

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?

Although the requested 5' high aluminum 3-rod fence is to be located on a corner lot, the portion of the fence running from the house towards the sidewalk/street is 193' from where a driver looking to his left would be positioned at the stop sign on Pine Timber Point. The driver positioned in back of this stop sign has an unimpeded view to his left all the way to where Cedar Shake Ct begins to turn left towards a cul-de-sac where it ends. If the proposed fence were to be a privacy fence and run from the front corner of the house to the sidewalk, then a driver at the stop sign would have his view partially obstructed. However, because this proposed fence runs from the back corner of the house towards the sidewalk and because this fence is not a privacy fence, no such problem exists.

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

See Item 4.

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?

It appears that many homeowners in Red Ember North, also located on corner lots, have installed non-privacy fences nearly adjacent to their sidewalk. One of these corner lot homeowners even installed a privacy fence running from his home to the sidewalk paralleling Cedar Shake Ct. Moreover, this homeowner was permitted to install his privacy fence even though the segment running from his home towards Cedar Shake Ct. is much closer to the stop sign in front of his home than my proposed non-privacy fence.

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?

In an effort to beautify my property and enhance the scenery along Cedar Shake Ct. I have planted 5 trees on the south side of my home. The HOA required these trees be planted halfway between the sidewalk and the home. Without a variance, this is the line my proposed fence would traverse. If no variance is granted, I will probably not build a fence on this side of my house and my wife and I will feel less secure.

5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?

Any lesser variance will not look aesthetically pleasing and result in problems in coming years as my trees grow to maturity. I assume that is why the HOA asked that they be set back so far from the sidewalk.

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?

It is easy to see why the County is concerned with fences on corner lots potentially obstructing the view of drivers approaching the corner intersection. However, no such problem exists with my proposed fence and many neighbors have installed fences with a similar variance. They look nice and are aesthetically pleasing to the eye because they do run close to a sidewalk and not through the middle of grass which has the potential to create a grass space that is not well kept on the outside of the fenced in area.

The community HOA has already approved this fence with the condition that it not be located more than 6" from the property line (which in my case is along the sidewalk).

See attached approval.