

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.

Please refer to answer number 1 for the Variance criteria in Exhibit "A" attached here.

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

Please refer to answer number 2 for the Variance criteria in Exhibit "A" attached here.

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.

Please refer to answer number 3 for the Variance criteria in Exhibit "A" attached here.

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.

Please refer to answer number 4 for the Variance criteria in Exhibit "A" attached here.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Please refer to answer number 5 for the Variance criteria in Exhibit "A" attached here.

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.

Please refer to answer number 6 for the Variance criteria in Exhibit "A" attached here.

Variance Criteria Answers

1. To my knowledge, my home, is the only property located directly on Maitland Avenue zoned as Residential Professional ("RP"), which is used as a residential primary residence. The other properties zoned as RP, are used for businesses, mainly office space. The other neighboring properties are zoned R-1AA. If the fence were to be moved further away from Maitland Avenue, this would almost certainly result in constant road debris migrating onto my residential property and possibly foot traffic through my yard. The fence provides safety and privacy from such debris, pedestrian traffic, traffic noise, etc...
2. This fence was installed by a prior owner of the property, before my home purchase.
3. As mentioned, I believe my property is the only RP property in the zoning district which is used for residential purposes. The safety and privacy concerns outlined in my answer to question 1, would not be the same for properties used for non-residential purposes.
4. Moving the fencing to comply with the current zoning code would deprive me of rights commonly enjoyed by residential neighboring properties to the west and north, which do not border Maitland Avenue, as their fencing may extend to their property lines. As mentioned, the only other neighboring properties along Maitland Avenue are used for non-residential purposes. Moving the fence to comply with current zoning regulations would put an unnecessary burden and undue hardship on me as it would be very costly to move and I would lose the beneficial use of almost 25% of my property, which would no longer be private or safe, and would likely require constant cleaning/maintenance of road debris, rubbish, road kill, etc....
5. The requested variance, to allow my fence to remain in place as it has been for years prior to my ownership, is the only way I would be able to continue to retain a private and safe rear yard. For corner lots, such as mine, the rear yard and the side yard are one in the same. Further, I would not have use of my back patio area, as the current zoning requirements would result in the fence being moved inside of the eastern wall of my home, and across the rear patio.
6. Granting the requested variance will have no negative impact on the general public, neighboring non-residential properties, or neighboring residential properties, as the fence in its' current location provides safety, privacy, and aesthetic benefits to the public and neighbors as it keeps maintenance of the property low and road debris to the road and sidewalk, cuts traffic noise, and impedes illegal pedestrian traffic across private property. Further, it does not impede drivers vision as it does not extend to the front/NE corner of my property (corner of Maitland Avenue and West Faith Terrace - traffic comes from the North to South on my side of the road).

Exhibit "A"