

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

SUBJECT: 5130 Morning Dew Loop – Randall Thevenet, applicant; Request for 1) a minimum lot size variance from 43,560 to 25,800 and 2) a front yard setback variance from 50 feet to 25 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.** 7389

Agenda Date 6/22/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for 1) a minimum lot size variance from 43,560 to 25,800 and 2) a front yard setback variance from 50 feet to 25 feet for a proposed single family home in A-1 (Agriculture) district; or
2. **Deny** the request for 1) a minimum lot size variance from 43,560 to 25,800 and 2) a front yard setback variance from 50 feet to 25 feet for a proposed single family home in A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Randall Thevenet Location: 5130 Morning Dew Loop Zoning: A-1 (Agriculture) district Subdivision: Wheatley Acres
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single-family home on a platted lot that does not meet the A-1 zoning minimal dimensional requirements for lot area. The subject property is 25,800 square feet which is similar to the R-1AAAA zoning district. • The proposed home will also encroach 25 feet into the required 50 foot front setback. • Wheatley Acres was platted in 1957 and the subject property is a parcel of record in 1970.

Reviewed by:
 Co Atty: _____
 Pln Mgr: AS

	<ul style="list-style-type: none">• In 2006, the adjacent property owned by this applicant was granted a variance for lot width and front setback. A lot area variance had been granted in 1986. This lot is 9,600 square feet, similar to the R-1A zoning district,• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• The lot is a parcel of record in the 1970 tax roll.• The parcel was created prior to the adoption of subdivision regulations which created the process that required the parcels and/or lots to meet the minimum dimensional requirements of the zoning classification.• The size of the subject property is 25,800 square feet which is similar to the R-1AAAA zoning district. Staff believes that variances allowing a front setback like those in the R-1AAAA zoning district would be the minimum variances to make reasonable use of the property.• The size of the subject property is consistent with the surrounding properties and development pattern of the neighborhood.• 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 do not result from the actions of the applicant.• The granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the

	<p>variance.</p> <ul style="list-style-type: none">• The grant of the variance would be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the single family home 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

Application # BU2009-51
Meeting Date 6-22-09



VARIANCE APPLICATION COPY

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: Randall Thevenet
Address: 5120 Morning Dew loop City: Oviedo Zip code: 32765
Project Address: 5130 Morning Dew loop City: Oviedo Zip code: 32765
Tax Parcel number: 31-21-31-505-0000-0180
Contact number(s): 407-788-2306
Email address: Miceman7@hotmail.com

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

RECEIVED MAY 05 2009

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 checked="" type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>43,560 sqft</u>	Actual lot size: <u>25,800.00</u>
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50ft</u>	Proposed setback: <u>25ft</u>
<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 type="checkbox"/> Total number of variances requested <u>2</u>			

Signed: R. Thevenet

Date: MAY 5, 2009

FOR OFFICE USE ONLY

Date Submitted: 5-5-09 Reviewed By: F. Johnson / D. Gibbs
 Zoning/FLU Art/Com
 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: see 8/28/06 Blossom Trl Var

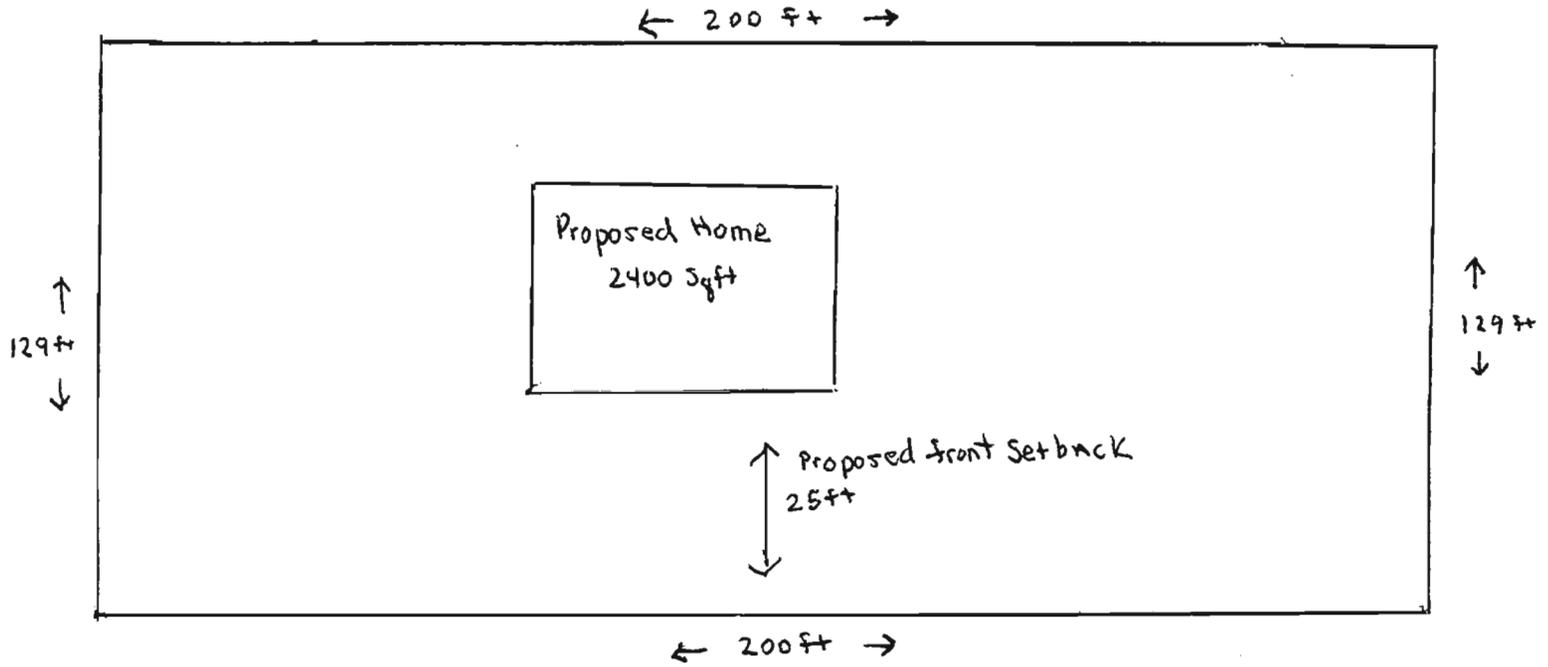
VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<p><i>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.</i></p>	
	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan 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, drain field 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 (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

Lot

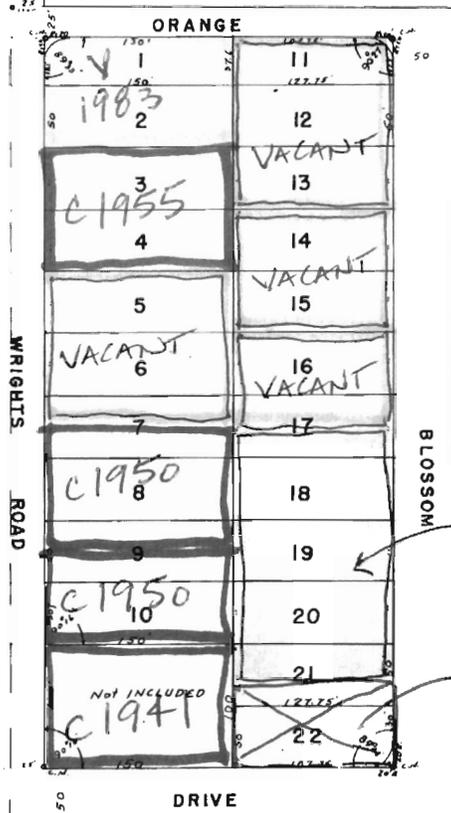


Morning Dew Loop (Right-of-Way)

WHEALEY ACRES SEMINOLE COUNTY, FLORIDA

DESCRIPTION

THE NORTH 1/2 OF WEST 1/2 OF WEST 1/2 OF SW 1/4 OF NE 1/4 SEC. 31 T. 18 N. R. 18 E. 1/4 LESS BEGINNING 50 FT. NORTH AND 25 FT. EAST OF SW CORNER OF SW 1/4 OF SW 1/4 OF NE 1/4 SEC. 31-21-31 AUR. E. 100 FT., N. 100 FT., W. 100 FT., THENCE S. 100 FT. TO BEG.



DEDICATION
KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owners in fee simple of the lands described in the foregoing caption to this plat, do hereby dedicate said lands and plat for the uses and purposes therein expressed and dedicate the Streets, Roads, & Drives as shown hereon to the perpetual use of the public.
IN WITNESS WHEREOF, The undersigned hereunto set their hands and seal on February 5, 1957
WITNESSES: _____ OWNERS
John A. Falter *Vincent J. Melillo*
Antoinette Melillo

STATE OF CONNECTICUT COUNTY OF Fairfield
THIS IS TO CERTIFY, That on February 5, 1957, before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared VINCENT J. MELILLO AND ANTOINETTE G. MELILLO HIS WIFE.

to me known to be the persons described in and who executed the foregoing dedication and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.
IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.
Franklin W. Anderson
NOTARY PUBLIC
My Commission Expires April 1, 1961

CERTIFICATE OF SURVEYOR
KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on January 29, 1957 he completed the survey of the lands as shown in the foregoing plat; that said plat is a correct representation of the lands therein described and platted; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes; and that said land is located in Seminole County, Florida. Dated Jan. 30, 1957
Marion C. Gordon Registration No. 671

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS
THIS IS TO CERTIFY, That on FEBRUARY 19, 1957 the foregoing Plat was Approved by the Board of County Commissioners of Seminole County, Florida.
F. A. Dyer
CHAIRMAN
ATTEST:
W. J. Otterson
CLERK OF THE BOARD

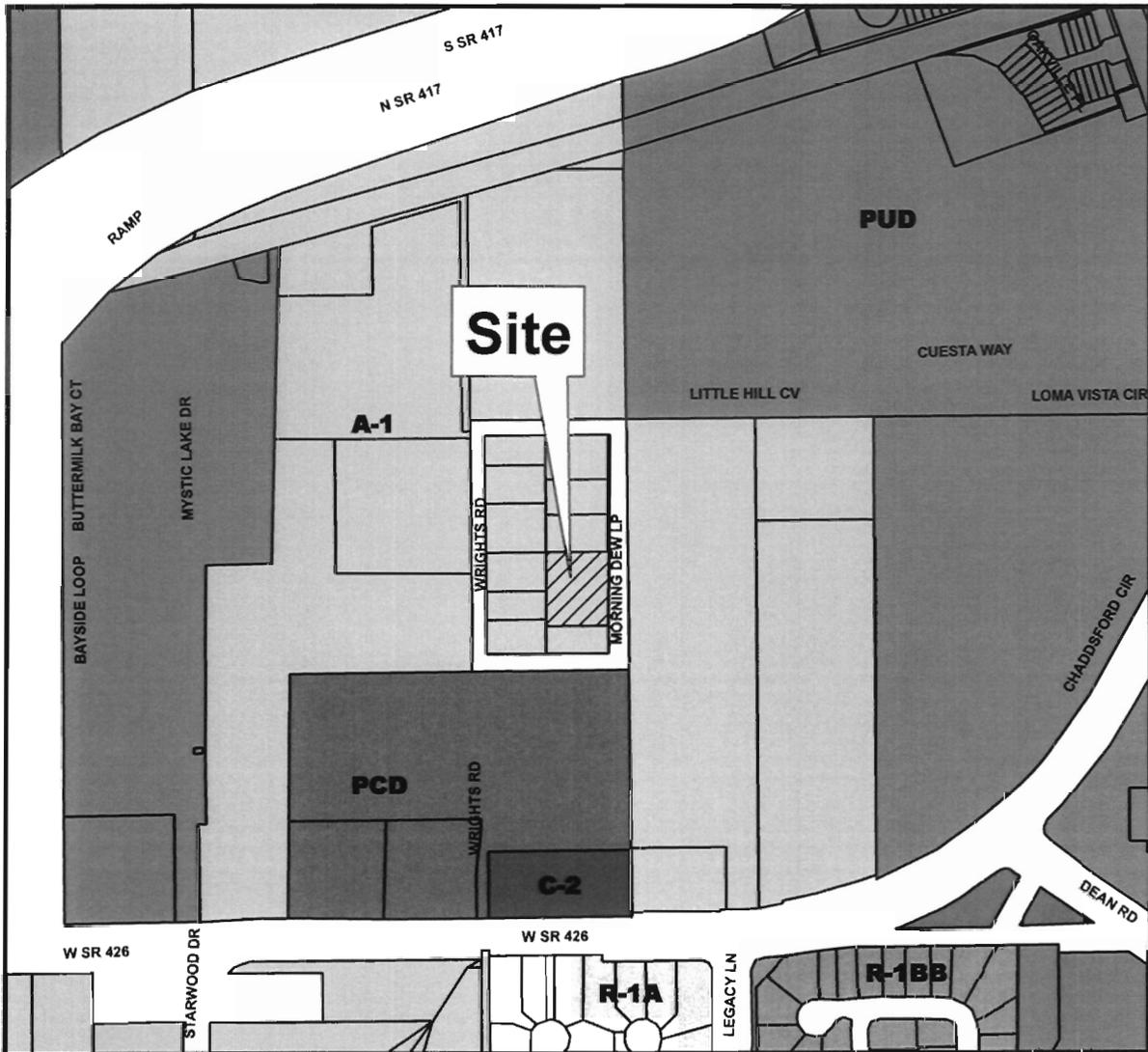
CERTIFICATE OF APPROVAL BY ZONING COMMISSION
THIS IS TO CERTIFY, That on February 19, 1957 the Zoning Commission of the above Municipality approved the foregoing plat.
W. J. Otterson

CERTIFICATE OF CLERK
I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on February 19, 1957 at 2:45 P.M. File No. 27270
W. J. Otterson
Clerk of the Circuit Court
in and for Seminole County, Fla.

FILED AND RECORDED IN PLAT BOOK 78 PAGE 99 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA THIS 19 DAY OF FEBRUARY 1957 AT 2:45 O'CLOCK P.M.
W. J. Otterson
CLERK OF CIRCUIT SEMINOLE COUNTY, FLORIDA

M. C. Hogan

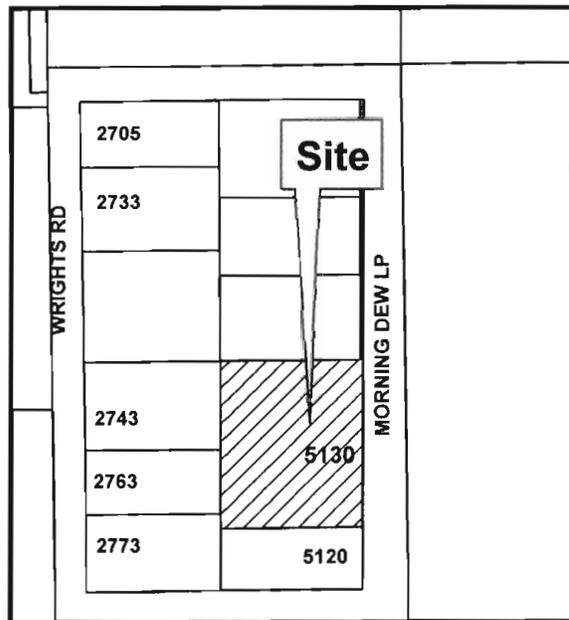
Randall Thevenet
 5130 Morning Dew Loop
 Oviedo, Florida 32765



Seminole County Board of Adjustment
 June 22, 2009
 Case: BV2009-51 (Map 3211 Grid E6)
 Parcel No: 31-21-31-505-0000-0180

Zoning

-  BV2009-51
-  A-1
-  R-1A
-  R-1BB
-  C-2
-  PUD
-  PCD

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505</p>																																			
<p>GENERAL</p> <p>Parcel Id: 31-21-31-505-0000-0180 Owner: DARIN JOSEPH & Own/Addr: THEVENET RANDALL Mailing Address: 5120 MORNING DEW LOOP City,State,ZipCode: OVIEDO FL 32765 Property Address: 5130 MORNING DEW LP OVIEDO 32765 Subdivision Name: WHEALEY ACRES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL</p> <p>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.</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: center;">\$36,760</td> <td style="text-align: center;">\$45,220</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: center;">\$36,760</td> <td style="text-align: center;">\$45,220</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: center;">\$36,760</td> <td style="text-align: center;">\$45,220</td> </tr> </tbody> </table> <p style="text-align: right;">Tax Estimator</p>		VALUES	2009 Working	2008 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)	\$36,760	\$45,220	Land Value Ag	\$0	\$0	Just/Market Value	\$36,760	\$45,220	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$36,760	\$45,220
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<p>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.</p>																																			

**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
Joseph Darin	5120 Morning Dew Loop Oviedo, FL 32765	407-788-2306
Randall Therenet	5120 Morning Dew Loop Oviedo, FL 32765	407-788-2306

(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.

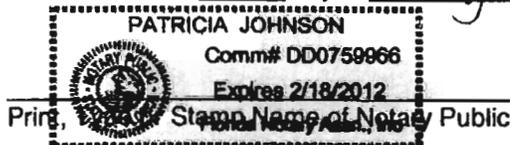
May 5, 2009
Date

R. G. [Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Geminole

Sworn to (or affirmed) and subscribed before me this 5th day of May, 2009 by RANDALL Thevenet

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification FLA. Driver License
Type of Identification Produced T153-726-72-465-0

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

S 1/2 OF LOT 17 & ALL LOTS 18 TO 20 & N 1/2 OF LOT 21 & E 2.75 FT OF LOTS 11 TO 20
WHEALEY ACRES PB 10 PG 99

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

FINDINGS OF FACT

Property Owner: Joseph Darin & Randall Thevenet
5120 Morning Dew Loop
Oviedo FL 32765

Project Name: 5130 Morning Dew Loop

Requested Variance:

Request for 1) a minimum lot size variance from 43,560 to 25,800 and 2) a front yard setback variance from 50 feet to 25 feet for a proposed single family home in A-1 (Agriculture) district.

Approval was sought in order to construct on a substandard vacant lot and within the setbacks. 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

S 1/2 OF LOT 17 & ALL LOTS 18 TO 20 & N 1/2 OF LOT 21 & E 2.75 FT OF LOTS 11 TO 20
WHEALEY ACRES PB 10 PG 99

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

FINDINGS OF FACT

Property Owner: Joseph Darin & Randall Thevenet
5120 Morning Dew Loop
Oviedo FL 32765

Project Name: 5130 Morning Dew Loop

Variance Approval:

1) a minimum lot size variance from 43,560 to 25,800 and 2) a front yard setback variance from 50 feet to 25 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 single family home 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:

