

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

**SUBJECT:** Request for (1) minimum rear yard setback variance from 30 feet to 5 feet for a proposed shed/garage; and (2) minimum side yard setback variance from 10 feet to 3 feet for a proposed shed/garage in the R-1AA (Single-Family Dwelling District); (Dianne Newton, applicant).

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

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

<b>Agenda Date</b> <u>11/28/05</u> <b>Regular</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Public Hearing – 6:00</b> <input checked="" type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1. **APPROVE** Request for (1) minimum rear yard setback variance from 30 feet to 5 feet for a proposed shed/garage; and (2) minimum side yard setback variance from 10 feet to 3 feet for a proposed shed/garage in the R-1AA (Single-Family Dwelling District); (Dianne Newton, applicant); or
2. **DENY** Request for (1) minimum rear yard setback variance from 30 feet to 5 feet for a proposed shed/garage; and (2) minimum side yard setback variance from 10 feet to 3 feet for a proposed shed/garage in the R-1AA (Single-Family Dwelling District); (Dianne Newton, applicant); or
3. **CONTINUE** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>APPLICANT:</b> <b>LOCATION:</b> <b>ZONING:</b>	Dianne Newton 128 N. Shirley Ave. R-1AA (Single-Family Dwelling District)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to place a (14 x 20 x 12) shed on the southwestern portion of the subject property. Since this shed is over 200 sq. ft. it must abide by the same setbacks as the main residence.</li> <li>• The proposed shed encroaches 7 feet into the minimum side yard setback and 25 feet into the minimum rear</li> </ul>	

	<p>yard setback.</p> <ul style="list-style-type: none"><li>• There is no record of prior variances having been granted for this property.</li></ul>
<b>STAFF FINDINGS</b>	<p>The applicant has failed to satisfy the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No special circumstances applicable to the property or existing shed have been demonstrated.</li><li>• The shed could be placed to comply with the code.</li><li>• The request would confer on the applicant special privileges that would be denied to other properties in the Marvania subdivision, by allowing encroachment into the rear and side yards without the demonstration of a special circumstance or hardship.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the proposed site plan, 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"><li>• Any variance granted should apply only to the proposed shed, 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>



**SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7335 FAX

**COPY** PL. NO. 84 2005-104

**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.

*modified on 10/19/05*

**APPLICATION TYPE:**

- VARIANCE** rear yard set-back variance from 30 feet to 5 feet for proposed shed/garage addition
- SPECIAL EXCEPTION**
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION**
- NIGHT WATCHMAN**
- YEAR OF MOBILE HOME / RV (EXISTING)**
- SIZE OF MOBILE HOME / RV**
- PLAN TO BUILD**  YES  NO IF SO WHEN
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED  
 OCT - 5 - 2005  
 PLANNING DIVISION

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Thomas Russell	Dianne Newton
ADDRESS	107 Crescent Blvd.	605 Mayroba Dr
PHONE 1	407-328-8523	321-578-0463
PHONE 2		407-324-5247
E-MAIL		

*who will be the owner of the property by the time of the hearing*

PROJECT NAME: \_\_\_\_\_  
 SITE ADDRESS: 128 N. Shirley Ave, Sanford FL 32771  
 CURRENT USE OF PROPERTY: its a house  
 LEGAL DESCRIPTION: Lots 22 + 23 Block 5, 2<sup>nd</sup> Section Marvania (Plat book 5, p 88)  
 SIZE OF PROPERTY: 135.21' x 99.99' acre(s) PARCEL I.D. 30-19-31-501-0500-0220  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 11, 28, 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.

Dianne Newton  
 SIGNATURE OF OWNER OR AGENT\* 10/5/05  
DATE

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

*cont on next page*

*15*

**ADDITIONAL VARIANCES**

14X20

**VARIANCE 2:**

shed size variance from 200 sq foot to 280 square feet of house antique car (picture attached)

**VARIANCE 3:**

side yard set back variance from 10 feet to 3 feet to accommodate shed plus side parking of 1 car

**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): 200.00 COMMISSION DISTRICT \_\_\_\_\_ FLU/ZONING R-1AA / LOR  
 BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
 LOCATION FURTHER DESCRIBED AS West side of Shirley Avenue  
0.1 mi. N. of the intersection of E. 2nd St + Shirley Ave  
 PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_  
 SUFFICIENCY COMMENTS Height of shed, payment,  
Setbacks on site plan & check area's variances

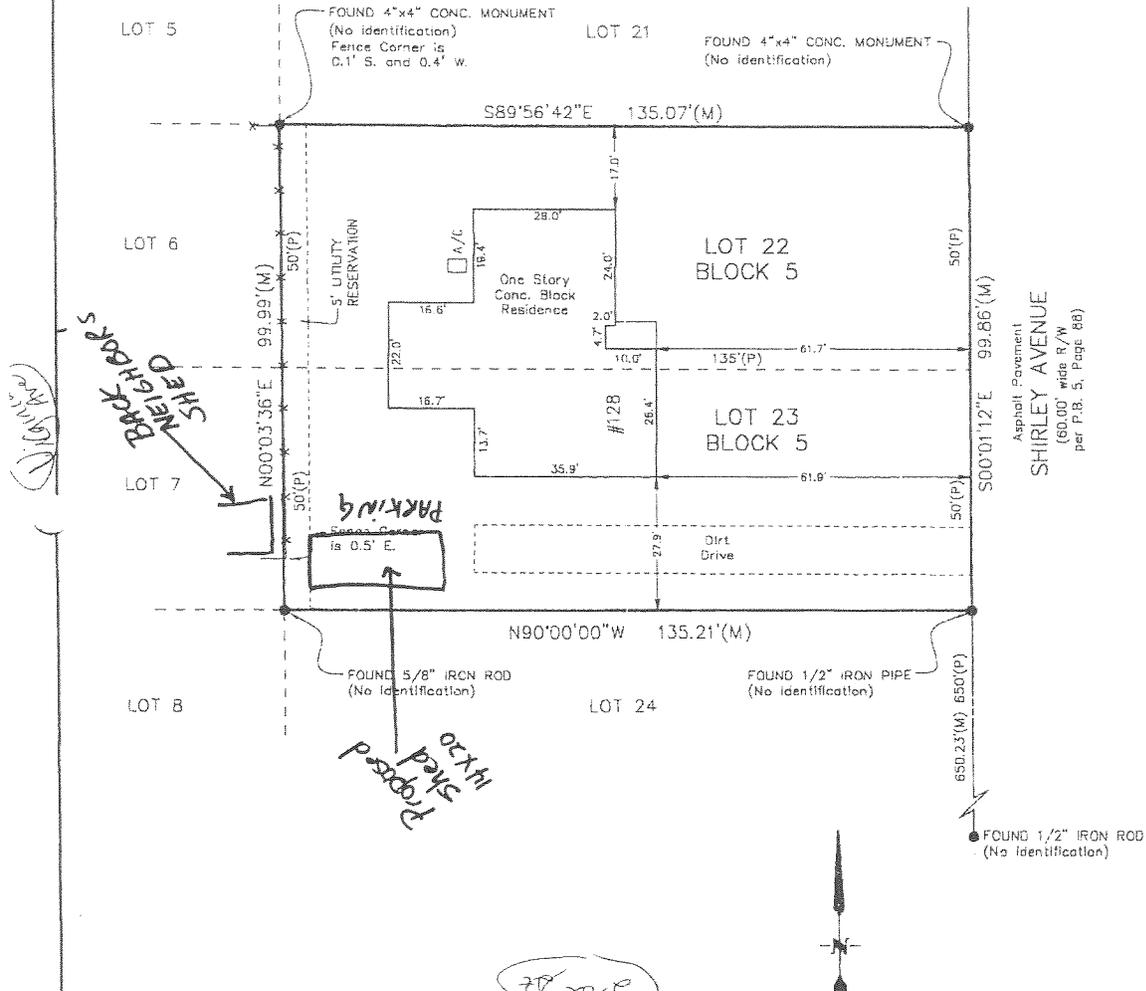
Last Updated: April 14, 2005

\* This house has very little back yard; its all frontage. I am trying to set the shed back to its most eye appealing position. The neighbor behind us has his shed approx 1 foot - 2 feet from the fence. Our back up to his in such a way that he'd never see it

# PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOTS 22 and 23, BLOCK 5, 2nd SECTION MARVANIA, according to the plat thereof as recorded in Plat Book 5, Page 88 of the Public Records of Seminole County, Florida.



NOTE:  
NO EASEMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.

NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY OR THOSE OF ADJOINING LANDS HAVE BEEN PROVIDED. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.

SCALE: 1" = 30'

CERTIFIED TO:  
THOMAS RUSSELL  
FIDELITY NATIONAL TITLE  
WASHINGTON MUTUAL

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Seminole County Florida, Community Panel Number 120289/12117C 0065 E, last dated April 17, 1995. It appears from a scaling of said map that the land described hereon is partially within "ZONE AE" ("Special Flood Hazard Area Inundated by 100-Year flood; No Base Flood Elevations determined"). Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

- This Plat represents a Boundary Survey of the description as furnished Harrison Surveying and Mapping, Inc. per client's instruction and makes no claims regarding ownership or rights of possession.
- Readings shown hereon are based on the South line of Lot 7, 2nd SECTION MARVANIA, Plat Book 5, Page 88 as N 90°00'00" W, (per plat).
- This surveyor has not searched the public records or abstracts the land shown hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The utility offsets shown for boundary dimensions shown hereon.
- Underground improvements and utilities have not been located.
- This survey performed by Harrison Surveying and Mapping, Inc. is for the singular use by the clients named hereon for the express stated purpose listed hereon. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal execution or attempts at circumventing prescribed laws or professional fee payments. All plats, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright thereto. The original of this drawing remains the property of Harrison Surveying and Mapping, Inc.

### LEGEND:

- |        |                          |        |                               |
|--------|--------------------------|--------|-------------------------------|
| P.C.   | = Point of Curvature     | O.R.B. | = Official Records Book       |
| P.R.C. | = Point of Reverse Curve | Δ      | = Delta (Intersection Angle)  |
| P.T.   | = Point of Tangency      | R      | = Radius                      |
| P.B.   | = Plot Book              | L      | = Arc Length                  |
| Pg.(s) | = Page(s)                | C.B.   | = Chord Bearing               |
| conc.  | = Concrete               | Ch     | = Chord Length                |
| C.L.F. | = Chain Link Fence       | D.U.E. | = Drainage & Utility Easement |
| A/C    | = Air Condition          | .....  | = Utility Easement            |
| R/W    | = Right-of-Way           | U. Box | = Utility Box                 |
| (M)    | = Field Observation      |        |                               |
| (P)    | = Plot                   |        |                               |
| (C)    | = Calculated             |        |                               |
| (A)    | = Description            |        |                               |
| CL     | = Centerline             |        |                               |

DRAWING: 01-1895T.DWG SURVEY DATE: 8/11/01

INTENDED DISPLAY SCALE: 1" = 30' DRAWN: S.G.R.

EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61012-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

*Thomas E. Harrison*  
THOMAS E. HARRISON, FL Reg. #5680 (For the Firm)

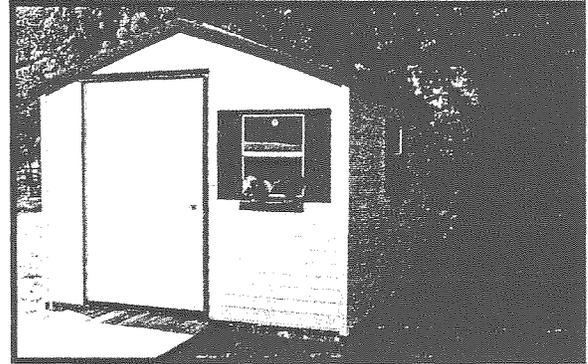
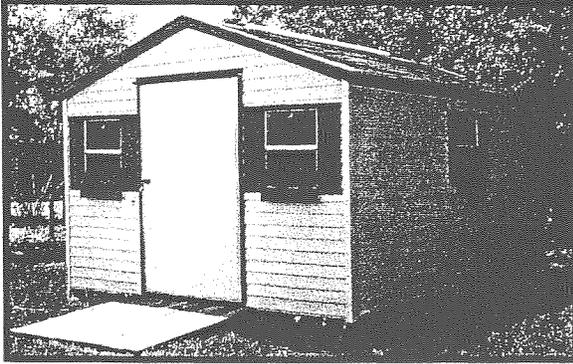
**HARRISON SURVEYING AND MAPPING, INC**  
PROFESSIONAL SURVEYORS AND MAPPERS  
Certificate of Authorization #LB 6948  
1104 Saddleback Ridge Road  
Apopka, Florida 32703  
Phone/Fax: (407) 860-0672  
JOB NO. 01-1895T Sheet 1 of 1

**HSM**.INC.

# SUPERIOR BUILDS OUR SHEDS AROUND YOUR NEEDS!

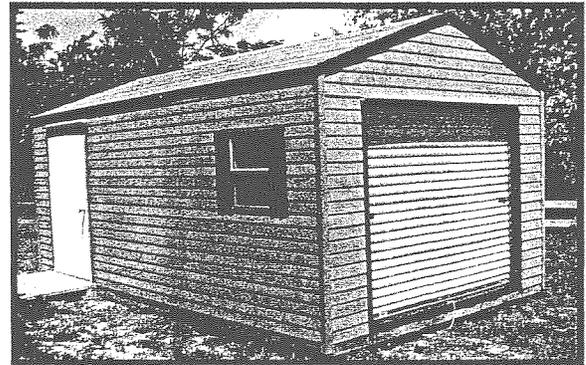
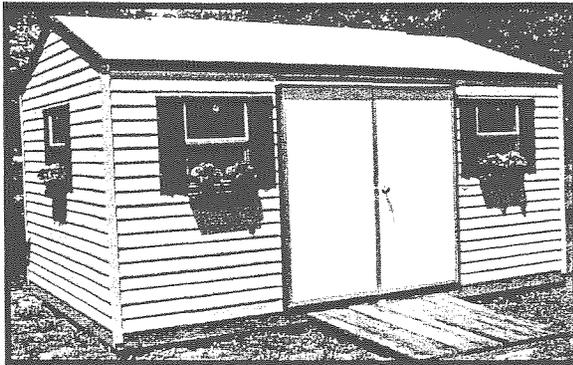
*"Visit any of our model centers"*

## COTTAGE STYLE BUILDING



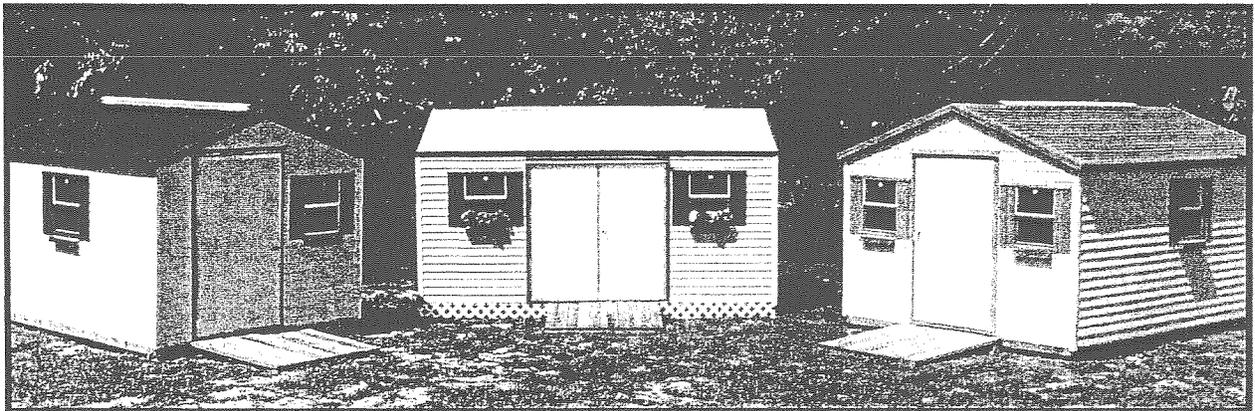
The "overhanging eave" and upscale appearance make the Cottage an attractive addition to any yard.

## BUNGALOW STYLE BUILDING



Practical and durable with "mini-eave" for good looks and Superior appearance.

## STYLES TO MEET EVERY TASTE



You pick your size, style, color, window placement, door size and ventilation.

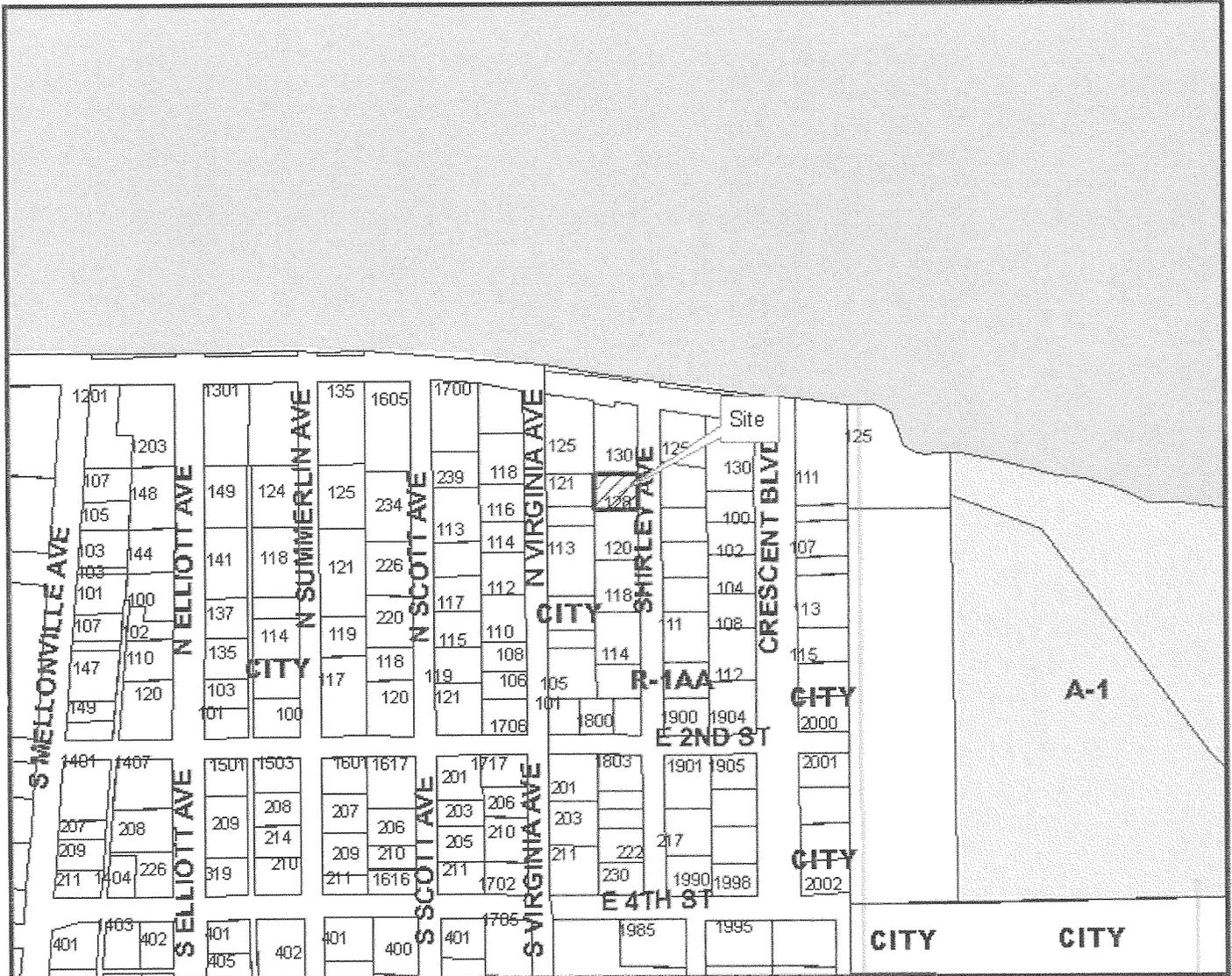
Sizes available from 6ft x 8ft to 20ft x 36ft

### LOCATIONS THROUGHOUT FLORIDA!

Visit us at [www.superiorsheds.com](http://www.superiorsheds.com)

<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		<table border="1"> <tr> <td>3</td><td>4</td><td></td><td></td><td></td><td></td> </tr> <tr> <td>22</td><td></td><td>1.0</td><td>2</td><td>3</td><td>4</td> </tr> <tr> <td>22.0</td><td></td><td>5</td><td></td><td>21</td><td></td> </tr> <tr> <td>24</td><td></td><td>6</td><td></td><td>22</td><td></td> </tr> <tr> <td>24.0</td><td></td><td>7</td><td></td><td>23</td><td></td> </tr> <tr> <td></td><td></td><td>8</td><td></td><td>24</td><td></td> </tr> <tr> <td>27.0</td><td></td><td>9</td><td></td><td>25</td><td></td> </tr> <tr> <td></td><td></td><td>10</td><td></td><td>26</td><td></td> </tr> <tr> <td>29</td><td></td><td>11</td><td>5</td><td>27</td><td></td> </tr> </table>				3	4					22		1.0	2	3	4	22.0		5		21		24		6		22		24.0		7		23				8		24		27.0		9		25				10		26		29		11	5	27					
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<b>GENERAL</b> Parcel Id: 30-19-31-501-0500-0220 Owner: RUSSELL THOMAS Mailing Address: 107 CRESCENT BLVD City,State,ZipCode: SANFORD FL 32771 Property Address: 128 SHIRLEY AVE N SANFORD 32771 Subdivision Name: MARVANIA 2ND SEC Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY						<b>2006 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$85,569 Depreciated EXFT Value: \$600 Land Value (Market): \$29,100 Land Value Ag: \$0 Just/Market Value: \$115,269 Assessed Value (SOH): \$115,269 Exempt Value: \$0 Taxable Value: \$115,269 Tax Estimator																																																									
<b>SALES</b> <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>08/2001</td><td>04175</td><td>1147</td><td>\$115,000</td><td>Improved</td><td>Yes</td></tr> <tr> <td>QUIT CLAIM DEED</td><td>09/1996</td><td>03136</td><td>0132</td><td>\$100</td><td>Improved</td><td>No</td></tr> <tr> <td>QUIT CLAIM DEED</td><td>04/1996</td><td>03074</td><td>2013</td><td>\$67,000</td><td>Improved</td><td>No</td></tr> <tr> <td>WARRANTY DEED</td><td>10/1993</td><td>02678</td><td>0905</td><td>\$70,000</td><td>Improved</td><td>Yes</td></tr> </tbody> </table> Find Comparable Sales within this Subdivision						Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/2001	04175	1147	\$115,000	Improved	Yes	QUIT CLAIM DEED	09/1996	03136	0132	\$100	Improved	No	QUIT CLAIM DEED	04/1996	03074	2013	\$67,000	Improved	No	WARRANTY DEED	10/1993	02678	0905	\$70,000	Improved	Yes	<b>2005 VALUE SUMMARY</b> 2005 Tax Bill Amount: \$1,909 2005 Taxable Value: \$116,474 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																						
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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.																																																															

Diane Newton  
 128 N. Shirley Avenue  
 Sanford, FL 32771



Seminole County Board of Adjustment  
 November 28, 2005  
 Case: BV2005-164  
 Parcel No: 30-19-31-501-0500-0220

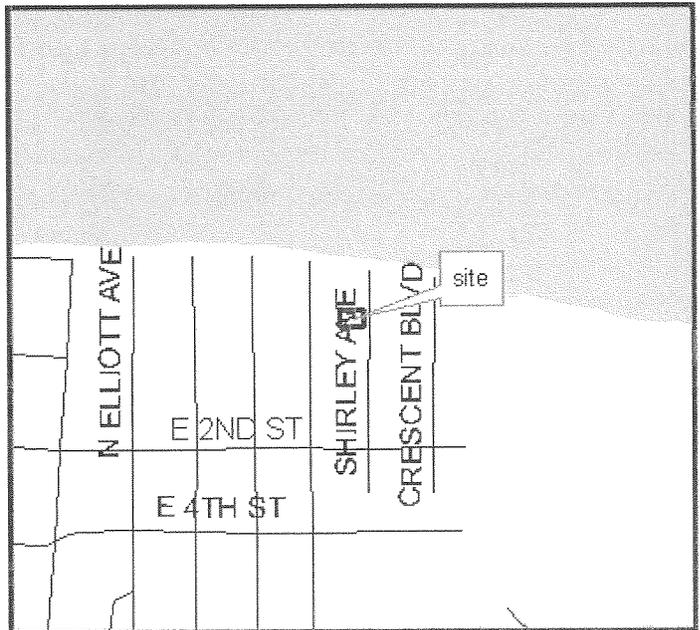
**Zoning**

-  A-1 Agricultural-1 Ac
-  R-1AA Single Fam-11700
-  BV2005-164

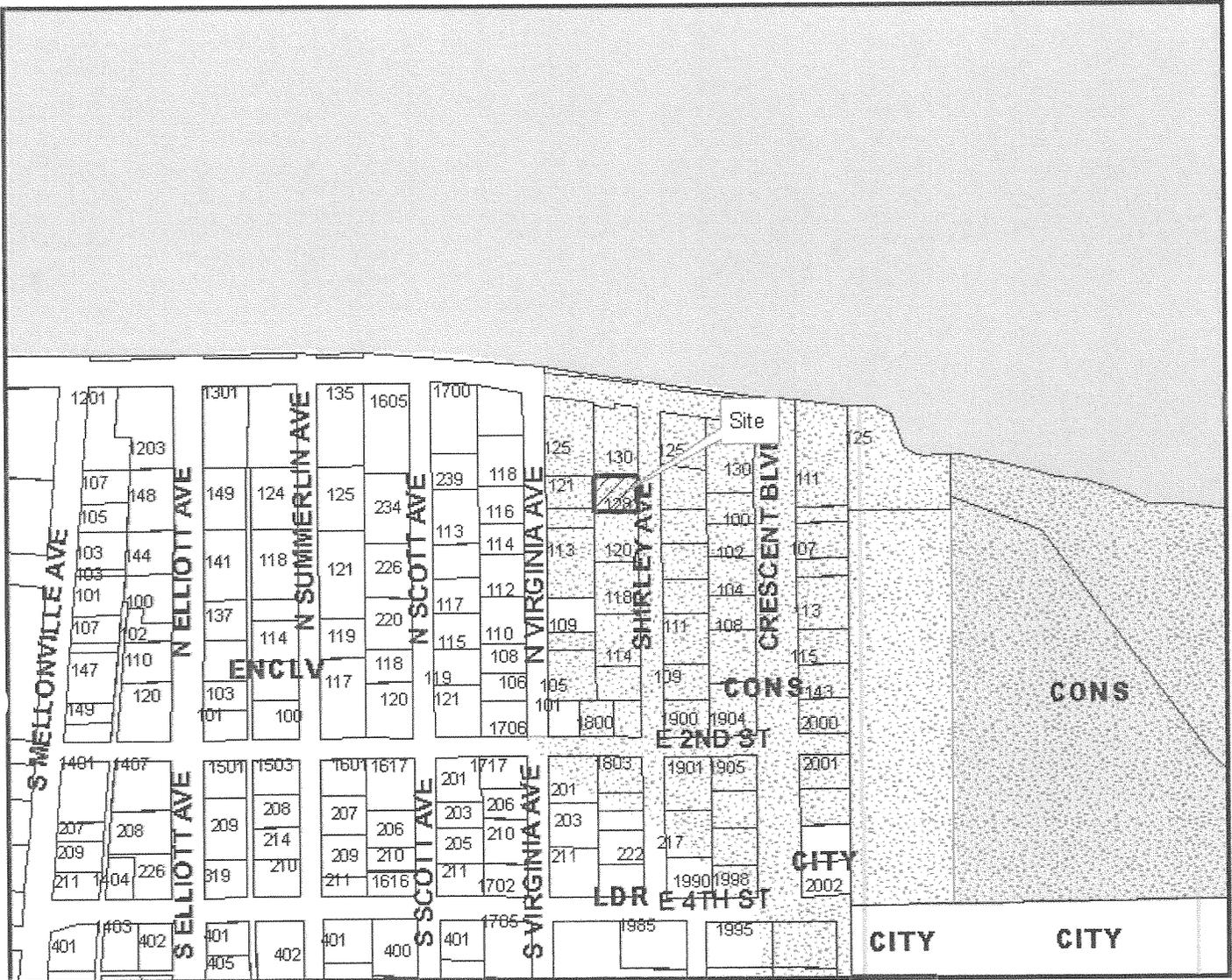
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 Feet  
 0 90 180 360 540 720



Diane Newton  
 128 N. Shirley Avenue  
 Sanford, FL 32771



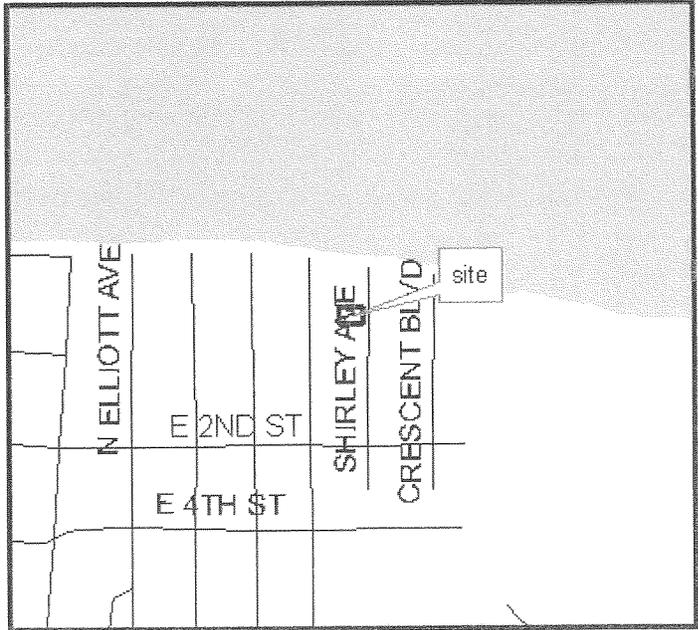
Seminole County Board of Adjustment  
 November 28, 2005  
 Case: BV2005-164  
 Parcel No: 30-19-31-501-0500-0220

**Future Land Use**

- CONS, SE
- CONS, LDR
- LDR, NONE
- BV2005-164

N

0 90 180 360 540 720 Feet



October 5, 2005

107 Crescent BLVD.  
Sanford, FL 32771

I, Thomas R. Russell, owner of 128 North Shirley Avenue give Dale and Diane Newton consent to ask for a variance for said property.

A handwritten signature in cursive script that reads "Thomas R. Russell".

Thomas R. Russell  
407-328-8523

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

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

### FINDINGS OF FACT

**Property Owner:** Diane Newton  
128 N. Shirley Ave.  
Sanford, FL 32771

**Project Name:** N. Shirley Avenue (128)

#### **Requested Development Approval:**

Request for (1) minimum rear yard setback variance from 30 feet to 5 feet for a proposed shed/garage; and (2) minimum side yard setback variance from 10 feet to 3 feet for a proposed shed/garage in the R-1AA (Single-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: 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 shed 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: