

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?

My property at 5201 Lake Howell Rd is located on a busy road, has an irregular lot shape, and sits on a corner—conditions that create unique challenges not shared by many other properties in the same zoning district. Based on historical aerial imagery, the fence line has encroached into the required setback for at least as long as 2009, and was extended between 2016 and 2018 to reach its current position. The placement appears to reflect the natural flow of the lot, existing vegetation, and the practical need to secure the yard while maintaining privacy along a high-traffic corridor. These conditions are specific to this parcel and not generally applicable to other properties in the area, especially interior lots with more standard layouts.

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

The fence currently in place was already built within the setback prior to my ownership. Based on aerial imagery available through Google, the original fence line has encroached into the setback for at least as long as 2009, and between 2016 and 2018, it was extended along that same line to its current position. I did not build the fence or determine its placement; I inherited this condition when I purchased the property in January 2025. The existing fence is now in disrepair, and I would like to remove and replace it in the same location for safety, consistency, and usability. My intent is simply to replace what was already there — not to expand, shift, or intensify any nonconforming condition.

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?

I'm not seeking any special privilege—only the opportunity to bring my property into compliance while maintaining a fence line that has existed for many years. Similar variances have been granted throughout the county in comparable situations. For example, 7413 Barnacle Court was approved for a side street setback reduction from 25 feet to 0 feet; 500 W. Faith Terrace and 3480 Harrow Lane were both granted variances to 0 feet following code violations; and 4175 Bear Gully Road received approval to reduce both front and side setbacks to 2 feet. These examples show that Seminole County has consistently provided relief in similar circumstances, and my request is in line with that approach.

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?

If I had to follow the full 25-foot setback, I'd lose a significant portion of my yard—space I want to use for my dogs and, in the future, for my kids to play safely. It would also mean removing or relocating a fence that's already been in place for years, despite the fact that it doesn't cause any harm, obstruct views, or create safety issues. I would be facing an unnecessary burden that others in the neighborhood don't seem to share.

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

I'm only asking to maintain the current fence line to make full use of my yard. I'm not requesting any height increase or extra features—just enough setback relief to keep my fence in a practical and safe location. This is the smallest possible variance that would still allow me to use my property reasonably.

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?

What I'm proposing fits in with the intent of the zoning code and won't harm the neighborhood or the public in any way. The fence isn't blocking anyone's view, creating a safety hazard, or affecting nearby properties. In fact, there are at least seven fences in my immediate area that appear to be built in a similar position, and I have no intention of reporting or punishing anyone else. I just want to bring mine into compliance and enjoy my property the same way others already do.