

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

(Continued from the 6/28/04 hearing)

SUBJECT: REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 12 FEET FOR A PROPOSED CANOPY ROOF OVER AN EXISTING GROUNDWATER REMEDIATION COMPOUND IN THE C-2 (RETAIL COMMERCIAL DISTRICT); (TIM SMITH, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 07-26-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 12 FEET FOR A PROPOSED CANOPY ROOF OVER AN EXISTING GROUNDWATER REMEDIATION COMPOUND IN THE C-2 (RETAIL COMMERCIAL DISTRICT); (TIM SMITH, APPLICANT); OR
2. **DENY** REQUEST FOR SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 12 FEET FOR A PROPOSED CANOPY ROOF OVER AN EXISTING GROUNDWATER REMEDIATION COMPOUND IN THE C-2 (RETAIL COMMERCIAL DISTRICT); (TIM SMITH, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	TIM SMITH, TERRA-COM ENVIRONMENTAL CONSULTING, INC. 8000 U.S. 17-92 C-2 (RETAIL COMMERCIAL DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANT ERECTED A GROUNDWATER REMEDIATION COMPOUND THAT ENCROACHES 13 FEET INTO THE MINIMUM 25 FOOT SIDE STREET SETBACK; THE COMPOUND IS NOT CONSIDERED A STRUCTURE, SO THE SIDE STREET SETBACK STANDARD DOES NOT APPLY. • ACCORDING TO THE SUBMITTED SURVEY, THE COMPOUND ALSO ENCROACHES ONTO THE ADJACENT PARCEL TO THE WEST. • THE STATED VARIANCE IS REQUESTED TO ALLOW THE 	

	<p>CONSTRUCTION OF A CANOPY OVER THE EXISTING COMPOUND.</p> <ul style="list-style-type: none"> • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY. • ON JUNE 28, 2004, THE BOA CONTINUED THIS ITEM BY REQUEST OF THE APPLICANT AND STAFF TO ALLOW THE SUBMITTAL OF A REVISED SITE PLAN AND ADEQUATE PUBLIC NOTICE TO BE PROVIDED.
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"> • THE GROUNDWATER REMEDIATION COULD HAVE BEEN BUILT TO ALLOW THE CONSTRUCTION OF A CANOPY STRUCTURE WHICH WOULD COMPLY WITH THE C-2 SIDE STREET SETBACK. • THE APPLICANT HAS FAILED TO DEMONSTRATE ANY SPECIAL CIRCUMSTANCES PARTICULAR TO THE PROPERTY OR THE PROPOSED STRUCTURE. • THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE C-2 DISTRICT. • THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
<p>STAFF RECOMMENDATION</p>	<p>AT THE TIME OF THE JUNE 28, 2004 BOA HEARING, STAFF BELIEVED A SECOND VARIANCE WOULD BE REQUIRED FOR THE PORTION OF THE COMPOUND THAT EXISTS ON THE ABUTTING PROPERTY TO THE WEST. THE APPLICANT HAS CONFIRMED THAT NO PORTION OF THE PROPOSED CANOPY WOULD ENCROACH INTO ANY MINIMUM YARD ON THIS PROPERTY, THEREBY NEGATING A SECOND VARIANCE TO REDUCE THE MINIMUM SIDE STREET SETBACK. FOR THIS REASON, STAFF RECOMMENDS THE BOARD RESUME ITS CONSIDERATION OF THIS ITEM AS ORIGINALLY ADVERTISED.</p> <p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST. IF THE BOARD SHOULD APPROVE A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> • ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED CANOPY ROOF, 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7386 FAX

APPL. NO. BV2004-095

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

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** Side street 28 Yards Area 25 FT to
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**

~~EXISTING MOBILE HOME OR IMPROVEMENTS TO EXISTING MOBILE HOME IS FOR~~
 MOBILE HOME IS FOR
~~YEAR MOBILE HOME IS ANTICIPATED TO BE MOBILE HOME IS ANTICIPATED TIME MOBILE HOME IS NEEDED~~
 ANTICIPATED TIME MOBILE HOME IS NEEDED
~~PLANNED FOR MEDICAL HARDSHIP~~
 MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
 APPEAL FROM DECISION OF THE PLANNING MANAGER

PROPERTY OWNER	SEMINOLE CO. #40	AUTHORIZED AGENT	TERRA-COM ENV.
ADDRESS	810 W. LAKE MARLY RD SANFORD, FL 32773	ADDRESS	4417 BEACH BLVD., STE 300 JAX, FL 32207
PHONE	407-665-2775	PHONE	904-396-3070

PROJECT NAME: FORMER DEWLEES AMOCO (CHEVRON FERN PARK)
 SITE ADDRESS: 8000 HIGHWAY 17/92, FERN PARK, FL
 CURRENT USE OF PROPERTY: RETAIL GASOLINE FACILITY
 LEGAL DESCRIPTION: SEE ATTACHMENT

SIZE OF PROPERTY: 0.67 ACRES (1) PARCEL I.D. 19-21-30-300-0380-0000
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER
 KNOWN CODE ENFORCEMENT VIOLATIONS

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on JUNE 28 (m/day/yr), in the Board Chambers (Room 1025) at 8:00 p.m. on the first floor of the Seminole County Service 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.

[Signature] 5/10/04
SIGNATURE OF OWNER OR AGENT DATE

* Print of owner's authorization is required with submittal if signed by agent.
mailto:planning@seminolecountyfla.gov

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487 665 2341 SC HAZARDOUS MATERIALS 15:27 MAY-05-2004

PLANNER _____ DATE _____

SUFFICIENCY COMMENTS _____

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487 665 2341 SC HAZARDOUS MATERIALS 15:27 MAY-05-2004

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: 8150 COMMISSION DISTRICT 4 FLU/ZONING LDR/RIA

LOCATION FURTHER DESCRIBED AS _____

PLANNER EM DATE MAY 10 04

SUFFICIENCY COMMENTS NEED SETBACK REQUESTED (25' to ...?)

Parcel ID #: 19-21-30-300-0380-0000

Legal Description

Legal Section 19 TWP 21 south Range 30 east beginning 304.45 ft north + 1,058.25 ft east of southwest corner of northwest $\frac{1}{4}$

Of northeast $\frac{1}{4}$ run north 21 degree 19 minutes E 211.07 ft southeasterly on Ridge Rd. 155.23 ft South 9 degrees.

40 minutes 22 seconds east 33.78 ft southwesterly on Highway 17-92 146.28 ft north 83 degrees 44 minutes 30 seconds west 135 ft to beginning.



TERRA-COM

Environmental Consulting, Inc.

May 10, 2004

TERRA-COM No. 2004-0004

Mr. Earnest McDonald
Seminole County Planning and Development Dept.
Planning Division
1101 East First Street
Sanford, Florida 32771

RE: Variance Request, Former Dewlee's Amoco (a.k.a. Chevron Fern Park), 8000 Highway 17/92, Fern Park, Florida; Florida Department of Environmental Protection (FDEP) Facility Identification Number 598840397

Mr. McDonald:

TERRA-COM Environmental Consulting, Inc. (TERRA-COM) is requesting a setback variance from the required 25 feet for a groundwater remediation compound located at the Chevron Fern Park property at 8000 Highway 17/92 in Fern Park, Florida. The property itself is currently operated as a retail gasoline facility and is owned by Coastal Acquisitions, Inc. A groundwater remediation compound is maintained by TERRA-COM and managed/owned by the Seminole County Public Health Department. The compound is necessary for the general public health and its purpose is to cleanup contaminated groundwater in the shallow aquifer located within the aforementioned property.

The compound is located on the western boundary of the property and was originally constructed in 1991. The compound is a concrete slab, enclosed by a chain link fence and contains compressors and pumps necessary for the groundwater cleanup process. Modifications have been made to this compound as recently as 2003 and currently the Seminole County Public Health Department has requested that a roof be placed over the compound to protect the remediation equipment and reduce the noise levels of the equipment.

In the process of attempting to obtain the appropriate permits to construct the roof, TERRA-COM was made aware of the Seminole County setback requirement and that the current compound is in violation of this setback rule. As a result, TERRA-COM is requesting this variance on behalf of the Seminole County Public Health Department, in order to continue to maintain the current compound and to allow a roof to be constructed above said compound.

Figure 1 is provided to illustrate the property and location of the existing compound. This figure is a rough draft of a recently conducted professional land survey. As seen in

Ms. Karen Ashton
Petroleum Cleanup Section
March 25, 2004
Page 2

this figure, portions of the compound in question appear to be located on the adjoining property. TERRA-COM believes that this adjoining property is owned by the Crossroads Baptist Church. TERRA-COM is currently attempting to contact the property owner and notify them of the oversight in order to resolve this property issue. A legal description of the property and Parcel Identification Number is provided in **Appendix A**. A check covering the \$150 variance application fee will be mailed out tomorrow, May 11, 2004.

Respectfully,

TERRA-COM ENVIRONMENTAL CONSULTING, INC.



Tim Smith, P.E.
Vice President of Engineering

Attachments: Appendix A – Figure, Property Description and Variance Application

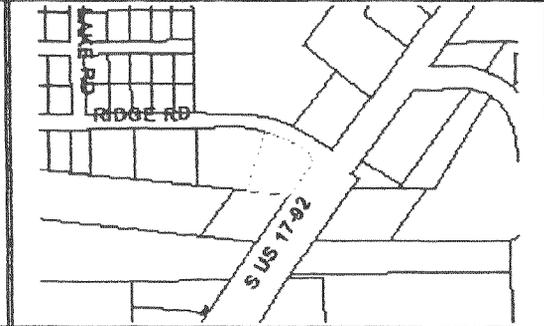
cc: Scott Janashak, First Coast Energy, L.L.P.
Jim Hiltz, APEC, Inc.
File – Gainesville
File – Jacksonville

Personal Property Please Select Account

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH
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Seminole County
 Property Appraiser
 Services
 1101 E. First St.
 Sanford, FL 32771
 407-365-7506



GENERAL

Parcel Id: 19-21-30-300-0380-0000 **Tax District:** 04-COUNTY 17-92 REDVDST
Owner: COASTAL ACQUISITIONS INC **Dor:** 2601-GAS/CONVENIENCE STOR
Address: 1201 OAKFIELD DR
City, State, Zip Code: BRANDON FL 33509 **Exemptions:**
Property Address: 8000 17-92 FERN PARK 32730
Facility Name:

VALUE SUMMARY

Value Method
 Number of Buildings
 Depreciated Bldg Value
 Depreciated EXFT Value
 Land Value (Market)
 Land Value Ag
 Just/Market Value
 Assessed Value (SOH)
 Exempt Value
 Taxable Value
 Tax Bill Amount

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	01/2002	04274	1340	\$600,000	Improved
WARRANTY DEED	09/1987	01892	1992	\$350,000	Improved
WARRANTY DEED	12/1986	01886	0280	\$100	Improved
WARRANTY DEED	04/1985	01632	0802	\$330,000	Improved
WARRANTY DEED	11/1983	01503	1852	\$75,000	Improved

Find Comparable Sales within this DOR Code

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	29,313	7.00	\$205,191

LEGAL DESCRIPTION

LEG SEC 19 TWP 21S RGE 30E
 + 1058.25 FT E OF SW COR OF
 OF NE 1/4 RUN N 21 DEG 19 MI
 SELY ON RIDGE RD 155.23 FT :
 40 MIN 22 SEC E 33.78 FT SWL
 146.28 FT N 83 DEG 44 MIN 30 :
 FT TO BEG

BUILDING INFORMATION

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost
1	MASONRY PILAS	1988	4	1,058	1	BRICK COMMON - MASONRY	\$54,387	\$6
2	MASONRY PILAS	1988	0	528	1	BRICK COMMON - MASONRY	\$30,018	\$3

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1988	18,539	\$9,232	\$15,387
POLE LIGHT ALUMINUM	1988	8	\$1,680	\$1,680
CANOPY GOOD COMM	1988	3,296	\$15,821	\$39,552

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 28, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 19 TWP 21S RGE 30E BEG 304.45 FT N + 1058.25 FT E OF SW COR OF NW ¼ OF NE 1/4 RUN N 21 DEG 19 MIN E 211.07 FT SELY ON RIDGE RD 155.23 FT S 9 DEG 40 MIN 22 SEC E 33.78 FT SWLY ON HWY 17-92 146.28 FT N 83 DEG 44 MIN 30 SEC W 135 FT TO BEG

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

FINDINGS OF FACT

Property Owner: COASTAL ACQUISITIONS INC.
1201 OAKFIELD DRIVE
BRANDON, FL 33509

Project Name: HIGHWAY 17-92 (8000)

Requested Development Approval:

SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 12 FEET FOR AN EXISTING GROUNDWATER REMEDIATION COMPOUND IN THE C-2 (RETAIL COMMERCIAL DISTRICT) 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: Francisco Torregrosa, 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:

1. The variance granted will apply only to the proposed canopy roof, as shown 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: _____
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: