

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 356 SAND PINE PLACE; (EARL AND SOLANGE RISCELL, APPLICANTS).

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 11-15-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

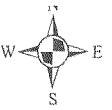
1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 356 SAND PINE PLACE; (EARL AND SOLANGE RISCELL, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 356 SAND PINE PLACE; (EARL AND SOLANGE RISCELL, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	EARL AND SOLANGE RISCELL, APPLICANTS 356 SAND PINE PLACE 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'S CURRENT MOBILE HOME WAS DAMAGED BY THE RECENT HURRICANES, AND THEY ARE REQUESTING PERMANENT PLACMENT OF A NEW 2004 MOBILE HOME IN THE A-5 DISTRICT, WHERE MOBILE HOMES ARE ALLOWED ONLY BY SPECIAL EXCEPTION. • IN 1983, THE PROPERTY RECEIVED A 5 YEAR SPECIAL EXCEPTION FOR THE CURRENT MOBILE HOME, WHICH HAS SINCE EXPIRED. 	

	<p>THE MINIMUM SIZE AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>THE SUBJECT PROPERTY IS CURRENTLY OCCUPIED BY A MOBILE HOME, APPROVED FOR A FIVE YEAR SPECIAL EXCEPTION BY THE BOA IN 1983. 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>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (AGRICULTURE 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 A-5 (RURAL ZONING CLASSIFICATION DISTRICT):</u></p> <p>THE 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">○ THE EXISTING MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS.○ THE EXISTING MOBILE HOME SHALL BE REQUIRED TO CONFORM TO APPLICABLE CODES, WHICH INCLUDE STANDARDS FOR INSTALLATION, ANCHORING, UTILITY ACCESSIBILITY, AND SKIRTING. <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>THE REQUEST IS NOT HIGHLY INTENSIVE IN NATURE, AS THE EXISTING MOBILE HOME WOULD ONLY 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 SUBJECT PROPERTY IS SERVED BY ON-SITE SEPTIC AND WELL SYSTEMS. OTHER COUNTY SERVICES, INCLUDING</p>

	SCHOOLS AND EMERGENCY SERVICES, ARE ALSO AVAILABLE TO THE SITE.
MOBILE HOME AS A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.103	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.
STAFF FINDINGS:	<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><u>COMPATIBILITY & DEVELOPMENT TRENDS IN THE AREA (CONVENTIONAL VS. MOBILE HOMES); AND</u></p> <p>AT THE TIME THE EXISTING MOBILE HOME WAS APPROVED BY SPECIAL EXCEPTION IN 1983, 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>
STAFF RECOMMENDATION:	<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"> ○ 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; ○ THE EXISTING MOBILE HOME SHALL OTHERWISE CONFORM TO APPLICABLE BUILDING CODES, INCLUDING STANDARDS FOR ANCHORING, UTILITY ACCESSIBILITY AND SKIRTING.

**Earl & Solange Rishell
356 Sand Pine Place**



Parcel: 26-20-32-301-008L-0000 / District: 2

**BM2004-024
NOVEMBER 15, 2004**

0 150 300 600 Feet

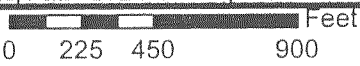


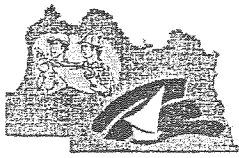
Earl & Solange Rishell 356 Sand Pine Place



**Legend
Parcel Land Use**

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





COPY

APPL. NO. BM 2004-024

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** permanent placement.
- EXISTING PROPOSED REPLACEMENT
- MOBILE HOME IS FOR
 YEAR OF MOBILE HOME 1983 SIZE OF MOBILE HOME 60x28
 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**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Earl & Solange Rishell</u>	
ADDRESS	<u>356 Sand Pine Place</u>	
	<u>Geneva, Fla. 32732</u>	
PHONE 1	<u>(407) 349-5113</u>	
PHONE 2		
E-MAIL		

RECEIVED

PROJECT NAME: _____
 SITE ADDRESS: 356 Sand Pine Place
 CURRENT USE OF PROPERTY: Residence
 LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 26-20-32-301-008L-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 Dec. 13, 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.

Earl Rishell
 SIGNATURE OF OWNER OR AGENT* DATE Oct 15 '04

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

KF

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		


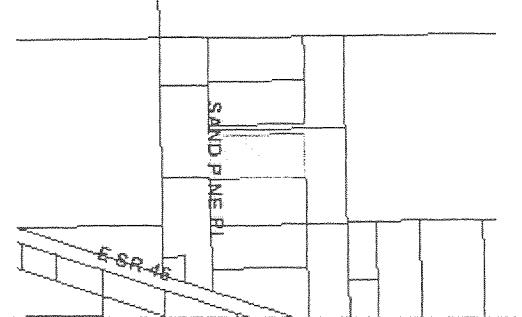

RECEIVED

NATURE OF THE APPEAL _____

_____ SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
 FEE: 185.00 COMMISSION DISTRICT _____ FLU/ZONING A-5 / RURAL 5
 BCC HEARING DATE _____
 LOCATION FURTHER DESCRIBED AS East side of Sand Pine Place, .15
mile north of the intersection of ESR 46 & Sand Pine Place
 PLANNER _____ DATE _____
 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 407-665-7506 </p>																														
						<p style="text-align: center;">GENERAL</p> <p> Parcel Id: 26-20-32-301-008L-0000 Tax District: 01-TX DIST 1 - COUNTY Owner: RISHELL EARL F & SOLANGE Exemptions: 00-HOMESTEAD Address: PO BOX 62 City,State,ZipCode: GENEVA FL 32732 Property Address: 356 SAND PINE RD Subdivision Name: Dor: 02-MOBILE/MANUFACTURED </p>	<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$46,023 Land Value (Market): \$60,000 Land Value Ag: \$0 Just/Market Value: \$106,023 Assessed Value (SOH): \$44,385 Exempt Value: \$25,000 Taxable Value: \$19,385 </p>																							
<p style="text-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>WARRANTY DEED</td> <td>10/1982</td> <td>01418</td> <td>1298</td> <td>\$24,500</td> <td>Vacant</td> </tr> <tr> <td>TRUSTEE DEED</td> <td>12/1981</td> <td>01370</td> <td>0411</td> <td>\$83,300</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	10/1982	01418	1298	\$24,500	Vacant	TRUSTEE DEED	12/1981	01370	0411	\$83,300	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p> Tax Value(without SOH): \$1,255 2004 Tax Bill Amount: \$221 Save Our Homes (SOH) Savings: \$1,034 2004 Taxable Value: \$18,557 </p> <p style="text-align: center;">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>																														



FILE #: BA(7-18-83)-91TE APPL: RISHELL, EARL F.
AC: 26 TWP: 20 RNG: 32 SUF: PL BK: PB PG: BLOCK #:

DEVELOPMENT NAME: MH-RISHELL, EARL F.

LOC: OFF HIGHWAY 46 ON SAND PINE PLACE JUST S OF WAR EAGLE TRAIL.

LOT #1: 4 #2: #3: #4: #5: #6: #7:

MARC #1: 8L #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:

1) PLACE A MOBILE HOME.

CONDITION: APPROVED FOR 5 YEARS.

DATE: 071883

REMARKS:

(SAND PINE PLACE)

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

CARD #2

SEC 26-20-32

SMITH, JAMES E: BA(9-20-82)-113TE; Lot 6, Sand Pine Place; SR 46; Apvd 5 Yrs.

HENDERSON, CAROL: BA(6-20-83)-83TE; Just-A-Mere Rd; Denied.

KROHNE, ROGER A: BA(6-20-83)-79TE; Just-A-Mere Rd; Denied. BCC Appeal 9/27/83
& BA overruled & Apvd for 2 Yrs with stipulations. 6Mos Ext

RISHELLE EARL F: Apvd by BCC on 2/28/84
BA(7-18-83)-91TE; Lot 4, Sand Pine Place; on Sand Pine
Place; Apvd 5 Yrs.

DAVID M. OLDHAM, JR: BA(7-18-83)-88TE; Lot 7, Sand Pine Place; on Sand Pine
Place; Apvd 5 Yrs.

SCHUTTLER, DANIEL WADE: BA(8-15-83)-99TE; Lot 5, Sand Pine Place; on Sand
Pine Place & War Eagle Trail; Apvd 5 Yrs.

RUCKER, RONALD R: BA(10-17-83)-129TE; To reinstate an expired mobile home
permit for tenant use; 26-20-32; Jungle Rd; Apvd 2 Yrs
for tenant use only.

SCHUTTLER, KENYON M: BA(11-19-84)-159TE; Lot 7, Sand Pine Place; E of SR 426,
& E of Sand Pine Place; Apvd 5 Yrs. Rec'd 6 mth extension
May 20, 1985.

LAKE HARNEY WATER ASSOCIATION: BA(12-17-84)-63E; To increase the number of
hook-ups on Lk Harney Water Assn distribution system frm 150 to
175 (not additional wells) SR 46; Denied without prejudice.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 15, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 26 TWP 20S RGE 32E S 316.35 FT OF N 1019.05 FT OF W
688.5 FT OF E $\frac{3}{4}$ OF E $\frac{1}{2}$ OF NW $\frac{1}{4}$

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

FINDINGS OF FACT

Property Owner: EARL AND SOLANGE RISCELL
356 SAND PINE PLACE
GENEVA, FL 32732

Project Name: 356 SAND PINE PLACE

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: