

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

**SUBJECT:** REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 15 FEET TO 12 FEET FOR A PROPOSED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHELLE BARRETT, APPLICANT).

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

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

**Agenda Date** 05-23-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 15 FEET TO 12 FEET FOR A PROPOSED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHELLE BARRETT, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 15 FEET TO 12 FEET FOR A PROPOSED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHELLE BARRETT, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: MICHELLE BARRETT LOCATION: 448 MAINSAIL COURT ZONING: PUD (LAKEVIEW VILLAGE)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT A SCREEN ROOM THAT WOULD ENCROACH 3 FEET INTO THE 15 FOOT MINIMUM REAR YARD SETBACK.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE GRANTING OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE LAKEVIEW VILLAGE BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANT.</li> <li>• THE OPPORTUNITY EXISTS TO CONSTRUCT A COMPLIANT SCREEN ROOM. THEREFORE, THE</li> </ul>

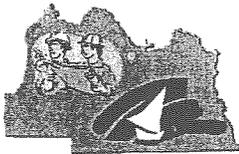
	<p>REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</p> <ul style="list-style-type: none"><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED SCREEN ROOM 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></li></ul>

COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 17 TWP: 20 RNG: 30  
 PROJ. #

<b>DEVELOPMENT:</b> Lakeview Village		<b>DEVELOPER:</b> Del American Properties	
<b>LOCATION:</b> S side of Greenwood Boulevard and Lake Way Road, Tract J1		158 lots	
<b>FILE#:</b>	<b>BA:</b>	<b>SP:</b>	<b>BCC:</b> 2/24/87
<b>P&amp;Z:</b>			
<b>PB</b> 38	<b>PG</b> 86-89	<b>Lot</b>	<b>Bik</b>
		<b>Parcel</b>	<b>DBA</b>
			<b>Comm Dist</b>
<b>DEVEL. ORDER #:</b>		<b>TAX PAR. I.D. #:</b>	
<b>SIDEWALKS:</b> Lake Emma Road – 5’ wide.		<b>SETBACK REQUIREMENTS</b>	
		<b>FY:</b> 20’	<b>RY:</b> 15’
		<b>SIDE ST.:</b>	<b>*0’</b>
<b>ROAD TYPE:</b> (CURB & GUTTER OR SWALE)	<b>MAIN STRUCTURE OTHER:</b> *7’ Min between structures Max. Height: 35’ Min. House size: 650 sq. ft.		
<b>COMMENTS OTHER:</b> 1) Must meet all of the requirements of the developer’s agreement.	<b>ACCESSORY STRUCTURE SETBACKS:</b>		
	<b>SY:</b> same as main structure	<b>RY:</b> 5’	
	<b>ACCESSORY STRUCTURE OTHER:</b> Note: Fireplaces and sidewalks may encroach setbacks a maximum of 30”.		

IMPACT FEES	
<b>SCREEN:</b>	Ordinance
<b>TRAFFIC ZONE:</b>	12
<b>LAND USE:</b>	1
1. ROAD-CO. WIDE	V-\$250.00
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	V-\$10.00
5. PARK	
6. SCHOOL	V-\$300.00
7. LAW	
8. DRAINAGE	
<b>TOTAL</b>	<b>\$560.00</b>
<b>REMARKS:</b> Write “Greenwood Lakes/Lake Mary Boulevard” at the top of the application.	



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

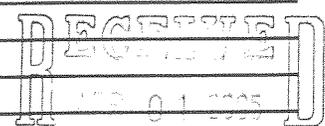
APPL. NO. BV2005-046

**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** REAR YARD SETBACK VARIANCE FROM 15 FT. TO 12 FT. FOR A PROPOSED SCREEN ROOM.
- 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**



PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>448 Mainsail Ct</u>	<u>Michelle Barrett</u>
ADDRESS	<u>Lake Mary Fl. 32746</u>	
PHONE 1	<u>407-328-7021</u>	
PHONE 2	<u>407-836-5474</u>	
E-MAIL	<u>michelle.barrett@ocfl.net</u>	

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

CURRENT USE OF PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: leg pt of lot 86 Desc as beg ely most cor run S 25 deg 40 Min 27 Sec. W. 29.04 ft. N. 9.63 Ft. N 37 Deg 4 min

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 17-20-30-505-0000-086A

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS NO

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 5/23/05 (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.

Michelle Barrett 4.1.05  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

KF

**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): 150.00 COMMISSION DISTRICT 5 FLU/ZONING PUD/RO

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS North of Mainail Ct less than 1/2 mi east of the intersection of Mainail Ct + Lakebreeze Cr.

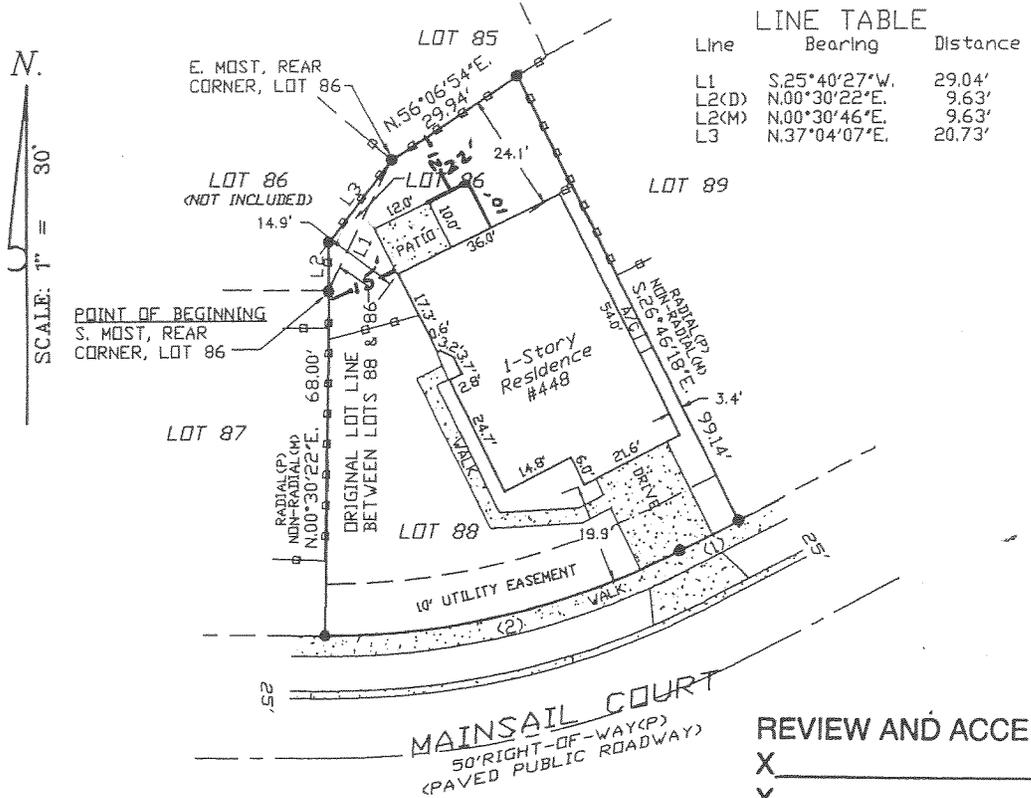
PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

# BOUNDARY SURVEY "MICHAEL GIOCASTRO PROPERTY" 448 MAINSAIL COURT, LAKE MARY, FLORIDA

## LEGAL DESCRIPTION

LOT 88, AND THAT PORTION OF LOT 86 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERN MOST REAR CORNER LOT 86, RUN NORTH 00 DEGREES 30'22" EAST, FOR A DISTANCE OF 9.63 FEET; THENCE RUN NORTH 37 DEGREES 04'07"E., FOR A DISTANCE OF 20.73 FEET TO THE EASTERN MOST REAR CORNER OF SAID LOT 86; THENCE RUN ALONG THE ORIGINAL LOT LINE BETWEEN LOTS 88 AND 86 SOUTH 25 DEGREES 40'27" WEST FOR A DISTANCE OF 29.04 FEET TO THE POINT OF BEGINNING, LAKEVIEW VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGES 86-89, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



REVIEW AND ACCEPT  
X  
X

## CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	1368.11'	00°32'58"	13.12'	6.56'	13.12'	S.63°28'55"W.
2	160.00'	26°19'06"	73.49'	37.41'	72.85'	S.76°54'57"W.

### LEGEND

- = CONCRETE
- (P) = AS PER PLAT
- (M) = AS PER FIELD MEASUREMENT
- (D) = AS PER DESCRIPTION
- = WOOD FENCE
- = CHAIN LINK FENCE
- = WIRE FENCE
- = RECOVERED MONUMENTATION

### CERTIFIED TO:

EQUITABLE TITLE AGENCY, INC.;  
MICHAEL GIOCASTRO;  
AMERICA'S WHOLESALE LENDER;  
OLD REPUBLIC TITLE;

### SURVEYOR'S NOTES:

- BEARINGS ARE BASED ON THE EASTERLY LINE OF LOT 88 AS BEING S.26°46'18"E., PER PLAT.
- UNDERGROUND/OVERHEAD UTILITIES AND OTHER IMPROVEMENTS ARE NOT SHOWN AS A PART OF THIS SURVEY, UNLESS NOTED OTHERWISE.
- THERE MAY BE ADDITIONAL EASEMENTS AND/OR OTHER RESTRICTIONS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- I HAVE REVIEWED THE NATIONAL FLOOD INSURANCE RATE MAP AND HAVE DETERMINED THAT THIS PROPERTY LIES IN ZONE "X" AND DOES NOT LIE WITHIN A 100-YEAR DESIGNATED FLOOD PRONE AREA.
- BUILDING DIMENSIONS SHOWN HEREON DEPICT EXTERIOR WALL LINES AND MAY VARY FROM THOSE ALONG THE STRUCTURES FOUNDATION.

Proj. #: 2220258

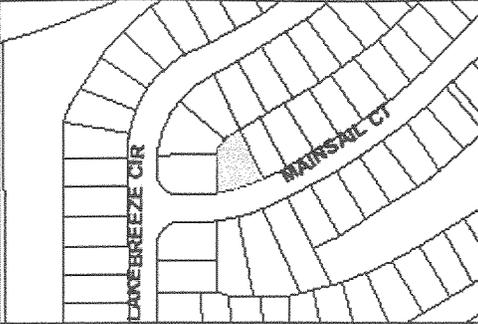
SURVEYING,  
MAPPING  
AND  
REPROGRAPHICS  
TECHNOLOGY  
SERVICES & SUPPLIES

**LINO T. SANFT, P.S.M.**  
110 Old Hickory Court  
Longwood, Florida 32750  
Phone: 407-786-9456  
Fax: 407-786-0659  
Email: PLS5792@aol.com

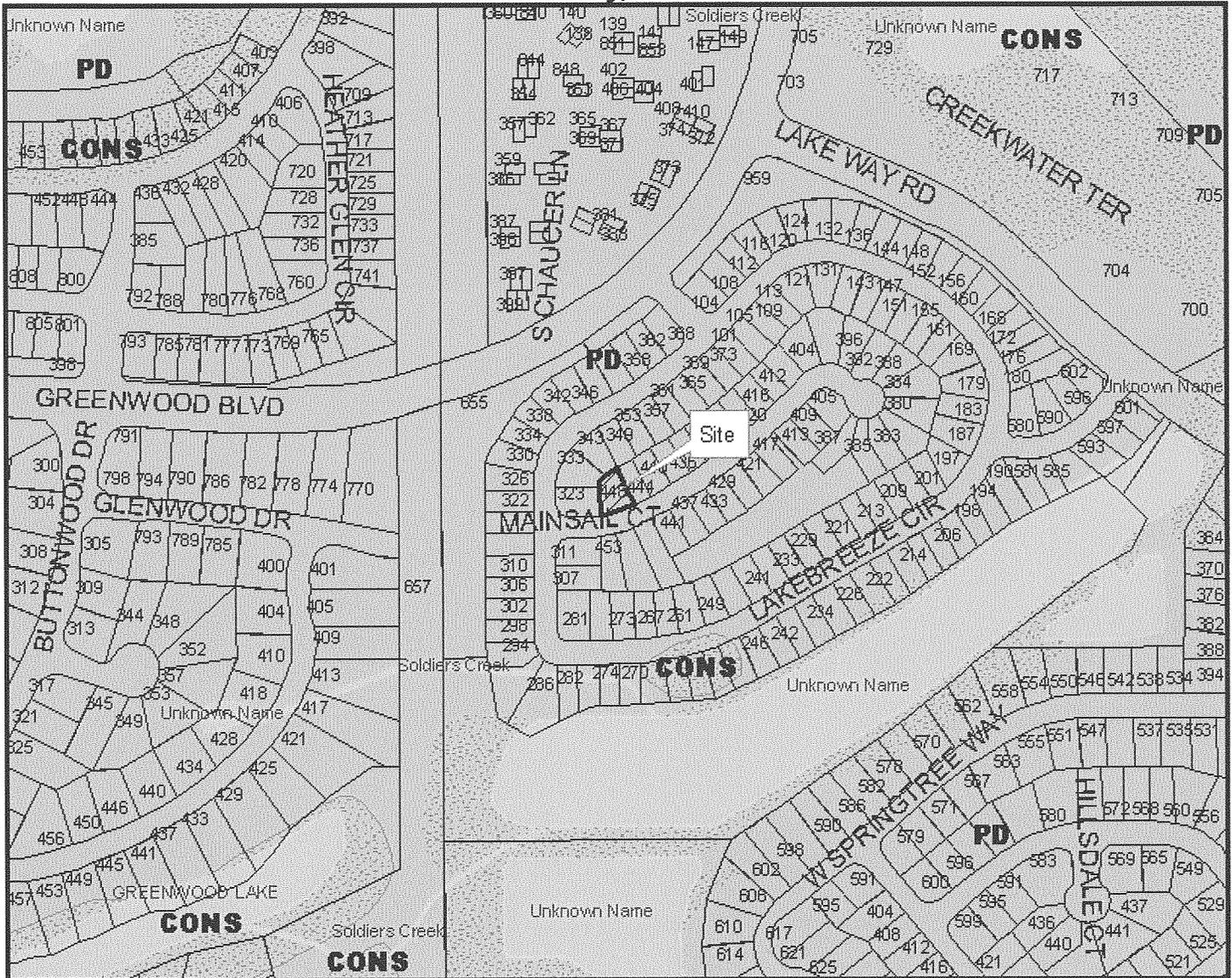
Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.

Date: 03/22/02

Lino T. Sanft,  
Professional Land Surveyor & Mapper.  
Florida Registration #5792

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7506</p>																																																								
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 17-20-30-505-0000-086A Tax District: 01-COUNTY-TX DIST 1                  Owner: BARRETT MICHELLE D &amp; Exemptions: 00-HOMESTEAD                  Own/Addr: VELAZCO APOLINAR                  Address: 448 MAINSAIL CT                  City,State,ZipCode: LAKE MARY FL 32746                  Property Address: 448 MAINSAIL CT LAKE MARY 32746                  Subdivision Name: LAKEVIEW VILLAGE                  Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$102,864                  Depreciated EXFT Value: \$0                  Land Value (Market): \$28,000                  Land Value Ag: \$0                  Just/Market Value: \$130,864                  Assessed Value (SOH): \$112,007                  Exempt Value: \$25,000                  Taxable Value: \$87,007                  Tax Estimator</p>																																																						
<p style="text-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> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>09/2002</td> <td>04551</td> <td>1688</td> <td>\$137,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>05/2002</td> <td>04404</td> <td>0826</td> <td>\$132,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>02/2002</td> <td>04358</td> <td>1745</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>12/2001</td> <td>04243</td> <td>1166</td> <td>\$100,300</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>06/1998</td> <td>03457</td> <td>1171</td> <td>\$91,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/1998</td> <td>03406</td> <td>1058</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>03/1998</td> <td>03391</td> <td>1204</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1992</td> <td>02405</td> <td>1302</td> <td>\$84,000</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	WARRANTY DEED	09/2002	04551	1688	\$137,000	Improved	SPECIAL WARRANTY DEED	05/2002	04404	0826	\$132,000	Improved	QUIT CLAIM DEED	02/2002	04358	1745	\$100	Improved	CERTIFICATE OF TITLE	12/2001	04243	1166	\$100,300	Improved	SPECIAL WARRANTY DEED	06/1998	03457	1171	\$91,000	Improved	SPECIAL WARRANTY DEED	04/1998	03406	1058	\$100	Improved	CERTIFICATE OF TITLE	03/1998	03391	1204	\$100	Improved	WARRANTY DEED	03/1992	02405	1302	\$84,000	Improved	<p style="text-align: center;"><b>2004 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$1,525                  2004 Tax Bill Amount: \$1,415                  Save Our Homes (SOH) Savings: \$110                  2004 Taxable Value: \$83,745                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<b>BUILDING INFORMATION</b>																																																								
Bid Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																																															
1	SINGLE FAMILY	1992	8	1,401	1,854	1,401	CB/STUCCO FINISH	\$102,864	\$107,994																																															
			Appendage / Sqft	OPEN PORCH FINISHED / 12																																																				
			Appendage / Sqft	GARAGE FINISHED / 441																																																				
<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>																																																								

Michelle Barrett  
 448 Mainsail Ct  
 Lake Mary, FL 32746

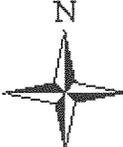
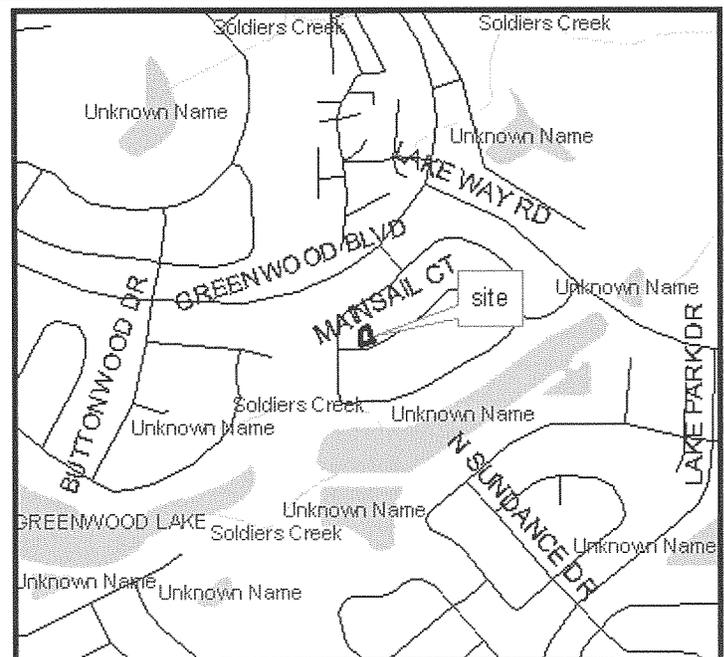


**Seminole County Board of Adjustment**  
 May 23, 2005  
 Case: BV2005-046  
 Parcel No: 17-20-303-505-0000-086A

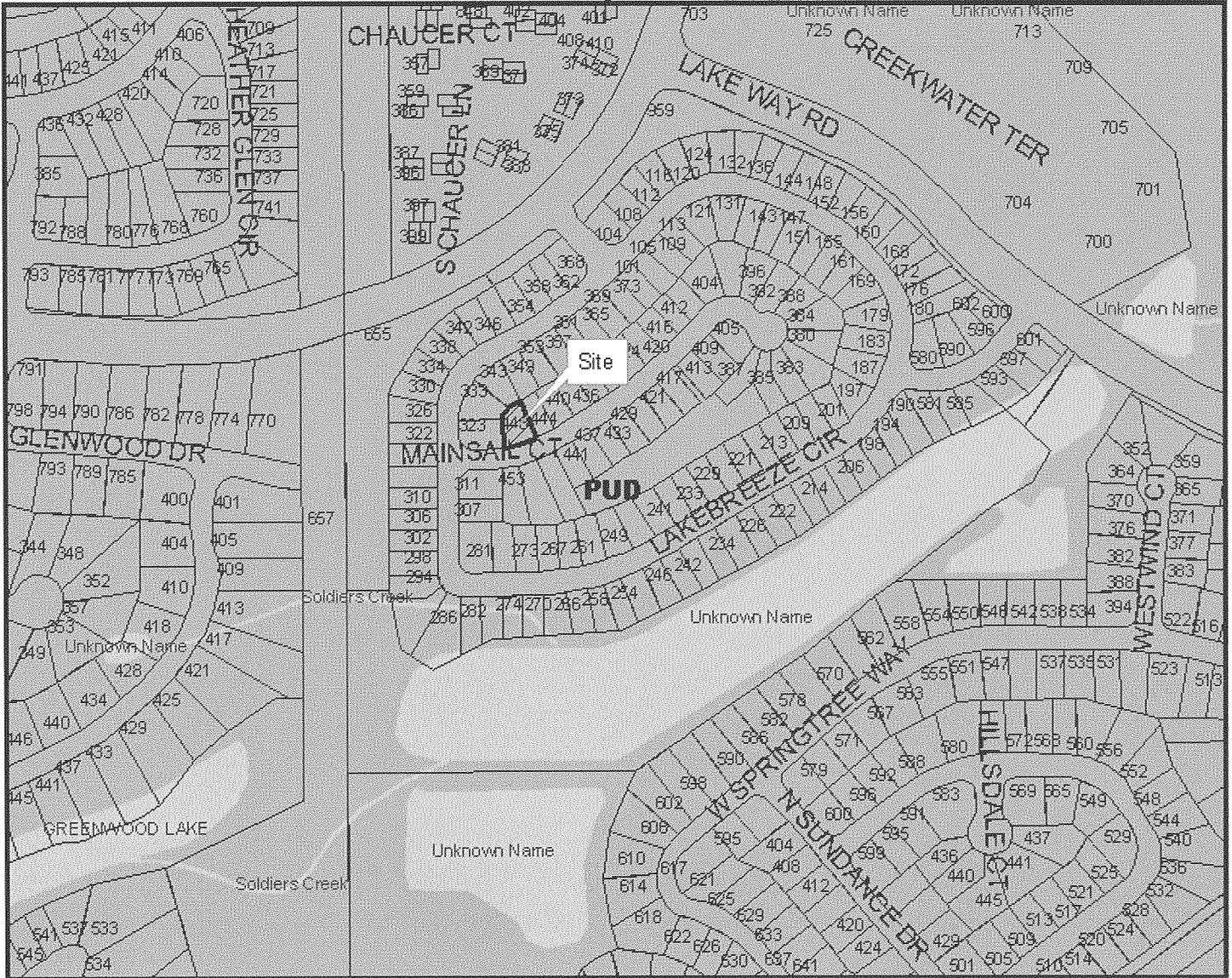
**Future Land Use**

-  BV2005-046
-  CONS, PD
-  PD, NONE

0 95 190 380 570 760 Feet

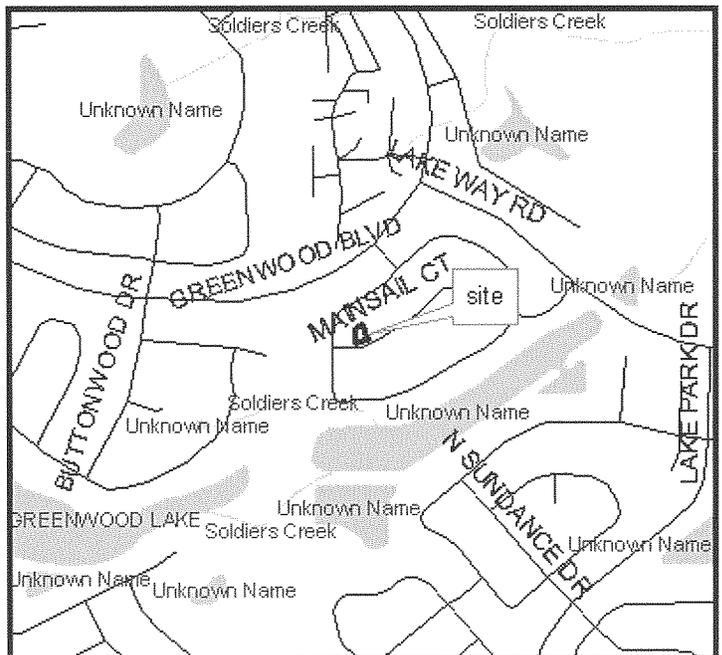
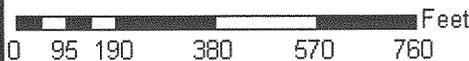
Michelle Barrett  
448 Mainsail Ct  
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Seminole County Board of Adjustment  
May 23, 2005  
Case: BV2005-046  
Parcel No: 17-20-303-505-0000-086A

**Zoning**

-  PUD Planned Unit Dev.
-  BV2005-046



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On May 23, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG PT OF LOT 86 DESC AS BEG ELY MOST COR RUN S 25 DEG 40 MIN 27  
SEC W 29.04 FT N 9.63 FT N 37 DEG 4 MIN 7 SEC E 20.73 FT TO BEG & ALL  
LOT 88 LAKEVIEW VILLAGE PB 38 PGS 86-89

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

**FINDINGS OF FACT**

**Property Owner:** MICHELLE BARRETT  
448 MAINSAIL COURT  
LAKE MARY, FL 32746

**Project Name:** 448 MAINSAIL COURT

**Requested Development Approval:**

REQUEST FOR MINIMUM REAR YARD SETBACK VARIANCE FROM 15 FEET TO 12 FEET FOR A PROPOSED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (MICHELLE BARRETT, APPLICANT)

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 VARIANCE GRANTED SHALL APPLY ONLY TO THE  
PROPOSED SCREEN ROOM, 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 \_\_\_\_\_ 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: