

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 1860 ORANGE STREET; (BLACK HAMMOCK TREE FARM, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 10-25-04 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) AT 1860 ORANGE STREET; (BLACK HAMMOCK TREE FARM, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 1860 ORANGE STREET; (BLACK HAMMOCK TREE FARM, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	BLACK HAMMOCK TREE FARM, APPLICANT 1860 ORANGE STREET OVIEDO, FL 32765	A-5 DISTRICT, LDC SECTIONS 30.104 (A-5 CONDITIONAL USES) & 30.1401 (MOBILE HOME SITING STANDARDS)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO REPLACE AN EXISTING 1984 MOBILE HOME, WHICH WAS DAMAGED BY HURRICANE CHARELY AND DESTROYED BY HURRICANE FRANCES, WITH A NEWER MOBILE HOME IN THE A-5 DISTRICT WHERE MOBILE HOMES ARE ALLOWED ONLY BY SPECIAL EXCEPTION.</li> <li>• THE PROPERTY IS CURRENTLY USED AS A TREE FARM, WHERE THE MOBILE HOME IS OPERATED AS BOTH A RESIDENCE AND SECURITY QUARTERS FOR EMPLOYEES WHO WORK ON THE PROPERTY.</li> <li>• IN 1996, THE PROPERTY RECEIVED A 5 YEAR SPECIAL EXCEPTION FOR THE CURRENT MOBILE HOME, WHICH HAS SINCE EXPIRED; THE REQUEST REPRESENTS A</li> </ul>	

RENEWAL OF THAT APPLICATION.																									
ZONING & FLU	<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>SITE</td> <td>A-5</td> <td>RURAL-5</td> <td>MOBILE HOME/TREE FARM</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>VACANT</td> </tr> <tr> <td>EAST</td> <td>A-5</td> <td>RURAL-5</td> <td>MOBILE HOME</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	SITE	A-5	RURAL-5	MOBILE HOME/TREE FARM	NORTH	A-5	RURAL-5	VACANT	SOUTH	A-5	RURAL-5	VACANT	EAST	A-5	RURAL-5	MOBILE HOME	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 (MOBILE AND CONVENTIONAL HOME) SINGLE-FAMILY DEVELOPMENT IN THE AREA, THE REPLACEMENT OF THE EXISTING MOBILE HOME WITH A STRUCTURE NEARLY IDENTICAL TO THE PREVIOUSLY APPROVED UNIT 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 BOTH PERMANENT AND LIMITED 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</u></b></p>																								

	<p><b><u>ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>THE SUBJECT PROPERTY IS A 7.4 ACRE PARCEL THAT WOULD OTHERWISE MEET THE MINIMUM SIZE AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</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 1996. 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 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</p>

	<p>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 1996, 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><b>STAFF RECOMMENDATION:</b></p>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS 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 EXISTING MOBILE HOME SHALL OTHERWISE CONFORM TO APPLICABLE BUILDING CODES, INCLUDING STANDARDS FOR ANCHORING, UTILITY ACCESSIBILITY AND SKIRTING.</li> </ul>



**COPY**

APPL. NO. BM 2004-022

**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**
- EXISTING  PROPOSED  REPLACEMENT  
 MOBILE HOME IS FOR residence for employer  
 YEAR OF MOBILE HOME newer model SIZE OF MOBILE HOME 12' x 56'  
 ANTICIPATED TIME MOBILE HOME IS NEEDED permanent  
 PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_  
 MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO

RECEIVED  
 OCT 07 2004

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Black Hammock Tree Farm	
ADDRESS	9213 Rojo Ct. Orlando, FL 32817	
PHONE 1	(407) 366-0005	
PHONE 2	(407) 620-7903	
E-MAIL	bhtf@bellsouth.net	

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

SITE ADDRESS: 1860 Orange Street Oriedo, FL 32765

CURRENT USE OF PROPERTY: Agriculture

LEGAL DESCRIPTION: Leg Lot 256 Black Hammock PB 1 PG 31

SIZE OF PROPERTY: 7.4 acre(s) PARCEL I.D. 25-20-31-5BA-0000-2560

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 10/25/04 (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.

[Signature]  
 SIGNATURE OF OWNER OR AGENT\* DATE 10/7/04

\* 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:

**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: 185<sup>00</sup> COMMISSION DISTRICT 2 FLU / ZONING R-5 / A-5

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

LOCATION FURTHER DESCRIBED AS South side of Howard Avenue on the  
South west side of the intersection of Howard Ave & Orange St

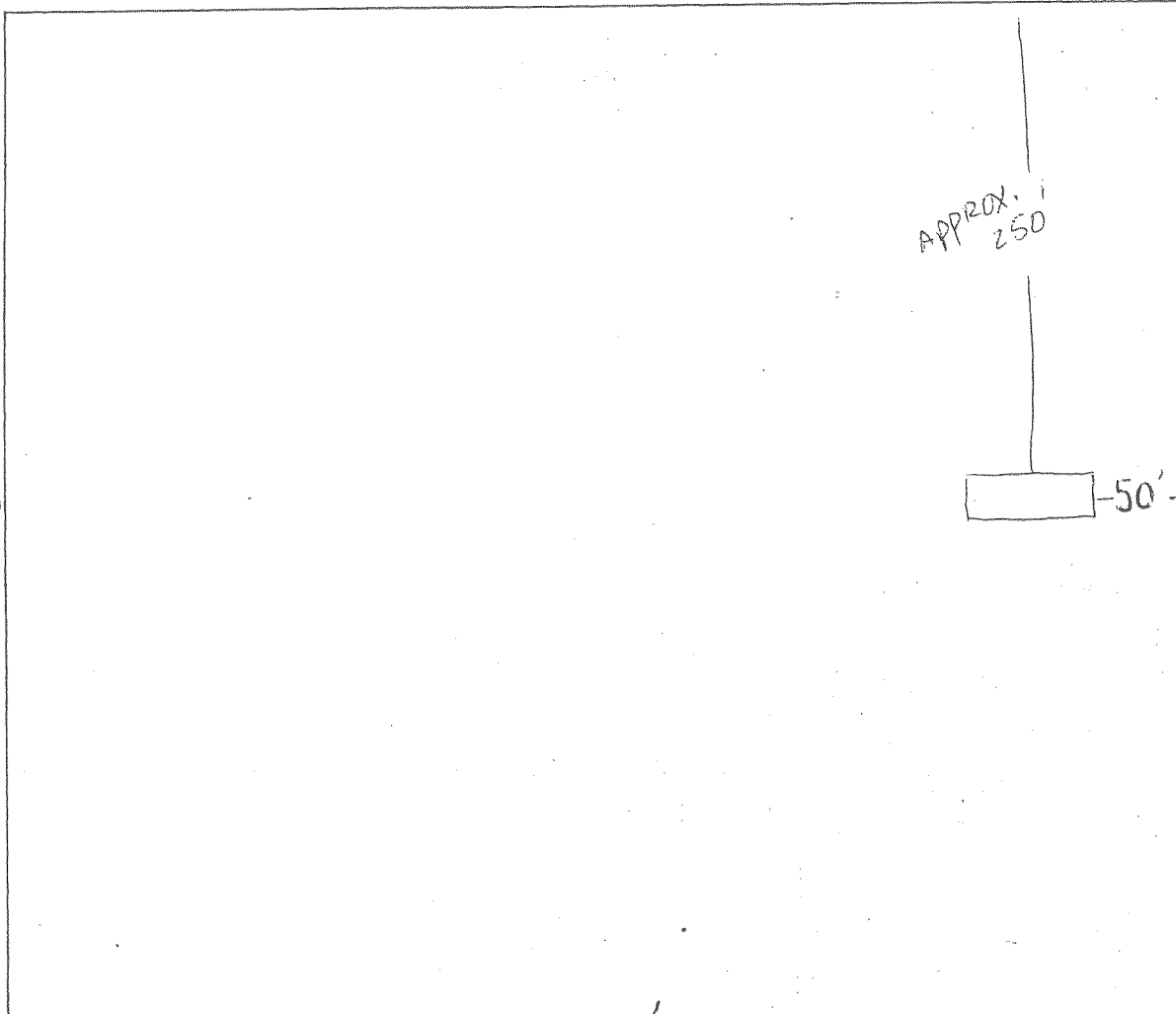
PLANNER JS DATE 10/7/04

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

HOWARD AVE,  
630.83'



528.16'



APPROX. 250

ORANGE ST.  
504.89'

50'

630.61'



12 02

DEVELOPMENT HISTORY DISPLAY

10/07/04 12:15:46

DE # : BA96-9-61TE                    APPL: GREEN, MICHAEL A.  
: 01   TWP: 21   RNG: 31   SUF:           PL BK: 1           PB PG: 31   BLOCK #:

DEVELOPMENT NAME: MH-GREEN, MICHAEL A.  
: SW CORNER OF ORANGE STREET AND HOWARD AVENUE.  
: #1: 256   #2:           #3:           #4:           #5:           #6:           #7:  
C #1:           #2:           #3:           #4:           #5:           #6:           #7:

QUEST DESCRIPTION:  
PLACE A MOBILE HOME.


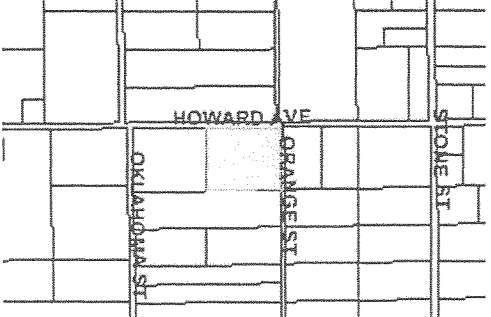
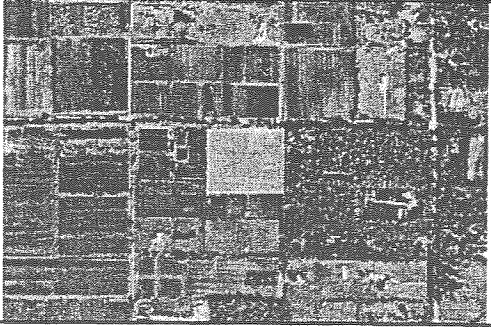
PERMISSION: APPROVED FOR 5 YEARS.  
PERM: 092396

MARKS:  
(LACK HAMMOCK)

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



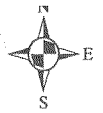
Personal Property

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																								
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																													
	<p><b>GENERAL</b></p> <p>Parcel Id: 25-20-31-5BA-0000-2560 Tax District: G1-AGRICULTURAL</p> <p>Owner: BLACK HAMMOCK II INC Exemptions:</p> <p>Address: 9213 ROJO CT</p> <p>City,State,ZipCode: ORLANDO FL 32817</p> <p>Property Address: ORANGE ST</p> <p>Facility Name:</p> <p>Dor: 69-ORNAMENTALS</p>			<p><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$30,545</p> <p>Land Value (Market): \$74,300</p> <p>Land Value Ag: \$14,212</p> <p>Just/Market Value: \$104,845</p> <p>Assessed Value (SOH): \$44,757</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$44,757</p> <p>2004 Notice of Proposed Property Tax</p>																									
<p><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>12/2001</td> <td>04279</td> <td>1238</td> <td>\$105,000</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>09/1991</td> <td>02341</td> <td>0839</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1990</td> <td>02155</td> <td>1762</td> <td>\$51,800</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	12/2001	04279	1238	\$105,000	Improved	QUIT CLAIM DEED	09/1991	02341	0839	\$100	Vacant	WARRANTY DEED	02/1990	02155	1762	\$51,800	Vacant	<p><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$639</p> <p>2003 Taxable Value: \$36,622</p> <p>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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																													

**Black Hammock Tree Farms  
1860 Orange Street**



# Black Hammock Tree Farms 1860 Orange Street



**Legend  
Parcel Land Use**

-  BM2004-022
-  Other Land Use
-  Vacant Residential
-  Single Family
-  Mobile Home

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On October 25, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 256 BLACK HAMMOCK PB 1 PG 31

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

**FINDINGS OF FACT**

**Property Owner:** BLACK HAMMOCK  
9213 ROJO COURT  
ORLANDO, FL 32817

**Project Name:** 1860 ORANGE STREET

**Requested Development Approval:**

SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME 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  
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. 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: