

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 2890 Egrets Landing Drive – Request for a rear yard setback variance from 20 feet to 8 feet for a proposed screen room in the PUD (Planned Unit Development District); (Nathan and Jennifer Dutcher, applicants).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

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

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a rear yard setback variance from 20 feet to 8 feet for a proposed screen room in the PUD (Planned Unit Development District); (Nathan and Jennifer Dutcher, applicants); or
2. **DENY** the request for a rear yard setback variance from 20 feet to 8 feet for a proposed screen room in the PUD (Planned Unit Development District); (Nathan and Jennifer Dutcher, applicants); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicants: Nathan and Jennifer Dutcher Location: 2890 Egrets Landing Drive Zoning: PUD Subdivision: Egrets Landing
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicants propose to construct a 15 foot by 30 foot (450 square feet) screen room on to the rear of an existing home.</li> <li>• The proposed structure will encroach 12 feet into the rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a

	<p>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>• Special conditions and circumstances result from the actions of the applicant.</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. <i>Other properties in the Egrets Landing PUD would be denied the same request without the granting of a variance.</i></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. The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li> <li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li> <li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li> </ul>
<p><b>STAFF                  RECOMMENDATION</b></p>	<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 screen room addition 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>

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

**COPY**

Application # RECEIVED 6-121  
 Meeting Date 7-22-06  
 DEC 1 2006  
 PLANNING DIVISION



**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: JENNIFER DUTCHER AND NATHAN DUTCHER  
 Address: 2890 EGRETS LANDING DRIVE City: LAKE MARY Zip code: 32746  
 Project Address: 2890 EGRETS LANDING DRIVE City: LAKE MARY Zip code: 32746  
 Contact number(s): (407) 415-6668 - JENNIE OR (407) 619-7402 - NATHAN  
 Email address: JENNIEPK@CFL.RR.COM

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

**What type of structure is this request for?**

<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>screened enclosure w/ covered roof-shingled</u>
<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 checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback: <u>8 FT.</u>
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:
<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 type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:
<input type="checkbox"/> Total number of variances requested <u>1</u>		

NO 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: [Signature]

**FOR OFFICE USE ONLY**

Date Submitted: 12-1-06 Reviewed By: P. Johnson  
 Tax parcel number: 03-20-30-518-0000-0130 Zoning/FLU POD/PD  
 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). <i>This form can be obtained online.</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <u>View a sample site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.</u>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each )</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

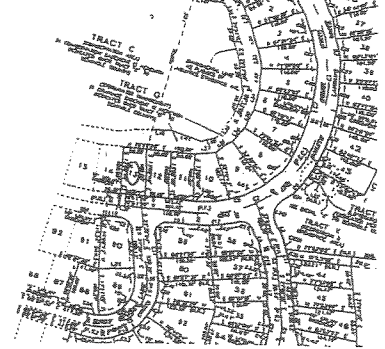
# SWERDLOFF & LONG SURVEYING, INC.

## Legal Description

Lot 13, EGRET'S LANDING, according to the plat thereof, as recorded in Plat Book 54, Page(s) 96-99, of the Public Records of Seminole County, FL.

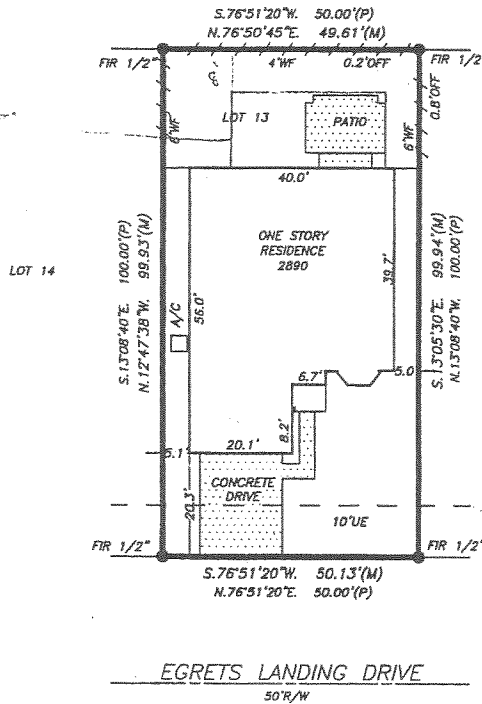
Community number: 120289 Panel: 0045  
 Suffix: E.F.I.R.M. Date: 4/17/1995 Flood Zone: X  
 Date of field work: 6/10/2004 Completion Date: 6/11/2004

Certified to:  
 Jennifer Hilton; Nathan Dutcher; Philip F. Keidaish, Jr., P.A.;  
 Chicago Title Insurance Company; Lehman Brothers Bank, FSB, its  
 successors and/or assigns.



Proposed

SCALE: 1" = 30'



### LEGEND

..	Wood Fence	CATV	Cable Riser	M.H.	Manhole
-x-x-	Wire Fence	W.M.	Water Meter	N.T.S.	Not to Scale
FN.	Found Nail	Tel.	Telephone Facilities	O.R.	Official Records
.	Property Corner	☐	Covered Area	O.R.B.	Official Records Book
R.	Record	B.R.	Bearing Reference	P.C.P.	Permanent Control Point
M	Field Measured	CH	Chord	P.R.M.	Permanent Reference Monument
CL	Clear	RAD	Radial	FG.	Page
ENCR	Encroachment	N.R.	Non Radial	PVMT.	Pavement
☐	Centerline	A/C	Air Conditioner	P.B.	Plat Book
☐	Concrete	B.M.	Bench Mark	P.O.B.	Point of Beginning
☐	Property Line	C.	Calculated	P.O.C	Point of Commencement
C.M.	Concrete Monument	ZZZZ	Block Wall	P.O.L	Point of Line
F.I.R.	Found Iron Rod	Δ	Central Angle/Delta	P.C.	Point of Curvature
F.I.P.	Found Iron Pipe	D.B.	Deed Book	P.R.C.	Point of Reverse Curvature
R/W	Right Of Way	D.	Description of Deed	PT.	Point of Tangency
N&D	Nail & Disk	D.H.	Drill Hole	R.	Radius(Radial)
D.E.	Drainage Easement	D/W	Drive way	R.O.E.	Roof Overhang Easement
U.E.	Utility Easement	ESMT	Easement	S.I.R.	Set Iron Rod & Cap
FD.	Found	EL	Elevation	S/W	Sidewalk
P	Plat	FF	Finished Floor	T.O.P	Top of Bank
Asph	Asphalt	F.C.M.	Found Concrete Monument	TYP.	Typical
O.H.U.	Overhead Utilities	F.P.K.	Found Parker-Kalon Nail	W.C.	Witness Corner
P.P.	Power Pole	L	Length	10.05	Existing Elevation
TR.	Transformer	L.A.E.	Limited Access Easement	E.O.W	Edge of Water

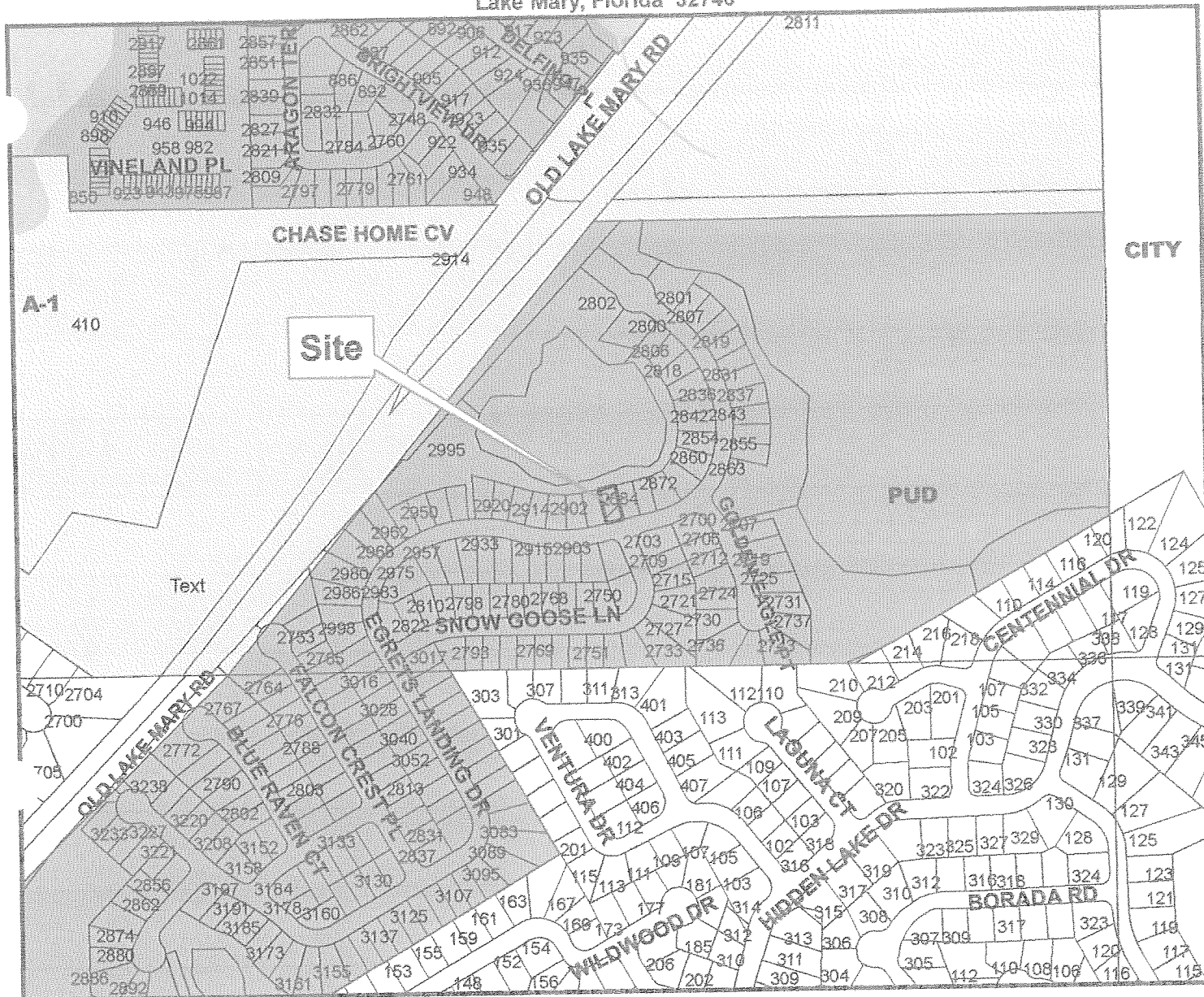
### GENERAL NOTES

1. Legal description provided by others
2. The lands shown hereon were not checked by the surveyor for encroachments not shown on the plat.
3. Underground portions of footings, foundations or other improvements were not located
4. Wall ties are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted.
7. Dimensions shown are plat and measured unless otherwise noted.
8. Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted.
9. Adjoining lots are within the same block, unless otherwise noted.
10. This is an AS-BUILT SURVEY unless noted.
11. Not valid unless sealed with the signing surveyors embossed seal.
12. 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 relied upon for flood insurance purposes, and may differ from information provided by others.
13. L.B. 7132

Property Address:  
 2890 Egrets Landing Drive  
 Lake Mary, FL 32746

Survey number: SL-36007

Jennifer & Nathan Dutcher  
 2890 Egrets Landing Drive  
 Lake Mary, Florida 32746






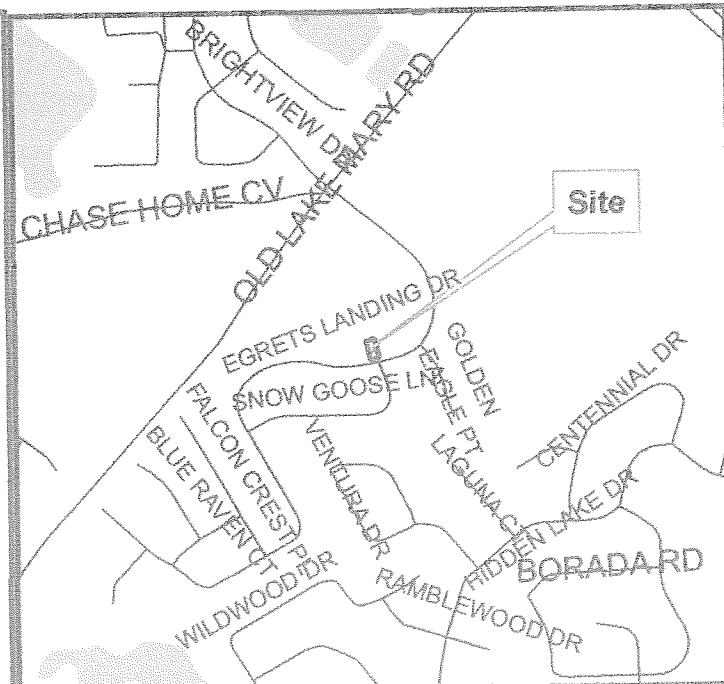
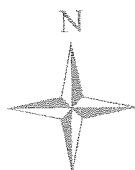
Seminole County Board of Adjustment  
 January 22, 2007

Case: BV2006-221 (Map 3052, Grid D6)

Parcel No: 03-20-30-5PB-0000-0130

**Zoning**

-  BV2006-221
-  A-1
-  PUD



<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 407-665-7506</p>																														
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 03-20-30-5PB-0000-0130</p> <p>Owner: HILTON JENNIFER &amp;</p> <p>Own/Addr: DUTCHER NATHAN</p> <p>Mailing Address: 2890 EGRETS LANDING DR</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 2890 EGRETS LANDING DR SANFORD 32773</p> <p>Subdivision Name: EGRETS LANDING</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2005)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$151,370</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$42,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$193,370</p> <p>Assessed Value (SOH): \$152,336</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$127,336</p> <p>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>WARRANTY DEED</td> <td>06/2004</td> <td>05369</td> <td>1956</td> <td>\$175,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/2001</td> <td>04076</td> <td>1100</td> <td>\$132,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>02/2000</td> <td>03815</td> <td>1702</td> <td>\$115,500</td> <td>Improved</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	WARRANTY DEED	06/2004	05369	1956	\$175,000	Improved	Yes	WARRANTY DEED	04/2001	04076	1100	\$132,000	Improved	No	SPECIAL WARRANTY DEED	02/2000	03815	1702	\$115,500	Improved	Yes	<p><b>2006 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$2,720</p> <p>2006 Tax Bill Amount: \$1,981</p> <p>Save Our Homes (SOH) Savings: \$739</p> <p>2006 Taxable Value: \$122,899</p> <p>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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																														



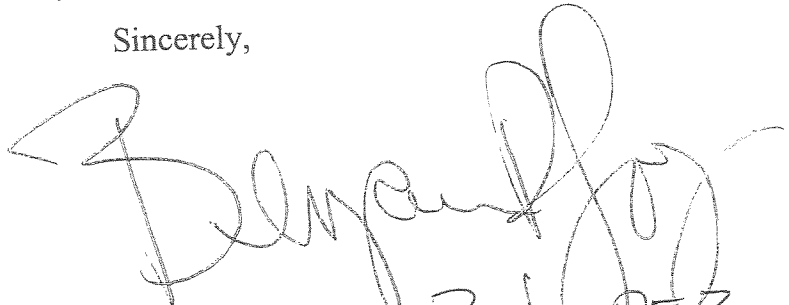
November 27, 2006

Dear Board of Commissioners:

Please be advised that I live next door to Jennifer and Nathan Dutcher and I reside at <sup>96</sup>2884 Egrets Landing Drive, Lake Mary, Florida. Jennifer and Nathan have informed me of their intention to add a screened enclosure to their home. This letter serves to advise you that we have no objections whatsoever to the building of this enclosure. We strongly feel that this addition will only improve the appearance and the value of our entire subdivision.

Should you have any questions or concerns regarding this letter, please feel free to contact me at \_\_\_\_\_.

Sincerely,



BENJAMIN R. LOPEZ  
2896 EGRETS LANDING DR.  
LAKE MARY, FL.  
327 46  
4073230881



EGRETS LANDING AT LAKE MARY HOMEOWNERS ASSOCIATION, INC.  
C/O Premier Property Management of Central Florida, Post Office Box 1596  
Sanford, Florida 32772-1596

NOTICE OF ARCHITECTURAL APPROVAL

November 13, 2006

Jennifer Dutcher  
2890 Egrets Landing Drive  
Lake Mary FL 32746

RE: 2890 Egrets Landing Drive

Dear Jennifer Dutcher:

Congratulations! Your Architectural Review Board has approved your request to:

**concrete slab and screen enclosure with shingled roof. 15 x 30 roof-white/frame bronze; slab concrete/enclosure - aluminium screen/roof shingles; gable style roof with shingles has been approved.**

We appreciate your cooperation in submitting this Request for Approval. An attractive Community helps all of get the full value from our homes when we decide to sell.

We reserve the right to make a final inspection of the change to make sure it matches the request you submitted. Please follow the plan as submitted or submit an additional request form if for any reason you cannot follow the original plan.

You must follow all local building codes and setback requirements when making this change, when applicable. A Building Permit may be needed. This can be applied for at the County offices. Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate Utility Companies before digging.

Again, we would like to thank you for following the ARB process set forth by your Community's Governing Documents, and wish you all the best with your up coming improvement project. The enclosed documents are for your records, please store in a safe place. If you should have any further concerns please do not hesitate to contact this office.

Feel free to contact me if you have any questions.

Sincerely,  
Gilda Culberson  
Gilda Culberson, LCAM  
Association Manager on Behalf of the Architectural Review Committee

(407) 322-4922 Fax (407) 322-8922

Egret's Landing ARCHITECTURAL

This form is to be completed by the homeowner and submitted at the commencement of any work. Please print legibly and provide a true and accurate copy.

Premier Property Management of Central FL, Inc.

Review and approval PRIOR to commencement of application

FL 32706 - Fax 407-322-

Please allow up to thirty (30) days upon receipt for review. This form is included with this form at the time of submission.

Information is not to be used for approval/denial.

Property Owner Name: Jennifer Dutcher Nathan Dutcher  
Property Address: 2890 Egrets Landing Drive Lot No. 13  
Billing Address:

Home Phone # 4074156668

DESCRIBE ADDITION, CHANGE OR INSTALLATION (Include enclosure, pool, exterior paint, landscaping, etc.):

Concrete Slab & screened enclosure WITH GABLED ROOF!

Attach copy of property survey outlining location of addition.

SPECIFICATIONS: (Attached copies of plans, estimates, photos or brochures)

Dimensions: 15x30' Color: White/Framed - Bronze  
Materials: Slab-concrete/enclosure Screened roof-shingles  
Style: gable style roof with shutters  
(Note: If fence, post, or gate, list fence in work)

Other information:

I hereby submit this application to the ARC for consideration and approval. I agree to adhere to building codes as specified by Seminole County and the Covenants.

Property Owner Signature: Jennifer Dutcher Date: 10/19/06

Note: Requests and alterations must confirm to all local zoning and Building Regulations of Seminole County. If your request is denied by the ARC, you may appeal to the Board of Directors for review. If this change or addition is not completed within one year, a new application and approval will be required. The following area is for use by the Architectural Review Committee and Premier Property Management of Central FL, Inc.

Permit received date: Forwarded to/date:

ARC Comments:

Approved: Denied: ARC Signature: [Signature]

BU 2006 - 771

November 27, 2006

Dear Board of Commissioners:

Please be advised that I live next door to Jennifer and Nathan Dutcher and I reside at 2884 Egrets Landing Drive, Lake Mary, Florida. Jennifer and Nathan have informed me of their intention to add a screened enclosure to their home. This letter serves to advise you that we have no objections whatsoever to the building of this enclosure. We strongly feel that this addition will only improve the appearance and the value of our entire subdivision.

Should you have any questions or concerns regarding this letter, please feel free to contact me at 407-328-7433.

Sincerely,

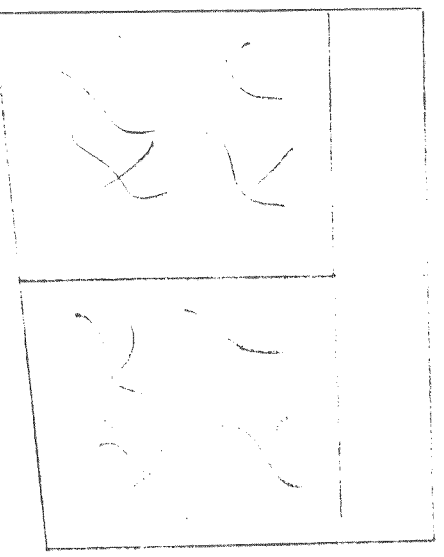
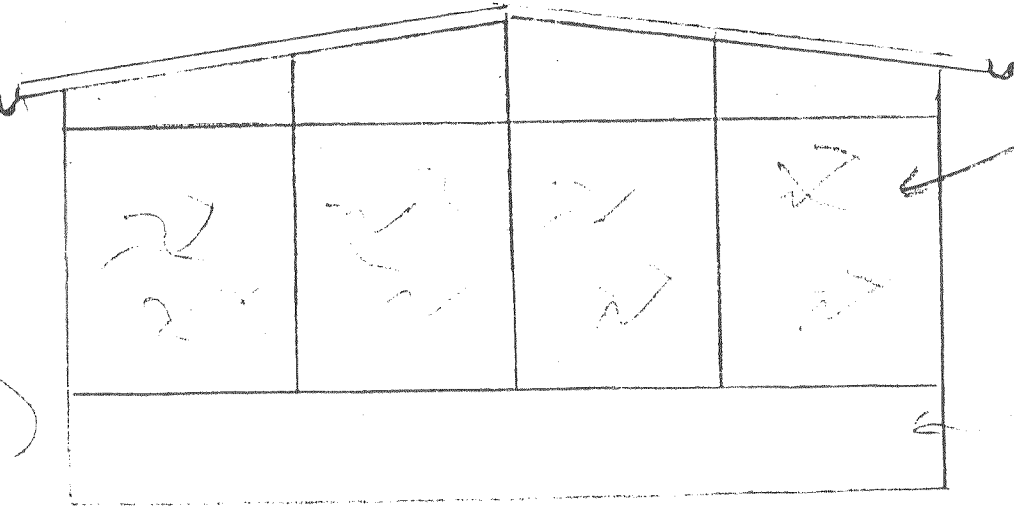
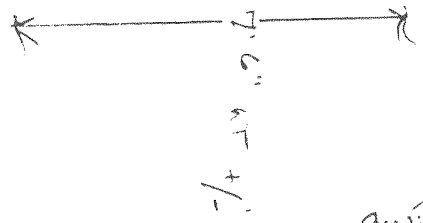
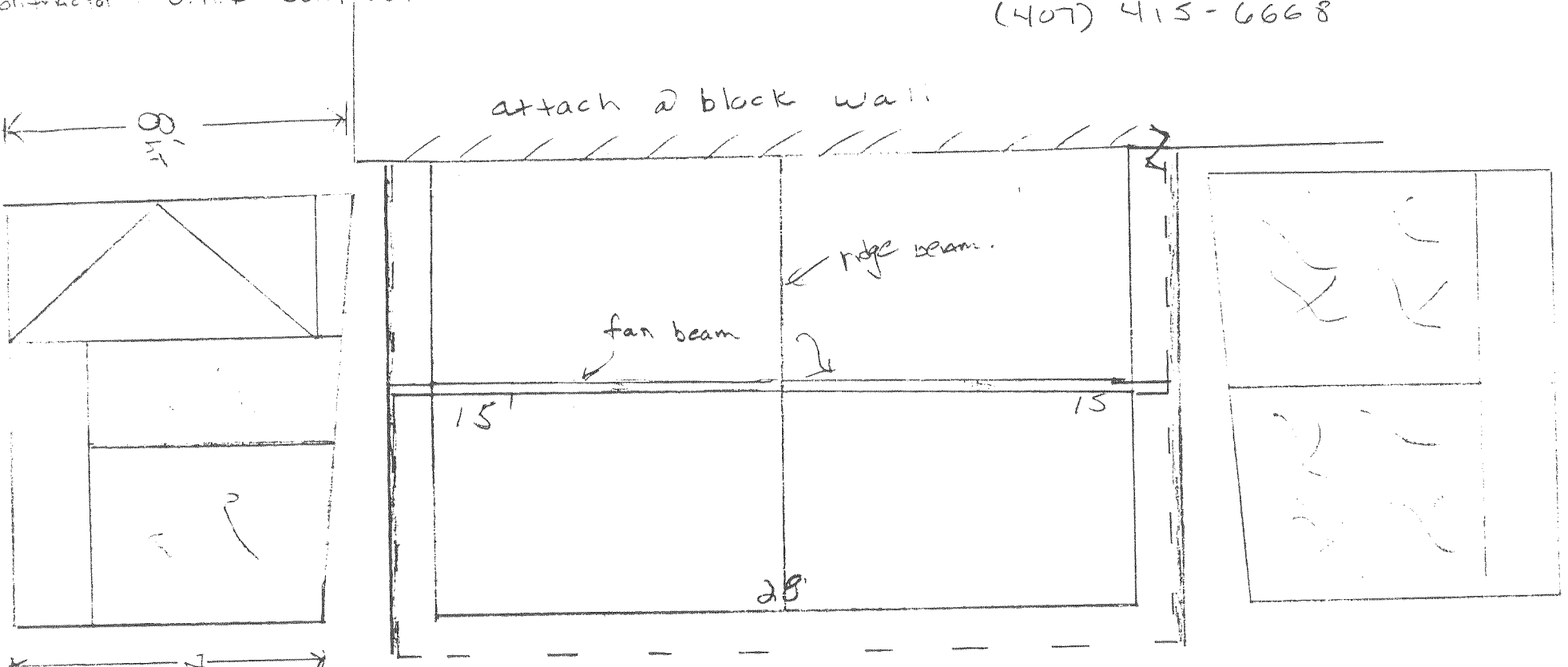
*Ethel M. Pearson-Brown*

BU 2006-221  
For: H.S.D. approval only

(Seminole County)  
Permit Required

Nathan & Jerry Dutcher  
2890 Egrets Landing  
Lake Mary, FL 32746  
(407) 415-6668

Contractor: G.H.S Contractors



18/14 charcoal screen

N.T.S.

16" aluminum  
kick plate

\*Enclosure only

(concrete slab  
& footers by others)

## 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:

Lot 13 Egrets Landing PB 54 PGS 96 thru 99

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

### FINDINGS OF FACT

**Property Owner:** Jennifer and Nathan Dutcher  
2890 Egrets Landing Drive  
Lake Mary, Fl. 32746

**Project Name:** 2890 Egrets Landing Drive

#### **Requested Development Approval:**

Request for a rear yard setback variance from 20 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development)

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, Principal 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 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: \_\_\_\_\_  
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: