

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

**SUBJECT:** 2022 Collier Dr – Diane Rice, applicant; Request for a side yard (north) setback variance from 10 feet to 4 feet for a pool screen enclosure in R-1AA (Single Family Dwelling District).

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

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

**Agenda Date** 01/28/08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a side yard (north) setback variance from 10 feet to 4 feet for a pool screen enclosure in R-1AA (Single Family Dwelling District); or
2. **Approve** the request for a side yard (north) setback variance from 10 feet to 4 feet for a pool screen enclosure in R-1AA (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Diane Rice Location: 2022 Collier Dr Zoning: R-1AA (Single Family Dwelling District) Subdivision: Indian Hills Unit 2
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a pool screen enclosure over an existing pool deck that would encroach 6 feet into the required 10-foot side yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• In February of 2006 the property was issued a rear yard setback variance from 30 feet to 17 feet for a covered screen porch.</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, structures or building in the same zoning district.</li><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.</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 pool screen enclosure 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 # BV 2007-161  
Meeting Date 1-28-07



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

**COPY**

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

Name: DIANE L. RICE  
Address: 2022 COLLIER DR. City: FERN PARK Zip code: 32730  
Project Address: SAME City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 407-831-3028  
Email address: PARKPLACE7@AOL.COM

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 checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>enclosure on existing pool deck</u>
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<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 DEC 07 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 type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10 FT</u>	Proposed setback: <u>4'</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>			

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]

**FOR OFFICE USE ONLY**

Date Submitted: 12-7-07 Reviewed By: J. Williams | P. Johnson  
 Tax parcel number: 20-21-30-508-1200-0060 Zoning/FLU R-1AA/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><i>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.</i></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>View a site plan online 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.

**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: DIANE L. RICE Name: \_\_\_\_\_  
Address: 2022 COLLIER DR. - 32730 Address: \_\_\_\_\_  
Phone #: 407-831-3028 Phone #: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ 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: \_\_\_\_\_ Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_ Officers: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Directors: \_\_\_\_\_ Directors: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_ Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_ 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: \_\_\_\_\_ Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

SEMINOLE COUNTY  
**APPLICATION AND AFFIDAVIT**

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.)

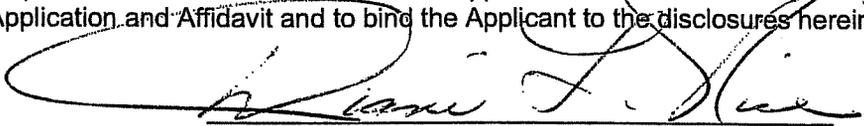
5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to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

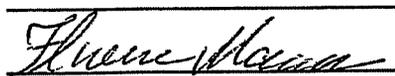
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this 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.

12-7-07  
Date

  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 7 day of Dec, 2007 by DIANE MURPHY

  
Signature of Notary Public

FLORANCE MANSOUR  
Print, Type or Stamp Name of Notary Public



Florance Mansour  
My Commission DD298681  
Expires May 27 2008  
*Rice*

Personally Known \_\_\_\_\_ OR Produced Identification R200-173-47-669-0  
Type of Identification Produced Driver License

**For Use by Planning & Development Staff**  
Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

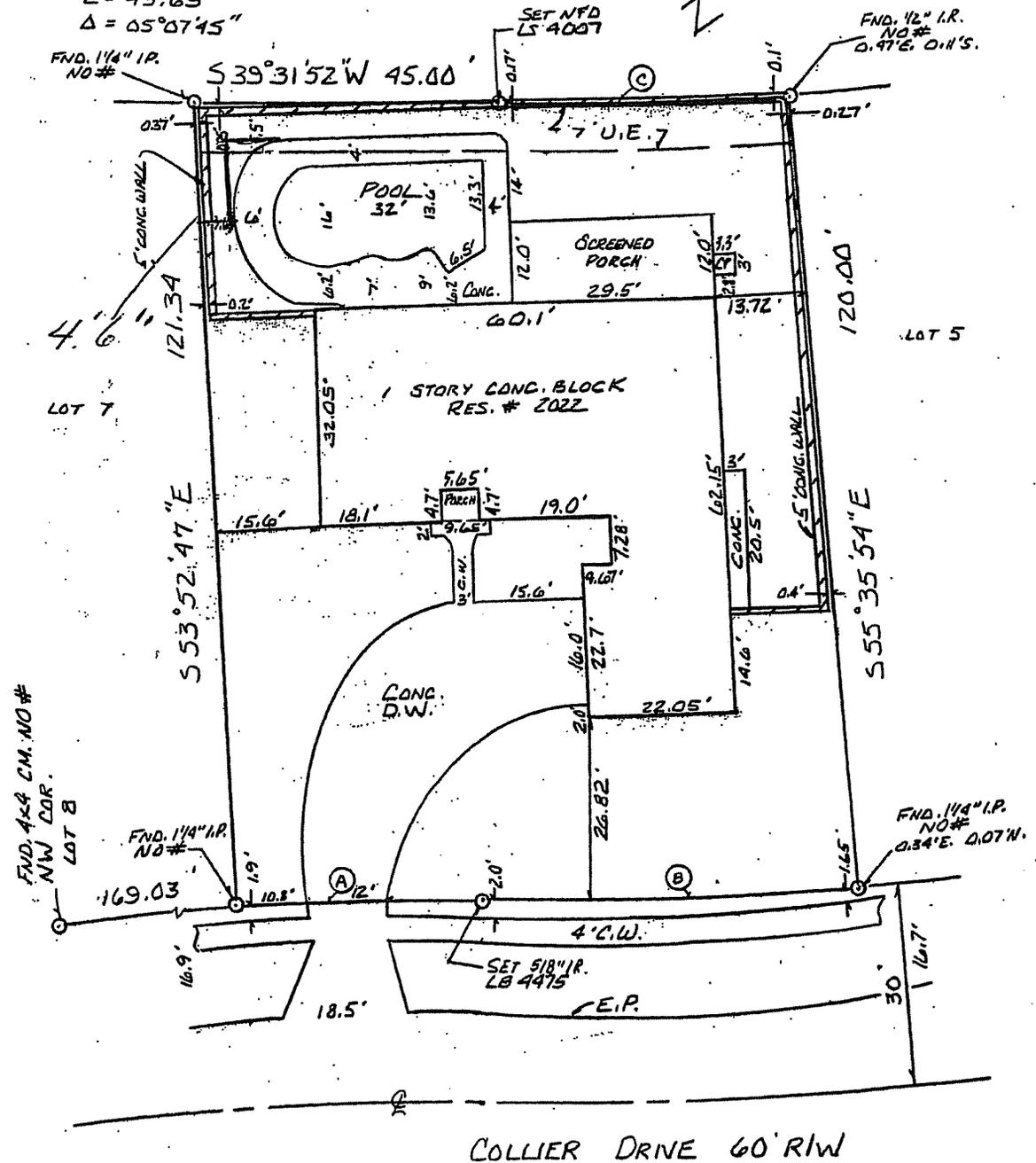
# PLAT OF SURVEY

## DESCRIPTION

LOT 6, BLOCK 12, INDIAN HILLS UNIT TWO  
AS RECORDED IN PLAT BOOK 14, PAGE(S) 80, PUBLIC RECORDS OF SEMINOLE CO., FLORIDA.

- (A) R = 635.00'  
L = 37.80'  
Δ = 03°29'38"
- (B) R = 608.00'  
L = 54.43'  
Δ = 05°07'45"
- (C) R = 488.00'  
L = 43.69'  
Δ = 05°07'45"

NOT PLATTED



BOUNDARY SURVEY PREPARED FOR AND CERTIFIED CORRECT TO: VAN O. AND DIANE L. RICE JR.,  
INDEPENDENCE ONE MORTGAGE CORP.; CHELSEA TITLE COMPANY

DATE: OCT. 27, 1991 THIS BUILDING SITE IS NOT IN A FLOOD PRONE AREA, ZONE C, BASED ON FLOOD INSURANCE RATE MAP, NO. 120289 0190B SEMINOLE COUNTY, FLORIDA.  
DRAWN BY: R.C.J. BEARING STRUCTURE BASED ON RECORDED PLAT.

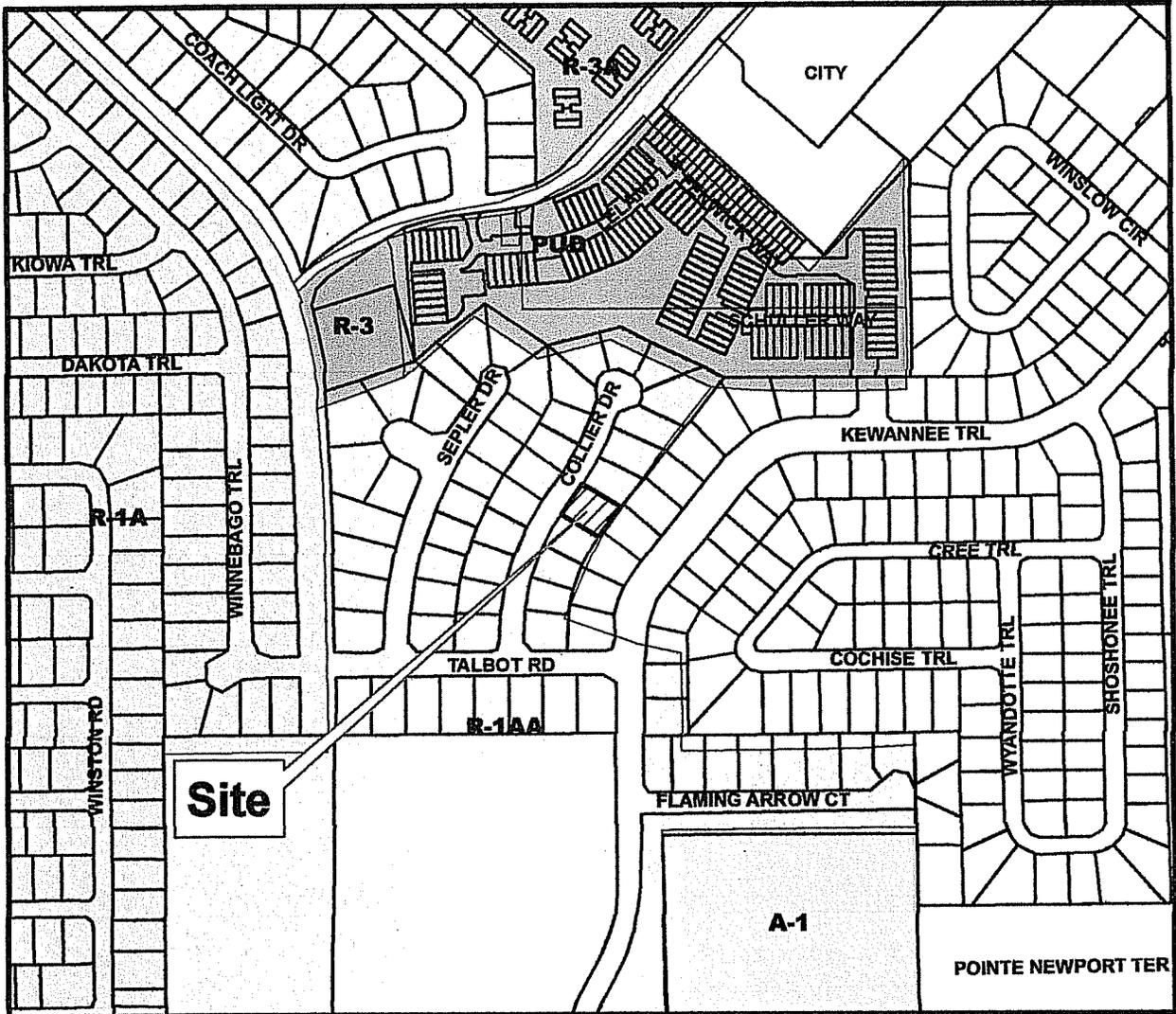
I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 23 HH-6 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

*Frank A. Raymond*  
FRANK A. RAYMOND PLS 4007

**ACCURIGHT SURVEYS**  
of Orlando Inc.  
2012 E. Robinson St.  
Orlando, Florida 32803  
(407) 894-6314

LEGEND	
ASPH - ASPHALT	CW - CONCRETE BLOCK WALL
CLF - CHAIN LINK FENCE	CM - CONCRETE MENDMENT
CONC - CONCRETE	CONV - CONVEYER
CP - CONCRETE PAD	CV - CONCRETE VALVE
DE - DRIVEWAY	CV - CONCRETE VALVE
ESMT - EASEMENT	DRIVEWAY - DRIVEWAY
FTE - FINISHED FLOOR ELEVATION	ESMT - EASEMENT
FND - FOUNDATION	FTE - FINISHED FLOOR ELEVATION
IR - IRON ROD	FND - FOUNDATION
L - CURVE LENGTH	IR - IRON ROD
MS - METAL SHEET	IP - IRON PIPE
PC - POINT OF CURVATURE	MEAS - MEASURED
POB - POINT OF BEGINNING	MB - METAL BOLT
R/W - RIGHT OF WAY	PI - POINT OF INTERSECTION
UE - UTILITY EASEMENT	R - RADIUS
	TIP - TYPICAL
	WF - WOOD FENCE

Diane Rice  
 2022 Collier Drive  
 Fern Park, Florida 32707

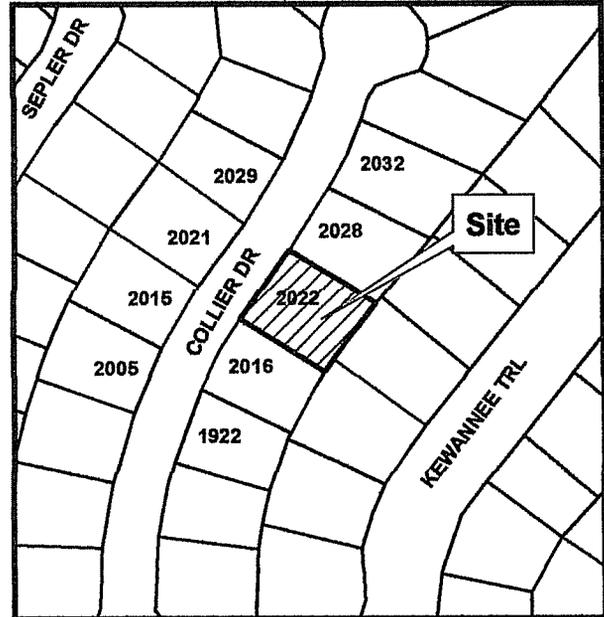


Seminole County Board of Adjustment  
 January 28, 2008  
 Case: BV2007-161 (Map 3210, Grid A2)  
 Parcel No: 20-21-30-508-1200-0060

**Zoning**

 BV2007-161	 R-3A
 A-1	 R-3
 R-1AA	 PUD
 R-1A	

N  

Personal Property

<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 GAINESVILLE, FL 32771-1468 407-665-7506</p>																																																											
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 20-21-30-508-1200-0060                  Owner: RICE DIANE L                  Mailing Address: 2022 COLLIER DR                  City,State,ZipCode: CASSELBERRY FL 32730                  Property Address: 2022 COLLIER DR FERN PARK 32707                  Subdivision Name: INDIAN HILLS UNIT 2                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (1994)                  Dor: 01-SINGLE FAMILY</p>		<p><b>2008 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$230,974                  Depreciated EXFT Value: \$9,451                  Land Value (Market): \$30,000                  Land Value Ag: \$0                  Just/Market Value: \$270,425                  Assessed Value (SOH): \$118,533                  Exempt Value: \$25,000                  Taxable Value: \$93,533</p> <p style="text-align: center;"><u>Tax Estimator</u> <u>Tax Reform Calculator</u></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>QUIT CLAIM DEED</td> <td>10/2000</td> <td>03948</td> <td>0544</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01335</td> <td>1539</td> <td>\$80,900</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Find Comparable Sales within this Subdivision</u></p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	10/2000	03948	0544	\$100	Improved	No	WARRANTY DEED	05/1981	01335	1539	\$80,900	Improved	Yes	<p><b>2007 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$3,662                  2007 Tax Bill Amount: \$1,339                  Save Our Homes (SOH) Savings: \$2,323                  2007 Taxable Value: \$90,642</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																				
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POOL GUNITE	1986	450	\$4,050	\$9,000
COOL DECK PATIO	1986	290	\$457	\$1,015

**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.

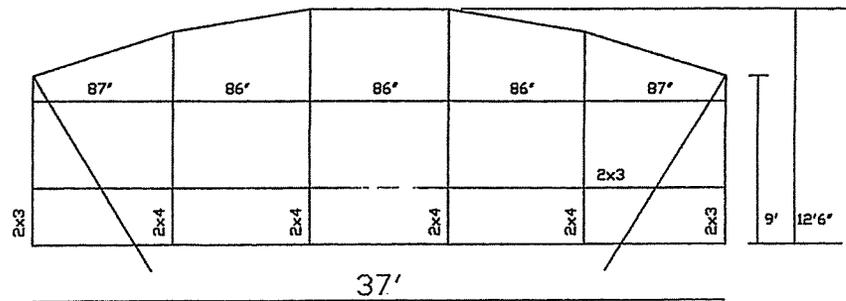
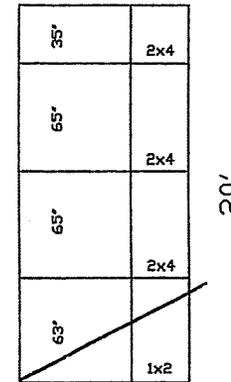
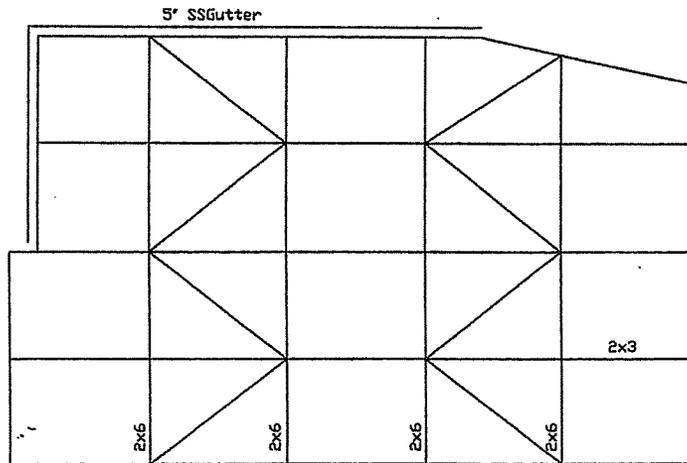
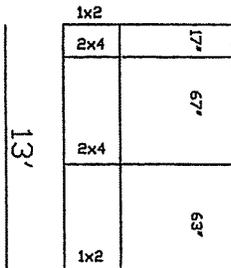
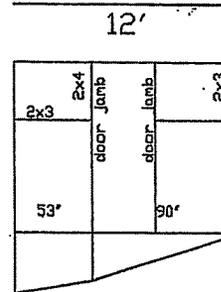
Kneebases:  
 Front wall @ 2x3  
 gutter side @ 2x2  
 and 2x3

Job # 70356

Rice  
 2022 Collier Drive  
 Fern FPark, FL 32730

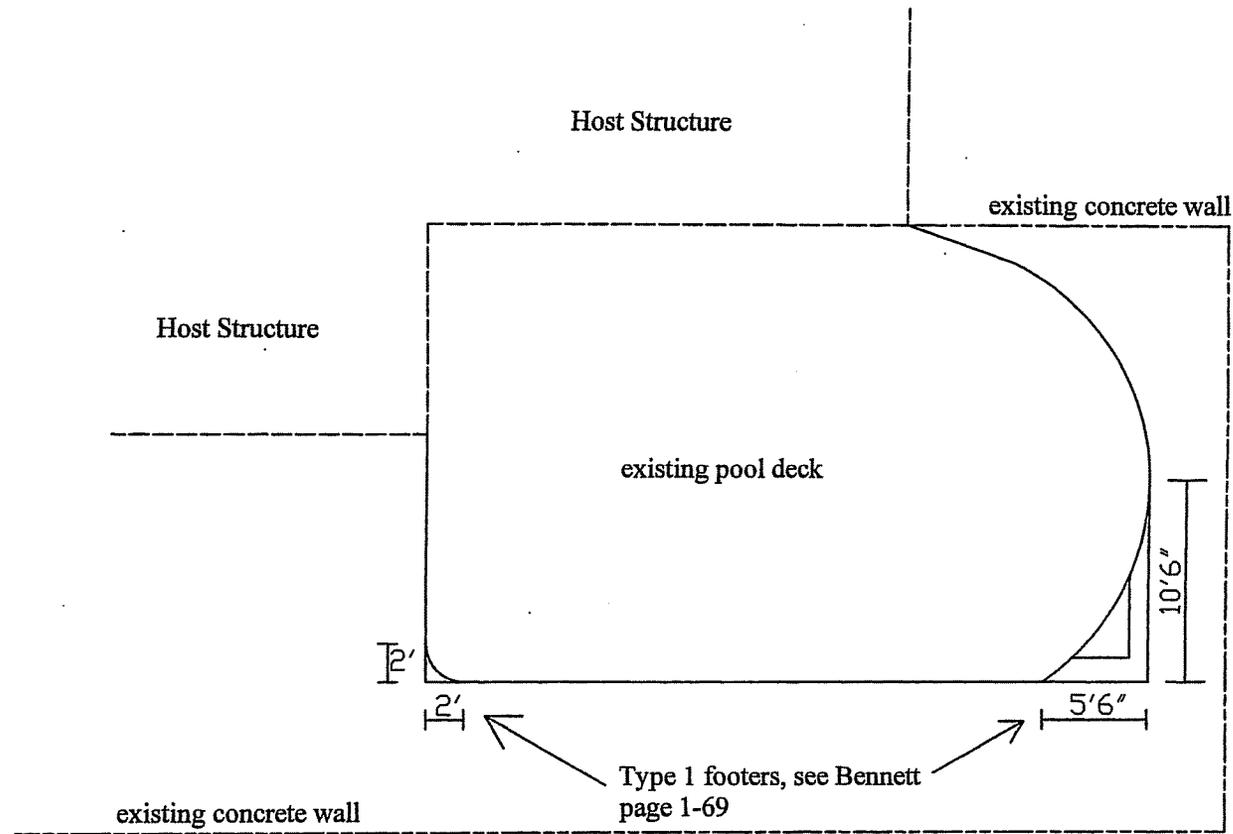
791 S. F.

span=226"  
 - 3' (front wall knee)  
 - 2' (gutter side knee)  
 - 4" (upright thickness)



Job # 70356  
concrete detail

Rice  
2022 Collier Drive  
Fern Park, Fl. 32730



December 7, 2008

Seminole County Planning Division  
1101 East First Street  
Sanford, FL 32771

Re: Diane L. Rice – 2022 Collier Drive, Fern Park, FL – Variance Application

Good Morning:

I am the neighbor (2028 Collier Drive) directly next to Diane Rice's home located at 2022 Collier Drive. It is my understanding that Diane wants to have a pool screen enclosure installed on her property. It is also my understanding that Diane Rice needs a variance for the side set back in order to accomplish the screen enclosure.

The purpose of this letter to confirm that I have no problem with Diane Rice putting up a screen enclosure for her pool – I believe you should approve her variance request for the pool screen enclosure.

Thank you for your attention.

Regards,



Steven Crabbs  
2028 Collier Drive  
Fern Park, FL 32730

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 6 BLK 12  
INDIAN HILLS UNIT 2 PB 14 PG 80

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

**FINDINGS OF FACT**

**Property Owner:** Diane Rice  
2022 Collier Dr  
Fern Park, FL 32707

**Project Name:** Collier Dr (2022)

**Requested Development Approval:**

Request for a side yard (north) setback variance from 10 feet to 4 feet for a pool screen enclosure in R-1AA (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 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 pool 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.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: