

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 104 Brewer Street – Moses Estremera, applicant; Request to amend a special exception to expand a mechanical garage with auto sales in C-2 (Commercial) district.

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 9/28/09 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Approve** the request to amend a special exception to expand a mechanical garage with auto sales in C-2 (Commercial) district; or
2. **Deny** the request to amend a special exception to expand a mechanical garage with auto sales in C-2 (Commercial) district; or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	Applicant: Moses Estremera Location: 104 Brewer Street Zoning: C-2 (Commercial) Subdivision: Lakeview
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to amend a special exception granted in 1977 to include general automotive repair with two (2) working lift bays and auto sales limited to six (6) vehicles. The special exception granted was for radiator repair in one (1) bay with 5 parking spaces. • The subject repair bays are within an existing concrete building that has one bay and a pre-fab canopy with lift as the second bay, as depicted on the site plan. • All service work will be performed within the bays. • The proposed hours of operation are Monday – Friday from 8:00 a.m – 5:00 pm and Saturday 8 am to 2:00 pm.

Reviewed by:
Co Atty: _____
Pln Mgr: _____

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	C-2	COM	Auto sales and service
	NORTH	C-2	COM	Auto Sales
	SOUTH	M-1A	IND	Vacant
	EAST	C-2	COM	Auto Sales and service
	WEST	City of Altamonte Springs		Industrial

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 applicant is requesting an amendment to a special exception granted in 1977 for a radiator repair shop by expanding the facility to include general auto repair and auto sales. This use is consistent to auto sales and service uses approved for adjacent properties. The surrounding uses also include industrial uses. The subject property is located just south of East Altamonte Drive (SR 436) between CR 427 and US 17-92. Historically the use of auto repair businesses is typical along this section of East Altamonte Drive.

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

The proposed use is consistent with the established traffic patterns of the surrounding area.

IS CONSISTENT WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN:

The Seminole County Comprehensive Plan describes the Commercial (COM) future land use as a land use along major roadways that provide highway oriented services. Mechanical garages are listed as allowed uses by special exception in the Commercial land use and auto sales listed as a permitted use.

	<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 existing and proposed buildings 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 garage is allowed as a conditional use and auto sales are a permitted use. The use of auto repair and auto sales is typical along this section of East Altamonte Drive and will be consistent with the trend of nearby and adjacent development in the area.</p>
STAFF RECOMMENDATION	<p>Staff recommends approval of the subject request based upon the following conditions:</p> <ol style="list-style-type: none">a. The Special Exception granted will apply only to the existing buildings shown on the site plan.b. No building shall be increased more than 10% without Board of Adjustment approval.c. The site will be limited only to the following uses:<ul style="list-style-type: none">• Auto repair facility with two working bays as depicted on the site plan.• Auto sales: 6 spaces for auto sales.d. The hours of operation shall be Monday through Friday: 8 am to 5 pm and Saturday 8 am to 2:00 pm.e. Outside vehicle storage permitted only for short term (30 day or less) as necessary to provide auto repair service to the vehicle owner and only within the fenced area.f. No outside storage of vehicles used for parts.g. No painting of vehicles allowed on premises.h. No general auto repair work shall be performed outside the working bays.i. At site plan review, recertification of the septic system is required.j. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

Fee: \$370.00

Application # BB2009-13
Meeting Date 9-28-09



SPECIAL EXCEPTION 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: Moses Estermera
Address: 4696 Hall Rd City: Orlando Zip code: 32817
Project Address: 104 Brewer St City: Alt Sea Zip code: 32701
Phone number(s): 407 332-6605 (cell) 407 617-9835
Email address: Automo @ Embarkmail.com

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: Auto Sales & Repair

RECEIVED AUG 06 2009

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

What is the current use of the property? Auto Sales and repair

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required pre-application conference has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

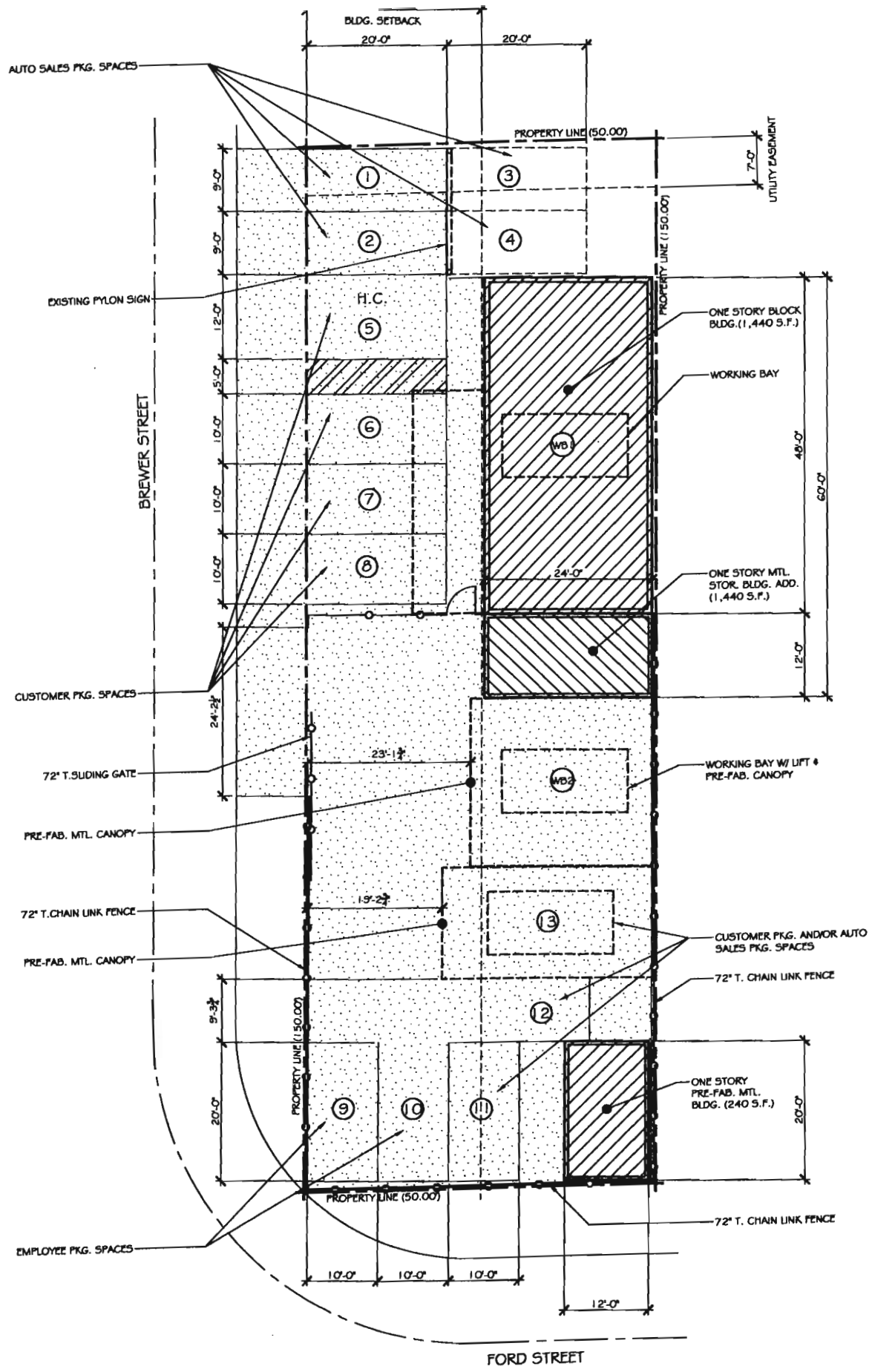
Signed: Moe Est

FOR OFFICE USE ONLY

Date Submitted: 8-6-09 Reviewed By: P. Johnson D. Gibbs
 Tax parcel number: 18-21-30-501-000-0120 Zoning/FLU C-2/COM

Legally created parcel (1971 tax roll, 5-acre dev, lot split) Platted Lot (check easements on lots / in dedication)
 Lot size _____ Meets minimum size and width
 Past approval # _____ Application and checklist complete

Notes: _____



CONCEPT SITE PLAN



CLASSIFICATION: C2
 USE: AUTOMOBILE SALES & REPAIR
 HOURS OF OPERATION: MONDAY-SATURDAY, 8:00AM-6:00PM

SITE DATA

PROPERTY AREA: 0.17 ACRES (7,500 SQ. FT.)
 SANITARY SYSTEM: ON-SITE SEPTIC TANK & DRAINFIELD
 POTABLE WATER SYSTEM: PUBLIC UTILITY (CITY OF ALTAMONTE SPRINGS)

LAND DEVELOPMENT

BUILDINGS

A/C: 1,680 SQ. FT. 12'-0" TALL
 NON-A/C: 1,382 SQ. FT. 14'-0" TALL

ISR

I.S.R. = 6,912 S.F. / 7,500 S.F. = 92%

FLOOR AREA RATIO

F.A.R. = 3,062 S.F. / 7,500 S.F. = 41%

PARKING

WORK BAYS:	2
COSTUMER SP. (10x20')	4 (INCL. 1 H.C. PKG. SPACE) *
COSTUMER AND/OR AUTO SALES SPACES (9x20' MIN.)	3
AUTO SALES SP. (9x18' STACKED)	4
EMPLOYEE SP. (10x20')	2
TOTAL PARKING SPACES:	13

* H.C. ACCESSIBLE SP. (12x20' + 5x20' AISLE)

michael

2316 poinciana
 ph: 321.527.9

DATE: _____

REVISIONS

O.	DATE	DESCRIPTION
1	8/20/09	ORD. COMPLIANCE CHANGES

G
+
F
+
E

Narrative



RECEIVED AUG 07 2009

104 Brewer St. Altamonte Springs, Fl 32701
407-332-6605
Cell: 407-617-9835

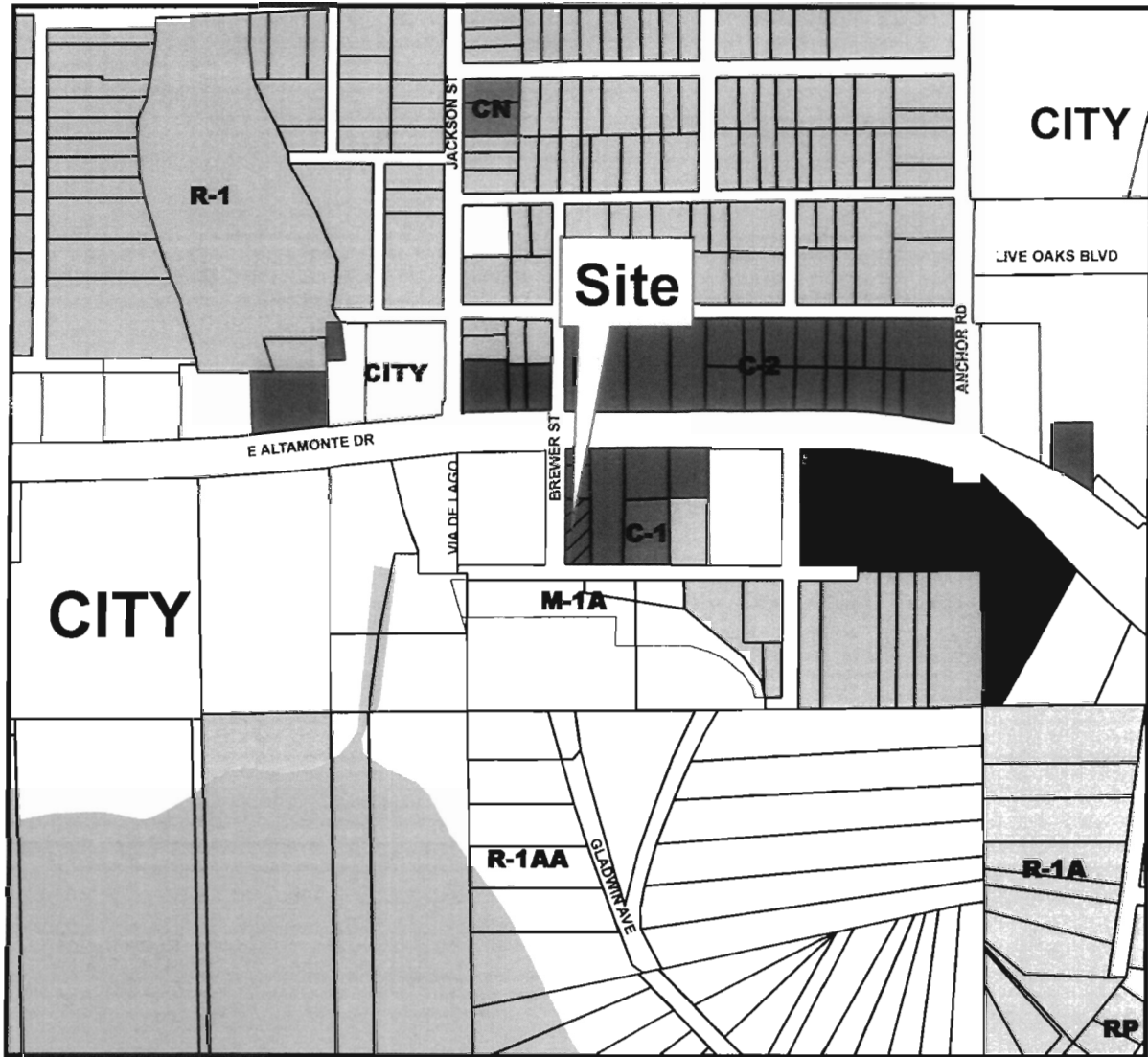
Auto-Mo LLC, is located on 104 Brewer Street in Altamonte Springs Florida, zip code 32701. Auto-Mo is owned and ran by owner Moses Estremera, employs 2 (father & son) and is open for business Monday thru Friday from 9:00am thru 5:00pm, Saturday from 10:00am till 2:00pm, Sunday being closed. This particular business consists of Auto sales and general maintenance repair, equipped with six customer parking lots, two bays and seven auto sales parking.

The general maintenance that is performed consist of Diagnostics, Tune ups, Suspension work, general motor repair, and tire replacement (tire replacement performed only on inventory). The percentage of customer vehicles that come in for service and are out the same day is at 98%, 2 % being the possible stay of 1 or 2 days. Vehicles purchased from auto auctions to be resold are at 1 to 3 cars per month, occasionally in need of mechanical repair.

Thank you,










Moses Estremera
President /Owner
Automo@embarqmail.com


Moses Estremers
 104 Brewer Street
 Altamonte Springs, FL 32701

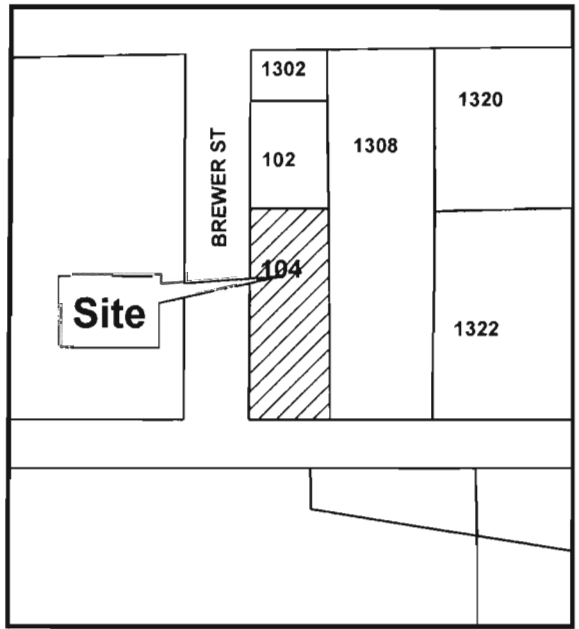


Seminole County Board of Adjustment
 September 28, 2009
 Case: BS2009-13 (Map 3156 Grid C7)
 Parcel No: 18-21-30-501-0800-0120

Zoning

	BS2009-13		CN
	R-1AA		C-1
	R-1A		C-2
	R-1		M-1A
	RP I		

N




Personal Property

PARCEL DETAIL DAVID JOHNICOLA, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1488 407-688-7806		
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<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 18-21-30-501-0800-0120 Owner: ESTREMERS MOSES & NILDA Mailing Address: 4896 HALL RD City,State,ZipCode: ORLANDO FL 32817 Property Address: 104 BREWER ST Facility Name: GARY'S RADIATOR Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 27-AUTO SALE AND SERVIC</p>	VALUE SUMMARY		
	VALUES	2009 Working	2008 Certified
	Value Method	Cost/Market	Cost/Market
	Number of Buildings	1	1
	Depreciated Bldg Value	\$48,399	\$49,149
	Depreciated EXFT Value	\$1,748	\$1,748
	Land Value (Market)	\$22,500	\$22,500
	Land Value Ag	\$0	\$0
	Just/Market Value	\$72,647	\$73,397
	Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0	
Assessed Value (SOH)	\$72,647	\$73,397	
Tax Estimator			

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$72,647	\$0	\$72,647
Schools	\$72,647	\$0	\$72,647
Fire	\$72,647	\$0	\$72,647
Road District	\$72,647	\$0	\$72,647
SJWM(Saint Johns Water Management)	\$72,647	\$0	\$72,647
County Bonds	\$72,647	\$0	\$72,647

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

<p style="text-align: center;">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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>04/2001</td> <td>04066</td> <td>1156</td> <td>\$88,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1998</td> <td>03493</td> <td>1463</td> <td>\$72,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1992</td> <td>02418</td> <td>0084</td> <td>\$17,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01127</td> <td>1002</td> <td>\$12,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1978</td> <td>01089</td> <td>0578</td> <td>\$4,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Sales within this DOR Code</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/2001	04066	1156	\$88,500	Improved	Yes	WARRANTY DEED	09/1998	03493	1463	\$72,000	Improved	Yes	WARRANTY DEED	04/1992	02418	0084	\$17,000	Vacant	No	WARRANTY DEED	01/1977	01127	1002	\$12,000	Vacant	No	WARRANTY DEED	01/1978	01089	0578	\$4,000	Vacant	No	<p style="text-align: center;">2008 VALUE SUMMARY</p> <p style="text-align: right;">2008 Tax Bill Amount: \$1,105</p> <p style="text-align: center;">2008 Certified Taxable Value and Taxes</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p style="text-align: center;">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>SQUARE FEET</td> <td>0</td> <td>0</td> <td>7,500</td> <td>3.00</td> <td>\$22,500</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	SQUARE FEET	0	0	7,500	3.00	\$22,500	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS <input type="button" value="Pick..."/></p> <p style="text-align: center;">LEG LOT 12 BLK 8 LAKEVIEW PB 5 PG 14</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
SQUARE FEET	0	0	7,500	3.00	\$22,500								

BUILDING INFORMATION							
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value Est. Cost New
1	MASONRY PILAS	1977	2	1,152	1	CONCRETE BLOCK - MASONRY	\$48,399 \$75,037
Permits							

EXTRA FEATURE					
Description	Year Blt	Units	EXFT Value	Est. Cost New	
PATIO CONC COMM	1979	240	\$318	\$794	
ALUM PORCH W/CONC FL	1979	550	\$1,430	\$3,575	

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-_____:

- 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: Moses Estremera
Address: 104 BREWER ST
Phone #: 407-332-6605

Name: Nilda Estremera
Address: 104 BREWER ST ALT. 5AR. 32701
Phone #: 407 617-9835

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
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: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

Form #
Date

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partners including general or limited partners.

Name of Partnership: _____	Name of Partnership: _____
Principal: _____	Principal: _____
Address: _____	Address: _____

(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 addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract purchase shall be specified along with any contingency clause relating to the outcome of the consideration of petition.

Contract Vendee:	Contract Vendee:
Name: _____	Name: _____
Address: _____	Address: _____

(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 applica

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rez future land use amendment, special exception, or variance involved with this Application to become void. I certify I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

8/17/09
Date

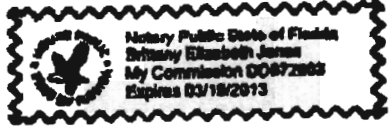
x [Signature]
Owner, Agent, Applicant Signature
x [Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this 20 day of August, 2009 by _____

[Signature] Signature of Notary Public
Brittany Elizabeth Jones 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: _____

Form #
Date

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 12 BLK 8 LAKEVIEW PB 5 PG 14

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

FINDINGS OF FACT

Property Owner: Estremers Moses & Nilda
4696 Hall Rd
Orlando FL 32817

Project Name: Brewer Street (104)

Special Exception Approval:

Amend a Special Exception to establish a mechanical garage with auto sales 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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 12 BLK 8 LAKEVIEW PB 5 PG 14

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Amend a Special Exception to expand a mechanical garage with auto sales in C-2 (Commercial) district.

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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:

- a. The Special Exception granted will apply only to the existing buildings shown on the site plan.
- b. No building shall be increased more than 10% without Board of Adjustment approval.
- c. The site will be limited only to the following uses:
 - Auto repair facility with two working bays as depicted on the site plan.
 - Auto sales: 6 spaces for auto sales.
- d. The hours of operation shall be Monday through Friday: 8 am to 5 pm and Saturday 8 am to 2:00 pm.
- e. Outside vehicle storage permitted only for short term (30 day or less) as necessary to provide auto repair service to the vehicle owner and only within the fenced area.
- f. No outside storage of vehicles used for parts.
- g. No painting of vehicles allowed on premises.
- h. No general auto repair work shall be performed outside the working bays.
- i. At site plan review, recertification of the septic system is required.
- j. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

(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

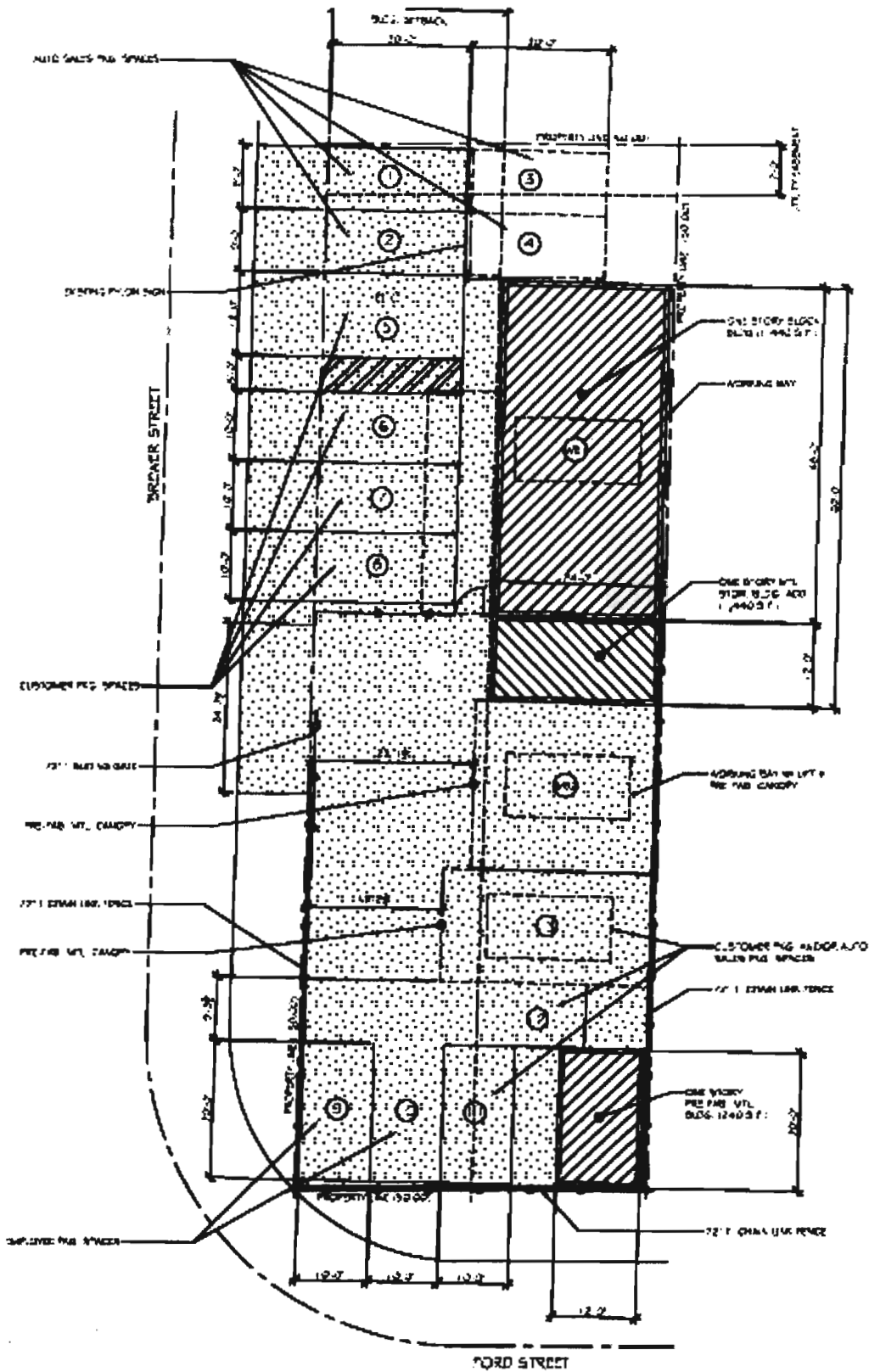
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



CONCEPT SITE PLAN

1"=10'-0"



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 12 BLK 8 LAKEVIEW PB 5 PG 14

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

FINDINGS OF FACT

Property Owner: Estremers Moses & Nilda
4696 Hall Rd
Orlando Fl 32817

Project Name: Brewer Street (104)

Requested Special Exception:

Amend a Special Exception to expand a mechanical garage with auto sales in C-2 (Commercial) district.

Approval was sought to amend a special exception to allow a mechanical garage with auto sales in C-2. The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: