

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.

From pool's edge of water to the property line there is 3.5 feet; however, beyond the property line is an old railway easement of 13.2 ft. This leaves 16.7 feet to the neighboring property line.

The property abuts a 12.5' alley, not a 13.2' railway easement. Leaving 16 feet to the neighboring property line - HP

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

There is an easement between the two property lines that back up to each other. The proposed pool herein will be within our property line by 3.5 feet, 16.7 feet away from the rear neighbor's property line, and there is only discrepancy with the easement.

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.

I am unaware of any privilege that would confer to the applicant or petitioner from Chapter 30 of any other structures in the same zoning district.

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 required 10-foot set back from pool's water edge to property line is creating a hardship for us putting in a pool and conflicting our rights that are visibly and commonly enjoyed by other properties in the same area. This is leaving us not reasonably available to enjoy the property we have purchased to its full enjoyment. The easement that is between the property lines at issue is creating an unreasonable hardship on us as applicants.

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 variance is the minimum variance as there is 3.5 feet from the proposed pool's water edge to the property line and a vacant, unused, 13-foot easement which lies beyond the property line leaves 16.7 feet lying between pool's water edge and the neighboring property line.

* Fence, which permit has already been approved for, will also surround pool within property line.

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 pool is within our property line and not infringing upon the rear property owner's property line. The pool is within 10 feet of the property line just not within 10 feet of the easement.