

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4.16 FEET (50 INCHES) FOR AN EXISITING SHED; AND (2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.25 FEET (39 INCHES) FOR AN EXISITING SHED IN THE R-1AAA (SINGLE FAMILY DWELLING DISTRICT); (CRYSTAL LOVE KNOX, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall/Jason Showe **EXT.** 7398

Agenda Date 09-27-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4.16 FEET (50 INCHES) FOR AN EXISITING SHED; AND (2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.25 FEET (39 INCHES) FOR AN EXISITING SHED IN THE R-1AAA (SINGLE FAMILY DWELLING DISTRICT); (CRYSTAL LOVE KNOX, APPLICANT); OR
2. **DENY** REQUEST FOR (1) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4.16 FEET (50 INCHES) FOR AN EXISITING SHED; AND (2) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.25 FEET (39 INCHES) FOR AN EXISITING SHED IN THE R-1AAA (SINGLE FAMILY DWELLING DISTRICT); (CRYSTAL LOVE KNOX, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: CRYSTAL LOVE KNOX LOCATION: 133 VARIETY TREE CIRCLE ZONING: R-1AAA (SINGLE FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THERE ARE TWO EXISITING SHEDS ALONG THE SIDE YARD WHICH ARE 200 SQUARE FEET AND 65 SQUARE FEET IN THEIR RESPECTIVE SIZES. • THESE SHEDS ENCROAH IN TO THE SIDE YARD SETBACK BY 5.84 FEET AND 6.75 FEET RESPECTIVELY; THE AFOREMENTIONED SIDE YARD SETBACK VARIANCES FROM 10 FEET TO 4.16 FEET AND FROM 10 FEET TO 3.25 FEET ARE THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING

STAFF FINDINGS	BEEN GRANTED FOR THIS PROPERTY. THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANTING OF THE VARIANCES. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none">• THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1AAA DISTRICT BY ALLOWING ENCROACHMENT INTO THE MINIMUM SIDE YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.• THE SHEDS COULD HAVE BEEN CONSTRUCTED OR COULD BE RELOCATED TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS.• THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW THE CONTINUANCE OF DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
STAFF RECOMMENDATION	BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS: <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHEDS AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



COPY

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

- VARIANCE** HARDSHIP? APPLICATION TYPE: SIDE (NORTH) YARD SETBACK VARIANCE FROM 10 FT. TO 5 FT. FOR EXISTING SITED
Leave existing shed in their current position 2.50' from side wall. Shed has been in place so long, children's pets are buried around.
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION** RECEIVED
- EXISTING PROPOSED REPLACEMENT JUL 08 2004
- MOBILE HOME IS FOR _____
 YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
 ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 PLAN TO BUILD YES NO IF SO, WHEN _____
 MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Crystal Knox	
ADDRESS	133 Variety Tree Cir Altamonte Springs, FL 32714	
PHONE 1	407 786 7654	
PHONE 2	321 356 7229	
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 133 Variety Tree Cir Altamonte Springs FL 32714
 CURRENT USE OF PROPERTY: residence
 LEGAL DESCRIPTION: Lot 19, Block "E" Spring Valley Farms section 16

SIZE OF PROPERTY: 1/4 acre(s) PARCEL I.D. 22-21-29-504-0E00-0190

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS we are obtaining permits for installing wood fence, installing jacuzzi, and enclosing back porch w/glass door

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO HAVE LARGE DOGS - PLEASE CALL AHEAD

This request will be considered at the Board of Adjustment regular meeting on SEPT. 27 6PM (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Crystal Knox
 SIGNATURE OF OWNER OR AGENT* 7/8/04
 DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

~~W~~ SIDE (NORTH) YARD SETBACK VAR FROM 10' TO 39" FOR EXISTING SMALL SHED

VARIANCE 2: Leave existing shed 15" from back wall and 39" from side wall. It had been in existence for so long children's pets are buried around; landscaping.

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

_____ SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$200 COMMISSION DISTRICT 3 FLU/ZONING LDR/R1-AAA

BCC HEARING DATE _____

LOCATION FURTHER DESCRIBED AS ON W. SIDE OF VARIETY TREE CIR.
APPROX. 0.3 MI WEST OF SPRING VALLEY ROAD

PLANNER V.B DATE 7/5/64

SUFFICIENCY COMMENTS _____

BV 2004-124

139 Variety Tree Circle
Altamonte Springs, FL
32714
September 16, 2004

Chairman, Seminole County Board of Adjustment
Planning Division
1101 East First Street
Sanford, FL
32771

Reference: September 27, 2004 Hearing concerning request for variance at 133 Variety Tree Circle, Spring Valley Farms, Altamonte Springs, FL 32714

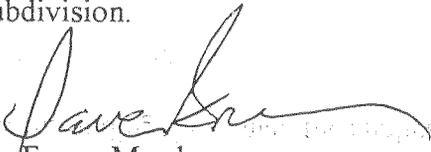
Dear Sir:

I stand in opposition to approval of all the variances stated on the posting in front of the property at 133 Variety Tree Circle.

This is not a new case. The applicant approached the Chairman of the Architectural Review Committee (ARC) for Spring Valley Farms over a year ago requesting approval to place a workshop building close to her property line. No hardships were presented and the request was denied. Notwithstanding the denial, the applicant later trucked the building by lowboy and relocated in on the side yard of 133 Variety Tree Circle on Thanksgiving Day. The Seminole County District 7 Code Enforcement Officer, Ms. Joanne Davids, has advised me that the applicant was sited for this un-permitted building in the Spring of this year. This was confirmed on September 16 by a county employee named Karen (407-665-7444) who is employed in the Variance Division.

After review of the Seminole County Board of Adjustment application process and requirement for variance documents, I conclude that there are no grounds for authorizing and approving any of these variances. None of the hardship conditions (a) through (f) stated in your documents apply to this case. The only possible hardship is one generated by the applicant moving the building to the premises after she was advised the request was denied by the local ARC, Spring Valley Farms Community Association.

Notwithstanding, the proposed variance to accommodate a prefabricated building of 200 to 300 square feet in size is not in keeping with the generally accepted standards for an R1AAA residential subdivision.

Sincerely,
Dave Green 
Spring Valley Farms Member
Resident of 139 Variety Tree Circle

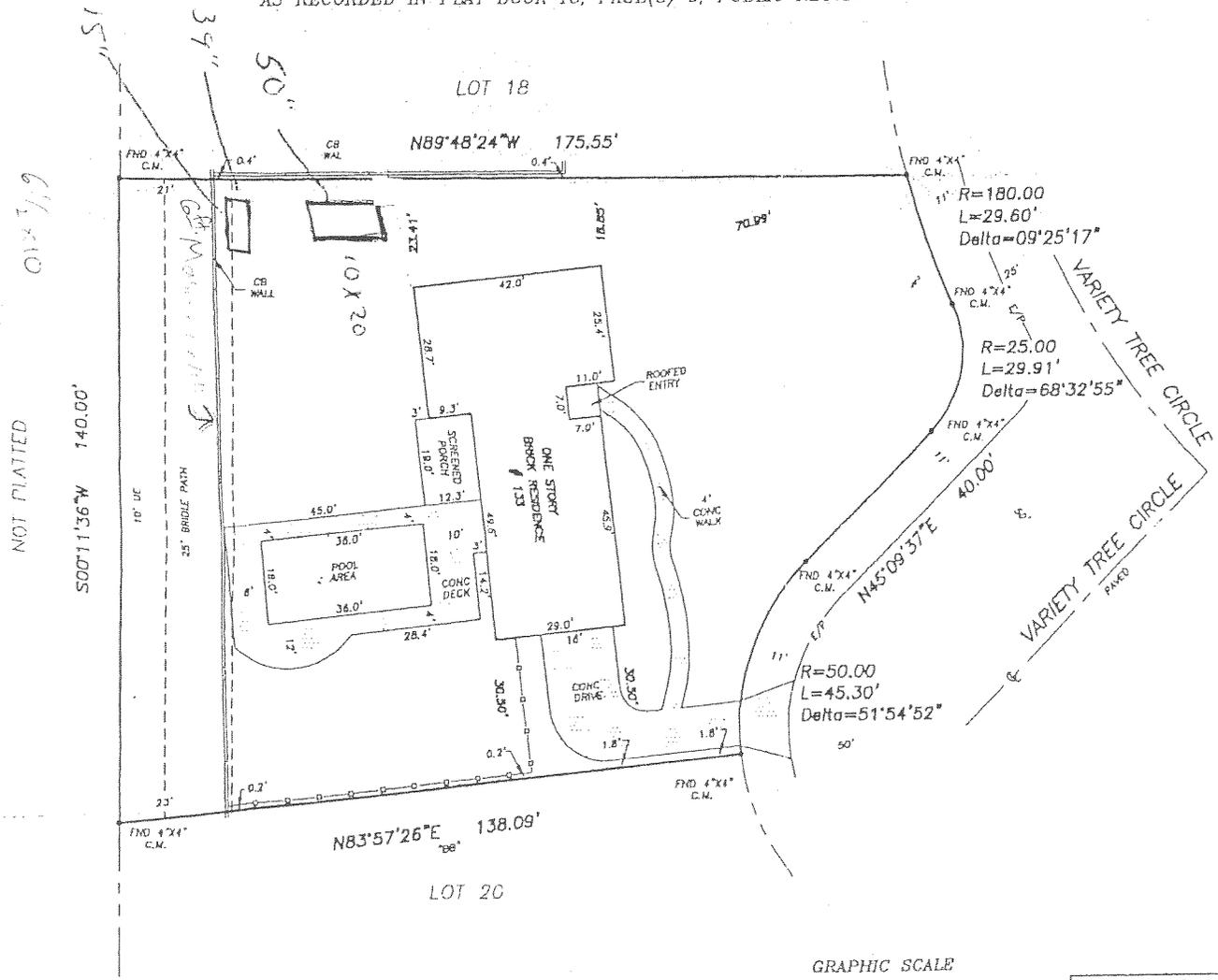
Cc Hon. Richard van der Weide, Hon. Randy Morris

Heels

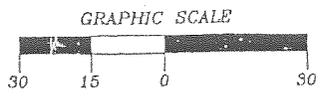
PLAT OF SURVEY

LEGAL DESCRIPTION:

LOT 19, BLOCK "E", SPRING VALLEY FARMS SECTION SIX
 AS RECORDED IN PLAT BOOK 15, PAGE(S) 9, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



- NOTES:**
- > FLOOD ZONE DETERMINATION SHOWN BY APPROVAL BY F.E.M.A.
 - > SURVEY IS BASED UPON THE LEGAL DI
 - > UNDERGROUND UTILITIES AND FOOTERS UNLESS OTHERWISE NOTED.
 - > SUBJECT TO ANY EASEMENTS AND/OR
 - > THIS BUILDING/LOT IS NOT IN A FLOOD PRONE INSURANCE RATE MAP 120289 PANEL NO. 01
 - > BEARING STRUCTURE IS BASED UPON :



I HEREBY CERTIFY THAT THIS PLAT OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SUBMITTED UNDER MY DIRECTION ON THE DATE SHOWN, BASED ON INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CHAPTER 81017-6 FLORIDA ADMINISTRATIVE CODE.

James P. Ireland
 JAMES P. IRELAND - PLS 4200 - LB 5687

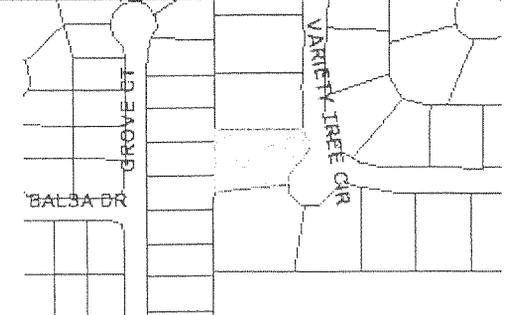
THIS SURVEY IS INTENDED ONLY FOR THE USE OF SAID CERTIFIED PARTIES. THIS SURVEY MAY VOID UNLESS SIGNED AND EXCESSED WITH SURVEYOR'S SEAL.

PLAT OF SURVEY PREPARED FOR:	
CRYSTAL H.	
SCALE: 1" = 30'	APPROVED BY:
FIELD DATE: 8-28-88	JPI
PLAT OF SURVEY CERTIFIED TO: ARMANDO C. & CRYSTAL GULFATLANTIC TITLE, LTX MORTGAGE COMPANY; LAWYERS TITLE INSURANCE CORPORATION	

IRELAND SURVEYING, INC.
 2950 ALOMA AVENUE
 SUITE 401
 WINTER PARK, FLORIDA 32782
 PH# (407) 678-3366
 FAX# (407) 671-6678

LEGEND

C	- CALCULATED	IP	- IRON PIPE
CB	- CONCRETE BLOCK	L	- LENGTH (ARC)
CM	- CONCRETE MONUMENT	M	- MEASURED
E (C.L.)	- CENTERLINE	N.R.	- NON RADIAL
CONC	- CONCRETE	N&L	- NAIL & LOCK
D	- DESCRIPTION	O.R.B.	- OFFICIAL RECORDS BOOK
DE	- DRAINAGE EASEMENT	POB	- POINT OF BEGINNING
Δ	- CENTRAL ANGLE	POC	- POINT OF COMMENCEMENT
ESMT	- EASEMENT	PC	- POINT OF CURVATURE
F/E	- FINISHED FLOOR ELEVATION	PP	- POWER POLE
FND	- FOUND	PRM	- PERMANENT REFERENCE MONUMENT
P.B.	- PLAT BOOK	R	- RADIUS
PC	- PADE	R&C	- REBAR & CAP
RAD	- RADIAL	R/W	- RIGHT-OF-WAY
REC	- RECOVERED	SET REBAR	- SET 5/8 REBAR/CAP PLS4200
RFD	- ROOFED	TR	- TYPICAL
S/W	- SIDEWALK	UT	- UTILITY EASEMENT
-X-	- CHAIN LINK FENCE	W/F	- WOOD FENCE

<p>PARCEL DETAIL</p>	<p>1212375110 1212375110 1212375110 1212375110</p> <p style="text-align: right;">◀ Back ▶</p>																																																						
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford, FL 32771 407-665-7506</p>																																																							
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 22-21-29-504-0E00-0190 Tax District: 01-TX DIST 1 - COUNTY Owner: FURIANO CRYSTAL Exemptions: 00-HOMESTEAD Address: 133 VARIETY TREE CIR City,State,ZipCode: ALTAMONTE SPRINGS FL 32714 Property Address: 133 VARIETY TREE CIR ALTAMONTE SPRINGS 32714 Subdivision Name: SPRING VALLEY FARMS SEC 06 Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$148,589 Depreciated EXFT Value: \$6,400 Land Value (Market): \$45,000 Land Value Ag: \$0 Just/Market Value: \$199,989 Assessed Value (SOH): \$151,774 Exempt Value: \$25,000 Taxable Value: \$126,774</p>																																																					
<p style="text-align: center;">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>08/2000</td> <td>03974</td> <td>1122</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1998</td> <td>03492</td> <td>0918</td> <td>\$176,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01134</td> <td>1538</td> <td>\$69,000</td> <td>Improved</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	08/2000	03974	1122	\$100	Improved	WARRANTY DEED	08/1998	03492	0918	\$176,000	Improved	WARRANTY DEED	01/1977	01134	1538	\$69,000	Improved	<p style="text-align: center;">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,717 2003 Tax Bill Amount: \$2,125 Savings Due To SOH: \$592 2003 Taxable Value: \$123,944</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																													
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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>																																																							



HAVE TO ATTEND this meeting LDR / R1-AAA
 Sept. 27 6pm
 1st fl western wing
 turn in on San Carlos

Crystal Knox 133 Variety Tree



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 19 BLK E SPRING VALLEY FARMS SEC 6 PB 15 PG 9

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

FINDINGS OF FACT

Property Owner: CRYSTAL LOVE KNOX
133 VARIETY TREE CIR
ALTAMONTE SPRINGS, FL 32714

Site Address: 133 VARIETY TREE CIR

Requested Development Approval:

1. (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 4.16 FEET (50 INCHES) FOR AN EXISTING SHED; AND
2. (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 3.25 FEET (39 INCHES) FOR AN EXISTING SHED.

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
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:

THE VARIANCES GRANTED SHALL APPLY ONLY TO THE EXISTING SHEDS, 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: _____
Matthew West
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 Matthew West 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: