

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

**SUBJECT:** 385 Lynchfield Ave – Hector Gonzalez, applicant; Request for a special exception to establish a church in R-1 (Single Family Dwelling District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT:** 7399

**Agenda Date** 01/28/08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for special exception to establish a church in R-1 (Single Family Dwelling District); or
2. **Approve** the request for special exception to establish a church in R-1 (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

<p><b>GENERAL INFORMATION</b></p>	<p>Hector Gonzalez 394 Notre Dame Dr Altamonte Springs, Fl 32714</p>	<p>R-1 (Single Family Dwelling District) LDC section 30.203 (special exception); Churches with their attendant educational, recreational buildings, and off-street parking.</p>
<p><b>BACKGROUND / REQUEST</b></p>	<ul style="list-style-type: none"> <li>• The applicant proposes to convert an existing single family residence into a church sanctuary for worship and Sunday school services.</li> <li>• In April of 2007, the applicant constructed a 1566 sq ft addition to the existing 1200 sq ft residence. The applicant proposes to utilize the new addition as the sanctuary.</li> <li>• The congregation currently has 26 members; the sanctuary will have a maximum capacity of 42 members.</li> <li>• The hours of operation will be on Sunday mornings from 10:00 A. M to 12:30 P.M, Sunday evenings from 7:00 P.M to 8:30 P.M; and Wednesday evenings from 7:00 P.M until 8:30 P.M.</li> </ul>	

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	<b>SITE</b>	<b>R-1</b>	<b>LDR</b>	<b>SFR</b>
NORTH	R-1	LDR	SFR	SFR
SOUTH	R-1	LDR	SFR	SFR
EAST	R-1	LDR	SFR	SFR
WEST	R-1	LDR	SFR	SFR
<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>The trend of development in the immediate area includes single family homes and general commercial. The general commercial uses are primarily located off of arterial and collector roads.</p> <p><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></p> <p>The proposed use would generate additional traffic to the area. Prior to obtaining permits, the applicant must submit for concurrency review.</p> <p><b><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></b></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes the Low Density Residential (LDR) future land use as a land use designated for standard detached single family residences. The approved uses listed in the LDR land use include schools (elementary, middle and high) and group homes, churches, day cares, guest cottages, public utilities, and public owned parks and recreation.</p> <p><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>Uses within the R-1 zoning classification are predominantly single family in character with non-residential uses intended to provide service to the immediate and adjacent areas. The change of use from residential to commercial would require the</p>			

	<p>lot and existing building to meet all active/passive buffer setbacks as well as parking, drive way, and landscape requirements. Per section 30.1221 (12) of the SCLDC, a church must provide 1 parking space for every 5 seating places in the main auditorium, each space being 10 feet by 20 feet in size with minimum access isle of 12 feet. The site must also accommodate an internal parking circulation to prevent vehicles from backing out onto the local road. The lot size and location of the existing building, along with the 30-foot drainage easement on the north side of the property, restricts the ability to ensure compatibility and compliance with the applicable code requirements.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Based on the submitted site plan, the proposed use is not compatible for the site. The site is required to meet active/passive buffer/setback requirements in accordance with the LDC sec. 30.1232 to eliminate or minimize adverse impacts on adjacent residential uses. The lot size is not adequate to meet these requirements.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); LDC SECTION 30.183(a)</b></p>	<p>The BOA may permit any use allowed by special exception in the R-1 (Single Family Dwelling 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 R-1 (SINGLE FAMILY DWELLING DISTRICT):</u></b></p> <p>The Single Family Dwelling District permits residential uses and non-residential uses intended to provide service to the immediate and adjacent areas, with conditions to protect the character of the area.</p> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>The church membership is currently at 26 members; with a proposed maximum capacity of 42 members. The proposed number of members along with the required parking area creates a higher intensity use of the property than the permitted use as a single family residence.</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 property is located in the Utilities Inc Service Area in which</p>

	<p>water and sewer will be provided. Capacity availability for the proposed improvements will be determined at concurrency. Other county services, including emergency services and garbage disposal, are also available to the site.</p>
<b>STAFF FINDINGS</b>	<p>Staff believes the proposed use would be incompatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none"><li>• The site is unable to meet all of the active/passive buffer setback regulations that are required to minimize impacts on adjacent residential uses.</li><li>• The site is unable to meet the off-street parking requirements per section 30.1221 of the SCLDC; an assembly of 26 members must provide 5 parking spaces, the proposed maximum assembly of 42 members must provide 8 parking spaces.</li><li>• Due to the site restrictions of this property, the change of use from a single family residence to a commercial use as a church would not be compatible with adjacent residential uses.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends denial of the special exception based upon staff findings.</p>

**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

# COPY

Application # 852007-27  
Meeting Date 1-28-07



## 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: HECTOR H. FONZALEZ  
Address: 304 NOTRE DAME DR City: ALT. SPGS. Zip code: 32714  
Project Address: 385 Lynchfield Ave. City: ALT. SPGS. Zip code: 32714  
Phone number(s): (407) 310 2879  
Email address: \_\_\_\_\_

### What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: \_\_\_\_\_

RECEIVED DEC 06 2007

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

What is the current use of the property? I am not use in this time - Repairs etc.  
-STAND BY-

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required **pre-application conference** has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

Signed: Duque Gonzalez

### FOR OFFICE USE ONLY

Date Submitted: <u>12-6-07</u>	Reviewed By: <u>J. Williams / P. Johnson</u>
Tax parcel number: <u>15-21-29-510-0200-0380</u>	Zoning/FLU <u>R-1 / EOR</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	
_____	
_____	

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07-\_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Hector Gonzalez  
Address: 385 Lynchfield Ave  
Phone #: (407) 310-2879

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of Corporation: \_\_\_\_\_  
Officers: \_\_\_\_\_  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: \_\_\_\_\_  
Trustees: \_\_\_\_\_  
Address: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

12-06-2007  
Date

[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 6 day of December, 2007 by \_\_\_\_\_

[Signature]  
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification yes  
Type of Identification Produced Fla Drivers license

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

Special-Exception-application:

12-06-2007

TO: Joy Williams  
Project manager

From: HECTOR H. Gonzalez  
owner.

In the last meeting, I did NOT have proper council to fill out site plan correctly. Now, I am Reapply with proper application of the site plan.

I have the right information, the right numbers of the people for this small church for the Lord Jesus.

MAX. capacity Family Room - - - - - 42

Today, I have 26 people. 11 of this people are my neighbors, they would be coming down the street. the others are using 3 cars.

If we are growing 16 more people, we ~~would~~ be using a small Bus or Special Van. (we have a qualified driver for this special job).

I do NOT need PARKING in this application

I HAVE only one Request:

Permit for BUILD 1 Addition Drive way,  
together to the Existing Drive way for PARKING  
the Special Van.

Excuse for this English.

Thanks for give me the second opportunity in  
this small project for the Lord.

Merry Christmas,

HECTOR H. Gonzalez  
(407) 310-2879

see back

Special Exemption

385 Lynchfield Av. 32714

Sunday School - 10 am. To 12:30

Evening Service - 7. TO 8:30 p.m (Future)

Wednesday - pray Service : 7: p.m To 8:30

hus gough

12-06-2007



<b>PARCEL DETAIL</b>										14	15	16	17	18	19	1	2	3	4	5	6	7	8
DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508										TULANE DR													
13	14	15	16	17	18	1	2	3	4	5	6	7	8										
24	23	22	21	20	19	39	37	36	35	34	33	32	31 30										
										NOTRE DAME DR													
13	14	15	16	17	18	1	2	3	4	5	6	7	8	9									
24	23	22	21	20	19	39	37	36	35	34	33	32	31 30										

**2008 WORKING VALUE SUMMARY**

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$91,769
Depreciated EXFT Value:	\$0
Land Value (Market):	\$33,000
Land Value Ag:	\$0
<u>Just/Market Value:</u>	\$124,769
Assessed Value (SOH):	\$124,769
Exempt Value:	\$0
Taxable Value:	\$124,769

**Tax Estimator**  
**Tax Reform Calculator**

**GENERAL**

Parcel Id: 15-21-29-510-0200-0380  
 Owner: GONZALEZ HECTOR H  
 Mailing Address: 385 LYNCHFIELD AVE  
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32714  
 Property Address: 385 LYNCHFIELD AVE  
 Subdivision Name: WEATHERSFIELD 1ST ADD  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 01-SINGLE FAMILY

**2007 VALUE SUMMARY**

<b>2007 Tax Bill Amount:</b>	\$1,855
<b>2007 Taxable Value:</b>	\$125,621

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	03/2006	06489	0478	\$36,600	Improved	No
WARRANTY DEED	06/2004	05352	1099	\$79,500	Improved	Yes
WARRANTY DEED	07/1992	02465	1575	\$59,500	Improved	Yes
WARRANTY DEED	10/1989	02123	0079	\$52,000	Improved	Yes
QUIT CLAIM DEED	08/1986	01773	0206	\$100	Improved	No
WARRANTY DEED	05/1985	01643	1126	\$48,500	Improved	Yes
WARRANTY DEED	04/1979	01217	1956	\$28,500	Improved	Yes
WARRANTY DEED	01/1971	00839	0097	\$14,600	Improved	Yes

Find Comparable Sales within this Subdivision

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	33,000.00	\$33,000

**LEGAL DESCRIPTION**

PLATS:

LEG LOT 38 BLK 2 WEATHERSFIELD 1ST ADD PB 12 PG 66

**BUILDING INFORMATION**

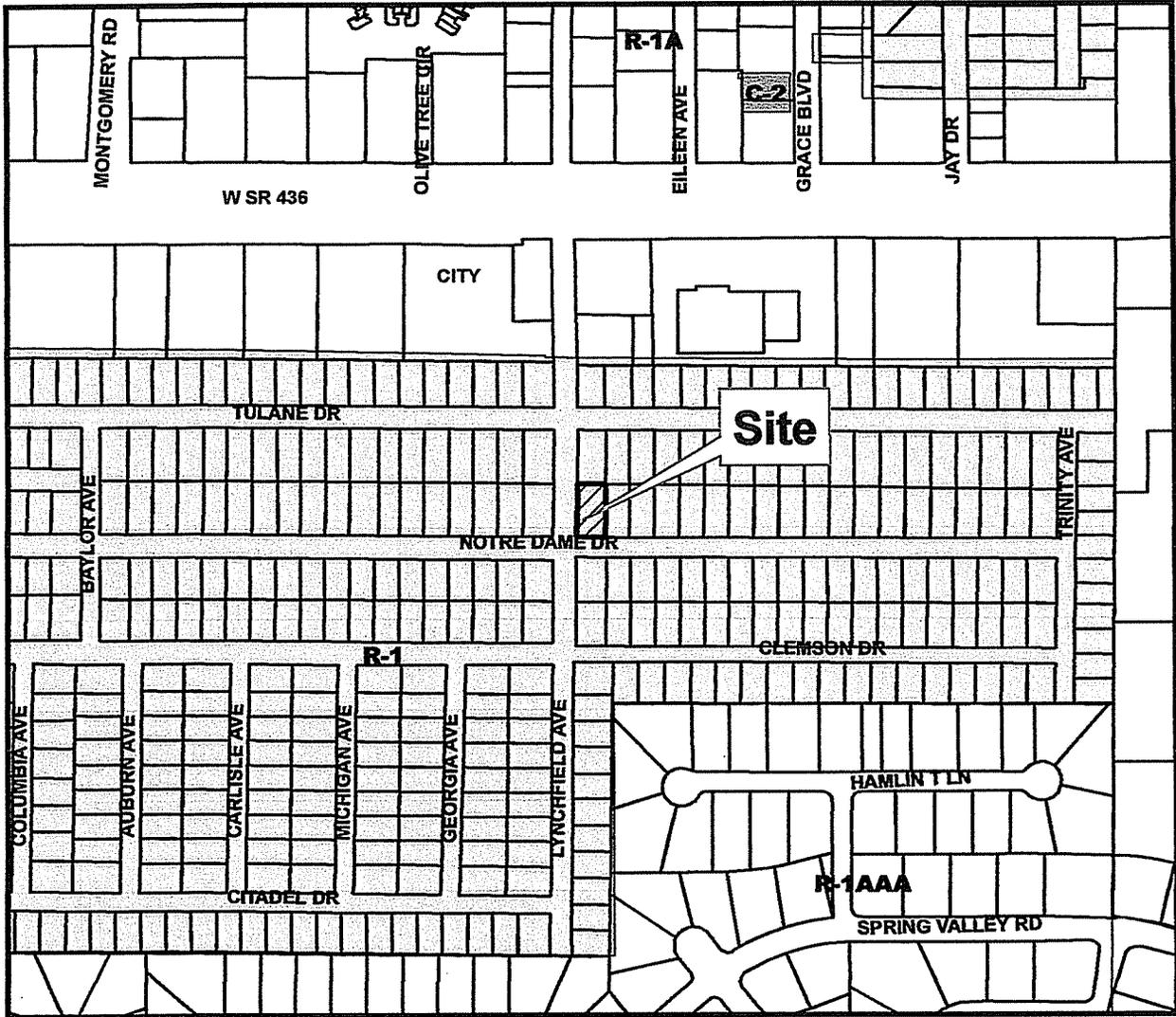
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1969	3	916	1,281	916	CONC BLOCK	\$91,769	\$113,646
	Appendage / Sqft		OPEN PORCH FINISHED / 24						
	Appendage / Sqft		CARPORT FINISHED / 220						
	Appendage / Sqft		UTILITY FINISHED / 66						
	Appendage / Sqft		OPEN PORCH FINISHED / 55						

**NOTE:** Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

**Permits**

**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

Hector Gonzalez  
 385 Lynchfield Avenue  
 Altamonte Springs, Florida 32714

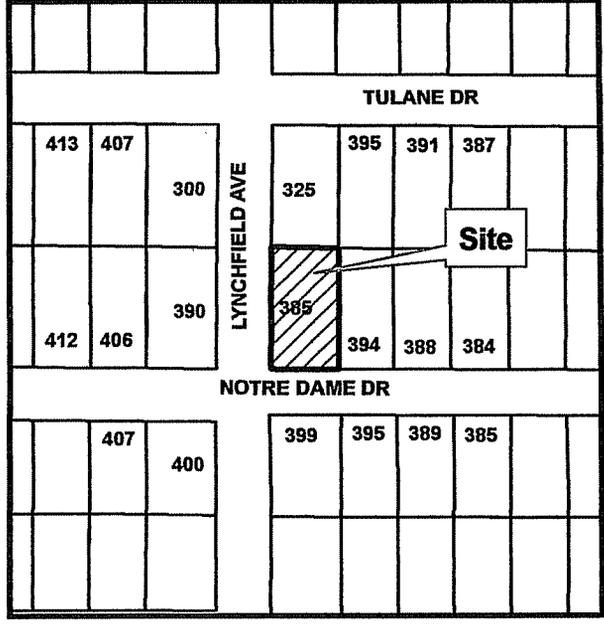


Seminole County Board of Adjustment  
 January 28, 2008  
 Case: BS2007-27 (Map 3155, Grid B7)  
 Parcel No: 15-21-29-510-0200-0380

**Zoning**

	BS2007-27		RP I
	R-1AAA		C-2
	R-1		

N  

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 28, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 38.BLK 2  
WEATHERSFIELD 1ST ADD PB 12 PG 66

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

### FINDINGS OF FACT

**Property Owner:** Hector Gonzalez  
394 Notre Dame Dr  
Altamonte Springs, FL 32741

**Project Name:** Lynchfield Avenue (385)

#### **Requested Development Approval:**

Request for special exception to establish a church in R-1 (Single Family Dwelling District).

The Development Approval was sought to convert and existing single family residence into a commercial use as a church. The applicant still retains reasonable use of the property without the granting of the requested special exception.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner  
1101 East First Street  
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: