

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?~~

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2. How are the special conditions and circumstances that exist not the result of the actions of the applicant?
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?~~
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?~~
5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?
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?~~

1. The subject property is a legally created, unplatted parcel of record that predates the current subdivision regulations and current A-5 dimensional standards, as confirmed by Seminole County's Lot Research Report. The parcel is approximately 0.62 acre with an approximate width at the building line of 100 feet, while the current A-5 zoning district requires a minimum lot size of 5 acres and a minimum width at the building line of 150 feet. These historic physical characteristics are peculiar to this parcel itself and are not conditions generally applicable to conforming A-5 parcels created under current standards. The property also has frontage on a public right-of-way (Snow Hill Road), is identified by Seminole County as a legal parcel of record, and is eligible for residential permits to be issued subject to applicable approvals. These special conditions are inherent to the land and are not shared by typical conforming parcels in the same zoning district.
2. The special conditions and dimensional deficiencies were not created by the applicant. Seminole County's Lot Research Report states that the parcel is a legal parcel of record prior to July 28, 1970, and that it predates the subdivision regulations. The applicant did not create the parcel's lot size, width at the building line, or legal status. The current nonconforming dimensions existed long before the applicant acquired the property. The requested variances are therefore based on historic conditions of the parcel and not on any action taken by the applicant.
3. Granting the requested variances would not confer a special privilege on the applicant. The request is not to establish a prohibited use or to intensify the property beyond a reasonable residential use. The applicant seeks only to construct one single-family residence on one legal parcel of record. A single-family residence is a customary and reasonable residential use and is consistent with the residential and rural character of the surrounding area. Granting the requested dimensional relief would simply allow this historic legal parcel to enjoy the same basic residential use commonly enjoyed by other residential properties and legal parcels, rather than granting any use or privilege not otherwise allowed within the zoning framework.
4. Literal enforcement of the current A-5 minimum lot size and minimum width-at-building-line standards would deprive the applicant of the reasonable residential use of a legally recognized parcel of record that Seminole County has already determined is eligible for residential permits to be issued, subject to applicable approvals. Without the requested dimensional relief, the parcel would effectively be denied any practical single-family residential use despite its legal parcel status and direct frontage on a public road. This would deprive the applicant of a basic residential use commonly enjoyed by other legal residential parcels and would create an unnecessary and undue hardship that is directly tied to the parcel's historic dimensions rather than to any public benefit. The hardship arises from the property's pre-existing size and width, not from any action of the applicant.
5. The requested variances are the minimum variances necessary to make possible the reasonable use of the property. The applicant is requesting only the dimensional relief required for minimum lot size and width at the building line in order to construct one single-family residence on this legal parcel of record. No greater relief is requested than is necessary. The applicant intends to site the residence in a manner that complies with all applicable house setbacks identified in the Lot Research Report, including a 50-foot front setback, 10-foot side setbacks, and a 30-foot rear setback, to the extent feasible under final approved plans. The applicant will also comply with all applicable well, septic, environmental, drainage, and building code requirements, and will design the residence to fit the parcel with the least impact

possible. Because the request is limited to the minimum dimensional relief needed to permit one customary residential use on one legal parcel, the requested variances represent the minimum necessary relief.

6. Granting the requested variances will be in harmony with the general intent and purpose of Chapter 30 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed use is one single-family residence on one legal parcel of record, which is compatible with the existing residential and rural character of the Geneva / Snow Hill Road area. The applicant is not seeking a commercial use, increased density beyond one residence on this parcel, or any use inconsistent with the surrounding area. The residence will be designed and located to respect neighboring properties, maintain applicable setbacks to the extent feasible, comply with all septic and well requirements, and comply with environmental and drainage regulations. The parcel is not located within a FEMA regulated special flood hazard area, and the Lot Research Report indicates no wetlands on the property itself. Granting the requested dimensional relief will therefore allow a reasonable residential use while preserving neighborhood compatibility, public safety, and the general intent of the Land Development Code.