

## Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which 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 of the building from Semoran Blvd is significantly greater than most other buildings in this commercial neighborhood. Wall sign area regulations generally are based on typical commercial building setbacks ranging from 50' to 100', this existing building has an approximate 645' setback, some 7-10 times greater than the typical. The building's setback of 360' from Oxford Rd. is also significant.

But what is most important... Oxford Rd. has been designated as the "main street of the [Oxford Place] Overlay District" by Sec. 30.1703.(a) therefore, it is especially vital that the building's use is easily identified from Oxford Rd. for both identification and way finding purposes as the use clearly contributes to the mixed use development required by the overlay district regulations. Additionally, there are frontage buildings abutting US Hwy 436 that obstruct the visibility of the building further complicating the public's identification of the building and way-finding abilities that the sign code is supposed to guarantee. All of these encumbrances justify an increase in both the area and number of signs for this peculiar building location.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

The building was built in 1988 so the special conditions noted herein are not the result of the applicant. The applicant is a lessee and wishes to redevelop the building but acknowledges the economic and visibility challenges of being adequately identified.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Over the years, this building obviously has not been economically viable because of its location and placement on this very irregular lot. The viability of this redevelopment proposal is further penalized by the new Oxford Place Overlay sign regulations. A great majority of the neighboring businesses in this same zoning district have existing signs that still comply with part 65 Sign Regulations that allow two square feet of sign area per 1 lineal foot of building frontage with no maximum area (Sec. 30.1243(a)(1)a.1 Sign Standards. The existing non-conforming signs "may continue in place and shall not require alteration or removal until such time as the property is redeveloped." (Sec.30.1713.1. Existing signs) This building is being redeveloped and therefore will struggle economically and with wayfinding identification challenges because of the current sign regulations that will only allow only 30 SF on the entire building as opposed to 330 SF (2SFx165.1' frontage of building facing NE to Hwy 436).

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

The literal interpretation of the current Oxford Place Overlay District sign regulations that limit this building to only 30 SF of signage will deprive the petitioner with rights commonly enjoyed by other properties in this commercial neighborhood and is explained in detail in 3 above. The limitation placed on this building will: 1.) be an unnecessary and undue hardship, and 2.) frustrate the success of the redevelopment goals in the Oxford Road Redevelopment Plan, the Oxford Place Future Land Use Overlay District as intended in the Seminole County Comprehensive Plan and Sec. 30.1703 Purpose of the Oxford Place Overlay District.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The fitness center's management has determined that the proposed 140.32 SF sign on each of the two frontage elevations is the minimum variance that will make reasonable and economically viable use of this building. Certainly there should be a compromise between the 30 SF maximum allowable sign area for the entire building given the building's significant setback and visibility issues as explained earlier, a 30 SF wall sign area would easily be considered a postage stamp vs. the proposed 280.64 SF total for the entire building... that would be considered reasonable.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The variance will certainly not be injurious to the neighborhood or otherwise detrimental as the majority of buildings and the signs thereon already are of this size and building proportion. The proposed wall signs, especially on the wall fronting Oxford Rd. reinforces the overlay district's sense of place established around it's "main street" and reinforces Sec. 1703 Purpose.