



Legislation Details (With Text)

File #: 2024-0614
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File created: 4/24/2024 In control: Board of Adjustment
On agenda: 5/20/2024 Final action: 5/20/2024
Title: 304 N. Jungle Road - Request for: (1) a lot size variance from five (5) acres to 23,100 square feet; and (2) a width at the building line variance from 150 feet to 110 feet for a single-family residence in the A-5 (Rural 5) district; BV2024-044 (Brett Baxter, Applicant) District 2 - Zembower (Hilary Padin, Project Manager)

Sponsors:

Indexes:

Code sections:

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

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

Title:

304 N. Jungle Road - Request for: (1) a lot size variance from five (5) acres to 23,100 square feet; and (2) a width at the building line variance from 150 feet to 110 feet for a single-family residence in the A-5 (Rural 5) district; BV2024-044 (Brett Baxter, Applicant) District 2 - Zembower (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. Approve the request for: (1) a lot size variance from five (5) acres to 23,100 square feet; and (2) a width at the building line variance from 150 feet to 110 feet for a single-family residence in the A-5 (Rural 5) district; or
2. Deny the request for: (1) a lot size variance from five (5) acres to 23,100 square feet; and (2) a width at the building line variance from 150 feet to 110 feet for a

single-family residence in the A-5 (Rural 5) district; or

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

Background:

- The requests are for a lot size variance from five (5) acres to 23,100 square feet and a lot width variance from 150 feet to 110 feet to construct a single-family home.
- The parcel is a parcel of record prior to the adoption of the Land Development Code in 1960. When the Land Development Code was adopted, this property was assigned an A-1 zoning classification, which allowed for 100 foot wide lots on 10,000 square feet, which has since been amended leaving this property to no longer meet the requirement.
- The property abuts two (2) similarly portioned developed parcels on the north and south sides, constructed in 1963 and 1979, and a developed ten (10) acre parcel in the rear.
- The request is for a variance to Section 30.7.3.2 of the Seminole County Land Development Code, which states that the minimum area required is five (5) acres and the minimum width at the building line is 150 feet.
- There have not been prior variances for the subject property.

Staff Findings:

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 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 create 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 been satisfied:

This parcel is a legal parcel of record, along with other non-conforming lots around it, established prior to the subdivision regulations; therefore, special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same zoning classification (Section 30.3.3.2(b)(1)).

This parcel was created prior to the assignment of the A-5 zoning district and prior to the ownership of the applicant; therefore, special conditions and circumstances do not result from the actions of the applicant (Section 30.3.3.2(b)(2)).

The property existed prior to the creation of the subdivision regulations and retains entitlements to be built upon; therefore, the granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning classification (Section 30.3.3.2(b)(3)).

When the Land Development Code was adopted in 1960, this property was assigned an A-1 zoning classification, which allowed for 100 foot wide lots on 10,000 square feet, which has since been amended leaving this property to no longer meet the requirement; therefore, 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 (Section 30.3.3.2(b)(4)).

This parcel is half of an acre and 110 feet wide, which exceeds the minimum requirement for the A-1 zoning district at the time the Land Development Code was enacted; therefore, the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure (Section 30.3.3.2(b)(5)).

At the implementation of the Land Development Code, the property met all requirements of the zoning district at that time; therefore, the grant of the variance will be in harmony with the general intent and purpose of Chapter 30 and would not 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 in the public interest and failure to grant the variance would result in an unnecessary and undue hardship.

Staff Recommendation:

Based on the stated findings, staff recommends approval of the request, and 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 parcel (110' x 210') 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.