

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

SUBJECT: 1875 Division Street – George Martin, applicant; Request for a special exception for riding lessons in the A-5 (Rural Zoning) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT:** 7389

Agenda Date 01/26/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for special exception for riding lessons in the A-5 (Rural Zoning) district; or
2. **Deny** the request for special exception for riding lessons in the A-5 (Rural Zoning) district; or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	George Martin 1875 Division Street Oviedo, Fl	A-5 District, LDC section 30.124 (conditional uses); riding stables
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to offer riding and training lessons to existing horse boarders and the public. • The applicant currently boards horses and operates a plant nursery on their 19.4 acres in which both are permitted uses in the A-5 zoning district. • The applicant is proposing to offer an average of seven (7) lessons per day on average, with Saturdays being their busiest day. • There will be two to three employees on the property which include handlers and groomers. • The proposed hours will be from dawn to dusk, Monday through Saturday. 	

Reviewed by:
Co Atty: _____
Pln Mgr: _____

**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 special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:

IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:

The current A-5 zoning district permits the boarding and grazing of horses and other agriculture related animals. The applicant currently has a 19 horse barn and fenced in areas. They would like to offer lessons to their current boarders and the general public. The lessons offered would be from dawn to dusk otherwise during daylight hours and would not be more than 7 lessons, on average, per day. Given the recommended conditions of approval the proposed lessons would ensure compatibility and consistency with the rural trend of development of the area.

DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:

The increased number of residents and employees will generate additional traffic than what is currently generated. Prior to obtaining permits, the site must pass concurrency. A traffic study will be determined at that time.

IS CONSISTENT WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN:

The Seminole County Vision 2020 Comprehensive Plan describes the Rural-5 land use as appropriate for a variety of agricultural operations (including riding stables) that are located on parcels at least one (5) acre in size. With the imposition of staff's recommended conditions, the riding stables, for commercial use, would be consistent with this description, given the subject property's size and location.

MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:

Based on the submitted site plan, the existing site exceeds the minimum five-acre requirement of the A-5 district.

	<p>Furthermore, the existing structures meet the minimum applicable setbacks.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>Farm animals and associated stables are consistent with the general zoning plan of the A-5 district. With the imposition of staff's recommended conditions, the proposed riding stable operation would otherwise comply with the use and dimensional standards of the A-5 district. Within the A-5 district, riding stables are allowed as conditional uses. The proposed use would not have any potential impacts that would adverse to the adjacent uses. And in part, demonstrates consistency with the trend of nearby and adjacent development in the area.</p>
<p>STAFF FINDINGS</p>	<ul style="list-style-type: none">• No new development is proposed in conjunction with the proposed riding lessons.• The proposed use would be consistent with the comprehensive plan's designation of Rural-5 future land use for the subject property.• With the imposition of staff's recommended conditions, the proposed use would not have an adverse impact on existing traffic patterns, movements or volumes.• The proposed use would not adversely affect the public interest.• No identified areas of environmental concern would be impacted by the proposed use.• The proposed use would be compatible with the recreational and agricultural character of nearby and adjacent development.
<p>STAFF RECOMMENDATION</p>	<p>Staff recommends approval of the subject request based upon the following conditions:</p> <ol style="list-style-type: none">1. Riding lessons shall occur between daylight hours or dawn to dusk.2. There will be no lighting on the property associated with the riding lessons.3. There shall be no outdoor amplification of sound.4. There shall be no competitions permitted except by a special event permit.5. There will an average of seven (7) lessons a day given, Monday through Saturday.

	<ol style="list-style-type: none">6. The general layout of the proposed uses as depicted on the master plan shall not change.7. No building shall be increased more than 10% without Board of Adjustment approval.8. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).
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RECEIVED OCT 31 2008

Fee: \$370.00

Application # BS 2008-12
Meeting Date 1-26-09



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: George W. Martin
Address: P.O. Box 622769 City: Oviedo Zip code: 32762
Project Address: 1875 Division Street ** City: Oviedo Zip code: 32765
Phone number(s): 407-221-5690
Email address: georgem@martinfarmsllc.com
** Parcel IDs: 25-20-31-5BA-0000-0570 and 25-20-31-5BA-0000-0580

What is this request for?

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

Property Owner's Agent:

Lionel E. Rubio, Esquire
Winderweeple, Haines, Ward & Woodman, P.A.
PO Box 880
Winter Park, FL 32790-0880
407-246-8663 // lrubio@whww.com
Please copy all correspondence to Agent regarding this Application.

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

What is the current use of the property? Ornamental Tree Nursery/Horse Stables, Barns & Pasture

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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 10-31-08 Reviewed By: Kathy Fall
 Tax parcel number: 25-20-31-5BA-0000-0570 Zoning/FLU A-5 / R-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: _____

SPECIAL EXCEPTION SUBMITTAL CHECKLIST

A Special Exception is approved to a detailed conceptual site plan. Following approval of the Special Exception by the Board of Adjustment a final engineered site plan is required to be submitted to Development Review. View Site Plan Review information.

	1. Completed application.
	2. Provide a statement of the request including a summary of the business operation. Include information such as: square footage of facilities; hours of operation; seating capacity; number of clients, or students; number of staff and how many shifts; and address any other site concerns that may impact adjacent properties.
	3. Owner's authorization letter (if needed). <i>This form can be obtained online.</i>
	4. A Special Exception is approved to a detailed conceptual site plan and should include, at minimum, the following information:
	o Size and dimensions of the parcel
	o Location of wetland and/or flood plain line, if applicable
	o Location and names of all abutting streets
	o Location of driveways
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Proposed fences
	o Location and size of buffers: show existing and proposed landscaping, fences and walls
	o Location, number and size of existing and proposed parking spaces
	o Location of existing and proposed outdoor lighting
	o Location of existing and proposed signage
	o Location of fire lanes
	5. Provide an 8 ½ x 11 reduction of the site plan.

Subject Property: Lot 7 and Lot 8 of the Van Arsdale Addition to Black Hammock as recorded in Plat Book 1 Page 31 of the Public Records of Seminole County, Florida.

This property is zoned A5 with an Agricultural Exemption for Property Tax purposes. This application is for a Special Exception to allow for a riding stables on the property.

This facility is owned by George Martin and is run under the name of Martin Farms LLC. This operation is supported by a 6240 sf enclosed barn that will stall 19 horses. There is also an additional 16 panel pens outside that are uncovered. There are 2 fenced arenas for working the horses. There are 4 fenced paddocks for horse turnout during the day or night. There is one large fenced pasture for grazing. There is a minimum of 19 spaces for parking.

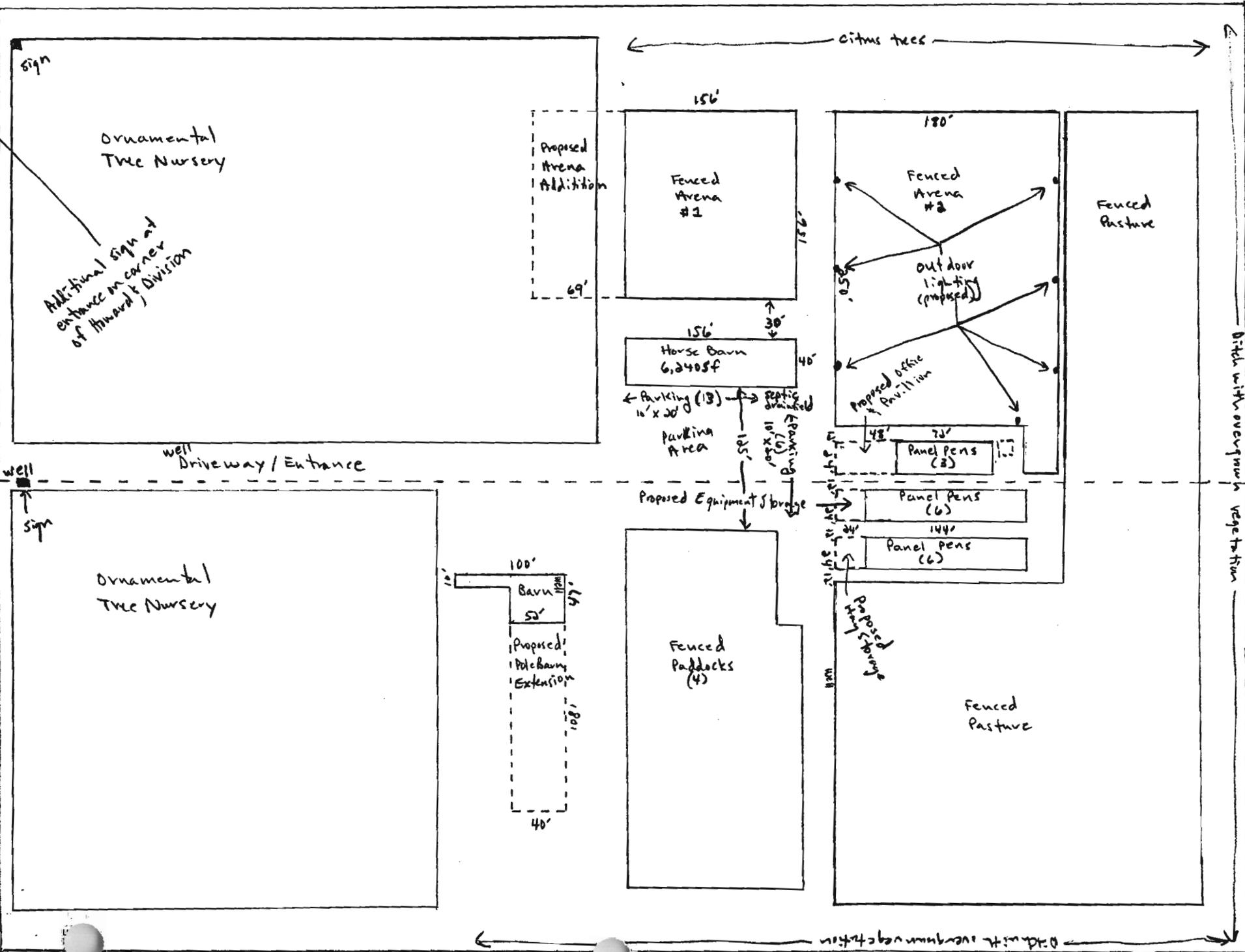
There is a proposed addition to fenced arena #1. There is also proposed additional buildings for a pavilion and office, equipment storage, hay storage, a pole barn extension, and outdoor lighting on fenced arena #2.

This facility owns its own horses and also boards horses. This facility will be set up to board horses, train horses, and provide lessons to the general public. Future plans call for summer camps and possibly some small shows. Arena #1 will be set up for English style horses primarily in the Hunter/Jumper classes. Arena #2 will be set up for Western style horses that are used for roping, barrel racing, and western pleasure. The fenced pasture will contain cattle for the roping in Arena #2.

The hours of operation are Monday thru Sunday 7am to 7pm. There will be several nights during the week that we will be open to 10pm for Arena #2. There will be several trainers and lesson providers involved in the future. There are currently 2 full time staff members and 2 part time staff members.

Currently there are 7 horses under 6 owners that are being boarded. The overall plan is to fill the first barn with boarders and then to begin construction on a second barn and also add additional arenas and fenced paddocks. This will take place as the ornamental trees are sold to make room for the additional structures.

Lot 57 and 58 of the Van Arsdale Map. To Diakl...
Page 31 of the Public Records of Seminole County, Florida.

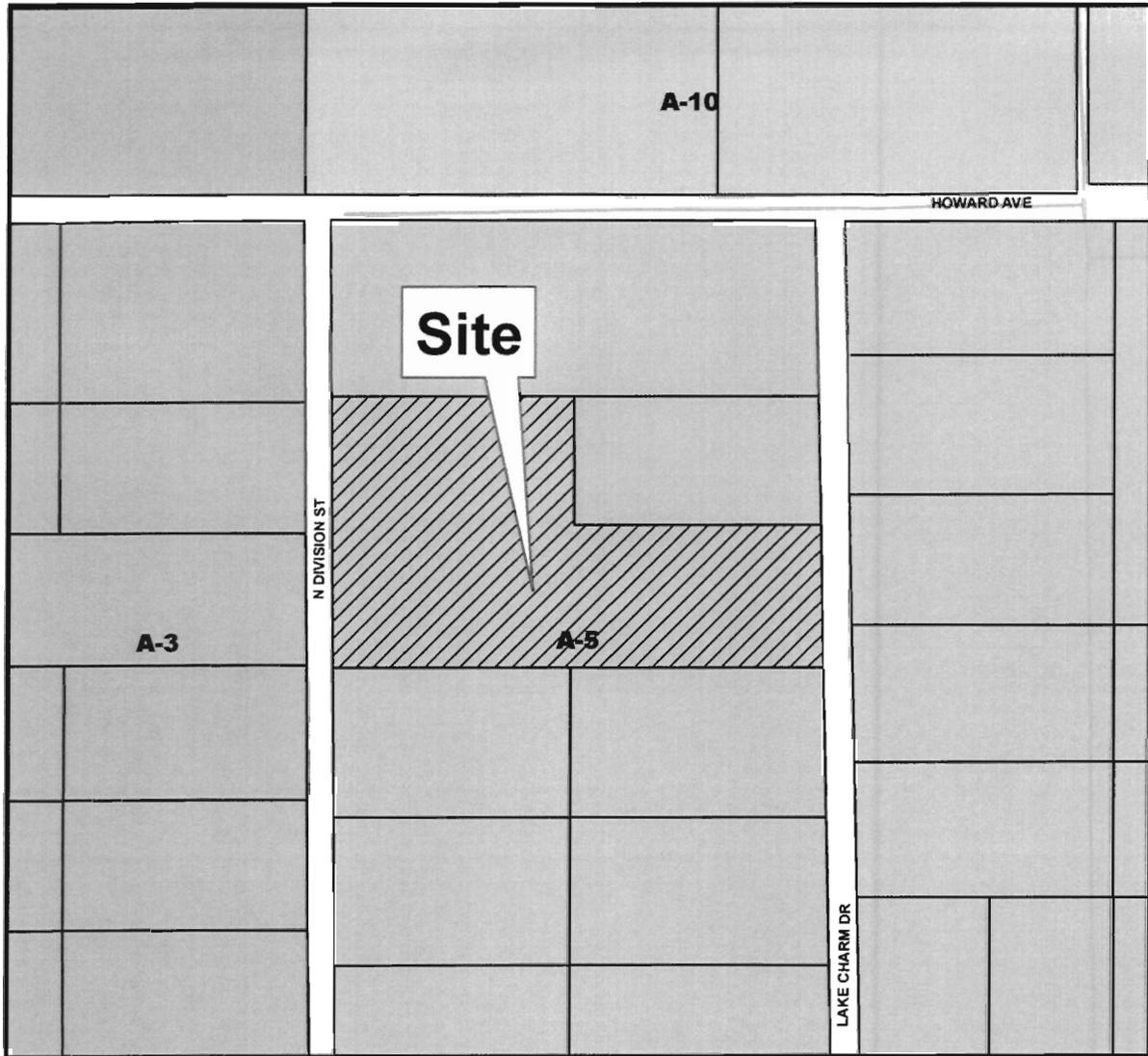


85 107
51-08E

Ditch with overgrown vegetation

330-15

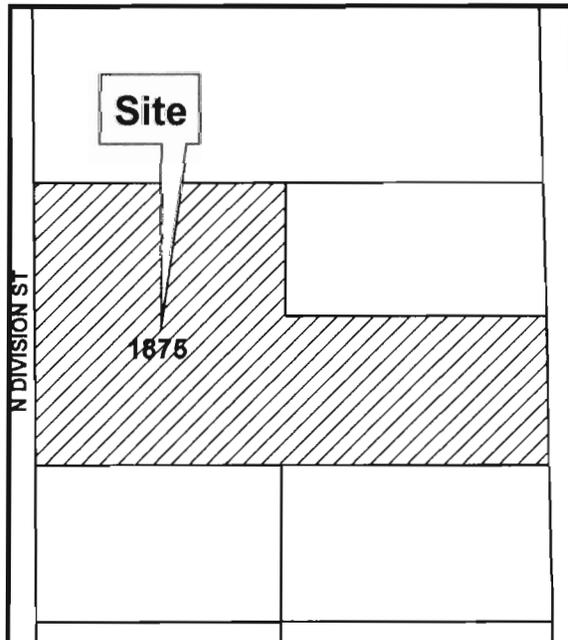
George W Martin
1875 Division Street
Oviedo, Florida 32765



Seminole County Board of Adjustment
January 26, 2009
Case: BS2008-12 (Map 3160 Grid A2)
Parcel No: 25-20-31-5BA-0000-0570

Zoning

-  BS2008-12
-  A-10
-  A-5
-  A-3



**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: George W. Martin
Address: P.O. Box 622769
City/Zip: Oviedo FL 32762
Phone #: 407-221-5690

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
Phone #: _____

Name: _____
Address: _____
City/Zip: _____
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: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
City/Zip: _____
Directors: _____
Address: _____
City/Zip: _____
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: _____
City/Zip: _____

Beneficiaries: _____
Address: _____
City/Zip: _____

(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: _____
City/Zip: _____ City/Zip: _____

(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: _____
City/Zip: _____ City/Zip: _____

(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.

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.

10/29/2008
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 29th day of October, 2008 by George W. Martin

[Signature] _____
Signature of Notary Public Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification FL Drivers License
Type of Identification Produced FL Drivers License

For Use by Planning & Development Staff
Date: _____ Application Number: _____

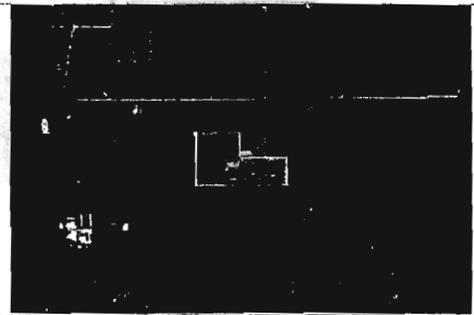
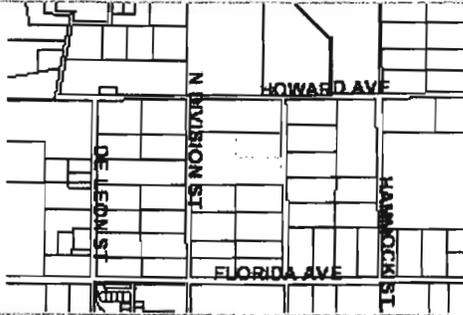
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

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



VALUE SUMMARY

VALUES	2008 Working	2007 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$12,391	\$12,782
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$217,800	\$181,500
Land Value Ag	\$10,551	\$10,980
Just/Market Value	\$230,191	\$194,282
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$22,942	\$23,762

GENERAL

Parcel Id: 25-20-31-5BA-0000-0570
 Owner: MARTIN GEORGE W
 Mailing Address: PO BOX 196214
 City,State,ZipCode: WINTER SPRINGS FL 32719
 Property Address: 1875 DIVISION ST N OVIEDO 32765
 Facility Name:
 Tax District: G1-AGRICULTURAL
 Exemptions:
 Dor: 69-ORNAMENTALS

Tax Estimator

Portability Calculator

2008 Notice of Proposed Property Tax

2008 Taxes and Taxable Value Estimate

Taxing Authority	Assessment Value	Exempt Values	Taxable Value	Millage	Taxes
Cnty County	\$22,942	\$0	\$22,942	4.5153	\$103.59
Schools	\$22,942	\$0	\$22,942	7.5430	\$173.05
Road District	\$22,942	\$0	\$22,942	.1107	\$2.54
SJWM(Saint Johns Water Management)	\$22,942	\$0	\$22,942	.4158	\$9.54
Natural Lands/Trails I/S Debt	\$22,942	\$0	\$22,942	.1451	\$3.33
Total				12.7299	\$292.05

The taxable values and taxes are calculated using the current years working values and the proposed millage rates.

