

Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that 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 district.

Our fenced backyard does not accommodate the minimum required 10 ft rear setback for our portable exercise swim spa.
Our Townhome property has a smaller than average backyard size compared to others on our street.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

The variance is required for zoning approval.
Our exercise spa has received approval by our HOA, as well as the building and electrical permit departments.
We are just waiting a pending approval of the variance.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

This variance does not give us privileges that are not available to our neighbors.
Many backyards in The Springs and in our subdivision have pools or spas that run close to their property lines.
Properties at 104 and 109 Woodmill Rd. both have built-in permanent swimming pools extending out toward the perimeter of their fenced backyards. Our exercise spa is a portable, self-contained unit which only requires a hard-wired connection and would fit comfortably within the confines of our 6-7 ft fenced backyard.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

If we are not approved for the variance, we cannot complete the installation of the swim spa.
It would also deprive my partner Alan Rosko of his medically required Swim Spa rehab by his Doctor, following intensive knee surgery.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance accommodates the portable unit with the minimum space required.
It will not compromise our space, or our neighbors space.

Our Townhome only shares a fence with one neighbor on the right side.

The spa will be positioned 14' 5" from our shared fence line. A greenbelt separates our fence line from our neighbors to the left by 18 ft. The spa sits an additional 14' 5" from the outside fence line along the greenbelt into our backyard

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Granting the variance will be in harmony with the general intent and purpose of the zoning regulations.
It will easily fit within our backyard with minimum space required and not compromise our neighbors property or their safety.