

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 fence is being replaced due to hurricane damage and is being placed in the same location as previously approved permitted fence. The "street" on the side is not a through street and is more of an easement. No traffic is on this area (pics attached) It dead ends.
2. How are the special conditions and circumstances that exist not the result of the actions of the applicant?
This "side street" is a dead end easement with no through traffic and does not have a road area next to the fence (all grass). Beyond the fence is an apartment complex and parking lot (no road)
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?
Given this is not a through street it does not affect anyone. The area between my house and my neighbors is maintained by us as it is all grass and not a true road.
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?
Our property has a pool in the backyard and moving the fence off our property line inward 5' would push it too close to the pool. Fence is in the same location as it was when we purchased the home in 2021. The permitted fence at that time was approved
5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?
The fence is on our property line and does not interfere with the "road" because the "road" is not used as it dead ends. The fence was previously permitted and approved 21-00003315
Moving the fence in 5' would place it too close to pool.
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 fence does not interfere with the neighborhood or neighbor as it is not used as a road. The only ones who use it this is myself and my neighbor and we use it to get to our drive ways. The general public is not affected. There is still access for the utility company.