

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

**SUBJECT:** Atlantic Avenue (Lot 168) - Request for a (1) lot size variance from 43,560 square feet to 6,240 square feet; (2) width at the building line from 150 feet to 52 feet; and (3) front yard setback from 50 feet to 40 feet a proposed home in the A-1 (Agriculture District).

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

**AUTHORIZED BY:** Kathy Fall      **CONTACT:** Kathy Fall      **EXT.** 7489

**Agenda Date** 6/25/07    **Regular**     **Consent**     **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) lot size variance from 43,560 square feet to 6,240 square feet; (2) width at the building line from 150 feet to 52 feet; and (3) front yard setback from 50 feet to 40 feet a proposed home; or
2. **DENY** the request for a (1) lot size variance from 43,560 square feet to 6,240 square feet; (2) width at the building line from 150 feet to 52 feet; and (3) front yard setback from 50 feet to 40 feet a proposed home; or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Owner: Location: Zoning: Subdivision:	Scott Quinlan & Mark Pagdin Charlotte Vogel Atlantic Avenue A-1 Sylvan Lake
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a single family home on a platted lot that does not meet the A-1 zoning classifications minimal dimensional requirements. The proposed home will also encroach into the minimal setback requirements.</li> <li>• The building area on the site plan will accommodate a single family home with a maximum of 1315 square feet.</li> <li>• There are currently no code enforcement or building</li> </ul>	

	<p>violations for this property.</p> <ul style="list-style-type: none"> <li>• There is no record of prior variances for this property.</li> </ul>
<p><b>STAFF FINDINGS</b></p>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> <li>• The subject lot was created as a part of the 1<sup>st</sup> Addition to Sylvan Lake, which was platted on October 17, 1925.</li> <li>• The adoption of County wide zoning in 1960 subsequently rendered the lot non-conforming with respect to A-1 zoning minimal dimensional requirements, thereby creating a hardship.</li> <li>• The size of the subject property is 6,240 square feet which is similar to the R-1BB zoning district. Staff believes that variances allowing setbacks like those in the R-1BB zoning district would be the minimum variances to make reasonable use of the property</li> <li>• Special conditions or circumstances exist, which 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.</li> <li>• Special conditions and circumstances did not result from the actions of the applicant.</li> <li>• The granting of the variance requested would not 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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li> <li>• The variances granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li> <li>• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.</li> <li>• The grant of the variance would be in harmony with the general intent of Chapter 30.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"> <li>• Based on the stated findings, staff recommends approval of the requests. If approved by the board, staff recommends the following conditions of approval:</li> </ul>

	<ul style="list-style-type: none"><li>• Any variance granted shall apply only to the proposed home and lot 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>
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**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 # BV 2007-68  
Meeting Date 06/25/07



**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: CHARLOTTE A. VOGEL / SCOTT C. QUINLAN & MARK N. PAGOIN

Address: 5840 RED BULL LK RD., SUITE 295 City: WINTER SPRINGS Zip code: 32708

Project Address: ATLANTIC AVENUE City: SANFORD Zip code: FL 32731

Contact number(s): 407-923-2332

Email address: scott@scottquinlan.com

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 type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe: <u>SINGLE STORY 3 BEDROOM 1 1/2 BATH W/ DEN 1173 SF SEE EXHIBIT A.</u>
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAY 04 2007

What type of variance is this request?				
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>1 ACRE</u>	Actual lot size:	<u>0.14 ACRE</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>150 FT</u>	Actual lot width:	<u>52 FT</u>
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50 FT</u>	Proposed setback:	<u>40 FT</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<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:	
<input checked="" type="checkbox"/> Total number of variances requested <u>3</u>				

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:

**FOR OFFICE USE ONLY**

Date Submitted: 5-4-07 Reviewed By: P. Johnson  
 Tax parcel number: 31-19-30-501-0000-1680 Zoning/FLU A-1/LOR  
 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 complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_

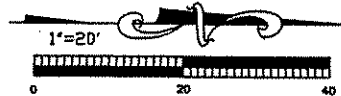
**VARIANCE SUBMITTAL CHECKLIST**

*Please return this checklist with your application!*

<p>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.</p>	
	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 <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<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 <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

# SITE PLAN

LOT 149

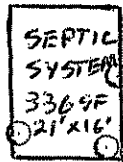


N00°06'39"W 52.00'(R&M)

HOUSE IS ON WELL AND SEPTIC

SIR 1/2" NO#

FIP 1" NO#



TREE DETAIL	
○	OAK
⊗	PINE

PARCEL SIZE = 0.14 ACRE  
PARCEL DIMENSIONS = 120' x 52'

S89°47'47"W 120.00'(R&M)

N89°47'47"E 120.00'(R&M)

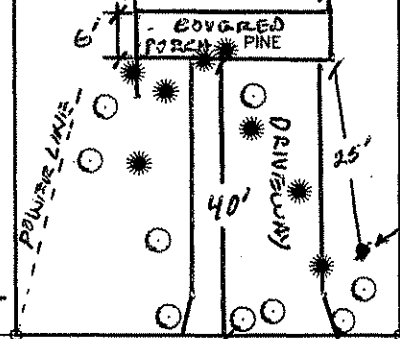
LOT 167

LOT 169

PROPOSED ONE-STORY HOUSE (1,173 SF LIVING SPACE)

VACANT LOT 168

BOVARD PINE



SIR 1/2" NO#

SIR 1/2" NO#

S00°06'39"E 52.00'(R&M)

ATLANTIC AVENUE  
50' TOTAL R/W ASPHALT

441.26'

319.02'

FD BOXCUT NO#

(R) RECORD	UE UTILITY EASEMENT	FIP FOUND IRON PIPE	NEIGH NEIGHBORING PROPERTY	X X X WIRE FENCE	CONCRETE	DWG	CHK
(M) MEASURED	DEU DRAINAGE & UTILITY EASEMENT	FIR FOUND IRON ROD	OUR OUR SUBJECT PROPERTY	□ □ □ WOOD FENCE		BE	
A/C AIR CONDITIONER	R/W RIGHT-OF-WAY	FW/D FOUND WML/DISH FCM FOUND CONCRETE FOUNDMENT	SIP SET IRON PIPE SIR SET IRON ROD	○ ○ ○ PROPERTY CORNER			

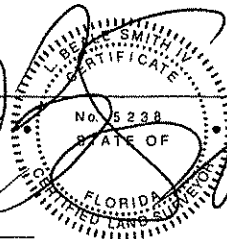
NOTES:  
 1) NOT VALID UNLESS COPIES CONFORM TO SIGNATURE AND DATE CERTIFICATION.  
 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.  
 3) PROPERTIES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.  
 4) BEARINGS WHERE SHOWN ARE PER RECORD UNLESS OTHERWISE NOTED.  
 5) UNDERGROUND UTILITIES, FOUNDATIONS, AND/OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.  
 6) ELEVATIONS, IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.  
 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED.  
 8) MEASUREMENTS TO WIRE FENCES ARE TO CENTER OF WIRE.  
 9) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD.  
 10) WALL MEASURES ARE TO/FROM FACE OF WALL.  
 11) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE BC EXAGGERATED FOR CLARITY.  
 12) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS.

