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?

   See answers on separate sheet

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

   See answers on separate sheet

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?

   See answers on separate sheet

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?

   See answers on separate sheet

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

   See answers on separate sheet

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?

   See answers on separate sheet

Variance Application Cover Page

1250 N. Brassie Dr., Seminole County, Florida

We respectfully request a variance to construct a 720 sq. ft. garage (24′ x 30′ with a 12′ door) in the rear yard of 1250 N. Brassie Dr., exceeding the R-1 zoning district's 322 sq. ft. limit for our 644 sq. ft. home. The 1950s carport's 6′1″ clearance cannot accommodate modern SUVs (5.7–5.9 feet) or a 24′ x 8′ x 11′ recreational trailer, causing tenant turnover due to inadequate parking and storage, exacerbated by the noisy, mixed residential-commercial context. The 15,000 sq. ft. lot is bordered by residential properties on both sides (including 1310 Delaney Ave with a 1,500 sq. ft. garage), homes behind separated by a 20′ alley, and commercial properties, including a daycare 90 feet to the front, a bar 275 feet away, a truck leasing business 150–200 feet to the northeast, a mechanic shop 100 feet away, CenturyLink 70 feet south, and a car dealership north. As confirmed by the survey, the 24′ x 30′ garage meets setback requirements (e.g., 30′ from the alley, 8′ from the sides), with screening (6-foot shrubs) to mitigate impacts on neighbors and the daycare. This variance aligns with Chapter 30, enabling reasonable use, enhancing neighborhood stability, and posing no harm to public welfare.

Sincerely,

Mark & Lisa Weller
(407) 580-5513
May 5, 2025

1. **Special Conditions and Circumstances:** The property at 1250 N Brassie Dr is uniquely situated on a 15,000 sq. ft. lot capable of accommodating a 720 sq. ft. garage while meeting setback requirements, bordered by residential properties on both sides (including 1310 Delaney Ave to the east), homes behind separated by a 20′ alley, and commercial properties, including a daycare 90 feet to the front caddie corner to the right across the street, a bar 275 feet to the front with loud nighttime music, a truck leasing business 150–200 feet to the northeast, a CenturyLink building 70 feet to the south, a mechanic shop 100 feet to the south with daytime shop noise and music, and a car dealership to the north. This distinct, mixed residential-commercial context within the R-1 zoning district is not typical of other residential properties. Additionally, the 644 sq. ft. home, built in the 1950s, features a carport with a 6′1″ vertical clearance, inadequate for modern midsize SUVs (5.7–5.9 feet, plus roof racks). This historical design, tailored to smaller vehicles of that era, is a special condition not found in newer homes or carports in the R-1 district, which accommodate contemporary vehicle dimensions.

2. **Not the Result of Applicant's Actions:** The special conditions stem from the property's 1950s construction when the carport was designed with a 6′1″ vertical clearance, inadequate for modern SUVs (5.7–5.9 feet, plus roof racks) and trucks. This historical limitation, reflecting smaller vehicle sizes, predates our ownership, which began in 2000. The carport's inability to provide functional parking or storage is inherent to the original structure, not a result of our actions. Similarly, the mixed context, with residential properties on both sides, homes behind separated by a 20′ alley, and commercial properties, including a daycare 90 feet to the front, a bar 275 feet to the front, a truck leasing business 150–200 feet to the northeast, CenturyLink to the south, a mechanic shop 100 feet away, and a car dealership to the north, was established before our ownership and is beyond our control.

3. **No Special Privilege Conferred:** Granting the variance to install a 720 sq. ft. garage, exceeding the R-1 zoning district's 322 sq. ft. limit (50% of the 644 sq. ft. home), will not confer any special privilege denied to other properties under Chapter 30. The 1950s carport, with a 6′1″ clearance, cannot accommodate midsize SUVs (5.7–5.9 feet) or trucks, rendering it obsolete for parking or storage. The property's mixed residential-commercial context, with residential neighbors and commercial adjacency, distinguishes it from typical residential lots. A home at 1310 Delaney Ave, within 50 feet of the property's southeast corner, has a large separate garage, approximately 30′ x 50′ (1,500 sq. ft.), demonstrating that larger garages are consistent with neighborhood norms. The proposed garage provides parking and storage, a standard use permitted for

properties with compliant accessory structures. The variance enables reasonable use consistent with Chapter 30, without granting additional rights or uses beyond those allowed for similar properties.

4. **Deprivation of Rights and Undue Hardship:** Strict enforcement of the R-1 zoning regulation limiting a garage to 322 sq. ft. (50% of the 644 sq. ft. home) would deprive the applicant of functional parking and storage, a standard use enjoyed by other properties in the R-1 district. The 1950s carport, with a 6′1″ clearance, cannot accommodate midsize SUVs (5.7–5.9 feet), pickup trucks, or store a 24′ x 8′ x 11′ recreational trailer, rendering it unusable. The mixed context, with residential properties on both sides, homes behind separated by a 20′ alley, and noisy commercial properties, including a daycare 90 feet to the front, a bar 275 feet to the front, a truck leasing business 150–200 feet to the northwest, a mechanic shop 100 feet away, CenturyLink to the south, and a car dealership to the north, limits alternative configurations and exacerbates tenant dissatisfaction. This creates an undue hardship, evidenced by tenant turnover due to inadequate parking, limited storage, and the noisy environment. Modifying the carport would compromise its historical character or incur excessive costs, making a 720 sq. ft. garage the only feasible solution to restore rights granted under Chapter 30.

5. **Minimum Variance for Reasonable Use:** The variance to install a 720 sq. ft. garage (24′ x 30′ with a 12′ door) in the rear yard, as confirmed by the survey for 1250 N Brassie Dr, exceeding the R-1 district's 322 sq. ft. limit, is the minimum necessary to enable reasonable use—parking for modern vehicles and storage, including a 24′ x 8′ x 11′ recreational trailer. The 15,000 sq. ft. lot accommodates the garage while meeting setback requirements, with residential properties on both sides, homes behind separated by a 20′ alley, and commercial properties, including a daycare 90 feet to the front and a truck leasing business 150–200 feet to the northeast, constraining alternative configurations. The 1950s carport, with a 6′1″ clearance, cannot accommodate midsize SUVs (5.7–5.9 feet), pickup trucks or the trailer (192 sq. ft. footprint, 11′ height). Retaining the carport preserves historical character, but its inadequacy necessitates a garage. A 322 sq. ft. garage is insufficient for a vehicle, the trailer, and storage, while 720 sq. ft. meets typical household needs, as evidenced by a nearby 1,500 sq. ft. garage at 1310 Delaney Ave. Alternatives, like modifying the carport, are impractical due to high costs or loss of historical value. The garage complies with setback requirements, ensuring the smallest deviation from Chapter 30.

6. **Harmony with Zoning Intent and No Detriment to Public Welfare:** Granting the variance to install a 720 sq. ft. garage (24′ x 30′ with a 12′ door) in the rear yard, as confirmed by the survey for 1250 N Brassie Dr, exceeding the R-1 district's 322 sq. ft. limit, aligns with Chapter 30's intent to promote functional

residential development and compatibility. The garage provides parking and storage, including for a 24′ x 8′ x 11′ recreational trailer, a permitted use in the R-1 district, addressing the 1950s carport's 6′1″ clearance, inadequate for midsize SUVs (5.7–5.9 feet) or pickup trucks. This enables reasonable use without altering the property's residential character. The 15,000 sq. ft. lot ensures the garage, built to code and meeting setback requirements (e.g., 30′ from the alley, 8′ from side boundaries), minimizes noise, traffic, and drainage impacts. The 20′ alley separates homes behind, and screening (e.g., 6-foot shrubs along front, side, and rear boundaries) mitigates effects on residential neighbors on both sides and the daycare 90 feet to the front. The commercial context, with a daycare, bar, truck leasing business, mechanic shop, CenturyLink, and car dealership, further reduces residential impacts. Storing the recreational trailer indoors prevents visible clutter, with minimal movement (e.g., seasonal use, 2–4 times per year, avoiding daycare hours) ensuring no disruption to the daycare or neighbors. The garage supports long-term tenant retention, enhancing neighborhood stability amidst the noisy surroundings, posing no harm to public health, safety, or welfare.