

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

SUBJECT: 2737 Cahill Way – Colleen Kelly Johnson, applicant; Request for a side street (south) setback variance from 20 feet to 7 feet for a proposed fence in PUD (Planned Unit Development) district.

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

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

Agenda Date 8/24/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street (south) setback variance from 20 feet to 7 feet for a proposed fence in PUD (Planned Unit Development) district; or
2. **Approve** the request for a side street (south) setback variance from 20 feet to 7 feet for a proposed fence in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Colleen Kelly Johnson</p> <p>Location: 2737 Cahill Way</p> <p>Zoning: PUD (Planned Unit Development)</p> <p>Subdivision: Chase groves Unit 6</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a privacy fence along Brightview Drive that encroaches 13 feet into the 20-foot side street setback. • There are currently no code enforcement or building violations for this property. • In 1991 a side street setback variance to 15.8 feet was granted to Centex Home for the main structure although the current survey shows the home to be built at about 17.34 feet from Brighton.
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

Reviewed by: _____
Co Atty: JLC
Pln Mgr: _____

	<p>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.</p> <ul style="list-style-type: none">• 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.
<p>STAFF RECOMMENDATION</p>	<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 fence 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

171ST 5

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

COPY

Application # BV 2009-66
Meeting Date 8-24-09



VARIANCE APPLICATION

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: Colleen Johnson/Kelly
Address: 2737 Cahill Way City: Lake Mary Zip code: 32746
Project Address: 2737 Cahill Way City: Lake Mary Zip code: 32746
Tax Parcel number: 03-20-30-513-0000-0820
Contact number(s): 407-010-0314
Email address: colleen.johnson@cnl.com

RECEIVED JUN 30 2009

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 checked="" type="checkbox"/> Fence	Please describe: <u>new white vinyl fencing to enclose lot</u>
<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 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 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 type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>20 ft.</u>	Proposed setback: <u>7 ft.</u>
<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:	

Total number of variances requested 1

Signed: [Signature]

Date: 6/30/09

FOR OFFICE USE ONLY

Date Submitted: 6-30-09 Reviewed By: P. Johnson
 Zoning/FLU PUD/PO
 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!

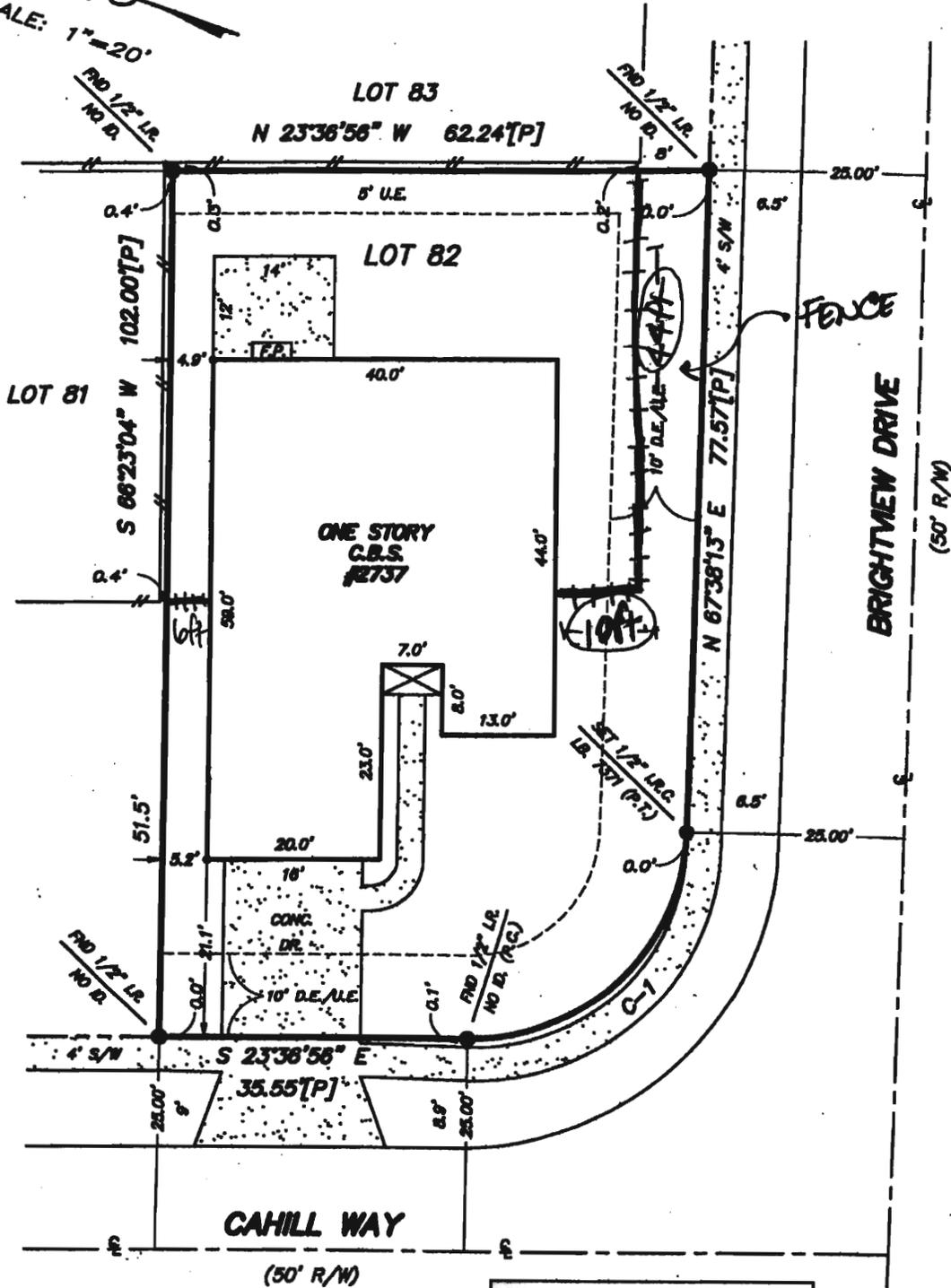
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<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 1/2 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.
	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
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> 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
	o Location of proposed fence(s)
	o 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.

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT(S) 82, CHASE GROVES UNIT 6, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44, PAGE(S) 29-31, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SCALE: 1" = 20'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C-1	25.00'	38.71'	88°44'51"

- | | | | | |
|--|---|--|---|--|
| <p>RIGHT-OF-WAY LINE</p> <p>CENTERLINE</p> <p>BUILDING SETBACK LINE</p> <p>BARB WIRE FENCE</p> <p>WOOD FENCE</p> <p>CHAIN LINK FENCE</p> <p>PLASTIC FENCE</p> | <p>A/C - AIR CONDITIONER</p> <p>∠ - CENTRAL ANGLE</p> <p>BLK - BLOCK</p> <p>C.B. - CHORD BEARING</p> <p>C.B.S. - CONCRETE BLOCK STRUCTURE</p> <p>C.M. - CONCRETE MONUMENT</p> <p>CONC. - CONCRETE</p> <p>D - DEED</p> | <p>L - ARC LENGTH</p> <p>L.S. - LAND SURVEYING BUSINESS</p> <p>L.S. - LAND SURVEYOR</p> <p>M - MEASURED</p> <p>N - NORTH</p> <p>N&D - NAIL AND DISK</p> <p>P - PLAT</p> <p>P.C. - POINT OF CURVATURE</p> | <p>P.O.L. - POINT ON LINE</p> <p>P.R.C. - POINT OF REVERSE CURVE</p> <p>P.R.M. - PERMANENT REFERENCE MONUMENT</p> <p>P.T. - POINT OF TANGENT</p> <p>R - RADIUS</p> <p>R/W - RIGHT OF WAY</p> <p>S/W - SIDEWALK</p> | <p>⊗ - FOUND "X" CUT IN CONG.</p> <p>⊙ - SET 1/2" REBAR AND CAP PSM LB 7371</p> <p>● - FOUND PROPERTY CORNER</p> <p>⊠ - 4" x 4" CONCRETE MONUMENT</p> <p>⊗ - WELL</p> |
|--|---|--|---|--|

Colleen Kelly Johnson
2737 Cahill Way
Lake Mary, FL 32746



Seminole County Board of Adjustment
August 24, 2009
Case: BV2009-66 (Map 3052 Grid D4)
Parcel No: 03-20-30-513-0000-0820

Zoning

-  BV2009-66
-  A-1
-  PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1408 407-688-7806</p>																																																																	
<p>GENERAL</p> <p>Parcel Id: 03-20-30-513-0000-0820 Owner: KELLY COLLEEN A Mailing Address: 2737 CAHILL WAY City,State,ZipCode: LAKE MARY FL 32746 Property Address: 2737 CAHILL WAY LAKE MARY 32746 Subdivision Name: CHASE GROVES UNIT 6 Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY</p>		<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$114,992</td> <td style="text-align: right;">\$135,825</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$825</td> <td style="text-align: right;">\$863</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$33,000</td> <td style="text-align: right;">\$38,000</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: right;">\$148,817</td> <td style="text-align: right;">\$174,688</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: right;">\$148,817</td> <td style="text-align: right;">\$174,688</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$114,992	\$135,825	Depreciated EXFT Value	\$825	\$863	Land Value (Market)	\$33,000	\$38,000	Land Value Ag	\$0	\$0	Just/Market Value	\$148,817	\$174,688	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$148,817	\$174,688																														
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EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1991	1	\$825	\$1,500

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.

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 3 TWP: 20 RNG: 30
PROJ. #

DEVELOPMENT: Chase Groves Unit 6		DEVELOPER: Laurel Homes	
LOCATION: E side of Casa Verde Boulevard, between C-46A and Old Lake Mary Boulevard 102 lots			
FILE#:		BA:	
P&Z:		SP:	
BCC:			
PB	44	PG	29, 31 Lot
		Blk	
		Parcel	
		DBA	
		Comm Dist	
DEVEL. ORDER #: 87-0012		TAX PAR. I.D. #:	
SIDEWALKS: 4' wide on both sides		SETBACK REQUIREMENTS	
		FY: 20'	RY: 20'
		SIDE ST.:	0*-10'***
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER: *10' minimum between buildings **Side street: with driveway - 20'; without driveway - 15'	
COMMENTS OTHER: Not flood prone.		ACCESSORY STRUCTURE SETBACKS:	
		SY: 0-10'	RY: 10'
		ACCESSORY STRUCTURE OTHER:	

IMPACT FEES	
SCREEN:	ORD
TRAFFIC ZONE:	23
LAND USE:	1
1. ROAD-CO. WIDE	ORD
2. ROAD-COLL.	ORD
3. LIBRARY	ORD
4. FIRE	ORD
5. PARK	
6. SCHOOL	ORD
7. LAW	
8. DRAINAGE	C-200.00
TOTAL	\$2,657.00
REMARKS: Curb & gutter; sidewalks required	

COMMITMENT CARD
Instructions: print two-sided on card stock and cut along the left and bottom border.

Proposal / Contract

FENCE OUTLET

www.fenceoutletonline.com

CUSTOMER NAME DANIEL JOHNSON

ADDRESS 2737 CHAMILL WAY

LK MARY 32746

- 9671 S. Orange Blossom Trail • Orlando, FL 32837
Tel (407) 851-8888 • Fax (407) 438-3181
- 1724 West Broadway St., Suite 100 • Oviedo, FL 32765
Tel (407) 358-8882 • Fax (407) 388-2335
- 201 S. Falkenberg Road • Tampa, FL 33619
Tel (813) 651-3823 • Fax (813) 651-3855

DATE 1/8/9

PHONE: HOME# 407-810-0314

WORK MOBILE 407-227-0667

FAX _____

OWN PROPERTY? YES NO

OWNERS NAME _____

PVC PVC Feet _____ Height 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> T&G Privacy <input checked="" type="checkbox"/> Privacy With Lattice <input type="checkbox"/> Other Style _____ Gate Size _____ Gate Size _____ Gate Size _____ Flat Cap <input type="checkbox"/> Bal Cap <input type="checkbox"/> Gothic <input type="checkbox"/> New Eng. <input type="checkbox"/> Coachman <input type="checkbox"/> Tear Drop <input type="checkbox"/>	WOOD Wood Feet _____ Cypress <input type="checkbox"/> PT Pine <input type="checkbox"/> Red Pine <input type="checkbox"/> BOB <input type="checkbox"/> STKD <input type="checkbox"/> VSB <input type="checkbox"/> Dorned <input type="checkbox"/> Scalped <input type="checkbox"/> Other Style _____ Height 6 <input type="checkbox"/> 8 <input type="checkbox"/> Picket 1 1/2" x 4" <input type="checkbox"/> 1" x 4" <input type="checkbox"/> Runner 2 x 4" <input type="checkbox"/> Gate Size _____ Gate Size _____ Gate Size _____ Gothic Top <input type="checkbox"/> Traditional Top <input type="checkbox"/> Other <input type="checkbox"/>	ALUMINUM Aluminum Feet _____ Height 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Style #203 <input type="checkbox"/> #300 <input type="checkbox"/> #303 <input type="checkbox"/> Other Style _____ Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Gate Size _____ Gate Size _____ Gate Size _____ Gate Size _____	WELDED STEEL Steel Feet _____ Height 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Style Classic <input type="checkbox"/> Majestic <input type="checkbox"/> Montage <input type="checkbox"/> Montage Plus <input type="checkbox"/> Black <input type="checkbox"/> Bronze <input type="checkbox"/> Gate Size _____ Gate Size _____ Gate Size _____	CHAIN LINK Chain Link Feet _____ Height 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Other Height _____ Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Galvanized <input type="checkbox"/> Black Vinyl <input type="checkbox"/> Green Vinyl <input type="checkbox"/> Gate Size _____ Gate Size _____ Gate Size _____
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Good Side In Out

Fence to Follow Contour of Ground

Fence to be Level

Remove existing Fence FL No

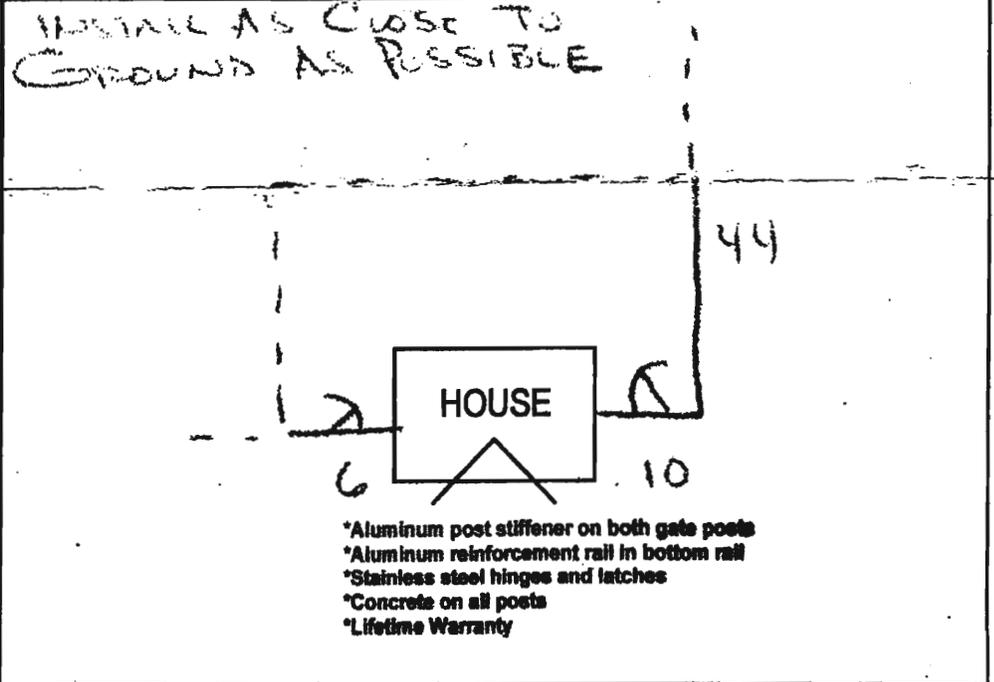
Fence Line to be Cleared by Fence Outlet

Fence Line to be Cleared by Owner

Corner Lot Yes No

Permit Needed Yes No

Jurisdiction LK MARY

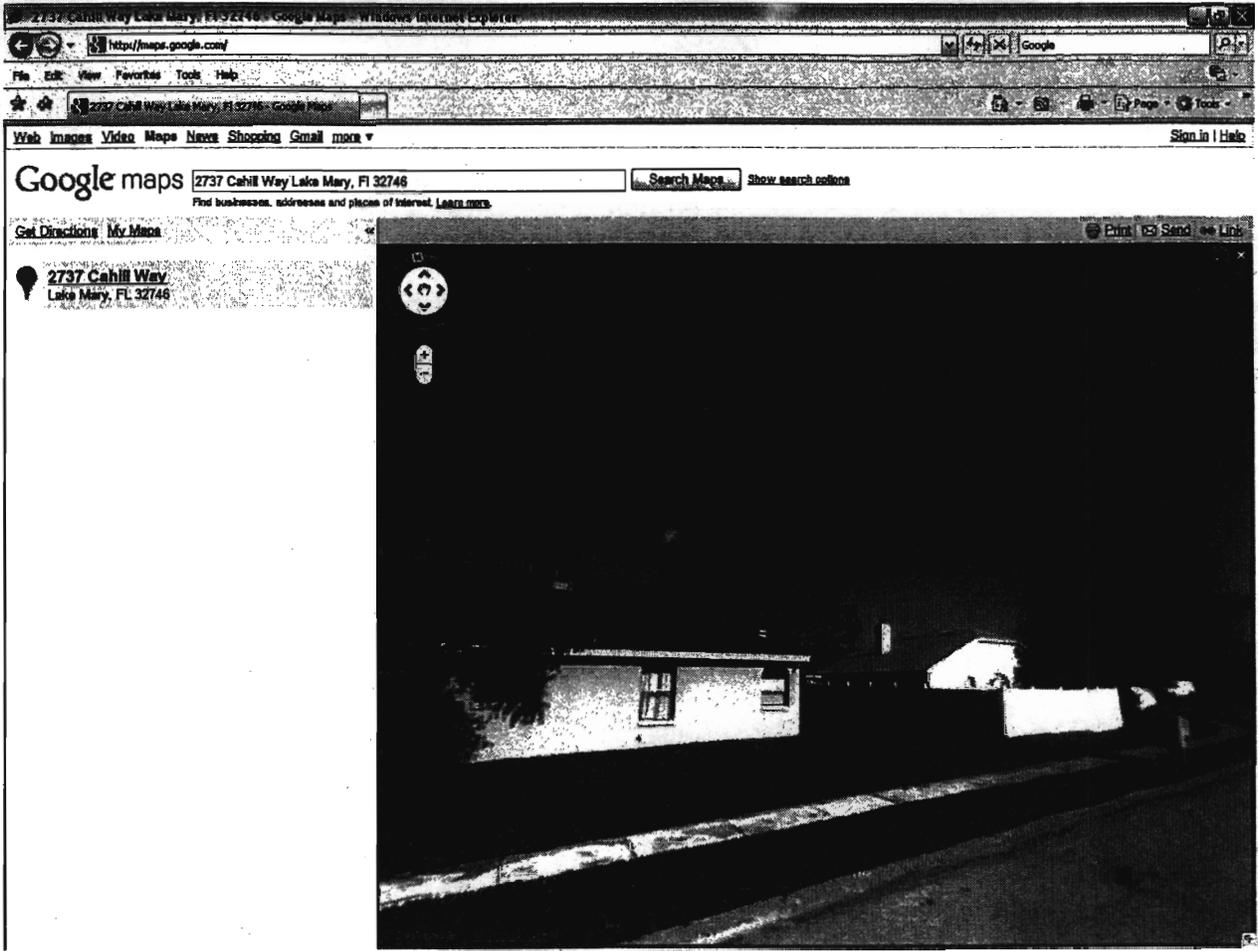


Special Instructions: APPROX 3-4 WEEKS
NEED COPY OF SURVEY

- *Aluminum post stiffener on both gate posts
- *Aluminum reinforcement rail in bottom rail
- *Stainless steel hinges and latches
- *Concrete on all posts
- *Lifetime Warranty

Fence Outlet will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstances does Fence Outlet assume any responsibility concerning property lines or in any way guarantee their accuracy. If property lines cannot be located, it is recommended that the customer have the property surveyed. Fence Outlet will assume the responsibility for locating underground cables and utilities, however, Fence Outlet is not responsible for any sprinklers or other unmarked buried lines or objects. Payment is due at the time of completion of work, and a finance charge of 1 1/2% per month shall be applied to all accounts not paid in full within 16 days of completion. All material will remain the property of fence outlet until payment is received in full. Right of access and removal is granted to Fence Outlet in the event of nonpayment per the terms of this contract. The customer agrees to pay all interest and any costs incurred in the collection of this debt including reasonable attorney fees. If the buyer refuses to allow the seller to begin work or complete work already begun, or to accept materials contracted for, Buyer agrees to pay Seller liquidated damages of a sum equal to 33 1/3% of entire contract price, plus cost of materials and labor already furnished or in progress. Warranty may be voided if sign is removed. Customer assumes full responsibility for obtaining homeowners association approval for the type and location of fence.

ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-713.07, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR PROVIDE MATERIALS AND ARE NOT PAID IN FULL HAVE A RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY. THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-CONTRACTORS, OR MATERIAL SUPPLIERS OR NEGLECTS TO MAKE OTHER LEGALLY REQUIRED PAYMENTS. THE PEOPLE WHO ARE OWED MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED TO PAY. FLORIDA'S



CHASE GROVES HOMEOWNER ASSOCIATION, INC.
C/O Vista Community Association Management
P.O. Box 162147
Altamonte Springs, FL 32716-2147
(407) 682-3443 x222
FAX (407) 682-0181

July 17, 2009

Colleen Kelly Johnson
2737 Cahill Way
Lake Mary, FL 32746

Dear Homeowner,

The Architectural Review Committee **approved** your request for the new fence installation as presented on your application. Please complete all work within 120 days.

This approval does not release you from obtaining any required permits from Seminole County. Any failure to obtain the necessary permits will result in this approval being rendered null and void.

Good luck with your project!

For the Architectural Review Committee
Sincerely,
Shawn Thornton, LCAM
Community Manager
Chase Groves HOA

**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
Colleen Johnson (Kelly)	2737 Cahill Way Lake Mary, FL 32746	407-810-0314

(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.

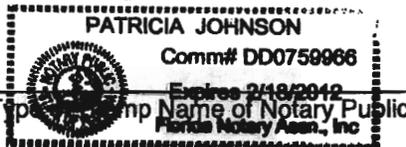
Date 6/30/09


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 30th day of June, 2009 by Colleen Johnson

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification _____

Type of Identification Produced FLA. Driver License

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 82 CHASE GROVES UNIT 6 PB 44 PGS 29 THRU 31

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

FINDINGS OF FACT

Property Owner: Colleen A Kelly
2737 Cahill Way
Lake Mary 32746

Project Name: Cahill Way (2737)

Requested Variance:

A side street (south) setback variance from 20 feet to 7 feet for a proposed fence in PUD (Planned Unit Development) district.

Approval was sought to construct a fence with the side street 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 82 CHASE GROVES UNIT 6 PB 44 PGS 29 THRU 31

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

FINDINGS OF FACT

Property Owner: Colleen A Kelly
2737 Cahill Way
Lake Mary 32746

Project Name: Cahill Way (2737)

Variance Approval:

A side street (south) setback variance from 20 feet to 7 feet for a proposed fence in PUD (Planned Unit Development) 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 fence 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:

