BS2003-028

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

(Continued from the 12/16/03 BOA public hearing)

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 101 SOUTH U.S. HIGHWAY 17/92; (TADD KASBEER, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 12-16-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 101 SOUTH HIGHWAY 17/92; (TADD KASBEER, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 101 SOUTH HIGHWAY 17/92; (TADD KASBEER, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #2, Morris) (Kathy Fall, Senior Planner)

GENERAL INFORMATION	TADD KASBEER, APPLICANT 101 SOUTH HIGHWAY 17/92 WINTER SPRINGS, FL 32708	C-2 DISTRICT, LDC SECTION 30.763(g); (MECHANICAL GARAGE)
BACKGROUND / REQUEST	• THE APPLICANT PROPOSES TO ESTABLISH A MECHANICAL GARAGE IN AN EXISTING SINGLE-STORY, 912 SF BUILDING THAT WAS PREVIOUSLY USED AS A CONVENIENCE STORE WITH GASOLINE SALES. • THE EXISTING CANOPY AND PUMP ISLANDS, TO WHICH THE EXISTING BULDING IS ATTACHED, WOULD BE CONVERTED TO A 4-BAY ENCLOSED AUTO REPAIR GARAGE. • THE EXISTING BUILDING IS LOCATED IN THE C-2 DISTRICT, WHICH ONLY ALLOWS MECHANICAL GARAGES AS CONDITIONAL USES; A SPECIAL EXCEPTION IS THEREBY REQUESTED. • THIS ITEM WAS CONTINUED FROM THE DECEMBER 16TH BOA PUBLIC HEARING IN ORDER FOR THE APPLICANT TO PROVIDE PROPOSED BUILDING ELEVATIONS AND	

ARCHITECTURAL RENDERINGS TO THE BOARD.

ZONING & FLU

DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
SITE	C-2	COMMERCIAL	VACANT BUILDING
NORTH	CITY OF CASSELBERRY	COMMERCIAL	VACANT BUILDING
SOUTH	C-2	COMMERCIAL	RETAIL
EAST	CITY OF CASSELBERRY	COMMERCIAL	AUTO SERVICE
WEST	CITY OF CASSELBERRY	COMMERCIAL	AUTO SERVICE

STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)

THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:

IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:

THE PROPOSED USE WOULD REPRESENT THE CONVERSION OF AN ABANDONED CONVENIENCE STORE WITH GASOLINE SALES TO A MECHANICAL GARAGE. ABUTTING PROPERTIES ALONG THIS SEGEMENT OF U.S. 17/92 ARE CHARACTERIZED BY AUTOMOBILE SERVICE AND REPAIR FACILITIES SIMILAR TO THE USE PROPOSED. FOR THIS REASON, STAFF DOES NOT BELIEVE THE PROPOSED MECHANICAL GARAGE WOULD BE DETRIMENTAL TO THE CHARACTER OF SURROUNDING DEVELOPMENT.

DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:

A CONVENIENCE MARKET WITH GASOLINE PUMPS, APPROXIMATLEY 1000 SF IN SIZE, GENERATES BETWEEN 71 AND 73 TRIPS PER PEAK (A.M. AND P.M.) HOUR OF OPERATION. BY COMPARISION, A MECHANICAL GARAGE GENERATES BETWEEN 11 AND 16 TRIPS PER PEAK (A.M. AND P.M.) HOUR OF OPERATION. THEREFORE, THE PROPOSED MECHANICAL GARAGE WOULD HAVE LESS TRAFFIC IMPACT THAN THE PREVIOUSLY APPROVED CONVENIENCE STORIE WITH GASOLINE SALES.

IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:

THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES COMMERCIAL FUTURE LAND USE AS

	APPROPRIATE FOR A VARIETY OF COMMERCIAL USES (INCLUDING MECHANICAL GARAGES) THAT ARE LOCATED AT THE INTERSECTIONS OF MAJOR ROADWAYS AND ALONG MAJOR ROADWAYS AS INFILL DEVELOPMENT WHERE THE USE IS ALREADY ESTABLISHED. WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED MECHANICAL GARAGE WOULD BE CONSISTENT WITH THIS DESCRIPTION, GIVEN THE SUBJECT PROPERTY'S LOCATION AT THE INTERSECTION OF STATE ROAD 434 AND U.S. 17/92, WHICH ARE BOTH DEFINED AS PRINCIPAL ARTERIALS BY THE LAND DEVELOPMENT CODE. ***MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:*** BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE C-2 DISTRICT. ***WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:*** WITHIN THE C-2 DISTRICT, MECHANICAL GARAGES ARE ALLOWED AS CONDITIONAL USES. WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED USE WOULD BE CONSISTENT WITH ABUTTING AUTOMOTIVE LAND USES, WHICH ARE SIMILAR IN CHARACTER AND APPEARANCE.

STAFF FINDINGS	• THE PROPERTY IS SERVED BY EXISTING ON-SITE WELL AND SEPTIC SYSTEMS.
	• THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN.
	• THE PROPERTY WAS PREVIOUSLY DEVELOPED AS A CONVENIENCE STORE WITH GASOLINE SALES.
	• IN EVALUATING THIS REQUEST, STAFF HAS DETERMINED THE FOLLOWING:
	  ○ WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED USE WOULD NOT HAVE AN ADVERSE IMPACT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS OR VOLUMES;
	  ○ THE PROPOSED USE WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF COMMERCIAL FLU FOR THE SUBJECT PROPERTY;
	  ○ THE PROPOSED USE WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND
	  ○ THE PROPOSED USE WOULD BE COMPATIBLE WITH THE COMMERCIAL CHARACTER OF DEVELOPMENT ALONG THE U.S. 17/92 CORRIDOR.

STAFF RECOMMENDATION	STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST FOR SPECIAL

	EXCEPTION BASED ON THE FINDINGS PRESENTED. STAFF FURTHER RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS: ○ AUTOMOTIVE WORK SHALL INCLUDE MECHANICAL REPAIRS AND SERVICE. PAINT AND BODY REPAIR SHALL BE PROHIBITED; ○ ALL AUTOMOTIVE WORK SHALL BE CONDUCTED WITHIN THE ENCLOSED PRINCIPAL BUILDING; ○ THE OUTDOOR STORAGE OF VEHICLES AND / OR SERVICE EQUIPMENT SHALL BE PROHIBITED; AND ○ THE PROPOSED USE SHALL BE IN CONFORMITY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.

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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BS 2003-028

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

COPY

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☐ **VARIANCE**

☒ **SPECIAL EXCEPTION** for the establishment of a mechanical garage in a C-2 (Retail Commercial District).

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT
MOBILE HOME IS FOR
YEAR OF MOBILE HOME SIZE OF MOBILE HOME
ANTICIPATED TIME MOBILE HOME IS NEEDED
PLAN TO BUILD ☐ YES ☐ NO IF SO WHEN
MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	Steve Ayers, AM Realty	Tadd Kasbeer, Zev Cohen & Assoc.
ADDRESS	Investments, LLC.	55 Seton Trail
	125 Basin St., Suite 210	Ormond Beach, FL 32176
PHONE 1	Daytona Beach, FL 32114	386/677-2482
PHONE 2	~~386-267-8473~~	386/316-2553
E-MAIL		tkasbeer@zevcohen.com

PROJECT NAME: Goodyear Tire at US 17/92 and SR 434.

SITE ADDRESS: 101 S. US Highway 17/92, Longwood, FL

CURRENT USE OF PROPERTY: Abandoned gas station and car wash

LEGAL DESCRIPTION:

SIZE OF PROPERTY: 0.70 acre(s) PARCEL I.D. 26-20-30-SAR-0D00-0170

UTILITIES: ☒ WATER ☐ WELL ☒ SEWER ☐ SEPTIC TANK ☐ OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS None known

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on ~~Nov 24, 2003~~ Dec 15, 03 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Steve Ayers 10-4-03

SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent

ADDITIONAL VARIANCES

VARIANCE 2

VARIANCE 3

VARIANCE 4

VARIANCE 5

VARIANCE 6

VARIANCE 7

VARIANCE 8

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

_____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING

FEE: _____ COMMISSON DISTRICT _____ FLU / ZONING _____

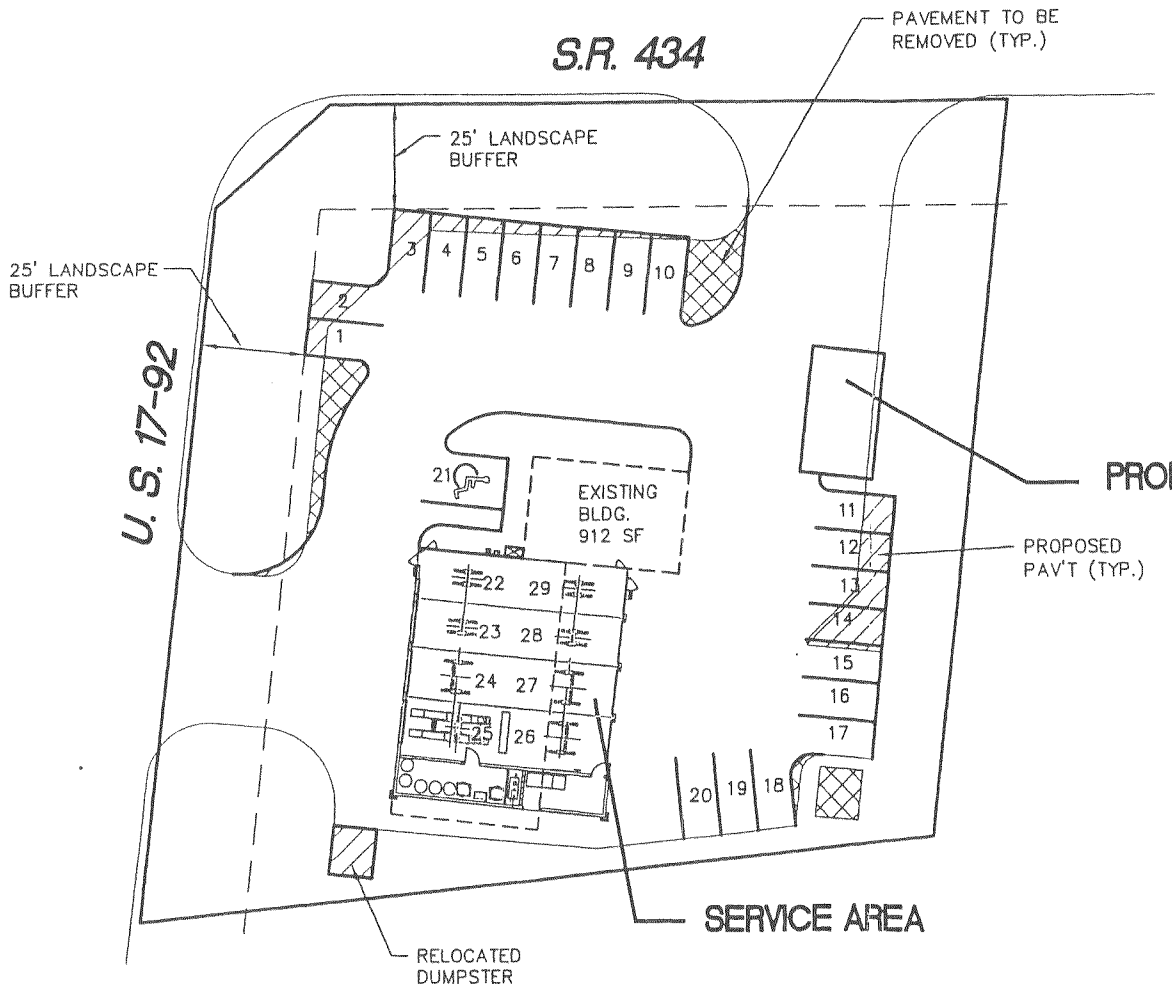
LOCATION FURTHER DESCRIBED AS _____

PLANNER _____ DATE _____

SUFFICIENCY COMMENTS _____

GOODYEAR 17-92 AND 434 SITE

SEMINOLE COUNTY, FLORIDA



NORTH

SCALE: 1" = 30'

PARKING REQUIREMENTS
(3 SPACES / BAY)
+ 1 SP/200SF RETAIL = 29 SPACES

PARKING PER PLAN = 29 SPACES

PROP. PAV'T = 920SF±

PAV'T REMOVAL = 620SF±

NET IMPERVIOUS GAIN = 300SF±

NOTES:

LOCATION OF EXISTING IMPROVEMENTS APPROXIMATE, SCALED FROM AERIAL PHOTOGRAPHY AND FIELD REVIEWED ON 9/11/03.

EXISTING BUILDING AREAS PER SEMINOLE COUNTY, FLORIDA PROPERTY APPRAISER.

CONCEPT SKETCH

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2505
ENGINEERS (EB 4516) · PLANNERS · LANDSCAPE ARCHITECTS (LC 62)

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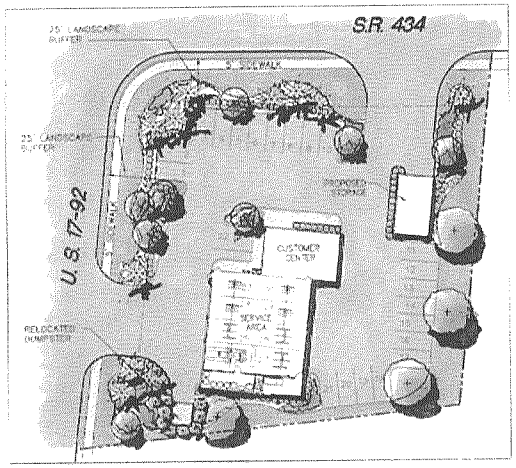
03122EX1

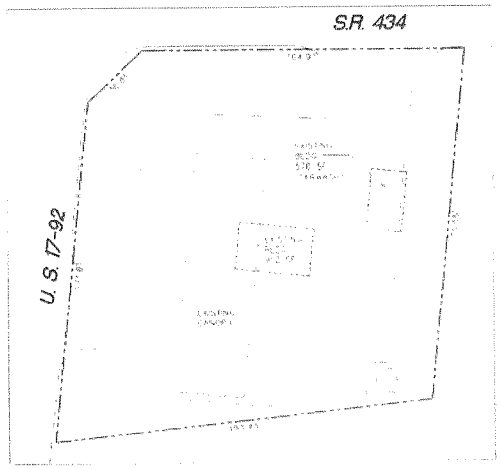
GOODYEAR

17-92 & 434 SITE

SEMINOLE COUNTY, FLORIDA

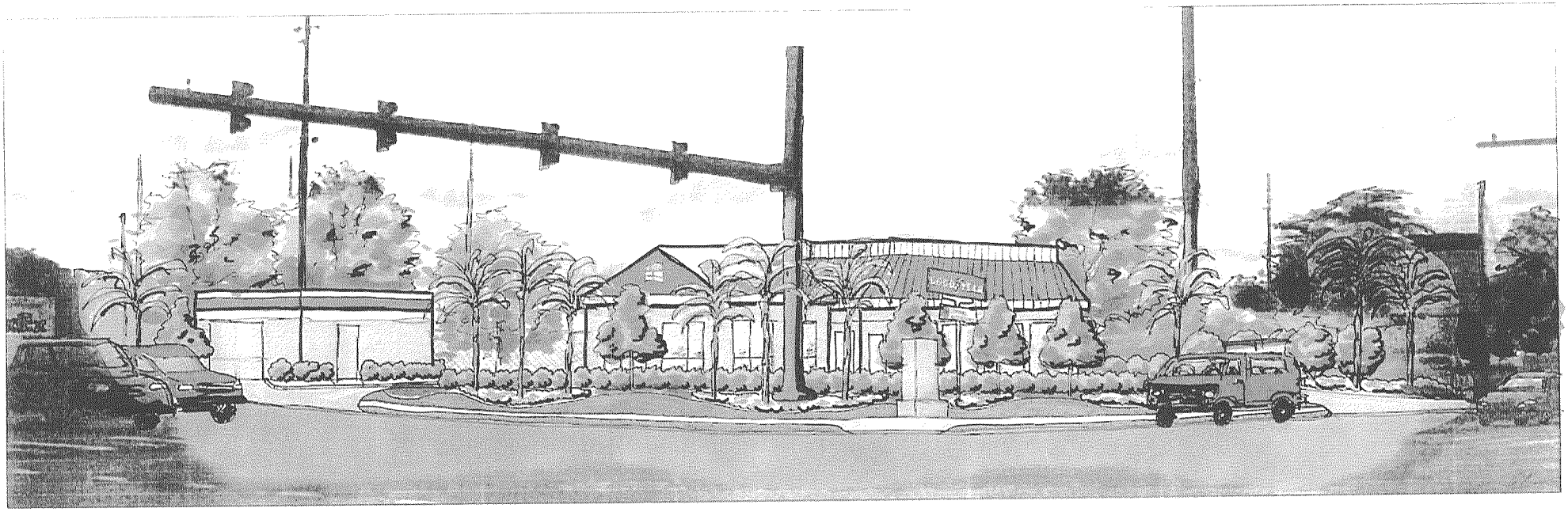


SITE PLAN



EXISTING CONDITIONS

View of Site Before Improvements



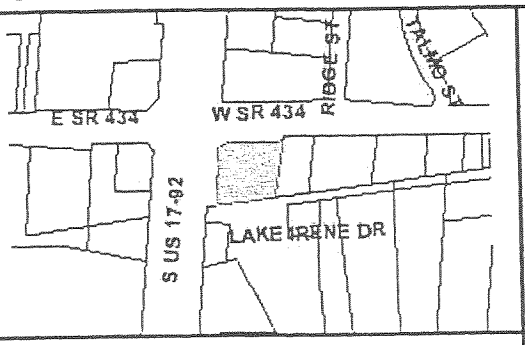
View of Site After Improvements

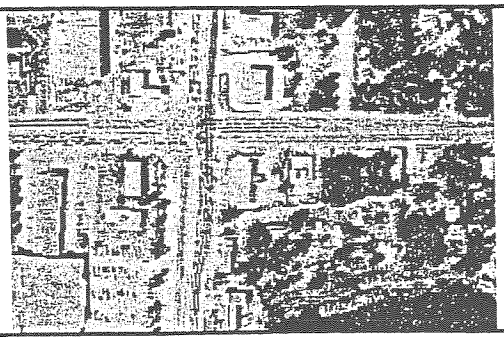
ZEV COHEN & ASSOCIATES, INC
January 2004

Personal Property Please Select Account

PARCEL DETAIL | REAL ESTATE | PERSONAL PROP. | TAX ROLL | SALES SEARCH | Back

Seminole County
Property Appraiser Services
1101 E. First St.
Sanford FL 32771
407-665-7506





GENERAL

Parcel Id: 26-20-30-5AR-0D00-0170
Tax District: 04-COUNTY 17-92 REDVDST
Owner: MOBIL OIL CORPORATION
Exemptions:
Address: PO BOX 4973
City,State,ZipCode: HOUSTON TX 77210
Property Address: 101 17-92 S WINTER SPRINGS 32708
Facility Name: MOBIL
Dor: 2601-GAS/CONVENIENCE STOR

2004 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	2
Depreciated Bldg Value:	$84,607
Depreciated EXFT Value:	$34,252
Land Value (Market):	$212,156
Land Value Ag:	$0
Just/Market Value:	$331,015
Assessed Value (SOH):	$331,015
Exempt Value:	$0
Taxable Value:	$331,015

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	07/1984	01570	1272	$335,000	Improved

Find Comparable Sales within this DOR Code

2003 VALUE SUMMARY

2003 Tax Bill Amount: $5,702
2003 Taxable Value: $332,612

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	30,308	7.00	$212,156

LEGAL DESCRIPTION PLAT

LEG BEG INT S LI LOT 17 + E R/W HWY 17-92 RUN NLY ON HWY 174.46 FT N 48 DEG 23 MIN

28 SEC E 36.81 FT E 164.97 FT S 5 DEG 47 MIN 30 SEC W 175.55 FT S 83 DEG 55 MIN W

193.43 FT TO BEG BLK D DR MITCHELLS SURVEY OF THE LEVY GRANT

PB 1 PG 5

BUILDING INFORMATION

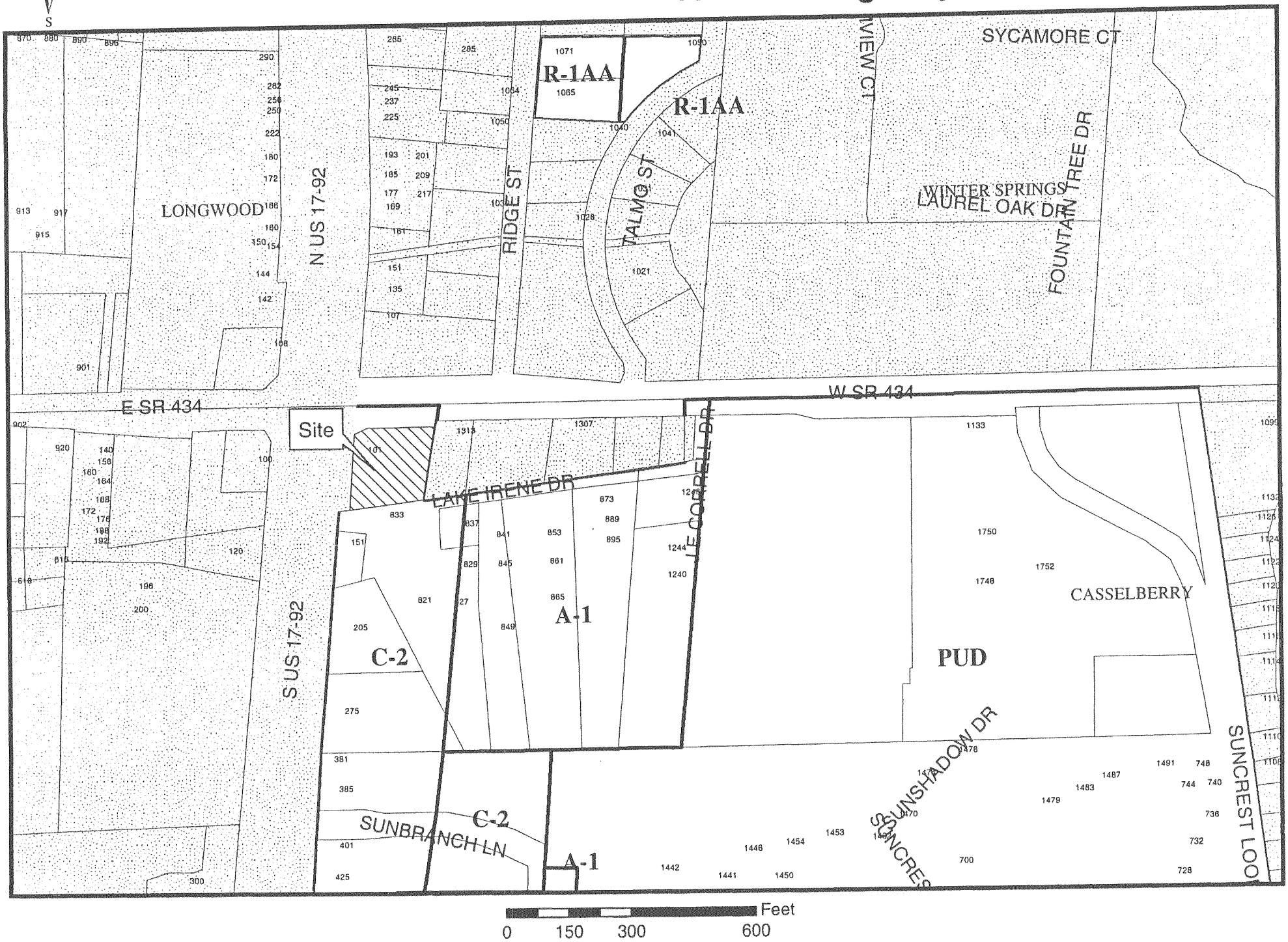
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1988	3	912	1	CONCRETE TILT UP - MASONRY	$46,552	$57,828
2	MASONRY PILAS	1988	0	576	1	CONCRETE TILT UP - MASONRY	$38,055	$47,273

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1988	17,099	$8,515	$14,192
COMMERCIAL CONCRETE DR 4 IN	1988	1,920	$2,304	$3,840
CANOPY GOOD COMM	1988	4,224	$20,275	$50,688
WALKS CONC COMM	1988	804	$965	$1,608
BRICK WALKWAY	1988	270	$648	$1,080
POLE LIGHT STEEL	1988	5	$700	$700
POLE LIGHT STEEL	1988	1	$154	$154
BRICK WALL	1988	192	$691	$1,152

NOTE: *Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.*

Tadd Kasbeer
101 S. US Highway 17/92



Parcel: 26-20-30-5AR-0D00-0170

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BS2003-028

FILE # BV2003-028 DEVELOPMENT ORDER # 03-32000038

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG BEG INT S LI LOT 17 + E R/W HWY 17-92 RUN NLY ON HWY 174.46 FT N 48 DEG 23 MIN 28 SEC E 36.81 FT E 164.97 FT S 5 DEG 47 MIN 30 SEC W 175.55 FT S 83 DEG 55 MIN W 193.43 FT TO BEG BLK D DR MITCHELLS SURVEY OF THE LEVY GRANT
PB 1 PG 5

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

FINDINGS OF FACT

Property Owners: MOBIL OIL CORPORATION
P.O. BOX 4973
HOUSTON, TX 77210

Project Name: 101 SOUTH U.S. HIGHWAY 17/92

Requested Development Approval:

SPECIAL EXCEPTION TO ESTABLISH A MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 101 SOUTH HIGHWAY 17/92, AS DEPICTED ON THE ATTACHED SITE PLAN.

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 aforedescribed property.

Prepared by: Kathy Fall
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:

1. AUTOMOTIVE WORK SHALL INCLUDE MECHANICAL REPAIRS AND SERVICE. PAINT AND BODY REPAIR SHALL BE PROHIBITED;
2. ALL AUTOMOTIVE WORK SHALL BE CONDUCTED WITHIN THE ENCLOSED PRINCIPAL BUILDING;
3. THE OUTDOOR STORAGE OF VEHICLES AND / OR SERVICE EQUIPMENT SHALL BE PROHIBITED;
4. THE OUTDOOR STORAGE OF VEHICLES AND / OR SERVICE EQUIPMENT SHALL BE PROHIBITED; AND
5. THE PROPOSED USE SHALL BE IN CONFORMITY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.

(4) This Development Order touches and concerns the aforedescribed 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: _____
Matthew West
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 _____, 2004.

_____
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Mobil Oil Corporation, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

_____ _____
Witness Authorized Agent or Trustee

_____
Witness

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 Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____day of _____, 2004.

_____

Notary Public, in and for the County and State Aforementioned

My Commission Expires: