

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

**SUBJECT:** 238 Lakay Place – Wilfredo Vegas & Evelyn Pedrosa, applicants; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed sunroom addition in R-1A (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Joy Williams      **EXT.** 7399

**Agenda Date** 08/27/07    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed sunroom addition in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed sunroom addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Wilfredo Vegas & Evelyn Pedrosa Location: 238 Lakay Place Zoning: R-1A (Single Family Dwelling District) Subdivision: Terra Oaks
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicants propose to construct a 17-foot by 31-foot sunroom addition that would encroach 10 feet into the required 30-foot 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 variance. Staff has determined that: <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,</li> </ul>

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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.</li></ul> <p><i>The requested variance would not be compliant with the land development code and would potentially allow development that is inconsistent with the trend of neighborhood development.</i></p> <ul style="list-style-type: none"><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 variance requested is not 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>
<b>STAFF RECOMMENDATION</b>	<p>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:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the proposed sunroom 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>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

**Support information:**

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

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

**COPY**

Application # B62007-79  
Meeting Date 06-27-07



**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: Wilfredo Vegas & Evelyn Pedrosa

Address: 238 Lakay Place City: Longwood Zip code: 32719

Project Address: 238 Lakay Place City: Longwood Zip code: 32719

Contact number(s): 407-206-3774

Email address: AGENT FOUR SEASONS SUNROOMS - CONTACT TEASA MAYES 407-206-3776.

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"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>17'x31 Glass Sunroom w/aluminum</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.	

RECEIVED JUN 28 2007

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>20ft.</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 checked="" type="checkbox"/> Total number of variances requested _____			

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] 6/28/07

**FOR OFFICE USE ONLY**

Date Submitted: 6-28-07 Reviewed By: P. Johnson  
 Tax parcel number: 08-21-29-523-0000-0160 Zoning/FLU R-1A/LOR  
 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!*

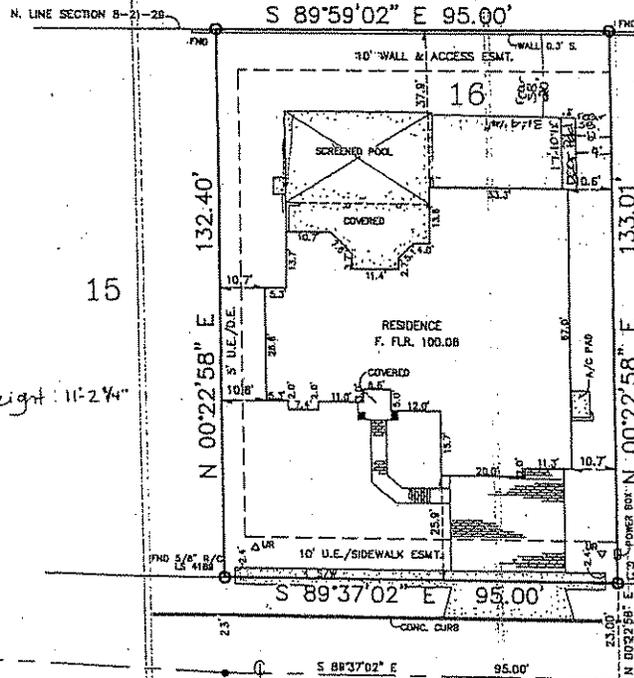
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
✓	1. Completed application.
✓	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></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> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	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 <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o 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.

30

# LOT 16 TERRA OAKS

ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 56,  
PAGES 22, 23 & 24 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

WEKIVA HUNT CLUB  
FOXHUNT SECTION 2  
P.B. 18, PG. 84-87



Bldg. height: 11-2.74"

LAKAY PLACE  
TRACT "B"  
(ACCESS, U.E. & D.E.)  
PRIVATE STREET

### NOTES:

ROOF OVERHANGS & FOOTERS HAVE NOT BEEN LOCATED  
NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.  
BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED  
OR PLATTED LINES

THE LANDS SHOWN HEREIN WERE NOT ABSTRACTED FOR  
EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES,  
OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.  
THE RELATIVE ACCURACY OF FIELD MEASURED CONTROL  
EXCEEDS 1 FOOT IN 15,000 FEET.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND  
MAPPER.

BEARINGS ARE BASED UPON THE CENTERLINE OF TRACT "B",  
A PRIVATE STREET, HAVING A BEARING OF S 89°37'02" E,  
PER RECORD PLAT.

BEARING AND DISTANCES SHOWN HEREIN ARE MEASURED  
AND PER RECORDED PLAT UNLESS OTHERWISE NOTED.

THE PROPERTY SHOWN HEREON APPEARS TO BE IN  
ZONE "X" PER F.I.R.M. MAP PANEL NO. 12172013 E  
DATED APRIL 17, 1985. THE FLOOD INSURANCE RATE  
MAP IS NOT A SURVEY. FLOOD ZONE DETERMINATION IS  
AN OPINION ONLY.

ELEVATIONS, IF SHOWN, ARE BASED ON AS SEMINOLE  
COUNTY DATUM.

### CERTIFIED TO:

DESIGN TEC HOMES, INC.  
ALLIANCE TITLE SERVICES

FILE TO-16.DWG/TAB

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

### LEGEND

S/B - BUILDING SETBACK	L.E. - LANDSCAPE EASEMENT
MAINT - MAINTENANCE	D.E. - DRAINAGE EASEMENT
UTE - UTILITY EASEMENT	U.E. - UTILITY EASEMENT
CONC. - CONCRETE	LP - IRON PIPE
CM - CONCRETE MONUMENT	R/C - IRON ROD
F.F.L. - FINISHED FLOOR	RI - IRON ROD
BUX - BLOCK	N/D - NAIL & DISK
WM - WATER METER	END - FOUND
ESMT. - EASEMENT	REC - RECOVERED
MON - MONUMENT	R/W - RIGHT OF WAY
TRANS - TRANSFORMER	R - RADIAL
TEL - TELEPHONE	N/R - NON-RADIAL
SQ.FT. - SQUARE FEET	CL - CENTERLINE
TP. - TYPICAL	PC - POINT OF CURVATURE
PL. - PLAT BOOK	PT - POINT OF TANGENCY
PG. - PAGE	RI - POINT OF INTERSECT
P. - PLAT DISTANCE	A - ARC
M - MEASURED DISTANCE	L - LENGTH
C - CALCULATED	CB - CHORD BEARING
U.R. - UTILITY RISER	S/W - SIDEWALK
P.ELL - POINT ONLINE	N/C - AIR CONDITIONER
NEVD - NATIONAL GEODETIC VERTICAL DATUM	
PCP - PERMANENT CONTROL POINT	
PRM - PERMANENT REFERENCE MONUMENT	
PCZ - POINT OF COMPOUND CURVATURE	
CATV - UNDERGROUND CABLE RISER	

I CERTIFY THAT THIS MEETS OR EXCEEDS  
THE MINIMUM TECHNICAL STANDARDS  
SET FORTH BY THE FLORIDA BOARD OF  
PROFESSIONAL SURVEYORS AND MAPPERS IN  
CHAPTER 12S17-6, FLORIDA ADMINISTRATIVE  
CODE, PURSUANT TO SECTION 472.027,  
FLORIDA STATUTES.

CERTIFIED FOR: ASSOCIATED LAND SURVEYING  
& MAPPING, INC.

DAVID M. MADERHOTT  
FLORIDA REGISTERED SURVEYOR AND MAPPER  
CERTIFICATE NO. 4778

PREPARED FOR

Design Tech

PREPARED BY  
**Associated Land Surveying  
& Mapping, Inc.**

101 WYMORE ROAD, SUITE 110  
ALTAMONTE SPRINGS, FLORIDA 32714  
PHONE: (407) 869-5002-FAX: (407) 869-8393  
Certificate of Authorization Number: LB 6767 EMAIL: als@m.alsm.net

BOUNDARY SURVEY 10-4-200

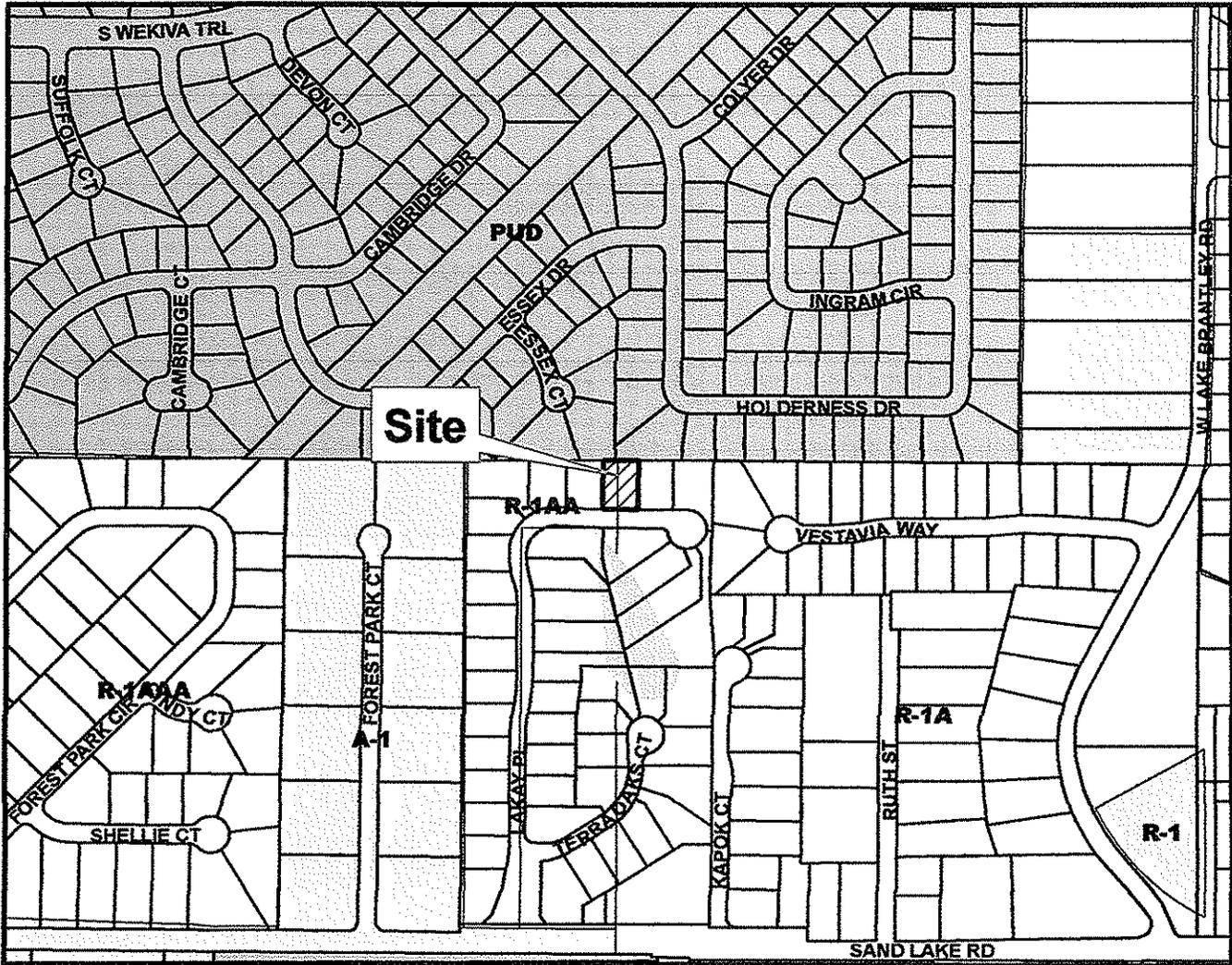
FORMBOARD LOCATION

FOUNDATION 11-21-2000

FINAL BOUNDARY SURVEY 4-3-2001

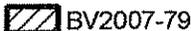
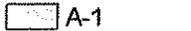
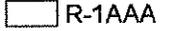
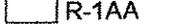
SCALE: 1" = 30' JOB NO. 9914.2

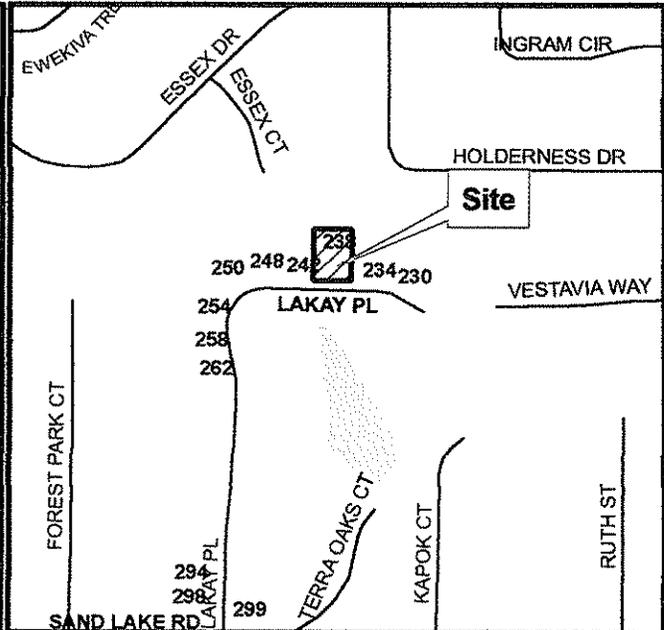
Evelyn Pedrosa & Wilfredo Vegas  
 238 Lakay Place  
 Longwood, Florida 32779



Seminole County Board of Adjustment  
 August 27, 2007  
 Case: BV2007-79 (Map 3154, Grid B4)  
 Parcel No: 08-21-29-523-0000-0160

**Zoning**

- |   |  |
|---|--|
|  BV2007-79 |  R-1A |
|  A-1       |  R-1  |
|  R-1AAA    |  PUD  |
|  R-1AA     |  |



<p>DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																							
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 08-21-29-523-0000-0160                  Owner: VEGA-MONTALVO WILFREDO &amp;                  Own/Addr: PEDROSA EVELYN J                  Mailing Address: 238 LAKAY PL                  City,State,ZipCode: LONGWOOD FL 32779                  Property Address: 238 LAKAY PL LONGWOOD 32779                  Subdivision Name: TERRA OAKS                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (2002)                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$360,728                  Depreciated EXFT Value: \$12,760                  Land Value (Market): \$105,000                  Land Value Ag: \$0                  Just/Market Value: \$478,488                  Assessed Value (SOH): \$349,886                  Exempt Value: \$25,000                  Taxable Value: \$324,886                  Tax Estimator</p>																																					
<p style="text-align: center;"><b>SALES</b></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>05/2001</td> <td>04096</td> <td>0485</td> <td>\$399,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/2000</td> <td>03816</td> <td>0714</td> <td>\$85,500</td> <td>Vacant</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	05/2001	04096	0485	\$399,000	Improved	Yes	WARRANTY DEED	03/2000	03816	0714	\$85,500	Vacant	Yes	<p style="text-align: center;"><b>2006 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$7,130                  2006 Tax Bill Amount: \$5,098                  Save Our Homes (SOH) Savings: \$2,032                  2006 Taxable Value: \$316,352                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																
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**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record: or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I WILFREDO VEGAS., the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) \_\_\_\_\_

Lot 16 Terra Oaks PB 56 PGS 22-24  
08-21-29-523-0000-0160 @ 238 Lakay Place Longwood, FL.

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map  
(circle one or more) from \_\_\_\_\_ to \_\_\_\_\_ and affirm that \_\_\_\_\_

4 SEASONS SUNROOMS is hereby designated to act as my / our authorized agent and to file the  
attached application for the stated amendment and make binding statements and commitments regarding the  
amendment request.

\_\_\_\_\_  
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and  
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become  
part of the Official Records of Seminole County, Florida and are not returnable.

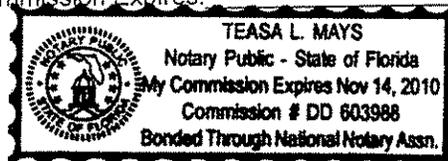
SWORN TO AND SUBSCRIBED before me this 26 day of June, 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to  
take acknowledgments, personally appeared Wilfredo Vegas, who is personally known to me or  
who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn  
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 26 day of  
June, 2007.

Teasa L. Mays  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: \_\_\_\_\_



TERRA OAKS  
ARCHITECTURAL REVIEW BOARD

May 31, 2007

To: Wil Vega  
Re: APPROVAL LETTER, 238 Lakay Place - Lot 44 Sun Room addition  
Fr: Terra Oaks ARB

Following review and discussion, the Architectural Review Board made the decision indicated below.

Motion was made to APPROVE the proposed Sun Room as submitted  
Please submit final county approved engineered drawings prior to construction.

If you have any questions, please contact the ARB to discuss.

Dirk Arace  
Chairman Terra Oaks ARB  
407-774-2468

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27<sup>th</sup>, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16  
TERRA OAKS PG 56 PGS 22-24

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

### FINDINGS OF FACT

**Property Owner:** Wildredo Vegas & Evelyn Pedrosa  
238 Lakay Place  
Longwood, FL 32779

**Project Name:** Lakay Place (238)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 20 feet for a proposed sunroom addition in R-1A (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: Joy Willams, 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 sunroom addition 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: \_\_\_\_\_  
Dori L. DeBord  
Planning & Development Director

**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: