

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 1950 County Road 426 – Oviedo Spanish Congregation of Jehovah's Witnesses, Richard Duen, applicant; Request for special exception for a 5,139 square foot meeting hall and 200 square foot maintenance shed in A-5 (Agricultural District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 2/26/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a special exception for a 5,139 square foot meeting hall and 200 square foot maintenance shed in A-5 (Agricultural District); or
2. **DENY** the request for a special exception for a 5,139 square foot meeting hall and 200 square foot maintenance shed in A-5 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Richard Duen</p> <p>Owner: Oviedo Spanish Congregation of Jehovah's Witnesses</p> <p>Location: 1950 County Road 426</p> <p>Zoning: A-5 (Agricultural District)</p> <p>Subdivision: Black Hammock</p>
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • On March 25, 2002, a Special Exception was granted for this use but the special exception has expired. This request is to reestablish this use. • Applicant proposes to establish a 4,512 square foot meeting hall with porte-cocher, for a total of 5,139 square feet, and a 200 square foot maintenance shed on a 7.26 acre rural lot which is currently vacant.

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	A-5	Rural 5	Vacant
	NORTH	A-5	Rural 5	Single Family Home
	SOUTH	CR426 / A-1	Rural 5	Mobile Home
	EAST	A-5	Rural 5	Grazing
	WEST	A-5	Rural 5	Church
STANDARDS FOR GRANTING A SPECIAL EXCEPTION & STAFF FINDINGS: (Section 30.43 (2) Land Development Code)	<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><u>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area; and</u></p> <p>The trend of development in the immediate area is not clearly defined and includes single family homes, mobile homes, churches, commercial, and agricultural uses on large lots. The 5,139 square foot church/meeting hall is proposed on a 7.26 acre parcel fronting on CR 426 and is adjacent to another church, St. Michael and Mary Coptic Church. A small scale church is a customary use within residential areas.</p> <p><u>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes; and</u></p> <p>The meeting hall will have 181 fixed seats and 4 handicap spaces. This use is not a significant traffic generator and, as such, will not have an adverse impact on existing traffic patterns.</p> <p><u>Is consistent with the Seminole County Vision 2020 Comprehensive Plan; and</u></p> <p>The Seminole County Vision 2020 Comprehensive Plan states that churches are permitted in the Rural 5 land use category.</p> <p><u>Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification; and:</u></p> <p>Churches and their ancillary uses are a Special exception within the A-5 zoning classification. This is within the</p>			

	<p>County's East Rural Area where a minimum level of services and facilities (ex: well and septic) are required for development activity. The property fronts on CR 426 which is a scenic corridor and requires a 200 foot setback from the centerline of the right-of-way which they meet. Active/Passive buffers are not required because the property is not adjacent to a land use or zoning that triggers this buffer requirement.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>The site plan is under review with Development Review and the review is substantially completed but will not be approved until the new Special Exception is granted. The subject property is 7.26 acres. The meeting hall will be approximately 5,139 square feet and have 181 fixed seat and 4 handicap seat areas. They also are providing 70 parking spaces and 5 handicap parking spaces. As proposed, this use will not adversely affect the public interest.</p>
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends approval of the request, per the following conditions:</p> <ol style="list-style-type: none">1. Total square footage of buildings on site shall not exceed 5,339 square feet.2. Final site plan shall comply with provisions of the Scenic Corridor Overlay Zoning District.3. Final site plan shall meet the applicable requirements of the <u>Seminole County Comprehensive Plan</u> and <u>Land Development Code of Seminole County</u>.4. Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☒ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$370.00

Application # 852007-01
Meeting Date Feb 26, 07



COPY
SPECIAL EXCEPTION APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: RICHARD DUEN / OVIEDO SPANISH CONGREGATION OF JEHOVAH'S WITNESSES

Address: 1001 MOCCASIN RUN RD City: OVIEDO Zip code: _____

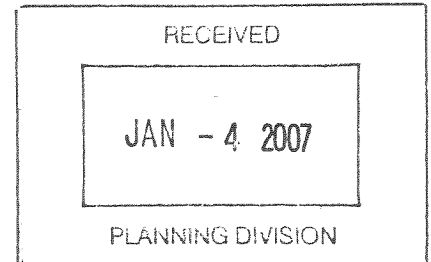
Project Address: 1950 S.R. 426 City: OVIEDO Zip code: 32765

Contact number(s): 407-312-2506 321-228-6991

Email address: DUEN4@AOL.COM

What is this request for?

- ☒ Church
☐ Daycare
☐ School
☐ Group Home
☐ Assisted Living Facility (ALF)
☐ Kennel
☐ Riding Stable
☐ Alcoholic Beverage License
☐ Communication Tower
☐ Other: _____



Is the property available for inspection without an appointment? ☒ Yes ☐ No

What is the current use of the property? undeveloped

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE SPECIAL EXCEPTION APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: *Richard Duen*

FOR OFFICE USE ONLY

Date Submitted: 1-4-07 Reviewed By: *DAG*
Tax parcel number: 25-20-31-5BA-0000-435B Zoning/FLU A-5
☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split) ☐ Platted Lot (check easements on lots / in dedication)
☐ Lot size _____ ☐ Meets minimum size and width
☐ Past approval # _____ ☐ Application and checklist complete
Notes: 3/28/02 previous approval

Spanish Oviedo Congregation of Jehovah's Witnesses
1001 Moccasin Run Rd.
Oviedo, FL 32765

January 3, 2007

Seminole County Planning Division
1101 East First Street
Sanford, FL 32771

To Whom It May Concern:

As is required, we are including the following information with our submittal for a "Special Exemption".

5,139 = 4,512 main block + 627 sq. ft. PORTE-COCHER & ENTRY, ETC.

The proposed building will serve as 5100 sq. ft. church to be used by the Spanish Oviedo Congregation of Jehovah's Witnesses.

The congregation is approximately a 120 members at this time and their main meeting schedule would include one evening during the week and Sundays. Daily, smaller groups, approximately 10-20, would use the building for an hour or so.

The plans call for fixed seating for 181 and 4 handicap spaces.

There will be no provisions for kitchen facilities or any onsite staff.

Our site plans specify 70 standard parking spaces and 5 handicap spaces.

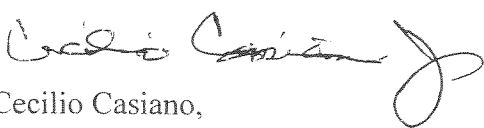
Also included onsite will be 196 sq. ft. concrete block maintenance shed.

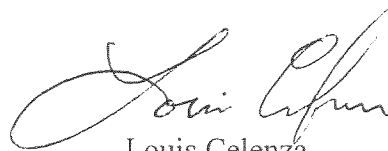
Please know that the same owner for the same site was granted a "Special Exemption" back in 2002; (reference development order # 02-32000005, file # BS2002-007 copy included).

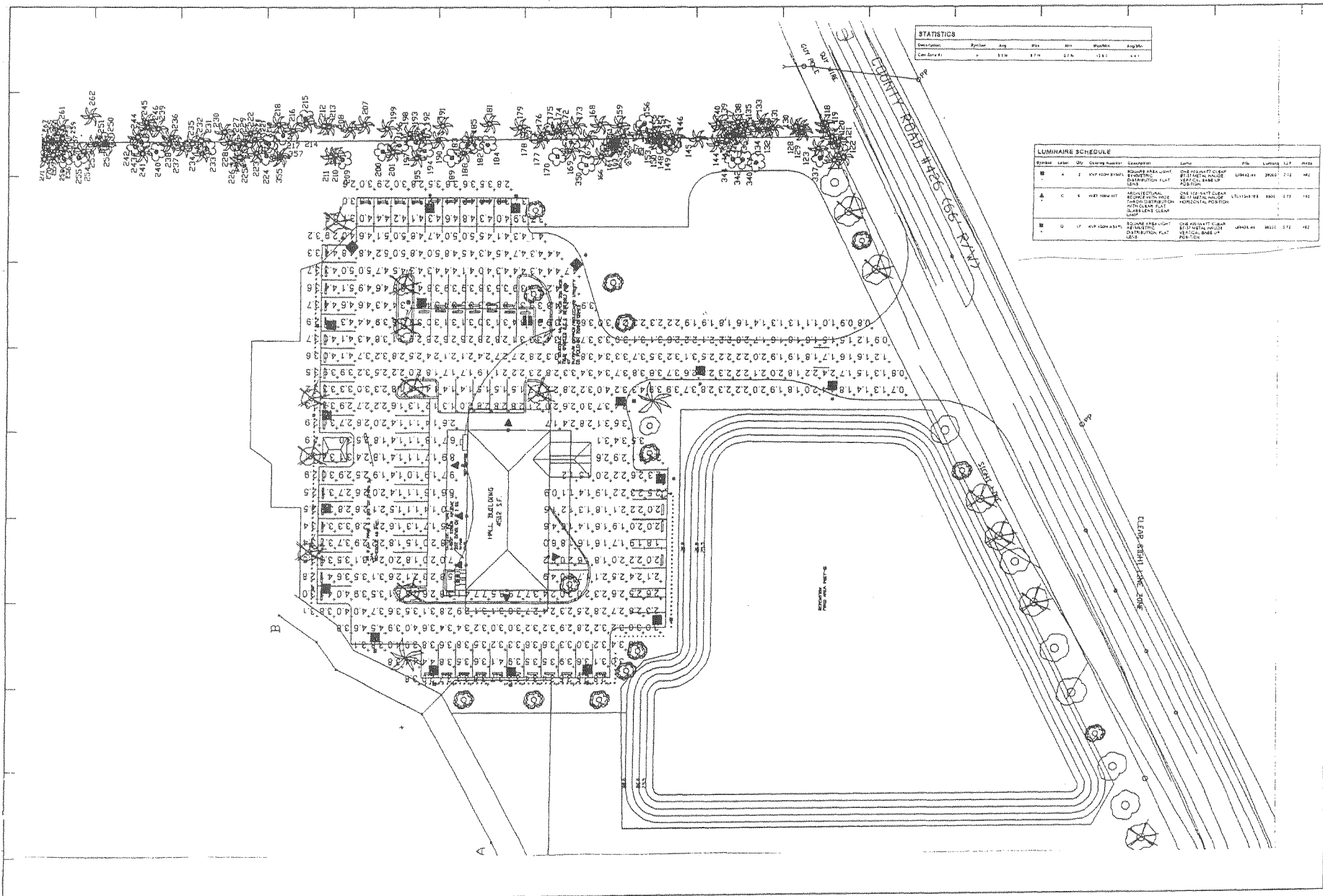
Due to delays on our part with the plans that "Exemption" has expired. We would like to assure you at this time that we are fully funded and well along in the Plans Review process.

We are confident and prepared that when this exemption is granted construction will begin soon after.

Thanking you sincerely for this consideration.


Cecilio Casiano,
Trustee Spanish Oviedo Congregation


Louis Celenza
Project Supervisor



FLORIDA
REGIONAL
BUILDINGS
COMMITTEE
NO. 3

P.O. BOX 520
MILLER, FL 32141
(904) 520-4221



PROJECT NAME
OVIEDO
KINSOY
HALL
OF
JUVENILE DETENTION
PROJECT NUMBER
09-007
PROJECT ADDRESS
1400 N. G. 430
OVIEDO, FL 32765
SCALE / SIGNATURE

VINCENT BARRETT
EC-204
ISSUED FOR
CONSTRUCTION
DOCUMENTS
JAN 04, 2006
ITEM DATE

DRAWN BY: AM
CHECKED BY:

SCALE: NTS
SHEET TITLE
PHOTOMETRICS
PLAN
SHEET NUMBER




E-2

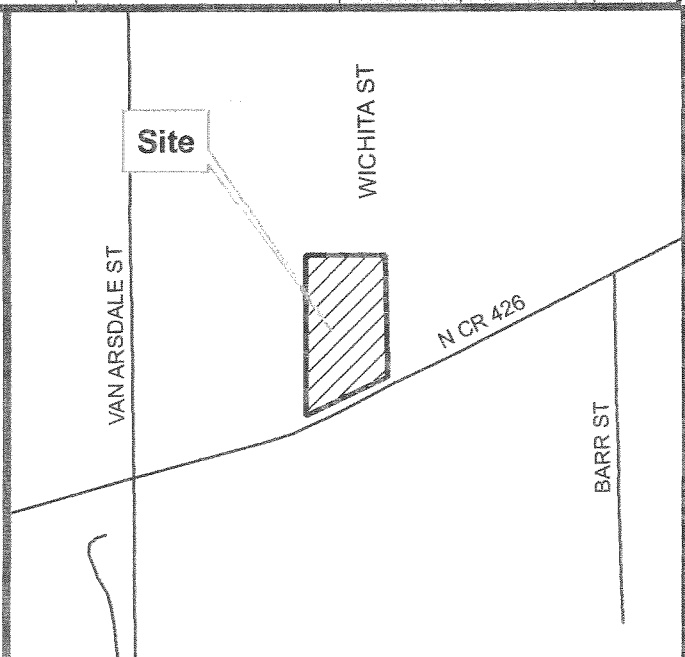
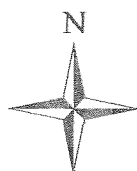
Richard Duen/
Oviedo Spanish Congregation of Jehovah's Witnesses
1950 SR 426
Oviedo, Florida 32765




Seminole County Board of Adjustment
February 26, 2007
Case: BS2007-01 (Map 3161 Grid A4)
Parcel No: 25-20-31-5BA-0000-435B

Zoning

-  BS2007-01
-  A-1
-  A-5



<p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																								
<p>GENERAL</p> <p>Parcel Id: 25-20-31-5BA-0000-435B</p> <p>Owner: SPANISH OVIEDO CONGREGATION</p> <p>Own/Addr: OF JEHOVAHS WITNESSES INC</p> <p>Mailing Address: 1001 MOCCASIN RUN RD</p> <p>City,State,ZipCode: OVIEDO FL 32765</p> <p>Property Address:</p> <p>Subdivision Name: BLACK HAMMOCK</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>2007 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: \$0</p> <p>Land Value (Market): \$217,800</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$217,800</p> <p>Assessed Value (SOH): \$217,800</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$217,800</p> <p>Tax Estimator</p>																						
<p>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> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>12/2000</td> <td>03979</td> <td>0143</td> <td>\$140,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1999</td> <td>03599</td> <td>0634</td> <td>\$80,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	12/2000	03979	0143	\$140,000	Vacant	No	WARRANTY DEED	02/1999	03599	0634	\$80,000	Vacant	Yes	<p>2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$3,510</p> <p>2006 Taxable Value: \$217,800</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p>LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>7.260</td> <td>30,000.00</td> <td>\$217,800</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	7.260	30,000.00	\$217,800	<p>LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG E 1/2 OF LOTS 435 436 & 437 N OF SR 426 (LESS N 66 FT & BEG INT S LI LOT 437 & NLY R/W SR 426</p> <p>RUN W 69.70 FT N 921.50 FT E 242.30 FT S 858.31 FT SWLY ON CURVE 183.85 FT TO BEG)</p> <p>BLACK HAMMOCK PB 1 PG 31</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>																								

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E 1/2 OF LOTS 435 436 & 437 N OF SR 426 (LESS N 66 FT & BEG INT S LI LOT 437 & NLY R/W SR 426 RUN W 69.70 FT N 921.50 FT E 242.30 FT S 858.31 FT SWLY ON CURVE 183.85 FT TO BEG) 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: Spanish Oviedo Congregation of Jehovahs Witnesses, Inc
1001 Moccasin Run Rd
Oviedo FL 32765

Project Name: CR 426 (1950)

Requested Development Approval:

Request for special exception for a 5,139 square foot meeting hall and 200 square foot maintenance shed in A-5 (Agricultural 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: Denny Gibbs, Senior 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 special exception granted will apply to the site plan as depicted on the attached site plan.
2. Total square footage of buildings on site shall not exceed 5,339 square feet.
3. Final site plan shall meet the applicable requirements of the Seminole County Comprehensive Plan and Land Development Code of Seminole County.

(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: _____

April Boswell, AICP
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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: