

BM2004-011

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) ON MARSH WAY; (ANTHONY ACEUPDO, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** TONY WALTER **EXT.** 7375

Agenda Date 6-28-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) ON MARSH WAY; (ANTHONY ACEUPDO, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) ON MARSH WAY; (ANTHONY ACEUPDO, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

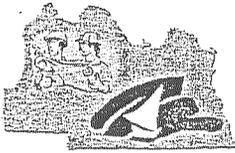
GENERAL INFORMATION	ANTHONY ACEUPDO, APPLICANT MARSH WAY GENEVA, FL	A-5 DISTRICT, LDC SECTIONS 30.104 (A-5 CONDITIONAL USES) & 30.1401 (MOBILE HOME SITING STANDARDS)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO PLACE A NEW MOBILE HOME ON A 5.62 ACRE LOT IN THE A-5 DISTRICT. • THE PERMANENT PLACEMENT OF A MOBILE HOME IS PERMITTED ONLY BY SPECIAL EXCEPTION IN THE A-5 DISTRICT. 	

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE		A-5	RURAL-5
NORTH		A-5	RURAL-5	VACANT
SOUTH		A-5	RURAL-5	VACANT

	EAST	A-5	RURAL-5	SINGLE-FAMILY
	WEST	A-5	RURAL-5	VACANT
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)</p>	<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 PERMANENT PLACEMENT OF THE PROPOSED MOBILE HOME WOULD NOT BE INCOMPATIBLE WITH THE TREND OF DEVELOPMENT ON NEARBY AND ADJACENT PROPERTIES.</p> <p>AVAILABLE RECORDS INDICATE THAT SEVERAL NEARBY PARCELS HAVE MOBILE HOME USES AS DEPICTED ON THE ATTACHED MAP ENTITLED, "PARCEL LAND USE."</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 IS FOR THE PERMANENT APPROVAL OF A MOBILE HOME USE, WHICH IS THEREBY CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF RURAL-5 FLU FOR THE SUBJECT PROPERTY.</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 5.62 ACRE PARCEL, WHICH MEETS THE MINIMUM SIZE AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>THE PRESENT TREND OF DEVELOPMENT IN THE IMMEDIATE AREA INCLUDES CONVENTIONAL AND MOBILE HOMES, THEREFORE, THE PERMANENT PLACEMENT OF A MOBILE HOME WOULD BE CONSISTENT WITH THE CHARACTER OF</p>			

<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.104(a)</p>	<p>DEVELOPMENT IN THE AREA.</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><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE RURAL ZONING CLASSIFICATIONS:</u></p> <p>THE PROPOSED MOBILE HOME IS A SPECIAL EXCEPTION USE IN THE A-5 DISTRICT. TO ENSURE CONSISTENCY WITH THE GENERAL ZONING PLAN OF THE A-5 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 COMPATIBLE WITH THE CONCEPT OF LOW-DENSITY RURAL LAND USE:</u></p> <p>THE PROPOSED USE WOULD BE CONSISTENT WITH THE CONCEPT OF SURROUNDING RURAL LAND USE SINCE THE COMPREHENSIVE PLAN DESCRIBES RURAL-5 AS AN APPROPRIATE FLU CATEGORY FOR THE SITING OF MOBILE HOMES AND ACCESSORY USES BY SPECIAL EXCEPTION.</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 PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 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.
FINDINGS & STAFF RECOMMENDATION	<ul style="list-style-type: none">• BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, THE APPLICANT HAS SATISFIED ALL CRITERIA FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 DISTRICT, AS REQUIRED BY THE LAND DEVELOPMENT CODE.• FOR THIS REASON, STAFF BELIEVES THE PERMANENT PLACEMENT OF THE PROPOSED MOBILE HOME, AS REQUESTED, WOULD BE CONSISTENT WITH THE RURAL CHARACTER OF NEARBY AND ADJACENT PROPERTIES IF THE FOLLOWING STANDARDS ARE APPLIED AS REQUIRED BY SECTION 30.1401 OF THE LAND DEVELOPMENT CODE:<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.• BASED ON THIS DETERMINATION, STAFF RECOMMENDS APPROVAL OF THIS REQUEST, CONDITIONED UPON THE SITE PLAN SUBMITTED AND CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.



COPY

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**
- MOBILE HOME SPECIAL EXCEPTION** PERMANENT PLACEMENT OF A MOBILE HOME
 - EXISTING PROPOSED REPLACEMENT
 - MOBILE HOME IS FOR
 - YEAR OF MOBILE HOME 2004 SIZE OF MOBILE HOME 28x80
 - ANTICIPATED TIME MOBILE HOME IS NEEDED 2-4 WKS
 - 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>Ray Rogers / Anthony Acevedo</u>	<u>Anthony Acevedo</u>
ADDRESS	<u>Marsh Way</u>	
PHONE 1	<u>407-448-5094</u>	
PHONE 2	<u>407-830-5583</u>	
E-MAIL		

PROJECT NAME: _____

SITE ADDRESS: MARSH WAY

CURRENT USE OF PROPERTY: NOI

LEGAL DESCRIPTION: LEGSEC 05 TWP 20 SR 03 E 32 E

S 1/2 OF S W 1/4 OF NW 1/4 1062-1373/1374 APN 20

SIZE OF PROPERTY: 5.6 acre(s) PARCEL I.D. 05-20-32-301-001U-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on JUNE 28 6 PM.
 (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.

Anthony R. Acevedo
 SIGNATURE OF OWNER OR AGENT* 5/7/04
 DATE

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

ADDITIONAL VARIANCE

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		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE \$185 COMMISSION DISTRICT 5 FLU/ZONING RS/A5

LOCATION FURTHER DESCRIBED AS AN THE WEST SIDE OF MARSH WAY APPROX 500 FT SOUTH OF (D) WITH SNAP DRAGON WAY

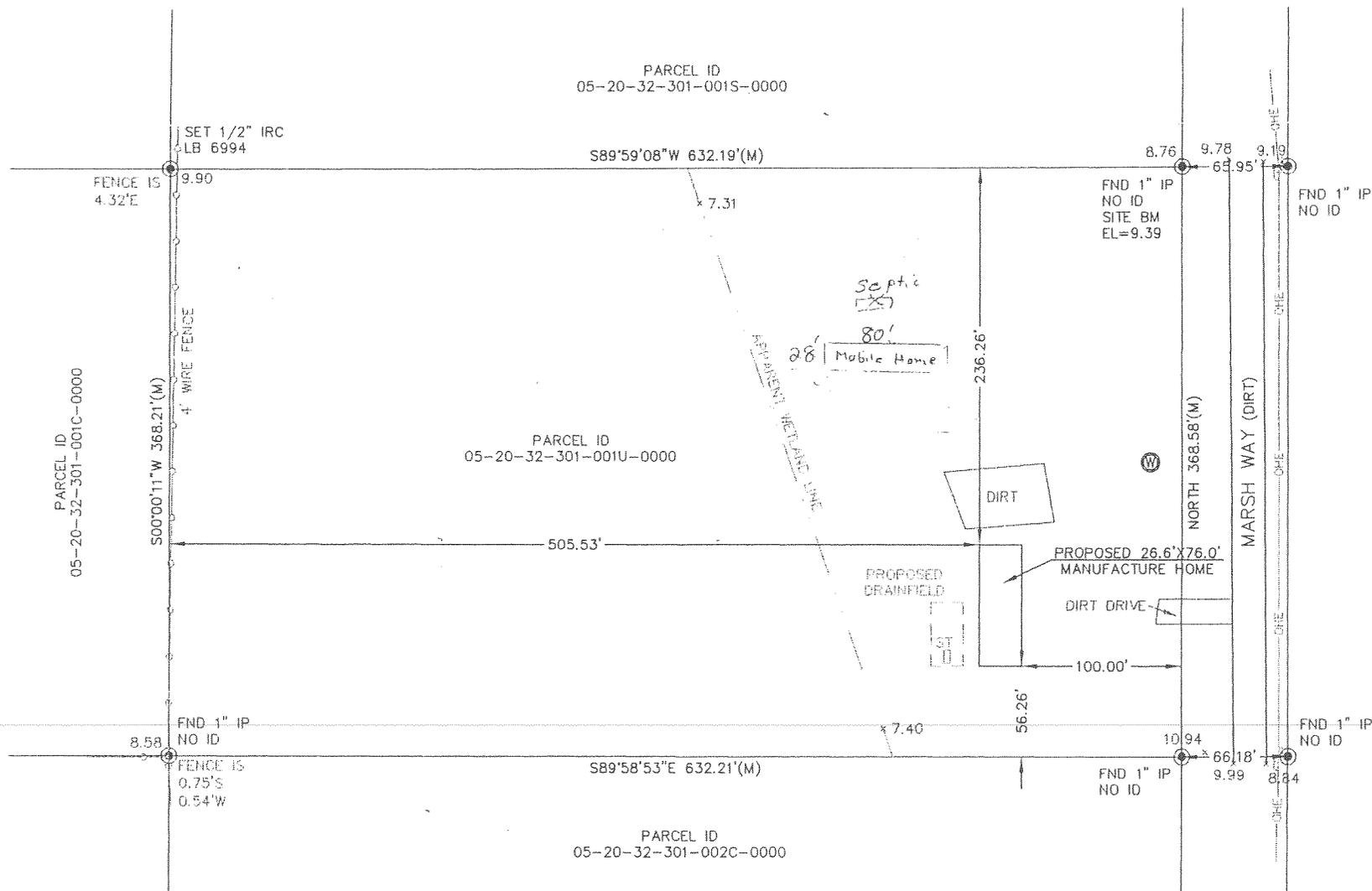
PLANNER VB DATE 5/7/04

SUFFICIENCY COMMENTS ROY RODGERS MUST SEND ORIGINAL NOTERIZED AUTHORIZATION LETTER

BOUNDARY/TOPOGRAPHIC SURVEY/PLOT PLAN

LEGAL DESCRIPTION

The South 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 05, Township 20 South, Range 32 East, Seminole County, Florida.



CERTIFY TO:

Antonio Acevedo
Taylor, Bean and Whitaker
Advantage Title
Old Republic National Title
Insurance Company

SURVEYOR'S NOTES:

1. ELEVATIONS SHOWN HEREON ARE BASED ON SEMINOLE COUNTY BM#1953001, DATUM UNKNOWN.
2. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON WEST RIGHT OF WAY LINE OF MARSH WAY, THAT BEARING BEING NORTH, AND IS ASSUMED.
3. LEGAL DESCRIPTION FURNISHED BY CLIENT.
4. ACCORDING TO FIRM PANEL NUMBER 12117 C 0070 E DATED, 04/17/1995 THE SUBJECT PROPERTY LIES IN ZONE "AE".

FIELD DATE: 04/19/2004

SCALE: 1" = 40'

DRAWN BY: JCB

CHECKED BY: JSB

JOB NUMBER: FOU04102

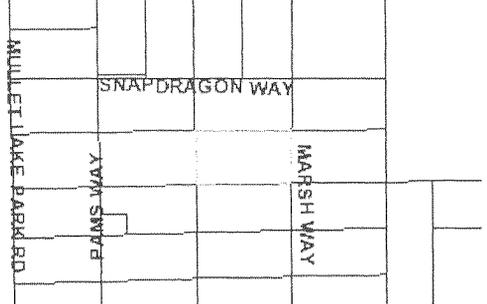
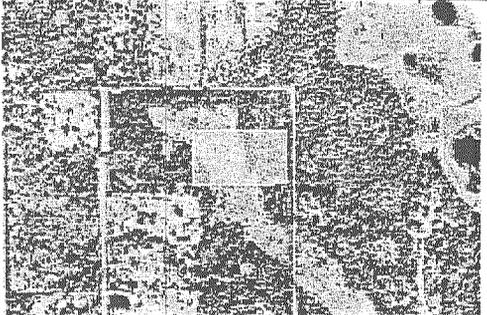
**GEOMARKS
LAND SURVEYORS, INC.**

FLORIDA LB # 6994
7339 E. COLONIAL DRIVE
ORLANDO, FL 32807
PHONE: (407) 736-1697
FAX: (407) 275-5275
E-MAIL: GEOMARKS@L.COM

NOT
SEA

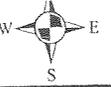
4/2
D

Anthony

<p>PARCEL DETAIL</p>	<p>REAL ESTATE</p>	<p>PERSONAL PROP</p>	<p>TAX ROLL</p>	<p>SALES SEARCH</p>	<p>◀ ◻ Back ▶ ▶</p>																		
 <p>Seminole County Property Appraiser Services 1181 E. First St. Sanford FL 32771 407-665-7586</p>																							
<p>GENERAL</p> <p>Parcel Id: 05-20-32-301-001U-0000 Tax District: 01-TX DIST 1 - COUNTY Owner: ROGERS ROY A Exemptions: Address: 1400 CLIPPER TER City, State, Zip Code: DELTONA FL 32725 Property Address: Facility Name: Dor: 9905-5 ACRE TRACT</p>			<p>2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$39,340 Land Value Ag: \$0 Just/Market Value: \$39,340 Assessed Value (SOH): \$39,340 Exempt Value: \$0 Taxable Value: \$39,340</p>																				
<p>SALES</p> <table border="1"> <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>05/1994</td> <td>02770</td> <td>0017</td> <td>\$20,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1979</td> <td>01255</td> <td>0984</td> <td>\$13,500</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this DOR Code</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	05/1994	02770	0017	\$20,000	Vacant	WARRANTY DEED	11/1979	01255	0984	\$13,500	Vacant	<p>2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$674 2003 Taxable Value: \$39,340 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
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WARRANTY DEED	05/1994	02770	0017	\$20,000	Vacant																		
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<p>LAND</p> <table border="1"> <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>5.620</td> <td>7,000.00</td> <td>\$39,340</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	5.620	7,000.00	\$39,340	<p>LEGAL DESCRIPTION</p> <p>LEG SEC 05 TWP 20S RGE 32E S 1/2 OF SW 1/4 OF NE 1/4 OF NW 1/4</p>								
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
ACREAGE	0	0	5.620	7,000.00	\$39,340																		
<p>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.</p>																							

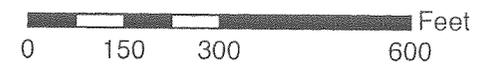
BACK PROPERTY APPRAISER HOME PAGE CONTACT

Roy Rogers / Anthony Aceupdo Marsh Way

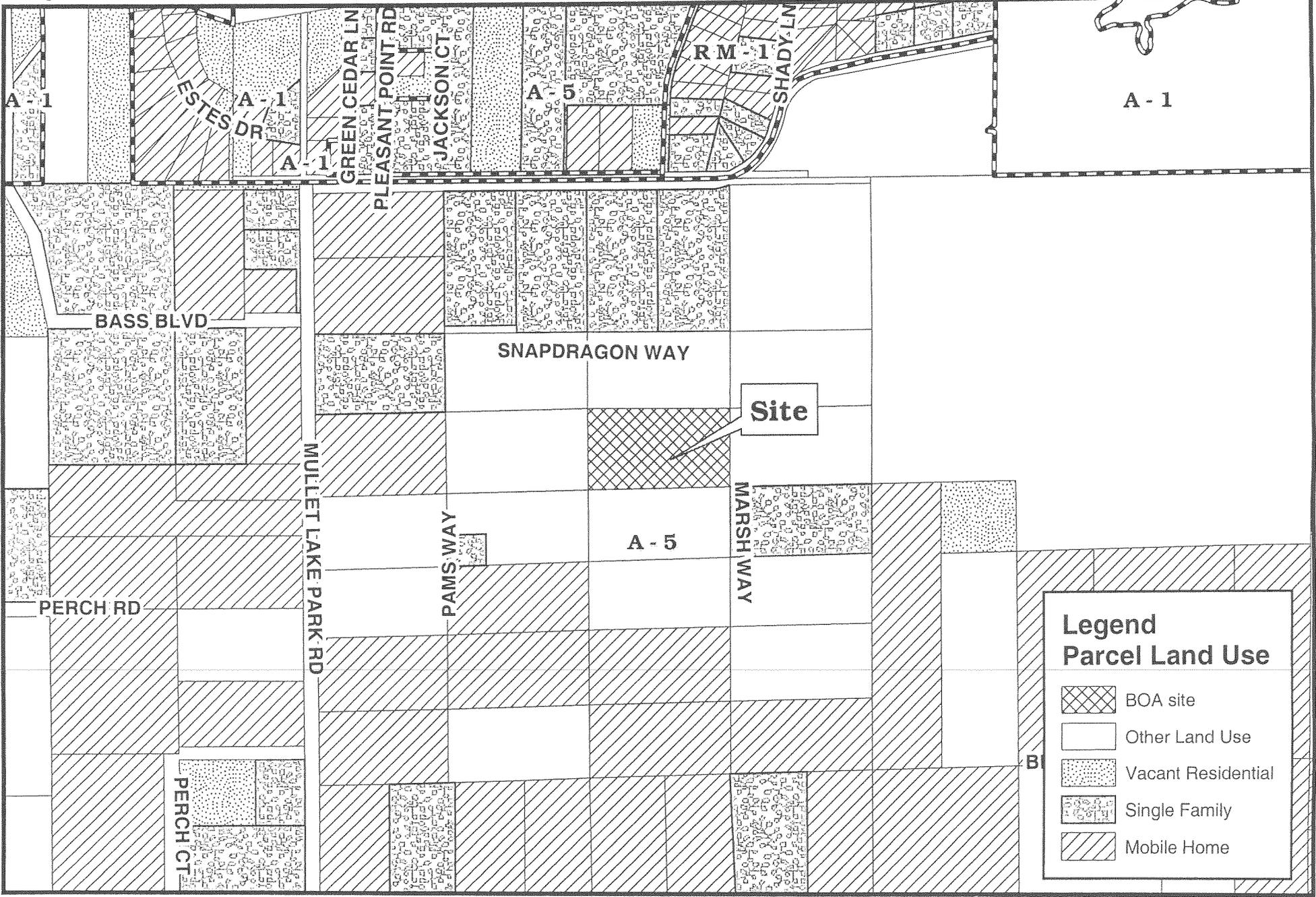


Parcel 05-20-32-301-001U-0000 / District 5

BM2004-011

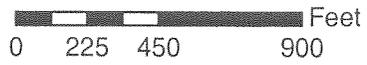


Roy Rogers / Anthony Aceupdr Marsh Way



**Legend
Parcel Land Use**

-  BOA site
-  Other Land Use
-  Vacant Residential
-  Single Family
-  Mobile Home



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On JUNE 28, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 05 TWP 20S RGE 32E OF THE SW 1/4 OF NE 1/4 OF NW 1/4

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

FINDINGS OF FACT

Property Owners: ROY A ROGERS
1400 CLIPPER TER
DELTONA FL 32725

Project Name: MARSH WAY

Requested Development Approval:

SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) ON THE WEST SIDE OF MARSH WAY APPROXIMATELY 500 FEET SOUTH OF THE INTERSECTION WITH SNAP DRAGON WAY

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: Tony Walter
Assistant Planning Manager
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 PROPOSED MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS.
2. THE PROPOSED MOBILE HOME SHALL BE REQUIRED TO CONFORM TO APPLICABLE CODES, WHICH INCLUDE STANDARDS FOR INSTALLATION, ANCHORING, UTILITY ACCESSIBILITY, 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: _____
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: