

EXHIBIT D

SEMINOLE COUNTY GOVERNMENT BOARD OF ADJUSTMENT AGENDA MEMORANDUM

SUBJECT: 1735 Carlton Street

NAVILINE PROJECT NUMBER: 25-30000063

AGENDA DATE: June 23, 2025

Variance ☒

TITLE

1735 Carlton Street – 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; BV2025-063 (James Riesen, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

DEPARTMENT

Development Services

DIVISION

Planning & Development Division

CONTACT

Angi Gates/407-665-7465

MOTION/RECOMMENDATION

1. 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; or
2. Approve 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; or
3. Continue the request to a time and date certain.

BACKGROUND

- The subject property is located in the Sanlando Springs subdivision.
- The existing structure is 780 square feet (26' x 30') and encroaches eight (8) feet into the required east side yard setback.
- A Code Enforcement violation (25-76) was issued for this structure, resulting in the necessity of this variance.
- Six letters of support and two letters of opposition were received from adjacent neighbors.
- The request is for a variance to Section 30.7.3.1 of the Seminole County Land Development Code, which states that the side yard setback for this zoning district is ten (10) feet.
- There have not been any prior variances for the subject property.

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.

Staff finds that the following variance criteria have not been satisfied:

The general intent of the Land Development Code is to maintain consistent setbacks; therefore, the grant of the variance will not be in harmony with the general intent and purpose of Chapter 30, would be injurious to the neighborhood, and otherwise detrimental to the public welfare. Section 30.3.3.2(b)(6)

STAFF CONCLUSION

Based upon the foregoing findings, the requested variance is not in the public interest and failure to grant the variance would not result in an unnecessary and undue hardship.

STAFF RECOMMENDATION

Based on the stated findings, staff recommends denial of the request, but if the Board of Adjustment determines that the applicant has satisfied all six (6) criteria under Section 30.3.3.2(b) of the Seminole County Land Development Code for granting a variance, staff recommends the following conditions of approval:

1. Any variance granted will apply only to the detached accessory structure as depicted on the attached site plan; and
2. Any additional condition(s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing.