

## 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?

*see attached*

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

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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?

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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?

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

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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?

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## **1. Special conditions and circumstances**

The subject property contains an existing agricultural pole barn that was constructed by a previous owner and is located within the current required setback area. The structure appears to have been established under prior agricultural use conditions and exists as a longstanding improvement on the property. The requested variance is associated with an existing structure and does not involve expansion further into the setback. The unique circumstance is the existing placement of the structure on a large agricultural parcel, which limits the ability to reasonably improve or enclose the building without variance relief.

## **2. Conditions not created by the applicant**

The conditions requiring the variance were not created by the applicant. The existing structure and its location on the property predate the current ownership. The applicant did not construct the building in its current location and is only seeking to improve and enclose the existing structure without increasing the encroachment or expanding the footprint.

## **3. No special privilege conferred**

Granting the variance would not confer any special privilege that is denied to other similarly situated properties. The request is limited to allowing reasonable use and improvement of an existing structure on agriculturally zoned property. The variance would not permit additional density, commercial intensity, or expansion beyond the existing building footprint. Other properties with existing nonconforming structures may similarly seek relief under the County's variance procedures.

## **4. Literal interpretation creates hardship**

Literal enforcement of the setback requirements would create an unnecessary hardship by preventing reasonable improvement and enclosure of an existing structure that has long existed on the property. The applicant would effectively be deprived of the reasonable use of the structure that other agricultural properties commonly enjoy. Because the structure already exists and is not being expanded further into the setback, strict application of the current setback standard would unnecessarily restrict the practical use and improvement of the property.

## **5. Minimum variance necessary**

The requested variance is the minimum necessary to allow reasonable use of the existing structure. The applicant is not requesting expansion of the building footprint or any increase in the existing setback encroachment. The request is limited solely to maintaining the existing setback condition while allowing enclosure and related improvements to the structure.

## **6. Harmony with zoning regulations and neighborhood**

Granting the variance would be consistent with the intent and purpose of the zoning regulations because the request preserves the agricultural character of the property and does not adversely affect neighboring properties or public welfare. The existing structure has been present on the property and the proposed improvements will not materially change the intensity or character of use. The request does not create additional incompatibility with surrounding properties and will allow for orderly improvement of the site while maintaining the rural agricultural nature of the area.