

# Variance Criteria

**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 commas lands structures, or buildings in the same zoning district?**

- A) This property is located on Old Mims Rd., which is a frequently traveled roadway for residents going to and from the Oviedo and Lake Harney area. Traffic flow has increased over the last several years. A large part of this is due to growth and the explosion of online driving directions showing our road as an shortcut for both areas. There are no restrictions as to the type of vehicles that can be driven allowing 18-Wheeler vehicles and large dump trucks as commonplace on the road today.
- B) The actual residence on the property was constructed in 1990 and is located “approximately 80 feet off the front property line and 95 feet front from the edge of the road.
- C) Other homes / properties in the area are either further back on the property themselves or on roadways that do not experience the type of traffic patterns and vehicle types as does this property.
- D) In 2022, we worked with Seminole County Traffic Engineering team. We asked if they were able to do anything to make our road safer (speedbumps, flashing speed signs, local traffic only signs or no passing signs) they provided us with traffic information, but said they were unable to help to do anything to mitigate the concerns at the time. They ran the numbers again in 2024. Our traffic has risen 34% in the 2 years. We went from 975 daily to 1308. In 2022, we experienced 107 large delivery, dump or 3-4 axle single trailer trucks go down our street daily. Now, we have 141 daily. (Traffic Reports are included in variance package)

**2) How are the special conditions and circumstances that exist not the result of the actions of the applicant**

- A. This home was built in a time and period when travel on this roadway was extremely light. The previous owners had indicated to us that children could play on the road out front with very few cars coming down in 1990. We purchased the home in 2007 and since then the traffic has continued to increase and we've made every reasonable effort through vegetation near the road, replacement of windows in the home, adding a stucco layer on the home to try and minimize the amount of noise that ultimately makes it into the house structure.

**3) How would the granting of the variance request not confer on the applicant any special privilege that is determined by chapter 30 to other lands, buildings, or structures in the same zoning district?**

- A. Each resident of the Zoning District has the right to request a variance. The variance itself is an effort to ensure that shortcomings in the zoning restrictions can be accommodated in Special Situations. We believe that our situation is one where due to high traffic on a busy commuter road, a home built very close proximity to that heavy roadway with the home is the perfect situation to look at the standards and offer relief to the homeowners.

**4) How would the literal interpretation of the provisions of the zoning regulate actions deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district and would work unnecessarily and undo hardship of the applicant?**

A. The main reason for this request is to ensure a level of solitude in an environment of high traffic and loud vehicles. A privacy wall located 50 feet off of the property line would have no impact as far as noise abatement and little impact as far as a visual cover. It would also be 30 ft from our front door, cutting off view and use of ½ of our front yard. In the present environment the requested enhancements would not be visible from the street or other neighbors since there is an existing hedge that would be a buffer between the wall itself and the actual highway.

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

A. This request is directly linked to the desire to maximize privacy while reducing road noise associated with an increasingly busy highway in front of the residence. A closed fence at 6 foot tall located as close as possible to the actual road is the best use of the fence line placement (6ft Closed fence).

**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 other neighborhood, or otherwise detrimental to the public welfare?**

A. We understand that zoning restrictions are intended to provide that all property owners can have a reasonable expectation that they can enjoy their property and expect that changes or improvements will add value to their property and surrounding properties.

B. The actual 6 ft closed wall improvements we are requesting would be behind an existing hedge which is located near the property line and additional landscaping would be added as needed to ensure an attractive appearance to the front of our home.

C. The request is for 2 electronic gates. One would be 40 feet off the property line, the other at 50ft. Both 5ft in height. These gates would also be hidden unless driving into the property.

D. While we feel these improvements would be a substantial enhancement on our side of Old Mims Road, we do not believe anyone traveling on that road or in the neighborhood around our home would be aware of a change if not pointed out.