

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 2481 Island Drive – John & Gail Kalepp, applicants; Request for a 1) front yard setback variance from 25 feet to 13 feet and a 2) side yard (north) setback variance from 10 feet to 0 feet for an aluminum carport in R-1AA (Single Family Dwelling) district.

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

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

**Agenda Date** 12/7/09 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a 1) front yard setback variance from 25 feet to 13 feet and a 2) side yard (north) setback variance from 10 feet to 0 feet for an aluminum carport in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a 1) front yard setback variance from 25 feet to 13 feet and a 2) side yard (north) setback variance from 10 feet to 0 feet for an aluminum carport in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<b>Applicant:</b> John & Gail Kalepp <b>Location:</b> 2481 Island Drive <b>Zoning:</b> R-1AA (Single Family Dwelling) <b>Subdivision:</b> Lake Brantley Isles 1 <sup>st</sup> Add
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed an aluminum carport that encroaches 12 feet into the required 25-foot front yard setback and 10 feet into the required 10-foot side yard setback.</li> <li>• In September of 2009 a notice of code violation was issued for the unpermitted construction of the carport.</li> <li>• There is no record of prior variances for this property.</li> </ul>
<b>STAFF FINDINGS</b>	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

Reviewed by: KFT  
Co Atty: AS  
Pln Mgr: AS

	<ul style="list-style-type: none"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none"><li>• Any variance granted shall apply only to the front yard setback and side yard (north) setback for the carport as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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
- Applicant Authorization Form
- 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 # BV2009-99  
Meeting Date 12-7-09



# VARIANCE 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: John Kalepp & Gail Kalepp  
Address: 2481 Island Dr. City: Longwood Zip code: 32779  
Project Address: 2481 Island Dr. City: Longwood Zip code: 32779  
Tax Parcel number: 05-21-29-501-0000-0160  
Contact number(s): (407)  
Email address: Tami@FloridaPoolEnclosures.com

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

### 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"/> Covered screen room	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>30'x30'x13'(L)shaped Carport w/Aluminum roof panels</u>

RECEIVED OCT 28 2009

This request is for a structure that has already been built.

### 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>25'</u>	Proposed setback:	<u>13.5'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10'</u>	Proposed setback:	<u>0'</u>
<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:

<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	

Total number of variances requested 2

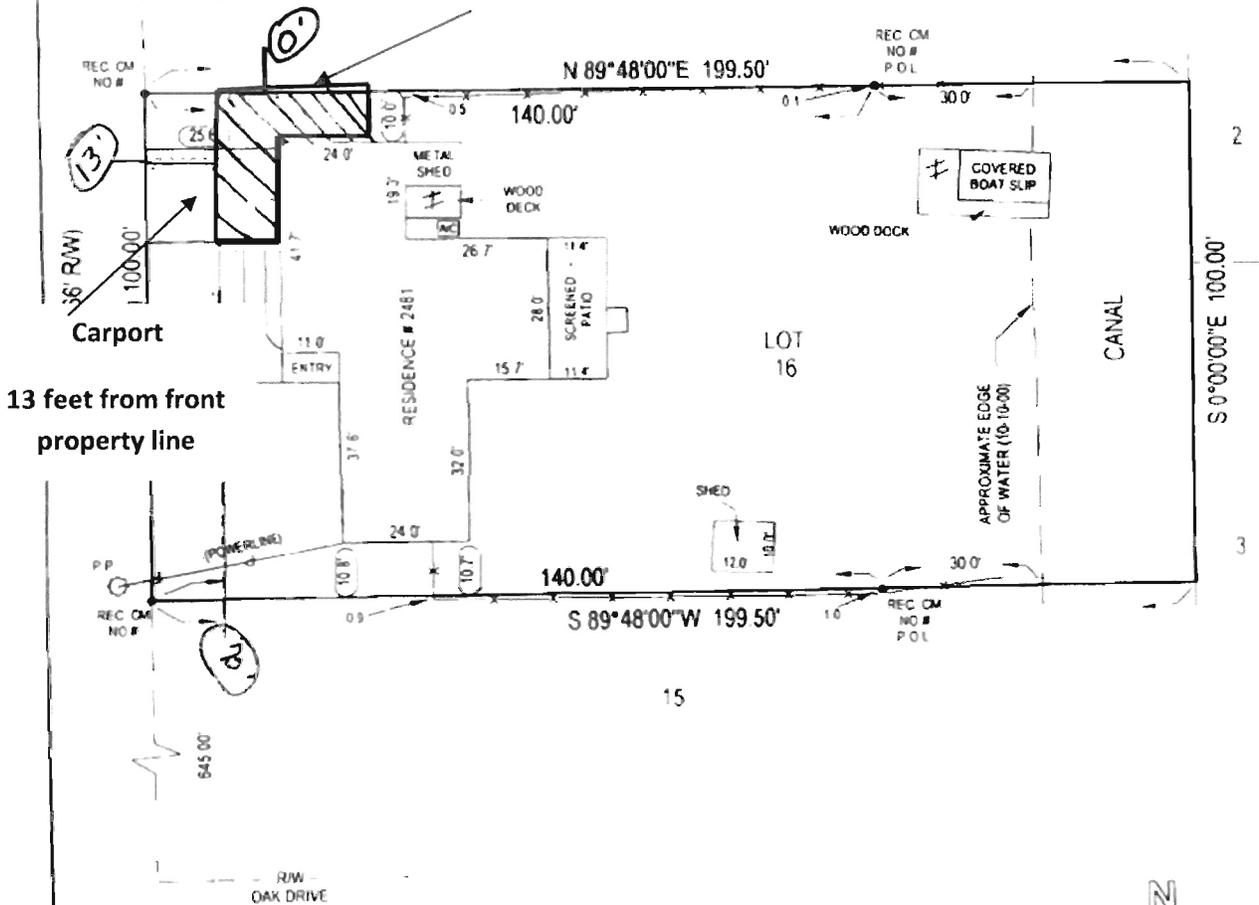
Signed: John Kalepp

Date: 10-8-09

NOTES

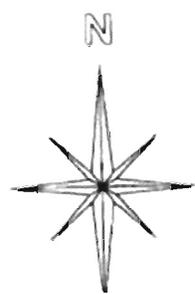
- 1 THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
- 2 NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
- 3 THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
- 4 DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5 BEARINGS ARE BASED ON RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
- 6 PROPERTY HEREON LOCATED IN ZONE "X" PER FIRM COMMUNITY PANEL NO. 120289 0110 E DATED 04-17-95.

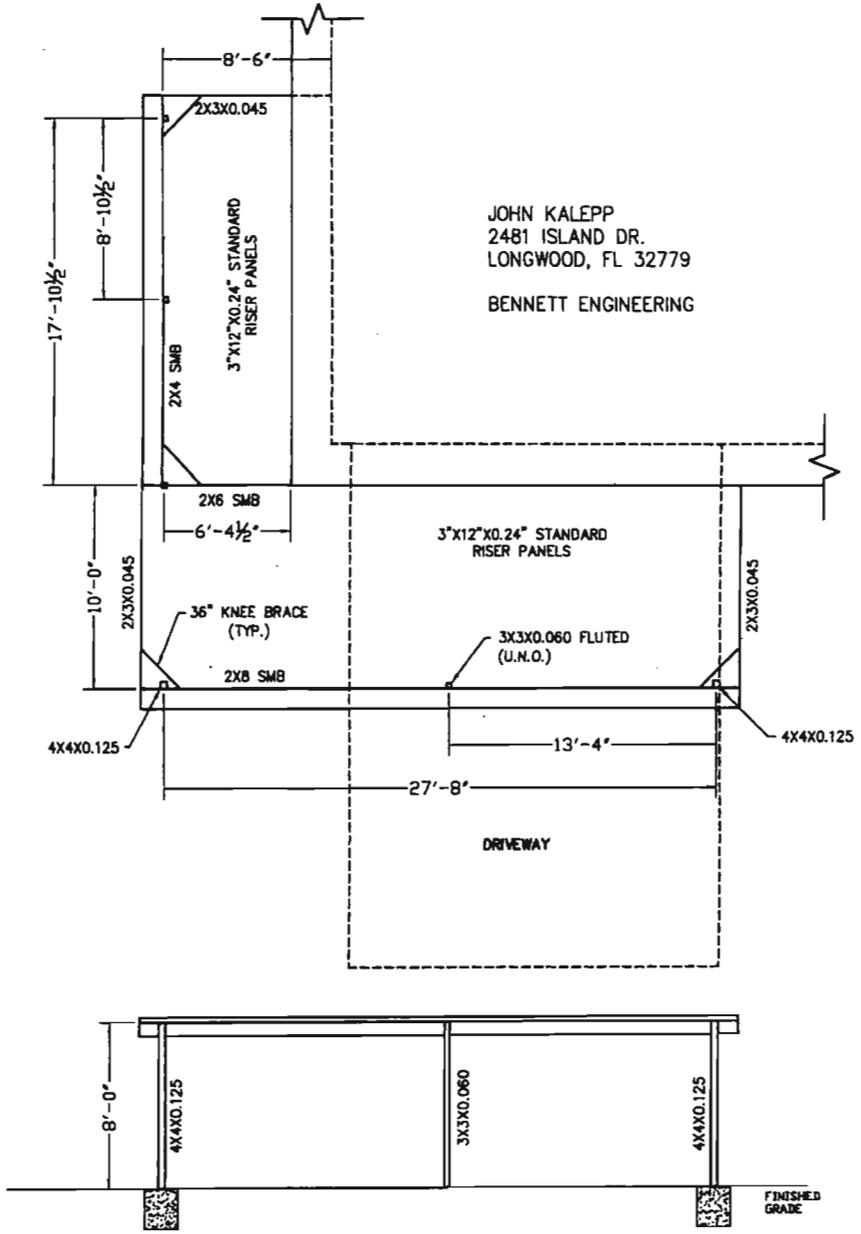
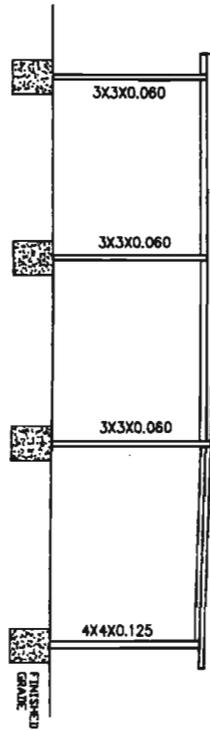
Open  
Aluminum Structure  
30' x 30' x 13' (Carport) 0 feet from side yard  
(L) shaped (north) property line



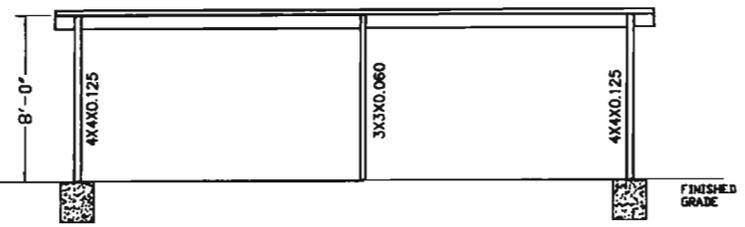
13 feet from front property line

CERTIFIED TO:  
JOHN MICHAEL KALEPP & GAIL CHRISTENSEN KALEPP  
CENTRAL FLORIDA TITLE COMPANY  
OLD REPUBLIC NATIONAL TITLE INSURANCE CO  
CONJUGANT MORTGAGE

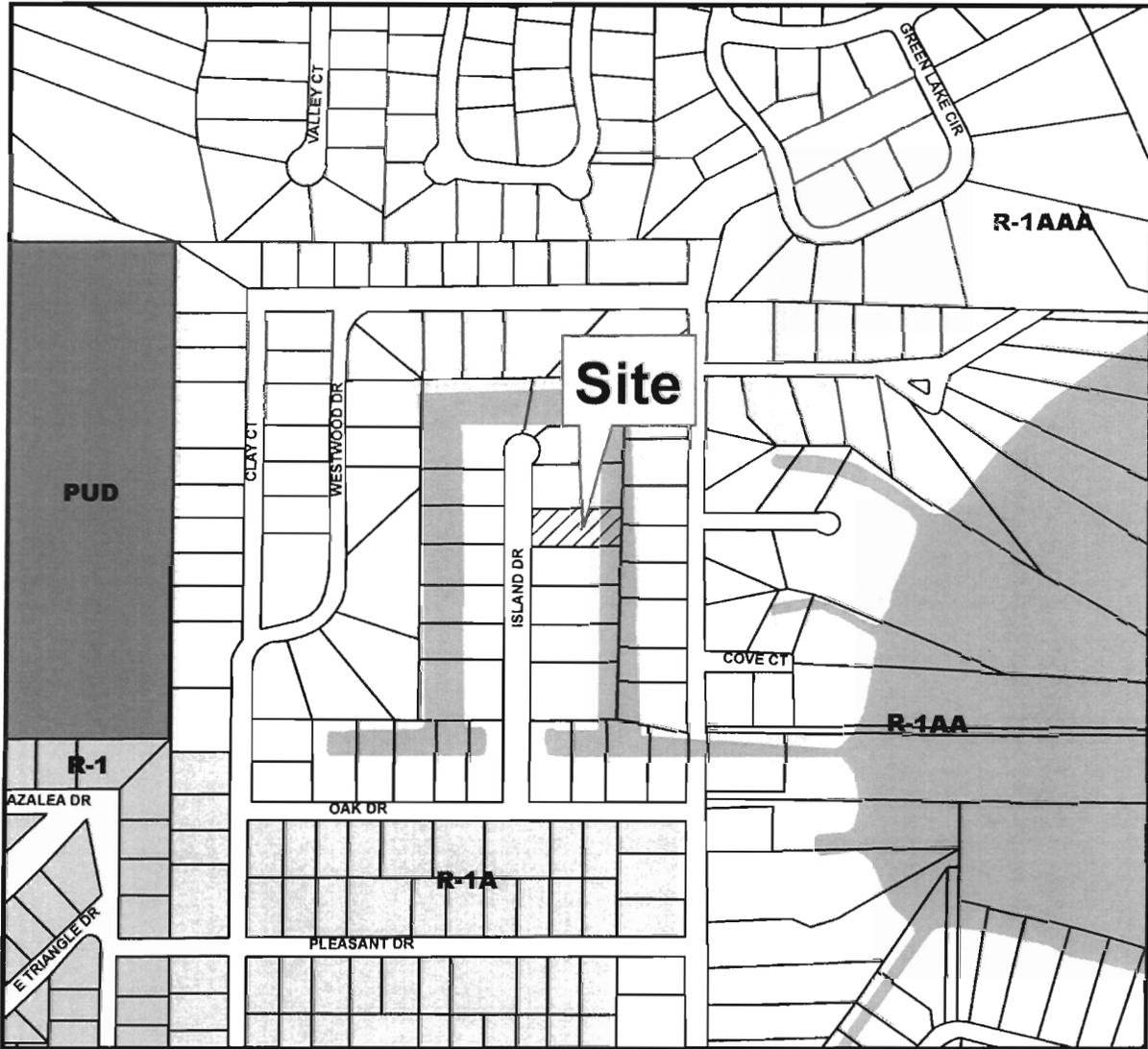




JOHN KALEPP  
2481 ISLAND DR.  
LONGWOOD, FL 32779  
BENNETT ENGINEERING



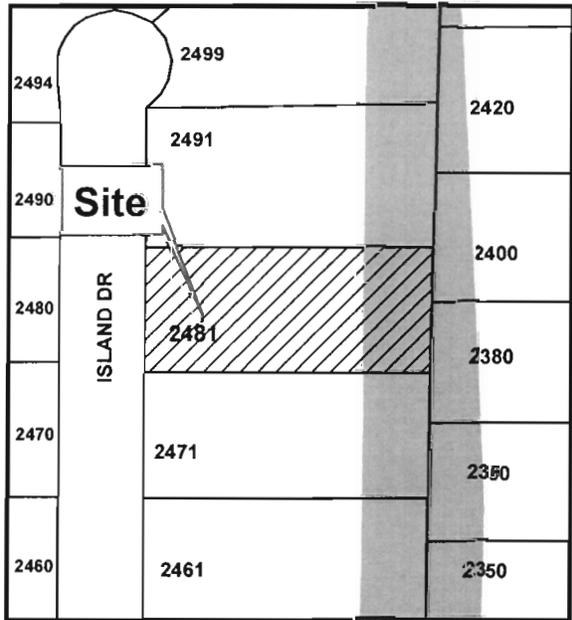
John & Gail Kalepp  
 2481 Island Drive  
 Longwood, FL 32779



Seminole County Board of Adjustment  
 December 7, 2009  
 Case: BV2009-99 (Map 3154 Grid D2)  
 Parcel No: 05-21-29-501-0000-0160

Zoning

-  BV2009-99
-  R-1AAA
-  R-1AA
-  R-1A
-  R-1
-  PUD

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST MANFORD, FL 32771-1408 407-655-7505</p>																																										
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 05-21-29-501-0000-0160                  Owner: KALEPP JOHN M &amp; GAIL                  Mailing Address: 2481 ISLAND DR                  City,State,ZipCode: LONGWOOD FL 32779                  Property Address: 2481 ISLAND DR LONGWOOD 32779                  Subdivision Name: LAKE BRANTLEY ISLES 1ST ADD                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (2001)                  Dor: 01-SINGLE FAMILY</p>		<p align="center"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/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">\$135,041</td> <td align="right">\$149,494</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$1,867</td> <td align="right">\$1,867</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$156,000</td> <td align="right">\$187,200</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td><b>Just/Market Value</b></td> <td align="right"><b>\$292,908</b></td> <td align="right"><b>\$338,561</b></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">\$82,676</td> <td align="right">\$128,539</td> </tr> <tr> <td><b>Assessed Value (SOH)</b></td> <td align="right"><b>\$210,232</b></td> <td align="right"><b>\$210,022</b></td> </tr> </tbody> </table> <p align="center"> <a href="#">Tax Estimator</a>  <a href="#">Portability Calculator</a>                      2009 Notice of Proposed Property Tax                 </p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$135,041	\$149,494	Depreciated EXFT Value	\$1,867	\$1,867	Land Value (Market)	\$156,000	\$187,200	Land Value Ag	\$0	\$0	<b>Just/Market Value</b>	<b>\$292,908</b>	<b>\$338,561</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$82,676	\$128,539	<b>Assessed Value (SOH)</b>	<b>\$210,232</b>	<b>\$210,022</b>							
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**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
John Kalepp	2481 Island Dr. Longwood	
Gail Kalepp	2481 Island Dr. Longwood	

(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
N/A			

(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
N/A			

(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
N/A		

(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
N/A		

Date of Contract: N/A

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

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.

10-8-09  
Date

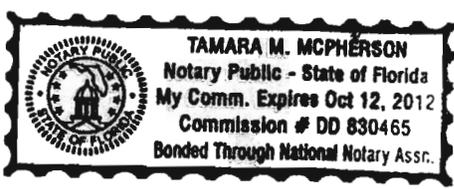
John Kalepp  
~~\_\_\_\_\_~~

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 8 day of Oct, 2009 by John Kalepp

Tamara McPherson  
Signature of Notary Public      Tamara McPherson  
Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



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

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16  
LAKE BRANTLEY ISLES 1<sup>ST</sup> ADD  
PB 10 PG 22

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

### FINDINGS OF FACT

**Property Owner:** John & Gail Kalepp  
2481 Island Drive  
Longwood, FL 32779

**Project Name:** Island Drive (2481)

**Requested Variance:**

Request for a 1) front yard setback variance from 25 feet to 13 feet and a 2) side yard (north) setback variance from 10 feet to 0 feet for an aluminum carport in R-1AA (Single Family Dwelling) district.

Approval was sought to allow for a carport to encroach within the front and side yard setbacks. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

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

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

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

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

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 16  
LAKE BRANTLEY ISLES 1<sup>ST</sup> ADD  
PB 10 PG 22

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

### FINDINGS OF FACT

**Property Owner:** John & Gail Kalepp  
2481 Island Drive  
Longwood, FL 32779

**Project Name:** Island Drive (2481)

**Variance Approval:**

Request for a 1) front yard setback variance from 25 feet to 13 feet and a 2) side yard (north) setback variance from 10 feet to 0 feet for an aluminum carport in R-1AA (Single Family Dwelling) 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: 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:
  - a. The variance granted will apply only to the front yard setback and the side yard (north) setback for a carport 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: \_\_\_\_\_  
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.

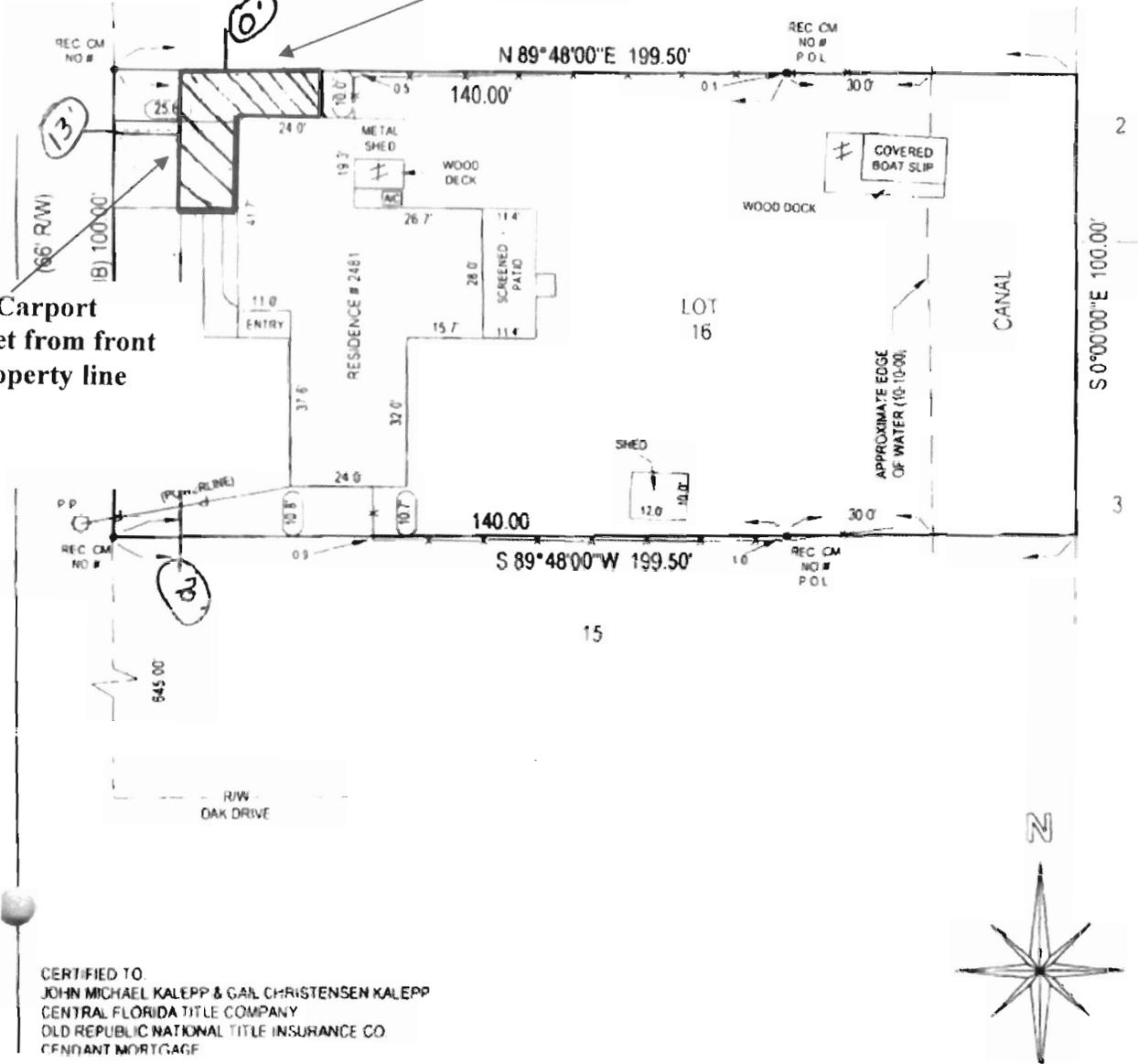
**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

My Commission Expires:

Open  
Aluminum Structure  
30' x 30' x 13' (Carport!)  
(L) Shaped 0 feet from side  
yard (north)

Carport  
13 feet from front  
property line



CERTIFIED TO:  
JOHN MICHAEL KALEPP & GAIL CHRISTENSEN KALEPP  
CENTRAL FLORIDA TITLE COMPANY  
OLD REPUBLIC NATIONAL TITLE INSURANCE CO  
DEFENDANT MORTGAGE