

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (AGRICULTURE DISTRICT), WHILE A SINGLE-FAMILY HOME IS UNDER CONSTRUCTION AT 1570 COCHRAN ROAD; (JOHN AND CARRIE KIERNAN, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning
AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 08-23-04 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

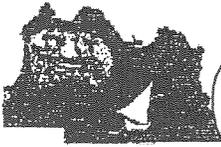
1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (AGRICULTURE DISTRICT), WHILE A SINGLE-FAMILY HOME IS UNDER CONSTRUCTION AT 1570 COCHRAN ROAD; (JOHN AND CARRIE KIERNAN, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION FOR THE ONE YEAR PLACEMENT OF A MOBILE HOME IN THE A-5 (AGRICULTURE DISTRICT), WHILE A SINGLE-FAMILY HOME IS UNDER CONSTRUCTION AT 1570 COCHRAN ROAD; (JOHN AND CARRIE KIERNAN, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	JOHN AND CARRIE KIERNAN, APPLICANTS. 1570 COCHRAN TRAIL GENEVA, FL	A-5 (AGRICULTURE DISTRICT)										
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO OCCUPY A MOBILE HOME FOR ONE YEAR IN THE A-5 DISTRICT, WHILE A PERMANENT SINGLE-FAMILY DWELLING IS UNDER CONSTRUCTION. • THE PROPOSED MOBILE HOME IS A 1968 MODEL, 46 X 10 IN SIZE. • THE TEMPORARY OCCUPANCY OF A MOBILE HOME WHILE A SINGLE-FAMILY STRUCTURE IS UNDER CONSTRUCTION IS PERMITTED ONLY BY SPECIAL EXCEPTION IN THE A-5 DISTRICT. 											
ZONING & FLU	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th data-bbox="558 1766 773 1833">DIRECTION</th> <th data-bbox="773 1766 935 1833">EXISTING ZONING</th> <th data-bbox="935 1766 1110 1833">EXISTING FLU</th> <th data-bbox="1110 1766 1438 1833">USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td data-bbox="558 1833 773 1871">SITE</td> <td data-bbox="773 1833 935 1871">A-5</td> <td data-bbox="935 1833 1110 1871">RURAL - 5</td> <td data-bbox="1110 1833 1438 1871">SINGLE-FAMILY</td> </tr> </tbody> </table>				DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-5	RURAL - 5	SINGLE-FAMILY
DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY									
SITE	A-5	RURAL - 5	SINGLE-FAMILY									

	NORTH	A-5	RURAL - 5	MOBILE HOME
	SOUTH	A-5	RURAL - 5	MOBILE HOME
	EAST	A-5	RURAL - 5	MOBILE HOME
	WEST	A-5	RURAL - 5	SINGLE FAMILY
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)</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>MOBILE HOMES ARE COMMONLY PERMITTED SINGLE FAMILY UNITS IN THE A-5 DISTRICT. THEREFORE, THE TEMPORARY OCCUPANCY OF THE SAME ON A LOT WHERE A SINGLE-FAMILY HOME IS UNDER CONSTRUCTION WOULD BE COMPATIBLE WITH THE TREND OF DEVELOPMENT ON NEARBY AND ADJACENT PROPERTIES WITHIN THIS ZONING CATEGORY.</p>				
<p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p>				
<p>SINCE THE MOBILE HOME WOULD BE TEMPORARILY UTILIZED AS A SINGLE-FAMILY DWELLING 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 TEMPORARY APPROVAL OF A USE, WHICH WOULD BE USED FOR SINGLE-FAMILY PURPOSES; THE SAME WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF RURAL-5 FUTURE LAND USE 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 MEETS THE MINIMUM SIZE AND YARD REQUIREMENTS OF THE A-5 DISTRICT.</p>				
<p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p>				
<p>AT PRESENT, THE TREND OF DEVELOPMENT IN THE IMMEDIATE AREA INCLUDES MOBILE HOMES, CONVENTIONAL SINGLE-FAMILY HOMES AND VACANT PROPERTIES. THEREFORE, THE TEMPORARY OCCUPANCY OF THE PROPOSED MOBILE HOME, WHILE A PERMANENT HOME IS CONSTRUCTED ON THE SUBJECT PROPERTY, WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST.</p>				

<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE DISTRICT); LDC SECTION 30.104</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-5 (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 COMPATIBLE WITH THE CONCEPT OF LOW-DENSITY RURAL LAND USE:</u></p>
	<p>THE PROPOSED USE WOULD BE CONSISTENT WITH THE CONCEPT OF SURROUNDING SINGLE-FAMILY, RURAL LAND USE SINCE THE COMPREHENSIVE PLAN DESCRIBES SURBURBAN ESTATES AS AN APPROPRIATE FLU CATEGORY FOR THE TEMPORARY PLACEMENT OF A MOBILE BY SPECIAL EXCEPTION.</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 COUNTY WATER AND SEWAGE SYSTEMS AND WOULD HAVE ACCESS TO OTHER COUNTY SERVICES, INCLUDING SCHOOLS AND EMERGENCY SERVICES, WHICH ARE AVAILABLE TO THE SITE.</p>
<p>STAFF FINDINGS</p>	<p>THE APPLICANT HAS SATISFIED THE STANDARDS FOR THE GRANT OF A SPECIAL EXCEPTION FOR TEMPORARY OCCUPANCY OF A MOBILE HOME AS A SINGLE-FAMILY DWELLING. BASED ON THE FINDINGS PRESENTED, STAFF RECOMMENDS APPROVAL OF THIS REQUEST, CONDITIONED UPON THE SITE PLAN SUBMITTED, CONFORMITY WITH THE COMPREHENSIVE PLAN, AND ADHERENCE TO THE FOLLOWING LAND DEVELOPMENT CODE STANDARDS</p> <ul style="list-style-type: none"> • A BUILDING PERMIT SHALL BE SECURED PRIOR TO PLACEMENT AND OCCUPANCY OF THE PROPOSED MOBILE HOME AS A TEMPORARY SINGLE-FAMILY DWELLING ON THE SUBJECT PROPERTY. • A PERMANENT SINGLE-FAMILY HOME SHALL BE ACTIVELY UNDER CONSTRUCTION AND INSPECTION DURING THE PERIOD THE PROPOSED MOBILE HOME IS USED AS A TEMPORARY DWELLING. • THE PLACEMENT & OCCUPANCY OF THE PROPOSED MOBILE HOME SHALL NOT EXCEED ONE (1) YEAR & SHALL BE RENEWABLE FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR UPON APPROVAL BY THE BOARD OF ADJUSTMENT. • PRIOR TO FINAL INSPECTION OF THE RESIDENCE, THE PROPERTY OWNER SHALL FURNISH THE PLANNING DIVISION WITH ACCEPTABLE EVIDENCE AS

	<p>TO THE DATE & METHOD THAT THE PROPOSED MOBILE HOME WILL BE REMOVED.</p> <ul style="list-style-type: none">• THE PROPOSED MOBILE HOME SHALL BE REMOVED WITHIN THIRTY (30) DAYS, FOLLOWING THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE PERMANENT SINGLE-FAMILY HOME.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

RECEIVED

APPL NO. BM 2004-JUN 09 2004

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 FOR TEMPORARY PLACEMENT OF A MOBILE HOME
A mobile home has not been purchased at this time to provide set up plan.

EXISTING **PROPOSED** REPLACEMENT

MOBILE HOME IS FOR *temporary dwelling for construction*

YEAR OF MOBILE HOME *1968?* SIZE OF MOBILE HOME *46x10 estimate*

ANTICIPATED TIME MOBILE HOME IS NEEDED *one year*

PLAN TO BUILD YES NO IF SO, WHEN *within one year*

MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO

APPEAL FROM DECISION OF THE PLANNING MANAGER

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	John Kiernan	Carrie Kiernan
ADDRESS	2759 Shaddock Dr. Clearwater, FL 33759	2759 Shaddock Dr. Clearwater, FL 33759
PHONE 1	727-726-5676	727-726-5676
PHONE 2	727-423-6801	727-423-6801
E-MAIL		

PROJECT NAME: *mobile home*

SITE ADDRESS: *1570 Cochran Rd, Geneva, FL 32732*

CURRENT USE OF PROPERTY: *vacant*

LEGAL DESCRIPTION: *Section 17, township 20 South, Range (see attached)
32 East, Seminole County, Florida*

SIZE OF PROPERTY: *5.0114* acre(s) PARCEL I.D. *17-20-32-300-014E0000*

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 8/23/04 (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.

John Kiernan
SIGNATURE OF OWNER OR AGENT DATE 6/23/04

* 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		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

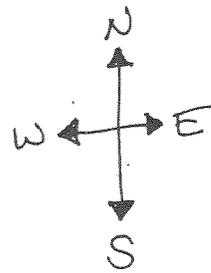
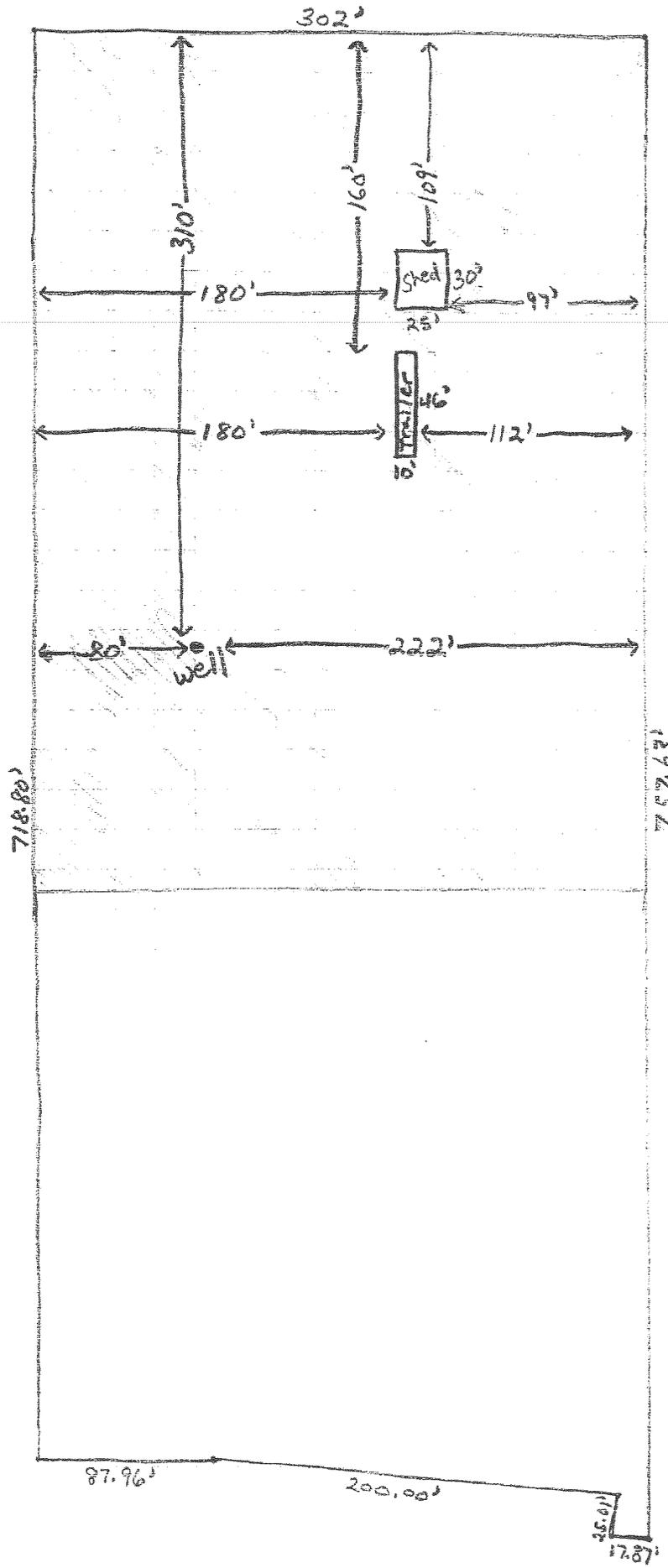
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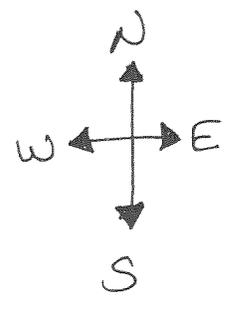
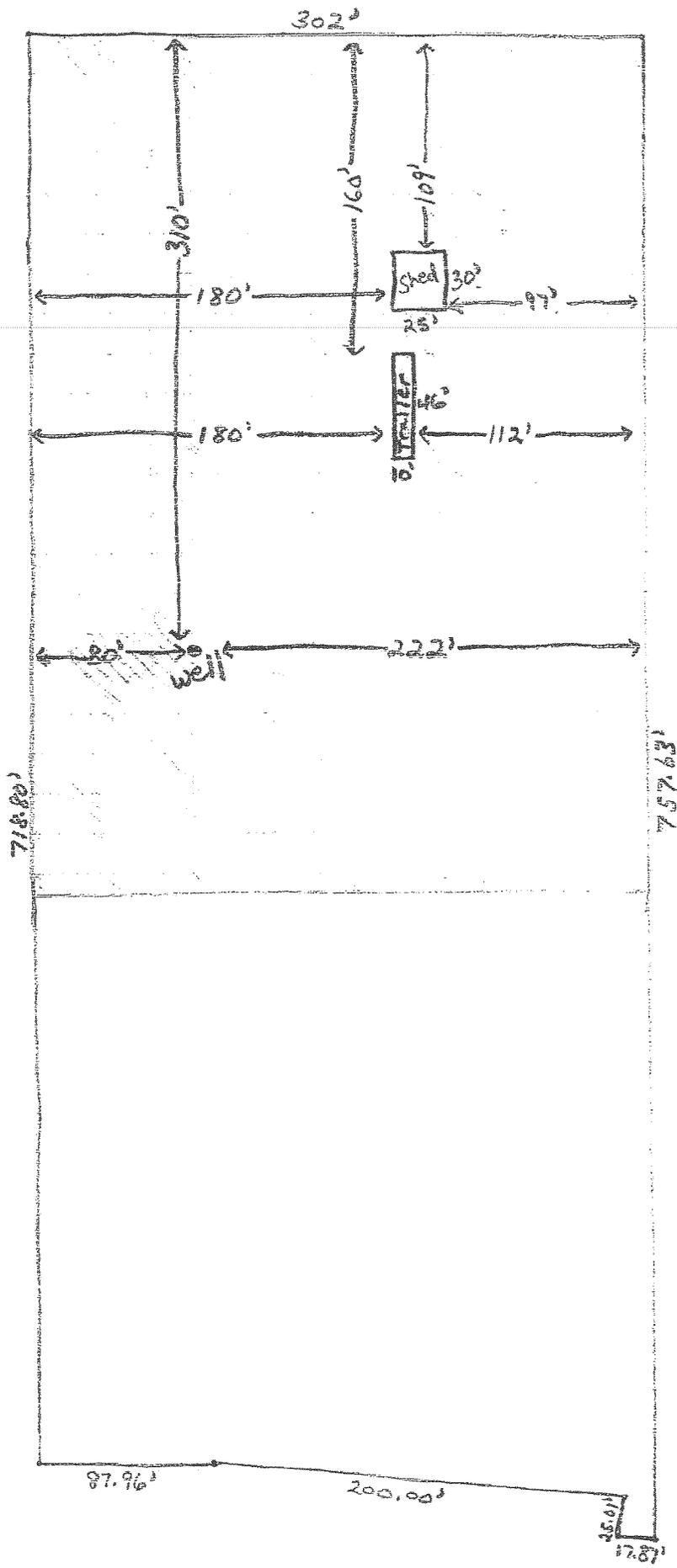
FEE: 41.85 COMMISSION DISTRICT 2 FLU/ZONING RS/A5 ^{part conservation}

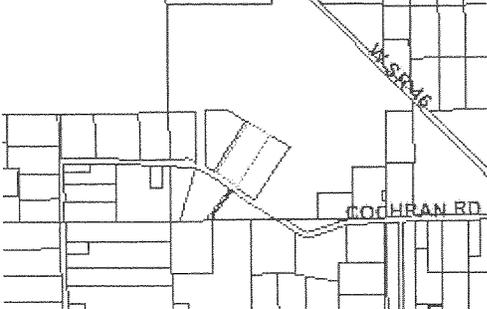
LOCATION FURTHER DESCRIBED AS ON THE NORTH SIDE OF COCHRAN ROAD APPROX. 0.2 MI NW OF BI WOOD DR.

PLANNER VB DATE 6/30/04

SUFFICIENCY COMMENTS _____



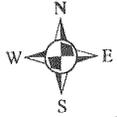


PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																														
 <p> Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-666-2586 </p>																																			
<p align="center">GENERAL</p> <p> Parcel Id: 17-20-32-300-014E-0000 Tax District: 01-TX DIST 1 - COUNTY Owner: KIERNAN JOHN P Exemptions: Address: 2759 SHADDOCK DR City,State,ZipCode: CLEARWATER FL 33759 Property Address: 1570 COCHRAN RD Facility Name: Dor: 9905-5 ACRE TRACT </p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$59,040 Land Value Ag: \$0 Just/Market Value: \$59,040 Assessed Value (SOH): \$59,040 Exempt Value: \$0 Taxable Value: \$59,040 </p>																																
<p align="center">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>QUIT CLAIM DEED</td> <td>02/1988</td> <td>01959</td> <td>1863</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>02/1988</td> <td>01959</td> <td>1862</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1988</td> <td>01959</td> <td>1861</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1987</td> <td>01902</td> <td>0705</td> <td>\$28,500</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this DOR Code</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	02/1988	01959	1863	\$100	Vacant	QUIT CLAIM DEED	02/1988	01959	1862	\$100	Vacant	WARRANTY DEED	02/1988	01959	1861	\$100	Vacant	WARRANTY DEED	10/1987	01902	0705	\$28,500	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p> 2003 Tax Bill Amount: \$675 2003 Taxable Value: \$39,360 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS </p>		
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<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>																																			

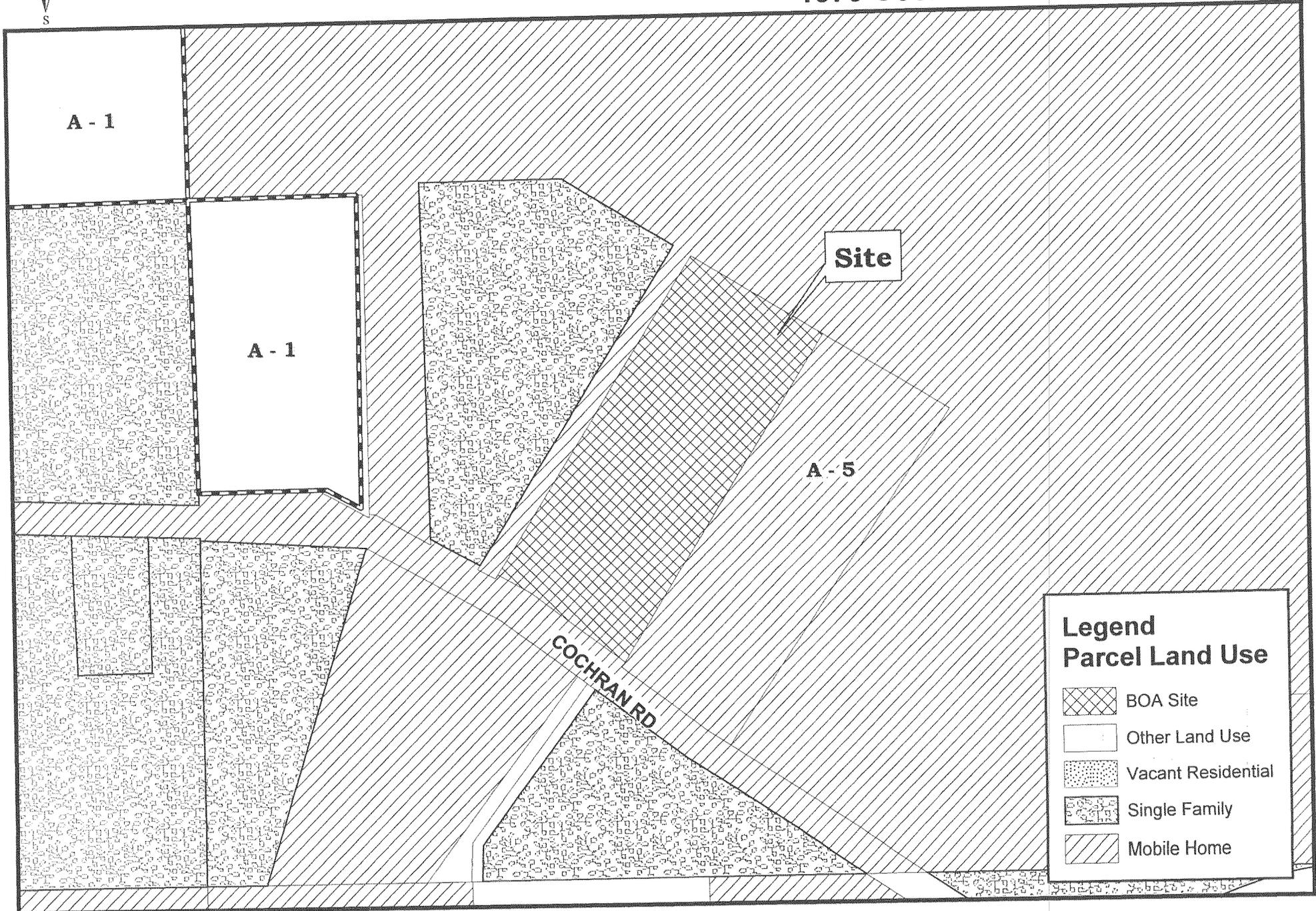


Jonn Kiernan 1570 Cochran Road





John Kiernan 1570 Cochran Road



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 17 TWP 20S RGE 32E FROM SW COR OF SE 1/4 OF SE 1/4 OF SE 1/4 RUN W 537.66 FT N 49 DEG 44 MIN 33 SEC W 137.27 FT N 62 DEG 24 MIN 33 SEC W 278.38 FT N 53 DEG 24 MIN 13 SEC W 236.19 FT TO POB RUN N 53 DEG 24 MIN 13 SEC W 20.41 FT N 38 DEG 32 MIN 40 SEC E 25.01 FT N 53 DEG 24 MIN 3 SEC W 200 FT N 61 DEG 5 MIN 3 SEC W 87.96 FT N 31 DEG 45 MIN 48 SEC E 718.80 FT S 58 DEG 14 MIN 12 SEC E 302 FT S 31 DEG 45 MIN 48 SEC W 757.63 FT TO BEG (LESS RD)

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

FINDINGS OF FACT

Property Owners: John Kiernan
2759 Shaddock Drive
Clearwater, FL 33759

Project Name: 1570 Cochran Trail

Requested Development Approval:

SPECIAL EXCEPTION FOR THE TEMPORARY PLACEMENT OF A MOBILE HOME WHILE A SINGLE FAMILY HOME IS UNDER CONSTRUCTION FOR ONE YEAR IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT)

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

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

Prepared by: Kathy Fall, Planner
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:

- o A BUILDING PERMIT SHALL BE SECURED PRIOR TO PLACEMENT AND OCCUPANCY OF THE PROPOSED MOBILE HOME AS A TEMPORARY SINGLE-FAMILY DWELLING ON THE SUBJECT PROPERTY.
- o A PERMANENT SINGLE-FAMILY HOME SHALL BE ACTIVELY UNDER CONSTRUCTION AND INSPECTION DURING THE PERIOD THE PROPOSED MOBILE HOME IS USED AS A TEMPORARY DWELLING.
- o THE PLACEMENT & OCCUPANCY OF THE PROPOSED MOBILE HOME SHALL NOT EXCEED ONE (1) YEAR & SHALL BE RENEWABLE FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR UPON APPROVAL BY THE BOARD OF ADJUSTMENT.
- o PRIOR TO FINAL INSPECTION OF THE RESIDENCE, THE PROPERTY OWNER SHALL FURNISH THE PLANNING DIVISION WITH ACCEPTABLE EVIDENCE AS TO THE DATE & METHOD THAT THE PROPOSED MOBILE HOME WILL BE REMOVED.
- o THE PROPOSED MOBILE HOME SHALL BE REMOVED WITHIN THIRTY (30) DAYS, FOLLOWING THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE PERMANENT SINGLE-FAMILY HOME.

(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