

Item # 47

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Appeal of the Board of Adjustment's decision to grant a Special Exception for the continued placement of a mobile home for five years at 2295 Canal Street; (Ed Hauser, applicant/appellant).

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 05/09/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **OVERTURN** the Board of Adjustment's decision to grant a Special Exception for the continued placement of a mobile home for five years at 2295 Canal Street; (Ed Hauser, applicant/appellant); or
2. **UPHOLD** the Board of Adjustment's decision to grant a Special Exception for the continued placement of a mobile home for five years at 2295 Canal Street; (Ed Hauser, applicant/appellant); or
3. **MODIFY** the Board of Adjustment's decision to grant a Special Exception for the continued placement of a mobile home for five years at 2295 Canal Street; (Ed Hauser, applicant/appellant); or
4. **CONTINUE** the request to a time and date certain.

Commission District #2, Morris

Kathy Fall, Principal Planner

BACKGROUND:

On September 27, 2005 the Board of County Commissioners (BCC) continued this request until they had reviewed the Land Development Code update concerning proposed mobile home policies. The Land Development Code update briefing was presented at the February 28, 2006 meeting. At that meeting staff was directed to meet with the Commissioners individually for comments concerning the proposed mobile home policies. Staff has met with each of the Commissioners and their findings have been sent to the consultant.

At the July 25, 2005 meeting the Board of Adjustment recommended approval of the five year placement of an existing mobile home. The

Reviewed by:	
Co Atty:	<u>KFT</u>
DFS:	_____
Other:	_____
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp06</u>

applicant requested the permanent placement of the mobile home and filed an appeal of the decision to grant the five year placement.

STAFF RECOMMENDATION:

Staff recommends the Board of County Commissioners overturn the Board of Adjustment's decision and grant permanent placement based upon the finding in the staff report.

Attachments: Special Exception application & Appeal request (07/29/05)
Location, site photographs, and zoning maps
Past approvals
Property Appraiser Information
Opposition letters
BOA minutes (07/25/05)
BCC minutes (09/27/06)
Development Order

STAFF REPORT

GENERAL INFORMATION	Ed Hauser, applicant 2295 Canal Street Oviedo	A-10 district, LDC sections 30.104 (A-10 conditional uses) & 30.1401 (mobile home siting standards)																									
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting the permanent placement of an existing 1978 and 1988 single wide mobile homes that have been attached in the A-10 district, where mobile homes are allowed only by Special Exception. • In 1984, the property received a 10 year Special Exception for one of the current mobile homes, which has since expired. Since that time the applicant has placed a second mobile home on the property without a permit. • The applicant has combined the mobile homes into one unit by constructing a screen room between the mobile homes, as depicted on the site plan. 																										
ZONING & FLU	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: black; color: white;"> <th style="text-align: left;">Direction</th> <th style="text-align: center;">Existing Zoning</th> <th style="text-align: center;">Existing FLU</th> <th style="text-align: center;">Use of Property</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Site</td> <td style="text-align: center;">A-10</td> <td style="text-align: center;">Rural-10</td> <td style="text-align: center;">1978 & 1988 mobile home</td> </tr> <tr> <td style="text-align: left;">North</td> <td style="text-align: center;">A-10</td> <td style="text-align: center;">Rural-10</td> <td style="text-align: center;">mobile home (permanent placement)</td> </tr> <tr> <td style="text-align: left;">South</td> <td style="text-align: center;">A-10</td> <td style="text-align: center;">Rural-10</td> <td style="text-align: center;">single family</td> </tr> <tr> <td style="text-align: left;">East</td> <td style="text-align: center;">A-10</td> <td style="text-align: center;">Rural-10</td> <td style="text-align: center;">vacant</td> </tr> <tr> <td style="text-align: left;">West</td> <td style="text-align: center;">A-10</td> <td style="text-align: center;">Rural-10</td> <td style="text-align: center;">vacant</td> </tr> </tbody> </table>			Direction	Existing Zoning	Existing FLU	Use of Property	Site	A-10	Rural-10	1978 & 1988 mobile home	North	A-10	Rural-10	mobile home (permanent placement)	South	A-10	Rural-10	single family	East	A-10	Rural-10	vacant	West	A-10	Rural-10	vacant
Direction	Existing Zoning	Existing FLU	Use of Property																								
Site	A-10	Rural-10	1978 & 1988 mobile home																								
North	A-10	Rural-10	mobile home (permanent placement)																								
South	A-10	Rural-10	single family																								
East	A-10	Rural-10	vacant																								
West	A-10	Rural-10	vacant																								
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>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:</p> <p><u>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area:</u></p> <p>Available records indicate that several parcels within the immediate vicinity have mobile homes that the BOA has approved for permanent placement.</p>																										

	<p><u>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes:</u></p> <p>Since the proposed use is a single-family unit that would not be highly intensive in nature, staff does not believe it would adversely impact adjoining transportation facilities.</p> <p><u>Is consistent with the Seminole County Vision 2020 Comprehensive Plan:</u></p> <p>The request would be consistent with the trend of low-density single-family land use, including conventional and mobile homes, established in this area.</p> <p><u>Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:</u></p> <p>The subject property is a 5 acre parcel that does not meet the A-10 building minimum dimensional requirements but is buildable because it is a parcel of record prior to 1991.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>The subject property is currently occupied by two attached mobile homes, in which one of them was approved for a ten years Special Exception by the BOA in 1984. Since that time, the trend of development in the area has largely remained inclusive of conventional and mobile homes. The Black Hammock area has seen an increase in the construction of conventional homes on vacant parcels and the replacement of existing mobile homes with conventional homes. However, the immediate surrounding area that is north of Howard Avenue has not seen the transition from mobile homes to conventional homes. In light of this, staff believes the proposed use would not adversely affect with the character of single-family homes in the area.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-10 (AGRICULTURE</p>	<p>The BOA may permit any use allowed by Special Exception in the A-10 (Rural Zoning Classification 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>DISTRICT); LDC SECTION 30.104(a)</p>	<p><u>Is consistent with the general zoning plan of the A-10 (Rural Zoning Classification District):</u></p> <p>The proposed use is allowed only by Special Exception in the A-10 district. The proposed mobile home would be required to comply with the siting standards enumerated in section 30.1401 of the Land Development Code, which are intended to minimize potential incompatibility with nearby conventional single-family homes as follows:</p> <ul style="list-style-type: none"> ○ The mobile home shall have safe and convenient vehicular access. ○ The mobile home shall be required to conform to applicable codes, which include standards for installation, anchoring, utility accessibility, and skirting. <p><u>Is not highly intensive in nature:</u></p> <p>The request is not highly intensive in nature, as the proposed mobile home would only be permitted for single-family occupancy.</p> <p><u>Is compatible with the concept of low density, rural land use; and</u></p> <p>The existing use is consistent with the concept of surrounding rural land use since the comprehensive plan describes low density rural development as an appropriate land use category for the placement of a single-family residence.</p> <p><u>Has access to an adequate level of urban services such as sewer, water, police, schools and related services:</u></p> <p>The subject property is served by on-site septic and well systems. Other county services, including schools and emergency services, are also available to the site.</p>
<p>MOBILE HOME AS A SPECIAL EXCEPTION IN THE A-10 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.103</p>	<p>A mobile home may be permitted as a Special Exception on a lot or parcel of record in the A-10 (Rural Zoning Classification), subject to the previously referenced mobile home siting standards in section 30.1401 of the land development code.</p>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

APPEAL BOA
 APPL. NO. BM 2005-010

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** - PERMANENT PLACEMENT
- EXISTING (YEAR 1985) OR PROPOSED (YEAR _____)
 REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME 45x70
 ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 PLAN TO BUILD YES NO IF SO, WHEN _____
 MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

REC
 MAY 26 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>ED HAUSER</u>	
ADDRESS	<u>P.O. Box 621387</u>	
	<u>OVIDO, FL 32762</u>	
PHONE 1	<u>407-366-8618</u>	
PHONE 2		
E-MAIL	<u>ejhauser@starmedex.com</u>	

PROJECT NAME: CCCC
 SITE ADDRESS: 2295 CANAL ST
 CURRENT USE OF PROPERTY: RESIDENCE
 LEGAL DESCRIPTION: Leg W 1/2 of Lot 124
Black Hammock PB2, PG 110
 SIZE OF PROPERTY: 5 acre(s) PARCEL I.D. 25-20-31-5BA-0000-1240
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER ELECT + PHONE
 KNOWN CODE ENFORCEMENT VIOLATIONS 30.102, 30.103, 30.104

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 7/25/05 (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.

[Signature] DATE 5/26/05

SIGNATURE OF OWNER OR AGENT*
 * 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:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION	
NAME	ED HAUSER
ADDRESS	PO BOX 621387; OVIDO, FL; 32762
PHONE 1	407-366-8618
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

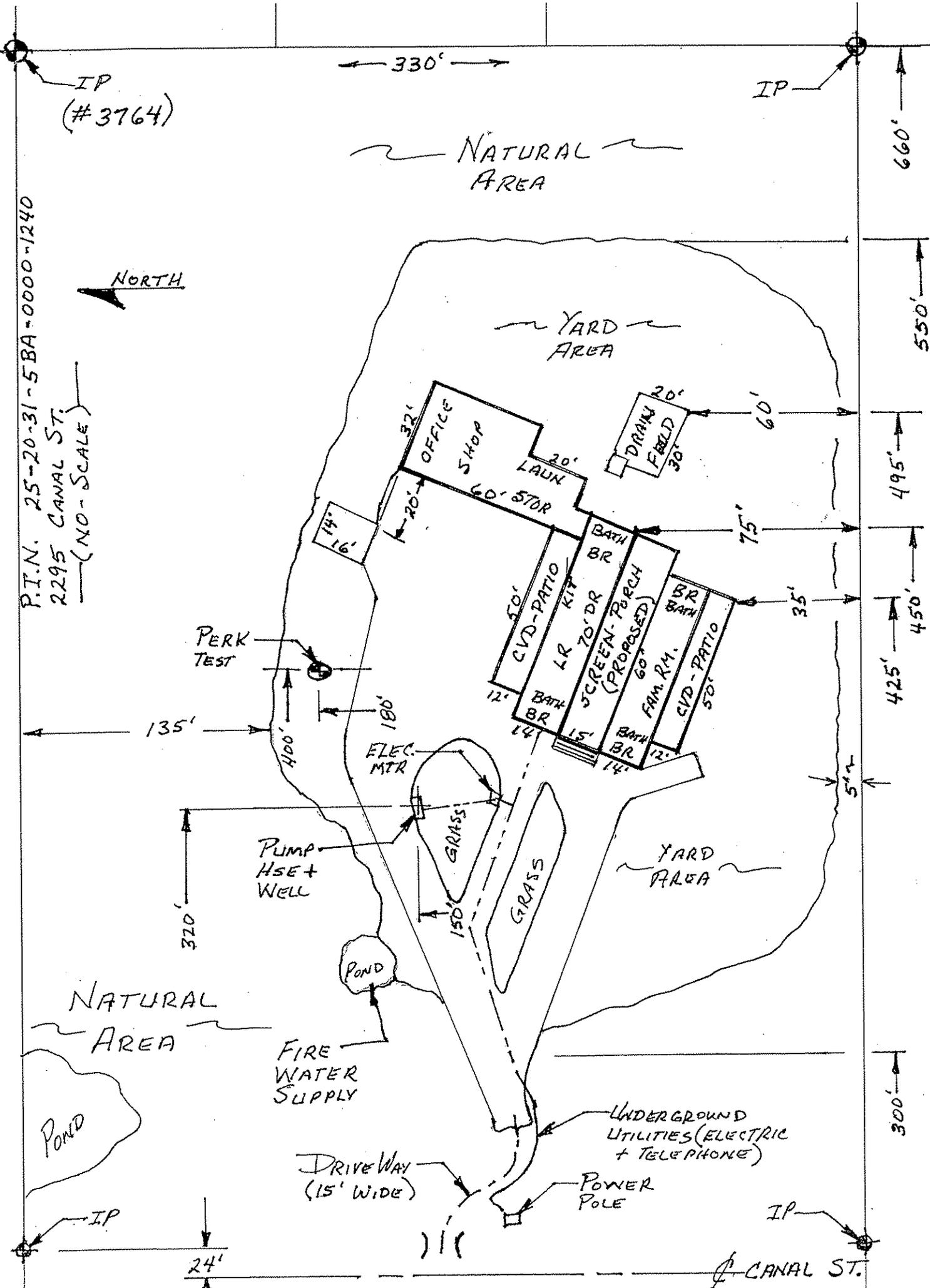
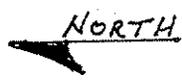
APPELLANT SIGNATURE

[Handwritten Signature]
 7/29/05

FOR OFFICE USE ONLY

PROCESSING:
 FEE(S): 185.00 COMMISSION DISTRICT 1 FLU/ZONING A-10
 BCC HEARING DATE _____ (FOR APPEAL)
 LOCATION FURTHER DESCRIBED AS East of Canal St between Canal St
and Elm St.
 PLANNING ADVISOR MR DATE 5-20-05
 SUFFICIENCY COMMENTS _____

P.I.N. 25-20-31-5BA-000-1240
 2295 CANAL ST.
 (NO-SCALE)



330'

IP
 660'

NATURAL AREA

YARD AREA

550'

OFFICE SHOP 32'
 LAUN 20'
 60' STOR

20'
 30'
 DRAIN F.B.L.D.

14'
 16'

20'
 75'

PERK TEST

135'

ELEC. MTR

50'
 CVD-PATIO
 LR KIT
 70'DR
 SCREEN-PORCH (PROPOSED)
 60'

BR
 BR
 BR
 35'

425'
 450'

320'

PUMP HSE + WELL

POND

150'
 GRASS

GRASS

YARD AREA

NATURAL AREA

FIRE WATER SUPPLY

UNDERGROUND UTILITIES (ELECTRIC + TELEPHONE)

DRIVEWAY (15' WIDE)

POWER POLE

300'

IP

24'

IP

CANAL ST.

LAKE
JESSUP



LOT
124

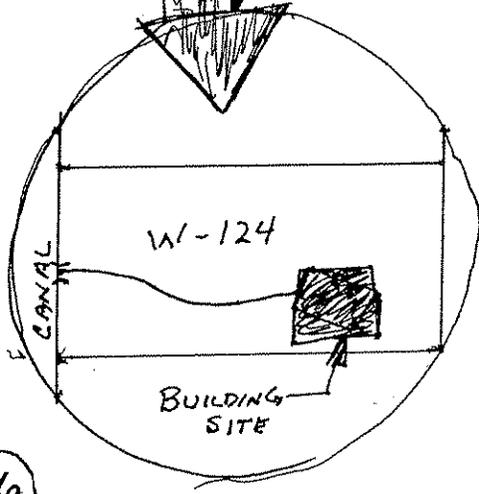
CANAL ST

ELM ST

HOWARD AVE

FLORIDA AVE

419



419

426

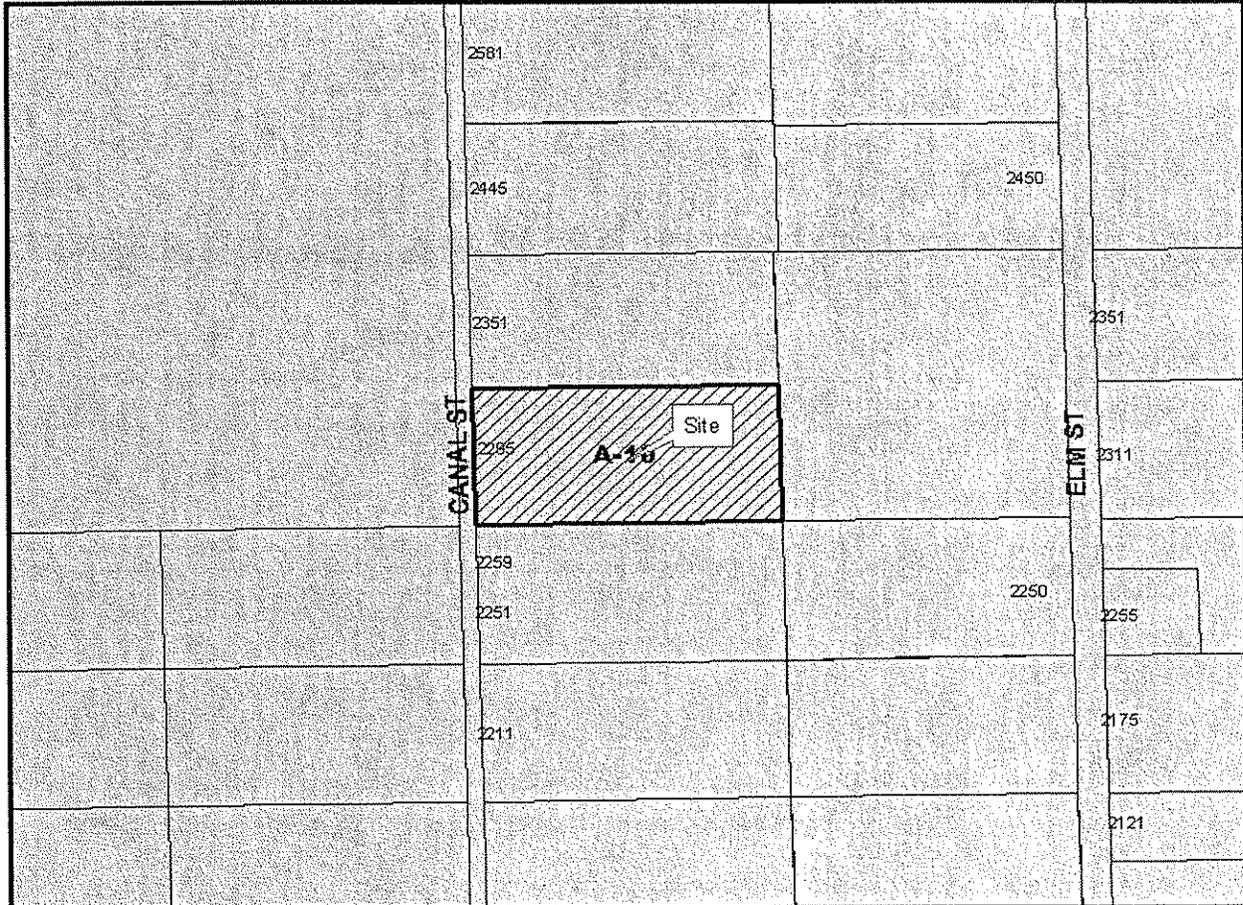
426

419

OVEDO

CANAL STREET (2295)
SPECIAL EXCEPTIONS-MOBILE HOMES

E.D. Hauser
2295 Canal Street
Oviedo, FL 32765



Seminole County Board of Adjustment
July 25, 2005
Case: BM2005-016
Parcel No: 25-20-31-5BA-0000-1240

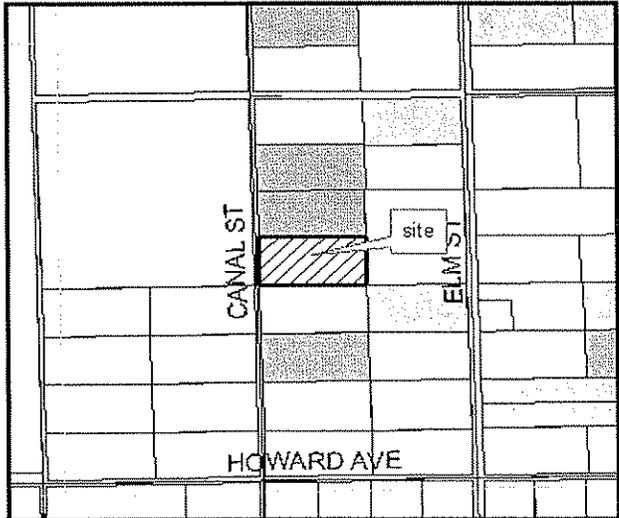
Zoning

- A-10 Rural-10Ac
- BM2005-016

Parcel Use

- All Other Values
- Vacant Residential
- Single Family Residential
- Mobile Home

0 75 150 300 450 600 Feet





JUL 22 2005



<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 407-665-7508</p>		<p>2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 2</p> <p>Depreciated Bldg Value: \$120,185</p> <p>Depreciated EXFT Value: \$5,311</p> <p>Land Value (Market): \$48,300</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$173,796</p> <p>Assessed Value (SOH): \$116,086</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$91,086</p> <p>Tax Estimator</p>																																				
<p>GENERAL</p> <p>Parcel Id: 25-20-31-5BA-0000-1240 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: HAUSER ED Exemptions: 00-HOMESTEAD</p> <p>Address: PO BOX 621387</p> <p>City,State,ZipCode: OVIEDO FL 32762</p> <p>Property Address: 2295 CANAL ST OVIEDO 32765</p> <p>Subdivision Name: BLACK HAMMOCK</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,190</p> <p>2004 Tax Bill Amount: \$298</p> <p>Save Our Homes (SOH) Savings: \$1,892</p> <p>2004 Taxable Value: \$87,705</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																				
<p>SALES</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>04/1984</td> <td>01541</td> <td>0196</td> <td>\$20,500</td> <td>Improved</td> </tr> <tr> <td>ARTICLES OF AGREEMENT</td> <td>08/1982</td> <td>01399</td> <td>0659</td> <td>\$17,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01399</td> <td>0657</td> <td>\$12,000</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1982</td> <td>01399</td> <td>0656</td> <td>\$9,900</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1974</td> <td>01038</td> <td>0549</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	04/1984	01541	0196	\$20,500	Improved	ARTICLES OF AGREEMENT	08/1982	01399	0659	\$17,500	Vacant	WARRANTY DEED	05/1981	01399	0657	\$12,000	Vacant	QUIT CLAIM DEED	03/1982	01399	0656	\$9,900	Vacant	QUIT CLAIM DEED	01/1974	01038	0549	\$100	Vacant	
Deed	Date	Book	Page	Amount	Vac/Imp																																	
WARRANTY DEED	04/1984	01541	0196	\$20,500	Improved																																	
ARTICLES OF AGREEMENT	08/1982	01399	0659	\$17,500	Vacant																																	
WARRANTY DEED	05/1981	01399	0657	\$12,000	Vacant																																	
QUIT CLAIM DEED	03/1982	01399	0656	\$9,900	Vacant																																	
QUIT CLAIM DEED	01/1974	01038	0549	\$100	Vacant																																	
<p>LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>ACREAGE</td> <td>0</td> <td>0</td> <td>4.830</td> <td>10,000.00</td> <td>\$48,300</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	4.830	10,000.00	\$48,300	<p>LEGAL DESCRIPTION PLAT</p> <p>LEG W 1/2 OF LOT 124 BLACK HAMMOCK PB 2 PG 110</p>																								
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																	
ACREAGE	0	0	4.830	10,000.00	\$48,300																																	
BUILDING INFORMATION																																						
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New																													
1	SINGLE FAMILY	1978	3	720	1,600	720	CORRUGATED METAL	\$26,038	\$32,548																													
	Appendage / Sqft		UTILITY UNFINISHED / 880																																			
2	SINGLE FAMILY	1988	12	1,764	1,764	1,764	PREFINISHED METAL	\$94,147	\$105,487																													
EXTRA FEATURE																																						
	Description	Year Blt	Units	EXFT Value	Est. Cost New																																	
	ALUM PORCH W/CONC FL	1984	378	\$983	\$2,457																																	
	ALUM PORCH NO FLOOR	1984	374	\$598	\$1,496																																	
	ALUM UTILITY BLDG W/CONC FL	2004	168	\$1,048	\$1,092																																	
	ALUM PORCH W/CONC FL	2000	495	\$2,682	\$3,218																																	
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																						

FILE #: BA(5-21-84)-73TE APPL: HAUSER, E. J.
SEC: 35 TWP: 20 RNG: 31 SUF: PL BK: 2 PB PG: 110 BLOCK #:

DEVELOPMENT NAME: MH-HAUSER, E. J.
LOC: W SIDE OF CANAL STREET AND S OF INDEPENDENCE AVENUE
LOT #1: 124 #2: #3: #4: #5: #6: #7:
PARC #1: #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:
TO PLACE A MOBILE HOME IN A-1

ACTION: APPROVED TEN YEARS
DATE: 052184

REMARKS:
(W 1/2 OF LOT 124) (PB PG: 110 & 111)
(O.P. SWOPE'S ADDITION TO BLACK HAMMOCK)

CMD 1 - End Job CMD 2 - Go to Search Prompt HELP - SCREEN AID

<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 407-665-7505</p>		<p>2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$10,438</p> <p>Depreciated EXFT Value: \$71,653</p> <p>Land Value (Market): \$48,300</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$130,391</p> <p>Assessed Value (SOH): \$119,569</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$94,569</p> <p>Tax Estimator</p>																																																		
<p>GENERAL</p> <p>Parcel Id: 25-20-31-5BA-0000-1240</p> <p>Owner: HAUSER ED</p> <p>Mailing Address: PO BOX 621387</p> <p>City,State,ZipCode: OVIEDO FL 32762</p> <p>Property Address: 2295 CANAL ST OVIEDO 32765</p> <p>Subdivision Name: BLACK HAMMOCK</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 02-MOBILE/MANUFACTURED</p>		<p>2005 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$2,313</p> <p>2005 Tax Bill Amount: \$1,368</p> <p>Save Our Homes (SOH) Savings: \$945</p> <p>2005 Taxable Value: \$91,086</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																																		
<p>SALES</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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>04/1984</td> <td>01541</td> <td>0196</td> <td>\$20,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>ARTICLES OF AGREEMENT</td> <td>06/1982</td> <td>01399</td> <td>0659</td> <td>\$17,500</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01399</td> <td>0657</td> <td>\$12,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>03/1982</td> <td>01399</td> <td>0656</td> <td>\$9,900</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1974</td> <td>01038</td> <td>0549</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	04/1984	01541	0196	\$20,500	Improved	Yes	ARTICLES OF AGREEMENT	06/1982	01399	0659	\$17,500	Vacant	Yes	WARRANTY DEED	05/1981	01399	0657	\$12,000	Vacant	No	QUIT CLAIM DEED	03/1982	01399	0656	\$9,900	Vacant	No	QUIT CLAIM DEED	01/1974	01038	0549	\$100	Vacant	No	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG W 1/2 OF LOT 124 BLACK HAMMOCK PB 2 PG 110</p>								
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																																														
WARRANTY DEED	04/1984	01541	0196	\$20,500	Improved	Yes																																														
ARTICLES OF AGREEMENT	06/1982	01399	0659	\$17,500	Vacant	Yes																																														
WARRANTY DEED	05/1981	01399	0657	\$12,000	Vacant	No																																														
QUIT CLAIM DEED	03/1982	01399	0656	\$9,900	Vacant	No																																														
QUIT CLAIM DEED	01/1974	01038	0549	\$100	Vacant	No																																														
<p>LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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>ACREAGE</td> <td>0</td> <td>0</td> <td>4.830</td> <td>10,000.00</td> <td>\$48,300</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	4.830	10,000.00	\$48,300	<p>BUILDING INFORMATION</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Living SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>BARNS/SHEDS</td> <td>1986</td> <td>2</td> <td>1,704</td> <td>1,704</td> <td>1,704</td> <td>CORRUGATED METAL</td> <td>\$10,438</td> <td>\$20,073</td> </tr> </tbody> </table> <p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p>	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New	1	BARNS/SHEDS	1986	2	1,704	1,704	1,704	CORRUGATED METAL	\$10,438	\$20,073																		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																															
ACREAGE	0	0	4.830	10,000.00	\$48,300																																															
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																																											
1	BARNS/SHEDS	1986	2	1,704	1,704	1,704	CORRUGATED METAL	\$10,438	\$20,073																																											
<p>EXTRA FEATURE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>MOBILE HOME</td> <td>1984</td> <td>924</td> <td>\$32,432</td> <td>\$41,580</td> </tr> <tr> <td>MH A/C PKG</td> <td>1984</td> <td>924</td> <td>\$901</td> <td>\$1,155</td> </tr> <tr> <td>ALUM PORCH W/CONC FL</td> <td>1984</td> <td>378</td> <td>\$983</td> <td>\$2,457</td> </tr> <tr> <td>ALUM UTILITY BLDG NO FLOOR</td> <td>1984</td> <td>546</td> <td>\$874</td> <td>\$2,184</td> </tr> <tr> <td>ALUM UTILITY BLDG NO FLOOR</td> <td>1984</td> <td>440</td> <td>\$704</td> <td>\$1,760</td> </tr> <tr> <td>ALUM UTILITY BLDG NO FLOOR</td> <td>2004</td> <td>224</td> <td>\$824</td> <td>\$896</td> </tr> <tr> <td>MOBILE HOME</td> <td>1988</td> <td>840</td> <td>\$30,996</td> <td>\$37,800</td> </tr> <tr> <td>MH A/C PKG</td> <td>1988</td> <td>840</td> <td>\$861</td> <td>\$1,050</td> </tr> <tr> <td>ALUM UTILITY BLDG NO FLOOR</td> <td>1988</td> <td>231</td> <td>\$370</td> <td>\$924</td> </tr> </tbody> </table>		Description	Year Blt	Units	EXFT Value	Est. Cost New	MOBILE HOME	1984	924	\$32,432	\$41,580	MH A/C PKG	1984	924	\$901	\$1,155	ALUM PORCH W/CONC FL	1984	378	\$983	\$2,457	ALUM UTILITY BLDG NO FLOOR	1984	546	\$874	\$2,184	ALUM UTILITY BLDG NO FLOOR	1984	440	\$704	\$1,760	ALUM UTILITY BLDG NO FLOOR	2004	224	\$824	\$896	MOBILE HOME	1988	840	\$30,996	\$37,800	MH A/C PKG	1988	840	\$861	\$1,050	ALUM UTILITY BLDG NO FLOOR	1988	231	\$370	\$924	
Description	Year Blt	Units	EXFT Value	Est. Cost New																																																
MOBILE HOME	1984	924	\$32,432	\$41,580																																																
MH A/C PKG	1984	924	\$901	\$1,155																																																
ALUM PORCH W/CONC FL	1984	378	\$983	\$2,457																																																
ALUM UTILITY BLDG NO FLOOR	1984	546	\$874	\$2,184																																																
ALUM UTILITY BLDG NO FLOOR	1984	440	\$704	\$1,760																																																
ALUM UTILITY BLDG NO FLOOR	2004	224	\$824	\$896																																																
MOBILE HOME	1988	840	\$30,996	\$37,800																																																
MH A/C PKG	1988	840	\$861	\$1,050																																																
ALUM UTILITY BLDG NO FLOOR	1988	231	\$370	\$924																																																

ALUM PORCH W/CONC FL	1988	283	\$736	\$1,840
SCREEN ENCLOSURE	2005	1,020	\$1,972	\$2,040

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.

Chris Wilson stated that he recently purchased the property across from the applicant. He further stated that he plan to dévelop the property in the next year building eight (8) one acre homes.

Michael Hollenbeck stated that his concern is that there has been an outstanding code violation since 1998 with no improvements made. He further stated the information states that her son is living there and the applicant stated that he doesn't. He also stated that there was no effort from the owner of the property to renew the mobile home special exception.

Emma Smith stated that it was true she had been before the Board in the past. She further stated that her son had lived on the property, but he was harassed so much that she had to move him off of the property. She also stated that the barns were damaged by the storms and they are in need of repair. She further stated that the whole place is clean and the tenants are to keep the yard mowed and cleaned. She lastly stated that she has owned the property for 20 years and plan to build one day.

Mr. Bushrui made a motion to deny the request.

Mr. Pennington seconded the motion.

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

14. **2295 CANAL STREET** - Edward Hauser, applicant; Request for special exception for the permanent placement of a mobile home in the A-10 (Rural Zoning Classification District); Located on the east side of Canal Street, approximately 0.25 mile north of the intersection of Canal Street and Howard Avenue; (BM2005-016).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant received a 10 year placement of a single family mobile home in 1984. She further stated since that time the applicant placed another single wide mobile home on the property without a permit of special exception. She also stated that the applicant removed the kitchen facilities on one of the mobile homes and has connected the units together with a screen room these modifications allow the mobile homes to be defined as a single residential unit. She continued to state that the trend of development surrounding the property is a mixture of permanently approved mobile homes and conventional built homes therefore staff recommended approval of the request.

Edward Hauser stated that he went from a three (3) bedroom two (2) bath and fire place to a four (4) bedroom four (4) bath with no fireplace. He further stated that he did put the second unit on without a permit, but now everything is permitted. He lastly stated that the buildings were build to commercial standards.

Mr. Bass asked how many people live on the property.

Edward Hauser stated that he, his daughter, son-in-law and his granddaughter.

Mr. Bass asked was he renting any of the property out.

Mr. Hauser stated no, not this property.

Mr. Bushrui asked did the 1988 mobile home have a kitchen.

Al Clairaco stated that he lived in the Black Hammond subdivision and he wanted the Board to take into consideration not to grant the mobile home permanent placement, but place a time limit on the request. He further stated he wanted to increase property values and not decrease them.

Mr. Bass made a motion to approve the request for 5 years.

Mr. Rozon seconded the motion.

The motion passed by (4-1) consent. Mr. Bushrui was in opposition.

15. **2331 WACCASSA STREET** - Michael & Dawn Paul, applicants; Request for limited use for the two year occupancy of a mobile home while a single-family dwelling is under construction in the A-5 (Rural Zoning Classification District); Located on the west side of Waccassa Street, approximately 0.22 miles north of the intersection of Waccassa Street and Canvasback Trail; (BM2005-017).
Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the A-5 Zoning District only allows the one year placement of a mobile home with the ability to renew for an additional year while a conventional single family home is under construction. She further stated that staff recommended approval of the one year placement of the mobile home per the condition in the Development Order.

Michael Paul stated that he intended to start construction of his home in January 2006. He further stated that the house would be owner built and he would probably be back to the Board asking for another year.

Mr. Bass made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

Commissioner Carey stated she does not support the permanent placement because it is a rental property and not in compliance.

Districts 1, 3, 4 and 5, voted AYE.

Commissioner Morris voted NAY.

- - -

Commissioner Carey questioned if it is clear to staff that there are three Commissioners who want to see staff address the permanent placement of mobile homes in the Land Development Code. Whereupon, Mr. Grace stated he will direct staff accordingly.

The gavel was returned to the Chairman.

APPEAL AGAINST THE BOA,
ED HAUSER

Proof of publication, as shown on page 2039, calling for a public hearing to consider an Appeal against the Board of Adjustment's decision to grant a Special Exception for the continued placement of a mobile home for five years at 2295 Canal Street, Ed Hauser, received and filed.

District Commissioner Morris stated because the staff will be coming back to the Board with possible code changes, he would like to continue this item until February. He added that he will continue to continue any other mobile home appeals in his district until the new Code is decided upon and written.

Motion by Commissioner Morris, seconded by Commissioner Van Der Weide to continue until February 14, 2005 at 1:30 p.m., or as soon thereafter as possible, consideration of an Appeal against the Board of Adjustment's decision to grant a Special Exception for the continued placement of a mobile home for five years at 2295 Canal Street, as described in the proof of publication, Ed Hauser.

Under discussion and upon inquiry by Commissioner Carey, County Attorney McMillan advised the Board must continue these appeals on a case-by-case basis or they must enact an ordinance establishing a moratorium.

Districts 1, 2, 3, 4 and 5 voted AYE.

CONSIDERATION OF THE
SEXUAL PREDATOR ORDINANCE

Proof of publication, as shown on page 2040, calling for a public hearing to consider the proposed Sexual Predator Ordinance, received and filed.

County Attorney, Robert McMillan, advised prior to this meeting, he distributed a revised draft ordinance (copy received & filed) which excludes driving on I-4 and the Expressway.

Upon inquiry by Commissioner Carey, County Engineer, Jerry McCollum, addressed the Board to advise FDOT considers I-4 and the Expressway both "intrastate" roads.

Sheriff Don Eslinger addressed the Board to present the proposed ordinance, stating this has been a collaborative effort between the Sheriff's Office, the BCC and the Cities in order to protect the most vulnerable in the community. He discussed the ordinance Summary (received & filed), advising a sexual offender is designated in the ordinance as someone whose victim was under the age of 16 at the time of the offense. He explained that there are nine exceptions and one exclusionary zone included in the ordinance. He reviewed the last paragraph on page 8 of the proposed ordinance, stating there is a provision that prior to any arrest, the law enforcement officer shall afford the person an opportunity to explain his or her presence in the area. He also pointed out that everyone is grandfathered in with regard to residences until their leases have expired. He advised that in working with the Jessica Lunsford Act, the ordinance requires

RECEIVED
JUL 13 2005

COPY

July 17, 2005

Seminole County Board of Adjustments:

Ed Hauser
2295 Canal St.
Oviedo FL 32765

This person has two trailers on his property and shed. He lives in the shed and rents the two trailers. He moved in the second trailer without a permit. He acts like he is above the law.

Check with the Post Office about how many names are on the mail that gets delivered to his address.

He will try to get away with anything. He thinks he can sneak by the rules. If you don't check on him regularly, he could move more trailers onto the land.

How many septic tanks does he need for three residences in that space?

How many garbage fees?

Cont.

Under the circumstances this property should continue with a limited trailer permit (not permanent).

Signed :

A Concerned Community
Member

COPY

RECEIVED
JUL 19 2005

July 15,2005

To whom it may concern:

This letter is in reference to a mobile home permit notice posted at the Ed Hauser residence (2295 Canal St., Oviedo, Fl). The hearing is on July 25, 2005.

As a resident in the Black Hammock community I would like my input be added to the case file and be presented at the hearing.

Ed Hauser has 2 mobile homes on the premises. One was added over 5 years ago without a permit. There is a roof over both to give the impression that they are one house. Both houses have been used for rental income for at least 5 years. Ed lives in a third building on the property. Seminole County rules say you may have only one residence per parcel. He has abused the rules for years and I feel he should not get a permanent permit for a mobile home. His permit should remain open for future hearings. The Black Hammock Community is rapidly growing with new permanent residences and existing vacant land is in demand for future homes. Mobile homes with permanent permits already should remain until replaced with a new permanent home but any mobile homes with limited permits should remain limited.

Thank You,

Concerned Citizen

RECEIVED
JUL 13 2005

July 17, 2005

Seminole County Board of Adjustments:

Ed Hauser
2295 Canal St.
Oviedo Fl 32765

This person has two trailers on his property and shed. He lives in the shed and rents the two trailers. He moved in the second trailer without a permit. He acts like he is above the law.

Check with the Post office about how many names are on the mail that gets delivered to his address.

He will try to get away with anything. He thinks he can sneak by the rules. If you don't check on him regularly, he could move more trailers onto the land.

How many septic tanks does he need for three residences in that space?
How many garbage fees?
Cont.

Under the circumstances this
property should continue with a
limited trailer permit (not permanent).

Signed :

A Concerned Community
Member

RECEIVED
JUL 19 2005

July 15,2005

To whom it may concern:

This letter is in reference to a mobile home permit notice posted at the Ed Hauser residence (2295 Canal St., Oviedo, Fl). The hearing is on July 25, 2005.

As a resident in the Black Hammock community I would like my input be added to the case file and be presented at the hearing.

Ed Hauser has 2 mobile homes on the premises. One was added over 5 years ago without a permit. There is a roof over both to give the impression that they are one house. Both houses have been used for rental income for at least 5 years. Ed lives in a third building on the property. Seminole County rules say you may have only one residence per parcel. He has abused the rules for years and I feel he should not get a permanent permit for a mobile home. His permit should remain open for future hearings. The Black Hammock Community is rapidly growing with new permanent residences and existing vacant land is in demand for future homes. Mobile homes with permanent permits already should remain until replaced with a new permanent home but any mobile homes with limited permits should remain limited.

Thank You,

Concerned Citizen

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG W ½ OF LOT 124 BLACK HAMMOCK PB 2 PG 110

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

FINDINGS OF FACT

Property Owner: Ed Hauser
2295 Canal Street
Oviedo, Fl 32762

Project Name: 2295 Canal Street

Requested Development Approval:

REQUEST FOR SPECIAL EXCEPTION FOR THE 5 YEAR PLACEMENT OF AN EXISTING ATTACHED 1978 & 1988 SINGLE WIDE MOBILE HOMES IN THE A-10 (RURAL ZONING CLASSIFICATION DISTRICT) AT 2295 CANAL STREET, AS DEPICTED ON THE ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: KATHY FALL
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. The temporary placement of the existing mobile home unit for 5 years in the A-10 (Rural Zoning Classification District).
 2. The proposed mobile home shall otherwise conform to applicable building codes, which include standards for anchoring and skirting.
- (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: _____
Tony Walter
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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: