

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

(THIS ITEM WAS CONTINUED FROM THE OCTOBER 4, 2004 SPECIAL MEETING)

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3400 EAST OSCEOLA ROAD; (EDWARD KNAPP, APPLICANT).

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 10-25-04 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3400 EAST OSCEOLA ROAD; (EDWARD KNAPP, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3400 EAST OSCEOLA ROAD; (EDWARD KNAPP, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	EDWARD KNAPP, APPLICANT TRACY HILL, OWNER 3400 EAST OSCEOLA ROAD GENEVA, FL 32732	A-5 DISTRICT, LDC SECTIONS 30.43(b)(2), 30.104(a), & 30.124(b)(18)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT REQUESTS A SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME (1984 MODEL) IN THE A-5 DISTRICT.</li> <li>• ACCORDING TO PROPERTY APPRAISER RECORDS, THE PROPERTY IS ALREADY OCCUPIED BY A MOBILE HOME (1988 MODEL), FOR WHICH THE BOARD OF ADJUSTMENT GRANTED A FIVE YEAR SPECIAL EXCEPTION ON MARCH 22, 1999.</li> <li>• SHOULD THE BOARD APPROVE A SPECIAL EXCEPTION FOR THE PROPOSED MOBILE HOME, THE EXISTING MOBILE HOME WOULD HAVE TO BE REMOVED, SINCE ONLY ONE DWELLING UNIT PER FIVE ACRES IS</li> </ul>	

	<p>PERMITTED IN THE A-5 DISTRICT.</p> <ul style="list-style-type: none"> <li>• THERE IS NO RECORD OF ADDITIONAL SPECIAL EXCEPTIONS HAVING BEEN GRANTED ON THIS PROPERTY.</li> <li>• THE BOARD DECIDED TO CONTINUE THIS ITEM FROM ITS OCTOBER 4, 2004 SPECIAL MEETING TO PROVIDE OPPORTUNITY FOR THE APPLICANT TO ATTEND THE PUBLIC HEARING AND RESPOND TO QUESTIONS.</li> <li>• FOLLOWING THE CONTINUANCE, STAFF CONTACTED THE APPLICANT TO REQUEST CLARIFICATION ON THE REQUEST.</li> <li>• THE APPLICANT SUBSEQUENTLY REVISED THE ORIGINAL REQUEST FOR MOBILE HOME SPECIAL EXCEPTION FROM FIVE YEARS TO PERMANENT; THE ATTACHED APPLICATION TO THE BOARD OF ADJUSTMENT REFLECTS THE CHANGE.</li> <li>• PUBLIC NOTICES WERE PROVIDED IN ADVANCE OF THE HEARING IN ACCORDANCE WITH LEGAL REQUIREMENTS.</li> </ul>																								
<p><b>ZONING &amp; FLU</b></p>	<table border="1"> <thead> <tr> <th>DIRECTION</th> <th>EXISTING ZONING</th> <th>EXISTING FLU</th> <th>USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td><b>SITE</b></td> <td><b>A-5</b></td> <td><b>RURAL-5</b></td> <td><b>MOBILE HOME</b></td> </tr> <tr> <td>NORTH</td> <td>A-5</td> <td>RURAL-5</td> <td>VACANT</td> </tr> <tr> <td>SOUTH</td> <td>A-5</td> <td>RURAL-5</td> <td>MOBILE HOME</td> </tr> <tr> <td>EAST</td> <td>A-5</td> <td>RURAL-5</td> <td>SINGLE-FAMILY, MOBILE HOME &amp; VACANT</td> </tr> <tr> <td>WEST</td> <td>A-5</td> <td>RURAL-5</td> <td>VACANT</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	<b>SITE</b>	<b>A-5</b>	<b>RURAL-5</b>	<b>MOBILE HOME</b>	NORTH	A-5	RURAL-5	VACANT	SOUTH	A-5	RURAL-5	MOBILE HOME	EAST	A-5	RURAL-5	SINGLE-FAMILY, MOBILE HOME & VACANT	WEST	A-5	RURAL-5	VACANT
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<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</b></p>	<p>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:</p> <p><b><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></b></p> <p>GIVEN THE TREND OF MIXED SINGLE-FAMILY DEVELOPMENT IN THE AREA, THE REPLACEMENT OF THE EXISTING MOBILE HOME WITH AN IDENTICAL USE WOULD BE COMPATIBLE WITH SURROUNDING LAND USE.</p> <p>AVAILABLE RECORDS INDICATE THAT SEVERAL PARCELS WITHIN THE GENERAL VICINITY HAVE MOBILE HOMES THAT THE BOA HAS TYPICALLY APPROVED FOR LIMITED (5 YEAR) TIME PERIODS.</p> <p><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></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><b><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></b></p> <p>THE REQUEST WOULD BE CONSISTENT WITH THE TREND OF LOW-DENSITY SINGLE-FAMILY LAND USE, INCLUDING CONVENTIONAL AND MOBILE HOMES, ESTABLISHED IN THIS AREA.</p> <p><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>THE SUBJECT PROPERTY IS A 5.04 ACRE PARCEL THAT WOULD OTHERWISE MEET THE MINIMUM SIZE AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</p> <p>THE PROPERTY COMPRISES A PART OF A DEVELOPMENT THAT WAS EXEMPTED FROM COUNTY SUBDIVISION REGULATIONS BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 25, 1979. WITH THIS RESOLUTION, PRIVATE ROAD EASEMENT ACCESS IS ALLOWED TO THE PROPERTY WITHOUT FRONTAGE ALONG A PUBLIC RIGHT OF WAY.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>THE SUBJECT PROPERTY IS CURRENTLY OCCUPIED BY A MOBILE HOME, APPROVED FOR A FIVE YEAR SPECIAL EXCEPTION BY THE BOA IN MARCH 1999. SINCE THAT TIME, THE TREND OF DEVELOPMENT IN THE AREA HAS LARGELY REMAINED INCLUSIVE OF CONVENTIONAL AND MOBILE HOMES. IN LIGHT OF THIS, STAFF BELIEVES THE PROPOSED USE WOULD BE CONSISTENT WITH THE CHARACTER OF SINGLE-FAMILY HOMES IN THE AREA.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE DISTRICT); LDC SECTION 30.104(a)</b></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><b><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT):</u></b></p> <p>THE PROPOSED USE IS ALLOWED ONLY BY SPECIAL EXCEPTION IN THE A-5 DISTRICT. THE PROPOSED MOBILE</p>

	<p>HOME WOULD BE REQUIRED TO COMPLY WITH THE SITING STANDARDS ENUMERATED IN SECTION 30.1401 OF THE LAND DEVELOPMENT CODE, WHICH ARE INTENDED TO MINIMIZE POTENTIAL INCOMPATIBILITY WITH NEARBY CONVENTIONAL SINGLE-FAMILY HOMES AS FOLLOWS:</p> <ul style="list-style-type: none"> <li>○ THE PROPOSED MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS.</li> <li>○ THE PROPOSED MOBILE HOME SHALL BE REQUIRED TO CONFORM TO APPLICABLE CODES, WHICH INCLUDE STANDARDS FOR INSTALLATION, ANCHORING, UTILITY ACCESSIBILITY, AND SKIRTING.</li> </ul> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>THE REQUEST IS NOT HIGHLY INTENSIVE IN NATURE, AS THE PROPOSED MOBILE HOME WOULD ONLY BE PERMITTED FOR SINGLE-FAMILY OCCUPANCY.</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 SUBJECT PROPERTY IS SERVED BY ON-SITE SEPTIC AND WELL SYSTEMS. OTHER COUNTY SERVICES, INCLUDING SCHOOLS AND EMERGENCY SERVICES, ARE ALSO AVAILABLE TO THE SITE.</p>
<p><b>MOBILE HOME AS A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.103</b></p>	<p>A MOBILE HOME MAY BE PERMITTED AS A SPECIAL EXCEPTION ON A LOT OR PARCEL OF RECORD IN THE A-5 (AGRICULTURE DISTRICT), SUBJECT TO THE PREVIOUSLY REFERENCED MOBILE HOME SITING STANDARDS IN SECTION 30.1401 OF THE LAND DEVELOPMENT CODE.</p>
<p><b>STAFF FINDINGS:</b></p>	<p>SPECIAL EXCEPTIONS WITHIN ANY ZONING DISTRICT ARE GENERALLY GRANTED FOR PERMANENT USES. HOWEVER, WITH RESPECT TO MOBILE HOMES, SECTION 30.123 OF THE LAND DEVELOPMENT CODE PROVIDES THE ABILITY FOR THE BOA IN ITS SOUND DISCRETION TO PLACE REASONABLE CONDITIONS AND LIMITATIONS, WHICH ARE NECESSARY TO PROTECT THE CHARACTER OF AN AREA AND ARE IN FURTHERANCE OF THE PUBLIC INTEREST. THEREFORE, THE BOA SHOULD GIVE PRIMARY CONSIDERATION TO EITHER GRANTING A SPECIAL EXCEPTION FOR THE CONTINUED OCCUPANCY OF THE EXISTING MOBILE HOME OR DENYING THE REQUEST, BASED UPON THE FOLLOWING FACTORS:</p> <p><b><u>COMPATIBILITY &amp; DEVELOPMENT TRENDS IN THE AREA (CONVENTIONAL VS. MOBILE HOMES); AND</u></b></p>

	<p>AT THE TIME THE EXISTING MOBILE HOME WAS APPROVED BY SPECIAL EXCEPTION IN MARCH 1999, STAFF RECOMMENDED APPROVAL OF THE REQUEST FOR A PERIOD NOT TO EXCEED FIVE YEARS. SINCE THAT TIME, SINGLE-FAMILY DEVELOPMENT IN THE AREA HAS REMAINED INCLUSIVE OF BOTH MOBILE AND CONVENTIONAL HOMES.</p> <p>BASED ON THE TREND OF MOBILE HOME DEVELOPMENT IN THE AREA, STAFF BELIEVES THAT A PERMANENT MOBILE HOME OCCUPANCY PERMIT WOULD BE APPROPRIATE FOR THIS SITE, AS PERMITTED BY SECTION 30.123 OF THE LAND DEVELOPMENT CODE.</p> <p><b><u>PREVIOUS BOA DECISIONS</u></b></p> <p>AS PREVIOUSLY STATED, THE EXISTING MOBILE HOME WAS APPROVED FOR A PERIOD OF FIVE YEARS BY THE BOA ON MARCH 22, 1999, WHICH IS CONSISTENT WITH PAST DECISIONS OF THE BOARD ON MOBILE HOME SPECIAL EXCEPTIONS ALONG THIS SEGMENT OF EAST OSCEOLA ROAD.</p> <p>AVAILABLE RECORDS SUGGEST THE BOARD HAS HISTORICALLY REGARDED THE IMMEDIATE VICINITY AS AN AREA IN TRANSITION FROM MOBILE TO CONVENTIONAL HOMES, WHICH EXPLAINS THE AFOREMENTIONED 5 YEAR MOBILE HOME APPROVALS. ALTHOUGH MANY OF THESE PERMITS HAVE EXPIRED, THE IMMEDIATE TREND OF DEVELOPMENT ALONG THE WEST SIDE OF EAST OSCEOLA ROAD INCLUDES BOTH MOBILE AND CONVENTIONAL HOMES.</p> <p>WITH MOBILE AND CONVENTIONAL HOMES ALONG THIS SEGMENT OF EAST OSCEOLA ROAD, STAFF DOES NOT BELIEVE EITHER HAS EMERGED AS THE DOMINANT FORM OF SINGLE-FAMILY DEVELOPMENT SINCE THE FIRST MOBILE HOME APPROVAL IN 1991. WHILE STAFF'S RECOMMENDATION WOULD TYPICALLY SUPPORT PAST DETERMINATIONS OF THE BOARD REGARDING MOBILE HOME COMPATIBILITY, THE BOARD HAS RECENTLY EXPRESSED A DESIRE TO LIMIT ITS APPROVAL OF MOBILE HOME SPECIAL EXCEPTIONS WITH TIME LIMITS. FOR THIS REASON, STAFF BELIEVES THE BOARD SHOULD CONSIDER ITS RECENT POSITION ON LIMITED MOBILE HOME SPECIAL EXCEPTIONS, ALONG WITH THE HISTORICAL ESTABLISHMENT OF MOBILE HOMES IN THIS AREA, PRIOR TO MAKING ITS DECISION.</p>
<p><b>STAFF RECOMMENDATION:</b></p>	<p>BASED ON THE STATED FINDINGS, STAFF WOULD NOT OBJECT TO THE BOARD'S APPROVAL OF THE REQUEST WITH THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p>

	<ul style="list-style-type: none"><li>○ ONLY ONE (1) SINGLE-FAMILY MOBILE HOME SHALL OCCUPY THE SITE, AS SHOWN ON THE PROPOSED SITE PLAN; THE EXISTING MOBILE HOME SHALL BE REMOVED, PRIOR TO THE ISSUANCE OF A PERMIT FOR THE PROPOSED MOBILE HOME;</li><li>○ THE PROPOSED MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS; AND</li><li>○ THE EXISTING MOBILE HOME SHALL OTHERWISE CONFORM TO APPLICABLE BUILDING CODES, INCLUDING STANDARDS FOR ANCHORING, UTILITY ACCESSIBILITY AND SKIRTING.</li></ul>
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FILE #: BA99-3-9TE                    APPL: HILL, WILLIAM & TRACY  
 EC: 25    TWP: 19    RNG: 32    SUF:            PL BK:            PB PG:            BLOCK #:

EVELOPMENT NAME: MH-HILL, WILLIAM & TRACY  
 DC: 225 FT. S OF OSCEOLA ROAD AND APPROXIMATELY 1.5 MILE N OF  
 OT #1:            #2:            #3:            #4:            #5:            #6:            #7:  
 ARC #1: 21    #2:            #3:            #4:            #5:            #6:            #7:

REQUEST DESCRIPTION:  
 0 PLACE A MOBILE HOME.

CTION: APPROVED FOR 5 YEARS.  
 ATE: 032299

EMARKS:  
 LOCATION CONT.: ST. JOHN'S AVENUE.)

MD 1 - End Job    CMD 2 - Go to Search Prompt    HELP - SCREEN AID

R E S O L U T I O N

ON MOTION BY COMMISSIONER Stumbo  
SECONDED BY COMMISSIONER Williams  
THE FOLLOWING RESOLUTION WAS ADOPTED AT THE  
REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA,  
ON THE 25th DAY OF September, 1979.

WHEREAS, Samuel L. Chesser is the owner of the following  
described property:

Start at an iron pin at the NW corner of NE 1/4 of  
Section 25-19-32, Seminole County, Florida, for POB  
of the property to be described; thence run N 89 deg  
57' 34" E along N margin of said section for 150 ft  
to an iron pin for a corner located on the W margin,  
edge of water, of the St. Johns River; thence meander  
in a SEly direction along said river margin for 4780  
ft plus or minus to an iron pin for a corner, thence  
S 89 deg 48' 51" W away from said river, for 1455 ft  
to a concrete mon. for a corner, thence S 17 deg 00'  
00" W for 574.45 ft to a point for a corner, thence  
S 22 deg 06' 36" W for 295.32 ft to a concrete mon.  
for a corner, thence S 89 deg 47' 56" W for 1310.70  
ft to an iron pin for a corner on the East margin of  
the 60 ft R/W of St. Johns Avenue; thence N 10 deg  
18' 36" W along said margin for 977.8 ft to a  
concrete mon. for a corner & point of curve of said  
margin; thence along the margin curve to the West  
with a central angle of 52 deg 06' 16" radius of  
1939.69 for length of curve of 1763.94 ft to conc.  
mon. for a corner, thence N 00 deg 06' 05" W away  
from said St. Johns Avenue & along the 1/4 section  
line for 222.47 ft to an iron pin for a corner;  
thence N 89 deg 54' 26" E for 1317.35 ft to an iron  
pin for a corner on the N-S 1/2 section line of  
Section 25; thence N 00 deg 02' 12" E along said 1/2  
section line for 1322.58 ft to an iron pin for a  
corner & the POB. Containing approx. 183 acres &  
located in the central & Northeastern portion of  
Section 25-19-32 & a small area in the West central  
portion of Section 30-19-33, Seminole County, Fla.

WHEREAS, Samuel L. Chesser is the developer of said property  
and has presented to the Seminole County Board of County  
Commissioners a proposed Development Plan and additional information  
relating thereto:  
and,

WHEREAS, it has been determined that this Development falls  
under the guidelines established by Section 1-5C of the Seminole  
County Subdivision Regulations and filing of a Recorded Plat is not  
required;

NOW, THEREFORE, BE IT RESOLVED that the Seminole County Board  
of Commissioners, upon review of the information required by

**CERTIFIED COPY**  
ARTHUR H. BECKWITH, JR.  
CLERK OF THE CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
Sandra Jacobs  
Deputy Clerk

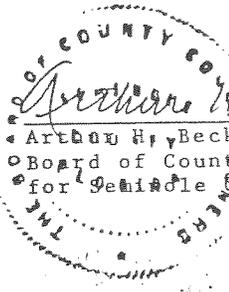
Section 1-5C of the Seminole County Subdivision Regulations, and without either approving or disapproving said Development Plan or expressing any opinion whatsoever concerning the adequacy thereof, would note the following;

1. Private Road Easement Access to portions of said Development may be limited during times of adverse weather conditions, or due to lack of maintenance, including access for emergency vehicles.
2. The Seminole County Soil Survey and Soil Survey Supplement indicates that all or a portion of the Development may not have suitable soil with sufficient drainage potential to allow building construction or fill.
3. Due to site conditions, any proposed construction location on individual parcels may have to be improved by fill or other means prior to construction. Improvements or alterations must be accomplished in accordance with the Seminole County FP-1 Flood Prone Classification Ordinance.
4. The Seminole County Soil Survey and Soil Survey Supplement indicates that a portion of the Development may not be suitable to allow the use of a septic tank disposal system.
5. The required disclosure statement indicates no proposed improvements to the private road easements and indicates maintenance of private road easements and drainage will be performed by a homeowners association.
6. Water is proposed to be supplied by individual wells, however, no information has been provided to determine the availability of water by individual wells.
7. No governmental entity, including Seminole County, shall be responsible for the construction, reconstruction, or maintenance of any private road easement in this Development, now or at any time in the future.

This Resolution, along with the Development Plan, and all supporting documents will be retained on file in the Land Development Division Office and made available for review by any interested citizen, and the Resolution will be recorded in the Public Records of the Clerk of the Court.

ADOPTED this 25<sup>th</sup> day of September, A.D., 1979.

ATTEST:



*Arthur H. Beckwith, Jr.*  
 Arthur H. Beckwith, Jr., Clerk to the  
 Board of County Commissioners in and  
 for Seminole County, Florida.

SEP 26 8 49 AM '79  
CLERK OF COURT  
SEMINOLE COUNTY FLA.

008998

APPLICATION  
TO THE  
SEMINOLE COUNTY BOARD OF COMMISSIONERS

FOR: Review of Development Plan for 5-Acre or Larger Tract Subdivisions.

APPLICANT Samuel L. Chesser PHONE 339-2533

ADDRESS 177 Birchwood Dr. Maitland, Fla 32751

PROPERTY OWNER Samuel L. Chesser

ADDRESS 177 Birchwood Dr. Maitland, Fla. 32751

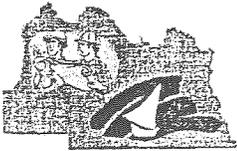
(NOTE: If Applicant is other than the property owner, owner's authorization must be filed with the application)

PROPOSED NAME OF DEVELOPMENT River's Bend

-----  
FOR OFFICE USE

1. APPLICATION RECEIVED Gally Sherman FEE 72<sup>00</sup> RECEIPT # 29597  
8-24-79
2. SUBMITTALS ATTACHED:
  - A. Six copies of Development Plan.
  - B. Soil and drainage information.
  - C. Statement on source of water.
  - D. Disclosure statement.
  - E. Owner's authorization, if applicable.
3. Information forwarded to the Development Review Committee 8/27/79
4. Development Review Committee's comments received SEPT. 12, 79  
Board of Commissioners Review Scheduled SEPT. 25, 79
5. Applicant notified of Board of Commissioners Review Date SEPT. 12, 79
6. District Commissioner briefed SEPT. 25, 79
7. Board of Commissioners' Action SEPT. 25, 79
8. Resolution Filed SEPT. 26, 79

ORB FILE NO. 1245-0020



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. BM2004-017

**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.

RECEIVED

AUG 02 2004

**APPLICATION TYPE:**

**VARIANCE**

**SPECIAL EXCEPTION**

**MOBILE HOME SPECIAL EXCEPTION**

*intending to build a mobile home in near future*

*FOR 5 YRS*

EXISTING  PROPOSED  REPLACEMENT

MOBILE HOME IS FOR Single Family

YEAR OF MOBILE HOME 1984 SIZE OF MOBILE HOME 14 X 60

ANTICIPATED TIME MOBILE HOME IS NEEDED 10

PLAN TO BUILD  YES  NO IF SO, WHEN Within 5 yrs.

MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>TRACY HILL</u>	<u>EDWARD KAPP</u>
ADDRESS	<u>3400 E. OSCEOLA Rd</u>	<u>P.O. BOX 1096</u>
	<u>Geneva, FL 32732</u>	<u>Geneva, FL 32732</u>
PHONE 1	<u>407 349 0948</u>	
PHONE 2	<u>407 620 9790</u>	
E-MAIL		

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 3400 E. OSCEOLA Rd

CURRENT USE OF PROPERTY: Single Family (deteriorated mobile home)

LEGAL DESCRIPTION: Leg SEC 25 TWP 19S RGE 32E BEG 33.9 FT S 221 INT ELI GOVT LOT 3

SIZE OF PROPERTY: 5.040 acre(s) PARCEL I.D. 25-19-32-301-0210-0000

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 Sept. 27, 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.

Tracy Hill  
SIGNATURE OF OWNER OR AGENT\*

08-02-2004  
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: 195.00 COMMISSION DISTRICT 5 FLU / ZONING A-5 R-5

BOA HEARING DATE \_\_\_\_\_

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNER ERM

DATE 8/2/04

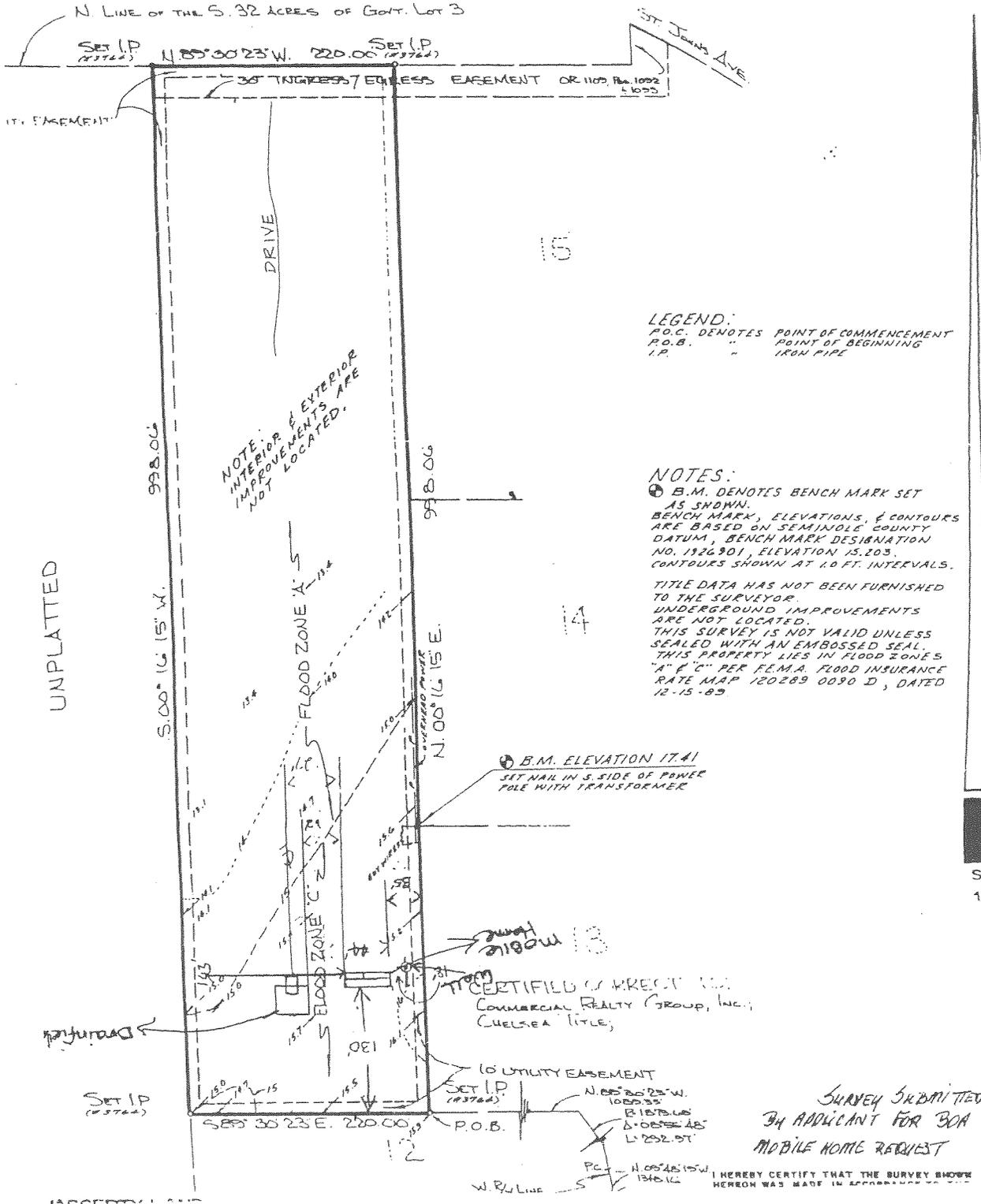
SUFFICIENCY COMMENTS \_\_\_\_\_

# PLAT OF SURVEY

HILL

SECTION: LOT 16, ST. JOHNS COUNTRY ESTATES (UNRECORDED) BEING DESCRIBED AS FOLLOWS:

START AT THE S $\frac{1}{4}$  CORNER OF SECTION 25, TOWNSHIP 19 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N. W. ALONG THE SOUTH LINE OF SAID SECTION 25 FOR 30.00 FEET TO THE WEST RIGHT-OF-WAY OF ST. JOHNS AVENUE; THENCE RUN N. 00°00'17" E. ALONG SAID RIGHT-OF-WAY 64.55 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 5692.28 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY 974.61 FEET THROUGH A CENTRAL ANGLE OF 09°48'36" TO THE POINT OF TANGENCY; THENCE RUN N.09°48'19" W. ALONG SAID RIGHT-OF-WAY 100.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1879.69 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY 292.97 FEET, THROUGH A CENTRAL ANGLE OF 08°55'48" TO THE POINT OF TANGENCY; THENCE RUN N.89°30'23" W. 1089.35 FEET TO THE POINT OF BEGINNING; THENCE RUN N.00°16'15" E. 998.06 FEET TO THE POINT OF BEGINNING OF THE SOUTH 32 ACRES OF GOVERNMENT LOT 3, OF SAID SECTION 25; THENCE RUN N.89°30'23" W. ALONG SAID NORTH LINE 111.00 FEET; THENCE RUN S.00°16'15" W. 998.06 FEET; THENCE RUN S.89°30'23" E. 220.00 FEET TO THE POINT OF BEGINNING OF THE SOUTH 32 ACRES OF GOVERNMENT LOT 3, BEING THEREIN 5.040 ACRES MORE OR LESS.



**LEGEND:**  
 P.O.C. DENOTES POINT OF COMMENCEMENT  
 P.O.B. " " POINT OF BEGINNING  
 I.P. " " IRON PIPE

**NOTES:**  
 B.M. DENOTES BENCH MARK SET AS SHOWN.  
 BENCH MARK, ELEVATIONS, & CONTOURS ARE BASED ON SEMINOLE COUNTY DATUM, BENCH MARK DESIGNATION NO. 1326901, ELEVATION 15.203. CONTOURS SHOWN AT 1.0 FT. INTERVALS.  
 TITLE DATA HAS NOT BEEN FURNISHED TO THE SURVEYOR.  
 UNDERGROUND IMPROVEMENTS ARE NOT LOCATED.  
 THIS SURVEY IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL.  
 THIS PROPERTY LIES IN FLOOD ZONES "A" & "C" PER F.E.M.A. FLOOD INSURANCE RATE MAP 120289 0090 D, DATED 12-15-83.

B.M. ELEVATION 17.41  
 SET NAIL IN S. SIDE OF POWER POLE WITH TRANSFORMER

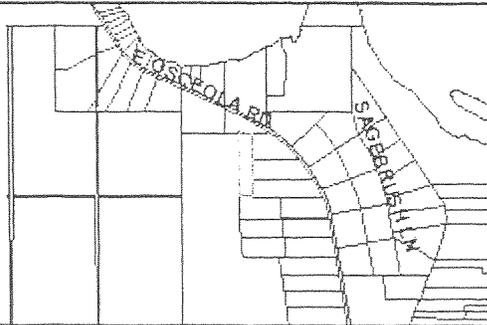
CERTIFIED & CORRECTED BY  
 COMMERCIAL REALTY GROUP, INC.;  
 CHELSEA TITLE;

SURVEY SUBMITTED BY APPLICANT FOR BOA MOBILE HOME REQUEST

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE

PRO. No. 1

SCALE 1" = 1'

<p><b>PARCEL DETAIL</b></p>  <p><b>Seminole County</b> Property Appraiser Services 1001 E. First St. Sanford FL 32771 407-665-7506</p>	<p><b>REAL ESTATE</b>   <b>PERSONAL PROP</b>   <b>TAX ROLL</b>   <b>SALES SEARCH</b></p> <p style="text-align: right;">◀ Back ▶</p>	 																								
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 25-19-32-301-0210-0000 Tax District: 01-TX DIST 1 - COUNTY                  Owner: HILL TRACY Exemptions: <span style="font-size: 2em; vertical-align: middle;">A-5</span>                  Address: PO BOX 1096                  City,State,ZipCode: GENEVA FL 32732                  Property Address: 3400 OSCEOLA RD E                  Subdivision Name:                  Dor: 02-MOBILE/MANUFACTURED</p>		<p style="text-align: center;"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 0                  Depreciated Bldg Value: \$0                  Depreciated EXFT Value: \$3,944                  Land Value (Market): \$42,840                  Land Value Ag: \$0                  Just/Market Value: \$46,784                  Assessed Value (SOH): \$46,784                  Exempt Value: \$0                  Taxable Value: \$46,784</p>																								
<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>QUIT CLAIM DEED</td> <td>02/2004</td> <td>05186</td> <td>0524</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>FINAL JUDGEMENT</td> <td>01/2004</td> <td>05178</td> <td>0253</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1991</td> <td>02366</td> <td>0389</td> <td>\$20,000</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	QUIT CLAIM DEED	02/2004	05186	0524	\$100	Improved	FINAL JUDGEMENT	01/2004	05178	0253	\$100	Improved	WARRANTY DEED	11/1991	02366	0389	\$20,000	Vacant	<p style="text-align: center;"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$500                  2003 Taxable Value: \$29,144                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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<p><small>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.</small></p>																										

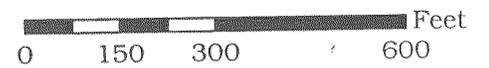


# Edward Kapp 3400 East Osceola Road



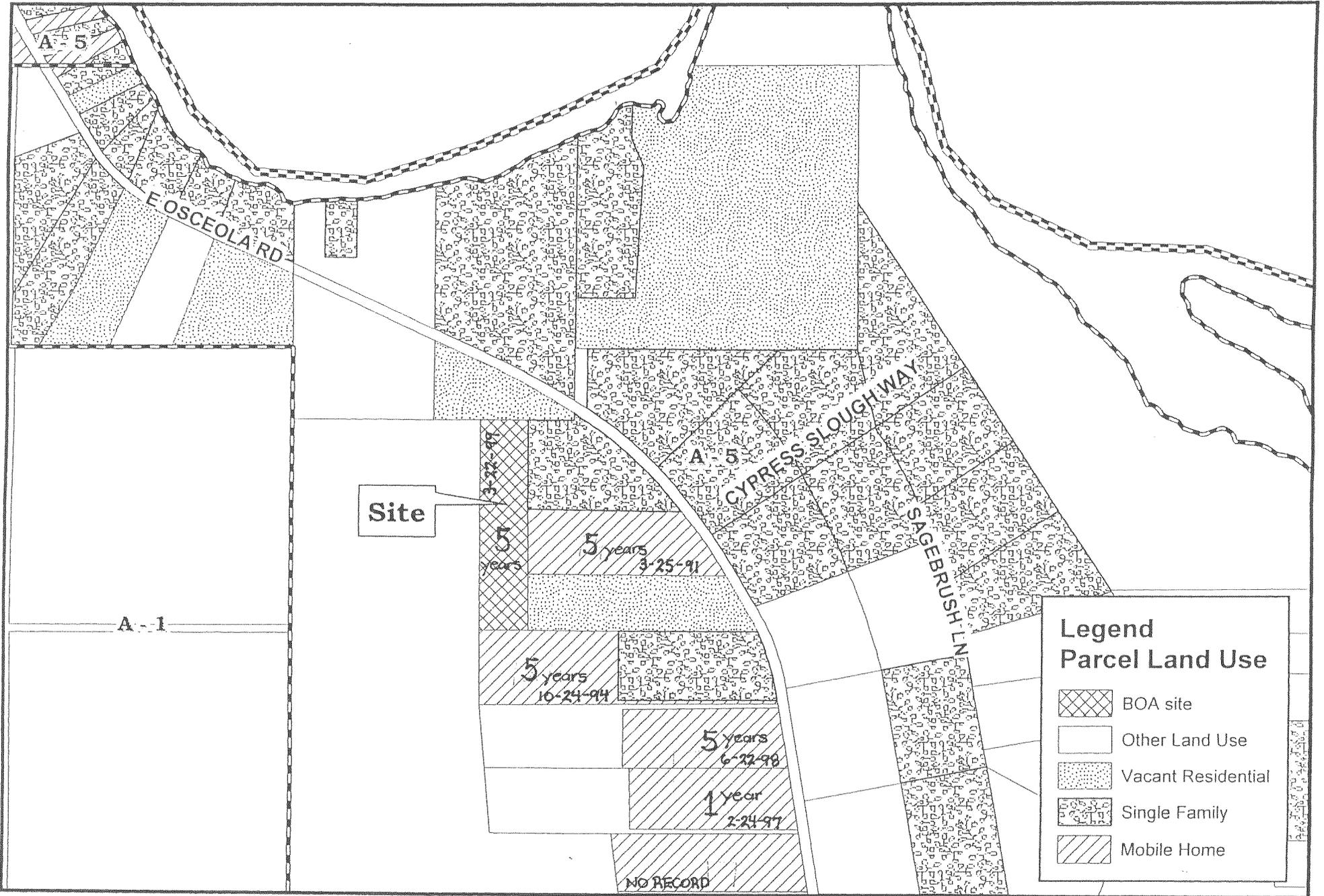
Parcel: 25193230102100000 / District: 5

**BM2004-017**  
**September, 2004**





# Edward Kapp 3400 East Osceola Road



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 25 TWP 19S RGE 32E BEG 33.9 FT S & 217 FT W OF INT E LI GOVT LOT 3 & SWLY R/W OSCEOLA RD RUN W 220 FT S 998.06 FT E 220 FT N 998.06 FT TO BEG

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

**FINDINGS OF FACT**

**Property Owner:** TRACY HILL  
P.O. BOX 1096  
GENEVA, FL 32732

**Project Name:** 3400 EAST OSCEOLA ROAD

**Requested Development Approval:**

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

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: Earnest McDonald,  
Principal Coordinator  
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:
  - A. ONLY ONE (1) SINGLE-FAMILY MOBILE HOME SHALL OCCUPY THE SITE, AS SHOWN ON THE PROPOSED SITE PLAN; THE EXISTING MOBILE HOME SHALL BE REMOVED, PRIOR TO THE ISSUANCE OF A PERMIT FOR THE PROPOSED MOBILE HOME;
  - B. THE PROPOSED MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS; AND
  - C. THE EXISTING MOBILE HOME SHALL OTHERWISE CONFORM TO APPLICABLE BUILDING CODES, INCLUDING STANDARDS FOR 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: