

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD; (SUE WALSH, APPLICANT).

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

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

Agenda Date 12-13-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD; (SUE WALSH, APPLICANT); OR
2. **DENY** THE REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD; (SUE WALSH, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	SUE WALSH, APPLICANT FOR JOHN RUTHEFORD, OWNER 9176 OVERLAND ROAD	C-2 DISTRICT, LDC SECTION 30.763(g); (MECHANICAL GARAGES)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT REQUESTS AN AMENDMENT TO A SPECIAL EXCEPTION TO ALLOW THE TEMPORARY STORAGE OF VEHICLES IN CONJUNCTION WITH AN APPROVED MECHANICAL GARAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD. • THE PARCEL WAS APPROVED FOR SPECIAL EXCEPTIONS TO ALLOW MECHANICAL GARAGES, LIVING QUARTERS, OFFICE, RETAIL, AND AUTO BODY REPAIR DURING THE JULY 2004 REGULAR MEETING OF THE BOARD OF ADJUSTMENT. • ON OCTOBER 4, 2004, THE BOARD OF ADJUSTMENT APPROVED A SPECIAL EXCEPTION FOR A PAINT AND BODY SHOP AT 2441 ORANGE BLOSSOM TRAIL. DURING THE HEARING, THE BOARD RAISED THE ISSUE 	

OF WHAT CONSTITUTED A "JUNKED" VEHICLE AS PROHIBITED IN THE PROPOSED DEVELOPMENT ORDER. IT WAS DETERMINED BY THE BOARD THAT NO VEHICLES SHOULD BE ALLOWED TO REMAIN ON THE PREMISES FOR A PERIOD LONGER THAN ONE YEAR. THIS CONDITION WAS ADDED TO THE DEVELOPMENT ORDER.

- THE APPLICANT WISHES TO ADOPT THE SAME CONDITIONS TO THEIR DEVELOPMENT ORDER TO ADDRESS ON-GOING CODE ENFORCEMENT ACTION ON THE PREMISES.

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
		SITE	C-2	COMMERCIAL
	NORTH	C-2	COMMERCIAL	HOTEL/MOTEL
	SOUTH	C-2	COMMERCIAL	NIGHT CLUB
	EAST	C-2	COMMERCIAL	VACANT / COMMERCIAL
	WEST	ORANGE COUNTY	ORANGE COUNTY	COMMERCIAL

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 REQUESTED CHANGES TO THE DEVELOPMENT ORDER FOR THE SPECIAL EXCEPTION WOULD EXPEDITE BRINGING INTO COMPLIANCE A SITE HISTORICALLY USED FOR SECURITY LIVING QUARTERS, RETAIL SALES, OFFICE AND AUTO BODY PAINT AND REPAIR.

PROPERTIES ALONG THE ABUTTING SEGMENT OF OVERLAND ROAD AND STATE ROAD 441 ARE CHARACTERIZED BY MIXED COMMERCIAL DEVELOPMENT, INCLUDING SIMILAR AUTOMOBILE SERVICE AND REPAIR FACILITIES, GENERAL COMMERCIAL, AND WAREHOUSE USES. FOR THIS REASON, STAFF BELIEVES THE EXISTING USES ON THE SITE AND THE PROPOSED CHANGES IN DEVELOPMENT ORDER CONDITIONS ARE CONSISTENT WITH THE CHARACTER OF SURROUNDING DEVELOPMENT.

	<p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER ARE NOT EXPECTED TO GENERATE MORE PEAK HOUR TRAFFIC THAN THAT WHICH IS CURRENTLY APPROVED. STAFF HAS CONFIRMED THAT ADEQUATE CAPACITY EXISTS ALONG THE ABUTTING SEGMENT OF OVERLAND ROAD TO ACCOMMODATE THE EXISTING USES.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES COMMERCIAL FUTURE LAND USE AS APPROPRIATE FOR A VARIETY OF COMMERCIAL USES (INCLUDING MECHANICAL GARAGES, LIVING QUARTERS FOR SECURITY PURPOSES AND PAINT AND BODY SHOPS) THAT ARE LOCATED AT THE INTERSECTIONS OF MAJOR ROADWAYS AND ALONG MAJOR ROADWAYS AS INFILL DEVELOPMENT WHERE THE USE IS ALREADY ESTABLISHED.</p> <p>WITH THE IMPOSITION OF STAFF'S AMENDED RECOMMENDED CONDITIONS, THE EXISTING USES COULD BE MADE TO COMPLY WITH THIS DESCRIPTION OF INFILL DEVELOPMENT, GIVEN THE SUBJECT PROPERTY'S LOCATION ADJACENT TO STATE ROAD 441, WHICH IS DEFINED AS A PRINCIPAL ARTERIAL ROADWAY.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE C-2 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>WITHIN THE C-2 DISTRICT, MECHANICAL GARAGES, LIVING QUARTERS FOR SECURITY PURPOSES AND PAINT AND BODY SHOPS ARE ALLOWED AS SPECIAL EXCEPTION USES. WITH THE IMPOSITION OF STAFF'S AMENDED RECOMMENDED CONDITIONS, THOSE USES WOULD STILL BE CONSISTENT WITH ABUTTING MIXED COMMERCIAL USES, WHICH ARE SIMILAR IN CHARACTER AND APPEARANCE.</p>
STAFF FINDINGS	IN THE EVALUATION OF THIS APPLICATION, STAFF HAS DETERMINED THE FOLLOWING:

	<ul style="list-style-type: none">• THE PROPERTY IS CURRENTLY SERVED BY WELL AND SEPTIC SYSTEMS.• THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN.• THE PROPERTY HAS BEEN USED AS A MECHANICAL GARAGE, LIVING QUARTERS FOR SECURITY PURPOSES AND PAINT AND BODY SHOP OVER THE LAST FIVE (5) YEARS; IT IS CONSISTENT WITH THE TREND OF MIXED COMMERCIAL DEVELOPMENT, GENERAL COMMERCIAL, AND WAREHOUSE USES ALONG OVERLAND ROAD AND STATE ROAD 441.• WITH THE IMPOSITION OF STAFF'S AMENDED RECOMMENDED CONDITIONS, THE PROPOSED USES WOULD NOT HAVE AN ADVERSE IMPACT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS OR VOLUMES.• THE EXISTING USES ARE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF COMMERCIAL FUTURE LAND USE FOR THE SUBJECT PROPERTY, AND THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER CONDITIONS WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST.
STAFF RECOMMENDATION	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE FOLLOWING AMENDED CONDITIONS:</p> <ul style="list-style-type: none">○ AUTOMOTIVE WORK SHALL INCLUDE MECHANICAL REPAIR, SERVICE AND PAINT AND BODY REPAIRS;○ ALL AUTOMOTIVE WORK SHALL BE CONDUCTED WITHIN ENCLOSED PRINCIPAL STRUCTURES;○ THE OUTDOOR STORAGE OF SERVICE EQUIPMENT SHALL BE PROHIBITED;○ <u>THE OUTDOOR STORAGE OF WRECKED OR JUNKED VEHICLES FOR A PERIOD LONGER THAN ONE YEAR SHALL BE PROHIBITED; AND</u>○ THE EXISTING STRUCTURES SHALL COMPLY WITH THE COMMERCIAL BUILDING CODE.



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**
- SPECIAL EXCEPTION** Mechanical Garage, living quarters for security purpose body repair, not for retail. in C-2
- 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	John Rutherford Ford	Sue Walsh
ADDRESS	348 Rinehardt Rd. Mooresville, NC 28115	1339 Black Willow TR. Altamonte Springs FL 32714
PHONE 1	704-904-4149	407-383-9852 (cell)
PHONE 2		407-445-8144 (office)
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: 9176 Overland Rd. Apopka FL 32703

CURRENT USE OF PROPERTY: Mechanical Garage, Body repair, Car lot

LEGAL DESCRIPTION: Leg Beg 418.5 Ft n. of sw cor lot 28 Run N 181.5 Ft e 419 Ft to Rd Sely Along Rd. 155.25 Ft swly to Beg (Less Rd) McNeill's Orange Villa Pk 2 Pg 99

SIZE OF PROPERTY: 1.9 acre(s) PARCEL I.D. 17-21-29-586-0000-028 F

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 _____ (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.

Sue Walsh 6/4/04
 SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.
 I:\of\projects\boa\master forms & lists\boa applications\boa application.doc

ADDITIONAL VARIANCES

B52004-020

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: 2370 COMMISSION DISTRICT: 3 FLU/ZONING: COM/C2

LOCATION FURTHER DESCRIBED AS: ON THE WESTERN SIDE OF OVERLAND ROAD APPROX 0.1 MI NORTH OF ROCK GARDEN CIR.

PLANNER: [Signature] DATE: VB - 6/14/08

SUFFICIENCY COMMENTS _____

April 30, 2004

John Rutherford
348 Rinehardt Rd
 Mooresville NC 28115

Attn: Ernest
Address: Seminole County Planning and Development
1101 East First Street
Sanford Florida 32773
Re: Zoning Variance for Overland Road, Apopka

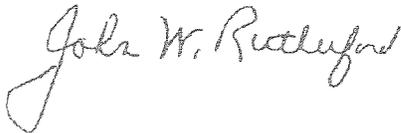
Ernest,

Sue Walsh has my permission to request variance to the zoning on the property in Apopka which is currently being used for automotive business. I would appreciate any assistance you could give her in this matter.

Please feel free to call me for any additional information or assistance you may need.

Thank you in advance for your help,

John Rutherford
704 904 4149

A handwritten signature in cursive script that reads "John W. Rutherford". The signature is written in dark ink and is positioned below the typed name and phone number.

<p>PARCEL DETAIL</p>  <p>Seminole County Property Appraiser Services 1181 E. First St. Sanford FL 32771 407-665-2506</p>	<p>REAL ESTATE PERSONAL PROPERTY TAXES MISCELLANEOUS</p> 	<p>◀ Back ▶</p> 																																													
<p>GENERAL</p> <p>Parcel Id: 17-21-29-5BG-0000-028F Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: RUTHERFORD JOHN W Exemptions:</p> <p>Address: 1117 WALL BRIDGE LP</p> <p>City,State,ZipCode: CLARKESVILLE GA 30523</p> <p>Property Address: 385 OLD US 441</p> <p>Facility Name:</p> <p>Dor: 27-AUTO SALE AND SERVIC</p>		<p>2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 2</p> <p>Depreciated Bldg Value: \$34,521</p> <p>Depreciated EXFT Value: \$1,080</p> <p>Land Value (Market): \$138,795</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$174,396</p> <p>Assessed Value (SOH): \$174,396</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$174,396</p>																																													
<p>SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/1998</td> <td>03464</td> <td>1630</td> <td>\$170,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1998</td> <td>03417</td> <td>0376</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>09/1992</td> <td>02477</td> <td>1301</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1988</td> <td>01977</td> <td>1058</td> <td>\$190,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1982</td> <td>01390</td> <td>1748</td> <td>\$100,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1970</td> <td>00792</td> <td>0062</td> <td>\$13,500</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/1998	03464	1630	\$170,000	Improved	QUIT CLAIM DEED	04/1998	03417	0376	\$100	Improved	CERTIFICATE OF TITLE	09/1992	02477	1301	\$100	Improved	WARRANTY DEED	07/1988	01977	1058	\$190,000	Improved	WARRANTY DEED	04/1982	01390	1748	\$100,000	Improved	WARRANTY DEED	01/1970	00792	0062	\$13,500	Improved	<p>2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$2,965</p> <p>2003 Taxable Value: \$172,948</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>			
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of that, 12% would be developed for the buildings, 46% total impervious area and 54% would remain open space. He also stated that staff's objection was due to incompatibility with the surrounding uses. He further stated that to the south of the property was an office park under construction, to the east were railroad tracks, to the west of the property the YMCA is currently doing a major renovation and to the north the property is currently single family homes. He also stated that everything north of the property would be compensating storage, retention pond or conservation easement, and they would give ample setback and buffer for the A-1 zoned property (single family homes). He further stated that the owner, Mr. Ronald Edwards currently has a dry wall company and he would like to use 5,000 square feet of the building for his business. He also stated that the building would have a Commercial look to it, the building will be mansard and stucco with a glass store front look, the warehouse would be in the back of each bay. He lastly stated that if the special exception was not granted, they had the ability to continue with C-2 (Retail Commercial Zoning) and they had enough parking, if it is granted they would be able to eliminate some of the parking spacing and save some of the trees along Longwood Lake Mary Road.

Sidney Young, owner, stated that what they would like to do is have an office building with storage in the back for the offices. He also used a carpet installer as type of business that they would welcome to this facility. He further stated that they would comply with the Land Development Code and they wanted a nice looking establishment.

Mrs. Buchanan made a motion to approve the request according to staff recommendations for development.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

- 25. 9176 OVERLAND ROAD, APOPKA - Sue Walsh, applicant; Request for special exception to establish a mechanical garage, living quarters for security purposes, and a paint and body shop in the C-2 (Retail Commercial District); Located on the west side of Overland Road, approximately 400 feet south of the intersection of US 441 and Overland Road; (BS2004-020).**

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated the owner was cited by Code Enforcement on March 22, 2004 for operating without the required special exception. He also stated that staff recommended approval of the request for special exception with the following conditions:

- Automotive work shall include mechanical repair, service and paint and body work.
- All automotive work shall be conducted within enclosed principle structures.
- The outdoor storage of service equipment or junk vehicles shall be prohibited.

- The existing structures shall comply with the Commercial Building Code.

Sue Walsh stated that she had a letter from the previous owners stating auto repair was previously conducted on the property. She also stated that for the past 6 years they have operated a mechanic shop, body repair and have housed a security guard there. She further stated that they were not aware that they needed a special exception, until Code Enforcement made them aware.

Mr. Bass made a motion to approve the request.

Mrs. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

APPROVAL OF MINUTES

Mr. Bushrui made a motion to approve the June 28, 2004 minutes.

Mr. Bass seconded the motion the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of Adjournment was 8:55 P.M.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 13, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG BEG 418.5 FT N OF SW COR LOT 28 RUN N 181.5 FT E 419 FT TO RD SELY ALONG RD 155.25 FT SWLY TO BEG (LESS RD) MC NEILS ORANGE VILLA PB 2 PG 99

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

FINDINGS OF FACT

Property Owner: JOHN RUTHEFORD
1117 WALL BRIDGE LP
CLARKESVILLE, GA 30523

Project Name: OVERLAND ROAD (9176)

Requested Development Approval:

SPECIAL EXCEPTION TO ESTABLISH A MECHANICAL GARAGE, LIVING QUARTERS FOR SECURITY PURPOSES AND A PAINT AND BODY SHOP IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT 9176 OVERLAND ROAD, 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 aforescribed property.

Prepared by: Francisco Torregrosa
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, SERVICE AND PAINT AND BODY REPAIR;
2. ALL AUTOMOTIVE WORK SHALL BE CONDUCTED WITHIN THE ENCLOSED PRINCIPAL STRUCTURES;
3. THE OUTDOOR STORAGE OF SERVICE EQUIPMENT SHALL BE PROHIBITED;
4. THE OUTDOOR STORAGE OF WRECKED OR JUNK VEHICLES FOR A PERIOD LONGER THAN ONE YEAR SHALL BE PROHIBITED.; AND
5. THE EXISTING STRUCTURES SHALL COMPLY WITH THE COMMERCIAL BUILDING CODE.

(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.

(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: