

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

**SUBJECT:** 1325 Ballentyne PI - Imad & Grace Nasnas, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a room addition in PUD (Planned Unit Development).

**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 a rear yard setback variance from 30 feet to 18 feet for a room addition in PUD (Planned Unit Development); or
2. **Approve** the request for a rear yard setback variance from 30 feet to 18 feet for a room addition in PUD (Planned Unit Development); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Imad &amp; Grace Nasnas          Location: 1325 Ballentyne PI          Zoning: PUD (Planned Unit Development)          Subdivision: Ballentyne</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 2 story room addition to the rear of the existing home.</li> <li>• The proposed 680 square foot addition would encroach 12 feet into the required 30-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>	<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</li> </ul>

	<p>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 room addition 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 # BV2007-155  
Meeting Date 1-28-08



# VARIANCE APPLICATION

## SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7400

# COPY

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

Name: EMAD NASNAS AND GRACE NASNAS

Address: 1325 BALLENTYNE PLACE City: APOPKA Zip code: 32703

Project Address: 1325 BALLENTYNE PLACE City: APOPKA Zip code: 32703

Contact number(s): 407 399-2096

Email address: DESIGNWESTASSOC. @ AOL. COM

Is the property available for inspection without an appointment?  Yes  No \*CALL OWNER FOR GATED CODE

### 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>FLORIDA ROOM / BEDROOM BATH</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.	

RECEIVED NOV 16 2007

\*0215

### 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>30'-0"</u>	Proposed setback:	<u>18'-0"</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:	

Total number of variances requested 1

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: 11-16-07 Reviewed By: Joy Williams  
 Tax parcel number: 17-21-29-532-0000-0136 Zoning/FLU PUD / PD  
 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). 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>
✓	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>
✓	o Please start with a clean survey (ex: white out old approval stamps)
✓	o Size and dimension of the parcel
✓	o Location and name of all abutting streets
✓	o Location of driveways
NA	o Location, size and type of any septic systems, drainfield and wells
✓	o Location of all easements
✓	o Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
✓	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	o Building height
✓	o Setbacks from each building to the property lines
NA	o Location of proposed fence(s)
✓	o 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: IMAD NASNAS  
Address: 1325 BALLENTYNE PLACE  
Phone #: 407-579-6193

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

Name: GRACE NASNAS  
Address: 1325 BALLENTYNE PLACE  
Phone #: 407 865-5687

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: \_\_\_\_\_

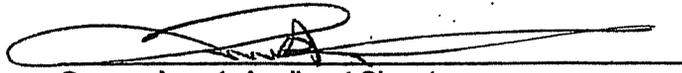
(Use additional sheets for more space.)

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 rezone, 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.

NOV 16 2007

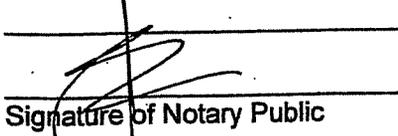
Date



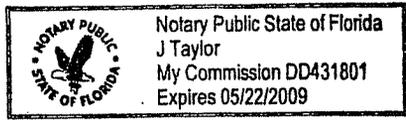
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 16 day of Nov, 2007 by \_\_\_\_\_

  
Signature of Notary Public

~~252-401-67-001~~  
Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification 252-401-67-001-1  
Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**  
Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

Legal Description: Lot 13, Ballentyne  
 Recorded in Plat Book 57 Page 24 of the Public Records of Seminole County, Florida

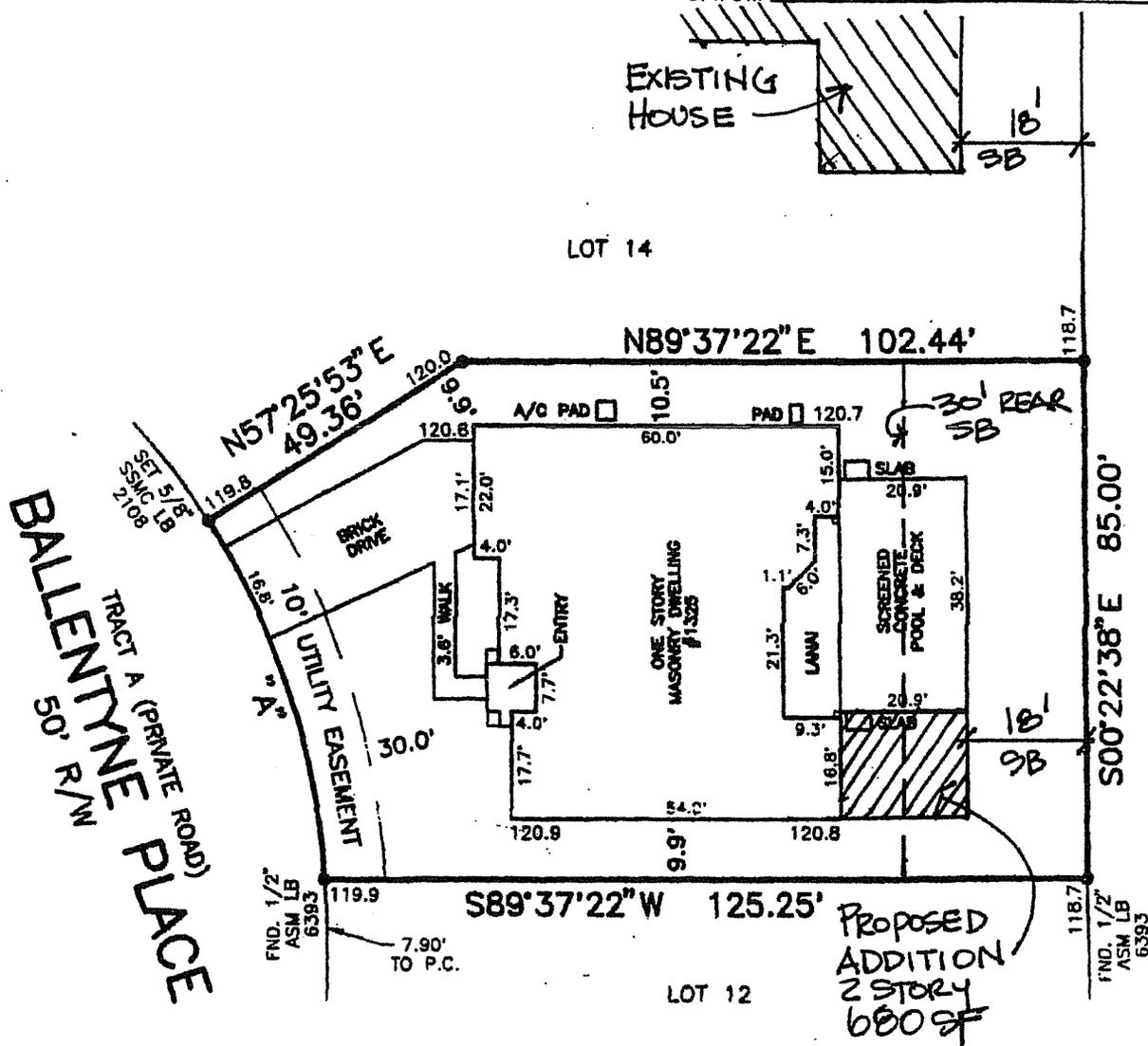
ABBREVIATIONS:

- /C = AIR CONDITIONER
- ELEV. = ELEVATION
- F.F. = FINISHED FLOOR
- FND. = FOUND
- R/W = RIGHT-OF-WAY
- SF = SQUARE FEET
- P.C. = POINT OF CURVATURE
- L = LENGTH OF CURVE
- R = RADIUS
- Δ = CENTRAL ANGLE
- CB = CHORD BEARING

THIS LOT CONTAINS  
 10,993 SF±

Bearings shown hereon are based  
 on the North right of way line of  
 McNeil Road, being assumed as  
 South 89°41'35" West.

RECOMMENDED F.F. ELEV. 121.50  
 FINISHED FLOOR ELEV. 121.52  
 BACK OF CURB ELEV. 119.65  
 DATUM SEMINOLE COUNTY



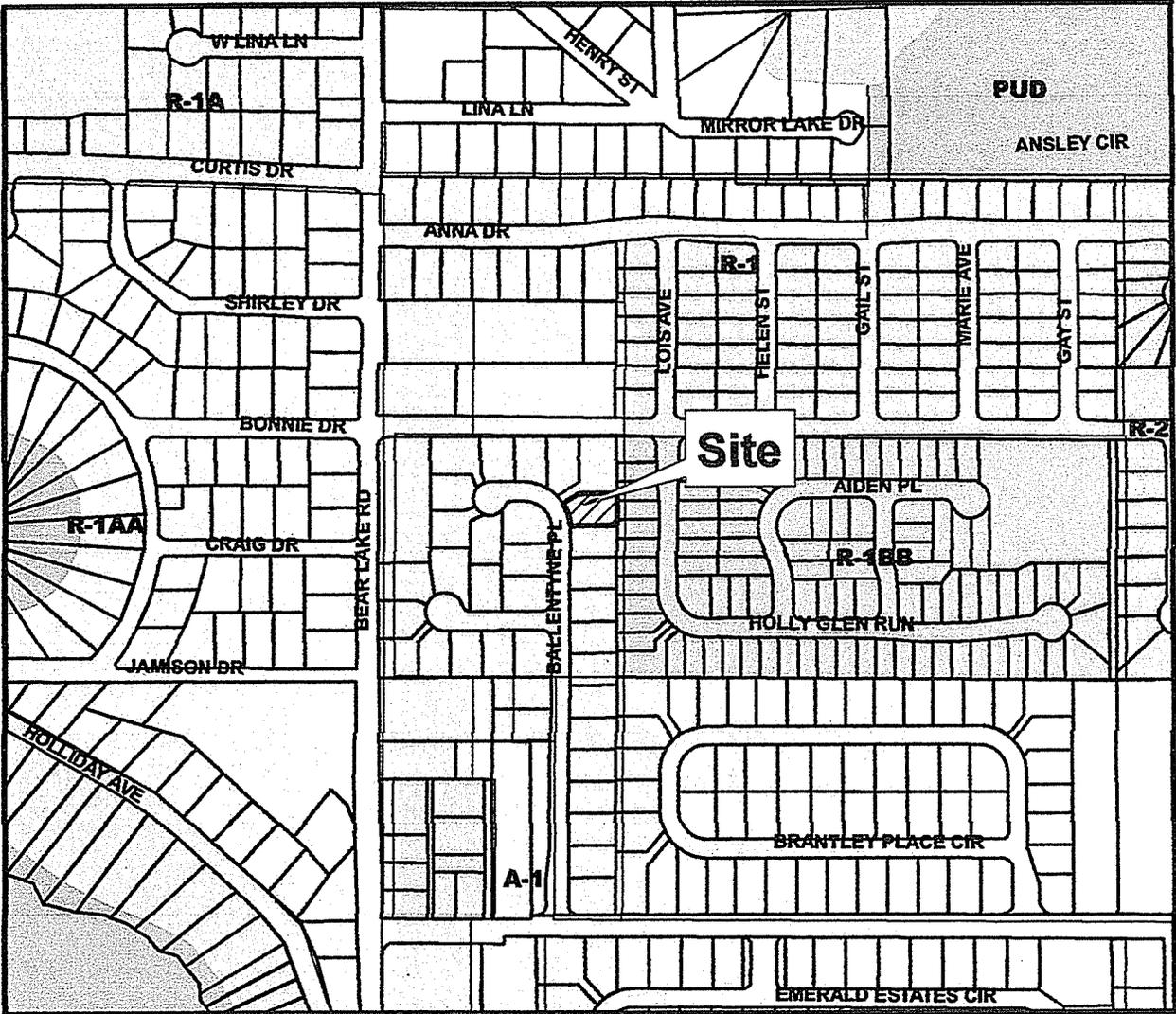
TRACT A (PRIVATE ROAD)  
**BALLENTYNE PLACE**  
 50.0' R/W

CAMERON GROVE  
 PLAT BOOK 53, PAGES 85-87

"A"  
 R=125.00' L=62.34'  
 Δ=28°34'21"  
 CB=N18°16'56" W

PROPOSED  
 ADDITION  
 2 STORY  
 600 SF

Imad and Grace Nasnas  
 1325 Ballentyne Place  
 Apopka, Florida 32703

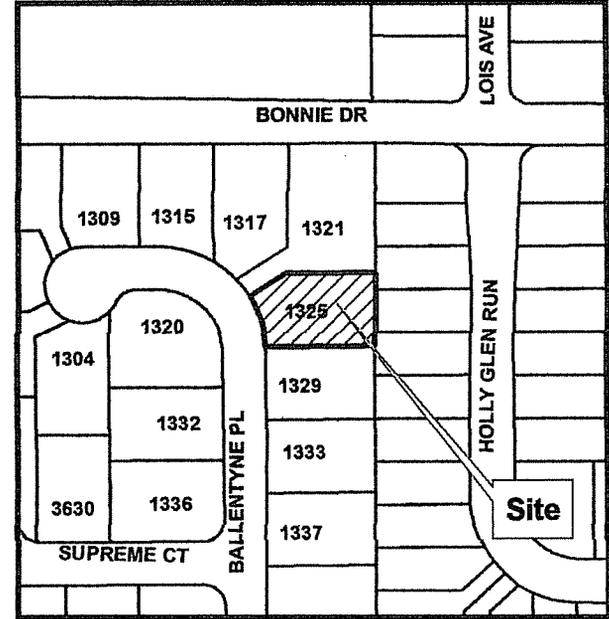


Seminole County Board of Adjustment  
 January 28, 2008  
 Case: BV2007-155 (Map 3154, Grid B7)  
 Parcel No: 17-21-29-532-0000-0130

**Zoning**

BV2007-155	R-1A	R-2
A-1	R-1	PUD
R-1AA	R-1BB	

N



Personal Property  Please Select Account

<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505																																																											
<b>GENERAL</b> Parcel Id: 17-21-29-532-0000-0130 Owner: NASNAS IMAD & GRACE H Mailing Address: 1325 BALLENTYNE PL City,State,ZipCode: APOPKA FL 32703 Property Address: 1325 BALLENTYNE PL APOPKA 32703 Subdivision Name: BALLENTYNE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2003) Dor: 01-SINGLE FAMILY		<b>2008 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$319,643 Depreciated EXFT Value: \$11,099 Land Value (Market): \$76,000 Land Value Ag: \$0 Just/Market Value: \$406,742 Assessed Value (SOH): \$286,475 Exempt Value: \$25,000 Taxable Value: \$261,475 Tax Estimator Tax Reform Calculator																																																									
<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>02/2002</td> <td>04337</td> <td>1479</td> <td>\$287,400</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2002	04337	1479	\$287,400	Improved	Yes	<b>2007 VALUE SUMMARY</b> Tax Amount(without SOH): \$5,667 2007 Tax Bill Amount: \$3,758 Save Our Homes (SOH) Savings: \$1,909 2007 Taxable Value: \$254,488 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																											
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SCREEN ENCLOSURE 2002	1,816	\$2,906	\$3,632
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**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

\*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

COMMISSION DISTRICT #:

GUI ZONED: R-1A SEC: 17 TWP: 21 RNG: 29  
 PROJ. #

<b>DEVELOPMENT:</b>		Ballentyne Subdivision		<b>DEVELOPER:</b>		Rink Development & Management	
<b>LOCATION:</b>		N of McNeil Road, S of Bonnie Drive, E of Bear Lake Road; 35 Lots PB: 57 PG: 24					
<b>FILE#:</b>		<b>BA:</b>		<b>SP:</b>		<b>BCC:</b>	
<b>P&amp;Z:</b>							
<b>DEVEL. ORDER #:</b>			<b>TAX PAR. I.D. #:</b>				
<b>SIDEWALKS:</b> 5' wide sidewalk along Bear Lake Road from Bonnie Drive to McNeil Road.				<b>SETBACK REQUIREMENTS</b>			
				<b>FY:</b> 25'	<b>SIDE ST.:</b> 25'	<b>SY:</b> 7.5'	<b>RY:</b> 30'
<b>ROAD TYPE:</b> (CURB & GUTTER OR SWALE)		<b>MAIN STRUCTURE OTHER:</b>					
<b>COMMENTS OTHER:</b>				<b>ACCESSORY STRUCTURE SETBACKS:</b>			
*R/W Dedication: 10' additional R/W along McNeil Road; 5' R/W dedication along Bonnie Drive. **Access Rights: McNeil Road access. 1) A variance for the requirement that double frontage lots have minimum 150' of lot depth, provided a 6' high wall shall be constructed along Bear Lake Road and Bonnie Drive. 2) Building height not to exceed 35'.				<b>SY:</b> 10'	<b>RY:</b> 10'		
				<b>ACCESSORY STRUCTURE OTHER:</b>			

IMPACT FEES	
<b>SCREEN:</b>	
<b>TARAFFIC ZONE:</b>	179
<b>LAND USE:</b>	1
1. ROAD-CO. WIDE	\$705.00
2. ROAD-COLL.	\$566.00
3. LIBRARY	\$54.00
4. FIRE	\$172.00
5. PARK	Ord.
6. SCHOOL	\$1,384.00
7. LAW	Ord.
8. DRAINAGE	Ord.
<b>TOTAL</b>	<b>\$2,881.00</b>
<b>REMARKS:</b> Private streets; curb & gutter; sidewalks	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

## 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:

LOT13  
BALLENTYNE PB 57 PG 24

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

### FINDINGS OF FACT

**Property Owner:** Imad & Grace Nasnas  
1325 Ballentyne PI  
Apopka, FI 32703

**Project Name:** Ballentyne PI (1325)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 18 feet for a room addition 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 room addition 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:

Johnson Warehouse PCD  
6<sup>th</sup> Street & Kennedy Point

**Legal Description**

Lot 1-20, inclusive, block 10. Allen's First Addition to Washington Heights, as per plat thereof, recorded in Plat Book 3, Page 23, of the Public Records of Seminole County, Florida.