

## Legislation Text

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**File #:** 2023-640, **Version:** 1

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**Title:**

**1661 Carlton Street** - Request for: (1) a side street (west) setback variance from twenty-five (25) feet to ten (10) feet for a shed, wall and garage addition; and (2) a wall height variance from six and one-half (6½) feet to eight (8) feet in the R-1AA (Single Family Dwelling) district; BV2023-041 (Lawrence Ziebarth, Applicant) District 3 - Constantine (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: (1) a side street (west) setback variance from twenty-five (25) feet to ten (10) feet for a shed, wall and garage addition; and (2) a wall height variance from six and one-half (6½) feet to eight (8) feet in the R-1AA (Single Family Dwelling) district; or
2. Approve the request for: (1) a side street (west) setback variance from twenty-five (25) feet to ten (10) feet for a shed, wall and garage addition; and (2) a wall height variance from six and one-half (6½) feet to eight (8) feet 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 Springs subdivision.
- The subject property is a corner lot and, as such, considered to have two (2) front yards for setback purposes. The front of the house faces Carlton Street. The S. Pressview Avenue side is where the variance is being sought.
- The shed will be 172 square feet and the garage addition will be 933 square feet, both encroaching fifteen feet into the required side street (west) setback.
- The proposed eight (8) foot wall will be encroaching fifteen (15) feet into the required side street (west) setback and will exceed the maximum height for a fence/wall by one and one-half (1½) feet.
- Traffic Engineering has no objection to the placement of the shed, wall and garage addition as it relates to sight visibility.

- The request is for a variance to Section 30.206(b)(2) of the Land Development Code of Seminole County, which states:
  - (b) On properties assigned the R-1AA, R-1AAA and R-1AAAA zoning classifications, the following minimum yards shall be observed: There have not been any prior variances for the subject property.
  - (2) Side. Ten (10) feet inside, twenty-five (25) feet street side.

### **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:

- a. 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
- b. That the special conditions and circumstances do not result from the actions of the applicant; and
- c. 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
- d. 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
- e. That the variance requested is the minimum variance that will make possible reasonable use of the land, building or structure; and
- f. That the grant of the variance would be in harmony with the general intent of Chapter 30.

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 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, wall and garage addition 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.

