

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

SUBJECT: 100 Lyman Road – Jonathan Taylor, applicant; Request for a 1) front yard setback variance from 25 feet to 12.5 feet, and a 2) side street (south) setback variance from 25 feet to 12.5 feet for a proposed warehouse building in M-1 (Industrial) district.

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

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

Agenda Date 1/25/10 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a 1) front yard setback variance from 25 feet to 12.5 feet, and a 2) side street (south) setback variance from 25 feet to 12.5 feet for a proposed warehouse building in M-1 (Industrial) district; or
2. **Approve** the request for a 1) front yard setback variance from 25 feet to 12.5 feet, and a 2) side street (south) setback variance from 25 feet to 12.5 feet for a proposed warehouse building in M-1 (Industrial) district; or
3. **Continue** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Jonathan Taylor Location: 100 Lyman Road Zoning: M-1 (Industrial) Subdivision: Casselberry Lakes Industrial Park</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicant proposes to construct a 50-foot by 90-foot warehouse that would encroach 12.5 feet into the required 25-foot front and side street setbacks. • Due to a 50-foot power easement that runs north and south along the center of the subject site; the applicant is limited to where the building can be placed. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

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

STAFF FINDINGS	<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.
STAFF RECOMMENDATION	<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 front yard and side street (south) setbacks for a 50-foot by 90-foot warehouse 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 # BU2009-118
Meeting Date JAN 25, 10

COPY

VARIANCE APPLICATION



SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: Actually Working LLC JONATHAN TAYLOR
Address: PO Box 161399 City: Altamonte Springs Zip code: 32716
Project Address: 100 Lyman Road City: Casselberry Zip code: 32707
Tax Parcel number: 07-21-30-521-0000-0010
Contact number(s): (407) 788-6161
Email address: jtaylor@waxco.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>50x90 Industrial Warehouse</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>12.5</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25</u>	Proposed setback: <u>12.5</u>
<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 _____			

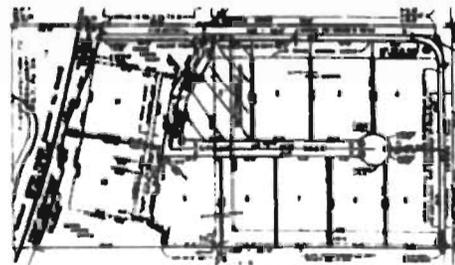
Signed: [Signature]

Date: 12-4-09

Lot 1, CASSELBERRY LAKES INDUSTRIAL PARK, according to the plat thereof, as recorded in Plat Book 38, Page(s) 23, of the Public Records of Seminole County, FL

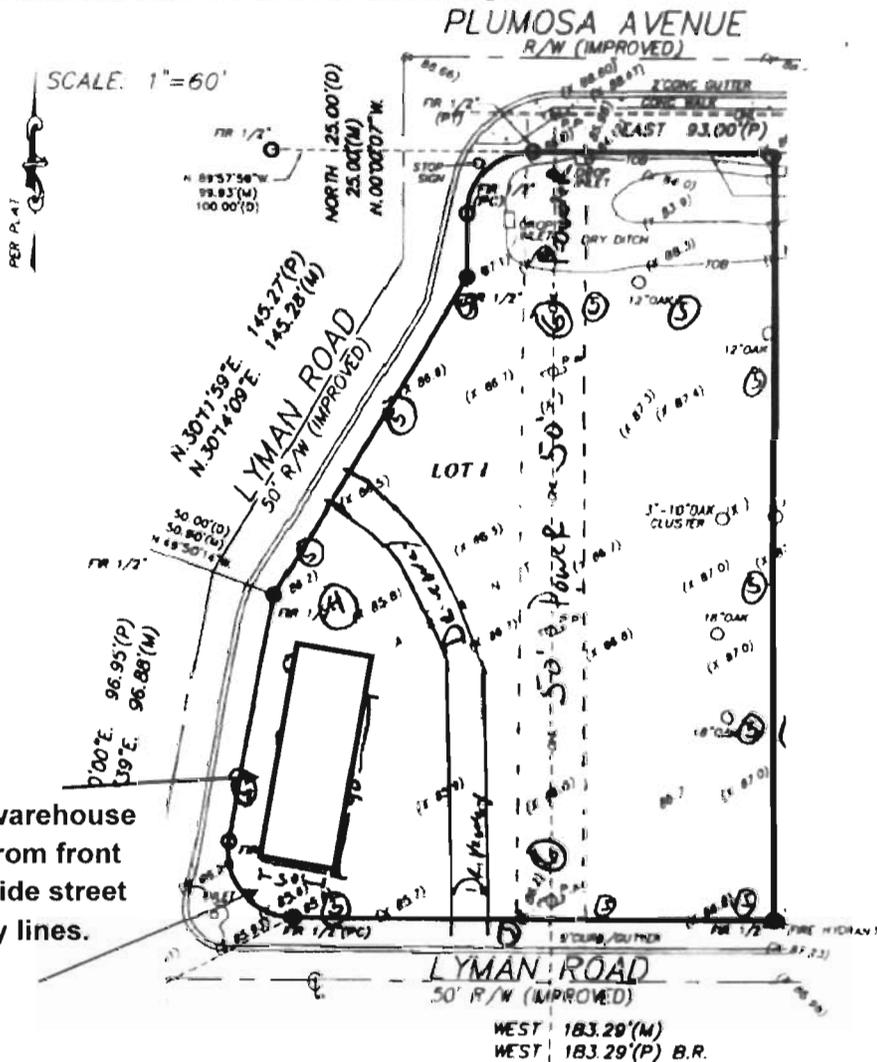
Community number: 120289 Panel: 0165
 Suffix: F F.I.R.M. Date: 9/28/2007 Flood Zone: X
 Date of field work: 11/14/2009 Completion Date: 11/19/2009

Certified to
 Triple "R" Holdings, Inc., Actually Working, LLC, Vose Law Firm
 LLP, Old Republic National Title Insurance Company issued through
 Attorneys' Title Fund Services, LLC, its successors and/or assigns.

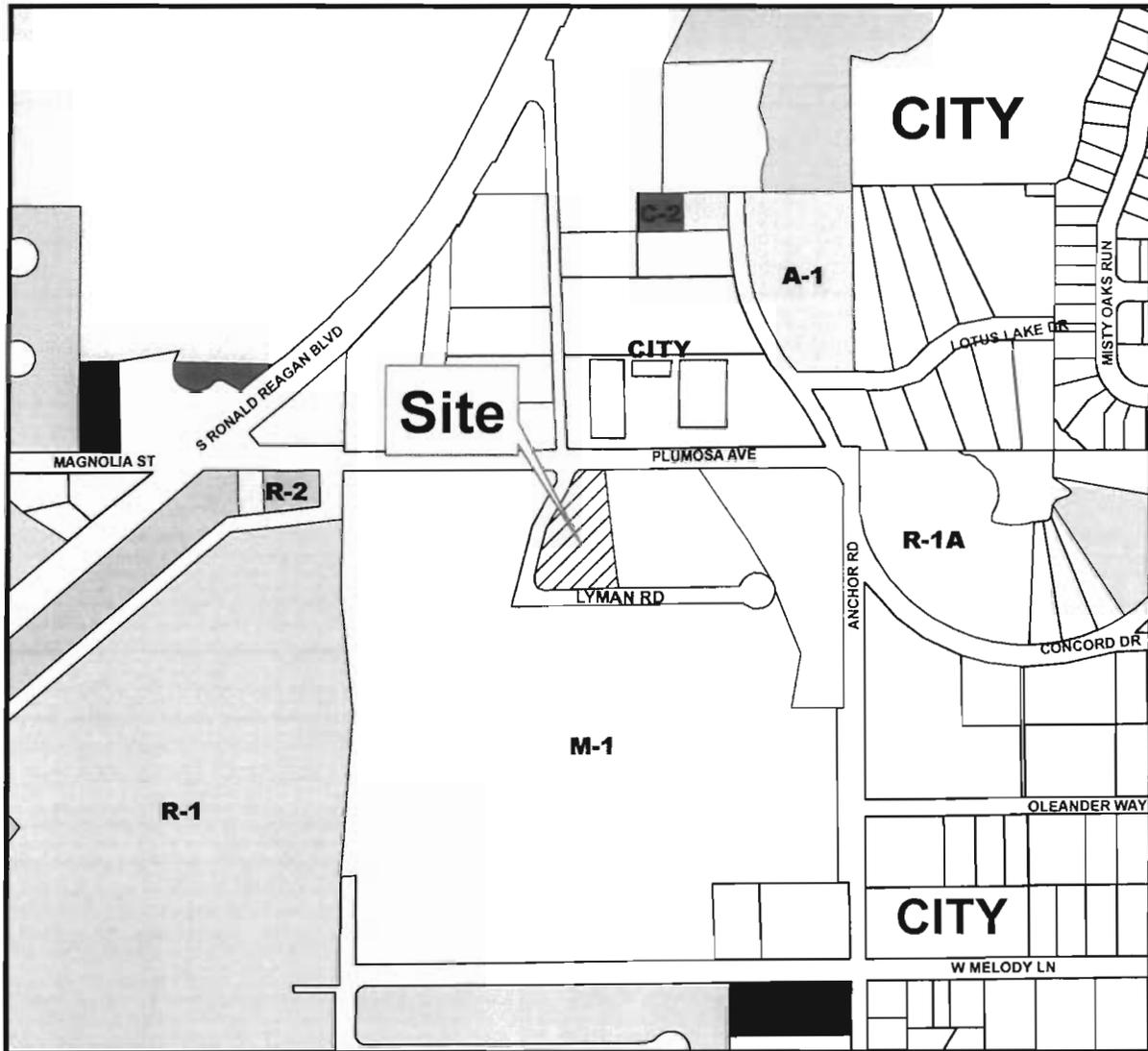


LOCATION SKETCH

Not to Scale



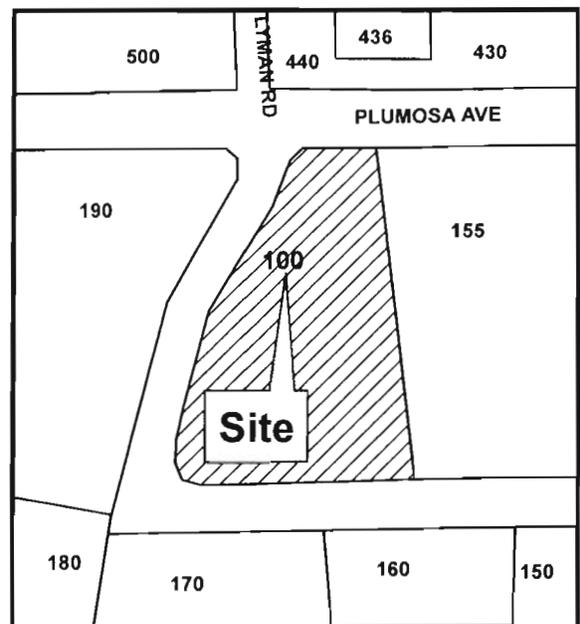
Jonathan Taylor
 100 Lyman Road
 Casselberry, FL 32707



Seminole County Board of Adjustment
 January 25, 2010
 Case: BV2009-118 (Map 3156 Grid C5)
 Parcel No: 07-21-30-521-0000-0010

Zoning

	BV2009-118		RP I
	A-1		C-2
	R-1A		C-3
	R-1		M-1
	R-2		



<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 32771-1400 407-686-7906</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																																											
<p align="center">GENERAL</p> <p>Parcel Id: 07-21-30-521-0000-0010 Owner: ACTUALLY WORKING LLC Mailing Address: 1401 LANCASTER DR City,State,ZipCode: ORLANDO FL 32806 Property Address: 100 LYMAN RD Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 40-VAC INDUSTRIAL GENER</p>		<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="right">0</td> <td align="right">0</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$131,848</td> <td align="right">\$131,848</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$131,848</td> <td align="right">\$131,848</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$131,848</td> <td align="right">\$131,848</td> </tr> </tbody> </table> <p align="right">Tax Estimator</p>		VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	0	0	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$131,848	\$131,848	Land Value Ag	\$0	\$0	Just/Market Value	\$131,848	\$131,848	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$131,848	\$131,848									
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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**

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

(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

(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

(Use additional sheets for more space.)

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

(Use additional sheets for more space.)

5. For each limited liability company, list the name, address, and title of each manager or managing member; and the name and address of each additional member with two percent (2%) or more membership interest. If any member with two percent (2%) or more membership interest, manager, or managing member is a corporation, trust or partnership, please provide the information required in paragraphs 2, 3 and/or 4 above.

NAME	TITLE	ADDRESS	% OF INTEREST
<i>Jonathan R Taylor</i>	<i>Manager</i>	<i>1401 Leicester Dr Orlando</i>	<i>100%</i>

(Use additional sheets for more space.)

6. 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: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

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.

1-9-10

Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA

COUNTY OF *Sevinole*

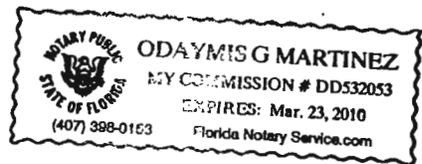
Sworn to (or affirmed) and subscribed before me this *9th* day of *January*, 20*10* by *Jonathan R Taylor*

[Signature]
Signature of Notary Public

Odaymis G Martinez
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced



For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

**LOT 1
CASSELBERRY LAKES INDUSTRIAL PARK PB 38 PG 23**

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

FINDINGS OF FACT

Property Owner: ACTUALLY WORKING LLC
1401 LANCASTER DR
ORLANDO FL 32806

Project Name: Lyman Road (100)

Requested Variance:

Request for a 1) front yard setback variance from 25 feet to 12.5 feet, and a 2) side street (south) setback variance from 25 feet to 12.5 feet for a proposed warehouse in M-1 (Industrial) district.

Approval was sought to allow a warehouse to encroach within the front and side street setbacks. 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 1
CASSELBERRY LAKES INDUSTRIAL PARK PB 38 PG 23

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

FINDINGS OF FACT

Property Owner: ACTUALLY WORKING LLC
1401 LANCASTER DR
ORLANDO FL 32806

Project Name: Lyman Road (100)

Variance Approval:

Request for a 1) front yard setback variance from 25 feet to 12.5 feet, and a 2) side street (south) setback variance from 25 feet to 12.5 feet for a proposed 50-foot by 90-foot warehouse 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 front yard and side street (south) setbacks for a proposed 50-foot by 90-foot warehouse 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 _____, 2010.

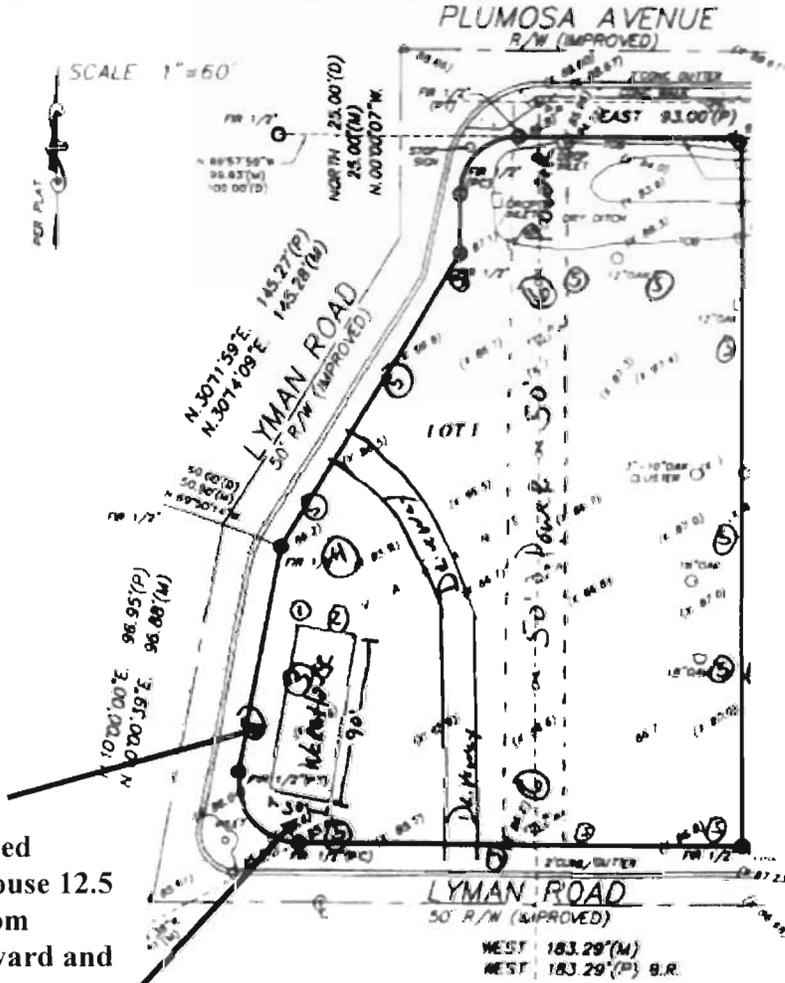
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

referred to
by "R" Holdings, Inc., Actually Working, LLC, Vose Law Firm,
P. Old Republic National Title Insurance Company issued through
Crawley's Title Fund Services, LLC, its successors and/or assigns.



SCALE 1"=60'
POB PLAT



Proposed warehouse 12.5 feet from Front yard and side street property lines.

Property Address
199 Lyman Road
Casselberry, FL 32707

Survey number: SL 106935