

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.

This property is located in the Bel-Isle section of Loch Arbor. While most properties in the area have 4 property lines and are standard square or rectangular lots, this lot is unique in that it is the only lot of its type with 14 linear changes/property lines. Additionally, while most properties in this area are adjacent to the main roads throughout the development, this home is 170' back from the closest main road. The private drive that leads back to this home is unique to only this and one other lot. The home is completely obscured from view.

The primary structure on the property is setback 161.3' from the adjacent frontage property line. The accessory structure in question, the solar ground mount, is closer to a different, more conservative, front property line which is 13' further east, or around 148.3' from the primary structure. The solar ground mount is installed 102' behind the adjacent front property line. We are requesting a variance reduction from 161.3' to 102' from the solar ground mount to the adjacent front property line.

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

Though the planset clearly and accurately reflects this project as a ground mount, it was never routed for review by zoning due to a clerical error related to the application. Though this project was reviewed, approved, and stamped by the Building Department and the permit was issued on it was never routed to the zoning department and neither Solcium Solar nor the Homeowner were advised of any potential code violations. As such, the solar ground mount was installed using the approved Building Plans, stamped by Seminole County. During the inspection process, we were notified for the first time of zoning concerns.

While conferring with Rebecca Hammock, Development Services Director and Meggan Znorowski, Project Coordinator Planning & Development on February 13th, we learned that this error was identified following a complaint that County Commissioner Lockhart, who resides in the neighborhood, received from a neighbor.

Had Solcium solar received any direction from zoning prior to installation, we would have shifted the intended position of the installation 41' to right which (reduction in production which leads to larger ground mount, increased cost, additional agricultural impact, etc.)

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.

The petitioner has the land space for solar - protected by solar laws (Statute below). the solar system will remain as a ground mount regardless. It is a question of whether it is the result of additional destruction and deforestation of an additional 50' of his property, the ground mount being more visible to the rest of the community.

FLORIDA STATUTE 163.04

(1) submit for your review: Section 2 of Florida Statute 163.04 (Energy devices based on renewable resources).

(2) A deed restriction, covenant, declaration, or similar binding agreement may not prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restriction, covenant, declaration, or binding agreement. A property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right in any deed restriction, covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit.

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 hardship in this case is related to the statement of facts that the petitioner would not find himself in this position if the permit was approved in error of issuance.

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

The current location of the solar ground mount was designed with the environment in mind and resulted in the least amount of deforestation. The location of the ground mount is also the most southern facing which results in a maximum solar production.

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.

Adjusting the location of the solar ground mount will result in the deforestation of an additional 50' of mature shoreline trees. These include magnolias, southern live oaks, myrtle oaks, southern pine, and sable palms. By moving the ground mount further to the northeast, it will result in a production loss of 15-20% and will require the solar ground mount to have to increase in size in order to meet production.