

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 Property is located on the south side of Gary Boulevard, where it dead ends. The shed at issue is located in the south-west corner of the Property. There is no structure to the west of the Property. The parcels to the west are conservation areas. The residence to the south of the Property (298 Acorn Drive) is a one-acre lot that is heavily forested along the back. The house on that lot sits on the southern half of the lot which is away from the Applicant's Property. There is also a separate vacant strip parcel of land approximately 10-15 feet wide between the Applicant's Property and the southern property (298 Acorn Drive). The special circumstances of the Property being located at the dead end of the road, being adjacent to a conservation area, and having a densely wooded area between it and the one adjacent neighbor are special conditions and circumstances peculiar to this Property and not applicable to other lands, structures, or buildings in the same zoning district.

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

Based on historical photographs, a shed existed on the Property in the same southwest corner as far back as 1/29/2006 and that shed was permitted by Seminole County (Permit #04-4914). Sometime between 2014 and 2017, the shed at issue for this variance application was constructed in the same general area as the original permitted shed in southwest corner of the Property. Copies of historical pictures are attached. The Applicant purchased the Property on November 15, 2022, which was more than five years after the shed had been built. The special conditions and circumstances are not the result of the actions of the Applicant.

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.

In 2006, Seminole County permitted and approved a shed located in the southwest corner of the Property that appears to be next to the property line. At some time prior to 2017, the shed at issue for this variance was constructed in the same general area as the original permitted 2006 shed. The Applicant is seeking a variance for a shed that existed on the Property for at least five years prior to the Applicant purchasing the Property and that is in the same general location as a shed that was permitted and built in 2006. The Applicant is seeking a variance that would typically be granted in similar situations considering the historical approval of a shed in that same general location and the fairly unique location of the Property at a dead-end and with a densely wooded area to the west and southwest of the Property. The Applicant is not seeking a special privilege, but instead is seeking a variance to avoid having to incur the prohibitively expense costs of moving the shed, which is in the same general location as the shed permitted and approved in 2006.

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 would require to Applicant to incur unnecessary work and would impose undue hardship on the Applicant by requiring the Applicant to incur prohibitive costs and expenses to move the shed that would not incur benefit to the surrounding properties or the community. As more fully discussed above, the shed is in the southwest corner of the property and is not adjacent to any other residential structure. The shed is obscured from view from neighboring properties by a dense forested area. In fact, requiring the shed to be moved as per the provisions of the zoning regulations would make the shed more visible from the public right of way on Gary Boulevard.

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 is minimum variance that would allow the existing shed to remain in its original location and avoid the significant costs and expenses of moving the shed and its concrete base. The variance would allow the Applicant to continue using the Property in the condition that existed when he purchased the Property.

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.

As discussed above, a shed was permitted in this same general location by Seminole County in 2006. The shed at issue has been in existence since at least 2017 and there have been no issues or complaints about the shed during that time period. The shed is not visible from any neighboring property or from Gary Boulevard. The Petitioner reviewed the Seminole County records prior to purchasing the Property and found no record of code violations. In the summer of 2022, prior to Petitioner purchasing the Property, Seminole County issued a permit for a new roof on the house and the shed. There were no issues raised at that time or during that permitting process with the location of the shed. Therefore, that the location of the shed is not and has not been detrimental injurious to the neighborhood, or otherwise detrimental to the public welfare. The granting of the variance so that the Petitioner can keep the shed in its current location would not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

All THREE SHEDS IN QUESTION ARE BUILT ON
CONCRETE SLABS WHERE AS THE SITE PLAN STATES
WOOD ON WOOD.