

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

Item # 44

*Continued from 1-11-05 BCC to 1-25-05 BCC by the request of the appellant*

**SUBJECT:** Appeal of the Board of Adjustment's denial of a special exception for the one year placement of a mobile home/construction trailer in the A-1 (Agriculture District), while a single-family home is under construction at 331 Beach Avenue; (Bonnie Giroux, appellant).

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

**AUTHORIZED BY:** Donald S. Fisher      **CONTACT:** Jason Showe 95      **EXT.** 7398

Agenda Date 01-25-05    Regular     Consent     Worksession     Briefing   
Public Hearing – 1:30     Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. **UPHOLD** the Board of Adjustment's denial of a special exception for the one year placement of a mobile home/construction trailer in the A-1 (Agriculture District), while a single-family home is under construction at 331 Beach Avenue; (Bonnie Giroux, appellant); or
2. **REVERSE** the Board of Adjustment's denial of a special exception for the one year placement of a mobile home/construction trailer in the A-1 (Agriculture District), while a single-family home is under construction at 331 Beach Avenue; (Bonnie Giroux, appellant); or
3. **CONTINUE** the request to a time and date certain.

(District 4 – Henley)

(Jason Showe, Planner)

*Continued from 1-11-05 to 1-25-05 by request of appellant*

**BOARD OF ADJUSTMENT DECISION:**

On October 25, 2004, the Board of Adjustment denied a request for a special exception for the one year placement of a mobile home/construction trailer in the A-1 (Agriculture District), while a single-family home is under construction at 331 Beach Avenue.

**STAFF RECOMMENDATION:**

Based upon the findings stated in the staff report, staff recommends the Board of County Commissioners reverse the Board of Adjustment's denial of a special exception for the one

Reviewed by:	<u>KR</u>
Co Atty:	<u>KR</u>
DFS:	<u>  </u>
Other:	<u>  </u>
DCM:	<u>  </u>
CM:	<u>  </u>
File No.	<u>ph130pdp04</u>

year placement of a mobile home/ construction trailer in the A-1 (Agriculture District), while a single-family home is under construction.

**STAFF REPORT**

<p><b>GENERAL INFORMATION</b></p>	<p>Applicant &amp; Appellant:</p>	<p>Bonnie Giroux</p>																														
	<p>Location:</p>	<p>331 Beach Avenue</p>																														
	<p>Zoning:</p>	<p>A-1 (Agriculture District)</p>																														
<p><b>BACKGROUND / REQUEST</b></p>	<ul style="list-style-type: none"> <li>• The appellant proposes to occupy a mobile home (similar in appearance to a construction trailer) for one year in the A-1 District, while a permanent single-family dwelling is under construction on the same property</li> <li>• The proposed mobile home/construction trailer is a 2004 model, 60 feet X 12 feet in size. Although the proposed mobile home is similar in appearance to a construction trailer, it would be used exclusively as a single family residence.</li> <li>• The subject property does not meet the minimum size and yard requirements of the A-1 District. However, the Board of Adjustment approved a minimum width at building line variance from 150 feet to 110 feet on October 27, 2003.</li> <li>• The temporary occupancy of a mobile home while a single-family structure is permitted only by special exception in the A-1 District.</li> </ul>																															
<p><b>ZONING &amp; FLU</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 15%;">DIRECTION</th> <th style="width: 20%;">EXISTING ZONING</th> <th style="width: 20%;">EXISTING FLU</th> <th style="width: 45%;">USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td>Site</td> <td>A-1</td> <td>LDR/CONS</td> <td>Vacant Residential</td> </tr> <tr> <td>North</td> <td>A-1</td> <td>LDR/CONS</td> <td>Single Family</td> </tr> <tr> <td>South</td> <td>R-1AAA</td> <td>LDR/CONS</td> <td>Vacant Residential</td> </tr> <tr> <td>South</td> <td>A-1</td> <td>LDR/CONS</td> <td>Single Family</td> </tr> <tr> <td>East</td> <td>City of Longwood</td> <td>City of Longwood</td> <td>Other/Non-Agricultural</td> </tr> <tr> <td>West</td> <td>R-1AA</td> <td>LDR</td> <td>Single Family</td> </tr> </tbody> </table>				DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	Site	A-1	LDR/CONS	Vacant Residential	North	A-1	LDR/CONS	Single Family	South	R-1AAA	LDR/CONS	Vacant Residential	South	A-1	LDR/CONS	Single Family	East	City of Longwood	City of Longwood	Other/Non-Agricultural	West	R-1AA	LDR	Single Family
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East	City of Longwood	City of Longwood	Other/Non-Agricultural																													
West	R-1AA	LDR	Single Family																													
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)</b></p>	<p><b><u>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area:</u></b></p> <p>The character of the area is generally comprised of conventional single-family homes. If the special exception is</p>																															

limited to no more than one year, staff does not believe the character of development on nearby and adjacent properties would be adversely impacted. This is a temporary use and with the recommended conditions of approval the character of the area should be protected.

**Does not have an unduly adverse effect on existing traffic patterns, movements, and volumes:**

Since the proposed mobile home/construction trailer would be temporarily utilized as a single-family dwelling that would not be highly intensive in nature, staff does not believe it would adversely impact adjoining transportation facilities.

**Is consistent with the Seminole County Vision 2020 Comprehensive Plan:**

The request is for the temporary approval of a use, which would be used for single-family purposes; the same would be consistent with the Comprehensive Plan's designation of LDR Future Land Use for the subject property.

**Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:**

The subject property does not meet the minimum size and yard requirements of the A-1 District. However, the Board of Adjustment approved a minimum width at building line variance from 150 feet to 110 feet at its meeting of October 27, 2003. The proposed single-family home is currently under construction and complies with the setback requirements of the A-1 District.

**Will not adversely affect the public interest:**

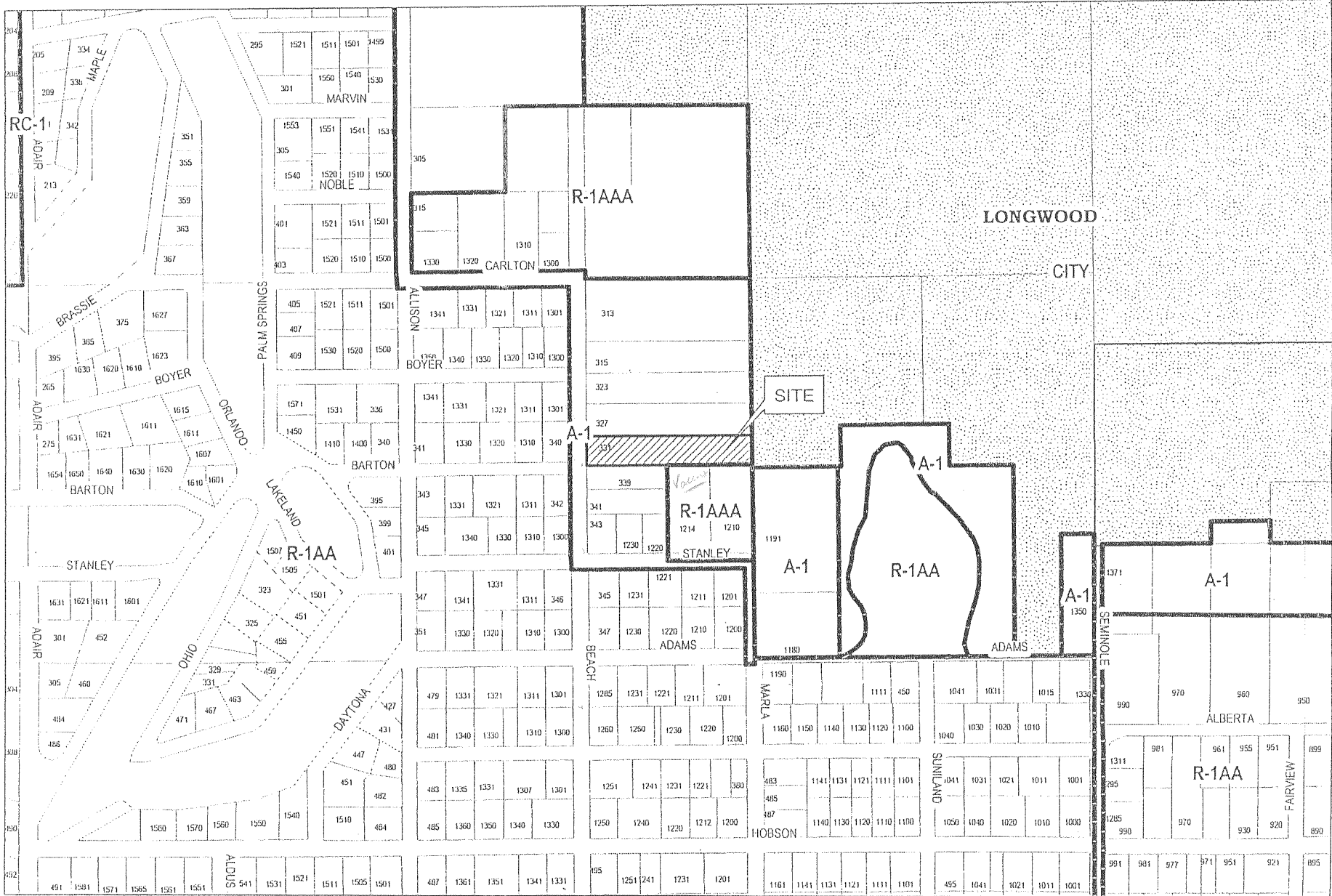
Staff believes the proposed mobile home/construction trailer, as proposed, would not adversely affect the character of the neighborhood if the recommended condition and provisions of the Land Development Code are imposed and strictly enforced. Based on the appellant's representation to occupy the proposed home for no more than a year while a single-family dwelling is under construction, staff does not believe the proposed home would adversely affect the public interest if the recommended condition and applicable Land Development Code provisions are imposed by the Board.

<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.104</b></p>	<p>The Board of County Commissioners may permit any use allowed by special exception in the A-1 (Agriculture District) upon making findings of fact, in addition to those required by Section 30.43 (B)(2) of the Land Development Code, that the use:</p> <p><b><u>Is consistent with the general zoning plan of the rural zoning classifications:</u></b></p> <p>The proposed mobile home is a special exception in the A-1 District. To ensure consistency with the general zoning plan of the A-1 district and protect the character of the area, the mobile home siting standards enumerated in section 30.1401 of the land development code would apply as stated elsewhere in this report.</p> <p><b><u>Is not highly intensive in nature:</u></b></p> <p>The request would not be highly intensive in nature, as the proposed mobile home would be used on a temporary basis for single-family purposes.</p> <p><b><u>Is compatible with the concept of low-density residential land use:</u></b></p> <p>The proposed use would be consistent with the concept of surrounding single-family land use, since the comprehensive plan describes low density residential as an appropriate Future Land Use category for the placement of single-family dwellings, including temporary (mobile) homes.</p> <p><b><u>Has access to an adequate level of urban services such as sewer, water, police, schools, and related services.</u></b></p> <p>The proposed use would be served by County water and a septic tank. It would also have access to other public services, including schools and emergency services.</p>
<p><b>STAFF FINDINGS</b></p>	<p>In staff's opinion, the appellant has satisfied the standards for the granting of a special exception for the one year occupancy of a mobile home in the A-1 District. Based on the findings presented, staff recommends the Board of</p>

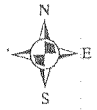
	<p>County Commissioners <u>reverse</u> the Board of Adjustment's decision and approve the request, conditioned upon the site plan submitted, conformity with the Comprehensive Plan, Land Development Code, and adherence to the following condition:</p> <ul style="list-style-type: none"><li>• The proposed mobile home shall be manufactured to include bathroom facilities and kitchen facilities consistent with those of a single family dwelling.</li></ul>
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- ATTACHMENTS: Zoning & Land Use maps  
Correspondence  
Application for special exception  
Property appraiser report  
Proposed development order  
Board of Adjustment meeting minutes  
Proposed site plan  
Decision on appeal.






Bonnie Giroux  
331 Beach Avenue



**Bonnie Giroux  
331 Beach Avenue**



**Legend  
Parcel Land Use**

-  BM2004-021
-  Other Land Use
-  Vacant Residential
-  Single Family
-  Mobile Home

RECEIVED  
OCT 26 2004

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October 26, 2004

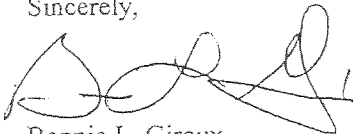
Planning And Development Department  
Planning Division  
Seminole County Services Building  
1101 East First Street  
Sanford, Fl 32771-1498

Ref: 331 Beach Avenue - (BM2004-021)

Dear Mr. Jason Showe,

I would like to appeal the decision made on October 25, 2004 by the Board Of Adjustments.  
Payment of \$185.00 by company ck 4779.

Sincerely,



Bonnie L. Giroux  
639 Clemson Drive  
Altamonte Springs, 32714



**MOBILE HOME  
APPLICATION TO THE BOARD OF ADJUSTMENT  
SEMINOLE COUNTY**

PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FLORIDA 32771  
Phone: (407) 665-7444 Fax: 665-7385

\_\_\_ NEW APPLICATION      \_\_\_ Existing (Undocumented)  
\_\_\_ RENEWAL  
\_\_\_ REINSTATEMENT  
\_\_\_ MEDICAL HARDSHIP

APPLICANT: Bonnie L. Giroux

MAILING ADDRESS: 639 Clemson Drive

CITY: Altamonte Springs STATE: FL ZIP CODE: 32714

PHONE: WORK 407-788-1818 HOME 407-327-3030 FAX: 407-774-0447

OWNER OF PROPERTY: Bonnie L. & Jaime L. Giroux

STREET ADDRESS OF SUBJECT PROPERTY: 331 Beach Avenue, Longwood, FL 32750

TAX PARCEL I.D. NUMBER: 15-21-29-5CK-100D-0000

LEGAL DESCRIPTION OF PROPERTY: \_\_\_\_\_

LEG BLK D (LESS N 220 FT) TRACT 10, SANLANDO SPRINS

DIRECTIONS TO PROPERTY : About 350 feet N of the intersection of Beach Ave. and Stanley St.

LOT SIZE: 1 Acre

**PLEASE ANSWER THE FOLLOWING QUESTIONS:**

1. The Mobile home is:  Existing  Proposed  Replacement of existing mobile home
2. Who is the mobile home for? Self
3. Year of mobile home: 2004 Size of mobile home 12 x 60
4. Anticipated length of time mobile home is needed: 1 Year
5. Are you planning to build? Yes/Permit -04-1343 If so, when? October, 2004

**EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING SUBMITTALS:**

- Application fee.
- Copy of site plan indicating the information requested on page 3.
- Copy of legal description from Property Appraisers Office with the tax parcel I.D. no.
- Letter of Authorization from the property owner granting permission to apply for the Special Exception.
- Medical Hardship applications shall be accompanied by a letter from a doctor substantiating the illness.

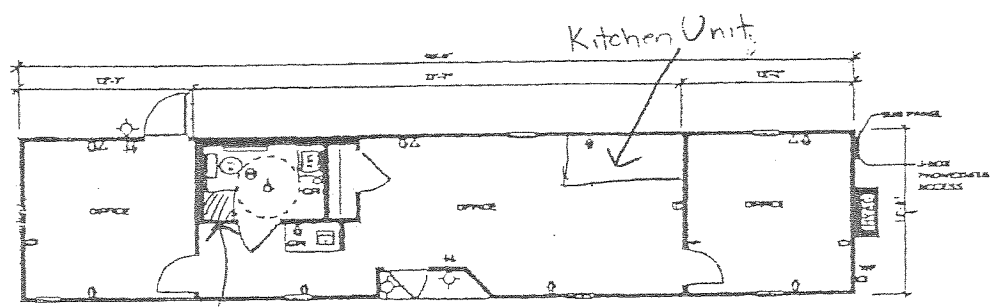
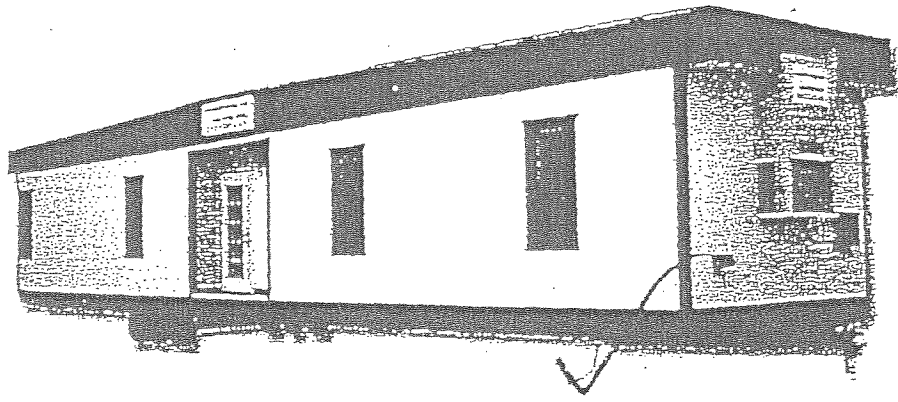
*NOTE: Completion of the application form is considered to be of importance. Careful thought and correct answers should be given since many of the same questions may be asked at the hearing.*

SIGNATURE OF APPLICANT [Signature] DATE 9/17/04

FOR OFFICE USE ONLY	
FURTHER DESCRIBED AS: _____	
_____	
ZONING DISTRICT: _____	
FLOOD PRONE REVIEW: _____ LOT SIZE / WIDTH VARIANCE: yes / no	
PROCESSING:	
FEE: _____	DATE _____
RECEIPT NO. _____	
A. LEGAL AD TO NEWSPAPER _____ / _____	D. BOARD ACTION / DATE _____ / _____
B. PLACARDS / NOTICE _____ / _____	E. LETTER TO APPLICANT _____
C. NOTICE TO PROPERTY OWNERS _____	F. PROJECT NO. _____
COMMENTS: _____	

Past Applications:  
1. \_\_\_\_\_ COMMISSION DISTRICT: \_\_\_\_\_  
2. \_\_\_\_\_ FILE NO. \_\_\_\_\_  
3. \_\_\_\_\_ MEETING DATE \_\_\_\_\_  
4. \_\_\_\_\_

# 12' x 60' DESIGNER SERIES



\* Proposed modifications  
not to scale



STATE OF FLORIDA  
 DEPARTMENT OF HEALTH  
 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM  
 CONSTRUCTION PERMIT

CENTRAX #: 59-S2-06978  
 DATE PAID: \_\_\_\_\_  
 FEE PAID: \$ \_\_\_\_\_  
 RECEIPT: \_\_\_\_\_  
 OSTOSNBR: 03-6997- -N

CONSTRUCTION PERMIT FOR:

[ X ] New System [ ] Existing System [ ] Holding Tank [ ] Innovative Other  
 [ ] Repair [ ] Abandonment [ ] Temporary [ ] \_\_\_\_\_

APPLICANT: Giroux, Bonnie AGENT: 00-0001,

PROPERTY STREET ADDRESS: 00 Beach Ave Longwood FL 32750

LOT: \_\_\_\_\_ BLOCK: D SUBDIVISION: Sanlando Springs

[Section/Township/Range/Parcel No.]

PROPERTY ID #: 01-21-29-5CK100D0000 [OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF CHAPTER 64E-6, FAC DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC TIME PERIOD. ANY CHANGE IN MATERIAL FACTS WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE OR LOCAL PERMITTING REQUIRED FOR PROPERTY DEVELOPMENT.

SYSTEM DESIGN AND SPECIFICATIONS

T [ 1200 ] Gallons SEPTIC TANK MULTI-CHAMBERED/IN SERIES: [ Y ]  
 A [ 0 ] Gallons MULTI-CHAMBERED/IN SERIES: [ Y ]  
 N [ 0 ] GALLONS GREASE INTERCEPTOR CAPACITY  
 K [ 375 ] GALLONS DOSING TANK CAPACITY [ 84 ] GALLONS @ [ 6 ] DOSES PER 24 HRS # PUMPS [ 1 ]  
 [ 555 ] SQUARE FEET PRIMARY DRAINFIELD SYSTEM  
 [ 0 ] SQUARE FEET SYSTEM  
 A TYPE SYSTEM: [ N ] STANDARD [ Y ] FILLED [ N ] MOUND [ N ] \_\_\_\_\_  
 I CONFIGURATION: [ Y ] TRENCH [ N ] BED [ N ] \_\_\_\_\_  
 N  
 F LOCATION TO BENCHMARK: Pk Nail W/Green Dot and Ribbon In Small Leaning Oak Tree  
 I ELEVATION OF PROPOSED SYSTEM SITE [ 17.0 ] [ INCHES ] [ BELOW ] BENCHMARK/REFERENCE POINT  
 E BOTTOM OF DRAINFIELD TO BE [ 26.0 ] [ INCHES ] [ BELOW ] BENCHMARK/REFERENCE POINT  
 L  
 D FILL REQUIRED: [ 9.0 ] INCHES EXCAVATION REQUIRED: [ 32.0 ] INCHES

OTHER REMARKS:

The licensed contractor installing the system is responsible for installing the minimum category of tank in accordance with s. 64E-6.013(3)(f), FAC.

Sleeve potable water lines within 10 feet of drainfield. Potable water lines may not be installed within 2 ft of drainfield. Audio and visual alarms must be installed and working. Maintain 75 feet from surface water. Private potable wells must be 75 feet from system. Non potable wells must be 50 feet. The O horizon must be removed from beneath the drainfield, shoulder and slope area. No portion of drainfield may be located in any easement. Filled System: Grade properly and stabilize with sod (2:1).

SPECIFICATIONS BY: Wilson, David TITLE: \_\_\_\_\_

APPROVED BY: Wilson, David TITLE: Environmental Heal Seminole CHD

PERMIT ISSUED: 1/15/04 EXPIRATION DATE: 7/15/05



"Pierce Outlaw"  
<pierce@contemporarymortgage.com>  
01/04/2005 02:00 PM

To <plandesk@co.seminole.fl.us>  
cc  
bcc  
Subject 331 Beach Avenue appeal of Board of Adjustment decision

To Whom It May Concern:

My name is Pierce Outlaw. I am the owner of the property located at 1310 Boyer Street, which is approximately 300 feet northwest of the property that is the subject of this appeal.

The purpose of this letter is to express my opposition to the board's granting of an exception that would allow a mobile home to be parked for a year at 331 Beach Avenue. I feel that I am uniquely qualified to voice an expert opinion on this matter due to my 20+ years of mortgage lending, 18 of which is in the Central Florida market, and the last 13 of which are in the Longwood/ Altamonte Springs/Wekiva/Lake Mary areas. I have closed and funded over \$100,000,000 worth of residential mortgages in this immediate market area in the last 13 years, and am privy to realtor opinions and expertise, real estate appraisers opinions and expertise, as well as my own and my peers in my industry.

I oppose this exception on several fronts, not the least of which is that construction on the SFR on that property is proceeding at a timely rate. The foundation, rough plumbing, walls, and framing are all in place. Based on my 20 years experience in construction mortgage lending, I would estimate the time remaining to C/O is no more than 120 days, and that outside estimate takes into consideration slow material delivery or demand on contractors. Otherwise, the time to C/O should be no more than 90 days.

To argue that a construction trailer is needed on a SFR construction site that is 30% complete for a year is lunacy. The owners have other properties available to reside in. By the time grading, foundation work, septic and plumbing would be adequate to support the trailer the SFR would be within 90 days of C/O. Construction trailers are unnecessary and not customary in the construction of single family residences. Trailers may be customary in the development of subdivisions and commercial projects, but under no circumstances would you ever see a construction trailer on a job site for a 3000+/- square foot residence.

The general neighborhood is in transition from older, 1970's era construction to a younger, more upwardly mobile demographic with renovated homes. Home values in this area have risen dramatically in the past 10 years and in the past 5 years in particular. As an example I purchased the home I reside in May 2002 for \$149,000. I have renovated the home extensively at a cost of about \$40,000. My home recently appraised for \$250,000. That is appreciation of approximately 32% in 2.5 years, which is an excellent return under any scenario.

Allowing mobile homes into this neighborhood would be damaging to the current owners on several fronts. The integrity of the neighborhood would be compromised possibly forever. In the current market home prices are appreciating and marketing times are 3 months or less. If mobile homes were allowed into the neighborhood it would slow the appreciation of the market and impact sellers adversely by lowering demand for nicer properties and slow marketing times, which lower values due to slower demand and increase marketing costs in the selling process.

With interest rates low many home owners are using existing equity to upgrade their properties, which increases the utility of the properties as well as their value. Many owners are using their equity, which has increased dramatically in the past 5 years, to consolidate debt, pay for college tuitions, invest in other financial instruments, or to simply buy other real estate. Allowing mobile homes in the neighborhood would adversely impact values which would have a domino effect on the financial health and ability of the current owners to use their equity in a way that positively impacts their overall financial health.

Any time a neighborhood transitions downward from SFR toward mobile homes or mixed use, it affects the desirability of the neighborhood which ultimately leads to lower appreciation, lower prices, longer marketing times, and less favorable financing options for buyers and owners.

With its superior construction, central location, lot sizes, and overall trend toward updating and upward mobility, the area is in very good shape economically and improving. Allowing even a single trailer into the neighborhood would be economically damaging to the current owners who have staked often their largest investment on their homes and the neighborhood in general. I for one am not willing to take a financial hit because of another owner's desire for a construction trailer that is unnecessary, uncustomary, would be an eyesore, and has no functional utility on a SFR construction site that should be within 120 days of C/O.

In talking with many of my neighbors there is an air of concern in how this decision could impact the neighborhood adversely and the long term financial health of the owners. I feel confident that our government is unwilling to do anything that would adversely impact its tax base and constituency not to mention the fiduciary responsibility the committee has to the owners of this area in safeguarding our investments. I appeal to the committee to reject this appeal and to stand on the side of the current residents in preserving the integrity and financial value of the neighborhood we have all worked so hard to build and maintain.

Thanks you for your attention and consideration.

Sincerely:

Pierce Outlaw, Owner  
1310 Boyer Street  
Longwood, FL 32750



"Pierce Outlaw"  
<pierce@contemporarymort  
gage.com>

10/25/2004 02:29 PM

To <plandesk@seminolecountyfl.gov>

cc

bcc

Subject Public hearing re: 331 Beach Avenue special exception

To Whom It May Concern:

This letter is in response to the letter I received regarding the special exception hearing for 331 Beach Avenue.

As the property owner of the single family residence located at 1310 Boyer Street, Longwood, I am adamantly opposed to granting the special exception on the following grounds:

(A) To grant this exception would serve as establishing precedent for any construction project exception. It is conceivable that soon several mobile homes could be in the neighborhood as there are a few vacant lots as well as homes that are candidates for renovation.

(B) It is aesthetically unpleasing as well as a deterrance to increasing property values. I would hate to have to know I had to list my home for sale with a mobile home less than one block away. It would deter possible buyers and supress values.

(C) Given the state the availability of contractors and materials in this area currently, there is no guarantee that the proposed SFR construction would be complete in less than 12 months. The mobile home could become a fixture if this exception is granted.

(D) As a mortgage loan officer with over 20 years experience in construction lending, I find it inconcievable that such a waiver would even be considered. Almost all borrowers/buyers who have SFR's constructed lease apartments, rent SFR's, or simply occupy their current homes until the new home is completed.

(E) There is no need for the applicant to occupy the proposed mibile home. The applicant owns a SFR of 2900 sq ft +/- located at 121 Lisa Loop in the Oaks S/D, which is listed as the primary residence and granted homestead exemption by the county.

To grant this exception would distress my neighbors and me greatly. Several of us have bought homes in this area and renovated them not only to enjoy as residences but to realize increasing market values as more and more people move into the neighborhood and renovate older homes. To allow a mobile home into this growing neighborhood would effectively thwart any market momentum underway and effectively open the door to even more mobile homes and substandard construction. I think I speak for my neighbors when I say that we want tastefully done, nicer SFR's in our neighborhood, not mobile homes!

Please consider my request as one of a resident, taxpayer and citizen of the Sanlando Springs area who doesn't want his most valued investment and neighborhood degraded by allowing mobile homes into my neighborhood.

Sincerely:

Donald Pierce Outlaw  
1310 Boyer Street  
Longwood, FL 32750

## FACSIMILE COVER PAGE

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To : Jason

From : Bonnie L. Giroux

Sent : 1/10/2005 at 2:08:30 PM

Pages : 1 (including Cover)

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Subject :

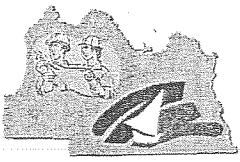
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Jason

May I please reschedule my appeal hearing scheduled for January 11, 2005 @ 1:30p.m.. Due to illness I am unable to attend. As you are aware Jaime lives in Royal Palm Beach at the present and is unable to make the trip. Thank you for all your help.

Regards

Bonnie L. Giroux



Appeal

**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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

**VARIANCE**

**SPECIAL EXCEPTION**

**MOBILE HOME SPECIAL EXCEPTION** 1 year temporary placement of a mobile home/construction trailer while house is being built

EXISTING  PROPOSED  REPLACEMENT

MOBILE HOME IS FOR \_\_\_\_\_

YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_

ANTICIPATED TIME MOBILE HOME IS NEEDED 1 year

PLAN TO BUILD  YES  NO IF SO, WHEN currently under construction

MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT*
NAME	<u>Monique Giroux</u>	
ADDRESS	<u>634 Clemson Drive</u>	
	<u>Altamonte Springs, FL 32714</u>	
PHONE 1	<u>(407) 788-1315</u>	
PHONE 2	<u>(407) 327-3030</u>	
E-MAIL		

RECEIVED  
RECEIVED

PROJECT NAME: Beach Avenue (331)

SITE ADDRESS: same

CURRENT USE OF PROPERTY: vacant under construction

LEGAL DESCRIPTION: LEC BLK D (LESS N 220 FT) TRACT 10, SANLANDO SPRINGS

SIZE OF PROPERTY: 1.035 acre(s) PARCEL I.D. 01-21-29-5CK-1000-0000

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on Oct 25, 2004 (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.

9.17.04

SIGNATURE OF OWNER OR AGENT\* \_\_\_\_\_ DATE \_\_\_\_\_

\* Proof of owner's authorization is required with submittal if signed by agent.

**ADDITIONAL VARIANCES**

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

RECEIVED  
OCT 26 2004

**APPEAL FROM BOA DECISION TO BCC**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Bonnie Giroux	
ADDRESS	639 Clemson Dr Altamonte Springs 32714	
PHONE 1	407-785-1818	
PHONE 2	327-3030	
E-MAIL		

RECEIVED  
OCT 26 2004

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY


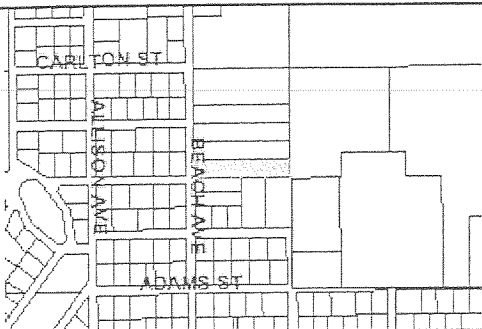
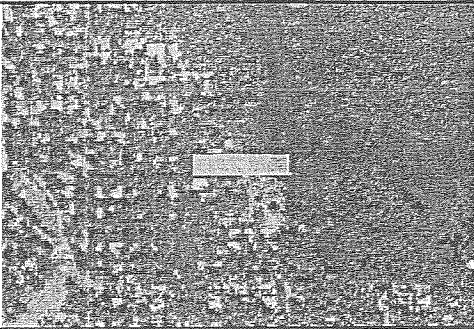
**PROCESSING:**

FEE: \$185.00 COMMISSION DISTRICT 4 FLU/ZONING LDR/A-1  
LOCATION FURTHER DESCRIBED AS on the NE corner of the  
intersection of Beach Ave & Barton St.

PLANNER J V DATE 9/17/04

SUFFICIENCY COMMENTS \_\_\_\_\_



 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford, FL 32771 407-668-7806</p>	<p>REAL ESTATE   PERSONAL PROP.   TAX ROLL   SALES SEARCH</p> <p>◀ ◁ Back ▷ ▶</p> 																																																													
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 01-21-29-5CK-100D-0000   Tax District: 01-TX DIST 1 - COUNTY                  Owner: GIROUX BONNIE L &amp; JAIME L Exemptions:                  Address: 639 CLEMSON DR                  City,State,ZipCode: ALTAMONTE SPRINGS FL 32714                  Property Address: 331 BEACH AVE LONGWOOD 32750                  Subdivision Name: SANLANDO SPRINGS                  Dor: 00-VACANT RESIDENTIAL</p>		<p style="text-align: center;"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 0                  Depreciated Bldg Value: \$0                  Depreciated EXFT Value: \$0                  Land Value (Market): \$37,759                  Land Value Ag: \$0                  Just/Market Value: \$37,759                  Assessed Value (SOH): \$37,759                  Exempt Value: \$0                  Taxable Value: \$37,759</p> <p style="text-align: center;">2004 Notice of Proposed Property Tax</p>																																																												
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>09/2002</td><td>04534</td><td>1402</td><td>\$54,900</td><td>Vacant</td></tr> <tr><td>WARRANTY DEED</td><td>04/1998</td><td>03403</td><td>1892</td><td>\$38,500</td><td>Vacant</td></tr> <tr><td>FINAL JUDGEMENT</td><td>12/1996</td><td>03164</td><td>1920</td><td>\$100</td><td>Vacant</td></tr> <tr><td>TAX DEED</td><td>08/1996</td><td>03114</td><td>1893</td><td>\$19,900</td><td>Vacant</td></tr> <tr><td>WARRANTY DEED</td><td>01/1992</td><td>02387</td><td>1288</td><td>\$100</td><td>Improved</td></tr> <tr><td>QUIT CLAIM DEED</td><td>09/1984</td><td>01595</td><td>1239</td><td>\$100</td><td>Vacant</td></tr> <tr><td>QUIT CLAIM DEED</td><td>09/1984</td><td>01584</td><td>0075</td><td>\$100</td><td>Vacant</td></tr> <tr><td>WARRANTY DEED</td><td>12/1979</td><td>01282</td><td>0255</td><td>\$1,000</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>01/1974</td><td>01029</td><td>0660</td><td>\$20,000</td><td>Vacant</td></tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	09/2002	04534	1402	\$54,900	Vacant	WARRANTY DEED	04/1998	03403	1892	\$38,500	Vacant	FINAL JUDGEMENT	12/1996	03164	1920	\$100	Vacant	TAX DEED	08/1996	03114	1893	\$19,900	Vacant	WARRANTY DEED	01/1992	02387	1288	\$100	Improved	QUIT CLAIM DEED	09/1984	01595	1239	\$100	Vacant	QUIT CLAIM DEED	09/1984	01584	0075	\$100	Vacant	WARRANTY DEED	12/1979	01282	0255	\$1,000	Improved	WARRANTY DEED	01/1974	01029	0660	\$20,000	Vacant	<p style="text-align: center;"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$647                  2003 Taxable Value: \$37,759</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p><b>NOTE:</b> 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.</p>																																																														



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG BLK D (LESS N 220 FT) TRACT 10 SANLANDO SPRINGS PB 7 PG 1

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

**FINDINGS OF FACT**

**Property Owners:** BONNIE GIROUX  
639 CLEMSON DRIVE  
ALTAMONTE SPRINGS, FL 32714

**Project Name:** 331 BEACH AVENUE

**Requested Development Approval:**

SPECIAL EXCEPTION FOR THE TEMPORARY PLACEMENT OF A MOBILE HOME WHILE A SINGLE FAMILY HOME IS UNDER CONSTRUCTION FOR ONE YEAR IN THE A-1 (AGRICULTURE DISTRICT)

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: Jason Showe, 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:

- o THE PROPOSED MOBILE HOME/CONSTRUCTION TRAILER SHALL BE MANUFACTURED TO INCLUDE BATHROOM FACILITIES AND KITCHEN FACILTIES CONSISTENT WITH THOSE OF A SINGLE FAMILY DWELLING.

(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

2. **331 BEACH AVENUE** - Bonnie & Jaime Giroux, applicants; Request for special exception for the one year placement of a mobile home / construction trailer while a single family home is under construction in the A-1 (Agriculture District); Located on the east side of Beach Avenue and immediately east of the intersection of Beach Avenue and Barton Street; (BM2004-021).

Jason Showe introduced the location of the application and stated that staff recommended approval of the request. He also stated that the applicant stated that the proposed mobile home would be modified to include kitchen and bathing facilities consistent with that of a single family dwelling. He further stated that staff received one letter of opposition.

Bonnie Giroux stated that she would be more than happy to answer any questions the Board had.

Mr. Rozon stated that the letter of opposition listed that you presently own a single-family residence, are you currently occupying that residence?

Bonnie stated that the house is presently up for sale, and she does live in it.

Marilyn Joy stated that she lives next door to the property that Bonnie is proposing to put a mobile home on. She also stated that there has been two sheds on the property for over a year, which is illegal. She also stated that she is concerned about the length of time the mobile home would be on the property, because she didn't believe she is building a home. She further stated that the value of their properties would decrease. She lastly stated that a petition would be presented to the Board by one of her neighbors.

Laurance Linguay stated that he was an adjacent neighbor. He also stated that he had a petition signed by 11 neighbors in and around the neighborhood. He further stated that his objection was because he was not consulted by Bonnie as to what was going to happen on the property.

Chris Culberson stated that he lived around the corner from the property and he was on the petition as well. He also stated that he was concerned that the 1 year request would turn into 3 or 5 years. He further stated that he didn't want this to set a precedent in the neighborhood.

Randy Moorehead stated that his concern was that the property values of their homes would be affected. He also stated that he personally objected to the mobile home being put on the property.

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Bonnie Giroux stated that the construction trailer would be converted into a living facility. She also stated that she is on a tight budget building a new home, so she wanted to spend less money as possible on the trailer. She further stated that the people she bought the property from had a dump business and it took her several months to clean up the property. She also stated that her brother bought a piece of property out where she is proposing to build her home and it took her a year to build his house. She further stated that they have improved the value of the homes in the neighborhood. She lastly stated that the trailer would not be seen from the road and the only time it would be seen is when they bring it on the property.

**Mr. Rozon made a motion to deny the request.**

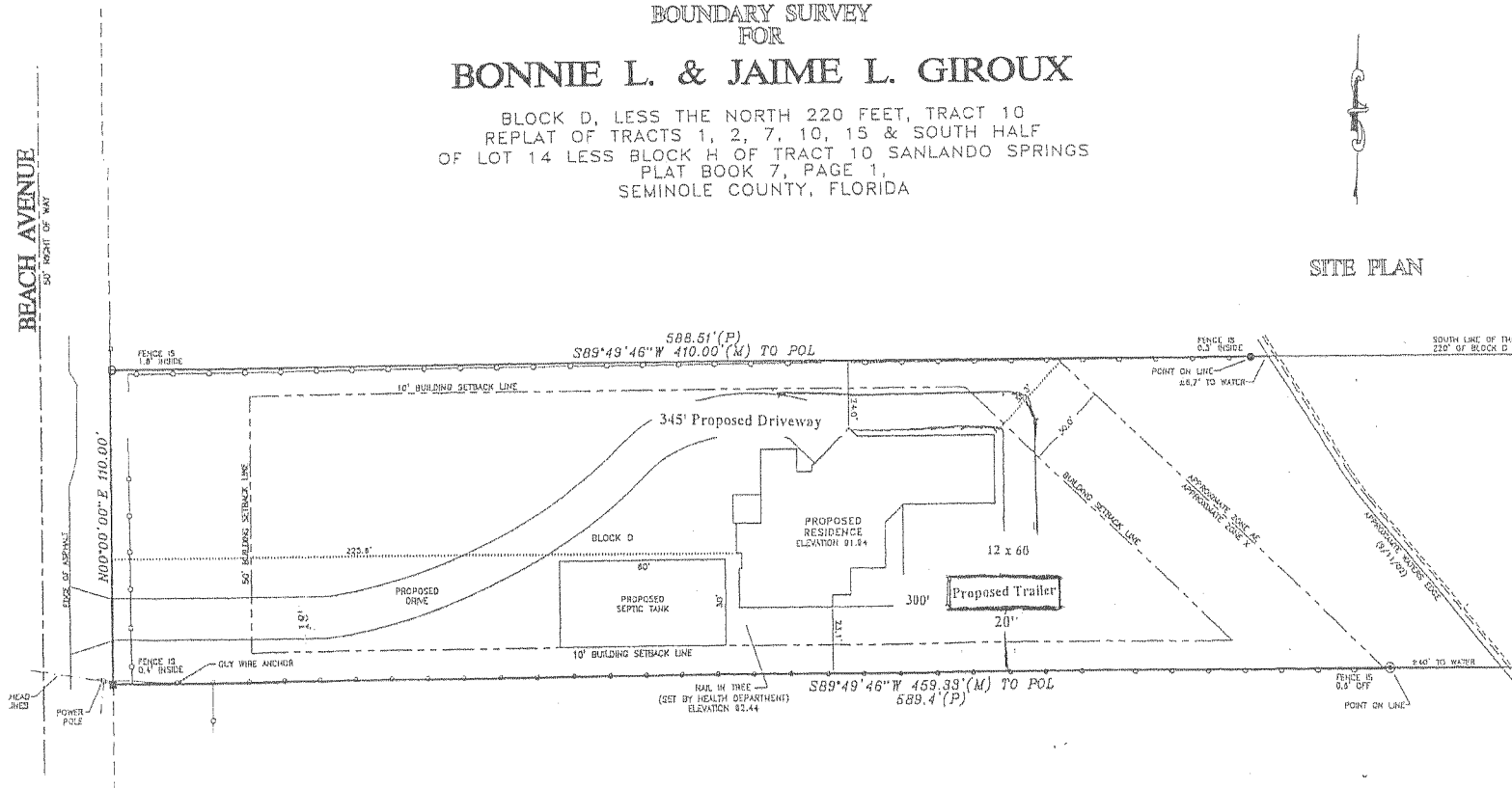
**Mr. Bushrui seconded the motion.**

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

BOUNDARY SURVEY  
FOR  
**BONNIE L. & JAIME L. GIROUX**

BLOCK D, LESS THE NORTH 220 FEET, TRACT 10  
REPLAT OF TRACTS 1, 2, 7, 10, 15 & SOUTH HALF  
OF LOT 14 LESS BLOCK H OF TRACT 10 SANLANDO SPRINGS  
PLAT BOOK 7, PAGE 1,  
SEMINOLE COUNTY, FLORIDA

SITE PLAN



**SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**  
**DECISION ON APPEAL**

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 25<sup>th</sup> day of January 2005, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, reversing a decision of the Board of Adjustment to deny a request for a special exception for the one year placement of a mobile home/construction trailer while a single family home is under construction in the A-1 (Agriculture District).

**A. FINDINGS OF FACT**

1. On October 25, 2004 the Board of Adjustment denied a request for a special exception for the one year placement of a mobile home/construction trailer while a single family home is under construction in the A-1 (Agriculture District), as requested by Bonnie Giroux, on the property further described by the following legal description:

LEG BLK D (LESS N 220 FT) TRACT 10 SANLANDO SPRINGS PB 7 PG 1

2. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43(f), LDC.
3. On January 11, 2005, The Board of County Commissioners heard an appeal of this decision.

**B. CONCLUSIONS OF LAW**

The Board of County Commissioners finds that the request is in conformance with Section 30.128 of the Land Development Code of Seminole County due to the following:

1. The Board hereby agrees with and adopts staff recommendations as reflected in the Agenda Memorandum, Item #\_\_\_\_\_.
2. The subject request meets all of the criteria in Section 30.128(a)(1)&(2), LDC, for granting of the special exception.



**C. DECISION**

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on January 25, 2005, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **REVERSED** and the special exception request is granted.

**DATED** this 25<sup>th</sup> day of January 2005

Board of County Commissioners  
Seminole County, Florida

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Carlton Henley, Chairman