

# 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?

The Property is located in a flood-prone area, requiring specific design considerations to mitigate potential future flood damage. The proposed structure is intentionally designed as a two-story building, with the first floor dedicated to garage/storage space that can safely accommodate floodwaters, and the second floor elevated to protect conditioned space from flood events. Combining the two purposes into one building allows for avoidance of future flood damage. Additionally, the Property consists of approximately 4.89 acres, which is significantly larger than many residential parcels and supports development patterns not feasible on smaller lots. The proposed footprint of the structure would account for less than 1% of the lot size for the Property. Further, the Property is uniquely bordered by forest on multiple sides, with only a single neighboring property that is physically separated and will not have visibility of the structure. Moreover, the Property is located off a private road and cannot be visible to the public.

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

The presence of the flood zone is a naturally occurring environmental condition and was not created or altered by the Applicant. Additionally, the surrounding forest boundaries and limited neighboring properties are pre-existing conditions outside of the Applicant's control. Moreover, the size and configuration of the parcel was established prior to the Applicant's ownership. The Applicant's design, specifically the use of a two-story structure - is a reasonable and necessary response to these pre-existing environmental and site conditions, not a self-created hardship.

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?

Granting the requested variance will not confer a special privilege upon the Applicant. Properties within the A-1 zoning district commonly include large accessory structures, including barns, workshops, and garages, particularly on large acreage parcels. The proposed structure is consistent with the scale and character of development typically found on similarly sized rural or estate properties. The variance does not seek to introduce a use that is otherwise prohibited, but rather to allow a reasonable accessory structure that aligns with permitted uses in the district. The request simply allows the Applicant to enjoy the same practical use of their Property that is commonly available to other large-lot property owners in the 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?

The floodplain conditions of the Property necessitates vertical construction, requiring the use of a second story to protect habitable space from flood damage. Limiting the structure's size would effectively prevent the Applicant from constructing a functionally viable building that accommodates flood mitigation and reasonable accessory use. Other properties within the A-1 zoning district are able to construct large accessory buildings, particularly on acreage parcels, without similar constraints. Additionally, the main structure currently sits a base flood elevation. If the Applicant were to elect to add the living space proposed to the main structure, the Applicant would be forced to raise the entire main structure several feet above base elevation to comply with the Florida Building Code and local rules. The cost would rival demolishing the entire structure given the patio and pool space connected to the main structure. Without the variance, the Applicant would be forced to either construct a structure that is incompatible with flood mitigation best practices or forego reasonable use of the Property consistent with its size and zoning. These options constitute an unnecessary and undue hardship.

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

The requested variance represents the minimum necessary to allow reasonable use of the property. The vertical design is not excessive, but rather practical and efficient response to the site's flood conditions. If each separate floor of the proposed structure is viewed independently (approximately 2000 square feet), the variance being requested is only seeking slightly more than 800 square feet of the allowable amount under the literal interpretation of the zoning regulations (approximately 1200 square feet). These two spaces are being stacked in the two-story structure to address the flood concerns and mitigate future loss. The garage space is necessary to accommodate larger construction/lawn equipment as well as additional garage space for vehicle storage based on limitations to the main structure. The air conditioned space accommodates the need for office space and recreational space that cannot be added to the primary structure due to flood elevation issues discussed above. Reducing the size further would compromise the functional use of the garage space and the viability of the elevated habitable space. Applicant is only seeking the minimum relief required to construct a safe and functional 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?

The proposed structure is consistent with the rural, low-density character of the A-1 zoning district. The Property is approximately 4.89 acres and the proposed structure footprint represents less than 1% of the total land area, minimizing any visual or environmental impact. Additionally, the property is bordered by forest on multiple sides and the only neighboring property will not have limited visibility of structure due to the layout and distance. Further, the design promotes responsible floodplain management, reducing potential damage and safety risks during future flood events. Moreover, the proposed structure does not introduce increased traffic, additional residential density or noise or nuisance impact. The variance will have no adverse impact on surrounding properties or the public, but instead supports safe, appropriate land use consistent with the intent of the Code.