



Legislation Details (With Text)

File #: 2023-699

Type: Other Business **Status:** Agenda Ready

File created: 6/14/2023 **In control:** Board of Adjustment

On agenda: 12/4/2023 **Final action:** 6/26/2023

Title: Board of Adjustment Appeal - Appeal of the Board of Adjustment decision to uphold the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure located at 3067 Cecelia Drive; (Douglas K. Gartenlaub, Appellant) Countywide (Mary Moskowitz, Planning Manager)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Location Map, 3. Zoning Map, 4. Aerial, 5. Site Plan, 6. Appeal Request, 7. Planning Manager Determination, 8. Board of Adjustment Staff Report, 9. Board of Adjustment Minutes, 10. Decision on Appeal

Date	Ver.	Action By	Action	Result
6/26/2023	1	Board of Adjustment	approve	Pass

Title:

Board of Adjustment Appeal - Appeal of the Board of Adjustment decision to uphold the Planning Manager's determination of the measurement of a setback from the first vertical plane of the structure located at 3067 Cecelia Drive; (Douglas K. Gartenlaub, Appellant) Countywide (Mary Moskowitz, Planning Manager)

Department/Division:

Development Services - Planning and Development

Authorized By:

Rebecca Hammock

Contact/Phone Number:

Mary Moskowitz - (407) 665-7375

Motion/Recommendation:

1. Uphold Board of Adjustment's decision to uphold the Planning Manager's determination in the measurement of a setback from the first vertical plane of the structure; or
2. Overturn the Board of Adjustment's decision to uphold the Planning Manager's determination in the measurement of a setback from the first vertical plane of the structure; or

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

Background:

On June 26, 2023, the Board of Adjustment upheld the Planning Manager's determination/decision that the rear yard setback is measured from the first vertical plan that intersects with any portion of the structure.

On March 1, 2023, Douglas K Gartenlaub, Appellant, filed a Notice of Appeal of the February 2, 2023 Planning Manager's determination/interpretation of the code related to Seminole County Land Development Code Section (SCLDC) 30.1343:

Sec. 30.1343 - Measurement of setbacks.

Setbacks shall be measured perpendicular to the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang except that, with regard to rear yard setbacks, the setback shall be measured parallel with the side of the dwelling unit such that wherever the line strikes the closest property line shall be the point at which the rear yard setback is measured.

The Planning Manager determined that the setback is measured from the posts supporting the roofline, as these support posts would be considered the first vertical planes that intersect with any portion of the structure. The appellant states the rear yard setback should be taken from the rear wall of the pool house not from the posts supporting the rear deck roof.

The appellant had the option of applying for a variance to correct the encroachment of the structure into the rear yard setback but instead decided to appeal the Planning Manager's Determination. Staff believes that the property has unique characteristics in which practical difficulties may result from strict compliances with SCLDC regulations; and would therefore support a variance in this case.

Staff Recommendation:

Staff recommends the Board of Board of County Commissioners uphold the Board of Adjustment's decision to uphold the Planning Manager's determination in the measurement of a setback from the first vertical plan.