

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1157 West SR 436 – Charles Colter, applicant; Request for a front yard (north) setback variance from 25 feet to 6 feet for a proposed open pavilion in C-2 (Commercial) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 4/28/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard (north) setback variance from 25 feet to 6 feet for a proposed open pavilion in C-2 (Commercial) district; or
2. **Approve** the request for a front yard (north) setback variance from 25 feet to 6 feet for a proposed open pavilion in C-2 (Commercial) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning: Subdivision:	Charles Colter, Super Street Performance Auto CSR LLC 1157 West SR 436 C-2 Commercial N/A
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a pavilion that will encroach 19 feet into the required 25-foot front yard (double frontage) setback. • The pavilion will go over existing pavement that was recently placed without site plan approval therefore staff has made site plan review through Development Review division a condition of approval. • A special exception was approved to permit an auto repair facility and machine shop (currently operating as Super Street Performance Auto) within the existing 	

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	<p>building. The conditions of this special exception are that no work may be performed outside and that the septic system must be recertified annually. The applicant is currently not in compliance with these conditions.</p> <ul style="list-style-type: none">• This applicant purchased the property on 11/18/05 and has been issued two code violations for unpermitted construction: in 2006 for plumbing and electrical work and 2007 for a retaining wall. A permit was issued for the retaining wall.• There is no record of prior variances for this property.
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 pavilion as

	<p>depicted on the attached site plan; and</p> <ul style="list-style-type: none">• The pavilion may not be used for any automotive work without an amendment to the special exception BA98-6-22SE.• Prior to the issuance of the building permit for the pavilion the Septic System must be certified by the Health Department per the conditions of the special exception.• Applicant shall secure site plan approval through the Development Review division for all existing impervious site work not previously approved.• Applicant shall secure approval for all existing uses and their associated change of use site plan shall be reviewed and approved by Development Review.• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.
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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: Site Plan from Special Exception approval

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV 2008-33
Meeting Date 4-28-08

DCA



VARIANCE APPLICATION

SEMINOLE 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: CSR, LLC CHARLES W. COLTER
Address: 37006 N. CITY RD. 44A City: EUSTIS Zip code: 32736
Project Address: 1157 WEST ST. RD. 436 City: ALT. SPS Zip code: 32714
Contact number(s): (407) 774-7331, (407) 758-4806
Email address: SUPERSTREETPERFORMANCE@FMPAC&MAIL.COM

Is the property available for inspection without an appointment? Yes No

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"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>proposed commercial building</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

RECEIVED MAR 19 2008

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 type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>25'</u>	Proposed setback:	<u>6'</u>
<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 type="checkbox"/> Total number of variances requested <u>1</u>				

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Charles W. Colter

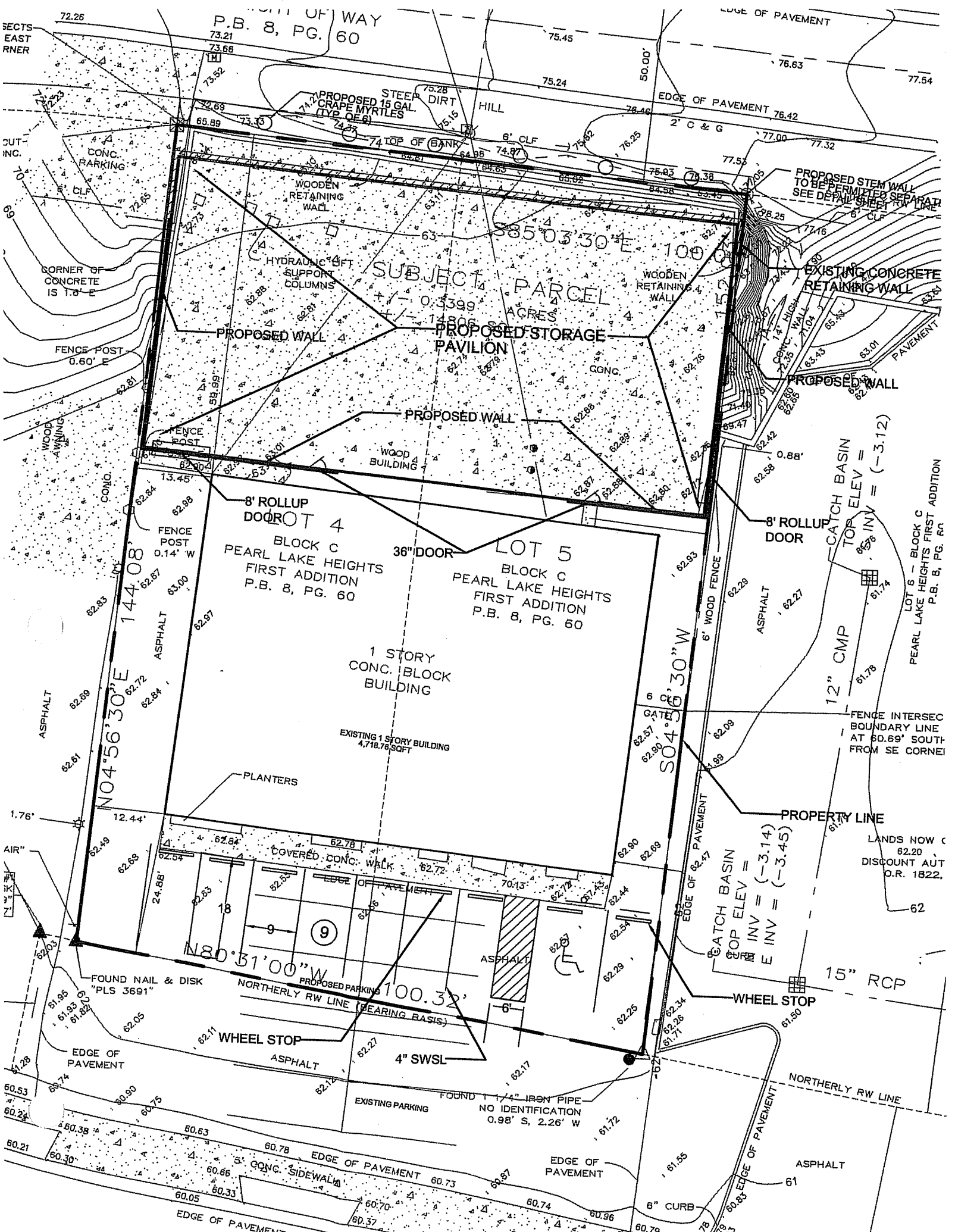
FOR OFFICE USE ONLY

Date Submitted: 3-19-08 Reviewed By: P. Johnson
 Tax parcel number: 17-21-29-501-0000-0040 Zoning/FLU C-2/COM
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: SP 07-10952
07-6000104
3A (6-21-82) 195E existing garage??

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



P.B. 8, PG. 60

SUBJECT PARCEL
0.3399 ACRES
PROPOSED STORAGE PAVILION

BLOCK C
PEARL LAKE HEIGHTS
FIRST ADDITION
P.B. 8, PG. 60

LOT 5
BLOCK C
PEARL LAKE HEIGHTS
FIRST ADDITION
P.B. 8, PG. 60

1 STORY
CONC. BLOCK
BUILDING

FOUND NAIL & DISK
"PLS 3691"

FOUND 1 1/4" IRON PIPE
NO IDENTIFICATION
0.98' S, 2.26' W

PROPOSED STEM WALL
TO BE PERMITTED SEPARATE
SEE DETAIL SHEET FOR LINE

EXISTING CONCRETE
RETAINING WALL

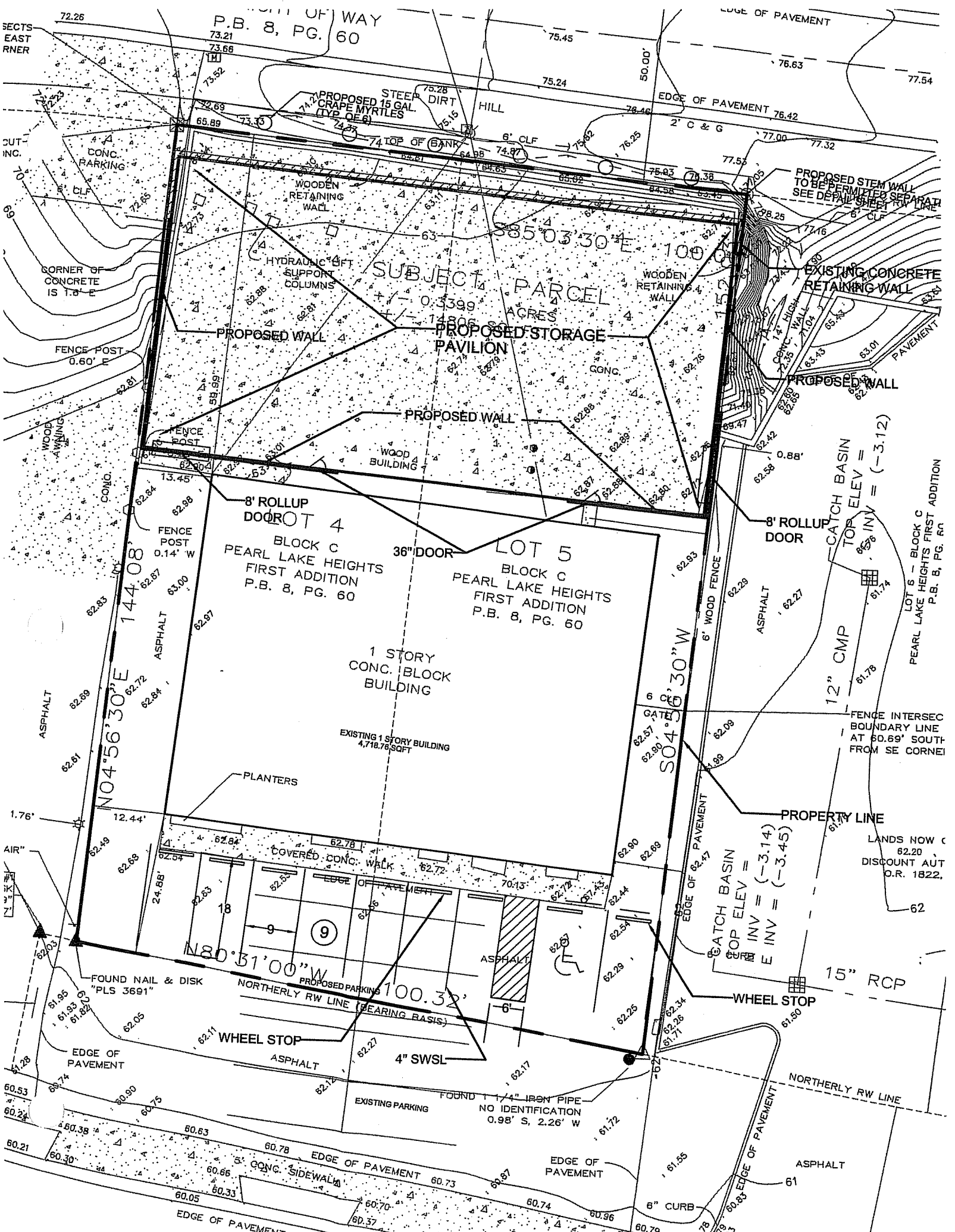
8' ROLLUP
DOOR
CATCH BASIN
TOP ELEV = (-3.12)

CATCH BASIN
TOP ELEV = (-3.14)
CURB E INV = (-3.45)

FENCE INTERSECT
BOUNDARY LINE
AT 60.69' SOUTH
FROM SE CORNER

LANDS NOW C
62.20
DISCOUNT AUT
O.R. 1822,

LOT 6 - BLOCK C
PEARL LAKE HEIGHTS FIRST ADDITION
P.B. 8, PG. 60



P.B. 8, PG. 60

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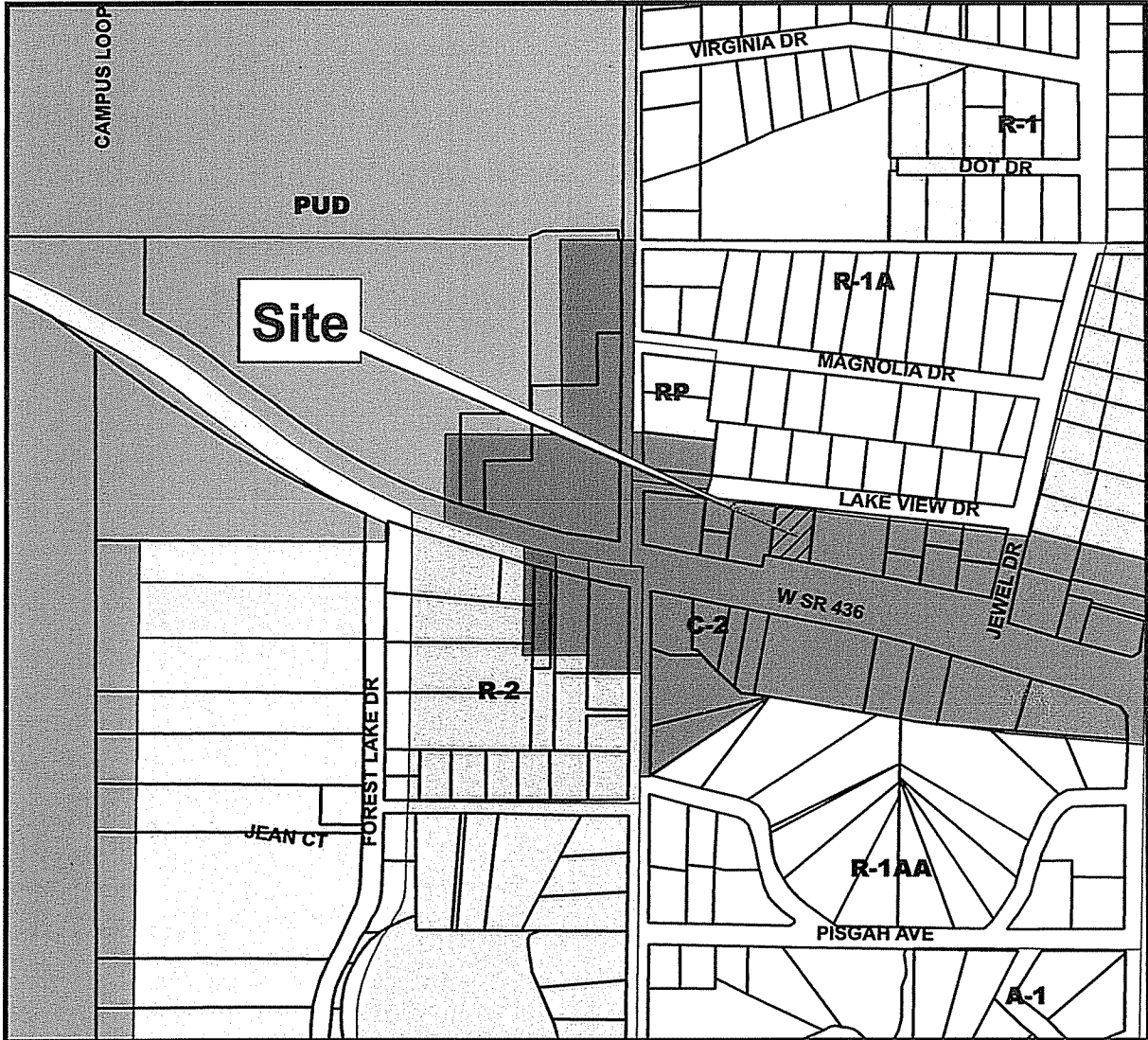
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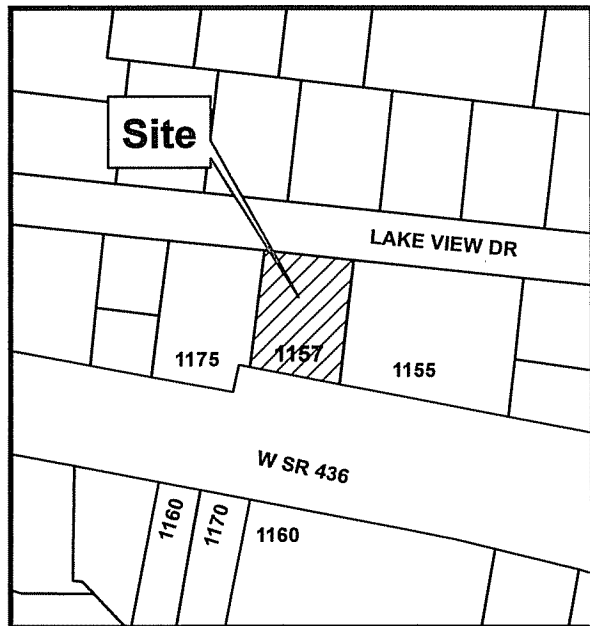
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P.B. 8, PG. 60



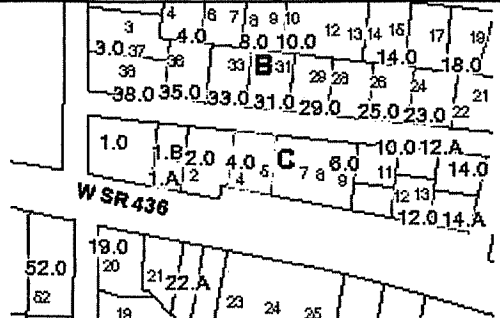
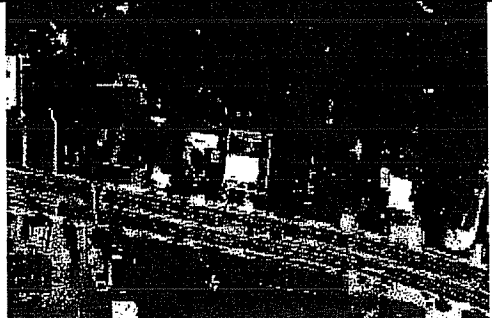
Seminole County Board of Adjustment
 April 28, 2008
 Case: BV2008-33 (Map 3154, Grid D6)
 Parcel No: 17-21-29-501-0C00-0040

Zoning

	BV2008-33		R-2		PCD
	A-1		RP I		UC
	R-1AA		C-2		PLI
	R-1A		C-3		PUD
	R-1				



Personal Property 

<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 32771-1468 407-865-7506</p>		
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GENERAL

Parcel Id: 17-21-29-501-0C00-0040
 Owner: CSR LLC
 Mailing Address: 1157 W HWY 436
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32714
 Property Address: 1157 436 W
 Facility Name:
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 11-STORES GENERAL-ONE S

2008 WORKING VALUE SUMMARY

Amendment 1 impact not reflected.

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$109,897
 Depreciated EXFT Value: \$1,560
 Land Value (Market): \$222,000
 Land Value Ag: \$0
 Just/Market Value: \$333,457
 Assessed Value (SOH): \$333,457
 Exempt Value: \$0
 Taxable Value: \$333,457

**Tax Estimator
Portability Calculator**

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	11/2005	06003	0301	\$400,000	Improved	Yes
QUIT CLAIM DEED	03/1984	01540	0558	\$100	Improved	No
WARRANTY DEED	06/1983	01467	1140	\$160,000	Improved	Yes
WARRANTY DEED	01/1968	00669	0258	\$46,000	Improved	No

Find Sales within this DOR Code


2007 VALUE SUMMARY

2007 Tax Bill Amount: \$5,006
 2007 Taxable Value: \$338,952
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	14,800	15.00	\$222,000

LEGAL DESCRIPTION

PLATS: 

LEG LOTS 4 + 5 BLK C PEARL LAKE HEIGHTS
1ST ADD PB 8 PG 60

BUILDING INFORMATION

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1959	12	4,144	1	CONCRETE BLOCK - MASONRY	\$109,897	\$274,742
Subsection / Sqft			UTILITY FINISHED / 536					
Subsection / Sqft			CANOPY / 468					

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1979	4,286	\$1,560	\$3,900

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.

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	Phone #: _____

Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
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: <u>CSR, LLC</u>	Name of Corporation: _____
Officers: <u>CHARLES W. COLTER</u>	Officers: _____
Address: <u>37006 N. CTY RD. 44A</u>	Address: _____
City/Zip: <u>EUSTIS, FL 32736</u>	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Shareholders: _____	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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	City/Zip: _____
City/Zip: _____	_____

(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: _____	Name of Partnership: _____
Principal: _____	Principal: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____

(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: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____

(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 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.

3-19-08
Date

Charles W. Collier
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 19th day of MARCH, 2008 by _____

Patricia Johnson
Signature of Notary Public

Print, Type or Stamp Name of Notary Public
PATRICIA JOHNSON

Personally Known _____ OR Produced Identification
Type of Identification Produced C-430-159-57-252-0



For Use by Planning & Development Staff

Date: _____ Application Number: _____

PLANNING AND DEVELOPMENT DEPARTMENT

CURRENT PLANNING DIVISION



June 23, 1998

G. M. Washburn II
P. O. Box 376
Clarcona, Florida 32710

RE: File #BA98-6-22SE

Dear Mr. Washburn:

At their meeting of June 22, 1998, the Seminole County Board of Adjustment approved your request of a Special Exception to permit an automotive repair facility and a machine shop on the following described property:

Lots 4 & 5, Block C, Pearl Lake Heights, 1st
Addition, PB 8, Pg 60, Section 17-21-29; N side
of SR-436 approximately 300 ft. E of West Lake
Brantley Road. (DIST 3)

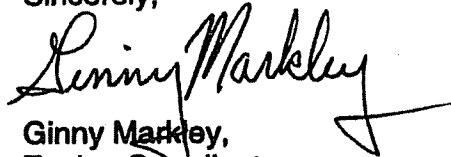
The approval of this request is subject to the following conditions:

1. All automotive work to be performed within an enclosed building.
(No work to be performed in the parking lot.)
2. Obtain an annual operation permit, from the Health Department, for each septic system due to the nature of the businesses and the potential for groundwater contamination through the introduction of industrial wastes into the septic system.

G.M. Washburn II
June 23, 1998
Page Two

Please be advised, there is a 15 day appeal period in which this decision can be appealed to the Board of County Commissioners. Therefore, the Development Order granted by the Board of Adjustment is not final until the appeal period has lapsed and no appeals have been filed. This means that a building permit incorporating the Special Exception cannot be issued prior to July 8, 1998.

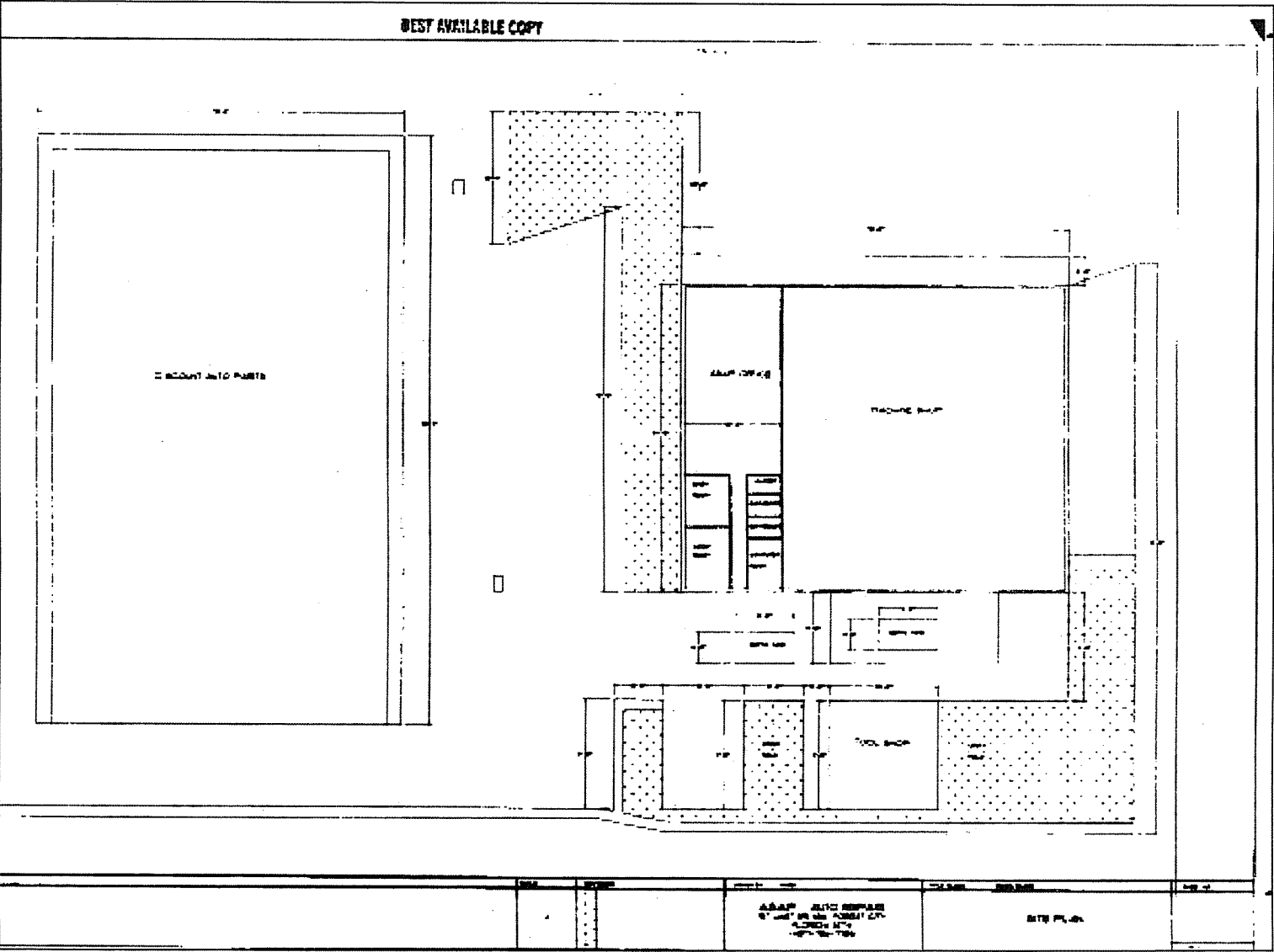
Sincerely,

A handwritten signature in cursive script that reads "Ginny Markley". The signature is written in black ink and includes a long, sweeping horizontal stroke at the end.

Ginny Markley,
Zoning Coordinator

GM/tb

Special Exception Site Plan:



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 4 + 5 BLK C PEARL LAKE HEIGHTS 1ST ADD PB 8 PG 60

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

FINDINGS OF FACT

Property Owner: CSR LLC
1157 W HWY 436
ALTAMONTE SPRINGS FL 32714

Project Name: West Hwy 436 (1157)

Requested Development Approval:

Request for a front yard (north) setback variance from 25 feet to 6 feet for a proposed open pavilion in C-2 (Commercial) district.

The Development Approval was sought in order to construct a pavilion within the front yard (north) setback. 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.

ORDER

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior 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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 4 + 5 BLK C PEARL LAKE HEIGHTS 1ST ADD PB 8 PG 60

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

FINDINGS OF FACT

Property Owner: CSR LLC
1157 W HWY 436
ALTAMONTE SPRINGS FL 32714

Project Name: West Hwy 436 (1157)

Requested Development Approval:

Request for a front yard (north) setback variance from 25 feet to 6 feet for a proposed open pavilion in C-2 (Commercial) 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: Denny Gibbs, Senior 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. Any variance granted shall apply only to the pavilion as depicted on the attached site plan; and
2. The pavilion may not be used for any automotive work without an amendment to the special exception BA98-6-22SE.
3. Prior to the issuance of the building permit for the pavilion the Septic System must be certified by the Health Department per the conditions of the special exception.
4. Applicant shall secure site plan approval through the Development Review division for all existing impervious site work not previously approved.
5. Applicant shall secure approval for all existing uses and their associated change of use site plan shall be reviewed and approved by Development Review.
6. Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

(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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: