

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED OFFICE/WAREHOUSE BUILDING IN THE M-1 (INDUSTRIAL DISTRICT); (CHRIS JOHNSON, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall/Jason Showe **EXT.** 7398

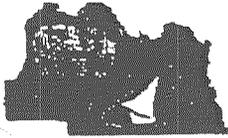
Agenda Date 09-27-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED OFFICE/WAREHOUSE BUILDING IN THE M-1 (INDUSTRIAL DISTRICT); (CHRIS JOHNSON, APPLICANT) OR
2. **DENY** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED OFFICE/WAREHOUSE BUILDING IN THE M-1 (INDUSTRIAL DISTRICT); (CHRIS JOHNSON, APPLICANT) OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: CHRIS JOHNSON LOCATION: 1701 KENNEDY POINT ZONING: M-1 (INDUSTRIAL DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A 10,800 SQUARE FOOT OFFICE/WAREHOUSE IN THE BROADWAY INDUSTRIAL PARK. • THE PROPOSED ADDITION WOULD ENCROACH 25 FEET INTO THE MINIMUM 50 FOOT SIDE STREET SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> • THE PARCEL HAS DUAL FRONTAGE ALONG SIXTH STREET AND KENNEDY POINT, WHERE 50 FT SETBACKS APPLY ALONG BOTH FRONTAGES. FOR THIS REASON, BUILDABLE AREA OF THE PARCEL WOULD BE SUBSTANTIALLY REDUCED BY 50 FT FRONT YARD AND SIDE STREET SETBACKS, AS OPPOSED TO THE STANDARD 50 FT FRONT YARD AND 10 FT SIDE

	<p>YARD SETBACKS. THIS IS A SPECIAL CIRCUMSTANCE APPLICABLE TO CORNER LOTS OF THIS TYPE IN THE M-1 DISTRICT.</p> <ul style="list-style-type: none"> • THE SPECIAL CIRCUMSTANCE OR HARDSHIP IS FURTHERED BY MINIMUM DRIVEWAY SEPARATION AND PARKING AREA REQUIREMENTS THAT APPLY ALONG KENNEDY POINT. AS THE ATTACHED SITE PLAN SHOWS, SIXTH STREET IS A PLATTED BUT UNIMPROVED RIGHT-OF-WAY. VEHICULAR ACCESS WOULD THEREBY BE PROVIDED FROM KENNEDY POINT, WHICH WOULD NECESSITATE THE LOCATION OF THE ENTRANCE DRIVE AT THE NORTHWESTERN CORNER OF THE PROPERTY AND REQUIRED VEHICLE USE AREAS IN THE NORTHERN THIRD OF THE PROPERTY. WITHOUT REDUCTION OF THE SIDE STREET SETBACK, THESE FACTORS WOULD SIGNIFICANTLY REDUCE THE BUILDABILITY OF THE LOT. • THE SPECIAL CIRCUMSTANCES DESCRIBED DID NOT RESULT FROM THE ACTIONS OF THE APPLICANT. THE SIZE OF THE PROPERTY AND ITS ABUTMENT TO TWO RIGHTS-OF-WAY ARE THE REASON FOR THE IDENTIFIED HARDSHIPS. • WITHOUT THE REQUESTED VARIANCE, THE APPLICANT WOULD NOT BE ABLE TO MAKE REASONABLE USE OF THE PROPERTY FOR THE PURPOSE OF ESTABLISHING AN OFFICE/WAREHOUSE USE, WHICH IS EXPRESSLY PERMITTED IN THE M-1 DISTRICT. • STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT CODE AND OTHERWISE NON-DETRIMENTAL TO THE PUBLIC WELFARE.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> • ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED BUILDING AS DEPICTED ON THE ATTACHED SITE PLAN; AND • ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

JUL 30 2004

APPL. NO. AV 2004-130

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

VARIANCE Reduce building setback from 50' to 25'

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

EXISTING **PROPOSED** **REPLACEMENT**
MOBILE HOME IS FOR _____
YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
ANTICIPATED TIME MOBILE HOME IS NEEDED _____
PLAN TO BUILD YES NO IF SO WHEN _____
MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
 APPEAL FROM DECISION OF THE PLANNING MANAGER

PROPERTY OWNER		AUTHORIZED AGENT
NAME	Chris Johnson	Same as owner
ADDRESS	219 Geneva Dr. Oviedo, Fla. 32765	
PHONE 1	407-971-7804	
PHONE 2		
E-MAIL		

PROJECT NAME: Vi-Con Development Group

SITE ADDRESS: 1701 Kennedy Point

CURRENT USE OF PROPERTY: Vacant

LEGAL DESCRIPTION: Lot 5, Off Broadway Industrial Park, PB 63, Pg 67 & 68

SIZE OF PROPERTY: 1.63 acre(s) PARCEL I.D. 11-21-31-506-0000-0050

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on Sept 27, 04 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT

9/29/04
DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: 150⁰⁰ COMMISSION DISTRICT _____ FLU / ZONING Ind/M-1

LOCATION FURTHER DESCRIBED AS _____

PLANNER _____ DATE _____

SUFFICIENCY COMMENTS _____

KENNEDY POINT

60' RIGHT OF WAY

- ### SIGN LEGEND
- ① STOP SIGN (30" HIG)
 - ② STOP BAR (24" WD)
 - ③ HANDICAP SYMBOL
 - ④ HANDICAP SIGN
 - ⑤ TRAFFIC ARROW (WH)
 - ⑥ 25 LF OF 6" DOUBL
 - ⑦ NO PARKING FIRE L

SANITARY FLOW CALCS

WHSE SPACE & WORKERS 5(15)	90
5,000/100= 50(15)	750
(2) DHD 100 GPD EACH	200
TOTAL	1,040

1,040 GPD REQUIRES 2,200 GAL. SEPTIC TANK
 750 GAL. DOSING TANK
 1040/70 = 1,486 SQ. FT. DRAINFIELD REQUIRED

- ### SEPTIC SYSTEMS NOTES
- NO INDUSTRIAL, TOXIC OR HAZARDOUS WASTE IS GENERATED ON SITE OR PERMITTED INTO SEPTIC
 - EXCAVATE AND BACKFILL W/ SUITABLE MATERIAL TO A DEPTH OF 66 INCHES (FRONT DRAINFIELD ONLY)

- ### ADDRESSING GENERAL NOTES
- ADDRESS NUMBERS MUST BE AT LEAST 5" TALL FROM THE RIGHT OF WAY AND SHALL BE MADE AND CONTRAST W/ SURROUNDING BACKGROUND
 - UNIT NUMBERS MUST BE POSTED OVER ALL ME
 - IF MAIN ENTRANCE TO THE BUILDING IS NOT RE STREET, NUMBERS SHALL BE POSTED AT THE 5' DRIVEWAY TO THE BUILDING.

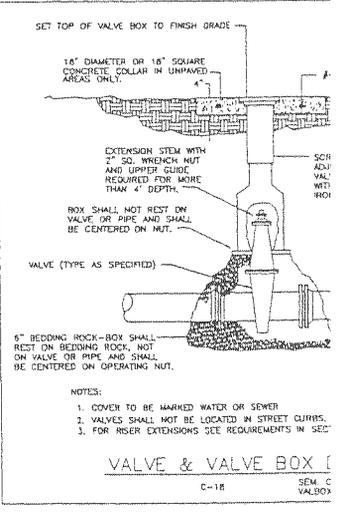
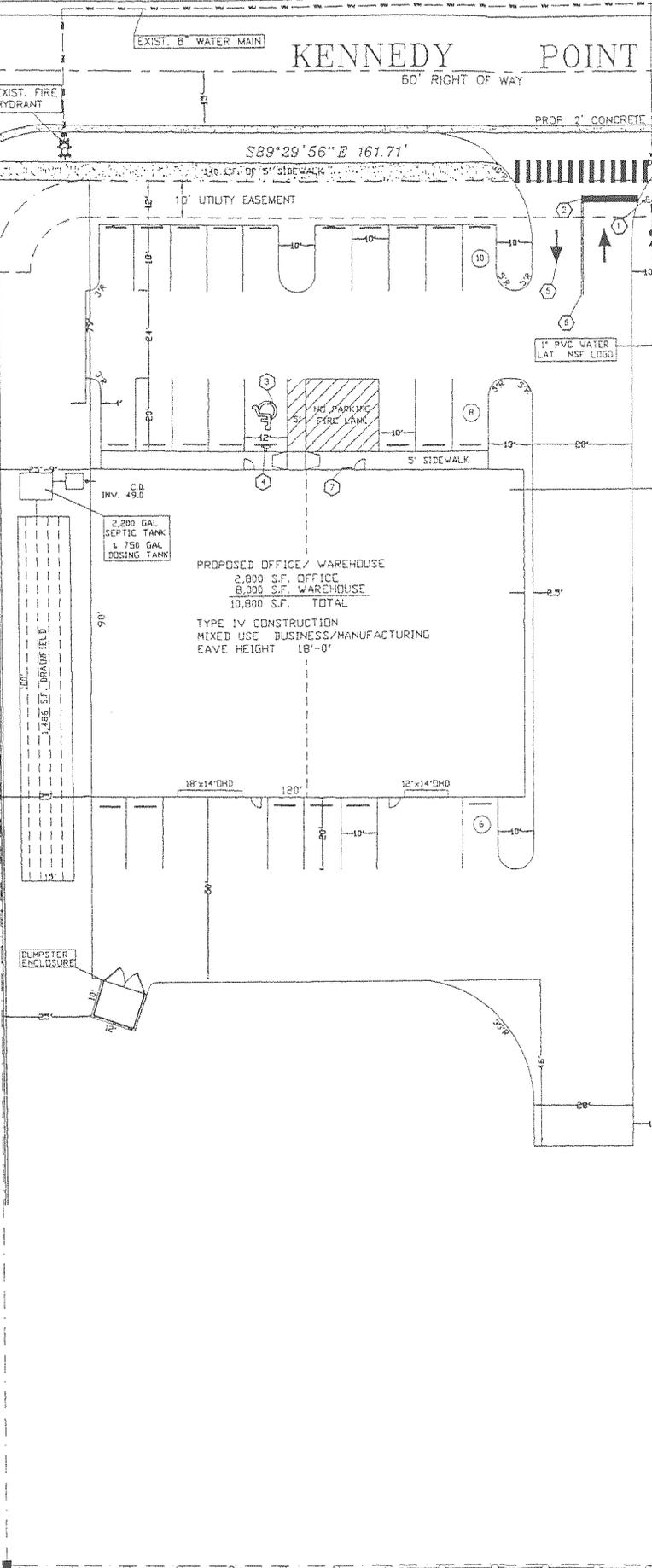
- ### PARKING CALCULATIONS
- REQUIRED PARKING
- 1 SPACE PER 200 S.F. (OFFICE) 2,800/200
 - 1 SPACE PER (2) EMPLOYEES LARGEST SHIFT (MANUFACT.) 4 EMPLOYEES/2 PER
 - 1 SPACE PER 1000 S.F. (WAREHOUSE) 8,000/1000
- TOTAL SPACES REQUIRED: 10
 TOTAL SPACES PROVIDED: 10

SIXTH STREET

NOT OPEN

N00°03'08" E 354.93'

S00°03'08" W 380.11'



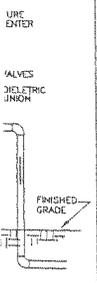
- NOTES:
- COVER TO BE MARKED WATER OR SEWER
 - VALVES SHALL NOT BE LOCATED IN STREET CURBS.
 - FOR INSET EXTENSIONS SEE REQUIREMENTS IN SEC

VALVE & VALVE BOX I
 C-18 SEM. C VALBOX



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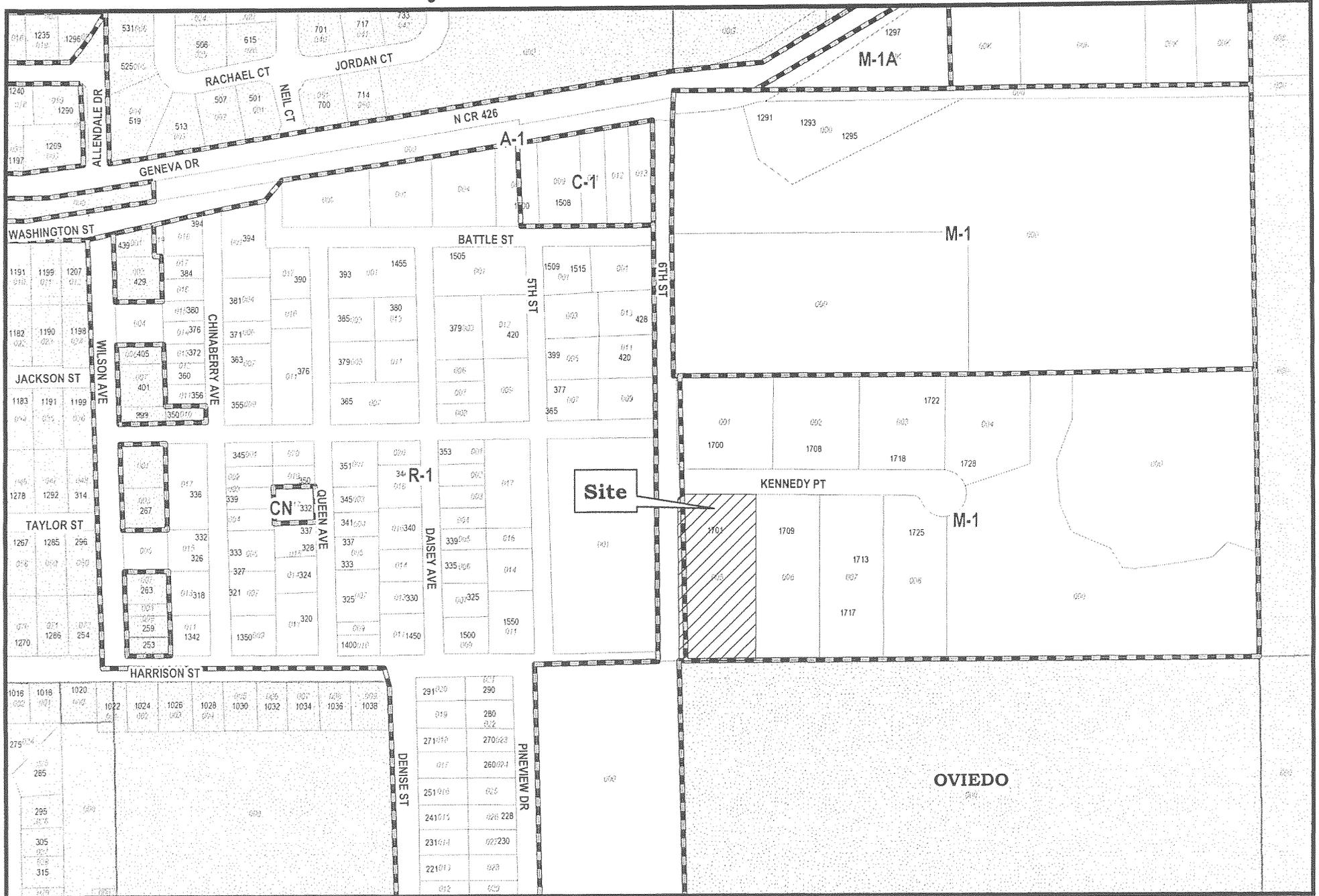
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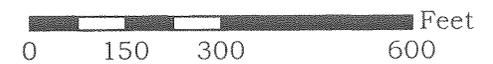
FENCE 1.0' OFF N89°30'11" W 186.91' FENCE 1.0' OFF

Chris Johnson 1701 Kennedy Point



Parcel: 11-21-31-506-0000-0050 / District: 2

BV2004-130
September, 2004



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 5 OFF BROADWAY INDUSTRIAL PARK PB 63 PG 67 & 68

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

FINDINGS OF FACT

Property Owner: CHRIS JOHNSON
219 GENEVA DRIVE
OVIEDO, FL 32765

Site Address: 1701 KENNEDY POINT

Requested Development Approval:

1. SIDE STREET SSETBACK VARIANCE FROM 50 FEET TO 25 FEET FOR A PROPOSED WAREHOUSE/OFFICE BUILDING.

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
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:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED 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: _____
Matthew West
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 Matthew West 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: