

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

SUBJECT: 838 Brightview Drive – Hiram Correa Jr., applicant; Request for a rear yard setback variance from 10 feet to 5 feet for a proposed pool in PUD (Planned Unit Development).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7389

Agenda Date 10/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 10 feet to 5 feet for a proposed pool in PUD (Planned Unit Development); or
2. **APPROVE** the request for a rear yard setback variance from 10 feet to 5 feet for a proposed pool in PUD (Planned Unit Development); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Hiram Correa Jr. Location: 838 Brightview Drive Zoning: PUD (Planned Unit Development) Subdivision: Chase Groves
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 13 foot by 30 foot pool that will encroach 5 feet into the required 10-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands,

	<p>structures or building in the same zoning district.</p> <ul style="list-style-type: none">• Special conditions and circumstances result from the actions of the applicant.• 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.• 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.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<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">• Any variance granted shall apply only to the pool as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

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 # BV2007-127
Meeting Date 10-22-07



VARIANCE APPLICATION

SEMINGOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

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

Name: Hiram Correa Jr. and/or Lintha A. Correa
Address: 838 Brightview Dr. City: Lake Mary Zip code: 32746
Project Address: 838 Brightview Dr. City: Lake Mary Zip code: 32746
Contact number(s): 407 330-2868 407 448-5598
Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input checked="" type="checkbox"/> Pool	Please describe: <u>inground</u>
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<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.	

RECEIVED SEP 07 2007

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:	<u>10 ft.</u>	Proposed setback:	<u>5 FT. Pool</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:	
<input type="checkbox"/> Total number of variances requested <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: Hiram Correa 9.7.07

FOR OFFICE USE ONLY

Date Submitted: 9-7-07 Reviewed By: P. Johnson
 Tax parcel number: 03-20-30-517-0000-0030 Zoning/FLU PUD / RO
 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: _____

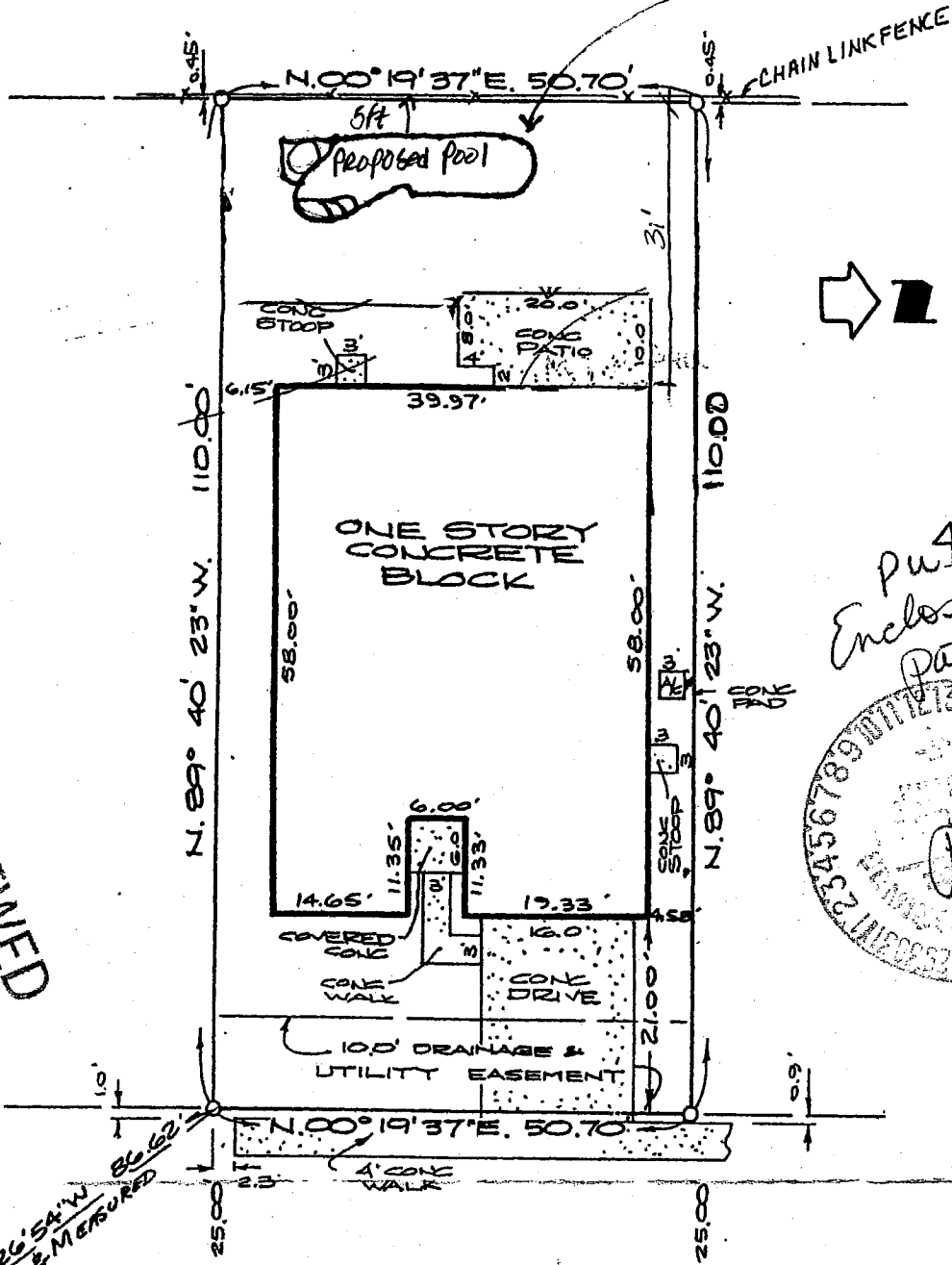
VARIANCE SUBMITTAL CHECKLIST

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 http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<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 <u>or</u> 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.

AS PER CHASE GROVES UNIT 9
 Plat Book 48, Pages 10 and 11.

Pool



42



Put
 Enclose existing
 patio slab

REVIEWED
 JUN 12 2000
 SEMINOLE COUNTY
 PLANS EXAMINER



ADDRESS: 838
 BRIGHTVIEW DRIVE

PT. FOUND
 DISK NO. LS 2617

CERTIFIED TO:
 Hiram & Lynthia Correa
 FT Mortgage Companies DBA, Homebank Mortgage Corp.
 Chicago Title Insurance Co,
 Kampf Title & Guaranty Corp.

FLOOD CERTIFICATION
 Based on the Federal Emergency
 Management Agency flood insurance
 rate map, the property site shown
 hereon DOES NOT LIE within the
 100 year flood hazard area
 Lies in Zone "X"
 Community Panel No. 12117C0045E
 EFFECTIVE DATE: 4-17-95

Not valid without the signature and
 the original raised seal of a Florida
 licensed surveyor and mapper.

NOTES:

1. BEARINGS ARE BASED ON THE center line of Brightview Drive being N.00°19'37"E.
2. 2.0" DIAMETER IRON PIPE WITH CAP No. LS 2005 (FOUND)
3. 3.0" DIAMETER IRON PIPE WITH CAP No.
4. 4.0" NAIL AND DISK No. LS 2617 (FOUND)
5. 5.0" DIAMETER IRON ROD WITH CAP No.
6. 6. 4"x4" CONCRETE MONUMENT No.
7. 7. INDICATES
8. 8. X CROSS CUT IN CONCRETE
9. 9. VEHICULAR ACCESS RIGHTS TO ARE DEDICATED TO
10. 10. ELEVATIONS BASED ON NATIONAL GEODETTIC VERTICAL

ABBREVIATIONS:

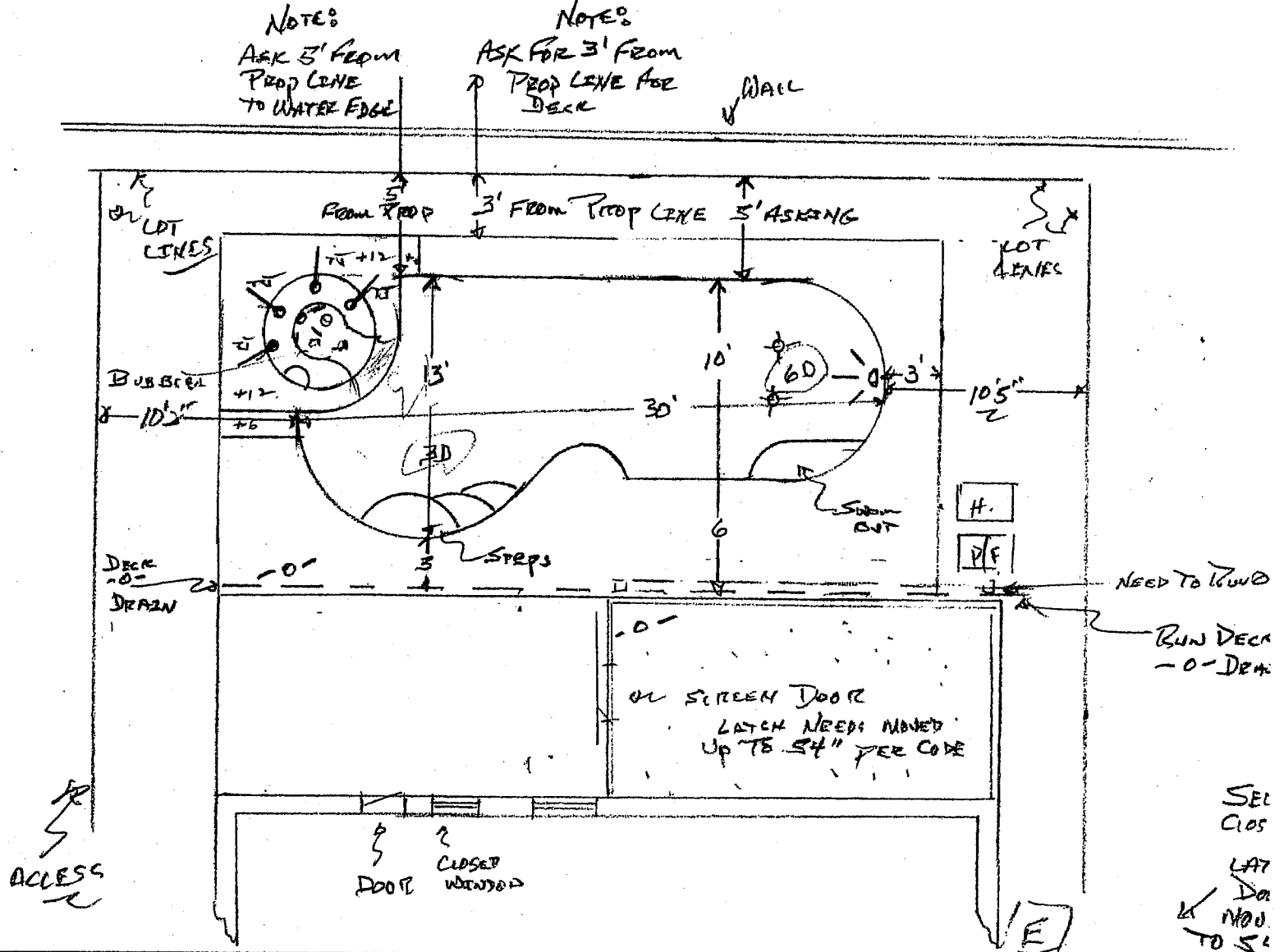
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- P.I. POINT OF INTERSECTION
- P.R.C. POINT OF REVERSE CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- CH. CHORD
- CH.BRG. CHORD BEARING
- R. RADIUS
- Δ. DELTA (CENTRAL ANGLE)
- C. CENTER LINE
- CONC. CONCRETE
- A/C AIR CONDITIONER PAD
- LS. LAND SURVEYOR



NOTE:
ASK 3' FROM
PROP LINE
TO WATER EDGE

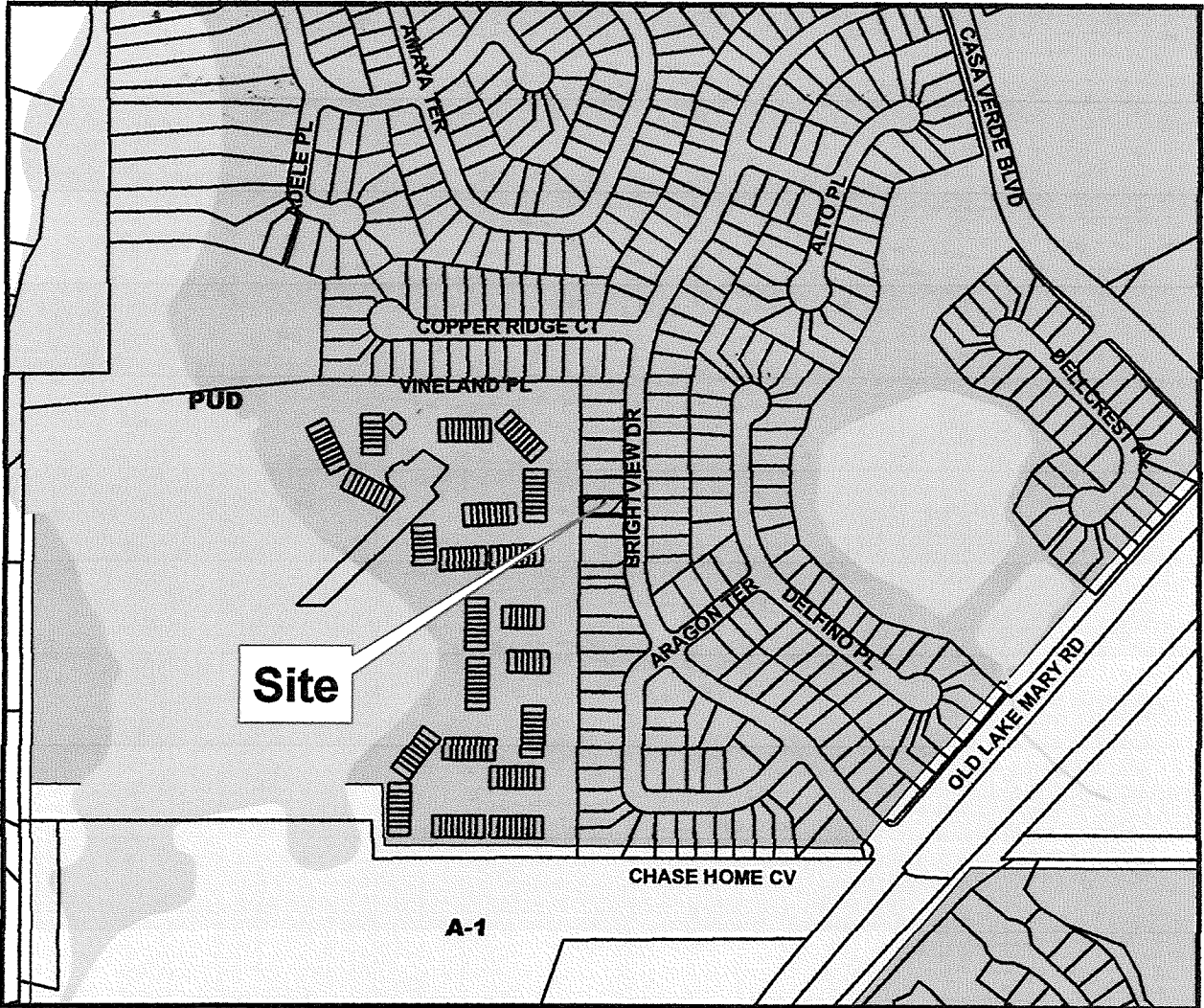
NOTE:
ASK FOR 3' FROM
PROP LINE FOR
DECK

WALL



3" = 1' 0"	SCREEN ENCLOSURE: Size	'x	STYLE	COLOR	WALL HGT	DOORS	INS
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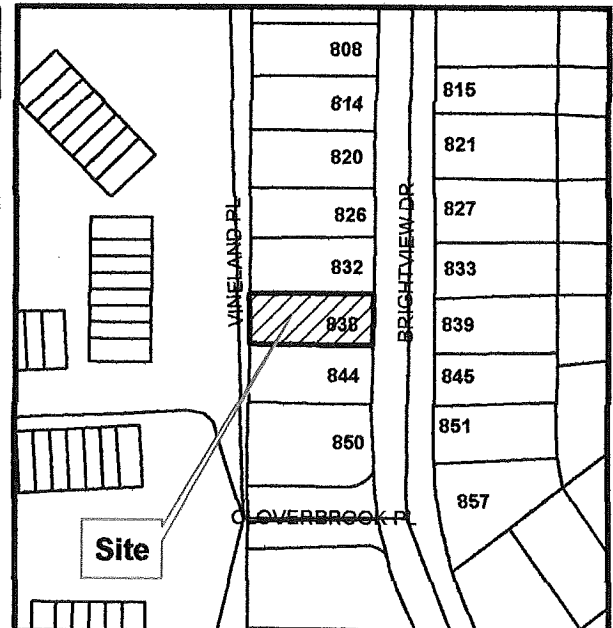
Hiram & Lintha Correa
838 Brightview Drive
Lake Mary, Florida 32746



Seminole County Board of Adjustment
October 22, 2007
Case: BV2007-127 (Map 3052, Grid D5)
Parcel No: 03-20-517-0000-0030

Zoning

- BV2007-127
- A-1
- R-1AA
- PUD



<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 407-865-7506</p>	<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$191,825</p> <p>Depreciated EXFT Value: \$1,304</p> <p>Land Value (Market): \$42,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$235,129</p> <p>Assessed Value (SOH): \$113,238</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$88,238</p> <p>Tax Estimator</p> <p>Tax Reform Analysis</p> <p>2007 Notice of Proposed Property Tax</p>																																																				
<p>GENERAL</p> <p>Parcel Id: 03-20-30-517-0000-0030</p> <p>Owner: CORREA HIRAM JR & LYNTHA</p> <p>Mailing Address: 838 BRIGHTVIEW DR</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 838 BRIGHTVIEW DR LAKE MARY 32746</p> <p>Subdivision Name: CHASE GROVES UNIT 9</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1997)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p>2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$3,071</p> <p>2006 Tax Bill Amount: \$1,377</p> <p>Save Our Homes (SOH) Savings: \$1,694</p> <p>2006 Taxable Value: \$85,476</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																																				
<p>SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1996</td> <td>03177</td> <td>0651</td> <td>\$94,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1996</td> <td>03134</td> <td>1019</td> <td>\$91,200</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	12/1996	03177	0651	\$94,500	Improved	Yes	WARRANTY DEED	08/1996	03134	1019	\$91,200	Vacant	No	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 3 CHASE GROVES UNIT 9 PB 48 PGS 10 & 11</p>																															
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COMMISSION DISTRICT #:

GUI ZONED: PUD SEC: 3 TWP: 20 RNG: 30
PROJ. #

DEVELOPMENT:		Chase Groves Unit 9				DEVELOPER:		Laurel Homes							
LOCATION:		SW of Casa Verde Boulevard, NW of Lake Mary Road													
FILE#:		BA:		SP:		BCC:									
P&Z:		PB		PG		Lot		Blk		Parcel		DBA		Comm Dist	
DEVEL. ORDER #:		87-0012				TAX PAR. I.D. #:									
SIDEWALKS:						SETBACK REQUIREMENTS									
						FY: 20'		SIDE ST.:		SY: 0-		RY: 20'			
						**				10**					
ROAD TYPE:						MAIN STRUCTURE OTHER:									
(CURB & GUTTER OR SWALE)						* 10' minimum between buildings.									
COMMENTS OTHER:						**S.ST: Setbacks may be 15' only where the driveway is not located.									
						ACCESSORY STRUCTURE SETBACKS:									
						SY:		Same as main structure		RY:		10'			
						ACCESSORY STRUCTURE OTHER:									

		IMPACT FEES	
		SCREEN:	
		TRAFFIC ZONE:	23
		LAND USE:	3
		1. ROAD-CO. WIDE	551.91
		2. ROAD-COLL.	111.70
		3. LIBRARY	ORD
		4. FIRE	ORD
		5. PARK	
		6. SCHOOL	ORD
		7. LAW	
		8. DRAINAGE	C-200.00
		TOTAL	\$1,728.61
		REMARKS: Curb and gutter, sidewalks	

To: Seminole County Planning Division /Variance Application Department

From: Property Owners: Hiram Correa Jr. and Lyntha A. Correa

Address: 838 Brightview Dr. Lake Mary, FL. 32746

Project Address: 838 Brightview Dr. Lake Mary, FL. 32746

Contact Number: 407-330-2868

Application # BV2007-127

Date: Sept. 7, 2007

Dear Sir or Madam:

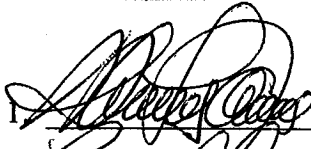
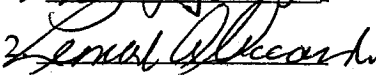

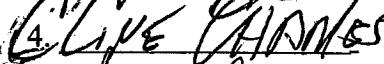
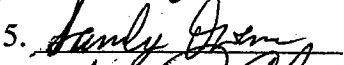
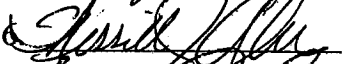


On September 7, 2007 a variance application was submitted by Mr. & Mrs. Hiram Correa Jr. to the Seminole County Planning Division. The type of variance requested is a rear yard setback which requires special permission to build an in ground pool with spa in the backyard at a proposed set back of five or seven feet. In finally deciding to take the plunge and build an in ground pool, we are carefully sorting out all the pool builders and will pick the right one. As property owners we feel it will increase the value of our home. In addition a new stylish pool with designs that appeal to our family and neighbors will enhance the view of the back yard. Since all proper and safety procedures required by Seminole County are being followed; if all goes well the building process will hopefully begin November 2007 and we will become happy pool owners. After introducing a picture of the new pool we plan to build in our back yard, our neighbors have given their approval. On the second page of this letter you will find the signatures of our neighbors who are in support and have no objections to the decision we as homeowners have made to build an in ground pool in our back yard.

Thank you,



Mr. & Mrs. Hiram Correa Jr.

SIGNATURES OF NEIGHBOR

<u>NAME</u>	<u>ADDRESS</u>	<u>CONTACT NUMBER</u>
1. 	820 Brightview Dr LAKE MARY FL. 32746	407-618-4348 FRANK TORRE
2. 	826 Brightview Dr Lake Mary 32746	407 328 1881 (Lenny)
3. 	827 BRIGHTVIEW DR	407 322 2229 (CRYSTAL)
4. 	833-BRIGHTVIEW-DR	407-328-4259
5. 	850 Brightview Dr	407-322-7088
6. 	832 BRIGHTVIEW DR	407-323-7483 (Cheryl)
7. 	845 Brightview Dr	407-302-5497 (Tony)
8. 	844 Brightview Dr	(407) 320-7293
9. _____	_____	_____
10. _____	_____	_____

RECEIVED OCT 08 2007

CHASE GROVES HOMEOWNER ASSOCIATION, INC.

C/O Vista Community Association Management

P.O. Box 162147

Altamonte Springs, FL 32716-2147

(407) 682-3443

FAX (407) 682-0181

BV 2007-127

October 3, 2007

Hiram & Lintha Correa
838 Brightview Drive
Lake Mary, FL 32746

Dear Mr. & Mrs. Correa,

The Architectural Review Committee **approved** your request as submitted for installation of an inground pool as presented on your application.

This approval does not release you from obtaining any required building permits from Seminole County.

Please complete your project within 120 days of this approval.

Good luck with your project!

For the Architectural Review Committee

Sincerely,

Shawn Thornton, LCAM

Community Manager

Chase Groves HOA

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 3 CHASE GROVES UNIT 9 PB 48 PGS 10 & 11

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

FINDINGS OF FACT

Property Owner: Hiram Jr & Lyntha Correa
838 Brightview Dr
Lake Mary Fl 32746

Project Name: Brightview Drive (838)

Requested Development Approval:

Request for a rear yard setback variance from 10 feet to 5 feet for a proposed pool 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: Denny Gibbs, Senior 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 pool 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: