

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 2415 Mount Royal Place– Daniel & Nanci Lebrecht, applicants; Request for 1) a rear yard setback variance from 50 feet to 12 feet for an existing horse barn and 2) a rear yard setback variance from 30 feet to 12 feet for an existing pole barn in A-1 (Agriculture District).

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

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

Agenda Date 10/22/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for 1) a rear yard setback variance from 50 feet to 12 feet for an existing horse barn and 2) a rear yard setback variance from 30 feet to 12 feet for an existing pole barn in A-1 (Agriculture District); or
2. **APPROVE** the request for 1) a rear yard setback variance from 50 feet to 12 feet for an existing horse barn and 2) a rear yard setback variance from 30 feet to 12 feet for an existing pole barn in A-1 (Agriculture District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Daniel & Nanci Lebrecht Location: 2415 Mount Royal Place Zoning: A-1(Agriculture District) Subdivision: Pickett Downs
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a rear yard setback variance for two existing pole barns; a 15-foot by 30-foot horse barn that is encroaching 38 feet into the required 50-foot rear yard setback, and a 16-foot by 29-foot pole barn that is encroaching 18 feet into the required 30-foot year yard setback. • Per the applicant; the pole barn has existed for approximately four years, the horse barn has existed for approximately one year. A building permit was never

	<p>issued.</p> <ul style="list-style-type: none"> • On November 14th, 2006, a notice of violation was issued for the un-permitted construction of the pole barns. • There is no record of prior variances for this property.
<p>STAFF FINDINGS</p>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. • Special conditions and circumstances result from the actions of the applicant. • The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. • The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. • The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure. <p><i>The applicant could move the structures in order to reduce the current encroachment.</i></p> <ul style="list-style-type: none"> • The applicant would still retain reasonable use of the land, building or structure without the granting of the variance. • The grant of the variance would not be in harmony with the general intent of Chapter 30.
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"> • Any variance granted shall apply only to the two pole barns as depicted on the attached site plan; and • Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

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

Support information:

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

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2007-113
Meeting Date 10-22-07



VARIANCE 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: Daniel & Nanci Lebrecht

Address: 2415 Mt Royal Pl City: Chuluota Zip code: 32766

Project Address: 2415 Mt Royal City: Chuluota Zip code: 32766

Contact number(s): 407-760-7450

Email address: nlebrecht@contemporarymortgage.com

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

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>2 Pole Barns 1) 15 x 30 - Horses</u>
<input checked="" type="checkbox"/> This request is for a structure that has already been built.	<u>2) 16 x 29 - Shed / Pole</u>

RECEIVED AUG 08 2007

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>50'</u>	Proposed setback: <u>12 HORSE BAR</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<u> </u> yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> <u>REAR</u> yard setback	Required setback:	<u>30</u>	Proposed setback: <u>12</u> Pole Barn.
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Nanci Lebrecht

FOR OFFICE USE ONLY

Date Submitted: 8-8-07 Reviewed By: P. Johnson
 Tax parcel number: 34-21-32-501-0000-0480 Zoning/FLU A-1/SE
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p><i>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</i></p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	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 Location of proposed fence(s)
	o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

PLAT OF SURVEY FOR DANIEL LeBRECHT
SEMINOLE COUNTY, FLORIDA
DESCRIPTION

Lot 48, PICKETT DOWNS, according to the Plat thereof as recorded in Plat Pages 19 through 21, of the Public Records of Seminole County, Florida.

SURVEYOR'S CERTIFICATE

I hereby certify that a Boundary Survey of the above described property under my direction and the Plat hereon is a correct representation of the same and meets the Minimum Technical Standards as set forth in Chapter 112, Florida Administrative Code. Copies of this survey are invalid unless they are embossed with the seal of the undersigned.

RLS #1653 *V.R. Smith* 13 FEB 87
V. KELLY SMITH & ASSOCIATES, INC.
1807 French Avenue
Sanford, Florida
305/322-2213

UPDATED SURVEY FOR FOUNDATION:
V.R. Smith 29 OCT-87
REC. IRON # 2864

MEASUREMENTS BASED ON PLAT DATUM

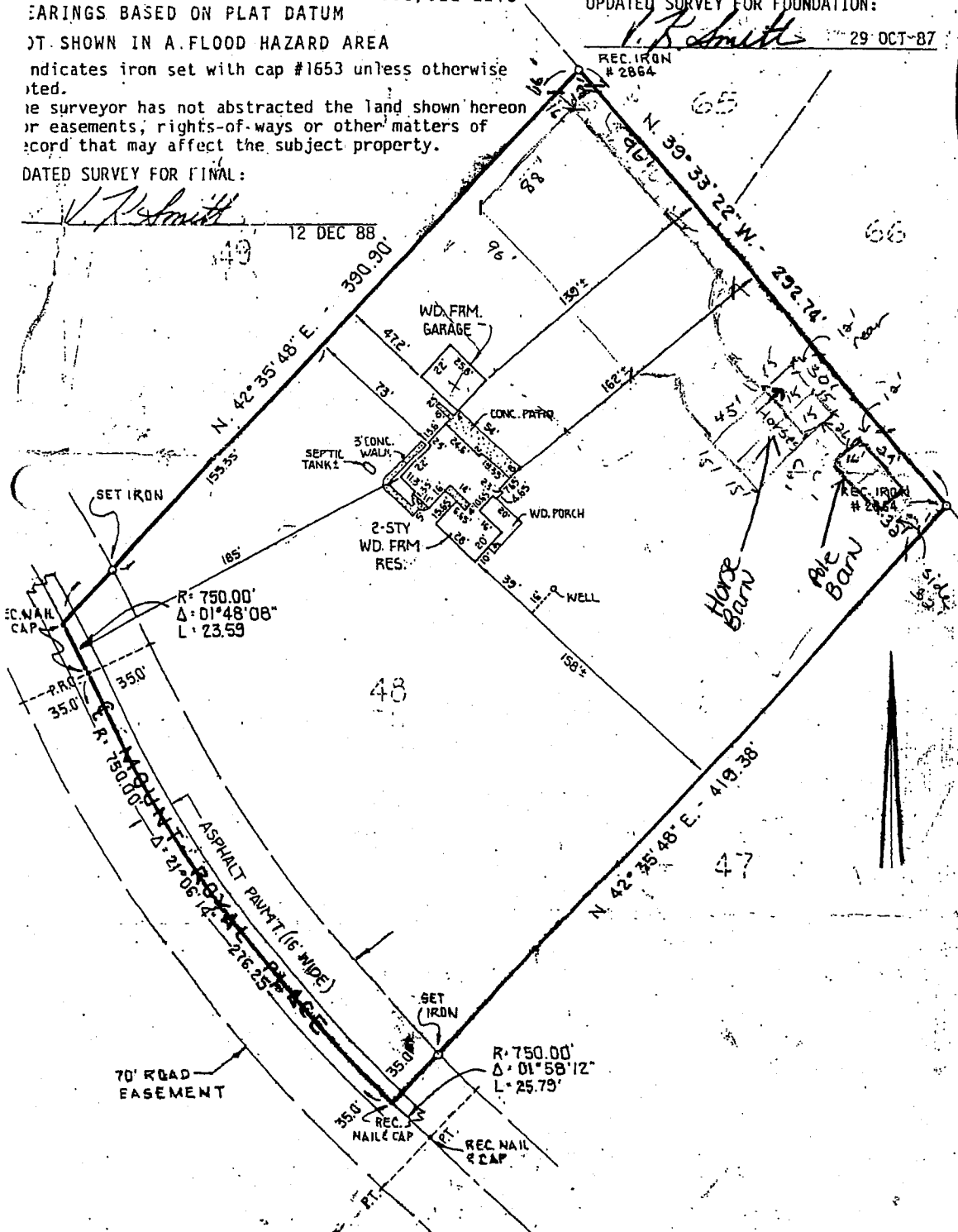
LOT SHOWN IN A FLOOD HAZARD AREA

Symbol indicates iron set with cap #1653 unless otherwise noted.

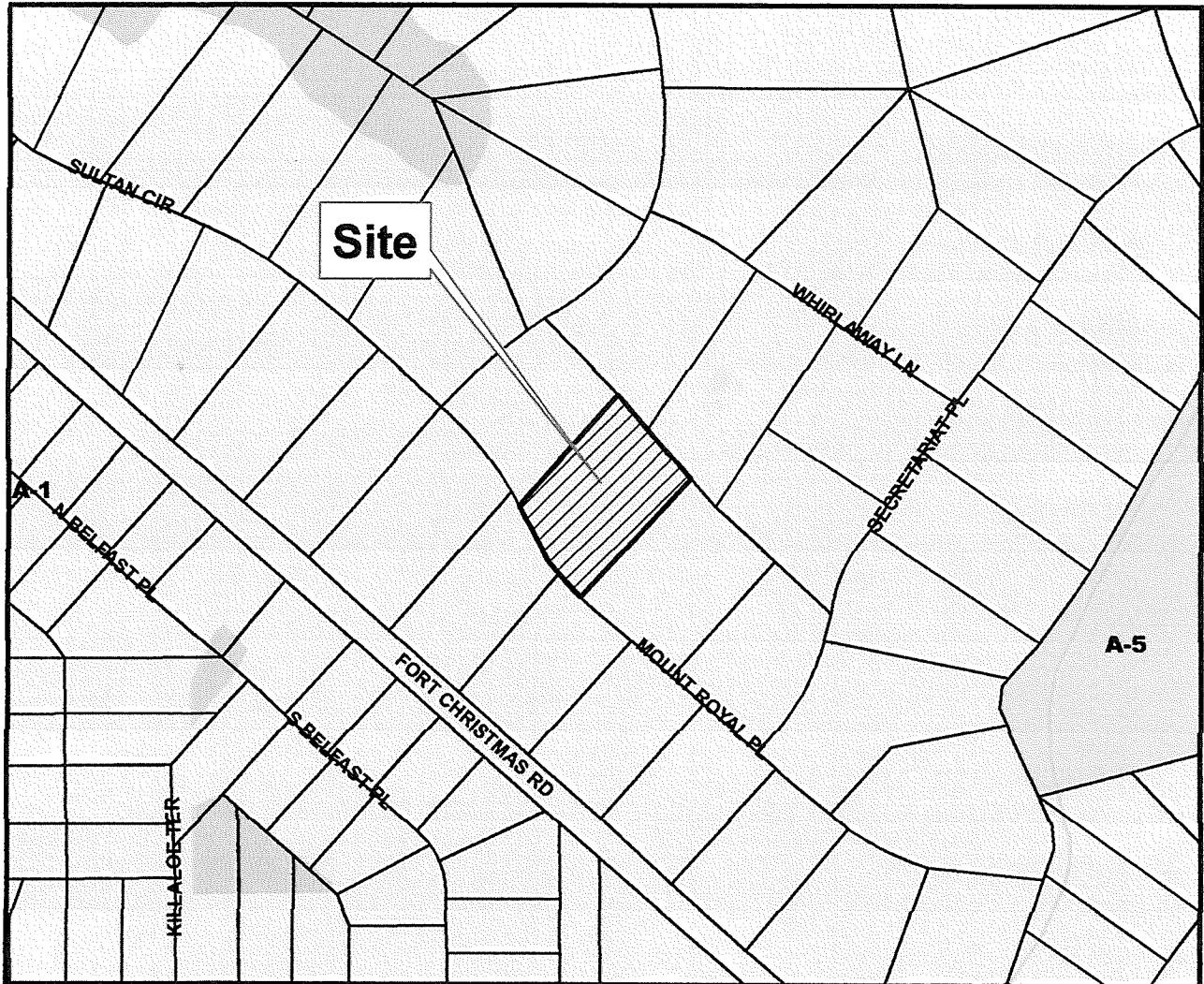
The surveyor has not abstracted the land shown hereon for easements, rights-of-ways or other matters of record that may affect the subject property.

DATED SURVEY FOR FINAL:

V.R. Smith 12 DEC 88







Daniel & Nanci LeBrecht
2415 Mount Royal Place
Chuluota, Florida 32766

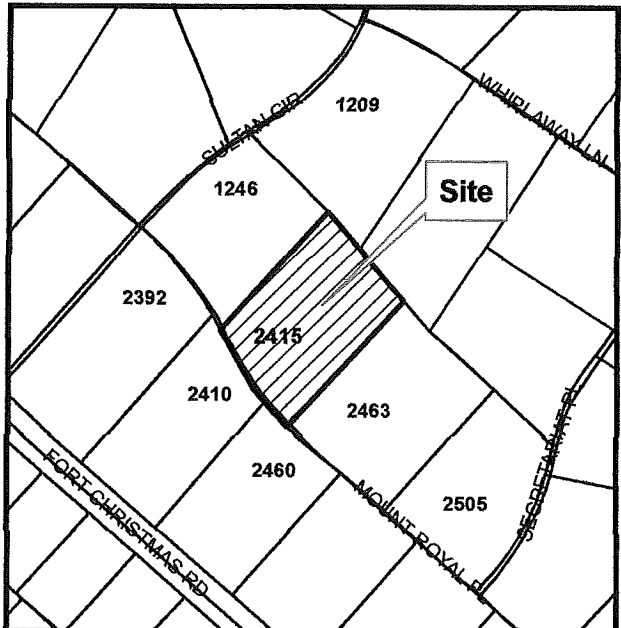


Seminole County Board of Adjustment
October 22, 2007
Case: BV2007-113 (Map 3215, Grid C6)
Parcel No: 34-21-32-501-0000-0480

Zoning

-  BV2007-113
-  A-1
-  A-5

N




<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7506</p>		
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<p align="center">GENERAL</p> <p>Parcel Id: 34-21-32-501-0000-0480 Owner: LEBRECHT DANIEL E & Own/Addr: LECLAIR Nanci Mailing Address: 2415 MOUNT ROYAL PL City,State,ZipCode: OVIEDO FL 32766 Property Address: 2415 MT ROYAL PL CHULUOTA 32766 Subdivision Name: PICKETT DOWNS Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1994) Dor: 01-SINGLE FAMILY</p>	<p align="center">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$259,818 Depreciated EXFT Value: \$3,544 Land Value (Market): \$125,550 Land Value Ag: \$0 Just/Market Value: \$388,912 Assessed Value (SOH): \$169,370 Exempt Value: \$25,000 Taxable Value: \$144,370</p> <p align="center">Tax Estimator Tax Reform Analysis</p>
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<p align="center">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/1987</td> <td>01868</td> <td>1981</td> <td>\$35,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/1987	01868	1981	\$35,000	Vacant	Yes	<p align="center">2006 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$5,016 2006 Tax Bill Amount: \$2,260 Save Our Homes (SOH) Savings: \$2,756 2006 Taxable Value: \$140,239</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified									
WARRANTY DEED	06/1987	01868	1981	\$35,000	Vacant	Yes									

<p align="center">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>2.790</td> <td>45,000.00</td> <td>\$125,550</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	2.790	45,000.00	\$125,550	<p align="center">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LEG LOT 48 PICKETT DOWNS PB 29 PGS 19 TO 21</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
ACREAGE	0	0	2.790	45,000.00	\$125,550								

BUILDING INFORMATION

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1988	10	1,839	3,007	2,335	SIDING ABOVE AVG	\$259,818	\$279,374
	Appendage / Sqft		OPEN PORCH FINISHED / 100						
	Appendage / Sqft		UPPER STORY FINISHED / 496						
	Appendage / Sqft		DETACHED GARAGE UNFINISHED / 572						

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

Permits

EXTRA FEATURE

Description	Year Bld	Units	EXFT Value	Est. Cost New
FIREPLACE	1988	1	\$1,313	\$2,500
WOOD DECK	1988	240	\$480	\$1,200
WOOD UTILITY BLDG	2001	384	\$1,751	\$2,304

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad



Pickett Downs

Phase I Homeowners' Association

P.O. Box 622551

Oviedo, Florida 32762-2551

July 15, 2007

Mr. & Mrs. Daniel LeBrecht
2415 Mt Royal Place
Chuluota, FL 32766

The Pickett Downs Phase I Architectural Control Committee has reviewed your request to deviate from our current setbacks in our covenants. We have reviewed your Boundary Survey with the existing horse barn and pole building sketched on the survey, and we have approved your request to deviate from the setbacks in our covenants. We request that in the future you consult the appropriate committee prior to construction of anything requiring architectural or board approval.

Sincerely,

Dale J. Samson, Chairman
Architectural Control Committee

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 22, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 48
PICKETT DOWNS PB 29 PGS 19-21

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

FINDINGS OF FACT

Property Owner: Daniel & Nanci Lebrecht
2415 Mount Royal Place
Oviedo, FL 32766

Project Name: 2415 Mount Royal (BV2007-113)

Requested Development Approval:

Request for 1) a rear yard setback variance from 50 feet to 12 feet for an existing horse barn and 2) a rear yard setback variance from 30 feet to 12 feet for an existing pole barn in A-1 (Agriculture 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: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the two pole barns as depicted on the attached site plan.
- (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: _____
Dori L. DeBord
Planning & Development Director

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

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

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: