

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 339 International Pkwy – Bill Pickering, applicant; Request for a variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1A (Very Light Industrial District).

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

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

Agenda Date 4/28/08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the Request for a variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1A (Very Light Industrial District); or
2. **Approve** the Request for a variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1A (Very Light Industrial District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Bill Pickering Owner: Florida Communications Partners LLC Location: 345 International Pkwy Zoning: M-1A (Very Light Industrial District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance from the 25-foot landscaped green area that is required to remain exclusive of parking in the M-1A zoning classification. • The applicant proposes to provide a 10-foot landscaped green area exclusive of parking for a proposed 2000 square foot office building that would require no less

Reviewed by: _____
Co Atty: _____
Pln Mgr: _____

	<p>than 10 parking spaces per Sec. 30.1221 of the Seminole County Land Development Code.</p> <ul style="list-style-type: none"> • The size of the parcel is less than ½ acre; therefore restricting the ability of the site to meet the required 25-foot landscaped area and the parking requirements. • There are currently no code enforcement or building violations for this property. • In October of 1999 a front yard setback variance from 50 feet to 25 feet was granted for a dry storage building; in November of 1999 a front yard setback variance from 25 feet to 10 feet was granted for a dry storage building.
<p>STAFF FINDINGS</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"> • 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. • 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 that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 landscaped green area 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.
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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:

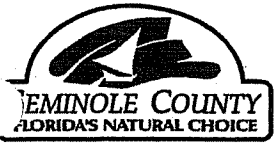
- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV 2008-32
Meeting Date 4-28-08

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: William Pickering
Address: 605 Crescent Executive Ct #100 City: Lake Mary Zip code: 32746
Project Address: 345 International Pkwy. City: Lake Mary Zip code: 32746
Contact number(s): 321-206-0020
Email address: JG@CCI-FL.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: RECEIVED MAR 14 2008
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>LANDSCAPE GREEN AREA</u>
<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>25 FT.</u>	Proposed setback:	<u>10 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 type="checkbox"/> Total number of variances requested <u>1</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: William R. Pickering

FOR OFFICE USE ONLY

Date Submitted: 3-14-08 Reviewed By: F. Johnson D. Ribbo
 Tax parcel number: 07-20-30-300-002E-0000 Zoning/FLU M-1A / IND.

