

BM2005-005

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) AT 1771 KIMMIE KAY DRIVE; (FRED & PATRICIA MAYER, APPLICANTS).

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

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

Agenda Date 2-28-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

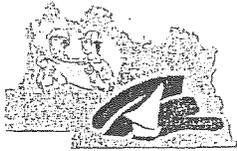
1. **APPROVE** REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION) AT 1771 KIMMIE KAY DRIVE; (FRED & PATRICIA MAYER, APPLICANTS); OR
2. **DENY** REQUEST FOR SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION) AT 1771 KIMMIE KAY DRIVE; (FRED & PATRICIA MAYER, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	FRED & PATRICIA MAYER, APPLICANTS 1771 KIMMIE KAY DRIVE 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 APPLICANTS PROPOSE TO REPLACE AN EXISTING 1983 MOBILE HOME WITH A NEW (2005) MOBILE HOME IN THE A-5 DISTRICT. • THE ORIGINAL MOBILE HOME WAS PLACED IN 1983 WITH A FIVE YEAR SPECIAL EXCEPTION (RENEWED FOR FIVE YEARS IN 1988), WHICH HAS SINCE EXPIRED; THE APPLICANT REQUESTS A NEW SPECIAL EXCEPTION TO PERMANENTLY PERMIT THE PROPOSED MOBILE HOME, FOLLOWING REMOVAL OF THE "EXISTING" MOBILE HOME. • THE PERMANENT PLACEMENT OF A MOBILE HOME IS 	

	PERMITTED ONLY BY SPECIAL EXCEPTION IN THE A-5 DISTRICT.			
ZONING & FLU	DIRECTION EXISTING EXISTING USE OF			
	ZONING FLU PROPERTY			
	SITE	A-5	RURAL-5	MOBILE HOME
	NORTH	A-5	RURAL-5	VACANT
	SOUTH	A-5	RURAL-5	MOBILE HOME
	EAST	A-5	RURAL-5	PRIVATE LANDING STRIP
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)	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:			
	<u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u>			
	THE PERMANENT PLACEMENT OF THE PROPOSED MOBILE HOME WOULD NOT BE INCOMPATIBLE WITH THE TREND OF DEVELOPMENT ON NEARBY AND ADJACENT PROPERTIES.			
	AVAILABLE RECORDS INDICATE THAT SEVERAL NEARBY PARCELS HAVE MOBILE HOME USES AS DEPICTED ON THE ATTACHED MAP ENTITLED, "PARCEL LAND USE." THE MAJORITY OF LOTS ON KIMMIE KAY DRIVE CURRENTLY HAVE MOBILE HOMES.			
	<u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u>			
	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.			
	<u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u>			
	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 FUTURE LAND USE FOR THE SUBJECT PROPERTY.			
	<u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR</u>			

	<p><u>ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>THE SUBJECT PROPERTY IS COMPRISED OF APPROXIMATELY 5.24 ACRES WHICH MEETS THE A-5 DISTRICT MINIMUM LOT STANDARDS. BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED MOBILE HOME WOULD 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 A MAJORITY OF 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) 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 COMPREHENSIVE PLAN DESCRIBES RURAL-5 AS AN APPROPRIATE FUTURE LAND USE 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</u></p>

	<p><u>SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES.</u></p> <p>THE PROPOSED USE WOULD BE SERVED BY EXISTING ON-SITE SEPTIC AND WELL SYSTEMS. 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, ANCHORING, UTILITY ACCESSIBILITY, AND SKIRTING. ○ THE EXISTING MOBILE HOME SHALL BE REMOVED FROM THE PREMISES WITHIN 30 DAYS OF INSTALLATION OF THE NEW MOBILE HOME. • 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.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. BM2005-005

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 (YEAR 1983) PROPOSED (YEAR 2005)
- REPLACEMENT (YEAR 2005) SIZE OF MOBILE HOME 1263 sq-ft
- 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>Fred H. Mayer Jr and Patricia I. Mayer</u>	
ADDRESS	<u>1771 Kimmie Key Dr. Geneva, FL 32732</u>	Mailing address: <u>PO Box 539 Geneva, FL 32732</u>
PHONE 1	<u>407-665-7669 or 7671 (Patricia)</u>	
PHONE 2	<u>407-349-2258</u>	
E-MAIL		

Daytime
night

PROJECT NAME: New Home Replacement

SITE ADDRESS: 1771 Kimmie Key Drive, Geneva, FL 32732

CURRENT USE OF PROPERTY residential home.

LEGAL DESCRIPTION: see attached copy of script.

SIZE OF PROPERTY: 5.1 acre(s) PARCEL I.D. 06-20-32-301-004J-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER Power

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO Call for appl. to open gate

This request will be considered at the Board of Adjustment regular meeting on 2/28/05 (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*

1-31-05
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

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING: _____

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

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS on W. side of Kimmie Kay approx
0.23 mile N. of inter. of Osceola Rd & Russell Cove Rd.

PLANNING ADVISOR JV DATE 2/1/05

SUFFICIENCY COMMENTS _____

FRED AND PATRICIA MAYR JR.

1-31-05

LOT 5 DEER TRACKS SUBDIVISION

357±

POWER POLES:
---o--- LINES

PARCEL ID:

06-20-32-301-004J-0000

WATER MAIN LINE

SEPTIC SIZE:

SEE ATTACHED

SHEET CERTIFICATION

POWER:

FPL

WATER:

MULLET LAKE WATER
ASSOCIATION

LEGAL DESCRIPTION:

SEE ATTACHED
SHEET

640±

PROPOSED
LOCATION
OF NEW
HOME
1263 SF

10X10
SCREEN
PORCH

EXISTING
MOBILE
HOME 924 SF
TO BE REMOVED

DOG PEN

STORAGE
TRAILER POLE
BARN

155'

210'

EXISTING
SEPTIC
SYSTEM

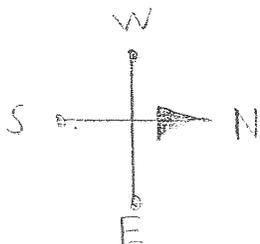
EXISTING
DRIVE WAY

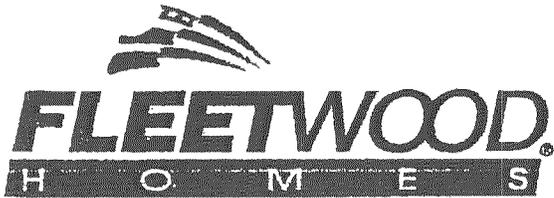
30' EASEMENT

1771 KIMMIE KAY DR

RUSSELL COVE RD

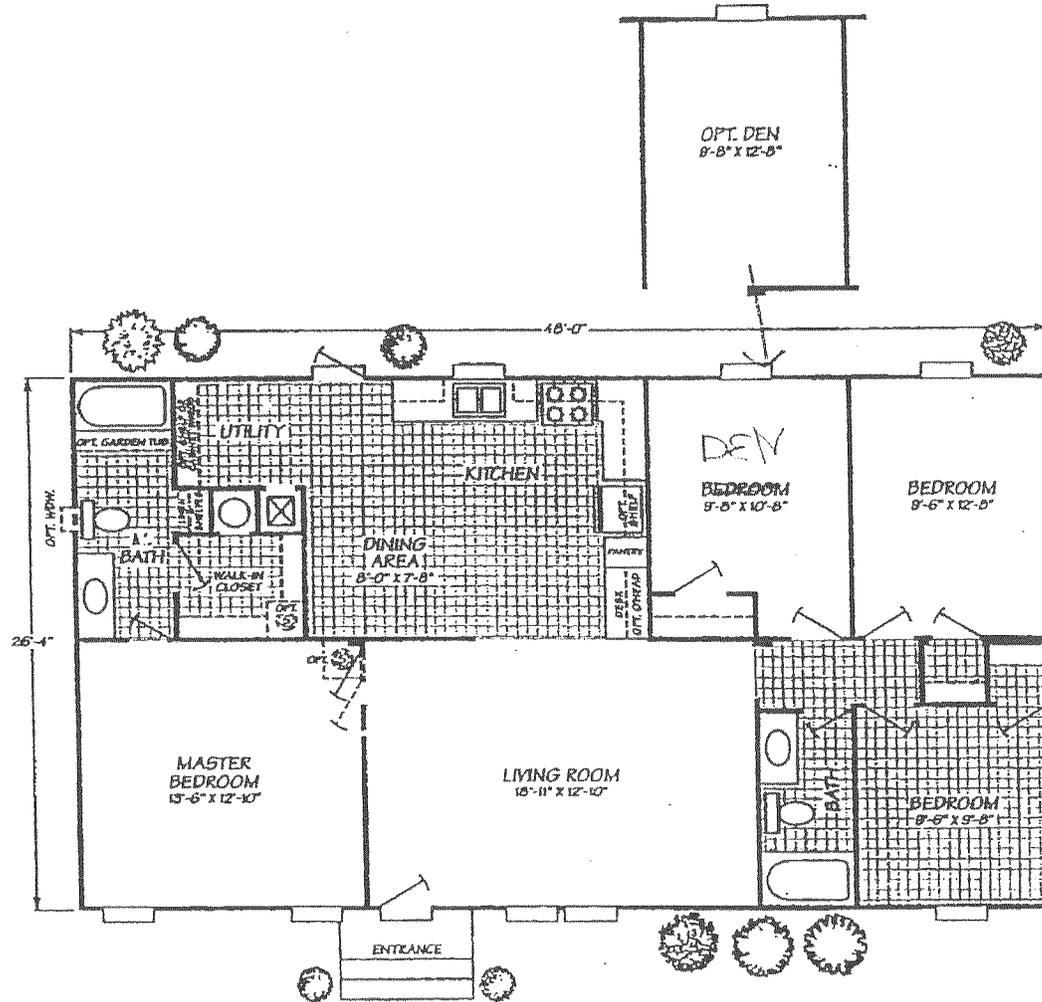
CURRENT RESIDENCE





Fleetwood Value XLE Series Model 4484V

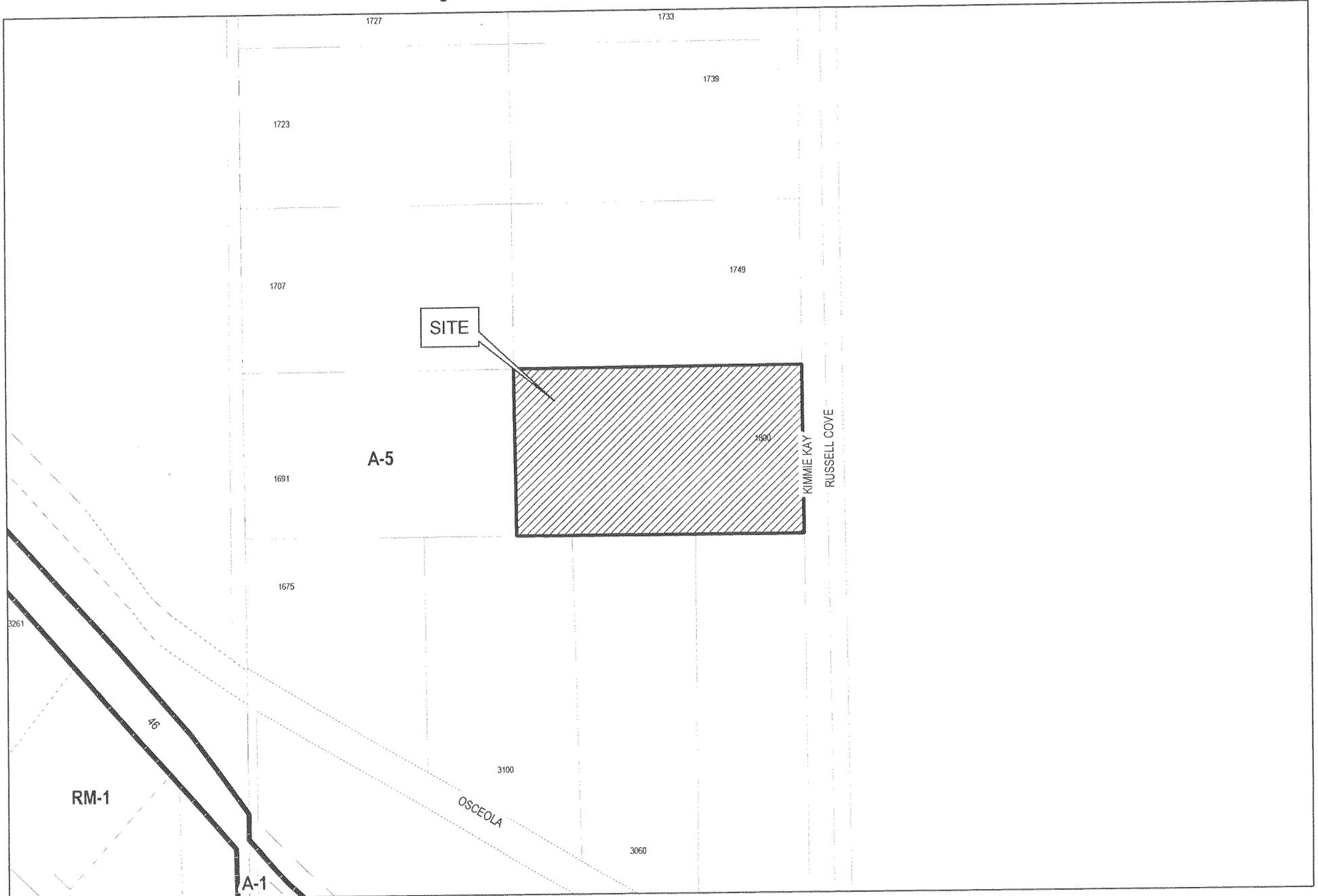
4 Bedrooms • 2 Baths • 1,263 Square Feet



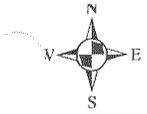
Fleetwood Homes reserves the right to change colors, prices, specifications, models, dimensions and materials without notice. Rendering and diagrams are meant to be representative and, in keeping with Fleetwood's policy of constant updating and improvement, may vary from the actual home. All dimensions are nominal and approximated. Square footage is measured from exterior wall to exterior wall, and is an approximate figure. Length indicated in floorplans is floor length only. The length of the hitch is not included. (Add four feet to arrive at transportable length.) Ask your retailer for specifics. PRICES AND SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE OR OBLIGATION.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 06-20-32-301-004J-0000 Tax District: 01-COUNTY-TX DIST 1</p> <p>Owner: MAYER FRED H JR & PATRICIA I Exemptions: 00-HOMESTEAD</p> <p>Address: PO BOX 539</p> <p>City, State, Zip Code: GENEVA FL 32732</p> <p>Property Address: 1771 KIMMIE KAY RD GENEVA</p> <p>Subdivision Name:</p> <p style="padding-left: 40px;">Dor: 02-MOBILE/MANUFACTURED</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$30,895</p> <p>Land Value (Market): \$44,540</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$75,435</p> <p>Assessed Value (SOH): \$37,273</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$12,273</p> <p style="text-align: right;">Tax Estimator</p>																																	
<p style="text-align: center;">SALES</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>WARRANTY DEED</td> <td>06/1999</td> <td>03681</td> <td>0416</td> <td>\$20,600</td> <td>Improved</td> </tr> <tr> <td>ARTICLES OF AGREEMENT</td> <td>12/1993</td> <td>02718</td> <td>0058</td> <td>\$10,300</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1991</td> <td>02276</td> <td>0068</td> <td>\$12,500</td> <td>Improved</td> </tr> <tr> <td>ARTICLES OF AGREEMENT</td> <td>06/1981</td> <td>01341</td> <td>0525</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	WARRANTY DEED	06/1999	03681	0416	\$20,600	Improved	ARTICLES OF AGREEMENT	12/1993	02718	0058	\$10,300	Improved	WARRANTY DEED	02/1991	02276	0068	\$12,500	Improved	ARTICLES OF AGREEMENT	06/1981	01341	0525	\$20,000	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value (without SOH): \$860</p> <p>2004 Tax Bill Amount: \$189</p> <p>Save Our Homes (SOH) Savings: \$671</p> <p>2004 Taxable Value: \$11,187</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.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																			

**ed H. Mayer, Jr. and Patricia I. Mayer
1771 Kimmie Kay Dr.**



Fred H. Mayer, Jr. and Patricia I. Mayer
1771 Kimmie Kay Dr.



Legend
Parcel Land Use

-  BM2005-005
-  Other Land Use
-  Vacant Residential
-  Single Family
-  Mobile Home

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 06 TWP 20S RGE 32E S 1/2 OF SE 1/4 OF SW 1/4 OF NW 1/4
(5.24 AC)

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

FINDINGS OF FACT

Property Owners: FRED & PATRICIA MAYER
1771 KIMMIE KAY DRIVE
GENEVA, FL 32732

Project Name: KIMMIE KAY DRIVE (1771)

Requested Development Approval:

SPECIAL EXCEPTION FOR THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 1771 KIMMIE KAY DRIVE, 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.
3. THE EXISTING MOBILE HOME SHALL BE REMOVED FROM THE PREMISES WITHIN 30 DAYS OF INSTALLATION OF THE NEW MOBILE HOME.

(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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: