

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

SUBJECT: 289 Lyman Road – Nathan Zack, applicant; Request a variance from the required 25-foot front yard landscaped green area to a 10-foot front yard landscaped green area in M-1 (Industrial) district.

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

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

Agenda Date 08-24-09 **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-1 (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-1 (Industrial) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Nathan Zack Location: 289 Lyman Road Zoning: M-1 (Industrial) Subdivision: N/A
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance to allow existing parking to encroach 15 feet into the required 25-foot front yard landscaped green area. • There are currently no code enforcement or building violations for this property. • In July of 1992 the site was granted a special exception to permit a recycling center.
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

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

	<p>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.</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 west property line for a 10-foot 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.

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 2009-61
Meeting Date 9-24-09



VARIANCE APPLICATION

SEMINGOLE 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: ZACK INVESTMENTS - CASSLEBERRY LLC
Address: 4115 Old Woodward Ave Unit 928 City: Birmingham Zip code: 48009 6650
Project Address: 289 Lyman Road City: Casselberry Zip code: 32707
Tax Parcel number: 07-21-30-300-003A-0000
Contact number(s): D Zack @ 386-562-7717
Email address: dzack@recycleelectronics.com

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff. During reg business hours

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>EXPANDING SITE w/ concrete pavement</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</u>	Proposed setback:	<u>10</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 checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

FOR
M-1
BUFFER

Signed: [Signature] Date: 11/28/08

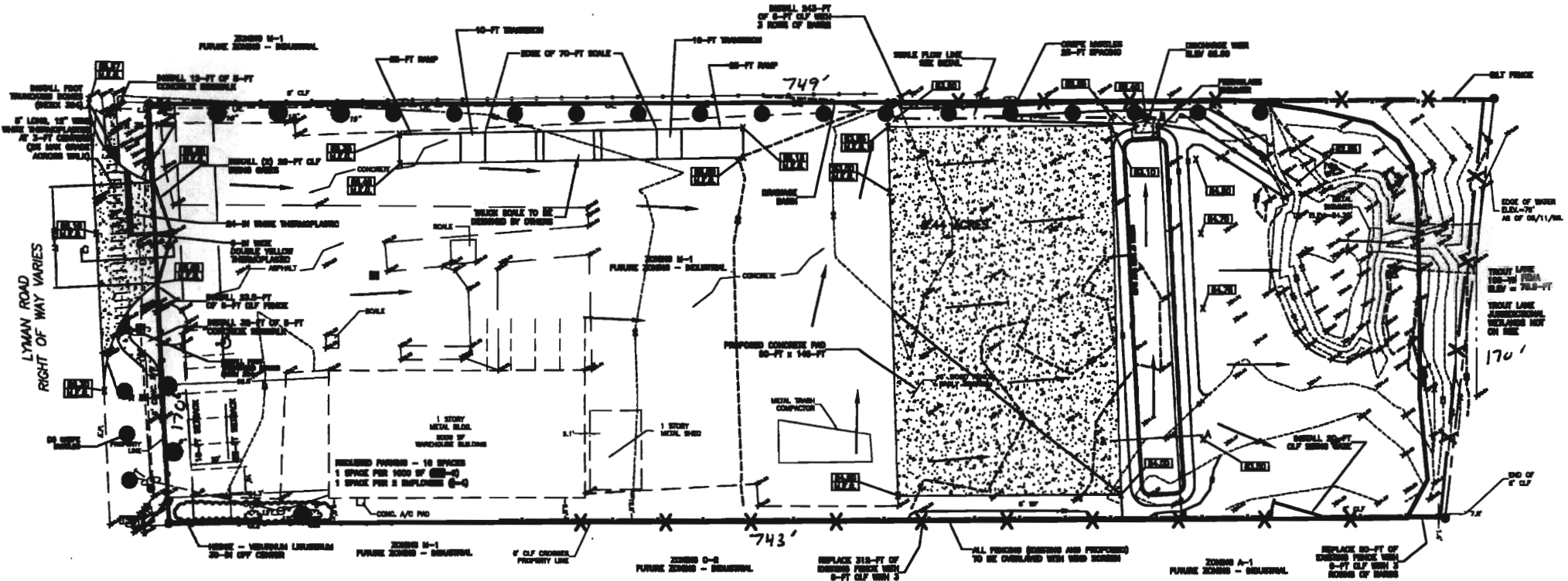
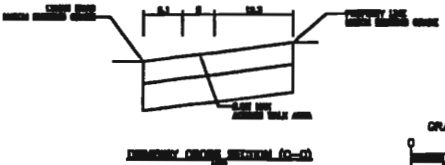
LEGEND

PROPOSED FENCE	—X—
EXISTING CONCRETE FENCE	—X—
PROPOSED CONCRETE	▨
PROPOSED ASPHALT	▨
EXISTING ASPHALT	▨
EXISTING CONCRETE	▨

DRAINAGE LEGEND

DOWN DRAINAGE	—>—
FLAT AREA	—

EXISTING CONDITIONS			PROPOSED CONDITIONS		
AREA	SQ FEET	ACRES	AREA	SQ FEET	ACRES
PERVIOUS	18,582	.442	PERVIOUS	6,073	.139
IMPERVIOUS	0	0	IMPERVIOUS	12,179	.283
TOTAL	18,582	.442	TOTAL	18,252	.442



NO.	DATE	REVISION	BY	APPROV.	PROJECT NUMBER

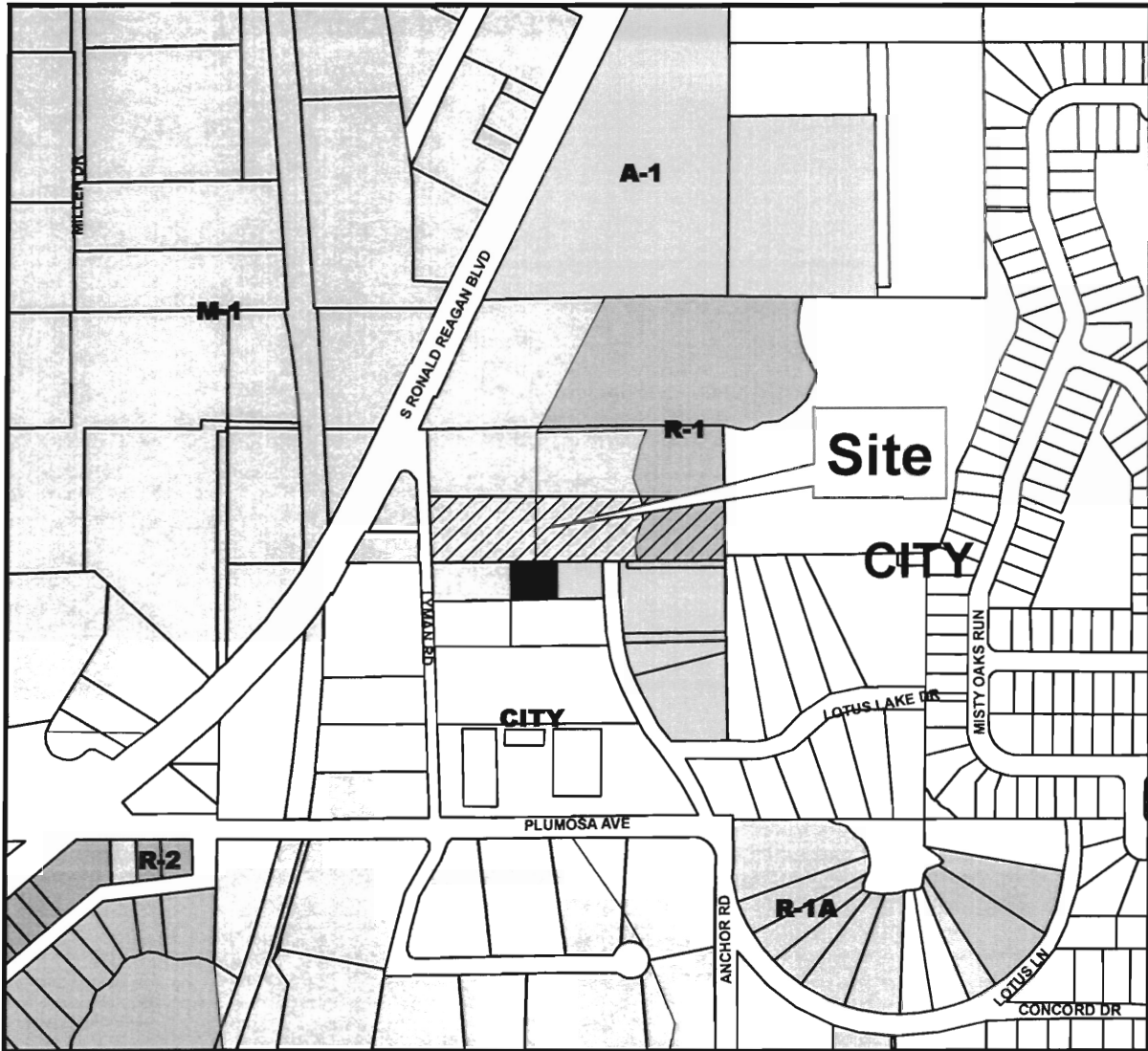
WOOLPERT
 2024-1992
 3800 Lake Lyman Drive, Suite 400
 Ocala, Florida 32677
 352-271-4242
 www.woolpert.com

AMET RECYCLING AND SURPLUS TRUCK SCALE AND PARKING ADDITION
 380 LYMAN ROAD, CASSELBERRY, FLORIDA 32707

SITE AND GRADING PLAN









DATE	PROJECT NO.
10/2/2008	08043
SCALE	SHEET NO.
AS SHOWN	OF 4


Zack Investments - Casselberry LLC
 289 Lyman Road
 Casselberry, FL 32707

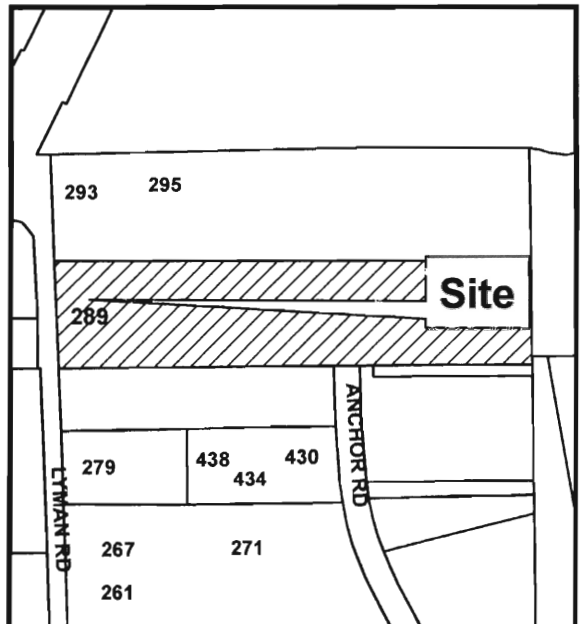


Seminole County Board of Adjustment
 August 24, 2009
 Case: BV2009-61 (Map 3156 Grid C5)
 Parcel No: 07-21-30-300-003A-0000

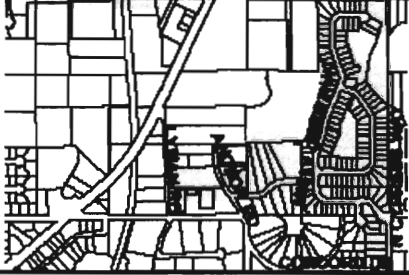
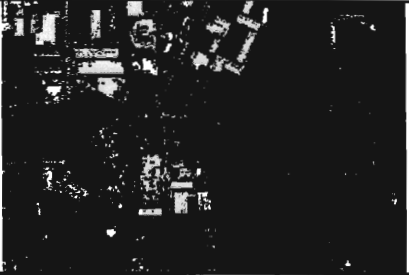
Zoning

 BV2009-61	 R-2
 A-1	 RP I
 R-1A	 C-2
 R-1	 M-1

N




Personal Property Please Select Account

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. PALM ST GAINESVILLE, FL 32771-1400 407-533-7300</p>																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 07-21-30-300-003A-0000 Owner: ZACK INV-CASSELBERRY LLC Mailing Address: 411 S OLD WOODWARD STE 928 City,State,ZipCode: BIRMINGHAM MI 48009 Property Address: 289 LYMAN RD Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 41-LIGHT MANUFACTURING</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$145,416</td> <td style="text-align: right;">\$148,445</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$6,992</td> <td style="text-align: right;">\$7,275</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$529,481</td> <td style="text-align: right;">\$529,481</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: right;">\$681,889</td> <td style="text-align: right;">\$685,201</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: right;">\$681,889</td> <td style="text-align: right;">\$685,201</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator</p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$145,416	\$148,445	Depreciated EXFT Value	\$6,992	\$7,275	Land Value (Market)	\$529,481	\$529,481	Land Value Ag	\$0	\$0	Just/Market Value	\$681,889	\$685,201	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$681,889	\$685,201
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<p>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.</p>																																			

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: NATHAN A. ZACK Name: _____
Address: 4115 Old Woodward, Unit 928, Birmingham MI Address: _____
Phone #: 248-885-8117 Phone #: _____

Name: _____ Name: _____
Address: _____ Address: _____
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: Zack Investments - Casselberry, LLC Name of Corporation: _____
Officers: NATHAN A ZACK Officers: _____
Address: Birmingham MI (ABOVE) Address: _____
Directors: SAME Directors: _____
Address: _____ Address: _____
Shareholders: SAME (member) 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: _____
Trustees: _____ Beneficiaries: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: n/a Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: Contract Vendee:
Name: n/a Name: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject 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.

12/14/08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 11th day of December, 2008 by Nathan Jack

[Signature]
Signature of Notary Public

Carl C. Deal Jr.
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced Michigan Driver License

CARL C. DEAL JR.
Notary Public, Wayne County, Michigan
Acting in Oakland County
My Commission Expires September 13, 2012

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 07 TWP 21S RGE 30E BEG 1782 FT S OF NE COR RUN
W 748.78 FT S 170 FT E 743.67 FT TO A PT S OF BEG N TO BEG

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

FINDINGS OF FACT

Property Owner: ZACK INV-CASSELBERRY LLC
411 S Old Woodward STE 928
Birmingham, MI 48009

Project Name: 289 Lyman Road (BV2009-61)

Requested Variance

Variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1 (Industrial) district.

Approval was sought to allow for a parking area to encroach within the required 25-foot 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.

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 07 TWP 21S RGE 30E BEG 1782 FT S OF NE COR RUN
W 748.78 FT S 170 FT E 743.67 FT TO A PT S OF BEG N TO BEG

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

FINDINGS OF FACT

Property Owner: ZACK INV-CASSELBERRY LLC
411 S Old Woodward STE 928
Birmingham, MI 48009

Project Name: 289 Lyman Road (BV2009-61)

Variance Approval:

Variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1 (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 west property line for a 10-foot 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