FLOOD INFORMATION:  
 FLOOD ZONE COMMUNITY NO. 120288  
 PANEL NO. 0145  
 SUFFIX E  
 DATE OF FIRM 04/17/95  
 DATE OF SURVEY 04/28/07  
 SURVEY NO. 203534

ADDRESS:  
 ATLANTIC AVENUE  
 SANFORD, FLORIDA 32771

LEGAL DESCRIPTION:  
 LOT 168, 1st ADDITION TO SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 18, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

CERTIFIED TO:



CLOSING SERVICES BY:

THIS IS A DIGITALLY SIGNED AND SEALED SKETCH OF A BOUNDARY SURVEY PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED. 6 COPIES ARE AUTHORIZED ON OR ABOUT THE DATE OF SURVEY SHOWN HEREON AND CERTIFIED ONLY TO THOSE PERSONS AND/OR ENTITIES LISTED HEREON. THE BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 8C, CITY OF FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027, FLORIDA STATUTES.  
 L. BEALE SMITH IV, PS  
 PROFESSIONAL SURVEYOR, FLORIDA REG. NO. 5238

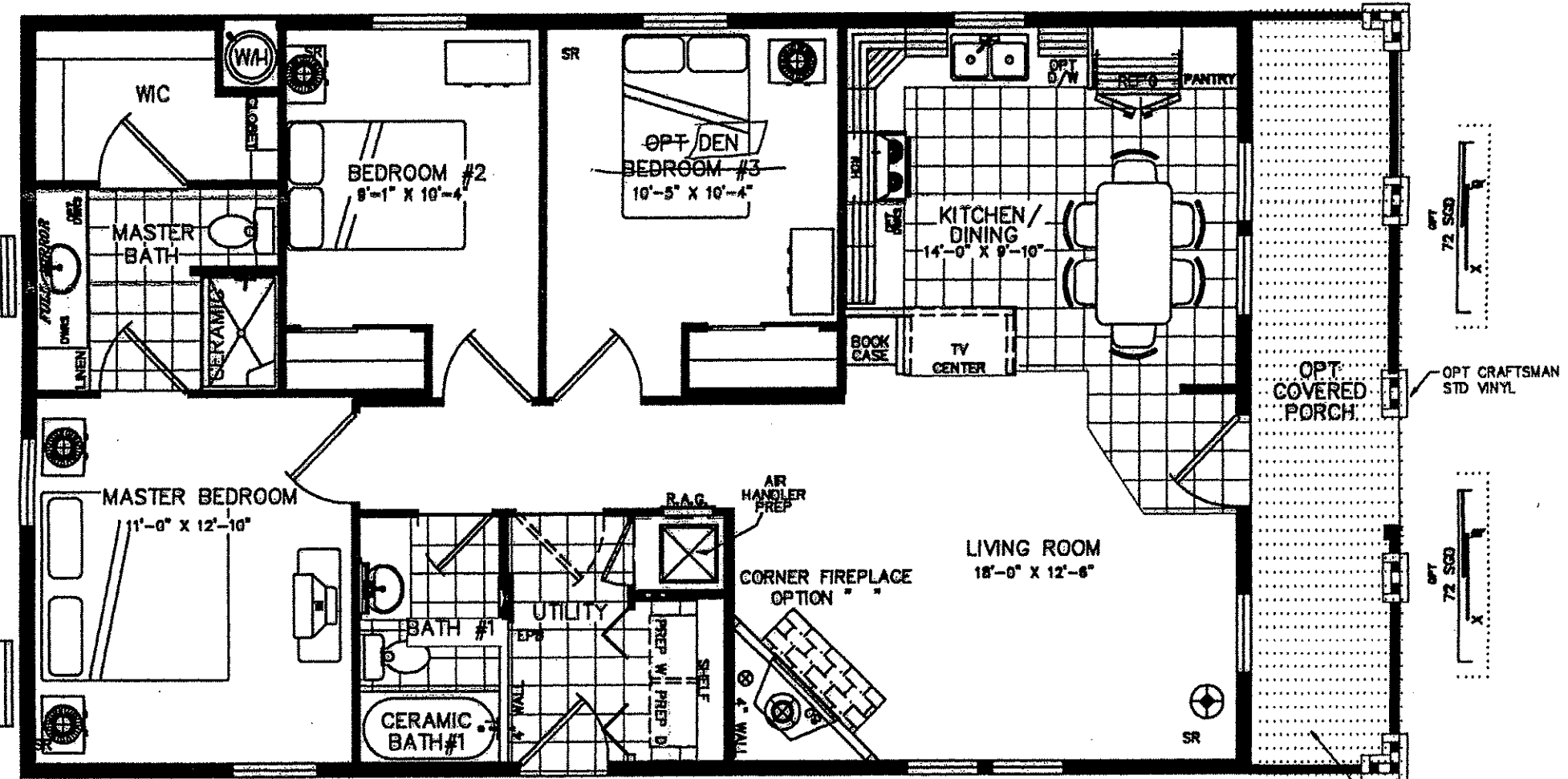
PROFESSIONAL SURVEYOR  
**BEALE SMITH**  
 PROFESSIONAL SURVEYOR  
 FLORIDASURVEYASSOCIATES.COM

282 SHORT AVENUE, SUITE 124 LONGWOOD, FLORIDA 32750  
 PHONE: 407-331-5577 FAX: 407-331-9188

EXHIBIT A

# The Newton "D"

ATLANTIC AVENUE



THIS HOUSE REQUIRES R-19 WALL INSULATION IN ORDER TO MEET ENERGYSTAR RATING

## Model #C6711-D – Designer Series

Size: 26'-8" X 44'

Approx. Sq. Ft. A/C 1,173 X Gross 1,315

Widths shown are actual floor size. Does not include overhangs.

Plant City, Florida 1-800-729-4363

[www.palmharbor.com](http://www.palmharbor.com)

Revised 08/15/06

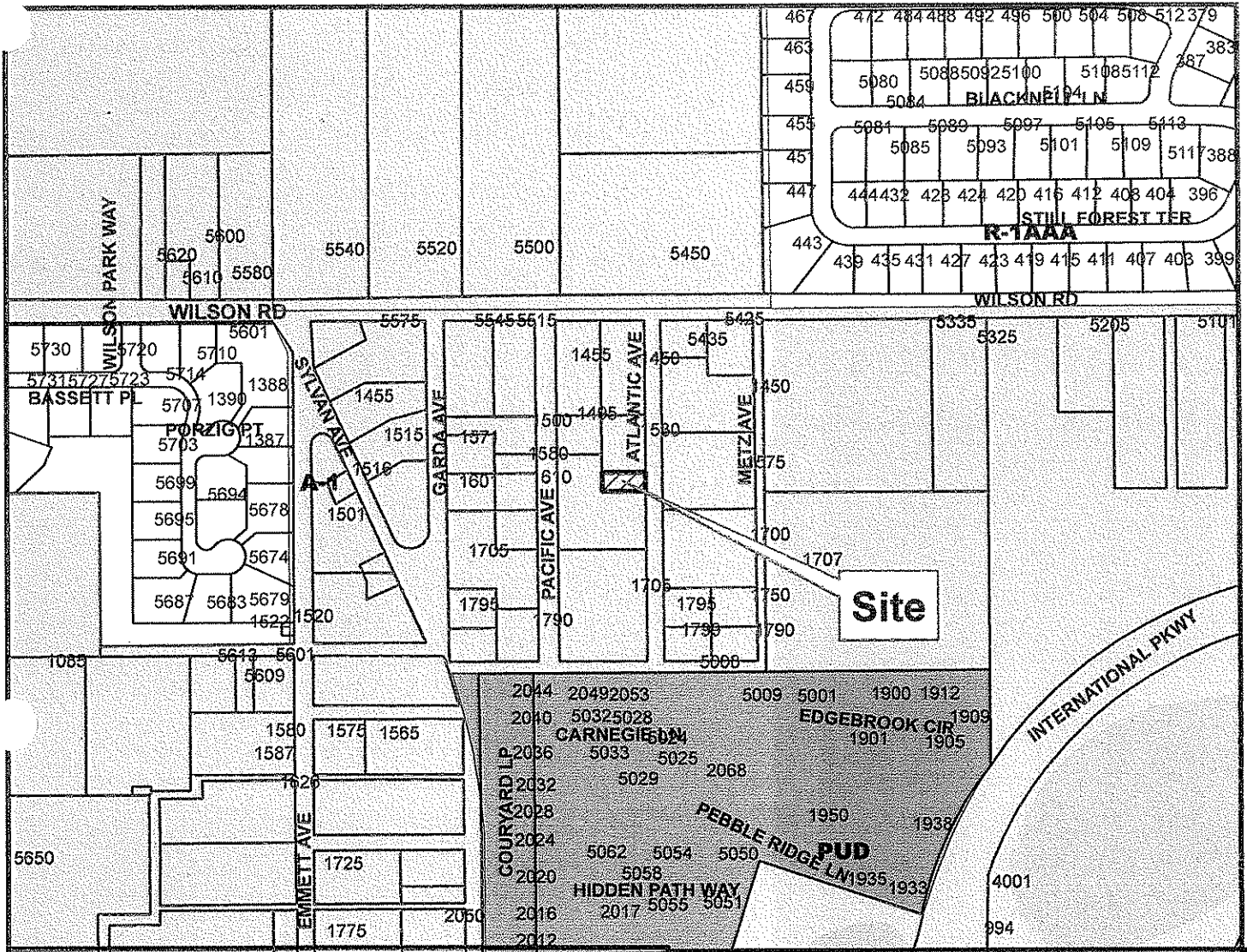


"More home for your money"





©Copyright Palm Harbor Homes, Inc. All Rights Reserved  
Because Palm Harbor Homes has a continuous product updating and improvement process, specifications are subject to change without notice or obligation. Likewise, the floor plan shown is representative only and may vary from the actual home. Square footage calculations are based on nominal widths and all room dimensions are approximate subject to industry standards. R-values may vary in compressed areas.

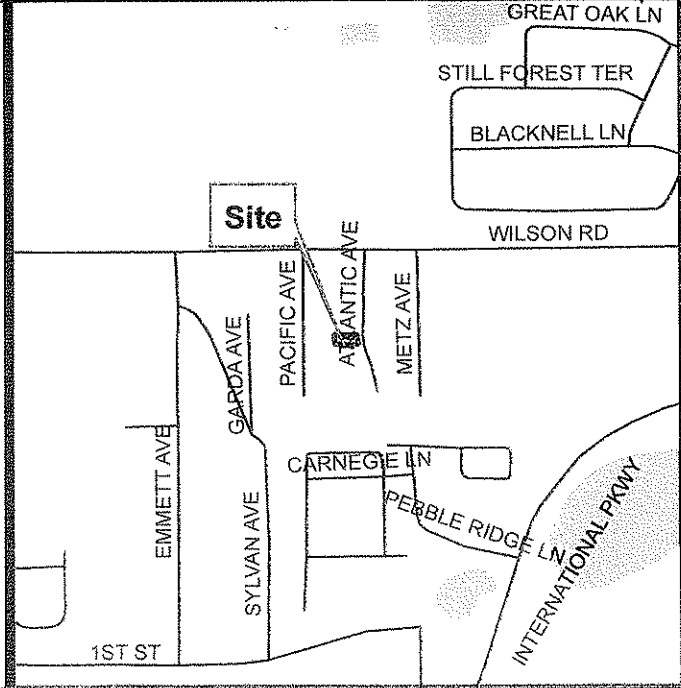


Charlotte Vogel Trustee/  
 Scott Quinian & Mark Pagdin  
 Lot 168, 1st Addition to Sylvan Lake  
 Atlantic Avenue, Sanford, Florida 32771



Seminole County Board of Adjustment  
 June 25, 2007  
 Case: BV2007-58 (Map 3051, Grid B2)  
 Parcel No: 31-19-30-501-0000-1680

- Zoning**
-  BV2007-58
  -  A-1
  -  R-1AAA
  -  PUD



<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		135 134 133 132 131 130 129	PACIFIC AVE	146 147 148.0 148 149 150 151 148.0 152	171 170 169 168 167 166 165	ATLANTIC AVE	179.0 182 183 184 185 183.0 186 187 188 187.0														
<b>GENERAL</b> Parcel Id: 31-19-30-501-0000-1680 Owner: VOGEL CHARLOTTE A TRUSTEE Own/Addr: FBO Mailing Address: 1650 S PENNSYLVANIA AVE City,State,ZipCode: WINTER PARK FL 32789 Property Address: ATLANTIC AVE SANFORD 32771 Subdivision Name: SYLVAN LAKE 1ST ADD Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL							<b>2007 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$21,450 Land Value Ag: \$0 Just/Market Value: \$21,450 Assessed Value (SOH): \$21,450 Exempt Value: \$0 Taxable Value: \$21,450 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>QUIT CLAIM DEED</td> <td>05/2000</td> <td>03861</td> <td>0418</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision							Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	05/2000	03861	0418	\$100	Vacant	No	<b>2006 VALUE SUMMARY</b> 2006 Tax Bill Amount: \$346 2006 Taxable Value: \$21,450 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified															
QUIT CLAIM DEED	05/2000	03861	0418	\$100	Vacant	No															
<b>LAND</b> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>.143</td> <td>150,000.00</td> <td>\$21,450</td> </tr> </tbody> </table>							Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.143	150,000.00	\$21,450	<b>LEGAL DESCRIPTION</b> PLATS: <input type="text" value="Pick..."/> LEG LOT 168 1ST ADD TO SYLVAN LAKE PB 4 PG 18		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																
ACREAGE	0	0	.143	150,000.00	\$21,450																
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.																					

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, CHARLOTTE A. VOGEL Tr., the fee simple owner of the following  
(Owner's Name)  
described property (Provide Legal Description or Tax Parcel ID Number(s)) Lot 168, 1<sup>st</sup>  
ADD. TO SYLVAN LAKE P.B. 4 Pg 18. - P.R.S.C.  
31-19-30-501-0000-1680

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map  
(circle one or more) from \_\_\_\_\_ to \_\_\_\_\_ and affirm that \_\_\_\_\_  
SCOTT C. QUINLAN & MARK N. RAGIN hereby designated to act as my / our authorized agent and to file the  
attached application for the stated amendment and make binding statements and commitments regarding the  
amendment request.

Charlotte Vogel  
\_\_\_\_\_  
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

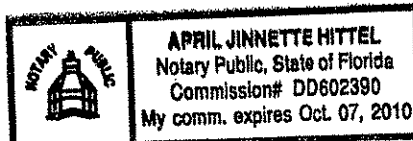
SWORN TO AND SUBSCRIBED before me this 20th day of April, 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Charlotte Ann Vogel, who is personally known to me or who has produced P. Dornus has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 20th day of April, 2007.

April Jinnette Hittel  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: October 07, 2010



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 25, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 168 1<sup>ST</sup> ADD TO SYLVAN LAKE PB 4 PG 18

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

### FINDINGS OF FACT

**Property Owner:** Charlotte Vogel  
1650 S Pennsylvania Avenue  
Winter Park, Fl. 32789

**Project Name:** Atlantic Avenue (Lot 168)

**Requested Development Approval:**

Request for a (1) minimum lot size variance from 43,560 square feet to 6,240 square feet, (2) width at the building line from 150 feet to 52 feet, and (3) front yard setback variance from 50 feet to 40 feet for a proposed single family home in A-1 (Agriculture 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: Kathy Fall, Principal 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 variances granted will apply only to the lot and building 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: \_\_\_\_\_  
Dori L. DeBord  
Planning & Development Director

**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: