

Legislation Details (With Text)

File #: 2022-7500
Type: Variances **Status:** Passed
File created: 12/28/2022 **In control:** Board of Adjustment
On agenda: 1/23/2023 **Final action:** 1/23/2023
Title: 1337 Franklin Street - Request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2022-101 (Billy & Randi Parker, Applicants) District 4 - Lockhart (Hilary Padin, Project Manager)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Site Plan, 2. Zoning Map, 3. Justification Statement, 4. Property Record Card, 5. Photos of Structure, 6. Statement of Intent, 7. Denial Development Order, 8. Approval Development Order

Date	Ver.	Action By	Action	Result
1/23/2023	1	Board of Adjustment	approve with conditions	

Title:

1337 Franklin Street - Request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2022-101 (Billy & Randi Parker, Applicants) District 4 - Lockhart (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 a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed 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 subdivision.

- The request is to construct a ten (10) foot by twenty (20) foot shed encroaching five (5) feet into the east side yard setback.
- The request is for a variance to Section 30.1345(b) of the Land Development Code of Seminole County, which states that that a detached accessory building shall comply with the side yard setback requirement for the main residence, which is ten (10) feet in the R-1AA zoning district.
- On September 23, 2019, the Board of Adjustment granted a west side yard setback variance and a rear yard setback variance from ten (10) feet to five (5) feet for a different shed.

Staff Findings:

The applicant has not satisfied all six (6) criteria under Section 30.43(b)(3) of the Seminole County Land Development Code for granting a variance as listed below:

1. That 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; and
2. That the special conditions and circumstances do not result from the actions of the applicant; and
3. That the granting of the variance requested will not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district; and
4. That the literal interpretation of the provisions of Chapter 30 will deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification; and
5. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
6. That the grant of the variance would be in harmony with the general intent of Chapter 30.

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 would not be in harmony with the general intent of Chapter 30. Section 30.43(b)(3)(f)

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 30.43(b)(3) 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 (10' x 20') 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.