

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Appeal of the Board of Adjustment's decision to deny a special exception for the permanent placement of an existing mobile home at 1211 Cochran Road; (Emma Smith, applicant)/appellant).

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

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

**Agenda Date** 09/27/05 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

1. **OVERTURN** the Board of Adjustment's decision to deny a special exception for the permanent placement of an existing mobile home at 1211 Cochran Road; (Emma Smith, applicant)/appellant).; or
2. **UPHOLD** the Board of Adjustment's decision to deny a special exception for the permanent placement of an existing mobile home at 1211 Cochran Road; (Emma Smith, applicant)/appellant).; or
3. **MODIFY** the Board of Adjustment's decision to deny a special exception for the permanent placement of an existing mobile home at 1211 Cochran Road; (Emma Smith, applicant)/appellant).; or
4. **CONTINUE** the request to a time and date certain.

Commission District #2, Morris

Kathy Fall, Principal Planner

**BACKGROUND:**

At the July 25, 2005 Board of Adjustment hearing, staff recommended approval of the request for permanent placement of an existing mobile home based upon the prior approval for the permanent placement of the mobile homes in the surrounding area. This recommendation was based upon the Land Development Code section 30.43(b)(2) which provides, in part, that the requested use:

Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area;

Notwithstanding staff's recommendation, the Board of Adjustment denied a special exception for the permanent placement of an

**Reviewed by:** KR  
**Co Atty:** \_\_\_\_\_  
**DFS:** \_\_\_\_\_  
**Other:** \_\_\_\_\_  
**DCM:** \_\_\_\_\_  
**CM:** \_\_\_\_\_  
**File No.** ph130pdp07

existing mobile home. On July 29, 2005, the applicant appealed the Board of Adjustment's decision.

**STAFF RECOMMENDATION:**

Staff recommends the Board of County Commissioners overturn the Board of Adjustment's decision and grant permanent placement.

Attachments: Special Exception application & Appeal request (07/29/05)

Location, aerial, zoning and future land use maps

Past approvals

BOA minutes (07/25/05)

Development Order

Property Appraiser Information

Photograph (6/8/05)

## STAFF REPORT

<b>GENERAL INFORMATION</b>	Emma Smith, applicant 1211 Cochran road Geneva	A-5 district, LDC sections 30.104 (A-5 conditional uses) & 30.1401 (mobile home siting standards)																									
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting the permanent placement of an existing 1963 single wide mobile in the A-5 district, where mobile homes are allowed only by special exception.</li> <li>• In 1998, the property received a 2 year special exception for the current mobile home, which has since expired.</li> </ul>																										
<b>ZONING &amp; FLU</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <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-5</td> <td>Rural-5</td> <td>1963 mobile home</td> </tr> <tr> <td>North</td> <td>A-5</td> <td>Rural-5</td> <td>mobile home</td> </tr> <tr> <td>South</td> <td>A-5</td> <td>Rural-5</td> <td>mobile home</td> </tr> <tr> <td>East</td> <td>A-5</td> <td>Rural-5</td> <td>vacant</td> </tr> <tr> <td>West</td> <td>A-5</td> <td>Rural-5</td> <td>vacant</td> </tr> </tbody> </table>			Direction	Existing Zoning	Existing FLU	Use of Property	Site	A-5	Rural-5	1963 mobile home	North	A-5	Rural-5	mobile home	South	A-5	Rural-5	mobile home	East	A-5	Rural-5	vacant	West	A-5	Rural-5	vacant
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<b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</b>	<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><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>Available records indicate that several parcels within the immediate vicinity have mobile homes that the BOA has approved for permanent placement.</p> <p><b><u>Does not have an undue adverse effect on existing traffic patterns, movements and volumes:</u></b></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><b><u>Is consistent with the Seminole County Vision 2020 Comprehensive Plan:</u></b></p> <p>The request would be consistent with the trend of low-density single-family land use, including conventional and</p>																										

	<p>mobile homes, established in this area.</p> <p><b><u>Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:</u></b></p> <p>The subject property is a 5 acre parcel that does meet the A-5 building minimum dimensional requirements.</p> <p><b><u>Will not adversely affect the public interest:</u></b></p> <p>The subject property is currently occupied by a mobile home, approved for a two year special exception by the BOA in 1998. Since that time, the trend of development in the area has largely remained inclusive of conventional and mobile homes. In light of this, staff believes the proposed use would be consistent with the character of single-family homes in the area.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE DISTRICT); LDC SECTION 30.104(a)</b></p>	<p>The BOA may permit any use allowed by special exception in the A-5 (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><b><u>Is consistent with the general zoning plan of the A-5 (Rural Zoning Classification District):</u></b></p> <p>The proposed use is allowed only by special exception in the A-5 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"> <li>○ The mobile home shall have safe and convenient vehicular access.</li> <li>○ The mobile home shall be required to conform to applicable codes, which include standards for installation, anchoring, utility accessibility, and skirting.</li> </ul> <p><b><u>Is not highly intensive in nature:</u></b></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><b><u>Is compatible with the concept of low density, rural land use; and</u></b></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><b><u>Has access to an adequate level of urban services such as sewer, water, police, fire, schools and related services:</u></b></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><b>MOBILE HOME AS A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.103</b></p>	<p>A mobile home may be permitted as a special exception on a lot or parcel of record in the A-5 (Rural Zoning Classification), subject to the previously referenced mobile home siting standards in section 30.1401 of the Land Development Code.</p>



**ADDITIONAL VARIANCES**

VARIANCE 2:  
VARIANCE 3:  
VARIANCE 4:  
VARIANCE 5:  
VARIANCE 6:  
VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	EMMA SMITH
ADDRESS	1911 N 1410 E LK. PK. RD
PHONE 1	407-349-5237
PHONE 2	407-314-1286
E-MAIL	

NATURE OF THE APPEAL BOA decision to deny permit placement of mobile home

APPELLANT SIGNATURE Emma Smith

**FOR OFFICE USE ONLY**

PROCESSING:  
FEE(S): \$ 150 COMMISSION DISTRICT 2 FLU/ZONING A5/R5  
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)  
LOCATION FURTHER DESCRIBED AS south of Cochran Rd at the intersection of Cochran Rd and Saunders Trail  
PLANNING ADVISOR J.V. DATE 5/2/05  
SUFFICIENCY COMMENTS \_\_\_\_\_

I, Emma Smith would  
like to appeal the decision  
by the BOA to deny  
the decision of a mobile  
home on 1211 Cochran Rd  
Genova, Fla. 32732

Emma Smith  
7, 29-05

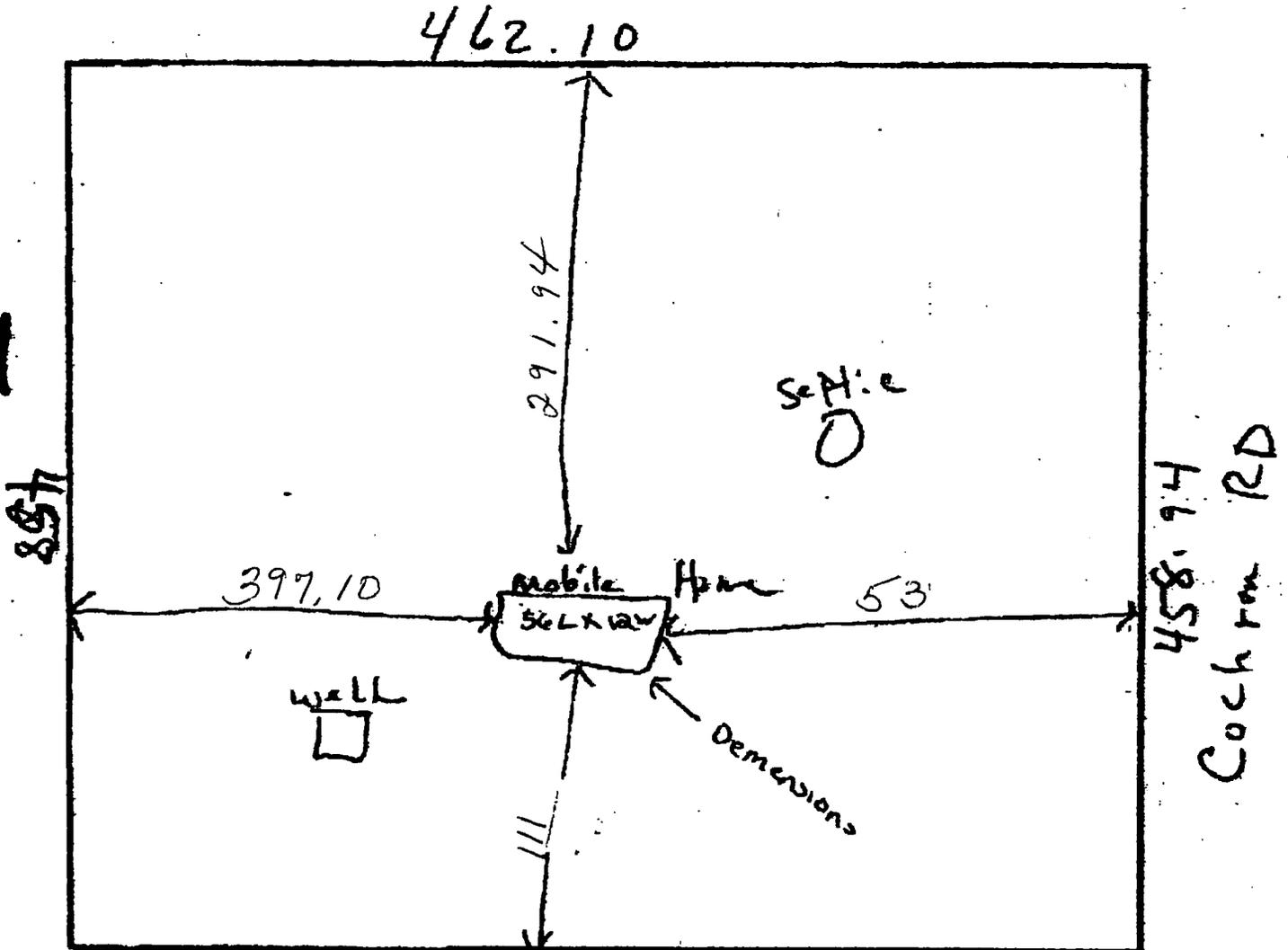
SITE PLAN

Part 407-665-388

73  
85

A site plan must be submitted along with any application for building permit or application for special exception or variance to the Board of Adjustment. This form may be utilized for any single family construction, either conventional or mobile home. The following items must be indicated:

1. Dimensions of lot or parcel.
2. Name of abutting street or road.
3. Proposed location of home, accessory building or mobile home; showing setbacks to all property lines.
4. Any existing structures on property.
5. If any trees are to be removed, show location, size and type.
6. Any easements on property.



Sanders Trail 486.21

04-27-2005

Date

Emma Smith

Applicant

FILE #: BA97-12-49TE APPL: SMITH, EMMA  
SEC: 20 TWP: 20 RNG: 32 SUF: PL BK: PB PG: BLOCK #:

DEVELOPMENT NAME: MH-SMITH, EMMA  
LOC SW CORNER OF SAUNDERS TRAIL AND COCHRAN ROAD AND  
LOT #1: 2 #2: #3: #4: #5: #6: #7:  
PARC #1: 1A #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:  
RENEWAL OF AN EXISTING MOBILE HOME.

ACTION: APPROVED FOR 1 YEAR; APPEALED & ON 3-10-98, BCC OVERTURNED BOA AND  
DATE: 010598

REMARKS:  
(LOCATION: ALSO 1/3 MILE W OF SR-46.) (COPELAND HILLS)  
(ACTION CONT.: APPROVED FOR TWQ YEARS.)

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

**FILE #:** BA95-10-68TE      **APPL:** SMITH, EMMA  
**SEC:** 20    **TWP:** 20    **RNG:** 32    **SUF:**      **PL BK:**      **PB PG:**      **BLOCK #:**

**DEVELOPMENT NAME:** MH-SMITH, EMMA  
**LOC:** SW CORNER OF SAUNDERS TRAIL AND COCHRAN ROAD AND  
**LOT #1:** 2    **#2:**      **#3:**      **#4:**      **#5:**      **#6:**      **#7:**  
**PARC #1:** 1A    **#2:**      **#3:**      **#4:**      **#5:**      **#6:**      **#7:**

**REQUEST DESCRIPTION:**  
RENEWAL OF AN EXISTING MOBILE HOME.

**ACTION:** APPROVED FOR 2 YEARS.  
**DATE:** 102395

**REMARKS:**  
(LOCATION CONT.: ALSO 1/3 MILE W OF SR-46.)  
(COPELAND HILLS)

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

**FILE #:** BA90-8-57TE      **APPL:** SMITH, EMMA  
**SEC:** 20    **TWP:** 20    **RNG:** 32    **SUF:**    **PL BK:**    **PB PG:**    **BLOCK #:**

**DEVELOPMENT NAME:** M.H.-SMITH, EMMA  
**LOC:** SW CORNER OF COCHRAN ROAD AND SAUNDERS TRAIL AND  
**LOT #1:** 2    **#2:**    **#3:**    **#4:**    **#5:**    **#6:**    **#7:**  
**PARC #1:** 1A    **#2:**    **#3:**    **#4:**    **#5:**    **#6:**    **#7:**

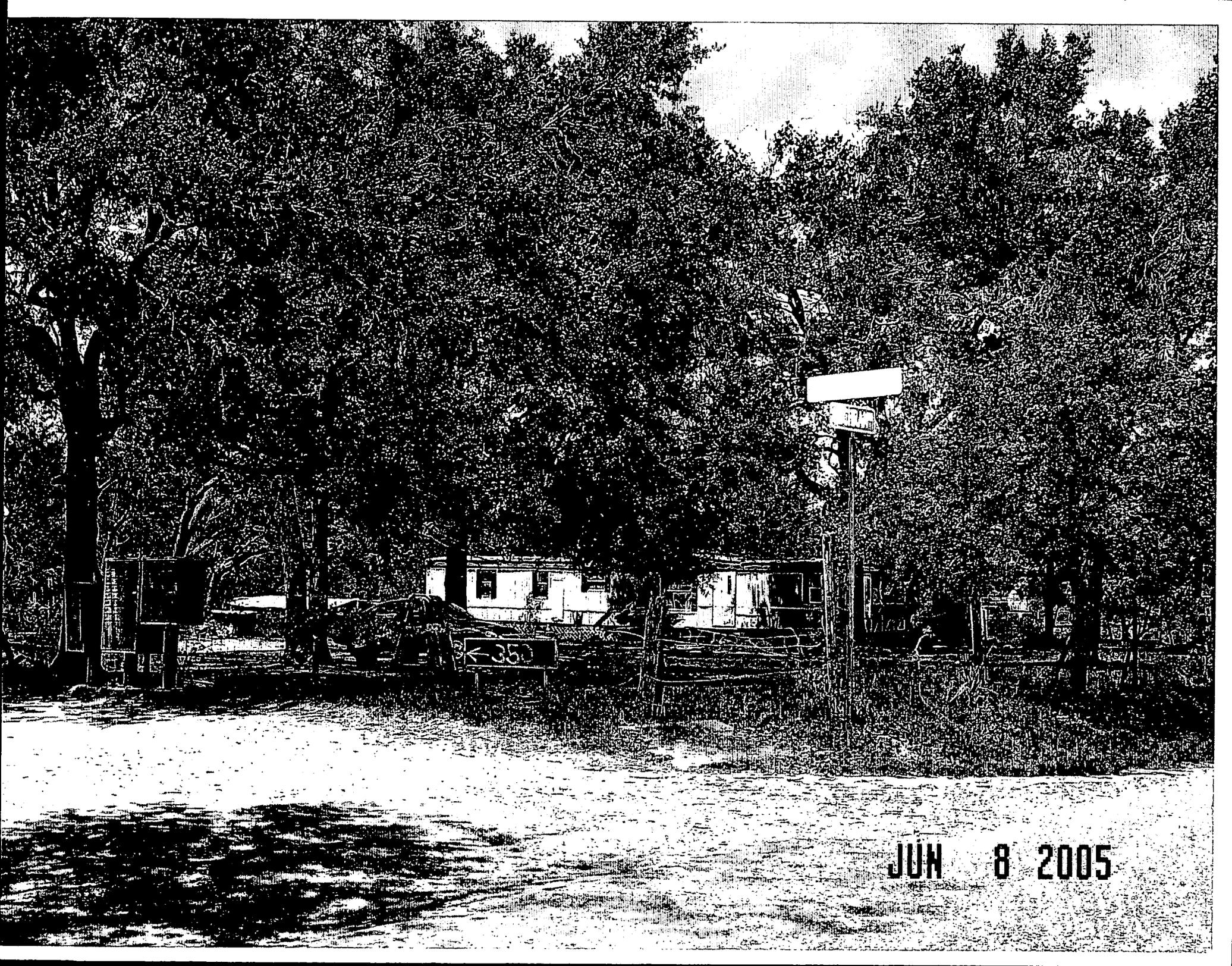
**REQUEST DESCRIPTION:**  
TO PLACE A MOBILE HOME (REINSTATEMENT).

**ACTION:** APPROVED FOR 5 YEARS.  
**DATE:** 082790

**REMARKS:**  
(COPELAND HILLS) (LOCATION: ALSO 3/8 MILE W OF SR-46.)

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

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508</p>																				
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 20-20-32-301-001A-0000      Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: SMITH EMMA &amp; WILLIE      Exemptions:</p> <p>Address: 1911 MULLET LAKE PARK RD</p> <p>City,State,ZipCode: GENEVA FL 32732</p> <p>Property Address:</p> <p>Subdivision Name:</p> <p style="padding-left: 40px;">Dor: 02-MOBILE/MANUFACTURED</p>		<p style="text-align: center;"><b>2005 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$6,643</p> <p>Land Value (Market): \$48,731</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$55,374</p> <p>Assessed Value (SOH): \$55,374</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$55,374</p> <p style="text-align: center;">Tax Estimator</p>																		
<p style="text-align: center;"><b>SALES</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Deed</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Book</th> <th style="text-align: left;">Page</th> <th style="text-align: left;">Amount</th> <th style="text-align: left;">Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>09/1985</td> <td>01668</td> <td>1756</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1981</td> <td>01325</td> <td>1795</td> <td>\$25,000</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	09/1985	01668	1756	\$100	Improved	WARRANTY DEED	03/1981	01325	1795	\$25,000	Vacant	<p style="text-align: center;"><b>2004 VALUE SUMMARY</b></p> <p>2004 Tax Bill Amount: \$936</p> <p>2004 Taxable Value: \$55,374</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p><b>EXTRA FEATURE</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Description</th> <th style="text-align: left;">Year Blt</th> <th style="text-align: left;">Units</th> <th style="text-align: left;">EXFT Value</th> <th style="text-align: left;">Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>MOBILE HOME</td> <td>1963</td> <td>470</td> <td>\$5,523</td> <td>\$22,090</td> </tr> <tr> <td>POLE/BARNS/BELOW AVG</td> <td>1982</td> <td>800</td> <td>\$1,120</td> <td>\$2,800</td> </tr> </tbody> </table>						Description	Year Blt	Units	EXFT Value	Est. Cost New	MOBILE HOME	1963	470	\$5,523	\$22,090	POLE/BARNS/BELOW AVG	1982	800	\$1,120	\$2,800
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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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																				



JUN 8 2005

## Minutes for Item #13 July 25, 2005 Board of Adjustment Meeting

**1211 COCHRAN ROAD** - Emma Smith, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the southwest corner of the intersection of Saunders Trail and Cochran Road; (BM2005-014).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the site received a code violation for an expired mobile home special exception that received approval for two years in 1998. She further stated that the approval was granted by the Board of County Commissioner under the appeal of the applicant. She also stated that the applicant appealed the Board of Adjustment decision for one year placement. She further stated that the Cochran Road area had several mobile homes granted permanent placement in the past five years therefore staff recommended approval of the request.

Emma Smith stated that she was requesting permanent placement of 1973 Hillcrest not a 1963.

Mr. Rozon asked was she the occupant?

Emma Smith stated no, she was not.

Mr. Rozon asked was this a rental property.

Emma Smith stated yes.

Mary Isaacs stated that she lives on Saunders Trail and the trend of development in the area is conventional homes. She showed the Board pictures from the Property Appraisal Office showing the homes and mobile homes in the area and stating that about 20 years ago the trend was for mobile homes. She further stated that the mobile homes that are out there you can not see them from the street. She also stated that she objected to the permanent placement of Emma Smith mobile home and stated that it had been approved four (4) different times.

Sherry Eisele stated that she and her husband lived in the house next door to the applicant. She further stated that currently her home is a manufacture home and they were currently in the process of building a new home. She also stated that the community is still cleaning up from the hurricane damage but no effort has been put forth on the applicant property. She further stated that the condition of the property is an eyesore, with weeds overgrowing out to the road.

Chris Wilson stated that he recently purchased the property across from the applicant. He further stated that he plan to develop 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).**

### **SEMINOLE COUNTY ADMINTRATIVE ORDER**

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

LEG SEC 20 TWP 20S RGE 32E BEG 53.53 FT S & 40.70 FT S 88 DEG 9 MIN 43 SEC W  
OF NE COR RUN S 88 DEG 9 MIN 43 SEC W 353.66 FT SWLY ON CURVE 105.28 FT S  
462.10 FT E 458 FT N 486.21 FT TO BEG (5.11 AC)

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

#### **FINDINGS OF FACT**

**Property Owner:** Emma Smith  
1911 Mullet Lake Park Road  
Geneva, FL 32732

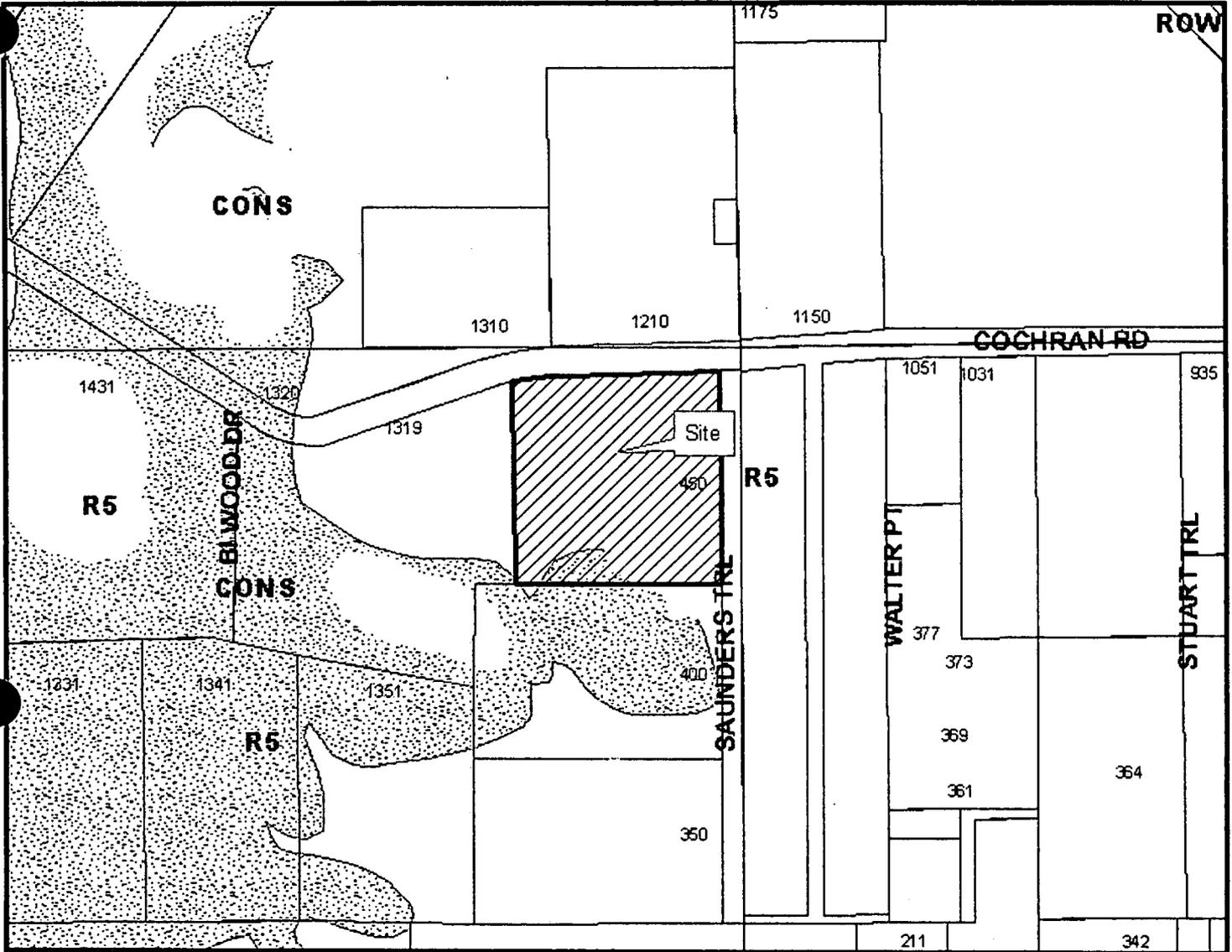
#### **Requested Development Approval:**

REQUEST FOR SPECIAL EXCEPTION FOR THE CONTINUED PLACEMENT OF AN EXISTING 1963 SINGLE WIDE MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) FOR THE LIFETIME OF THE MOBILE HOME AT 1211 COCHRAN ROAD, AS DEPICTED ON THE ATTACHED SITE PLAN.

After fully considering staff analysis and all evidence submitted at the public hearing of July 25, 2005, regarding this matter, the Board of Adjust has found, determined and concluded that the request for the Special Exception for a mobile home is inconsistent with the trend of development of the area.

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

Emma Smith  
 1211 Cochran Road  
 Geneva, FL 32732



Seminole County Board of Adjustment  
 July 25, 2005  
 Case: BM2005-014  
 Parcel No: 20-20-32-301-001A-0000

**Future Land Use**

- |   |            |   |   |                  |
|---|------------|---|---|------------------|
|  | CONS, R5   | <b>Parcel Use</b>   |  | All Other Values |
|  | R5, NONE   |  | Vacant Residential  |                  |
|  | BM2005-014 |  | Single Family Residential   |                  |
|   |            |  | Mobile Home   |                  |

