

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

**SUBJECT:** 3466 S Saint Lucie Drive – Elizabeth Weber, applicant; Request for a side street setback variance from 20 feet to 15 feet for an existing wood privacy fence in PUD (Planned Unit Development).

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

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

**Agenda Date** 10/03/07    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a side street setback variance from 20 feet to 15 feet for an existing wood privacy fence in PUD (Planned Unit Development); or
2. **Approve** the request for a side street setback variance from 20 feet to 15 feet for an existing wood privacy fence in PUD (Planned Unit Development); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Elizabeth Weber</p> <p>Location: 3466 S Saint Lucie Drive</p> <p>Zoning: PUD (Planned Unit Development)</p> <p>Subdivision: Hollowbrook West PH 4</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting a variance for an existing wood privacy fence that is encroaching 5 feet into the required 20-foot side street setback.</li> <li>• The applicant applied for a permit in August of 2005; however, the permit has since expired. A notice of code violation was issued on October 5<sup>th</sup>, 2007.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	<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"> <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><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. <i>The fence could be moved to meet the required setback.</i></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>	<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 fence 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

Application # BU2007-143  
Meeting Date 12-3-07

**COPY**



**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: Elizabeth Weber  
Address: 3406 St. Lucie DR City: Casselberry Zip code: 32707  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): (407) 695-8054 hm.  
Email address: \_\_\_\_\_

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 checked="" type="checkbox"/> Fence	Please describe: <u>existing fence</u>
<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: RECEIVED OCT 12 2007
<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 type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>20ft.</u>	Proposed setback: <u>10ft.</u>
<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>			

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: Elizabeth Weber

**FOR OFFICE USE ONLY**

Date Submitted: 10-16-07 Reviewed By: P. Johnson  
 Tax parcel number: 23-21-30-518-0000-2850 Zoning/FLU PUD 1 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!*

<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). 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>
	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 (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- \_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Elizabeth Weber  
Address: 3466 S. ST LUCIE DR  
Phone #: 407-695-8054

Name: James Weber  
Address: 3466 S. ST LUCIE DR  
Phone #: 407-695-8054

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: \_\_\_\_\_  
Trustees: \_\_\_\_\_  
Address: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

1. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

October 15, 2007  
Date

Elizabeth Waser  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print, Type or Stamp Name of Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

Best Available Copy

05-15590

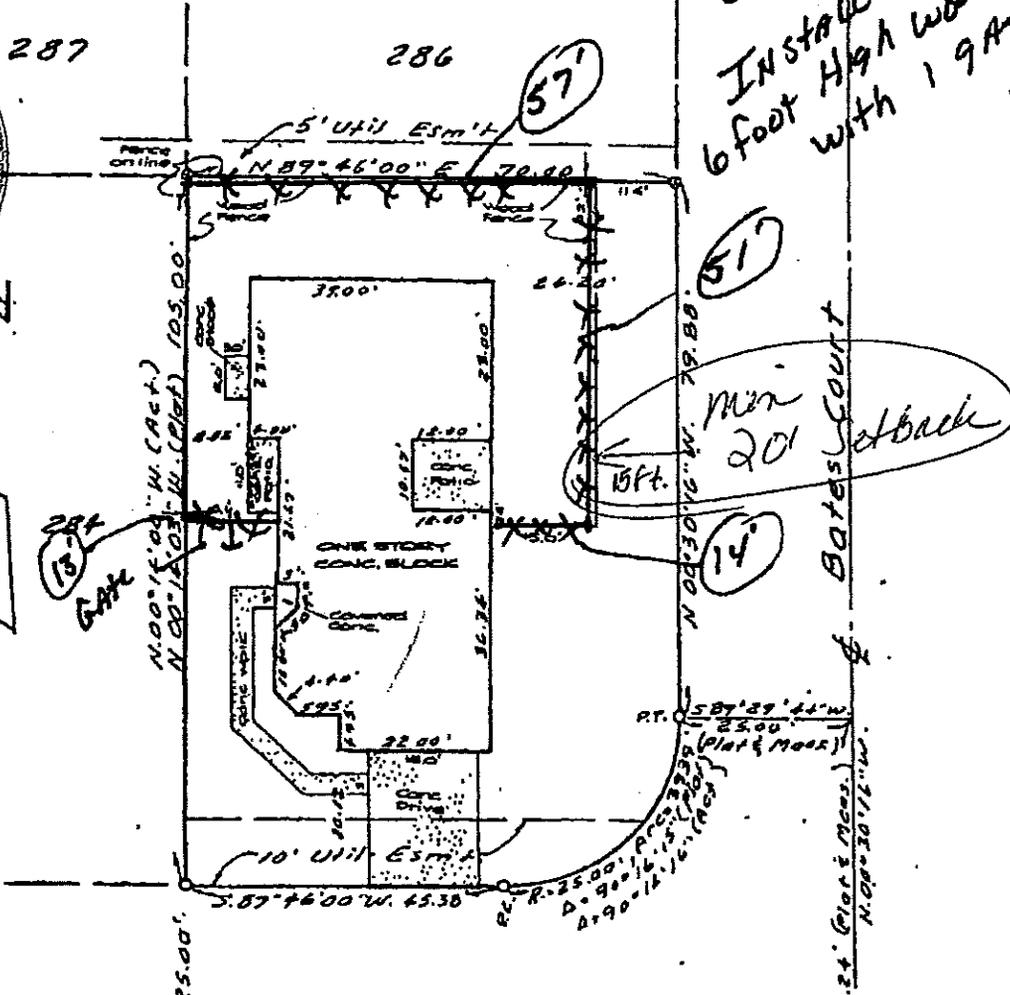
08/10/05 WED 07:23 FAX 407 426 8080 BELL-TEL MORTGAGE 0003

PLAT OF BOUNDARY SURVEY for: General Homes  
DESCRIPTION: Lot 285, Hollowbrook West Phase IV  
RECORDED IN PLAT BOOK 36 PAGE(S) 22, 28 & 79 PUBLIC RECORDS OF Seminole COUNTY, FLORIDA.



Fence/gate

Elizabeth Weber  
Install 135 feet of  
6 foot High wood fence  
with 1 gate



Address: 3466  
South Saint Lucie Drive

FLOOD CERTIFICATION  
Based on the Federal Emergency  
Management Agency flood hazard  
boundary map, the building site  
shown hereon DOES NOT LIE within  
the 100 year flood hazard area.  
Form No. 110289 01450  
Effective Date: 3/7/01

"It is hereby certified that there is no  
visual evidence on or above the ground  
of use of the property which might sug-  
gest a possible claim of encroachment other  
than shown on the survey"

- NOTES:  
1. MEASUREMENTS BASED ON PLAT  
2. DIMENSIONS 1800 P.M.C. WITH CAP NO. 2000,  
3. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
4. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
5. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
6. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
7. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
8. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
9. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100  
10. DIMENSIONS 1800 P.M.C. WITH CAP NO. 1100

This survey meets the minimum technical  
standards set forth by the Florida Board  
of Land Surveyors, pursuant to Section  
472.027, Florida Statutes.

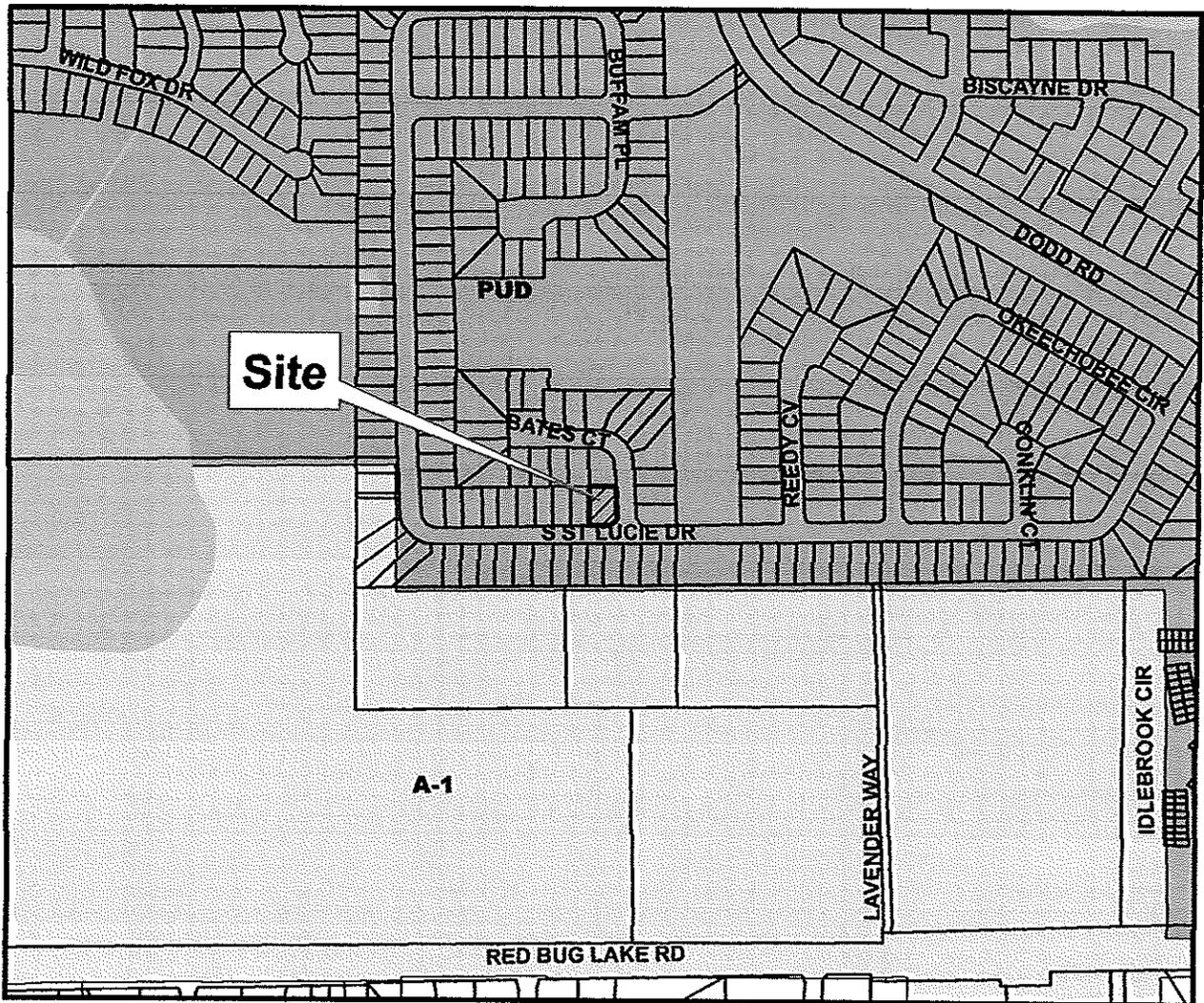
CERTIFIED TO: First American  
Title Insurance Company and  
First Southwestern Title  
Company of Florida

LAND  
AVONE, INC.  
840 E. LAKE STREET (CR. 427)

NOT VALID UNLESS  
EMBOSSED WITH  
SURVEYORS SEAL

FINAL FOUNDATION STAKED  
6-16-05  
7-7-05  
3-25-05  
SCALE: 1"=20'  
Dominick F. Carron

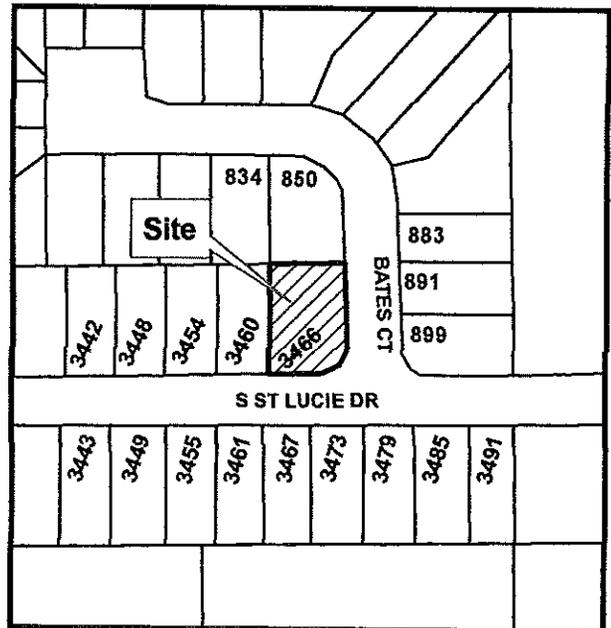
Elizabeth Weber  
3466 S St. Lucie Drive  
Casselberry, Florida 32707



Seminole County Board of Adjustment  
December 3, 2007  
Case: BV2007-143 (Map 3211, Grid A2)  
Parcel No: 23-21-30-518-0000-2850

Zoning

-  BV2007-143
-  A-1
-  R-1AA
-  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 407-665-7508</p>																																																											
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 23-21-30-518-0000-2850</p> <p>Owner: WEBER JAMES C &amp; ELIZABETH J</p> <p>Mailing Address: 3466 S SAINT LUCIE DR</p> <p>City,State,ZipCode: CASSELBERRY FL 32707</p> <p>Property Address: 3466 ST LUCIE DR S</p> <p>Subdivision Name: HOLLOWBROOK WEST PH 4</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2008 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$168,993</p> <p>Depreciated EXFT Value: \$750</p> <p>Land Value (Market): \$40,000</p> <p>Land Value Ag: \$0</p> <p><b>Just/Market Value:</b> \$209,743</p> <p>Assessed Value (SOH): \$100,689</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$75,689</p> <p>Tax Estimator</p> <p><b>Tax Reform Analysis</b></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>SPECIAL WARRANTY DEED</td> <td>06/1988</td> <td>01976</td> <td>1934</td> <td>\$92,200</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;"><a href="#">Find Comparable Sales within this Subdivision</a></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	06/1988	01976	1934	\$92,200	Improved	Yes	<p><b>2007 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$2,742</p> <p><b>2007 Tax Bill Amount:</b> \$1,082</p> <p><b>Save Our Homes (SOH) Savings:</b> \$1,660</p> <p>2007 Taxable Value: \$73,233</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																											
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<p><i>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</i></p> <p><i>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</i></p>																																																											



**PLANNING AND DEVELOPMENT DEPARTMENT**

**BUILDING AND FIRE INSPECTIONS**



October 5, 2007

**CERTIFIED 7006 0810 0003 5193 6432**

FENCE OUTLET INC  
11009 ORANGE BLOSSOM TRL  
ORLANDO, FL 32837

**RE: PARCEL ID# 23-21-30-518-0000-2850, 3466 S. ST. LUCIE DR,  
CASSLEBERRY, FL, PERMIT NO. 05-15590**

Dear Contractor and all Interested Parties:

This is to advise you that the permit for the above described property has expired. The following violation(s) of the Florida Building Code currently exist on this property:

"Expired fence/wall permits due to failure to secure approved inspections."

Our records indicate that the permit has expired due to inspections not being completed within six months of the permit issuance date. The inspection report indicates that the fence does not meet the required setbacks. The options are as follows: (1) the fence can be removed, (2) reinstate the permit and apply for a variance to the required setbacks, or (3) reinstate the permit and relocate fence to the proper required setback. Reinstating the permit requires 1/2 of the fee of the original permit and all outstanding reinspection fee's be paid. The Code Violation at the above address will remain active until meeting one of the above actions.

Each violation must be corrected within 7 days of receipt of this letter. Failure to comply may 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 Jason Rucker at 407.463.7638 for any further information. Thank you for your cooperation in this matter.

Sincerely,

Seminole County,  
Building & Fire Inspection Division

JR/jr

cc: James & Elizabeth Weber

## 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:

LOT 285  
HOLLOWBROOK WEST PH 4 PB 36 PGS 77-79

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

### FINDINGS OF FACT

**Property Owner:** James & Elizabeth Weber  
3466 S Saint Lucie Drive  
Casselberry, FL 32707

**Project Name:** S Saint Lucie Drive (3466)

**Requested Development Approval:**

Request for a side street setback variance from 20 feet to 15 feet for an existing wood privacy fence 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: Joy Williams, 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 fence 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: