

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

**SUBJECT:** 724 Silver Birch Place – Xuan Nguyen & Nhan Phan, applicant; Request for a rear yard setback variance from 10 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

**Agenda Date** 02/26/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a rear yard setback variance from 10 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development) ; or
2. **APPROVE** the request for a rear yard setback variance from 10 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development) ; or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Xuan Nguyen & Nhan Phan Location: 724 Silver Birch Place Zoning: PUD (Planned Unit Development) Subdivision: Crystal Creek Unit 1
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 10 foot by 20 foot screen room over a portion of the existing concrete patio.</li> <li>• The proposed 120 square foot screen room would encroach 2 feet into the required 10-foot rear yard setback.</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

	<p>are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none"><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the 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>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☒ PUD Commitment Card, *if applicable*

Support information:

- ☒ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☐ Supporting documentation
- ☒ Letters of support
- ☒ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents
  
- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2007-05  
Meeting Date 2-26-07



**COPY**  
**VARIANCE APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: XUAN NGUYEN

Address: 724 Silver Birch PL

City: Longwood Zip code: 32750

Project Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip code: \_\_\_\_\_

Contact number(s): (407) 321-1573

Email address: \_\_\_\_\_

Is the property available for inspection without an appointment? ☐ Yes ☐ No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>10 X 20 SCREEN ROOM</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	<u>8 ft.</u>
<input type="checkbox"/> Side yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Fence height	Required height:	Proposed height:	
<input type="checkbox"/> Building height	Required height:	Proposed height:	
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<b>[V] Total number of variances requested</b> <u>1</u>			

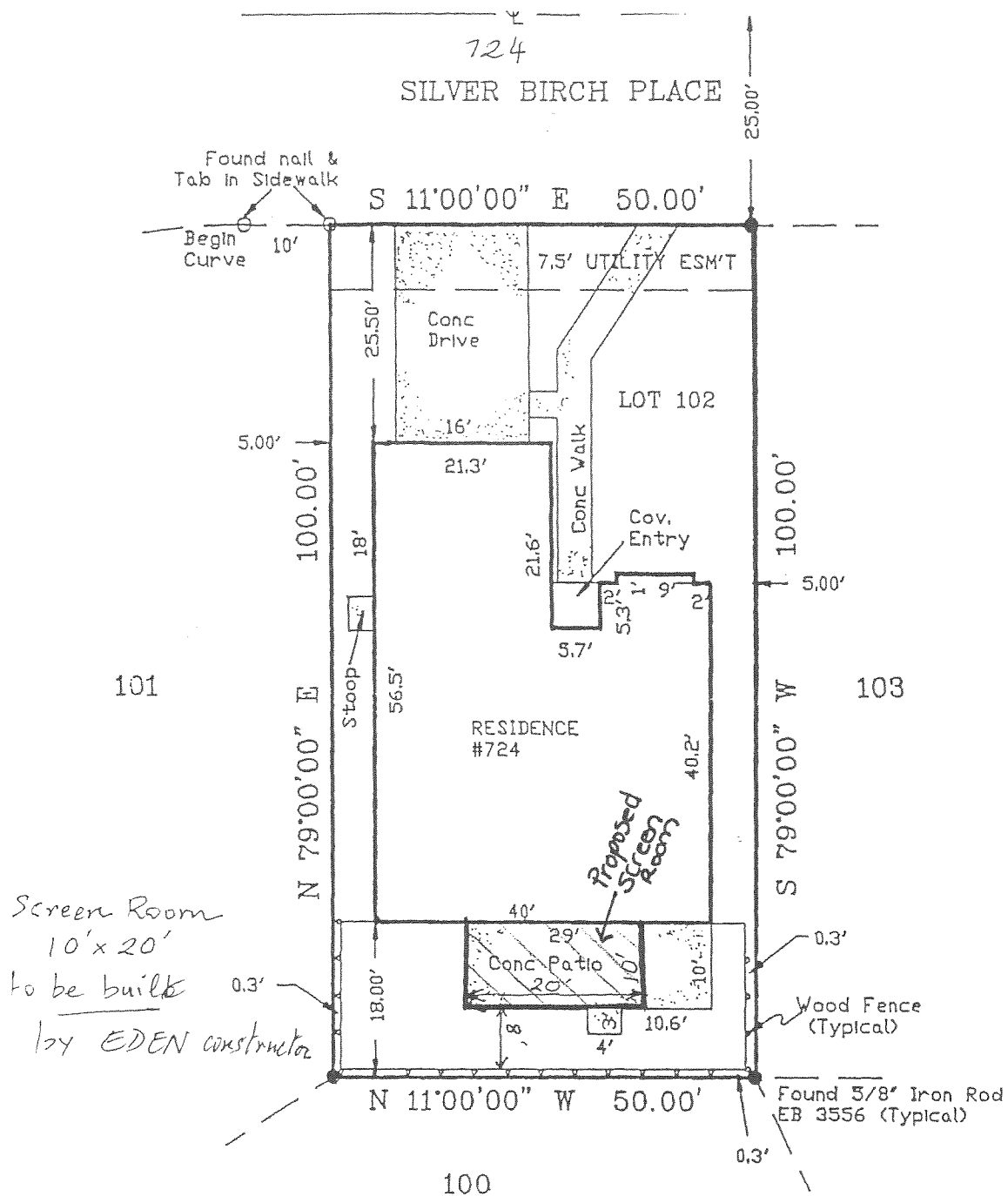
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Xuan Nguyen JAN 09-2007

**FOR OFFICE USE ONLY**Date Submitted: 1-9-07Reviewed By: P. JohnsonTax parcel number: 21-20-30-515-0000-1020 Zoning/FLU PLU / PO☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)☐ Platted Lot (check easements as shown on lots, in notes or in dedication)☐ Lot size \_\_\_\_\_ ☐ Meets minimum size and width☐ Application and checklist completeNotes: over existing concrete slab**VARIANCE SUBMITTAL CHECKLIST***Please return this checklist with your application!*

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each )
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



#### NOTES:

1. ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAPS, IT IS MY OPINION THAT THE BUILDING SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD PRONE AREA AND LIES WITHIN FLOOD ZONE "B", PURSUANT TO FIRM PANEL # 120289 0130B, EFFECTIVE 5/5/81
2. SUBSURFACE AND/OR AERIAL IMPROVEMENTS OR ENCROACHMENTS, IF ANY WERE NOT LOCATED.
3. NO SEARCH OF PUBLIC RECORDS WAS MADE BY THIS OFFICE.
4. LEGAL DESCRIPTION IS AS FURNISHED BY THE CLIENT.
5. THIS SURVEY IS PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THOSE PARTIES NAMED BELOW AND IS NOT TO BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL.

CERTIFIED EXCLUSIVELY TO

**NHAN PHAN & XUAN NGUYEN**  
FIRST AMERICAN TITLE INSURANCE COMPANY  
FRIEDMAN & FREIDMAN, P.A. (7289)

I HEREBY CERTIFY THAT THIS 'SKETCH OF SURVEY' OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

*Frederick J. Francis*  
L.S. #3681 STATE OF FLORIDA  
COPIES ARE NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF THIS SURVEYOR

**FREDERICK J. FRANCIS**  
Professional Land Surveyor  
735 Bear Creek Circle  
Winter Springs, FL 32708  
Tele-Fax (407) 365-7220

SEC-TWP-RGE  
21-20-30

BOUNDARY SURVEY  
DATE: 4/14/93

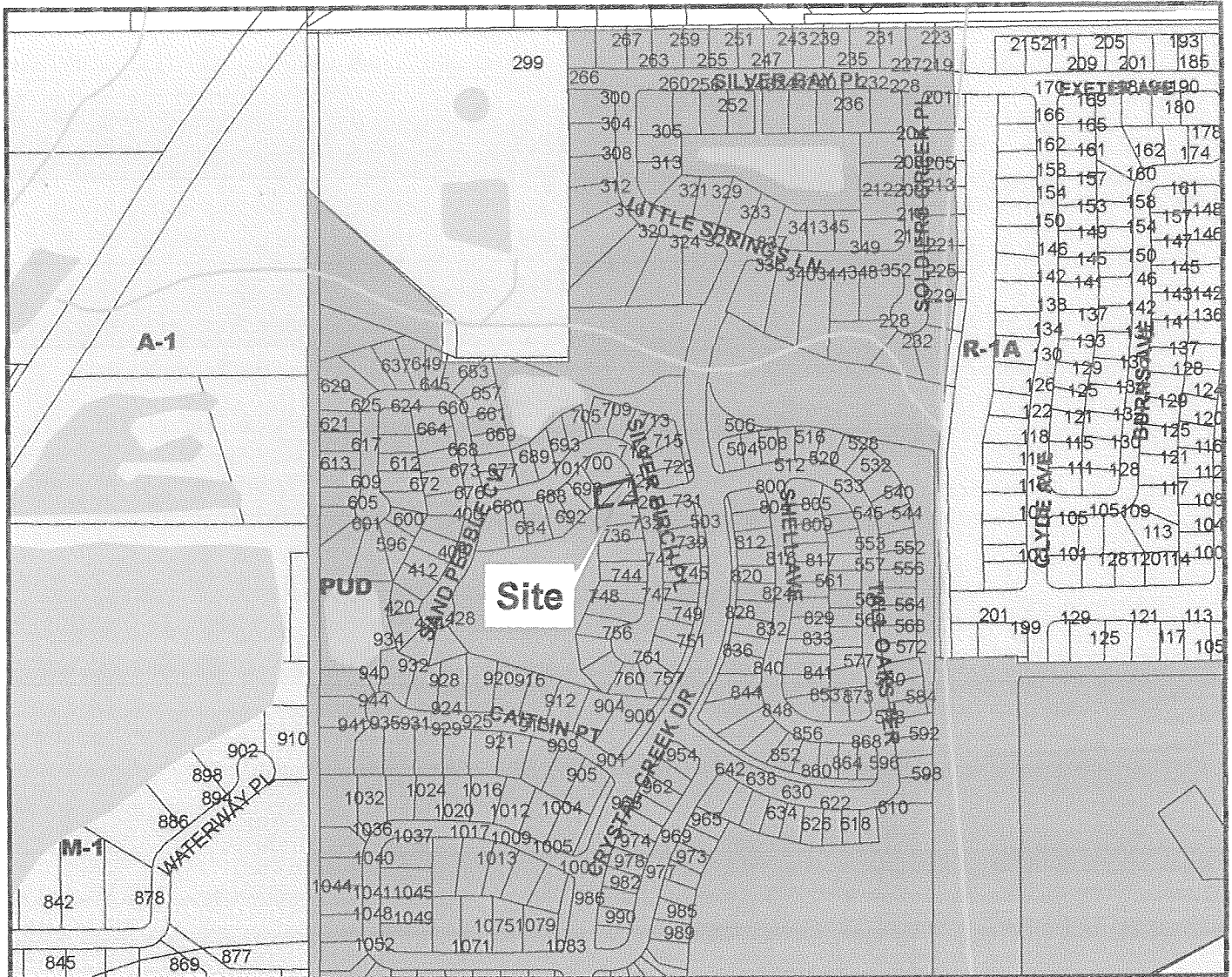
DISK NO.  
270

SCALE:  
1"=20'

SHEET: 1  
OF: 1






JOB NO.  
93-4-24

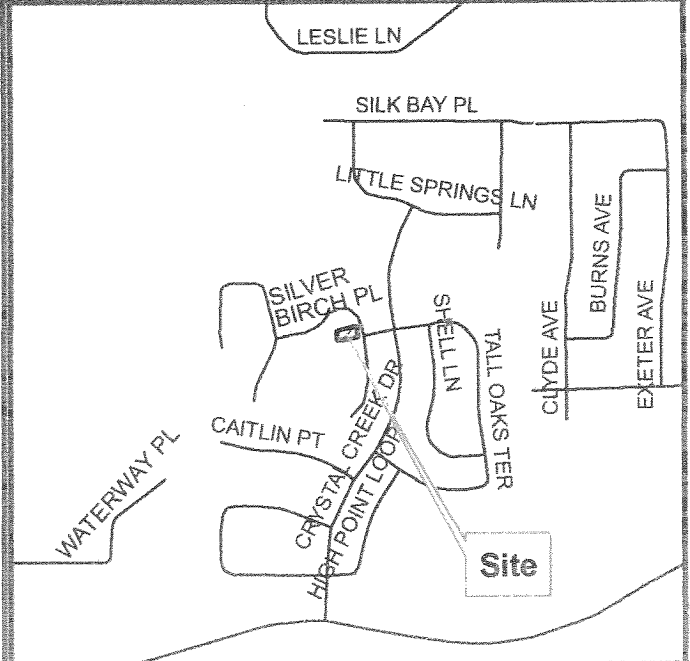
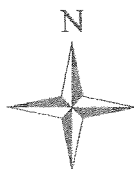
Xuan Nguyen & Nhan Phan  
724 Silver Birch Place  
Longwood, Florida 32750



**Seminole County Board of Adjustment**  
**February 26, 2007**  
**Case: BV2007-05 (Map 3104, Grid A4)**  
**Parcel No: 21-20-30-515-0000-1020**

**Zoning**

	BV2007-05
	A-1
	R-1A
	M-1
	PUD





<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 407-655-7506</p>																																												
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 21-20-30-515-0000-1020</p> <p>Owner: PHAN NHAN &amp;</p> <p>Own/Addr: NGUYEN XUAN</p> <p>Mailing Address: 724 SILVER BIRCH PL</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 724 SILVER BIRCH PL LONGWOOD 32750</p> <p>Subdivision Name: CRYSTAL CREEK UNIT 1</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$191,340</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$37,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$228,340</p> <p>Assessed Value (SOH): \$121,138</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$96,138</p> <p>Tax Estimator</p>																																										
<p align="center"><b>SALES</b></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>04/1993</td> <td>02576</td> <td>1537</td> <td>\$118,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>05/1992</td> <td>02488</td> <td>0499</td> <td>\$37,400</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1991</td> <td>02364</td> <td>1058</td> <td>\$120,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1990</td> <td>02151</td> <td>1801</td> <td>\$215,600</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1989</td> <td>02132</td> <td>0803</td> <td>\$3,962,700</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/1993	02576	1537	\$118,000	Improved	Yes	QUIT CLAIM DEED	05/1992	02488	0499	\$37,400	Improved	No	WARRANTY DEED	11/1991	02364	1058	\$120,900	Improved	Yes	WARRANTY DEED	01/1990	02151	1801	\$215,600	Vacant	No	SPECIAL WARRANTY DEED	12/1989	02132	0803	\$3,962,700	Vacant	No	<p align="center"><b>2006 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$3,056</p> <p>2006 Tax Bill Amount: \$1,502</p> <p>Save Our Homes (SOH) Savings: \$1,554</p> <p>2006 Taxable Value: \$93,183</p> <p 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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																												



COMMISSION DISTRICT #:

GUI  
PROJ. #

ZONED: PUD

SEC: 21,28

TWP: 20

RNG: 30

DEVELOPMENT:		Crystal Creek Unit 1				DEVELOPER:		Florida Homecrafters				
LOCATION:		W side of C-15, N of C-427				168 lots						
FILE#:		BA:		SP:		BCC:		7/23/85				
P&Z:												
PB	41	PG	49-52	Lot		Blk		Parcel		DBA		Comm Dist
DEVEL. ORDER #:		88-0016				TAX PAR. I.D. #:						
SIDEWALKS: Required						SETBACK REQUIREMENTS						
						FY:      SIDE ST.:      SY:      RY:						
ROAD TYPE:						MAIN STRUCTURE OTHER:						
(CURB & GUTTER OR SWALE)						Lots 1-60 - Minimum House: 1,000 sq. ft						
COMMENTS OTHER:						Setbacks: FY: 25', SY: 7.5', RY: 30'						
On 4/16/00, Board of Adjustments approved setback variances which are as follows:						Lots 61-188 - Min. House: 800 sq. ft.						
1) BA90-4-58V: Side Street setback variance from 20' to 10' for Lot 61.						Setbacks: FY: 20', SY: 0' one side (10 ft. between bldg.), RY: 10'						
2) BA90-4-59V Side street setback variance from 20' to 10' for Lot 71.						ACCESSORY STRUCTURE SETBACKS:						
3) BA90-4-57V: Rear yard setback variance from 30' to 15' for Lot 29.						SY:      Same as main      RY: 10'						
4) BA90-4-60V: Rear yard setback variance from 30' to 5' for Lot 100.						structure						
5) BA90-4-61V: Side street setback variance from 20' to 10' for Lot 121.						ACCESSORY STRUCTURE OTHER:						

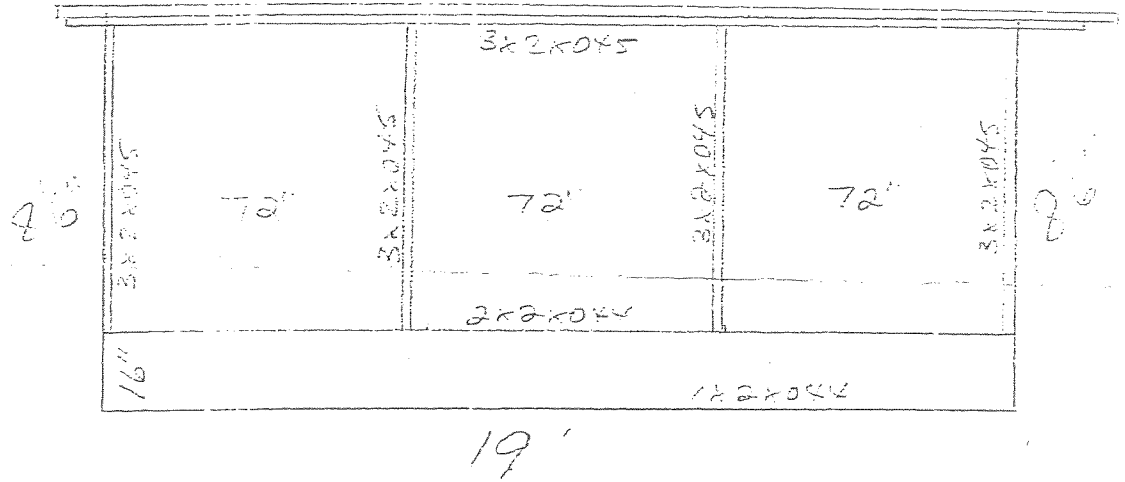
		IMPACT FEES	
		SCREEN:	
		TRAFFIC ZONE:	14
		LAND USE:	Lots 1-60: 1      Rem.: 3
		1. ROAD-CO. WIDE	V-705.00      V-394.00
		2. ROAD-COLL.	V-142.00      V-79.00
		3. LIBRARY	V-0.00      V-0.00
		4. FIRE	V-10.00      V-10.00
		5. PARK	
		6. SCHOOL	V-300.00      V-200.00
		7. LAW	
		8. DRAINAGE	
		TOTAL	\$1,157.00      \$683.00
REMARKS: Curb and gutter; sidewalks			

COMMITMENT CARD

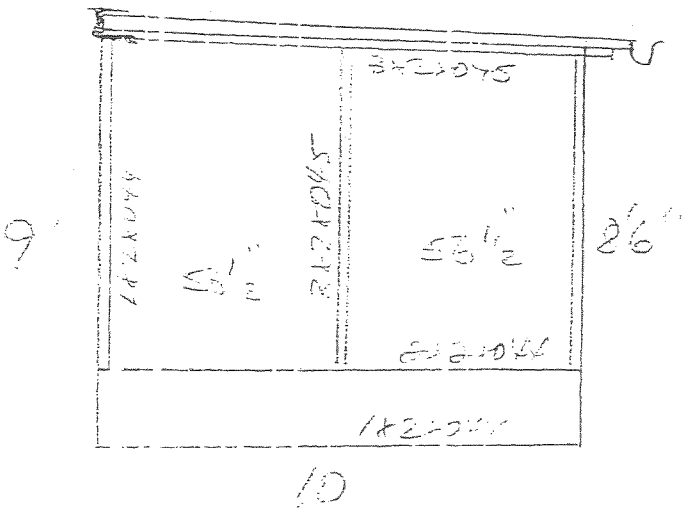
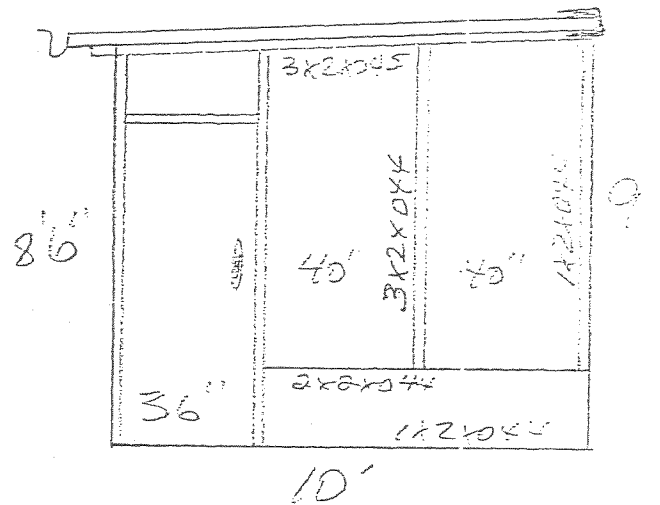
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Eden Construction Corporation  
 10151 University Blvd. Ste. 137  
 Orlando, FL 32817  
 (407) 671-9697

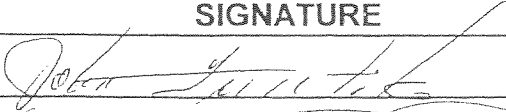
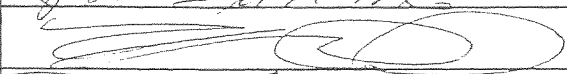
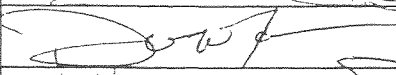
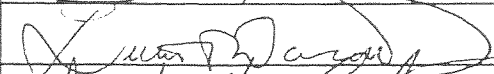
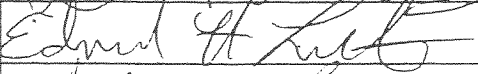
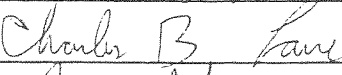
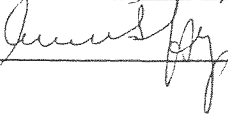
XUAN NGUYEN  
 724 SILVER BIRCH FL  
 LONGWOOD FL  
 32750



Roof: 3' x 0.02' Alum.  
 Composite



WHITE PAPER  
 WHITE BUTTER  
 WHITE ALUM. FLOOR

Neighborhood Support for Xuan Nguyen/Nhan Phan		
(at 724 Silver Birch PL, FL 32750)		
To Build a Screen Room (10'x20') in their Back Yard		
with a request for variance from 10" to 8"		
NAME	ADDRESS	SIGNATURE
John Funtik	716 Silver Birch Pl.	
Erick Mc. Donald	728 Silver Birch Pl.	
Don FORSHA	700 Silver Birch Pl.	
Luther DAVIS	732 Silver Birch Pl.	
Edmund Lobato Atman Lovato	723 Silver Birch Pl.	
Chuck LANE HENRICKS	713 Silver Birch Pl.	
Edmund ANTONIO	711 Silver Birch Pl.	

**CRYSTAL CREEK NEIGHBORHOOD ASSOCIATION, INC.**  
**APPLICATION FOR ARCHITECTURAL REVIEW COMMITTEE APPROVAL**

To protect each homeowner's rights and property values, we require that any homeowner considering improvements or alterations, (i.e., patio enclosures, fences, pools, exterior color changes) to their home or property submit a Request for Home Improvement Approval to the Architectural Review Committee 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 Architectural Review Committee 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 improvement from your property. Please complete this form in detail and send or deliver to: Sentry Management, Inc., 2180 W. SR 434, Suite 5000, Longwood, Florida 32779.

Owner's Name: XUAN NGUYEN Home Phone: (407)-321-1573  
Address: 724 Silver Birch PL, LONGWOOD, FL 32750 Lot #: 102  
(include: street, city, state, zip)

Brief description of improvement which you propose: 10' x 19' ALUM. SCREEN ROOM  
W/ INSULATED ROOF; ALUM. KICK PLATE

Material to be used for improvement (briefly describe):

Paint Color (s) WHITE ALUM. EXTRUSION S  
Stain Color (s) \_\_\_\_\_  
Screen Type (s) CHARCOAL  
Cement/Stucco \_\_\_\_\_  
Pipe/Electrical \_\_\_\_\_  
Wood Type (s) \_\_\_\_\_  
Fence Type (s) \_\_\_\_\_  
Height \_\_\_\_\_  
Other \_\_\_\_\_

Who will perform the work on this improvement? Eden Construction Corporation

Are Seminole County permits required? ☒ Y ☐ N Date Obtained: \_\_\_\_\_

Attach a survey showing all proposed additions and/or changes, including all measurements. If you are proposing exterior color change, you must attach color chips or samples. If you need additional space, use the reverse of this form.

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

Signature of Homeowner: Xuan Nguyen Date: \_\_\_\_\_

Received By/Date: \_\_\_\_\_ Approval By/Date: E. Mack 1/30/07

Disapproved By/Date: \_\_\_\_\_ Notified By/Date: E. Mack 1/30/07

## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 102, CRYSTAL CREEK UNIT 1 PB 41 PGS 49 TO 52

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

### **FINDINGS OF FACT**

**Property Owner:** Xuan Nguyen & Nhan Phan  
724 Silver Birch Place  
Longwood, FL 32750

**Project Name:** Silver Birch Place (724)

### **Requested Development Approval:**

Request for a rear yard setback variance from 10 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development).

The Development Approval was sought for a proposed screen room addition that would encroach 2 feet into the rear yard setback. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner  
1101 East First Street  
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
April Boswell, AICP  
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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 102, CRYSTAL CREEK UNIT 1 PB 41 PGS 49 TO 52

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

### FINDINGS OF FACT

**Property Owner:** Xuan Nguyen & Nhan Phan  
724 Silver Birch Place  
Longwood, FL 32750

**Project Name:** Silver Birch Place (724)

**Requested Development Approval:**

Request for a rear yard setback variance from 10 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development).

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: Joy Williams, 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 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: \_\_\_\_\_  
April Boswell, AICP  
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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: