



Legislation Text

File #: 2024-0577, Version: 1

Title:

285 N. Orange Avenue - Request to enlarge a previously approved guard house from 385 square feet to 785 square feet by adding an attached carport in the A-1 (Agriculture) district; BV2024-025 (Jason Turner, Applicant) District 5 - Herr (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 to enlarge a previously approved guard house from 385 square feet to 785 square feet by adding an attached carport in the A-1 (Agriculture) district; or
2. Approve the request to enlarge a previously approved guard house from 385 square feet to 785 square feet by adding an attached carport in the A-1 (Agriculture) district; or
3. Continue the request to a time and date certain.

Background:

- On April 25, 2022 the Board of Adjustment approved a request for a front yard setback variance from one-hundred feet to ten (10) feet for a 385 square foot accessory structure. The applicant is now requesting to increase the size of the accessory structure to 785 square feet by adding an attached carport.
- The existing 385 square foot accessory structure consists of a guard shack room and a trash receptacle room attached by a covered drive through. The carport addition will add an additional 400 square feet.

- The carport will not be encroaching the ten (10) foot front yard setback but will be increasing the size of the structure that was approved to a site plan within a recorded Development Order. (D.O.#: 22-30000021)

A lot size variance (06-3000063) was approved by the Board of Adjustment from one (1) acre to 37,412.5 square feet on May 22, 2006.

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:

By not adding the additional square footage of the carport to the guard house would not deprive the applicant reasonable use of the land, building, or structure; therefore, the literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would not work unnecessary and undue hardship on the applicant. Section 30.3.3.2(b) (4)

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 guard house 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.