

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1489 CR 419 – Robert Shane Hedrick, applicant; Request for a Special Exception for a mobile home as living quarters in conjunction with C-1 (Retail Commercial) district.

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 7/27/09 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Deny** the request for a Special Exception for a mobile home as living quarters in conjunction with C-1 (Retail Commercial) district; Located on the northeast corner of CR 419 and Lake Mills Road; or
2. **Approve** the request for a Special Exception for a mobile home as living quarters in conjunction with C-1 (Retail Commercial) district; Located on the northeast corner of CR 419 and Lake Mills Road; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Robert Shane Hedrick
	Location:	1489 CR 419
	Zoning:	C-1 (Retail Commercial)
	Subdivision:	E Chuluota

Reviewed by:	
Co Atty:	<i>MC</i>
Pln Mgr:	

<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none">• The applicant is requesting a special exception to use a mobile home as living quarters in conjunction with C-1 (Retail Commercial) district as provided in SCLDC 30.743.• Located on the northeast corner of CR 419 and Lake Mills Road; or (text)• In 1978, 1982, 1991, 1992 Special Exceptions were granted for the placement of a mobile home for security purposes on the subject property. The last one granted in 1992 has expired.
<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 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 subject mobile home is located behind the Hitching Post Bar at the corner of CR 419 and Lake Mills Road. A mobile home has been on this site since 1979. The subject mobile home was placed on the property in 1991.</p> <p>This section of CR 419 is rural in nature. Across CR 419 is a recreation camp; across Lake Mills is vacant commercial and the adjacent parcel to the east is agriculture.</p> <p><u>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes:</u></p> <p>The proposed use as a single-family unit would not be highly intensive in nature and, as a long standing existing use, retaining the mobile home on site would not adversely impact adjoining transportation facilities.</p> <p><u>Is consistent with the Seminole County Vision 2020 comprehensive plan:</u></p> <p>The request would be consistent with the trend of development established in this area.</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 meets the minimum dimensional requirements of the C-1 zoning classification.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>The surrounding neighborhood historically has consisted of single family homes, rural properties, commercial, recreation camp, churches and vacant land.</p> <p>The current trend of development along CR 419 is single-family residential and commercial. The current trend of development along Lake Mills is vacant commercial, agriculture, a ball field and a church.</p> <p>According to county records a mobile home has been sited on this property since 1979 and has been used in the past as occupancy by the owner and as security for the existing bar, the Hitching Post. The subject mobile home was placed on the property in 1991.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE C-1 (COMMERCIAL); LDC SECTION 30.743(d)</p>	<p>The BOA may permit living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee 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 C-1 (Commercial):</u></p> <p>The proposed use is allowed only by special exception in the C-1 district. The proposed mobile home would be required to comply with the siting standards enumerated in section 30.1401 of the land development code, which are intended to minimize potential incompatibility with nearby conventional single-family homes as follows:</p> <ul style="list-style-type: none">○ The mobile home shall have safe and convenient vehicular access.○ The mobile home shall be required to conform to applicable codes, which include standards for installation, anchoring, utility accessibility, and skirting. <p><u>Is not highly intensive in nature:</u></p> <p>The request is not highly intensive in nature, as the proposed mobile home would only be permitted for single-family occupancy by the owner, operator or employee of the Hitching Post.</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 subject property is served by on-site septic and well systems. Other county services, including schools and emergency services, are also available to the site.</p>
<p>MOBILE HOME AS A SPECIAL EXCEPTION IN THE C-1 (COMMERCIAL); LDC SECTION 30.743(d)</p>	<p>A mobile home may be permitted as a special exception on a lot or parcel of record for living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee subject to the previously referenced mobile home siting standards in section 30.1401 of the Land Development Code.</p>
<p>STAFF RECOMMENDATION:</p>	<p>Staff does not have the authority to recommend time limits on mobile homes but the Board of Adjustment may describe reasonable time limits on special exceptions and/or mobile home requests (LDC Sec. 30.43 (4)). Permanent placement of a mobile home occupied by the owner or operator of the business or an employee as an accessory to the primary commercial function of the Hitching Post Bar is appropriate.</p> <p>Based upon the trend of development in the surrounding area staff would consider the permanent placement of a mobile home as an accessory to the primary commercial function of the Hitching Post Bar consistent with the trend of development of the area.</p> <p>If the Board chooses to grant the Special Exception staff recommends the following conditions:</p> <ul style="list-style-type: none">• The special exception granted will apply only to the mobile home as depicted on the attached site plan.• The mobile home must be a single family residence occupied only by the owner or operator or employee and accessory to the primary commercial function of the Hitching Post Bar.• The mobile home shall otherwise conform to applicable building codes, including standards for anchoring, utility accessibility and skirting.

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

RECEIVED MAY 11 2009

Fee: \$370.00

Application # BS2009-08
Meeting Date 7-27-09

COPY
SPECIAL EXCEPTION APPLICATION

M.H.



SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: Robert Shane HEDRICK
Address: 2680 WASSUM TRAIL City: CHULUOTA Zip code: 32766
Project Address: 1489 C.R. 419 City: CHULUOTA Zip code: 32766
Phone number(s): 321-377-0013
Email address: SRH33@AOL.COM

What is this request for?

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

RECEIVED MAY 11 2009

Other: Living quarters in conjunction with C-1

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

What is the current use of the property? Living quarters / security

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: <u>5-11-09</u>	Reviewed By: <u>F. Johnson</u>
Tax parcel number: <u>28-21-32-503-000-0070</u>	Zoning/FLU <u>R-1/C-1/SE/COM</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: _____	

**To all concerned
The trailer located at
1489 south county rd. 419
Chuluota,fl. 32766**

This trailer has been sitting on the property since 1979 it has always been occupied by a member of the family or an employee of our business, this trailer is used for residency and security of our business and has been for the last thirty years. I am aware that county records only show this mobile home as only being there since 1991 and I can assure you that this information is incorrect I myself grew up out of this trailer going to Seminole county schools (Jackson heights middle school then Oviedo high) catching the bus right out side the trailer door on lake mills rd. I am not sure after thirty years of residency of this trailer that it has now become a (problem) the trailer falls under county zoning Chapter 30 sec. 30.743 special exceptions (d) living quarters, in conjunction with a commercial use to be occupied by the owner or operator of the business or any employee. I have attached a copy of the driver license and a payroll stub of my employee teena mills that is currently living in this trailer.

**Shane Hedrick
Owner & operator
Of the hitching post bar & grill
321-377-0013**

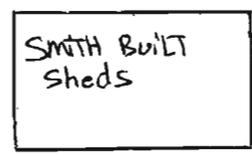
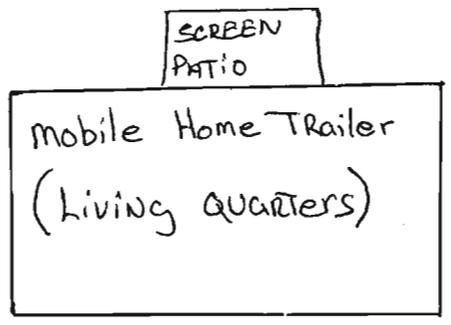
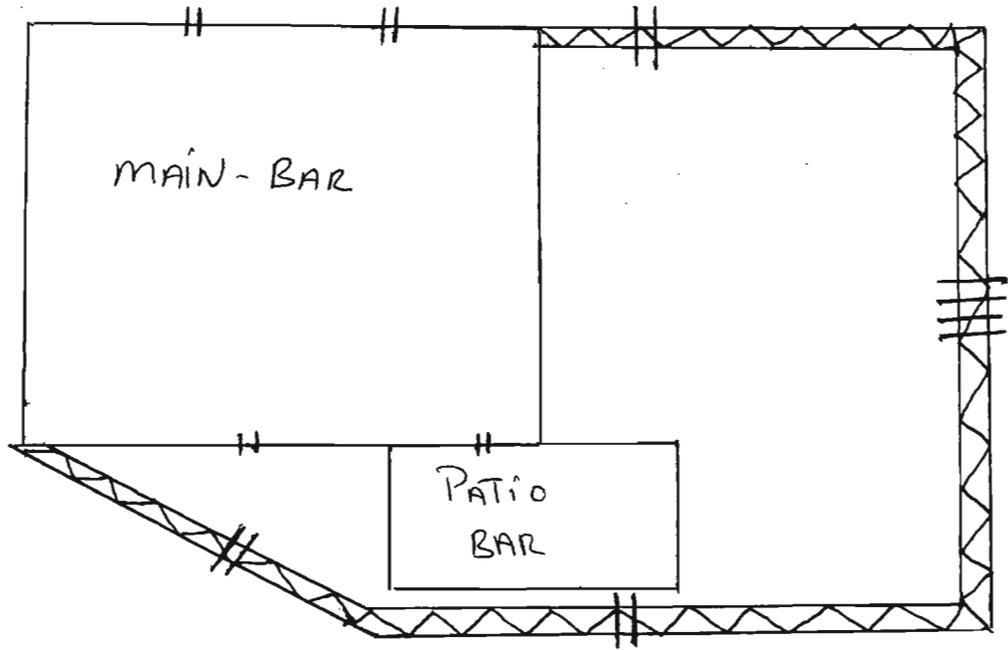
C.R. 717

Parcel # 28-21-32-503-0100-007

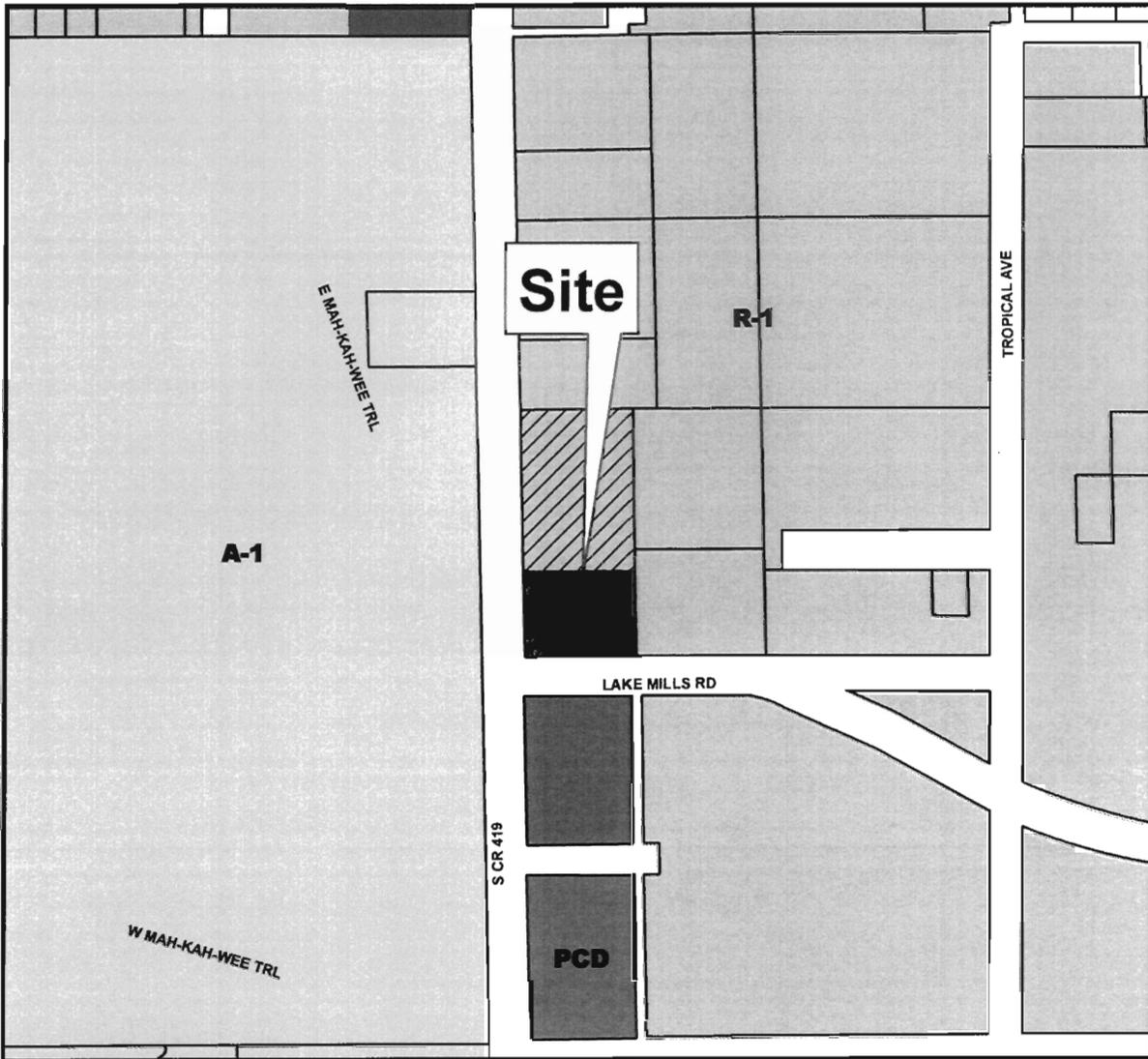
1489 C.R. 419
Chuluota, FL 32766

Lake Mills Rd.

SUBJECT MOBILE HOME



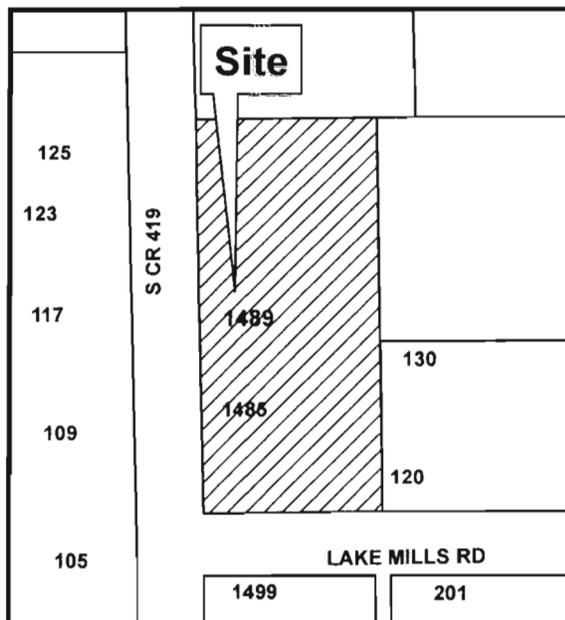
Robert Shane Hedrick
1489 C.R. 419
Chuluota, Florida 32766



Seminole County Board of Adjustment
July 27, 2009
Case: BS2009-08 (Map 3214 Grid E4)
Parcel No: 28-21-32-503-0L00-0070

Zoning

-  BS2009-08
-  A-1
-  R-1
-  C-1
-  C-2
-  PCD

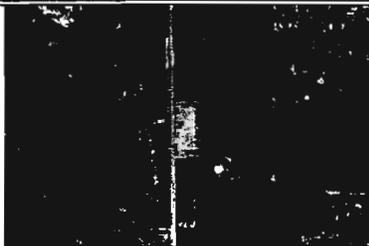


PROJECT LOG

5. PREVIOUS APPROVALS ON SUBJECT PROPERTY:

- HEDRICK, MAX G: BA(7-17-78)-37TE; SR 419; Apvd 2 Yrs with stipulations.
- TRAVER, NORMAN: BA(1-15-79)-9V; Side Street frm 25 to 19.4 ft; Cor of First Ave & Lake Mills Rd; Approved.
- HEDRICK, MAX G: BA(5-21-79)-14E; To construct 28 x 28' addition to existing alcohol beverage establishment; SR 419 & Lake Mills Rd; Apvd.
- MCCORMICK, MARCUS J: BA(3-15-82)-27V; Front frm 25 to 10 ft & Side St frm 25' to 8 ft; 7th St & Ave E; Approved.
- HEDRICK, MAX G: BA(4-19-82)-41TE; RENEWAL; SR 419; Apvd 2 Yrs, skirt mobile home & clean up area.
- HEDRICK, NORMA & MAX - BA91-5-31TE; to place a mobile home for security in a C-1 District on Lots 7-12, Block M, Chuluota, PB 2, pg 31, NE corner of SR-419 and Lake Mills Road; approved for one year.
- HEDRICK, NORMA - BA92-5-38TE; to place a mobile home for security purposes (Renewal) on Lots 7-12, Block M, Chuluota, PB 2, Pg 31, NE corner of SR-419 and Lake Mills Road; approved for 2 years.

Personal Property

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																			
<p>GENERAL</p> <p>Parcel Id: 28-21-32-503-0L00-0070 Owner: HEDRICK ROBERT S Mailing Address: 2680 WASSUM TRL City,State,ZipCode: CHULUOTA FL 32766 Property Address: LAKE MILLS RD CHULUOTA 32766 Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 11-STORES GENERAL-ONE S</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> <tr> <th style="text-align: left;">Value Method</th> <th style="text-align: center;">Cost/Market</th> <th style="text-align: center;">Cost/Market</th> </tr> </thead> <tbody> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$32,944</td> <td style="text-align: right;">\$62,945</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$17,309</td> <td style="text-align: right;">\$17,511</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$361,008</td> <td style="text-align: right;">\$280,376</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td style="text-align: right;">\$411,261</td> <td style="text-align: right;">\$360,832</td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td style="text-align: right;">\$411,261</td> <td style="text-align: right;">\$360,832</td> </tr> </tbody> </table> <p style="text-align: center;"><u>Tax Estimator</u></p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$32,944	\$62,945	Depreciated EXFT Value	\$17,309	\$17,511	Land Value (Market)	\$361,008	\$280,376	Land Value Ag	\$0	\$0	Just/Market Value	\$411,261	\$360,832	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$411,261	\$360,832																
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<p>EXTRA FEATURE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>MOBILE HOME COMM</td> <td style="text-align: center;">1991</td> <td style="text-align: center;">952</td> <td style="text-align: right;">\$15,613</td> <td style="text-align: right;">\$19,040</td> </tr> <tr> <td>MH A/C PKG</td> <td style="text-align: center;">1991</td> <td style="text-align: center;">952</td> <td style="text-align: right;">\$976</td> <td style="text-align: right;">\$1,190</td> </tr> <tr> <td>WOOD SCREEN PORCH</td> <td style="text-align: center;">1991</td> <td style="text-align: center;">240</td> <td style="text-align: right;">\$720</td> <td style="text-align: right;">\$1,800</td> </tr> </tbody> </table>			Description	Year Blt	Units	EXFT Value	Est. Cost New	MOBILE HOME COMM	1991	952	\$15,613	\$19,040	MH A/C PKG	1991	952	\$976	\$1,190	WOOD SCREEN PORCH	1991	240	\$720	\$1,800																													
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<p><small>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.</small></p>																																																			

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

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	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
Robert Hedrick	P	2680 WASSUM TRAIL	100
Sonia Hedrick	VP	CHULUOTA, FL. 32766	

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

5/11/09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 11th day of May, 2009 by Robert Shance Hedrick

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification

Type of Identification Produced H362-777-64-361-0 Driver License

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

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 7 THRU 12 BLK L & LOTS 7 THRU 12 BLK M & S 1/2 OF VACD ST ADJ ON N & VACD
ST IN BETWEEN & W 1/2 OF
VACD ALLEY ADJ ON E CHULUOTA PB 2 PG 31

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

FINDINGS OF FACT

Property Owner: Robert S Hedrick
2680 Wassum Trl
Chuluota FI 32766

Project Name: CR 419 (1489)

Special Exception Approval:

Special Exception for a mobile home as living quarters in conjunction with C-1
(Retail Commercial) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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 afordescribed 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:

- The special exception granted will apply only to the mobile home as depicted on the attached site plan.
- The mobile home must be a single family residence occupied only by the owner or operator or employee and accessory to the primary commercial function of the Hitching Post Bar.
- The mobile home shall otherwise conform to applicable building codes, including standards for anchoring, utility accessibility and skirting.

(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

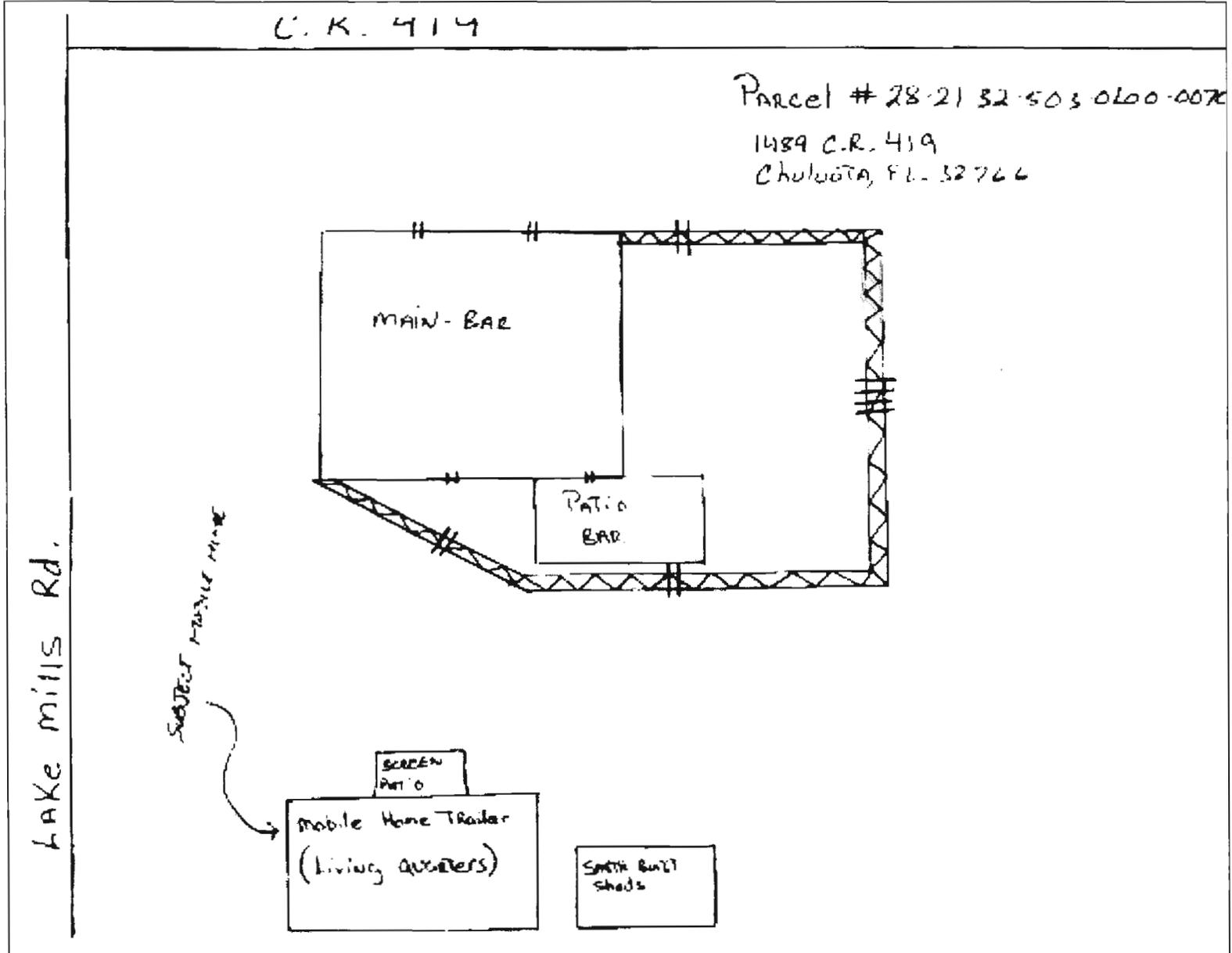
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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 July 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 7 THRU 12 BLK L & LOTS 7 THRU 12 BLK M & S 1/2 OF VACD ST ADJ ON N & VACD
ST IN BETWEEN & W 1/2 OF
VACD ALLEY ADJ ON E CHULUOTA PB 2 PG 31

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

FINDINGS OF FACT

Property Owner: Robert S Hedrick
2680 Wassum Trl
Chuluota Fl 32766

Project Name: CR 419 (1489)

Requested Special Exception:

Special Exception for a mobile home as living quarters in conjunction with C-1
(Retail Commercial) district.

Approval was sought to retain a mobile home as living quarters in conjunction with C-1 commercial. 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: Denny Gibbs, Senior 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 _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: