

## VARIANCE CRITERIA

Respond completely and fully to all 6 criteria listed below to demonstrate that the request meets the standards of Seminole County Land Development Code Section 30.3.3.2(b) for the granting of a variance:

1. What are the special conditions and circumstances that exist that 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?

There is a utility easement that borders the southern side of property. Does not appear to be on any of the adjacent properties.

*\* See Statement of Owner re Variance Request*

2. How are the special conditions and circumstances that exist not the result of the actions of the applicant?

The conditions and circumstances are pre existing.

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

The granting of the variance request would not confer any special privileges due to the proposed aluminum structure to be built would be on existing patio already within the parameters set by the zoning district.

4. How would the literal interpretation of the provisions of the zoning regulations deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant?

By denying approval the applicant would surely be deprived of the same rights commonly enjoyed by other properties since the proposed structure is to be built on pre existing patio and not affecting the current setbacks or encroach on easement restrictions.

5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?

Reasonable use of proposed structure would be possible as it is to be built on top of pre existing patio foundation. The structure would also grant the applicant who is a cancer survivor the shade necessary for applicants therapy being outdoors enjoying fresh air out of the direct sunlight.

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

Granting Variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare and be in harmony with the general intent and purpose of the zoning regulations due to the proposed structure is to be built on pre existing foundation and not affect any other pre existing grades or structures etc. The structure would not be visible from the street view as well. We have included neighbors support letter to further establish that granting variance would be in harmony with the general Intent and purpose of the zoning regulations.

## STATEMENT OF OWNER RE VARIANCE REQUEST

The back door of my home leads to our terrace. The terrace is 26 x 12 and consists of a cement slab with tile flooring. Unfortunately, we are not able to utilize the area as much as we would like because we have no protection from the sun during the day or protection from rain during days and nights.

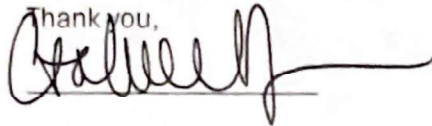
At the moment our enjoyment of the terrace is extremely diminished. This in turn also diminishes the use of our back-yard which was the main reason why I bought the home. My son sometimes wants to go to his playground area, trampoline or play outside with the dogs but it is very hard for me to watch him because I'm a cancer survivor and I do not like to be exposed to the sun. I purchased my home a few years ago and spent years saving up in order to install a pergola in the existing terrace to protect us from sun and rain. The current minimum yard requirement for Accessory Structures is 10 feet but because the size of the terrace is larger than 200 sq. ft., I am forced to meet the 30 feet rear yard requirement which is impossible for me to meet since that would reach my actual home.

Where the Planning and Zoning commission finds that extraordinary hardship may result from strict compliances with code regulations, it may recommend variations or exceptions to the regulations so that substantial justice may be done, and public interest secured. See Exhibit A.

In this specific case there is evidence to support that 1)The granting of the variance will not be detrimental to the property or improvements in the neighborhood in which the property is located; (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property; (3) Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

The granting of this variance or exception that would allow for the construction of a pergola over our existing terrace would in no way be detrimental to my property, instead it is a priceless necessity needed to enjoy the home. The condition upon which this variance is based is unique to this property and not applicable generally to other property because my property is considered a corner unit and because of its larger lot size and location it is the only property in the neighborhood that contains a 15 ft additional easement in place. If the 30 ft. min. regulation is carried strictly, it would result in extreme hardships in many aspects but most importantly in the enjoyment of my family and I's enjoyment of our home.

I respectfully request that this variance be granted to prevent extreme hardship.

Thank you,  


Coralice Diaz-Sampedro