

BM2006-013

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District) at 3330 Eaglewoods Trail; (Bernard & Tamara McPherson, applicants).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 06-27-06 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

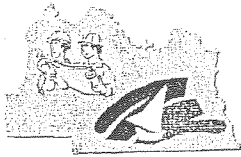
1. **APPROVE** the request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District) at 3330 Eaglewoods Trail; (Bernard & Tamara McPherson, applicants); or
2. **DENY** the request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District) at 3330 Eaglewoods Trail; (Bernard & Tamara McPherson, applicants); or
3. **CONTINUE** the request to a time and date certain.

BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting the permanent placement of a 2006 double wide mobile home on a 5 acre parcel. • In 1986 the Board of Adjustment (BOA) granted the 5 year placement of a single wide mobile home and on this property. In 1993 the BOA granted a 3 year extension of the existing single wide mobile home. • The existing single wide mobile home has a mold problem therefore the applicant is requesting to replace mobile home. • While proximate to the Sanford-Orlando international airport, the property is not located in the airport's future expansion area. 			
ZONING & FLU	Direction	Existing zoning	Existing FLU	Use of property
	Site	A-1	Suburban Estates	1986 Single wide mobile home

	North	A-1	Suburban Estates	Vacant
	South	A-1	Suburban Estates	Single family home (103A) & mobile home (103B)
	East	A-1	Suburban Estates	Vacant
	West	A-1	Suburban Estates	Vacant
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)</p>	<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 be incompatible with the trend of temporary mobile homes & conventional single-family development on nearby and adjacent properties.</p> <p>Available records and field visits indicate that several nearby parcels consist of single family homes, temporary mobile homes and large vacant parcels.</p> <p>There are no permanently approved mobile homes in the area. Mobile homes that have been approved by the Board of Adjustment are for temporary placement.</p> <p><u>Is consistent with the Seminole County Vision 2020 Comprehensive Plan:</u></p> <p>The County's policy allows the development of lots of record (that otherwise meet the standards of the applicable zoning district) for single-family purposes in the Suburban Estates future land use category.</p> <p><u>Does not have an undue 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>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 a 5 acre parcel, which meets the minimum size and dimensional requirements of the A-1 district. The proposed mobile homes meeting the setback requirements of the A-1 district. The A-1 district is an allowable zoning classification in the Suburban Estates (SE) future land use category.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>The present trend of development in the immediate area comprises of temporary mobile homes, conventional single-family homes and vacant land. The most recent mobile home request in the immediate area was granted a 10 year placement of a new double wide mobile home (Georganne Harmon). For these reasons staff does not support the permanent placement of a mobile home.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.104(a)</p>	<p>The BOA may permit any use allowed by special exception in the A-1 (Agriculture 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>Since the proposed mobile home doesn't constitute a limited use, it is a special exception in the A-1 district. To ensure consistency with the general zoning plan of the A-1 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 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</p>

	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.
MOBILE HOME SITING STANDARDS; LDC SECTION 30.1401	For the placement of a mobile home in the A-1 district, section 30.1401 of the land development code requires the following: <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.
FINDINGS & STAFF RECOMMENDATION	Based upon the stated findings staff does not recommend the permanent placement of a 2006 single wide mobile home.



COPY

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: **RECEIVED MAY 04 2006**

VARIANCE

SPECIAL EXCEPTION Permanent placement of 2006 double wide mobile home

LIMITED USE

- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING 1980) (PROPOSED 2006)
- SIZE OF MOBILE HOME / RV
- PLAN TO BUILD
- MEDICAL HARDSHIP
- FAMILY HARDSHIP single wide
- TIME NEEDED double wide
- YES
- NO IF SO, WHEN

APPEAL FROM DECISION OF THE PLANNING MANAGER

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Bernard + Tamara McPherson</u>	
ADDRESS	<u>3330 Eaglewood ST</u>	
	<u>Sanford FL 32773</u>	
PHONE 1	<u>407 832 5239</u>	
PHONE 2	<u>407 832 9686</u>	
E-MAIL		

RECEIVED MAY 04 2006

PROJECT NAME: Bernard + Tamara McPherson

SITE ADDRESS: 3330 Eaglewood's TR. Sanford FL 32773

CURRENT USE OF PROPERTY: McPherson's Resident

LEGAL DESCRIPTION: Lot 88 Sanford Celery Delta PB 1 pgs 75 & 76

SIZE OF PROPERTY: 5 acre(s) PARCEL I.D. 03-20-31-SAY-0000-DEBA

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 6, 26, 06 (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.

Tamara McPherson
 SIGNATURE OF OWNER OR AGENT* 5-4-06
DATE

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): 185.00 COMMISSION DISTRICT _____ FLU / ZONING A-1 / SE

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7508

GENERAL

Parcel Id: 03-20-31-5AY-0000-088A
 Owner: MC PHERSON BERNARD A & TAMARA
 Mailing Address: 3330 EAGLEWOODS TRL
 City, State, Zip Code: SANFORD FL 32773
 Property Address: 3330 EAGLEWOODS TRL SANFORD 32773
 Subdivision Name: SANFORD CELERY DELTA
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 02-MOBILE/MANUFACTURED

2006 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$25,778
Land Value (Market):	\$75,900
Land Value Ag:	\$0
Just/Market Value:	\$101,678
Assessed Value (SOH):	\$66,529
Exempt Value:	\$25,000
Taxable Value:	\$41,529
Tax Estimator	

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	03/2006	06173	1542	\$100	Improved	No
WARRANTY DEED	08/2001	04144	0702	\$95,000	Improved	No
WARRANTY DEED	09/1994	02819	1683	\$53,000	Improved	Yes
WARRANTY DEED	06/1985	01650	0759	\$25,000	Vacant	No
WARRANTY DEED	07/1981	01349	0098	\$100	Vacant	No

Find Comparable Sales within this Subdivision

2005 VALUE SUMMARY

Tax Value(without SOH):	\$1,262
2005 Tax Bill Amount:	\$649
Save Our Homes (SOH) Savings:	\$613
2005 Taxable Value:	\$39,591

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	5.060	15,000.00	\$75,900

LEGAL DESCRIPTION

PLATS:

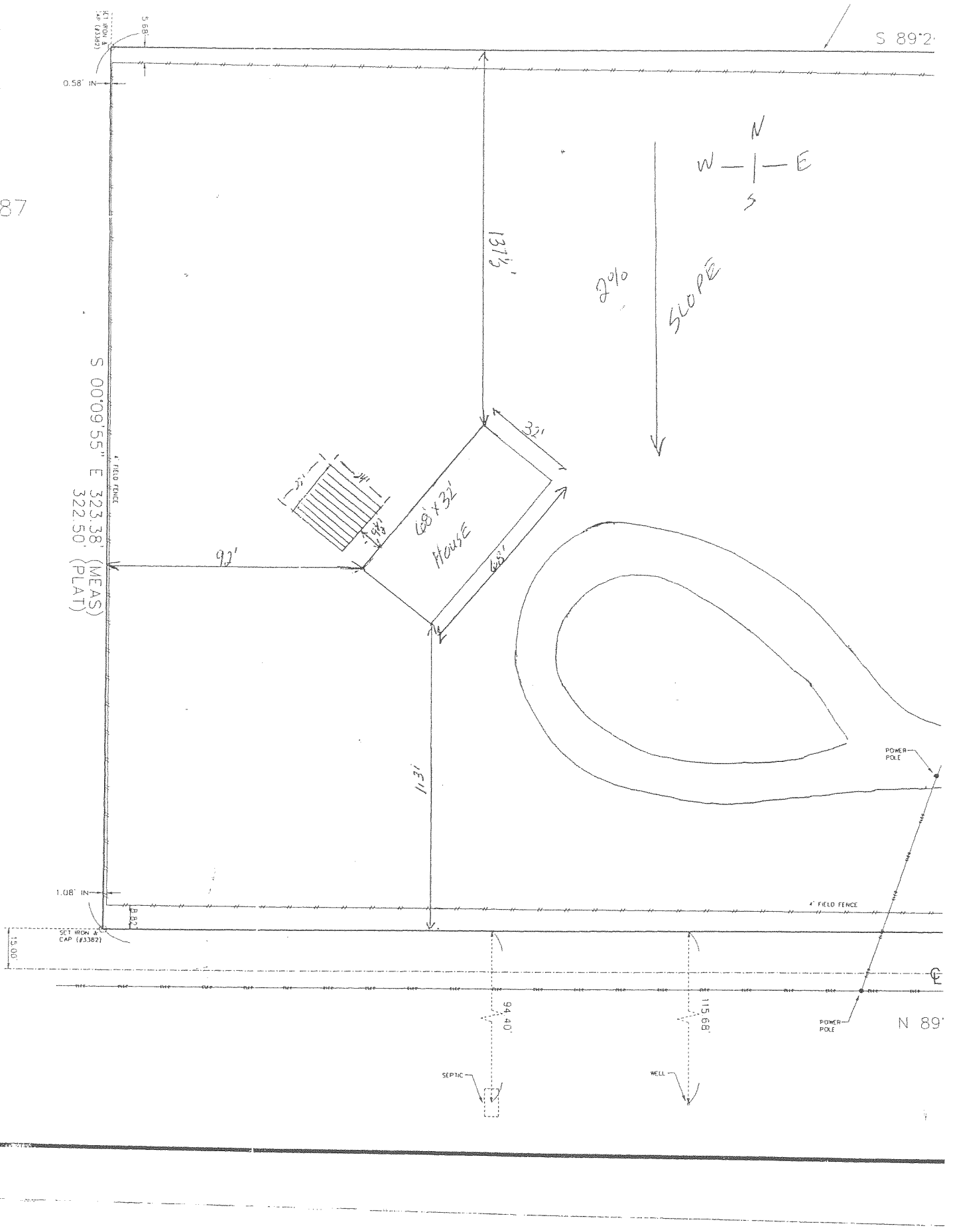
LEG S 1/2 OF LOT 88 SANFORD CELERY DELTA PB 1 PG 75 & 76

EXTRA FEATURE

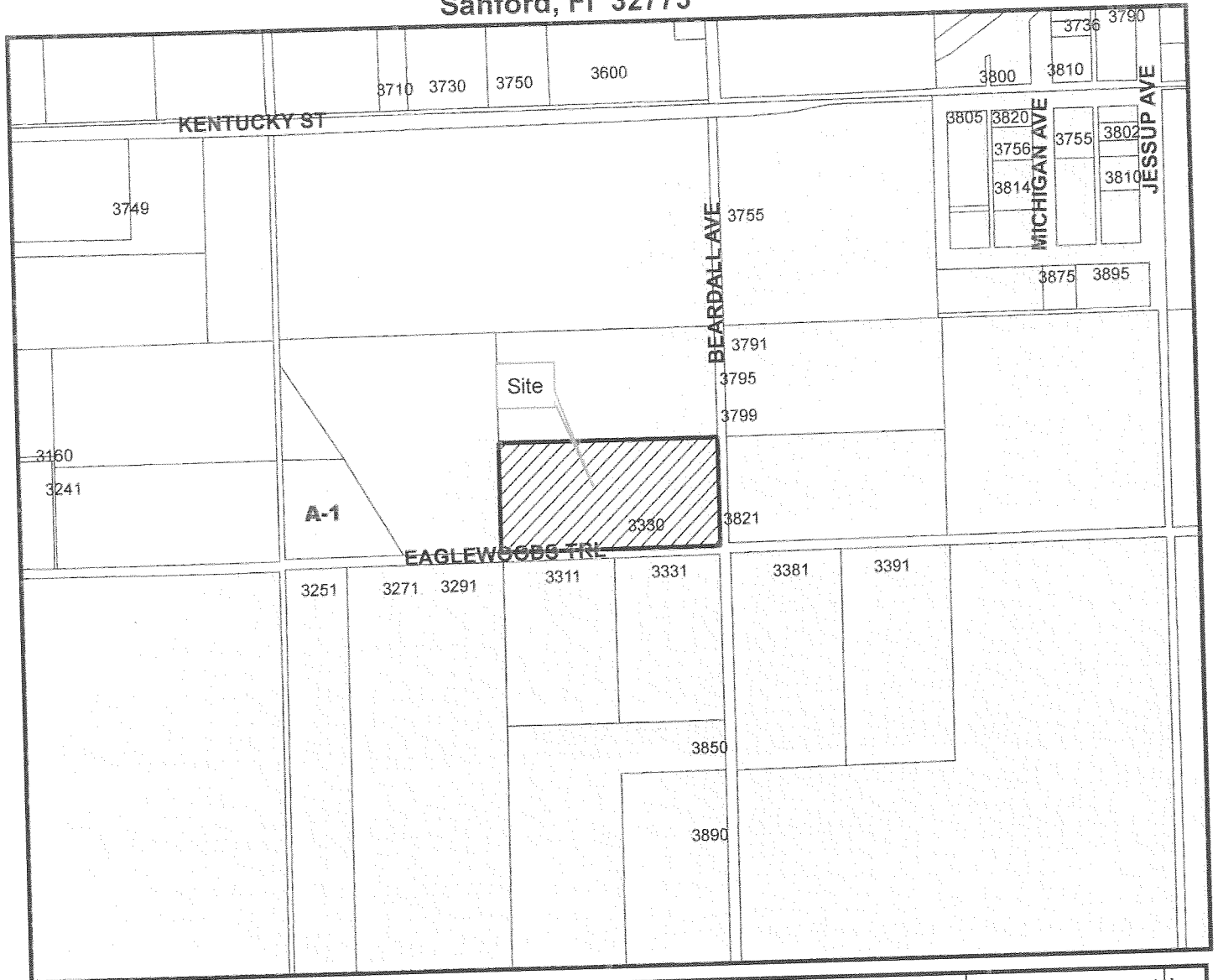
Description	Year Blt	Units	EXFT Value	Est. Cost New
MOBILE HOME	1986	924	\$23,654	\$29,568
MH A/C PKG	1986	924	\$924	\$1,155
WOOD DECK	1986	600	\$1,200	\$3,000

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.

87





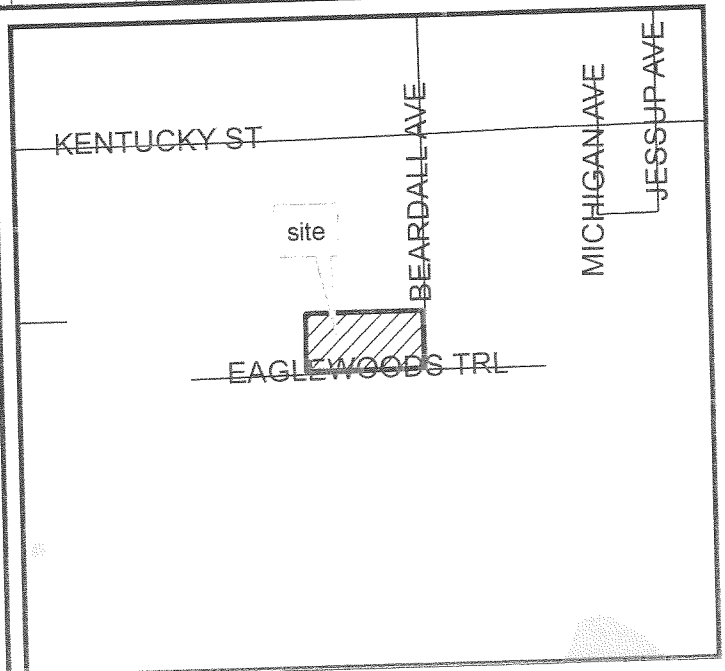
Tamara & Bernard McPherson
3330 Eaglewoods Trl
Sanford, FL 32773



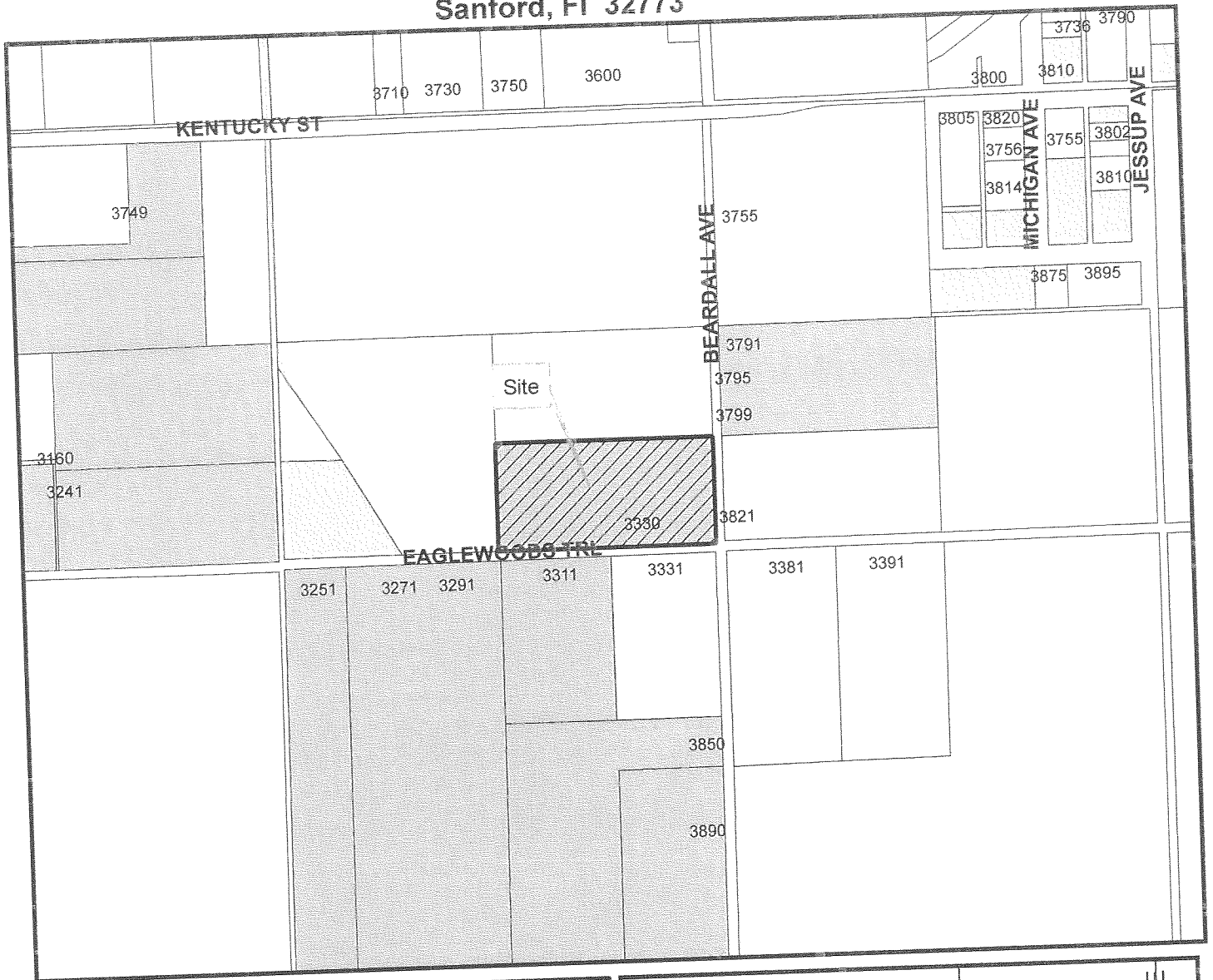
Seminole County Board of Adjustment
June 26, 2006
Case: BM2006-013
Parcel No: 03-20-31-5AY-0000-088A

Zoning

-  BM2006-013
-  A-1








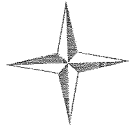
Tamara & Bernard McPherson
 3330 Eaglewoods Trl
 Sanford, FL 32773

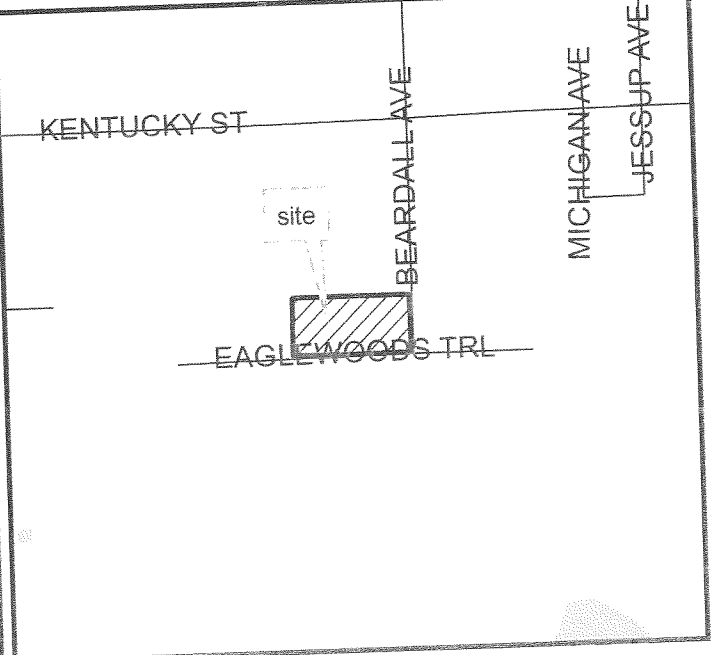


Seminole County Board of Adjustment
 June 26, 2006
 Case: BM2006-013
 Parcel No: 03-20-31-5AY-0000-088A

Zoning

-  BM2006-013
-  All Other Values
-  Vacant Residential
-  Single Family Residential
-  Mobile Home

N




R012 02

DEVELOPMENT HISTORY DISPLAY

4/27/06 10:09:57

FILE #: BA(5-21-84)-65TE APPL: WHITAKER, ROY
EC: 16 TWP: 20 RNG: 31 SUF: PL BK: 1 PB PG: 75 BLOCK #:

DEVELOPMENT NAME: MH-WHITAKER, ROY
LOC APPROX. 350 FT. W OF BEARDALL AVENUE ON THE S SIDE OF PINE WAY.
LOT #1: 103 #2: #3: #4: #5: #6: #7:
PARC #1: #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:

TO PLACE A MOBILE HOME IN A-1

ACTION: APPROVED TEN YEARS

DATE: 052184

REMARKS:

W 1/2 OF LOT 103, LESS S 150 FT.) (PB PG: 75 & 76)
SANFORD CELERY DELTA)

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

012 02

DEVELOPMENT HISTORY DISPLAY

4/27/06 09:47:46

FILE #: BA86-8-89TE APPL: MYERS, DONALD
AC: 16 TWP: 20 RNG: 31 SUF: PL BK: 1 PB PG: 75 BLOCK #:

DEVELOPMENT NAME: MOBILE HOME - MYERS, DONALD
ON N SIDE OF PINEWAY, 1/2 MILE W OF CAMERON AVE
DT #1: 88 #2: #3: #4: #5: #6: #7:
ARC #1: #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:
) PLACE A MOBILE HOME.

ACTION: APPROVED FOR FIVE YEARS.
DATE: 081886

REMARKS:
(SANFORD CELERY DELTA)

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

R012 02

DEVELOPMENT HISTORY DISPLAY

4/27/06 09:37:02

FILE #: BA93-10-61TE APPL: MYERS, DONALD H.
EC: 16 TWP: 20 RNG: 31 SUF: PL BK: 1 PB PG: 75 BLOCK #:

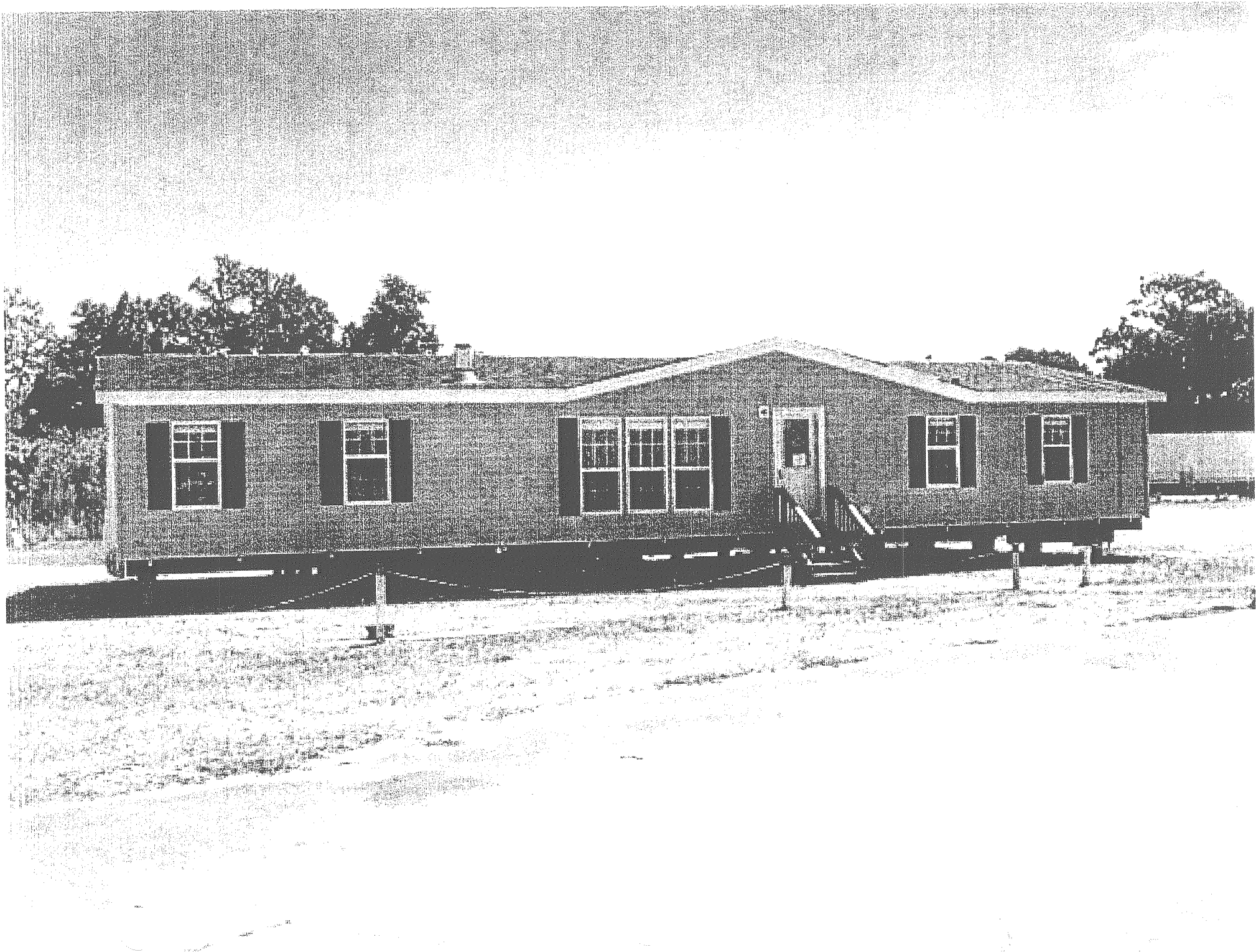
DEVELOPMENT NAME: MH-MYERS, DONALD H.
ON W SIDE OF BEARDALL AVENUE AND 950 FT. S OF KENTUCKY STREET (PINE ST)
OL #1: 88 #2: #3: #4: #5: #6: #7:
ARC #1: #2: #3: #4: #5: #6: #7:

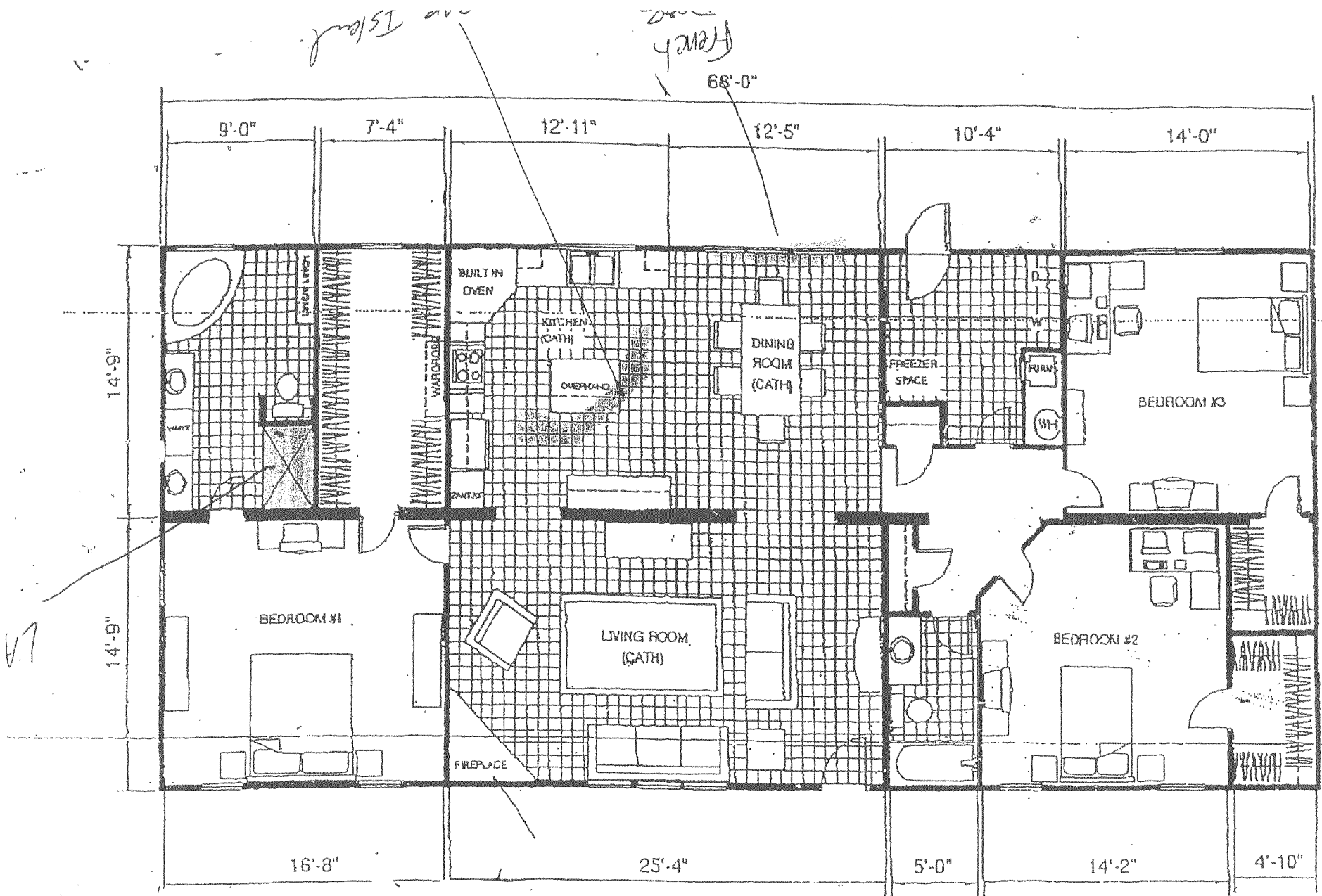
REQUEST DESCRIPTION:
0 PLACE A MOBILE HOME (REINSTATEMENT).

ACTION: APPROVED FOR 3 YEARS.
DATE: 102593

REMARKS:
S 1/2 OF LOT 88) (SANFORD CELERY DELTA)

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





32X68 3+2 BOSS HOUSE NO.
 APPROX. 2006 SQ. FT.

This is a petition signed by all of Bernard & Tamara McPherson's neighbors giving their permission to allow them to move a new 2006 Mobile Home on their 5 acres.

Neighbors

1. Michael Rotunno

3311 Eaglewoods Tr. (407) 416-9913

2. Vivian & Neil Entinger

3331 Eaglewoods Tr. (407) 3219232

3. Don & Barbara Buresh

3381 Eaglewoods Tr. (407) 324-2356

4. _____

BM2006-013

Dear Board of Adjustment,

My name is Tamara McPherson and my husband is Bernard McPherson. We presently live at 3330 Eaglewoods Trail Sanford, Fl. 32773 parcel# 03-20-31-5AY-0000-088A located in District 2. This has been our primary resident since we purchased the five acres with an existing 1986 single-wide mobile home in 2001. My husband and I are writing this letter to express our concerns on the issues we are having with getting a permit approval for up-grading our home from a 1986 single-wide to a new 2006 double-wide mobile home, and also hoping you can help us or guide us in the right direction.

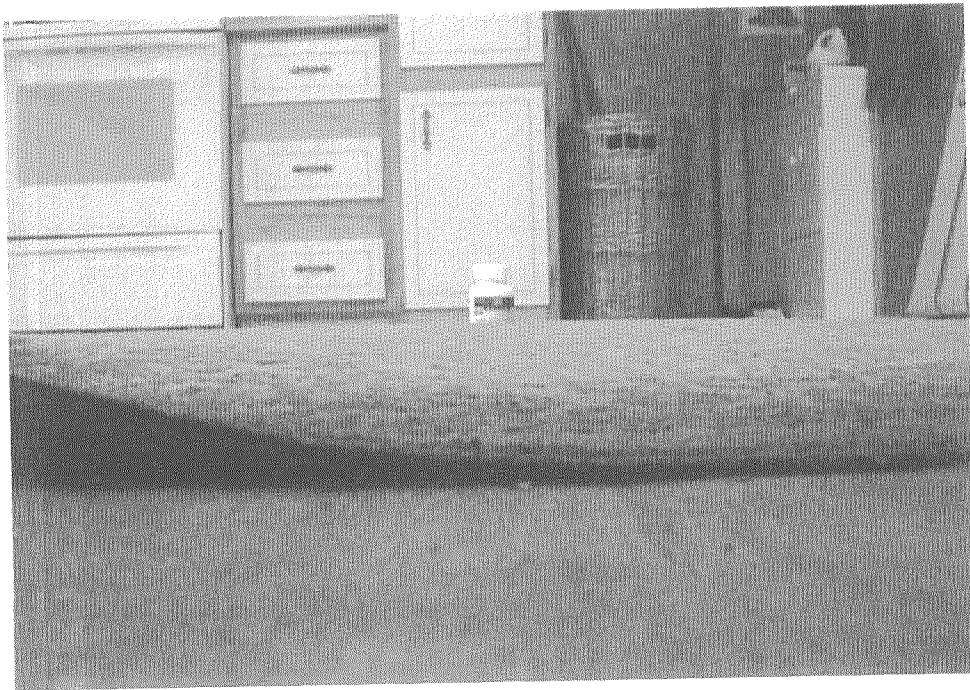
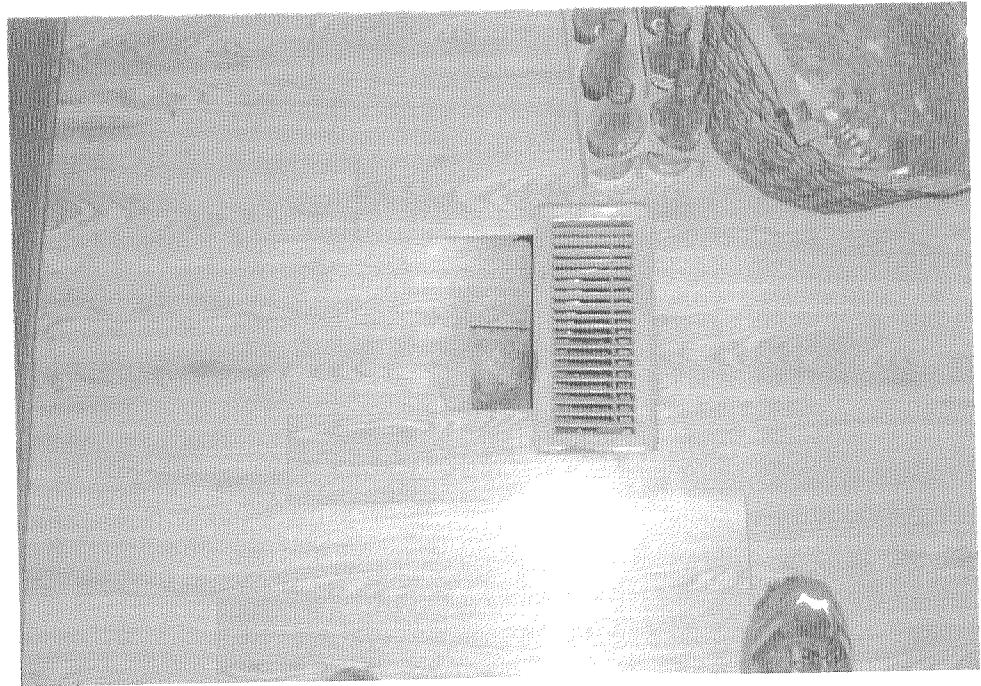
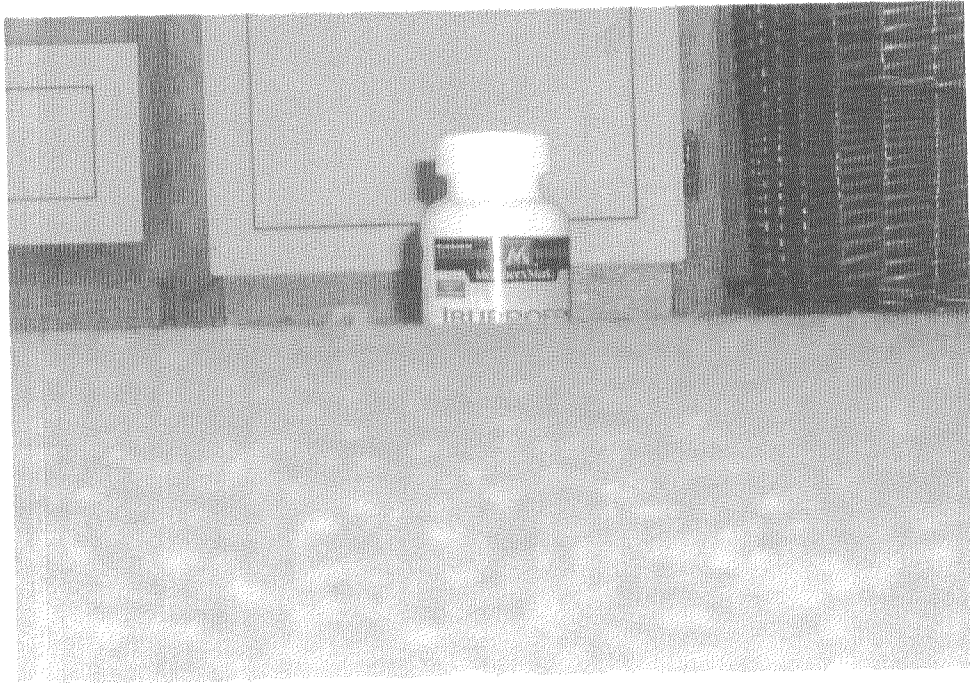
We are very concerned, not sure what to do, or where to go from here due to the fact that, we have purchased a 2006 double-wide mobile home, we are approaching the final stages, and have already completed our first closing as of March 3, 2006. However, one month prior to our closing we were told by the Seminole County Zoning Division we would have no problems getting a permit approval within 2 to 3 weeks as long as we submit a letter stating that the 1986 mobile home will be removed within 30 days of our C.O. After receiving this information, my husband & I then decided to proceed with the financial process of the construction loan.

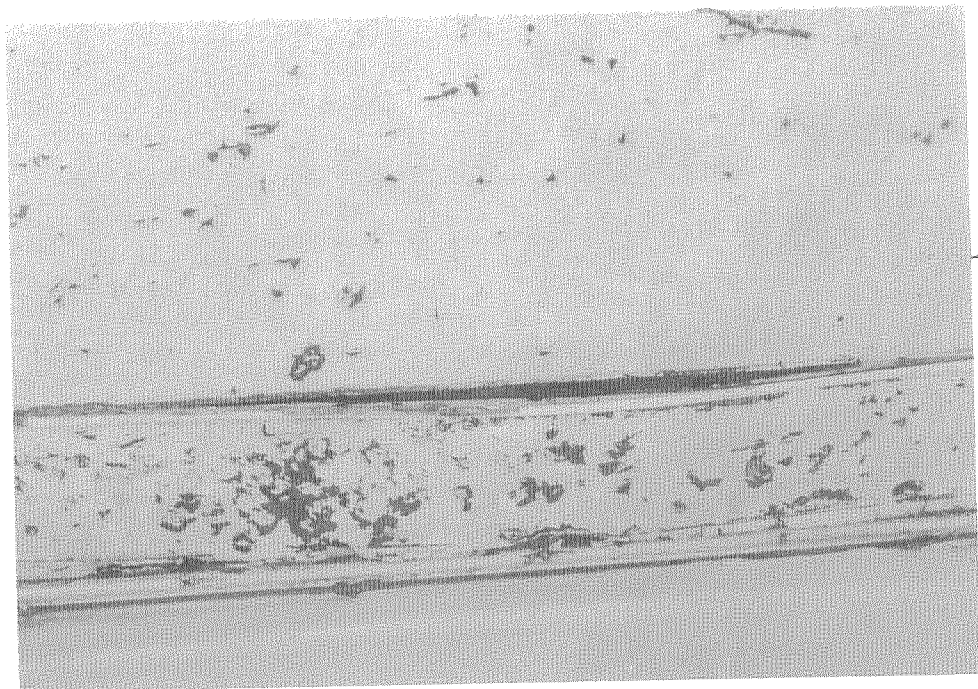
On Wednesday April 26, 2006 we submitted our permit and was told by the same zoning division the permit would be rejected because the property was located in the agricultural zone, and would need to attend the Board Of Adjustment public hearing on June 26, 2006. Our concerns are not only that we feel misled, but also given the wrong information by the zoning division, and now we are committed to a contract and a construction loan with only five months to complete all construction along with final inspections. My husband & I have also done research in our area and found a few cases that could be similar to ours that have eventually been approved for a newer mobile home that was also zoned agricultural.

We are a young married couple trying to up-grade our home due to the mold problem that is just getting worse everyday (please see pictures attached) and more importantly we are ready to start family but can not do so in these living conditions. My husband and I realize you deal with similar cases everyday but if you could please help us we would greatly appreciate it.

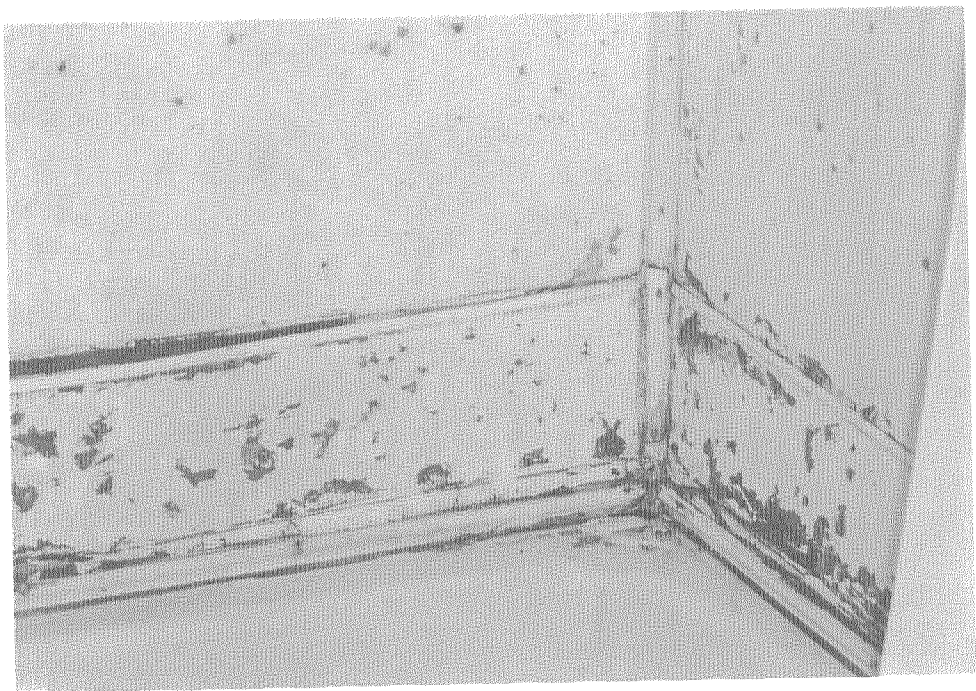
Thank You,
Tamara & Bernard McPherson
(407) 832-5239

Floors are badly warped.



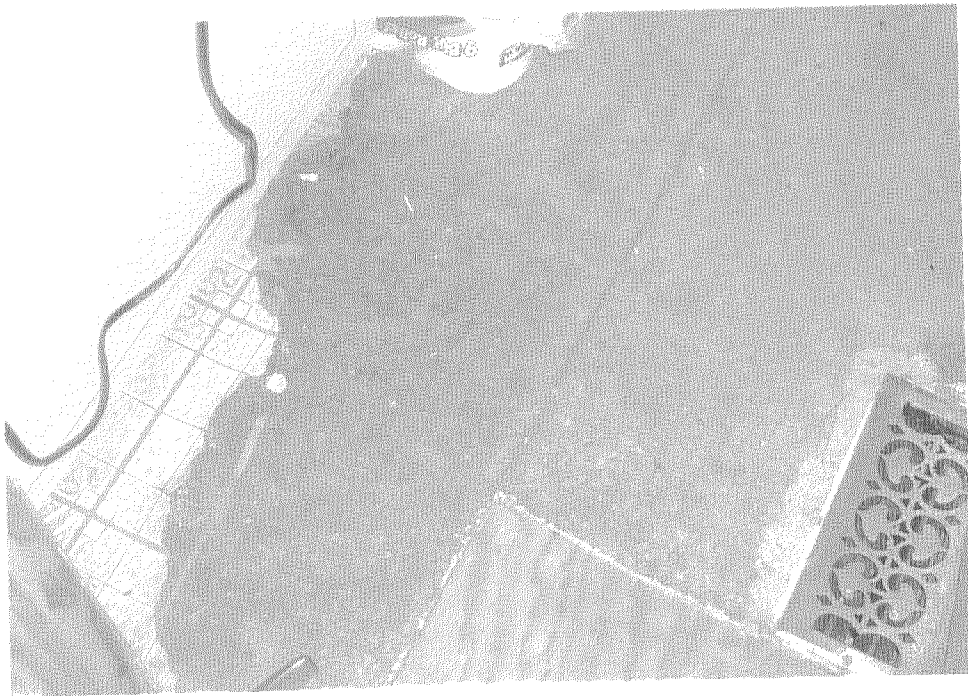


master Bathroom of 1980s mobile home
-Not usable.



Bathroom 2

mold ↓



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 26, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG S ½ OF LOT 88 SANFORD CELERY DELTA PB 1 PG 75 & 76

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

FINDINGS OF FACT

Property Owner: Bernard and Tamara McPherson
3330 Eaglewoods Trail
Sanford, FL 32773

Project Name: 3330 Eaglewoods Trail

Requested Development Approval:

Request for special exception for the permanent placement of a 2006 or newer double wide mobile home in the A-1 (Agriculture).

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, Principal 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 variance granted will apply only to the 2006 or newer double wide mobile home as depicted on the attached site plan.

(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: _____
Tony Walter
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 _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: