

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

SUBJECT: 5701 Dot Com Court – Kiran Nathoo, applicant; Request for a front yard setback variance from 50 feet to 30 feet for a proposed office building in M-1A (Very Light Industrial) district.

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

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

Agenda Date 8/25/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 50 feet to 30 feet for a proposed office building in M-1A (Very Light Industrial) district; or
2. **Approve** the request for a front yard setback variance from 50 feet to 30 feet for a proposed office building in M-1A (Very Light Industrial) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Kiran Nathoo Owner: Oxford RKP INC Location: 5701 Dot Com Ct Zoning: M-1A (Very Light Industrial) Subdivision: Ganesh Business Park
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 24,554 square foot office building that would encroach 20 feet into the required 50-foot front 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

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

	<p>and which are not applicable to other lands, 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 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 office building 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
- 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

COPY

Application # BV 2008-79
Meeting Date 8-25-08



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: Oxford RKP, Inc. Attn: Kiran Nathoo
Address: 5700 Dot Com Ct, Ste. 1000 City: Oviedo Zip code: 32765
Project Address: 5701 Dot Com Ct City: Oviedo Zip code: 32765
Contact number(s): 407-977-8411
Email address: knathoo@ganeshmills.com

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 type="checkbox"/> Pool	Please describe:
<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 checked="" type="checkbox"/> Other	Please describe: <u>proposed office building 24,564 square ft.</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED JUL 11 2008

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:	50-ft	Proposed setback: 30-ft
<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 checked="" 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: [Signature]

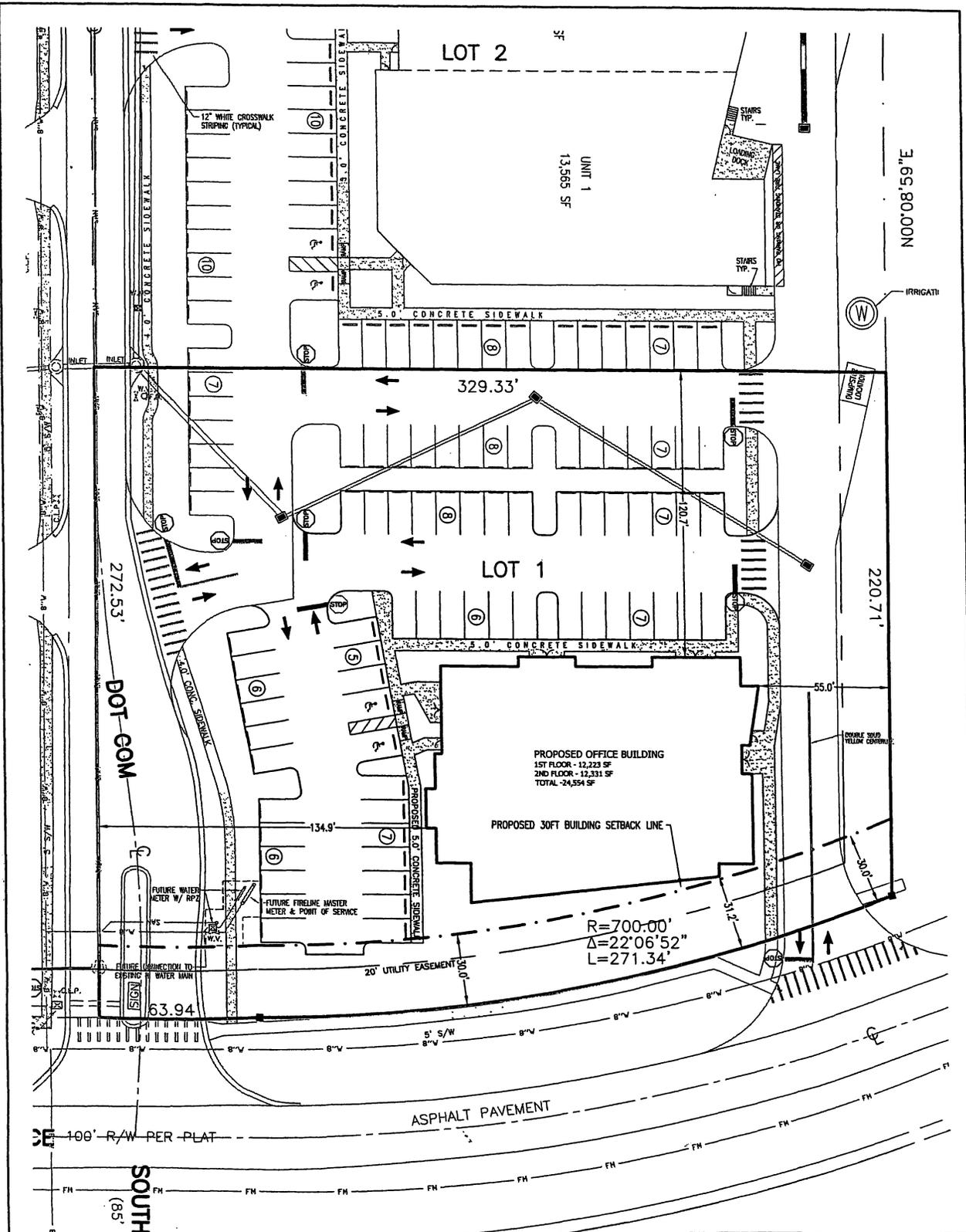
FOR OFFICE USE ONLY

Date Submitted: 7-11-08 Reviewed By: P. Johnson
 Tax parcel number: 33-21-31-508-0000-0010 Zoning/FLU M-1A / IAO
 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. View a site plan online 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.



NOTES:

- 1.) SITE AREA: 84,942 SF = 1.950 ACRES
- 2.) REQUIRED OPEN SPACE @25% = 21,356 SF
- 3.) PROVIDED OPEN SPACE 23,275 SF
- 4.) WATER & SEWER ARE TO BE PROVIDED BY SEMINOLE COUNTY.

CIVIL SOLUTIONS OF CENTRAL FLORIDA INCORPORATED ENGINEERING

605-C.W. NEW YORK AVENUE DELAND, FLORIDA 32720
 PHONE (386) 740-1454 FAX (386) 943-9287 C.O.A. # 9845

VARIANCE EXHIBIT FOR LOT 1 GANESH BUSINESS PARK
 DOT COM COURT SEMINOLE COUNTY, FLORIDA

DATE	REVISED	BY

PROJECT # CSI-08-013 SCALE: 1"=40' SHEET C-3
 DATE: JULY 11, 2008 DRAWN: MTC

Kiran Nathoo
 5701 Dot Com Court
 Oviedo, Florida 32765



Seminole County Board of Adjustment
 August 25, 2008
 Case: BV2008-79 (Map3212, Grid E5)
 Parcel No: 33-21-31-508-0000-0010

Zoning

- | | |
|---|---|
|  BV2008-79 |  R-1BB |
|  A-1 |  M-1A |
|  R-1AA |  PUD |
|  R-1B |  PCD |



<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 407-665-7505</p>		
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GENERAL

Parcel Id: 33-21-31-508-0000-0010
 Owner: OXFORD RKP INC
 Mailing Address: 5700 DOT COM CT
 City,State,ZipCode: OVIEDO FL 32765
 Property Address: 5701 DOT COM CT
 Facility Name:
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 40-VAC INDUSTRIAL GENER

VALUE SUMMARY	
VALUES	Wc
Value Method	
Number of Buildings	
Depreciated Bldg Value	
Depreciated EXFT Value	
Land Value (Market)	\$3
Land Value Ag	
Just/Market Value	\$3
Portability Adj	
Save Our Homes Adj	
Assessed Value (SOH)	\$3
Tax Estimate	
Portability Calc	

2008 Taxes and Taxable Value Estimate

Taxing Authority	Assessment Value	Exempt Values	Taxable Value	M
County General Fund	\$339,768	\$0	\$339,768	
Schools	\$339,768	\$0	\$339,768	
Fire	\$339,768	\$0	\$339,768	
Road District	\$339,768	\$0	\$339,768	
SJWM(Saint Johns Water Management)	\$339,768	\$0	\$339,768	
County Bonds	\$339,768	\$0	\$339,768	
Total				

The taxable values and taxes are calculated using the current years working values and the prior years approved m

SALES						
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
SPECIAL WARRANTY DEED	07/2007	06767	1260	\$100	Vacant	No
Find Sales within this DOR Code						

2007 VALUE SUM

2007 Tax Bill Am
 2007 Taxable V
 DOES NOT INCLUDE NON-AD VAL

LAND						
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	
SQUARE FEET	0	0	84,942	4.00	\$339,768	

LEGAL DESCRIP

PLATS: Pick...
 LOT 1 GANESH BUSINESS P/

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax pu
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

**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: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	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: <u>Oxford RKP Inc</u>	Name of Corporation: _____
Officers: <u>Kiran Nathoo</u>	Officers: _____
Address: <u>5700 Dot Com Court</u>	Address: _____
City/Zip: <u>Oviedo Florida 32765</u>	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Shareholders: _____	Shareholders: _____
Address: _____	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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	City/Zip: _____
City/Zip: _____	_____

(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: _____
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.

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.

7/11/08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 11th day of July, 2008 by Kiran Nathoo

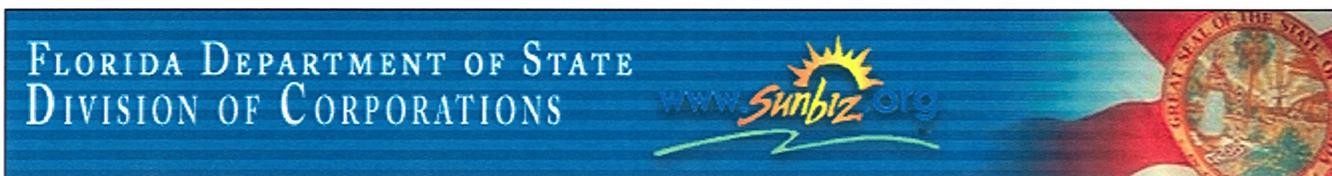
[Signature]
Signature of Notary Public

Amy N. Kimmell
Print, Type or Stamp Name of Notary Public

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



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



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Entity Name S

Detail by Entity Name

Florida Profit Corporation

OXFORD RKP, INC.

Filing Information

Document Number P07000077248
FEI Number 260532152
Date Filed 07/05/2007
State FL
Status ACTIVE

Principal Address

5700 DOT COM COURT, SUITE 1000
OVIEDO FL 32765

Mailing Address

5700 DOT COM COURT, SUITE 1000
OVIEDO FL 32765

Registered Agent Name & Address

GREENSPOON MARDER, P.A.
 100 W. CYPRESS CREEK ROAD, SUITE 700
 FORT LAUDERDALE FL 33309 US

Officer/Director Detail

Name & Address

Title D

NATHOO, KIRAN
 5700 DOT COM COURT, SUITE 1000
 OVIEDO FL 32765

Title D

CHAWHAN, RENUKADEVI
 5700 DOT COM COURT, SUITE 1000
 OVIEDO FL 32765

Title D

CHAWHAN, PRAKASH



GANESH OFFICE BUILDING
5701 Dot Com Court; Oviedo, FL 32765

MDC Architects, Inc. 4044 W. Lake Mary Blvd. #104-115 Lake Mary, FL 32746 t:(407)792-3200 f:(407)792-3005
www.mdc-architects.com FL# AA26001597

Bird's Eye View of
North West Corner

SCHEMATIC DESIGN

July 11, 2008

Scheme

A
page 1



GANESH OFFICE BUILDING
5701 Dot Com Court; Oviedo, FL 32765

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West Entry

SCHEMATIC DESIGN

July 11, 2008

Scheme

A

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North East Corner

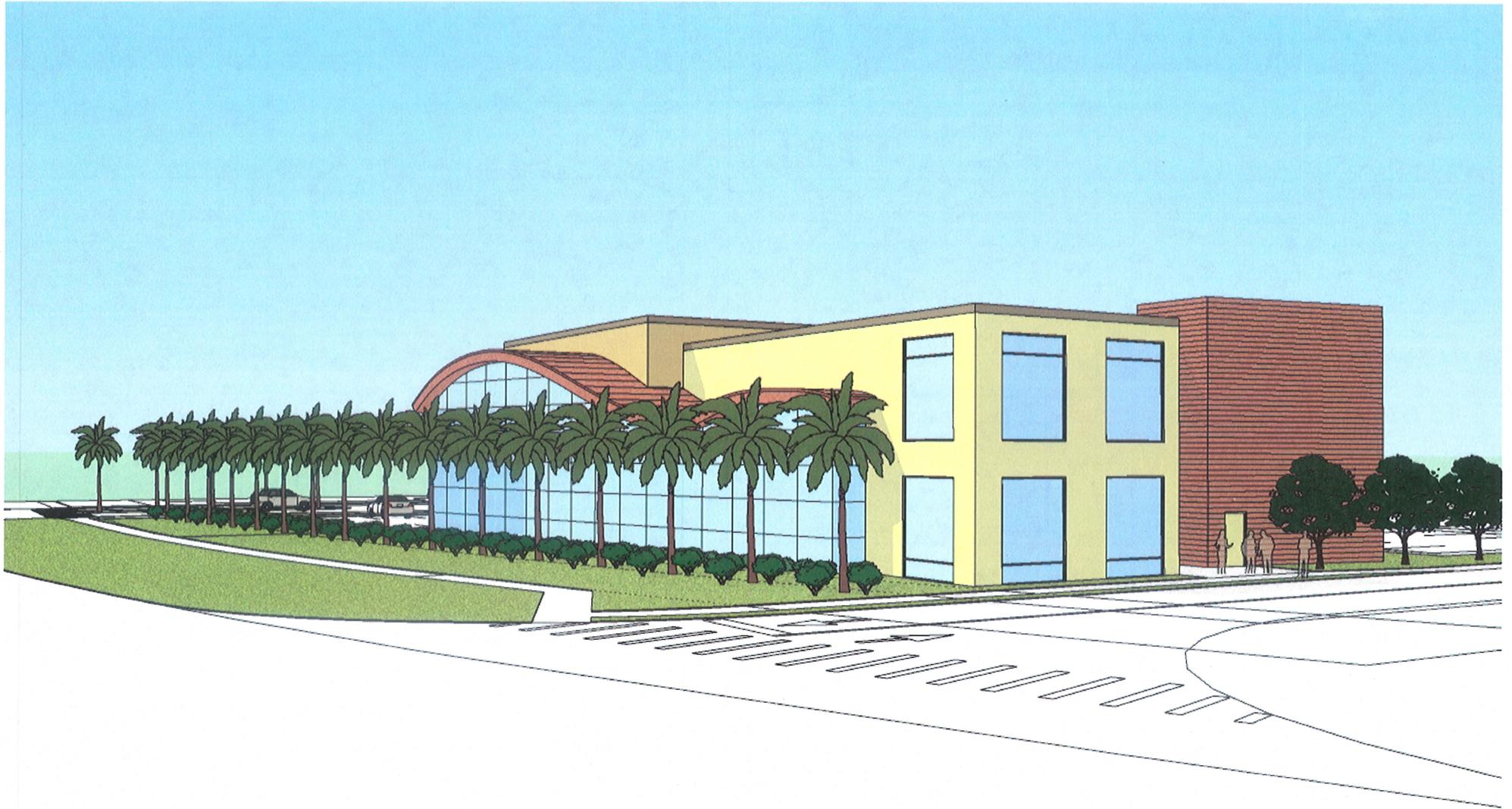
SCHEMATIC DESIGN

July 11, 2008

Scheme

A

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GANESH OFFICE BUILDING
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www.mdc-architects.com fl.# AA28001597

South East Corner

SCHEMATIC DESIGN

July 11, 2008

Schema

A

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GANESH OFFICE BUILDING
5701 Dot Com Court; Oviedo, FL 32765

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South West Corner

SCHEMATIC DESIGN

July 11, 2008

Scheme

A

page 5

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

LOT 1
GANESH BUSINESS PARK PB 62 PG 58

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

FINDINGS OF FACT

Property Owner: Oxford RKP INC
5700 Dot Com Ct
Oviedo, FL 32765

Project Name: Dot Com Ct (5701)

Requested Development Approval:

Request for a front yard setback variance from 50 feet to 30 feet for a proposed office building in M-1A (Very Light Industrial) district.

The Development Approval was sought to allow a building to encroach into the front yard setback. 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.

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:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LOT 1
GANESH BUSINESS PARK PB 62 PG 58

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

FINDINGS OF FACT

Property Owner: Oxford RKP INC
5700 Dot Com Ct
Oviedo, FL 32765

Project Name: Dot Com Ct (5701)

Requested Development Approval:

Request for a front yard setback variance from 50 feet to 30 feet for a proposed office building 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 front yard setback for the proposed office 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: _____
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:

