

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT); (OTTO PHANSTIEL, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7337

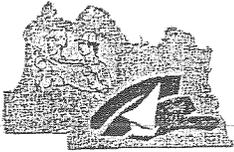
Agenda Date 01-24-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT); (OTTO PHANSTIEL, APPLICANT); OR
2. **DENY** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT); (OTTO PHANSTIEL, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: OTTO PHANSTIEL LOCATION: 2802 NORTH HORIZON PLACE ZONING: R-2 (ONE & TWO FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO REPLACE AN EXISTING PRIVACY FENCE THAT WOULD ENCROACH 9 FEET INTO THE MINIMUM 25 FOOT SIDE STREET SETBACK; THE AFOREMENTIONED SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 16 FEET IS THEREBY REQUESTED. • THE FENCE SECTION PROPOSED FOR REPLACEMENT WAS DAMAGED BY RECENT HURRICANE EVENTS. • THE APPLICANT PROPOSES SCREENING IN AN EXISTING POOL. THE VARIANCE REQUESTED WILL ALLOW THEM MORE ROOM BETWEEN PROPOSED SCREEN AND PROPOSED NEW FENCE LINE.

	<ul style="list-style-type: none">• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED REPLACEMENT FENCE HAVE BEEN DEMONSTRATED.• THE PROPOSED FENCE COULD BE BUILT TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS AND STILL PROVIDE REASONABLE USE OF THE PROPERTY.• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED REPLACEMENT FENCE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7388 FAX

COPY APPL. NO. BV2004-174

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.

APPLICATION TYPE:

- VARIANCE** Side street setback variance from 25 feet to 16 feet
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____)
- REPLACEMENT (YEAR _____) 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**

RECEIVED
 NOV 16 2004

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Otto Phanstiel</u>	
ADDRESS	<u>2802 North Horizon Place</u>	
PHONE 1	<u>407 366 5105</u>	
PHONE 2	<u>407 963 3358</u>	
E-MAIL	<u>ophansti@mail.ucf.edu</u>	<u>swan in pool</u>

PROJECT NAME: Fence extension and replacement after hurricane damage

SITE ADDRESS: 2802 N. HORIZON PLACE

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: LEG LOT 60 STILLWATER PH 1 PB 33 PGS 45 TO 48

SIZE OF PROPERTY: ~0.25 acre(s) PARCEL I.D. 27-21-31-508-0000-0600

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS none

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 1/24/05 (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.

Otto Phanstiel 11/16/04
 SIGNATURE OF OWNER OR AGENT* DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

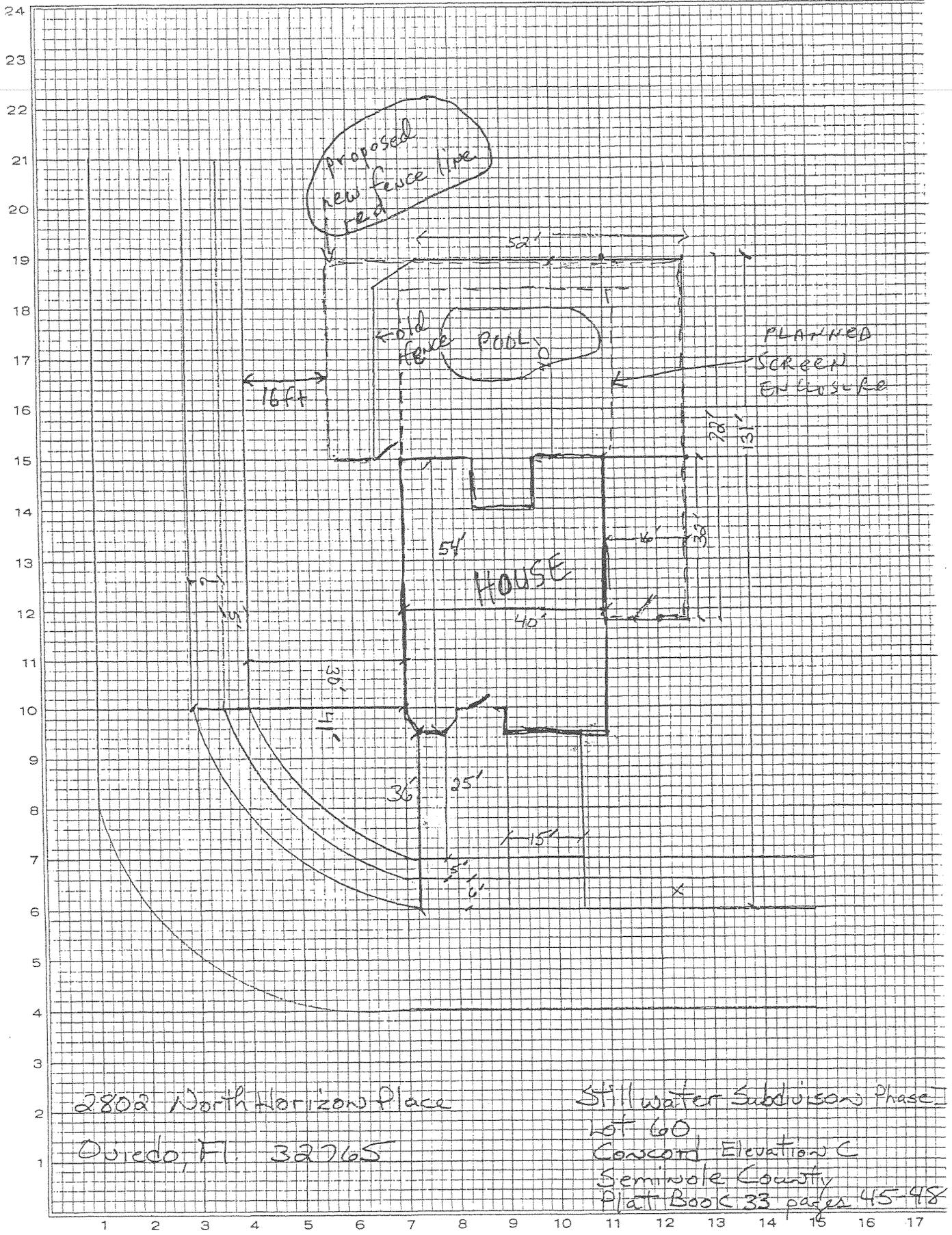
NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 150⁰⁰ COMMISSION DISTRICT 1 FLU/ZONING MDR /R2
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS On the SW corner of the intersection of N Horizon Pl & S Horizon Place, 478 ft N of Stillwater Dr
PLANNING ADVISOR JS DATE 11/16/04
SUFFICIENCY COMMENTS Send to TE



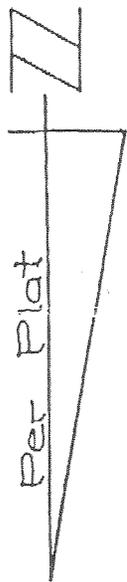
2802 North Horizon Place
 Ouedo, Fl. 32765

Stillwater Subdivision Phase
 Lot 60
 Concord Elevation C
 Seminole County
 Plat Book 33 pages 45-48

N ↓ Otto Phanstiel

LOT 60

Legal Description: STILLWATER PHASE I
Recorded In Plat Book 33 Page 45-48 of the Public Records of Seminole County, Florida



HORIZON PLACE
50' R/W

S. 0° 12' 48" W. 95.16'

10' Util. Esm't.

30.0'

Concorde
"C"

40.0'

41.0'

7.75'

25.0'

10' Util. Esm't.

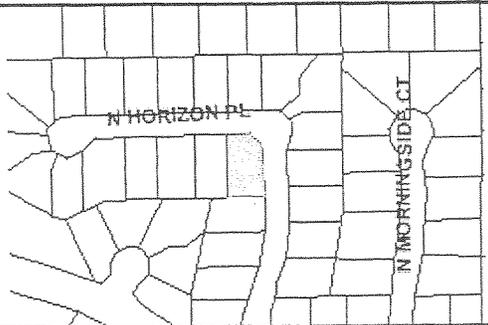
S. 89° 24' 56" E. 02.13'

120.0'

N. 0° 35' 04" E.

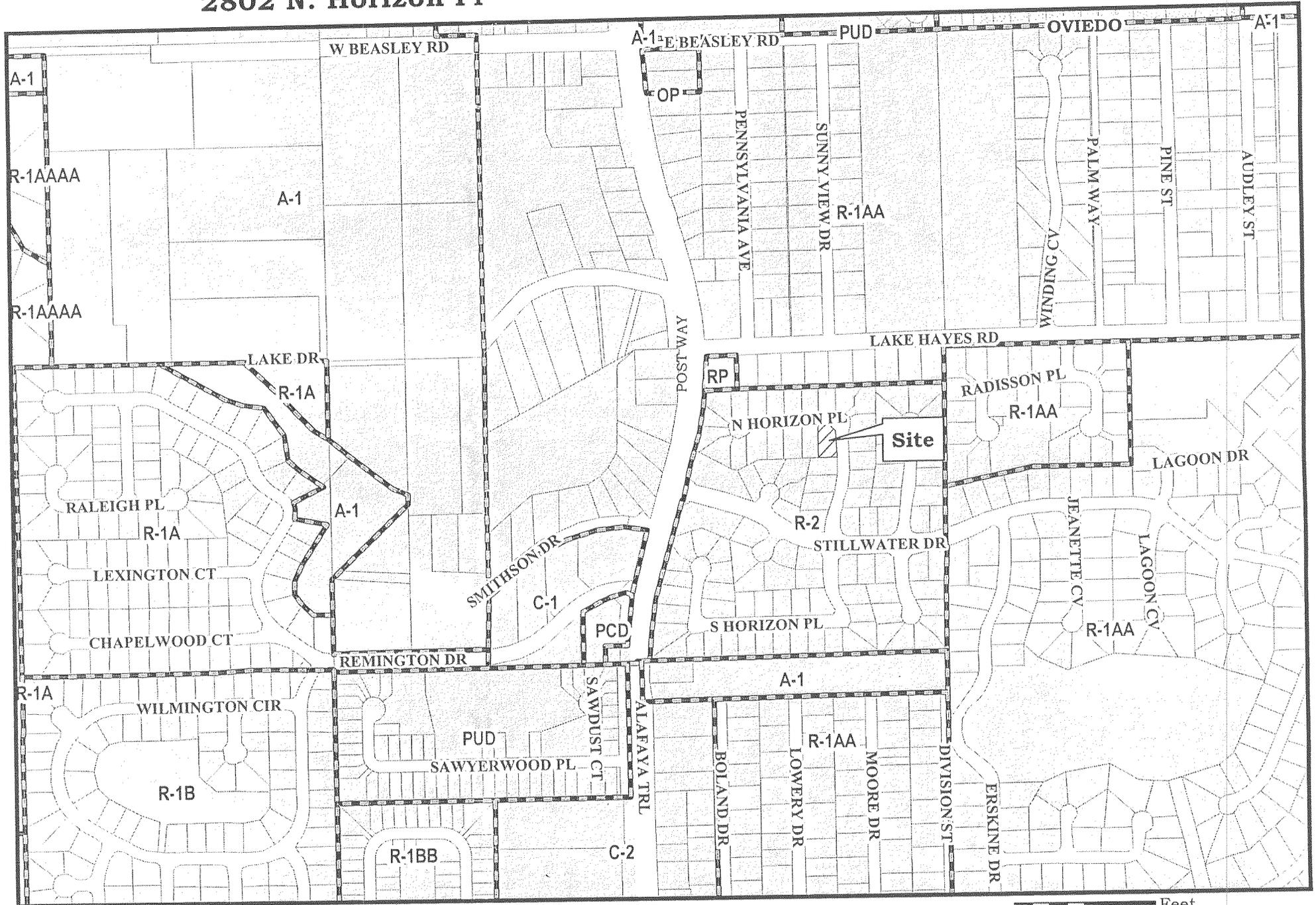
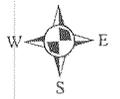
61

NORTH HORIZON PL.
50' R/W

 <p>Seminole County <i>Property Appraiser Services</i> 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																				
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 27-21-31-508-0000-0600 Tax District: 01-COUNTY-TX DIST 1 Owner: PHANSTIEL OTTO IV Exemptions: 00-HOMESTEAD Address: 2802 N HORIZON PL City,State,ZipCode: OVIEDO FL 32765 Property Address: 2802 HORIZON PL N OVIEDO 32765 Subdivision Name: STILLWATER PH 1 Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$101,429 Depreciated EXFT Value: \$7,192 Land Value (Market): \$20,400 Land Value Ag: \$0 Just/Market Value: \$129,021 Assessed Value (SOH): \$102,351 Exempt Value: \$25,000 Taxable Value: \$77,351</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> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>12/1998</td> <td>03549</td> <td>1001</td> <td>\$113,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1994</td> <td>02832</td> <td>1248</td> <td>\$108,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01983</td> <td>1505</td> <td>\$78,600</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1987</td> <td>01920</td> <td>0224</td> <td>\$33,800</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	12/1998	03549	1001	\$113,000	Improved	WARRANTY DEED	09/1994	02832	1248	\$108,000	Improved	WARRANTY DEED	07/1988	01983	1505	\$78,600	Improved	WARRANTY DEED	12/1987	01920	0224	\$33,800	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,772 2004 Tax Bill Amount: \$1,275 Save Our Homes (SOH) Savings: \$497 2004 Taxable Value: \$75,443 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>																																																				



Otto Phanstiel 2802 N. Horizon Pl



Parcel: 27-21-31-508-0000-0600 / District: 1

BV2004-174
JANUARY 24, 2005

0 150 300 600 Feet

ARB (Architectural Review Board) Request Form

Additional copies are available
at the message boards at both Stillwater entrances
on Stillwater Drive and Carrigan.

Use this form **before** beginning work on your home, including landscaping, painting, roofing,
installation of an outbuilding, etc.

*Stillwater of Flying Cloud, Inc.
Request for Home Improvement Approval for 6 months period*

Owner's Name: Otto Phanstiel..... Lot No: 60
Address: 2802 N. Horizon Place, Oviedo, FL 32765..... Phone (H): 407-366-5105.....
Phone (W): 407-963-3358.....

To protect each homeowner's rights and property values, we require that any homeowner considering improvements or alterations to their home or property, submit a Request for Home Improvement Approval to the Architectural Review Board (ARB) **PRIOR** to beginning work. Receipt of county approvals does not constitute approval by the Association and is not approval for you to begin work. The ARB reserves the right to investigate applications and inspect material prior to processing the request. If any change is made that has **NOT** been approved by the Association, the Board of Directors has the right to require you to **REMOVE** the improvements from your property. Please complete this form in detail and drop in the white mailboxes at either entrance or deliver to an ARB Member.

Brief description of improvement you propose: We propose to replace a storm damaged (Hurricane Charley) fence with a new fence containing a similar unfinished wood appearance (as the original). In addition, we request to extend this current
x fence out an additional eight feet towards the eastern sidewalk. This will involve removal of a small tree (partial storm damage) and provide for a slightly larger backyard. This will allow for us to install a screen enclosure. Currently the prevalent leaves are constantly blocking my pool pump and we need such an enclosure. A hedge will be planted on the eastern side of this fence (between the fence and sidewalk) to minimize the view of the fence from the street. A neighbor at the beginning of North Horizon Pl (eastern side) did a similar job and it looks nice on our block.....

Who will perform the work on this improvement? Nations fence ^{or other "available" fence company} and a TBA screen company.....

Are Seminole County Permits required? Y / N Date Obtained: the fence company will apply for these.....

Attach a copy of your plat map with your sketch, engineering drawing with all proposed additions, or changes including measurements. If you are proposing exterior paint or new roofing include paint samples or shingle sample.
Brief description of materials to be used for improvement: standard wood fence and screen with black aluminum supports.....

Paint Colors:
Screen Type: black aluminum supports and normal pool screening.....
Fence, Height and Wood Type: 8 foot long six foot high, standard unpainted wood.....
Landscaping: Hedges will be planted in front of fence
Other:

I agree not to begin work until I have received written approval.

Signature: Otto Phanstiel Date: 8/29/04

30 Days to Approve
Received By/Date: Notified:

~~Approved/Disapproved By:~~ Suber 8/20/04

Approved/Disapproved By:

Approved/Disapproved By:

Approved/Disapproved By:

11-21-2004

Patricia S. Johnson, Secretary
Seminole County Board of Adjustment
1101 East First St.
Sanford, FL 32771

Dear County Board,

I am writing regarding my recent petition to replace my fence, which was destroyed in the recent trio of hurricanes. My plan is to extend my backyard fence-line eight feet towards the eastern road from its prior location (2802 N. Horizon Place). All other aspects of the fence will remain the same as the original fence line. In addition, we plan to screen in our backyard pool area.

The Stillwater Homeowner's Association recently approved this application/improvement measure. A copy of their approvals was submitted in the original packet. In addition, the following signatures are from my neighbors in support of the proposed fence setback and improvement.

Thank you for your help in this matter,



Otto Phanstiel
2802 N. Horizon Place,
Oviedo, FL 32765

RECEIVED
NOV 29 2004

We support Otto Phanstiel's (2802 N. Horizon Place) planned 8-foot extension of his eastern fence line, screen enclosure and fence replacement efforts.

<u>House Address on North Horizon Place</u>	<u>Printed name</u>	<u>Signature</u>
2815 NORTH HORIZON PL. OVIDEO, FL 32765	KEVIN VANNESS AMY VANNESS	Kevin Vanness Amy Vanness
2851 N. Horizon Place Oviedo FL 32765	Melissa Fawcett THOM FAWCETT	Melissa Fawcett Thom Fawcett
2839 N Horizon Oviedo FL 32765	LORI BRACIAK ROBERT BRACIAK	Lori BraciaK Robert BraciaK
2827 N. HORIZON	Cecil L. WakeLin Eloise A. WakeLin	Cecil L. WakeLin Eloise WakeLin
2803 N. Horizon PL.	George R Naymick	George R Naymick
2803 N Horizon PL	Marsha Naymick	Marsha Naymick
2862 N Horizon PL	Fred Textor	Fred Textor



Steven Douglas/Seminole
12/16/2004 10:23 AM

To Jason Showe/Seminole@Seminole
cc
bcc
Subject Re: Variance request needing your input 

History:  This message has been replied to.

Upon completing a review of the below described property no sight distance conflicts were observed with the proposed fence being constructed as shown in the attached plot plan.



1.pdf

Steve Douglas, E.I. Engineer
Seminole County Traffic Engineering
140 Bush Loop, Sanford FL 32773
email: sdouglas@co.seminole.fl.us
Phone: (407) 665-5690
Fax: (407) 665-5623
Jason Showe/Seminole



Jason Showe/Seminole
12/15/2004 01:29 PM

To Steven Douglas/Seminole@Seminole
cc
Subject Variance request needing your input

Steven,

I am faxing over a variance application for a side street reduction from 25 to 16 feet for a replacement fence. Your input would be very helpful. It is on the East side of the property along Horizon Place. Thanks for your help.

Jason M. Showe
Planner, Planning and Development Department
Seminole County Government
1101 East First St
Sanford, FL 32771

Office 407-665-7398
Fax 407-665-7385

JShowe@seminolecountyfl.gov
www.seminolecountyfl.gov

--****Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 60 STILLWATER PH 1 PB 33 PGS 45 TO 48

FINDINGS OF FACT

Property Owners: OTTO PHANSTIEL
2802 NORTH HORIZON PLACE
OVIEDO, FL 32765

Project Name: 2802 NORTH HORIZON PLACE

Requested Development Approval:

SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR A PROPOSED REPLACEMENT FENCE IN THE R-2 (ONE AND TWO FAMILY DWELLING DISTRICT).

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: Michael Rumer, 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:

THE VARIANCES GRANTED SHALL APPLY ONLY TO THE PROPOSED REPLACEMENT 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 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 _____ 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

