

## 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. (SEE ATTACHMENT)
2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner. (SEE ATTACHMENT)
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. (SEE ATTACHMENT)
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. (SEE ATTACHMENT)
5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. (SEE ATTACHMENT)
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. (SEE ATTACHMENT)

## VARIANCE CRITERIA #1

**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.**

The special conditions and circumstances specific to our lot and our structure involved in this variance request are unique and distinguishable. These peculiarities include:

A. **Triangular Lot Shape:** The property in question features a triangular lot shape, which is distinct from the typical rectangular or square lots found in the surrounding area. This irregular geometry presents inherent challenges in terms of site development, setbacks, and building placement. Unlike properties with more conventional lot shapes, the triangular configuration limits the feasible options for expansion or improvement without encroaching on setback requirements.

B. **Limited Building Envelope:** Due to the triangular lot shape, the available building envelope is constrained compared to properties with more regular lot shapes. This limitation restricts the placement and size of structures on the property and necessitates careful consideration to optimize land use while adhering to zoning regulations.

C. **Neighboring Property Configurations:** The special conditions are further influenced by the configurations of neighboring properties. Adjacent easement, in our case, may impact the available space for expansion and affect setback requirements in a manner that is unique to our property. These conditions contribute to the need for a variance to accommodate the proposed improvements and make this home more suitable for senior living needs.

D. **Preservation of Existing Structure:** The existing structure on the property also contributes to the special conditions necessitating the variance request. Any constraints imposed by the location, size, or configuration of the existing building are specific to our property and may not be applicable to other properties in the same zoning district.

In summary, the special conditions, and circumstances peculiar to the lot, structure, or building involved in this variance request are primarily attributable to the triangular lot shape, limited building envelope, configurations of neighboring properties, and the existing structure on the property. These factors are creating unique challenges that distinguish our property from others in the same zoning district and necessitate a variance to enable reasonable development or improvement to make this expansion and addition senior friendly.

## VARIANCE CRITERIA #2

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

The special conditions and circumstances that currently exist, necessitating the variance request, are not the result of any actions or decisions made by the applicant or petitioner. Instead, they are inherent characteristics of the property and its surroundings, which predate the ownership or occupancy of the applicant. Several key factors contribute to these special conditions:

A. **Triangular Lot Shape:** One of the primary special conditions affecting the property is its triangular lot shape. This unique geometry creates challenges in terms of site layout, building placement, and compliance with setback requirements. The lot shape predates the applicant's ownership and is beyond their control or influence.

B. **Existing Building Configuration:** This house was built in 1959; the age, current layout, and configuration of the existing structure on the property; small bedrooms with tiny closets, and exceedingly small bathrooms, are very difficult to live with. The structure was not designed to allow seniors to move freely in those spaces. To solve this restraint and find a solution to these challenges, we are presenting this variance request for your consideration. Any limitations imposed by the existing building footprint or structural constraints are not the result of actions taken by the applicant but rather reflect the historical development of the property.

C. **Surrounding Features:** Special conditions with an easement are influencing our special setback requirements. This condition is unique in our neighborhood, independent of our actions and cannot be altered or mitigated without your permission. Many years ago, the natural superficial drain was replaced by an underground 18" corrugated metal pipe.

In summary, the special conditions and circumstances that currently exist, requiring the variance request, are inherent attributes of the property and its surroundings that predate our involvement. They are not the result of any actions or decisions made by us but rather represent external factors beyond our control. Therefore, the variance request is a reasonable response to address these special conditions and changes made to the reason the easement was put in place; and enable us to make necessary improvements to our home.

VARIANCE CRITERIA #3

**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.**

The granting of the variance request would not confer any special privilege to the applicant that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district for several reasons:

A. Equal Treatment: The variance request is not seeking preferential treatment or special privileges. It is merely intended to allow us to make reasonable improvements to our property, consistent with the evolving needs of the occupants and the constraints of the site. All property owners in the same zoning district have the right to seek variances under similar circumstances to address unique challenges or requirements.

B. Adherence to Zoning Regulations: While the variance request involves a deviation from certain setback requirements, it is made in accordance with the established procedures and criteria outlined in Chapter 30 of the zoning regulations. We have followed due process and provided justification for the requested variance, ensuring transparency and fairness in the decision-making process.

C. No Precedent for Special Treatment: Granting the variance request would not set a precedent for special treatment or favoritism toward the applicant. Each variance request is evaluated on its own merits, considering the specific circumstances of the property and the proposed improvements. The decision to grant or deny the variance is based on objective criteria and considerations of equity and consistency.

D. Balancing Individual Needs with Zoning Objectives: The variance request is consistent with the broader objectives of zoning regulations, which seek to balance the needs of individual property owners with the goals of promoting orderly development, protecting public health and safety, and preserving the character of the neighborhood and respecting our neighbor's rights. By allowing us to undertake these improvements that comply with the spirit and intent of the zoning regulations, the variance request aligns with these objectives without conferring any undue privilege.

In summary, the granting of the variance request would not confer any special privilege to us but instead it is a measured response to address the unique circumstances of our property while upholding the principles of fairness, equity, and adherence to zoning regulations."

#### VARIANCE CRITERIA #4

**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.**

The literal interpretation of the provisions of the zoning regulations, particularly regarding setback requirements, would result in undue hardship and deprive us of rights commonly enjoyed by other properties in the same zoning district for several reasons:

A. Unique Property Constraints: Our property is characterized by a triangular shape, which presents inherent limitations in terms of available space and building footprint. Unlike properties with more conventional lot shapes, such as rectangular or square lots, the triangular configuration imposes significant constraints on the feasible locations for building expansions and improvements.

B. Restrictions on Reasonable Use: Strict adherence to setback requirements, as outlined in the zoning regulations, would severely limit our ability to undertake reasonable improvements to our property. In this case, the literal interpretation of setback provisions would effectively prohibit the expansion of the existing guest room into a main bedroom with a senior-friendly bathroom and closet, thereby depriving us of rights commonly enjoyed by other properties in the same zoning district.

C. Disproportionate Impact: Enforcing strict setback requirements without considering the unique circumstances of our property would impose unnecessary and undue hardship. It would result in a disproportionate burden on us compared to other property owners who are able to undertake similar expansions without facing the same regulatory obstacles.

D. Preservation of Property Rights: We are seeking to exercise our property rights responsibly by making improvements that enhance the livability and functionality of our home. Denying the requested variance would unfairly curtail these rights and prevent Us from enjoying the same opportunities for property enhancement available to others in the zoning district.

In summary, the literal interpretation of the zoning regulations, particularly regarding setback requirements, would create unnecessary and undue hardship on Us while depriving us of rights commonly enjoyed by other properties in the same zoning district. Granting the requested variance is essential to ensure equitable treatment and enable us to reasonably improve our property in accordance with our needs and circumstances."

#### ***VARIANCE CRITERIA #5***

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

In describing how the requested variance is the minimum variance necessary to enable the reasonable use of the land, building, or structure, it's important to highlight the specific

constraints of the property and the efforts made to minimize the variance. Here's a response to address this question:

The requested variance for a setback reduction of 5 feet on the NE side of the house is deemed the minimum variance essential to facilitate the reasonable use of the land and the proposed expansion project for several reasons:

A. **Triangular Lot Shape:** The property's triangular shape presents inherent challenges in optimizing the use of the available space while adhering to zoning regulations. The unique geometry of the lot restricts the feasible options for expansion without encroaching on required setbacks.

B. **Optimization of Space:** Despite many efforts to explore alternative designs and configurations, it has been determined that the requested setback reduction of 5 feet is the minimum necessary to accommodate the expansion of the existing guest room into a main bedroom with a senior-friendly bathroom and closet. This reduction will leave more than 6 feet open and available for the efficient utilization of the remaining easement without compromising the functionality or aesthetics of the proposed project.

C. **Preservation of Existing Structure:** The proposed variance is carefully tailored to minimize the impact on the existing structure while still achieving the desired improvements. By limiting the variance to 5 feet, we aim to preserve the integrity and structural stability of the house while accommodating the necessary expansion.

D. **Balancing Needs with Zoning Requirements:** The requested variance strikes a delicate balance between the need to accommodate the evolving needs of the occupants and the requirements of the zoning regulations. It represents a judicious compromise that enables the reasonable use of the land while respecting the intent and purpose of the zoning ordinance.

In conclusion, the requested setback reduction of 5 feet is the minimum variance required to enable the reasonable use of the land, building, or structure for the proposed expansion project. Efforts have been made to mitigate the need for a larger variance while ensuring that the project meets the functional requirements and enhances the livability of the property."

#### VARIANCE CRITERIA #6

***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.***

The granting of the variance to expand the existing guest room into a main bedroom with a senior-friendly bathroom and closet will align with the general intent and purpose of the zoning regulations in several significant ways:

1. **Enhancement of Property Value and Livability:** By expanding the guest room into a main bedroom and incorporating a senior-friendly bathroom and closet, the proposed project will significantly enhance the livability and functionality of the property. This improvement will not only accommodate the changing needs of the occupants but also contribute to the overall value of the property.
2. **Preservation of Neighborhood Aesthetics:** The proposed expansion will be designed to harmonize with the existing architectural character of the neighborhood. Careful attention will be paid to ensure that the scale, design, and materials used are in line with the surrounding properties, thereby preserving the aesthetic integrity of the neighborhood.
3. **Mitigation of Adverse Impact:** Despite the need for a variance to accommodate the triangular shape of the lot, the proposed expansion will not result in any adverse impacts on neighboring properties or the public welfare. The setback variance of 5 feet on the side of the house is necessary to optimize the use of the available space while maintaining a respectful distance from adjacent properties.
4. **Promotion of Aging in Place:** The incorporation of a senior-friendly bathroom and closet in the main bedroom aligns with the broader goals of promoting aging in place and providing accessible housing options for residents of all ages. This aspect of the project contributes positively to the welfare of the community by allowing individuals to remain in their homes comfortably and safely as they age.

In summary, the granting of the requested variance will support the objectives of the zoning regulations by enhancing property value, preserving neighborhood aesthetics, mitigating adverse impacts, and promoting accessibility and inclusivity. The proposed expansion will contribute positively to the overall welfare of the neighborhood and its residents without compromising the integrity of the zoning regulations.