

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 at 1200 Lake Markham Road presents unique site conditions, including an existing power pole near the driveway entrance that restricts the usable turning radius for safe vehicle access. In addition, nearly all neighboring homes along Lake Markham Road feature entry columns and gates positioned approximately 10 feet from the property line, establishing a consistent streetscape pattern. Setting the columns at 30 feet would disrupt this established flow of design and create functional limitations in maneuvering vehicles around the existing utility pole.
2. How are the special conditions and circumstances that exist not the result of the actions of the applicant? The existing power pole and neighborhood setback patterns were in place prior to the design and permitting of this new residence. The applicant is simply seeking to follow the same driveway alignment and gate placement as the surrounding properties, ensuring uniformity with the existing neighborhood character and continuity with adjacent properties.
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? Approval of this request will not create any special privilege, as multiple properties along Lake Markham Road—including the adjoining parcel at 1250 Lake Markham Road—have approved setbacks of approximately 10 feet for their entry columns and gates. Granting this variance simply allows the applicant to maintain the same front appearance and functionality enjoyed by other homeowners along the same roadway.
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? Strict enforcement of the 30-foot setback would prevent the applicant from aligning the new entry design with the established neighborhood aesthetic and would introduce functional hardships by constraining the driveway's turning radius due to the nearby power pole. This would result in an inconsistent appearance along Lake Markham Road and limit safe and efficient driveway access.
5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure? The proposed reduction from a 30-foot to a 10-foot setback is the minimum necessary to provide safe driveway function and maintain visual continuity with surrounding properties. This request is not excessive—it matches existing gate setbacks in the area and addresses the on-site constraints created by the power pole location.
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? Granting this variance supports the intent of the zoning code by promoting consistent design, safety, and aesthetic harmony within the community. The proposed gate columns will align with neighboring homes, will not obstruct visibility or public access, and will enhance the overall character and curb appeal of the Lake Markham Road corridor.