

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

**SUBJECT:** 2418 W 1<sup>st</sup> St – Virgil Hurley, applicant; Request for 1) a front yard (south) setback variance from 50 feet to 45 feet for an existing shed, and 2) a side street setback variance from 50 feet to 26 feet for an existing shed in A-1 (Agriculture District).

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

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

Agenda Date 01/28/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for 1) a front yard (south) setback variance from 50 feet to 45 feet for an existing shed, and 2) a side street setback variance from 50 feet to 26 feet for an existing shed in A-1 (Agriculture District); or
2. **Approve** the request for 1) a front yard (south) setback variance from 50 feet to 45 feet for an existing shed, and 2) a side street setback variance from 50 feet to 26 feet for an existing shed in A-1 (Agriculture District); or
3. **Continue** the request to a time and date certain.

<p><b>GENERAL INFORMATION</b></p>	<p>Applicant: Virgil Hurley Location: 2418 W 1<sup>st</sup> St Zoning: A-1 (Agriculture District) Subdivision: Fla Land + Col Cos Celery</p>
<p><b>BACKGROUND / REQUEST</b></p>	<ul style="list-style-type: none"> <li>• The applicant is requesting a front yard setback variance for an existing 500 sq ft shed that is encroaching 5 feet into the required 50-foot front yard setback.</li> <li>• The applicant is also requesting a side street setback variance for an existing 330 sq ft shed that is encroaching 24 feet into the required 50-foot side street setback.</li> <li>• In October of 2007, the applicant received a Notice of Code Violation for the un-permitted construction of the</li> </ul>

	<p>two sheds.</p> <ul style="list-style-type: none"><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<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>• No 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 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 two sheds 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*

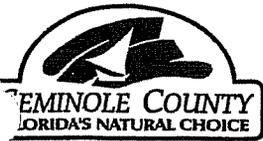
**Support information:**

- 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

RECEIVED NOV 07 2007

Application # BV 2007-152  
Meeting Date 1-25-07



# VARIANCE APPLICATION

## SEMINOLE 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: Virgil Hueley  
Address: 2418 W 1<sup>st</sup> Street City: SANFORD Zip code: 32771  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): (407) 324-6636 (407) 492-6748 cell  
Email address: \_\_\_\_\_

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>2 sheds</u>
<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 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>50</u>	Proposed setback:	<u>45</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>50</u>	Proposed setback:	<u>26</u>
<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"/> _____ setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested _____				

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: [Signature] 10-7-07

**FOR OFFICE USE ONLY**

Date Submitted: 11-7-07 Reviewed By: J. Gibbs  
 Tax parcel number: 22-19-30-5A0-0000-048A 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 1/2 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.

SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- \_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: J. VERGEL HURLEY  
Address: P.O. Box 471281, LAKE MONROE  
Phone #: 407-324-5636

Name: DENESE M. HURLEY  
Address: PO Box 471281, LAKE MONROE  
Phone #: 407-324-5636

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: \_\_\_\_\_  
Trustees: \_\_\_\_\_  
Address: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

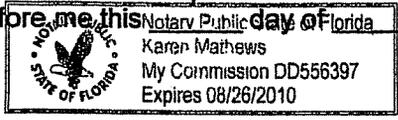
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

\_\_\_\_\_ Date

\_\_\_\_\_ Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 7 day of NOV, 2007 by \_\_\_\_\_



Karen Mathews  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

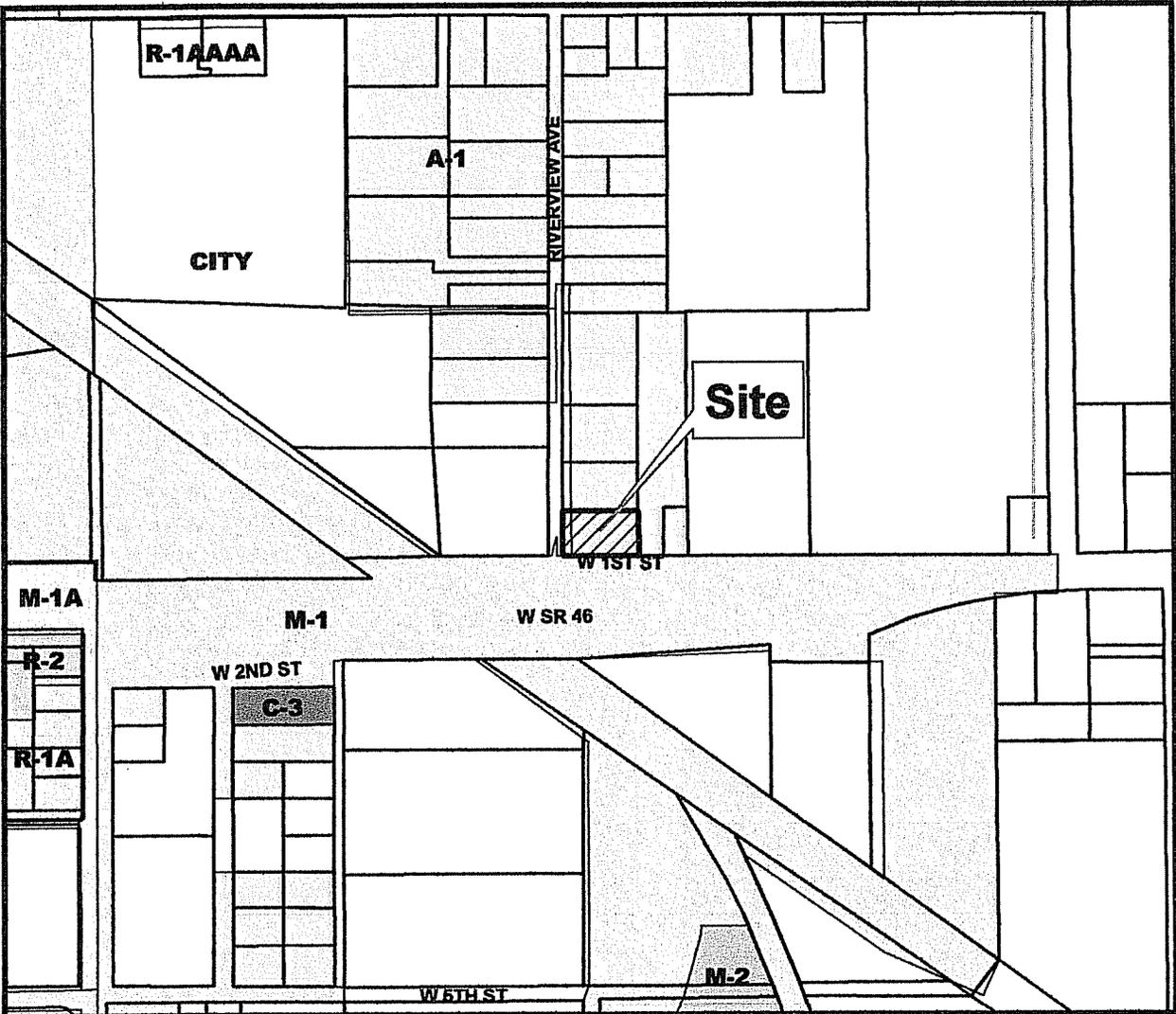
Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced Florida Drivers License

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____



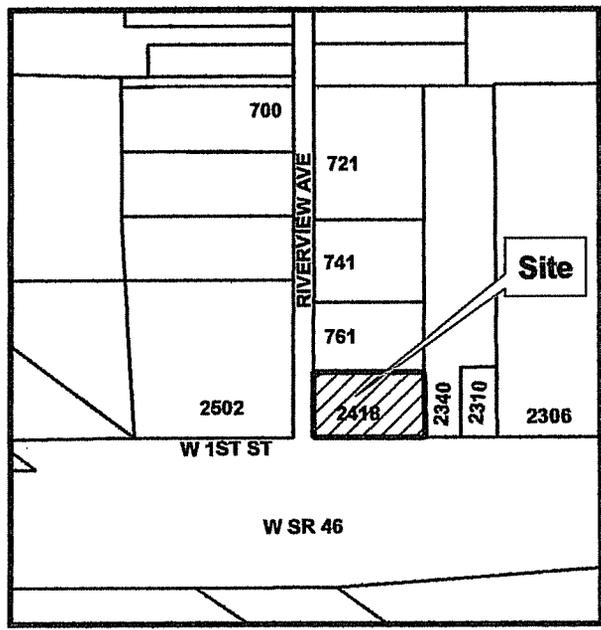
Virgil Hurley  
 2418 W 1st Street  
 Sanford, Florida 32771



Seminole County Board of Adjustment  
 January 28, 2008  
 Case: BV2007-152 (Map 3000, Grid E7)  
 Parcel No: 22-19-30-5AD-0000-048A

Zoning

 BV2007-152	 R-1A	 M-1A
 A-1	 R-2	 M-1
 R-1AAAA	 C-3	 M-2



<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7508																																																																								
<b>GENERAL</b> Parcel Id: 22-19-30-5AD-0000-048A Owner: HURLEY J VIRGIL & DENISE M Mailing Address: PO BOX 471291 City, State, Zip Code: LAKE MONROE FL 32747 Property Address: 2418 1ST ST W SANFORD 32771 Subdivision Name: FLA LAND AND COLONIZATION COMPANYS CELERY PLANTATION Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY		<b>2008 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$118,268 Depreciated EXFT Value: \$5,834 Land Value (Market): \$50,112 Land Value Ag: \$0 Just/Market Value: \$174,214 Assessed Value (SOH): \$174,214 Exempt Value: \$0 Taxable Value: \$174,214 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>04/2000</td> <td><u>03836</u></td> <td><u>0663</u></td> <td>\$40,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/1999</td> <td><u>03724</u></td> <td><u>1028</u></td> <td>\$22,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/1999</td> <td><u>03659</u></td> <td><u>1938</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>04/1999</td> <td><u>03628</u></td> <td><u>1892</u></td> <td>\$65,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1990</td> <td><u>02176</u></td> <td><u>1789</u></td> <td>\$54,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1985</td> <td><u>01629</u></td> <td><u>1955</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>ADMINISTRATIVE DEED</td> <td>04/1985</td> <td><u>01629</u></td> <td><u>1954</u></td> <td>\$40,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/2000	<u>03836</u>	<u>0663</u>	\$40,000	Improved	Yes	SPECIAL WARRANTY DEED	08/1999	<u>03724</u>	<u>1028</u>	\$22,000	Improved	No	SPECIAL WARRANTY DEED	04/1999	<u>03659</u>	<u>1938</u>	\$100	Improved	No	CERTIFICATE OF TITLE	04/1999	<u>03628</u>	<u>1892</u>	\$65,000	Improved	No	WARRANTY DEED	04/1990	<u>02176</u>	<u>1789</u>	\$54,000	Improved	Yes	WARRANTY DEED	04/1985	<u>01629</u>	<u>1955</u>	\$100	Improved	No	ADMINISTRATIVE DEED	04/1985	<u>01629</u>	<u>1954</u>	\$40,000	Improved	Yes	<b>2007 VALUE SUMMARY</b> 2007 Tax Bill Amount: \$2,612 2007 Taxable Value: \$176,879 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS														
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**Permits**

<b>EXTRA FEATURE</b>				
Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1979	1	\$160	\$400
WOOD UTILITY BLDG	1979	432	\$1,037	\$2,592
WOOD UTILITY BLDG	2006	336	\$1,855	\$2,016
WOOD UTILITY BLDG	2006	504	\$2,782	\$3,024

**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 APPROVAL DEVELOPMENT ORDER**

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 48 (LESS E 130 FT + N 505 FT)  
FLA LAND + COL COS CELERY PLANTATION PB 1 PG 129

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

**FINDINGS OF FACT**

**Property Owner:** Virgil & Denise Hurley  
P.O. Box 471291  
Lake Monroe, FL 32747

**Project Name:** W 1<sup>st</sup> Street (2418)

**Requested Development Approval:**

Request for 1) a front yard (south) setback variance from 50 feet to 45 feet for an existing shed, and 2) a side street setback variance from 50 feet to 26 feet for an existing shed 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: 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 two sheds 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: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

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

My Commission Expires: