

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 12th day of September, 2023 to **OVERTURNED** a decision by the Board of Adjustment to **UPHOLD** the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure located at 3067 Cecelia Drive.

A. FINDINGS OF FACT

Property Owner: Natalia and Ronald Shaw
3067 Cecelia Drive
Apopka, FL 32703

1. On June 26, 2023, the Board of Adjustment **Upheld** the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure located at 3067 Cecelia Drive.
2. On July 11, 2023, Seminole County received a Notice of Appeal to the Seminole County Board of County Commissioners by the Appellant, Douglas Gartenlaub.
3. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of the Land Development Code of Seminole County Section 30.43(f).
4. The Board of County Commissioners hereby adopts the findings included in the Agenda Memorandum for the June 26, 2023 Board of Adjustment meeting, and the findings in the record of the September 12, 2023, Board of County Commissioners meeting, both incorporated herein by reference.

B. CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board of County Commissioners hereby concludes that the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure is not in the public interest.

C. DECISION

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on June 26, 2023, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **OVERTURNED**.

Done and Ordered on the date first written above.

Attest: _____
Grant Maloy
Clerk to the Board of County Commissioners

By: _____
Amy Lockhart, Chairman
Board of County Commissioners

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

APPROVAL DEVELOPMENT ORDER

On September 12, 2023, the Seminole County Board of County Commissioners **UPHELD** a decision by the Board of Adjustment to **UPHOLD** the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure located at 3067 Cecelia Drive.

A. FINDINGS OF FACT

Property Owner: Natalia and Ronald Shaw
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B. CONCLUSIONS OF LAW

The development permit sought is consistent with the Seminole County Comprehensive Plan and in compliance with applicable land development regulations and all other applicable regulations and ordinances.

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The Board hereby upholds the decision by the Board of Adjustment to uphold the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure located at 3067 Cecelia Drive.

(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, to the extent that such requirements are not inconsistent with this Development Order.

(3) 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.

(4) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.

(5) Issuance of this Development Order does not in any way create any rights on the part of the Applicant and/or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant and/or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Done and Ordered on the date first written above.

Attest: _____
Grant Maloy
Clerk to the Board of County Commissioners

By: _____
Amy Lockhart, Chairman
Board of County Commissioners