

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.

We currently do not have enough space to build a pool with the area in our backyard. It is 19 feet from the back of the house to the end of the property line. The required setback is 7.5 from water's edge to the property line. We are requesting a 5 foot setback for the pool. We are requesting 2.5 feet variance for the pool. Both side setbacks for the pool are in the line. We do not require a variance for the pool. Also, want to add that there is a retention pond behind our house. This will not encroach on another homeowner's property.

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

I have no control on the setbacks that are set by the county. Also, I do not have control on the amount of area that I would end up with in the backyard. When we purchased the home, I was told by the builder that we would be able to build a pool. They did not notify us of the limitation or amount of setback that we would be required to have.

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.

I am not sure how often the board decides to approve or not approve variances for pools; therefore, I don't know if or how this would be considered a "special privilege" that normally would be denied to other citizens of Seminole County under the same circumstances as mine. Since there is a process for exceptions on variances, I am assuming that others may have the opportunity to seek approval just as I am doing.

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.

There are other in Parkdale Place subdivision that have been able to build pools for their families, because they don't have the same issues that we have with the lack of space in the backyard. Those other homeowners built different models than ours. The current zoning regulations do not allow me to build a pool as the others in my community have.

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 what is needed in order to build the pool. It is the minimum amount that we need in order to get the project done. We have been in contact with several pool companies, and have been advised to get the minimum variance that I listed in the application.

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.

There are others in our community that have pools. It will not be detrimental to the neighborhood in anyway. Our backyard backs up to a pond and no other homeowners are affected. The pond backs up to conservation and it is not possible to build behind our property.