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

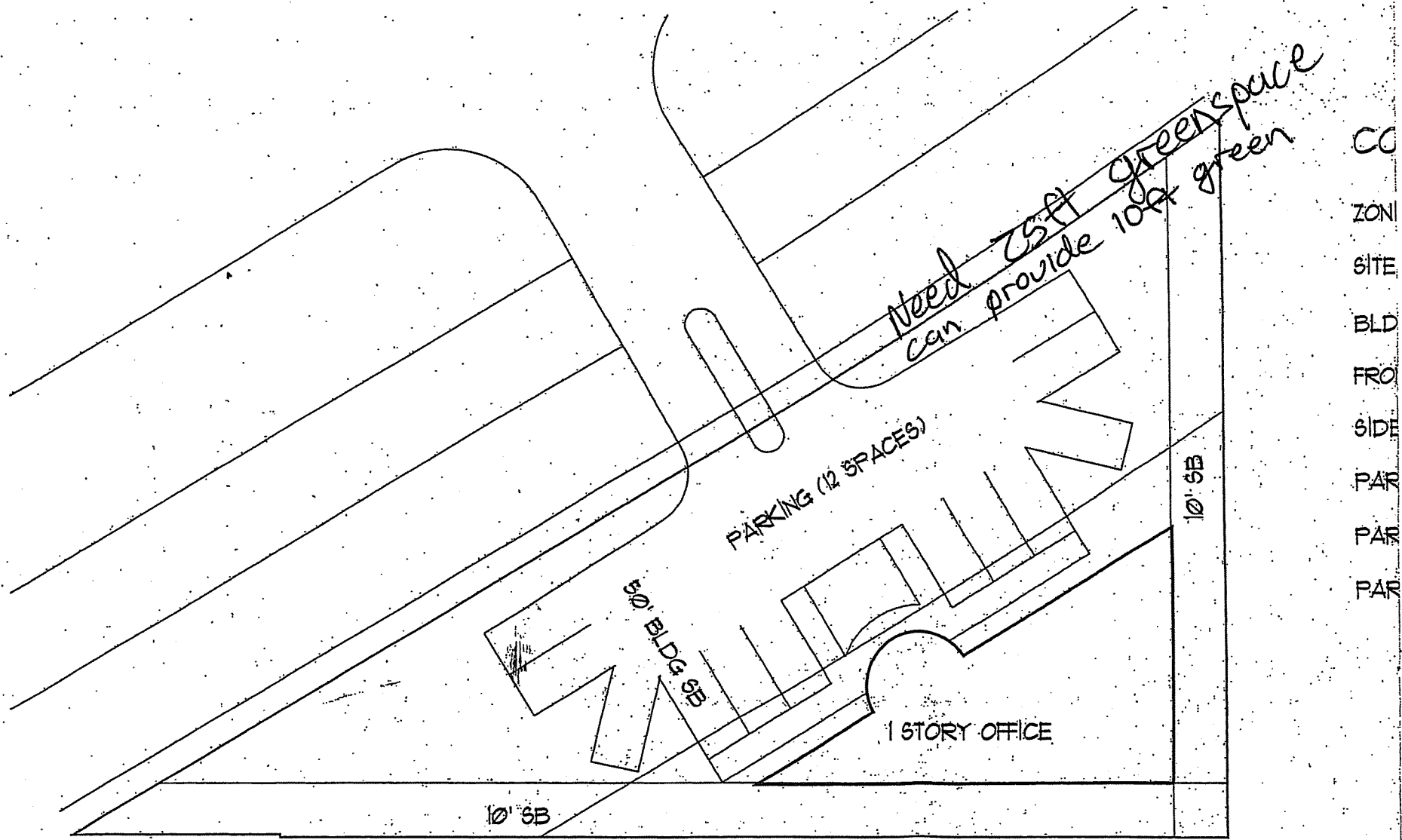
Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

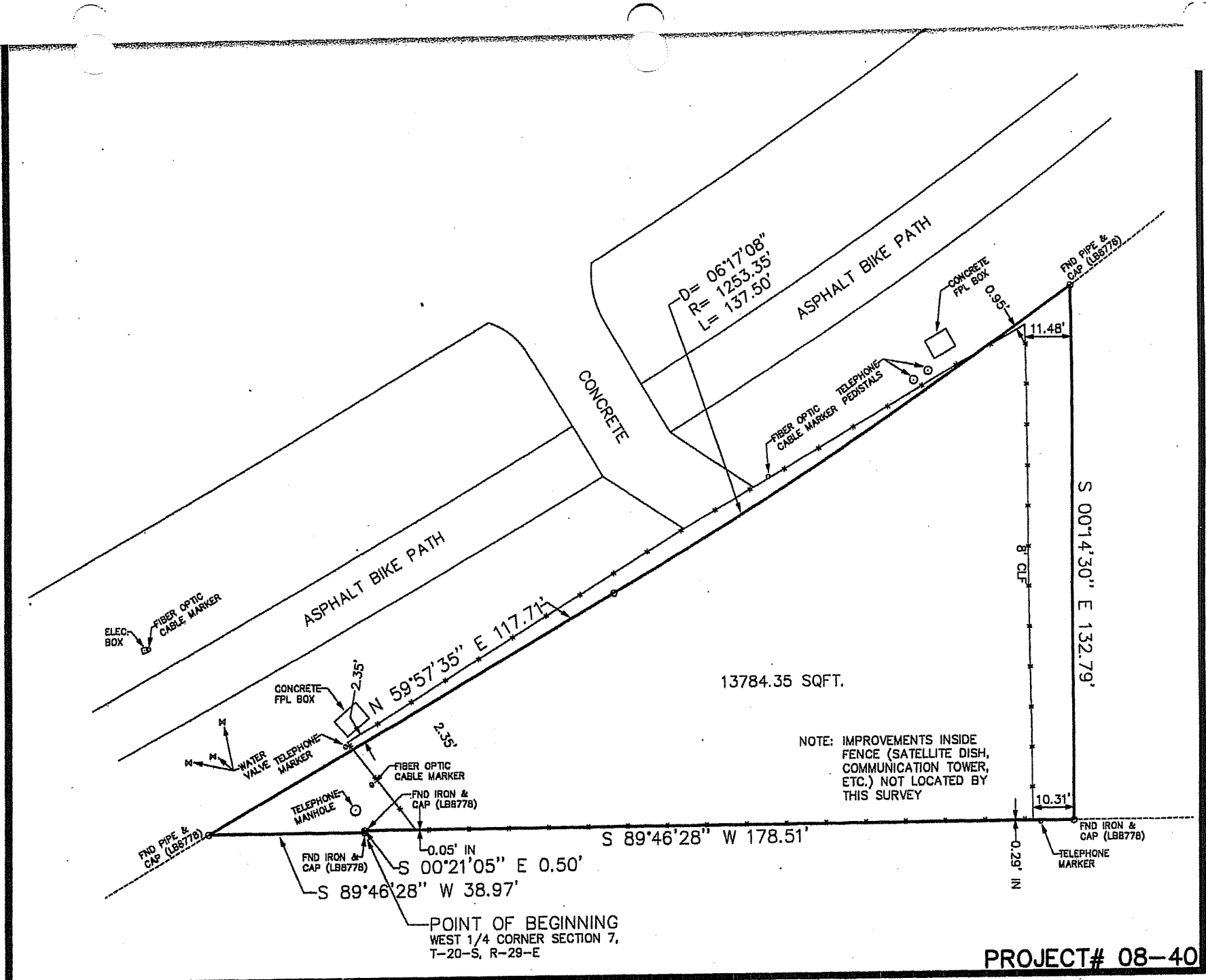
After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	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 1/2 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.
	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
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or 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
	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.



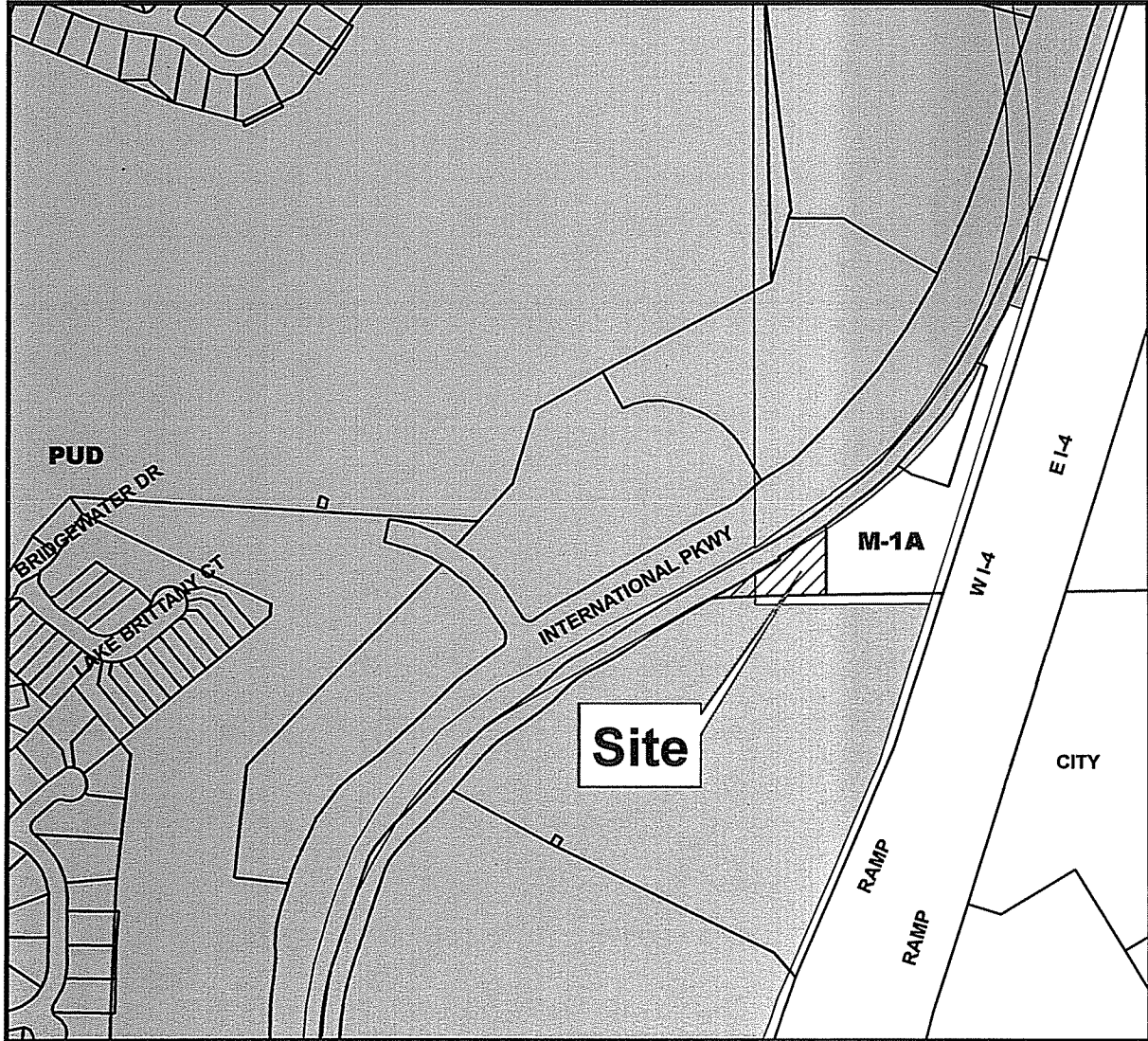
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 PAR

CONCEPTUAL SITE PLAN






PROJECT# 08-40

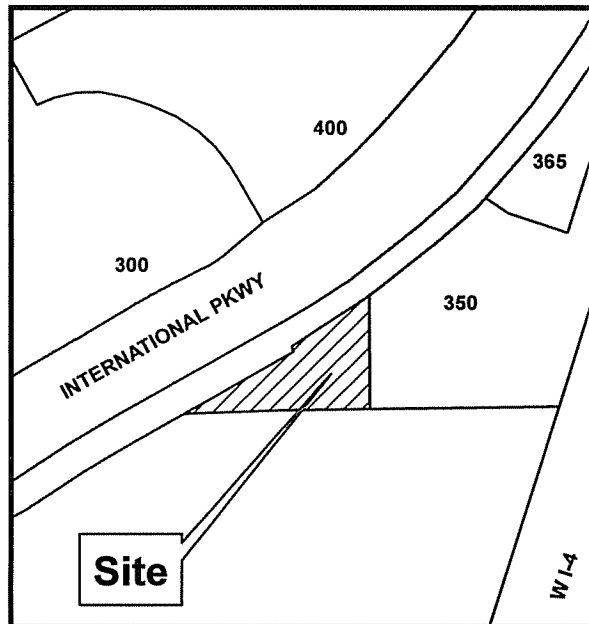
Florida Communications Partners/
William Pickering
345 International Parkway
Lake Mary, Florida 32746



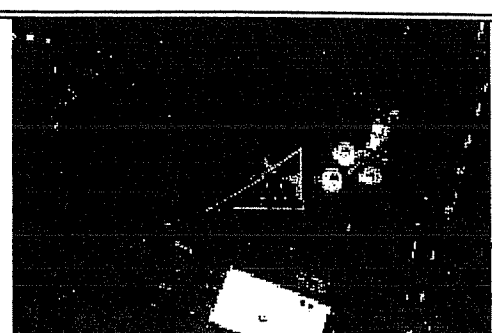
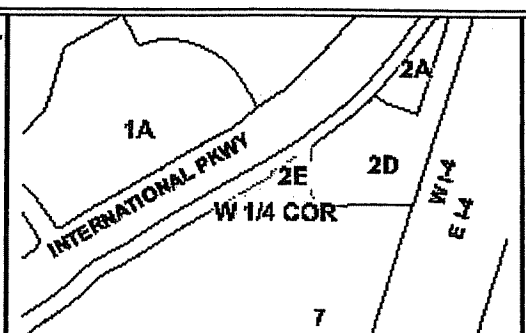
Seminole County Board of Adjustment
April 28, 2008
Case: BV2008-32 (Map 3051, Grid B7)
Parcel No: 07-20-30-300-002E-0000

Zoning

-  BV2008-32
-  M-1A
-  PUD



PARCEL DETAIL
 DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-865-7508



GENERAL

Parcel Id: 07-20-30-300-002E-0000
 Owner: FLORIDA COMMUNICATIONS
 Own/Addr: PARTNERS LLC C/O E B COHEN
 Mailing Address: 375 PARK AVE SUITE 3800
 City,State,ZipCode: NEW YORK NY 10152
 Property Address: 345 INTERNATIONAL PKWY LAKE MARY 32746
 Facility Name:
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 10-VAC GENERAL-COMMERC

2008 WORKING VALUE SUMMARY
 Amendment 1 impact not reflected.

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$123,275
Land Value Ag:	\$0
<u>Just/Market Value:</u>	\$123,275
Assessed Value (SOH):	\$123,275
Exempt Value:	\$0
Taxable Value:	\$123,275

Tax Estimator
Portability Calculator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
SPECIAL WARRANTY DEED	02/1999	<u>03603</u>	<u>0022</u>	\$100	Vacant	No
SPECIAL WARRANTY DEED	02/1999	<u>03603</u>	<u>0019</u>	\$80,000	Vacant	No
SPECIAL WARRANTY DEED	06/1996	<u>03087</u>	<u>1829</u>	\$9,301,000	Vacant	No
SPECIAL WARRANTY DEED	01/1990	<u>02144</u>	<u>0979</u>	\$100	Vacant	No
SPECIAL WARRANTY DEED	01/1990	<u>02144</u>	<u>0927</u>	\$486,200	Vacant	No
SPECIAL WARRANTY DEED	01/1990	<u>02144</u>	<u>0886</u>	\$7,291,800	Vacant	No

Find Sales within this DOR Code

2007 VALUE SUMMARY

2007 Tax Bill Amount: \$1,821
2007 Taxable Value: \$123,275
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	24,655	5.00	\$123,275

LEGAL DESCRIPTION

SEC 07 TWP 20S RGE 30E BEG W 1/4 COR
 RUN W TO ELY R/W RR N 59 DEG 57 MIN 35
 SEC E 117.71 FT
 NELY ALONG CURVE 137.5 FT S 135.78 FT W
 178.51 FT S .50 FT TO BEG

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.

FLORIDA COMMUNICATIONS PARTNERS LLC

c.o WHITCOM PARTNERS
375 PARK AVENUE, SUITE 3800, NEW YORK, NY 10152 / 212-582-2300
Fax: / 212-582-2310

Edward B. Cohen
Chief Financial Officer

edcohen@whitcompartners.com

January 16, 2008

Mr. William Pickering
5224 West State Road
Sanford, Florida 32771

Dear Mr. Pickering:

This letter will authorize you to represent us in discussions with the appropriate governmental agencies in connection with the zoning and use of the property owned by Florida Communications Partners LLC at 345 International Parkway.

Should you require any additional documentation from us, please do not hesitate to contact me.

Sincerely,



Edward B. Cohen
Chief Financial Officer

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: Bill Pickering
Address: 605 Crescent Executive Ct
City/Zip: Lake Mary FL 32746
Phone #: 321-206-0020

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
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: Florida Communications Partners LLC
Officers: Edward B. Cohen
Address: 375 Park Ave #3800
City/Zip: New York, NY 10152
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
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: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. 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: _____
City/Zip: _____	City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

3/13/08
Date

E. Cohen
Owner, Agent, Applicant Signature

STATE OF ~~FLORIDA~~ New York
COUNTY OF New York

Sworn to (or affirmed) and subscribed before me this 13th day of March, 2008 by Edward B. Cohen

Monica B. Curti
Signature of Notary Public

Monica B. Curti
Print, Type or Stamp Name of Notary Public

MONICA B. CURTI
Notary Public, State of New York
No. 01CU6043846

Qualified in Queens County
Commission Expires 6/26/2010
Certificate Filed in NY County

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

SEC 07 TWP 20S RGE 30E BEG W 1/4 COR RUN W TO ELY
R/W RR N 59 DEG 57 MIN 35 SEC E 117.71 FT NELY ALONG
CURVE 137.5 FT S 135.78 FT W 178.51 FT S .50 FT TO BEG

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

FINDINGS OF FACT

Property Owner: Florida Communications Partners LLC
375 Park Ave Suite 3800
New York, NY 10152

Project Name: International Pkwy (339)

Requested Development Approval:

Request for a variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1A (Very Light Industrial District).

All six criteria for granting a variance under the Land Development Code have been satisfied.

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:
 - a. The variance granted will apply only to the required landscaped green area 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

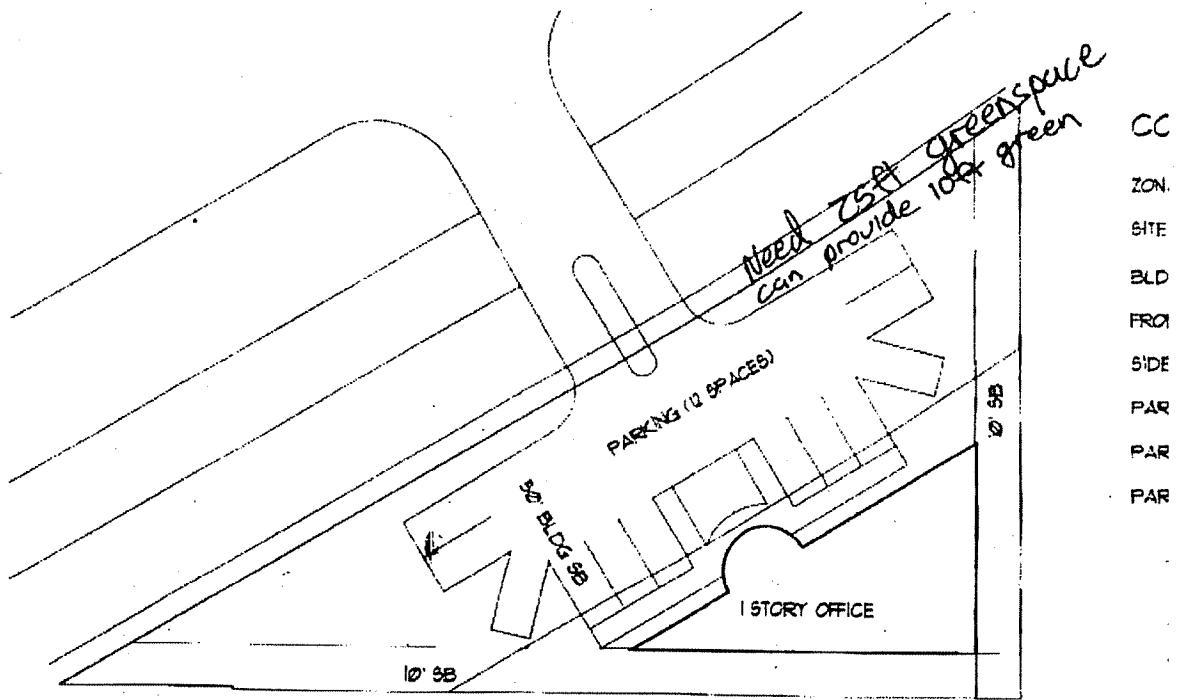
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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:



CONCEPTUAL SITE PLAN

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

SEC 07 TWP 20S RGE 30E BEG W 1/4 COR RUN W TO ELY
R/W RR N 59 DEG 57 MIN 35 SEC E 117.71 FT NELY ALONG
CURVE 137.5 FT S 135.78 FT W 178.51 FT S .50 FT TO BEG

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

FINDINGS OF FACT

Property Owner: Florida Communications Partners LLC
375 Park Ave Suite 3800
New York, NY 10152

Project Name: International Pkwy (339)

Requested Development Approval:

Request for a variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1A (Very Light Industrial District).

The Development Approval was sought to allow encroachment into the required landscaped green area. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

ORDER

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

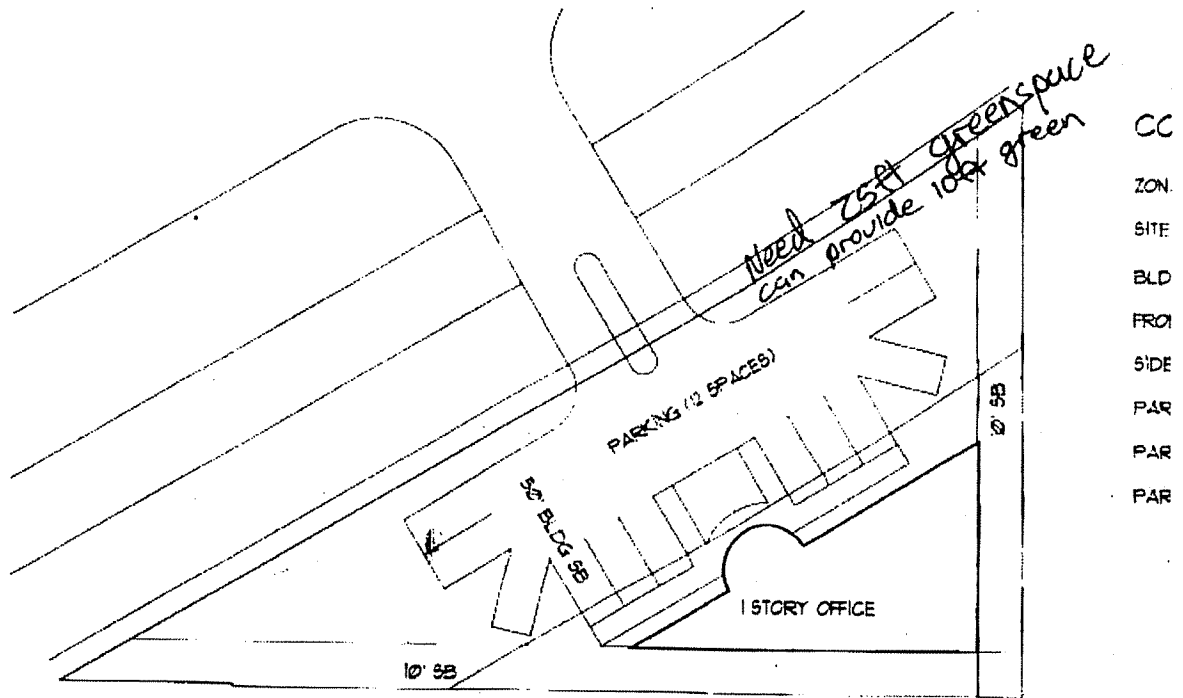
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

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:



CONCEPTUAL SITE PLAN