

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

**SUBJECT:** 5480 N. Woodcrest Drive – Dennis and Mary Ann Dixon, applicant; Request for a side yard (south) setback variance from 10 feet to 0.5 feet for an existing accessory structure (tree house) in R-1A (Single Family Dwelling) 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. **Deny** the request for a side yard (south) setback variance from 10 feet to 0.5 feet for an existing accessory structure (tree house) in R-1A (Single Family Dwelling) district; or
2. **Approve** the request for a side yard (south) setback variance from 10 feet to 0.5 feet for an existing accessory structure (tree house) in R-1A (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Dennis and Mary Ann Dixon</p> <p>Location: 5480 N. Woodcrest Drive</p> <p>Zoning: R-1A (Single Family Dwelling)</p> <p>Subdivision: Woodcrest Unit 5</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed a tree house, an accessory structure, on the south side of their property within the side yard setback.</li> <li>• The tree house encroaches 9.5 feet into the required 10-foot side yard setback.</li> <li>• Code Enforcement issued a notice of violation for unpermitted construction.</li> <li>• There is no record of prior variances for this property.</li> </ul>

Reviewed by: \_\_\_\_\_  
Co Atty: AK  
Pin Mgr: ACS

<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><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 accessory structure (tree house) within the south side setback 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 # BV2008-86  
Meeting Date Sep 22, 08

**COPY**



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

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

Name: DENNIS MICHAEL DIXON & MARY ANN DIXON  
Address: 5480 N. WOODCREST DR. City: WINTER PK. Zip code: 32792  
Project Address: SAME City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 407-678-1587  
Email address: \_\_\_\_\_

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 type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>TREE HOUSE</u>
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>7.5'</u>	Proposed setback:	<u>.5'</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>				

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: 8-12-08 Reviewed By: Km  
 Tax parcel number: 35-21-30-512-0000-2430 Zoning/FLU R-1A/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>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
✓	1. Completed application.
NA	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
NA	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
NA	o Location of proposed fence(s)
NA	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.

LANDS HAVE NOT BEEN ABSTRACTED BY THIS SURVEYOR FOR DEEDS AND RESTRICTIONS OF RECORD.

BEARINGS REFERENCED TO: RECORD PLAT BEARINGS

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE F.I.R.M. COMMUNITY PANEL NO. 120289 02108 DATED 5-5-81 AND FOUND THAT DESCRIBED PROPERTY IS LOCATED IN ZONE: "C".

REC "X" CUT  
ON CABLE  
BOX

$N100^{\circ}12'39"W$

90.95

REC RB  
NO #

2.8

7.5' UTIL. E'SMT.

30'

155.00

LOT 243

155.00

AVENUE

5' UTIL. E'SMT.

PUMPS

24.0

25.4

18'  
SCRN'D  
PATIO

31.0

1 STORY

RES. # 5480

$N89^{\circ}47'21"E$

10.5

24.7

20.0

$N89^{\circ}47'21"E$

8.0

10.45

16.0

33.6

PORCH

21.4

25.5

REC I.P.  
NO #

SUBJECT  
TREE HOUSE

$R=25'$   
 $L=39.09$   
 $\Delta=89^{\circ}35'05"$

SET I.P.  
LS 4243

$N100^{\circ}12'39"W$  65.00

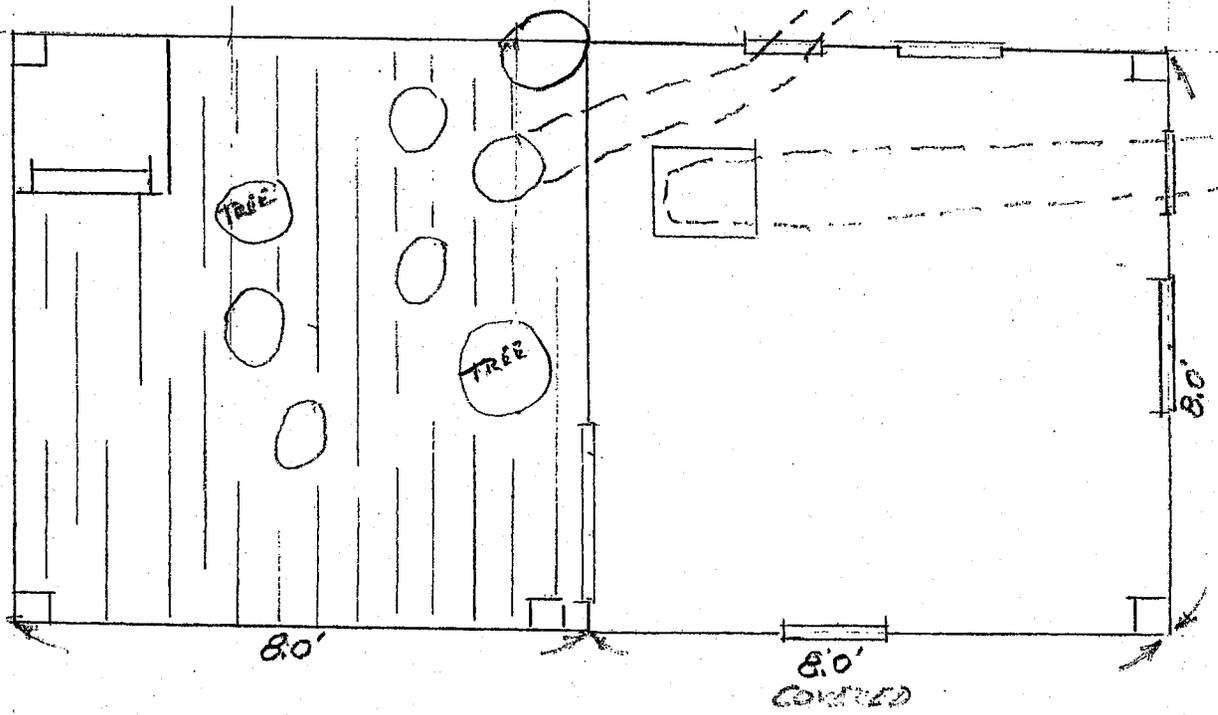
SET I.P.  
LS 4243

30'

NORTH

$1/2" = 10'$

LADDER

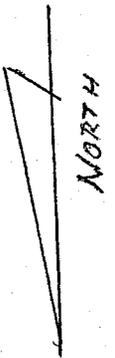


SLIDE →

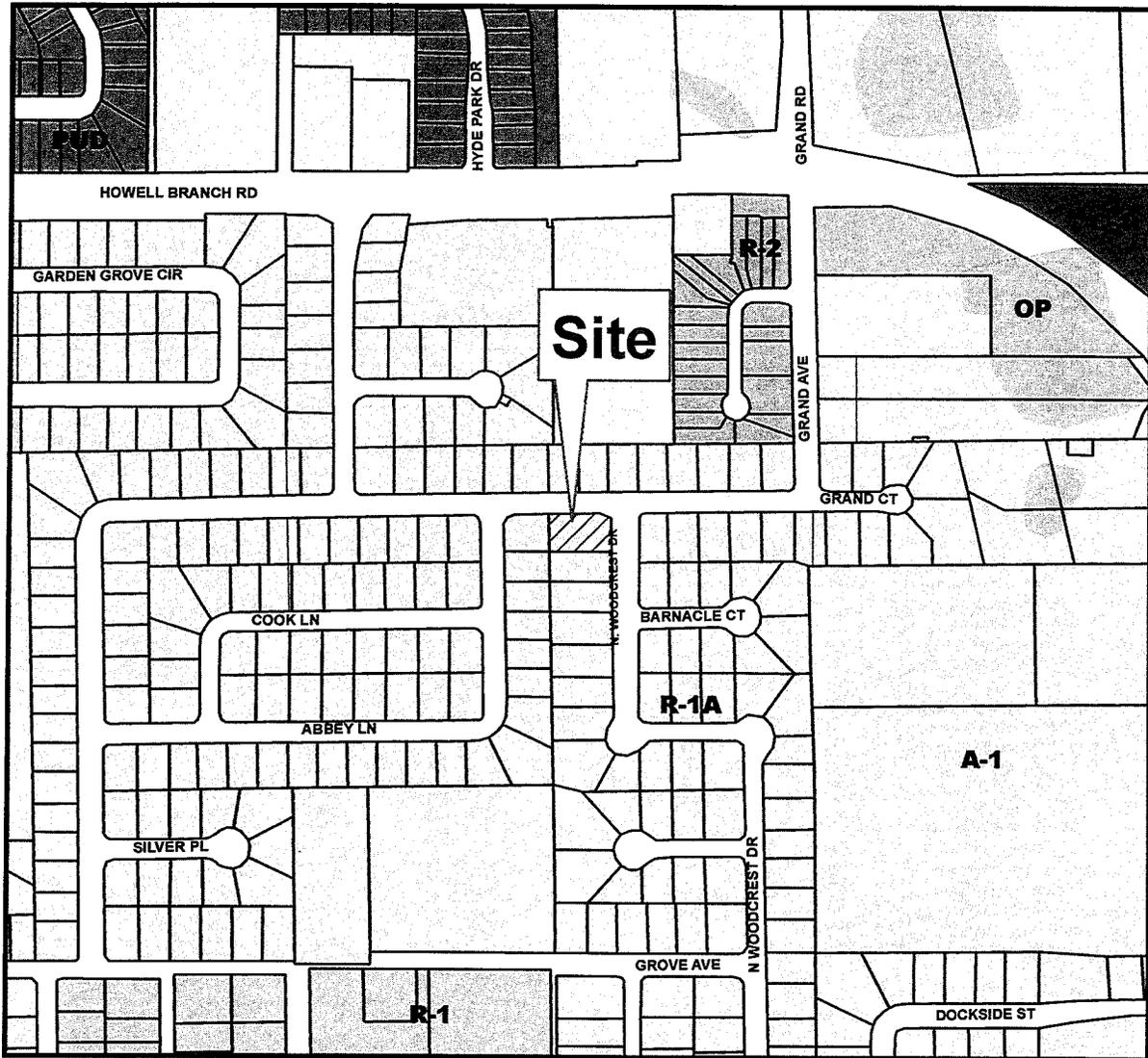
PLAN VIEW

$\frac{3}{8}'' = 1'$

14' 8" HEIGHT



Dennis & Mary Ann Dixon  
 5480 N Woodcrest Drive  
 Winter Park, Florida 32792



Seminole County Board of Adjustment  
 September 22, 2008  
 Case: BV2008-86 (Map3211, Grid A6)  
 Parcel No: 35-21-30-512-0000-2430

**Zoning**

	BV2008-86		R-2
	A-1		OP
	R-1A		C-1
	R-1		PUD



**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7508

**GENERAL**

Parcel Id: 35-21-30-512-0000-2430  
 Owner: DIXON DENNIS M & MARY A  
 Mailing Address: 5480 N WOODCREST DR  
 City, State, Zip Code: WINTER PARK FL 32792  
 Property Address: 5480 WOODCREST DR N WINTER PARK 32792  
 Subdivision Name: WOODCREST UNIT 5  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD (1994)  
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY	
VALUES	Wc
Value Method	
Number of Buildings	
Depreciated Bldg Value	\$1
Depreciated EXFT Value	
Land Value (Market)	\$
Land Value Ag	
Just/Market Value	\$2
Portability Adj	
Save Our Homes Adj	\$1
Assessed Value (SOH)	\$1
<b>Tax Estimate</b>	
<b>Portability Calc</b>	

2008 Taxes and Taxable Value Estimate				
Taxing Authority	Assessment Value	Exempt Values	Taxable Value	N
County General Fund	\$114,534	\$55,000	\$59,534	
Schools	\$114,534	\$30,000	\$84,534	
Fire	\$114,534	\$55,000	\$59,534	
Road District	\$114,534	\$55,000	\$59,534	
SJWM(Saint Johns Water Management)	\$114,534	\$55,000	\$59,534	
County Bonds	\$114,534	\$55,000	\$59,534	
<b>Total</b>				

**Potential Portability Amount is \$101,870**

The taxable values and taxes are calculated using the current years working values and the prior years approved m

SALES						
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	12/1991	02370	1679	\$92,000	Improved	Yes
WARRANTY DEED	04/1979	01220	0560	\$58,000	Improved	Yes
WARRANTY DEED	01/1975	01068	0042	\$41,000	Improved	Yes
Find Comparable Sales within this Subdivision						

**2007 VALUE SUM**

Tax Amount(witt  
**2007 Tax Bi**  
 Save Our Homes (SOH  
**2007 Tax:**  
 DOES NOT INCLUDE NON-AD VAL

LAND					
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	37,000.00	\$37,000

**LEGAL DESCRIP**

PLATS:

LEG LOT 243 WOODCREST UI

BUILDING INFORMATION									
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	BI	

<b>Building Sketch</b>	1	SINGLE FAMILY	1975	6	1,723	2,745	1,723 CONC BLOCK
<b>Appendage / Sqft</b>							OPEN PORCH FINISHED / 240
<b>Appendage / Sqft</b>							GARAGE FINISHED / 462
<b>Appendage / Sqft</b>							DETACHED GARAGE UNFINISHED / 320

**NOTE:** Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Semi Finished

**Permits**

EXTRA FEATURE					
Description	Year Blt	Units	EXFT Value	Est. Cost	New
POOL GUNITE	1979	450	\$3,600	\$9,000	
COOL DECK PATIO	1979	306	\$428	\$1,071	
ALUM SCREEN PORCH W/CONC FL	1979	216	\$734	\$1,836	

**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax pu  
 \*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: DENNIS & MARYANN DIXON  
Address: 5480 N. WOODCREST DR  
City/Zip: WINTER PARK FL. 32792  
Phone #: 407-678-1587

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
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: NA  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
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: NA  
Trustees: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_

(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: <u>NA</u>	Name of Partnership: _____
Principal: _____	Principal: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

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 rezoning, 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.

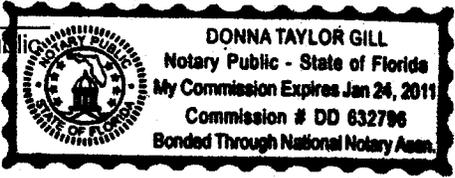
<u>8/12/08</u> Date	<u>[Signature]</u> Owner, Agent, Applicant Signature
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STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 12 day of August, 2008 by Dennis

[Signature]  
Signature of Notary Public

Donna Taylor Gill  
Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced US Navy Ret ID

**For Use by Planning & Development Staff**

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



Tree House @ 5480 N. Woodcrest Dr.

I certify that I live in close proximity of the above address and request approval of Mr. Dixon's request to keep the Tree House. There are no close playgrounds and this Tree House, slide and swing are enjoyed by all the neighbor children. I do not find it offensive or objectionable.

Mary Goad Nary W Goad 7414 Barnacle Ct. W.P. Fl. 32792

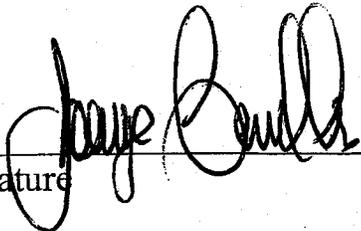
- William Rast 5339 NORTH WOODCREST DR. WINTER PARK, 32792  
Telephone.
- Tom Gleason 7409 Grove Ave. 407-671-4356
- When tree house took great no problems
- Steph Knapton - 7413 Barnacle Ct, Winter Park 32792  
Telephone 407-679-9331
- Abby Y. Caballero 5472 N. Woodcrest Dr. Winter Park, 32792
- Joshua Becumen #321-460-4523 32792
- Poyanna Beramen 5472 N. Woodcrest Dr. Winter Park
- Alexis Lape 5450 N Woodcrest Dr. W. Park 32792
- Glan Fuller 7409 Grand Ave W. Park 32792
- Frank Joughlin 7418 GRAND Ave W. PARK 32792
- DAPHNE ABBOTT 7422 GRAND AVE W.P. 32792
- Cristy Campbell 7300 Abbey Lane W.P. 32792
- Stephanie BROAD 7418 Grand Ave WP 32792
- NOAMI BROAD AC 7418 Grand Ave WP 32792
- Mphal Briggs 7418 Grand Ave WP 32792
- Caleb Briggs 7418 Grand Ave wp 32792
- Karina Brunat - 5435 N. Woodcrest Dr. Winter Park FL 32792
- Leone Brunat - 5435 N. Woodcrest Dr. Winter Park FL 32792
- Khonda Davis 7937 GRAND Ave Winter Park FL 32792
- Khwendobyn Whitney 5435 n. woodcrest Dr. Winter Park FL 32792

13 91

I am the next door neighbor of Mr. Dixon. We share the property line on which the Tree House is constructed.

I do not have a problem with the Tree House or it's position. It is well constructed and is not an eye sore nor an obstruction to me.

The neighborhood children have enjoyed it all thru construction and I request consideration be given to allow the Tree House to remain

Signature 

Address 5476 N. Woodcrest Dr  
W.P. Fl. 32792

Date: 8-25-08

BV2008-86

Hello my name is Gwendolyn Whitney and I really want to keep the tree house I have a brother that is 11 months and a cousin that is 6 months old that will enjoy the tree house when they get a little older and I have been waiting for my grandfather to build the treehouse and I am now 11 years old now and he finally decided to build it about a year ago so I want this tree house to stay here for my kids when I get older.

9-12-08

Joshua Berumen Age 11

Hi, my name is Joshua and I'm going to tell you why I want the treehouse to stay. First it's enjoyable, kids from all around the block come to play on the treehouse. The thing I don't understand why do you want to take it down? It's super fun!! Well even though it's a tight situation I know that Mrs. Merry and Mr. Mike won't have to take the treehouse.

09/2008

Dayanna Beramen

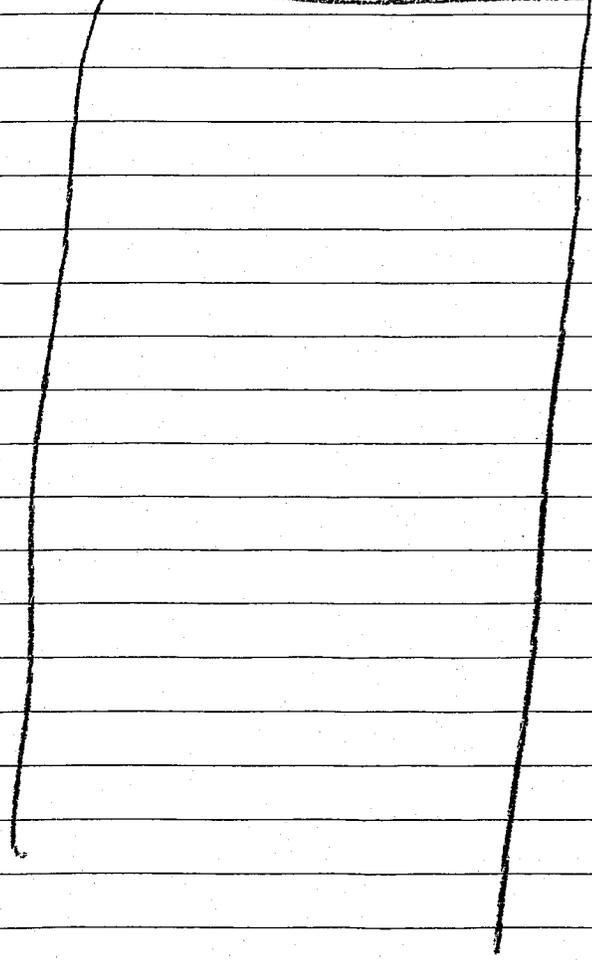
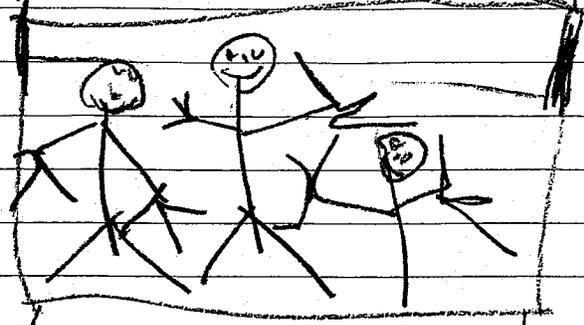
Hi, my name is Dayanna and I am 7 years old and I do want to keep the treehouse because I know that Mr. Mike worked hard on it. Why are you trying to take it off? I know that they made it for the kids to play on the treehouse and they made it for their grandautes.

The good part is that I know that you want have to take down the treehouse.

From Dayanna

Don't fear death  
because I like playing it

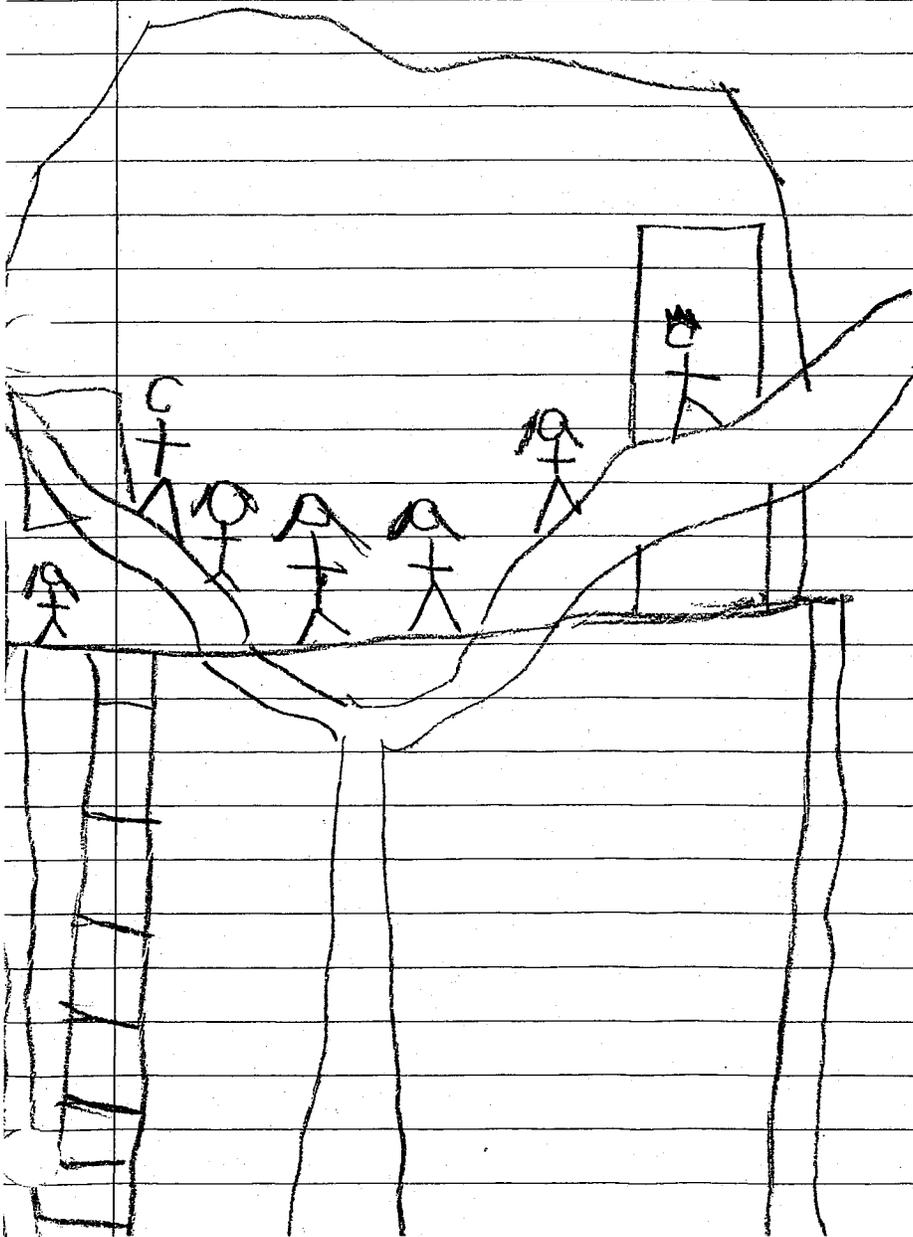
Briggs' Naom!



Please don't take down the tree house.

I like it a lot. It's like my house.

Caleb  
Briggs 2008



## 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 LOT 243 WOODCREST UNIT 5 PB 17 PG 35

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

### FINDINGS OF FACT

**Property Owner:** Dennis M & Mary A Dixon  
5480 N Woodcrest Drive  
Winter Park FL 32792

**Project Name:** North Woodcrest Drive (5480)

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

Request for a side yard (south) setback variance from 10 feet to 0.5 feet for an existing accessory structure (tree house) in R-1A (Single Family Dwelling) district.

The Development Approval was sought to bring into compliance the construction of an accessory structure (tree house) within the side yard setback. 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:

## 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 LOT 243 WOODCREST UNIT 5 PB 17 PG 35

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

### FINDINGS OF FACT

**Property Owner:** Dennis M & Mary A Dixon  
5480 N Woodcrest Drive  
Winter Park FL 32792

**Project Name:** North Woodcrest Drive (5480)

**Requested Development Approval:**

Request for a side yard (south) setback variance from 10 feet to 0.5 feet for an existing accessory structure (tree house) in R-1A (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: 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 accessory structure (tree house) within the south side 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:

