

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

SUBJECT: 2067 Starboard Drive – Jason Kaiser, applicant; Request for 1) a side yard (east) setback variance from 10 feet to 2 feet for an existing boat house and 2) a side yard (east) setback variance from 10 feet to 0 feet for an existing dock and boat canopy in RM-1 (Single Family Mobile Home 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. **APPROVE** the request for 1) a side yard (east) setback variance from 10 feet to 2 feet for an existing boat house and 2) a side yard (east) setback variance from 10 feet to 0 feet for an existing dock and boat canopy in RM-1 (Single Family Mobile Home Dwelling District); or
2. **DENY** the request for 1) a side yard (east) setback variance from 10 feet to 2 feet for an existing boat house and 2) a side yard (east) setback variance from 10 feet to 0 feet for an existing dock and boat canopy in RM-1 (Single Family Mobile Home Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Jason Kaiser Location: 2067 Starboard Drive Zoning: RM-1 (Single Family Mobile Home Dwelling District) Subdivision: Vacated Plat of Palm Shadows
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a 1) side yard (east) variance for an existing boat house that encroaches 8 feet into the required 10-foot side yard setback and 2) a side yard (east) variance for an existing boat dock and canopy that encroaches 10 feet into the required 10-foot side yard setback.

	<ul style="list-style-type: none"> • The existing boat dock is shared between the applicant and adjacent property owner to the east. • The applicant intends to construct a seawall and rebuild the deck once the seawall is constructed. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances 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. • 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.
<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 boat house and boat dock and canopy 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- PUD Commitment Card, *if applicable*
- Application**
- Authorization letter
- Applicant statement of request
- Proposed Development Order**
- Proposed Site Plan**
- Proposed elevation drawings, renderings, floor plans, etc
- Property Appraiser data sheet**
- Location map**

Support information:

- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

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

COPY

Application # BV 2006 225
 Meeting Date JAN 22 07



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

RECEIVED
 DEC 1 2006
 PLANNING DIVISION

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

Name: JASON KAISER
 Address: 2067 STARBOARD DR City: GENEVA Zip code: 32732
 Project Address: SAME City: _____ Zip code: _____
 Contact number(s): 407-314-4376 (Cell) 407-349-0722 (Home)
 Email address: KAISER171@MSN.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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>See attached letter (1) Boat House (2) Boat Canopy</u>
<input checked="" type="checkbox"/> This request is for a structure that has already been built. <u>YES</u>	

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:	Proposed setback:	<u>2'</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:	Proposed setback:	<u>0</u>
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>2</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: Jason Kaiser

FOR OFFICE USE ONLY

Date Submitted: 12-1-06 Reviewed By: DG
 Tax parcel number: 32-19-32-501-0000-0530 Zoning/FLU RM-1/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: EXISTING DOCK IS A SHARED DOCK BETWEEN LOT OWNERS

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 at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	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.
	<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 or 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.

12/1/06

RE: 2067 Starboard Dr Geneva Fl 32732
Residence of Jason & Jessica Kaiser

I am requesting a variance for my existing boat house, ~~deck~~ and boat canopy to be allowed so that I may pull a permit for the construction of a seawall.

I was told by the building department that the structures should be 10' off the property line as these are new guidelines. I bought my property in 2004 with the existing structures in place.

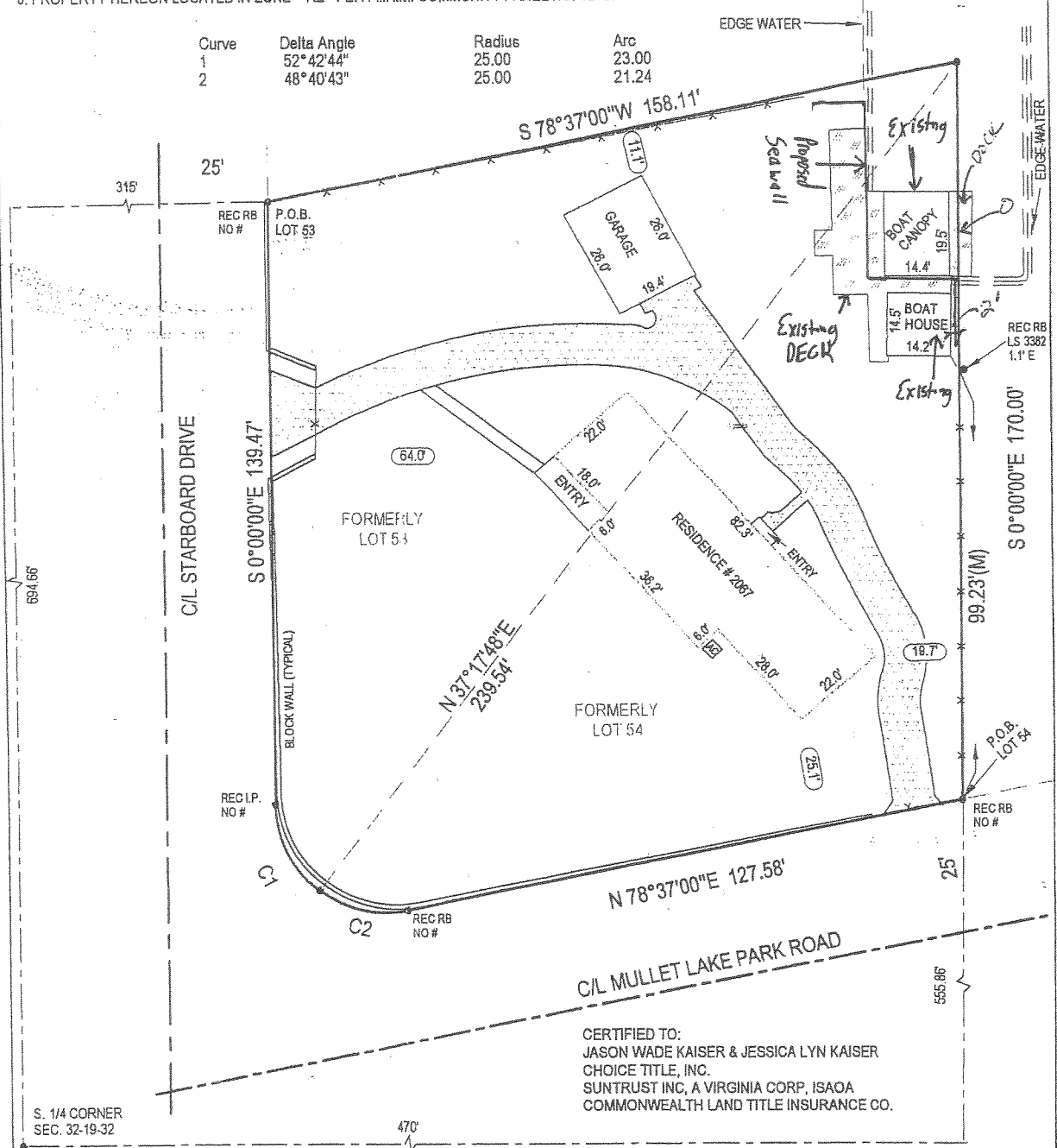
I am going to need to bring down the deck so that I can place the seawall in the correct place and would like to be able to rebuild my ~~deck~~ once the seawall is constructed.

Jason Kaiser

A handwritten signature in black ink, appearing to read "Jason Kaiser", with a long, sweeping horizontal stroke extending to the right.

NOTES:

1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
5. BEARINGS ARE BASED ON FURNISHED DESCRIPTION AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "AE" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0140 E DATED 04-17-95.



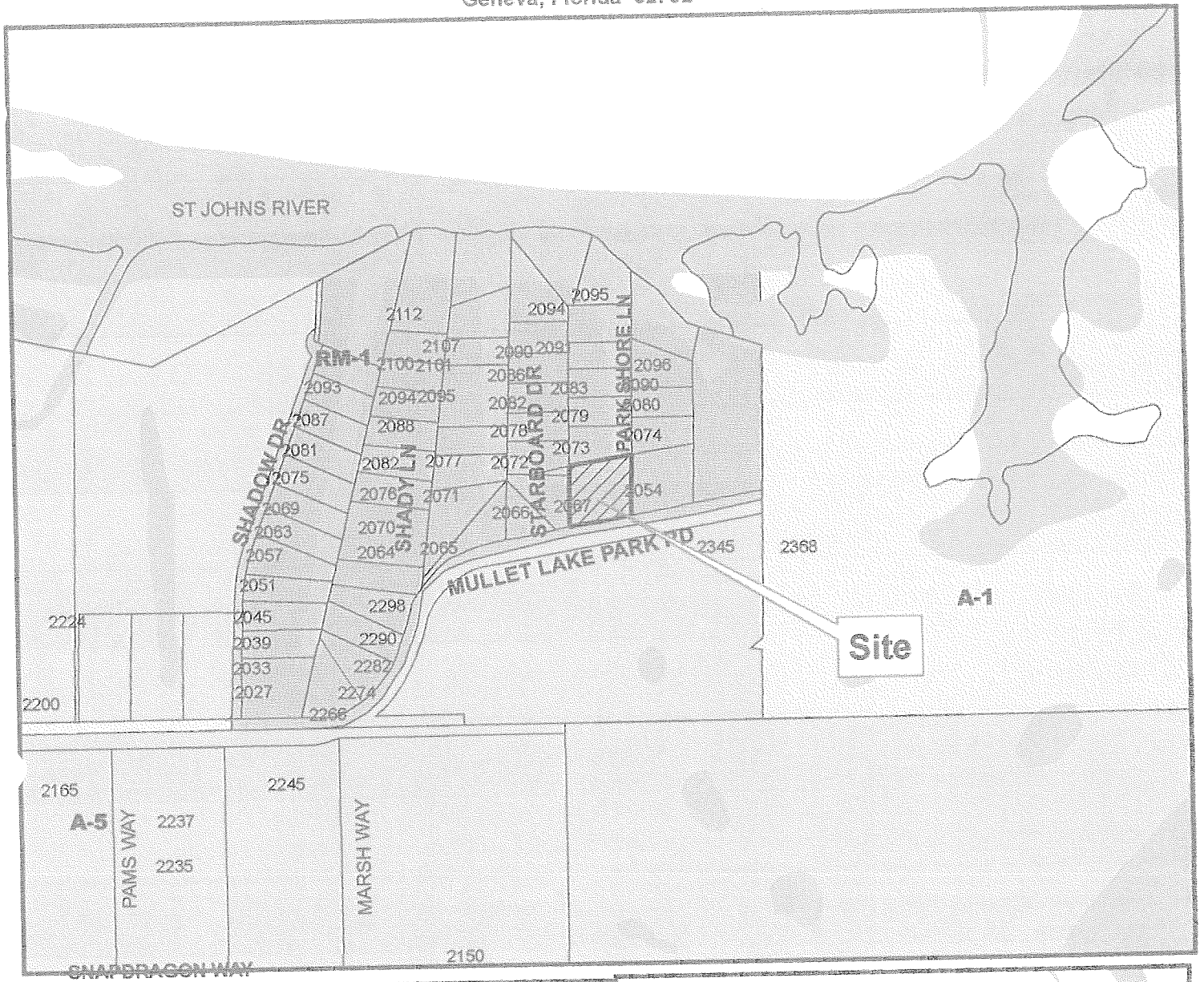
Curve	Delta Angle	Radius	Arc
1	52°42'44"	25.00	23.00
2	48°40'43"	25.00	21.24

CERTIFIED TO:
 JASON WADE KAISER & JESSICA LYN KAISER
 CHOICE TITLE, INC.
 SUNTRUST INC, A VIRGINIA CORP, ISAOA
 COMMONWEALTH LAND TITLE INSURANCE CO.

DESCRIPTION (AS FURNISHED): LOT 53, PALM SPRINGS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS: BEGIN AT A POINT 694.44 FEET NORTH AND 315 FEET EAST OF THE SOUTH 1/4 SECTION POST OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 32, EAST; THENCE RUN SOUTH 139.47 FEET; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 25 FEET, AN ARC DISTANCE OF 23 FEET; THENCE RUN N 37°17'48"E, 239.54; THENCE S 78°37' W 158.11 FEET TO THE POINT OF BEGINNING, TOGETHER WITH NON- EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS STARBOARD DRIVE ACCORDING TO SAID PLAT. AND LOT 54, PALM SPRINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT A POINT 470 FEET EAST AND 555.86 FEET EAST AND 555.86 NORTH OF THE SOUTH 1/4 SECTION POST OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 32, EAST; THENCE RUN S 78°37' W 127.58; THENCE RUN WESTERLY ALONG A CURVE HAVING A RADIUS OF 25 FEET, AN ARC DISTANCE OF 21.24 FEET; THENCE RUN N 37°17'48" E 239.54 FEET; THENCE SOUTH 170 FEET TO THE POINT OF BEGINNING TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS STARBOARD DRIVE ACCORDING TO SAID PLAT.





JOB NO.: 04-728 DATE: FIELD: 04-07-04 SIGNED: 04-08-04 DRAWN BY: JWJ P.C.: J.M.	LEGEND REC - RECOVERED I.P. - IRON PIPE I.C. - ILLEGIBLE CAP # C.M. - CONCRETE MONUMENT RB - REBAR RAD - RADIAL N.R. - NOT RADIAL (P) - PER PLAT (M) - AS MEASURED (D) - PER DESCRIPTION P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY	CONCRETE PRC - POINT OF REVERSE CURVE R.P. - RADIUS POINT R - RADIUS L - LENGTH OF ARC CA - CENTRAL ANGLE U.E. - UTILITY EASEMENT D.E. - DRAINAGE EASEMENT L.E. - LANDSCAPE EASEMENT P.E. - POOL EQUIPMENT P.P. - POWER POLE X - CHAIN LINK FENCE □ - WOODEN FENCE	Boundary And Mapping Associates, Inc. 109 WEST ORANGE STREET ALTAMONTE SPRINGS, FL 32714 PH. (407) 696-1155	LAND SURVEYORS LB 4565 Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. JIMMY W. JACKSON, PSM 4243 RODNEY W. JACKSON, PSM 6281
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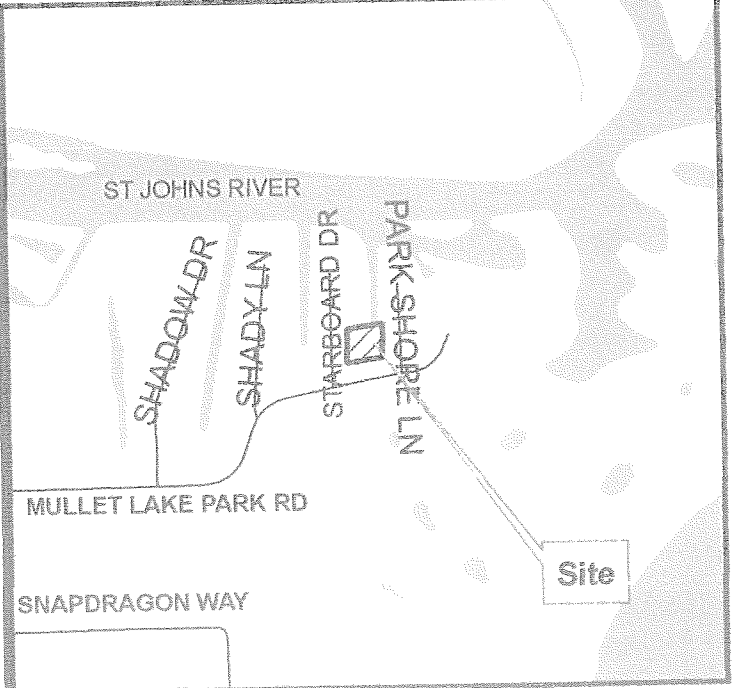
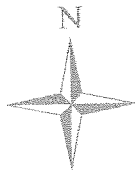
Jessica & Jason Kaiser
 2067 Starboard Drive
 Geneva, Florida 32732



Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-225 (Map 3056, Grid D3)
 Parcel No: 32-19-32-501-0000-0530

Zoning

-  BV2006-225
-  A-1
-  A-5
-  RM-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 407-665-7508</p>																																												
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 32-19-32-501-0000-0530 Owner: KAISER JASON W & JESSICA L Mailing Address: 2067 STARBOARD DR City,State,ZipCode: GENEVA FL 32732 Property Address: 2067 STARBOARD DR GENEVA 32732 Subdivision Name: PALM SHADOWS VACD PLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2005) Dor: 01-SINGLE FAMILY</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$134,815 Depreciated EXFT Value: \$1,880 Land Value (Market): \$106,970 Land Value Ag: \$0 Just/Market Value: \$243,665 Assessed Value (SOH): \$218,656 Exempt Value: \$25,000 Taxable Value: \$193,656 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>04/2004</td> <td>05299</td> <td>0737</td> <td>\$240,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/2001</td> <td>04000</td> <td>0407</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1983</td> <td>01515</td> <td>1198</td> <td>\$89,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1980</td> <td>01306</td> <td>0409</td> <td>\$68,200</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1979</td> <td>01236</td> <td>1326</td> <td>\$65,000</td> <td>Improved</td> <td>Yes</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	04/2004	05299	0737	\$240,000	Improved	Yes	WARRANTY DEED	01/2001	04000	0407	\$100	Improved	No	WARRANTY DEED	12/1983	01515	1198	\$89,000	Improved	Yes	WARRANTY DEED	11/1980	01306	0409	\$68,200	Improved	Yes	WARRANTY DEED	08/1979	01236	1326	\$65,000	Improved	Yes	<p>2006 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$3,543 2006 Tax Bill Amount: \$3,018 Save Our Homes (SOH) Savings: \$525 2006 Taxable Value: \$187,287 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>																																												

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:

LOTS 53 & 54 & 1/2 VACD ST ADJ ON W VACD PLAT OF PALM SHADOWS PB 13
PG 55

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

FINDINGS OF FACT

Property Owner: Kaiser Jason W & Jessica L
2067 Starboard Dr
Geneva Fl 32732

Project Name: Starboard Drive (2067)

Requested Development Approval:

Request for 1) a side yard (east) setback variance from 10 feet to 2 feet for an existing boat house and 2) a side yard (east) setback variance from 10 feet to 0 feet for an existing dock and boat canopy in RM-1 (Single Family Mobile Home 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 existing boat house and existing boat dock and canopy 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: