



Legislation Text

File #: 2024-0603, Version: 1

Title:

7413 Barnacle Court- Request for a side street (west) setback variance from two (2) feet to zero (0) feet for a privacy fence in the R-1A (Single Family Dwelling) district; BV2023-047 (Amanda Ban, Applicant) District 1 - Dallari (Angi Gates, Project Manager)

Department/Division:

Development Services - Planning and Development

Authorized By:

Kathy Hammel

Contact/Phone Number:

Angi Gates 407-665-7465

Motion/Recommendation:

1. Deny the request for a side street (west) setback variance from two (2) feet to zero (0) feet for a privacy fence in the R-1A (Single Family Dwelling) district; or
2. Approve the request for a side street (west) setback variance from two (2) feet to zero (0) feet for a privacy fence in the R-1A (Single Family Dwelling) district; or
3. Continue the request to a time and date certain.

Background:

- The subject property is located in the Woodcrest Unit 5 subdivision.
- The subject property is a corner lot and is considered to have two (2) front yards for setback purposes. The front of the house faces Barnacle Court, and the N. Woodcrest Drive side is where the variance is being sought.
- The existing privacy fence was previously approved for a side street setback variance from twenty-five (25) feet to two (2) feet on January 22, 2024. On April 11, 2024 the Seminole County Building Department inspected the fence (BP24-6484) and it was determined that the fence is located at zero (0) feet and not two (2) feet, requiring the applicant to apply for another variance.

- The request is for a variance to Section 30.14.19(b) of the Seminole County Land Development Code, which states:
(b) Residential zoning classifications: fences and walls are limited to a maximum height of four (4) feet within the front yard and side street setbacks and six (6) feet six (6) inches within the side and rear yard setbacks except as provided in (f) of this Section. In the case of corner lots, the lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way.
- Traffic Engineering has no objection to the placement of the fence as it relates to sight visibility.

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 privacy fence 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.