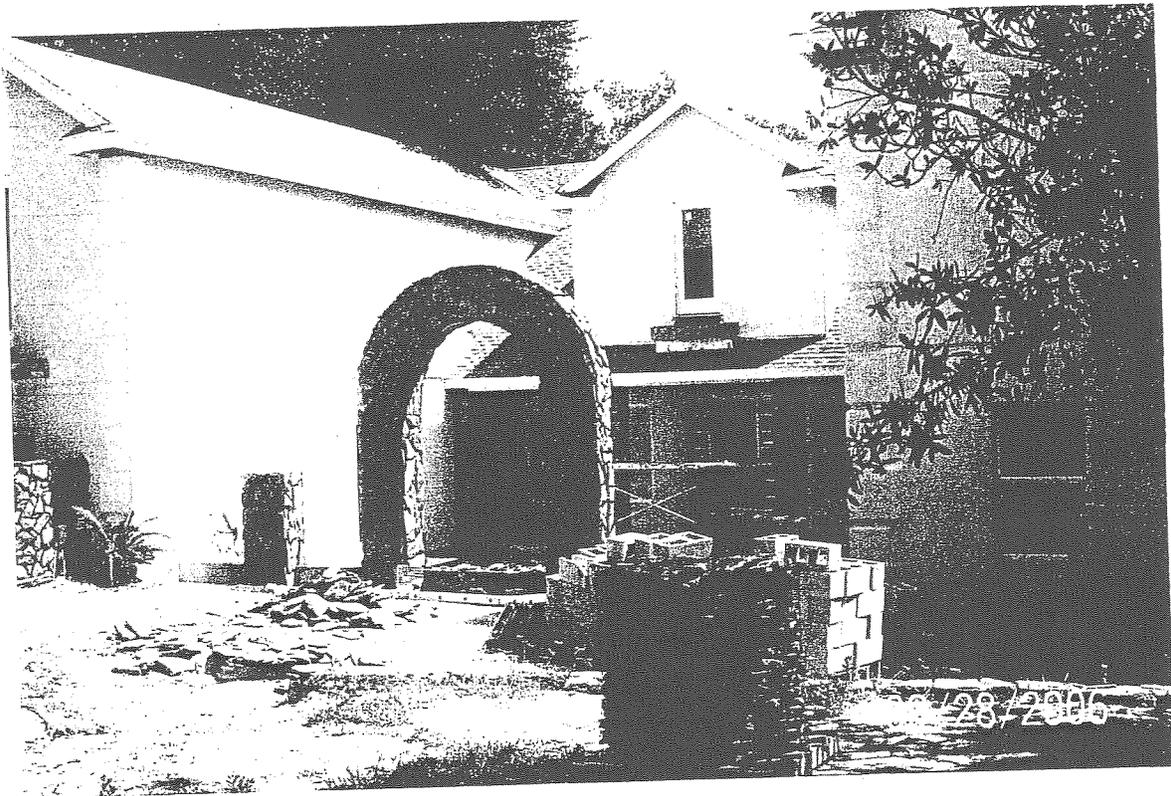
NAME	SIGNATURE	ADDRESS	DATE
37. Thomas P. Cottle	<i>T. P. Cottle</i>	245 Lake Seminary Cir	11-18-06
38. Warel C. Wright	<i>Warel C. Wright</i>	306 Lake Seminary Cir.	11-18-06
39. Cheryl Wright	<i>Cheryl Wright</i>	300 LK Seminy Cir	11-18-06
40. Jack C. Likens	<i>Jack C. Likens</i>	350 Lake Seminary Cir	11/18/06
41. Sarah Sharpstein	<i>Sarah Sharpstein</i>	310 Lake Seminary Cir	11/18/06
42. Rob Sharpstein	<i>Rob Sharpstein</i>	310 Lake Seminary Cir	11/18/06
43. Heather Esteban	<i>Heather Esteban</i>	255 Lake Seminary Cir	11/18/06
44. Ron Esteban	<i>Ron Esteban</i>	255 Lake Seminary Cir	11/18/06
45. Edmund J. Whaling	<i>Edmund J. Whaling</i>	195 Florida Haven Drive	11/19/06
46. Nancy J. Whaling	<i>Nancy J. Whaling</i>	195 Florida Haven	11/19/06
47. BARBARA McENANY	<i>Barbara McEnany</i>	191 Florida Haven Dr.	11/19/06
48. WAYNE McENANY	<i>Wayne McEnany</i>	191 Florida Haven Dr	11/19/06
MARK SCHAFFLER	<i>Mark Schaffler</i>	345 LAKE SEMINARY CIR	11/19/06
JANET WHRIG	<i>Janet Whrig</i>	370 LAKE SEMINARY CIR	11/19/06
HAL WHRIG	<i>Hal Whrig</i>	370 LAKE SEMINARY Cir	11/19/06

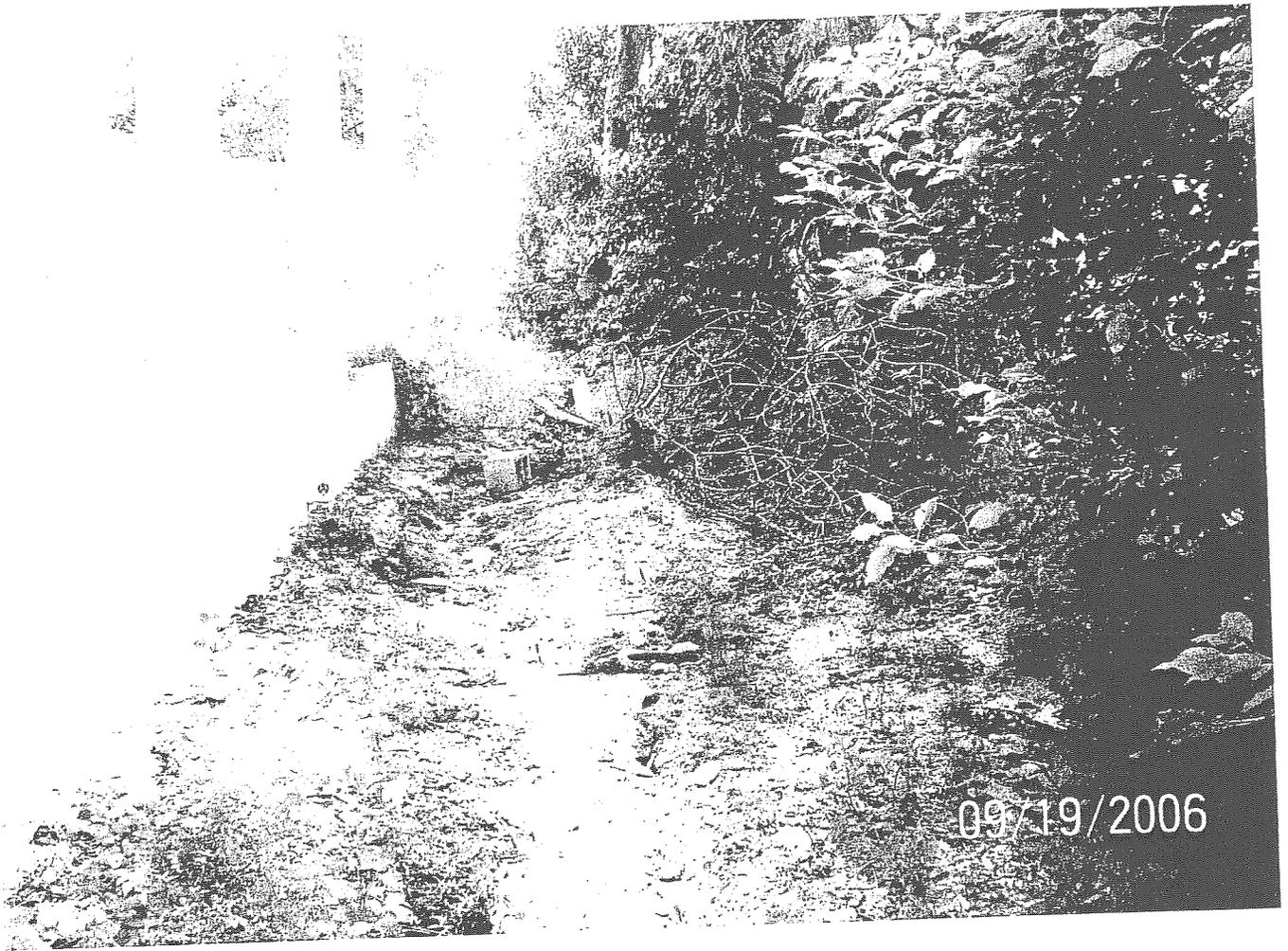
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NAME	SIGNATURE	ADDRESS	DATE
49. Jane Harrison	<i>JH</i>	360 Lake Seminary	11/20/06
50. Mike Harrison	<i>MH</i>	360 Lake Seminary	11/21/06
51. Susan Pinnock	<i>SP</i>	330 Lake Seminary	11/20/06
52. Peter J. Pinnock	<i>PJP</i>	330 Lake Seminary	11-20-06
53. Verna Coy	<i>Verna Coy</i>	230 Lake Seminary	11/27/06
54. Bob Angler	<i>Bob Angler</i>	240 Lake Seminary Cr	11/27/06
55.			
56.			
57.			
58.			
✓ 59.			
60.			

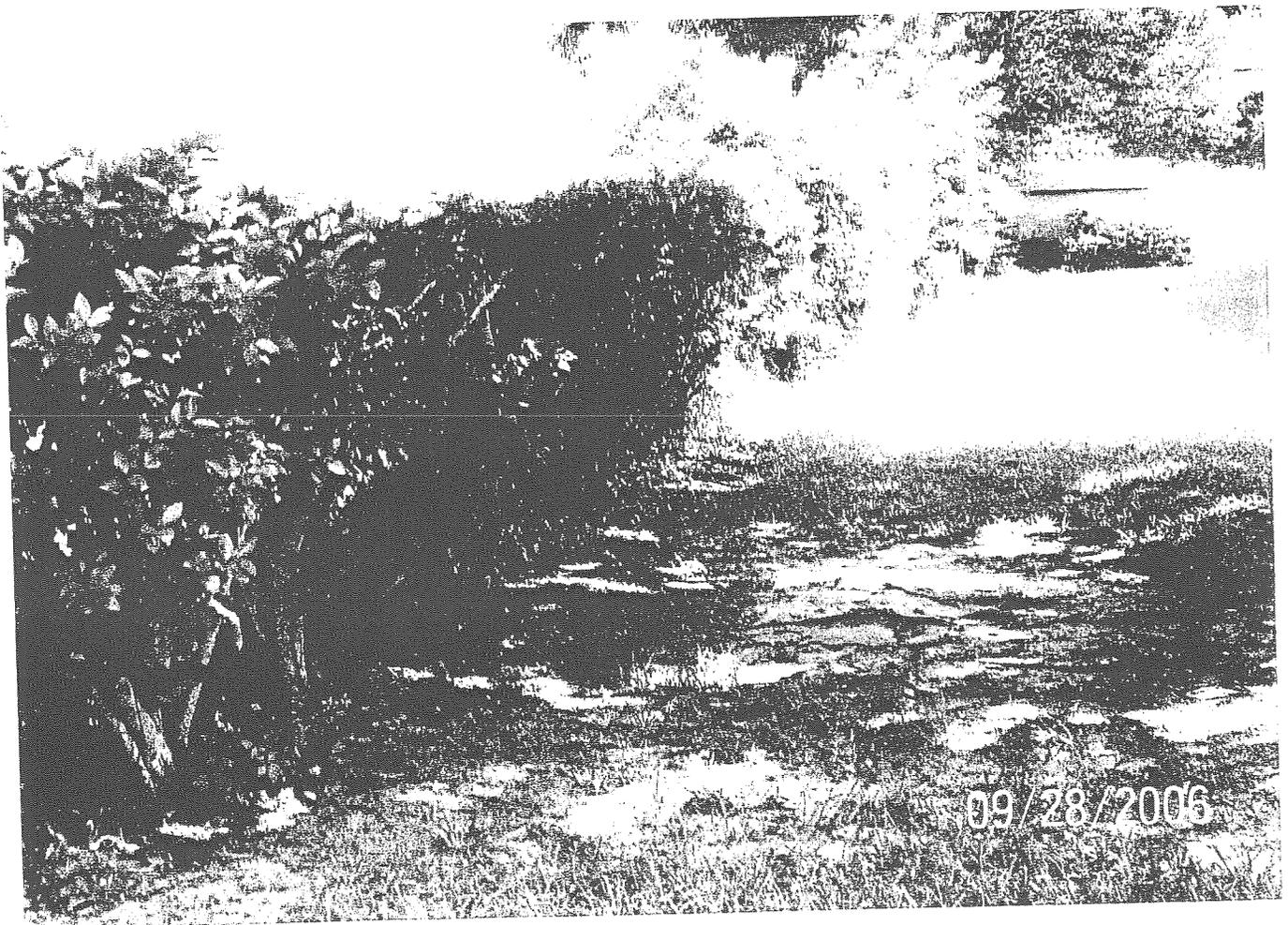




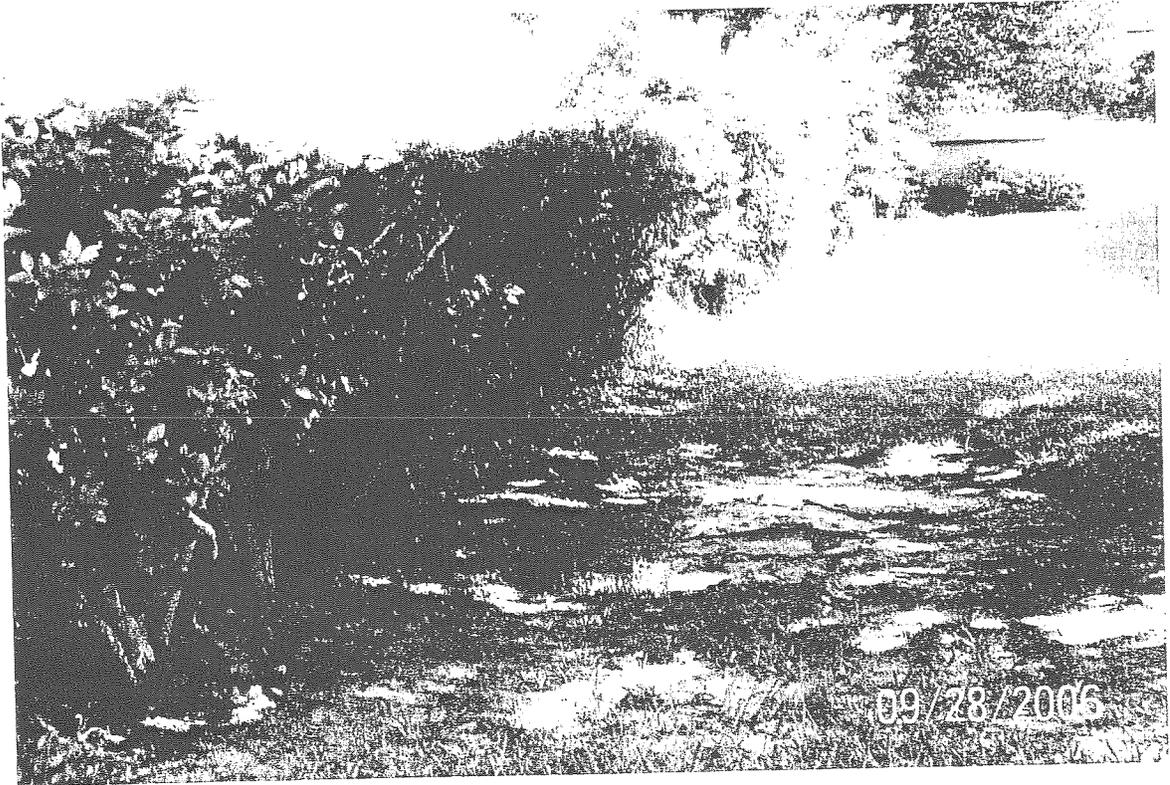




09/28/2006



09/28/2006



BV 2004-208

January 5, 2007

Denny Gibbs
Seminole County Planning Department
Sanford, FL

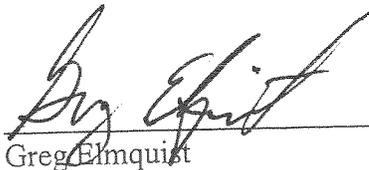
RE: 270 Lake Seminary Circle, Maitland, FL 32751

Dear Denny: As requested, I want to authorize Greg and/or Tricia Elmquist, my neighbors, to speak on my behalf at the upcoming variance hearing to be held on January 22, 2007, just in case I am not able to convey my thoughts that particular night. Thank you.

Sincerely,



Iris D. Cluggish



Greg Elmquist



Tricia Elmquist

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 7 FLORIDA HAVEN PB 9 PG 17

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

FINDINGS OF FACT

Property Owner: Iris Cluggish
270 Lake Seminary Cir
Maitland FL 32751

Project Name: Lake Seminary Circle (270)

Requested Development Approval:

Request for a side yard (east) setback variance from 10 feet to 5 feet for two existing sheds in R-1AA (Single Family Dwelling 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 two existing sheds 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: _____
April Boswell, AICP
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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: