

BM2004-020

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) AT 4105 NORTH COUNTY ROAD; (JOHNNY R. BISBEE, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Francisco Torregrosa EXT. 7387

Agenda Date 9-27-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 4105 NORTH COUNTY ROAD; (JOHNNY R. BISBEE, APPLICANT); OR
2. **DENY** REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 4105 NORTH COUNTY ROAD; (JOHNNY R. BISBEE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

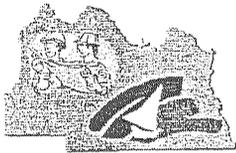
GENERAL INFORMATION	JOHNNY R. BISBEE, APPLICANT 4105 NORTH COUNTY ROAD GENEVA, FL 32732	A-5 DISTRICT, LDC SECTIONS 30.104 (A-5 CONDITIONAL USES) & 30.1401 (MOBILE HOME SITING STANDARDS)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO REPLACE AN EXISTING 1970 MOBILE HOME WITH A NEW MOBILE HOME IN THE A-5 DISTRICT. • THE ORIGINAL MOBILE HOME WAS PLACED IN 1980 WITH A TWO YEAR SPECIAL EXCEPTION, WHICH HAS SINCE EXPIRED; THE APPLICANT REQUESTS A NEW SPECIAL EXCEPTION TO PERMANENTLY PERMIT THE PROPOSED MOBILE HOME. • 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	MOBILE HOME
	NORTH	A-5	RURAL-5	SINGLE-FAMILY
	SOUTH	A-5	RURAL-5	AGRICULTURAL
	EAST	A-5	RURAL-5	AGRICULTURAL
	WEST	A-5	RURAL-5	AGRICULTURAL
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)	<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." THREE IDENTIFIED LOTS HAVE MOBILE HOMES. ONE WAS GRANTED AS PERMANENT AND THE OTHER TWO TEMPORARY.</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 COMPRISED OF APPROXIMATELY 1.00 ACRE AND IS A DEFICIENT LOT UNDER THE CURRENT A-5 DISTRICT MINIMUM LOT STANDARD. POLICY FLU 11.15 (CODE ENFORCEMENT & IMPLEMENTATION) OF THE COMPREHENSIVE PLAN ALLOWS SUBSTANDARD LOTS & PARCELS OF RECORDS ZONED A-5 TO BE DEVELOPED IF THE EXISTED ON THE EFFECTIVE DATE OF THE 1991 SEMINOLE COUNTY COMPREHENSIVE PLAN, HAVE A FUTURE LAND USE (FLU) OTHER THAN SUBURBAN ESTATES AND CAN MEET ALL OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS.</p> <p>THE SUBJECT PROPERTY WAS CREATED PRIOR TO THE ADOPTION OF THE COMPREHENSIVE PLAN ON SEPTEMBER 11, 1991 AND IS THERBY DEEMED TO BE COMPLIANT IN LOT SIZE, DUE TO THE AFOREMENTIONED EXCEPTION. BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED MOBILE HOME WOULD OTHERWISE COMPLY WITH ALL APPLICABLE DIMENSION STANDARDS OF THE A-5 DISTRICT, INCLUDING YARD REGULATIONS AND BUILDING HEIGHT.</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 DEVELOPMENT IN THE AREA.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.104(a)</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 CONDITIONAL 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</p>

	<p>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.
<p>FINDINGS & STAFF RECOMMENDATION</p>	<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,

	<p>ANCHORING, UTILITY ACCESSIBILITY, AND SKIRTING.</p> <ul style="list-style-type: none">• 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.
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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

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION for permanent placement of triple/double wide MH unit

EXISTING PROPOSED REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME 2004 SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED Permenant

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>Johnny R. Biscoe II</u>	
ADDRESS	<u>P.O. Box 552</u>	
	<u>Geneva, Fl 32732-0532</u>	
PHONE 1	<u>407-314-0426</u>	
PHONE 2	<u>850-862-5337</u>	
E-MAIL		

PROJECT NAME: 4105 North CR 426

SITE ADDRESS: " "

CURRENT USE OF PROPERTY: SF MH

LEGAL DESCRIPTION: See attached SCPA Report

SIZE OF PROPERTY: 1 acre(s) PARCEL I.D. 27-20-32-300-0100-0000

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 09-27-04 (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.

Johnny R. Biscoe II Johnny R. Biscoe II Sept 10, 2004
 SIGNATURE OF OWNER OR AGENT DATE

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

PROCESSING:

FEE: \$185 (waived) COMMISSION DISTRICT 2-Harris FLU / ZONING R-5/A-5

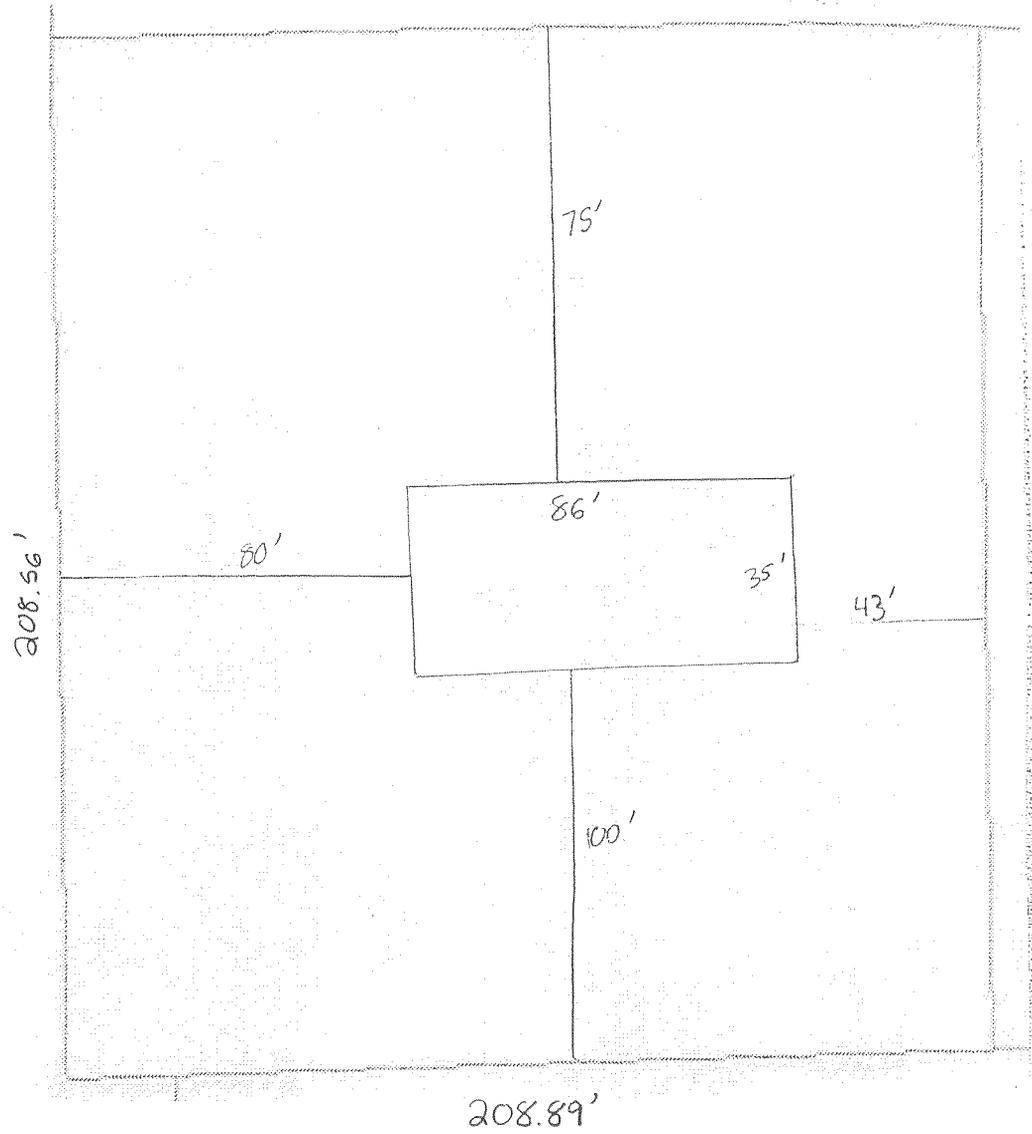
LOCATION FURTHER DESCRIBED AS East side of N. CR 416, immediately east of int. of
 NCR 416 and Birch Patch Lane

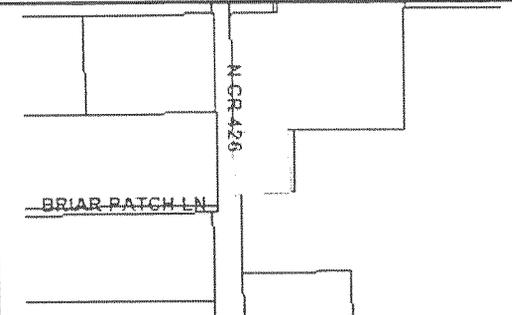
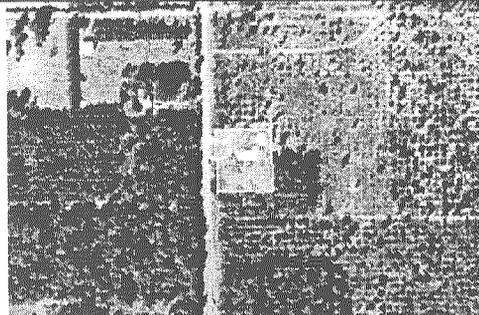
PLANNER EAM DATE 09-10-04

SUFFICIENCY COMMENTS _____



Drawing
Not
To
Scale



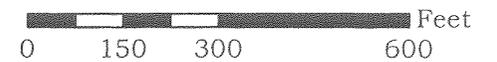
PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH	Back																																																												
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-668-7506</p>																																																																	
<p align="center">GENERAL</p> <p>Parcel Id: 27-20-32-300-0100-0000 Tax District: 01-TX DIST 1 - COUNTY Owner: BISBEE JOHNNY R II Exemptions: 00-HOMESTEAD Address: 4105 N COUNTY ROAD 426 City,State,ZipCode: GENEVA FL 32732 Property Address: 4105 426 CR N GENEVA 32732 Subdivision Name: Dor: 02-MOBILE/MANUFACTURED</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$41,104 Land Value (Market): \$20,000 Land Value Ag: \$0 Just/Market Value: \$61,104 Assessed Value (SOH): \$61,104 Exempt Value: \$25,000 Taxable Value: \$36,104</p> <p align="center">2004 Notice of Proposed Property Tax</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>06/2003</td><td>04882</td><td>1597</td><td>\$35,500</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>08/1999</td><td>03717</td><td>1506</td><td>\$100</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>08/1996</td><td>03116</td><td>1337</td><td>\$50,000</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>04/1996</td><td>03097</td><td>1548</td><td>\$6,000</td><td>Improved</td></tr> <tr><td>QUIT CLAIM DEED</td><td>04/1993</td><td>02570</td><td>0010</td><td>\$100</td><td>Improved</td></tr> <tr><td>CERTIFICATE OF TITLE</td><td>03/1993</td><td>02551</td><td>0355</td><td>\$100</td><td>Improved</td></tr> <tr><td>WARRANTY DEED</td><td>01/1991</td><td>02274</td><td>0528</td><td>\$70,000</td><td>Improved</td></tr> <tr><td>QUIT CLAIM DEED</td><td>05/1979</td><td>01224</td><td>0824</td><td>\$100</td><td>Vacant</td></tr> <tr><td>WARRANTY DEED</td><td>01/1977</td><td>01132</td><td>1668</td><td>\$2,000</td><td>Vacant</td></tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	06/2003	04882	1597	\$35,500	Improved	WARRANTY DEED	08/1999	03717	1506	\$100	Improved	WARRANTY DEED	08/1996	03116	1337	\$50,000	Improved	WARRANTY DEED	04/1996	03097	1548	\$6,000	Improved	QUIT CLAIM DEED	04/1993	02570	0010	\$100	Improved	CERTIFICATE OF TITLE	03/1993	02551	0355	\$100	Improved	WARRANTY DEED	01/1991	02274	0528	\$70,000	Improved	QUIT CLAIM DEED	05/1979	01224	0824	\$100	Vacant	WARRANTY DEED	01/1977	01132	1668	\$2,000	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$439 2003 Tax Bill Amount: \$240 Save Our Homes (SOH) Savings: \$199 2003 Taxable Value: \$13,992 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>																																																																	

Johnny R. Bisbee 4105 N County Road 426



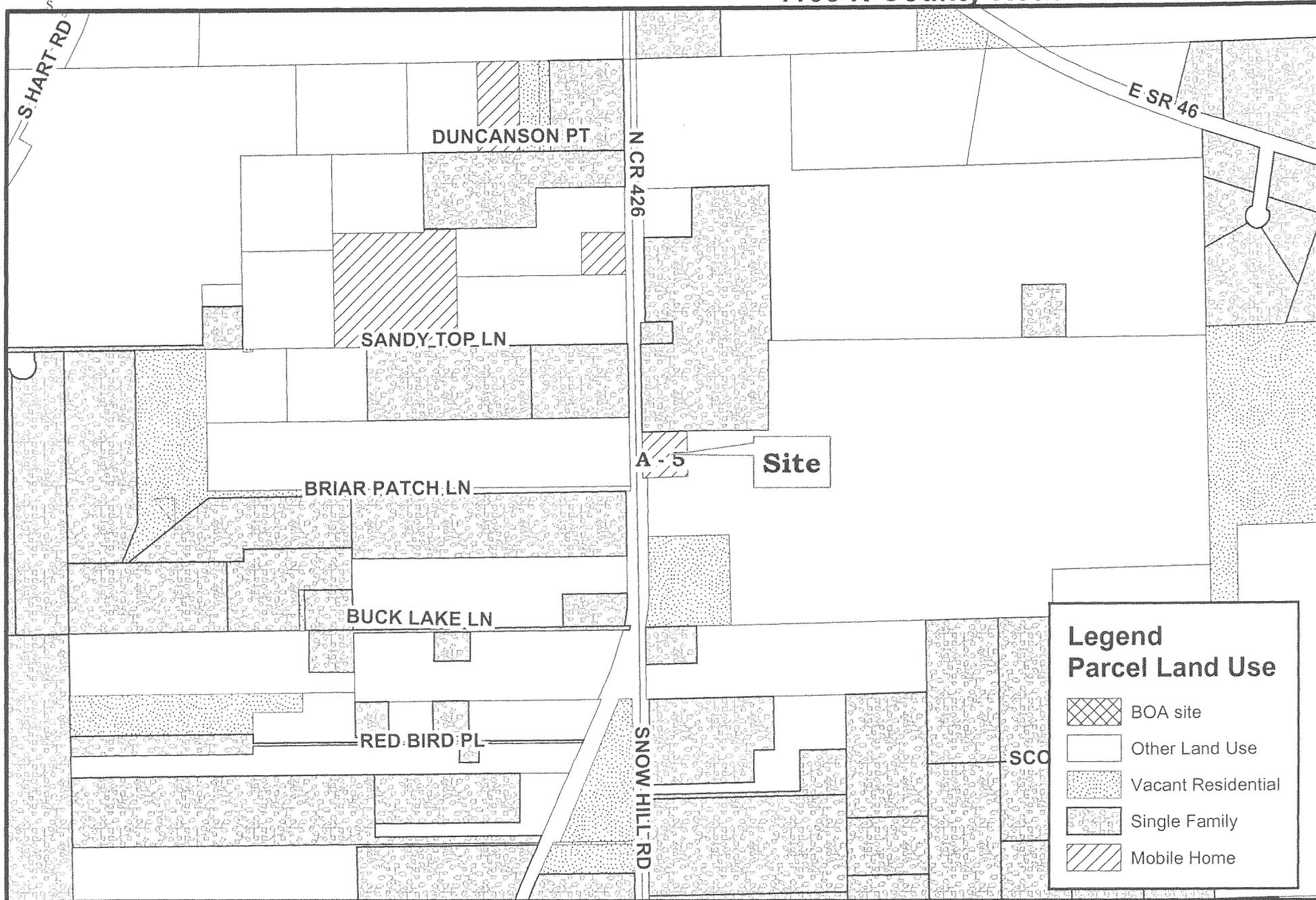
Parcel: 27-20-32-300-0100-0000 / District: 2

BM2004-020
September, 2004



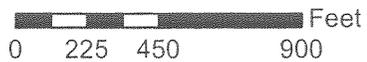


Johnny R. Bisbee 4105 N County Road 426



**Legend
Parcel Land Use**

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



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 24, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 27 TWP 20S RGE 32E S 208.56 FT OF N 626.34 FT OF W 208.89
FT OF SW ¼ OF NW ¼

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

FINDINGS OF FACT

Property Owners: JOHNNY BISBEE
4105 N COUNTY ROAD 426
GENEVA, FL 32732

Project Name: NORTH COUNTY ROAD (4105)

Requested Development Approval:

SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 4105 N COUNTY ROAD, 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, 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:

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: