

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 4750 Sanford Avenue South – Heather and Michael Bristol, applicant; Request for a special exception for riding lessons in the A-1 (Agriculture) district.

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 07/27/09 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	Applicant: Heather and Michael Bristol Location: 4750 Sanford Avenue South Zoning: A-1 Subdivision: Eureka Hammock
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to offer riding and training lessons to persons currently boarding horses. • The applicant currently boards horses on their 10 acre property which is permitted use in the A-1 zoning district. • The applicant is proposing to offer an average of five (5) lessons per day on average, with Saturdays being their busiest day. • The proposed hours will be from dawn to dusk, Monday through Saturday.

Reviewed by:
Co Atty: <i>alc</i>
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-1 zoning district permits the boarding and grazing of horses and other agriculture related animals. The applicant currently has a 16 horse barn and fenced in areas. They would like to offer lessons to their current boarders. The lessons offered would be from dawn to dusk otherwise during daylight hours and would not be more than 5 lessons, on average, per day. Given the recommended conditions of approval the proposed lessons would be compatible and consistent with the rural trend of development of the area.

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

There will be no adverse effect on the existing traffic given that the lessons will be given to existing boarders therefore not generating 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 Agriculture land use as appropriate for a variety of agricultural operations (including riding stables) that are located on parcels at least one (1) 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 one acre requirement of the A-1 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-1 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-1 district. Within the A-1 district, riding stables are allowed as conditional uses. The proposed use would not have any potential impacts that would adverse to the adjacent uses.</p>
STAFF FINDINGS	<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 Agriculture 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 agricultural and residential character of nearby and adjacent development.
STAFF RECOMMENDATION	<p>Staff recommends approval of the subject request based upon the following conditions:</p> <ol style="list-style-type: none">1. Riding lessons will be for persons boarding horses on the property. At such time lessons are to be offered to persons not boarding horses on the property, an amendment to the special exception will be required.2. Riding lessons shall occur between daylight hours or dawn to dusk.3. There will be no lighting on the property associated with the riding lessons.4. There shall be no outdoor amplification of sound.5. There shall be no competitions permitted except by a special event permit.6. There will an average of seven (5) lessons a day given, Monday through Saturday.

	<ol style="list-style-type: none">7. The general layout of the proposed uses as depicted on the master plan shall not change.8. No building shall be increased more than 10% without Board of Adjustment approval.9. 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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Fee: \$370.00

Application # B52009-09
Meeting Date 7-27-09

COPY

SPECIAL EXCEPTION APPLICATION



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: Heather and Michael Bristol

Address: 574 Hardwood Place City: Lake Mary Zip code: 32746

Project Address: 4750 Sanford Avenue South* City: Sanford Zip code: 32773

Phone number(s): 407-323-2393

Email address: heather_bristol@yahoo.com

*Parcel ID: 23-20-30-5AQ-0000-1410

What is this request for?

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

Property Owners' Agent:

J. Nicole Vanhook, Esquire
Winderweeple Haines Ward & Woodman PA
Post Office Box 880
Winter Park FL 32790-0880
407-246-8660 // nvanhook@whww.com
Please copy all correspondence to
Agent regarding this Application

RECEIVED MAY 15 2009

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

What is the current use of the property? horse boarding/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.

X Signed: Heather Bristol Michael Bristol

FOR OFFICE USE ONLY

Date Submitted: <u>5-15-09</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>23-20-30-5AQ-0000-1410</u>	Zoning/FLU <u>A-1/SE</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: _____	

STATEMENT OF REQUEST

The property subject to this application is Lot 141, MAP OF EUREKA HAMMOCK, according to the plat thereof as recorded in Plat Book 1, Page 106, Public Records of Seminole County, Florida (the "Property"). The Property is approximately 10.1 acres (+/-). The Property is currently zoned A-1 and has qualified for an Agricultural Exemption with the Seminole County Property Appraiser. The properties immediately surrounding the Property are utilized for agricultural purposes, including horse or cow pasture and horse barns. The Applicant seeks to obtain a Special Exception to use the Property for Riding Stables in accordance with Section 30.124(b)(12) of the Seminole County Land Development Code.

The Property is owned by Heather and Michael Bristol (the "Owners"). There exists on the Property an approximately 5,680 sq. ft. enclosed and mostly pervious horse barn (stables) that can stall up to sixteen (16) horses. The Property is serviced by septic and County water, and contains one (1) fully operational bathroom located within the horse barn. Outside of the barn, there is a removable tent barn that is approximately 486 sq. ft. utilized for quarantining horses, a shed that is approximately 864 sq. ft. used for storage, and an unenclosed wash stall that is approximately 611 sq. ft. used for washing horses. Also, there are two (2) fenced paddocks for horse turnout, one (1) fenced sand ring for working and training horses, and two (2) fenced grass rings for grazing as well as working and training horses. There are no structures housing animals located nearer than one hundred (100) feet from any property line. There are at least ten (10) 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.

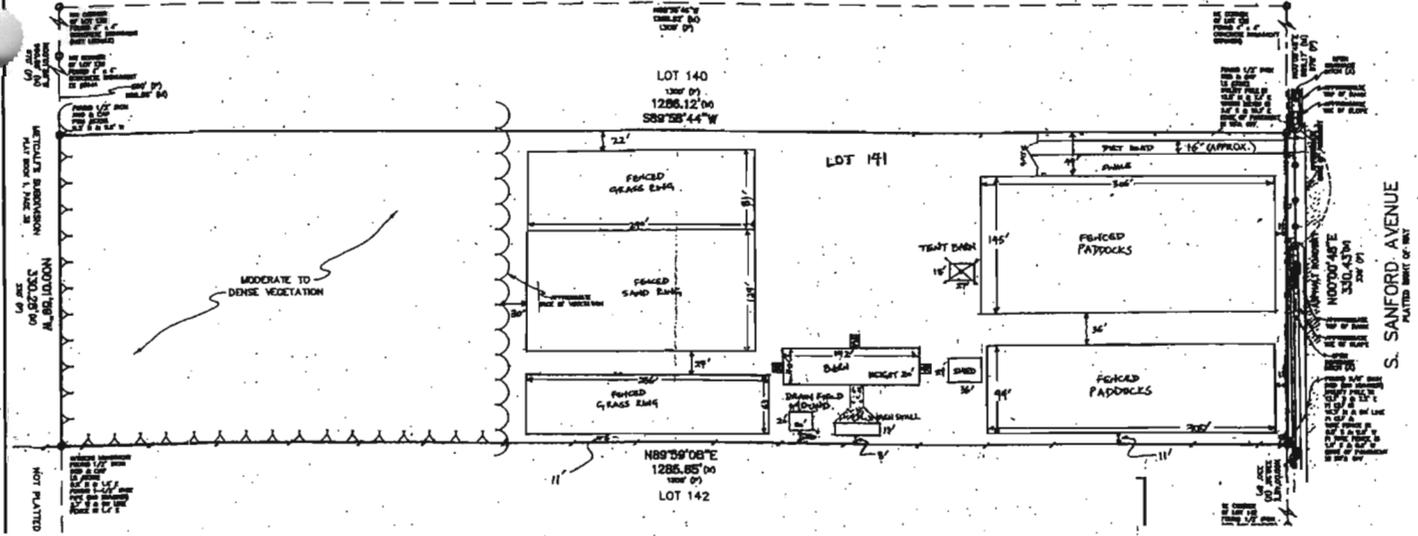
At the Facility, the Owners currently board horses owned by the Owners and horses owned by other persons pursuant to private contractual arrangements. The Owners propose to use the Facility to continue board and train horses, as well as provide horse lessons. Approximately ninety-nine percent (99 %) of the lessons would be given to those persons boarding horses at the Facility. Although the Owners have retained one (1) independent contractor to feed the horses at the Property, the Owners (rather than any independent contractor or employee) are the horse groomers and horse handlers that will provide the lessons.

The proposed hours of operation for the Facility are Monday through Saturday during daylight hours. The Owners expect to give five (5) lessons per day on average, factoring in the busiest day for the Facility on Saturday. The Owners expect that there will be no more than ten (10) people on the Property at one time Monday through Friday, and no more than fifteen (15) people on the Property at one time on Saturday.

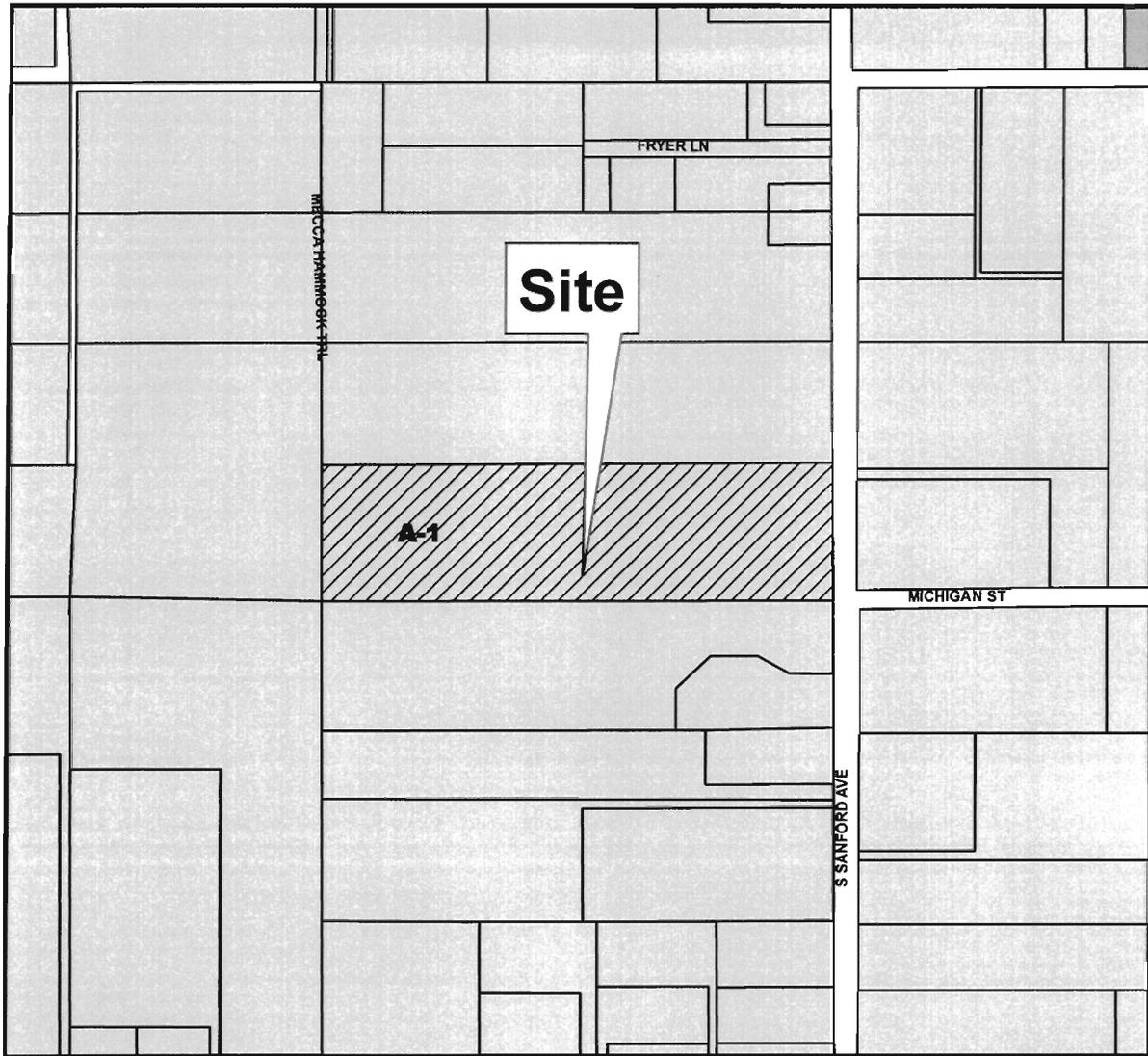
PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 141, MAP OF EUREKA HAMMOCK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 108, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



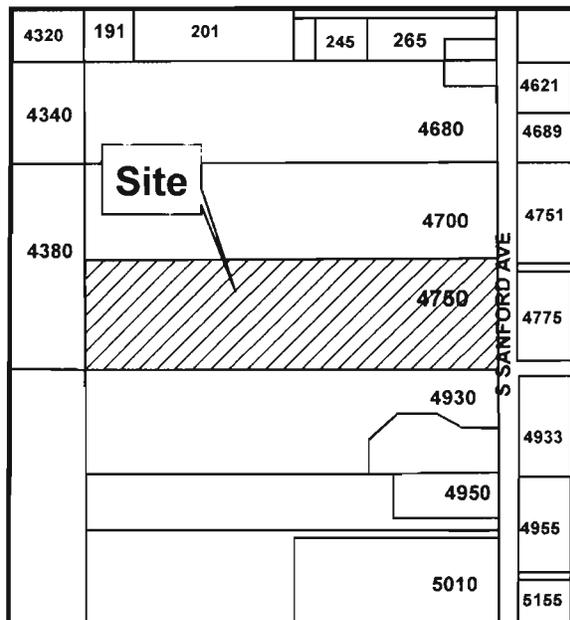
Heather & Michael Bristol
 4750 Sanford Avenue South
 Sanford, Florida 32773



Seminole County Board of Adjustment
 July 27, 2009
 Case: BS2009-09 (Map 3105 Grid D3)
 Parcel No: 23-20-30-5AQ-0000-1410

Zoning

-  BS2009-09
-  A-1
-  RC-1

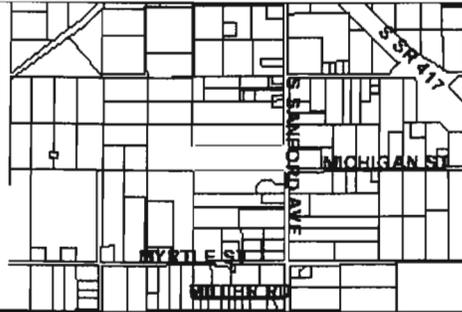


DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-663-7508



GENERAL

Parcel Id: 23-20-30-5AQ-0000-1410

Owner: BRISTOL HEATHER & MICHAEL

Mailing Address: 574 HARDWOOD PL

City,State,ZipCode: LAKE MARY FL 32746

Property Address: 4750 SANFORD AVE S SANFORD 32773

Facility Name:

Tax District: G1-AGRICULTURAL

Exemptions:

Dor: 6004-HORSE BOARDING

VALUE SUMMARY

VALUES	2009 Working	2008 Certi
Value Method	Cost/Market	Cost/M
Number of Buildings	1	
Depreciated Bldg Value	\$41,273	\$42
Depreciated EXFT Value	\$0	
Land Value (Market)	\$280,000	\$350
Land Value Ag	\$99,463	\$123
Just/Market Value	\$321,273	\$392
Portability Adj	\$0	
Save Our Homes Adj	\$0	
Assessed Value (SOH)	\$140,736	\$166

Tax Estimator

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$140,736	\$0	\$140
Schools	\$140,736	\$0	\$140
Road District	\$140,736	\$0	\$140
SJWM(Saint Johns Water Management)	\$140,736	\$0	\$140
County Bonds	\$140,736	\$0	\$140

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

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	03/2006	06162	1294	\$515,000	Improved	No
WARRANTY DEED	08/2005	05883	1629	\$100	Improved	No
WARRANTY DEED	01/1999	03576	0745	\$85,000	Improved	Yes
QUIT CLAIM DEED	05/1991	02293	0725	\$100	Improved	No
QUIT CLAIM DEED	10/1988	02006	0368	\$100	Improved	No
WARRANTY DEED	04/1982	01389	1569	\$55,000	Improved	Yes
WARRANTY DEED	11/1979	01256	1261	\$35,200	Improved	Yes
QUIT CLAIM DEED	10/1978	01192	0577	\$100	Improved	No

Find Sales within this DOR Code

2008 VALUE SUMMARY

2008 Tax Bill Amount: \$2,

2008 Certified Taxable Value and Taxes
DOES NOT INCLUDE NON-AD VALOREM ASSESMEN

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
IMP PASTUR-	0	0	6.500	225.00	\$1,463
ACREAGE	0	0	3.500	28,000.00	\$98,000

LEGAL DESCRIPTION

PLATS: Pick...
LEG LOT 141 EUREKA HAMMOCK PB 1 PG 106

BUILDING INFORMATION

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

BUILDING INFORMATION

	Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cc New
<u>Building Sketch</u>	1	BARNS/SHEDS	2007	2	720	5,760	3,168	SIDING MINIMUM	\$41,273	\$43
		Appendage / Sqft	BASE / 864							
		Appendage / Sqft	BASE / 864							
		Appendage / Sqft	OVERHANG / 1152							
		Appendage / Sqft	OVERHANG / 480							
		Appendage / Sqft	BASE / 720							
		Appendage / Sqft	OVERHANG / 960							

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.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.*

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

- Individuals 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
Heather Bristol	574 Hardwood Pl., Lake Mary 32746	407-323-2393
Michael Bristol	same	same

(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

(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 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.

12 May 2009
Date

Heather Bristol Michael C. Bristol
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Michael C. Bristol
Owner, Agent, Applicant

Sworn to (or affirmed) and subscribed before me this 12 day of May, 2009 by Heather E. Bristol and Michael C. Bristol

Robert Michael Holley
Signature of Notary Public

Robert Michael Holley
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification FL B623325758710
Type of Identification Produced FL DL

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



**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record, or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

We ~~X~~ Heather & Michael Bristol the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) _____
23-20-30-5A0-0000-1410

_____ hereby affirm that J. Nicole Vanhook, Esquire is hereby designated to act as my /our authorized agent and to file the attached application for the stated special exception / variance request and make binding statements and commitments regarding the request.

Heather Bristol

Heather Bristol
Owner's Signature

Michael Bristol

Michael Bristol
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

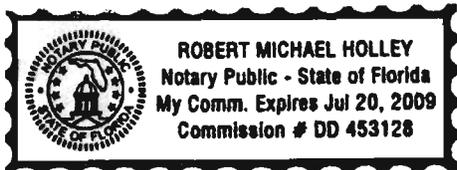
SWORN TO AND SUBSCRIBED before me this 12 day of May, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Heather & Michael Bristol, who is personally known to me or who has produced FLDL has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 12 day of May, 2009

Robert Michael Holley
Notary Public in and for the County and State
Aforementioned

My Commission Expires: July 20, 2009



Application to the Board of Adjustment / Planning Division

Last updated 7/24/08

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:

Leg Lot 141 Eureka Hammock PB 1PG 106

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

FINDINGS OF FACT

Property Owner: Heather and Michael Bristol
574 Hardy Place
Lake Mary, Fl. 32746

Project Name: Sanford Avenue South (4750)

Special Exception Approval:

Riding lessons in the A-1 (Agriculture) 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 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 will be for persons boarding horses on the property. At such time lessons are to be offered to persons not boarding horses on the property, an amendment to the special exception will be required.
2. Riding lessons shall occur between daylight hours or dawn to dusk.
3. There will be no lighting on the property associated with the riding lessons.
4. There shall be no outdoor amplification of sound.
5. There shall be no competitions permitted except by a special event permit.
6. There will be an average of seven (5) lessons a day given, Monday through Saturday.
7. The general layout of the proposed uses as depicted on the master plan shall not change.
8. No building shall be increased more than 10% without Board of Adjustment approval.

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

Leg Lot 141 Eureka Hammock PB 1PG 106

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

FINDINGS OF FACT

Property Owner: Heather and Michael Bristol
574 Hardy Place
Lake Mary, Fl. 32746

Project Name: Sanford Avenue South (4750)

Special Exception Approval:

Riding lessons in the A-1 (Agriculture) district.

Approval was sought to offer riding lessons to persons currently boarding horses 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

**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: