

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a minimum rear yard setback from 23 feet to 21 feet for a proposed screen room addition in the PUD (Planned Unit Development District); (Pulte Homes, agent).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date 11/28/05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** Request for a minimum rear yard setback from 23 feet to 21 feet for a proposed screen room addition in the PUD (Planned Unit Development District); (Pulte Homes, agent); or
2. **DENY** Request for a minimum rear yard setback from 23 feet to 21 feet for a proposed screen room addition in the PUD (Planned Unit Development District); (Pulte Homes, agent); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	APPLICANT:	Pulte Homes
	LOCATION:	1339 Snug Harbor Drive
	ZONING:	PUD (Planned Unit Development District)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • On September 8, 2005, the property was granted an administrative variance from 25 feet to 23 feet for a covered screen room. The applicants needed an additional two feet therefore they are requesting a rear yard setback from the administratively granted 23 feet to 21 feet. • The applicant proposes to construct a screen room addition (approximately 37' x 12') to an existing single family home. 	

STAFF FINDINGS	<ul style="list-style-type: none">• The proposed addition would encroach 2 feet into the minimum 23 foot rear yard setback.• The request would confer upon the applicant special privileges that would be denied to others in the Chase Groves PUD by allowing encroachment into the rear yard setback without the demonstration of special circumstances or hardship.• The applicant would retain reasonable use of the subject property without the requested variance.• No special circumstances applicable to the property or proposed addition have been demonstrated.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends the board of adjustment deny the requested variance. 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 screen room addition as depicted on the attached site plan; and• Any additional conditions deemed appropriate by the board, based on information presented at the public hearing.

**PULTE HOMES
FINAL MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On May 28, 2002, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION

See attached Exhibit "A" (the "Property").

The Final PUD Master Plan, a reduced copy of which is attached hereto as Exhibit "B" (the "Final Master Plan") has been approved by the Board of County Commissioners of Seminole County concurrently with the approval of this Developer's Commitment Agreement. References to Lots or other parcels in this Developer's Commitment Agreement shall refer to the Lot or parcel designation in the Final Master Plan.

II. PROPERTY OWNER

The current Property owners are the Co-Trustees of the Betty O. Galloway Trust, a Florida Declaration of Trust ("Owner").

III. STATEMENT OF BASIC FACTS

- A. Total Acreage: 78.7 acres
- B. Zoning: Planned Unit Development
- C. Density: 4.0 dwelling units per net buildable acre, or 251 dwelling units maximum
- D. 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 land development regulations and all other applicable regulations and ordinances.
- E. 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 Property.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Don Rouch*
DEPUTY CLERK

RETURN TO S. BY MCCANN

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2002902272 BK 04449 PG 1023 RECD 07/01/2002 11:55:06 AM RECD BY J Eskerboth

OPEN SPACE CALCULATIONS

Open Space shall be provided at an overall rate of 25%, or a minimum of 19.6 acres throughout the entire PUD. Open space (as listed below) is achieved through active recreation, passive recreation, landscape buffers and other green space in the PUD.

Maintenance of the Open Space shall be funded by the Owner or a mandatory Home Owners Association.

Total Land Area: 78.7 acres
 Open Space Required: $25\% = 78.7 \times 0.25 = 19.6$ acres
 Open Space Provided: $19.7 \text{ acres} \div 78.7 \text{ acres} = 25\%$

Residential: Minimum 50' landscape buffers along Red Bug Lake Road
 5' landscape buffers on front of all lots (2.1 acres)
 Stormwater Management Areas with pedestrian trails (7.5 acres)
 Power Easement with pedestrian trail (2.9 acres)
 Buffers and Fence Easements (4.7 acres)
 Clubhouse and pool recreational area (2.4 acres)
 Landscaped Entrance Island (0.1 acres)

Total Open Space 19.8 acres (25% of 78.7 acres)

VI. BUILDING SETBACKS AND HEIGHT

A. Minimum Building Setbacks:



- Minimum 20' front yard building setback
- Minimum 25' rear yard building setback
- Minimum 5' side setback for residential and accessory structures
- Minimum 15' side street setback for residential and accessory structures
- Minimum 50' building setback from Red Bug Lake Road right of way
- Minimum 10' rear yard setback for accessory structures
- Minimum 10' rear setback for swimming pools
- Minimum 5' setback for swimming pool screen enclosures

B. Maximum Building Height

All building structures on the interior residential lots shall have a maximum building height of 35' as measured in the Land Development Code.

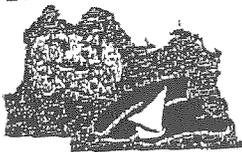
No two-story buildings shall be permitted on the residential lots along the northern, eastern and western property boundaries (Lots 9 and 10; Lots 83-132; and Lots 141-149).

PLANNING

COPY

06/28/2005 08:30

4076657385



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX
APPL. NO. BU2005-108

JUL 07 2005

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 from 23' to 21'
for a proposed Screen Room addition
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE DWELLING UNDER CONSTRUCTION** **MEDICAL HARDSHIP**
- NIGHT WATCHMAN** **FAMILY HARDSHIP**
- YEAR OF MOBILE HOME / RV (EXISTING)** **(PROPOSED)**
- SIZE OF MOBILE HOME / RV** **TIME NEEDED**
- PLAN TO BUILD** **YES** **NO IF SO WHEN**
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	Isabella, Martiroli	NAME	Polite Homes
ADDRESS	1339 Snug Harbor Dr. Casselberry Fl. 32707	ADDRESS	4901 Vineland Rd. sub 500 Orlando, Fl. 32811
PHONE 1	(407) 492-4282	PHONE	407-015-0374
PHONE 2	(321) 288-2614	NAME	Tim
E-MAIL			

PROJECT NAME: _____
 SITE ADDRESS: 1339 Snug Harbor Dr. Casselberry Fl 32707
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: Lot 28 Oakhurst Reserve Unit Two
PB 63 PGS 47-51
 SIZE OF PROPERTY: _____ acrs(s) PARCEL I.D. 22-21-30-515-0000-0280
 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 11/1/05 (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. 9-12-05

[Signature]
NAME OF OWNER OR AGENT*

6/30/2005
DATE

[Handwritten notes: TUD 2, WDR F]

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 COMMISSION DISTRICT 2 FLU/ZONING ~~FLU~~ / PUD LDR

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. side of SNUG Harbor Dr. 0.5 miles from intersection of SNUG Harbor Dr & Red Bay Lake Rd

PLANNING ADVISOR DATE

SUFFICIENCY COMMENTS Admin Var granted but need more space.

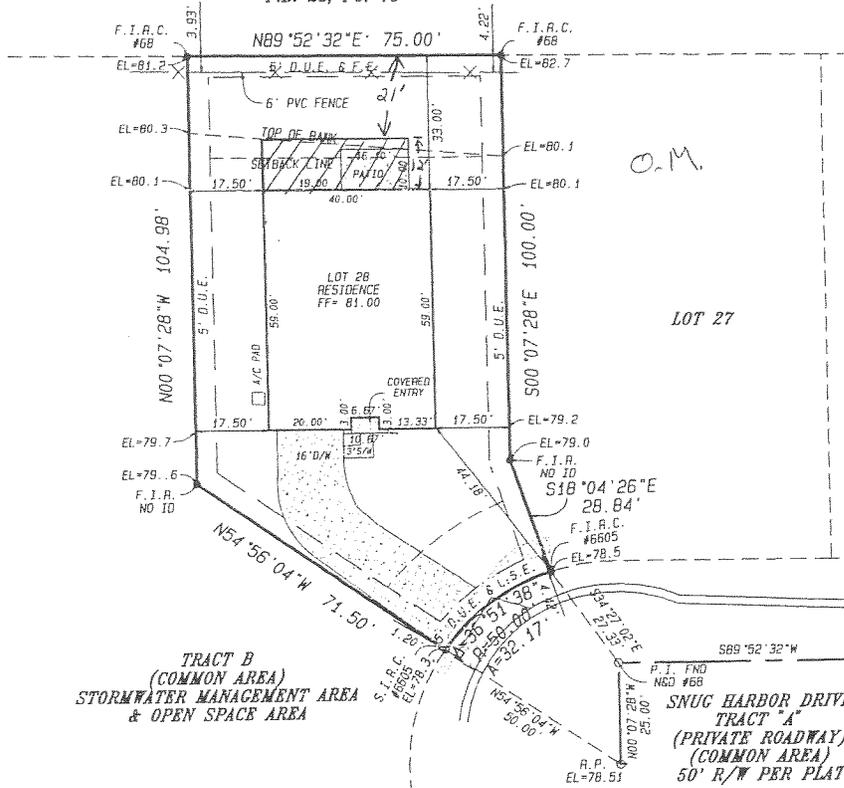
PREPARED FOR



MAP OF SURVEY "BOUNDARY"

LOT 28, OAKHURST RESERVE UNIT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, PAGES 47 THROUGH 51 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

DEER RUN UNIT - 9'A
P.B. 28, PG. 15



SURVEY NOTES:

- EASEMENTS:
 - FRONT - 5' D.E. & U.E.
 - SIDES - 5' D.E. & U.E.
 - REAR - 5' D.E. & U.E.
- SETBACK REQUIREMENTS ARE AS FOLLOWS:
 - FRONT - 20.00'
 - SIDES - 5.00'
 - REAR - 25.00'
 - SIDE STREET - 15.00'
- ELEVATIONS SHOWN HEREON ARE BASED ON SEMINOLE COUNTY DATUM, NVD 1929.
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH - WEST LINE OF LOT 14 BEING N42°13'58"E.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT-OF-WAYS, OR ADJOINERS OF RECORD.
- BENCHMARK: N60 STAMPED PCP LB 68 AT CENTERLINE P1 SNUG HARBOR DRIVE AND CROSSVINE LANE. ELEV=80.59
- UNDERGROUND UTILITIES, FOUNDATIONS, OR OTHER STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
- F.I.R.C. 5/8 LB # 6605 UNLESS NOTED

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP NO. 12117C 0145 E, EFFECTIVE 4/17/1988, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "X".

I HEREBY CERTIFY THAT THE MAP OF SURVEY SHOWN HEREON IS IN ACCORDANCE WITH THE TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WILLIAM C. HART NO. 3904
JAMES T. WATSON NO. 6151
FLORIDA REGISTERED LAND SURVEYOR AND MAPPER. NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DEC 30 2004

SCALE 1" = 30'

FILE NAME: I:\PT18\Subdivisions\OAKHURST PH II\OAKHURST PH II (LOT 28).dgn

FCM	- FOUND CONCRETE MONUMENT	C.M.	- CONCRETE MONUMENT	A	- DELTA OR CENTRAL ANGLE	FEN	- FENCE D.U.L.S.E. - DRAINAGE, UTILITY, LANDSCAPE AND SIDEWALK EASEMENT
F.I.C.	- FOUND IRON ROD AND CAP	P.I.	- POINT OF INTERSECTION	P.I	- POINT OF INTERSECTION	CLR	- CLEAR
F.I.R.	- FOUND IRON ROD	P.C.	- POINT OF CURVATURE	A/C	- AIR CONDITIONING UNIT	PLAT	- PLAT
S.I.R.	- SET IRON ROD	U.E.	- UTILITY EASEMENT	R	- RADIUS	FOUND	- FOUNDATION
S.I.R.C.	- SET IRON ROD AND CAP	D.E.	- DRAINAGE EASEMENT	A	- ARC LENGTH	CONC.	- CONCRETE
F.N.D.	- FOUND NAIL AND DISK	C & G	- CURVE & GRAD	H.T.S.	- NOT TO SCALE	ESMT	- EASEMENT
(M)	- FIELD MEASUREMENT	R/W	- RIGHT OF WAY	PR	- PROPOSED	CORNER	- CORNER
(C)	- CALCULATED MEASUREMENT	D	- CENTERLINE	P.U.E.	- PRIVATE UTILITY EASEMENT	CONC.	- CONCRETE

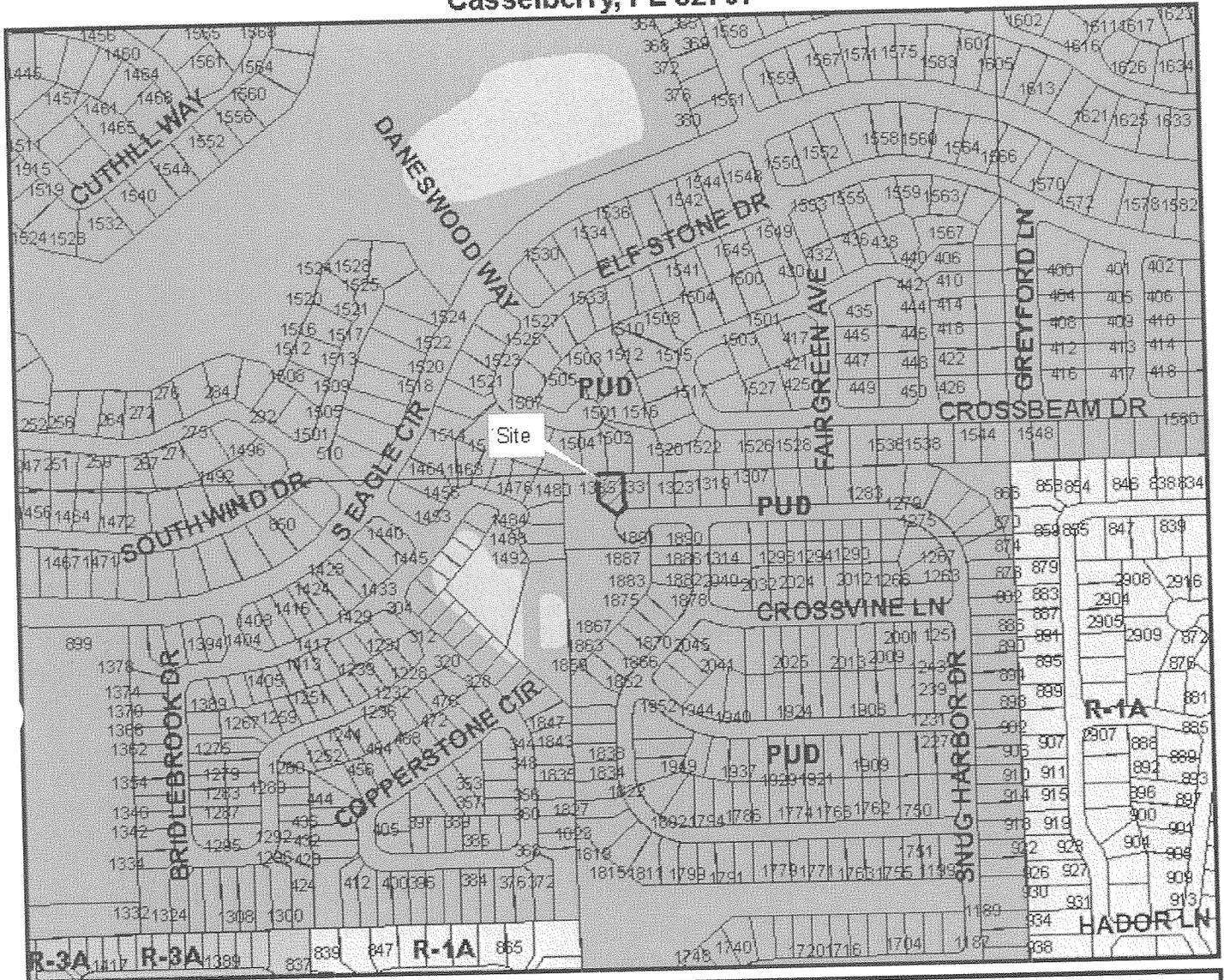
PREPARATION DATE	
PLAT PLAN	5/19/04
BOUNDARY	07/19/04
FORMWARD	8/12/04
FILED	
FIN.	12/28/04

FRANKLIN, HART & REID
 CIVIL ENGINEERS - LAND SURVEYORS
 1368 EAST VINE STREET, KISSIMMEE, FL 34744
 PHONE 846-1246 FAX 846-0037
 CERTIFICATE NO. LB 6605

PROJECT INFORMATION	
JOB NO.	66514
DRAWN BY:	ZG
REVIEWED BY:	

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																									
<p>GENERAL</p> <p>Parcel Id: 22-21-30-515-0000-0280</p> <p>Owner: MARTINOLI ORLANDO A & ISABEL C</p> <p>Mailing Address: 1339 SNUG HARBOR DR</p> <p>City,State,ZipCode: CASSELBERRY FL 32707</p> <p>Property Address: 1339 SNUG HARBOR DR CASSELBERRY 32707</p> <p>Subdivision Name: OAKHURST RESERVE UNIT TWO</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$146,428</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$30,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$176,428</p> <p>Assessed Value (SOH): \$176,428</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$176,428</p> <p>Tax Estimator</p> <p>2005 Notice of Proposed Property Tax</p>																																								
<p>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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>12/2004</td> <td>05584</td> <td>0994</td> <td>\$234,700</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	12/2004	05584	0994	\$234,700	Improved	Yes	<p>2004 VALUE SUMMARY</p> <p>2004 Tax Bill Amount: \$507</p> <p>2004 Taxable Value: \$30,000</p> <p>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>																																									

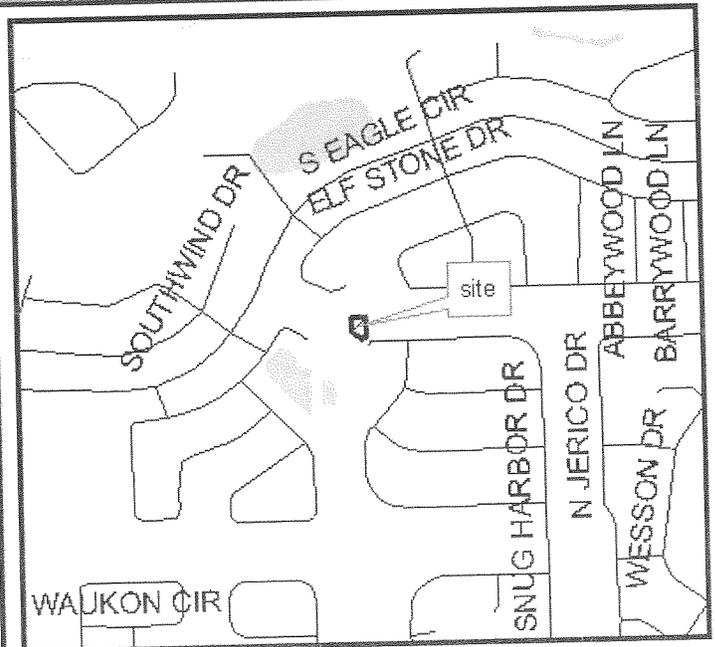
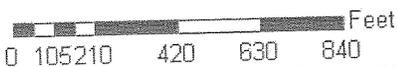
**Pulte Homes
1339 Snug Harbor Drive
Casselberry, FL 32707**



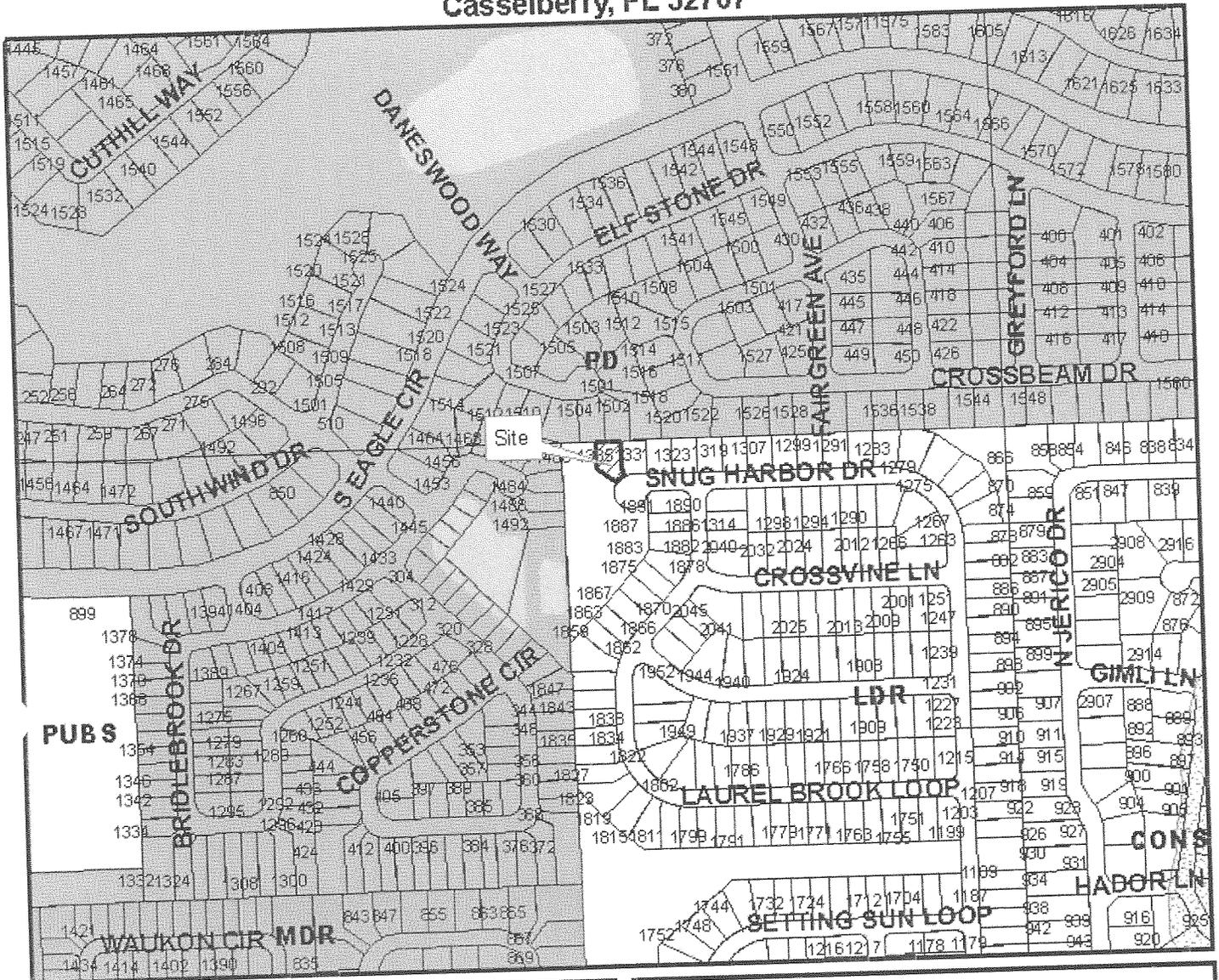
**Seminole County Board of Adjustment
November 28, 2005
Case: BV2005-108
Parcel No: 32-19-31-502-0000-0410**

Zoning

-  R-1A Single Fam-9000
-  R-3A Multi-Family-10DU
-  PUD Planned Unit Dev.
-  BV2005-108



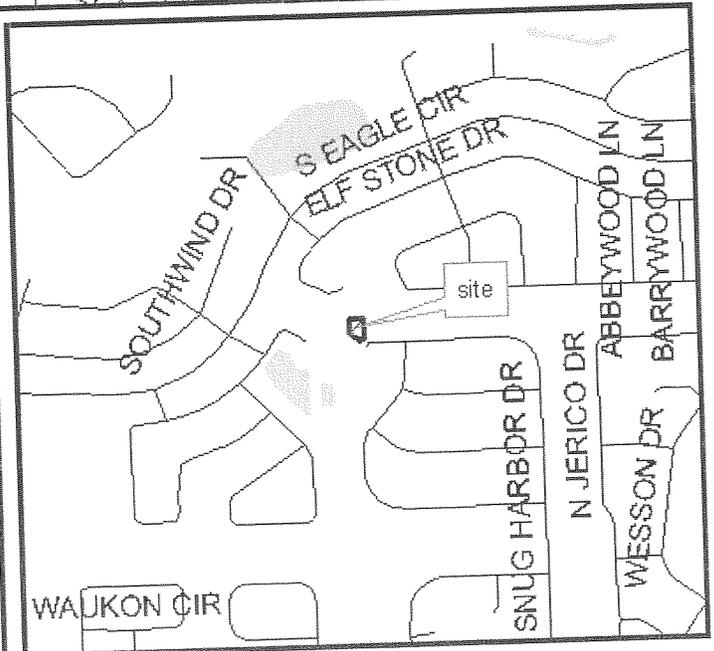
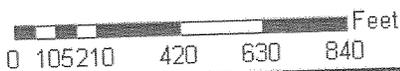
**Pulte Homes
1339 Snug Harbor Dr
Casselberry, FL 32707**



**Seminole County Board of Adjustment
November 28, 2005
Case: BV2005-108
Parcel No: 22-21-30-515-0000-0280**

Future Land Use

-  CONS, LDR
-  PUBS, NONE
-  LDR, NONE
-  MDR, NONE
-  PD, NONE
-  BV2005-108



PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



September 08, 2005

Isabella Martinoli
1339 Snug Harbor Dr.
Casselberry, FL 32707

Re: Administrative Variance at 1339 Snug Harbor Drive

Dear Ms. Martinoli:

An administrative variance has been granted to parcel #22-21-30-515-0000-0280 for a rear yard setback from 25 feet to 23 feet for a proposed screen room addition. A development order will be executed and recorded which grants the variance. There is a 15 day appeal period after the development order has been executed therefore no permits can be issued prior to September 24, 2005.

Please keep this correspondence for your records and submit with any permit applications. If you have any question concerning this correspondence please contact me at (407)665-7387.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Rumer".

Michael Rumer
Senior Planner
Planning Division

June 28, 2005

JUL 07 2005

RE: Application for variance

Patty Johnson
1101 E. First St.
Sanford, FL 32771

Dear Patty Johnson:

I give Pulte Homes Corporation permission to be my authorized agent in my application to the Seminole County Board of Adjustment. The application type I am applying for is a variance to my rear yard setback from twenty five to twenty three feet.

Sincerely,

A handwritten signature in black ink, appearing to read 'Isabella Martinoli', with a long horizontal line extending to the right.

Isabella Martinoli

SEMINOLE COUNTY DEVELOPMENT ORDER

On November 28, 2005 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 28 OAKHURST RESERVE UNIT TWO PB 63 PGS 47 – 51

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

FINDINGS OF FACT

Property Owner: ORLANDO & ISABELLA MARTINOLI
1339 SNUG HARBOR DRIVE
CASSELBERRY, FL 32707

Project Name: SNUG HARBOR DRIVE (1339)

Requested Development Approval:

Request for a rear yard setback from 23 feet to 21 feet for a proposed screen room addition in the PUD (Planned Unit Development 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: Ian Sikonia, 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:

1. The variance granted will apply only to the proposed screen room 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: _____
Tony Walter
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: