

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

SUBJECT: 2201 Peninsular Court – James Palmer, Applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed tiki bar and height variance from 6 ½ feet to 12 feet for columns in R-1AA (Single Family Dwelling District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 1/26/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed tiki bar and height variance from 6 ½ feet to 12 feet for columns in R-1AA (Single Family Dwelling District); or
1. **Approve** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed tiki bar and height variance from 6 ½ feet to 12 feet for columns in R-1AA (Single Family Dwelling District); or
2. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: James Palmer Location: 2201 Peninsular Court Zoning: R-1AA Subdivision: Lake Brantley Estate</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct an open tiki bar that is approximately 325 square feet and that encroaches 10 feet into the rear yard setback. • The applicant proposes to construct 12 foot high columns as part of an iron fence that is located at the front yard driveways. • In 2006 there was a height variance granted to the single family home and in 2007 a rear yard setback variance granted for a pool.

Reviewed by:
 Co Atty:
 Pln Mgr:

	<ul style="list-style-type: none">• There are currently no code enforcement or building violations for this property.
STAFF FINDINGS	<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">• 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.• Special conditions and circumstances result from the actions of the applicant.• 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.• 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.• The variance requested is not 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 not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<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">• Any variance granted shall apply only to the proposed tiki bar and columns 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

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV2008-124
Meeting Date Jan 26, 09



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

RF
RECEIVED DEC 05 2008

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

Name: Jim Palmer
Address: 2201 Peninsular Ct. City: Longwood Zip code: 32779
Project Address: 2201 Peninsular Ct. City: Longwood Zip code: 32779
Contact number(s): 407-215-4835
Email address: JPalmer@CivilRecoveryLaw.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"/> 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 <u>Accessory</u>	Please describe: <u>Pool Tiki Bar & COLUMNS FOR IRON FENCE</u>
<input 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 checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback:	<u>20'</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Fence height	Required height:	<u>6'</u>	Proposed height:	<u>10' COLUMNS w/ SPIRES</u>
<input checked="" type="checkbox"/> Building height	Required height:		Proposed height:	

per front curbman

10' COLUMNS w/ SPIRES

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>2</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:

FOR OFFICE USE ONLY

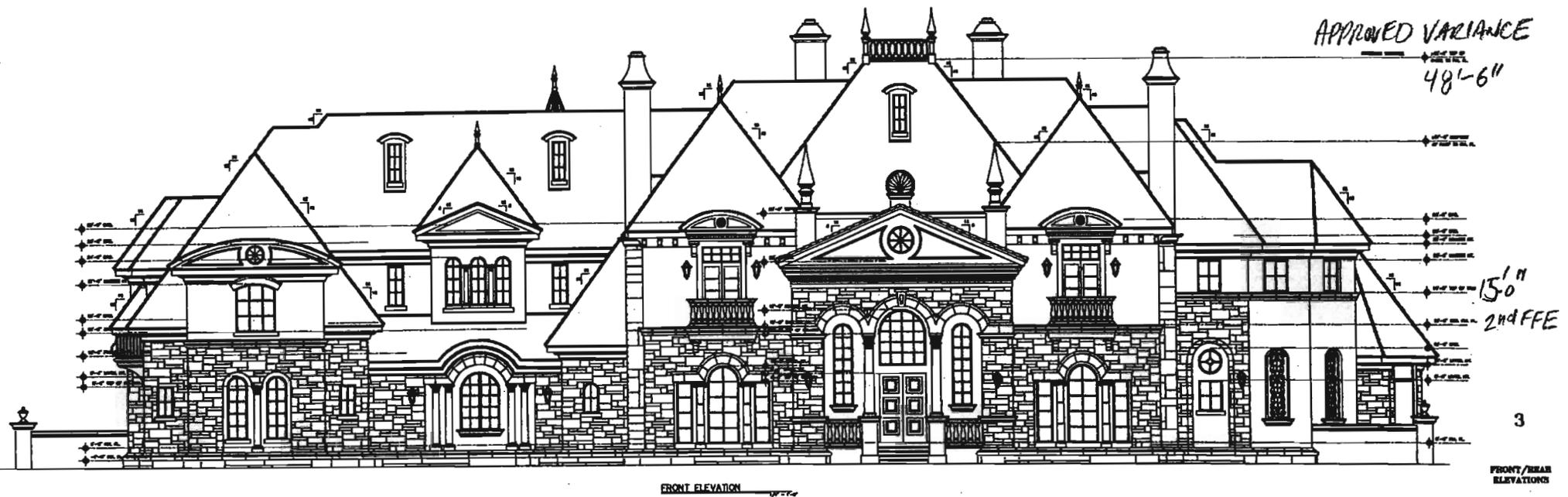
FOR OFFICE USE ONLY

Date Submitted: 12-5-08 Reviewed By: DG
 Tax parcel number: 04-21-29-532-0000-0010 Zoning/FLU R-1AA / 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: _____

VARIANCE SUBMITTAL CHECKLIST

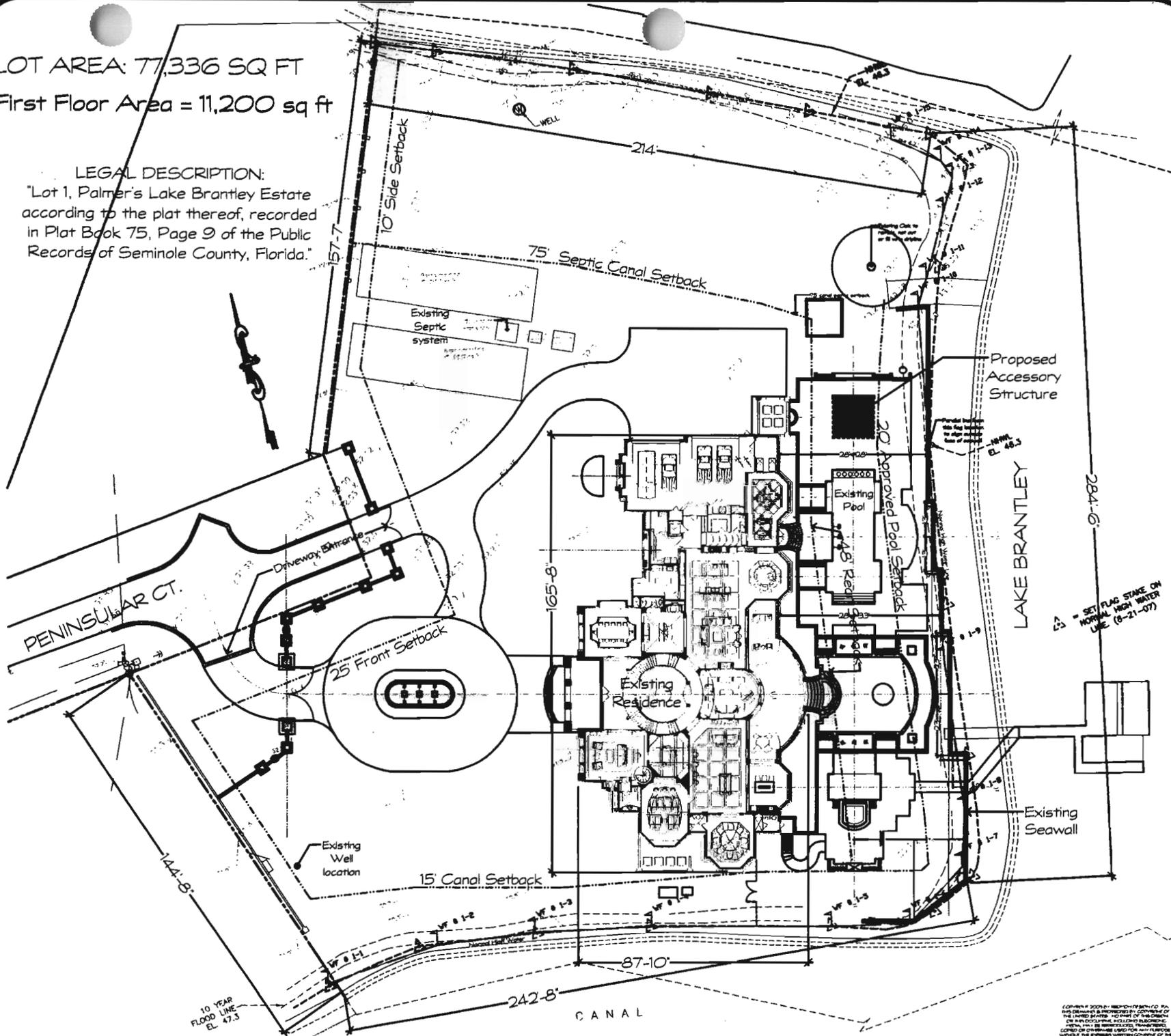
Please return this checklist with your application!

<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.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. View a site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<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>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> 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.



LOT AREA: 77,336 SQ FT
 First Floor Area = 11,200 sq ft

LEGAL DESCRIPTION:
 "Lot 1, Palmer's Lake Brantley Estate
 according to the plat thereof, recorded
 in Plat Book 75, Page 9 of the Public
 Records of Seminole County, Florida."



**REDMON
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407.642.2888
 Fax: 407.642.2864



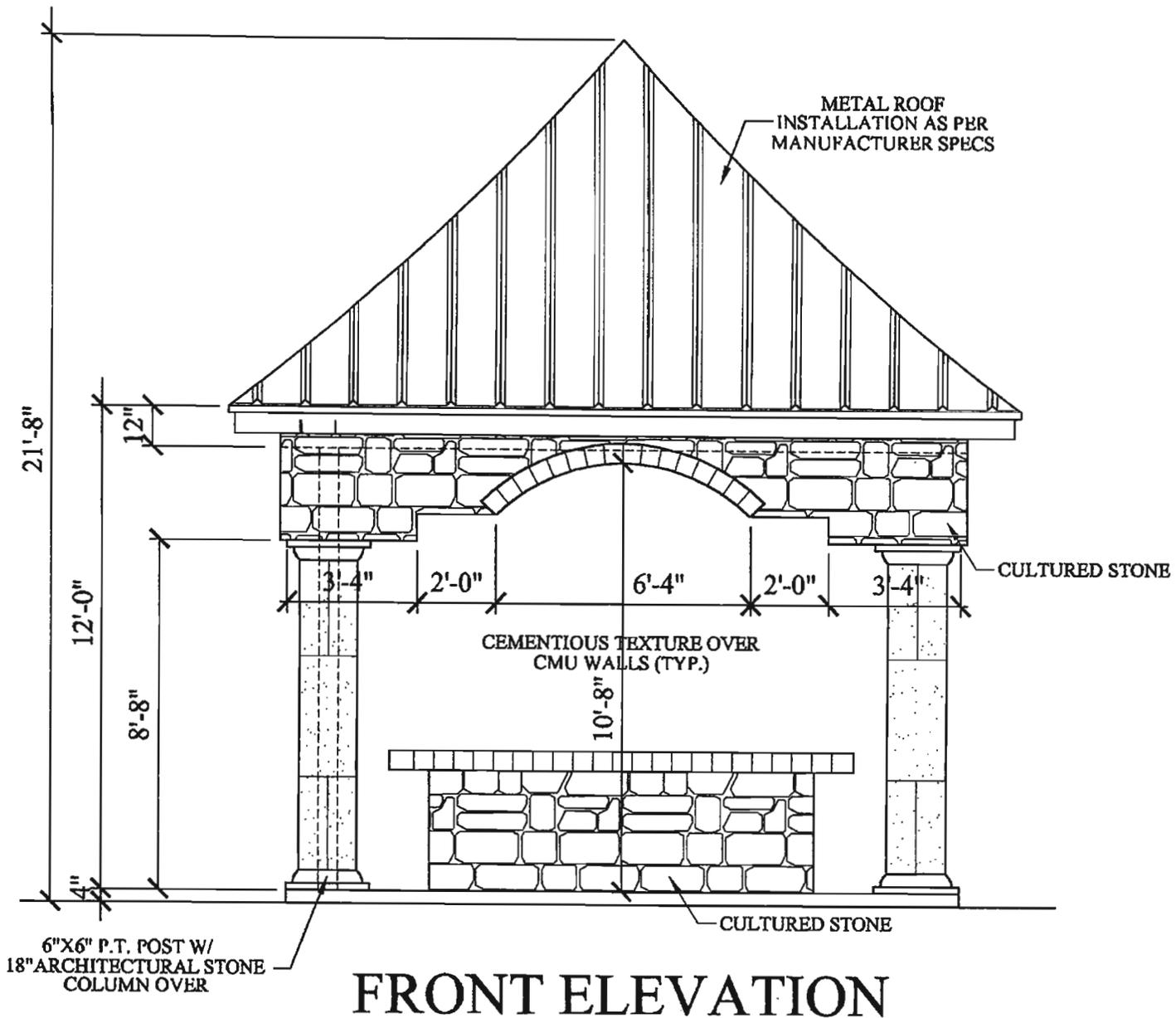
126 S. Orange, 2nd
 Maitland, FL
 32751

The Palmer Residence
 Site Plan
 2201 Peninsular Court, Longwood, FL

Revision Data
2-3-08 Date
1" = 50'-0" Scale
S. REDMON Designed By
S. GRAHAM Drawn By

Sheet
LA-1
 of 4 Sheets

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FRONT ELEVATION

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Landscape Architecture

407.642.2888
Fax 407.642.2884



228 S. Orange Ave.
Maitland, FL
32751

The Palmer Residence
Proposed Accessory Structure
2201 Peninsular Court, Longwood, FL

Revision Date

2-3-08
Date

1/4" = 1'-0"
Scale

S. REDMON
Designed By

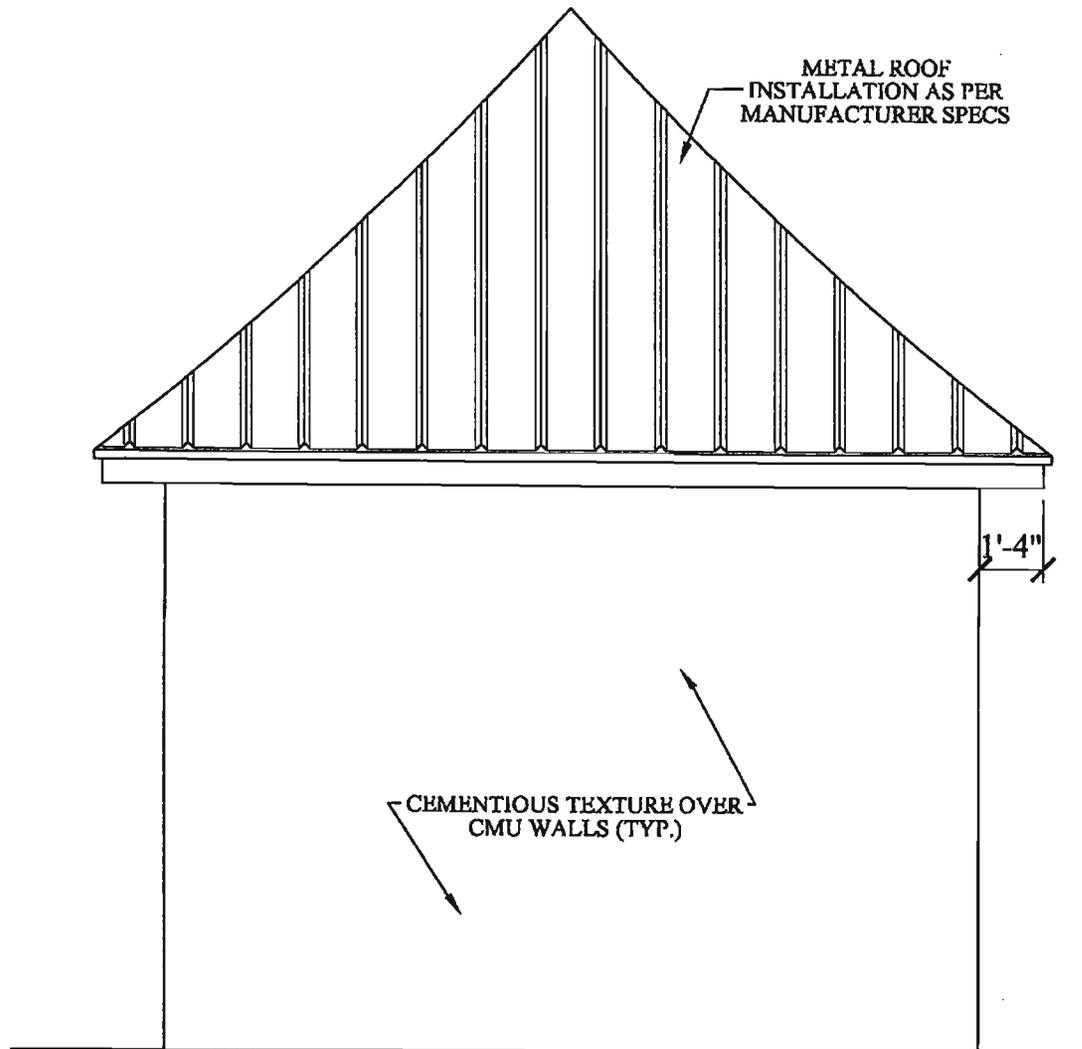
B. GRAHAM
Drawn By

Sheet

LA-2

of 4 sheets

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REAR ELEVATION

**REDMON
DESIGN
COMPANY, PA**
Landscape Architecture

602.642.2800
Fax 602.642.2804



120 S. Orange, 200
Maitland, FL
32751

The Palmer Residence
Proposed Accessory Structure
2201 Peninsular Court, Longwood, FL

Revision Date

9-3-06
Date

1/4" = 1'-0"
Scale

S. REDMON
Designed By

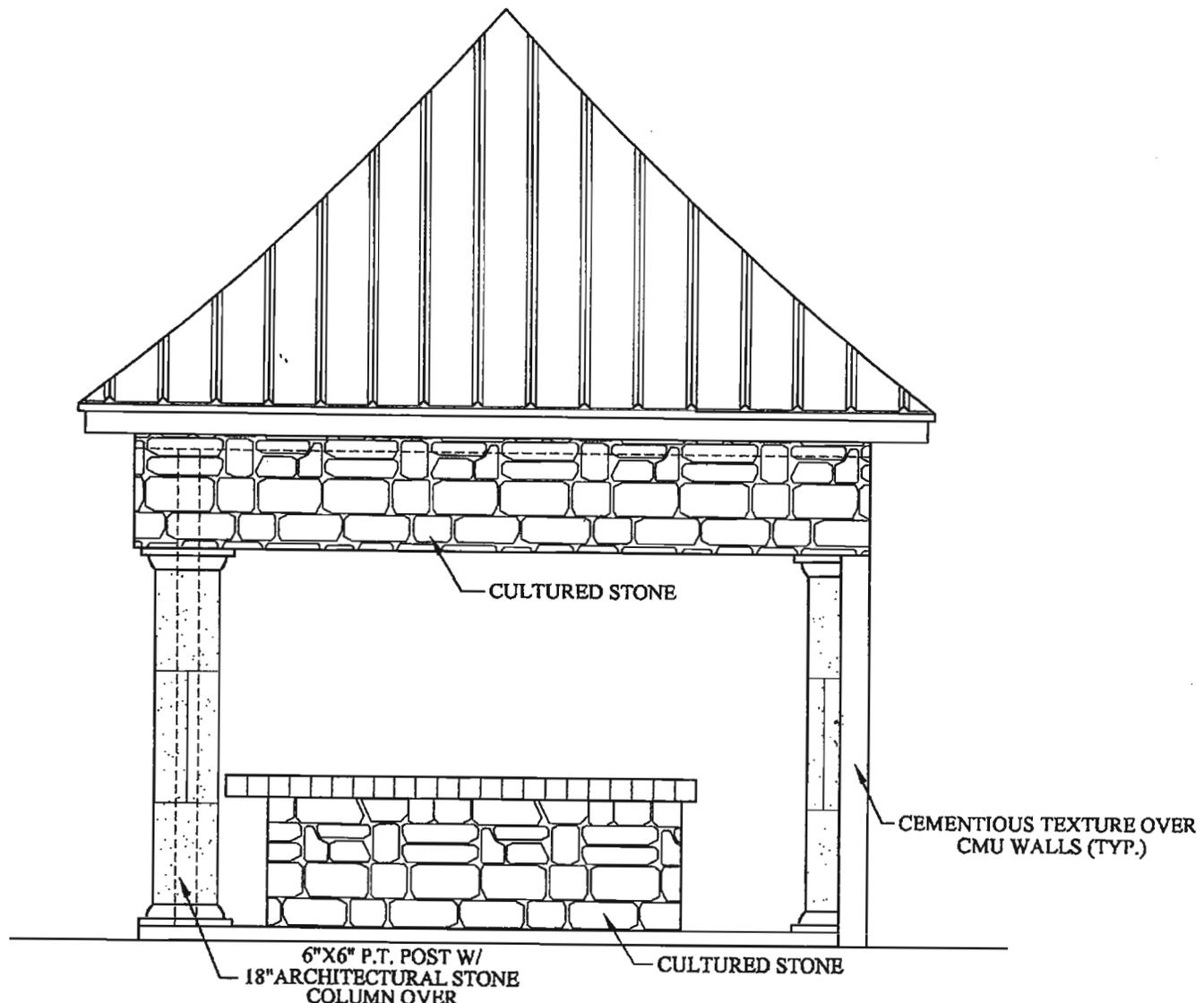
S. GRAHAM
Drawn By

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RIGHT ELEVATION

**REDMON
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407.647.2000
Fax: 407.647.2004



220 S. Orange Ave.
Orlando, FL
32801

The Palmer Residence
Proposed Accessory Structure
2201 Peninsular Court, Longwood, FL

Revision Data

2-5-08

Date

1/8" = 1'-0"

Scale

S. REDMON
Designed By

B. GRAHAM
Drawn By

Sheet

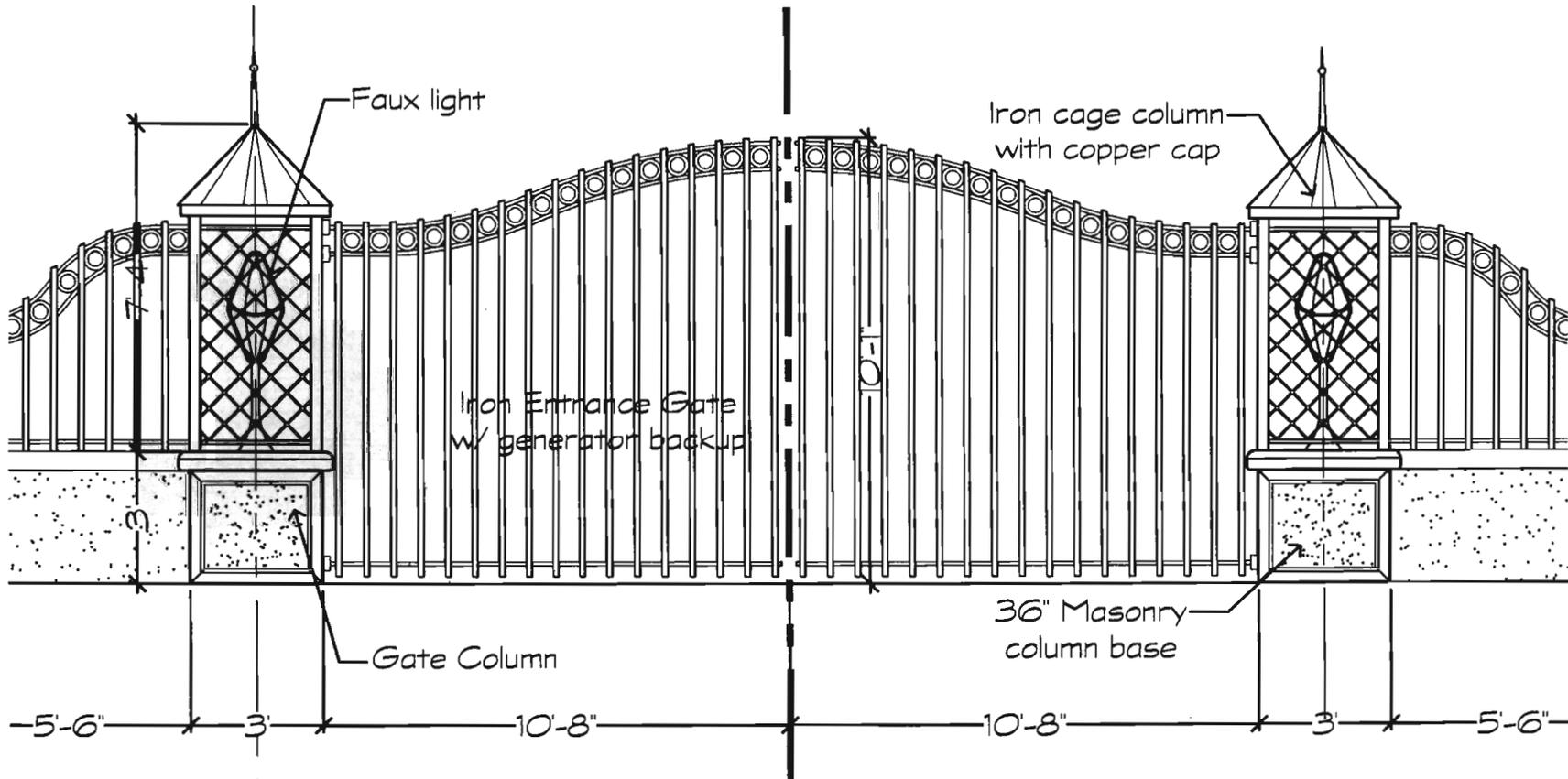
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The Palmer Residence
Proposed Entry Wall Feature
2201 Peninsular Court, Longwood, FL



Entrance Gates and columns

Revision Date

11-14-08
Date

1/8" = 1'-0"
Scale

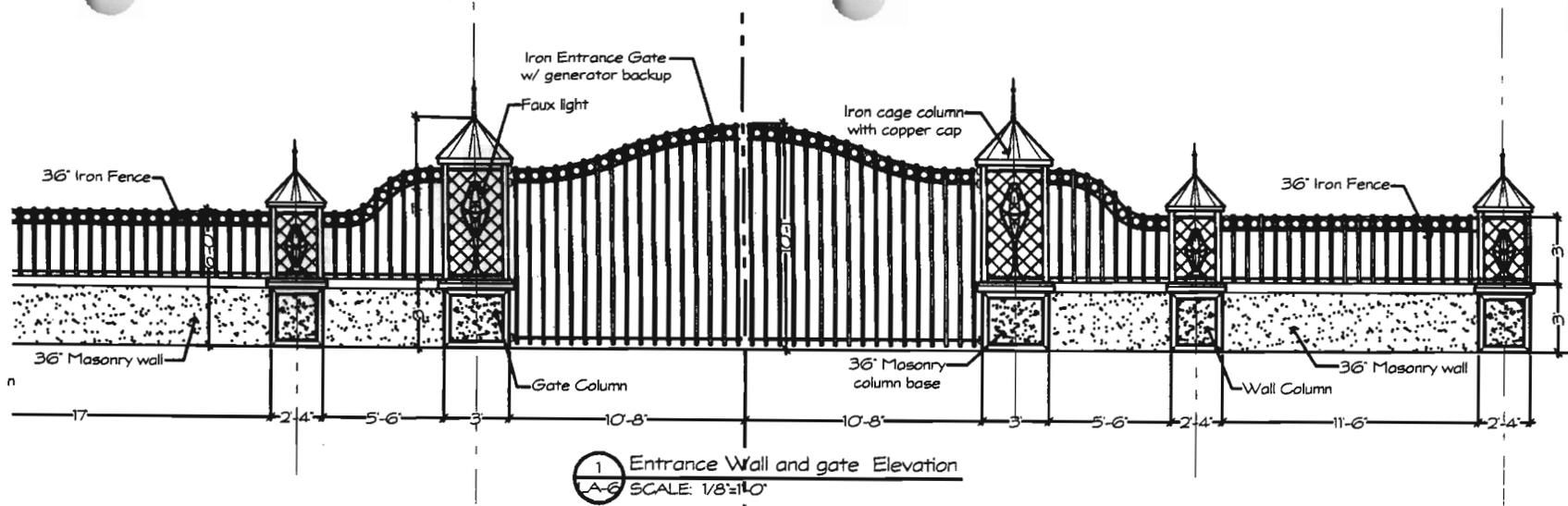
B. REDMON
Designed By

B. GRAHAM
Drawn By

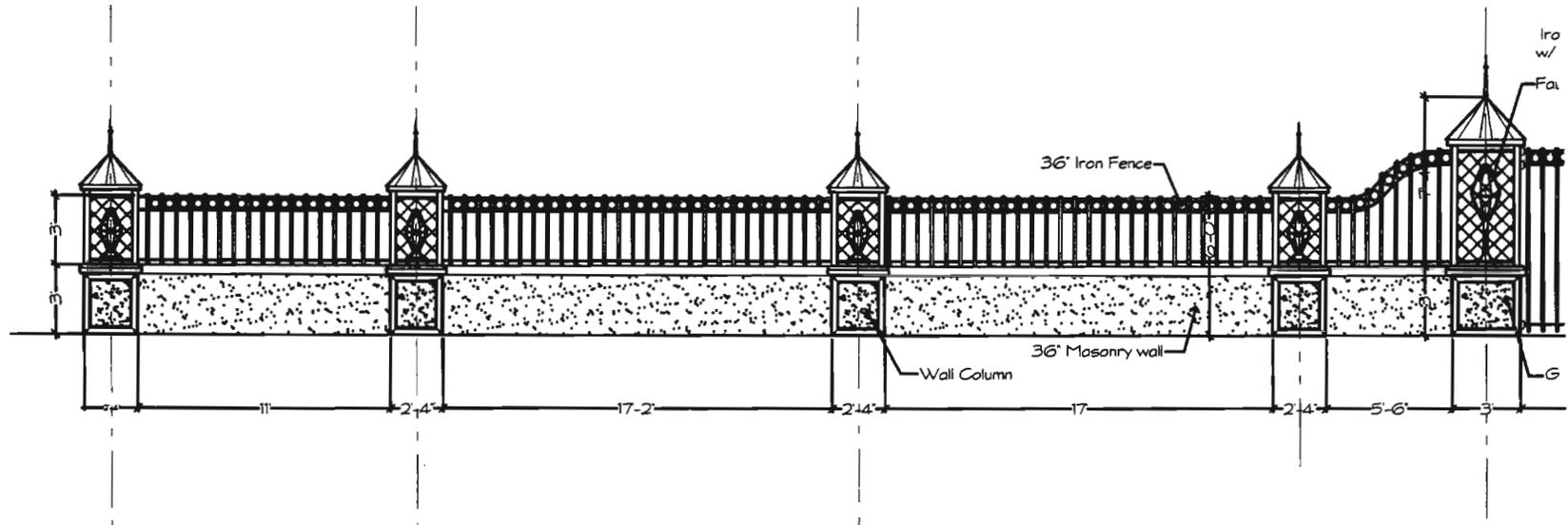
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LA-3

Of 6 Sheets



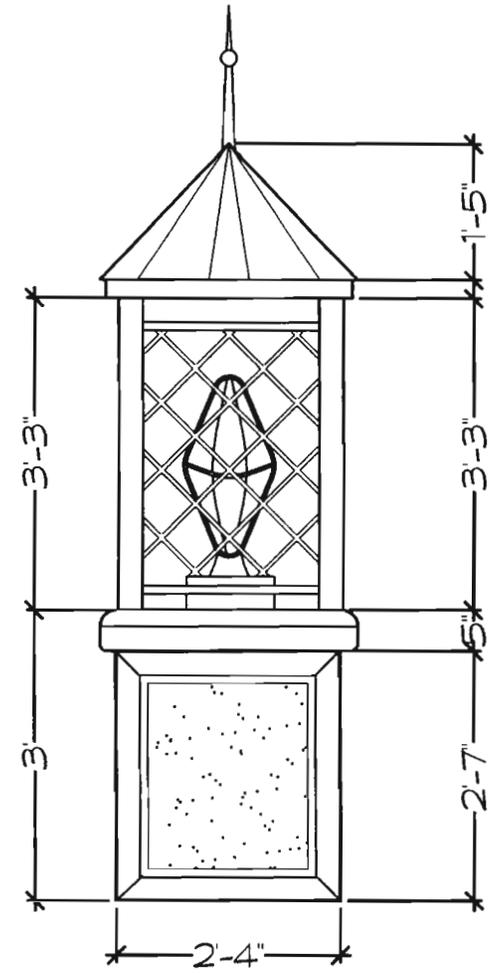
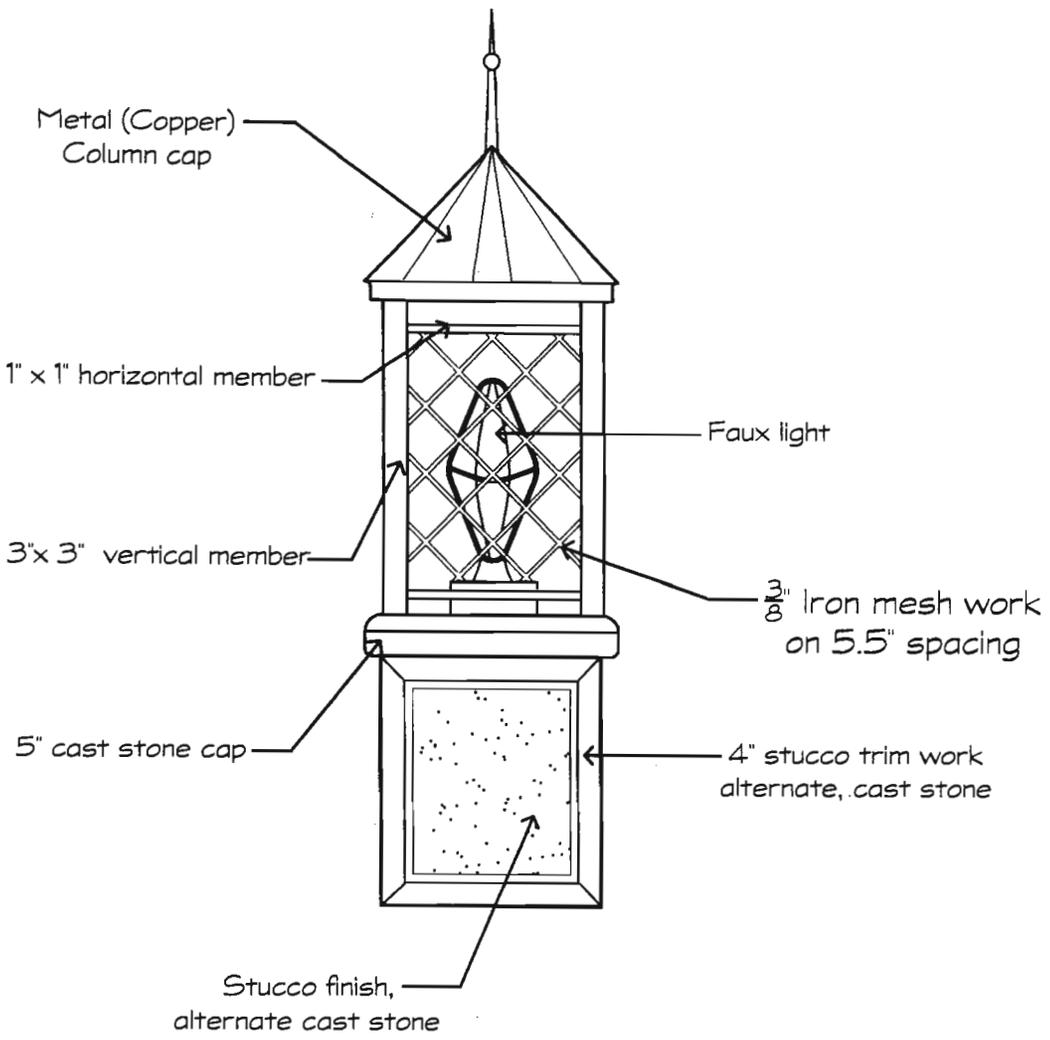
1 Entrance Wall and gate Elevation
A-6 SCALE: 1/8"=1'-0"



The Palmer Residence
Proposed Entry Wall Feature
2201 Peninsular Court, Longwood, FL

Revision Date	
Date	
Scale	1/8" = 1'-0"
DESIGNED BY	S. SEAHAM
DRAWN BY	S. SEAHAM

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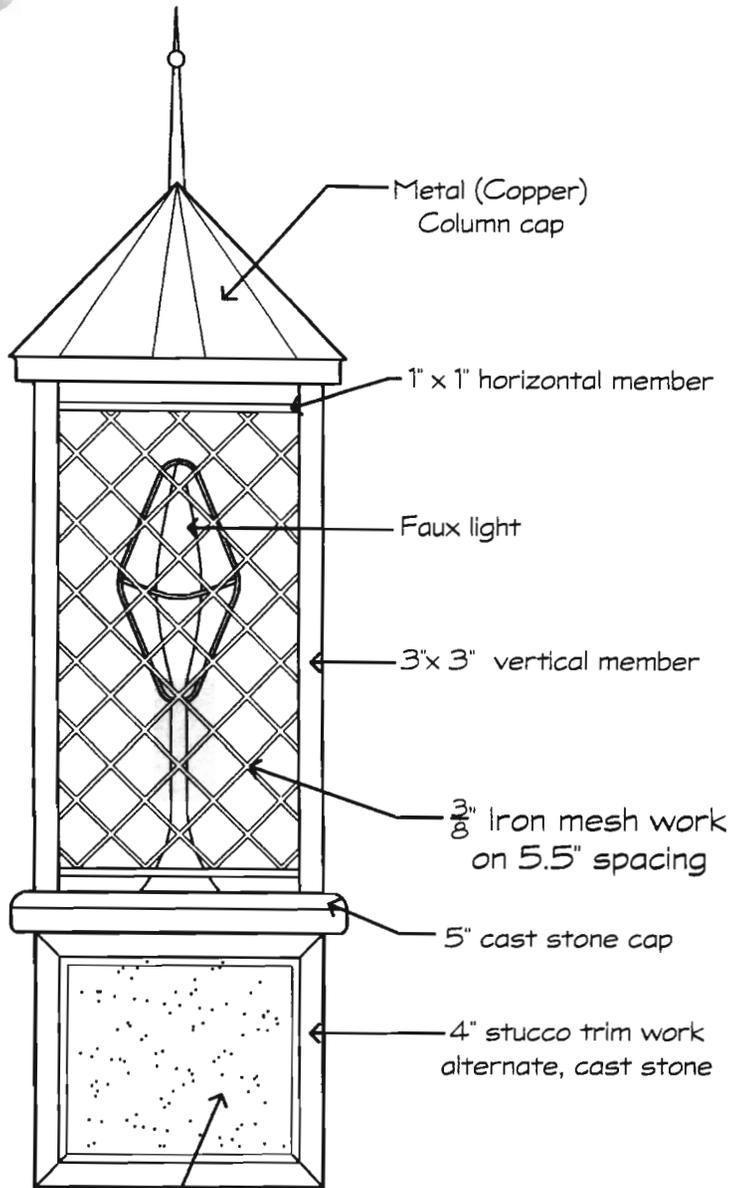


28"x28" Wall column
ELEVATION 1/2" = 1' 0"

The Palmer Residence
Proposed Entry Wall Feature
2201 Peninsular Court, Longwood, FL

Revision Date	
Date	
Scale	1/2" = 1' 0"
Designed By	S. REDMON
Drawn By	S. GRAHAM

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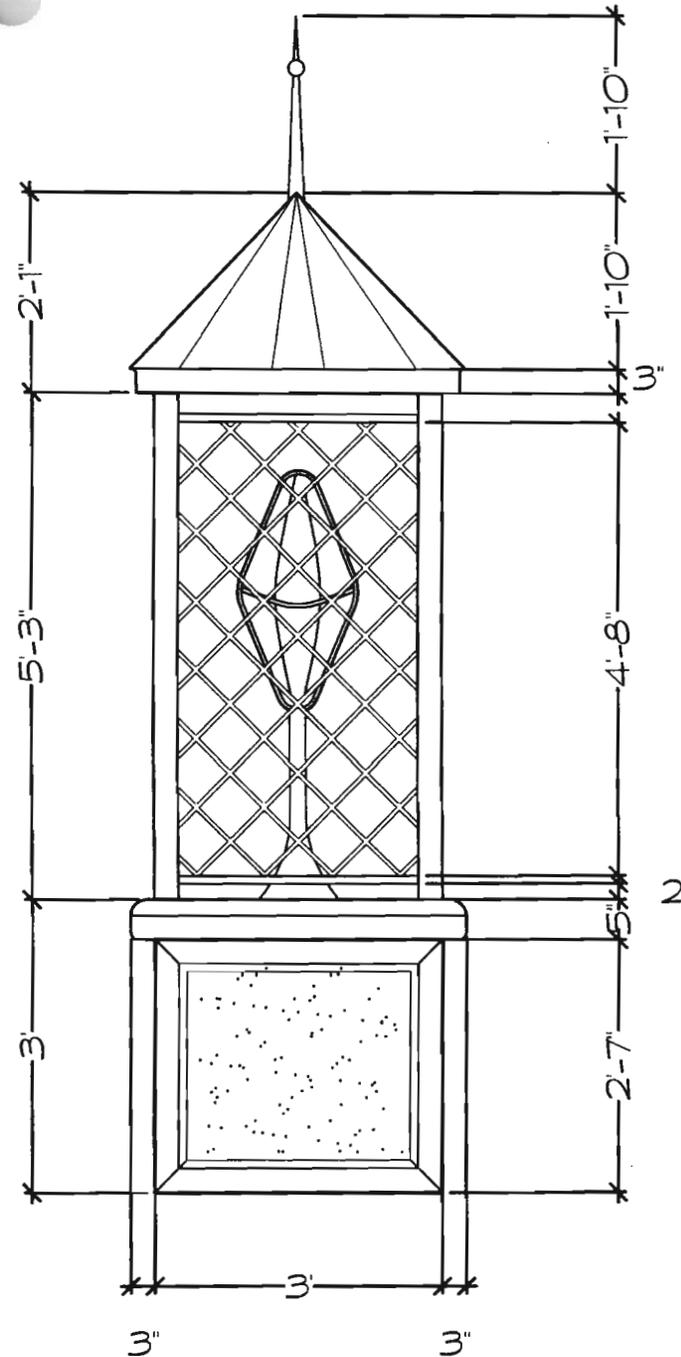


Stucco finish,
alternate cast stone

36"x36" Gate column

ELEVATION

1/2" = 1'0"



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Landscape Architecture

407.642.2800
Fax: 407.642.2804



228 S. Orange Ave.
Maitland, FL
32751

The Palmer Residence
Proposed Entry Wall Feature
2201 Peninsular Court, Longwood, FL

Revision Date

11/14/08

Date

1/4" = 1'-0"

Scale

S. REDMON

Designed By

B. GRAHAM

Drawn By

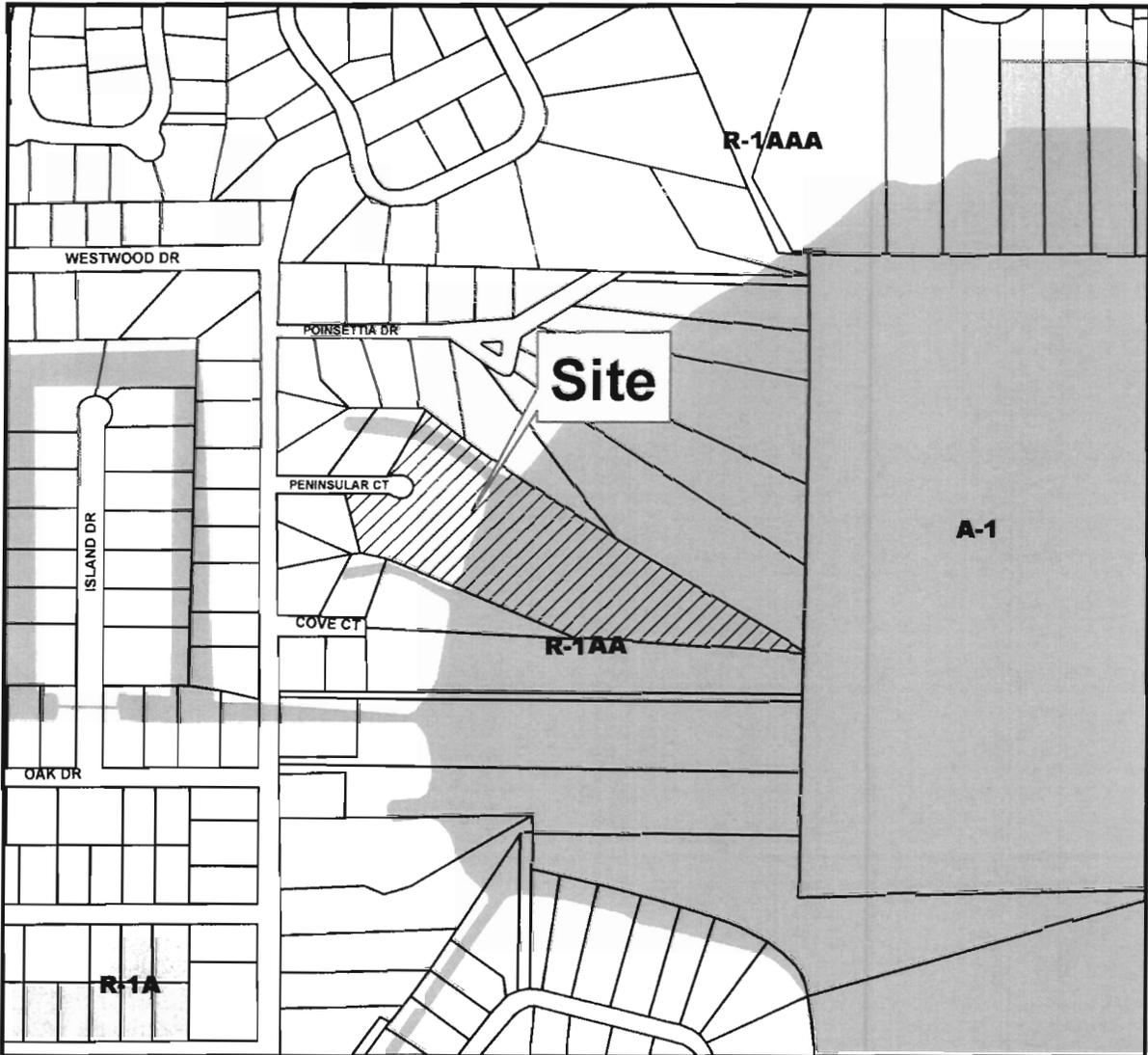
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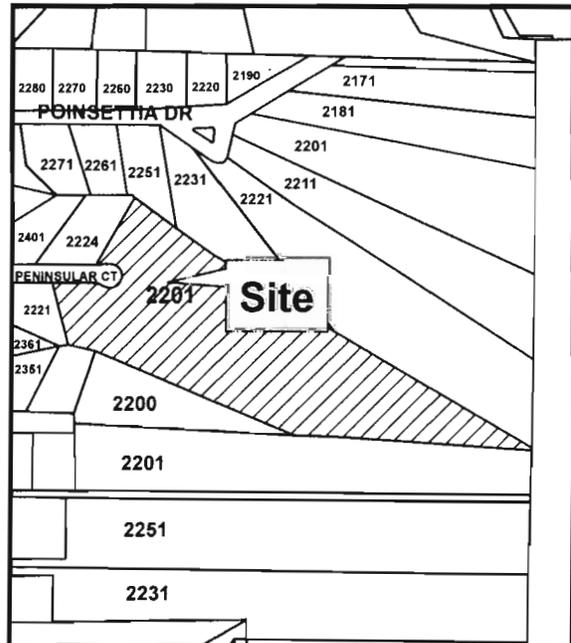
Jim Palmer
2201 Peninsular Court
Longwood, Florida 32779



Seminole County Board of Adjustment
January 26, 2009
Case: BV2008-126 (Map 3154 Grid D2)
Parcel No: 04-21-29-532-0000-0010

Zoning

-  BV2008-126
-  A-1
-  R-1AAA
-  R-1AA
-  R-1A



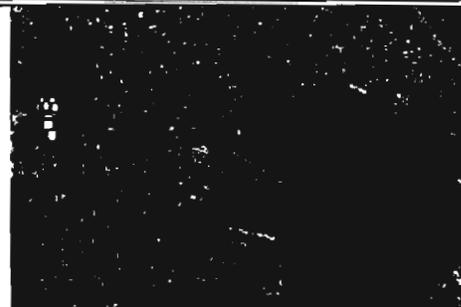
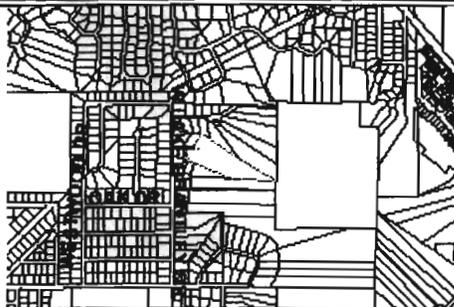
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

EMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506



GENERAL

Parcel Id: 04-21-29-532-0000-0010
 Owner: PALMER JAMES R & LISA J
 Mailing Address: 180 HAVILLAND PT
 City,State,ZipCode: LONGWOOD FL 32779
 Property Address: 2201 PENINSULAR CT LONGWOOD 32779
 Subdivision Name: PALMERS LAKE BRANTLEY ESTATE
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 07-MISCELLANEOUS RESIDE

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	0	0
Depreciated Bldg Value	\$0	\$0
Depreciated EXFT Value	\$5,718	\$6,005
Land Value (Market)	\$1,395,000	\$1,395,000
Land Value Ag	\$0	\$0
Just/Market Value	\$1,400,718	\$1,401,005
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$1,400,718	\$1,401,005

Tax Estimator

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$1,400,718	\$0	\$1,400,718
Schools	\$1,400,718	\$0	\$1,400,718
Fire	\$1,400,718	\$0	\$1,400,718
Road District	\$1,400,718	\$0	\$1,400,718
SJWM(Saint Johns Water Management)	\$1,400,718	\$0	\$1,400,718
County Bonds	\$1,400,718	\$0	\$1,400,718

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

SALES

Deed Date Book Page Amount Vac/Imp Qualified
 Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

2008 Tax Bill Amount: \$21,099
 2008 Certified Taxable Value and Taxes
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method Frontage Depth Land Units Unit Price Land Value
 FRONT FOOT & DEPTH 300 272 .000 5,000.00 \$1,395,000
 Permits

LEGAL DESCRIPTION

PLATS:
 LOT 1 PALMERS LAKE BRANTELY ESTATE PB 75 PG 9

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
BOAT HOUSE	2004	405	\$2,592	\$3,240
WOOD PORCH	2004	323	\$1,550	\$1,938
BOAT DOCK	2004	394	\$1,576	\$1,970

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.

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I Jim Palmer, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) 04-21-29-532-0000-0010

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
(circle one or more) from _____ to _____ and affirm that _____
> _____ is hereby designated to act as my / our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request.

[Signature]

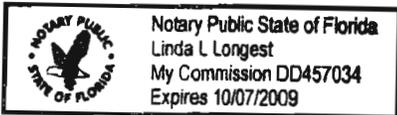
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 7th day of December, 2008.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JAMES R. PALMER who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of December, 2008.



Linda L. Longest
Notary Public in and for the County and State
Aforementioned
My Commission Expires: 10/07/09

BV2008-126

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

Individual Corporation Land Trust

Limited Liability Company Partnership

Other (describe): _____

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	ADDRESS	PHONE NUMBER
Jim Palmer	2201 Peninsular Ct.	321-228-6857
Lisa Palmer	2201 Peninsular Ct.	407-862-2543

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

12/19/08
Date


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 19th day of December, 2008 by James L. Palmer

Linda L. Longest
Signature of Notary Public

Linda L. Longest
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____



For Use by Planning & Development Staff	
Date: _____	Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 1 Palmers Lake Brantley Estate PB 75 PG 9

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

FINDINGS OF FACT

Property Owner: James and Lisa Palmer
2201 Peninsular Court
Longwood, Fl. 32779

Project Name: Peninsular Court (2201)

Variance Approval:

Rear yard setback variance from 30 feet to 20 feet for a proposed tiki bar and height variance from 6 ½ feet to 12 feet for columns in R-1AA (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: Kathy Fall, Principal 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 tiki bar and columns 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 1 Palmers Lake Brantley Estate PB 75 PG 9

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

FINDINGS OF FACT

Property Owner: James and Lisa Palmer
2201 Peninsular Court
Longwood, Fl. 32779

Project Name: Peninsular Court (2201)

Variance Approval:

Rear yard setback variance from 30 feet to 20 feet for a proposed tiki bar and height variance from 6 ½ feet to 12 feet for columns in R-1AA (Single Family Dwelling District)

Approval was sought to construct a tiki bar and columns associated with an iron fence. 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: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

FILE NO.:

DEVELOPMENT ORDER #

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: