

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?**

This property is uniquely constrained by a front-and-side easement that reduces usable frontage and features a large cutout which overlaps the driveway significantly, pushing improvements back further than a typical A-5 lot. Existing well, septic, and drain field placements, along with low-lying wooded areas to the southeast, further limit siting options. The proposed garage with ADU replaces an existing carport in a similar forward location, making the 25' setback the only practical placement for both functional access and use.

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

The existing easement, home placement, septic system, and the natural lay of the land — including a low-lying wooded area — were all present when the property was acquired. These circumstances stem from the property's original development and natural features, not from any action of 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 not confer a special privilege, as garages and ADUs are permitted uses within the A-5 district. Allowing the garage with ADU at a 25' setback provides a reasonable use consistent with the intent of the code and in line with how similar requests have been treated, without creating any new right or benefit.

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?**

Literal enforcement of the setback would push the garage and ADU into unsuitable areas, conflicting with the septic system and low-lying ground to the southeast. Relocating it would pave over limited dry pasture and create an impractical driveway, adding unnecessary expense and reducing functionality. Other A-5 properties can site garages and ADUs without these constraints, so strict application here would impose an undue hardship not commonly shared.

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 25' setback is the minimum relief needed to reasonably site the garage and ADU on this lot. A greater setback would conflict with the septic system and low-lying ground and create an impractical driveway, while no lesser variance is being sought. This ensures the structure can be functional without exceeding what is necessary.

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?**

The proposed garage with ADU is consistent with the permitted uses in the A-5 district and maintains the required 25' setback, preserving the character of the neighborhood. Its placement will not injure adjoining properties or the public, and the ADU component directly supports the County's goal of expanding affordable housing options. Granting this variance is therefore in harmony with the intent and purpose of the zoning code.