

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 5444 Ferrol Drive – Kenneth & Sheralee Faith, Applicants; Request for a side street (north side) setback variance from 25 feet to 2 feet 3 inches for an existing 6 foot wood privacy fence in the R-1 (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Darlene McGuire **EXT.** 7445

Agenda Date 04/28/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a side street (north side) setback variance from 25 feet to 2 feet 3 inches for an existing 6 foot wood privacy fence in the R-1 (Single Family Dwelling District); or
2. **Approve** the request for a side street (north side) setback variance from 25 feet to 2 feet 3 inches for an existing 6 foot wood privacy fence in the R-1 (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Location: Zoning: Subdivision:	Kenneth & Sheralee Faith 5444 Ferrol Drive, Winter Park R-1 (Single-Family Dwelling District) Wrenwood Unit 3, 4 <sup>th</sup> Addition
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to replace a 6 foot high wood privacy fence.</li> <li>• The existing fence encroaches 22 feet 9 inches into the required 25 foot side street setback.</li> <li>• There is currently a code violation for constructing subject fence without a permit.</li> <li>• There is no record of prior variances for this property.</li> <li>• There is a building permit under review for fence.</li> </ul>	

Reviewed by:  
Co Atty: \_\_\_\_\_  
Pln Mgr: \_\_\_\_\_

<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, 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></ul>
	<ul style="list-style-type: none"><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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 6-foot wood privacy 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
- Applicant Authorization Form
- 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 # BV2008-22  
Meeting Date 4-28-08

**COPY**

**VARIANCE APPLICATION**

**SEMINOLE COUNTY PLANNING DIVISION**

1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED FEB 22 2008



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

Name: Kenneth Faith  
Address: 5444 Ferrol Dr. City: Winter Park Zip code: 32792  
Project Address: Same as above City: '' Zip code: ''  
Contact number(s): (321) 263-6548  
Email address: KenandSheralee@yahoo.com

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:
<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:
<input type="checkbox"/> Other	Please describe:
<input checked="" type="checkbox"/> This request is for a structure that has already been built. <u>6' wood Privacy Fence</u>	

RECEIVED FEB 22 2008

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>25'</u>	Proposed setback: <u>2'3"</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:
<b>[ ] Total number of variances requested <u>1</u></b>			

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: 2-22-08 Reviewed By: Joy Williams  
 Tax parcel number: 34-21-30-529-0000-4570 Zoning/FLU R-1/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: NOC Violation for un-permitted construction of fence.  
Fence has existed for at least 9 yrs.

**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

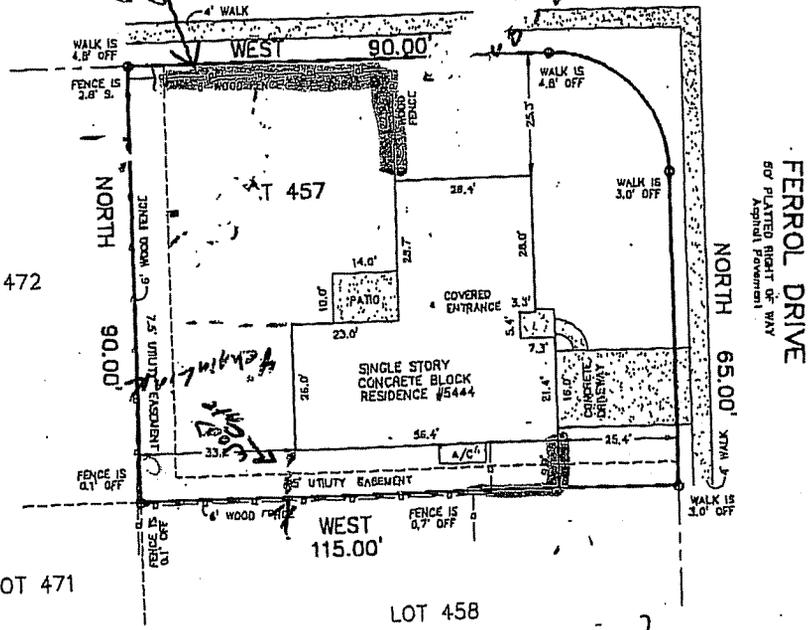
<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	<p>1. Completed application.</p>
	<p>2. Owner's authorization 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></p>
	<p>3. Provide a legible 8 ½ x 11 inch site plan with the following information</p> <p><b>NOTE: Please use your property survey for your site plan, if available.</b></p> <p><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></p>
	<p><input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)</p>
	<p><input type="checkbox"/> Size and dimension of the parcel</p>
	<p><input type="checkbox"/> Location and name of all abutting streets</p>
	<p><input type="checkbox"/> Location of driveways</p>
	<p><input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells</p>
	<p><input type="checkbox"/> Location of all easements</p>
	<p><input type="checkbox"/> Existing or proposed house or addition  <i>(Label existing, label proposed, and include square footage and dimensions of each)</i></p>
	<p><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></p>
	<p><input type="checkbox"/> Building height</p>
	<p><input type="checkbox"/> Setbacks from each building to the property lines</p>
	<p><input type="checkbox"/> Location of proposed fence(s)</p>
	<p><input type="checkbox"/> Identification of available utilities  <i>(ex: water, sewer, well or septic)</i></p>
	<p>4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.</p>

# PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 457, WRENWOOD UNIT 3 4TH ADDITION, according to the plat thereof as recorded in Plat Book 24, Page 65-66 of the Public Records of Seminole County, Florida.

*Handwritten:* 3" = 1" fence existing  
**JACKMAN BLVD.**  
80' PLATTED RIGHT OF WAY  
Asphalt Pavement



CERTIFIED TO:  
 KENNETH W. & SHERALEE FAITH  
 BROKERS TITLE:  
 SUNBELT MORTGAGE  
 AMERICAN PIONEER TITLE INSURANCE

SCALE: 1" = 30'

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Orange County, Florida, Community Panel Number 120289 0210 E, last dated 4-17-95. It appears from a scaling of said map that the land described hereon is shown to be in Zone "X". Area outside of 500 year flood. Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

- This Plat represents a Boundary Survey of the description as furnished Morrison Surveying and Mapping, Inc. per client's instruction and makes no claims regarding ownership or rights of possession.
- Bearings shown hereon are based on the SOUTH line of Lot 457 Being WEST, PER PLAT.
- This surveyor has not searched the public records or abstracted the land shown hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The relative distance accuracy for boundary dimensions shown hereon is in excess of 1 Foot in 10,000 Feet.

### REVISIONS AND ADDITIONS

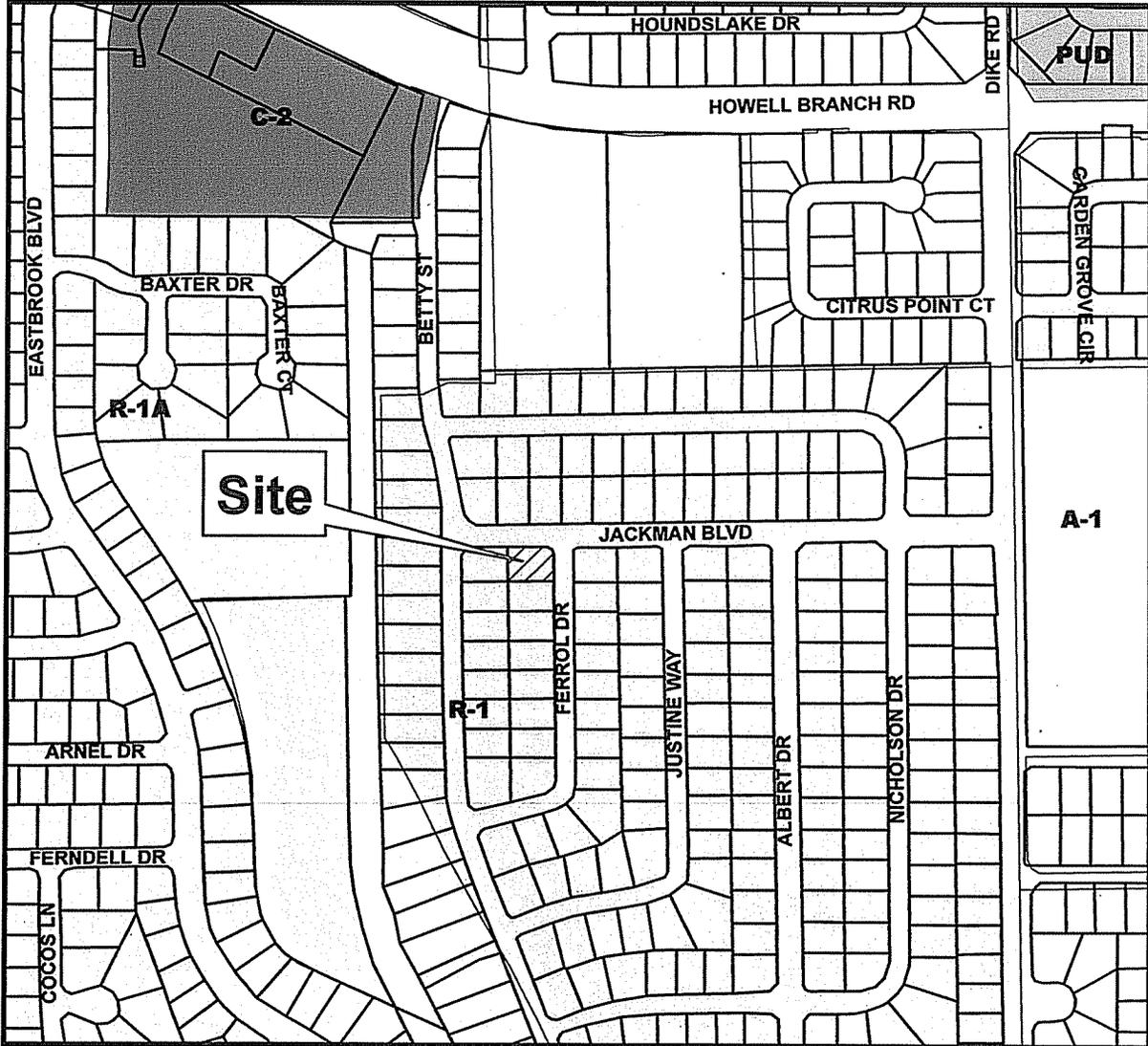
No.	Description

### LEGEND:

Δ	Delta (Intersection Angle)	CONCRETE	DENOTES CONCRETE
R	Radius	WF	Wood Fence
L	Arc Length	(M)	Measured
C.B.	Chord Bearing	CBW	Concrete Block Wall
Ch	Chord Length	PI	Point of Intersection
P.C.	Point of Curvature	CNF	Corner not found
P.T.	Point of Tangency	SLY	Southerly
P.B.	Plot Book	NLY	Northerly
Pa(a)	Page(s)	ELY	Easterly
Conc.	Concrete	WLY	Westerly
C.L.F.	Chain Link Fence		
A/C	All Condition		
R/W	Right-of-Way		
(A)	Actual		
(P)	Pilot		
C	Centerline		
J	occur		

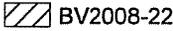
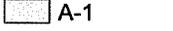
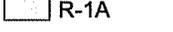
342130529 0000 4570

Kenneth & Sheralee Faith  
 5444 Ferrol Drive  
 Winter Park, Florida 32792



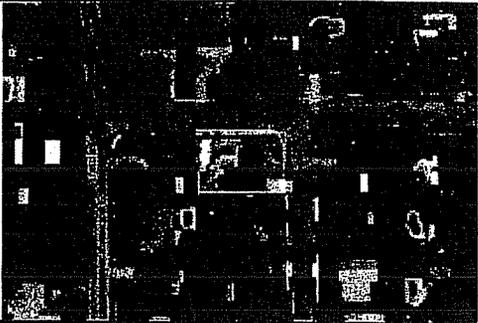
**Seminole County Board of Adjustment**  
**April 28, 2008**  
**Case: BV2008-22 (Map 3210, Grid E6)**  
**Parcel No: 34-21-30-529-0000-4570**

**Zoning**

	BV2008-22		R-1
	A-1		C-2
	R-1A		PUD

N  




<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 407-885-7508</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20px;">803</td> <td style="width:20px;">478</td> <td style="width:20px;">475</td> <td style="width:20px;">474</td> <td style="width:20px;">473</td> <td style="width:20px;">35</td> <td style="width:20px;">34</td> </tr> <tr> <td>804</td> <td colspan="6" style="text-align:center"><b>JACKMAN BLVD</b></td> </tr> <tr> <td>805</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">BETTY ST</td> <td style="width:20px;">472</td> <td style="width:20px;">457</td> <td style="width:20px;">456</td> <td style="width:20px;">36</td> <td></td> </tr> <tr> <td>806</td> <td></td> <td style="width:20px;">471</td> <td style="width:20px;">458</td> <td style="width:20px;">455</td> <td style="width:20px;">37</td> <td></td> </tr> <tr> <td>807</td> <td></td> <td style="width:20px;">470</td> <td style="width:20px;">459</td> <td style="width:20px;">454</td> <td style="width:20px;">38</td> <td></td> </tr> <tr> <td>808</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	803	478	475	474	473	35	34	804	<b>JACKMAN BLVD</b>						805	BETTY ST	472	457	456	36		806		471	458	455	37		807		470	459	454	38		808							
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<p><b>GENERAL</b></p> <p>Parcel Id: 34-21-30-529-0000-4570</p> <p>Owner: FAITH KENNETH W &amp; SHERALEE</p> <p>Mailing Address: 5444 FERROL DR</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 5444 FERROL DR WINTER PARK 32792</p> <p>Subdivision Name: WRENWOOD UNIT 3 4TH ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2001)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2008 WORKING VALUE SUMMARY</b></p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$175,712</p> <p>Depreciated EXFT Value: \$11,865</p> <p>Land Value (Market): \$37,000</p> <p>Land Value Ag: \$0</p> <p><b>Just/Market Value:</b> \$224,577</p> <p>Assessed Value (SOH): \$129,864</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$104,864</p> <p><u>Tax Estimator</u></p> <p><u>Portability 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>WARRANTY DEED</td> <td>04/2000</td> <td><u>03836</u></td> <td><u>0828</u></td> <td>\$97,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1994</td> <td><u>02797</u></td> <td><u>0549</u></td> <td>\$85,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>06/1987</td> <td><u>01864</u></td> <td><u>1603</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1982</td> <td><u>01432</u></td> <td><u>0769</u></td> <td>\$65,600</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	WARRANTY DEED	04/2000	<u>03836</u>	<u>0828</u>	\$97,000	Improved	Yes	WARRANTY DEED	07/1994	<u>02797</u>	<u>0549</u>	\$85,000	Improved	Yes	QUIT CLAIM DEED	06/1987	<u>01864</u>	<u>1603</u>	\$100	Improved	No	WARRANTY DEED	12/1982	<u>01432</u>	<u>0769</u>	\$65,600	Improved	Yes	<p style="text-align: center;"><b>2007 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$3,097</p> <p><u>2007 Tax Bill Amount:</u> \$1,493</p> <p><u>Save Our Homes (SOH) Savings:</u> \$1,604</p> <p><b>2007 Taxable Value:</b> \$101,082</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>							
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																												

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG LOT 457 WRENWOOD UNIT 3 4TH ADD PB 24 PGS 65 & 66

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

### FINDINGS OF FACT

**Property Owner:** KENNETH W & SHERALEE FAITH  
5444 Ferrol Drive  
Winter Park, Florida 32792

**Project Name:** Ferrol Drive (5444)

**Requested Development Approval:**

Request for a side street (north side) setback variance from 25 feet to 2 feet 3 inches for an existing 6 foot wood privacy fence in the R-1 (Single-Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Darlene McGuire, Technician  
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:
  - a. The variance granted will apply only to the 6-foot wood privacy 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: \_\_\_\_\_

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:

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

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

LEG LOT 457 WRENWOOD UNIT 3 4TH ADD PB 24 PGS 65 & 66

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

**FINDINGS OF FACT**

**Property Owner:** Kenneth & Sheralee Faith  
5444 Ferrol Drive  
Winter Park, Florida 32792

**Project Name:** Ferrol Drive (5444)

**Requested Development Approval:**

Request for a side street (north side) setback variance from 25 feet to 2 foot 3 inches for an existing 6 foot wood privacy fence in the R-1 (Single Family Dwelling District).

The Development Approval was sought to bring into compliance the existing 6 foot wood privacy fence. The applicant still retains reasonable use of the property without the granting of the requested variance. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

**ORDER**

The requested development approval is hereby denied.

Prepared by: Darlene McGuire, Technician  
1101 East First Street  
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

STATE OF FLORIDA )  
COUNTY OF SEMINOLE )

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My Commission Expires: