

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM  
(THIS IS NOT A PUBLIC HEARING ITEM)**

**SUBJECT:** APPEAL FROM AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE ESTALIBHSMENT OF A BOAT DOCK, PRIOR TO THE CONSTRUCTION OF A SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES F. & SANDRA K. OUTLAW, APPELLANTS).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

<b>Agenda Date</b> <u>09-27-04</u> <b>Regular</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Public Hearing – 6:00</b> <input type="checkbox"/>
---

**MOTION/RECOMMENDATION:**

1. **UPHOLD** AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE ESTALIBHSMENT OF A BOAT DOCK, PRIOR TO THE CONSTRUCTION OF A SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES F. & SANDRA K. OUTLAW, APPELLANTS).
2. **REVERSE** AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE ESTALIBHSMENT OF A BOAT DOCK, PRIOR TO THE CONSTRUCTION OF A SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT); (JAMES F. & SANDRA K. OUTLAW, APPELLANTS).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Earnest McDonald, Principal Coordinator)

<b>GENERAL INFORMATION</b>	JAMES F. & SANDRA K. OUTLAW, APPELLANTS EAST LAKE DRIVE	LDC, SECTIONS 30.122(p) (PERMITTED USES IN THE A-1 DISTRICT) & 2.3 (DEFINITIONS)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• IN A LETTER DATED JUNE 24, 2004, THE APPELLANTS' ATTORNEY REQUESTED AN INTERPRETATION BY THE PLANNING MANAGER OF SECTION 30.122(p) OF THE LAND DEVELOPMENT CODE (LDC), WHICH ENUMERATES PERMITTED USES IN THE A-1 (AGRICULTURE DISTRICT).</li> <li>• IN RESPONSE TO THIS REQUEST, THE PLANNING MANAGER DETERMINED THAT BOATHOUSES AND BOAT DOCKS ARE ACCESSORY USES THAT CAN ONLY BE ESTABLISHED IN THE A-1 DISTRICT AFTER THE ESTABLISHMENT OF A SINGLE-FAMILY HOME OR OTHER PERMITTED PRINCIPAL USE.</li> </ul>	

	<ul style="list-style-type: none"><li>• CONTRARY TO THIS INTERPRETATION, THE APPELLANTS BELIEVE THAT BOAT DOCKS ARE USES THAT CAN BE EXPRESSLY PERMITTED PRIOR TO THE ESTABLISHMENT OF A SINGLE-FAMILY HOME, WHICH EXPLAINS THE REASON FOR THIS APPEAL TO THE BOARD OF ADJUSTMENT.</li><li>• PURSUANT TO LDC SECTION 30.43(c), THE APPELLANTS APPEALED THE PLANNING MANAGER'S DETERMINATION TO THE BOARD OF ADJUSTMENT.</li><li>• ON JUNE 24, 2003, THE BOARD OF COUNTY COMMISSIONERS (BCC) DIRECTED STAFF TO EVALUATE THE LAND DEVELOPMENT CODE FOR THE APPROPRIATENESS OF PERMITTING BOAT HOUSES AND BOAT DOCKS PRIOR TO THE ESTABLISHMENT OF A SINGLE-FAMILY HOME IN THE A-1, A-3, A-5, A-10 AND RC-1 DISTRICTS.</li><li>• STAFF HAS PREPARED DRAFT AMENDMENTS TO THE LDC, WHICH WOULD PERMIT UP TO ONE (1) BOAT DOCK AS A PERMITTED USE PER PARCEL IN THE AFOREMENTIONED DISTRICTS, INCLUDING A-1; STAFF IS SCHEDULED TO PETITION THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 26, 2004 WITH A REQUEST TO ADVERTISE THE PROPOSED AMENDMENTS TO THE CODE, WHICH WOULD BE ADOPTED NO LATER THAN JANUARY 2005.</li><li>• RATHER THAN WAIT FOR STAFF TO PROCEED WITH AMENDMENTS TO THE CODE, THE APPELLANTS OPTED TO APPEAL THE PLANNING MANAGER'S DECISION.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• LDC SECTION 2.3 (DEFINITIONS) DEFINES ACCESSORY BUILDINGS AND USES AS FOLLOWS:<ul style="list-style-type: none"><li>○ <i>A SUBORDINATE BUILDING OR A PORTION OF THE MAIN BUILDING, THE USE OF WHICH IS INCIDENTAL TO THAT OF THE DOMINANT USE OF THE MAIN BUILDING OR LAND. AN ACCESSORY USE IS ONE WHICH IS INCIDENTAL TO THE MAIN USE OF THE PREMISES.</i></li></ul></li><li>• SECTION 30.122 (PERMITTED USES IN THE A-1 DISTRICT) OF THE LDC DEFINES BOAT DOCKS AS USES ACCESSORY TO SINGLE-FAMILY HOMES, WHICH ARE CONSIDERED PRINCIPAL USES WITHIN THOSE DISTRICTS.</li><li>• ALTHOUGH THE LDC STATES THAT "PRIVATELY OWNED AND OPERATED RECREATIONAL FACILITIES" ARE SPECIAL EXCEPTION USES IN THE A-1 DISTRICT, STAFF BELIEVES THAT A BOAT DOCK IS PERMITTED AS AN ACCESSORY USE TO A SINGLE-FAMILY HOME. FURTHERMORE, A "PRIVATELY OWNED RECREATIONAL FACILITY" IS DIFFERENT THAN A PERSONAL RECREATIONAL FACILITY, SUCH AS A BOAT DOCK. STAFF WOULD INTERPRET A PRIVATE RECREATIONAL</li></ul>

	<p>FACILITY TO BE A USE SUCH AS A TENNIS CLUB THAT IS PRIVATELY OWNED AND OPEN TO ITS MEMBERS ONLY, WHEREAS A BOAT DOCK ON A LOT PLATTED FOR SINGLE-FAMILY USE IS A PERSONAL RECREATIONAL FACILITY.</p> <ul style="list-style-type: none"> <li>• STAFF BELIEVES IT IS NOT THE INTENTION OF THE LDC TO PERMIT ACCESSORY USES (INCLUDING BOAT DOCKS) THAT ARE UNRELATED TO OR INDEPENDENT OF AN ESTABLISHED PRINCIPAL USE (e.g., SINGLE-FAMILY HOME).</li> <li>• STAFF FURTHER BELIEVES IT IS NOT THE INTENTION OF THE LDC TO PERMIT THE ENUMERATED ACCESSORY USES TO BECOME PRINCIPAL OR END USES IN THEMSELVES.</li> <li>• THE LDC DEFINES ACCESSORY BUILDINGS AND USES, SUCH AS BOAT DOCKS, AS USES SUBORDINATE AND INCIDENTAL TO THE PRINCIPAL USE OF A SINGLE-FAMILY HOME IN THE A-1 DISTRICT.</li> <li>• THE LDC DOES NOT DEFINE THE TERMS "INCIDENTAL" AND "SUBORDINATE"; THEREFORE, STAFF HAS APPLIED THE CUSTOMARY AND USUAL MEANINGS OF BOTH TERMS TO CONCLUDE THAT ACCESSORY BUILDINGS AND STRUCTURES TO WHICH THE TERMS APPLY ARE DEPENDENT UPON OR SUBORDINATE TO A PRINCIPAL USE OF GREATER IMPORTANCE.</li> <li>• FOR THIS REASON, ACCESSORY USES, SUCH AS BOATHOUSES AND BOAT DOCKS CAN ONLY BE PERMITTED AFTER THE ESTABLISHMENT OF A SINGLE-FAMILY STRUCTURE BASED ON STAFF'S INTERPRETATION OF CURRENT LDC PROVISIONS.</li> <li>• AS RECENT AS AUGUST 26, 2003, THE BCC UPHELD A BOA AFFIRMATION OF AN ADMINISTRATIVE DECISION TO DENY A BOATHOUSE AND ASSOCIATED DOCK PRIOR TO THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE IN THE A-10, A-5 AND A-3 DISTRICTS.</li> <li>• GIVEN THE SIMILAR MANNER IN WHICH BOAT DOCKS ARE DESCRIBED IN ALL OF THE AGRICULTURE DISTRICTS; STAFF BELIEVES THE BCC'S PRIOR INTERPRETATION WOULD APPLY TO PROPOSED BOAT DOCKS IN THE A-1 DISTRICT.</li> </ul>
<p><b>STAFF          RECOMMENDATION</b></p>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT UPHOLD THE DECISION OF THE PLANNING MANAGER TO DENY THE ESTABLISHMENT OF A BOAT DOCK, PRIOR TO THE CONSTRUCTION OF A SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE DISTRICT).</p>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. BA 2004-001

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

**APPLICATION TYPE:**

- VARIANCE** to build a boat dock in the A-1 District before constructing a SF home
- SPECIAL EXCEPTION**
- 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** to build a boat dock in the A-1 District before constructing a SF home

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	<u>James F. + Sandra K. Outlaw</u>	<u>N/A</u>
ADDRESS	<u>2395 Lafayette Ave Winter Park FL 32789</u>	
PHONE 1	<u>407-678-8246</u>	
PHONE 2	<u>407-671-6506</u>	
E-MAIL	<u>outlawdds@earthlink.net</u>	

PROJECT NAME: N/A

SITE ADDRESS: Unincorporated Seminole Co, East Lake Dr - 14-21-30-300-0050-0000

CURRENT USE OF PROPERTY: None

LEGAL DESCRIPTION: See Attached

SIZE OF PROPERTY: 1.3 acre(s) PARCEL I.D. 14-21-30-300-0050-0000

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 \_\_\_\_\_  
 (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.

James F. Outlaw  
SIGNATURE OF OWNER OR AGENT\*

7/27/04  
DATE

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

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

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

\_\_\_\_\_  
SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE 165.00 COMMISSION DISTRICT 1 FLY ZONING A-1 WDR

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

LOCATION FURTHER DESCRIBED AS N. side of E. Lake Dr. approx. 2300 ft. SE of Int. of E. Lake Dr. & Center Dr.

PLANNER \_\_\_\_\_ DATE \_\_\_\_\_

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

# James F. Outlaw, DDS

GENERAL DENTISTRY

PHONE (407) 671-6506

FAX (407) 671-0782

2550 ALOMA AVENUE  
WINTER PARK, FL 32792

July 21, 2004

Seminole County  
Board of Adjustment  
1101 E. 1<sup>st</sup> St.  
Sanford, FL 32771

Re: Application for a Boat Dock  
Property ID# 14-21-30-300-005D-0000

Dear Sirs,

This letter accompanies an appeal of a decision by Mr. Matthew West concerning the placement of a boat dock on my private property.

My appeal is based on several factors; first, there is precedence concerning boat docks being built on lots on Lake Mills before a house is built and Mr. West even confirmed this fact. Second, East Lake Drive is currently undergoing extensive road widening and will be under construction for some time and I do not wish to have to build or live there during the road construction. Third and what I think should be considered a major factor in this case is property rights. Mr. West could not give one reasonable reason for denying the boat dock permit or how this structure could harm neighboring properties or could negatively impact anyone.

My property is zoned A1, it is gated, fenced and completely private so the question of unauthorized persons or "undesirables" using the lake or the dock is not or should I say should not be a factor in this decision. Having lived on this lake for five years I know many of the homeowners and would always respect the privacy of the lake.

I appeal to the board in making a fair and reasonable decision in granting the permit to build a boat dock on my property.

Thank you for your consideration in this matter.

Respectfully,



James F. Outlaw, D.D.S.

RECEIVED

JUL 28 2004

GRAY | ROBINSON  
ATTORNEYS AT LAW

SUITE 1400  
301 EAST PINE STREET (32801)  
P.O. BOX 3068  
ORLANDO, FL 32802-3068  
TEL 407-843-8880  
FAX 407-244-5690  
gray-robinson.com

CLERMONT  
KEY WEST  
LAKELAND  
MELBOURNE  
ORLANDO  
TALLAHASSEE  
TAMPA

407-244-5671

JJOHNSTON@GRAY-ROBINSON.COM

June 24, 2004

Mr. Matthew West  
Development and Review Manager  
Seminole County  
1101 E. First Street  
Sanford, Florida 32771

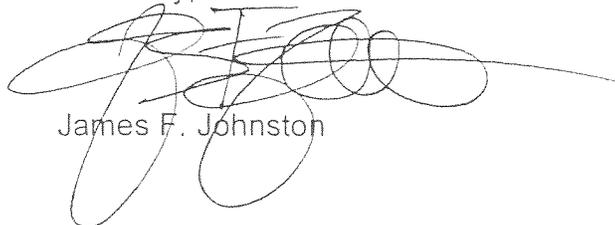
Re: Outlaw Property - Boat Dock Issue

Dear Mr. West:

Our firm represents Dr. James F. and Sandra Outlaw, who own property in unincorporated Seminole County with frontage on Little Lake Howell (Property ID #14-21-30-300-005D-0000). Our client plans to construct a single family residential home on the property, as well as a boat dock. At this time our client would like to pull the permit and construct the boat dock prior to pulling a permit and beginning construction on the single family residential home.

According to a recent conversation I had with your office, the Seminole County Board of County Commissioners has recently ruled that a property owner could pull a boat dock permit and construct a boat dock on the property prior to obtaining a permit to build the single family home. Please let this letter serve as a request to confirm my prior conversation with your office. If you need any additional information, please do not hesitate to contact me.

Sincerely,



James F. Johnston

JFJ:pm

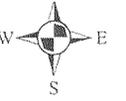
cc: Kent Hipp  
James Outlaw



PARCEL DETAIL	<a href="#">REAL ESTATE</a>	<a href="#">PERSONAL PROP.</a>	<a href="#">TAX ROLL</a>	<a href="#">MAPS SEARCH</a>	<a href="#">Back</a>																																																
 <p>Seminole County PROPERTY APPRAISER Reports &amp; Services Division 1171 W. 10th St Winter FL 32789 407.328.7446</p>																																																					
<p style="text-align: center;"><b>GENERAL</b></p> <p style="text-align: center;">A-1</p> <p>Parcel Id: 14-21-30-300-005D-0000      Tax District: 01-TX DIST 1 - COUNTY  Owner: OUTLAW JAMES F &amp; SANDRA K      Exemptions:  Address: 2395 LAFAYETTE AVE  City,State,ZipCode: WINTER PARK FL 32789  Property Address:  Subdivision Name:  Dor: 00-VACANT RESIDENTIAL</p>			<p><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method:      Market  Number of Buildings:      0  Depreciated Bldg Value:      \$0  Depreciated EXFT Value:      \$0  Land Value (Market):      \$340,000  Land Value Ag:      \$0  Just/Market Value:      \$340,000  Assessed Value (SOH):      \$340,000  Exempt Value:      \$0  Taxable Value:      \$340,000</p>																																																		
<p style="text-align: center;"><b>SALES</b></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>04/2004</td> <td>05259</td> <td>0423</td> <td>\$370,000</td> <td>Vacant</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>02/2003</td> <td>04692</td> <td>0823</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>09/2002</td> <td>04539</td> <td>0119</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2002</td> <td>04538</td> <td>1075</td> <td>\$400,000</td> <td>Vacant</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/2002</td> <td>04538</td> <td>1067</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>09/2002</td> <td>04538</td> <td>1063</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>07/2002</td> <td>04450</td> <td>0071</td> <td>\$100</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	04/2004	05259	0423	\$370,000	Vacant	CORRECTIVE DEED	02/2003	04692	0823	\$100	Vacant	FINAL JUDGEMENT	09/2002	04539	0119	\$100	Vacant	WARRANTY DEED	09/2002	04538	1075	\$400,000	Vacant	SPECIAL WARRANTY DEED	08/2002	04538	1067	\$100	Vacant	CORRECTIVE DEED	09/2002	04538	1063	\$100	Vacant	SPECIAL WARRANTY DEED	07/2002	04450	0071	\$100	Vacant	<p style="text-align: center;"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount:      \$1,775  2003 Taxable Value:      \$103,536  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
Deed	Date	Book	Page	Amount	Vac/Imp																																																
WARRANTY DEED	04/2004	05259	0423	\$370,000	Vacant																																																
CORRECTIVE DEED	02/2003	04692	0823	\$100	Vacant																																																
FINAL JUDGEMENT	09/2002	04539	0119	\$100	Vacant																																																
WARRANTY DEED	09/2002	04538	1075	\$400,000	Vacant																																																
SPECIAL WARRANTY DEED	08/2002	04538	1067	\$100	Vacant																																																
CORRECTIVE DEED	09/2002	04538	1063	\$100	Vacant																																																
SPECIAL WARRANTY DEED	07/2002	04450	0071	\$100	Vacant																																																
<p style="text-align: center;"><b>LAND</b></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>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>340,000.00</td> <td>\$340,000</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	340,000.00	\$340,000	<p style="text-align: center;"><b>LEGAL DESCRIPTION</b></p> <p>SEC 14 TWP 21S RGE 30E FROM NW COR GOVT LOT 4 IN 13-21-30 RUN N 768.88 FT S 74 DEG  23 MIN 54 SEC W 286.74 FT N 05 DEG 50 MIN E 1.81 FT SWLY  ALONG CURVE 140.17 FT TO POB RUN SWLY ALONG  CURVE 155.85 FT N 11 DEG 30 MIN E 915.79 FT N 73 DEG 57  MIN W 12.58 FT N 11 DEG 30 MIN E 7.01 FT S 73  DEG 51 MIN 30 SEC E 59.25 FT S 05 DEG 50 MIN W 656.65 FT  S 49 DEG 12 MIN 13 SEC E 46.61 FT S 11 DEG 30  MIN W 209.20 FT TO BEG (2.0536 AC)</p>																																						
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																																
LOT	0	0	1.000	340,000.00	\$340,000																																																
<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>																																																					



# James & Sandra Outlaw 2395 Lafayette Avenue



Parcel 14-21-30-300-0050-0000 / District 1

**BA2004-001**  
**September 2004**

0 150 300 600 Feet