SALES

Deed	Date	Book Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/2003	04674 1069	\$100	Vacant	No
WARRANTY DEED	10/1994	02849 0366	\$100	Improved	No

Find Sales within this DOR Code

2007 VALUE SUMMARY

2007 Tax Bill Amount: \$296
2007 Taxable Value: \$23,762
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
INGRD NUR-	0	0	8.350	655.00	\$5,469
IMP PASTUR-	0	0	5.920	225.00	\$1,332
ACREAGE	0	0	.250	15,000.00	\$3,750

LEGAL DESCRIPTION

PLATS: Pick...
 LEG LOT 57 + W 1/2 OF LOT 58 BLACK HAMMOCK PB 1 PG 31

BUILDING INFORMATION

Bld Num Bld Class Year Blt Fixtures Gross SF Stories Ext Wall Bld Value Est. Cost New

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	BARNS/SHEDS	1998	0	960	2,640	960	CORRUGATED METAL	\$12,391	\$16,304

Building Sketch

Appendage / Sqft

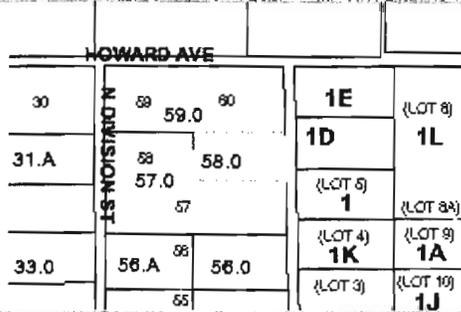
OVERHANG / 1680

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

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.

PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7508



VALUE SUMMARY

VALUES	2008 Working	2007 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	0
Depreciated Bldg Value	\$57,449	\$0
Depreciated EXFT Value	\$0	\$0
Land Value (Market)	\$121,000	\$122,250
Land Value Ag	\$1,089	\$11,589
Just/Market Value	\$178,449	\$122,250
Portability Adj	\$0	\$0
Save Our Homes Adj	\$0	\$0
Assessed Value (SOH)	\$58,538	\$11,589

GENERAL

Parcel Id: 25-20-31-5BA-0000-0580
 Owner: MARTIN GEORGE W
 Mailing Address: PO BOX 196214
 City,State,ZipCode: WINTER SPRINGS FL 32719
 Property Address:
 Facility Name:
 Tax District: G1-AGRICULTURAL
 Exemptions:
 Dor: 60-GRAZING LAND

Tax Estimator

Portability Calculator

2008 Notice of Proposed Property Tax

2008 Taxes and Taxable Value Estimate

Taxing Authority	Assessment Value	Exempt Values	Taxable Value	Millage	Taxes
Cnty County	\$58,538	\$0	\$58,538	4.5153	\$264.32
Schools	\$58,538	\$0	\$58,538	7.5430	\$441.55
Road District	\$58,538	\$0	\$58,538	.1107	\$6.48
SJWM(Saint Johns Water Management)	\$58,538	\$0	\$58,538	.4158	\$24.34
Natural Lands/Trails I/S Debt	\$58,538	\$0	\$58,538	.1451	\$8.49
Total				12.7299	\$745.18

The taxable values and taxes are calculated using the current years working values and the proposed millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	01/2003	04674	1069	\$100	Vacant	No
WARRANTY DEED	10/1994	02849	0366	\$100	Improved	No
WARRANTY DEED	01/1977	01118	1767	\$7,300	Vacant	Yes

Find Sales within this DOR Code

2007 VALUE SUMMARY

2007 Tax Bill Amount: \$144
2007 Taxable Value: \$11,589
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
IMP PASTUR-	0	0	4.840	225.00	\$1,089

LEGAL DESCRIPTION

PLATS: Pick...
 LEG E 1/2 OF LOT 58 BLACK HAMMOCK PB 1 PG 31

BUILDING INFORMATION

Bid Num Bld Class Year Blt Fixtures Gross SF Stories Ext Wall Bid Value Est. Cost New

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	BARN/SHEDS	2007	2	864	6,240	3,456	SIDING AVG	\$57,449	\$58,862
Appendage / Sqft		BASE / 864							

Building Sketch

Appendage / Sqft	BASE / 864
Appendage / Sqft	BASE / 864
Appendage / Sqft	OVERHANG / 2784

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

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.

STATEMENT OF REQUEST

The property subject to this application is Lots 57 and 58, THE VAN ARSDALE OSBORNE BROKERAGE CO.'S ADD. TO BLACK HAMMOCK, according to the plat thereof as recorded in Plat Book 1, Page 31, Public Records of Seminole County, Florida (the "Property"). The Property is approximately 19.4 acres (+/-). The Property is currently zoned A-5 and has qualified for an Agricultural Exemption with the Seminole County Property Appraiser. There are no residential homes on the parcels of land abutting the Property in all directions. More specifically, the parcel immediately North of the Property is used for citrus groves, the parcel immediately East of the Property is vacant, undeveloped swampland, the parcel immediately to the South of the Property is pasture, and the parcel immediately to the West of the Property is used for citrus groves and ornamental trees. In the neighboring area, there are at least three (3) other riding stables, horse stables/barns, and other similar uses. The Applicant seeks to obtain a Special Exception to use the Property for Riding Stables in accordance with Section 30.104(b)(9) of the Seminole County Land Development Code.

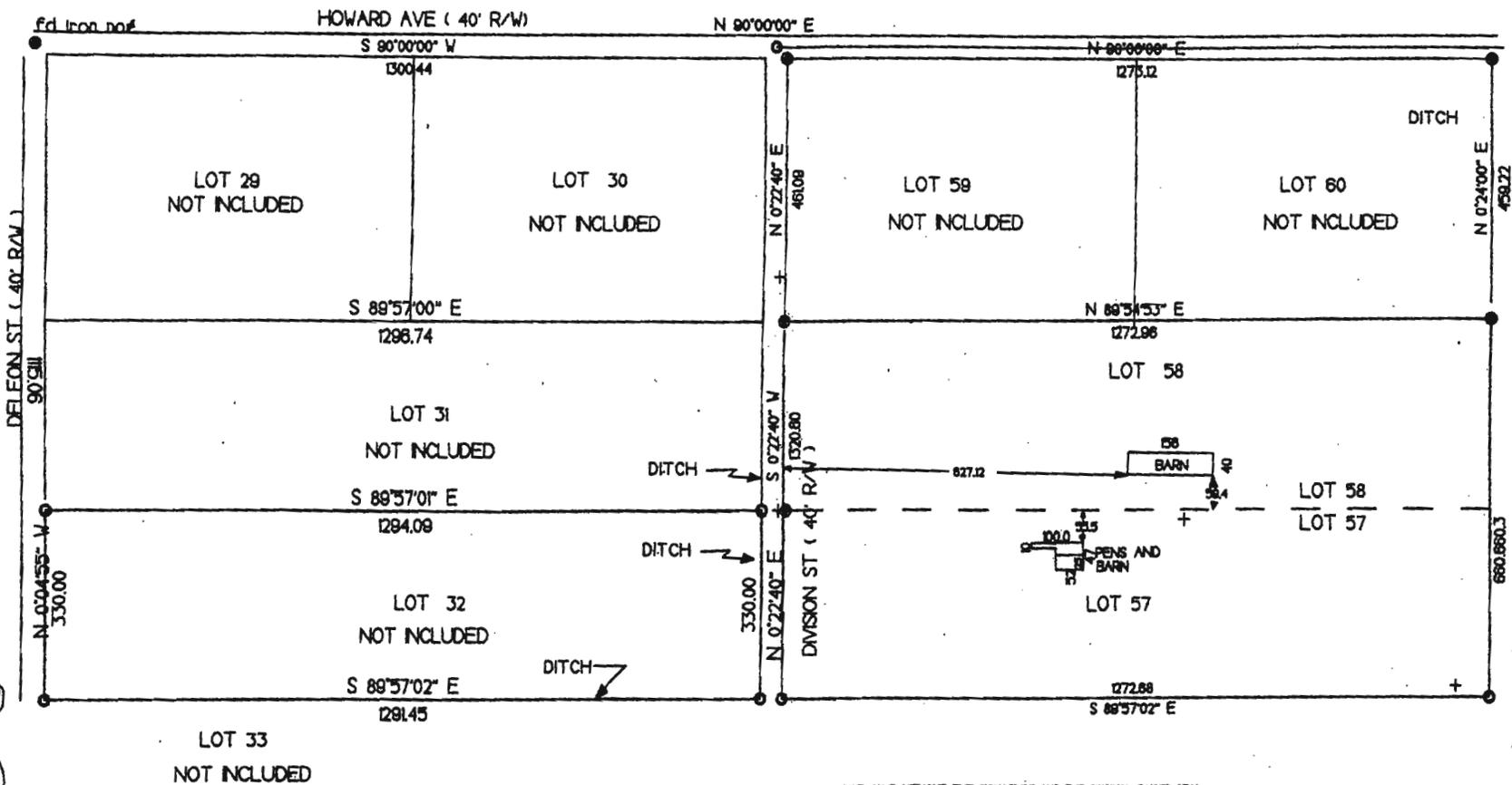
The Property is owned by George W. Martin, and operated and managed by Martin Farms, LLC (collectively, the "Owner"). There exists on the Property a 6,240 sq. ft. enclosed and mostly pervious horse barn (stables) that can stall up to nineteen (19) horses. The Property is serviced by well and septic, and contains one (1) fully operational bathroom located within the horse barn. Outside of the barn, there are an additional sixteen (16) uncovered panel pens for horses. Also, there are two (2) fenced areas for working and training horses, four (4) fenced paddocks for horse turnout, and one (1) large fenced pasture for grazing. There are at least nineteen (19) parking spaces adjoining the horse barn on the Property. The foregoing facilities are hereinafter collectively referred to as the "Facility," and are further depicted on the enclosed conceptual site plan.

At the Facility, the Owner currently boards horses owned by the Owner and horses owned by other persons pursuant to private contractual arrangements. The Owner proposes to use the Facility to continue board and train horses, and also to provide horse lessons to the public. Approximately ninety-five percent (95 %) of the lessons would be given to those persons boarding horses at the Facility. The Owner will have between two (2) to three (3) employees on the Property at one time, which employees are either horse handlers (providing the lessons) or horse groomers.

The proposed hours of operation for the Facility are Monday through Saturday during daylight hours. The Owner expects to give seven (7) lessons per day on average, factoring in the busiest day for the Facility on Saturday. The Owner expects that there will be no more than fifteen (15) people on the Property at one time Monday through Friday, and no more than twenty (20) people on the Property at one time on Saturday. On Saturdays, most of the people visiting the Facility will not be taking lessons, but rather riding their horses that are boarded at the Facility.

DESCRIPTION

LOT 57 AND 58 OF THE VAN ARSDALE ADD. TO BLACK HAMMOCK AS RECORDED IN PLAT BOOK 1 PAGE 31 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



- | |
|--|
| <p> LEGEND
 ELEV - ELEVATION
 FB - FOUND
 BENT - BENT
 STY - STY
 C - CONCRETE
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RECEIVED OCT 31 2008

**WINDERWEEDLE, HAINES,
WARD & WOODMAN, P.A.**

ATTORNEYS AT LAW

MAIN TELEPHONE (407) 423-4246
WWW.WHWW.COM

Please Reply To:

Winter Park Office

J. Nicole Vanhook

Direct Dial: (407) 246-8660
E-mail: nvanhook@whww.com

October 30, 2008

VIA FEDERAL EXPRESS

Seminole County
Planning and Development Department
Attention: Kathy Fall
1101 East First Street, Room 2000
Sanford, FL 32771

Re: 1875 Division Street/George Martin
Project No. 08-32000010/Special Exception

Dear Ms. Fall:

Please consider this letter notice that we are withdrawing the Special Exception Application listed above and are submitting the enclosed substitute Special Exception Application, along with a check for such application in the amount of \$370.00 made payable to Seminole County.

Thank you for your prompt attention to this matter.

Sincerely,


J. Nicole Vanhook

JNV/jlh
Enclosures

PLANNING DIVISION SPECIAL EXCEPTIONS ROUTING COVER SHEET

PROJECT NAME: DIVISION STREET (1875) PROJ #: 08-3200010 MTG DATE:
NORTH
APPLICATION FOR: SPECIAL EXCEPTIONS-OTHER
APPLICATION DATE: 10-31-08
RELATED NAMES: BS2008-12
PROJECT MANAGER: KATHY FALL
PARCEL ID NO.: 25-20-31-5BA-0000-0570
BCC DISTRICT 2-MCLEAN
CURRENT ZONING A-5
LOCATION LOCATED ON THE EAST SIDE OF NORTH DIVISION STREET
APPROXIMATELY 450 FEET SOUTH OF HOWARD AVENUE
SEWER UTILITY ~~NONE IDENTIFIED~~ SEPTIC -- (SD 9/2/08)
WATER UTILITY ~~NONE IDENTIFIED~~ WELL -- (SD 9/2/08)

Applicant:	Consultant:
GEORGE W MARTIN 1875 N DIVISION STREET OVIEDO, FL 32765 PHONE: (407)221-5690 FAX: (407)	

Reminder: Special exceptions are approved to a conceptual site plan.

- DEVELOPMENT REVIEW:
 - Stormwater
 - Utilities
 - Traffic
 - Natural Resources

- | | |
|---|----------------------|
| <input checked="" type="checkbox"/> CONCURRENCY: | ATTN: Sandy Neminski |
| <input checked="" type="checkbox"/> PUBLIC WORKS: | ATTN: Marie McDuff |
| <input checked="" type="checkbox"/> PLANNING: | ATTN: Kathy Fall |
| <input checked="" type="checkbox"/> BUILDING / FIRE | ATTN: |

DATE RECEIVED: <u>10-31-08</u>	DATE ROUTED: <u>11-06-08</u>
REVIEW: <input checked="" type="checkbox"/> NEW	<input type="checkbox"/> REVISION: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> #5
<input type="checkbox"/> PUD/PCD	<input checked="" type="checkbox"/> Special Exception
<input type="checkbox"/> Change of Zoning	<input type="checkbox"/> Comp Plan Amendment

PLEASE **RESPOND** NO LATER THAN: 11-20-08
COMMENTS ONLY
THIS PROJECT IS SCHEDULED FOR THE DEVELOPMENT REVIEW MEETING ON
 NOTES: Routed by Patty Johnson

Fee: \$370.00

Application # B# 2008-12
Meeting Date 9/22/08



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: George W. Martin
Address: PO Box 622769 City: Oviedo Zip code: 32762
Project Address: 1875 N Division St City: Oviedo Zip code: 32765
Phone number(s): 407-221-5690
Email address: georgem@martinfarmsllc.com

What is this request for?

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

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

What is the current use of the property? Ornamental Tree Nursery / Horse Barn & pasture

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: [Signature]

FOR OFFICE USE ONLY

Date Submitted: 8/1/08 Reviewed By: D McEneaney
 Tax parcel number: 25-20-31-5BA-0000-0570 Zoning/FLU A-5 / R-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: _____

SPECIAL EXCEPTION SUBMITTAL CHECKLIST

A Special Exception is approved to a detailed conceptual site plan. Following approval of the Special Exception by the Board of Adjustment a final engineered site plan is required to be submitted to Development Review. See link for Site Plan Review information:
<http://www.seminolecountyfl.gov/pd/devrev/plansummary.asp>

✓	1. Completed application.
✓	2. Provide a statement of the request including a summary of the business operation. Include information such as: square footage of facilities; hours of operation; seating capacity; number of clients, or students; number of staff and how many shifts; and address any other site concerns that may impact adjacent properties.
MA	3. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
✓	4. A Special Exception is approved to a detailed conceptual site plan and should include, at minimum, the following information:
✓	○ Size and dimensions of the parcel
✓	○ Location of wetland and/or flood plain line, if applicable
✓	○ Location and names of all abutting streets
✓	○ Location of driveways
✓	○ Identification of available utilities (<i>ex: water, sewer, well or septic</i>)
✓	○ Location, size and type of any septic systems, drainfield and wells
✓	○ Location of all easements
✓	○ Existing and/or proposed buildings, structures and improvements (<i>Label existing, label proposed, and include square footage and dimension of each</i>)
✓	○ Building height
✓	○ Setbacks from each building to the property lines
✓	○ Proposed fences
✓	○ Location and size of buffers: show existing and proposed landscaping, fences and walls
✓	○ Location, number and size of existing and proposed parking spaces
✓	○ Location of existing and proposed outdoor lighting
✓	○ Location of existing and proposed signage
✓	○ Location of fire lanes
✓	5. Provide an 8 ½ x 11 reduction of the site plan.

**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: George W. Martin Name: _____
Address: PO Box 622769 Oviedo, FL 32762 Address: _____
Phone #: 407-221-5690 Phone #: _____

Name: _____ Name: _____
Address: _____ Address: _____
Phone #: _____ 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: _____ Name of Corporation: _____
Officers: _____ Officers: _____
Address: _____ Address: _____
Directors: _____ Directors: _____
Address: _____ Address: _____
Shareholders: _____ Shareholders: _____
Address: _____ 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: _____ Beneficiaries: _____
Address: _____ 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 rezoning, 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.

K.T.
August 1, 2008
~~August 1, 2008~~
Date

K.T. *M.W. K.T.*
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this Aug, 2008 by KHALID

TARIA
Khalid Tariq
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification FL DL
Type of Identification Produced M635-319-55-423-0

For Use by Planning & Development Staff
Date: _____ Application Number: _____

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST GANFORD, FL 32771-1468 407-688-7808</p>																																												
<p align="center">GENERAL</p> <p>Parcel Id: 25-20-31-5BA-0000-0570 Owner: MARTIN GEORGE W Mailing Address: PO BOX 196214 City,State,ZipCode: WINTER SPRINGS FL 32719 Property Address: 1875 DIVISION ST N OVIEDO 32765 Facility Name: Tax District: G1-AGRICULTURAL Exemptions: Dor: 89-ORNAMENTALS</p>	<p>VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2008 Working</th> <th>2007 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Market</td> <td>Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$12,391</td> <td align="right">\$12,782</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$217,800</td> <td align="right">\$181,500</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$10,551</td> <td align="right">\$10,980</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$230,191</td> <td align="right">\$194,282</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$22,942</td> <td align="right">\$23,762</td> </tr> </tbody> </table> <p align="center">Tax Estimator Portability Calculator</p>		VALUES	2008 Working	2007 Certified	Value Method	Market	Market	Number of Buildings	1	1	Depreciated Bldg Value	\$12,391	\$12,782	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$217,800	\$181,500	Land Value Ag	\$10,551	\$10,980	Just/Market Value	\$230,191	\$194,282	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$22,942	\$23,762									
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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg lot 57 + W ½ of Lot 58 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: George Martin
1875 Division Street
Oviedo, Fl. 32765

Project Name: Division Street (1875)

Special Exception Approval:

Horse riding lessons in the A-5 Zoning 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, 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. Riding lessons shall occur between daylight hours or dawn to dusk.
2. There will be no lighting on the property associated with the riding lessons.
3. There shall be no outdoor amplification of sound.
4. There shall be no competitions permitted except by a special event permit.
5. There will an average of seven (7) lessons a day given, Monday through Saturday.
6. The general layout of the proposed uses as depicted on the master plan shall not change.
7. No building shall be increased more than 10% without Board of Adjustment approval.
8. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

(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: _____
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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg lot 57 + W ½ of Lot 58 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: George Martin
1875 Division Street
Oviedo, Fl. 32765

Project Name: Division Street (1875)

Special Exception Approval:

Horse riding lessons in the A-5 Zoning District.

Approval was sought to offer riding lessons on their property. The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

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