



Legislation Details (With Text)

File #: 2024-0610
Type: Variances Status: Passed
File created: 4/23/2024 In control: Board of Adjustment
On agenda: 5/20/2024 Final action: 5/20/2024
Title: 2449 Sipes Avenue - Request for: (1) a rear yard setback variance from ten (10) feet to five (5) feet; and (2) a side yard (north) setback variance from seven and one-half (7.5) feet to three and one-half (3.5) feet for a shed in the R-1 (Single Family Dwelling) district; BV2024-035 (Darren Price, Applicant) District 5 - Herr (Hilary Padin, Project Manager)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Site Plan, 2. Zoning Map, 3. Justification Statement, 4. Property Record Card, 5. Photos, 6. Denial Development Order, 7. Approval Development Order

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 5/20/2024, 1, Board of Adjustment, [blank], [blank]

Title:

2449 Sipes Avenue - Request for: (1) a rear yard setback variance from ten (10) feet to five (5) feet; and (2) a side yard (north) setback variance from seven and one-half (7.5) feet to three and one-half (3.5) feet for a shed in the R-1 (Single Family Dwelling) district; BV2024-035 (Darren Price, Applicant) District 5 - Herr (Hilary Padin, Project Manager)

Department/Division:

Development Services - Planning and Development

Authorized By:

Kathy Hammel

Contact/Phone Number:

Hilary Padin - (407) 665-7331

Motion/Recommendation:

- 1. Deny the request for: (1) a rear yard setback variance from ten (10) feet to five (5) feet; and (2) a side yard (north) setback variance from seven and one-half (7.5) feet to three and one-half (3.5) feet for a shed in the R-1 (Single Family Dwelling) district; or
2. Approve the request for: (1) a rear yard setback variance from ten (10) feet to

five (5) feet; and (2) a side yard (north) setback variance from seven and one-half (7.5) feet to three and one-half (3.5) feet for a shed in the R-1 (Single Family Dwelling) district; or

3. Continue the request to a time and date certain.

Background:

- The subject property is located in the Packards 1st Addition to Midway subdivision.
- A Code Enforcement violation (24-44) was issued for the shed located in the setbacks, resulting in the necessity of this variance.
- The request is to bring into compliance the construction of an eight (8) foot by ten (10) foot shed five (5) feet into the rear yard setback and four (4) feet into the north side yard setback.
- The requests are for variances to Section 30.7.3.1 of the Seminole County Land Development Code, which states that detached accessory structures under 200 square feet in size and twelve (12) feet in height have a ten (10) foot rear yard setback and a seven and one-half (7.5) foot side yard setback.
- The rear of the property abuts an eight (8) foot alley with a church on the other side of it and a vacant parcel owned by the church on the north side.
- There have not been prior variances for the subject property.
- The subject property is located within the Midway Target Area.

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 has 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 shed (8' x 10') 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.