

1735 CARLTON STREET BOARD OF ADJUSTMENT APPEAL

Appellants: James and Marie Riesen

Request: Appeal of the Board of Adjustment decision to deny the request for an east side yard setback variance from ten (10) feet to two (2) feet for a detached accessory structure in the R-1AA (Single Family Dwelling) district, and more particularly known as 1735 Carlton Street; Longwood.

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Background:

- A building code violation (25-76) was issued for this structure, resulting in the necessity of these variances.
- On June 23, 2025, the Board of Adjustment denied the east side yard setback variance requests for the existing 780 square foot detached accessory structure.
- On July 9, 2025, James and Marie Riesen, Appellants, filed a Notice of Appeal of the Board of Adjustment Decision.

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Staff Findings:

The applicant has not satisfied all six (6) criteria under Section 30.3.3.2(b) of the Seminole County Land Development Code for granting a variance as listed below:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification; and
2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning classification; and
4. That the literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant; and
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
6. That the grant of the variance will be in harmony with the general intent and purpose of Chapter 30, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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Board of Adjustment Decision:

- The Board of Adjustment found that granting of the requested variance would be violative of one or more of the variance criteria found in section 30.3.3.1(b) of the Seminole County Land Development Code presenting a disproportionately injurious impact on the adjoining neighbor due to the proximity of the detached accessory structure to the neighbor's property line and would therefore not be in harmony with the general intent and purpose of chapter 30 of the Land Development Code to maintain consistent setbacks.

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Requested Board Action:

Staff requests the Board of County Commissioners uphold the decision of the Board of Adjustment to deny the request for an east side yard setback variance from ten (10) feet to two (2) feet for a detached accessory structure in the R-1AA (Single Family Dwelling) district, located at 1735 Carlton Street.