

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

SUBJECT: 253/255 Cherrywood Drive – Randovan Jovic, applicant; Request for a rear yard setback variance from 30 feet to 20.4 feet for a proposed duplex renovation in R-2 (One and Two Family Dwelling) district.

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

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

Agenda Date 8/25/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for a rear yard setback variance from 30 feet to 20.4 feet for a proposed duplex renovation in R-2 (One and Two Family Dwelling) district; or
2. **Deny** the request for a rear yard setback variance from 30 feet to 20.4 feet for a proposed duplex renovation in R-2 (One and Two Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Randovan Jovic</p> <p>Location: 253/255 Cherrywood Drive</p> <p>Zoning: R-2 (One and Two Family Dwelling) district</p> <p>Subdivision: Lakewood Shores 1st Addition</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to renovate an existing duplex and expand the structure by adding a second floor. • The existing structure was built in 1958 and is nonconforming for the rear setback as it encroaches 9.6 feet into the required rear yard setback. In the renovation process of adding a second story they are not expanding this non-conforming condition. • The existing structure is also nonconforming for the east side yard setback. This section of the duplex will be removed in the renovation process therefore rendering this side setback conforming to the R-2 zoning. • There are currently no code enforcement or building

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>violations for this property.</p> <ul style="list-style-type: none"> • There is no record of prior variances for this property.
<p>STAFF FINDINGS</p>	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • 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. <i>The existing structure was built in 1958 and the expansion will utilize the existing rear wall which is nonconforming. The addition of a second story to the existing duplex will not expand the nonconforming condition at the rear setback. They also propose to reduce an existing nonconformity by removing a section of the duplex that encroaches into the east side yard setback.</i> • Special conditions and circumstances do not result from the actions of the applicant. • The granting of the variance requested would not 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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. • The variance requested is 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 be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends approval of the request. 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 rear setback 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
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION **COPY**
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: RADOVAN JOVIC
Address: 1664 N. PARK AV City: Maitland Zip code: 32751
Project Address: 253/255 Cherry wood dr. City: Maitland Zip code: 32751
Contact number(s): 407-645-2808 or 407-590-5937
Email address: trava

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>2nd FLOOR</u>
<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 JUL 11 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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback:	<u>20.4'</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<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>				

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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 7-11-08 Reviewed By: P. Johnson

Tax parcel number: 19-2130-511-0000-0690 Zoning/FLU R-2 / MOR

- 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: existing structure - 1958

July 3, 2008

1664 North Park Ave
Maitland, FL 32751

County Services Building
Room 2201
1101 East First Street
Sanford, FL 32771

Re: Variance form: Jovic/253 & 255 Cherrywood Drive

To whom it may concern:

This letter is in regards to my Seminole County Florida Variance Form for the duplex property that are located at 253 and 255 Cherrywood Drive Maitland, FL 32751 that I am applying for. This parcel identification is 19-21-30-511-0000-0690 located within Leg Lot 69 Lakewood Shores 1st ADD PB 11PG 56. The adjacent property of 241 Cherrywood Drive Maitland, Florida is also owned by me and my wife. Also located behind the property is the Maitland Park that is located within Orange County. We feel that these changes that we are proposing will enhance the neighborhood, as well as the community. We would appreciate your consideration in this matter.

Thank you,

Radovan Jovic

CHERRYWOOD DRIVE
ASPHALT ROADWAY

EDGE OF PAVEMENT

(P)

(M)

R=42.50
Δ=57°09'39"
C=40.66
B=N61°01'21"E
L=42.40

R=42.50
Δ=57°03'58"
C=40.60
B=N60°56'36"E
L=42.33

TELEPHONE RISER

LOT 68

S 00°23'49" E (P)
S 00°25'18" E (M)

32.3'

NEW DRIVEWAY

PATIO

PATIO

S N 45°22'19" W (M)
S 45°21'08" E (P)

10.0'

133.58 (M)
133.46 (P)

FENCE IS 0.4' S.W.
ON PROPERTY

TELEPHONE RISER

LOT 69

(Exist. Single Story Residence)
Proposed 2 Story
Residential Remodel

FENCE IS ON PROPERTY

UTILITY POLE
IS 0.9' W.
ON PROPERTY

ELECTRIC METER

OHU

47.7'

IS PROPERTY

100.00 (P)
100.07 (M)

EXIST.

EXIST. PATIO TO REMAIN

WALLS TO REMAIN

NEW PATIO

N 00°24'23" W (M)
24.94 (M)
N 00°23'49" W (P)
25.00 (P)

EXISTING & PROPOSED
REAR YARD SETBACK
6' WF

SEPTIC TANK

DRAINFIELD

S 89°36'11" W (P)
N 89°33'16" E (M)

FENCE IS OFF PROPERTY

FENCE IS 0.9' N.
& 2.4' W.
ON PROPERTY

FENCE IS 0.5' S.
OFF PROPERTY

FENCE IS 1.8' S.
OFF PROPERTY

FENCE IS ON PROPERTY

FENCE IS 1.1' N.
& 2.9' W.
ON PROPERTY

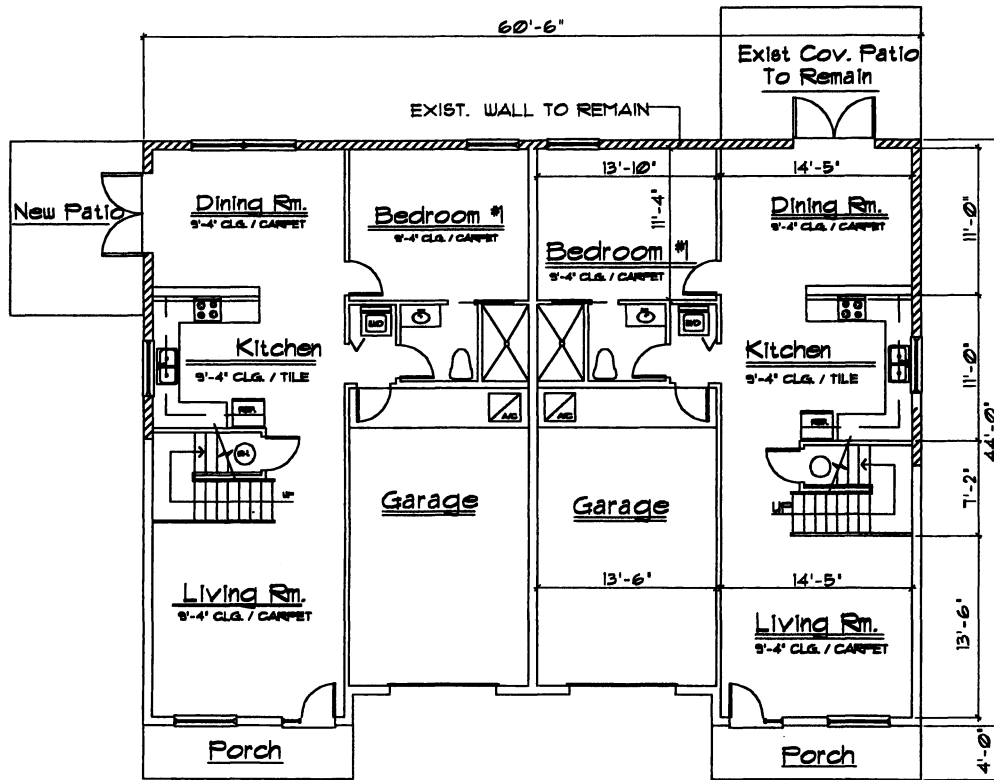
FENCE IS 0.5' N.
& 2.0' W.
ON PROPERTY

DETAILED SITE PLAN

LINETYPE LEGEND

EXIST. BLOCK WALLS TO REMAIN 

NEW FRAME/BLOCK WALLS 



First Floor Plan

SCALE: 3/16" = 1'-0"

Proposed Building Ht. = 29'-9"

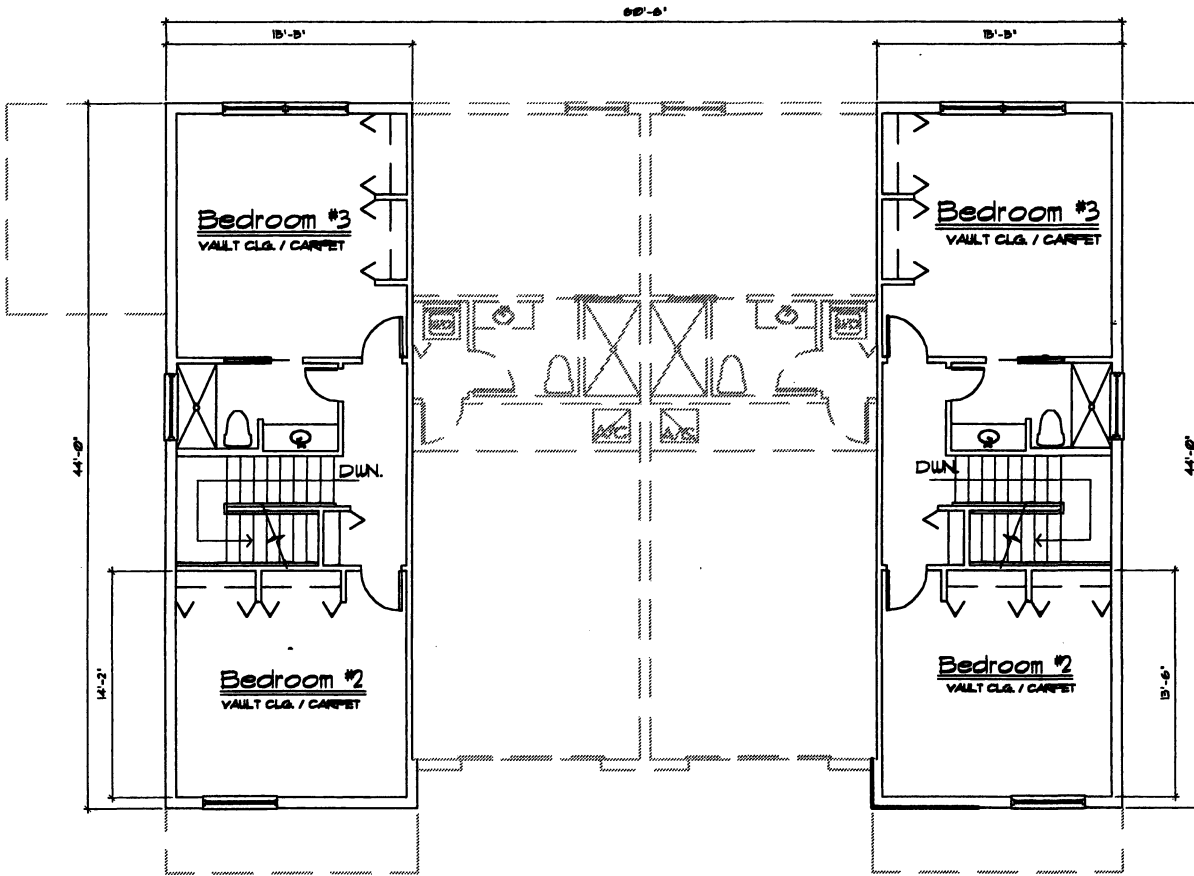
Scope of proposed work:

Existing single story to be entirely demolished with the exception of all of the existing slab, the entire rear wall, rear patio and the two side walls as shown on the site plan. Owner is proposing to build a new two story residence around existing walls and slab per local building code.

JOVIC RESIDENCE

Area Tabulations

<u>First Floors</u>	<u>1,884 sq. ft.</u>	<u>Garages</u>	<u>634 sq. ft.</u>
<u>Second Floors</u>	<u>1,352 sq. ft.</u>	<u>Patios</u>	<u>280 sq. ft.</u>
<u>Total Living</u>	<u>3,236 sq. ft.</u>	<u>Total</u>	<u>4,150 sq. ft.</u>

