

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?

The setback requirements that are being pushed onto the subject property appear not to apply to numerous other properties in the same development. Our proposed pool will still have a further setback than other pools in the same development that are located on the same canal. Please reference included exhibit indicating other properties with pools close to the canal.

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

Currently, there are other homes in our development with pools that are located closer to the canal, that have been previously approved by the County. The County is stating that there is a 30' setback from a Natural Body of Water determined by the Normal High Water Elevation. However, per the enclosed FDEP Memo, the subject property is located on a canal that has been dredged and altered. The letter recommends that the requirements normally applied to state owned lands not apply landward of the entrances to the canal.

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?

The County granting this variance would not allow the applicant to have any additional privileges than what are already precedent on the canal. The other residences in the same neighborhood and zoning district currently have privileges that are being withheld from the applicant. The applicant's request and proposed plans have been reviewed and approved by the subdivision HOA.

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?

The literal interpretation of the zoning provisions are preventing the applicant from enjoying reduced setback requirements that are being enjoyed by other homeowners in the same neighborhood on the same canal, which are in the same zoning district. The literal interpretation prevents the applicant from building their proposed pool and could affect the value of the home, as other properties in the same neighborhood have pools that are located just as close to the canal.

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 variance is the minimum variance needed to install an average sized pool in the backyard of the subject property. The location of the pool is positioned so there is appropriate distance from the house to follow other code requirements.

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?

Granting the variance would not be setting any precedent, as other properties on the same canal in the same neighborhood have pools that are just as close or closer to the canal. This variance would not be injurious to the neighborhood, as we have already submitted the plans to the HOA and have received approval from the HOA along with the enclosed letters of approval from our immediate neighbors.