

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

**SUBJECT:** 1151 Scenic Point Road – Celia da Silva, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a pool and 25 feet to 15 feet for a pool screen enclosure in R-1A (Single Family Dwelling) district.

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

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

**Agenda Date** 9/28/09 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a rear yard setback variance from 30 feet to 15 feet for a pool and 25 feet to 15 feet for a pool screen enclosure in R-1A (Single Family Dwelling) district; or
1. **Approve** the request for a rear yard setback variance from 30 feet to 15 feet for a pool and 25 feet to 15 feet for a pool screen enclosure in R-1A (Single Family Dwelling) district; or
2. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Celia da Silva</p> <p>Location: 1151 Scenic Point Road</p> <p>Zoning: R-1A</p> <p>Subdivision: Myrtle Lake Hills</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting to construct a pool and a pool screen enclosure in which both encroach into the rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	<p>The applicant has 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</li> </ul>

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

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></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"><li>• Any variance granted shall apply only to the pool and screen enclosure 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 # 842009-34  
Meeting Date 9-28-09



# COPY 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: Celia da Silva  
Address: 1151 Scenic Pt Rd. City: Longwood Zip code: 32750  
Project Address: 1151 Scenic Pt Rd City: Longwood Zip code: 32750  
Tax Parcel number: 25-20-29-501-0000-0560  
Contact number(s): 407 509-0390  
Email address: CDAtlantis@aol.com

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 checked="" type="checkbox"/> Pool	Please describe:
<input checked="" 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.	

RECEIVED AUG 07 2009

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:	30*	Proposed setback:	15 pool's water edge
<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 checked="" type="checkbox"/> <u>15</u> yard setback	Required setback:	25*	Proposed setback:	15 pool screen enclosure
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Total number of variances requested _____				

Signed: Celia da Silva Date: 8/7/09

\* Mean High Water line of Lake Myrtle

FOR OFFICE USE ONLY

Date Submitted: 8-7-09 Reviewed By: R. Johnson  
 Zoning/FLU R-1A 1LOR

- 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**

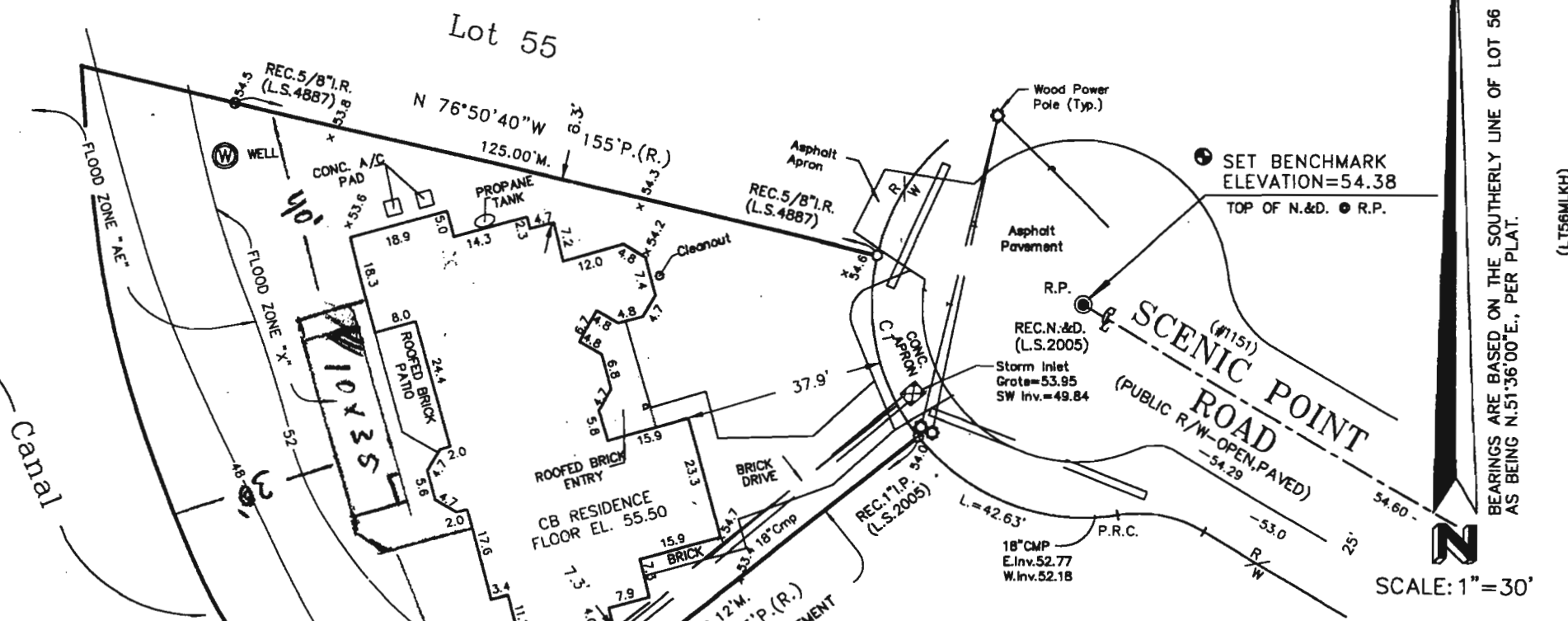
Please return this checklist with your application!

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.

*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.*

	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). 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>
	4. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan 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
	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.

SALLY DaSILVA



BEARINGS ARE BASED ON THE SOUTHERLY LINE OF LOT 56 AS BEING N.51°36'00\"E., PER PLAT.

(LT56MLKH)

SCALE: 1" = 30'

FIELD LOCATED NORMAL (ORDINARY) HIGH WATER LINE (48' CONTOUR)

**ABBREVIATIONS:**

REC.	DENOTES	RECOVERED
I.P.	"	IRON PIPE
I.R.	"	IRON ROD
C	"	CENTERLINE
R/W	"	RIGHT-OF-WAY
(N.R.)	"	NON-RADIAL
R.P.	"	RADIUS POINT
P.R.C.	"	POINT OF REVERSE CURVATURE
C.B.	"	CONCRETE BLOCK
W.F.	"	WOOD FRAME
RES.	"	RESIDENCE
CONC.	"	CONCRETE
A.C.	"	AIR CONDITIONER
UTIL.	"	UTILITY
L.S.	"	LICENSED SURVEYOR
L.B.	"	LICENSED BUSINESS
P.	"	PLAT
M.	"	MEASURED
INV.	"	INVERT
CMP	"	CORRUGATED METAL PIPE

**SURVEY DATES:**  
 BOUNDARY: 12-15-06  
 FIELD LOCATE NORMAL (ORDINARY) HIGH WATER LINE: 2-13-06  
 ROUGH STAKE HOUSE: 12-15-06  
 ADDITIONAL WORK: 2-12-07  
 FOUNDATION: 5-29-08 (JAL)  
 FINAL: 7-20-09 (JAL)  
 WORK ORDER: E-7008

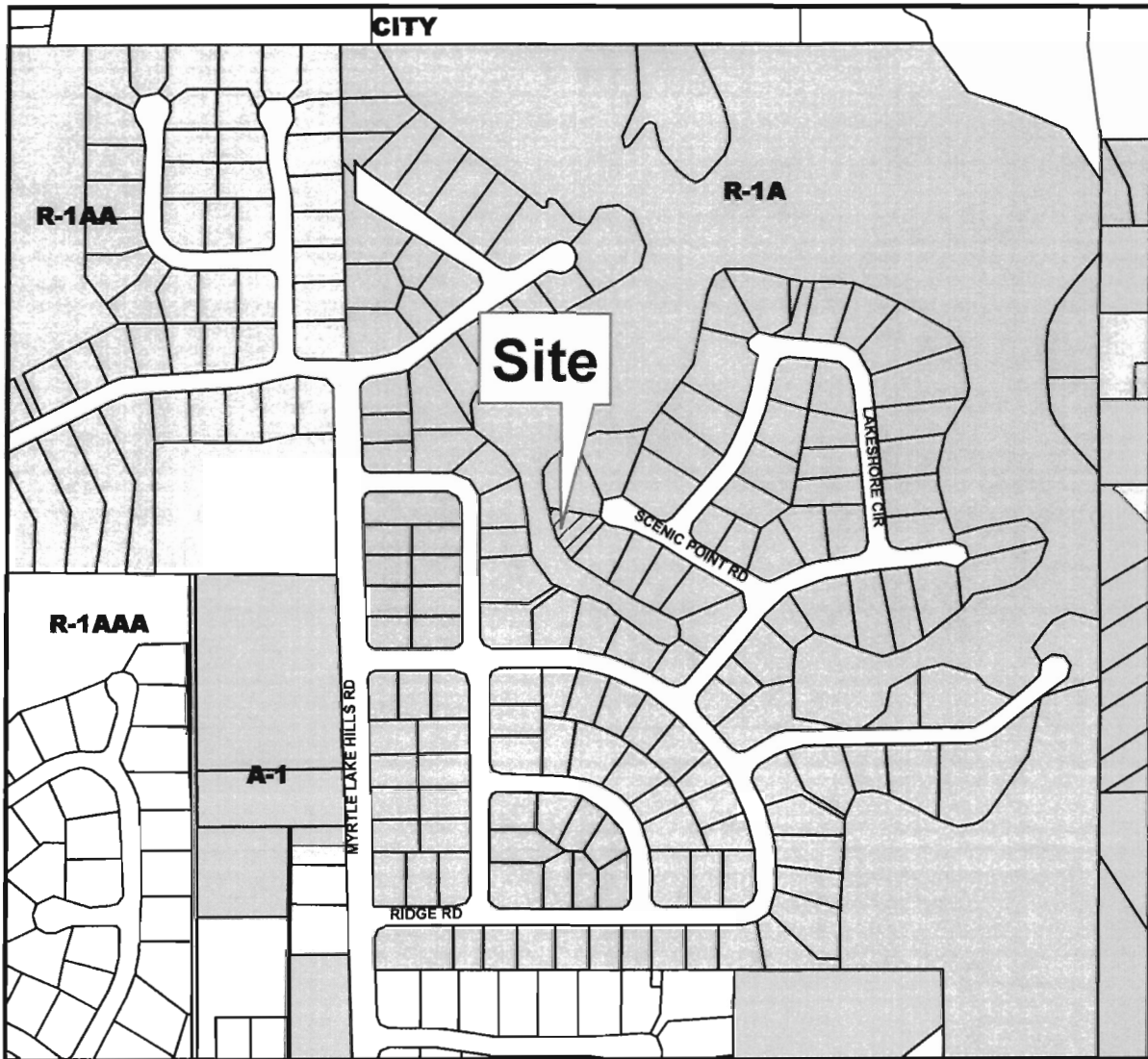
Mark I. Luke  
 Professional Surveyor and Mapper  
 Florida License No. 5006

This survey map or copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

**SURVEY REPORT:**






- This survey does not reflect or determine ownership.
- Title data has not been furnished to this surveyor unless otherwise noted.
- Underground improvements or underground foundations have not been located except as noted on survey map.
- According to the Federal Insurance Rate Map, this property lies in Zones "AE" and "X" Community-Panel number 12117C0155 F, Dated SEPTEMBER 28, 2007.
- This property lies in Section 25, Township 20 S., Range 29 E., Seminole County, Florida.

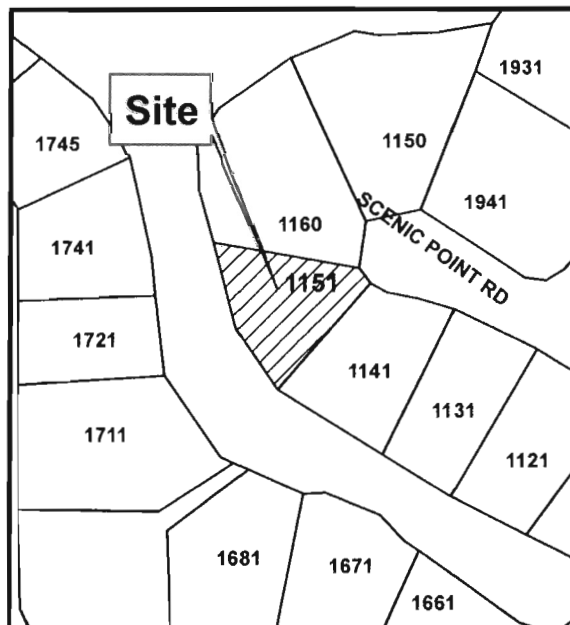
Celia da Silva  
1151 Scenic Point Road  
Longwood, FL 32750



Seminole County Board of Adjustment  
September 28, 2009  
Case: BV2009-84 (Map 3103 Grid A5)  
Parcel No: 25-20-29-501-0000-0560

Zoning

-  BV2009-84
-  A-1
-  R-1AAA
-  R-1AA
-  R-1A



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL                  1101 E. FIRST ST                  WINTER, FL 32771-1400                  407-898-7808</p>																																			
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 25-20-29-501-0000-0560                  Owner: DA SILVA JOAQUIM G &amp; MARIA C                  Mailing Address: 273 REIDER AVE                  City,State,ZipCode: LONGWOOD FL 32750                  Property Address: 1151 SCENIC POINT RD LONGWOOD 32750                  Subdivision Name: MYRTLE LAKE HILLS                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 00-VACANT RESIDENTIAL</p>	<p align="center"><b>VALUE SUMMARY</b></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;">\$55,000</td> <td style="text-align: center;">\$57,000</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;">\$55,000</td> <td style="text-align: center;">\$57,000</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><b>Assessed Value (SOH)</b></td> <td style="text-align: center;"><b>\$55,000</b></td> <td style="text-align: center;"><b>\$57,000</b></td> </tr> </tbody> </table> <p 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)	\$55,000	\$57,000	Land Value Ag	\$0	\$0	Just/Market Value	\$55,000	\$57,000	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	<b>Assessed Value (SOH)</b>	<b>\$55,000</b>	<b>\$57,000</b>
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)	\$55,000	\$57,000																																	
Land Value Ag	\$0	\$0																																	
Just/Market Value	\$55,000	\$57,000																																	
Portability Adj	\$0	\$0																																	
Save Our Homes Adj	\$0	\$0																																	
<b>Assessed Value (SOH)</b>	<b>\$55,000</b>	<b>\$57,000</b>																																	
<b>2009 TAXABLE VALUE WORKING ESTIMATE</b>																																			
<b>Taxing Authority</b>	<b>Assessment Value</b>	<b>Exempt Values</b>	<b>Taxable Value</b>																																
County General Fund	\$55,000	\$0	\$55,000																																
Schools	\$55,000	\$0	\$55,000																																
Fire	\$55,000	\$0	\$55,000																																
Road District	\$55,000	\$0	\$55,000																																
SJWM(Saint Johns Water Management)	\$55,000	\$0	\$55,000																																
County Bonds	\$55,000	\$0	\$55,000																																
The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.																																			
<p align="center"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>09/2003</td> <td>05052</td> <td>0096</td> <td>\$38,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1993</td> <td>02542</td> <td>0620</td> <td>\$3,400</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/2003	05052	0096	\$38,000	Vacant	Yes	QUIT CLAIM DEED	01/1993	02542	0620	\$3,400	Vacant	No	<p align="center"><b>2008 VALUE SUMMARY</b></p> <p align="right">2008 Tax Bill Amount: \$858</p> <p align="center">2008 Certified Taxable Value and Taxes</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>													
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																													
WARRANTY DEED	09/2003	05052	0096	\$38,000	Vacant	Yes																													
QUIT CLAIM DEED	01/1993	02542	0620	\$3,400	Vacant	No																													
<p align="center"><b>LAND</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Asses Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1.000</td> <td style="text-align: right;">55,000.00</td> <td style="text-align: right;">\$65,000</td> </tr> </tbody> </table> <p>Permits</p>	Land Asses Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	55,000.00	\$65,000	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p align="center">PLATS: Pick...                  LEG LOT 56 MYRTLE LAKE HILLS PB 13 PG 8</p>																						
Land Asses Method	Frontage	Depth	Land Units	Unit Price	Land Value																														
LOT	0	0	1.000	55,000.00	\$65,000																														
<p><small>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.</small></p>																																			



**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 Maria Da Silva, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) \_\_\_\_\_  
25-20-29-501-6000-0560

hereby affirm that Celia Da Silva is hereby designated to act as my /our  
authorized agent and to file the attached application for the stated special exception / variance request and  
make binding statements and commitments regarding the request.

\_\_\_\_\_  
Maria Da Silva  
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 7<sup>th</sup> day of August 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Maria Da Silva, 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 7<sup>th</sup> day of August, 2009

[Signature]  
Notary Public in and for the County and State  
Aforementioned

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



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

**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 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.

8/7/09  
Date

Celia da Silva  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 7<sup>th</sup> day of August, 2009 by Celia Da Silva

P. Harris  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**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
Maria dasilva	273 Reider Ave	407-339-9104
Joaquim dasilva	273 Reider Ave	407-339-9104

(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 APPROVAL DEVELOPMENT ORDER**

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 56 Myrtle Lake Hills PB 13 PG 8

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

### **FINDINGS OF FACT**

**Property Owner:** Celia da Silva  
1151 Scenic Point Road  
Longwood, Fl. 32750

**Project Name:** BV2009-84

**Requested Variance:**

Request for a rear yard setback variance from 30 feet to 15 feet for a pool and 25 feet to 15 feet for a pool screen enclosure

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, 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 pool and screen enclosure 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 September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 56 Myrtle Lake Hills PB 13 PG 8

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

**FINDINGS OF FACT**

**Property Owner:** Celia da Silva  
1151 Scenic Point Road  
Longwood, Fl. 32750

**Project Name:** BV2009-84

**Requested Variance:**

Request for a rear yard setback variance from 30 feet to 15 feet for a pool and 25 feet to 15 feet for a pool screen enclosure

Approval was sought to construct a pool and screen enclosure in the rear 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: Kathy Fall, 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: