

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 118 Leon Court – Robert Lillie, applicant; Request for a side yard (east) setback variance from 7.5 feet to 2.23 feet for an existing covered porch addition in R-1A (Single Family Dwelling District).

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

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

Agenda Date 12/3/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a side yard (east) setback variance from 7.5 feet to 2.23 feet for an existing covered porch addition in R-1A (Single Family Dwelling District); or
2. **Approve** the request for a side yard (east) setback variance from 7.5 feet to 2.23 feet for an existing covered porch addition in R-1A (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Robert Lillie 118 Leon Court R-1A Greengate Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant constructed a covered porch that encroaches 5.27 feet into the required 7.5 feet side yard setback. • The covered porch also encroaches into a 7 foot utility easement that must be vacated prior to completing the building permit process. • In 2005, Code Enforcement issued a Notice of Violation. • 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	<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 existing covered porch 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

- 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 # BN 2007-130
Meeting Date 12-3-07



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-4444

COPY

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

Name: Robert Lillie

Address: 118 Leon Ct. City: FERN PARK Zip code: 32730

Project Address: _____ City: _____ Zip code: _____

Contact number(s): (407) 695-2121 (407) 415-5762 MARSHA

Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

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 type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>covered porch</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED SEP 12 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:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	<u>2.23 ft</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>1</u>			

7.5 ft

2.23 ft

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: Robert Lillie 8-12-07

FOR OFFICE USE ONLY

Date Submitted: 9-12-07 Reviewed By: P. Johnson D. Kibbs
 Tax parcel number: 20-21-30-619-0000-0120 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: _____

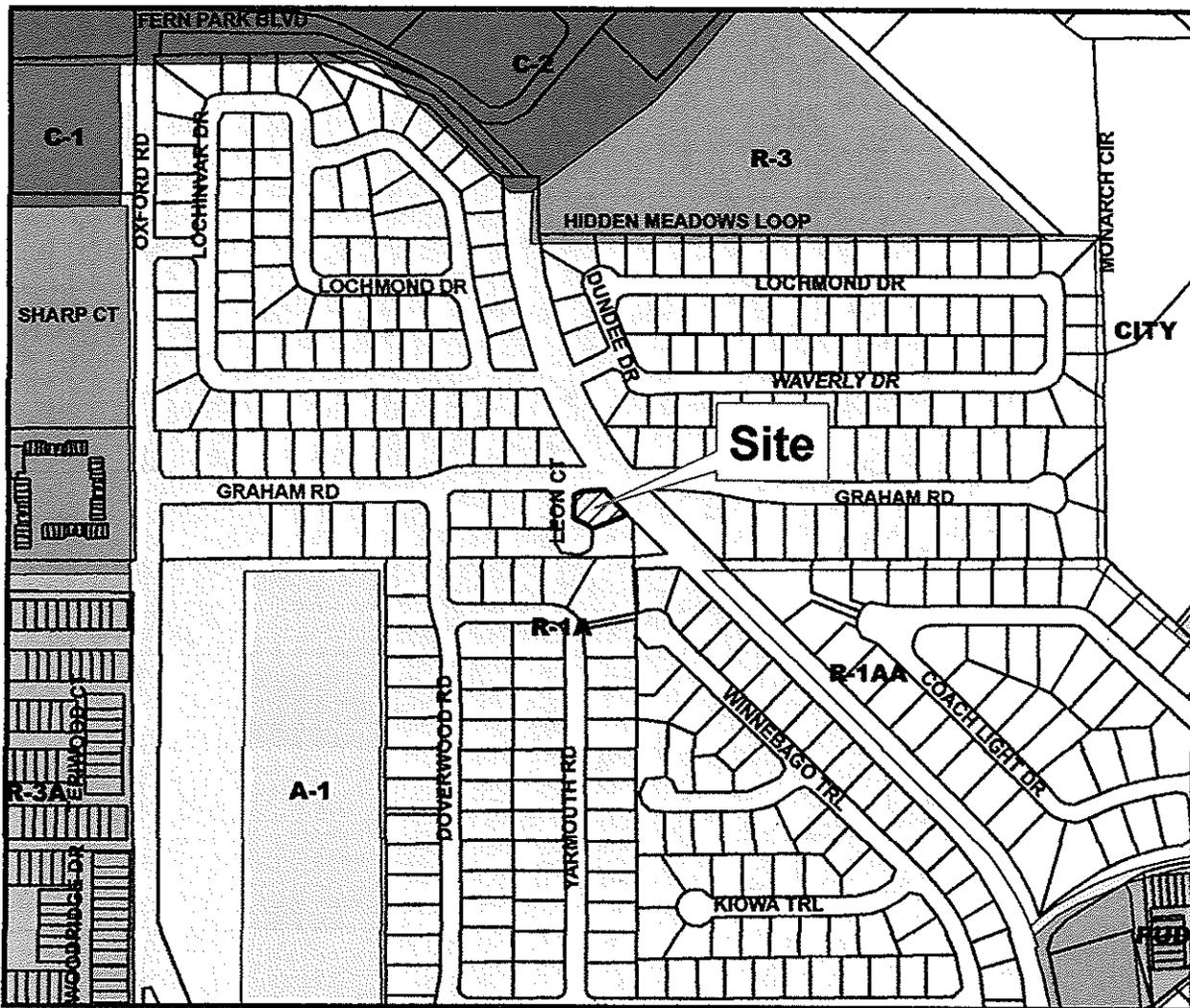
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

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 <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.

Robert & Marsha Lillie
 118 Leon Court
 Fern Park, Florida 32730

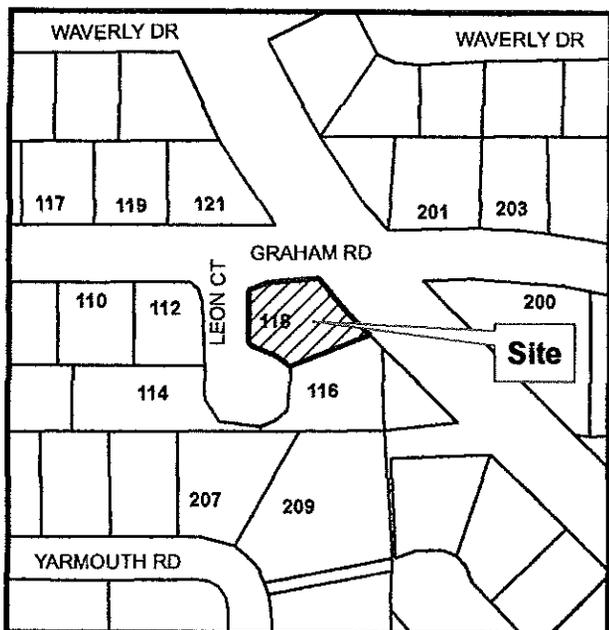


Seminole County Board of Adjustment
 December 3, 2007
 Case: BV2007-130 (Map 3209, Grid E2)
 Parcel No: 20-21-30-519-0000-0120

Zoning

	BV2007-130		R-1A		C-1
	A-1		R-3A		C-2
	R-1AA		R-3		PUD

N



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7506																																																														
GENERAL Parcel Id: 20-21-30-519-0000-0120 Owner: LILLIE ROBERT J & MARSHA K Mailing Address: 118 LEON CT City,State,ZipCode: FERN PARK FL 32730 Property Address: 118 LEON CT FERN PARK 32730 Subdivision Name: GREENGATE ESTATES 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: \$189,331 Depreciated EXFT Value: \$600 Land Value (Market): \$40,000 Land Value Ag: \$0 Just/Market Value: \$229,931 Assessed Value (SOH): \$95,495 Exempt Value: \$25,000 Taxable Value: \$70,495 Tax Estimator Tax Reform Analysis 2007 Notice of Proposed Property Tax																																																												
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>08/1987</td> <td>01877</td> <td>0271</td> <td>\$87,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1987</td> <td>01839</td> <td>1086</td> <td>\$61,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1987</td> <td>01839</td> <td>1085</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1972</td> <td>00953</td> <td>0071</td> <td>\$26,600</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	08/1987	01877	0271	\$87,900	Improved	Yes	WARRANTY DEED	04/1987	01839	1086	\$61,000	Improved	Yes	QUIT CLAIM DEED	03/1987	01839	1085	\$100	Improved	No	WARRANTY DEED	01/1972	00953	0071	\$26,600	Improved	Yes	2006 VALUE SUMMARY Tax Amount(without SOH): \$2,353 2006 Tax Bill Amount: \$1,099 Save Our Homes (SOH) Savings: \$1,254 2006 Taxable Value: \$68,166 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																									
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PLANNING AND DEVELOPMENT DEPARTMENT

BUILDING AND FIRE INSPECTIONS



July 20, 2006

HAND DELIVERY

Robert & Marsha Lillie
118 Leon Ct
Fern Park, FL 32730

**RE: PARCEL ID 20 21 30 519 0000 0120, 118 LEON CT, FERN PARK, FL
CASE NO 05-422**

Dear Property Owner and all Interested Parties:

Despite previous notification, our records indicate that the following violation(s) continue(s) to exist at the above mentioned property.

"Constructed a porch/patio without a permit."

Each violation shall be corrected within 7 days of receipt of this letter. Failure to comply will result in formal charges brought before the Seminole County Code Enforcement Board. The Board has been granted the authority to levy fines in an amount up to \$250.00 per day for every day the violation(s) exists.

Please contact Tom Helle at 407.665.7338 for any further information. Thank you for your cooperation in this matter.

Sincerely,

Seminole County,
Building & Fire Inspection Division

MC

PROJECT LOG

SEMINOLE COUNTY - Application Miscellaneous Information Inquiry [] [] [X]

Functions Help

10/29/2007 10:14:33 AM

Application nbr 05 00020228
Property 118 LEON CT

Code Freeform information	Date	Display note at Permit	Insp	C.O.	Print flag
BPMS added roof to existing porch slab/	11/29/05	Y	Y		Y
BPMS violation #05-422/ greengate est L12/	11/29/05	Y	Y		Y
BPMS NOC req/ tmp	11/29/05	Y	Y		Y
BPMS Variance applied for hearing date August	6/08/07				
BPMS 27th, case extended until 9/11 per TH /	6/08/07				
BPMS cf	6/08/07				

[OK] [Exit] [Cancel]

SEMINOLE COUNTY - Case Text Inquiry [] [] [X]

Functions Help

10/29/2007 10:12:36 AM

Case number 05 0000422
Property address, ID 118 LEON CT 172016
Parcel ID 20-21-30-519-0000-0120
Subdivision Name GREENGATE ESTATES
Tenant name and number

Case narrative	Date
Letter hand delivered by #134 on 072006.tb	7/20/06
CONSTRUCTED PORCH WITH OT PERMIT / ANON CALLER / CF	6/06/05
Sent letter request for compliance on 8/12/2005	8/12/05
7004 2510 0001 3231 9514 /MC	8/12/05
ISSUED N.O.V. AND POSTED ON FRONT DOOR FOR CONSTRUCTING A	7/27/05
PORCH/ PATIO ONTO BACK OF HOUSE WITHOUT A PERMIT.MUST COMPLY	7/27/05
BY 8-10-05.	7/27/05
Extension given to 091605 per Tom Helle on 081605 - in order	8/16/05
for the homeowner to obtain plans.tb	8/16/05

[OK] [Exit] [Cancel]

PROJECT LOG

SEMINOLE COUNTY - Case Text Inquiry

Functions Help



10/29/2007 10:12:58 AM

Case number 05 00000422
 Property address, ID 118 LEON CT 172016
 Parcel ID 20-21-30-519-0000-0120
 Subdivision Name GREENGATE ESTATES
 Tenant name and number

Gave Jason 2nd letter to hand deliver on 7/20/06 /MC	7/20/06
Letter hand delivered by #134 on 072006.tb	7/20/06
Extension given to 103106 per TB on 080206 - in order for the homeowner to go before the Board of Adjustment to request a variance.tb	8/02/06
Inquired if an application was made to go before BOA and was told by Patti Johnson that they have not.tb	8/02/06
Inquired if an application was made to go before BOA and was told by Patti Johnson that they have not.tb	12/13/06
Extension given by Tom H. to 091107. Owner going for a	12/13/06
	2/12/07
	2/12/07
	6/08/07

OK Exit Cancel

SEMINOLE COUNTY - Case Text Inquiry

Functions Help



10/29/2007 10:13:17 AM

Case number 05 00000422
 Property address, ID 118 LEON CT 172016
 Parcel ID 20-21-30-519-0000-0120
 Subdivision Name GREENGATE ESTATES
 Tenant name and number

variance #134	6/08/07
Extension given to 121807 per TB on 091207 - homeowner has made application to go to Board of Adjustment on 120307 to request a variance.tb	9/12/07
Violation comments	9/12/07
Inspection comments	9/12/07
001 - 1ST INSPECTION	
Request status	
CONSTRUCTED PORCH WITH OUT PERMIT / anona caller / cf	
Results status - INSPECTION COMPLETED	6/06/05

OK Exit Cancel

Construction Department
3767 All American Boulevard
Orlando, FL 32810



September 4, 2007

Robert & Marsha Lillie
118 Leon Court
Fern Park, Florida 32730

**RE: Partial Vacation of a Utility Easement -- 118 Leon Court
Section 20, Township 21, Range 30**

Dear Robert & Marsha Lillie:

Bright House Networks has reviewed your request regarding the partial vacation of a utility easement. Please be advised that we have No Objection to the vacation of that portion of a utility easement currently being encroached upon by a "Covered Porch" within the property of 118 Leon Court, as illustrated in your correspondence dated August 28, 2007.

If you should have any additional questions regarding this matter, please do not hesitate to contact me at (407) 532-8508.

Sincerely,

A handwritten signature in black ink, appearing to read "P.J. King". The signature is stylized and includes a large, sweeping flourish at the end.

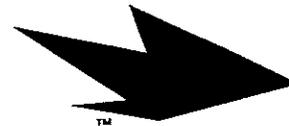
P.J. King
Sr. Const. Mgr.
Bright House Networks

cc: Marvin L. Usry, Jr., Bright House Networks *MLU*

09/04/07 10:00 AM

As of the date of this letter, the information is not available to the public. This information is confidential and is intended for the use of the recipient only. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. If you are not the intended recipient you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. If you are not the intended recipient you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake.

Voice | Data | Internet | Wireless | Entertainment



EMBARQ™

Embarq
Mailstop: FLALTH0101
P O Box 153000
Altamonte Springs, FL 32715
EMBARQ.com

August 29, 2007

Robert J and Marsha K Lillie
118 Leon Court
Fern Park, Florida 32730

RE: Encroachment in utility easement, Lot 12, GREENGATE ESTATES, according to the plat thereof, as recorded in plat book 16, page 17, of the Public records of Seminole County, Florida.

To Whom It May Concern:

Embarq, Incorporated has no objection to the encroachments in the utility easement for the described above property. Embarq will, however, maintain the utility easements as shown on the recorded documents.

If you need any further assistance, please call Candace Crim, engineer, at 407-830-3650.

Thank you,

Candace Crim
OSP Engineer II
Winter Park District
Altamonte Springs exchange



September 11, 2007

Mr. & Mrs. Robert Lillie
118 Leon Court
Fern Park, FL 32730

**Re: Encroachment of Utility Easement, 118 Leon Court, Fern Park, Florida
Parcel ID #20-21-30-519-0000-0120.**

Dear Robert and Marsha K. Lillie:

Please be advised that Progress Energy Florida, Inc. has "no objection" to the encroachment of your back porch into the easement located at the rear of the property described as follows:

Lot 12, Greengate Estates, Plat Book 16, Page 17 according to the Public Records of Seminole County, Florida.

Please contact me at 407-942-9463 if I may be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads 'Lori L. Herring'.

Lori L. Herring
Land Agent
Distribution Right-of Way-Florida

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 12 GREENGATE ESTATES PB 16 PG 17

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

FINDINGS OF FACT

Property Owner: Robert & Marsha Lillie
118 Leon Court
Fern Park FL 32730

Project Name: Leon Court (118)

Requested Development Approval:

Request for a side yard (east) setback variance from 7.5 feet to 2.23 feet for an existing covered porch 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: Denny Gibbs, 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 covered porch as depicted on the attached site plan.
2. Subject to the vacation of the utility easement.

(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: