

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

SUBJECT: 1725 Blackmon Court – Susan Behel, applicant; Request for 1) a rear yard setback variance from 30 feet to 18 feet for an addition; 2) a side yard (south) setback variance from 10 feet to 6 feet for a screen enclosure and 3) a rear yard setback variance from 10 feet to 6 feet- 4 inches to add an in ground spa and waterfall to an existing pool in R-1A (Single Family Dwelling District).

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

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

Agenda Date 9/24/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for 1) a rear yard setback variance from 30 feet to 18 feet for an addition; 2) a side yard (south) setback variance from 10 feet to 6 feet for a screen enclosure and 3) a rear yard setback variance from 10 feet to 6 feet- 4 inches to add an in ground spa and waterfall to an existing pool in R-1A (Single Family Dwelling District); or
2. **APPROVE** the Request for 1) a rear yard setback variance from 30 feet to 18 feet for an addition; 2) a side yard (south) setback variance from 10 feet to 6 feet for a screen enclosure and 3) a rear yard setback variance from 10 feet to 6 feet- 4 inches to add an in ground spa and waterfall to an existing pool in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Susan Behel 1725 Blackmon Court R-1A (Single Family Dwelling District) Brantley Point
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant started construction on an addition that encroaches 12 feet into the required 30-foot rear yard setback. 	

	<ul style="list-style-type: none">• The applicant also proposes to extend a screen enclosure to encroach 4 feet into the required 10-foot side yard setback.• An in ground spa and waterfall are also being added to the existing pool which will encroach 3 feet-8 inches into the required 10-foot rear yard setback.• The applicant submitted for a Building Permit 06-8680 which was not issued.• On 6/29/07 a Notice of Violation was issued for the unpermitted construction.• A rear yard variance from 10 feet to 6 feet for the screen enclosure was granted in 1988.• The west 1.5 feet of the utility easement was vacated in 1988.
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. <i>An addition could be designed that would not require variances.</i>• 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	<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">• Any variance granted shall apply only to the addition and screen enclosure 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.
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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

Application # BY 2007-94
Meeting Date 9-24-07



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: SUGAN N. Behel
Address: 1725 BLACKMON Ct. City: Longwood Zip code: 32779
Project Address: _____ City: _____ Zip code: _____
Contact number(s): (407) 342-4054 cell (407) 788-9207
Email address: (407) 346-3600 FAX

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 checked="" type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>ENCLOSED ADDITION 14' x 31'</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" type="checkbox"/> This request is for a structure that has already been built. <u>IN PROGRESS.</u>	

RECEIVED JUL 18 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 <u>ADDITION</u>	Required setback:	<u>30'</u>	Proposed setback:	<u>10'</u>
<input checked="" type="checkbox"/> Side yard setback <u>SCREENS ENCLOSURE</u>	Required setback:	<u>7.5'</u>	Proposed setback:	<u>6'</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 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 <u>2</u>				

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: Susan N. Behel 7/18/07

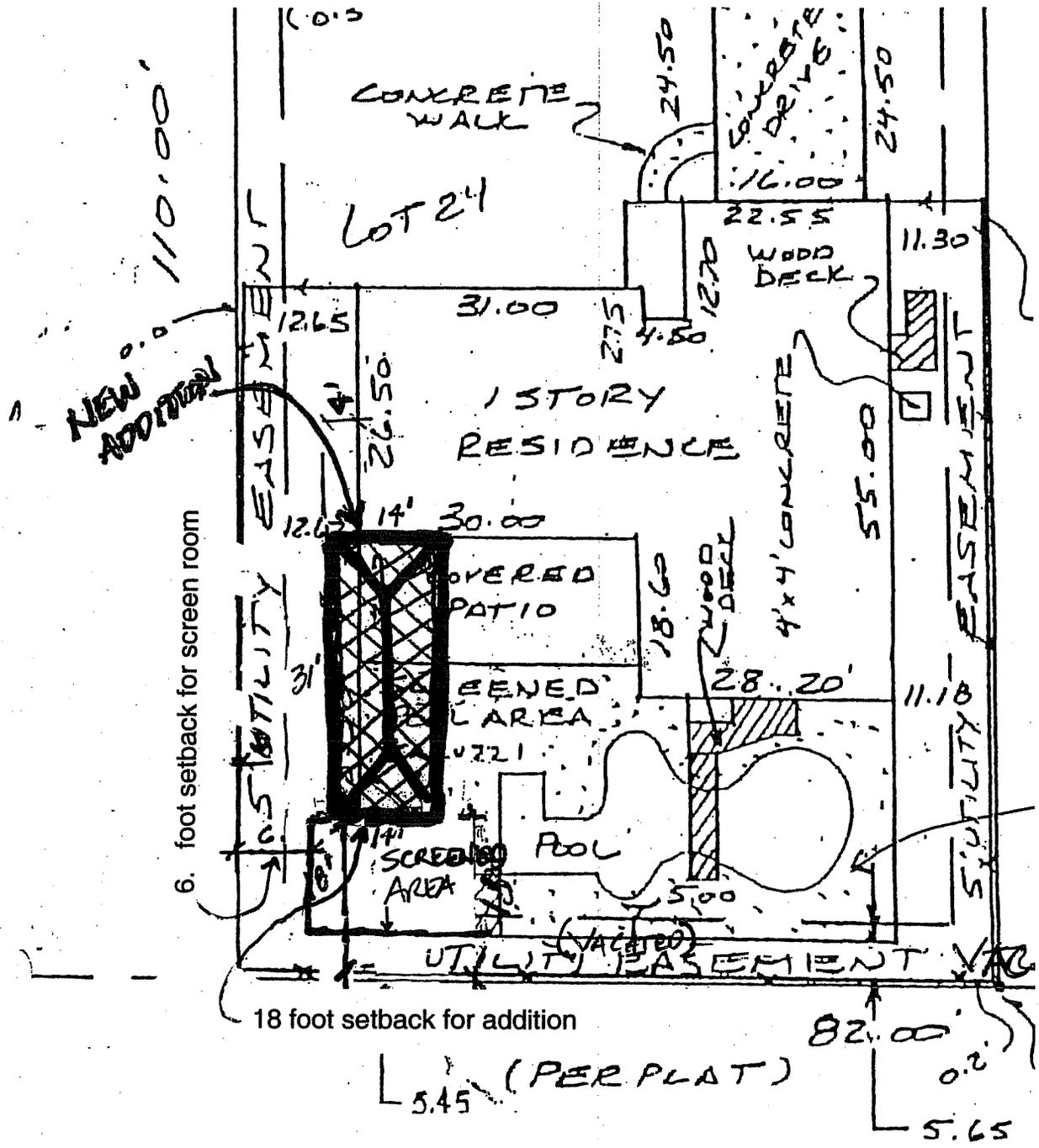
FOR OFFICE USE ONLY

Date Submitted: 7-18-07 Reviewed By: Drg
 Tax parcel number: 05-21-29-514-0000-0240 Zoning/FLU R-1A/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!

<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 http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ 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 (<i>ex: white out old approval stamps</i>)
	<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.



PROPOSED NOT PLATTED

LAND DESCRIPTION:

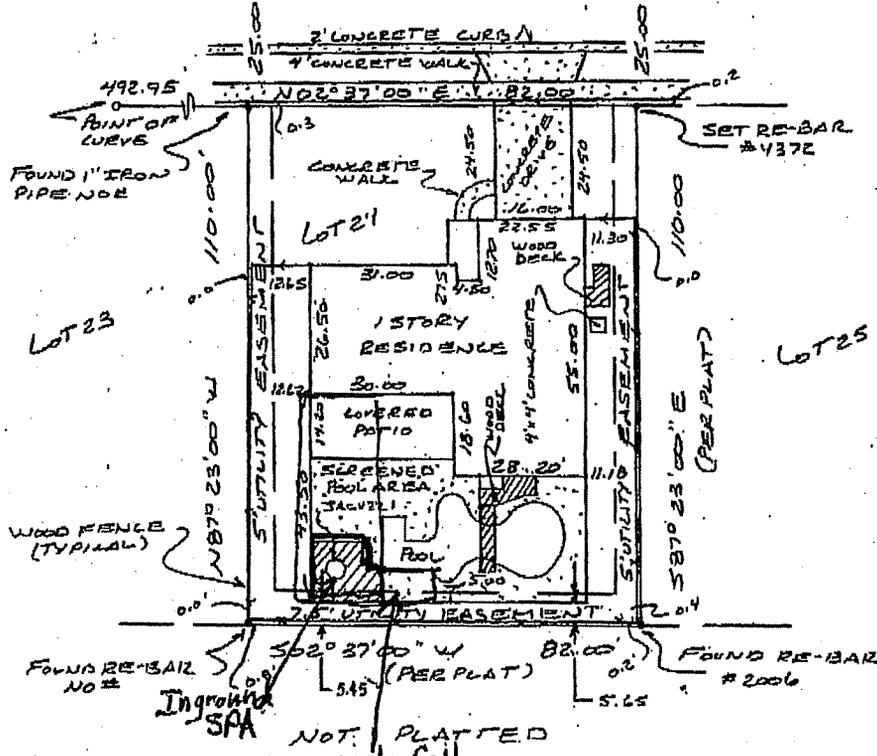
Lot 24, Brantley Point, according to the plat thereof as recorded in Plat Book 24, Page 71, Public Records of Seminole County, Florida. Address: 1725 Blackmon Court

I understand and hereby accept this survey, which shows encroachments as highlighted. We further understand that an exception will be made in the owner's policy.

SCALE 1" = 30'

First American Title Company

BLACKMON COURT (50.00 RIGHT OF WAY)



SURVEYORS NOTES:

- 1. Reproductions of this sketch are not valid unless signed with an embossed surveyors seal.
- 2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
- 3. Bearings are based on Blackmon Court as N 02° 37' 00" E.
- 4. I have reviewed the F.I.R.M. map and determined that this property does not lie within the 100 year flood zone. Lies in Zone "C".
- 5. House files are not to be used to reconstruct property lines.

CERTIFICATE:

I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and meets the Minimum Technical Standards pursuant to Chapter 21 HH-6 Florida Statutes.

Certified to:

- 1. First American Title Company
- 2. Lincoln Service Corporation
- 3. Susan N. Behel

Michael E. Petulla

MICHAEL E. PETULLA 6-22-92
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #4372

JOB NO: 92-4605

PROFESSIONAL LAND SURVEYING SERVICES, INC.

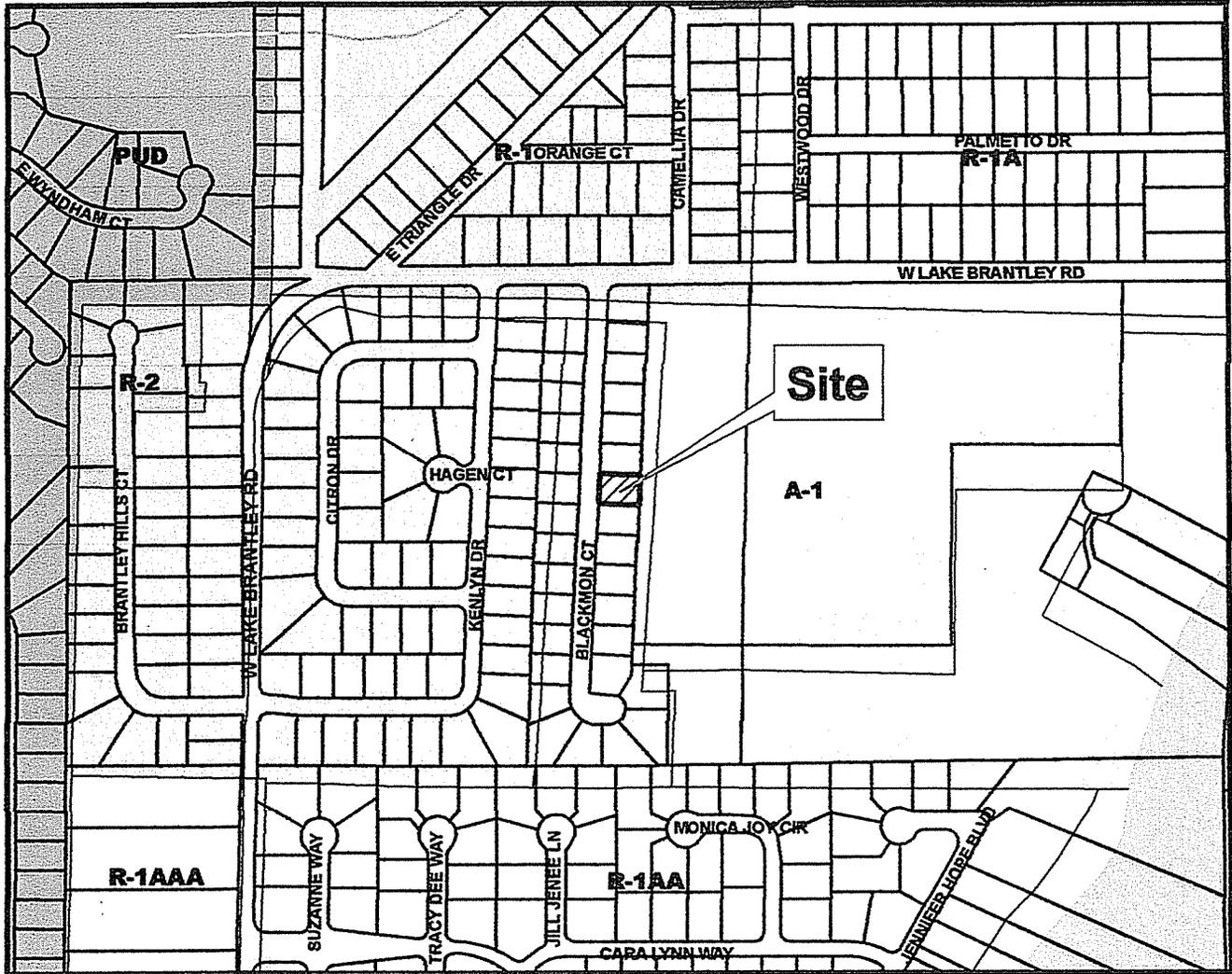
382 E. ORANT STREET
LONGWOOD, FLORIDA 32780
(407) 834-2424

MICHAEL E. PETULLA P.L.S.

BOUNDARY SURVEY	KFP	06-22-92		MFP
REVISIONS	DRAWN	DATE	FB/PG	CHKD

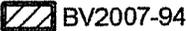
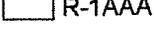
SPA & WATERFALL

Susan N. Behel
 1725 Blackmon Court
 Longwood, Florida 32779

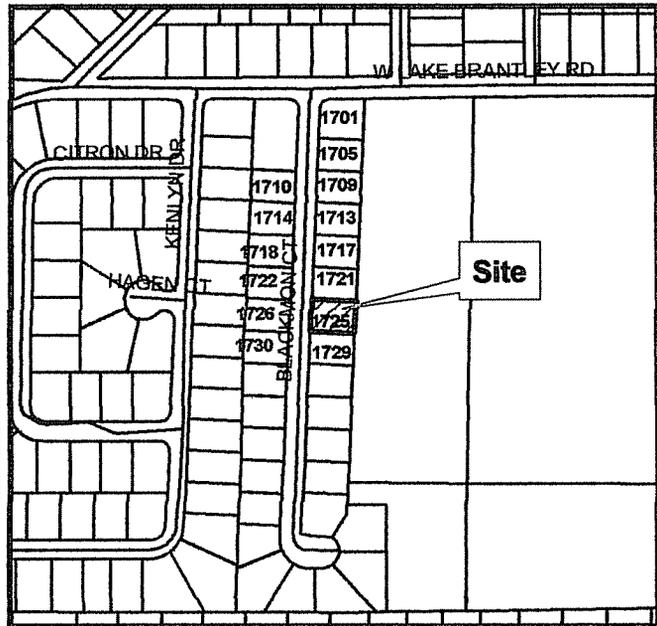


Seminole County Board of Adjustment
 September 24, 2007
 Case: BV2007-94 (Map 3154, Grid C3)
 Parcel No: 05-21-29-514-0000-0240

Zoning

 BV2007-94	 R-1AA	 R-2
 A-1	 R-1A	 PUD
 R-1AAA	 R-1	

N

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		47 48 49 50 51 3 4 5 6 7 BLACKMON CT 26 25 24 23 22 3A																																																									
R-1A GENERAL Parcel Id: 05-21-29-514-0000-0240 Owner: BEHEL SUSAN N Mailing Address: 1725 BLACKMON CT City,State,ZipCode: LONGWOOD FL 32779 Property Address: 1725 BLACKMON CT LONGWOOD 32779 Subdivision Name: BRANTLEY POINT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY		2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$194,233 Depreciated EXFT Value: \$9,609 Land Value (Market): \$44,000 Land Value Ag: \$0 Just/Market Value: \$247,842 Assessed Value (SOH): \$126,451 Exempt Value: \$25,000 Taxable Value: \$101,451 Tax Estimator																																																									
SALES <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>09/1988</td> <td>01997</td> <td>1416</td> <td>\$69,500</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1987</td> <td>01854</td> <td>0976</td> <td>\$92,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1985</td> <td>01667</td> <td>1985</td> <td>\$97,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/1988	01997	1416	\$69,500	Improved	No	WARRANTY DEED	05/1987	01854	0976	\$92,000	Improved	Yes	WARRANTY DEED	09/1985	01667	1985	\$97,000	Improved	Yes	2006 VALUE SUMMARY Tax Amount(without SOH): \$2,831 2006 Tax Bill Amount: \$1,585 Save Our Homes (SOH) Savings: \$1,246 2006 Taxable Value: \$98,367 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																													
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.																																																											

SEMINOLE COUNTY - Application Inquiry

Application number: 06 000280
 Application status, date: IN PLAN CHECK 7/26/06
 Property: 1725 BLACKMON CT
 Parcel ID: 156-256-4100-0240
 Subdivision Name: BRANTLEY POINT
 Subdivision: BRANTLEY POINT
 Zoning: R-1 SINGLE-FAMILY DWELLING
 Application type: R-1 RE-ALTERATIONS NO CHANGE IN
 Application date: 7/26/06
 Applicant name: BRANTLEY PAVILION
 Permit plan number, reviewed by:
 Estimated evaluation:
 Final check number:
 Permit building:
 Work description, quantity:
 Building number:

OK Exit Cancel Receipts

SEMINOLE COUNTY - Application Miscellaneous Information Inquiry

Application number: 06 000280
 Property: 1725 BLACKMON CT

Code	Freeform information	Date	Display note at Permit	Insp	C.O.	Print flag
BPMS	BRANTLEY PT/PAVILION & DECKING, PLUMB,	7/25/06	Y	Y		Y
BPMS	ELEC, SPA & FAN/OWNER AFF OK/TRACK TO	7/26/06	Y	Y		Y
BPMS	ZONE/CAG	7/26/06	Y	Y		Y
BPMS	(add 1) enclosing pavillion, adding	7/18/07				
BPMS	slab for grill & firepit area & modify	7/18/07				
BPMS	existing screened enclosure, added	7/18/07				
BPMS	sidewalk / rev surveys/ delete	7/18/07				
BPMS	plumbing/cb	7/18/07				
ZNMS	Proposed pavilion will not meet the 30'	7/26/06				
ZNMS	rear yard setback requirement for R-1	7/26/06				
ZNMS	zoning. For information on a variance,	7/26/06				
ZNMS	contact the Planning Division at	7/26/06				
ZNMS	407.655.7444.dv	7/26/06				

OK Exit Cancel

SEMINOLE COUNTY - Related Cases & Inspection Selection

Function: Update

07/29/07 11:23 AM

Property address ID: 0725BLACKMON CT
 Parcel ID: 152129514-0000240
 Subdivision Name: BRANTLEY POINT

View cases summary View case details

Number	Status	Date	Insp	Description
07 000000339	ACTIVE	6/29/07	134	UNPERMITTED CONSTRUCTION

OK Cancel Print Display Case Detail View

SEMINOLE COUNTY - Case Text Inquiry

07/29/07 11:23 AM

Case number: 07 0000339
 Property address ID: 0725BLACKMON CT 2490
 Parcel ID: 152129514-0000240
 Subdivision Name: BRANTLEY POINT

View case details

Case narrative	
Major addition. Doors, windows, 2nd floor addition without permits. #134.	6/29/07
ISSUED N.O.V. TO OWNER FOR AN ADDITION TO BACK RIGHT OF HOUSE WITH WINDOWS AND DOORS. ALL WITHOUT PERMITS. MUST COMPLY BY 071707.#134.	6/29/07
Extension given to 101207 on 071807. Going for a variance.#134	7/03/07
	7/03/07
	7/03/07
	7/18/07
	7/18/07

Violation comments
 UNPERMITTED CONSTRUCTION - ACTIVE

OK Cancel Print

COUNTY OF SEMINOLE



FLORIDA

AND MANAGEMENT OFFICE
PHONE: (305) 321-1130 EXT. 443

COUNTY SERVICES BUILDING
1101 E. 1st STREET
SANFORD, FLORIDA 32771

November 22, 1988

Susan N. Behel
1725 Blackmon Court
Longwood, Florida 32779

RE: File #BA88-11-134V

Dear Ms. Behel:

At their meeting of November 21, 1988, the Seminole County Board of Adjustment approved your request for a rear yard setback variance from 10 ft. to 6 ft. for a pool screened enclosure on the following described property:

Lot 24, Brantley Point, PB 24, Pg 71,
Section 5-21-29; E side of Blackman
Court and 600 ft. S of West Lake Brantley
Road. (DIST 3)

The approval of this request is subject to the vacating of a utility easement.

Sincerely,

Ginny Markley,
Zoning Coordinator

GM/tb

15/1

RESOLUTION NO. 88-R-389

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 13th DAY OF December A.D., 1988.

2032 0133
SEM. CO. FL.
GENERAL INDEXES
BOOK PAGE

RESOLUTION

WHEREAS, a Petition was presented on behalf of

Susan N. Behel

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described utility easement, to-wit:

The west 1.5 feet of that certain 7.5 foot wide utility easement defined as comprising the east 7.5 feet of Lot 24, Brantley Point according to the plat thereof recorded in plat book 24, page 71, Public Records of Seminole County, Florida.

WHEREAS, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described utility easement is to the best interests of the County and the public.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described utility easement be, and the same is hereby abandoned, closed and vacated, and that all right in and to the same on behalf of the County and the public be, and the same is hereby disclaimed.

PASSED AND ADOPTED this 13th day of December A.D., 1988.

HARTMAN COURSE
CLERK OF COUNTY COURT
SEMINOLE COUNTY, FL.

575475

1989 JAN 11 AM 11:23

RECORDED & VERIFIED

Handwritten signature



BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA

BY: [Signature]
CLERK

VA88-46A.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 24 BRANTLEY POINT PB 24 PG 71

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

FINDINGS OF FACT

Property Owner: Susan N. Behel
1725 Blackmon Court
Longwood FL 32779

Project Name: Blackmon Court (1725)

Requested Development Approval:

Request for 1) a rear yard setback variance from 30 feet to 18 feet for an addition; 2) a side yard (south) setback variance from 10 feet to 6 feet for a screen enclosure and 3) a rear yard setback variance from 10 feet to 6 feet- 4 inches to add an in ground spa and waterfall to an existing pool 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: 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 addition and screen enclosure 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.

FILE NO.: BV2007-94

DEVELOPMENT ORDER #

07-3000092

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: