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 Pool is an existing pool that was built close to the setback. There is a fence located near the property line that will be removed. The property back yard is facing a retention pond where no new structures will be constructed in the future.

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

   The home was purchased with an existing open pool that was set near the required setback. There is also an existing trellis that will be impacted if the required setback is enforced with the minimum 7.5 ft. The desire is to enclose the area with the trellis included.

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 Proposed enclosure will remain within the property line. The existing fence will be removed which currently sits beyond the proposed 5 ft requested variance. The overall footprint of the enclosure will take up less space than what is existing now.

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.

   If the 7.5 ft setback is enforced, the owner will need to remove the existing trellis structure which is part of the the overall intent of enclosing the space. Because the pool is open to the rear, the owner has experienced a negative impact of wild life in the pool along with debris from existing trees that are a constant menace to pool equipment and lack of enjoyment of the pool.

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

   The requested 2.5 ft variance will allow the screen enclosure to pass slightly beyond the existing trellis. The owner does not wish to extend beyond the the requested 5 ft. As stated above in a previous answer, the overall footprint of the screen enclosure footprint will be less than what is existing with the existing fence and pavers. The owner believes that the overall impact will be minimal.

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 owner has met with the with Buckingham Estates community board and they have approved what has been submitted to the County. They are in agreement that the overall impact will be less than what is existing today.