



	<p>April 2008, a variance was granted from 25 feet to 10 feet for the front yard landscape green area.</p> <p>October 1999, a front yard setback variance from 50 feet to 25 feet was granted for a dry storage building.</p> <p>November 1999, a front yard setback variance from 25 feet to 10 feet was granted for a dry storage building.</p>
<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 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"><li>• Any variance granted will apply only to the side yard for the building and attached screen wall and the front yard for the screen wall 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
- 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 # 2009-12  
Meeting Date 3-23-09



**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: Mr. Robert Horian, President, Suncor Properties, Inc.

Address: 541 North Palmetto Avenue, Suite 105

City: Sanford, FL Zip code: 32771

Project Address: 239 345 International Parkway, Suite 3000

City: Lake Mary, FL Zip code: 32746

Tax Parcel number: 07-20-30-300-002E-0000

Contact number(s): 407-688-7644

Email address: bob@suncorproperties.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: Professional Office Building
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request? SEE ATTACHED VARIANCE LIST EXHIBIT			
<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 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 _____			

Signed: [Signature]

Date: FEB - 5 2009

Mr. Robert Horian, President, Suncor Properties, Inc.

**FOR OFFICE USE ONLY**Date Submitted: 2-6-09Reviewed By: P. JohnsonZoning/FLU M-1A / FDU

- 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

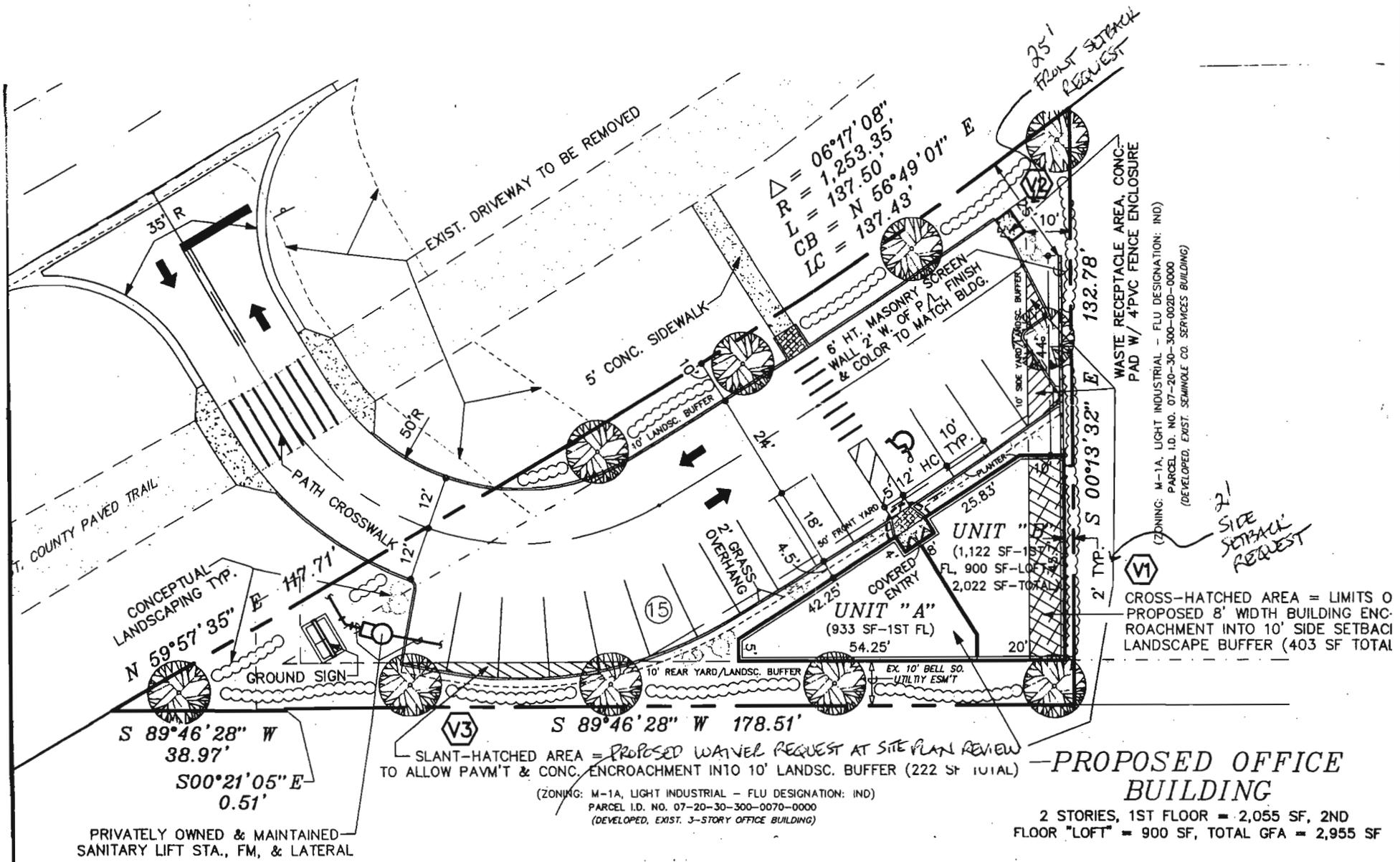
Notes: \_\_\_\_\_

**VARIANCE SUBMITTAL CHECKLIST***Please return this checklist with your application!*

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

*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.*

X	1. Completed application.
X	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
X	3. 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>
X	4. 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>
X	o Please start with a clean survey (ex: white out old approval stamps)
X	o Size and dimension of the parcel
X	o Location and name of all abutting streets
X	o Location of driveways
X	o Location, size and type of any septic systems, drain field and wells
X	o Location of all easements
X	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each )
X	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
X	o Building height
X	o Setbacks from each building to the property lines
X	o Location of proposed fence(s)
X	o Identification of available utilities (ex: water, sewer, well or septic)
/A	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



PRIVATELY OWNED & MAINTAINED  
SANITARY LIFT STA., FM, & LATERAL

SLANT-HATCHED AREA = PROPOSED WAIVER REQUEST AT SITE PLAN REVIEW  
TO ALLOW PAYM'T & CONC. ENCROACHMENT INTO 10' LANDSC. BUFFER (222 SF TOTAL)

(ZONING: M-1A, LIGHT INDUSTRIAL - FLU DESIGNATION: IND)  
PARCEL I.D. NO. 07-20-30-300-0070-0000  
(DEVELOPED, EXIST. 3-STORY OFFICE BUILDING)

**-PROPOSED OFFICE BUILDING**

2 STORIES, 1ST FLOOR = 2,055 SF, 2ND FLOOR "LOFT" = 900 SF, TOTAL GFA = 2,955 SF

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SECTION 7, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST 1/4 CORNER OF SAID SECTION 7, THENCE NORTH 89°46'28" WEST, 38.97' TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF AN EXISTING 50 FOOT WIDE TRANSPORTATION CORRIDOR; THENCE NORTH 59°57'35" EAST ALONG SAID EAST RIGHT-OF-WAY LINE 117.74' TO THE POINT OF BEGINNING.

**INTERNATIONAL PARKWAY**  
(R/W WIDTH VARIES)



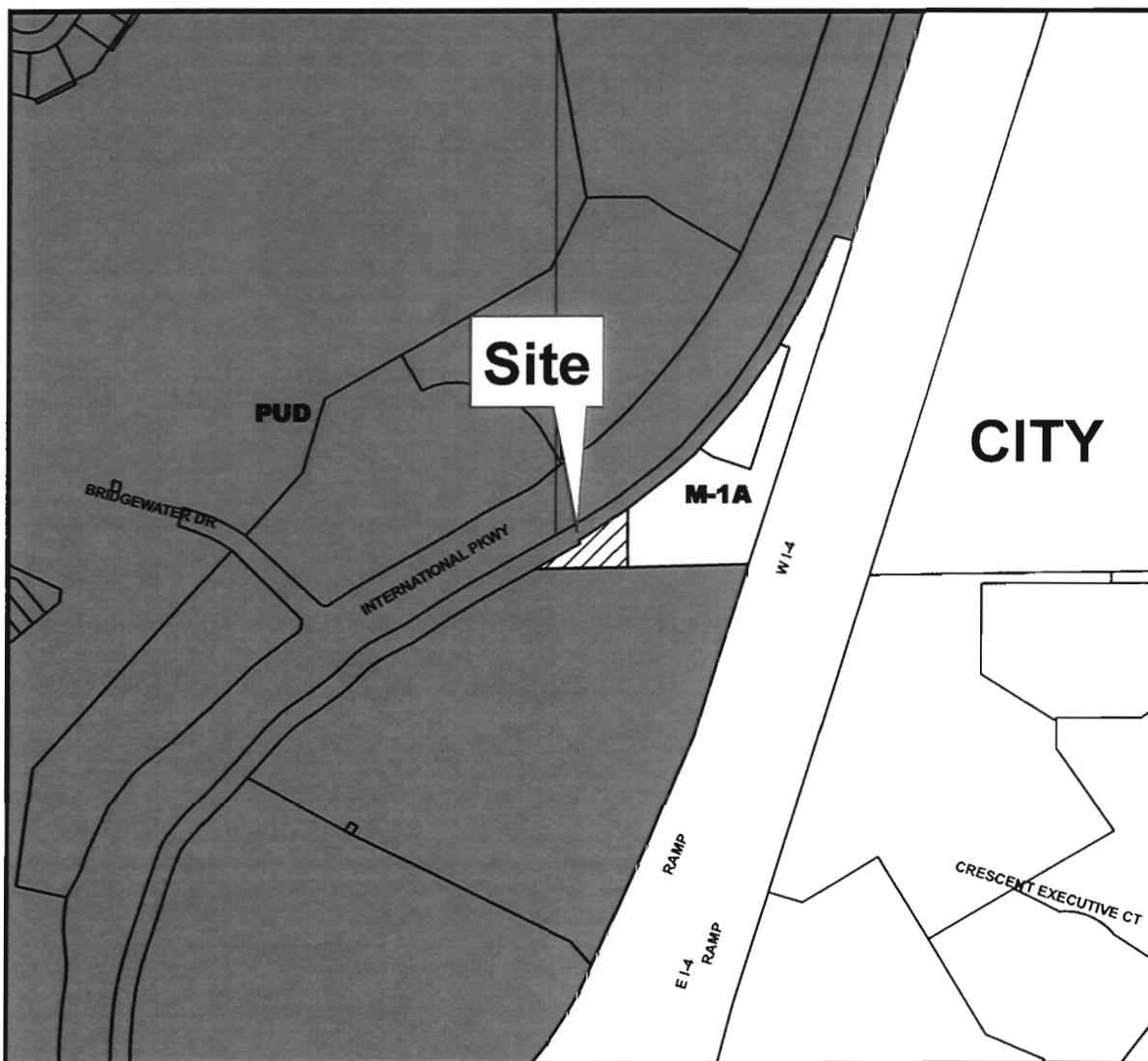
(SOURCE: M-1A LIGHT INDUSTRIAL - FLU DESIGNATOR: I80)  
PARCEL: 100-000000-20-50-100-070-000  
(DEVELOPER: ...)

**PROPOSED OFFICE BUILDING**

GROUND: M-1A LIGHT INDUSTRIAL - FLU  
DESIGNATOR: I80  
PARCEL: 100-000000-20-50-100-070-000  
(DEVELOPER: ...)



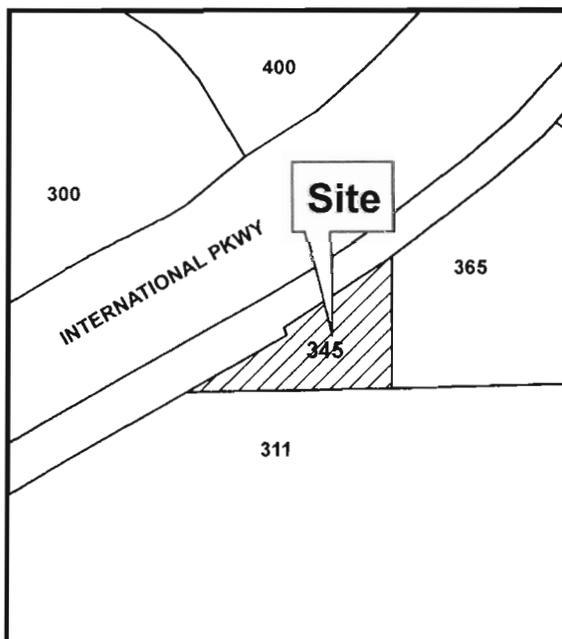
Robert Horian  
345 International Parkway Suite 3800  
Lake Mary, Florida 32746



Seminole County Board of Adjustment  
March 23, 2009  
Case: BV2009-12 (Map 3051 Grid B7)  
Parcel No: 07-20-30-300-002E-0000

Zoning

-  BV2009-12
-  M-1A
-  PUD



**RONALD HENSON II, P.E., LLC**  
**4009 West 1<sup>st</sup> Street**  
**Sanford, Florida 32771**  
**Voice 407.324.1710 • Fax 407.324.1409**

February 6, 2009

**VIA DELIVERY**

Mr. Austin Watkins  
Seminole County Planning Division  
1101 East First Street  
Sanford, Florida 32771

Re: 345 International Parkway, Lake Mary, Florida 32746  
Project No. 08-023

Dear Austin:

Please be advised that the applicant, contract purchaser of the above-referenced property and authorized agent for its owner, respectfully seeks approval of three (3) minor variance requests. The applicant desires to build a small, professional office building with associated paved parking and other infrastructure improvements on a site which currently contains Florida Communication Utility Cable TV facilities. These facilities include approximately six (6) satellite dishes, an antenna tower, a masonry control building, and various related equipment within a gated chain link fence enclosed yard. The improvements listed above are scattered across the interior of the site and their existing locations constitute several encroachments into County LDC required front/side/rear yard setbacks and perimeter landscape buffer criteria.

The proposed professional office redevelopment plan proposal will eliminate a number of current setback/buffer encroachments, greatly enhance the property's appearance from County arterial road, International Parkway, and County Bike Trail along its frontage (north) and from the existing 3-story office building adjacent to its southerly boundary. The property is triangular shaped, is subject to restrictive building setback/landscape buffer criteria, and both elements combine to severely limit its redevelopment potential. The applicant has worked diligently to comply with all County LDC criteria, however, he feels the approval of three (3) minor variance requests are necessary to develop the property in a reasonable and economically feasible manner. These three (3) variance requests are listed in tabular form as follows:

Mr. Austin Watkins  
Seminole County  
Project No. 08-023  
Page 2  
February 6, 2009

*Revised attached*

<u>ITEM</u>	<u>CRITERIA</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
1. BUILDING ENCROACHMENT (EAST)	SIDE YARD SETBACK	10' MINIMUM	2' MINIMUM
2. 6' SCREENWALL ENCROACHMENT (NORTH)	FRONT YARD SETBACK	50' MINIMUM	15' MINIMUM
3. PAVEMENT/ACCESSORY STRUCTURE ENCROACHMENT (EAST & SOUTH)	LANDSCAPE BUFFER	10' MINIMUM	2' MINIMUM, 10' AVG.

In support of the variances requested the applicant hereby provides a response to each of the six (6) LDC criteria for granting a variance as follows:

- **There is a special condition and circumstance that exists that does not apply to most, similar properties in the same zoning district;**

The parcel's small size with odd-shaped nonlinear boundaries, combined with restrictive building setback/landscape buffer criteria, allows very little room to construct typical building or parking facilities. Special design considerations for both are proposed to minimize potential variance impacts.

- **The granting of the variance would not result in any special privilege that is denied to other lands, buildings, or structures in the same zoning district;**

This is an oddly shaped remnant parcel detached from an easterly parcel, Seminole County Services Tract. LDC criteria and planning guidelines currently enforced by staff would discourage the creation and/or platting of any similar lot, particularly fronting on a County arterial roadway or within an industrial district. Therefore, the restrictions that compromise this lot would not apply to the vast majority of others.

- **The special condition and circumstance does not result from the actions of the applicant;**

The applicant had no involvement in the creation or platting of the subject parcel.

Mr. Austin Watkins  
Seminole County  
Project No. 08-023  
Page 3  
February 6, 2009

- **The special condition and circumstance causes some hardship or practical difficulty if the variance is not granted;**

The applicant has determined that no reasonably useable, cost-effective office structure can be built on the parcel without approval of the variances requested.

- **Without the variance, the subject will be denied a right enjoyed by owners of similar property;**

Very few platted lots having similar geometry and development restrictions exist.

- **The variance is the minimum variance that would make possible the reasonable use of the land, building or structure;**

Variance proposals, their extensions, and their locations have been minimized to the extents possible to allow reasonable use of the property.

- **The variance won't harm the neighbors;**

The redevelopment plan as proposed will enhance the visual aesthetics of the property and will not harm or degrade adjacent property uses or values.

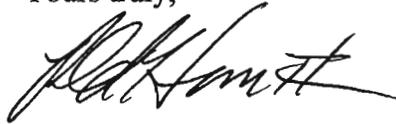
Attached herewith please find the following application submittal items:

1. One (1) fully executed Variance Application with supporting documents.
2. Suncor Investments, Inc.'s check number 1416 in the amount of \$300.00 for the application fee.

Mr. Austin Watkins  
Seminole County  
Project No. 08-023  
Page 4  
February 6, 2009

Thank you for your review and consideration of this application. Should you have any questions, please do not hesitate to advise.

Yours truly,



Ronald Henson II, P.E.  
Project Manager

RHII:dmw

Attachments

cc: Suncor Properties  
File

C:\Documents and Settings\All Users\Documents\DSG JOBS\Year 2008\08-023\Seminole County Planning, Variance Application Initial Submittal, 08-023, February 4, 2009.wpd

**RONALD HENSON II, P.E., LLC**  
**4009 West 1<sup>st</sup> Street**  
**Sanford, Florida 32771**  
**Voice 407.324.1710 • Fax 407.324.1710**

February 24, 2009

Ms. Denny Gibbs, AICP  
Seminole County Planning & Development  
1101 East First Street  
Sanford, Florida 32771

Re: Variance Request for 339 International Parkway  
DSG Project No. 08-023

Dear Ms. Gibbs:

We are in receipt of the review comments you forwarded to Mr. Bob Horian, Suncor Properties, Inc., dated February 20, 2009, regarding the above-referenced project. The Preliminary Site Plan has been revised and each comment has been addressed in the order received as follows:

1. The variance request to reduce the front yard building setback from 50' to 15' pertains only to a proposed 6' masonry screen wall that would extend from the office building's northeast corner along the site's east boundary. Existing water storage tanks, aboveground piping, and various equipment (i.e., generator, control panel, etc.) lie in close proximity to that boundary. The sole reason our Client desires to construct the wall is to, along with extensive landscape plantings, create a visual and noise reduction buffer to enhance the use and aesthetics for a professional office. The intent is to construct the wall as an extension of the building by matching the color, finish, and architectural features of the office. Please be advised that the applicant has amended his request by increasing the requested front setback distance from 15' to 25'.
2. Please be advised that the "waste receptacle area" has been relocated westerly, with its closest point lying outside the 10' side yard building setback/landscape buffer. A small professional office generates minimal waste and does not require a dumpster facility. A 4' 4" X 6' 4" concrete pad, enclosed by a 4' tall PVC fence with gates, will accommodate both trash and recycle containers sufficient to serve the office. Again, landscape improvements are planned to screen the small enclosure completely from roadway view.

Ms. Denny Gibbs, AICP  
DSG Project No. 08-023  
Page 2  
February 24, 2009

3. The office building will be a two-story, not three, structure. The second floor is planned as a loft area open to and accessed from Unit "B" only, not a separate office. The "unique" geometry of the small parcel, combined with a restrictive front yard building setback, severely limits the ability to construct any "typical" building structure, for either light industrial or office uses. Seminole County Utility Service Operations occupy the parcel adjacent to this property's easterly boundary, where the side yard building setback reduction from 10' to 2' is requested. No residential, light industrial, or adjacent office facilities will be impacted by the applicant's request. The building's easterly wall, combined with the proposed screen wall should effectively buffer and separate the two land uses.
4. Please be advised that the "Variance Request Summary" was revised to reflect that only the front and side yard building setback variance requests will be considered by the Board of Adjustments. The parking lot design was revised to better minimize proposed pavement encroachments into the 10' landscape buffer. The curvilinear design proposed provides a 10' average buffer width, creating several large, interior areas for landscape plantings. The applicant understands and accepts your statement that the third request would be reviewed and considered by the Planning Manager separately during the site plan review process.

Attached herewith are the following items:

1. One (1) 24" X 36 and one (1) 8½" X 11" revised copy of the Preliminary Site Plan .
2. One (1) revised Variance Request List.

Thank you for your prompt review and for advising us that you will be out of the office next week. We hope the responses contained herein prove acceptable to you. Should you have any questions or require additional information, please do not hesitate to advise.

Yours truly,



Ronald Henson II, P.E.  
Project Manager

RHII:dmw  
Attachments

cc: Suncor Properties, Inc.  
File

	<u>ITEM</u>	<u>CRITERIA</u>	<u>REQUIRED</u>	<u>PROPOSED</u>	<u>APPROVAL REQ'D</u>
1.	BUILDING ENCROACHMENT (EAST) + WALL (3)	SIDE YARD SETBACK	10' MINIMUM	2' MINIMUM	BOARD OF ADJUSTMENTS
2.	6' SCREENWALL ENCROACHMENT (NORTH)	FRONT YARD SETBACK	50' MINIMUM	25' MINIMUM	BOARD OF ADJUSTMENTS
4 3.	PAVEMENT/ACCESSORY STRUCTURE ENCROACHMENT (EAST & SOUTH)	LANDSCAPE BUFFER	10' MINIMUM	2' MINIMUM, 10' AVG.	STAFF PLANNING MANAGER
3.	6' SCREENWALL ENCROACHMENT w/ BUILDING	SIDE YARD	10'	2'	

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL.                  1101 E. FIRST ST                  SANFORD, FL 32771-1408                  407-655-7506</p>																																																			
<p style="text-align: center;"><b>GENERAL</b></p> <p>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: 339 INTERNATIONAL PKWY LAKE MARY 32746                  Facility Name:                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 1012-COMMERCIAL-TOWER SIT</p>		<p style="text-align: center;"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: right;">\$18,249</td> <td style="text-align: right;">\$18,491</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$96,488</td> <td style="text-align: right;">\$96,488</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;"><b>Just/Market Value</b></td> <td style="text-align: right;"><b>\$114,737</b></td> <td style="text-align: right;"><b>\$114,979</b></td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;"><b>Assessed Value (SOH)</b></td> <td style="text-align: right;"><b>\$114,737</b></td> <td style="text-align: right;"><b>\$114,979</b></td> </tr> </tbody> </table> <p style="text-align: center;"><b>Tax Estimator</b></p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$18,249	\$18,491	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$96,488	\$96,488	Land Value Ag	\$0	\$0	<b>Just/Market Value</b>	<b>\$114,737</b>	<b>\$114,979</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	<b>Assessed Value (SOH)</b>	<b>\$114,737</b>	<b>\$114,979</b>																
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**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The owner of the real property associated with this application is a (check one)

Individual                       Corporation                       Land Trust

Limited Liability Company     Partnership

Other (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	ADDRESS	PHONE NUMBER
N/A		

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
Robert Horian	P/S/T/D	541 N. Palmetto Ave., Ste. 105 Sanford, FL 32771	100%

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST
N/A			

(Use additional sheets for more space.)

SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST
N/A		

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: Suncor Properties, Inc.

NAME	ADDRESS	% OF INTEREST
See Number 2		

Date of Contract: December 10, 2008

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

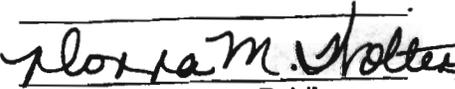
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this 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.

**FEB - 5 2009**

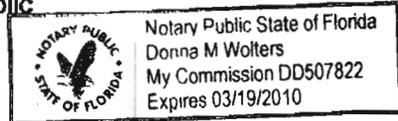
Date \_\_\_\_\_  
STATE OF FLORIDA  
COUNTY OF Seminole

  
\_\_\_\_\_  
Owner, Agent, Applicant Signature  
Robert Horian, President  
Suncor Properties, Inc.

Sworn to (or affirmed) and subscribed before me this 5th day of February, 2009 by Robert Horian

 Donna M. Wolters  
Signature of Notary Public                      Print, Type or Stamp Name of Notary Public

Personally Known XX OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



**For Use by Planning & Development Staff**

Date: 2/19/09                      Application Number: BN2009-12

### SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM (ORIGINAL ONLY)

An authorized applicant is defined as:

The property owner of record or  
An agent of said property owner (power of attorney to represent and bind the property owner must be  
submitted with the application); or  
Contract purchaser (a copy of a fully executed sales contract must be submitted with the application  
containing a clause or clauses allowing an application to be filed).

I, Florida Communication Partners the fee simple owner of the following  
LLC  
described property (Provide Legal Description or Tax Parcel ID Number(s)) \_\_\_\_\_  
07-20-90-308-0022-0000

herby affirm that Robert Horian is herby designated to act as my four  
authorized agent and to file the attached application for the stated special exception / variance request and  
make binding statements and commitments regarding the request.

→ [Signature]  
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and  
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become  
part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 2<sup>nd</sup> day of Feb., 2009.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to  
take acknowledgments, personally appeared Edward B. Cohen, who is personally known to me or  
who has produced \_\_\_\_\_ just certification and who executed the foregoing instrument and sworn  
an oath.

WITNESS my hand and official seal in the County and State aforesaid this 2<sup>nd</sup> day of  
February, 2009

NY NY  
Monica B. Curti  
Notary Public in and for the County and State  
of \_\_\_\_\_

My Commission Expires June 26, 2010

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

Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 23, 2009, 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 RW 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 C/O E B Cohen  
375 Park Ave Suite 3800  
New York NY 10152

**Project Name:** International Pkwy (339)

**Requested Variance:**

- 1) A side yard from 10 feet to 2 feet for a 2-story office building and attached screen wall
- 2) A front yard from 50 feet to 25 feet for a screen wall in M-1A (Very Light Industrial District)

Approval was sought to allow construction within the required front and side yards. 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: Denny Gibbs, Senior 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 \_\_\_\_\_, 2009.

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

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 23, 2009, 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 RW RR N 59 DEG 57 MIN 35  
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### FINDINGS OF FACT

**Property Owner:** Florida Communications  
Partners LLC C/O E B Cohen  
375 Park Ave Suite 3800  
New York NY 10152

**Project Name:** International Pkwy (339)

**Variance Approval:**

- 1) A side yard from 10 feet to 2 feet for a 2-story office building and attached screen wall
- 2) A front yard from 50 feet to 25 feet for a screen wall 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: Denny Gibbs, Senior 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 side yard for the building and attached screen wall and the front yard for the screen wall 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

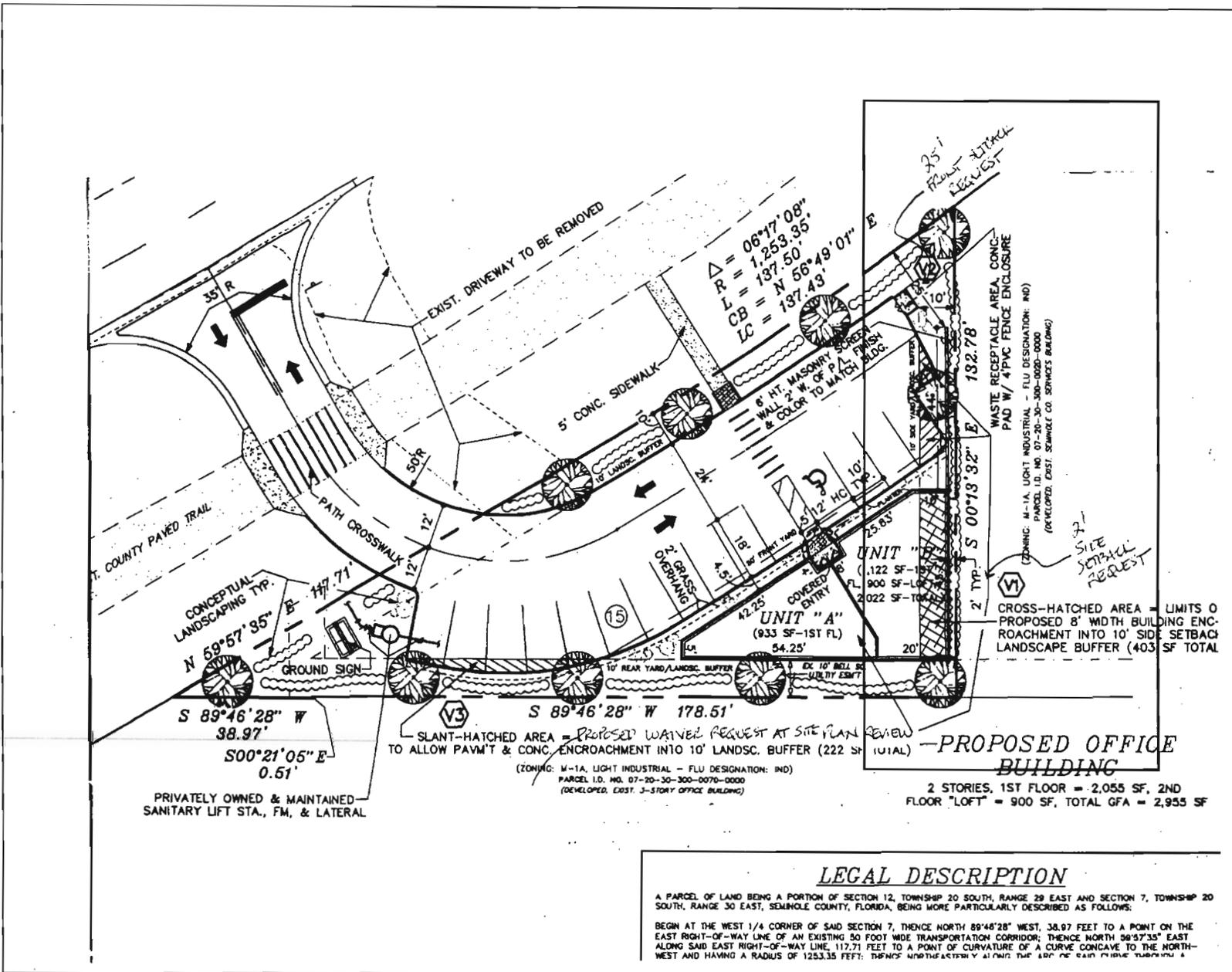
**STATE OF FLORIDA     )  
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**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

My Commission Expires:



4

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 29 EAST AND SECTION 7, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGIN AT THE WEST 1/4 CORNER OF SAID SECTION 7, THENCE NORTH 89°46'28" WEST, 38.97 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF AN EXISTING 50 FOOT WIDE TRANSPORTATION CORRIDOR; THENCE NORTH 89°57'35" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 117.71 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH- WEST AND HAVING A RADIUS OF 1253.35 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A