

06-24-13P02:45 RCVD



**Interoffice Memorandum
Zoning Division**

06-24-13P02:39 RCVD

Handwritten initials, possibly "GF", in the top right corner.

DATE: 06/24/2013

TO: Katie Smith, Value Adjustment Board Supervisor
Clerk of the Board of County Commissioners

THROUGH: Cheryl Gillespie, Supervisor
Agenda Development Office

FROM: Mitch Gordon, Manager, Zoning Division

CONTACT PERSON: **Mitch Gordon, Development Coordinator
Zoning Division 407 836-5896**

SUBJECT: Request for Public Hearing

Type of Hearing: Appeal #ZM-13-07040 – June 06, 2013

Applicant: Thomas B. Lukas

District: #5

Parcel Identification: 15-22-32-2336-01-360

Location: North side of Madison Ave., between N. 6th St.
and 9th St.; north of E. Colonial Dr.

Hearing Required By: F.S.286.011

Advertising Requirements: No advertising required for appeals

Estimated Time Required: 2 minutes

Hearing Controversial: Yes

Materials being submitted as backup for Public Hearing Request:

Special Instructions to the Clerk of the Board of County Commissioners:

1. Notify abutters of the Public Hearing at least 2 weeks prior to the hearing and copy staff.
2. Public Hearing should be scheduled within 45 days of date appeal filed, June 20, 2013 or as soon thereafter as the BCC's calendar reasonably permits.

MG/pm

c: Jon V. Weiss, Director, Community Environmental Development Services
Department
Rocco Relvini, Chief Planner, Zoning Division

RONALD CARTAS

ZM-13-07-040

REQUEST: Appeal of the Zoning Manager's Determination that the non-conforming status of the existing junkyard has been abandoned.

ADDRESS: 18659 Madison Ave.

LOCATION: North side of Madison Ave., between N. 6th St. and 9th St.; north of E. Colonial Dr.

S-T-R: 15-22-32

TRACT SIZE: 5.1 acres

DISTRICT#: 5

LEGAL: UNRECORDED PLAT EAST ORLANDO ESTATES SECTION 1 TR 136
DESC AS BEG 412.6 FT S & 3302.67 FT E FROM W1/4 COR OF SEC
22-22-32 E 429.94 FT N 512.5 FT W 429.94 FT S 512.5 FT TO POB

PARCEL ID: 15-22-32-2336-01-360

NO. OF 95

NOTICES:

ATTACHMENT TO ZONING APPEAL

In order to prevail against Chapter 38, Article III of the Orange County Codes for abandonment to overcome a previous ruling of allowance of non-conforming use, the burden rests on the government or board to prove that the said property was intentionally abandoned for 180 days or longer. Courts have ruled that in order to show abandonment there must proof that the landowner “intentionally and voluntarily forgo further non- conforming use of the property.” Hobbs v. Dep’t of Transp., 831 So. 2d 745, 747 (Fla. Dist. Ct. App. 2002). In addition courts have ruled that the party asserting abandonment has the burden of proving intent from the property owners. Dade County v. City of North Miami Beach, 69 So.2d 780 (Fla.1953). There is no such evidence in this case, and in point of fact, sufficient evidence to the contrary. Records indicate that the local business tax receipts have been paid up to date, occupational licenses received, all during the time period in which the board ruled that the property was abandoned. (Please see Exhibit 1) Moreover, an affidavit by the former owner of the property stated that when he sold the property to the current owner.(Please see Exhibit 2) Courts have ruled that there is no legal authority to uphold the proposition that a municipality can terminate a grandfathered nonconforming use of property simply because the tenant and operating license holder of the establishment on the property undergoes a change. Given the fact that the current owner Ms. Yolanda Mamlouck had no knowledge of the previous owners negligence in paying the 2010 local business tax receipts and the property was changing ownership are grounds upon which this governing body should grant an appeal, the Board not providing adequate proof that the landowners intended to abandon the property for one-hundred-eighty days, is only further proof that a non-conforming use there is record that the local business property receipt was paid and has been up to date since 1998, and lastly during the time that the property was said to be

abandon the property ownership was being changed, thus the non conforming use of the property was being grandfathered.

The board violated its code by allowing discussion of matters not on the agenda in regards to this zoning issue, and not properly allowing proprietors due process to present evidence in the form of documents and testimony to be made part of the record prior to the board making its decision. This violation of due process and *Robert's Rules of Order*, Parliamentary procedure, and the rules of forum that our society has adopted over two centuries

18563 MADISON AVE
U - ORLANDO, 32820
PAID: \$37.50 21-047088 1/28/2013

TOTAL TAX \$30.00
PENALTIES \$7.50
PREVIOUSLY PAID \$37.50
TOTAL DUE \$0.00

LOUS USED AUTO PARTS
ATTNL YOLANDA MAMLOUK
18569 MADISON AVE
ORLANDO FL 32820

CARTAS RONALD W

This receipt is official when validated by the Tax Collector.

ORIGINAL
3100 STORGAE

2012

EXPIRES

9/30/2013

\$30.00

1 EMPLOYEE

3100-1109935

local business tax receipt is valid from October 1 through September 30 of receipt year. Delinquent penalty is added October 1.

Earl K. Wood, Tax Collector **Local Business Tax Receipt** **Orange County, Florida**

This local business tax receipt is in addition to and not in lieu of any other tax required by law or municipal ordinance. Businesses are subject to regulation of zoning, health and other lawful authorities. This receipt is valid from October 1 through September 30 of receipt year. **Delinquent penalty is added October 1.**

ORIGINAL
3100 STORGAE

2011

EXPIRES 9/30/2012

\$30.00

1 EMPLOYEE

3100-1109935

TOTAL TAX \$30.00
PENALTIES \$7.50
PREVIOUSLY PAID \$37.50
TOTAL DUE \$0.00



CARTAS RONALD W

LOUS USED AUTO PARTS
ATTNL YOLANDA MAMLOUK
18569 MADISON AVE
ORLANDO FL 32820

18563 MADISON AVE
U - ORLANDO, 32820
PAID: \$37.50 21-047089 1/28/2013

This receipt is official when validated by the Tax Collector.

Earl K. Wood, Tax Collector **Local Business Tax Receipt** **Orange County, Florida**

This local business tax receipt is in addition to and not in lieu of any other tax required by law or municipal ordinance. Businesses are subject to regulation of zoning, health and other lawful authorities. This receipt is valid from October 1 through September 30 of receipt year. **Delinquent penalty is added October 1.**

ORIGINAL
3100 STORGAE

2010

EXPIRES 9/30/2011

\$30.00

1 EMPLOYEE

3100-1109935

TOTAL TAX \$30.00
PENALTIES \$7.50
PREVIOUSLY PAID \$37.50
TOTAL DUE \$0.00



CARTAS RONALD W

LOUS USED AUTO PARTS
ATTNL YOLANDA MAMLOUK
18569 MADISON AVE
ORLANDO FL 32820



18563 MADISON AVE
U - ORLANDO, 32820
PAID: \$37.50 21-047090 1/28/2013

This receipt is official when validated by the Tax Collector.

Earl K. Wood, Tax Collector Local Business Tax Receipt Orange County, Florida

This local business tax receipt is in addition to and not in lieu of any other tax required by law or municipal ordinance. Businesses are subject to regulation of zoning, health and other lawful authorities. This receipt is valid from October 1 through September 30 of receipt year. **Delinquent penalty is added October 1.**

*****ORIGINAL*** 2008 EXPIRES 9/30/2009 3100-1109935**
3100 STORGAE \$30.00 1 EMPLOYEE ;

TOTAL TAX \$30.00
PENALTIES \$7.50
PREVIOUSLY PAID \$37.50
TOTAL DUE \$0.00

CARTAS RONALD W

LOUS USED AUTO PARTS
ATTNL YOLANDA MAMLOUK
18569 MADISON AVE
ORLANDO FL 32820

18563 MADISON AVE
U - ORLANDO, 32820
PAID: \$37.50 21-047092 1/28/2013

This receipt is official when validated by the Tax Collector.

Earl K. Wood, Tax Collector Local Business Tax Receipt Orange County, Florida

This local business tax receipt is in addition to and not in lieu of any other tax required by law or municipal ordinance. Businesses are subject to regulation of zoning, health and other lawful authorities. This receipt is valid from October 1 through September 30 of receipt year. **Delinquent penalty is added October 1.**

*****ORIGINAL*** 2009 EXPIRES 9/30/2010 3100-1109935**
3100 STORGAE \$30.00 1 EMPLOYEE ;

TOTAL TAX \$30.00
PENALTIES \$7.50
PREVIOUSLY PAID \$37.50
TOTAL DUE \$0.00

CARTAS RONALD W

LOUS USED AUTO PARTS
ATTNL YOLANDA MAMLOUK
18569 MADISON AVE
ORLANDO FL 32820

18563 MADISON AVE
U - ORLANDO, 32820
PAID: \$37.50 21-047091 1/28/2013

This receipt is official when validated by the Tax Collector.



Account: 3100-1109935

APPLICATION FOR PAYMENT OF LOCAL BUSINESS TAX ORANGE COUNTY, FLORIDA

Application is hereby made for the privilege of engaging in the business, profession, or occupation hereinafter described for the period of: 10/1/2005 Thru 9/30/2013

Business Address:

LOUS USED AUTO PARTS
18563 MADISON AVE
ORLANDO, FL 32820

Certificate Of Occupancy: _____
Use Permit: _____ Zone: R-72
Zoning Approval: Y Building Approval: _____
Parcel ID: 15-22-23-2330-00-930
Mobile: No Confidential: No

Mailing Address:

LOUS USED AUTO PARTS
ATTNL YOLANDA MAMLOUK
18569 MADISON AVE
ORLANDO, FL 32820

Owners:
CARTAS RONALDW

Phone:
(321)297-0613

Nature of Occupation, Profession, or Business:

3100 STORGAE 1 EMPLOYEE

1/28/13
S. BAILEY
R-72
PS 1/1

NON-CONFORMING USE

Tax Receipts or Licenses:

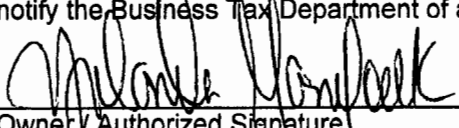
City County State

Comments:

Is this business currently using or proposing to use an individual wastewater disposal system (septic tank)? YES NO
(Circle One)

CERTIFICATION

I certify that the information contained herein is true and correct to the best of my knowledge and belief. If any portion is found to be false or misrepresented, such fact may be just cause for immediate revocation of any business tax receipt issued to me. It is further understood that this business tax payment is for the privilege of engaging in the business, profession or occupation shown and only at the location shown hereon. I further understand that I have no right to occupy any buildings at the location shown hereon unless I obtain a certificate of occupancy from the Building Department and such building and the surrounding property is in compliance with all applicable local, state and federal regulations. Further, I recognize that issuance of this business tax receipt is in no way a waiver of any applicable local, state or federal regulations. Failure to correct conditions on the premises that are in violation of the county code or to notify the Business Tax Department of any change will result in cancellation of said business tax receipt.


Owner/Authorized Signature

Sworn to and subscribed before me this 28 day of Jan 20 13ED

Print, Type or Stamp Commissioned Name of Notary

Signature of Notary

Make checks payable to:
SCOTT RANDOLPH
Tax Collector
Orange County
P.O. Box 2551
Orlando, FL 32802-2551

Personally Known

Produced Identification

Type of Identification Produced

Scott Randolph
Orange County Tax Collector
Local Business Tax
200 South Orange Avenue, Suite 1600
Orlando, Florida 32801
Phone: (407) 836-2700
Fax : (407) 836-2730

1/28/2013 01:16 PM Cashier 0105
T/Ref 0021001394 Reg 0021 Tran No 1210
Cash Report: 130128-01 for 1/28/2013

10 - Local Business Tax

Local Business Tax

Parcel:

Account: 3100-1109935.000	
Validation Number: 047088	\$37.50
Account: 3100-1109935 2011	
Validation Number: 047089	\$37.50
Account: 3100-1109935 2010	
Validation Number: 047090	\$37.50
Account: 3100-1109935 2009	
Validation Number: 047091	\$37.50
Account: 3100-1109935 2008	
Validation Number: 047092	\$37.50
Account: 3100-1109935 2007	
Validation Number: 047093	\$37.50
Account: 3100-1109935 2006	
Validation Number: 047094	\$37.50
Account: 3100-1109935 2005	
Validation Number: 047095	\$37.50
(Total Paid \$300.00.)	

Local Business Tax

Parcel:

Account: 3119-1078173.000	
Validation Number: 047096	\$100.00

Total	\$400.00
Cash	(\$400.00)

Thank You for Your Payment

Business Address:

LOUS USED AUTO PARTS
18569 MADISON AVE
ORLANDO, FL 32820
(407) 568-4672

Mailing Address:

LOUS USED AUTO PARTS
CARTAS RONALD W
18659 MADISON AVE
ORLANDO, FLORIDA 32820

Description: RECYCLER-STATIONARY

Business Owners:
CARTAS RONALD W

Application: 02/15/1995

New Business: 02/15/1995

Out of Business:

Tax Status: ACTIVE
Parcel ID: 15-22-32-2336-01360

Paid Status: PAID
Amount Due: \$0.00

Active Categories

Code	Description	NB Date	Zoning	Local Business Taxes		
				State	City	County
2402	RECYCLER-STATIONARY	02/15/1995				

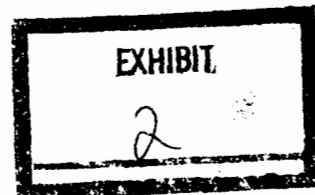
Local Business Tax Payments

08/31/1998	6-005707	PAYMENT			\$100.00
2402	JUNK DEALER-STATIONARY	1998		CATEGORY TAX	\$100.00
09/13/1999	50-002690	PAYMENT			\$100.00
2402	JUNK DEALER-STATIONARY	1999		CATEGORY TAX	\$100.00
08/22/2000	99-160390	PAYMENT			\$100.00
2402	JUNK DEALER-STATIONARY	2000		CATEGORY TAX	\$100.00
08/28/2001	99-015870	PAYMENT			\$131.00
2402	JUNK DEALER-STATIONARY	2001		CATEGORY TAX	\$100.00
2402	JUNK DEALER-STATIONARY	2001		Hazardous Waste	\$31.00
08/23/2002	99-315747	PAYMENT			\$131.00
2402	RECYCLER-STATIONARY	2002		CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2002		Hazardous Waste	\$31.00
09/25/2003	99-201910	PAYMENT			\$131.00
2402	RECYCLER-STATIONARY	2003		CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2003		Hazardous Waste	\$31.00
08/30/2004	99-320531	PAYMENT			\$131.00
2402	RECYCLER-STATIONARY	2004		CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2004		Hazardous Waste	\$31.00
08/25/2005	99-321164	PAYMENT			\$131.00
2402	RECYCLER-STATIONARY	2005		CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2005		Hazardous Waste	\$31.00
08/23/2006	99-320627	PAYMENT			\$131.00

Local Business Tax Payments

2402	RECYCLER-STATIONARY	2006	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2006	Hazardous Waste	\$31.00
09/26/2007	23-003165	PAYMENT		\$131.00
2402	RECYCLER-STATIONARY	2007	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2007	Hazardous Waste	\$31.00
09/22/2008	99-411762	PAYMENT		\$131.00
2402	RECYCLER-STATIONARY	2008	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2008	Hazardous Waste	\$31.00
10/19/2009	24-020578	PAYMENT		\$145.20
2402	RECYCLER-STATIONARY	2009	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2009	Hazardous Waste	\$32.00
2402	RECYCLER-STATIONARY	2009	PENALTY	\$13.20
08/02/2010	98-470447	PAYMENT		\$150.00
2402	RECYCLER-STATIONARY	2010	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2010	Hazardous Waste	\$50.00
10/11/2011	98-530434	PAYMENT		\$165.00
2402	RECYCLER-STATIONARY	2011	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2011	Hazardous Waste	\$50.00
2402	RECYCLER-STATIONARY	2011	PENALTY	\$15.00
07/09/2012	99-537425	PAYMENT		\$150.00
2402	RECYCLER-STATIONARY	2012	CATEGORY TAX	\$100.00
2402	RECYCLER-STATIONARY	2012	Hazardous Waste	\$50.00

AFFIDAVIT FOR



State of Florida
County of Orange

I, RONALD CARTAS, am a witness and former owner of the property located at 18659 Madison Avenue, Orlando, Florida, 32820, which is identified by Orange County Records as Parcel IDs, 15-22-32-2336-00930, and 15-22-32-2336-01-360 and I do hereby swear or affirm that:

1. I fully understand the meaning of all of the terms of this affidavit.

2. Between January 2005 and December 2010, I continuously, and without interruption, conducted business on the above named parcels as a salvage yard as well as the buying, selling, and repairing automobile parts and other machinery. This continued until I sold my business to Yolanda Mamlouk in 2010.

3. I was negligent in paying the fee for a business tax receipt or filed for an occupational license prior to 2010 because of my own negligence.

4. Despite my non-payment, I in no way affected the way and manner I conducted my business, which never stopped or was suspended for more than one-hundred-eighty (180) days in a row.

5. If I had been allowed to testify or speak at the Zoning Board Meeting on June

6. I am sorry for by unintentional non-filing of the proper licenses and fees, but my negligence should not affect the business I sold to Yolanda Mamlouk.

7. If called to testify, I would testify only to the above.

FURTHER AFFAINT SAITH NAUGHT

Ronald Cartas
RONALD CARTAS

Sworn to and subscribed before me this 18th day of June, 2013.

ONDA L. WEBB
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE137012
Expires 10/10/2015

Onda L. Webb
NOTARY PUBLIC, or other
person authorized to
administer an oath

Personally known or produced identification
Type of identification produced

My commission expires:



OFFICIAL RECEIPT
 Orange County
 201 S. Rosalind Avenue
 Orlando, FL 32802

Receipt Date: 06/20/13 00:00:00
Receipt #: 57692
Cashier Name: DMILLAN@OCFL.NET

Payee Information:

RONALD CARTAS
 189 S Orange Ave. Suite 1800
 FL, 32801

Ref #: ZM-13-07-040

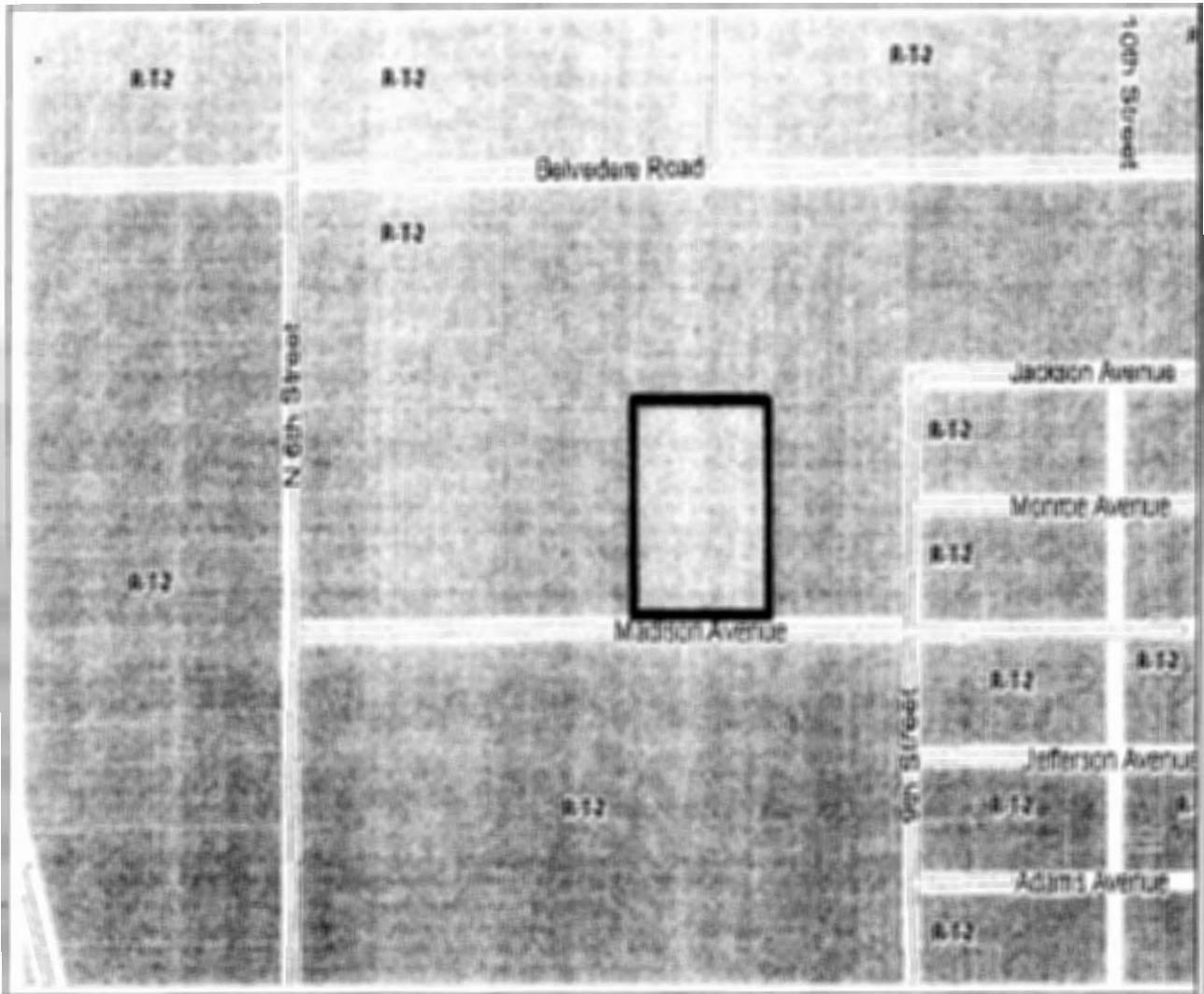
Receipt #: 57692

Project Name#: RONALD CARTAS

Parcel ID: 15-22-32-2336-01-360

Fee Description	Amount
BCC Appeal Fee	\$671.00
Record Total:	671.00
Payment Total:	671.00

Payment Method	Amount
CHECK	\$671.00
Total:	\$671.00
Change:	0.00



Applicant: Ronald Cartas

BZA Number: ZM-13-07-040

BZA Date: 06/06/2013

District: 5

Sec/Twn/Rge: 22-22-32-SE-D,22-22-32-NE-A

Tract Size: 5.1 acres

Location: North side of Madison Ave., between N. 6th St. and 9th St.; north of E. Colonial Dr.