

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** Dodd Road (Lot 2H) Vacant – Wayne Roberts, applicant; Request for a lot area variance from 43,560 square feet to 29,620 square feet for a proposed single family home in A-1 (Agriculture) district.

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

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

**Agenda Date** 9/22/08    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Approve** the request for a lot area variance from 43,560 square feet to 29,620 square feet for a proposed single family home in A-1 (Agriculture) district; or
2. **Deny** the request for a lot area variance from 43,560 square feet to 29,620 square feet for a proposed single family home in A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>Applicant:</b> Wayne Roberts <b>Owner:</b> David & Charlotte Roberts <b>Location:</b> Dodd Road (Lot 2H) Vacant <b>Zoning:</b> A-1 <b>Subdivision:</b> N/A
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting a lot size variance from 43,560 square feet to 29,620 square feet in order to construct a new 1,800 square foot single family home.</li> <li>• On August 19, 2008 the approved development order granted a waiver from the public right-of-way frontage requirement, awaiting signatures.</li> <li>• In a letter dated January 13, 2006, staff recognized the lots within the Roberts family compound as buildable lots.</li> <li>• The lots surrounding parcel 2H have either received</li> </ul>

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

	<p>variances and/or building permits, or are a parcel of record.</p> <ul style="list-style-type: none"><li>• There are currently no code enforcement or building violations for this property.</li><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• 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>Although officialized via court action, Parcel 2H was also created by virtue of permits, variances, or parcel of record status on adjacent properties.</i></li><li>• Special conditions and circumstances do not result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends the 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"><li>• Any variance granted shall apply only to the lot size variance 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 # BV2008-95  
Meeting Date 9-22-08



# VARIANCE APPLICATION

## SEMINOLE COUNTY PLANNING DIVISION

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

# COPY DG

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

Name: David + Charlotte Roberts David Wayne Roberts  
Address: 655 Tabatha Dr City: Osteen Zip code: 32764  
Project Address: PLD# 35-21-30-300-002H-0000 City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): Wayne Roberts . 407-467-2583 / 407-324-4095  
Email address: C.ROBE55@Netzero.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 type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe: RECEIVED AUG 01 2008
<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 checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>43,560</u>	Actual lot size: <u>29,620</u>
<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 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: David Wayne Roberts / Charlotte Roberts

**FOR OFFICE USE ONLY**

Date Submitted: 8/1/08 Reviewed By: DH 9

Tax parcel number: 35-21-30-300-0024-0000 Zoning/FLU A-1/LOR

- 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

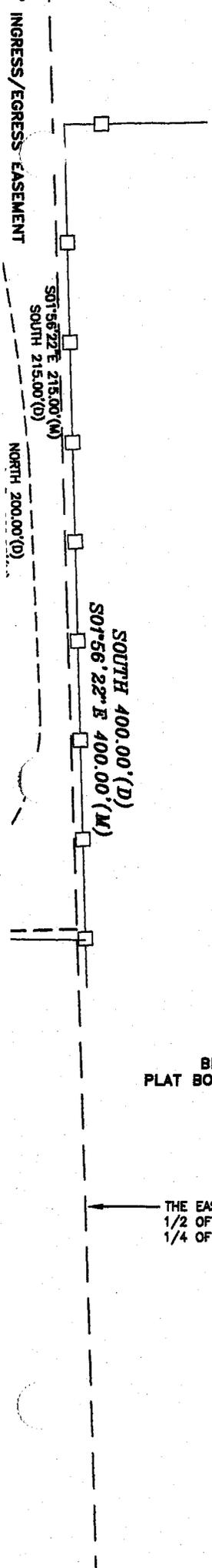
Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

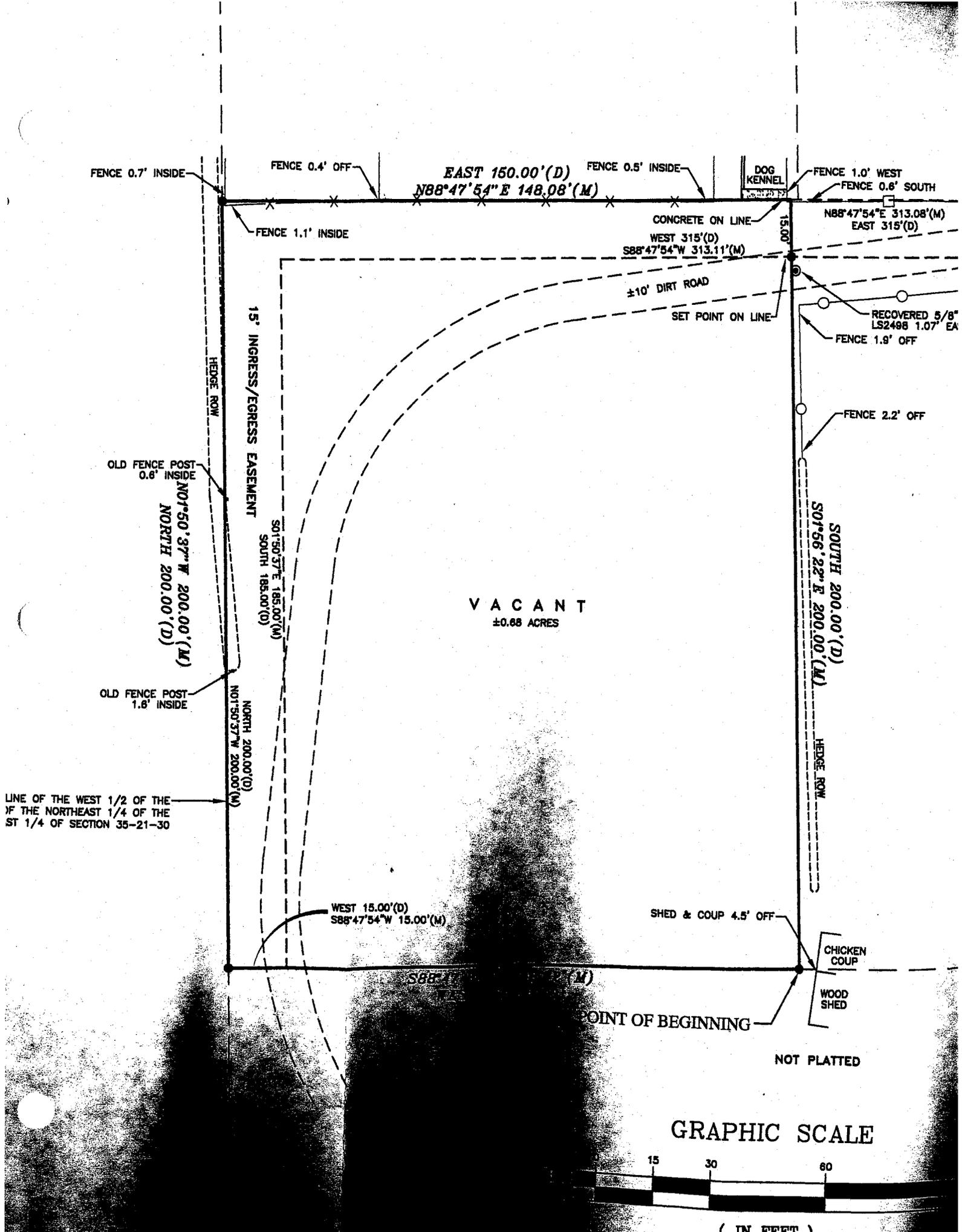
# BOUNDARY SURVEY FOR DAVID & CHARLOTTE ROBERTS

BEGIN 400 FEET SOUTH AND 180 FEET WEST OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, FOR A POINT OF BEGINNING, THENCE WEST 150 FEET, THENCE NORTH 200 FEET, THENCE EAST 150 FEET, THENCE SOUTH 200 FEET, TO THE POINT OF BEGINNING, TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION, RUN SOUTH 215 FEET, THENCE WEST 315 FEET TO A POINT 15 FEET EAST OF THE WEST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION, THENCE SOUTH 185 FEET TO THE NORTH PROPERTY LINE OF TED ROBERTS, THENCE WEST 15 FEET TO THE WEST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION, THENCE NORTH 200 FEET, THENCE EAST 315 FEET TO A POINT 15 FEET WEST OF THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION, THENCE NORTH 200 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION, THENCE EAST 15 FEET TO POINT OF BEGINNING.

BEAR GULLY BAY  
PLAT BOOK 33, PAGES 55-57

← THE EAST LINE OF THE WEST 1/2 OF THE EAST  
1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST  
1/4 OF SECTION 35-21-30

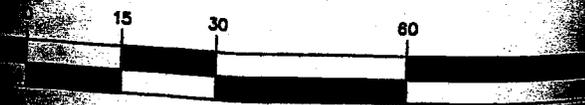




VACANT  
±0.68 ACRES

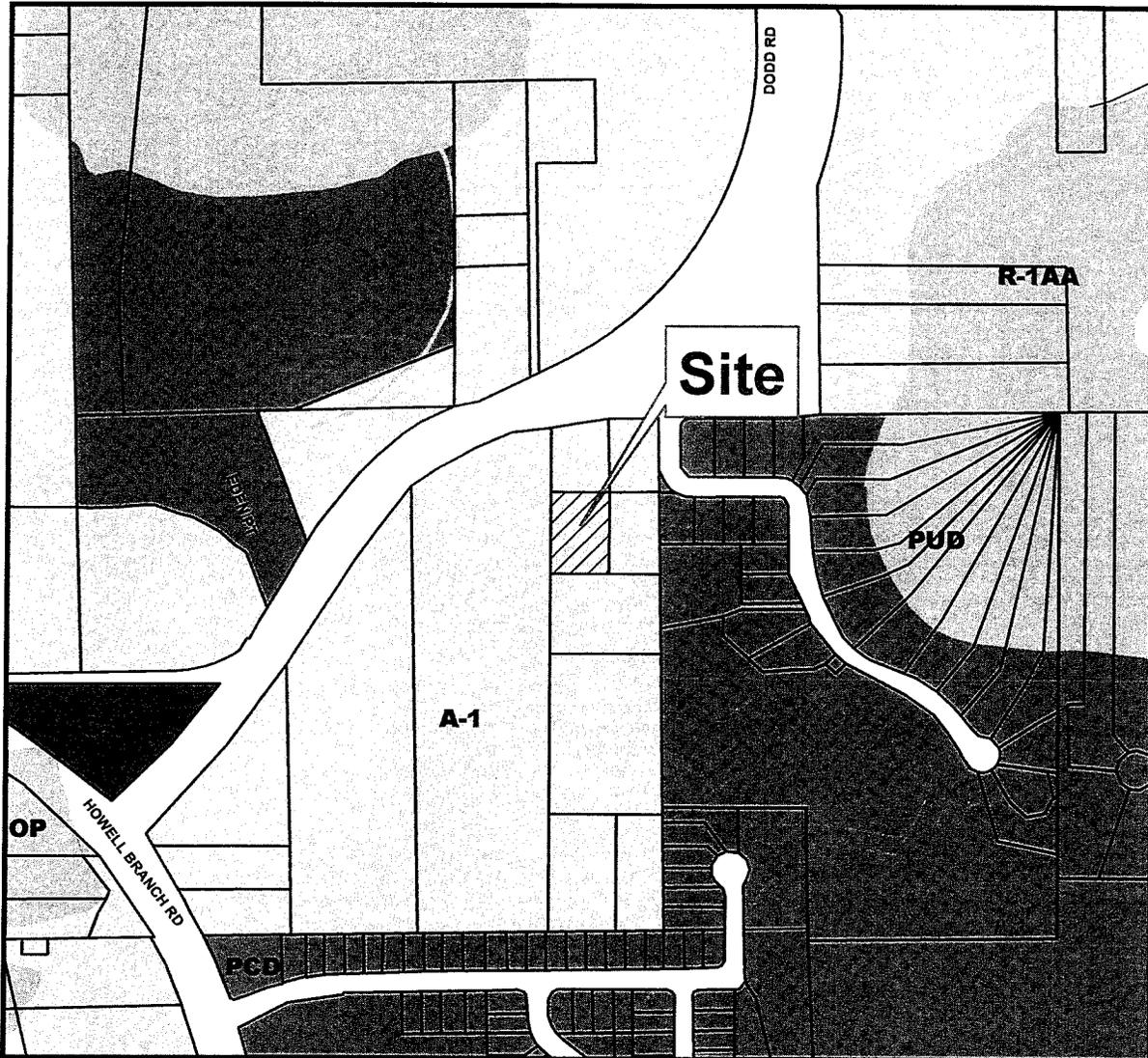
LINE OF THE WEST 1/2 OF THE  
NE 1/4 OF THE NORTHEAST 1/4 OF THE  
ST 1/4 OF SECTION 35-21-30

GRAPHIC SCALE



( IN FEET )

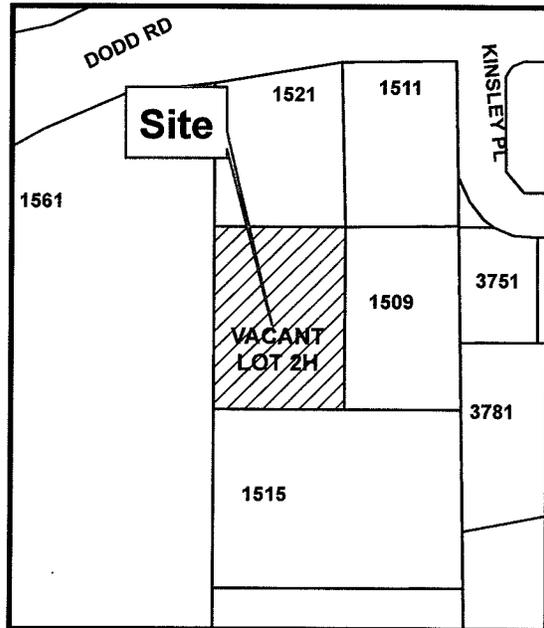
David & Charlotte Roberts  
 Dodd Road (Vacant Lot 2H)  
 Winter Park, Florida 32792



Seminole County Board of Adjustment  
 September 22, 2008  
 Case: BV2008-85 (Map3211, Grid B5)  
 Parcel No: 35-21-30-300-002H-0000

**Zoning**

	BV2008-85		C-1
	A-1		PUD
	R-1AA		PCD
	OP		



<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 407-665-7506</p>		
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**GENERAL**

Parcel Id: 35-21-30-300-002H-0000  
 Owner: ROBERTS DAVID & CHARLOTTE  
 Mailing Address: 655 TABATHA DR  
 City,State,ZipCode: OSTEEN FL 32764  
 Property Address: DODD RD  
 Subdivision Name:  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 00-VACANT RESIDENTIAL

Please be advised that based on preliminary analysis of GIS data, this property may not meet the minimum lot size requirements of the zoning district. For more information, contact the Planning Division at 407-665-7441.

VALUE SUMMARY		
VALUES	2008 Working	2007 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	0	0
Depreciated Bldg Value	\$0	\$0
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$87,720	\$87,720
Land Value Ag	\$0	\$0
Just/Market Value	\$87,720	\$87,720
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
<b>Assessed Value (SOH)</b>	<b>\$87,720</b>	<b>\$87,720</b>
<b>Tax Estimator</b>		
<b>Portability Calculator</b>		
<b>2008 Notice of Proposed Property Tax</b>		

**2008 Taxes and Taxable Value Estimate**

Taxing Authority	Assessment Value	Exempt Values	Taxable Value	Millage	Taxes
Cnty County	\$87,720	\$0	\$87,720	4.5153	\$396.08
Schools	\$87,720	\$0	\$87,720	7.5430	\$661.67
Fire	\$87,720	\$0	\$87,720	2.3299	\$204.38
Road District	\$87,720	\$0	\$87,720	.1107	\$9.71
SJWM(Saint Johns Water Management)	\$87,720	\$0	\$87,720	.4158	\$36.47
Natural Lands/Trails I/S Debt	\$87,720	\$0	\$87,720	.1451	\$12.73
<b>Total</b>				<b>15.0598</b>	<b>\$1,321.04</b>

The taxable values and taxes are calculated using the current years working values and the proposed millage rates.

SALES						
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	09/2006	06437	0641	\$18,000	Vacant	No
QUIT CLAIM DEED	11/1992	02565	1974	\$100	Vacant	No
ADMINISTRATIVE DEED	09/1986	01780	1780	\$100	Vacant	No

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY	
<b>2007 Tax Bill Amount:</b>	\$1,295
<b>2007 Taxable Value:</b>	\$87,720
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	

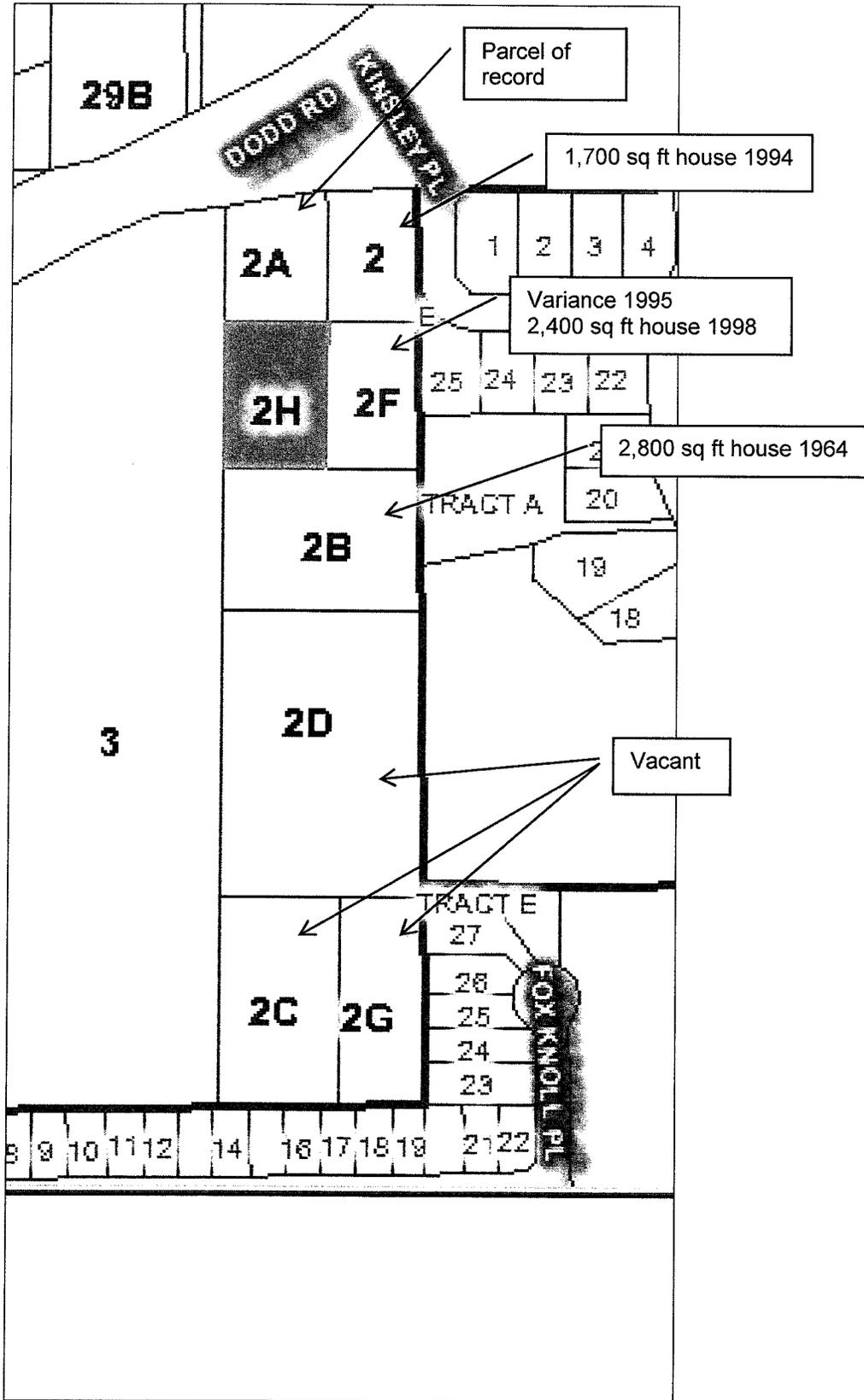
LAND					
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	.680	129,000.00	\$87,720

**LEGAL DESCRIPTION**

LEG SEC 35 TWP 21S RGE 30E BEG 400 FT S & 180 FT W OF NE COR OF W 1/2 OF E 1/2 OF NE 1/4 OF NE 1/4 RUN W 150 FT N 200 FT E 150 FT S 200 FT TO BEG

**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.

DODD ROAD (LOT 2H) VACANT  
Agenda Memorandum



**REQUEST FOR VARIANCE**

Pg. 1. LOT #2H- PID#35-21-30-002H-0000 - SEE PAGE 1

**REQUEST VARIANCE FOR LOT SIZE AND LOT WIDTH.  
BUILDABLE LOT GRANTED. (SEE ATTACHED LETTER FROM DENNY GIBBS)  
LOT SIZE .680**

Pg. 2. LOT #2F - PID#35-21-30-300-002F-0000 - SEE PAGE 2

**LOT SIZE .760 UNDER ACRE AND ZONED A1  
HOUSE BUILT 1998- VARIANCE GRANTED**

BA 95-2-16Y

Pg. 3. LOT #2A - PID#35-21-30-300-002A-0000 - SEE PAGE 3

**LOT SIZE ..670 UNDER ACRE AND ZONED A1  
HOUSE BUILT 1983- VARIANCE GRANTED  
CHILDCARE/ SCHOOL BUILT 1989**

Pg. 4. LOT #2 - PID#35-21-30-300-0020-0000 - SEE PAGE 4

**LOT SIZE .820 UNDER ACRE AND ZONED A1  
HOUSE BUILT 1994- VARIANCE GRANTED**

**NOTES:**

- 1. LOT 2-B PID# 35-21-30-300-002B-0000 WAS JUST GRANTED (2006) VARIANCE TO APPROACH IN SETBACKS FOR ADDITION TO EXISTING HOUSE
- 2. FUTURE PROPOSED HOME FOR PROPOSED LOT FOR THE VARIANCE WILL MEET ALL SETBACKS REQUIREMENTS AND ALL SEMINOLE COUNTY BUILDING CODES REQUIREMENTS SET FORTH BY THE COUNTY.

**LOT#2-H SETBACKS**

- FRONT - 50 FT.**
- BACK - 30 FT.**
- SIDES - 10 FT**

**FILE #:** BA95-2-16V      **APPL:** ROBERTS, SUSAN C.  
**SEC:** 35    **TWP:** 21    **RNG:** 30    **SUF:**      **PL BK:**      **PB PG:**      **BLOCK #:**

**DEVELOPMENT NAME:** V-ROBERTS, SUSAN C.  
**LOC:** S SIDE OF DODD ROAD, E OF HOWELL BRANCH ROAD AND W OF KINSLEY ROAD.  
**LOT #1:**      **#2:**      **#3:**      **#4:**      **#5:**      **#6:**      **#7:**  
**PARC #1:** 2F    **#2:**      **#3:**      **#4:**      **#5:**      **#6:**      **#7:**

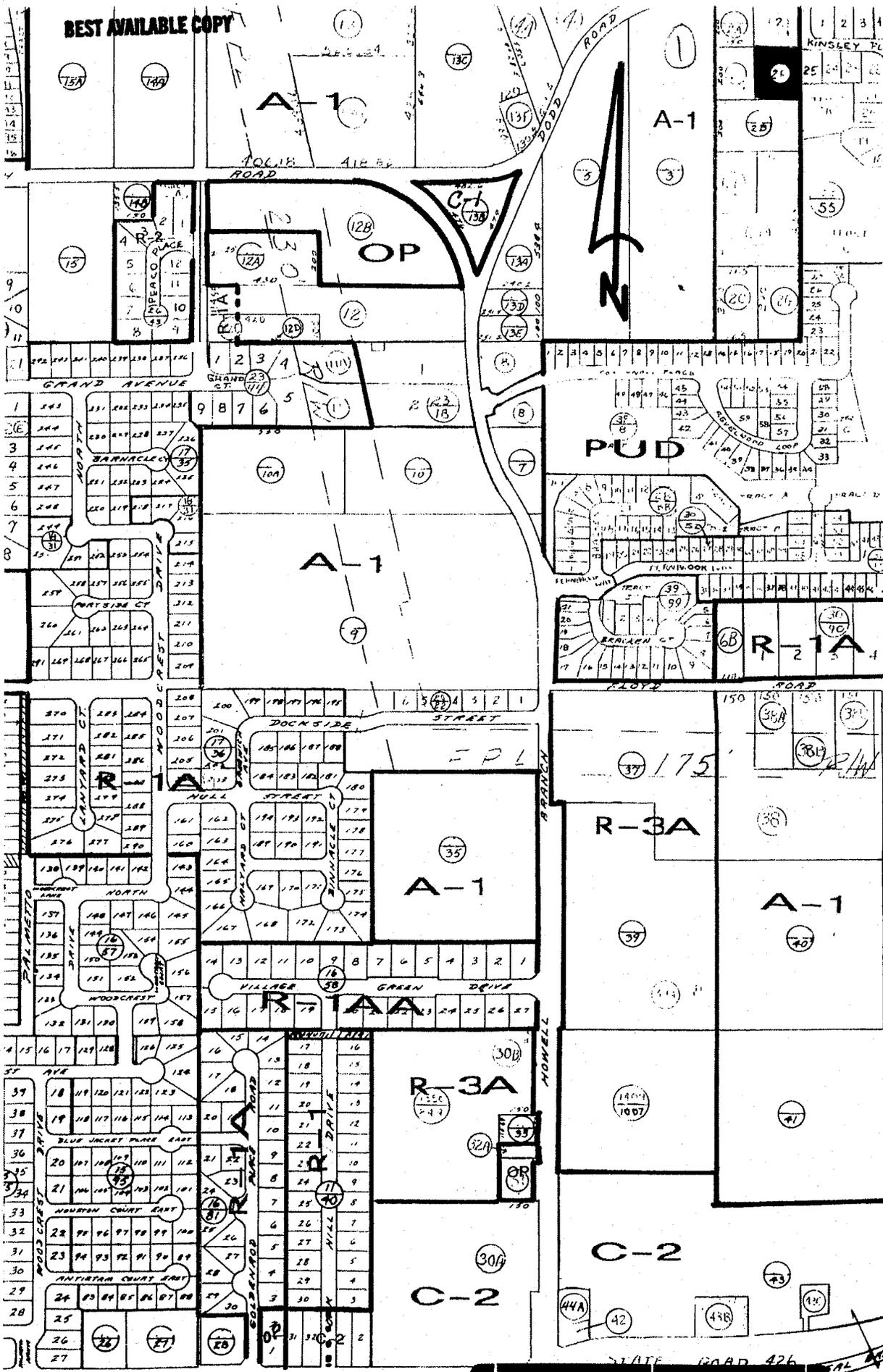
**REQUEST DESCRIPTION:**  
LOT SIZE VARIANCE FROM 43,560 SQ. FT. TO 33,300 SQ. FT.

**ACTION:** CONT. TO 3-27-95; APPROVED.  
**DATE:** 022795

**REMARKS:**

**CMD 1** - End Job      **CMD 2** - Go to Search Prompt      **HELP** - SCREEN AID

BEST AVAILABLE COPY



SUSAN C. ROBERTS  
BA95-2-16V

Mr. Rozon asked Mr. Robinson if that is the one that is there now.

Mr. Robinson stated that is correct.

Mr. Rozon stated that he is speaking of the old mobile home.

Mr. Robinson stated that when he can get the time, it will be torn down and moved out.

Mr. Rozon stated that he would like a date certain.

Mr. Robinson stated that it would be in the next three to four months.

Mr. Rozon asked Ms. Markley how soon it is supposed to be removed.

Ms. Markley stated that staff typically give individuals 30 days from the time they obtain the Certificate of Occupancy on the new mobile home and that would be staff's recommendation.

No one spoke in opposition to this request.

Mr. Bushrui stated that he might have a problem with 25 years for a 1988 mobile home.

Mr. Rozon made a motion to approve the 1988 mobile home for 7 years subject to the old mobile home being removed within 45 days; seconded by Mr. Hattaway. Motion passed unanimously.

## REGULAR AGENDA

### A. CONTINUED ITEMS FROM FEBRUARY 27, 1995

1. SUSAN C. ROBERTS - BA95-2-16V - A-1 Agriculture Zone - Lot size variance from 43,560 sq. ft. to 33,300 sq. ft. on Tax Parcel 2F, Section 35-21-30; S side of Dodd Road, E of Howell Branch Road and W of Kinsley Road. (DIST 1)

Ms. Markley presented site location.

Ms. Markley stated that this item was continued from last month's meeting in order for the Applicant to provide staff with proof of the legal land split and the Applicant has provided staff with the required documentation, therefore, staff would be recommending the variance.

No one spoke in opposition to this request.

Chairman Tucker asked Ms. Markley if there was opposition at last month's meeting.

Ms. Markley stated that there was not.

Mr. Hattaway made a motion to approve; seconded by Mr. Bushrui. Motion passed unanimously.

2. SIDNEY B. YOUNG - BA94-11-21SE - C-2 Commercial Zone - Request a Special Exception to permit mini-warehouses for personal storage on Tax Parcel 15, Section 20-20-30; E side of Longwood Lake Mary Road and 3/4 mile N of CR-427 across from YMCA. (DIST 2)



**FILE #:**  
**SEC:** 35    **TWP:** 21    **RNG:** 30    **SUF:**    **PL BK:**    **PB PG:**    **BLOCK #:**

**DEVELOPMENT NAME:** Mobile Home

**LOC:** South of Dodd Road, East of Howell Branch Road

**LOT #1:**    **#2:**    **#3:**    **#4:**    **#5:**    **#6:**    **#7:**  
**PARC #1:** 2C    **#2:**    **#3:**    **#4:**    **#5:**    **#6:**    **#7:**

**REQUEST DESCRIPTION:**

**ACTION:** BA approved mobile home 9/22/70 & 6/17/74 made permanent.  
**DATE:** 061774

**REMARKS:**

Originally approved for Mary Smith

**CMD 1** - End Job    **CMD 2** - Go to Search Prompt    **HELP** - SCREEN AID

FILE #: SUBD. WAIVER                    APPL: ROBERTS, SUSAN  
SEC: 35    TWP: 21    RNG: 30    SUF:            PL BK:            PB PG:            BLOCK #:

DEVELOPMENT NAME: SW-ROBERTS, SUSAN  
LOC: ON S SIDE OF DODD ROAD.

LOT #1:            #2:            #3:            #4:            #5:            #6:            #7:  
PARC #1: 2F    #2:            #3:            #4:            #5:            #6:            #7:

REQUEST DESCRIPTION:  
WAIVER FOR PROPERTY NOT FRONTING ON A PUBLIC ROAD.

ACTION: APPROVED.  
DATE: 122795

REMARKS:

CMD 1 - End Job    CMD 2 - Go to Search Prompt    HELP - SCREEN AID

PLANNING AND DEVELOPMENT DEPARTMENT

Development Review Division



January 13, 2006

Charlotte Roberts  
1521 Dodd Road  
Winter Park FL 32792

RE: DODD RD (1521) LOT SPLIT  
Parent PIN # 35-21-30-300-002C-0000, 35-21-30-300-002D-0000,  
35-21-30-300-002E-0000, 35-21-30-300-002G-0000  
Project number: 05-51000031

Dear Charlotte:

You have requested to officialize and reconfigure the four lots identified above into three lots. The history of these lots is as follows:

Mrs. Roberts, whose will was probated in 1984, made out deeds for each of these pieces and intended to transfer them to her children but did not record them at one time but rather at various times when the transfer was suitable. She had her attorney make out the deeds. When she died there were several bits that had not transferred. The following is the history on this property:

0020: House 1994: officialized via the court document/probate  
002A: Daycare: parcel of record  
002B: House 1964  
002C: Vacant created 1965 ORB 532 / 477; made bigger in ORB 1119 / 1316 in 1977  
002D: Vacant, created in 1982 (unrecorded quit claim)  
002E: Vacant, created 1985 ORB 1606 / PG 1372  
002F: House 1998  
002G: Vacant created 1965 ORB 1530/0665  
002H: Vacant officialized via the court document/probate

Lot 2C and 2G were parcels of record. Lot 2E and 2D must be combined as one parcel. This lot as combined would be a record parcel since the lots around were created and the creation of those lots established the boundary of this lot.

The location of the wetlands makes it impossible to reconfigure the property in any different configuration than appears today. Lots 2C and 2G have a good amount of uplands. The combined Lot 2E and 2D appears to have about ½ acre of upland across the front of the property. It is advised that this parcel seek a front setback variance which can reduce the required 50' front setback so the wetland impacts are minimized.

Access easements over properties have been established in the various deeds and the missing pieces of the easement were established in ORB 2318 / PG 1979.

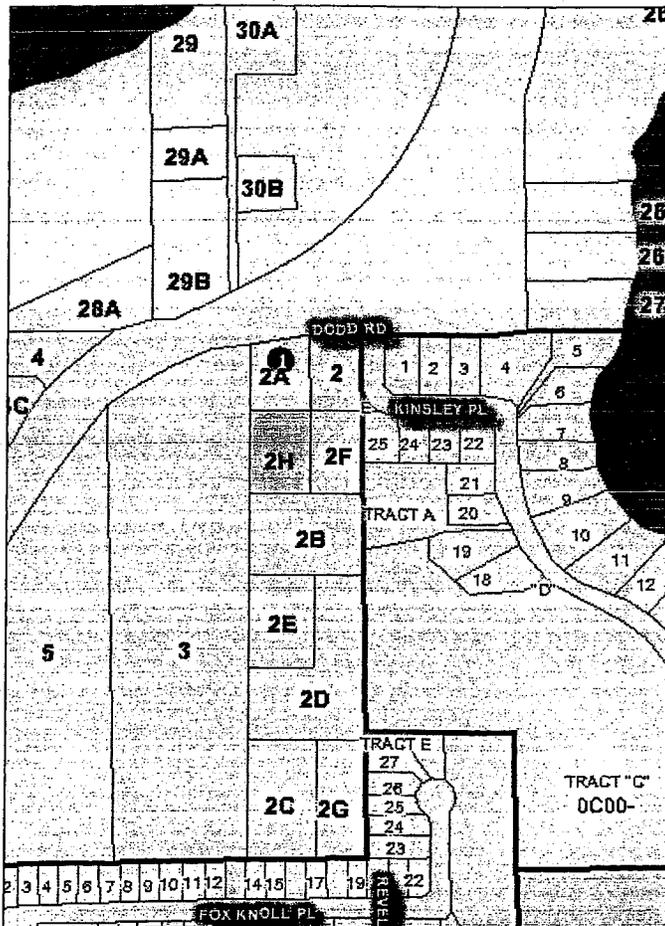
Should you have any further questions, feel free to give me a call at (407) 665-7359.

Sincerely,

Denny Gibbs, AICP

cc: Mahmoud Najda, Development Review Manager  
Larry Smith, Residential Property Appraiser  
Patti Traber, Addressing Tech  
Zoning Technician

PARENT PIN
35-21-30-300-002C-0000



PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



August 22, 2008

David & Charlotte Roberts  
655 Tabatha Dr.  
Osteen, FL 32764

Dear Mr. & Mrs. Roberts,

Your request for a waiver not fronting on a public road was tentatively approved by Seminole County. To accomplish this waiver you must sign the enclosed Development Order and return the original to our office within 60 days to be recorded. Please note that the signature must be witnessed and notarized. If you have any questions, you can contact me at 407-665-7398.

Sincerely,

Ian Sikonia  
Senior Planner  
Seminole County  
Planning and Development Department/Planning Division

**SEMINOLE COUNTY DEVELOPMENT ORDER**

On August 19, 2008, Seminole County issued this Development Order relating to and touching and concerning the property described in **Exhibit "A"**.

**FINDINGS OF FACT**

**Property Owner:** David & Charlotte Roberts

**Requested Development Approval:** Waiver for not fronting on a public right of way for Parcel ID#: 35-21-30-300-002H-0000

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: Ian Sikonia, Senior Planner  
1101 E. 1<sup>ST</sup> Street  
Sanford, FL 32771

**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 subject property is not located on a dedicated or deeded public right-of-way.

b. The owners hereby waive and relinquish any and all claims for Seminole County to construct, reconstruct, maintain, or to protect access to said property.

(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.

SEMINOLE COUNTY PLANNING MANAGER

By: \_\_\_\_\_  
Alison Stettner, Planning Manager

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owners David & Charlotte Roberts, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
David Roberts

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Charlotte Roberts

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

**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 David & Charlotte Roberts who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

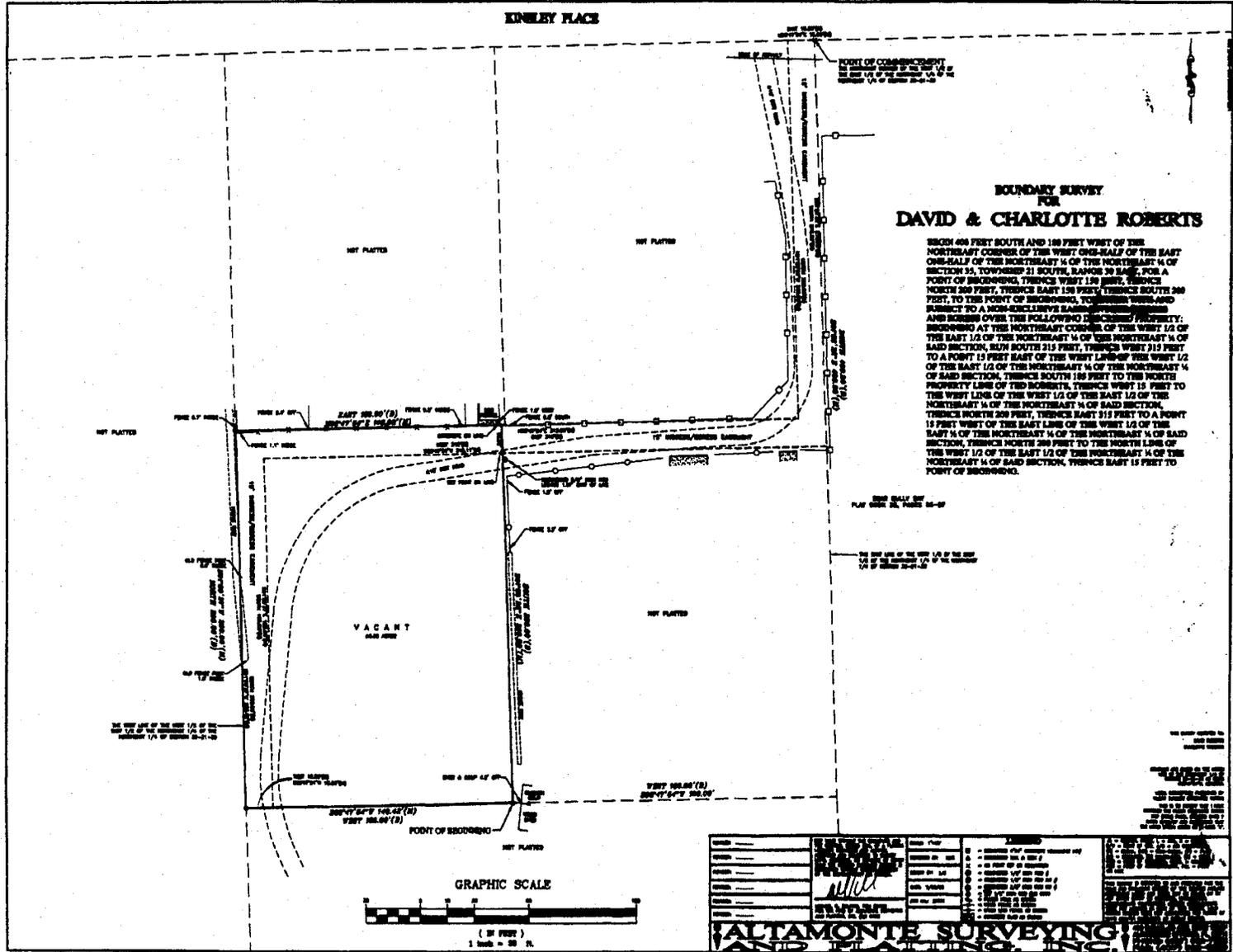
\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

BEGIN 400 FEET SOUTH AND 180 FEET WEST OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, FOR A POINT OF BEGINNING, THENCE WEST 150 FEET, THENCE NORTH 200 FEET, THENCE EAST 150 FEET, THENCE SOUTH 200 FEET, TO THE POINT OF BEGINNING, TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NORTHEAST CORNER OF THE WEST  $\frac{1}{2}$  OF THE EAST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION, RUN SOUTH 215 FEET, THENCE WEST 315 FEET TO A POINT 15 FEET EAST OF THE WEST LINE OF THE WEST  $\frac{1}{2}$  OF THE EAST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION, THENCE SOUTH 185 FEET TO THE NORTH PROPERTY LINE OF TED ROBERTS, THENCE WEST 15 FEET TO THE WEST LINE OF THE WEST  $\frac{1}{2}$  OF THE EAST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION, THENCE NORTH 200 FEET, THENCE EAST 315 FEET TO A POINT 15 FEET WEST OF THE EAST LINE OF THE WEST  $\frac{1}{2}$  OF THE EAST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION, THENCE NORTH 200 FEET TO THE NORTH LINE OF THE WEST  $\frac{1}{2}$  OF THE EAST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION, THENCE EAST 15 FEET TO POINT OF BEGINNING.

EXHIBIT "B"  
BOUNDARY SURVEY



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: David Roberts  
Address: 655 Tabatha Dr. Osteen FL  
Phone #: 407-324-4095 32764

Name: CHARLOTTE ROBERTS  
Address: 655 Tabatha Dr. Osteen, FL 32764  
Phone #: 407-324-4095

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

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

Name of Partnership: David Roberts  
Principal: Owner of Property  
Address: 655 Tabatha Dr  
Osteen, Fl. 32764

Name of Partnership: Charlotte Roberts  
Principal: Owner of Property  
Address: 655 Tabatha Dr  
Osteen, Fl. 32764

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

Contract Vendee:  
Name: \_\_\_\_\_  
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.

7/17/2008  
Date

David Roberts  
Charlotte Roberts  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 17<sup>th</sup> day of July, 2008 by David And Charlotte Roberts

Diane H. Spencer  
Signature of Notary Public      Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

DIANE H. SPENCER  
Notary Public, State of Florida  
My comm. exp. Feb. 18, 2010  
Comm. No. DD 509157

**For Use by Planning & Development Staff**

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



**Power of Attorney Agreement**

→ DAVID ROBERTS AND CHARLOTTE ROBERTS of 655 TABATHA DR OSTEEN FLORIDA 32764, hereby appoint DAVID WAYNE ROBERTS, of 559 TABATHA DR OSTEEN FLORIDA 32764, as my attorney in fact to act in my capacity to do every act that I may legally do through an attorney in fact. This power shall be in full force and effect on the date below written and shall remain in full force and effect until JULY 17TH, 2010 or unless specifically extended or rescinded earlier by either party.

Dated JULY 17TH, 2008.

DAVID ROBERTS : *David Roberts*

CHARLOTTE ROBERTS : *Charlotte Roberts*

STATE OF FLORIDA

COUNTY OF SEMINOLE

BEFORE ME, the undersigned authority, on this 17<sup>th</sup> day of July, 2008, personally appeared David and Charlotte Roberts to me well known to be the person described in and who signed the Foregoing, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

*Diane H. Spencer*

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**DIANE H. SPENCER**  
Notary Public, State of Florida  
My comm. exp. Feb. 18, 2010  
Comm. No. DD 509157

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 22, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 35 TWP 21S RGE 30E BEG 400 FT S & 180 FT W OF NE COR OF W 1/2 OF E 1/2  
OF NE 1/4 OF NE 1/4 RUN W 150 FT N 200 FT E 150 FT S 200 FT TO BEG

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

### FINDINGS OF FACT

**Property Owner:** David & Charlotte Roberts  
655 Tabatha Drive  
Osteen FI 32764

**Project Name:** Dodd Road (Lot 2H) Vacant

#### **Requested Development Approval:**

Request for a lot area variance from 43,560 square feet to 29,620 square feet for a proposed single family home in A-1 (Agriculture) 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 lot size variance 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

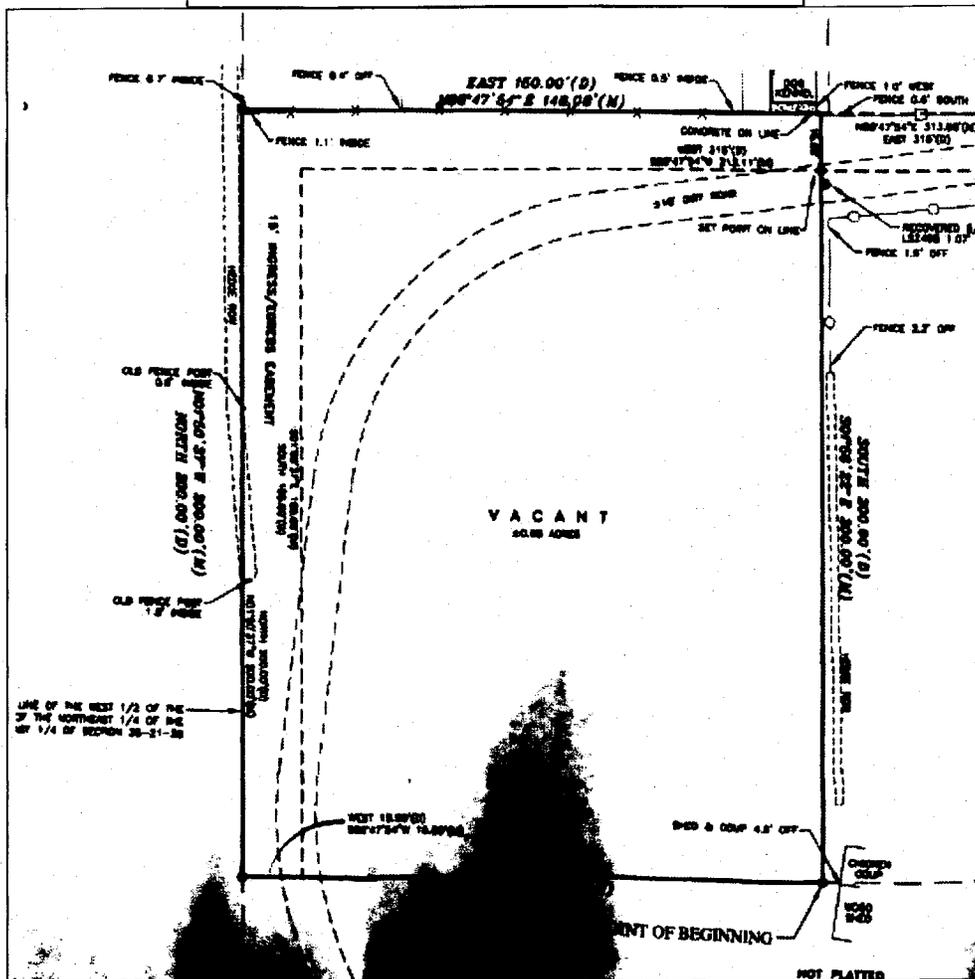
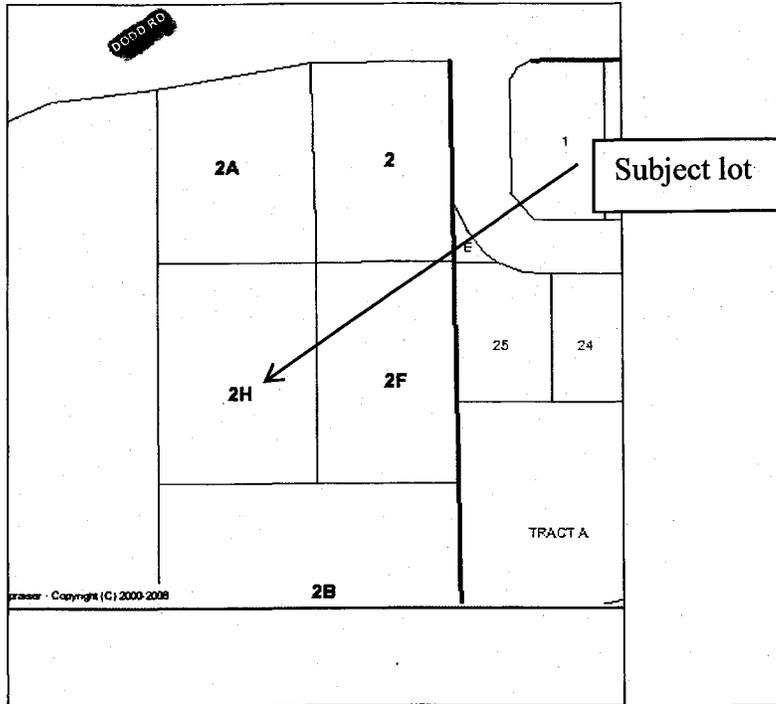
**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

**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 September 22, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 35 TWP 21S RGE 30E BEG 400 FT S & 180 FT W OF NE COR OF W 1/2 OF E 1/2  
OF NE 1/4 OF NE 1/4 RUN W 150 FT N 200 FT E 150 FT S 200 FT TO BEG

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

### FINDINGS OF FACT

**Property Owner:** David & Charlotte Roberts  
655 Tabatha Drive  
Osteen Fl 32764

**Project Name:** Dodd Road (Lot 2H) Vacant

**Requested Development Approval:**

Request for a lot area variance from 43,560 square feet to 29,620 square feet for a proposed single family home in A-1 (Agriculture) district.

The Development Approval was sought to construct a new single family home on a lot substandard for lot area. 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: