

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment decision to deny a rear yard setback variance from 30 feet to 2 feet; and a side yard (south) setback variance from 10 feet to 5 feet for an existing shed in the R-1AA (Single-Family Dwelling District); (Salvador Corona, appellant/applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dan Matthys^{Dyn/UP} **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date <u>06/13/06</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. **UPHOLD** the Board of Adjustment decision to deny a rear yard setback variance from 30 feet to 2 feet; and a side yard (south) setback variance from 10 feet to 5 feet for an existing shed in the R-1AA (Single-Family Dwelling District); (Salvador Corona, appellant/applicant); or
2. **REVERSE** the Board of Adjustment decision to deny a rear yard setback variance from 30 feet to 2 feet; and a side yard (south) setback variance from 10 feet to 5 feet for an existing shed in the R-1AA (Single-Family Dwelling District); (Salvador Corona, appellant/applicant); or
3. **CONTINUE** the request to a time and date certain.

Commission District #1, Dallari

Ian Sikonia, Planner

BOARD OF ADJUSTMENT'S DECISION:

At the March 27, 2006 regular meeting, the Board of Adjustment heard the applicant's request for a rear yard setback variance from 30 feet to 2 feet and a side yard (south) setback variance from 10 feet to 5 feet for an existing shed at 2951 Boland Drive. The Board of Adjustment voted 5-0 to deny the request based on staff's findings. Staff recommended denial of this request because it did not meet the six criteria for it to be considered a hardship.

A motion to uphold the Board of Adjustment's decision will not allow the existing shed to remain in its location. The existing shed will be required to be removed or placed in a location that will comply with the setback requirements of a detached accessory structure per Land Development Code Section 30.1345.

Reviewed by: <u>KFT</u> Co Atty: _____ DFS: _____ Other: _____ DCM: _____ CM: <u>CA</u> File No. <u>ph130pdp05</u>

STAFF RECOMMENDATION:

Uphold the Board of Adjustment's decision to deny a rear yard setback variance from 30 feet to 2 feet; and a side yard (south) setback variance from 10 feet to 5 feet for an existing shed based on staff's findings.

ATTACHMENTS:

Staff Report
Future Land Use Map
Zoning Map
Aerial
Site Plan
Appeal Letter
Notice of Violation
BOA Minutes from March 27, 2006 (BV2006-034, Salvador Corona)
Pictures of existing shed

STAFF REPORT

BACKGROUND / REQUEST:

- The applicant was cited on April 16, 2004 by the Seminole County Building Division for the construction of a shed on the property without obtaining the proper building permits from Seminole County.
- The applicant applied to the Building Division for a building permit for a 17' x 17' shed and submitted plans on December 14, 2005. The Building Permit was not approved due to the shed not meeting the required setbacks.
- The applicant applied for variances on January 30, 2006 for the existing shed and appeared at the March 27, 2006 Board of Adjustment meeting. At that meeting the Board of Adjustment denied both the requested variances for the existing shed.
- The applicant submitted the application to appeal the Board of Adjustment's decision to the Planning Division on April 6, 2006.
- On May 23, 2006 Ian Sikonia went out to the property to verify the measurements of the shed. The shed is 12 feet tall and 17 feet in the length and width.
- There is no record of any approved variances for sheds in the immediate area of the subject property.

ZONING & FUTURE LAND USE (FLU)

Direction	Existing Zoning	Existing FLU	Use of Property
Site	R-1AA	Low Density Residential	Single-Family (Conventional)
North	R-1AA	Low Density Residential	Single-Family (Conventional)
South	R-1AA	Low Density Residential	Single-Family (Conventional)
East	R-1AA	Low Density Residential	Single-Family (Conventional)
West	C-2	Commercial	Vacant/Undeveloped

STAFF FINDINGS:

The Board of County Commissioners shall have the power to hear and decide appeals from Board of Adjustment decisions, including variances the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination that all of the following provisions of **Section 30.43(b)(3)** are satisfied:

- a) 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.**

No special conditions or circumstances exist on this property that would warrant a shed to be placed in that location.

b) That the special conditions and circumstances do not result from the actions of the applicant.

No special conditions or circumstances exist due to the fact that the applicant is the one that constructed the illegal shed on the property without obtaining the proper permits.

c) 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.

The grant of the requested variance will confer on the applicant special privileges due the fact that other property owners in the Seminole Terrace Subdivision have sheds that comply with the regulations of the Land Development Code.

d) That 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.

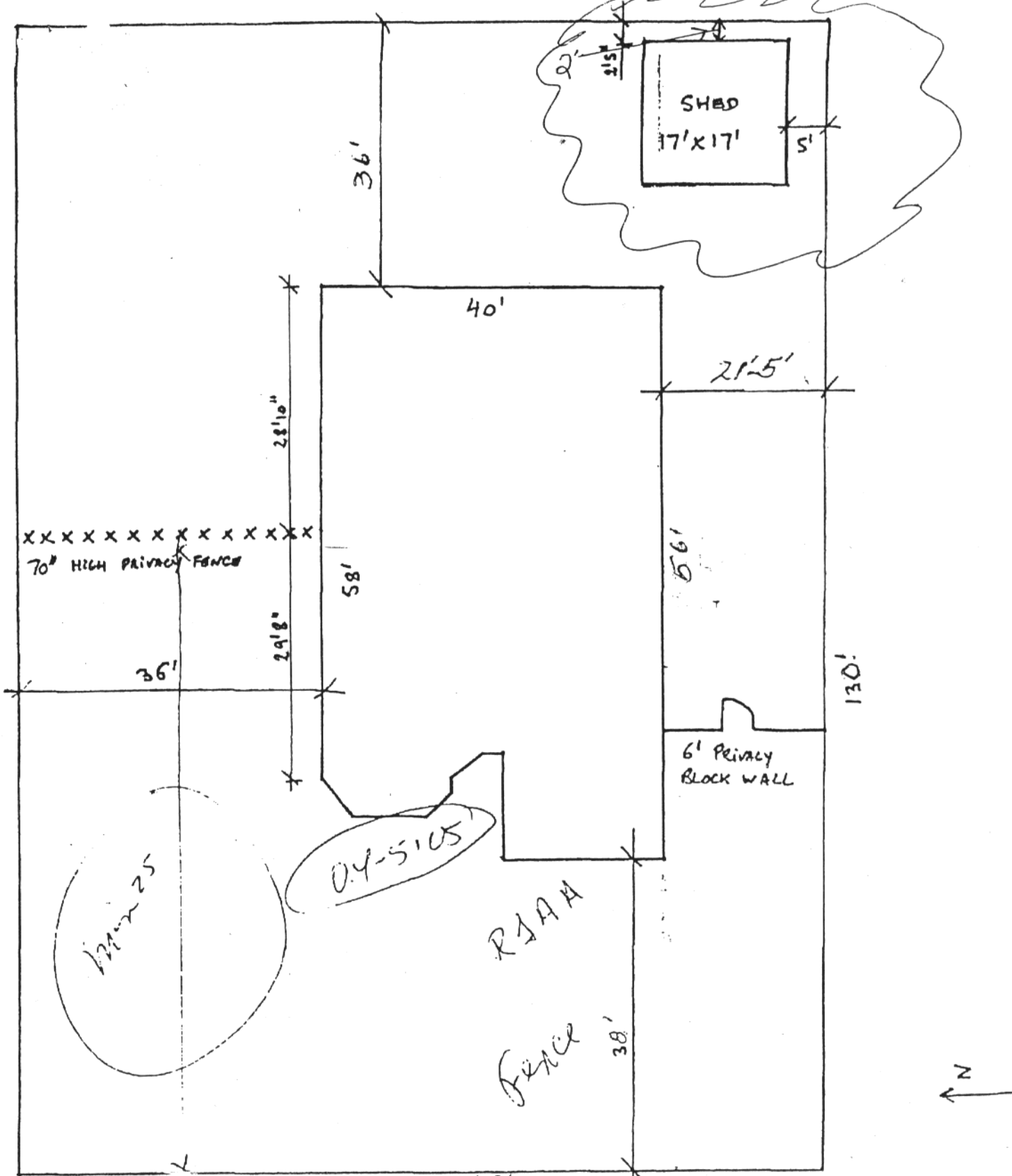
The literal interpretation would not deprive the applicant of rights commonly enjoyed by others due to the fact that other residents of the Seminole Terrace Subdivision have sheds that comply with the regulations of the Land Development Code.

e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The applicant will still retain reasonable use of the property without the requested variance because the shed could be placed in a location which would comply with the regulations of the Land Development Code.

f) 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.

	<p>The grant of the variance will not be in harmony with the trend of development of the neighborhood because other residents of the subdivision have sheds that comply with the regulations of the Land Development Code.</p>
<p>STAFF RECOMMENDATION:</p>	<ul style="list-style-type: none"> • Based on the stated findings, staff recommends the Board of County Commissioners <u>uphold</u> the decision of the Board of Adjustment to deny a rear yard setback variance from 30 feet to 2 feet; and a side yard (south) setback variance from 10 feet to 5 feet for an existing shed in the R-1AA (Single-Family Dwelling District).



BOLAND DRIVE

SCALE 1" = 15'

ADDRESS = 2951 BOLAND DRIVE
OVIDO

LEGAL DESCRIPTION = L&L 57.5 FT OF
LOT 5 AND ALL LOT 6 AND N 15 FT OF
LOT 7 BLK B SEMINOLE TERRACE
REPLAT - PB 11 PG 29

PARCEL ID = 27-21-31-5CC-0800-0050

Seminole Board of County Commissioners
Seminole County, Florida

Salvador Corona
2051 Bolan Dr.
Oviedo, FL

April 6, 2006

Dear Sir or Madam:

I Salvador Corona want to appeal to the board of adjustment the decision made with regard to my variance request on March 27, 2006, item 13 on the agenda.

The main objective of the 10 X12 shed is to protect the potable water well and the filter system from the weather.

As you can see in the enclosed survey which was used when the home was built indicating that my well location is at a minimum distance of 75 feet from the septic system by code. Many variances similar to mine were approved that Monday night. I cannot comprehend as to why my variance was rejected.

I have submitted the shed plan to the building department for your review. I would like to ask you kindly to review this request and approve it. Thank you.

Cordially,

Salvador Corona
2951 Bolan Drive
Oviedo, Florida

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 2951 Boland DR (Oviedo)
SEMINOLE TERR. Sub.

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FLORIDA Building Code CHAPTER/ARTICLE CH.1 SECTION 303.3.

DESCRIPTION OF VIOLATION: Constructing LARGE shed
IN BACK YARD without PERMITS. ALSO SQUARE
structure (like fence) For dog pin, ENCLOSED BACK Porch, AND
constructed wall in GARAGE.

CORRECTIVE ACTION: Obtain (ALL) proper permits
And schedule All required inspection.

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 5-3-04. FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE POWER TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

Tom Helle
407.665.7338

PLANNING AND DEVELOPMENT DEPARTMENT
SEMINOLE COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771
PHONE: 321-1130 EXTENSION 7050

DATE 4.26.04 665

FILE NO. 04-267

JASON RUCKER 407.665.7472
INSPECTOR

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT
MARCH 27, 2006 MEETING
ITEM #13**

2951 BOLAN DRIVE – Salvador Corona, applicant; Request for (1) a rear yard setback variance from 30 feet to 2 feet; and (2) a side yard setback variance from 10 feet to 5 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the east side of Bolan Drive, approximately 700 feet north of the intersection of Bolan Drive and Carrigan Avenue; (BV2006-034).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant constructed a 17' x 17' shed without a building permit, and a notice of violation from Code Enforcement was issued on April 16, 2004. He further stated that the applicant had applied for a permit on December 14, 2005. He lastly stated that there were no prior variances granted for this property.

Salvador Corona stated that he didn't speak English well.

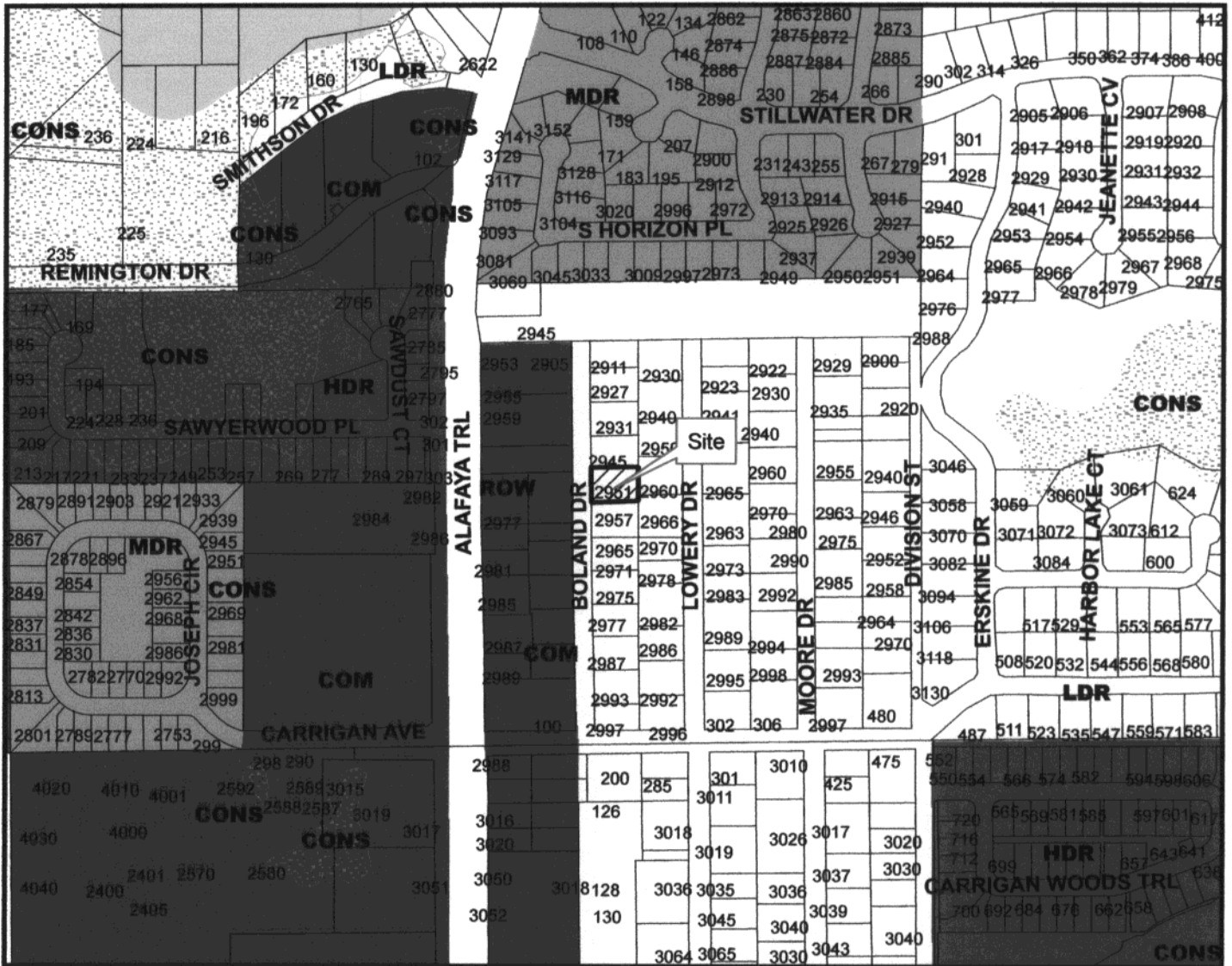
Daniel Fist stated that he was at the meeting to help Salvador Corona, because his English is very limited. He further stated that he was a Certified Building Contractor and he had seen the construction of the shed and then he stated that he could attest to the fact that the shed was well build.

Mr. O'Daniel made a motion to deny the request.

Mr. Rozon seconded the motion.






The motion passed by unanimous consent (5-0).


**Salvador Corona
2951 Boland Drive
Oviedo, Florida 32765**

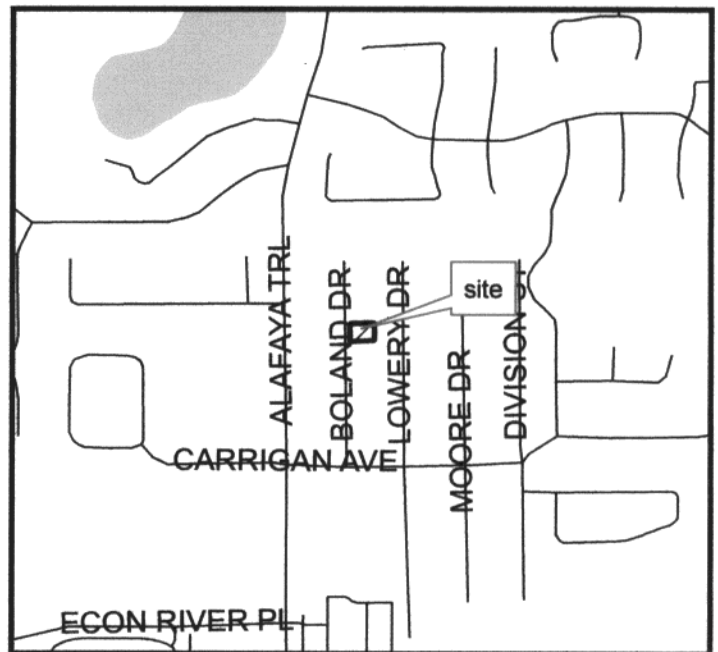


**Seminole County Board of Adjustment
March 27, 2006
Case: BV2006-034
Parcel No: 27-21-31-5CC-0B00-0050**

Future Land Use

-  BV2006-034 LDR
-  CONS, LDR  MDR
-  CONS, MDR  HDR
-  CONS, HDR  COM
-  CONS, COM

 Feet
0 80 160 320 480 640



**Salvador Corona
2951 Boland Drive
Oviedo, Florida 32765**



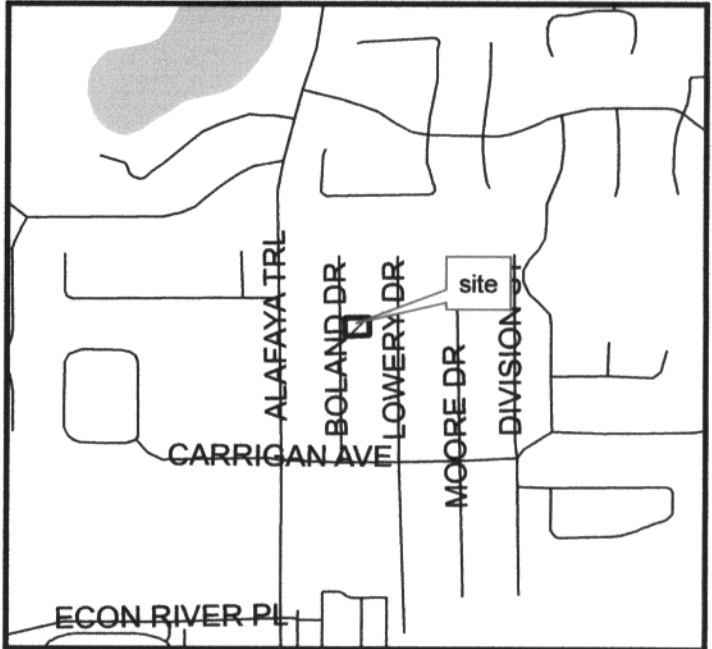
**Seminole County Board of Adjustment
March 27, 2006
Case: BV2006-034
Parcel No: 27-21-31-5CC-0B00-0050**

Zoning

	BV2006-034		R-1BB		C-2
	A-1		R-2		PUD
	R-1AA		RP I		PCD
	R-1A		C-1		

N

0 80 160 320 480 640 Feet



2006 Color Aerial ↑ N







