

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?

In 2019, I purchased the property 113 Oak Street, Altamonte Springs, FL for my mother. 3 years later, I received a notice because unpermitted construction in the rear. We explained to the magistrate that the building was already built and we would be listening to how to follow the steps to obtain the permit.

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

The construction was already built before buying it and we are in contact with Megan and Brent to resolve it.

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?

During the purchase of the property, the title company did not report any problem or unpermitted. ~~Now~~ We bought with complete confidence that everything was fine and now we follow the steps.

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?

When we bought, we didn't know of any unpermitted construction, now that we know we follow the steps.

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

According to the advice and options to get the permit, we select Accessory Dwelling Unit that are within what is permitted in this special situation.

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?

This property is the primary resident of my mom. According to this, our desire is to fulfill what is necessary to achieve the harmony of our neighborhood.

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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? The lot is a typical rectangular middle lot of 0.27 acres with an existing home built between 1960 and 1990. Due to the age and size of the property, the current accessory structure limit of 50% of the living area is restrictive. The proposed 720 sq ft structure is modest and reasonable compared to the 2,292 sq ft home, and this situation is unique to this property compared to others in the zoning district
2. How are the special conditions and circumstances that exist not the result of the actions of the applicant? The special conditions are due to the lot's size and the home's age, which were established long before the current accessory structure rules. These conditions are inherent to the property and were not created by the applicant.
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? Granting this variance would allow reasonable use of the property consistent with similar properties built before current regulations. It does not provide special privileges, as the applicant seeks only a modest increase to accommodate practical needs without impacting neighbors.
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? Strictly applying the 50% accessory structure limit would prevent the applicant from reasonably expanding usable space, unlike other similar properties that were built before this restriction. This creates an undue hardship by limiting the property's practical use.
5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure? The requested variance is the smallest increase needed to provide functional space for the applicant's needs while maintaining compatibility with the existing home and neighborhood.
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 the variance maintains the property's residential character and scale, does not negatively impact neighbors, and supports reasonable use without harming public welfare or the neighborhood's appearance.