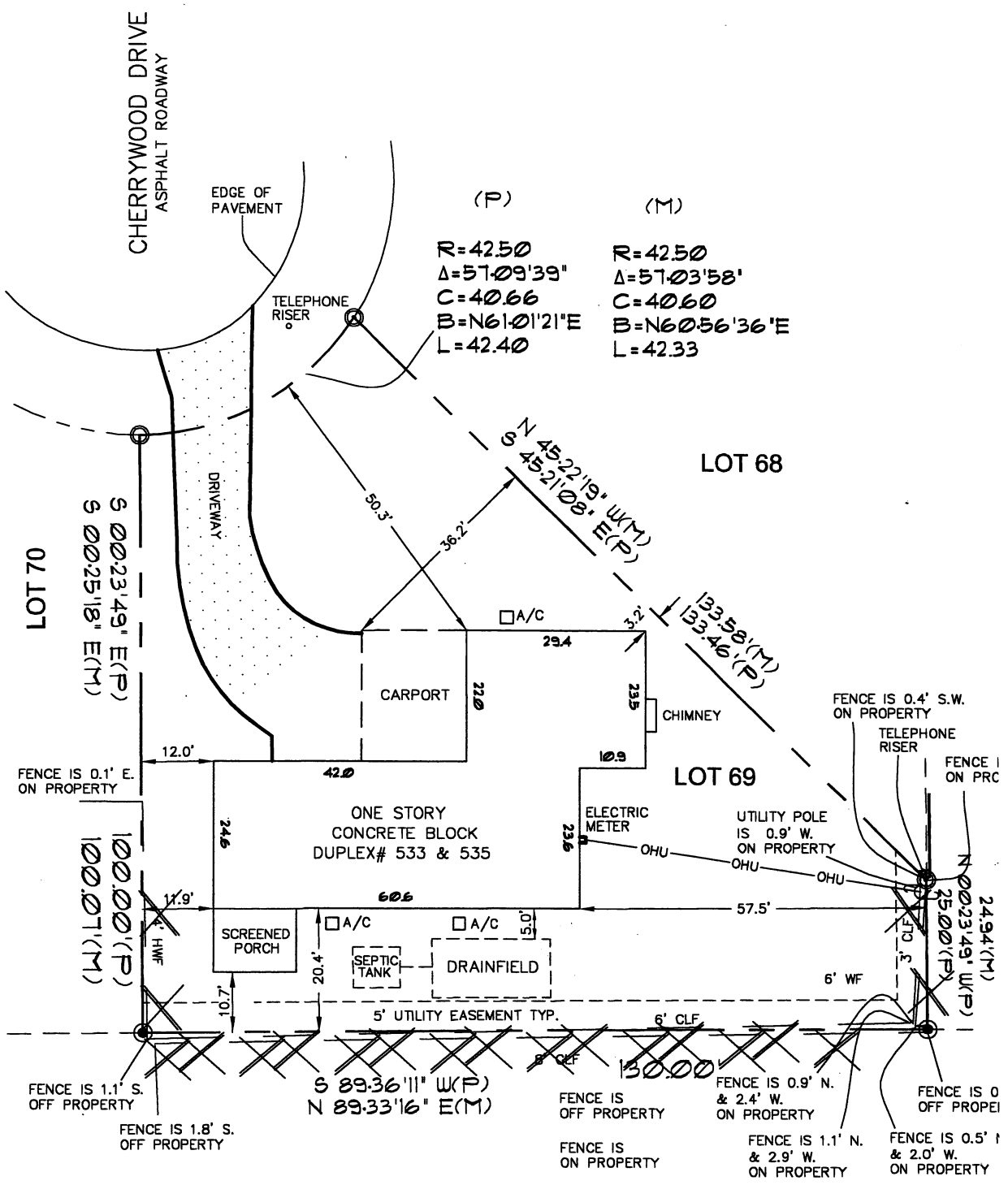


Second Floor Plan

SCALE: 3/16" = 1'-0"

JOVIC RESIDENCE

577 / 575 CHERRYWOOD DRIVE



CHERRYWOOD DRIVE
ASPHALT ROADWAY

EDGE OF PAVEMENT

(P)

(M)

R=42.50
Δ=57°09'39"
C=40.66
B=N61°01'21"E
L=42.40

R=42.50
Δ=57°03'58"
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TELEPHONE RISER

DRIVEWAY

CARPORT

CHIMNEY

ELECTRIC METER

SCREENED PORCH

SEPTIC TANK

DRAINFIELD

FENCE IS 0.4' S.W. ON PROPERTY

TELEPHONE RISER

FENCE IS ON PRC

LOT 69

UTILITY POLE IS 0.9' W. ON PROPERTY

OHU

OHU

OHU

6' WF

FENCE IS 0.1' E. ON PROPERTY

12.0'

42.0

60.6

23.6

10.9

57.5'

24.94'(M)

25.00'(P)

24.94'(M)

FENCE IS 1.1' S. OFF PROPERTY

FENCE IS 1.8' S. OFF PROPERTY

S 89.36°11' W(P)
N 89.33°16' E(M)

FENCE IS OFF PROPERTY

FENCE IS ON PROPERTY

FENCE IS 0.9' N. & 2.4' W. ON PROPERTY

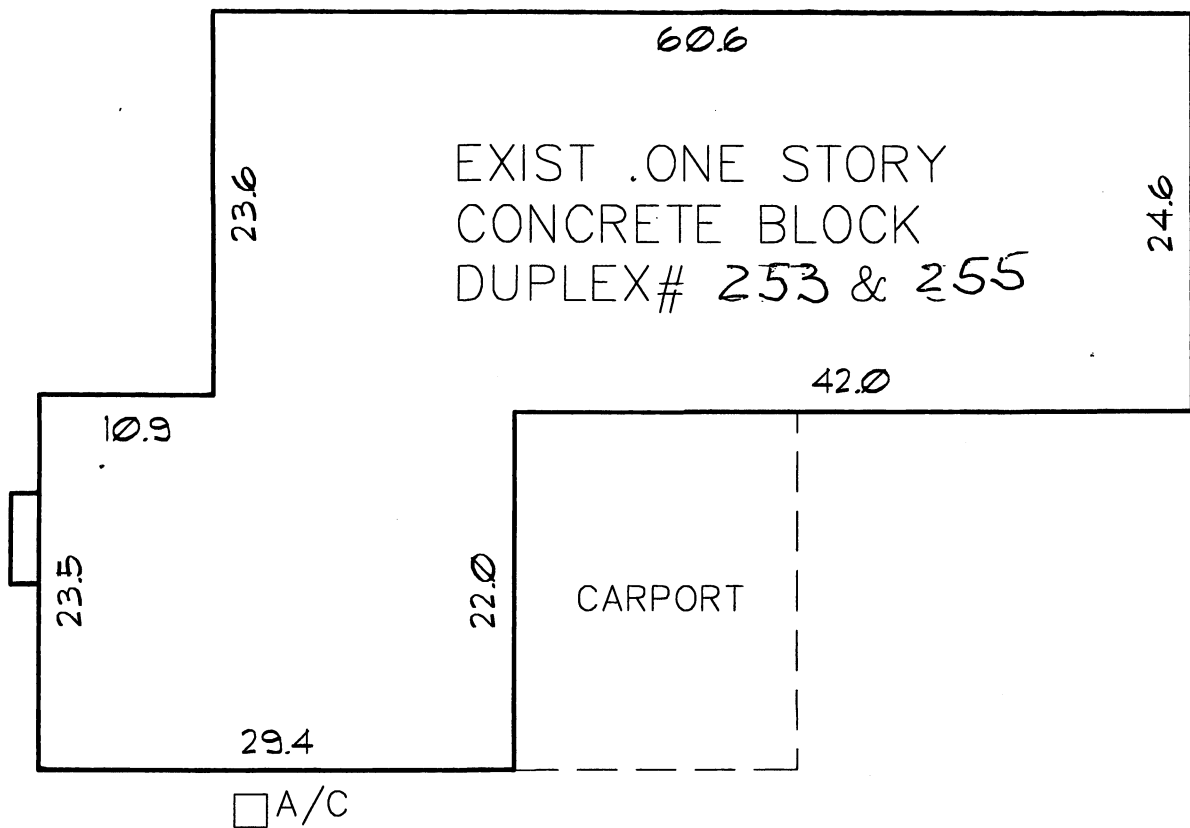
FENCE IS 1.1' N. & 2.9' W. ON PROPERTY

FENCE IS 0 OFF PROPEI

FENCE IS 0.5' N. & 2.0' W. ON PROPERTY

EXISTING SITE PLAN

SCALE: 1" = 40'



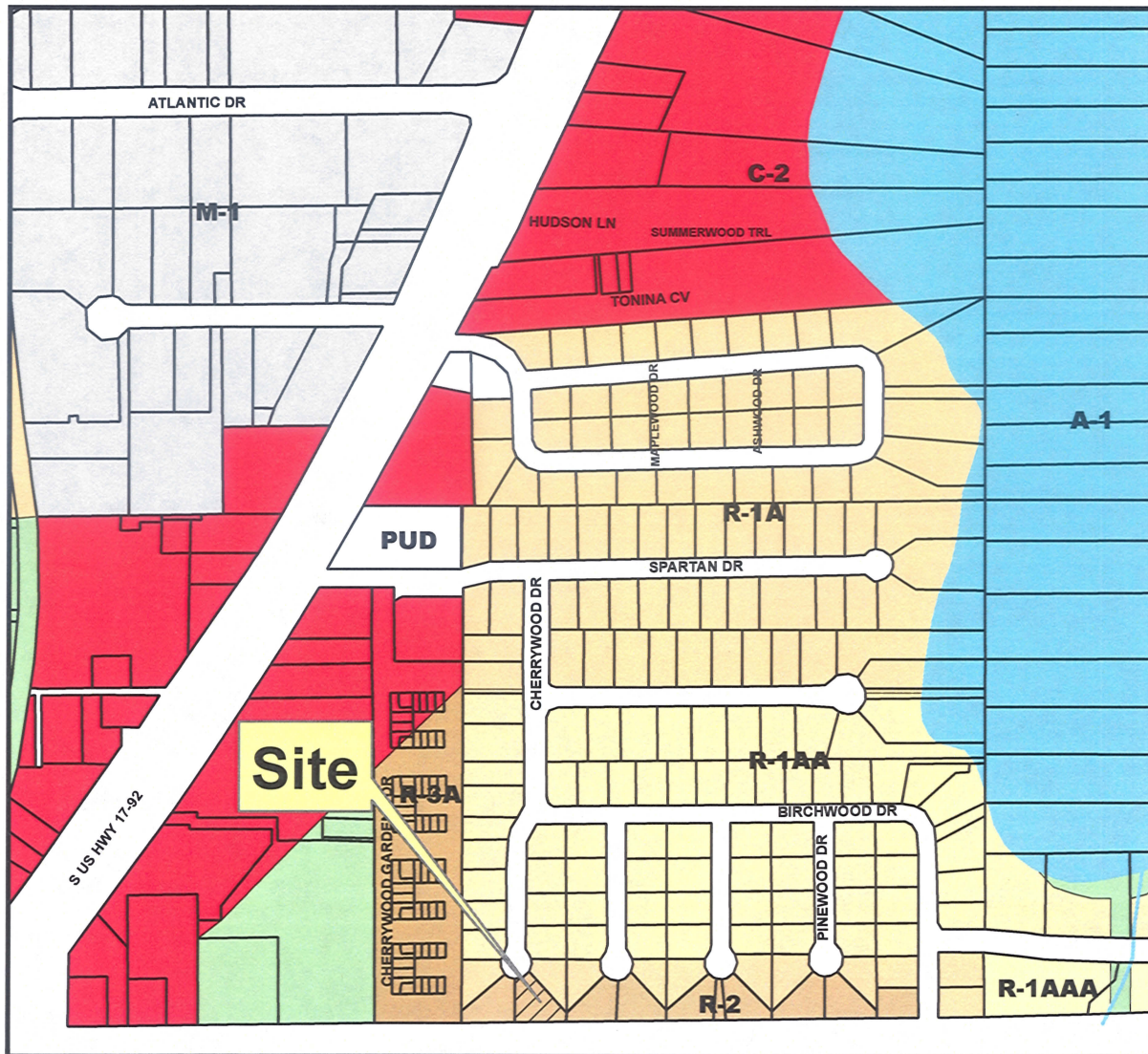
Outline of Exist. Residence

SCALE: 1/8" = 1'-0"

JOVIC RESIDENCE

952-2255-0000-0000-0000

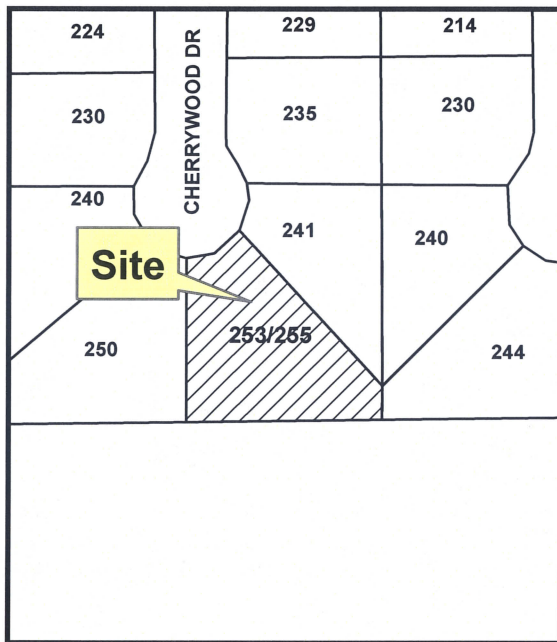
Radovan Jovic
 253/255 Cherrywood Drive
 Maitland, Florida 32751



Seminole County Board of Adjustment
 August 25, 2008
 Case: BV2008-77 (Map 3209, Grid C3)
 Parcel No: 19-21-30-511-0000-0690

Zoning

- | | | | |
|--|-----------|--|------|
| | BV2008-77 | | R-2 |
| | A-1 | | R-3A |
| | R-1AAA | | C-2 |
| | R-1AA | | M-1 |
| | R-1A | | |



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																																								
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 19-21-30-511-0000-0690 Owner: JOVIC RADOVAN & MIROSLAVA S Mailing Address: 1664 N PARK AVE City,State,ZipCode: MAITLAND FL 32751 Property Address: 253 CHERRYWOOD (& 255) DR MAITLAND 32751 Subdivision Name: LAKEWOOD SHORES 1ST ADD Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 0802-MULTI FAMILY 2 UNIT</p>		<p style="text-align: center;">2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$66,391 Depreciated EXFT Value: \$0 Land Value (Market): \$35,000 Land Value Ag: \$0 Just/Market Value: \$101,391 Assessed Value (SOH): \$101,391 Exempt Value: \$0 Taxable Value: \$101,391</p> <p style="text-align: center;">Tax Estimator Portability Calculator</p>																																																																						
<p style="text-align: center;">SALES</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>05/1985</td> <td>01638</td> <td>0049</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	05/1985	01638	0049	\$100	Improved	No	<p style="text-align: center;">2007 VALUE SUMMARY</p> <p>2007 Tax Bill Amount: \$1,527 2007 Taxable Value: \$103,368 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																																								
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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: Radovan Jovic
Address: 1664 N. Park av. Maitland
Phone #: 407-645-2802

Name: Mira Jovic
Address: 1664 N. Park av. Maitland
Phone #: 407-590-5937

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

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

Name of Partnership: Radovan Jovic
Principal: _____
Address: 1664 N. Park av. Maitland

Name of Partnership: Miro Jovic
Principal: _____
Address: 1664 N. Park av. Maitland

(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:
Name: Rad Jovic
Address: 1664 N. Park Ave
Maitland

Contract Vendee:
Name: Miro Jovic
Address: 1664 N. Park av. Maitland

(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.

2 July 08
Date

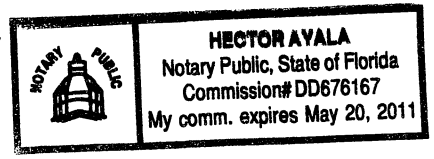
[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 2 day of July, 2008 by _____

[Signature]
Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification

Type of Identification Produced FL DL J120 738 39 347 0
ISS 08-29-07 EXP 09-27-13

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 69 LAKEWOOD SHORES 1ST ADD PB 11 PG 56

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

FINDINGS OF FACT

Property Owner: Radovan & Miroslava S Jovic
1664 N Park Ave
Maitland FL 32751

Project Name: Cherrywood Drive (253/255)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20.4 feet for a proposed duplex renovation in R-2 (One and Two 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: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

a. The variance granted will apply only to the rear yard setback 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

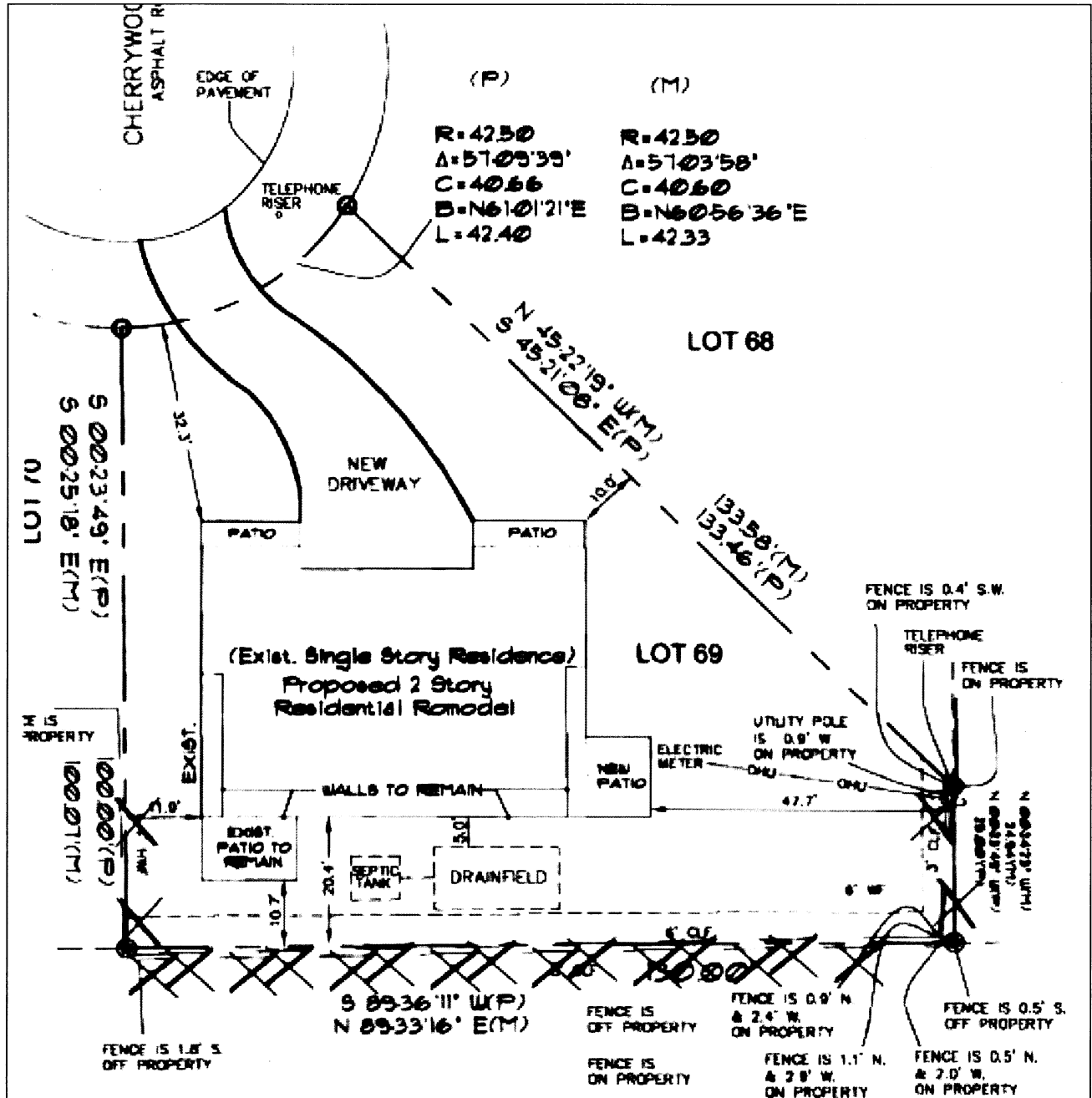
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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

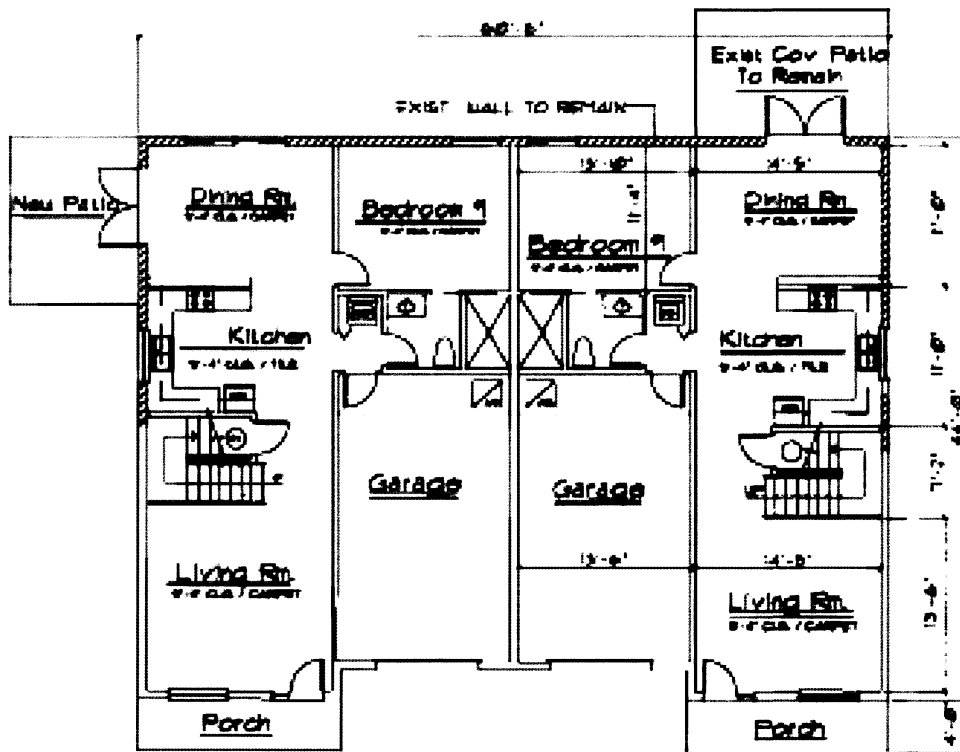
My Commission Expires:



LINETYPE LEGEND

EXIST. BLOCK WALLS TO REMAIN 

NEW FRAME/BLOCK WALLS 



First Floor Plan

SCALE: 3/16" = 1'-0"

Proposed Building Ht. = 29'-9"

Scope of proposed work:

Existing single story be entirely demolished with the exception of all of the existing side, the entire rear wall, rear patio and the two side walls as shown on the site plan. Owner is proposing to build a new two story residence around existing walls and side per local building code.

JOVIC RESIDENCE

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 69 LAKEWOOD SHORES 1ST ADD PB 11 PG 56

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

FINDINGS OF FACT

Property Owner: Radovan & Miroslava S Jovic
1664 N Park Ave
Maitland FL 32751

Project Name: Cherrywood Drive (253/255)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20.4 feet for a proposed duplex renovation in R-2 (One and Two Family Dwelling) district.

The Development Approval was sought to renovate an existing non-conforming duplex. 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.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
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)**

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: