

# 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's unique conditions make the required setback particularly restrictive. With a backyard depth of only 19.4 feet, adhering to the 7.5-foot setback would leave little usable space, making a pool impractical. Unlike most properties in the zoning district, my lot backs up to a retention pond located 35 feet beyond my property line, followed by a conservation area, rather than another residence. This creates a natural buffer that eliminates concerns about privacy, obstruction, or encroachment. Since there are no neighboring homes behind my property, the reduced setback will have no impact on other homeowners or the surrounding environment.

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

The unique conditions of my property result from its original lot design and surrounding environment, not any actions on my part. The 19.4-foot backyard depth was determined by the subdivision layout, restricting space for a pool while meeting the 7.5-foot setback. Additionally, the retention pond 35 feet beyond my property line, followed by a conservation area, creates a distinct rear boundary unlike most properties in the zoning district. These conditions were established through community planning and development, not by any modifications I have made.

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 provide a special privilege but rather align with similar approvals already granted in the zoning district. Additionally, other homeowners in the area have requested and received similar variance setback adjustments under comparable circumstances, demonstrating that this request is consistent with established precedents rather than an exception.

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?

A strict interpretation of the zoning regulations would make it difficult to build a functional pool, a common feature in the district. With a 19.4-foot backyard, the 7.5-foot setback significantly limits available space compared to other properties. Since my lot backs up to a retention pond rather than another residence, the standard setback does not serve the same purpose as it would on a typical lot. Similar variances have been granted in the area, and approving this request would allow for reasonable use of my property while maintaining consistency within the zoning district.

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 3.0 foot setback variance is the minimum reduction needed to allow for a functional pool while maintaining compliance with other regulations. After consulting with professional pool builders, they advised that, from a practical standpoint, this setback is necessary to construct a pool of reasonable size while accommodating essential construction and maintenance clearances.

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 this variance aligns with the intent of zoning regulations by allowing reasonable use of my property while ensuring that setbacks still provide adequate space between structures. Since my lot backs up to a retention pond rather than another residence, reducing the setback to 3.0 feet will not impact neighbors' privacy, sightlines, or property values.

Additionally, similar variances have been granted in the area, demonstrating that this request is consistent with the neighborhood's character. The pool will be built in compliance with all safety, drainage, and structural requirements, ensuring it does not create any hazards or negatively affect public welfare. By maintaining these protections, the variance upholds the purpose of zoning regulations while accommodating the unique constraints of my lot.