

## 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 subject property presents unique physical and spatial constraints that are not common to other properties within the same zoning district. These conditions include the existing placement of the primary residence, pool, and required pool deck area necessary for safe circulation and maintenance, which significantly limit the buildable area available for a pool enclosure that complies strictly with all setback requirements. Additionally, the configuration and dimensions of the lot, combined with the required safety clearances around the pool, create a situation where strict compliance with the required setbacks (10') would prevent the reasonable enclosure of the pool area, unlike other similar zoned properties with more favorable lot layouts.

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

The special conditions affecting the subject property were not created by the applicant. The existing residence, pool, and associated site features were established prior to this variance request and in compliance with applicable regulations at the time of construction. The need for the variance arises from the physical characteristics and preexisting developments of the lot, rather than from any action, alteration, or negligence on the part of the applicant.

**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?**

Granting the request variance would not confer any special privilege to the applicant. The variance would merely allow a reasonable improvement that is consistent with similar pool enclosure commonly found within the zoning district. The request does not seek to exceed typical development standards in terms of height, use, or intensity, but rather to allow a modest reduction in setback necessary to accommodate the enclosure in a manner comparable to neighboring properties.

**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?**

A literal enforcement of the zoning setback requirements would deprive the applicant of the ability to reasonably enclose the existing pool, a feature commonly enjoyed by other residential properties in the same zoning district. Denial of the variance would result in an unnecessary hardship by effectively preventing the use of a pool enclosure for safety, functionality, and protection from insects and debris such as leaves that frequently fall in the pool from surrounding trees, despite the pool itself being a legally permitted and existing improvement.

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

The requested variance represent the minimum deviation from the required setback necessary to allow the reasonable placement of the pool enclosure. The proposed enclosure has been designed to minimize the encroachment into the setback area while still maintaining structural integrity, code compliance, and functional use. No additional reduction beyond what is strictly necessary is being requested. It is further noted that the owners recently bought the property with the reasonable expectation that they would be able to add a pool enclosure.

**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 the variance would be consistent with the intent of the zoning regulations by allowing reasonable residential improvements while maintaining neighborhood character and compatibility. The proposed pool enclosure will not negatively impact adjacent properties, public safety, or infrastructure. The enclosure is residential in scale, visually compatible with surrounding development, and will not obstruct access, utilities, or drainage. Therefore, approval of the variance would not be injurious to the neighborhood nor detrimental to the public welfare. The pool and proposed enclosure are located on the opposite side of the lot from the side street. The proposed enclosure is not adjacent to, nor visually or functionally impacting, the side street frontage. Under the proposed enclosure design, the setback of the enclosure from the side fence on the side-street side exceeds 40 ft, and the setback from the side street itself exceeds 55 ft. These distances substantially exceed any minimum setback concerns related to the side street condition.