

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment decision to deny a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road; (Donald & Georgann Harman, applicants/appellants).

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

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

Agenda Date 07-26-05 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. **UPHOLD** the Board of Adjustment decision to deny a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road; (Donald & Georgann Harman, applicants/appellants); or
2. **OVERTURN** the Board of Adjustment decision to deny a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road; (Donald & Georgann Harman, applicants/appellants); or
3. **MODIFY** the Board of Adjustment decision and grant the special exception with different conditions of approval; (Donald & Georgann Harman, applicants/appellants); or
4. **CONTINUE** the request to a time and date certain.

Commission District #5, Carey

Kathy Fall, Senior Planner

BOARD OF ADJUSTMENT DECISION:

At its May 23, 2005 regular meeting, the Board of Adjustment denied a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road. The Board found that it should only approve mobile homes in areas that are suitable for permanent placement. On May 27, 2005 the Harmans filed a written appeal of the Board of Adjustment's decision. On June 28, 2005, the Board of County Commissioners waived the appeal fee and directed staff to schedule the appeal hearing for July 26, 2005.

Reviewed by:	<u>KR</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
Other:	<u>MAN</u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>ph130pdp03</u>

STAFF RECOMMENDATION:

Uphold the Board of Adjustment decision to deny a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road based upon the findings indicated in the attached staff report.

Attachments: Staff Report
Appeal Letter (5/27/05)
Site Plan
Zoning Map
Future Land Use Map
Aerial (2004)
Board of Adjustment Minutes (5/23/05)
Administrative Order

STAFF REPORT

BACKGROUND / REQUEST	<ul style="list-style-type: none"> • On May 27, 2005 the Harmans filed a written appeal of the Board of Adjustment's decision. On June 28, 2005, the Board of County Commissioners waived the appeal fee and directed staff to schedule the appeal hearing for July 26, 2005. • On May 23, 2005 regular meeting, the Board of Adjustment denied a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road 																								
ZONING & FLU	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: black; color: white;"> <th style="width: 15%;">DIRECTION</th> <th style="width: 15%;">EXISTING ZONING</th> <th style="width: 15%;">EXISTING FLU</th> <th style="width: 55%;">USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td>SITE</td> <td>A-1</td> <td>HIP-AP</td> <td>VACANT/HORSE FARM</td> </tr> <tr> <td>NORTH</td> <td>A-1</td> <td>HIP-AP</td> <td>SINGLE FAMILY</td> </tr> <tr> <td>SOUTH</td> <td>A-1</td> <td>HIP-AP</td> <td>MOBILE HOME/5 YEAR PLACEMENT</td> </tr> <tr> <td>EAST</td> <td>A-1</td> <td>HIP-AP</td> <td>VACANT/SINGLE-FAMILY</td> </tr> <tr> <td>WEST</td> <td>A-1</td> <td>HIP-AP</td> <td>VACANT</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-1	HIP-AP	VACANT/HORSE FARM	NORTH	A-1	HIP-AP	SINGLE FAMILY	SOUTH	A-1	HIP-AP	MOBILE HOME/5 YEAR PLACEMENT	EAST	A-1	HIP-AP	VACANT/SINGLE-FAMILY	WEST	A-1	HIP-AP	VACANT
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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 those 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>The ten year placement of the proposed mobile home would be incompatible with the trend of conventional single-family development on nearby and adjacent properties.</p> <p>Available records and field visits indicate that several nearby parcels consist of single family homes and large vacant parcels.</p> <p>There are no permanently approved mobile homes in the area. Mobile homes that have been approved by the Board of Adjustment are for temporary placement. On April 25, 2005 the Board of Adjustment approved the temporary placement of a mobile home, abutting the south property line of this parcel, for five years.</p>																								

Is consistent with the Seminole County Vision 2020 Comprehensive Plan:

The County's policy allows the development of lots of record (that otherwise meet the standards of the applicable zoning district) for single-family purposes in the HIP-AP future land use category without the necessity of a rezone to an allowable (PUD or PCD) zoning classification.

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

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.

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

The subject property is a 10.38 acre parcel, which meets the minimum size and dimensional requirements of the A-1 district.

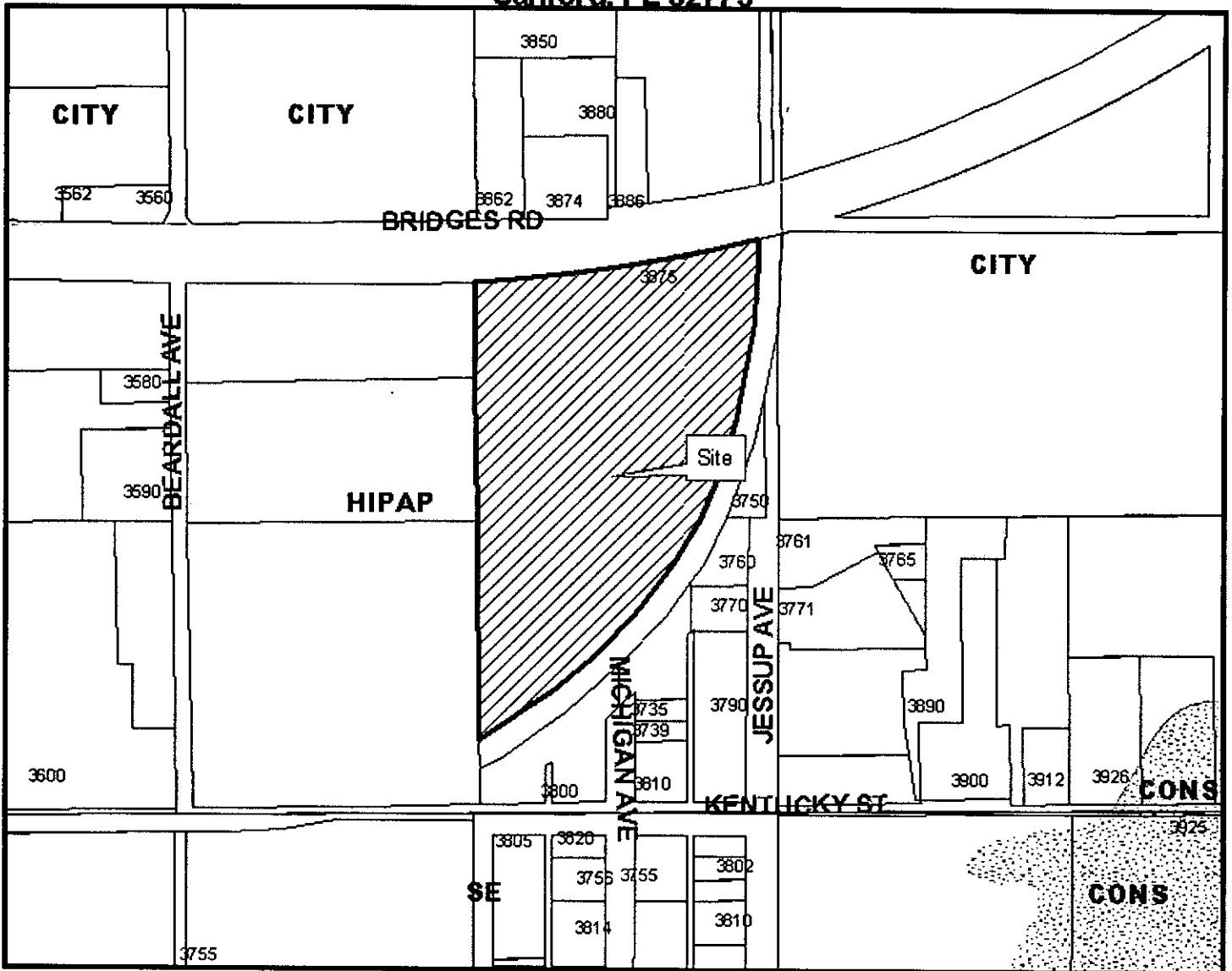
The A-1 district is not an allowable zoning classification in the HIP-AP (Higher Intensity Planning Development - Airport) future land use category. The A-1 zoning existed at the time that HIP-AP future land use was applied to this property in December 1987 and continues as a non-conforming zoning category. However, the County's policy allows the development of lots of record (that otherwise meet the standards of the applicable zoning district) for single-family purposes in the HIP-AP future land use category without the necessity of a rezone to an allowable (PUD or PCD) zoning classification.

Will not adversely affect the public interest:

The present trend of development in the immediate area comprises conventional single-family homes and with the construction of the Lake Mary Boulevard extension abutting the property the area will transition to non-residential airport compatible uses. Residential uses, whether conventional or mobile home, are not consistent with the future land use of the property. Further, the trend of development in the surrounding area mainly consists of industrial airport support uses and single-family homes. For these reasons staff does not support the temporary placement of a mobile home.






<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.104(a)</p>	<p>The BOA 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><u>Is consistent with the general zoning plan of the rural zoning classifications:</u></p> <p>Since the proposed mobile home doesn't constitute a limited use, it 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><u>Is not highly intensive in nature:</u></p> <p>The request is not highly intensive in nature, as the proposed mobile home use would be permitted for single-family occupancy.</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 proposed use would be served by on-site septic and well systems. An on-site septic permit shall be applied for and obtained, prior to the siting of the proposed mobile home on the subject property. Other county services, including schools and emergency services, are also available to the site.</p>
<p>MOBILE HOME SITING STANDARDS; LDC SECTION 30.1401</p>	<p>For the placement of a mobile home in the A-1 district, section 30.1401 of the land development code requires the following:</p> <ul style="list-style-type: none"> ○ The proposed mobile home shall have safe and convenient vehicular access. ○ The proposed mobile home shall be required to conform to applicable codes, which include standards for installation, anchoring, utility accessibility, and skirting.
<p>FINDINGS & STAFF RECOMMENDATION</p>	<p>Based upon the stated findings staff recommends the Board of County Commissioners uphold the Board of Adjustment decision to deny a special exception for the placement of a mobile home for 10 years at 3740 Bridges Road.</p>

Don & Georgan Harmon
 3740 Bridges Road
 Sanford, FL 32773


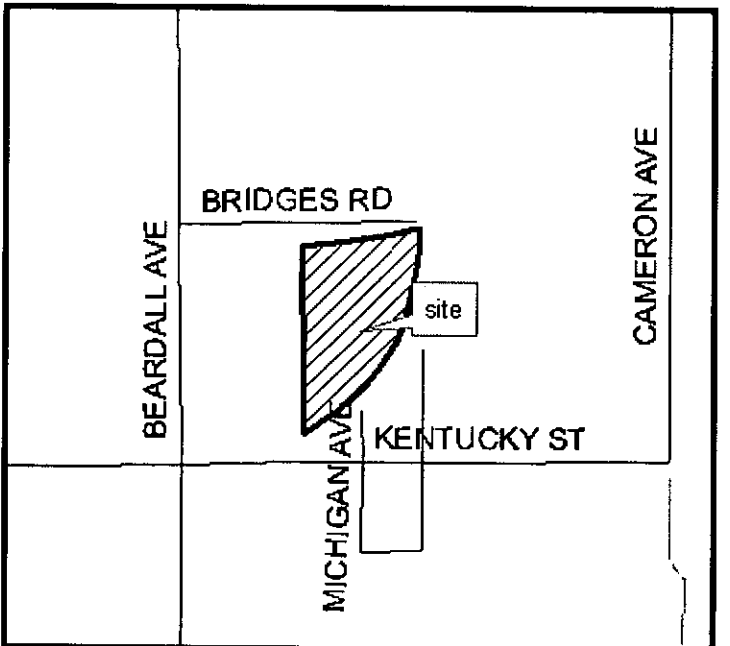


Seminole County Board of Adjustment
 May 23, 2005
 Case: BM2005-012
 Parcel No: 03-20-31-5AY-0000-0550

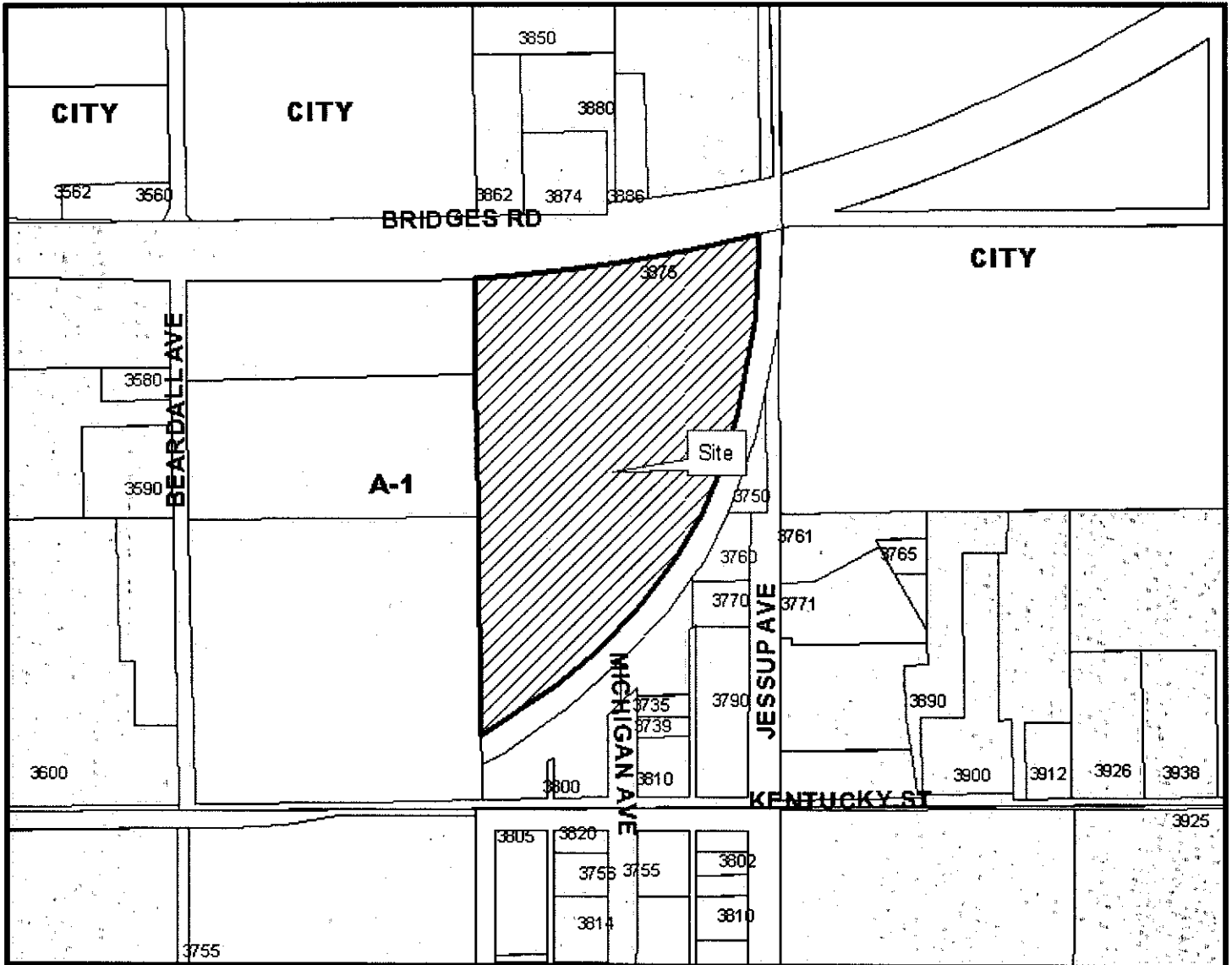
Future Land Use

-  CONS, SE
-  CONS, HIPAP
-  SE, NONE
-  HIPAP, NONE
-  BM 2005-012

0 80 160 320 480 640 Feet






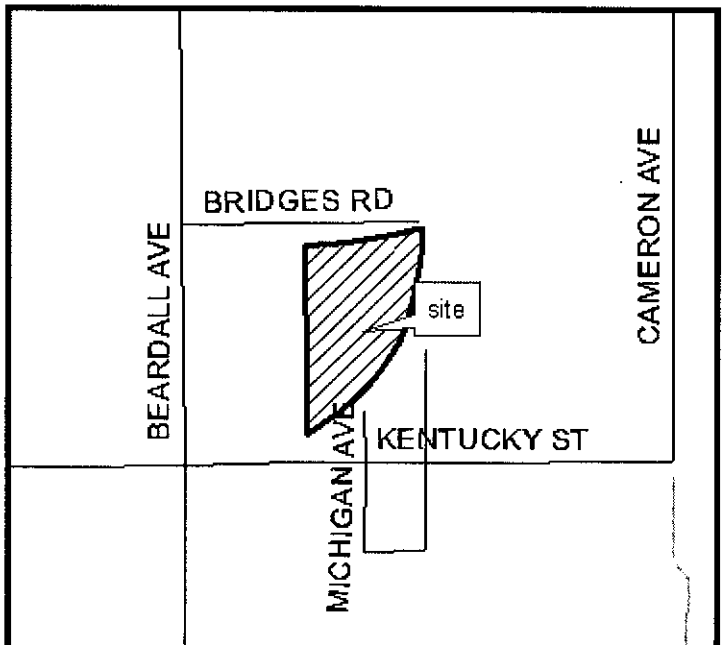
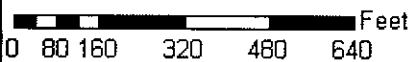
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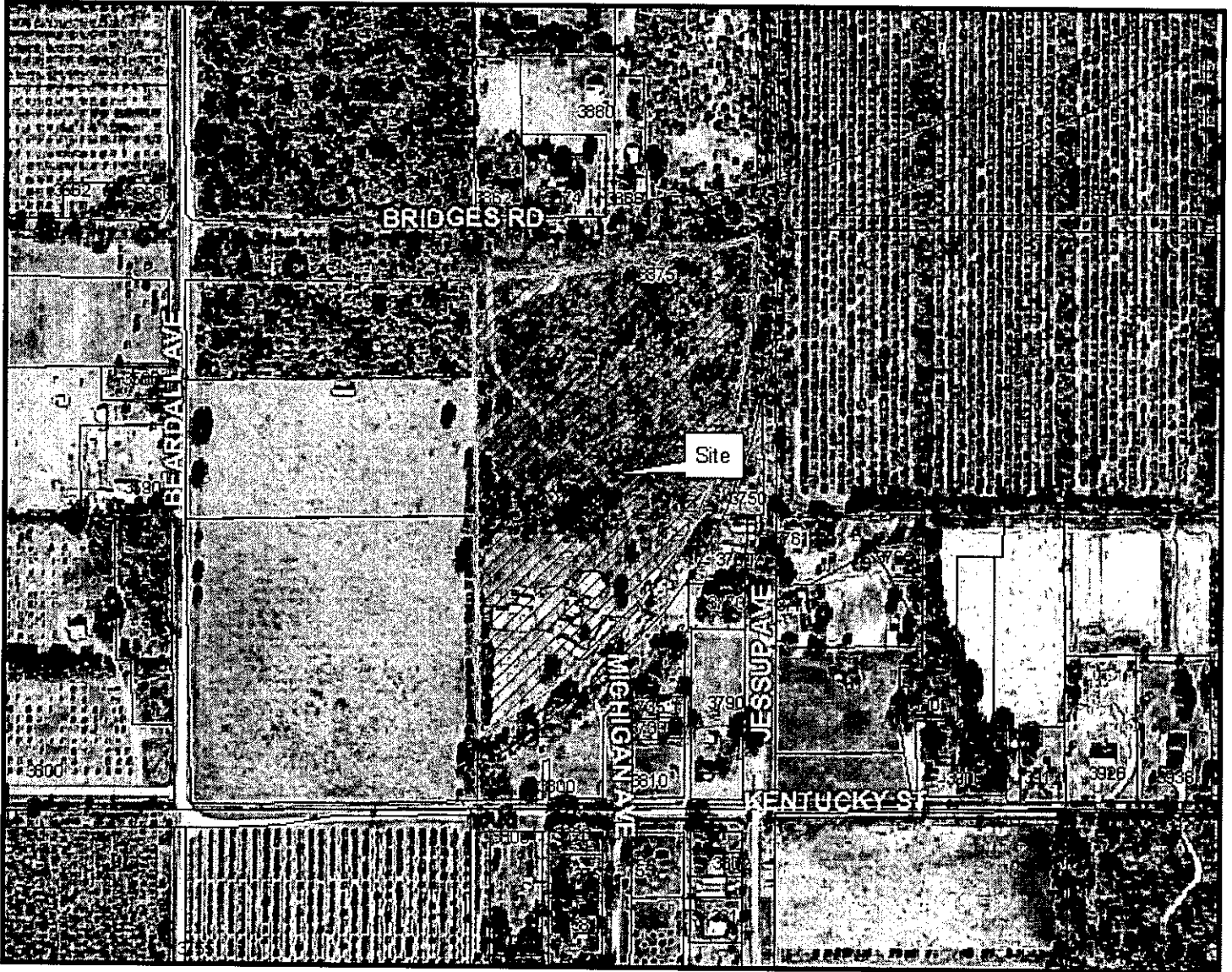
Seminole County Board of Adjustment
May 23, 2005
Case: BM2005-012
Parcel No: 03-20-31-5AY-0000-0550

Zoning

-  A-1 Agricultural-1Ac
-  BM2005-012



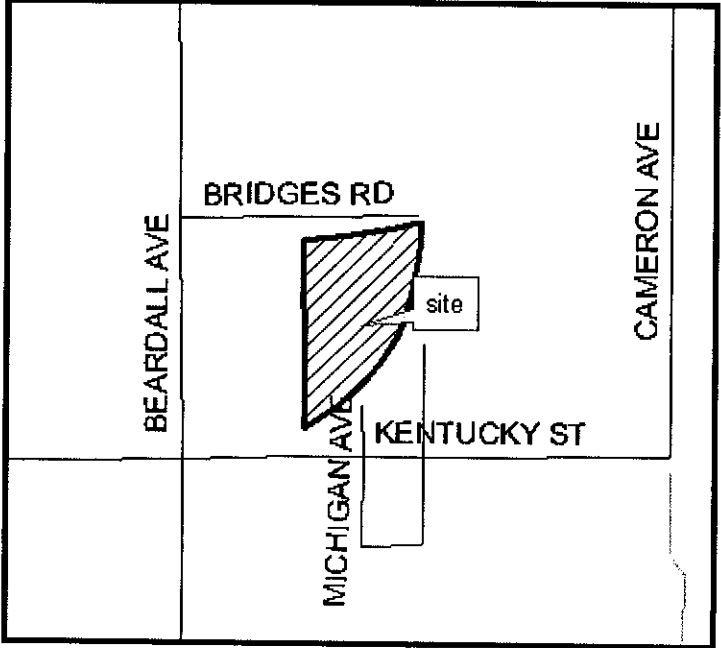
Don & Georgan Harmon
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Sanford, FL 32773



Seminole County Board of Adjustment
May 23, 2005
Case: BM2005-012
Parcel No: 03-20-31-5AY-0000-0550



0 85 170 340 510 680 Feet



RECORDED
MAY 27 2005

May 27, 2005

To Whom It May Concern,

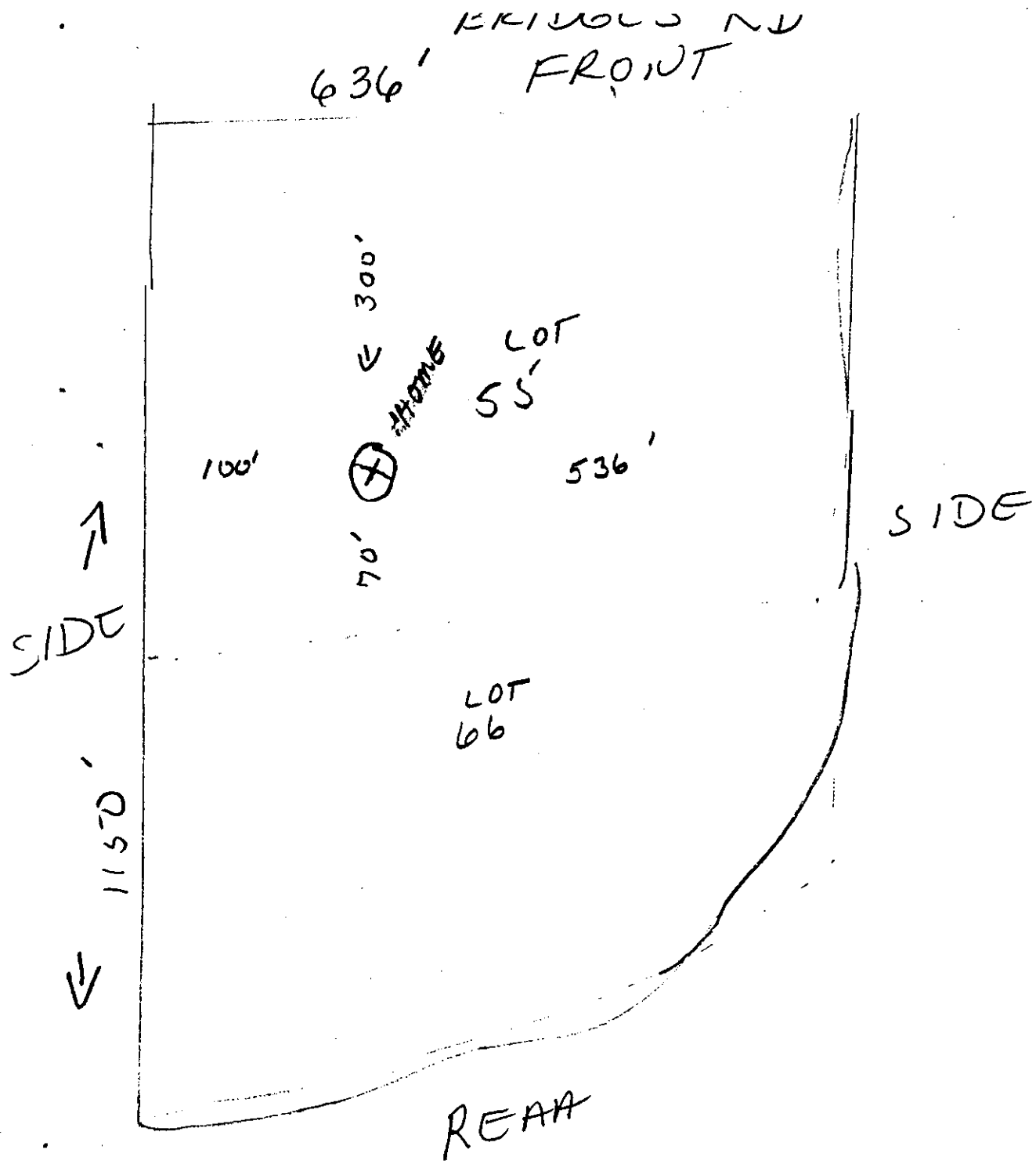
Don & Georgann Harman wish to appeal the Board of adjustment's decision to deny placement of mobile home on our 10 acres at 3740 Budge Rd Sanford FL.

In March 2005 the board approved place of single wide mobile home on (1) one acre behind my property on Kentucky Rd. (There are several mobiles in area)

I also wish to have the appeal fee waived.

Georgann Harman
407-339-6233

RECORDED
MAY 27 2005





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** 10 yr Placement
- EXISTING (YEAR _____) PROPOSED (YEAR 1995) 30' x 50'
- REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
- 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**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>DON & GEORGANN HARMAN</u>	<u>LIVING / RES</u>
ADDRESS	<u>3740 BRIDGES RD</u>	<u>313 E. ORANGE ST</u>
	<u>SANFORD FL 32723</u>	<u>ALHAMBRA SPRINGS FL</u>
PHONE 1	<u>407-339-6273</u>	<u>32701</u>
PHONE 2	<u>407-402-0978</u>	<u>SHERY MARQUEZ</u>
E-MAIL		<u>DAUGHTER</u>

PROJECT NAME: _____

SITE ADDRESS: 3740 BRIDGES RD SANFORD FL 32723

CURRENT USE OF PROPERTY: HORSE FARM

LEGAL DESCRIPTION: 03-20-31-SAY-0000-0550

SIZE OF PROPERTY: 10 acre(s) PARCEL I.D. _____

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 5/23/05 (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.

Georgan Harman
 SIGNATURE OF OWNER OR AGENT*

5/11/05
 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:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	DON & GEORGANN HARMAN
ADDRESS	3740 Bridges Rd. Sanford.
PHONE 1	407-339-6273
PHONE 2	407 402-0978
E-MAIL	

MAY 27

NATURE OF THE APPEAL Molok home denied.

APPELLANT SIGNATURE G. Harman

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 185.00 COMMISSION DISTRICT FLU / ZONING A-1 / HIPAP

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR KE DATE _____

SUFFICIENCY COMMENTS Will submit new site plan by 4/8

PUBLIC HEARING ITEM

MOBILE HOME SPECIAL EXCEPTIONS:

- 6. 3740 BRIDGES ROAD** - Don and Georgann Harmon, applicant; Request for special exception for the placement of a mobile home in the A-1 (Agriculture District); Located on the south side of Bridges Road, approximately 0.13 mile east of the intersection of Beardall Avenue and Bridges Road; (BM2005-012).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had not satisfied the criteria for the placement of a mobile home. She also stated that staff could not recommend approval of the request for it was not the trend of development in the area. She further stated that two (2) months ago the Board had a similar request, and staff did not recommend approval of that request. She lastly stated that the applicant property was not located in the Airport future expansion area.

Georgann Harmon stated that when she bought the property ten (10) years ago she checked out about the eagles nest, the water conditions and if the area was in the flood zone. She also stated that she made sure there were no limits to how many horses she could have and that the grass she was planting was quality grass for the animals. She further stated that things had not worked out exceptionally well for them and they were not able to keep the home that they currently have and build on the lot at Bridges Road so they requested a mobile home special exception for 10 years. She also stated that for 10 years they had come out twice a day to feed the animals which is 12.50 miles from where she lives. She further stated that with the price of gas it would be more economical for them to live on the property. She lastly stated that she understood that with the airport expanding it would be more traffic and noise, and she didn't have a problem with that.

Mr. Pennington asked if the applicant planned to build on the property at any time.

Georgann Harman stated that they would probably not build. She further stated that they would not be there much longer than ten (10) years because she was sure someone would come along and offer them more money than they could pass up.

Mr. Hattaway stated that if the Board should approve a mobile home Special Exception it should be the Board intention that the area is a permanent area for mobile homes. He further stated that in the past the

Board had approved mobile homes for different time limits and at the end of the time period it is hard to tell someone they have to leave their home.

Mr. Pennington made motion to approve the request.

Mr. O'Daniel seconded the motion.

The motion failed by (2-3) consent. Mr. Hattaway, Mr. Bass and Mr. Bushrui were in opposition.

Mr. Bushrui made a motion to deny the request.

Mr. Bass seconded the motion.

The motion passed by (3-2) consent. Mr. Pennington and Mr. O'Daniel were in opposition.

SEMINOLE COUNTY ADMINISTRATIVE ORDER

On May 23, 2005, Seminole County issued this Administrative Order relating to and touching and concerning the following described property:

LOT 55 NW OF RY (LESS BEG NW COR RUN S 113.76 FT NELY
ALONG CURVE 642.89 FT N 19.39 FT W TO BEG) & LOT 66 NW OF RY
SANFORD CELERY DELTA PB 1 PGS 75 & 76

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

FINDINGS OF FACT

Property Owner: Don & Georgann Harmon
313 E. Orange Street
Altamonte Springs, FL 32701

Project Name: 3740 Bridges Road

Requested Development Approval:

REQUEST FOR SPECIAL EXCEPTION FOR THE TEN YEAR PLACEMENT OF A 1995 MODEL OR NEWER MOBILE HOME IN THE A-1 (AGRICULTURE DISTRICT) AT 3740 BRIDGES ROAD, AS DEPICTED ON THE ATTACHED SITE PLAN.

After fully considering staff analysis and all evidence submitted at the public hearing of May 23, 2005, regarding this matter, the Board of Adjust has found, determined and concluded that the request for the Special Exception for the ten year placement of a mobile home is inconsistent with the trend of development of the area.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: