

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?

Our home is located on a corner lot, which significantly limits the usable backyard space compared to interior lots. The large side street setback uniquely affects our ability to utilize our side yard. Other homes on interior lots do not face this issue.

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

The subdivision design and zoning regulations, not our actions, created the unique conditions affecting our property. We selected the lot for its potential use but did not create the setback requirements or lot orientation.

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?

Other corner lot owners within the Riverside Oaks community have obtained similar variances allowing fencing closer to the sidewalk. Granting this variance would ensure consistent treatment without granting any special privilege.

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 side street setback would significantly reduce the usable backyard area, depriving us of the safe and functional outdoor space commonly enjoyed by interior lot homeowners. It would create an unnecessary hardship, especially for a family with children and pets.

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

We are requesting only the minimum setback variance needed to install a 5-foot open rod iron fence starting midway along the side of the house, parallel to the sidewalk. No additional variances are being requested beyond what is necessary to create a safe, functional backyard.

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 open rod iron fence will not block sightlines, will maintain the open character of the community, and will not be injurious or detrimental to public welfare. The fence will remain entirely on private property, leaving the sidewalk and right-of-way unobstructed, consistent with other nearby homes.