

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 4121 E Danby Court – Nate Carbone, applicant; Request for a front yard setback variance from 25 feet to 21 feet for a front porch addition in R-1AAA (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 10/26/09 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 25 feet to 21 feet for a front porch addition in R-1AAA (Single Family Dwelling) district; or
2. **Approve** the request for a front yard setback variance from 25 feet to 21 feet for a front porch addition in R-1AAA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Nate Carbone Location: 4121 E Danby Court Zoning: R-1AAA (Single Family Dwelling) district Subdivision: Huntridge
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to extend the existing front porch in order to create a covered entrance way to the home. • The porch extension would encroach 4 feet into the required 25-foot front yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • No special conditions or circumstances exist, which

Reviewed by: KFF
Co Atty: _____
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 front yard setback for the porch addition 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 # PN 2009-88
Meeting Date 10-26-09



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: NATALE "NATE" CARBONE
Address: 4121 E. DANBY CT City: WINTER SPRINGS code: 32708
Project Address: SAME AS ABOVE City: _____ Zip code: _____
Tax Parcel number: 13-21-30-511-0000-0080
Contact number(s): 407-699-0838 (home) 407-657-6110 (work)
Email address: NCARBONE@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 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>ENTRANCEWAY</u>	Please describe: <u>PORCH EXTENSION TO PROTECT FRONT DOOR</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

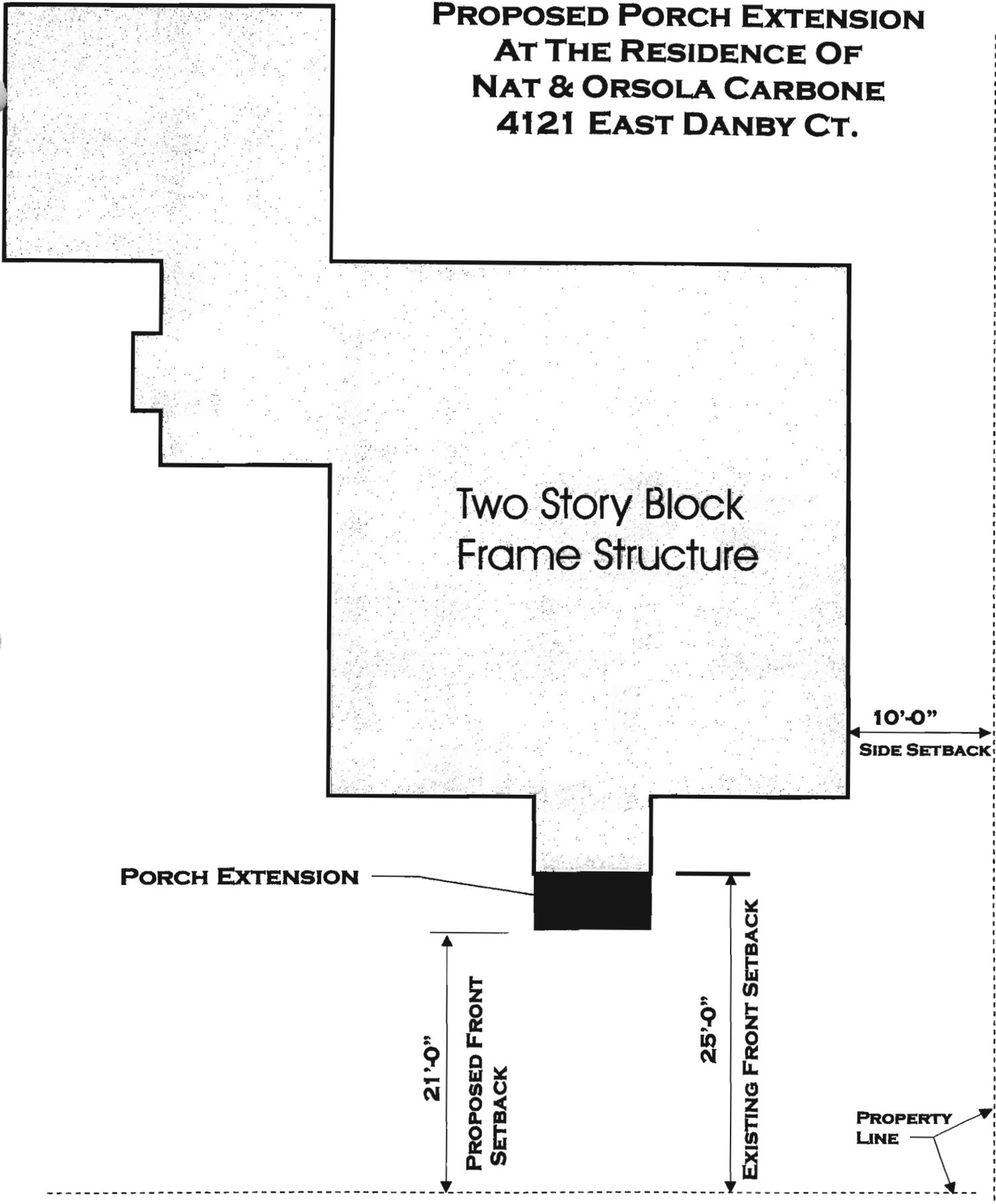
What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25'</u>	Proposed setback: <u>21'</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 checked="" type="checkbox"/> Total number of variances requested <u>1</u>			

Signed: Natalie Carbone

Date: 8/31/09

**PROPOSED PORCH EXTENSION
AT THE RESIDENCE OF
NAT & ORSOLA CARBONE
4121 EAST DANBY CT.**



Two Story Block
Frame Structure

10'-0"
SIDE SETBACK

PORCH EXTENSION

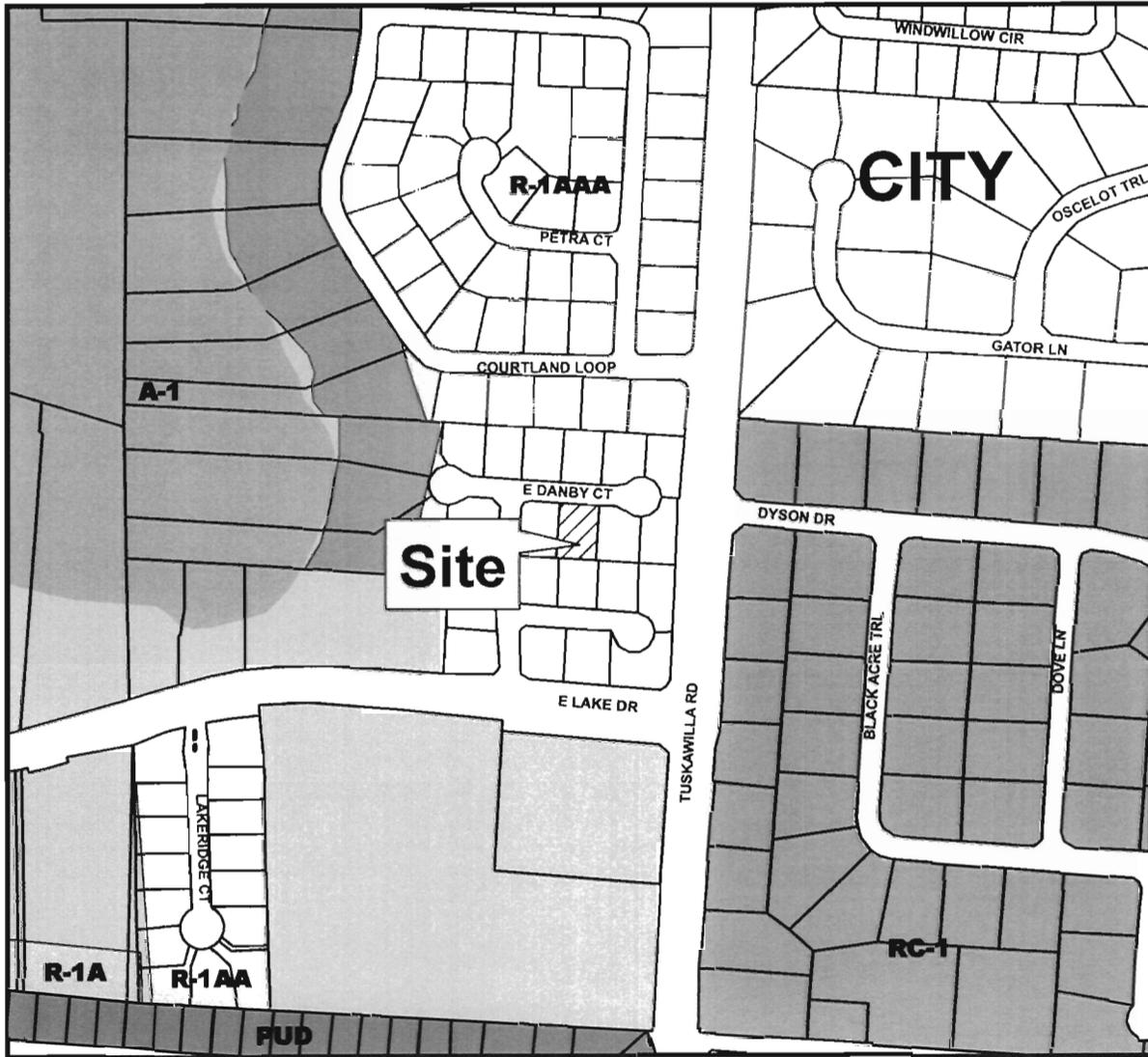
21'-0"
PROPOSED FRONT
SETBACK

25'-0"
EXISTING FRONT SETBACK

PROPERTY
LINE

EAST DANBY CT.

Nate Carbone
 4121 East Danby Court
 Winter Springs, FL 32708



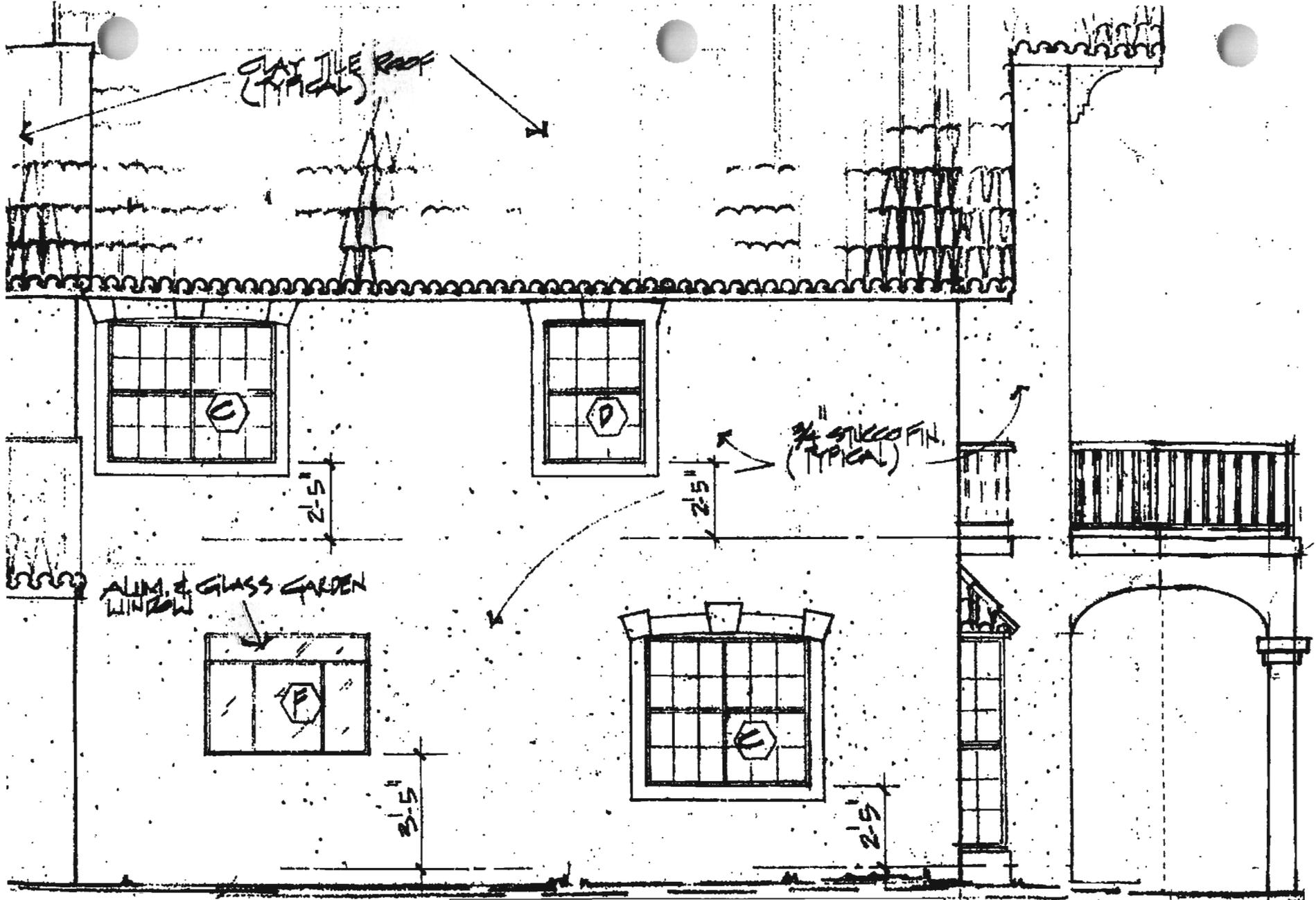
Seminole County Board of Adjustment
 October 26, 2009
 Case: BV2009-88 (Map 3158 Grid B7)
 Parcel No: 13-21-30-511-0000-0080

Zoning

	BV2009-88		R-1AA
	A-1		R-1A
	RC-1		PUD
	R-1AAA		

N

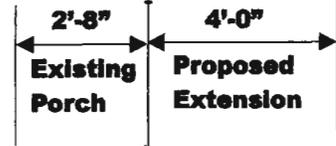


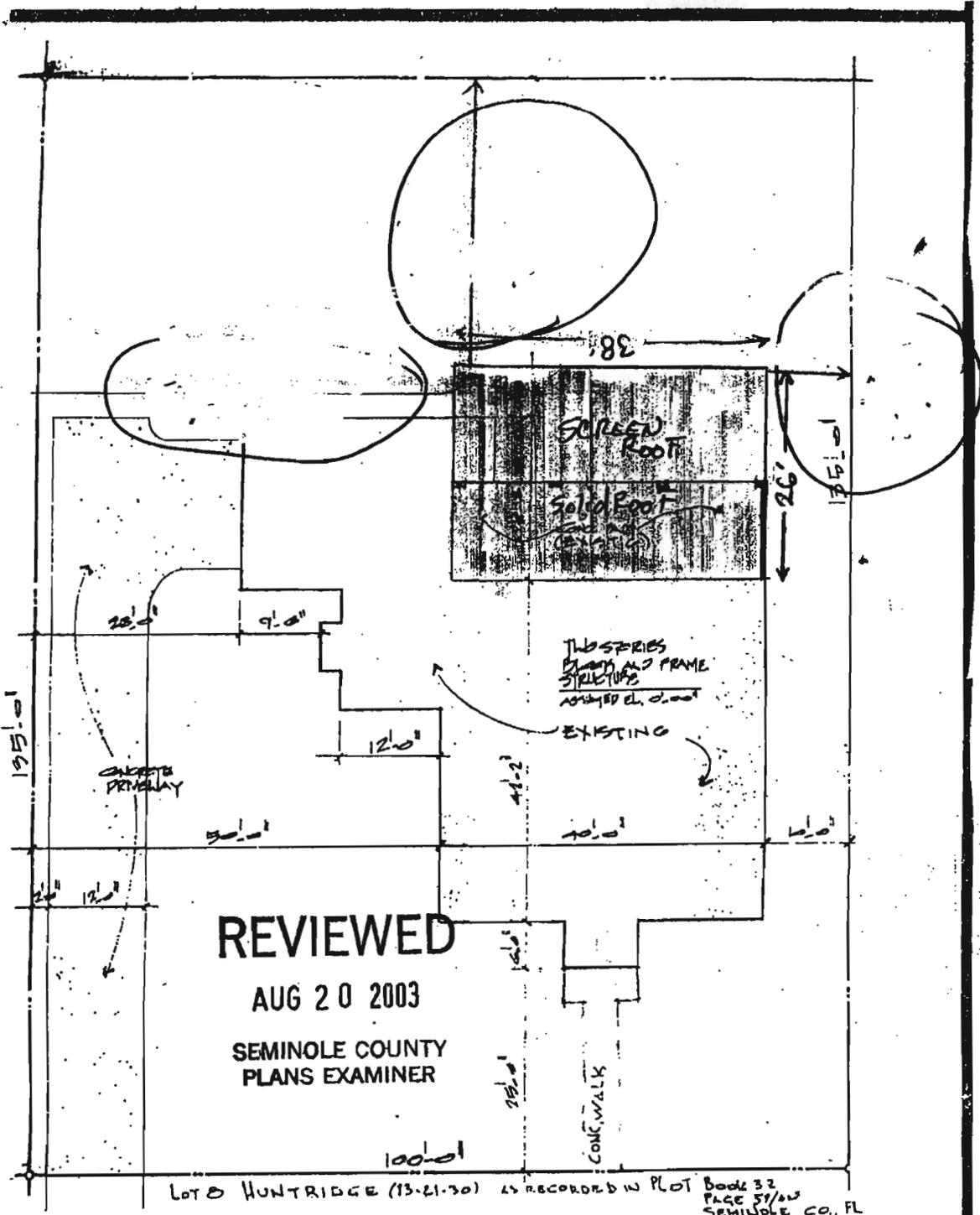


Left Side Elevation

**PROPOSED PORCH EXTENSION
 NAT & ORSOLA CABONE
 4121 EAST DANBY CT
 HUNTRIDGE SUBDIVISON**

1 SEPTEMBER 2009





4121 EAST DANBY CT.

SITE PLAN

1" = 20'

SHOWS EXISTING LOT COVERAGE

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1408 407-655-7806</p>																																		
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 13-21-30-511-0000-0080 Owner: CARBONE NATALE & ORSOLA TRS Own/Addr: FBO NATALE & ORSOLA CARBONE Mailing Address: 4121 E DANBY CT City,State,ZipCode: WINTER SPRINGS FL 32708 Property Address: 4121 DANBY CT E WINTER SPRINGS 32708 Subdivision Name: HUNTRIDGE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">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>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$213,272</td> <td>\$283,412</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$6,993</td> <td>\$7,282</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$50,000</td> <td>\$50,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$270,265</td> <td>\$340,694</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$34,674</td> <td>\$105,338</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$235,591</td> <td>\$235,356</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p> <p style="text-align: center;">Portability Calculator</p> <p style="text-align: center;">2009 Notice of Proposed Property Tax</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$213,272	\$283,412	Depreciated EXFT Value	\$6,993	\$7,282	Land Value (Market)	\$50,000	\$50,000	Land Value Ag	\$0	\$0	Just/Market Value	\$270,265	\$340,694	Portability Adj	\$0	\$0	Save Our Homes Adj	\$34,674	\$105,338	Assessed Value (SOH)	\$235,591	\$235,356
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<p>Potential Portability Amount is \$34,674</p> <p>The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.</p>																																		
<p style="text-align: center;">SALES</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>SPECIAL WARRANTY DEED</td> <td>08/2001</td> <td>04159</td> <td>0245</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1986</td> <td>01741</td> <td>0107</td> <td>\$42,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	08/2001	04159	0245	\$100	Improved	No	WARRANTY DEED	06/1986	01741	0107	\$42,000	Vacant	Yes	<p style="text-align: center;">2008 VALUE SUMMARY</p> <p>Tax Amount (without SOH): \$4,566 2008 Tax Bill Amount: \$2,980 Save Our Homes (SOH) Savings: \$1,586 2008 Certified Taxable Value and Taxes DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>												
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FIREPLACE	1988	1	\$1,188	\$2,500
ALUM PORCH INSULATED	2003	456	\$3,102	\$3,876
SCREEN ENCLOSURE	2003	982	\$1,572	\$1,964
CONCRETE PATIO	2003	532	\$1,131	\$1,330

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
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
NATALE "NATE" CARBONE	4121 E. DANBY CT. W. SPRINGS	407-699-0838
ORSOLA CARBONE	SAME	407-699-0838

(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 9/2/09

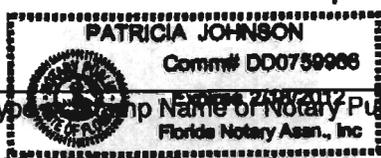
Natalie Carbone
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 2nd day of September, 2009 by NATALIE

CARBONE

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification _____

Type of Identification Produced Florida Driver License

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

Natale & Orsola Carbone
4121 E. Danby Ct.
Winter Springs, FL. 32708-4030
(407) 699-0838

Seminole County Board of Adjustment
1101 East First Street
Sanford, Florida 32771
Board Chambers, Room 1028

August 31, 2009

RE: Board Meeting of October 26, 2009 – Request for a Setback Variance

Dear Board Members:

Subject to the final approval of the Huntridge Homeowners Association Architectural Committee, we the undersigned neighbors of Nate and Orsola Carbone hereby agree to the proposed four-foot extension of the entranceway to the Carbone residence, as requested in their application for a Setback variance.

Respectfully submitted,



(Sign name)

Mehrdad Moradi

(Print name)

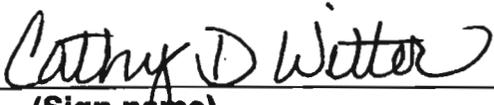
4145 E. Danby Ct.

(Address)

Winter Springs FL 32708

August/31/08

(Date)



(Sign name)

Cathy Witter

(Print name)

4169 E. Danby Ct.

(Address)

Winter Springs, FL

407-699-5612

(Date)



(Sign name)

EDWARD A SCHUSTER

(Print name)

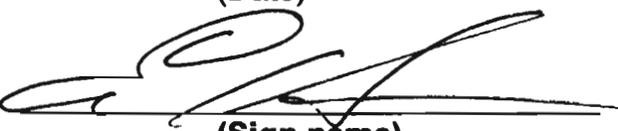
4096 E DANBY CT

(Address)

WINTER SPRINGS, FL 32708

AUGUST 31, 2009

(Date)



(Sign name)

Ed Hayden

(Print name)

4144 E. Danby Ct.

(Address)

Winter Springs FL

9/2/09

(Date)

(Sign name)

(Print name)

(Address)

(Date)

Darla Mae Prenz

(Sign name)

Darla Mae Prenz

(Print name)

4097 E. Danby Court

(Address)

Winter Springs, FL 32708

Sept 2, 09

(Date)

(Sign name)

(Print name)

(Address)

(Date)

(Sign name)

(Print name)

(Address)

(Date)

(Sign name)

(Print name)

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(Sign name)

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(Print name)

(Address)

(Date)

(Sign name)

(Print name)

(Address)

(Date)

(Sign name)

(Print name)

(Address)

(Date)

**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

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

LOT 8
HUNTRIDGE PB 32 PGS 59 & 60

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

FINDINGS OF FACT

Property Owner: Natale & Orsola Carbone
4121 E Danby Ct
Winter Springs, FL 32708

Project Name: E Danby Court (4121)

Requested Variance:

Request for a front yard setback variance from 25 feet to 21 feet for a porch addition in R-1AAA (Single Family Dwelling) district.

Approval was sought to all for the construction of a porch addition to encroach within the front 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: Joy Williams, 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 October 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 8
HUNTRIDGE PB 32 PGS 59 & 60

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

FINDINGS OF FACT

Property Owner: Natale & Orsola Carbone
4121 E Danby Ct
Winter Springs, FL 32708

Project Name: E Danby Court (4121)

Variance Approval:

Front yard setback variance from 25 feet to 21 feet for a porch addition in R-1AAA (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: Joy Williams, 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 front yard setback for the porch addition 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)**

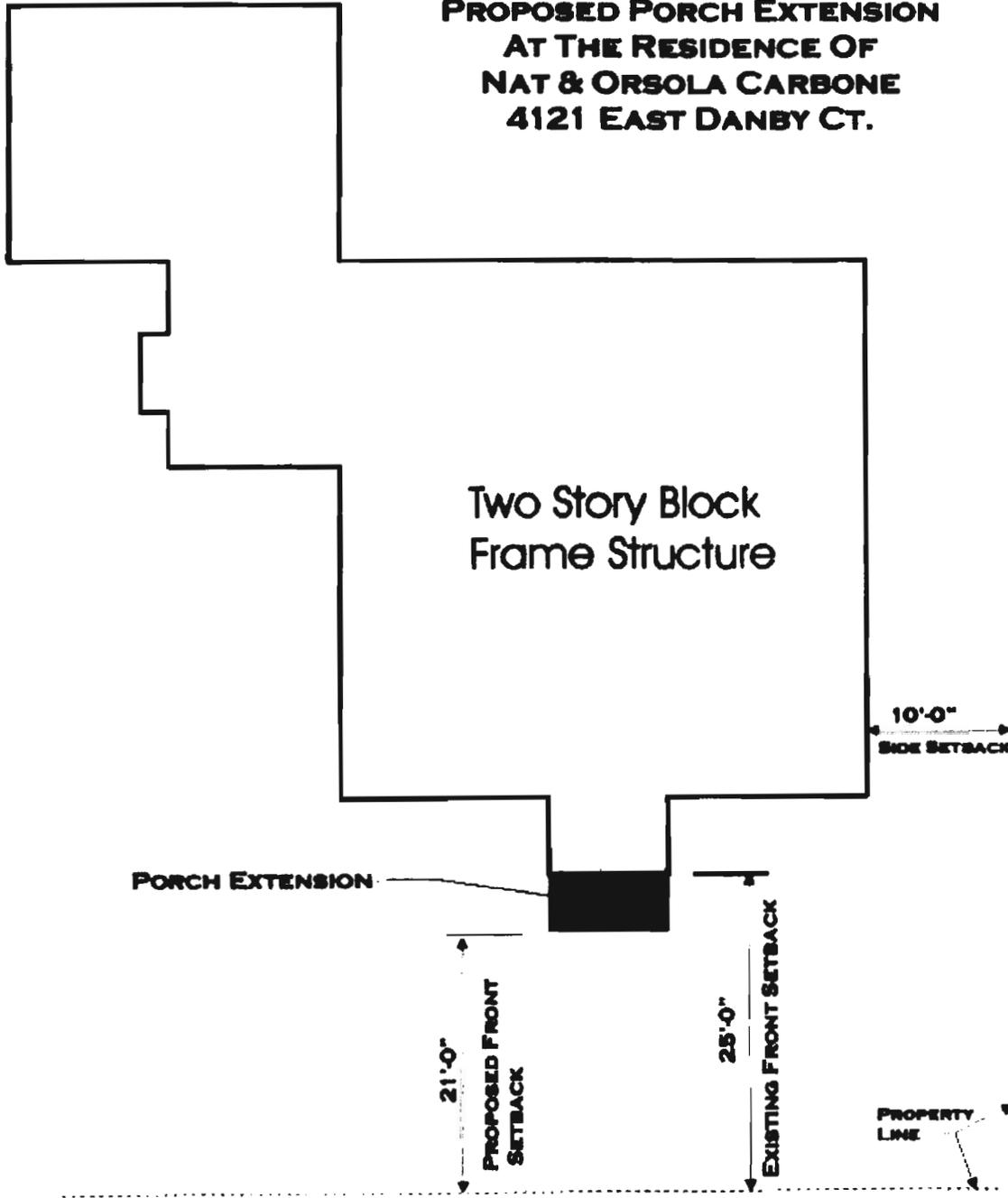
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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:

**PROPOSED PORCH EXTENSION
AT THE RESIDENCE OF
NAT & ORSOLA CARBONE
4121 EAST DANBY CT.**



EAST DANBY CT.