

Item # 100

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Appeal of the Board of Adjustment's decision to deny the request for special exception to establish a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District).

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 12-14-04 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. **UPHOLD** the Board of Adjustment's decision to deny the request for special exception to establish a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District) at 5573 1<sup>st</sup> Street in Sanford (Sec. 31, Twp19S, Rng 30E, PB 2, PG 69); (Mathew & Lara Cato, applicants); or
2. **REVERSE** the Board of Adjustment's decision to deny the request for special exception to establish a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District) at 5573 1<sup>st</sup> Street in Sanford (Sec. 31, Twp19S, Rng 30E, PB 2, PG 69) ; (Mathew & Lara Cato, applicants); OR
3. **CONTINUE** the request to a time and date certain.

(District 5 – Carey)

(Francisco Torregrosa, Planner)

**BOARD OF ADJUSTMENT DECISION:**

On July 26, 2004, the Board of Adjustment denied a request for special exception to establish a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District) at 5573 1<sup>st</sup> Street in Sanford. The Board based its denial on the determination that the proposed landscape contractor use was inconsistent with the character of the area and that the proposed use would not be accessory to a wholesale nursery since the applicants stated they sold plant material directly to the end user.

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	<u>[Signature]</u>
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph700pdp06</u>

**STAFF RECOMMENDATION:**

Based upon the findings stated in the staff report, staff recommends the Board of County Commissioners uphold the decision of the Board of Adjustment and deny the request to establish a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District) at 5573 1<sup>st</sup> Street in Sanford.

**STAFF REPORT**

<b>GENERAL INFORMATION</b>	Mathew & Lara Cato, Applicants 4009 Shady Oak Court Lake Mary, FL 32746	A-1 District, LDC Section 30.124(B)(22); (Landscape Contractor's Business As An Accessory Use To A Wholesale Nursery)																										
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicants propose to establish a landscape contractor's business as an accessory use to a wholesale nursery on a 0.26 acre parcel.</li> <li>• There are currently four (4) structures on the property, which include a 1,450 square foot single-family home, two sheds and a 200 square foot office building.</li> <li>• The applicant was cited by code enforcement for operating a landscape contractor's business without the required special exception.</li> <li>• The applicants intend to continue the use of the home and the office building.</li> <li>• The lot is deficient in both size and width at the building line. No building improvements are proposed, besides those required to bring the existing structures into compliance with the building code.</li> </ul>																											
<b>ZONING &amp; FLU</b>	<table border="1"> <thead> <tr> <th data-bbox="574 1073 781 1150"><b>DIRECTION</b></th> <th data-bbox="781 1073 954 1150"><b>EXISTING ZONING</b></th> <th data-bbox="954 1073 1154 1150"><b>EXISTING FLU</b></th> <th data-bbox="1154 1073 1440 1150"><b>USE OF PROPERTY</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="574 1150 781 1262">Site</td> <td data-bbox="781 1150 954 1262">A-1</td> <td data-bbox="954 1150 1154 1262">Low Density Residential</td> <td data-bbox="1154 1150 1440 1262">Single-Family/ Office</td> </tr> <tr> <td data-bbox="574 1262 781 1373">North</td> <td data-bbox="781 1262 954 1373">A-1</td> <td data-bbox="954 1262 1154 1373">Low Density Residential</td> <td data-bbox="1154 1262 1440 1373">Single-Family Residential</td> </tr> <tr> <td data-bbox="574 1373 781 1444">South</td> <td data-bbox="781 1373 954 1444">A-1</td> <td data-bbox="954 1373 1154 1444">Suburban Estates</td> <td data-bbox="1154 1373 1440 1444">Vacant</td> </tr> <tr> <td data-bbox="574 1444 781 1556">East</td> <td data-bbox="781 1444 954 1556">A-1</td> <td data-bbox="954 1444 1154 1556">Low Density Residential</td> <td data-bbox="1154 1444 1440 1556">Single-Family Residential</td> </tr> <tr> <td data-bbox="574 1556 781 1671">West</td> <td data-bbox="781 1556 954 1671">A-1</td> <td data-bbox="954 1556 1154 1671">Low Density Residential</td> <td data-bbox="1154 1556 1440 1671">Single-Family Residential</td> </tr> </tbody> </table>				<b>DIRECTION</b>	<b>EXISTING ZONING</b>	<b>EXISTING FLU</b>	<b>USE OF PROPERTY</b>	Site	A-1	Low Density Residential	Single-Family/ Office	North	A-1	Low Density Residential	Single-Family Residential	South	A-1	Suburban Estates	Vacant	East	A-1	Low Density Residential	Single-Family Residential	West	A-1	Low Density Residential	Single-Family Residential
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<b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</b>	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:																											

**IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:**

The proposed use would represent the use of an agriculturally zoned lot to accommodate a wholesale nursery and a landscape contractor's business as an accessory to that nursery. Abutting properties in the vicinity are characterized by mixed single-family and vacant agricultural lands. Staff believes the proposed use would be inconsistent with the character of surrounding development.

**DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:**

Although the proposed use will not include retail sales, it is expected to generate more peak hour traffic than residential uses allowed in the A-1 district. However, the abutting segment of 1<sup>st</sup> Street is scheduled for improvements to meet the county standard, and capacity will be available to serve the proposed use.

**IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:**

The Seminole County Vision 2020 Comprehensive Plan describes low density residential land use as appropriate for residential uses such as detached single-family homes.

Although the abutting segment of 1<sup>st</sup> Street could accommodate the proposed use, the trend of development is clearly established for uses of a lesser intensity than the use proposed. For this reason, staff believes the request would be inconsistent with the Comprehensive Plan's classification of properties in the area as mostly residential development.

**MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:**

Based on the submitted site plan, the proposed site does not meet the minimum area (1 acre) and dimensional requirements (150 feet width at the building line) of the A-1 district. The parcel is 0.26 acre in size and 100 feet wide at the building line. In addition, none of the existing structures

	<p>meet the required setbacks of the district. However, no building improvements are proposed besides those required to bring the existing structures into compliance with the building code.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Within the A-1 district, accessory landscape contractor businesses are allowed by special exception. However, the proposed use would be inconsistent with the general character of existing development in this area, as described herein.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 DISTRICT 30.124(a)</b></p>	<p>The BOA may permit any use allowed by special exception in the A-1 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-1 DISTRICT:</u></b></p> <p>The trend of development in the vicinity is clearly established for uses of a lesser intensity than the use proposed. For this reason, staff believes the request would be inconsistent with the Comprehensive Plan's classification of properties in the area as mostly residential development. Based on the submitted site plan, the proposed use does not meet the minimum area and dimensional requirements of the A-1 district.</p> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>Staff believes the requested use would be highly intensive in nature even if improvements are limited through development conditions.</p> <p>The subject parcel is only 0.26 acres in size and already is occupied by a single-family residence. Staff feels that the introduction of a wholesale nursery and accessory landscape contractor's establishment is more intensity than the site can reasonably accommodate.</p> <p><b><u>IS COMPATIBLE WITH THE CONCEPT OF LOW-DENSITY, RURAL LAND USE:</u></b></p> <p>Although the use may be allowed by special exception in the A-1 zoning district, the restricted size of the subject lot,</p>

	<p>combined with the established residential character of the area, is not conducive for such an endeavor at this location.</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 site is currently served by water and septic systems and would not impact school services. Other County services, including police, emergency, and garbage disposal are otherwise available to the site.</p>
<p><b>STAFF RECOMMENDATION</b></p>	<p>Based on the stated findings, staff recommends the Board of County Commissioners uphold the decision of the Board of Adjustment and deny the request for special exception to establish a landscape contractors business as an accessory use to a wholesale nursery. If the Board should decide to grant the request, staff recommends the application of the following conditions:</p> <ul style="list-style-type: none"> <li>○ Prior to the commencement of the landscape contractor's business, a wholesale nursery shall be established on the subject property;</li> <li>○ Retail sales shall be prohibited;</li> <li>○ All landscaping equipment stored on-site shall be shielded from adjacent lots by an opaque fence six (6) feet in height;</li> <li>○ The existing office trailer and storage unit shall be relocated to comply with A-1 district setback regulations;</li> <li>○ The total number of employees for the business shall not exceed eight (8); and</li> <li>○ Business hours shall be from 6:30 a.m. to 8:00 p.m. Monday through Saturday.</li> </ul>

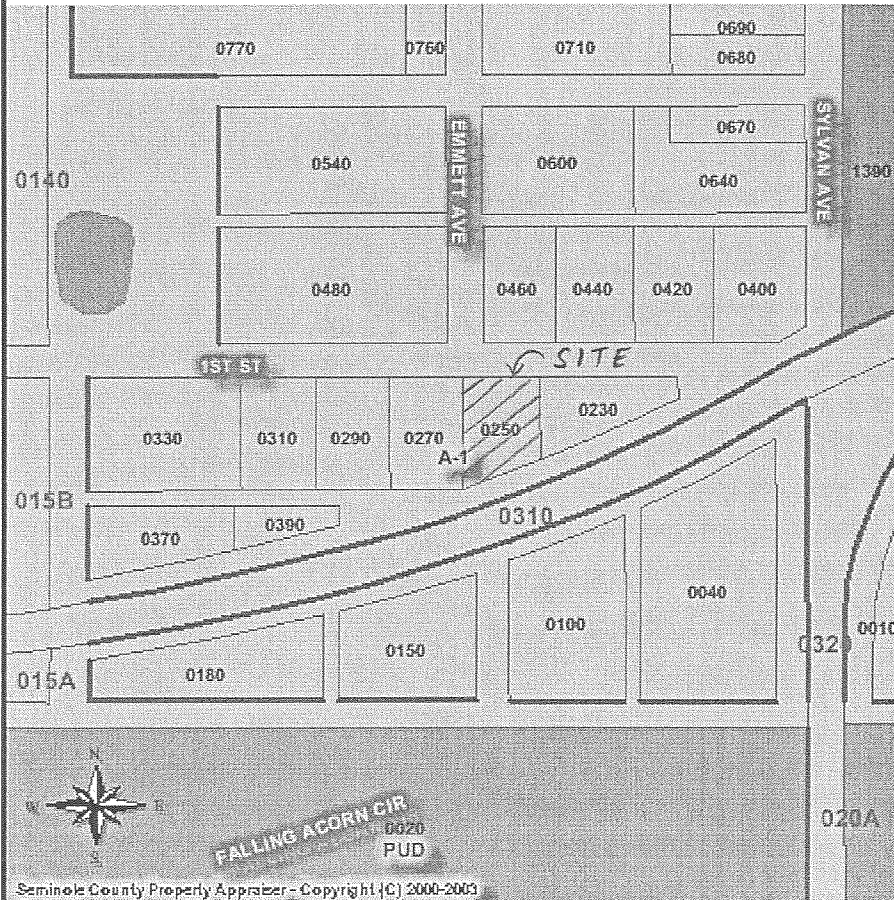
- ATTACHMENTS:**
- Zoning & Future Land Use maps
  - Correspondence
  - Application for special exception
  - Location map
  - Property appraiser report
  - Proposed development order
  - Board of Adjustment meeting minutes
  - Recorded denial order
  - Proposed site plan
  - Decision on appeal

Seminole County, Florida **Property Appraiser Services** H.W. "Bill" Suber CFA, ASA  
 Your Source for Property Information... Quick, Convenient, Accurate



**Seminole County**  
**Property Appraiser Services**

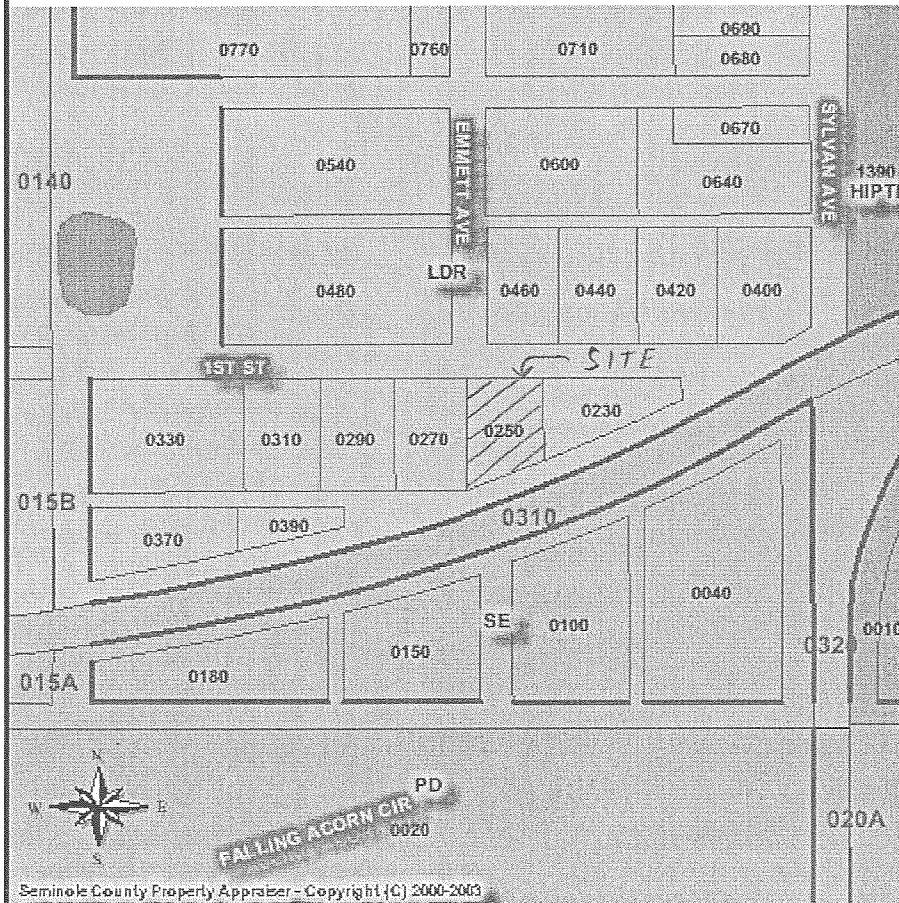
1101 E. First St.  
 Sanford FL 32771  
 407-665-7506



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- Legend**
- County Boundary
  - Streets
  - Hydrology
  - Subdivision Lines
  - Parcels
  - Future Land Use
  - Commercial
  - High Density Resid
  - High Intensity PD, Airport
  - High Intensity PD, Target Industry
  - High Intensity PD, Transitional
  - Industrial
  - Low Density Resid
  - Medium Density Resid
  - Mixed Development
  - Office
  - Planned Development
  - Public: County Owned
  - Public: Grave Site
  - Public: Other Govt. Entity
  - Public: Rest Area
  - Public: School
  - Public: Utility
  - Rural: 10 Ac
  - Rural: 3 Ac
  - Rural: 5 Ac
  - Recreation
  - Suburban Estates
  - Conservation Overlay
  - Facilities
  - Golf Course
  - Parks

Seminole County Property Appraiser - Copyright (C) 2000-2003





April 27, 2004

*Letter of Intent for Special Exception*

To Whom It May Concern:

This letter is to inform you of our intentions for use of the special exception to 5573 1<sup>st</sup> Street, Sanford, FL, zoned A-1, Landscape Business as accessory to Wholesale Plant Nursery.

We currently have a plant nursery on the property as well as a shed and office space as shown in the attached drawing. The shed is used to store equipment for the nursery as well as our landscaping equipment. The equipment that is used off of the property is picked up in the morning and dropped back off in the evening.

Thank you,

A handwritten signature in cursive script that reads "Lara Cato".

Lara Cato  
President

Cato Environmental Services, Inc.



Seminole County

**Sheriff Donald F. Eslinger**

Member, Florida Sheriffs Association  
Member, National Sheriffs' Association

An Internationally Accredited Agency



April 15, 2004

Certified Mail: 7003 1010 0003 7840 4622  
7003 1010 0003 7840 4615

Matthew B. & Lara J. Cato      Cato Environmental Services, Inc  
36730 Forestdel Dr.              2112 Cluster Branch Ct  
Eustis, FL 32736                  Longwood, FL 32779

RE: Tax Parcel Id #: 31-19-30-502-0000-0250, 5573 1<sup>st</sup> Street

*2201 E 1st St  
407 665-7444*

Dear Property Owner and any interested Parties:

A recent inspection of the above referenced property revealed violations of the Seminole County Land Development Code, Chapter 30, Sec. 30.121, Permitted Uses in the A-1 Agricultural Zone, more specifically:

**Landscaping (lawn maintenance) contractors establishment or the extension of same, is not a permitted use**

Please be advised that a special exception would be required for this type of business activity to be permitted on the above referenced property.

Notice is hereby given to cease and desist utilizing the above referenced property for the use of any commercial business activity and remove all equipment, unpermitted storage/office facilities from the site.

*-Shed- 3 Mild 407 665-7010*

Failure to comply by **May 3, 2004** could result in the matter being filed with the Code Enforcement Board for further action. The Code Enforcement Board has the power to levy fines up to \$250.00 a day for every day the violation exists.

*Claudia Russell 13850 November 6  
352 589 0646*

Chapter 162, Section 162.06 (2) Florida State Statute states: "If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing."

*by 4/22  
\$370*

If you have any questions concerning this matter, please call (407) 333-8208.

*-Site plan -  
- Tax parcel #  
- legal ID  
- Survey - description*

*407.333.8208*

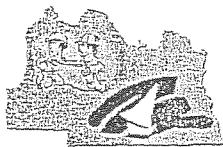
Sincerely,

*Deborah Leigh*

Deborah Leigh  
Senior Code Enforcement Officer - rcf  
Seminole Neighborhood Policing-District 3

*Edo Sargent  
444-0468  
0569*

*665-6715 DIST 2  
971-3508 DIST 4*



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BS 2004-012

**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.

**APPLICATION TYPE:**

- VARIANCE**
- SPECIAL EXCEPTION** for landscaping business to an accessory use to a wholesale plant nursery
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING  PROPOSED  REPLACEMENT
- MOBILE HOME IS FOR \_\_\_\_\_
- YEAR OF MOBILE HOME \_\_\_\_\_ 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	MATTHEW B. LARACA CATO	
ADDRESS	4009 SHADY OAK CT LAKE MARV, FL 32746	
PHONE 1	407 8040306 / 407 4023762	
PHONE 2	407 4023762	
E-MAIL	LARACATO@YAHOO.COM	

PROJECT NAME: N/A

SITE ADDRESS: 5573 1st STREET, SANFORD

CURRENT USE OF PROPERTY: RESIDENCE / NURSERY & EQUIPMENT STORAGE

LEGAL DESCRIPTION: LEG LOTS 25 + 26 TOWN OF SYLVAN LAKE PB 2 PG 69

SIZE OF PROPERTY: 1 acre(s) PARCEL I.D. 31-19-30-502-0000-0250

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

KNOWN CODE ENFORCEMENT VIOLATIONS landscape contractors establishment for equipment storage

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on June 28, 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.

Matthew B. Laraca Cato / M. Brien Cato 4/24/04  
 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:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	MATTHEW B LARAJ CATO	
ADDRESS	4029 SHADY OAK LAKE MASSEY FL 32116	
PHONE 1	407 4023762	
PHONE 2	407 8040306	
E-MAIL	LARAJMTO@YAHOO.COM	

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

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

FOR OFFICE USE ONLY

PROCESSING:

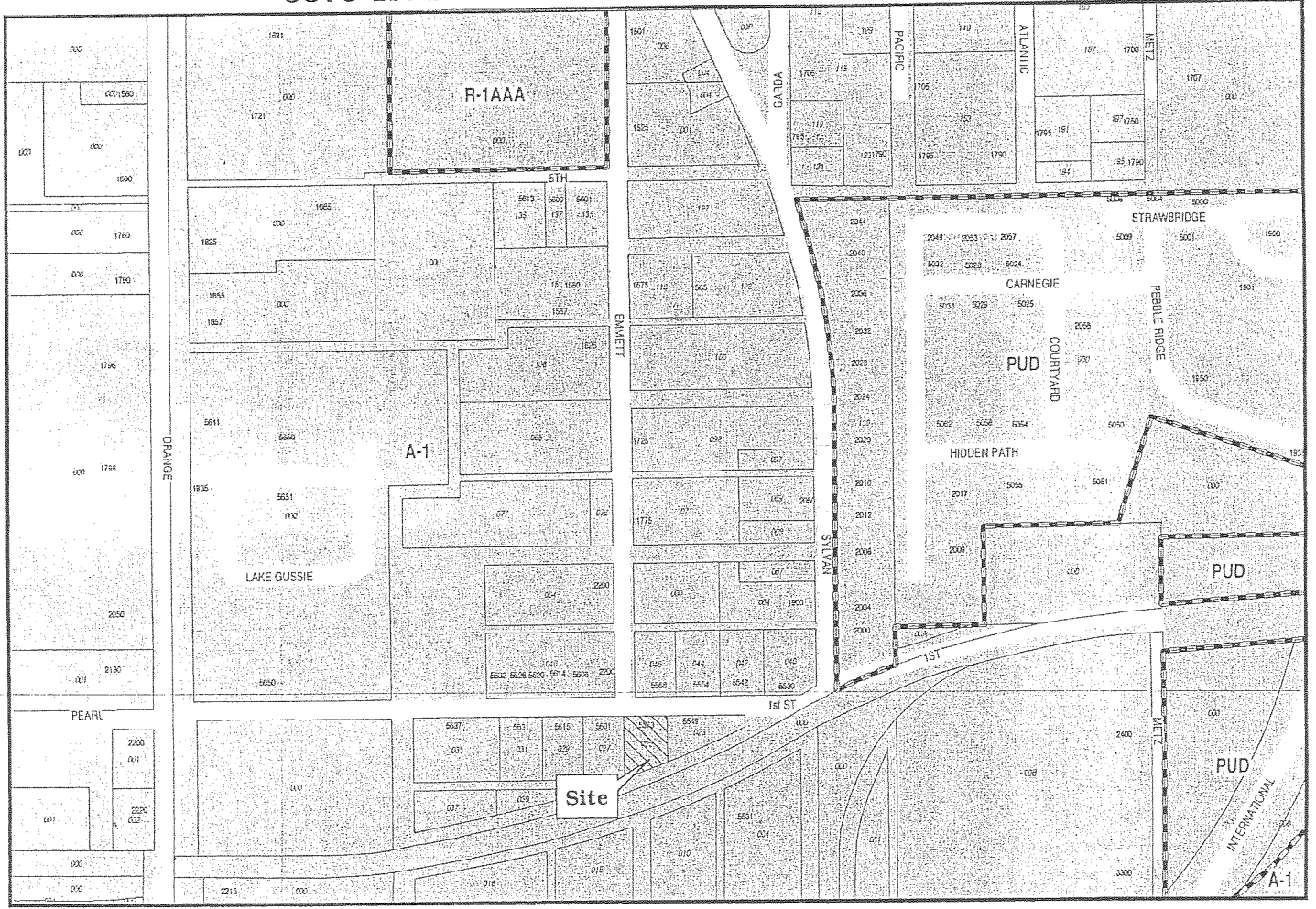
FEE: \$370 COMMISSION DISTRICT 5 FLU/ZONING LDR/A-1

LOCATION FURTHER DESCRIBED AS LOCATED ON THE SOUTH SIDE OF  
1<sup>ST</sup> STREET APPROX. 1100 FT EAST OF INTERSECTION  
WITH ORANGE BLVD.

PLANNER v b DATE 2/28/04

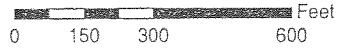
SUFFICIENCY COMMENTS \_\_\_\_\_


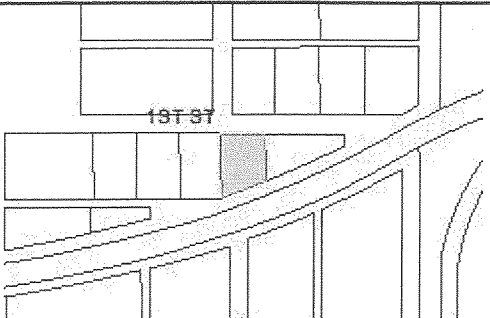
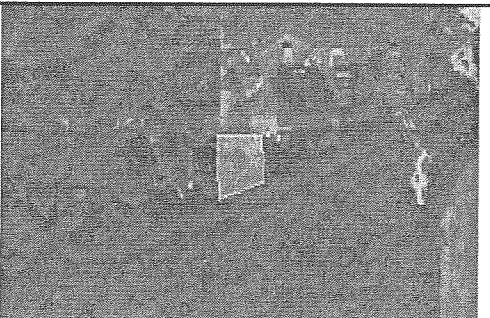
Matthew & Lara Cato  
5573 1st Street



Parcel 31-19-30-502-0000-0250 / District 5

BS2004-012



<b>PARCEL DETAIL</b>   <b>Seminole County</b> <i>Property Appraiser Services</i> 1101 E. First St. Sanford FL 32771 407-665-7506	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; text-align:center;">REAL ESTATE</td> <td style="width:25%; text-align:center;">PERSONAL PROP.</td> <td style="width:25%; text-align:center;">TAX ROLL</td> <td style="width:25%; text-align:center;">SALES SEARCH</td> </tr> </table> 	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH																																																																			
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<p style="text-align:center;"><b>GENERAL</b></p> Parcel Id: 31-19-30-502-0000-0250      Tax District: 01-TX DIST 1 - COUNTY Owner: CATO MATTHEW B & LARA J      Exemptions: Address: PO BOX 951556 City,State,ZipCode: LAKE MARY FL 32795 Property Address: 5573 1ST ST Subdivision Name: SYLVAN LAKE TOWN OF Dor: 01-SINGLE FAMILY		<p style="text-align:center;"><b>2005 WORKING VALUE SUMMARY</b></p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$36,772 Depreciated EXFT Value: \$662 Land Value (Market): \$16,958 Land Value Ag: \$0 Just/Market Value: \$54,392 Assessed Value (SOH): \$54,392 Exempt Value: \$0 Taxable Value: \$54,392																																																																						
<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>03/2003</td> <td>04744</td> <td>0922</td> <td>\$60,000</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/2002</td> <td>04495</td> <td>1274</td> <td>\$39,000</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>06/2002</td> <td>04438</td> <td>0134</td> <td>\$47,700</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1980</td> <td>01296</td> <td>0098</td> <td>\$12,200</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01101</td> <td>0975</td> <td>\$6,600</td> <td>Improved</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	03/2003	04744	0922	\$60,000	Improved	SPECIAL WARRANTY DEED	08/2002	04495	1274	\$39,000	Improved	CERTIFICATE OF TITLE	06/2002	04438	0134	\$47,700	Improved	WARRANTY DEED	09/1980	01296	0098	\$12,200	Improved	WARRANTY DEED	01/1976	01101	0975	\$6,600	Improved	<p style="text-align:center;"><b>2004 VALUE SUMMARY</b></p> 2004 Tax Bill Amount: \$931 2004 Taxable Value: \$55,060 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																		
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<p style="text-align:center;"><b>BUILDING INFORMATION</b></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>Heated SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1954</td> <td>3</td> <td>740</td> <td>1,450</td> <td>740</td> <td>SIDING AVG</td> <td>\$36,772</td> <td>\$53,486</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">OPEN PORCH FINISHED / 39</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">ENCLOSED PORCH FINISHED / 91</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">ENCLOSED PORCH FINISHED / 160</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">ENCLOSED PORCH FINISHED / 300</td> </tr> <tr> <td></td> <td>Appendage / Sqft</td> <td></td> <td colspan="7">OPEN PORCH FINISHED / 120</td> </tr> </tbody> </table>		Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	1954	3	740	1,450	740	SIDING AVG	\$36,772	\$53,486		Appendage / Sqft		OPEN PORCH FINISHED / 39								Appendage / Sqft		ENCLOSED PORCH FINISHED / 91								Appendage / Sqft		ENCLOSED PORCH FINISHED / 160								Appendage / Sqft		ENCLOSED PORCH FINISHED / 300								Appendage / Sqft		OPEN PORCH FINISHED / 120							
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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 July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 15-17 TOWN OF SYLVAN LAKE PB 2 PG 69

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

**FINDINGS OF FACT**

**Property Owner:** MATHEW & LARA CATO  
4009 SHADY OAK COURT  
LAKE MARY, FL 32746

**Project Name:** FIRST STREET (5573)

**Requested Development Approval:**

SPECIAL EXCEPTION TO ESTABLISH A LANDSCAPE CONTRACTOR'S BUSINESS AS AN ACCESSORY USE TO A WHOLESALE NURSERY IN THE A-1 (AGRICULTURE DISTRICT), 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: Francisco Torregrosa  
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. PRIOR TO THE COMMENCEMENT OF THE LANDSCAPE CONTRACTOR'S BUSINESS, A WHOLESALE NURSERY SHALL BE ESTABLISHED ON THE SUBJECT PROPERTY;
- 2. RETAIL SALES SHALL BE PROHIBITED;
- 3. ALL LANDSCAPING EQUIPMENT STORED ON-SITE SHALL BE SHIELDED FROM ADJACENT LOTS BY AN OPAQUE FENCE;
- 4. THE EXISTING OFFICE TRAILER AND STORAGE UNIT SHALL BE RELOCATED TO COMPLY WITH A-1 DISTRICT SETBACK REGULATIONS OR VARIANCE FROM APPLICABLE SETBACKS SHALL BE OBTAINED;
- 5. THE MAXIMUM NUMBER OF EMPLOYEES SHALL NOT EXCEED A TOTAL OF EIGHT (8); AND
- 6. HOURS OF OPERATION SHALL BE FROM 6:30 A.M. TO 8:00 P.M. MONDAY THROUGH SATURDAY.

(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:

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Danny M. Hunt, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Authorized Agent or Trustee

\_\_\_\_\_  
Witness

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 Insert Name who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**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:

Pastor Michael Andriano stated that the reason he is before the Board is because they are seeking to build a 22,801 square foot facility. He also stated that they would have a landscape buffer between the church and the road.

**Mrs. Buchanan made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

- 20. 1484 TUSKAWILLA ROAD** - Chuck Richardson, applicant; Request for special exception to establish a landscape contractor's business as an accessory use to an existing wholesale nursery in the A-1 (Agricultural District); Located immediately west of the intersection of Tuskawilla Road and Cardinal Creek Place; (BS2004-021).

Kathy Fall, Senior Planner

**(ITEM 20 HAS BEEN WITHDRAWN BY APPLICANT)**

- 21. 5573 1<sup>ST</sup> STREET** - Matthew & Lara Cato, applicants; Request for special exception to establish a landscaping contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District); Located on the south side of 1<sup>st</sup> Street, approximately 0.2 mile east of the intersection of 1<sup>st</sup> Street and Orange Boulevard; (BS2004-012).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended denial of the special exception request.

Lara Cato stated that they generally use the site as a storage facility. She also stated that no customers come to the site. She further stated that for the Landscaping Maintenance business they had 3 trucks that are behind the fence in the evening and out in the field during the day.

Robert Tenture stated that he owns the property to the west of this property. He also stated that he has had to ask them to move the trucks and trailer at times, when they are blocking the driveway. He also stated that at night he hears the lawn mower blades being sharpened. He further stated that this site is strictly a landscaping business, and they want a place to park trucks. He lastly stated that this is the only business in that area and everything else is residential.

Grace Tenture and Kimberly Dodge were in opposition of the request.

**Lila Buchanan made a motion to deny the request.**

**Mr. Rozon seconded the motion.**

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 15-17 TOWN OF SYLVAN LAKE PB 2 PG 69

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

FINDINGS OF FACT

Property Owner: MATTHEW & LARA CATO  
4009 SHADY OAK COURT  
LAKE MARY, FL 32746

Project Name: FIRST STREET (5573)

Requested Development Approval:

1. SPECIAL EXCEPTION TO ESTABLISH A LANDSCAPE CONTRACTORS BUSINESS AS AN ACCESSORY USE TO A WHOLESALE NURSERY IN THE A-1 (AGRICULTURE DISTRICT), AS DEPICTED ON THE ATTACHED SITE PLAN.

The Development Approval sought would adversely impact the residential character of the community and is thereby inconsistent with the Seminole County Comprehensive Plan, applicable land development regulations and other applicable regulations and ordinances. The owners retain reasonable use of the property.

The requested development approval is hereby denied.

Prepared by: Francisco Torregrosa, Planner  
1101 East First Street  
Sanford, Florida 32771

RETURN TO SANDY McCANN

MARYANNE MORSE, CLERK OF CIRCUIT COURT  
CLERK OF SEMINOLE COUNTY  
BK 05427 PGS 0058-0060  
FILE NUM 2004130938  
RECORDED 08/19/2004 03:48:58 PM  
RECORDING FEES 27.00  
RECORDED BY J Eckenroth

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
BY *Eva Roach*  
DEPUTY CLERK

Done and Ordered on the date first written above.

By: *Matthew West*  
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 18 day of August, 2004.

*Karen Mathews*  
Notary Public, in and for the County and State  
Aforementioned



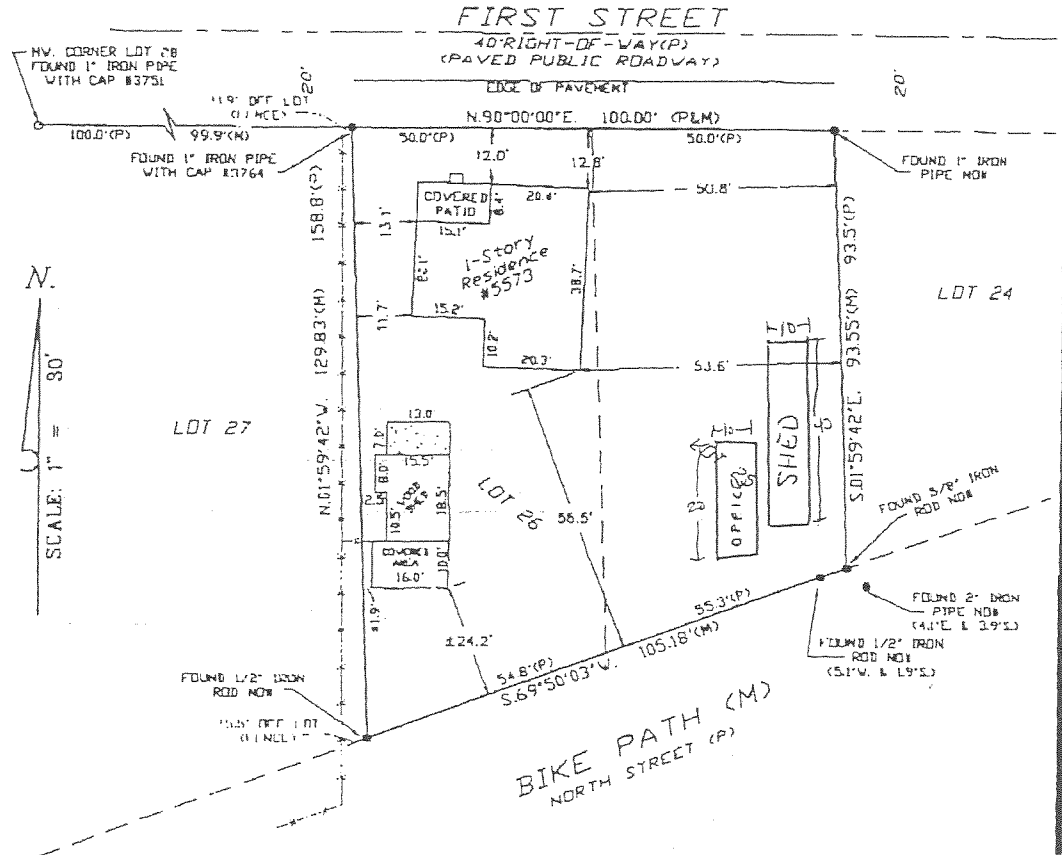
Karen Mathews  
My Commission DD144950  
Expires August 26, 2006

My Commission Expires:

**BOUNDARY SURVEY**  
**"CATO PROPERTY"**  
**5573 FIRST STREET, SANFORD, FLORIDA**

LEGAL DESCRIPTION

LOTS 25 & 26, TOWN OF SYLVAN LAKE, A SUBDIVISION ACCORDING TO THE PLAT OR MAP THEREOF AS DESCRIBED IN PLAT BOOK 2, PAGE(S) 69, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



- LEGEND**
- ▣ CONCRETE
  - (CP) AS PER PLAT
  - (M) AS PER FIELD MEASUREMENT
  - WOOD FENCE
  - CHAIN LINK FENCE
  - WIRE FENCE
  - RECOVERED MONUMENTATION

- SURVEYOR'S NOTES:**
- 1.) BEARINGS ARE BASED ON THE CENTERLINE OF FIRST STREET AS BEING N.90°00'00" E., PER PLAT.
  - 2.) UNDERGROUND/OVERHEAD UTILITIES AND OTHER IMPROVEMENTS ARE NOT SHOWN AS A PART OF THIS SURVEY, UNLESS NOTED OTHERWISE.
  - 3.) THERE MAY BE ADDITIONAL EASEMENTS AND/OR OTHER RESTRICTIONS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
  - 4.) I HAVE REVIEWED THE NATIONAL FLOOD INSURANCE RATE MAP AND HAVE DETERMINED THAT THIS PROPERTY LIES IN ZONE 'X' AND DOES NOT LIE WITHIN A 100-YEAR DESIGNATED FLOOD PRONE AREA.
  - 5.) BUILDING DIMENSIONS SHOWN HEREON DEPICT EXTERIOR WALL LINES AND MAY VARY FROM THOSE ALONG THE STRUCTURES FOUNDATION.

Proj: CATO

**SURVEYING,  
 MAPPING  
 AND  
 REPROGRAPHICS  
 TECHNOLOGY**

**LINO T. SANFT, P.S.M.**  
 110 Old Hickory Court  
 Lungwood, Florida 32750  
 Phone: 407-785-9456  
 Fax: 407-785-0659  
 Email: PLS5792@aol.com

SERVICES & SUPPLIES

Unless it were the signature and the original raised seal of a Florida Licensed Surveyor and Mapper and a drawing sketch, plat or map is for informational purposes only and is not valid.

*[Signature]*  
 Lino T. Sanft  
 Professional Land Surveyor & Mapper,  
 Florida Registration #5792

03/21/03  
 Date

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

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 14<sup>th</sup> day of December 2004, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, upholding a decision of the Board of Adjustment to deny a special exception for the establishment of a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District).

**A. FINDINGS OF FACT**

1. On July 26, 2004, the Board of Adjustment denied a special exception to allow the establishment of a landscape contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District), as requested by Mathew & Lara Cato, on the property further described by the following legal description:

LEG LOTS 25 + 26 TOWN OF SYLVAN LAKE PB 2 PG 69

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 December 14, 2004, the Board of County Commissioners heard an appeal of this decision.

**B. CONCLUSIONS OF LAW**

The Board of County Commissioners finds that the subject special exception is not in conformance with Section 30.124 of the Land Development Code of Seminole County due to the following:

1. The Board hereby agrees with and adopts the staff recommendations as reflected in the Agenda Memorandum, Item # \_\_\_\_\_.
2. The subject special exception does not meet all of the criteria in Section 30.124(22), LDC, for granting special exceptions because:

- a. The subject special exception would allow development that would be inconsistent with the character and trends of residential development in the area.

**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 December 14, 2004, 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 **UPHELD** and the special exception requested is denied.

**DATED** this 14<sup>th</sup> day of December 2004.

Board of County Commissioners  
Seminole County, Florida

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Carlton Henley, Chairman